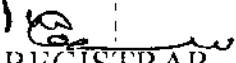


# FORM OF ORDER SHEET

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

Case No. - \_\_\_\_\_ **2010 /2022**

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	28/12/2022	<p>The appeal of Mr. Javed Khan presented today by Mr. Hamayun Advocate. It is fixed for preliminary hearing before touring Single Bench at A.Abad on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR.</p>

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

Appeal No. 2010 /2022

Javed Khan son of Muhammad Imran (Ex. CT Surgical, BPS-12), resident of Tamai, Tehsil & District Battagram.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa through Secretary Health Peshawar & others.

...RESPONDENT

**SERVICE APPEAL**

**INDEX**

S.#	Description	Page No.	Annexure
1.	Memo of Appeal	1 to 8	
2.	Copy of advertisement	9	"A"
3.	Copy of documents	10 - 19	"B"
4.	Copy of appointment order of appellant	20 - 22	"C"
5.	Copy of arrival report	23 - 24	"D"
6.	Copy of impugned letter dated 23.08.2021	25	"E"
7.	Copy of impugned letter dated 27.08.2021	26	"F"
8.	Copy of Writ Petition No. 955/2021 (Departmental Appeal)	27 - 32	"G"
9.	Copy of comments and order	33 - 37	"H" & "I"
10.	Wakalatnama	38	

...APPELLANT

Dated: 21/12 /2022

Through

  
(HAMAYUN KHAN)

  
(FAZLULLAH KHAN)

Advocates High Court, Abbottabad

1

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

Appeal No. 2010 /2022

Javed Khan son of Muhammad Imran (Ex. CT Surgical, BPS-12), resident of Tamai, Tehsil & District Battagram.

...APPELLANT

VERSUS

1. Govt. of Khyber Pakhtunkhwa through Secretary Health Peshawar.
2. Director General Health Services Khyber Pakhtunkhwa, Peshawar.
3. District Health officer Battagram.

...RESPONDENTS

**APPEAL** UNDER ARTICLE 212 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973 READ WITH SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974, AGAINST THE IMPUGNED ORDER DATED 23.08.2021 PASSED BY THE RESPONDENT NO. 2 AND ORDER DATED 27.08.2021 PASSED BY RESPONDENT NO. 3, WHEREBY, RESPONDENTS NO. 2 AND 3 CANCELLED APPOINTMENT ORDER OF THE APPELLANT, WHICH IS ILLEGAL, UNLAWFUL, AGAINST THE LAW, FACTS AND

NATURAL JUSTICE AND LIABLE TO BE SET  
ASIDE.

---

**PRAYER:** ON ACCEPTANCE OF INSTANT APPEAL  
IMPUGNED ORDER DATED 23.08.2021 PASSED BY  
RESPONDENT NO. 2 AND SIMILARLY ORDER  
DATED 27.08.2021 PASSED BY RESPONDENT NO.  
3 MAY KINDLY BE DECLARED AS NULL AND  
VOID, ILLEGAL, UNLAWFUL, AGAINST THE  
LAW, VOID, ABI-INITIO, HENCE LIABLE TO BE  
SET-ASIDE AND APPELLANT BE REINSTATED IN  
SERVICE ALONGWITH ALL BACK BENEFITS.  
ANY OTHER RELIEF WHICH THIS HONOURABLE  
TRIBUNAL DEEMS FIT AND PROPER IN THE  
CIRCUMSTANCES OF THE CASE MAY ALSO BE  
GRANTED TO THE APPELLANT.

---

Respectfully Sheweth;-

Appellant beg to solicit through instant appeal on the  
following legal and factual back grounds:-

1. That on 01.06.2021, respondent No. 3 advertised  
different posts including JCTC (Surgical BPS-12).  
Copy of advertisement is annexed as Annexure  
"A".

2. That consequent upon the advertisement, appellant submitted documents for the post of Surgical Technician BPS-12. Copy of documents is annexed as Annexure "B".
3. That thereafter, respondents conducted test/ interview and after completion of process on the recommendation of Departmental Selection Committee on 30.07.2021, respondent No. 3 issued appointment order of the appellant. Copy of appointment order of appellant is annexed as Annexure "C".
4. That on 03.08.2021, appellant submitted arrival report at Type-D THQ Hospital Banna Allai and joined duty. Copy of arrival report is annexed as Annexure "D".
5. That on 23.08.2021, respondent No. 2 issued letter to the respondent No. 3, whereby, respondent No. 2 cancelled appointment order of the appellant. Copy of impugned letter dated 23.08.2021 is annexed as Annexure "E".

6. That similarly on 27.08.2021, respondent No. 3 cancelled appointment order of the appellant in the light of letter dated 23.08.2021 issued by respondent No. 2. Copy of impugned letter dated 27.08.2021 is annexed as Annexure "F".
7. That thereafter, appellant alongwith others filed Constitutional Petition before the Honourable Peshawar High Court, Abbottabad Bench due to ambiguity about the term and condition of the appellant. Copy of Writ Petition No. 955/2021. (Departmental Appeal) is annexed as Annexure "G".
8. That thereafter, respondent submitted comments before the Honourable Peshawar High Court, Abbottabad Bench and on 15.09.2022, after hearing of arguments, Honourable Peshawar High Court converted writ petition to departmental appeal and sent to the respondent No. 2 for disposal within 90 days. Copy of comments and order is annexed as Annexure "H" & "I".
9. That after completion of stipulated period (90 days), respondent No. 2 did not give any response

and similarly not passed any order on the departmental appeal, which was sent by the Honourable Peshawar High Court, Abbottabad Bench.

10. That, being aggrieved from the order dated 23.08.2021 and 27.08.2021 passed by respondents No. 2 and 3, the appellant is before this Honourable Tribunal with the appeal in hand inter-alia on the following amongst other grounds;-

**GROUND:-**

- a. That the impugned order/ act of respondents is illegal, unlawful, without lawful authority, arbitrary, perverse, against the principle of natural justice, hence ineffective upon the rights of the appellant and thus liable to be set-aside.
- b. That all proceedings were conducted against a well known principle of natural justice and guaranteed fundamental rights of appellant and therefore as the appellant has been condemned unheard, therefore, the

impugned order/ act is liable to be set-aside and appellant be reinstated with all back benefits.

c. That the impugned orders of respondents are sheer example of highhandedness and political motivation. Hence, liable to be set-aside.

d. That the impugned act of respondents is a worst example of discrimination and misuse of power/ authority.

e. That the act of department against the Article- 4 & 25 of the Constitution of Islamic Republic of Pakistan as well as natural justice and intentionally till date not released back benefits.

f. That, impugned letter/ order are based on personal grudges and interests which is not sustainable.

g. That, impugned letter/ order are against the rules, no regular inquiry was conducted nor



the opportunity of defence and hearing was given to the appellant.

- h. That, all the proceeding conducted by respondents No. 2 and 3 are clear violation of E&D Rules and issued impugned orders without any lawful justification, hence ineffective upon the rights of appellant and are liable to be set-aside.
- i. That, the act of respondent is against guaranteed constitutional rights of the appellant, which are also against the norms and dictates of Justice.
- j. That, impugned orders are issued in a hasty manner, which did not fulfill the codal requirement, hence having no legal value, is liable to be struck down.
- k. That the valuable rights of the applicant are involved and all act of the finance department against the law, rules, policy and natural justice.

1. That the other grounds shall be argued at the time of arguments with the kind permission of this Honourable Tribunal.

It is, therefore humbly prayed that on acceptance of instant appeal impugned order dated 23.08.2021 passed by respondent No. 2 and similarly order dated 27.08.2021 passed by respondent No. 3 may kindly be declared as null and void, illegal, unlawful, against the law, void, abi-initio, hence liable to be set-aside and appellant be reinstated in service alongwith all back benefits. Any other relief which this Honourable Tribunal deems fit and proper in the circumstances of the case may also be granted to the appellant.

  
APPELLANT

Through

Dated: 21/12/2022

  
(HAMAYUN KHAN)

&

  
(FAZLULLAH KHAN)

Advocates High Court, Abbottabad

**VERIFICATION/ AFFIDAVIT:-**

*Verified on oath that the contents of forgoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.*

  
DEPONENT

جرامیٹریکل سٹاف ضلع بگرام کے مختلف مراکز صحت میں مندرجہ ذیل جراثیمیٹریکل سٹاف کی آسامیاں خالی ہیں جن پر تقرری کیلئے ضلع بگرام سے تعلق رکھنے والے اہل امیدواروں سے درخواستیں مطلوب ہیں۔ ضلع بگرام میں اہل امیدواروں کو حساب کتاب کی صورت میں اس وقت اطلاع سے بھی اہل امیدواروں کی تقرری ہو سکتی ہے۔

Sl. No.	Post	Number of Posts	Qualification
1	JCT (Radiology)	12	ٹیپ ڈی ہسپتال RHC
2	JCTC (Surgical)	12	ٹیپ ڈی ہسپتال
3	JCT (Pulmonology)	12	بی ایچ آر کوڈ ٹیوڈول، لکھی، پٹیلا، پامال شریف، پونگ
4	PHCT (EPI)	12	پھولانی، کھنڈرہ اور RHC ٹھاکٹ
5	EPI Vaccinator	06	

(1) عمر کم از کم چھ ماہ سے زیادہ ہونی چاہئے اور زیادہ سے زیادہ 35 سال۔ (2) عمر کم از کم چھ ماہ سے زیادہ ہونی چاہئے اور زیادہ سے زیادہ 35 سال۔ (3) جس امیدوار کی عمر مردہ عمر سے زیادہ ہو وہ Age Relaxation سے مستثنیٰ نہیں رہے گا۔ (4) تجربہ کار ٹیکٹ مطلوبہ قابلیت کے طور پر منظور کیا جائے گا۔ (5) کارڈنیشن کا Certificate حاصل کرنا ضروری ہے۔ (6) Certificate قابل قبول نہیں ہوگا۔ (7) کارڈنیشن کا Certificate قابل قبول نہیں ہوگا۔ (8) کارڈنیشن کا Certificate قابل قبول نہیں ہوگا۔ (9) کارڈنیشن کا Certificate قابل قبول نہیں ہوگا۔ (10) کارڈنیشن کا Certificate قابل قبول نہیں ہوگا۔ (11) کارڈنیشن کا Certificate قابل قبول نہیں ہوگا۔ (12) کارڈنیشن کا Certificate قابل قبول نہیں ہوگا۔ (13) کارڈنیشن کا Certificate قابل قبول نہیں ہوگا۔

Attestd  
H. [Signature]

S.NO. 455



# DOMICILE CERTIFICATE

The Pakistan Citizenship Act, 1951 (Act, II of 1951)  
Rules made thereunder (vide Rule No: 23)

JAVED KHAN Son/Daughter/Wife of MUHAMMAD ILMAN

Declare that I was born of parents who are permanently domiciled in Khyber Pakhtunkhwa Province having belonged to it by birth/settled in it.

I belong to Village / Mohallah AHMAD ABAD TAHAI

Tehsil BATAGRAM District BATTAGRAM

Signature/Thumb Impression of Applicant *[Signature]*

Name JAVED KHAN

Signature of the applicant *[Signature]*

Pursuance to the declaration date 11-03-2017 Filled

Mr./Miss/Mrs. JAVED KHAN So, Do, W/o MUHAMMAD ILMAN

CNIC No \_\_\_\_\_ Domiciled in the Khyber Pakhtunkhwa Province

It is hereby Certified that the said JAVED KHAN Is born of parents who are permanent residents of Khyber Pakhtunkhwa Province having belonged to it by birth/settled in it. I have satisfied myself personally/through my relevant sources that the above declaration is true and duly certified overleaf.

This 15th Day of 11/20

No. 301 Date 16/05/2017

COUNTER SIGNED BY

*[Signature]*

Assistant Commissioner  
Battagram/Allai

*[Signature]*  
*[Signature]*

میں اس بات کی تصدیق کرتا ہوں کہ اس سے پہلے میں نے کسی بھی ڈسٹرکٹ ایف آرا قبائلی ایجنسی کا ڈومیسائل سرٹیفکیٹ حاصل نہیں کیا

دستخط نشان انگوٹھا

تصدیق کی جاتی ہے کہ کسی اسٹریٹ جاوید خان ولد اختر محمد خان  
سنہ ۱۹۸۶ء میں پیدا ہوا ہے اور اس کے والدین اشوہر بھی علاقہ مذکورہ کے  
رہائشی و پیدائشی باشندگان ہیں۔ میں ان کو ذاتی طور پر جانتا جا رہا ہوں۔

Muhammad Ayaz  
Nazem Village Council  
Bar Pao Ajmera

دستخط

تاریخ 11/5/2017

ضلع ملتان  
صوبہ سندھ  
صوبہ سندھ کے ایماز ناظم و بلج کے نسل میں پیدا ہوا ہے  
صوبہ سندھ میں جاوید خان ولد محمد عمران قوم مہری ضلع میان سائے کے لئے داد اعلیٰ کے ذریعہ سے آباد و اجراء  
میں سے مہری آبادی و اجراء سے پیدائشی باشندہ ہے اور اب عرضہ آجھیر میں رہائشی ہے  
رکوردت عرضہ سے

15/05/2017

صوبہ سندھ کے ایماز ناظم ۱۷/۱۱/۱۹۸۶ء میں جاوید خان ولد محمد عمران قوم مہری ضلع میان سائے کے ذریعہ سے آباد و اجراء  
میں سے مہری آبادی و اجراء سے پیدائشی باشندہ ہے نیز سابق مذکورہ والد صاحب راجھیر ضلع اراچل میں ۱۹۸۶ء  
۱۵۷۶ سے ۱۵۸۶ء میں جاوید خان ولد محمد عمران قوم مہری ضلع میان سائے کے ذریعہ سے آباد و اجراء  
۱۵۷۶ سے ۱۵۸۶ء میں جاوید خان ولد محمد عمران قوم مہری ضلع میان سائے کے ذریعہ سے آباد و اجراء

15/5/17

تصدیق کرتا ہوں  
133

Serial No. 0756911



12

Roll No. 173381

Board of Intermediate and Secondary Education  
Abbottabad Khyber Pakhtunkhwa Pakistan  
Secondary School Certificate Examination

SSC (ANNUAL) 2017

This is to certify that JAVED KHAN  
Son/Daughter of MUHAMMAD IMRAN  
A candidate from AL SYED GARDEN PUBLIC SCHOOL & COLLEGE BATTAGRAM  
has passed the Secondary School Certificate Examination of the Board of Intermediate and Secondary Education, Abbottabad  
held in March/April, 2017 as a Regular candidate. He/She has obtained 917 marks out of 1100 and has been placed in Grade  
A1 Representing OUTSTANDING. Date of Birth according to admission form is 10 APRIL, 2001.

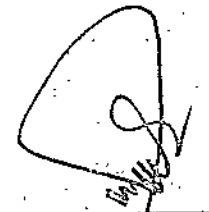
The candidate passed in the following subjects:

1.ENGLISH      2.URDU      3.ISL-EDUCATION      4.PAK STUDIES      5.MATHS  
6.PHYSICS      7.CHEMISTRY      8.BIOLOGY

  
Asstt. Secretary



This certificate is issued without alteration or erasure.

  
Secretary

S.NO. 483



# DOMICILE CERTIFICATE

The Pakistan Citizenship Act, 1951 (Act, II of 1951)  
Rules made thereunder (vide Rule No: 23)

JAVED KHAN Son/Daughter/Wife of MUHAMMAD IFRAN

Declare that I was born of parents who are permanently domiciled in Khyber Pakhtunkhwa Province having belonged to it by birth/settled in it.

I belong to Village / Mohallah AHMAD ABAD TAJAI

Tehsil BATTAGRAM District BATTAGRAM

Signature/Thumb Impression of Applicant *[Signature]*

Name JAVED KHAN

Signature of the applicant *[Signature]*

Pursuance to the declaration date 11-03-2017 Filled

Mr./Miss/Mrs. JAVED KHAN So, Do, W/o MUHAMMAD IFRAN

CNIC No \_\_\_\_\_ Domiciled in the Khyber Pakhtunkhwa Province

It is hereby Certified that the said JAVED KHAN

Is born of parents who are permanent residents of Khyber Pakhtunkhwa Province having belonged to it by birth/settled in it. I have satisfied myself personally/through my relevant sources that the above declaration is true and duly certified overleaf

This 16th Day of 11/2017

No. 301 Date 16/03/2017

COUNTER SIGNED BY

*[Signature]*

Assistant Commissioner  
Battagram/Allai

*[Signature]*  
*[Signature]*

میں اس بات کی تصدیق کرتا کہ اس سے پہلے میں نے کسی بھی ڈسٹرکٹ ایف آر اقبال کی ایجنسی کا ڈویسینل سرٹیفکیٹ حاصل نہیں کیا

دستخط انشان انگوٹھا

تصدیق کی جاتی ہے کہ کسی اسلمت جاوید خان ولد اختر محمد عمران کا گھر رہائشی و پیدائشی ہے اور اس کے والدین اشوہرنگی علاقہ مذکورہ کے رہائشی و پیدائشی باشندگان ہیں۔ میں ان کو ذاتی طور پر جانتا جانتی ہوں۔

Muhammad Ayaz  
Nazem Village Council  
Bar Pao Ajmera

تاریخ 11/5/2017

ضلع علیہ  
صوبہ سندھ گدرا بازار ناظم و بلج کونسل مراد آباد اشوہر  
سید جاوید خان ولد محمد عمران قوم سیدی ضلع شیطان گانہ کوٹہ ڈیو اعلیٰ ضلع مراد آباد و اجداد  
سے صدر آباد و اجداد سے پیدائشی باجھندہ ہے اور اب عرضیہ انجمن سیدی رہائشی نیرنگی  
اور رشتہ عرضیہ سے  
صوبہ سندھ گدرا بازار ناظم ۱۷۱ اگمبرہ کونسی جاوید خان ولد محمد عمران قوم سیدی ضلع شیطان گانہ کوٹہ ڈیو اعلیٰ ضلع مراد آباد و اجداد و اہل اگمبرہ  
سیدی ضلع شیطان گانہ کوٹہ ڈیو اعلیٰ ضلع مراد آباد و اجداد سے پیدائشی و سولہویں باجھندہ ہے نیز سابق منڈور جاوید صاحب راجپوت ضلع مراد آباد و اجداد سے پیدائشی و سولہویں باجھندہ ہے  
۱۵۸۶ ۱۵۷۶

تصدیق کرن  
15/5/17





# BOARD OF INTERMEDIATE AND SECONDARY EDUCATION

## ABBOTTABAD

AB 1173381172

### Khyber Pakhtunkhwa (Pakistan)

Secondary School Certificate Examination  
PROVISIONAL & DETAILED MARKS CERTIFICATE

Roll No: 173381

Group: SCIENCE

( CLASS X )

Session: 2017 (Annual)

13



Name : JAVED KHAN  
Father's Name : MUHAMMAD IMRAN  
Date of Birth : 10-04-2001  
Reg. No: 2719086  
Institution / District : AL SYED GARDEN PUBLIC SCHOOL & COLLEGE BATTAGRAM

has secured the marks shown against each subject in the Secondary School Certificate Examination (Class 10th) held in the month of March/April as a Regular Candidate.

Subjects	Total	Part-I		Part-II		Total	Marks in Words
		Marks Obtained		Marks Obtained			
		Th	Pract	Th	Pract		
English	150	62	--	68	--	130	One Hundred Thirty Only
Urdu	150	56	--	62	--	118	One Hundred Eighteen
Mathematics	150	68	--	66	--	134	One Hundred Thirty-Four
Physics	150	50	8	58	9	125	One Hundred Twenty-Five
Chemistry	150	57	8	50	9	124	One Hundred Twenty-Four
Biology	150	58	8	56	9	131	One Hundred Thirty-One
Islamiat Comp	100	39	--	46	--	85	Eighty-Five
Pakistan Studies	100	28	--	42	--	70	Seventy Only

Total: 1160

917-A1 Nine Hundred Seventeen Only

Remarks :

Dated: 19 June, 2017

Checked by: [Signature]

[Signature]

[Signature]  
Controller of Examination

Note:- Errors/Omissions excepted. Any mistake in the Name, Father's Name & DOB etc

must be intimated within 30 days of the issuance date (19-06-2017) of this certificate. Visit us: [www.biseabd.edu.pk](http://www.biseabd.edu.pk)

# BOARD OF INTERMEDIATE & SECONDARY EDUCATION ABBOTTABAD



مکاتیب (فائنل)

Higher Secondary School Certificate Examination



## Part - II

Session: 2020 (Annual)

### PROVISIONAL & DETAILED MARKS CERTIFICATE

Roll No: 113253

Group: PRE-MEDICAL

Name: JAVED KHAN  
 Father Name: MUHAMMAD IMRAN  
 Reg No: 18120016048  
 Institution/  
 District: AL QURAN BEACON PUBLIC SCHOOL & COLLEGE BATTAGRAM



has secured the marks shown against each subject in the Higher Secondary School Certificate Examination Annual 2020 as a Regular candidate

Subjects	Marks	Marks Obtained					Marks in Words
		Part-I		Part-II		Total	
		Theory	Pract	Theory	Pract		
English	200	52	-	As per Part I		104	One Hundred Four
Urdu (Comp)	200	74	-	As per Part I		148	One Hundred Forty-Eight
Islamiyat Compulsory	50	39	-	-		39	Thirty-Nine
Pakistan Studies	50	-	-	As per Part I		39	Thirty-Nine
Physics	200	51	12	As per Part I		126	One Hundred Twenty-Six
Chemistry	200	28	5	As per Part I		66	Sixty-Six
Biology	200	48	14	As per Part I		124	One Hundred Twenty-Four
<b>Total : 1100</b>						<b>646-C</b>	<b>Six Hundred Forty-Six Only</b>

Date : 28 July, 2020

Checked By: [Signature]

[Signature]  
Controller of Examination

Note: The Marks awarded for the Part-II is the best prediction of the performance and has been awarded based on the formula and guidelines approved by the government and recognized by IBCC due to Covid 19

[Signature]  
H

S. No. 009554

<sup>15</sup>  
Faculty of Paramedical and Allied Health Sciences  
Khyber Pakhtunkhwa-Pakistan

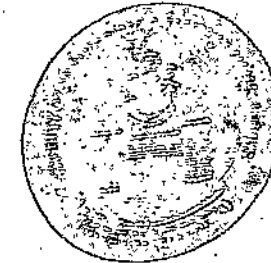
Roll No. 62928  
Session 2017-2018

This is to certify that JAVED KHAN Son/Daughter of MUHAMMAD IMRAN  
and a student of FRONTIER INSTITUTE OF MEDICAL SCIENCES ALEOTTAEAD bearing Registered. No. 2017/MF/FIMS/ATD/ST/FS/5  
having passed the prescribed examination held in AUGUST 2019 is this day admitted by the Faculty  
of Paramedical and Allied Health Sciences Khyber Pakhtunkhwa to the Diploma SURGICAL

Technology in B Grade.

Checked By [Signature]

Verified By [Signature]



Result Declaration Date 18-Dec-2019 Print Date and Time 21-Sep-2020 02:36:16 PM

[Signature]  
Chief Executive Officer

Note:- Error(s) & omission(s) excepted. Any mistake in above particulars must be intimated within 30 days of the issuance of this Diploma

S. No. 010476

<sup>16</sup> Session AUGUST, 2019

Faculty of Paramedical and Allied Health Sciences



Khyber Pakhtunkhwa-Pakistan  
CERTIFICATE OF REGISTRATION

Registration No. 2017/MF/FIMS/ATD/ST/FS/5

Name JAVED KHAN

Father's Name MUHAMMAD IMRAN

Roll Number 62928

Diploma Serial No. 9554

Name of Institute FRONTIER INSTITUTE OF MEDICAL SCIENCES ABBOTTABAD

Technology SURGICAL

Date 21-Sep-2020 Retained upto 20-Sep-2025

Prepared by: [Signature]

Checked by: [Signature]

Verified by: [Signature]

[Signature]  
[Signature]

[Signature]  
Chief Executive Officer

Note: Errors(s) & omission(s) excepted. Any mistake in above particulars must be intimated within 30 days of the issuance of this certificate



# Faculty of Paramedical and Allied Health Sciences (FPMA) Khyber Pakhtunkhwa

## DETAILED MARKS SHEET

Registration No: 2017/MF/FIMS/ATD/ST/FS/5

10040523

Student Name JAVED KHAN



Son/Daughter of MUHAMMAD IMRAN

Institute FRONTIER INSTITUTE OF MEDICAL SCIENCES ABBOTTABAD

Course DIPLOMA NEW COURSE Technology SURGICAL

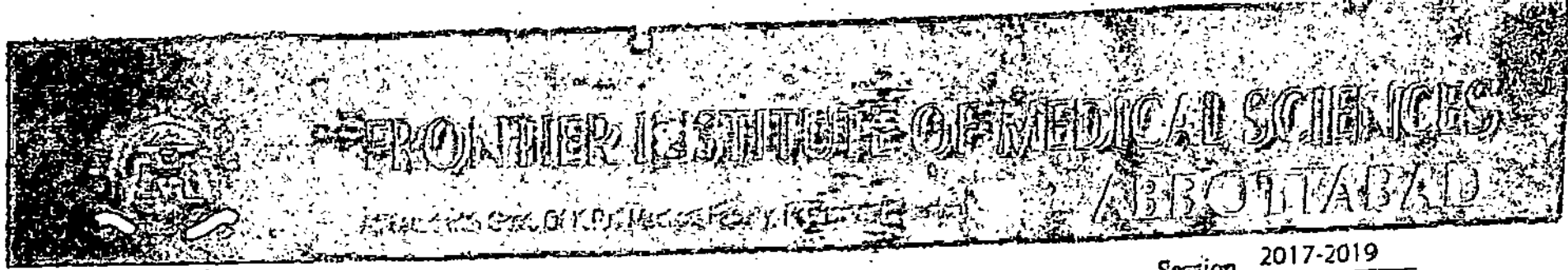
Subject Name	Total Marks	Passing Marks	Theory	Viva	Total Obtained	Result
Semester: 1 Session: JANUARY 2018 Roll No: 75158						
Anatomy	100	50	54	9	63	Pass
Physiology	100	50	54	8	62	Pass
BioChemistry	100	50	60	10	70	Pass
Computer Skill	50	25	25	-	25	Pass
Sub-Total	350				220	
Semester: 2 Session: AUGUST 2019 Roll No: 44327						
Pathology	100	50	52	10	62	Pass
Pharmacology	100	50	58	11	69	Pass
English	100	50	54	-	54	Pass
Islamiat	50	25	33	-	33	Pass
Public Health	100	50	51	10	61	Pass
First Aid & Patient Safety	50	25	19	6	25	Pass
Sub-Total	500				304	
Semester: 3 Session: MARCH 2019 Roll No: 60402						
I-Applied Anatomy, Physiology & CP	100	50	56	8	64	Pass
II-Surgical Procedure-I & CP	100	50	52	8	60	Pass
Medical Ethics	50	25	33	-	33	Pass
Sub-Total	250				157	
Semester: 4 Session: AUGUST 2019 Roll No: 62928						
English	100	50	63	-	63	Pass
Pak-Study	50	25	36	-	36	Pass
I-MICROBIOLOGY & CP	100	50	37	13	50	Pass
II-STERILIZATION, SUPPLIES & EQUIPMENT & CP	100	50	37	13	50	Pass
Sub-Total	350				199	
Grand Total	1450		774	106	880	60.69%

Checked By:

Verified By:

Chief Executive Officer  
Faculty of Paramedical & Allied Health Sciences  
Khyber Pakhtunkhwa

Result Declaration Date/Time: Wednesday, December 18, 2019 Printed by:- Muhammad Ashfaq Issue Date/Time: Tuesday, January 14, 2020 03:22:40 PM  
Note: Error/Omission excepted Any mistake in above particulars must be intimated within 15 days of the receiving of the certificate  
CP Means Clinical Practice



**Course Completion Certificate**

18

Section 2017-2019  
Batch 000021

Certified that Mr/Miss/Ms. Javed Khan  
Son/Daughter of Muhammad imran  
has Completed a Two years(4 Semesters) Course of surgical technology  
Technology at the **FRONTIER INSTITUTE OF MEDICAL SCIENCES, ABBOTTABAD.**

1 Theoretical Training: From August 2017 To August 2019

2 Practical Training: at DHQ HOSPITAL BATTAGRAM  
*(Dhq Hospital)*

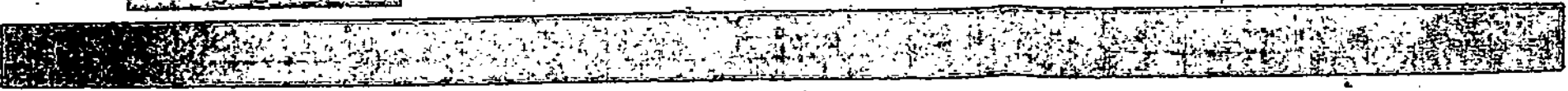
1 ----- 2 -----  
3 -----

His/her performance was satisfactory. We recommend him/her for a suitable job.

Issue Date: 21-10-2019  
Managing Director  
*[Signature]*  
Managing Director

*[Signature]*

Principal  
*[Signature]*  
Principal



# DISTRICT HEAD QUARTER HOSPITAL



## EXPERIENCE CERTIFICATE

It is to certify that Mr. Javed Khan S/O Muhammad Imran, resident of Village Tamai Tehsil & District Battagram attended the OT unit of this hospital on voluntarily basis since January 2020 to February 2021. He was well oriented, regular and energetic Technician. His behavior with his senior & other staff members remained good.

I wish him successful in future.

Dated 03/03/2021

Medical Superintendent  
DHQ Hospital, Battagram  
Medical Superintendent  
DHQ Hospital Battagram



OFFICE OF THE DISTRICT HEALTH OFFICER  
Bagram (Khyber Pakhtunkhwa)

Phone & Fax: (0997) 310507

OFFICE ORDER

No. 230-36 / date 30/07/2021

Consequent upon the recommendation of the Departmental Selection committee, Mr. Javed Khan S/O Muhammad Imran is hereby appointed as JCT (Surgical) BPS-17 against the vacant post plus usual allowances as admissible under the rules and subject to revision from time to time on the following terms and conditions according to the Government policies.

1. This order is subject to the verification of the original documents from the issuing authority/production of Diploma either from (Khyber Pakhtunkhwa or any other illegible/ Registerable Institute/ College or University, if the Diploma is from outside KPK it must be registered with Medical Faculty of Khyber Pakhtunkhwa Peshawar
2. If the academic/ technician/ experience certificates is not from the government institutions or international organization that will be not consider as experience
3. If the academic/ technician/ experience certificates of any candidate found fake/ bogus of any stage his/her services will be considered terminated automatically.
4. He/ She shall initially be on probation for a period of Two years under the rules extendable further for a period of one year.
5. He/ She can be terminated without any notice during the probation of his/her work if his/her conduct found unsatisfactory.
6. He/ She shall be governed by the Government of Khyber Pakhtunkhwa civil servants act 1973 and the rules applicable to the civil servants under the rule made there under E&S rules 2011.
7. He/ She shall be entitled to annual increments as per existing policy.
8. He/ She join his duty at his own expenses.
9. In case you wish to resign at any time, one month notice will be essential or in lieu shall be forfeited.
10. You will be awarded all such rules/ entitlement and orders related to TA, leave and MRC etc as may be issued by Govt. from time to time for the category of Government servant to which you belong.
11. Your appointment will be subject to provision of Medical Fitness certificate.
12. The appointee shall be bound to perform any duty assigned by the undersigned as per Govt. rules.
13. Your duty involves no obligation and international commitment may be required time to time.

If He/ She accept the above mentioned Terms & Conditions he/she should report to the undersigned within 10 days of receipt of this order and submit original documents along with photocopy for verification from concerned Boards/ University/Medical Faculty or Council. In case he/she fails to report for duty within stipulated time, the appointment order will automatically stand cancelled and the next candidate considered for appointment.

District Health Officer  
Bagram

*(Signature)*

Copy to  
1. District Health Officer  
2. District Health Officer  
3. District Health Officer

for information

Office copy for information and compliance of the undersigned for information and compliance

District Health Officer





# OFFICE OF THE DISTRICT HEALTH OFFICER

Battagram (Khyber Pakhtunkhwa)

Phone & Fax: # (0997) 310507

## MINUTES OF THE PROCESS OF DEPARTMENTAL SELECTION COMMITTEE

A meeting was held in the office of District Health Officer Battagram on 14.07.2021 for appointment of various Paramedical Posts, vacant in DHO office Battagram. The following members attended the meeting.

Dr. Waseem Ahmed DHO

Dr. Ahmed Faisal Representative DGHS

Mr. Muzafar Khan Representative DC Battagram

Chairman

Member

Member

The post of CT Radiology, CT Surgical, CT Pulmonology and PHCT MP (EPI/ Vaccinator) were advertised by District Health Officer in the Daily News Paper Aaj Peshawar (Advertisement attached), for the District Battagram. The applicants were directed to submit their documents to DHO office District Battagram. It was mentioned in the advertisement that the applicant applying for the post must have Diploma in the relevant field from the Medical Faculty or FSC Medical Technology from recognize board. Furthermore, the candidates having domicile of the concerned District will be given preference in case of non availability of suitable competent candidates in the District, the candidates could be selected from other District. As per following detail this office received applications of the following applicants:

A departmental Selection committee was constituted on, vide this office order No.1305-07 dated 08.07.2021 and interview was scheduled on 12.07.2021. Various candidates attended the interview on mentioned date attendance list attached.

CT Surgical	CT Radiology	CT Pulmonology	PHCT (EPI)	EPI Vaccinator
22	09 District Battagram, 37 Out District	09	128	49

And after checking the original documents of the candidates a final merit list was prepared and signed by all the committee member. The following candidates as per final merit list are selected.

### CT Radiology

S. No	Name candidate	Father Name	Technology	Domicile
01	Amir Majid	Minhaj	CT Radiology	Battagram
02	Sajad Ahmed	Shamshad Khan	CT Radiology	Battagram
03	Atiq ur Rehman	Abdur Rehman	CT Radiology	Battagram
04	Noor Islam	Abdur Rahim	CT Radiology	Battagram
05	Abdulillah	Basheer Ahmed	CT Radiology	Battagram

### CT Surgical

S. No	Name candidate	Father Name	Technology	Domicile
01	Mohammad Waqar	Mohammad Bashir	CT Surgical	Battagram
02	Javed Khan	Mohammad Imran	CT Surgical	Battagram

### CT Pulmonology

S. No	Name candidate	Father Name	Technology	Domicile	Remarks
01	Waseem Akram	Mohammad Nazir	CT Pulmonology	Battagram	Appointment subject to verification of Diploma
02	Naveedullah	Said Mohd Khan	CT Pulmonology	Battagram	
03	Mohd Zubair	Gul Rehman	CT Pulmonology	Battagram	

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Scanned with CamScanner

*Atiqur*  
14

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To:

The District Health Officer  
Battagram.

Through: A/S J.A.R. 'D' Banna Allai Hospital  
Subject: ARRIVAL REPORT.

Sir,

Reference your office letter No. 1530-36 dated 30.07.2021.

With due respect it is submitted that I am selected as CT Surgical BS-12 in Type-D Banna Allai vide your letter No. 1530-36 dated 30.07.2021. I am submitting my arrival report against the vacant post of CT Surgical BS-12 in the Type-D Banna Allai today on 03.08.2021 (FN). Kindly accept my arrival and oblige please.

Dated 03.08.2021

Your Obediently

*Javed*  
Javed Khan S.O  
Muhammad Imran  
CT Surgical BS-12  
Type-D Hospital Banna Allai

*Muhammad*  
Medical Superintendent  
Type D Hospital Banna Allai

*Hameed*  
District Health Officer  
BATTAGRAM

*Attes Lac*  
*M. Qureshi*



24



# MEDICAL CERTIFICATE

Name of Official: Javed Khan  
 Caste of Race: Swati  
 Father Name: Muhammad Imran  
 Resident of Village: Village, Ahmad Abad Tamai Tehsil & District Battagram.  
 Exact Height by Measurement: 05 ft 06" inch  
 Date of Birth: 10.04.2001  
 Personal Mark of Identification: Mole on the neck (Cervically)  
 Signature of Official: *Javed*

Signature / Seal of the Office

I do hereby certify that I have Mr. Javed Khan Candidate for employment in the office of District health Officer Battagram not discovers that he had any disease communicable or other constitutional affection or bodily infirmity except Nil

I do not consider this as disqualification for employment in the office of as above. His age according to his own statement 20 appearance about 20 (twenty Years)

NIC 13202-8750794-7

Blood Group B+ive

Eye Vision 6/6 both without glasses.

LEFT HAND THUMB AND FINGER IMPRESSION.....



*Attested*

*[Signature]*

03/08/2024

Medical Superintendent  
DHQ Hospital Battagram

2024 Superintendent  
D.H.Q Hospital  
Battagram

ANNEXURE

ANNEXURE E



DIRECTORATE GENERAL HEALTH SERVICES  
KHYBER PAKHTUNKHWA PESHAWAR

All communications should be addressed to the Director General Health Services or any official by name  
HQ, Directorate General Health Services, Peshawar, Khyber Pakhtunkhwa, Pakistan. Phone: 011-3231111, 3231112, 3231113, 3231114, 3231115, 3231116, 3231117, 3231118, 3231119, 3231120, 3231121, 3231122, 3231123, 3231124, 3231125, 3231126, 3231127, 3231128, 3231129, 3231130, 3231131, 3231132, 3231133, 3231134, 3231135, 3231136, 3231137, 3231138, 3231139, 3231140, 3231141, 3231142, 3231143, 3231144, 3231145, 3231146, 3231147, 3231148, 3231149, 3231150, 3231151, 3231152, 3231153, 3231154, 3231155, 3231156, 3231157, 3231158, 3231159, 3231160, 3231161, 3231162, 3231163, 3231164, 3231165, 3231166, 3231167, 3231168, 3231169, 3231170, 3231171, 3231172, 3231173, 3231174, 3231175, 3231176, 3231177, 3231178, 3231179, 3231180, 3231181, 3231182, 3231183, 3231184, 3231185, 3231186, 3231187, 3231188, 3231189, 3231190, 3231191, 3231192, 3231193, 3231194, 3231195, 3231196, 3231197, 3231198, 3231199, 3231200.

No 602-8 /DONS

Dated 27/08/2021

OFFICE ORDER

Reportedly there are irregularities in the recruitment process of various cadre of Para Medical by District Health Officer Balamgram, therefore all recent recruitment done by District Health Officer Balamgram of various cadre of Medical Technician are hereby stand cancelled with immediate effect and an inquiry committee consisting of following officers is hereby constituted to conduct the inquiry and submit report within 07 days.

- 1. Dr. Faisal Khanzada (ADG Hazara Division) DGHS Office.
- 2. Mr. Hidayat (Deputy Director Coordination) DGHS Office.

The recruitment process will be reinitiated after proper inquiry as per government rules & policy.

*[Signature]*  
DIRECTOR GENERAL HEALTH SERVICES KHYBER PAKHTUNKHWA PESHAWAR

Cc

- 1. Dr. Faisal Khanzada (ADG Hazara Division) DGHS Office (Inquiry Officer).
- 2. Mr. Hidayat (Deputy Director Coordination) DGHS Office (Inquiry Officer).
- 3. District Health Officer Balamgram for immediate compliance.
- 4. PS to Minister Health Khyber Pakhtunkhwa.
- 5. PS to Secretary Health Khyber Pakhtunkhwa.
- 6. District Account Officer Balamgram.

*Attestal*  
*[Signature]*



OFFICE OF THE DISTRICT HEALTH OFFICER,  
Battagram (Khyber Pakhtunkhwa)  
Phone & Fax: # (0997) 310507

No. 1803-013 /DHO/BGM

Dated: 27/8/2021

OFFICE ORDER

In compliance with the DOHS Peshawar Letter No. 6028 /DGHS dated. 22/8/2021, all appointment letters issued from the office of the undersigned are hereby ~~not~~ cancelled. Moreover, all faculty in-charge are directed not to accept the arrival of any candidate in this regard.

District Health Officer  
Battagram

Copy forwarded to

1. Director General Health Services (DGHS) Peshawar.
2. Dr Faisal Khanzoda (ADG) Hazara Division.
3. Deputy Commissioner Battagram.
4. District Account Officer Battagram.
5. All faculties in-charge Battagram for information and compliance
6. Office copy

District Health Officer  
Battagram

ATTESTED

Attested  
K  
DAN

ANNEXURE ①



BEFORE THE PESHAWAR HIGH COURT, PESHAWAR.

In ref to W.P NO: 955 /2021

1. Muhammad Waqar S/O Muhammad Bashir R/O PO Tamaee, Tehsil & District Batagram.
2. Amir Majid S/O Minhaj R/O Kas pul, kajbori Tehsil & district Battagram.
3. Ateeq ur Rehman S/O Abdur Rehman R/O Shams Abad, khas, District Battagram.
4. Abidullah S/o Bashir Ahmed R/O Tamaee, Tehsil & District Battagram.
5. Noor Ul Islam S/O Abdur Rahim R/O Kharari, Sardar Abad colony, District Battagram.
6. Sajjad Ahmed S/O Shamshad Khan R/O Chapper Gram, Tehsil and District Battagram.
7. Naveedullah S/O Sayed Muhmmad Khan R/O Chapper Gram, Tehsil and District Battagram.
8. Muhammad Zubair S/O Gul Rehman R/O khas, District Battagram.
9. Javed Khan S/O Muhammad Imran R/O Ahmad Abad, Tamae, Tehsil & District Batagram.
10. Muhammmad Ibrar S/O Mabar Khan R/O Ajmeera, District Battagram.

certified to be True Copy  
EXAMINER  
27 DEC 2022  
Peshawar High Court Atd Bench  
Authorized Under Sec 75 F-10 Ordns

4908  
No 3.9-77

FILED TODAY  
ADDITIONAL REGISTRAR  
PESHAWAR HIGH COURT  
ABBOTTABAD BENCH

VERSUS

PETITIONERS  
FILED TODAY  
Deputy Registrar  
3.1 AUG 2021

- 1) Government of Khyber Pukhtunkhwa Through Chief secretary civil secretariat Peshawar
- 2) Director General Health Services, government of Khyber Pukhtunkhwa Peshawar

FILED TODAY  
ADDITIONAL REGISTRAR  
PESHAWAR HIGH COURT  
ABBOTTABAD BENCH  
31/9/21

28

- 3) Secretary Health, Govt Khyber Pukhtunkhwa, Cvili Secretariat , Peshawar.
- 4) District Health Officer Batagram.

.....RESPONDENTS

**WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973.**

**Prayer:**

**On acceptance of instant writ petition:**

A. writ of certiorari may please be issued to declare Order dated 23/8/2021 passed by the respondent No: 2 followed by order dated 28/8/2021 by respondent NO: 4 as illegal, unlawful, against the factual position , *contra legume against the recognized fundamental rights of the petitioners, passed under political influence of the ruling party and their representatives, based on motives other than legal.*

B. The respondents may please be directed to withdraw the impugned notifications/orders and allow the petitioners to perform their duties as per their initial appointment orders.

Certified to be True Copy  
EXAMINER  
21 DEC 2022  
Peshawar High Court Atd Bench  
Authorized Under Sec. 75 F. no Orans

**FILED TODAY**  
ADDITIONAL REGISTRAR  
PESHAWAR HIGH COURT  
ABBOTTABAD BENCH

**FILED TODAY**  
Deputy Registrar  
31 AUG 2021

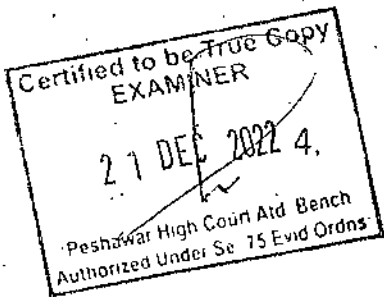
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8

29

**Respectfully sheweth,**

1. That the petitioners are law abiding and peaceful citizen of Pakistan and permanent/bona fide residents of *different villages of* District Batagram.
2. That respondent No: 4 advertised different posts of para medical staff including JCT (RADIOLOGY), JCTC (SURGICAL), JCT (PULMONOLOGY) PHCT (EPI) AND EPI VACCINATOR in Daily News Paper by inviting applications from eligible candidates having domicile of District Batagram, Khyber Pukhtunkhwa, having specified age limit and qualification. (copy of Advertisement is attached as annexure "A")
3. That in sequel to above all, the petitioner being eligible, suitable and qualified candidates applied for the posts along with so many other candidates, after short listing the petitioners were called for interview by respondent No:4 to appear before the selection committee and after fulfilling all the legal and code formalities, appointment orders of the petitioners were issued. (copies attached as annexure "B").



FILED TODAY  
Deputy Registrar  
31 AUG 2021

That consequently, petitioners submitted their arrival, they were posted to their respective places of duties as per advertisement and requirements, the petitioners assumed their respective charges of post, served their for about 20/21 days. But all of sudden respondent No: 2 issued impugned notification dated 23/8/2021 regarding cancellation of appointment of the petitioners under political pressure of ruling party and their local representative for accommodating their blue eyed people. (impugned notifications ANNEXURE "c")

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ADDITIONAL REGISTRAR  
PESHAWAR HIGH COURT  
ABBOTTABAD BENCH  
9/9/21



30

5. That the petitioner being aggrieved from dated 23/08/2021 by respondent No:2, followed by order dated 28/08/2021 by respondent No:4, has got no other appropriate/adequate remedy except to file the instant writ petition on the following grounds among the others.

**GROUND**

A. That the rights of the petitioners have been flagrantly violated by the respondents by issuing impugned orders absolutely against the law governing the matter.

B. That the petitioners have not been treated in accordance with law, rather the act of respondents is in conflict with the law governing the subject specifically with regard to rights guaranteed by the constitution of Islamic Republic of Pakistan 1973.

C. That rights of the petitioners have been flagrantly violated by the respondents, being public functionaries exercising statutory powers, have not discharged their duties in accordance with and acted in a manner absolutely contrary to law.

D. That due to the illegal and unwarranted act of respondent No: 2 & 4 rights of the Petitioners have been glaringly violated, appointments of the petitioners have been cancelled in complete negation of rules and law, which is manifestly not only an illegality or irregularity but discriminatory and glaring disobedience of law and constitution.

Certified to be True Copy  
EXAMINER  
21 DEC 2022  
Peshawar High Court Atd Bench  
Authorized Under Sec 75 Evid. Ordns

FILED TODAY  
Deputy Registrar  
3.1 AUG 2021

FILED TODAY  
ADDITIONAL REGISTRAR  
PESHAWAR HIGH COURT  
ABBOTTABAD BENCH  
27/9/21

E. That the doctrine of *locus Poenitentiae* is fully applicable to the case of petitioners in the light of principles laid down by august Supreme court of Pakistan.

F. That the act of respondents is the **most blatant affront to the concept of rule of law, equal protection of law** and protection from discrimination as provided under the article 25 of the constitution, as it is has not been neither mandated such **omnibus and omnipotent powers** to the respondent No:2 & 4, Nor ever bestowed with absolute discretion at the cost of rights of individuals/petitioners.

G. That the act of respondents is **classical example bending for accomplishment of desires and whims of political. allied, which in toto against the law on the subject and the rights guaranteed by the constitution.**

H. That the appointments of the petitioners were cancelled **without any notice or opportunity** of personal hearing by keeping the aside the rules and the law. The illegal and unwarranted impugned orders of the respondent NO:2 and 4 have taken away the rights of the petitioners without complying with law governing the subject.

I. That the impugned orders are in glaring violation of judgment of Hon'le Supreme Court in case titled "**Chiefe Secretary Govt of Punjab vs Malik Asif Hayat**" reported as "**2011 SCMR-1220**".

It is therefore, humbly prayed that on acceptance of instant writ petition:

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EXAMINER  
21 DEC 2022  
Peshawar High Court and Bench  
Authorized Under Sec 75 of Ordinance

FILED TODAY  
Deputy Registrar  
31 AUG 2021

FILED TODAY  
ADDITIONAL REGISTRAR  
PESHAWAR HIGH COURT  
ABBOTTABAD BENCH

23/9/21

A. writ of certiorari may please be issued to declare. Order dated 23/8/2021 passed by the respondent No: 2 followed by order dated 28/8/2021 by respondent NO: 4 as illegal, unlawful, against the factual position, contra legume against the recognized fundamental rights of the petitioners, passed under political influence of the ruling party and their representatives, based on motives other than legal.

B. The respondents may please be directed to withdraw the impugned notifications/orders and allow the petitioners to perform their duties as per their initial appointment orders.

Any other /further, better relief which has not been specifically prayed for but this Honourable Court deems just and equitable in the circumstances of the case may also be granted to petitioner.

Interim Relief:

It is further prayed that by way of seeking interim relief, Impugned order dated 23/8/2021 and 28/8/2021 passed by Respondents may very kindly be suspended and the respondents may please be restrained from proceeding further with the matter pertaining to the subject appointments till decision of instant writ petition

Certified to be True Copy  
EXAMINER  
21 DEC 2022  
Peshawar High Court Atd Bench  
Authorized Under Sec 75 E and Ordns

FILED TODAY  
ADDITIONAL REGISTRAR  
PESHAWAR HIGH COURT  
ABBOTTABAD BENCH

23/9/21

FILED TODAY  
Deputy Registrar  
31 AUG 2021

Petitioner

Through

*(Signature)*

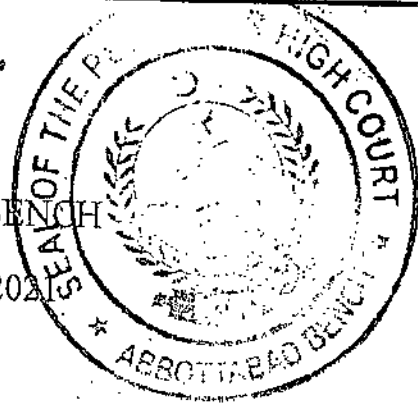
Amjad Hassan Tanoli

ADVOCATE HIGH COURT

ANNEXURE H  
33

BEFORE THE PESHAWAR HIGH COURT ABBOTTBAD BENCH

WP No 955/2021



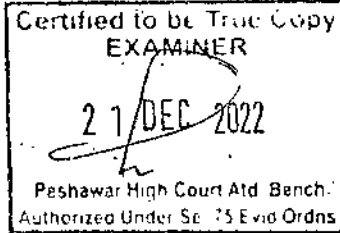
Muhammad Waqar & others ..... Petitioners

Versus

Govt of KPK & others ..... Respondents

PARAWISE REPLIES ON BEHALF OF RESPONDENT DHO BATTAGRAM

Respectfully Sheweth,



**Preliminary Objection:**

1. That the petitioner has neither cause of action nor locus standi to file the instant petition.
2. That the petitioner has not come to the Honourable court with clean hands.
3. That the instant petition is not maintainable due to non joinder and mis joinder of necessary parties.

No. 5556  
29-09-21  
ALEX TODAY  
ADDITIONAL REGISTRAR  
PESHAWAR HIGH COURT  
ABBOTTABAD BENCH  
29/9/21

**ON FACTS:**

1. Para No 1 is correct to the extent that the petitioners are residents of District Battagram. The remaining portion is subject to proof.
2. Para No 2 is correct.
3. Regarding Para No 3 it is submitted that besides selected candidates several other candidate had applied for the post advertised. The recruitment committee selected only the candidates who were qualifying on merit. The rest of candidates were left. All codal formalities were observed, (check list of all codal formalities attached as annexure A to L).
4. Para No 4 is correct to the extent of arrival report. However no further progress in all the cases was done as the High Ups intervened and the candidate's appointment were cancelled by Respondent No 2.
5. Para No 5 is incorrect, the Petitioners have got no cause of action, as the High Ups have immediately intervened in the matter, ( copy attached as annexure L) and respondent No 4 has merely followed orders of High Ups ( copy attached annexure M).

**ON GROUNDS:**

- A. Para A of the ground is Incorrect, the Respondent No 4 completed the recruitment proceedings and Not independently issued any order against the Petitioners. The order of Respondent No 2 was complied for which the Respondent No 4 was legally bound being his subordinate, (copy attached annexure M).

- B. Para B of the ground is Incorrect no right accrued to the Petitioner as the selection was set aside immediately without further proceeding in the matter except arrival report.
- C. Para C of the ground is Incorrect, the Respondent No 2 exercised his power under the law and Respondent No 4 complied his order.
- D. Para D of the ground is Incorrect. Detailed reply is given in the above paras.
- E. Para E of the ground is absolutely incorrect no right accrued to the petitioner as the selection was set aside immediately after selection, hence application of locus ponentiae is not applicable in the present case.
- F. Para F of the ground is Incorrect, detailed reply is given in the above paras. The selection order was set aside before completion of necessary proceedings required for recruitment of petitioners, which are essential.
- G. Para G of the ground is Incorrect.
- H. Para H of the ground is Incorrect and relate to Respondent No 2 who set aside the selection. The Respondent No 4 only complied to the orders of High Ups.
- I. Para I of the ground is legal.

**PARYER:**

In view of the above discussion it is humbly prayed that the petition be dismissed being devoid of merit.

Respondent No. 2  
 DHO Battagram  
 District Health Officer  
 Battagram

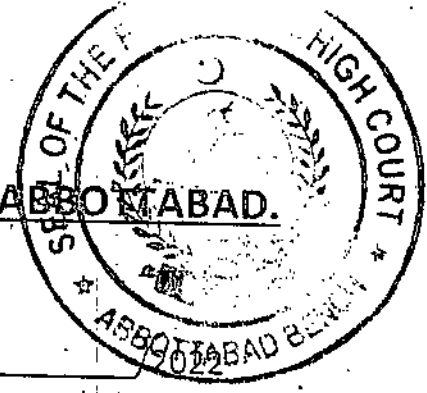
*Handwritten signature and notes:*  
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 27/12/21

**FILED TODAY**  
 ADDITIONAL REGISTRAR  
 PESHAWAR HIGH COURT  
 ABBOTTABAD BENCH  
 29/12/21

Certified to be True Copy  
 EXAMINER  
 27 DEC 2022  
 Peshawar High Court Atd. Bench  
 Authorized Under Sec 75 Evid Ordns

35

IN THE PESHASWAR HIGH COURT BENCH, ABBOTTABAD.



CM

IN

W.P No. 955-A/2021.

Muhammad Waqar & others

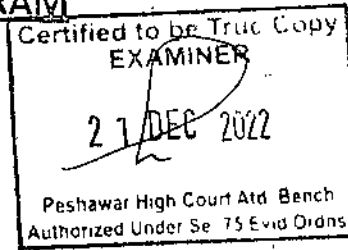
Petitioner.

Versus

Government of Khyber Pakhtunkhwa etc

Respondents.

APPLICATION FOR FILING BETTER COMMENTS ON BEHALF OF  
RESPONDENT NO. 04 DISTRICT HEALTH OFFICER BATTAGRAM



Respectfully sheweth;-

*with  
file*

1. That the above titled writ Petition is pending for adjudication before the Hon'ble Court.
2. That the comments previously submitted by Respondent No.4 before the Hon'ble Court were prepared prior to receiving the results of inquiry ordered by Director General Health Services.
3. That the contradiction in the comments of Respondent No. 04 and Respondent No.02 is because comments of Respondent No.02 DG Health services are based on findings of the inquiry report.
4. That the Applicants/Respondents intend to file better comments in the instant case.
5. That if this Hon'ble Court allow this application, it would be helpful for disposing off the instant Writ Petition on merit.

*No. 2218  
20-05-22*

**ADDITIONAL REGISTRAR  
PESHAWAR HIGH COURT  
ABBOTTABAD BENCH**

6. That there is no legal bar to allow this application and this Hon'ble Court has got ample powers to accept the instant Application.

It is therefore most humble prayed that the better comments may be allowed to be submitted in the above titled case.

*Vethal*  
*Yi-Rc*  
Assistant Advocate General  
Abbottabad

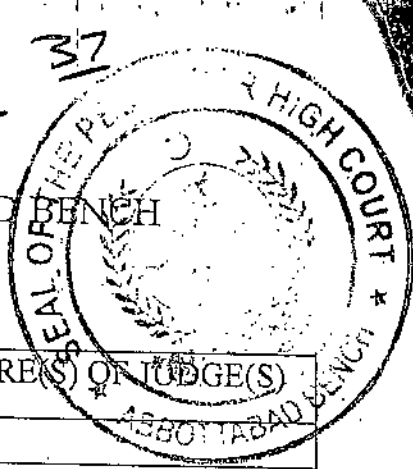
*[Signature]*  
District Health officer  
Battagram  
Respondent No. 04

Certified to be True Copy  
EXAMINER  
21 DEC 2022  
Peshawar High Court Atd Bench  
Authorized Under Se 75 Evid Ordns.

~~FILED TODAY~~  
ADDITIONAL REGISTRAR  
PESHAWAR HIGH COURT  
ABBOTTABAD BENCH  
20/12/22

ANNEXURE 'I'

PESHAWAR HIGH COURT, ABBOTTABAD BENCH  
FORM 'A'  
FORM OF ORDER SHEET



Date of Order or Proceedings	ORDER OR PROCEEDINGS WITH SIGNATURE(S) OF JUDGE(S)
1	2
15.09.2022	<p><u>WP No.955-A/2021.</u></p> <p><b>Present:-</b> Mr.Amjad Hussain Tanoli, Advocate for petitioner</p> <p>Sardar Ali Raza, AAG for respondents with Javaid Salim Focal Person DGHS Khyber Pakhtunkhwa and Yasir Pasha Lit Officer DHO Office Battagram.</p> <p>***</p> <p><u>IJAZ ANWAR, J.</u> Since the matter squarely falls within the jurisdiction of service tribunal, as such, jurisdiction of this court is bar under Article 212 of The Constitution of Islamic Republic of Pakistan.</p> <p>2. In view thereof copy of the memorandum of this writ petition be transmitted to the respondents/department and be treated as department appeal for decision in accordance with law. On the completion of 90 days the petitioner would be at liberty to approach service tribunal subject to all just and legal exceptions.</p> <p style="text-align: right;">JUDGE</p> <p style="text-align: right;">JUDGE</p>

Certified to be True Copy  
EXAMINER  
27 DEC 2022  
Peshawar High Court Atd Bench  
Authorized Under Sec 75 Evid Ordns.

(Muhammad Jamil)

(DB)

Hon'ble Mr Justice Ijaz Anwar,  
Hon'ble Mr Justice Waqar Ahmad.

Office  
18/12/22



کورٹ فیس

# وکالت نامہ

بعدالت Before the K.P.K. Senior Tribunal Peshawar

عنوان: David Ishaq نام Court of K.P.K.

مخانب: Appellant

نوعیت مقدمہ: Senior Appeal

باعث تحریر آنکہ -

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دی کل کاروائی متعلقہ آن مقام  
Hamayun Ishaq, Fazlullah Ishaq  
کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل  
صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف دینے اقبال دعویٰ اور بصورت دیگر ڈگری  
کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت  
ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی  
بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا  
ساختہ پرداختہ مجھ کو منظور قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے  
مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا  
حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں  
کوئی جزو بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست برادر  
استحارت نالاش بصیغہ مفلسی کے دائر کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔  
لہذا وکالت نامہ تحریر کیا تاکہ سند رہے۔

20 Rec 2022

Accepted by

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جاوید خان

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