

27.03.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 18.06.2020 before S.B.



Reader

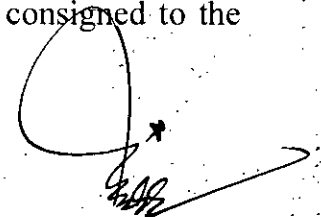
18.06.2020

Learned counsel for the appellant sent an application for withdrawal of the instant service appeal through office on 16.06.2020. Addl: AG for respondents present. Learned counsel for the appellant stated in the application that his legitimate grievances have been redressed at departmental level and requested for withdrawal of the instant service appeal.

Application is allowed and the appeal in hand is therefore, dismissed, as withdrawn. File be consigned to the record room.

ANNOUNCED:

18.06.2020



(MIAN MUHAMMD)
MEMBER

Appeal No. 1601/2019
Dr. Tehmina Jalil vs Govt

12.03.2020

Learned counsel for the appellant present. Heard.

The appellant (SWMO) has filed the present service appeal against the order dated 11.07.2019 of the Dean Khyber Medical Girls College Hayatabad Peshawar whereby she was relieved of her duties of the Senior Lecturer/Demonstrator and her services were placed at the disposal of Khyber Pakhtunkhwa Health Department for further posting.

The appellant was appointed as Women Medical Officer on contract basis vide order dated 08.09.1999. The appellant enjoyed sufficient long tenure at BHU Governor's House from the year 2000 to 2011 and then vide order dated 05.10.2011 transferred from BHU Governor's House Peshawar and posted at Khyber Girls Medical College Peshawar as Demonstrator for a period of three years. At last, vide order dated 11.07.2019, Dean Khyber Girls Medical College Hayatabad Peshawar relieved the appellant for further posting by the Khyber Pakhtunkhwa Health Department.

The appellant being a civil servant/SWMO cannot be foisted upon the Girls Medical College for an indefinite period. It was the duty of the Chief Secretary Khyber Pakhtunkhwa and Secretary Health Department to have issued further posting order in respect of the appellant when the tenure as mentioned in the order dated 05.10.2011, was expired.

In the impugned order it is not mentioned that whether the same was issued with the approval/sanction of the governing body of the Girls Medical College. Let pre-admission notice be issued to the respondent No.1, 2, & 4 alongwith Chief Secretary Khyber Pakhtunkhwa for reply. The Chief Secretary Khyber Pakhtunkhwa being a necessary party is also impleaded in the calendar of respondents as respondent No.5.

Since at this stage no case was made out for further retention of the appellant in the Girls Medical College hence in the meanwhile the Chief Secretary Khyber Pakhtunkhwa and the Secretary Health Khyber Pakhtunkhwa are directed to issue proper posting order in respect of the appellant within three (03) days of the receipt of this order.

Chief Secretary Khyber Pakhtunkhwa while taking note of the deteriorating teaching standards of the Medical Colleges, shall issue posting orders of all the civil servant Medical Officers/Senior Medical Officers who have already completed their tenure in the Medical Colleges. Copy of this order sheet be sent to Chief Secretary and Secretary Health. Adjourn. To come up for reply and preliminary hearing on 26.03.2020 before S.B.


Member

30.01.2020 Clerk to counsel for the appellant present and seeks adjournment on the ground that lawyers community is on strike on the call of Khyber Pakhtunkhwa Bar Council. Adjourn. To come up for preliminary hearing on 11.02.2020 before S.B.


Member

11.02.2020 Junior to counsel for the appellant present and seeks adjournment as senior learned counsel for the appellant is not available. Adjourn. To come up for preliminary hearing on 30.03.2020 before S.B.


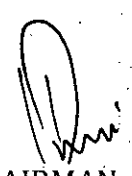
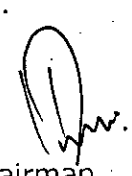


Member



FORM OF ORDER SHEET

Court of _____

Case No.- 1601/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	27/11/2019	<p>The appeal of Dr. Tehmina Jalil presented today by Mian Mohibullah Kakakhel 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 27/11/19</p>
2-	28/11/19.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>02/01/20</u>.</p> <p style="text-align: right;"> CHAIRMAN.</p>
	02.01.2020	<p>Nemo for appellant. Notices be issued to appellant/counsel for preliminary hearing on 17.02.2020 before S.B.</p> <p style="text-align: right;"> Chairman</p>
	23.01.2020	<p>Appellant present in person. Requests for adjournment due to general strike of the Bar. Adjourned 30.01.2020 for preliminary hearing before S.B.</p> <p style="text-align: right;"> Chairman</p>

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

Service Appeal No. 1601 /2019

Dr. Tehmina Jalil

..... Appellant

VERSUS


Board of Governors, MTI, Khyber Girls Medical College / HMC
through its Chairman and others

..... Respondents

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Appellant


Saifullah Muhib Kakakhel
Advocate High Court
Cell: 0334-4440744

3 Through
Mian Muhibullah Kakakhel
Senior Advocate
Supreme Court of Pakistan


Mehwish Muhib Kakakhel
Advocate High Court
BSCS, LL.M (Cyber Crimes)


Zeenat Muhib Kakakhel
Advocate High Court.

Dated: 27/11/2019

1

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

Service Appeal No. 1601 /2019

Dr. Tehmina Jalil
Senior Lecturer / Demonstrator
KGMC, Peshawar.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1688

Dated 27/11/2019

..... Appellant

VERSUS

1. Board of Governors, MTI, Khyber Girls Medical College / HMC through its Chairman, Hayatabad, Peshawar.
2. Dean, Khyber Girls Medical College, Hayatabad, Peshawar.
3. Director General Health, Khyber Pakhtunkhwa, Peshawar.
4. Government of Khyber Pakhtunkhwa through Secretary Health, Civil Secretariat, Peshawar.

..... Respondents

Service Appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the Order of Dean, KGMC / HMC dated 11.07.2019 delivered to appellant on 23.07.2019 vide which the appellant has been relieved of her duties as Demonstrator / Senior Lecturer in KGMC

Filed to-day
Registrar

27/11/19

QUESTION OF LAW INVOLVED:

That the present case is a case of first impression relating to Article 212 of the Constitution read with Civil Servants Act and Rules there under. What will be the fact of MTI Act, 2015 on the rights of the civil servants and whether the

terms and conditions of service of the civil servants, serving in various MTIs can be affected, altered or changed to the detriment of the employees and whether the civil servants of the MTIs can be left without a remedy? Whether a civil servant covered by Section 16, ibid can be relieved unceremoniously by Dean of an MTI simply by stroke of a pen, without any orders from respondents No. 3 & 4? Whether this is not a fit case for exercise of jurisdiction u/s 4 of the Service Tribunal Act, 1974 and to declare such like appointment order or action illegal on the part of Dean of an MTI without waiting for any reply on Arbitration.

Whether a civil servant can be shunted out of an MTI simply by a relieving order and whether the relieving order is equivalent to transfer order?

Respectfully Sheweth:

1. That the Appellant was initially appointed as Women Medical Officer on 16.08.1999 on contract basis followed by her Regularization in service vide the order of the Hon'ble Peshawar High Court dated 10.07.2009 to be reckoned w.e.f 2001. (Copies of the CV of the appellant and appointment order are attached as Annexure "A" & "B").
2. That the Appellant was transferred to Governor House Peshawar vide order of respondent No. 3 dated 29.09.2000. (Copy of Transfer Order dated 29.09.2000 is attached as Annexure "C").
3. That subsequently the appellant was sent to Khyber Girls Medical College on 05.10.2011, was promoted on 27.06.2018 to BPS-18, retained in KGMC as Faculty member and is still serving as Senior Lecturer in the

Faculty of KGMC. (Copies of transfer order dated 05.10.2011 and promotion order dated 27.06.2018 are attached as Annexure "D" & "E").

4. That the appellant was appointed as Demonstrator / Senior Lecturer after due process of appointment. (Copy of the call for interview is attached as Annexure "F").
5. That the appellant is awaiting her promotion to the post of Assistant Professor being fully eligible as per PM&DC rules and regulations read with the MTI law and rules.
6. That the appellant was granted a certificate of fitness for promotion to the post of Assistant Professor for PM&DC.
7. That during the tenure of her service in KGMC, MTI Act, 2015 was enacted to be applicable on all the employees of the Medical Teaching Institutions including government servants vide Section 16 of the MTI Act, 2015.
8. That the service of the appellant and terms and conditions of her service were safeguarded vide Section 16 of MTI Act, 2015 which laid down that the employees of MTI which were mainly civil servants shall be treated as MTI employees but under their own terms and conditions of service as Government servants and the directly recruited employees shall be treated separately. It may be mentioned here that all the hospitals are government owned hospitals and funded and paid by government.
9. That according to the Civil Servants Promotion and Transfer Rules and also according to MTI Rules, 50% posts of Assistant Professor shall be filled by promotion and 50%

by initial recruitment and similarly, the MTI Regulations have also laid down the same criteria.

10. That by virtue of her length of her service and a senior faculty member of KGMC, the Appellant became entitled to the vacant post of Assistant Professor in Hematology under the MTI Act and rules but instead of promoting her, the Appellant has been **RELIEVED** by respondent No. 2 illegally to accommodate a certain handpicked doctor. (Copy of Relieving order dated 11.07.2019 is attached as Annexure "G").
11. That a civil servant or any other servant is relieved after he is transferred by the competent authority and in this case, she has not been transferred by the competent authority but has simply been **RELIEVED** which **RELIEVE** is neither equivalent to transfer nor finds place in any of the enactments relating to civil servants or any other servant of any other statutory body or even private institutions.
12. That the impugned order, therefore, is not only illegal but arbitrary, whimsical and tortuous and may be taken due note of.
13. That the impugned relieving order has been passed by Dean KGMC overlooking the fact that the Appellant is governed by Section 16 of the MTI Act, 2015 and is an employee of the institution and could not be asked to go anywhere else except to be promoted to the post of Assistant Professor in her own field for which the post is vacant.

- 5
14. That as mentioned above, the Appellant was also given an experience certificate under the rules by PM&DC to be eligible to be appointed as Assistant Professor and also an NOC was given by the department for the purpose, hence she cannot be relieved from KGMC being a faculty member. (Copies of experience certificate by PM&DC and NOC of the department are attached as Annexure "H" & "I").
 15. That the respondents themselves do not understand the law on the subject of MTI and have reversed so many resignations, so many retirements and so many similar orders of relieving. (Copy of one of the orders is attached as Annexure "J")
 16. That to save herself from any legal complication and also because her appeal was not being heard by the Board of Governors despite reminder, the appellant filed an appeal to D.G. Health on 23.08.2019 which has also not been replied because of the above mentioned legal complications. (Copy of Departmental Appeal is attached as Annexure "K")
 17. That the Appellant being eligible by virtue of her experience, education and PM&DC recognition is entitled to be promoted to the post of Assistant Professor.
 18. That the Appellant is borne on the faculty of KGMC being a senior lecturer and MTI employee. She could not be relieved by one man order.
 19. That the Appellant has a vested right to promotion to the post of Assistant Professor because of the above mentioned narrative of her qualifications and experience in the

teaching faculty of KGMC / HMC where she has accrued a vested right to be promoted to the post of the Assistant professor and not to be thrown out of the faculty by such like illegal impugned orders.

20. That the appellant is not on deputation in KGMC and is a permanent employee of MTI KGMC / HMC and the impugned Order therefore, is a nullity in the eyes of law.
21. That previously, similar action of the respondents was challenged before the Hon'ble High Court where an assurance was given by the respondents that no government employee will be sent anywhere, hence the writ petition was disposed of accordingly.
22. That this is a peculiar case of an employee of Section 16. The respondents have created an Arbitration Council in MTI / HMC / KGMC which is only an Arbitration Council and is not a substitute for Appeal, however, the application filed by the appellant under that jurisdiction was also not replied, hence this Appeal. (Copy of the Departmental Representation is attached as Annexure "L")
23. That the impugned relieving order is illegal, without jurisdiction and without lawful authority, besides being for ulterior motives of a design to appoint a handpicked person.
24. That the Appellant is not being treated in accordance with law and is being discriminated against.
25. That this is a case of first impression and the rights of the civil servants need to be determined according to the new

situation created by MTI Act, 2015 as Amended in 2018 and may be treated accordingly.

26. That there is no legal remedy available to the appellant except to file an Service Appeal for appointment of arbitrators u/s 16-A of the MTI Act, 2015 which is not a proper remedy and a lawful forum, hence the indulgence of this Hon'ble Tribunal is sought for the grant of relief.
27. That the MTI authorities wanted to appoint a person of their choice through a one man amendment in the MTI Rules through which they could appoint an Assistant Professor on the basis of direct recruitment deviating from the principle of 50% by initial recruitment and 50% by promotion. The Hon'ble High Court has granted an interim relief against such illegal action and has stayed the process of aforementioned appointment. (Copy of Order of High Court is attached as Annexure "M").
28. That the Government of Khyber Pakhtunkhwa, Secretary Health has issued directions to all the MTIs that no government servant can be transferred by any MTI or any authority of the MTI including Dean and it is only the government of Khyber Pakhtunkhwa Secretary Health who can affect transfers of the government servants working in MTI. (Copy of letter is attached as Annexure "N").
29. That Government of Khyber Pakhtunkhwa, Secretary Health is the owner and overall Controller / Custodian of all the MTIs and their directives cannot be ignored. The impugned order therefore is also violative of the directions of Government of Khyber Pakhtunkhwa.

It is, therefore, respectfully prayed that on acceptance of this Service Appeal, the impugned order dated 11.07.2019 whereby the appellant has been **RELIEVED** of her duties and told to leave may be set aside being illegal, without jurisdiction and without lawful authority, besides being for ulterior motives.

It may also be declared that the action of relieving is not equivalent to transfer and the Dean has therefore acted arbitrarily and whimsically.

Any other order deemed appropriate in the circumstances of the case may also be passed. The Appellant may be allowed to put forward any other argument/ document at the time of hearing of this Service Appeal.



Appellant

Through

3
Mian Muhibullah Kakakhel
 Senior Advocate
 Supreme Court of Pakistan

Dated: 27/10/2019

Saifullah Muhib Kakakhel
 Advocate High Court

CERTIFICATE

Certified that as per instructions of my client, that this is the first Service Appeal on the subject before this Honourable Tribunal.


 ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____/2019

Dr. Tehmina Jalil Appellant

VERSUS


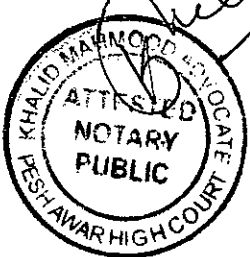
Board of Governors, MTI, Khyber Girls Medical College / HMC through its Chairman and others Respondents

AFFIDAVIT

I, **Dr. Tehmina Jalil** Senior Lecturer / Demonstrator KGMC, Peshawar, do hereby solemnly affirm and declare on oath that the contents of accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.

Identified by:


Saifullah Muhib Kakakhel
Advocate High Court


DEPONENT
CNIC# 17301-6929063-2
Cell # 0345-9116990

27-11-19

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

10

Service Appeal No. ____/2019

Dr. Tehmina Jalil Applicant/Appellant

VERSUS

Board of Governors, MTI, Khyber Girls Medical College and others
..... Respondents

APPLICATION FOR CONDONATION OF DELAY

Respectfully Sheweth:

1. That the accompanying Service Appeal seems to be time barred by 2/3 days under the period provided for appeal by Service Tribunal Act.
2. That applicant is governed by Section 16 of MTI Act, 2015 and vide the Amended Act of KP Medical Teaching Institution Reforms Act, 2018, Section 16-A has been added which has provided a forum of appeal to the employees governed by MTI Act and the appeal is to be decided within 90 days and the appellate order has been made appealable to the High Court. This amendment has been followed by another amendment in 2019 making the matters more complicated. The relevant law shall be cited at the time of arguments.
3. That to save herself from any legal complication and also because her appeal was not being heard by the Board of Governors despite reminder, the petitioner filed an appeal to D.G. Health on 23.08.2019 which has also not been replied because of the above mentioned legal complications.
4. That the applicant submitted an application to the respondents on 30.08.2019 to take action on her appeal U/S 16-A which along with the appeal have still not been replied.

- 11
5. That the confusion regarding the forum of appeal has been created by the above mentioned narrative of events.
 6. That the August Supreme Court of Pakistan and this Hon'ble Court have condoned delay in numerous cases of similar nature and held that the cases be heard on its own merits and the technicalities should not be a hurdle in dispensation of justice.
 7. That an appeal is a fundamental right and in PLD 2006 SC Page 602, it has been held that there is no limitation in the enforcement of fundamental rights.
 8. That it will be in the interest of justice to condone the delay.

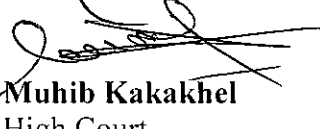
It is, therefore, respectfully prayed that on acceptance of this Application the delay, if any in filing the may kindly be condoned, in the best interest of justice.

Any other order deemed appropriate in the circumstances of the case may also be passed. The applicant may be allowed to put forward any other argument/ document at the time of hearing of this Petition.


Applicant/Appellant

Through

3
Mian Muhibullah Kakakhel
Senior Advocate
Supreme Court of Pakistan


Saifullah Muhib Kakakhel
Advocate High Court

Dated: 27/11/2019

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2019

Dr. Tehmina Jalil Applicant/Appellant

VERSUS

Board of Governors, MTI, Khyber Girls Medical College and others
..... Respondents

AFFIDAVIT

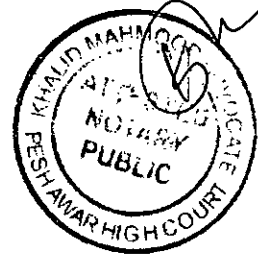
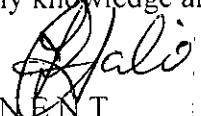
I, **Dr. Tehmina Jalil** Senior Lecturer / Demonstrator KGMC, Peshawar, do hereby solemnly affirm and declare on oath that the contents of accompanying **Application for Condonation of Delay** of are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.

Identified by:



Saifullah Muhib Kakakhel
Advocate High Court

DEPONENT
CNIC# 17301-6929063-2
Cell # 0345-9116990



mech
27-11-19

TEHMINA JALIL

Khyber Girls Medical College (KGMC)
Khyber Medical University, Peshawar, Pakistan.

Annex "A"



13

PERSONAL DATA

Father's Name: Abdul Jalil Siddiqui
Nationality: Pakistani
Domicile: Peshawar, Khyber Pakhtunkhwa
Religion: Islam
C.N.I.C. No.: 17301-6929063-2
Marital Status: Married
Date of Birth: 1st Jun. 1969
Mobile Number: +92-345-9116990, +92-334-9103336
Email Address: tehminajalil3@gmail.com
Mailing Address: House # 05, St. # 01, Sector H-1, Phase 2 Hayatabad, Peshawar, Pakistan 25000.

ACADEMICS

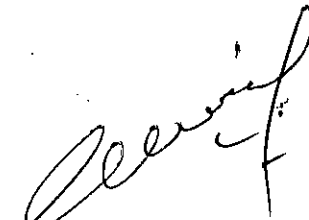
Degree	Session	Score	Institution
M.Phil. (Haematology)	2018	3.57/4.0 CGPA Gold Medallist	Khyber Medical University, KP, Pakistan.
Master in Public Health	2010-2012	3.70/4.0 CGPA Gold Medallist	IM Sciences, Peshawar, Pakistan.
M.B.B.S.	1992	57.2%	Khyber Medical College, University of Peshawar, KP, Pakistan.
Higher Secondary School Certificate (Pre Medical)	1986	69.5%	Federal Board of Education, Islamabad, Pakistan.
Secondary School Certificate (Science)	1984	83.5%	Board of Intermediate and Secondary Education, Peshawar, KP, Pakistan.

RESEARCH PROJECTS

1. Mutational Analysis of beta Thalassemia by Multiplex ARMS-PCR in KP (M. Phil.).

EMPLOYMENT RECORD

- **Lecturer (BPS-18)**
10th Oct. 2011 – Till date
Khyber Girls Medical College, Peshawar, Pakistan.
- **Medical Officer (BPS-17)**
6th Oct. 2000 – 10th Oct. 2011
BHU, Governor House, Peshawar, Pakistan.


ATTESTED

14

- **Woman Medical Officer (BPS-17)**
5th March, 2000 – 6th Oct. 2000
Emergency Sattelite Centre, Badabhair, Peshawar, Pakistan.
- **Woman Medical Officer (BPS-17)**
16th Aug. 1999 – 1st Feb. 2000
Civil Dispensary Zargarabad, Peshawar. Pakistan.

CERTIFICATES AND TRAINING

- **Faculty Development workshop** organised by Department of Medical Education, PGMI Peshawar at Khyber Girls Medical College 4th – 17th October, 2016.
- **Certificate in Health Research** organized by Institute of health professions Education and Research, at Khyber Medical University.

PARTICIPATIONS

- **Research Methodology & Proposal Development and Research Ethics Workshop** organised by Directorate of Research & Development KMU, Peshawar, 25th – 29th June, 2012.
- **Research Ethics Workshop** organised by Directorate of Research & Development KMU, Peshawar and Centre for Biomedical Ethics and Culture, SIUT, Karachi, 29th – 30th November, 2012.
- **1st Joint Conference of PAP / Societies of Pathologists** held at AFIP 7th – 9th December, 2012.
- **17th Annual Conference of Haematology** organised by Pakistan Society of Haematology held at PC Rawalpindi, 27th Feb. – 1st March, 2015.
- **38th Annual PAP Conference / 3rd Joint Conference of the Societies of Pathologists** held at AFIP 6th – 8th November, 2015.
- **Diagnosis of Genetic Haemoglobin Disorders workshop during Advances in Cancer and Haematology Conference 2016**, organised by Institute of Basic Medical Sciences, Khyber Medical University, Peshawar, 30th Jan. 2016.
- **Advances in Cancer and Haematology Conference 2016**, organised by Institute of Basic Medical Sciences, Khyber Medical University, Peshawar, 31st Jan. 2016.
- **2nd Advances in Cancer and Haematology Conference 2017**, organised by Khyber Medical University, Peshawar, 27th Jan. 2017.
- **Principles and Practices of Platelet Aggregation Studies workshop during 2nd Advances in Cancer and Haematology Conference 2017**, organised by Khyber Medical University, Peshawar, 27th Jan. 2017.
- **Principles and Practices of Platelet Function Testing workshop during 2nd Advances in Cancer and Haematology Conference 2017**, organised by Khyber Medical University, Peshawar, 27th Jan. 2017.
- **Chronic Myeloid Leukaemia-Diagnosis and Treatment workshop during 2nd Advances in Cancer and Haematology Conference 2017**, organised by Khyber Medical University, Peshawar, 27th Jan. 2017.
- **5th International Conference on Health Professions Education & Research Curriculum**

[Handwritten Signature]
ATTESTED

Innovations: Global & Local Trends organised by Khyber Medical University, Peshawar, 7th - 9th Apr. 2017.

15

PERSONAL REFERENCE

References would be provided gladly on demand.

[Handwritten Signature]
ATTESTED

INITIAL APPOINTMENT

Ahmed B

16

DIRECTORATE GENERAL HEALTH SERVICES, NWFP, PESHAWAR.

OFFICE ORDER.

In pursuance of the Government of NWFP, Health Department Notification No. SOH-IV/3-18/98, dated 16.8.1999 Dr. Tekmina Jaleel S/D/O Abdul Jalil on his/her appointment as MO/WMO (BPS-17) on contract basis is hereby posted at the disposal of DHO Peshawar for a period of One year or till the availability of regular selectee of Public Service Commission which ever is earlier on the terms and conditions mentioned in the agreement deed already executed by the doctor concerned.

If the offer of appointment is acceptable on the terms and conditions ibid, you are hereby directed to report at your place of posting upto 30.9.1999 at your own expenses, failing which the offer of appointment/posting order will automatically stands withdrawn.

The posting order is non-transferable, strict disciplinary action shall be taken against any contract employee, who fails to be present at his place of posting or bring outside pressure for a transfer or attachment or violates the terms and condition of the agreement deed. Spouse policy will not be applicable to the contract employees. Contract MOs will also not be allowed TMOship or higher grades during his/her contractual service.

N.B: Arrival report of the MOs/WMOs must be sent to this Directorate before 5.10.1999.

SD/-XXXXXXXX
DIRECTOR GENERAL HEALTH SERVICES, NWFP, PESHAWAR.

No. 29559-63

/E.I, DATED PESH: THE 08/09/1999

Copy forwarded to the :-

- U.S.H
- DHO Peshawar
- S.D.A.G
- DR. Concerned
- CAB/IV

AQUEEL AHMAD
04/09/1999

ATTESTED

DIRECTOR GENERAL HEALTH SERVICES, NWFP, PESHAWAR.
[Signature]

**DIRECTORATE GENERAL HEALTH
SERVICES, NWFP, PESHAWAR**

OFFICE ORDER

In pursuance of the Government of NWFP, Health Department Notification No. SCH-IV/3-18/98 dated 16.8.1999 Dr. Tehmina Jalil D/o Abdul Jalil on his/her appointment as MO/WMO (BPS-17) on contract basis is hereby posted at the disposal of DHO Peshawar for a period of One year or till the availability of regular selectee of Public Service Commission whichever is earlier on the terms and conditions mentioned in the agreement deed already executed by the doctor concerned.

If the offer of appointment is acceptable on the terms and conditions ibid, you are hereby directed to report at your place of posting upto 30.9.1999 at your own expenses, failing which the offer of appointment / posting order will automatically stand withdrawn.

The posting order is non-transferable, strict disciplinary action shall be taken against any contract employee, who fails to be present at his place of posting or bring outside pressure for a transfer or attachment or violates the terms and condition of the employees. Contract MOs will also not be allowed TMOship or higher studies during his/her contractual service.

N.B: Arrival report of the MOs/WMOs must be sent to this Directorate before 5.10.1999.

-SD-XXXX
DIRECTOR GENERAL HEALTH
SERVICES, NWFP, PESHAWAR

No. 29559-63/E.I, DATED PESH: THE 08/09/1999

Copy forwarded to the :

1. S.H
2. DHO Peshawar
3. DAG
4. Dr. Concerned
5. AE/IV

-SD-XXXX
DIRECTOR GENERAL HEALTH
SERVICES, NWFP, PESHAWAR



KHYBER GIRLS MEDICAL COLLEGE PESHAWAR.

NO 6037-42 / E/LL/KGMC

DATED 15/10/2011.

Copy is forwarded for information and n/action to:-

1. The Accountant General, KPK, Peshawar.
2. The Director Finance, KGMC, HMC, Peshawar.
3. The Head Department of Forensic Medicine, KGMC, Pesh.
4. The Account Officer, KGMC, Peshawar.
5. Dr. Tehmina Jalil, Demonstrator, Department of Forensic Medicine, KGMC, Peshawar.
6. Personal file.



Sanjida

VICE PRINCIPAL
KHYBER GIRLS MEDICAL COLLEGE
PESHAWAR.

Sanjida
ATTESTED

Page No. (13)

KHYBER GIRLS MEDICAL COLLEGE PESHAWAR

EC 6037-42/Estt./KGMC

DATED 15/10/2011

Copy is forwarded for information and n/action to:-

1. The Accountant General, KPK, Peshawar.
2. The Director Finance, KGMC, HMC, Peshawar.
3. The Head Department of Forensic Medicine, KGMC, Pesh.
4. The Account Officer, KGMC, Peshawar.
5. Dr. Tehmina Jalil, Demonstrator, Department of Forensic Medicine, KGMC, Peshawar.
6. Personal file.

-sd-

VICE PRINCIPAL
KHYBER GIRLS MEDICAL COLLEGE
PESHAWAR

**TRANSFER
TO GOVERNOR
HOUSE**

OFFICE ORDER.

The following posting/transfer amongst the staff is *Ahmed*
Ordered in the interest of Administration. *18*

S.No.	Name & Desig.	From	To	Remarks.
1.	Dr. Saadullah Jan, MO	EHU, Governor House	EA Report to DGHS MWER for further posting.	
2.	Dr. Tehmina Jullil, WHO	ESHC, Badkber.	EHU, Governor House.	
3.	Mr. Fazal Rabbi, SMT	EHU, Governor House	ESHC, Gara Tajik.	
4.	Ms. Imrozia, LNV	EHU, Governor House	EHU, Badrahi.	
5.	Ms. Agra Parveen, EMT	EHU, Governor House	EHU Behram Killi.	
6.	Ms. Durr-e-Shahwar, LNV	EHU, Badrahi.	EHU, Governor House.	
7.	Ms. Rukhsana, EMT	EHU, Behram Killy.	EHU, Governor House.	
8.	Ms. Muhammad Insan, EMT	EHU, Bazid Khel.	EHU, Governor House.	
9.	Mr. Akram Sher, SMT	Under Order of transfer to Nahaqi.	EHU, Bazid Khel.	
10.	Mr. Maqsood Anwar, EMT	ESHC, Gara Tajik.	ESHC, Nahaqi.	

I resumed my duties at Governor's House Pesh at 10a morning of Friday, October 6-2000

N.B.: - All the staff transferred from EHU, Governor House is on the report of Military Secretary to Governor.
2. Arrival/Departure Reports should be submitted to this in due course.

Sd/-, xxx xxx xxx
District Health Officer,
Peshawar.

No. 11774-87 /DHO. Dated Peshawar the, 29 /09/2000.

A copy of the above is forwarded to the :-

1. Military Secretary to Governor, N.W.F.P., Peshawar for information with reference to his Endstt: No. SO/MSG/GH/2(32)1718/1751, dated 20-09-2000.
2. Director General health Services, N.W.F.P., Peshawar for information with reference to his memo No. 19935/E.I, dated 26-09-2000.
3. Assistant District health Officer, Peshawar/Nowshera.
4. All Medical Officers Incharge of concerned Health Institutions
5. Accounts Section, DHO, Office, Peshawar for information and n/action.

Dr. Yasmin Aslam Sethi,
District Health Officer,
Peshawar.

#Muntaz/

TESTED

*Recd and dated 6/10/00 at 9 AM
2 Saadullah*

OFFICE OF THE DISTRICT HEALTH OFFICER, PESHAWAROFFICE ORDER

The following positing/transfer amongst the staff is ordered in the interest of Administration.

S. No.	Name & Desig.	From	To	Remarks
1.	Dr. Saadullah Jan, MO	BHU, Governor House		Report to DGHS NWFP for
2.	Dr. Tehmina Jalil, WMO	ESHC, Badhber.		BHU, Governor House.
3.	Mr. Fazal Rabbi, SaT	BHU, Governor House		BHU, Gara Tajik
4.	Ms. Imrozia, LHV	BHU, Governor House		BHU, Badreshi.
5.	Ms. Azra Parven, FMT	BHU, Governor House		BHU Umbehram Killi.
6.	Ms. Durr-e-Shahawar, LHV	BHU, Badrashi.		BHU, Governor House.
7.	Ms. Rukhsana, FMT.	BHU, Behram Killy.		BHU, Governor House.
8.	Mr. Muhammad Ihsan, EMT	BHU, Bazir Khel		BHU Governor House.
9.	Mr. Akram Sher, DMT.	Under Order of transfer to Nahqi		BHU, Bazid Khel.
10.	Mr. Maqsood Anwar, MT	ESHC, Gara Tajik,		ESHC, Nahaqi.

N.B:- All the staff transferred from BHU, Governor House is on the report of Military Secretary to Governor.

2. Arrival / Departure Reports should be submitted to this in due course.

Sd/.xxx xxx xxx
District Health Officer,
Peshawar.

No. 11774-87/DHO.

Dated Peshawar the, 29/09/2000.

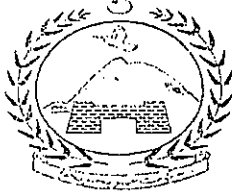
A Copy of the above is forwarded to the :-

1. Military Secretary to Governor, N.W.F.P., Peshawar for information with reference to his Endstt: No. SO/MBG/GH/2(32)1718/1751, dated 20.09.2000.
2. Director General Health Services, N.W.F.P, Peshawar for information with reference to his memo No. 19935/E.I, dated 26.09.2000.
3. Assistant District Health Officer, Peshawar/Nowshera.
4. All Medical Officers Incharge of concerned Health Institutions.
5. Accounts Section, DHO, Office, Peshawar for information and n/action.

-sd-

Dr. Yasmin Aslam Sethi,
District Health Officer
Peshawar.

Mumtaz/



GOVERNMENT OF KHYBER PAKHTUNKHWA,
HEALTH DEPARTMENT.

Dated Peshawar, the 05.10.2011

**TRANSFER FROM GOVERNOR
HOUSE TO KGMC**

NOTIFICATION.

No. SQ(E)H-II/4-1/2011. The competent authority is pleased to order the postings/transfers of the following Women Medical Officers (BS-17) with immediate effect in the public interest.

Sr. No.	Name of doctor	From	To
1.	Dr. Tehmina Jalil WMO (BS-17)	BHU, Governor House, Peshawar	Khyber Girls Medical College, Peshawar as Demonstrator BS-17 for a period of three years.
2.	Dr. Sadaf Qazi WMO (BS-17)	LRH, Peshawar	BHU Governor House Peshawar as a substitute of Dr. Tehmina Jalil.

SECRETARY HEALTH
KHYBER PAKHTUNKHWA

Endst: No. & date even.

Copy to the:-

1. Account General, Khyber Pakhtunkhwa, Peshawar.
2. Director General, Health Services, Peshawar.
3. Military Secretary to Governor, K.P.K; Peshawar.
4. EDO (Health) Peshawar.
5. Principal/Dean KGMC, Hayatabad Peshawar.
6. PS to Minister for Health, Peshawar.
7. Computer Section.
8. Doctors concerned.

(Muhammad Hayat Shah)
Section Officer-II

HRD Building, Health Department Govt. of Khyber Pakhtunkhwa, Khyber
Road Peshawar Phone # 091-9210570, Fax # 091-9210419

P.T.O.

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Annex E
20/18

Dated Peshawar, the 27th June, 2018

NOTIFICATION

NO.SOH(E-V)4-22/2017

Upon promotion to BS-18 vide Health Department Notification of even number dated 15.11.2017, the competent authority is pleased to retain Dr. Tehmina Jali SWMO BS-18 attached to Khyber Girls Medical College Peshawar against the newly personally upgraded post of Demonstrator BS-18 in the said College vide Health Department Notification No. SOB-1/H/D/1-24/KGMC dated 12.06.2018 with immediate effect in the public interest.

SECRETARY HEALTH
Govt. of Khyber Pakhtunkhwa

Endst. No. & Date Even

Copy to the:-

1. Accountant General, Khyber Pakhtunkhwa
2. Director General Health Services, Khyber Pakhtunkhwa.
3. Hospital Director/Medical Director HMC Peshawar
4. Principal Khyber Girls Medical College Peshawar.
5. PS to Minister Health, Khyber Pakhtunkhwa, Peshawar
6. PS Secretary Health, Khyber Pakhtunkhwa, Peshawar
7. Officer/doctor concerned.

(MUHAMMAD IRFANUDDIN)
SECTION OFFICER (E-V)

ATTESTED

Page No. (16)

GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated Peshawar, the 27th June, 2018

NOTIFICATION

No. SOH(E-V)4-22/2017 Upon promotion to BS-18 vide Health Department Notification of even number dated 15.11.2017, the competent authority is pleased to retain Dr. Tehmina Jalil SWMO BS-18 attached to Khyber Girls Medical College Peshawar against the newly personally upgraded post of Demonstrator BS-18 in the said College vide Health Department Notification No. SOB-I/HD/1-24/KGMC dated 12.06.2018 with immediate effect in the public interest.

SECRETARY HEALTH
Govt. of Khyber Pakhtunkhwa

Endst. No. & Date Even

Copy to the:-

1. Accountant General, Khyber Pakhtunkhwa.
2. Director General Health Services, Khyber Pakhtunkhwa.
3. Hospital Director/Medical Director HMC Peshawar.
4. Principal Khyber Girls Medical College Peshawar
5. PS to Minister Health, Khyber Pakhtunkhwa, Peshawar.
6. PS Secretary Health, Khyber Pakhtunkhwa, Peshawar.
7. Office/doctor concerned.

-sd-
(MUHAMMAD IRFANUDDIN)
SECTION OFFICER (E-V)



Annex B

21

KHYBER GIRLS MEDICAL COLLEGE PESHAWAR, PAKISTAN
OFFICE OF THE VICE PRINCIPAL

Area Code: 092-91 Exchange: 9217684-94
Direct Phone: 9217701 Fax: 9217702

No. 209 /Estt./KGMC

Dated: 10 / 01 / 2011

To

Dr. Tehmina Jalil
D/O. Ahsan Jalil.

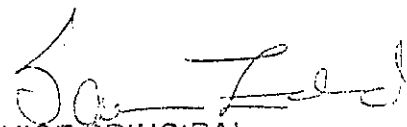
SUBJECT: INTERVIEW FOR THE POST OF DEMONSTRATOR (BPS-17).

Memo:

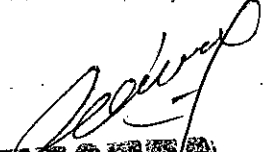
You are hereby directed to attend interview for subject post on 18/01/2011 (Tuesday), at 09:00am in the office of the Principal, KGMC, PDA Building Phase 5, Hayatabad Peshawar.

Please bring your all relevant documents in original.

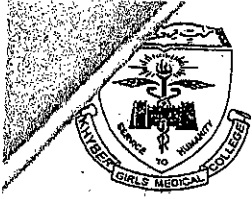
No T.A/ D.A. is admissible.


VICE PRINCIPAL
Khyber Girls Medical College
Hayatabad Peshawar.

POSTAL ADDRESS: P.D.A. Building Block # 4 Phase-V, Hayatabad Peshawar, Pakistan.


ATTESTED

Anx 92



OFFICE OF THE DEAN
KHYBER GIRLS MEDICAL COLLEGE, PESHAWAR
GOVT. OF KHYBER PAKHTUNKHWA, HEALTH DEPARTMENT



PHONES: +92 91 92 17 701

FAX: +92 91 92 17 702

Email: principal@kgmc.edu.pk

No. 5760 /Estt/KGMC

Dated 11/10/2019

OFFICE ORDER

In reference to the Govt. of Khyber Pakhtunkhwa Health Department Notification No. SO(E)H-II/4-1/2011, dated 05.10.2011 in respect of Dr. Tehmina Jalil Lecturer/Demonstrator BPS-17 whereby she was appointed in Khyber Girls Medical College, Peshawar on deputation for the period of three years, the Undersigned is pleased to relieve Dr. Tehmina Jalil of her duties now working as Senior Lecturer/Demonstrator BPS-18 in KGMC and placed her on the disposal of the Govt. of Khyber Pakhtunkhwa Health Department for further posting.


DEAN

Khyber Girls Medical College,
Hayatabad Peshawar.

No. _____ /Estt./KGMC

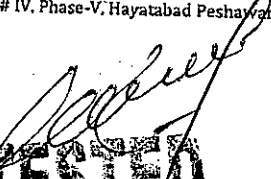
Copy forwarded for information to:

1. The Secretary to Govt. of Khyber Pakhtunkhwa, Health Department Peshawar.
2. The Accountant General Khyber Pakhtunkhwa, Peshawar
3. The Director General Health Services, Khyber Pakhtunkhwa Peshawar.
4. The Head Department of Pathology KGMC Peshawar.
5. The CFO MTI HMC Peshawar.
6. The Accounts Officer, KGMC Peshawar.
7. The concerned officer.

DEAN

Khyber Girls Medical College,
Hayatabad Peshawar.

P.D.A Building, Block # IV, Phase-V, Hayatabad Peshawar


ATTESTED

Amirul: 23
'H'

EXPERIENCE CERTIFICATE
FROM PMDC
FOR ELIGIBILITY
FOR A/P
POST

Web Site : www.pmdc.org.pk
E-mail : pmdc@pmdc.org.pk

The Statutory Regulatory & Registration Authority for
Medical & Dental Education and Practitioners



PAKISTAN
MEDICAL & DENTAL COUNCIL

G-10/4, Mauve Area,
ISLAMABAD.

UAN : 111-321-786
Tel : (92 51) 9106151-54
Fax : (92 51) 9106159

Dated: 11/10 2018

Dean,
Khyber Girls Medical College
Peshawar

SUBJECT: RECOGNITION OF EXPERIENCE

Dear Sir,

I am directed to refer your letter No.1844/Estt/KGMC dated.14-03-2018 the subject cited above. It is to inform you that following experience in respect of Dr. Tehmina Jalil Reg no. 6460-N can be counted as under:-

a. QUALIFICATION

- | | | |
|----|--------------------------|--|
| 1. | M.B.B.S | Peshawar University -1991 |
| 2. | M. Phil
(Haematology) | Khyber Med. Univ. Psw-2018
(09-03-2018) |

TEACHING EXPERIENCE

	<u>Y</u>	<u>M</u>	<u>D</u>
1. M. Phil Training in Haematology at Institute of Basic Medical Sciences Peshawar from 01-02-2011 to 31-01-2013= 02 years(06 months to be counted as prerequisite experience for AP)	00	00	00
2. Lecturer/Demonstrator in Pathology at Khyber Girls Medical College Peshawar from 31-01-2013 (01-02-2013) to 01-08-2014= 01 year and 06month (to be counted as prerequisite experience for AP)	00	00	00
3. Lecturer/Demonstrator in Pathology at Khyber Girls Medical College Peshawar from 02-08-2014 to 08-03-2018= 03 years, 07months and 07 days (to be counted at the ratio of 4:1)	00	10	24
4. Lecturer/Demonstrator in Pathology at Khyber Girls Medical College Peshawar from 09-03-2018 to 13-03-2018=05 days(to be counted at the ratio of 2:1)	00	00	02

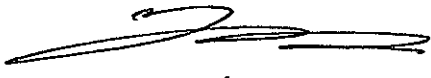
00 10 26

ATTESTED

[Signature]
11/10

Dr. Tehmina Jalil Reg no. 6460-N

The applicant has 10 months and 26 days teaching experience as Assistant Professor in the subject of Pathology. She is eligible for the post of Assistant Professor in the subject of Pathology according to the regulations of the Council for the appointment of Lecturers / Senior Registrars, Assistant Professors, Associate Professors, Professors and Examiners. This certificate is not valid for appointment beyond Assistant Professor. To become Associate Professor kindly reapply with requisite experience & publications.

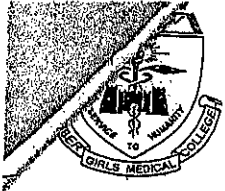

ASSISTANT REGISTRAR
(Recognition Section)

Note

1. Errors and Omissions in the experience certificate shall be accepted and corrected if is so warranted to comply with these regulations.
2. This certificate has been prepared by PM&DC staff on the basis of document of appointment/publication submitted by applicant doctor concerned of Principal/Dean/Vice Chancellor/Rector of the institution or MS of a recognized teaching hospital where the applicant doctor concerned is working and all liabilities in this matter lie with such applicant doctor concerned or issuing authority (college/hospital/university/DAI).
3. The experience certificate shall be issued by the Registrar or an officer authorized by President as the case may be and the issuing authority shall have the power to any time recall, modify, or cancel the experience certificate so issued, within the provisions of regulations of PM&DC.
4. If there is any grievance about the experience certificate or its effect or correction/cancellation etc, the aggrieved applicant doctor concerned or principal or Dean of the institution or MS of a recognized teaching Hospital where the applicant doctor /recipient of experience certificate is working or any agency, may prefer an appeal to the Registrar PM&DC for elaboration, redressal of grievances or correction in experience certificate. The Registrar shall give an opportunity of hearing to PM&DC staff, which prepared the certificate and the applicant, and the appeal shall be accepted or rejected by the Registrar by a speaking order, which shall be communicated in writing by the Registrar to the applicant within four weeks of receiving the complaints. If the appellant is not satisfied, he may file an appeal against the order of the Registrar before the Standing Recognition Committee of the council under regulation 34 of the gazette S.R.O.07 (KE)/2009 Pakistan registration of medical and dental practitioners regulations, 2008. All disputes regarding teaching/practical experience shall be presented before the Standing Recognition Committee with the permission of President and the committee shall hear all parties and PM&DC staff who prepared the experience certificate & the decision of the Committee there on shall be final.
5. Experience certificate shall include the accepted publications for a particular designation and shall not be issued for a particular designation if the accepted publication number is deficient.


ATTESTED

Amir J' 25



OFFICE OF THE DEAN
KHYBER GIRLS MEDICAL COLLEGE, PAKISTAN
GOVT. OF KHYBER PAKHTUNKHWA, HEALTH DEPARTMENT



PHONES: +92 91 92 17 701

FAX: +92 91 92 17 702

Email: info@kgmc.edu.pk

No. /Estt/KGMC

Dated 24/06 2018

To

The Director General Health Services,
Khyber Pakhtunkhwa,
Peshawar.

SUBJECT: REQUEST FOR ISSUANCE OF NOC FOR APPOINTMENT AS ASSISTANT PROFESSOR HEMATOLOGY BPS-18 AT KMC PESHAWAR.

Memo:

Enclosed please find herewith a self-explanatory application along with its enclosures in respect of Dr. Tehmina Jalil Lecturer/Demonstrator BPS-17, Department of Pathology Khyber Girls Medical College, Peshawar concerning the above cited subject for onward submission to the quarter concerned.


This office has no objection on her selection as Assistant Professor Hematology BPS-18 at Khyber Medical College, Peshawar but subject to resignation from the present post on her selection.

DEAN
Khyber Girls Medical College,
Hayatabad, Peshawar.

No. 5016-18 /Estt/KGMC

Copy is forwarded for information to:

1. The Head Department of Pathology KGMC, Peshawar.
2. Dr. Tehmina Jalil Lecturer/Demonstrator, Department of Pathology, KGMC, Peshawar.


DEAN
Khyber Girls Medical College,
Hayatabad, Peshawar.

P.D.A Building, Block # IV, Phase-V, Hayatabad Peshawar


ATTESTED

Ames 2 J

26



OFFICE OF THE DEAN
KHYBER GIRLS MEDICAL COLLEGE, PESHAWAR
GOVT. OF KHYBER PAKHTUNKHWA, HEALTH DEPARTMENT



PHONES: +92 91 92 17 701

FAX: +92 91 92 17 702

Email: principal@kgmc.edu.pk

No. 7597 /Estt/KGMC

Dated 21/09 /2019

OFFICE ORDER

Reference to the Govt. of Khyber Pakhtunkhwa Health Department Notification No. SOH(E-V)1-923/2014, dated 24.07.2014 in respect of Dr. Salma Akbar Senior Lecturer/Demonstrator BPS-18 whereby she was transferred to Khyber Girls Medical College, Peshawar and the fact that as a rule, these deputations are made for the period of Three Years and the Officer has spent about 05 Years and 02 Months in Khyber Girls Medical College Peshawar, the Undersigned is pleased to relieve Dr. Salma Akbar of her duties now working as Principal Demonstrator BPS-19 in KGMC and place her on the disposal of the Govt. of Khyber Pakhtunkhwa Health Department for further posting.

[Signature]
DEAN

Khyber Girls Medical College,
Hayatabad Peshawar.

No. _____ /Estt./KGMC

Copy forwarded for information to:

1. The Secretary to Govt. of Khyber Pakhtunkhwa, Health Department Peshawar.
2. The Accountant General Khyber Pakhtunkhwa, Peshawar
3. The Director General Health Services, Khyber Pakhtunkhwa Peshawar.
4. The Head Department of Community Medicine KGMC Peshawar.
5. The CFO MTI HMC Peshawar.
6. The Accounts Officer, KGMC Peshawar.
7. The concerned officer.

[Signature]
DEAN

Khyber Girls Medical College,
Hayatabad Peshawar.

ATTESTED



**OFFICE OF THE DEAN
KHYBER GIRLS MEDICAL COLLEGE, PESHAWAR
GOVT. OF KHYBER PAKHTUNKHWA, HEALTH DEPARTMENT**



PHONE: +92 91 98 17 701

FAX: +92 91 98 17 702

Email: principal@kgmc.edu.pk

No. 7708 /E/II/KGMC

Dated 25/09 2019

OFFICE ORDER

The Undersigned is pleased to withdraw the Relieving Orders of Dr. Rahim Akbar Principal Demonstrator BPS-19 Department of Community Medicine Khyber Girls Medical College, Peshawar issued vide Office Order No. 7897/E/II/KGMC, dated 21.09.2019 with immediate effect.

[Signature]
DEAN
Khyber Girls Medical College,
Hayatabad Peshawar.

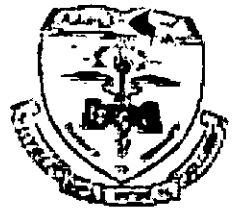
No. _____ /E/II/KGMC

Copy forwarded for information to:

1. The Secretary to Govt. of Khyber Pakhtunkhwa, Health Department Peshawar.
2. The Accountant General Khyber Pakhtunkhwa, Peshawar
3. The Director General Health Services, Khyber Pakhtunkhwa Peshawar.
4. The Head Department of Community Medicine KGMC Peshawar.
5. The CFO MTL HMC Peshawar.
6. The Accounts Officer, KGMC Peshawar.
7. The concerned officer.

DEAN
Khyber Girls Medical College,
Hayatabad Peshawar.

[Signature]
ATTESTED



28

OFFICE OF THE DEAN
KHYBER GIRLS MEDICAL COLLEGE, PESHAWAR
GOVT. OF KHYBER PAKHTUNKHWA, HEALTH DEPARTMENT



PHONES: +92 91 92 17 701

FAX: +92 91 92 17 702

Email: principal@kgmc.edu.pk

No. 7708 /E&H/KGMC

Dated 25/09 /2019

OFFICE ORDER

The Undersigned is pleased to withdraw the Relieving Order of Dr. Hafsa Akbar Principal Demonstrator BPS-19 Department of Community Medicine Khyber Girls Medical College, Peshawar issued Vide Office Order No. 7397/E&H/KGMC, dated 21.09.2019 with immediate effect.

[Signature]
 DEAN
 Khyber Girls Medical College,
 Hayatabad Peshawar.

No. _____ /E&H/KGMC

Copy forwarded for information to:

1. The Secretary to Govt. of Khyber Pakhtunkhwa, Health Department Peshawar.
2. The Accountant General Khyber Pakhtunkhwa, Peshawar
3. The Director General Health Services, Khyber Pakhtunkhwa Peshawar.
4. The Head Department of Community Medicine KGMC Peshawar.
5. The CFO MTHMC Peshawar.
6. The Accounts Officer, KGMC Peshawar.
7. The concerned officer.

DEAN
 Khyber Girls Medical College,
 Hayatabad Peshawar.

[Signature]
ATTESTED

Anayore ck 29

Before the Honorable Chairman, Board of Governor,
KGMC, Peshawar.

7/07/19

Departmental Appeal/Review/Representation against the relieving order bearing No. 5760/Estt/KGMC dated 11/07/2019 and received by the Appellant/Petitioner on 24/07/2019.

Samra

Respectfully submitted as under:

1. That the appellant/petitioner was transferred to Khyber Girls Medical College, Peshawar vide Health Department Notification No. SO(E)H-II/4-1/2011 dated 05/10/2011 as lecturer/ demonstrator BPS-17 and presently working as senior lecturer/demonstrator in KGMC, Peshawar. **(copy of notification is annexed)**
2. That since her transfer; the appellant/petitioner is performing her duties to the best of her abilities. To maintain high standards of teaching and devotion to profession; has always remained hallmark achievements of the appellant/petitioner. For this reason, the appellant/petitioner earned very good and excellent ACRs throughout her career. Her passion for the teaching profession and ability to work has always been eulogized and acknowledged by her honorable superiors and additional duties were assigned to the appellant/petitioner.
3. That the Appellant/Petitioner was sanguine about her long awaited promotion to the post of Assistant Professor as per "Recruitment & Promotion Regulations for teaching/clinical & non clinical staff of medical teaching institution Hayatabad Medical Complex & its Allied Institutions, Peshawar, 2015" but to the utter shock and astonishment, the worthy DEAN, KGMC advertised the post on 26/02/2018 and subsequently on 01/03/2018 against the Law/Rules & Regulations governing the subject.

ATTESTED



30

4. That the Appellant/Petitioner filed a civil suit for declaration and permanent injunction whereby the advertisement to the extent of Assistant Professor Hematology through direct recruitment was challenged as the same is promotional post as per Regulations of 2015. The Appellant/Petitioner being the senior most and deserving is entitled for promotion on the subject post.

5. That the honorable Additional District Judge and subsequently the august High Court passed an injunctive order and the interview process was suspended which orders seemingly annoyed the worthy DEAN, KGMC and resultantly issued the impugned relieving order No. 5760/Estt/KGMC dated 11/07/2019, received by the Appellant/Petitioner on 24/07/2019. **(copy of relieving order is annexed)**

6. That the impugned relieving order No. 5760/Estt/KGMC dated 11/07/2019, is illegal, without authority, based on mala fide, against the law, rules and principles of natural justice, inter alia on the following grounds:

GROUND

A. That the Appellant/Petitioner has a brilliant and outstanding academic record in the relevant field. The Appellant/Petitioner obtained Gold medal in Mphil (hematology) and master in public health. PhD in hematology is in progress where the course work is completed and the research work is near completion coupled with the fact that the appellant/petitioner taught the said subject for almost 09 years. The academic credentials of the Appellant/Petitioner and the experience gained makes her the most suitable candidate for the subject of hematology and relieving the Appellant/Petitioner will certainly negate the very objectives set forth by the Preamble of the MTI, Act, 2015 and the Regulations.

[Handwritten signature]
ATTESTED

B. That the impugned order of the Honorable DEAN, KGMC is without authority and competence, hence liable to be reviewed/ set aside. As per section 2(g) of MTI Act, 2015, DEAN means the academic head of a medical teaching institution having no administrative powers while section 7(c) of the Act ibid empowers the BoG to prescribe procedure for appointment, terms and conditions of service, disciplinary matters and other service matters for the employees of a medical teaching institution. The appellant/ petitioner being employee of KGMC as defined under section 2(g-i) of the Act ibid, hence the BoG is competent forum to decide the service matter of appellant/petitioner. The impugned order is thus a nullity in the eyes of law and liable to be set at naught.

C. That the impugned relieving order is based on mala fide, malice and to deprive the appellant/petitioner from her accrued rights as per Regulations of 2015 and to accommodate one blue eyed, the post was first advertised against the Regulations of 2015 and when the Appellant/Petitioner approached a court of law for protecting her legally accrued and vested rights, then the impugned relieving order was issued despite the fact that the matter of Appellant/Petitioner is *sub judice* before a competent forum of law and where a restraining order has been passed. On this score, too, the impugned order is liable to be reviewed.

(Copy of order of additional district judge and august high court are annexed)

D. That the Worthy DEAN,KGMC is placing reliance on agenda point No. 06 of the 17th meeting of BoG dated 25/05/2017 in consequence whereof letter No. 4596/ESTT/KGMC dated 27/05/2017 was issued. The vires of the letter dated 27/05/2017 and the changes of December 20, 2018 have been challenged before proper forum being against the MTI,Act,2015, employment regulations of 2015, PM&DC Regulations of 22/05/17 , September 2018 and without authority, and so till decision of the legality or otherwise of the letter dated 27/05/2017 and the Regulations of December 20, 2018, the impugned relieving order require outright suspension as the impugned relieving order was issued with the sole

ATTACHED

purpose to deprive the appellant/petitioner from her legally accrued and established right.

~~2/3~~

31/A

- E. That the issue of institutional employee has been resolved by the august High Court back in the year 2013 in doctor Khalid Mehmood case and again reiterated in Dr. Amin ul haq and others case in the year 2014. Both these judgments of august high court further strengthen the case of appellant/petitioner. In the later case even the counsel for the then management council HMC / KGMC / IKD / PICO & KICH conceded and committed to comply with the judgment of Khalid mehmood's case. On this legal notion, too, the relieving order is against the judgments of august high court and law which necessitates to be set aside.
- F. That other employees of KGMC are also working for years in KGMC, but the appellant/Petitioner has been discriminated and targeted to pressurize her to withdraw from her legally established right.
- G. That the Appellant/Petitioner has knocked the doors of the court to get a pronouncement regarding her legally established right and it is an inalienable constitutional and legal right of every citizen to approach a court of law where legal right of an individual is infringed. The Appellant/Petitioner apprehends that the impugned relieving order has been issued in the above backdrop as it was conveyed to the Appellant/Petitioner that if she continued fighting for her legal right then the appellant/petitioner will be relieved.
- H. That the impugned relieving order is pre-mature as the appellant/petitioner was designated as senior demonstrator / lecturer in the year 2018 and against the option exercised and conceded by the KGMC where the petitioner opted for service in KGMC till retirement.

[Signature]
ATTESTED



32

- I. That the appellant/petitioner requests for personal hearing to highlight and explain the grounds of the instant departmental appeal/review/representation.

It is, therefore, most humbly prayed that on acceptance of this departmental appeal/review/representation the impugned relieving order bearing No. 5760/Estt/KGMC dated 11/07/2019 and received by the Appellant/Petitioner on 24/07/2019, may kindly be set aside/reviewed.

Yours faithfully,

Dated: 26/07/2019

(Dr. Tehmina Jalil)

Senior lecturer/demonstrator,

KGMC, Peshawar.

[Handwritten signature]
ATTESTED

To,

The Appellate Authority,
Health Department,
Govt. of Khyber Pakhtunkhwa,
Peshawar.

**Departmental Representation against the Order of Dean
Khyber Girl Medical College Hayatabad Peshawar dated
11.07.2019**

Respectfully Sheweth:

1. That the petitioner is serving in Khyber Girls Medical College, Peshawar as Teaching Faculty and has experience of being Assistant Professor and also has the fitness to become a senior professor as recognized by the PM&DC. (Copy of the letter recognition letter of PM&DC dated 11.10.2018 is attached as Annexure "A").
2. That the petitioner was initially appointed as Medical Officer by the Government but was subsequently, sent to Khyber Girls Medical College, Peshawar as Demonstrator and is working as Senior Lecturer since 10.10.2011.
3. That during the tenure of her service with the KGMC / HMC, an Act was promulgated in 2015 giving option to the employees of government serving in various MTIs to either join the MTI as employee of the MTI under the terms and conditions laid down by the concerned MTI or then remain as government servant under their own terms and conditions of service as laid down by the government.
4. That the petitioner has been transferred by the Dean KGMC / HMC vide letter dated 11.07.2019 and has been placed at the disposal of Health Department. (Copy of the impugned order dated 11.07.2019 is attach as Annexure "B")
5. That the impugned order is illegal, without jurisdiction and without lawful authority.


ATTESTED

6. That the petitioner has not been treated in accordance with law and has been discriminated against.
7. That the petitioner has been condemned unheard.
8. That the impugned transfer order is based on a malafide and ulterior motives to accommodate a person of choice at her place.
9. That the petitioner has not given departure report in KGMC as she is still on the list of faculty members even in the latest PMDC visit, she has been shown as a faculty member in department organogram.
10. That the petitioner is a victim of high handedness of the Dean KGMC and is suffering adversely because of the impugned illegal order.

It is, therefore, respectfully prayed that on acceptance of this representation, the impugned order dated 11.07.2019 may be set aside being illegal, without jurisdiction and without lawful authority.

It is also respectfully prayed that if deem appropriate a personal hearing may also be given to the petitioner.

Any other order deem appropriate in the circumstances of the case, may also be passed.

Petitioner




(Dr. Tehmina Jalil)

Senior Lecturer /
Demonstrator KGMC,
Peshawar.

Dated: 23.08.2019

Diary no.
7748

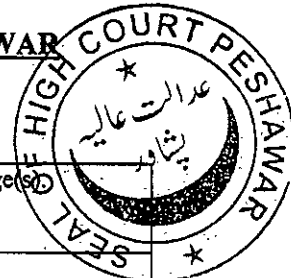
did 23.8.2019
note'd on DS health
staff


ATTESTED

35
Annexure

PESHAWAR HIGH COURT, PESHAWAR

FORM OF ORDER SHEET



Date of Order or proceedings (1)	Order or other proceedings with signature of Judge(s) (2)
17.7.2019	<p><u>C.R.No.772-P/2019.</u></p> <p><u>Present:</u> Afsha Naz, Advocate for the petitioner. ***</p> <p>The points agitated at the bar by learned counsel for the petitioner require consideration in the presence of opposite party.</p> <p>Let pre-admission notice be issued to respondents for 22.7.2019.</p> <p><u>C.M.No.995-P/2019.</u></p> <p>Notice for 22.7.2019: Till then the interview process dated 18.7.2019 shall remain suspended.</p> <p style="text-align: right;">JUDGE</p> <p>No. <u>27370</u></p> <p>Date of Presentation of Application <u>17-07-2019</u></p> <p>No. of Pages <u>SP</u></p> <p>Copying fee <u>2/-</u></p> <p>Total <u>2/-</u></p> <p>Date of Preparation of Copy <u>17-07-2019</u></p> <p>Date of Delivery of copy <u>17-07-2019</u></p> <p>Received By <u>Afsha</u></p>

CERTIFIED TO BE TRUE COPY

EXAMINER
Peshawar High Court, Peshawar
Authorized Under Article 27 of
The Qanun-e-Shahadat Order 1984

17 JUL 2019

Habib*

81

(SB)
Hon'ble Mr. Justice Shakeel Ahmad

ATTESTED

1 36 01

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR



C.R.No. 772-P /2019

Dr. Tehmina Jalil wife of Tariq Javed
R/o House No.5, Street No.1, Phase-II, Hayatabad, Peshawar.
Presently serving at Khyber Girls Medical College,
Hayatabad, Peshawar..... Petitioner

Versus

- 1) Dean, Khyber Girls Medical College, Hayatabad, Peshawar.
- 2) Chairman, MTI, Hayatabad Medical Complex, Peshawar
- 3) Secretary to Chairman BoG, MTI, HMC, Peshawar.
- 4) Medical Director, MTI, HMC, Peshawar.
- 5) Selection Committee/ Officer (s) concerned Committee.

.....Respondents

REVISION PETITION AGAINST THE
JUDGMENT AND ORDER OF THE
LEARNED APPELLATE COURT BELOW
DATED 08.07.2019 WHEREBY THE
STATUS QUO EARLIER GRANTED VIDE
ORDER DATED 10.05.2019 HAS BEEN
VACATED WITHOUT ACCORDING
PROPER OPPORTUNITY OF BEING
HEARD AND THE MAIN APPEAL HAS
BEEN FIXED FOR 24.07.2019.

Prayer:

On acceptance of this revision petition, the
judgment and order dated 08.07.2019 of the
learned appellate court below may kindly be set

ATTESTED
EXAMINER
Peshawar High Court

[Handwritten Signature]
ATTESTED

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aside and on accepting the application the status earlier granted may kindly be extended till the decision of main appeal to accord opportunity of being heard.

Respectfully Sheweth;

Brief facts of the case are:

- 1) That the petitioner is serving as Senior Lecturer/ Demonstrator in the respondent's department on regular basis since 10.10.2011 till date.
- 2) That the petitioner challenged the advertisement dated 26.02.2018 and later on 01.03.2018 for the post of Assistant Professor Haematology (BPS-18) as the same is promotional post and the respondent's department intends to fill the same through initial recruitment against the MTI Regulations of 2015. (Copy of advertisement is Annexure "A" and relevant pages 24 and 25 of MTI Regulation is Annexure "A/1").
- 3) That civil suit for declaration and permanent injunction was filed along with an application for temporary injunction against the advertisement dated 26.02.2018 and 01.03.2018, in consequence whereof the respondents put their appearance filed their written statement and reply of the application of temporary injunction. (Copy of plaint, written statement and reply is Annexure "B").
- 4) That after hearing arguments of both the parties, the learned Civil Court dismissed the application of the temporary injunction vide judgment/ order dated 26.04.2019. (Copy of order dated 26.04.2019 is Annexure "C").
- 5) That the petitioner being aggrieved from order dated 26.04.2019 of the learned Civil Judge-V, Peshawar, filed appeal before the court of Additional District Judge-XII, Peshawar, whereafter an interim relief/ status quo was granted to the petitioner on 10.05.2019. (Copy of appeal along with order dated 10.05.2019 is Annexure "D").
- 6) That in the meanwhile the petitioner applied to the respondents for furnishing the seniority list which was delayed by the respondent's

[Signature]
ATTESTED

ATTESTED
EXAMINER
Peshawar High Court

department on one pretext or another as to deprive the petitioner from establishing her prima-facie case in the appellate forum.

- 7) That on the date fixed for arguments i.e. 08.07.2019 the petitioner's counsel requested to accord opportunity of hearing and accept the written arguments if the learned appellate court intend to decide the main appeal.
- 8) That the petitioner's counsel was informed that the case has been fixed for 24.07.2019 for arguments on main appeal, however, to the utter shock and astonishment the status quo earlier granted has been vacated and the main appeal has been fixed for 24.07.2019. (Copy of impugned order dated 08.07.2019 is Annexure "E").
- 9) That the respondents have scheduled the interview for the post of Assistant Professor Haematology (BPS-18) on 18.07.2019. (Copy of interview schedule is Annexure "F").
- 10) That the order dated 08.07.2019 is against the law, rules, principle of natural justice and causing irreparable loss to the petitioner being unheard, inter alia on the following grounds:

GROUNDS:

- a. That the judgment and order dated 08.07.2019 of the learned appellate court below is against law and principle of natural justice, as the petitioner has been condemned unheard.
- b. That the learned appellate court failed to appreciate the real point involved in the case in its perspective, as the learned appellate court observed that these observation are tentative in nature.
- c. That the main appeal has been fixed for 24.07.2019 while the respondent's department intends to initiate and complete the interview process of recruitment on 18.07.2019 and in that eventuality the petitioner's suit as well as appeal will become infructuous.

[Signature]
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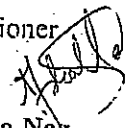
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EXAMINER
Peshawar High Court

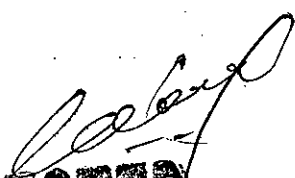
39



- d. That the learned court below by dismissing the application instead of accepting the same has exercised the jurisdiction not vested in it under the law.
- e. That the main appeal is fixed for 24.07.2019 while the interview is scheduled to be held on 18.07.2019, if done so, the purpose of instant revision petition will become infructuous and petitioner will suffer irreparable loss.
- f. That the decision of the learned court below is perversant and against the settled principle of law and justice and as such is liable to be set aside.
- g. That other grounds, if any, will be raised at the time of arguments.

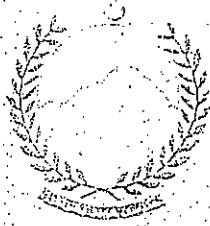
It is, therefore, most humbly prayed that on acceptance of this revision petition, the judgment and order dated 08.07.2019 of the learned appellate court below may kindly be set aside and on accepting the application the status earlier granted may kindly be granted till final disposal of main appeal and accord opportunity of being heard.

Petitioner
Through 
Afsha Naz
Advocate High Court
Peshawar


ATTESTED

ATTESTED
EXAMINER
Peshawar High Court

MOST IMMEDIATE



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMN: DEPARTMENT
(REGULATION WING)

No.SOR-II(E&AD)1-6/09
Dated Peshawar: 12.02.2019

To

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

12-02

SUBJECT: - Repatriation to Health Department

IL No: *1043* @
Date: *12-2-19*
Section: *Health*

Dear Sir,

I am directed to refer to your letter No. SOH-(E-V)1-321/2008/Dr. Akbar Shah on the subject noted above with the observation that since resignation of Dr. Akbar Shah (Management Cadre BS-19) attached to Khyber Teaching Hospital Peshawar has not been accepted/approved by the competent authority and subsequently notified by the Health Department. The Administrative Department may therefore decide his case either to retain him as civil servant or take resignation from the officer.

Yours faithfully,

7/2

SECTION OFFICER (R-II)
Phone No. 9211785

12/2/19
119

AS-E/DST/S
18-2-19

(S/W)

ATTESTED

ATTESTED

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA

HEALTH DEPARTMENT

NO. SOH(E-V)1-2321/2008/Dr.Akbar Shah
Dated Peshawar the 8th March 2019

14th

To

The Director General
Health Services Khyber Pakhtunkhwa
Peshawar.

Subject: REPATRIATION TO HEALTH DEPARTMENT

I am directed to refer to your letter No.19538/AE-I dated 3.12.2018 on the subject noted above and to state that the requisite report in respect of Dr.Akbar Shah Ex-Management Cadre BSD-19 attached to Khyber Teaching Hospital Peshawar may be furnished to this Department that as to why the case of the doctor concerned with regard to resignation from Civil service has not been processed formally when he had opted for Institutional employee under the Khyber Pakhtunkhwa Medical Teaching Institutions Reforms Act, 2015 and subsequent exclusion of his name from the seniority list of the Management Cadre BS-19 for about four long years.

(FAZAL ALI)

SECTION OFFICER(E-V)

Endst No & Date Even.

Copy to the PS to Secretary Health Department.

SECTION OFFICER(E-V)

Attested
ATTESTED



MEDICAL TEACHING INSTITUTION
KHYBER TEACHING HOSPITAL, PESHAWAR

Office of the Hospital Director

No. 12943-45/KTH/HRD

Dated 07.5/2019

To,

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

Attention: Section Officer (E-V)

Subject: **REPATRIATION TO HEALTH DEPARTMENT**

Sir,

Kindly refer to your office letter No. SOH(E-V)1-2321/2008/Dr. Akbar Shah dated 08-03-2019 on the subject cited above.

It is submitted that a circular vide No. 31519-32/KTH/E dated 06-12-2016 (copy attached) was issued and directed all those Civil Servants of this institution and opted for absorption as MTI Employee under section 16 (3) of the MTI Reforms Act, 2015 to submit resignation from the post of Civil Servant but no one has submitted his resignation.

No. _____/KTH/HRD

Copy to:-

1. Medical Director, MTI, KTH, Peshawar.
2. Secretary to BOG, MTI, KTH, Peshawar.

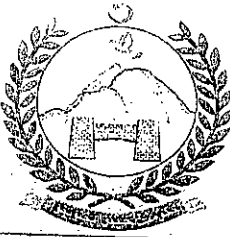
Hospital Director
MTI, KTH, Peshawar

Fazal-ur-Rahman

Hospital Director
MTI, KTH, Peshawar.

ATTESTED

ATTESTED



43

**GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT**

NO. SOH(E-V)1-321/2008/Dr.Akbar Shah
Dated Peshawar the 29th July, 2019

To

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

Subject: **REPATRIATION TO HEALTH DEPARTMENT**

Dear Sir,

I am directed to refer to the subject noted above and to state that Dr.Akbar Shah Management Cadre BS-19 attached to Khyber Teaching Hospital Peshawar has submitted an application to Health Department wherein the doctor concerned has requested that his name in the seniority list of Member of Service BS-19 may be included(**Copy enclosed**).

Dr.Akbar Shah belongs to the Health Management Cadre in BS-19. The doctor concerned was inducted into the Health Management Cadre in 2009 and presently working in the Khyber Teaching Hospital Peshawar since 1996. The Medical Director Khyber Teaching Hospital Peshawar rendered his services back to Health Department vide office order dated 20.01.2017(**Copy enclosed**). The doctor concerned filed writ Petition No,292-P/2017 in the Peshawar High Court, Peshawar by challenging the above office order dated 20.01.2017 of the Medical Director on the plea that he has opted for Institutional employee of Khyber Teaching Hospital Peshawar as mentioned in Para-2 of the above Writ Petition (**Copy enclosed**). The honorable Peshawar High Court, Peshawar has disposed the writ petition vide judgment dated 14.3.2017 that the petitioner may be retained as Institution employee of the Khyber Teaching Hospital Peshawar.

In compliance of the Peshawar High Court Peshawar judgment dated 14.03.2017 the relieving office order issued by the Medical Director KTH Peshawar was withdrawn vide office order dated 11.04.2017 (**Copy enclosed**). Later on the Hospital Director Khyber Teaching Hospital Peshawar was directed by the DG Health vide letter dated 25.4.2017, that the option Performa in respect of Dr.Akbar Shah Management Cadre (BS-19) may be provided to DG Health Office, Peshawar which was provided accordingly by the Hospital Director Khyber Teaching Hospital Peshawar duly signed by the doctor concerned on 4.5.2017(**Copy enclosed**).

It is to be mentioned here that the name of Dr.Akbar Shah Management Cadre BS-19 appeared in the seniority list of the Management Cadre (BS-19) as stood on 01.01.2016 at serial No.77 . The name of the doctor concerned was excluded from the seniority list of the Management cadre as stood on 01.01.2017 on the ground that the doctor concerned opted for Institutional employee of Khyber Teaching Hospital Peshawar. It is further added here that the whole process was not intimated to Health Department by the Director General Health Services nor the competent authority (Chief Minister Khyber Pakhtunkhwa) has approved the exclusion of the name of the doctor concerned from the seniority list of the Management Cadre BS-19.


ATTESTED

It is to be mentioned here that Health Department did not process the resignation of Dr. Akbar Shah Ex-Management Cadre BS-19 nor the Director General Health Services initiated the resignation of the doctor concerned. As per amended MTI Act, 2016 " Civil Servant who do not opt for absorption in the Medical Teaching Institution so notified shall be dealt with in such a manner as provided in Section 11 A of the Khyber Pakhtunkhwa Civil Servants Act 1973, for their future posting which includes deputation to the Medical Teaching Institution subject to a request being made by the Board. Provided that a civil servant working in a Medical Teaching Institution shall at all time be deemed to be on deputation. All deductions made from the pay of such civil servants shall be deposited by the borrowing authority **(Copy enclosed)**.

In the instant case Dr. Akbar Shah Ex-Management Cadre BS-19 doctor opted for Intentional Employees did not submit resignation from the post of Civil Service as per requirement under the amended Medical Teaching Institution Act, 2016.

In view of the above it is therefore, requested that advice in the subject matter may kindly be furnished to this Department as to whether we may include the name of Dr. Akbar Shah Management Cadre BS-19 in the Seniority list of the Management Cadre in BS-19 or otherwise, please.

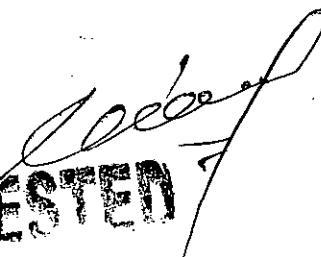
Yours faithfully,


(FAZAL UR-RAHIM)
SECTION OFFICER (E-V)

Endst No & Date Even.

Copy to the PS to Secretary Health Department


SECTION OFFICER (E-V)


ATTESTED



45

**GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT**

Dated Peshawar the August 27, 2019

NOTIFICATION

NO.SOH(E-V) 1-214 /2007

The competent authority has been pleased to issue posting/transfer order of the following Doctors with immediate effect in the best interest of Public:

S.#	Name of Doctor	From	To	Remarks
1	Dr. Akbar Shah (BS-19) Management Cadre	Attach to KTH Hospital Peshawar	MS DHQ Hospital Chitral	against the vacant post of BS-20 in his own pay and scale
2	Dr. Mujeeb-ur- Rehman (BS-19)	Attached to DHO Office D.I Khan	District Health Officer Chitral	


**SECRETARY HEALTH
Govt. of Khyber Pakhtunkhwa**

Endst. No. & Date Even

Copy to the:-

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. Director General, Health Services, Khyber Pakhtunkhwa.
3. District Health Officer Chitral
4. District Accounts Officer Chitral
5. MS DHQ Hospital Chitral
6. PS to Secretary Health Department.
7. Computer Programmer Health Department
8. DHIS Cell DGHS Office, Peshawar.
9. Doctor concerned.

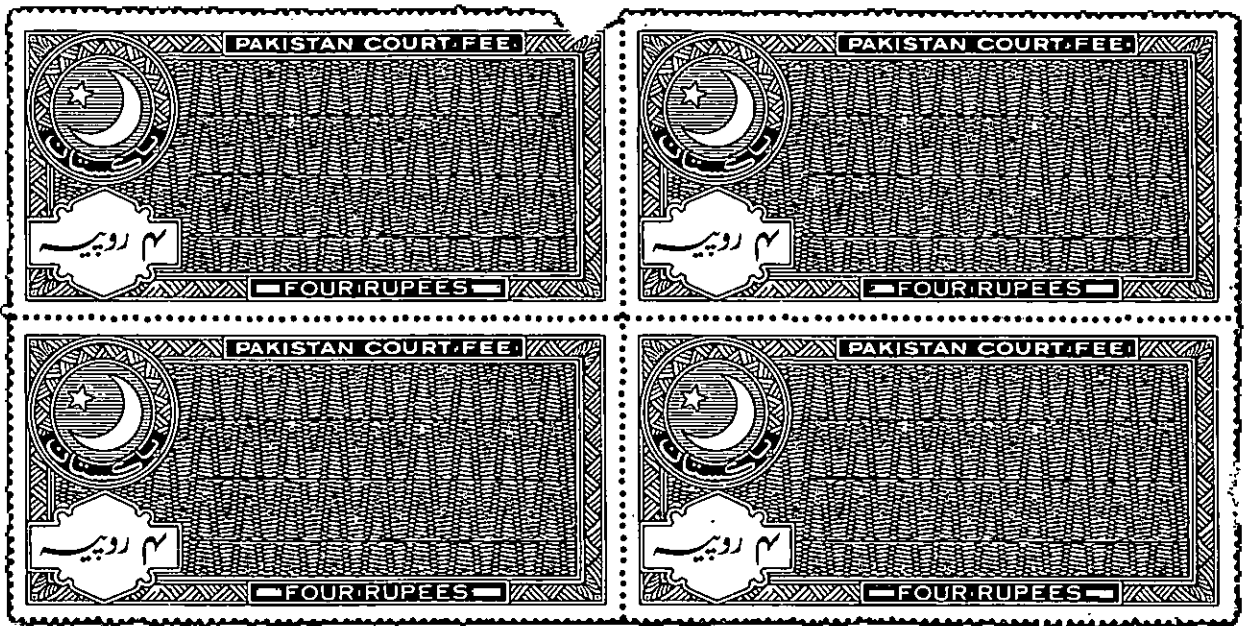

(FAZAL UR-RAHIM)
SECTION OFFICER (E-V)


ATTESTED

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46



VAKALATNAMA



47

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 1601 /2019

Dr. Tehmina Jalil

Senior Lecturer / Demonstrator

KGMC, Peshawar

..... Appellant

VERSUS

1. **Board of Governors, MTI, Khyber Girls Medical College / HMC & others**
..... Respondents

I, **Dr. Tehmina Jalil Senior Lecturer / Demonstrator KGMC, Peshawar**, do hereby appoint and constitute **Mian Muhibullah Kakakhel Senior ASC, Saifullah Muhib Kakakhel, Mehwish Muhib Kakakhel Zeenat Muhib Kakakhel** Advocates High Court, to appear and act for me as my advocates in the above matter.

1. **To act, appear and plead in the above-mentioned matter and to withdraw or compromise the said matter or submit to arbitration any differences or dispute that shall arise touching or in any manner relating to the said matter and to receive money and grant receipts therefore and to do all other acts and things which may be necessary to be done for the progress and the course of the prosecution of the said matter.**
2. **To draft and sign files at necessary pleadings, applications, objections, affidavits or other documents as shall be deemed necessary and advisable for the prosecution of the said matter at all its stages.**
3. **To employ any other Legal Practitioner, authorizing him to exercise the power as conferred on the undersigned Advocate, wherever he may think fit to do so.**

AND I hereby agree to ratify whatever the Advocate or his substitute shall do in the above matter. I also hereby agree not to hold the Advocate or his substitute responsible for the result of the said matter in consequence of his absence from the Court when the said matter is called up for hearing. I further hereby agree that in the event for the whole or any part of the fee to be paid to the Advocate remaining unpaid, he shall be entitled to withdraw from the above matter. Received by me on 26th August, 2019.

ACCEPTED BY:

Mian Muhibullah Kakakhel
Senior ASC

Saifullah Muhib Kakakhel
Advocate High Court

Mehwish Muhib Kakakhel
Advocate High Court

Zeenat Muhib Kakakhel
Advocate High Court

Petitioner

Dr. Tehmina Jalil

CNIC: 17301-6929063-2

Cell # 0345-9116990



KAKAKHEL LAW ASSOCIATES
ADVOCATES AND LEGAL CONSULTANTS

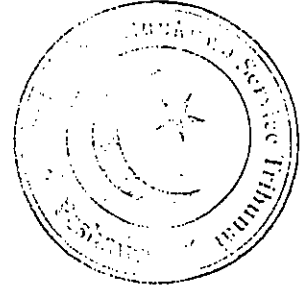
KAKAKHEL LAW ASSOCIATES (ADVOCATES & LEGAL CONSULTANTS) 36-C, 2ND FLOOR, CANTONMENT PLAZA, SADDAR ROAD, PESHAWAR CANTT, KHYBER PAKHTUNKHWA, PESHAWAR.
PH: 091-5250412, CELL: 0333-9167424 EMAIL: INFO@KAKAKHELLAW.COM

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 480/2017

Date of Institution ... 18.05.2017

Date of Decision ... 15.12.2017



Dr. Jamshed Saeed, Medical Officer, KTH, Peshawar.

... (Appellant)

VERSUS

1. The Secretary Health Khyber Pakhtunkhwa, Peshawar and 3 others.
... (Respondents)

MR. TAIMUR ALI KHAN,
Advocate

--- For appellant.

MR. USMAN GHANI,
District Attorney

--- For respondents.

MR. AHMAD HASSAN,
MR. MUHAMMAD AMIN KHAN KUNDI

... MEMBER (Executive)
... MEMBER (Judicial)

JUDGMENT

AHMAD HASSAN, MEMBER. - Arguments of the learned counsel for the parties heard and record perused.

ATTESTED

FACTS

2. The brief facts are that the appellant is serving as Medical Officer in KTH. Due to some administrative issues the appellant was illegally relieved by the incompetent authority vide order dated 03.11.2016 and his pay was also illegally stopped. Hospital Director tendered resignation on 05.10.2016, while transfer order was issued on 03.11.2016, despite the fact he was not competent to pass such orders. He preferred departmental appeal on 10.11.2016 and also filed Writ Petition on 4193-P/2016 in Peshawar High Court, Peshawar which was

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

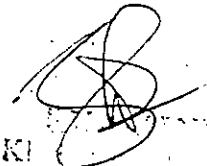
dismissed vide judgment dated 25.04.2017 for want of jurisdiction. hence, the instant service appeal on 24.05.2017.

ARGUMENTS

3. Learned counsel for the appellant argued that vide impugned order dated 03.11.2016 he was relieved of his duties from KTH Peshawar by Hospital Director MTI, KTH. He further argued that the Hospital Director was not competent to pass such orders. Being a civil servant posting/transfer of the appellant was the domain of Health Department. It is further substantiated by the fact that initial posting order of the appellant dated 03.05.2007 was issued by the Health Department. Moreover, under Section-13 of the Khyber Pakhtunkhwa Medical Teaching Institution Reforms Act, 2015 the Hospital Director does not enjoy powers of postings/transfers. He also relied on Section-16 of the above Act. In addition to above the Health Department vide order dated 06.10.2017 clarified that civil servants working in MTIs, cannot be dislodged from MTIs by Medical Director/Hospital Director/Dean but can be repatriated by Health Department only with the approval of the competent authority.

4. On the other hand learned District Attorney argued that through impugned order dated 03.11.2016 service of the appellant were placed at the disposal of the Health Department being a civil servant as such it is not posting/transfer order. As his services were more required, in KTH and after having completed normal tenure of posting was repatriated to his parent department. That he has not been absorbed in MTI, KTH. Under Section-10 of Civil Servant Act, 1973, a civil servant is required to serve anywhere in the province, hence, there is no illegality in the said order.

ATTESTED


KI Peshawar

CONCLUSION.

5. Careful perusal of record would reveal that vide order dated 03.05.2007 the appellant was posted as Medical Officer by respondent no.1. There is hardly any confusion about the status of the appellant being a civil servant and respondent no.1 is competent to issue posting/transfer order. It has not been disputed by the learned counsel for the respondents. Moreover, under Section-13 of the Khyber Pakhtunkhwa Medical Teaching Institution Reforms Act, 2015 Hospital Director does not enjoy powers of posting/ transfer. As order has been issued by the incompetent authority so the same is void ab-initio. Hence, no limitation runs against a void order. Our stance is further substantiated by the Health Department letter dated 06.10.2017. Moreover, powers pertaining to appointment terms and conditions of service etc. of employees borne on the strength of the MTI are vested in Board of Governors as provided in Section-7 of the above Act.

6. As a sequel to above, the appeal is accepted and the impugned order is set aside. Parties are left to bear their own costs. File be consigned to the record room.

Self- Ahmad Hassan, Member
Self- M. Aman Khan Kundi, Member

(MU)

ANNOUNCED

15.12.2017

Certified to be true copy

EM
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 979-80/ST

Dated 20-03 / 2020

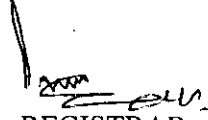
To

1. The Chief Secretary,
Government of Khyber Pakhtunkhwa,
Peshawar.
2. Secretary Health,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: - ORDER IN APPEAL NO. 1601/2019, DR.TEHMINA JALIL.

I am directed to forward herewith a certified copy of order dated 12.03.2020 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

CM No. _____/2020

In Re:

Service Appeal No. _____/2019

Dr. Tehmina Jalil

..... Applicant/Appellant

VERSUS

Board of Governors, MTI, Khyber Girls Medical College and others.

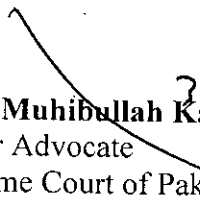
..... Respondents

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Applicant/Appellant

Through


Mian Muhibullah Kakakhel
Senior Advocate
Supreme Court of Pakistan


Saifullah Muhib Kakakhel
Advocate High Court (LL.M)
Cell: 0334-4440744


Mehwish Muhib Kakakhel
Advocate High Court
BSCS, LL.M (Cyber Crimes)

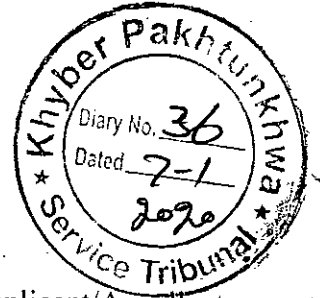

Zeenat Muhib Kakakhel
Advocate High Court.

Dated: 07 /01/2020

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

CM No. _____/2020
In Re:
Service Appeal No. _____/2019



Dr. Tehmina Jalil

..... Applicant/Appellant

Put up to the court with relevant appeal.

VERSUS

Board of Governors, MTI, Khyber Girls Medical College and others.

..... Respondents

[Signature]
2/1/2020

Render

APPLICATION FOR EARLY HEARING

Respectfully Sheweth:

1. That the above mentioned case is pending adjudication before this Honourable Tribunal, which is fixed for 17.2.2020.
2. That the applicant/appellant has been relieved from her present Institute and has been asked to report to the competent authority.
3. That the relieving order of the applicant/appellant is illegal as she is serving the MTI since long and her seniority has been retained in the said Institute i.e. KGMC.
4. That the respondents are intending to promote/appoint another person and if the case of the applicant/appellant is not fixed at an early date, she will suffer irreparable loss.

It is, therefore, respectfully prayed that on acceptance of this application, the case of the applicant/appellant may kindly be accelerated to a short date convenient to this Hon'ble Tribunal preferably in the month of January, in the best interest of justice.

Applicant/Appellant

Through

[Signature]
Mian Muhibullah Kakakhel
Senior Advocate
Supreme Court of Pakistan

[Signature]
Saifullah Muhib Kakakhel
Advocate High Court (LL.M)
Cell: 0334-4440744

[Signature]
Mehwish Muhib Kakakhel
Advocate High Court
BSCS, LL.M (Cyber Crimes)

[Signature]
Zeenat Muhib Kakakhel
Advocate High Court.

Dated: 07/01/2020

Hearing be accelerated to a date in 4th week of January, 2020.

[Signature]
2/1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

2

CM No. _____/2020

In Re:

Service Appeal No. _____/2019

Dr. Tehmina Jalil

..... Applicant/Appellant

VERSUS

Board of Governors, MTI, Khyber Girls Medical College and others.

..... Respondents

AFFIDAVIT

I, **Mian Muhibullah Kakakhel** Senior Advocate of Supreme Court of Pakistan, do hereby solemnly affirm and declare on oath that the contents of accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.



ADVOCATE

Mian Muhib Ullah Kakakhel

Senior Advocate Supreme Court of
Pakistan

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

CM No. _____/2020

In Re:

Service Appeal No. _____/2019

Dr. Tehmina Jalil

..... Applicant/Appellant

VERSUS

Board of Governors, MTI, Khyber Girls Medical College and others.

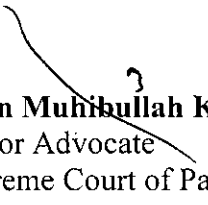
..... Respondents


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Applicant/Appellant

Through


Mian Muhibullah Kakakhel
Senior Advocate
Supreme Court of Pakistan


Saifullah Muhib Kakakhel
Advocate High Court (LL.M)
Cell: 0334-4440744


Mehwish Muhib Kakakhel
Advocate High Court
BSCS, LL.M (Cyber Crimes)


Zeenat Muhib Kakakhel
Advocate High Court.

Dated: 07/01/2020

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

CM No. _____/2020

In Re:

Service Appeal No. _____/2019

Dr. Tehmina Jalil

..... Applicant/Appellant

VERSUS

Board of Governors, MTI, Khyber Girls Medical College and others.

..... Respondents

**APPLICATION FOR INTERIM RELIEF BY WAY
OF SUSPENDING THE IMPUGNED ORDER AND
DIRECT THE RESPONDENTS TO RELEASE THE
SALARY OF APPELLANT.**

Respectfully Sheweth:

1. That the above mentioned case is pending adjudication before this Honourable Tribunal, which is fixed for 17.2.2020.
2. That the applicant/appellant has been relieved from her present Institute and has been asked to report to the competent authority.
3. That the relieving order of the applicant/appellant dated: 11.07.2019 is illegal as it has been issued by an incompetent authority and there is no concept of relieving an employee by the Head of the Department.
4. That applicant is serving the MTI since long and her seniority has been retained in the said Institute i.e. KGMC.
5. That the applicant is still holding the post on which she was serving and is also performing her duties regularly, however, they have stopped her salary to pressurize her to obey an illegal and unlawful order.
6. That the applicant is entitled to be promoted to the post of Assistant Professor Hematology BPS-18 and respondents instead of promoting her, issued an advertisement in the newspaper and also make certain changes in the rules against the PM&DC Regulations and Ordinance etc.
7. That applicant has a prima facie case and interim relief has been granted to her. She is also hopeful of the success of her case.
8. That the application would suffer irreparable loss if her salary is not released.


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It is, therefore, respectfully prayed that on acceptance of this Application, the impugned notification dated: 11.07.2019 may kindly be suspended and respondents may be directed to release salary of the petitioner, till the final decision of case.


Any other order deemed appropriate in the circumstances of the case may also be passed. The petitioner may be allowed to put forward any other argument/ document at the time of hearing of this Application.


Applicant/Appellant

Through


Mian Muhibullah Kakakhel
Senior Advocate
Supreme Court of Pakistan


Saifullah Muhib Kakakhel
Advocate High Court (LL.M)
Cell: 0334-4440744


Mehwish Muhib Kakakhel
Advocate High Court
BSCS, LL.M (Cyber Crimes)


Zeenat Muhib Kakakhel
Advocate High Court.

Dated: 07/01/2020

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

CM No _____/2020

In Re:

Service Appeal No. _____/2019

Dr. Tehmina Jalil Applicant/Appellant

VERSUS

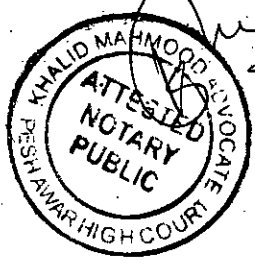
Board of Governors, MTI, Khyber Girls Medical College and others

..... Respondents

AFFIDAVIT

I, **Mian Muhibullah Kakakhel Senior Advocate Supreme Court of Pakistan**, as per instructions of my client, do hereby solemnly affirm and declare on oath that the contents of accompanying **Application for Interim Relief** of are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.

Muhibullah Kakakhel
21-2020



3
Advocate
Cell # 0334-4440744