

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR.

Service Appeal No. 4944/2020

Date of Institution ... 03.06.2020

Date of Decision ... 07.07.2020

Dr. Muhammad Zarin, Ex-Deputy Director EPI, Merged Areas, Peshawar.  
... (Appellant)

VERSUS

Govt: of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar  
and six others. ... (Respondents)

-----  
MR. ASIF ALI SHAH,  
Advocate

--- For appellant.

MR. MUHAMMAD JAN,  
Deputy District Attorney

--- For respondents No. 1 to 6

MR. NAVEED AKHTAR  
Advocate

--- For respondent No. 7

MIAN MUHAMMAD  
HAMID FAROOQ DURRANI

--- MEMBER(Executive)  
--- CHAIRMAN

JUDGMENT:

MIAN MUHAMMAD, MEMBER:- Arguments of learned counsel for the  
parties heard and record perused.

FACTS:

02. Brief facts of the case are that the appellant belongs to general cadre and is a  
Medical Officer (BPS-17), who was attached to DHO Office, Mohmand and then  
posted as Assistant Director EPI (BPS-18) Merged Districts in his own pay and  
scale vide notification dated 01.08.2019. He was performing his duties as Assistant  
Director EPI (BPS-18), Directorate Health Services Merged Areas Peshawar when  
another notification of his transfer was issued on 28.04.2020 and private

Respondents No.7 i.e Dr. Mushtaq Ahmad (BPS-18) of Management Cadre was posted as Assistant Director EPI (BPS-18) in Directorate Health Services Merged Areas Peshawar. The appellant feeling aggrieved with the notification dated 28.04.2020 (impugned order) preferred departmental appeal on 30.04.2020 which was filed/regretted on 18.05.2020, hence, the instant service appeal.

**ARGUMENTS:**

03. Learned counsel for Appellant vehemently contended that the appellant has been transferred frequently from the one post to another making him rolling stone without completion of his normal tenure which is one of the basic rights, part of the terms and conditions of service of the appellant of which he has protection under Tenure Policy. He further argued that the appellant has been targeted on the illegal and unlawful directions of the political figures and the impugned order dated 28.04.2020 has been issued in utter disregard to the principle of fairness, merit and transparency. Moreover, the appellant has been made a victim of discrimination, demerit, partiality and favoritism due to the reason that he had conducted an impartial enquiry against the illegal appointment/recruitment of PSDP's staff. He therefore, requested that the impugned order be set aside and let the appellant continue to complete his normal tenure against the post of Assistant Director (BPS-18) EPI where he is still holding the charge on the basis of status quo/stay order granted by the Services Tribunal on 05.06.2020.

04. Learned counsel for private Respondent No.7 contested the arguments of the learned counsel for the appellant on the ground that the appellant was a BPS-17 Officer and posted against the elevated position of BPS-18 in his own pay and scale. Private Respondent No.7 is a well qualified officer in BPS-18 from the

Management Cadre and as such no violation of the law or rules has been made by dislodging the appellant from higher post of BS-18 and posting him in an equivalent post falling in BPS-17. He referred to Section-10 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-7(2) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules 1989 and argued that the fundamental law has an overriding effect over policy and in case of exigency the government may make adjustment in public interest. He further contended that on availability of an appropriate/suitable officer from Management Cadre has been posted against the position as Assistant Director EPI which is a BPS-18 post and carries higher responsibilities. Moreover, no disliking for enquiry conducted by the appellant is exhibited anywhere in the notification to establish that the appellant has been victimized for the said deed. Moreover, the transfer order has been issued after four months of the enquiry report submitted by the appellant in his capacity as enquiry officer.

05. The learned Deputy District Attorney relied mainly on the replies/arguments of the learned counsel for private Respondent No.7 and produced a recent judgment of the Khyber Pakhtunkhwa Services Tribunal in Service Appeal No. 1968/2019 (Fateh Khan-vs-Govt: of Khyber Pakhtunkhwa) dated 25.06.2020. He also contended that the question of non-compliance with the tenure policy does not arise because the appellant has rightly been posted in his own cadre (General cadre) according to his pay scale (BPS-17), therefore, no violation of law and rules has been made by the Respondents. He also pointed out that the Appellant was holding higher post (BPS-18) in his own pay and scale and referred to SCMR 1189 (2014) assailing that the practice of appointment on OPS (Own Pay Scale) basis had always been discouraged by the august Supreme Court, as it did not have any

sanction of law. The learned Deputy District Attorney drew attention of the Bench to yet another notification issued by Director Health Services, Merged Areas on 18.06.2020, whereby the services of appellant have been placed at the disposal of District Health Officer, Mohmand for further posting against the vacant position of Medical Officer (BPS-17). He, therefore, raised a question that did the appellant make a departmental appeal against it or otherwise?. The learned counsel for the appellant expressed his ignorance about the issuance of such office order and assailed it on the ground that when the impugned transfer notification dated 28.04.2020 was held in abeyance by Secretary Health on 16.06.2020 how come Director Health Services, Merged Areas can issue yet another transfer order of the Appellant and so much so that the post is held by the Appellant on the strength of stay order granted by the Services Tribunal on 05.06.2020.

**CONCLUSION:**

06. In the light of arguments advanced by the parties and indepth perusal of available record, we have arrived at the conclusion that the Appellant being an officer of General Cadre in BS-17 was posted against higher post BS-18 mentioning specifically "in his own pay and scale". On availability of an officer in BS-18 from the Management cadre the Appellant was rightly posted back in his original cadre and pay scale. Therefore, he was not affected in anyway by the impugned order dated 28.04.2020.

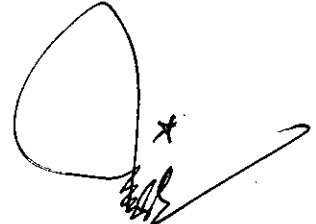
07. For what has been discussed above, it is important to note here that the official Respondents had been directed through various judgments not to intermingle the posts in two cadres and post officials from one cadre to the other. The Respondents, however, have remained at loss in compliance thereof. It is a

sorry state of affairs that the policies of Government/rules are defined by the responsible officers for adjustment and convenience of their blue eyed.

08. We therefore, dismiss the appeal in hand and stay granted on 05.06.2020 is hereby withdrawn. Parties are left to bear their own costs. File be consigned to the record room.



(HAMID FAROOQ DURRANI)  
Chairman



(MIAN MUHAMMAD)  
Member(E)

ANNOUNCED  
07.07.2020

**ORDER**

07.07.2020

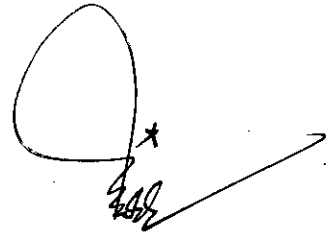
Appellant with counsel present. Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Saleem Javed, Supdt for official Respondents No 1 to 6 and private Respondent No.7 with counsel present. Arguments heard and record perused.

Vide our detailed judgment of today consisting of five pages placed on file, we dismiss the appeal in hand and stay granted on 05.06.2020 is hereby withdrawn. Parties are left to bear their own cost. File be consigned to the record room.

Announced:  
07.07.2020



(Hamid Farooq Durrani)  
Chairman



(Mian Muhammad)  
Member(E)

30.06.2020

Appellant with counsel present.

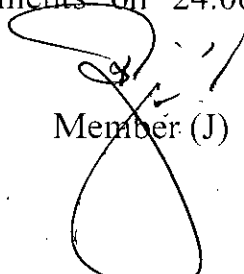
Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Shah Nawaz Litigation Officer for official respondents No.1 to 6 present.

Written reply/comments have already been filed on behalf of respondents No.2 to 4. Private respondent No.7 has also filed comments, while respondent No.5 relied upon the comments already filed by respondents No.2 to 4. To come up for rejoinder, if any, and arguments on 07.07.2020 before D.B. In the meanwhile status-quo be maintained till the date fixed.

  
Member (J)

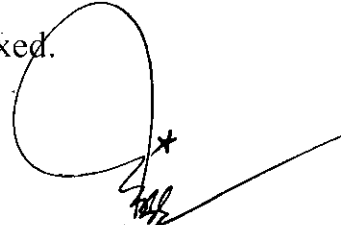
19.06.2020

Learned counsel for the appellant Zarin Khan present. Mr. Muhammad Jan learned Deputy District Attorney alongwith Mr. Shah Nawaz Litigation Officer for official respondent present. Mr. Navid Akhtar Advocate present for private respondent No.7. Request made for adjournment on behalf of respondents for submission of comments. Learned counsel for private respondent No.7 requested for arguments on application for suspension of impugned order but request for adjournment was made by learned counsel for the appellant. Record shows that reply to the above mentioned application has also not been submitted by the appellant, therefore, adjournment is allowed with direction to appellant to submit reply to application for suspension while respondents are directed to submit comments on 24.06.2020 before S.B.

  
Member (J)

24.06.2020

Appellant in person present. Addl. AG alongwith Mr. Shah Nawaz, Litigation Officer for official respondents and counsel for private respondents No.5, 6 and 7 present. Written reply/comments on behalf of respondents No.1, 2, 3 and 4 submitted. To come up for written reply/comments on behalf of respondents No.5, 6 and 7 on main appeal and reply/arguments on application for suspension on 30.06.2020 before S.B. In the meanwhile status-quo be maintained till the date fixed.

  
Member (E)



05.06.2020

Counsel for the appellant Dr. Muhammad Zarin present Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was performing duty as Deputy Director EPI in merged area Peshawar. It was further contended that the appellant was transferred from the office of DHO Mohmand to the present post of merged area vide order dated 01.08.2019. It was further contended that the appellant has not completed his normal tenure but he was transferred from merged area and placed him at the disposal of Director General Health Services Khyber Pakhtunkhwa Peshawar vide order dated 28.04.2020. It was further contended that the appellant filed departmental appeal on 30.04.2020 but the same was regretted vide order dated 18.05.2020 hence the present service appeal on 03.06.2020. Learned counsel for the appellant further contended that the appellant was appointed for conducting inquiry against Dr. Jawad Habib Director Health Services and others for illegal recruitment. It was further contended that the appellant submitted inquiry report against the Departmental Selection Committee and illegal appointee vide inquiry report dated 02.10.2019, therefore, on the basis of which appellant was illegally transferred by the competent authority and the tenure of the appellant was also not completed before the impugned order. Learned counsel for the appellant stated at the bar that the appellant has not relinquished the charge and still performing duty in the merged area. It was further contended that the test of COVID-19 of the appellant was also became positive and the appellant is in quarantine, therefore, the impugned order is illegal and liable to be set-aside.

The contention raised by the learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 19.06.2020 before S.B. Learned counsel for the appellant also submitted application for suspension of impugned order. Notice of the same be also issued to the respondents for the date fixed. In the meanwhile status-quo be maintained till the date fixed.

*M. A.*  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

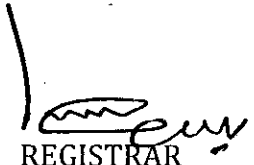

Appellant Deposited  
Security & Process Fee

11/6/20

Form- A  
FORM OF ORDER SHEET

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

Case No. - 4944 /2020

1S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	03/06/2020	<p>The appeal of Dr. Muhammad Zarin presented today by Mr. Asif Ali 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>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>05/06/2020</u>.</p> <p style="text-align: right;">CHAIRMAN </p>

**BEFORE KHYBER PAKHTUN KHWA, SERVICE  
TRIABUNAL, PESHAWAR**

CM. No. \_\_\_\_\_/2020  
in Appeal No. 4944 /2020

*ZARIN*  
Muhammad ~~Zulfiqar~~ Khan

Appellant

**Versus**

Govt. of Khyber Pakhtun Khwa through Secretary Health  
and others

Respondents

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Dated: .01.06.2020

  
Appellant  
Through *M. Jaw*

**ASIF ALI SHAH**  
Advocate, High Court,  
Chamber:  
3-A, Haroon Mansion,  
Khyber Bazaar, Peshawar.  
Cell: 0333-9006806

①

**BEFORE KHYBER PAKHTUN KHWA, SERVICE  
TRIABUNAL, PESHAWAR**

Appeal No. 4944 /2020

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 4649

Dated 03/6/2020

**Dr. Muhammad Zarin,**  
Ex-Deputy Director EPI, Merged Areas, Peshawar

**Petitioner**

**VERSUS**

1. Govt. of Khyber PakhtunKhwa through Chief Secretary, Civil Secretariat, Peshawar.
2. Secretary Health, Civil Secretariat, Peshawar.
3. Director General Health Services, Khyber PakhtunKhwa, office situated near District Courts, Peshawar.
4. Director Health Services, merged area Khyber PakhtunKhwa, Peshawar.
5. Director EPI Program Khyber PakhtunKhwa.
6. Minister Health, Khyber PakhtunKhwa.
7. Dr. Mushtaq Ahmad, SMO / DMS Moulvi Ameer Shah Memorial Hospital, Peshawar.

**Respondents**

Filed to-day

Registrar.

3/6/2020

**SERVICE APPEAL UNDER SECTION-4 OF THE**  
**Service Tribunal ACT, 1974 AGAINST THE ACT**  
**/ORDER OF THE RESPONDENT NO. 1 WHO**  
**ISSUED IMPUGNED ORDER NO. SOH/HD/E-V/4-**  
**4/2020/DR. MUHMMAD ZARIN KHAN DATED:**  
**18.05.2020, VIDE WHICH THE ORDER NO.**  
**SOH/HD/E-V/4-4/2020 DATED: 28.04.2020 OF**  
**RESPONDENT NO. 2 WAS MAINTAINED AND THE**  
**DEPARTMENTAL APPEAL OF THE PRESENT**  
**APPELLANT WAS REGRETTEED / FILED.**

**PRAYER IN APPEAL:**

**ON ACCEPTANCE OF THIS APPEAL,**

(2)

1. **THE IMPUGNED ACTS / ORDERS OF THE OFFICIAL RESPONDENTS ARE BASED ON POLITICAL PRESSURE AND INFLUENCE OF RESPONDENT NO.6, HENCE, THE ORDERS:**

- i. Order No. SOH/HD/E-V/4-4/2020 dated: 28.04.2020 ;
- ii. Order No. SOH/HD/E-V/4-4/2020/Dr. Muhmmad Zarin Khan dated: 18.05.2020 ; and
- iii. Any other order which is not in the knowledge of the petitioner.

**BEING ILLEGAL, VIOLATIVE OF LAW, WITHOUT LAWFUL AUTHORITY, ULTRA VIRES, BASED ON POLITICAL PRESSURE / INFLUENCE, VOID-AB-INITIO AND IN VIOLATION OF FUNDAMENTAL RIGHTS OF THE APPELLANT, ARE LIABLE TO BE SET ASIDE.**

2. **PROHIBITING THE RESPONDENTS FROM ISSUING ANY OTHER ORDER IN PURSUANCE OF THE ABOVE IMPUGNED LETTERS.**

**Respectfully Sheweth:**

**The appellant most humbly submits as under:-**

1. That the appellant is serving as Assistant Director EPI (BS-18), Directorate of Merged Areas Peshawar and having unblemished service record in his whole service career.
2. The respondent No.4 sent a proposal on the instance and command of Respondent No.6 to Respondent No.3 which was further forwarded to Respondent No.2 and all the above official respondents without scrutinizing the real state of affairs and issued the impugned transfer **Order No. SOH/HD/E-V/4-4/2020 dated: 28.04.2020** on the behest of respondent No.6 to accommodate his blue eyed and to burry their illegal acts / illegal appointments which was unearth by the appellant being acting as an inquiry

officer. {Copies of the Impugned letter dt: 28.04.2020 & inquiry report is attached as annexure-A&B}

3. That the appellant was shocked to see the un-human behavior of the respondents No. 2 to 5 rushed to the office of Respondent No. 1 for redressal of his grievances and filed a department appeal but the same was regretted / filed besides the facts that the respondents themselves admitted this fact that the appellant has been repeatedly transferred but despite this reality the appellant appeal was dismissed vide impugned **Order No. SOH/HD/E-V/4-4/2020/Dr. Muhammad Zarin Khan dated: 18.05.2020.** {Copies of the appeal & letter dt: 18.05.2020 are attached as annexure-C&D}
4. That the appellant made so many requests but the respondents are not ready to withdraw their illegal orders, hence the appellant having no other alternate and adequate remedy because the services tribunal is not functional due to Covid-19 holidays, filing this writ petition on the grounds mentioned below:-

**GROUND:**

- A. That the impugned orders / action and inactions of Respondents No.1 to 6 are against law, facts and material on record, hence liable to be set-aside.
- B. Because the respondent No. 2 in **utter disregard to the principles of the fairness, merit and transparency** have obliged upon the illegal and unlawful directions of the political figures and passed the present impugned order dated: 28.04.2020, which fact is fully evident from the note sheet Para-17 dated: 12.05.2020, wherein it is categorically mentioned that ***“Frequent transfer / posting of appellant was carried. All posting / transfer orders attached there is no posting orders which has been issued on administrative grounds.”*** (Note sheet attached) Meaning thereby the appellant has

been repeatedly transferred as per directions of the MPA/MNA or corrupt mafia which are involved in the illegal appointment / recruitment of PSDP staff, hence the impugned orders of the respondent No.1& 2 are against the law, illegal, unlawful and void ab initio and liable to be turned down.

- C. Because the **present appellant have not completed the tenure as provided by the service laws and rules**. The present appellant was transferred and assigned the Duties of Deputy Director EPI in Directorate of Merged Areas Peshawar since 01<sup>st</sup> Aughust,2019 vide office memo No.SOH(E-V)7-809/2019 and now the appellant was again transferred vide impugned Order dated:28.04.2020. The appellant is repeatedly transfer more than 7 times like a rolling stone (**Copies attached**), hence in view of the said facts it is abundantly clear that the appellant is victimized by the said frequent transfer orders, which are unwarranted under the law and therefore the impugned orders are unsustainable
- D. Because the **present appellant while combating COVID-19 got infection and become an active patient of COVID-19** and thus needs great care of the family and thereby the services at his present assignment are highly suitable to the present appellant and the health condition of the present appellant do not permit him, and the impugned order of transfer has been passed in that time when the appellant was active with COVID-19, hence on this score alone, the impugned orders of the respondent No. 1&2 are liable to be reversed.
- E. Because the **frequent transfers of the appellant from one place to another by the Respondent is against the worthy ruling of the Hon'ble Superior Courts of Pakistan** and therefore, the same are illegal practice and such practice adversely effects efficiency of

incumbents and also reduces their confidence and faith in public, hence the impugned orders referred above are liable to be upheld on this score also.

- F. Because the **appellant had been made victim of discrimination, demerits, partiality and favoritism** without any just and reasonable cause thereby offending the fundamental rights of the appellant as provided by the constitution of 1973, hence the impugned orders detailed above are liable to be set at naught.
- G. Because the appellant is very hardworking and punctual in his duty, therefore, no complaint received by the Respondent against the appellant but the Respondent unlawfully and illegally proceeded against the appellant by ordering his transfer from one place to another, which is against the law and fundamental rights of the appellant.
- H. Because the appellant was condemned unheard, his departmental appeal was not properly adjudicated in the manner as provided by the law. Further no chance of personal hearing was given to the present appellant in order to redress his grievances which show the malafide of the Respondent No. 2, hence needs interference of this Hon'ble Tribunal.
- I. That the appellant per policy of civil servant should be placed at nearest home station and the same issue has been decided by the august Supreme Court of Pakistan in which the benefit has to be extended to appellant.
- J. That the appellant belongs to very respectable family and according to civil servant laws and repeated transfer orders without fulfilling the legal requirements is nullity in the eye of law and also against all norms of natural justice.
- K. That the orders of the Respondent No.1&2 suffers from legal and factual infirmities and mis-application of law as



laid down by the August Supreme Court of Pakistan in subject.

- L. Because the impugned transfer orders are on the face of it **malafide** and motivated by considerations other than merits and therefore is patently illegal and liable to be set aside.
- M. Because unless and until the impugned orders of are not varied/set aside, serious miscarriage of justice would be caused to the appellant as the said orders are fanciful, suffering from patent perversity and material irregularity.
- N. As such from the sequence of events narrated in this memo of appeal it is abundantly clear that the appellant was victimized of political pressure speaks volume **nepotism and favoritism** on the part of the respondents.
- O. That the impugned orders are suffering from illegality and material irregularity and are open for judicial notice and the exercise of constitutional jurisdiction by this August Court is inevitable.
- P. That the appellants seek leave of this Honorable Court to argue/raised additional grounds at the time of arguments.

**THEREFORE, IN VIEW OF THE ABOVE SUBMISSIONS, IT IS VERY HUMBLY PRAYED THAT ON ACCEPTANCE OF THE INSTANT appeal, DECLARE:**

**1. THE IMPUGNED ACTS / ORDERS OF THE OFFICIAL RESPONDENTS ARE BASED ON POLITICAL PRESSURE AND INFLUENCE OF RESPONDENT NO.6, HENCE, THE ORDERS:**

- i. Order No. SOH/HD/E-V/4-4/2020 dated: 28.04.2020 ;
- ii. Order No. SOH/HD/E-V/4-4/2020/Dr. Muhmmad Zarin Khan dated: 18.05.2020 ; and
- iii. Any other order which is not in the knowledge of the petitioner.

(7)

BEING ILLEGAL, VIOLATIVE OF LAW, WITHOUT LAWFUL AUTHORITY, ULTRA VIRES, BASED ON POLITICAL PRESSURE / INFLUENCE, VOID-AB-INITIO AND IN VIOLATION OF FUNDAMENTAL RIGHTS OF THE APPELLANT, ARE LIABLE TO BE SET ASIDE.

2. PROHIBITING THE RESPONDENTS FROM ISSUING ANY OTHER ORDER IN PURSUANCE OF THE ABOVE IMPUGNED LETTERS.
3. ANY ORDER RELIEF WHICH THIS HON'BLE TRIBUNAL DEEMS FIT MAY ALSO BE GRANTED.

*M. Jam*

Appellant  
Through

Dated:01.06.2020

Asif Ali Shah  
&

Haseen Ullah Khan Gamaryani  
Advocate, High Court, Peshawar

**CERTIFICATE**

Certified on instructions of my client that appellant has not previously moved this Hon'ble Court under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 regarding the instant matter.

*[Signature]*

**ADVOCATE**

8

**BEFORE KHYBER PAKHTUN KHWA, SERVICE  
TRIABUNAL, PESHAWAR**

CM. No. \_\_\_\_\_/2020  
in Appeal No. \_\_\_\_\_/2020

Muhammad Zulfiqar Khan

Appellant

***Versus***

Govt. of Khyber Pakhtun Khwa through Secretary Health  
and others

Respondents

**APPLICATION FOR GRANT OF ISSUANCE OF  
STATUS QUO ORDER IN FAVOUR OF PRESENT  
APPELLANT BY SUSPENDING THE IMPUGNED  
TRANSFER OFFICE ORDER NO. SOH/HD/E-V/4-  
4/2020 DATED: 28.04.2020 TILL FINAL  
DISPOSAL OF THIS APPEAL.**

**RESPECTFULLY SHEWETH!**

Appellant most humbly submits as under:

1. That the captioned appeal is filed to-day, in which no date of hearing has yet been fixed. The contents of the Appeal may be considered as integral part of this petition for its disposal.
2. That the appellant preferred the instant Appeal on the basis of very sound grounds, there exist an absolute prima facie case in favour of the appellant and the appellant is sanguine in respect of its success.
3. That in view of the peculiar facts and circumstances of the case in hand balance of convenience also lies in favour of Appellant and allowing this application would just and proper. The respondents are about to relieve the present appellant from his present place of posting, hence if the

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appellant is relieved from his present posting, great and irreparable loss would be done to the appellant.

4. That there is no legal embedment / embargo to pass such like order of suspension of the impugned transfer **Order No. SOH/HD/E-V/4-4/2020 dated: 28.04.2020** till final disposal of present appeal.

IT IS, THEREFORE, MOST HUMBLY PRAYED THAT ON ACCEPTANCE OF THIS PETITION AN INJUNCTIVE ORDER MAY GRACIOUSLY BE PASSED AND DIRECTION MAY KINDLY BE ISSUED TO RESPONDENTS FOR STOPING THE IMPELEMENTAION OF IMPUGNED TRANSFER **Order No. SOH/HD/E-V/4-4/2020 dated: 28.04.2020** TILL FINAL DISPOSAL OF THIS APPEAL.

**Petitioner/Appellant**

Through

Dated:01.06.2020

**Asif Ali Shah**

&

**Haseen Ullah Khan Gamaryani**  
Advocate, High Court, Peshawar

**Affidavit :**

It is verified upon oath, that all the contents of the instant petition are true and correct to the best of my Knowledge and belief and nothing has been concealed intentionally from this Hon'ble Tribunal.

M. Zau  
Deponent

10



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

Dated Peshawar the 28<sup>th</sup> April, 2020

**NOTIFICATION**

**NO. SOH/HD/E-V/4-4/2020**

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

Sr.#	NAME	FROM	TO
1.	Dr. Muhammad Zarin, MO (BS-17).	Assistant Director EPI (BS-18), Directorate of Health Services, Merged Areas, Peshawar.	At the disposal of Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
2.	Dr. Mushtaq Ahmad, Management Cadre (BS-18).	SMO/ DMS Moulvi Ameer Shah Memorial Hospital, Peshawar.	Assistant Director EPI (BS-18), Directorate of Health Services, Merged Areas, Peshawar.

18/6/20  
Further Posting to  
Muzammad

SECRETARY HEALTH  
Govt. of Khyber Pakhtunkhwa

Endst. of even No. & Date.

Copy to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
3. Director Health Services, Merged Areas, Peshawar.
4. Director, EPI, Directorate General Health Services, Khyber Pakhtunkhwa Peshawar.
5. Medical Superintendent, Moulvi Ameer Shah Memorial Hospital, Peshawar.
6. Deputy Director (IT), Health Department for uploading on official website.
7. PS to Secretary Health, Government of Khyber Pakhtunkhwa.
8. PA to Special Secretary Health, Peshawar.
9. Doctors concerned.

Assessed

(Hafeez Ur Rehman Shah)  
SECTION OFFICER (E-V)

To

The Director Health,  
Merged Areas, Peshawar.

Subject: SUBMISSION OF REPORT ON THE COMPLAINT OF MR. HASSAN KHAN.

Dear Sir,

Reference to the complaint marked by your good office to the undersigned on 13-11-2019 (D. No 6593) for report.

The complaint was examined and the complainant was called to appear in person with all academic and experience certificates. He appeared and submitted all verified documents. The complaint was against Mr. Farooq Finance Officer (PSDP) who was served letter No. 1571-3 Dated: 25-11-2019 to make defence if any. He had no defence so did not respond.

The documents of both were thoroughly examined and scrutinized the matter.  
The report is submitted as desired, please.

Dr. Muhammad Zarin  
(Reporting Officer)  
Deputy Director EPI  
Merged Areas, Peshawar.

No. 21336-39 /DHS/MAS/EPI Dated 03/12/2019.

**Copy for information:**

1. Director EPI Khyber Pakhtunkhwa, Peshawar
2. DD (Admn) Merged Areas, Peshawar
3. Program Manager EPI, Merged Areas, Peshawar.

*M. Zarin*  
Dr. Muhammad Zarin  
(Reporting Officer)  
Deputy Director EPI  
Merged Areas, Peshawar.

*Amended*  
*[Signature]*

CONCLUSION:

A) MUHAMMAD FAROOQ:

Total of 29.5 Extra Marks have been awarded to Mr. FAROOQ to accommodate him as Finance Officer.

1. Does not fulfill the Criteria.
2. 07 marks have incorrectly been awarded without having required higher qualification.
3. 7.5 marks have been awarded for experience, while he has no relevant experience. He even does not fulfill the mandatory experience required with the Master degree (Finance).
4. Experience certificate shows Assistant Health Information System, (HIS) Coordinator, which has nothing to do with finance experience (from 17-03-2008 to 01-02-2010) – Surprisingly, the experience certificate is fake and bogus because he was Microscopist during the period in Afghan Refugees vide Order No. PDH(AR)492/96/Estt, dated 2008. (Clear Forgery Case)
5. No Master Degree obtained.
6. No Master Degree in Finance

B) HASSAN KHAN:


Fulfill all the Criteria including Mandatory experience.

RECOMMENDATIONS:

1. Mr. Farooq shall be immediately terminated with recovery of already drawn salary till date and stopped the further salary with immediate effect.
2. Mr. Hassan is recommended for the position of Finance Officer.

Encl: (Copy of complaint attached).

*Assessed*  


  
Dr. Muhammad Zarin  
(Reporting Officer)  
Deputy Director EPI  
Merged Areas, Peshawar

Position : FINANCE OFFICER

SCRUTINIZED MARKING AS PER SUBMITTED DOCUMENTS

*Handwritten signature and initials*

Name	Date of Birth	Domicile	Required Qualification as per PC-1	Qualification Marks				Higher Qualif: Marks	Exp: Marks	Train: Marks	Intervi ew Marks	Grand Total	Fact Findings
				SSC	Inter	Grad:	Master						
Muhamma d Farooq S/O Muhamma d Sadique	23/3/86	peshawar	M.Com or MBA Finance with 03 years or B.Com/BBA with 05 yearsexp: in Account matter in BPS-16 in Health Prog:/Institution, 3 years' experience in relevant field. Computer skills preference.	15	15	11	No marks awarded as Candidate s is not Master in Finance	No Higher qualifica tion obtaine d	No additio nal exp:	Nil	5	46	<ol style="list-style-type: none"> <li>07 marks have incorrectly be awarded without having req higher qualification.</li> <li>7.5 marks have been awarde experience, while he has no experience. He even does not the mandatory experience r with the Master degree (Fin</li> <li>Experience certificate show: Health Information Systeme, (t Coordinator, which has notl with finance experience (fr 2008 to 01-02-2010) – Surp experience certificate is fak bogus because he was Micr during the period in Afghan vide Order No. PDH(AR)492 dated 2008. <b>(Clear Forgery</b></li> <li>No Master degree in Financ</li> <li><b><u>Total of 29.5 Extra Ma been awarded to Mr. F accommodate him as I Officer in the Selected List.</u></b></li> </ol>
Hasan khan S/O Shanawaz Khan	2/2/1985	charssada		15	15	15	15	7	No additio nal exp:		6.5	73.5	Fulfill all the Criteria including experience.

13



(14)

**Directorate of Health Services,  
Warsak Road Peshawar**

PH# 091-9210212,

Fax# 091-9212110

To

The Dr. Zareen Khan,  
Assistant Director (EPI),

Subject:- INQUIRY.

I am directed to refer to the subject noted above and to state that you are nominated as inquiry Officer vide this office order endorsement No. 13651-53, dated 20/08/2019, wherein you were directed to submit a detail report within 10 days positively, but the same is still awaited from your side.

You are therefore, once again reiterated to submit the same at your earliest to this office without further delay, failing which no compliance on your part shall be reported to competent authority.

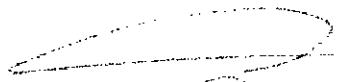
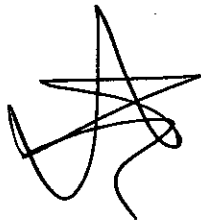
**Deputy Director (Admin),  
DHS, Merged Areas, Peshawar.**

No. 2894-19 /DHS/Dev  
Copy to the:-

dated 30/9/2019

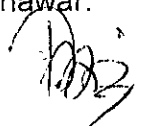
- 1- Deputy Director EPI, Merged Areas Peshawar.
- 2- PA to DHS, Merged Areas Peshawar.

*Attested*



*30/9/19*

**Deputy Director (Admin),  
DHS, Merged Areas, Peshawar.**





(15)  
**DIRECTORATE OF HEALTH SERVICES**

MERGED AREA SECRETARIAT WARSAK ROAD PESHAWAR

PH # 091-9210212 FAX # 091-9212110

**OFFICE ORDER**

Dr. Zarin Khan Assistant Director (EPI) Merged Areas, is hereby nominated to conduct a detail inquiry in the various complaints received through Pakistan Citizen Portal regarding illegal appointments and other discrepancies in EPI Program Merged Areas and submit the report with clear recommendations, within 10 days positively.

--/--

**Director Health Services,  
Merged Areas, Peshawar.**


No. 13657-53/DHS/Admin

Dated 20 / 08 / 2019

Copy forwarded to the:-

- 1) Deputy Director (EPI) Merged Areas.
- 2) Assistant Director (EPI) Merged Areas. (Inquiry Officer)
- 3) Focal Person PMRU DHS Merged Areas.

For information and necessary action.

  
20/8/19  
**Director Health Services,  
Merged Areas, Peshawar.**

*Attested*



## Inquiry Report


### Introduction:

The undersigned is nominated as an inquiry officer into the complaints reflected on Citizen Portal along with other discrepancies in PSDP staff recruitment made in the tenure of Dr. JawadHabib Director Health Services and Dr. Iftikhar the then Program Manager EPI vide Office Order No.13651-53/DHS/Admin,dated 20-08-2019

### Major Findings:

All the available record was properly checked and the minor findings are reflected against each candidate and major findings are below:

1. The Criteria set for different categories have fully been violated. (Criteria attached – Flag- A)
2. Some candidates are not reflected in the short listing but present on the top of selection list, for example Mst.Dur-e-Nayab, Cashier.(All Shortlisting and Selection Lists attached- Flag-B&C)
3. All the marks awarded to the selected candidates are found incorrect rather excessive marks are allotted to accommodate the blue eyed candidates. (Detail findings are reflected against each candidate in the subsequent pages – Flag- D.)
4. Standing Committee Order dated 12-5-2015 has clearly been violated. (Copy attached- Flag -E)
5. Fake certificates have been considered and most of them have been issued by Mr. Farooq under his signature. (Copies attached- Flag - F)
6. The shortlisting has been made without framing any criteria neither test has been conducted which is mandatory under the Project Policy. So, the shortlisting is fake as most of the members of short listing committee have recruited their kids and relatives. For example, Mr. Mehboob Ur Rahman appointed his two sons in vaccinators, The Data Punching and Recruitment In Charge Mr. FaizulHaq appointed his brother, Hashmat, Store Keeper, who is third division in metric and got selected and his nephew GoharNaibQasid.
7. Most of the candidates are recruited from District Nowshehra, the then Director home district. (Can be confirmed from the already attached lists)
8. Mr. Farooq has been given full authority to manipulate the factual result despite of employee in Afghan Refugees organization and the Data Punching In Charge Mr. FaizUlHaq was on one page with him otherwise this Gross Violation would not have been possible.

*Assessed*  


- 9. The verification was not made by the then EPI Program Manager Dr. Iftikhar rather Candidates Mr. Farooq, his brother Ahmad and Transport Supervisor Mr. Faheem were given the task to verify the documents. (Statements attached)
- 10. Those categories which were required to be filled by the candidates having MBBS degree with MPH are filled with Master Degree holders in Arts.
- 11. Recovery from Mr. Farooq may be made for double drawl along with other drastic actions for the much wrong on his part. (Copies of double drawl is attached)

Conclusion:

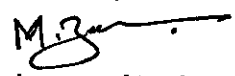
The merit has fully been violated in all respect.

Recommendations:

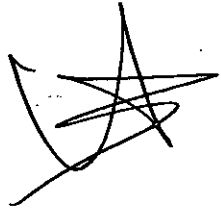
- 1, Those who are cleared may be retained and all others shall be terminated/non renewal of their contract.
- 2, Action shall be initiated under the relevant law against all those who were involved in the data punching and shortlisting Committee.
- 3, Data punching In Charge Mr. FaizUIHaq along with Mr. Farooq be drastically treated under the relevant Rules.
- 4, their case for Regularization be stopped forthwith as they are not entitled to regularization for the reasons cited above and findings in the detailed analysis attached.

Submitted for further necessary please

Dated: 02 /10/2019.

  
 Dr. Muhammad Zarin.  
 Deputy Director EPI,  
 Merged Areas, Peshawar.

Total Enclosures: \_\_\_\_\_

*Attended*  


(18)

To  
The Chief Secretary,  
Government of Khyber Pakhtunkhwa,  
Peshawar.

PS  
Date: 28 20 (wk)  
Date: 30-04-2020

Subject: APPEAL AGAINST THE TRANSFER ORDER NO.SOH/HD/E-V/4-4/2020  
DATED 28 APRIL 2020.

Dear Sir,

It is humbly submitted that I was serving as Deputy Director EPI in the Directorate of Merged Areas, Peshawar since 01-Aug-2019 NO.SOH(E-V)7-809/2019. I was performing my duties to the best of my abilities and capabilities and no complaint or failure is noticed during the period. I was transferred from the post and placed at the disposal of Director General Health Services Khyber Pakhtunkhwa after eight months which appears to me injustice with a government servant.

I previously render services as District Health Officer (DHQ) FR Peshawar and unearthed the fraud and surfaced more than hundred fake and ghost employees. Similarly, surfaced employees in EPI with fake and fabricated documents rather have proved the whole selection based on fraud. There is one criteria for selection in PSDP project of EPI and floated another in the Newspapers altogether opposite. Master in Arts recruited by the then Director in place of MBBS degree holder. Enquiry was assigned to me and I conducted impartially and fair. No action was taken and the end result is my transfer.

Appeal against the transfer order NO.SOH/HD/E-V/4-4/2020 dated 28 April 2020.

Therefore, I appeal you to cancel the premature transfer order and reinstate me on my previous position.

Thanking you in anticipation.

*Assessed*



*M. Zarin*

Muhammad Zarin Khan  
Ex-Deputy Director EPI  
Merged Areas, Peshawar.  
Dated: 30-04-2020

2620 - WE  
30/4/2020



24

9210/23

24. → 205

for  
Dancing

19



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

NO. SOH(E-V)4-4/2020/Dr. Muhammad Zarin Khan  
Dated Peshawar the May 18, 2020

To,

Dr. Muhammad Zarin Khan,  
Ex-Deputy Director (EPI),  
Directorate of Health Services,  
Merged Areas

Subject: APPEAL AGAINST THE TRANSFER ORDER NO. SOH/HD/E-V/4-4/2020 DATED 08<sup>TH</sup> APRIL, 2020

I am directed to refer to your application dated 30.04.2020 on the above captioned subject and to inform you that your request regarding cancellation of transfer at the disposal of Directorate General Health Services, Khyber Pakhtunkhwa has been considered and filed/ regretted with the direction to follow this department notification dated 28.04.2020 accordingly.

*[Handwritten signature]*  
19/05/2020  
SECTION OFFICER (E-V)

Endst. No. & Date Even

Copy to the:-

1. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
2. Director Health Services, Merged Areas.
3. P.S to Secretary Health.

SECTION OFFICER (E-V)

*Attested*  
*[Handwritten signature]*

SOHCE-V/4-4/2020

20

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT  
APPEAL AGAINST THE TRANSFER ORDER NO.  
SOH/HD/E-V/4-4/2020 DATED 28.04.2020**

Subject:

Dr. Muhammad Zarin Khan, Ex-Assistant/ Deputy Director (EPI) BS-17 Merged Area Peshawar has submitted appeal to the Honble Chief Secretary, Khyber Pakhtunkhwa for reversing of his posting as OSD to the post of Assistant Director (EPI) Merged Area Peshawar. Honble Chief Secretary, Khyber Pakhtunkhwa marked the application thereby to the Secretary, Health Department vide (PUC).

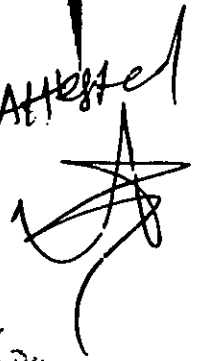
2- He was assigned the charge of the post of Assistant Director & Deputy Director (EPI) Merged Areas Peshawar vide this department notification dated 01.08.2019 and 26.08.2019 (Annex-I & II) and was directed to report to Directorate General Health Services, Khyber Pakhtunkhwa vide this department notification dated 26.04.2020 (Annex-III).

3- He stating that, he rendered services as DHO FR Peshawar and was nominated as inquiry officer in the process of recruitment at PSDP Project of EPI vide Director Health Services, Merged Area Peshawar office order dated 20.08.2019 (Annex-IV). He further stated that, after conducting inquiry, no action was taken and the end result was his transfer.

4- Section 10 of the NWFP Civil Servants Act, 1973 'Every civil servant shall be liable to serve anywhere within or outside the Province, in any post under the Federal Government, or any Provincial Government or Local authority, or a Corporation or body set up or established by any such Government' (Annex-V).

5- As per Establishment Department letter No: SOR-1 (E&AD) 1-1/85 Vol-II, dated 15-2-2003 consequently allowing the authorities, competent under the Khyber Pakhtunkhwa Government Rules of Business, 1985 and the District Government Rules of Business, 2001 or any other rules for the time being in force, to make posting/transfers of Government servants, any time during the year, in genuinely deserving and necessary cases, in public interest (Annex-VI).

6- In view of the above, if agreed to:-

Attested  


  
8/5/20



- i. We may move note for Chief Secretary, Khyber Pakhtunkhwa to regret his case; or
- ii. We may regret the request of the doctor concerned.

Submitted for proposal / formal orders please.

7-

Deputy Secretary Health (AB)

Section Officer (E-V)  
3/5/20

8.

para-4/2/N are submitted  
for proposal and para-6(1)/N  
for approval please.

AS (Dev.)

8/5/2010

9

- I I could not find anything which possibly caused his this transfer.
- II Moreover he has a history of frequent transfers. wherein lies the problem with the official concerned or with this Dept? It explain if possible.

Solid

DS (B)

Attested  
3/5/20

SO (V)

3/5/20

10

Service requisition in respect of  
Dr. Mushtaq Ahmad & transfer of  
Dr. Muhammad Zarn Khan was made/moved  
by Director Health Services, merged areas,

GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

22

10 peshawar on file & thereby circulated through DC Health.

11 The same was processed accordingly and Secretary Health has approved the file and notified.

12 It is pertinent to mention here that Director Health Services, merged areas is the head of attached Dept. for merged areas and Dr. Muhammad Zamin Khan AD (EPI) was his medical administrative control.

13 Submitted for perusal / further orders please.

Deputy Secretary (AB)

Section Officer (E-V)  
9/1/2022

Discuss.

9/1/5

Attended

14 SO (R) posting / transfer details of the doctor concerned Sme 2016 are placed at Annex - VII & onward) sent by Health Dept. & DMS merged

Further to the above the DTS merged areas has submitted that

Mr. Muhammad Amin Khan possess the official vehicle, multimedia printer and valuable personal & verification files of PSOP staff in his custody. Several reminders were given, but he provoked & misbehaved with senior. He further state that his refusal / delay to return the official items in his custody will cause inconveniences to the official work vide (Annex VIII):

16 Submitted for proposal / further orders please

DS (AS)

~~AS~~  
17/5  
SO (EU)

17 Reference para-9  
Frequent transfers/posting of appellant was carried vide Annex-VII. All posting transfer orders attached here is no posting orders which has been issued on administrative grounds.

Submitted for orders please.

AS (Dev)

Assesed

17/5

GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

Apparently, there is no work in his  
appet. It may be filed. / requested pl.

SS (HI)

(CA)

13/5/20

F. No. P. 970  
Date 14-5-20  
Secy

para 18/N supported. pl.

19

~~SH~~

para 18/N agreed.

14/5/20

~~SSHT~~

17/5/20


18/5/20

18/5/20

Attested  


### LIST OF PRE MATURE TRANSFER DURING TWO YEARS

S.NO.	FROM	TO	DATED	REMARKS
1	FSMO Khyber	DHO FR Peshawar	06.09.2016	---
2	DHO FR Peshawar	MO at DHO Khyber	13.04.2018	---
3	MO at DHO Khyber	Mo at DHO Mohmand	07.11.2018	---
4	Mo at DHO Mohmand	DHO Darra Adam Khel	10.12.2018	---
5	DHO Darra Adam Khel	Mo at DHO Mohmand	20.12.2018	---
6	Mo at DHO Mohmand	AD/ DD (EPI), DHS Merged areas	01.08.2019	---
7	AD/ DD (EPI), DHS Merged areas	At the disposal of DGHS	28.04.2020	---

*Attended*  




26

GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

Dated Peshawar the August 26, 2019

**NOTIFICATION**

**NO.SOH (E-V)7-809/2019** In partial modification of this department notification of even dated 01/08/2019 the designation in r/o Dr. Muhammad Zarin, Medical Officer (BS-17) Assistant Director EPI (BS-18), may be read as Deputy Director (EPI), BS-18, Merged Districts in his own pay and scale with immediate effect in the public interest.

**SECRETARY HEALTH**  
**Govt. of Khyber Pakhtunkhwa**

**Endst. No. & Date Even**

Copy to the:-

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. Director General, Health Services, Khyber Pakhtunkhwa.
3. Director Health Services, Merged Districts
4. District Accounts Officer, Mohmand
5. District Health Officer, Mohmand
6. Deputy Director (IT), Health Department Khyber Pakhtunkhwa
7. PS to Secretary Health Department.
8. DHIS Cell DGHS Office, Peshawar.
9. Doctor concerned.

*Assessed*

SECTION OFFICER (E-V)

TO BE SUBSTITUTED BEARING THE SAME NO. AND DATE



**GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT**

Dated Peshawar the August 01, 2019

**NOTIFICATION**

**NO.SOH (E-V)7-809/2019**

Dr. Muhammad Zarin, Medical Officer (BS-17)

attached to DHO Office Mohmand is hereby transferred against the vacant post of Assistant Director (EPI) BS-18 Merged Districts in his own pay and scale with immediate effect in the public interest.

**SECRETARY HEALTH  
Govt. of Khyber Pakhtunkhwa**

**Endst. No. & Date Even**

Copy to the:-

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. Director General, Health Services, Khyber Pakhtunkhwa.
3. Director Health Services, Merged Districts
4. District Accounts Officer, Mohmand
5. District Health Officer, Mohmand
6. Deputy Director (IT), Health Department Khyber Pakhtunkhwa
7. PS to Secretary Health Department.
8. DHIS Cell DGHS Office, Peshawar.
9. Doctor concerned.

**SECTION OFFICER (E-V)**

*Amused*



(28)

**DIRECTORATE OF HEALTH SERVICES**  
**MERGED AREA SECRETARIAT WARSAK ROAD PESHAWAR**  
PH # 091-9210212 FAX # 091-9212110

**OFFICE ORDER**

The following posting / transfer of Medical Officers (BS-17), is hereby ordered in the interest of public service with immediate effect.

S#	Name of Medical Officer	From	To
1	Dr. Muhammad Zarin	BHU Sultan Khel	BHU Dabkor
2	Dr. Anwar Shah	BHU Dabkor	BHU Sultan Khel

--sd--

**Director Health Services,**  
Merged Areas, Peshawar.

No. 5404-06 /DHS/Admin

Dated 18 / 04 / 2019

Copy forwarded to the:-

1. Agency Surgeon Tribal District Mohmand.
2. District Accounts Officer Mohmand.
3. Doctors concerned.

For information and necessary action.

**Deputy Director (Admin),**  
DHS, Merged Areas. #

*Attended*

18/4/19



29

OFFICE OF THE AGENCY SURGEON  
MOHMAND TRIBAL DISTRICT

OFFICE ORDER

With reference Director Health Services Tribal District office order No. 53-57/ASM Admin dated 7-11-2018-2018 that Dr. Muhammad Zarin Medical Officer is hereby directed to report to BHU Sultan Khel for duty with immediate effect.

No 53-57 /ASM

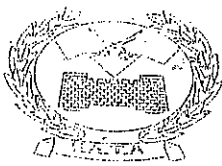
Cc:

- 1 Director Health Services Tribal District, Peshawar.
- 2 Deputy Commissioner Mohmand Tribal District.
- 3 Agency Accounts Officer Mohmand Tribal District.
- 4 In-charge Type-D Hospital Mamad Gat.
- 5 Officer Concerned.

.....Sd.....  
Agency Surgeon  
Mohmand Tribal District  
Dated 2 /01/2019

*Muhammad*  
21/1/19  
Agency Surgeon  
Mohmand Tribal District

*Attested*  
*[Signature]*



30

**DIRECTORATE OF HEALTH SERVICES**

MERGED AREAS WARSAK ROAD PESHAWAR.

Phone# 091-9210106

FAX# 091-9210212

No. \_\_\_\_\_ /DHS/FATA/Admn Dated:-

**OFFICE ORDER:-**

As approved by the competent authority (Secretary to Government Health Department Khyber Pakhtunkhwa Peshawar) the notification vide No.SOH( E)7-665/2018 dated 10-12-2018 is hereby held in abeyance in the interest of public service with immediate effect.

Consequent upon above Dr.Muhammad Zarin, Medical Officer (BPS-17) is hereby directed to report to his original place of posting at Tribal District Mohmand, while Dr.Muhammad Hayat (BPS-17) will retain the post of Deputy DHO Sub Division Dara Adam khel Kohat till further orders.

-----Sd-----

Director Health Services  
Tribal Districts, Peshawar

No. 28028-36

/DHS/FATA/Admn.

dated 10 /12/2018.

Copy forwarded for information and necessary action to the :

1. Accountant General , Khyber Pakhtunkhwa , Peshawar
2. Director General Health Services, Khyber Pakhtunkhwa, Peshawar
3. District Surgeon Tribal District Mohmand.
4. District Accounts officers Kohat and Mohmand
5. Deputy District Health Officer sub Division Dara Adma Khel Kohat
6. PS to Secretary Health , Khyber Pakhtunkhwa, Peshawar

Dr. Doctors Concern.

*Attested*

*Khalidullah*  
Director Health Services  
Tribal Districts, Peshawar



**GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT**

Dated Peshawar the 10<sup>th</sup> December, 2018

**NOTIFICATION**

**NO.SOH(E-V)7-665/2018** The competent authority is pleased to order posting/transfer of the following doctors with immediate effect in the public interest:-

S#	Name of doctor	From	TO
1.	Dr.Muhammad Hayat (BS-17)	Deputy DHO Sub Division Darra Adam Khel Kohat	Report to the Director Health Services Tribal Districts.
2.	Dr.Muhammad Zarin (BS-17)	Attached to District Surgeon Mohmand.	Deputy DHO Sub Division Darra Adam Khel Kohat against the post of (BS-18) in his own pay and scale vice S.No.01.

**SECRETARY HEALTH  
Govt. of Khyber Pakhtunkhwa**

**Endst. No. & Date Even**

Copy to the:-

1. Accountant General Khyber Pakhtunkhwa
2. Director General, Health Services, Khyber Pakhtunkhwa.
3. Director Health Services Tribal Districts.
4. District Surgeon District Mohamand
5. Deputy DHO Sub Division Darra Kohat
6. District Accounts Officer Kohat/Mohmand
7. PS to Minister Health Khyber Pakhtunkhwa.
8. PS to Secretary Health Department.
9. Computer Programmer Health Department
10. Doctor concerned.

2583  
11-12-18

*(Signature)*  
**(MUHAMAMD NAZAKAT)  
SECTION OFFICER (E-V)**

*OS to share*  
*(Signature)*  
*11/12/18*

*Assesed*  
*(Signature)*



# DIRECTORATE OF HEALTH SERVICES

32

FATA SECRETARIAT WARSAK ROAD PESHAWAR

PH # 091-9210212 FAX # 091-9212110

## OFFICE ORDER

Dr. Muhammad Zarin Medical Officer (BS-17) attached to Agency Surgeon Tribal District Khyber, is hereby transferred and placed his services at the disposal of Agency Surgeon Tribal District Mohmand for further posting against the vacant post of Medical Officer (BS-17), in the interest of public service with immediate effect.

--sd--

Director Health Services,  
Tribal Districts, Peshawar.

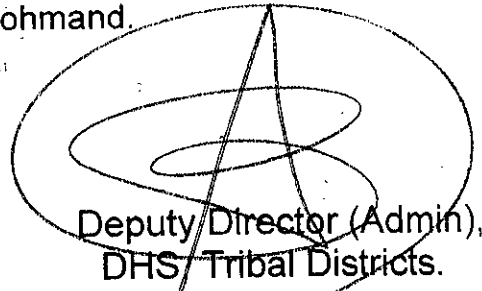
No. 25589-93 /DHS/Admin

Dated 07 / 11 / 2018

Copy forwarded to the:-

- 1) Agency Surgeon Tribal District Mohmand.
- 2) Agency Surgeon Tribal District Khyber.
- 3) District Accounts Officer Tribal District Khyber & Mohmand.
- 4) Doctor concerned.

For information and necessary action.

  
Deputy Director (Admin),  
DHS Tribal Districts.

7/11/18

*Handwritten notes:*  
2/5  
For Mr. Zarin  
13/11/18

*Handwritten notes:*  
Attested  




Establishment Section

**FATA SECRETARIAT**  
(Social Sectors Department)  
**WARSAK ROAD PESHAWAR**

Dated Peshawar 13-04-2018.

**NOTIFICATION.**

No.FS/SSD/SO(H)/1-1/2018/134-149. The following postings/transfers of Officers of Directorate of Health Services FATA are hereby ordered with immediate effect in the best Public interest:-

S#	Name of Officer	From	To
1	Dr. Nauman (BPS-18)	AHQ Hospital, Wana	Agency Surgeon FR Peshawar
2	Dr. Zarin Khan (BPS-17)	Agency Surgeon FR Peshawar	Against the vacant post of M.O at the disposal of Agency Surgeon Khyber

**Additional Chief Secretary (FATA).**

**Endst:of even No & Date:**

Dated 13-04-2018

Copy to:-

1. Secretary Health Department Khyber Pakhtunkhwa, Peshawar.
2. Director Health Services FATA, Peshawar.
3. Accountant General (PR) Sub Office Peshawar
4. Medical Superintendent AHQ Hospital Khyber Agency & FR Peshawar.
5. Political Agents Khyber Agency and APA FR Peshawar.
6. Agency Surgeons Khyber Agency an FR Peshawar.
7. Agency Accounts Officers Khyber Agency and FR Peshawar.
8. PS to ACS FATA
9. PS to Secretary (SSD)
10. Officers concerned.

*Said Arbar*  
(SAID ARBAR)  
Section Officer (Health)

*Assessed*  
*[Signature]*



**DIRECTORATE OF HEALTH SERVICES**  
**FATA SECRETARIAT, WARSAK ROAD, PESHAWAR**

Ph# 091-9210212, Fax # 091-9212110.

No. \_\_\_\_\_/DHS/FATA/Admn

Dated: \_\_\_\_/09/2016.

**OFFICE ORDER:**

The competent authority has been pleased to order the following postings/transfers of Agency Surgeons and Medical Superintendents of AHQ Hospitals in the best interest of public immediate effect.

S#	Name & Designation	From	To	Remarks
1	Dr. Raza Ullah, BS-17, G. Cadre	Agency Surgeon Mohmand	MO Mohmand Agency	Against the Vacant Post
2	Dr. Shad Muhammad (BS-18), G. Cadre	SMO AHQ Hospital, Ghallanai Mohmand	Agency Surgeon Mohmand	Vice No. 1
3	Dr. Wazir Khan (BS-17), G. Cadre	Agency Surgeon Bajaur	Medical Officer, Mohmand Agency	Against the Vacant Post
4	Dr. Abdul Haq, BS-18. G. Cadre.	SMOs Bajaur Agency	Agency Surgeon Bajaur	Vice No.3
5	Dr. Inayat Ur Rahman	Agency Surgeon NWA	MO Bajaur Agency	Against the vacant post
6	Dr. Zakir	MS Wana SWA	Agency Surgeon NWA	Vice No. 5
7	Dr. Hayat, BS-17, G. cadre	Agency Surgeon FR Peshawar	MO FR Peshawar	Against the Vacant post
8	Dr. Zarin, BS-17, G. Cadre	FSMO Khyber Agency	Agency Surgeon FR Peshawar	Vice No. 7
9	Dr. Khan Saeed, BS-18, G. Cadre	MS AHQ Hospital Landikotal, Khyber Agency	MS AHQ Hospital Khar, Bajaur	Vice No. 11
10	Dr. Zar Alam, BS-18, Specialist cadre	SMO, THQ Hospital Dogra Picket	MS AHQ Hospital, Landikotal, Khyber	Vice No. 9
11	Dr. Ikram Ullah, BS-17, G. Cadre,	MS AHQ hospital Bajaur	MO Mohmand Agency	Against the vacant post

Sd/xxx  
Additional Chief Secretary FATA.

No. 14641-58 /DHS/FATA/Admn, dated 06 /09/2016.

Copy for information:

1. The Secretary Social Sectors Department FATA, Peshawar.
2. The Political Agents, Khyber, Mohmand, Bajaur, North Waziristan, South Waziristan & FR Peshawar.
3. The Agency Surgeons, Khyber, Mohmand, Bajaur, North Waziristan, South Waziristan & FR Peshawar.
4. The AGPR Sub Office, Peshawar.
5. The Agency Accounts Officers, Khyber, Mohmand, Bajaur, North Waziristan & South Waziristan.
6. The Medical Superintendents, AHQ hospital, Landikotal and AHQ Hospital Khar, Bajaur Agency.
7. The P.S to Additional Chief Secretary FATA, Peshawar.
8. Officers concerned.

For information and necessary action.

*Amjad*

Director of Health Services,  
FATA Peshawar

DIRECTORATE OF HEALTH SERVICES FATA  
FATA SECRETARIAT WARSAK ROAD PESHAWAR.  
OFFICE ORDER

As approved by the competent authority, the following posting / transfer is hereby ordered in the interest of public service with immediate effect.

S#	Name of doctor	From	To	Remarks
1.	Dr. Muhammad Zarin, MO (BS-17)	Mohmand Agency	Khyber Agency	Vice No.2 below
2	Dr. Shaukat Ali, FSMO (EPI) BS-17	FSMO in Khyber Agency	Medical Officer in Khyber Agency	Against the vacant post.


...Sd.....  
Director Health Services,  
FATA, Peshawar.

No. 28743-45 /DHS/FATA/Admn

Dated 15 / 12 / 2015

Copy forwarded to the:-

1. Agency Surgeon Mohmand and Khyber Agencies.
2. Agency Accounts Officers Mohmand and Khyber Agencies.
3. Doctors concerned.

  
15/12/15  
Director Health Services,  
FATA, Peshawar

*Attended*  


(36)

**DIRECTORATE OF HEALTH SERVICES**  
**MERGED AREAS, WARSAK ROAD, PESHAWAR**

\*\*\*\*\*

OFFICE ORDER.

Reference to Government of Khyber Pakhtunkhwa Health Department Notification No. E&A (Health)/3-77/2020/DDO Dated 29-04-2020, as per Rules-3 of General Financial Rules, read with Rules-142 of The Federal Treasury Rules and Finance Department Khyber Pakhtunkhwa Delegation of Financial Power vide letter No. SO(FR)FD/9-1/2017/17445/DOP Dated 23-07-2018, the undersigned being all Head of Projects is hereby declared as Drawing & Disbursing Officer for all Health Projects including the following.

1. Maternal newborn Child Health (MNCH) Program Merged Areas.
2. Tuberculosis (TB) Control Program Merged Areas.
3. Hepatitis Control Program Merged Areas.

SD/-xxxx  
Secretary to Govt. of Khyber Pakhtunkhwa  
Khyber Division of Health Department Peshawar

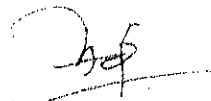
No. 9357-87 /DHS /Admin

Dated:- 06/05 /2020

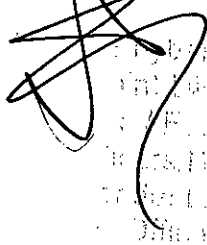
Copy forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Deputy Director (Admin) DHS Merged Areas Peshawar.
3. All Program Managers/Focal Persons Merged Areas Peshawar.
4. All District Health Officers/Deputy District Health Officers in Merged Areas.
5. All Medical Superintendent/DHQ Hospitals in Merged Areas.
6. Account Officer Local Office.
7. Officer Concerned.

Sd/-

  
Director Health Services  
Merged Areas, Peshawar

*Attested*



Khyber Pakhtunkhwa  
Health Department  
Merged Areas  
Peshawar



To be substituted for the same number and date  
GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT



Dated, Peshawar the 30<sup>th</sup> May, 2019

**NOTIFICATION**

**NO FATA/Health/2-264/EOC/2019:** In continuation of this Department Notification of even number dated 20<sup>th</sup> December, 2018, the existing system EPI was working under the Director General, Health Services, Khyber Pakhtunkhwa with its existing staff and resources. The EOC, Khyber Pakhtunkhwa is not only fully capable and equipped to take over responsibility of EPI alongwith PEI rather it was a long standing demand / technical advice to integrated PEI with EPI. Therefore the EPI Program has been integrated and brought under the control of Provincial Coordinator. It will be managed by the Provincial Coordinator under the supervision of Secretary Health, Khyber Pakhtunkhwa.

Chain of Command for EPI and Coordination with EOC are as under:

- The nomenclature of Assistant Director EPI FATA has been changed to Deputy Director EPI Merged District.
- Deputy Director EPI Merged District alongwith all the erstwhile FATA Provincial and Districts EPI staff shall be subordinate office of the Director EPI, Khyber Pakhtunkhwa.
- EPI Programs of erstwhile FRs corresponding with the Khyber Pakhtunkhwa EPI Program.
- Reporting mechanism of erstwhile FATA has been merged with Khyber Pakhtunkhwa EPI Management Information System.
- All program Planning, Implementation, Monitoring and Evaluation shall be routed through Director EPI to Coordinator & then Secretary Health, Khyber Pakhtunkhwa.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

**Endst: No. & date even.**

Copy forwarded to the:

1. All Commissioners in Khyber Pakhtunkhwa.
2. Coordinator, EOC, Khyber Pakhtunkhwa.
3. All Deputy Commissioners in Khyber Pakhtunkhwa.
4. PSO to Chief Secretary, Khyber Pakhtunkhwa.
5. Director General, Health Services Khyber Pakhtunkhwa.
6. Director EPI Program, Khyber Pakhtunkhwa.
7. PS to Secretary Health, Khyber Pakhtunkhwa.
8. PA to Addl: Secretary (Enlab), Health Department.

*Approved*

SECTION OFFICER (GENERAL)

38



# Public Health Reference Lab

Public Health Reference Lab, Peshawar, Khyber Medical University, Phase-V, Hayatabad,  
Peshawar,  
Contact: 0333 4160303

<b>MR #:</b>	205-200503-331	<b>Visit No:</b>	205-030520-321
<b>Ref-No:</b>	2078	<b>Order No:</b>	2052017755
<b>Patient Name:</b>	Dr. Muhammad Zareen	<b>Booking:</b>	May 03, 2020
<b>Age   Gender:</b>	47 Y   Male	<b>CNIC:</b>	1730175607679
<b>Ref. Consultant:</b>	Dr Asif Izhar   Services Hospital		

## Molecular Biology | Real-Time PCR for Corona Virus (SARS-CoV-2)

### Result

Detected

**Booking:** May 03, 15:06 **Result Processed:** May 04, 21:58 **Verified:** May 04, 22:32

### Method:

The test was performed after RNA extraction (Qiagen Viral RNA Mini Kit) on ABI 7500 Real-Time RT-PCR detection system with internal and external positive controls, using the SARS-CoV-2 protocol.

Report has been electronically verified, pathologist signatures not required.

**Dr. Yasir Mehmood**  
**Yousafzal**

MBBS, PGDIP, PhD (Haem)  
Consultant Haematologist

**Dr. Asif Ali**

MBBS, PGDIP, MHPE, PhD  
(Pathology)  
Pathologist

**Dr. Jawad Ahmed**

MBBS, MSc, Ph.D Microbiology  
Microbiologist

**Dr. Tayyab Ur Rehman**

MBBS, Ph.D Microbiology  
Microbiologist

**Dr. Hafsa Muhammad**

Ph.D., M.Phil, DPH  
Clinical Scientist ( Bio-safety Office  
BSO)



# ACCIDENT & EMERGENCY DEPARTMENT

Khyber Teaching Hospital

Medical Teaching Institution,

Peshawar - KPK

Invoice # K03200934696

M.R. No : K03ACE20192101

Operator MUHAMMAD TAHIR IC

47 Year(s)

Male

MUHAMMAD ZARIN 20:27:30

03-MAY-20

ACUTE EMEI

CASUALTY

R  
Y  
G

Complaints:

Rx

Adh  
Follow up

Findings:

Adh  
X-ray chest

- Lab. k. Caes'id. Pan  
O, O — O + O

Investigations:

Cough  
Sudden

- us. Aug. Aug 19

O, O — O + O

Diagnosis:

Lung  
Kept back to  
Triage

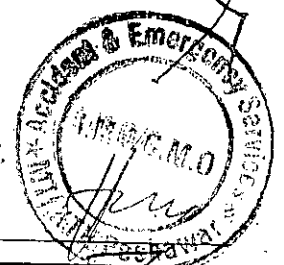
- us. Puffer  
no, O — O + O

Next Visit:

Bed rest for 7 days.

Consultant Name

Signature:



Messed  
Handwritten signature

(40)

To ✓

The Director Health Services,  
Merged Areas, Peshawar.

Subject:- MEDICAL LEAVE.

R/Sir,

It is to bring into your kind notice that I am suffering from infection-suspected and labeled as Pneumonia (medical certificate attached).

I, therefore, request you to grant me seven days medical leave.

Thanking you in anticipation.

Date: 04/05/2020

*[Handwritten signature]*

B/gc  
4-5-2020

*[Handwritten signature]*

Dr. Muhammad Zarin,  
Deputy Director EPI.

**D.H.S. DATA**

D.No. \_\_\_\_\_

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

Attested

*[Handwritten signature]*



# ACCIDENT & EMERGENCY DEPARTMENT

(41)

Khyber Teaching Hospital  
Medical Teaching Institution,  
Peshawar KPK  
Operator MUHAMMAD TAHIR IC

47 Year(s) Male  
MUHAMMAD ZARIN 20:27:30 03-MAY-20 ACUTE EWE

CASUALTY

R  
Y  
G

Complaints:

Rx

Adm  
Following

Findings:

Adm  
X-ray chest

Investigations:

Cough  
Fucidant

Diagnosis:

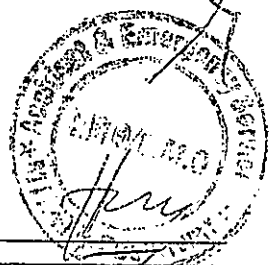
Leucocytosis  
Kept back to triage

Next Visit:

Bed rest for 7 days

Consultant Name




Signature:



Phone: 091-9224401-07

Website: www.kth.gov.pk

Attended  
*[Signature]*

قیمت 50 روپے	43637	  
ایڈویکٹ: <u>الحف علی شاہ</u>	بار کونسل ایسوسی ایشن نمبر: <u>pe-10-7418</u>	
رابطہ نمبر: <u>0333-9006803</u>		پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: حکیم مبین سرور سینیئر لیٹریٹ حکیم سید محمد امجد علی شاہ

مخاطب: <u>Appellant</u>	دعویٰ: <u>Senior Appeal</u>
<u>حکومت سندھ</u>	علت نمبر: <u>Senior Appeal</u>
بنام	مورخہ:
<u>حکومت سندھ</u>	جرم:
<u>وکیل</u>	تھانہ:

**باعت تحریر آگے**

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ حکومت سندھ کے مقام حکیم مبین سرور کیلئے حکیم علی شاہ حکیم سید محمد امجد علی شاہ کو وکیل مقرر

کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 03/06/2020

العبد حکیم مبین سرور العباد

مقام حکیم مبین سرور کے لیے منظور ہے۔

13

Best

Management Cadre Post whereas both the appellant and private respondent No.4 belong to General Cadre.

7. Learned counsel for the appellant could not demonstrate that under the relevant rules, how a Medical Officer/Senior Medical Officer of General Cadre can be appointed against the Management Cadre post. Director Health Services Merged Areas Peshawar has exceeded his authority by issuing transfer posting order dated 07.03.2019 in relation to the appellant (BS-18) and private respondent No.4 (BS-19).

8. In the light of above, the appellant has not been able to seek indulgence of this Tribunal. Consequently the respondent department is directed to appoint suitable officer from Management Cadre against the post of Agency Surgeon Merged Area Kurram, within 15 days of the receipt of this judgment. The respondent department is further directed to recall all the transfer posting orders of Medical Officer/Senior Medical Officers against the posts of Management Cadre. The present service appeal is disposed of in the above noted terms. Parties are left to bear their own costs. File be consigned to the record room.

*[Signature]*

(Ahmad Hassan)  
Member

*[Signature]*

(Muhammad Hamid Mughal)  
Member

ANNOUNCED. Date of Presentation of Application: 29-08-19  
09.08.2019 Number of Words: 1200

Copying Fee: 16-00  
Urgent: 4-00  
Total: 20-00  
Name of Copyist: *[Signature]*  
Date of Completion of Copy: 29-08-19  
20-08-19

Certified to be true copy  
EX-111NER  
Hyber Pakhtunkhwa  
Service Tribunal  
Peshawar

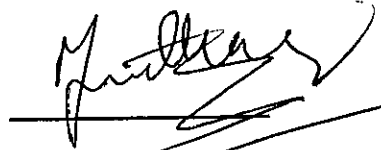
Amul. 8/2/20

**CERTIFICATE OF TRANSFER OF CHARGE**

14

1. Certified that I have on the fore/afternoon of this day respectively made over and receive charge of this office of the **Assistant Director (EPI) BPS-18 DHS Merged Areas Peshawar vide Notification No.SOH/HD/E-V/4-4/2020 Dated 28- 04-2020.**
2. Particulars of cash and important secret and confidential documents handed over are noted on the reverse.

Signature of relieving  
Government servant



Station. Peshawar

Name:  
Designation

Dr Mushtaq Ahmad  
**Assistant Director (EPI)  
Directorate Health Services  
Merged Area Peshawar**

Dated: 30 /04 /2020. (FN)

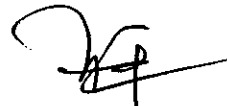
Signature of relieved  
Government servant

Name:  
Designation:

**DIRECTORATE OF HEALTH SERVICES**  
**MERGED AREAS WARSAK ROAD PESHAWAR**

Copy forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Director General Health Services Khyber Pakhtunkhwa Peshawar.
3. Manager National Bank Warsak Road Peshawar.
4. Accountant Local Office.
5. Officer Concerned.



Director Health Services  
Merged Areas, Peshawar



15

# DIRECTORATE OF HEALTH SERVICES

MERGED AREA SECRETARIAT WARSAK ROAD PESHAWAR

Ph # 091-9210212 Fax # 091-9212110

## OFFICE ORDER

The following Scrutiny committee is hereby constituted to check lists of various categories of doctors with applications and documents. At the end committee will certify that they are satisfied and the entries are correct / according to the Esta Code

1	Dr. Zakir Hussain	DDA	Chairman
2	Dr. Mujahid Bangash	DDD	Member
3	Dr. Sher Khan	PM TBC	Member
4	Dr. M. Saleem	PM PRC	Member
5	Dr. Mushtaq	AD EPI	Member
6	Mr. Naeem Ullah	In-charge Establishment	Secretary

Sd/--


Director Health Services,  
Merged Areas, Peshawar

Dated 28/05/2020

No 11196-29 /DHS/Admin

Copy forwarded to the -

- 1 PS to Secretary Health Khyber Pakhtunkhwa Peshawar.
- 2 Deputy Director (Admn) DHS Merged Areas
- 3 Deputy Director (Dev) DHS Merged Areas
- 4 Officers/Official concerned.

  
Director Health Services  
etc

16



**EXPANDED PROGRAM ON IMMUNIZATION**  
Directorate of Health Services Merged Area Peshawar  
Street #03 Darmangi Garden, Warsak Road, Peshawar  
Phone # 091-5626308



No. 5717<sup>U</sup> EPI/DHS/MAS

Dated. 4/10/2020

To

All DHOs/DDHOs & FSMOs  
Merged Areas, Khyber Pakhtunkhwa.

**Subject: Provision of Gloves, Masks, and Sanitizer.**

Dear Sir,

It is to bring in your kind information that the Enhanced Outreach Activity, Phase II, 2020 will be commencing from 8<sup>th</sup> June, 2020. As you know the COVID-19 pandemic has widely spread and has affected millions across the globe. Since COVID-19 is highly contagious disease; therefore, it is of utmost importance that all preventive and precautionary measures should be taken to curtail the spread of this disease.

In this context, it is requested to all DHOs & FSMOs of KP-MD to provide at least Gloves, Masks, and Sanitizers to all the staff taking active part in the Enhanced Outreach Activity, phase II, 2020 so that there is minimal exposure of this disease to the children who are being immunized and their family or otherwise.

Your facilitation in this regard will be highly appreciated.

-----/sd-----  
**Program Manager EPI**  
**Merged Areas, Peshawar**

**Copy for Information:**

1. The Director Health Services, Merged Areas, Peshawar.
2. Office Copy.

*[Handwritten Signature]*  
**Assistant Director EPI**  
**Merged Areas, Peshawar**  
J.K. 4/10/2020

17



**EXPANDED PROGRAM ON IMMUNIZATION**  
Directorate of Health Services Merged Area Peshawar  
Street #03 Darmangi Garden, Warsak Road, Peshawar  
Phone # 091-5626308



No. 847 EPI/DHS/MAs

Dated. 23/06/2020

To

All DHOs/DDHOs & FSMOs  
Merged Areas, Khyber Pakhtunkhwa.

**Subject: COLLECTION OF VACCINE FOR ROUTINE IMMUNIZATION.**

Dear Sir,

It is to inform you to direct the relevant staff responsible for the collection of vaccine to collect vaccine for Routine Immunization for the month of June, 2020 from Provincial EPI Store DHS on Monday i.e. 08/06/2020.

It is suggested to bring Authority letter, Balance of Vaccine and Demand of Vaccine duly signed by District health officer to avoid any ambiguity while collecting the vaccine.

-----/sd-----

**Program Manager EPI  
Merged Areas, Peshawar**

**Copy for Information:**

1. The Director Health Services, Merged Areas, Peshawar.
2. Office Copy.

*[Signature]*  
Assistant Director EPI  
Merged Areas, Peshawar

4/6/2020.

18



**EXPANDED PROGRAM ON IMMUNIZATION**

Directorate of Health Services Merged Area Peshawar  
Street #03 Darmangi Garden, Warsak Road, Peshawar  
Phone # 091-5626308



No 584 EPI/DHS/MAS

Dated. 05/06/2020

To

- |                   |                         |
|-------------------|-------------------------|
| 1. Faisal Atta    | AD M&E                  |
| 2. Abdul Rehman   | Asst. Admin Officer     |
| 3. Asad Zia       | Media Specialist        |
| 4. Waqas Qazi     | Asst. Admin Officer     |
| 5. Muhtashim Khan | ASO                     |
| 6. Yasir Ali      | Horticulture Supervisor |
| 7. Muhammad Raiz  | Data Manager            |
| 8. Naseem ul Haq  | Transport Supervisor    |
| 9. Rahat Ali      | Driver                  |
| 10. Baber Ali     | Driver                  |
| 11. Ibrahim       | Driver                  |
| 12. Zia Ul Haq    | Naib Qasid              |
| 13. Sohail        | Naib Qasid              |

Subject: **EXPLANATION.**

It is observed that you were found absent from office on 05/06/2020, showing negligence from your official obligations which may render the official work badly.

In view of the above, you are; therefore, directed to explain your position in written that why disciplinary action should not be taken against you under E&D Rules 2011.




-----SD-----  
Program Manager EPI,  
Merged Areas, Peshawar.

**Endst: of Even No & Date:**

Copy forwarded to the:

1. Deputy Director Admin Merged Areas, Peshawar.
2. Account Officer EPI, Merged Areas.

*[Handwritten Signature]*  
Assistant Director EPI,  
Merged Areas, Peshawar.  
5/6/2020

تہیت 50 روپے	36253	  
ایڈویکٹ: 1074	بار کونسل ایسوسی ایشن پاکستان - 2005	
رابطہ نمبر:		پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: سر سر سید محمد رفیق

منجانب: Respondent No 7	دعویٰ:
ڈاکٹر محمد زین	علت نمبر:
بنام 4	مورخہ:
کورٹ	جرم:
	تھانہ:

**بابت تحریر آگہ**

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دی کاروائی متعلقہ

آن مقام کسب کیلئے نوٹریس مندرجہ بالا کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کابل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 19-6-2020

العبد العبد گواہ شد

مقام: [Signature]

نوٹ: اس وکالت نامہ کی فونو کاپی ناقابل قبول ہوگی۔

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

Appeal No. 4944/2014

Dr. Muhammad Zarin

.....Appellant

**V E R S U S**

Government of Khyber Pakhtunkhwa and others

.....Respondents

**APPLICATION FOR THE GRANT OF STATUS QUO ORDER.**

---

**REPLY ON BEHALF OF RESPONDENT NO. 7**

**Respectfully Sheweth.**

- A. Para 1 needs no reply.
- B. Para 2 is denied. The appellant has got no prima facie case and in view of the law on the subject and the judgments of superior courts of the country including this Hon'ble Tribunal there is no chance of the success of the above titled appeal.
- C. Para 3 as laid is incorrect. The answering respondent has already received the charge of the office of Assistant Director EPI on 30-04-2020 and is performing his duties under the law and thus any order as prayed for shall be hampering public interest and shall be inconvenient both to the answering respondent and against the law. (Copies of the Charge Assumption Report and Letters regarding performance of duties by the answering respondent are attached as annexure "C" )

Para 4 is denied as well.

It is, therefore, humbly prayed that the application being bereft of merits may kindly be dismissed with costs.

Respondent No. 7

Through

  
**Naveed Akhtar**

Advocate Supreme Court

&

  
**Munir Ud Din Ghori**

Advocate High Court

Date: \_\_\_/\_\_\_/2020

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

C.M No. \_\_\_\_\_/2020

IN

Appeal No. 4944/2014

Dr. Muhammad Zarin

.....Appellant

**V E R S U S**

Government of Khyber Pakhtunkhwa and others

.....Respondents

**AFFIDAVIT**

I, Dr. Mushtaq Ahmad, Assistant Director (EPI) BPS-18 (Respondent No.7  
, do hereby solemnly affirm and declare on Oath that contents of this  
**Application** are true and correct to the best of my knowledge and nothing  
has been concealed from this Hon'ble Court.

  
**DEPONENT**

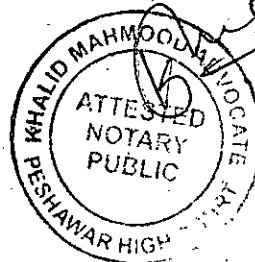
Identified by:

CNIC NO.

Cell No.

**Naveed Akhtar**

Advocate Supreme Court





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

Appeal No. 4944/2014

Dr. Muhammad Zarin

.....Appellant

**V E R S U S**

Government of Khyber Pakhtunkhwa and others

.....Respondents

---

**Application for Vacation of the Status Quo order**  
**dated 05-06-2020**

---

**Respectfully Sheweth.**

1. That this Hon'ble Tribunal while hearing the above titled appeal on 05-06-2020 was pleased to order status quo in the case.
2. That the appellant while concealing material facts regarding his relieving the charge and assumption of duties by the applicant/ answering respondent No.7 filed an application for suspension of the impugned transfer order and this Hon'ble Tribunal was pleased to pass a status quo order.
3. That resultantly the respondent No. 2 while misinterpreting the said order has held in abeyance the order dated 28-04-2020 vide order dated 16-06-2020 which is not only against the law but also against the spirit of the order dated 05-06-2020 of this Hon'ble Tribunal.

4. That the appellant has already assumed charge of his duties and is performing his lawful duty as Assistant Director EPI.
5. That balance of convenience lies in favour of the applicant.
6. That the applicant has got a good prima facie case in his favour and is hopeful of its success.
7. That irreparable loss is being caused to the applicant due to the interim order passed by this Hon'ble Tribunal.

It is therefore most humbly prayed that the order dated 05-06-2020 may kindly be withdrawn and the applicant may kindly be allowed to perform his duties till final disposal of the above titled appeal.

Respondent No. 7

Through



**Naveed Akhtar**

Advocate Supreme Court

&



**Munir Ud Din Ghori**

Advocate High Court

Date: \_\_\_/\_\_\_/2020

**BEFORE THE SERVICES TRIBUNAL, KHYBER**

**PAKHTUNKHWA PESHAWAR**

C.M No. \_\_\_\_\_/2020

IN

Appeal No. 4944/2014

Dr. Muhammad Zarin

.....Appellant

**V E R S U S**

Government of Khyber Pakhtunkhwa and others

.....Respondents

**AFFIDAVIT**

I, Dr. Mushtaq Ahmad, Assistant Director (EPI) BPS-18 (Respondent No.7 , do hereby solemnly affirm and declare on Oath that contents of this **Application** are true and correct to the best of my knowledge and nothing has been concealed from this Hon'ble Court.

  
**DEPONENT**

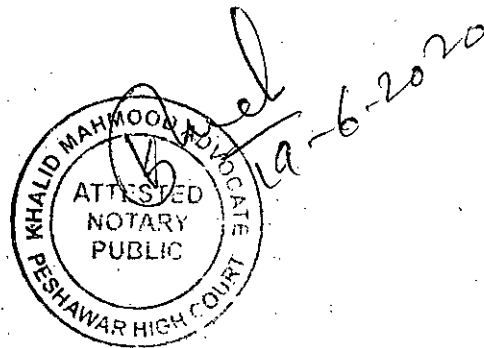
Identified by:

CNIC NO.

Cell No.

**Naveed Akhtar**

Advocate Supreme Court





# DIRECTORATE OF HEALTH SERVICES

MERGED AREA SECRETARIAT WARSAK ROAD PESHAWAR

Ph # 091-9210212 Fax # 091-9212110

## OFFICE ORDER

In pursuance of Director General Health Services Khyber Pakhtunkhwa office order bearing endorsement No.7802-6/E-I dated 09-06-2020, the services of Dr. Muhammad Zarin Medical Officer (General Cadre BS-17) is hereby placed at the disposal of District Health Officer Mohmand for further posting against the vacant post of Medical Officer (BS-17) in the public interest with immediate effect.

--sd--

Director Health Services,  
Merged Areas, Peshawar.

No. 14777-82/DHS/Admin

Dated 18 / 06 / 2020

Copy forwarded to the:-

1. Director General Health Services Khyber Pakhtunkhwa.
2. District Health Officer Mohmand.
3. District Accounts Officer Mohmand.
4. PS to Secretary Health Khyber Pakhtunkhwa.
5. Record Keeper DHS.
6. Doctor concerned.

Deputy Director (Admin),  
DHS Merged Areas, Peshawar



GOVERNMENT OF KHYBER PAKHTUNKHWA

HEALTH DEPARTMENT

Dated Peshawar the 16<sup>th</sup> June, 2020

**NOTIFICATION**

**NO. SOH(HD)/E-V/4-4/2020**

In compliance of Khyber Pakhtunkhwa Service Tribunal decision dated 05.06.2020 in service appeal no.4944/2020 (Dr. Muhammad Zarin versus Govt of Khyber Pakhtunkhwa Health Department and others ) this department posting/transfer notification No.SOH/HD/E-V/4-4/2020 dated 28<sup>th</sup> April ,2020 is hereby held in abeyance with immediate effect and until final judgment of the Khyber Pakhtunkhwa service tribunal in the service appeal no. 4944/2020.

SECRETARY HEALTH  
Govt. of Khyber Pakhtunkhwa

Endst. of even No. & Date.

Copy to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
3. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
4. Director Health Services Merged Areas, Peshawar.
5. SO-Lit (II), Health Department.
6. Director, EPI, Directorate General Health Services, Khyber Pakhtunkhwa Peshawar.
7. Medical Superintendent, Moulvi Ameer Shah Memorial Hospital, Peshawar.
8. Deputy Director (IT), Health Department for uploading on official website.
9. PS to Secretary Health, Government of Khyber Pakhtunkhwa.
10. PA to Special Secretary Health, Peshawar.
11. Doctors concerned.

  
(MUHAMMAD IRFAN USMAN)  
SECTION OFFICER (E-V)

Section Officer (EV)  
Health Department  
Govt of Pakhtunkhwa

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

Appeal No. 4944/2014

Dr. Muhammad Zarin .....Appellant

**V E R S U S**

Government of Khyber Pakhtunkhwa and others

.....Respondents

**I N D E X**

S. No.	Description of Documents	Annex	Pages
1.	Para wise Comments on behalf of respondents		1 - 5
2.	Affidavit		6 - 6
3.	Copies of the provisional Seniority lists of both the General and Management Cadre reflecting the names of both the appellant and the respondent NO. 7	"A"	7 - 10
4.	Copy of the judgment of this Hon'ble Tribunal in Appeal No. 823/2019, dated 09-08-2019	"B"	11 - 13
5.	Copies of the Charge Assumption Report and Letters regarding performance of duties by the answering respondent	"C"	14 - 18

Respondent No. 7

Through

  
**Naveed Akhtar**

Advocate Supreme Court

&

  
**Munir Ud Din Ghori**

Advocate High Court

Date: \_\_\_/\_\_\_/2020

1

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

Appeal No. 4944/2014

Dr. Muhammad Zarin

.....Appellant

**V E R S U S**

Government of Khyber Pakhtunkhwa and others

.....Respondents

**WRITTEN REPLY ON BEHALF OF  
RESPONDENT NO. 7**

**Respectfully Sheweth:**

**Preliminary Objections:**

1. That the appellant has got no cause of action to file the instant appeal.
2. That the appellant has not come to this Hon'ble Tribunal with clean hands.
3. That with due respects this Hon'ble Tribunal lacks the jurisdiction to entertain the instant appeal.
4. That the petition is bad in law and facts.

5. That the appellant concealed the material facts from this Hon'ble Tribunal.
6. That the appellant belongs to the general cadre and is a junior BPS-17 Medical Officer while the post of Assistant Director EPI is a BPS-18 post and meant for the officers from management cadre. Thus the appellant is not even eligible for the post on any score while the answering respondent No. 7 is a BPS-18 officer from the management cadre and is thus eligible and rightly posted under the law as Assistant Director EPI. **(Copies of the provisional Seniority lists of both the General and Management Cadre reflecting the names of both the appellant and the respondent NO. 7 are attached herewith as annexure "A").**

**ON FACTS:-**

1. In reply to para 1 it is submitted that the appellant is a BPS-17 officer from General Cadre and is not eligible to be appointed against a post of BPS-18 of the Management Cadre. In this respect a judgment of this Hon'ble Tribunal in Appeal No. 823/2019, dated 09-08-2019 is attached as annexure "B" for ready reference.
2. Para 2 is incorrect as laid. The allegations leveled against the official respondents in this para are baseless and not supported by any documentary proof while the answering respondent being a civil servant after completion of his earlier tenure as SMO / DMS in Molvi Ameer Shah Memorial Hospital, Peshawar was transferred and posted as Assistant Director EPI in due course of law being eligible for the post. Further the answering respondent denies the allegation of any favoritism meted out to him on any ground and the allegations thus are baseless.



3. In reply to para 3 it is submitted that the appeal of the appellant was rightly dismissed being devoid of merits.
4. Para 4 is denied. It reflects from the contents of this para that the appellant has approached the Hon'ble Peshawar High Court in writ petition as well which fact has been concealed. However, the appeal before this Hon'ble Tribunal is not sustainable on any ground.

#### **GROUNDS: -**

- A. Ground A is denied. The transfer order dated 28-04-2020 of the answering respondent has been passed under the law and the rules and the allegations leveled in this para are false and baseless.
- B. Ground B is denied. The appellant has quoted not a single instance of political interference from any side against the appellant or in favour of the answering respondent. Further it is added that the appellant has all along been posted against the positions meant for higher grades and is reluctant to perform his duties as a medical officer from the general cadre in BPS-17 and in order to achieve his designs the appellant is relaying on baseless allegations which are against the spirit of law and the civil services.
- C. Ground C is denied. The appellant is obliged under the civil servants Act, 1973 to serve anywhere as and when required. More so the appellant is not eligible on any score for the post of Assistant Director EPI.
- D. Ground D is denied. The stance taken in this para is self denying for the reason that the alleged test for Covid-19 was taken long after the impugned order on 03-05-2020 and the same is no

ground for appointment and posting against a higher grade with no qualification on the part of the appellant.

- E. Ground E is incorrect, hence denied. The appellant as submitted earlier is not eligible for the post and the answering respondent has been transferred and posted in accordance with the law being eligible for the said post.
- F. Ground F is incorrect and denied as well. The appellant has all along been trying to be posted against higher posts against the law. The allegations leveled in this para have no bearing on the case of the answering respondent.
- G. Ground G is denied as well.
- H. Ground H is denied as well.
- I. Ground I is denied. The appellant has not shown any reason as to the distance between his present place of posting at the disposal of Director General Health Services at Peshawar and his earlier posting as Assistant Director EPI at Peshawar.
- J. Ground J is denied as well.
- K. Ground K is denied as well. No illegality or infirmity has been pointed out in the case.
- L. Ground L is denied as well. The appellant has brought no malafide on record except bald allegations.
- M. Ground M is denied as well.
- N. Ground N is denied as well being based on baseless and false allegations.
- O. Ground O is denied as well. This Hon'ble Tribunal has already passed judgments on the subject and the appeal is thus not maintainable.

5

In reply to ground P it is submitted that the answering respondent too seeks permission to adduce additional arguments /documents at the time of hearing of the instant appeal .

It is, therefore, most humbly prayed that the appeal being without any substance may kindly be dismissed with costs.

Respondent No. 7

Through



**Naveed Akhtar**

Advocate Supreme Court

&



**Munir Ud Din Ghori**

Advocate High Court

Date: \_\_\_/ \_\_\_/2020

6

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

Appeal No. 4944/2014

Dr. Muhammad Zarin

.....Appellant

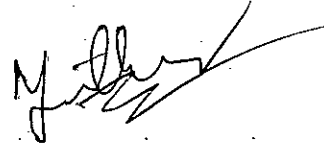
**V E R S U S**

Government of Khyber Pakhtunkhwa and others

.....Respondents

**AFFIDAVIT**

I, Dr. Mushtaq Ahmad, Assistant Director (EPI) BPS-18 (Respondent No.7  
, do hereby solemnly affirm and declare on Oath that contents of this  
**Reply** are true and correct to the best of my knowledge and nothing has  
been concealed from this Hon'ble Court.



**DEPONENT**

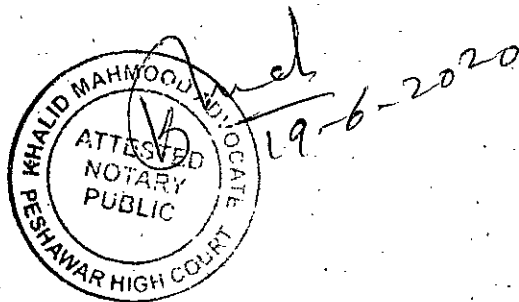
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Cell No.

**Naveed Akhtar**

Advocate Supreme Court





Amrakh - A<sup>2</sup>  
A

**DIRECTORATE GENERAL HEALTH SERVICES  
KHYBER PAKHTUN KHWA PESHAWAR**

7

E-Mail Address: [nwfpdghs@yahoo.com](mailto:nwfpdghs@yahoo.com) office Ph# 091-9210269

Exchange# 091-9210187, 9210196 Fax # 091-9210230

No. 4618-710 /AE-I Dated: 8/3/2019

To,

1. Director General PHSA, Khyber Pakhtunkhwa..
2. Director Health Services Tribal District Khyber Pakhtunkhwa, Pesh.
3. All Principals, Medical Colleges in Khyber Pakhtunkhwa.
4. All District Health Officers in Khyber Pakhtunkhwa..
5. All Medical Superintendents DHQ:/AHQ: Hospitals in Khyber Pakhtunkhwa..
6. All Hospital Directors, MTI, in Khyber Pakhtunkhwa..

SUBJECT: -

**PROVISIONAL SENIORITY LIST GENERAL CADRE DOCTORS IN  
BPS-17 IN THE HEALTH EPARTMENT KHYBER PAKHTUNKHWA  
FOR THE 2019**

Memo,

Provisional Seniority lists of General Cadre doctors BPS-17 serving in the Health Department, Khyber Pakhtunkhwa, prepared by this Directorate is sent herewith for the purpose of circulation amongst all concerned working under your control for their information and confirmation about accuracy of the list. The list is also available at official website of the Health Department [www.healthkp.gov.pk](http://www.healthkp.gov.pk) and this Directorate official website [www.dghskp.gov.pk](http://www.dghskp.gov.pk). In case of any objection with regard to the contents of the seniority list, the same may please be communicated to this Directorate for reconsideration and rectification within One month positively after the receipt of this communication.

**DEPUTY DIRECTOR (HRM)**  
Directorate General Health Services,  
Khyber Pakhtunkhwa, Peshawar

No. \_\_\_\_\_ /AE.I,

Copy with a copy of the above Provisional Seniority lists, are forwarded to the Secretary to Govt: of Khyber Pakhtunkhwa Health Department Peshawar for information and with the request to upload these Seniority Lists on the Health Department official website please.

**DEPUTY DIRECTOR (HRM)**  
Directorate General Health Services,  
Khyber Pakhtunkhwa, Peshawar

2

1202	Dr. Janshed Khan S/O Lal Bahadar.	30.05.1983/ Mardan.	27.02.2013	P.S.C 2012	At the disposal of DHO, Mardan
1203	Dr. Jathindar Kumar S/O Gurbachhan Lal	04.03.1986/ Swat	18.03.2013	P.S.C 2012	MO, at the disposal of DHO, Swat
1204	Dr. Harindar Kumar S/O Babu Ram Saran.	Buner.	18.03.2013	P.S.C 2012	MO at the disposal of DHO, Buner.
1205	Dr Hashmatullah Khan s/o Main Khan	02.04.1982/Orazkai Agency	27.10.2014	P.S.C 2012	Under DHS FATA/ Charang Report ?
1206	Dr Huma Azam d/o Muhammad Azam	13.08.1983/ Swabi	27.10.2014	P.S.C 2012	DHQH Swabi
1207	Dr Faizullah Jan s/o Zahir Khan	12.11.1982/Kurram Agency	27.10.2014	P.S.C 2012	Under DHS FATA/ Charang Report ?
1208	Dr Mehreen Amin d/o Faiz ul Amin	16.07.1983/ Swabi	27.10.2014	P.S.C 2012	Under DHO Nowshera
1209	Dr Gul Muhammad s/o Haji Umar Khan	17.10.1984/Kohistan	27.10.2014	P.S.C 2012	Under DHO Kohistan
1210	Dr Qudratullah s/o Munawar Khan	02.02.1983/S W A	27.10.2014	P.S.C 2012	Under DHS FATA/ Charang Report ?
1211	Dr Muhammad Rafiq s/o Habib ur Rehman	01.07.1980/ Karak	27.10.2014	P.S.C 2012	DHQH Karak
1212	Dr Taj Muhammad Khan s/o Shah Zamin Khan	03.01.1977/ Swat	27.10.2014	P.S.C 2012	Under DHO Swat
1213	Dr Muhammad Aftab s/o Karim Gul	07.05.1983/Khyber Agency	27.10.2014	P.S.C 2012	Under DHS FATA/ Charang Report ?
1214	Dr Muhammad Tahir S/O Rehmat Ali ( 21-10-2015 NOTIFICATION)		20/03/2015	Under Act 2015	Khalifa Gulnawaz Teaching Hosp Bannu
1215	Dr. Irum Rahim D/O Abdur Rehman		20/03/2015	Under Act 2015	Khalifa Gulnawaz Teaching Hosp Bannu
1216	Dr. Akbar Jamal S/O Gul Jamal		20/03/2015	Under Act 2015	Khalifa Gulnawaz Teaching Hosp Bannu
1217	Dr. Muhammad Zarin s/o Malik Swat Khan	20/10/1973 / Mohmand Agency	20/03/2015	Under Act 2015	TBC Ghelanai, Mohmand Agency
1218	Dr. Qadar Khan s/o Amir Rehman	12/01/1979 / Buner	20/03/2015	Under Act 2015	Bacha Khan Medical Complex Swabi
1219	Dr. Rafique Muhammad Khan S/O Tale Muhammad Khan	04/04/1980/ Bannu	20/03/2015	Under Act 2015	Khalifa Gulnawaz Teaching Hosp Bannu

Deputy Director (HRM)  
Directorate General Health Services  
Khyber Pakhtunkhwa, Peshawar

9

**PROVISIONAL SENIORITY LIST OF MEMBERS OF SERVICES (BPS-18) OF THE HEALTH DEPARTMENT 01-01-02019**

Sl: No.	Name of Officer/Official with academic qualification.	Date of Birth and Domicile	Date of 1st entry into Govt: Service	Regular appointment/promotion to the present post.			
				Date	BPS	Method of recruitment/ appointment	Present appointment with date.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1.	Dr. Inamullah s/o Maulana Hamidullah MBBS, DHPM	1.2.1962/ Mardan	6.12.1987	20.08.2001	BS-18	By Promotion	730 days EOL. w.e. from 27.07.2013 to 26.07.2015
2.	Dr. Sardar Ahmad s/o Fateh Muhammad, MBBS, MPH	1.1.1962/ Mardan	23.1.1988	16.04.2008	BS-18	By Promotion	Bacha Khan Medical College Mardan
3.	Dr. Nek Dad s/o Aqal Khan, MBBS/M.A.H.M (England)	Khyber Agy/ 04.04.1963	12.04.1989	28.02.2017	BS-18	By Promotion	KTH. Peshawar
4.	Dr. Muhammad Khalil Akhtar s/o Muhammad Yousaf Khan, MBBS, MPH	25.3.1965/ DI Khan	27.11.1998	15.11.2017	BS-18	By Promotion	Deputy Chief HSRU
5.	Dr. Muhammad Saddiq S/O Muhammad Anis, MBBS/MPH	02-10-67/ Mansehra	11.03.1999	26.09.2017	BS-18	By Promotion	Mental & General Hosp Dadar . Mansehra
6.	Dr. Aamir Israr S/O Dr. Israr Muhammad, MBBS, MPH	21.03.1970/ Peshawar	16-09-2000	26.09.2017	BS-18	By Promotion	DMS DHQH, Abbottabad
7.	Dr. Syed Ijaz Ali Shah S/O Syed Abdul Qayyum Shah, MBBS/MPH	09.05.1973/ Mansehra	16-09-2000	26.09.2017	BS-18	By Promotion	DHO Office, Mansehra
8.	Dr. Muhammad Riaz Tanoli S/O Said Ozar, MBBS/MPH	01.04.1970/ Swabi	16-09-2000	26.09.2017	BS-18	By Promotion	PD SHP, Peshawar
9.	Dr. Muhammad Shoaib S/O Aziz-ur-Rehman, MBBS/DPH/MPH	14.04.1967/ Nowshera	16-09-2000	26.09.2017	BS-18	By Promotion	DD, PHSA Peshawar

*[Signature]*  
 Deputy Director (HRM)  
 Directorate General Health  
 Khyber Pakhtunkhwa Peshawar

10

49.	Dr. Dildar Khan S/O Abdul Ghaffar, MBBS/MPH	16.03.1965/ Haripur	08.02.2005	15.11.2017	BS-18	By Promotion	DMS, DHQH, Haripur
50.	Dr. Muhammad Umar S/O Haji Gul Muhammad Khan, MBBS/MPH	15.08.1964/ Kurram Agency	08.02.2005	26.09.2017	BS-18	By Promotion	SMO, THQH Sadda, Kurram Agency
51.	Dr. Amir Rafiq S/O Muhammad Rafiq Khattak, MBBS/MPH	30.08.1974/ Nowshera	08.02.2005	15.11.2017	BS-18	By Promotion	Coordinator SHP
52.	Dr. Muhammad Mustafa Alam S/O Nasrullah Jan, MBBS/MPH/ MSc Dermatology	04.05.1972/ Bannu	08.02.2005	15.11.2017	BS-18	By Promotion	Services Hospital Peshawar
53.	Dr. Muhammad Arif Khan S/O Gulbar Khan, MBBS/MPH	25.04.1968/ Swat	08.02.2005	15.11.2017	BS-18	By Promotion	SMO Qazi Hussain Ahmad Hosp: Nowshera
54.	Dr. Qasim Abbas s/o Saifur Rehman, MBBS/MPH	08.01.1978/ Peshawar	08.03.2005	15.11.2017	BS-18	By Promotion	Coordinator Prov. TB Control Program
55.	Dr. Muhammad Usman Shah S/O Muhammad Zahir Shah, MBBS/MPH	26.01.1969/ NWA	23.07.2005	26.09.2017	BS-18	By Promotion	SMO DHQH, Abbottabad
56.	Dr. Shaukat Saleem Khan S/O Saleem Khan, MBBS/MPH	05.04.1969/ Shangla	09.07.2007	15.11.2017	BS-18	By Promotion	Attached to DHO Shangla
57.	Dr. Muhammad Ibrahim Khan S/O Abdul Halim Khan, MBBS/MPH	01.09.1975/ Shangla	07.09.2007	15.11.2017	BS-18	By Promotion	DHO Office, Shangla
58.	Dr. Muhammad Naeem S/O Habibullah Khan, MBBS/MPH	20.03.1978/ Mohmand Agy	05.10.2007	15.11.2017	BS-18	By Promotion	SMO, BBSTH, Abbottabad
59.	Dr. Mushtaq Ahmad s/o Haji Fazal Khan, MBBS/MPH	17.6.1978/ Khyber Agy	07.09.2007	15.11.2017	BS-18	By Promotion	DMS, Molvi Jee Hospital Peshawar
60.	Dr. Saeeda Bibi D/O Dawood Khan, MBBS/MPH	27.08.1976/ Peshawar	09.07.2007	22.05.2018	BS-18	By Promotion	DD PH, DGHS Office, Peshawar
61.	Dr. Sheraz Ahmad S/O Rashid Ahmad, MBBS/MPH	08.06.1968/ Swat	07.09.2007	15.11.2017	BS-18	By Promotion	SMO attached to DHO Swat

*[Signature]*  
Deputy Director (LR)  
Directorate General Health  
Khyber Pakhtunkhwa Peshawar



Amrullah & B

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	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
	2	3
	<p align="center"><b><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u></b>  <b>Service Appeal No. 823/2019</b></p> <p>Date of Institution ..... 24.06.2018  Date of Decision ..... 09.08.2019</p> <p>Dr. Hameed Ali S/o Sadaf Ali Agency Surgeon/Merged Area District Kurram.</p> <p align="right"><b>Appellant</b></p> <p><b>D.H.S. DATA</b>  <b>D.No. 5044</b>  <b>Date. 29-8-19</b> Versus</p> <ol style="list-style-type: none"> <li>Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar.</li> <li>Secretary Health Department Government of Khyber Pakhtunkhwa, Peshawar.</li> <li>Director General Health Services Government of Khyber Pakhtunkhwa, Peshawar.</li> <li>Dr. Moeen Begum AHQ Hospital Parachinar.</li> </ol> <p align="right"><b>Respondents</b></p> <p>Mr. Muhammad Hamid Mughal-----Member(J)  Mr. Ahmad Hassan-----Member(E)</p> <p align="center"><b><u>JUDGMENT</u></b>  <b><u>MUHAMMAD HAMID MUGHAL, MEMBER: - Appellant</u></b></p> <p>present. Learned counsel for appellant present. Mr. Muhammad Jan learned Deputy District Attorney for official respondents present. Private respondent No.4 alongwith counsel present.</p> <ol style="list-style-type: none"> <li>The appellant "Senior Medical Officer (BS-18)" has filed the</li> </ol>	

29/8/19

09.08.2019

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal.  
Peshawar.

ATTESTED

present service appeal being aggrieved against the order dated 14.03.2019 whereby his transfer from the post of Senior Medical Officer AHQ Hospital Parachinar to the post of Agency Surgeon Merged Area Kurram in place of private respondent No.4, was withdrawn.

3. Learned counsel for the appellant argued that vide order dated 07.03.2019 the appellant was transferred from the post of Senior Medical Officer AHQ Hospital Parachinar to the post of Agency Surgeon Merged Area Kurram however with in a few days of the issuance of the said order the same was withdrawn vide impugned order dated 14.03.2019. Further argued that the impugned order is premature and in utter violation of laws, rules and policy. Further contended that private respondent No.4 has already been posted as Agency Surgeon Merged Area Kurram since 2014 but she is not willing to leave the said post.

4. As against that learned Deputy District Attorney assisted by learned counsel for private respondent No.4, argued that the posting order of the appellant as Agency Surgeon Merged Area Kurram was issued by the incompetent authority. Further argued that the post of Agency Surgeon (BS-18) falls to the share of Health Management Cadre in BS-18 while the appellant belongs to General Cadre and that cross cadre posting is against the Health Management Cadre Service Rules, 2008. Next contended that the transfer posting order dated 07.03.2019 was illegal hence rightly withdrawn.

5. Arguments heard. File perused.

6. There is no dispute that the post of Agency Surgeon is a

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Service Tribunal.  
Peshawar

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

APPEAL NO. 4944/2020

Dr, Muhammad Zarin

.....Petitioner

Versus

Govt. of Khyber Pakhtunkhwa & others .....Respondents

S NO.	DETAIL	PAGE NO.	Description
1	Para wise Comments	1-2	
2	Judgment in same nature case	3-5	A

# IN THE PESHAWAR HIGH COURT PESHAWAR

APPEAL NO. 4944/2020

Dr, Muhammad Zarin

.....Petitioner

Versus

Govt. of Khyber Pakhtunkhwa & others .....Respondents

**Para wise comments on behalf of respondent No. 2, 3 & 4**

Respectfully Sheweth;

## Preliminary objections

1. That the appellant has got no locus standi to file the instant appeal in light of terms & conditions of his appointment.
2. That the appellant has not come to this Honorable Court with clean hands by concealing the factual position of his general cadre service.
3. That the appellant has got no cause of action to file the instant appeal.
4. That, the appellant being general cadre Medical Officer of BS-17 is not eligible for a post of Management Cadre BS-18 in light of Honorable Service Tribunal Judgment dated 09.08.2019 in Appeal No. 823/2019-Titled, Dr. Hameed Vs Govt. of Khyber Pakhtunkhwa & Others. Therefore, respondent No. 6 of Management Cadre BS-18 has been posted as Assistant Director EPI.

## ON FACTS:


1. Correct, the appellant being Medical Officer (General Cadre BS-17) is working as Assistant Director EPI (BS-18).
2. Correct to the extent of Notification No. SOH/HD/E-V/4-4/2020 dated 28.04.2020 wherein the appellant being General Cadre's doctor of BS-17 has been replaced by an officer of Management Cadre of BS-18 in light of Honorable Service Tribunal Judgment dated 09.08.2019 in appeal No. 823/2019-Titled, Dr. Hameed Vs Govt. of Khyber Pakhtunkhwa & Others at **Annex-A**. Furthermore, the allegations leveled in rest of the para are baseless and do not relate in the matter.
3. Correct. The appeal of the appellant has been dismissed in light of the above mentioned Judgment.
4. Incorrect, as stated above.

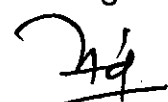
## ON GROUNDS:

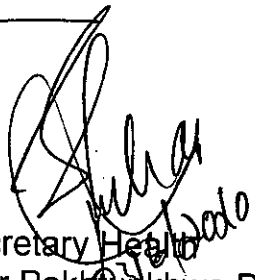
- A. Incorrect, the Notification dated 28.04.2020 was issued in light of law & rules and Judgment of Honorable Service Tribunal dated 09.08.2019 attached.

- B. Incorrect, the appellant being general cadre's doctor of BS-17 was working upon the post of BS-18 of Management Cadre, therefore he was replaced with an officer of management cadre BS-18 in light of Honorable Service Tribunal directions cited above. Furthermore, there is no sign of political interference in the whole process.
- C. Incorrect, in light of Civil Servant Act 1973, the appellant being civil servant will perform duty anywhere when required. In case of instant posting / transfer order, the appellant was posted according to his cadre.
- D. Incorrect, the para does not relate to the matter as the impugned order was passed before the test of Covid-19. Moreover, the appellant being general cadre doctor of BS-17 is not eligible for a post of management cadre of BS-18 in light of Service Tribunal Judgment attached
- E. Incorrect, as stated above.
- F. Incorrect. The allegations leveled in this para, are baseless.
- G. Incorrect as stated above.
- H. Incorrect as mentioned in Para-B above, the appeal of the appellant was propyl processed.
- I. Incorrect, as per Civil Servant Act 1973, the appellant will perform duty anywhere when required.
- J. Incorrect as stated above.
- K. Incorrect, no illegality and infirmity has been pointed out in the instant case.
- L. Incorrect, the allegations leveled in this para, are baseless.
- M. Incorrect, as per Civil Servant Act 1973, the appellant will perform duty anywhere when required.
- N. Incorrect and denied being based on baseless and false allegations.
- O. Incorrect, the appeal is not maintainable in light of Honorable Service Tribunal Judgments.
- P. The respondents also seek permission to produce additional documents at the time of arguments.

As the appellant being Civil Servant will perform duty anywhere when required in light of Civil Servant Act 1973, therefore, the appeal having no legal footings, may kindly be dismissed.

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

  
Director Health Services,  
Merged Areas, Peshawar.  
Respondent No. 4

  
Secretary Health  
Govt. of Khyber Pakhtunkhwa Peshawar.  
Respondent No. 2



Sr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
<p style="text-align: center;"><b><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u></b> <b>Service Appeal No. 823/2019</b></p> <p style="text-align: center;">Date of Institution ..... 24.06.2018 Date of Decision ..... 09.08.2019</p> <p>Dr. Hameed Ali S/o Sadaf Ali Agency Surgeon/Merged Area District Kurram.</p> <p style="text-align: right;">Appellant</p> <p style="text-align: center;">Versus</p> <ol style="list-style-type: none"><li>1. Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar.</li><li>2. Secretary Health Department Government of Khyber Pakhtunkhwa, Peshawar.</li><li>3. Director General Health Services Government of Khyber Pakhtunkhwa, Peshawar.</li><li>4. Dr. Moeen Begum AHQ Hospital Parachinar.</li></ol> <p style="text-align: right;">Respondents</p> <p>09.08.2019</p> <p>Mr. Muhammad Hamid Mughal-----Member(J) Mr. Ahmad Hassan-----Member(E)</p> <p style="text-align: center;"><b><u>JUDGMENT</u></b> <b><u>MUHAMMAD HAMID MUGHAL, MEMBER: - Appellant</u></b></p> <p>present. Learned counsel for appellant present. Mr. Muhammad Jan learned Deputy District Attorney for official respondents present. Private respondent No.4 along with counsel present.</p> <ol style="list-style-type: none"><li>2. The appellant "Senior Medical Officer (BS-18)" has filed the</li></ol>		

**ATTESTED**

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Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

8.2019

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4. As against that learned Deputy District Attorney assisted by learned counsel for private respondent No.4, argued that the posting order of the appellant as Agency Surgeon Merged Area Kurram was issued by the incompetent authority. Further argued that the post of Agency Surgeon (BS-18) falls to the share of Health Management Cadre in BS-18 while the appellant belongs to General Cadre and that cross cadre posting is against the Health Management Cadre Service Rules, 2008. Next contended that the transfer posting order dated 07.03.2019 was illegal hence rightly withdrawn.

5. Arguments heard. File perused.

6. There is no dispute that the post of Agency Surgeon is a

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EXAMINER  
Member Pakhtunkhwa  
Service Tribunal,  
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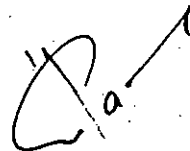
Management Cadre Post whereas both the appellant and private respondent No.4 belong to General Cadre.

7. Learned counsel for the appellant could not demonstrate that under the relevant rules, how a Medical Officer/Senior Medical Officer of General Cadre can be appointed against the Management Cadre post. Director Health Services Merged Areas Peshawar has exceeded his authority by issuing transfer posting order dated 07.03.2019 in relation to the appellant (BS-18) and private respondent No.4 (BS-19).

8. In the light of above, the appellant has not been able to seek indulgence of this Tribunal. Consequently the respondent department is directed to appoint suitable officer from Management Cadre, against the post of Agency Surgeon Merged Area Kurram, within 15 days of the receipt of this judgment. The respondent department is further directed to recall all the transfer posting orders of Medical Officer/Senior Medical Officers against the posts of Management Cadre. The present service appeal is disposed of in the above noted terms. Parties are left to bear their own costs. File be consigned to the record room.



(Ahmad Hassan)  
Member



(Muhammad Hamid Mughal)  
Member

ANNOUNCED. Date of Presentation of Application: 29-08-19  
09.08.2019 Number of Words: 1200

Copying Fee: 16-00  
Urgent: 4-00  
Total: 20-00  
Name of Copyist: [Signature]  
Date of Completion of Copy: 29-08-19  
20-08-19

**Verified to be true copy**  
**EXAMINER**  
**Khyber Pakhtunkhwa**  
**Service Tribunal,**  
**Peshawar**



Before the Honorable Panchajanya Justice Trib  
Tribunal

Dw Muhammad Jareen

VS

Govt.

Respectfully sheweth,

that the above appeal is pending  
before this honorable Tribunal wherein Respon  
had already submitted written reply.

That Respon no 5 ~~rep~~ rely on the written  
reply already submitted by Respe no 4.

Representative of Res  
Wali Khan  
01/17/20  
Office Assistant