

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 8490/2020

Date of Institution ... 22.07.2020

Date of Decision ... 27.07.2021

Mst. Nighat Sultana (Government Public Analyst, BPS-18) W/o Sabir Hayat R/o Hayatabad Peshawar. ... (Appellant)

VERSUS

The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar and two others. ... (Respondents)

MR. ABDULLAH SHAH  
Advocate

... For Appellant

MR. MUHAMMAD ADEEL BUTT  
Additional Advocate General

... For Respondents

MR. SALAH-UD-DIN ...  
MR. ATIQ-UR-REHMAN WAZIR ...

MEMBER (JUDICIAL)  
MEMBER (EXECUTIVE)

**JUDGMENT**

**ATIQ-UR-REHMAN WAZIR MEMBER (E):-** Brief facts of the case are that the appellant was appointed as Microbiologist (BPS-17) by recommendation of public service commission vide order dated 29-06-1992 and was posted as Microbiologist at the public analysis Lab Peshawar. Upon intervention of the honorable Peshawar High Court vide its judgment dated 29-03-2007, service rules for recruitment/ promotions in respect of employees of the Public Analysis Lab were issued vide Notification dated 15-11-2007 and in light of the said notification, the appellant was promoted to the post of Government Public Analyst (BPS-18) vide order dated 01-02-2009. During the course of her service, she was relieved of her services by respondent No. 3 and her services were placed at the disposal of DG Health Services vide order dated

30-03-2020 and the DG Health Services vide order dated 18-05-2020 posted her against the vacant post of District Specialist Pathology (BPS-18) at DHQ Hospital Kohat. Feeling aggrieved, the appellant filed departmental appeal, which was rejected vide order dated 19-05-2020, hence the instant service appeal with prayers that impugned orders dated 30-03-2020, 18-05-2020 and 19-06-2020 may be set aside and the appellant may be allowed to perform her duty as Government Public Analyst(BPS-18) at Food Testing Laboratory Peshawar.

02. Written reply/comments were submitted by respondents.

03. Learned counsel for the appellant has contended that the appellant has specifically been recruited for Food Testing Lab as a microbiologist and was promoted in that lab to the post of Government Public Analyst and she cannot be posted out of the cadre. He further contended that such transfer was made in utter violation of proviso of Section 10 of Civil Servant Act, 1973 and is illegal, against law and principles of natural justice. Learned counsel for the appellant argued that the appellant was promoted and posted on the post in compliance of the judgment of the honorable Peshawar High Court and such transfer would amount to contempt of the orders of the court. He further argued that the job description of Microbiologist and Pathologist are altogether different in nature, whereas the appellant is having decades of experience in her field has been transferred to a post that is completely different from what her real expertise and qualifications are. Learned counsel for the appellant explained that the impugned transfer orders does not explain as to what had necessitated such outrageous action taken by the respondents; that the transfer order was not made in the public interest, rather it was based on malafide, which is illegal and against all canons of justice. He further explained that the appellant had been selected for a specific job and she was not supposed to be transferred anywhere else. Learned counsel for the appellant prayed that on acceptance of the instant appeal, the impugned orders may be set aside and the appellant may be allowed to be posted as Government Public Analyst at Food Testing Lab Peshawar.

04. Learned Additional Advocate General appearing on behalf of respondent has contended that the impugned notification was issued in accordance with law and rule, as the competent authority was authorized under section 10 of the Khyber Pakhtunkhwa Civil Servant Act, 1973 to transfer a civil servant against any post even outside his/her cadre. He further contended that the appellant was posted against a related post as a stop-gap arrangement, however her terms and conditions would remain the same. Learned Additional Advocate General argued that the appellant is a qualified microbiologist which is very much related to pathology. Learned Additional Advocate General prayed that the instant appeal being devoid of any force, may be dismissed. Reliance was placed on 2017 SCMR 798.

05. We have heard learned counsel for the parties and have perused the record

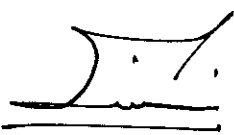
06. A perusal of record would reveal that the appellant was initially appointed as Microbiologist (BPS-17) in Food Testing Lab Peshawar. It was on 31-01-2007 when a complaint was lodged to the Chief Justice Peshawar High Court for taking notice of wide spread adulteration of food items and the Worthy Chief Justice had taken notice of it in a Writ Petition No. 229/2007. The subject writ petition was disposed of vide judgment dated 29-03-2007, as Secretary Health present in the court stated at the Bar that Mst. Nighat Sultana has been given the charge of Govt. Public Analyst in Food Testing Lab, Peshawar as a stop-gap arrangement, as no officer in BPS-17 in Food Testing Lab is available to be promoted against the post of Govt. Public Analyst. The Secretary Health committed before the court that Health Department is making necessary amendments in the existing service rules for the post of Govt. Public Analyst and the requisite amendments shall be done within a period of two months. It was noted that the Health Department in pursuance of their commitments, brought amendments in rules vide Notification dated 15-11-2007 and in pursuance of that rules, the appellant was promoted to the post of Govt. Public Analyst (BPS-18).

07. Record reveals that microbiology was introduced in Food Testing Lab in the year 1992 by induction of the appellant specifically for the purpose of food testing, by virtue of which the appellant could not be transferred elsewhere, hence the impugned transfer order is against the proviso of section 10 of Civil Servant Act, 1973, which states that nothing contained in this section shall apply to a civil servant recruited specifically to serve in a particular area or region. Moreover there is a lot of difference between the job description of a Microbiologist and pathologist, as microbiology is the study of microscopic organisms, which may be unicellular, multi-cellular or a-cellular, whereas pathology is the branch of medical sciences that deals with the examination of organs, tissues and body fluids for the diagnosis of disease, so in view of the situation, the transfer of appellant from her own position to that of pathology is illogical and it would not be possible for the appellant to do justice with her job.

08. We are of the considered opinion that the impugned transfer order was made in violation of proviso of Section 10 of Civil Servant Act, 1973 as well as the said order was not made in the public interest. The appellant was specifically recruited for the said post at Food Testing Lab, who is not supposed to be transferred elsewhere.

09. In view of the foregoing discussion, the instant appeal is accepted and the impugned orders dated 30-03-2020, 18-05-2020 and 19-06-2020 are set aside. The appellant is restored to her original post of Government Public Analyst. Parties are left to bear their own costs. File be consigned to record room.

**ANNOUNCED**  
**27.07.2021**

  
**(SALAH-U-DIN)**  
**MEMBER (JUDICIAL)**

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

ORDER

27.07.2021

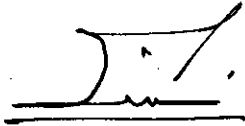
Mr. Abdullah Shah, Advocate, for the appellant present. Mr. Zia Ulah

Deputy Secretary alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the instant appeal is accepted and the impugned orders dated 30-03-2020, 18-05-2020 and 19-06-2020 are set aside. The appellant is restored to her original post of Government Public Analyst. Parties are left to bear their own costs. File be consigned to record room.

**ANNOUNCED**

**27.07.2021**



**(SALAH-U-DIN)  
MEMBER (JUDICIAL)**



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

06.07.2021

Clerk of counsel for the appellant present. Mr. Ziaullah, Law Officer and Mr. Jafar Ali, Assistant alongwith Mr. Riaz Ahmed Paindakheil, Assistant Advocate General for the respondents present.

Clerk of counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the august Peshawar High Court. Last chance given. Adjourned. To come up for arguments before the D.B on 19.07.2021. The interim relief granted vide order sheet dated 10.08.2020 shall remain operative till the date fixed.



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




(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

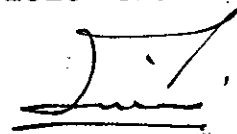
19.07.2021

Mr. Abdullah Shah, Advocate, for the appellant present. Mr. Ziaullah, Law Officer and Mr. Jaffar Shah, Assistant alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Partial arguments heard. To come up for remaining arguments before the D.B on 27.07.2021. The interim relief granted vide order sheet dated 10.08.2020 shall remain operative till the date fixed.



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

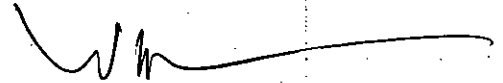


(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

26.03.2021

Counsel for the appellant and Addl. AG alongwith Nisar Ahmad, Assistant for the respondents present.

The Worthy Chairman is on leave, therefore, case is adjourned to 25.06.2021 for hearing before the D.B.

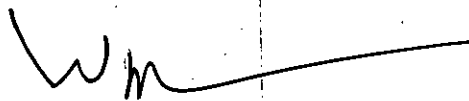


(Atiq-ur-Rehman Wazir)  
Member(E)

25.06.2021

Ms. Sabira Naz Qureshi, Advocate, junior of learned counsel for the appellant present. Mr. Ziaullah, Law Officer and Mr. Jafar Ali, Assistant alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Junior of learned counsel for the appellant submitted application for adjournment on the ground that learned counsel for the appellant is busy in the august Peshawar High Court. In this respect she submitted adjournment application, accompanied by copy of cause list. Adjourned. To come up for arguments on 06.07.2021. The interim relief granted vide order sheet dated 10.08.2020 shall remain operative till the date fixed.



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



(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

15.01.2021

Mrs. Sabira Naz Qureshi, Advocate is present on behalf of counsel for the appellant and Addl. AG for the respondents present.

One again a request for adjournment for submission of rejoinder is made.

On 15.12.2020 the proceedings were adjourned on similar pretext. The request is, therefore, allowed but on payment of cost of Rs. 1000/- by the appellant.

Adjourned to 28.01.2021 before the D.B.



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



Chairman

28.01.2021

Mrs. Sabira Naz Qureshi, Advocate is present on behalf of counsel for the appellant and Asif Masood Ali Shah, DDA alongwith Ziaullah, D.S for the respondents present.

Former requests for adjournment due to engagement of learned senior counsel for the appellant before the Hon'ble Federal Service Tribunal, Islamabad today.

Adjourned to 25.02.2021 for hearing before the D.B.



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

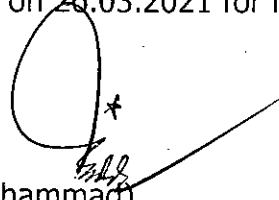


Chairman

25.02.2021

Junior to counsel for the appellant and Muhammad Rashid, DDA alongwith Nisar Ahmad, Assistant for the respondents present.

Due to general strike on the call of Pakistan Bar Council, learned counsel for the appellant is not available. To come up for arguments on 26.03.2021 for hearing before the D.B.



(Mian Muhammad)  
Member(E)



Chairman



26.11.2020

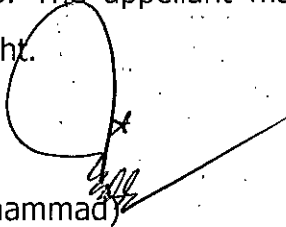
Junior counsel for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Saleem Javed, Litigation Officer, for the respondents are also present.

Representative of the department submitted written reply which is placed on file. File to come up for rejoinder and arguments on 15.12.2020 before D.B. The interim relief granted on 10.08.2020 shall remain operative till the next date of hearing.

  
(MUHAMMAD JAMAL KHAN)  
MEMBER (JUDICIAL)

15.12.2020. Sabira Naz Qureshi, Advocate is present on behalf of counsel for the appellant and Addl. AG for the respondents present.

Former requests for adjournment in order to submit rejoinder in respect of reply/comments by the respondents. Adjourned to 15.01.2021 for arguments before the D.B. The appellant may submit rejoinder within a fortnight.

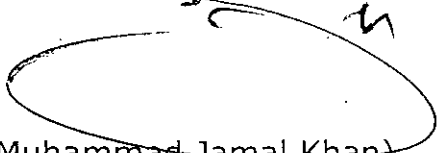
  
(Mian Muhammad)  
Member(E)

  
Chairman

19.10.2020

Neither appellant nor her counsel is present. Mr. Kabirullah Khattak, Additional AG for the respondents is present.

Written reply on behalf of respondents not submitted despite last chance. Learned Additional Advocate General request for further time to contact the respondents and furnish written reply/comments on the next date of hearing. Adjourned to 06.11.2020 on which date the requisite reply/comments shall be furnished by way of another last chance. The interim relief granted on 10.08.2020 shall remain operating till next date of hearing.

  
(Muhammad Jamal Khan)  
Member (Judicial)

06.11.2020

Junior counsel for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents is also present.

Neither written reply on behalf of respondents submitted nor any representative on their behalf is present, therefore, notices be issued to them for submission of written reply/comments for 26.11.2020 before S.B. The interim relief granted on 10.08.2020 shall remain operative till the next date of hearing.

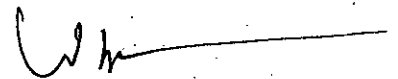
  
(MUHAMMAD JAMAL KHAN)  
MEMBER (JUDICIAL)

31.08.2020

Clerk to counsel for the appellant present. Mr. Kabirullah Khattak learned Addl. AG for the respondents present.

Learned AAG seeks time to contact the respondents and furnish the reply/comments. Adjourned to 15.09.2020 on which date the requisite reply/comments shall positively be furnished.

Adjourned to 15.09.2020 before S.B. Interim relief granted on 10.08.2020 shall remain operative till the next date of hearing.



Member (E)

15.09.2020

Junior to counsel for the appellant and Addl. AG for the respondents present.

Learned AAG seeks adjournment in order to contact the respondents and furnish reply/comments. Adjourned to 30.09.2020 on which date the requisite reply/comments shall positively be furnished. The interim relief granted on 10.08.2020 shall remain operative till next date of hearing.



Chairman

30.09.2020

Counsel for the appellant and Addl. AG alongwith Amjad Ali, Assistant for the respondents present.

Respondents need more time to furnish reply/comments. Adjourned to 19.10.2020 on which date the requisite reply/comments shall be furnished by way of last chance. The interim relief granted on 10.08.2020 shall remain operative till next date of hearing.



Chairman

10.08.2020

Counsel for the appellant present.

Learned counsel referred to the advertisement published in Daily Mashriq Peshawar dated 19.12.1991 and contended that amongst others post of Microbiologist meant for Food Analysis Laboratory Peshawar were advertised. The appellant duly applied against the post and was selected after observing the proper procedure. On 29.06.1992 she was appointed as Microbiologist (BPS-17) at the Public Analysis Laboratory Peshawar and started performing her duty. She was promoted in BPS-18 as Government Public Analyst for Food Testing Laboratory NWFP. On the other hand, the appellant was transferred and posted as District Specialist (Pathology) BPS-18 at DHQ Hospital KD Kohat to serve in newly established Corona Virus Testing Centre. The said transfer order was not in accordance with the rules as the appointment of appellant was not meant for Pathological Laboratory but only for Food Testing and Analyzing purpose.


In view of the available record and arguments of learned counsel, instant appeal is admitted to regular hearing subject to all just exceptions. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 31.08.2020 before S.B.

Alongwith the appeal there is an application for suspension of notification dated 30.03.2020 and of order dated 18.05.2020. Notice of the application be also given to the respondents for the date fixed. In the meanwhile the operation of office order dated 18.05.2020 shall remain suspended, if not already acted upon.

Chairman



Appellant Deposited  
Security & Process Fee


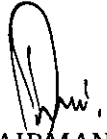


Form- A

FORM OF ORDER SHEET

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

Case No.- 8490 /2020


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	24/07/2020	<p>The appeal of Miss. Nighat Sultana resubmitted today by Mr. Abdullah Shah Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>2-</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>10/08/2020</u></p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Miss. Nighat Sultana Government Public Analyst, received today i.e. on 22.07.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures of the appeal may be attested.
- 2- Annexure-E of the appeal is illegible which may be replaced by legible/better one.
- 3- Departmental appeal having no date be dated.

No. 1772 /S.T,

Dt. 23-07 /2020.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Abdullah Shah Adv. Pesh.

objection removed, Annexures are attested  
Ann-e is the best available copy at the moment  
there is no need of date on departmental  
appeal because departmental appeal has been  
rejected/regretted/dismissed copy of which is  
available at Ann-J.

  
Abdullah Shah Adv  
Legal Consultant

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

Appeal No. 8490 /2020

Miss Nighat Sultan

VERSUS

Govt through Chief Secretary etc.

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5.	Copy Notification /appointment	B	10-
6.	Copy of judgment	C	11-12
7.	Copy amended rules	D	13-
8.	Copy of Notification dated 1 <sup>st</sup> February 2009	E	14
9.	Copy Notification no. SOH-III/10-4/2017	F	15
10.	Copy NO. 6799-805/E-I DATED 18/05/2020	G	16
11.	Copy of the Appeal	H	17
12.	Copy of application and order dated <del>19/05/2020</del>	I	18
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*Nighat Sultan*  
PETITIONER

Through:

*Abdullah Shah*  
**Abdullah Shah Adv**  
Legal Consultant

ABDULLAH SHAH  
ADVOCATE HIGH COURT

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

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 7781

Dated 22/7/2020

Appeal No. 8490 /2020

Mst. Nighat Sultana (Government Public Analyst, BPS 18) w/o Sabir Hayat r/o Hayatabad  
Peshawar.

Petitioner...

VERSUS

1. The Government of Khyber Pakhtunkhwa through chief Secretary, Khyber Pakhtunkhwa, Peshawar
2. The Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
3. Secretary Health Department, Government of Khyber Pakhtunkhwa, Peshawar.

Respondents...

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED NOTIFICATION NO. SOH-III/10-4/2017 DATED 30/03/2020 AND IMPUGNED OFFICE ORDER NO. 6799-805/E-I DATED 18/05/2020 OF THE RESPONDENTS BY ILLEGALLY AND UNLAWFULLY RELIEVING THE PETITIONER FROM FOOD TESTING LABORATORY PESHAWAR AND TRANSFERRING HER TO DHQ HOSPITAL KDA KOHAT AS DISTRICT SPECIALIST PATHOLOGY

**PRAYER IN PETITION:**

On acceptance of the instant Appeal, this Honorable Tribunal may kindly be pleased to issue direction to the Respondents:

- a. Not to relieve the Petitioner from performing her duties as Government Public Analyst (BPS-18) at Food Testing Laboratory Peshawar.
- b. Declare the Notification number SOH-IH/10-4/2017 dated 30<sup>th</sup> March 2020 as illegal, without any force of law, void ab initio hence liable to be set aside.
- c. Declare office order no. 6799-805/E-I dated 18/05/2020 issued by respondent no. 2 as illegal, void ab-initio, without any force of law and hence liable to be set aside at once.
- d. Declare Office Order No. 855/E-I Dated 19/06/2020 illegal void ab-initio
- e. Any other relief not specifically prayed for but this August Tribunal deems fit may also be granted in favor of the Appellant.

The Petitioner humbly submits:

Facts:

1. That the Petitioner applied for the post of Microbiologist at Food Analyzer Laboratory Peshawar which advertised in the newspaper "Daily Mashriq" on 19 December 1991.

(A Copy of the said advertisement is attached as Annex-A)

Filed to-day  
Registrar  
22/7/2020  
Re-submitted to-day  
and filed.  
Registrar  
22/7/2020



2. That after going through a series of testing conducted by Public Service Commission, The Petitioner got selected for the afore-mentioned post and in this respect a notification was issued by the office of Director Health Services on 29/06/1992 declaring the appointment of the Petitioner as Microbiologist in BPS-17.

**(A copy of the said Notification is attached as Annex-B)**

3. That on 31/01/2007 a complaint was lodged with the Honorable Chief Justice, Peshawar High Court. This complaint was ostensibly to bring into notice the malpractices of Health department of the province which had resulted into widespread adulteration of food items inside the province. The honorable Peshawar High Court entertained the complaint and took Suo Moto notice of the matter.
4. That the afore-mentioned Writ Petition was disposed of by the Honorable Peshawar High Court through an order dated 29/03/2007 whereby the Court accepted the statement of Advocate General at the bar that the Government is revising the rules and the petitioner would be entitled to get her promotion as a result of this revision/amendment. Thereby, the Court disposed of the Writ Petition and ordered that these revisions/amendments of the rules be completed within two (2) months.

**(A Copy of the said judgment is attached as Annex-C)**

5. That afterwards the said revisions/amendments were incorporated in the service rules of the Health department through a notification dated 15<sup>th</sup> November 2007 and the space was created for the promotion of the Petitioner to BPS-18. As per the new rules the method of appointment of Government Public Analyst was amended whereby seniority and fitness of the aspirants were to be taken in account and the government had to maintain a joint seniority list of the Assistant Public Analysts and Microbiologists.

**(A copy of the said rules is attached as Annex-D)**

6. That resultantly, the Petitioner was promoted to the post of Government Public Analyst in BPS-18 through a notification dated 1<sup>st</sup> February 2009 by the then Secretary Health.

**(A copy of the said notification is attached as Annex-E)**

7. That the Petitioner performed her duties as Government Public Analyst until 30<sup>th</sup> March 2020 when the Secretary Health released/issued the impugned notification no. SOH-III/10-4/2017, wherein he has arbitrarily and without giving any reasons whatsoever has relieved the Petitioner of her services and placed her on disposal of the DG Health Services KPK, Peshawar.

**(A copy of the said Notification is attached as Annex-F)**

8. That thereafter the Director General Health Services KP, Peshawar through an Office Order NO. 6799-805/E-I DATED 18/05/2020 left the petitioner baffled by posting her as District Specialist (Pathology) at DHQ Hospital KDA Kohat.

**(A copy of the said office order is attached as Annex-G)**

9. That in order to revert these illogical and unlawful notifications and office orders, the Petitioner took the proper legal route and submitted an appeal against the impugned notifications to the respondent no. 1.

**(Copy of the Appeal and the order is attached as Annex-H)**

10. That appeal of the Petitioner was turned down by the concerned authorities through an order dated 19<sup>th</sup> May 2020. Moreover the Petitioner time and again enquired about the fate of her appeal from the relevant quarter but due to pandemic office of the respondent was off. Furthermore when the respondents resumed office work the Petitioner submitted an application to the respondent

for current status of her appeal on response of which she received order of her appeal on 06/07/2020 and her appeal was regretted by the concerned authority. (Copy of application and order dated 19/05/2020 are attached as Annexure-I & J)

11. That the Director General Health Services has been intimidating the Petitioner with different official orders threatening her with dire consequences including termination from services. Moreover, the DG Health Services is also making up new facts alleging in his threatening orders that the Petitioner is on her disposal since 2017 and that she is making herself liable for disciplinary action because of non-compliance for the past three years. This is complete obfuscation of the facts aimed at giving undue duress to the petitioner.

(A Copy of the said order is attached as Annex-K)

12. That being aggrieved from the above stated unlawful actions and orders of the concerned authorities the Petitioner is left with no choice but to seek indulgence of this Honorable Tribunal for redressal.

**Grounds:**

- a. That the action of Respondent no. 3 wherein he relieved the Petitioner of her role as Government Public Analyst through the impugned notification is illegal, against the law and principles of natural justice.
- b. That the act of Respondents in relieving the Petitioner of her designated role for which she was recruited in the first place is against the set bureaucratic rules and regulations as well as against the principles of organizational structure.
- c. That relieving the Petitioner of her designated role will also amounts to contempt of the order of the High Court.
- d. That the Petitioner was promoted and posted on the post of Government Public Analyst on in compliance of the Judgment the High Court.
- e. That method of appointment for the post of the Government Public Analyst is by *promotion on the basis of seniority-cum fitness from amongst the Assistant Public Analyst and Microbiologists having at least five years of experience as such as prescribed by the rules.*
- f. That the post of Government Public Analyst has been created on the directions of the High Court therefore the Petitioner cannot be relieved from her designated post.
- g. That in doing this illegal, arbitrary and lopsided decision/action the respondents have completely ignored the required competencies and qualifications for post to which the Petitioner has been transferred as a result of the impugned notification.
- h. That it is utterly shocking and unbelievable that a person who is a qualified Microbiologist having decades of experience in her field has been transferred to a post that is completely different from what her real expertise and qualifications are.
- i. That according to some of the renowned medical dictionaries Microbiology is the study of microscopic organisms. They may be unicellular, multicellular or acellular. While Pathology is the branch of medical sciences that deals with the examination of organs, tissues, and body fluids for the diagnosis of disease.
- j. That the arbitrariness of the impugned actions and orders can be gathered from this fact alone that both the fields, Microbiology and pathology, although belonging to the same field of medical sciences but are seas apart when nature of their work is taken into consideration.
- k. That the perusal of the impugned orders would reveal to us that the respondents have resorted to such illogical acts only because they will it, and is not founded in the nature

of things because these notifications does not explain as to what had necessitated such outrageous actions by the respondents.

- l. The law and the Constitution of Pakistan, with the aim of furthering the welfare of the people of Pakistan, articulate the principles that purport to regulate the transfers and promotion of public officers in a way that is harmonious with their qualifications and past experiences.
- m. That the Petitioner had been selected for a post whose job description was very specific and clear in its advertisement which explicitly mentioned the area of where the candidates once selected were to serve and the nature of duty that they were to perform.
- n. That transferring the Petitioner from her current post to some other post which is completely alien would also be in contradiction to the relevant laws regarding the transfers and promotion of civil servants.

*It is therefore most humbly prayed that on acceptance of the instant appeal the respondents may kindly be directed:-*

- a. *Not to relieve the Petitioner from performing her duties as Government Public Analyst (BPS-18) at Food Testing Laboratory Peshawar.*
- b. *Declare the Notification number SOH-IH/10-4/2017 dated 30<sup>th</sup> March 2020 as illegal, without any force of law, void ab initio hence liable to be set aside.*
- c. *Declare office order no. 6799-805/E-I dated 18/05/2020 issued by respondent no. 2 as illegal, void ab-initio, without any force of law and hence liable to be set aside at once.*
- d. *Declare Office Order No. 855/E-I Dated 19/06/2020*
- e. *Any other relief not specifically prayed for but this August Tribunal deems fit may also be granted in favor of the Appellant.*

*Highat Sullana*  
**Appellant**

**Through**

*Abdullah Shah*  
**Abdullah Shah Advocate**  
**Abdullah Shah Chambers**  
**15-A, Nasir Mansion,**  
**Railway Road, Peshawar**  
**Tel: 0331-9206687**  
**Email: [shah\\_abdullah15@yahoo.com](mailto:shah_abdullah15@yahoo.com)**

(5)

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

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

Mst. Nighat Sultana

.....Appellant

Vs

Govt through Chief Secretary and others

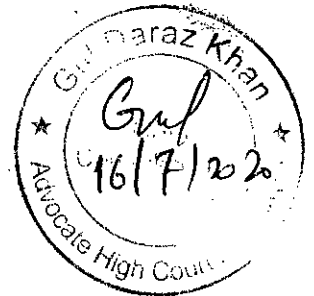
..... Respondents

**AFFIDAVIT**

I, Mst. Nighat Sultana w/o Sabir Hayat R/o Hayatabad, Peshawar do hereby solemnly affirm and declare on oath that all the contents of the instant appeal are true and correct to the best of my knowledge and beliefs and nothing has been concealed from this Honorable Court.

*Nighat Sultana*  
Deponent  
Nighat Sultana

*Abdullah Shah*  
Identified by Consultant  
**Abdullah Shah Adv**  
Advocate High Court.



**ATTESTED**

(6)

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

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

Mst. Nighat Sultana

.....Appellant

Vs

Govt through Chief Secretary and others

..... Respondents

**APPLICATION FOR SUSPENSION OF THE IMPUGNED NOTIFICATION NO. SOH-III/10-4/2017 DATED 30/03/2020, OFFICE ORDER NO. 6799-805/E-I DATED 18/05-2020 and Office Order No. 855/E-I Dated 19/06/2020**

Respectfully Sheweth:

1. That the above titled appeal is pending before this Honorable Tribunal in which no date has been fixed yet.
2. That the respondents issued above mentioned illegal orders against the norm natural justice and law in vogue.
3. That if the impugned orders has not been suspended the Petitioner will bear irreparable loss.
4. That balance of inconvenience also lies in favor of the appellant/Applicant and the Applicant has got a good prima facie case.

*It is therefore most humbly prayed that on acceptance of the instant application the operation of the impugned orders may kindly suspended and the respondents may kindly restrained from taking any adverse action against the Appellant/Applicant.*

**ATTESTED**



*Affidavit - It is verified on oath that contents of instant application are true & correct to the best of my knowledge & belief.*

Through

*Deponent*

*Nighat Sultana*

*Nighat Sultana*  
Appellant/Applicant

*Abdullah*  
**Abdullah Shah Advocate**  
**Abdullah Shah Chambers**  
15-A, Nasir Mansion,  
Railway Road, Peshawar  
Tel: 0331-9206687  
Email: [shah\\_abdullah15@yahoo.com](mailto:shah_abdullah15@yahoo.com)

Archival & Librarian

# شش ماہ

پندرہ سالہ تاریخ کا ایک قسطی شمارہ

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## پاکستان اور آزاد مسلمان جمہوریہ بنگلہ دیش

پاکستان اور آزاد مسلمان جمہوریہ بنگلہ دیش کے درمیان تعلقات کی ایک نئی جہت ابھی ابھی کھلی ہے۔ اس وقت تک کہ پاکستان اور بنگلہ دیش کے درمیان تعلقات کی ایک نئی جہت ابھی ابھی کھلی ہے۔ اس وقت تک کہ پاکستان اور بنگلہ دیش کے درمیان تعلقات کی ایک نئی جہت ابھی ابھی کھلی ہے۔

## مصر کے تباہ شدہ بصری جہاز کے مزید ۱۲ ہزار ٹن کی لاشیں برآمد

لاہور ہونے والے متعدد افراد کا تعلق کوئی سہ ماہی جہاز سے تھا۔ مصر کے تباہ شدہ بصری جہاز کے مزید ۱۲ ہزار ٹن کی لاشیں برآمد ہوئی ہیں۔

## پاکستان اور آزاد مسلمان جمہوریہ بنگلہ دیش

پاکستان اور آزاد مسلمان جمہوریہ بنگلہ دیش کے درمیان تعلقات کی ایک نئی جہت ابھی ابھی کھلی ہے۔ اس وقت تک کہ پاکستان اور بنگلہ دیش کے درمیان تعلقات کی ایک نئی جہت ابھی ابھی کھلی ہے۔

## وزیراعظم نے انٹرنیشنل طرف سے وسطی ایشیا کی مسئلہ دیکھنا شروع کر دیا

تمام مسلم ریاستوں کے سربراہ جلد پاکستان کا دورہ کریں گے۔ وزیراعظم نے انٹرنیشنل طرف سے وسطی ایشیا کی مسئلہ دیکھنا شروع کر دیا۔

## ایک اور کوشش بونٹ بازار سے خائب ہو گئے

ایک اور کوشش بونٹ بازار سے خائب ہو گئے۔ وزیراعظم نے انٹرنیشنل طرف سے وسطی ایشیا کی مسئلہ دیکھنا شروع کر دیا۔

## بھارتی فوجیوں نے تیس بے گناہ مسافرین کو قتل کر دیا

بھارتی فوجیوں نے تیس بے گناہ مسافرین کو قتل کر دیا۔ وزیراعظم نے انٹرنیشنل طرف سے وسطی ایشیا کی مسئلہ دیکھنا شروع کر دیا۔

## پاکستان اور آزاد مسلمان جمہوریہ بنگلہ دیش

پاکستان اور آزاد مسلمان جمہوریہ بنگلہ دیش کے درمیان تعلقات کی ایک نئی جہت ابھی ابھی کھلی ہے۔ اس وقت تک کہ پاکستان اور بنگلہ دیش کے درمیان تعلقات کی ایک نئی جہت ابھی ابھی کھلی ہے۔

## کراچی اور پاکستان کی تکیوں کو مستحکم کرنا

کراچی اور پاکستان کی تکیوں کو مستحکم کرنا۔ وزیراعظم نے انٹرنیشنل طرف سے وسطی ایشیا کی مسئلہ دیکھنا شروع کر دیا۔

## پاکستان اور آزاد مسلمان جمہوریہ بنگلہ دیش

پاکستان اور آزاد مسلمان جمہوریہ بنگلہ دیش کے درمیان تعلقات کی ایک نئی جہت ابھی ابھی کھلی ہے۔ اس وقت تک کہ پاکستان اور بنگلہ دیش کے درمیان تعلقات کی ایک نئی جہت ابھی ابھی کھلی ہے۔

## پاکستان اور آزاد مسلمان جمہوریہ بنگلہ دیش

پاکستان اور آزاد مسلمان جمہوریہ بنگلہ دیش کے درمیان تعلقات کی ایک نئی جہت ابھی ابھی کھلی ہے۔ اس وقت تک کہ پاکستان اور بنگلہ دیش کے درمیان تعلقات کی ایک نئی جہت ابھی ابھی کھلی ہے۔

## پاکستان اور آزاد مسلمان جمہوریہ بنگلہ دیش

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## پاکستان اور آزاد مسلمان جمہوریہ بنگلہ دیش

پاکستان اور آزاد مسلمان جمہوریہ بنگلہ دیش کے درمیان تعلقات کی ایک نئی جہت ابھی ابھی کھلی ہے۔ اس وقت تک کہ پاکستان اور بنگلہ دیش کے درمیان تعلقات کی ایک نئی جہت ابھی ابھی کھلی ہے۔

## پاکستان اور آزاد مسلمان جمہوریہ بنگلہ دیش

پاکستان اور آزاد مسلمان جمہوریہ بنگلہ دیش کے درمیان تعلقات کی ایک نئی جہت ابھی ابھی کھلی ہے۔ اس وقت تک کہ پاکستان اور بنگلہ دیش کے درمیان تعلقات کی ایک نئی جہت ابھی ابھی کھلی ہے۔

## پاکستان اور آزاد مسلمان جمہوریہ بنگلہ دیش

پاکستان اور آزاد مسلمان جمہوریہ بنگلہ دیش کے درمیان تعلقات کی ایک نئی جہت ابھی ابھی کھلی ہے۔ اس وقت تک کہ پاکستان اور بنگلہ دیش کے درمیان تعلقات کی ایک نئی جہت ابھی ابھی کھلی ہے۔







noted  
approved  
Ann-B  
(b)

**HEALTH DIRECTORATE NWFP PESHAWAR.**

**NOTIFICATION.**

NO. \_\_\_\_\_/E-1.

DATED: 29/6/92

In consultation with the N.W.F.P. Public Service Commission, Peshawar, ~~MISS NIGHAT SULTANA.~~ MISS NIGHAT SULTANA. has been appointed as ~~Medical Officer~~ Medical Officer on Regular basis @ Rs: 2870/- P.M. in Basic Pay Scale No. 17 (i.e) 2870 - 215 - 5450 plus usual allowances as admissible by the Govt: from time to time.

~~MISS NIGHAT SULTANA.~~ Miss N. GHAT SULTANA. on his first appointment has been posted as ~~Medical Officer~~ Microbiologist (BPS 17) at the Public Analysis Lab: Peshawar. with effect from 9-6-1992 (F.E.) against the vacant post.

for DIRECTOR HEALTH SERVICES  
N.W.F.P. PROVINCE, PESHAWAR.

To,

The Manager,  
Govt: Printing Press, NWFP, Peshawar  
for publication in the Govt: Gazette.

No: 115/0-14 E-I,

- 1. Copy forwarded to the:-  
Secretary to Govt: of NWFP. Health & S.Welfare Department Peshawar for information.
- 2. ~~Govt: Public Analyst~~ Govt: Public Analyst Public Health Food Laboratory Peshawar. for information and necessary action w/r to his letter No. 271/GPA/PP dated 9-6-1992.

**REGISTERED.**

- 3. ~~Accountant General N.W.F.P., Peshawar~~ information. A copy of the Health and Age Certificate in respect of the above named Doctor is sent herewith for record in his office.
- 4. A.E.-IV, Health Directorate NWFP Peshawar for information.
- 5. Divisional Director Health services PESHAWAR. for information.

for DIRECOTR HEALTH SERVICES,  
N.W.F.P. PROVINCE, PESHAWAR.

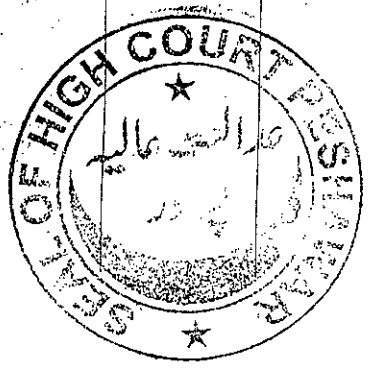
Ann-e

(11)

PESHAWAR HIGH COURT PESHAWAR.  
FORM "A"  
FORM OF ORDER SHEET

Court of.....  
Case No .....of.....

Serial No of order or proceeding	Date of Order or Proceeding	Order or other proceedings with Signature of judge or Magistrate and That of parties or counsel where necessary
1	2	3



TESTED  
EXAMINER  
Peshawar High Court

*[Handwritten signature]*

29.3.2007

WP NO. 229-07.

Present: M/S. Ubaidullah Anwar, Addl. A.G. along with Alhaj Mir Rehman Khalil, Advocate, Abd Samad Khan, Secretary Health and Bughda Shah, Section Officer Health in person.

TALAAAT QAYYUM QURESHI, J. - The Secretary Health present in Court stated at the Bar that Ms. Nighat Sultan has been given the charge of Govt. Public Analyst, Food Testing Laboratory NWFP Peshawar as a stop-gap arrangement, because no Officer in BPS-17 in Food Testing Laboratory is available to be promoted against the post of Govt. Public Analyst in Senior/Junior Scales. The present incumbent was authorized by the Health Department to act in the public interest as she has 14 years long experience in Food Department and is possessing Degree in Microbiology and was holding Bachelor Degree in Chemistry. It was further stated that Microbiology was introduced in Food Analysis in the year 1992 which relates to the study of Micro-organism, importance of which in Food Analysis is necessary. It is in this background that the Health Department Govt. of NWFP is making necessary amendments in the existing Service Rules for the post of Govt. Public Analyst and the requisite amendments shall be

done within a period of two months and a qualified person shall be appointed as Food Analyst.

Keeping in view the statement of the Secretary Health, NWFP given at the Bar, this writ petition is disposed of without any further orders.

C.M. NO.185-07.

Mr. Muhammad Fakhre Alam Jhagra,  
Advocate for the applicant.

Wants to withdraw the application. Dismissed  
as withdrawn.

*Mr. Faez Ahmad Qureshi*  
*Mr. Faez Ahmad Qureshi*

*[Signature]*  
Abdul Wahid Shah Adv  
Assistant

*[Signature]*  
CERTIFIED TO BE TRUE COPY  
Peshawar High Court Peshawar  
Authorised Under Section 75 Acts Order  
*2/4/07*

*9402*  
Date of Presentation of Application *2/4/07*  
No of Pages *2*  
Copying Fee *50*  
Prigent Fee *50*  
Total *100*  
Date of Preparation Copy *2/4/07*  
Date of Delivery of Copy *2/4/07*  
Received by *Kamran Khan*

Ann D  
(13)

**GOVERNMENT THE NORTH-WEST FRONTIER PROVINCE**  
**HEALTH DEPARTMENT**

**NOTIFICATION**

Peshawar, dated 15<sup>th</sup> November, 2007

**No. SOH-III/10-4/05.** In pursuance of the provisions contained in sub-rule (2) of rule 3 of the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, and in supersession of all notifications issued in this behalf, the Health Department in consultation with the Establishment Department and the Finance Department hereby laid down the method of recruitment, qualifications and other conditions specified in column 3 to 5 of the Appendix to this Notification, which shall be applicable to the posts specified in column 2 of the said Appendix:

**APPENDIX**

S. No.	Nomenclature of the post	Prescribed qualifications initial recruitment	Age limit	Method of Appointment
1.	Government Public Analyst		✓	By promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Public Analysts and Microbiologists, having at least five years experience as such.  <b>NOTE:</b> For the purpose of promotion a joint seniority list of Assistant Public Analyst and Microbiologists shall be maintained on the basis of their continuous regular appointment to the respective posts.
2.	Assistant Public Analyst	M. Sc. in Chemistry, with at least 2 <sup>nd</sup> Division.	21 to 35 years.	By initial recruitment
3.	Microbiologist	a) M. Sc in Microbiology 2 <sup>nd</sup> Division or grade-C from a recognized University or; b) B. Sc. in Medical Technology from a recognized University with Microbiology as special subject and at least three years experience in Microbiology in a Medical Teaching Institution under a specialist Microbiologist or; c) B.S./B. Sc. in Medical Technology with one of the subject from Foreign recognized University. The course should be of a minimum duration of four years with at least one year's practical experience as a Medical Technologist in a hospital/school of Medical Technology.	21 to 35 years.	By initial recruitment

**Abdullah Shah Adv**  
Legal Consultant

Endst: of even No. & date.

Copy forwarded to:

1. The Secretary to Govt. of NWFP, Establishment Department.
2. The Secretary to Government of NWFP, Finance Department.
3. The Secretary to Government of NWFP Law Department.
4. The Chairman, NWFP, Public Service Commission, Peshawar.
5. The Accountant General NWFP, Peshawar.
6. The Director General Health Services NWFP, Peshawar.
7. The Director, Provincial Health Services Academy, Peshawar.
8. All the Chief Executives of Teaching Hospitals in NWFP.
9. The Manager, Govt. Printing Press, Peshawar with the request to notify the Service Rules in the next issue of Govt. Gazette and to request that 20 copies of the Gazette in which the Notification is published may kindly be supplied to this Department for official use.
10. The Section Officer (General) Health Department.
11. PS to Secretary Health.

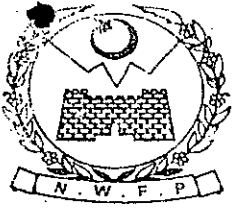
*[Faint, illegible text]*

*[Signature]*  
**(ALAMZEB MALIK)**  
**SECTION OFFICER-III**

*[Faint, illegible text]*

1. The Secretary to Govt. of NWFP, Establishment Department.
2. The Secretary to Government of NWFP, Finance Department.
3. The Secretary to Government of NWFP Law Department.
4. The Chairman, NWFP, Public Service Commission, Peshawar.
5. The Accountant General NWFP, Peshawar.
6. The Director General Health Services NWFP, Peshawar.
7. The Director, Provincial Health Services Academy, Peshawar.
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10. The Section Officer (General) Health Department.
11. PS to Secretary Health.

**Abdullah Shah**  
Legal Consultant



GOVERNMENT OF NWFP  
HEALTH DEPARTMENT  
Dated 1<sup>st</sup> February 2009

Ann-E  
114

Annex B

**NOTIFICATION.**

**No. SOH-III/10-4/2008/Nighat Sultana:** The Competent Authority on the recommendations of the Provincial Selection Board is pleased to order promotion of Mrs. Nighat Sultana, Micro Biologist (BPS-17) to the post of Government Public Analyst (BPS-18) in Food Testing Laboratory NWFP on regular basis with immediate effect. She will be on probation for a period of one year.

**SECRETARY HEALTH**

**Endst No. and Dated Even.**

Copy forwarded to:

1. Accountant General, NWFP.
2. Director General, Health Services, NWFP.
3. EDO (H) Peshawar.
4. PS to Minister for Health, NWFP.
5. PS to Secretary Health NWFP.
6. PA to Deputy Secretary (Drugs), Health Department.
7. Computer Programmer, Health Department, NWFP.
8. Officer Concerned.

Abdullah  
Legal Consultant  
Abdullah Adv  
Consultant

SECTION OFFICER III



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

Ann-F  
(45)

Dated Pesh. the 30<sup>th</sup> March, 2020

**NOTIFICATION:**

**No. SOH-III/10-4/2017:**

The Competent Authority is pleased to relieve Ms. Nighat Sultana, Govt Public Analyst (BS-18), from Food Testing Laboratory Peshawar and her services are hereby placed at the disposal of Directorate General Health Services, Khyber Pakhtunkhwa Peshawar with immediate effect and in the public interest.

SD/  
SECRETARY HEALTH DEPARTMENT

**Frds: No & date even**

**Cc:**

1. Accountant General, Khyber Pakhtunkhwa.
2. The Director General Health Services, Khyber Pakhtunkhwa.
3. Incharge, Food Testing Laboratory, Peshawar.
4. PS to Minister for Health, Khyber Pakhtunkhwa.
5. PS to Secretary Health Department, Khyber Pakhtunkhwa.
6. Officer concerned.

Abdul Wahid Adv

36/3/2020  
SECTION OFFICER (E-III)  
HEALTH DEPARTMENT



Ann-6

(16)

**DIRECTORATE GENERAL HEALTH SERVICES  
KHYBER PAKHTUNKHWA PESHAWAR**

All communications should be addressed to the Director General Health Services  
Peshawar and not to any official by name E-Mail Address k.p.kdghs@yahoo.com  
Warsak Road Kababian (Old FATA Secretariate Peshawar)

**OFFICE ORDER**

In pursuance of Govt. of Khyber Pakhtunkhwa Health Department Notification No. SOH-III/10-4/2017 dated 30.03.2020, Mst. Nighat Sultana Microbiologist (BPS-18) serving as Govt. Public Analyst in Food Testing Laboratory Hayatabad Peshawar posted at the disposal of Director General Health Services, Khyber Pakhtunkhwa Peshawar, is hereby posted against the vacant post of District Specialist (Pathology) BPS-18 at DHQ Hospital KDA Kohat on stop gap arrangement and need basis to serve in newly established Coronavirus Testing Center at DHQ Hospital KDA Kohat in the best interest of Public Service.

Consequent upon the above Mst. Nighat Sultana is hereby relieved from her duty in the Govt. Food Testing Laboratory Peshawar to report to join new place of duties immediately.

Sd/xxxxxxxxxxxx  
DIRECTOR GENERAL HEALTH  
SERVICES, Khyber Pakhtunkhwa  
PESHAWAR

No. 6799-805/E-I

Dated Peshawar the: 18/5/2020

Copy forwarded to the:

1. Secretary to Govt. of KP Health Department.
2. Account General, Khyber Pakhtunkhwa Peshawar.
3. Govt. Public Analyst Food Testing Laboratory Peshawar.
4. Medical Supdt. DHQ Hospital KDA/Kohat.
5. DAO, Kohat.
6. Officer concerned
7. PA to DGHS, KP Peshawar.

For information and necessary action.

\*  
Abdullah Khan Adv.

18/5/20  
Addl: DIRECTOR GENERAL (H.R.M.)  
DIRECTORATE GENERAL HEALTH SERVICES,  
KHYBER PAKHTUNKHWA PESHAWAR

18/5/2020

6	a.	Minimum and maximum age limit	
	b.	Sex	Both

Secretary Govt. of Khyber Pakhtunkhwa  
Health Department.

Nighat Sultana  
Government Public Analyst  
Public Health Food Analysis



To,

Ann-H

The Chief Secretary,  
Govt of Khyber Pakhtunkhwa Peshawar.

17

Through:- **PROPER CHANNEL**

Subject **RELIEVING OF PUBLIC ANALYST (BPS-18) FOOD TESTING LABORATORY  
TO THE OFFICE OF THE DIRECTORATE GENERAL HEALTH SERVICES KHYBER  
PAKHTUNKHWA PESHAWAR**

Sir,

With due regards, it is stated that the applicant was appointed as Microbiologist (B-17) in the Food Testing Laboratory, Peshawar vide notification NO. 11510-14/E-I dated 29/6/1992 (Annex-A). After rendering more than 17 years service as such, the applicant was promoted on regular basis to the post of Government Public Analyst (B-18) in the Food Testing Laboratory (Annex-B).

2. In terms of Pure Food Rules, 1965 the Government Public Analyst is appointed in the Food Testing Laboratory and presently there is only one Food Testing Laboratory for which the applicant has specifically been appointed.

As such in accordance with the 1st proviso of Section-10 of KP Civil Servants (Act), 1973, (Annex-C)

**"nothing contained in this section shall apply to a civil servant recruited specifically to service in a particular area or region"**

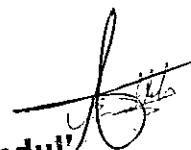
3. Since, the applicant has specifically been recruited for Food Testing Laboratory as Microbiologist (B-17) and then promoted in that Laboratory to the post of Government Public Analyst (B-18) and cannot be posted out of cadre but in utter contravention of the aforesaid proviso of section-10 of the Civil Servants (Act), 1973. I have been posted out vide notification of 30 march 2020 (Annex-D)

4. Besides, it is also against the concept of good governance enunciated at length in the Supreme Court of Pakistan Judgment dated 12/11/2012 (Annex-E) announced in case of Anita Turab for protection of Civil Servants.

In view of the above, it is therefore requested that my relieving order may please be withdrawn and the applicant may be retained in her own cadre post.

Thanking you in anticipation.

YOURS OBEDIENTLY,

  
**Abdul**  
Lower Secretary

**(NIGHAT SULTANA)**  
GOVERNMENT PUBLIC ANALYST  
FOOD TESTING LABORATORY,  
PESHAWAR

Copy to:-

1. Secretary to Government KPK Health Department
2. Secretary to Govt of Kpk Establishment Department
3. ~~PSO~~ to Chief Secretary KPK.

Ann-1

18

To,

The Secretary to the Government,  
Health Department,  
Khyber Pakhtunkhwa.

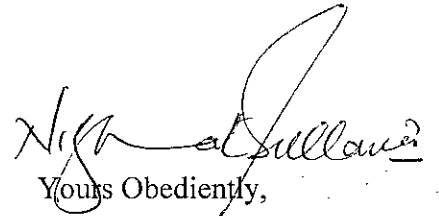
7492  
07/12/20

**Subject: RELIEVING OF PUBLIC ANALYST (BPS-18) FOOD LABORATORY TO THE OFFICE OF THE DIRECTOR GENERAL HEALTH SERVICES KHYBER PAKHTUNKHWA.**

Sir,

- 1- With due regards, it is stated that I approached the competent authority for the purpose of representation (appeal) in response to notification no. SOH-111/10-4/2017 dated 30-3-2020 under letter no. 46/E/PA dated 16-04-2021 to consider my relieving order for withdrawal. Unfortunately, I still have not received a response/reply from the honorable Secy. Health.
- 2- It is requested to please furnish the reply so that I may settle down as Director General Health Service posted me, i.e. at the post of Distt. Specialist Pathology Kohat.
- 3- It is my humble request to show me the present status of my departmental appeal, if otherwise, please provide me with the copy so that I can proceed for a new assignment.

o/h

  
Yours Obediently,

NIGHAT SULTANA

Govt. Public Analyst

Food Analysis Laboratory

  
Abdullah Shah Adv  
Consultant

Ann J  
19



**GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT**

No. SOH-III/8-117/2020(Nighat Sultana )  
Dated the Peshawar 19<sup>th</sup>, May, 2020

To,

Mrs.Nighat Sultana,  
Government Public Analyst,  
Food Testing Laboratory, Peshawar.

Subject; **RELIVING OF PUBLIC ANALYST(BPS-17)FOOD TESTING LABORATORY  
TO THE OFFICE OF THE DIRECTOR GENERAL HEALTH SERVICES  
KHYBER PAKHTUNKHWA.**

I am directed to refer to the subject noted above and to state that your appeal regarding withdrawal of your relieving order issued by this department vide notification No. SOH-III/10-4/2017 dated 30, March, 2020, was examined processed, however regretted by Competent Authority.

2. Furthermore, you are requested to show compliance to this department notification dated 30, March,2020.

**Encl: As above.**

*Abdullah Shah Adv*  
L.P.S. Consultant

*19/05/2020*  
Section Officer-III

**Endst: of even no & date.**

Copy forwarded to,

1. Director General Health Services, Khyber Pakhtunkhwa.
2. PS to Secretary Health, Khyber Pakhtunkhwa.

*Received by hand in  
response of request diary  
no: 7492 (Health)  
6-7-2020*

*Nighat Sultana*  
Section Officer-III  
*6/7/2020*



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

All communications should be addressed to the Director General Health Services  
Peshawar and not to any official by name E-Mail Address [K.P.Kdghs@yahoo.com](mailto:K.P.Kdghs@yahoo.com)  
Warsak Road Kabalian (Old FATA Secretariate Peshawar)

NO. 8551 /E-I

Dated: 17 / 06 / 2020

Ann - \*  
(20)

To

Mrs. Nighat Sultana  
Government Public Analyst Public Health Food  
Analyst Laboratory Hayat Abad Peshawar.

Subject: **OFFICE ORDER.**  
Memo,

Please refer to this Directorate General Health Services Khyber Pakhtunkhwa Peshawar office order bearing endost. No. 6799-805/E-I dated 08.05.2020 and to ask you to comply with the order of this Directorate General Health Services and proceed for joining your new assignment during the wake of corona virus pandemic emergency and do not interference in the administrative affairs of Food Analyst Laboratory Peshawar otherwise the competent authority will be requested to initiate strict disciplinary action against you on account of your misconduct as you are under transfer since 2017 and not complying /obeying Government order.

Add: **DIRECTOR GENERAL (HRM)**  
DIRECTORATE GENERAL HEALTH  
SERVICES KHYBER PAKHTUNKHWA PESHAWAR

17/6/2020

IZHAR KHAN  
June 15, 2020

**Abdulqadir Shah Adv**  
Legal Consultant

Before AP Service Tribunal Peshawar  
بعد الت



2020ء منجانب

Govt through Chief Secretary etc  
بنام Nighat Sultana

مدرختہ  
مقدمہ  
دعویٰ  
جرم

High Court Sultana  
Nighat Sultan Govt Public Analyst

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ  
آن مقام کے لئے عبداللہ شاہ اور

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقررات ہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی  
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ  
پر واختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔  
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی  
مذکور کریں۔ لہذا ادکالت نامہ لکھ دیا کہ سندر ہے۔

المرقوم 15 ماہ 7 2020

مقام کے لئے منظور ہے Attested

Abdullah Shah Adv  
Legal Consultant

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

**SERVICE APPEAL NO. 8490 OF 2020**

Nighat Sultana.....Appellant

Versus

Govt. of Khyber Pakhtunkhwa and others.....Respondents

**Respectfully Sheweth:**

**PARAWISE COMMENTS ON BEHALF OF RESPONDENTS**

**Preliminary Objections:-**

1. That the Appellant has got neither cause of action nor locus standi to file the instant Appeal.
2. That the Appellant has filed the instant appeal just to pressurize the respondents.
3. That the instant Appeal is against the prevailing Law and Rules.
4. That the Appeal is not maintainable in its present form and also in the present circumstances of the issue.
5. That the Appellant has filed the instant Appeal with mala-fide intention hence liable to be dismissed.
6. That the Appellant has not come to the Tribunal with clean hands.
7. That the Appeal is time barred.
8. That the Honorable Tribunal has no Jurisdiction to adjudicate upon the matter.
9. That the instant Appeal is bad for mis-joinder and non-joinder of the necessary parties.

**ON FACTS:**

1. Para No. 1 is correct.
2. Para No. 2 is correct.
3. Para No. 3 pertains to record, hence no comments.
4. Para No. 4 pertains to record, hence no comments.
5. Para No. 5 pertains to record, hence no comments.
6. Para No. 6 pertains to record, hence no comments.

7. Para No. 7 is correct to the extent of the impugned notification. The rest of the para is denied. The impugned notification is in accordance with law & rules. As the Competent Authority has been authorized by section-10 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 to transfer a Civil Servant against any post even outside his/her cadre.
8. Para No. 8 is incorrect. After placing the services of the Appellant at the disposal of Respondent No. 2 i.e. Director General Health Services Khyber Pakhtunkhwa by the competent authority. The Appellant has been posted against the vacant post of District Specialist (Pathology) BPS-18 (related post) on stop-gap arrangement and need basis. However terms & conditions of her service are the same.
9. In reply to Para No. 09 it is submitted that though the Appellant submitted appeal against her relieving to the Respondent No. 1 through Respondent No. 3, but the Notification is not illegal. But in accordance with section-10 of Khyber Pakhtunkhwa Civil Servants Act, 1973.
10. Para No. 10 subject to proof. However, the appeal is badly time bared. All employees of Health Department Khyber Pakhtunkhwa performed their duties during pandemic.
11. Para No. 11 is incorrect. No order/letter threatening the Appellant with dire consequences has been issued rather directed to comply with the order of the competent authority and join at new assignment during the wake of Corona Virus pandemic, otherwise competent authority will be requested to initiate disciplinary action against her on account of misconduct as evident from Annex-K of the Appeal.
12. Para No. 12 is incorrect. The impugned notification is legal. However, reply to the grounds are as under:

**ON GROUNDS:**

- a. Para-a is incorrect. The relieving order of the Appellant from the post of Govt. Public Analyst (BPS-18) is legal and according to the law.
- b. Para-b is incorrect. The competent authority, can post a civil servant anywhere in the province where his/her services are required.
- c. Para-c reply has already been furnished in preceding para. Respondents acted as per law & regulations.

- d. Para-d is incorrect. The Appellant was promoted to the post of GAVI. Public Analyst on seniority cum fitness basis.
- e. Para-e is correct.
- f. Para-f is incorrect. The post of Govt. Public Analyst BPS-18 was already existing being a Civil Servant, the Appellant is bound to serve anywhere even outside her cadre of province.
- g. Para-g is incorrect. The Appellant is a qualified microbiologist which is very much related to pathology.
- h. Para-h the reply has already been furnished in preceding para.
- i. Para-i the reply has already been furnished in Para-g above.
- j. Para-j is incorrect. Microbiology is very much related to the field of Pathology.
- k. Para-k is incorrect. Reply has already been furnished in Para-f above.
- l. In reply to Para-l it is submitted that the Appellant has been posted to the post related to her qualification in accordance with law and rules.
- m. Para-m the reply has already been furnished in preceding para.
- n. In reply to Para-n it is submitted that the post of Pathologist is not alien for a microbiologist and it is very much related to the field of Pathology.

**PRAYER:**

It is therefore most humbly prayed that on acceptance of comments, the instant Appeal may very graciously be dismissed with cost.



Director General Health Services,  
Khyber Pakhtunkhwa, Peshawar.  
Respondent No. 02



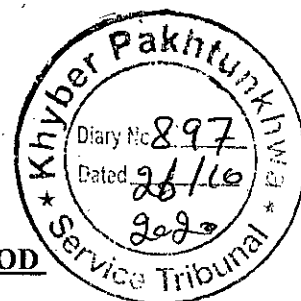
Secretary, Health Department,  
Khyber Pakhtunkhwa, Peshawar.  
Respondent No. 03



Date 16-10-2020

To,

The Secretary  
Health Department  
Govt of Khyber Pakhtunkhwa



Subject: **SERIOUS COMPLAINT AGAINST CORRUPTION AT GOVT FOOD LABORATORY (HEALTH DEPTT) HAYATABAD, PESHAWAR UNDER WHISTLEBLOWER'S ACT**

Respect Sir,

Please after my two complaints on Citizen Portal 1. KP 110320-7154699 2. KP 290520-8472464 against one Momin Khan Junior Clinical Technician (JCT, BPS-12) and Nighat Sultana Govt. Public Analyst (GPA, BPS-18) regarding their corruption at Govt Food laboratory Hayatabad Peshawar. (Annexure-A-B)

Momin Khan is a right hand and mystery of Nighat Sultana a Microbiologist, further promoted as Govt Public Analyst but not a Public Service Commission selectee as GPA.

Both are involved in Corrupt practices with private firms since long and embezzlement of public money and budget allocated funds. This is important to mention here that as per information, said Momin Khan provided Rs. One Million as bribe money from Nighat Sultana to Ex- Secretary Health Abdus Samad in the year 2007 for the purpose to amend rules for induction of Microbiologist as incharge Govt Public Analyst at Food Analysis Laboratory while swearing, Nighat Sultana told the complainant that before **she had bribed Talat Qayyum Qureshi Ex-Chief Justice Hon'ble Peshawar High Court** by providing Gold sets for his wife and daughter, to pass judgment in her favor against writ of Co-warranto WP NO: 229-07 in 2007 (Annexure-C)

**CONSECUTIVELY THEIR CORRUPTION IS ELABORATED AS UNDER.**

**A. MOMIN KHAN JUNIOR CLINICAL TECHNICAL (JCT BPS-12)**

1. Mrs. Nighat Sultana I/C GPA and Momin Khan (JCT) have embezzled the public money of sample test fee through mutual collusion, criminal conspiracy common intention /common object, fraud/cheat, misrepresentation and corruption along with others and has concealed the actual amount which is in lacks. They have misappropriated the 60% Govt. Share and concealed the 40% Staff share (e.g amount collected in 2017 is deposited in 2020 under State Bank Challan 3499 dated 06-01-2020) and likewise others. Which comes in the ambit of **(Depreciation of Money)** and is a criminal offence. **(Pre & Post Audit since 2009 is mandatory. (Annexure-D)**
2. He publically abused the Secretary Health and the complainant with extreme filthy language in the office of I/C GPA Nighat Sultana and all staff members, on 10-03-2020. His words are verbatimly reproduced as under but not in total because of the honour, reverence and prestige of your kind self.

Put up to the Court with relevant appraisals.

Remdhw =

26/10/2020



**HER CORRUPT PRACTICES AT GOVT FOOD LABORATORY IN ADDITION TO ABOVE ARE UNDER MENTIONED.**

1. She had freed one ghost employee Mazhar Mahmud Lab. Attendant (BPS-3) who did not perform any duties in food Laboratory for the last ten (10) years but was engaged in cotton and other business with I/C Nighat Sultana. This is an offence under Section 168 PPC (**Prohibition of private business with Govt Service**). Mazhar Mahmud also got illegal retirement benefits in October 2019 due to parasitic behavior, illegal support and corruption of incharge Nighat Sultana (Recovery may be made from both) **(Annexure- I)**
2. Another ghost employee Nawaz Iqbal JCT also did not perform any duties in Food Laboratory for a period of five (5) years and is running his private school as principal (Daily Mashiaq Peshawar dated 21-02-2017 clip enclosed). He was in practice of providing half salary to I/C Nighat Sultana (serious enquiry may be conducted with obtaining affidavits from all staff members) **(Annexure-J)**
3. She had embezzled millions of Rupees in the purchase of heavy machinery and laboratory equipments in 2010, many of which are rusted unused. Audit Reports of this corruption was sent to Public Accounts Committee PAC (Provincial Assembly KP). As per statement of Nighat Sultana to the complainant, that Rs. 2/3 lacs commission was even taken by the then Assistant (employee) Food Laboratory during above purchase. (Enquiry and Recovery is mandatory).
4. She allotted a room to one Rasheed Gul JCT for residential purpose in food Lab round the clock for a period of five (5) years while accepting bribes from him for providing free accommodation and other related facilities free of cost, with no deduction from his monthly salary. Upon objection she offered bribes from the incumbent to the undersigned but complainant flatly refused. **(Annexure-K)**
5. She had badly embezzled the Govt allocated budget amount in the POL and Govt Vehicle repair heads. She is residing in Hayatabad since 2010 while the food Lab, is also located in Phase V Hayatabad since 2010 but she is in practice of drawing fake bills for usage of 100 litre petrol per month while the expenditure is less than 1/3 of sanctioned quantity. **(Annexure -L)**
6. Govt Vehicle No: A-1043 (DATSUN) allowed to Food lab remained completely out of order since 2010 to 2020 while fake repair bills are drawn by her during these ten (10) years. **(Annexure-M)**
7. She is receiving more than 800 samples of edible items as per her own written statements to the Govt. but all these items are not technically analysed and much of the result reports are written by herself in nexus with the firms.

e-g Salman Chooran Bannu was banned by Halal Food Authority in October 2019 but her edible sample is illegally Passed by incharge GPA Nighat Sultana in March 2020. This double standard operation is alarmingly dangerous for health and hygiene of public at large because "Two of a trade seldom agree". **(Annexure-N)**

8. She is illegally drawing health professional allowance (HPA) since 01-01-2017 in violation of Finance Deptt Notification No-ED. (SO SR -II) 8-18-16 dated 06-12-2017 because she has discharged her duties as Govt public analyst and not as microbiologist. (All amount may be recovered) **(Annexure-O.)**
9. She wrote a blasphemous reply to the genuine complaint against Momin Khan on 20/04/2020 (Complainant is determined to take legal action against her in the court of law) while during enquiry proceedings she threatened the enquiry officers (1) DR. Jehanzeb and (2) Dr. Makhdoom Akhtar Deputy Directors in the Director General health office that,

**“SHE WOULD TORN HER CLOTHES AND WOULD SHOUT LOUDLY THAT SHE IS HARASSED BY THE HEALTH AUTHORITIES”.**

Her husband Sabir Hayat, a property dealing person at DHA Housing Scheme Peshawar has threatened a Director at DG health office of dire consequences in the instant case and her transfer against which a complaint by the Director concerned is in process.


I must remind that the couple's above acts are cognizable offence under section 354/182, 506, 408, 409, 186, 189 Pakistan Penal Code.

**PRAYER**

Dear Sir, complainant requests to take all relevant record of Govt. food analysis laboratory in custody. An honest enquiry may be conducted against I/C GPA Nighat-Sultana and all other accused. Recover the embezzled and illegally drawn amount and take necessary action against all accused under rule of law, as per recent orders of the Hon'ble Chief Justice of Pakistan in Civil Appeal No 370 of 2020 that clearly depicts.

**“GOVERNMENT OFFICIALS WHO ARE FOUND INVOLVED IN EMBEZZLEMENT OF THE STATE PROPERTY OR MONEY CAN NEVER BE ALLOWED TO CONTINUE IN EMPLOYMENT”.**

Yours Faithfully

  
**Ziaullah Khan**  
**MA, LLB**  
**Office Assistant**  
**Govt Food Laboratory**  
**Hayatabad Peshawar**  
**Contact No: 0345-9042261**

**Copy of the above alongwith relevant Annexures is also forwarded for information and necessary action to:-**

- 1) Hon'ble Chief Minister complaint cell Khyber Pakhtunkhwa.
- 2) The worthy Chief Secretary Govt of Khyber Pakhtunkhwa.
- 3) The Hon'ble Chairman Service Tribunal Khyber Pakhtunkhwa w/r to service appeal No: 8490/2020 wherein next date of hearing is 06-11-2020.

Her is requested to take notice and dismiss Service Appeal of Mrs. Nighat Sultana because she is not specially selected as Govt Public Analyst by the Public Service Commission KP but was promoted against this post (copies attached)

- 4) The Director General NAB Khyber Pakhtunkhwa.
- 5) The Director General Health Services Khyber Pakhtunkhwa to conduct a fair enquiry against all accused, Biased or unfair inquiry would lead to legal action against public officer u/s 166-B PPC. **(Annexure-P)**
- 6) The Director General Audit Khyber Pakhtunkhwa to conduct Audit of the Food lab after a lapse of seven years.
- 7) The Director General Halal food authority Khyber Pakhtunkhwa. He is requested to take notice and comply with the Supreme Court orders that "Pure Food Rules 1965" are repealed with the advent of "HALAL FOOD ACT" but still manipulated test results of few among 800 Food Samples are carried out through Junior Technicians while the rest are given positive results by the I/C GPA without analysis.
- 8) Dr/ Fazl ur Rehman Deputy Director (Chairman, enquiry committee in compliant against Momin Khan JCT Food Lab), w/r to Office Order No: 2408-15/ AE-VI Dated: 29-07-2020. He is requested to accept my instant complaint as my written statement against Momin Khan JCT and Nighat Sultana I/C GPA, for further necessary action keeping in view all the above corruption at Food Laboratory.

Ends Annexured  
A to P.

Yours Faithfully



Ziaullah Khan  
MA, LLB

Office Assistant  
Govt Food Laboratory  
Hayatabad Peshawar  
Contact No: 0345-9042261

16/10/2020



*3585*  
*17/03/20*  
*Amx-A*

**Prime Minister's Performance Delivery  
Unit (PMDU)**  
**Pakistan Citizen's Portal (PCP)**  
District Administration, Peshawar-Khyber Pakhtunkhwa  
KP110320-7154699



Print Date: 17/03/2020

*DSHS*

*4073*

*(S.H)*

*17/3*

**A. Complaint Details**

DATE OF COMPLAINT	11/03/2020	CURRENT STATUS	In Progress (since 6 Days, 0 months, 0 yr)
COMPLAINT CATEGORY/ LEVEL 1:	Health	COMPLAINT SUB- CATEGORY/ LEVEL 2:	Primary Health (General Complaint)
LOCATION OF COMPLAINT:	Peshawar (Khyber Pakhtunkhwa, Pakistan)	COMPLAINT ADDRESS:	Health Department KP
GPS ADDRESS:	No Address found!	CITIZEN PROFILE	Provided by Citizen

**Contents**

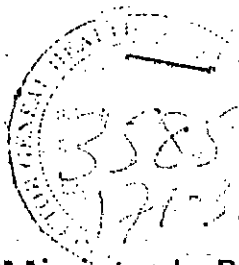
Dear Sir, this serious complaint is against one Momin Khan JCT (BS-12) at Food laboratory Hayatabad who is involved in corrupt practices with private companies. He also not deposited public money (samples test fee) in the Govt. Exchequer and distributed share to staff since years long and has unauthorized charge. Stealth and embezzled amount is in lacs. He proceeded abroad without leave nor got Ex-pakistan leave from competent authority and remained absent wef. 16.01.2020 to 16.02.2020 as per will, but has drawn complete salary including conveyance and HPA allowances. He was reminded to deposited the whole amount in the Govt. Exchequer otherwise it would be reported to DG and Secretary Health. In response on 10.3.2020 he shouted, became harsh and used extreme abusive language to complainant before incharge and staff. He also said, SECRETARY HEALTH IS MY SHOE. Secretary Health may take prompt action against the accused and recover amount. Complaint is under Whistle blower Act.

*Momin Khan*  
*17/3*  
*Complainant*

**B. Complaint Processing History**

#	DATED	FROM	TO	STATUS	REMARKS
1	17/03/2020	Deputy Commissioner Peshawar	Secretary, Health	In-progress	Respected Sir- The complaint is forwarded for prompt action please Regards.
2	17/03/2020	Health Care Commission	Deputy Commissioner Peshawar	In-progress	FOR CORRECT FORWARDING
3	12/03/2020	Deputy Commissioner Peshawar	Health Care Commission	In-progress	Dear Sir, Complaint is forwarded for necessary action at your please.
4	11/03/2020	Initiated	Deputy Commissioner Peshawar	In-progress	Complaint has been assigned to Deputy Commissioner Peshawar

*DDC Peshawar*  
*E-11 - process urgently with A.D.*  
*Put up and*



*D. G. H. S.*  
*Amx-A*  
*17/3/20*



# Prime Minister's Performance Delivery Unit (PMDU)

## Pakistan Citizen's Portal (PCP)

District Administration, Peshawar Khyber Pakhtunkhwa  
KP110320-7154699



Print Date: 17/03/2020

*DSHS*

*4073*  
*(S.H) 17/3*

### A. Complaint Details

DATE OF COMPLAINT	11/03/2020	CURRENT STATUS	In Progress (since 6 Days, 0 months, 0 years)
COMPLAINT CATEGORY/ LEVEL 1:	Health	COMPLAINT SUB-CATEGORY/ LEVEL 2:	Primary Health (General Complaint)
LOCATION OF COMPLAINT:	Peshawar (Khyber Pakhtunkhwa, Pakistan)	COMPLAINT ADDRESS:	Health Department KP
GPS ADDRESS:	No Address found!	CITIZEN PROFILE	Provided by Citizen

### Contents

Dear Sir, this serious complaint is against one Momin Khan JCT (BS-12) at Food laboratory Hayatabad who is involved in corrupt practices with private companies. He also not deposited public money (samples test fee) in the Govt. Exchequer nor distributed share to staff since years long and has unauthorized charge. Stealth and embezzled amount is in lacs. He proceeded abroad without leave nor got Ex-pakistan leave from competent authority and remained absent wef. 16.01.2020 to 16.02.2020 as per will, but has drawn complete salary including conveyance and HPA allowances. He was reminded to deposited the whole amount in the Govt. Exchequer otherwise it would be reported to DG and Secretary Health. In response on 10.3.2020 he shouted, became harsh and used extreme abusive language to complainant before Incharge and staff. He also said, SECRETARY HEALTH IS MY SHOE. Secretary Health may take prompt action against the accused and recover amount. Complaint is under Whistle blower Act.

*J. Khan*  
*Complainant*  
*17/3/2020*

### B. Complaint Processing History

#	DATED	FROM	TO	STATUS	REMARKS
1	17/03/2020	Deputy Commissioner Peshawar	Secretary, Health	In-progress	Respected Sir The complaint is forwarded for prompt action please Regards.
2	17/03/2020	Health Care Commission	Deputy Commissioner Peshawar	In-progress	FOR CORRECT FORWARDING
3	12/03/2020	Deputy Commissioner Peshawar	Health Care Commission	In-progress	Dear Sir, Complaint is forwarded for necessary action at your please.
4	11/03/2020	Initiated	Deputy Commissioner Peshawar	In-progress	Complaint has been assigned to Deputy Commissioner Peshawar

*DDC Peshawar*  
*E-11 - process urgently with A.D.*  
*Put up and*

(6) The Health Officer on Local Authority may, by a written notice require the person in charge of a dairy or source of milk suspected of causing tuberculosis to stop the supply of milk from such dairy or source: Provided that any person employed in a dairy or in the milk trade as a seller surveyor, producer, or in any other capacity actually suffering from tuberculosis shall be deemed as likely to cause tuberculosis.

(7) The Health Officer of the Local Authority shall without undue loss of time collect samples of material suspected of food poisoning and shall forward samples in cases due to contamination of food by poisonous chemical, to the Public Analyst, and in cases due to bacterial infection of food to the Bacteriologist to Government.

(8) Food specimens and all pathological material so collected shall be kept as far as applicable in an ice-box or refrigerator until delivery to the Public Analyst or the Bacteriologist, as the case may be.

34. *Power to deal with persons engaged in food business suffering from tuberculosis.* (1) Where the Municipal Medical Officer of Health/District Health Officer is of the opinion that any person engaged in selling or manufacturing any article of food is suffering from or harbouring the germs of tuberculosis, he may order him in writing to appear before the Medical Superintendent of the area for a medical certificate that he Mr.----- is not suffering from tuberculosis.

(2) If on such examination the Municipal Medical Officer of Health/District Health Officer finds that such person is suffering from tuberculosis he may by order in writing direct such person not to take part in selling manufacturing any article of food.

35. *Appointment of Public Analyst.* (1) No person shall be appointed to be a Public Analyst unless he--

- (a) holds a Degree of Master of Science in Chemistry from any Statutory University in Pakistan and/or any recognised Foreign University and has at least five years' practical experience in the analysis of foods, water, drugs, etc.
- (b) holds a medical degree registerable with the Pakistan Medical Council and a post-graduate diploma or degree in public health and can produce evidence to the satisfaction of Government that by virtue of his special training and experience, he is competent to perform the duties of Public Analyst.

(2) Nothing in this Rule shall affect the appointment of Public Analysts made before the coming into force of these Rules.

36. *Duties of Food Authority.* (1) It shall be the duty of every Food Authority to--

Amx-C/1  
(1-3) 99

[R. 37-38]

Pure Food Rules, 1965

- (a) employ one Inspector every 10,000 of population or a part thereof;
- (b) ensure that each part time Inspector seizes a minimum of 20 samples a month;
- (c) maintain permanent registers of licensees categorywise as required under sections 10, 11 and 12;
- (d) ensure that food offence cases are neither withheld nor compounded, without the specific approval of Government;
- (e) maintain permanent record of the prosecution of food offenders and of the revenues from the costs realised; and
- (f) enforce the provisions of the Ordinance.

(2) Where a Food Authority fails to enforce the provisions of the Ordinance for a period exceeding six months without reasonable cause, the Deputy Commissioner of the district may invoke the provision of section 35.

37. *Appointment of Inspector.* (1) No person shall be appointed to be an Inspector under section 16 unless he--

- (a) in the case of a whole-time Inspector holds the degree of Bachelor of Arts or Science of a Pakistan Statutory University or of a recognised foreign University; or
- (b) in the case of a part-time Inspector holds the Matriculation or School Leaving Certificate from a Statutory Board of Education or University in Pakistan or of a recognised foreign Institution and is a qualified Sanitary Inspector.

(2) Nothing in this Rule shall affect the appointment of Inspectors made before the coming into force of these Rules.

38. *Powers of Food Inspectors.* An Inspector shall--

- (i) at all reasonable hours have access to all public or private sale rooms occupied or used by merchants, brokers, wholesale dealers, or other persons, and to all public and private warehouses, factories, stores, quays, sheds, ships, or barges where foods are offered for sale, or deposited for the purpose of sale, and seize or procure samples of any such food;
- (ii) seize or procure samples of any food at the place of delivery, or at any railway station, or other place during transit or upon the premises of or other place during transit, or upon the premises of or elsewhere in the possession of any person for the purpose of carriage;
- (iii) seize on board any vessel or procure at the port of entry or elsewhere samples of any food imported at merc...

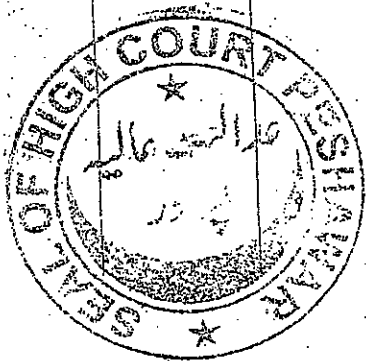


Annex-C/2

PESHAWAR HIGH COURT PESHAWAR.  
FORM "A"  
FORM OF ORDER SHEET

Court of.....  
Case No .....of.....

Serial No of order or proceeding	Date of Order or Proceeding	Order or other proceedings with Signature of judge or Magistrate and That of parties or counsel where necessary
1	29.3.2007	WP NO. 229-07. Present: M/S. Ubaidullah Anwar, Addl. A.G. along with Alhaj Mir Rehman Khalil, Advocate, Abul Samad Khan, Secretary Health and Bughda Shah, Section Officer Health in person.



TALAAAT QAYYUM QURESHI, J. - The Secretary Health present in Court stated at the Bar that Ms. Nighat Sultana has been given the charge of Govt. Public Analyst, Food Testing Laboratory NWFP Peshawar as a stop-gap arrangement, because no Officer in BPS-17 in Food Testing Laboratory is available to be promoted against the post of Govt. Public Analyst in Senior/Junior Scales. The present incumbent was authorized by the Health Department to act in the public interest as she has 14 years long experience in Food Department and is possessing Degree in Microbiology and was holding Bachelor Degree in Chemistry. It was further stated that Microbiology was introduced in Food Analysis in the year 1992 which relates to the survival of Micro-organism, importance of which in Food Analysis is necessary. It is in this background that the Health Department Govt. of NWFP is making necessary amendments in the existing Service Rules for the post of Govt. Public Analyst and the requisite amendments shall be

TESTED  
EXAMINER  
Peshawar High Court



done within a period of two months and a qualified person shall be appointed as Food Analyst.

Keeping in view the statement of the Secretary Health, NWFP given at the Bar, this writ petition is disposed of without any further orders.

C.M. NO.185-07.

Mr. Muhammad Fakhre Alam Jhagra,  
Advocate for the applicant.

Wants to withdraw the application. Dismissed  
as withdrawn.

*Mr. Fakhre Alam Jhagra*  
*Advocate for the applicant*

CERTIFIED TO BE TRUE COPY

Reshawarid...  
Authorized Under Section 15 of the...

2402  
Date of Presentation of Application  
No of Pages  
Copying Fee  
Urgent Fee  
Date  
Date of Preparation of Copy  
Date of Delivery of Copy  
Received to

Annex-C/3

**GOVERNMENT THE NORTH-WEST FRONTIER PROVINCE**  
**HEALTH DEPARTMENT**

**NOTIFICATION**

Peshawar, dated 15<sup>th</sup> November, 2007

**No. SOH-III/10-4/05.** In pursuance of the provisions contained in sub-rule (2) of rule 3 of the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, and in supersession of all notifications issued in this behalf, the Health Department in consultation with the Establishment Department and the Finance Department hereby laid down the method of recruitment, qualifications and other conditions specified in column 3 to 5 of the Appendix to this Notification, which shall be applicable to the posts specified in column 2 of the said Appendix:

**APPENDIX**

S. No.	Nomenclature of the post	Prescribed qualifications initial recruitment	Age limit	Method of Appointment
1.	Government Public Analyst			By promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Public Analysts and Microbiologists, having at least five years experience as such.  <b>NOTE.</b> For the purpose of promotion a joint seniority list of Assistant Public Analyst and Microbiologists shall be maintained on the basis of their continuous regular appointment to the respective posts.
2.	Assistant Public Analyst	M. Sc. in Chemistry, with at least 2 <sup>nd</sup> Division	21 to 35 years.	By initial recruitment
3.	Microbiologist	a) M. Sc in Microbiology 2 <sup>nd</sup> Division or grade-C from a recognized University or; b) B. Sc. in Medical Technology from a recognized University with Microbiology as special subject and at least three years experience in Microbiology in a Medical Teaching Institution under a specialist Microbiologist or; c) B.S./B. Sc. in Medical Technology with one of the subject from Foreign recognized University. The course should be of a minimum duration of four years with at least one year's practical experience as a Medical Technologist in a hospital/school of Medical Technology.	21 to 35 years.	By initial recruitment

Annex-F/1  
(1-6)

## 074104 CHEMICAL EXAMINER AND LABORATORIES

FUNCTIONAL CUM OBJECT CLASSIFICATION AND PARTICULARS OF THE SCHEME		NUMBER OF POSTS 2019-2020 Rs	BUDGET ESTIMATES 2019-2020 Rs	RELEASED 2019-2020 Rs
07	HEALTH			
074	PUBLIC HEALTH SERVICES			
0741	PUBLIC HEALTH SERVICES			
074104	CHEMICAL EXAMINER AND LABORATORIES			
PR4344	Food Laboratory Peshawar ✓			
A03303	Electricity		1,400,000	1,400,000
001	Electricity		1,400,000	1,400,000
A038	TOTAL TRAVEL & TRANSPORTATION		<u>130,000</u>	<u>32,500</u>
A03805	Travelling Allowance		20,000	5,000
001	Travelling Allowance ✓		20,000	5,000
A03807	P.O.L Charges A.planes ✓ H.coptors S.Cars M/Cycle ✓		100,000	25,000
001	POL Charges A.planes H.coptors S.cars for Generator ✓		100,000	25,000
A03808	Conveyance Charges		10,000	2,500
001	Conveyance Charges		10,000	2,500
A039	TOTAL GENERAL.		<u>381,000</u>	<u>114,000</u>
A03901	Stationery ✓		50,000	12,500
001	Stationery ✓		50,000	12,500
A03902	Printing and Publication ✓		51,000	12,750
001	Printing and publication ✓		51,000	12,750
A03905	Newspapers Periodicals and Books		5,000	1,250
A03907	Advertising & Publicity		25,000	25,000
001	Advertising and Publicity		25,000	25,000
A03942	Cost of Other Stores ✓		200,000	50,000
001	Cost of other Stores ✓		200,000	50,000
A03970	Others		50,000	12,500
001	Others		50,000	12,500
A04	TOTAL EMPLOYEES' RETIREMENT BENEFITS		<u>390,000</u>	<u>97,500</u>
A041	TOTAL PENSION		<u>390,000</u>	<u>97,500</u>
A04114	Superannuation Encashment of L.P.R		390,000	97,500
A05	TOTAL GRANTS SUBSIDIES AND WRITE OFF LOANS		<u>900,000</u>	<u>900,000</u>

NC21017 (013)  
HEALTH

074104 CHEMICAL EXAMINER AND LABORATORIES

FUNCTIONAL CUM OBJECT CLASSIFICATION AND PARTICULARS OF THE SCHEME		NUMBER OF POSTS 2019-2020	BUDGET ESTIMATES 2019-2020	RELEASED 2019-2020
		Rs	Rs	Rs
07	HEALTH			
074	PUBLIC HEALTH SERVICES			
0741	PUBLIC HEALTH SERVICES			
074104	CHEMICAL EXAMINER AND LABORATORIES			
PR4344	Food Laboratory Peshawar ✓			
A052	TOTAL GRANTS-DOMESTIC		<u>900,000</u>	<u>900,000</u>
A05216	Fin. Assis. to the families of G. Serv. who expire		900,000	900,000
001	Fin. Assis. to the families of G.Serv. who exp		900,000	900,000
A13	TOTAL REPAIRS AND MAINTENANCE		<u>120,000</u>	<u>30,000</u>
A130	TOTAL TRANSPORT		<u>50,000</u>	<u>12,500</u>
A13001	Transport ✓		50,000	12,500
001	Transport ✓		50,000	12,500
A131	TOTAL MACHINERY AND EQUIPMENT		<u>60,000</u>	<u>15,000</u>
A13101	Machinery and Equipment ✓		60,000	15,000
001	Machinery and Equipment ✓		60,000	15,000
A132	TOTAL FURNITURE AND FIXTURE		<u>10,000</u>	<u>2,500</u>
A13201	Furniture and Fixture		10,000	2,500
Food Laboratory Peshawar			29,197,000	28,347,750

F/3  
Appellate Lab.  
DDO → GPA

## 074104 CHEMICAL EXAMINER AND LABORATORIES

FUNCTIONAL CUM OBJECT CLASSIFICATION AND PARTICULARS OF THE SCHEME		NUMBER OF POSTS 2019-2020	BUDGET ESTIMATES 2019-2020	RELEASED 2019-2020
		Rs	Rs	Rs
07	HEALTH			
074	PUBLIC HEALTH SERVICES			
0741	PUBLIC HEALTH SERVICES			
074104	CHEMICAL EXAMINER AND LABORATORIES			
PR5487	Appellate Laboratory Peshawar ✓			
A01	TOTAL EMPLOYEES RELATED EXPENSES.		<u>2,181,000</u>	<u>2,181,000</u>
A011	TOTAL PAY	5	<u>1,460,000</u>	<u>1,460,000</u>
A011-1	TOTAL PAY OF OFFICERS	2	<u>923,000</u>	<u>923,000</u>
A01101	Total Basic Pay Of Officer	2	<u>923,000</u>	<u>923,000</u>
A536	Assistant Chemical Examiner (BPS-17)	1	423,000	423,000
C287	Clinical Technologist (Pathology) (BPS-17)	1	500,000	500,000
A011-2	TOTAL PAY OF OTHER STAFF	3	<u>537,000</u>	<u>537,000</u>
A01151	Total Basic Pay Other Staff	3	<u>537,000</u>	<u>537,000</u>
C082	Computer Operator (BPS-13)	1	202,000	202,000
A041	Analytical Assistant (BPS-11)	1	187,000	187,000
L002	Laboratory Attendant (BPS-04)	1	148,000	148,000
A012	TOTAL ALLOWANCES		<u>721,000</u>	<u>721,000</u>
A012-1	TOTAL REGULAR ALLOWANCES		<u>721,000</u>	<u>721,000</u>
A01202	House Rent Allowance		68,000	68,000
A01203	Conveyance Allowance		54,000	54,000
A01217	Medical Allowance		36,000	36,000
A0121B	Health Professional Allowance		276,000	276,000
A0121T	Adhoc Relief Allowance 2013		9,000	9,000
A0122C	Adhoc Relief Allowance - 2015		10,000	10,000
A0122M	Adhoc Relief Allowance 2016		30,000	30,000
A0122Y	Ad-hoc Relief Allowance 2017		118,000	118,000
A0123G	Ad-hoc Relief Allowance-2018		120,000	120,000
Appellate Laboratory Peshawar			<u>2,181,000</u>	<u>2,181,000</u>



GOVT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

Dated Peshawar the 13<sup>th</sup> October, 2017

**NOTIFICATION**

No. SOH-III/10-4/2017. The competent authority is pleased to relieve Ms. Nighat Sultana, Govt. Public Analyst BS-18, from Food Testing Laboratory, Peshawar and her services are hereby placed at the disposal of Directorate General, Health Services, Khyber Pakhtunkhwa, Peshawar with immediate effect in the best interest of public service.

SECRETARY HEALTH

Endst even No & date.

Copy forward to:-

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The In-charge, Food Testing Laboratory, Peshawar.
3. The Director General Health Services Khyber Pakhtunkhwa.
4. PS to Minister Health, Khyber Pakhtunkhwa.
5. PS to Secretary Health, Khyber Pakhtunkhwa.
6. Officer concerned.

SECTION OFFICER-I

F/5

822



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

Dated Pesh: the 30<sup>th</sup> March, 2020

4030

09/04/20

20/14/20

**NOTIFICATION:**

No. SOH-III/10-4/2017: The Competent Authority is pleased to relieve Ms. Nighat Sultana, Govt. Public Analyst (BS-18), from Food Testing Laboratory Peshawar and her services are hereby placed at the disposal of Directorate General Health Services, Khyber Pakhtunkhwa Peshawar with immediate effect and in the public interest.

SD/  
SECRETARY HEALTH DEPARTMENT

Endst: No & date even

Cc:

1. Accountant General, Khyber Pakhtunkhwa.
2. The Director General Health Services, Khyber Pakhtunkhwa.
3. Incharge, Food Testing Laboratory, Peshawar.
4. PS to Minister for Health, Khyber Pakhtunkhwa.
5. PS to Secretary Health Department, Khyber Pakhtunkhwa.
6. Officer concerned.

SECTION OFFICER (E-III)  
HEALTH DEPARTMENT



Annex - F/6

**DIRECTORATE GENERAL HEALTH SERVICES  
KHYBER PAKHTUNKHWA PESHAWAR**

All communications should be addressed to the Director General Health Services  
Peshawar and not to any official by name E-Mail Address: [K.P.Kdghs@yafham.com](mailto:K.P.Kdghs@yafham.com)  
Warsak Road Kabalian (Old FATA Secretariate Peshawar)

NO. 8551 /E-I

Dated: 19/06/2020



Mrs. Nighat Sultana  
Government Public Analyst Public Health Food  
Analyst Laboratory Hayat Abad Peshawar.

Subject: **OFFICE ORDER.**  
Memo.

Please refer to this Directorate General Health Services Khyber Pakhtunkhwa Peshawar office order bearing endost. No. 6799-805/E-I dated 08.05.2020 and to ask you to comply with the order of this Directorate General Health Services and proceed for joining your new assignment during the wake of corona virus pandemic emergency and do not interference in the administrative affairs of Food Analyst Laboratory Peshawar otherwise the competent authority will be requested to initiate strict disciplinary action against you on account of your misconduct as you are under transfer since 2017 and not complying /obeying Government order.

ADD: DIRECTOR GENERAL (HRM)  
DIRECTORATE GENERAL HEALTH  
SERVICES KHYBER PAKHTUNKHWA PESHAWAR

17/6/2020

GOVERNMENT OF NWFP  
HEALTH DEPARTMENT  
Dated 1<sup>st</sup> February 2009

Army to G 757



**NOTIFICATION.**

**No. SOH/III/10-4/2008/Nighat Sultana:** The Competent Authority on the recommendations of the Provincial Selection Board is pleased to order promotion of Mrs. Nighat Sultana, Micro Biologist (BPS-17) to the post of Government Public Analyst (BPS-18) in Food Testing Laboratory NWFP on regular basis with immediate effect. She will be on probation for a period of one year.

SECRETARY HEALTH

**Ends No. and Dated Even.**

Copy forwarded to:

1. Accountant General, NWFP.
2. Director General, Health Services, NWFP.
3. EDO (H) Peshawar.
4. PS to Minister for Health, NWFP.
5. PS to Secretary Health NWFP.
6. PA to Deputy Secretary (Drugs), Health Department.
7. Computer Programmer, Health Department, NWFP.
8. Officer Concerned.

SECTION OFFICER III

10/2/09  
10/2/09  
10/2/09









روزنامہ مشرق مشاوری  
مورفہ 21-02-2017

نواز اقبال JCT  
Food Laboratory

والدین اپنے بچوں کی... ملاحظہ کریں، سیکرٹری

**کیرج فوڈنگ سکول کے زیر اہتمام نرسری گریجویٹس تقریب کا انعقاد**

پٹنور (مشرق نورد) کیرج فوڈنگ نرسری سکول میں ہمارے سیکرٹری نے اپنے خطاب میں کہا کہ آج کیرج کے زیر اہتمام نرسری گریجویٹس تقریب کا انعقاد کیا گیا۔ والدین کی حرکت اس بات کی ضمانت ہے کہ کیا۔ آؤنگز ہال پٹنور میں منعقدہ تقریب کے مہمان ہمارے مستقل روشن ہے انہوں نے والدین پر زور دیا کہ خصوصی اہم بی اے سیکرٹری سے اس موقع پر سکول کے اپنے بچوں کی تعلیم و تربیت پر خصوصی توجہ دیں تاکہ ہم پرنسپل نواز اقبال نے والدین پر زور دیا کہ وہ اپنے بچوں ایک مہذب معاشرہ بنائیں۔ تقریب میں بچوں نے شیوہ کی تعلیم پر بھرپور توجہ دیں۔ تاکہ یہ سچے پڑھ لکھ کر بھی نہیں کئے جسے شکرگاہ نے سراہا آخر میں والدین نے معاشرے میں اپنا مقام بنائیں۔ مہمان خصوصی کی سکول انتظامیہ اور بچے کا شکریہ ادا کیا

سرکاری لہجہ رول و ضوابط مودیا گیا ہے، تاہم ناؤن دن



کیرج فوڈنگ سکول کے زیر اہتمام منعقدہ تقریب کے موقع پر نرسری گریجویٹس کر رہے ہیں جبکہ سیکرٹری اور پرنسپل نواز اقبال بھی موجود ہیں

Daily Mashriq

311131-285003

Annex-2 (5)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

Appeal No. 8490 /2020

Mst. Nighat Sultana  
.....Appellant

Vs

Govt through Chief Secretary and others  
..... Respondents

AFFIDAVIT

I, Mst. Nighat Sultana w/o Sabir Hayat R/o Hayatabad, Peshawar do hereby solemnly affirm and declare on oath that all the contents of the instant appeal are true and correct to the best of my knowledge and beliefs and nothing has been concealed from this Honorable Court.

Deponent  
Nighat Sultana ✓

Identified by  
Abdullah Shah  
Advocate High Court.

Stamp: Gulraz Khan  
Gul  
16/7/2020

ATTACHED



Annex - N

GOVERNMENT PUBLIC ANALYST  
PUBLIC HEALTH FOOD ANALYSIS  
LABORATORY HAYATABAD PESHAWAR  
No. \_\_\_\_\_/GPA/  
Dated \_\_\_\_\_/ 01 /2019

To  
The Secretary Health  
Govt of Khyber Pakhtunkhwa Peshawar  
Attention  
Section Officer (General)  
Subject  
NOTIFICATION  
Dear Sir,

Reference your notification NO. E&A(Health)/2-65/2019 dated 25/1/2019 (Received by hand on 31/01/2019). I have the honour to state that the Food Analysis Laboratory has been established in 1926. In beginning it was a clinical Laboratory as well as food analysis laboratory. In early sixties it was assigned only the job of Food Analysis Laboratory under the Pure Food Ordinance 1960.

The main function of Food Analysis Laboratory to test/analyse the samples of food sent by food inspectors/District Food Controller under the law. Food Analysis Laboratory is receiving 750/800 samples monthly in pursuance to directions of the Provincial Government.

PC 1 of the Building was made by Government Public Analyst Khyber Pakhtunkhwa the building was specifically designed for Food Analysis Laboratory and Appellate Food Laboratory. It is a purpose based building for Laboratory. We already accommodate Drug Testing Laboratory and Electromedical Workshop at our cost, their utility bills are paid by the Government Public Analyst. Now we have no room for another office/Directorate.

It is the first ever example of dislocating an original department who worked very hard for the establishment of these laboratories, we strongly believe that it is because the Head of the Laboratories is a female. It is a worst example of Gender discrimination.

As the Government decided to hand over the Food Analysis Laboratory to "Food Safety and Halal Food Authority Khyber Pakhtunkhwa" which will increase the activity of Food Analysis Laboratory in near future.

It is humbly requested that the notification No. E&A(Health)/2-65/2019 dated 25/1/2019 may please be withdrawn as these are not offices these are laboratories.

*Nighat Jilani*  
GOVERNMENT PUBLIC ANALYST  
PUBLIC HEALTH FOOD ANALYSIS  
LABORATORY HAYATABAD PESHAWAR

No. 22-26 /GPA dated 31/01/2019

Copy & Forwarded to the:-

1. Chief Minister (Secretariat) Khyber Pakhtunkhwa Peshawar
2. Chief Secretary Government Khyber Pakhtunkhwa
3. Minister for Health Khyber Pakhtunkhwa Peshawar
4. Secretary Health Government Khyber Pakhtunkhwa Peshawar
5. Director General Health Services, Khyber Pakhtunkhwa Peshawar
6. Halal Food Authority Khyber Pakhtunkhwa Peshawar
7. Prime Minister Secretariat Islamabad Pakistan.

Annex - 0/1  
(1-2)

GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(REGULATION WING)

Dated Peshawar the 08/02/2017

**NOTIFICATION**

No.FD/5058-208-28/16: The Governor, Khyber Pakhtunkhwa has been pleased to approve Health Professional Allowance at the rate of Rs.16,000/- per month to the following staff of Health Department with effect from 01/01/2017, excluding those working in MTIs and also including the Deputy members of Gajju Khan Medical College Swat and Saidu Medical College Swat.

1. Chief Pharmacist
2. Chief Drug Inspector
3. Senior Drug Analyst
4. Senior Pharmacist
5. Senior Drug Inspector
6. Drug Analyst
7. Pharmacist
8. Drug Inspector
9. Chemist
10. Physiotherapist
11. Microbiologist
12. Biochemist

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

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

SECRETARY TO GOVERNMENT  
OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT

Encls. No. 2 (16/16)

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

1. Secretary to Government of Khyber Pakhtunkhwa, Health Department.
2. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. Director General, Health Services Khyber Pakhtunkhwa.
4. Director PMQA, Finance Department.
5. The Director, Treasuries and Accounts, Khyber Pakhtunkhwa, Peshawar.
6. The All the District Accounts Officers in Khyber Pakhtunkhwa.
7. The Treasury Officer, Peshawar.
8. Budget Officer-VI, Finance Department.
9. In Finance Department (Assistant Director V/III).

(MUSAZZAM KHAN)  
SECTION OFFICER (SA-10)

1,841.00  
0-04-2017  
0801

53.60

ICE

atted: N

6-04-2017

الذکر فی الودیعہ کمیشن آنیبریا کوئی بھی بیگ آنیبریا  
پانچ سو روپے تک تفتیش کے لئے کہ اگر کم دن سال  
اور زیادہ سے زیادہ 14 سال قید اور ایک لاکھ روپے

Section 166-B PPC




Before The Judge Service Tribunal Peshawar.

Nighat Sultana vs Govt

Application for Adjournment  
of the case

\_\_\_\_\_ x \_\_\_\_\_ x \_\_\_\_\_

P. O. F.  
  
25/06/21

Respectfully sheweth,

- 1) That the above mentioned case is pending adjudication before this Hon'able court which is fixed for today i.e 25/06/2021.
- 2) That the counsel for the petitioner is busy before Hon'able High court and is unable to appear before this Hon'able court due to which seeking adjournment.

It is therefore, most humbly requested that on acceptance on this application this case may kindly be adjourned for any next date.

Petitioner

through

Sabira Naz Qureshi



**PESHAWAR HIGH COURT, PESHAWAR**

**DAILY LIST FOR FRIDAY, 25 JUNE, 2021**

BEFORE:-

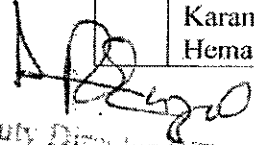
**MR. JUSTICE ROOH UL AMIN KHAN**

Court No: 2

**MOTION CASES**

- |   |   |  |
|---|---|--|
| 1. <b>Cr.A 133-P/2021()</b><br>(172385)   | <b>Miss Wagma Khan</b><br><b>V/s</b><br><b>Zain Sher</b>              | <b>Abdullah Shah</b><br>_____  |
| 2. <b>Cr.A 461-P/2021</b><br><b>with office</b><br><b>objection()</b><br>(176389)   | <b>Niaz Ali</b><br><b>V/s</b><br><b>Wajid &amp; others</b>            | <b>Muhammad Abid Khan (Swabi).</b><br>_____<br><b>Cr Appeal Branch AG Office</b> |
| 3. <b>Cr.M(BCA) 317-</b><br><b>P/2021()</b><br>(171737)   | <b>Muhammad Khan Hamza</b><br><b>V/s</b><br><b>Shabir and another</b> | <b>Umar Zafran</b><br>_____<br><b>Cr Appeal Branch AG Office</b>                 |
| 4. <b>Cr.M(BCA) 1580-</b><br><b>P/2021()</b><br>(176387)  | <b>Auranzeb</b><br><b>V/s</b><br><b>Kamran &amp; others</b>           | <b>Shan Asghar</b><br>_____<br><b>Cr Appeal Branch AG Office</b>                 |
| 5. <b>CM 12(2) 5-P/2021</b><br><b>With CM 4/2012</b><br><b>(M) in RFA</b><br><b>130/2012(in RFA</b><br><b>130/2012 (Decided</b><br><b>by Ex.Judge))</b><br>(170777) | <b>Govt of KPK</b><br><b>V/s</b><br><b>Aftab Ali</b>                  | <b>AG KPK</b><br>_____   |
| 6. <b>COC 98-P/2021(in</b><br><b>CM 12(2) 10/2019</b><br><b>in CR 283/15)</b><br>(172622)   | <b>Mst. Mufeed Begum</b><br><b>V/s</b><br><b>Mati ullah Patwari</b>   | <b>Shakeel Zada Khan (Mardan)</b><br>_____                                       |

4.	Dr. Humaira Saddiqui D/O M. Saddique	15.03.1986/ Mardan.	04.08.2016/B-18	04.08.2016	18	P.S.C.	DHQH, Mardan.
5.	Dr. Saadia Haris Durani D/O	20.05.1982/ Charsadda	04.08.2016/B-18	04.08.2016	18	P.S.C.	Category-D Hosp: Shabqadar, Charsadda
6.	Dr. Farida Ghazal D/O Naseer Ullah	15.10.1984/ Peshawar	04.08.2016/B-18	04.08.2016	18	P.S.C.	BMC, Swabi
7.	Dr. Kashtuddin Khattak S/O Shujaiddin Khattak	20.06.1977/ Peshawar	01.08.2016/B-18	04.08.2016	18	P.S.C.	Molvi Jee Hospital, Peshawar.
8.	Dr. Fazal Hanan S/O Momin Khan.	24.01.1982/ Swat	05.09.2016/B-18	05.09.2016	18	P.S.C.	THQ: Hospital, Khawaza Khella, Swat.
9.	Dr. Muhammad Taimoor S/O Ali Noor Khan	04.01.1973 Chitral.	04.08.2016/B-18	04.08.2016	18	P.S.C.	DHQH, Chitral.
10.	Dr. Munir Hussain S/O Manzoor Hussain	28.06.1968/ Peshawar	04.08.2016/B-18	04.08.2016	18	P.S.C.	DHQH, Abbottabad.
11.	Dr. Haroon ur Rashid S/O Zair Gul.	Peshawar	23.09.2016/B-18	23.09.2016	16	PSC	KMC, Peshawar.
12.	Dr. Salim Ullah, MBBS.	01.04.1982/ Swat	10.04.2017/B-18	10.04.2017	18	Under Act 2017	NSKH, Swat
13.	Dr. Shaukat Ali, MBBS.	03.04.1970/ Swat	10.04.2017/B-18	10.04.2017	18	Under Act 2017	DHQH Charsadda
14.	Dr. Maria Kamran D/O Abul Rashid	01.09.1980/ Peshawar	08-01-2018/B-18	08-01-2018	18	PSC	Service Hospital, Peshawar.
15.	Dr. Waheed Alam S/O Zahir Ullah,	10.12.1970/ Charsadda.	08-01-2018/B-18	08-01-2018	18	PSC	DHQH, Charsadda.
16.	Dr. Shahid Hussain S/O Muhammad Farooq	03.03.1982/ Swat	08.01.2018/B-18	08-01-2018	18	PSC	Nawaz Sharif Kidney Hospital, Swat.
17.	Dr. Nadia Tila D/O Tila Muhammad	12.12.1978/ Peshawar.	31-01-2018/B-18	31-01-2018	18	PSC	City Hospital, Kohat Road, Peshawar.
18.	Dr. Ayesha Safdar D/O Safdar Hussain.	09.09.1980/ Peshawar.	31-01-2018/B-18	31-01-2018	18	PSC	Category-C Hosp: Shabqadar, Charsadda.
19.	Dr. Azhar Yaqoob S/O	19.04.1974/ Peshawar.	27.03.2018/B-18	27.03.2018	18	Under Act 2018	Molve Jee Hospital, Peshawar.
20.	Dr. Mian Muhammad Naveed S/O Mian Said Karam, MBBS/M.Phil Hematology.	15.04.1982/ Nowshera.	27.03.2018/B-18	27.03.2018	18	Under Act 2018	ESH, Pabbi Nowshera.

  
 Deputy Director (HR)  
 Directorate General  
 Health Services Peshawar

**PROVISIONAL SENIORITY LIST OF SENIOR DISTRICT SPECIALIST PATHOLOGISTS (BPS-19) AS ON 01.01.2020**

Sl No.	NAME OF OFFICER WITH ACADEMIC QUALIFICATION.	DATE OF BIRTH AND DOMICILE	ENTRY INTO GOVT. SERVICE.	REGULAR APPOINTMENT / PROMOTION TO PRESENT POST.			PRESENT POSTING.
				DATE	BPS	METHOD OF RECRUITMENT	
2	Dr. Muhammad Aslam Khan, MBBS/DCP	01.06.1960/ DI Khan	21.05.1997/B-18	a) 21.05.1997 b) 10.11.2008	18 19	PSC By Promotion.	DHQH, MTL DI Khan.
3	Dr. Zard Ali Khan S/O Zari Khan, MBBS/DCP.	10.01.1960/ Karak	14.12.2006/B-18	a) 14.12.2006 b) 22.05.2018	18 19	PSC By Promotion.	DHQH, Mardan
4	Dr. Shahabuddin S/O Shamsuddin	10.04.1966/ Chitral.	23.10.2013/B-18	a) 23.10.2013 b) 22.05.2018	18 19	PSC By Promotion.	DHQH, Chitral. (On Acting Charge Basis)
5	Dr. Shahid Ali Turi S/O Nasir Hussain.	06.04.1971/ Kurram	23.10.2013/B-18	a) 23.10.2013 b) 22.05.2018	18 19	PSC By Promotion	DHQH, Abbottabad. (On Acting Charge Basis)

**PROVISIONAL SENIORITY LIST OF DISTRICT SPECIALIST PATHOLOGISTS (BPS-18) AS STOOD ON 01.01.2020**

S. NO	NAME OF OFFICER WITH ACADEMIC QUALIFICATION.	DATE OF BIRTH AND DOMICILE	DATE OF 1ST ENTRY INTO GOVT. SERVICE.	REGULAR APPOINTMENT / PROMOTION TO PRESENT POST.			PRESENT POSTING.
				DATE	BPS	METHOD OF RECRUITMENT	
1.	Dr. Fakhr u Zaman S/O Khana Jan.	02.09.1970/ SWA	09.05.2012/B-18	09.05.2012	18	PSC	DHQH Tank
2.	Dr. Haroon Rashid S/O Abdur Rashid	10.02.1978/ Karak	04.08.2016/B-18	04.08.2016	18	PSC	DHQH, Karak.
3.	Dr. Ahmad Jan S/O Muhammad Aslam	12.03.1985/ FR DI Khan	04.08.2016/B-18	04.08.2016	18	P.S.C.	DHQH, DI Khan

*(Signature)*  
Deputy Director (SIP)  
Directorate General  
Health Services Peshawar



Food Appellant

GOVERNMENT OF NWFP  
HEALTH DEPARTMENT.

Dated Pesh. the 10-12-2007.

NOTIFICATION.

No. SO(D)/H/4-10/92. In exercise of powers conferred by Section 37 of the West Pakistan Pure Food Ordinance, 1960 (VII of 1960), the Government of the North-West Frontier Province is pleased to direct that in the Pure Food Rules, 1965, the following further amendments shall be made, namely:

AMENDMENTS

In rule 35, in sub-rule (1),-

(i) for clause (a), the following shall be substituted, namely:  
"(a) holds Master's Degree in Chemistry, Food Technology, Bio-technology or Micro-Biology from any statutory University in Pakistan and/or any recognized foreign University and has at least five years practical experience in the analysis of foods water, drugs etc; or";  
and

(ii) in clause (b), the full-stop appearing at the end shall be replaced by a semi-colon and the word "or", and thereafter the following new clause shall be added, namely:

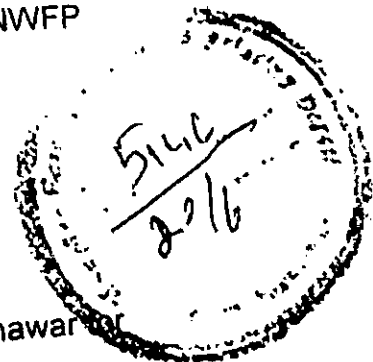
"(c) holds Postgraduate Degree of Pharmacy (four years) or Pharm-D (five years ) from any recognized University with five years practical experience of analysis of drugs in Government or private registered organizations".

SECRETARY HEALTH, NWFP

*G. F.*  
Endst: No. & Date Even.

Copy to the:-

1. Director General, Health Services, NWFP, Peshawar.
2. Public Analyst, Food Laboratory, NWFP, Peshawar
3. Manager, Stationery & Printing Dept. Shami Road, Peshawar for publication in the Govt. Official Gazette.
4. PS to Secretary Health, Govt. of NWFP.



*Muhammad Ibrahim*  
(Muhammad Ibrahim)  
Section Officer (Drugs)

For Appellant

GOVERNMENT OF NWFP  
HEALTH DEPARTMENT.

Dated Pesh. the 10-12-2007.

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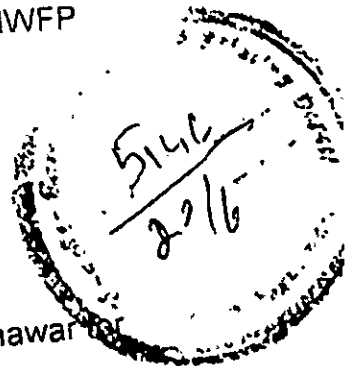
"(c) holds Postgraduate Degree of Pharmacy (four years) or Pharm-D (five years ) from any recognized University with five years practical experience of analysis of drugs in Government or private registered organizations".

SECRETARY HEALTH, NWFP

*G. F.*  
Endst. No. & Date Even.

*20/12/07*  
Copy to the:-

1. Director General, Health Services, NWFP, Peshawar.
2. Public Analyst, Food Laboratory, NWFP, Peshawar
3. Manager, Stationery & Printing Dept. Shami Road, Peshawar
4. PS to Secretary Health, Govt. of NWFP.



*Muhammad Ibrahim*  
(Muhammad Ibrahim)  
Section Officer (Drugs)

For Appellant

**GOVERNMENT THE NORTH-WEST FRONTIER PROVINCE  
HEALTH DEPARTMENT**

**NOTIFICATION**

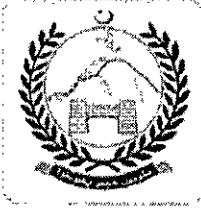
Peshawar, dated 15<sup>th</sup> November, 2007

**No. SOH-III/10-4/05.** In pursuance of the provisions contained in sub-rule (2) of rule 3 of the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, and in supersession of all notifications issued in this behalf, the Health Department in consultation with the Establishment Department and the Finance Department hereby laid down the method of recruitment, qualifications and other conditions specified in column 3 to 5 of the Appendix to this Notification, which shall be applicable to the posts specified in column 2 of the said Appendix:

**APPENDIX**

S. No.	Nomenclature of the post	Prescribed qualifications Initial recruitment	Age limit	Method of Appointment
1.	Government Public Analyst			By promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Public Analysts and Microbiologists, having at least five years experience as such.  <b>NOTE.</b> For the purpose of promotion a joint seniority list of Assistant Public Analyst and Microbiologists shall be maintained on the basis of their continuous regular appointment to the respective posts.
2.	Assistant Public Analyst	M. Sc. in Chemistry, with at least 2 <sup>nd</sup> Division	21 to 35 years.	By initial recruitment
3.	Microbiologist	a) M. Sc in Microbiology 2 <sup>nd</sup> Division or grade-C from a recognized University or; b) B. Sc in Medical Technology from a recognized University with Microbiology as special subject and at least three years experience in Microbiology in a Medical Teaching Institution under a specialist Microbiologist or; c) B.S./B. Sc. in Medical Technology with one of the subject from Foreign recognized University. The course should be of a minimum duration of four years with at least one year's practical experience as a Medical Technologist in a hospital/school of Medical Technology.	21 to 35 years	By initial recruitment

SECRETARY HEALTH



**KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR**

No. 1570-71/ST

Dated: 09/08/2021

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

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

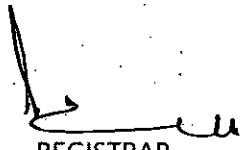
To

1. The Secretary Health Department,  
Government of Khyber Pakhtunkhwa,  
Peshawar.
2. Director General Health Services,  
Government of Khyber Pakhtunkhwa,  
Peshawar.

Subject: JUDGMENT IN APPEAL NO. 8490/2020, MST. NIGHAT SULTANA.

I am directed to forward herewith a certified copy of Judgement dated  
27.07.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR

IN BY THE IDENTIFYING OFFICE BEFORE REPLY

Endst: of even No. & date.

Copy forwarded to:

1. The Secretary to Govt. of NWFP, Establishment Department.
2. The Secretary to Government of NWFP, Finance Department
3. The Secretary to Government of NWFP Law Department.
4. The Chairman, NWFP, Public Service Commission, Peshawar.
5. The Accountant General NWFP, Peshawar.
6. The Director General Health Services NWFP, Peshawar.
7. The Director, Provincial Health Services Academy, Peshawar.
8. All the Chief Executives of Teaching Hospitals in NWFP.
9. The Manager, Govt. Printing Press, Peshawar with the request to notify the Service Rules in the next issue of Govt. Gazette and to request that 20 copies of the Gazette in which the Notification is published may kindly be supplied to this Department for official use.
10. The Section Officer (General) Health Department.
11. PS to Secretary Health.

(ALAMZEB MALIK)  
SECTION OFFICER-III