

Sr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	04.03.2020	<p align="center"><b><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u></b>  <b><u>At Camp Court, Swat.</u></b>  <b>Service Appeal No. 189/2019</b></p> <p>Date of Institution ..... 21.01.2019  Date of Decision ..... 04.03.2020</p> <p>Nisar Ahmad Khan son of Shad Mohammad Resident of Village Manglor Tehsil Babozai District Swat.</p> <p align="right"><b>Appellant</b></p> <p align="center"><b>Versus</b></p> <ol style="list-style-type: none"> <li>Government of Khyber Pakhtunkhwa, through Secretary Health Peshawar.</li> <li>Director General Health Services Khyber Pakhtunkhwa Peshawar.</li> <li>District Health Officer Swat at Gulkada Saidu Sharif Swat.</li> <li>Divisional Monitoring Officer Malakand Division at Saidu Sharif Swat.</li> <li>Medical Superintendent Nawaz Sharif Kidney Hospital Swat at Manglor.</li> </ol> <p align="right"><b>Respondents</b></p> <p><b>Mr. Muhammad Hamid Mughal-----Member(J)</b>  <b>Mr. Hussain Shah -----Member(E)</b></p> <p align="center"><b><u>JUDGMENT</u></b>  <b><u>MUHAMMAD HAMID MUGHAL, MEMBER:</u></b> Appellant</p> <p>with counsel present. Mr. Usman Ghani learned District Attorney alongwith Hazrat Khalil S.C present.</p> <ol style="list-style-type: none"> <li>The appellant (Clinical Technician Pharmacy) has filed the present service appeal against the order dated 06.11.2018 whereby he was transferred to DHO D.I.Khan.</li> <li>Learned counsel for the appellant argued that the appellant</li> </ol>

*[Handwritten Signature]*  
4.3.2020

was transferred from Saidu Teaching Hospital Swat and posted at Nawaz Sharif Kidney Hospital Swat vide order dated 09.07.2015; that the appellant was transferred and placed at the disposal of DHO Haripur vide order dated 22.12.2016 however the transfer order was then cancelled vide order dated 13.03.2017; that due to political interference the appellant was again transferred and placed at the disposal of DHO Shangla, vide order dated 20.09.2017, which transfer order was then cancelled vide order dated 17.10.2017; that once again the appellant was transferred and placed at the disposal of DHO Khwaza Khela vide order dated 06.09.2018 which transfer order was withdrawn vide order dated 02.11.2018; that lastly the appellant was transferred to D.I.Khan vide order dated 06.11.2018; that feeling aggrieved against the impugned order dated 06.11.2018 the appellant filed departmental appeal but the same was not responded, hence the present service appeal. Further argued that the impugned order is illegal, discriminatory, against the provision of constitution and natural justice; that the impugned order is result of political interference and was issued without any justification.

4. As against that learned District Attorney argued that the appellant has not come to this Tribunal with clean hands; that the appellant was transferred and posted in the Nawaz Sharif Kidney Hospital Swat vide order dated 09.07.2015 and was still serving in the said hospital when the impugned order dated 06.11.2018 was issued; that the appellant has spent more than his normal tenure in the Nawaz Sharif Kidney Hospital Swat; that a civil servant has no

4.3.2020

right to claim posting of his choice.

5. Arguments heard. File perused.

6. The appellant was posted at Nawaz Sharif Kidney Hospital Swat vide order dated 09.07.2015 and was still serving in the said hospital when the impugned order dated 06.11.2018 was issued. During his period of posting at Nawaz Sharif Kidney Hospital Swat the appellant was transferred several times however the transfer orders were cancelled/withdrawn.

7. At this stage when the appellant has already served more than his normal tenure at Nawaz Sharif Kidney Hospital Swat, no case was made out for his further retention in the said hospital. Similarly learned District Attorney also remained unable to justify the transfer of the appellant to the far flung area from his domiciled district, vide impugned order dated 06.11.2018.

8. In the light of above the respondents/Director General Health Services Khyber Pakhtunkhwa Peshawar is directed to issue proper posting transfer order of the appellant and thereby place him at the disposal of DHO District Swat for further suitable positing/adjustment, within a week of receipt of copy of this judgment. The present service appeal is disposed of in the above noted terms. Parties are left to bear their own costs. File be consigned to the record room.



(Hussain Shah)  
Member



(Muhammad Hamid Mughal)  
Member  
Camp Court, Swat.

ANNOUNCED

04.03.2020

03.03.2020

Appellant with counsel present. Mr. Usman Ghani learned District Attorney alongwith Hazrat Khalil S.C present. Arguments heard. To come up for order on 04.03.2020 before D.B at Camp Court, Swat.


  
Member

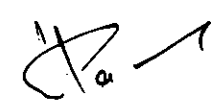
  
Member  
Camp Court, Swat.

04.03.2020

Appellant with counsel present. Mr. Usman Ghani learned District Attorney alongwith Hazrat Khalil S.C present.

Vide separate judgment of today of this Tribunal placed on file, the respondents/Director General Health Services Khyber Pakhtunkhwa Peshawar is directed to issue proper posting transfer order of the appellant and thereby place him at the disposal of DHO District Swat for further suitable positing/adjustment, within a week of receipt of copy of this judgment. The present service appeal is disposed of in the above noted terms. Parties are left to bear their own costs. File be consigned to the record room.

  
(Hussain Shah)  
Member

  
(Muhammad Hamid Mughal)  
Member  
Camp Court, Swat.

ANNOUNCED.

04.03.2020

04.12.2019

Appellant in person present. Respondents No.1 to 3 & 5 have already submitted their comments. Reply on behalf of respondent No.4 still awaited. Being posting transfer case, the present service appeal is assigned to D.B for further proceedings/arguments. Adjourned to 08.01.2020 before D.B at Camp Court, Swat. Respondent No.4 be put to notice for reply for the date fixed.




Member  
Camp Court, Swat

08.01.2020

Appellant in person and Mr. Usman Ghani, District Attorney alongwith Mr. Hazrat Khalil, Senior Clerk for the respondents present. Appellant requested for adjournment on the ground that his counsel is not available today due to general strike of Khyber Pakhtunkhwa Bar Council. Adjourned to 02.03.2020 for further proceedings/arguments before D.B at Camp Court Swat.



(Hussain Shah)  
Member  
Camp Court Swat



(M. Amin Khan Kundi)  
Member  
Camp Court Swat

02.03.2020

Appellant present. Junior to counsel for the appellant present. Mr. Usman Ghani learned District Attorney alongwith Hazrat Khalil S.C and Amjid Ali Assistant present. Junior to counsel for the appellant seeks adjournment. Being a transfer posting case, last opportunity is granted. Adjourn. To come up for arguments on 03.03.2020 before D.B at Camp Court Swat.




Member

Member  
Camp Court, Swat.


08.10.2019

Petitioner in person and Mian Ameer Qadir, Deputy District Attorney alongwith Mr. Hazrat Khalil, Junior Clerk for the respondents No. 1 to 4 present. Neither representative of respondent No. 5 is present nor written reply/comments on behalf of respondent No. 5 submitted therefore, notice be issued to respondent No. 5 with the direction to direct the representative to attend the court and submit written reply/comments on the next date positively. Last chance is given to respondent No. 5 for filing of written reply/comments. Adjourned to 05.11.2019 for written reply/comments before S.B at Camp Court Swat.

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court Swat

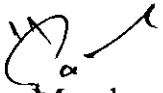
05.11.2019

Appellant in person and Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Hazrat Khalil, Senior Clerk on behalf of respondents No. 1 to 3 & 5 present. Representative of respondents No. 1 to 3 & 5 submitted joint para-wise comments on behalf of respondents No. 1 to 3 & 5 which is placed on record. Neither written reply on behalf of respondent No. 4 submitted nor his representative present, therefore, notice be issued to respondent No. 4 with the direction to direct representative to attend the court and submit written reply on the next date positively. Last chance is granted to respondent No. 4 for filing of written reply. Case to come up for written reply/comments on behalf of respondent No. 4 on 04.12.2019 before S.B at Camp Court Swat.

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court Swat


02.07.2019

Appellant in person present. Written reply not submitted. Hazrat Ali S.C (for respondent No.5) present and seeks time to furnish written reply/comments. M/S Amjid Ali Assistant (for respondent No.1) Jafar Ali (for respondent No.2) absent. Respondents No.1 to 4 as well as absent representatives be put to notice for submission of written reply/comments. Adjourn. To come up for written reply/comments on 02.09.2019 before S.B at Camp Court Swat.

  
Member  
Camp Court, Swat.

02.09.2019

Appellant in person present. Written reply not submitted. M/S Hazrat Khalil S.C (for respondents No.1 to 4) and Dr. Hameed Ali DMS (for respondent No.5) present and requested for time to furnish written reply/comments. Granted by way of last chance. To come up for reply/comments on 08.10.2019 before S.B at Camp Court, Swat.

  
Member  
Camp Court, Swat.

05.04.2019


Appellant with counsel present. Preliminary arguments heard.

The appellant has filed the present service appeal u/s 4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974 against office order dated 06.11.2018 whereby the appellant (C.T Pharmacy) attached to Nawaz Sharif Kidney Hospital Swat was transferred and posted to DHO D.I.Khan against a vacant post.

It transpired that the appellant was performing his duties in the Nawaz Sharif Kidney Hospital Swat as a Deputationist.

In the interest of justice, the present service appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 07.05.2019 before S.B at Camp Court, Swat.

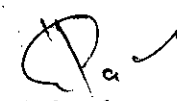
Annexed with the memo is an application for interim relief. Notice of the same be also issued to the respondents for the date fixed.

  
Appellant Deposited  
Security & Process Fee

  
Member  
Camp Court, Swat.

07.05.2019

Appellant with counsel present. Written reply not submitted. No one present on behalf of respondent department. Notice be issued to the respondent department with the direction to furnish written reply/comments. Adjourn. To come up for written reply/comments on 02.07.2019 before S.B at Camp Court, Swat.

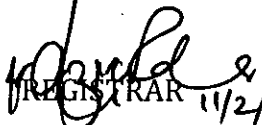

  
Member  
Camp Court, Swat.



Form- A  
FORM OF ORDER SHEET

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

Case No. 189/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	11/2/2019	<p style="text-align: center;">The appeal of Mr. Nisar Ahmad Khan resubmitted today by Mr. Gouhar Ali Khan 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 11/2/19</p>
2-	15-2-19	<p style="text-align: center;">This case is entrusted to touring S. Bench at Swat for preliminary hearing to be put up there on <u>05-04-19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

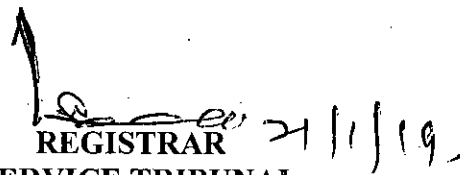
This is an appeal filed by Nisar Ahmad today on 21/01/2019 against the order dated 06/11/2018 against which he preferred/made departmental appeal/ representation on 09.11.2018 the period of ninety days is not yet lapsed as per section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, which is premature as laid down in an authority reported as 2005-SCMR-890.

As such the instant appeal is returned in original to the appellant. The appellant would be at liberty to resubmit fresh appeal after maturity of cause of action and also removing the following objections.

- 1- Address of the respondent no. 4 is incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 2- Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.
- 3- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 130 /ST,

Dt. 21-1-2019

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Gouhar Ali Khan Adv. Swat.

Resubmit.  
11-02-2019

**BEFORE THE SERVICE TRIBUNAL KHYBER**  
**PAKHTUNKHWA, AT PESHAWAR**

SERVICE APPEAL NO. 189 /2019

NISAR AHMAD KHAN \_\_\_\_\_ APPELLANT


VERSUS

GOVT. OF KPK & OTHERS \_\_\_\_\_ RESPONDENTS


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**Appellant**

  
Nisar Ahmad Khan S/O Shad  
Mohammad Khan R/O village  
Manglor Tehsil Babozai District  
Swat.

Through

  
Gauhar Ali Khan  
Advocate Swat

Dated: 13/02/2019

**BEFORE THE SERVICE TRIBUNAL KHYBER**  
**PAKHTUNKHWA, AT PESHAWAR**

D

SERVICE APPEAL NO. 189 /2019

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 85

Dated 21-1-2019

NISAR AHMAD KHAN S/O SHAD MOHAMMAD R/O VILLAGE  
MANGLOR TEHSIL BABOZAI DISTRICT SWAT\_\_ APPELLANT

VERSUS

1. GOVT. OF KHYBER PUKHTUNKHWA THROUGH  
SECRETARY HEALTH, AT CIVIL SECRETARIATE  
PESHAWAR.
  2. DIRECTOR GENERAL HEALTH SERVICES KHYBER  
PUKHTUNKHWA AT CIVIL SECRETARIATE PESHAWAR.
  3. DISTRICT HEALTH OFFICER SWAT AT GULKADA  
SAIDUSHARIF SWAT.
  4. DIVISIONAL MONITORING OFFICER MALAKAND  
DIVISION AT SAIDUSHARIF SWAT. *officor DHO Swat.*
  5. MEDICAL SUPERINTENDANT NAWAZ SHARIF KIDNEY  
HOSPITAL SWAT AT MANGLOR SWAT.
- RESPONDENTS

APPEAL UNDER SECTION 4 OF SERVICE  
TRIBUNAL ACT, 1974 AGAINST THE OFFICE  
ORDER NO. 9521-28/AE-VI OF RESPONDENT  
NO. 2 DATED 06/11/2018 WHEREBY THE  
APPELLANT HAS BEEN ILLEGALLY & WITHOUT  
JURISDICTION TRANSFERRED ON POLITICAL  
INTERFERANCE TO D.I KHAN WITHOUT  
MENTIONING ANY ADMINISTRATIVE GROUND.

Filed to-day

*Registrar*  
Registrar

21/1/2019

Re-submitted to -day  
and filed.

*Registrar*  
Registrar 11/2/19

PRAYER:

ON ACCEPTANCE OF THE  
INSTANT APPEAL, THE IMPUGNED  
ORDER PASSED BY RESPONDENT NO.  
2 DATED 06/11/2018 & ALL THE  
ACTIONS TAKEN IN PURSUANCE OF  
THE IMPUGNED ORDER MAY BE SET  
ASIDE BEING NULL & VOID, CONTRARY  
TO THE LAW, RULES & RECORD  
AVAILABLE ON FILE. THE ORDER

2

DATED 02/11/2018 MAY BE  
RESTORED & THE APPELLANT MAY BE  
ORDERED TO PERFORM HIS DUTIES  
WITHOUT ANY POLITICAL  
INTERFERENCE FROM ANY QUARTER  
IN THE INTEREST OF JUSTICE.

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Respectfully Sheweth,

**FACTS:**

1. That the Appellant was appointed as Dispenser in (BPS-06) vide Notification Endst: No. 977-79/Ae dated 01/02/1979 & since then the Appellant is performing his duties as Dispenser.  
*(Copy of the Notification dated 01/02/1979 is attached as annexure "A")*

2. That the Appellant is presently serving as CT Pharmacy in (BPS-12) in NAWAZ SHARIF KIDNEY HOSPITAL MANGLOR SWAT.

3. That vide Notification No. 8690/97/AE/VI dated 09/07/2015, the Petitioner was posted as JCT (BPS-09) in NAWAZ SHARIF KIDNEY HOSPITAL MANGLOR SWAT.  
*(Copy of the Order dated 09/07/2015 is attached as annexure "B")*

4. That the Petitioner was transferred/placed on the political interference "at the disposal of DHQ Shangla for further posting" vide office Order No. 14266-74/E-V dated 20/09/2017.  
*(Copy of the office Order dated 20/09/2017 is attached as annexure "C")*

5. That as there was no vacant post relating to the Clinical Technician at DHQ Shangla (Notification No. 7453-55/DHO/SH/E-2 Dated 11/10/2017), therefore, an inquiry was conducted & the Petitioner was found innocent so the order mentioned above was cancelled vide Office Order No. 15919-29/E-V dated 17/10/2017.  
*(Copy of the office Order dated 17/10/2017, Order dated 11/10/2017 & Inquiry Report are attached as annexure "D")*

6. That once again the local MPA exercising the political pressure, the Petitioner was transferred/placed "at the disposal of DHO Haripur

for further posting" vide office Order No. 8430-34/AE-VI dated 22/12/2016.

*(Copy of the office Order dated 22/12/2016 is attached as annexure "E")*

7. That once again, the HRM (GHS) KP conducted an inquiry in connection to the allegations leveled against the Petitioner, the Petitioner was found innocent so the order mentioned above was cancelled vide Office Order No. 4094-4102/AE-VI dated 13/03/2017.

*(Copies of the office Order dated 13/03/2017 & Inquiry Report are attached as annexure "F")*

8. That once again the local MPA exercising the political pressure, the Petitioner was transferred/placed "at the disposal of DHO Khwazakhela for further posting" vide office Order No. 6395-402/AE-VI dated 06/09/2018.

*(Copy of the office Order dated 06/09/2018 is attached as annexure "G")*

9. That the Petitioner filed service appeal before the Secretary Health, which ended with the office Order No. SOH-III/8-89/2018 Dated 19/10/2018 with the observation that "the official (Petitioner) concerned has been transferred many a times since 2015 to 2018 seemingly due to political interference rather than on administrative ground".

*(Copy of the office Order dated 19/10/2018 & appeal are attached as annexure "H")*

10. That the above mentioned order was withdrawn by DG vide Notification No. 9412-19/AE-VI dated 02/11/2018 due to stay order.

*(Copy of the office Order dated 02/11/2018 is attached as annexure "I")*

11. That in the meantime, the Petitioner filed civil suit wherein the Civil Judge granted temporary injunction vide Order dated 06/11/2018. Later on the suit of the Petitioner was returned due to lack of jurisdiction.

*(Copies of the Complaint & Stay Order dated 06/11/2018 & Final Order of the Civil Court are attached as annexure "J")*

12. That once again the local MPA exercising the political pressure, the Petitioner was transferred/posted to DHO D.I Khan against the vacant post vide the impugned office Order No. 9521-28/AE-VI dated 06/11/2018.

*(Copy of the IMPUGNED office Order dated 06/11/2018 is attached as annexure "K")*

13. That feeling aggrieved from the said order, the Appellant preferred departmental appeal to Respondent No. 2 for considering the appellant for the relief but got no reply or consideration till now. *(Copy of the departmental appeal is attached as annexure "L")*

14. That being aggrieved from the Impugned Notification dated 06/11/2018 being illegal, discriminatory, against the law, Constitution, natural justice and facts, not supported by the record on file which is liable to be set aside. The Appellant submits the instant appeal inter alia on the following among other grounds.

GROUND S:

i. That the Impugned Order passed by Respondent No. 2 is unlawful as against the established norms of law, void ab-initio, natural justice & Sharia.

ii. That the Petitioner was transferred/placed on the political interference "at the disposal of DHQ Shangla for further posting" vide office Order No. 14266-74/E-V dated 20/09/2017. The said order was the result of the MPA's political & undue interference which is evident from the letter dated 02/10/2017 which was written to Respondent No. 2. *(Copy of the letter dated 02/10/2017 is attached as annexure "M")*

iii. That the Petitioner was found to be innocent in the inquiry conducted in connection to the allegations leveled against the Petitioner which also show that the Petitioner has been treated as rolling stone in the political scenario so the order mentioned above was cancelled vide Office Order No. 5919-29/E-V dated 17/10/2017. The Petitioner has been issued appreciation & performance letters time & again by the high ups leading the Petitioner to be a dutiful & functual govt. servant. *(Copies of the inquiry & performance letters are attached as annexure "N")*

iv. That similarly, the Petitioner's transfer to Haripur also speak volumes of political interference by the concerned MPA which

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interference by the concerned MPA which is evident from his letter written to Respondent No. 2 dated 20/09/2016 which was acted upon vide Notification No. 8430 dated 22/12/2016 resulting transfer of the Petitioner. The matter is further clarified by the office Order issued by the Medical Superintendent Nawaz Sharif Kidney Hospital Swat negating any administrative complaint against the Petitioner.

*(Copies of the CM directives & Office Order are attached as annexure "O")*

- v. That similarly, the Petitioner's transfer to Khwazakhela also proved to be the sole product of political victimization of the Petitioner which is clearly evident from the letter issued by the local MPA dated 29/08/2018 which was acted upon vide Notification No. 6395-402/AE-VI dated 06/09/2018. The matter is further clarified by the office Order issued by the Medical Superintendent Nawaz Sharif Kidney Hospital Swat negating all the charges leveled against him & suggesting the Petitioner to be more beneficial for the institution.

*(Copies of the Letter & Office Order are attached as annexure "P")*

- vi. That the office Order No. SOH-III/8-89/2018 Dated 19/10/2018 issued by the Secretary Health with the observation that "the official (Petitioner) concerned has been transferred many a times since 2015 to 2018 seemingly due to political interference rather than on administrative ground" clearly indicates that the Petitioner has neither been negligent to his duties nor has ever misused his authority while performing his duties. The only charge against the Petitioner & the only cause of political victimization of the Petitioner is that the Petitioner is never ready to become a puppet before the political lords of the Health department.

*(Copies of the appreciation Letter & Office Order dated 19/10/2018 are attached as annexure "Q")*

- vii. That once again, on the interference of the local MPA vide letter dated 29/08/2018 during the Appellant's transfer to Khwazakhela on 06/09/2018 & the impugned order dated 06/11/2018, an inquiry dated 01/10/2018 was conducted under the auspices of Dr. Bashir ud Din



Additional DGHS BS-20 & the appellant was victimized & condemned unheard.  
(Copies of the Letter dated 29/08/2018 & Inquiry report dated 01/10/2018 are attached as annexure "R")

- viii. That the Petitioner was transferred to DI Khan vide the impugned order during the stay order granted by the civil court which is against the natural justice leading towards the contempt of court.
- ix. That no justification has been given & no administrative ground has been given in the impugned order.
- x. That the Respondent No. 2 has not adopted the prescribed procedure as laid down by the law & procedure in the rules.
- xi. That the Appellant has been condemned unheard.

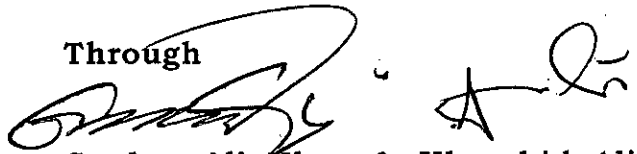
On acceptance of the instant appeal, the impugned order passed by Respondent No. 2 dated 06/11/2018 & all the actions taken in pursuance of the impugned order may be set aside being null & void, contrary to the law, rules & record available on file. The order dated 02/11/2018 may be restored & the appellant may be ordered to perform his duties without any political interference from any quarter in the interest of justice.

Petitioners



Nisar Ahmad Khan S/O Shad  
Mohammad Khan R/O village  
Manglor Tehsil Babozai District  
Swat.

Through



Gauhar Ali Khan & Khurshid Ali  
Khan Advocates Swat

7

**BEFORE THE SERVICE TRIBUNAL KHYBER**  
**PAKHTUNKHWA, AT PESHAWAR**

SERVICE APPEAL NO. \_\_\_\_\_/2019

NISAR AHMAD KHAN \_\_\_\_\_ APPELLANT

**VERSUS**

GOVT. OF KPK & OTHERS \_\_\_\_\_ RESPONDENTS

**Application for the suspension of the impugned Order till  
the final disposal of the instant appeal.**

**Respectfully Sheweth:**

1. That the Appeal has been filed in this Honourable Court which is yet to fix.
2. That the Petitioner has a good prima facie case.
3. That the balance of convenience also lies in the favour of the Petitioner.
4. That the Petitioner will suffer irreparable loss if the impugned order is not suspended.

**It is therefore, prayed that the impugned  
order may be suspended till the final disposal of  
the instant appeal in the interest of justice.**

Petitioner/Applicant

Through

  
Gauhar Ali Khan Advocate

Dated: 21/01/2019

8

**BEFORE THE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA, AT PESHAWAR**

SERVICE APPEAL NO. \_\_\_\_\_/2019

NISAR AHMAD KHAN \_\_\_\_\_ APPELLANT

VERSUS

GOVT. OF KPK & OTHERS \_\_\_\_\_ RESPONDENTS

**ADDRESSES OF THE PARTIES**

**Petitioner**

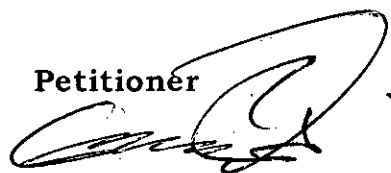
NISAR AHMAD KHAN S/O SHAD MOHAMMAD R/O VILLAGE  
MANGLOR TEHSIL BABOZAI DISTRICT SWAT\_\_ APPELLANT

**Respondents**

1. GOVT. OF KHYBER PUKHTUNKHWA THROUGH  
SECRETARY HEALTH, AT CIVIL SECRETARIATE  
PESHAWAR.
  2. DIRECTOR HEALTH SERVICES KHYBER  
PUKHTUNKHWA AT CIVIL SECRETARIATE  
PESHAWAR.
  3. DISTRICT HEALTH OFFICER SWAT AT GULKADA  
SAIDUSHARIF SWAT.
  4. DIVISIONAL MONITORING OFFICER MALAKAND  
DIVISION AT SAIDUSHARIF SWAT.
  5. MEDICAL SUPERINTENDANT NAWAZ SHARIF KIDNEY  
HOSPITAL SWAT AT MANGLOR SWAT.
- \_\_\_\_\_ RESPONDENTS

Through

Petitioner



Gauhar Ali Khan &  
Khurshid Ali Khan  
Advocates Swat

9

**BEFORE THE SERVICE TRIBUNAL KHYBER**  
**PAKHTUNKHWA, AT PESHAWAR**

SERVICE APPEAL NO. \_\_\_\_\_/2019

NISAR AHMAD KHAN \_\_\_\_\_ APPELLANT

**VERSUS**

GOVT. OF KPK & OTHERS \_\_\_\_\_ RESPONDENTS

**PARTICULARS OF THE PETITIONER**

Name: Nisar Ahmad Khan  
S/O : Shad Mohammad Khan  
Village: Manglor  
Tehsil: Babozai  
District: Swat  
CNIC NO: 15602-0597068-9  
Mob No: 0343-9618206

Petitioner



Nisar Ahmad Khan S/O Shad  
Mohammad Khan R/O village  
Manglor Tehsil Babozai District  
Swat.

Identified by:



Gauhar Ali Khan  
Advocate Swat

10

**BEFORE THE SERVICE TRIBUNAL KHYBER**  
**PAKHTUNKHWA, AT PESHAWAR**

SERVICE APPEAL NO. \_\_\_\_\_/2019

NISAR AHMAD KHAN \_\_\_\_\_ APPELLANT

**VERSUS**

GOVT. OF KPK & OTHERS \_\_\_\_\_ RESPONDENTS

**AFFIDAVIT**

It is hereby, solemnly affirmed & stated on Oath that as per information given by my client, the contents of this Service appeal are true to the best of my knowledge and belief & nothing has been concealed from this Hon'able court.

**DEPONENT**



Gauhar Ali Khan .

Advocate Swat

Office: Room No. 2, District

Patwar Khana Opposite Swat

Press Club, Makanbagh

Mingora Swat.

Cell No. 0301-8524958

(11)

**BEFORE THE SERVICE TRIBUNAL KHYBER**  
**PAKHTUNKHWA, AT PESHAWAR**

SERVICE APPEAL NO. \_\_\_\_\_/2019

NISAR AHMAD KHAN \_\_\_\_\_ APPELLANT

VERSUS

GOVT. OF KPK & OTHERS \_\_\_\_\_ RESPONDENTS

**CERTIFICATE**

I, Gauhar Ali Khan Advocate District Swat give the certificate that I have not filed any Service appeal of the same nature for the same Appellant in this Hon'ble Court before this one.



Gauhar Ali Khan  
Advocate Swat  
Office: Room No. 2, District  
Patwar Khana Opposite Swat  
Press Club, Makaanbagh  
Mingora Swat.  
Cell No. 0301-8524958

APPOINTMENT ORDER.

On the recommendation of the Selection Committee Mr. Nisar Ahmad son of Sheh Mahmood resident of Swat Distt: is hereby appointed as a Dispenser in BPS-6 @ Rs. 725/- P.M. in scale of Rs. 725-28-1285 against the vacant post of Charge Nurse in Saidu Group of Hospitals, Saidu Sharif, Swat on the following terms and conditions:-

1. The vacant post is that of Charge Nurse and whenever a Charge Nurse become available/posted by the Director Health Services, N.W.F.P., Peshawar his Service will be terminated without notice.
2. His appointment is purely temporary and is liable to be terminated at any time without assigning any reason.
3. In case he wishes to resign, one month notice will be necessary from his side on in lieu thereof one month pay will be forfeited.
4. His appointment will be subject to the Medical Fitness by the Medical Superintendent, Saidu Group of Hospitals, Swat.
5. The offer is subject to the condition that he is domiciled in Pakistan (Swat) District N.W.F.P.).
6. He will be governed by such rules and orders relating to leave travelling allowance, medical attendance, pay, etc, as may be issued by the Government for the category of Government Servants to which he will belong.
7. If he accepts the post on these conditions, he should report himself for duty to the Deputy Medical Superintendent, Saidu Group of Hospitals, Swat within a week and produce original certificates in connection with his qualifications, domicile and age.
8. The offer will be cancelled if no reply is received within a week's time.
9. The appointment is offered primarily for the Casualty Department /I.C.U but has to work any where in the Hospital whenever asked.

977-79/A2  
/89

Dr. Abdullah Jan Khalil  
Medical Superintendent,  
Saidu Group of Hospitals, Saidu Sharif, Swat.

Copy forwarded to:-  
S/O Sheh Mahmood resident of Swat District, for compliance.

2. The Deputy Medical Superintendent, Saidu Group of Hospitals, Swat.
3. The Accounts (Office Assistant) Medical Superintendent, Office, Saidu Group of Hospitals, Swat.
4. The Official Personal File.
5. Office Record.
6. The Director of Health Services, N.W.F.P., Peshawar, with reference to his Memo: No. 7603/E-II, dated 27.4.1988.

**OFFICE ASSISTANT,**  
Saidu Teaching Hospital,  
Saidu Sharif, Swat.

Attested by

Gauhar Ali Khan  
Advocate Swat.

Dr. Abdullah Jan Khalil  
Medical Superintendent,  
Saidu Group of Hospitals,  
Saidu Sharif, Swat.

**DIRECTORATE GENERAL HEALTH SERVICES  
KHYBER PAKHTUNKHWA, PESHAWAR.**



Office Ph# 091 - 9210269.

Exchange# 091 - 9210187, 091 - 9210196,

Fax #091 - 9210230

All communications should be addressed to the Director General Health Services Peshawar and not to any Official by name.

**OFFICE ORDER.**

As approved by the competent authority the Services of Mr. Nisar Ahmad Khan JCT Pharmacy attached to Nawaz Sharif Kidney Hospital are hereby placed at the disposal of DHO Haripur for further adjustment under his control on administrative grounds with immediate effect.

Arrival/Departure reports should be furnished to this Directorate for record.

Sd/xxxxxxxxx  
**DIRECTOR GENERAL HEALTH  
SERVICES KPK, PESHAWAR.**

No. 8430-36 /AE-VI

Dated Peshawar the 22 / 12 / 2016.

Copy forwarded to the: -

- 1) PS to Minister for Health, KPK.
- 2) M/S Nawaz Sharif Kidney Hospital, Swat.
- 3) DHO, Haripur.
- 4) DHIS Cell DGHS KPK Peshawar.
- 5) Official concerned.

For information and necessary action.

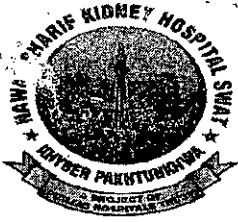
*Have Concern*

*JIC*

311117

*[Signature]*  
Assistant Director (P-III)  
Directorate General Health Services,  
Khyber Pakhtunkhwa, Peshawar.





**Nawaz Sharif Kidney Hospital**  
Manglor Swat, Khyber Pakhtunkhwa, Pakistan  
Ph.No. Exchange: 0946-730890, Fax No. 0946-730889

**OFFICE ORDER.**

In compliance to the Director General Health Services Khyber Pakhtunkhwa Peshawar office order bearing No: 8430-34/AE-VI dated: 22/12/2016, Mr. Nisar Ahmad Khan JCT Pharmacy under transfer to District Haripur is hereby relived of his duties today on

17/01/2017.

Sd/=  
Medical Superintendent  
Nawaz Sharif Kidney  
Hospital Swat.

No: 11-116

P.F.

Dated: 17/01/2017

Copy forwarded to the:

1. P.S to Minister Health Khyber Pakhtunkhwa Peshawar.
2. Director General Health Services Khyber Pakhtunkhwa Peshawar.
3. District Health Officer Haripur.
4. District Account Officer Swat.
5. Account Section of this Office.
6. Above named official.

For information and necessary action please.

*[Signature]*  
Medical Superintendent  
Nawaz Sharif Kidney  
Hospital Swat.

# Nawaz Sharif Kidney Hospital

Mangler Swat, F-1, J-1, Paldhuni, hwa, Pakistan

Ph. No: 0940-304157, Fax No: 0940-30889

NO 10 /PF,

Dated 03 /01/2017.

TO

The Director General Health Services,  
Govt of Khyber Pakhtunkhwa Peshawar.


Subject; OFFICE ORDER.

Sir,

Kindly refer to your office order No. 8430-34/AE-VI,

Dated 22/12/2016.

It is submitted that there is shortage of paramedical staff and the services of Mr. Nisar Ahinad Khan Clinical Technician (pharmacy) is needed to this hospital, therefore his transfer from NAWAZ SHARIF KIDNEY HOSPITAL SWAT, to DHQ Haripur may kindly be cancelled, as there is no administrative complaint on the official concerned.

  
Medical Superintendent,  
Nawaz Sharif Kidney Hospital Swat.

**DIRECTORATE GENERAL HEALTH SERVICES  
KHYBER PAKHTUNKHWA, PESHAWAR.**



Office Ph# 091 - 9210269

Exchange# 091 - 9210187, 091 - 9210196,

Fax #091 - 9210230

All communications should be addressed to the Director General Health Services Peshawar and not to any

Official by name.

**OFFICE ORDER.**

As approved by the competent authority, the transfer order issued in respect of Nisar Ahmad Khan, CT Pharmacy BPS-12 vide this Directorate bearing endorsement No. 8430-34/AE-VI, dated 22-12-2016, is hereby cancelled.

Sd/xxxxxxxxx

**DIRECTOR GENERAL HEALTH  
SERVICES KPK, PESHAWAR.**

No. 4094-4102/AE-VI

Dated Peshawar the 13 / 03 / 2017.

Copy forwarded to the: -

- 1) Section Officer-II, CM Secretariat KPK, Peshawar.
- 2) PS to Secretary Health.
- 3) M/S Nawaz Sharif Kidney Hospital, Swat
- 4) DHO Haripur
- 5) DAO, Swat.
- 6) DAO, Haripur.
- 7) DHIS Cell DGHS KPK Peshawar.
- 8) DA concerned.
- 9) Official concerned.

For information and necessary action.

*(Shabina)*  
**DIRECTOR GENERAL HEALTH  
SERVICES KPK, PESHAWAR.**

*ESL*  
*SIL*  
*14.3.17*

*13/3*

To

The Medical Superintendent  
Nawaz Sharif Kidney Hospital Swat.

Subject: **ARRIVAL REPORT.**


Sir,

In Compliance to the Director General Health Services Khyber Pakhtunkhwa Peshawar Office Order No: 4094-4102/AE-IV dated: 13/03/2017, I have the honor to submit my arrival report for duty today on 14/03/2017 fore noon.

Submitted for record and further necessary action please.

Director  
Kidney Hospital Swat.

**Nisar Ahmad Khan**



CNIC. No: 15602-0397068-9  
S/O Shad Muhammad Khan  
CT Pharmacy BPS-12  
Dated: 14/03/2017.

*See  
SIL*

14.3.17

Director  
Order No: 4094-4  
Speciality to

rd and further n

Director  
Swat.

Director

Director  
Swat

Director

Director

Director

Annex B' (13)

**DIRECTORATE GENERAL HEALTH SERVICES  
KHYBER PAKHTUNKHWA PESHAWAR**

**OFFICE ORDER**

As approved by the competent authority the following mutual posting/ transfer of JCT (Pharmacy) BS-09 are hereby ordered with immediate effect in the interest of public service:-

S.No	Name	From	To	Remarks
1)	Mr. Nisar Ahmad Khan, JCT Pharmacy	Saidu Teaching Hospital Swat.	Nawaz Sharif Kidney Hospital Swat.	Vice No. 02 above
2)	Mr. Muhammad Iqbal, JCT Pharmacy	Nawaz Sharif Kidney Hospital Swat.	Saidu Teaching Hospital Swat.	Vice No. 01 above

Sd/XXXXXXXXXX  
**DIRECTOR GENERAL HEALTH  
SERVICES KPK, PESHAWAR**

No. 8690-97/AE-VI

Dated Peshawar the 9/7/2015.

Copy forwarded to the: -

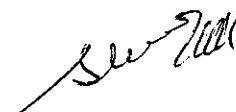
- 1) PS to Minister for Health Khyber Pakhtunkhwa Peshawar.
- 2) Medical Superintendent, Saidu Teaching Hospital Swat.
- 3) Medical Superintendent, Nawaz Sharif Kidney Hospital Swat.
- 4) DAO Swat.
- 5) DHIS Cell, DGHS, KPK Peshawar.
- 6) Suptt: Promotion Cell, DGHS, KPK, Peshawar.
- 7) Officials concerned w/r to their application.
- 8) DA Concerned.

For information and necessary action.

Attested by



**Gauhar Ali Khan  
Advocate Swat.**



**Assistant Director (P-III)  
Directorate General Health Services,  
Khyber Pakhtunkhwa, Peshawar.**

9/7/2015

Wednesday, 08 July, 2015

Annex "C"

14

20

**DIRECTORATE GENERAL HEALTH SERVICES  
KHYBER PAKHTUNKHWA PESHAWAR.**

All communications should be addressed to the Director General Health Services Peshawar and not to any official by name.  
Exchange Ph: 091-9210187 - Fax: 091-9210186 Web: www.nc.shkp.gov.pk



**OFFICE ORDER :-**

As approved by the competent Authority, the services of Mr. Nisar Ahmad Khan C.T Pharmacy attached to Nawaz Sharif Kidney Hospital Swat are hereby placed at the disposal of DHO Shangla for further posting under his control against the vacant post with immediate effect.

Arrival departure report should be submitted to this Directorate for record.

Sd/\*\*\*\*\*

**DIRECTOR GENERAL HEALTH SERVICES,  
Khyber Pakhtunkhwa, PESHAWAR.**

No. 14266-74 / E-V dated 26/09/2017  
Copy forwarded to the,

1. PS to Secretary Health Govt. Of Khyber Pakhtunkhwa Peshawar.
2. MS Nawaz Sharif Kidney Hospital Swat.
3. DHO Shangla.
4. DAO Swat.
5. DAO Shangla.
6. DHIS Cell DGHS KP, Peshawar.
7. D.A concerned.
8. Suptr: Promotion Cell.
9. PA to DGHS KP, Peshawar.

For information & necessary action.

Attested by

**Gauhar Ali Khan  
Advocate Swat.**

(15)

# DIRECTORATE GENERAL HEALTH SERVICES KHYBER PAKHTUNKHWA PESHAWAR



*All communications should be addressed to the Director General Health Services Peshawar and not to any official by name.*  
**DG Office Ph : 091 - 9210269      Exchange : 091 - 9210187      Fax : 091 - 9210230**

No. 23357621

Dated: 21.11.2017

## MOVEMENT ORDER:

Dr. Rizwanullah Khan, Deputy Director (HRM) DGHS Khyber Pakhtunkhwa Peshawar has been nominated as Inquiry Officer and will move to District Swat as per following Schedule:

DATE	FROM	TO	PURPOSE OF VISIT
21.11.2017 (Night Stay)	Peshawar	Swat	Inquiry regarding transfer order of Mr. Nisar Ahmad CT Pharmacy
22.11.2017 (Return)	Swat	Peshawar	
23.11.2017 (Night Stay)	Peshawar	D.I.Khan	Inquiry regarding appointment of Mr. Khalid Mehmood CT Pharmacy
24.11.2017 (Night Stay)	D.I.Khan		
25.11.2017 (Return)	D.I.Khan	Peshawar	

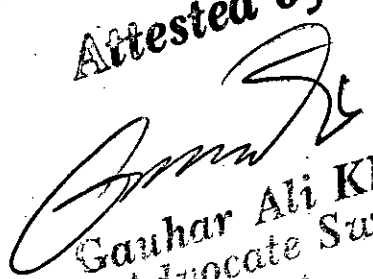
The Journey was performed in Taxi.

  
**DIRECTOR GENERAL HEALTH  
SERVICES KHYBER PAKHTUNKHWA PESHAWAR**

Cc:

1. ADG (HRM) DGHS Khyber Pakhtunkhwa Peshawar.
2. Director (Admn: /HRM) DGHS Khyber Pakhtunkhwa Peshawar.
3. Medical Superintendent Nawaz Sharif Kidney Hospital Swat.
4. DHO D.I.Khan.
5. Deputy Director (Accounts) DGHS Khyber Pakhtunkhwa Peshawar.
6. PA to Director General Health Service Khyber Pakhtunkhwa Peshawar.

**Attested by**

  
**Gauhar Ali Khan  
Advocate Swat.**



(16)

(22)

Office of the Medical Superintendent, Nawaz Sharif Kidney  
Hospital Khyber Pakhtunkhwa Swat at Manglor.

No. 714 /Acctt;  
Dated 23-9/2017

TO

The Director General Health Services,  
KPK, Peshawa.

Subject:-

OFFICE ORDER (TRANSFER OF MR. NISAR AHMAD)

Sir,

Reference No. 14266-74/E-V, dated 20.9.2017 regarding transfer of Mr. Nisar Ahmad Clinical Technician (Pharmacy) Nawaz Sharif Kidney Hospital Swat.

It is humbly stated that the official concerned has been interested with Liaison /coordination duties in addition to his own duties.

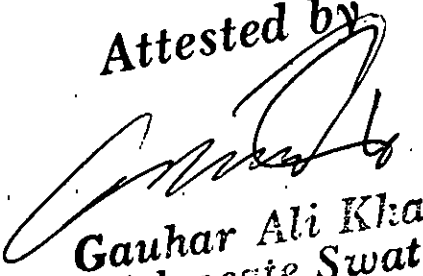
He has successfully negotiated with the revenue department Swat for re-claiming and re-demarcation of hospital land.


The transfer of land from Punjab Hospital Trust to Nawaz Sharif Kidney Hospital Swat remains a major problem in the release of hospital budget and Mr. Nisar Ahmad is responsible to proceed in this matter further.

Moreover, he is also responsible for managing paramedical and Class-IV staff in terms of punctuality and best performance which has resulted into reasonable cleanliness of hospitals. The hospital also has to deal with the local community and Mr. Nisar Ahmad, being well-connected with the local community is a helpful hand for the hospital management.

Keeping the above factors you are requested to kindly retain the official in Nawaz Sharif Kidney Hospital Swat for continuity of his value added services.

Attested by

  
Gauhar Ali Khan  
Advocate Swat.

  
Medical Superintendent,  
Nawaz Sharif Kidney Hospital Swat





17  
Nawaz Sharif Kidney Hospital

Manglor Swat, Pakhtunkhwa, Pakistan

Ph. No.: 0946-730890 1, Fax No. 0946-730889

23

APPRECIATION LETTER.

The Management of Nawaz Sharif Kidney Hospital Swat appreciates the services of the "Mr. Nisar Ahmad Khan Liaison Officer" for his efficient & responsible work behavior and their contribution for development of this institution.

He served this Hospital with honesty and dedication.  
Wish him success in his future career.

Sd/=====

Medical Superintendent  
Nawaz Sharif Kidney  
Hospital Swat.

No: 2513 /PF

Dated: 16/11/2017

Copy forwarded to the above named officer for information.

16.11.17  
Dr. Muhammad Ayub  
Medical Superintendent  
Nawaz Sharif Kidney  
Hospital Swat

Attested by

Gauhar Ali Khan  
Advocate Swat

Annex "D"

12

24



OFFICE OF THE  
DISTRICT HEALTH OFFICER  
DISTRICT SHANGLA AT ALPURAI

Tel- 0996- 850653 /4- 0996- 850874  
E- mailed: dh.shangla@gmail.com

No. 7483-55 /DHO/SH/NIBs- E-2

Dated: 11 /10/2017

To,

The Director General Health Services  
Khyber Pakhtunkhwa Peshawar.

Subject:

OFFICE ORDER.

Please with reference to your office order bearing Endst: No. 14266-74/E-V dated 20/09/2017, regarding the transfer of Mr. Nisar Ahmad Khan CT Pharmacy (BPS-12).

I have the honor to stated there is no vacant post of Clinical Technician (Pharmacy) on the strength of this office.

Submitted for your information please.

*M. Khan*  
DISTRICT HEALTH OFFICER  
SHANGLA

Endst: No. & Date Even:

Copy forwarded to:

- 1- The MS Nawaz Sharif Kidney Hospital Swat
- 2- The DAO Shangla.

*M. Khan*  
DISTRICT HEALTH OFFICER  
SHANGLA

Attested by

Gauhar Ali Khan  
Advocate Swat.

19

CHIEF MINISTER'S SECRETARIAT

GOVERNMENT OF KHYBER PAKHTUNKHWA



11513  
16/10/17

NO.PA/PSO-II/Misc/2017/14513  
Dated Peshawar, the 11<sup>th</sup> Oct, 2017.

To,

The Director General  
Directorate of Health Services  
Khyber Road Peshawar

**SUBJECT: - TRANSFER OF NISAR AHMAD KHAN JCT PHARMACY (BPS-12)  
FROM NAWAZ SHARIF KIDNEY HOSPITAL SWAT.**

R/Madam,

Reference your letter No.14663-65 dated 06<sup>th</sup> October, 2017 on the subject noted above and to state to cancel the transfer order of Mr. Nisar Ahmed Khan JCT Pharmacy (BPS-12) from Nawaz Sharif Kidney Hospital Swat to District Shangla and an inquiry be conducted on the allegation leveled by Mr. Aziz Ullah Gran MPA against the official and after inquiry, if found guilty, stern action be taken against him, as desired by Hon'able Chief Minister Khyber Pakhtunkhwa please.

Yours sincerely,

(IKRAMUL HAQ)

Principal Staff Officer-II to  
Chief Minister KP

Copy to: -

PA to PSO-II to Chief Minister, Khyber Pakhtunkhwa.

Attested by

Gauhar Ali Khan  
Advocate Swat.

Principal Staff Officer-II to  
Chief Minister KP

NO - 111

Subject: - INQUIRY REPORT.

Respectfully,

With due respect, I have the Honour to submit an enquiry report against Mr. Nisar Ahmad CT Pharmacy (BPS-12) to probe in to the complaint lodged by Mr. Aziz Ullah Gran MPA PK-81 Swat-2 against the Mr. Nisar Ahmad CT Pharmacy regarding illegal assets and bogus signatures etc for further perusal and necessary action please.

The Inquiry report is as under:

INTRODUCTION AND BACKGROUND:

I, Dr. Rizwanullah Khan Deputy Director (HRM) DGHS Office Peshawar was appointed inquiry officer vide DGHS Office Order No. 15919/29/E-V Dated: 17.10.2017, to probe in the matter of allegations of illegal assets and bogus signatures as complaint by Mr. Aziz Ullah Gran MPA PK-81 Swat-2.

PROCEEDINGS AND FINDINGS:

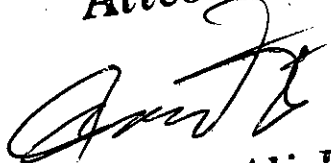
I visited Nawaz Sharif Kidney Hospital Swat on 21.11.2017 to 22.01.2017 and recorded statements of Mr. Nisar Ahmad CT Pharmacy, Mr. Ihsanullah Khan Office Superintendent, Dr. Shabir Ahmad DMS, Account Officer of said Hospital in the presence of Medical Superintendent of same Hospital who also verified the statements of above mention staff. I also perused the personal file of Mr. Nisar Ahmad CT Pharmacy in DGHS Office.

I also called to Mr. Aziz Ullah Gran MPA PK-81 Swat-2 on Cell No. 0345-9458500 & 0301-8043895 so many times to provide proof of illegal assets in Swat and fake signatures etc regarding Mr. Nisar Ahmad CT Pharmacy, but he did not take interest. Mr. Nisar Ahmad CT Pharmacy also submitted a letter of Minister of Irrigation, Sports, Culture, Archeology, Museum & Youth Affairs Khyber Pakhtunkhwa, who stated that he has made a patch-up between Mr. Nisar Ahmad CT Pharmacy Nawaz Sharif Kidney Hospital Swat and Mr. Aziz Ullah Gran MPA PK-81 Swat-2.

CONCLUSION AND RECOMMENDATION:

1. According to statements of staff verified by MS Nawaz Sharif Kidney Hospital Swat, the Government of Khyber Pakhtunkhwa is only granting

Attested by

  
Gauhar Ali Khan  
Advocate Swat.

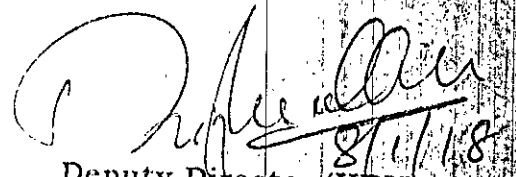
(21)

427

Budget of salaries of the staff while all other expenditure of equipment's, medicines or in any other matter is being done by Punjab Trust Board under directive of CM Punjab so there is no question of utilizing of Budget illegally by Mr. Nisar Ahmad CT Pharmacy or any other person of Nawaz Sharif Kidney Hospital Swat. They also stated that due to non-availability of Budget they are in deep trouble, so the allegation of illegal assets of property in Swat is incorrect

2. On perusal of personal file of Mr. Nisar Ahmad CT Pharmacy, No document was found bogus by signing or any other forgery. The transfer order of Mr. Nisar Ahmad CT Pharmacy from Nawaz Sharif Kidney Hospital Swat to Shangla on the complaint of Mr. Aziz Ullah Gran MPA PK-81 Swat-2 was canceled by CM Khyber Pakhtunkhwa direction written on body of application of Mr. Nisar Ahmad CT Pharmacy so the allegation of bogus signature of higher authority is incorrect.
3. The investigation regarding illegal assets / property is not domain of this office. Mr. Aziz Ullah Gran MPA PK-81 Swat-2 if desired can knock the door of National Accountability Bureau with proof.

Dated: 08.01.2018

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

**Attested by**



**Gauhar Ali Khan**  
**Advocate Swat.**

میں سے نتائج افتخار Jet فارسی کے ساتھ ساتھ ان کے منظر و صورت کارآمد ہیں اور نوزائیدگی کے وقت سے ہی فارسی میں بصیرت ہے۔

ڈیوٹی انجام دے رہے ہیں۔ پیشہ ورانہ ڈیوٹی کے ساتھ ساتھ دیگر ڈیوٹی بھی سرانجام دے رہے ہیں۔ اس کے علاوہ میں عوام کی طرف سے میرے خلاف کوئی شکایت نہیں ہے۔ سوائے قریبی عزیزوں کے جو ان کی شکایت کی ہے۔

وہ میرے قریبی ہیں، ان کے ساتھ کوئی جھگڑا نہیں ہے۔ اور میرا اور ان کے درمیان کوئی اختلاف نہیں ہے۔ اور میرا اور ان کے مابین جو غلط فہمی ہے

Support-d Documents Attached

22/11/2017

کیا آپ کوئی ثبوت غلط فہمی کا پیش کر سکتے ہیں۔

جی ہاں میری اور MPA صاحب کے درمیان غلط فہمی ہے۔ جو کہ خود بخود منظر سیورس نے درج کر دی ہے۔ میں غریبوں کے ساتھ سے ملنے MPA کے ساتھ نہیں گیا۔ انہوں نے بھی کیا کہ میرا آپ کے ساتھ کوئی جگہ ملکہ وغیرہ نہیں ہے۔ کیا آپ نے بھی کسی گفتگو کے دستخط کیے ہیں۔

یا خود سنائی ہے۔

22/11/2017

Gauhar Ali Khan

Medical Superintendent, Nawaz Sherif Hospital Swat

Attested by

Gauhar Ali Khan

Advocate Swat.

(23)

~~27~~ ~~28~~

Dr. Ghaleb Ahmad DMS admin Nawaz

Shamir Kidney Hospital hereby submit that  
Nisar Ahmad Khan et Pharmacy is  
performing his duty as acting Hospital  
Nisar officer upto the active resignation  
of his superior / staff of this Hospital

P. Dighu-Allah  
R.O

Dr. Ghaleb Ahmad  
Deputy Medical Superintendent  
Nawaz

agreed with the  
statement

Amir

22.11.17  
Medical Superintendent  
Nawaz Shamir Kidney Hospital  
Swat

Attested by

Gauhar Ali Khan

Gauhar Ali Khan  
Advocate Swat.

Statement of Mr. Khawanallah Khan

I am serving in this hospital as  
Office Superintendent BLS-17 since for the last 24  
Two years. Mr. Nisar Ahmad et Pharmacy is  
performing his duties in this hospital  
and the hospital management is satisfied  
from his services. He is an efficient worker.

Khawanallah Khan  
C.O.

Khawanallah Khan  
Office Supt.  
22/11/17

agreed with me scanned

[Signature]

Medical Superintendent  
Newaz Sharif Kidney Hospital  
Swat.

Attested by

[Signature]

Gauhar Ali Khan  
Advocate Swat.



37

Statement of No

It is stated that at this stage  
 that there is no Budget available  
 in the Hospital no budget  
 for the year of 2017-18 for which  
 this hospital is very trouble and  
 need to contact with provincial  
 Govt so this hospital applied  
 for different projects & to high  
 officer pay for year 2017 & 18  
 provided by the provincial Govt  
 only in these circumstances  
 arising and all staff are performing  
 their duty in the best interest of public

Medical Superintendent  
 Kidney Hospital

Attested by

*Gauhar Ali Khan*

Gauhar Ali Khan  
Advocate Swat.

22/11/17

تاریخ 27 فارسی

سرسخت راہ افغان ۶۰ شد و افغان رکن منگور سوات کا رہنما ہیں۔  
اور نوزیر نے کئی قصبات میں بحیثیت جے فارسیس عرصہ دوران

کوتلی میں رہ کر رہے ہیں۔  
پستہ درانہ ڈوٹی کمانڈو فورسز کے سربراہ ہیں۔  
وہیں کوکلی میں انجام دے رہے ہیں۔ اس طرح میں وہ اسی کی طرف سے صرف خلاف  
کوئی شکایت نہیں ہے۔ سوائے قریب سے ان کے ان کے سوات کی شکایت کی  
جو کہ جو کہ خلاف انہوں نے شکایت کی ہے۔

وہ میرے قریب ہے۔ ان کے علاوہ کوئی گھنٹا نہیں ہے۔ اور میرا اور ان کے  
درمیان کوئی اشتراکات نہیں ہے۔ اور میرا اور ان کے مابین جو خلاف نہیں ہے  
وہ ان کے دور میں ہے۔

Supported Document  
Giltis official.

22/11/2017  
Gauhar Ali Khan

سوال نمبر ۱۔ کیا آپ کوئی شخصیت یا ادارہ ہے۔  
جواب نمبر ۱۔ جی ہاں میری اور MPA صاحب نے درمیان خلاف نہیں تھا۔ جو افغان  
وزیر سبورتس نے دیکھ کر دیکھا ہے۔ میں منسٹر ایلو فان سے ملنے MPA  
میں گیا تھا۔ انہوں نے نہیں کہا کہ میرا آپ کے ساتھ کوئی تعلق ہے۔  
سوال نمبر ۲۔ کیا آپ نے کبھی کسی گھنٹے کے دستخط کیے ہیں۔

جواب نمبر ۱۔ نہیں۔  
سوال نمبر ۲۔ آپ کی جائیداد آ رہی ہے۔ یا خورونیا کی ہے۔  
جواب نمبر ۱۔ آ رہی ہے۔

22/11/2017

Gauhar Ali Khan  
Advocate

Medical Officer  
Swat District Hospital

Attested by

Gauhar Ali Khan  
Advocate Swat.

DGHS = D No 110911/E II  
Date = 28/9/2017

(27)

(1)



**CHIEF MINISTER'S SECRETARIAT  
KHYBER PAKHTUNKHWA  
PESHAWAR**

**No. SO-II/CMS/KPK/1-1/2017/Nisar Ahmad / B211-12  
Dated Peshawar the 27<sup>th</sup> September, 2017**

To

The Secretary to Govt. of Khyber Pakhtunkhwa,  
Health Department.

The Directorate General,  
Health Services Khyber Pakhtunkhwa

Subject:- **CHIEF MINISTER'S DIRECTIVE (REQUEST FOR CANCELLATION OF  
TRANSFER ORDER OF NISAR AHMAD KHAN C.T PHARMACY  
ATTACHED TO NAWAZ SHARIF KIDNEY HOSPITAL SWAT)**

Dear Sir,

I am directed to enclose herewith a copy of self-explanatory letter No. 14266-74 dated 20.09.2017 received from Assistant Director (Paramedics) Directorate General Health Services Khyber Pakhtunkhwa Peshawar regarding cancellation of transfer order of Mr. Nisar Ahmad Khan C.T Pharmacy attached to Nawaz Sharif Kidney Hospital Swat. Whereupon the Hon'ble Chief Minister Khyber Pakhtunkhwa has been pleased to record the following remarks thereon:-

**Secy Health/DG Health**

**"The transfer orders shall be cancelled immediately".**

2. It is, therefore, requested that necessary action as per above remarks may be taken accordingly, under intimation to this Secretariat, please.

Yours Faithfully,

*(Signature)*  
**(Abdul Wahab Khalil)**  
SECTION OFFICER-II

Attested by

*(Signature)*  
**Gauhar Ali Khan**  
Advocate Swat.  
SECTION OFFICER-II

Copy Forwarded to:-

1. PS to Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
2. A.D (IT), Chief Minister's Secretariat, Khyber Pakhtunkhwa.

*Forwarded  
DGHS  
early  
IA  
28/9/2017*

*DGHS  
28/09*

Ammeq E<sup>2</sup>

(28)



**DIRECTORATE GENERAL HEALTH SERVICES  
KHYBER PAKHTUNKHWA, PESHAWAR.**

Office Ph# 091 - 9210269

Exchange# 091 - 9210187, 091 - 9210196,

Fax #091 - 9210230

All communications should be addressed to the Director General Health Services Peshawar and not to any Official by name.

**OFFICE ORDER.**

As approved by the competent authority the Services of Mr. Nisar Ahmad Khan JCT Pharmacy attached to Nawaz Sharif Kidney Hospital are hereby placed at the disposal of DHO Haripur for further adjustment under his control on administrative grounds with immediate effect.

Arrival/Departure reports should be furnished to this Directorate for record.

Sd/xxxxxxxxx

**DIRECTOR GENERAL HEALTH  
SERVICES KPK, PESHAWAR.**

No. 813230 /AE-VI

Dated Peshawar the 22/11/2016.

Copy forwarded to the: -

- 1) PS to Minister for Health, KPK.
- 2) M/S Nawaz Sharif Kidney Hospital, Swat.
- 3) DHO, Haripur.
- 4) DHIS Cell DGHS KPK Peshawar.
- 5) Official concerned.

For information and necessary action.

*Have counsel*

*SIL*

*311117*

Assistant Director (P-III)  
Directorate General Health Services,  
Khyber Pakhtunkhwa, Peshawar.

Attested by

Gauhar Ali Khan  
Advocate Swat.

27/12/2016

(29)

Aziz ullah Khan (Gran)

M.P.A (P.K-81 Swat 2)  
General Secretary P.T.I Swat.  
Cell:0345-9458500



عزیز اللہ خان (گران)

111 ایم۔ پی۔ اے (پی۔ کے۔ 81 سوات 2)  
جنرل سیکرٹری پی ٹی آئی سوات

Ref. No. \_\_\_\_\_

Date. \_\_\_\_\_

10863  
2010P11

محترم جناب سیکرٹری ہیلتھ صاحب، خیبر پختونخوا حکومت 2010P11

محترم آپ کی خدمت اقدس میں عرض ہے کہ نثار احمد خان کڈنی ہسپتال سوات 91-PK میں اپنی ڈیوٹی سرانجام دے رہا ہے۔ یہ شخص دوران ڈیوٹی اپنی ذمہ داریاں باحسن طریقے سے سرانجام نہیں دے رہا اور دوسرے ملازمین کو مختلف حیلے بہانوں سے تنگ بھی کرتا رہتا ہے اور کئی طرح کی غیر قانونی دستاویزات MPAS وغیرہم کے جعلی دستخط بھی کرتا رہتا ہے۔ یہ شخص BPS-12 JCT پر مذکورہ ہسپتال میں کام کر رہا ہے۔ عوام کے پر زور مطالبہ پر اس شخص کو ہسپتال ہذا سے تبدیل کیا جائے۔ اس کے خلاف میڈیا میں آئے روز کچھ نہ کچھ ضرور نشر ہوتا رہتا ہے جسکی وجہ سے نہ صرف محکمہ بلکہ حکومت کی بھی بدنامی ہو رہی ہے۔

لہذا برائے مہربانی اس شخص کو فوری طور پر ~~ضلع سوات سے کسی دوسرے ضلع ٹرانسفر کیا جائے۔~~

شکریہ

Attested by

عزیز اللہ خان (گران)

ایم۔ پی۔ اے 18-PK سوات

Gauhar Ali Khan  
Advocate Swat

He has been transferred  
but compliance not made  
Relieve hi & take  
Dr. J. J. J. J. J.



# Nawaz Sharif Kidney Hospital

Manglor Swat, Khyber Pakhtunkhwa, Pakistan

Ph. No.: 0946-730890-91, Fax No. 0946-730889



30

NO 10 /PF,

Dated 03 /01/2017.

TO

The Director General Health Services,  
Govt of Khyber Pakhtunkhwa Peshawar.

Subject; OFFICE ORDER.


Sir,

Kindly refer to your office order No. 8430-34/AE-VI,


Dated 22/12/2016.

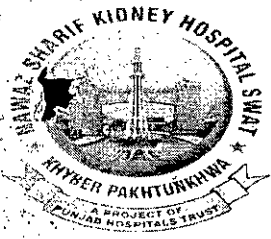
It is submitted that there is shortage of paramedical staff and the services of Mr.Nisar Ahmad Khan Clinical Technician (pharmacy) is needed to this hospital, therefore his transfer from NAWAZ SHARIF KIDNEY HOSPITAL SWAT, to DHQ Haripur may kindly be cancelled, as there ~~is no~~

~~administrative complaint on the official concerned.~~

  
Medical Superintendent,  
Nawaz Sharif Kidney Hospital Swat.

Attested by

  
Gauhar Ali Khan  
Advocate Swat.



# Nawaz Sharif Kidney Hospital

Sangota, Swat, KPK, Pakistan.

(31)

(31)

## OFFICE ORDER.

Mr. Nisar Ahmad Khan JCT Pharmacy is hereby nominated as coordinator of all Paramedics/Class-IV staff of Nawaz Sharif Kidney Hospital Swat with immediate effect in the interest of public.

He will be assigned all kinds of duty to them as per their job description.

MEDICAL SUPERINTENDENT  
NAWAZ SHARIF KIDNEY  
HOSPITAL SWAT.

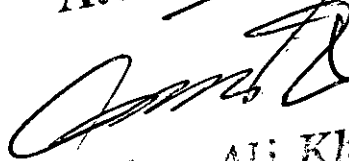
No. 813-14/DT  
Copy forwarded to the:-

Dated. 10 /8/2015.

- 1- Mr. Nisar Ahmad Khan JCT Pharmacy for information & compliance.
- 2- All Para Medical & Class-IV Staff of Nawaz Sharif Kidney Hospital Swat for information.

MEDICAL SUPERINTENDENT  
NAWAZ SHARIF KIDNEY  
HOSPITAL SWAT.

Attested by

  
Gauhar Ali Khan  
Advocate Swat.



CHIEF MINISTER'S SECRETARIAT  
KHYBER PAKHTUNKHWA  
PESHAWAR

(32)

2367/1111  
18/03/17

No. SO-II/CMS/KPK/1-1/2017/Nisar ahmad  
Dated Peshawar the 8<sup>th</sup> March, 2017

13660- w/E

To

o/c

The Secretary to Govt. of Khyber Pakhtunkhwa,  
Health Department.

Subject:- **CHIEF MINISTER'S DIRECTIVE (OFFICE ORDER/BAN ON RELAXATION).**

Dear Sir,

I am directed to enclose herewith a copy of self-explanatory office order No. 8430-34/AE-VI dated 22.02.2016 received from Assistant Director (P-III), Directorate General Health Services, Khyber Pakhtunkhwa, Peshawar in respect of Mr. Nisar Aham Khan JCT Pharmacy on the above cited subject. The Hon'ble Chief Minister has been pleased to record the following remarks thereon:-

**Sec Health**

**Please cancel the Transfer**

2. It is, therefore, requested that necessary action as per above remarks may be taken accordingly, under intimation to this Secretariat, please.

Yours Faithfully,

(**Sher Alam Khan**)  
SECTION OFFICER-II

**Copy Forwarded to:-**

1. PS to Principal Secretary to Chief Minister, Khyber Pakhtunkhwa
2. A.D (IT), Chief Minister's Secretariat, Khyber Pakhtunkhwa.

(**Sher Alam Khan**)  
SECTION OFFICER-II

De/HS

m/le pl. Secretary Health

Attested by

(**Gauhar Ali Khan**)  
Gauhar Ali Khan  
Advocate Swat.



Annex 'F' (73)

DIRECTORATE GENERAL HEALTH SERVICES  
KHYBER PAKHTUNKHWA, PESHAWAR.



Office Ph# 091 - 9210267 Exchange# 091 - 9210187, 091 - 9210196 Fax #091 - 9210230  
All communications should be addressed to the Director General Health Services Peshawar and not to any official by name.

OFFICE ORDER.

As approved by the competent authority, the transfer order issued in respect of Nisar Ahmad Khan, CT Pharmacy BPS-12 vide this Directorate bearing endorsement No. 8430-34/AE-VI, dated 22-12-2016, is hereby cancelled.

Sd/xxxxxxxxx  
DIRECTOR GENERAL HEALTH  
SERVICES KPK, PESHAWAR.

No. 41094-4102/AE-VI

Dated Peshawar the 13 / 03 / 2017.

Copy forwarded to the: -

- 1) Section Officer-II, CM Secretariat KPK, Peshawar.
- 2) PS to Secretary Health.
- 3) M/S Nawaz Sharif Kidney Hospital, Swat
- 4) DHO Haripur.
- 5) DAO, Swat.
- 6) DAO, Haripur.
- 7) DHIS Cell DGHS KPK Peshawar.
- 8) DA concerned.
- 9) Official concerned.

For information and necessary action.

(Signature)  
DIRECTOR GENERAL HEALTH  
SERVICES KPK, PESHAWAR.

19/3

Attested by

(Signature)

Gauhar Ali Khan  
Advocate Swat.

(34)

108

**DIRECTORATE GENERAL HEALTH SERVICES  
KHYBER PAKHTUNKHWA, PESHAWAR.**



Office Ph# 091 - 9210269      Exchange# 091 - 9210187, 091 - 9210196,      Fax #091 - 9210230  
All communications should be addressed to the Director General Health Services Peshawar and not to any  
Official by name.

**OFFICE ORDER.**

Mr. Nisar Ahmad Khan, CT Pharmacy attached to Nawaz Kidney Hospital, Swat is hereby adjusted against the vacant post of CT Pharmacy at Nawaz Sharif Kidney Hospital, Swat for the purpose of drawal of pay (for the period from 17-1-2017 to 13-3-2017).

Sd/xxxxxxxxx  
**DIRECTOR GENERAL HEALTH  
SERVICES KPK, PESHAWAR.**

No. 5414-17 /AE-V

Dated Peshawar the 31 / 3 /2017.

Copy forwarded to the: -

- 1) M/S Nawaz Kidney Hospital, Swat w/r to his letter No.783/PC, dated 18/3/2017.
- 2) DAO, Swat.
- 3) ~~DA~~ concerned.
- 4) Official Concerned.

For information and necessary action.

Assistant Director (Paramedics)  
Directorate General Health Services,  
Khyber Pakhtunkhwa, Peshawar.

Attested by

Gauhar Ali Khan  
Advocate Swat.

Annex 'G' 33

DIRECTOR

Office P.H. 001 - 2210229

All communications should be addressed to the

Director General Health Services

OFFICE ORDER

As approved by the competent authority the Services of Mr. Bisar Ahmad Khan Pharmacy BPS-12 attached to Nawaz Sharif Kidney Hospital Swat is hereby placed at the disposal of DHO Swat for further posting on administrative ground (preferably at Khwaza Khela) with immediate effect.

Arrival reports should be submitted to this Directorate for record.

~~SECRET~~  
DIRECTOR GENERAL HEALTH SERVICES K.P.K. PESHAWAR.

No. 6395-42/AEAT

Dated Peshawar the 6/9-2018

Copy forwarded to the:-

- 1) Medical Superintendent Nawaz Sharif Kidney Hospital Swat
- 2) DHO Swat
- 3) D.A.O Swat
- 4) P.S to Secretary-Health K.P.
- 5) P.A to DGHS KP Peshawar
- 6) Promotion Cell DGHS Office Peshawar.
- 7) D.A concerned.
- 8) Official concerned.

For information and necessary action.

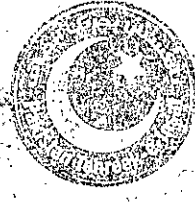
Additional Director

Attested by

Gauhar Ali Khan  
Advocate Swat.

Aziz ullah Khan (Gran)

M.P.A (P.K-3 Swat)  
General Secretary P.T.I Swat  
Cell: 0345-9458500



عزیز اللہ خان (گران)

ایم۔ پی۔ اے۔ (پی۔ کے۔ 3 سوات 2)  
جنرل سیکرٹری پی ٹی آئی سوات

Ref. No. \_\_\_\_\_

Date 29/8/2018

کرا سوات

محترم جناب ڈائریکٹر جنرل محکمہ صحت خیبر پختونخواہ پشاور

جناب عالی!

گزارش ہے کہ نثار احمد خان (JCT) جو نواز شریف کڈنی ہسپتال سوات میں ڈیوٹی سرانجام دے رہا ہے، کافی عرصہ سے ہسپتال کا سارا عملہ اس کے غیر اخلاقی رویے سے تنگ آچکا ہے، اور اس کے اس غیر قانونی اور غیر اخلاقی حرکات کی وجہ سے صوبائی حکومت کو ناقابل تلافی نقصان پہنچنے کا اندیشہ ہے۔ اس کے علاوہ نگران سینٹ اپ میں پورے عملہ نے اس کے خلاف احتجاج بھی کیا، اور حکومت سے مطالبہ کیا تھا، کہ اس کو فوراً تبدیل کیا جائے۔ جو کہ ریکارڈ پر موجود ہے۔

لہذا استدعا ہے، کہ منظور کی درخواست ہذا نثار احمد خان (JCT) کو نواز شریف کڈنی ہسپتال سے خلیفہ گل نواز ہسپتال بنوں ٹرانسفر کرنے کے احکامات صادر فرمائیں۔

الرقوم:- 29/08/2018

عزیز اللہ خان (گران)

ایم پی اے پی کے 3 سوات

Azizullah Khan  
(Urfe Gran)  
Member Provincial Assembly  
PK-3 Swat

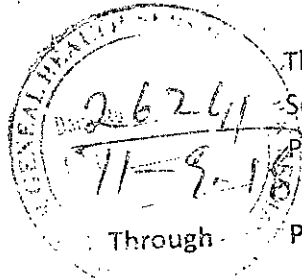
Attested by

Gauhar Ali Khan  
Advocate Swat.

(37)

1

Spago



To,  
The Director General Health Services Khyber Pakhtun Khwa Peshawar.

Through Proper Channel.

Subject: REQUEST FOR CANCELATION OF TRANSFER.

Sir,  
I have the honour to invite your kind attention to the transfer order issued from your kind office vide office order endorsement No: 6395-402/AE-VI dated: 06/09/2018, on administrative ground and as such my services were kept at the disposal of District Health Officer District Swat for further posting to THQ Hospital Khyazak Fela Swat.

I belong to village Manglor District swat. From my posting to this hospital till date I have not carried out any irregularity which causes my transfer on administrative ground.

Moreover the hospital management is satisfied from my services beside this I also at the verge of my retirement therefore I humbly requested that my transfer may kindly be cancelled and I may please be retained in Nawaz Sharif Kidney Hospital Swat accordingly please. It is further to mention here that the hospital management appreciate my services and as such an appreciation letter No: 2513/PF dated: 16/11/2017 is issued to me, which indicates my best performance in the hospital (copy is attached for ready reference).

For your this act of kindness I shall be very thankful to you.

Thanks sir

Yours Obédiently

Nisar Ahmad Khan  
CT Pharmacy BPS-12  
NSKH Swat.  
07/09/2018

Attested by

Gayhar Ali Khan  
Advocate Swat.



# Nawaz Sharif Kidney Hospital

Manglor Swat, Khyber Pakhtunkhwa, Pakistan

Ph.No. Exchange: 0946-730890, Fax No. 0946-730889

No. 1813 /Actt;

Dated 07/09 /2018

(38)

To

The Director General Health Services,  
KPK, Peshawar

**Subject: OFFICE ORDER 9TRANSFER OF MR.NISAR AHMAD**

Sir,

Reference No. 6395\_402AVI dated 06-09-2018 regarding transfer of Mr. Nisar Ahmad clinical Technician (pharmacy) Nawaz Sharif Kidney hospital swat.

It is humbly stated that the official concerned has been interested with liaison coordination duties in addition to his own duties.


He has successfully negotiated with the revenue department swat for re-claiming and re-demarcation of hospital land.

The transfer of land from Punjab hospital Trust Nawaz Sharif Kidney Hospital swat remains a major problem in the release of hospital budget and Mr. Nisar Ahmad is responsible to proceed in this matter further.

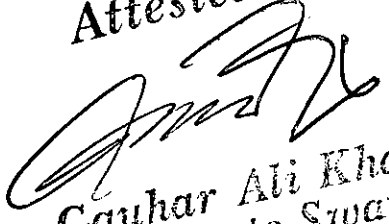
Moreover, he is also responsible for managing paramedical Class -IV staff in terms of punctuality and best performance which has resulted into responsible cleanliness of hospitals. The hospital is also has to deal with the local community and Mr. Nisar Ahmad, being well-connected with the local community is a helpful hand for the hospital management.

More ever there is acute shortage of staff; therefore it is recommended that his transfer order may please be cancelled.

Keeping the above factors you are requested to kindly retain the official in Nawaz Sharif Kidney Hospital Swat for continuity of his value added services.

  
Medical superintendent  
Nawaz Sharif Kidney Hospital  
Manglor Swat

Attested by

  
Gauhar Ali Khan  
Advocate Swat.



# Nawaz Sharif Kidney Hospital

Sangota, Swat, KPK, Pakistan.

(4)

(39)

## OFFICE ORDER

Mr. Nisar Ahmad Khan JCT Pharmacy is hereby nominated as coordinator of all Paramedics/Class-IV staff of Nawaz Sharif Kidney Hospital Swat with immediate effect in the interest of public.

He will assigned them all kind of duty to them as per their job description

MEDICAL SUPERINTENDENT  
NAWAZ SHARIF KIDNEY  
HOSPITAL SWAT.

No. 613-14, DF

Dated. 10 / 8 / 2015.

Copy forwarded to the:-

- 1- Mr. Nisar Ahmad Khan JCT Pharmacy for information & compliance
- 2- All Para Medical & Class- IV Staff of Nawaz Sharif Kidney Hospital Swat for information.

MEDICAL SUPERINTENDENT  
NAWAZ SHARIF KIDNEY  
HOSPITAL SWAT.

Attested by

Gauhar Ali Khan  
Advocate Swat.



# Nawaz Sharif Kidney Hospital

Manglor Swat, Khyber Pakhtunkhwa, Pakistan

Ph. No: 0946-730880-91, Fax No: 0946-730889

(40)

## OFFICE ORDER

Mr. Nisar Ahmad Khan CT Pharmacy BPS-12, is directed to work as Coordinator Public Relation w.e.f 17/08/2018.

He will also supervise all Paramedics, Technical and Class-IV staff of this Hospital.

Sd/-----

Medical Superintendent  
Nawaz Sharif Kidney  
Hospital Swat.

No. 1588 /O. Order Dated: 17/08/2018

Copy forwarded to All HOD/Incharge for information.

Medical Superintendent  
Nawaz Sharif Kidney  
Hospital Swat

Attested by

Gauhar Ali Khan  
Advocate Swat.





**Nawaz Sharif Kidney Hospital**  
 Manglor Swat, Khyber Pakhtunkhwa, Pakistan  
 Ph. No: 0946-730890-91, Fax No: 0946-730889



(4)

APPRECIATION LETTER

The Management of Nawaz Sharif Kidney Hospital Swat appreciates the services of the "Mr. Nisar Ahmad Khar Liaison Officer" for his efficient & responsible work behavior and their contribution for development of this institution.

He served this Hospital with honesty and dedication.  
 Wish him success in his future career.

Sd/ \_\_\_\_\_  
 Medical Superintendent  
 Nawaz Sharif Kidney  
 Hospital Swat

No: \_\_\_\_\_ /DF

Dated: 16/11/2017

Copy forwarded to the above named officer for information.

Dr. Muhammad Ayub  
 Medical Superintendent  
 Nawaz Sharif Kidney  
 Hospital Swat

Attested by

*Gauhar Ali Khan*  
 Gauhar Ali Khan  
 Advocate Swat

Annex 'H' (12)



**GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT**

No. SOH-III/8-89/2018(Nisar Ahmad)  
Dated the Peshawar 19<sup>th</sup> October, 2018

To

The Director General Health Services  
Khyber Pakhtunkhwa

SUBJECT: **DEPARTMENTAL APPEAL AGAINST TRANSFER ORDER DATED 06-09-2018**

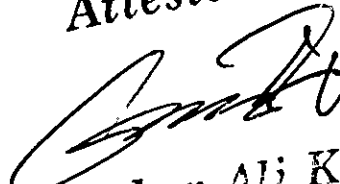
I am directed to refer to the subject noted above and to enclose herewith a copy of departmental appeal along with other enclosures submitted by Nisar Ahmad Khan, CT Pharmacy attached to Nawaz Sharif Kidney Hospital, Swat under transfer to DGHS office, Peshawar and to state that the available record shows that the official concerned has been transferred many a times from 2015 to 2018, seemingly due to political interference rather than on administrative ground.

It is further added that the inquiry report carried out by Deputy Director HRM on dated 8<sup>th</sup> January, 2018 also reveals that the official concerned has been cleared in the said inquiry (copy enclosed).

I am, therefore, directed that the subject appeal may be examined properly and a self contained report for the perusal/decision of the competent authority may be furnish to th's department to proceed further in the matter, please.

**Encl: As above.**

Attested by

  
Gauhar Ali Khan  
Advocate Swat.

  
Section Officer-I.I

**Endst: of even no & date.**

Copy forwarded to:-

1. PS to Secretary Health Department, Khyber Pakhtunkhwa.

  
Section Officer-III



No. 6395-409 AE-VI

Date 6/9/2018

Additional Director (General Health Services) Khayber Pakhtunkhwa

*[Handwritten signature]*

For information and necessary action.

Attested by  
*[Handwritten signature]*  
General Health Services

- 1) Medical Superintendent Nawroze Sher Khan Hospital Swat
- 2) DMO Swat
- 3) DMO Swat
- 4) P.S. to Secretary Health K.P.
- 5) P.S. to DCGIS KP Peshawar
- 6) Promotion Cell DCGIS Office Peshawar
- 7) D.S. General
- 8) Official concerned

Copy forwarded to the:-

D. of Peshawar the 6/5-2018

6365-4011

SD/XXXXXX  
DIRECTOR GENERAL HEALTH SERVICES K.P. PESHAWAR

All reports should be submitted to this Directorate for approval.

As approved by the competent authority the Services of Mr. Faraz Ahmad Khan (D.S. General) are hereby placed at the disposal of the Government of Punjab for further posting on administrative ground preferably at Khwahkhetl will remain on file.

Directorate General Health Services  
Khayber Pakhtunkhwa  
Peshawar

Telephone: 9210259, 9210260, 9210261, 9210262  
Fax: 9210259, 9210260, 9210261, 9210262

All communications should be addressed to the Director General Health Services Peshawar.

Official Website: [www.dgshs.gov.pk](http://www.dgshs.gov.pk)

4/3

خدمت جناب سیکرٹری ہیلتھ سیر، گورنمنٹ ہسپتال، منگلا پور، منگلا پور، ضلع سوات، پشاور

نثار احمد خان ولد شاد محمد خان (مرحوم) ساکن جھاد خیل، منگلا پور تحصیل، ضلع سوات۔۔۔۔۔ سائیل

اپیل بر خلاف ٹرانسفر آرڈر مورخہ 06/09/2018

انڈکس

نمبر شمار	نوعیت کاغذات	تعداد
1	اپیل	
2	نقل آفس آرڈر نمبر VI-AE-61-853 مورخہ 10/02/2015 و آرڈر نمبر V-E-1350/58 مورخہ 27/02/2015	
3	نقل ٹرانسفر آرڈر نمبر V-E-74-14266 مورخہ 20/09/2017، انکوائیری رپورٹ و مفروضی ٹرانسفر آرڈر نمبر 7453-55 مورخہ 11/10/2017	
4	نقل آرڈر نمبر VI-AE-34-8430 مورخہ 22/12/2016، انکوائیری رپورٹ اور آرڈر مورخہ 13/03/2017	
5	نقل آرڈر نمبر VI-AF-402-6395 مورخہ 06/09/2018	
6	نقل چھٹی نمبری Acct/714 مورخہ 23/09/2017 و آئینی شفیٹ / چھٹی مورخہ 06/11/2017	
7	نقل Deputation Policy	

سکرٹری ہیلتھ سے ڈس جس کو خط

Attested by

Gauhar Ali Khan  
Advocate Swat

نثار احمد خان ولد شاد محمد خان (مرحوم)

ساکن جھاد خیل، منگلا پور تحصیل، ضلع سوات

CT Pharmacy نواز شریف کڈی ہسپتال منگلا پور سوات

### بخدمت جناب سیکرٹری ہیلتھ خیبر پختونخوا بمقام سول سیکرٹریٹ پشاور

نثار احمد خان ولد شاد محمد خان (مرحوم) ساکن حقدادخیل، منگور تحصیل ضلع سوات۔۔۔ سائیل

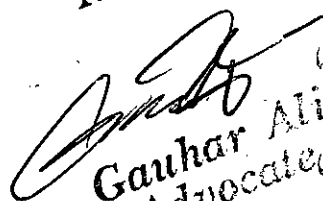
ایپیل برخلاف ٹرانسفر آرڈر مورہ 06/09/2018 جس کی رو سے من سائیل کو ڈائریکٹر جنرل ہیلتھ سروسز خیبر پختونخوا نے غیر قانونی، غیر آئینی طور پر نواز شریف کڈنی ہسپتال منگور سوات سے تحصیل ہیڈ کوارٹر خوازہ حیلہ ٹرانسفر کیا ہے۔

جناب عالی! حسب ذیل عرض ہے۔

(۱) یہ کہ سال 1989ء میں سید وینچنگ ہسپتال بمقام سید شریف ضلع سوات میں بحیثیت JCT BPS-12 بھرتی ہو کر اپنی ڈیوٹی پوری ایمانداری سے سرانجام دی ہے۔

Attested by

(۲) یہ کہ تقریباً 27 سال اپنی ڈیوٹی نہایت ایمانداری اور دیانت داری سے سرانجام دینے کے بعد

  
Gauhar Ali Khan  
Advocate Swat.

ایم پی اے PK-4 عزیز اللہ خان عرف گران نے اپنے سیاسی اثر و رسوخ استعمال کر کے من

سائیل کو بروئے آفس آرڈر نمبر 853-61/AE-VI مورخہ 10/02/2015 ڈسپوزل

آف ڈی ایچ اوسوات ٹرانسفر کیا، جو کہ بعد ازاں بروئے آرڈر نمبر 1350/58/E-V

مورخہ 27/02/2015 منسوخ کیا گیا۔ (نقل آفس آرڈر نمبر 853-61/AE-VI

مورخہ 10/02/2015 و آرڈر نمبر 1350/58/E-V مورخہ 27/02/2015 لف

ہیں۔)

(۳) یہ کہ مذکورہ ایم پی اے PK-4 عزیز اللہ خان عرف گران کے بار بار من سائیل کو مختلف جگہوں

ٹرانسفر کرنے سے من سائیل تنگ آ کر Deputation Policy کے تحت نواز شریف

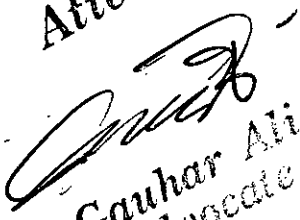
96

(۲)

کڈنی ہسپتال منگلور سوات منتقل ہوا۔

(۳) یہ کہ مذکورہ ایم پی اے PK-4 عزیز اللہ خان عرف گران نے من سائیل کو تنگ و پریشان کرنے کے غرض سے ایک بار پھر اپنے سیاسی اثر و رسوخ استعمال کرتے ہوئے بروئے آرڈر نمبر 14266-74/E-V مورخہ 20/09/2017 من سائیل کو نواز شریف کڈنی ہسپتال منگلور سوات سے Disposal of DHO Shangla ٹرانسفر کیا، جس میں بعد ازاں HRM (GHS) KP نے انکوائیری شروع کی جو کہ من سائیل کے حق میں فیصلہ ہوئی اور چونکہ وہاں پر کلینکل ٹیکنیشن کے خالی آسامی موجود نہیں تھی، بدیں وجہ بروئے آرڈر نمبر 7453-55 مورخہ 11/10/2017 ٹرانسفر آرڈر نمبر 14266-74/E-V مورخہ 20/09/2017 منسوخ کی گئی۔ (نقل ٹرانسفر آرڈر نمبر 14266-74/E-V مورخہ 20/09/2017، انکوائیری رپورٹ و منسوخ ٹرانسفر آرڈر نمبر 7453-55 مورخہ 11/10/2017 لف ہیں)۔

Attested by

  
Gauhar Ali Khan  
Advocate Swat.

(۴) یہ کہ اسی طرح ایک بار پھر سے مذکورہ ایم پی اے PK-4 Swat عزیز اللہ خان عرف گران نے بروئے آرڈر نمبر 8430-34/AE-VI مورخہ 22/12/2016 من سائیل کا تبادلہ نواز شریف کڈنی ہسپتال سے Disposal of DHO Haripur کی، جس میں بھی HRM (GHS) KP نے انکوائیری شروع کی جو کہ بھی من سائیل کے حق میں فیصلہ ہوئی اور مذکورہ ٹرانسفر آرڈر بروئے آرڈر مورخہ 13/03/2017 منسوخ کی گئی۔ (نقل آرڈر نمبر 8430-34/AE-VI مورخہ 22/12/2016، انکوائیری رپورٹ اور آرڈر مورخہ 13/03/2017 لف ہیں)۔

(۵) یہ کہ مذکورہ بالا ٹرانسفر کے باوجود مذکورہ ایم پی اے PK-4 Swat عزیز اللہ خان عرف گران نے اب بروئے آرڈر نمبر 6395-402/AF-VI مورخہ 06/09/2018

(۳)

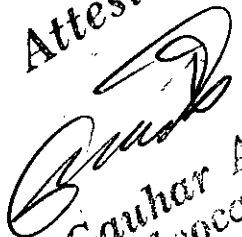
من سائیل کا ٹرانسفر Disposal of DHO Khwazakhela کی ہے جس میں  
بھی باقاعدگی انکوائری شروع ہوئی ہے۔ (نقل آرڈر نمبر 6395-402/AF-VI مورخہ  
06/09/2018 لف ہے)۔

(۶) یہ کہ مذکورہ ایم پی اے PK-4 Swat عزیز اللہ خان عرف گران نے من سائیل کے تمام  
ٹرانسفرز غیر قانونی اور سیاسی اثر و رسوخ استعمال کر کے عمل میں لائے ہیں۔

(۷) یہ کہ من سائیل نے نہایت ایمانداری اور خوش اسلوبی سے اپنی ڈیوٹی سرانجام دی ہیں، اس  
نسبت میڈیکل سپرینڈنڈنٹ نواز شریف کڈنی ہسپتال منگلور سوات کے طرف سے ایک چھٹی  
نمبری 714/Acct مورخہ 23/09/2017 جناب ڈائریکٹر جنرل ہیلتھ سروسز کو ارسال کی  
ہے اور اسی طرح تعریفی سٹیٹمنٹ / چھٹی مورخہ 06/11/2017 من سائیل کو جناب  
میڈیکل سپرینڈنڈنٹ نواز شریف کڈنی ہسپتال، منگلور سوات سے جاری شدہ ہے۔ (نقل

چھٹی نمبری 714/Acct مورخہ 23/09/2017 و تعریفی سٹیٹمنٹ / چھٹی مورخہ  
06/11/2017 لف ہیں)۔

Attested by

  
Gauhar Ali  
Advocate Swat

(۸) یہ کہ آخری ٹرانسفر آرڈر مورخہ 06/09/2018 اکل غیر قانونی اور غیر شرعی طور پر جاری کیا گیا ہے  
گئی ہے، کیونکہ من سائیل مورخہ 05/09/2018 سے ایک مہینہ کے چھٹی پر ہے۔

(۹) یہ کہ نواز شریف کڈنی ہسپتال منگلور سوات پنجاب ہسپتال ٹرسٹ کے تحت قائم کیا جا کر اب  
مذکورہ ٹرسٹ اور محکمہ صحت خیبر پختونخوا کے مابین ایک باقاعدہ معاہدہ کے تحت چلایا جا رہا ہے  
اور مذکورہ معاہدہ کے رو سے سائیل کو Deputation Policy کے تحت رکھا گیا ہے،  
جس میں اب صوبائی حکومت براہ راست مداخلت نہیں کر سکتی۔ اس سلسلے قانون کافی واضح ہے  
اور آپ جناب محکمہ قانون خیبر پختونخوا سے رائے بھی طلب کر سکتے ہیں۔ (نقل

Deputation Policy لف ہے)۔



5

(48)

(۴)

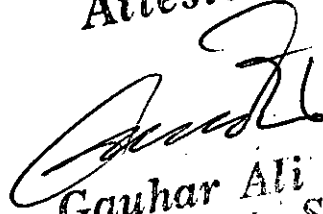
لہذا استدعاء ہے کہ من سائیل کا ٹرانسفر آرڈر محررہ 06/09/2018 منسوخ کرنے کے احکامات صادر فرمائی جائے۔ سائیل تاحیات دعا گور ہونگا۔

عزیز  
شاد احمد خان ولد شاد محمد خان (مرحوم)

ساکن حقذاخیل، منگور تحصیل و ضلع سوات

CT Pharmacy نواز شریف کڈنی ہسپتال منگور سوات

Attested by



Gauhar Ali Khan  
Advocate Swat.



# Nawaz Sharif Kidney Hospital

Manglawar Swat, Khyber Pakhtunkhwa, Pakistan

Ph. No.: 0946-730890-91, Fax No. 0946-730889

Hospitalnshk@gmail.com

6  
(19)

No: 1954 / PF

Dated: 25 / 09 / 2018

To

The Director General Health Services,  
KPK, Peshawar

Subject:-

**TRANSFER ORDER NO. 6395-402/AE-VI DATED: 06/09/2018  
OF NISAR AHMAD CT FROM NAWAZ SHARIF KIDNEY  
HOSPITAL MANGLAWAR SWAT TO DHO SWAT FOR  
FURTHER POSTING AT THO KHWAZAKHELA.**

Dear Sir,

Reference No. 6395-402/AE-VI Dated: 06/09/2018 regarding transfer of  
Mr. Nisar Ahmad CT Pharmacy Nawaz Sharif Kidney Hospital Swat.

It is humbly stated that Mr. Nisar Ahmad was placed at Nawaz Sharif  
Kidney Hospital Swat under the prevailing policy. *of transfer & posting*

Moreover, he is also responsible for managing paramedical and Class-  
IV staff in terms of punctuality. It is pertinent to mention that his best  
performance has resulted into reasonable cleanliness of the Hospital. The  
Hospital also has to deal with the local community and Mr. Nisar Ahmad,  
being well connected with the local community is a helpful hand for the  
hospital management.

Furthermore, he has successfully negotiated with the Revenue  
Department Swat for reclaiming and re-demarcation of Hospital Land. The  
transfer of land from Punjab Hospitals Trust to Nawaz Sharif Kidney  
Hospital Swat remained a major problem in the release of Hospital budget  
and Mr. Nisar Ahmad has handled this matter properly. The Punjab  
Hospitals Trust is running the Nawaz Sharif Kidney Hospital at Manglawar  
Swat with the collaboration with the Health Department Government of  
Khyber Pakhtunkhwa. In this regard, a mutual agreement was reached in  
between both of them. In order to clarify the present legal status of the  
Hospital as well as the KP Government, legal opinion of the Law Department  
Government of Khyber Pakhtunkhwa may be sought.

**Attested by**

**Gauhar Ali Khan**  
Advocate Swat.



# Nawaz Sharif Kidney Hospital

Manglawar Swat, Khyber Pakhtunkhwa, Pakistan

Ph. No.: 0946-730890-91, Fax No. 0946-730889

Hospitalnskd@gmail.com

50

No: \_\_\_\_\_

Dated: / /2018

From the perusal of record and keeping in view the above mentioned legal status of the Nawaz Sharif Kidney Hospital Manglawar Swat, the above mentioned transfer order seems to be in violation of the prevailing law and rules on the subject.

Keeping in view the above mentioned facts, legal status of Nawaz Sharif Kidney Hospital Manglawar Swat and precedents of the Supreme Court of Pakistan your honor is requested to kindly retain the official mentioned above in Nawaz Sharif Kidney Hospital Manglawar Swat for continuity of his value added services. It is also requested that the legal status of the Nawaz Sharif Kidney Hospital Manglawar Swat along with the prevailing policies, rules etc on the subject may be brought in the knowledge of Provincial Government specially Law Department of the Government of Khyber Pakhtunkhwa for their legal opinion, so that the matter of the legal status of Nawaz Sharif Kidney Hospital Manglawar Swat may be resolved without any further delay, please.

Medical Superintendent,  
Nawaz Sharif Kidney Hospital Swat

No. 1955

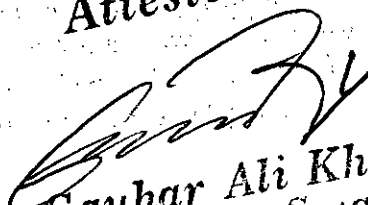
Dated: 25/9/2018

Copy forwarded;

1. Chief Minister KP Peshawar.
2. Health Minister KP Peshawar.
3. Health Secretary KP Peshawar.
4. For information and necessary action please

Medical Superintendent,  
Nawaz Sharif Kidney Hospital Swat

Attested by

  
Gauhar Ali Khan  
Advocate Swat.

Ammed 'I'

091 910230

DIRECTORATE GENERAL HEALTH SERVICES  
KHYBER PAKHTUNKHWA, PESHAWAR.

Office Ph# 091 - 9210269

Exchange# 091 - 9210187, 091 - 9210196,  
9210230

Fax #091

All communications should be addressed to the Director General Health Services Peshawar and not to any

Official by name.

OFFICE ORDER.

As approved by the competent authority, the transfer order in respect of Nisar Ahmad Khan, Clinical Technician (Pharmacy) BPS-12, issued vide this Directorate office order bearing endorsement No. 6395-402/AE-VI, dated 06/09/2018 is hereby cancelled with immediate effect, as well as the relieving order issued by M.S Nawaz Sharif Kidney Hospital, Swat vide Endst: No.2022-26/PF, dated 06/10/2018, is hereby withdrawn.

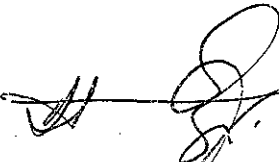
Sd/xxxxxxxx  
DIRECTOR GENERAL HEALTH  
SERVICES KPK, PESHAWAR.

No. 9912-15 /AE-VI Dated Peshawar the 02/11/2018.

Copy forwarded to the: -


- 1) M.S Nawaz Sharif Kidney Hospital, Swat.
- 2) District Health Officer, Swat.
- 3) DAO, Swat.
- 4) Section Officer-III, Govt. of Khyber Pakhtunkhwa Health Department Peshawar w/r to his letter No.SOH-III/8-89/2018(Nisar Ahmad) dated 19/10/2018.
- 5) P.A to Director General Health Services KPK, Peshawar.
- 6) Supdt: Promotion Cell (to correct the place of posting of official concerned in the seniority list
- 7) DA concerned.
- 8) Official concerned.

For information and necessary action.



Director (H.R.M.)  
Directorate General Health Services,  
Khyber Pakhtunkhwa, Peshawar.

Attested by

  
Gauhar Ali Khan  
Advocate Swat.

بعدالت جناب سینئر سول جج اعلیٰ علاقہ قاضی صاحب سوات

نثار احمد خان ولد شاد محمد خان (مرحوم) ساکن حقہراخیل، منگور، تحصیل بابوزی، ضلع سوات۔۔۔ مدعی

بنام

- ۱۔ حکومت خیبر پختونخواہ بذریعہ سیکریٹری صحت خیبر پختونخواہ بمقام سول سیکریٹریٹ پشاور
- ۲۔ ڈائریکٹر ہیلتھ سروسز خیبر پختونخواہ بمقام پشاور
- ۳۔ ڈسٹرکٹ ہیلتھ آفیسر سوات بمقام گلگدہ سید و شریف سوات
- ۴۔ ڈویژنل مانیٹرنگ آفیسر ملاکنڈ ڈویژن بمقام سید و شریف سوات
- ۵۔ میڈیکل سپرنٹنڈنٹ نواز شریف کڈنی ہسپتال سوات بمقام منگور سوات۔۔۔ مدعا علیہم

06 NOV 2018

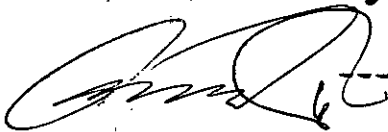
دعویٰ صدور ڈگری حکم انتاعی دوامی برخلاف مدعا علیہم بدیں مضمون کہ وہ مدعی کے خلاف ہر قسم کے غیر قانونی، خلاف واقعات، و خلاف آئین احکامات سیاسی و انتظامی بنیادوں پر صادر کرنے سے باز و ممنوع رہیں۔

مالیت بغرض گورٹ فیس و اختیار سہامت مبلغ دو سو روپے مقرر شد۔ جس پر گورٹ فیس معاف

-۴-

Attested by

بنائے دعویٰ چند روز قبل بعد از انکار مدعا علیہم اندر حد و عدالت حضور پیدا شد۔



Gauhar Ali Khan  
Advocate Swat,

جاری نمبر (۲)

Attested by

Gauhar Ali Khan  
Advocate Swat.

جناب عالی! مدعی حسب ذیل عرض کرتا ہے۔

۱۔ یہ کہ مدعی سال 1989ء میں سیدو ٹینگ ہسپتال بمقام سیدو شریف ضلع سوات میں بحیثیت JCT، BPS 12 بھرتی ہو کر اپنی ڈیوٹی ایمانداری سے سرانجام دیتا رہا ہے۔

۲۔ یہ کہ مدعی 10/02/2015 سے لیکر مورخہ 06/09/2018 تک دو سالوں میں مدعی کو سیاسی بنیادوں پر 8/10 مرتبہ غلط، خلاف واقعات اور خلاف قانون طور پر ٹرانسفر کیا گیا۔

۳۔ یہ کہ آخری تبادلہ محررہ 06/09/2018 کے خلاف من مدعی نے مدعا علیہ نمبر 1 کو حکمانہ اپیل دائر کی۔ مذکورہ حکمانہ اپیل کے مندرجات دعویٰ ادا کا لازمی جز تصور ہو۔ (نقل مذکورہ حکمانہ اپیل بحیثیت مستأویات لف ہیں)۔

مستأویات لف / اعلیٰ علاقہ قاضی سوات  
مورخہ

06 NOV 2018

۴۔ یہ کہ مدعی کے مذکورہ اپیل پر مدعا علیہ نمبر 1 نے چھٹی محررہ 19/10/2018 جاری کی جس میں واضح طور پر مدعا علیہ نمبر 1 نے یہ قرار دیا کہ مدعی کے سارے تبادلہ سیاسی بنیادوں پر کئے گئے

Attested by

ہیں۔ (نقل چھٹی منجانب مدعا علیہ نمبر 1 محررہ 19/10/2018 لف دعویٰ ادا ہے)۔

Gauhar Ali Khan  
Advocate Swat.

۵۔ یہ کہ مدعا علیہ نمبر 1 کے مذکورہ چھٹی محررہ 19/10/2018 کے روشنی میں مدعا علیہ نمبر 1 نے مدعی کا آخری تبادلہ نامہ محررہ 06/09/2018 بروئے آفس آرڈر محررہ 02/11/2018

Attested by

Gauhar Ali Khan  
Advocate Swat.

3

54

54

واپس لیکر مدعی اپنے جائے تعیناتی نواز شریف کڈنی ہسپتال بمقام منگلور میں واپس ہو کر مدعی نے چارج لیکر کام کرنا شروع کیا ہے۔ (نقل آفس آرڈر محررہ 02/11/2018 لف ہے)۔

۶۔ یہ کہ مدعی کو سیاسی بنیادوں پر دوبارہ ٹرانسفر کرنے کے لئے مدعی کے بدخواہان دوبارہ سرگرم عمل ہو گئے ہیں۔

۷۔ یہ کہ مدعا علیہم سے ہر چند رابطہ کر کے مطلع کیا گیا کہ مدعی کے خلاف مزید غیر قانونی، غیر شرعی، خلاف واقعات احکامات تبادلہ سیاسی بنیادوں پر جاری کرنے سے باز و ممنوع رہیں لیکن وہ مدعی کو واضح یقین دہانی کرانے سے معذور ہیں کیونکہ ان پر ان کی سیاسی اقاؤں کے جانب سے ناجائز دباؤ ہے بدیں وجہ مدعی کے پاس دعویٰ ہذا کے دائری کے سوا کوئی چارہ نہیں اور دعویٰ ہذا اندر میعاد ہے۔

06 NOV 2018

۷۔ یہ کہ مالیت دعویٰ بغرض کورٹ فیس و اختیار سماعت عدالت حضور و بنائے دعویٰ مندرجہ عنوان عرضی دعویٰ ہذا ہیں۔

۸۔ یہ کہ پیرا گراف 9 سب پیرا گراف (2) نظام شرعیہ ریگولیشن سال 2009ء کے تمام تقاضے پورے کئے گئے ہیں اور مدعا علیہم کو بذریعہ رجسٹری اے ڈی کارڈ مطلع کیا گیا ہے۔ (نقولت)

Attested by

Attested by

Gauhar Ali Khan  
Advocate Swat.

Gauhar Ali Khan  
Advocate Swat.

48

48

55

لہذا استدعا ہے کہ ڈگری مشد عیدہ درج عنوان عرضی دعویٰ  
بجس من مدعی بر خلاف مدعا علیہم صادر فرمائی جائے نیز  
دیگر ادوسی جو قرین انصاف ہو بھی مرحمت فرمائی جائے۔

عریضہ:

نثار احمد خان ولد شاد محمد خان (مرحوم)۔۔۔۔۔ (مدعی)

06 NOV 2018

تصدیق:

تصدیق کی جاتی ہے کہ جملہ مراتب دعویٰ ہذا تا حد  
علم و یقین میرے بالکل درست اور صحیح ہیں اور کوئی  
امر مخفی یا پوشیدہ از عدالت حضور نہیں رکھا گیا ہے۔

بوکالت:

محمد جاوید خان ایڈووکیٹ ہائی کورٹ

العبد:

نثار احمد خان ولد شاد محمد خان (مرحوم)۔۔۔۔۔ (مدعی)

المرقوم: 06/11/2018

Attested by

Gauhar Ali Khan

Advocate Swat.



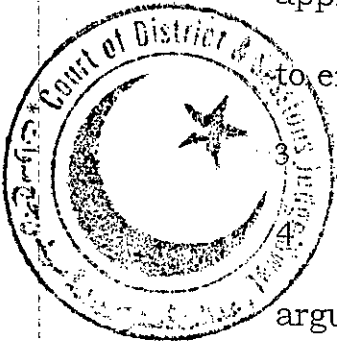
(56) (10)

IN THE COURT OF HAMISH KHAN CIVIL JUDGE/ILLAQA QAZI-VII,  
SWAT


Nisar Ahmad Khan Versus Govt: of KPK etc

**ORDER**  
15.01.2019

1. Parties are present.  
2. Vide this order I intended to dispose of an application for return of plaint due to lack of jurisdiction to entertain the instant suit.



3. Arguments have already been heard. Case file perused.  
4. Learned Counsel for the petitioner/defendants argued that the present suit is not maintainable due to lack of jurisdiction. The case in hand is actually deals with service matter and proper forum for such like cases is service tribunal and not a civil court. Further added that plaintiff is a government official and his transferred are made by his authorized immediate officers which is not illegal on any sense and according to law and rules. Besides this, civil court can only deal with the matters relating to civil in nature. Thus requested for the return of plaint due to lack of jurisdiction with costs.

  
Hamish Khan  
Civil Judge/Illaq Qazi-VII  
Swat.

5. On the other hand counsel for respondent/plaintiff argued that petitioners have not come to the court with clean hand. Moreover, all of the plaintiff transferred which is made by the petitioners/defendants are on the basis of political influence and not according to law and rule. Furthermore, there is no expressed bar on the jurisdiction

57

**ORDER**  
**15.01.2019**  
**CONTD.....**

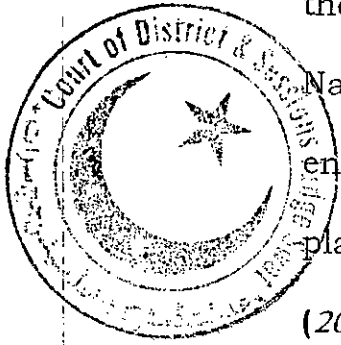
of Civil Court. Section 9 CPC empowered the Civil Court to try all Civil Suit unless barred. Moreover Malakanad Division is regulated under Nizam-e-Adle Regulation 2009 and certain laws are extended under Jirga Laws. Similarly the suit is filed for perpetual injunction which is Civil in Nature and this court has got ample jurisdiction to entertain the suit. Learned counsel for plaintiff/respondent put reliance on case laws:

*(2007 SCMR 554, PLD 1965 SC 698, 1994 MLD 2329, 2007 SCMR 1169).*

6. Perusal of the case file reveals that the plaintiff filed the instant suit for perpetual injunction to the effect that plaintiff/respondent has been appointed as JCT, BPS-12 in Saidu Teaching Hospital at Saidu Sharif in the year 1989. Since 10.02.2015 to 06.09.2018 he has been transferred 8 to 10 times without any legal or factual justification. It is also contended that last time he was transferred back to Nawaz Sharif Kidney Hospital at Manglawar on 02.11.2018 and now once again due to political pressure he is going to transfer by the defendants.

7. Discussing legal aspects of the instant suit that whether this court has got jurisdiction to entertain the instant suit this court placed reliance on case laws:

*2016 PLC (CS) 24, 2007 SCMR 54, 1998 SCMR 2129*



*Hamaish Khan*  
Civil Judge/Naqa Court  
Swat.

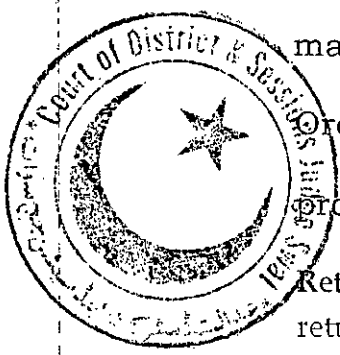
58

**ORDER**  
**15.01.2019**  
**CONTD.....**

8. In case law 2007 SCMR 52 it has been held that Orders of departmental authorities, even though without jurisdiction are malafide could be challenged only before service tribunal and jurisdiction of Civil Court including High Court was specifically ousted.

9. In light of above factual and legal discussion jurisdiction of civil court has been barred in service matters because proper forum is available to plaintiff.

Order VII Rule 10 CPC is relevant to the matter. Relevant provision is reproduced as under;



**Return of plaint.** (1) The plaint shall at any stage of the suit be returned to be presented to the Court in which the suit should have been instituted.

(2) **Procedure on returning plaint.** On returning a plaint the Judge shall endorse thereon the date of its presentation and return, the name of the party presenting it, and a brief statement of the reasons for returning it.

10. In view of the above factual and legal discussion this court is of the considered view that the suit in hand is not filed before proper forum. Hence the suit in hand is hereby returned under Order VII Rule 10 CPC in original to be filed before the proper forum. While attested copies shall be placed on file for record. No order as to costs.

11. File be consigned to the record room after necessary compilation and completion.

**Announced**  
**15.01.2019**

ATTESTED TO BE TRUE COPY

**EXAMINER,**  
**District & Sessions Judge,**  
**Zilla Qazi, Swat**

15/01/2019

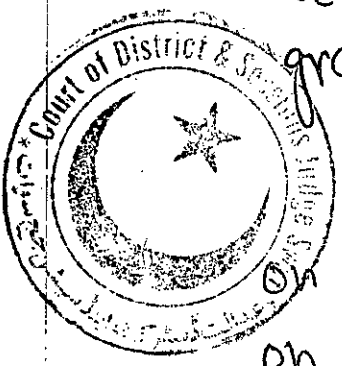
**(HAMAISH KHAN)**  
**Civil Judge/Illaqa Qazi-VII,**  
**Swat**  
**Hamaish Khan**  
**Civil Judge/Illaqa Qazi-VII**  
**Swat**

12 - C

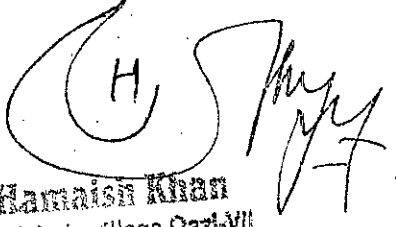
Nisar Ahmad Khan vs Govt of Kpk etc.

0-08  
02-01-2019

Plaintiff present. Defendants through Government pleader present. Case was filed for arguments on application of order 7 Rule 10 CPC. Arguments heard on behalf of defendant's. Plaintiff sought time on the ground that his learned Counsel is not available. Request accepted. Time granted



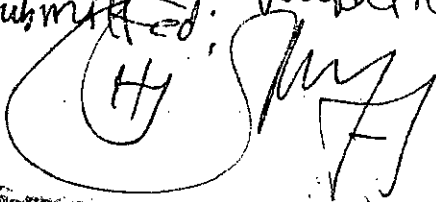
File to come up for arguments on application of order 7 Rule 10 CPC on behalf of plaintiff on 07-01-2019.

  
Hamaish Khan  
Civil Judge (I) Swat-VII  
Swat.

0-09  
07-1-2019

Parties present. Case was fixed for arguments. Arguments heard. order reserved. File to come up for order on 15-1-2019

behalf of plaintiff submitted; Wakatnama on 15-1-2019 placed on file



Hamaish Khan  
Civil Judge (I) Swat-VII  
Swat.

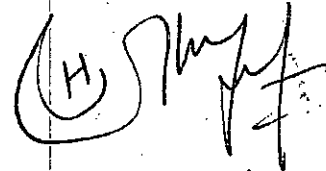
IN THE COURT OF HAMAISH KHAN CIVIL JUDGE/ILLAQA QAZI-VII,  
SWAT

*Nisar Ahmad Khan Vs Govt: of KPK etc*

Ord-----10  
15.01.2019

1. Parties present.
2. Arguments on application for return of plaint due to lack of jurisdiction have already been heard. Case file perused. Order announced.
3. Vide my detailed order of today, separately placed on file, this court is of the considered view that the suit in hand is not filed before proper forum. Hence the suit in hand is hereby returned under Order VII Rule 10 CPC in original to be filed before the proper forum. While attested copies shall be placed on file for record. No order as to costs.
4. File be consigned to the record room after necessary compilation and completion.

Announced  
15.01.2019



(HAMAISH KHAN)

Civil Judge/Illaqqa Qazi-VII, Swat

Hamaish Khan  
Civil Judge/Illaqqa Qazi-VII  
Swat



Copies of 29.1.13

6-11-2018  
Plaintiff along with Counsel present. Verifies contents of the plaint as true and correct. Be registered in the relevant register. Along with the plaint an application for temporary injunction is filed. Preliminary argument temporary injunction heard. Quo is granted till date fixed, subject to notice to defendants. Defendants be summoned as to appear before the Court.



File to come up for attendance of defendants on 16-11-2018

*(H) Shurya*  
Haramish Khan  
Civil Judge/Muzaffargarh Swat

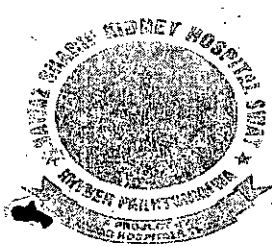
12621  
Date of Presentation of Application 6-11-2018  
Date of Disposal 7-11-2018  
Name of Plaintiff  
Name of Defendant

TESTED TO BE TRUE COPY

*(Signature)*  
7-11-2018

Attested by

*Gauhar*  
Gauhar Ali Khan  
Advocate Swat.



Annex 9 "K"  
**Nawaz Sharif Kidney Hospital**

Manglor Swat, Khyber Pakhtunkhwa, Pakistan

Ph. No.: 0946-730890-91, Fax No. 0946-730889

(59)

(61)

**OFFICE ORDER.**

In response to the Director General Health Services Khyber Pakhtunkhwa Peshawar, office order endorsement No: 9521-28/AE/VI, dated: 06/11/2018, Mr. Nisar Ahmad Khan CT Pharmacy BPS-12, who has been transferred to DHO DI Khan on administrative ground in light of the inquiry report conducted by the additional Director General Health Services, KP, is hereby relieved from the strength of this Hospital with immediate effect and directed to report to DHO DI Khan forthwith.


Sd=  
Medical Superintendent  
Nawaz Sharif Kidney  
Hospital Swat

NO. 2176 /O/O

Dated. 06/11/2018

Copy forwarded to the:-

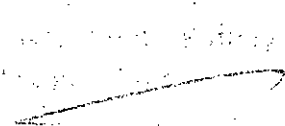
1. Mr. Nisar Ahmad Khan CT Pharmacy, for information and for strict compliance. He is further directed to report to DHO DI Khan forthwith.

  
Medical Superintendent  
Nawaz Sharif Kidney  
Hospital Swat

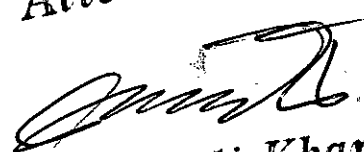
NO. \_\_\_\_\_ /O/O

2. P.A to Director General Health, Services, Khyber Pakhtunkhwa, Peshawar.
3. District Health Officer DI Khan.
4. District Health Officer Swat.
5. District Account Officer Swat.

For information

  
Medical Superintendent  
Nawaz Sharif Kidney  
Hospital Swat

Attested by

  
Gauhar Ali Khan  
Advocate Swat.

6-11-2018

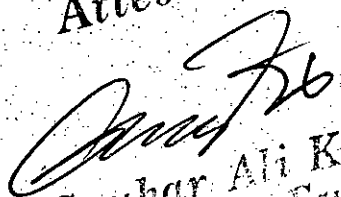
091-9210230

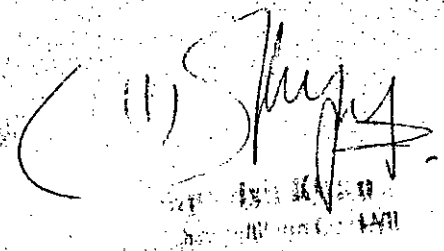
(62)

Plaintiff along with Counsel present.  
Verifies contents of the plaint as true  
and correct. Be registered in the  
relevant register. Along with the plaint  
an application for temporary injunction  
is filed. Preliminary arguments over  
temporary injunction heard. Status  
quo is granted till date fixed, subject  
to notice to defendant. Defendants  
be summoned as to appear before  
the Court.

File to come up for attendance of  
defendants on 16-11-2018

Attested by

  
Gauhar Ali Khan  
Advocate Swat.

(1)   
Shuja

File to DGH.

Date 06/11/2018



11-2018  
Plaintiff along with Counsel present.

6/11/2018

Verifies contents of the plaint as true and correct. Be registered in the relevant register. Along with the plaint an application for temporary injunction is filed. Preliminary arguments over temporary injunction heard. Status quo is granted till date fixed, subject to notice to defendants. Defendants be summoned as to appear before the Court.

(63)



File to come up for attendance of defendants on 16-11-2018

*(Handwritten Signature)*

Hameed Khan  
CSD Judge (Magistrate Class-II)  
Swat

16622  
Date of Presentation of Application 6-11-2018  
Date on which order made 7-11-2018  
No of the case 1-11  
Urgent or not Urgent  
Name of applicant As-Adami  
Signature (Signature)  
Cause 1-0-0  
Date of disposal 7-11-2018

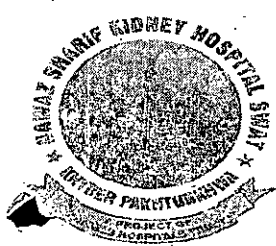
DGH DN 034051/E11

Date 09/11/2018

Attested by

*(Handwritten Signature)*  
Gauhar Ali Khan  
Advocate Swat.

7-11-2018



# Nawaz Sharif Kidney Hospital

Manglor Swat, Khyber Pakhtunkhwa, Pakistan

Ph. No.: 0946-730890-91, Fax No. 0946-730889

(57) (64)

## OFFICE ORDER.

In light of status quo granted to Mr. Nisar Ahmad Khan CT Pharmacy BPS-12 by the Civil Judge/illaqa Qazi-VI Swat, vide No: 16621, dated: 07/11/2018, hence the relieving order issued from this office vide office order 2177-80/O/O, dated: 06/11/2018, is hereby held in abeyance till further order.

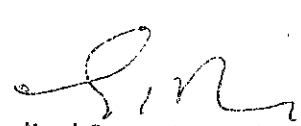
Sd=  
Medical Superintendent  
Nawaz Sharif Kidney  
Hospital Swat

NO. 2185-88/O/O

Dated. 07 /11/2018

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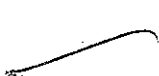
1. P.A to Director General Health, Services, Khyber Pakhtunkhwa, Peshawar.
  2. District Health Officer DI Khan.
  3. District Health Officer Swat.
  4. District Account Officer Swat.
- For information

  
Medical Superintendent  
Nawaz Sharif Kidney  
Hospital Swat

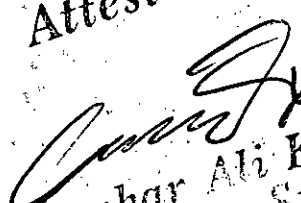
NO. \_\_\_\_\_/O/O

Dated. \_\_\_\_/11/2018

Copy forwarded to Mr. Nisar Ahmad Khan CT Pharmacy, for information.

  
Medical Superintendent  
Nawaz Sharif Kidney  
Hospital Swat

Attested by

  
Gauhar Ali Khan  
Advocate Swat.

**DIRECTORATE GENERAL HEALTH SERVICES  
KHYBER PAKHTUNKHWA, PESHAWAR.**

Office Phn 091 - 9210199

Exchange# 091 - 9210187, 991 - 9210196,  
9210230

All communications should be addressed to the Director General Health Services Peshawar and not to any official by name.



**OFFICE ORDER**

In partial modification of this Directorate office order bearing endorsement No.9112-19/AE-VI dated 2/11/2018, Mr. Nisar Ahmad Khan, Clinical Technician (Pharmacy) HPS-12 (under transfer to DHO, Swat) is hereby transferred/posed to DHO, D.I.Khan against the vacant post on administrative grounds in light of Enquiry Report conducted by Additional Director General Public Health DGHS Khyber Pakhtunkhwa Peshawar.

Arrival/Departure reports should be submitted to this Directorate for record.

**DIRECTOR GENERAL HEALTH  
SERVICES KPK, PESHAWAR.**

No. 921-28 /AE-VI.

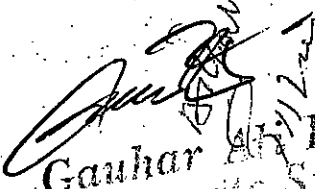
Dated Peshawar the 06/11/2018.

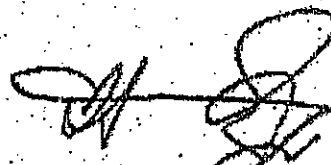
Copy forwarded to the:-

- 1) M.S Nawaz Sharif Kidney Hospital, Swat.
- 2) District Health Officer, Swat.
- 3) District Health Officer, D.I.Khan. He is requested to initiate disciplinary against the above mentioned official under F&D Rules, 2011, in light of the Enquiry Report copy attached.
- 4) P.A to Director General Health Services K.P Peshawar.
- 5) DAO Swat.
- 6) DAO, D.I.Khan.
- 7) D.A concerned.
- 8) Official concerned.

For information & necessary action.

Attested by

  
Gauhar Khan  
Advocate Swat.

  
Director (H.R.M)  
Directorate General Health Services  
Khyber Pakhtunkhwa, Peshawar.

*Amir (L)*

66

**BEFORE THE SECRETARY HEALTH KHYBER  
PAKHTUNKHWA, AT PESHAWAR**

L.No. 3122  
Date 9/11/18  
Secretary Health

DEPARTMENTAL APPEAL NO. \_\_\_\_\_ /2018

NISAR AHMAD KHAN S/O SHAD MOHAMMAD R/O VILLAGE  
MANGLOR TEHSIL BABOZAI DISTRICT SWAT\_ APPELLANT

VERSUS

1. GOVT. OF KHYBER PUKHTUNKHWA THROUGH  
SECRETARY HEALTH, AT CIVIL SECRETARIATE  
PESHAWAR.
  2. DIRECTOR GENERAL HEALTH SERVICES KHYBER  
PUKHTUNKHWA AT CIVIL SECRETARIATE  
PESHAWAR.
  3. DISTRICT HEALTH OFFICER SWAT AT GULKADA  
SAIDUSHARIF SWAT.
  4. DIVISIONAL MONITORING OFFICER MALAKAND  
DIVISION AT SAIDUSHARIF SWAT.
  5. MEDICAL SUPERINTENDANT NAWAZ SHARIF KIDNEY  
HOSPITAL SWAT AT MANGLOR SWAT.
- RESPONDENTS

**DEPARTMENTAL APPEAL AGAINST THE  
OFFICE ORDER NO. 9521-28/AE-VI OF  
RESPONDENT NO. 2 DATED 06/11/2018  
WHEREBY THE APPELLANT HAS BEEN  
ILLEGALLY & WITHOUT JURISDICTION  
TRANSFERRED ON POLITICAL INTERFERENCE  
TO D.I KHAN WITHOUT MENTIONING ANY  
ADMINISTRATIVE GROUND.**

**PRAYER:**

ON ACCEPTANCE OF THE  
INSTANT APPEAL, THE IMPUGNED  
ORDER PASSED BY RESPONDENT NO.  
2 DATED 06/11/2018 & ALL THE  
ACTIONS TAKEN IN PURSUANCE OF  
THE IMPUGNED ORDER MAY BE SET  
ASIDE BEING NULL & VOID, CONTRARY  
TO THE LAW, RULES & RECORD  
AVAILABLE ON FILE. THE ORDER  
DATED 02/11/2018 MAY BE  
RESTORED & THE APPELLANT MAY BE  
ORDERED TO PERFORM HIS DUTIES  
WITHOUT ANY POLITICAL  
INTERFERENCE FROM ANY QUARTER  
IN THE INTEREST OF JUSTICE.

Respectfully Sheweth,

**FACTS:**

1. That the Appellant was appointed as Dispenser in (BPS-06) vide Notification Endst: No. 977-79/Ae dated 01/02/1979 & since then the Appellant is performing his duties as Dispenser.

*(Copy of the Notification dated 01/02/1979 is attached as annexure "A")*

2. That the Appellant is presently serving as CT Pharmacy in (BPS-12) in NAWAZ SHARIF KIDNEY HOSPITAL MANGLOR SWAT.

3. That vide Notification No. 8690/97/AE/VI dated 09/07/2015, the Petitioner was posted as JCT (BPS-09) in NAWAZ SHARIF KIDNEY HOSPITAL MANGLOR SWAT.

*(Copy of the Order dated 09/07/2015 is attached as annexure "B")*

4. That the Petitioner was transferred/placed on the political interference "at the disposal of DHQ Shangla for further posting" vide office Order No. 14266-741/E-V dated 20/09/2017.

*(Copy of the office Order dated 20/09/2017 is attached as annexure "C")*

5. That as there was no vacant post relating to the Clinical Technician at DHQ Shangla (Notification No. 7453-55/DHO/SH/E-2 Dated 11/10/2017), therefore, an inquiry was conducted & the Petitioner was found innocent so the order mentioned above was cancelled vide Office Order No. 5919-29/E-V dated 17/10/2017.

*(Copy of the office Order dated 17/10/2017, Order dated 11/10/2017 & Inquiry Report are attached as annexure "D")*

6. That once again the local MPA exercising the political pressure, the Petitioner was transferred/placed "at the disposal of DHO Haripur for further posting" vide office Order No. 8430-34/AE-VI dated 22/12/2016.

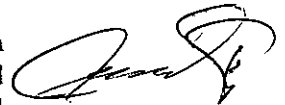
*(Copy of the office Order dated 22/12/2016 is attached as annexure "E")*

7. That once again, the HRM (GHS) KP conducted an inquiry in connection to the allegations leveled against the Petitioner, the Petitioner was found innocent so the order mentioned above was cancelled vide Office Order No. 4094-4102/AE-VI dated 13/03/2017.

*(Copies of the office Order dated 13/03/2017 & Inquiry Report are attached as annexure "F")*

8. That once again the local MPA exercising the political pressure, the Petitioner was transferred/placed "at the disposal of DHO Khwazakhela for further posting" vide office Order No. 6395-402/AE-VI dated 06/09/2018.

Attested by



Gauhar Ali Khan  
Advocate Swat.

(68) (97)

vide office Order No. 6395-402/AE-VI dated 06/09/2018.

*(Copy of the office Order dated 06/09/2018 is attached as annexure "G")*

9. That the Petitioner filed service appeal before the Secretary Health, which ended with the office Order No. SOH-III/8-89/2018 Dated 19/10/2018 with the observation that "the official (Petitioner) concerned has been transferred many a times since 2015 to 2018 seemingly due to political interference rather than on administrative ground".

*(Copy of the office Order dated 19/10/2018 & appeal are attached as annexure "H")*

10. That the above mentioned order was withdrawn by DG vide Notification No. 9412-19/AE-VI dated 02/11/2018 due to stay order.

*(Copy of the office Order dated 02/11/2018 is attached as annexure "I")*

11. That in the meantime, the Petitioner filed civil suit wherein the Civil Judge granted temporary injunction vide Order dated 06/11/2018. Later on the suit of the Petitioner was returned due to lack of jurisdiction.

*(Copies of the Complaint & Stay Order dated 06/11/2018 & Final Order of the Civil Court are attached as annexure "J")*

12. That once again the local MPA exercising the political pressure, the Petitioner was transferred/posted to DHO D.I Khan against the vacant post vide the impugned office Order No. 9521-28/AE-VI dated 06/11/2018.

*(Copy of the IMPUGNED office Order dated 06/11/2018 is attached as annexure "K")*

13. That feeling aggrieved from the said order, the Appellant preferred departmental appeal to Respondent No. 2 for considering the appellant for the promotion but got no reply or consideration till now.

*(Copy of the departmental appeal is attached as annexure "L")*

**Attested by**

*Gauhar Ali Khan*  
**Gauhar Ali Khan**  
**Advocate Swat**

14. That being aggrieved from the Impugned Notification dated 06/11/2018 being illegal, discriminatory, against the law, Constitution, natural justice and facts, not supported by the record on file which is liable to be set aside. The Appellant submits the instant appeal inter alia on the following among other grounds.

**GROUND S:**

- a. That the Impugned Order passed by Respondent No. 2 is unlawful as against the established norms of law, void ab-initio, natural justice & Sharia.

b. That the Petitioner was transferred/placed on the political interference "at the disposal of DHQ Shangla for further posting" vide office Order No. 14266-741/E-V dated 20/09/2017. The said order was the result of the MPA's political & undue interference which is evident from the letter dated 02/10/2017 which was written to Respondent No. 2.

*(Copy of the letter dated 02/10/2017 is attached as annexure "M")*

c. That the Petitioner was found to be innocent in the inquiry conducted in connection to the allegations leveled against the Petitioner which also show that the Petitioner has been treated as rolling stone in the political scenario so the order mentioned above was cancelled vide Office Order No. 5919-29/E-V dated 17/10/2017. The Petitioner has been issued appreciation & performance letters time & again by the high ups leading the Petitioner to be a dutiful & functional govt. servant.

*(Copies of the inquiry & performance letters are attached as annexure "N")*

d. That similarly, the Petitioner's transfer to Haripur also speak volumes of political interference by the concerned MPA which is evident from his letter written to Respondent No. 2 dated 20/09/2016 which was acted upon vide Notification No. 8430 dated 22/12/2016 resulting transfer of the Petitioner. The matter is further clarified by the office Order issued by the Medical Superintendent Nawaz Sharif Kidney Hospital Swat negating any administrative complaint against the Petitioner.

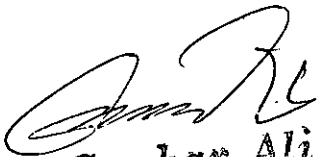
*(Copies of the CM directives & Office Order are attached as annexure "O")*

e. That similarly, the Petitioner's transfer to Khwazakhela also proved to be the sole product of political victimization of the Petitioner which is clearly evident from the letter issued by the local MPA dated 29/08/2018 which was acted upon vide Notification No. 6395-402/AE-VI dated 06/09/2018. The matter is further clarified by the office Order issued by the Medical Superintendent Nawaz Sharif Kidney Hospital Swat negating all the charges leveled against him & suggesting the Petitioner to be more beneficial for the institution.

*(Copies of the Letter & Office Order are attached as annexure "P")*

f. That the office Order No. SOH-III/8-89/2018 Dated 19/10/2018 issued by the Secretary Health with the observation that "the official (Petitioner) concerned has been transferred many a times since 2015 to 2018 seemingly due to political interference rather than on

Attested by



Gauhar Ali Khan  
Advocate Swat.


(70) (18) (49)

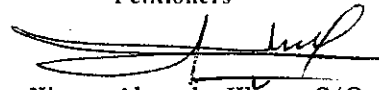
administrative ground" clearly indicates that the Petitioner has neither been negligent to his duties nor has ever misused his authority while performing his duties. The only charge against the Petitioner & the only cause of political victimization of the Petitioner is that the Petitioner is never ready to become a puppet before the political lords of the Health department.

*(Copies of the appreciation Letter & Office Order dated 19/10/2018 are attached as annexure "Q")*

- g. That the Petitioner was transferred to DI Khan vide the impugned order during the stay order granted by the civil court which is against the natural justice leading towards the contempt of court.
- h. That no justification has been given & no administrative ground has been given in the impugned order.
- i. That the Respondent No. 2 has not adopted the prescribed procedure as laid down by the law & procedure in the rules.
- j. That the Appellant has been condemned unheard.

On acceptance of the instant appeal, the impugned order passed by Respondent No. 2 dated 06/11/2018 & all the actions taken in pursuance of the impugned order may be set aside being null & void, contrary to the law, rules & record available on file. The order dated 02/11/2018 may be restored & the appellant may be ordered to perform his duties without any political interference from any quarter in the interest of justice.

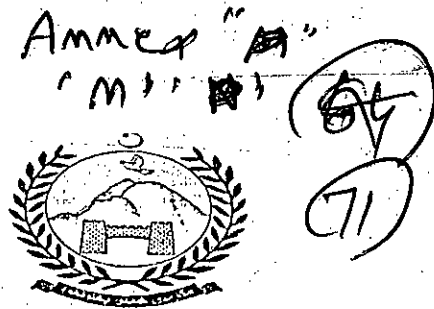
**Attested by**  
  
**Gauhar Ali Khan**  
**Advocate Swat.**

Petitioners  
  
Nisar Ahmad Khan S/O Shad  
Mohammad Khan R/O village  
Manglor Tehsil Babozai District  
Swat.



**DIRECTORATE GENERAL HEALTH SERVICES,  
KHYBER PAKHTUNKHWA PESHAWAR.**

All communications should be addressed to the Director General  
Health Services Peshawar and not to any official by name.  
Exchange Ph: 091-9210187 - Fax: 091-9210130 Web: www.healthkp.gov.pk



**OFFICE ORDER :-**

As approved by the competent Authority, the services of  
Mr. Nisar Ahmad Khan C.T Pharmacy attached to Nawaz Sharif  
Kidney Hospital Swat are hereby placed at the disposal of DHO  
Shangla for further posting under his control against the vacant  
post with immediate effect.

Arrival departure report should be submitted to this  
Directorate for record.

Sd/\*\*\*\*\*  
**DIRECTOR GENERAL HEALTH SERVICES,  
Khyber Pakhtunkhwa, PESHAWAR.**

14266-74  
No. \_\_\_\_\_ / E-V dated 26/09/2017  
Copy forwarded to the,

1. PS to Secretary Health Govt. Of Khyber Pakhtunkhwa Peshawar.
2. MS Nawaz Sharif Kidney Hospital Swat.
3. DHO Shangla.
4. DAO Swat.
5. DAO Shangla.
6. DHIS Cell DGHS KP, Peshawar.
7. D.A concerned.
8. Suptt: Promotion Cell.
9. PA to DGHS KP, Peshawar.

For information & necessary action.

**Attested by**

*Gauhar Ali Khan*  
**Gauhar Ali Khan  
Advocate Swat.**

*[Signature]*  
**Assistant Director (Paramedics)  
DIRECTORATE GENERAL HEALTH  
SERVICES KPK, PESHAWAR.**

20/09

Gauhati High Court  
Advocate Seal

Attested by

Handwritten signatures and text in the attestation section.

Member Provincial Assembly  
(Uttar Pradesh)  
Gauhati High Court

Main body of handwritten text, likely a legal notice or affidavit, written in Hindi/English.

Date: 10/12/17

2009/2017 14266-741



1345-945000  
Gauhati High Court

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Amma'   
**DIRECTORATE GENERAL HEALTH SERVICES  
KHYBER PAKHTUNKHWA, PESHAWAR.**



Office Ph# 091 - 9210269

Exchange# 091 - 9210187, 091 - 9210196,  
9210230

Fax #091 -

All communications should be addressed to the Director General Health Services Peshawar and not to

**OFFICE ORDER.**

Amma' N' any (73)  
Official by name.

~~As approved by the competent authority, the transfer order of Mr. Nisar Ahmad, C-T Pharmacy (BPS-12) issued under this Directorate office order No. 14266-74/E-V dated 20-09-2017 is hereby cancelled.~~

Subsequently, Dr. Rizwanullah, Deputy Director (HRM) DGHS KP is hereby nominated as Enquiry Officer to probe into the complaint lodged by Mr. Aziz Ullah Gran MPA against the above named CT Pharmacy BPS-12.

He should submit his report within 15 days of the issuance of this letter positively.

Sd/xxxxxxxx


DIRECTOR GENERAL HEALTH  
SERVICES KPK, PESHAWAR.

No. 5913-29 /E-V Dated Peshawar the 17/10 /2017.

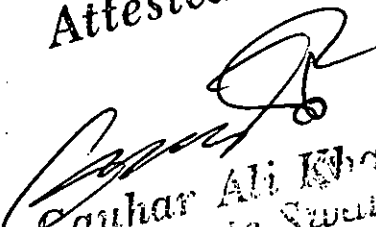
Copy forwarded to the: -

- 1) Principal Staff Officer-II, Chief Minister Secretariat KPK Peshawar w/r to his letter No. PA/PSO-II/Misc:/2017/14513, dated 11/10/2017.
- 2) P.S to Secretary Health Govt: of Khyber Pakhtunkhwa Peshawar.
- 3) Dr. Rizwan Deputy Director (HRM) DGHS Office KPK Peshawar alongwith copies of relevant documents.
- 4) M.S. Nawaz Sharif Kidney Hospital Swat.
- 5) DHO Shangla.
- 6) DAO, Shangla
- 7) DAO, Swat.
- 8) P.A to DGHS KPK, Peshawar.
- 9) Supdt: Promotion Cell DGHS to correct the present place of posting of the official concerned in the Seniority List.
- 10) DHIS Cell, DGHS KPK.
- 11) DA concerned.

For information and necessary action.

  
Assistant Director (Paramedics)  
Directorate General Health Services,  
Khyber Pakhtunkhwa, Peshawar

Attested by

  
Gauhar Ali Khan  
Advocate Swat.

Ammer 01

(67) (74)

**DIRECTORATE GENERAL HEALTH SERVICES  
KHYBER PAKHTUNKHWA, PESHAWAR.**



Office Ph# 091 - 9210269

Exchange# 091 - 9210187, 091 - 9210196,

Fax #091 - 9210230

All communications should be addressed to the Director General Health Services Peshawar and not to any  
Official by name.

**OFFICE ORDER.**

As approved by the competent authority the Services of Mr. Nisar Ahmad Khan JCT Pharmacy attached to Nawaz Sharif Kidney Hospital are hereby placed at the disposal of DHO Haripur for further adjustment under his control on administrative grounds with immediate effect.

Arrival/Departure reports should be furnished to this Directorate for record.

Sd/xxxxxxxxx  
**DIRECTOR GENERAL HEALTH  
SERVICES KPK, PESHAWAR.**

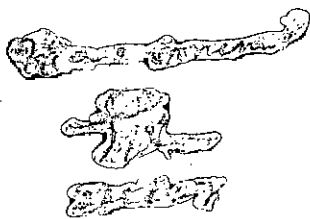
No. 8430-34 /AE-VI

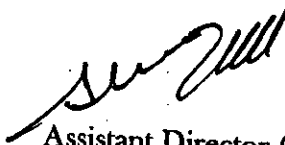
Dated Peshawar the 22 / 12 / 2016.

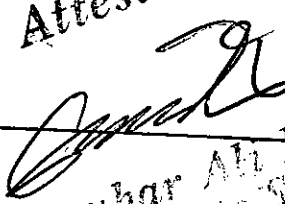
Copy forwarded to the: -

- 1) PS to Minister for Health, KPK.
- 2) M/S Nawaz Sharif Kidney Hospital, Swat.
- 3) DHO, Haripur.
- 4) DHIS Cell DGHS KPK Peshawar.
- 5) Official concerned.

For information and necessary action.



  
Assistant Director (P-III)  
Directorate General Health Services,  
Khyber Pakhtunkhwa, Peshawar.

Attested by  
  
Gauhar Ali Khan  
Advocate Swat.

(88) 95

Aziz ullah Khan (Gran)

M.P.A (P.K-81 Swat 2)  
General Secretary P.T.I Swat.  
Cell:0345-9458500



عزیز اللہ خان (گران)

ایم۔ پی۔ اے۔ (پی۔ کے۔ 81 سوات 2)  
جنرل سیکریٹری پی ٹی آئی سوات



Ref. No. \_\_\_\_\_

Date. \_\_\_\_\_

10863  
2010

محترم جناب سیکرٹری ہیلتھ صاحب، خیبر پختونخوا، خیبر پختونخوا، خیبر پختونخوا

محترم آپ کی خدمت اقدس میں عرض ہے کہ نثار احمد خان کڈنی ہسپتال سوات PK-91 میں اپنی ڈیوٹی سرانجام دے رہا ہے۔ یہ شخص دوران ڈیوٹی اپنی ذمہ داریاں با احسن طریقے سے سرانجام نہیں دے رہا اور دوسرے ملازمین کو مختلف حیلے بہانوں سے تنگ بھی کھنٹا رہتا ہے اور کئی طرح کی غیر قانونی دستاویزات پر MPAs وغیرہ کے جعلی دستخط بھی کرتا رہتا ہے۔ یہ شخص JCT 12 BPS پر مذکورہ ہسپتال میں کام کر رہا ہے۔ عوام کے پرزور مطالبہ پر اس شخص کو ہسپتال ہذا سے تبدیل کیا جائے۔ اس کے خلاف میڈیا میں آئے روز کچھ نہ کچھ ضرور نشر ہوتا رہتا ہے جسکی وجہ سے نہ صرف محکمہ بلکہ حکومت کی بھی بدنامی ہو رہی ہے۔

لہذا برائے مہربانی اس شخص کو فوری طور پر خلع سوات سے کسی دوسرے ضلع ٹرانسفر کیا جائے۔

شکریہ

Attested by

عزیز اللہ خان (گران)

ایم۔ پی۔ اے۔ 18- PK سوات

Gauhar Ali Khan  
Advocate Swat.

He has been drafted  
but complete not made  
Police Sir & Jails  
Drafting not

Aziz ullah Khan (Gran)

M.P.A (P.K-4 Swat)  
General Secretary P.T.I Swat.  
Cell:0345-9458500



عزیز اللہ خان (گران)

ایم۔ پی۔ اے۔ (پی۔ کے۔ 81 سوات 2)

جنرل سیکرٹری پی ٹی آئی سوات

Ammeq P



(69)  
(76)

Ref. No. \_\_\_\_\_

Date 29/8/2018

نیا سوا

محترم جناب ڈائریکٹر جنرل محکمہ صحت خیبر پختون خواہ پشاور

جناب عالی!

گزارش ہے، کہ نثار احمد خان (JCT) جو نواز شریف کڈنی ہسپتال سوات میں ڈیوٹی سرانجام دے رہا ہے، کافی عرصہ سے ہسپتال کا سارا عملہ اس کے غیر اخلاقی رویہ سے تنگ آچکا ہے، اور اس کے اس غیر قانونی اور غیر اخلاقی حرکات کی وجہ سے صوبائی حکومت کو ناقابل تلافی نقصان پہنچنے کا اندیشہ ہے۔ اس کے علاوہ نگران سیٹ اپ میں پورے عملہ نے اس کے خلاف احتجاج بھی کیا، اور حکومت سے مطالبہ کیا تھا، کہ اس کو فوراً تبدیل کیا جائے۔ جو کہ ریکارڈ پر موجود ہے۔

لہذا استدعا ہے، کہ بمنظوری درخواست ہذا نثار احمد خان (JCT) کو نواز شریف کڈنی ہسپتال سے خلیفہ گل نواز ہسپتال بنوں ٹرانسفر کرنے کے احکامات صادر فرمائیں۔

المرقوم:- 29/08/2018

عزیز اللہ خان (گران)

ایم پی اے 4-PK سوات 3

ایم پی اے

Azizullah Khan  
(Urfe Gran)  
Member Provincial Assembly  
PK-4 Swat

Attested by

Gauhar Ali Khan  
Advocate Swat.

78 77

**DIRECTORATE GENERAL  
KHAYBER PAKHTUNKHA**

SERVICES  
SWAT

Office PH-091 - 9210269 Exchange PH-091 - 9210269  
All communications should be addressed to the Director

Office PH-091 - 9210269 Exchange PH-091 - 9210269  
General Health Services Peshawar and  
Office by name

**OFFICE ORDER**

As approved by the competent authority the Services of Mr. Nisar Ahmad Khan, Pharmacy BPS-12 attached to Nawaz Sharif Kidney Hospital Swat is hereby placed at the disposal of DHO Swat for further posting on administrative ground (preferably at Khwazakhela) with immediate effect.

Arrival reports should be submitted to this Directorate for record.

Sd/xxxxxxx  
**DIRECTOR GENERAL HEALTH  
SERVICES KPK, PESHAWAR**

No. **6395-402** AE-VI

Dated Peshawar the **6/9** 2018

Copy forwarded to the:-

- 1) Medical Superintendent Nawaz Sharif Kidney Hospital Swat
- 2) DHO Swat
- 3) DAC Swat
- 4) P.S to Secretary-Health K.P.
- 5) P.A to DGHS KP Peshawar
- 6) Promotion Cell DGHS Office Peshawar
- 7) DA concerned.
- 8) Official concerned.

For information and necessary action

Director General Health Services  
KPK, Peshawar

Attested by

**Gauhar Ali Khan**  
Advocate Swat.



Amney Q' (74) (78)  
**GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT**

No. SOH-III/8-89/2018(Nisar Ahmad)  
Dated the Peshawar 19<sup>th</sup> October, 2018

To

The Director General Health Services  
Khyber Pakhtunkhwa

SUBJECT: **DEPARTMENTAL APPEAL AGAINST TRANSFER ORDER DATED 06-09-2018**


I am directed to refer to the subject noted above and to enclose herewith a copy of departmental appeal along with other enclosures submitted by Nisar Ahmad Khan, CT Pharmacy attached to Nawaz Sharif Kidney Hospital, Swat under transfer to DGHS office, Peshawar and to state that the available record shows that the official concerned has been transferred many a times from 2015 to 2018, seemingly due to political interference rather than on administrative ground.

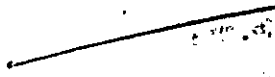
It is further added that the inquiry report carried out by Deputy Director HRM on dated 8<sup>th</sup> January, 2018 also reveals that the official concerned has been cleared in the said inquiry (copy enclosed).

I am, therefore, directed that the subject appeal may be examined properly and a self contained report for the perusal/decision of the competent authority may be furnish to this department to proceed further in the matter, please.

Encl: As above.

*Attested by*

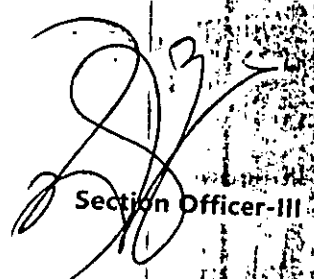
  
**Gauhar Ali Khan  
Advocate Swat.**

  
Section Officer-III

Endst: of even no & date.

Copy forwarded to:-

1. PS to Secretary Health Department, Khyber Pakhtunkhwa.

  
Section Officer-III





Aziz ullah Khan (Gran)

M.P.A (P.K-4 Swat)  
General Secretary P.T.I Swat.  
Cell:0345-9458500



عزیز اللہ خان (گران)

ایم۔ پی۔ اے (پی۔ کے۔ 81 سوات 2)

جنرل سیکرٹری پی ٹی آئی سوات

Annex. "R"

Date 29/8/2018

Ref. No. \_\_\_\_\_

محترم جناب ڈائریکٹر جنرل محکمہ صحت خیبر پختون خواہ پشاور

جناب عالی!

گزارش ہے، کہ نثار احمد خان (JCT) جو نواز شریف کڈنی ہسپتال سوات میں ڈیوٹی سرانجام دے رہا ہے، کافی عرصہ سے ہسپتال کا سارا عملہ اس کے غیر اخلاقی رویہ سے تنگ آچکا ہے، اور اس کے اس غیر قانونی اور غیر اخلاقی حرکات کی وجہ سے صوبائی حکومت کو ناقابل تلافی نقصان پہنچنے کا اندیشہ ہے۔ اس کے علاوہ نگران سیٹ اپ میں پورے عملہ نے اس کے خلاف احتجاج بھی کیا، اور حکومت سے مطالبہ کیا تھا، کہ اس کو فوراً تبدیل کیا جائے۔ جو کہ ریکارڈ پر موجود ہے۔

لہذا استدعا ہے، کہ بمنظوری درخواست ہذا نثار احمد خان (JCT) کو نواز شریف کڈنی ہسپتال سے خلیفہ گل نواز ہسپتال بنوں ٹرانسفر کرنے کے احکامات صادر فرمائیں۔

المترقوم: 29/08/2018

عزیز اللہ خان (گران)

ایم پی اے 4-PK سوات 3

ایم پی اے

Azizullah Khan  
(Urfe Gran)  
Member Provincial Assembly  
PK-4 Swat.

Attested by

Gauhar Ali Khan  
Advocate Swat.

Date 1<sup>10</sup>/<sub>2018</sub>

80

Subject:

**REPORT REGARDING ALLEGED  
CORRUPTION IN NAWAZ SHARIF KIDNEY HOSPITAL**

489

**Background:**

A story was published in the Newspaper regarding alleged corruption in Nawaz Sharif Kidney Hospital Swat by Medical Superintendent Dr. Ayub and CT Pharmacy Mr. Nisar. In the story, the following corruption charges were leveled against the mentioned official/officer.

- Appointments were made in the institution after taking bribe.
- Forging of signature of the Ex-Chief Minister Khyber Pakhtunkhwa.
- Recovery of missing equipment from the houses of above mentioned officer/official.

**Order of Inquiry**

To probe into the alleged corruption in Nawaz Sharif Kidney Hospital Swat, the Health Department appointed an inquiry committee comprising the following officers vide Notification No. SOH(E-V)1-1/2018 dated 13<sup>th</sup> September 2018 with the following TORs (Annexure-I).

- i. Dr. Bashir Ud-Din Khilji Additional DGHS BS-20
- ii. Dr. Ghulam Subhani DHO Swat BS-20
- iii. Mr. Shams Ul-Hassan, Planning Officer, Health Dept BS-17.

**TORs:**

- a) To find the veracity of corruption charges leveled against the above mentioned.
- b) To find out whether appointments were made in the institution after taking bribe and were resultantly reversed.
- c) To find out whether Mr. Nisar JCT has forged the signature of EX-Chief Minister Khyber Pakhtunkhwa.
- d) To find out veracity in the claim of missing equipment and its subsequent recovery from the houses of the above mentioned officer/official.

The inquiry committee visited the Nawaz Sharif Kidney Hospital Swat on 01-10-2018 for the purpose of inquiry. The proceedings of inquiry committee were as under:-

**Proceedings:**

1. The concerned staff of Nawaz Sharif Kidney Hospital Swat was asked for production of relevant record. The relevant record was produced and the same was thoroughly perused. It was revealed that the following Class-IV staff was appointed during the tenure of Dr. Ayub MS of the institution (Annexure-II).

Attested by

Gauhar Ali  
Advocate

Khan Swat

Swat  
Shams

81

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S.No	Name of Appointee	Designation/Scale
1.	Mr. Ahmed Ullah	Sweeper BPS-03
2.	Mr. Fazal Hayat	Mali BPS-03
3.	Mr. Nisar Ali	Helper BPS-03
4.	Mr. Iftikhar Ahmad	Driver BPS-06
5.	Mst. Safia Bibi	Ward Aya BPS-04

2. The concerned staff and above mentioned appointees were asked about the method of recruitment. It was reported that applications were invited from a suitable candidates through a public notice posted on the main gate of the Hospital. After receiving applications, a committee headed by MS was constituted at the level of Hospital for appointment of Class-IV staff against the vacant positions. The above mentioned staff was accordingly appointed.
3. The inquiry committee individually asked the following questions from the above mentioned appointees. It was replied that they were appointed on merit basis and no anomalies were observed in their appointments (**Annexure-III**).
  - i. Were you mobilized for any sort of feed back during the appointment process?
  - ii. Did the selection committee ask you to pay money to them as a bribe?
4. After that, the concerned staff was asked to provide minutes of the Departmental selection Committee. It was replied that the same were not prepared for one and other reasons not known to them.
5. Beside the above positions, recruitment process against the following vacant positions was also initiated on 11-01-2018. The interview was scheduled but the same was postponed due to ban on new appointments imposed by the Election Commission of Pakistan for the purpose of General Election 2018. It was reported that the new schedule for the interview has not yet been fixed (**Annexure-IV**).

S.No	Name of Post	BPS	Vacant Position
1.	Steno Typist	14	01
2.	CT Surgical	12	02
3.	CT Radiology	12	03
4.	Almoner	09	01
5.	Store Keeper	07	02
	<b>Total</b>		<b>09</b>

Attested by

Gauhar Ali Khan  
Advocate Swat.

Handwritten signatures and initials on the left side of the page.

6. The project "Establishment Nawaz Sharif Kidney Hospital Swat" was funded and executed by the Punjab Hospital Trust through Health Department Punjab. The equipment for the Hospital was also purchased by the Punjab Hospital Trust. ...

22-11-2011 for constriction of Hospital and residences through summary signed by Mr. Haider Khan Hoti Ex-Chief Minister Khyber Pakhtunkhwa. The Govt. of Khyber Pakhtunkhwa also sanctioned staff for the said Hospital. These were the official business where Chief Minister Signatures were mandatory. The same documents were verified but no forged signatures of Ex-Chief Minister were found.

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7. As reported, the instrument/equipment purchased by the Punjab Hospital Trust and supplied to Nawaz Sharif Kidney Hospital Swat were properly received/entered in the stock register, and issued to the respective units of the Hospital. It was further added that from day of the supply of the equipment till date neither any equipment was taken away nor stolen. All the equipment were available in functional condition in the premises of the Hospital (Annexure-V). The inquiry committee also physically confirmed the availability of equipment/instrument purchased/supplied at the site.

8. The inquiry committee held series of meetings with the Incharge of various units in the presence of their subordinate staff. They were asked about the role of CT Pharmacy Mr. Nisar in the Hospital. They unanimously responded that the said official did irrelevant interruption in day to day affairs of the Hospital and performed the job beyond his job description. Resultantly, the services delivery was badly affected.

9. The MS Dr. Ayub was also asked that who authorized Mr. Nisar being a CT Pharmacy BS-12 to intervene in all matters of the Hospital. He replied that the official concerned was politically backed and was well conversant of community concerns.

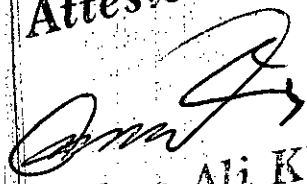
10. It was found by the inquiry committee that Mr. Nisar CT Pharmacy was appointed on 05-05-2017 by the MS Dr. Ayub as Hospital Liaison Officer (Annexure-VI). He was also appointed on 17-08-2018 as Coordinator Public Relation (Annexure-VII).

11. The President of Young Doctor Association (YDA) also approached the inquiry committee and series of complaints against Mr. Nisar CT Pharmacy were reported to the committee (Annexure-VIII).

12. The accused officer/official were individually asked for recording written statement in their defense into the mentioned allegations (Annexure-IX). They individually recorded their statements.

- Statement of MS Dr. Ayub stated that the recruitment against the position mentioned at Para-05 was initiated under the directions of Govt. of Khyber Pakhtunkhwa Health Department as per the laid down rules. The candidates have not yet been appointed as the interview scheduled was postponed due to ban imposed by ECP since the General Election 2018 (Annexure-X).

Attested by

  
Gauhar Ali Khan  
Advocate Swat.

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Statement of CT Pharmacy Mr. Nisar stated that he performed the duty as a Liaison Officer on the order of MS concerned. He also performed the duty as Coordinator Public Relation on the order of MS concerned. The MPA PK-4 Mr. Aziz Ullah Gran leveled allegations against him which were fabricated and baseless. He being a CT Pharmacy had no powers to appoint any person against any post (Annexure-XI).

13. Mr. Aziz Ullah Gran, MPA PK-4 when contacted by the inquiry committee stated that Mr. Nisar CT Pharmacy was a corrupt person and did interruption in all matters of the Hospital and series of irregularities took place at the Hospital as a result thereof. He further added that Mr. Nisar remained involved in all matters of the Hospital in consultation with MS Dr Ayub.

**CONCLUSION/FINDINGS:**

In view of foregoing, it is concluded that:

- i. The CT Pharmacy Mr. Nisar was transferred and his services were placed at the disposal of DHO Swat before conducting of inquiry while MS Dr. Ayub was transferred and directed to report to DGHS during proceedings of the inquiry (Annexure-XII).
- ii. As per rules, initial appointments to posts in BPS-01 to 15 shall be made on the recommendation of Departmental Selection Committee after the vacancies have been advertized in newspapers. However, no criterion for selection has so far been prescribed. The positions of Class-IV as mentioned at Para-1 above were not advertized rather applications were invited from suitable candidates through a public notice posted on the main gate of Institution concerned.
- iii. The Departmental Selection Committee for attached Departments/Offices for posts in BPS-15 and below defined in the Esta Code of Khyber Pakhtunkhwa has the following composition.
  - i. Appointing Authority: Chairman
  - ii. An Officer to be nominated by the Administrative Deptt concerned: Member
  - iii. An Officer to be nominated by the Appointing Authority: Member
- iv. It was noted that the DSC for appointment of Class-IV staff as mentioned at Para-1 above was purely constituted at Institutional level and no representative from the Administrative Department was invited.
- v. Minutes of DSC meeting/list of candidates being mandatory documents were not found.
- vi. As per rules, when there is an Employment Exchange in the area, the appointing authority is supposed to approach the concerned Employment Exchange for provision of list of candidates as per their prescribed criteria. In the instant case, the MS Dr. Ayub did not approach the Employment Exchange. The IV appointed had Employment

Attested by

*[Signature]*  
Gauhar Ali Khan  
Advocate Swat

*[Signature]*  
*[Signature]*

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- vii. All the items/equipment supplied to Nawaz Sharif Kidney Hospital Swat by the Punjab Hospital Trust were physically checked and were found available at site in working condition.
- viii. The record was perused and no forged signatures of Ex-Chief Minister Khyber Pakhtunkhwa were found.
- ix. The routine business of the Institution concerned was suffered due to irrelevant interruption of Mr. Nisar CT Pharmacy. The services delivery was also badly affected as the said official was involved in mental harassment of clinical and supporting staff and the patients were suffered as a result thereof.
- x. As per rules, every officer/official is supposed to perform duty as per his or her job descriptions. It was astonishing to note that Mr. Nisar being a CT Pharmacy was appointed as Hospital Liaison Officer/Coordinator Public Relation by the MS Dr. Ayub while there were no such posts at the Hospital level. It was an ample example that Mr. Nisar performed the job which was not his job in consultation with MS Dr. Ayub.
- xi. The MS concerned was supposed to report Mr. Nisar to DGHS office or take action at his level but he did not bother and remained silent over his misconduct and lethargic attitudes.

#### RECOMMENDATIONS:

- The inquiry committee recommends that:
- i. Director General Health Services, may initiate disciplinary action against Dr. Ayub Ex-MS of the Hospital as per rules as he violated rules while appointing Class-IV staff and gave undue favor to Mr. Nisar CT Pharmacy.
  - ii. Director General Health Services may initiate disciplinary action against Mr. Nisar CT Pharmacy as the routine business/services delivery at the Hospital was affected badly due to his irrelevant interruption in day to day affairs of the Hospital.
  - iii. The posting of Mr. Nisar CT Pharmacy in the Nawaz Sharif Kidney Hospital Swat may be banned during his remaining length of service and a strict warning be issued to him to remain careful in future and to perform duty as per the job descriptions.
  - iv. The comments of Establishment Department may be solicited regarding appointment of Class-IV staff as mentioned at Para-1 above and their fate may be decided accordingly.
  - v. The vacant positions as mentioned at Para-5 above may be filled up through NTS so that transparency is ensured in the best public interest.

(DR. BASHIRUDDIN KHILJI )  
ADDITIONAL DGHS  
KHYBER PAKHTUNKHWA

(SHAMS)

(DR. GHULAM SUBHANI)  
DISTRICT HEALTH OFFICER

(70) (78) (85)

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA  
AT PESHAWAR

**(WAKALAT NAMA)**

Case No. \_\_\_\_\_ of 2018

Titled: \_\_\_\_\_

Nisad Ahmad Khan

VERSUS

Govt of KPK etc

I/we, The petitioner do hereby appoint

Gauhar Ali Khan & Khurshid Ali Khan Advocate District


Swat in the above titled case to do all or any of the following acts,  
deeds & things on behalf of me/us:

1. To appear, act and plead for me/us in this court/Tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
2. To sign, verify & file, Petitions, appeals, affidavits & applications as may be deemed necessary or advisable by him for the conduct, prosecution or defense of the said case at all its stages.
3. To receive payment of & issue receipt for all moneys that may or become due and payable to us during the course of the proceedings.
4. To do any act necessary or ancillary to the above acts, deeds & things.
5. To appoint any other counsel to do any/all of the acts, deeds & things.
6. I/We shall appear in the court/tribunal on every date of hearing for assistance and if due to my/our non appearance, any adverse judgment/order/decree is passed, he will not be held responsible.

IN WITNESS whereof I/we have signed this WAKALAT NAMA hereunder, the contents of which have been read/ explained to me/us and fully understood by me/us.

This 21 / 1 / 2019

Signature(s) of the Executant(s)

  
Nisad Ahmad Khan

Attested & Accepted by

  
Gauhar Ali Khan & Khurshid  
Ali Khan Advocates Swat

Office: Room No. 2, District Patwarkhana  
Opposite Swat Press Club Makan Bagh, Mingora Swat.  
Cell No. 0301-8524958

Gauhar Ali Khan  
Advocate Swat.  
Cell: 0301-8524958

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

**SERVICE APPEAL NO. 189 OF 2019**

Nisar Ahmad Khan.....Appellant

**Versus**

Govt. of Khyber Pakhtunkhwa and others.....Respondents

**Respectfully Sheweth:**

**PARAWISE COMMENTS ON BEHALF OF RESPONDENTS**

**Preliminary Objections:-**

1. That the Appellant has got neither cause of action nor locus standi to file the instant Appeal.
2. That the Appellant has filed the instant appeal just to pressurize the respondents.
3. That the instant Appeal is against the prevailing Law and Rules.
4. That the Appeal is not maintainable in its present form and also in the present circumstances of the issue.
5. That the Appellant has filed the instant Appeal with mala-fide intention hence liable to be dismissed.
6. That the Appellant has not come to the Tribunal with clean hands.
7. That the Appeal is time barred.
8. That the Honorable Tribunal has no Jurisdiction to adjudicate upon the matter.
9. That the instant Appeal is bad for mis-joinder and non-joinder of the necessary parties.

**ON FACTS:**

1. Para No. 1 pertains to record, hence no comments.
2. Para No. 2 pertains to record.



3. Para No. 3 is correct to the extent that the Appellant was transferred by the Competent Authority in the public interest vide order dated 09/07/2015.
4. Para No. 4 pertains to record, however order dated 20/09/2017 was cancelled by the Competent Authority vide order dated 17/10/2017 after admitting proper enquiry.
5. Para No. 5 as per preceding para.
6. Para No. 6 is incorrect.
7. Para No. 7 subject to proof.
8. Para No. 8 is correct to the extent that his transfer order was issued and placed at the disposal of District Health Officer Swat.
9. Para No. 9 is correct. The transfer order of the Appellant was cancelled in light of his appeal received through Secretary Health.
10. Para No. 10 is correct.
11. Para No. 11 no comments.
12. Para No. 12 is incorrect. however, it is important to mention that non of the order has been implemented by the Appellant and the Appellant is serving on the same post since 2015, it is further to clarify that the Appellant is serving in the same station since 2015 and the Appellant desire to be posted on the post of his choice contrary to law and rules.
13. Para No. 13 pertains to record.
14. Para No. 14 is incorrect, however, proper reply to the grounds are as under:

**ON GROUNDS:**

- i. Para-i is incorrect, the impugned order is in accordance with law and rules.
- ii. Para-ii is incorrect, as already explained in Para No. 12 of Facts.
- iii. Para-iii is incorrect, as already explained in Para No. 12 of Facts.
- iv. Para-iv is incorrect, the impugned order has been issued in accordance with Section 10 of Civil Service Act 1973.
- v. Para-v is incorrect, as already explained in preceding para.

- vi. Para-vi is incorrect, as already explained in Para-iv above.
- vii. Para-vii is incorrect, as already explained in Para-iv above.
- viii. Para-viii is incorrect, the detailed reply has been given above.
- ix. Para-ix is incorrect. The impugned order is justify in accordance with law.
- x. Para-x is incorrect, as already explained as above.
- xi. Para-xi needs no comments.

**PRAYER:**

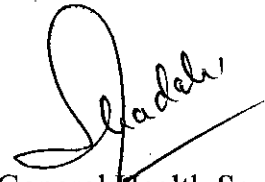
It is therefore humbly prayed that on acceptance of the comments, the instant Appeal may very graciously be dismissed with cost.



Secretary Health, Khyber Pakhtunkhwa.  
**Respondent No. 01**



District Health Officer Swat.  
**Respondent No. 03**



Director General Health Services,  
Khyber Pakhtunkhwa.  
**Respondent No. 02**



Medical Superintendent,  
Nawaz Shareef Kidney Hospital, Swat  
**Respondent No. 05**

**KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR**

No. 1146 /ST Dated 15-05 / 2020


To

The Director General Health Services,  
Government of Khyber Pakhtunkhwa,  
Peshawar.

Subject: - **JUDGMENT IN APPEAL NO. 189/2019, MR. NISAR AHMAD.**

I am directed to forward herewith a certified copy of Judgement dated 04.03.2020 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.

**DIRECTORATE GENERAL HEALTH SERVICES  
KHYBER PAKHTUNKHWA, PESHAWAR.**

Office Ph# 091 - 9210269

Exchange# 091 - 9210187, 091 - 9210196,  
9210230



All communications should be addressed to the Director General Health Services Peshawar and not to any

Official by name.

**OFFICE ORDER.**

As approved by the competent authority, the transfer order in respect of Nisar Ahmad Khan, Clinical Technician (Pharmacy) BPS-12, issued vide this Directorate office order bearing endorsement ~~No. 6395-402/AE-VI, dated 06/09/2018~~ <sup>4/5/10/2018</sup> is hereby

~~cancelled with~~ immediate effect, as well as ~~the relieving order~~ issued by M.S Nawaz Sharif Kidney Hospital, Swat vide Endst: ~~No. 2022-26/PF, dated 06/10/2018~~ is hereby

~~withdrawn.~~

Sd/xxxxxxxx

DIRECTOR GENERAL HEALTH  
SERVICES KPK, PESHAWAR.

No. 9412-19 /AE-VI Dated Peshawar the 02/11/2018.

Copy forwarded to the: -

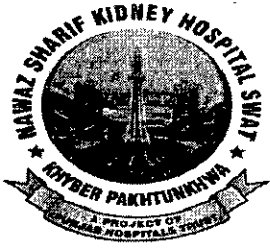
- 1) M.S Nawaz Sharif Kidney Hospital, Swat.
- 2) District Health Officer, Swat.
- 3) DAO, Swat.
- 4) Section Officer-III, Govt. of Khyber Pakhtunkhwa Health Department Peshawar w/r to his letter No.SOH-III/8-89/2018(Nisar Ahmad) dated 19/10/2018.
- 5) P.A to Director General Health Services KPK, Peshawar.
- 6) Supdt: Promotion Cell (to correct the place of posting of official concerned in the seniority list
- 7) DA concerned.
- 8) Official concerned.

For information and necessary action.

Director (H.R.M)

Directorate General Health Services,  
Khyber Pakhtunkhwa, Peshawar.

02/11



# Nawaz Sharif Kidney Hospital

Manglor Swat, Khyber Pakhtunkhwa, Pakistan  
Ph. No.: 0946-730890-91, Fax No. 0946-730889

## OFFICE ORDER.

Mr. Nisar Ahmad Khan CT Pharmacy BPS-12 whose services has been transferred to District Health Officer Swat vide Director General Health Services Khyber Pakhtun Khwa Peshawar office Order endost: No. 6395-402. AE-VI dated 06/09/2018 is hereby relieved from his duties w.e.f 06/10/2018 (A.N) at Nawaz Sharif Kidney Hospital swat .He is further directed to report to District Health Officer Office swat immediately.

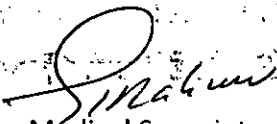
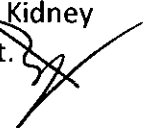
Sd/---  
Medical Superintendent  
Nawaz Sharif Kidney  
Hospital Swat.

NO. 2022-26/PF

Dated 06/10/2018.

Copy forwarded to the:-

- 1- Director General Health Services Khyber Pakhtun Khwa Peshawar for information w/r to his No. refer above.
- 2- District Health Officer Swat.
- 3- District Account Officer Swat.
- 4- Account Section of this Hospital.
- ✓ 5- Mr. Nisar Ahmad Khan CT. Pharmacy NSKH swat.  
For information! & necessary action please.

  
Medical Superintendent  
Nawaz Sharif Kidney  
Hospital Swat. 

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DIRECTORATE GENERAL  
HYDERABAD

Office No. 101 - 0210260

Hyderabad

Office No. 101 - 0210199

Director General Health Services

OFFICE ORDER

As approved by the competent authority the Services of Mr. [Name] [Rank] [Grade] [Post] attached to Nawaz Shari Kidney Hospital Swat is hereby placed at the disposal of DHO Swat for further posting on administrative ground (preferably at Khwaza [Name]) with immediate effect.

Arrival reports should be submitted to this Directorate for record.

Sd/ [Signature]  
DIRECTOR GENERAL HEALTH  
SERVICES KPK, PESHAWAR.

No. 6395-40 AE-VI

Dated Peshawar the 6/9/2018.

Copy forwarded to the:-

- 1) Medical Superintendent Nawaz Shari Kidney Hospital Swat
- 2) DHO Swat
- 3) DAO Swat
- 4) P.S. to Secretary Health K.P.
- 5) P.A. to DGHS KP Peshawar
- 6) Promotion Cell DGHS Office Peshawar.
- 7) DA concerned.
- 8) Official concerned.

For information and necessary action.

[Signature]

Additional



**OFFICE OF THE DISTRICT HEALTH OFFICER**  
**GULKADA DISTRICT SWAT** Phone No: 9064829240 939, Fax No: 906482920215  
 E: [haatdohswat@yahoo.com](mailto:haatdohswat@yahoo.com)

NO: 5584-8811

Date: 5/11/2018

Copy of the reverse is forwarded to :-

1. 1 Accounts Section of this Office.
2. 2 Medical Officer / C/O Khavazakela.
3. 3 Divisional Monitoring Office MKR Division Saidu Sharif Swat.
4. 4 DDA Section of this Office.
5. 5 E.E. Section of this Office.

*[Signature]*  
 District Health Officer  
 At Gulkada Swat

NOTE

Copy forwarded to the Director General Health Services Khyber Pakhtunkhwa Peshawar with reference to his letter above for information please.

*[Signature]*  
 District Health Officer  
 At Gulkada Swat

**DIRECTORATE GENERAL HEALTH SERVICES  
KHYBER PAKHTUNKHWA, PESHAWAR.**



Office Ph# 091 - 9210269

Exchange# 091 - 9210187, 091 - 9210196,  
9210230

Fax #091

All communications should be addressed to the Director General Health Services Peshawar and not to any

Official by name.

**OFFICE ORDER.**

As approved by the competent authority, the transfer order in respect of Nisar Ahmad Khan, Clinical Technician (Pharmacy) BPS-12, issued vide this Directorate office order bearing endorsement No. 6395-402/AE-VI, dated 06/09/2018 is hereby cancelled with immediate effect, as well as the relieving order issued by M.S Nawaz Sharif Kidney Hospital, Swat vide Endst: No.2022-26/PF, dated 06/10/2018, is hereby withdrawn.

Sd/xxxxxxxxx

**DIRECTOR GENERAL HEALTH  
SERVICES KPK, PESHAWAR.**

No. 9412-19/AE-VI Dated Peshawar the 02/11/2018.

Copy forwarded to the: -

- 1) M.S Nawaz Sharif Kidney Hospital, Swat.
- 2) District Health Officer, Swat.
- 3) DAO, Swat.
- 4) Section Officer-III, Govt. of Khyber Pakhtunkhwa Health Department Peshawar w/r to his letter No.SOH-III/8-89/2018(Nisar Ahmad) dated 19/10/2018.
- 5) P.A to Director General Health Services KPK, Peshawar.
- 6) Supdt: Promotion Cell (to correct the place of posting of official concerned in the seniority list
- 7) DA concerned.
- 8) Official concerned.

For information and necessary action.

Director (H.R.M)

Directorate General Health Services,  
Khyber Pakhtunkhwa, Peshawar

02/11

note

Defor the matter  
said seen him  
PTO



To: The District Health Officer  
District Swat.

(No. 10/13)

Subject: DEPARTURE REPORT.

Sir Reference D.G.H.S Peshawar office order

No: 9412-19-1AE-VI Dated 02-11-2018.

I have the honor to submit my  
Departure Report to day on 03-11-2018 F.N.

no: 1080/DT 05-11-2018.

Forwarded to DHO  
Swat for N/A please

Incharge  
Category "C" Hospital  
Khowza Khela Swat

Yours obediently  
Nisar Ahmad Khan  
C.T. Pharmacy  
Category - C. Hospital  
Khowza Khela  
Dt: 03-11-2018.

**DIRECTORATE GENERAL HEALTH SERVICES  
KHYBER PAKHTUNKHWA, PESHAWAR.**



Office Ph# 091 - 9210269

Exchange# 091 - 9210187, 091 - 9210196,  
9210230

Fax #091-

All communications should be addressed to the Director General Health Services Peshawar and not to any

Official by name.

**OFFICE ORDER.**

As approved by the competent authority, the transfer order in respect of Nisar Ahmad Khan, Clinical Technician (Pharmacy) BPS-12, issued vide this Directorate office order bearing endorsement No. ~~6395-402/AE-VI~~, dated ~~06/09/2018~~ is hereby

~~cancelled with~~ immediate effect, as well as ~~the relieving order~~ issued by M.S Nawaz Sharif Kidney Hospital, Swat vide Endst: ~~No. 2022-26/PE~~, dated ~~06/10/2018~~, is hereby

~~withdrawn.~~

Sd/xxxxxxxx

DIRECTOR GENERAL HEALTH  
SERVICES KPK, PESHAWAR.

No. 9412-19/AE-VI

Dated Peshawar the 02/11/2018.

Copy forwarded to the: -

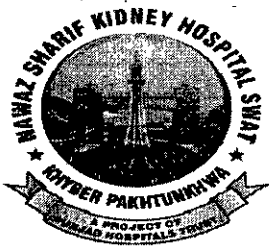
- 1) M.S Nawaz Sharif Kidney Hospital, Swat.
- 2) District Health Officer, Swat.
- 3) DAO, Swat.
- 4) Section Officer-III, Govt. of Khyber Pakhtunkhwa Health Department Peshawar w/r to his letter No.SOH-III/8-89/2018(Nisar Ahmad) dated 19/10/2018.
- 5) P.A to Director General Health Services KPK, Peshawar.
- 6) Supdt: Promotion Cell (to correct the place of posting of official concerned in the seniority list)
- 7) DA concerned.
- 8) Official concerned.

For information and necessary action.

Director (H.R.M)

Directorate General Health Services,  
Khyber Pakhtunkhwa, Peshawar.

02/11



# Nawaz Sharif Kidney Hospital

Manglor Swat, Khyber Pakhtunkhwa, Pakistan

Ph. No.: 0946-730890-91, Fax No. 0946-730889

## OFFICE ORDER.

Mr. Nisar Ahmad Khan CT Pharmacy BPS-12 whose services has been transferred to District Health Officer Swat vide Director General Health Services Khyber Pakhtun Khwa Peshawar office Order endost: No. 6395-402. AE-VI dated 06/09/2018 is hereby relieved from his duties w.e.f 06/10/2018 (A.N) at Nawaz Sharif Kidney Hospital swat .He is further directed to report to District Health Officer Office swat immediately.

Sd/---

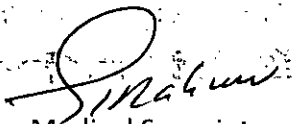
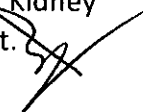
Medical Superintendent  
Nawaz Sharif Kidney  
Hospital Swat.

NO. 2022-26/PF

Dated 06/10/2018.

Copy forwarded to the:-

- 1- Director General Health Services Khyber Pakhtun Khwa Peshawar for information w/r to his No. refer above.
- 2- District Health Officer Swat.
- 3- District Account Officer-Swat.
- 4- Account Section of this Hospital.
- ✓ 5- Mr. Nisar Ahmad Khan CT.Pharmacy NSKH swat.  
For information & necessary action, please.

  
Medical Superintendent  
Nawaz Sharif Kidney  
Hospital Swat. 

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DIRECTORATE GENERAL  
KHYBER PAKHTUNKHWA

Office Fax 091-0212369

All communications should be addressed to the

Official Language

OFFICE ORDER

As approved by the competent authority the Services of Mr. Iqbal Anwar Khan  
DHO Sialkot attached to Nawaz Sharif Kidney Hospital Swat is hereby placed on the  
DHO Swat for further posting on administrative ground (preferably at Khuzdar/Beta) with immediate  
effect.

Arrival reports should be submitted to this Directorate for record.

Sd/XXXXXXXXX  
DIRECTOR GENERAL HEALTH  
SERVICES KPK, PESHAWAR.

No. 6395-40/2013

Dated Peshawar the 6/1/2013.

Copy forwarded to the:-

- 1) Medical Superintendent Nawaz Sharif Kidney Hospital Swat
- 2) DHO Swat
- 3) DHO Sialkot
- 4) P.S to Secretary Health K.P.
- 5) P.A to DGHS KP Peshawar
- 6) Promotion Cell DGHS Office Peshawar.
- 7) DA concerned.
- 8) Official concerned.

For information and necessary action.

Additional



# Nawaz Sharif Kidney Hospital

Manglor Swat, Khyber Pakhtunkhwa, Pakistan

Ph. No.: 0946-730890-91, Fax No. 0946-730889

## AUTHORITY LETTER

Mr. Nisar Ahmad Khan S/O Shad Muhammad of Village: Manglor Tehsil Babozai District Swat and an employee of health Department in the capacity of CT: Pharmacy BPS-12 field a case in the Service Tribunal Khyber Pakhtunkhwa Peshawar under section 4 of the Services tribunal Act, 1974 against the Office Order No. 9521-28/AE-VI.

Dr. Syed Hamid Ali DMS BPS-17 & Mr. Hazrat Khalil Senior Clerk BPS-14 of this office is hereby nominated to attend the court on each date of hearing and subsequent proceedings accordingly, on behalf of the undersigned.

Sd/xxxxxxx

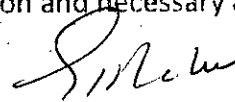
MEDICAL SUPERINTENDENT  
NAWAZ SHARIF KIDNEY  
HOSPITAL SWAT

No. 1200-4/Court Case.

Dated. 01 /07/2019.

Copy forwarded to the:-

- 1- Honorable Service Tribunal Court District Court Swat.
- 2- District Attorney District Courts Swat.
- 3- Dr. Syed Hamid Ali DMS NSKH Swat.
- 4- Mr. Hazrat Khalil Senior Clerk of this office for information and necessary action.

  
MEDICAL SUPERINTENDENT  
NAWAZ SHARIF KIDNEY  
HOSPITAL SWAT



# Nawaz Sharif Kidney Hospital

Manglor Swat, Khyber Pakhtunkhwa, Pakistan

Ph. No.: 0946-730890-91, Fax No. 0946-730889

Hospitalnskh@gmail.com

No: 1470 / Court. Cases

Dated: 25 /07/2019.

To,

The Director General,  
Health Services Khyber Pakhtunkhwa,  
Peshawar.

Subject: SERVICE APPEAL NO.189/2019 NISAR AHMAD KHAN VERSUS GOVT: OF KHYBER PAKHTUNKHWA HEALTH DEPARTMENT.


Sir,

Please refer to the Secretary Health Govt: Of Khyber Pakhtunkhwa Peshawar's office Order No: SHO (LIT-II) 13-4367/2019, dated: 10/06/2019 & Letter No: SHO (LIT-II) 13-4367/2019, dated: 29/06/2019 (Photocopies attached for ready reference).

In this connection it is submitted that the appellant has filed his case in the service tribunal Khyber Pakhtunkhwa against his transfer from Nawaz Sharif Kidney Hospital Swat to DHO DI Khan vide your Office Order No: 9521-28/AE-VI, dated: 06/11/2018 on administrative ground in light of inquiry report conducted by Additional Director General Public Health DGHS Khyber Pakhtunkhwa.

As this office has received no copy of the inquiry report mentioned above, it is therefore stated that Directorate General Health Services Khyber Pakhtunkhwa Peshawar will be in better position to prepare joint para-wise comments. However the services of this office will be available at any stage, the tribunal will be attended regularly and progress thereof will be intimated to all concerned.


It is further stated that next date in the case has been fixed as 02/09/2019 at swat camp Court.

  
Medical Superintendent,  
Nawaz Sharif Kidney,  
Hospital Swat.

No: 1471-72 / Court. Cases

Copy of endst: only forwarded to the:-

1. Secretary, Govt: Of Khyber Pakhtunkhwa, Health Department Peshawar with reference to his letter referred to above, for information please.
2. The District Attorney District Courts Swat at Gulkada, for information please.

  
Medical Superintendent,  
Nawaz Sharif Kidney,  
Hospital Swat.