

47
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such suspension would be deemed to have been reinstated unless before expiry of period of three months, approval of "authority" to the Government servant continuing to be under suspension or on leave was obtained.

5. That, in wake of above rulings of august Supreme Court of Pakistan, if suspension of petitioner deemed to have expired, then petitioner was supposed to have been promoted on the vacant post of Associate Professor (Surgery) and as such the act of respondents is totally unwarranted, against the law, rules, policy and principals laydown by the august Supreme Court of Pakistan.

6. That learned counsel for petitioner may kindly be permitted to raise additional grounds at the time of arguments.

For the reasons mentioned above, it is, therefore requested that this writ petition may graciously be accepted as prayed for just to meet the ends of justice.

Dated: 27/3/2019

Dr. Mohammad Shoaib Khan
Petitioner through counsel:

(ISRAR UL HAQ) -
Advocate High Court Bannu

FILED Today
30 MAR 2019
Advocate Registrar

ATTESTED

Peshawar High Court

48

"M"

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT,
BANNU BENCH.

(Judicial Department)

W.P No.347-B of 2019

Dr. Muhammad Shoaib Khan

Vs

Govt. of Khyber Pakhtunkhwa through secretary
Health, Peshawar and others.



JUDGMENT

Date of hearing _____ 25.11.2020 _____

For petitioners: **Mr. Israr-ul-Haq advocate.**

For respondent: **Hafiz Muhammad Hanif advocate.**

For official respondents: **Kamran Hayat Addl: A.G.**

SAHIBZADA ASADULLAH, J.- The petitioner approached this court by invoking its jurisdiction under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, with the following prayers:-

"On acceptance of instant writ petition this Hon'ble Court may very graciously be pleased to direct the respondents to withdraw suspension order dated 22.1.2018 in respect of petitioner on the ground that the petitioner is innocent and the said order is against the law, facts and civil servants Esta

ATTESTED
EXAMINER
Peshawar High Court
Bannu Bench

(49)

- 2 -

Code, Rules (5)(1) 2004 and rule 6 of the Khyber Pakhtunkhwa (Efficiency and Discipline) Rules 2011, based on mala fide intention, ulterior motive and collusion. (2) Declaring the petitioner being fully eligible and fit, having fulfilled the required criteria and In titled for promotion to the post of "Associate Professor Surgery (BPS-19)". Refusal on part of respondents to promote the petitioner is illegal against the facts and In effective upon the rights of petitioner.

(3) This Hon'ble court may further be pleased to direct the respondents to count the seniority of petitioner from September, 2018, in contest with other candidates for vacant position of Associate Professor Surgery BMC, Bannu, along with back benefits or any other relief this Hon'ble court deems appropriate in circumstances of the case may kindly be also granted."

ATTESTED

F. YAKIN
Peshawar High Court
Bannu Bench

2. Brief facts giving rise to the instant writ petition are that the petitioner is working as Assistant Professor (Surgery) at D.H.Q Hospital, Bannu, where he was charged in case F.I.R No.11 dated 04.01.2018 under section 322 P.P.C Police Station Saddar

(50)

- 3 -

Bannu, when he treated one Molvi Sher Wali, who got injured at the hands of one Farman by receiving firearm injuries, who was brought to the Hospital for treatment which the petitioner undertook but unfortunately the injured expired and the petitioner was booked in the captioned F.I.R.

3. An enquiry was conducted where the relevant record was gone through and ultimately he was found innocent during the said period he was put under suspension which he agitated time and again. It was during the suspension period that the respondent No.1 directed that all vacant positions of Associate Professors in Faculty of BMC may be filled through eligible and experienced doctors, to which the petitioner submitted an application for his promotion to the post of Associate Professor but he was dropped on the pretext of his suspension and as such respondent No.5 was promoted and another post of Associate Professor was kept vacant, vide letter No.KPK/PSC/SRIV-34778 dated 02.07.2012, feeling aggrieved the petitioner approached this Court through the instant writ petition.

4. The respondent No.2 Chairman Board of Governors MTI Bannu was directed to file his Para-wise comments which were furnished accordingly with the relevant record.

5. The learned counsel for the parties along with Addl: Advocate General were heard at length and with their valuable assistance the record was gone through.

6. At the very inception of the proceedings, learned counsel representing the respondent No.2 raised a preliminary objection by submitting that the petitioner being a Civil Servant cannot agitate his matter before this Court and this Court cannot

ATTESTED
JUDGE
Bannu Bench
Bannu High Court

(51)

entertain the same while sitting in its Constitutional jurisdiction. In order to highlight his stance the learned counsel representing the respondent No.2 brought our attention to the Khyber Pakhtunkhwa Medical Teaching Institutions Reforms (Amendment) Act, 2018, particularly the amendment of section 16 of the Khyber Pakhtunkhwa Act, No.IV of 2015, (iii) after subsection (3), as substituted the following new subsections shall be inserted, namely:

“(3-A) Civil Servants who do not opt for absorption in the medical teaching institution, so notified, shall be dealt with in such a manner as provided in section 11-A, of the Khyber Pakhtunkhwa Civil Servants Act, 1973, for their future posting, which includes deputation to the Medical Teaching Institutions subject to a request being made by the Board:

Provided that a Civil Servant working in a Medical Teaching Institution, shall at all times, be deemed to be on deputation. All deductions made from the pay of such Civil Servants shall be deposited by the borrowing authority.”

“(3-B) A Civil Servant at the request of the Board may be sent in deputation to a Medical Teaching Institution by the Government. For Civil Servants on deputation to the Medical Teaching Institution, pension contribution shall be

ATTESTED
JAMNAGER
Peshawar High Court
Jamnager

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made by the Medical Teaching Institution. The deputation of a Civil Servant to a Medical Teaching Institution may be terminated by the Board at any time without assigning any reason thereof and such Civil Servants services shall revert to the Government immediately upon such termination being notified by the Board."

9

7. Instead to walk further, we deemed it appropriate to decide the preliminary objection raised by the respondents and if they failed, the Court will proceed on merit with the case in hand. While reading the amended sections i.e. section 13 and subsections 3-A and 3-B, no ambiguity is left in holding that the petitioner is a Civil Servant on deputation to the Medical Teaching Institution and his services can be dispensed with at any time either on the request of the parent Department or the Medical Teaching Institution to which he is on deputation.

8. The purpose behind the establishment of the Medical Teaching Institution was to enhance the capacity of the Hospitals brought under the umbrella and to improve the conditions of the institutions by providing best doctors and other staff. An open option was given to all concerned who were working prior to the promulgation of Khyber Pakhtunkhwa Medical Teaching Institutions Reforms Act, 2015, and it was the petitioner who exercised his choice by maintaining his status as a Civil Servant. The situation was explained to all concerned and it was after due deliberation where some opted for and some did not and the petitioner is one of

ATTESTED
EXAMINER
Peshawar High Court
Baqar Buzh

53

them who did not opt for the transfer of his service and to be governed by the MTI Act, 2015.

9. It was further submitted that the petitioner was discriminated as other doctors, who too, were retaining the status of Civil Servants were promoted by the respondents despite the fact that they too were on deputation. We do not agree with what the learned counsel for the petitioner submitted as two of wrongs do not make a right. At the end of the day the status of the petitioner will still be that of a Civil Servant and we cannot close our eyes to the embargo created in the shape of Article 212 of the Constitution of Islamic Republic of Pakistan, 1973, and we are confident to hold that the grievances of the petitioner can better be redressed when he approaches to a competent forum, which is none else but the Khyber Pakhtunkhwa Service Tribunal. As this Court is lacking jurisdiction in the matter, so we are not hesitant to hold that the grievances of the petitioner cannot be redressed under Article 199 of the Constitution, however, he is at liberty to approach the proper and competent forum in this respect. With these observations this writ petition is disposed of in view of above terms.

Announced. Sd/ Justice Ms. Musarrat Hilali, J
25.11.2020 Sd/ Mr. Justice Sahibzada Asadullah, J

[Handwritten signature]
27/11/2020

SCANNED

[Handwritten signature]
Ishfaq Khan

CERTIFIED TO BE TRUE COPY

[Handwritten signature] 38/11/20
Authorised by Court Bench
Article 87 of
The Qanun-e-Shahadat Ordinance, 1984

IN THE COURT OF BAKHT ALAM

ADDITIONAL SESSIONS JUDGE-III BANNU

Session Case No. 31 of 2018
State VS Dr. Munir Ullah etc

Order--25
21/01/2021

697
25/01

1. Accused on trial Munir Ullah and Mohammad Shoab

on bail alongwith learned counsel present. Mr. Farhan

Yousaf, learned SPP is appearing on behalf of the

State. Complainant in person alongwith counsel also

present. Statement of complainant was recorded as

PW-3. Thereafter, learned counsel for accused

submitted an application w/s 265-K Cr.P.C for acquittal

of accused on trial.

2. Arguments on application filed w/s 265K of Cr.P.C

heard and record perused.

3. Allegations against accused on trial are that on

04/01/2018 at 09.30 hours, committed the Qulic-his-

Subab of deceased Mowl Sher Wali (father of

complainant) was brought in injured condition in

emergency room of civil hospital.

4. After registration of case and completion of

investigation, challan was put in court. After supply of

copies w/s 265- C Cr.P.C to the accused on trial, on

08/9/2018 charge was framed against accused to

which they pleaded not guilty and claimed trial. Since

ARRESTED
01 FEB 2021
General Sessions Judge
Bannu

B

54

Order
05

framing of charge, till date prosecution is able to produce as many three PWs including the statement of complainant recorded today.

5. Complainant Minhaj Khan recorded his statement as PW-3 admitted in his cross examination that both the accused satisfied him about their innocence. He further admitted that the death of his father has been occurred from the firing of one Farman s/o Nazrali and there was no negligence on the part of the accused (both the doctors). He expressed his no objection over acquittal of accused (both the doctors) in the present case.

B

6. After examination of complainant, irreparable dent created in the prosecution case, can neither be cured nor can there be any slightest possibility of conviction of accused even if the remaining evidence is allowed to be recorded. There exists no direct or indirect evidence which could connect the accused facing trial with commission of offence. Therefore, even if the proposed evidence is allowed to be recorded, ultimately, the case in hand will conclude on the acquittal of accused facing trial.

7. Keeping in view the above discussion, there is no probability of conviction of the accused. Hence,

instant application u/s 265-K Cr.PC is accepted and accused facing trial Dr. Munir Ullah and Dr. Mohammad Shoaib Khan are hereby acquitted of the charges levelled against them. They are on bail, their bail bonds are cancelled and sureties are discharged from the liabilities of bail bonds. Case property, if any, shall remain intact till the expiry of period for appeal/ revision and thereafter be disposed of in accordance with law. Police record alongwith copy of instant order be returned to the quarter concerned while file of this court be consigned to record room after necessary completion.

ANNOUNCED
21/01/2021

B

(BAKHIT ALAM)
Additional Sessions Judge-III Bannu

ATTESTED
01 FEB 2021
Copying Agency
Lower Courts Bannu

999

- 1- Registration No: _____
- 2- Date of Presentation of Application: 30/1/2021
- 3- Date of Receipt of the file: 30/1/2021
- 4- Date of Preparation of copy: 30/1/2021
- 5- Date of Delivery of copy: 30/1/2021
- 6- No: of copies / words: 1
- 7- Ordinary Fee: _____
- 8- Urgent Fee: _____
- 9- Total Fee: _____
- 10- Signature of Copyist: _____

PW-----03

21-01-2021 Statement of complainant Minhaj Khan s/o Molvi Sher Wali Khan r/o Faiz Talab Abbas Mandan Tehsil & District Bannu, on oath.

Stated that my father namely Molvi Sher Wali Khan was fired through pistol on 04-01-2018 by one Farman Khan and got injured for treatment and other necessary formalities I took my father to the DHQ Hospital Bannu where I lodged report. My father was referred for treatment to emergency ward for operation. It was 09:30 pm, the condition of my father was became worst and surgeon Dr. Munir Ullah was called. Dr. Munir Ullah came to the OT and checked my father. The said doctor told us that your father is well now and thereafter the doctor left the OT. Later on, OT staff directed me to bring cotton from the market and I accordingly went for availability of cotton. When I brought the cotton, the OT staff bandaged my father injury and they shifted my father to surgical ward where the ward staff injected my father; however, the doctor and the other staff disappeared from ward. My father spent night in the said ward. At early time at 08:00 am, I went to emergency room and told the doctor that my father feeling pain. The emergency doctor told to me that it is not my job and advised me to contact Dr. Munir Ullah, I went to the house of Dr. Munir Ullah and knocked the door of the house of said doctor. He directed me to go to the ward and I am just coming. When I came to the ward, in the meanwhile, Dr. Shoaib had examined my father and he advised me ultrasound. I took my father for ultrasound to Dr. Zaman where the ultrasound of my father was done. When I returned back, said Dr. Shoaib was not present in the ward. The condition of my father became worst and he succumbed to the injuries. I had charged the accused on trial Dr. Shoaib and Dr. Munir Ullah for the said negligence. Thereafter, I reported the

B

ATTESTED

01 FEB 2021

Copying Agency
Lower Courts Bannu

matter to the police. The I.O prepared site plan at my instance and pointation. However, the elders of Illaqa came to our house and they satisfied us about their innocence and for the reason I do not charge the above accused now.

XX..... Shezar Wali is my elder brother. My father had reported the matter to the police about his injuries against one Farman s/o Nazrali to which criminal case has been registered. Before *Jirga*, the accused facing trial i.e. Dr. Munir Ullah and Dr. Muhammad Shoaib satisfied me about their innocence. It is correct that the death of my father has been occurred from the firing of said Farman. It is also correct that there was no negligence on the part of above said doctors (accused on trial). I have got no objection on the acquittal of both the doctors/accused facing trial.

RO & AC:
21-01-2021



(BAKHT ALAM)
Additional Sessions Judge-III
Bannu

ATTESTED

01 FEB 2021

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Lower Courts Bannu

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No.PF.I.G-2018/4745-N/ 357

The Statutory Regulatory & Registration Authority for
Medical & Dental Education and Practitioners

PAKISTAN
MEDICAL & DENTAL COUNCIL
G-10/4, Mauve Area,
ISLAMABAD.



UAN : 111-321-786
Tel : (92 51) 9106151-54
Fax : (92 51) 9106159

ANNEX-0

Dated: 31/11/2019

Dean,
Bannu Medical College,
Bannu

SUBJECT: RECOGNITION OF EXPERIENCE

Dear Sir,

I am directed to refer your letter vide no 1073/Estb/BMC/018 dated.28-11-2018 the subject cited above. It is to inform you that following experience in respect of Dr. Mohammad Shoaib Khan Reg no. 4745-N can be counted as under:-

a. QUALIFICATION

- | | | |
|----|----------------------|---------------------------|
| 1. | M.B.B.S | Peshawar University -1989 |
| 2. | F.C.P.S
(Surgery) | Pak-2006 |
| 3. | M.C.P.S
(Surgery) | Pak-2007 |

TEACHING EXPERIENCE

- | | <u>Y</u> | <u>M</u> | <u>D</u> |
|--|----------|----------|----------|
| 1. Assistant Professor in General Surgery at Bannu Medical College, Bannu from 10-03-2011 to 10-03-2012= 01 year | 01 | 00 | 00 |
| 2. Senior Registrar in General Surgery at Bannu Medical College, Bannu from 21-10-2013 to 31-08-2015= 01 year, 10 months and 11 days (to be counted at the ratio of 2:1) | 00 | 11 | 05 |
| 3. Assistant Professor in General Surgery at Bannu Medical College, Bannu from 01-09-2015 to 14-11-2018= 03 years, 02 months and 14 days. | 03 | 02 | 14 |

05 01 19

Handwritten signatures and dates:
Shoaib
Faeh
31/11/19

60

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Dr. Mohammad Shoaib Khan Reg no. 4745-N

The applicant has 05 year, 01 month and 19 days teaching experience as Assistant Professor in the subject of Surgery and has 03 research publications in PM&DC approved journals with full credits. He is eligible for the post of Associate Professor in the subject of Surgery according to the regulations of the Council for the appointment of Lecturers/Senior Registrar, Assistant Professor, Associate Professor, Professor and Examiners. This certificate is not valid for appointment beyond Associate Professor. To become Professor kindly reapply with requisite experience and publications.

Yaqub
21/11/16
ASSISTANT REGISTRAR
(Recognition Section)

Note

1. Errors and Omissions in the experience certificate shall be accepted and corrected if is so warranted to comply with these regulations.
2. This certificate has been prepared by PM&DC staff on the basis of document of appointment/publication submitted by applicant doctor concerned of Principal/Dean/Vice Chancellor/Rector of the institution or MS of a recognized teaching hospital where the applicant doctor concerned is working and all liabilities in this matter lie with such applicant doctor concerned or issuing authority (college/hospital/university/DAI).
3. The experience certificate shall be issued by the Registrar or an officer authorized by President as the case may be and the issuing authority shall have the power to any time recall, modify, or cancel the experience certificate so issued, within the provisions of regulations of PM&DC.
4. If there is any grievance about the experience certificate or its effect or correction/cancelation etc, the aggrieved applicant doctor concerned or principal or Dean of the institution or MS of a recognized teaching Hospital, where the applicant doctor /recipient of experience certificate is working or any agency, may prefer an appeal to the Registrar PM&DC for elaboration, redressal of grievances or correction in experience certificate. The Registrar shall give an opportunity of hearing to PM&DC staff, which prepared the certificate and the applicant, and the appeal shall be accepted or rejected by the Registrar by a speaking order, which shall be communicated in writing by the Registrar to the applicant within four weeks of receiving the complaints. If the appellant is not satisfied, he may file an appeal against the order of the Registrar before the Standing Recognition Committee of the council under regulation 34 of the gazette S.R.O.07 (KE)/2009 Pakistan registration of medical and dental practitioners regulations, 2008. All disputes regarding teaching/practical experience shall be presented before the Standing Recognition Committee with the permission of President and the committee shall hear all parties and PM&DC staff who prepared the experience certificate & the decision of the Committee there on shall be final.
5. Experience certificate shall include the accepted publications for a particular designation and shall not be issued for a particular designation if the accepted publication number is deficient.

Yaqub
21/11/16



61

**OFFICE OF THE DEAN/CHIEF EXECUTIVE
BANNU MEDICAL COLLEGE, BANNU**

Khyber Pakhtunkhwa, Pakistan

Phone: 0928-9270356

Fax: 0928-9270358

No.//39 /Estb/ EXP /BMC/020


Dated: 15 /12/2020

EXPERIENCE CERTIFICATE

It is to certify that Dr. Muhammad Shoaib Khan, Assistant Professor is serving in Bannu Medical College, Bannu in the manner as under:

S. No	Name & Designation	From	To
1.	Assistant Professor, G. Surgery	10/03/2011	10/03/2012
2.	Senior Registrar, G. Surgery	21/10/2013	31/08/2015
3.	Assistant Professor, G. Surgery	01/09/2015	Till date

During this period his performance and conduct is good.


Dean/Chief Executive
Bannu Medical College,
Bannu

62

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Office of the Hospital Director, M.T.I, Bannu.

No. 6461 /HD/MTI/BNU

Dated: 27.10.2018.

EXPERIENCE CERTIFICATE

This is to certify that Dr. Mohammad Shoaib Khan has worked as Senior Registrar in department of General Surgery Khalifa Gul Nawaz Teaching Hospital Bannu from 21.10.2013 to 31.08.2015. His Job was regular full Time and Paid. During his Stay his performance and conduct remained good.

Counta Singh

Bannu Medical College
Bannu

Hospital Director,
Khalifa Gul Nawaz Medical Teaching Institution
Bannu

Allostad

63

SA



OFFICE OF THE DEAN,
BANNU MEDICAL COLLEGE, BANNU

Phone: 0928-9270356

Fax: 0928-9270358

No. 106 / Estb/EXPR/BMC/018

Dated: 14 / 11 / 2018

EXPERIENCE CERTIFICATE

It is to certify that Dr. Mohammad Shoaib Khan, Assistant Professor is serving in Bannu Medical College, Bannu in the manner as under:

S. No	Name & Designation	From	To
1.	Assistant Professor, G. Surgery	10/03/2011	10/03/2012
2.	Senior Registrar, G. Surgery	21/10/2013	31/08/2015
3.	Assistant Professor, G. Surgery	01/09/2015	Till date

During this period his performance & conduct is good.

Dean
Bannu Medical College
Bannu
Bannu Medical College
Bannu

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EXECUTIVE DISTRICT OFFICER (HEALTH) BANNU.

EXPERIENCE CERTIFICATE.

Certified that Dr. Mohammad Shauib Khan S/O Sher Nawaz Khan was served as Incharge Medical Officer in Basic Health Unit Khalifa Gul Nawaz, Bannu since 12.12.1991 to 31.12.1994. He was regularly attending patients at Basic Health Unit Khalifa Gul Nawaz, Bannu. His work and conduct was satisfactory. His behavior with patients was good. I wish him great success in his future life.

[Signature]
Executive District Officer
(Health) Bannu.
[Signature]
Executive District Officer
Khalifa Gul Nawaz Bannu

[Signature]
Adm.

151
POSTGRADUATE MEDICAL INSTITUTE

LADY READING HOSPITAL PESHAWAR (PAKISTAN)

Ref. No. 5641 /PGMI

Date 12-11-1996



Country Code 92
City Code 0521
Telephone Office 210472
Institute 210041-9
210031-9
Fax 220465

EXPERIENCE CERTIFICATE

This is to certify that Dr. Mohammad Shoab has worked as Trainee Medical Officer (DCP Student) in Postgraduate Medical Institute/LRH, Peshawar from 23.01.1995 to 31.12.1995.

His work and conduct remained satisfactory during the above mentioned period.

This certificate is issued on the recommendation of Dr. Khurshid Anwar Associate Professor and Incharge under whose supervision the above trainee has worked and who has testified to the satisfactory performance of the above trainee.

Qalima

DEAN
POSTGRADUATE MEDICAL INSTITUTE
LADY READING HOSPITAL PESHAWAR

Approved
J
Adm

66

66

POSTGRADUATE MEDICAL INSTITUTE

Hayatabad Medical Complex, Peshawar (Pakistan)

Prof. Dr. Shaliq Ahmad
M.B.B.S., F.C.P.S., F.R.C.O.G.
Dean
Postgraduate Medical Institute
Hayatabad Medical Complex
Peshawar (Pakistan)



No. 7730 / PGM I
Date: 13/11/99

Country Code : 92
City Code : (0)91
Tel No. Office : 9217190
Hospital : 9217140-0
Fax No. Office : 9217191

EXPERIENCE CERTIFICATE

Certified that Dr. Mohammad Shoaib has worked in this institute as per detailed given below. His job was whole time and residential involving care of in-door patients including emergency and outpatient clinics.

Position held.	Speciality (including Sub-speciality Rotations).	Period of Training From to	Name and qualification of Supervisor.
1. TMO	Surgical A Unit	10/01/96	Prof: Umar Ali Khan, MBBS, FRCS
2. TMO	Orthopaedic Unit	07/03/98	
3. TMO	Paediatric Surgery	07/03/98	
4. TMO	Cardiothoracic Unit	08/07/98	
5. TMO	Cardiovascular Surgery	09/07/98	
6. TMO	Urology Unit	08/09/98	
7. TMO	Surgical A Unit	09/09/98	
		08/11/98	
		09/11/98	
		08/01/99	
		09/01/99	
		08/03/99	
		09/03/99	
		14/07/99	

Umar Ali Khan
Name & Signature with Stamp of Supervisor
Prof. A. H. Dept. of Surgery
Dr. Umar Ali Khan (Surgeon)
M.B.B.S., F.C.P.S., F.R.C.O.G. (Glasgow)
J.C.M.S., L.R.C.S., Peshawar.

Shaliq Ahmad
Name & Signature with stamp of M.S/Dean of the Institute

Shaliq Ahmad

(67)

(67)

MEDICAL SUPERINTENDENT DHQ TEACHING HOSPITAL BANNU

NO. 2218/PF/MS/DHQTH/200

Dated 4/11/09

EXPERIENCE CERTIFICATE

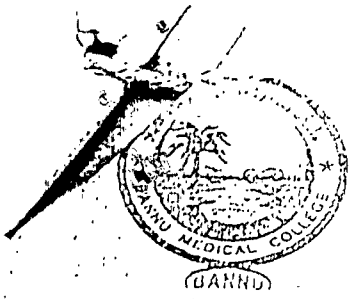
Certified that Dr. Muhammad Shoaib Khan is working as Medical Officer in Surgical-B Unit DHQ Teaching Hospital Bannu since 31/07/1999 to 18/12/2006. His work and conduct is satisfactory. His behaviour with patient is good. I wish him great success in his future life.

Shoaib Khan

MEDICAL SUPERINTENDENT
DHQ TEACHING HOSPITAL
BANNU

Medical Superintendent
DHQ Teaching Hospital
Bannu

Attested
✓
Shoaib Khan



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150

OFFICE OF THE DEAN
BANNU MEDICAL COLLEGE, BANNU

Phone: 0928-9270356

Fax: 0928-9270358

No. 1073 /Estb/BMC/018

Dated 28/11/2018

To,

✓
The Assistant Registrar,
(Recognition Section)
Pakistan Medical & Dental Council,
G-10-4, Mauve Area, Islamabad.

Subject: RECOGNITION OF EXPERIENCE

Enclosed please find herewith an application on prescribed proforma along with relevant documents in respect of Dr. Mohammad Shoaib Khan, Assistant Professor Department of General Surgery, Bannu Medical College, Bannu on the subject noted above for favor of further necessary action.

Encl: (A.A)

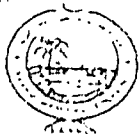
Dean
Bannu Medical College
Bannu

Even No & date:

Copy forwarded to Dr. Mohammad Shoaib Khan, Assistant Professor Department of General Surgery, Bannu Medical College, Bannu.

Accepted
✓
28/11/18

Dean
Bannu Medical College
Bannu



69

ANNEX-0-I

OFFICE OF THE DEAN,
BANNU MEDICAL COLLEGE, BANNU

69

Phone: 0928-9270356

Fax: 0928-9270358

No. 1006 / Estb/EXPR/BMC/018

Dated: 14 / 11 / 2018

EXPERIENCE CERTIFICATE

It is to certify that Dr. Mohammad Shoaib Khan, Assistant Professor is serving in Bannu Medical College, Bannu in the manner as under:

S. No	Name & Designation	From	To
1.	Assistant Professor, G. Surgery	10/03/2011	10/03/2012
2.	Senior Registrar, G. Surgery	21/10/2013	31/08/2015
3.	Assistant Professor, G. Surgery	01/09/2015	Till date

During this period his performance & conduct is good.

Dean
Bannu Medical College
Bannu
Bannu Medical College
Bannu

ANNE-P

20



**OFFICE OF THE DEAN/CHIEF EXECUTIVE,
BANNU MEDICAL COLLEGE, BANNU
Khyber Pakhtunkhwa, Pakistan**

(BANNU)

Phone: 0928-9270356

Fax: 0928-9270358

No. 1173 /Estb/ Sec-Health /BMC/020

Dated: 31/12/2020


To,

The Secretary,
Government of Khyber Pakhtunkhwa,
Health Department,
Peshawar.

Subject: **PROMOTION FROM ASSISTANT PROFESSOR (BS-18) TO
ASSOCIATE PROFESSOR (BS-19) GENERAL SURGERY BMC,
BANNU THROUGH PROVINCIAL SELECTION BOARD KHYBER
PAKHTUNKHWA.**

Enclosed please find herewith an application (in original) along-with relevant documents in respect of Dr. Mohammad Shoaib Khan, Assistant Professor (BPS-18) Department of General Surgery, BMC, Bannu on the subject cited above for further necessary action.

Encl: (A.A)


Dean/Chief Executive
Bannu Medical College
Bannu

Even No. & Date

Copy forwarded to Dr. Shoaib Khan, Assistant Professor, BMC, Bannu w/r to his application dated 31/12/2020.

Dean/Chief Executive
Bannu Medical College
Bannu

70-A

To,

The Dean/Chief Executive,
BMC/MTI, Bannu.

Through **Proper Channel**

Subject: **PROMOTION FROM ASSISTANT PROFESSOR (BS-18) TO ASSOCIATE PROFESSOR (BS-19) GENERAL SURGERY BMC, BANNU THROUGH PROVINCIAL SELECTION BOARD KHYBER PAKHTUNKHWA.**

R/Sir,

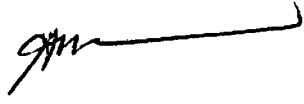
With due respect kindly forward my application along-with necessary documents for promotion to Associate Professor, General Surgery Bannu Medical College, Bannu to Secretary Health Services, Khyber Pakhtunkhwa for necessary action please.

Thanks

Dated: 31/12/2020



Dr. Mohammad Shoaib Khan,
Assistant Professor, G. Surgery
Bannu Medical College, Bannu

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GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

71

No. SOH-I/HD/7-53/2021
Dated Pesh: the 31st May, 2021

ANNEX-3

To

The Dean/Chief Executive,
Bannu Medical College,
Bannu.

Subject:- PROMOTION FROM ASSISTANT PROFESSOR (BS-18) TO ASSOCIATE PROFESSOR (BS-19) GENERAL SURGERY BMC, BANNU THROUGH PROVINCIAL SELECTION BOARD KHYBER PAKHTUNKHWA.

I am directed to refer to your letter No. 97/Estb/Sec-Health/BMC/021 dated 01/02/2021 on the subject noted above and to returned herewith working papers (in original) in respect of Dr. Muhammad Shoaib Khan Assistant Professor General Surgery (BS-18) to the post of Associate Professor Surgery (BS-19) with the request that promotion case may kindly be process at your own level as per instructions of this department (copy enclosed)

Encl: As Above

Section Officer (E-I)

Endst: of even No. & date

Copy forwarded to:-

1. PS to the Secretary Health Khyber Pakhtunkhwa.
2. Master file.

Section Officer (E-I)



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

DATED PESHAWAR THE 22ND AUG; 2017

NOTIFICATION.


No. SOH-I/HD/1-45/2017/MTI. In exercise of powers conferred by Section-22 of the Khyber Pakhtunkhwa Medical Teaching Institutions Reform Act, 2015 (Khyber Pakhtunkhwa Act No IV, 2015), the Government of Khyber Pakhtunkhwa is pleased to authorize the concerned Board of Governors to process and consider the promotion of eligible teaching faculty appointed and serving as Civil Servants in their respective Medical Teaching Institutions in terms of the criteria as envisaged in Regulation 16 of the Khyber Pakhtunkhwa Province Medical Teaching Institutions Regulations, 2015.


SECRETARY HEALTH

Endst No and date even

Copy to:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar
2. Chairman Board of Governors of all MTIs in Khyber Pakhtunkhwa.
3. Medical/Hospital Director of all MTIs in Khyber Pakhtunkhwa.
4. Dean KMC/KGMC Peshawar, BMC Bannu, NMC Nowshera, BKMC Mardan, GMC DI Khan and AMC Abbottabad.
5. Director Finance all MTIs in Khyber Pakhtunkhwa.
6. Distt. Accounts Officers concerned.
7. PS to Senior Minister for Health Khyber Pakhtunkhwa.
8. PS to Secretary Health.


(Tasleem Khan)
Section Officer-I


24-8-17



(73)
ANNEX-S

GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

SUMMARY FOR THE CHIEF MINISTER KHYBER PAKHTUNKHWA.

Subject:- PROMOTION OF TEACHING STAFF APPOINTED IN CAPACITY OF CIVIL SERVANTS IN MEDICAL TEACHING INSTITUTIONS.

On commencement of the Khyber Pakhtunkhwa Medical Teaching Institutions Reforms Act, 2015, almost all the Teaching Institutions in the Province have declared completely autonomous institutions with no role/interference of the Government. These institutions are independent in making decisions.

2. In these institutions, three kinds of employees are working. i.e (i) Civil Servants appointed by the Government under the Civil Servants Act, 1973, (ii) Persons appointed by the Management Council under Khyber Pakhtunkhwa Medical & Health Institutions and Regulation of Health Care Services Ordinance, 2002 and (iii) Person appointed by the Board of Governors under the Khyber Pakhtunkhwa Medical Teaching Institutions Reforms Act, 2015. At the moment, terms and condition of service of all the three categories are different from each other. A large number of civil servants comprising on Teaching Cadre, General Cadre Doctors, Nursing staff, Paramedics and other auxiliary staff etc are still working in these institutions.

3. Section 16 (2) of the Khyber Pakhtunkhwa Medical Teaching Institutions Reforms Act, 2015 provides that "before the commencement of this Act, all administrative and teaching staff recruited by the Management Council in the prescribed manner under the Khyber Pakhtunkhwa Medical & Health Institutions and Regulation of Health Care Services Ordinance, 2002, shall be considered as employees of the concerned Medical Teaching Institution and shall continue to serve the Medical Teaching Institution on the same terms and conditions as applicable to them immediately before the issuance of Notification under sub section (3) of section-1 till further orders please (Annex: i).

4. Section 16(3) of the Act of 2015 (ibid) further provides that "on commencement of this Act, all the civil servants, serving in an existing Medical Teaching Institution may, within a period to be notified by the Government, opt for the employment of the Medical Teaching Institution. The Civil Servants who opt for employment of the Medical Teaching Institution, their service structure, promotion and

MTI, so notified, shall be dealt in such a manner as provided in Section 11A of the Civil Servants Act, 1973.

5. Section 10 of the Khyber Pakhtunkhwa, Civil Servants, Act, 1973, provides that every civil servant shall be liable to serve anywhere within or outside the province, in any post under the Federal Government, or any Provincial Government or Local authority, or a corporation or body set up or established by any such Government: Provided that nothing contained in this section shall apply to a civil servant recruited specifically to serve in a particular area or region (Annex: II).

6. The terms and conditions of service including promotion of all the categories of employees including civil servants mentioned in para-2 above have been protected except the Teaching Cadre working/appointed in the these institutions in capacity of civil servants. The General Cadre doctors (MOs, SMOs, PMOs, Dental Surgeons, Sr. Dental Surgeons, Principals Dental Surgeons and Chief Dental Surgeons), Nursing Staff, Paramedics Staff other auxiliary staff working in MTIs in capacity of civil servants have been recruited in Provincial Government and a comprehensive service structure including seniority/sanctioned posts meant for initial appointment and promotion exists throughout the Province and FATA whereas the terms and conditions of service of the Teaching cadre working/appointed in capacity of civil servants in these institutions are specifically governed under the proviso under Section-10 of the Civil Servants Act, 1973 mentioned in para 5 above as they have been specifically recruited/appointed in the Institutions concerned. Their Seniority, appointment, promotion etc is existed within the premises of the institutions where they are appointed. However, due to commencement of MTI Act, 2015, a static position has been prevailed over the service structure specially on promotion of teaching cadre appointed/working within the meaning of civil servants.

7. The teaching cadre doctors play vital role in the development of Health Activities. They accomplish the responsibility of the state as envisaged under Article 38 (d) of the Constitution of Islamic Republic of Pakistan. They are pioneers of the existing teaching institutions where they produce quality doctors for future. They are also notified examiners and supervisors of the Pakistan Medical & Dental Council Islamabad and the College of Physicians and Surgeons of Pakistan, Karachi in these institutions. However, due to the reasons, extreme restlessness exists amongst this category which is affecting their performance.

Regulation-16 of the MITI Regulations, 2015 procures that "(a) for promotion of civil servants, the Board will constitute a subcommittee to prepare a working paper according to the prescribed rules and model working paper of the Government. (b) The Board will constitute subcommittees as appropriate to make recommendations as to the suitability or otherwise of the civil servants for promotion in relation to the posts specified for promotion, based on the working papers and prescribed procedures and the criteria prescribed by the Government from time to time shall mutatis mutandis apply" (Annex: Iii).

9. In view of the above provisions of law and regulation-16 ibid, the Health Department proposes that necessary instructions may be issued to concerned MTIs to process and consider the promotion of eligible Civil Servants belonging to teaching cadre, appointed and posted in their respective institutions.

10. The Chief Minister, Khyber Pakhtunkhwa is requested to approve the proposal contained in para 9 above.

Senior Minister for Health,
Khyber Pakhtunkhwa.

Secretary Establishment,
Khyber Pakhtunkhwa.

Muhammad Abid Majeed
(Muhammad Abid Majeed)
Secretary Health

Shahzad Khan Tarakai
Shahzad Khan Tarakai
Senior Minister for Health
& Information Technology
Khyber Pakhtunkhwa

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11. Summary for Chief Minister Khyber Pakhtunkhwa regarding promotion of Teaching Staff appointed in capacity of civil servants in Medical Teaching Institutions has been examined.

12. Health Department has explained the case vide Paras 1-8 of the summary. Main crux of the issue is that Health Department faces issues in promotion of Teaching Cadre doctors working in MTI as civil servants. Accordingly, Health Department in light of Regulation-16 of the MTI Regulations 2015 has proposed that necessary instructions may be issued to the concerned MTIs to process and consider the promotion of eligible civil servants belonging to Teaching Cadre working in the MTIs.

13. It is observed that:-

- i. Section -16 (3) of the Khyber Pakhtunkhwa Medical Teaching Institutions Reforms Act, 2015 stipulates that "on commencement of this Act, all the civil servants, within a period to be notified by the Government, opt for the employment of the Medical Teaching Institution, their service structure, promotion and disciplinary matters shall be determined by the Medical Teaching Institution. Such employees shall be entitled to post-retirement benefits and emoluments as per existing government laws and rules. Medical Teaching Institution shall deposit pension contribution on their behalf. For the civil servants on deputation to the Medical Teaching Institution, pension contribution shall be made by the Medical Teaching Institution. Civil servants who do not opt for their absorption in the Medical Teaching Institution, so notified, shall be dealt in such a manner as provided in section 11A of the Khyber Pakhtunkhwa Civil Servants Act, 1973, for their future posting which includes secondment to the Medical Teaching Institution on need basis. All deductions made from pay of such civil servants shall be deposited by the borrowing authority".
- ii. Section-16 (5) provides that "*The options under sub-section once exercised shall be final. A civil servant, who opt to serve the Medical Teaching Institution, shall cease to be civil servant from the date of his absorption in the service of the Medical Teaching Institution concerned and their seniority, pension and other matters vise-a-vis with the employees of the Medical teaching Institution, shall be determined in the manner, as may be prescribed by rules*".

- iii. Considering the promotion cases of civil servants by the MTIs without proper policy will create litigation. Health Department may consult all the MTIs to have a proper procedure / record for promotion of civil servants working in MTI.
- iv. Health Department has not shared the detail of civil servants working in Medical Teaching Institutions.

14. As per Section-16 (3) & (5) of the ibid Act, there seems no difficulty for civil servants who exercised option to serve the Medical Teaching Institutions.

15. Despite department's numerous reforms initiatives yet it is unable to finalize the system and rules to handle such cases, but the doctors (individuals) should not be effected.

16. However, in light of Section-22 of the Khyber Pakhtunkhwa Medical Teaching Institution Reforms Act, 2015 and Regulation-16 of the MTI Regulation, 2015, proposal of the Administrative Department contained in Para-9 read with Paras 11-14 ante, is submitted for orders of Chief Minister, Khyber Pakhtunkhwa as deemed appropriate.

[Signature]
9-08-2017

(Dr. Syed Akhtar Hussain Shah)
Secretary Establishment

Chief Secretary Khyber Pakhtunkhwa

[Signature]
Chief Minister

Ali Iqbal
01/08/2017
CHIEF SECRETARY
Govt. Of Khyber Pakhtunkhwa

17.

Para 9 is approved.

[Signature]

Secretary Health

[Signature]
3-8-2017
Chief Minister
Khyber Pakhtunkhwa
Ali Iqbal
08/08/2017
CHIEF SECRETARY
Govt. Of Khyber Pakhtunkhwa

CIVIL Servant appointment & promotion Rules

ANNEX-1

Recd
2015
2015

GOVERNMENT OF THE KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

NOTIFICATION

Peshawar, dated the 15th Dec 2015.

No SOH-I/HD/SSRC/2014. In exercise of the powers conferred by sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, and in supersession of this Department's Notification No. SOH-I/HD/8-76/07 dated 05/04/2007, the Health Department, in consultation with the Establishment Department and the Finance Department, hereby lays down the method of recruitment, qualifications and other conditions specified in column 3 to 5 of the Appendix to this Notification, which shall be applicable to the posts in Medical Colleges or Institutions in the Province of the Khyber Pakhtunkhwa specified in column 2 of the said Appendix.

APPENDIX

A. Basic Medical Sciences Subject: Anatomy, Physiology, Biochemistry, Pharmacology, Toxicology, Pathology, Hematology, Chemical Pathology, Histopathology, Microbiology.

S.NO.	Nomenclature of the post.	Minimum qualification and experience for appointment by initial recruitment or promotion.	Age limit	Method of Recruitment.
1.	2.	3.	4.	5.
1.	Professor. (Anatomy, Physiology, Biochemistry,	(i) Qualification: (a) MBBS (duration of 5 or 6 years) or equivalent medical qualification recognized by the Pakistan Medical and Dental Council; and	40-50 years	By promotion, on the basis of seniority-cum-fitness, from amongst Associate Professors, who

	Pharmacology, Toxicology, Pathology, Hematology, Chemical Pathology, Histopathology, Microbiology).	<p>(b) FCPS/Ph.D (duration of 4 years) or qualification with other nomenclatures, in respective basic science subject or equivalent qualification recognized by Pakistan Medical and Dental Council; or</p> <p>(c) M.Phil (duration of 2 years) or qualification with other nomenclature, in respective basic science subject or equivalent qualification in the respective specialty, recognized by Pakistan Medical and Dental Council;</p> <p>(ii) Experience: Three years teaching experience as an Associate Professor in the respective basic science subject or nine years teaching experience as an Assistant Professor and Associate Professor in the respective basic science subject calculated as per Pakistan Medical and Dental Council 'Regulations' and in case of private sector medical colleges, the experience is duly certified by Pakistan Medical and Dental Council; and</p> <p>(iii) Research publications: A total of at least five Research Publications are required in the respective basic subjects/specialty. Only an original article published in a medical journal approved by the Pakistan Medical and Dental Council shall be acceptable.</p>		<p>possess the qualification, experience and research publications as provided for initial recruitment:</p> <p>Provided that if no suitable person is available for promotion then by initial recruitment.</p>
2.	Associate Professor Anatomy, Physiology, Biochemistry, Pharmacology, Toxicology, Pathology, Microbiology, Chemical Pathology, Haematology, Histo-	<p>(i) Qualification:</p> <p>(a) MBBS (duration of 5 or 6 years) or equivalent medical qualification recognized by the Pakistan Medical and Dental Council; and</p> <p>(b) FCPS/Ph.D (duration of 4 years) or qualification with other nomenclatures, in respective basic science subject or equivalent qualification recognized by Pakistan Medical and Dental Council; or</p> <p>(c) M.Phil (duration of 2 years) or qualification with other nomenclature, in respective basic science subject or</p>	35-45 years	<p>By promotion on the basis of seniority-cum-fitness, from amongst Assistant Professors who possess the qualification, experience, and research publications, as provided for initial recruitment:</p> <p>Provided that if no</p>

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	Pathology	<p>equivalent qualification in the respective specialty recognized by Pakistan Medical and Dental Council;</p> <p>(ii) Experience: Five years teaching experience as an Assistant Professor in the respective basic science subject calculated as per Pakistan Medical and Dental Council Regulations and in case of private sector medical colleges, the experience is duly certified by Pakistan Medical Dental Council; and</p> <p>(ii) Research Publications: A total of at least three Research Publications in the respective basic subjects/specialty are required. Only an original article published in a medical journal approved by the Pakistan Medical and Dental Council shall be acceptable.</p>		suitable person is available for promotion then by initial recruitment.
3.	Assistant Professor Anatomy, Physiology, Biochemistry, Pharmacology, Toxicology, Pathology, Microbiology, Chemical Pathology, Haematology, Histo Pathology	<p>(i) MBBS (duration of 5 or 6 years) or equivalent medical qualification recognized by the Pakistan Medical and Dental Council; and</p> <p>(ii) FCPS/Ph.D (duration of 4 years) or qualification with other nomenclatures, in respective basic science subject or equivalent qualification recognized by Pakistan Medical and Dental Council; or</p> <p>(iii) M.Phil (duration of 2 years) or qualification with other nomenclature, in respective basic science subject or equivalent qualification in the respective basic science subject recognized by Pakistan Medical and Dental Council and having two years teaching experience as Lecturer/Demonstrator in respective basic science subject (i.e M.Phil or qualification with other nomenclature recognized by Pakistan Medical and Dental Council). In case of private sector medical colleges, the experience is duly certified by Pakistan Medical and Dental Council.</p>	27-45 years	By initial recruitment.

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(B) COMMUNITY MEDICINE AND FORENSIC MEDICINE

S. NO.	Nomenclature	Minimum Qualification & Experience for appointment by Initial Recruitment and Promotion	Age limit for Appointment by initial recruitment	Method of Recruitment
1.	2.	3.	4.	5.
4.	Professor Community medicine, Forensic medicine	<p>(i) Qualification:</p> <p>(a) MBBS (duration of 5 or 6 years) or equivalent medical qualification recognized by the Pakistan Medical and Dental Council; and</p> <p>(b) FCPS/Ph.D (duration of 4 years) or qualification with other nomenclatures, in respective basic science subject or equivalent qualification recognized by Pakistan Medical and Dental Council; or</p> <p>(c) M.Phil (duration of 2 years) or qualification with other nomenclature, in respective basic science subject or equivalent qualification in the respective specialty recognized by Pakistan Medical and Dental Council; and</p> <p>(ii) Experience: Three years teaching experience as an Associate Professor and five years teaching experience as Assistant Professor in the respective basic science subject or nine years teaching experience as an Assistant and Associate Professor in the respective basic science subject calculated as per Pakistan Medical and Dental Council Regulations and in case of private sector medical colleges, the experience is duly certified by Pakistan Medical and Dental Council; and</p> <p>(iii) Research Publications: A total of at least five Research Publications in the respective basic subjects are required. Only an original article published in a</p>	40-50 years	<p>By promotion, on the basis of seniority cum fitness, from amongst Associate Professors, who possess the qualification, experience and research publication as provided for initial recruitment:</p> <p>Provided that if no suitable person is available for promotion then by Initial recruitment.</p>

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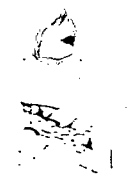
		medical journal approved by the Pakistan Medical and Dental Council shall be acceptable.		
5.	Associate Professor Community medicine Forensic medicine	<p>(i) Qualification:</p> <p>(a) MBBS (duration of 5 or 6 years) or equivalent medical qualification recognized by the Pakistan Medical and Dental Council; and</p> <p>(b) FCPS/Ph.D (duration of 4 years) or qualification with other nomenclatures, in respective basic science subject or equivalent qualification recognized by Pakistan Medical and Dental Council; or</p> <p>(c) M.Phil (duration of 2 years) or qualification with other nomenclature, in respective basic science subject or equivalent qualification in the respective specialty recognized by Pakistan Medical and Dental Council.</p> <p>(ii) Experience: Five years teaching experience as an Assistant Professor in the relevant basic science subject calculated as per Pakistan Medical and Dental Council Regulations and in case of private sector medical colleges, the experience is duly certified by the Pakistan Medical and Dental Council; and</p> <p>(iii) Research Publications: A total of at least three Research Publications in the respective basic science subject are required. Only an original article published in a medical journal approved by the Pakistan Medical and Dental Council shall be acceptable.</p>	35-45 years	<p>By promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Professor, who possess the qualification, experience and research publication as provided</p> <p>for initial recruitment:</p> <p>Provided that if no suitable person is available for promotion then by Initial recruitment.</p>
6.	Assistant Professor Community medicine, Forensic medicine	<p>(i) MBBS (duration of 5 or 6 years) or equivalent medical qualification recognized by the Pakistan Medical and Dental Council; and</p> <p>(ii) FCPS/Ph.D (duration of 4 years) or qualification with other nomenclatures, in respective basic science subject or equivalent qualification recognized by</p>	27-45 years	By initial recruitment.

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		Pakistan Medical and Dental Council; or (iii) M.Phil (duration of 2 years) or qualification with other nomenclature, in respective basic Science subject or equivalent qualification in the respective specialty recognize I by Pakistan Medical and Dental Council and having three years teaching experience as Lecturer/Demonstrator in respective basic science subject. In case of private sector medical colleges, the experience is duly certified by Pakistan Medical and Dental Council.		
7.	Demonstrator (BS-19)			By transfer, from amongst the Principal Medical Officers (BPS-19) for a period of three years in only one specialty in the entire service. Note: Preference will be given to persons having at least two years service in periphery.
8.	Demonstrator (BS-18)			By transfer, from amongst the Senior Medical Officers (BPS-18) for a period of three years in only one specialty in the entire service. Note: Preference will be given to persons having at least two years

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9.	Demonstrator (BS-17)			service in periphery. By transfer, from among Medical Officers in (BPS-17) for a period of three years in only one specialty in the entire service. Note: Preference will be given to candidates having at least two years service in periphery
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CLINICAL SUBJECTS: Medicine, Surgery, Obstetrics & Gynecology, Pediatrics, ENT, Eye

S. NO.	Nomenclature	Minimum Qualification & Experience for appointment by Initial Recruitment and Promotion	Age limit for Apptt: by initial recruitment	Method of Recruitment
1.	2.	3.	4.	5.
1.	Professor Medicine, Surgery, Obstetrics & Gynaecology, Paediatrics, ENT, Eye	(i) Qualification: (a) MBBS (duration of 5 or 6 years) or equivalent medical qualification recognized by the Pakistan Medical and Dental Council; and (b) FCPS/MS/MD (duration of 4 years) or qualification with other nomenclatures, in the respective clinical science subject or equivalent qualification recognized by Pakistan Medical and Dental Council; (ii) Experience: Three years teaching experience as an Associate Professor and five years teaching experience as Assistant Professor in the respective basic science subject or nine years teaching experience as an Assistant Professor and Associate Professor in the respective	40-50 years	By promotion, on the basis of seniority-cum-fitness, from amongst Associate Professors, who possess the qualification, experience and research publications as provided for initial recruitment. Provided that if no suitable person is available for promotion

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		<p>subject calculated as per Pakistan Medical and Dental Council Regulations and in case of private sector medical colleges, the experience is duly certified by Pakistan Medical and Dental Council; and</p> <p>(iii) Research Publications: A total of five Research Publications out of which at least two as Principal author in the relevant specialty are required. Only an original article published in a medical journal approved by the by Pakistan Medical and Dental Council shall be acceptable.</p>		then by Initial recruitment.
2.	Associate Professor Medicine, Surgery, Obstetrics & Gynaecology, Paediatrics, ENT, Eye	<p>(i) Qualification: (a) MBBS (duration of 5 or 6 years) or equivalent medical qualification recognized by the Pakistan Medical and Dental Council; and (b) FCPS/MS/MD (duration of 4 years) or qualification with other nomenclatures, in the respective clinical science subject after level I qualification or equivalent qualification recognized by Pakistan Medical and Dental Council.</p> <p>(ii) Experience: Five years teaching experience as an Assistant Professor in the respective clinical science subject calculated as per Pakistan Medical and Dental Council Regulations and in case of private medical colleges, the experience is duly certified by Pakistan Medical and Dental Council; and</p> <p>(iii) Research Publications: A total of three research publications out of which at least one as Principal author in the relevant specialty are required. Only an original article published in a medical journal approved by the Pakistan Medical and Dental Council shall be acceptable.</p>	35-45 years	<p>By promotion, on the basis of seniority-cum-fitness, from amongst Assistant Professor who possess the qualification, experience and research publications as provided for initial recruitment.</p> <p>Provided that if no suitable person is available for promotion then by Initial recruitment.</p>

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3.	Assistant Professor Medicine, Surgery, Obstetrics & Gynecology, Paediatrics, ENT, Eye	(i) MBBS (duration of 5 or 6 years) or equivalent medical qualification recognized by the Pakistan Medical and Dental Council; and (ii) FCPS/MS/MD (duration of 4 years) or qualification with other nomenclatures, in the respective clinical science subject or equivalent qualification recognized by Pakistan Medical and Dental Council having three years teaching experience after post graduation in the following order of preference: (1). Teaching experience; and (2). Practical experience. In case of private sector medical colleges, the experience is duly certified by Pakistan Medical and Dental Council.	28-45 years	(a) Fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Registrars possessing the qualification and experience provided for initial recruitment; and (b) fifty percent by initial recruitment
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(B) OTHER CLINICAL SUBJECTS:

Cardiology, Neurology, Urology, Psychiatry, Dermatology, T.B. & Chest Diseases, Orthopedics, Thoracic Surgery, Neurosurgery, Radiology, (Radio-Diagnostic & Radio-Therapeutics) and Anesthesiology & all other specialties.

S. NO.	Nomenclature	Minimum Qualification & Experience for appointment by Initial Recruitment and Promotion	Age limit for Appt: by initial recruitment	Method of Recruitment
1. 4.	2. Professor Cardiology, Neurology, Urology, Psychiatry, Dermatology, T.B. & Chest Diseases, Orthopedics, Thoracic Surgery, Neurosurgery, Radiology, (Radio- Diagnostic & Radio- Therapeutics) and Anesthesiology and all other specialties	3. (i) Qualification: - (a) MBBS (duration of 5 or 6 years) or equivalent medical qualification recognized by the Pakistan Medical and Dental Council; and - (b) FCPS/MS/MD (duration of 4 years) or qualification with other nomenclatures, in the respective clinical science subject or equivalent qualification recognized by Pakistan Medical and Dental Council; (ii) Experience: Three years teaching experience as an Associate Professor and five years teaching experience as Assistant Professor in the respective basic science subject or nine years teaching experience as an Assistant Professor and Associate Professor in the respective subject calculated as per Pakistan Medical and Dental Council Regulations and in case of private sector medical colleges, the experience is duly certified by Pakistan Medical and Dental Council; and (iii) Research Publications: A total of five Research Publications out of which at least two as Principal author in the relevant specialty are required. Only an original article published in a medical journal approved by the Pakistan Medical and Dental Council shall be acceptable.	4. 41-50 years	5. By promotion, seniority-cum-fitness, from amongst Associate Professors on the basis of who possess the qualification, experience and research publications as provided for initial recruitment. Provided that if no suitable person is available for promotion then by Initial recruitment.

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5.	Associate Professor Cardiology; Neurology; Urology; Psychiatry, Dermatology, T.B. & Chest Diseases, Orthopedics, Thoracic Surgery, Neurosurgery, Radiology, (Radio-Diagnostic & Radio-Therapeutics) and Anesthesiology and all other specialties	<p>(i) Qualification:</p> <p>(a) MBBS (duration of 5 or 6 years) or equivalent medical qualification recognized by the Pakistan Medical and Dental Council; and</p> <p>(b) FCPS/MS/MD (duration of 4 years) or qualification with other nomenclatures, in the respective clinical science subject or equivalent qualification recognized by Pakistan Medical and Dental Council;</p> <p>(ii) Experience: Five years teaching experience as an Assistant Professor in the respective clinical science subject. In case of private sector medical colleges, the experience is duly certified by Pakistan Medical and Dental Council; and</p> <p>(iii) Research Publications: A total of three Research Publications out of which at least one as principal author in the relevant specialty are required. Only an original article published in a medical journal approved by the Pakistan Medical and Dental Council shall be acceptable.</p>		<p>By promotion, on the basis of seniority-cum-fitness, from amongst Assistant Professors, who possess the qualification, experience and research publications as provided for initial recruitment:</p> <p>Provided that if no suitable person is available for promotion then by Initial recruitment.</p>
6.	Assistant Professor Cardiology, Neurology, Urology, Psychiatry, Dermatology, T.B. & Chest	<p>(i) Qualification:</p> <p>(a) MBBS (duration of 5 or 6 years) or equivalent medical qualification recognized by the Pakistan Medical and Dental Council; and</p> <p>(b) FCPS/MS/MD (duration of 4 years) or qualification with other nomenclatures, in the respective clinical science subject or equivalent qualification recognized by Pakistan Medical and Dental Council; and</p>	28-45 years	<p>(a) Fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Registrars possessing the qualification and experience as provided</p>

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	Diseases, Orthopedics, Thoracic Surgery, Neurosurgery, Radiology, (Radio-Diagnostic & Radio-Therapeutics) and Anesthesiology and all other specialties	(ii) Experience: Three years teaching experience in the respective clinical subject as Senior Registrar in an institution recognized by Pakistan Medical and Dental Council. If qualification is general otherwise one year experience in case of sub-specialty holder. In case of private sector medical colleges, the experience is duly certified by Pakistan Medical and Dental Council.		for initial recruitment: (b) fifty percent by Initial recruitment.
7.	Senior Registrar All specialties	(i) MBBS (duration of 5 or 6 years) or equivalent medical qualification recognized by the Pakistan Medical and Dental Council; and (ii) FCPS/MS/MD (duration of 4 years) or qualification with other nomenclatures, in the respective clinical science subject or equivalent qualification recognized by Pakistan Medical and Dental Council.	25-45 year	By Initial recruitment.
8.	Junior Registrar			By transfer, from amongst the Medical Officers in (BPS-17) who possess MBBS (duration of five or six years) or equivalent medical qualification recognized by Pakistan Medical and

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			Dental Council for a period of three years in only one specialty in the entire service. Note: Preference will be given to persons having at least two years service in periphery.
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Dr. [unclear]
 SECRETARY TO
 GOVERNMENT OF KHYBER PAKHTUNKHWA
 HEALTH DEPARTMENT

Advised
sent.

Endst No and date even

Copy forwarded to:-

1. The Vice Chancellor, Khyber Medical University, Peshawar.
2. The Chief Executive, SGTH, Swat/DHQTH, DIKhan/GTHs, Bannu, Swabi/DHQTH Nowshera/ AMC Mardan.
3. Dean PGMI / LRH at HMC Peshawar
4. Hospital Director/Medical Director KTH/LRH/HMC, Peshawar/AMI, Abbottabad
5. Principals Public Sector Medical Colleges, Health Department Khyber Pakhtunkhwa
6. Director Recruitment Khyber Pakhtunkhwa Public Service Commission Peshawar
7. Director General Health Services Khyber Pakhtunkhwa Peshawar
8. Accountant General Khyber Pakhtunkhwa, Peshawar.
9. Secretary PMDC Islamabad
10. The Assistant Legal Drafter-III, Law Department, with ten printed copies w/r to his letter No.ALD-III/Reg:1(4)81/Vol-VI/13235-37 dated-7/5/2015.
11. Section Officer (Reg-II), Establishment Department.
12. Section Officer (O&A) Establishment Department.
13. Section Officer (SR-III), Finance Department.
14. Librarian Establishment/Law Department.
15. The Manager Govt. Printing Press Peshawar for publication in the next Gazette and provide 250 copies of the gazette notification to this department.
16. All Section Officers in Health Department. The Section Officer (Gen) Health Department is requested to approach the Govt. Printing Press for publication of the notification of these rules in the next official gazette Khyber Pakhtunkhwa and also obtain 250 copies of the gazette notification from the Press for circulation to all concerned.
17. PS to Minister Health Khyber Pakhtunkhwa
18. PS to Secretary Health Khyber Pakhtunkhwa
19. PA to Special Secretary, Health Department
20. PAs to Additional Secretaries, Health Department
21. PAs to Deputy Secretaries, Health Department

(Shabbir Ahmad) 15/11/15
Section Officer-I

سرورس ٹریبونل خیر پختونخواہ پشاور

بعدالت جناب

۲۰۲۱ء جناب سائل / اپیلینٹ

السبت

س مورخہ

ڈاکٹر محمد شعیب خان نام سکرٹری سائل (KPK) پشاور وٹرو

مقدمہ

اپیل

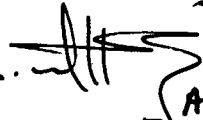
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باعث تحریر آنکہ

تھانہ

مقدمہ مندرجہ بالا عنوان بالا میں اپنی طرف سے بسلسلہ پیروی، جواب دہی وکل کاروائی متعلقان
مقام پشاور کے لئے اسرار الحق ایڈووکیٹ ہائی کورٹ
مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب
کو راضی نامہ، مقرر ثالث و فیصلہ برحلف جواب دہی اور اقبال دعویٰ اور بصورت ڈگری اجراء، وصولی چیک
روپیہ اور دعویٰ و درخواست ہر قسم کی تصدیق زر پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری یکطرفہ
یا برآمدگی اپیل اور منسوخی دائر کرنے اپیل نگرانی و نظر ثانی اور پیروی کرنے کا اختیار حاصل ہوگا۔ بصورت ضرورت
مقدمہ مذکورہ کی کل یا جزوی کاروائی کے واسطے کسی اور وکیل یا مختیار قانونی کو اپنے ہمراہ / اپنی جگہ تقرر کا اختیار ہوگا
اور مذکورہ بالا اختیارات حاصل ہونگے۔ اور اس کا ساختہ پر داختم بھی منظور و قبول ہوگا۔ اور دوران مقدمہ میں جو
خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے ہوگا اس کے مستحق وکیل صاحب ہونگے۔ نیز بقایا خرچہ کی وصولی کا بھی
اختیار ہوگا۔ اگر کوئی تاریخ پیشی مقام دوری پر ہو یا پیشین سے باہر ہو تو وکیل صاحب پیروی مقدمہ مذکورہ کے پابند
نہیں ہونگے۔ نیز اگر کسی بھی وجہ مثلاً بیماری، معذوری اور علالت وغیرہ کی بناء پر وکیل صاحب عارضی یا مستقل
پیروی مقدمہ نہ کر سکیں تو بھی وکیل صاحب یا اس کے لواحقین کو بقایا فیس اگر ہے تو ادا کرنے کے پابند ہونگے اور ادا
شدہ فیس کی واپسی کا تقاضا نہیں کریں گے۔ مضمون وکالت نامہ سن اور سمجھ کر لکھ دیا ہے تاکہ سند رہے۔

الرقوم 23 ماہ اگست 2021ء

AHC

اسرار الحق ایڈووکیٹ ہائی کورٹ

گواہ شد

العبد

ڈاکٹر محمد شعیب خان سائل / اپیلینٹ

KHYBER PAKHTUNKHWA
BAR COUNCIL

ADVOCATE HIGH COURT

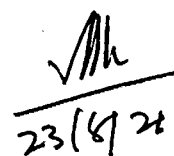
ISRAR-UL-HAQ

Advocate

bc-09-0187

Date of issue: January 2020

Valid upto: January 2023

Secretary
KP Bar Council


23/8/21

BEFORE THE PESHAWAR HIGH COURT, BANNU BENCH

Writ Petition No.347-B/2019

Dr. Mohammad Shoaib Khan-----Petitioner


VERSUS

Govt. of Khyber Pakhtunkhwa through Secretary Health & Others-----Respondents

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Dated 08/10/2020


Ihsan Ullah Khan
Pharmacist / Litigation Officer
Khalifa Gul Nawaz MTI
Bannu

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BEFORE THE HONOURABLE PESHAWAR HIGH COURT BANNU BENCH

Writ Petition No.347-B/2019

Dr. Muhammad Shoaib Khan-----Petitioner

VERSUS

Govt. of Khyber Pakhtunkhwa through Secretary Health & Others-----Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS No. 02

Respectfully Sheweth:

Preliminary Objections:

1. That the Petitioner has no cause of action to file the instant writ petition.
2. That the Petitioner has no locus standi to file the instant writ petition.
3. That the instant writ petition is not maintainable in its present form.
4. That the instant writ petition is bad for non-joinder and mis-joinder of necessary parties.
5. That the instant writ petition is barred by law.
6. That the Petitioner has concealed material facts in the instant writ petition.
7. That the petitioner is estopped by their own conduct.
8. That No vested rights of the Petitioner was violated.
9. That the petitioner is civil servant; he should approach their parent department because all the civil servants working in the MTI's, their promotions/upgradation cases are handled by the Government of KPK Health department on provisional seniority list Basis.
10. That the matter impugned herein pertains to terms & conditions of service, of Petitioner as Civil Servants, hence this Honorable Court has got no jurisdiction to entertain the instant petition in view of the bar contained in article-212 of the constitution of the Islamic Republic of Pakistan 1973, read with section-4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974.

Facts:

1. Para No.1 pertains to record.
2. Para No.2 pertains to record.
3. Para No.3 pertains to record.
4. Para No.4 pertains to record.
5. Para No. 5 correct to the extent of petitioner application submission to respondent No.4, However the petitioner is treated according to rules, law and policy.

6. Para No.6 pertains to record.
7. Para No.7 is incorrect. The petitioner has been treated according to rules, law and policy.
8. Para No.8 is incorrect. The petitioner is treated according to rules, law and policy.
9. Para No.9 is legal one.

Grounds.

1. Incorrect.

2. Para No.2 pertains to record.

3. Incorrect. The Petitioners are working as Civil Servants and according to Khyber Pakhtunkhwa MTI Reforms (Amendment) Act 2018 all the Civil Servants shall at all time is deemed to be on deputation. The Section 3A and 3B states that: (Copy attached as **Annexure A**)

3A: "Provided that a Civil Servant working in the MTI shall at all times, be deemed to be on deputation. All deputations made from the pay of such Civil Servants shall be deposited by the borrowing authority."

3B: "A civil servant at the request of the Board may be sent on deputation to a Medical Teaching Institution by the Government. For civil servants, services on deputation to the MTI, pension contribution shall be made by the MTI. The deputation of a civil servant to a MTI institution may be terminated by the Board at any time without assigning any reason thereof and such civil servants services shall revert to the Government immediately upon such termination being notified by the Board".

4. Incorrect. That suspension order of the petitioner has already been cancelled, and the petitioner has been reinstated w.e.f the date of suspension of the petitioner vide notification No. MTI (BXU) BOG/Notification/578-2019. (Copy of notification attached as **Annexure B**)

5. Incorrect. The suspension of the petitioner had already been cancelled, but the petitioner is a civil servant and civil servant at all times be deemed to be on deputation in MTI.

6. That the learned counsel for respondent may kindly be permitted to raise additional points at the time of arguments.

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Prayer:

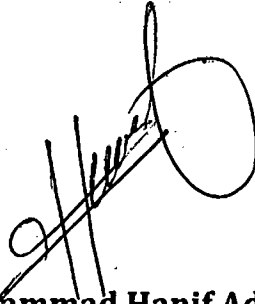
It is therefore most humbly prayed that the instant writ petition, being meritless without any reliable supporting documents & sought multiple prayers in one & same Writ Petition may kindly be dismissed with cost.



Chairman
Board of Governors
MTI Bannu
(Respondent No.2)



THROUGH



Hafiz Muhammad Hanif Advocate
Legal Consultant
Medical Teaching Institutions Bannu.

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(Annex - A)

A

BILL

*further to amend the Khyber Pakhtunkhwa
Medical Teaching Institutions Reforms Act, 2015.*

WHEREAS it is expedient further to amend the Khyber Pakhtunkhwa Medical Teaching Institutions Reforms Act, 2015 (Khyber Pakhtunkhwa Act No. IV of 2015), for the purposes hereinafter appearing;

It is hereby enacted as follows:

1. Short title and commencement.---(1) This Act may be called the Khyber Pakhtunkhwa Medical Teaching Institutions Reforms (Amendment) Act, 2018.

(2) It shall come into force at once.

2. Amendment of section 2 of the Khyber Pakhtunkhwa Act No. IV of 2015.---In the Khyber Pakhtunkhwa Medical Teaching Institutions Reforms Act, 2015 (Khyber Pakhtunkhwa Act No. IV of 2015), hereinafter referred to as the said Act, in section 2,-

(i) for clause (c), the following shall be substituted, namely:

“(c) “Chairperson” means the Chairperson of the Policy Board or the Board of Governors of a Medical Teaching Institution, or the sub-ordinate committee or sub-committee, as the case may be;”;

(ii) in clause (f), for sub-clause (ii), the following shall be substituted, namely:

“(ii) those staff, who act as service, provider to the patients in the hospital.”;

(iii) in clause (g-i), for sub-clauses (i) and (ii), the following shall be substituted, namely:

“(i) an employee of a Medical Teaching Institution appointed under this Act and regulations made under this Act; or

(ii) an existing employee of the Medical Teaching Institution, appointed by the Management Council, under the Khyber Pakhtunkhwa Medical And Health Institution and Regulation of Health


Asstt. Legal Officer
Govt of Khyber Pakhtunkhwa
Law Department





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Care Services Ordinance, 2002, prior to promulgation of the Khyber Pakhtunkhwa Medical Teaching Institutions Reforms (Amendment) Act, 2018; or”;

- (iv) in clause (h), after the word “means”, the words “and includes” shall be inserted; and
- (v) for clause (i), the following shall be substituted, namely:

“(i) “Medical Teaching Institution” means a Medical College, a Dental College, or other health related teaching institutions and their affiliated teaching hospitals in the public sector, the setting up of which is funded in majority by public funds and the majority operating expenses of which are funded by public funds, or which is directly under the control of Government and provides healthcare services, medical education and training, and medical research;”.

3. Amendment of section 4 of the Khyber Pakhtunkhwa Act No. IV of 2015.---In the said Act, in section 4,-

- (i) in clause (a), after the words “health services”, the words “and services” shall be inserted; and
- (ii) in clause (b), for the word “Government”, the words “Chief Minister” shall be substituted.

4. Insertion of new section 4A to the Khyber Pakhtunkhwa Act No. IV of 2015.---In the said Act, after section 4, the following new section shall be inserted, namely:

“4A. Policy Board.---(1) Government, on the recommendations of Search and Nomination Council, shall constitute a Policy Board at Provincial level, consisting of such number of members as Government may determine but not less than five (05) members and not more than seven (07) members, all of whom shall be from the private sector:

Provided that the Search and Nomination Council may recommend to Government that one third of the members of the Policy Board may be from the members of the Boards.

(2) The members shall hold office for a period of three (03) years, unless otherwise directed by the Government and shall have such qualifications as provided in sub-section (5) of section 5 of this Act and shall be eligible for re-appointment.

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GOVERNMENT OF KHYBER PAKHTUNKHWA
LAW DEPARTMENT

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(3) The Chairperson of the Policy Board shall be elected in the same manner as provided in sub-section (6) of section 5 of this Act.

(4) The Policy Board shall-

- (a) determine in consultation with Government, the base standards for the Medical Teaching Institutions and its enhancement from time to time, as and when required;
- (b) recommend to Government, policies for the improvement of the Medical Teaching Institutions;
- (c) recommend to Government various rules and amendments therein that it may seek to make;
- (d) recommend model regulations and other policies and amendments therein, to be framed by the Board of each Medical Teaching Institution;
- (e) plan and implement specialized central training programs as and when required for management and employees of all Medical Teaching Institutions;
- (f) establish the minimum qualification standard, for all posts in Medical Teaching Institutions to ensure merit base appointment; provided that the Board of any Medical Teaching Institution may enhance such minimum qualification of merit at their discretion;
- (g) provide guidance and advice on any matter referred by the Board or Government;
- (h) review the annual reports of each Medical Teaching Institution and give recommendations thereon; and
- (i) assist, aid or advise the Government on any matter relating to the health sector as referred to them by the Government.

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Govt. of Hyderabad
Law Department

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Pharmacist
K.C. ACT/Exam #

(5) The Policy Board shall meet at least three times in a year, in addition to hold an annual meeting, which shall be attended by the members of the Boards of all Medical Teaching Institutions."

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5. Amendment of section 5 of the Khyber Pakhtunkhwa Act No. IV of 2015.---In the said Act, in section 5,-

- (i) for sub-section (1), the following shall be substituted, namely:

“(1) There shall be a Board of Governor for each Medical Teaching Institution to administer and manage its affairs and shall have overall superintendence and control over the functions and all matters of a Medical Teaching Institution.”;

- (ii) in sub-section (2),-

- (a) after the words “but not”, the words “less than three members and not” shall be inserted; and
(b) for the word “Government”, the words “Chief Minister” shall be substituted;

- (iii) in sub-section (3),-

- (a) the words “and they have the right to vote” shall be deleted; and
(b) for the words “and notified by Government”, the words “by Chief Minister” shall be substituted; and

- (iv) in sub-section (7), after the word “members”, the words “of the Board” shall be inserted.

6. Amendment of section 6 of the Khyber Pakhtunkhwa Act No. IV of 2015.---In the said Act, in section 6,-

- (i) for sub-section (2), the following shall be substituted, namely:

“(2) No act or proceedings of the Board shall be invalid, merely on the ground of existence of any vacancy subject to any act or proceeding of the Board taken by less than three members on account of vacancies shall be ratified immediately by the Board upon the minimum membership of the Board as provided in sub-section (2) of section 5 of this Act.”;

- (ii) for sub-section (5), the following shall be substituted, namely:

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Govt of Khyber Pakhtunkhwa
Law Department

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“(5) The Chairperson of the sub-ordinate committee or as the case may be, sub-ordinate committee, shall be appointed by the Board from amongst its members, to ensure unbiased oversight.”;

- (iii) for sub-section (8), the following shall be substituted, namely:

“(8) Subject to the provisions of this Act and the rules made thereunder, the Board may constitute sub committees of the Board and subordinate committees to perform such functions as may be prescribed by the Board:

Provided that a subordinate committee shall be headed by a member of the Board.”; and

- (iv) for sub-section (10), the following shall be substituted, namely:

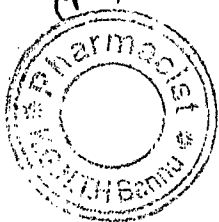
“(10) The Secretary to the Board shall be an employee of the Board, who shall perform all secretarial and office functions of the Board at the direction of the Chairperson; and would be responsible for recording minutes of the Board meetings, convening Board meetings, carrying out communication with all Board members, and all other functions as may be prescribed by the Board or the Chairperson.”.

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Asstt. Legal Officer
Govt. of Khyber Pakhtunkhwa
Law Department

7. Amendment of section 7 of the Khyber Pakhtunkhwa Act No. IV of 2015.---In the said Act, in section 7,-

- (i) in sub-section (1),-
- (a) in clause (k), the words “Recruitment Committee” shall be deleted; and
- (b) for clause (l), the following shall be substituted, namely:

“(l) compliance to Government and Board policies and base standards set under clause (a) of sub-section (4) of section 4A and in case of any deviation from agreed base standards or procedures, shall obtain prior approval from the Government or the Policy Board, as the case may be;”;



(ii) in sub-section (2), after the word "Government", occurring for the first time, the words "Minister for Health" shall be added;

(iii) after sub-section (2), as so amended, the following new sub-section shall be inserted, namely:

"(2A) For the purpose of sub-section (2), the Minister for Health shall issue such policy and other directives to all the Medical Teaching Institutions, from time to time, as it deems fit, and all the Medical Teaching Institutions shall be bound to act in accordance with such directions.";

(iv) for sub-section (4), the following shall be substituted, namely:

"(4) The Chairperson may, in case of exigency of service, appoint Deans, Hospital Director, Medical Director, Nursing Director and Finance Director on officiating basis; provided that all such appointments shall be for a period of three (03) months and thereafter, Board shall make regular appointments in the prescribed manner."; and

(v) after sub-section (4), the following new sub-section shall be added, namely:

"(5) The Board shall appoint the Dean, Hospital Director, Medical Director, Nursing Director and Finance Director of the Medical Teaching Institution.".

[Signature]
 Asstt. Legal Officer
 Govt. of Khyber Pakhtunkhwa
 Law Department

Approved
[Signature]



8. Amendment of section 8 of the Khyber Pakhtunkhwa Act No. IV of 2015.---In the said Act, in section 8,-

(i) in sub-section (1),-

(a) before clause (a), for the word "Government", the words "Chief Minister" shall be substituted.;

(b) after the words "appointed as members", the words "of the Board and members of the Policy Board" shall be inserted.; and

(c) in clauses (e), (f) and (g), for the word "Government", the words "Chief Minister" shall be substituted.; and

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- (ii) in sub-section (3), for the word "Government" wherever occurring, the words "Chief Minister" shall be substituted.

9. Amendment of section 9 of the Khyber Pakhtunkhwa Act No. IV of 2015.---In the said Act, in section 9,-

- (i) for the sub-section (3), the following shall be substituted, namely:

"(3) In each college, there shall be an Academic Council, headed by the Dean and consisting of such members as may be prescribed, to set principles and standards for teaching, research, training, student admissions, curriculum development and to ensure and inculcate the highest ethical standards."; and

- (ii) sub-sections (4), (5), (6) and (7) shall be deleted.

10. Insertion of new sections 9A and 9B to the Khyber Pakhtunkhwa Act No. IV of 2015.---In the said Act, after section 9, the following new sections shall be inserted, namely:

"9A. Management Committee.---(1) For each Medical Teaching Institution, there shall be a Management Committee headed by Dean and consisting of-

- (a) Hospital Director;
(b) Medical Director;
(c) Nursing Director;
(d) Finance Director; and
(e) two persons nominated by the Board on the recommendation of the Dean.

(2) The Management Committee shall-

- (i) subject to delegation of powers by the Board, appoint or terminate any and all employees of a Medical Teaching Institution in accordance with the rules and regulations framed under this Act;
- (ii) review and recommend for approval to the Board, the Annual Budget, for the Medical Teaching Institution, as prescribed by regulations;
- (iii) coordinate efforts to ensure achievement of the Base Standards;
- (iv) submit a quarterly report on management, health care services and financial

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Govt of Khyber Pakhtunkhwa
Law Department



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management on a prescribed format to the Board;

- (v) recommend to the Board any addition of a department, facility or post at the Medical Teaching Institution; and
- (vi) perform all such functions as may be specifically prescribed by regulations.

9B. Dean.---(1) The College shall be headed by a Dean of the College.

(2) The Dean shall be appointed by the Board for a period of five (05) years, and shall be eligible for re-appointment, on such terms and conditions and having such qualifications and experience as the Board may prescribe. The Dean shall act as the Chief Executive Officer of the Medical Teaching Institution and shall act in such capacity as per the directions of the Board and the regulations framed under this Act.

(3) The Dean, on appointment, shall simultaneously receive a faculty appointment at a level commensurate with his qualifications and the prescribed Institutional requirements for the faculty post, which appointment shall not be limited to the term applicable to the office of the Dean.

(4) The chairpersons of various departments for Medical Institutions shall be appointed by the Dean, from amongst the medical faculty on such terms and conditions and in such a manner as may be prescribed by the Board. A chairperson may be removed by the Board on the recommendation of the Dean.


(5) The Dean may be removed from the office by the Board, before the expiration of the period of five (05) years, at any time on such grounds as may be prescribed including failure to achieve targets set by the Board.

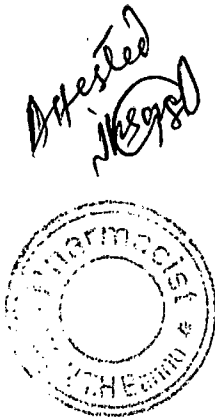
(6) In the performance of functions, the Dean shall be responsible to the Board and the chairpersons of the department shall be responsible to the Dean and Academic Council.

(7) The Board from amongst the chairpersons shall appoint a Vice-Dean to perform the functions of the Dean in the absence of the Dean.”

10. Amendment of section 10 of the Khyber Pakhtunkhwa Act No. IV of 2015.---In the said Act, in section 10,-

- (i) for sub-section (1), the following shall be substituted, namely:


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Govt of Khyber Pakhtunkhwa
Law Department



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“(1) The Board shall appoint a full time Hospital Director for the Medical Teaching Institution for a period of five (05) years, and shall be eligible to re-appointment, on such terms and conditions as the Board may determine; provided that no Board member shall be appointed as Hospital Director.”;

- (ii) in sub-section (3), for the word “three”, the word “five” shall substituted; and
- (iii) sub-section (4) shall be deleted.

11. Amendment of section 11 of the Khyber Pakhtunkhwa Act No. IV of 2015.---In the said Act, in section 11,-

- (i) for clause (b), the following shall be substituted, namely:

“(b) preparation of the annual budget, and business plan for presentation to the Management Committee and Board.”; and

- (ii) in clause (f), after the words “execution of Board”, the words “and Management Committee” shall be inserted.

12. Amendment of section 12 of the Khyber Pakhtunkhwa Act No. IV of 2015.---In the said Act, in section 12,-

- (i) for sub-section (1), the following shall be substituted, namely:

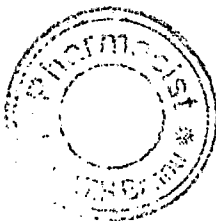
“(1) The Board shall appoint a full time, Medical Director for the hospital for a period of five years and shall be eligible for re-appointment, on such terms and conditions as the Board may determine; provided that no Board member shall be appointed as Medical Director.”;

- (ii) after sub-section (1), as so substituted, the following new sub-section shall be inserted, namely:

“(1A) The Medical Director, on appointment, shall simultaneously receive a faculty appointment at a level commensurate with his qualifications and the prescribed Institutional requirements for the faculty post, which appointment shall not be limited to the term applicable to the office of the Medical Director.”;

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Govt. of Khyber Pakhtunkhwa
Law Department

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- (iii) in sub-section (2), after the word "prescribed", the words "by the Board" shall be added;
- (iv) in sub-section (3),-
 - (a) for the word "three", the word "five" shall be substituted; and
 - (b) after the word "prescribed", the words "by the Board" shall be added; and
- (v) sub-section (5) shall be deleted.

13. **Amendment of section 13 of the Khyber Pakhtunkhwa Act No. IV of 2015.**---In the said Act, in section 13, in clause (f), after the words "the Hospital Director," the comma and words ", the Management Committee" shall be inserted.

14. **Amendment of section 14 of the Khyber Pakhtunkhwa Act No. IV of 2015.**---In the said Act, in section 14,-

- (i) for sub-section (1), the following shall be substituted, namely:

"(1) The Board shall appoint a full time, non-practicing Nursing Director for a the hospital for a period of five years, and shall be eligible for re-appointment, on such terms and conditions as the Board may determine; provided that no Board member shall be appointed as such.";


- (ii) in sub-sections (2), (3) and (8), after the word "prescribed", the words "by the Board" shall be added; and

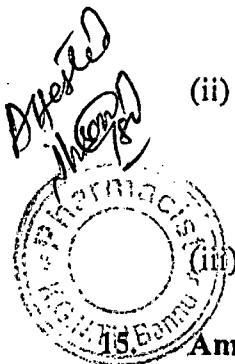
- (iii) sub-section (4) shall be deleted.

15. **Amendment of section 15 of the Khyber Pakhtunkhwa Act No. IV of 2015.**---In the said Act, in section 15, after the words "of three years" the words and comma "and shall be eligible for re-appointment," shall be inserted.

16. **Amendment of section 16 of the Khyber Pakhtunkhwa Act No. IV of 2015.**---In the said Act, in section 16,-

- (i) for sub-section (2), the following shall be substituted, namely:


Asstt. Legal Officer
Govt. of Khyber Pakhtunkhwa
Law Department



“(2) Before the commencement of this Act, all administrative and teaching staff recruited by the Management Council in the prescribed manner under the repealed Khyber Pakhtunkhwa Medical and Health Institution and Regulation of Health Care Services Ordinance, 2002, regardless of status of terms and conditions of service, shall be considered employees of the concerned Medical Teaching Institution on such terms and conditions as may be prescribed by regulations:

Provided that such terms and conditions shall not be less favorable in financial terms than the terms and conditions admissible to them immediately before the commencement of this Act.”;

- (ii) for sub-section (3), the following shall be substituted, namely:

“(3) Before the commencement of the Khyber Pakhtunkhwa Medical Teaching Institutions Reforms (Amendment) Act, 2018, all the civil servants serving in an existing Medical Teaching Institution, who opted for the employment of the Medical Teaching Institution, shall be subject to terms and conditions of employment as prescribed by regulations including but not limited to their service structure, promotion and disciplinary matters. Such opting employees shall be entitled to post-retirement benefits and emoluments as per existing government laws and rules. The Medical Teaching Institution shall deposit pension contribution on their behalf.”;

- (iii) after sub-section (3), as so substituted, the following new sub-sections shall be inserted, namely:

“(3A) Civil servants, who do not opt for absorption in the Medical Teaching Institution, so notified, shall be dealt with in such a manner as provided in section 11A of the Khyber Pakhtunkhwa Civil Servants Act 1973, for their future posting, which includes deputation to the Medical Teaching Institution subject to a request being made by the Board:

Provided that a civil servant working in a Medical Teaching Institution, shall at all times, be deemed to be on deputation. All deductions made from the pay of such civil servants shall be deposited by the borrowing authority.”;

[Handwritten Signature]
Asstt. Legal Officer
Govt. of Khyber Pakhtunkhwa
Law Department

[Handwritten Signature]



“(3B) A civil servant at the request of the Board may be sent on deputation to a Medical Teaching Institution by the Government. For civil servants on deputation to the Medical Teaching Institution, pension contribution shall be made by the Medical Teaching Institution. The deputation of a civil servant to a Medical Teaching Institution may be terminated by the Board at any time without assigning any reason thereof and such civil servants services shall revert to the Government immediately upon such termination being notified by the Board.”;

(iv) for sub-section (5), the following shall be substituted, namely:


“(5) A civil servant, who opt to serve the Medical Teaching Institution, shall cease to be civil servant from the date of his absorption in the service of the Medical Teaching Institution concerned and their seniority, pension and other matters vis-à-vis employment in the Medical Teaching Institution, shall be determined in the manner, as may be prescribed.”; and

(v) after sub-section (6), the following new sub-sections shall be added, namely:

“(7) All employees of a Medical Teaching Institution, whether having opted or directly appointed prior to the commencement of the Khyber Pakhtunkhwa Medical Teaching Institutions Reforms (Amendment) Act, 2018, or pursuant to the Khyber Pakhtunkhwa Medical Teaching Institutions Reforms (Amendment) Act, 2018, shall be at all times governed exclusively by the terms and conditions of service, as may be prescribed by regulations.

(8) All employees of a Medical Teaching Institution, except the Dean, Hospital Director, Medical Director, Nursing Director and Finance Director, shall have the right to appeal against any penalty, censure or termination of their employment to the Board.

(9) Any employee aggrieved by a decision of the Board may seek resolution of the grievance by referral of the grievance or dispute to the Board of Arbitration for Medical Teaching Institutions. The decision of the Board of Arbitration shall be final in all respects.


Asst. Legal Officer
Govt. of Khyber Pakhtunkhwa
Law Department




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(10) On commencement of the Khyber Pakhtunkhwa Medical Teaching Institutions Reforms (Amendment) Act, 2018, and subject to notification of establishment of the Board of Arbitration, all employment disputes as may be pending before any Court of law shall be transferred with immediate effect for adjudication to the Board of Arbitration in terms of section 16A of this Act.”.

9. **Insertion of new section 16A to the Khyber Pakhtunkhwa Act No. IV of 2015.**---In the said Act, after section 16, the following new section shall be inserted, namely:

“16A. Board of Arbitration for Medical Teaching Institutions.----(1) Government shall establish by notification a Board of Arbitration for Medical Teaching Institutions and frame Dispute Resolution Rules for the functioning of the Board of Arbitration.


(2) The Board of Arbitration shall consist of a minimum of ten arbitrators nominated by the Government for a period of five (05) years from amongst retired Judges of the Supreme Court or High Court or advocates of the Supreme Court of Pakistan having at least twenty-five (25) years experience of active practice as an advocate. The arbitrators shall be nominated for a term of five (05) years.

(3) Government shall appoint in the prescribed manner, a Secretary of the Board of Arbitration, who shall be responsible for managing the affairs of the Board of Arbitration and its operations in accordance with rules to be made under this Act.

(4) The arbitrators shall receive such remuneration as prescribed by rules for each matter in which they act as arbitrators.

(5) The employee and the Medical Teaching Institution shall have the right to nominate from amongst the arbitrators one arbitrator each and the Secretary shall appoint the umpire from amongst the remaining arbitrators to form the arbitral panel for adjudication of each dispute referred to the Board of Arbitration.

(6) Each dispute referred to the Board of Arbitration shall be decided within a maximum of ninety (90) days from being filed by a complainant. The award of the arbitration panel shall be final and binding on all parties to the dispute and shall be implemented within fifteen days of having been rendered.


Asstt. Legal Officer
Govt. of Khyber Pakhtunkhwa
Law Department

*Affected
Reserved*



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(7) The parties to a dispute referred to arbitration may be required to pay an arbitration fee as prescribed by the rules subject to such fee not being more than the aggrieved employees one month salary. Any shortfall in the cost of operation of the Board of Arbitration shall be funded by the Government.

(8) Every award of the Board of Arbitration shall within seven (07) days of being rendered be filed by the Secretary of the Board of Arbitration with the Registrar of the High Court. Unless a petition challenging the award is instituted pursuant to sub-section (9), the award upon having been filed with the Registrar of the High Court shall be deemed to have been made a rule of Court and executable as an order of the Court.

(9) Any party to an arbitration may within fifteen (15) days of the rendering of the award challenge an award by way of a petition before the High Court and which shall be heard a Divisional Bench of the High Court.

(10) The High Court on a petition challenging an award may either-

(a) modify or correct an award if-

(i) the award contains any obvious error which can be amended without affecting such decision; or

(ii) the award contains a clerical mistake or an error arising from an accidental omission;

(b) remit an award if-

(i) the award has left undetermined any of the matters referred to arbitration, or where it determined any matter not referred to arbitration, and such matters cannot be separated without affecting the determination of the matters referred; or

(ii) the award is so indefinite as to be incapable for execution; or

(iii) the objection to the legality of the award is apparent on the face of it; and

(c) set aside the award if-

[Handwritten signature]
Asst. Legal Officer
Court of the High Court
Law Dept. Bldg.

Approved
[Handwritten signature]



- (i) the arbitrators have misconduct themselves or the proceedings; or
- (ii) the award has been improperly produced or is otherwise invalid.”.

17. Amendment of section 17 of the Khyber Pakhtunkhwa Act No. IV of 2015.---In the said Act, in section 17,-

- (i) in sub-section (1), for the words “The question of option shall be streamlined under the rules”, the words “The Board may in its discretion specify further periods for exercise of the option as may be prescribed” shall be substituted.;
- (iii) for sub-section (3), the following shall be substituted, namely:

“(3) Employees, who do not opt for the private practice within the premises of the hospitals, clinics, imaging facilities and laboratories of the Medical Teaching Institutions, and shall not be entitled to any increase and adjustment, incentives, bonuses or other ancillary benefits or administrative post, except in case of extraordinary need, as decided by the Board.”; and

- (ii) in subsection (9), for the word “rules”, the word “regulations” shall be substituted.

18. Amendment of section 19 of the Khyber Pakhtunkhwa Act No. IV of 2015.---In the said Act, in section 19,-

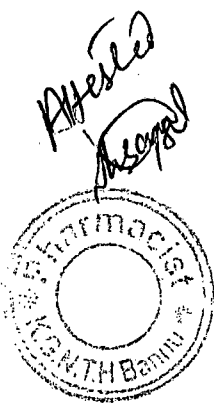
- (i) in sub-sections (4) and (5), after the word “prescribed”, the words “by regulations after approval from Government” shall be inserted; and
- (ii) for sub-section (7), the following shall be substituted, namely:

“(7) The Board shall not invest any money in the Fund in listed securities or any derivatives thereof, whether listed or not.”.

19. Amendment of section 20 of the Khyber Pakhtunkhwa Act No. IV of 2015.---In the said Act, in section 20, in sub-section (1),-

- (i) after the word “approved”, the words “by the Board” shall be inserted; and

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Asstt. Law Officer
Govt. of Khyber Pakhtunkhwa
Law Department




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- (ii) after the words "prescribed", the words "by regulations" shall be added.

20. Amendment of section 21 of the Khyber Pakhtunkhwa Act No. IV of 2015.---In the said Act, in section 21, after the words, brackets and figures "Penal Code (Act XLV of 1860)", the words "provided it shall not ascribe to them any rights of employment or benefit as may be otherwise applicable to public servants" shall be inserted.

21. Amendment of section 24 of the Khyber Pakhtunkhwa Act No. IV of 2015.---In the said Act, in section 24,-

- (i) in sub-section (1), before the word "Board", the words, brackets, figures and comma "Subject to clause (d) of sub-section (4) of section 4A," shall be inserted.; and
- (ii) in sub-section (2), the words and comma "in the official Gazette, in two newspapers of wide circulation and" shall be deleted.


Asst. Legal Officer
Govt. of Khyber Pakhtunkhwa
Law Department

STATEMENT OF OBJECTS AND REASONS

It is desirable to amend the Khyber Pakhtunkhwa Medical Teaching Institutions Reforms Act, 2015 (Khyber Pakhtunkhwa Act No. IV of 2015). Hence, this Bill.



Peshawar,
Dated: 28/ // /2018


MINISTER-IN-CHARGE

**Minister for Health
Khyber Pakhtunkhwa**



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(Annex-B)

OFFICE OF THE CHAIRMAN
BOARD OF GOVERNORS
MEDICAL TEACHING INSTITUTION BANNU
Khyber Pakhtunkhwa, Pakistan

Dated: 26/11/2019

NOTIFICATION

NO. MTI(BXU)BOG/Notification/578-2019. In light of recommendation in the Enquiry report dated 28.09.2019 submitted vide Additional Hospital Director, DHQTH letter No.4267 dated 21.11.2019, **Dr. Munir Ullah**, CMO, DHQTH and **Dr. Muhammad Shoaib**, Assistant Professor, BMC are hereby reinstated with immediate effect. The intervening period (w.e.f. the date of their suspension to the date of their reinstatement) is hereby treated as on duty for the purpose of experience and other financial benefits.

Sd/XX
(Dr. Farid Anwar)
Chairman
Board of Governors
Medical Teaching Institution Bannu

Endst No. & Date as above

Copy forwarded for information & necessary action to:

1. Secretary to Govt. of Khyber Pakhtunkhwa, Health Department, Peshawar.
2. All members, Board of Governors, MTI Bannu.
3. Dean, BMC Bannu.
4. Hospital Director, MTI Bannu.
5. Additional Hospital Director, DHQTH MTI Bannu.
6. Director Finance, MTI Bannu.
7. Dr. Abdul Ghafoor, HoD, General Surgery, KGNTH MTI Bannu.
8. Doctors Concerned.


Secretary
Board of Governors
Medical Teaching Institution Bannu

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BEFORE THE PESHAWAR HIGH COURT. BANNU BENCH

Writ Petition No.347-B/2019

Dr. Muhammad Shoaib Khan-----Petitioner

VERSUS

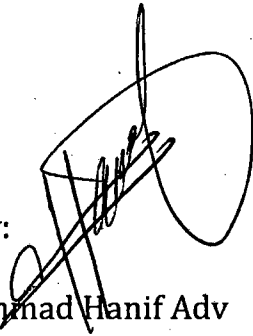
Govt. of Khyber Pakhtunkhwa through Secretary Health & Others---Respondents

AFFIDAVIT

I, Ihsanullah Khan, Pharmacist/ Litigation Officer, Khalifa Gul Nawaz Medical Teaching Institution Bannu, do hereby solemnly affirm and declare on oath that the contents of the accompanying parawise comments furnished by respondents are true and correct to the best of my knowledge & belief and nothing has been concealed from this Honorable court.

Identified by:

Hafiz Muhammad Hanif Adv



Ihsanullah Khan

Pharmacist/ Litigation Officer
Khalifa Gul Nawaz MTI
Bannu
(Deponent)
CNIC: 11201-4558298-1


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BEFORE THE HONOURABLE PESHAWAR HIGH COURT
BANNU BENCH

AUTHORITY LETTER

Mr. Ihsanullah Khan, Pharmacist/ Litigation Officer, Khalifa Gul Nawaz Medical Teaching Institution Bannu is hereby authorized to submit Para-wise comments in Writ Petition No.347-B/2019 titled “ Dr. Muhammad Shoaib Khan Versus Govt. of Khyber Pakhtunkhwa through Secretary Health & Others” at Peshawar High Court Bannu Bench.



Chairman
Board of Governors 
MTI Bannu
(Respondent No. 2)

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ACKNOWLEDGEMENT

Certified that I, _____ Petitioner / Counsel for

Petitioner received parawise comments in Writ Petition No.347-B/2019 titled " Dr.

Muhammad Shoaib Khan Versus Govt. of Khyber Pakhtunkhwa through Secretary

Health & Others today on ____ / ____ /2020

Petitioner/Counsel for Petitioner

CNIC No. _____

وکالت نامہ

S No 64

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بندالت بسا و رہائی کو ریٹ منوں بلج نون

۲۰ منجانب دیسپانڈنٹ نوبٹ

مورثہ

ڈاکٹر محمد شعیب خان بنام گوڈمنٹ آف ہسپتال کوٹوالہ

مقدمہ

بذریعہ سیکریٹری ہسپتال کوٹوالہ و غیرہ WPN0 347-B/2019 جرم

تھانہ

باعث تحریر آنکے

مقدمہ مندرجہ بالا عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقان مقام بنوں کیلئے
حافظ محمد منیر ایڈووکیٹ مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی
 کار کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ تقرر ثالث و فیصلہ پر حلف دینے جو اب دہی اور اقبال دعویٰ اور بصورت
 ڈگری کرانے اجراء اور وصولی چیک، روپیہ اور عرضی اور درخواست ہر قسم کی تصدیق زراس پر دستخط کرنے کا اختیار ہوگا۔ نیز
 بصورت ڈگری کرانے اجراء اور وصولی چیک، روپیہ اور عرضی اور درخواست ہر قسم کی تصدیق زراس پر دستخط کرنے کا اختیار ہو
 گا۔ نیز بصورت عدم پیروی یا ڈگری یا طرفہ یا اپیل کی برآمدگی اور منسوخی دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے
 کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے کسی اور وکیل یا مختیار قانونی کو اپنے ہمراہ یا
 کوئی اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی وہی جملہ مذکور بالا اختیارات حاصل ہوں گے اور اس کا ساختہ
 و پرداختہ بھی منظور قبول ہوگا۔ اور دوران مقدمہ میں جو خرچہ و ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ اس کے مستحق وکیل
 صاحب موصوف ہوں گے۔ نیز بقایا و خرچہ کی وصولی کرنے کا بھی اختیار ہوگا۔ اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا پیشی
 سے باہر تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مقدمہ مذکور کریں۔ نیز اگر بھی وجہ مثلاً بیماری، معذوری، علالت وغیرہ
 کی وجہ سے عارضی یا مستقبل پیروی مقدمہ نہ کر سکیں تو بھی وکیل صاحب یا اس کے لواحقین کو بقایا فیس (اگر کوئی) ادا
 کرنے کا کے پابند ہونگے اور ادا شدہ فیس کی واپسی کا تقاضہ کرنے کا حق نہیں ہوگا۔ مضمون وکالت نامہ سن اور سمجھ کر وکالت
 نامہ لکھ دیا تاکہ سندر ہے۔

المرقوم

۲۰۲۵ء

۰۸ ماہ اکتوبر

العبد

گواہ شدہ

العبد

[Signature]

CHAIRMAN
Board of Governors
Medical Teaching Institution Barisal

Accepted
[Signature]

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No. 7413 21

Do: Appl. No. Shoaib Khan of 20

Recd
.....Appellant/Petitioner
The Govt. of KPK vs Chief Secy:

.....Respondent

Notice to: the chair - on Board of Govt. (BOL) Medical Teaching Institution
Unalifa Gul Nawaz (KGM) Teaching Hospital Bannu.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....at 8.00 A.M. If you wish to urge anything against the appellants/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated..... 24/11

Given under my hand and the seal of this Court, at Peshawar this.....
Jan 22
Day of.....20

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD, S.B
PESHAWAR.

No.

Recd

Appeal No. 7413 of 20 21
Dr. M. Shoaib Khan
Appellant/Petitioner

the Govt. of KP *versus* Chief Secy.
Respondent

Respondent No. Dean Bannu Medical college Bannu.

Notice to: —

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 10/5/21 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Pre-Admission Notice for Reply

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this~~

office Notice No. dated.

Given under my hand and the seal of this Court, at Peshawar this 24 15

Day of Jan 22 20 22

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

8.B

Appeal No..... of 20

7413

21

Dr. M. Shoaib Khan *Versus* Appellant/Petitioner

The Govt. of KPK Chief Secy. Respondent
Respondent No.

Notice to: — The Secretary Health Dept. KPK
Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal~~ has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....
Day of.....20.....
Jan 22 24th

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

- Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

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3/2/22

"B"

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD, 8.B
PESHAWAR.**

No.

Appeal No. 7413 of 20 21

Dr. M. Shoaib Khan Appellant/Petitioner

The Court: CF KPN ^{Versus} Chief Secy: Respondent

Respondent No. 1
The Court: CF KPN through chief Secretary
Peshawar.

Notice to: —

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 10/3/22 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Pre-Admission Notice for Reply

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this~~

office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 24 12

Day of Jan 20 22

ISSUED BY CHIEF SECRETARY
Govt. of Khyber Pakhtunkhwa
[Signature]

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD, S.B
PESHAWAR.

No.

Appeal No. 7413 of 20 21

DY: M. Shoaib Khan Appellant/Petitioner

Versus

the Court of KPK Chief Secy. Respondent

Respondent No. 3

The Secretary Finance Deptt. KPK
Peshawar.

Notice to: —

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 10/3/22 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

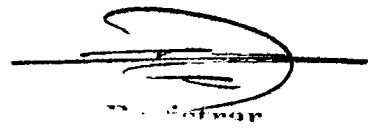
Pre-Admission Notice for Reply

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No.....dated.....~~

Given under my hand and the seal of this Court, at Peshawar this 24th

Day of Jan 20 22

Secy Finance KPK
Dairy No.
Date



- Note: 1. The hours of attendance in the court
2. Always quote Case No. While makin

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

SB

APPEAL No. 7413 of 2021.

Dr. Mohammad Shoaib Khan

Appellant/Petitioner

Versus

Govt of KPK through Chief Secy Peshawar

RESPONDENT(S)

Respondent (2)

Secy Health Department

Notice to Appellant/Petitioner

KPK Peshawar

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 03/08/2022 at 9:00am

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

For Reply
(Copy already sent)

25/7/22
1:00 PM

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

SB

APPEAL No. 7413 of 2022.

Dr. Mohammad Shoab Khan

Appellant/Petitioner

Versus

Govt of KPK through Chief Secy Peshawar
RESPONDENT(S)

Respondent (3)

Notice to Appellant/Petitioner

Secy Finance Department KPK
Peshawar

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 03/08/2022 at 9:00 am

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

For Reply

Copy

Handy
Sent

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

[Signature]

25-7-22



MOST IMMEDIATE
COURT MATTER

GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

NO. SOH (Lit-II)HD/7413/2021/M.Shoaib Khan/Bannu
Dated Pesh: the, 15-03-2022

To

The Chairman BoG,
MTI, Khalifa Gul Nawaz Hospital,
Bannu.

✓
The Dean,
Bannu Medical College,
Bannu.

Subject:- **SERVICE APPEAL NO. 7413/2021 TITLED MUHAMMAD SHOAIK KHAN VESUS GOVT. OF KHYBER PAKHTUNKHWA HEALTH DEPARTMENT AND OTHERS.**

I am directed to refer to the subject noted above, and to return herewith Joint Parawise Comments (in original) with the remarks that the MTI is an Autonomous Body, therefore, submits its own comments. While this department will submit its own comments after doing the needful.

Encls:As above.

Section Officer (Lit-II)

Endst. No. and date even:

Copy forwarded for information to:-

1. PS to Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
2. PS to Secretary to Govt. of Khyber Pakhtunkhwa, Health Department.
3. PA to Deputy Secretary, (Litigation), Health Department Peshawar.
4. Master file.

Section Officer (Lit-II)

"A"

KHYBER PAKTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

SB

7413

APPEAL No. of 20 21

Dr. Mohammad Shooib Khan

Appellant/Petitioner

Versus

Govt of KPK through Chief Secy Peshawar

RESPONDENT(S)

Respondent (1)

Govt of KPK through Chief Secy Peshawar

Notice to Appellant/Petitioner

Secy KPK

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 23/07/2022 at 9:00 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

For Reply
Already
Sent

[Signature]
25-7-22