FORM OF ORDER SHEET

Court of	
Case No	 151/ 2023

SiNo.	Date of order proceedings	Order or other proceedings with signature of judge	
1	2	3	
1-	17/1/2023	The appeal of Mr. Abdul Qadoos presented today by Mr. Hidayat Ullah Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on Parcha Peshi is given to appellant/counsel.	
		By the order of Chairman REGISTRAR	
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7.7.7.1	i		

Service Appeal No.			
Abdul Qadoos	; 	Appellant	
†	VERSUS	•	
Govt. of Khyber Pakhtunkhwa through Chief Secretary & otherRespondents			

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S#	Description of Documents	Annex	Pages
	是在公司的中国的企业,并在1998年的1750年的中国的企业的企业的。1998年的1998年的企业的企业的企业的企业的企业的企业的企业的企业的企业的企业的企业的		\$24.50 T. S. C. C. S.
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Appellant

Through

Dated 16.01.2023

Hidaya Hah Khattak Advocate High Court

MILL-

Service Appeal No. 15/ /2022

Abdul Qadoos Son of Khan Zaman,
Principal Dental Surgeon Takht Nasrati District Karak

Appellant

VERSUS

- Govt. of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar
- 2) Secretary Health, Govt. of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar
- 3) Director General Health Services, Warsak Road, Peshawar

APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED TRANSFER ORDER NO.SOH (E-V)/2-2/2022/3530-37/DATED 06.10.2022 OF RESPONDENT NO.3 AND THAT OF UN-RESPONDENT REPLY AND WAITING FOR THE STATUTORY PERIOD HENCE THIS APPEAL.

Prayer in Appeal

On acceptance of this service appeal, the impugned order dated 06.10.2022 No. SOH (E-V)/2-2/2022/3530-37/ may be set aside and the un-responded reply of the departmental representation submitted on 12.10.2022 by the appellant.

Respectfully Sheweth:-

- That the appellant was appointed Dental Surgeon in year 26.12.1995 and presently workings as Principal Dental Surgeon at Type-C Hostile Takht Nasrati, Karak (under transfer).
- 2. That on an anonymous complaint regarding Ghost Doctor in Type Hospital Takht Nasrati an inquiry was conducted by the order of DGHS (respondent No.3) dated 10.10.2021 and the inquiry committee submitted the report and on that report, respondent No.3 issued impugned transfer order dated SOH (E-V)/2-2/2022/3530-37/ DATED 06.10.2022. (Copy of Impugned order dated 06.10.2022 and unanimous complaint are attached as annexures "A & B" respectively).

- 3. That appellant submitted departmental Reprenstation before the respondent No.2 on 12.10.2022 and waiting for statutory period and un responded Reprenstation hence the present appeal on the following ground. (Copy of the departmental Appeal is attached as annexure "C").
- 4. That appellant feeling aggrieved now approached this Hon'ble Tribunal inter alia on the following grounds:

GROUNDS:

- A. That the impugned order dated 06.10.2022 is against the facts and case and recommendation of the inquiry report and available record, hence liable to be set aside, therefore requested for cancellation.
- B. That the composition of inquiry committee composition is not according to grade-19/ Service & Rules.
- C. That the appellant was not having the DDO power as reflects in the Incharge order and this DDO powers were with DHO /respondent No.4, hence appellants impugned transfer order is a sort of

punishment of no offence by the appellant ,hence liable to be struck down.

- D. That the complaint is by anonymous person complaint and as per the judgment of this Hon'ble Tribunal and higher forum, no one shall be punish on anonymous complaint as respondent has punished in the present case.
- E. That appellant has not treated according to procedure in law and the inquiry was conducted at the back of the appellant.
- F. That no right of hearing and personal hearing was awarded to the appellant by the inquiry committee and the impugned order dated 06.10.2022 has been issued.
- G. That the appellant have not been treated according to law and procedure.
- H. That appellant would like seek the permission of this Hon'ble Tribunal to share arguments on the merit of the instant appeal at the time of hearing.

It is, therefore most humbly prayed that on acceptance of this service appeal, the impugned order dated 06.10.2022 No. SOH (E-V)/2-2/2022/3530-37/ may be set aside and the unresponded reply of the departmental representation submitted on 12.10.2022 by the appellant.

Appellant

Through

Dated 16.12.2022

Hidayatullah Khattak Advocate High Court

Service Appeal No	/2023
Abdul Qadoos	Appellant
VER	S U S
Govt. of Khyber Pakhtunkhw through Chief Secretary & o	-

AFFIDAVIT

I, Abdul Qadoos Son of Khan Zaman, Principal Dental Surgeon Takht Nasrati District Karak, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

Composition 2

D E P O N E N T CNIC No.14203-2039849-3

In	/2023		
Service Appeal No	/2	023	
Abdul Qadoos	•	••••••	Appellant
	VERS	U S	
Govt. of Khyber Pak through Chief Secre		er/	Respondents
APPLICATIO	N FOR	SUSPENSION	OF
IMPUGNED (ORDER DA	TED 06.10.2022	2, TILL
THE FINAL	DISPOSAL	OF THE INS	STANT
APPEAL			
			

Respectfully Sheweth:

- That the titled Service Appeal is being filed before this Hon'ble Tribunal in which no date of hearing is fixed:
- 2. That the grounds of main appeal may be considered as integral part of this application.
- 3. That the balance of convenience also lies in favour of the appellant.

- 4. That the appellant has a good prima facie case and all the three ingredients are in favour of the appellant.
- 5. That if the respondents are not restrained to issued promotion order then the appellant would sustain suffer irreparable loss.

It is, therefore, most humbly prayed that by accepting this application, the interim relief as prayed for in the instant application may kindly be passed in favour of the appellant against the respondents

Appellant

: Through

Dated 16.01.2023

Hidayatullah Khattak Advocate High Court

C.M No In	/2023	
Service Appeal No	/2023	
!	•	Appellant
	VERSUS	•
Govt. of Khyber Po through Chief Secr		Respondents

AFFIDAVIT

I, Abdul Qadoos Son of Khan Zaman, Principal Dental Surgeon Takht Nasrati District Karak, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

Commissioner 12

DEPONENT CNIC No.14203-2039849-3

C.M No In Service Appeal No	•	
Abdul Qadoos		Appellant
'	VERSUS	
Govt. of Khyber Po through Chief Secr	akhtunkhwa retary & other	Respondents

APPLICATION FOR RELEASE OF PRESENT SALARY OF THE APPELLANT

Respectfully Sheweth:

- That the service appeal has filed with the application before this Hon'ble Tribunal, which has bright chance to succeed.
- 2. That the appellant has good prima facie case.
- 3. That balance of convenience also lies in favour of the appellant.
- That if the present salary has not been release to the appellant then the appellant will suffer irreparable loss.

- 5. That the grounds in service appeal may be considered the integral part of this application.
- That some other ground may be adduced at the time of arguments with the permission of this Honourable Court.

It is therefore, humbly prayed that on acceptance this application, the present salary of the appellant may kindly be released, till the final decision of the appeal.

Through

Dated 16.01.2023

Hidayatullah Khattak Advocate High Court

C.M No/20 in)23
Service Appeal No	/2023
Abdul Qadoos	Appellant
	VERSUS
Govt. of Khyber Pakhtı through Chief Secretaı	unkhwa ry & other Respondents

AFFIDAVIT

I, Abdul Qadoos Son of Khan Zaman, Principal Dental Surgeon Takht Nasrati District Karak, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

Oan Company

DEPONENT CNIC No.14203-2039849-3

PESHAWAR

Service Appeal No	/2023
Abdul Qadoos	Appellant
.	ERSUS
•	khwa & other Respondents SSES OF PARTIES

APPELLANT:

Abdul Qadoos Son of Khan Zaman, Principal Dental Surgeon Takht Nasrati District Karak

RESPONDENTS:

- Govt. of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar
- 2) Secretary Health, Govt. of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar
- 3) Director General Health Services, Warsak Road, Peshawar

4) District Health Officer, Karak

Appellant

Through

Dated 16.01.2023

Hidayatullah Khattak Advocate High Court

Amic. A



TO BE SUBSTITUTED WITH THE SAME NO. & DATED

GOVERNMENT OF KHYBER PAKHTUNKHWA HEALTH DEPARTMENT

Dated: Peshawar the 08th October, 2022

NOTIFICATION

In light of recommendations of the inquiry NO.SOH (E-V)/2-2/2022 committee regarding ghost doctors/ employees under the control of DHO Karak, the following posting/ transfer of doctors are hereby ordered with immediate effect; in the best public interest:-

S.NO. NAME OF DOCTOR		NAME OF DOCTOR	FROM	то
,		Dr. Qadoos, Principal Dental Surgeon (8S-19)	Súrgeon (BS-19)/	Report to Directorate General Health Services, Khyber Pakhtunkhwa
		Dr. Niaz Ali, Senlor Medical Officer (85-18)	Deputy DHO Karak	Report to Directorate General Health Services, Khyber Pakhtunkhwa

SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA **HEALTH DEPARTMENT**

 $\frac{1}{2}$ /Notification of even No. & dated:

Coples forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa Peshawar.

- 2. Olrector General Health Services. Khyber Pakhtunkhwa.
- 3. District:Health Officer, Karak.
- 4. District Accounts Officer, Karak.
- 5. PS to Secretary Health Department Khyber Pakhtunkhwa.
- 6. Deputy Director (IT), Health Department, Peshawar.
- 7. Both the doctors concerned.
- 8. Personal files of the doctors concerned.

(NADIR NAZAR)

SECTION OFFICER (E-V)

(15

GHOST DOCTORS IN KARAK SUPPORTING BY ACTING DHO KARAK FOR HIS PERSONAL BENEFITS LDr saud arshad belong from charsada absent since his arrival report attached to type e hospital Takhti Nasrati as he is giving 50000 per month to dho karak, 2.Dr ijaz anwar SMO nunched to type c hospital Takhti Nasrati absent since his posting, 3.Dr baseer MO surgery attached to type c Takhti Nasrati absent. 4.Dr inam on general duty at Takhti Nasrati absent as he giving 30000 per month. 5.dr kiramat wazir came for 1 day attached to type c Takhti Nasrati then remained absent. 6.dr noreen shabana gynaecologist only came on Saturday and monday then remained absent and gynae word is closed as she pays money to incharge and dho karak. 7. Nadia nurse absent since 8 months as she pays 15000 per month. 8. Samina nurse absent since 8 months as she pays 15000 per month. 9.4r Noor Anwar is in Saudi Arabia and he left the duty station without sanction of leave but dho is silent. 10,dr tahir saved district surgeon absent since long attached to THQ bdshah. 11. Dr sidra baig attached to THQ bdshah ubsent since long.12.dr umer khyiam is in America attached to bdshah. 13. Dr habil khun attached to bdshah is in Kuwait but he has paid all salaries till june 2021 despite of the fact that his name is also not included in adhoc extension. 14.Dr shahid rehman attached to THQ bdshah only perform sunday duty in month as he paid 30 thousands to incharge and dho karak. 15. Four dental surgeons are working in THQ bdshah but opd less than 10 per week as each dental surgeon perform only 1 day duty per week, 16. Dho karak,incharge THQ bdshah and concerned clerk have purchased various medicines and other items on local purchase basis without MCC lists for their commissions etc.

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C

To,

Secretary to Government, Khyber Pakhtunkhwa Health Department, Pashawar.

SHALECT.

APPEAL AGAINST THE TRANSFER OF DR ABOUL GADUS PRINCIPAL DENTAL SURGEON.

Respected sir,

Reference to your's office notification No. SOH(E-V)2-2Dated Peshawar the 6th October, 2022, it is stated that I Dr Abdul Qadus Khen working as Principal Dental Surgeon at Type — C Hospital Takht-e Nasrati Karak. I want to bring certain points in your consideration which are noted below:

- I was given look after charge of the hospital by DHO Karak through his office Order > no 804-806/admin dated 26/02/2020 and DDO power were with DHO. (Annex 1).
- 2. The particular inquiry was initiated on anonymous complaint application which shows that the subject complainant was biased and have certain personnel grudges with DNO or the undersigned. The compliant is attached as (Annexure-2).
- The DGHS constituted an inquiry committee bearing notification No. 14010 13/dated 10/09/2021. The committee comprised of Dr Muhammad Saleem MS DHQ. Karak, and Dr Hidayat Ullah Deputy Director DGHS Peshawar.
- 4. The committee surprisingly visited the hospital on 20/9/2021 at about 02.15 pm when the morning shift staff have left the station. This is that they fail to meet some of the doctors/nurses mentioned in the complaint.
- 5. The committee compiled a report to DGHS in which the action was recommended which is still not received officially to the undersigned but triad to get its copy through social media. Inquiry report is attached as (Annex-3).
- From the inquiry report and the report submitted to the inquiry committee by the undersigned it is evident that the undersigned is confident enough of the staff duty. (Annex-4).
- 7. However, in Para No. 1 of the finding of report shows that Dr. Saad was absent on the day of committee visit. I have clearly mentioned in a report submitted to the committee that the duty roaster was completely applied on all the Doctors however, the said Doctor was appointed for special assignments to work for CORONA in the hospital and in the field as well. Therefore, it created a miss understanding to the committee members regarding his absentee and his duty hours. As for as the report of IMU is concerned, they reported to save their skin when they came to know about the said complaint.
- Fara No. 4 about Dr. Baseer it is stated that Dr. Baseer was on off duty on the day of visit. Furthermore, He was on duty on AEFI (Adverse-events following immunization).
 Office order is attached as (Anex-5).

4



- Para No. 6 about Dr. Kiramat. The fact is that he haddone his routine OPD and was present in Hostel. However, He was intentionally not called for statements.
- 10. Dr. Noreen being present on the day of visit (as mention by the committee) had deliberately been shown as a ghost employee.
- 11. Nurses Samina and Nadia Sultan were present in their residence at Hospital premises after completing their shift duty. They were also not called for recording of statement by the committee.
- 12. The Roaster of this Hospital fully cover all the staff with no favour. However, the Committee submitted biased statement regarding that. The committee has not properly evaluated the roaster. This is that they wrongly interpret the roster. Dr Baseer and Dr. Kiramat have duty in roster of September 2021 but in August 2021 they have duty in corona vaccination center. Moreover, the point mention in the recommendation section that all most all the employee are doing two days duties is totally wrong. The duty roasters of the last three months i.e July-August-and September 2022 and the duty roster examined by the committee i.e Aug and September 2021 are attached for evaluation purpose as (annex-6).

tracking to the above explanation and the findings of the inquiry committee there is no constant the supervision of the undersigned. Therefore, it is requested that my transfer order may please be cancelled.

Dated: 12 October 2022

Yours obediently,

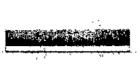
Dr Abdul Qadus Khan

Principal Dental Surgeon Type C Hoppital

Takh-e-Nasrati Karak.

Copy to:

- 1. Director General Health Services for information.
- 2. District Account Officer Karak.



Annix-D

INQUIRY REPORT REGARDING GHOST DOCTORS IN KARAK

to compliance to the BGH5 Kirylar Pakinuokiron office order boaring office order No. 14010-13/Hills dynad 10/00/2021, the inquiry report is subjected as unders

Buckground:-

A complaint received to DOHS Khyber Pakhtenkhwa that there are ghost Dectors in Yarak who are being supported by acting DHO Korak for his gersonal benefits. The following Operars and other staff were mentioned in the complaint.

- 1. Gr. Saad Arshad (Type C Hospital Takhti Hascati) is absent since his archad and giving 50000 per to 000 Karak.
- 2. Up 1/21 Amust SMO (Type-C Hospital Takint Hasrati) is obsent since file posting.
- 1. Gr. Baceer (AO Surgery (Type-C Hospital Takhti Nasrati) is obsent.
- 4. Dr. inem on general duty (Takhti Hasratij absent giving 30000 per month.
- 9. Or. Xiramat Wazir (Takhti Hasrati) came only for one day and then romained absent.
- 6. Ut. Horeon Shabana Gynaecologist is coming only on Saturday and Monday and then remains absent in rest of the week and gives money to incharge and DHO Korak.
- 7. Hadia Hurse is absent since 8 months as she pays 15000 per month.
- #, Samina Hurso is absent since 8 months at the pays 15000 per month.
- Dr. Hoor Anwar is in Saudi Arabia and he has left duty station without sanction of leave but DHO is client over it.

inquiry of the remaining officers/officials including in the above mentioned complaint who belongs to THQ Hospital Banda Datel Shah, Karak have already been carried out by another inquiry committee.

The Inquiry committee visited Type-C Hospital Takhti Nasrati and the office of the District iteration Officer Kerak on 20/09/2021 to record the statements of incharge Type-C Hospital Takhti Natrati, DHO Karak and the above mentioned staff.

. Statement of Dr. Niaz All Khan (DHO):

Or. Niaz Ali Khan (DHO) totally denied the allegations leveled against him in the complaint and submitted a detailed report along with (documented proofs) of actions taken against the officer/officials mentioned in the complaint (Annex-A).

Statement of Incharge Type-C Takht-e-Nasrati:

Incharge Type-C Hospital Takht-e-Nasrati also denied all the allegations against him and OHO Karak, He stated that all the Doctors and staff of his hospital are regularly performing their duties. About 400 patients are being seen daily in the OPD, 50-80 emergencies being conducted in the casualty and about hundred deliveries per month in labour room (Annex-B).

Statement of Medical Superintendent, Type-C Hospital Korok.

The MS Type-C Hospital stated in his written statement stated that Or. Noor Anwar Medical Officer submitted application for 730 days EQL [without Pay] which was regretted by the component authority and he wrote to DAO Karak for stoppage of pay and informed the MO concerned accordingly through a letter on his home address (Annex-C)

Page 1 of 3 ?



<u>Findings:</u>

According to DHO Karak: satisfactory performance report of Dr. Saud Modical Officer has been received from incharge Medical Superintendent Takhte Masrati and forwarded to DGHS Khyber Pakhtunkhwa for his contract renewal while on the other hand be has stated that according to IMU he was found absent several times due to that explanation was talled and salary was deducted accordingly. It needs to be mentioned that during the inguity committee visit, the said Medical Officer was found absent too.

According to duty roster of August & September 2021 (Annex-O) only three duties of 8 hours were assigned to Dr. Saad Medical Officer by MS Takht e Nasrati and according to MS he is satisfied from his duties.

Or, the Ahmad SMO was found present during the visit of the committee to the above hospital and he was attending promotion training at DHQ Hospital Karak since 10/09/2020 to 09/12/2020 vide DGHS office order No/ 15474-75/A.E-i dated 08/09/2020(Annex-E).

Or. Baseer Ahmad Medical Officer was found absent during the visit of the inquiry Committee and according to duty roster of August 2021, only three duties of 8 hours were assigned to him by the MS Takht e Nasseti while he was not assigned any duties in the duty roster of September 2021 and according to MS ho is satisfied from his duties.
 Or. Inam was found present during the visit of the inquiry committee and he is regular.

in performing of his duties.

Dr. Kiramat Wazir was found absent from his duties on the day of inquiry committee.

Dr. Kiramat Wazir was found absent from his duties on the day of inquiry committee.

Syisth, he was mentioned in general OPD Outy roster in August 2021 while no duty was assigned to him in the month of September 2021 but despite of these facts the OHO and MS stated that he is regular in his duties.

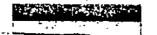
Or. Noreen Gynecologist was found present during the visit of the committee but exceeding to the IMU in charge the was found absent several times during IMU Monitoring staff visits. She was marked as tick y by the incharge Type-C Hospital Takhte-Nasrati instead of signature about which she stated that this is her initial (Annex-F).

burning Akhtar and Hadio Sultan Charge Nurses; both of them were absent during the committee visit to the said hospital and according to DHO Karak, proper action regarding long absent has been taken against them.

Dr. Noor Anwer; according to Medical Superintendent Type-C Hospital Karak, he had applied for 730 days EQL (Without Pay) through online to DGHS Khyber Pakhtunkhwa which was forwarded to Secretary Health Khyber Pakhtunkhwa vide letter No. 9195/E.l. dated 23/06/2021, which was regretted by Secretary Health vide letter No. SOH(E-III)/4-1/2021 dated 03/08/2021 but the Doctor concerned has submitted his departure on 15/07/2021 after confirming that his application is forwarded to Secretary Health. MS Type-C Hospital Karak stopped his pay vide letter No. 805 dated 03/08/2021 and also informed the doctor concerned through a copy of the letter on his home address regarding regretting of his leave application and report for duty vide letter No. 941-44 dated 15/09/2021 but the reply of the concerned doctor is still awaited.

Recommendations:

As per duty roster prepared by the incharge Type-C HospitaliTakht-e-Nasrati, some of the doctors and nurses were found absent on the visit day as well and the duty roster developed according to the convenience of the staff, almost all of the staff are performing two days duties per week, therefore strict disciplinary action may be taken against the doctors/staff and the incharge due to not following the government





directives regarding no of hours per week. Therefore they may not be given / entitled for Health Professional Allowance and Conveyance allowance for their absent period.

- Incharge Type-C Hospital Takht-e-Nasrati may be transferred immediately on account of poor performance and negligence.
- The DHO Karak (Acting) seems to have closed his eyes on these irregularities & negligence, being responsible for the above mentioned facts may be transferred from the post of DHO.
 Salary of Dr. Noor Anwar may be stopped immediately and disciplinary action may be
- Salary of Dr. Noor Anwar may be stopped immediately and disciplinary action may be initiated against him under E&D Rules 2011 and also over payments made to him in salaries may be recovered.
- In case of salary received by Dr. Noor Anwar after July 2021 strict action may be taken against the Medical Superintendent, Type-C Hospital Karak.

(Inquiry Officer)

Dr. Hidayat Ullah, Deputy Director (Day/Coord-I) DGHS (Inquiry Officer)

Dr. Muhammad Saleem MS DHQ Hospital Karak





OFFICE OF DISTRICT HEALTH OFFICER KARAK

(Kligher Pakktunklinia) Plane - 's Fac., 0 692"-29053?

OFFICE ORDER:

Due to the prevailing situation of Leishamiasis cases and Dengue action plan 2020 and also polio campaigns and other administrative issues the undersigned is pleased to direct Dr. Niaz Ali SMO BPS-18 incharge Type-C Hospital Takhti Nasrati to work as Deputy District Health Officer Karak till finther order in the best interest of public.

WHEREAS, Dr. Abdul Qadoos Principal Dental Surgeon BPS 19 is hereby directed to perform duty as Incharge Type-C Hospital, Takthi Nacrati in the interest on a white service.

> District Health Officer Karak

Dated: 14-02/2929

No. 804-806 /Admn:

Copy te:

V. Dr. Abdul Qadoos Prinicpal Dental Surgeon Type-C Hospital Takhti Nasrati.

2. Dr. Niaz All Senior Medical Officer Type-C Hospital Takhti Nasrati

3. Office record.

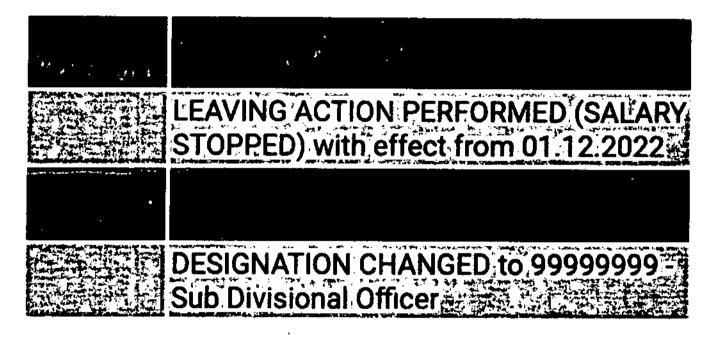


Employee Servic... 3 days ago to me ~



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00298513 ABDUL QUDDUS KHAN KK4342



یہ ای میل خودکار نظام کے تحت بھیجی جا رہی ہے جس کا مقصد ڈی ڈی او کو ملازمین کی چینجز سے متعلق بر وقت مطلع کرنا ہے۔
۔ اگر اس ای-میل میں شامل ملازمین کی چینجز میں کوئی غلطی پائی جا رہی ہو، تو جلد از جلد اپنے متعلقہ اکاؤنٹ آفس سے رابطہ کر کے درستگی کروا لیں

