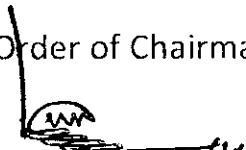


Form- A  
FORM OF ORDER SHEET

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

Case No. 1548/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	31/10/2022	<p>The present appellants initially went in Writ Petition before the Hon'ble Peshawar High Court D.I.Khan Bench and the Hon'ble High Court vide its order dated 28.09.2022 while treating the Writ Petition into an appeal and has sent the same to this Tribunal for decision in accordance with law. This case is entrusted to touring Single Bench at D.I.Khan for preliminary hearing to be put up there on _____.</p> <p style="text-align: right;">By the Order of Chairman</p> <p style="text-align: right;"> REGISTRAR</p>



**THE  
PESHAWAR HIGH COURT  
DERA ISMAIL KHAN BENCH**

Ph No. 0966-920225  
Fax No. 0966-920230  
Email: phcdikhanbench@yahoo.com

No. 4937 /Judl:/WB

Dated: 28/10/22

To

The Khyber Pakhtunkhwa Service Tribunal,  
Peshawar

Khyber Pakhtunkhwa  
Service Tribunal

Case No. 1804

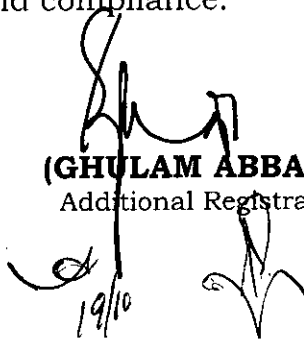
Dated: 31-10-22

**Subject: Writ Petition No.621-D/2017**  
Dr. Azhar Ijaz etc Vs. Govt of Khyber Pakhtunkhwa etc

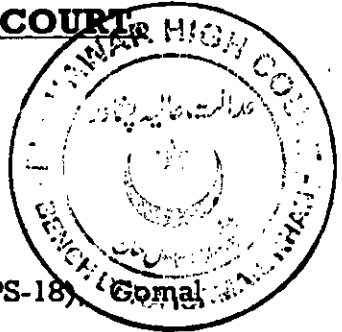
Enclosed herewith please find copy of judgment dated 28.09.2022,  
passed by the Hon'ble Division Bench of this Court alongwith original writ petition  
and annexure, in the above noted case for information and compliance.

Enclosures  
Copy of judgment  
Complete original writ petition & annexure

(GHULAM ABBAS)  
Additional Registrar

  
19/10

**BEFORE THE HONORABLE PESHAWAR HIGH COURT  
BENCH DERA ISMAIL KHAN**



Writ Petition No. 181 -D/ of 2017

1. **Dr Azhar Ijaz** Assistant Professor Physiology (BPS-18), Medical college, Dera Ismail Khan
2. **Dr Jamal Ud Din**, Demonstrator, DHQ, Dera Ismail Khan.
3. **Dr. Amir Amanullah**, Associate Professor Anatomy (BPS-19), Gomal Medical College, D.I.Khan..
4. **Dr. Javaid Hussain**, Associate Professor, Pathology (BPS-19), Gomal Medical College, D.I.Khan.
5. **Dr. Khalid Mahmood**, District Specialist Surgery, DHQ, Dera Ismail Khan.
6. **Dr. Mahmood Jan**, Senior Medical Officer/Vice President (PDA), DHQ, Dera Ismail Khan.
7. **Dr. Ahmad Jan**, District Specialist Pathology (BPS-18), DHQ, Dera Ismail Khan.

Filed today 3550

**Petitioners**

Add: Registrar.

05/07/2017

**VERSUS**

1. **Government of Khyber Pakhtunkhwa** through Chief Secretary; Civil Secretariat, Peshawar.
2. **Secretary Health**, Government of Khyber Pakhtunkhwa, Peshawar.
3. **Secretary Finance**, Government of Khyber Pakhtunkhwa, Peshawar.
4. **Secretary Establishment**, Government of Khyber Pakhtunkhwa, Peshawar.
5. **Director General Health Services**, Government of Khyber Pakhtunkhwa, Peshawar

**Respondents**

EXAMINER  
22/06/22

Peshawar High Court Bench,  
Dera Ismail Khan

*Amir Amanullah*  
03.07.2017

2

**WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF  
ISLAMIC REPUBLIC OF PAKISTAN**

Filed today 3550

**FACTS**

Attd: Registrar.

05/07/2017

1. That the addresses of the parties given in the heading of the Constitutional Petition shall suffice the object of service.
2. That the Petitioners are Civil Servants of Health Department Khyber Pakhtunkhwa and are working as Professors (BPS-20) Associate Professors (BPS-19), Assistant Professors (BPS-18), Medical Officers (MO) (BPS-17), Demonstrators and District Specialists in Gomal Medical College Dera Ismail Khan and DHQ, TH and MMTH District Dera Ismail Khan. At the moment Petitioners are employees of the Health Department (Civil Servants).
3. That Vide Notification No. FD(SOSR-II)8-18/2011 Dated 06-08-2011 the Petitioners were allowed Health Professional Allowance (HPA) @ 15000/Rs for those Medical Officers working in (BPS-17) and Rs 10000/ for those Medical Officers, who were working in (BPS-18) to (BPS-20). Copy of Notification Dated 06.08.2011 is enclosed as **Annexure-A.**
4. That the Petitioners have served the department since the date of their appointment to the best satisfaction of Respondents efficiently and honestly.

M. FESIC.

*[Signature]* 22/10/22

EXAMINOR

Peshawar High Court Bench,  
Dera Ismail Khan

5. That after the promulgation of Medical Teaching Institution Reforms Act-IV, 2015, Petitioners were given an option either to remain civil servants or to become institutional employees of MTI Dera Ismail Khan, but Petitioners could not opt for new option, so now their services are being governed by the provisions of Civil service Act 1973 read with enabling service laws of the Province.

Filed today

3550

Add: Registrar

05/07/2017

6. That Vide Notification No. FD(SOSR-II)8-18/2016 Dated 07-01-2016 the provincial Cabinet of Khyber Pakhtunkhwa has been pleased to approve the incentives for all the Doctors excluding those working in MTIs on the basis of category mentioned here with. Copy of Notification dated 07.01.2016 is attached as **Annexure B**.

7. That the impugned Notification Dated 07.01.2016 was issued without legal authority depriving the Petitioners from the monetary benefits of the said notification and treating them with the different yardstick, while the Petitioners are also standing on the same pedestal. Petitioners being employees as Civil Servants in Health department are needed to be treated equally to the Civil Servants of the Province of others Departments and especially with the Colleagues of the Petitioners.

8. That similarly placed employees i.e. doctors of the same Government working in non MTIs are getting the benefits of Notification No FD(SOSR-II)8-18/2016 Dated 07-01-2016, while the Petitioners are specifically excluded. It is worth to add that the Petitioners are neither getting the deputation or other related allowance nor the benefits provided to the MTIs employees, hence are discriminated.

Lawyer  
 Add:  
 03.07.2017

EXAMINOR  
 22/11/22

Resident High Court Bench,  
 Dera Ismail Khan

9. That after non-joining the service of institutional employee now the Petitioners are facing the wrath of the Respondents and now they are being discriminated by the respondents.

10. That having been sent to blind alley at the hands of Respondents, the Petitioners have no other efficacious or alternate remedy but are constrained to knock the door of this venerable Court by way of instant constitutional petition inter alia on the following grounds:-

**G R O U N D S**

a. That the Petitioners have not been dealt with in accordance with the law.

b. That the impugned act of the Respondent No 2 is against the law, illegal, unlawful and without lawful authority, thus calling interference of this Honorable Court in its extra ordinary Constitutional jurisdiction.

c. That the paramedic and nursing staff of the Province is also given the health Professional allowance at flat rate of Rs.10,000/- without any specification of place of duty. It is pertinent to mention that the said allowance is allowed to the staff working in the MTIs. Copy of Notification dated 15.04.2016 is attached and marked as **Annexure C**.

Filed today 3550  
Addl; Registrar.  
05/07/2017

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Liam R  
03.07.2017

ESTC.  
22/10/22  
EXAMINOR  
Peshawar High Court Bench,  
Dera Ismail Khan

- d. That the Petitioners are serving on the various posts upon the direction of the Respondents and like other employees bound to work but it is the responsibility of the Respondents to act fairly and accordance with law and should provide equal protection and treatment, as it is cardinal principal of law that alike be treated alike.
- e. That it is worth to add that the same will adversely affect the seniority of the Petitioners because the junior to the Petitioners will become senior to the Petitioners.

Filed today 3558  
 Attd: Registrar.  
 05/07/2017

That the treatment met to the Petitioners is against the dictum of the August Supreme Court of Pakistan and this Honorable Court and petitioners are entitled to the benefit of wisdom laid down in 2009 SCMR page-1, 1996 SCMR 1185 being similarly placed person.

Liaqat Ali Khan  
 03.07.2017

- g. That the Services of the Petitioners squarely fall in the Khyber Pakhtunkhwa Civil servant (Amendment) Act 2013.
- h. That the treatment met to the Petitioners is not only against the principles of natural justice but also against the settled principles of administrative law.
- i. That refusal of the respondents is unconstitutional, whimsical and against the Khyber Pakhtunkhwa Civil servant (Amendment) Act 2013.
- j. Counsel the petitioner may please be allowed to raise more ground at the time of arguments.

TESTED  
 22/10/22  
 EXAMINOR

Peshawar High Court Bench,  
 Dera Ismail Khan

Under the circumstances, it is respectfully prayed that by acceptance of this Constitutional petition, The Honorable Court may please to Order/declare:-

1. Petitioners are entitled for similar treatment to the other Doctors and the Notification No. FD(SOSR-11)8-18/2016 Dated 07.01.2016 may graciously be extended to the Petitioners and its benefits be extended to the Petitioners from January, 2016.

2. That any other appropriate in the circumstances and not specifically asked for may also be passed.

Filed today 3550  
At: Registrar.  
05/07/2017

Dated:-3.07.2017

Your Humble Petitioners

Dr. Azhar Ijaz and others  
Through counsel

*Zia ur Rahman Kazi*  
Zia ur Rahman Kazi,  
Advocate High Court,  
Dera Ismail Khan  
0301-879-2378  
0344-972-0039

M. JESTI  
*JESTI* 22/10/22  
EXAMINOR  
Peshawar High Court Bench,  
Dera Ismail Khan



**JUDGMENT SHEET**  
**IN THE PESHAWAR HIGH COURT, D.I.KHAN BENCH**  
(Judicial Department)

**Writ Petition No.621-D of 2017**

Dr. Azhar Ijaz and six others

*Versus*

Govt: of KPK through Chief Secretary, Peshawar  
and five others



**JUDGMENT**

For petitioners: Mr. Zia ur Rehman Qazi, Advocate.  
For respondents: Mr. Adnan Ali, Asstt: A.G (respondents  
No.1 to 5).  
Date of hearing **28.9.2022**

**MUHAMMAD FAHEEM WALLI, J.-** Through the instant petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, the petitioners Dr. Azhar Ijaz and others seek issuance of writ declaring them to be entitled to the benefits of Notification No.FD(SOSR-11)8-18/2016 dated 07.1.2016 issued by respondent No.3 like other Doctors.

2. As per averments of the petition, the petitioners are civil servants of Health Department working as Professors, Associate Professors, Assistant Professors, Medical Officers, Demonstrators and District Specialists in Gomal Medical College, DHQ Teaching Hospital, Mufti Mehmood Teaching Hospital, D.I.Khan. That vide Notification dated 06.8.2011, the petitioners were allowed Health Professional Allowance at the rate of Rs.15,000/-

M. FESTG.

*[Signature]* 22/10/22

EXAMINOR


Peshawar High Court Bench,  
Dera Ismail Khan

for Medical Officers working in BPS-17 and Rs.10,000/- for Medical Officers working in BPS-18. That after promulgation of Medical Institutions Reforms Act, 2015, the petitioners were given an option either to remain civil servants or to become institutional employees of Medical Teaching Institutions. That the petitioners did not opt for new option and now their services are being governed by the provisions of Civil Servants Act, 1973. That vide notification dated 07.01.2016, the provincial cabinet of Khyber Pakhtunkhwa was pleased to approve the incentives for all the doctors excluding those working in MTIs, which is without legal authority, hence the instant petition.

3. We have heard the arguments of learned counsel for the parties and have gone through the record.

4. Admittedly the petitioners are civil servants and their services are governed by the provisions of Civil Servants Act, 1973. They seek benefit of notification dated 07.01.2016, whereby the provincial government had allowed Health Professional Allowance to certain doctors. In such view of the matter, the petitioners being civil servants within the meaning of Service Tribunal Act, 1974, the jurisdiction of this Court is barred under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973 in

M. TESTER.

 22/10/22

EXAMINOR

Faisalabad High Court Bench,  
Dera Ismail Khan

entertaining the matters pertaining to the terms and conditions of civil servant.

5. For the reasons stated above, we treat this petition as service appeal and send it to Khyber Pakhtunkhwa Service Tribunal, Peshawar for decision in accordance with law.

Announced.  
Dt: 28.9.2022.  
Habib/\*

  
JUDGE

  
JUDGE

(DB)

Hon'ble Mr. Justice Muhammad Faheem Wali  
Hon'ble Mr. Justice Shahid Khan

  
EXAMINOR  
Peshawar High Court Bench,  
Dera Ismail Khan

Office  
30/9

## Objections

1. This petition has been presented by: Mr. Rizwan-ur-Rahman Hafiz Advocate
2. Signature of the Counsel/petitioner/Respondent/Deponent Wanted on

3. Enactment under which the case/petition is filed, not mentioned.

4. Enactment under which the case/petition is filed is incorrect.

5. Affidavit ~~should be signed by the petitioners themselves and they should also be appearance before the oath commission of this court for Swearing Off.~~

7. Petition/annexures are not properly paged.

8. Copies of annexures ..... are not certified.

9. Certificate whether any appeal/petition on the subject matter has earlier been filed, not furnished.

10. Copies of annexures are not legible.

11. Copies of annexures are not attested.

12. Special Power of attorney not filed.

13. Special Power of attorney not filed attested.

14. Copy of application is not delivered to A.G/D.A.G.

15. The appeal, Revision, application is time barred.

16. Value for the purpose of Court fee and jurisdiction not given in the relevant column of the opening sheet/incorrect.

17. The power of attorney of the counsel engaged is not attested.

18. The power of attorney of the counsel engaged is not signed by all petitioners/appellants/respondents.

19. One complete spare copy be filed in the separate file cover.

20. Numbers of referred cases not given/correct.

21. Petition received by post is not entertainable except through jail.

22. Petition contains cuttings/overwriting. Fair petition be filed.

23. Appeal/Revision/Writ petition is not competent.

24. List of books has not been provided at the end of the petition.

25. Case does not relate to this Court.

26. Case does not relate to this Bench.

27. Petition should be drafted by a competent person.

28. In which jail the appellant/petitioner is confined.

29. Copies of annexures are not translated.

30. Court fee stamps not affixed.

31. Court fee stamps not insufficient.

32. Certified copies of impugned order/Decree sheets / ..... before Dist. Judge have not been filed.

Filed today 29/10  
Addl. Registrar  
09/10/22

33. In view of Order 43 rule 3 CPC/ Rule 2 (3) Chapter 4-J, Vol: V of High Court Rules & Orders, notice along with copy of petition and annexes has not been sent to respondents.
34. Judicial Officer whose orders are challenged mentioned at the top of the panel of respondents.
35. Index not filed.
36. Index incorrect.
37. Check List not filed.
38. Copies of comments / reply/rejoinder not provided to opposite party.
39. Address of the petitioner/respondent No. \_\_\_ not given.
40. Address of the petitioner/respondent No. \_\_\_\_\_ is incomplete.
41. List of L. Rs of petitioner not filed.
42. Copy of list of L. Rs of respondents as filed before Courts below or, if not so filed there, a certificate to this effect not attached.
43. Opening sheet not filed .
44. Opening sheet is incorrect/incomplete.
45. File cover used not admissible.
46. Separate application be filed for each prayer.
47. Separate request for interim relief in Writ Petition is not admissible.
48. Security of Rs. 10,000/- not deposited with review petition.
49. Review Petition not filed and certified by the Advocate who had argued the case resulting into order review of which is sought.
50. Purpose of the document filed not explained.
51. Respondents not sued by name in the COC.
52. Revision Petition against the final Judgement & decree of DJ/ADJ not competent under section 115 CPC as amended by KP ACT No. XL 2019.

READER

30/5/2022

Returned with above mentioned objections No. 5 for removal to be re-submitted on or before 06/6/2022

Additional Registrar,

Peshawar High Court, D.I. Khan Bench.

will objection  
not be removed  
file. WP 621-D/2017

AMENDED WRIT PETITIONBEFORE THE HON'BLE PESHAWAR HIGH COURT.DERA.ISMAIL.KHAN BENCH

Service Appeal No. 1548/2022

Writ Petition No. 621-D/2017

Filed Today 23/5/22  
Addl. Registrar  
20/05/22

1. **Dr. Azhar Ijaz** Assistant Professor Physiology (BPS-18), Gomal Medical College, Dera Ismail Khan.
2. **Dr Jamal Ud Din**, Demonstrate, DHQ, Dera. Ismail. Khan
3. **Dr. Amir Amanullah**, Associate Professor Anatomy (BPS-19), Gomal Medical College, Dera Ismail Khan.
4. **Dr. Javaid Hussain**, Associate Professor, Pathology (BPS-19), Gomal Medical College, Dera Ismail Khan.
5. **Dr. Khalid Mahmood**, District Specialist Surgery, DHQ, Dera Ismail Khan.
6. **Dr. Mahmood Jan**, Senior Medical Officer/Vice President (PDA), DHQ, Dera Ismail Khan.
7. **Dr. Ahmad Jan**, District Specialist Pathology (BPS- 18), DHQ, Dera. Ismail. Khan.

**Petitioners****Versus**

1. **Government of Khyber Pakhtunkhwa**, through chief secretary, civil secretariat, Peshawar.
2. **Secretary Health, Government of Khyber Pakhtunkhwa**, Peshawar

30.05.22

Liam Ram  
30.05.22

Copy Received

30-5-22

M. J. Khan  
30-5-22

(2)

3. **Secretary Finance**, Government of Khyber Pakhtunkhwa, Peshawar.
4. **Secretary Health**, Government of Khyber Pakhtunkhwa, Peshawar.
5. **Director General Health Service**, Government of Khyber Pakhtunkhwa, Peshawar.
6. **Chairman Board of Governors Medical Teaching Institute (MTI)**, Dera Ismail Khan.

### Respondents

WRIT PETITION UNDER ARTICLE 199 OF THE  
CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973,  
AS AMENDED UP TO DATE.

### FACTS

1. **That** the addresses of the parties given in the heading of the constitutional petition shall suffice the object of service and this amended petition is being filed in compliance of Judgment/Order, Dated 13.12.2017 passed by this Honourable Court.
2. **That** the petitioners are civil servants of health department of Khyber Pakhtunkhwa and or working as professors (BPS-

Filed Today 23/05/22  
Addl. Registrar  
30/05/22

30.05.22  
Asst. Secy.  
Health

20) Associate professors (BPS-19), Assistant professors (BPS-18), Medical officers (MO) (BPS-17), Demonstrators and District Specialists in Gomal medical College Dera Ismail Khan and DHQ, TH and MMTH District Dera Ismail Khan. At the moment Petitioners are employees of the Health Department (civil Servants).

Filed today 23/25  
Addl. Registrar  
30/05/22

3. **That** Vide Notification No. FD(9SOSR-II)8-18/2011 Dated 06-08-2011 the Petitioners were allowed Health Professional Allowance (HPA) @ 15000/Rs for those Medical officers working in (BPS-17) and Rs 10000/ for those Medical Officers, who were working in (BPS-18) to (BPS-20). Copy of Notification Dated 06.08.2011 is enclosed as Annexure "A".

4. **That** the Petitioners have served the department since the date of their appointment to the best satisfaction of Respondents efficiently and honestly.

5. **That** after the Promulgation of Medical Teaching Institution Reforms Act-IV, Petitioner were given an option Either to remain civil servants or to become institutional employees of MTI Dera Ismail Khan, but could not opted For new option, so now their services are being governed by the provisions of civil service Act 1973 read with enabling service laws of the Province.

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30.05.22  
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6. **That** Vide Notification No. FD(SOSR-II)8-18/2016 Dated 07-01-2016 the provincial Cabinet of Khyber Pakhtunkhwa has been pleased to approve the incentives for all the Doctors excluding those Working in MTIs on the basis of category mentioned here with copy of the notification Dated 07.01.2016 is attached as **Annexure "B"**.
7. **That** the impugned Notification Dated 07.01.2016 was issued without legal authority depriving the Petitioners from the monetary benefits of the said Notification and treating them with the different yardstick, while the petitioners being employees as civil Servants In Health Department are needed to be treated equally to the civil servants of the province of other Departments and especially with the colleagues of the Petitioners.
8. **That** similarly placed employees i.e. doctors of the same Government working in non MTIs are getting the benefits of Notification No FD(SOSR-II)8-18/01/2016, while the Petitioner are specifically excluded. It is worth to add that the petitioner are neither getting the deputation or other related allowance not the benefits provided to the MTIs employees, hence are discriminated.
9. **That** after non-joining the service of institutional employee now the Petitioners are facing the wrath of the Respondents and now they are being discriminated b the respondents.

Filed today 23/05/22  
Addl. Registrar  
30/05/22

30.05.22  
Amir Raza  
30/05/22

(5)

10. **That** having been sent to blind alley at the hands of Respondents, the Petitioners have no other efficacious or alternate remedy but are constrained to knock the door to this venerable Court by way of instant constitutional petition inter on the following grounds.

### GROUNDS

Filed today 23/25  
Addl. Registrar  
30/05/22

- a. **That** the Petitioners have not been dealt with in accordance with the law.
- b. **That** the impugned act of the Respondents No 2 against the law, illegal, unlawful and without lawful authority, thus calling interference of this Honorable Court in its extra ordinary Constitutional jurisdiction.
- c. **That** the paramedic and nursing staff of the Province is also given the health Professional allowance at the flat rate of Rs. 10,000/- without any specification of place of duty. It is pertinent to mention that the said allowance is allowed to the staff working in the MTIs. Copy of Notification Dated 15.04.2016 is attached and marked as Annexure "C".
- d. **That** the Petitioners are serving on the various posts upon the direction of the Respondents and like other employees bound to work but it is the responsibility of

30.05.22  
Liaquat Ali Khan  
Lawyer

the Respondents to act fairly and accordance with law and should provide equal protection and treatment, as it is cardinal principal of law that alike be treated alike.

- e. **That** it is worth to add that the same will adversely affect the seniority of the Petitioners because the junior to the Petitioners will become senior to the Petitioners.
- f. **That** the treatment met to the Petitioners is against the dictum of the August Supreme Court of Pakistan and this Honourable Court and Petitioners are entitled to the benefits of wisdom laid down in 2009 SCMR page-1, 1996 SCMR 1185 being similarly placed person.
- g. **That** the Service of the Petitioners squarely fall in the Khyber Pakhtunkhwa Civil servant (Amendment) ACT 2013.
- h. **That** the treatment met to the Petitioners is not only against the principles of natural justice but also against the principles of natural justice but also against the settled principle of administrative law.
- i. **That** refusal of the respondents is unconstitutional, whimsical and against the Khyber Pakhtunkhwa Civil servant (Amendment) Act 2013.

Filed today 23/05/22  
Attd: Registrar  
30/05/22

30.05.22  
Engr. R. R. R.  
R.R.

(7)

- j. **Counsel** the Petitioners may please be allowed to raise more ground at the time of arguments.

Under the circumstances, it is respectfully prayed that by acceptance of this Constitutional petition. The Honourable Court may please to Order/declare:-

Filed today 23/5/22  
Addl. Registrar  
30/05/22

1. **Petitioners are entitled for similar treatment to the other Doctors and the Notification No. FD(SOSR-11)8-18/2016 may graciously be extended to the Petitioners and its benefits be extended to the Petitioners from January 2016.**
2. **That any other appropriate in the circumstances and not specifically asked for may also be passed.**

Dated:- 30.05.2022

Your Humble Petitioners  
Dr. Azhar Ijaz and others  
Through Counsel



**Zia-ur-Rahman**

Advocate Supreme Court of Pakistan,  
Dera Ismail Khan  
03018792378  
03449720039

6

**BEFORE THE HONOURABLE PESHAWAR  
HIGH COURT D.I.KHAN BENCH**

Writ Petition No 621-D/2017

**Dr. Azhar Ijaz & Others ..... Petitioners**

**VERSUS**

**Govt: of KPK & Others ..... Respondents**

**AMENDED WRIT PETITION**

**AFFIDAVIT**

I, **Dr. Amir Amanullah**, Associate Professor Anatomy (BPS-19), Gomal Medical College, Dera Ismail Khan, the Petitioner No. 3, do hereby solemnly affirm and declare on oath:- ✓

1. **That** accompanying constitutional petition has been drafted by my Counsel following my instructions.
2. **That** all Para wise contents of the constitutional petition are true and correct to the best of my knowledge, belief and information.
3. **That** nothing has been deliberately concealed from this Honourable Court nor anything contained therein is based on exaggeration or distortion of facts.

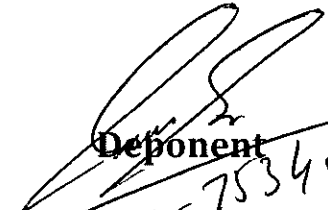
Dated:- 04.06.2022

**Identified by**



**Zia-Ur-Rehman**

Advocate Supreme Court of Pakistan,  
Dera Ismail Khan

  
Deponent  
12103-7534821-1

8-14

2056  
D/S

17/5/2022

**BEFORE THE PESHAWAR HIGH COURT D.I Khan BENCH**

**W.P.No.621-D/2017**

Dr. Azhar Ijaz & others..... Petitioners

**VERSUS**

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

**PARA-WISE COMMENTS ON BEHALF OF RESPONDENT NO.03 (SECRETARY FINANCE)**

**INDEX**

S#	Description of Documents	Annexure	Pages
01	Parawise comments, Affidavit and <i>Memorandum of Understanding</i>		1-4
02	Finance Department Notification Regulation Wing dated 06-08-2011.	Annex-I	5
03	Finance Department Notification Regulation Wing dated 07-01-2016	Annex-II	6
04	Finance Department Notification Regulation Wing dated 15-04-2016	Annex-III	7
05		—	—
06		—	—

SCANNED

Filed today 2056  
Addl: Registrar  
*[Signature]*

*[Signature]*  
(Khalid Hayat)  
Superintendent Lit-IV

Dated: 16-05-2022

Received  
M.A. Jinnah  
16-5-22  
*[Signature]*  
16/5/22

①

**BEFORE THE PESHAWAR HIGH COURT D.I Khan BENCH**

**W.P.No.621-D/2017**

Dr. Azhar Ijaz & others..... Petitioners

**V E R S U S**

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

**PARA-WISE COMMENTS ON BEHALF OF RESPONDENT NO.03 (SECRETARY FINANCE)**

**PRELIMINARY OBJECTIONS:**

- Duty well  
discharged*
1. That the petitioner has got no locus standi/cause of action to file the instant petition.
  2. That the petitioners have not come to this court with clean hands. Hence, disentitled to any relief whatsoever.
  3. That no discrimination/injustice has been done to anyone.
  4. That the petitioner is stopped by the conduct to file the instant petition.
  5. That the petition is not based on facts and is unjustified.
  6. That the petitioner is legally bound to disclose the real facts before the court.
  7. That the petition has been filed to entangle the department into unnecessarily litigation and to waste the precious time of the Honorable Court.
  8. That the petition is bad for miss-joinder and non-joinder of the necessary parties.

**ON FACTS:**

1. Pertains to record hence, No comments.
2. Pertains to record hence, No comments.
3. Correct to the extent that Provincial Government vide Notification dated 06-08-2011 granted Health Professional Allowance to Professional Doctors in the Civil Service of the Government of Khyber Pakhtunkhwa (**Annex-I**).
4. Pertains to record hence, No comments.
5. Pertains to record hence, No comments.
6. Correct to the extent that Government of Khyber Pakhtunkhwa vide Notification dated 07-01-2016 in continuation of earlier Notification dated 06-08-2011 granted incentive for Doctors specified in the Notification excluding those working in MTIs with enhanced Health Professional Allowance to ensure presence of Doctors at the level of health facilities w.e.f. 01-01-2016. Copy of the Notification at (**Annex-II**).
7. Relates to Respondents No 02 & 05.
8. Relates to Respondents No 02 & 05.
9. Pertains to record hence, No comments.
10. No comments.

*2056*  
Filed today  
Addl. Registrar  
16/09/17

**GROUNDS:**

- a. No comments.
- b. Relates to Respondent No 02.
- c. Correct to the extent that Government of Khyber Pakhtunkhwa vide Notification dated 15-04-2016 granted Health Professional Allowance at flat rate of Rs. 10000/- PM to the Paramedics and Nursing staff of Health Department (**Annex-III**).
- d. Pertains to record hence no comments.
- e. Relates to Respondent No.02 & 05.
- f. Pertains to record hence, No comments.
- g. Pertains to record hence, No comments.
- h. No comments.
- i. Relates to Respondents No 02 & 05.
- j. No comments.

Filed today 20/06/2016  
Addl. Registrar  
16/06/2016


**PRAYER:**

It is, therefore, most humbly prayed that the instant writ petition may be decided on merit.

**SECRETARY FINANCE  
KHYBER PAKHTUNKHWA  
RESPONDENT NO. 03**



certified that on per Direction of this  
Honorable court the previous comments  
are duly vetted

  
Assistant Advocate General  
K.P.K D.I. Khan

**BEFORE THE PESHAWAR HIGH COURT D.I Khan BENCH**

**W.P.No.621-D/2017**

Dr. Azhar Ijaz & others..... Petitioners

**VERSUS**

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

**PARA-WISE COMMENTS ON BEHALF OF RESPONDENT NO.03 (SECRETARY FINANCE)**

**AFFIDAVIT**

Filed today 20/05/22  
Addl: Registrar  
6/05/22

I, **Khalid Hayat**, Superintendent, Lit-IV Finance Department, do hereby solemnly affirm on oath that the contents of the comments being filed herewith are true and correct to the best of my knowledge and belief and nothing has been suppressed from the Hon'ble Court.

**DEPONENT**



**Khalid Hayat**

Superintendent Lit-IV  
NIC:17301-1674330-5  
Cell No:0342-7496661

Govt. of Khyber Pakhtunkhwa  
Finance Department

Identified by:



ASSM: Advocate General  
KPK, D.E.M.  
Assistant Advocate General  
PESHAWAR

Dated: 16-05-2022

Name Khalid Hayat  
S/O Suppl: Lit-IV  
R/O KPK, D.E.M.  
On the Identification of A. N. General  
On this 16 day of May 2022  
Verified the contents  
Affirmation before me on oath  
No 2021 Dated: 16/05/22

Additional Registrar  
Oath Commissioner  
Peshawar High Court  
D.I.Khan Bench.



(4)

7

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT**

**AUTHORITY LETTER**

**Mr. Khalid Hayat** Superintendent of the (Lit-IV) Section Government of Khyber Pakhtunkhwa Finance Department is hereby authorized to file the Para-wise Comments reply in Peshawar High Court D. I Khan Bench in connection with writ petitioner No.621-D/2017 titled Dr. Azhar Ijaz & others Versus Government of Khyber Pakhtunkhwa through Chief Se & others.

2. Furthermore, he is also authorized to file all kind of application / additional documents, etc. (if any) in consultation with the Law Officer.

Filed today 20/5/17  
Addl: Registrar  
16/05/17

**Secretary Finance  
Govt. of Khyber Pakhtunkhwa**



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(Regulation Wing)

Dated Peshawar the 6<sup>th</sup> of August, 2011

NOTIFICATION

No.FD(SOSR-II)8-18/2011. The Governor, Khyber Pakhtunkhwa Province has been pleased to approve, w.e.f. 1<sup>st</sup> July, 2011 and until further orders, payment of *Health Professional Allowance* to professional doctors in the civil service of the Government of Khyber Pakhtunkhwa, as detailed below:-

S.No	Posts	Rate of Health professional allowance
1.	Doctors in BS 17 (All Cadres)	Rs. 15,000/- p.m
2.	Doctors in BS 18 to BS 20 (All Cadres)	Rs. 10,000/- p.m

Secretary to Government of Khyber Pakhtunkhwa  
Finance Department

Endst: No. & date even.

Copy is forwarded for information and necessary action to the:-

1. Secretary to Government of Khyber Pakhtunkhwa, Health Department.
2. Secretary to Governor, Khyber Pakhtunkhwa.
3. Accountant General, Khyber Pakhtunkhwa, Peshawar.
4. Budget Officer-VI, Finance Department.

Superintendent (Lit-IV)  
Govt. of Khyber Pakhtunkhwa  
Finance Department

(WAZIR MUHAMMAD AFGAR)  
Section Officer (SR-II)



6

Annex-11  
4

**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
**FINANCE DEPARTMENT**  
**(REGULATION WING)**

Dated Peshawar the 07/01/2016

**NOTIFICATION**

**No.FD(SOSR-II)8-18/2016.** In continuation of this Department Notification of even number dated 06/08/2011, the Provincial Cabinet of Khyber Pakhtunkhwa has been pleased to accord approval to the incentive for doctor (All the following cadres) excluding those working in MTIs on the basis of territory (Districts declared as Category A, B & C) / unattractive / attractive specialties and enhanced the Health Professional Allowance as under to ensure presence of doctors at all levels of health facilities, which is mandatory for the provision of minimum health services to the people of Khyber Pakhtunkhwa w.e.f. 01/01/2016:-

Cadre	Existing rates of HPA	Districts					
		Category-A		Category-B		Category-C	
Districts Specialists, Non-attractive specialties (radiology, Pathology, Anaesthesia)	Rs.10,000/-	Rs.80,000/-		Rs.100,000/-		Rs.140,000/-	
Districts Specialists, Attractive specialties	Rs.10,000/-	Rs.60,000/-		Rs.80,000/-		Rs.100,000/-	
Health Managers	Rs.15,000/- (BPS-17) Rs.10,000/- (BPS-18 & above)	Rs.56,000/-		Rs.76,000/-		Rs.96,000/-	
Medical officer / Dental surgeon	Rs.15,000/- (BPS-17) Rs.10,000/- (BPS-18 & above)	Urban	Rural	Urban	Rural	Urban	Rural
		42,000	52,000	62,000	72,000	82,000	92,000

The categorization of districts on the basis of hard to reach area, geographic terrain, security situation and lack of development and infrastructure shall be as under:-

**Districts Category-A**

- |             |               |
|-------------|---------------|
| 1. Peshawar | 2. Abbottabad |
|-------------|---------------|

**Districts Category-B**

- |             |                     |              |
|-------------|---------------------|--------------|
| 3. Nowshera | 7. Bannu            | 11. Haripur  |
| 4. Swat     | 8. Charsadda        | 12. Mansehra |
| 5. Kohat    | 9. Dera Ismail Khan | 13. Malakand |
| 6. Mardan   | 10. Dir Lower       | 14. Swabi    |

**Districts Category-C**

- |               |                  |             |
|---------------|------------------|-------------|
| 15. Buner     | 19. Hangu        | 23. Shangla |
| 16. Battagram | 20. Karak        | 24. Tank    |
| 17. Chitral   | 21. Kohistan     | 25. Torghar |
| 18. Dir Upper | 22. Lakki Marwat |             |

*(Signature)*  
**Superintendent (Lit-IV)**  
Govt. of Khyber Pakhtunkhwa  
Finance Department



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(REGULATION WING)

Annex-III  
157

Dated Peshawar the 15/04/2016

NOTIFICATION

No.FD(SOSR-II)8-18/2015-16: The Chief Minister, Khyber Pakhtunkhwa has been pleased to approve Health Professional Allowance at flat rate of Rs.10,000/- per month to the Paramedic's and Nursing staff of Health Department with immediate effect.

2. The above Health Professional Allowance will be admissible subject to the following conditions:

- i. Will be admissible only during period the their posting against the sanctioned posts at Health Department.
- ii. Will not be admissible during earned leave, study leave & extra ordinary leave except casual leave.
- iii. Shall not be treated as part of emoluments for the purpose of calculation of pension and recovery of House Rent etc.
- iv. Shall not be admissible to the employees posted/deputed outside the Health Department.

SECRETARY TO GOVERNMENT  
OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT

Endst: No. & date even.

Copy for information and necessary action is forwarded to the:-

1. Secretary to Government of Khyber Pakhtunkhwa, Health Department.
2. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. Director FMIU, Finance Department.
4. The Director, Treasuries and Accounts, Khyber Pakhtunkhwa, Peshawar.
5. The District Comptroller of Accounts, Peshawar, Mardan, Kohat, Bannu, Abbottabad, Swat and D.I. Khan.
6. The All the District Accounts Officers in Khyber Pakhtunkhwa.
7. The Treasury Officer, Peshawar.
8. Budget Officer-VI, Finance Department.
9. HR Finance Department (Assistant Director Web).

Superintendent (Lit-IV)  
Govt. of Khyber Pakhtunkhwa  
Finance Department

SECTION OFFICER (SR-III)



**THE  
PESHAWAR HIGH COURT  
DERA ISMAIL KHAN BENCH**

Ph No.0966-920225  
Fax No.0966-920230  
Email:phcdikhanbench@yahoo

No. 2504-2509/Judl:/WB

Dated: 30/4/22

**REMINDER**

To

1. The Govt of Khyber Pakhtunkhwa-  
Through Chief Secretary Civil Secretariat,  
Peshawar
2. The Secretary Health,  
Govt of Khyber Pakhtunkhwa, Peshawar
3. The Secretary Finance,  
Govt of Khyber Pakhtunkhwa, Peshawar
4. The Secretary Establishment,  
Govt of Khyber Pakhtunkhwa Peshawar
5. The Director General Health Services,  
Govt of Khyber Pakhtunkhwa, Peshawar

**Subject:** Writ Petition No. 621-D/2017  
Dr. Azhar Ijaz VS Govt of Khyber Pakhtunkhwa etc

In continuation of this Court letter No. 3924/Judl:/AR dated 06.12.2017, and reminder No 5486-90/Judl:/AR dated 14.06.2018, the comments have not been submitted till date, I am directed to ask you to ensure submission of the comments, as desired, positively before the date fixed, herein fail not. In case of default, the matter shall be proceeded against you ex-parte and shall also be placed before Hon'ble.Court for further directions.


The next date of hearing before Hon'ble Court is 17.05.2022.

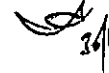
**Enclosure**  
Copy of Court Order


**No & date even.**

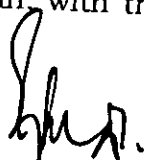
Copy forwarded for information to:

1. The Assistant Advocate General, Khyber Pakhtunkhwa, D.I.Khan, with the direction to ensure compliance.

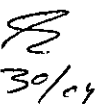
  
(GHULAM ABBAS)  
Additional Registrar

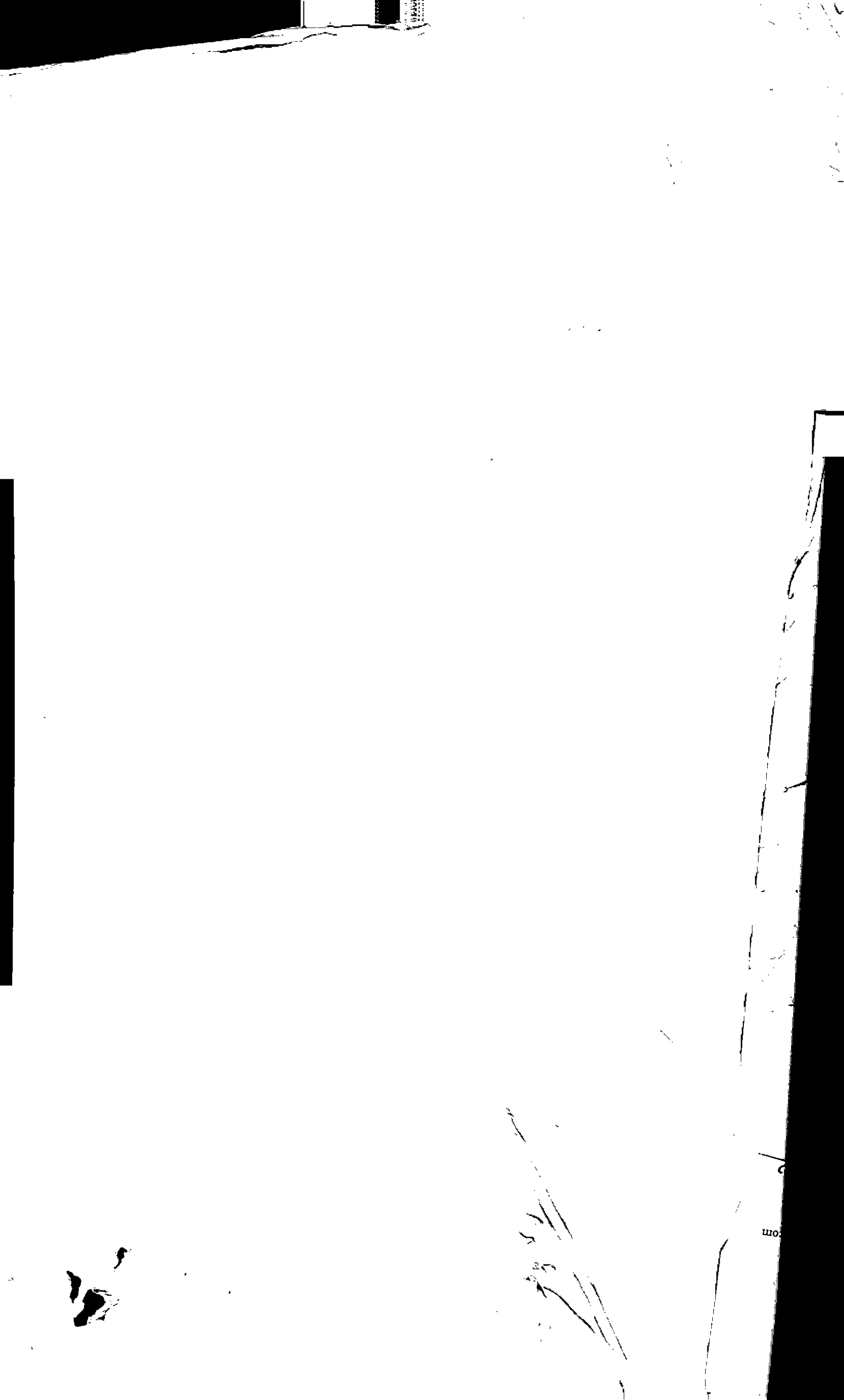
  
30/4

c/c  
  
30/04

  
(GHULAM ABBAS)  
Additional Registrar

  
30/4

  
30/04



FORM



**PESHAWAR HIGH COURT DERA ISMAIL KHAN BENCH**

10/05/2022 WP#621/17 Fixed before Hon'ble Court  
DB on 17-05-2022 Notice be issued to all  
concerned.

(2017)

ADDITIONAL REGISTRAR

22/09/2022 WP#621/2017 Fixed before Hon'ble Court  
DB on 28-09-2022 Notice be issued to all  
concerned.

(2017)

ADDITIONAL REGISTRAR

/ /20 Fixed before Hon'ble Court  
on Notice be issued to all  
concerned.

ADDITIONAL REGISTRAR

/ /20 Fixed before Hon'ble Court  
on Notice be issued to all  
concerned.

ADDITIONAL REGISTRAR

/ /20 Fixed before Hon'ble Court  
on Notice be issued to all  
concerned.

ADDITIONAL REGISTRAR



THE  
**PESHAWAR HIGH COURT,**  
**BANNU BENCH**

All the Communications should be  
addressed to the Additional  
Registrar of this Bench

Office: +92-928-9270393  
Fax: +92-928-9270394  
Email: phcbannubench@gmail.com

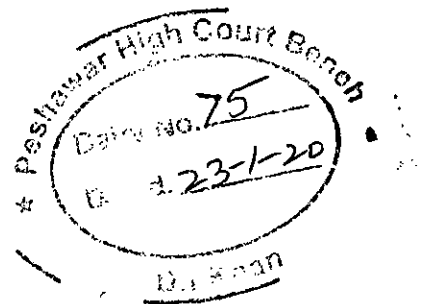
NO. 46 /Judl-WP

Dated Bannu the 22 /01/2020

**From** The Additional Registrar,  
Peshawar High Court,  
Bannu Bench.

**To** The Additional Registrar,  
Peshawar High Court,  
D.I.Khan Bench

**Subject:** WP NO. 1019-B OF 2017  
Titled as Dr. Azhar Ijaz ....vs... Govt of KP etc



Memo:

Please find enclosed herewith the above titled case in original along  
with one spare copy for hearing and disposal at Dera Ismail Khan Bench of the  
Peshawar High Court as the case is related to the territorial jurisdiction of D.I.Khan  
Bench.

Please acknowledge receipt of this letter along with its enclosures.

*File for distribution / Dera process / Mehroz / PPH Bench*  
*[Signature]*  
*23/1/20*

*[Signature]*  
*22-1-2020*

**ADDITIONAL REGISTRAR**

*[Handwritten mark]*

Enclosed:

As Above

عدالت عالیہ پشاور ہائی کورٹ بنوں بینچ

تاریخ

پروانہ/نوٹس نمبر

عنوان: ڈاکٹر اظہر اعجاز بنام حکومت


مقدمہ نمبر WP 1019-B/2017

پروانہ نوٹس بنام: 1- DR AZHAR IJAZ 2- DR AMINULLAH 3- DR JAVED HUSSAIN ALL

DOCTORS IN GOMAL MEDICAL COLLAGE D.I KHAN

مقدمہ مندرجہ عنوان بالا میں تاریخ پیشی مورخہ 15-1-20 بمقام پشاور ہائی کورٹ بنوں بینچ روبروئے عدالت مقرر کی گئی ہے۔ لہذا سائل کو بذریعہ نوٹس ہذا مطلع کیا جاتا ہے۔ کہ تاریخ مذکورہ پر عدالت ہذا میں بوقت 8:30 بجے برائے پیروی جوابدہی مقدمہ اصالتاً مختارنا حاضر ہو جائے۔ بصورت عدم موجودگی کاروائی حسب ضابطہ عمل میں لائی جائے گی۔

آج مورخہ 28-11-19 کو دستخط اور مہر عدالت کے ساتھ جاری کیا گیا۔

  
برائے ایڈیشنل رجسٹرار

عدالت عالیہ پشاور ہائی کورٹ بنوں بینچ

تاریخ

پروانہ/نوٹس نمبر


عنوان: ڈاکٹر اظہر اعجاز بنام حکومت

مقدمہ نمبر WP 1019-B/2017

پروانہ نوٹس بنام: ZIA UR REHMAN QAZI ADVOCATE D.I KHAN

مقدمہ مندرجہ عنوان بالا میں تاریخ پیشی مورخہ 15-1-20 بمقام پشاور ہائی کورٹ بنوں بینچ روبروئے عدالت مقرر کی گئی ہے۔ لہذا وکیل سائل کو بذریعہ نوٹس ہذا مطلع کیا جاتا ہے۔ کہ تاریخ مذکورہ پر عدالت ہذا میں بوقت 8:30 بجے برائے پیروی جوابدہی مقدمہ اصالتاً مختارنا حاضر ہو جائے۔ بصورت عدم موجودگی کاروائی حسب ضابطہ عمل میں لائی جائے گی۔

آج مورخہ 28-11-19 کو دستخط اور مہر عدالت کے ساتھ جاری کیا گیا۔

  
برائے ایڈیشنل رجسٹرار

﴿ عدالت عالیہ پشاور ہائی کورٹ بنوں بینچ ﴾

پروانہ/نوٹس نمبر

تاریخ

مقدمہ نمبر WP 1019-B/2017

عنوان: ڈاکٹر اظہار اعجاز

بنام حکومت

پروانہ/نوٹس بنام: 1- DR AZHAR IJAZ 2- DR AMINULLAH 3- DR JAVED HUSSAIN ALL

DOCTORS IN GOMAL MEDICAL COLLAGE D.I KHAN

مقدمہ مندرجہ عنوان بالا میں تاریخ پیشی مورخہ 10/12/18 بمقام پشاور ہائی کورٹ بنوں بینچ روبروئے عدالت مقرر کی گئی ہے۔ لہذا سائل کو بذریعہ نوٹس ہذا مطلع کیا جاتا ہے۔ کہ تاریخ مذکورہ پر عدالت ہذا میں بوقت 8:30 بجے برائے پیروی جوابدہی مقدمہ اصالتاً مختاراً حاضر ہو جائے۔ بصورت عدم موجودگی کاروائی حسب ضابطہ عمل میں لائی جائے گی۔

آج مورخہ 28/11/18 کو دستخط اور مہر عدالت کے ساتھ جاری کیا گیا۔

برائے ایڈیشنل رجسٹرار

﴿ عدالت عالیہ پشاور ہائی کورٹ بنوں بینچ ﴾

پروانہ/نوٹس نمبر

تاریخ

مقدمہ نمبر WP 1019-B/2017

عنوان: ڈاکٹر اظہار اعجاز

بنام حکومت

پروانہ/نوٹس بنام: ZIA UR REHMAN QAZI ADVOCATE D.I KHAN

مقدمہ مندرجہ عنوان بالا میں تاریخ پیشی مورخہ 10/12/18 بمقام پشاور ہائی کورٹ بنوں بینچ روبروئے عدالت مقرر کی گئی ہے۔ لہذا وکیل سائل کو بذریعہ نوٹس ہذا مطلع کیا جاتا ہے۔ کہ تاریخ مذکورہ پر عدالت ہذا میں بوقت 8:30 بجے برائے پیروی جوابدہی مقدمہ اصالتاً مختاراً حاضر ہو جائے۔ بصورت عدم موجودگی کاروائی حسب ضابطہ عمل میں لائی جائے گی۔

آج مورخہ 28/11/18 کو دستخط اور مہر عدالت کے ساتھ جاری کیا گیا۔

برائے ایڈیشنل رجسٹرار

Order-02  
22.11.2018

Nemo for petitioner present.

Zia ur Rehman Kazi Advocate, counsel for petitioner was contacted through his Mob # 0301-8792378 who stated that petitioner is not interested to pursue the instant case. He further stated that he is going to file application shortly for transfer of the instant application along with other application of DI Khan Bench premises to Peshawar High Court, DI Khan Bench. He requested that the case be fixed before Hon'ble DB where I will also request for transfer of the instant case to DI Khan Bench.

Therefore, in such circumstances, the instant WP # 1019-B/2017 is fixed before Hon'ble DB on 10.12.18.

Counsel for petitioner be put to notice for the date fixed.


  
ADDITIONAL REGISTRAR

23.11.18 - WP 1019/17 adjourned by the HDB from 10.12.18 & is fixed on 15.1.20. Inform petitioner & his counsel.

  
AR

25.10.2018 WP 1019-B/17 is fixed before AR on 01/11/2018.

Inform Petitioner and his Counsel.

  
Additional Registrar.

Office Note

07.11.2018 None present on behalf of Petitioner. AAG for Respondents present.

Process Server's report reveals that Petitioner has proceeded on one year leave and presently he is in private Medical College Loralai, Balochistan.

In compliance with Court order dated 13.12.2017, amended Writ Petition is not submitted by the Counsel for Petitioner.

Ziaur Rahman Advocate who was contacted on his mobile No. 03449320039, who assured to do the needful by next date. He was informed about coming date fixed as 22.11.2018 before AR.

  
Additional Registrar.

Handwritten notes at the top right, possibly including a date or reference number.

Main body of handwritten text, appearing to be a list or series of entries, possibly related to a collection or inventory.

Second section of handwritten text, continuing the list or providing additional details for the items mentioned above.

Vertical handwritten text on the left margin, possibly a date or a specific identifier.

John Paul Kirkman

Address = 0332-9898970

---

James Parker

---

$\theta = N \text{David} = 1$



Wait Petitions

(11) 0039

972

4430

﴿ عدالت عالیہ پشاور ہائی کورٹ بنوں بینچ ﴾



تاریخ \_\_\_\_\_

پروانہ/نوٹس نمبر \_\_\_\_\_

بنام حکومت

عنوان: ڈاکٹر اظہار اعجاز

مقدمہ نمبر WP 1019-B/2017

پروانہ/نوٹس بنام: 1- DR AZHAR IJAZ 2- DR AMINULLAH 3- DR JAVED HUSSAIN ALL

DOCTORS IN GOMAL MEDICAL COLLAGE D.I KHAN

مقدمہ مندرجہ عنوان بالا میں تاریخ پیشی مورخہ 7/11/17 بمقام پشاور ہائی کورٹ بنوں بینچ روبروئے عدالت مقرر کی گئی ہے۔ لہذا سائل کو بذریعہ نوٹس ہذا مطلع کیا جاتا ہے۔ کہ تاریخ مذکورہ پر عدالت ہذا میں بوقت 8:30 بجے برائے پیروی جوابدہی مقدمہ اصالتاً مختاراً حاضر ہو جائے۔ بصورت عدم موجودگی کارروائی حسب ضابطہ عمل میں لائی جائے گی۔

آج مورخہ 7/11/17 کو دستخط اور مہر عدالت کے ساتھ جاری کیا گیا۔

برائے ایڈیشنل رجسٹرار

﴿ عدالت عالیہ پشاور ہائی کورٹ بنوں بینچ ﴾

تاریخ \_\_\_\_\_

پروانہ/نوٹس نمبر \_\_\_\_\_

بنام حکومت

عنوان: ڈاکٹر اظہار اعجاز

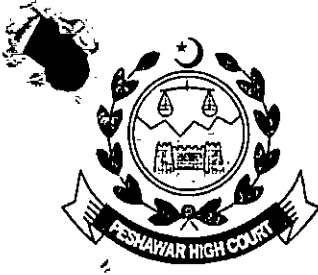
مقدمہ نمبر WP 1019-B/2017

پروانہ/نوٹس بنام: ZIA UR REHMAN QAZI ADVOCATE D.I KHAN

مقدمہ مندرجہ عنوان بالا میں تاریخ پیشی مورخہ 7/11/17 بمقام پشاور ہائی کورٹ بنوں بینچ روبروئے عدالت مقرر کی گئی ہے۔ لہذا وکیل سائل کو بذریعہ نوٹس ہذا مطلع کیا جاتا ہے۔ کہ تاریخ مذکورہ پر عدالت ہذا میں بوقت 8:30 بجے برائے پیروی جوابدہی مقدمہ اصالتاً مختاراً حاضر ہو جائے۔ بصورت عدم موجودگی کارروائی حسب ضابطہ عمل میں لائی جائے گی۔

آج مورخہ 7/11/17 کو دستخط اور مہر عدالت کے ساتھ جاری کیا گیا۔

برائے ایڈیشنل رجسٹرار



*The*  
**PESHAWAR HIGH COURT BENCH,  
DERA ISMAIL KHAN**

Ph No.0966-9280225  
Fax No.0966-9280230  
Email:phcdikhanbench@yahoo.com

No. 5486-90 /Judl:/AR  
Dt: 14/06 /2018

**From:** The **Additional Registrar,**  
Peshawar High Court Bench,  
Dera Ismail Khan.

- To:** 1. The **Govt. of Khyber Pakhtunkhwa,**  
Through Chief Secretary, Civil Secretariat, Peshawar.
2. The **Secretary Health,**  
Govt. of Khyber Pakhtunkhwa, Peshawar.
3. The **Secretary Finance,**  
Govt. of Khyber Pakhtunkhwa, Peshawar.
4. The **Secretary Establishment,**  
Govt. of Khyber Pakhtunkhwa, Peshawar.
5. The **Director General Health Services,**  
Govt. of Khyber Pakhtunkhwa, Peshawar.

**Through:** The **Additional Advocate General,**  
Khyber Pakhtunkhwa Dera Ismail Khan.

**Subject:** WP No. 621-D/2017  
Dr. Azhar Ijaz etc Vs. Govt. of KPK etc

In continuation of this Court letter No. 3924/Judl:/AR dated 06.12.2017, on the subject matter and to ask you to expedite the matter of comments within ten days, as Ordered by Hon'ble Court. Copy of writ petition alongwith annexures have already been sent to you under the cover of this Court letter referred to above.

**Additional Registrar**  
Peshawar High Court Bench,  
Dera Ismail Khan

**PESHAWAR HIGH COURT DERA ISMAIL KHAN BENCH**

28 / 1 / 3 / 20 / 18

AP No 621/17 Fixed before Hon'ble Court  
comment  
DT on 02-4-18 Notice be issued to all  
concerned.

**ADDITIONAL REGISTRAR**

*[Handwritten signature]* *[Handwritten signature]*

\_\_\_\_ / \_\_\_\_ / 20 \_\_\_\_\_

\_\_\_\_\_ Fixed before Hon'ble Court  
\_\_\_\_\_ on \_\_\_\_\_ Notice be issued to all  
concerned.

**ADDITIONAL REGISTRAR**

\_\_\_\_ / \_\_\_\_ / 20 \_\_\_\_\_

\_\_\_\_\_ Fixed before Hon'ble Court  
\_\_\_\_\_ on \_\_\_\_\_ Notice be issued to all  
concerned.

**ADDITIONAL REGISTRAR**

\_\_\_\_ / \_\_\_\_ / 20 \_\_\_\_\_

\_\_\_\_\_ Fixed before Hon'ble Court  
\_\_\_\_\_ on \_\_\_\_\_ Notice be issued to all  
concerned.

**ADDITIONAL REGISTRAR**

\_\_\_\_ / \_\_\_\_ / 20 \_\_\_\_\_

\_\_\_\_\_ Fixed before Hon'ble Court  
\_\_\_\_\_ on \_\_\_\_\_ Notice be issued to all  
concerned.

**ADDITIONAL REGISTRAR**

**WP No. 621-D/2017**

Title:

Dr. Azhar Ijaz vs. Govt. of KPK etc

The above cited case is fixed before the Hon'ble Court Divisional Bench on 13/12/2017, the learned AAG had accepted notice on behalf of respondents for furnishing Comments, but the same have not been furnished as yet

Submitted for appropriate order, please

*12/12*  
**In-Charge: Writ Branch:**

Assistant Registrar

May remain on cause list please. *as connected*  
*In Acc*

  
**Assistant Registrar**

Additional Registrar.

**Additional Registrar,**  
Peshawar High Court,  
D.I.Khan Bench

سید محمد رفیع الرحمن صاحب  
کراچی

تاریخ:  
مقام:

~~2-11-2012~~

مقام پر مندرجہ ذیل کے لئے درخواستیں جمع کرائی گئیں۔

مقام پر مندرجہ ذیل کے لئے درخواستیں جمع کرائی گئیں۔

مقام پر مندرجہ ذیل کے لئے درخواستیں جمع کرائی گئیں۔

20/11/2012

سید محمد رفیع الرحمن صاحب

کراچی

مقام پر مندرجہ ذیل کے لئے درخواستیں جمع کرائی گئیں۔

20/11/2012

S.M.R.

مقام پر مندرجہ ذیل کے لئے درخواستیں جمع کرائی گئیں۔

مقام پر مندرجہ ذیل کے لئے درخواستیں جمع کرائی گئیں۔

بعدالت عالیہ پشاور ہائی کورٹ بیج، ڈیرہ اسماعیل خان

حکومت پاکستان

مقدمہ نمبر  
621-5117

ڈاکٹر اظہار الحق  
سید صہیب فزنا (B.P.C-18)  
ڈیولپمنٹل سیکشن، بیج - 0114

بنا

مقدمہ مندرجہ بالا عنوان \_\_\_\_\_ 13 \_\_\_\_\_ ماہ \_\_\_\_\_ دسمبر \_\_\_\_\_ سال 20  
خام اپنٹیشن عدالت ہزارو برو \_\_\_\_\_  
بمقام ڈیرہ اسماعیل خان مقرر کی گئی ہے۔ لہذا حکم ہوا کہ \_\_\_\_\_  
کو تاریخ مذکور سے مطلع کر کے نوٹس معہ رپورٹ خود قبل از تاریخ عدالت ہذا میں ارسال کریں۔

مورخہ 7-12-77

حسب احکام  
برائے ایڈیشنل رجسٹرار صاحب

مہر عدالت  
نوٹ:

SCANNED

**BEFORE THE HONORABLE PESHAWAR HIGH COURT,**  
**BENCH DERA ISMAIL KHAN**

CM No. 1268-D /2017

In

Writ Petition No. 621 /D of 2017

**Dr. Azhar Ijaz & others.....Petitioners**

**VERSUS**

**Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat Peshawar & others.....Respondents**

**APPLICATION UNDER ORDER-1 RULE-10 C.P.C WITH THE REQUEST TO ALLOW THE PETITIONER TO ARRAY CHAIRMAN AND SECRETARY TO BOARD OF GOVERNOR, M.T.I, D.I.KHAN AND FINANCE DIRECTOR AND HOSPITAL DIRECTOR M.T.I, D.I.KHAN IN THE PANEL OF RESPONDENTS**

Respectfully Sheweth:-

The Petitioners through counsel humbly submit as under:-

1. **That** above captioned constitutional petition is pending disposal before this Hon'ble Court and is yet to be fixed for final hearing.
2. **That** at the time of institution of instant constitutional petition, the Board Governor, Medical Teaching Institution, Dera Ismail Khan was dysfunctional and all the powers of the BOG were handed over to already impleaded Respondent No.2 but now the BOG, M.T.I, D.I.Khan has become functional.
3. **That** in the new set up Chairman BOG, M.T.I Dera Ismail Khan and Finance Director and Hospital Director are necessary and proper party and without their impleadment effective relief might not be extended in favour of the Petitioners, so it is humbly requested that

Filed by: 5531  
Addl. Registrar.  
05/12/17

Liyaqat Ahmad  
Counsel for  
Petitioners

24.12.2017

Copy Received  
5/12/17



all the four incumbents mentioned in the heading of Civil Miscellaneous may please be impleaded in the panel of Respondents.

4. That honorable Court has vast jurisdiction to allow this application.

It is therefore, humbly prayed that instant Civil Miscellaneous petition may please be allowed and the above stated incumbents may please be arrayed/added in the panel Respondents being necessary and proper parties.

Filed today 05/12/17  
Addl. Registrar.  
05/12/17

Dated:- 04.12.2017

**Your Humble Petitioners**  
Through counsel

*Zia-ur-Rahman Kazi*  
**Zia-ur-Rahman Kazi** 4/12/17  
Advocate High Court  
Dera Ismail Khan

**BEFORE THE HONORABLE PESHAWAR HIGH COURT,**  
**BENCH DERA ISMAIL KHAN**

CM No. \_\_\_\_\_/2017

In

Writ Petition No. \_\_\_\_/D of 2017

**Dr. Azhar Ijaz & others.....Petitioners**

**VERSUS**

**Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat Peshawar & others.....Respondents**

**AFFIDAVIT:-**

1. I, **Dr. Jamal Ud Din**, Petitioner No.2 do hereby solemnly affirm and declare on Oath:-
2. **That** accompanying petition has been drafted by our counsel upon the instruction given by us.
3. **That** all Para wise contents of the petition are true and correct to the best of my knowledge, belief and information.
4. **That** nothing has been deliberately concealed from this August Court nor anything contained therein is based on exaggeration or distortion of facts.

Dated:- 04.12.2017

Deponent No.2



**Dr Jamal Ud Din,**  
Petitioner No 2

3  
SCANNED  
19-10-18

Identified by

*Zia-ur-Rahman Kazi*  
**Zia-ur-Rahman Kazi**  
Advocate High Court  
Dera Ismail Khan  
4/12/2017

11201-0377723-9,

Name Dr. Jamal-ud-Din.

S. / (Petitioner)

R/O Oish: D.I. Khan,

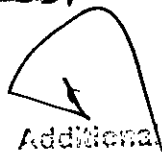
On the identification of

Zia-ur-Rehman Kafar.

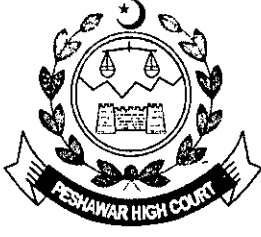
On this 05 Dec 2017.

Verified the correctness of the above  
affirmation and sworn on oath

to SS34 No. OS/12/17



Additional Registrar  
Oath Commissioner  
Peshawar High Court  
D.I. Khan Bench



The  
**PESHAWAR HIGH COURT BENCH,**  
DERA ISMAIL KHAN

Ph No.0966-9280225  
Fax No.0966-9280230  
Email:phcdikhanbench@yahoo.com

No. 3924 /Judl:/AR  
Dt: 6/12 /2017

**From:** The **Additional Registrar,**  
Peshawar High Court Bench,  
Dera Ismail Khan.

- To:** 1. The **Govt. of Khyber Pakhtunkhwa,**  
Through Chief Secretary, Civil Secretariat, Peshawar.
2. The **Secretary Health,**  
Govt. of Khyber Pakhtunkhwa, Peshawar.
3. The **Secretary Finance,**  
Govt. of Khyber Pakhtunkhwa, Peshawar.
4. The **Secretary Establishment,**  
Govt. of Khyber Pakhtunkhwa, Peshawar.
5. The **Director General Health Services,**  
Govt. of Khyber Pakhtunkhwa, Peshawar.

Through: Additional Advocate General,  
Dera Ismail Khan.

**Subject:** WP No. 621-D/2017  
Dr. Azhar Ijaz etc Vs. Govt. of KPK etc

Memo:

I am directed to forward herewith a copy of Order dated 28.11.2017 passed by the Hon'ble Division Bench of this Court in the above noted case for information and compliance, regarding submission of comments within fifteen days.

01  
**Additional Registrar**  
Peshawar High Court Bench,  
Dera Ismail Khan

**Annexures**

\* Copy of Order dated 28.11.2017

بعدالت عالیہ پشاور ہائی کورٹ چیف، ڈیرہ اسماعیل خان

مقدمہ نمبر W.P. 621-D/17  
ڈاکٹر اسحاق علی خان  
رہنما سرگودھا - محکمہ تعلیم  
کوہاٹ - ضلع کوہاٹ

مقدمہ مندرجہ بالا عنوان 28ء کو تسلیم سال 2017ء

خاتم پختہ پٹی عدالت ہزارہ روڈ کوہاٹ

بقیہ ڈیرہ اسماعیل خان مقننہ کی گئی ہے۔ لہذا حکم ہوا کہ

کوہاٹ چیف ڈکوری سے مطلع کر کے نوٹس معذرت پر عمل از تادیب عدالت ہدایتی ارسال کریں۔

مورثہ 24-11-17

حساب الہم

برائے ایڈیشنل رجسٹرار صاحب

مہر عدالت

نوٹ:

بعدالت عالیہ پشاور ہائی کورٹ چیف، ڈیرہ اسماعیل خان

مقدمہ نمبر W.P. 621-D/17  
ڈاکٹر اسحاق علی خان  
کوہاٹ

مقدمہ مندرجہ بالا عنوان 28ء کو تسلیم سال 2017ء

خاتم پختہ پٹی عدالت ہزارہ روڈ کوہاٹ

بقیہ ڈیرہ اسماعیل خان مقننہ کی گئی ہے۔ لہذا حکم ہوا کہ

کوہاٹ چیف ڈکوری سے مطلع کر کے نوٹس معذرت پر عمل از تادیب عدالت ہدایتی ارسال کریں۔

مورثہ 24-11-17

حساب الہم

برائے ایڈیشنل رجسٹرار صاحب

مہر عدالت

نوٹ:

15532

IN THE PESHAWAR HIGH COURT BENCH  
DERA ISMAIL KHAN

<sup>WP</sup>  
MISCELLANEOUS NO. 621 /D of 20 17.

Petition Presented by Mr. Waqar Rehman Mezi Mwalani  
on behalf of the petitioner (or the petitioner, personally). This petition is in  
proper form and is accompanied by copies of all necessary documents.  
Enter petition in register and place before a Judge (S.B. / D.B) for orders on  
the 28th day of November 2017

A. Slip showing the date of hearing has this day been delivered to the  
petitioner.

  
Reader to Addl: Registrar

Dated 06-7-17

COUNTER - SIGNED

  
Additional Registrar  
Branch Registry, D.I.Khan.

07-12-17

657m. 6a/17  
cmno 1269/17

Foot began strike  
East Ogan 13-12-17 makes to  
appear to all corners



Investigation  
or

**PESHAWAR HIGH COURT**  
**DERA ISMAIL KHAN BENCH**

**ADVOCATE DETAIL**

Filed today 3550

Add: Registrar.

Full Name:

**ZIA UR RAHMAN KAZI** 05/07/2017

Father Name:

**OAZI FAIZ UR RAHMAN**

Date of Birth:

01.04.1978

CNIC # 12101-0986315-1

Permanent Address:

**VILLAGE MUSA ZAI SHARIF,**  
**TEHSIL KULACHI, DISTRICT DERA**  
**ISMAIL KHAN**

Present Address:

**VILLAGE RAMAK, TEHSIL PAROA,**  
**DISTRICT DERA ISMAIL KHAN**

Email:

**ziakazi786@gmail.com**

District

**DERA ISMAIL KHAN**

Mobile # 0301-079-2378

License No. D.C 7380

Issue Date:

24.09.2003

License No. H.C 2925

Issue Date:

12.12.2005

License No. S.C \_\_\_\_\_

Issue Date: \_\_\_\_\_

**MENTION YOUR PENDING CASES**

Case No.	Petitioner	Respondent
WP # 129-D of 2016	Maqbool Ahmad etc	Muhammad Usman etc
WP # 130-D of 2016	Maqbool Ahmad etc	Muhammad Usman etc
WP # 131-D of 2016	Maqbool Ahmad etc	Muhammad Usman etc
WP # 132-D of 2016	Maqbool Ahmad etc	Muhammad Usman etc
WP # 133-D of 2016	Maqbool Ahmad etc	Muhammad Usman etc

Signature

*Zia ur Rahman Kazi*  
05/07/2017





**IN THE PESHAWAR HIGH COURT DERA ISMAIL KHAN BENCH**

Opening sheet for **WRIT BRANCH**

Date of filing **06.06.2017**

District **Dera Ismail Khan.**

Case type: Writ Petition Nature of Original Proceeding \_\_\_\_\_

Category code						
---------------	--	--	--	--	--	--

(Category & Sub Categories are given at the back of the opening sheet)

Writ of

Habeas Corpus		Prohibition		Mandamus		Quo-Warranto		Certiorari	<input checked="" type="checkbox"/>
---------------	--	-------------	--	----------	--	--------------	--	------------	-------------------------------------

If certiorari

Forum	Date	Interlocutory/Final order

Case pertains to  
\_\_\_\_\_ SD  
 \_\_\_\_\_ DB

Filed today 3550  
Addt: Registrar.  
05/07/2017

Petitioner name	<del>Dr. Ziaur Rahman Kazi</del> <u>Azhar Ijaz etc</u>
Mobile No.	0345-211-3675
Address	Associate Professor, Gomal Medical College, Dera Ismail Khan.
CNIC No.	
E Mail Address	

Counsel for Petitioner (s)	Zia ur Rahman Kazi, Advocate High Court, Dera Ismail Khan
Mobile No.	0301-879-2378
Address	District Courts, Dera Ismail Khan.
CNIC No.	12101-0986315-1
E Mail Address	<u>Ziakazi786@gmail.com</u>

Respondents	Government of Khyber Pakhtunkhwa and others
Address	As mentioned in the memo of addresses of the parties

Original Order/Action/Inaction complained of  
**Extension of Health Professional Allowance Benefits to the Petitioners**

Prayer as mentioned in the prayer clauses of the writ petition

Law/Rules/Governing the Original Proceedings/action/inaction: **Civil Servant Act, 1973, Khyber Pakhtunkhwa Civil Servants Amendment Act, 2013, Khyber Pakhtunkhwa Civil Servant Servants Amendment Act, 2005**

*Ziaur Rahman Kazi*  
Signature  
3/2/2017

**SCANNED**  
**IN THE PESHAWAR HIGH COURT PESHAWAR**

**CHECK LIST**

<b>S.No</b>		<b>Yes</b>	<b>No</b>
01	Case title	✓	
02	Case is duly signed	✓	
03	The law under which the case preferred has been mentioned	✓	
04	Approved file cover is used	✓	
05	Affidavit is duly attested	✓	
06	Case and annexure are properly paged and numbered according to index	✓	
07	Copies of Annexure are legible and attested (if not then batter copies duly attested have been annexed)	✓	
08	Certified copies of all the requisite documents have been filed		✓
09	Certificate specifying that no case on similar ground was earlier submitted in this Court	✓	
10	Case within time	✓	
11	The value for purpose of Court fee and jurisdiction has been mentioned in the relevant column	✓	
12	Court fee in shape of stamp paper is affixed, (for writ Rs.500/-) for other requirement	✓	
13	Power of attorney is on proper form	✓	
14	Memo of address filed	✓	
15	List of books mentioned in the petition		
16	The requisite number of spare copies attached, (writ petition-3, Nos, Civil Appeal (SB-1, SB-2), Civil Revision (SB-1, SB-2)	✓	
17	Case (Revision/appeal petition etc) is filed on the prescribed form	✓	
18	Power of attorney is attached by jail authority (For Jail Prisoners only)		✓

It is certified that formalities/documentation as required in columns # 2 to 18 above, have been fulfilled.

*Ziaul Kameer*  
Advocate  
3/3/17

For office use only

Case No. \_\_\_\_\_  
Case received. 6/7/17  
Complete in all respect (Yes/No) (If no, the ground \_\_\_\_\_)

Dated in Court 6/7/17 Signature [Signature]  
(Reader)

Dated 6/7/17  
Countersigned \_\_\_\_\_  
(Additional Registrar)

**SCANNED**

**BEFORE THE HONORABLE PESHAWAR HIGH COURT,**  
**BENCH DERA ISMAIL KHAN**

Writ Petition No. 1018- /D of 2017

**Dr. Azhar Ijaz & others.....Petitioners**

**VERSUS**

**Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat Peshawar & others.....Respondents**

**INDEX**

<u>S.No</u>	<u>Particular</u>	<u>Annexure</u>	<u>Page #</u>
01	Memo of writ petition		1- 8
02	Memo of addresses of the parties		9- 10
03	Copy of Notification Dated 06.08.2011	"A"	11- 12
04	Copy of Notification dated 07.01.2016	"B"	13- 14
05	Copy of Notification dated 15.04.2016	"C"	15
09	Court fee stamp paper worth Rs.500		16
10	Notices along with receipts		17- 21
11	Wakalatnama		22-23

Dated: -3.07.2017

Your Humble Petitioners

**Dr. Azhar Ijaz & others,**  
**Through counsel**

*Kazi*  
*Adv*  
**Zia-ur-Rahman Kazi,**  
 Advocate High Court  
 Dera Ismail Khan  
 0301-879-2378

*5/7/17*  
*copy received*  
*92*  
*5/7*

1

**BEFORE THE HONORABLE PESHAWAR HIGH COURT,**  
**BENCH DERA ISMAIL KHAN**

1019  
Writ Petition No. 2821 -D/ of 2017

1. **Dr Azhar Ijaz** Assistant Professor Physiology (BPS-18), Gomal Medical college, Dera Ismail Khan
2. **Dr Jamal Ud Din**, Demonstrator, DHQ, Dera Ismail Khan.
3. **Dr. Amir Amanullah**, Associate Professor Anatomy (BPS-19), Gomal Medical College, D.I.Khan..
4. **Dr. Javaid Hussain**, Associate Professor, Pathology (BPS-19), Gomal Medical College, D.I.Khan.
5. **Dr. Khalid Mahmood**, District Specialist Surgery, DHQ, Dera Ismail Khan.
6. **Dr. Mahmood Jan**, Senior Medical Officer/Vice President (PDA), DHQ, Dera Ismail Khan.
7. **Dr. Ahmad Jan**, District Specialist Pathology (BPS-18), DHQ, Dera Ismail Khan.

Filed today 3550

Add: Registrar.

05/07/2017

**Petitioners**

**VERSUS**

1. **Government of Khyber Pakhtunkhwa** through Chief Secretary, Civil Secretariat, Peshawar.
2. **Secretary Health**, Government of Khyber Pakhtunkhwa, Peshawar.
3. **Secretary Finance**, Government of Khyber Pakhtunkhwa, Peshawar.
4. **Secretary Establishment**, Government of Khyber Pakhtunkhwa, Peshawar.
5. **Director General Health Services**, Government of Khyber Pakhtunkhwa, Peshawar

**Respondents**

*Amir Amanullah*  
Kor.  
03.07.2017

2

**WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF  
ISLAMIC REPUBLIC OF PAKISTAN**

Filed today 3550

**FACTS**

add: Registrar.

05/07/2017

1. **That** the addresses of the parties given in the heading of the Constitutional Petition shall suffice the object of service.
  
2. **That** the Petitioners are Civil Servants of Health Department Khyber Pakhtunkhwa and are working as Professors (BPS-20) Associate Professors (BPS-19), Assistant Professors (BPS-18), Medical Officers (MO) (BPS-17), Demonstrators and District Specialists in Gomal Medical College Dera Ismail Khan and DHQ, TH and MMTH District Dera Ismail Khan. At the moment Petitioners are employees of the Health Department (Civil Servants).
  
3. **That** Vide Notification No. FD(SOSR-II)8-18/2011 Dated 06-08-2011 the Petitioners were allowed Health Professional Allowance (HPA) @ 15000/Rs for those Medical Officers working in (BPS-17) and Rs 10000/ for those Medical Officers, who were working in (BPS-18) to (BPS-20). Copy of Notification Dated 06.08.2011 is enclosed as **Annexure-A.**
  
4. **That** the Petitioners have served the department since the date of their appointment to the best satisfaction of Respondents efficiently and honestly.

*7*  
*Enamul Karim Khan*  
*03.07.2017*  
*Khan.*

5. **That** after the promulgation of Medical Teaching Institution Reforms Act-IV, 2015, Petitioners were given an option either to remain civil servants or to become institutional employees of MTI Dera Ismail Khan, but Petitioners could not opt for new option, so now their services are being governed by the provisions of Civil service Act 1973 read with enabling service laws of the Province.

Filed today 3550  
 Add: Registrar  
 05/07/2017

**That** Vide Notification No. FD(SOSR-II)8-18/2016 Dated 07-01-2016 the provincial Cabinet of Khyber Pakhtunkhwa has been pleased to approve the incentives for all the Doctors excluding those working in MTIs on the basis of category mentioned here with. Copy of Notification dated 07.01.2016 is attached as **Annexure B**.

7. **That** the impugned Notification Dated 07.01.2016 was issued without legal authority depriving the Petitioners from the monetary benefits of the said notification and treating them with the different yardstick, while the Petitioners are also standing on the same pedestal. Petitioners being employees as Civil Servants in Health department are needed to be treated equally to the Civil Servants of the Province of others Departments and especially with the Colleagues of the Petitioners.

8. **That** similarly placed employees i.e. doctors of the same Government working in non MTIs are getting the benefits of Notification No FD(SOSR-II)8-18/2016 Dated 07-01-2016, while the Petitioners are specifically excluded. It is worth to add that the Petitioners are neither getting the deputation or other related allowance nor the benefits provided to the MTIs employees, hence are discriminated.

Mian Muhammad  
 03.07.2017

- 9. **That** after non-joining the service of institutional employee now the Petitioners are facing the wrath of the Respondents and now they are being discriminated by the respondents.
- 10. **That** having been sent to blind alley at the hands of Respondents, the Petitioners have no other efficacious or alternate remedy but are constrained to knock the door of this venerable Court by way of instant constitutional petition inter alia on the following grounds:-

Filed today 3550  
 Addl: Registrar  
 05/07/2017

**G R O U N D S**

- a. **That** the Petitioners have not been dealt with in accordance with the law.
- b. **That** the impugned act of the Respondent No 2 is against the law, illegal, unlawful and without lawful authority, thus calling interference of this Honorable Court in its extra ordinary Constitutional jurisdiction.
- c. **That** the paramedic and nursing staff of the Province is also given the health Professional allowance at flat rate of Rs.10,000/- without any specification of place of duty. It is pertinent to mention that the said allowance is allowed to the staff working in the MTIs. Copy of Notification dated 15.04.2016 is attached and marked as **Annexure C**.

7  
 Liaison  
 03.07.2017

d. That the Petitioners are serving on the various posts upon the direction of the Respondents and like other employees bound to work but it is the responsibility of the Respondents to act fairly and accordance with law and should provide equal protection and treatment, as it is cardinal principal of law that alike be treated alike.

e. That it is worth to add that the same will adversely affect the seniority of the Petitioners because the junior to the Petitioners will become senior to the Petitioners.

Filed today 3550  
At: Registrar  
05/07/2017

That the treatment met to the Petitioners is against the dictum of the August Supreme Court of Pakistan and this Honorable Court and petitioners are entitled to the benefit of wisdom laid down in 2009 SCMR page-1, 1996 SCMR 1185 being similarly placed person.

g. That the Services of the Petitioners squarely fall in the Khyber Pakhtunkhwa Civil servant (Amendment) Act 2013.

h. That the treatment met to the Petitioners is not only against the principles of natural justice but also against the settled principles of administrative law.

i. That refusal of the respondents is unconstitutional, whimsical and against the Khyber Pakhtunkhwa Civil servant (Amendment) Act 2013.

j. Counsel the petitioner may please be allowed to raise more ground at the time of arguments.

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Liamat  
Khan  
03.07.2017



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Under the circumstances, it is respectfully prayed that by acceptance of this Constitutional petition, The Honorable Court may please to Order/declare:-

1. Petitioners are entitled for similar treatment to the other Doctors and the Notification No. FD(SOSR-11)8-18/2016 Dated 07.01.2016 may graciously be extended to the Petitioners and its benefits be extended to the Petitioners from January 2016.

Filed today 3550

Add: Registrar.


05/07/2017

2. That any other appropriate in the circumstances and not specifically asked for may also be passed.

Dated:-3.07.2017

Your Humble Petitioners

Dr. Azhar Ijaz and others  
Through counsel

  
Zia ur Rahman Kazi,  
Advocate High Court,  
Dera Ismail Khan  
0301-879-2378  
0344-972-0039

**IN THE PESHAWAR HIGH COURT PESHAWAR**

Writ Petition No. 1019-B /D of 2017

**Dr. Azhar Ijaz & others.....Petitioners**

Filed today 3550

**VERSUS**

Addl: Registrar.

05/07/2017

**Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat Peshawar and others.....Respondents**

**AFFIDAVIT:-**

I, **Dr. Jamal Ud Din**, Petitioner No 2 do hereby solemnly affirm and declare on Oath:-

1. **That** accompanying petition has been drafted by our counsel upon the instruction given by us.
2. **That** all Para wise contents of the petition are true and correct to the best of my knowledge, belief and information.
3. **That** nothing has been deliberately concealed from this August Court nor anything contained therein is based on exaggeration or distortion of facts.

Dated:- 3.07.2017

**Deponent**

**Your Humble Petitioners**



**Dr Jamal Ud Din,**  
Petitioner No 2

11201-0377723-9

Identified by

  
**Zia-ur-Rahman Kazi** 01/7/2017

Advocate High Court  
Dera Ismail Khan

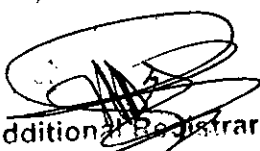
Name Dr. Jamal ud Din  
D/O Demer Street D.H.Q  
R/O D.I. Khan

On the Identification of  
Zia ul Rahman Kazi

On this 05 day of July 2017

Verified the contents of the above  
affirmation before me on oath

No 3204 Dated 05-07-2017

  
Additional Registrar  
Oath Commissioner  
Peshawar District Court  
D.I. Khan Bench

**IN THE PESHAWAR HIGH COURT PESHAWAR**

Writ Petition No. 1018-15 /D of 2017

**Dr. Azhar Ijaz & others.....Petitioners**

Filed today 3550  
*[Signature]*

**VERSUS**

at: Registrar,  
05/07/2017

**Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat Peshawar and others.....Respondents**

**CERTIFICATE**

Certified that this is the first ever constitutional petition involving the instant subject matter and that the Petitioner has not filed any other petition earlier in this august Court regarding the above stated controversy.

**Your Humble Petitioners**

**Through counsel**

*Zia-ur-Rahman Kazi*  
*Kazi*  
*01/7/2017*

**Advocate High Court**

**Dera Ismail Khan**

**LIST OF BOOKS**

1. Constitution of Islamic Republic of Pakistan, 1973.
2. K.P.K Civil Servants Act, 1973.
3. Khyber Pakhtunkhwa Civil Servants Amendment Act, 2013
4. Khyber Pakhtunkhwa Civil Servants Amendment Act, 2013
5. K.P.K (Appointments, Promotions and Transfer) Rules, 1989.
6. K.P.K Medical Teaching Institution Reforms Act, 2015.
7. K.P.K Health Department Recruitment Rules, 2015.
8. Precedents if any.

(9)

**IN THE PESHAWAR HIGH COURT PESHAWAR**

1019-B

Writ Petition No. \_\_\_/D of 2017

**Dr. Azhar Ijaz and others.....Petitioners**

Filed today

3550

**VERSUS**

vaid: Registrar

05/07/2017

**Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat Peshawar and others.....Respondents****MEMO OF ADDRESSES OF PARTIES****PETITIONERS**

1. **Dr Azhar Ijaz** Assistant Professor Physiology (BPS-18), Gomal Medical college, Dera Ismail Khan
2. **Dr Jamal Ud Din**, Demonstrator, DHQ, Dera Ismail Khan.
3. **Dr. Amir Amanullah**, Associate Professor Anatomy (BPS-19), Gomal Medical College, D.I.Khan..
4. **Dr. Javaid Hussain**, Associate Professor, Pathology (BPS-19), Gomal Medical College, D.I.Khan.
5. **Dr. Khalid Mahmood**, District Specialist Surgery, DHQ, Dera Ismail Khan.
6. **Dr. Mahmood Jan**, Senior Medical Officer/Vice President (PDA), DHQ, Dera Ismail Khan.
7. **Dr. Ahmad Jan**, District Specialist Pathology (BPS-18), DHQ, Dera Ismail Khan.

(10)

**RESPONDENTS**

1. **Government of Khyber Pakhtunkhwa** through Chief Secretary, Civil Secretariat, Peshawar.
2. **Secretary Health**, Government of Khyber Pakhtunkhwa, Peshawar.
3. **Secretary Law**, Law Department, government of Khyber Pakhtunkhwa, Peshawar.
4. **Director General Health Department**, Government of Khyber Pakhtunkhwa, Peshawar
5. **Search and Nomination Council**, Through its Chairman, Medical Teaching Institutions, Peshawar.
6. **Board of Governors**, Medical Teaching Institutions, Dera Ismail Khan.
7. **Stoppag Dean/Principal**, Gomal Medical College, Medical Teaching Institutions, Dera Ismail Khan.

Dated: - .07.2017

Your Humble Petitioners

Filed today

3550

Attd: Registrar

05/07/2017

**Dr. Azhar Ijaz & others,**  
Through counsel

*Zia-ur-Rahman Kazi*  
*Kazi*  
*Adv*  
*01/7/2017*

**Zia-ur-Rahman Kazi,**  
 Advocate High Court  
 Dera Ismail Khan



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(Regulation Wing)

Annexure A 4  
11

Peshawar the 6<sup>th</sup> of August, 2011

NOTIFICATION

No. FD(SOSR-II)8-18/2011. The Government of Khyber Pakhtunkhwa Province has been pleased to approve, w.e.f. 1<sup>st</sup> July, 2011 and subject to further orders, payment of *Health Professional Allowance* to professional doctors in the civil service of the Government of Khyber Pakhtunkhwa, as detailed below -

S.No	Post	Rate of Health Professional Allowance
1.	Doctors in BS 17 (All Cadres)	Rs. 15,000/- p/m
2.	Doctor in BS 18 to BS 20 (All Cadres)	Rs. 10,000/- p/m

original  
copy  
Dr. Jamalud Din

Secretary to Government of Khyber Pakhtunkhwa  
Finance Department

Post No. & date given

Copy is forwarded for information and necessary action to the

1. Secretary to Government of Khyber Pakhtunkhwa, Peshawar
2. Secretary to Governor, Khyber Pakhtunkhwa.
3. Accountant General, Khyber Pakhtunkhwa, Peshawar
4. Budget Officer-VI, Finance Department

(WAZIR MUHAMMAD AFGAR)  
Section Officer (SR-II)

OFFICE OF THE ACCOUNTANT GENERAL KHYBER PAKHTUNKHWA PESHAWAR  
No: H-24(113) MASTER/Allowances/2010-11 / 1093 DATED: 15-08-2011  
Copy for information further necessary action to:

- 1) All DCAs/Senior DAOs/DAOs
- 2) Agency Accounts Officers in Khyber Pakhtunkhwa (P.A.A)
- 3) SAO Pay Roll Section, Peshawar
- 4) Director General Health Services in Khyber Pakhtunkhwa, Peshawar.

ACCOUNTS OFFICER (IAD)  
KHYBER PAKHTUNKHWA PESHAWAR

**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
**FINANCE DEPARTMENT**  
**(REGULATION WING)**

Dated Peshawar the 6<sup>th</sup> of August, 2011

**NOTIFICATION**

**No.FD(SOR-II)8-18/2011:** The Governor, Khyber Pakhtunkhwa Province has been pleased to approve,

S No.	Posts	Rate of Health Professional Allowance
1.	Doctors in BS-17 (All Cadres)	Rs.15,000 p.m
2.	Doctors in BS-18 to 20 ( All Cadres)	Rs.10,000 p.m

Secretary to Government of Khyber Pakhtunkhwa  
Finance Department

**Endst No. & Date even**

*Copy is forwarded for information and necessary action to the*

1. Secretary to Gover
2. Secretary to Governor, Khyber Pakhtunkhwa
3. Accountant General, Khyber Pakhtunkhwa, Peshawar
4. Budget Offices-VI, Finance Department

Sd/xxxx  
(WAZIR MUHAMMAD AFGAR),  
Section Officer (SR-II)

OFFICE OF THE ACCOUNTANT GENERAL, KHYBER PAKHTUNKHWA, PESHAWAR  
No.H-24(113)/MASTER/Allowances, 2010-11/1043 Dated 15.08.2011

1. All DCAs/Senior DAOs/DAOs.
2. Agency Accounts Officers, Khyber Pakhtunkhwa (FATA)
3. AAO Pay Roll-9 Section
4. Director General Health Services, Khyber Pakhtunkhwa

Sd/xxxx  
Accounts Officer (HAD)  
Khyber Pakhtunkhwa, Peshawar





GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(REGULATION WING)

Annexure 'B'

13

Dated Peshawar the 07/01/2016

**NOTIFICATION**

**No.FD(SOSR-II)8-18/2016.** In continuation of this Department Notification of even number dated 06/08/2011, the Provincial Cabinet of Khyber Pakhtunkhwa has been pleased to accord approval to the incentive for doctor (All the following cadres) excluding those working in MTIs on the basis of territory (Districts declared as Category A, B & C) / unattractive / attractive specialties and enhanced the Health Professional Allowance as under to ensure presence of doctors at all levels of health facilities, which is mandatory for the provision of minimum health services to the people of Khyber Pakhtunkhwa w.e.f. 01/01/2016:-

Cadre	Existing rates of HPA	Districts					
		Category-A		Category-B		Category-C	
Districts Specialists, Non-attractive specialties (radiology, Pathology, Anaesthesia)	Rs.10,000/-	Rs.80,000/-		Rs.100,000/-		Rs.140,000/-	
Districts Specialists, Attractive specialties	Rs.10,000/-	Rs.60,000/-		Rs.80,000/-		Rs.100,000/-	
Health Managers	Rs.15,000/- (BPS-17) Rs.10,000/- (BPS-18 & above)	Rs.56,000/-		Rs.76,000/-		Rs.96,000/-	
Medical officer / Dental surgeon	Rs.15,000/- (BPS-17) Rs.10,000/- (BPS-18 & above)	Urban 42,000	Rural 52,000	Urban 62,000	Rural 72,000	Urban 82,000	Rural 92,000

The categorization of districts on the basis of hard to reach area, geographic terrain, security situation and lack of development and infrastructure shall be as under:-

**Districts Category-A**

1. Peshawar
2. Abbottabad

**Districts Category-B**

- |             |                     |              |
|-------------|---------------------|--------------|
| 3. Nowshera | 7. Bannu            | 11. Haripur  |
| 4. Swat     | 8. Charsadda        | 12. Mansehra |
| 5. Kohat    | 9. Dera Ismail Khan | 13. Malakand |
| 6. Mardan   | 10. Dir Lower       | 14. Swabi    |

**Districts Category-C**

- |               |                  |             |
|---------------|------------------|-------------|
| 15. Buner     | 19. Hangu        | 23. Shangla |
| 16. Battagram | 20. Karak        | 24. Tank    |
| 17. Chitral   | 21. Kohistan     | 25. Torghar |
| 18. Dir Upper | 22. Lakki Marwat |             |

The districts are internally further segregated into urban and rural settings for awarding incentives to ensure health services delivery in far flung and hard areas within districts.

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14

The above enhanced Health Professional Allowance will be admissible subject to the to the following conditions:

- i. The existing allowances for doctors (Anaesthesia allowance in district hospital hard & hardest. Special package / Incentives at Civil Hospital garl Habibullah Mansehra, Incentives allowance to Gynaecologist and lady doctors at Districts Batagram Kohistan, Hangu, Tank, Buner, Dir Upper, Dir Lower, Shangla and Chitral) shall be discontinued except Non-practicing Allowance.
- ii. Will be admissible only during their period of posting against the sanctioned posts at Health Department.
- iii. Will not be admissible during earned leave, study leave & extra ordinary leave except casual leave.
- iv. Shall not be treated as part of emoluments for the purpose of calculation of pension and recovery of House Rent etc.
- v. Shall not be admissible to the employees posted/deputed outside the Health Department.

SECRETARY TO GOVERNMENT  
OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT

Endst: No. & date even.

Copy for information and necessary action is forwarded to the:-

- 1. Secretary to Government of Khyber Pakhtunkhwa, Health Department.
- 2. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 3. Director FMIU, Finance Department.
- 4. The Director, Treasuries and Accounts, Khyber Pakhtunkhwa, Peshawar.
- 5. The District Comptroller of Accounts, Peshawar, Mardan, Kohat, Bannu, Abbottabad, Swat and D.I. Khan.
- 6. The All the District Accounts Officers in Khyber Pakhtunkhwa.
- 7. The Treasury Officer, Peshawar.
- 8. Budget Officer-VI, Finance Department

(WAZIR MUHAMMAD AFGAR)  
SECTION OFFICER (SR.II)

Copy to S.P.R.I.A, A.T.O

5072  
27/1/16

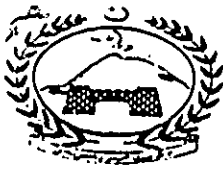
SECTION

DAO  
21/1

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pleasure  
photos  
Hafiz walid  
photos copy of Receipts

Signature



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(REGULATION WING)

Dated Peshawar the 15/01/2016

NOTIFICATION

No.FD(SOSR-II)8-18/2015-16: The Chief Minister, Khyber Pakhtunkhwa has been pleased to approve Health Professional Allowance at flat rate of Rs.10,000/- per month to the Paramedic's and Nursing staff of Health Department with immediate effect.

2. The above Health Professional Allowance will be admissible subject to the following conditions:

- i. Will be admissible only during period the their posting against the sanctioned posts at Health Department.
- ii. Will not be admissible during earned leave, study leave & extra ordinary leave except casual leave.
- iii. Shall not be treated as part of emoluments for the purpose of calculation of pension and recovery of House Rent etc.
- iv. Shall not be admissible to the employees posted/deputed outside the Health Department.

SECRETARY TO GOVERNMENT  
OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT

Endst: No. & date even.

Copy for information and necessary action is forwarded to the:-

1. Secretary to Government of Khyber Pakhtunkhwa, Health Department.
2. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. Director F&IU, Finance Department.
4. The Director, Treasuries and Accounts, Khyber Pakhtunkhwa, Peshawar.
5. The District Comptroller of Accounts, Peshawar, Mardan, Kohat, Bannu, Abbottabad, Swat and D.I. Khan.
6. The All the District Accounts Officers in Khyber Pakhtunkhwa.
7. The Treasury Officer, Peshawar.
8. Budget Officer-VI, Finance Department.
9. HR Finance Department (Assistant Director Web).

SECTION OFFICER (SR-II)

To,

19

1. **Government of Khyber Pakhtunkhwa** through Chief Secretary, Civil Secretariat, Peshawar.
2. **Secretary Health**, Government of Khyber Pakhtunkhwa, Peshawar.
3. **Secretary Finance**, Government of Khyber Pakhtunkhwa, Peshawar.
4. **Secretary Establishment**, Government of Khyber Pakhtunkhwa, Peshawar.
5. **Director General Health Services**, Government of Khyber Pakhtunkhwa, Peshawar

**NOTICE**

**Subject: WRIT PETITION TITLED DR. AZHAR IJAZ AND OTHERS VERSUS GOVERNMENT OF KHYBER PAKHTUNKHWA AND OTHERS"**

Please take the notice that the undersigned is going to file the above titled Writ Petition before the Hon'ble Peshawar High Court, Dera Ismail Khan Bench.

You are also impleaded as Respondent in the above titled Writ Petition. (Copy of the petition is enclosed herewith).

Dated: -3.07.2017 :

Through counsel

  
Zia-ur-Rahman Kazi,

Advocate High Court

Dera Ismail Khan

To,

(20)

1. **Government of Khyber Pakhtunkhwa** through Chief Secretary, Civil Secretariat, Peshawar.
2. **Secretary Health**, Government of Khyber Pakhtunkhwa, Peshawar.
3. **Secretary Finance**, Government of Khyber Pakhtunkhwa, Peshawar.
4. **Secretary Establishment**, Government of Khyber Pakhtunkhwa, Peshawar.
5. **Director General Health Services**, Government of Khyber Pakhtunkhwa, Peshawar

**NOTICE**

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You are also impleaded as Respondent in the above titled Writ Petition. (Copy of the petition is enclosed herewith).

Dated: -3.07.2017 :

Through counsel

  
Zia-ur-Rahman Kazi,

Advocate High Court

Dera Ismail Khan

To,

(21)

1. **Government of Khyber Pakhtunkhwa** through Chief Secretary, Civil Secretariat, Peshawar.
2. **Secretary Health**, Government of Khyber Pakhtunkhwa, Peshawar.
3. **Secretary Finance**, Government of Khyber Pakhtunkhwa, Peshawar.
4. **Secretary Establishment**, Government of Khyber Pakhtunkhwa, Peshawar.
5. **Director General Health Services**, Government of Khyber Pakhtunkhwa, Peshawar

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**Subject: WRIT PETITION TITLED DR. AZHAR IJAZ AND OTHERS VERSUS GOVERNMENT OF KHYBER PAKHTUNKHWA AND OTHERS"**

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You are also impleaded as Respondent in the above titled Writ Petition. (Copy of the petition is enclosed herewith).

Dated: -3.07.2017 :

Through counsel

*Zia-ur-Rahman Kazi*  
*01/7/2017*  
**Zia-ur-Rahman Kazi,**

Advocate High Court

Dera Ismail Khan

To,

22

1. **Government of Khyber Pakhtunkhwa** through Chief Secretary, Civil Secretariat, Peshawar.
2. **Secretary Health**, Government of Khyber Pakhtunkhwa, Peshawar.
3. **Secretary Finance**, Government of Khyber Pakhtunkhwa, Peshawar.
4. **Secretary Establishment**, Government of Khyber Pakhtunkhwa, Peshawar.
5. **Director General Health Services**, Government of Khyber Pakhtunkhwa, Peshawar

**NOTICE**

**Subject: WRIT PETITION TITLED DR. AZHAR IJAZ AND OTHERS VERSUS GOVERNMENT OF KHYBER PAKHTUNKHWA AND OTHERS"**

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You are also impleaded as Respondent in the above titled Writ Petition. (Copy of the petition is enclosed herewith).

Dated: -3.07.2017 : **Through counsel**

*Zia-ur-Rahman Kazi*  
*01/7/2017*  
**Zia-ur-Rahman Kazi,**

Advocate High Court

Dera Ismail Khan

86802290450



23

# CHALLAN NO.

To be filled by the remitter

To be filled in by the Departmental Officer of the treasury

By whom tendered	Name of designation and address of the person on whose behalf money is paid	Full particulars of the remittances and of authority (if any)	Amount	Head of Account	Order to the Bank
------------------	---	---	--------	-----------------	-------------------

Name: ڈاکٹر الطیر اعجاز دہرہ  
 ڈاکٹر الطیر اعجاز دہرہ  
 ڈاکٹر الطیر اعجاز دہرہ  
 رقم: 500/-  
 B02734  
 رقم: 3550  
 Signature: [Handwritten Signature]  
 لہذا التعمیر لیسٹری کے لئے  
 ڈاکٹر الطیر اعجاز دہرہ  
 فائلڈ آج: 3550  
 Total (A): 3550  
 R.O. 500/-

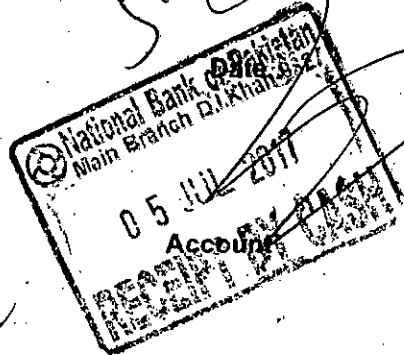
a) (in words) Rupees: Registrar.

05/07/2017

بیلے و مجید سوادری عزیز

Received payment

Treasure



Treasury Officer Manager

(24)

**BEFORE THE PESHAWAR HIGH COURT**

**PESHAWAR**

In WP No \_\_\_\_\_ of 2017

Dr. <sup>Azhar Ijaz</sup> ~~Jamal Ud Din~~ etc .....Petitioners

Filed today 3550

**Versus**

Filed: Registrar.  
05/07/2017

Govt of Khyber Pakhtunkhwa and Other .....Respondents

**WRIT PETITION**

We, Dr Jamal Ud Din and others Petitioners, do hereby appoint and constitute Mr. **Zia ur Rahman Kazi**, Advocate High Court as our counsel in the subject proceedings/Writ Petition and authorize him to file, appear, act, plead etc compromise, withdraw or refer the matter for arbitration for us without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel at our expense and receive all sums and amount payable to us and do all such acts which he may deem necessary for protecting our interest in the matter. He is also authorized to appear, file/ instant Writ Petition/review/application for restoration/application for impleadment and also contempt proceedings or application for setting aside ex-parte decree and proceedings/Miscellaneous Applications on our behalf.

Dated:- 08.07.2017

Accepted

*Zia ur Rahman Kazi*  
Zia ur Rahman Kazi

**Zia ur Rahman Kazi**

**Advocate High Court**

**Dera Ismail Khan**

**Cell No: 0301-879-2378**

**0344-972-0039**

**Your Humble Petitioners**

**Dr. Amir Amanullah**

Associate Professor

Anatomy (BS-19)

Petitioner No

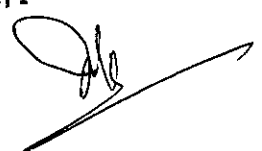
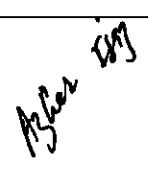
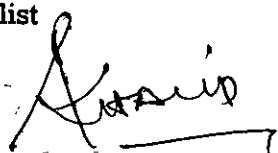


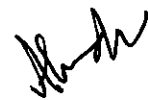
*A. A. M.*

**Dr Nasim Saba Mehsud**

Associate Professor,

Gynaecology, (BS-19)

Petitioner No

<b>Dr Mohammad Ali Shah</b> Associate Professor, Orthopaedics (BS-19) Petitioner No	<b>Dr Javaid Hussain</b> Associate Professor, P athology (BPS-19) Petitioner No 
<b>Dr Sara Arif</b> Assistant Professor, Pathology (BPS-18) Petitioner No	<b>Dr Arshad Ali</b> Assistant Professor, Surgery (BS-18) Petitioner No
<b>Dr. Azhar Ijaz</b> Assistant Professor Physiology (BS-18) Petitioner No 	<b>Dr Nisar Bhitani</b> Assistant Professor, Medicine (BS-18) Petitioner No
<b>Dr Muhammad Ismail</b> Assistant Professor, ENT (BS-18) Petitioner	<b>Dr Shakil Shah</b> Senior Registrar, Orthopaedics (BS-18) Petitioner No
<b>Dr. Shoukat Siyal</b> Senior Registrar, Nephrology (BS-18) Petitioner No	<b>Dr. Khalid Mahmood</b> District Specialist Surgery Petitioner No 
<b>Dr Khadim Hussain</b> District Specialist MMTH Petitioner No	<b>Dr Mahmood Jan</b> Senior Medical Officer Vice President (PDA) Petitioner No 
<b>Dr Jamal Ud Din</b> Demonstrator Petitioner No 	<b>Dr Ahmad Jan</b> DHQ Petitioner No 
<b>Dr. Anser Waseem</b> Medical Specialist Petitioner No	

PESHAWAR HIGH COURT, D.I.KHAN BENCH



FORM OF ORDER SHEET

Date of Order or proceedings	Order or other proceedings with signature of Judge(s).
(1)	(2)
28.11.2017.	<p><u>W.P.No.621-D/2017.</u></p> <p><u>Present:</u> Mr. Zia ur Rehman Qazi, Advocate for the petitioners.</p> <p>***</p> <p>Learned Addl: A.G present in Court accepted notice on behalf of respondents and wants to file comments. May do so within fifteen days.</p> <p>Adjourned to a date in office.</p> <p><u>JUDGE</u> ?</p> <p><u>JUDGE</u></p> <p><u>Habib</u>/*</p>

Office  
29/11

**PESHAWAR HIGH COURT, D.I.KHAN BENCH**

**FORM OF ORDER SHEET**

Date of Order or proceedings	Order or other proceedings with signature of Judge(s).
(1)	(2)
13.12.2017.	<p><u>W.P.No.621-D/2017 with C.M.No.1268-D/2017.</u></p> <p><u>Present:</u> Mr. Zia ur Rehman Qazi, Advocate for the petitioners. ***</p> <p><u>QALANDAR ALI KHAN, J.-</u> The learned Asstt: A.G, present in Court in some other cases, expressed his no objection to the impleadment of Chairman and Secretary of Board of Governors, MTI, D.I.Khan as well as Finance Director and Hospital Director of the MTI as respondents. Therefore, the application is accepted, and all the aforementioned Chairman and Secretary, BOG, MTI, as well as Finance Director and Hospital Director, MTI, D.I.Khan are impleaded as respondents in the writ petition. The petitioners are, accordingly, directed to amend the writ petition, incorporating therein the newly added respondents.</p> <p><u>Announced.</u> <u>Dt: 13.12.2017.</u></p> <p style="text-align: right;"> <u>JUDGE</u></p> <p style="text-align: right;"> <u>JUDGE</u></p> <p><i>Qazi</i> <i>14/12</i></p>

Habib/\*

(DB) Hon'ble Mr. Justice Qalandar Ali Khan  
Hon'ble Mr. Justice Shakeel Ahmad

**PESHAWAR HIGH COURT,**  
**BANNU BENCH**  
**FORM OF ORDER SHEET**

Date of order or proceeding	Order or other proceedings with signatures of Judge (s).
(1)	(2)
10.12.2018	<p><u>WP No.1019 -B of 2017</u></p> <p><u>Present:</u></p> <p style="text-align: center;">Nemo for petitioner.</p> <p style="text-align: center;">*****</p> <p style="text-align: center;">Process issued to the petitioner as well as his counsel has not been received back, either served or unservd. Fresh process be issued, for a date in office.</p> <p style="text-align: right;"><i>Raf</i> <b><u>JUDGE</u></b></p> <p style="text-align: right;"><i>Shakeel</i> <b><u>JUDGE</u></b></p>

SCANNED

*Azam Khan*  
11/12

PESHAWAR HIGH COURT,  
BANNU BENCH.

FORM 'A'

FORM OF ORDER SHEET

Date of  
order or  
proceedings  
(1)

Order or other proceedings with signature of  
Judge (s).

(2)

15.01.2020


W.P No.1019-B of 2017.


Present:

Nemo for petitioners.

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As all the petitioners not only serving within the jurisdiction of Hon'ble Peshawar High Court D.I.Khan Bench but also the petitioners service there in Gomal Medical College, D.I.Khan. However, this writ was filed before this Court at the occasion where Division Bench of this Court was not functional at D.I.Khan Bench. Now Division Bench is well established there in D.I.Khan Bench, therefore, this petition is transferred to Hon'ble D.I.Khan Bench.

  
JUDGE

  
JUDGE

**IN THE PESHAWAR HIGH COURT, D.I.KHAN BENCH**

**FORM OF ORDER SHEET**

Date of order or proceedings	Order or other proceedings with signature of Judge(s).
(1)	(2)
17.5.2022.	<p><b><u>W.P.No.621-D/2017.</u></b></p> <p><b><u>Present:-</u></b> Mr. Zia-ur-Rahman Kazi, Advocate for petitioners.</p> <p>Mr. Adnan Ali, Asstt: A.G. for respondents.</p> <p>***</p> <p>The former seeks time to file amended writ petition in the light of order dated 13.12.2017 of this Court. Allowed. May do so within seven days positively. Thereafter, office is directed to call comments from respondent Hospital Director, MTI, D.I.Khan so as to reach this Court within 20 days positively. Adjourned to a date in office.</p> <p style="text-align: right;"><b><u>JUDGE</u></b></p> <p style="text-align: right;"> <b><u>JUDGE</u></b></p>

Imran/

(D.B)

Hon'ble Mr. Justice Ishfaq Ibrahim  
Hon'ble Mr. Justice Muhammad Faheem Wali

Office  
18/5