

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 6727/2021

Date of Institution ... 05.07.2021  
Date of Decision ... 26.04.2022

Dr. Jibran Khan S/O Qasim Jan R/O DHQ Hospital, Charsadda.

... (Appellant)

**VERSUS**

Secretary Health, Government of Khyber Pakhtunkhwa at Civil  
Secretariat Peshawar and one another.

... (Respondents)

Javid Iqbal Gulbela,  
Advocate

... For appellant.

Muhammad Adeel Butt,  
Additional Advocate General

... For respondents.

Salah-Ud-Din  
Rozina Rehman

... Member (J)  
... Member (J)

**JUDGMENT**

ROZINA REHMAN, MEMBER (J): Dr. Jibran Khan through this appeal has impugned the order of his transfer issued on 09.06.2021, whereby, he was transferred from DHQ Charsadda to RHC Bandai Nehaq Dir Upper against the vacant post of Medical officer (BPS-17). It is the legality and validity of this order which has been challenged by him in the present service filed U/S 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974.

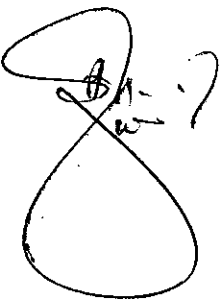
2. Learned counsel for appellant contends that the impugned transfer order is totally illegal, against law and facts. He while referring to an incident impugned through Writ Petition No.2491-

P/2021 contended that the transfer order though has been given the color of public interest but in fact it is imbued with the bias of competent authority on account of the incident being pursued by appellant alongwith others against the Medical Superintendent of the Hospital. He argued that the appellant was victimized on account of raising his voice against the brutalities, atrocities and violation of fundamental rights of the people of District Charsadda; that the impugned transfer order is thoroughly in derogation to the principles as laid down in the transfer and posting policy. He contended that the appellant is Peshawar based and having domicile of District Peshawar, therefore, as per policy, the appellant is entitled to be placed in Peshawar or any adjoining District; that the impugned orders have not been issued in the public interest or in exigencies of public service rather it is the result of colorful exercise of discretionary power vested in the respondents.

3. The defense set up by the respondents in the written comments is that the performance of appellant and his other colleagues was not up to the mark and due to their unsatisfactory performance, condition of the hospital was getting worse day by day which can be judged from the report of DGHS and the referral report. He contended that every civil servant shall be liable to serve anywhere within or outside the province in any post in terms of Section-10 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 and that the appellant has no legal right to raise the grievance against his posting and transfer. He submitted that it is not the legal right of the appellant to be posted at his home station and that the competent authority is empowered to post the appellant at any station.

4. Arguments heard and record perused.

5. The crux of the claim of the appellant is that his transfer through impugned order was not made in the public interest or in the exigencies of the public service and that in fact, Ward Orderlies, Chowkidars, Class-IV employees and even outsiders were allowed to take blood samples, inject injections, carry all paramedical acts, match blood samples, cross blood samples, carry laboratory test within the premises of DHQ through laboratories of DHQ and even were allowed to perform the duties of doctors and thus they were allowed to play with lives of people. The impugned Notification dated 9<sup>th</sup> June, 2021 is available on file vide which thirteen Medical Officers/Doctors were transferred from DHQ Hospital Charsadda including the present appellant, who was transferred to RHC Bandai Nehaq Dir Upper. This notification in respect of transfer posting of 13 different Doctors is worth perusal. From Serial No.1 to Serial No.13, Doctors serving at DHQ Hospital Charsadda were transferred to different districts. No doubt that they were serving in DHQ Hospital Charsadda till the date of issuance of this notification but their posts were shown as vacant in the impugned Notification in column No.4 vide which Doctors at Serial No.14 to 23 were transferred to DHQ Hospital Charsadda against the vacant post of M.O despite the fact that all Doctors including the present appellant were still serving in the said Hospital. It is also on record that the appellant alongwith his other colleagues did not relinquish the charge till today but even then, other Doctors were asked to assume the charge despite the fact that the post was not vacated as charge had not been relinquished by the

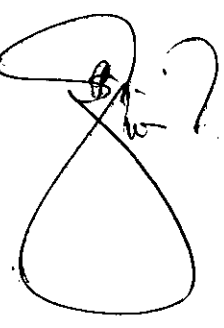


appellant and his other colleagues. His pay was stopped and he was not allowed to carry on his duties. It is pertinent to mention here that operation of impugned transfer posting order was suspended by this Tribunal vide order dated 05.07.2021. The appellant alongwith other colleagues filed Writ Petition No.2491-P/2021. In view of categorical admission of the Medical Superintendent, Secretary Health was asked to appear in person in order to apprise the august Peshawar High Court of the situation, who appeared before the court and produced a letter dated 02.07.2021 whereby one Dr. Sher Khan Director HRM was appointed as Inquiry Officer to probe into the matter. The Worthy Secretary Health had also undertaken to personally look into the matter and will take appropriate steps if anyone is involved and playing with the precious lives of patients. In view of his commitment, writ petition was disposed of, where-after, inquiry was initiated. The inquiry report is available on file and the Inquiry Officer was directed to probe into the matter regarding a video which went viral on social media wherein an outsider and a Ward Orderly were taking blood samples from patients in DHQ Hospital Charsadda. The inquiry Officer was of the view that staff directly attached to blood bank may be issue warning and that Medical Superintendent may be directed to be vigilant in future and keep close eyes on officials/officers concerned. Nothing was brought on record in order to show poor performance of the present appellant rather the inquiry report goes against the respondents.

6. We are conscious of the fact that transfer of any Government servant can be made by the competent authority in the exigency of service and public interest. No Government servant has a legal right to remain posted at a particular place but where transfer order is




malafide and for extraneous consideration to accommodate some blue eyed chap, then this right is justifiable. In the instant case, we have noticed that appellant alongwith his other colleagues were transferred and without relinquishment of their charge, the incumbents were handed over charge, keeping the appellant deprived of his salary. What could mainly be gathered from comments so submitted by the respondents is that the appellant was not performing his duty up to the mark. If the performance of the appellant was not satisfactory, competent authority was required to have initiated departmental action against him, but instead of that, the appellant was transferred. It appears that the appellant was transferred as punishment, which course is wrong and illegal. The respondents failed to show any public interest which is contrary to the policy formulated by the respondents themselves. The respondents are mandated to act with certain amount of reasonableness with regard to law and rule as well as humanitarian aspect. It is a well settled legal proposition supported by numerous judgments of the superior courts that things are required to be done in a prescribed manner in accordance with law and not at the whim and wishes of the authority. Appellant was treated in a perfunctory manner instead of professional manner.




7. In view of the above, instant service appeal is accepted and impugned order in respect of transfer of the appellant stands set aside with direction to the respondents to adjust the appellant at Peshawar i.e. the place of his domicile with further direction to release the salary of the appellant withheld by the authority since 9<sup>th</sup>

June, 2021 forthwith. Parties are left to bear their own costs. File be  
consigned to the record room.

ANNOUNCED.  
26.04.2022

  
(Salah-ud-Din)  
Member (J)

  
(Rozina Rehman)  
Member (J)

ORDER

26.04.2022

Appellant alongwith counsel present.

Muhammad Adeel Butt, learned Additional Advocate General alongwith Dr. Aftab Litigation Officer for respondents present.

Learned counsel for appellant submitted an application seeking correction of prayer, which application was not objected to by the learned AAG, hence, allowed. Necessary correction be made in the memo of appeal.

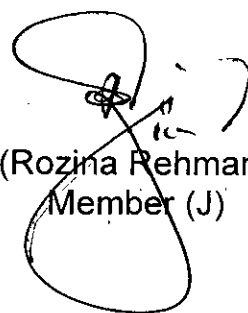
Vide our judgment of today of this Tribunal placed on file, instant service appeal is accepted and impugned order in respect of transfer of the appellant stands set aside with direction to the respondents to adjust the appellant at Peshawar i.e. the place of his domicile with further direction to release the salary of the appellant withheld by the authority since 9<sup>th</sup> June, 2021 forthwith. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.

26.04.2022



(Salah-Ud-Din)  
Member (J)



(Rozina Rehman)  
Member (J)

13.04.2022

Appellant alongwith his counsel present. Muhammad Riaz Khan Pindakhel, Asst: AG alongwith Dr. Aftab, Litigation Officer, DHO Charsadda for respondents present.

The instant appeal was partially heard by a D.B, wherein one of the Member was Ms. Rozina Rehman, Member(J), therefore, the instant appeal be fixed before the concerned D.B and to come up for arguments on 25.04.2022.

(Mian Muhammad)  
Member(E)

(Salah Ud Din)  
Member(J)

25.04.2022

Appellant alongwith counsel present. Dr. Aftab Ahmad Litigation Officer alongwith Mr. Muhammad Adeel Butt, learned Additional Advocate General for respondents present.

Arguments heard. To come up for order on 26.04.2022 before the D.B.

(Rozina Rehman)  
Member (J)

(Salah-Ud-Din)  
Member (J)



25.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 30.03.2022 for the same as before.



Reader

30.03.2022

Appellant alongwith his counsel present.

Mr. Muhammad Tufail S.O (Litigation) and Syed Yasir Ali S.O-II alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present who requested for adjournment on the ground that he is not in possession of certain record. Adjourned. To come up for arguments on 31.03.2022 before D.B.

(Rozina Rehman)  
Member (J)




(Salah-Ud-Din)  
Member (J)

31.03.2022

Appellant alongwith his counsel present. Mr. Muhammad Tufail S.O (Litigation) and Dr. Aftab Litigation Officer alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Partial arguments heard. To come up for remaining arguments before the D.B on 13.04.2022.



(Rozina Rehman)  
Member (J)

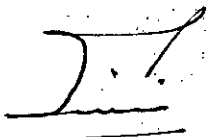


(Salah-Ud-Din)  
Member (J)

08.12.2021

Learned counsel for the appellant present. Mr. Safiullah, Section Officer alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

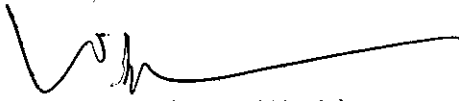
The Worthy Chairman is on leave, therefore, the bench is incomplete. Adjourned. To come up for arguments on 03.01.2022 before the D.B.

  
(Salah-ud-Din)  
Member (J)

03.01.2022

Counsel for the appellant and Mr. Asif Masood Ali Shah, DDA alongwith Safiullah, Litigation Officer for the respondents present.

Counsel for the appellant seeks adjournment for preparation. Request accorded. Case to come up for arguments on 14.01.2022 before the D.B.

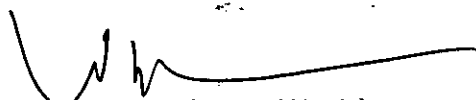
  
(Atiq-ur-Rehman Wazir)  
Member(E)

  
Chairman

14.01.2022

Mr. Javed Iqbal Gulbela, Advocate present. Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present.

File to come up alongwith connected Service Appeal No. 7084/2021 title Siraj-ud-Din Versus Secretary Health, before the D.B on 25.02.2022.

  
(Atiq-Ur-Rehman Wazir)  
Member (E)

  
Chairman

03.09.2021

Due to summer vacations, the case is adjourned to 30.09.2022 for the same as before.

B,  
READER

30-9-21

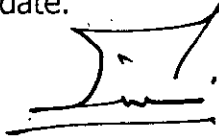
D.B is on tour case to come up  
For the same on dated. 18-10-21

B,  
Reader

18.10.2021

Junior to counsel for the appellant and Mr. Muhammad Adeel Butt, Addl. AG alongwith Ziaullah, Deputy Secretary (Legal) for the respondents present.

Due to general strike of the bar, counsel for the appellant is not in attendance today. To come up for arguments on 11.11.2021 before the D.B. The restrain order dated 02.07.2021 shall remain operative till next date.

  
(Salah-ud-Din)  
Member(J)

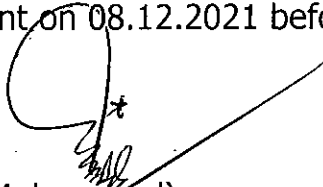
  
Chairman

11.11.2021

Junior to counsel for appellant present.

Muhammad Riaz Khan Paindakheil learned Assistant Advocate General alongwith Safi Ullah S.O for respondents present.

File to come up alongwith connected Service Appeal No.6686/2021 titled Dr. Ateeqa Rehman Vs. Health Department on 08.12.2021 before D.B.

  
(Mian Muhammad)  
Member (E)

  
(Rozina Rehman)  
Member (J)

03.09.2021

Due to summer vacations, the case is adjourned to 30.09.2022 for the same as before.

  
READER

30-9-21

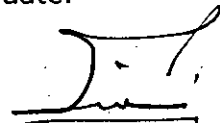
DB is on Tour case to come up  
For the same on Dated 18-10-21

  
Reader

18.10.2021

Junior to counsel for the appellant and Mr. Muhammad Adeel Butt, Addl. AG alongwith Ziaullah, Deputy Secretary (Legal) for the respondents present.

Due to general strike of the bar, counsel for the appellant is not in attendance today. To come up for arguments on 11.11.2021 before the D.B. The restrain order dated 05.07.2021 shall remain operative till next date.

  
(Salah-ud-Din)  
Member(J)

  
Chairman

11.08.2021

Junior to counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General alongwith Zia Ullah Law Officer and Safeer Ullah Focal Person for respondents present.

File to come up alongwith connected Service Appeal No. 6721/2021 titled Dr. Sikander Zen Vs. Health Department on 24.08.2021 before D.B.



(Rozina Rehman)  
Member (J)

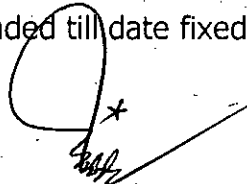


Chairman

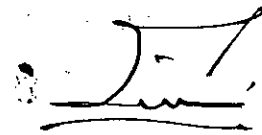
24.08 .2021

Mr. Junaid Khan, Advocate, Junior of learned counsel for the appellant present. Mr. Muhammad Rashid, DDA alongwith Mr. Ziaullah, Law Officer for the respondents present.

Junior of learned counsel for the appellant sought adjournment on the ground that the learned counsel for the appellant is not available today due to some domestic engagement. Adjourned. Last opportunity granted. To come up for argument before the D.B on 03.09.2021. The operation of the order shall remain suspended till date fixed.



(MIAN MUHAMMAD)  
MEMBER (EXECUTIVE)




(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

27.07.2021

Appellant present through counsel.

Muhammad Adeel Butt learned Additional Advocate General alongwith Zia Ullah Law Officer for respondents present.

File to come up alongwith connected Service Appeal No.6721/2021 tilted Dr. Sikander Zeb Vs. Health Department, on 04.08.2021 before D.B.

  
(Rozina Rehman)  
Member (J)

  
Chairman


04.08.2021

Junior to counsel for appellant present.

Mr. Usman Ghani learned District Attorney alongwith Zia Ullah Law Officer for respondents present.

File to come up alongwith connected Service Appeal No.671/2021 titled Sikander Zeb Vs. Health Department, on 14.08.2021 before D.B.

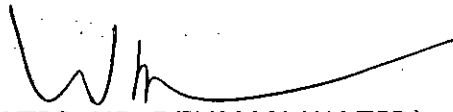
(Atiq-Ur-Rehman Wazir)  
Member (E)

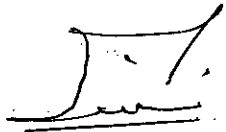
  
(Rozina Rehman)  
Member (J)

27.07.2021

Appellant alongwith his counsel Mr. Javed Iqbal Gulbela, Advocate, present. Mr. Ziaullah, Deputy Secretary (Litigation) alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Learned Additional Advocate General requested that as other Service Appeals of similar nature are fixed before D.B-I for today, therefore, the appeal in hand may be clubbed with the said appeals, so as to avoid any conflicting judgments. In this respect, he submitted written application, which is placed on file of Service Appeal bearing No. 6721/2021. The appeal in hand is, therefore, sent to worthy Chairman Service Tribunal for further appropriate order. Appellant as well as his counsel and learned Additional Advocate General shall appear before the worthy Chairman Service Tribunal at 12:15 P.M. Office is directed to do the needful.

  
(ATIQ-UR-REHMAN WAZIR)  
MEMBER (EXECUTIVE)

  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

Dr. Jibran Khan

05.07.2021 Counsel for the appellant present. Preliminary arguments heard.

Alongwith the appeal, the appellant has annexed the copy of Posting and Transfers policy of the Government from Esta Code. According to Para xiv of the said policy, right of appeal has been given to the government servants and accordingly, if one is aggrieved due to the orders of posting/transfer of authorities, he may seek remedy from the next higher authority/the appointing authority as the case may be through an appeal to be submitted within seven days of the receipt of such orders. It is further provided in the said Para that such appeal shall be disposed of within fifteen days. As far as the office objection based on general waiting of 90 days is concerned, it is not workable in presence of a special condition of 15 days under the policy is in field for disposal of appeal. Therefore, office objection is overruled.

The appellant through this appeal has impugned the order of his transfer issued on 09.06.2021, whereby he was transferred from DHQ, Charsadda to RHC, Bandai Nihaq Dir Upper against the vacant post of Medical Officer (BPS-17). The learned counsel while referring to an incident agitated through writ petition No. 2491-P/2021 contended that the transfer order though has been given the color of public interest but in fact it is imbued with the bias of the competent authority on account of the incident being pursued by appellant among other against the Medical Superintendent of the Hospital. The contention of the appellant is rebuttable. Let the respondents, submit comments/written reply for rebuttal of the



absence of public interest in issuance of the impugned order. Therefore, this appeal is admitted to regular hearing, subject to all just and legal objections including limitation. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 27.07.2021 before the D.B.

Appellant Deposited  
Security & Process Fee

The appeal is also accompanied with an application for suspension of the impugned order to the extent of the appellant. Notice of the same be also given to the respondents for the date already fixed. The operation of the impugned order to the extent of appellant shall remain suspended till date of hearing mentioned above.

  
Chairman

Sir

The objection of this office and  
reply of counsel for the appellant is  
Submitted for order please.

05/07/2021

Registrar

Worthy Chairman.


*[Faint, illegible handwritten text, possibly bleed-through from the reverse side of the page]*

This is an appeal filed by Dr. Jibbran Khan today on 05/07/2021 against the order dated 09.06.2021 against which she preferred/made departmental appeal/representation on 11.06.2021 the period of ninety days is not yet lapsed as per section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, which is premature as laid down in an authority reported as 2005-SCMR-890.

As such the instant appeal is returned in original to the appellant/Counsel. The appellant would be at liberty to resubmit fresh appeal after maturity of cause of action.

No. 1159 /ST,

Dt. 05/072021

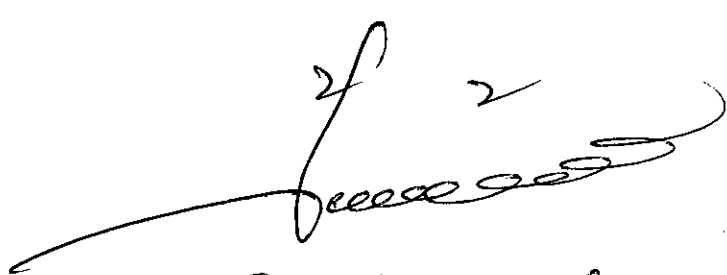
  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Javed Iqbal Gulbela Adv. Pesh.

Respected Sir,

As per the transfer & posting policy, the instant S.A. is mature. Kindly fix it before the Hon'ble bench

05-7-21.

  
Javed Iqbal Gulbela  
ASC

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL**  
**PESHAWAR**

In S.A No-\_\_\_\_\_/2021

Dr. Jibran Khan

VERSUS

Secretary Health & Others

**INDEX**

<b>S#</b>	<b>Description of Documents</b>	<b>Annex</b>	<b>Pages</b>
1.	Service Appeal & Affidavit		1-6
2.	Suspension Application & Affidavit		7-8
3.	Addresses of Parties		9
4.	Copy of impugned Transfer Order Dated 09-06-2021	"A"	10
5.	Copy of Departmental Appeal	"B"	11-12
6.	Copies of W.P & Order Dated 02-07-2021	"C & D"	13-22
7.	Other Documents	"E"	23-29
8.	Wakalat Nama		30

Dated: 05/07/2021

Through

Appellant

Javed Iqbal Gulbela  
Advocate, Supreme Court  
of Pakistan.

Off Add: B-1, Al-Nimrah Centre, Govt College Chowk Peshawar

①

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL  
PESHAWAR**

In S.A No- 0727 /2021

Khyber Pakhtukhwa  
Service Tribunal

Diary No. 6780

Dated 05/7/2021

1. Dr. Jibran Khan S/o Qasim Jan R/O D.H.Q Hospital, Charsadda.  
.....Apellant

**VERSUS**

1. Secretary Health, Government of Khyber Pakhtunkhwa at Civil Secretariat Peshawar.  
2. Director General Health Services Khyber Pakhtunkhwa  
.....Respondents

**APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL ACT -1974 AGAINST THE  
IMPUGNED TRANSFER Order No. SOH(E-II)/1-  
1/2021 Dated 09-06-2021 OF THE OFFICE OF  
SECRETARY HEALTH KHYBER PAKHTUNKHWA,  
WHEREBY THE APPELLANT HAS BEEN  
TRANSFERRED FROM DISTRICT <sup>Charsadda</sup> PESHAWAR TO  
DISTRICT DIR UPPER IN UTTER VIOLATION TO THE  
LAW AND POLICY OF TRANSFER & POSTING  
GOVERNING THE SUBJECT**

**Respectfully Sheweth,**

1. That the Appellant is a naturally born bona-fide citizen of Islamic Republic of Pakistan & hails from respectable family.
2. That the Appellant is Doctor by profession and is performing his duties at District Headquarters Hospital (D.H.Q) Charsadda.
3. That since induction into service, the Appellant always remained dutiful and pragmatic fellow, who never left any stone unturned in performance of his duties and have won felicitations and appreciations of his high-up's at certain junctures.

Filed to-day  
Registrar  
05/07/2021

حکم جو آرڈر 26/04/2022 کی نوے درستی کی گئی

4. That the irony of fate is that certain mishaps and unfortunate events took place at D.H.Q Hospital Charsadda, which have not only made vulnerable the lives of the inhabitants of District Charsadda to extreme perilous and danger, consequences but rather are put under the democal sword as every time and every moment in the hospital, there is very likelihood of inevitable casualty at the hands of Quakers, rather are put to guillotine.
5. That in fact ward Orderlies, Chowkidars, Class-IV employees and even outsiders are allowed to take Blood samples, inject injections, carry all paramedical acts, match blood samples, cross blood samples, carry laboratory test within the premises of D.H.Q through laboratories of D.H.Q over the patients of D.H.Q and even are allowed to perform the duties of doctors and are thus allowed to play with the lives of the people, causing havoc to the innocent souls of District Charsadda.
6. That the story did not end here, but rather the most abominable and bete-noire picture of the event is not only all these illegal , unethical , un-islamic and extremely dangerous acts are taking place not only under the nose of the in-charge of the Hospital i.e Medical Superintendent D.H.Q Charsadda, rather with the backing and support the Medical Superintendent D.H.Q.
7. That the Medical Superintendent D.H.Q has for himself not only acknowledged the happening of all these unwanted events, but rather have put forth justifications and lame excuses in order to justify the unjustified deeds of his stubborn subordinates. This justification has been put forth by the same M.S i.e through a video message which he has put on air, wherein the said MS has categorically stated that all the acts done are ok, legal, valid because of the reasons that **'I have trained them for carrying all these acts'**.
8. That now another an extremely dangerous scenario is erupted from the very message that how, where and upon whom

directions the M.S have trained these class-IV, where after they been allowed to operate in the premises of D.H.Q charsadda.

9. That one another question arises that who is M.S and who has empowered him to cause havoc to the lives of masses and poor citizens of District Charsadda and above all how he can justify all deeds.

10. That by seeing and looking upon the foul play being played with the lives of the people of District Charsadda and its unwarranted justifications put forth by the M.S not only raised the eyebrows of every sensible man in the hospital but the most concerned doctors raised their voices against all these happenings as they could not see the happening of such unfortunate events in front of their eyes, but as the M.S was adamant and all these abominable acts have been carried under his nose with his full support and backing so an order to seldom the voices of doctors concerned the Appellant was transferred in vengeance and as a retaliation in order to pave way for keeping his hegemony over the hospital in an extremely notorious manner.

11. That this is how the Appellant was paid for raising his voice against the brutalities, atrocities and violations of fundamental rights of the people of District Charsada, i.e the rights to live and get health facilities from government institutions and thus the Appellant is transferred in bulk from district charsadda to far flung areas of Khyber Paktunkhwa. **(Copies of the impugned Order dated 09-06-2021 is annexed as annexure "A")**.

12. That feeling aggrieved from the transfer order, the Appellant preferred a Departmental Appeal to the worthy Secretary, but despite of lapse of stipulated time, nothing came out of the same. **(Copy of Departmental Appeal is annexed herewith as Annexure "B")**.

13. That even the Appellant moved the Hon'ble Peshawar High Court Peshawar against the illegalities committed by M.S DHQ Charsadda, wherein, directions for initiating inquiry was also issue. (Copies of Writ Petition & Order Dated 02-07-2021 are annexed herewith as Annexure "C & D" respectively).
14. That feeling aggrieved from the supra-mentioned episode, the grievances, that comes into existence, having the only forum and remedy available, the Appellant approaches this Hon'ble Tribunal, inter-alia, upon the following grounds;

**GROUND:**

- A. That the impugned office order dated 09-06-2021 is wrong, illegal, unlawful and is liable to be struck down and set-aside.
- B. That it is a cherished principle of law, that where a law requires a thing to be done in a particular manner, then the same is to be done in that manner and not otherwise.
- C. That the impugned Transfer & Posting is thoroughly in derogation to the principles as laid down and enumerated in the Transfer & Posting Policy.
- D. That the Appellant is Peshawar based and domicile of the Appellant is that of District Peshawar. So as per rationale Policy, the Appellant is entitled to be placed in Peshawar or adjacent city.
- E. That by transferring the post of the Appellant, the Appellant has virtually been penalized for no wrong done and have been simply kicked out as in either case, the Appellant can easily be adjusted anywhere in District Peshawar, where are lying dozens of vacant posts.



- 5)
- F. That from all prospective, the impugned order dated 09-06-2021 is the result of colorful exercise of discretionary powers vested in the Respondents, because of which, the Appellant has been made a escape goat and has been victimized for raising his voice against the illegalities of M.S concerned.
- G. That any other ground not raised here may graciously be allowed to be raised at the time of arguments.

*It is, therefore, most humbly prayed that on acceptance of the instant appeal, the impugned Office Order No. SOH(E-II)/1-1/2021 Dated 09-06-2021 issued on behest of M.S D.H.Q Hospital, Charsadda by Respondent No. 1 be declared as void, illegal and be set-aside, as being issued upon the basis of vengeance and retaliation and the Appellant be let to serve in D.H.Q Charsadda.*

*Any other relief not specifically asked for may also graciously be extended in favor of the Appellant in circumstances of the case.*

Dated: 05/07/2021

Through

Appellant

Javed Iqbal Gulbela  
Advocate, Supreme Court  
of Pakistan

Saghir Iqbal Gulbela  
&  
Ahsan Sardar  
Advocates, High Court  
Peshawar.

**NOTE: -**

As per information of my client, no such like appeal for the same Appellant, upon the same subject matter have earlier been filed, prior to the instant one.

Advocate

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL  
PESHAWAR**

In S.A No- \_\_\_\_\_/2021

Dr. Jibran Khan

VERSUS

Secretary Health & Others

**AFFIDAVIT**

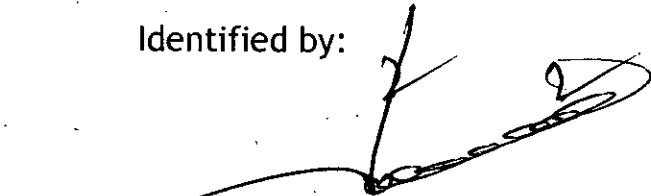
I, Dr. Jibran Khan S/o Qasim Jan R/o Kareempura, House No. 2525, Street No. 2, Mohallah Beldaraan, Tehsil & District Peshawar, do hereby solomenly affirm and declare on oath that the contents of the instant Service Appeal is correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

  
DEPONENT

CNIC:17301-7189578-7


CELL: 0345-9129259

Identified by:



Javed Iqbal Gulbela  
Advocate, Supreme Court of  
Pakistan



  
05-07-2021

2)

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL**  
**PESHAWA**

In Re S.A \_\_\_\_\_/2021

Dr. Jibran Khan

**VERSUS**

Secretary Health & Others

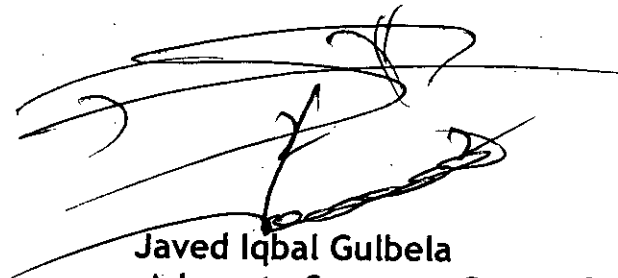
**Application for suspension of operation of impugned Transfer & Posting Order Dated 09-06-2021**

Respectfully Sheweth,

1. That the Appellant / Applicant is filing the instant application, the contents of which may very graciously be considered as integral part and parcel of the instant Appeal.
2. That balance of convenience lies in favor of the Appellant / Applicant.
3. That if the impugned Transfer & Posting orders are not suspended, the Appellant / Applicant shall suffer irreparable loss.
4. That in given circumstances of the case, suspension of operation of the impugned Transfer & Posting Orders Dated 01-06-2021 are indispensable.

*It is therefore most humbly prayed that on acceptance of the instant application, the operations of impugned Transfer & Posting Orders Dated 09-06-2021 may very graciously be suspended, till the final disposal of the instant Service Appeal.*

Dated: 05-07-2021

  
Javed Iqbal Gulbela  
Advocate Supreme Court of  
Pakistan

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL  
PESHAWAR**

In S.A No \_\_\_\_\_/2021

Dr. Jibran Khan

VERSUS

Secretary Health & Others

**AFFIDAVIT**

I, Dr. Jibran Khan S/o Qasim Jan R/o Kareempura, House No. 2525, Street No. 2, Mohallah Beldaraan, Tehsil & District Peshawar, do hereby solomently affirm and declare on oath that the contents of the instant Service Appeal is correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

*[Handwritten Signature]*

DEPONENT

CNIC:17301-7189578-7

CELL: 0345-9129259

Identified by:

*[Handwritten Signature]*

Javed Iqbal Gulbela  
Advocate, Supreme Court of  
Pakistan



*[Handwritten Signature]*  
05-07-2021

9)

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL  
PESHAWAR**

In S.A No-\_\_\_\_\_/2021

Dr. Jibran Khan

VERSUS

Secretary Health & Others

**ADDRESSES OF PARTIES**

**ADDRESS OF APPELLANT**

Dr. Jibran Khan S/o Qasim Jan R/o D.H.Q Hospital, Charsadda.

**ADDRESSES OF RESPONDENTS**

1. Secretary Health, Government of Khyber Pakhtunkhwa at Civil Secretariat Peshawar.
2. Director General Health Services Khyber Pakhtunkhwa

Dated: 05/07/2021

Through

Appellant 2

Javed Iqbal Gulbela  
Advocate, Supreme Court  
of Pakistan.



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

Dated Peshawar the 09<sup>th</sup> June, 2021

NOTIFICATION

No.SOH(E-II)/1-1/2021: The Competent Authority is pleased to order the following posting / transfers of doctors with immediate effect in the public interest:-

S.No	Name of doctors	From	To
1.	Dr. Asghar Nawaz S/O Khoob Nawaz, MO (BPS-17)	DHQ Hospital Charsadda	DHQ Hospital Karak against the vacant post of MO (BS-17)
2.	Dr. Jibran Khan S/O Qasim Jan, MO (BPS-17)	DHQ Hospital Charsadda	RHC Bandai Nihaz Dir Upper against the vacant post of MO (BS-17)
3.	Dr. Muhammad Waqas S/O Lal Zada, MO (BPS-17)	DHQ Hospital Charsadda	THQ Hospital Wari Dir Upper against the vacant post of MO (BS-17)
4.	Dr. Muhammad Tariq S/O Muhammad Hassan, MO (BPS-17)	DHQ Hospital Charsadda	BHU Bela Chand (Dir Upper)
5.	Dr. Sikandar Zeb S/O Jehanzeb Khan, MO (BPS-17)	DHQ Hospital Charsadda	RHC Chorlakkhi Distt: Kohat against the vacant post of MO (BS-17)
6.	Dr. Muhammad Kashif Javed S/O Muhammad Javed, MO (BPS-17)	DHQ Hospital Charsadda	Type "D" Hospital Lachi Kohat against the vacant post of MO (BS-17)
7.	Dr. Maria Babar D/O Salim Khan Shinwari, WMO (BPS-17)	DHQ Hospital Charsadda	DHQ Hospital KDA Kohat against the vacant post of MO (BS-17)
8.	Dr. Sami-Ul-Haq S/O Saif Rehman, MO (BPS-17)	DHQ Hospital Charsadda	BHU Kachal Distt: Kohat against the vacant post of MO (BS-17)
9.	Dr. Arshad Karim S/O Haji Fazal Akbar, MO (BPS-17)	DHQ Hospital Charsadda	BHU Sherkot Distt: Kohat against the vacant post of MO (BS-17)
10.	Dr. Inam Ullah S/O Rooh Ullah, SMO (BPS-18)	DHQ Hospital Charsadda	Category "D" Hospital Barawal Dir Upper against the vacant post of SMO (BS-18)
11.	Dr. Amin Gul S/O Raheem Gul, District Specialist Children BPS-18	DHQ Hospital Charsadda	THQ Hospital Wari Dir Upper against the vacant post of District Specialist Children (BS-18)
12.	Dr. Khan Bahadar, BPS-19 (Management Cadre) DMS (Admn)	DHQ Hospital Charsadda	Report to DGHS, Khyber Pakhtunkhwa
13.	Dr. Sald Muhammad S/O Akbar Khan, Senior Distt: Specialist Medicine, BPS-19	DHQ Hospital Charsadda	Report to DGHS, Khyber Pakhtunkhwa
14.	Dr. Umer Zia S/O Zia-Ul-Islam, MO (BPS-17)	Under transfer to DHO, Nowshera	DHQ Hospital Charsadda against the vacant post of MO (BS-17)
15.	Dr. Falina Khattak D/O Fazal Karim Khattak, WMO (BPS-17)	Under transfer to DHO, Nowshera	DHQ Hospital Charsadda against the vacant post of MO (BS-17)
16.	Dr. Yasir Inam S/O Inam Ullah Khan, MO (BS-17)	Under transfer to DHO, Nowshera	DHQ Hospital Charsadda against the vacant post of MO (BS-17)
17.	Dr. Balqees D/O Jamal Shah, WMO (BPS-17)	Under transfer to DHO, Nowshera	DHQ Hospital Charsadda against the vacant post of MO (BS-17)

JAVED IQBAL GULBELA  
Advocate  
Supreme Court of Pakistan  
(ASC # 5317)

JAVED IQBAL Gul Bela  
Daudzai Law Chamber  
District Court Peshawar  
Mob: 3345-9405501

**BETTER COPY NO. 910**  
**GOVERNMENT OF KHYBER PAKHTOON KHWA**  
**HEALTH DEPARTMENT**

Dated Peshawar the 9<sup>th</sup> June, 2021

**Notification**

No.SOH(E-II)/1-1//: The competent authority is pleased through order the following posting/ transfer of doctors with immediate effect in the public interest

S.No	Name of the Doctors	From	To
1	Dr. Asghar Nawaz S/o Khoob Nawaz, MO (BPS 17)	DHQ Hospital Charsadda	DHQ Hospital Karak against the vacant post of MO BS 17
2	Dr. Jibran Khan S/O Qasim Jan, MO (17)	DHQ Hospital Charsadda	RHC Bandai Nihag Dir Upper against the vacant post of MO BS 17
3	Dr, Muhammad Waqas SO lal zada MO BPS_17	DHQ Hospital Charsadda	THQ Warai Dir Upper against the vacant post of MO BS 17
4	Dr Muhammad Tariq S/O Muhammad Hassan, MO BPS-17	DHQ Hospital Charsadda	BHU Bela Chand Dir Upper
5	Dr Sikander Zaib s/o Jahanzaib Khan MO BPS-17	DHQ Hospital Charsadda	RHC Chorlakki distt kohat against the vacant post of MO BS 17
6	Dr Muhammad Kashif Javed s/o Muhammad Javed MO BPS-17	DHQ Hospital Charsadda	Type-D hospital lacchi kohat against the vacant post of MO BS 17
7	Dr maria babar d/o saleem khan shinwari WMO BPS-17	DHQ Hospital Charsadda	DHQ hospital KDA Kohat against the vacant post of MO BS 17
8	Dr sami ul haq s/o said rehman MO BPS -17	DHQ Hospital Charsadda	BHU kachai distt kohat against the vacant post of MO BPS 17
9	Dr arshad karim s/o haji fazal akbar MO BPS-17	DHQ Hospital Charsadda	BHU Sherkot Distt kohat against the vacant post of MO BS -17
10	Dr inam ullah s/o roohullah BPS-18	DHQ Hospital Charsadda	Category D hospital barawal against the vacant post of SMO BS-18
11	Dr amin gul s/o raheem gul, district specialist children BPS-18	DHQ Hospital Charsadda	Report to DGHS Khyber pakhtoonkhwa
12	Dr khan bahadar, BPS-19 (Management Cader) DMS (Admn)	DHQ Hospital Charsadda	Report to DGHS Khyber Pakhtoonkhwa
13	Dr said Muhammad s/o akbar khan, senior Distt specialist medicine BPS-19	DHQ Hospital Charsadda	Report to DGHS, Khyber Paktunkhwa
14	Dr. Umer Zia S/O Zia ul Islam, MO (BPS-17)	Under Transfer to DHO, Nowshera	DHQ Hospital Charsadda against the vacant post of MO (BS-17)
15	Dr. Fatime Khattak D/O FAzal Karim Khattak, WMO (BPS-17)	Under Transfer to DHO, Nowshera	DHQ Hospital Charsadda against the vacant post of MO (BS-17)
16	Dr. Yasir Inam S/O Inam Ullah Khan, MO (BPS-17)	Under Transfer to DHO, Nowshera	DHQ Hospital Charsadda against the vacant post of MO (BS-17)
17	Dr. Balqees D/O Jamal Shah, WMO(BPS-17)	Under Transfer to DHO, Nowshera	DHQ Hospital Charsadda against the vacant post of MO (BS-17)

**JAVED IQBAL GULBELA**  
Advocate  
Supreme Court of Pakistan  
(ASC # 5317)

**JAVED IQBAL Gul Bela**  
Daudzai Law Chamber  
Advocate High Court Peshawar  
Mob. 0345-9405501

18.	Dr. Nida Khan D/O Noor Nawaz Khattak, WMO (BPS-17)	Under transfer to DHO, Nowshera	DHQ Hospital Charsadda against the vacant post of MO (BS-17)
19.	Dr. Shanze Khan D/O Yousaf, WMO (BPS-17)	Category "D" Hospital Lachi (Kohat)	DHQ Hospital Charsadda against the vacant post of MO (BS-17)
20.	Dr. Faiqa Farah Muslim D/O Muslim Khan, MO (BS-17)	Returned from Deputation	DHQ Hospital Charsadda against the vacant post of MO (BS-17)
21.	Dr. Abdul Basit S/O Fida Muhammad, MO (BS-17)	Waiting for posting	DHQ Hospital Charsadda against the vacant post of MO (BS-17)
22.	Dr. Yasir Ishaq S/O Muhammad Ishaq MO (BPS-17)	Waiting for posting	DHQ Hospital Charsadda against the vacant post of MO (BS-17)
23.	Dr. Asif Naveed S/O Ishaq Ahmad, MO (BS-17)	Waiting for posting	DHQ Hospital Charsadda against the vacant post of MO (BS-17)
24.	Dr. Kanwal Fatima D/O Tajamal Hussain, WMO (BPS-17)	Under transfer to DHO, Nowshera	Women & Children/LMH Kohat
25.	Dr. Samaraat S/O Abdul Wahid Khan, MO (BS-17)	THQ Hospital Khwaza Khela, District Swat	At the disposal of DHO Buner against the vacant post of MO (BS-17)
26.	Dr. Zia Ur Rehman, MO (BS-17)	DHQ Hospital Dir Upper	At the disposal of DHO Buner against the vacant post of MO (BS-17)
27.	Dr. Rehmat Ullah Jan S/O Malik Ghazi Mar Jan, SMO (BPS-18)	Waiting for posting	As DMS (Admn) at DHQ Hospital Charsadda against the vacant post of SMO (BS-18)
28.	Dr. Hayat, Medical Officer (BS-17)	THQ Hospital Gadezi, District Buner	DHQ Hospital Alpuri, District Shangla
29.	Dr. Siraj Ud Din, Medical Officer (BS-17)	THQ Hospital Gadezi, District Buner	DHQ Hospital Alpuri, District Shangla
30.	Dr. Alia, Women Medical Officer (BS-17)	THQ Hospital Gadezi, District Buner	DHQ Hospital Alpuri, District Shangla

SECRETARY HEALTH  
KHYBER PAKHTUNKHWA

Endst. of even No. & Date.

Copy to the:

1. Accountant General Khyber Pakhtunkhwa.
2. Director General, Health Services, Khyber Pakhtunkhwa.
3. MS DHQ Hospital Charsadda with the direction to relieve the doctors at serial No. 01-13 with immediate effect under intimation to this office.
4. District Health Officer Buner with the direction to relieve the doctors at serial No. 28-30 with immediate effect under intimation to this office
5. All DHOs concerned.
6. All DAOs concerned.
7. PS to Secretary Health, Khyber Pakhtunkhwa.
8. PA to Special Secretary Health, Khyber Pakhtunkhwa.
9. PA to Deputy Secretary Health (Estab), Khyber Pakhtunkhwa.
10. Doctors concerned.
11. Master file.

JAVED IQBAL Gul Beia  
Daudzai Law Chamber  
Associate High Court Peshawar  
Mob: 0345-9405501

(11)  
(12)  
413  
(Ijaz Rahim)  
Section Officer (E-II)

JAVED IQBAL GULBELA  
Advocate  
Supreme Court of Pakistan  
(ASC # 5317)



**BETTER COPY NO. 1011**

18	Dr. Nida Khan D/O Noor Nawaz Khattak, WMO (BPS-17)	Under Transfer to DHO, Nowshera	DHQ Hospital Charsadda against the vacant post of MO (BS-17)
19	Dr Shanze Khan D/O Yousaf, WMO (BPS-17)	Under Transfer to DHO, Nowshera	DHQ Hospital Charsadda against the vacant post of MO (BS-17)
20	Dr Faiqa Farah Muslim D/O Muslim Khan, MO (BPS-17)	Returned from Depulation	DHQ Hospital Charsadda against the vacant post of MO (BS-17)
21	DR. Abdul Basit S/O Fida Muhammad, MO (BPS-17)	Waiting for post	DHQ Hospital Charsadda against the vacant post of MO (BS-17)
22	Dr. Yasir Ishaq S/O Muhammad Ishaq MO (BPS-17)	Waiting for post	DHQ Hospital Charsadda against the vacant post of MO (BS-17)
23	Dr. Asif Naveed S/o Ishaq Ahmad. MO (BPA-17)	Waiting for post	DHQ Hospital Charsadda against the vacant post of MO (BS-17)
24	Dr. Kanwal Fatima D/O Tajamal Hussain, WMO (BPS-17)	Under transfer to DHO, NOWshera	Women & Children/LMH Kohat
25	Dr. Samaraat S/O Abdul Wahid Khan, MO (BS-17)	THQ Hospital Khawaza Khela, District Swat	All the disposal of DHO Buner against the vacant post of MO (BS-17)
26	Dr. Zia Ur Rehman, Mo (BS-17)	DHQ Hospital Dir Upper	All the disposal of DHO Buner against the vacant post of MO (BS-17)
27	Dr. Rehmat Ullah Jan S/O Malik Ghazi Mar Jan, SMO (BPS-18)	Waiting for post	As DMS (Admn) at DHQ Hospital Charsadda against the vacant post of SMO (BS-18)
28	Dr. Hayat, Medical Officer (BS-17)	THQ Hospital Gadezi, District Buner	DHQ Hospital Alpuri, District Shangla
29	Dr Siraj Ud Din, Medical Officer (BS-17)	THQ Hospital Gadezi, District Buner	DHQ Hospital Alpuri, District Shangla
30	Dr, Alia, Women Medical Officer (BS-17)	THQ Hospital Gadezi, District Buner	DHQ Hospital Alpuri, District Shangla

**SECRETARY HEALTH KHYBER PAKHTUNKHWA**

Endst. Of even No.& Date.

Copy to the:

1. Accountant General Khyber Pakhtunkhwa.
2. Director General, Health Services, Khyber Pakhtunkhwa.
3. MS DHQ Hospital Charsadda with the direction to relieve the doctors at serial No.01-13 with immediate effect under intimation to this office.
4. District Health Officer Buner with the direction to relieve the doctors at serial No. 28-30 with immediate effect under intimation to this office.
5. All DHOs concerned.
6. All DAOs concerned.
7. PS to Secretary Health, Khyber Pakhtunkhwa.
8. PA to Special Secretary Health, Khyber Pakhtunkhwa.
9. PA to Deputy Secretary Health (Estab), Khyber Pakhtunkhwa.
10. Doctors concerned.
11. Master file.

(Ijaz Rahim)  
Section Officer (E-II)

**JAVED IQBAL GULBELA**  
Advocate  
Supreme Court of Pakistan  
(ASC # 5317)

**JAVED IQBAL Gul Bela**  
Daudzai Law Chamber  
Advocate High Court Peshawar  
Mob: 0345-9405501

(12)

Ann B

To

The worthy Secretary  
Health Govt of KPK  
Peshawar.

Subject: Departmental Appeal.

The Appellant very Humbly solicits as  
under.

Respected Sir,

- 1- That the Appellant is serving as Medical officer BPS-17 at District Head Quarter Hospital Charsada.
- 2- That the Appellant was transferred from D.H.Q Charsada to Div vide impugned Transfer order dated 09-06-2021 in fact the Appellant is a Peshawar Domicile Holder & as per the transfer & Posting Policy of the Govt the here in impugned order is illegal & unlawful. Moreover the same is not in public interest as issued as retaliation from raising voice against inhuman actions of M.S D.H.Q Charsada.

It is therefore humbly requested that the impugned transfer order dated 09-06-2021 may kindly be set-aside.

JAVED IQBAL GULBELA  
Advocate  
Supreme Court of Pakistan  
(ASC # 5317)

11-06-2021

Appellant  
Dr. Jibran Ichan  
M.O D.H.Q Charsada

13)

Amir



**BEFORE THE HON'BLE PESHAWAR HIGH COURT PESHAWAR**

In W.P No. \_\_\_\_\_/2021

1. Dr. Jibran Khan S/o Qasim Jan
  2. Dr. Asghar Nawaz S/o Khoob Nawaz
  3. Dr. Muhammad Waqas S/o Lal Zada
  4. Dr. Sikander Zeb S/o Jehanzeb Khan
  5. Dr. Muhammad Kashif Javed S/o Muhammad Javed
  6. Dr. Dr. Maria Baber D/o Saleem Khan Shnwari
  7. Dr. Sami ul Haq S/o Said Rahman
  8. Dr. Arshad Kareem S/o Haji Fazal Akbar
  9. Dr. Syed Muhammad S/o Akbar Khan
- All residents of D.H.Q Hospital, Charsadda.

.....Petitioners

**VERSUS**

1. Government of Khyber Pakhtunkhwa through Chief Secretary at Civil Secretariat Peshawar.
2. Secretary Health, Government of Khyber Pakhtunkhwa at Civil Secretariat Peshawar.
3. Director General Health Services Khyber Pakhtunkhwa
4. Medical Superintendent, District Headquarters Hospital, Charsadda.

.....Respondents

**PETITION UNDER ARTICLE 199 OF  
CONSTITUTION OF THE ISLAMIC  
REPUBLIC OF PAKISTAN 1973.**

**Respectfully Sheweth,**

1. That the Petitioners are naturally born bona-fide citizens of Islamic Republic of Pakistan & hails from respectable families.
2. That the Petitioners are Doctors by profession and are performing their duties at District Headquarters Hospital (D.H.Q) Charsadda.
3. That since induction into service, the Petitioners remained dutiful and pragmatic fellows, who never left any stone unturned in performance of their duties and have won felicitations and appreciations of their high-up's at certain junctures.

**ATTESTED**  
EXAMINER  
Peshawar High Court

4. That the irony of fate is that certain mishaps and unfortunate events took place at D.H.Q Hospital Charsadda, which have not only made vulnerable the lives of the inhabitants of District Charsadda to extreme perilous and danger, consequences but rather are put under the democal sword as every time and every moment in the hospital, there is very likelihood of inevitable casualty at the hands of Quakers, rather are put to guillotine.
5. That in fact ward Orderlies, Chowkidars, Class-IV employees and even outsiders are allowed to take Blood samples, inject injections, carry all paramedical acts, match blood samples, cross blood samples, carry laboratory test within the premises of D.H.Q through laboratories of D.H.Q over the patients of D.H.Q and even are allowed to perform the duties of doctors and are thus allowed to play with the lives of the people, causing havic to the innocent souls of District Charsadda.
6. That the story did not end here, but rather the most abominable and bete-noire picture of the event is not only all these illegal , unethical , un-islamic and extremely dangerous acts are taking place not only under the nose of the in charge of the Hospital i.e Medical Superintendent D.H.Q Charsadda, rather with the backing and support the Medical Superintendent D.H.Q.
7. That the MS D.H.Q has for himself not only acknowledged the happening of all these unwanted events, but rather have put forth justifications and lame excuses in order to justify the unjustified deeds of his stubborn subordinates. This justification has been put forth by the same MS i.e Respondent no. 4 through a video message which he has put on air, wherein the said MS has categorically stated that all the acts done are ok, legal , valid because of the reasons that I have trained them for carrying all these acts.

- 15)
- (S)
8. That now another an extremely dangerous scenario is erupted from the very message that how, where and upon whom the M.S have trained these class-IV where after they been allowed to operate in the premises of D.H.Q charsadda.
  9. That one another question arises that who is MS and who has empowered him to cause havoc to the lives of masses and poor citizens of District Charsadda and above all how he can justify all deeds (the video recording will be presented at the time of arguments).
  10. That by seeing and looking upon the foul play being played with the lives of the people of District Charsadda and its unwarranted justifications put forth by the M.S not only raised the eyebrows of every sensible man in the hospital but the most concerned doctors raised their voices against all these happenings as they could not see the happening of such unfortunate events in front of their eyes, but as the M.S was adamant and all these abominable acts have been carried under his nose with his full support and backing so an order to seldom the voices of doctors concerned the petitioners were transferred in vengeance and as a retaliation in order to pave way for keeping his hegemony over the hospital in an extremely notorious manner.
  11. That this is how the petitioners were paid for raising their voices against the brutalities atrocities and violations of fundamental rights of the people of District Charsada, i.e the rights to live and get health facilities from government institutions and thus the petitioners are transferred in bulk from district charsadda to far flung areas of Khyber Paktunkhwa. (Copies of the impugned Order dated 09-06-2021 is annexed as annexure "A").



12. That feeling aggrieved from the supra-mentioned episode, the grievances, that comes into existence, having no other efficacious remedy available elsewhere and forum to be addressed at, the Petitioners approaches this August Court under its extra-ordinary constitutional jurisdiction and subsequent thereupon, for recognition, enforcement, and acknowledgement of their due and fundamental rights, inter-alia, upon the following grounds;

**GROUND:**

- A. That there exists no other expedient- cum- expeditious and adequate remedy available elsewhere, hence the instant Constitutional Petition under the extra-ordinary jurisdiction of this August Court.
- B. That the Petitioners are naturally born bona-fide citizens of the Islamic Republic of Pakistan and are fully and equally, on equality basis, entitled to all the basic and fundamental rights as enshrined in the fundamental law of the land, interpreted, guaranteed and enforced by the laws and law Courts of the land.
- C. That it is a cherished principle of law, that where a law requires a thing to be done in a particular manner, then the same is to be done in that manner and not otherwise.
- D. That the petitioners are not approaching this August court for enforcement of their terms and conditions of service as essentially the transfer and posting is a matter pertaining to the terms and conditions of service, but the scenario is thoroughly volta-facie as here the question of simple transfer and posting is not involved, rather the lives, liberty, health and very existence of the people of charsadda are involved, which are in doldrums and are made extremely susceptible to inevitable havoc-some destruction, at the



hands of Respondent No. 4, whose incompetence has resulted such inevitable mishaps.

- E. That no matter, the herein impugned order is against the transfer and posting policy 2009, is against the policy of rationale (Domicile based policy), against the normal tenure and many other reasons are also available to the Petitioners, but being all those matters pertaining to the normal transfer and posting orders which all of them have to be addressed to the Services Tribunal, but here the scenario is totally different and if action on expeditious manner is not taken, not only great injustice shall prevail, but rather the adamant Respondent No. 4 would turn to be a merciless assassin who plays with innocent citizens such playfully without any fear of Allah and any fear of administrative or judicial action against him.
- F. That from all prospective, the impugned order is the result of high headedness and adamancy of the Respondent No. 4, which requires the benign look and consideration of this August Court to stop and halt the further happenings of the already continued mishaps.
- G. That any other ground not raised here may graciously be allowed to be raised at the time of arguments.

*It is, therefore, most humbly prayed that on acceptance of the instant petition, the Respondent No. 1 to 3 may graciously be directed to take serious and strict action, on urgent basis, against Respondent No. 4 and take disciplinary action against Respondent no. 4 for the causing the havoc to the lives of the People of Charsadda and letting and thereafter justifying the actions of orderlies, chowkidars, Class-IV and private persons and be criminally proceeded for the crimes committed by Respondent No. 4 and be taken to books.*

*It is further prayed that a writ of Quo-Warranto may also be issued to Respondent No. 4 that under what*

May  
**ATTESTED**  
 EXAMINER  
 Peshawar High Court

authority of law, the Respondent No. 4 has empowered and authorized his subordinate staff of ward orderlies, Class-IV, and chowkidars and private persons to carry all paramedical and laboratory technicians as well as Doctors Jobs in the DHQ Charsadda and under what authority of law, he can justify all these deeds?

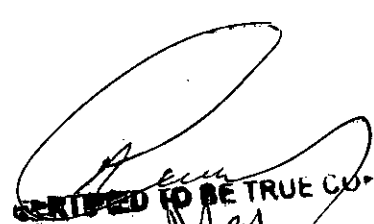
It is further prayed that impugned Office Order No. SOH(E-II)/1-1/2021 Dated 09-06-2021 issued on behest of Respondent No. 4 by Respondent No. 2 be declared as void, illegal and be set-aside, as being issued upon the basis of vengeance and retaliation and the Petitioners be let to serve in DHQ Charsadda.


Any other relief not specifically asked for may also graciously be extended in favor of the Petitioners in circumstances of the case.

**INTERIM RELIEF:**

By way of interim relief, the impugned Office Order No. SOH(E-II)/1-1/2021 Dated 09-06-2021 may kindly be suspended till the final disposal of the instant case.

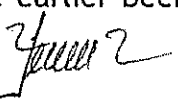
Dated: 18/06/2021

  
CERTIFIED TO BE TRUE COPY  
EXAMINER  
Peshawar High Court, Peshawar  
Authorized Under Article 57 of  
Constitution of Pakistan  
05 JUL 2021

Through  
Petitioners  
  
Javed Iqbal Gulbela  
Advocate, Supreme Court  
of Pakistan  
Saghir Iqbal Gulbela  
&  
Ahsan Sardar  
Advocates, High Court  
Peshawar.

**NOTE: -**

As per information of my client, no such like writ petition for the same Petitioners, upon the same subject matter have earlier been filed, prior to the instant one.

Advocate. 

**Books Referred:**

- 1. Constitution of the Islamic Republic of Pakistan 1973.
- 2. Case Laws
- 3. Any other books as per need.

Advocate. 



**IN THE HONORABLE PESHAWAR HIGH COURT**  
**PESHAWAR**

In W.P No- \_\_\_\_\_/2021

Jibran Khan & others

Versus

Government of Khyber Pakhtunkhwa & others

**AFFIDAVIT**

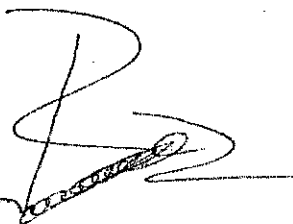
I, Jibran Khan S/o Qasim Khan R/o Kareem Pura,  
House No. 2525, Street No 2, Muhallah Baidararan,  
Peshawar, do hereby solemnly affirm and declare that  
the contents of the Instant writ petition are true and  
correct to the best of my knowledge and belief and  
nothing has been concealed from this honorable Court.

**DEPONENT**

CNIC#17301-7189578-7 ✓

Cell No: 0345-9129259

**IDENTIFIED BY:**



**Javed Iqbal Gulbela**  
Advocate Supreme Court of,  
Peshawar

**CERTIFIED TO BE TRUE COPY**  
**EXAMINER**  
Peshawar High Court, Peshawar  
Authorised Under Article 6.7 of  
The Qanun-e-Shahadat Order 1984

05 JUL 2021

Section No. <u>28586</u>	
Certified that the above was read on solemnly affirmation before me on the	
day of <u>June</u> 20 <u>21</u>	<u>17</u>
at <u>Qasim Khan</u>	<u>Jibran Khan</u>
	<u>Peshawar</u>
and was read by <u>Javed Iqbal</u>	
Who is personally known to me:	
	<u>[Signature]</u>
	<u>17/06/2021</u>

20)

(8)

**BEFORE THE HONORABLE PESHAWAR HIGH COURT PESHAWAR**

In W.P No- \_\_\_\_\_/2021

Dr. Jibran Khan & Others

VERSUS

Government of Khyber Pakhtunkhwa & Others

**ADDRESSES OF PARTIES**

**ADDRESS OF PETITIONERS**

1. Dr. Jibran Khan S/o Qasim Jan
  2. Dr. Asghar Nawaz S/o Khoob Nawaz
  3. Dr. Muhammad Waqas S/o Lal Zada
  4. Dr. Sikander Zeb S/o Jehanzeb Khan
  5. Dr. Muhammad Kashif Javed S/o Muhammad Javed
  6. Dr. Dr. Maria Baber D/o Saleem Khan Shnwari
  7. Dr. Sami ul Haq S/o Said Rahman
  8. Dr. Arshad Kareem S/o Haji Fazal Akbar
  9. Dr. Syed Muhammad S/o Akbar Khan
- All residents of D.H.Q Hospital, Charsadda.

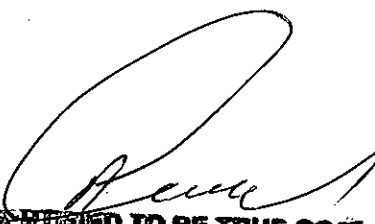
**ADDRESSES OF RESPONDENTS**

1. Government of Khyber Pakhtunkhwa through Chief Secretary at Civil Secretariat Peshawar.
2. Secretary Health, Government of Khyber Pakhtunkhwa at Civil Secretariat Peshawar.
3. Director General Health Services Khyber Pakhtunkhwa
4. Medical Superintendent, District Headquarters Hospital, Charsadda.

Dated: 18/06/2021

Through Petitioners

Javed Iqbal Gulbela  
Advocate, Supreme Court  
of Pakistan.

  
**CERTIFIED TO BE TRUE COPY**  
EXAMINER  
Peshawar High Court, Peshawar  
Authorised Under Article 87 of  
The Qanun-e-Shahadat Order 1988.

05 JUL 2021

Am D

21)

**PESHAWAR HIGH COURT, PESHAWAR**

**ORDER SHEET**



Date of Order/ Proceedings	Order or other Proceedings with Signature of Judge
02/07/2021	<p><b><u>WP No. 2491-P/2021 with IR</u></b></p> <p><b><u>Present:</u></b> Mr. Javed Iqbal Gulbela, Advocate, for the petitioners.</p> <p>M/s Atif Ali Khan &amp; Syed Asif Jalal AAGs along with Syed Imtiaz Hussain Shah Secretary Health &amp; Dr. Jehanzeb MS DHQ Charsadda.</p> <p>===</p> <p><b><u>SYED ARSHAD ALI, J.-</u></b> Through the instant constitutional petition, petitioners have invoked the jurisdiction of this Court praying that:-</p> <p><i>“It is, therefore, most humbly prayed that on acceptance of the instant petition, the Respondent No. 1 to 3 may graciously be directed to take serious and strict action, on urgent basis, against Respondent No. 4 and take disciplinary action against Respondent No. 4 for the causing the havoc to the lives of People of Charsadda and letting and thereafter justifying the actions of orderlies, chowkidars, Class-IV and private persons and be criminally proceeded for the crimes committed by Respondent No.4 and be taken to books.</i></p> <p><i>It is further prayed that a writ of Quo-Warranto may also be issued to Respondent No.4 that under what authority of law, the Respondent No.4 has empowered and authorized his subordinate staff of ward orderlies, Class-IV, and chowkidars and private persons to carry all paramedical and laboratory technicians as well as Doctors Jobs in the DHQ Charsadda and under what authority of law, he can justify all these deeds?</i></p> <p><i>It is further prayed that impugned Office Order No. SOH(E-II)/1-1/2021 Dated 09-06-2021 issued on behalf of Respondent No.4 by Respondent No.2 be declared as void, illegal and be set-aside, as being issued upon the basis of vengeance and retaliation and the Petitioners be let to serve in DHQ Charsadda.</i></p> <p><i>Any other relief not specifically asked for may also graciously be extended in favour of the Petitioners in circumstances of the case”.</i></p> <p>2. It is mentioned in the petition that respondent No. 4</p>

May  
**ATTESTED**  
EXAMINER  
Peshawar High Court

has literally assigned all the affairs of providing health care of the needy patients to the class-IV employees of the hospital and when an objection was raised in this regard, respondent No.4 in a very categorical terms has admitted this fact and has further stated that in this regard the class-IV employees are duly trained. In this view of the matter, on 01.07.2021, respondent No.4 as well as the worthy Secretary Health was asked to appear in person in order to apprise this Court of the situation.

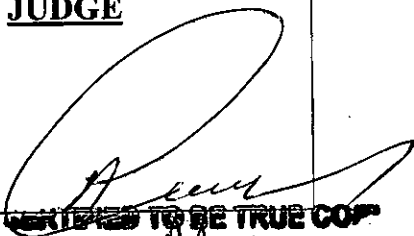
3. That's why today, the learned Additional Advocate Generals along with worthy Secretary Health appeared before the Court and produced a letter dated 02.07.2021 whereby one Dr. Sher Khan Director HRM has been appointed as inquiry officer to probe into the matter. The worthy Secretary Health, present in Court, has undertaken that he will personally look into the matter and will take appropriate steps/actions if any one is involved playing with the precious live of the patients.

4. In view of the commitment of worthy Secretary Health, we dispose of this petition and thus direct that the said inquiry be conducted at the earliest and thereafter appropriate actions/remedial steps be taken not only to ensure provision of adequate health facilities in the hospital to the patients but any person, if found involved in illegal practice, pursuant to the said inquiry would be dealt with in accordance with law.

No. 324  
 Date of Presentation of Application 02/7/21  
 No of Pages 107  
 Copying fee 40/-  
 Total 40/-  
 Date of Preparation of Copy 05/7/21  
 Date of Delivery of Copy 05/7/21  
 Received By [Signature]

  
**JUDGE**

  
**JUDGE**

  
**EXAMINER**  
 Peshawar High Court, Peshawar  
 Authorised Under Article 87 of  
 the Constitution of Pakistan  
**05 JUL 2021**

(23)

Annexure - "E"

**JAVED IQBAL Gul Bela**  
Daudzai Law Chamber  
Advocate High Court Peshawar  
Mob: 0345-9405501

**JAVED IQBAL GULBELA**  
Advocate  
Supreme Court of Pakistan  
(ASC # 5317)

(Regulation Wing)

**POSTING / TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT**

- i) All the posting/transfers shall be strictly in public interest and shall not be abused/misused to victimize the Government servants
- ii) All Government servants are prohibited to exert political, Administrative or any other pressures upon the posting/transfer authorities for seeking posing/transfers of their choice and against the public interest.
- iii) All contract Government employees appointed against specific posts, can not be posted against any other post.
- iv) The normal tenure of posting shall be three years subject to the condition that for the officers/officials posted in unattractive areas the tenure shall be two years and for the hard areas the tenure shall be one year. The unattractive and hard areas will be notified by the Government.

1. Instructions issued vide circular letter No. SOR-VI (E&AD)1-10/08 (X), dated 07-10-2008  
2. Posting - Transfer Policy - updated till 10 Jan, 2009

(5) 24)

- v) { }
- vi) While making postings/transfer from settled areas to FATA and vice-versa, specific approval of Governor, KHYBER PAKHTUNKHWA needs to be obtained
- <sup>2</sup>While making postings/transfers of officers/officials up to BS-17, from settled areas to FATA and vice-versa approval of the Chief Secretary KHYBER PAKHTUNKHWA needs to be obtained. Whereas, in case of posting/transfer of officers in BS-18 and above, from settled areas to FATA and vice versa, specific approval of the Governor KHYBER PAKHTUNKHWA shall be obtained.
- vi (a) All Officers/officials selected against Zone-I/FATA quota in the Provincial Services should compulsorily serve in FATA for atleast eighteen months in each grade. This should start from senior most scales/grades downwards in each scale/grade of each cadre.
- vii) Officers may be posted on executive/administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and DPOs/Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thaana) of his area/residence is situated.
- viii) No posting/transfers of the officer's/officials on detailment basis shall be made.
- ix) Regarding the posting of husband/wife, both in Provincial services, efforts where possible would be made to post such persons at one station subject to the public interest.
- x) All the posting/transferring authorities may facilitate the posting/transfer of the unmarried female government Servants at the station of the residence of their parents.
- xi) Officers/officials except DCOs and DPOs/SPs who are due to retire within one year may be posted on their option on posts in the Districts of their domicile and be allowed to serve there till the retirement
- <sup>3</sup>DCOs and DPOs who are due to retire in the near future may also be posted in the District of their domicile subject to the condition that such posting would be against non-administrative posts of equivalent scales;
- xii) In terms of Rule-17(1) and (2) read with Schedule-III of the KHYBER PAKHTUNKHWA Government Rules of Business 1985, transfer of officers shown in column 1 of the following table shall be made by the authorities shown against each officer in column2 thereof:

- |   |   |
|---|---|
| 1 | Para-1(v) regarding months of March and July for posting/transfer and authorities for relaxation of ban deleted vide letter No: SOR-VI (E&AD) 1-4/2008/Vol-VI, dated 3-6-2008. Consequently authorities competent under the KHYBER PAKHTUNKHWA Government Rules of Business, 1985, District Government Rules of Business 2001, Posting/Transfer Policy and other rules for the time being in force, allowed to make posting/transfer subject to observance of the policy and rules. |
| 2 | Added vide Urdu circular letter No. SOR-VI(E&AD)1-4/2003, dated 21-09-2004  |
| 3 | Added vide Urdu circular letter No: SOR-VI (E&AD)/1-4/2005, dated 9-9-2005.   |

JAVED IQBAL Gul Bela  
Daudzai Law Chamber  
Advocate High Court Peshawar  
Mob: 0345-9405501

JAVED IQBAL GULBELA  
Advocate  
Supreme Court of Pakistan  
(ASC # 5317)

(25)

**JAVED IQBAL** Gul Bela  
Daudzar Law Chamber  
Advocate High Court Peshawar  
Mob: 8345-9469891

Khyber Pakhtunkhwa Services Laws

1333

Outside the Secretariat		
1.	Officers of the all Pakistan Unified Group i.e. DMG, PSP including Provincial Police Officers in BPS-18 and above.	Chief Secretary in consultation with Establishment Department and Department concerned with the approval of the Chief Minister.
2.	Other officers in BPS-17 and above to be posted against scheduled posts, or posts normally held by the APUG, PCS(EG) and PCS(SG).	-do-
3.	Heads of Attached Departments and other Officers in B-19 & above in all the Departments.	-do-
In the Secretariat		
1.	Secretaries	Chief Secretary with the approval of the Chief Minister.
2.	Other Officers of and above the rank of Section Officers: a) Within the Same Department b) Within the Secretariat from one Department to another.	Secretary of the Department concerned. Chief secretary/Secretary Establishment.
3.	Officials up to the rank of Superintendent: a) Within the same Department b) To and from an Attached Department	Secretary of the Department concerned. Secretary of the Dept in consultation with Head of Attached Department concerned. Secretary (Establishment)

**JAVED IQBAL** Gul Bela  
Advocate  
Supreme Court of Pakistan  
(ASC # 5317)

Within the Secretariat from one Department to another

xiii) While considering posting/transfer proposals all the concerned authorities shall keep in mind the following:

- a) To ensure the posting of proper persons on proper posts, the Performance Evaluation Report/annual confidential reports, past and present record of service, performance on post held presently and in the past and general reputation with focus on the integrity of the concerned officers/officials be considered.

b) Tenure on present post shall also be taken into consideration and the posting/transfers shall be in the best public interest.

xiv) Government servants including District Govt. employees feeling aggrieved due to the orders of posting/transfer authorities may seek remedy from the next higher authority / the appointing authority as the case may be through an appeal to be submitted within seven days of the receipt of such orders. Such appeal shall be disposed of within fifteen days. The option of appeal against posting/ transfer orders could be exercised only in the following cases.

- i) Pre-mature posing/transfer or posting transfer in violation of the provisions of this policy.
- ii) Serious and grave personal (humanitarian) grounds.

2. To streamline the postings/transfers in the District Government and to remove any irritant/confusions in this regard the provision of Rule 25 of the Khyber Pakhtunkhwa District Government Rules of Business 2001 read with schedule - IV thereof is referred. As per schedule-IV the posting/transferring authorities for the officers/officials shown against each are as under:-

S. No.	Officers	Authority
1.	Posting of District Coordination Officer and Executive District Officer in a District.	Provincial Government.
2.	Posting of District Police Officer.	Provincial Government
3.	Other Officers in BPS-17 and above posted in the District.	Provincial Government
4.	Official in BPS-16 and below	Executive District Officer in consultation with District Coordination Officer.

3. As per Rule 25(2) of the Rules mentioned above the District Coordination Department shall consult the Government if it is proposed to:

- a) Transfer the holder of a tenure post before the completion of his tenure or extend the period of his tenure.
- b) Require an officer to hold charge of more than one post for a period exceeding two months.

4. I am further directed to request that the above noted policy may be strictly observed /implemented.

.....

All concerned are requested to ensure that tenures of the concerned officers/officials are invariably mentioned in summaries submitted to the Competent Authorities for Posting/Transfer.

{Authority: Letter No: SOR-VI/ERAN/1 4/2007}

JAVED IQBAL Gul Bela  
Daudzai Law Chamber  
Advocate High Court Peshawar  
Mob: 0345-3405501

JAVED IQBAL GULBELA  
Advocate  
Supreme Court of Pakistan  
(ASC # 5317)



27

**JAVED IQBAL**  
Daudzai Law Chamber  
Advocate High Court Pesh.  
Maha: 9345-9465841

Khyber Pakhtunkhwa Services Laws

1335

It has been decided by the Provincial Government that posting/transfer orders of all the officers up to BS-19 except Heads of Attached Departments irrespective of grades will be notified by the concerned Administrative Departments with prior approval of the Competent Authority obtained on the Summary. The Notifications/orders should be issued as per specimen given below for guidance.

All posting/transfer orders of BS-20 and above and Heads of Attached Departments (HAD) shall be issued by the Establishment Department and the Administrative Departments shall send approved Summaries to E&A Department for issuance of Notifications.

SPECIMEN NOTIFICATION.

**GOVERNMENT OF KHYBER PAKHTUNKHWA**

NAME OF ADMINISTRATIVE  
DEPARTMENT

Dated Peshawar, \_\_\_\_\_

NOTIFICATION

NO. \_\_\_\_\_ The Competent Authority is pleased to order the transfer of Mr. \_\_\_\_\_ Department and to post him as \_\_\_\_\_ in the interest of public service, with immediate effect.

**CHIEF SECRETARY  
GOVERNMENT OF KHYBER**

**PAKHTUNKHWA**  
Endst. No. and date even.  
Copy forwarded

- 1.
- 2.
- 3.
- 4.
- 5.

**JAVED IQBAL GULBELA**  
Advocate  
Supreme Court of Pakistan  
(ASG # 5317)

(NAME)  
**SECTION OFFICER  
Administrative Department**

{Authority: Letter No. SO (E-I) E&AD/9-12/2006 dated 22-12-2006}.

The competent authority has been pleased to direct that Para 1(v) of the Posting/Transfer Policy contained in this Department letter No:SOR-I (E&AD) 1-1/85 Vol-II, dated 15-2-2003 shall stand deleted, with immediate effect, consequently allowing the authorities, competent under the KHYBER PAKHTUNKHWA Government Rules of Business, 1985 and the District Government Rules of Business, 2001 or any other rules for the time being in force, to make posting/transfers of Government servants, any time during the year, in genuinely deserving and necessary cases, in public interest, subject to strict observance of all other provisions of posting/transfer policy contained and notified vide circular letter under reference. Hence there will be no ban on posting/transfer of Government Servants in any part of the year while carrying out postings/transfers of Government Servants.

The authorities concerned will ensure that no injustice whatsoever is caused to any civil servant, public work is not suffered and service delivery is improved.

I am therefore directed to request that the provisions of posting/transfer policy, as amended to the extent above, may kindly be followed in letter and spirit in future so as to keep good governance standard in this regard.

{**Authority:** Letter No: SOR-VI (E&AD) 1-4/2008/Vol-VI, dated 3-6-2008.}

.....  
According to the policy of the provincial Government, maximum tenure on a post is three years. Contrary to the Policy, Store Keepers, Cashiers, Accountants and other ministerial staff remains posted in their particular field for long time, which may result in misuse of this position, due to which not only public exchequer may sustain loss but general public also suffers. The Provincial Government has taken serious notice of this situation & decided that all Administrative Secretaries and DCOs may submit a certificate within one month to the effect that above mentioned officials, having completed three years on their posts, have been adjusted on posts other than those they held previously.

{**Authority:** Urdu circular No: SOR-VI (E&AD)/05 dated 28<sup>th</sup> Oct, 2005.}

.....  
The Chief Minister KHYBER PAKHTUNKHWA has directed that:-

- i) Submission of summary would not be required in case of mutual transfer.
- ii) Posting/transfer shall be made according to the policy;
- iii) Government Servants shall avoid direct submission of applications to the Chief Minister;
- iv) In genuinely deserving case, they should approach the Administrative Secretaries who could process the case according to policy;
- v) In case of direct submission of application to the Chief Minister Secretariat for Posting/ Transfer, the concerned govt servants shall be proceeded against under the prevalent rules and regulations.

{**Authority:** Urdu circular No; SOR-VI/E&AD/1-4/2003, dated 86-2004. Urdu Letter No: SOR-VI/E&AD/Misc: /2005, dated 3-1-2005.}

It has been decided with the approval of the competent authority that:-

- i) Mutual transfer would be allowed if both the concerned employees agree; except the Government Servants holding Administrative posts;
- ii) KHYBER PAKHTUNKHWA Government Rules of Business' 1985 shall be observed while issuing posting/transfer orders.

{**Authority:** - Urdu circular letter No: SOR (E&AD)/1-4/2005, dated 9-9-2005}

.....  
The competent authority has decided that in order to maintain discipline, enhance performance of the departments and ensure optimum service delivery to the masses, the approved /prevalent policy of the posting/transfer shall be strictly followed. Government Servants violating the policy and the KHYBER PAKHTUNKHWA Govt Servants (Conduct)

JAVED IQBAL Gul Bela  
Daudzan Law Chamber  
Advocate High Court Peshawar  
Mob: 0345-9405501

JAVED IQBAL GULBELA  
Advocate  
Supreme Court of Pakistan  
(ASC # 5317)

29)

(20)

Service (Special Powers) Ordinance  
Govt Rules of Business 1985, the Administrative Secretaries shall ensure that  
policy and defaulting offices/officials be taken to task & entries to this effect shall be made  
in their PERs/ACRs. In case subordinate officers are working on sites or proceeding for the  
purpose of inspection, they shall submit inspection Report to their Administrative  
Secretaries. Administrative Secretaries shall ensure submission of such reports.  
*Authority: - Urdu circular No: SOR-VI (E&AD)/1-4/06, dated, 29-6-2007.*

JAVED IQBAL Gul Bela  
Daudzai Law Chamber  
Advocate High Court Peshawar  
Mob: 0345-940551

JAVED IQBAL GULBELA  
Advocate  
Supreme Court of Pakistan  
(ASC # 5317)

# وکالت نامہ

بعدالت: سروسٹر ٹریبونل ٹاؤن  
ڈاکٹر جنرل خان قانیام سکریٹری ہیڈ وکٹری  
منجانب Appellہ دعویٰ سروسٹر ٹریبونل  
تاریخ 5/7/21

باعث تحریر آنکہ مقدمہ مندرجہ بالا عنوان اپنی طرف سے واسطے پیروی وجوہد ہی  
بمقام... کے لئے جاویدا قبال گل بیلہ لائنڈ وکیٹ ہائی کورٹ کوہیں شرط وکیل  
مقرر کیا ہے۔ کہ میں ہر پیشی کا خود یا بزریہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے مقدمہ وکیل  
صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا، اگر پیشی پر من مظهر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے  
کسی طور پر میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر  
مقام کچہری کی کسی اور جگہ یا کچہری کے مقررہ اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے۔ اگر  
مقدمہ علاوہ صدر مقام کچہری کے کسی اور جگہ ساعت ہونے یا بروز تعطیل یا کچہری کے اوقات کے آگے پیچھے پیش ہونے پر  
من مظهر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختار نہ واپس کرنے کے بھی  
صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھے کوکل ساختہ پرداختہ صاحب موصوف مثل کردہ ذات خود منظور و قبول ہوگا۔ اور  
صاحب موصوف کو عرضی دعویٰ و جواب دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل و گرانہ ہر قسم کی درخواست پر دستخط و  
تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرنے اور ہر قسم کے روپیہ وصول کرنے اور رسید دینے اور داخل  
کرنے اور ہر قسم کے بیان دینے اور سپروٹا لشی و راضی نامہ فیصلہ برخلاف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور  
بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم انتاعی یا ترقی یا اگر قاری قبل از اجراء ڈگری بھی موصوف  
کو بشرط ادا نیگی علیحدہ مختار نہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا  
اس کے کسی جزوی کاروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے دوسرے وکیل یا بیرسٹر کو بجائے اپنے یا اپنے ہمراہ  
مقرر کریں اور ایسے مشیر قانون کے ہر امر وہی اور ویسے ہی اختیارات حاصل ہوں گے جیسے کے صاحب موصوف کو حاصل  
ہیں۔ اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا۔ اور صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو  
پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت  
میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا کہ سند رہے۔  
مورخہ 5/7/21 مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

ڈاکٹر جنرل خان

Accepted by

Signature

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 6727/2021

Dr Jibran..... Appellant

Versus

Govt. of Khyber Pakhtunkhwa through Chief Secretary and others..... Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS

PRELIMINARY OBJECTIONS:-

Respectfully Sheweth ;

1. That the Appellant has got neither cause of action nor locus standi to file the instant Appeal.
2. That the instant Appeal is against the prevailing Law and Rules.
3. That the Appeal is not maintainable in its present form.
4. That the Appellant has filed the instant Appeal with mala-fide intention hence liable to be dismissed.
5. That the Appeal is badly time barred.
6. That the Honourable Tribunal has no Jurisdiction to adjudicate upon the matter.
7. That the instant appeal is bad for mis-joinder of unnecessary and non-joinder of necessary parties.
8. The impugned transfer Notification has been issued in accordance with Section 10 of the Khyber Pakhtunkhwa Civil Servant Act 1973.

FACTS

1. Pertains to record.
2. Pertains to record.
3. Pertains to record however his performance was not above the mark.
4. Needs proof however the appellant along with other doctor's performance was not up to the mark and due to their unsatisfactory performance condition of the hospital was getting worse day by day. The performance of the appellants can best be judged from the report of DGHS And the referral report whereby they referred 2,224 cases out district and referred 2238 patients to other districts which remained till May, 2021 however

after the impugned Notification the refereed cases came down to 31. The Competent Authority prior to the impugned notification in order to improve the worse condition of the Hospital transferred the then MS Dr.Akhtar Ali and posted Dr.Janzeb as MS DHQ Hospital Charsadda vide Notification dated 23.05.2021 (copy of the reports is Annex-A).

5. As the appellants badly failed to perform their legal duties and the poor patients were left on the mercy of class IV however the competent authority initiated departmental proceedings against those who were involved in such illegal activities .(Copy of the inquiry report is annexure B).
6. Subject to proof however anyone who would be involved in any illegality would be proceeded departmentally and dealt with iron hands.
7. As per para 6 however it is not the duty of the appellant rather the Competent Authority would look into the matter. The appellant should have perform his duty which he badly failed to perform rather he indulged himself into extra activities which affected the public at large badly.
8. Already replied in para 6&7 above.
9. Already replied in para 6&7 above.
10. Incorrect. The appellant has not mentioned or annexed any complaint against the MS or DHO concerned to the replying respondents which may substantiate his claim in fact the appellant has been transferred vide notification dated 09.06.2021 which was issued by the Competent Authority in accordance with Section-10 of the Khyber Pakhtunkhwa Civil Servant Act 1973.however the appellant trying to pressurise the responding department through various forums illegally including young Doctor Association as well as professional doctor Associations.
11. Incorrect detail reply has been given in paras above in case of any illegality or irregularity the competent authority would deal such an official in accordance with law and rules however the appellant in order to misguide the honourable tribunal levelled some baseless allegations. The appellant being a civil servant may be transferred anywhere in accordance with law.
12. Pertains to record however the instant appeal has been filed pre maturely in utter violation of Section-4 of Civil Servant Act 1974 and the dictum laid down by apex Court as well as Service tribunal in various judgement hence the same is not maintainable.
13. Correct to the extent of writ petition which was dismissed by the honourable court however the inquiry has already been conducted .it is worth to mention that the incident has nothing to do with the transfer

order of the appellant as transfer is a routine matters and comes within his term and condition of his service.

14. Incorrect the appellant has been transferred in accordance with Section-10 of the Khyber Pakhtunkhwa Civil Servant Act 1973 as transfer and posting comes within terms and conditions of service therefore no vested right of the appellant has been violated by the respondents it is worth to mention that the instant appeal has been filed before this Honourable Tribunal prematurely in utter violation of Section-4 of Service Tribunal Act 1974.

**GROUND:**

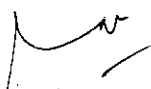
- A. Incorrect. The impugned notification dated 01.06.2021 is in accordance with law rules and principal of natural justice.
- B. Incorrect the impugned notification has been issued in accordance with law and transfer and posting policy of the Provincial Government policy and in accordance with Section-10. As per Section-10 of the Khyber Pakhtunkhwa Civil Servant Act 1973 a Civil Servant may be posted any where even outside of his cadre where the Competent Authority want to utilize his services.
- C. Incorrect the appellant being a member of Provincial cadre post is liable to be posted anywhere by the Competent Authority under law and she is bound to serve where she is posted.
- D. The para is based on mala fide, misleading concocted hence denied. The appellant has been transferred vide a general transfer posting order in accordance with law. No clause of policy has been mentioned by the appellant which has been violated by respondents in fact respondents acted as per law, rules and policy.
- E. As per paras above.
- F. Incorrect the appellant has not been penalized she has been transferred which is terms and conditions her service and is not penalty.
- G. Incorrect the competent authority has been empowered by Section 10 of the Khyber Pukhtunkhwa Civil Servant Act 1973 to transfer a civil servant at anytime to any other post even outside his cadre or province provided his terms & conditions of service is not affected .As per dictum, laid down by the apex court, in 2020 PLCCS 1207 Supreme Court,  
PLACE of service .Prerogatives of employer...Government servant was required to serve any where his employer wanted him to serve; it was not a

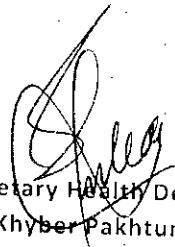
choice or prerogative of the employee to claim a right to serve at a place that he chose to serve.

Similarly in another judgment reported as 2004 PLC (CS) 705 S.C. It has been laid down that civil servant could not claim posting at a particular station or at the place of his choice. Competent authority, under 59 of the Punjab civil servant Act 1974, was empowered to transfer any civil servant from one place to other at anytime in exigencies of service or on administrative ground.

H. Legal however the respondents also seek permission of this honorable tribunal to adduce other grounds during final hearing.

It is therefore requested that the appeal of the appellant may kindly be dismissed with cost.

  
Director General Health Services  
Khyber Pakhtunkhwa  
Respondent No-3  
9/11

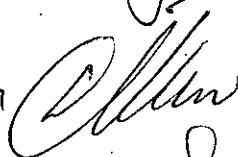
  
Secretary Health Department  
Khyber Pakhtunkhwa  
Respondent No-1&2

VERIFICATION

I, Mr. Ziaullah Deputy Secretary (Lit) Health Department hereby verify that the contents of the Petition are correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.

  
Deputy Secretary (Lit) Health Department  
(Zia Ullah)

Deputy Secretary (Lit) Health Department

Identified by  
AAG   
Service Tribunal  
Additional Advocate General  
Khyber Pakhtunkhwa  
Service Tribunal Peshawar



## INQUIRY REPORT

### Inquiry into the issues regarding a video which went viral on social media wherein, an outsider and a ward orderly were taking blood samples from patients in District Head Quarter Hospital Charsadda

**Background:** The undersigned was nominated as inquiry officer through an office order No 9651-54/HRM Dated 02/07/2021 by the Director General Health Services, Khyber Pakhtunkhwa (annexed-1) to probe into the matter regarding a video which went viral on social media wherein, an outsider and a ward orderly were taking blood samples from patients in DHQ Hospital Charsadda.

**Procedure:** As per direction of DGHS, letter No. 9680-83/E-1 Dated 02.07.2021 (annexed-II) I Dr. Sher Khan Director (HRM) DGHS, office visited DHQ Hospital Charsadda on 03<sup>rd</sup> July 2021, Discussions were held with the concerned Medical Superintendent, District Pathologist DHQ Hospital Charsadda, Khalid Usman I/C Blood Bank, Technician DHQ Hospital Charsadda and Mr. Jan Ali Ward Attendant DHQ Hospital Charsadda and their statements were recorded and review of the relevant records were conducted.

**Facts:** On the basis of the discussions, written statements and review of the records, the noteworthy findings are given as under:-

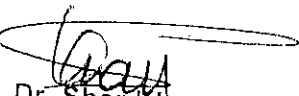
1. The Chief Executive Officer, Blood Transfusion Authority issued letter to MS DHQ Hospital Charsadda and Incharge Blood Bank, DHQ Hospital Charsadda regarding issues at Blood Bank highlighted on social media (annexed-III)
2. MS DHQ Hospital Charsadda called explanation from Mr Khalid Usman CT (Laboratory Technician) DHQ Hospital Charsadda upon that your son has been found in Laboratory illegally, simultaneously, Mr Jan Ali ward attendant/Ward Orderly has been shown collecting blood samples for viral screening of the patients (annexed-IV).
3. Letter of MS DHQ Hospital Charsadda Medical to Chief Executive Officer, Blood Transfusion Authority that the following steps were taken: (annexed-V).
  - a. Explanation was called upon from the concerned technician
  - b. Strict warning was issued to him
  - c. To rectify the said problem, Blood bank was shifted to ground floor adjacent to main lab for proper supervision.
4. Medical Superintendent DHQ Hospital Office Order for shifting of blood bank and physiotherapy mutually in the best interest of public (annexed-VI).
5. Statement of Mr Khalid Usman CT (Laboratory Technician) Blood Bank, DHQ Hospital Charsadda is attached as annexed-VII.
6. Statement of Mr. Jan Ali ward attendant is attached as annexed-VIII.
7. Warning issued by Medical Superintendent DHQ Hospital Charsadda (annexed-IX).

- 30
8. Facts report about the incident submitted by District Pathologist DHQ Hospital Charsadda with the following steps taken after the incident. (annexed - X)
- a. That Mr Hamza Khalid son of Khalid Usman CT Lab Technician and Mr Jan Ali Ward attendant were shown in the video performing blood bank tests. No one has taken permission from me as well as from Medical Superintendent about their work in the blood bank.
  - b. Explanation was called from Mr Khalid Usman CT Lab Technician (Blood Bank).
  - c. Warning was issued to Mr Khalid Usman CT Lab Technician (Blood Bank).
  - d. Blood Bank has shifted to the ground floor adjacent to the blood bank
  - e. Mr Jan Ali Ward Attendant has removed from Blood Bank
  - f. The hospital has eight technicians at present
  - g. In May, we have performed 12365 tests in the main laboratory.
  - h. In June, we have performed 18237 tests in the main laboratory.

**Conclusions/Recommendations:**

In light of the above facts and personal statements, the inquiry officers is of the view that:

1. Staff directly attached to Blood Bank i.e. Dr Waheed Alam District Pathologist, Mr Khalid Usman Lab Technician I/C Blood Bank and Mr Jan Ali Ward Attendant may issue warning to be careful and such practice should not be repeated in future otherwise they will be transferred to far flung area on administrative ground.
2. Medical Superintendent may be directed to be vigilant in future and keep close eyes on the officers/officials concerned.

  
Dr. Sher Khan  
Director (HR),  
DGHS, KP, Peshawar  
5.7.21

**BEFORE THE' HONORABLE KHYBER PAKFITUNKHWA SERVICE TRIBUNAL PESHAWAR**

**SERVICE APPEAL NO. 6727/2021**

Dr Jibran..... Appellant

Versus

Govt. of Khyber Pakhtunkhwa through Chief Secretary and others..... Respondents

**PARAWISE COMMENTS ON BEHALF OF RESPONDENTS**

**PRELIMINARY OBJECTIONS:-**

Respectfully Sheweth ;

1. That the Appellant has got neither cause of action nor locus standi to file the instant Appeal.
2. That the instant Appeal is against the prevailing Law and Rules.
3. That the Appeal is not maintainable in its present form.
4. That the Appellant has filed the instant Appeal with mala-fide intention hence liable to be dismissed.
5. That the Appeal is badly time barred.
6. That the Honourable Tribunal has no Jurisdiction to adjudicate upon the matter.
7. That the instant appeal is bad for mis-joinder of unnecessary and non-joinder of necessary parties.
8. The impugned transfer Notification has been issued in accordance with Section 10 of the Khyber Pakhtunkhwa Civil Servant Act 1973.

**FACTS**

1. Pertains to record.
2. Pertains to record.
3. Pertains to record however his performance was not above the mark.
4. Needs proof however the appellant along with other doctor's performance was not up to the mark and due to their unsatisfactory performance condition of the hospital was getting worse day by day. The performance of the appellants can best be judged from the report of DGHS And the referral report whereby they referred 2,224 cases out district and referred 2238 patients to other districts which remained till May, 2021 however

after the impugned Notification the refereed cases came down to 31. The Competent Authority prior to the impugned notification in order to improve the worse condition of the Hospital transferred the then MS Dr.Akhtar Ali and posted Dr.Janzeb as MS DHQ Hospital Charsadda vide Notification dated 23.05.2021 (copy of the reports is Annex-A).

5. As the appellants badly failed to perform their legal duties and the poor patients were left on the mercy of class IV however the competent authority initiated departmental proceedings against those who were involved in such illegal activities .(Copy of the inquiry report is annexure B).
6. Subject to proof however anyone who would be involved in any illegality would be proceeded departmentally and dealt with iron hands.
7. As per para 6 however it is not the duty of the appellant rather the Competent Authority would look into the matter. The appellant should have perform his duty which he badly failed to perform rather he indulged himself into extra activities which affected the public at large badly.
8. Already replied in para 6&7 above.
9. Already replied in para 6&7 above.
10. Incorrect. The appellant has not mentioned or annexed any complaint against the MS or DHO concerned to the replying respondents which may substantiate his claim in fact the appellant has been transferred vide notification dated 09.06.2021 which was issued by the Competent Authority in accordance with Section-10 of the Khyber Pakhtunkhwa Civil Servant Act 1973.however the appellant trying to pressurise the responding department through various forums illegally including young Doctor Association as well as professional doctor Associations.
11. Incorrect detail reply has been given in paras above in case of any illegality or irregularity the competent authority would deal such an official in accordance with law and rules however the appellant in order to misguide the honourable tribunal levelled some baseless allegations. The appellant being a civil servant may be transferred anywhere in accordance with law.
12. Pertains to record however the instant appeal has been filed pre maturely in utter violation of Section-4 of Civil Servant Act 1974 and the dictum laid down by apex Court as well as Service tribunal in various judgement hence the same is not maintainable.
13. Correct to the extent of writ petition which was dismissed by the honourable court however the inquiry has already been conducted .it is worth to mention that the incident has nothing to do with the transfe

order of the appellant as transfer is a routine matters and comes within his term and condition of his service.

14. Incorrect the appellant has been transferred in accordance with Section-10 of the Khyber Pakhtunkhwa Civil Servant Act 1973 as transfer and posting comes within terms and conditions of service therefore no vested right of the appellant has been violated by the respondents it is worth to mention that the instant appeal has been filed before this Honourable Tribunal prematurely in utter violation of Section-4 of Service Tribunal Act 1974.

**GROUND:**



- A. Incorrect. The impugned notification dated 01.06.2021 is in accordance with law rules and principal of natural justice.
- B. Incorrect the impugned notification has been issued in accordance with law and transfer and posting policy of the Provincial Government policy and in accordance with Section-10. As per Section-10 of the Khyber Pakhtunkhwa Civil Servant Act 1973 a Civil Servant may be posted any where even outside of his cadre where the Competent Authority want to utilize his services.
- C. Incorrect the appellant being a member of Provincial cadre post is liable to be posted anywhere by the Competent Authority under law and she is bound to serve where she is posted.
- D. The para is based on mala fide, misleading concocted hence denied. The appellant has been transferred vide a general transfer posting order in accordance with law. No clause of policy has been mentioned by the appellant which has been violated by respondents in fact respondents acted as per law, rules and policy.
- E. As per paras above.
- F. Incorrect the appellant has not been penalized she has been transferred which is terms and conditions her service and is not penalty.
- G. Incorrect the competent authority has been empowered by Section 10 of the Khyber Pukhtunkhwa Civil Servant Act 1973 to transfer a civil servant at anytime to any other post even outside his cadre or province provided his terms & conditions of service is not affected .As per dictum, laid down by the apex court, in 2020 PLCCS 1207 Supreme Court,  
PLACE of service .Prerogatives of employer...Government servant was required to serve any where his employer wanted him to serve; it was not a


choice or prerogative of the employee to claim a right to serve at a place that he chose to serve.

Similarly in another judgment reported as 2004 PLC (CS) 705 S.C. It has been laid down that civil servant could not claim posting at a particular station or at the place of his choice. Competent authority, under S 9 of the Punjab civil servant Act 1974, was empowered to transfer any civil servant from one place to other at anytime in exigencies of service or on administrative ground.

H. Legal however the respondents also seek permission of this honorable tribunal to adduce other grounds during final hearing.

It is therefore requested that the appeal of the appellant may kindly be dismissed with cost.

  
Director General Health Services  
Khyber Pakhtunkhwa  
Respondent No-3  


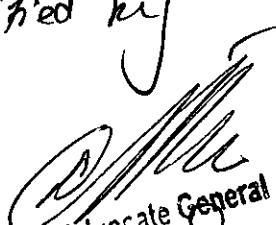
  
Secretary Health Department  
Khyber Pakhtunkhwa  
Respondent No-1&2

#### VERIFICATION

I, Mr. Ziaullah Deputy Secretary (Lit) Health Department hereby verify that the contents of the Petition are correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.

  
Deputy Secretary  
(Zia Ullah)

Deputy Secretary (Lit) Health Department

*Identified by*  
AAG   
Senior Additional Advocate General  
Khyber Pakhtunkhwa  
Service Tribunal Peshawar

**DIRECTORATE GENERAL HEALTH SERVICES  
KHYBER PAKHTUNKHWA, PESHAWAR**

(All communications should be addressed to the Director General Health Services Peshawar and not to any official by name.)

DG Office Ph # 091 - 9210269 Exchange # 091 - 9210187, 9210196 Fax # 091 - 9210230  
Website: <http://www.dghskp.gov.pk/> E-mail: [dghhealthkpk2014@gmail.com](mailto:dghhealthkpk2014@gmail.com)

No: 2063/ADGHS

Dated: 7/6/2021

To

The Secretary to Government of Khyber Pakhtunkhwa  
Health Department.

Subject: Report regarding District Headquarter Hospital Charsadda

Sir,

A. With reference to the subject cited, it is stated that the following committee was deputed to District Headquarter Hospital Charsadda through office order no 4841-47/DGHS/HRM dated 18/05/2020 upon the instructions of the honorable Health Minister. **(Annex A)**

1. Dr. Ikram Ullah Khan Additional Director General Health Services
2. Dr. Zafar Ali Khan Deputy Director HRM DGHS Office

B. In accordance with the ToRs, the committee performed the following tasks:

- i. Peads (Children) ward consisting of two wards, measles isolation and one Protein Calorie Malnutrition unit were brought into one place secured by one entrance.
- ii. Bed capacities of surgical and orthopedic units were enhanced.
- iii. New wards of Urology, Neurosurgery and Chest established
- iv. 04 dialysis Machines and 03 reverse osmosis (RO) machines were repaired.
- v. A new ward of Nephrology established.
- vi. 02 wheel chairs arranged on donation basis
- vii. 04 patient trollies repaired
- viii. 03 anesthesia machines were repaired
- ix. LED lights installed in the main OPD building
- x. Out Patient Departments (OPDs) established for Neurosurgery, Gastroenterology, Nephrology, Hakim and Homeo practitioner
- xi. One Doppler ultrasound and two cardiac monitors provided from DGHS office to the hospital.

C. It was reported that staff of DHQ Charsadda are involved in different un-ethical activities i.e. unwanted/ irrational referral of patients to other tertiary care hospitals, prescribing sub-standard drugs to the patients, blackmailing the hospital administration in the name of Unions and occupying patients' room illegally. **(Annexures B)**

20

**DIRECTORATE GENERAL HEALTH SERVICES  
KHYBER PAKHTUNKHWA, PESHAWAR**

(All communications should be addressed to the Director General Health Services Peshawar and not to any official by name.)

DG Office Ph # 091 - 9210269 Exchange # 091 - 9210187, 9210196 Fax # 091 - 9210230


Website: <http://www.dghskp.gov.pk/>


E-mail: [dghhealthkpk2014@gmail.com](mailto:dghhealthkpk2014@gmail.com)

D. After consultations with the previous and new Medical Superintendents, Independent Monitoring Unit monitors and Local Administration, following Health care service providers were recommended for administrative actions, to improve of hospital performance and provision of better health care services delivery.

S. No	Name	Designation
1.	Dr. Asghar Nawaz	Medical Officer
2.	Dr. Jibran Khan	Medical Officer
3.	Dr. Muhammad Waqas	Medical Officer
4.	Dr. Muhammad Tariq	Medical Officer
5.	Dr. Sikandar Zeb	Medical Officer
6.	Dr. Muhammad Kashif Javed	Medical Officer
7.	Dr. Maria Babar	Medical Officer
8.	Dr. Sami Ul Haq	Medical Officer
9.	Dr. Arshad Karim	Medical Officer
10.	Dr. Inam Ullah	Senior Medical Officer
11.	Dr. Khan Bahadar	DMS Administration
12.	Dr. Said Muhammad	Senior District Specialist Medicine
13.	Miss Noreen Tila	Charge Nurse
14.	Miss Shabana Nazir	Charge Nurse
15.	Miss Shakila Naz	Charge Nurse
16.	Syed Afzal Shah	Charge Nurse
17.	Miss Naila	Charge Nurse
18.	Muhammad Asif Latuf	Charge Nurse
19.	Mr. Shah Jehan	Office Assistant
20.	Mr Sher Akbar	Senior Clerk
21.	Mr. Wajid	Junior Clerk
22.	Mr. Qamar	Ward Orderly
23.	Mr. Touheed	Ward Orderly

E. Report is submitted for perusal and further necessary action please

  
Dr. Zafar Ali Khan  
Deputy Director  
DGHS Khyber Pakhtunkhwa

  
Ikram Ullah Khan  
Additional Director General (HS)  
DGHS Khyber Pakhtunkhwa





**DIRECTORATE GENERAL HEALTH SERVICES  
KHYBER PAKHTUNKHWA PESHAWAR**

All communications should be sent to the Director General Health Services  
Peshawar and not to any official by name. E-mail: [dgshs@kpk.gov.pk](mailto:dgshs@kpk.gov.pk)  
Office: 091-9210269 Fax: 091-9210183, 091-9210100, 091-9210210

**NOTIFICATION:**

Consequent upon the directions of Honorable Minister of Health, Khyber Pakhtunkhwa and Secretary to Government of Khyber Pakhtunkhwa Health Department, the undersigned has been pleased to depute the following officers of this Directorate to District Headquarter Hospital Charsadda for two weeks w.e. 18-05-2021.

1. Dr. Sikram Ullah Khan Additional Director General Health Services
2. Dr. Zafar Ali Khan Deputy Director (HRM)

They shall:

- i. Improve the Health services delivery to public
- ii. Improve cleanliness of the hospital
- iii. Ensure presence of the Hospital Staff round the clock
- iv. Propose any remedial changes.

—Sd—

**DIRECTOR GENERAL HEALTH  
SERVICES KHYBER PAKHTUNKHWA PESHAWAR**

No. 424-13/DGHS/HRM

Dated: 18/05/2021

Copy to:

1. Deputy Commissioner, District Charsadda
2. Medical Superintendent, DHQ Hospital Charsadda
3. PS to Minister for Health, Khyber Pakhtunkhwa Peshawar
4. PS to Secretary Health Department, Khyber Pakhtunkhwa Peshawar
5. Doctors Concerned

**DIRECTOR GENERAL HEALTH  
SERVICES KHYBER PAKHTUNKHWA PESHAWAR**



Provincial Monitoring Cell

Emergency Rescue Service (Rescue-1122)

Health Ambulances (Referral) Report



Consolidatory Report of Referral Emergencies (District Wise)

Date: 20-06-2021

S.No	District	Total Referral Case	With in District	Out District	Total Patient Shifted	Percentage of Out District Referral Case	Health Ambulance Service started date
1	Peshawar	2145	2145	0	2145	0.00	17-Dec-20
2	Mardan	1876	1644	232	1895	12.37	8-Jan-21
3	D.I.Khan	814	647	167	834	20.52	18-Jan-21
4	Swat	3,587	3,363	224	3,594	6.24	21-Dec-20
5	Abbottabad	610	538	72	610	11.80	2-Mar-21
6	Nowshera	1,071	366	705	1,082	65.83	12-Jan-21
7	Kohat	808	377	431	845	53.34	23-Jan-21
8	Harpur	372	127	245	389	65.86	20-Feb-21
9	Chitral	414	186	228	423	5.00	26-Jan-21
10	Charsadda	2,224	142	2,082	2,238	93.62	31-Dec-20
11	Swabi	1,809	469	1,340	1,839		8-Jan-21
12	Karak	759	321	438	801	57.71	28-Jan-21
13	Malakand	1,281	440	841	1,281	65.65	21-Jan-21
14	Hangu	359	53	306	359	85.24	12-Jan-21
15	Bajaur	470	90	380	477	80.85	25-Jan-21
16	Manshera	702	278	424	707	60.40	12-Feb-21
17	Buner	737	282	455	737	61.74	4-Jan-21
18	Khyber	928	24	904	942	97.41	13-Jan-21
19	Kohistan Upper	39	0	39	47	100.00	8-Jan-21
20	Kohistan Lower	96	1	95	99	98.96	4-Jan-21
21	Shangla	646	27	619	646	95.82	16-Jan-21
22	Dir Upper	1,038	183	855	1,051	82.37	2-Feb-21
23	Dir Lower	1,136	498	638	1,136	56.16	1-Feb-21
24	Bannu	43	14	29	44	67.44	28-Jan-21
25	Mohmand	702	111	591	717	84.19	13-Jan-21
26	Lakki Marwat	999	74	925	1,007	92.59	14-Jan-21
27	Kurram	190	20	170	192	89.47	21-Jan-21
28	Tank	426	56	370	426	86.85	26-Jan-21
29	Orakzai	190	11	179	190	94.21	1-Mar-21
30	Batagram	210	122	88	210	41.90	5-Jan-21
31	South Waziristan	108	6	102	108	94.44	22-Mar-21
32	North Waziristan	278	8	270	282	97.12	20-Jan-21
	Total	27067	12623	14444	27353	53.36	



**Provincial Monitoring Cell**  
**Emergency Rescue Service (Rescue-1122)**  
**Health Ambulances (Referral) Report**



**Consolidatory Report of Referral Emergencies (District Wise)**

							Date: 30-06-2021	
S.No.	District	Total Referral Case	With In District	Out District	Total Patient Shifted	Percentage of Out District Referral Case	Health Ambulances Service started date	
1	Peshawar	2226	2226	0	2226	0.00	17-Dec-20	
2	Mardan	2010	1769	241	2032	11.99	8-Jan-21	
3	D.I.Khan	852	677	175	874	20.54	18-Jan-21	
4	Swat	3,792	3,552	240	3,802	6.33	21-Dec-20	
5	Abbottabad	684	609	75	684	10.96	2-Mar-21	
6	Nowshera	1,137	391	746	1,149	65.61	12-Jan-21	
7	Kohat	863	403	460	903	53.30	23-Jan-21	
8	Haripur	409	140	269	429	65.77	20-Feb-21	
9	Chitral	444	192	252	455	5.00	26-Jan-21	
10	Charsadda	2,353	158	2,195	2,369	93.29	31-Dec-20	
11	Swabi	1,914	504	1,410	1,949	73.67	8-Jan-21	
12	Karak	826	349	477	870	57.75	28-Jan-21	
13	Malakand	1,371	463	908	1,371	66.23	21-Jan-21	
14	Hangou	381	57	324	388	85.04	12-Jan-21	
15	Bajaur	507	98	409	515	80.67	25-Jan-21	
16	Mansehra	768	295	473	772	61.59	12-Feb-21	
17	Buner	788	307	481	788	61.04	4-Jan-21	
18	Khyber	978	24	954	996	97.55	13-Jan-21	
19	Kohistan Upper	44	0	44	52	100.00	8-Jan-21	
20	Kohistan Lower	105	1	104	108	99.05	4-Jan-21	
21	Shangla	679	28	651	679	95.88	16-Jan-21	
22	Dir Upper	1,109	193	916	1,122	82.60	2-Feb-21	
23	Dir Lower	1,224	531	693	1,224	56.62	1-Feb-21	
24	Barnu	44	15	29	45	65.91	28-Jan-21	
25	Mohmand	741	117	624	757	84.21	13-Jan-21	
26	Lakki Marwat	1,066	77	989	1,076	92.78	14-Jan-21	
27	Kurram	203	20	183	205	90.15	21-Jan-21	
28	Tank	452	60	392	452	86.73	26-Jan-21	
29	Orakzai	207	11	196	207	94.69	1-Mar-21	
30	Batagram	236	129	107	236	45.34	5-Jan-21	
31	South Waziristan	129	10	119	130	92.25	22-Mar-21	
32	North Waziristan	297	9	288	301	96.97	20-Jan-21	
<b>Total</b>		<b>28839</b>	<b>13415</b>	<b>15,424</b>	<b>29166</b>	<b>53.48</b>		

19  
24

Provincial Monitoring Cell  
Emergency Rescue Service (Rescue-1122)



267

Health Ambulances (Referral) Report

June Monthly Report of Referral Emergencies (District Wise)

Apr-21

S.NO	District	Total Referral Case	With in District	Out District	Total Patient Shifted	Health Ambulances Service started date
1	Peshawar	295	295	0	295	17-Dec-20
2	Mardan	327	286	41	329	8-Jan-21
3	DI-Khan	181	148	33	187	18-Jan-21
4	Swat	593	562	31	593	21-Dec-20
5	Abbottabad	155	135	20	155	2-Mar-21
6	Nowshera	226	84	142	226	12-Jan-21
7	Kohat	155	68	87	160	23-Jan-21
8	Haripur	89	31	58	93	20-Feb-21
9	Chitral	92	48	41	92	26-Jan-21
10	Gharsadda	344	32	312	344	31-Dec-20
11	Swabi	372	87	285	382	8-Jan-21
12	Karak	148	47	101	151	28-Jan-21
13	Malakand	268	91	177	268	21-Jan-21
14	Hangu	80	9	71	80	12-Jan-21
15	Bajaur	87	14	73	91	25-Jan-21
16	Manshara	180	77	103	180	12-Feb-21
17	Buner	142	45	97	144	4-Jan-21
18	Khyber	161	4	157	163	13-Jan-21
19	Kohistan Upper	8	0	8	8	8-Jan-21
20	Kohistan Lower	15	0	15	16	4-Jan-21
21	Shangla	128	9	119	128	16-Jan-21
22	Dir Upper	235	58	177	236	2-Feb-21
23	Dir Lower	266	126	140	266	1-Feb-21
24	Banue	7	3	4	7	28-Jan-21
25	Mohmand	146	20	126	148	13-Jan-21
26	Lakki-Marwat	204	16	188	204	14-Jan-21
27	Kurram	32	4	28	32	21-Jan-21
28	Tank	77	11	66	77	26-Jan-21
29	Orakzai	58	4	54	58	1-Mar-21
30	Batagram	31	19	12	31	5-Jan-21
31	South Waziristan	23	2	21	23	22-Mar-21
32	North Waziristan	67	1	66	67	20-Jan-21

Provincial Monitoring Cell

Emergency Rescue Service (Rescue-1122)

Health Ambulances (Referral) Report



June Monthly Report of Referral Emergencies (District Wise)

May-21

Sl. No.	District	Total Referral Case	With in District	Out District	Total Patient Shifted	Health Ambulances Service started date
1	Peshawar	339	339	0	339	17-Dec-20
2	Mardan	383	336	47	390	8-Jan-21
3	Dir-Khan	172	128	44	172	18-Jan-21
4	Swat	541	508	33	565	21-Dec-20
5	Abbotabad	181	158	23	181	2-Mar-21
6	Nowshera	232	87	145	233	12-Jan-21
7	Kohat	191	90	91	188	23-Jan-21
8	Haripur	100	25	75	105	20-Feb-21
9	Chitral	109	45	64	114	26-Jan-21
10	Charsadda	368	27	341	377	31-Dec-20
11	Swabi	375	72	303	380	8-Jan-21
12	Karak	202	87	115	209	28-Jan-21
13	Malakand	243	74	169	243	21-Jan-21
14	Hangu	68	10	58	69	12-Jan-21
15	Bajaur	132	25	107	133	25-Jan-21
16	Manshera	164	89	75	167	12-Feb-21
17	Buner	164	58	106	164	4-Jan-21
18	Khyber	181	5	176	184	13-Jan-21
19	Kohistan Upper	11	0	11	17	8-Jan-21
20	Kohistan Lower	29	0	29	30	4-Jan-21
21	Shangla	126	4	122	126	16-Jan-21
22	Dir Upper	233	50	183	238	2-Feb-21
23	Dir Lower	253	108	145	253	1-Feb-21
24	Banue	10	0	10	10	28-Jan-21
25	Mohmand	153	33	120	162	13-Jan-21
26	Lakki Marwat	209	21	188	215	14-Jan-21
27	Kurrum	39	4	35	40	21-Jan-21
28	Tank	90	11	79	90	26-Jan-21
29	Orakzai	62	3	59	62	1-Mar-21
30	Batagram	64	29	35	64	5-Jan-21
31	South Waziristan	48	2	46	48	22-Mar-21
32	North Waziristan	76	1	75	78	20-Jan-21
	Total	5548	2429	3109	5646	



Provincial Monitoring Cell  
Emergency Rescue Service (Rescue-1122)



Health Ambulance Referral Report

June Monthly Report of Referral Emergencies (District Wise)

Jun-21

S.No	District	Total Referral Case	With In District	Out District	Total Patient Shifted	Health Ambulance Service started date
1	Peshawar	296	296	0	296	17-Dec-20
2	Mardan	409	374	35	414	8-Jan-21
3	D.I.Khannay	139	103	36	139	18-Jan-21
4	Swat	583	539	44	592	21-Dec-20
5	Abbottabad	211	195	16	211	2-Mar-21
6	Nowshera	188	72	116	189	12-Jan-21
7	Kohat	169	60	109	186	23-Jan-21
8	Haripur	120	41	79	129	20-Feb-21
9	Chitral	79	18	61	83	26-Jan-21
10	Charsadda	438	438	31	407	31-Dec-20
11	Swabi	339	91	248	345	8-Jan-21
12	Karak	187	79	108	191	28-Jan-21
13	Malakand	280	80	200	280	21-Jan-21
14	Hangu	60	13	47	63	12-Jan-21
15	Bajaur	101	23	78	102	25-Jan-21
16	Manshura	194	76	118	197	12-Feb-21
17	Buner	133	66	67	135	4-Jan-21
18	Khyber	155	0	155	164	13-Jan-21
19	Kohistan Upper	11	0	11	13	8-Jan-21
20	Kohistan Lower	27	0	27	28	4-Jan-21
21	Shangla	130	6	124	130	16-Jan-21
22	Dir Upper	228	29	199	231	2-Feb-21
23	Dir Lower	265	108	157	265	1-Feb-21
24	Banue	3	2	1	3	28-Jan-21
25	Mohmand	128	22	106	133	13-Jan-21
26	Lakki Marwat	211	15	196	215	14-Jan-21
27	Kurram	41	5	36	41	21-Jan-21
28	Tank	92	17	75	92	26-Jan-21
29	Orakzai	63	3	60	63	1-Mar-21
30	Batagram	63	25	38	63	5-Jan-21
31	South Waziristan	55	6	49	56	22-Mar-21
32	North Waziristan	62	1	61	64	20-Jan-21
	Total	5460	2803	2688	5520	

## INQUIRY REPORT

### Inquiry into the issues regarding a video which went viral on social media wherein, an outsider and a ward orderly were taking blood samples from patients in District Head Quarter Hospital Charsadda.

**Background:** The undersigned was nominated as inquiry officer through an office order No 9651-54/HRM Dated 02/07/2021 by the Director General Health Services, Khyber Pakhtunkhwa (**annexed-1**) to probe into the matter regarding a video which went viral on social media wherein, an outsider and a ward orderly were taking blood samples from patients in DHQ Hospital Charsadda.

**Procedure:** As per direction of DGHS, letter No. 9680-83/E-1 Dated 02.07.2021 (**annexed-II**) I Dr. Sher Khan Director (HRM) DGHS, office visited DHQ Hospital Charsadda on 03<sup>rd</sup> July 2021, Discussions were held with the concerned Medical Superintendent, District Pathologist DHQ Hospital Charsadda, Khalid Usman I/C Blood Bank Technician DHQ Hospital Charsadda and Mr. Jan Ali Ward Attendant DHQ Hospital Charsadda and their statements were recorded and review of the relevant records were conducted.

**Facts:** On the basis of the discussions, written statements and review of the records, the noteworthy findings are given as under:-

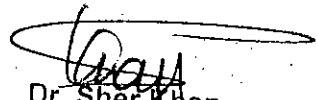
1. The Chief Executive Officer, Blood Transfusion Authority issued letter to MS DHQ Hospital Charsadda and Incharge Blood Bank, DHQ Hospital Charsadda regarding issues at Blood Bank highlighted on social media (**annexed-III**)
2. MS DHQ Hospital Charsadda called explanation from Mr. Khalid Usman CT (Laboratory Technician) DHQ Hospital Charsadda upon that your son has been found in Laboratory illegally, simultaneously, Mr. Jan Ali, ward attendant/Ward Orderly has been shown collecting blood samples for viral screening of the patients (**annexed-IV**).
3. Letter of MS DHQ Hospital Charsadda Medical to Chief Executive Officer, Blood Transfusion Authority that the following steps were taken: (**annexed-V**).
  - a. Explanation was called upon from the concerned technician
  - b. Strict warning was issued to him
  - c. To rectify the said problem, Blood bank was shifted to ground floor adjacent to main lab for proper supervision.
4. Medical Superintendent DHQ Hospital Office Order for shifting of blood bank and physiotherapy mutually in the best interest of public (**annexed-VI**).
5. Statement of Mr. Khalid Usman CT (Laboratory Technician) Blood Bank, DHQ Hospital Charsadda is attached as **annexed-VII**.
6. Statement of Mr. Jan Ali ward attendant is attached as **annexed-VIII**.
7. Warning issued by Medical Superintendent DHQ Hospital Charsadda (**annexed-IX**).

8. Facts report about the incident submitted by District Pathologist DHQ Hospital Charsadda with the following steps taken after the incident. (annexed - X)
- a. That Mr Hamza Khalid son of Khalid Usman CT Lab Technician and Mr Jan Ali ward attendant were shown in the video performing blood bank tests. No one has taken permission from me as well as from Medical Superintendent about their work in the blood bank.
  - b. Explanation was called from Mr Khalid Usman CT Lab Technician (Blood Bank).
  - c. Warning was issued to Mr Khalid Usman CT Lab Technician (Blood Bank).
  - d. Blood Bank has shifted to the ground floor adjacent to the blood bank.
  - e. Mr Jan Ali Ward Attendant has removed from Blood Bank
  - f. The hospital has eight technicians at present
  - g. In May, we have performed 12365 tests in the main laboratory.
  - h. In June, we have performed 18237 tests in the main laboratory.

**Conclusions/Recommendations:**

In light of the above facts and personal statements, the inquiry officers is of the view that:

- 1. Staff directly attached to Blood Bank i.e. Dr Waheed Alam District Pathologist, Mr Khalid Usman Lab Techncian I/C Blood Bank and Mr Jan Ali Ward Attendant may issue warning to be careful and such practice should not be repeated in future otherwise they will be transferred to far flung area on administrative ground.
- 2. Medical Superintendent may be directed to be vigilant in future and keep close eyes on the officers/officials concerned.

  
 Dr. Sher Khan  
 Director (HR),  
 DGHS, KP, Peshawar  
 5.7.21



**BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL**  
**PESHAWAR**

In Re S.A \_\_\_\_\_/2021

Dr. Jibran

**VERSUS**

Secretary Health & Others

**APPLICATION FOR CORRECTION OF PRAYER**

---

Respectfully Sheweth,

1. That the captioned case is pending adjudication before this hon'ble tribunal and is fixed for today i.e., 25/04/2022.
2. That inadvertently and mistakenly, District Peshawar has been mentioned instead of District Charsadda, which may kindly be read as District Charsadda in the heading of the prayer of the main service appeal.

*It is therefore, most humbly prayed that on acceptance of the instant application the "District Peshawar" may kindly be read as "District Charsadda" in the main Service Appeal.*

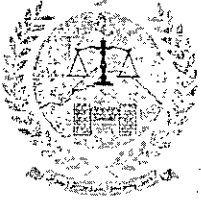
Dated: 25/04/2022

Appellant

Through

Javed Iqbal Gulbela

Advocate Supreme Court



**KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL, PESHAWAR**

No: 1125 /ST Dated: 24/5 /2022

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281  
Fax:- 091-9213262

To

The Secretary Health, Government of Khyber Pakhtunkhwa  
at Civil Secretariat Peshawar.

Subject: JUDGMENT IN APPEAL NO.6727 Dr. Jibran Khan.

I am directed to forward herewith a certified copy of judgment dated 26.04.2022 passed by this Tribunal on the above subject for compliance please.

Encl:As above

  
REGISTRAR

**KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL**  
**PESHAWAR**