

**ORDER**

13<sup>th</sup> Oct, 2022.

1. Appellant alongwith his counsel present. Mr. Atta Ur Rehman, Special Secretary and Mr. Fazal Ur Rehman, Director HR, DG Health, Peshawar alongwith Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

2. Vide my order of today placed in C.O.C No. 603/2022 titled "Dr. Jamil Ahmad-vs- Health Department Govt: of Khyber Pakhtunkhwa and others" (copy placed in this file), this appeal is also decided on the said terms. Costs shall follow the events. Consign.

3. *Pronounced in open court in Abbottabad and given under our hands and seal of the Tribunal on this 13<sup>th</sup> day of Oct, 2022.*



**(Kalim Arshad Khan)**  
Chairman

14<sup>th</sup> Sept, 2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl: AG for official respondents and counsel for respondent No.4 present

Written reply/comments on behalf of respondent No.4 submitted which is placed on file. A copy of the same is also handed over to the learned counsel for the appellant. To come up for arguments on 27.09.2022 before D.B. Operation of the impugned order shall remain suspended to the extent of appellant till the date fixed.


(Kalim Arshad Khan)  
Chairman


27.09.2022

Junior to counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General for official respondents No.1 to 3 present. Private respondent No.4 in person present.

Lawyers are on general strike, therefore, case is adjourned to 14.10.2022 for hearing before D.B.

  
(Fareeha Paul)  
Member (E)


  
(Rozina Rehman)  
Member (J)

27.07.2022

Petitioner alongwith his counsel present.

Muhammad Adeel Butt, learned Additional Advocate General alongwith Safi Ullah Focal Person for respondents present.

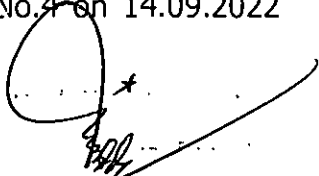
An application was submitted on behalf of the appellant seeking impleadment of Dr. Irfan Ud Din in the panel of respondents. This application was not objected to, hence, allowed and Dr. Irfan Ud din stands impleaded in the panel of respondents. Necessary correction be made with red ink. To come up for reply/comments on 30.08.2022 before S.B.

  
(Rozina Rehman)  
Member (J)

30.08.2022

Clerk of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for official respondents No. 1 to 3 present. Learned counsel for private respondent No. 4 present.

Reply/comments on behalf of official respondents No. 1 to 3 submitted which are placed on file. Copy of the same is handed over to clerk of learned counsel for the appellant. Reply/comments on behalf of private respondent No. 4 are still awaited. Learned counsel for private respondent No. 4 requested for time to submit reply/comments. Last opportunity is granted. Adjournd. To come up for reply/comments of private respondent No. 4 on 14.09.2022 before S.B.

  
(Mian Muhammad)  
Member (E)

4<sup>th</sup> July, 2022

Appellant alongwith his counsel present. Mr. Muhammad Adeel Butt, Addl: AG present.

None for the respondents present nor their written reply/comments have been submitted till date. Learned counsel for the appellant submits that the department had not taken any action on the order of this Tribunal, passed on 05.06.2022, suspending the operation of the impugned order of transfer of the appellant, to which a query was placed before the learned counsel for the appellant whether the appellant had relinquished charge of the post, the reply of learned counsel for the appellant was that the appellant had not yet relinquished the charge of the post from where he was transferred. It is, therefore, directed that the respondents shall not make any hindrance in the performance of the duties of the appellant because the operation of impugned order of transfer has already been suspended through order of this court, which further stands suspended. Respondents are directed to submit written reply/comments on the next date To come up for further proceedings on 27.07.2022 before S.B.



(Kalim Arshad Khan)  
Chairman

14<sup>th</sup> July, 2022

Today learned counsel for the appellant submitted an application for impleadment of one Dr. Irfan-ud-Din as respondent.

File was requisitioned on the request of learned counsel for the appellant. Notice of application be given to Dr. Irfan-ud-Din for the date already fixed.



(Kalim Arshad Khan)  
Chairman

15<sup>th</sup> June, 2022

Counsel for the appellant present.

Appellant is aggrieved of order dated 18.05.2022, whereby the appellant was transferred without completion of tenure from M/S DHQ Hospital Batkhela and was directed to report to Directorate General Health Services, Khyber Pakhtunkhwa. He submitted departmental appeal on 24.05.2022 which was regretted on 14.06.2022. It is contended that just 09 months before the appellant was transferred and posted as M/S DHQ Hospital Batkhela. Thus the impugned posting/ transfer order was against the posting/transfer policy of the government. Let the appeal be admitted to full hearing.

As to the application for suspension of the operation of the impugned order, it is directed that operation of the impugned order shall stand suspended to the extent of appellant till the date fixed subject to notice to the other side. The appellant is directed to deposit security and process fee within 10 days. To come up for written reply/comments on 04.07.2022.



(Kalim Arshad Khan)  
Chairman

Rs-500/-  
Appellant Deposited  
Security & Process Fee

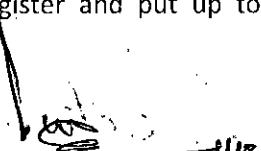
A. Hash  
16/6/22

Form- A

# FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- 917/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	15/06/2022	<p>The appeal of Dr. Jamil Ahmad resubmitted today by Mr. Ali Zman Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This case is entrusted to Single Bench at Peshawar for preliminary hearing to be put there on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p style="text-align: right;">CHAIRMAN</p>


This is an appeal filed by Dr. Jamil Ahmad today on 30/05/2022 against the order dated 18.05.2022 against which he preferred/made departmental appeal/representation on 24.05.2022 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 report 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 with also removing the following deficiencies.

- 1- ✓ Memorandum of appeal may be got signed by the appellant.
- 2- ✓ Copy of order mentioned in para-11 of the appeal (Annexure-T) is not attached with the appeal which may be placed on it.
- 3- ✓ Page no.20 of the appeal is illegible which may be replaced by legible/better one.

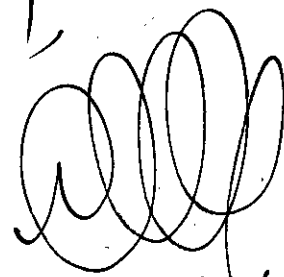
No. 1199 /ST,

Dt. 31/5 /2022.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Ali Zaman Khan Adv. Pesh.

All objections are cleared and final order is attached at Page No 75  
Ali Zaman Advocate  
annexure Dr. 1,



15/6/2022

**BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

Appeal No. 917 /2022

Dr. Jamil Ahmad , M.S (BS-19) Management Cadre, DHQ  
Hospital Batkhela, Malakand.

(Appellant)

**VERSUS**

Govt Khyber Pakhtunkhwa, through Chief Secretary, Khyber  
Pakhtunkhwa Peshawar and others.

(Respondents)

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**Appellant**

Through

ALI ZAMAN  
&  
ABDUL SAMAD DURRANI

Advocates

High Court Peshawar



**BEFORE THE KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL PESHAWAR**

Khyber Pakhtunkhwa  
Service Tribunal

Appeal No. 917 /2022

Diary No. 838

Dated 30/05/2022

Dr. Jamil Ahmad, Medical Superintendent (BPS-19)  
Management Cadre DHQ Hospital Batkhela, Malakand S/O  
Abdullah Resident of Mohallah Amir Abad, Balogram, Tehsil  
Babo zai, District Swat.

(Appellant)

**VERSUS**

1. The Govt Khyber Pakhtunkhwa, through Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
2. Secretary Health, Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
3. Director General Health Services, Khyber Pakhtunkhwa, Civil Secretariat Peshawar.

4. *Dr. Arfanuddin, Medical Superintendent*  
*D.H.Q. Hospital Batkhela.* (Respondents)

*Under order sheet*  
*DT 27-7-22*  
**Filed to-day**

**Registrar**

*30/5/2022*

<p><b>APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE NOTIFICATION NO. SOH(E-V)/4-4/2022, DATED 18.05.2022, WHEREBY THE APPELLANT WAS TRANSFERRED FROM MEDICAL SUPERINTENDENT, DHQ HOSPITAL BATKHELA, MALAKAND TO PESHAWAR, AGAINST WHICH THE DEPARTMENTAL APPEAL DATED 24.05.2022 WAS INSTITUTED BEFORE RESPONDENT NO. 02, AND TILL DATE NO RESPONCE HAS BEEN GIVEN.</b></p>
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**Re-submitted to -day  
and filed.**

**Registrar**

*15/6/2022*

**Prayer in Appeal: -**

On acceptance of this appeal the impugned Notification dated 18.05.2022 may please be set-aside/ Cancelled and the appellant may pleased be allowed to continue his duties as Medical Superintendent DHQ Hospital Batkhela, Malakand.

Respectfully Submitted:

Compendium of the facts from which the present appeal arises are as under:-

1. That the appellant was initially appointed as Medical Officer (BPS-17) in the Health Department in the year 1995 and later on was promoted to Senior Medical Officer (BPS-18) and presently serving as Medical Superintendent Management Cadre (BPS-19).
2. That after the promulgation of the Khyber PakhtunKhwa Health (Management) Services Rules 2008, the appellant opted for Management Cadre and since then the appellant is serving in Management Cadre.
3. That the appellant has perform his duty from his initial appointment with full devotion, zeal and zest and no complaint whatsoever regarding his performance yet by the respondents, which clearly proves that the appellant is hard working and devoted person and all of the sudden without any complaint, Notice, the Respondent No. 02 transferred the appellant from Medical Superintendent DHQ Hospital Batkhela, Malakand to Peshawar which speaks of the Respondents' mala-fide intention, illegal, Unlawfull, without jurisdiction without law full authority, viod ab initio and ineffective upon the legal and valid rights of the appellant.

4. That it is pertinent to mention here that the appellant has been transferred four times in last one year i.e. from Swat to Bunair on April 2021, then from Bunair to Peshawar on May 2021, thereafter from Peshawar to Batkhela on July 2021 and now again without any complaint and completion of his tenure transferred from Batkhela to Peshawar Vide Notification Dated: 18.05.2022 illegally, unlawfully with mala-fide intention just to harass him for some ulterior motive because the appellant has arrested one tout in the hospital carrying out laboratory tests to his own private laboratory, who was written complained by community and private laboratory holders on 28 April, who is the brother of "PTI Mayor" Batkhela and arresting report was submitted to Respondent No. 3 upon which he threaten the appellant for dire consequences and in the result, transferred the appellant from Batkhela by using political influence. (Copies of Notification Dated: 18.05.2022 and written complaint and Letter to DGHS Peshawar Vide No. 4490-98/DHQ/F, Dated: 28.04.2022 and Posting Order Notification No. SOH(E-VP/4-4/2021 Dated: 09.07.2021 are attached as Annexure "A", "B", "C", "D" & "E")
5. That the said illegal transfer by the Respondent No. 02 is the result of Political Victimization and being the result of personal benefits because the appellant has submitted letter regarding the "Inquiry Into The Scheme Of Improvement And Standardization Of DHQ Hospital Batkhela District Malakand" Dated: 16.04.2022 against the contractors who made corruption of millions Rupee, to the Chairman Provincial Inspection Team Khyber Pakhtunkhwa (PIT) besides that four doctors/ paramedical staff who have political affiliation relived due to bad /absent, performance through disciplinary action committee implementation by the appellant. (Copy of Letter Regarding PIT Inquiry No. 4085-96/DHQ/ADP Dated: 16.04.2022 and Letter No. 4552-55/DHQ/PF Dated: 29.04.2022 are attached as Annexure "F" & "G")

6. That regarding the illegal transfer respectable citizens as well as the P.W.D Labour Union K.P.K has condemned and submitted an applications to Respondent No. 1 having Reference No. 243/5, Dated: 23.05.2022 and Reference No. 242/5, Dated: 23.05.2022 and Reference No. 244/5, Dated: 23.05.2022 and besides that a Junior Doctor of Management Cadre (BS-18) was transferred on the post of (BPS-20) which is against the Health Policy because on the said post a (BPS-20) or (BPS-21) officer must be appointed which clearly shows that the said transfer is based on favoritism and personal benefits by the Respondent No. 2. (Copies of Applications Reference No. 243/5, Dated: 23.05.2022 and Reference No. 242/5, Dated: 23.05.2022 and Reference No. 244/5, Dated: 23.05.2022 and Facebook Posts are attached as Annexure "H", "I", "J" & "K")
7. That it is pertinent to mention here that during tenure of the appellant as Medical Superintendent DHQ Hospital Batkhela, the appellant's Hospital received Best Performance Award from IMU (International Monitoring Unit) and becomes on the top position in the whole province besides that a (Sehat Sahulat Program) starts in July 2017 and till July 2021 approximately total 3500 operations were done in (Sehat Sahulat Program) and in the last 9 months under the supervision of appellant total 8000 operations were done which clearly shows the performance of the Hospital which the appellant maintain by his hard work besides that the appellant has listed for Promotion Training BPS-20 by Letter No. SOH(E-V)/4-4/2022/Promotion Training/Management BS-19 to BS-20, Dated: 16.05.2022. (Copies of IMU Performance Data, Newspaper Cutting and Record of Sehat Sahulat Program are attached as Annexure "L", "M" & "N")

8. That life threats from unknown sources networks were received to the appellant to quit MS Position due to which the appellant suffers mental stress and agony in this regards the appellant submitted reports to Respondent No. 3 as well as DG Anti Corruption and DG FIA. (Copies of Letters Dated: 30.04.2022 are attached as Annexure "O" & "P")
9. That the appellant throughout agitated the matter in department by filing application and departmental appeal, but the department remained reluctant and finally dismissed the departmental appeal of the Appellant. (Copy of Departmental Appeal and Order are attached as annexure "Q" "Q-1").
10. That the transfer of the appellant is violation of the rationalization policy of the Government of Khyber Pakhtunkhwa and also against the aim and objectives or spirit of the said rationalization policy in order to improve the health care. (Copy of Notification of Rationalization Policy is attached as annexure "R").
11. That previously the appellant was transferred illegally and unlawfully by Respondent No. 2 due to political Victimization in the year 2020 upon which the appellant has filed an appeal before this Honorable Tribunal which was decided in favour of the appellant. (Copies of the Appeal and Order are attached as Annexure "S" & "T")
12. That the Notification impugned is liable to be set aside/ Cancelled inter alia on the following grounds: -

**Grounds of Appeal:**

- A. That the appellant has not been treated in accordance with law, moreover, it is a result of political victimization which resulted in illegal transfer of the appellant.
- B. That the impugned Notification is illegal, void abinitio, with malafide intentions, without lawful authority, jurisdiction, and ineffective upon the rights of the appellant, hence liable to be cancelled.
- C. That the appellant has served only for nine months at Batkhela as Medical Superintendent DHQ Hospital Batkhela, Malakand, and has not yet completed his normal tenure of posting and thus the transfer order is illegal and unlawful, moreover the same is in violation of posting and transfer policy of the Provincial Government and also against the Judgments of the Superior Courts Reported in PLD 1995 SC 530 and PLD 2013 SC 195.
- D. That even otherwise it is also not in the interest of the Department to make rolling stone its employee, on one hand the working of the department is disturbed while on the other hand the employee is humiliated and his family life is disturbed.

E. That it is pertinent to mention here that the appellant has been transferred four times in the last one year without any complaint, notice or any reason and now all of the sudden again transferred the appellant from Batkhela to Peshawar illegally unlawfully based on political influence and victimization. The appellant has been transferred total nine times since 2014 which is totally unlawful and illegal against the posting transfer policy of the provincial government and violation of the rights of the appellant.

F. That in fact there exist no exigencies of service nor the order of transfer can be termed as in the public interest, rather it was issued just to humiliate and victimize the appellant.

G. That the August Supreme Court of Pakistan has in its Judgment in Constitutional Petition No. 23/2012 decided on 18.10.2012, decided a point of law and while commenting upon the transfer and posting and other related matters of service held as under;

- i. Appointments, Removals and Promotions must be made in accordance with the law and the rules made there under. Where no such law or rule exists and the matter has been left to discretion, such discretion must be exercised in a structured, transparent and reasonable manner and in the public interest.

ii. *Tenure, posting and transfer. When the ordinary for a posting has been specified in the law or rules made there under, such tenure must be respected and cannot varied, except for compelling reasons, which should be recorded in writing and are judicially reviewable.*

iii. *Illegal Orders. Civil servants owe their first and foremost allegiance to the law and the Constitution. They are not bound to obey orders from superiors which are illegal or are not in accordance with accepted practices and rule, based norms; instead, in such situations, they must record their opinion and, if necessary, dissent.*

H. *That similarly in an identical nature in Writ Petition No. 4119-P/2019, this Honorable Court has rendered a judgment, wherein the respondents therein were strictly directed to implement and follow the posting, transfer and placement policy of provincial government in letter and spirit without any discrimination, however, the respondents in the instant case have ignore hence violated the said policy.*

I. *That the impugned Notification has been issued against the rationalization policy of the Provincial Government of Khyber Pakhtunkhwa, which is gross miss conduct of the authority.*


J. *That the transfer and posting on the direction of Chief Minister / Minister and other political figures has been declared illegal time and again by the superior courts.*



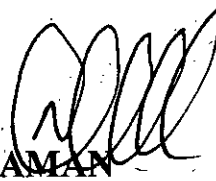
K. That the appellant has performed his duty with great zeal and devotion, hard work and till date no complaint of the appellant has registered to the respondents, in this regard guidance may be taken from the ACR's of the appellant.

L. That the other grounds will be raised, if any, at the time of arguments, with the permission of this Honble Tribunal.


It is therefore prayed that on acceptance of this appeal the impugned Notification No. SOH(E-V)/4-4/2022, dated 18.05.2022 may please be set-aside/ Cancelled and the appellant may please be allowed to continue his duties as Medical Superintendent DHQ Hospital Batkhela, Malakand.

  
Appellant

Through

  
ALI ZAMAN

&

  
ABDUL SAMAD DURRANI  
Advocates High Court, Peshawar

**AFFIDAVIT**

I, Dr. Jamil Ahmad, Medical Superintendent (BPS-19) Management Cadre DHQ Hospital Batkhela, Malakand S/O Abdullah Resident of Mohallah Amir Abad, Balogram, Tehsil Babo zai, District Swat, do hereby solemnly affirm and declare that the contents of the above appeal are true and correct to the best of my knowledge and belief and that nothing has been kept back or concealed from this Honourable Tribunal.

  
DEPONENT



10

**BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

Appeal No. 2022

Dr. Jamil Ahmad, Medical Superintendent (BPS-19)  
Management Cadre DHQ Hospital Batkhela, Malakand S/O  
Abdullah Resident of Mohallah Amir Abad, Balogram, Tehsil  
Babozai, District Swat. (Appellant)

**VERSUS**

Khyber Pakhtunkhwa, through Chief Secretary, Khyber  
Pakhtunkhwa Peshawar and others. (Respondents)

**APPLICATION FOR SUSPENSION OF THE  
IMPUGNED NOTIFICATION NO. SOH(E-V)/4-  
4/2022, DATED 18.05.2022, TILL THE  
FINAL DISPOSAL OF THE INSTANT APPEAL.**

Respectfully Submitted:

1. That the appellant has filed the accompanied service appeal in which no date has been fixed so far.
2. That all the grounds raised in the main appeal may kindly be considered as part and parcel of the instant application.
3. That the appellant has Prime facie and arguable case, and balance of convenience also lies in favor of the appellant/applicant.
4. That if the impugned notification is not suspended, the applicant/appellant will suffer irreparable loss, which cannot be compensated in terms of money or else.

(11)

5. That valuable rights of the applicant/appellant are involved in the case hence the instant application may be allowed, in best interest of the justice.


It is therefore prayed that on acceptance of this application the order of the impugned Notification may kindly be suspended till final disposal of the Appeal.

  
Appellant

Through

  
ALIZAMAN

&

  
ABDUL SAMAD DURRANI  
Advocates  
High Court, Peshawar

#### AFFIDAVIT

I, Dr. Jamil Ahmad, Medical Superintendent (BPS-19) Management Cadre DHQ Hospital Batkhela, Malakand S/O Abdullah Resident of Mohallah Amir Abad, Balogram, Tehsil Babo zai, District Swat, do hereby solemnly affirm and declare that the contents of the above appeal as well as the application are true and correct to the best of my knowledge and belief and that nothing has been kept back or concealed from this Honourable Tribunal.



  
DEPONENT

**BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

Appeal No. \_\_\_\_/2022

Dr. Jamil Ahmad, Medical Superintendent (BPS-19)  
Management Cadre DHQ Hospital Batkhela, Malakand S/O  
Abdullah Resident of Mohallah Amir Abad, Balogram, Tehsil  
Babo zai, District Swat.

(Appellant)

**VERSUS**

Govt Khyber Pakhtunkhwa, through Chief Secretary, Khyber  
Pakhtunkhwa Peshawar and others.

(Respondents)

**APPLICATION FOR SUSPENSION OF THE  
IMPUGNED NOTIFICATION NO. SOH(E-V)/4-  
4/2022, DATED 18.05.2022, TILL THE  
FINAL DISPOSAL OF THE INSTANT APPEAL.**

**Respectfully Submitted:**

1. That the appellant has filed the accompanied service appeal in which no date has been fixed so far.
2. That all the grounds raised in the main appeal may kindly be considered as part and parcel of the instant application.
3. That the appellant has Prime facie and arguable case, and balance of convenience also lies in favor of the appellant/applicant.
4. That if the impugned notification is not suspended, the applicant/appellant will suffer irreparable loss, which cannot be compensated in terms of money or else.

GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT



Dated Peshawar the 18<sup>th</sup> May, 2022

**NOTIFICATION**

**NO. SOH/E-V/4-4/2022**

The following posting/transfer of doctors is hereby ordered, with immediate effect, in the best public interest-

S.NO.	NAME	FROM	TO
1.	Dr. Jameel Ahmad Management Cadre (BS-19)	Medical Superintendent, DHO Hospital Baithele, Malakand	Report to Directorate Health Services, Khyber Pakhtunkhwa
2.	Dr. Irfan ud Din, Management Cadre (BS-18)	Medical Superintendent, Dargal Hospital, Malakand	Medical Superintendent (BS-20), DHO Hospital Baithele, Malakand in his own pay & scale vice S.No. 1. He will also hold the additional charge of the post of MS, Cal-D Hospital Dargal, Malakand until further orders.

SECRETARY HEALTH  
GOVERNMENT OF KHYBER PAKHTUNKHWA

No. 10417-1052 Encl. of even No. & Date  
Copy to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
3. District Health Officer, Malakand.
4. District Accounts Officer, Malakand.
5. Medical Superintendent, DHO Hospital Baithele, Malakand.
6. Deputy Director (IT), Health Department, with the direction to upload the notification on official website.
7. PS to Minister for Health Department, Khyber Pakhtunkhwa.
8. PS to Secretary Health Department, Khyber Pakhtunkhwa.
9. Doctors concerned.
10. Personal file of the doctors concerned.

SECTION OFFICER (E-V)

8-5-2022

THE GOVERNMENT OF KHYBER PAKHTUNKHWA

*(Signature)*

Annexure "A"

12

Annexure "B"

The MS,  
AHQ Hospital Batkhela.

Subject : Application for complaint against Staff Members of AHQ hospital Lab Working as Touts.

R/Sir,

It is stated in your honor that few staff member working in pathology department have there own Private labs out side of hospital. They collect Samples in hospital lab counter and deliver These into Specific Lab .

Therefore it Is requested In Your Honor from the entire laboratory union to take some serious action against these touts .

Regards  
Laboratory Union Of Batkhela.

Attention  
Pathologist

EST

Strictly prohibited this illegal practice.

Circulate an office order of pathologist - otherwise will face consequences as per rules regulations.

High Court Peshawar.

0331 584549

Silal

(2) Mian Waqas Ahmad  
0345-9865279

(3) Q. Wali  
Waseem Khan

(4) Zorif  
Qudus-ud-din

(5) K. M. Usman  
Usman Lab.

(6) U. Baqir  
Ubaid Ullah

(7) M. Uguil  
M. Uguil

(8) Shah Khisro  
Shah Khisro

(9) Biqeen  
Biqeen

(10) Waqar

312

(11) Ali  
Alichaq

(12) Hamza Jaffer  
Hamza Jaffer

(13) Prof. H. USMAN

(14) Numan

Babat Numan Mashwani

Attested  
[Signature]  
Advocate  
High Court Peshawar.



OFFICE OF THE  
MEDICAL SUPERINTENDENT DIIQ HOSPITAL,  
BATKHEL

10  
Annexure 'C'

Phone No. (0932) 410242, Fax No. (0932) 410243  
Email: dhqh\_btk\_mkd@hotmail.com

Dated: 28/04/2022

No. 4490-90 DIIQ/P

To  
The Director General Health Services  
Khyber Pakhtunkhwa, Peshawar

Subject: COMPLIANT AGAINST LABORATORY STAFF MEMBER OF DIIQ HOSPITAL  
BATKHEL WORKING AS TOUTS

R/Sir:  
It is stated that union of private laboratories submit compliant (photocopy attached) to this office that some private personals come to hospital lab and pick the innocent patients to their private laboratory. The undersigned directed the HOD pathology to investigate the matter, to know the actual position about the private personal coming to pathology department for doing malpractice. He informs the undersigned that one Mr. Adnan Ward orderly Night Shift is regularly come to pathology department in morning shift doing this malpractice.

Today on 28<sup>th</sup> April 2022 during my routine round to pathology department I saw Mr. Adnan Ward Orderly in front of Pathology unit, on asking him about what he is doing here, in reply he used harsh words in front of my staff as well as patient attendant that this is my hospital and I will come and no one can stop me because I am the brother of Mr. Nasir Khan newly elected as Tehsil Chairman. Then the undersigned handover the concerned to local police station but due to interference of local politicians he is released on assurance basis that he will never repeat such practice in future.

Report is submitted please.

Medical Superintendent  
DIIQ Hospital Batkhela

No 4490-90 IPF

Copy to the: -

- PS To Minister Health Khyber Pakhtunkhwa
- PS to Secretary Government of Khyber Pakhtunkhwa Health department, Peshawar
- PA to Director General Health Services Khyber Pakhtunkhwa, Peshawar
- DMS (Administration)

Medical Superintendent  
DIIQ Hospital Batkhela

Attested  
High Court Peshawar





GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

Annexure 'D'

Dated Peshawar the July 09, 2021

**NOTIFICATION**

**NO. SOH(E-V)/4-4/2021**

The Competent Authority is pleased to order posting/transfer of the following doctors in the best public interest with immediate effect -

S.NO	NAME	FROM	TO
1	Dr Arshad Amir Management (BS-20) Cadre	Waiting for posting	District Health Officer (Dr Lower) against the vacant post
2	Dr Muhammad Tanq Management (BS-19) Cadre	District Health Officer Buner	Medical Superintendent King Abdullah Teaching Hospital Mansehra. vice S No 4
3	Dr Nasreen Akbar Management (BS-19) Cadre	BS Govt Maternity Hospital Peshawar (Additional Charge)	Medical Superintendent Govt Maternity Hospital Peshawar against the vacant post
4	Dr Shahzad Ali Management (BS-19) Cadre	Medical Superintendent, King Abdullah Teaching Hospital Mansehra	Deputy District Health Officer, Mansehra against the vacant post
5	Dr Rahim Khattak Management (BS-19) Cadre	Waiting for posting	District Health Officer, Buner against the vacant post
6	Dr Jamil Ahmad Management (BS-19) Cadre	Waiting for posting	Medical Superintendent, DHQ Hospital Batkhela, Malakand, vice S No 7
7	Dr Saeed Ur Rehman Management (BS-19) Cadre	Medical Superintendent, DHQ Hospital Batkhela, Malakand	Principal, Paramedical Institute of Medical Technology Saidu Sharif, Swat against the vacant post
8	Dr Niaz Afridi Management (BS-19) Cadre	Director, Provincial Health Services Academy, Peshawar.	Medical Superintendent, DHQ Landikotal, Khyber vice S No.9.
9	Dr Nekdad Khan Management (BS-18) Cadre	Medical Superintendent, DHQ Hospital Landikotal, Khyber.	Director, Public Health, Directorate General Health Services, Khyber Pakhtunkhwa against the vacant post


*Attested*  
High Court

10	Dr. Ayub Munir, Ali Shah, Senior Medical Officer (MB-10)	Nawaz Sharif Kidney Hospital, Swat	Medical Superintendent, Nawaz Sharif Kidney Hospital, Swat in OPS against the vacant post
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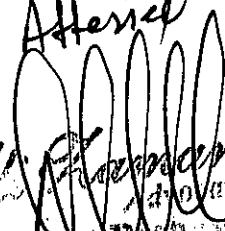
SECRETARY HEALTH  
GOVERNMENT OF KHYBER PAKHTUNKHWA

End of even No. & Date  
Copy to the :

- 1 Accountant General, Khyber Pakhtunkhwa, Peshawar
- 2 Director General Health Services, Khyber Pakhtunkhwa, Peshawar
- 3 Director General, DCSA, Khyber Pakhtunkhwa
- 4 All District Health Officers, Khyber Pakhtunkhwa
- 5 All Medical Superintendents, DHO Hospital, Khyber Pakhtunkhwa
- 6 All District Accounts Officer, Khyber Pakhtunkhwa
- 7 Deputy Director (II), Health Department, with the direction to upload the notification on official website
- 8 PS to Minister for Health Department, Khyber Pakhtunkhwa
- 9 PS to Secretary Health Department, Khyber Pakhtunkhwa
- 10 Doctors concerned.
- 11 Personal file of the doctors concerned.

*09/11/21*  
  
(Laili-Ur-Rehman)  
SECTION OFFICER (E-V)

Section Officer (E-V)  
Health Department  
Khyber Pakhtunkhwa

*Attended*  
  
Advocate  
High Court Peshawar



Government of Khyber Pakhtunkhwa,  
Health Department

18

Annexure "E"

Dated Peshawar the 29<sup>th</sup> April, 2021

**NOTIFICATION**

**NO. SOH (E-V)/4-4/2021** In partial modification of this department Notification of even No. dated 05.04.2021, the Competent Authority is pleased to direct withdraw the posting of Dr. Jamil Ahmad (BS-19), under transfer to Medical Superintendent, DHQ Hospital Daggar Buner, with the direction to Report to Directorate General Health Service, Khyber Pakhtunkhwa, Peshawar, with immediate effect, in the best public interest.

2. Consequent upon the above, Dr. Fazal Wahab (BS-18) is hereby authorized to look after charge of the post of Medical Superintendent, DHQ Hospital Daggar Buner.

**Secretary Health  
Government of Khyber Pakhtunkhwa**

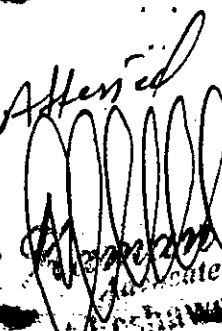
**Endst. of even No. & Date.**

Copy to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
3. Medical Superintendent, DHQ Hospital, Buner.
4. Deputy Director (IT), Health Department, with the direction to upload the notification on official website.
5. PS to Minister for Health Department, Khyber Pakhtunkhwa.
6. PS to Secretary Health Department, Khyber Pakhtunkhwa.
7. Doctors concerned.
8. Personal files of the doctors concerned.

  
(Latif-Ur-Rehman)  
SECTION OFFICER (E-V)

29.4.21

*Attended*  
  
Dr. Fazal Wahab  
Medical Superintendent  
DHQ Hospital Daggar Buner  
Peshawar.

(19)

**GOVERNAMNET OF KHYBER PAKHTUNKHWA**  
**OFFICE OF THE MEDICAL SUPRINTENDENT DHQ(H) DAGGAR DISTRICT BUNER**  
EMAIL;dhqhbuner@gmail.Com PHONE & FAX NO. 0939-510223  
**CERTIFICATE OF THE TRANSFER OF CHARGE**

Certified that I Dr.Jamil Ahmad S/O Mr.Abdullah BPS-19 have taken charge have Before noon taken over charge of the office DHQ(H)Daggar Buner as a Medical Superintendent DHQ(H)Daggar BS-19 After relinquished

With reference to Secretary Health Govt; of KP Health Department notification No.SOH(E-V) 2-2/2021 dated 05/04/2021. posting/transfer S.No.07 Transferring of Dr.Jamil Ahmad S/O Mr.Abdullah BPS-19 at DHQ(H)Daggar Buner

2. Particulars of Cash and Important/secret/Confidential documents handed over/taken over tare noted on the reverse.

Station: DHQ(H) Daggar Buner  
Dated; 07/04/2021

Signature of relived:  
Government servant:  
Designation:

Dr.Jamil Ahmad BS-19  
M.S DHQ(H) Daggar Buner BS-19

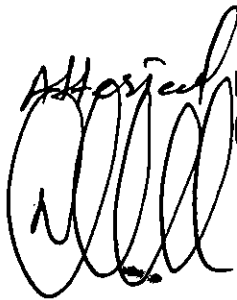
Signature of government  
Servant receiving  
Charge.....  
dated 07/04/2021

Medical Superintendent  
D.H.Q Hospital Daggar Buner

Endst; No. 1030-34/PF  
From

- To,
1. The Accountant General KPK Peshawar
  2. The Director General Health Services KPK Peshawar
  3. The DAO Buner
  4. The above named officer
  5. Acctt;/Estab Section;

The charge of the office of .....MSDHQ(H)Buner .....  
Was transferred from Mr/Miss \_\_\_\_\_  
To Mr/Miss \_\_\_\_\_  
On the fore noon of the \_\_\_\_\_  
After \_\_\_\_\_

*Attested*  


Medical Superintendent DHQ(H)  
(Daggar) District Buner

Medical Superintendent  
D.H.Q Hospital Daggar Buner



# OFFICE OF THE MEDICAL SUPERINTENDENT

DISTRICT HEADQUARTER HOSPITAL BATAKHELA

Phone: + (9324) 10242 Fax No. (9324) 416243 Email: dhq@kpk.gov.pk info@dhqbatkhele.com

www.facebook.com/dhqbatk

90

Dated: 10<sup>th</sup> April 2022

No. 4085-36 /DHQ/ADP

To,

The Chairman Provincial Inspection Team  
Khyber Pakhtunkhwa

Annexure 'F'

Subject:-

**INQUIRY INTO THE SCHEME "IMPROVEMENT AND STANDARDIZATION OF DHQ HOSPITAL BATAKHELA DISTRICT MALAKAND"**

Sir,

Reference to the meeting held on 3<sup>rd</sup> March 2022 at the office of Chairman Provincial Inspection Team, under your kind Chairmanship, and subsequent meeting held on 10<sup>th</sup> March 2022 chaired by Special Secretary Health (B&D) Khyber Pakhtunkhwa, on PIT Enquiry report regarding the subject noted above.

It is stated that according to the directions of PIT the contractors of the same work were directed to complete all the pending work within one Month up to 18<sup>th</sup> March 2022, but till date no such progress has been made by the contractors concerned, and the deficiencies already identified still exist, i.e. Nonfunctional Elevators and defective VRF system as well as some deficiencies in building structure, due to which some precious Equipment, are damaged due to dribbling / seeping of ceilings in main (1) where costly equipment are installed. Currently image Intensifier damaged due to dribbling of ceiling which Cause to lost Government Exchequer, they will compensate the damage of precious equipment also, cause by dribbling / seeping of ceiling. Unless these deficiencies are timely addressed, the government Exchequer may suffer huge financial losses. It is further added that institution has paid Rs. 5 million against the power consumed during construction of the building before official handover. This outstanding electricity dues, to be paid by the contractors are still pending though they have promised multiple time that they will pay it.

So in order to ensure the smooth running of the Hospital business and provide quality service to the suffering patients, it is requested that the concerned contractors may strictly be directed to immediately complete the deficiencies already identified.

It is also recommended that the contractors may please be blacklisted throughout the country, which was already strictly directed and convey on the spot to the concerned contractors beside this the call deposit may be forfeited that health department may make necessary arrangements to sort out the deficiencies (VRF, Civil Work and Elevators and other).

MEDICAL SUPERINTENDENT  
DHQ Hospital Batakhele

**Endst: No and Dated Even**

Copy forwarded for information to:

- > The Secretary C&W Department Govt: of Khyber Pakhtunkhwa, Peshawar.
- > The Secretary Health Govt: of Khyber Pakhtunkhwa.
- > The Special Secretary Health (B&D) Govt: of Khyber Pakhtunkhwa.
- > The Secretary Good Governance Khyber Pakhtunkhwa.
- > The Director General Health Services Khyber Pakhtunkhwa, Peshawar.
- > The Commissioner Malakand Division at Saidu Shurf Swat.
- > The Chief Planning Officer Health Department Peshawar.
- > The Chief Engineer C&W Department Malakand Division.
- > The Provincial Director Crimes Anti-Corruption Khyber Pakhtunkhwa.
- > The Deputy Commissioner Malakand
- > The Executive Engineer C&W Department Malakand.

MEDICAL SUPERINTENDENT  
DHQ Hospital Batakhele

BETTER COPY

(Go A)

**OFFICE OF THE MEDICAL SUPERINTENDENT  
DISTRICT HEADQUARTER HOSPITAL BATKHELA**

No. 4085-96/DHQ/ADP

DATED: 16<sup>th</sup> April 2022

To,

The Chairman Provincial Inspection Team  
Khyber Pakhtunkhwa

Subject:- INQUIRY INTO THE SCHEME "IMPROVEMENT AND  
STANDERIZATION OF DHQ HOSPITAL BATKHELA DISTRICT  
MALAKAND"

Sir,

Reference to the meeting held on 3<sup>rd</sup> March 2022 at the office of Chairman Provincial Inspection Team, under your kind Chairmanship, and subsequent meeting held on 10<sup>th</sup> March 2022 chaired by special Secretary Health (B&D) Khyber Pakhtunkhwa, on PIT Enquiry report regarding the subject noted above.

It is stated that according to the directions of PIT the contractors of the same work were directed to complete all the pending work within one month up to 18<sup>th</sup> March 2022, but till date no such progress has been made by the contractors concerned, and the deficiencies already indentified still exists. i.e. Nonfunctional Elevator and defective VRF system as well as some deficiencies in building structure, due to which some precious equipment, are damaged due to dribbling / seeping of ceiling in main OT where costly equipment are installed. Currently image intensifier damaged due to dribbling of ceiling which cause to lost Government Exchequer, they will compensatè the damage of precious equipment also, cause by dribbling / seeping of ceiling. Unless these deficiencies are timely addressed, the government exchequer may suffer huge financial losses. It is further added that institution has paid Rs. 5 million against the power consumed during construction of the building before official handover. This outstanding electricity dues, to be paid by the contractors are still pending though they have promised multiple time that they will pay it.

So in order to ensure the smooth running of the Hospital business and provide quality service to the suffering patients, it is requested that the concerned contractors may strictly be directed immediately complete deficiencies already identified.

(go B)

It is also recommended that the contractors may pleased be blacklisted throughout the country, which was already strictly directed and convey on the spot to the concerned contractors beside this the call deposit may be forfeited that health department may make necessary arrangements to sort out the deficiencies (VRF, Civil Work and Elevators and Others).

**MEDICAL SUPERINTENDENT  
DHQ HOSPITAL BATKHELA**

**Endst: No and Dated Even**

Copy forwarded for information to:

- The Secretary C & W Department Government: of Khyber Pakhtunkhwa, Peshawar.
- The Secretary Health Govt: of Khyber Pakhtunkhwa.
- The Special Secretary Health (B & D) Govt: of Khyber Pakhtunkhwa.
- The Secretary Good Governance Khyber Pakhtunkhwa.
- The Director General health Services Khyber Pakhtunkhwa, Peshawar.
- The commissioner Malakand Division at Saidue Sharif Swat.
- The Chief Planning Officer Health Department Peshawar.
- The Chief Engineer C & W Department Malakand Division.
- The Provincial Director Crimes Anti-Corruption Khyber Pakhtunkhwa.
- The Deputy Commissioner Malakand
- The Executive Engineer C&W Department Malakand

**MEDICAL SUPERINTENDENT  
DHQ HOSPITAL BATKHELA**



**GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT**

No. 1-36/SPO-II/Health/P&D/2020-21/DHQ Malakand

Dated Peshawar, the 03<sup>rd</sup> March 2022

To

- i. The Chief of Section (Health),  
Planning & Development Department.
- ii. The Chief Engineer (North)  
C&W Department Swat.
- iii. The Medical Superintendent,  
DHQ Hospital Batkhela Malakand.
- iv. The Executive Engineer C&W Division,  
Malakand.

Subject: **INQUIRY INTO THE SCHEME "IMPROVEMENT &  
STANDARDIZATION OF DHQ HOSPITAL BATKHELA MALAKAND**

I am directed to refer to the subject cited above and to inform that a meeting has been scheduled to be held under Chairmanship of Special Secretary (B&D) on **10.03.2021 at 11:30 am** in his office to discuss the subject scheme.

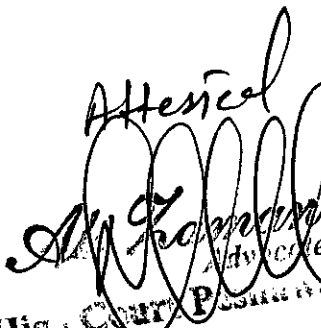
It is therefore, requested to make it convenient to attend the meeting on the above mentioned date, time and venue please.

Copy to:-

1. PS to Secretary Health Khyber Pakhtunkhwa.
2. PA to Chief Planning Officer, Health Department.

  
(Romana Sarwar)  
PLANNING OFFICER-II

  
PLANNING OFFICER-II

Attested  
  
Advocate  
High Court Peshawar.



22

Annexure 'G'



**OFFICE OF THE MEDICAL SUPERINTENDENT**

**DISTRICT HEADQUARTER HOSPITAL BATAKHELA**

Phone. # 0932410242 Fax No. (0932) 410243 Email: [dhqh\\_btk\\_mkcd@hotmail.com](mailto:dhqh_btk_mkcd@hotmail.com)

[www.facebook.com/dhqhbtbk](http://www.facebook.com/dhqhbtbk)

No. 4552-55 /DHQ/PF

Dated. 29<sup>th</sup> April 2022

To,

The Regional Director Health  
Malakand Division

Subject: - RELIVING ORDER

Sir,

It is stated that the following doctors / paramedical staff relived from this institute due to habitual absentees and unprofessional behavior, to the DGHS KP, but till now no such response received from the DGHS office.

1. Dr. Muhammad Fawad Medical Officer (Letter No. 2951-56/PF, dated. 17/3/2022)
2. Dr. Rooh Ullah Medical Officer (Letter No. 2781-84/PF, dated. 15/3/2022)
3. Dr. Arshad Ali Medical Officer (Letter No. 2785-89/PF, dated. 15/3/2022)
4. Mr. Shaukat Ali CT Pathology (12016-20/PF, dated. 09/12/2021)

It is, therefore, requested that to kindly expedite the to vacate the posts of medical officers to enable this office to issue NOC's for new comer, in the best public interest please.

  
**MEDICAL SUPERINTENDENT**  
DHQ Hospital Batakhelela

**Endst: No and Dated Even**

Copy forwarded for information to:

- > PS to Minister Health, Government of Khyber Pakhtunkhwa, Peshawar.
- > PS to Secretary Health, Government of Khyber Pakhtunkhwa, Peshawar.
- > PA to DGHS Khyber Pakhtunkhwa, Peshawar.

  
High Court Peshawar.

  
**MEDICAL SUPERINTENDENT**  
DHQ Hospital Batakhelela



Recognized by The KPDK Government of Pakistan



پاکستان ورکرز یونین  
P.W.U. Labour Union KPDK

C&W Deptt Reg No: 43043A

PAKISTAN WORKER FEDERATION

Affiliated with A.I.P.F.I.F. in Federation of Labour

Affiliated with International Confederation of Free Trade Unions (ICFTU)

GUL ZAMEEN  
President  
0346-365419

HAF SYED GHAFAR SHAH  
Senior Vice President  
0331-8365419

SHAHNAWAZ KHAN  
General Secretary  
0346-3658073

SHUJA UDDIN  
Vice President  
0340-9853538

GUL NAWAB  
Vice President  
0340-9853715

DR. S. K. HAN

R.T.O 24/2/15

Annexure I

بخدمت جناب چیف جسٹس صاحب ہائی کورٹ پشاور  
دفعہ 18 دہریہ ڈی. ایچ. ڈی. ہسپتال میں ملازمین کی درخواستیں رجسٹریشن اور رجسٹریشن کے لئے

جناب عالی

بہت اہم کے ساتھ کہ اس کی جاتی ہے کہ گزشتہ سال کے ہسپتال میں ملازمین کی درخواستیں رجسٹریشن کے لئے  
رہے ہیں۔ لیکن اس وقت تک کہ اس کے لئے اس کے لئے اس کے لئے اس کے لئے اس کے لئے اس کے لئے اس کے لئے  
کہ اس کے لئے اس کے لئے اس کے لئے اس کے لئے اس کے لئے اس کے لئے اس کے لئے اس کے لئے اس کے لئے  
اس کے لئے اس کے لئے اس کے لئے اس کے لئے اس کے لئے اس کے لئے اس کے لئے اس کے لئے اس کے لئے اس کے لئے  
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اس کے لئے اس کے لئے اس کے لئے اس کے لئے اس کے لئے اس کے لئے اس کے لئے اس کے لئے اس کے لئے اس کے لئے  
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اس کے لئے اس کے لئے اس کے لئے اس کے لئے اس کے لئے اس کے لئے اس کے لئے اس کے لئے اس کے لئے اس کے لئے  
اس کے لئے اس کے لئے اس کے لئے اس کے لئے اس کے لئے اس کے لئے اس کے لئے اس کے لئے اس کے لئے اس کے لئے  
اس کے لئے اس کے لئے اس کے لئے اس کے لئے اس کے لئے اس کے لئے اس کے لئے اس کے لئے اس کے لئے اس کے لئے

پ. و. یو.  
پاکستان ورکرز یونین

Handwritten signature

0343-328301/2/0343-0327000





ملاکنڈ کہ mpa شکیل

خان کانیا کارنامہ

تحصیل ناظم کہ

بھائی سرکاری

ہسپتال سے اپنی

پرائیوٹ لیبارٹری سے

ٹسٹ روکنے

پر ہسپتال ایم۔ ایس

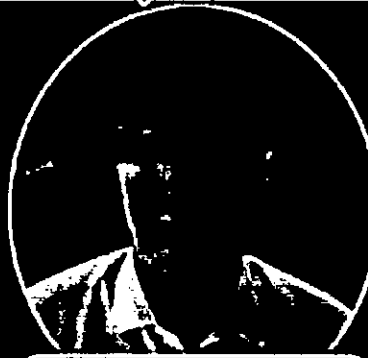
تاریخ  
 Ali Raza  
 High Court  
 Peshawar.

• جناب محمود خان وزیر اعلیٰ خیبر پختونخوا • جناب صوبائی وزیر صحت خیبر پختونخوا  
• جناب چیف سیکرٹری صاحب خیبر پختونخوا • جناب سیکرٹری ہیلتھ خیبر پختونخوا

آپ صاحبان سے ہمدردانہ اپیل ہے کہ DHQ ہسپتال بٹ خیالہ کے ایم ایس ڈاکٹر جمیل احمد ایک دیانتدار، تجربہ کار آفیسر ہے جس کا زندہ ثبوت صوبہ بھر میں اچھی کارکردگی کی بنیاد پر دوسرے نمبر پر ہے جبکہ ڈاکٹر جمیل احمد کا تعیناتی کا پیر میڈ بھی پورا نہیں ہوا۔ ان کا تبادلہ کر کے ضلع ملاکنڈ کے عوام سے سخت ظلم و زیادتی کی گئی ہے۔ ڈاکٹر جمیل صاحب نے ہسپتال میں کرپشن اور لوٹ مار کے تمام راز سے بند گردیئے تھے اور ہسپتال بہتری کی جانب گامزن تھا۔ برائے مہربانی! ڈاکٹر جمیل احمد کا تبادلہ منسوخ کر کے عوام پر رحم کریں۔ یاد رہے کہ جو ایم ایس تعینات کیا گیا وہ گریڈ 18 کے جو نیئر ڈاکٹر ہے جبکہ ہیلتھ پالیسی کے مطابق گریڈ 20 یا 21 ہونا ضروری ہے۔ یہ ضلع ملاکنڈ سے سراسر ظلم و نا انصافی ہے۔ لہذا آپ صاحبان سے ضلع ملاکنڈ کے عوام اور سرکاری تنظیمیں ہمدردانہ اپیل کرتے ہیں کہ جس نے بھی یہ سازش کی ہے انکے خلاف کارروائی کرنے کے احکامات صادر فرمائیں اور واقعی سزا دی جائیں اور ڈاکٹر کو سفر کے وجوہات عوام کو بتایا جائیں۔



گل زمین صوبائی صدر  
پی ڈی ایڈی لبریشن خیبر پختونخوا



پیر سعید خان صدر  
آل ایچ چارم ہاؤس میں تعلیم ضلع ملاکنڈ



سلیم خان صدر ایچکا  
دس چیئر مین آل گورنمنٹ اسپتال  
کوآرڈینیشن کونسل و سٹریٹ ملاکنڈ

جاری کردہ: پی ڈی ایڈی لبریشن خیبر پختونخوا



29

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Zahir Shah  
23 May at 05:02 · 🌐

ایم ایس تحصیل ہیڈ کوارٹر اسپتال درگی ملاکنڈ کے ایم ایس اور کلرک نے ملی بھگت کر کے قومی خزانے کو ہسپتال کے دیواروں پر صفائی کے نام پر لاکھوں روپے خوربورڈ کر کے کرپشن کرنے کا انکشاف ، انتہائی معتبر ذرائع سے معلوم ہوا ہے کہ وزیراعلیٰ خیبر پختونخوا محمود خان کادورہ درگی ملاکنڈ منسوخ ہونے کے باوجود ایم ایس تحصیل ہیڈ کوارٹر اسپتال درگی ملاکنڈ نے صفائی وغیرہ پر لاکھوں روپے بل پاس کر کے کرپشن کے ریکارڈ قائم کر دی بعض محکموں کے افسران کے لیے اس طرح ناکام اور ادھوری دورے سونے چڑیاں بن جا تے ہیں ایم پی اے و ڈیڈک چئیرمین ملاکنڈ پیر مصور خان غازی ، ڈپٹی کمشنر ملاکنڈ اور محکمہ اینٹی کرپشن اس واقعات کی تحقیقات کر کے تحصیل ہیڈ کوارٹر اسپتال درگی ملاکنڈ ایم ایس اور کلرک کے خلاف کارروائی کی جائے

*Handwritten signature and notes:*  
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Mian Mushtaq Ahmad  
Yes should take action against them



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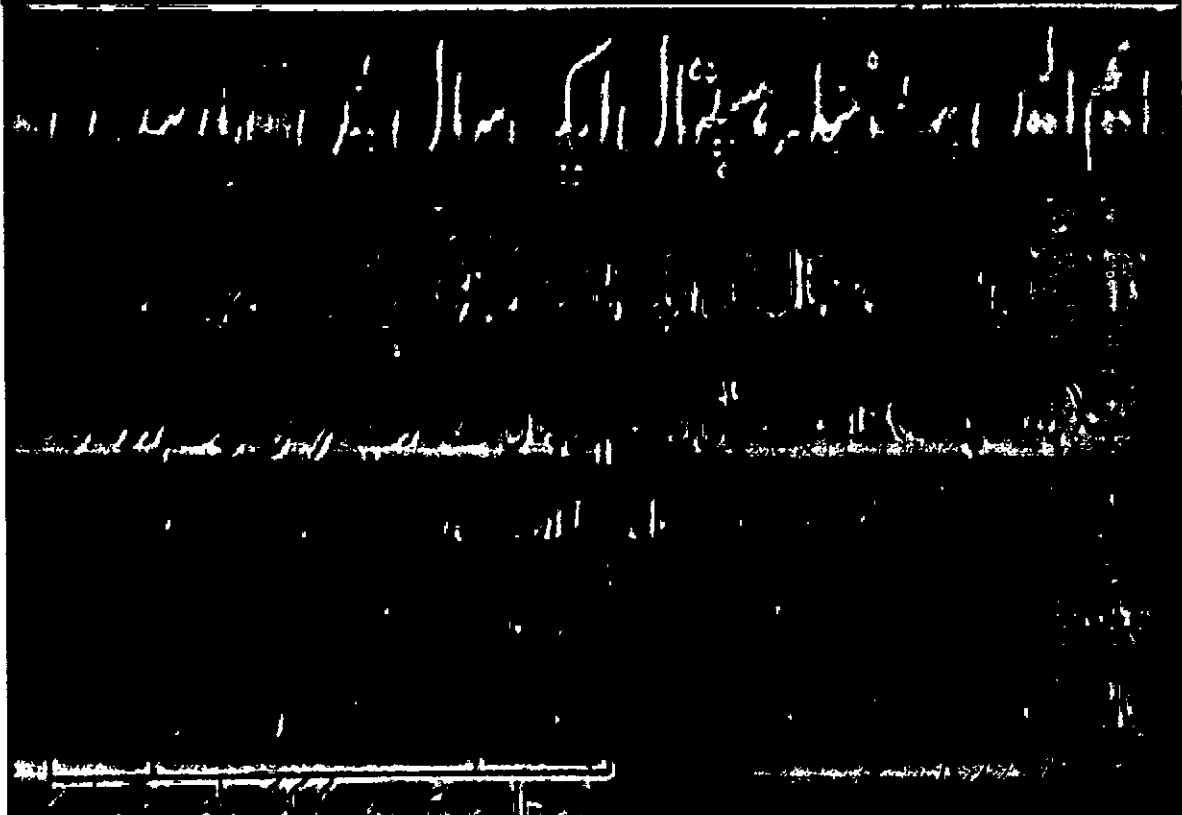
Muhammad Ilyas

1m · 🌐

Answer "K"

نام کے کیٹگری اے بٹ خیلہ ہسپتال جس پر کاغذوں میں تقریباً ایک ارب تیس کروڑ روپے خرچ ہوئے ہیں سابقہ ایم ایس محترم ڈاکٹر جمیل احمد جو کہ ایک تجربہ کار اور سینئر 20 گریڈ کا آفسر ہے انہوں نے اس ہسپتال میں جتنی کروڑوں روپوں کی کرپشن ہوئی ہے ان کی نشاندہی کارروائی جس پر صوبائی اسپیکشن ٹیم نے انکواری کی اور زمرہ داران کے خلاف کارروائی کا حکم بھی دیا ہے جس میں ٹھیکیدار اور سی اینڈ ڈبلیو ڈی پارٹنٹ ملوث ہیں ہیلتھ مافیاں نے کرپشن کی نشاندہی پر متعلقہ ایم ایس صاحب کی ٹرانسفر کرائی اور ایک جونیئر ڈاکٹر کو جو اس پوسٹ کے لیے قانونی طور پر بھی اہل نہیں ہے ان کی جگہ ٹرانسفر کرائی یہ ہے اس ضلع ملاکنڈ کی ممبران اسمبلی کا انصاف ہم محترم چیف سیکرٹری خیبر پختون خواہ سے درخواست کرتے ہیں کہ بٹ خیلہ ہسپتال میں جس نے بھی کرپشن کی ہے ان کے خلاف قانونی کارروائی کرے اور ڈاکٹر جمیل احمد کی ٹرانسفر کینسل کرے

Ali Raza  
High Court Peshawar.



Handwritten Urdu text, partially obscured and difficult to read.

Handwritten signature and text, including the name 'Muhammad Rab Nawaz' and some illegible scribbles.

Muhammad Rab Nawaz

حقیقت کیا ہے خدا جانے؟؟؟  
کتنا ہی اچھا ہوتا کہ اس ٹاؤٹ کا نام بھی سامنے لایا جاتا۔  
بہر کیف سرکاری اداروں میں سیاسی مداخلت کم نہیں بلکہ اور بڑھی  
ہے۔۔۔۔۔

1 HOUR AGO

Burhan Ali Khan and 2 others

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# مرزمت مرزمت مرزمت

جم ایم ایس بٹ خیلہ ہسپتال کی سیاسی جھالے کی مرزمت کرتے ہیں

ایک ایچ ایم ایس کو ایک عظیم کی سازش پر مجبور کرنا عظیم ہے

اس مخالفانہ فیصلے کے خلاف کل سی ایچ ڈی بیوروں میں جنگی اجلاس طلب کیا ہے ساتھی پروڈکٹ شرکت کو تقصیر بنانے

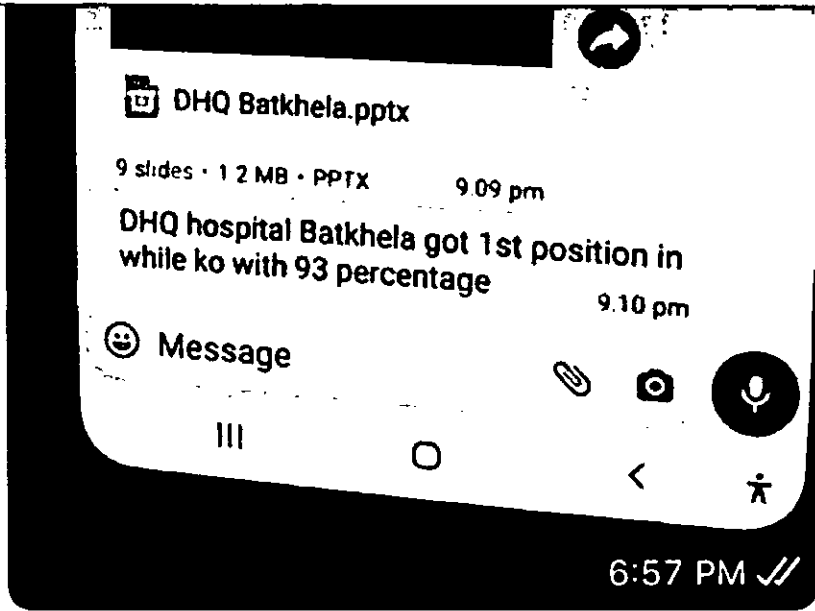


مخائب  
صدر گل زمین خان  
پی ڈی بیورو کی لیبرری میں

MAI AKAND

TIMES

Attorney  
Ali Qasim  
Associate  
Peshawar.  
High Court



- کٹیگری اے اسپتال بٹ خیلہ کے ایم اس کو  
پورے صوبے میں اول نمبر پر آنے اور اسکے بسٹ  
پرفارمنس پر تبدیل کیا گیا۔ -

6:57 PM ✓

نام کے کینٹری اے بٹ خیلہ اسپتال جس پر کاغذوں  
میں تقریباً ایک ارب تیس کروڑ روپے خرچ ہوئے  
ہیں سابقہ ایم ایس محترم ڈاکٹر جمیل احمد جو کہ ایک تجربہ  
کار اور سینئر 20 کرپڈ کا آفسر سے انہوں نے اس  
ہسپتال میں جتنی کروڑوں روپوں کی کرپشن ہوئی ہے  
ان کی نشاندہی کی جس پر صوبائی اسپیکشن ٹیم نے  
انکواری کی اور ذمہ داران کے خلاف کارروائی کا حکم  
بھی دیا ہے جس میں ٹھیکیدار اور سی اینڈ ڈبلیو  
ڈی پارٹنٹ ملوث ہیں ہیلتھ مافیا نے کرپشن کی  
نشاندہی پر متعلقہ ایم ایس صاحب کی ٹرانسفر کرانی اور  
ایک جوینئر ڈاکٹر کو جو اس پوسٹ کے لیے قانونی طور پر  
بھی اہل نہیں ہے ان کی جگہ ٹرانسفر کرانی یہ ہے اس  
ضلع ملاکنڈ کی ممبر ان اسپتال کا انصاف ہم محترم چیف  
سیکرٹری غیر ہتھون خواہ سے درخواست کرتے ہے کہ  
بٹ خیلہ اسپتال میں جس نے بھی کرپشن کی ہے ان  
کے خلاف قانونی کارروائی کرے اور ڈاکٹر جمیل احمد کی

7:07 PM ✓



نام کے کیٹگری اے بٹ خیلہ ہسپتال جس پر کاغذوں میں تقریباً ایک ارب تیس کروڑ روپے خرچ ہوئے ہیں سابقہ ایم ایس محترم ڈاکٹر جمیل احمد جو کہ ایک تجربہ کار اور سینئر 20 گریڈ کا آفسر سے انہوں نے اس ہسپتال میں جتنی کروڑوں روپوں کی کرپشن ہوئی ہے ان کی نشاندہی کی جس پر صوبائی اسپیکشن ٹیم نے انکوآری کی اور زمہ داران کے خلاف کارروائی کا حکم

بھی دیا ہے جس میں ٹھیکیدار اور سی اینڈ ڈبلیو ڈیپارٹمنٹ ملوث ہیں ہیلتھ مافیاں نے کرپشن کی نشاندہی پر متعلقہ ایم ایس صاحب کی ٹرانسفر کرائی اور ایک جونیئر ڈاکٹر کو جو اس پوسٹ کے لیے قانونی طور پر بھی اہل نہیں ہے ان کی جگہ ٹرانسفر کرائی یہ ہے اس ضلع ملاکنڈ کی ممبران اسمبلی کا انصاف ہم محترم چیف سیکرٹری خیبر پختون خواہ سے درخواست کرتے ہیں کہ بٹ خیلہ ہسپتال میں جس نے بھی کرپشن کی ہے ان کے خلاف قانونی کارروائی کرے اور ڈاکٹر جمیل احمد کی ٹرانسفر کینسل کرے

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Pak TV Malakand

23h · 🌐

نام کے کیئرگری اے بٹ خیلہ ہسپتال جس پر کاغذوں میں تقریباً ایک ارب تیس کروڑ روپے خرچ ہوئے ہیں سابقہ ایم ایس محترم ڈاکٹر جمیل احمد جو کہ ایک تجربہ کار اور سینئر 20 گریڈ کا آفسر ہے انہوں نے اس ہسپتال میں جتنی کروڑوں روپوں کی کرپشن ہوئی ہے ان کی نشاندہی کی جس پر صوبائی اسپیکشن ٹیم نے انکواری کی اور زمرہ داران کے خلاف کارروائی کا حکم بھی دیا ہے جس میں ٹھیکیدار اور سی اینڈ ڈبلیو ڈی پارٹنٹ ملوث ہیں ہیلتھ مافیا نے کرپشن کی نشاندہی پر متعلقہ ایم ایس صاحب کی ٹرانسفر کرائی اور ایک جوینئر ڈاکٹر کو جو اس پوسٹ کے لیے قانونی طور پر بھی اہل نہیں ہے ان کی جگہ ٹرانسفر کرائی یہ ہے اس ضلع ملاکنڈ کی ممبران اسمبلی کا انصاف ہم محترم چیف سیکرٹری خیبر پختون خواہ سے درخواست کرتے ہیں کہ بٹ خیلہ ہسپتال میں جس نے ہمیں کرپشن دکا سے ال



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Peshawar

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

Dated Peshawar, the 18<sup>th</sup> May, 2022

**NOTIFICATION**

**NO. SOHIE-V/14-4/2022**

The following posting/ transfer of doctors is hereby ordered, with immediate effect, in the best public interest:-

S.NO.	NAME	FROM	TO
1.	Dr. Jameel Ahmad Management Cadre (BS-19)	Medical Superintendent, DHO Hospital, Batiheela, Matakand	Report to Directorate General Health Services, Khyber Pakhtunkhwa
2.	Dr. Irfan ud Din, Management Cadre (BS-18)	Medical Superintendent, Cat-D Hospital Matakand	Medical Superintendent (BS-20), DHO Hospital Batiheela, Matakand in his own pay & scale vice S.No. 1. He will also hold the additional charge of the post of MS, Cat-D Hospital Dargal, Matakand until further orders.

SECRETARY HEALTH  
GOVERNMENT OF KHYBER PAKHTUNKHWA

No. 1042-1052 Endat. of even No. & Date

Copy to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
3. District Health Officer, Matakand.
4. District Accounts Officer, Matakand.
5. Medical Superintendent, DHO Hospital Batiheela, Matakand.
6. Deputy Director (IT), Health Department, with the direction to upload the notification on official website.
7. PS to Minister for Health Department, Khyber Pakhtunkhwa.
8. PS to Secretary Health Department, Khyber Pakhtunkhwa.
9. Doctors concerned.
10. Personal file of the doctors concerned.

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High Commissioner  
Peshawar.

SECTION OFFICER (E-V)

Tauseef H Khan and 2 others

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21.	Dr. Sahib Gul, Management Cadre (BS-20)	Director (MCH), Directorate General Health Services, Khyber Pakhtunkhwa	Additional Director General (Admn) Directorate General Health Services, Khyber Pakhtunkhwa against the newly created post
22.	Dr. Naseem Khan Afridi, Management Cadre (BS-20)	Medical Superintendent, Cat-D Hospital, Badshah Peshawar	Medical Superintendent, Cat-D Hospital, Badshah Peshawar against the newly upgraded post
23.	Dr. Muhammad Afsar Anwar, Management Cadre (BS-20)	Director (Admin), Provincial Health Services Academy Peshawar	District Health Officer, Buner by relieving Dr. Fakhr-e-Alam from Additional charge of the post of DH, Buner
24.	Dr. Fazal Maula, Management Cadre (BS-20)	District Health Officer, Kohat	District Health Officer, Kohat against the already occupied post
25.	Dr. Shams Ur Rehman, Management Cadre (BS-20)	Project Director, Blood Transfusion, Peshawar	He will actualize his promotion as District Health Officer, Charsadda for one day and then be posted as Project Director, Blood Transfusion Peshawar
26.	Dr. Abdu Gul, Management Cadre (BS-20)	District Health Officer, Lakki Marwat	District Health Officer, Lakki Marwat against the already occupied post
27.	Dr. Adnan Taj, Management Cadre (BS-20)	Director (Curative), Directorate General Health Services, Khyber Pakhtunkhwa	Regional Director General Health Services (Central) Peshawar by relieving Dr. Ikram Ullah Khan, Chief HSRU from additional charge of the post
28.	Dr. Jawad Habib Khan, Management Cadre (BS-20)	Chief Executive Officer, Blood Transfusion Authority Khyber Pakhtunkhwa	He will actualize his promotion as District Health Officer, Peshawar for one day and then resume the charge of already occupied post as Chief Executive Officer, Blood Transfusion Authority, Khyber Pakhtunkhwa

A.C. [Signature]

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

Dated Peshawar the 20<sup>th</sup> May, 2022

**NOTIFICATION**

**NO. SOH(E-V)/4-4/2022** Consequent upon promotion to the post of Member of Service (BS-20) vide this Department's Notification No. SOH(E-V)/4-4/2022/1607-1618 dated 19.04.2022, the following posting/ transfer of doctors are hereby ordered for actualization of their promotion, with immediate effect, in the best public interest:-

S.No.	NAME OF DOCTORS	FROM	TO
<b>FOR ACTUALIZATION UPON PROMOTION IN BS-20</b>			
1.	Dr. Maqsood All, Management Cadre (BS-20)	Director (M&E), Provincial Health Services Academy, Peshawar	Regional Director Health Services (Hazara) Abbottabad against the vacant post
2.	Dr. Shaheen Afridi, Management Cadre (BS-20)	Director General Health Services Khyber Pakhtunkhwa	Director General Health Services Khyber Pakhtunkhwa against the already occupied post
3.	Dr. Fakhr-e-Alam, Management Cadre (BS-20)	Medical Superintendent, DHQ Hospital, Daggar Buner	Medical Superintendent, DHQ Hospital, Daggar Buner against the newly upgraded post
4.	Dr. Ubaid Hussain, Management Cadre (BS-20)	Medical Superintendent, Sarhad Hospital for Psychiatric Diseases Peshawar	Medical Superintendent, Sarhad Hospital for Psychiatric Diseases Peshawar against the newly upgraded post
5.	Dr. Tariq Mehmood, Management Cadre (BS-20)	Waiting for posting	Medical Superintendent, DHQ Hospital, Swabi by relieving Dr. Sartaj Ali from look after charge of the post

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6.	Dr. Muhammad Aurangzeb, Management Cadre (BS-20)	Medical Superintendent, Cat-D Hospital, Shabaz Garhi Mardan	Medical Superintendent, DHQ Hospital, Timgara. Vice S.No.29.
7.	Dr. Syed Muhammad Samin, Management Cadre (BS-20)	Attached to DHQ Hospital, KDA Kohat	Regional Director General Health Services (South) D.I Khan. Vice S.No. 31.
8.	Dr. Shaukat Ali Khan, Management Cadre (BS-20)	Regional Director General (Malakand Region)	Regional Director Health Services (Malakand) Swat against the already occupied post
9.	Dr. Muhammad Saleem Khan, Management Cadre (BS-20)	Chief Executive Officer, Faculty of Paramedics & Allied Health Sciences, Khyber Pakhtunkhwa	He will actualise his promotion against the post of District Health Officer Karak for one day and then will resume of already occupied post of Chief Executive Officer Faculty of Paramedics & Allied Health Sciences Khyber Pakhtunkhwa
10.	Dr. Fakhruddin, Management Cadre (BS-20)	Medical Superintendent, Naseer Ullah Khan Babar Memorial Hospital, Peshawar	Medical Superintendent, Naseer Ullah Khan Babar Memorial Hospital, Peshawar against the newly upgraded post
11.	Dr. Ayaz Imran, Management Cadre (BS-20)	Waiting for posting	District Health Officer, Battagram. Vice S.No.30.
12.	Dr. Nighat Murad, Management Cadre (BS-20)	On Deputation to Federal Government at Health Department	She will actualize her promotion as District Health Officer, Nowshera for one day and then be posted as Chief Medical Officer (BS-20), DHQ Hospital, Swabi against the vacant post
13.	Dr. Shaukat Sohail, Management Cadre (BS-20)	Principal, Paramedical Institute, Abbottabad	Principal, Paramedical Institute, Abbottabad against the newly upgraded post

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 High Commissioner

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14.	Dr. Nasreen Akbar, Management (BS-20) Cadre	Medical Superintendent, Government Maternity Hospital Peshawar	Medical Superintendent, Government Maternity Hospital Peshawar against the newly upgraded post
15.	Dr. Gul-e-Rana, Management (BS-20) Cadre	Waiting for posting	She will actualize her promotion as Medical Superintendent, DHQ Hospital, KDA Kohat for one day and then be posted as Chief Medical Officer (BS-20), DHQ Hospital, KDA Kohat against the vacant post
16.	Dr. Abdul Latif, Management (BS-20) Cadre	Director (Implementation) Directorate General Health Services, Khyber Pakhtunkhwa	District Health Officer, Swabi. Vice S.No.17.
17.	Dr. Basit Saleem, Management (BS-20) Cadre	District Health Officer, Swabi	Additional Director General (HRM), Directorate General Health Services, Khyber Pakhtunkhwa against the newly created post
18.	Dr. Abid Hussain, Management (BS-20) Cadre	Director (DHIS), Directorate General Health Services, Khyber Pakhtunkhwa	Additional Director General (M&E), Directorate General Health Services, Khyber Pakhtunkhwa against the newly created post
19.	Dr. Akhtar All, Management (BS-20) Cadre	Waiting for posting	Additional Director General (Admn), Provincial Health Services Academy Peshawar against the newly created post
20.	Dr. Shahid Yunis, Management (BS-20) Cadre	On deputation at Health Care Commission, Khyber Pakhtunkhwa	Additional Director General (Health Services), Directorate General Health Services, Khyber Pakhtunkhwa against the newly created post

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21.	Dr. Sahib Gul, Management Cadre (BS-20)	Director (MCH), Directorate General Health Services, Khyber Pakhtunkhwa	Additional Director General (Admn) Directorate General Health Services, Khyber Pakhtunkhwa against the newly created post
22.	Dr. Naseem Khan Afridi, Management Cadre (BS-20)	Medical Superintendent; Cat-D Hospital, Badhber Peshawar	Medical Superintendent, Cat-D Hospital, Badhber Peshawar against the newly upgraded post
23.	Dr. Muhammad Afsar Anwar, Management Cadre (BS-20)	Director (Admin), Provincial Health Services Academy, Peshawar	District Health Officer, Buner by relieving Dr. Fakhr-e-Alam from Additional charge of the post of DH, Buner
24.	Dr. Fazal Maula, Management Cadre (BS-20)	District Health Officer, Kohat	District Health Officer, Kohat against the already occupied post
25.	Dr. Shams Ur Rehman, Management Cadre (BS-20)	Project Director, Blood Transfusion, Peshawar	He will actualize his promotion as District Health Officer, Charsadda for one day and then be posted as Project Director, Blood Transfusion Peshawar
26.	Dr. Abdu Gul, Management Cadre (BS-20)	District Health Officer, Lakki Marwat	District Health Officer, Lakki Marwat against the already occupied post
27.	Dr. Adnan Ta, Management Cadre (BS-20)	Director (Curative), Directorate General Health Services, Khyber Pakhtunkhwa	Regional Director General Health Services (Central) Peshawar by relieving Dr. Ikram Ullah Khan, Chief HSRU from additional charge of the post
28.	Dr. Jawad Habib Khan, Management Cadre (BS-20)	Chief Executive Officer, Blood Transfusion Authority Khyber Pakhtunkhwa	He will actualize his promotion as District Health Officer, Peshawar for one day and then resume the charge of already occupied post as Chief Executive Officer, Blood Transfusion Authority, Khyber Pakhtunkhwa

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*[Signature]*  
 High Commission

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ADJUSTMENT/ SUBSTITUTION			
29.	Dr. Daud Khan, Management Cadre (BS-19)	Medical Superintendent, DHQ Hospital, Timergara Dir (Lower).	Deputy Medical Superintendent, DHQ Hospital, Timergara Dir (Lower) against the vacant post
30.	Dr. Waseem Ahmad, General Cadre (BS-19)	District Health Officer, Baltagram	Deputy District Health Officer, Manshra against the vacant post
31.	Dr. Ubaid Ur Rehman, Management Cadre (BS-20)	Regional Director General (South Region), Pakhtunkhwa	Chief Medical Officer (BS-20), Emergency Satellite Hospital, Nahaqi Peshawar against the vacant post

Note: Dr. Muhammad Shoalb DHO Nowshera, Dr. Nasir Hassan Afridi MS DHQ Hospital KDA Kohat, Dr. Farhad Khan DHO Charsadda and Dr. Muhammad Idrees DHO Peshawar are hereby relieved from their existing charges/ posts and adjusted against the posts of Principal Medical Officer (BS-19) at DHQ Hospital, Nowshera, KDA Kohat, THQ Hospital Shabqadar and Cat-D Hospital Badhber Peshawar respectively, for one day only and then they will resume charges against their original posts.

**SECRETARY HEALTH  
GOVERNMENT OF KHYBER PAKHTUNKHWA**

**No. 1089-1106 Endst. of even No. & Date**

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1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
3. Director General, Provincial Health Services Academy Peshawar.
4. All concerned Regional Director Generals, Khyber Pakhtunkhwa.
5. All concerned Additional Director Generals, Khyber Pakhtunkhwa.
6. Project Director, Integrated Health Project, Peshawar.
7. All concerned Deputy Commissioners in Khyber Pakhtunkhwa.
8. Chief Executive Officer, Blood Transfusion Authority, Peshawar.
9. Manager, Blood Transfusion Centre, Peshawar.
10. All concerned District Health Officers in Khyber Pakhtunkhwa.
11. All concerned District Accounts Officers in Khyber Pakhtunkhwa.
12. All concerned Medical Superintendents in Khyber Pakhtunkhwa.
13. All concerned Principals under the PHSA network.
14. Deputy Director (IT), Health Department, with the direction to upload the notification on official website.
15. PS to Minister for Health Department, Khyber Pakhtunkhwa.
16. PS to Secretary Health Department, Khyber Pakhtunkhwa.
17. All concerned doctors.
18. Personal files of all the concerned doctors.

*[Signature]* 20/5/22  
SECTION OFFICER (E-V)

*Attended*  
*[Signature]*

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Markup



Signature



Note





GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

46

Dated Peshawar the 08th April, 2022

**NOTIFICATION**

**NO. SOH(E-II)/1-1/2022**

Dr. Wali Gul, Medical Officer

(BS-17) attached to DHQ Hospital Batkhela District Malakand is hereby transferred and posted at BHU Thootl District Kohistan (Upper), against the vacant post, with immediate effect, and in the best public interest.

**SECRETARY HEALTH**  
**GOVT. OF KHYBER PAKHTUNKHWA**

**Endst. of even No. & Date.**

**Copy to the:-**

1. Accountant General, Khyber Pakhtunkhwa, Peshawar
2. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
3. MS, DHQ Hospital Batkhela, District Malakand.
4. DHO, Kohistan (Upper).
5. District Accounts Officer, Batkhela and Kohista (Upper).
6. Deputy Director (IT), Health Department for uploading on official website.
7. PS to Minister for Health, Khyber Pakhtunkhwa.
8. PS to Secretary Health, Government of Khyber Pakhtunkhwa.
9. Doctor concerned

SECTION OFFICER (E-II)

Attended  
S.M. Gul  
High Court Peshawar

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~~SECRET~~  
**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

**APPEAL NO.917/2022**

Dr. Jamil Ahmed .....**APPELLANT**

**VERSUS**

The Government of Khyber Pakhtunkhwa through Chief Secretary and others ..... **RESPONDENTS**

**REPLY ON BEHALF OF THE IMPLEADED PRIVATE RESPONDENT NO.4 IN RESPONSE TO THE APPLICATION SUBMITTED BY APPELLANT FOR THE GRANT OF STATUS QUO**

**R/SHEWETH:**

- 1- That the above mentioned appeal along with application for interim relief is pending for adjudication before this august Service Tribunal and is fixed for 14.9.2022.
- 2- That in the ibid appeal this august Tribunal granted interim relief in favour of the appellant by suspending the operation of the impugned Notification dated 18.5.2022.
- 3- That as the appellant has been officially relieved from the charge of Medical Superintendent DHQ Hospital Batkhela and as such the replying respondent No.4 took over the charge of the ibid post, therefore the status quo granted by this august Tribunal is ineffective in the case of appellant. Copy of the chatge report is attached as annexure ..... **A.**
- 4- That the appellant cannot satisfy all the three necessary ingredients under order 39 rule 1 and 2 which is must according to the Supreme Court judgments.
- 5- That as the impugned Notification has been passed by a proper Government authority; therefor under 56 (d) of Specific Relief Act such orders cannot be stayed/suspended.

It is therefore most humbly prayed that on acceptance of this reply to the application the interim relief granted in favour of the appellant may kindly be vacated.

"A"

*[Handwritten signature]*

**GOVERNMENT OF KHYBER PUKHTOON KHWA**  
**CERTIFICATE OF TRANSFER OF CHARGE**

1. Certified that I, DR. IRFAN-UD-DIN Management Group (BPS-18) have this day Forenoon/Afternoon /Taking over/handing over charge of **MEDICAL SUPERINTENDENT** with reference to Govt. of Khyber Pakhtunkhwa Health Department Notification No. SOH(E-V)/4-4/2022 DATED 18<sup>TH</sup> MAY, 2022.

**(POSTING AS MEDICAL SUPERINTENDENT DHQ HOSPITAL BATKHELA IN HIS OWN PAY & SCALE AGAINST THE POST OF BPS -20 )**

2. Particular of cash and important/secret/confidential documents handed over/taken over are noted on the reverse.

Signature of relieved  
Government Servant

*[Handwritten signature]*  
Signature of Government  
Servant receiving charge

Station: **DHQ: Hospital Batkhela**

Dated: 21.05.2022 ( F.N)

**OFFICE OF THE MEDICAL SUPERINTENDENT DHQ HOSPITAL BATKHELA**  
**HOSPITAL BATKHELA**

No. SI/50-55 /PF

Dated 21 / 05 / 2022

Copy forwarded for information to.

- P.S to Sectary Health Govt. of Khyber Pakhtunkhwa.
- P.A to Director General Health Services Khyber Pakhtunkhwa Peshawar
- District Accounts Officer Malakand.
- District Health Officer Malakand.
- Accountant of this office.
- Dr.Irfan-ud-Din Medical Superintendent DHQ: Hospital Batkhela for information

*[Handwritten signature]*  
Medical Superintendent,  
DHQ Hospital Batkhela



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

**APPEAL NO.917/2022**

Dr. Jamil Ahmed

.....**APPELLANT**

**VERSUS**

The Government of Khyber Pakhtunkhwa through Chief Secretary  
and others ..... **RESPONDENTS**

**REPLY ON BEHALF OF THE IMPLEADED PRIVATE**  
**RESPONDENT NO. 4.**

**R/SHEWETH:**

**PRELIMINARY OBJECTIONS:**

- 1) That appellant has got neither cause of action nor locus standi to file the instant service appeal.
- 2) That the instant appeal of the appellant is not maintainable against the private respondent No.4 for the reason that through the instant appeal the appellant has challenged the notification dated 18.05.2022 however during the pendency of this appeal another transfer notification dated 05.09.2022 had been issued.
- 3) That the instant appeal is against the law and rules on the subject hence not maintainable.
- 4) That the instant appeal of appellant is badly time barred.
- 5) That the instant appeal has been filed with mala fide intention just to harass the private respondent No.4 therefore, is liable to be dismissed.
- 6) That the instant appeal is also not maintainable because the departmental appeal preferred against the impugned notification dated 18.05.2022 was addressed to the wrong authority/competent authority and not to the appellant authority.
- 7) That the impugned notification dated 18.05.2022 has been issued strictly in accordance with section 10 of the Khyber Pakhtunkhwa Civil Servant Act 1973, as per this section the appellant belonging to the management cadre is liable to serve anywhere in the province where the competent authority pleases so.

**ON FACTS:**

- 1- Pertains to record.
- 2- Pertains to record.
- 3- Pertains to record and not concerning the answering respondent.
- 4- Incorrect and misconceiving. That the appellant belonging to the management cadre hence in the interest of public at large he is supposed to serve anywhere in the province. That the replying respondent also belongs to the same cadre, therefore the appellant as well as the private respondent No. 4 are supposed to serve where the competent authority post them. That as per the mandate of section 10 of the Khyber Pakhtunkhwa Civil Servant Act 1973 and the judgments of the apex Court of Pakistan on the subject the appellant is liable to serve anywhere in the province. That the impugned notification dated 18.05.2022 is followed by another notification dated 05.09.2022 whereby the appellant as well as the private respondent No.4 have been transferred hence the appellant is supposed to challenge the notification dated 05.09.2022 and in the meanwhile the instant appeal becomes anfractuous. Copy of the notification dated 05.09.2022 is attached as annexure ..... **A.**
- 5- Incorrect and misconceiving.
- 6- Incorrect, concocted and fabricated, the answering respondent belongs to the management cadre and is competent to be posted on the subject post. That the competent authority has all the right to post a suitable person to a suitable post and the appellant is lacking the efficiency to perform the functions of the subject post, therefore, he was transferred vide impugned notification. That the allegations of the appellant to the extent of favoritism and personal benefits is baseless hence denied.
- 7- Incorrect. The detailed reply has been given in the preceding paras however, the statistics in the para are subject to prove. That it is the duty of a civil servant to perform his duty as per mandate of law and rules.
- 8- Pertains to records, not concerning with the replying respondent.
- 9- Incorrect, the departmental appeal has not been preferred before the appellate authority.
- 10- Incorrect, hence denied.
- 11- Pertains to record.
- 12- Incorrect. reply on the grounds are as under:

**GROUND:**

- A- Incorrect, the impugned notification is in accordance with law and rules and in the interest of public at large, no political victimization of the appellant has been made.
- B- Incorrect, the impugned notification is issued by the competent authority under the mandate of law and rules on the subject, therefore, the subject notification is legal, lawful and was issued with bona fide intention.
- C- Incorrect, the appellant is supposed to serve anywhere in the province according to section 10 of the Khyber Pakhtunkhwa Civil Servant Act 1973, since he belongs to the management cadre therefore, the policy of tenure do not attract to his post/case.
- D- Incorrect, detailed reply has been provided in the preceding paras.
- E- Incorrect, the subject appeal has also become anfractuious because the impugned notification is followed by another notification dated 05.09.2022.
- F- Incorrect, already explained in the above paras.
- G- Pertains to record, however on the subject issue the apex Court as well as the august Service Tribunal have issued a number of judgments against the appellant.
- H- Incorrect, already explained.
- I- Incorrect, already explained.
- J- Incorrect.
- K- Subject to proof.

It is therefore, most humbly prayed that on acceptance of this reply the appeal of the appellant may very kindly be dismissed with cost.

Dated: 13.09.2022

**RESPONDENT NO. 4**

**DR. IRFAN UD DIN**

**THOROUGH:**



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

"A" - 4 - - 5 -

Dated Peshawar the 20<sup>th</sup> May, 2022

**NOTIFICATION**

**NO. SOH(E-V)/4-4/2022** Consequent upon promotion to the post of Member of Service (BS-19) vide this Department's Notification No. SOH(E-V)/4-4/2022/1652-1667 dated 19.04.2022, the following posting/ transfer of doctors are hereby ordered for actualization of their promotion, with immediate effect, in the best public interest:-

S.NO.	NAME OF DOCTORS	FROM	TO
<b>FOR ACTUALIZATION UPON PROMOTION IN BS-19</b>			
1.	Dr. Muhammad Shafiq S/O Akbar Gul, Management Cadre (BS-19)	Attached to DHO Office Nowshera	MS Cat-D Hospital Dag Ismail Khel, Nowshera against the vacant post
2.	Dr. Muhammad Azhar Shah S/O Israrul Arifeen, Management Cadre (BS-19)	MS Category-D Hospital Akora Khattak, Nowshera.	MS Cat-D Hospital Kaka Sahib, Nowshera. Vice S.No.34.
3.	Dr. Muhammad Riaz S/O Gohar Khan, Management Cadre (BS-19)	Senior Demonstrator, MTI/Gaju Khan Medical College, Swabi	Medical Superintendent, Cat-D Hospital Kalu Khan, Swabi against the vacant post.
4.	Dr. Muhammad Usman Shah S/O Muhammad Zahir Shah, Management Cadre (BS-19)	Attached to DHQ Hospital, Abbottabad	District Health Officer, Kohistan Lower. Vice S.No.36.
5.	Dr. Uzma Habib D/O Taj Muhammad, Management Cadre (BS-19)	Deputy Director Directorate General Health Services, Khyber Pakhtunkhwa	Director (M&E) Provincial Health Services Academy, Peshawar
6.	Dr. Hammad S/O Said Badshah, Management Cadre (BS-19)	THQ Hospital Chakdara, Dir (Lower)	Medical Superintendent, THQ Hospital Chakdara Dir, Lower against the existing post

7.	Dr. Muhammad Munib S/O Sher Ali Khan, Management Cadre (BS-19)	Attached to Saidu Group of Teaching Hospital, Swat	Deputy Medical Superintendent, Saidu Group of Teaching Hospital, Swat against the vacant post
8.	Dr. Nazar Muhammad S/O Bakht Sar, Management Cadre (BS-19)	Coordinator (Public Health) DHO Office, Dir (Upper)	Deputy District Health Officer, Dir (Upper) against the vacant post
9.	Dr. Muhammad Farooq Gul S/O Gul Muhammad, Management Cadre (BS-19)	Coordinator (LHW) DHO Office, D.I.Khan	Deputy District Health Officer, DI Khan against the vacant post
10.	Dr. Zakir Hussain S/O Hakim Khan, Management Cadre (BS-19)	Attached to DHQ Hospital, Bajaur	He will actualize his promotion for one day as MS Cat-D Hospital Lal Qila, Dir (Lower) and then posted as District Health Officer, Dir (Lower). Vice S.No. 43.
11.	Dr. Jamaluddin S/O Muhammad Din, Management Cadre (BS-19)	Attached to Category-D Hospital Jamal Abad, Charsadda	Medical Superintendent, Category-D Hospital Jamal Abad, Charsadda against the vacant post
12.	Dr. Aurangzeb Afridi S/O Ghulam Hussain, Management Cadre (BS-19)	Deputy Medical Superintendent, Services Hospital, Peshawar	He will actualize his promotion for one day as MS Women & Children Hospital Rajarr District Charsadda and then be posted as PMO (BS-19) at Services Hospital, Peshawar
13.	Dr. Roshan Zada S/O Syed Latif, Management Cadre (BS-19)	Attached to DHO Haripur	Medical Superintendent, Cat-D Hospital Ghazi, Haripur against the vacant post
14.	Dr. Ali Asghar S/O Abdul Akbar Khan Management Cadre (BS 19)	Deputy Director Malakand Region	Medical Superintendent, THQ Hospital Dargai, Malakand by relieving Dr. Irfan Ali from Additional Charge of the post of MS THQ Hospital Dargai, Malakand

15.	Dr. Naik Muhammad S/O Khawaja Muhammad, Management Cadre (BS-19)	Civil Hospital, Daraband Kalan D.I.Khan	Medical Superintendent, Cat-D Hospital, Kulachi, D.I. Khan
16.	Dr. Fazal Majeed S/O Muhammad Aslam, Management Cadre (BS-19)	Deputy Director, Nutrition Directorate General Health Services, Pakhtunkhwa, Peshawar	Director, Nutrition Directorate General Health Services, Khyber Pakhtunkhwa against the existing post
17.	Dr. Muhammad Umar S/O Haji Gul Muhammad Khan, Management Cadre (BS-19)	THQ Hospital, Sadda, Kurram (Lower)	Medical Superintendent, Cat-D Hospital, Thall Hangu against the vacant post
18.	Dr. Shahid Mehmood S/O Sardar Muhammad Aslam, Management Cadre (BS-19)	Coordinator (Public Health), DHO office Abbottabad	Deputy DHO Abbottabad against the vacant post
19.	Dr. Jamshed Saeed Sherani S/O Saeed Ahmad Sherani, Management Cadre (BS-19)	Deputy Director, Directorate General Health Services, Khyber Pakhtunkhwa Peshawar	Medical Superintendent, DHQ Hospital, Landikotal. Vice S.No.44.
20.	Dr. Wazir Khan S/O Rukam Khan, Management Cadre (BS-19)	District Health Officer, North Waziristan	District Health Officer, North Waziristan
21.	Dr. Qasim Abbas S/O Saifur Rehman, Management Cadre (BS-19)	Director (Admn) Directorate General Health Services, Khyber Pakhtunkhwa	Director (Admn) Directorate General Health Services, Khyber Pakhtunkhwa against the existing post
22.	Dr. Amir Rafiq S/O Muhammad Rafiq Khattak, Management Cadre (BS-19)	Deputy Director, SHPI, Khyber Pakhtunkhwa, Peshawar	Director, Directorate General Health Services, Khyber Pakhtunkhwa against the vacant post
23.	Dr. Muhammad Arif Khan S/O Gulbar Khan, Management Cadre (BS-19)	Director (EPI), Directorate General Health Services, Khyber Pakhtunkhwa, Peshawar	Director (EPI), Directorate General Health Services, Khyber Pakhtunkhwa against the existing post

24.	Dr. Ijaz Ahmad S/O Bashir Ahmad, Management (BS-19) Cadre	Director, SHPI, Khyber Pakhtunkhwa	He will actualize his promotion for one day as DDHO/ MS Cat-D Hospital Mattani District Peshawar and then be posted as Director SHPI, Khyber Pakhtunkhwa
25.	Dr. Shaukat Saleem Khan S/O Saleem Khan, Management Cadre (BS-19)	Deputy Medical Superintendent, Mian Abdul Haq Kidney Hospital, Swat	He will actualize his promotion for one day as MS, DHQ Hospital, Alpuri Shangla and then be posted as District Health Officer, Shangla. Vice S.No.38.
26.	Dr. Muhammad Ibrahim Khan S/O Abdul Halim Khan, Management Cadre (BS-19)	Coordinator (Public Health) DHO Office, Shangla	Medical Superintendent, DHQ Hospital, Alpuri Shangla. Vice S.N.39.
27.	Dr. Mushtaq Ahmad S/O Haji Fazal Khan, Management Cadre (BS-19)	Deputy Director, Directorate Health Services, Peshawar	Director, Directorate General Health Services, Khyber Pakhtunkhwa against the vacant post.
28.	Dr. Saeeda Bibi D/O Dawood Khan, Management Cadre (BS-19)	Deputy Director, SHPI, Khyber Pakhtunkhwa	Director, Directorate General Health Services, Khyber Pakhtunkhwa against the vacant post
29.	Dr. Sheraz Ahmad S/O Rashid Ahmad, Management Cadre (BS-19)	Vice Principal, Paramedical Institute, Swat	Principal, Paramedical Institute, Swat against the vacant post
30.	Dr. Erum Qayum D/O Syed Qayum, Management Cadre (BS-19)	Deputy Director, Directorate General Health Services, Khyber Pakhtunkhwa	Medical Superintendent, Cat-D Hospital, Gara Tajik, Peshawar. Vice S.No.42.
31.	Dr. Muhammad Ismail S/O Said Muhammad, Management Cadre (BS-19)	Deputy Program Manager Integrated Vector Control, Khyber Pakhtunkhwa	Director, (Admn) Provincial Health Services Academy, Peshawar
32.	Dr. Muhammad Naeem S/O Habibullah Khan, Management Cadre (BS-19)	Benazir Bhutto Shaheed Teaching Hospital, Abbottabad	Deputy District Health Officer, Battagram against the vacant post

33.	Dr. Khizar Hayat S/O Pir Muhammad Khan Management Cadre (BS-19)	Attached to MTI/LRH, Peshawar	Director, General Services, Pakhtunkhwa against the vacant post	Director Health Khyber against the vacant post
34.	Dr. Farman Ali S/O Muhammad Nasim, Management Cadre (BS-19)	Medical Superintendent, Category-D Hospital Kaka Sahib district Nowshera	Medical Superintendent, Category-D Hospital Akora Nowshera. S.No.02.	Hospital Khattak Vice
35.	Dr. Kamran Zakria S/O Ghulam Zakria Khan, Management Cadre (BS-19)	Attached to MTI/DHQ Hospital, D.I.Khan	Medical Superintendent, Cat-D Hospital, Pahar Pur D.I.Khan against the vacant post	
<b>ADJUSTMENT/ SUBSTITUTION</b>				
36.	Dr. Muhammad Siddique, Management Cadre (BS-19)	District Health Officer, Kohistan (Lower)	Medical Superintendent, Government Mental & General Hospital, Dadar District Mansehra. Vice S.No. 37.	
37.	Dr. Ahmad Faisal, Management Cadre (BS-19)	Medical Superintendent, Government Mental & General Hospital, Dadar Mansehra	District Health Officer, Abbottabad. Vice S.No.40.	
38.	Dr. Abdul Waheed Management Cadre (BS-19)	District Health Officer, Shanga	Report to Directorate General Health Services, Khyber Pakhtunkhwa	
39.	Dr. Rabia Waheed General Cadre (BS-19)	Medical Superintendent, DHQ Hospital, Shangla Alpuri	Report to Directorate General Health Services, Khyber Pakhtunkhwa	
40.	Dr. Shah Faisal Akhunzada, Management Cadre (BS-19)	District Health Officer, Abbottabad	Report to Directorate General Health Services, Khyber Pakhtunkhwa	
41.	Dr. Ihsan Ullah, Management Cadre (BS-19)	Waiting for posting at Directorate General Health Services, Khyber Pakhtunkhwa	Deputy District Health Officer, Tank. Vice S.No.45.	



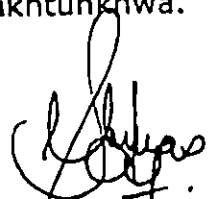
42.	Dr. Zarin Khan, General Cadre (BS-19)	MS/ DDHO Cat-D Hospital Garra Tajik Peshawar -10-	Principal Medical Officer (BS-19), Cat-D Hospital Garra Tajik Peshawar against the vacant post
43.	Dr. Irshad All, Management Cadre (BS-18)	District Health Officer, Dir (Lower)	Deputy District Health Officer, Dir (Lower) in OPS against the vacant post
44.	Dr. Ehtisham, General Cadre (BS-18)	Medical Superintendent, DHQ Hospital Landikotal	Senior Medical Officer (BS-18) at DHQ Hospital Landikotal against the vacant post
45.	Dr. Imran, General Cadre (BS-17)	Deputy District Health Officer, Tank	AT the disposal of DHO Tank for further adjustment against the vacant post of Medical Officer (BS-17)

**SECRETARY HEALTH  
GOVERNMENT OF KHYBER PAKHTUNKHWA**

**No. \_\_\_\_\_ Endst. of even No. & Date**

Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
3. Director General, Provincial Health Services Academy Peshawar.
4. All concerned Deputy Commissioners in Khyber Pakhtunkhwa.
5. All concerned District Health Officers in Khyber Pakhtunkhwa.
6. All concerned District Accounts Officers in Khyber Pakhtunkhwa.
7. All concerned Medical Superintendents in Khyber Pakhtunkhwa.
8. All concerned Principals under the PHSA network.
9. Deputy Director (IT), Health Department, with the direction to upload the notification on official website.
10. PS to Minister for Health Department, Khyber Pakhtunkhwa.
11. PS to Secretary Health Department, Khyber Pakhtunkhwa.
12. All concerned doctors.
13. Personal files of all the concerned doctors.

  
 20/5/2022  
 (TEHMAS AYYUB)  
 SECTION OFFICER (E-V)

18-

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

**PESHAWAR**

Khyber Pakhtunkhwa  
Service Tribunal

SCANNED

KPST

Peshawar

APPEAL NO.917/2022

Case No. 1256

Date 14-9-2022

Dr. Jamil Ahmed

.....APPELLANT

**VERSUS**

The Government of Khyber Pakhtunkhwa through Chief  
Secretary and others ..... **RESPONDENTS**

**REPLY ON BEHALF OF THE IMPLEADED PRIVATE  
RESPONDENT NO.4 IN RESPONSE TO THE APPLICATION  
SUBMITTED BY APPELLANT FOR THE GRANT OF STATUS  
QUO**

**R/SHEWETH:**

- 1- That the above mentioned appeal along with application for interim relief is pending for adjudication before this august Service Tribunal and is fixed for 14.9.2022.
- 2- That in the ibid appeal this august Tribunal granted interim relief in favour of the appellant by suspending the operation of the impugned Notification dated 18.5.2022.
- 3- That as the appellant has been officially relieved from the charge of Medical Superintendent DHQ Hospital Batkhela and as such the replying respondent No.4 took over the charge of the ibid post, therefore the status quo granted by this august Tribunal is ineffective in the case of appellant. Copy of the chatge report is attached as annexure ..... **A.**
- 4- That the appellant cannot satisfy all the three necessary ingredients under order 39 rule 1 and 2 which is must according to the Supreme Court judgments.
- 5- That as the impugned Notification has been passed by a proper Government authority; therefor under 56 (d) of Specific Relief Act such orders cannot be stayed/suspended.

It is therefore most humbly prayed that on acceptance of this reply to the application the interim relief granted in favour of the appellant may kindly be vacated.

~~IRFAN~~  
RESPONDENT NO.4

*IRFAN*  
IRFANUDDIN

THROUGH:

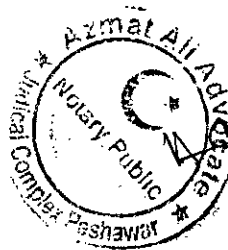
*NOOR MOHAMMAD KHATTAK*  
NOOR MOHAMMAD KHATTAK  
ADVOCATE

AFFIDAVIT

9 DV IRFAN UDDIN (Respondent No. 4), do hereby solemnly affirm and declare that the contents of the Reply to the application are true and correct and nothing concealed from this Honorable Tribunal.

*IRFAN*  
Deponent

ATTESTED



*IRFAN*  
14-09-2022

"A"

*[Handwritten signature]*

**GOVERNMENT OF KHYBER PUKHTOON KHWA**  
**CERTIFICATE OF TRANSFER OF CHARGE**

1. Certified that I, DR. IRFAN-UD-DIN Management Group (BPS-18) have this day Forenoon/Afternoon /Taking over/handing over charge of **MEDICAL SUPERINTENDENT** with reference to Govt. of Khyber Pakhtunkhwa Health Department Notification No. SOH(E-V)/4-4/2022 DATED 18<sup>TH</sup> MAY, 2022.

**(POSTING AS MEDICAL SUPERINTENDENT DHQ HOSPITAL BATKHELA  
IN HIS OWN PAY & SCALE AGAINST THE POST OF BPS -20 )**

2. Particular of cash and important/secret/confidential documents handed over/taken over are noted on the reverse.

Signature of relieved  
Government Servant

*[Handwritten signature]*  
Signature of Government  
Servant receiving charge

Station: **DHQ: Hospital Batkhela**

Dated: 21.05.2022 ( F.N)

**OFFICE OF THE MEDICAL SUPERINTENDENT DHQ HOSPITAL BATKHELA**  
**HOSPITAL BATKHELA**

No. S/50-55 /PF

Dated 21 / 05 / 2022

Copy forwarded for information to.

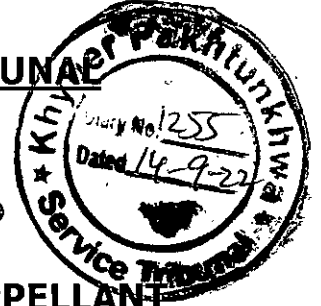
- P.S to Sectary Health Govt. of Khyber Pakhtunkhwa.
- P.A to Director General Health Services Khyber Pakhtunkhwa Peshawar
- District Accounts Officer Malakand.
- District Health Officer Malakand.
- Accountant of this office.
- Dr.Irfan-ud-Din Medical Superintendent DHQ: Hospital Batkhela for information

*[Handwritten signature]*  
Medical Superintendent,  
DHQ Hospital Batkhela

**ATTACHED**  
to be true Copy

-1-

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**



**APPEAL NO.917/2022** **SCANNED**  
**KPST**  
**Peshawar**  
**.....APPELLANT**

Dr. Jamil Ahmed

**VERSUS**

The Government of Khyber Pakhtunkhwa through Chief Secretary  
and others **..... RESPONDENTS**

**REPLY ON BEHALF OF THE IMPLEADED PRIVATE**  
**RESPONDENT NO. 4.**

**R/SHEWETH:**

**PRELIMINARY OBJECTIONS:**

- 1) That appellant has got neither cause of action nor locus standi to file the instant service appeal.
- 2) That the instant appeal of the appellant is not maintainable against the private respondent No.4 for the reason that through the instant appeal the appellant has challenged the notification dated 18.05.2022 however during the pendency of this appeal another transfer notification dated 05.09.2022 had been issued.
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- 4) That the instant appeal of appellant is badly time barred.
- 5) That the instant appeal has been filed with mala fide intention just to harass the private respondent No.4 therefore, is liable to be dismissed.
- 6) That the instant appeal is also not maintainable because the departmental appeal preferred against the impugned notification dated 18.05.2022 was addressed to the wrong authority/competent authority and not to the appellant authority.
- 7) That the impugned notification dated 18.05.2022 has been issued strictly in accordance with section 10 of the Khyber Pakhtunkhwa Civil Servant Act 1973, as per this section the appellant belonging to the management cadre is liable to serve anywhere in the province where the competent authority pleases so.

**ON FACTS:**

- 1- Pertains to record.
- 2- Pertains to record.
- 3- Pertains to record and not concerning the answering respondent.
- 4- Incorrect and misconceiving. That the appellant belonging to the management cadre hence in the interest of public at large he is supposed to serve anywhere in the province. That the replying respondent also belongs to the same cadre, therefore the appellant as well as the private respondent No. 4 are supposed to serve where the competent authority post them. That as per the mandate of section 10 of the Khyber Pakhtunkhwa Civil Servant Act 1973 and the judgments of the apex Court of Pakistan on the subject the appellant is liable to serve anywhere in the province. That the impugned notification dated 18.05.2022 is followed by another notification dated 05.09.2022 whereby the appellant as well as the private respondent No.4 have been transferred hence the appellant is supposed to challenge the notification dated 05.09.2022 and in the meanwhile the instant appeal becomes anfractuous. Copy of the notification dated 05.09.2022 is attached as annexure ..... **A.**
- 5- Incorrect and misconceiving.
- 6- Incorrect, concocted and fabricated, the answering respondent belongs to the management cadre and is competent to be posted on the subject post. That the competent authority has all the right to post a suitable person to a suitable post and the appellant is lacking the efficiency to perform the functions of the subject post, therefore, he was transferred vide impugned notification. That the allegations of the appellant to the extent of favoritism and personal benefits is baseless hence denied.
- 7- Incorrect. The detailed reply has been given in the preceding paras however, the statistics in the para are subject to prove. That it is the duty of a civil servant to perform his duty as per mandate of law and rules.
- 8- Pertains to records, not concerning with the replying respondent.
- 9- Incorrect, the departmental appeal has not been preferred before the appellate authority.
- 10- Incorrect, hence denied.
- 11- Pertains to record.
- 12- Incorrect, reply on the grounds are as under:

**GROUND:**

- A- Incorrect, the impugned notification is in accordance with law and rules and in the interest of public at large, no political victimization of the appellant has been made.
- B- Incorrect, the impugned notification is issued by the competent authority under the mandate of law and rules on the subject, therefore, the subject notification is legal, lawful and was issued with bona fide intention.
- C- Incorrect, the appellant is supposed to serve anywhere in the province according to section 10 of the Khyber Pakhtunkhwa Civil Servant Act 1973, since he belongs to the management cadre therefore, the policy of tenure do not attract to his post/case.
- D- Incorrect, detailed reply has been provided in the preceding paras.
- E- Incorrect, the subject appeal has also become anfractuious because the impugned notification is followed by another notification dated 05.09.2022.
- F- Incorrect, already explained in the above paras.
- G- Pertains to record, however on the subject issue the apex Court as well as the august Service Tribunal have issued a number of judgments against the appellant.
- H- Incorrect, already explained.
- I- Incorrect, already explained.
- J- Incorrect.
- K- Subject to proof.

It is therefore, most humbly prayed that on acceptance of this reply the appeal of the appellant may very kindly be dismissed with cost.

Dated: 13.09.2022

**RESPONDENT NO. 4**

  
**DR. IRFAN UD DIN**

**THOROUGH:**

-4-

NOOR MOHAMMAD KHATTAK

WALEED ADNAN

UMER FAROOQ

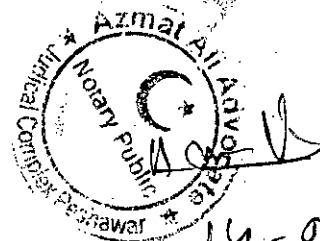
MUHAMMAD AYUB  
ADVOCATES

AFFIDAVIT

I, Dr. Irfan Ud Din (Respondent No. 4), do hereby solemnly affirm and declare that the contents of the Reply are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable tribunal.

Depositor

ATTESTED



14-09-2022





GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

"A" - 4 - - 5 -

Dated Peshawar the 20<sup>th</sup> May, 2022

**NOTIFICATION**

**NO. SOH(E-V)/4-4/2022** Consequent upon promotion to the post of Member of Service (BS-19) vide this Department's Notification No. SOH(E-V)/4-4/2022/1652-1667 dated 19.04.2022, the following posting/ transfer of doctors are hereby ordered for actualization of their promotion, with immediate effect, in the best public interest:-

S.NO.	NAME OF DOCTORS	FROM	TO
<b>FOR ACTUALIZATION UPON PROMOTION IN BS-19</b>			
1.	Dr. Muhammad Shafiq S/O Akbar Gul, Management Cadre (BS-19)	Attached to DHO Office Nowshera	MS Cat-D Hospital Dag Ismail Khel, Nowshera against the vacant post
2.	Dr. Muhammad Azhar Shah S/O Israrul Arifeen, Management Cadre (BS-19)	MS Category-D Hospital Akora Khattak, Nowshera.	MS Cat-D Hospital Kaka Sahib, Nowshera. Vice S.No.34.
3.	Dr. Muhammad Riaz S/O Gohar Khan, Management Cadre (BS-19)	Senior Demonstrator, MTI/Gaju Khan Medical College, Swabi	Medical Superintendent, Cat-D Hospital Kalu Khan, Swabi against the vacant post
4.	Dr. Muhammad Usman Shah S/O Muhammad Zahir Shah, Management Cadre (BS-19)	Attached to DHQ Hospital, Abbottabad	District Health Officer, Kohistan Lower. Vice S.No.36.
5.	Dr. Uzma Habib D/O Taj Muhammad, Management Cadre (BS-19)	Deputy Director Directorate General Health Services, Khyber Pakhtunkhwa	Director (M&E) Provincial Health Services Academy, Peshawar
6.	Dr. Hammad S/O Said Badshah, Management Cadre (BS-19)	THQ Hospital Chakdara, Dir (Lower)	Medical Superintendent, THQ Hospital Chakdara Dir, Lower against the existing post

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7.	Dr. Muhammad Munib S/O Sher. Ali Khan, Management Cadre (BS-19)	Attached to Saidu Group of Teaching Hospital, Swat	Deputy Medical Superintendent, Saidu Group of Teaching Hospital, Swat against the vacant post
8.	Dr. Nazar Muhammad S/O Bakht Sar, Management Cadre (BS-19)	Coordinator (Public Health) DHO Office, Dir (Upper)	Deputy District Health Officer, Dir (Upper) against the vacant post
9.	Dr. Muhammad Farooq Gul S/O Gul Muhammad, Management Cadre (BS-19)	Coordinator (LHW) DHO Office, D.I.Khan	Deputy District Health Officer, DI Khan against the vacant post
10.	Dr. Zakir Hussain S/O Hakim Khan, Management Cadre (BS-19)	Attached to DHQ Hospital, Bajaur	He will actualize his promotion for one day as MS Cat-D Hospital Lal Qila, Dir (Lower) and then posted as District Health Officer, Dir (Lower). Vice S.No. 43.
11.	Dr. Jamaluddin S/O Muhammad Din, Management Cadre (BS-19)	Attached to Category-D Hospital Jamal Abad, Charsadda	Medical Superintendent, Category-D Hospital Jamal Abad, Charsadda against the vacant post
12.	Dr. Aurangzeb Afridi S/O Ghulam Hussain, Management Cadre (BS-19)	Deputy Medical Superintendent, Services Hospital, Peshawar	He will actualize his promotion for one day as MS Women & Children Hospital Rajarr District Charsadda and then be posted as PMO (BS-19) at Services Hospital, Peshawar
13.	Dr. Roshan Zada S/O Syed Latif, Management Cadre (BS-19)	Attached to DHO Haripur	Medical Superintendent, Cat-D Hospital Ghazi, Haripur against the vacant post
14.	Dr. Ali Asghar S/O Abdul Akbar Khan Management Cadre (BS 19)	Deputy Director Malakand Region	Medical Superintendent, THQ Hospital Dargai, Malakand by relieving Dr. Ifan Ali from Additional Charge of the post of MS THQ Hospital Dargai, Malakand

6-

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15.	Dr. Naik Muhammad S/O Khawaja Muhammad, Management Cadre (BS-19)	Civil Hospital, Daraband Kalan D.I.Khan	Medical Superintendent, Cat-D Hospital, Kulachi, D.I. Khan
16.	Dr. Fazal Majeed S/O Muhammad Aslam, Management Cadre (BS-19)	Deputy Director, Nutrition Directorate General Health Services, Khyber Pakhtunkhwa, Peshawar	Director, Nutrition Directorate General Health Services, Khyber Pakhtunkhwa against the existing post
17.	Dr. Muhammad Umar S/O Haji Gul Muhammad Khan, Management Cadre (BS-19)	THQ Hospital, Sadda, Kurram (Lower)	Medical Superintendent, Cat-D Hospital, Thall Hangu against the vacant post
18.	Dr. Shahid Mehmood S/O Sardar Muhammad Aslam, Management Cadre (BS-19)	Coordinator (Public Health), DHO office Abbottabad	Deputy DHO Abbottabad against the vacant post
19.	Dr. Jamshed Saeed Sherani S/O Saeed Ahmad Sherani, Management Cadre (BS-19)	Deputy Director, Directorate General Health Services, Khyber Pakhtunkhwa Peshawar	Medical Superintendent, DHQ Hospital, Landikotal. Vice S.No.44.
20.	Dr. Wazir Khan S/O Rukam Khan, Management Cadre (BS-19)	District Health Officer, North Waziristan	District Health Officer, North Waziristan
21.	Dr. Qasim Abbas S/O Saifur Rehman, Management Cadre (BS-19)	Director (Admn) Directorate General Health Services, Khyber Pakhtunkhwa	Director (Admn) Directorate General Health Services, Khyber Pakhtunkhwa against the existing post
22.	Dr. Amir Rafiq S/O Muhammad Rafiq Khattak, Management Cadre (BS-19)	Deputy Director, SHPI, Khyber Pakhtunkhwa, Peshawar	Director, Directorate General Health Services, Khyber Pakhtunkhwa against the vacant post
23.	Dr. Muhammad Arif Khan S/O Gulbar Khan, Management Cadre (BS-19)	Director (EPI), Directorate General Health Services, Khyber Pakhtunkhwa, Peshawar	Director (EPI), Directorate General Health Services, Khyber Pakhtunkhwa against the existing post

24.	Dr. Ijaz Ahmad S/O Bashir Ahmad, Management Cadre (BS-19)	Director, SHPI, Khyber Pakhtunkhwa	He will actualize his promotion for one day as DDHO/ MS Cat-D Hospital Mattani District Peshawar and then be posted as Director SHPI, Khyber Pakhtunkhwa
25.	Dr. Shaukat Saleem Khan S/O Saleem Khan, Management Cadre (BS-19)	Deputy Medical Superintendent, Mian Abdul Haq Kidney Hospital, Swat	He will actualize his promotion for one day as MS, DHQ Hospital, Alpuri Shangla and then be posted as District Health Officer, Shangla. Vice S.No.38.
26.	Dr. Muhammad Ibrahim Khan S/O Abdul Halim Khan, Management Cadre (BS-19)	Coordinator (Public Health) DHO Office, Shangla	Medical Superintendent, DHQ Hospital, Alpuri Shangla. Vice S.N.39.
27.	Dr. Mushtaq Ahmad S/O Haji Fazal Khan, Management Cadre (BS-19)	Deputy Director, Directorate General Health Services, Peshawar	Director, Director General Health Services, Khyber Pakhtunkhwa against the vacant post
28.	Dr. Saeeda Bibi D/O Dawood Khan, Management Cadre (BS-19)	Deputy Director, SHPI, Khyber Pakhtunkhwa	Director, Directorate General Health Services, Khyber Pakhtunkhwa against the vacant post
29.	Dr. Sheraz Ahmad S/O Rashid Ahmad, Management Cadre (BS-19)	Vice Principal, Paramedical Institute, Swat	Principal, Paramedical Institute, Swat against the vacant post
30.	Dr. Erum Qayum D/O Syed Qayum, Management Cadre (BS-19)	Deputy Director, Directorate General Health Services, Khyber Pakhtunkhwa	Medical Superintendent, Cat-D Hospital, Gara Tajik, Peshawar. Vice S.No.42.
31.	Dr. Muhammad Ismail S/O Said Muhammad, Management Cadre (BS-19)	Deputy Program Manager Integrated Vector Control, Khyber Pakhtunkhwa	Director, (Admn) Provincial Health Services Academy, Peshawar
32.	Dr. Muhammad Naeem S/O Habibullah Khan, Management Cadre (BS-19)	Benazir Bhutto Shaheed Teaching Hospital, Abbottabad	Deputy District Health Officer, Battagram against the vacant post

33.	Dr. Khizar Hayat S/O Pir Muhammad Khan Management Cadre (BS-19)	<del>11</del> -9- Attached to MTI/LRH, Peshawar.	Director, General Services, Pakhtunkhwa against the vacant post	Director Health Khyber against the vacant post
34.	Dr. Farman Ali S/O Muhammad Nasim, Management Cadre (BS-19)	Medical Superintendent, Category-D Hospital Kaka Sahib district Nowshera	Medical Superintendent, Category-D Hospital Akora Nowshera. S.No.02.	Hospital Khattak Vice
35.	Dr. Kamran Zakria S/O Ghulam Zakria Khan, Management Cadre (BS-19)	Attached to MTI/DHQ Hospital, D.I.Khan	Medical Superintendent, Cat-D Hospital, Pahar Pur D.I.Khan against the vacant post	
<b>ADJUSTMENT/ SUBSTITUTION</b>				
36.	Dr. Muhammad Siddique, Management Cadre (BS-19)	District Health Officer, Kohistan (Lower)	Medical Superintendent, Government Mental & General Hospital, Dadar District Mansehra. Vice S.No. 37.	
37.	Dr. Ahmad Faisal, Management Cadre (BS-19)	Medical Superintendent, Government Mental & General Hospital, Dadar Mansehra	District Health Officer, Abbottabad. Vice S.No.40.	
38.	Dr. Abdul Waheed Management Cadre (BS-19)	District Health Officer, Shanga	Report to Directorate General Health Services, Khyber Pakhtunkhwa	
39.	Dr. Rabia Waheed General Cadre (BS-19)	Medical Superintendent, DHQ Hospital, Alpuri Shangla	Report to Directorate General Health Services, Khyber Pakhtunkhwa	
40.	Dr. Shah Faisal Akhunzada, Management Cadre (BS-19)	District Health Officer, Abbottabad	Report to Directorate General Health Services, Khyber Pakhtunkhwa	
41.	Dr. Ihsan Ullah, Management Cadre (BS-19)	Waiting for posting at Directorate General Health Services, Khyber Pakhtunkhwa	Deputy District Health Officer, Tank. Vice S.No:45.	

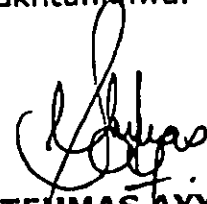
42.	Dr. Zarin Khan, General Cadre (BS-19)	MS/ DDHO Cat-D Hospital Garra Tajik Peshawar -10-	Principal Medical Officer (BS-19), Cat-D Hospital Garra Tajik Peshawar against the vacant post
43.	Dr. Irshad Ali, Management Cadre (BS-18)	District Health Officer, Dir (Lower)	Deputy District Health Officer, Dir (Lower) in OPS against the vacant post
44.	Dr. Ehtisham, General Cadre (BS-18)	Medical Superintendent, DHQ Hospital Landikotal	Senior Medical Officer (BS-18) at DHQ Hospital Landikotal against the vacant post
45.	Dr. Imran, General Cadre (BS-17)	Deputy District Health Officer, Tank	AT the disposal of DHO Tank for further adjustment against the vacant post of Medical Officer (BS-17)

**SECRETARY HEALTH  
GOVERNMENT OF KHYBER PAKHTUNKHWA**

**No. Endst. of even No. & Date**

Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
3. Director General, Provincial Health Services Academy Peshawar.
4. All concerned Deputy Commissioners in Khyber Pakhtunkhwa.
5. All concerned District Health Officers in Khyber Pakhtunkhwa.
6. All concerned District Accounts Officers in Khyber Pakhtunkhwa.
7. All concerned Medical Superintendents in Khyber Pakhtunkhwa.
8. All concerned Principals under the PHSA network.
9. Deputy Director (IT), Health Department, with the direction to upload the notification on official website.
10. PS to Minister for Health Department, Khyber Pakhtunkhwa.
11. PS to Secretary Health Department, Khyber Pakhtunkhwa.
12. All concerned doctors.
13. Personal files of all the concerned doctors.

  
 20/5/2022  
**(TEHMAS AYYUB)**  
**SECTION OFFICER (E-V)**

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**VAKALATNAMA**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

APPEAL NO: 917 OF 2021

Dr. Jamil Ahmed

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Govt of KP & others.

(RESPONDENT)  
(DEFENDANT)

I/We Dr. Yaseen ud din (Respondent No 4)

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. 14 / 09 / 2021

[Signature]  
CLIENT

**ACCEPTED**

**NOOR MOHAMMAD KHATTAK**  
**(BC-10-0853)**  
**15401-0705985-5**

[Signature]  
**UMAR FAROOQ**

**&**  
**WALEED ADNAN**

[Signature]  
**M. AYUB**  
**ADVOCATES**

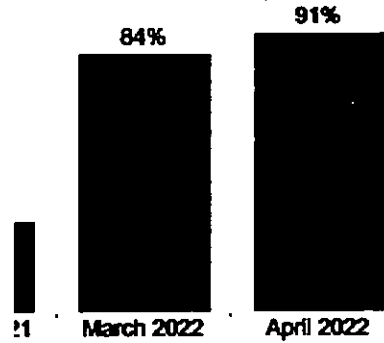
**OFFICE:**

Flat No.(TF) 291-292 3<sup>rd</sup> floor  
Deans trade centre Peshawar cantt:  
Mobile No. 0334-5277323

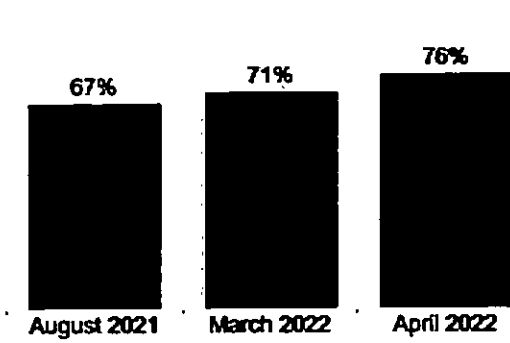
# Quality Scorecard (Input Metrics) – Batkhela

*Atypical*  
*Sajid Ali*  
 Director of Health Services  
 Government of Khyber Pakhtunkhwa

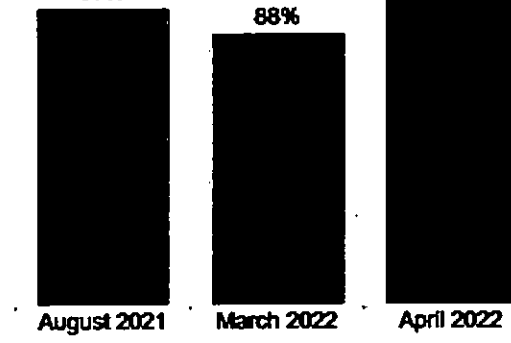
Medicine availability, %



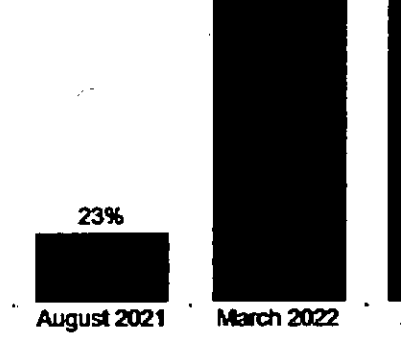
Equipment functionality, %



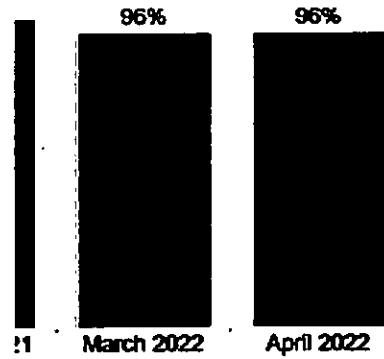
MO Presence, %



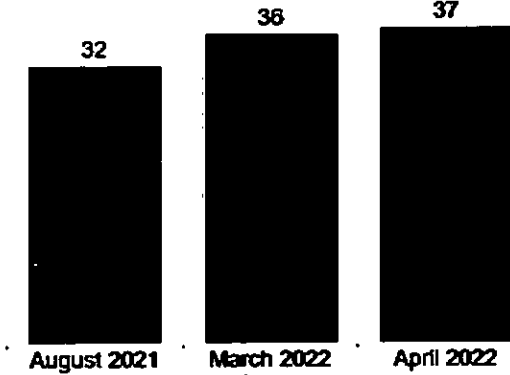
Cleanliness, %



Workshop functionality, %



Avg. hours per MO per week, #







# icine Balance – Batkhela

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Quantity	Medicine
19,410	Normal Saline
0	Nystatin
480	ORS
48,500	Permethrin
159	Polygeline 3.5%
50	Polymydn B (Sulphate) + Bacitracin Zinc
24	Powder Amoxicillin (trihydrate)
555	Powder Ceftriaxone (Sodium)
640	Ringerac™s Lactate
80	Scrub Povidone 3% Iodine
0	Soda Glycerine
3,060	Sodium Bicarbonate (50ml)
700	Solution Povidone 3% Iodine
10	Streptokinase
10	Surgical Blade (all sizes)
0	Surgical Gauze BPC cloth
5,820	Surgical Gloves
110	Suspension Aluminium Hydroxide + Magnesium Trisilicate + SL
0	Suspension Artemether + Lumefantrine
100	Suspension Azithromycin
133	Suspension Dimenhydrinate
5,050	Syrup (sulfamethoxazole + trimethoprim)
730	Syrup Amoxicillin + Clavulanic Acid
2,050	Syrup Cetirizine
4,000	Syrup Ibuprofen
1,770	Syrup Metronidazole
3,150	Syrup paracetamol
73,950	Syrup Valproic
1,780	Tab Amlodipine
50	Tab Artemether + Lumefantrine
48,500	Tab Atenolol
22,750	Tab Atropine (Sulfate)
2,420	Tab Cetirizine
500	Tab Ciprofloxacin (Hydrochloride)
340	Tab Clotrimazole
2,150	Tab Dimenhydrinate
528	Tab Drotaverine
1,000	Tab Glimpride
32,900	Tab Glyceryl Trinitrate
0	Tab Ibuprofen
14,946	Tab Metformin (hydrochloride)
19,200	Tab Metronidazole
0	Tab Montelukast
2,340	Tab Modifloxacin
332	Tab Naproxen Sodium
51	Tab paracetamol
80	Tab Phenobarbital
720	Tab Valproic
47	Tablet Metoclopramide (hydrochloride)
151	Tetanus Toxoid
	Tobramycin + Dexamethasone

19

# Department – Batkhela

Attested  
High Commissioner  
Government of Khyber Pakhtunkhwa

Equipment	Baseline	Available
cardiac monitors	6	7
defibrillators	2	1
CG machines (three channels)	3	2
nebulizer	0	1
pulse oximeters	0	1
PAP & CPAP	0	4
cardiac monitors	5	17
defibrillators	0	0
CG machines with trolleys	1	1
nebulizer	2	5
pulse oximeters	1	2
ventilators	2	5
ventilator Units	2	2
hematology analyzers	1	3
laboratory refrigerators	1	4
semi-automatic clinical chemistry analyzers	1	1
computerized hemo-dialysis machines	10	3
cardiac monitors	1	0
defibrillators	3	0
CG machine	4	1
aryngoscopes (adults and paed)	2	1
nebulizer	2	1
infusion machines	0	2
delivery Tables	1	4
mobile ultrasounds	2	3
baby cots	10	12
fant incubators	4	8
fant warmers	5	7
nebulizer	4	1
photo therapy units	5	4
pulse Oximeters	5	1
anaesthesia machines	1	4
bed-side patient monitors	4	0
beds/Operating Tables (with IV stands)	2	5
electro-surgical units	0	4
operating table lights	2	4
mobile x-ray machine	1	2
static grey-scale ultrasound machine	0	2
static x-ray machine	0	2
phygmomaniometers (desktop)	4	9
phygmomaniometers (floor)	3	0

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# Business – Batkhela

*Atty. General*  
*Sh. [Signature]*  
High Commissioner  
Government of Khyber Pakhtunkhwa

DHO Batkhela

	Walls, Doors & Windows	Bed Sheets & Curtains	Fittings & Accessories	Floors	Odor	Seats & Furniture	Trash Bins	Urinals
	1.00	1.00	1.00	1.00	1.00	1.00	1.00	
	1.00	1.00	1.00	1.00	1.00	1.00	1.00	
is	1.00		1.00	1.00	1.00	1.00	1.00	
	1.00	1.00	1.00	1.00	1.00	1.00	1.00	
	1.00	1.00	1.00	1.00	1.00	1.00	1.00	
	1.00	1.00	1.00	1.00	1.00	1.00	1.00	
re	1.00	1.00	1.00	1.00	1.00	1.00	1.00	
area	1.00		1.00	1.00	1.00	1.00	1.00	
	1.00		1.00	1.00	1.00	1.00	1.00	
	1.00		1.00	1.00	1.00		1.00	

63

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 HIGHER SECONDARY SCHOOL  
 BATKHELA

# Average hours per week by doctors – Batkhela

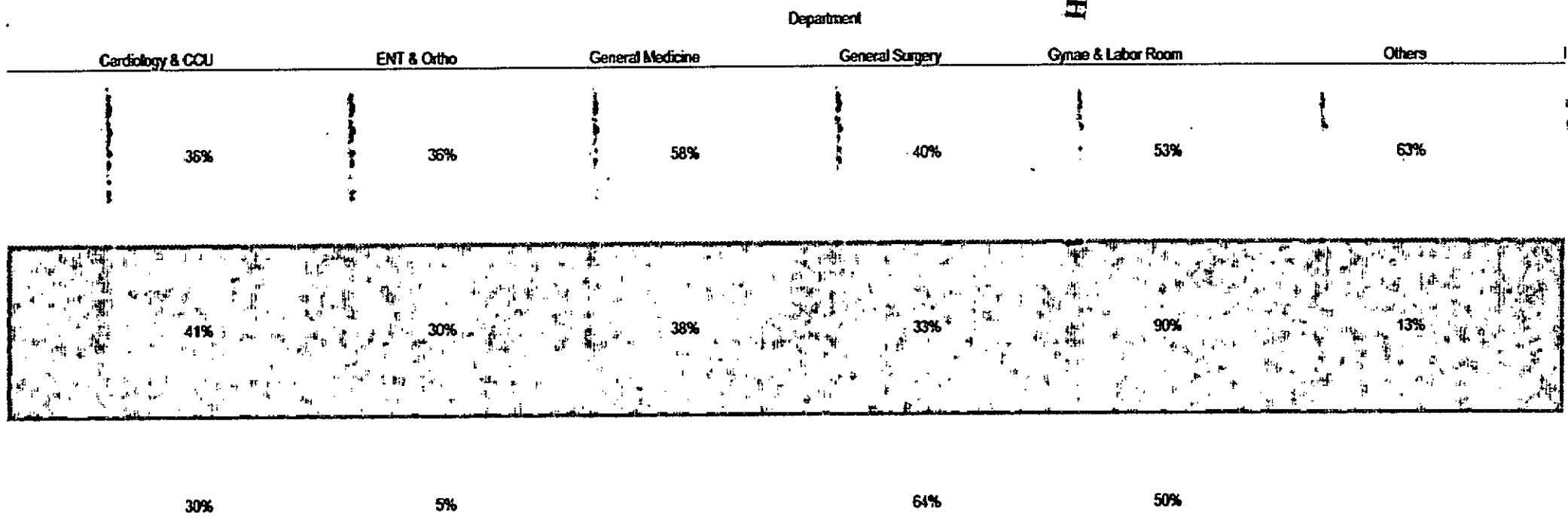
Doctor	Average of Hours worked	No. of unique shifts in month	Doctor	Average of Hours worked	No. of unique shifts in month
Dr. Muhammad Kalim	28	34	Dr. Muhammad Kalim	28	34
Dr. Muhammad Nadeem	28	22	Dr. Muhammad Nadeem	28	22
Dr. Muhammad Nawaz	28	20	Dr. Muhammad Nawaz	28	20
Dr. Muhammad Sajad	28	31	Dr. Muhammad Sajad	28	31
Dr. Muhammad Shoaib	28	13	Dr. Muhammad Shoaib	28	13
Dr. Muhammad Sohail	28	30	Dr. Muhammad Sohail	28	30
Dr. Muhammad Waheed	28	18	Dr. Muhammad Waheed	28	18
Dr. Muhammad Waseem	28	21	Dr. Muhammad Waseem	28	21
Dr. Muhammad Younis	28	30	Dr. Muhammad Younis	28	30
Dr. Naveed Alam	28	20	Dr. Naveed Alam	28	20
Dr. Naved Ali	28	21	Dr. Naved Ali	28	21
Dr. Niaz Ali	28	26	Dr. Niaz Ali	28	26
Dr. Nigar Gul	28	12	Dr. Nigar Gul	28	12
Dr. Rabia Saeed	28	20	Dr. Rabia Saeed	28	20
Dr. Razza Muhammad	28	32	Dr. Razza Muhammad	28	32
Dr. Reeshman Jamal	28	16	Dr. Reeshman Jamal	28	16
Dr. Reehana Hayat	28	26	Dr. Reehana Hayat	28	26
Dr. Sarfar Jaleel	28	29	Dr. Sarfar Jaleel	28	29
Dr. Sahar Naz	28	36	Dr. Sahar Naz	28	36
Dr. Sara Ghaffoor	28	24	Dr. Sara Ghaffoor	28	24
Dr. Sajad Akbar	28	27	Dr. Sajad Akbar	28	27
Dr. Sajad Hussain	28	31	Dr. Sajad Hussain	28	31
Dr. Sajad Kamal	28	30	Dr. Sajad Kamal	28	30
Dr. Salim Khan	28	26	Dr. Salim Khan	28	26
Dr. Sara Gul	28	26	Dr. Sara Gul	28	26
Dr. Sandar Alam	28	34	Dr. Sandar Alam	28	34
Dr. Sandar Ali	28	22	Dr. Sandar Ali	28	22
Dr. Sandar Hussain	28	18	Dr. Sandar Hussain	28	18
Dr. Saud Alam	28	26	Dr. Saud Alam	28	26
Dr. Shabana Azebreen	28	31	Dr. Shabana Azebreen	28	31
Dr. Shabana Yasmin	28	26	Dr. Shabana Yasmin	28	26
Dr. Shadab Gul	28	26	Dr. Shadab Gul	28	26
Dr. Shafiq Ahmad	28	21	Dr. Shafiq Ahmad	28	21
Dr. Shaqita Murad	28	26	Dr. Shaqita Murad	28	26
Dr. Shaqita Zeb	28	14	Dr. Shaqita Zeb	28	14
Dr. Shaif Khan	28	30	Dr. Shaif Khan	28	30
Dr. Shaker Mehmood	28	17	Dr. Shaker Mehmood	28	17
Dr. Shoaib Khan	28	30	Dr. Shoaib Khan	28	30
Dr. Sidra Sanara	28	26	Dr. Sidra Sanara	28	26
Dr. Siraj Khalid	28	19	Dr. Siraj Khalid	28	19
Dr. Syed Fahim Ahmad	28	26	Dr. Syed Fahim Ahmad	28	26
Dr. Syed Sajad Ali	28	22	Dr. Syed Sajad Ali	28	22
Dr. Syed Waqar Ahmad	28	8	Dr. Syed Waqar Ahmad	28	8
Dr. Taimoor Ali	28	16	Dr. Taimoor Ali	28	16
Dr. Tariq Rahim	28	13	Dr. Tariq Rahim	28	13
Dr. Waheed Ali	28	30	Dr. Waheed Ali	28	30
Dr. Wali Gul	28	16	Dr. Wali Gul	28	16
Dr. Waseem (J)	28	26	Dr. Waseem (J)	28	26
Dr. Waseem Ahmad	28	26	Dr. Waseem Ahmad	28	26
Dr. Waseem Khan	28	26	Dr. Waseem Khan	28	26
Dr. Yasir Khan	28	13	Dr. Yasir Khan	28	13
Dr. Yasir Mehmood	28	21	Dr. Yasir Mehmood	28	21
Dr. Zahir Ullah	28	17	Dr. Zahir Ullah	28	17
Dr. Zakir Hussain	28	23	Dr. Zakir Hussain	28	23
Dr. Zeeshan	28	17	Dr. Zeeshan	28	17
Dr. Zubair Shah	28	7	Dr. Zubair Shah	28	7

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# Utilization – Batkhela

Attested  
Ali Raza  
High Court

50% -  
Great  
Less 1





طالبان رہنما ملا اختر منصور کی برسی پر ملا یعقوب تقریب سے خطاب کر رہے ہیں

## ایم ایس بٹ خیلہ ہسپتال ایک سال میں 4 بار تبدیل

ڈاکٹر جمیل احمد نے ہسپتال میں ایک ٹاؤٹ کو پکڑ کر پولیس کے حوالے کیا تھا

سوات (بیورو رپورٹ) سوات سے تعلق رکھنے والے بٹ خیلہ ہسپتال کے ایم ایس کو ایک سال میں 4 بار تبدیل کیا گیا۔ ڈاکٹر جمیل احمد بٹ خیلہ ہسپتال کے ایم ایس تھے تو اس وقت بٹ خیلہ ہسپتال نے صوبے بھر میں بیسٹ پرفارمنس کا ایوارڈ (آئی ایم یو) سے حاصل کیا تھا۔ اس سلسلے میں رابطہ پر ڈاکٹر جمیل احمد نے اس بات کی تصدیق کی اور کہا کہ انہوں (بقیہ 30 صفحہ 4)

091-2584584 اور اشتہارات کے لئے 091-2584583

*(Handwritten signature)*

روازہ پر لٹکا دتی ہم  
کے مطابق تھانہ ٹاؤن  
ہانسداد و ہشت گردی  
صفحہ (بقیہ 28 صفحہ 4)

آہ  
سرگرمی

گھاٹ اتار دیا

چھ گچھ شروع

کی نگرار ہو گئی، اس  
کری جسکے نتیجے میں  
ولیاں لگنے سے جاں  
(بقیہ 29 صفحہ 4)

Awkure M

بہ بالا درخواست گزاروں کے

سرپشاور

باش

پلازہ واقع فخر عالم رصدر روڈ

بداروف کے نام پر ہے اور

تقل کرانے کیلئے درخواست

رے کو دکان مذکورہ بالا کے

ضم کے اندر اندر اپنا اعتراض

بالا درخواست گزاروں کے

کے

کے

کے

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کے

نے بعد سرار ہوئے، ادھر ہاتھ داود زنی کی حدود سر پورہ

روڈ پر فرخ داؤد ولد حوالدار سکنتہ شکر پورہ گھر کے اندر پر اسرار

طور پر جاں بحق ہو گیا ہے، متوفی کے والد نے پولیس کو بتایا

کہ اس کا بیٹا آئس کانٹہ کرتا تھا جس کی وجہ سے وہ بہت

کمزور ہو چکا تھا اور اسی وجہ سے اس کی موت واقع ہوئی

بقیہ نمبر 30 ایم ایس تبدیل

نے ہسپتال میں ایک ٹاؤٹ کو پکڑ کر پولیس کے حوالے کیا

تھا، جس کے بعد اس ٹاؤٹ نے دھمکی دی تھی کہ میں

ایک ماہ میں تمہارا تبادلہ کرواؤں گا اور اس ٹاؤٹ نے

واقعہ گریڈ انیس کے ایم ایس کا تبادلہ کر دیا۔

بقیہ نمبر 31 وزیر داخلہ

قبل بہاولپور میں میڈیا سے گفتگو کرتے ہوئے رانا ثنا اللہ

کا کہنا تھا کہ لانگ مارچ کو اسلام آباد آنے کی

اجازت دینی ہے یا نہیں، فیصلہ اتحادی کریں گے، اگر

روکنے کا فیصلہ ہوا تو انہیں گھروں سے بھی نہیں نکلنے دیں

گے، افراتفری کی کوشش کی گئی تو گرفتاریاں ہوں گی، پھر

قانون اپنا راستہ بنائے گا۔ اسلام آباد میں پولیس کا نفرنس

کرتے ہوئے وزیر داخلہ رانا ثنا اللہ کا کہنا تھا کہ اب تک

کسی کے ساتھ انتخابی اتحاد نہیں ہوا۔ انہوں نے کہا کہ

مسلم لیگ ن عدم اعتماد کی بھی اتنی حامی نہیں تھی لیکن جب

اپوزیشن نے فیصلہ کیا تو ہمیں ساتھ چلنا پڑا۔ رانا ثنا اللہ

نے کہا کہ میں یہ بات بھی کہوں تو غلط نہ ہوگا کہ ہم

انتخابات کی طرف جانا چاہتے تھے، ہمیں ہماری اتحادی

اس طرف لائے۔ ان کے بارے میں بھی ویڈیو

توٹ چکے

وطن ہیں، وہ گ

کیوں زیادتی ا

کہنا تھا کہ بتایا

سال تک ایک

سال گزرنے۔

ملے ہیں۔ انہو

ازب، مجھے کوڈ

کہاں خرچ ہو

پاکستان میں بع

میں اسٹیل شمنٹ

تھا کہ میری بات

لو، ریفرنڈم کروا

مزہ آ گیا ہوگا،

آچکی ہوگی۔

رابطہ کیا اور وہ امر

چارچ سنبھال ا

پاکستان کڈنی اینڈ

کیا اور اجلاس کی

انہوں نے میڈیا۔

طریقے سے فارر

نقصان پہنچایا گیا او

بقیہ نمبر



Annexure 0



**OFFICE OF THE  
MEDICAL SUPERINTENDENT CAT:" A" HOSPITAL  
BATKHELA**

Phone No. (0932) 410242, Fax No. (0932) 410243  
Email: dhqh\_btk\_mkd@hotmail.com

No.4583 -87/DHQ/FIR

Dated: 30/04/2022

To,  
**The Deputy Commissioner  
Malakand**

Subject: **REQUEST TO PROBE AND LODGE FIR AGAINST THE UNKNOWN CALLER**

Sir,  
It is humbly stated that since 03 days someone calls the undersigned from unknown numbers for the purpose of Job harassment, pressurizing, interference in government matters, passing sardonic remarks and gives threats to the undersigned. List of Numbers from which contact made with the undersigned by unknown caller is attached as Annexure-1

Therefore, it is requested in your kind honor to probe in the matter and lodge FIR against the unknown caller/culprit.

*[Signature]*  
Medical Superintendent  
DHQ Hospital Batkhela

No \_\_\_\_\_

Copy to the: -

- Assistant Commissioner Malakand
- PA to Director General Health Services Khyber Pakhtunkhwa Peshawar
- Incharge Levy Post Batkhela
- Incharge Levy guard at DHQ: Hospital Batkhela  
(For information and necessary action)

*[Signature]*  
High Commissioner  
Peshawar

Medical Superintendent  
DHQ Hospital Batkhela

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Annexure "P"



**OFFICE OF THE  
MEDICAL SUPERINTENDENT CAT:" A" HOSPITAL  
BATKHELA**

Phone No. (0932) 410242, Fax No. (0932) 410243  
Email: dhqh\_btk\_mkd@hotmail.com

No. 4588-91 IDHQ/FIA

Dated: 30 / 04 / 2022

To,

The Director Federal Investigation Agency  
Khyber Pakhtunkhwa Peshawar

Subject:  
Sir

**REQUEST FOR ACTION AGAINST THE UNKNOWN CALLER**

It is humbly stated that since 03 days someone calls the undersigned from unknown numbers for the purpose of Job harassment, pressurizing, interference in government matters, passing sardonic remarks and gives threats to the undersigned. List of Numbers from which contact made with the undersigned by unknown caller is attached as Annexure-1

You are therefore requested to please inquire about the subject issue and initiate proper legal action as per the cyber-crimes law act 2016 please.

Your prompt response in this regard will be highly appreciated.

*[Handwritten signature]*  
Director  
FIA  
Peshawar

*[Handwritten signature]*  
Medical Superintendent,  
Cat: "A" Hospital Batkhela

No. \_\_\_\_\_ /

Copy to the: -

- Deputy Commissioner Malakand
- PS to Secretary Health Govt: of Khyber Pakhtunkhwa Peshawar
- PA to Director General Health Services Khyber Pakhtunkhwa Peshawar

*[Handwritten signature]*  
Medical Superintendent,  
Cat: "A" Hospital Batkhela

# Phone

Pakistan

20 min ago

0330 2022129

Pakistan

21 min ago

0331 3397296

Pakistan

45 min ago

0331 3277639

Pakistan

54 min ago

0334 0762870

Pakistan

57 min ago

0330 2022129

Pakistan

58 min ago

0330 2022129

Pakistan

59 min ago

*Handwritten signature*  
High Court Advocate  
Rawalpindi

0334 0762870

Pakistan

12:28 PM

Aziz Surgeon

Pakistan

12:11



Phone



Contacts



Favorites

Annexure "Q"

To,

The secretary Health  
Government of Khyber Pakhtunkhwa,  
At Civil Secretariat Peshawar.

Subject:

*Departmental Appeal against the impugned order/ Notification No. SOH(E-V)/4-4/2022 dated 18.05.2022, whereby the applicant be transferred from DHQ Hospital Batkhela, Malakand to Directorate General Health Services, Khyber Pakhtunkhwa.*

Prayer in appeal:

*On acceptance of this appeal the Transfer Order/ Notification No. SOH(E-V)/4-4/2022 dated 18.05.2022, may kindly be cancelled and withdrawn.*

Respected Sir,

The applicant submits as under;

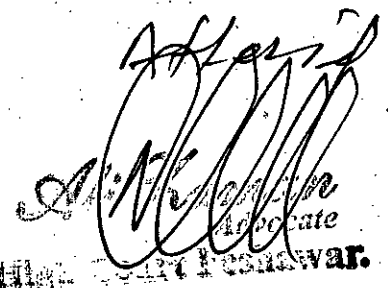
*[Handwritten Signature]*  
High Court Peshawar.

1. That the applicant is serving presently as (BPS-19) Management Cadre, Medical Superintendent, DHQ Hospital Batkhela, Malakand.
2. That the applicant belongs to Management Cadre and has also participated in different training courses for the same, including the three months Departmental Training at Provincial Health Services Academy Peshawar vide order/ notification No. 14666-77 Dated: 16.10.2018. (Copy of Notification No. 14666-77 Dated: 16.10.2018 is attached herewith)
3. That the applicant has been transferred four times within one year i.e. from Swat to Bunair on April 2021, then from Bunair to Peshawar on May 2021, thereafter from Peshawar to Batkhela on July 2021 and now transferred from Batkhela to Peshawar Vide Notification Dated: 18.05.2022 illegally, unlawfully with mala-fide intention just to harass him for some ulterior motive because the applicant has captured one tout in the hospital and handed over to the police upon which he threaten the applicant for dire consequences and in the result transferred the applicant from Batkhela by using political influence. (Copy of Notification Dated: 18.05.2022 is attached herewith)

4. That it is pertinent to mention here that during the tenure of the applicant as Medical Superintendant DHQ Hospital Batkhela, the applicant's Hospital received Best Performance Award from IMU (Internal Monitoring Unit). (Copy of Newspaper Cutting is attached herewith)
5. That now all of a sudden without any complaint or negligence on the part of the applicant, the applicant has been transferred from Batkhela to Peshawar vide Notification Dated: 18.05.2022, which is liable to be cancelled/ withdrawn inter alia on the following grounds.

Grounds:

- I. That the appellant has not been treated in accordance with law hence, right secured and guaranteed under the law are badly violated.
- II. That the transfer order has been issued in gross violation of the Khyber Pakhtunkhwa Management Services Rules, 2008.
- III. That the applicant has been transferred four times in one year illegally unlawfully with mala-fide intention just to harass him for some ulterior motive because the policy of transfer posting is clear that the posting and transfer must be made once within two years therefore the order/ notification dated: 18.05.2022 is illegal and unlawful and ineffective upon the rights of the applicant and besides that a lower grade MS Cat-D Hospital Dargai, Malakand has been appointed on the place of applicant post.

  
Advocate  
Peshawar.

IV. That the applicant has disease namely Dialted Cardiomyopathy. This new posting will endanger the life of the applicant.

V. That the applicant has performed his duty honestly, promptly and with all his best professional abilities. The applicant's Hospital received Best Performance Award from IMU (Internal Monitoring Unit) as well as In this regard guidance may be taken from the ACRs of the applicant.

VI. That ever since after appointment the appellatant has performed his duties with zeal and devotion and there was no complaint whatsoever regarding his performance.

*Signature*  
High Comm. Peshawar.

VII. That the impugned transfer order was forwarded by Secretary Health Government of Khyber Pakhtunkhwa vide order/ notification dated: 18.05.2022, hence this appeal is well within time.

In the light of the above submissions, it is therefore humbly prayed that on acceptance of this Departmental Appeal, the transfer order of the applicant dated: 18.05.2022 may kindly be cancelled and withdrawn.

Applicant

*Signature*

Dr. Jamil Ahmad  
Management Cadre (BPS-19)  
Medical Superintendent  
DHQ Hospital Batkhela,  
Malakand



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

(7.5)

NO. SOH(E-V)/4-4/2022/Dr. Jamil Ahmad  
Dated Peshawar the 14<sup>th</sup> June, 2022

To,

The Director General Health Services,  
Khyber Pakhtunkhwa,  
Peshawar

Annexure '9-1'

Subject:

**DEPARTMENTAL APPEAL AGAINST ORDER NOTIFICATION**  
**NO. SOH(E-V)/4-4/2022 DATED 18.05.2022**

Dear Sir,

I am directed to refer to your letter No. 9219/E-I dated 14 06.2022 on the subject noted above and to inform you that the request of Dr. Jamil Ahmad, Ex-Medical Superintendent, DHQ Hospital Balkheia (Now waiting for posting) regarding cancellation of his transfer order has been considered and filed/ regretted, please.

Yours faithfully,

  
(TEHMAS AYYUB)  
SECTION OFFICER (E-V)

SECTION OFFICER (E-V)

Endst. No. & Date Even

Copy to the:-

- P.S to Secretary Health, Khyber Pakhtunkhwa.

Attended  




GOVERNMENT OF KHYBER PAKHTUNKHWA,  
HEALTH DEPARTMENT

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Annexure "R"

No. E&A/Health/2-85/2019  
Dated: the Peshawar May 17, 2019

To,

1. All Hospital, Medical Directors MTI, Khyber Pakhtunkhwa
2. All District Health Officers, Khyber Pakhtunkhwa
3. All Medical Superintendents, Khyber Pakhtunkhwa
4. Director Health Services, Merged Districts Khyber Pakhtunkhwa

Subject: STRICT COMPLIANCE OF DOMICILE/ RATIONALIZATION-BASED POSTING/ TRANSFERS OF DOCTORS IN THE HEALTH DEPARTMENT.

Dear Sir,

I am directed to refer to the above noted subject and to say that this department has recently issued posting/ transfer notifications in respect of doctors on domicile/ rationalization basis. In this regard, all the Hospital/ Medical Directors of MTIs and DHOs/ MSs, Khyber Pakhtunkhwa are required to relieve all the doctors who were transferred from MTIs/ other hospitals and subsequently, posted in their respective home districts and stop their salaries/ pays henceforth.

2. I am further directed to convey that all Hospital/ Medical Directors of MTIs, Khyber Pakhtunkhwa should advertise the positions fell vacant due to the above posting/ transfers and fill-up the same under their control in the prescribed manner, at the earliest possible.

3. Similarly, all DHOs/ MSs/ DHS merged Districts, Khyber Pakhtunkhwa are required to accept arrival of the reporting doctors transferred from MTIs/ other hospitals and should ensure that they must serve at the place of posting as per notifications without any further internal adjustment.

4. All the DHOs/ MSs/ DHS merged Districts, Khyber Pakhtunkhwa are required to report the doctors transferred from MTIs/ other hospitals to this department who fail to join their new assignment within the stipulated time for initiation of disciplinary proceedings under the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011.

*[Signature]*  
Section Officer (General)

End: of even No. & Date.

1. Director General Health Services, Khyber Pakhtunkhwa.
2. PSO to Minister for Health, Khyber Pakhtunkhwa.
3. PS to Secretary Health, Khyber Pakhtunkhwa.

*[Signature]*  
Section Officer (General)



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Annexure 'S'**BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

Appeal No. \_\_\_\_\_/2020

Dr. Jamil Ahmad , S.M.O (BS-18), Health Department  
Peshawar.

(Appellant)

**VERSUS**Govt Khyber Pakhtunkhwa, through Chief Secretary, Khyber  
Pakhtunkhwa Peshawar and others.

(Respondents)

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Appellant Deposited  
Security & Process Fee  
24/12

Appellant

Through

ALI ZAMAN

ABDUL SAMAD DURRANI

DENNIS MURAD

&amp;

SHAHZAD SHAHID BALOCH

Advocates Peshawar.

S. Ali Khan  
Associate  
High Court Peshawar.

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**BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

Appeal No. \_\_\_\_/2020

Dr. Jamil Ahmad, Senior Medical Officer (BS-18) S/O  
Abdullah Resident of Mohallah Amir Abad, Balogram, Tehsil  
Babo zai, District Swat.

(Appellant)

**VERSUS**

1. The Govt Khyber Pakhtunkhwa, through Chief Secretary,  
Khyber Pakhtunkhwa Peshawar.
2. Secretary Health, Khyber Pakhtunkhwa Peshawar.
3. Director General Health Services, Khyber Pakhtunkhwa,  
Peshawar.
4. Medical Superintendent Saidu Group Of Teaching Hospitals  
at Saidu Sharif, Swat.

(Respondents)

**APPEAL UNDER SECTION 4 OF THE  
KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL ACT, 1974 AGAINST THE  
NOTIFICATION NO. SOH(HT)/E-V/2-2/2020,  
DATED 21.05.2020, WHEREBY THE  
APPELLANT WAS TRANSFERRED FROM  
SAIDU GROUP OF TEACHING SWAT TO  
CIVIL DISPENSARY BOTA, TRIBAL  
DISTRICT MOHMAND, AGAINST WHICH  
THE DEPARTMENTAL APPEAL DATED  
19.06.2020 WAS INSTITUTED BEFORE  
RESPONDENT NO. 02, AND TILL DATE NO  
RESPONCE HAS BEEN GIVEN.**

*[Handwritten Signature]*  
Advocate  
High Court Peshawar.

**Prayer in Appeal: -**

On acceptance of this appeal the impugned  
Notification dated 21.05.2020 may please be set-  
aside/ Cancelled and the appellant may pleased  
be restored in his own Management Cadre  
according to prescribed qualification in service  
as well as at his own station at Saidu Group of  
Teaching Swat according to Rationalization  
Policy.

**Respectfully Submitted:**

Compendium of the facts from which the present appeal arises are as under:-

1. That the appellant was initially appointed as Medical Officer (BPS-17) in the Health Department in the year 1995 and later on was promoted to Senior Medical Officer (BPS-18).
2. That after the promulgation of the Khyber Pakhtunkhwa Health (Management) Services Rules 2008, the appellant opted for Management Cadre and since then the appellant is serving in Management Cadre.
3. That the appellant has participated in Management Cadre Training Courses up to 03-04 months in department at Provincial Health Services Academy Peshawar, vide Order/ Notification No. 14666-77, dated 16.10.2018. (Copy of Notification is annexed herewith as annexure "A")
4. That after completion of the aforesaid training the appellant resumed the post of senior Medical Officer (Management Cadre) at Saidu Group of Teaching Hospitals Saidu Sharif Swat.
5. That the appellant has perform his duty from his initial appointment with full devotion, zeal and zest and no complaint whatsoever regarding his performance yet by the respondents, which clearly proves that the appellant is hard working and devoted person and all of the sudden without any complaint, Notice, the Respondent No. 02 transferred the appellant from Saidu Group of Teaching Hospitals Swat "Management Cadre" to Civil Dispensary Bota, Tribal District Mohmand "General Cadre" which speaks of the Respondents' mala-fide intention, illegal, Unlawfull, without jurisdiction without law full authority, void ab initio and ineffective upon the legal and valid rights of the appellant.

Attested  
 Mr. [Signature]  
 High Court Peshawar

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6. That it is pertinent to mention here that the appellant was serving in Management Cadre and the Respondent No. 02 has mala-fidely, intentionally transferred the appellant to General Cadre for Civil Dispensary Bota.

7. That the said illegal transfer by the Respondent No. 02 is the result of Political Victimization and may be the result of personal benefits.

8. That the appellant throughout agitated the matter in department by filing application and departmental appeal, but the department remained reluctant and did not bothered to respond till the instant appeal. (Copy of Departmental Appeal is attached as annexure "B").

9. That it is further pertinent to mention here that the appellant is suffering from his frozen Shoulder and get treatment by the specialized physiotherapist, in Saidu shareef from last three months, Moreover, he is also Heart Patient and get treatment since long here in saidu Sharif, if the impugned Notification remain intact appellant will suffer from the dire consequences of life and death. (Copies of Medical Prescription are attached as annexure "C" & "D")

10. That the transfer of the appellant is violation of the rationalization policy of the Government of Khyber Pakhtunkhwa and also against the aim and objectives or spirit of the said rationalization policy in order to improve the health care. (Copy of Notification of Rationalization Policy is attached as annexure "E").

11. That number of the posts of the Management Cadre in (BPS-18) including six posts of DMS Management Cadre is still vacant in Swat Saidu Group of Teaching Hospitals Saidu Sharif, hence the illegal transfer of the appellant to the far flung area which is clear cut violation of laws, rules and the judgments of the superior Courts.

Attorney  
S. S. Sheppard  
Advocate  
Court Peshawar.

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12. That the Notification impugned is liable to be set aside/  
Cancelled inter alia on the following grounds: -

**Grounds of Appeal:**

A. That the appellant has not been treated in accordance with law, moreover, it is a result of political victimization which resulted in the illegal transfer of the appellant.

B. That the impugned Notification is illegal, void ab initio, with malafide intentions, without lawful authority, jurisdiction, and ineffective upon the rights of the appellant, hence liable to be cancelled.

C. That the appellant has been transferred to a post of General Cadre despite the fact that the appellant is the member of Management Cadre of the Khyber Pakhtunkhwa Health Department.

D. That the appellant is suffering from several chronic diseases and there are no facilities available in the dispensaries of District Mohmand, moreover, no such accommodation provided by the concerned respondents to the appellant.

E. That the impugned Notification has been issued against the rationalization policy of the Provincial Government of Khyber Pakhtunkhwa, which is gross miss conduct of the authority.

F. That the transfer and posting on the direction of Chief Minister / Minister and other political figures has been declared illegal time and again by the superior courts.

*[Handwritten signature]*  
Advocate  
Dist. Court Mohmand

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G. That the appellant has performed his duty with great zeal and devotion, hard work and till date no complaint of the appellant has registered to the respondents, in this regard guidance may be taken from the ACR's of the appellant.

H. That the other grounds will be raised, if any, at the time of arguments, with the permission of this Honble tribunal.

It is therefore prayed that on acceptance of this appeal the impugned Notification No. SOH(HT)/E-V/2-2/2020, dated 21.05.2020 may please be set-aside/ Cancelled and the appellant may please be restored in his own Management Cadre at his own station at Saidu Group Of Teaching Hospital, Saidu Sharif Swat, according to prescribed qualification in service.

Appellant

Through

ALI ZAMAN

ABDUL SAMAD BARRANI

DENNIS MURAD

& SHAHZAD SHAHID BALOCH

Advocates Peshawar

*Shahzad*  
S.M.C. (BS-18)  
16/09/2020

AFFIDAVIT

I, Dr. Jamil Ahmad, S.M.C (BS-18), Health Department Peshawar, do hereby solemnly affirm and declare that the contents of the above appeal are true and correct to the best of my knowledge and belief and that nothing has been kept back or concealed from this Honourable Tribunal.

16/09/2020  
Deponent

**BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

Appeal No. \_\_\_\_\_/2020

Dr. Jamil Ahmad , S.M.O (BS-18), Health Department  
Peshawar.

(Appellant)

VERSUS

Govt Khyber Pakhtunkhwa, through Chief Secretary, Khyber  
Pakhtunkhwa Peshawar and others.

(Respondents)

**APPLICATION FOR SUSPENSION OF THE  
IMPUGNED NOTIFICATION NO. SOH(HT)/E-V/2-  
2/2020, DATED 21.05.2020, TILL THE FINAL  
DISPOSAL OF THE INSTANT APPEAL.**

**Respectfully Submitted:**

1. That the appellant has filed the accompanied service appeal in which no date has been fixed so far.
2. That all the grounds raised in the main appeal may kindly be considered as part and parcel of the instant application.
3. That the appellant has Prime facie and arguable case, and balance of convenience also lie in favor of the appellant/applicant.
4. That if the impugned notification is not suspended, the applicant/appellant will suffer irreparable loss, which cannot be compensated in terms of money or else.

*Amirul*  
*Amirul*  
High Court Peshawar.

84

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5. That valuable rights of the applicant/appellant are involved in the case hence the instant application may be allowed, in best interest of the justice.

It is therefore prayed that on acceptance of this application the order of the impugned Notification may kindly be suspended till final disposal of the Appeal.

Applicant/ Appellant

Through

*Ali Zaman*

ALI ZAMAN

ABDUL SAMAD DURRANI

DENNIS MURAD

& SHAHZAD SHAHID BALOCH

Advocates Peshawar

AFFIDAVIT

I, Dr. Jamil Ahmad, S.M.C (BS-18), Health Department Peshawar, do hereby solemnly affirm and declare that the contents of the above appeal as well as the application are true and correct to the best of my knowledge and belief and that nothing has been kept back or concealed from this Honourable Tribunal.

*Jamil Ahmad*  
Deponent  
High Court Peshawar

Deponent  
16/09/2020



Annuire T' (8/11)

**BEFORE THE KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL PESHAWAR**

(85)

Misc App No. \_\_\_\_\_/2021

In

Appeal No. 11143/2020

*Dr. Jamil Ahmad, Senior Medical Officer (BS-18).*

.....(Applicant/Appellant)

**VERSUS**

*The Govt Khyber Pakhtunkhwa, through Chief Secretary, Khyber  
Pakhtunkhwa Peshawar & Others.*

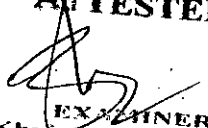
.....(Respondents)

**APPLICATION FOR WITHDRAWAL OF THE**  
**TITLED APPEAL.**

Respectfully sheweth:

1. That the captioned appeal is pending adjudication before this Honorable Court which is fixed for hearing today i.e. <sup>25</sup> 25.05.2021.
2. That the appellant has filed the instant appeal before this Honorable Court against the illegal transfer of the appellant from Saidu Group of Teaching Hospital Swat to Civil Dispensary BOTA, Tribal District Mohmand.

**ATTESTED**

  
**EXAMINER**  
**Khyber Pakhtunkhwa**  
**Service Tribunal**  
**Peshawar**

86

86

3. That the appellant has promoted to BPS-19 in this regard a Notification was issued bearing Notification No. SOH (E-V)2-2/2021, on 05.04.2021.

(Copy of Notification is attached as Annexure "A")

4. That the appellant has left no interest in the instant appeal being infructuous and to further proceed the case is just the wastage of precious time of this Honorable Court, Therefore, the appellant do not want to pursue the case further.

5. That there is no legal bar on acceptance of this application rather the law and justice demand the same.

It is therefore, humbly prayed that on acceptance of the application in hand the case of the appellant may kindly be withdrawn for the best interest of justice.

Applicant / Appellant

Through

Ali Zaman  
&

Abdul Samad Durrani  
Advocates  
High Court Peshawar

Certified to be true copy

EX-1000  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

13.04.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 30.04.2021 for the same as before.

(88)

(87)

Reader

Annure "T"

30.04.2021

Due to demise of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 25.05.2021 for the same as before.

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Reader

25.05.2021

Mr. Abdul Samad Durrani, Advocate is present on behalf of the appellant and has submitted an application seeking withdrawal of the instant appeal with the reason that the appellant having been left with no interest to pursue the same does not want to proceed further. Application is placed on file. In pursuance thereto, this appeal is dismissed as withdrawn. File be consigned to the record.

Chairman

ANNOUNCED

25.05.2021

Certified to be true copy

Signature of Service Engineer

03/06/22

800




10/1

10/1

07/06/22

07/06/22

88

قیمت 50 روپے	25323	  
ایڈوکیٹ:		
بار کونسل ایسوسی ایشن نمبر: 10-776		پشاور بار ایسوسی ایشن، خیبر پختونخواہ
رابطہ نمبر: 0300-586824		

Before The Khyber Pakhtunkhwa Service Tribunal Peshawar

(Appellant) DR. Jamil Ahmad	دعویٰ: DR. Jamil Ahmad Service Appeal
DR. JAMIL AHMED	علت نمبر:
بنام	مورخ:
Govt KP & Chief Secretary	م:م:
KP and others	تھانہ:
<b>باعت تحریر آگے</b>	

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ  
 آن مقام کے سامنے کیے گئے، علی بن علی، عبدالرحمن صاحب، عبدالرحمن صاحب اور عبدالرحمن صاحب  
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز ذیل صاحب کو  
 راضی نامہ کر کے نہ تو تقررات و فیصلہ برخلاف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق  
 زیر پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز  
 دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی  
 کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب  
 مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ برداشت منظور و قبول ہوگا  
 دوران مقدمہ میں جو چیز چاہے ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاخیر پیشی مقام دورہ یا حد سے

کی اللہ علیہ وسلم عبدالمجید  
 15602 07790219

DR. JAMIL AHMED  
 ACCEPTED  
 Abdul Samad Durrani  
 Advocate

کے لیے منظور ہے۔  
 مقام ۱۳

قیمت 50 روپے	32413	  
ایڈوکیٹ: <u>عمرمان علی یوسفزی</u>		
بار کونسل / ایسوسی ایشن نمبر: <u>09-1766</u>		<p>پشاور بار ایسوسی ایشن، خیبر پختونخواہ</p>
رابطہ نمبر: <u>0314-9070658</u>		

بعدالت جناب: سروس ٹریبونل کراچی

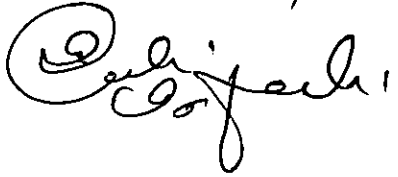
منجانب: <u>Private Respondent</u> <u>BY: Syfaan</u> 	دعویٰ: علت نمبر: مورخہ: جرم: تھانہ:
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### باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ  
 آن مقام ایڈووکیٹ کیلئے عمرمان علی یوسفزی کو وکیل مقرر  
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو  
 راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق  
 زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور سنبھالی، نیز  
 دائر کر کے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی  
 کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب  
 مقرر شدہ کو کوئی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا سبب پر واضحہ منظور و قبول ہوگا  
 دوران مقدمہ میں جو خرچہ ہر اجانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے  
 باہر ہو تو وکیل صاحب یا ہمدست ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم:  
  
 PESHAWAR BAR ASSOCIATION  
 KHYBER PAKHTOONKHWA

مقام کراچی کے لیے منظور ہے

A Tested & Accepted  


نوٹ: اس وکالت نامہ کو کوئی ناقابل قبول ہوگی۔

ڈاکٹر عمرمان

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR.**

**Service Appeal No. 917/2022**

Dr. Jamil Ahmad (MS DHQ Bakhtkhela)

-----Appellant

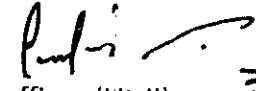
VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary & Others

-----Respondent

**INDEX.**

S.No.	Description of documents	Annexure	Page
01	Parawise Comments		1 to 06
02.	Judgment dated: 24/05/2022 in Appeal No. 7035/2021	"A"	07-16

  
Section officer (Lit-II)  
Govt: of Khyber Pakhtunkhwa  
Health Department

30/8/2022

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

**SERVICE APPEAL NO. 917/2022**

Dr. Jamil Ahmad.....Appellant

Versus

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

**PARAWISE COMMENTS ON BEHALF OF RESPONDENTS**

**Respectfully Sheweth;**

**PRELIMINARY OBJECTIONS:-**

1. That the Appellant has got neither cause of action nor locus standi to file the instant Appeal.
2. That the Appellant has filed the instant appeal just to pressurize the respondents.
3. That the instant Appeal is against the prevailing Law and Rules.
4. That the Appeal is not maintainable in its present form.

5. That the Appellant has filed the instant Appeal with mala-fide intention hence liable to be dismissed.
6. That the Appeal is badly time barred.
7. That the Honourable Tribunal has no Jurisdiction to adjudicate upon the matter.
8. That the instant appeal is bad for mis-joinder of unnecessary and non-joinder of necessary parties.
9. The impugned transfer Notification dated 18-05-2022 has been issued in accordance with Section 10 of the Khyber Pakhtunkhwa Civil Servant Act 1973.

#### **ON FACTS**

1. Pertains to record.
2. Pertains to record.
3. Incorrect. The appellant is a civil servant whereas transfer/posting of a civil servant comes within the preview of terms and conditions of services. A Civil Servant has to serve where he is posted by the competent authority. The competent authority has been empowered by Section 10 of Civil Servant Act 1973 to transfer and post a civil servant in exigency of service therefore, the competent authority in exercise of the authority under Section 10 of Civil Servant Act 1973 bonafidely issued the impugned Notification dated 18-05-2022 in the public interest.



4. Incorrect. The replying respondents issued all the transfer orders mentioned in the para, in exigency of service and public interest hence, the para being concocted is denied. The impugned order has been issued in accordance with Law and Rules the apex court has laid down following principles in a reported judgment 2017 SCMR 798:

- i. *It is within the competence of the authorities to transfer a civil servant from one place or post to another to meet the exigencies of service or administration; provided his terms and conditions of service are not adversely affected.*
- ii. *A Civil servant has no vested rights to claim posting or transfer to any particular place of his choice nor has any right to continue to hold a particular post at a particular place.*
- iii. *His transfer and posting is limited to the given tenure, or at the pleasure of the competent authorities.*
- iv. *Normally, he is not required to acquire any specialized skill or professional training in order to serve the new post or place.*

- v. *His seniority and progression of career in terms of promotion and other benefits of the services are not affected by the transfer and he remains pegged to his batch or group to which he was initially appointed after completing the required common and specialized trainings and after passing the required departmental examinations conducted by the FPSC.*
- vi. *He is posted and transferred routinely in the same grade or scale that he possesses in his service or group; unless the rule requires so or allows so.*

The appellant has been treated in accordance with the above dictum of the apex court. This honorable tribunal also dismissed service appeal No. 7035/2021 titled Dr. Ejaz Ahmad VS Govt. of KPK dated 24-05-2022 on the basis of the above mentioned judgment (*Annex-A*).

5. Incorrect. The impugned Notification dated 18-05-2022 has been issued in public interest without any political pressure or victimization it is the duty of the appellant to take actions against any mal practice or corrupt practice within the hospital and to report the same to the quarter concern.

6. Incorrect. Detail reply has been given in para 4 however, contention of the appellant mention in the para is sufficient to prove that he is exercising all efforts to pressurize the replying respondents for withdrawal of the impugned Notification which has been issued in accordance with Law, Rules and dictum of the apex court.
7. Pertains to record however it is the duty of a civil servant to perform his duties efficiently and to the entire satisfaction of the public at large.
8. Pertains to record.
9. Correct to the extent that his departmental appeal being devoid of merit and laws was regretted by the replying respondents.
10. Incorrect. All replied in para 4 of the facts.
11. Pertains to record however, the transfer mentioned in the para has no concern with the impugned Notification dated 18-05-2022.
12. Incorrect however, reply on the grounds are as under:

**ON GROUNDS:**

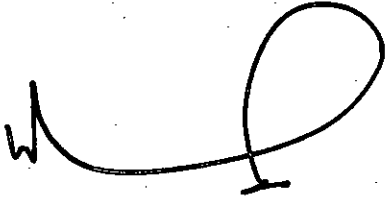
- A. Incorrect the impugned Notification dated 18.05.2022 is in accordance with law rules and principal of natural justice.
- B. Incorrect the impugned notification has been issued in accordance with law and transfer and posting policy of the Provincial Government policy and in accordance with Section-10 of Civil Servant Act 1973.

- C. Incorrect already replied in para 4 of the facts.
- D. Incorrect already explained in para 4 of the facts.
- E. Incorrect already explained in paras above.
- F. Incorrect already explained in paras above.
- G. Pertains to court record however detail reply has been given in para 4 of the facts.
- H. Incorrect already explained in para 4 of the facts.
- I. Incorrect already explained in paras above.
- J. Incorrect already replied in paras above.
- K. Subject to proof.

**PRAYER**

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

*Saheer Afendi*  
**Director General Health Services  
Khyber Pakhtunkhwa  
Respondent No-3**

  
**Secretary Health Department  
Khyber Pakhtunkhwa  
Respondent No-1 & 2**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR.**

**Service Appeal No. 917/2022**

Dr. Jamil Ahmad (MS DHQ Bakhtkhela)

-----Appellant

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary & Others

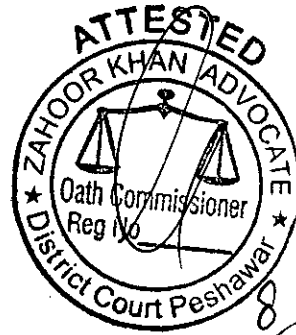
-----Respondent

**AFFIDAVIT.**

I Mohammad Tufail Section Officer (Lit-II) govt. of Khyber Pakhtunkhwa Health Department do hereby solemnly affirm and declare that the joint Para-wise comments in Service Appeal No.917 /2022 at Page-1-~~6~~ is submitted on behalf of respondents is true and correct to the best of my knowledge, belief and that nothing has been concealed from this Hon'ble Court.

Identified by:-

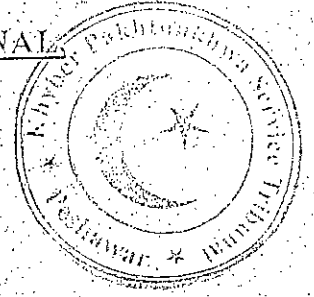
Addl: Advocate General,  
Khyber Pakhtunkhwa



*[Handwritten Signature]*  
Section officer (Lit-II)  
Govt: of Khyber Pakhtunkhwa  
Health Department

30/8/22

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR:



Service Appeal No. 7035/2021

BEFORE: KALIM ARSHAD KHAN --- CHAIRMAN  
FAREEHA PAUL --- MEMBER(E)

Dr. Ejaz Ahmed, District Surgeon Category "C" Hospital,  
Karak.....(Appellant)

VERSUS

1. The Government of Khyber Pakhtunkhwa, through Chief Secretary to the Government of Khyber Pakhtunkhwa Peshawar.
2. The Health Department, Government of Khyber Pakhtunkhwa, through Secretary to the Government of Khyber Pakhtunkhwa Peshawar.
3. Director General, Health Services, Health Department, Government of Khyber Pakhtunkhwa.....(Respondents)

Present:

Ali Gohar Durrani, Advocate --- For Appellant.

Asif Masood Ali Shah,  
Deputy District Attorney --- For respondents.

Date of Institution.....07.07.2021

Date of Hearing.....12.05.2022

Date of Decision.....24.05.2022

Service Appeal No. 7402/2021

Dr. Rizwan Ahmad son of Sanat Khan, Chief District Surgeon (BS-20), DHQ, Hospital, Karak.....(Appellant)

VERSUS

1. The Government of Khyber Pakhtunkhwa, through Chief Secretary, Civil Secretariat, Peshawar.
2. Govt. of Khyber Pakhtunkhwa through Secretary Health Department, Civil Secretariat, Peshawar.
3. Director General Health Services, Health Department, Govt. of Khyber Pakhtunkhwa main Warsak road, Peshawar...(Respondents)

Present:

Hidayatullah Khattak, Advocate --- For Appellant.

Asif Masood Ali Shah,  
Deputy District Attorney --- For respondents.

ATTESTED

SECRETARY  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR

Date of Institution.....13.09.2021  
 Date of Hearing.....12.05.2022  
 Date of Decision.....24.05.2022

Service Appeal No: 7402/2021

Muhammad Nasir, son of Muhammad Tahir (late), Surgical Specialist, DHQ, Teaching Hospital, KDA, Kohat.....(Appellant)

VERSUS

1. The Government of Khyber Pakhtunkhwa, through Chief Secretary, Civil Secretariat, Peshawar.
2. The Health Department, Govt. of Khyber Pakhtunkhwa through Secretary Health, Civil Secretariat, Peshawar.
3. Director General Health Services, Govt. of Khyber Pakhtunkhwa, Directorate Health, Peshawar.....(Respondents)

Present:

Tariq Altaf, Advocate ..... For Appellant.

Asif Masood Ali Shah,  
 Deputy District Attorney ..... For respondents.

Date of Institution.....14.09.2021  
 Date of Hearing.....12.05.2022  
 Date of Decision.....24.05.2022

Service Appeal No. 7447/2021

Dr. Tahir Saeed S/O Ghulam Sardar, District Surgeon, THQ Hospital, Banda Daud Shah, Karak.....(Appellant)

VERSUS

1. The Government of Khyber Pakhtunkhwa, through Chief Secretary, Civil Secretariat, Peshawar.
2. The Health Department, Govt. of Khyber Pakhtunkhwa through Secretary Health, Civil Secretariat, Peshawar.
3. Director General Health Services, Govt. of Khyber Pakhtunkhwa, Directorate Health, Peshawar.....(Respondents)

Present:

Tariq Altaf, Advocate ..... For Appellant.

Asif Masood Ali Shah,  
 Deputy District Attorney ..... For respondents.

Date of Institution.....24.09.2021  
 Date of Hearing.....12.05.2022  
 Date of Decision.....24.05.2022

ATTESTED

EXAMINER  
 Service Tribunal  
 Peshawar

### JUDGMENT

KALIM ARSHAD KHAN, CHAIRMAN:- Through this single judgment the instant service appeal as well as the connected service appeal No.7402/2021 titled "*Dr. Rizwan Ahmad-vs-Govt. of Khyber Pakhtunkhwa and others*", service Appeal No. 7412/2021 titled "*Muhammad Nasir-vs- Govt. of Khyber Pakhtunkhwa and others*" and service appeal No.7447/2021 titled "*Dr. Tahir Saeed-vs- Govt. of Khyber Pakhtunkhwa and others*" are being decided as all the four appeals are preferred against notification No.SOH-I/HD/3-5/2020 dated 03.03.2021 vide which all the appellants were transferred from different stations.

02. According to service appeal No. 7035/2021 of Dr. Ijaz Ahmad, the appellant was appointed as Medical Officer (BS-17) in the respondent-department on 04.03.2003; that later on he was appointed as District Specialist Surgery (BS-18) on the recommendations of the then NWFP Public Service Commission vide order dated 10.09.2008; that based on a complaint against the appellant, an enquiry committee was constituted by the Director General Health Services vide letter No. SOH-I/HD/3-5/2018 dated 23.05.2019, wherein the enquiry officer recommended the punishment of censure/warning with the direction to improve his communication skills, documenting records wherever necessary and explaining prognosis of the patient to their relatives/attendants. That the respondent-department constituted yet another enquiry committee headed by

*Handwritten signature and date: 23.05.22*

ATTESTED  
*Handwritten signature*  
CHAIRMAN



the Commissioner Bannu Division vide notification No. SOE-1/HD/1-45/2019 dated 01.07.2020 and the enquiry committee recommended minor punishment. That on the basis of the recommendation of the enquiry committee, the appellant was transferred vide impugned order dated 03.03.2021. That feeling aggrieved from the impugned order, the appellant filed representation on 05.03.2021, which was not responded within the statutory period, hence, the instant service appeal filed on 07.07.2021.

03. Arguing the appeal, learned counsel for the appellant contended that the appellant had not been treated in accordance with law and rules. He further contended that the law did not recognize transfer as a punishment. That it was a concept alien to the Civil Servants Act, 1974, therefore, transferring the appellant as a punishment was illegal. He requested that the appeal might be allowed.

04. In service appeal No. 7402/2021 of Dr. Rizwan Ahmad it was contended that the appellant was transferred vide impugned order dated 03.03.2021 from District Headquarters (DHQ) Hospital Karak, to D.H.Q Hospital Kohat as Chief District Surgeon against the vacant post. That the said transfer order was issued on the basis of an enquiry conducted against of his junior colleague. That the appellant preferred departmental appeal to the appellate authority on 02.04.2021, however, that was not responded within the stipulated statutory period, hence, the instant service appeal filed in this Tribunal on 13.09.2021.

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 MEMBER  
 SERVICE TRIBUNAL  
 Peshawar

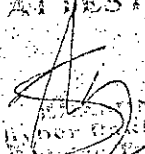
05. Learned counsel for the appellant argued that the impugned transfer order dated 03.03.2021, passed by the respondents was patently illegal, against facts and evidence. That the appellant had been punished for the alleged wrong act of another junior surgeon and the inquiry committee never associated the appellant in the proceedings; that there was no complaint against the appellant and punishment of the appellant for an offence which he had not committed was against law, justice equity and procedure; hence the impugned order is liable to be set aside.

06. According to Service Appeal No. 7447/2021, Dr. Tahir Saeed was transferred from DHQ Hospital Banda Daud Shah, Karak to THQ Hospital Lakki Marwat as District Surgeon (BS-20) vide impugned transfer order dated 03.03.2021, against which he preferred departmental appeal which was not responded within the statutory period, hence, the instant service appeal on 24.09.2021. That the transfer order was issued on the basis of an enquiry conducted against his junior colleague.

07. Learned counsel for the appellant further contended that the impugned transfer order dated 03.03.2021 passed by the respondents was patently illegal, against facts and evidence and that the appellant had never been associated with the enquiry proceedings.

08. In service appeal No. 7412/2021 of Muhammad Nasir, it was alleged, he was transferred from the DHQ Hospital Kohat to

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the DHQ Hospital Karak as Chief District Specialist (BS-20) vide impugned transfer order dated 03.03.2021, against which he preferred departmental appeal, which was not responded within the statutory period, hence, the instant service appeal on 14.09.2021.

09. Learned counsel for the appellant contended that on the recommendation of an inquiry conducted against junior colleague of the appellant, the respondents had illegally and with *malafide* issued the impugned notification against the law and that the appellant had never been associated with the enquiry proceedings.

10. Learned Deputy District Attorney, on the other hand, vehemently argued that the appellant (Dr Ijaz Ahmad) was recommended for minor punishment by the inquiry committee, however, no such penalty was imposed on him. He further argued that under Section-10 of the Khyber Pakhtunkhwa Civil Servants Act, 1973, every civil servant was to serve at the pleasure of the authority anywhere in the Province. That the impugned notification dated 03.03.2021 had been issued in the best public interest and was thus not open to any exception. He referred to the judgment of the august Apex Court reported as 2021 SCMR 1064, wherein it was held that transfer of an employee/public servant fell within the ambit of "terms and conditions" of service, which included transfer and posting. He went on saying that the transfer and posting were part of service and it was for the authority to determine where services of any

*Dr Ijaz Ahmad*  
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Service Tribunal  
Peshawar

staff member were required. He, therefore, requested that the instant appeal as well as connected appeals might be dismissed.

11. The appellant (Dr. Ijaz Ahmad) was posted as District Specialist in the Category "C" Women and Children Hospital, Karak vide notification No. SOH-II/HD/7-53/2018 dated 01.01.2019 as such he spent more than two years there. Similarly, appellant of appeal No. 7402/2021 titled Dr. Rizwan Ahmad was posted as Chief District Surgeon in the DHQ Hospital Karak, appellant of appeal No. 741/2021 titled Dr. Muhammad Nasir was posted as Chief District Surgeon in the DHQ Hospital Kohat and appellant of appeal No. 7447/2021 titled Dr. Tahir Saeed was posted as District Surgeon in the THQ Hospital Banda Daud Shah, Karak vide notification dated SOH-I/HD/7-53/2018 dated 30.05.2018.

12. Regarding Dr. Ijaz Ahmad he has not only spent more than two years at the station from where he was transferred but also his transfer was made as a result of enquiry and, therefore, the authority deemed it appropriate to post him out thus his appeal has no merit.

13. As regards the connected appeals, the appellants have spent more than the normal tenure at the stations and, therefore, their posting order being within the competence of the authority cannot be termed to be otherwise especially when they had completed their normal tenure at the station. After normal tenure all the appellants appear to get benefits from the spouse policy

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whereas being civil servants spouse can be transferred to the station where the appellants were transferred after completion of the normal tenure. Unnecessary interference in the posting/transfer by the Tribunal may create disturbance in the discipline of the department yet in appropriate and justified cases it may be done.

14. The august Supreme Court of Pakistan in a case reported as 2017 SCMR 798 titled "*Fida Hussain Shah and others versus Government of Sindh and others*" observed that:

"15. We believe that the term 'transfer' has been used with posting in section 10 of the Civil Servants Act, 1973, which is reproduced as under:

"10. Posting and transfer:- Every civil servant shall be liable to serve anywhere within or outside Pakistan, in any [equivalent or higher] post under the Federal Government, or any Provincial Government, or local authority or a corporation or body set up or established by any such Government;

Provided that nothing contained in this section shall apply to a civil servant recruited specifically to serve in a particular area or region;

Provided further that, where a civil servant is required to serve in a post outside his service or cadre, his terms and conditions of service as to his pay shall not be less favorable than those to which he would have been entitled if he had not been required to serve."

16. From the above, the following inference can be drawn:

i. It is within the competence of the authorities to transfer a civil servant from one place or post to another to meet the exigencies of service or administration; provided his terms and conditions of service are not adversely affected;

ii. A civil servant has no vested rights to claim posting or transfer to any particular place of his choice.

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nor has he any right to continue to hold a particular post at a particular place;

iii. His transfer and posting is limited to the given tenure, or at the pleasure of the competent authorities;

iv. Normally, he is not required to acquire any specialized skill or professional training in order to serve at the new post or place;

v. His seniority and progression of career in terms of promotion and other benefits of the service are not affected by the transfer and he remains pegged to his batch or group to which he was initially appointed after completing the required common and specialized trainings and after passing the required departmental examinations conducted by the FPSC;

vi. He is posted and transferred routinely in the same grade or scale that he possesses in his service or group; unless the rule requires so or allows so.

15. In all the appeals, the appellants have urged that they had been transferred on administrative grounds. It is in this respect observed that in the above ruling the august Supreme Court of Pakistan, has held that transfer could also be made on administrative grounds. Therefore, all these appeals do not merit acceptance and are accordingly dismissed. Costs shall follow the event. Consign.

16. Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 24<sup>th</sup> day of May, 2022.



(KALIM ARSHAD KAHN)  
CHAIRMAN

(FAREEHA PAUL)  
MEMBER (E)

Certified to be true copy

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Khyber Pakhtunkhwa  
Service Tribunal

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