

Sr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	04.05.2017	<p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR</u></p> <p style="text-align: center;">Appeal No. 97/2015</p> <p style="text-align: center;">Dr. Muhammad Ayub Versus Govt. of Khyber Pakhtunkhwa through Chief Secretary KPK and others.</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>AHMAD HASSAN, MEMBER:-</u></p> <p style="text-align: center;">Counsel for the appellant and Mr. Ziaullah, Government Pleader for the respondents present.</p> <p>2. Dr. Muhammad Ayub, hereinafter referred to as the appellant has preferred the instant service appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 13.05.2014, whereby the appellant has been awarded major punishment of removal from service, against which departmental appeal dated 20.05.2014, was regretted vide order dated 05.01.2015 communicated to the appellant on 13.01.2015.</p> <p>3. Brief facts of the case are that the appellant was appointed as Medical Officer BPS-17 on 09.12.1991. While in service he applied for deputation to Saudi Arabia and was granted vide letter dated 08.09.2005. He was getting extension in deputation on yearly basis, Last extension expired on 31.10.2009 vide Notification dated 17.02.2009. He submitted an application for</p>

one year extension w.e.f 01.11.2009 to 01.11.2010 on 20.10.2009. Request for extension was turned down by the respondents. He failed to resume duty in time so, disciplinary proceedings were initiated against him and upon conclusion major penalty of removal from service was imposed vide order dated 13.05.2014. He submitted departmental appeal on 20.05.2014, which was rejected on 05.01.2015 hence, the instant service appeal.

4. Learned counsel for the appellant argued that deputation period was going to expire on 31.10.2009, but he submitted an application for extension on 20.10.2009 which was subsequently turned down by the respondents. However, appellant was not informed about the fate of his application so, he continued to serve abroad. On 08.07.2010 nine months after the submission of his application for extension in deputation abroad he came to know that his request was not acceded by the respondents. He came back and submitted arrival report but posting order was not issued by the respondents. On account of misconduct disciplinary proceedings were initiated against him and major penalty of removal from service was imposed on him. The inquiry officer recommended imposition of minor penalty on the appellant. Minor Penalty of Stoppage of three annual increments was incorporated in the show cause notice served on the appellant, but while issuing impugned order dated 13.05.2014 major penalty of removal from service was imposed without issuing show cause notice for enhancement of penalty. Hence, removal order is a void ab-initio and not sustainable in the eyes of law.

5. Learned Government Pleader argued that though his request for extension was not honored by respondents and he was duly informed but despite that he failed to resume duty. Upon his arrival for duty on 12.07.2010, he was given a temporary posting in DHO, Hospital Abbottabad but he failed to join duty. Appellant was found guilty of misconduct and inquiry was conducted in the mode and manner prescribed in the rules and thereafter major penalty was imposed on him. Appeal being devoid of any merits be dismissed.

6. Arguments heard and record perused.

7. Having gone through the record it transpired that the inquiry officer recommended that minor penalty given in the rules be imposed on the appellant. Thereafter a show cause notice was served on the appellant wherein minor penalty of stoppage of three annual increments was proposed. However, vide impugned order dated 13.05.2014 major penalty of removal from service was imposed on the appellant in violation of Efficiency and Disciplinary Rules, 2011. Before imposition of major penalty a fresh show cause notice for enhancement the punishment was required to be served on the appellant, but was not done in this case hence, aforementioned impugned order is void ab-initio. As such opportunity of fair trial was not provided to the appellant, and was condemned unheard.

8. We are constrained to accept the instant service appeal and

set-aside the impugned order dated 13.05.2014 and reinstate the appellant in service. The respondents are directed to conduct de-novo inquiry strictly in accordance with the rules and conclude the same within the period of 60 days from the date of receipt of this judgment. Payment of back benefits shall be subject to the final outcome of the final inquiry. In case the respondents failed to conduct and conclude the inquiry within the stipulated period then it shall be deemed that the appellant has been reinstated in service and in such eventuality the period during which he remained out of service shall then be treated as leave of the kind due. Parties are left to bear their own costs. File be consigned to the record room.



(AHMAD HASSAN)
MEMBER



(GUL ZEB KHAN)
MEMBER

ANNOUNCED
04.05.2017

02.06.2016

Appellant with counsel and Mr. Amjad Ali, Assistant
alongwith Addl: AG for respondents present. Request for
adjournment was made on behalf of the respondents for the reason
that brief of the case was assigned to Senior Government Pleader
who is not available today due to illness of his son. It was further
stated that brief of the appeals are also lying under the locks and
keys of Sr.GP due to internal arrangement of the prosecution, the
Tribunal is constrained to adjourn the appeal. To come up for

arguments on 28.9.16 before D.B.



MEMBER



MEMBER

28.09.2016

Counsel for the appellant and Mr. Ziaullah, GP for
respondents present. Rejoinder submitted and requested
for adjournment. To come up for arguments on 7.2.2017
before D.B.



Member



Chairman

07.02.2017

Clerk to counsel for the appellant and Mr. Muhammad Jan,
GP for respondents present. Clerk to counsel for the appellant
requested for adjournment. Request accepted. To come up for
arguments on 04.05.2017 before D.B.



(ASHFAQUE TAJ)
MEMBER



(MUHAMMAD AAMIR NAZIR)
MEMBER

16.06.2015

Counsel for the appellant and Asstt: AG for the respondents present. Learned AAG requested for time to contact the respondents for submission of written reply/comments. Adjourned to 27.07.2015 for written reply/comments before S.B.



Member

27.07.2015

Counsel for the appellant and Addl: A.G for respondents present. Written reply not submitted. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 14.10.2015 before S.B.



Chairman

14.10.2015

Counsel for the appellant, M/S Qibaz Khan, SO and Yar Gul, Senior Clerk alongwith Assistant A.G for respondents present. Written reply on behalf of respondents No. 2 and 3 submitted. Learned Assistant A.G and representatives rely on the same on behalf of respondent No. 1. The appeal is assigned to D.B for rejoinder and final hearing for 8.2.2016.



Chairman

08.02.2016

Agent to counsel for the appellant and Mr. Asif Khan, Naib Qasid alongwith Mr. Ziaullah, GP for respondents present. Agent to counsel for the appellant requested for adjournment. To come up for arguments on 2.6.16.




Member



Member

Appeal No. 97/2015.
Dr. Muhammad Ayyub

None for the appellant present. Notice to counsel for the appellant be issued for 28.04.2015 for preliminary hearing before S.B.

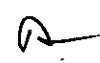

Member

5. 28.04.2015

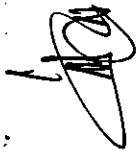
Counsel for the appellant and Asstt: AG for the respondents present. Preliminary arguments heard and case file perused.

Learned counsel for the appellant argued that the appellant was granted deputation abroad for three years on 08.09.2005 which was extended for one year up to 17.02.2009. He again sought extension in leave abroad w.e.f 01.11.2009 to 1.11.2010 which was regretted by the Health Department. The appellant was issued charge sheet for over stay abroad w.e.f 01.11.2009 to 11.07.2010 and enquiry was conducted in the matter. The enquiry Officer submitted his report and recommended minor punishment under relevant E&D Rules. A show cause notice dated 20.12.2013 was issued through which tentative penalty of stoppage of 3 increments was conveyed which was replied by the appellant. However the appellant was removed from service vide impugned order dated 13.05.2014 against which he preferred departmental appeal on 20.05.2014 which was rejected vide order dated 05.01.2015 and hence the service appeal on 28.01.2015.

Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notice be issued to the respondents for submission of written reply. To come up for written reply/comments on 16.06.2015 before S.B.


Member

Appellant Deposited
Security & Process Fee

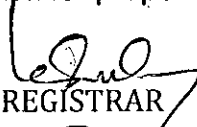




Received for 28/4
18.03.2015
Peri
7/4/15

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 97/2015


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate.
1	2	3
1	10.02.2015	<p>The appeal of Dr. Muhammad Ayub resubmitted today by Mr. Ijaz Anwar Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	23-2-15	<p>This case is entrusted to Bench <u>I</u> for preliminary hearing to be put up thereon <u>24-2-2015</u></p> <p style="text-align: right;"> CHAIRMAN</p>
3	24.02.2015	<p>None present. Appeal be relisted and notice be issued to learned counsel for appellant for preliminary hearing before S.B for 18.03.2015.</p> <p style="text-align: right;"> Chairman</p>

The appeal of Dr. Muhammad Ayub Ex-Medical Officer BHU Pano Dhari Distt. Mansehra Peshawar received to-day i.e. on 28.01.2015 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.


- 1- Annexures-B, G and I of the appeal are illegible which may be replaced by legible/better one.

No. 106 /S.T,

Dt. 29/1/2015


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Ijaz Anwar Adv. Pesh.

*objection No I is removed Better copy attached
Muz PAB to the Govt* 

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Appeal No. 97 /2015

Dr. Muhammad Ayub Ex- Medical Officer (BPS-17),
BHU- Pano Dhari District Mansehera. (Appellant)

VERSUS

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

(Respondents)

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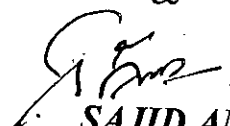
S. No	Description of Documents	Annexure	Page No
1	Memo of Appeal		1-5
2	Affidavit		6
3	Notification dated 09.12.1991	A	7-10
4	Order dated 08.09.2005, and notification dated 17.02.2009, is attached as Annexure	B & C	11-12
5	application dated 20.10.2009,	D	13
6	regret letter along with better copy and application for posting	E & F	14-16
7	Charge Sheet and statement of allegations	G	17, 18
8	Reply to the charge sheet	H	19
9	Inquiry Report	I	20-21
10	Show cause notice and reply	J & K	22-23
11	Copy of the removal order dated 13.05.2014.	L	24
12	Departmental appeal and rejection order.	M & N	25-27
12	Vakalatnama.		

Appellant

Through


IJAZ ANWAR
Advocate Peshawar

&


SAJID AMIN
Advocate, Peshawar.

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

Appeal No. 97 /2015

A. W. J. Peshawar
Khyber Pakhtunkhwa

Case No. 70
Dated 28-1-2015

Dr. Muhammad Ayub Ex- Medical Officer (BPS-17),
BHU- Pano Dhari District Mansehera.

(Appellant)

VERSUS

1. Govt. of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar.
2. Secretary to the Govt. of Khyber Pakhtunkhwa Health Department Khyber Pakhtunkhwa, Peshawar.
3. Director General, Health Services Khyber Pakhtunkhwa, Peshawar.

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the order dated 13.05.2014, whereby the appellant has been awarded the major punishment of Removal from service, against which the Departmental Appeal dated 20.05.2014, has also been regretted vide order dated 05.01.2015, copy communicated to the appellant on 13.01.2015,

Prayer in Appeal: -

On acceptance of this appeal the orders dated 13.05.2014, and 05.01.2015, may please be set-aside and the appellant may be re-instated in service with full back wages and benefits of service.

Re-submitted to-day
and filed.

Registrar
18/2/15

Respectfully Submitted:

1. That on the recommendation of the Khyber Pakhtunkhwa (then NWPF) Public service Commission, the appellant was initially appointed as Medical Officer BPS-17 in the Health Department vide a general appointment Notification dated 09.12.1991. Name of the appellant is at Sr. No. 162 of the appointment Notification. *(Copy of the Notification dated 09.12.1991, is attached as Annexure A)*
2. That ever since his appointment the appellant performed his duties as assigned with zeal and devotion and there was no complaint whatsoever regarding his performance.
3. That while serving in the said capacity the appellant applied for deputation abroad to Saudi Arabia which was allowed to him vide letter dated 08.09.2005, initially for a period on one year later extended from time to time and lastly extended up to 31.10.2009, vide notification dated 17.02.2009. *(Copies of the Order dated 08.09.2005, and notification dated 17.02.2009, is attached as Annexure B & C)*
4. That before the ending of date of his deputation i.e. before 31.10.2009, the Government of Saudi Arabia extended the service agreement of the appellant for one year, therefore the appellant duly applied for extension of his deputation to his parent department i.e the health department vide application dated 20.10.2009. It is pertinent to mention here that that the appellant was not informed regarding the acceptance or otherwise of his request for extension, therefore he continued his service abroad with the impression that his request would be accepted. *(Copy of the application dated 20.10.2009, is attached as Annexure D)*
5. That on 08.07.2010, i.e after almost 9 months of his request, the appellant received a letter whereby he came to know that his request for extension in deputation abroad has been regretted, thereafter the appellant came back to resume his duty and submitted his arrival report and also made request for his posting, however he did not receive any posting order despite his several visits to the respondents office. *(Copies of the regret letter along with better copy and application for posting is attached as Annexure E & F)*

6. That the appellant while waiting for his posting, he was served with charge sheet and statement of allegations containing certain baseless allegations. The allegations so levelled are reproduced below:
- i. **4th year extension in deputation to Saudi Arabia granted to you by Govt. was expired on 31.10.2009.**
 - ii. **Your requested for further extension in deputation was not honored by the Govt.**
 - iii. **You reported arrival on 12.07.2010 after an overstay w.e.f 01.11.2009 to 11.07.2010.**
 - iv. **On arrival he was giving temporary posting to DHQ Hospital Abbottabad vide DGHS office letter No. 20143/E-I dated 05.08.2010, but he did not obeyed the orders.**
 - v. **Willful absence/ misconduct.**
(Copy of the Charge Sheet and statement of allegation is attached as Annexure G)
7. That the appellant duly replied the charge sheet and explained his position with regard to the charges levelled against the charges so levelled. **(Copy of the reply to the charge sheet is attached as Annexure H)**
8. That an inquiry was conducted and the inquiry officer on the conclusion of the inquiry submitted his report wherein besides other recommendations he recommended the appellant for minor penalty. **(Copy of the inquiry report is attached as Annexure I)**
9. That based on the recommendations of the inquiry report the competent authority served the appellant with Show Cause notice wherein it was proposed to impose minor penalty of stoppage of three increments upon the appellant. The appellant also replied the show cause notice. **(Copies of the Show cause notice and reply are attached as Annexure J & K)**
10. That the competent authority without considering defence reply of the appellant, in disregard of the recommendations of the inquiry officer and while ignoring the earlier penalty proposed in the show cause notice, vide a surprise move awarded the appellant the major penalty of removal from service vide order dated 13.05.2014. **(Copy of the removal order dated 13.05.2014, is attached as Annexure L)**
11. That thereafter the appellant also submitted his departmental appeal dated 20.05.2014, which remained under consideration, however the departmental appeal was regretted vide order dated 05.01.2015, communicated to the

on 13.05.2015. (*Copies of departmental appeal and order dated 05.01.2015, is attached as annexure M and N*)

12. That the impugned orders are illegal unlawful against the law and facts hence liable to be set aside inter alia on the following grounds:

GROUND OF APPEAL:


- A. That the appellant has not been treated in accordance with law, hence his rights secured and guaranteed under the law are badly violated.
- B. That no proper procedure has been followed before awarding the penalty of removal from service to the appellant, no proper inquiry has been conducted. The appellant has not been properly associated with the inquiry proceedings, statement of witnesses if any were never taken in his presence nor he was allowed opportunity of personal hearing. The appellant has not been allowed opportunity to defend himself thus proceedings so conducted are liable to be set aside.
- C. That the appellant has not been allowed opportunity of personal hearing before awarding him the penalty of removal from service, thus he has been condemned unheard.
- D. That the inquiry officer recommended only minor penalty, similarly in the show cause notice it was proposed to impose the penalty of stoppage of two increments, the imposition of penalty beyond the one recommended or proposed in the show cause notice was illegal and amounts to condemning the appellant unheard.
- E. That the competent authority has passed the impugned order in mechanical manner and the same is perfunctory as well as non-speaking and also against the basic Principles of administration of justice. Therefore, the impugned order is not tenable under the laws.
- F. That the appellant has not been served with any show cause notice proposing the imposition of the major penalty of removal from service, hence the order of removal from service is void and liable to be set aside on this score alone.

- G. That the authority has acted beyond its limits and jurisdiction, while imposing the major penalty of removal from service, when it has been proposed to impose the penalty of stoppage of three increments in the show cause notice, how can an enhanced penalty be imposed without giving a show cause notice in respect of that penalty, the penalty so imposed cannot be sustained in the eye of law.
- H. That the appellant has never committed the any act or omission which could be termed as misconduct albeit he has been awarded the major penalty of **removal from service**. the absence of the appellant was never willful but was due to the non communication / late communication of the rejection of his request for extension in deputation, he duly applied for extension in deputation, thereafter he was not informed in time about the out come of his application it was about 08 months later when he came to know that his request has been turned down thereafter the duly reported for duty.
- I. That the appellant has at his credit spotless service career of about 23 years, the penalty imposed upon him is too harsh and liable to be set aside.
- J. That the appellant is jobless since his removal from service.
- K. That the appellant seeks permission of this Honourable Tribunal to rely on additional grounds at the hearing of the appeal.

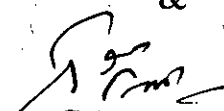
It is, therefore, humbly prayed that on acceptance of this appeal the orders dated 13.05.2014, and 05.01.2015, may please be set-aside and the appellant may be re-instated in service with full back wages and benefits of service.

Through


Appellant


IJAZ ANWAR
Advocate Peshawar

&


SAJID AMIN
Advocate, Peshawar.

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

Appeal No. _____/2015

Dr. Muhammad Ayub Ex- Medical Officer (BPS-17),
BHU- Pano Dhari District Mansehera.

(Appellant)

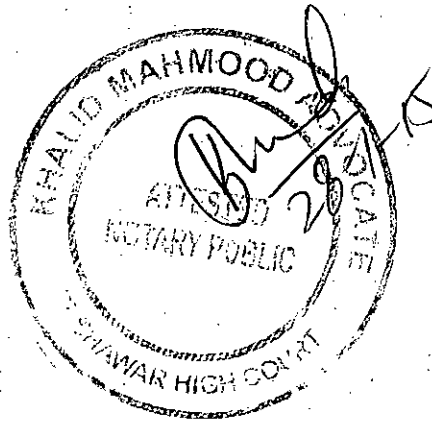
VERSUS

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

(Respondents)

AFFIDAVIT

I, Dr. Muhammad Ayub Ex- Medical Officer (BPS-17),
BHU- Pano Dhari District Mansehera, do hereby solemnly
affirm and declare on oath that the contents of the above
noted appeal are true and correct to the best of my
knowledge and belief and that nothing has been kept back or
concealed from this Honourable Tribunal.



M. Ayub
Deponent

Annex: A

(11)

(7)

Approved: 9

Government of N.W.F.P.,
Health & S.W. Department.

Dt. 9-12-91.

Notification

No. S.O.H.IV-39/70. On the recommendations of the NWFP Public Service Commission, the Governor, NWFP is pleased to appoint the following candidates as Medical Officers (BS-17) in the Health Department on regular basis on the usual terms and conditions with immediate effect :-

S.No.	Name of Doctor with Father's name	Domicile.
1.	Dr. Askar Mahmood S/O Hussain Bakhhhh	D.I.Khan
2.	Dr. Muhammad Fayaz S/O Muhammad Masud	Manshra
3.	Dr. Hashimud Din Azam S/O Nasirud Din Azam Khan.	Abbottabad
4.	Dr. Basir Ahmad S/O Haji Maroon Shah	Mohmand Ag.
5.	Dr. Muhammad Asghar Khalil S/O Ghulam Sarwar	Peshawar.
6.	Dr. Farvez Shaukat S/O Malik Bashirul Haq	Peshawar.
7.	Dr. Muhammad Bashir S/O Nawab Khan	SW Agency
8.	Dr. Sharifullah S/O Aurangzeb Shah Shinwari	Mohmand Ag.
9.	Dr. Asghar Kamal S/O M. Janan	Karak
10.	Dr. Moor Alam S/O Haji Abdur Rauf	Charsadda.
11.	Dr. Nazrat Ali S/O Umar Dali	Bajaur Ag.
12.	Dr. Abdul Nasir Awan S/O Khalid Mehmood Awan	Abbottabad.
13.	Dr. Zubair Ahmad Khan S/O Muhammad Aslam Khan	Peshawar.
14.	Dr. Muhammad Aurangzeb Khan S/O Saadullah Khan	.do.
15.	Dr. Abid Aalam Awan S/O Muhammad Aslam Awan	.do.
16.	Dr. Saleem Iqbal S/O Sakhi Gul	Kohat
17.	Dr. Jehanzeb Afridi S/O Haji Khan Afzal	Kohat FR
18.	Dr. Qazi Abid Qadoos S/O Qazi Abdul Qadoos	Abbottabad
19.	Dr. Bakhtawar Shah S/O Sher Muhammad	Mohmand Ag,
20.	Dr. Rahil Aamir Malik S/O Ijaz Ahmad Malik	Peshawar.
21.	Dr. Tahir Saeed Siddiqui S/O Muhammad Saeed Siddiqui	Manshra.
22.	Dr. Muhammad Ali Jan S/O Ghulam Jan	Bwat
23.	Dr. Arjad Hayat S/O Hayatullah Khan	D.I.Khan, FR
24.	Dr. S. Abdul Majid Shah S/O S. Abdul Wahced Shah	Peshawar
25.	Dr. Razaar Rashid S/O Abdur Rashid	Abbottabad
26.	Dr. Khawaja Laeeq Ahmad S/O Khawaja Bashir Ahmad.	Peshawar.
27.	Dr. Nasir Khan S/O Mohd. Baidar Khan	Abbottabad.
28.	Dr. Rochul Maqsood S/O Faizle Subhan	Peshawar
29.	Dr. Safdar Hayat S/O Umar Hayat Khan	Bannu.
30.	Dr. Azizul Hassan Aamir S/O Azizur Rehman	Peshawar.
31.	Dr. Zafar Mahmood Malik S/O Khalid Mahmood	Abbottabad
32.	Dr. Mazhar Iqbal S/O Muhammad Iqbal Durrani	Peshawar.
33.	Dr. Abdur Rehman S/O Abdul Latif	D.I.Khan
34.	Dr. Muhammad Jehangir Gandapur S/O Muhammad Alam, ir Gandapur	D.I.Khan
35.	Dr. Khateez Ali S/O Zainul Abidin	Mardar.

Approved
True Copy

Allegro

36.	Dr. Saifur Rehman S/O Gul Khan	SW Agency
37.	Dr. Sharifullah Jan S/O Wasiullah Jan	Charsadda
38.	Dr. Faridullah S/O Muz Muhammad Khan	D.I. Khan
39.	Dr. Motasim Dilloh S/O Maulvi Inayatullah	Swabi
40.	Dr. Khalid Mehmood S/O Resham Gul	Kohat
41.	Dr. Muhammad Khalid Khan S/O Haji Muhammad	Peshawar.
42.	Dr. Shamur Rehman S/O Aslam Khan	Swabi
43.	Dr. Muhammad Ishaq Khattak S/O Nawab Khan	Karak
44.	Dr. Bakht Sarwar S/O Nadir Said	Dir
45.	Dr. Muhammad Arif S/O Muhammad Ali	Peshawar.
46.	Dr. Hamid Ali Khan S/O Habibur Rehman	.do.
47.	Dr. Mohibullah Jan S/O Mir Abdullah Jan	Kurram Agy.
48.	Dr. Salim Akhtar S/O Haider Zaman	Abbottabad.
49.	Dr. Masha'ud Aslam Khan S/O Arim Khan	Swat.
50.	Dr. Bakht Sarwar Khan S/O Gul Haider	Swabi
51.	Dr. Amir Saeed Qazi S/O Qazi Ghulam Sarwar	Peshawar.
52.	Dr. Ajmal Hussain Bangash S/O Ashraf Hussain Bangash	Kohat.
53.	Dr. Ziaullah S/O Sanullah	Swabi
54.	Dr. Abdul Basir S/O Abdul Majid Khan	Swat
55.	Dr. Abdul Hameed Khan S/O Shahdil Khan	Bannu
56.	Dr. Muhammad Ayub Khan S/O Qaisar Khan	Mardan
57.	Dr. Noorullah Jan S/O Haji Habibur Rehman	Peshawar.
58.	Dr. Masha'ud Aslam S/O Nadir Khan	Bannu
59.	Dr. Ubaid Hussain S/O Ashiq Hussain	Peshawar.
60.	Dr. Wali Masha'ud Khan S/O Haji Mir Jan Khan	SW Agency
61.	Dr. Junaid Behal Qazi S/O Mobibur Rehman Qazi	Manshehra
62.	Dr. Ghulam Aslam S/O Masirud Din	D.I. Khan
63.	Dr. Muhammad Kamran S/O Shah Muhammad	Peshawar
64.	Dr. Muhammad Abdul Qadir S/O Ghulam Qadir	Pesh. (FR)
65.	Dr. Abdur Rehman S/O Shabghai	NW Agency
66.	Dr. Muhammad Ishaq S/O Ghulam Yousaf	Dir
67.	Dr. Asmatullah Khan S/O Rehmatullah Khan	Mardan.
68.	Dr. Khalid Munottal S/O Hameed Gul	Peshawar.
69.	Dr. Nazim Mahayuddin S/O Qazi Khadim Mohayuddin	Kohat.
70.	Dr. S. Masroor Ahmad S/O S. Saghir Ahmad	Peshawar.
71.	Dr. Khalid Hussain Akhtar S/O Maqbool Hussain Akhtar	.do.
72.	Dr. Saminullah Shah S/O Gul Raz Ali Shah	Bannu
73.	Dr. Sohail Aslam S/O Muhammad Aslam Khan	Nowshera.
74.	Dr. Aziz Marjan S/O Abdul Marjan	Karak
75.	Dr. Muhammad Ikram S/O Badshah Gul	Mardan.

Attested
True Copy

(P.S.)

143. Dr. Faridullah Shah S/O Karim Shah. Karak.
144. Dr. Samiullah Jan S/O Saif Mohammad Jan. Rajaur.
145. Dr. Babar Sultan S/O Mohammad Aslam. Abbottabad.
146. Dr. Garib Nawaz S/O Abdul Matalib. Swabi.
147. Dr. Arifullah Khan S/O Haq Nawaz Khan. Bannu.
148. Dr. Shabud Din S/O Khalil ur Rehman. Mardan.
149. Dr. Attaullah S/O Nawab Khan. Bannu.
150. Dr. Namdar Khan S/O Hashiq. Kohistan.
151. Dr. Aqil Ahmed S/O Mohammad Hafiz Ali. Peshawar.
152. Dr. Mukamil Khan S/O Samandar Shah. Swabi (UDA).
153. Dr. Ziaullah S/O Mir Habib Shah. Karak.
154. Dr. Waheedur Rehman S/O Mohammad Ilyas Quarshi. Abbottabad.
155. Dr. Mohammad Naeem Akhtar S/O Ahmed Yar Khan. DIKhan.
156. Dr. Mohammad Arif S/O Haji Mohammad Usman. Swat.
157. Dr. Tariq Mehmood S/O Latif Khan. Mohmand.
158. Dr. Naveed Fida S/O Fida Mohammad Khan. Mardan.
159. Dr. Abdul Jabbar Khan S/O Abdul Hakim Khan. Peshawar.
160. Dr. Mohammad Munir Babar S/O Mohammad Raza Zaidi. Peshawar.
161. Dr. Tariq Jabbar Khan S/O Mohammad Akram. Peshawar.
162. Dr. Mohammad Ayub S/O Mohammad Yousaf. Abbottabad.
163. Dr. Ayaz Ayub S/O Mohammad Ayub. SWB.
164. Dr. Ali Haider S/O Gul Wali. Mardan.
165. Dr. Sartaj S/O Sajid Gul. Mohmend.
166. Dr. Imtiaz Ahmed S/O Sardar Din Mohd:Khan, DIKhan.
167. Dr. Hamid Ahmed S/O Nasir Ahmed. Peshawar.
168. Dr. Iftikhar Ahmed S/O S.Hamid Hassan. Mardan.
169. Dr. Khalid Irshad S/O Mohammad Irshad. SWB.
170. Dr. Fayaz Akhtar S/O Mohd: Akhtar Qureshi. Peshawar.
171. Dr. Salim Iqbal S/O Hazrat Hussain. Swat.
172. Dr. Mohammad Rauf Khan S/O Gul Zary Jan. NW: Agency.
173. Dr. Chulam Hussain S/O Hamayoon Khan. Swat.
174. Dr. S. Shafiqur Rehman S/O S. Faqirullah Shah. Mohmand.
175. Dr. Mohammad Subhan S/O Chan Badshah. Nowshera.

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(C/P.....6).

Adil

176. Dr. Abdus Zahir Khan S/O Hayat Khan. Swabi.
177. Dr. Mohammad Kausar S/O Mohammad Safdar. Peshawar.
178. Dr. Ghulam Rasool Khan S/O Shadi Gul Khan. NW AGENCY.
179. Dr. Farqan Nazar S/O Nazar Mohammad. Peshawar.
180. Dr. Anjad Zaman S/O Ghulam Nabi. Kohat.
181. Dr. Mohammad Habib S/O Mohammad Yasasin. Karak.
182. Dr. Shaukat Ali Khan Durani S/O Haji Faqi Mohammad. Kohat.
183. Dr. Fazli Subhani S/O Shamsul Arifin. Swat.
184. Dr. Ahmad Rafi S/O Mohammad Roshan. Bannu.
185. Dr. Mohammad Aurangzeb S/O Sadullah Khan. Mardan.
186. Dr. Abdul Malik S/O Ghulam Haji. Peshawar.
187. Dr. Mahmood Jan S/O Malik Jan. D.I. Khan. (FR)
188. Dr. Mohammad Sabir S/O Said Nawaz. Mardan (UDA).
189. Dr. Sartaj Khan. S/O Shahbaz Khan. Mardan.
190. Dr. Qadirullah S/O Mohammad Saleh. Khyber.
191. Dr. Muntaz Ali. S/O Bahadar Sher. Charsadda.
192. Dr. Mohammad Saeed S/O Wazir Dad. Mardan.
193. Dr. Shah Mohammad Khan S/O Hasham Khan. Mardan (UDA)
194. Dr. Zahid Mohammad Wazir S/O Dost Mohammad Wazir Bannu. (FR).
195. Dr. Ayub Nawaz Khan S/O B.N. Khan. Bannu.
196. Dr. Gul Mohammad S/O Kotai. Bajaur.
197. Dr. Azizur Rehman S/O Sher Hassan. Kohat.
198. Dr. Dr. Abdul Sattar Khan Mohmand S/O Jalat Khan. Mohmand.
199. Dr. Nadeem Khan Tahir Kheli S/O Fida Mohammad Khan Abbottabad.
200. Dr. Khurshid Anwar S/O Ghulam Wadood. Swat.
201. Dr. Dad Mir Khan Afridi S/O Dilawar Khan. Kohat FR.
202. Dr. Sardar Khan S/O Habibullah Khan. Mohmand.
203. Dr. Hussain Ahmad S/O S. Ghulam Mustafa Shah. Dir.
204. Dr. Fakhrud Din Khan S/O Mohammad Aslam. SW Agency.
205. Dr. Shakeel S/O Hewah Khan. Khyber.
206. Dr. Mohammad Nawaz S/O F. Azim. Dir.
207. Dr. Mohammad Chayas Khan S/O Din Mohammad Khan. Mansehra.

Attested

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:- 27 :-

- | | | | | |
|------|--|-----------------|---|------|
| 115. | Dr. Mohammad Basil Rizvi S/O Syed Fazal Ali Rizvi. | 1st Apptt: PSC. | MO, RHC; Ustanzai, Kohat. | |
| 116. | Dr. Altaf Hussain S/O Abdul Khaliq. | .do. | MO BHC, Siri Kot, Abbottabad. | .do. |
| 117. | Dr. Mohammad Riaz Khan S/O Sultan Hussain Khan. | .do. | MO BHU, Mashokomai, Swat. | .do. |
| 118. | Dr. Abdul Ahad Afridi S/O Khail Akbar Afridi. | .do. | MO, AHQ, Hospital, Khyber Agy. | .do. |
| 119. | Dr. Mohammad Saeedullah Shah Dawar S/O Malik Qalandar Shah. | .do. | MO, BHU, Nawal N.W. Agency. | .do. |
| 120. | Dr. Mohammad Shehzad S/O Mohammad Ali Tauni. | .do. | MO, SHS, Pesh. | .do. |
| 121. | Dr. Mohammad Riaz Akram S/O Khawaja Mohammad Akram (SRCS, Part-I). | .do. | MO, SHS, Charsadda. | .do. |
| 122. | Dr. Inayatullah Khan S/O Murtaza Khan. | .do. | MO, RHC, Shahbaz, Garhi Mardan. | .do. |
| 123. | Dr. Bakht Jehan S/O Firdos Khan. | .do. | MO, AHQ, Ghallanai, Mohmand Agency. | .do. |
| 124. | Dr. Qaisar Khan S/O Dawar Khan. | .do. | MO, BHU Shingrai, Malakand Agency. | .do. |
| 125. | Dr. Jehanzeb Khan S/O Amir Khan. | .do. | MO, BHU Datta Khel, N.W. Agency. | .do. |
| 126. | Dr. Alamgir S/O Aman Gul. | .do. | MO, BHU, Jamra, Mardan. | .do. |
| 127. | Dr. Kamran Iqbal, S/O Faizur Rehman. | .do. | MO, BHU, Mohra D.I. Khan. | .do. |
| 128. | Dr. Aurangzeb S/O Abdul Hakim. | .do. | MO, RHC, Szrai, Gambilla Bannu. | .do. |
| 129. | Dr. Mujibur Rehman S/O Abdur Rehman. | .do. | MO, Rorri, D.I. Khan. | .do. |
| 130. | Dr. Mohammad Iqbal S/O Saïd Ahmad. | .do. | MO, BHU Kohi Barmol Mardan. | .do. |
| 131. | Dr. Ghulam Murtaza Shah, S/O S.A. Jabbar Shah. | .do. | MO, BHU, Dingi, Abbottabad. | .do. |
| 132. | Dr. Ziaud Din Khan S/O Saeeduddin. | .do. | MO, BHU Tarnab, Charsadda. | .do. |
| 133. | Dr. Sajjad Hassan Orakzai, S/O M. Din Shah. | .do. | MO, BHU Daran, Orakzai Agency. | .do. |
| 134. | Dr. Attaullah Jan S/O Mohammad Shah. | .do. | MO, BHU, Bag.e. Bakhtiar Charsadda. | .do. |
| 135. | Dr. Mohammad Azam S/O Abdul Hameed. | .do. | MO, AHQ Hosp: Ghallanai Mohmand Ag. | .do. |
| 136. | Dr. Mohammad Javed S/O Habibur Rehman. | .do. | MO, BHU, Kalabat, Swabi. | .do. |
| 137. | Dr. Jan Ahmad Afridi S/O H. Jura Baz. | .do. | MO, AHQ, Hosp: Landikotal, K. Agy. | .do. |
| 138. | Dr. Mohammad Abid Shah S/O Mohammad Ayub Shah. | .do. | MO, BHU, Rajoya, Abbottabad. | .do. |
| 139. | Dr. Usama Aslam Faridi S/O Mohammad Aslam Farooq Faridi. | .do. | MO, BHU Tolaband, Peshawar. | .do. |
| 140. | Dr. Shah Nawaz Ali S/O Mohib Ali Akhundzada. | .do. | MO, AHQ Hosp: Ghallanai Mohmand Agency. | .do. |

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True Copy

141. Dr. Fazle Khaliq S/O Ghulam Haji.	1st Apptt: P.S.C.	MO BHU, Ghandari, Peshawar.	Against the V/Pe
142. Dr. Nadeem Khan S/O Salim Khan.	.do.	MO BHU Sheikh Abad, Charsadda.	.do.
143. Dr. Faridullah Shah S/O Karim Shah.	.do.	MO BHU, Shinwa Gudi Khel, Karak.	.do.
144. Dr. Samiullah Jan S/O Said Mohammad Jan.	.do.	MO, BHU Chinagai, Bajaur Agency.	.do.
145. Dr. Babar Sultan S/O Mohammad Aslam.	.do.	MO, BHU, Bagnotar, Abbottabad.	.do.
146. Dr. Garib Nawaz S/O Abdul Mutalib.	.do.	MO, BHU Tarkai, Swabi.	.do.
147. Dr. Arifullah Khan S/O Haq Nawaz Khan.	.do.	MO, BHU Patool Khel, Bannu.	.do.
148. Dr. Sahabud Din S/O Khalilur Rehman.	.do.	MO, BHU Bin Payeen Dir.	.do.
149. Dr. Attaullah S/O Nawab Khan.	.do.	MO, BHU Gabar Bagh, Bannu.	.do.
150. Dr. Namdar Khan S/O Hashim.	.do.	MO, BHU, Ranolia, Kohistan.	.do.
151. Dr. Aqil Ahmad S/O Mohammad Hafiz Ali.	.do.	MO, BHU, Akbarabad, Charsadda.	.do.
152. Dr. Mukemil Khan S/O Samandar Shah.	.do.	MO, BHU, Jalbai, Swabi.	.do.
153. Dr. Maullah S/O Mir Habib Shah.	.do.	MO, BHU, Khwajaki, Karak.	.do.
154. Dr. Wahedur Rehman S/O M. Ilyas Qureshi.	.do.	MO, BHU, Boda, Abbottabad.	.do.
155. Dr. Mohammad Naeem Akhtar, S/O Ahmad Yar Khan.	.do.	MO, BHU, Fateh, D.I. Khan.	.do.
156. Dr. Muhammad Arif S/O Mohammad Uszan.	.do.	MO, Kotlaji, Swat.	.do.
157. Dr. Tariq Mehmood S/O Latif Khan.	.do.	MO, BHU Pindialy, Mohmand Agency.	.do.
158. Dr. Naveed Fida S/O Fida Mohammad Khan.	.do.	MO, RHC, Toru, Mardan.	.do.
159. Dr. Abdul Jabbar Khan S/O Abdul Hamid Khan.	.do.	MO, BHU, Shagai, Dir.	.do.
160. Dr. Mohammad Munir Babar S/O Mohammad Iqbal.	.do.	MO BHU Chinar Kot, Mir.	.do.
161. Dr. Tariq Jabbar Khan S/O Mohammad Akram.	.do.	MO, BHU, Gulabad, Charsadda.	.do.
162. Dr. Mohammad Ayub S/O Mohammad Housaf.	.do.	MO, BHU Mong, Abbottabad.	.do.
163. Dr. Ayaz Ayub S/O Mohammad Ayub.	.do.	MO, BHU, Bahadur Abad Swabi.	.do.
164. Dr. Ali Haider S/O Gul Wali.	.do.	MO, BHU Bila Chand, Dir.	.do.
165. Dr. Sartaj S/O Sajid Gul.	.do.	MO, Dargai, Malakand Agency.	.do.
166. Dr. Imtiaz Ahmad S/O Sardar Din Mohammad Khan.	.do.	MO, SHS, D.I. Khan.	.do.

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- 275. Dr. Kashmir Khan S/O
Aslam Khan. 1st Apptt. (P.S.C.) M... Isai Ma... Mohmand Agency.
- 276. Dr. Naseed Din S/O
F. Mohammad. .do. MO, BHU, Masa Nika,
Birmol SW Agency. .do.
- 277. Dr. Mohammad Faraz Khan,
S/O Haji Sakhi Sardar. .do. MO, BHU, Saidga,
N.W. Agency. .do.
- 278. Dr. Mohammad Ashfaq Afridi,
S/O Anwar Shah Afridi. .do. MO, CH Lowra Maina
Khyber Agency. .do.
- 279. Dr. Mohammad Haroon S/O
Malang Shah. .do. MO, C.H. Kalaya,
Orakzai Agency. .do.
- 280. Dr. Mohammad Bilal S/O
Kaman Ellahi. .do. MO, BHU, Datta,
Mansehra. .do.
- 281. Dr. Sher Bahadur Khan S/O
Ajmal Khan. .do. MO, BHU Prang Ghar,
Mohmand Agency. .do.
- 282. Dr. Abdur Rashid S/O
Hayaud Din. .do. MO, BHU Kot Tarnab,
Charsadda. .do.
- 283. Dr. Shahid Hussain S/O
S. Ghulam Mustafa. .do. MO, BHU Pingal,
Dir. .do.
- 284. Dr. Mohammad Uzair S/O
Mohammad Jan. .do. MO, Mian Kill,
Swat. .do.
- 285. Dr. Rafiullah Khan S/O
Wazir Khan. .do. MO, BHU, Baidara,
Swat. .do.
- 286. Dr. Manzoor Ahmad S/O
Wali Mohammad Khan. .do. MO, Ag:HQ:Hosp:
Batkheela. .do.
- 287. Dr. Ihsanullah Khan,
S/O A.J. Khan. .do. MO, BHU, Zarkunda,
S.W. Agency. .do.
- 288. Dr. Khalilur Rehman S/O
Hajm Gul Farosh. .do. MO, BHU, Qazafi,
Bajaur Agency. .do.
- 289. Dr. Khalid Zamir S/O
Gul Zamir. .do. MO, DHQ, Hosp:
Karak. .do.
- 290. Dr. Inayatullah Khan,
S/O Jan Mohammad. .do. MO, BHU, Saiful Dara,
Orakzai Agency. .do.
- 291. Dr. Waqar Ali S/O
Mohammad Karam Khan. .do. MO, BHU Mera Besham,
Swat. .do.
- 292. Dr. Mohammad Saleem S/O
Mohammad Amin. .do. MO, BHU Sher Palm,
Swat. .do.
- 293. Dr. Manzoor Ullah Jan S/O
Tajullah Moor. .do. MO, DHQ, Charsadda. .do.
- 294. Dr. Mohammad Salim Khan S/O
Haji Mehtab Khan. .do. MO, BHU Nazar Abad,
Swat. .do.
- 295. Dr. Asadullah Khan S/O
B. Khan. .do. MO, BHU, Ramora,
Dir. .do.
- 296. Dr. Mohammad Said S/O
Nazar Hussain. .do. MO, CH, Loc Agra,
Malakand Agency. .do.
- 297. Dr. Tahir Mehmood S/O
Wali Ahmad. .do. MO, BHU, Ziarat Masoom
Abbottabad. .do.
- 298. Dr. Qasim Asad Tahir Kheli,
S/O M.A.K. .do. MO, BHU, Pogra,
Abbottabad. .do.
- 299. Dr. Fida Mohammad S/O
Din Mohammad. .do. MO, BHU Shakowali,
Dir. .do.
- 300. Dr. Waqar Ahmad S/O
M.R. Avan. .do. MO, BHU Rajwal,
Mansehra. .do.

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301. Dr. Gul Badshah S/O Fazal Nabi.	1st Apptt: (P.S.C.).	MO, Civil Hosp: Dargai, Swat.	Against vacant
302. Dr. Mohammad Javed S/O S. Din.	.do.	MO, BHU, Kharakai, Dir.	.do.
303. Dr. Masud Akhtar Malik, S/O Malik Sher Zaman.	.do.	MO, BHU, Brag, Abbottabad.	.do.
304. Dr. Capt. Hanifullah S/O Haji Shakirullah.	.do.	MO, RHC, Gullagran, Malakand Agency.	.do.
305. Dr. Mirza Jehan S/O Rahim Khan.	.do.	MO, BHU, Nawan Kili, Swat.	.do.
306. Dr. Mohammad Iqbal Siddique S/O Sahib Dola.	.do.	MO, BHU, Darwal, Abbottabad.	.do.
307. Dr. Naveed Alam S/O Abdul Wahab.	.do.	MO, BHU, Brah, Malakand Agency.	.do.
308. Dr. Yahya Khan S/O Zakria Khan.	.do.	MO, RHC, Ayun, Chitral.	.do.
309. Dr. Shabir Ahmad S/O Faqir Ahmad.	.do.	MO, DHQ, Timargara, Dir.	.do.
310. Dr. Mohammad Riaz, S/O M.A. Gul.	.do.	MO, C.H. Alpurai, Swat.	.do.
311. Dr. Inamullah Khan S/O Ihsanullah.	.do.	MO, CH Alpuri, Swat.	.do.
312. Dr. Ihsanullah Haq S/O Ghulam Sarwar.	.do.	MO, BHU Panien, Abbottabad.	.do.
313. Dr. Mohammad Rafique, S/O Umar Khan.	.do.	MO, BHU Salam Khund Abbottabad.	.do.
314. Dr. Khalid Javed S/O Abdur Rehman.	.do.	MO, BJU Khair Abad, Mandehra.	.do.

SECRETARY TO GOVERNMENT OF NWFP,
HEALTH & SOCIAL WELFARE DEPTT:
PESHAWAR.

ENCL: NO. 2 DATED EVEN

Copy forwarded for information and necessary action to the:-

1. The Director Health Services, NWFP, Peshawar.
2. The Accountant General, NWFP, Peshawar.
3. The Secretary to Chief Minister NWFP, Peshawar.
4. The P.S. to Minister for Health NWFP, Peshawar.
5. All District Accounts Officers/Agency Accounts Officers in NWFP.
6. The Manager, Government Printing Press for publication in the Government Gazette.
7. The Officers concerned.
8. P.S. to Secretary Health, NWFP, Peshawar.
9. All Divisional Directors Health Services, DHO's, M.S's/AGY: Surgeons. in NWFP.
10. Secretary NWFP Public Service Commission, Peshawar.
11. The Director Social Security, NWFP, Peshawar.

S.A/
1297

(Signature)
(SHER MOHAMMAD MARWAT)
SECTION OFFICER-IV HEALTH

Attested
True COPY

(11)

Amended: B

GOVERNMENT OF N.W.F.P.
HEALTH DEPARTMENT
NO.SO(E)H-II/2-13/05.
Dated Peshawar, the 8.9.2005.

To

The Director General,
Health Services, NWFP,
Peshawar.

SUBJECT: DEPUTATION ABROAD.

Dear Sir,

I am directed to refer to the subject noted above and to state that the Provincial Government is pleased to relieve Dr. Muhammad Ayub, Medical Officer, BHU Pano District Manshara from the date of his relinquishing the charge for joining foreign service in (Saudi Arabia) on the following terms and conditions:-

- i. The deputation will be initially for a period of one year.
 - ii. He/She will be treated to be on Foreign Service with effect from the date he/she handed over charge of his/her present post. He/She shall revert from foreign service on the date he/she takes over charge of his/her post under this Provincial Government. If he/she takes leave before joining his/her post under government, the date of reversion from foreign service will be decided by the Government of NWFP.
 - iii. During deputation period this Provincial Government shall not be liable to pay for his/her salary, joining time, pay, allowances and traveling facilities both ways.
 - iv. He/She (and where foreign employer is not agreeable to pay the pension contribution) he/she, as the case may be, shall during the period of foreign service, pay to the Provincial Government the pension contribution in foreign currency in accordance with the relevant rules and at the rates prescribed from time to time by the Govt. The remittance shall be made by him/her through his/her parent office in Pakistan with a covering letter shown the relevant head of account. The parent office will send copies of challans and schedules to the account officer concerned for information and necessary action. On delayed payment of these contributions, the provisions of supplementary Rules 307 shall apply. Till such time as the rates of pension contribution are ascertained and intimated by the Audit Officer concerned, he/she shall at a uniform rate of 33.1% of the mean of minimum and maximum of the pay scale held by him/her at the time of emoluments (Reckonable for pension) which would have been admissible to him/her and he/she not been deputed on foreign service.
2. No leave salary contribution is recoverable from the foreign employer but leave/leave salary is to be sanctioned/paid during the period of foreign service by the foreign employer that period being not countable for earning leave with the Government. In view of this, pension contribution will be payable by the foreign employer during the entire period of foreign service including the period of leave availed of by him/her with the foreign employer.
3. He will provide a copy of contract agreement as per requirement of Establishment Department.

(Ham Khan Khattak)
Section Officer - II.

Endst. No. & date even.

Copy to the:-

1. Secretary to Govt. of Pakistan, Ministry of Health, Islamabad.
2. Secretary to Govt. of Pakistan, Ministry of Foreign Affairs, Islamabad.
3. Secretary to Govt. of NWFP, Finance Department, Peshawar.
4. The Executive Director Fouji Foundation, Overseas Employment Services, Rawalpindi.
5. Assistant Director Immigration & Passport Officer, Peshawar/Islamabad.
6. EDO (II) Manshara.
7. DAO Manshara.
8. Section Officer (R-II), Govt. of NWFP, Establishment Deptt. w/r to his letter No.SR.II(E&AD)I(2)/2004, DATED 2.9.2005.
9. Doctor concerned.

Section Officer - II.

Attya

① Better Copy

Govt of NWFP
Health Department
No.SO(E)H-II/2-13/05.
Dated Peshawar, the 8.9.2005

To
The Director,
Health Services, NWFP
Peshawar.

Subject: DEPUTATION ABROAD

Dear Sir,

I am directed to refer to the subject noted above and to state that the provincial Govt is pleased to relieve Dr. Muhammad Ayub, Medical Officer, BHU Pano Deri District Mansehra from the date of his relinquishing the charge for joining foreign services in (Saudi Arabia) on the following terms and conditions.

- i. The deputation will be initially for a period of one year.
 - ii. He/she will be treated to be on Foreign Service with effect from the date he/she handed over charge of his/her present post. He/she shall revert from foreign service on the date he/she takes over charge of his/her post under this Provincial Govt. If he/she takes leave before joining his/her post under Govt, the date of reversion from foreign service will be decided by the Govt of NWFP.
 - iii. During deputation period this Provincial Govt shall not be liable to pay for his/her salary, joining time, pay, allowances and travelling facilities both ways.
 - iv. He/she (and where foreign employer is not agreeable to pay the pension contribution), he/she, as the case may be shall during the period of foreign service, pay to the Provincial Govt the pension contribution in foreign currency in accordance with the relevant rules and at the rates prescribed from time to time by the Govt. The remittance shall be made by him/her through his/her parent office in Pakistan with a covering letter shown the relevant head of account. The parent office will send copies of challan and schedules to the account officer concerned for information and necessary action. On delayed payment of these contributions, the provisions of supplementary rules 307 shall apply. Till such time as the rates of pension contribution are ascertained and intimated by the Audit officer concerned, he/she shall at a uniform rate of 33.1% of the mean of minimum and maximum of the pay scale held by him/her at the time of emoluments (Reckonable for pension) which would have been admissible to him/her and he/she not been deputed on foreign service.
2. No leave salary contribution is recoverable from the foreign employer but leave/leave salary is to be sanctioned/paid during the period of foreign service by the foreign employer that period being not countable for earning leave with the Govt. In view of this, pension contribution will be payable by the foreign employer during the entire period of foreign service including the period of leave availed of by him/her with the foreign employer.
 3. He will provide a copy of contract agreement as per requirement of Establishment Department.

(Ham Khan Khattak)
Section Officer, II

Encl. No. & Date even.

Copy to the :-

1. Secretary to Govt of Pakistan, Ministry of Health, Islamabad.
2. Secretary to Govt of Pakistan, Ministry of Foreign Affairs, Islamabad.
3. Secretary to Govt of NWFP, Finance Department Peshawar.
4. The Executive Director Fauji Foundation, Overseas Employment Service, Rawalpindi.
5. Assistant Director Immigration & Passport Officer, Peshawar/Islamabad.
6. EDO(II) Mansehra.
7. DAO Mansehra.
8. Section Officer (R-II), Govt of NWFP, Establishment Deptt: w/r to his letter No. SR.II (E&AD)1(2)/2004, dated 2.9.2005.
9. Doctor concerned.

Section Officer II.

AMK

(12)

Amir C

GOVERNMENT OF N.W.F.P.
HEALTH DEPARTMENT.

Dated Peshawar, the 17th February 2009

NOTIFICATION.

No. SO(E)H-II/2-13/2005, Sanction is hereby accorded to the grant of extension in deputation to Saudi Arabia for a period of one year (4th year) on the existing terms and conditions in favour of Dr. Muhammad Ayub, Ex-Medical Officer, BHU Pano Dehri, District Mansehra with effect from 1.11.2008.

The Provincial Health Department has no objection on his proceeding abroad.

SECRETARY HEALTH.

Endst. No. & date even.

Copy to the:-

1. Director General, Health Services, NWFP Peshawar.
2. EDO (H) Mansehra.
3. DAO Mansehra.
4. Doctor concerned.

for *Medical Officer*
Section Officer-II.

Attest
A

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(13)

ANNEX D

17795

17795

The Secretary Health
Government of N.W.F.P

Subject Extension of Deputation

Sir,

It is requested to you that I am
working in Saudi Arabian on
deputation with your reference letter
SO(EN)H-11/2-13/2005

AS my services abroad has been
extended for further one year

Therefore kindly extend my deputation
for further one year
from

1-11-2009 upto 1-11-2010

Yours obediently

(M Ayub)

DR mohammad Ayub

Sp/ mohammad Yousaf

Ex-Medical Officer

BHU Pano Dhari

District Mansehra

date 20-10-2009

[Signature]

Attested
and
True Copy

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Armed - E

GOVERNMENT OF KERALA
HEALTH SERVICES DEPARTMENT

NO. 65/2010/1005
Dated 1st July 2010

1/7/10

The Director General,
Health Services, K.P.K.,
P.O. Thiruvananthapuram

SUBJECT: REQUEST FOR ONE YEAR EXTENSION OF DEPORTATION

Dear Sir,

I am directed to refer to the subject noted above and to state that Mr. Abdulaziz Ayub, ex-MO (MD) (MD) (MD) (MD), Mansoor has submitted application requesting for further one year extension in his deportation to Arabia w.e.f. 1st 2009, which was processed and regretted.

He may be informed accordingly.

NO
(Signature)
Section Officer

Health Services Department, P.O. Thiruvananthapuram, Kerala
Phone & 092-2220070, Fax 092-2220070

Attested
(Signature)
True Copy

(Handwritten Signature)

1 - 7 - 2010

Better Copy



(15)

GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

No.SO (E) H-11/ 2/13/2005

Dated Peshawar _____

To

The Director Council
Health Services, K.P.K
Peshawar

Subject: REQUEST FOR ONE YEAR EXTENSION IN DEPUTATION

Dear sir,

I am directed to refer to the subject noted above and to state that Dr. Muhammad Ayub, Ex.MO BHU Pano Dehri, Mansehra has submitted an application requesting for further one year extension in his deputation to Saudi Arabia w.e.f. 01.01.2009. which was processed and regretted.

He may be informed accordingly

Sd/-
Muhammad Jmail
Section Officer-II

(2)

APR 16
F

6022 2/12
11/12/12

To

The Secretary Health
Govt Khyber Paktoon Khawar

Subject

Sir,

It is requested to you that
I went abroad on deputation from
2005 to 2009.

after completion of deputation
I submitted my arrival report
but still I am waiting for
my posting

please, oblige my request
and post me so that I can
perform my duty -

Thanks

D Mohd Ayub s/o Mohd Yusaf
medical officer

Ayub

12/4

Attested

23

ANNEX G

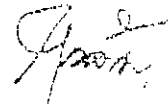
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CHARGE SHEET

I, Ghulam Dastgir Akhtar, Chief Secretary, Khyber Pakhtunkhwa as Competent Authority, do hereby charge you, Dr. Mohammad Ayub, Ex-Medical Officer (BS-17), BHU Pano Dehri Mansehra as follows:-

- I. 4th year extension in deputation to Saudi Arabia granted to you by Govt: was expired on 31.10.2009.
 - ii. Your request for further extension in deputation was not honored by the Govt:
 - iii. You reported arrival on 12.07.2010 after an overstay w.o.f. 01.11.2009 to 11.07.2010.
 - iv. On arrival he was given temporary posting to DHQ Hospital Abbottabad vide DGHS office letter No. 20143/E-I dated 05.08.2010 but he did not obey the orders.
 - v. Willful absence/misconduct.
2. By reasons of the above, you appear to be guilty of habitual absenting himself from duty without prior approval of leave; Rules 3 (b)&(d) of the Khyber Pakhtunkhwa (Efficiency & Discipline) Rules 2011 and have rendered yourself liable to one or more of the penalties specified in Rule 4 of the Rules ibid.
3. You are, therefore, required to submit your written defence within seven days of the receipt of this Charge Sheet to the Enquiry Committee.
4. Your written defence, if any, should reach the Enquiry Committee within the specified period, failing which it shall be presumed that you have nothing to offer in your defence and in that case ex-parte action shall be taken against you.
5. Intimate whether you desire to be heard in person
6. A statement of allegations is enclosed.

Authenticated
True Copy


(Ghulam Dastgir Akhtar)
Chief Secretary,
Khyber Pakhtunkhwa
Competent Authority



(17) Akhtar copy

CHARGE SHEET

I, Ghulam Dastgir Akhtar, Chief Secretary, Khyber Pakhtunkhwa as competent Authority, do hereby charge you, Dr. Muhammad Ayub, Ex Medical Officer (BS-17), BHU Pano Dehri Mansehra as follows:

- i. 4th year extension in deputation to Saudi Arabia granted to you by Govt was expired on 31.10.2009.
- ii. Your request for further extension in deputation was not renewed by the Govt.
- iii. You reported arrival on 12.7.2010 after an overstay w.e.f 01.11.2009 to 11.7.2010.
- iv. On arrival he was given temporary posting to DHQ Hospital Abbotabad vide DGHS Officer letter NO. 20143/E-I dated 5.8.2010 but he did not obey the orders.
- v. Willful absence/misconduct.

2. by reasons of the above, you appear to be guilty of habitual absenting himself from duty without prior approval of leave Rules 3 (b) & (d) of the Khyber Pakhtunkhwa (Efficiency & Discipline) Rules 2011 and have rendered yourself liable to one or more of the penalties specified in Rule 4 of the Rules *ibid*.

3. You are, therefore, required to submit your written defense within seven days of the receipt of this charge sheet to the Enquiry Committee.

4. Your written defense, if any, should reach the Inquiry Committee within the specified period, failing which it shall be presumed that you have nothing to offer in your defense and in this case *exparte* action shall be taken against you.

5. Intimate whether you desired to be heard in person.

6. A statement of allegations is enclosed.

(Ghulam Dastagir Akhtar)
Chief Secretary,
Khyber Pakhtunkhwa
Competent Authority.

Akhtar

DISCIPLINARY ACTION

I, Ghulam Dastgir Akhtar, Chief Secretary, Khyber Pakhtunkhwa as Competent Authority, am of the opinion that Dr. Mohammad Ayub, Ex-Medical Officer (BS-17), BHO Pano Dehri Mansehra has rendered himself liable to be proceeded against as he committed the following acts within the meaning of E&D Rules.

STATEMENT OF ALLEGATIONS

- I. 4th year extension in deputation to Saudi Arabia granted to him by Govt: was expired on 31.10.2009.
- II. His request for further extension in deputation was not honored by the Govt:
- III. He reported arrival on 12.07.2010 after an overstay w.e.f. 01.11.2009 to 11.07.2010.
- IV. On arrival he was given temporary posting to DHQ Hospital Abbottabad vide DGHS office letter No. 20143/E-I dated 05.08.2010 but he did not obey the orders.
- V. Willful absence/misconduct.

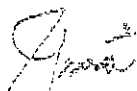
2. For the purpose of enquiry against the said accused with reference to the above allegations, an enquiry committee consisting of the following is constituted under section 10 (1) (a) of the E&D Rules.

Mr. Mohammad Arif, DO F&P Haripur

3. The enquiry committee shall, in accordance with the provisions of the Rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within twenty five days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

4. The accused and a well versed representative of the department shall join the proceedings on the date, time and place fixed by the enquiry committee.

Attested
True Copy


(Ghulam Dastgir Akhtar)
Chief Secretary,
Khyber Pakhtunkhwa
Competent Authority





(Annex - A)



79

To,

Mr. Mohammad Asif (FCS, SC)
District Officer (F & P) Haripur
Chairman Inquiry Committee.

Sub:- REPLY OF CHARGE SHEET

R/Sir,

With reference to your letter No. 5114-15/E.I dated 27/2/2013, it is submitted that:-

1. I was allowed deputation to Saudia Arabia for 04 years ending on 31/10/2009. Before expiry of my agreement with the Saudi Government my services period was further extended for one year.
2. One receipt of extension letter from Saudi Govt. I applied my parent department for extension in deputation on 20/10/2009 near 10 days prior to expiry of my 04 years deputation period. After applying for extension in deputation I had been waiting the reply of the Health Department but no response was received, so considering that my extension in deputation will be granted as previously, so I signed agreement with the Saudi Govt. for further 01 year.
3. I received the regretted letter on 08/07/2010 about nine months later when extended agreement with Saudi Govt. was going to expire. Just on receipt of regretted letter from Health Department, I came back from Saudi Arabia and reported arrival in my parent department on 12/07/2010 after 04 days of receipt of letter.
4. Since my arrival I have not received any posting order under reference and remained waiting for the same.
5. All this was not happened deliberately, out due to lack of communication would I had been receipt the regretted letter from my parent department i.e on 08/07/2010 and I would have been reported arrival well in time.

As I am employee of Health Department since 11/12/1991 and under the circumstances explain above it is requested that my case may be considered favorably.

Thanks

Yours Truly

Attested

Copy

Handwritten signature at the bottom left.

Subject: NOQUIRY ABOUT DR. MOHAMMAD AYUB, EX-MO (BS-17) BHU DHRI, MANSEHRA

BACKGROUND

The undersigned was appointed as enquiry officer by the Competent Authority under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 vide Govt. of Khyber Pakhtunkhwa Health Department Peshawar letter # SO(E)/H-II/4-1/2012 dated: 11.02.2013 to probe the findings as per charge sheet given below:-

CHARGE SHEET

1. Competent Authority, do hereby charge you, Dr. Mohammad Ayub Ex-Medical Officer (BS-17), BHU Pano Dheri, Mansehra as follows:-

i. On 31.10.2009.

- ii. Your request for further extension in deputation was not honored by the Govt.
- iii. You reported arrival on 12/7/2010 after an overstay w.e.f 01.11.2009 to 11.07.2010.
- iv. On arrival he was given temporary posting to DHQ Hospital Abbottabad vide DGHS Office letter No. 20143/E-1 dated: 05.08.2010 but he did not obey the orders.
- v. Willful absence / misconduct.

2. By reasons of the above, you appear to be guilty of habitual absenting himself from duty without prior approval of Leave Rules 3 (b) & (d) of the Khyber Pakhtunkhwa (Efficiency & Discipline) Rules 2011 and have rendered yourself liable to one or more of the penalties specified in Rule 4 of the Rules ibid.

PROCEEDINGS

In order to probe the above charge sheet, the undersigned (the enquiry officer) issued notice through Director General Health Services, Khyber Pakhtunkhwa Peshawar office to the accused to appear before the enquiry committee on 15.03.2012 at 11:00 am in his office at Haripur for personnel hearing. The representative of office of Director General Health Services, Peshawar was also requested to attend the proceedings. A written reply of the accused doctor had already been received on 10-03-2013 (Annexure-I). The personnel hearing was carried out on the said date which was attended by Dr. Abdur Rahman, Assistant Director (P-I) from the DG(Health) office. Brief provided by the DG office is at Annexure-II.

Findings:

- I. Dr. Mohammad Ayub was allowed for deputation to KSA by the Health department from 08-09-2005 to 31-10-2009 (4 years) extending the deputation on yearly basis (Annexure-B).
- II. On expiry of 4th year deputation, Dr. Ayub applied for extension of another one year deputation on 20-10-2009. But department failed to respond to his request by 01-07-2010 (9 months time) when his request was regretted. By that time the doctor, considering that case would be decided in his favour, had already entered into contract with Saudi Government for another one

Attested

True Copy

[Handwritten Signature]

[Handwritten Signature]

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Amir I

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year. However on receipt of Health Department letter of regret, he submitted his arrival report on 12-07-2010.

- III. The Directorate General Health Services Peshawar issued his posting on temporary basis in DHQ Hospital, Abbottabad on 05.08.2010. The Doctor stated that he didn't receive any such order and remained waiting for the posting.
- IV. Till March 2012 i.e 18 months neither Doctor approached the Health Department to enquire about his posting nor the MS DHQ, Abbottabad reported his absence.
- V. The MS DHQ Hospital, Abbottabad reported to DG Health about the absence of the Doctor on 27.03.2012.
- VI. In response to his temporary posting order on 05.08.2010, Secretary Health office asked the DG office to take disciplinary action against the Doctor for his willful absence w.e.f 01.11.2009 to 12.07.2010 which was accordingly conveyed to Doctor by DG office letter dated: 20.09.2010.
- VII. Doctor gave his reply dated: 27.09.2010 explaining the reason for delay which was accordingly conveyed to Secretary Health office by DG Health office letter dated: 10.11.2010.
- VIII. In response to DG Health office, Secretary Health office responded that the Doctor may be directed to appear before the Secretary Health for personnel hearing along with documents letter dated: 10.11.2010.
- IX. No response from the Doctor is forthcoming, however, he again gave an application to the Secretary Health office for his posting on 11.07.2012.
- X. In response to this application, Secretary Health office directed the DG Health office to initiate disciplinary proceedings against the Doctor vide letter dated: 07.09.2012.

After going through whole episode of correspondence, it appears that Doctor didn't get his temporary posting order and continued his deputation with Saudi Government with the intention that as and when he will be posted he will join the duty as his subsequent application dated: 11.07.2012 reflects that he is still interested in performing his duties with the Government. The delay in reporting and lack of any action in time by the Department enabled the Doctor to continue his deputation.

Recommendations

The Doctor availed of the opportunity created by the official correspondence of the Department and kept his deputation continued which was mainly created by the non / miss-communication of posting orders. It is therefore, recommended that:


- 1. The Health Department should abruptly act on such incidents to avoid creation of any miss opportunity for the employees.
- 2. Doctor is found to be guilty of miss-conduct, however, keeping in view his experience in profession and shortage of Doctors in public sector, it is recommended that:
 - i. Period after 31.10.2009 should be converted into Extra Ordinary Leave (Ex Pakistan Leave)
 - ii. and minor penalty at 4 (a) (ii) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011 should be imposed.

(2/2)

Alleged

Attested
[Signature]

[Signature]
Inquiring Officer

Arbab 

Amir: J
22

SHOW CAUSE NOTICE

I, Muhammad Shehzad Arbab, Chief Secretary, Khyber Pakhtunkhwa as Competent Authority, under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve you, Dr. Muhammad Ayub, MO (BS-17), Health Department, as follows:

- i. that you were granted 4th year extension in deputation to Saudi Arabia by Government which expired on 31.10.2009; and
- ii. your request for further extension in deputation was not honored; and
- iii. you reported arrival on 12.07.2010 after an overstay w.e.f. 01.11.2009 to 11.07.2010; and
- iv. that on arrival you were temporarily posted to DHQ Hospital Abbottabad vide DGHS office letter No. 20143/E.I. dated 05.08.2010 but you did not obey the orders; and

I am satisfied that you have committed the act of willful absence / misconduct as specified in Rule-3 of the said rules.

2. In terms of of Rule-5 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules-2011, I, as Competent Authority, dispense with the inquiry and serve you with a show cause notice under Rule-7 of the ibid Rules.

3. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the following penalty/ penalties under Rule-4 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011:

a. Stoppage of three increments.

b. _____

4. You are, therefore, required to show cause as to why the aforesaid penalty/penalties should not be imposed upon you and also intimate whether you desire to be heard in person.

5. If no reply to this notice is received within seven (07) days or not more than fifteen days of its delivery in the normal course of circumstances, it shall be presumed that you have no defence to put in, and in that case an ex-parte action shall be taken against you.

Muhammad Shehzad Arbab
(Muhammad Shehzad Arbab)
Chief Secretary,
Khyber Pakhtunkhwa
Competent Authority

Attested
True Copy

Arbab

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ANNEX 12

To
The Director General
Health Services Khyber Pakhunkhwa
Peshawar.

SUB. DISCIPLINARY PROCEEDINGS AGAINST DR. MUHAMMAD AYUB
EX-MO(BS-17) BHU PANO DHERI MANSEHRA

With reference to the Show Cause Notice served upon me vide your No. 3874-77
Dated 22/12/2013 it is requested that the decision should be taken against me may kindly
be reconsidered keeping in view Para no. & concluding Para of the finding of Enquiry
Committee which are reproduced below:-

FINDING

PARA II: On expiry of 4th year deputation, Dr Ayub applied for extension of another
one year deputation on 20-10-2009. But department failed to respond to his request by 01-07-
2010 (9 months time) when his request was regretted. By that time the doctor, considering that
case would be decided in his favour had already entered into contract with Saudi Government for
another one year. However on receipt of Health department letter of regret, he submitted his
arrival report on 12-07-2010.

CONCLUDING PARA: After going through whole episode of correspondence it appears
that Doctor didn't get his temporary posting order and continued his deputation with Saudi
government with the intention that as and when he will be posted he will join the duty as his
subsequent application dated: 11-07-2012 reflects that he is still interested in performing his
duties with the Government. The delay in reporting and lack of any action in time by the
Department enabled the Doctor to continue his deputation.

A copy of Show Cause Notice duly signed
by undersigned is also enclosed as desired
Thanks
PLEASE

M. Ayub

Dr. Muhammad Ayub
S/O Muhammad Yousaf (Late)

Da 26/12/2013

Attested
True Copy

Ayub

Anx: H

(29)

10001

(24)



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated Peshawar, the 13th May, 2014.

Notification.

No. SOE(H-II/4-1/2012): WHEREAS, Dr. Muhammad Ayub S/O Muhammad Yousaf, MO (BS-17), BHU Pano Dheri, Mansehra, was proceeded against under the Khyber Pakhtunkhwa Govt Servants (Efficiency & Discipline) Rules, 2011 for the charge of absence from duty w.e.f. 01.11.2009 as mentioned in the charge sheet/ statement of allegation.

AND WHEREAS, Mr. Muhammad Asif (PCS, SG BS-18), District Officer (F & P) Haripur, was appointed as Inquiry Officer as provided under the aforementioned rules.

AND WHEREAS, the Inquiry Officer after having examined the charges, evidence on record and explanation of the above mentioned accused doctor, submitted his report and recommendation.

AND WHEREAS, Show Cause notice was served upon Dr. Muhammad Ayub, Medical Officer (BS-17), BHU Pano Dheri, Mansehra to which he replied.

AND WHEREAS, Dr. Muhammad Ayub was granted the opportunity of personal hearing.

NOW THEREFORE, in exercise of powers conferred under the aforementioned rules, the Competent Authority, after having examined the charge, findings / recommendations of the Inquiry Officer, is pleased to impose the major penalty of "Removal from Service" upon Dr. Muhammad Ayub, MO (BS-17), BHU Pano Dheri, Mansehra, with immediate effect. The period from the date of his absence i.e. 01.11.2009 till imposition of the penalty is hereby treated as absence without leave.

SECRETARY HEALTH
KHYBER PAKHTUNKHWA

Endst. No. & date even.

Copy to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director General, Health Services, Peshawar.
3. District Health Officer Haripur.
4. District Accounts Officer Haripur.
5. Deputy Director (IT), Computer Cell, Health Department.
6. PS to Secretary Health.
7. PA to Special Secretary Health.
8. Officer concerned.

(Misbah Riaz)
Section Officer-II

Attested
True Copy



ANNEX-14

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967
20/5/14

To:

The Honorable Chief Minister
Khyber Pakhtunkhawa
Peshawar.

Subject: APPEAL AGAINST NOTIFICATION NO.SOE(H-II/4/1/2012) DATED 13.05.2014 ISSUED BY GOVT. OF KPK HEALTH DEPARTMENT.

Respected Sir,

With due regards it is humbly submitted that I was appointed as Medical officer in Health Department KPK on regular basis on 11.12.1991. I was allowed deputation for Saudia Arabia for four years which was expired on 31.10.2009. Due to extension in my agreement with Saudia Government I applied Health Department KPK to extend my deputation period for further one year on 20.10.2009 (Prior to expiry of my deputation period).

The matter remained under process with the Department for a long time which resulted my overstay. Due to which disciplinary proceedings were initiated against me and an enquiry committee was constituted. I was served with the show cause notice which was replied accordingly and lastly I have received subjected notification wherewith I have been removed from service.

In the notification it is clearly mentioned that action against me has been taken on the recommendations of the Inquiry Officer Mr. Mohammad Asif District officer (F &P) Haripur.

For your kind perusal the recommendations of the Inquiry officer are reproduced as under:

"The doctor availed of the opportunity created by the official correspondence of the department and kept his deputation continued which was mainly created by the non/mis-communication of posting order. It is therefore recommended that:

1. The Health Department should abruptly act on such incidents to avoid creation of any miss opportunity for the employees.
2. Doctor is found to be guilty of miss-conduct however keeping in view his experience in profession and shortage of doctors in public sector, it is recommended that:
 - i. Period after 31.10.2009 should be converted into extra ordinary leave (Ex-Pakistan Leave)

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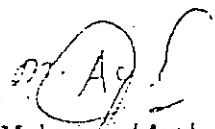
ii. And minor penalty at 4 (a) (ii) of Khyber Pakhtunkhwa Government servants (efficiency and discipline) Rules 2011 should be imposed."

Sir,

From the above mentioned facts it is very much clear that the competent authority while making the decision has totally ignored the recommendations of the inquiry Officer and issued the notification at his own will.

It is, therefore, requested that my appeal may kindly be considered sympathetically keeping in view my 23 years service by exonerating me from the charges leveled against me and I may be very kindly be reinstated.

Thanks


Dr. Muhammad Ayub

Dated: 20/3/2014

Attested
True Copy





GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

(27)

ANNEX-01

No. SO (II) E-11/10-25/2014
Dated Peshawar, the 5th January, 2015.

DCP
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To

The Director General Health Services,
Khyber Pakhtunkhwa,
Peshawar.

Subject: ARRIVAL REPORT.

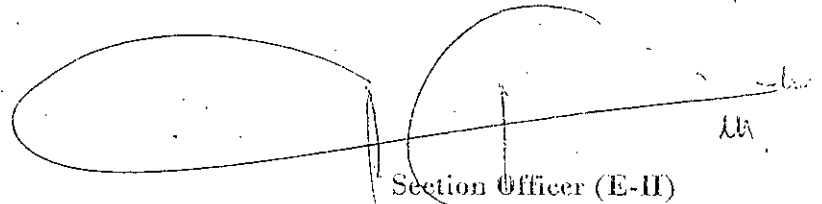
I am directed to refer to your letter No. 20142/E.I, dated 05.08.2010 on the subject noted above in respect of Dr. Muhammad Ayub, MO (BS-17), Health Department and to state that the request of the doctor concerned for re-instatement into service has been regretted by the Competent Authority.

(Kashif Iqbal Jilani)
Section Officer (E-II)

Even No. & Date

Copy of above is forwarded to:

1. PS to Secretary Health.
2. PA to Special Secretary Health.


Section Officer (E-II)



POWER OF ATTORNEY

In the Court of IC PIE Service Tribunal Peshawar

DR Muhammad Ajub } For
} Plaintiff
} Appellant
} Petitioner
} Complainant

VERSUS

Govt of IC PIE etc } Defendant
} Respondent
} Accused

Appeal/Revision/Suit/Application/Petition/Case No. _____ of _____
Fixed for _____

I/We, the undersigned, do hereby nominate and appoint

IJAZ ANWAR ADVOCATE, SUPREME COURT OF PAKISTAN

Sajad Amin Advocate my true and lawful attorney, for me in my same and on my behalf to appear at IC to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions. An appeal, statements, accounts, exhibits. Compromises or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc, and to apply for and issue summons and other writs or subpoena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have hereto signed at PA
the _____ day to _____ the year _____
Executants M. Ajub
Accepted subject to the terms regarding fee _____

Handwritten notes:
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S
Ad etc.

Ijaz Anwar

Advocate High Courts & Supreme Court of Pakistan

ADVOCATES, LEGAL ADVISORS, SERVICE & LABOUR LAW CONSULTANT
FR-3 & 4, Fourth Floor, Bilour Plaza, Saddar Road, Peshawar Cantt
Ph.091-5272154 Mobile-0333-9107225

Das Wasserwerk
15 1/2 2000 1000 1000

10/11/15

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10/11/15

10/11/15

BEFORE SERVICE TRIBUNAL PESHAWAR.

Appeal No. 97/2015

Dr. Muhammad Ayub.....Appellant.

Versus.

Government of Khyber Pakhtunkhwa & Others.....Respondents.

Parawise comments on behalf of respondent No.2 & 3.

Preliminary Objections:-

1. That the appellant has no cause of action.
2. That the appeal is not maintainable in its present form and also time barred.
3. That the appeal is bad for mis joinder of unnecessary and non joinder of necessary parties.
4. That the appellant has no locus standi and also estopped by his own conduct to file the appeal.
5. That the appellant has not come to the Tribunal with the clean hands.

FACTS.


1. Pertains to record.
2. Incorrect. In the ACR of 1992, his irresponsible attitude and irregularity has been indicated (**Annex---I**).
3. He allowed deputation in Kingdom of Saudi Arabia vide No. SO(E)H-II/2-13/05 dated 08.09.2005 which was extended by Health Department till 31.10.2009 vide No. SO (E) H-II/2-13/2005 dated 17.02.2009. Thus he availed 4-years deputation.
4. Incorrect. His further request for extension was not honoured by the competent authority vide No. SO (E) H-II/2-13/2005 dated 01.07.2010 and it was endorsed to him through 03-sources including his home address (**Annex---II**), so he was required to have reported arrival for duty but he failed.
5. His arrival report dated 12.07.2010 was received through Secretary Health office for comments purpose. So he was given temporary posting in DHQ Hospital Abbottabad (**Annex---III**) and proposed for posting to Govt. at the same station. His plea for visiting the office of respondent to inquiry about his posting is a false statement. Had he visited the office of the DGHS office he would have collected his temporary posting order which was Abbottabad (i.e his home town) and already dispatched at his home address vide office order bearing endorsement No. 20143/E.I dated 05.08.2010 in fact he was busy in his deputation abroad which was further extended beyond 01.11.2009 for one year (**Annex---IV**) and was not in position to join duty even in his home town.

6. Incorrect. All the allegation leveled against him, are correct and exactly according to the grounds reality.
7. No comments. However his reply was not satisfactory.
8. Pertains to record.
9. Pertains to record. However competent Authority is not bound to the Recommendations of inquiry officers.
10. It is not necessary that the competent authority will award penalty as recommended by the inquiry officer. The inquiry officer is subordinate to competent authority. The competent authority has got the power to decide the case at his own. Hence the petitioner has been removed from service. After proving the allegations leveled against him.
11. No comments.
12. Incorrect. He has been removed from service after observing all the codal formalities and the impugned order were passed according to law.


GROUND:

- A. Incorrect. The impugned order is in accordance with law and rules.
- B. Incorrect. A proper inquiry was conducted against him. He was given full opportunity to defend himself also he was given posting to his home town, after his arrival but he preferred to perform duty in Saudi Arabia. So he did not submit arrival in DHQ Hospital Abbottabad well in time, hence his mollified intention is very much clear.
- C. Incorrect in the impugned notification it is clearly mentioned that he was given the opportunity of personal hearing.
- D. Incorrect competent authority is not bound to the Recommendation of inquiry officer..
- E. Already explained in Para mentioned above.
- F. Incorrect. All the codal formalities were fulfilled.
- G. Already explained in Para-D above.
- H. Incorrect. The appellant has been proved to have committed misconduct by remaining absent willfully hence the impugned order was passed.
- I. Incorrect.
- J. No comments.
- K. Respondents seek to advance further grounds during argument.

It is therefore, prayed that the appeal may kindly be dismissed with cost


Director General Health Services,
Khyber Pakhtunkhwa, Peshawar.
(Respondent No. 3)


7/8/15


Secretary to
Government of Khyber Pakhtunkhwa
Health Department, Peshawar.
(Respondent No.2).

ORIGINAL

6359
071903

My Dear

In the confidential report on your work and conduct for the period from ending in December 1992. your work has been reported as under:-

2077
12/9

~~XXXXXXXXXXXXXXXXXXXX~~

Part-V
Pin Picture- -Irregular and distored in work Irresponsible attitude.

Part-VI(a)
Over all grading(III)- Meets bare minimum standards -(below average)

Part-VI(b)
Fitness for promotion- Not yet fit for promotion.

2. In conveying these reports, Government hope that you will endeavour hard to overcome this/these shortcomings and bring about an improvement.

3. A copy of this communication is being placed on your Character Roll.

4. Representation, if made, should be in duplicate and may be made not later than one month from the date of receipt of this communication.

5. Please sign duplicate copy of this demi-official letter with your detailed signature in token of your having received the original.

Yours sincerely,

(SECTION OFFICER (GENERAL)

Endst: No. _____ dated _____

Copy forwarded to the Director General Health Services, NWFP, Peshawar for information.

Altaf Hussain
SECTION OFFICER (GENERAL)

Dr. Mohammad Ayub Medical Officer,

BHU, Mong, ~~XXXXXXXXXXXX~~ (New No. BHU Mujalath)

Hezara Division, Abbottabad.

Received the original D.O.

GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

NO. SO(E)H-II/2-13/2005.
Dated Peshawar, the 1.7.2010.

To

The Director General,
Health Services, K.P.K.,
Peshawar.

6313
9/7/2010

SUBJECT: REQUEST FOR ONE YEAR EXTENSION IN DEPUTATION.

Dear Sir,

I am directed to refer to the subject noted above and to state that Dr. Muhammad Ayub, Ex-MO BHU Pano Dehri, Mansehra has submitted an application requesting for further one year extension in his deputation to Saudi Arabia w.e.f. 1.1.2009, which was processed and regretted.

He may be informed accordingly.

(Muhammad Jamil)
(Muhammad Jamil)
Section Officer-II.

HRD Building, Health Department Govt. Khyber Pakhtunkhwa, Khyber
Road Pesh. Phone # 091-9210570, Fax # 091-9210419

OFFICE OF THE DG HEALTH SERVICES, KHYBER PAKHTUNKHWA PESHAWAR.
No. 18453-56 /E.I., Dated Pesh: the 14/7/2010.
Copy to the :-

Registered.

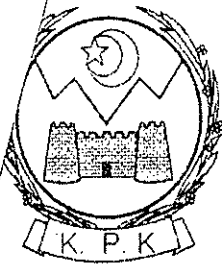
01. Dr. Muhammad Ayub S/O Muhammad Yousaf, C/O Clerk (ACC) Mukntiar Ahmad Station Head Quarter Abbottabad.
 02. Dr. Muhammad Ayub S/O Muhammad Yousaf village Kagian, PO Sagikot Teh: & District Abbottabad.
 03. EDO (Health) Mansehra to inform the doctor concerned accordingly.
 04. AE-II, DGHS Office Peshawar.
- For information and n/action.

No. 18457

/E.I.,
Copy forwarded to the Secretary Health Khyber Pakhtunkhwa
Peshawar for information.

(Signature)
ASSISTANT DIRECTOR (P-I)
DGHS KPK, PESHAWAR.

(Signature)
ASSISTANT DIRECTOR (P-I)
DGHS KPK, PESHAWAR.
14/7/10



**DIRECTORATE
GENERAL HEALTH SERVICES
K.P.K PESHAWAR**

No. 2042 /E-1
Date 05/08/2010

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

E-Mail Address K.P.Kdghs@yahoo.com
Office # 091-9210269
Exchange # 091-9210187, 9210196
Fax # 091-9210230

29

To, The Medical Superintendent
DHQH Abbottabad

Subject: ARRIVAL REPORT

On return from deputation, Dr. Muhammad Ayub MO (BPS-17) has submitted arrival report in this Directorate on 12.07.2010 and waiting for posting. His case for posting is under consideration at Govt. level.

Therefore he is temporarily directed to perform his duties at DHQ Hospital Abbottabad till such time, the Government issue his formal posting order and your office will issue a certificate to the effect that the doctor so posted has performed his duties or otherwise, so as to enable this Directorate to regularize his waiting period in due course of time.

[Signature]
DIRECTOR GENERAL HEALTH
SERVICES, K.P.K. PESHAWAR

No. 2043 /E.I.

Copy forwarded to Dr. Muhammad Ayub S/O Muhammad Yousaf MO (BPS-17) resident of Village Kagian Post Office Sajikoat Tehsil & District Abbottabad for information with the direction to report to MS DHQ Hospital Abbottabad for duty.

[Signature]
DIRECTOR GENERAL HEALTH
SERVICES, K.P.K. PESHAWAR

(C)

III
235

The Secretary Health
Government N.W.F.P

Subject

EXTENSION IN DEPUTATION

Sir,

It is requested to you that I am
working in Saudi Arabia on
deputation with your reference letter NO

~~SOIE/11/13/2005~~

As my services abroad has been
extended for further one year,

Therefore kindly extend my deputation
for further one year

upto 1-11-2010
15/11/2009

Yours obediently

M Ayub

DR Muhammad Ayub
Ex-Medical Officer
Bita Pano Dhasi
Mansehra

MADE
11/10

SOIE

11/10

11/10

Dated 20-10-2009

1/2/10

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

In the matter of
Appeal No. 97/2015

Dr. Muhammad Ayub.....(*Appellant*)

VERSUS

Govt. of Khyber Pakhtunkhwa through Chief Secretary Khyber
Pakhtunkhwa, Peshawar & others.....(*Respondents*)

REJOINDER ON BEHALF OF THE APPELLANT

Respectfully submitted:

ON PRELIMINARY OBJECTIONS:

1. Contents incorrect and misleading since the appellant has been illegally removed from service, hence he has got the necessary cause action to file the instant appeal for reinstatement.
2. Contents incorrect and misleading, the appeal being filed well in accordance with the prescribed rules and procedure hence maintainable, moreover the appeal is filed well within the prescribed period of limitation.
3. Contents incorrect and misleading, all the parties necessary for the disposal of the appeal are arrayed in the instant appeal.
4. Contents incorrect and misleading, the appellant being an aggrieved civil servant has thus got the necessary locus standi to file the instant appeal, moreover no rule of estoppel is applicable to the instant case.
5. Contents incorrect and misleading the appellant has come to the tribunal with clean hands.

ON FACTS

1. No comments.
2. Contents of Para 2 of the appeal are true and correct. The reply submitted to the Para is incorrect and misleading.

3. Contents need no comments, however contents of Para 3 of the appeal are true and correct.
4. Contents incorrect and misleading, contents of Para 4 of the appeal are true and correct.
5. Contents of Para 5 of the appeal are Correct, the reply submitted to the Para is incorrect and misleading.
6. Contents of Para 6 of the appeal are Correct, the reply submitted to the Para is incorrect and misleading.
7. Contents need no comments, however contents of Para 7 of the appeal are true and correct.
8. Contents need no comments, however contents of Para 3 of the appeal are true and correct.
9. Contents of Para 9 of the appeal are Correct, the reply submitted to the Para is incorrect and misleading.
10. Contents of Para 10 of the appeal are Correct, the reply submitted to the Para is incorrect and misleading.
11. Contents need no comments, however contents of Para 7 of the appeal are true and correct.
12. Contents of Para 10 of the appeal are Correct, the reply submitted to the Para is incorrect and misleading.


GROUND

The Grounds (A to K) taken in the memo of appeal are legal and will be substantiated at the time of arguments.

It is therefore humbly prayed that the appeal of the appellant may please be accepted as prayed for.

Through


Appellant


IJAZ ANWAR
Advocate, Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

In the matter of
Appeal No. 97/2015

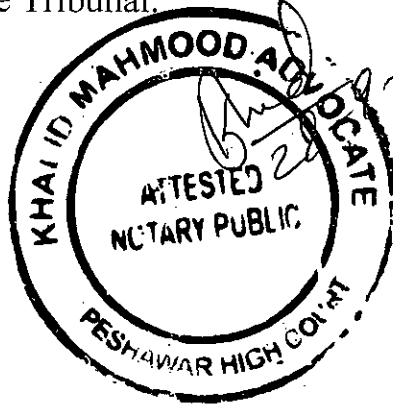
Dr. Muhammad Ayub.....(*Appellant*)

VERSUS

Govt. of Khyber Pakhtunkhwa through Chief Secretary Khyber
Pakhtunkhwa, Peshawar & others.....(*Respondents*)

AFFIDAVIT

I do, hereby solemnly affirm and declare on oath that the contents of the above rejoinder as well as titled appeal are true and correct and nothing has been kept back or concealed from this Honourable Tribunal.



M. Ayub
Deponent

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1324 /ST

Dated 16 / 5 / 2017


To

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

Subject: - JUDGMENT IN APPEAL NO. 79/2015, DR. MUHAMMAD AYUB.

I am directed to forward herewith a certified copy of Judgement dated 4.5.2017 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

Relief given to similarly placed employee

P-5-6

BEFORE THE SERVICE TRIBUNAL KHYBRE
PAKHTUNKHWA, PESHAWAR

Appeal no. 1102/13

1062
25-6-13

Dr. Muhammad Safdar son of Muhammad Rafiq Ex-Physician BPS-18, King Abdullah Teaching Hospital, Mansehra, presently resident of Village Kocal Barseen. Tehsil Havelian, District, Abbottabad.

...APPELLANT

VERSUS

1. DHO/EDO Health, District, Mansehra.
2. Director General Health Services Khyber Pakhtunkhwa, Peshawar.
3. Secretary Health, Civil Secretariat, Peshawar.
4. MS King Abdullah Teaching Hospital, Mansehra.

...RESPONDENT

APPEAL AGAINST THE ORDER DATED 30TH MARCH, 2012, OF RESPONDENT NO. 3 THROUGH WHICH THE APPELLANT WAS REMOVED FROM THE SERVICES UNDER RULE-8 OF EFFICIENCY AND DISCIPLINE RULES 1973, IS DISCRIMINATORY, AGAINST THE MERIT, LAW AND FACTS AND IS LIABLE TO BE SET-ASIDE.

re-submitted to
and filed.

Registered

PRAYER: ON ACCEPTANCE OF THE PRESENT APPEAL THE ORDER DATED 30TH MARCH, 2012 OF RESPONDENT NO. 3 BE REINSTATED TO HIS POST

S. No.	Date of order/ proceedings	Order or other proceedings with signature of Judge/ Magistrate
1	2	3
1	11.04.2016	<p style="text-align: center;"><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.</u></p> <p style="text-align: center;">Service Appeal No. 1102/2013</p> <p style="text-align: center;">Dr. Muhammad Safdar-vs-Secretary Health, Civil Secretariat, Peshawar and three others.</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>ABDUL LATIF, MEMBER: -</u> Appellant with counsel (Mr. Saifullah, Advocate), M/S Muhammad Arshed, SO and Dr. Shahab Ahmed, SMO alongwith Mr. Ziaullah, Government Pleader for respondents present.</p> <p>2. Dr. Muhammad Safdar, has filed the instant service appeal against the order dated 30th March, 2012 of respondent No. 3 through which the appellant was removed from services under Rule-8 of Efficiency and Discipline Rules 1973, is discriminatory, against the merit, law and facts and is liable to be set-aside. The appellant prayed in the instant appeal that on acceptance of the present appeal the order dated 30th March, 2012 of respondent No. 3 be set-aside and appellant reinstated to his post with all back benefits and future benefits including salary etc.</p> <p>3. Facts giving rise to the instant appeal are that the appellant was appointed as Medical officer (BPS-17) on 19.09.1990 on regular basis (which is clearly manifest from the</p>

letter No. 1816/E-1 dated 21.06.2012 issued from the office of respondent No. 2. The reliance is made on the said letter because the first appointment letter is misplaced somewhere from the appellant) and was promoted as Physician (BPS-18) vide Notification No. SOH-13-798 of respondent No. 3; dated 22.03.2010. That during the service appellant applied for the deputation in Ministry of Health Saudi Arabia and got selected on 11th March, 2010 for Saudi Arabia. That the appellant received the final notice dated 24th March, 2010 from the Ministry of Health, Saudi Arabia to proceed to Saudi Arabia within 35 days, but not later than 31st March 2010. That after the selection appellant applied for deputation of two years. The respondent No. 4 informed the respondent No. 2 about the selection of the appellant and further informed the respondent No. 3 vide letter No. 9287/E-1 dated 12th April, 2010 and also requested for the grant of two years deputation but no action was taken. That there was a balance of 730 days leave with pay account of the appellant, so the same was applied through the proper channel on 3rd May, 2010 to respondent No. 4. That on 26th May, 2010 respondent No. 2 issued a letter to respondent No. 4 inquiring about the reason for not granting ex-Pakistan leave to the appellant but respondent No. 4 make no reply. That the appellant waited for the response till 30th June, 2010 and

exercised all the legal ways for ex-Pakistan leave but there was no response from the respondents. That the appellant was of the impression that his application for the leave would be entertained and in order to avail his only chance and protect him from the cancellation of visa, the appellant was compelled to leave the country. That on 30th March, 2012 appellant and one another Dr. Shabir Ahmed was removed from service vide notification No. SOH(E-V)1-306/07, the services of termination was not made according to the law. That the appellant applied for reinstatement according to the law and through proper channel to the respondent No. 3. That the respondent No. 3 took no action on the application of the appellant, upon the directions from the Secretariat the appellant preferred an appeal before the respondent No. 3 dated 12.09.2012, which is still pending. That the other colleagues of the appellant, Dr. Shabir Ahmed son of Muhammad Yousaf, who was removed from the service under the same notification is reinstated in to service by respondent No. 3, vide notification No. SOH(EV)1-306/07 dated 14th June, 2013.

4. The learned counsel for the appellant argued that the appellant was appointed as Medical Officer in the year 1990 and had more than 25 years service at his credit and his removal from service in disregard of long service was unjust, unfair and unjustified. He further argued that absence of the appellant

from duty was beyond his control as he applied abroad for deputation to Saudi Arabia with prior approval of the department and have formally requested for two year deputation which was not granted in spite of availability of leave in his leave account. He further argued that respondents discriminated against the appellant as a similarly placed Doctor Shabir Ahmed was reinstated in service who was removed along with the appellant in the same order but similar treatment was not meted out to the appellant which was not fair on the part of the respondents. He further argued and cited a number of cases where deputation was granted to a numbers of doctors but the appellant was declined the same treatment and prayed that the removal order may be set-aside and the appellant may be reinstated with all back benefits.

5. The learned Government Pleader resisted the appeal and argued that the appeal was not maintainable on ground of limitation as the impugned order was passed on 30.03.2012 but departmental appeal there-against was submitted on 7.5.2012. Similarly the appellant submitted second departmental appeal on 12.9.2012 which was not warranted under the law and instant service appeal was filed on 25.06.2013 which was badly time barred. In this regard he relied on 2013 SCMR 911, 2013 PLC (C.S) 1031 and 2011 SCMR 676. He further contended that

the appellant proceeded abroad without prior permission of the competent authority and without any NOC and all codal formalities such as issuance of notices on his home address and show-cause notice through the press were issued but he failed to respond the same and failed to resume duty. He prayed that the appeal was not maintainable and was also devoid of merits, hence may be dismissed.

6. Arguments of the learned counsel for the parties heard and record perused.

7. From perusal of the record, it transpired that appellant went abroad in pursuit of job after obtaining prior permission of the department. He was however denied grant of 2 years deputation after his selection against a post in Ministry of Health in Saudi Arabia in spite of his repeated request and availability of leave in his leave account whereas similar relief was extended to other similarly placed doctors. From perusal of record, it also transpired that one Doctor Shabir Ahmed who was removed from service alongwith the appellant on account of absence vide order dated 30th March, 2012 was subsequently restored in the service and orders of his removal were withdrawn on 14th June, 2013. The Tribunal is of the view that the appellant has not been treated at par with similarly placed persons nor due regard was made to the 25 years service

rendered by the appellant in the Health Department and therefore deems it appropriate to remand the case with direction to the respondent-department to place the case of the appellant before the appellate authority for his judicious decision on merits of the case strictly in accordance with law and rules within a period of 60 days after receipt of this judgment. The appeal is decided in the above terms. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

11.04.2016.