


10.12.2020 Syed Numan Ali Bukhari, Advocate on behalf of learned counsel for the appellant and Asstt. AG alongwith Hamayun, Superintendent for the respondents present.

Former requests for adjournment as learned senior counsel for the appellant is engaged in various cases before the Honourable High Court today. Adjourned to 08.03.2021 for hearing before the D.B.


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

  
Chairman

08.03.2021

Nemo for the appellant. Addl. A.G for the respondents present.

It is already past 04.00 P.M and despite repeated calls no one is in attendance to represent the appellant. Dismissed for non-prosecution. File be consigned to the record.

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

  
Chairman

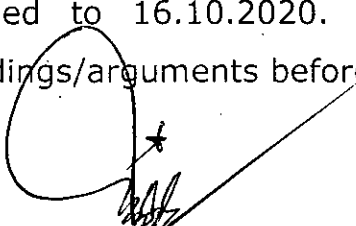
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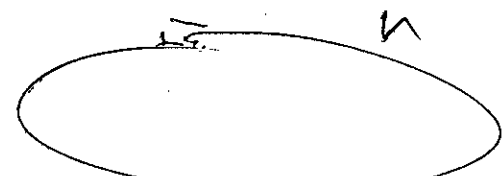
08.03.2021

03.09.2020

Mr. Muhammad Asif Yousafzai, Advocate, for the appellant is present. Mr. Riaz Ahmad Paindakheil, Assistant Advocate General for the respondents is also present.

According to the learned counsel, appellant has crossed the age of superannuation and got retired but an appeal regarding extension of age of the civil servants is pending in the august Supreme Court of Pakistan which was to be fixed within a period of three months and two months have already lapsed, therefore, he requested for adjournment for waiting<sup>as</sup> to the outcome of the aforesaid appeal so that appellant could exercise his option. Request in the circumstances is deemed appropriate and the case is adjourned to 16.10.2020. File to come up for further proceedings/arguments before D.B.

  
(Mian Muhammad)  
Member (Executive)

  
(Muhammad Jamal Khan)  
Member (Judicial)

16.10.2020

Junior counsel for petitioner present. Mr. Muhammad Jan learned Deputy District Attorney for respondents present.

Former requests for adjournment; granted. To come up for arguments on 10.12.2020 for before D.B.

  
(Atiq-Ur-Rehman Wazir)  
Member

  
(Muhammad Jamal Khan)  
Member

22.07.2020

Mr. Muhammad Asif Yousafzai, Advocate for the appellant is present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Hazrat Shah, Superintendent on behalf of official respondents and Mr. Danial Khan Chamkani, Advocate on behalf of private respondent No. 5 and private respondent No. 5 himself are also present.

Learned counsel for private respondent No. 5 submitted para-wise reply on main appeal as well as on application filed for suspension of operation of impugned orders on behalf of respondent No. 5 which is placed on file. Representative of official respondents seeks further time to furnish written reply/comments. Further time at the cost of Rs.1000/- is given to the representative of official respondents to submit written reply/comments on main appeal as well as reply to application filed for suspension of operation of impugned orders on the next date. Adjourned to 10.08.2020. File to come up for written reply/comments on main appeal as well as reply to the application filed for suspension of operation of impugned order on behalf of official respondents before S.B.

(MUHAMMAD JAMAL KHAN)  
MEMBER

10.08.2020

Counsel for the appellant, Addl. AG alongwith Hazrat Shah, Superintendent for respondents No. 1 to 4 and counsel for respondent No. 5 present.

Respondents No. 1 to 4 have not furnished requisite reply/comments despite last opportunity. The matter is, therefore, posted to D.B for arguments on 03.09.2020. The appellant may furnish rejoinder to the parawise comments of private respondent No. 5, within ten days.

  
Chairman

23.06.2020

Counsel for the appellant present. Mr. Kabir Ullah Khattak learned Additional Advocate General for respondents No.1 to 4 present. Notice be issued to respondent No.5. Reply/comments were not submitted by the respondents. Last chance is given. They are further directed to submit reply to the application filed for suspension of operation of impugned orders dated 17.01.2020 and 18.03.2020. To come up for attendance, comments and arguments on application on 08.07.2020 before S.B.



Member (J)

08.07.2020

Counsel for appellant present.

Mr. Usman Ghani learned District Attorney alongwith Hazrat Shah Superintendent for official respondents No. 1 to 4 present. Private respondent No.5 in person present.

A joint request for adjournment was made not only on behalf of official respondents but also by private respondent No.5.

All the respondents are strictly directed to submit comments on or before 22.07.2020 before S.B alongwith reply to the application filed for suspension of operation of impugned orders.



Member (J)

09.06.2020

Counsel for the appellant present.

Basic grievance of appellant is that through impugned notification dated 17.01.2020 the respondents have transferred him before completion of normal posting tenure. On 14.01.2019 he was transferred and posted as Chief Executive Officer Khyber Pakhtunkhwa Faculty of Paramedical & Allied Health Services Peshawar, however, within a span of about one year he was retransferred. On 18.03.2020 the appellant was posted as DHO Tank.

In view of the available record, instant appeal is admitted to regular hearing subject to all just exceptions. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 23.06.2020 before S.B.

Alongwith the appeal there is an application for suspension of operation of impugned orders dated 17.01.2020 and 18.03.2020. Notice of the application be also given to the respondents for the date fixed.

Appellant  
Security & Process Fee

Chairman

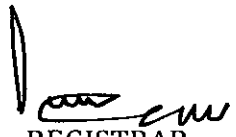



Form- A

FORM OF ORDER SHEET

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

Service Appeal No.- 4685/2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	20/05/2020	<p>The Appeal of Dr. Naik Nawaz presented today i.e. 20.05.2020 by Mr. M. Asif Yousafzai 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 on <u>09/06/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. 4685 /2020

Dr. Naik Nawaz

VS

Govt of KPK etc

.....  
**INDEX**

S.No	Documents	Annexure	Page No.
1.	Memo of appellant	---	1-05
2.	Stay application	---	06-07
3.	Copy of order	A	08
4.	Copy of arrival report	B	09
5.	Copy of rules / Act, 2016.	C ✓	10-18
6.	Copy of impugned order. 17.1.20	D	19-20
7.	Copy of review (11.2.20)	E	21
8.	Copy of order (18.3.20)	F	22
9.	Copy of application (19.3.20)	G	23
10.	Copy of posting transfer policy	H	24-32
11.	Copy of rules	I	33-46
12.	Copy of summary	J	47-51
13.	Wakalat Nama	---	52

*Dr. Naik Nawaz*  
APPELLANT

Dr. Naik Nawaz

THROUGH:

*M. Asif Yousafzai*  
(M. ASIF YOUSAFZAI)  
Advocate Supreme Court

*Syed Noman Ali Bukhari*  
&  
(SYED NOMAN ALI BUKHARI)  
ADVOCATE HIGH COURT

OFFICE ADDRESS:

Cell No: 0302-5548451

4<sup>TH</sup> Floor, Room No Fr #8  
Bilour Plaza, sadar Bazar  
Peshawar.

Date: 19/05/2020

1

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. 4685 /2020

Khyber Pakhtukhwa  
Service Tribunal

3958  
Diary No.


20-05-20  
Date

Dr. Nek Nawaz, (Management Cadre BS-20)  
posted as DHO District Tank.

..... Appellant

**VERSUS**

- 1- The Govt of KP, through Chief Secretary KP, Civil Secretariat Peshawar.
- 2- The Chief Secretary KP, Civil Secretariat Peshawar.
- 3- The Secretary Health Department, Khyber Pakhtunkhwa, Peshawar.
- 4- The DGHS, KPK Peshawar.
- 5- DR. Muhammad Javed Chief Executive Officer KP Faculty of Paramedical and Allied Health services.

Filed to-day  
  
Registrar  
20/5/2020

.....  
**RESPONDENTS**

.....  
**APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT 1974 AGAINST THE TRANSFER ORDER DATED 17.01.2020 WHEREBY THE APPELLANT WAS PREMATURELY TRANSFERRED AND IN VIOLATION OF MANAGEMENT CADRE RULES AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITH STATUTORY PERIODS OF 90 DAYS.**

**PRAYER:**

**THAT THE ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDER DATED 17.01.2020**



AND 18.03.2010 MAY BE SET-ASIDE BEING, PASSED PREMATURELY AND IN VIOLATION OF POSTING/TRANSFER POLICY. THE RESPONDENT DEPTT: MAY FURTHER PLEASE BE DIRECTED NOT TO TRANSFER THE APPELLANT PREMATURELY AND IN VIOLATION OF POSTING/TRANSFER POLICY AND NOTIFICATION DATED 27/02/2013. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOR OF APPELLANT

.....

**R/ SHEWETH:**

**ON FACTS:**

- 1- That Appellant is the employee of respondent Department has been serving the respondent Department as Management Cadre Officer BS-20 quite efficiently and up to the entire satisfaction of his superiors.
- 2- That the appellant was waiting for posting and transfer to the post of Chief Executive Officer KP Faculty of Paramedical and Allied Health Services vide notification dated 14.01.2019 and Respondent no.4 was transferred from the post of Chief Executive Officer KP Faculty of Paramedical and Allied health services and directed to report to DG Health Services KP. **Copy of order is attached as annexure-A .**
- 3- That the appellant taken the charge of the post of Chief Executive Officer KP faculty of Paramedical and Allied Health Services on 15.01.2019 and from the date of arrival work with full zeal and zest. **copy of arrival report is attached as annexure-B.**
- 4- That thereafter the appellant was transferred from the post of Chief Executive Officer KP Faculty of Paramedical and Allied Health Services prematurely and against the mandate and objective of Section-7 of the Khyber Pakhtunkhwa Faculty of Para Medical and Allied Health Services ACT which provides that Chief Executive Officer KP Faculty of Paramedical and Allied Health Services shall serve against the post for period of three year but despite that the appellant was transferred just after one year vide order dated 17.01.2020 and directed to report to DG Health Services KP and the respondent no.4 was again transfer to the post of Chief Executive Officer KP Faculty of Paramedical and Allied Health services in place of appellant through political motivation. **copy of**

**rules and impugned transfer order are attached as annexure-C & D**

- 5- That Appellant feeling aggrieved filed review against the impugned order dated 17.01.2020 on 11/2/2020 contained dairy no:251 but the appellate authority is not willing to dispose off the Departmental appeal of the appellant within the statutory period. **Copy of the review is attached as annexure -E.**
- 6- That in continuation of order dated 17.01.2020 the appellant has been posted to the post of DHO Tank vide order dated 18.03.2020 against which the appellant filed application. **copy of order and application is attached as annexure-F & G.**
- 7- That the Appellant having no other remedy filed the instant appeal on the following grounds amongst the others.

**GROUND:**

- A- That, impugned order dated 17.01.2020, 18.03.2020 and not disposed the Departmental Appeal of the appellant is against the Law, policy, rules, superior court judgment facts and norms of natural justice.
- B- That the transfer order dated 17.01.2020 is premature and against the mandate and objective of Section-7 of the Khyber Pakhtunkhwa Faculty of Para Medical and Allied Health Services Act 2016 which provides that Chief Executive Officer KP faculty of Paramedical and Allied Health Services shall serve against the post for period of three year but despite that the appellant was transferred just after one year vide order dated 17.01.2020 and directed for report to DG Health Services KP and the transfer of respondent no.4 to the post of Chief Executive Officer KP Faculty of Paramedical and Allied Health Services in place of appellant is politically motivated.
- C- That the petitioner was transferred on the arrival of new Minister for Health in haphazard, without consideration of any sound justification and grounds, discarding the public interest. Such posting / transfer, on political grounds, are against the posting / transfer policy vides Para (2) of the policy. **Copy of posting transfer policy is attached as annexure-H.**
- D- That In the case of the petitioner, all the prevailing laws have been abused / misused and the department has tried to victimize the petitioner. Such treatment of the department is not covered under Para -1 of the posting transfer policy.

- E- That Para 3 of the posting / transfer policy further provides that the normal tenure of posting shall be two years , which has not been observed in the case of the petitioner .
  
- F- That as per Health Management Cadre Rules 2008, the member of service shall be posted against the scheduled post. It is in contradiction with the said rules to direct the officer of the cadre to report to the department. **copy of rules is attached as annexure-I.**
  
- G- The health department / being administrative department. It is not competent to issue the posting/ transfer order of the petitioner. As per instruction of the establishment department Khyber Pakhtunkhwa vide authority letter no. SO(E-1) E&AD/9-12/2006 dated 22.12.2006, all posting /transfer order of BS-20 and above and head of attached department shall be issued by the establishment department and the administrative department shall sent approved summaries to E & AD department for issuance of notification. Such like violation shows the mala-fide intention of the Health department. **Copy of summary is attached as annexure-J.**
  
- H- That the appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the constitution of Islamic Republic of Pakistan 1973.
  
- I- That the tenure of the appellant has not been completed, so the order dated 17.01.2020 is not according to law and rules without showing any cogent reasons, premature and in violation of posting transfer policy.
  
- J- That the transfer order of the appellant is also in violation of Circular based on the Anita Turab case dated 27.2.2013 in which it was clearly mentioned that when the ordinary tenure for a posting has been specified in the law or rules made thereunder, such tenure must be respected and cannot be varied, except for compelling reasons, which should be recorded in writing and are judicially reviewable, but in the case of the appellant the tenure was not respected and was posted/ transferred without completing his normal tenure at Abbottabad

9

and without giving compelling reason for such transfer of the appellant by the authority.

- K- That the treatment meted out to the appellant is a clear violation of the Fundamental Rights of the appellants.
- L- That the respondent Department acted in arbitrary and malafide manner by transferring the appellant and as such the same is against the transfer/posting policy of the Provincial Government.
- M- That the appellant has been discriminated by the respondent Department on the subject noted above and as such the respondents violated the Principle of Natural Justice.
- N- That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

APPELLANT   
Dr. Naik Nawaz

THROUGH:

  
(M. ASIF YOUSAFZAI)  
Advocate Supreme Court

 &  
(SYED NOMAN ALI BUKHARI)  
ADVOCATE HIGH COURT

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**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. \_\_\_\_\_/2020

Dr. Naik Nawaz

VS

Govt of KPK etc

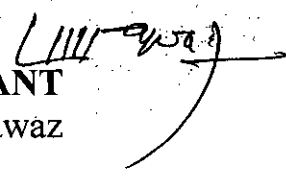
**APPLICATION FOR SUSPEND THE  
OPERATION OF ORDER DATED  
17.01.2020 and 18.03.2010 TILL THE  
DISPOSAL OF MAIN APPEAL**

**RESPECTFULLY SHEWETH:**

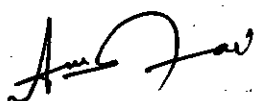
1. That the appellant has filed an Appeal along-with application in which no date has been fixed so far.
2. That the appellant has good prima facie case and all the ingredients of stay is in favor of appellant.
3. That the grounds of main appeal may also be considered as integral part of this application.
4. That as per Health Management Cadre Rules 2008, the member of service shall be posted against the scheduled post. It is in contradiction with the said rules to direct the officer of the cadre to report to the department.
5. That the impugned order has passed on favoritism and nepotism and has been passed in-violation of Posting, Transfer Policy.
6. That the appellant has not completed his tenure and the order dated **17.01.2020 and 18.03.2010** is without any reasons.
7. That if the order dated **17.01.2020 and 18.03.2010** is not suspended. It badly effects the right of appellant.

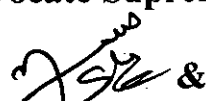
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It is, therefore, most humbly prayed that the order dated 17.01.2020 and 18.03.2010 may be suspended till the disposal of main appeal. Any other remedy, which this august tribunal deems fit that may also be awarded in favor of appellant.

  
APPELLANT  
Dr. Naik Nawaz

THROUGH:

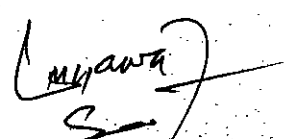
  
(M. ASIF YOUSAFZAI)  
Advocate Supreme Court

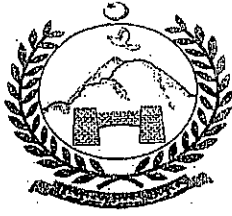
 &  
(SYED NOMAN ALI BUKHARI)  
ADVOCATE HIGH COURT

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

**AFFIDAVIT:**

It is affirmed and declared that the contents of this Application are true and correct to the best of my knowledge and belief.

  
DEPONENT



GOVERNMENT OF KHYBER PAKHTUNKHWA

HEALTH DEPARTMENT

Dated Peshawar the 14<sup>th</sup> January, 2019

**NOTIFICATION**

**NO.SOH(E-V)1-450/2007**

The Competent Authority is pleased to order posting/transfer of doctors with immediate effect in the public interest.

S#	Name of doctor	FRPM	TO
1.	Dr.Muhammad Javed Management BS-20	Chief Executive Officer Khyber Pakhtunkhwa Faculty of Paramedical & Allied Health Services.	Report to the Director General Health Services Khyber Pakhtunkhwa.
2.	Dr.Nek Nawaz Management BS-20	Waiting for posting	Chief Executive Officer Khyber Pakhtunkhwa Faculty of Paramedical & Allied Health Services.

**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 General Provincial Health Services Academy.
4. PS to Minister Health Khyber Pakhtunkhwa.
5. PS to Secretary Health Department.
6. Computer Programmer Health Department
7. DHIS Cell DGHS Office, Peshawar.
8. Doctor concerned.

*[Handwritten signature]*

Muhammad Hummayoon  
Office Assistant  
KPK FPI/IA Peshawar

*[Handwritten signature]*  
(HAMID IQBAL)  
SECTION OFFICER (E-V)

*[Handwritten signature]*  
Attested



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



86/D-5 SCHOOL ROAD UNIVERSITY TOWN PESHAWAR

Ph #.091-9216008 Fax #.091-9216538 website. [www.kpmf.edu.pk](http://www.kpmf.edu.pk) Email. [info@kpmf.edu.pk](mailto:info@kpmf.edu.pk)

**ARRIVAL REPORT:-**

Reference Secretary Health Notification No.SOH(E-V)1-450/2007 dated 14-01-2019.

I assumed the charge of the post of Chief Executive Officer of Faculty of Paramedical and Allied Health Sciences, on 15/01/2019 FN.

  
Dr. Nek Nawaz

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

NF: 2782-89 VMF Dated:- 15-1-2019  
Copy forwarded to the:-

1. Chairman Khyber Pakhtunkhwa Medical Faculty/Secretary to Govt: Of Khyber Pakhtunkhwa Health Department Peshawar.
2. Accountant General Khyber Pakhtunkhwa.
3. Director General, Health Services, Khyber Pakhtunkhwa.
4. Director General Provincial Health Services Academy.
5. PS to Minister Health Khyber Pakhtunkhwa.
6. PS to Secretary Health Khyber Pakhtunkhwa.
7. Computer Programmer Health Department.
8. DHIS Cell DGHS Office, Peshawar.

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

  
**Attested**



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10

**THE KHYBER PAKHTUNKHWA FACULTY OF  
PARAMEDICAL AND ALLIED HEALTH SCIENCES ACT, 2016.**

**(KHYBER PAKHTUNKHWA ACT NO. XXII OF 2016)**

**CONTENTS**

**PREAMBLE**

**SECTIONS**

1. Short title, extent and commencement.
2. Definitions.
3. Re-constitution of the Faculty.
4. Powers and functions of the Faculty.
5. Constitution of the Governing Body.
6. Meeting of the Governing Body.
7. Chief Executive Officer.
8. Registrar.
9. Controller of Examinations.
10. Fund.
11. Audit and Accounts.
12. Appointment of Officers.
13. Public Servants.
14. Rules.
15. Regulations.
16. Removal of difficulties.
17. Repeal and savings.

~~Attested~~

11

**THE KHYBER PAKHTUNKHWA FACULTY OF  
PARAMEDICAL AND ALLIED HEALTH SCIENCES ACT, 2016.**

**(KHYBER PAKHTUNKHWA ACT NO. XXII OF 2016)**

*[First published after having received the assent of the Governor of  
the Khyber Pakhtunkhwa in the Gazette of Khyber Pakhtunkhwa  
(Extraordinary), dated the 14<sup>th</sup> October, 2016].*

**AN  
ACT**

*to re-constitute and re-organize the Khyber Pakhtunkhwa,  
Medical Faculty, established under the  
Medical Degree Act, 1916.*

WHEREAS it is expedient to re-constitute and re-organize the Khyber Pakhtunkhwa Medical Faculty established under the Medical Degrees Act, 1916 (Act No. VII of 1916) for the purpose of giving it necessary autonomy, raising its standard of training, examination, research, and improving its administration and to regulate, promote and streamline the education, training, examination and registration of paramedics and allied health professionals pertaining to preventive, promotive, curative, rehabilitative, environmental and occupational health sectors in the Province and for matters incidental there to and ancillary herewith;

It is hereby enacted as follows:

**1. Short title, extent and commencement.**---(1) This Act may be called the Khyber Pakhtunkhwa Faculty of Paramedical and Allied Health Sciences Act, 2016.

- (2) It shall extend to the whole of the Province of the Khyber Pakhtunkhwa.
- (3) It shall come into force at once.

**2. Definitions.**---In this Act, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say-

- (a) "Chairperson" means the Chairperson of the Governing Body;
- (b) "Chief Executive Officer" means the Chief Executive Officer of the Faculty; appointed under section 7;
- (c) "Controller of Examinations" means the Controller of Examinations of the Faculty appointed under section 9;

  
**Attested**

- (d) "Faculty" means the Medical Faculty, which is re-constituted and re-organized under section 3 of this Act;
- (e) "Fund" means the Fund established under section 10;
- (f) "Governing Body" means the Governing Body of the Faculty, constituted under section 5;
- (g) "Government" means the Government of the Khyber Pakhtunkhwa;
- (h) "institution" means institution which is imparting training in the field of paramedical and allied health sciences both in public and private sectors;
- (i) "Medical Faculty" means the Medical Faculty established in pursuance of the Medical Degree Act, 1961 (Act No. VII of 1961);
- (j) "paramedics" means a person who provides supportive service under the relevant laws for diagnostic, therapeutic, preventive, promotive and rehabilitative field in health care delivery system and has undergone a prescribed course of training in recognized institution and is registered as paramedics under this Act or paramedics council;
- (k) "prescribed" means prescribed by rules or regulations made under this Act;
- (l) "Registrar" means the Registrar of the Faculty appointed under section 8;
- (m) "regulations" mean regulations made under this Act;
- (n) "rules" mean rules made under this Act; and
- (o) "section" means the section of this Act.

**3. Re-constitution of the Faculty.**---(1) After the commencement of this Act, the Medical Faculty shall be re-constituted and re-organized in accordance with the provisions of this Act and shall be known as the Khyber Pakhtunkhwa Faculty of Para-Medical and Allied Health Sciences.

(2) The Faculty shall be a body corporate having perpetual succession and a common seal and shall sue and be sued by the said name.

(3) The Faculty shall have the power to acquire and hold both movable and immovable property. The Faculty, with prior approval of Government, lease, sell or otherwise transfer immovable property which vests in or has been acquired by it.

~~Attested~~

**4. Powers and functions of the Faculty.---**The Faculty shall-

- (a) consider the annual report of the Faculty, approve the annual budget and as the case may be, revise budget estimates of the Faculty;
- (b) approve financial resources and development plans of the Faculty;
- (c) sanction expenditures as may necessary for carrying out the functions of the Faculty.
- (d) receive and manage property transferred and grants, donations, gifts, bequests, trust, endowments and other subscription whether made generally or for specific purpose, and to invest any fund representing such property, grants bequests, trusts, gifts, donation endowments or contributions in such manner as it may deem fit;
- (e) invest any money belonging to the Faculty including any unutilized income in any of the securities described in section 20 of the Trust Act, 1882 or in the purchase of immovable property or in such other manner, as it may prescribe;
- (f) grant affiliation in the prescribed manner to institutions in private sector, which apply to the Faculty for affiliation or, as the case may be, de-notify the affiliation already granted in such a manner, as may be prescribed;
- (g) create, upgrade, re-designate or abolish such administrative posts in the Faculty as deem necessary and expedient;
- (h) constitute various committees for specialized functions as may be prescribed;
- (i) appoint members to various committees of the Faculty;
- (j) approve the policies and procedures pertaining to the quality of academic programmes and oversee the quality and relevance of the Faculty's academic programmes and to review the academic affairs of the Faculty, as and when necessary;
- (k) approve the policies, procedures pertaining to student related functions including expulsions, punishments, examinations and certification, etc in Institutions;
- (l) approve the policies and procedures assuring quality of teaching and research in an affiliated Institutions;

~~Attested~~

- (m) hold examinations in the Institutions and grant diplomas, certificates, scholarships, exhibitions, medals and prizes to students of the institutions etc;
- (n) prescribe courses of studies or curricula for training in the affiliated institutions;
- (o) prescribe standards, educational qualification, scoring criteria to ascertain the eligibility and merit of the candidates for admissions and training in the institutions;
- (p) register the successful candidates after receiving such diplomas and certificates issued by the Faculty and renewal of the registration on five yearly basis;
- (q) provide for the printing and publication of research and other work;
- (r) provide training in the field of paramedical and allied health services;
- (s) issue No Objection Certificate to the paramedics qualified or registered with the Faculty for practicing in his/her relevant field or discipline under the supervision of a medical practitioner authorized by the Pakistan Medical and Dental Council subject to general policy of Government;
- (t) prescribe the terms and conditions for appointment of the officers and other staff or employees of the Faculty;
- (u) award financial assistance to students in need, fellowships, scholarships, bursaries, medals and prizes under the prescribed conditions and procedure;
- (v) provide the academic development through innovation of new disciplines or specialized fields keeping in view the requirement of the society or market in the health sector or, as the case may be, the advancement of health technology in the relevant fields;
- (w) impart Mother and Child Health education and training to paramedical staff;
- (x) demand and receive such fees and other charges as it may determine;
- (y) arrange for such refresher courses of paramedical and auxiliary staff and alumni on such terms and conditions as may be prescribed;
- (z) registration of paramedics;



Attested



- (aa) award equivalence to diplomas or certificates awarded from abroad or national institution, bodies or hospitals etc, in accordance with the prescribed standards; and
- (ab) perform such other functions as may be prescribed.

**5. Constitution of the Governing Body.**---(1) The administration, management and general control of the Faculty and its affairs shall vest in the Governing body, which shall exercise all powers and perform all acts and functions that may be exercised or done by the Faculty.

(2) The Governing Body, shall consist of-

- |     |   |             |
|-----|---|-------------|
| (a) | Secretary to Government, Khyber Pakhtunkhwa Health Department;  | Chairperson |
| (b) | Chief Executive Officer of the Faculty;   | Member      |
| (c) | Additional Secretary, Finance Department;   | Member      |
| (d) | Additional Secretary, Establishment Department;   | Member      |
| (e) | Director General, Health Services;  | Member      |
| (f) | Director, Provincial Health Services Academy;   | Member      |
| (g) | a Principal of any Paramedical Institute in private sector nominated by Government, on rotation basis for period of one year; | Member      |
| (h) | a Principal of any Public Health School nominated by Government on rotation basis, for period of one year;                    | Member      |
| (i) | a Principal of a public sector Medical Institute nominated by Government on rotation basis, for period of one year;           | Member      |
| (j) | Representative of the Provincial Paramedical Association; and   | Member      |

*Attested*

18

(k) Registrar of the Faculty.

Member-cum-  
Secretary

(3) The Governing Body may co-opt any expert in the relevant field for an initiative on need basis who shall not have a casting vote.

**6. Meeting of the Governing Body.**---(1) Meeting of the Governing Body shall be called by the Chairman on such date and at such place, as he may deem appropriate.

(2) The Governing Body shall meet once every quarter.

(3) Meeting of the Governing Body shall be presided over by the Chairman, or in his absence, a member to be nominated by the Chairman.

(4) Quorum for the meeting shall be one-third of the total membership of the Governing Body.

**7. Chief Executive Officer.**---(1) The Chief Executive Officer shall be posted by Government for a period of three years from amongst the eminent health professionals or academicians or from amongst the employees of Government in BPS-20 and above.

(2) The Chief Executive Officer shall be the principal executive and academic officer of the Faculty and shall ensure that the provisions of this Act, the rules and regulation to be framed thereunder, are faithfully observed and the decisions of the Governing Body are promptly implemented, in order to promote the order of the Faculty. He shall have powers necessary for this purpose, including administrative control over all employees of the Faculty.

(3) The Chief Executive Officer of the Faculty may, in a situation that in his opinion requires immediate action, ordinarily not in the competence of the Chief Executive Officer, take such action and forward, within seventy-two hours, a report of the action taken to the Chairman, who shall direct such further action as is considered appropriate.

(4) The Chief Executive Officer shall present to the Governing Body, an annual report regarding such information as pertaining to the academic year under review as may be prescribed, including disclosure of the relevant facts pertaining to. Academics, Curricula, Research and Administrative and financial affairs.

**8. Registrar.**---(1) The Registrar of the Faculty shall be posted by Government for a period of three years from amongst eminent health professionals or academicians.

(2) The Registrar shall be a full time officer of the Faculty and shall-

~~Attested~~

- (a) be head of the administration wing of the Faculty and be responsible for provision of secretariat support to the Chief Executive Officer;
- (b) maintain a register of students for various study, courses or trainings and examinations in the prescribed manner; and
- (c) perform such other functions as may be assigned by the Governing Body or as may be prescribed.

**9. Controller of Examinations.**---(1) The Controller of Examinations shall be posted by the Government for a period of three years from amongst eminent health professionals or academicians.

(2) The Controller of Examinations shall be a full time officer of the Faculty and shall be responsible for all matters related to the conduct of examinations, compilation of results and issuance of a gazette thereof.

(3) He shall ensure the conduct of examinations and matters related thereto in a transparent, with utmost objectivity and academically sound manner.

(4) He shall perform such other functions, as may be prescribed.

**10. Fund.**---(1) The Faculty shall have a Fund to be known as the Khyber Pakhtunkhwa Faculty of Paramedical and Allied Health Service Fund, which shall be credited the Government allocations, grants, donations, trusts, endowments, contributions or subscription and fees receive from the affiliated institutions, students registration and examination fees and all other sources.

(2) Government shall make budgetary allocation to the Faculty in incremental order till alternate arrangements are made by the Faculty through its own resources.

**11. Audit and Accounts.**---(1) The accounts of the Faculty shall be maintained and audited in such form and in such manner as may be prescribed.

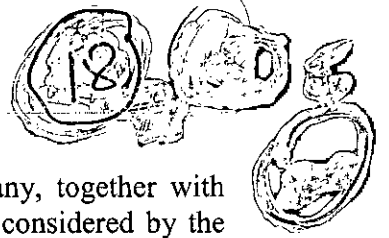
(2) All the funds of the Faculty shall be credited to the Faculty accounts, to be maintained in a scheduled bank as per Government policy issued from time to time.

(3) Provision shall be made for internal audit of finances of the Faculty.

(4) The annual statement of accounts of the Faculty shall be prepared in conformity with the generally accepted accounting principles and shall be signed by the Chief Executive Officer. The annual audited statement of accounts so prepared shall be submitted to the Director Local Fund Audit for his observations.

~~Attested~~





(5) The observations of the Director Local Fund Audit, if any, together with annotations as the Accounts Officer of the Faculty may make, shall be considered by the Governing Body within six months of the closing of the financial (6) year.

(6) Accounts of the Fund shall be audited by the Auditor General of Pakistan.

**12. Appointment of Officers.**---The Governing Body may employ officers and such other staff or employees in service of Faculty in such manner and on such terms and conditions as may be prescribed.

**13. Public Servants.**---All employees of the Faculty shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code, 1860 (Act No. XLV of 1860).

**14. Rules.**---Government may make rules for carrying out the purposes of this Act.

**15. Regulations.**---The Board of Governor may make regulations, not inconsistent with the provisions of this Act and the rules made there under for carrying out the purposes of this Act.

**16. Removal of difficulties.**---If any difficulty arises in giving effect to any of the provision of this Act, Government may give such directions as it may consider necessary for the removal of such difficulty.

**17. Repeal and savings.**---(1) The Notification No. SOIII (T) 4-16/77, dated September, 1977, issued under the Medical Degrees Act, 1916 (Act No. VII of 1916) through which the Medical Faculty was established, is hereby repealed.

(2) Notwithstanding the repeal of the Notification ibid under sub-section (1), all employees serving with the affairs of the Faculty, who are holding various posts till the enactment of this Act shall be deemed to have been validly appointed to these posts on regular basis on the commencement of this Act, having the same qualification and experience for the said posts.

(3) The institutions in private sector already affiliated with the Medical Faculty before the commencement of this Act shall be deemed to be affiliated with the Faculty under this Act.

(4) All rules, regulations and orders made or issued under the repealed Notification shall continue unless altered, amended or repealed under his Act or the rules made thereunder.

(5) The Degrees, Certificates or Diplomas already granted by the Medical Faculty till the commencing day of this Act, shall deem to be valid.

~~Attested~~



19

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT**

Dated Peshawar the 17<sup>th</sup> Jan, 2020

**NOTIFICATION**

**NO.SOH(HD)E-V/PT(MANGT/GEN)/2020:-** The competent authority (Chief Minister, Khyber Pakhtunkhwa) has been pleased to order transfer of Dr. Naik Nawaz (BS-20 Management Cadre), Chief Executive Officer (BS-20) Medical Faculty, Peshawar and to direct him to report to Directorate General Health Services, Khyber Pakhtunkhwa, Peshawar in the best of public interest & with immediate effect.

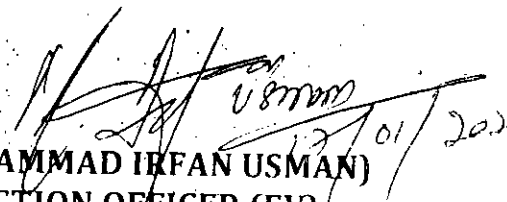
**SD/-  
SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT**

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

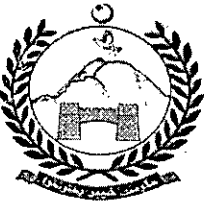
**NO.SOH(HD)E-V/PT(MANGT/GEN)/2020** Dated Peshawar the 17<sup>th</sup> Jan, 2020

Copy of the above is forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director General, Health Services, Khyber Pakhtunkhwa, Warsak Road, Peshawar.
3. Director, Independent Monitoring Unit, Health Department.
4. Chief Health Sector Reforms Unit, Health Department.
5. PS to Minister for Health, Khyber Pakhtunkhwa, Peshawar.
6. Deputy Director (IT) for up-loading on website.
7. PS to Secretary Health Department.
8. PS to Spl: Secretary health Department.
9. PA s to Additional Secretaries (Estt / Dev), Health Department.
10. PA to Chief Planning Officer, Health Department.
11. Dr. concerned for information & compliance. Charge assumption / relinquishment may be sent to this department for record.
12. Office Order File.

  
**(MUHAMMAD IRFAN USMAN)  
SECTION OFFICER (EV)  
HEALTH DEPARTMENT**

**Section Officer (EV)  
Health Department  
Khyber Pakhtunkhwa**



**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
**HEALTH DEPARTMENT**

20

Dated Peshawar the 17<sup>th</sup> Jan, 2020

**NOTIFICATION**

**NO.SOH(HD)E-V/PT(MANGT/GEN)/2020:-**

The competent authority (Chief Minister, Khyber Pakhtunkhwa) has been pleased to order transfer of Dr. Muhammad Javed (BS-20 Management Cadre), Additional Director General (M&E), Directorate General Health Services, Khyber Pakhtunkhwa, Peshawar and to post him Chief Executive Officer (BS-20), Medical Faculty, Peshawar on deputation basis with immediate effect & in the best of public interest.

**SD/-**

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

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

NO.SOH(HD)E-V/PT(MANGT/GEN)/2020

Dated Peshawar the,17<sup>th</sup> Jan,2020

Copy of the above is forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director General, Health Services, Khyber Pakhtunkhwa, Warsak Road, Peshawar.
3. Director Health Services, Merged Areas, Warsak Road Peshawar for information & circulation among all health formations in newly merged districts.
4. Director, Independent Monitoring Unit, Health Department.
5. Chief Health Sector Reforms Unit, Health Department.
6. Deputy Director (IT) for up-loading on website.
7. PS to Minister for Health, Khyber Pakhtunkhwa, Peshawar.
8. PS to Secretary Health Department.
9. PS to Spl: Secretary health Department.
10. PA s to Additional Secretaries (Estt / Dev), Health Department.
11. PA to Chief Planning Officer, Health Department.
12. Dr. concerned for information & compliance. Charge assumption / relinquishment may be sent to this department for record.
13. Office Order File.

*[Handwritten signature]*  
**Attest**

*[Handwritten signature]*  
**(MUHAMMAD IRFAN USMAN)**  
**SECTION OFFICER (EV)**  
**HEALTH DEPARTMENT**

**Section Officer (EV)**  
**Health Department**  
**Khyber Pakhtunkhwa**

To

The Chief Minister,  
Khyber Pakhtunkhwa  
(The Appellate Authority)

E

21

Through Proper Channel (Secretary Health)

Subject: **REVIEW PETITION AGAINST THE NOTIFICATION NO. SO(E-V)PT(MANGT/END)/2020 DATED 17-01-2020 UNDER SECTION-22 OF THE KHYBER PAKHTUNKHWA CIVIL SERVATN ACT 1973.**

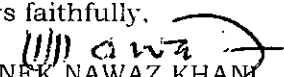
Dear sire,

With due respect, the instant appeal is submitted against the posting/transfer notification as cited above for review/consideration under the following grounds:

1. The mandate and objective of Section-7 of the *Khyber Pakhtunkhwa Faculty of Para-Medical and Allied Health Services Act*, which provides that the Chief Executive Officer shall serve against the post for a period of three years(F/A) The petitioner has hardly completed one year of service. He was posted against the position on 14-01-2019 (F/B) and transferred through the impugned order dated 17-01-2020(F/C).
2. The petitioner was transferred at the arrival of new Minister for Health in haphazard, without consideration any sound justification and grounds, discarding the public interests. Such posting/transfer, on political grounds, is against the Posting/transfer Policy vide para (ii) of the policy (F/D).
3. In the case of the petitioner, all the prevailing laws have been abused/mis-used and the department has tried to victimize the petitioner. Such treatment of the department is not covered under Para-i of the Posting/Transfer Policy.
4. Para-iii of the posting/transfer policy further provides that the normal tenure of posting shall be three years, which has not been observed in the case of the petitioner.
5. The Health Department has modified the approval of the competent authority to the extent that the approval has been accorded for posting as District Health Officer DI Khan vide at S.No 06/ of the approved summary (F/E). However, the department has directed the petitioner to report to the Director General Health Services Khyber Pakhtunkhwa vide order at (F/C *ibid*).
6. As per Health Management Cadre Rules 2008, the Member of Service shall be posted against the scheduled post. It is in contradiction with the said rules to direct the officer of the cadre to report to the department (F/F).
7. The Health Department/being administrative department, is not competent to issue the posting/transfer order of the petitioner. As per instructions of the Establishment department Khyber Pakhtunkhwa vide authority letter NO. SO(E-I) E&AD/9-12/2006 dated 22-12-2006, all posting/transfer order of BS-20 and above and Heads of Attached Departments shall be issued by the Establishment department and the administrative Department shall sent approved summaries to E & AD department for issuance of notifications (F/G). Such like violation shows the mala-fide intention of the Health department.

Keeping in view the above, it is prayed that the impugned posting/transfer order dated 17-01-2020, in respect of the petitioner, may kindly be withdrawn/set aside please.

Yours faithfully,

  
(DR NEK NAWAZ KHAN)  
MEMBER OF SERVICES (BS-20)  
HEALTH DEPARTMENT

dt. 11.2.20.

6333 9207237

Copy for information to:

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

~~Attested~~

**Government of Khyber Pakhtunkhwa**  
**Health Department**

Dated Peshawar the 18<sup>th</sup> March, 2020

(22)

**NOTIFICATION**

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

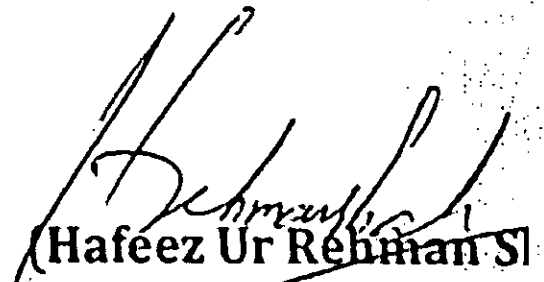
The competent authority is pleased to transfer Dr. Nek Nawaz (BS-20 - waiting for posting) and post him as District Health Officer Tank against the vacant post, in the best of public interest, with immediate effect.

**Secretary Health**  
**Government 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. District Health Officer, Tank.
4. DAO, District Tank.
5. Deputy Director (IT), Health Department, with the direction to upload notification on official website.
6. PS to Minister for Health Department, Khyber Pakhtunkhwa.
7. PS to Secretary Health Department, Khyber Pakhtunkhwa.
8. Doctor concerned.
9. Personal file of the doctor concerned.

  
**(Hafeez Ur Rehman SI**  
**Section Officer (E-V**

  
**Attested**

To

The Chief minister,  
Khyber Pakhtunkhwa.  
(Appellate Authority)

Through proper channel (Secretary Health)

Subject: Review petition

Dear Sir,

With due respect, it is stated that the petitioner has submitted a review petition to your honor bearing dairy No. 251 dated 11-02-2020 for consideration but the reply is still pending regarding restoration of my posting as Chief Executive Officer faculty of paramedical and Allied Health Sciences Khyber Pakhtunkhwa.

Now contrarily to my appeal the health department issued a notification no. SOH (H D) E.V /14-4/2020 dated 18-03-2020 and posted me as a District Health Officer (DHO) District Tank. Although, owing to the prevailing emergency situation of COVID-19 in the country, I started rendering my services as DHO Tank w.e.f. 19-03-2020 purely in the larger interests of the public, but I am not willing to accept my present posting. It is further added that the undersigned have not withdrawn my earlier appeal.

It is therefore requested that my appeal No 251 dated 11-02-2020, with regard to the restoration of my services as Chief Executive Officer faculty of paramedical and Allied Health Sciences Khyber Pakhtunkhwa may kindly be considered at an early date please.

Dated 19/03/2020

Your faithfully

  
(Dr Nek Nawaz)

Member of service BS -20

Health Department.

Mobile No # 0333-9207237

Copy to,

1. Principal secretary Chief Minister Khyber Pakhtunkhwa Peshawar.
2. Secretary Health Khyber Pakhtunkhwa Peshawar.
3. Director General Health Services Khyber Pakhtunkhwa Peshawar.

~~Attended~~



24

**GOVERNMENT OF NWFP  
ESTABLISHMENT & ADMINISTRATION  
DEPARTMENT  
(Regulation Wing)**

**POSTING / TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT.**

- i) All the posting/transfers shall be strictly in public interest and shall not be abused/misused to victimize the Government servants.
- ii) All Government servants are prohibited to exert political, Administrative or any other pressures upon the posting/transfer authorities for seeking posing/transfers of their choice and against the public interest.
- iii) All contract Government employees appointed against specific posts, can not be posted against any other post.
- iv) The normal tenure of posting shall be three years subject to the condition that for the officers/officials posted in unattractive areas the tenure shall be two years and for the hard areas the tenure shall be one year. The unattractive and hard areas will be notified by the Government.
- v) { }
- vi) While making postings/transfer from settled areas to FATA and vice-versa, specific approval of Governor, NWFP needs to be obtained

<sup>2</sup>While making postings/transfers of officers/officials up to BS-17, from settled areas to FATA and vice-versa approval of the Chief Secretary NWFP needs to be obtained. Whereas, in case of posting/transfer of officers in BS-18 and above, from settled areas to FATA and vice versa, specific approval of the Governor NWFP shall be obtained.

- vi (a) All Officers/officials selected against Zone-I/FATA quota in the Provincial Services should compulsorily serve in FATA for atleast eighteen months in each grade. This should start from senior most scales/grades downwards in each scale/grade of each cadre.
- vii) Officers may be posted on executive/administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and DPOs/Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thaana) of his area/residence is situated.

<sup>1</sup> Para-1(v) regarding months of March and July for posting/transfer and authorities for relaxation of ban deleted vide letter No: SOR-VI (E&AD) 1-4/2008/Vol-VI, dated 3-6-2008. Consequently authorities competent under the NWFP Government Rules of Business, 1985, District Government Rules of Business 2001, Posting/Transfer Policy and other rules for the time being in force, allowed to make posting/transfer subject to observance of the policy and rules.

<sup>2</sup> Added vide Urdu circular letter No. SOR-VI(E&AD)1-4/2003, dated 21-09-2004

**ATTESTED**

**Attested**

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- viii) No posting/transfers of the officer's/officials on detailment basis shall be made.
- ix) Regarding the posting of husband/wife, both in Provincial services, efforts where possible would be made to post such persons at one station subject to the public interest.
- x) All the posting/transferring authorities may facilitate the posting/transfer of the unmarried female government Servants at the station of the residence of their parents.

(xi)

Officers/officials except DCOs and DPOs/SPs who are due to retire within one year may be posted on their option on posts in the Districts of their domicile and be allowed to serve there till the retirement  
 DCOs and DPOs who are due to retire in the near future may also be posted in the District of their domicile subject to the condition that such posting would be against non-administrative posts of equivalent scales;

- xii) In terms of Rule-17(1) and (2) read with Schedule-III of the NWFP Government Rules of Business 1985, transfer of officers shown in column 1 of the following table shall be made by the authorities shown against each officer in column 2 thereof:

Outside the Secretariat		
1.	Officers of the all Pakistan Unified Group i.e. DMG, PSP including Provincial Police Officers in BPS-18 and above.	Chief Secretary in consultation with Establishment Department and Department concerned with the approval of the Chief Minister.
2.	Other officers in BPS-17 and above to be posted against scheduled posts, or posts normally held by the APUG, PCS(EG) and PCS(SG).	-do-
3.	Heads of Attached Departments and other Officers in B-19 & above in all the Departments.	-do-
In the Secretariat		
1.	Secretaries	Chief Secretary with the approval of the Chief Minister.
2.	Other Officers of and above the rank of Section Officers: a) Within the Same Department b) Within the Secretariat from one Department to another.	Secretary of the Department concerned. Chief secretary/Secretary Establishment.
3.	Officials up to the rank of Superintendent:	

<sup>1</sup> Added vide Urdu circular letter No: SOR-VI (E&AD)/1-4/2005, dated 9-9-2005.

ATTESTED



a) Within the same Department	Secretary of the Department concerned.
b) To and from an Attached Department	Secretary of the Dept. in consultation with Head of Attached Department concerned.
c) Within the Secretariat from one Department to another	Secretary (Establishment)

xiii) While considering posting/transfer proposals all the concerned authorities shall keep in mind the following:

- a) To ensure the posting of proper persons on proper posts, the Performance Evaluation Report/annual confidential reports, past and present record of service, performance on post held presently and in the past and general reputation with focus on the integrity of the concerned officers/officials be considered.
- b) Tenure on present post shall also be taken into consideration and the posting/transfers shall be in the best public interest.

xiv) Government servants including District Govt. employees feeling aggrieved due to the orders of posting/transfer authorities may seek remedy from the next higher authority / the appointing authority as the case may be through an appeal to be submitted within seven days of the receipt of such orders. Such appeal shall be disposed of within fifteen days. The option of appeal against posting/ transfer orders could be exercised only in the following cases.

- i) Pre-mature posing/transfer or posting transfer in violation of the provisions of this policy.
- ii) Serious and grave personal (humanitarian) grounds.

2. To streamline the postings/transfers in the District Government and to remove any irritant/confusions in this regard the provision of Rule 25 of the North West Frontier Province District Government Rules of Business 2001 read with schedule – IV thereof is referred. As per schedule-IV the posting/transferring authorities for the officers/officials shown against each are as under:-

S. No.	Officers	Authority
1.	Posting of District Coordination Officer and Executive District Officer in a District.	Provincial Government.
2.	Posting of District Police Officer.	Provincial Government
3.	Other Officers in BPS-17 and above posted in the District.	Provincial Government
4.	Official in BPS-16 and below	Executive District Officer in consultation with District Coordination Officer.

~~ATTESTED~~ ATTESTED

27

3. As per Rule 25(2) of the Rules mentioned above the District Coordination Department shall consult the Government if it is proposed to:

- a) Transfer the holder of a tenure post before the completion of his tenure or extend the period of his tenure.
- b) Require an officer to hold charge of more than one post for a period exceeding two months.

4. I am further directed to request that the above noted policy may be strictly observed /implemented.

.....

All concerned are requested to ensure that tenures of the concerned officers/officials are invariably mentioned in summaries submitted to the Competent Authorities for Posting/Transfer.  
{*Authority: Letter No: SOR-VI/E&AD/1-4/2003 dated 24-6-2003*}.

.....

It has been decided by the Provincial Government that posting/transfer orders of all the officers up to BS-19 except Heads of Attached Departments irrespective of grades will be notified by the concerned Administrative Departments with prior approval of the Competent Authority obtained on the Summary. The Notifications/orders should be issued as per specimen given below for guidance.

All posting/transfer orders of BS-20 and above and Heads of Attached Departments (HAD) shall be issued by the Establishment Department and the Administrative Departments shall send approved Summaries to E&A Department for issuance of Notifications.

SPECIMEN NOTIFICATION.

GOVERNMENT OF NWFP  
NAME OF ADMINISTRATIVE  
DEPARTMENT

Dated Peshawar, \_\_\_\_\_

NOTIFICATION

NO. The Competent Authority is pleased to order the transfer of Mr. \_\_\_\_\_ Department and to post him as \_\_\_\_\_ in the interest of public service, with immediate effect.

CHIEF SECRETARY  
GOVERNMENT OF NWFP

Endst. No. and date even.

Copy forwarded

- 1.
- 2.
- 3.
- 4.

ATTESTED

5.

(NAME)  
SECTION OFFICER  
Administrative Department

{Authority: Letter No. SO (E-I) E&AD/9-12/2006 dated 22-12-2006}.

The competent authority has been pleased to direct that Para 1(v) of the Posting/Transfer Policy contained in this Department letter No:SOR-I (E&AD) 1-1/85 Vol-II, dated 15-2-2003 shall stand deleted, with immediate effect, consequently allowing the authorities, competent under the NWFP 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, subject to strict observance of all other provisions of posting/transfer policy contained and notified vide circular letter under reference. Hence there will be no ban on posting/transfer of Government Servants in any part of the year while carrying out postings/transfers of Government Servants.

The authorities concerned will ensure that no injustice whatsoever is caused to any civil servant, public work is not suffered and service delivery is improved.

I am therefore directed to request that the provisions of posting/transfer policy, as amended to the extent above, may kindly be followed in letter and spirit in future so as to keep good governance standard in this regard.

{Authority: Letter No: SOR-VI (E&AD) 1-1/2008/Vol-VI, dated 3-6-2008}.

.....  
According to the policy of the provincial Government, maximum tenure on a post is three years. Contrary to the Policy, Store Keepers, Cashiers, Accountants and other ministerial staff remains posted in their particular field for long time, which may result in misuse of this position, due to which not only public exchequer may sustain loss but general public also suffers. The Provincial Government has taken serious notice of this situation & decided that all Administrative Secretaries and DCOs may submit a certificate within one month to the effect that above mentioned officials, having completed three years on their posts, have been adjusted on posts other than those they held previously.  
{Authority: Urdu circular No: SOR-VI (E&AD)/05 dated 28<sup>th</sup> Oct, 2005.}

.....  
The Chief Minister NWFP has directed that:-

- i) Submission of summary would not be required in case of mutual transfer.
- ii) Posting/transfer shall be made according to the policy;
- iii) Government Servants shall avoid direct submission of applications to the Chief Minister;
- iv) In genuinely deserving case, they should approach the Administrative Secretaries who could process the case according to policy;

~~Attested~~  
Attested

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- v) In case of direct submission of application to the Chief Minister Secretariat for Posting/ Transfer, the concerned govt servants shall be proceeded against under the prevalent rules and regulations.

{*Authority: Urdu circular No; SOR-VI/E&AD/1-4/2003, dated 86-2004. Urdu Letter No: SOR-VI/E&AD/Misc: /2005, dated 3-1-2005.*}

It has been decided with the approval of the competent authority that:-

- i) Mutual transfer would be allowed if both the concerned employees agree; except the Government Servants holding Administrative posts;
- ii) NWFP Government Rules of Business 1985 shall be observed while issuing posting/transfer orders.

{*Authority: - Urdu circular letter No: SOR (E&AD)/1-4/2005, dated 9-9-2005;*}

.....

The competent authority has decided that in order to maintain discipline, enhance performance of the departments and ensure optimum service delivery to the masses, the approved /prevalent policy of the posting/transfer shall be strictly followed. Government Servants violating the policy and the NWFP Govt Servants (Conduct) Rules 1987 shall be proceeded against under the NWFP Removal from Service (Special Powers) Ordinance 2000. As required under the NWFP Govt Rules of Business 1985, the Administrative Secretaries shall ensure compliance with the policy and defaulting offices/officials be taken to task & entries to this effect shall be made in their PERs/ACRs. In case subordinate officers are working on sites or proceeding for the purpose of inspection, they shall submit inspection Report to their Administrative Secretaries. Administrative Secretaries shall ensure submission of such reports.

{*Authority: - Urdu circular No: SOR-VI (E&AD)/1-4/06, dated, 29-6-2007.*}

.....

### PLACEMENT POLICY.

In order to utilize the expertise of the officers who have received foreign training in various fields, the provincial Government has decided to adopt the Placement Policy, approved by the Prime Minister of Pakistan, and make it a part of its Posting/Transfer Policy. Placement Policy as follows:-

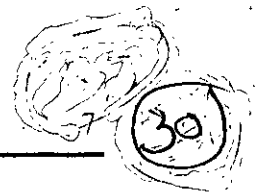
- i) All placements would be made on the basis of merit and keeping in view the needs of the organization.
- ii) The first priority in placement must go to the parent organization of the participant from where the individual had applied. This will be in consonance with the concept of establishing the "Need" for the department and fulfilling the need through "capacity building for the organization.
- iii) In order to follow the "bottom up approach" for Devolution, the priority within departments must go to the Districts, the Provinces and than the Federal Government.
- iv) The second priority in placement should go to up-grading the existing training Institution within the country. The knowledge gained by the

<sup>1</sup> Placement Policy has been made part of the posting/transfer policy vide Urdu circular No.SOR-VI(E&AD)1-4/06. dt 9-2-2007

ATTACHED

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mushkalawati



officers, will be of immense value to bring about a qualitative change in the training institutions. The following proposals are made in this regard:

- a) Permanent posting of an officer to the training institutions for 2-3 years;
  - b) Temporary attachment with the training intuitions for 3 to 6 months for some research project on helping in developing case studies;
  - c) Earmarked as a visiting faculty member for specific subject.
- v) Individuals posted to their parent organizations will also organize training for their subordinates within the department, in order to transfer the knowledge and bring about a qualitative change internally;
- vi) The Normal tenure of posting as already provided in the policy would be ensured;
- vii) No participant should be allowed to be posted on deputation to multinational donor agencies for at least 5 years;
- viii) No participant will decline/represent against his/her posting.

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT

(REGULATION WING)

NO. SOR.VI (E&AD)1 -4/2005/Vol-II

Dated Peshawar, 27<sup>th</sup> February, 2013

Environment Department  
Govt. of Khyber Pakhtunkhwa  
Secy, D.No. 100  
Date: 28-2-2013

To

1. The Additional Chief Secretary (P&D) Khyber Pakhtunkhwa.
2. The Additional Chief Secretary (FATA) Khyber Pakhtunkhwa.
3. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
4. All Commissioners in Khyber Pakhtunkhwa.

Subject:

CONSTITUTION PETITION NO.23 OF 2012 OUT OF SUO MOTO CASE NO. 3/2012 (PETITION BY MS. ANITA TURAB FOR PROTECTION OF CIVIL SERVANTS REGISTERED UNDER ARTICLE 184 (3) OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973.)

Sir,

I am directed to refer to the subject noted above and to state that the Supreme Court of Pakistan vide the subject cited judgment has enunciated the following principles of Law with regard to protection and conduct of civil servants.

- (i) **Appointments, Removals and Promotions:** Appointments, removals and promotions must be made in accordance with the law and the rules made thereunder, where no such law or rule exists and the matter has been left to discretion, such discretion must be exercised in a structured, transparent and reasonable manner and in the public interest.
- (ii) **Tenure, Posting and Transfer:** When the ordinary tenure for a posting has been specified in the law or rules made thereunder, such tenure must be respected and cannot be varied, except for compelling reasons, which should be recorded in writing and are judicially reviewable.

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- 37
- (iii) **Illegal Orders:** Civil Servants owe their first and foremost allegiance to the law and the constitution. They are not bound to obey orders from superiors which are illegal or are not in accordance with accepted practices and rule based norms; instead, in such situations, they must record their opinion and, if necessary, dissent.
- (iv) **OSD:** Officers should not be posted as OSD except for compelling reasons, which must be recorded in writing. If at all an officer is to be posted as OSD, such posting should not exceed 03 months. If there is a disciplinary inquiry going on against him/her such inquiry must be completed at the earliest. The officer on special duty may be posted against a post of his/her equivalent pay scale/grade within 03 months of his/her order as OSD.

2. I am, therefore, directed to request you to note the above principles of law for strict compliance.

Yours faithfully,

*najam*  
(NAJ-MUS-SAHAR)  
SECTION OFFICER (REG-VI)

**Encl: as above.**

A copy is forwarded to:-

1. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. The Secretary Provincial Assembly, Khyber Pakhtunkhwa.
4. The Accountant General, Khyber Pakhtunkhwa.
5. The Registrar; Peshawar High Court, Peshwar.
6. The Secretary Khyber Pakhtunkhwa, Public Service Commission.
7. All Addl. Secretaries Establishment & Administration Department.
8. All Deputy Secretaries in Establishment & Administration Department.

*najam*  
SECTION OFFICER (REG-VI)

GOVERNMENT OF <sup>1</sup>[Khyber Pakhtunkhwa] HEALTH DEPARTMENTNOTIFICATIONPeshawar, dated the 11<sup>th</sup> DECEMBER, 2008

No. SOH(EV)4 – 20 / 08 : In exercise of the powers conferred by section 26 of the <sup>2</sup>[Khyber Pakhtunkhwa] Civil Servants Act, 1973 (<sup>3</sup>[Khyber Pakhtunkhwa] Act XVIII of 1973), the Governor of the (<sup>4</sup>[Khyber Pakhtunkhwa]) is pleased to make the following rules, namely:

THE <sup>5</sup>[Khyber Pakhtunkhwa]  
HEALTH (MANAGEMENT) SERVICE RULES, 2008.

PART – 1  
GENERAL

1. Short title and commencement. --- ( 1 ) These rules may be called the <sup>6</sup>[Khyber Pakhtunkhwa] Health (Management) Service Rules, 2008.

(2) They shall come into force at once.

2. Definitions.--- In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say -

- (a) "appointing authority" in relation to a post, means the respective authority specified in para 4 of the <sup>7</sup>[Khyber Pakhtunkhwa] Civil Servants (Appointment, Promotion and Transfer) Rules, 1989;
- (b) "Commission" means the <sup>8</sup>[Khyber Pakhtunkhwa] Public Service Commission;
- (c) "Cadre" means Health Management Cadre;
- (d) "Government" means the Government of the <sup>9</sup>[Khyber Pakhtunkhwa];
- (e) "Governor" means the Governor of the <sup>10</sup>[Khyber Pakhtunkhwa];
- (f) "Initial recruitment" means appointment made otherwise than by promotion or transfer;
- (g) "Member of Service" means officer belonging to health management cadre as reflected in schedule I, II & III;
- (h) "PHSA" means Provincial Health Services Academy;

~~Attested~~

<sup>1</sup> Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>2</sup> Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>3</sup> Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>4</sup> Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>5</sup> Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>6</sup> Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>7</sup> Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>8</sup> Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>9</sup> Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>10</sup> Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.



34

- (i) "Post" means a post specified in the Schedule-I of the rule and such other posts as may, from time to time, be determined by the Government;
- (j) "Schedule" means the schedule appended to these rules; and
- (k) "Service" means the <sup>11</sup>[Khyber Pakhtunkhwa] Health (Management) Service.

**PART-II**  
**RECRUITMENTS**

3. **Number and nature of posts.**---The Service shall comprise the posts specified in the Schedule -I and such other posts as may be determined by Government from time to time.
4. **Method of Appointment.**---Method of appointment, qualifications and other conditions to applicable to a post in the Service shall be such as laid down in the column 3 to 5 of the Schedule - II.
5. **Syllabus and examination for appointment by initial recruitment.**--- Syllabus and standard for competitive examination for appointment by initial recruitment to the post in BS-17 shall be, as laid down in Schedule-III.

**PART-III**  
**CONDITIONS OF SERVICE**

6. **Pre-Service Training & Departmental Examinations .**--- (1) On appointment to a post borne on the service in BS-17, every officer so appointed shall complete six months mandatory training including attachment as specified in schedule -IV.

( 2 ) The training shall be followed by departmental examination to be conducted by Provincial Health Services Academy, which will be part of probation period.

7. **In-Service Training.**---Selection for in-service trainings which are linked with promotion shall be done on seniority basis and those at verge of promotion shall be given priority.

8. **Private Practice.**--- ( 1 ) No Member of Service shall be allowed private practice, in lieu he shall be entitled to non-practicing allowance, at such rate as may be prescribed by Government.

( 2 ) In case of default, the Member shall be liable to disciplinary action under the law.

9. **General rule.** --- In all matters not expressly provided for in these rules, Members of Service shall be governed by such rules as have been or may hereafter be prescribed by Government from time to time.

Provided that in case of a dispute the Government shall have the final authority to decide the matter in any manner it deems fit.

10. **One time exercise.** --- (1) Notwithstanding anything contained in the provision of these rules, Government shall, as one-time exercise, fill in posts in the Service described in Schedule-I by way of permanent transfer from amongst the Officers of General Cadre in equivalent basic pay scale who have the qualification of Master of Public Health or Postgraduate Diploma in Public Health or Postgraduate Diploma in Hospital Administration or Health Planning & Management or equivalent Master's Degree / Diploma in Health management or allied disciplines and opt for absorption;

<sup>11</sup> Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

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35

Provided that the option once exercised shall be final.

(2) Where the number of officers opting for absorption in Management Cadre is more than the available positions in respective grade, the selection under one time exercise shall be done on the basis of seniority-cum-merit only in the respective grade;

Provided that for determining the suitability of the officers, additional relevant qualifications, trainings/courses in the relevant field and managerial experience, as such, shall be taken into consideration.

**11. Deletion of posts.**---Posts reflected in the schedule-I shall stand deleted from any other service rules for the time being in force and such rules shall be deemed to have been amended to the above extent:

SECRETARY TO GOVERNMENT OF <sup>12</sup>[KHYBER  
PAKHTUNKHWA] HEALTH  
DEPARTMENT

Endst. of even No & Date.

Copy to:

1. The Chairman, Public Service Commission, <sup>13</sup>[Khyber Pakhtunkhwa], Peshawar
2. PS to Minister for Health, <sup>14</sup>[Khyber Pakhtunkhwa].
3. PS to Chief Secretary, <sup>15</sup>[Khyber Pakhtunkhwa].
4. PS to Additional Chief Secretary, <sup>16</sup>[Khyber Pakhtunkhwa].
5. PS to Secretary E&A Department.
6. PS to Secretary Law Department.
7. PS to Secretary Finance Department.
8. Ps to Secretary Health.
9. PA to DGHS <sup>17</sup>[Khyber Pakhtunkhwa].
10. Computer Programmer, Health Department.

(ADIL SAEED SAFI)  
SECTOIN OFFICER - V

~~Attested~~

<sup>12</sup> Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>13</sup> Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>14</sup> Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>15</sup> Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>16</sup> Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>17</sup> Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

**SCHEDULE - I**  
**(Management Cadre)**

36

**Members of Service in BPS-20:**

S.No.	Nomenclature of post	Number of post
1	Director General Health Services, <sup>18</sup> [Khyber Pakhtunkhwa], Peshawar	01
2	Director (Admn) DGHS <sup>19</sup> [Khyber Pakhtunkhwa] Peshawar	01
3	Director Health Services DGHS <sup>20</sup> [Khyber Pakhtunkhwa] Peshawar	01
4	Medical Superintendent Govt. LRH/KTH/HMC Peshawar	03
5	Medical Superintendent DHQ.Hospitals Kohat, Bannu, DIKhan, Mardan, Swat, Abbottabad	06
6	Medical Superintendent, Mufti Mehmood Memorial Hospital DIKhan	01
7	Medical Superintendent, Khalifa Gul Nawaz Hospital Bannu	01
8	Medical Superintendent, Govt. City Hospital Kohat Road Peshawar	01
9	Medical Superintendent, Sarhad Hospital for Psychiatric Diseases Peshawar	01
10	Medical Superintendent, Ayub Teaching Hospital Abbottabad	01
11	Executive District Officer (Health) Peshawar	01
12	Executive District Officer (Health) Swat	01
13	Executive District Officer (Health) Mardan	01
14	Executive District Officer (Health) Kohat	01
15	Director Provincial Health Services Academy, Peshawar	01
16	Principal Public Health School Hayatabad Peshawar	01
17	Principal Public Health School Abbottabad	01
18	MS Mardan Medical Complex	01
	<b>TOTAL:</b>	<b>25</b>

**Attested**

<sup>18</sup> Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>19</sup> Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>20</sup> Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

(37)

**SCHEDULE - I**  
**(Management Cadre)**

**Members of Service in BPS-19:**

S.No.	Nomenclature of post	Number of post
1.	Executive District Officers (Health) in <sup>21</sup> [Khyber Pakhtunkhwa]	20
2.	DDHOs/Coordinators EDO(H) Offices in <sup>22</sup> [Khyber Pakhtunkhwa]	31
3.	Medical Superintendent DHQ.Hospitals in <sup>23</sup> [Khyber Pakhtunkhwa]	17
4.	Medical Superintendent Govt. ID Children Hospital Peshawar	01
5.	Medical Superintendent Police/Services Hospital Peshawar	01
6.	Medical Superintendent Mental & General Hospital Dadar Mansehra	01
7.	Medical Superintendent, City Hospital Lakki Marwat	01
8.	DMS Women and Children Hospital DIKhan,	01
9.	DMS in DHQ. Hospital, Mardan, Swat, Nowshera, Haripur, Abbottabad and DIKhan	06
10.	District TB Control Officer, Peshawar, Mardan, Swabi, DIKhan, Haripur, Battagram, Mansehra, Swat, Chitral, Upper Dir	10
11.	Deputy Administrator Mardan Medical Complex Mardan	01
12.	MS/Incharge Civil/THQ.Hospital Tangi, Shabqaddar, Dargai, Pabbi, Matta, Darosh (Chitral), Rehana, Kulachi	08
13.	SMO I/C Women & Children Hospital Bannu	01
14.	Vice Principal Paramedical Institute, Abbottabad, DIKhan, Swat	03
15.	SMO (Health) Municipal Corporation Peshawar	01
16.	Deputy Directors in DGHS <sup>24</sup> [Khyber Pakhtunkhwa] Peshawar	05
17.	DMS (Stores) Govt. LRH/KTH Peshawar	02
18.	Principal Postgraduate Paramedical Institute Peshawar	01

<sup>21</sup> Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>22</sup> Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>23</sup> Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>24</sup> Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

**Attested**

19.	Deputy Director (HRD) PHSA <sup>25</sup> [Khyber Pakhtunkhwa]	01
20.	Deputy Director(Monitoring and Research) PHSA <sup>26</sup> [Khyber Pakhtunkhwa]	01
21.	Deputy Director(Management) PHSA <sup>27</sup> [Khyber Pakhtunkhwa] Peshawar	01
22.	Course Directors (PH/CDC and Management, Trg.& Development) PHSA <sup>28</sup> [Khyber Pakhtunkhwa]	02
23.	DD HRD / Vice Principals DHDC Bannu, Chitral, Mardan, Abbottabad and Swat	05
24.	DMS, Khalifa Gul Nawaz Hospital Bannu	01
25.	DMS Ayub Teaching Hospital Abbottabad	01
26.	Director Health Services FATA Peshawar	01
27.	MS AHQ Hospital Parachinar, Ghallanai, Wana, Bajaur	04
	<b>TOTAL:</b>	<b>128</b>

Note: All Program Manager/Provincial Coordinators of Vertical Programs/ Projects & FATA Health positions would be filled from amongst Management Cadre.

~~Attested~~

<sup>25</sup> Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>26</sup> Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>27</sup> Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>28</sup> Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

**SCHEDULE - I**  
**(Management Cadre)**

39

**Members of Service in BPS-18:**

S.No.	Nomenclature of post	Number of post
1.	Incharge Civil/THQ.Hospital Ziarat Kaka Sahib Nowshera, Rustam, Lund Khawar Mardan, Topi Swabi, Kalu Khan Swabi, Shakar Darra (Kohat), Thall Hangu, Serai Naurang Lakki Marwat, Balakot Manschra and Thana Malakand Agency	10
2.	Senior Instructors DHDCs in <sup>29</sup> [Khyber Pakhtunkhwa] ( Abbottabad, Swat and DIKhan)	03
3.	Instructors in Public Health School, Hayatabad Peshawar and DIKhan	03
4.	Instructor Public Health School, Nishtarabad Peshawar	01
5.	Epidemiologist Govt. LRH and HMC Peshawar	02
6.	Course Director (MCH & Family Planning) PHSA <sup>30</sup> [Khyber Pakhtunkhwa]	01
7.	Epidemiologist PHSA <sup>31</sup> [Khyber Pakhtunkhwa]	01
8.	DMS Govt. Maternity Hospital Peshawar	01
9.	DMS (Admn) KTH Peshawar	01
10.	District TB Control Officer, Abbottabad, Kohistan, Nowshera, Charsadda, Malakand, Buner, Shangla, Lower Dir, Kohat, Hangu, Karak, Bannu, Lakki Marwat and Tank	14
11.	Deputy Director Admn./Deputy Director Dev.(02), Assistant Director EPI(02), DHS FATA	04
12.	Agency Surgeon Mohmand, Bajaur, Orakzai, Kurram, NW Agency, SW Agency, Khyber, FR Peshawar/ FR Kohat, FR DIKhan, FR Bannu,	10
13.	DMS(Admn), DMS(Stores) DMS (Dispensary) at Ayub Teaching Hospital Abbottabad	03
14.	Assistant Directors in Directorate General Health Services, <sup>32</sup> [Khyber Pakhtunkhwa], Peshawar	13
15.	ADHO FATA Health	4
	<b>TOTAL:</b>	<b>71</b>

Note: All Program /Project positions & FATA Health positions in BPS-18 would be filled from amongst Management Cadre.

~~ATTACHED~~

<sup>29</sup> Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>30</sup> Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>31</sup> Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>32</sup> Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

40

**SCHEDULE - I**  
**(Management Cadre)**

**Members of Service in BPS-17:**

S.No.	Nomenclature of post	Number of post
1.	Health Educator Directorate General Health Services, <sup>33</sup> [Khyber Pakhtunkhwa] Peshawar	01
2.	Assistant Director (Homeo & Tibb) AD Personnel, AD Administration Directorate General Health Services, <sup>34</sup> [Khyber Pakhtunkhwa], Peshawar	04
3.	MO Trainer DHDC (02 each) in Mardan, Kohat, Bannu, DIKhan, Abbottabad, Swat and Chitral	14
4.	Instructors in PHSA, <sup>35</sup> [Khyber Pakhtunkhwa]	03
5.	Evaluation Officer PHSA, <sup>36</sup> [Khyber Pakhtunkhwa]	01
6.	Instructors Public Health School, Hayatabad Peshawar and Abbottabad	03
7.	Secretary Medical Faculty, <sup>37</sup> [Khyber Pakhtunkhwa] Peshawar	01
8.	DMS Maintenance HMC Peshawar	01
9.	DMS Stores HMC Peshawar	01
10.	DMS Casualty, OPD and OTs HMC Peshawar	01
11.	Coordinator EDO(H) Offices in <sup>38</sup> [Khyber Pakhtunkhwa]	71
	<b>TOTAL:</b>	<b>101</b>

**Note:** All Program /Project positions in BPS-17 & FATA Health positions would be filled from amongst Management Cadre.

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<sup>33</sup> Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>34</sup> Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>35</sup> Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>36</sup> Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>37</sup> Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>38</sup> Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

41

SCHEDULE-II

S.NO	Nomenclature of Post.	Qualification for appointment by initial recruitment	Age limit	Method of Appointment
1	2	3	4	5
1	Director General Health Services (BS-20)			By transfer, on the basis of selection on merit, from amongst the ten senior most Members of the Service in (BS-20).  <b>Note:</b> Preference will be given to those having additional postgraduate relevant qualifications or specialized courses.
2	Members of Service (BS-20)			(a) By promotion, on the basis of selection on merit, from amongst the Members of Service in (BS-19) with 5 years service as such or 17 years service in (BS-17) and above; and  (b) Four months advance in-service training in Management from a recognized institution or PHSA <sup>30</sup> [Khyber Pakhtunkhwa].

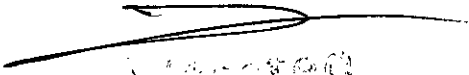
~~Attested~~

<sup>30</sup> Substituted vide Khyber Pakhtunkhwa act No. IV of 2011.



42

1	2	3	4	5
4	Members of Service (BS-18)	<p>a) MBBS/BDS or equivalent qualification, from any institute recognized by the PMDC; and</p> <p>(b) (i) Doctorate / M.Phil in Public Health or Health Administration or Health Management or equivalent qualification from any University recognized by the H.E.C or PMDC; or</p> <p>(ii) Master in Public Health/Health Administration/ Health Management, allied discipline or equivalent qualification from any University recognized by H.E.C or PMDC with 5 years experience in the relevant field.</p>	30-40 years	<p>(i) Eighty percent by promotion, on the basis of seniority cum-fitness, from amongst Members of the Service in BS-17 having at least five years service as such, with two months in service training in Management from a recognized institution or PHSA; and</p> <p>(ii) Twenty percent by initial recruitment</p>
5	Members of Service (BS-17)	<p>a) MBBS/BDS or equivalent medical qualification from any institute recognized by PMDC; and</p> <p>b) Master in Public Health/Health Administration/ Health Management or equivalent qualification from any institute recognized by H.E.C or PMDC.</p>	25-32 years	By initial recruitment.


  
 Attested

43

**SCHEDULE - III****(HEALTH MANAGEMENT CADRE)****Syllabus and Standard for competitive exam for  
initial recruitment in BS-17**

1. The Examination shall include General Compulsory and Specialized Compulsory Subjects, and every candidate will take all the compulsory subjects.
2. A candidate shall answer the papers in English unless otherwise directed. However, the paper in Islamiyat may be answered in Urdu or English.
3. The total marks of General Compulsory Subjects are 350 while there should be two Specialized Compulsory Papers of 300 marks each covering 150 marks.

		Mark
4. Psychological aptitude test	50	s
		Mark
5. Viva Voce	200	s

6. The general compulsory and specialized compulsory subjects and maximum marks fixed for each subject shall be as shown in the statement below:

**General Compulsory Subjects (350 Marks)**

Serial No.	Subjects	Maximum Marks
1.	English	100
2.	English Essay	50
3.	General Knowledge / Everyday science	50
4.	Current affairs	50
5.	Pakistan affairs	50
6.	Islamiyat	50

**Specialized Compulsory Subjects (400 Marks)**

<b>1. Health Planning and Management (Single Paper)</b>	<b>200</b>
<b>Topics:</b> Planning, Planning Cycle, Strategic Planning, Management, Project Management, Hospital Administration, Financial / Stock Management, Human Resource Management, Total Quality Management, Leadership, Decision Making, Organization, Effective Organization and Culture, Organizational Behavior, Human Factor and Motivation, Social Responsibility and Ethics, Management and Society (External Environment), Management of Training and HRD, Communication, Management Information System, etc.	

~~Director~~

**2. Epidemiology, Health System Research, Public Health and Disease Control (Single Paper)** 100

**Topics:**

Epidemiology, Research Methodology and Biostatistics, Health Systems, Surveillance and Disease Control, Monitoring & Evaluation, Infectious Diseases, Epidemiology and preventive methods, Reproductive Health, Occupational Health, Environmental Hazards and Sanitation, Nutrition with related disorders and prevention.

7. In case of non-Muslim, the paper of Pakistan Studies and Current Affairs will be each of 75 marks instead of Islamiyat.
8. No candidate will be called for Psychological Aptitude Test unless he has obtained 40% marks in individual subject with aggregate of 50%.
9. The passing marks in Psychological Aptitude Test are 40%. Those failed will not be called for the interview.
10. The passing marks for Viva Voce are 40%. The candidate failing in interview or remained absent will not be included in the merit.
11. The selection of selected candidates will be purely on merit as per Zonal Allocation Formula notified by the Establishment Department.
12. In case of a tie, the order of merit will be determined in accordance with the total number of combined marks achieved in Psychological Aptitude Test and interview. In case of tie in this case even, the decision will be on the basis of marks obtained in compulsory subjects. Even still if there is a tie, the order of merit will be on the basis of age.

~~Attested~~

SCHEDULE IVInduction training**Target Group:**

The training is designed for newly recruited Medical Officers BS 17 in Health Management cadre .

**Objective :**

- o To equip the doctors with Official Procedures , Financial & Procurement Rules and Regulations, Rules of Business, and other government functions with a view to benefit them for working as Health Managers.
- o To develop their skill and knowledge in Planning, management and leadership.
- o To develop skill and Knowledge regarding routine office procedures and management

**Training Schedule :**

The training is divided into two portions:

- o Theory           total duration 2 months
- o Practical       total duration 4 months

Theory:

To be imparted in PHSA in collaboration with STI, Audits and accounts training institute, NIMS, IMSciences etc.

Topics:

- Relationship of Management with Behaviour
- Principles of Management and planning
- Leadership
- Communication and advocacy
- Motivation.
- Team building
- Project management
- Donor coordination
- Health policies
- Human resource management
- Public private partnership.
- Decentralization.
- Use of information.
- Role of Provincial and district government in context of Local Government Ordinance.
- Medical ethics
- Healthcare financing
- Disease surveillance
- Basics of Epidemiology and epidemic control
- Monitoring and supervision
- Primary health care
- Hospital management
- Waste disposal
- Quality Management
- Vertical programmes and their linkages with in the health system.
- Health system research
- Rules of business
- Auditing & Accounting
- General Financial rules
- Esta code etc.

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46

Practical Training (Attachment): Duration 4 months

During this period the under-trainee health managers will be attached with different sections and institutions of DOH to gain supervised Practical experience which will help in developing the needed skills.

Break up of Practical Training is as follows :

- |   |         |
|---|---------|
| 1. Health Directorate including Vertical Programmes | 1 Month |
| 2. Health Secretariat                               | 1 Month |
| 3. EDO H Office                                     | 1 Month |
| 4. Hospital   | 1 Month |

The Time table and other details of the theory part as well as practical training will be developed by PHSA and to be approved by academic committee of PHSA and DOH.

~~Attested~~



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

47

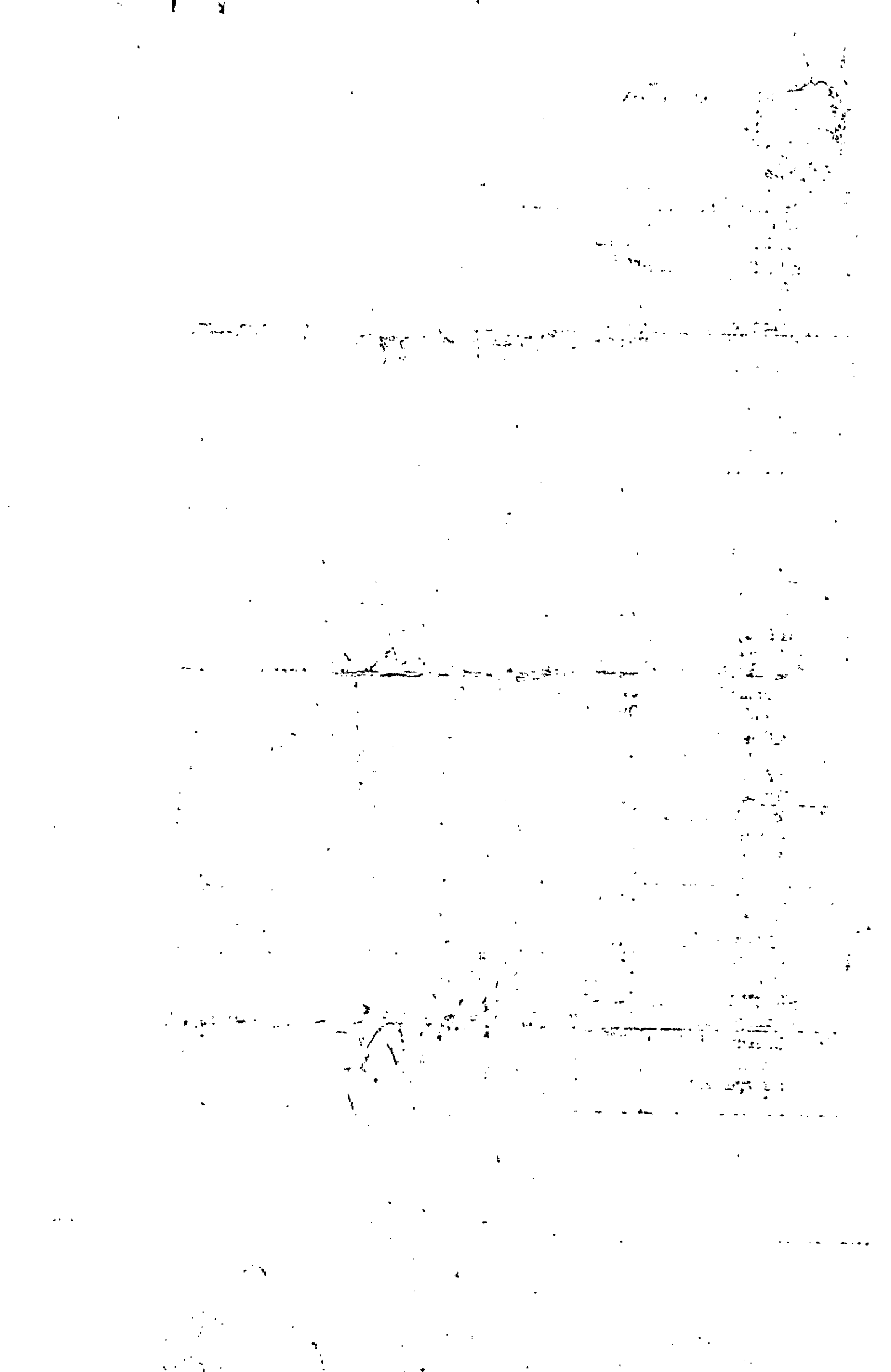
SUMMARY FOR CHIEF MINISTER, KHYBER PAKHTUNKHWA

Subject:- POSTING / TRANSFER OF MANAGEMENT CADRE

1. In order to properly utilize the services of Health professionals in accordance with their expertise and the requirement of the situation, Health Department in consultation with Minister for Health submits the following posting / transfer and adjustment proposal in the best of public interest:-

Sr.#	Name of Dr.	From	To
1.	Dr. Tahir Nadim Khan (BS-20) Management	Waiting for posting	Director General Health Services, Khyber Pakhtunkhwa, Peshawar (vice serial No 2).
2.	Dr. Arshad Ahmad (BS-20) Management	Director General Health Services, Khyber Pakhtunkhwa, Peshawar,	Report to Directorate General, Health Services, Khyber Pakhtunkhwa.
3.	Dr. Muhammad Ayub Rose (BS-20) Management	Waiting for Posting	Director General Provincial Health Services Academy (vice serial No. 4)
4.	Dr. Janbaz Afridi (BS-20) Management	Director General PHSA, holding additional charge Managing Director Health foundation	Managing Director, Health Foundation, Peshawar on deputation basis.
5.	Dr. Muhammad Javed (BS-20) Management	Additional Director General (M&E), Directorate General, Health Services, Khyber Pakhtunkhwa, Peshawar.	Chief Executive Officer Medical Faculty, Peshawar on deputation basis. (Vice serial No. 6).
6.	Dr. Naik Nawaz BS-20 Management	Chief Executive Officer Medical Faculty, Peshawar.	District Health Officer, District Dera Ismail Khan (Vice serial No.11)
7.	Dr. Jawad Habib (BS-19) Management	Waiting for posting	Chief Executive Officer (BS-20) Blood Transfusion Authority on deputation in own pay & scale by relieving Dr. Jamal Nasir from additional charge.
8.	Dr. Shaheen Afridi (BS-19) Management	Director Technical, Health Foundation	Additional Director General (Health Services) in own pay & scale (Vice serial No 9)

~~Attended~~





GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

48

Sr.#	Name of Dr.	From	To
9.	Dr. Haroon (BS-20) Management	Additional Director General (Health Services)	Director Integrated Health Program (vice serial No. 26).
10.	Dr. Wali Khan (BS-19) Management	Director Provincial Health Services Academy.	Director Technical, Health Foundation. (Vice serial No. 8)
11.	Dr. Tariq Masood Mian Khel (BS-20) Management	District Health Officer, District Dera Ismail Khan.	Additional Director General (M&E), Directorate General Health Services (vice serial No. 5).
12.	Dr. Shad Ali Khan (BS-20) Management	Additional Director General (Admin), DGHS holding additional charge of Additional Director General (HRM)	Report to Directorate General, Health Services, Khyber Pakhtunkhwa, Peshawar.
13.	Dr. Niaz Muhammad (BS-20)	District Health Officer, District Swabi	Additional Director General (Admin) Directorate General Health Services. (Vice serial No. 12)
14.	Dr. Muhammad Riaz (BS-20) Management	District Health Officer, District Shangla	Additional Director General (HRM) Directorate General Health Services by relieving Dr. Shad Ali Khan from additional charge of the post.
15.	Dr. Abdur Rehman (BS-20 Management)	Under transfer as District Health Officer, District Bannu	District Health Officer, District Shangla. (Vice serial No 14)
16.	Dr. Fazle Maula (BS-19) Management	Awaiting for posting	Medical Superintendent, Children Hospital, Haji Camp, Peshawar (Vice serial No 17).
17.	Dr. Muhammad Mamoon (BS-18) General	Medical Superintendent Children Hospital, Haji Camp, Peshawar (own pay & scale).	Senior Medical Officer, Children Hospital, Haji Camp, Peshawar against vacant post.
18.	Dr. Ikhtiar Ali (BS-19) Management	Deputy District Health Officer, Peshawar	Medical Superintendent Moulvi Ameer Shah Memorial Hospital Peshawar (Vice serial No 19).
19.	Dr. Sher Khan Afridi (BS-19) Management	Medical Superintendent Moulvi Ameer Shah Memorial Hospital Peshawar.	Director Provincial Health Services Academy (Vice Serial No. 10)
20.	Dr. Ishaq Afridi (BS-19) Management	At the disposal of Director Health Services Newly Merged Area.	Deputy District Health Officer Peshawar (Vice serial No. 18)

*[Handwritten signature]*





GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

49

Sr.#	Name of Dr.	From	To
21	Dr. Obaid Hussain (BS-19) Management Cadre	In-charge Telemedicine Police Hospital Peshawar	Medical Superintendent ESC Nahaqi Hospital Peshawar against vacant post.
22.	Dr. Anisa Afridi (BS-19) Management	Coordinator MNCH Programme, Merged District.	Medical Superintendent Maternity Hospital, Hashtnagri, Peshawar against vacant post. The D.D,O powers, as stop-gap arrangement, assigned to Dr. Sultana Azmat Birlas, Chief Medical Officer (BS-20) vide notification No. SOH(HD)/E-V/2- 2/2019, dated 31/12/2019 is also hereby withdrawn.
23.	Dr. Niaz Afridi (BS-19) Management	Vice Principal Division Health Development Centre Swat (PHSA Network)	Director Health Services (Merged Areas), Khyber Pakhtunkhwa (vice serial No. 24).
24.	Dr. Shah Faisal Khanzada (BS-19) Management	Director Health Services (Merged Areas), Khyber Pakhtunkhwa.	District Health Officer, District Abbottabad in own pay & scale. (Vice Serial No. 25)
25.	Dr. Minhaj Ul Haq (BS-20) Management	DHO Abbottabad	District Health Officer, Swabi (Vice Serial No.13)
26.	Dr. Rauf Khattak (BS-20) Chief Dermatologist	Director Integrated Health Program	Chief Medical Officer Naseerullah Khan Babar Memorial, Hospital Peshawar against vacant post.
27.	Dr. Fazle Majid (BS-18) Management	Deputy Director Nutrition (holding additional charge of Director Nutrition)	Director Nutrition (already holding additional charge) in own pay and scale.
28.	Dr. Abdul Latif (BS-19) Management	Litigation Officer, Directorate General Health Services, Khyber Pakhtunkhwa, Peshawar.	Medical Superintendent Bacha Khan Medical Complex, Swabi against vacant post in own pay & scale.

Attested



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

SUMMARY FOR CHIEF MINISTER, KHYBER PAKHTUNKHWA

Subject:- POSTING / TRANSFER OF MANAGEMENT CADRE

2. In terms of Rule 17(1) and (2) read with Schedule-III of the Khyber Pakhtunkhwa Government Rules of Business 1985, transfer of officers of Heads of Attached Departments and other Officers in B-19 & above in all the Departments shall be made with prior approval of the competent authority obtained on a summary (ANNEX-I).

3. In light of the above provision, proposal contained in para-1/ante is submitted for approval, please.

(MUHAMMAD YAHYA AKHUNZADA)  
SECRETARY HEALTH

MINISTER FOR HEALTH KHYBER PAKHTUNKHWA

CHIEF SECRETARY, KHYBER PAKHTUNKHWA

CHIEF MINISTER, KHYBER PAKHTUNKHWA

~~ATTACHED~~

NPP

51

4- Summary submitted by Health Department has been examined. Although there are certain issues of tenure and two officers are proposed in their own pay & scale but the department has justified the posting / transfer in Para-1, which is also endorsed by Establishment Department.

(Syed Jamal-ud-Din Shah)  
Secretary Establishment  
16<sup>th</sup> January, 2020

Chief Secretary,  
Khyber Pakhtunkhwa

Chief Minister

16/1

*[Faint handwritten notes]*

Chief Minister  
Khyber Pakhtunkhwa

Attested

**VAKALAT NAMA**

NO. \_\_\_\_\_/20

IN THE COURT OF K.P.K Service Tribunal Peshawar

Dr. Naik Nawaz

(Appellant)  
(Petitioner)  
(Plaintiff)

VERSUS

Govt of K.P.K etc

(Respondent)  
(Defendant)

I/We, Dr. Naik Nawaz

Do hereby appoint and constitute **M. Asif Yousafzai, Advocate Supreme Court Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated 19/05/2020

(Signature)  
(CLIENT)

**ACCEPTED**

(Signature)

**M. ASIF YOUSAFZAI**  
*Advocate Supreme Court Peshawar.*

&

**TAIMUR ALI KHAN**  
*Advocate High Court, Peshawar*

&

**SYED NOMAN ALI BUKHARI**  
*Advocate High Court*

**OFFICE:**

Room # FR-8, 4<sup>th</sup> Floor,  
Bilour Plaza, Peshawar,  
Cantt: Peshawar  
Cell: (0333-9103240)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR**

In Re.

Service Appeal No. 4685/2020

Dr. Nek Nawaz  
Appellant.

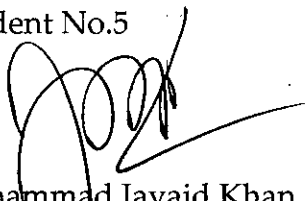
Versus

Govt: of KPK & Others  
....Respondents


**INDEX**

Sr. No	Description of Documents	Annexure	Pages
1	Parawise reply on behalf of respondent No.5	---	1-3
2	Reply to application for the suspension of order dated 17.01.20 and 18.03.2020	---	4-5
3	Affidavit		6
4	Arrival report of Respondent No. 5	A	7
	Copy of the Judgment the honorable Peshawar High Court WP 521-P/2019 16.04.2019 -	B	8-17
5	Copy of experience as eminent health professional and academician of respondent No. 5	C	18-22
6	Copy of the transfer order of Respondent No. 5 as deputation dated 17.01.2020	D	23
7	Copy of his CNIC of Appellant – superannuation retirement date 03/08/2020	E	24
8	Summary of around twenty eight (28) senior doctors duly approved by the competent authority Chief Minister Khyber Pakhtunkhwa	F	25-29
9	Waqalatnama	---	30

Dated 21-7-2020 Respondent No.5

  
Dr. Muhammad Javaid Khan  
Chief Executive Officer,  
Khyber Pakhtunkhwa.  
Faculty of Paramedical and Health Allied Sciences,

Through

  
Darial Khan Chamkani  
Advocate Peshawar High Court  
and Federal Shariat Court.

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR**

Para-wise reply in  
Appeal No. 4685/2020

Dr Nek Nawaz.....Appellant

**VERSUS**

Provincial Government etc.

**PARAWISE REPLY ON BEHALF OF RESPONDENT NO.5**

**RESPECTFULLY SHREWETH:**

**Preliminary Objections:**

1. That Appellant has no reason/cause/ locus standi to file the instant ~~Writ Petition~~ <sup>Appeal</sup>.
2. The appellant has not disclosed the actual facts as well as concealed the legal facts from the honorable Tribunal
3. That the Appellant has not established the political motivation in respect of transfer
4. That the Appellant not came to the Court with clean hands.
5. That the Appellant filed this appeal with malafide intention
6. That the appeal is infructuous one due to taking over charge of the post by the respondent No. 5 on 17/01/2020 more than half years ago and fully acted upon. (Arrival report attached- **Annexure A**). Moreover the applicant is retiring on 02/08/2020 few days later and the applicant has already taken over charge as DHO Tank performing his duties.

**REPLY TO FACTS:**

1. Para No.1 of Facts is correct to the extent that there Appellant is serving in the Health Department, however the satisfaction of his services record pertains to the Health Department and right, hence no comments.
2. Para No.2 of the Facts is correct hence no comments.
3. Para No.3 of the Facts is correct to the extent that the Appellant assumed the charge of Chief Executive Officer (CEO) of Faculty of Paramedics and Allied Health Sciences, Khyber Pakhtunkhwa (FPMA- KP). However the Appellant plea in respect of work with zeal and zest pertains to the Health Department.
4. Para No.4 of Facts is correct that the Appellant was transferred and posted as a CEO FPMA on dated 14.01.2019 however the transfer order dated 14.01.2019 the specified time period is not mentioned in that notification against the mandate of the KP FPMA Act 2016 Section 7 sub-clause 1 and in this respect the Honorable Peshawar High Court Peshawar in Writ petition WP521-P\2019 (**Annexure- B**) clarified that non specifying three years period in official transfer order as CEO as per mandate of Section 7 FPMA Act, 2016, the appellant have accepted his transfer as Civil Servant on the post of CEO FPMA. **Moreover the honorable Peshawar High Court also clarified the mandate of Section 7 in respect of academicians and eminent health professional and the language of the Section**

7 that the Institution maybe benefitted from the expertise of academician and eminent health professional" (Copy of the Judgment the honorable Peshawar High Court WP 521-P/2019 16.04.2019 is attached as **Annexure- B**). The respondent No. 5 has the rich experience as an academician and being eminent health professional of international repute (Copy of vast experience of Respondent No. 5 is attached – **Annexure - C**).

5. Para No. 5 of the facts related to other respondents, hence no comments.
6. Para No. 6 of the facts related to the Appellant application hence no comments.
7. Para 7 pertains to the Appellant rights hence no comments

### REPLY TO GROUNDS

A. Ground A pertains to the impugned transfer order of the appellant but the said transfer is according to Law and in the transfer order dated 14.01.2019 the specified time period is not mentioned in that notification

B. Pare B of the ground is incorrect and in this respect the Honorable Peshawar High Court Peshawar in Writ petition WP521-P\2019 (**Annexure- B**) clarified the requisition and mandate of Section 7 FPMA Act, 2016 that non specifying three years period in official transfer order as CEO FPMA as per mandate of Section 7 FPMA Act, 2016 , the Appellant have accepted his transfer as Civil Servant on the post of CEO FPMA and therefore the Appellant transfer is according to law, rule and policy and norms of natural justice . The respondent No 5 has however been posted on Deputation as CEO FPMA (Copy of the transfer order on deputation dated 17.01.2020 attached **Annexure - D**). Moreover the Appellant is going to be retired on 03/08/2020 (Copy of his CNIC attached **Annexure - E**).

C. Para C of the Ground is incorrect as in the same Summary duly approved by the competent authority Chief Minister Khyber Pakhtunkhwa, around twenty eight (28) other management cadre officers were transferred in the interest of public. The respondent No 5. transfer (one among the twenty other officers 'transfers through same Summary –**Annex F**) was made on merit, vast experience as an academician and eminent health professional and having served in FPMA during 20.06.2016 to 30.06.2017 on acting charge basis and later on during 30.06.2017 to 15.01.2019 respondent No 5 assumed as a permanent CEO FPMA. It was in light of Respondent No. 5 vast experience (**Annexure - C**) as per mandate of the FPMA Act, 2016 that the Government transferred and posted the respondent No 5 on deputation basis to regulate, promote and streamline the education, training , examination, and registration of Paramedic and allied health profession pertaining to preventive promotive, and rehabilitative environmental and occupational in health sector in the province.

D. Related to Health Department hence no comment.

E. Incorrect. The specified period is not mentioned in the Appellant order dated 14.01.2019 therefore the specific completion of the tenure by the Appellant is not mandatory in the FPMA.

F. Pertains to Health Department however it happens routinely.

G. The para G of the ground pertains to the Health Department however the Appellant's posting order dated 14.01.2019 is also made by the Health Department and not made by the Establishment and Administration Department. Issuing BS-20 officers' orders by the Health Department is a routine and norm in health department. Therefore the Appellant cannot benefit from such routine practice.

H. Incorrect. There is no discrimination and no fundamental right has been violated.

I. Incorrect. The Appellant transfer is according to law and rules hence no comments.

J. Incorrect. The fact of the Anita Turab case is not similar with the Appellant case. No period is mentioned in the Appellants order 14.01.19. Copy of the Judgment of the honorable Peshawar High Court WP 521-P/2019 16.04.2019 in this regard is attached

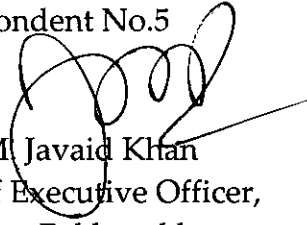
K, L, M. Incorrect. No fundamental right has been violated, posting and transfer is the prerogative of the Government that the employee/civil servant always have to obey such orders.

N. Ground N is the right of the Appellants hence no comments.


It is therefore keeping in view the fact and circumstances of the case the Appellant's appeal may kindly be dismissed according to law.

Dated

Respondent No.5

  
Dr. M. Javaid Khan  
Chief Executive Officer,  
Khyber Pakhtunkhwa.  
Faculty of Paramedical and  
Health Allied Sciences,  
Respondent no.3

Through

  
Danial Khan Chamkani  
Advocate Peshawar High Court  
and Federal Shariat Court.



4

4

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

Appeal No. 4685/2020

Dr Nek Nawaz.....Appellant

**VERSUS**

Government of KPK etc.

Respondents

**REPLY TO APPLICATION FOR THE SUSPENSION OF ORDER DATED**  
**17.01.20 AND 18.03.2020 (APPEAL NO. 4685/2020)**

**RESPECTFULLY SHREWETH:**

**Preliminary Objections:**

1. That the Appellant has no reason/cause/ locus standi to file the instant Appeal.
2. That the Appellant has not disclosed the actual facts as well as concealed the legal facts from the honorable Tribunal
3. That the Appellant has not established the political motivation in respect of transfer
4. That the applicant has not come to the Court with clean hands.
5. That the Appellant filed this appeal with malafide intention

**PARAWISE REPLY:**

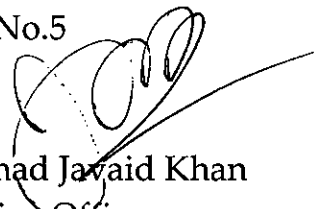
1. Para No 1 is subject to record and the Honorable Court affairs, hence no comments.
2. That para No. 2 is denied while prima fasci case is in favor of defendant (respondent No. 5) and there is very likelihood of his success
3. Reply of the respondent No 5 may also be considered as integral part of this replication
4. Pertains to Health Department however it happens routinely and normally (ie directing officers of the cadre to report to the department for further posting).
5. That the impugned transfer order is according to law based on merit
6. That the Appellant tenure is not specified in his initial period order dated 14.01.2019 therefore the Section 7 criteria is not fulfilled by the appellant's tenure as Honorable Peshawar High Court Peshawar in Writ petition WP521-P\2019 (**Annexure- B**) clarified that non specifying three years period in official transfer order as CEO as per mandate of Section 7 FPMA Act, 2016, the Appellant have accepted his transfer as Civil Servant on the post of CEO FPMA.

7. Para No 7 is incorrect. No right has been affected and as the replying respondent No. 5 has already taken over charge of the post on 17/01/2020 more than half years ago and the order has fully be acted upon. Moreover the applicant is retiring on 02/08/2020 few days left and the applicant has already taken over charge as DHO Tank accepting his posting. Therefore no interim relief may be granted at this stage.

It is therefore submitted that on acceptance of this reply the interim injunction may not be granted in favor of the appellatant in accordance with the Law.

Dated

Respondent No.5



Dr. Muhammad Javaid Khan  
Chief Executive Officer,  
Khyber Pakhtunkhwa.  
Faculty of Paramedical and  
Health Allied Sciences,

Through



Danial Khan Chamkani  
Advocate Peshawar High Court  
and Federal Shariat Court.

**BEFORE THE PESHAWAR SERVICES TRIBUNAL PESHAWAR**

In Re.

Service Appeal No. 4685/2020

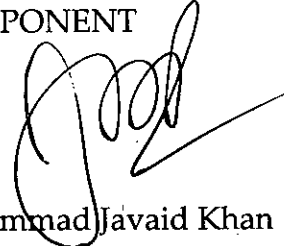
Dr. Nek Nawaz  
Appellant

Versus

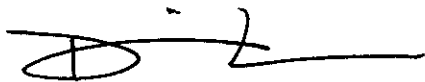
Govt: of KPK & others  
Respondents**AFFIDAVIT**

I Dr. Muhammad Javaid Khan Chief Executive Officer, Khyber Pakhtunkhwa Faculty of Paramedical and Allied Health Sciences Peshawar, do hereby affirm on oath that what has been narrated in the accompanying parawise reply are true according to the best of my believe and trust and nothing has been concealed from this Honourable Tribunal.

DEPONENT

Dr. Muhammad Javaid Khan  
CNIC No. 17301-8473596-9

Identified by

Danyal Khan Chamkani Advocate  
High Court and Federal Shariat Court



7  
Ann - A  
A  
Faculty of Paramedical and Allied Health  
Sciences, (FPMA) Khyber Pakhtunkhwa



86/D-5 SCHOOL ROAD UNIVERSITY TOWN PESHAWAR  
Ph # 091-9216008 Fax # 091-9218630 website: www.kpmf.edu.pk Email: info@kpmf.edu.pk

No:

/FPMA

Dated:

Certificate of Transfer of Charge

Govt of Khyber Pakhtunkhwa Health Department Notification  
Number: No.SOH(HD)E-V/PT(MANGT)GEN/2020 dated: 17/01/2020

In compliance of the above Notification I Dr. Muhammad Javaid Khan  
assumed the charge of the post of Chief Executive Officer of Faculty of Paramedical and  
Allied Health Sciences Khyber Pakhtunkhwa Peshawar on 17 January 2020 AN.

(Dr. Muhammad Javaid Khan)  
Chief Executive Officer  
Faculty of Paramedical & Allied Health  
Sciences Khyber Pakhtunkhwa

No. 30033 /FPMA Dated: 17 / 1 / 2020.

Cc:

- ✓ Chairman Faculty of Paramedical & Allied Health Sciences, Khyber  
Pakhtunkhwa / Secretary to Government of Khyber Pakhtunkhwa Health  
Department Peshawar.
2. Director General Health Services Khyber Pakhtunkhwa.
3. Accountant General, Khyber Pakhtunkhwa, Peshawar.
4. All Principals Paramedical Institute, Khyber Pakhtunkhwa.

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

*Javaid*

Ann-B

**JUDGMENT SHEET**  
**PESHAWAR HIGH COURT, PESHAWAR**  
**JUDICIAL DEPARTMENT**  
**W.P. No.521-P/2019**

**JUDGMENT**

Date of hearing **16.04.2019**

Mr. Khalid Rehman, Advocate, for the petitioner.

Mr. Mujahid Ali Khan, AAG, for the official respondent No.1 and Mr. Danial Khan Chamkani, Advocate, for respondents No.2 and 3 and Muhammad Asif Yousafzai, Advocate, for respondent No.4.

\*\*\*\*\*

**ABDUL SHAKOOR, J.** Petitioner,

Dr. Muhammad Javed, through the instant constitutional petition, under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, has prayed this Court for the following relief:-

*"On the acceptance of this writ petition, this Hon'ble Court may graciously be pleased to declare the impugned Notification dated 14.01.2019 as without lawful authority and hence of no legal effect and this august Court may further be pleased to set aside the same by allowing the petitioner to remain posted as Chief Executive Officer the Khyber Pakhtunkhwa Faculty of Paramedical and Allied*

(S)

Attested  
Danial

*Health Services till completion of the remaining tenure.*

*Any other relief as deemed appropriate in the circumstances of the case, not specifically asked for, may also be granted to the petitioner.*

2. Precise grievance of the petitioner is that he, after being posted and transferred as Chief Executive Officer, Khyber Pakhtunkhwa Faculty of Para-Medical and Allied Health Sciences vide order dated 30.06.2017 in terms of Section 7 of the Khyber Pakhtunkhwa Faculty of Para-Medical and Allied Health Services Act, 2016 was having a right to serve there for three years but he was relieved before completion of three years tenure. As such, the order dated 14.01.2019 whereby he was relieved from the office of Chief Executive Officer, Khyber Pakhtunkhwa Faculty of Para-Medical and Allied Health Sciences, is illegal and without jurisdiction.

3. In view of the averments of the petition in hand, comments were called for from respondents No.3 and 4 which they submitted accordingly. They, in their comments, mainly contended that petitioner

YAD

Attest.  
Dawood

has got no vested right to remain as Chief Executive Officer, Khyber Pakhtunkhwa Faculty of Para-Medical and Allied Health Sciences for three years. As under the Provision of Section 21 of General Clauses Act, when an authority has the power to appoint a person it has also a power to remove him. On the same analogy, when the respondents was having the authority to post the petitioner as Chief Executive Officer Khyber Pakhtunkhwa Faculty of Para-Medical and Allied Health Sciences then they were also having the authority to re-transfer him from the said office.

4. Arguments heard and record perused.

5. In order to appreciate the contention of learned counsel for the petitioner that he, in terms of Section 7 of the Khyber Pakhtunkhwa Faculty of Para-Medical and Allied Health Services Act, after his appointment as Chief Executive Officer vide order dated 30.06.2017 could not have been re-transferred before completion of three years service as such,

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we feel it pertinent and advantageous to reproduce Section 7 of the Khyber Pakhtunkhwa Faculty of Para-Medical and Allied Health Services Act, 2016 as under:-

**“7. Chief Executive Officer.** (1) *The Chief Executive Officer shall be posted by Government for a period of three years from amongst the eminent health professionals or academicians or from amongst the employees of Government in BPS-20 and above.*

(2) *The Chief Executive Officer shall be the principal executive and academic officer of the Faculty and shall ensure that the provisions of this Act, the rules and regulation to be framed thereunder, are faithfully observed and the decisions of the Governing Body are promptly implemented, in order to promote the order of the Faculty. He shall have powers necessary for this purpose, including administrative control over all employees of the Faculty.*

(3) *The Chief Executive Officer of the Faculty may, in a situation that in his opinion requires immediate action, ordinarily not in the competence of the Chief Executive Officer, take such action and forward, within seventy-two hours, a report of the action taken to the Chairman, who shall direct such further action as is considered appropriate.*

(4) *The Chief Executive Officer shall present to the Governing Body, an annual report regarding such information as pertaining to the academic year under review as may be prescribed, including*

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Dated 11/11/11



*disclosure of the relevant facts pertaining to Academics, Curricula, Research and Administrative and financial affairs".*

6. Perusal of above quoted sub-section (1) of Section 7 would show that it, in unambiguous language, calls upon the Government that it shall appoint the Chief Executive Officer for a period of three years from amongst the eminent health Professionals or academicians or from amongst the employees of BPS-20 and above. In this context, when we examined the posting and transfer order of the petitioner viz-a-viz the posting and transfer order of respondent No.4, are astonished to observe that posting of petitioner and as well respondent No.4 as Chief Executive Officer was made as a matter of routine posting and transfers of the Civil Servants. In view of the language employed in the above quoted section, the transferring and posting of petitioner as well respondent No.4 was not in accordance with its mandate. As in the posting and transfer orders of petitioner as well as respondent No.4, neither the period of three years has been referred to therein nor it depicts that they were the best of the

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bests from amongst the eminent Health Professionals or academicians of this Province. Moreso, there is nothing on the record which may show that petitioner and as well as respondent No.4 have ever raised objection over their posting and transfer as Chief Executive Officer on account of non-specifying three years period as per the mandate of Section 7 of the Khyber Pakhtunkhwa Faculty of Para-Medical and Allied Health Services Act. The same on the face of it shows petitioner and as well as respondent No.4 have accepted their posting as Chief Executive Officer, being civil servants, as a matter of routine transfers of the Civil Servants. We have further observed that the Government has not posted and appointed petitioner and as well respondent No.4 for the achievement of the object of Section 7 of ibid Act. Since it obliges the Government that a Chief Executive Officer shall be appointed for the period of three years from amongst the eminent Health Professionals or academicians or from the employees of

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Government in BPS-20 and above. The fixation of three years period for the posting of Chief Executive officer is having a logic and wisdom, since it appears from the language of section 7 that the Institution may be benefited from the expertise of eminent Health Professional and academician for pretty long period. As the same was in the interest of the Institution. Furthermore, the Chief Executive of the Province or other Authority at the helm of affairs may not appoint their blue eyed babies as and when they like so. The posting and appointment orders of the petitioner and respondent No.4 as Chief Executive Officer, would show that the Government was least pushed to achieve the objective of Section 7 of the Khyber Pakhtunkhwa Faculty of Para-Medical and Allied Health Services Act; unfortunately, it, by passing the objective of the Section 7 has started pleasing its own handpicked. We will not appreciate such attitude of the Government of the Khyber Pakhtunkhwa top brasses in appointing and posting an ordinary sole against the post of

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Chief Executive Officer for a period of one year or two years against the mandate of Section 7 of ibid Act which requires an eminent health professional or academician be appointed as Chief Executive Officer of the aforesaid Institution. We have also observed with great concern that there is nothing on the record which may suggest that petitioner and respondent No.4 were the best of the bests amongst the eminent health professionals and academicians of the Province and, being so, they were appointed as such. In such state of affairs, we are of the considered view that appointment of petitioner and respondent No.4 as Chief Executive Officer of the Organization was a routine transfer of a civil servants which was against the mandate and objective of Section 7; and this how, neither petitioner nor respondent No.4 can lay a claim that they should remain there for three long years as Chief Executive Officer of the Institution being a civil servants.

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7. For the foregoing reasons and discussion, we do not find any force in the

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instant petition which may warrant the interference of this Court. Accordingly, the instant petition is dismissed. Before parting with the judgment, we think that we shall be failing in our duty if we do not express our concern that Chief Executive of the Khyber Pakhtunkhwa i.e. Chief Minister of the Province, has not taken note of the fact that in the matter of posting/appointment of Chief Executive Officer of the Khyber Pakhtunkhwa Faculty of Para-Medical and Allied Health Sciences, the mandate and objective of Section 7 of the Khyber Pakhtunkhwa Faculty of Para-Medical and Allied Health Services Act has not been observed; whereas, in accordance with the oath as set out in the Schedule 3 of the Constitution of Pakistan in pursuance to Article 130(5) of the Constitution of Pakistan, 1973, the Chief Minister of the Province is duty bound to discharge his duties in accordance with the Constitution of Pakistan and the law as it stands now; hence, we expect that Chief Minister of the Khyber Pakhtunkhwa, keeping in his view the oath

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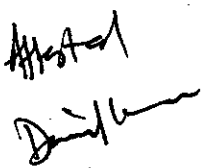
which he took before entering upon the office, will do the needful for the appointment of Chief Executive Officer of Khyber Pakhtunkhwa Faculty of Para-Medical and Allied Health Sciences as soon as possible as per the objective and mandate of Section 7 of the Khyber Pakhtunkhwa Faculty of Para-Medical and Allied Health Services Act from amongst the best of the bests eminent health professionals or academicians of this Province.

**Announced**  
Dt:16.04.2019  
(Muhammadullah)

  
JUDGE

  
JUDGE

(By) Hon'ble Justice Mansoor Hilal and Hon'ble Mr. Justice Abdul Shakoor





**DR. M. JAVAID KHAN**

**Chief Executive Officer (BS-20)**

**Phone:**(0092)3009598319

**Email:** [drjavaid@outlook.com](mailto:drjavaid@outlook.com)

**EDUCATION:**

- ~ **Master of Public Health (MPH)** University of Wollongong, NSW, Australia
- ~ **Post Graduate Diploma (Health Economics)**, University of Cape -Town (South Africa)
- ~ **MBBS**, Khyber Medical College, Peshawar, Pakistan

**CAREER SUMMARY:**

As an eminent health professional Dr Khan with 35+ years of experience has served diverse clients in public sector, autonomous institutes and development agencies at senior management positions. In public sector worked with highest level presenting policy issues/legislations TO Provincial Cabinets and representing national and provincial level policy development fora. In addition to Ministry of Health worked with German Development Cooperation, UNICEF, World Bank assisted Social Action Program and Planning Commission, Qatar. The areas of expertise comprise; health legislation/Acts, rules/regulations development, organization development/change management, institutional reforms, healthcare insurance , health quality assurance, licensing and accreditation..

As an Academician Headed Provincial Health Services Academy and Faculty of Para medicine and Allied Health Sciences. A regular visiting Faculty member/Lecturer to Agha Khan University, Health Services Academy, PHSA, Khyber Medical University, , IMSciences, PMC and presentation in conferences regionally and Internationally.

These assignments provided opportunities to work with diverse stakeholders and involved getting consensus through advocacy efforts and dialogue. He is skilled in policy promotion, networking, facilitating and influencing stakeholder discourse and building partnerships at different levels of government, development agencies and civil society.

Dr. Khan with has also completed numerous executive level advanced courses from renowned international Institutions/Universities. Fluent in English, Urdu and Pashto he is computer literate with excellent report writing and presentation skills. With a problem solving and result oriented attitude, he is a team player, keeps poise and professionalism during times of pressure and in difficult environments.

## **I. EMPLOYMENT HISTORY:**

### **1. Chief Executive Officer (BS-20) - Faculty of Para medicine and Allied Health Sciences (FPMA) - Jan 17, 2020 – Cont'd**

Responsibilities included stewardship for the quality of allied health human resources' education & training in 21 diverse allied health technologies in 102 Institutions across the Province. The FPMA is also responsible for affiliation of Institutions and organizing examination around 40,000 students twice a year. Introduced automation of all major processes,

- Developed a system for holding transparent and swift examinations;
- Merit based criteria implemented for affiliation of Institutions.
- New emerging technologies introduced.

### **2. Additional Director General Health Services (M&E)(BS-20) - Oct, 2019-Jan, 2020**

Established Health Sector Performance Monitoring Unit to respond to the increasing demand for evidenced-based reporting and the need for a harmonized Monitoring and Evaluation system. District Health Information System (DHIS) and Independent Monitoring Project were synced to provide meaningful and comprehensive status of health landscape.

### **3. CEO - Faculty of Para medicine and Allied Health - June 30, 2017 – Jan, 2019**

Ensuring the quality of allied health human resources' education , training , examination and affiliation of Institutions as

### **4. Director, Health Services Academy – Khyber Pakhtunkhwa. July, 2015 – June, 2017**

The Academy, a teaching training institute entrusted with producing skilled health human resource in Health & Hospital Management, Public Health, Nursing and Maternal & Neonatal health courses. It offers Master /Graduate/ Diploma /Certificate Courses for medics, nurses, LHVs, midwives and mandatory promotion trainings for Management Cade and General Cadre doctors/Managers. The Academy comprises 23 allied institutes spread across 8 districts with 700+ employees.

During this tenure also contributed to Federal Ministry's efforts for developing "National Health Vision" and Social Health Protection Program for the poor both at national & provincial level.

### **5. Chief, Health Sector Reforms Unit - May, 2014 – Jun, 2015**

As Chief HSRU represented provincial Government with development partners and at the federal level. Catalysed development, implementation, and monitoring of health and hospitals' reform policies, health system strengthening strategies and other policy options. Particularly steered proactively the development, promulgation and implementation process of hospitals' reforms, health care quality and public-private partnership legislation (Hospital Reforms Act - 2015, HCC Act 2015, HF Act - 2016) and other statutes, rules and regulations. Coordinated establishment of Boards of Governors (BoGs) for the newly established autonomous organizations.

### **6. Additional Medical Superintendent, Lady Reading Hospital, March, 2012-May, 2014**

Planning and management responsibilities for this 1800+ bedded tertiary teaching hospital: working directly with Chief Executive Officer of the hospital, coordinated and supported financial and procurement management; Coordinated hospital's



Management Council and its sub-committees' functioning. Supervised and guided hospital's Planning and Development Unit, IT Department and established HRM Unit, Hospital Information System and introduced the culture of Clinical Audit. During this period also worked as Deputy Medical Superintendent of a 200+ bedded specialized Women and Children Hospital. 5. Team Leader, Health Sector Support Programme German

**7. Deputy Director , Projects'/Programs' Coordination - Mar 2012- May, 2014**

Coordination and oversight of 7 different projects/ programs (MNCH, RH-PHC and Family Planning, District Health Information, Malaria Control, HIV/AIDS, EPI, TBC) having more than 250 staff at the provincial level and around 10,000 at district levels for:

- Synchronizing functions of all projects/programs from planning to implementation addressing duplication and wastage of resources.
- Meet and collaborate with other government departments, the private sector, and development partners for further strengthening the projects/ programs.
- Member of "Think Tank on Climate Change".

**8. Team Leader, Health Sector Support Programme, German Development Agency (GIZ) May 2004 – Feb, 2012**

- Supported in an advisory role the federal and provincial governments in developing health and hospital sector's reforms, health system strengthening policies and strategies.
- Advocacy, networking for health reforms agenda particularly decentralization and hospital autonomy, health insurance and quality of healthcare.
- Conducted evaluation of Hospital Autonomy (2007) experience with international experts.
- Developed Strategic Work Plan for Autonomous Hospitals.
- Developed and supported the implementation of Pakistan's national accreditation quality standards for primary, secondary and tertiary level hospitals.
- Developed a health insurance model for public sector employees and a strategy paper for Universal Health Coverage.
- Costing Studies (i) PHC level services (ii) HIV/AIDS Service delivery Packages (iii) Provision of Cardiac Surgery Services in Public Vs Private Sector.
- Public-Private Partnership/Contracting initiatives.
- National Development Strategy for the State of Qatar (March-April, 2010)
- Catalyzed & developed Project document (PC-I) for the establishment of Social Protection Reforms Unit in Planning & Development Department.
- During this period had the opportunity to work as Adviser for developing "Qatar National. Development Strategy. 2011~2016" with main focus on Health System to achieve the objectives of the Qatar National Vision 2030

**9. Provincial Manager - HIV/AIDS Control Program, Jan 2003 -April 2004**

- Planning, implementation and monitoring of HIV/AIDS Control Program
- Established Voluntary Counseling/ Testing (VCT) and ARV therapy centers.

- Conducted costing studies of different service delivery packages for vulnerable groups and launched services through collaborative initiatives with private sector/ NGOs.
- Established ARV Therapy Centre Hayatabad Medical Complex Hospital

**10. Project Officer, Health & Nutrition-UNICEF. Jul, 2001- Dec, 2002**

- Planning, implementation, monitoring and coordination of health and nutrition program activities in coordination with public & private sector.
- Implemented Universal Salt Iodization initiative in five districts.
- Two public sector hospitals achieved Baby Friendly Hospital Status
- Emergency Nutrition Program for Afghan Refugees
- Surveys "Assessment of the nutritional status of children and women living in Afghan Refugee camps and urban clusters KP

**11. Senior Planning Officer (Social Action Programme - World Bank Assisted) - KP/FATA - Aug 1997 - Jul 2002**

Working with senior management of Health Department in planning and implementing the department's Social Action Program (WB SAP II Project (1997-02) Policy Priority Reform Matrix (PPRM), Annual Development Program (ADP), with multi-sectoral approach involving other social sectors

**12. Multiple Managerial, Technical and Clinical positions. May 1986 -Aug 1997**

Planned, implemented and supervised activities related to MNCH, Family Planning, Communicable and Non-Communicable Disease Control initiatives. Served as hospital manager and clinical care provider in primary, secondary and tertiary level health institutions.

**II. CAREER DEVELOPMENT EXECUTIVE COURSES**

1. Global Flagship Course (2014) on Health System Strengthening and Sustainable Financing – The Challenge of UHC Washington D.C. USA
2. Leadership and Change Management, University of Heidelberg, **Germany**
3. Health Insurance, University of Cape Town, **South Africa**
4. Health Sector Reforms and Financing, University of Heidelberg Germany
5. Financing & Insurance. Royal Tropical Institute - **Netherlands**.
6. Achieving the MDGs: Poverty Reduction, Reproductive Health and Health Sector Reforms (WBI Course) - Chulalongkorn University, Bangkok, Thailand
7. Facilitating Multi-Stakeholders Dialogue, Collective Leadership Institute, Potsdam, Berlin, **Germany**.
8. Prevention of Mother to Child Transmission of HIV/AIDS-**Thailand**
9. Mandatory Promotion Management Courses, PHSA, Peshawar

**III. CONSULTANCIES/PUBLICATIONS/ SURVEYS /WRITTEN WORK**

1. Public Private Partnership (HF) Act, 2016 for leveraging on private sector strengths to improve health services delivery.
2. Hospitals Reforms Act, 2015: granting greater autonomy in financial and administrative decision making to teaching, tertiary care hospitals.
3. Health Care Commission Act, 2015: To strengthen health services regulation and improving quality of healthcare services
4. Evaluation of Teaching Tertiary Care Hospitals' Autonomy Initiative

5. Developed Quality Standards for tertiary and secondary care hospitals.
6. Evaluation of 'Support to Health Sector Reforms' Project
7. Strategic Proposal for achieving UHC and health insurance. A model for public sector employees developed. Strategy Paper formed the basis for the Social Protection Program for the poor later implemented.
8. Master Health Plan for FATA, (DFID assisted) as member of core team with Colin Thunhurst, Health Systems Development Adviser, Ireland
9. Surveys "Assessment of the nutritional status of children and women living in Afghan Refugee camps and urban clusters KP (For UNICEF)
10. Costing Studies (a) PHC level services (b) HIV/AIDS Service delivery Packages (c) Provision of Cardiac Surgery Services in Public Vs Private Sector.
11. National Development Strategy for the State of Qatar (March-April, 2010)
12. Development of 'National Health Vision - 2025, (Member- Core Group)
13. 'Urbanization in Peshawar- Making a case for Healthy City Project' Conference by Population Association of Pakistan & AKU - Karachi
14. Regular write-ups in print media (mostly in the daily NEWS, DAWN and Statesman) on health, population, social development and policy issues
15. Editor "Health Outlook" Quarterly Newsletter of SHSR Project

#### IV. PRESENTATIONS IN CONFERENCES/WORKSHOPS/SEMINARS

Over the years participated in several health conferences/workshop/seminars. This often entailed presenting papers or acting as moderator

##### SELECTED LIST:

1. France: 'The Political Economy of Health Financing Reforms In Pakistan'. University of Auvergne, Clermont-Ferrand, France,
2. Germany: 'Health Reforms - The Ignored Factors of Political Economy'
3. Thailand "The Challenges of HSR in Pakistan' GIZ 10th Network Meeting.
4. 'Hospital Reforms in Pakistan' National Health Policy Task Force-Pakistan,
5. 'Health Care Financing-Options' National Health Policy Task Force-Pakistan.
6. 'Public-Private Partnership in Health'. Seminar -Agha Khan Foundation.
7. 'Donors' Coordination in Health Sector Reforms'. WHO-NIH, Islamabad
8. 'Climate Change: The Role of Health Sector'. P&D Department's Think Tank

#### V. INTERNATIONAL CONFERENCES /WORKSHOPS/STUDY VISITS:

1. World Conference on "Universal Social Security" **Brazil**
2. PhilHealth and Accredited Hospitals' model's study visit. Participated in International Conference on regional experience in SHI, Manila, **Philippines**.
3. Johanniter Hospital, Stendal, Germany- Study visit.
4. World Bank Public Private Partnership (PPP) Forum. A review of PPP experience in the SEM region, Thessaloniki, **Greece**.
5. Workshop on "Human Resource & Health Financing Policy" **Dubai**.
6. Second Global Forum on Human Resources for Health, Bangkok, Thailand.
7. GIZ 10th Sector Network Meeting Health & Social Protection. Thailand.
8. "HSR in Pakistan- Challenges" in GIZ Network Meeting, in Pattaya, Thailand

#### VI. REFERENCES: On Request

23

Annex-D



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

Dated Peshawar the 17<sup>th</sup> Jan, 2020

NOTIFICATION

NO.SOH(HD)E-V/PT(MANGT/GEN)/2020:- The competent authority (Chief Minister, Khyber Pakhtunkhwa) has been pleased to order transfer of Dr. Muhammad Javed (BS-20 Management Cadre), Additional Director General (M&E), Directorate General Health Services, Khyber Pakhtunkhwa, Peshawar and to post him Chief Executive-Officer (BS-20), Medical Faculty, Peshawar on deputation basis with immediate effect & in the best of public interest.


SD/-  
SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

Endst: of Even No. & Date of Even:-

NO.SOH(HD)E-V/PT(MANGT/GEN)/2020 Dated Peshawar the 17<sup>th</sup> Jan,2020

Copy of the above is forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director General, Health Services, Khyber Pakhtunkhwa, Warak Road, Peshawar.
3. Director Health Services, Merged Areas, Warsak Road Peshawar for information & circulation among all health formations in newly merged districts.
4. Director, Independent Monitoring Unit, Health Department.
5. Chief Health Sector Reforms Unit, Health Department.
6. Deputy Director (IT) for up-loading on website.
7. PS to Minister for Health, Khyber Pakhtunkhwa, Peshawar.
8. PS to Secretary Health Department.
9. PS to Spl: Secretary health Department.
10. PA s to Additional Secretaries (Estt / Dev), Health Department.
11. PA to Chief Planning Officer, Health Department.
12. Dr. concerned for information & compliance. Charge assumption / relinquishment may be sent to this department for record.
13. Office Order File.

  
17/01/2020  
(MUHAMMAD IRFAN USMAN)  
SECTION OFFICER (EV)  
HEALTH DEPARTMENT

GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

Annex-F



## SUMMARY FOR CHIEF MINISTER, KHYBER PAKHTUNKHWA

Subject: POSTING / TRANSFER OF MANAGEMENT CADRE

1. In order to properly utilize the services of Health professionals in accordance with their expertise and the requirement of the situation, Health Department in consultation with Minister for Health submit the following posting / transfer and adjustment proposal in the best of public interest:-

Sr.#	Name of Dr.	From	To
1.	Dr. Tahir Nadim Khan (BS-20) Management	Waiting for posting	Director General Health Services, Khyber Pakhtunkhwa, Peshawar (vice serial No 2).
2.	Dr. Arshad Ahmad (BS-20) Management	Director General Health Services, Khyber Pakhtunkhwa, Peshawar,	Report to Directorate General Health Services, Khyber Pakhtunkhwa.
3.	Dr. Muhammad Ayub Rose (BS-20) Management	Waiting for Posting	Director General Provincial Health Services Academy (vice serial No. 4)
4.	Dr. Janbaz Afridi (BS-20) Management	Director General PHSA, holding additional charge Managing Director Health foundation	Managing Director, Health Foundation, Peshawar on deputation basis.
5.	Dr. Muhammad Javed (BS-20) Management	Additional Director General (M&E), Directorate General Health Services, Khyber Pakhtunkhwa, Peshawar.	Chief Executive Officer Medical Faculty Peshawar on deputation basis. (Vice serial No. 6).
6.	Dr. Naik Nawaz BS-20 Management	Chief Executive Officer Medical Faculty Peshawar.	District Health Officer, District Dera Ismail Khan (Vice serial No.11)
7.	Dr. Jawad Habib (BS-19) Management	Waiting for posting	Chief Executive Officer (BS-20) Blood Transfusion Authority on deputation in own pay & scale by relieving Dr. Jamal Nasir from additional charge.
8.	Dr. Shaheen Afridi (BS-19) Management	Director Technical Health Foundation	Additional Director General (Health Services) in own pay & scale (Vice serial No 9)



**GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT**

48

Sr.#	Name of Dr.	From	To
9.	Dr. Haroon (BS-20) Management	Additional Director General (Health Services)	Director Integrated Health Program (vice serial No. 26).
10.	Dr. Wali Khan (BS-19) Management	Director Provincial Health Services Academy.	Director Technical, Health Foundation. (Vice serial No. 8)
11.	Dr. Tariq Masood Mian Khel (BS-20) Management	District Health Officer, District Dera Ismail Khan.	Additional Director General (M&E), Directorate General Health Services (vice serial No. 5).
12.	Dr. Shad Ali Khan (BS-20) Management	Additional Director General (Admin), DGHS holding additional charge of Additional Director General (HRM)	Report to Directorate General, Health Services, Khyber Pakhtunkhwa, Peshawar.
13.	Dr. Niaz Muhammad (BS-20)	District Health Officer, District Swabi	Additional Director General (Admin) Directorate General Health Services. (Vice serial No. 12)
14.	Dr. Muhammad Riaz (BS-20) Management.	District Health Officer, District Shangla	Additional Director General (HRM) Directorate General Health Services by relieving Dr. Shad Ali Khan from additional charge of the post.
15.	Dr. Abdur Rehman (BS-20 Management)	Under transfer as District Health Officer, District Bannu	District Health Officer, District Shangla. (Vice serial No 14)
16.	Dr. Fazle Maula (BS-19) Management	Awaiting for posting	Medical Superintendent, Children Hospital, Haji Camp, Peshawar (Vice serial No 17).
17.	Dr. Muhammad Mamoon (BS-18) General	Medical Superintendent Children Hospital, Haji Camp, Peshawar (own pay & scale).	Senior Medical Officer, Children Hospital, Haji Camp, Peshawar against vacant post.
18.	Dr. Ikhtiar Ali (BS-19) Management	Deputy District Health Officer, Peshawar	Medical Superintendent Moulvi Ameer Shah Memorial Hospital Peshawar (Vice serial No 19).
19.	Dr. Sher Khan Afridi (BS-19) Management	Medical Superintendent Moulvi Ameer Shah Memorial Hospital Peshawar.	Director Provincial Health Services Academy (Vice Serial No. 10)
20.	Dr. Ishaq Afridi (BS-19) Management	At the disposal of Director Health Services Newly Merged Area.	Deputy District Health Officer Peshawar (Vice serial No. 18)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

27

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Sr.#	Name of Dr.	From	To
21	Dr. Obaid Hussain (BS-19) Management Cadre	In-charge Telemedicine Police Hospital Peshawar	Medical Superintendent ESC Nahaqi Hospital Peshawar against vacant post.
22.	Dr. Anisa Afridi (BS-19) Management	Coordinator MNCH Programme, Merged District.	Medical Superintendent Maternity Hospital, Hashtnagri, Peshawar against vacant post. The D.D,O powers, as stop-gap arrangement, assigned to Dr. Sultana Azmat Birlas, Chief Medical Officer (BS-20) vide notification No. SOH(HD)/E-V/2-2/2019, dated 31/12/2019 is also hereby withdrawn.
23.	Dr. Niaz Afridi (BS-19) Management	Vice Principal Division Health Development Centre Swat (PHSA Network)	Director Health Services (Merged Areas), Khyber Pakhtunkhwa (vice serial No. 24).
24.	Dr. Shah Faisal Khanzada (BS-19) Management	Director Health Services (Merged Areas), Khyber Pakhtunkhwa.	District Health Officer, District Abbottabad in own pay & scale. (Vice Serial No. 25)
25.	Dr. Minhaj Ul Haq (BS-20) Management	DHO Abbottabad	District Health Officer, Swabi (Vice Serial No.13)
26.	Dr. Rauf Khattak (BS-20) Chief Dermatologist	Director Integrated Health Program	Chief Medical Officer Naseerullah Khan Babar Memorial, Hospital Peshawar against vacant post.
27.	Dr. Fazle Majid (BS-18) Management	Deputy Director Nutrition (holding additional charge of Director Nutrition)	Director Nutrition (already holding additional charge) in own pay and scale.
28.	Dr. Abdul Latif (BS-19) Management	Litigation Officer; Directorate General Health Services, Khyber Pakhtunkhwa, Peshawar.	Medical Superintendent Bacha Khan Medical Complex, Swabi against vacant post in own pay & scale.



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

SUMMARY FOR CHIEF MINISTER, KHYBER PAKHTUNKHWA

Subject:- POSTING / TRANSFER OF MANAGEMENT CADRE

2. In terms of Rule 17(1) and (2) read with Schedule-III of the Khyber Pakhtunkhwa Government Rules of Business 1985, transfer of officers of Heads of Attached Departments and other Officers in B-19 & above in all the Departments shall be made with prior approval of the competent authority obtained on a summary (ANNEX-I).

3. In light of the above provision, proposal contained in para-1/ante is submitted for approval, please.

(MUHAMMAD YAHYA AKHUNZADA) 15/1/2020  
SECRETARY HEALTH

MINISTER FOR HEALTH KHYBER PAKHTUNKHWA

*[Signature]*  
16/01/20

CHIEF SECRETARY, KHYBER PAKHTUNKHWA

CHIEF MINISTER, KHYBER PAKHTUNKHWA

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4. Summary submitted by Health Department has been examined. Although there are certain issues of tenure and two officers are proposed in their own pay & scale but the department has justified the posting / transfer in Para-1, which is also endorsed by Establishment Department.

(Syed Jamal-ud-Din Shah)  
Secretary Establishment  
16<sup>th</sup> January, 2020

Chief Secretary,  
Khyber Pakhtunkhwa

Chief Minister

16/1

Chief Minister  
Khyber Pakhtunkhwa

