

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 515/2021

Date of Institution ... 21.01.2021
Date of Decision ... 20.09.2021

Dr. Sadia Dilawar, District Specialist Gynecology (B.P.S-18),
under transfer to D.H.Q Hospital Mansehra.

... (Appellant)

VERSUS

The Government of Khyber Pakhtunkhwa through Chief
Secretary Khyber Pakhtunkhwa Civil Secretariat Peshawar and
two others.

... (Respondents)

Noor Muhammad Khattak,
Advocate

... For appellant.

Muhammad Adeel Butt,
Additional Advocate General

... For respondents.

AHMAD SULTAN TAREEN
ROZINA REHMAN

... CHAIRMAN
... MEMBER (J)

JUDGMENT

ROZINA REHMAN, MEMBER (J): Dr. Sadia Dilawar is the employee
of the respondent Department and was appointed as District
Specialist Gynecology. She was transferred from D.H.Q.H Haripur to
D.H.Q.H Mansehra vide order dated 27.08.2020. It is the legality and
validity of this order which has been challenged by her in the present
service appeal filed U/S 4 of the Khyber Pakhtunkhwa Service
Tribunal Act, 1974.



2. Learned counsel for appellant contends that the impugned transfer order is totally illegal, against law and facts and that she was not treated in accordance with law and rules as such, respondents violated Article-4 & 25 of the Constitution of Islamic Republic of Pakistan, 1973. He submitted that the appellant was intentionally transferred on the basis of a complaint in which proper inquiry was conducted and appellant was exonerated and that the transfer order is premature as she has not yet completed her normal tenure on the post in question which is against Clause-(IV) of the posting transfer policy of 2009 and lastly, he submitted that the impugned order is against spouse policy as husband of the appellant is working in D.H.Q.H Haripur.


3. Conversely, learned A.A.G submitted that every civil servant shall be liable to serve anywhere within or outside of the province in any post in terms of Section-10 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 and that the appellant has no legal right to raise the grievance against her posting and transfer. He submitted that it is not the legal right of the appellant to be posted at her home station specially when she has already served there for more than two years and that the competent authority is empowered to post the appellant at any station.

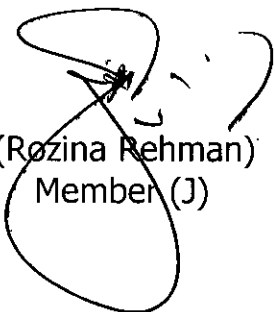
4. From the record, it is evident that the appellant was appointed as District Specialist Gynecology (B.P.S-18) vide order dated 08.01.2018 and since then, she is performing her duty. It is on record that an Inquiry Committee was constituted against the appellant to probe into the matter regarding morbidity and morality of deceased

Mrs. Nasreen Akhter and the Inquiry Committed submitted a detailed report before the Medical Superintendent, wherein, the appellant was completely exonerated. It is worth to mention here that she was transferred to Type-D Hospital Oghi Mansehra against the vacant post on 27th August, 2020, whereas, the inquiry was initiated against her later on and she was transferred much before the findings of the Inquiry Committee. It is also not denied that her husband is also serving in the D.H.Q Hospital Haripur and as per Clause-(IX) of the Posting Transfer Policy of the Provincial Government regarding the posting of husband/wife, both in provincial services, efforts wherein possible would be made to post such persons at one station subject to the public interest. Public interest was not shown by the learned A.A.G in the instant transfer of the appellant to D.H.Q.H Mansehra. It is also admitted that no substitute was ordered for the D.H.Q.H Haripur after transfer of the appellant and thus, she would not affect the rights of any other colleague.

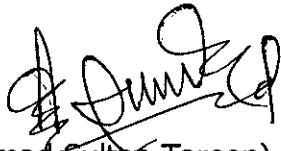
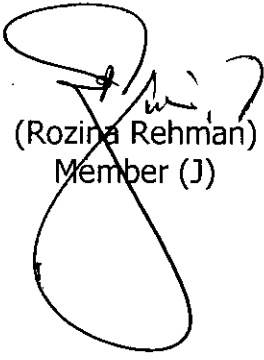
5. In view of the above, instant service appeal is accepted and impugned order in respect of transfer of the appellant stands set aside. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.
20.09.2021


(Ahmad Sultan Tareen)
Chairman


(Rozina Rehman)
Member (J)

Service Appeal No.515/2021

S.No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	20.09.2021	<p><u>Present:</u></p> <p>Noor Muhammad Khattak, Advocate ... For Appellant.</p> <p>Muhammad Adeel Butt, Additional Advocate General ... For Respondents</p> <p>Vide our detailed judgment of today of this Tribunal placed on file, instant service appeal is accepted and impugned order in respect of transfer of the appellant stands set aside. Parties are left to bear their own costs. File be consigned to the record room.</p> <p><u>ANNOUNCED.</u> 20.09.2021</p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  (Ahmad Sultan Tareen) Chairman </div> <div style="text-align: center;">  (Rozina Rehman) Member (J) </div> </div>

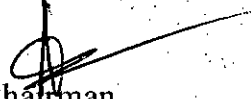
23.06.2021

Junior of learned counsel for the appellant present.

Mr. Muhammad Adeel Butt, learned Additional Advocate General for respondents present.

Junior of learned counsel for the appellant requested for adjournment on the ground that senior learned counsel for the appellant is busy before the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 15.07.2021 before D.B.


(Rozina Rehman)
Member(J)



Chairman

15.07.2021

Junior to counsel for appellant present.

Muhammad Adeel Butt learned Additional Advocate General alongwith Dr. Ijaz Khan D.M.S for respondents present.

Former made a request for adjournment as senior counsel is not available today; granted. To come up for arguments on 17.08.2021 before D.B.


(Rozina Rehman)
Member (J)


Chairman

17.08.2021

Since 17.08.2021 has been declared as Public holiday on account of Moharram, therefore, case is adjourned to 20.09.2021 for the same as before.


Reader

21.05.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 07.06.2021 for the same as before.


Reader

07.06.2021

Junior to counsel for the appellant and Nisar Ahmad Assistant for the respondents present.

Representaiv of the respondents has submitted written reply. Placed on file. To come up for arguments on 23.06.2021 before the D.B. The restraint order dated 29.01.2021 shall remain operative till the date fixed.


(Rozina Rehman)
Member(J)

19.03.2021

Counsel for the appellant present. Addl: AG for respondents present.

Written reply not submitted. Learned AAG seeks time to submit the same on the next date of hearing.


Adjourned to 02.04.2021 before S.B. In the meanwhile, operation of impugned order dated 27.08.2020 shall remain suspended if not already acted upon till the date fixed.

(Mian Muhammad)
Member (E)

02.04.2021

Counsel for appellant and Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Nisar, Monitoring Officer for the respondents present.

Written reply on behalf of respondents not submitted. Representative of the department is seeking further time for submission of written reply/comments. Last chance is given to respondents for submission of written reply/comments on 21.04.2021 before S.B. In the meanwhile, operation of impugned order dated 27.08.2020 shall remain suspended if not already acted upon till the date fixed.


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

21.04.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 21.05.2021 for the same as before.


Reader

12.02.2021

Junior to counsel for appellant present.

Kabir Ullah Khattak learned A.A.G for respondents present.

Written reply on behalf of respondents was not submitted. Representative of respondents is not in attendance. Case is adjourned on the request of learned A.A.G for submission of reply/comments. To come up for written reply/comments on 26.02.2021 before S.B. In the meanwhile, operation of impugned order dated 27.08.2020 shall remain suspended if not already acted upon till the date fixed.

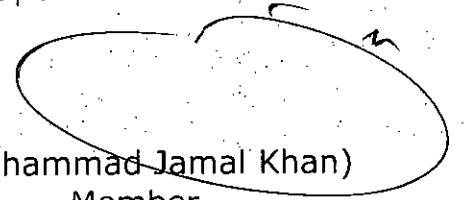


(Rozina Rehman)
Member (J)

26.02.2021

Appellant is present in person. Mr. Kabirullah Khattak, Additional Advocate General for the respondents is also present.

Neither written reply on behalf of respondents submitted nor representative of the department is present, therefore, learned Additional Advocate General is directed to contact the respondents and furnish written reply/comments on the next date of hearing. Adjourned to 19.03.2021 on which date file to come up for written reply/comments before S.B. In the meanwhile, operation of impugned order dated 27.08.2020 shall remain suspended if not already acted upon till the date fixed.



(Muhammad Jamal Khan)
Member

29.01.2021

Mr. Noor Muhammad Khattak, Advocate, for appellant is present.

The abridgment of what has been thrust at the bar by the learned counsel representing appellant is that, appellant being appointed as District Specialist Geyne (BPS-18), she performed her duty at DHQ Hospital Haripur, it was during the course of rendition of services that a death of a patient occurred, for ascertaining the reasons an inquiry committee was constituted, after conducting thorough probe of the matter in the light of evidence, appellant was exonerated however, on the basis of the referred to inquiry she was transferred prematurely from DHQ Haripur to DHQ Hospital Mansehra vide order dated 27.08.2020 impugned herein. Departmental appeal was filed before the competent authority but in vain hence, recourse was made to this Tribunal on 20.01.2021 on the expiry of statutory period of 90 days. The learned counsel contended that the impugned transfer order was passed by Secretary Health who is not the competent authority rather the Chief Minister of the Province is invested with requisite powers to be exercised through the office of Chief Secretary of the Province.

The point so agitated at the bar needs consideration. The appeal is admitted for regular hearing subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 12.02.2021 before S.B.

Appellant has submitted application for suspension of the operation of impugned order dated 27.08.2020 notice, of the application has to be communicated to the respondents and in the meanwhile the operation of the impugned order dated 27.08.2020 shall remain suspended if not already acted upon till the next date.

Appellant Deposited
Security & Process Fee
23/1/21

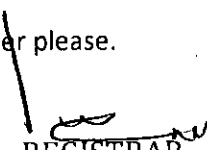

(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. - 515 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	20/01/2021	<p>The appeal of Dr. Sadia Dilawar presented today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>29/01/2021</u></p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2021

DR. SADIA DILWAR

V/S

HEALTH DEPTT:

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APPELLANT

THROUGH:

NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Tribunal

APPEAL NO. 515 /2021

Diary No. 1506

Dated 20/11/2021

DR. SADIA DILAWAR, District Specialist Gynaecology (BPS-18),
Under transfer to DHQ Hospital Mansehra.

..... **APPELLANT**

VERSUS

- 1- The Government of Khyber Pakhtunkwa through Chief Secretary, Khyber Pakhtunkwa Civil Secretariat, Peshawar.
- 2- The Secretary, Government of Khyber Pakhtunkhwa Health Department, Peshawar.
- 3- The Director General Health Services, Khyber Pakhtunkhwa, Peshawar.

.....**RESPONDENTS**

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 27-08-2020 WHEREBY THE APPELLANT HAS BEEN TRANSFERRED FROM DHQH HARIPUR TO DHQH MANSEHRA AGAINST THE PREVAILING LAW & RULES AND AGAINST NOT TAKING ANY ACTION ON THE DEPARTMENTAL APPEAL DATED 23-09-2020 OF THE APPELLANT WITH IN THE STATUTORY PERIOD OF 90 (NINTY) DAYS

PRAYERS:

That on acceptance of this appeal the impugned transfer order dated 27-08-2020 may very kindly be set aside and the respondents may be directed to retain the appellant on his original place of posting at DHQH HARIPUR. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

Brief facts giving rise to the present appeal are as under:-

- 1- That appellant is the employee of the respondent Department and is appointed as District Specialist Gynae (BPS-18) vide order dated 08-01-2018 and since the appellant is performing her duty with full zeal & zest. Copy of the APPOINTMENT ORDER dated 08.01.2018 is attached as annexure **A.**

Filed to-day
Registrar
20/11/2021

- 2- That while performing her duty at the assigned duty station and inquiry committee was constituted against the appellant to probe into the matter regarding morbidity/morality of one deceased Mrs. Nasreen Akhter w/o Abdul Latif, Village Kalali, District Haripur.
- 3- That the inquiry committee conducted a thorough and detail reply into the matter after recording pro & contra evidence in the matter submitted their detail report before Medical Superintendent DHQH Haripur wherein the appellant was completely exonerated in the inquiry report. Copy of the inquiry report is attached as annexure **B.**
- 4- That, on the basis of the said inquiry the appellant was transferred prematurely from DHQH Haripur to DHQH Mansehra vide impugned order dated 27-08-2020 whereby the appellant has been transfer from DHQH Haripur to DHQH Mansehra against the Law & prevailing Rules on the subject. Copy Impugned order dated 27-08-2020 is attached as annexure **C.**
- 5- That, feeling aggrieved from the inaction of the respondent the appellant filed Departmental Appeal dated 23-09-2020 before the competent authority against the impugned order dated 27-08-2020 which was properly allotted with diary number but was not responded after the passage of statutory period of 90 days. Copy of the Departmental Appeal 23-09-2020 is attached as annexure **D.**
- 6- That appellant having no other remedy but to file the instant appeal on the following grounds amongst the others.

GROUND:


- A-** That the impugned transfer order dated 27-08-2020 is against the law, facts, norms of natural justice and materials on the record hence not tenable and is liable to be set aside.
- B-** That 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.
- C-** That the respondents acted in arbitrary and malafide manner by transferring the appellant from his original post of District Specialist Gynaecology, DHQH Haripur and posting in another district at District Mansehra.

- D-** That the respondents have intentionally transferred the appellant from DHQH Haripur to DHQH Mansehara on the basis of complaint of patient in which proper inquiry was conducted and the appellant stood exonerated in the said inquiry, hence, the transfer order dated 27-08-2020 is passed as a penalty.
- E-** That the transfer order dated 27-08-2020 is prematurely issued by the respondents as the appellant has not yet completed her normal tenure on the post in question which is against clause-IV of the Posting Transfer Policy of 2009. Copy of the Policy is attached as annexure **E.**
- F-** That the impugned order dated 27-08-2020 is against the Khyber Pakhtunkwaha (Appointment, Deputation, Posting and Transfer of Teachers, Lecturers, Instructor and Doctors) Regulator Act, 2011.
- G-** That the impugned order dated 27-08-2020 is not only against Spouse Policy as the husband of the appellant is working in DHQH Haripur vide order dated 17-06-2016 which is also against Article-35 of the constitution of Pakistan as it safeguards to protect the family. Copy of the order dated 17-06-2016, posting order dated 27-06-2016 and nikahnama is attached as annexure **F, G & H.**
- H-** That appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

Dated: 20-01-2021


APPELLANT



DR. SADIA DILWAR

THROUGH:

NOOR MOHAMMAD KHATTAK



MUHAMMAD MAAZ MADNI
ADVOCATES, PESHAWAR

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2021

DR. SADIA DILAWAR

V/S

HEALTH DEPTT:

APPLICATION FOR SUSPENSION OF OPERATION OF
THE IMPUGNED ORDER DATED 27-08-2020 TILL THE
DISPOSAL OF THE ABOVE MENTIONED APPEAL

R/SHEWETH:

- 1- That the above mentioned appeal along with this application has been filed the appellant before this august service Tribunal in which no date has been fixed so far.
- 2- That appellant filed the above mentioned appeal against the impugned order dated 27-08-2020.
- 3- That all the three ingredients necessary for the stay is in favor of the appellant.
- 4- That the impugned order dated 27-08-2020 had been issued by the respondents in utter disregard of law and prevailing Rules.

It is therefore, most humbly prayed that on acceptance of this application the impugned order dated 27-08-2020 may very kindly be suspended till the disposal of the above mentioned appeal.

Dated: 20-01-2021

APPLICANT


DR. SADIA DILAWAR

THROUGH:


NOOR MOHAMMAD KHATTAK

&

MUHAMMAD MAAZ MADNI
ADVOCATES



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated Pesh: the 8th January 2018

NOTIFICATION

Annexure

A

No. SOH-1/(HD)3-5/2017

On the recommendations of Khyber Pakhtunkhwa Public Service Commission, the Competent Authority (Chief Minister, Khyber Pakhtunkhwa) is pleased to appoint the following doctors as District Specialist Gynaecology (BS-18) on regular basis with immediate effect. They will be on probation for a period of one year.

J

S.No.	Name of doctor	Service status of the appointees	Domicile
1	Dr. Nazia Khan D/O Saeed Ullah Khan	Distt. Specialist (Gynae) DCH- Daggar Buner	Buner
2	Dr. Heidi Zunra D/O Abid Raza	Distt. Specialist (Gynae) WSC Hospital Kohat	Kohat
3	Dr. Maimoona Qadir Khan D/O Ali Qadir Khan	MHC Mardan	Mardan
4	Dr. Tanzila Pervez D/O Muhammad Pervez Khan	Distt. Specialist Adhoc Category D Hospital Muzki Shant Nowshera	Nowshera
5	Dr. Nazia Wahid D/O Abdul Wahid Jan	Distt. Specialist Adhoc DCHD Tareeqata D. Lower	Bajaur Agency
6	Dr. Naseema Usman D/O Usman Khan	Distt. Specialist Adhoc DCH Abbottabad	Peshawar
7	Dr. Uzma Zaman D/O Badi Uz Zaman	Distt. Specialist Adhoc DCH LRU Mawat	D. Khan Mawat
8	Dr. Gulwish Salauddin D/O Salahuddin Khan	Fresh	Kohat
9	Dr. Sadia Nasir D/O Nasir Khan	Distt. Specialist Adhoc Man Rashid Hussain Shaheed Memorial Hospital Nowshera	FR Kohat
10	Dr. Bibi Sara D/O Fazle Raziq	Distt. Specialist Adhoc Civil Hospital Bitta Mastohra	Swabi
11	Dr. Shazia Tabassum D/O Roshan Khattak	Distt. Specialist Adhoc THQH Banda Daud Shah Karak	Karak
12	Dr. Madiha Iqbal D/O Iqbal Shah	WMO KTH Peshawar	Nowshera
13	Dr. Maria Zile e Humal D/O Ghulam Saiwat	Distt. Specialist THQH Sara Najrang Laki Mawat	Tara
14	Dr. Naila Khattak D/O Abdullah Shah	THQH Karak	Karak
15	Dr. Shabana Kokub D/O Fazal ur Rehman	Distt. Specialist Adhoc BBST Hospital Abbottabad	Abbottabad
16	Dr. Charan Ara D/O Khena Gul	Distt. Specialist Adhoc DCH Abbottabad	FR Banna
17	Dr. Khyber Bibi D/O Shah Jehan Khan	WMO Naseerudin Khan Bata Memorial Hospital Peshawar	Buner
18	Dr. Saima Gul D/O Reedi Khan	WMO BMC Swabi	Swabi
19	Dr. Saba Nasir D/O Muhammad Nasir	Distt. Specialist Adhoc Category D Sara Naimat Khan Haripur	Haripur
20	Dr. Sadia Dilawar D/O Dilawar Khan	DHCH Haripur	Haripur
21	Dr. Seema Gul D/O Fateh Khan	Distt. Specialist Adhoc THQH Tang Charsadda	Peshawar
22	Dr. Najma Bibi D/O Sadullah Jan	Fresh	Banna
23	Dr. Hemasa Gul D/O Sherin Khan	Distt. Specialist Adhoc MHC Mardan	Mohmand Agency
24	Dr. Shakira Noreen D/O Fazal e Ilahi	Distt. Specialist Adhoc DHCH Charsadda	Peshawar

ATTACHED

(5)

GOVERNMENT OF KHYBER PAKHTUNKHW
HEALTH DEPARTMENT
DATED PESH: THE 8TH JANUARY 2018

NOTIFICATION

No. SOH-1/(HD)3-5/2017: On the recommendations of Khyber Pakhtunkhwa Public Service Commission, the Competent Authority (Chief Minister, Khyber Pakhtunkhwa) is pleased to appoint the following doctors as District Specialist Gynaecology, (BS-18) on regular basis with immediate effect. They will be on probation for a period of one year. ✓

S No.	Name of Doctor	Service status of the appointee	Domicile
1	Not relevant		
2	Not relevant		
3	Not relevant		
4	Not relevant		
5	Not relevant		
	Not relevant		
6	Not relevant		
7	Not relevant		
8	Not relevant		
9	Not relevant		
10	Not relevant		
11	Not relevant		
12	Not relevant		
13	Not relevant		
14	Not relevant		
15	Not relevant		
16	Not relevant		
17	Not relevant		
18	Not relevant		
19	Not relevant		
✓ 20	Dr. Sadiq Dilawar d/o Dilawar Khan	DHQH Haripur	Haripur

to
Abdul Basit

25	Dr. Saifa Haider D/O Haider Zaman	Distt. Specialist Adhoc Category 'D' Hospital Chota Lahor Swabi	Marriselwa
26	Dr. Nazia Suleman D/O Mohammad Suleman	Fresh	Maripur
27	Dr. Nayyar Latif D/O Abdul Latif	Distt. Specialist Adhoc Type 'D' Hospital Titar Khel Lakki Marwat	Dikhan
28	Dr. Zainab Mahboob D/O Mahboob Ali	WMO AHQH Parachinar	Kurram Agency
29	Dr. Aliya D/O Hai Jafar Khan	WMO Polyclinic Hospital Peshawar	FR Bannu
30	Dr. Sara Gul D/O Nazat Gul Mohamand	SMO Population Welfare KTH Peshawar	Swabi
31	Dr. Zahida Feroze D/O Amir Nawaz	MO HMC, Peshawar	Chitral
32	Dr. Khalida Yasmeen D/O Ali Hussain Khans	WMO LRH Peshawar	Kurram Agency
33	Dr. Salvia Ikram D/O Syed Shahzad Sacha	Distt. Specialist adhoc THQH Matta Swat	Mohmand Agency
34	Dr. Fatima Hussain D/O Hussain Ahmad	MO DHQH Timergara Or Lower	Dit
35	Dr. Lalrukh Maqbool D/O Mohammad Maqbool	Fresh	Peshawar
36	Dr. Shahida Rashid D/O Rashid Ullah Khan	Fresh	Karak
37	Dr. Fouzia Itrat D/O Mohammad Itrat	WMO DHQH Mardan	Mardan
38	Dr. Maria Afza D/O Naseer ur Din	Fresh	Tant
39	Dr. Halsa Tara D/O Malik Tariq Mahmood	MO DHQH Mardan	Peshawar

2. The terms and conditions of their services will be governed under Khyber-Pakhtunkhwa Civil Servants Act 1973 and rules made there under.
3. They are directed to submit arrival report within 15 days in the Health Department failing which their appointment shall be treated as cancelled.
4. Their transfer/posting order will be issued later-on.

SECRETARY HEALTH

Enclt No and date even

C.C

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Director General, Health Services, Khyber Pakhtunkhwa, Peshawar.
3. Hospital/Medical Director MIs concerned.
4. DHOs concerned.
5. Medical Supdt; DHQs/THQs concerned.
6. Director Recruitment, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
7. Distt. Accounts Officer concerned.
8. PS to Minister Health, Khyber Pakhtunkhwa
9. PS to Secretary Health Department.
10. PA to Addl. Secretary Health Department.
11. Doctors concerned.
12. Personal file of the doctors concerned.


Asif Khan
Section Officer-I

ATTACHED

To

The Medical Superintendent,
DHQ Hospital Haripur

(B) (7)

Sub:

**ENQUIRY REPORT REGARDING MORBIDITY /
MORTALITY OF DECEASED MRS. NASREEN
AKHTER, VILLAGE KALALI HARIPUR.**

With reference to your letter No. 6541-42 dated 26.08.2020 the inquiry committee comprising of Dr. Waseem Ahmed (Management Cadre BS-19), Dr. Nargis Danish, HoD Gynae and Dr. Sher Zada, DMS, DHQ Hospital Haripur conducted an inquiry regarding morbidity and mortality of Mrs. Nasreen Akhter W/o Abdul Latif, village Kalali, District Haripur.

The enquiry committee thoroughly checked the record and took statements of all staff that were present on duty that day. The members of inquiry committee took statements of all concerned staff including doctors, nurses and attendants of the patient and gathered circumstantial evidences to probe the matter without any bias. During the course of the inquiry the members of inquiry committee did verbal autopsy by gathering information regarding symptoms of deceased, analyzing clinically record and interviewing expert professionals to ascertain the cause of morbidity / mortality of deceased.

Fact findings, conclusions and recommendations of the enquiry report are given below;

Findings:

1. A full term 30 years old pregnant woman, namely Nasim Akhter w/o Abdul Latif R/o Kalali district Haripur with symptoms of labor pain was brought in OPD on 24-08-2020 at about 12.00 MD. Duty Dr. Farzana Sarwar (Gynaecologist) examined the patient and referred her to labour room with the advice to arrange one pint of blood besides other instructions and investigations (Annex-K).
2. Dr. Shaista WMO attended the case in labour room. According to her statement, the patient was received in labour room at 12.40 pm. The patient was having labour pains (stage-III of labour) and delivered normal baby by NVD at about 1.30 pm. However, soon after giving birth, the patient suddenly became cyanosed, started frothing & lost consciousness. Dr. Shaista provided the emergency treatment and simultaneously called Dr. Sadia Gynaecologist for help & expert management. Dr. Sadia arrived in labour within no time and decided to shift the patient to OT for respiratory support (for intubation) and other measures under supervision of anesthetist.
3. The patient was immediately shifted to Gynaecology emergency OT and oxygen therapy was started. In the meantime, patient started vaginal bleeding which

ATTACHED

(8)

- became severe within no time. In emergency two pints of blood were arranged from our own lab and patient was transfused blood immediately and necessary aid provided. The bleeding was getting worse and it was decided by Dr. Sadia & Dr. Farzana (both the Gynecologists) to perform emergency sub-total hysterectomy to protect patient from further blood loss and save her life. The patient's attendants were informed about the critical situation and were asked to provide high risk consent for emergency operation. After taking consent, the emergency operation was performed successfully and bleeding was secured. (Annexure I & j)
4. The patient became stable; her BP was 100/60 mm of Hg, pulse was 120/ minute, oxygen concentration was 96%, and all vital signs were normal after the surgery. She was shifted to labour room ICU and was provided post-operative treatment by Dr. Sabiha WMO. As per statement of Dr. Sabiha, she transfused 03 pints of blood to patient & 06 Fresh Frozen Plasma (FFP) and her condition was constantly monitored (Annex-A, Annex-IV & IV-a).
 5. Dr. Sabiha WMO was in touch telephonically with Dr. Sadia Gynaecologist, who was on call that evening according to duty rota. In the meantime, WMO told the attendants to shift this patient to Abbottabad for tertiary level care but according to her statement, they refused to shift her in that condition (Annex-IV-a).
 6. The patient remained stable till 5.30 pm but her condition started deteriorating after that and there was no urine output indicating multi organ damage (Annex-A). WMO called Dr. Sadia and told her about worsening condition of the patient. Consequently, Dr. Sadia advised her to immediately refer the patient to Abbottabad as the patient was in dire needs of tertiary level care & management (Annex-II, II-a).
 7. The patient was referred to Ayub Hospital Complex (AHC) by ambulance but unfortunately she expired just after reaching in Abbottabad city.
 8. The medical record of antenatal care of patient revealed that she received antenatal care from Dr. Sadia in private capacity. The medical prescriptions and investigations revealed that patient had Anemia for which Dr. Sadia advised to transfuse 03 pints of blood before delivery. Annexure-17 & 18.

✓
Conclusion:

There are many rare but serious complications which can arise during and after labour including Postpartum Hemorrhage (PPH), Disseminated Intra Vascular Coagulation (DIC) and Amniotic Fluid Embolism (AFE).

In developing countries like Pakistan, PPH is still the leading cause of maternal mortality and morbidity despite of developments in its prevention and management. Among other causes of acute obstetrical hemorrhage is DIC and amniotic fluid embolism. Another rare cause includes AFE, in which the amniotic fluid enters the blood stream of mother to trigger a serious reaction resulting in cardio-pulmonary collapse & heavy bleeding; estimated mortality due to this disease is 10% of all maternal deaths.

~~ATTACHED~~

In this case, the patient delivered baby by normal vaginal delivery and after that she abruptly got serious with signs of loss of consciousness & frothing which can most probably be due to amniotic fluid embolism.

- The unfortunate lady (may Allah bless her soul) most probably developed Amniotic Fluid Embolism (AFE) at the time of delivery. The healthcare staff responded and Dr. Sadia shifted the patient to OT for intubation and emergency care. The patient later developed severe bleeding for which hysterectomy was done successfully and bleeding was secured.
- Blood transfusion and Fresh Frozen Plasma (FFP) were given as per protocol.
- Post-operative care was given in labor room ICU.
- In this context, it can be said with reasonable assurance that no gross or willful negligence is proved against Dr. Sadia and other health staff. They all tried their best to save the life of patient. However, certain shortcomings were identified by the inquiry committee's members that are mentioned below;
 - i) The patient must have been taken care of in full fledged ICU/ CCU rather than make shift labor room ICU.
 - ii) The opinion & involvement of medical Specialist / Cardiologist in the post-operative care might have been more beneficial in critical care of patient.
 - iii) Counselling is an integral part of management of critical cases which seems poor and not documented in each stage of clinical care.

Recommendations:

- A crises management team (comprising of specialist from medical, surgical, gynaecology and anaesthesia departments) should be notified. A member from administration may also be part of this team. This team may be involved in every critical case to give expert opinion regarding clinical management and further care.
- Full-fledged ICU may be made functional under the supervision of anaesthetist.
- Counselling in very important part of treatment and it may be given due importance and always be documented.

Enclosures:

- Statement of Dr. Sadia Dilawar, Gynaecologist Annexure-II, IIa, III & IIIa,
- Statement of Dr. Attique, District Anesthetic, Annexure V, Va
- Statement of Charge Nurse, Labor Room, Mst. Musarat Ali, annexure VI
- Statement of Dr. Sabiha Khatoon, WMO Gynaecologist, Annexure IV & IV-a
- Statement of Dr. Farzana Gynaecologist Annexure VII & VII-a

ATTACHED

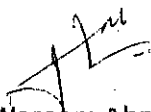
(10)

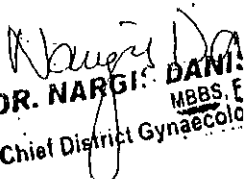
Treatment Chart and investigations of patient Mrs. Nasreen Akhter W/O Abdul Latif Annex- A, B, C, D, E, F, G, H, I, J, K, L, M and N.

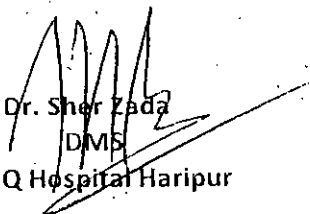
Record of antenatal i.e. Care-Medical prescriptions of patient and relevant investigations. Annexure- 1 to 21.


Application of deceased's Husband and brother. Copies of CNIC attached. Annexure- 1, 2 & 3.

Telephonic record of Dr. Sadia Dilawar while communicating with her staff and attendant of deceased. Annexure- (a to h).


Dr. Waseem Ahmad
Management Cadre BS- 19
DHQ Hospital Haripur


Dr. Nargis Danish
HoD Gynae
DHQ Hospital Haripur
DR. NARGIS DANISH
MBBS, F
Chief District Gynaecologist


Dr. Sher Zada
DMS
DHQ Hospital Haripur

ATTESTED 

To

The inquiry officer;

(11)

DHO Heripur

Subject: Statement regarding mortality of
Mrs Nasreen Binti W/o Abdul Latif
village Isoli.

Respected Madam!

I came to labour room at 1:30 pm on
24/8/20. Upon my arrival, I received
postnatal pt Nasreen w/o. Latif from Mr
Shaista who conducted delivery, pt was
cynosed, frothing and unconscious, Dr Shaista
had already informed Dr Sadia, who
arrived at 1:30 pm. She was shifted
to OT, where she started heavy pu bleeding.
Anesthetist Dr Attique was called and
pt was explored by Dr Sadia and
Dr Farzana. Both consultants decided
to perform Hysterectomy. I assisted the
procedure. After Hysterectomy, bleeding stopped.
Patient was shifted to Labour Room ICU
after stabilization. When consultants left
after counselling the attendants. I remained
with pt throughout the evening. She was
monitored half hourly by myself and
monitored was attached

~~ATTESTED~~

(12) I took all the post op measures mentioned in the notes. I kept in touch with my consultant on phone and continued counselling the attendants regarding patient condition and referral but they refused to go and waited for FFPs. When the report of FFPs arrived consultant advised me to refer pt in hospital ambulance. Patient remained vitally stable through out stay in hospital. There was no bleeding or any collection in drain the monitoring that I performed is attached to file.

I feel sorry for the family and you kids to lose mother but there is no negligence on my part.

- pt was vitally stable till 6:30 pm when she suddenly dropped BP. I immediately informed my consultant, she asked me to refer her because meanwhile investigational result showing DIC was with us.

Thanks

MIMO

A. Sabharwal

RECEIVED
11/11/17

To -

The Inquiry Officer,
DHA Hospital,
Haripur.

(13)

Subject: Reply to Maternal mortality of Mrs. Nasreen Bibi
w/o Abdul Latif, village Kalali.

Respected Madam,

With due respect it is stated that on 24/08/2020 I was doing my routine duty in Gynaec OPD when I received call for help from labour room by my NO Dr. Shaista and she told me that after delivery patient became cyanosed + is frothing. I rushed to labour room with my colleague Gynaecologist Dr. Farzana Gumar. When we reached there I saw that patient was cyanosed + was frothing and was on delivery table. She was unconscious - I immediately shifted her to OT for management (To maintain air way) and called anaesthetist for help. In OT patient started bleeding heavily (Life threatening) haemorrhage. Patient's attendants counselled in detail (Death consent taken) and administration also informed. Blood arranged by our team. As haemorrhage was not stemming so joint decision of performing hysterectomy was taken by me + Dr. Farzana. It was performed within half an hour consequent to it bleeding arrested. Patient reverted back from GA and after stabilization was shifted to labour room

10/11/20

(14)
Investigations sent. Patient's attendant's counselled regarding referral but they refused saying they would wait for FFPs. MO on duty was constantly monitoring, the record of which is attached. Meanwhile we received the labs showing that the patient was in DIC. So she was referred to tertiary care for best management.

I felt terribly sorry for this loss of mother's life. Though no negligence on my part is there, I utilized all the available resources and tried my best.

|
~~Dr.~~
Dr. Sadia Dilwar
District Gynaecologist

J. Khan
Dr. Faizana Jawar
District Gynaecologist

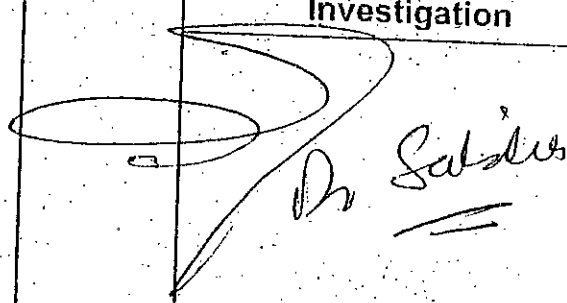
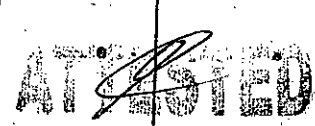
RECEIVED
11/11/2024

(A)

DHQ TEACHING HOSPITAL HARIPUR

TREATMENT CHART

(15)

Date	Time	BP	Temp	Pulse	P/A	Investigation	Output
24/8/20	4:00 pm	106/62	A/F	98/120	Soft	1 vol.	2ml
	4:30 pm	80/40	A/F	105/112	Soft	2 vol.	2ml
	5:00 pm	115/70	A/F	190	Soft	3 vol.	2ml
	5:30 pm	90/60	A/F	105/130	Soft	3 vol.	2ml
	6:00 pm	60/40	A/F	80/126	Soft	-	Nil
	6:15 pm	90/50	A/F	98/122	Soft	-	-
	6:30 pm	90/45	A/F	100/136	Soft	-	-
		Refer to ATHT					
		e BP	90/50	Pulse	126	P ₅₀₂	100%
		No pu bleeding.					
Investigation							
 Dr. Saldas							
 ATTESTED							

(B) 1/D Chart

(16)

Date	Time	I/C	Drain	Urine	Vomit	Dx
24/18	<p>6pm</p> <p>5:30pm</p> <p>5:00pm</p>	<p>of Blood</p> <p>Blood Transfus</p> <p>Blood for o/c</p> <p>Hs/Hu/Hu-u</p> <p>Baforo H 3972092</p> <p>Blood protein</p> <p>Swl.</p> <p>RFPs</p> <p>11, 12, 13</p> <p>14, 15, 16</p> <p>Swl.</p> <p>in urine</p> <p>10m</p> <p>7 R/f of</p> <p>Swl</p> <p>Blood Transfus</p> <p>Swl.</p> <p>Blood for</p> <p>Hs/Hu/Hu-u</p> <p>H 3937688</p>				

ATTACHED

(17)

DISCHARGE SLIP

DHQ & WCH HOSPITAL, HARIPUR

NAME OF UNIT

Name Nagmani S/o, D/o, W/o _____
 Sex _____ Age _____ Bed No _____
 Add No _____ Date Add _____ Date of DD _____
 Diagnosis _____
 Address _____

Date	Treatment in Hospital	Dose	Investigations
<p>24/8/20 4-17</p>	<p>Admitted from OT 4:10 pm P/A sft, NA Plc NO bleeding Drain 100 ml output 200 ml - 02 units transfused - of and 3rd sealed in UK - GFFs transfused - 10 Calcium gluconate in 1ml</p>	<p>BP 100/60 Pulse 20/min</p>	<p>plaster Que</p>
Date	Treatment For Home	Dose	Investigations
<p>24/8/20 6:15 pm</p>	<p>Dr. Dr. Sadia Dilan - Refer to AIH for further management - Ref refer to AIH in 4th blood process BP 90/50 pulse 126/ PSp2 100% No pu bleeding</p>		<p>Referal done is attached</p>

ATTACHED

(18)

DISCHARGE SLIP

DHQ & WCH HOSPITAL, HARIPUR

NAME OF UNIT

Name Nasreen S/o, D/o, W/o M. lateef
 Sex _____ Age _____ Bed No _____
 Add No _____ Date Add _____ Date of DD _____

Diagnosis _____
 Address _____

Date	Treatment in Hospital	Dose	Investigations
	<p>Postop notes</p> <ul style="list-style-type: none"> - keep NPO till gut sounds audible - keep catheterized for 24 hrs - Strict BPTPRI/o charting - 24 hrs - Inj lefnasone 1gm I/v BA + Drain - FDT charting - Inj flagyl 500mg I/v FDS - Transfuse 40 more blood and 40 of FFP's 		<ul style="list-style-type: none"> - Send CP - PT/APT - RETI - LFT - FDT
Date	Treatment For Home	Dose	Investigations
	<ul style="list-style-type: none"> - Give inj Ca gluconate 10ml in 900 cc saline I/v once after third transfusion - no I/v fluid given - Remove pack from vagina tomorrow - Inj Tranexame 2g q12h stat 		<p style="text-align: center;">(DIC)</p> <p style="text-align: center;">Given</p>

~~ATTACHED~~

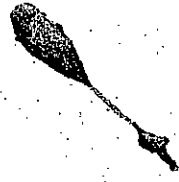
DISCHARGE SLIP
DHQ & WCH HOSPITAL, HARIPUR

(19)

Name Nabeen S/o, D/o, W/o mo Lateef
 Sex re Age 32 yrs Bed No _____
 Add No 5377/578 Date Add 24/8/2020 Date of DD _____
 Diagnosis _____
 Address Cheraga

Date	Treatment in Hospital	Dose	Investigations
24/8/20	Call for help received at 1:30 pm. Altered sensorium. O/E: BP less, pulseless. Footing +ve at angle of mouth.		24/8 at 1:30 pm 110/80 T ₁ = 98°
24/8/20	D.O.D gave #10 tonic clonic fit just at delivery of fetal head. Patient shifted to OT for stabilization.		24/8 at 1:30 pm 100/60
24/8/20	Suction done to clear froth from airway.		

Date	Treatment For Home	Dose	Investigations
	2 1/2 litres passed. 2 lit 1/2 of blood given. 2 @ blood transfusion given. 2 gm MgSO ₄ 5 gm I/M in each buttock given. O/E: a small tear in st. br 2.5-3cm found & stitched. Uterine atonic. Packing done but still bleeding continues. Then sub-total hysterectomy done as a life saving manoeuvre.		



ہماری طرفہ
کی حالت انتہائی
تشنہ سناکت ہے

میں ہر سو

مرفیہ کا خون بہت زیادہ تھا اور

میں سے مرفیہ کو المیہ تھی

آپ کی طرف سے مرفیہ

کو خون نکلنے کی ضرورت ہے

مرفیہ کی حالت انتہائی زبردستی

ہے ہمیں اس کی اجازت

دیکھیں

کافی

دیکھو

مرفیہ سے رابطہ

لطفین — 2709/1881-01-11-6

ATTACHED

TREATMENT CHART

Name: *N. S. ...* who

Admission No: 5377/528

Date	Time	BP	Temp	Pulse	Investigation
				Bp 110/80 muff	24/8/20
	12:40 pm				Admit L. Room P/A, FHS (fine) Monitor vitals Rx IV Ose 5cm Cxe 40 (effaced) menber bulgi
					Arrange 10° Blaud watch for pol & fts Do ARM when Active Labour
	1:30 pm				Shifted to delivery room at 10:20 pm Dr. <i>[Signature]</i> Suddenly after delivery of baby patient got cyanosed & froth started. Dr. Sadiq informed Investigation
				Bp 100/60 muff	meanwhile O ₂ given Massage done. ^{Active} NOK P/V/abd at that time patient handed over to Dr. Sadiq Bilal and Shifted to OT <i>[Signature]</i>

ATTENDED

DHQ HOSPITAL HARIPUR

OUT PATIENT DEPARTMENT

22

Name Nasreen Akhter

Yearly No. 7326

Date: 24-9

Ref to Gyn OTHR

Gy. P. 2 - one IUD 8 month
A/H - at 9 months
POG

By 10th EDD is 26/8/20
Taking aldomet

P/V: AD Admit in L.R
U/V N → Monitor vitals & BP
OS 2-5-3 cm
Cx soft → Arrange IO blood
P/P Vx at 97 → Watch for prog.
menstr. bulginess → P/A lab's
AD → DO ARM when in active labour

~~ATTACHED~~

DHQ HOSPITAL HARIPUR

73

Name of Patient Nasreen Akhwar OPD No/Ref No IBP _____

Wards Gp Javel 1898/86 Date 08-07-2020

HAEMATOLOGY

HB _____ g/dl (M-14-17g/dl : F 12 - 15 g/dl)
TLC: _____ Cummm (4000- 11000 / Cummm)
Platelets _____ Cummm (150,000 - 450,000 cumm)
ESR: _____ mm/1st hour (5 - 15)
BT. _____ (2 - 7 Mints)
CT. _____ Up to 12 miustes

COAGULATION PROFILE

PT _____ (10 -15 seconds)
APTT _____ (22 - 35 seconds)

BLOOD BANK

Patient Group O +ve
Donor Group O +ve
Donor Screening _____

ANTI HCV _____ Negative / Positive
Hbs Ag _____ Negative / Positive
HIV. _____ Negative / Positive
VDRL. _____ Negative / Positive

X-MATCH COMPATIBLE WITH NAME Nasreen Akhwar
BAGNO. H3324869

Pathologist
DHQ Hospital Haripur
Lab Incharge _____

ATTACHED

(MT)

District Head Quarter Hospital Haripur

Book No:

Receipt No: 801

Received from

With Letter No:

Dated 28/07/2019

the sum of rupees:

In Cash:

On account of

by Cheque:

Payment

In

Accountant

Rs.

Treasurer

Signature

Designation

Routine 99

ATTACHED

اعجازت نامہ لکھنؤ اور اہل لکھنؤ

میں اپنے لکھنؤ کے دور میں اور لکھنؤ کے لکھنؤ
 صاحبین کے دوران میں لکھنؤ کے لکھنؤ
 والی تمام لکھنؤ کے بارے میں لکھنؤ
 نے بتایا ہے لہذا دوران میں لکھنؤ
 کہ یہ لکھنؤ کے لکھنؤ لکھنؤ
 کے لکھنؤ کے لکھنؤ لکھنؤ
 لکھنؤ کے لکھنؤ لکھنؤ

نام صاحب	نام صاحب
لکھنؤ سے لکھنؤ	لکھنؤ سے لکھنؤ
لکھنؤ	لکھنؤ
9-4285119-13302	9-4285119-13302
0331-5526255	0332-9019095

(26)

To,

The HOD, Gynae Department,
DHO Hospital Haripur.

Subject: Enquiry regarding defersment
of planned surgery

Respected Madam:

On 29/3/20, wednesday
there were two consultants in OT who started
OT at 8:30 am. We did eight cases
on one OT table till 2:15 pm. As it
was not possible to do further cases
patients were counselled and handed
over to Dr. Misbah. The postponed
patients done, one in evening, another
one in morning.

None of the cases were
referred or left alone.

~~ATTACHED~~

(27)

Both the consultants observed
OT timings. So the allegations
are false and we strongly condemn

Yours Truly,

Dr. Sadia Dilwar
Gynaecologist.

Suf

Dr. Farzana
FD

Gynaecologist

Dated 24/8/20

FC
24/8/20

⇒ Forward to Medical Superintendent
with the comments that statements of
in both gynaecologist in there for your
consideration.

Yours Sincerely,

Dr. Nargis Danish

Head Gyn

Dated 24/8/20
DR. NARGIS DANISH
MBBS, FCPS
Chief District Gynaecologist

خدمت جناب ایم ایس ماہی ڈی۔ ایچ۔ کیو ہسپتال ہری پور

(28)

جناب عالی!

گزارش ہے کہ میں او۔ پی کے آر ایس روم نمبر اور روم نمبر کے اے سی کافی دنوں سے فراب ہیں ہلے ہی دو دفعہ درخواست دی گئی ہے کہ اے سی ٹھیک کروائے جائیں مگر ابھی تک ان درخواستوں پر کوئی عملدرآمد نہیں ہوا لہذا گزارش ہے کہ اے سی ٹھیک کروائے جائیں کیونکہ گرنی بہت زیادہ اور اے سی بے لقیہ او۔ پی میں کام کرنا ممکن نہیں ہے لہذا اس لیے گزارش ہے یہ اے سی فوراً ٹھیک کروائے جائیں

شکر ہے

العارض

Forwarded to
M.S. Sir for favorable
action as urgent intervention
is needed for smooth
running of OT procedures

محمد ریاض OT Tech

(Signature)

میں او۔ پی ڈی۔ ایچ۔ کیو

ہسپتال ہری پور

ATTACHED

17/08/20



**OFFICE OF THE MEDICAL SUPERINTENDENT
DHQ TEACHING HOSPITAL HARIPUR**

Ph:No. 0995-351016, Fax No.0995-351017

No 8432-35 / Dated 22/08/2020

To,

The HoD, Gynae Department,
DHQ Hospital Haripur.

(29)

Subject: Enquiry regarding deferment of planned surgery

As reported by DMSs Dr.Waseem and Dr. Haroon on dated 19.08.2020 at about 12:00 noon, undersigned was busy in the meeting with Deputy Commissioner Haripur regarding HMB funds, a crowd of 20-25 persons came to MS Office with very aggressive and hostile attitude as their patient proposed surgery in Gynaecology OT was not done without any justification according to them. The crowd created lot of fuss in Admn Block due to which smooth running of the office was interrupted. On interrogation both DMSs, Gynaecologist in OT refused to do of the operation of their patient who were present in OT since morning. Consequently, both DMSs intervened, went to OT and met with the Gynaecologist but she refused to perform. At last undersigned also went to OT at around 12:45PM but no avail.

This come under great negligence, inefficiency and misconduct on the part of concerned Gynaecology Department. You are directed to clarify the situation within three days positively, otherwise strict disciplinary action will be recommended.

Sarali

**MEDICAL SUPERINTENDENT
DHQ HOSPITAL HARIPUR**

Copy forwarded to the:-

1. Director General Health Services Peshawar for information please.
2. Deputy Commissioner Haripur for information please.
3. DMSs DHQ Hospital Haripur for information.

Sarali

**MEDICAL SUPERINTENDENT
DHQ HOSPITAL HARIPUR**

ATTACHED

01 List- 14-8-20 Gynae

- 1) Farzana w/o Abdulamin L-S-C-S or Jedd
- 2) Farzana w/o Farooq L-S-C-S or Farzana
- 3) Humaira w/o Humayan L-S-C-S or Jedd Dilan
- 4) Sumaya w/o Azeem L-S-C-S or Farzana
- 5) Kulsoom w/o Shabir Abd Sub Total Hysterectomy or Jedd Dilan
- 6) Afreen w/o Ushaid L-S-C-S or Farzana
- 7) Kishor w/o Javed DSD → or Jedd Dilan
- 8) Rizwana vaginal septum EVA - Dr. Farzana

RECEIVED

(3)

Dr. Musbah called + rest of patients handed over to be done in evening shift. One patient done in evening, One got LANA with hospital documents and one done by me on next morning.

(31) میں محمد ذریں ناظمہ مریفہ کانسٹر

یہ اقرار کرتا ہوں کہ ڈاکٹر نے ہمیں

آپریشن کرنے سے منع نہیں کیا بلکہ

صرف یہ کہا تھا کہ شدید گھبراہٹ کی

وجہ سے صرف ایک آہ میں جام ہو رہا

ہے سارے آپریشن نہیں ہو پائیں گے

آپ کی مریفہ کی آپریشن ہم شام میں

یا اگلے دن کریں گے ابھی کوئی ایمر جنسی

نہیں ہے اور اگلے دن اپنی ڈاکٹر نے ہمارا

آپریشن کر دیا ہے۔ ڈاکٹر سے ہمیں کوئی شکایت

نہیں ہے۔ ہم نے جب MS سے شکایت

کی اور کہا کہ آپ AC ٹھیک کروا کر دیں

تو انہوں نے ہمیں کہا کہ ہمارے پاس فنڈز

نہیں ہیں ہم کہاں سے لائشیں۔

M. Zareem.

0346-4598785



**GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT**

Dated Peshawar the August 27, 2020

NOTIFICATION

No. SOH-I/HD/3-1304/2017: The competent authority is pleased to transfer Dr. Sadia Dillawer, District Specialist Gynae (BS-18) attached to DHQ Hospital, Haripur and post her at Type-D Hospital, Oghi, Mansehra against the vacant post of District Specialist Gynae (BS-18), with immediate effect, in the public interest.

SECRETARY HEALTH

ENDST NO AND DATE EVEN

Copy forwarded for information to the:

1. Director General, Health Services, Khyber Pakhtunkhwa, Peshawar.
2. District Health Officer, Mansehra.
3. MS, DHQ Hospital, Haripur.
4. District Accounts Officers Haripur and Mansehra.
5. P.S to Minister Health, Khyber Pakhtunkhwa.
6. PS to Chief Secretary, Khyber Pakhtunkhwa.
7. P.S to Secretary Health, Khyber Pakhtunkhwa.
8. Doctor Concerned.


Section Officer (E-I) 29/08/2020

ATTACHED

Body

To

The Health Secretary
M.H. Department

10/10/52
10/10/52

Subject: Trachoma

Annexure - D

33

Respected Sir,

With the object of a detailed study
was working on subject mentioned above in
Medical Health Department. I was disappointed
to find that you have not been able to
look into matter and I shall be very
grateful if you could do so.

I am
Yours faithfully
D. S. S. S.

D. S. S. S.

Better Copy of - P. (33)

To
The Health Secretary,
KP Peshawar.

(33)

Subject: Transfer issue.

Respected Sirs,

with due respect it is stated that I was working as district specialist DHQ hospital during health Minister's visit I was transferred to Oagi Mansehra on patient's complaint. The enquiry of that case has been completed & is attached.

Kindly look into the matter and revert my order.

I shall be very thankful to you.

23/09/2020

Yours truly

Dr. Sadia

ATTESTED



GOVERNMENT OF NWFP
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT
(Regulation Wing)

34

E

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) ¹{ }
- vi) While making postings/transfer from settled areas to FATA and vice-versa, specific approval of Governor, NWFP needs to be obtained

²While 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.
- 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.

ATTACHED

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

35

- xii) 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
¹DCOs 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: a) Within the same Department b) To and from an Attached Department c) Within the Secretariat from one Department to another	Secretary of the Department concerned. Secretary of the Dept in consultation with Head of Attached Department concerned. 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.

36

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.

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.



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated Peshawar the 17th June 2016

NOTIFICATION

Annexure - F (24)


No.SO(E)H-II/4-1/2014. The Competent Authority is pleased to post Dr. Sajjad Ahmad MO (BS-17) (awaiting for posting) at DHQ Hospital Haripur against the vacant post of MO (BPS-17) with immediate effect in the best public interest. (37)

**SECRETARY HEALTH
HEALTH DEPARTMENT**

Endst. of even No. & date.

Copy to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director General, Health Services, Khyber Pakhtunkhwa, Peshawar.
3. MS DHQ Hospital Haripur.
4. District Accounts Officer Haripur.
5. Deputy Director (IT) Health Department.
6. Coordinator HSRU Health Department.
7. PS to Secretary Health, Khyber Pakhtunkhwa.
8. PA to Deputy Secretary-I, Health Department.
9. Doctor concerned.


(Obaidullah)
Section Officer (E-II)

ATTESTED

OFFICE OF THE MEDICAL SUPERINTENDENT DHQ HOSPITAL HARIPUR

No. 482-04 /Estt./ Office Order, dated 27/06 /2016



Annexure-G
(38)

OFFICE ORDER

Dr. Sajjad Ahmad Medical Officer DHQ Hospital Haripur is hereby directed to perform his duty as Medical Officer in Orthopedic Unit under Dr. Ali Abbas Orthopedic Surgeon DHQ-Hospital Haripur till further order.

Sd/-

**MEDICAL SUPERINTENDENT
DHQ HOSPITAL HARIPUR**

Cc:

- 1. Dr. Shoukat Hussain DMS DHQ Hospital Haripur.*
- 2. Dr. Ali Abbas Orthopedic Surgeon DHQ Hospital Haripur.*
- 3. Doctor concerned for compliance.*


**MEDICAL SUPERINTENDENT
DHQ HOSPITAL HARIPUR**

ATTACHED

درجہ تہیہ قواعد نمبر ۱۰۱

مسلم خاندانی قوانین کے آرڈی نینس مجریہ ستمبر ۱۹۶۱ء سے وضع کیے گئے قواعد کے قاعدہ نمبر ۱۸ اور ۱۹ کے تحت مجوزہ فارم

(39)

تکاح نامہ

5

۱۔ وارڈ کا نمبر _____ محلہ _____ ماڈرن / برین _____ عائشہ _____ نسیم _____ لہری لہری

اور متبع _____ لہری لہری _____ جن میں شادی و توثیق پذیر ہوئی ہے

۲۔ دو بہن اور اس کے والد کا نام مع _____ سجاد احمد _____ قومی نکلان مسلم لٹریچر

ان کی سکونت بالترتیب _____ علقہ قراچائی تحصیل سندھ ضلع لہری لہری

۳۔ دو بہن کی عمر _____ ۱۹۷۵-۱۱-۲۸ _____

۴۔ دو بہن اور اس کے والد کا نام مع _____ _____

ان کی سکونت بالترتیب _____ _____

۵۔ آیا دو بہن کنواری ہے یا بیوہ یا مطلقہ _____

۶۔ دو بہن کی عمر _____

۷۔ اگر دو بہن کی طرف سے کوئی وکیل مقرر کیا گیا ہے _____

تو اس کا نام مع ولایت و سکونت _____

۸۔ دو بہن کے وکیل کے تقرر کے بارے میں گواہوں کے نام _____

مع ولایت و سکونت اور ان کی دو بہن کے ساتھ رشتہ داری _____

۹۔ اگر دو بہن کی طرف سے کوئی وکیل مقرر کیا گیا ہے تو اس _____

کا نام مع ولایت و سکونت _____

۱۰۔ دو بہن کے وکیل کے تقرر کے بارے میں گواہوں _____

کے نام مع ولایت _____

۱۱۔ شادی کے گواہوں کے نام مع ولایت و _____

سکونت _____

۱۲۔ شادی سراج نام پانے کی تاریخ _____

۱۳۔ مہر کی رقم _____

۱۴۔ مہر کی کتنی رقم، معین اور کتنی غیر معین _____

۱۵۔ آیا مہر کا کچھ حصہ شادی کے موقع پر ادا کیا گیا۔ اگر _____

کیا گیا تو کس قدر _____

۱۶۔ آیا پورے مہر یا اس کے کسی حصہ کے عوض میں کوئی جائیداد _____

دی گئی ہے۔ تو اس جائیداد کی صراحت اور اس کی _____

قیمت جو فریقین کے مابین طے پائی ہے۔ _____

THE END

۱۷۔ خالص شرائط اگر کوئی ہو۔

۱۸۔ آیا شوہر نے طلاق کا حق بیوی کو تصدیق کر دیا ہے۔ اگر کر دیا ہے۔ تو کونسی شرائط کے تحت۔

۱۹۔ آیا شوہر کے طلاق کے حق پر کسی قسم کی پابندی لگائی گئی ہے۔

۲۰۔ آیا شادی کے موقع پر مہر و نان و نفقہ وغیرہ سے متعلق کوئی دستاویز تیار کی گئی ہے۔ اگر کی گئی ہے تو اس کے مختصر مندرجات۔

۲۱۔ آیا دوہا کے یہاں پہلے کوئی بیوی موجود ہے اگر ہے تو اس نے دوسری شادی کرنے کے لئے مسلم خاندانی قوانین کے آرڈیننس ۱۹۶۱ء کے تحت تعلق کوئٹہ سے اجازت نامہ حاصل کر لیا ہے۔

۲۲۔ نمبر و تاریخ مراسلہ جس کے ذریعے تعلق کوئٹہ نے دوہا کو دوسری شادی کرنے کی اجازت دیدی ہے۔

۲۳۔ نکاح خواہ کا نام اور ولدیت

۲۴۔ شادی کو درج رجسٹر کرانے کی تاریخ

۲۵۔ فیس رجسٹریشن جو ادا کی گئی ہے۔

دوہا یا اسی کے دیکل کے دستخط

(Handwritten signature)

دہان کے دستخط
Muhammad Nadeem

دہان کے دیکل کے تفرق کے گواہان کے دستخط
حاجی محمد یونس

(Handwritten signature)

نکاح خواہ کے دستخط

شادی کے گواہان کے دستخط

(Handwritten signature)
۲۶۔

نکاح رجسٹرار
(Handwritten signature)

۱۵۔ سنی شرائط اور ان کے خلاف

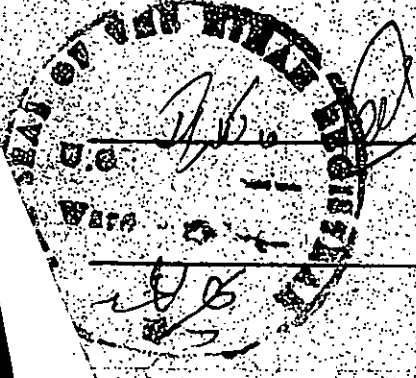
۶۵

۱۶۔ سنی شرائط اور ان کے خلاف

۱۷۔ سنی شرائط اور ان کے خلاف

۵۵ - ۱۹ - ۱۸

دوہا کے دیکل کے تفرق کے گواہان کے دستخط



VAKALATNAMA

41

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO: _____ OF 2020

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS


(RESPONDENT)
(DEFENDANT)

I/We _____

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, 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 cost. 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.

Dated. _____/_____/2020


CLIENT

ACCEPTED 
NOOR MOHAMMAD KHATTAK
(BC-10-0853)
15401-0705985-5


KAMRAN KHAN
&


AFRASIYAB WAZIR
ADVOCATES

OFFICE:

Flat No.4, 2ND Floor,
Juma khan plaza near
FATA Secretariat, Warsak road
Peshawar City. Mobile No. 0345-9383141

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 515/2021

Dr. Sadia Dilawar District Specialist Gynaecology

Appellant

VERSUS

1. Govt. of Khyber Pakhtunkhwa and others

Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS

Respectfully Sheweth:
Preliminary Objections

- i. That the appellant has got no cause of action to file the appeal in hand.
- ii. That the appeal of the appellant is not within time.
- iii. That the appellant has not come to this Hon'ble Tribunal with clean hands.
- iv. That the appellant has been estopped by her conduct from filing the instant appeal.
- v. That the appeal is bad for mis-joinder of unnecessary and non-joinder of necessary parties.
- vi. The appellant has filed the instant appeal with malafide intentions.
- vii. That the impugned Notification has been issued in accordance with section 10 of Civil Servant Act, 1973.

Facts


1. Pertains to record.
2. Pertains to record.
3. Pertains to record.
4. In correct. In terms of section 10 of the Khyber Pakhtunkhwa Civil Servants Act, 1973, "Every Civil Servant shall be liable to serve anywhere within or outside the Province in any post under the Federal government, or any Provincial Government or local authority, or a corporation or body set up or set up or established by any such Government" hence the appellant has no legal right to raise a grievance against her posting and transfer or remain at a certain posts for certain period. Moreover the impugned notification was issued with the approval of the competent authority in the interest of the public. It is worth mentioning that respondent No 4 has already relived the appellant on 28/08/2020.
5. Incorrect. The Departmental Appeal of the appellant is in process in the department however the appellant is not entitled for choice posting. The appellant not submitted the present appeal with in time.
6. Incorrect. No vested rights of the appellant have been violated by the respondents.

Grounds

- A The impugned notification has been issued strictly in accordance with Section 10 of Khyber Pakhtunkhwa Civil Servants Act 1973. A Civil Servant is not entitled to claim posting at a certain post for a period of her choice. However, the impugned Notification is accordance with law.

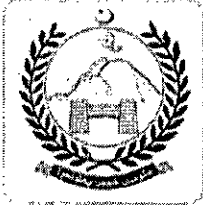
- B. Incorrect. It is not the legal right of the appellant to be posted at his home town especially when she has already served there for more than two years.(Annex A) The Competent Authority is empowered to post the appellant at any station in the interest of the public without adversely affecting terms and condition of her services under the law.
- C. As Explained in para-B above. However, being provincial cadre employee she may be posted by the Competent Authority anywhere in the province.
- D. Incorrect. She has not been transferred on the basis of any inquiry or complaint transfer is a routine matter as it comes within terms and conditions of her services hence the Notification has been issued by the Competent Authority in accordance with the law.
- E. Incorrect. The impugned notification was issued in accordance with law, Rules and posting/transfer policy. She has already completed her normal tenure.
- F. Incorrect. As per paras above.
- G. Incorrect. The impugned Notification has been issued in accordance with law.
- H. The respondent also requests permission to raise additional grounds at the time of arguments.

It is, therefore, mostly humbly prayed that the appeal may be dismissed with heavy cost.


Director General Health Services
Khyber Pakhtunkhwa
(Respondent No. 03)


Secretary Health
Khyber Pakhtunkhwa Peshawar
(Respondent No. 01 & 02)





KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

No. 2191 /ST

Dated: 03/11 /2021

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

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

To

The Secretary Health Department,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: JUDGMENT IN APPEAL NO. 515/2021, MST. SADIA DILAWAR.

I am directed to forward herewith a certified copy of Judgement dated 20.09.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR