

16.10.2019

Nemo for petitioner. Addl. AG for the respondents present.

On the last date of hearing instant matter was adjourned due to general strike of the bar while the petitioner was also not in attendance. He shall be issued notice for appearance on 18.11.2019 before S.B.

Adjourned.


Chairman

18.11.2019

Nemo for petitioner. Mr. Ziaullah, DDA for the respondents present.

On last three occasions the petitioner was not represented. Today again he is not in attendance. It appears that the petitioner is no more interested in further prosecution of instant petition. The implementation proceedings are, therefore, consigned to record. The petitioner may however, apply for restoration of proceedings, if need be.


Chairman

02.07.2019


Due to general strike on the call of Khyber Pakhtunkhwa Bar Council, learned counsel for the petitioner is not available today. Mr. Kabirullah Khattak, Additional AG for the respondents present. Adjourned to 26.08.2019 for further proceedings before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

26.08.2019

Nemo for the petitioner. Addl. AG for the respondents present.


Due to general strike on the call of K.P Bar Council, learned counsel for the appellant is not in attendance. Adjourned to 23.09.2019 for further proceedings before S.B.


Chairman

23.09.2019

Nemo for the petitioner. Mr. Kabirullah Khattak, Additional AG for the respondents present.

Due to general strike of Bar learned counsel for the petitioner is also not in attendance. Adjourned to 16.10.2019 before S.B.


CHAIRMAN

15.03.2019

Petitioner in person present. Mr. Ayub Amin, junior counsel for MTI, KTH, present and seeks adjournment as senior counsel is busy before the Hon'ble Peshawar High Court. Adjourned. To come up for further proceedings on 15.04.2019 before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

15.04.2019

Inayat ur Rehman clerk to counsel for the petitioner present. Mr. Kabir Ullah Khattak learned Additional Advocate General present. Clerk to counsel for the appellant seeks adjournment on the ground that learned counsel for the petitioner is busy before august Supreme Court of Pakistan. Adjourn. To come up for further proceedings on 21.05.2019 before S.B.

Member

21.05.2019

Clerk to counsel for the petitioner and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Clerk to counsel for the petitioner seeks adjournment on the ground that learned counsel for the petitioner has gone to perform Umrah. Adjourn. To come up for further proceedings on 02.07.2019 before S.B.


Member


EP 162/18

06.12.2018

Petitioner in person and Mr. Amin Ayub, Advocate junior to counsel for the respondents present.

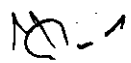
Learned counsel for the respondents states that an application under Section 12(2) CPC has been brought in the instant matter which is fixed for hearing today before the D.B. Requests for adjournment in order to avail the outcome of the other matter.

Adjourned to 22.01.2019 before the S.B.


Chairman

22.01.2019

Petitioner in person and Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Subhan Ullah litigation Assistant present. Representative of the respondents submitted parawise comments. Petitioner seeks adjournment to peruse the same. Adjourn. To come up for further proceedings on 26.02.2019 before S.B.


Member

26.02.2019

Petitioner with counsel and Mr. Kabirullah Khattak Addl; AG for the respondents present. Junior to counsel for the MTI, KTH, seeks adjournment as senior is busy before the Hon'able High Court. Adjourned. To come up for further proceeding on 15.03.2019 before S.B


(Ahmed Hassan)
Member

05.10.2018

Petitioner alongwith his counsel present. Mr. Subhanullah, Assistant (Litigation) for the respondents present, submitted Vakalat Nama of Mr. Khalid Rehman, Advocate and also requested for adjournment. Adjourned. To come up for implementation report on 12.10.2018 before S.B.

MA
(Muhammad Amin Khan Kundi)
Member

12.10.2018

Clerk of counsel for the petitioner present. None for the respondents present. However, Mr. Kabirullah Khattak put appearance on behalf of the respondents and requested for further adjournment. Granted. To come up for implementation report on 22.10.2018 before S.B.

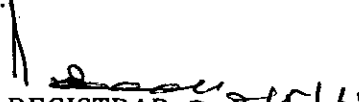

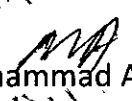
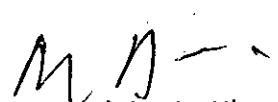
S
Chairman

22-10-18

*Due to Retirement of Honorable
Chairman the Tribunal is non functional
Therefore the cas is adjourned to come up
fore the same on 6/12/2018
Reader*

FORM OF ORDER SHEET

Execution Petition No. 162/2018

S.No.	Date of order Proceedings	Order or other proceedings with signature of Judge
1	2	3
1	28.05.2018	<p>The Execution Petition of dr. Rashid Ahmad submitted to-day by Mr. Mian Iqbal Hussain Advocate may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR 28/5/18</p>
2	29/05/18	<p>This Execution Petition be put up before S. Bench on- <u>11/06/18.</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	11.06.2018	<p>Counsel for the petitioner present. Notice be issued to the respondents for implementation report for 13.08.2018 before S.B.</p> <p style="text-align: right;"> (Muhammad Amin Khan Kundi) Member</p>
	13/8/2018	<p>Counsel for the petitioner and Mr. Riaz Painsa Khel, Assistant Advocate General alongwith Mr. Subhanullah, Junior Clerk for official respondents present. Assistant AG requested for adjournment. Adjourned. To come up for implementation report on 5/10/2018 before SB.</p> <p style="text-align: right;"> (Muhammad Amin Khan Kundi) MEMBER</p>

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, AT PESHAWAR.

Execution Petition No:- 162 /2018

In

Service Appeal No:- 510/2017



INDEX

S#	Description of the Documents	Annex	Pages
1.	<i>Grounds of execution petition with affidavit</i>	*	1-9
2.	<i>Copy of relieving order of Medical Director dated 30/01/2017 with better copy</i>	"A"	10-11
3.	<i>Copy of transfer order dated 03/12/2007 by Secretary Health of appellant to Medical D Ward KTH as Junior Registrar</i>	"B"	12
4.	<i>Copy of transfer order dated 18/03/2013 by Secretary Health of appellant from KTH to Polio Duty at Tehkal Bala</i>	"C"	13-14
5.	<i>Copy of letter of Hospital Director to Director General Health Services dated 06/10/2016 for stoppage of Polio Duty of appellant outside of KTH</i>	"D"	15
6.	<i>Copy of posting/transfer of appellant to OPD vide order dated 18/10/2016 of Hospital Director</i>	"E"	16
7.	<i>Copy of alternate arrangement by Directorate General Health & Service vide letter dated 07/11/2016</i>	"F"	17
8.	<i>Copy of FCPS-I (General Medicine) i.e. Part-I qualification of appellant letter dated 23/11/2010</i>	"G"	18
9.	<i>Copy of FCPS Training (General Medicine) qualification of appellant vide experience certificate dated 21/01/2008</i>	"H"	19
10.	<i>Copy of service certificate of appellant dated 19/07/2013</i>	"I"	20

11.	<i>Stay order in service appeal No 510/17 dated 24/05/2017</i>	"J"	21-22
12.	<i>Decision of KPK Service Tribunal dated 05/12/2017 in Service Appeal No 510/2017</i>	"K"	23-26
13.	<i>Withdrawn of reliving order of Medical Director by Health Department</i>	"L"	27
14.	<i>Notification for promotion from BPS-17 to BPS-18</i>	"M"	28-35
15.	<i>Retention order of appellant in grade 18 in MTI KTH by Health Department</i>	"N"	36
16.	<i>Arrival reports</i>	"O"	37-40
17.	<i>Wakalat Nama</i>	*	41

Dated:- 22/05/2018

Through:-


Appellant

Mian Iqbal Hussain
Advocate Supreme Court
of Pakistan
Cell No:- 0333-9480893

1. *That the appellant is serving as Medical Officer Khyber Teaching Hospital and is qualified as:-*
 - i. *FCPS-1 (General Medicine), (Annex "G").*
 - ii. *Intermediate Module, IMM (General Medicine)*
 - iii. *4 years FCPS Training in General Medicine vide (Annex "H"),*
and is Civil Servant of Health Department of Khyber Pakhtunkhwa with experience vide (Annex "I")

2. *That vide order dated 03/12/2007 of the Govt. of N.W.F.P Health Department, the appellant was transferred as Junior Registrar Medical D Ward KTH, Peshawar. (Copy of the order is annex "B").*

3. *That the Health Department KPK, vide office order/notification No SO(E)H-11/4-1/2013 dated 18/03/2013, transferred the appellant from KTH to Polio Eradication Duty as Medical Officer at Tehkal Bala, Peshawar, (Copy of order is annex "C"), wherein the appellant served the life threatening duty with effect from March, 2013 to October, 2016 i.e. for 3 and 1/2 years. It is to be noted that in such like duty, the colleagues of the appellant's were killed in target killing for the reason of doing polio duty and such like threats hanged on appellant during his polio duty.*

4. *That the Hospital Director MTI, KTH (Respondent No 1) vide letter No 22157-58/KTH/E dated 06/10/2016, addressed to the Director General Health Services, Khyber Pakhtunkhwa, Peshawar. (Copy whereof annex "D"), inter alia requested that due to shortage of Medical Officers the management of this institution has decided to stop the appellant from performance of duty outside KTH i.e. Polio Duty*
5. *That the Hospital Director MTI (Respondent No 1) vide letter No 23097-106/KTH/E dated 18/10/2016, the posting/transfer of appellant was made at OPD KTH, Peshawar. (Copy whereof is annex "E").*
6. *That resultantly, vide letter No 10005-06/E-1(R-42) dated 07/11/2016 of the Directorate General Health Services, Khyber Pakhtunkhwa, Peshawar, the duty of the appellant from Polio duty was withdrawn. (Copy of said letter is annex "F").*
7. *That the Medical Director, MTI (respondent No 2) vide Office Order No 3497-3510/KTH/E dated 30/01/2017 relieved the appellant from KTH. (Copy whereof annex "A").*
8. *That the appellant impugned said order of medical director Dated 30-01-2017 before the KPK service tribunal in service appeal no 510/2017.*

9. *After preliminary hearing of service appeal No 510/2017 the KPK service tribunal granted stay order against the aforesaid order of Medical Director dated 30-01-2017. (Annex J)*

After long trial the KPK service tribunal allowed the service appeal No 510/2017 of the appellant dated 05-012-2017. Consequently the order of the Medical Director dated 30-01-2017 in which appellant was relieved from MTI KTH was declared without lawful authority and was set aside. (Annex K)

10. *That in compliance of the judgment health department wrote letter to respondent no 2 dated 15-12-2017 that the Medical Director MTI KTH reliving order dated 30-01-2017 may be withdrawn ab. anitio being void (Annex L).*

11. *Meanwhile appellant was promoted from BPS-17 to BPS-18 vide notification dated 15-11-2017 (Annex M) with other doctors and in compliance of KPK Services tribunal order, the health department KPK issued order no SOH (E-V) 4-22/2017 dated 20-12-2017 for retention of appellant in MTI KTH against the vacant post (Annex N), thus keeping the continuation of the service of appellant in MTI KTH as ordered by KPK Services tribunal dated 05-12-2017.*

12. *Appellant submitted arrival reports after stay order in service appeal no 510/2017, final decision of the service appeal*

510/2017 and lastly after Secretary Health order No SOH (E-V) 4-22/2017 dated 20-12-2017 in Medical Director/Hospital Director offices with no response from their side. (Annex O)

13. *It is worth to mention that appellant is civil servant and on the part of health department, his competent authority secretary health has already given effect to the order of the KPK service tribunal but the respondents are not obeying the order of the KPK service tribunal dated 05-12-2017 because:*
 - A. *Respondents are not paying salaries of the appellant since 30/01/2017.*
 - B. *Respondents don't allow appellant to continue and perform his duty in OPD MTI KTH.*
 - C. *Respondents don't accept the arrival report of the appellant in compliance with the order no SOH (E-V) 4-22/2017 dated 20-12-2017 of secretary Health which has been passed by giving effect to the order dated 05-12-2017 of KPK services tribunal.*
 - D. *That the last posting of the appellant vide order no 23097-106 dated 18-10-2016 of the hospital Director was in OPD from which the appellant was relieved by the Medical Director but this relieving order has been set aside by the service tribunal passed in service appeal no. 510/2017 as such the posting of the appellant existed before 30-01-2017*

vide order no 23097-106 dated 18-10-2016 of the Hospital Director has been restored.

- E. That even otherwise by allowing the appeal of the appellant of the service appeal No 510/2017 relief prayed for has been granted.*
- F. That respondents are bound by their departmental precedents and practice and could not discriminate the appellant by not allowing him to continue/ perform in OPD of MTI KTH as the other senior Medical Officers promoted to grade 18 were continue to perform their duty against their respective posts in grade 17 being the established precedents and practice.*
- G. That under rule 28 read with read 27 of the service tribunal KPK 1974, the respondents are obliged to give effect to the order of KPK service tribunal dated 05-12-2017 passed in service appeal No 510/2017 as they are denying and neither permit nor allowed the appellant to give him his rights referred to above and in the heading of petition.*
- H. That under section 7 (2) of the KPK service tribunal Act 1974, the service tribunal has the same powers as are vested in civil court procedure 1908 for execution and to give effect to its order dated 05-12-2017 passed in service appeal no 510/2017 to enforce grant of relief prayed for in this petition.*

- I. *In addition that the authority having powers to pass order, also possess the powers to implement such order.*
- J. *That respondents are continuously committing the contempt of order of this service tribunal and their failure to give effect to the order of this tribunal is abuse of the process of this tribunal which this tribunal has power to prevent and to pass order for relief prayed for in this petition in view of rule 27 of KPK Service Tribunal 1974.*

It is therefore prayed in exercise of powers under rule 27 and 28 of KPK service tribunal rule 1974 read with section 7 (2) of KPK service tribunal Act 1974, this tribunal may kindly enforce, give effect and execute its order dated 05-12-25017 passed in service appeal No 510/2017 by:


- I. *Directing the respondents that when relieving order of Medical Director MTI KTH has been set aside, consequently the petitioner/appellant is not relieved from MTI KTH and therefore should be allowed to continue his duty in OPD MTI KTH as it existed immediately before the relieving order referred to above, vide order of the Hospital Director dated 18-10-2016.*
- II. *That the respondent be directed/compel to pay salaries to the petitioner/appellant since 30-01-2017 till continues service of appellant in KTH.*

III. To accept the arrival report of the petitioner/appellant vide order No SOH (E-V) 4-22/2017 dated 20-12-2017 of the secretary Health (in which appellant was promoted to BPS-18 and retained in KTH against vacant post) passed for implementation of the order for KPK service tribunal dated 05-12-2017 in service appeal No 510/2017.

Dated:- 22/05/2018

Through:-


Appellant


Mian Iqbal Hussain
Advocate Supreme Court
of Pakistan

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

Execution Petition No:- _____/2018

In

Service Appeal No:- 510/2017

Dr. Rashid Ahmad

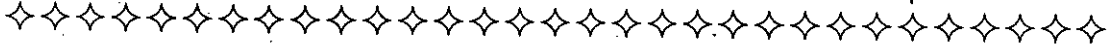
Versus

Hospital Director, MTI,

KTH, Peshawar & others

..... Appellant

..... Respondents



AFFIDAVIT

I, Dr. Rashid Ahmad S/o Haji Taj Muhammad,

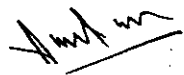
Medical Officer (MTI) Khyber Teaching Hospital, Peshawar,

*do hereby solemnly affirm and declare on oath that the contents of this accompanying **Petition** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.*

Identified by


DEPONENT

CNIC No:- 16101-6721321-7


Mian Iqbal Hussain
Advocate Supreme Court
of Pakistan

Ammex A

Page 10



MEDICAL TEACHING INSTITUTION
KHYBER TEACHING HOSPITAL, PESHAWAR
Office of the Medical Director.

No. /KTH/E

Date / /2017

OFFICE ORDER

Dr. Rashid Ahmad S/O Haji Taj Muhammad, MO, BPS-17 (Civil Servant) serving in this institution since 06-12-2007 and has completed his tenure. His services are hereby rendered back to Health Department, Khyber Pakhtunkhwa. He is hereby relieved from this institution with immediate effect. We wish him successful in future career.

Medical Director
MTI, KTH, Peshawar.

No. 3497-3510/KTH/E
Copy to:

1. Secretary to Govt: of Khyber Pakhtunkhwa, Health Department, Peshawar.
2. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
3. Hospital Director, MTI, KTH, Peshawar.
4. Director Administration, MTI, KTH, Peshawar.
5. Senior Media & Protocol Manager, MTI, KTH, Peshawar.
6. Manager Accident & Casualty Department, MTI, KTH, Peshawar.
7. Manager Human Resources, MTI, KTH, Peshawar.
8. Director Finance, MTI, KTH, Peshawar.
9. Account Officer, MTI, KTH, Peshawar to stop his pay.
10. Audit Officer, MTI, KTH, Peshawar.
11. Resident Asstt: Director (Audit), MTI, KTH, Peshawar.
12. I/C I.T Department, MTI, KTH, Peshawar.
13. Provost Doctors Flats/Hostels, MTI, KTH, Peshawar.
14. Doctor Concerned.

MASIM
Medical Director
MTI, KTH, Peshawar.

c.t.c.

Sul m

ATTESTED

Sul m

Annex A,

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Page 11

MEDICAL TEACHING INSTITUTION
KHYBER TEACHING HOSPITAL PESHAWAR
Office of the Medical Director

No...../KTH/E

Dated...../...../2017

Office Order

Dr. Rashid Ahmad S/o Haji Taj Muahammad, MO, BPS-17 (Civil Servant) serving in this institution since 06-12-2007 and has completed his tenure. His service are hereby rendered back to Health Department, Khyber Pakhtunkhwa. He is hereby relieved from this institution with immediate effect. We wish him successful in future career.

SD/-

Medical Director
MTI, KTH, Peshawar

30-1-2017

No. 3497-3510/KTH/E

Copy to:

1. Secretary to Govt: of Khyber Pakhtunkhwa, Health Department Peshawar
2. Director General Health Services, Khyber Pakhtunkhwa, Peshawar
3. Hospital Director, MTI, KTH, Peshawar
4. Director Administration, MTI, KTH, Peshawar.
5. Senior Media & Protocol Manager, MTI, KTH, Peshawar
6. Manager Accident & Casualty Department, MTI, KTH, Peshawar
7. Manager Human Resources, MTI, KTH, Peshawar
8. Director Finance, MTI, KTH, Peshawar
9. Accounts Officer, MTI, KTH, Peshawar *to stop his pay*
10. Audit Officer MTI, KTH, Peshawar
11. Resident Asstt: Director (Audit), MTI, KTH, Peshawar
12. I/C I.T Department MTI, KTH, Peshawar
13. Provost Doctors Flats/Hostels, MTI, KTH, Peshawar
14. Doctor Concerned.

ATTESTED

SD/-

Medical Director
MTI, KTH, Peshawar

c.f.c

→ 2/1

Annex

Amme B Page 12

GOVERNMENT OF N.W.F.P.
HEALTH DEPARTMENT.

Dated Peshawar, the 3rd December 2007.

NOTIFICATION.

No. SO(E)H-II/5-50/KTH. On recommendation of the Departmental Selection Committee of KTH Peshawar, Dr. Rashed Ahmad (waiting for posting) is hereby transferred/relieved to join his new assignment as Junior Registrar Medical D Ward KTH Peshawar with immediate effect.

Endst. No. & date even.

SECRETARY HEALTH.

Copy to the:-

1. Director General, Health Services, NWFP Peshawar.
2. AG NWFP Peshawar.
3. MS KTH Peshawar w/r to his letter No.15818/KTH/E, dated 7.11.2007.
6. Doctors concerned.

[Signature]
Section Officer-H.

*Open
New P.F.*

*Seen
[Signature]*

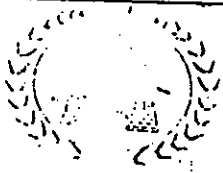
ATTESTED
[Signature]

KHYBER TEACHING HOSPITAL PESHAWAR

NO 17682-86 /KTH/E Date 11-12 /2007

- Copy to:-
- 1- Prof: I/C Medical D Unit KTH.
 - 2- Account officer KTH.
 - 3- Audit officer KTH.
 - 4- Resident Assistant Director Audit KTH.
 - 5- Dr. Rasheed Ahmad Junior Registrar Medical D Unit KTH.

[Signature]
Medical Superintendent
Khyber Teaching Hospital
Peshawar.



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

TO BE SUBSTITUTED BY THE NOTIFICATION BEARING THE SAME NUMBER & DATE

Date: Peshawar 18.3.2013

NOTIFICATION.

No. SO(E)H-II/4-1/2013: The Competent Authority is pleased to assign police eradication duties temporarily to the following Medical Officers on deputation under supervision of Chief Pestawar. They will remain on their pay roll/ posted at their present place of posting in their respective institutions as noted in column 3 below.

S.No.	Name of Doctors	From
1.	Dr. Zeb Khan MO (BS-17)	IRH, Peshawar
2.	Dr. Asghar Khan MO (BS-17)	IRH, Peshawar
3.	Dr. Asghar Khan MO (BS-17)	IRH, Peshawar
4.	Dr. Niaz ul Haq MO (BS-17)	KHI, Peshawar
5.	Dr. Raza Shah MO (BS-17)	Nasir ul Khan Bahar Memorial Hospital Peshawar
6.	Dr. Aftab Hussain MO (BS-17)	Nasir ul Khan Bahar Memorial Hospital Peshawar
7.	Dr. Usman Ibrahim MO (BS-17)	Police and Services Hospital Peshawar
8.	Dr. Sohail Zahoor MO (BS-17)	Police and Services Hospital Peshawar
9.	Dr. Waqar Ahmad MO (BS-17)	Sifa Ghaur ID Children Hospital Peshawar
10.	Dr. Aziz Mehmood MO (BS-17)	Sifa Ghaur ID Children Hospital Peshawar
11.	Dr. Firdous Khan MO (BS-17)	Moulvi Ameer Shah Memorial Hospital Peshawar
12.	Dr. Firdous Khan MO (BS-17)	Moulvi Ameer Shah Memorial Hospital Peshawar
13.	Dr. Muhammad Tabir Jadoon MO (BS-17)	Moulvi Ameer Shah Memorial Hospital Peshawar
14.	Dr. Muhammad Tabir Jadoon MO (BS-17)	Moulvi Ameer Shah Memorial Hospital Peshawar

SECRETARY
KHYBER PAKHTUNKHWA

ATTESTED

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[Handwritten initials]

Annex C

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Page 14

GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Notification

DT: 18-3-2013

No. SO (E) H-II/4-1/2013: The competent Authority is pleased to assign polio eradication duties temporarily to the following Medical Officer BPS-17. They will remain on the pay roll/posted out their pretext place of posting in their respective institution as noted in column 3 below

S No	Name of Doctor	Name of Union Council
1	Dr. Zeb Khan	Kakshal
2	Dr. Asghar Khan	Larme
3	Dr. Zafar Ali Shah	Gul Bahar
4	Dr. Rashid Ahmed	Tehkal Bala
5	Dr. Abdul Janan	Tehkal Payan 2
6	Dr. Naseem Ullah	Tehkal Payan 1
7	Dr. Riaz Shahid	Surezai Bala
8	Dr. Afzal Hussain	Urmar Bala
9	Dr Usman Ibrahim	Mehal Terai 1
10	Dr. Sohail Zahoor	Yaka Toot
11	Dr. Waqas Ahmed	Mehal Terai 2
12	Dr. Ayaz Muhammad	Khalisa II
13	Dr. Fridus Khan	Hassan Gari I
14	Dr. Muhammad Tahir	Hassan Gari II

Secretary
Khyber Pakhtunkhwa

ATTESTED

c.t.c.
VLM

Annex D page 15



MEDICAL TEACHING INSTITUTION

KHYBER TEACHING HOSPITAL, PESHAWAR
Office of the Hospital Director

No. 22157-58/KTH/E

Dated 06/10/2016

✓ To,

The Director General Health Services,
Khyber Pakhtunkhwa,
Peshawar.

Subject: Withdrawal of MOs from Polio duty.

2536/
10/10/16

Reference previous letter No. 64763/KTH/E dated 29-07-2015.

It is to inform you that Dr. Abdul Janan and Dr. Rashid Ahmad, Medical Officers, (BPS-17) are on the strength of Khyber Teaching Hospital but on Govt. request were temporarily deputed for Polio Eradication duty vide this office order No. 7030-36/KTH/E dated 28-03-2013 and still performing duty as Union Council Medical Officer.

Due to shortage of Medical Officers, the Management of this institution has decided to stop them from performance of duty outside KTH.

It is therefore requested that some other staff be deputed for the said duty.

No. _____/KTH/E

Copy to:-

- 1. Secretary to Govt. of Khyber Pakhtunkhwa, Health Department, Peshawar.

[Signature]
Hospital Director
MTI, KTH, Peshawar.
06/10/16

Hospital Director
MTI, KTH, Peshawar.

ATTESTED

[Handwritten initials]



MEDICAL TEACHING INSTITUTION
 KHYBER TEACHING HOSPITAL, PESHAWAR
 Office of the Hospital Director

No. _____ /KTH/E

Dated 18/10/2016

OFFICE ORDER

The inter-institutional posting / transfer of the following doctors are hereby ordered in the interest of public with immediate effect:-

S. No.	Name of Doctor	From	To
1.	Dr. S.M.Zahir Shah, SMO	I/C OPDs	Manager (Administration)
2.	Dr. Aziz Ur Rehman, SMO	General Medical OPD	I/C OPDs
3.	Dr. Shahid Afridi, MO	Chest OPD / Addl:-DMS (A)	Chest & TB General OPD
4.	Dr. Rashid Ahmad, MO	On arrival at KTH	At the disposal of I/C OPDs for placement in OPD
5.	Dr. Abdul Janan, MO	On arrival at KTH	At the disposal of I/C OPDs for placement in OPD

Hospital Director
 MTI, KTH, Peshawar.

No. 23097-106 /KTH/E

Copy to:-

1. Medical Director, MTI, KTH, Peshawar.
2. Director Administration, MTI, KTH, Peshawar.
3. Director Human Resources, MTI, KTH, Peshawar.
4. Director Finance, MTI, KTH, Peshawar.
5. I/C OPD, MTI, KTH, Peshawar.
6. Account Officer, MTI, KTH, Peshawar.
7. Audit Officer, MTI, KTH, Peshawar.
8. Resident Assistant Director (Audit), MTI, KTH, Peshawar.
9. Doctors Concerned.

Hospital Director
 MTI, KTH, Peshawar.

ATTESTED

Annex F Page 17



DIRECTORATE
GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR

No. 10005-50 /E-I (R-42)

Dated: 07/11/2016

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

E-Mail Address K.P.Kdhs@yahoo.com
Office # 091-9210269
Exchange # 091-9210187, 9210191
Fax # 091-9210230

To,

The District Health Officer,
Peshawar.

Subject:
Memo,

WITHDRAWAL OF MOs FROM POLIO DUTY.

I am directed to enclose herewith a copy of letter No. 22157-58/KTH/E dated 06.10.2016, from Hospital Director MTI/KTH Peshawar on the subject noted above and to ask you to make alternate arrangement in place of Dr. Abdul Janan and Dr. Rashid Ahmad MOs (BPS-17) MTI/KTH Peshawar under intimation to this Directorate.

ASSISTANT DIRECTOR (P-I)
DIRECTORATE GENERAL HEALTH
SERVICES, Khyber Pakhtunkhwa
PESHAWAR

7/11/16

CC:

Hospital Director MTI/KTH Peshawar w/r to his letter referred above.

ATTESTED

e.t.c.



COLLEGE OF PHYSICIANS AND SURGEONS PAKISTAN

7th Central Street, Phase II, Defence Housing Authority, Karachi-75000; (Pakistan)
Tel: 99267100-10, Fax: 35881444, UAN: 111-666-000
E-mail: examinations@cpasp.edu.pk; Web: www.cpasp.edu.pk

Examinations Department

No.F1-3/Exam-2010/CPSP/1033-S

Dated: 23 November 2010

RASHID AHMAD
C/O JAMIL AHMAD,
ASSTT. DIRECTOR ACCOUNTS, N.T.C.
NEAR TELEPHONE HOUSE, 1ST THE MAIL,
Peshawar Cantt.
Phone: 091-9216777 0300-5860585

RTMC No: MED-2003-2595
Roll No: 101684
Subject: MEDICINE
Center: PESHAWAR

LETTER OF CONGRATULATIONS FOR IMM

Dear Doctor,

I have the pleasure to intimate that you have satisfied the board of examiners of Intermediate Module September 2010 Examination in the discipline of MEDICINE and have been declared successful. It is essential for you to acquire original certificate of Intermediate Module qualification which has to be presented at the time of appearing in FCPS-II examination or while proceeding abroad.

This success in Intermediate Module does not entitle you to be a qualified specialist. Now you are required to complete remaining RTMC registered training including specified rotations, attend all the mandatory workshops, maintain e-logbook/log book for the entire duration of remaining training, and submit your dissertation or research papers for approval to RTMC during the beginning of the last year of residency. You may be asked to fulfill any other requirement introduced by CPSP before appearing in FCPS-II examination.

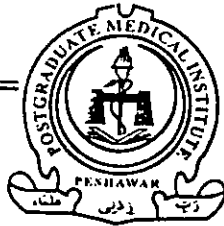
Please note that requirements of training are constantly under review and it is your responsibility to be aware of the current regulations which will be applicable on the date of your FCPS-II examination. Intermediate Module is not an academic qualification and you are not authorized to write it along with your other degrees/diplomas on your letter head, visiting card, and signboard or name plate.

Yours Sincerely,

Prof Zakiuddin G. Oonwala
MBBS, FRCS (Ed.), FICS (Hon)
Chief Controller of Examinations

13

ATTESTED



Postgraduate Medical Institute

Ref. No. 126 PGMI

Date 21-01-08

EXPERIENCE CERTIFICATE

We certify from personal knowledge and repute that Dr. Rashid Ahmad S/p/o Haji Taj Mohammad is as regards character and professional conduct, a fit and proper person to be admitted as Fellow of the College of Physicians & Surgeons Pakistan and also that he/she has a period of training, which complies with the examination Regulations. Listed below are details of those posts, which have provided the requisite experience.

Position held	Specialty including subspecialties rotation	Period of training Give exact dates	Name of Supervisor & Qualifications.
TMO	Medical C Unit LRH	25-09-2003 to 30-04-2005	Prof. Dr. Muhammad Ilyas Saedi
TMO	General I.C.U. LRH	01-05-2005 to 30-07-2005	
TMO	Neurology LRH	01-08-2005 to 31-10-2005	
TMO	Medical C Unit LRH	01-11-2005 to 24-09-2006	
TMO	Cardiology LRH	25-09-2006 to 24-12-2006	
TMO	Dermatology LRH	25-12-2006 to 24-03-2007	
TMO	Pulmonology LRH	25-03-2007 to 24-06-2007	
TMO	Psychiatry LRH	25-06-2007 to 24-09-2007	
TMO	Medical Unit LRH	25-09-2007 to 17-11-2007	

M. Ilyas Saedi
 Date & Signature of Supervisor with stamp
 Professor of Medicine IC Med "C"
 PGMH Lady Training Hospital
 Peshawar.

Masood-ur-Rehman
 16/1/08
 Name & Signature of Head of the unit.

Masood-ur-Rehman
 HEAD OF INSTITUTE/DEAN/PRINCIPAL
 POSTGRADUATE MEDICAL INSTITUTE
 HAYATABAD, PESHAWAR.

DR. MASOOD-UR-REHMAN
 MBBS, MRCP, DTIA, F.I.C.
 Professor of Medicine
 Peshawar

ATTESTED

[Handwritten initials]

Hayatabad Medical Complex, Peshawar (Pakistan)

Tel. Office: 02097-227790 Fax Office: 02097-227791 Hospital Fax: 02177600

Annex 1

Page 20



OFFICE OF THE MEDICAL SUPERINTENDENT
KHYBER TEACHING HOSPITAL,
PESHAWAR, K.P.K PAKISTAN
E-mail Add: msktnpesh@yahoo.com

Tel: _____
Fax: _____

1946/E

Dated 19/07/2013

SERVICE CERTIFICATE

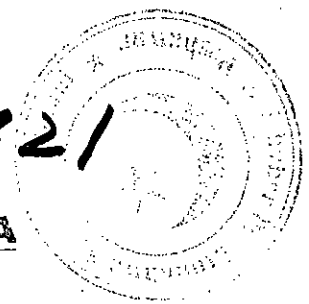
This is to certify that Dr. Rashid Ahmed S/O Haji Taj Mohammad has worked / working in this recognized teaching hospital as per detail below:

1. Worked as Junior Registrar in Department of Medicine from 07-12-2007 to 28-06-2011.
2. Working as Medical Officer with effect from 29-06-2011 till date.

[Signature]
Medical Superintendent
Khyber Teaching Hospital
Peshawar
MEDICAL SUPERINTENDENT
Khyber Teaching Hospital
Peshawar.

ATTESTED

[Signature]
c.t.c.



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, AT PESHAWAR.

Khyber Pakhtunkhwa Service Tribunal

Service Appeal No:- 510 /2017

Diary No. 554

Dated 24/5/2017

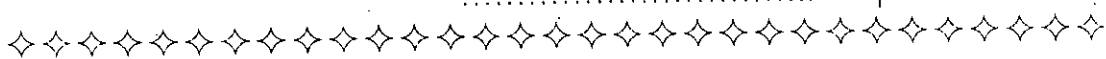
Dr. Rashid Ahmad S/o Haji Taj Muhammad, Medical Officer (MTI) Khyber Teaching Hospital, Peshawar, Cell No:- 0300-5860585

Appellant

Versus

1. Hospital Director, MTI, KTH, Peshawar,
2. Medical Director MTI, KTH, Peshawar,
3. Chairman Board of Governors, MTI, KTH, Peshawar, Medical Teaching Institutions Khyber Teaching Hospital, Peshawar, Khyber Pakhtunkhwa.
4. Director General Health Service, Khyber Pakhtunkhwa, Khyber Road, Peshawar, near District Courts Peshawar.
5. Secretary Health, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar

Respondents



Service appeal under section 4 of the Khyber Pakhtunkhwa Service Tribunal

Act, 1974, against the order dated 30/01/2017 of respondent no 2.

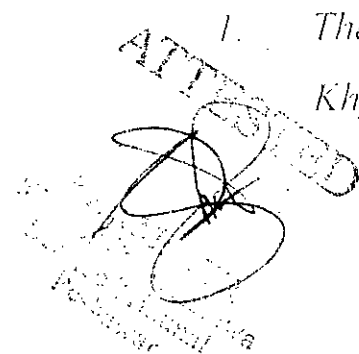
Filed to-day
Registrar
24/5/17

Respectfully Sheweth:-

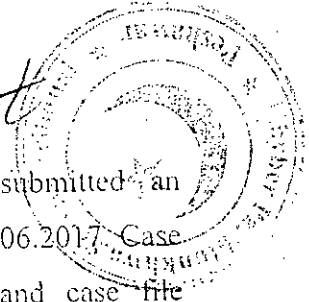
ATTESTED
[Signature]

1. That the appellant is serving as Medical Officer Khyber Teaching Hospital and is qualified as:-

i. FCPS-1 (General Medicine), (Annex "H").



Rashid Ahmad vs Govt



07.06.2017

Counsel for the appellant present and submitted an application for early hearing for today instead of 19.06.2017. Case file requisitioned. Preliminary arguments heard and case file perused. Learned counsel for the appellant argued that the appellant was appointed as Medical Officer in Khyber Teaching Hospital on 03.12.2007. Due to some administrative issues the appellant was illegally relived by the incompetent authority vide order dated 30.01.2017 and his pay was also illegally stopped. He preferred departmental appeal on 02.02.2017 which was not responded. The appellant filed writ petition no. 517-P/2017 in Peshawar High Court, Peshawar which was dismissed on 25.04.2017 for want of jurisdiction. He also filed review petition no. 70-P/2017 which was also dismissed on 16.05.2017 on the above grounds and the appellant was directed to approach the competent forum for redressal of his grievances. He also submitted an application for suspension of impugned order dated 30.01.2017.

Points urged need consideration. Admit subject to all legal objection and deposit security, process fee within 10 days, thereafter notices be issued to the respondents for written reply/comments for 20.06.2017 before S.B. The Impugned order dated 30.01.2017 is suspended till the date fixed.

Signature
Ahmad Hassan,
Member

Certified true copy
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Signature
ATTESTED

Date of Presentation of Case 12-6-17
Number of Pages 6
Copying Fee 2
Urgent
Total
Name of C. [Signature]
Date of Copying 12-6-17
Date of Delivery of Copy 12-6-17

~~Annex K~~ (23)

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

Service Appeal No:- _____/2017

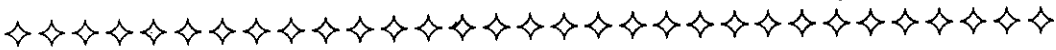
Dr. Rashid Ahmad S/o Haji Taj Muhammad, Medical
Officer (MTI) Khyber Teaching Hospital, Peshawar,
Cell No:- 0300-5860585

..... Appellant

Versus

- ✓ 1. Hospital Director, MTI, KTH, Peshawar,
- ✓ 2. Medical Director MTI, KTH, Peshawar,
- ✓ 3. Chairman Board of Governors, MTI, KTH, Peshawar,
Medical Teaching Institutions Khyber Teaching
Hospital, Peshawar, Khyber Pakhtunkhwa.
- x 4. Director General Health Service, Khyber
Pakhtunkhwa, Khyber Road, Peshawar, near District
Courts Peshawar.
- x 5. Secretary Health, Government of Khyber
Pakhtunkhwa, Civil Secretariat, Peshawar

..... Respondents



Service appeal under section 4 of the
Khyber Pakhtunkhwa Service Tribunal
Act, 1974, against the order dated
30/01/2017 of respondent no 2.

Respectfully Sheweth:-

1. That the appellant is serving as Medical Officer
Khyber Teaching Hospital and is qualified as:-
 - i. FCPS-1 (General Medicine), (Annex "H").

Annex K

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No: 510/2017

Date of Institution ... 24.05.2017

Date of Decision ... 05.12.2017



Dr. Rashid Ahmad S/o Haji Taj Muhammad Medical Officer (MTI) Khyber Teaching Hospital, Peshawar.

... (Appellant)

VERSUS

1. Hospital Director, MTI, KTH, Peshawar and 4 others.

... (Respondents)

MR. MIAN IQBAL HUSAIN,
Advocate

--- For appellant.

MR. MUHAMMAD JAN,
Deputy 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

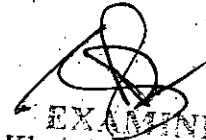
the parties heard and record perused.

ATTESTED

FACTS

2. The brief facts are that the appellant was appointed as Medical Officer in Peshawar

KTH on 03.12.2007. Due to some administrative issues the appellant was illegally relieved by incompetent authority vide order dated 30.01.2017 and his pay was also illegally stopped. He preferred departmental appeal on 02.02.2017 which was not responded. The appellant filed writ petition on 517-P/2017 in Peshawar High Court, Peshawar which was dismissed on 25.04.2017 for want of jurisdiction. He also filed review petition no. 70-P/2017 which was also


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

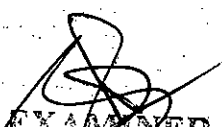
also dismissed on 16.05.2017 on the above grounds and the appellant was directed to approach the competent forum for redressal of his grievances, hence, the instant service appeal on 24.05.2017.

ARGUMENTS

3. Learned counsel for the appellant argued that vide impugned order dated 30.01.2017 he was relieved of his duties from KTH Peshawar by Medical 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 03.12.2007 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 Deputy District Attorney argued that through impugned order dated 31.01.2017 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 ^{no} 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


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

CONCLUSION.

5. Careful perusal of record would reveal that vide order dated 03.12.2007 the appellant was posted as Junior Registrar, Medical-D Ward by respondent no.5. There is hardly any confusion about the status of the appellant being a civil servant and respondent no.5 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 Medical Director does not enjoy powers of posting/ transfer. As order has been issued by the incompetent authority so the same is void ab-initio. 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.

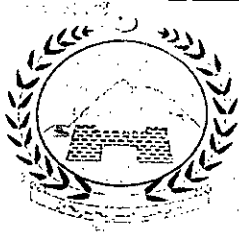
Announced SD/- Ahmad Hassan, Member
05.12.2017

SD/- M. Amin Khan Kundi, Member

Certified to be true copy

EX-100
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 11-12-17
Number of Words 1200
Copying Fee 8-0
Urgent 2-0
Total 10-0
Name of Copyist [Signature]
Date of Completion of Copy 11-12-17
Date of Delivery of Copy 11-12-17



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Annex L Page 27

No. SO (E) H-II/11-3/2017 (Dr. Sadaf Ijaz)
Dated Peshawar, the 15th December 2017

To

The Hospital Director,
Medical Teaching Institution,
Khyber Teaching Hospital,
Peshawar.

Subject: JUDGMENT/ORDER IN APPEAL NO.510/17, MR. DR. RASHID AHMAD.

I am directed to refer to the Judgment of the Khyber Pakhtunkhwa Service Tribunal, Peshawar in the above captioned case dated 05.12.2017 and to request that the Medical Director, MTI KTH office order dated 30.01.2017 regarding repatriation of Dr. Rashid Ahmad s/o Haji Taj Muhammad, Medical Officer BS-17 to Health Department may be withdrawn ab initio being void, please. *(copy enclosed)*

(Signature)
(Jibreel Raza)
Section Officer (E-II)

Endst: No. & Date Even

Copy to the:

1. Director General Health Services, Khyer Pakhtunkhwa.
2. PS to Secretary Health, Khyber Pakhtunkhwa
3. PA to Additional Secretary (E), Health Department.

Section Officer (E-II)

(Signature)
ATTESTED



HEALTH DEPARTMENT

Dated Peshawar, the 15th November, 2017

NOTIFICATION

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

The Government of Khyber Pakhtunkhwa on the recommendations of the Provincial Selection Board is pleased to promote the following doctors of General Cadre from BS-17 to BS-18 on regular basis with immediate effect -

S.No.	NAME OF DOCTOR	S.NO.	NAME OF DOCTOR
1	Dr Farida Mujahid	28	Dr Nisar Ahmad
2	Dr Iqbal Hussain	29	Dr Shehla Aman
3	Dr Nioz Muhammad	30	Dr. Zuhra Nasir D/O Nasir Shah
4	Dr.Noor Hanan	31	Dr. Afshan Saleem D/O Muhammad Saleem
5	Dr.Noor Muhammad	32	Dr Aneela Azam
6	Dr. Muhammad Tahir Jan	33	Dr. Sama Gulam D/O Gulam Khan
7	Dr. Jan Hussain	34	Dr. Saeeda Rabbani D/O Muhammad Hussain
8	Dr. Muhammad Khali Akhtar	35	Dr. Hamida Nasir Shah W/O Dr. Syed Nasir Shah
9	Dr. Akbar Khan	36	Dr. Samina Karim D/O Abdul Karim
10	Dr. Muhammad Naeem	37	Dr. Ghazala Shaheen D/O Syed Muhammad Shah
11	Dr. Afzal Hussain	38	Dr. Sabina Naz D/O Saifullah Khan
12	Dr. Gul Nawaz	39	Dr. Falak Naz D/O Jaffar Khan
13	Dr. Waseem Kashif	40	Dr. Syeda Nusrat Shah D/O Sa'd Badshah
14	Dr. Akhtar Ali Shah	41	Dr. Rabia Mehar(Waheed) D/O Mehar Dil Khan
15	Dr. Aminullah	42	Dr. Zakia Abid D/O Abid Ali
16	Dr. Shabir Ahmad	43	Dr. Sofia Khan
17	Dr. Qaiser Zaman	44	Dr. Zahida Parveen D/O Amir Nawaz
18	Dr. Mumtaz Muhammad	45	Dr. Zahida Bibi D/O Shamsul Abrar
19	Dr. Muhammad Ayub	46	Dr. Syeda Shahnaz Jabeen D/O Syed Israrullah Shah
20	Dr. Yasir Murad	47	Dr. Muhammad Nazir S/O Muhammad Yousaf
21	Dr. Nasir Hussain	48	Dr. Manzoor Ahmad Khan S/O Bahadar Khan
22	Dr. Hamid-ur-Rehman	49	Dr. Liaqat Ali S/O Mir Alam
23	Dr. Abdul Malik	50	Dr. Jamshed Saeed Sherani S/O Saeed Ahmad Shisani
24	Dr. Ihsan-ul-Haq	51	Dr. Fazal Ghaloor S/O Muhammad Amin
25	Dr. Syed Gul Syed Hussain	52	Dr. Muhammad Haroon Shahid S/O Hasham Khan
26	Dr. Fazal-ur-Rehman	53	Dr. Syed Tahir Ali Shah S/O Syed Mehtab Hussain
27	Dr. Faramoz	54	Dr. Tariq Muhammad Saeed S/O Muhammad Saeed

ATTESTED

55	Dr. Abdul Karim S/O Mir Abbas Khan	92	Dr. Muhammad Jamil Khan s/o Fazal Mabood
56	Dr. Alamzeb S/O Aurangzeb	93	Dr. Dildar Khan S/O Abdul Ghaffar
57	Dr. Abdul Hameed S/O Saadu'llah	94	Dr. Abdur Rehman S/O Abdullah Khan
58	Dr. Gul Nawaz Khan S/O Sarfaraz Khan	95	Dr. Raz Muhammad S/O Mohib Ali Khan
59	Dr. Haroon Zaffar S/O Muhammad Zaffar	96	Dr. Ejaz Ahmad S/O Muhammad Aslam
60	Dr. Khalil Ur Rehman	97	Dr. Ghulam Farooq S/O Prof. Azir ur Rehman
61	Dr. Nazar Muhammad S/O Bakht Sar	98	Dr. Muhammad Ishaq Khan S/O Junais Khan
62	Dr. Tanq Khan S/O Adalat Khan	99	Dr. Habb Gul S/O Haji Inzar Gul
63	Dr. Rehmat Saleem Khan S/O Khan Muhammad	100	Dr. Rashid Ahmad S/O Haji Taj Muhammad
64	Dr. Alam Khan S/O Feroz Khan	101	Dr. Ifkhar Ali S/O Prof. Rehman Gul
65	Dr. Malik Khushi Muhammad S/O Malik Faqir Muhammad	102	Dr. Muhammad Dost Khan s/o Zahir Gul
66	Dr. Riaz Shahid S/O Rahmat Khan	103	Dr. Ghulam Farooq s/o Sultan Jan
67	Dr. Zahir Shah S/O Sarwar Khan	104	Dr. Muhammad Hayat s/o Meen Akbar
68	Dr. Taj Muhammad S/O Nurab Din	105	Dr. Nasruminallah s/o Sarfaraz Khan
69	Dr. Muhammad Tahir Aziz S/O Azizur Rehman	106	Dr. Syed Touseef Ali Shah s/o Syed Farman Shah
70	Dr. Khalil Ur Rehman s/o Ali Rehman	107	Dr. Shahid Alam S/O Abdul Hanan
71	Dr. Inayatullah s/o Khalid Khan	108	Dr. Khalilur Rehman S/O Abdul Hamid
72	Dr. Mansoor Ahmad Khan s/o Muhammad Sehrab Khan	109	Dr. Sahib Gul Orakzai S/O Malik Deen Orakzai
73	Dr. Shaikat Ali s/o Khan Bahadar	110	Dr. Ihsanul Haq S/O Samu'llah
74	Dr. Naseer Hassan s/o Nazir Hussain	111	Dr. Matu'llah S/O Fazal-E-Moula
75	Dr. Jamaluddin s/o Rahim Din	112	Dr. Said Zaman S/O Bakht Zaman
76	Dr. Muhammad Rehman s/o Bacha Khan	113	Dr. Syed Sharda Hussain Bukhan S/O Fida Hussain Shah
77	Dr. Rafullah Khan s/o Balqees Khan	114	Dr. Sheikh Muhammad Farooq Azam S/O Sheikh Muhammad Bashir Gohar
78	Dr. Akmal Khan s/o Ayub Khan	115	Dr. Syed Imtiaz Ali Shah S/O Syed Sikandar Shah
79	Dr. Fawad Aslam s/o Muhammad Aslam Khan	116	Dr. Zanin Khan S/O Khan Zallah Khan
80	Dr. Imtiaz Khan s/o Aman Khan	117	Dr. Najibullah Khan S/O Zabardast Khan
81	Dr. Nisar Ahmad	118	Dr. Ashfaq Hussain Bangash S/O Khadim Hussain
82	Dr. Mousa Khan	119	Dr. Shafullah Khan S/O Saidul Wahab
83	Dr. Muhammad Tanq s/o Hafeem Khan	120	Dr. Nazir Ahmad S/O Shah Jehan
		121	Dr. Muhammad Ajmal Khalil s/o Khalilur Rehman
84	Dr. Naveed Iqbal s/o Muhammad Ghulam	122	Dr. Muhammad Hashim S/O Ghazi Manan
85	Dr. Wajid Ahmad s/o Rehman Gul	123	Dr. Rafullah S/O Haji Khan Zada
86	Dr. Zakautah Khan s/o Meher Dil	124	Dr. Ijaz Akber S/O Mir Akbar
87	Dr. Muhammad Akmal Raul s/o Abdur Raul	125	Dr. Javed Iqbal S/O Muhammad Qasim
88	Dr. Waqas Khattak s/o Asadullah Khattak	126	Dr. Sher Aslam Shah S/O Pir Salim Khan
89	Dr. Khalid Mahmood Afridi s/o Khan Wah	127	Dr. Jamshed Qadar S/O Anj. Qadar Gul
90	Dr. Kamran Durrani s/o Bashir Durrani	128	Dr. Muhammad Saad-q S/O Haji Daraz Gul
91	Dr. Rizwan ullah Khan s/o Habibullah	129	Dr. Ajmal Khan S/O Sultan Khan

ATTESTED

130	Dr. Muhammad Javed Iqbal S/O Allah Divya	166	Dr. Miraj Gul s/o Samb Din
131	Dr. Jamshed Alam S/O Rustam Khan	167	Dr. Syed Anwar Hussain s/o Noor Saad Man
132	Dr. Nayyar-uz- Zaman S/O Malikur Rehman	168	Dr. Daryab Wali Khan s/o Nazar Wah Khan
133	Muhammad Ishaq s/o Taj Ali	169	Dr. Darya Khan s/o Mula Khan
134	Dr. Nasir Jamal S/O Gul Manan	170	Dr. Azizullah Khan s/o Ihsanullah Khan
135	Dr. Jehanzeb S/O Muhammad Bashir	171	Dr. Ahmad shah Arbab s/o Arbab Humayun Khan
136	Dr. Adil Saidullah S/O Saidullah Jan	172	Dr. Fazal Rabbi s/o Haj Badshah
137	Dr. Badshah Khan S/O Rais Khan	173	Dr. Iqbal Hussain s/o Nowsherawan
138	Dr. Hamidullah S/O Muhammad Safim	174	Dr. Sultan Mahmood S/O Saad Khatib
139	Dr. Yasin Muhammad S/O Syed Afzal	175	Dr. Fayyaz Ahmad S/O Mirajud Din
140	Dr. Arshad Ali	176	Dr. Iqbal Ahmad S/O Khaista Bacha
141	Dr. Ijaz Ahmad Khan S/O Saad Karim	177	Dr. Sibghatullah Khan S/O Abdullah Shah
142	Dr. Khalilur Rehman S/O Abdul Rehman	178	Dr. Mahboob Alam S/O Shah Bahadar
143	Dr. Khalilur Rehman S/O Abdul Jamil	179	Dr. Niaz Ali Khan S/O Raza Khan
144	Dr. Muhammad Asad Khan S/O Muhammad Ayub Khan	180	Dr. Inayatullah Khan S/O Sheikh Fard Khan
145	Dr. Hamidullah S/O Syed Amin Khan	181	Dr. Shujaal Ali Shah
146	Dr. Mubarak Shah S/O Qadam Khan	182	Dr. Zaheer Muhammad S/O Nisar Muhammad
147	Dr. Shahzad Iqbal S/O Muhammad Iqbal	183	Dr. Muhammad Atif S/O Khwaja Muhammad Khan
148	Dr. Imran Khan S/O Muhammad Siraj	184	Dr. Mansoor Qasim S/O Muhammad
149	Dr. Sajjad Akbar s/o Saad Akbar	185	Dr. Rehmatullah Jan S/O Malik Ghazi Manan
150	Dr. Shah Jehan s/o Paimda Khan	186	Dr. Muhammad Farooq Gul S/O Gul Muhammad
151	Dr. Munawar s/o Moulvi Hassan	187	Dr. Muhammad Younas Khan S/O Abdul Sattar Khan.
152	Dr. Muhammad Usman s/o Tajamul Hussain	188	Dr. Zahid Hussain S/O Ali Zaman
153	Dr. Sarfaraz Khan s/o Hajjal Din	189	Dr. Sahib Gul S/O Munir Gul
154	Dr. Ramzan Ali s/o Haji Mirjan Ali	190	Dr. Muhammad Hayat Khan S/O Bad Shah Gul
155	Dr. Sherzada s/o Ahmad	191	Dr. Sardar Ali S/O Mardan Ali
156	Dr. Zafar Iqbal s/o Muhammad Amin	192	Dr. Syed Muhammad Tariq Shah S/O Ghulam Mustafa Shah
157	Dr. Abdul Hadi s/o Mirajuddin	193	Dr. Shuja Ahmad S/O Shaukat Ali
158	Dr. Akhtar Nawaz s/o Muhammad Amir Khan	194	Dr. Habibullah Khan S/O Hamidullah Khan
159	Dr. Karimullah Khan s/o Sakhi Jan	195	Dr. Ashiq Muhammad S/O Muhammad Ishaq
160	Dr. Sanaulah s/o Waridullah	196	Dr. Sher Zali S/O Bahadar Khan
161	Dr. Haroon Zafar s/o Zafar Ahmad Shah	197	Dr. Mumtaz Ali S/O Ashraf Khan
162	Dr. Latzada s/o Bakhtiar Khan	198	Dr. Fida Hussain S/O Hajj Kifayat Hussain
163	Dr. Muhammad Mameoon s/o Muhammad Usman	199	Dr. Azimullah S/O Darya Khan
164	Dr. Pervez Khan s/o Habibur Rehman	200	Dr. Arshad Hussain S/O Nijat Hussain
165	Dr. Basit Ijaz s/o Ijaz Ahmad	201	Dr. Mumtaz Ahmad S/O Zareeb Khan
	-----	202	Dr. Amir Rafiq S/O Muhammad Rafiq Khattak

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Page 31

203	Dr. Syed Amir Hamza S/O Syed Akhoozada Gadoon	240	Dr. Muhammad Mustafa Alam S/O Nasrullah Jan
204	Dr. Syed Umair Hussain S/O Syed Majid Hussain	241	Dr. Saadullah Khan S/O Ayub Khan
205	Dr. Khatim Jan S/O Abdul Ghaffar Khan	242	Dr. Masood Jalal S/O Khushlim Khan
206	Dr. Takka Khan Orakzal S/O Gula Khan	243	Dr. Saghir Ahmad S/O Noor Elahi
207	Dr. Ali Shah S/O Fazli Ghaffoor	244	Dr. Jamaluddin S/O Muhammad Din
208	Dr. Mujahid Hussain Bangash S/O Iqbal Hussain Bangash	245	Dr. Khafid Mahmood S/O Rehmatullah
209	Dr. Shakeel Ahmad S/O Ghulam Murtaza Tahir	246	Dr. Yousaf Jan s/o Karam Khan
210	Dr. Gul Nazar S/O Samandar	247	Dr. Bakht Zada S/O Gul Muhammad
211	Dr. Jamshed Ali S/O Liaqat Ali	248	Dr. Fazal Subhan S/O Ghulam Nabi
212	Dr. Nadar Khan S/O Qadar Khan	249	Dr. Bakht Zamin S/O Wali Dad
213	Dr. Muhammad Faheem S/O Muhammad Shafiq	250	Dr. Ajmal Khan s/o Zuiqadar Khan
214	Dr. Sanaullah Khan S/O Shawar Khan	251	Dr. Sharifullah s/o Muhammad Zaman Khan
215	Dr. Abdul Wahab S/O Abdul Ghaffar (late)		
216	Dr. Pir Muhammad S/O Habibur Rehman	252	Dr. Kamran Yousaf s/o Yousaf Khan
217	Dr. Farman Ali S/O Muhammad Nasim	253	Dr. Khairun Nabi
218	Dr. Muhammad Sayyar S/O Mukaram Shah	254	Dr. Amjad Ali Shah S/O Mian Muhammad Ali Shah
219	Dr. Muhammad Noman Yousaf S/O Muhammad Yousaf	255	Dr. Tahir Hussain S/O Ghulam Hussain
220	Dr. Saood Anwar S/O Shah Hussain	256	Dr. Muhammad Tariq S/O Wazir Jang
221	Dr. Muhammad Tufail S/O Sahib Jan	257	Dr. Mustafa S/O Behramand
222	Dr. Muhammad Zaib S/O Haji Said Ghani	258	Dr. Muhammad Noor S/O H. M. Islam Khan
223	Dr. Sajjad Ahmad S/O Waheedullah	259	Dr. Ibrahim Iqbal S/O Saleh Khan, MBBS
224	Dr. Saeedur Rehman S/O Haji Fazli Rehman	260	Dr. Zaffar Ali Shah s/o Said Badshah
225	Dr. Muhammad Tahir Khan S/O Faiz Muhammad Khan	261	Dr. Fida Muhammad S/O Zarin Khan, MD
226	Dr. Aminullah S/O Bawar Khan	262	Dr. Aziz Khan s/o Jaffar Khan
227	Dr. Ghani Khan S/O Abdul Qayyum	263	Dr. Rab Nawaz S/O Muhammad Nawaz
228	Dr. Inayat Khan S/O Sarwar Khan	264	Dr. Muhammad Kamal S/O Muhammad Sharif
229	Dr. Amir Sher S/O Pir Muhammad Khan	265	Dr. Sher Jan s/o Musharaf Khan
230	Dr. Muhammad Arif Khan S/O Gulbar Khan	266	Dr. Riaz Ali S/O Ser Bahadar
231	Dr. Anwar Ali Khan S/O Sardar Ali Khan	267	Dr. Muhammad Parvez Khan s/o Muhammad Nasir
232	Dr. Ijaz Ahmad S/O Bashir Ahmad	268	Dr. Noor Muhammad s/o Ahmad Saeed
233	Dr. Nadar Ali Shuja S/O Shujaud Dullah	269	Dr. S. M. Taimur Shah s/o Pir Feroz Shah
234	Dr. Niaz Ahmad S/O Bakhtiyar	270	Dr. Sajid Khan s/o Ghaffoor Khan
235	Dr. Ikramullah Khan S/O Khuda Bakhsh	271	Dr. Muhammad Azhar Shah S/O Israrul Anifeen
236	Dr. Muhammad Zubair S/O Ghuncha Gul	272	Dr. Farid Hassan S/O Wazir Hassan
237	Dr. Muhammad Shafiq Afridi S/O Haji Fazal Karim	273	Dr. Izzat Khan S/O Rasool Khan
238	Dr. Rehmat Elahi S/O Muhammad Qarib	274	Dr. Muhammad Zahid s/o Qaiser Ahmad
239	Dr. Fazalur Rehman Bangash S/O Abdur Rehman Bangash	275	Dr. Abdul Jafil S/O Mochibullah

205	Dr. Khalim Jan S/O Abdul Ghaffar Khan	242	Dr. Masood Jatal S/O Khushlim Khan
206	Dr. Tikka Khan Orakzal S/O Gula Khan	243	Dr. Saghir Ahmad S/O Noor Elahi
207	Dr. Ali Shah S/O Fazil Ghaffoor	244	Dr. Jamaluddin S/O Muhammad Din
208	Dr. Mujahid Hussain Bangash S/O Iqbal Hussain Bangash	245	Dr. Khalid Mehmood S/O Rehmatullah
209	Dr. Shakeel Ahmad S/O Ghulam Murtaza Tahir	246	Dr. Yousaf Jan s/o Karam Khan
210	Dr. Gul Nazar S/O Samandar	247	Dr. Bakht Zada S/O Gul Muhammad
211	Dr. Jamshed Ali S/O Liaqat Ali	248	Dr. Fazal Subhan S/O Ghulam Nabi
212	Dr. Nadar Khan S/O Qadar Khan	249	Dr. Bakht Zamin S/O Wali Dad
213	Dr. Muhammad Faheem S/O Muhammad Shafiq	250	Dr. Ajmal Khan s/o Zulqadar Khan
214	Dr. Sanaullah Khan S/O Shawar Khan	251	Dr. Sharifullah s/o Muhammad Zaman Khan
215	Dr. Abdul Wahab S/O Abdul Ghaffar (lale)		
216	Dr. Pir Muhammad S/O Habibur Rehman	252	Dr. Kamran Yousaf s/o Yousaf Khan
217	Dr. Farman Ali S/O Muhammad Nasim	253	Dr. Khairun Nabi
218	Dr. Muhammad Sayyar S/O Mukaram Shah	254	Dr. Amjad Ali Shah S/O Mian Muhammad Ali Shah
219	Dr. Muhammad Noman Yousaf S/O Muhammad Yousaf	255	Dr. Tahir Hussain S/O Ghulam Hussain
220	Dr. Saood Anwar S/O Shah Hussain	256	Dr. Muhammad Tariq S/O Wazir Jang
221	Dr. Muhammad Tufail S/O Sahib Jan	257	Dr. Mustafa S/O Behramand
222	Dr. Muhammad Zaib S/O Haji Said Ghani	258	Dr. Muhammad Noor S/O H.M. Islam Khan
223	Dr. Sajjad Ahmad S/O Waheedullah	259	Dr. Ibrahim Iqbal S/O Saleh Khan, MBBS
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227	Dr. Ghani Khan S/O Abdul Qayyum	263	Dr. Rab Nawaz S/O Muhammad Nawaz
228	Dr. Inayat Khan S/O Sarwar Khan	264	Dr. Muhammad Kamal S/O Muhammad Sharif
229	Dr. Amir Sher S/O Pir Muhammad Khan	265	Dr. Sher Jan s/o Musharaf Khan
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233	Dr. Nadar Ali Shuja S/O Shujaud Dullah	269	Dr. S.M. Taimur Shah s/o Pir Feroz Shah
234	Dr. Niaz Ahmad S/O Bakhtiyar	270	Dr. Sajid Khan s/o Ghafoor Khan
235	Dr. Ikramullah Khan S/O Khuda Bakhsh	271	Dr. Muhammad Azhar Shah S/O Israrul Anfeen
236	Dr. Muhammad Zubair S/O Ghuncha Gul	272	Dr. Farid Hassan S/O Wazir Hassan
237	Dr. Muhammad Shafiq Afridi S/O Haji Fazal Karim	273	Dr. Izzat Khan S/O Rasool Khan
238	Dr. Rehmal Elahi S/O Muhammad Qarib	274	Dr. Muhammad Zahid s/o Qaiser Ahmad
239	Dr. Fazalur Rehman Bangash S/O Abdul Rehman Bannash	275	Dr. Abdul Jalil S/O Mohibullah

Page 3

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276	Dr. Gulab Khan S/O Inayatullah	313	Dr. Nosroon Haider D/O Haider Khan
277	Dr. Muhammad Mehdi s/o Sardar Ali Khan	314	Dr. Niaz Ali S/O Fazal Hadi
278	Dr. Muhammad Ayub Khan s/o Badshah Gul	315	Dr. Gul Sanga Imran D/O Matiullah Nashad
279	Dr. Muhammad Karim S/O Samiullah Khan	316	Dr. Muhammad Salim Khan S/O Sarfaraz Khan
280	Dr. Hanif Afzal S/O Sher Afzal	317	Dr. Nadia Ashiq D/O Muhammad Ashiq Khan
281	Dr. Wali Muhammad S/O Gul Ghanir Khan	318	Dr. Muhammad Tariq Komal S/O Sheikh Abdul Malik
282	Dr. Rozal Shah S/O S. Mursalin Shah	319	Dr. Mustafa Abbas S/O Talib Ali
283	Dr. Azizur Rehman S/O Shah Tareen	320	Dr. Sadaf Zahoor D/O Zahoor ul Haq Aziz
284	Dr. Jamil Ahmad S/O Abdullah	321	Dr. Shamsul Qamar D/O Muhammad Hanif
285	Dr. Said Muhammad S/O Ali Bal Khan	322	Dr. Ziaullah S/O Aman Ullah
286	Dr. Tasneem Falima d/o Muhammad Aslam Malik	323	Dr. Taranum Taj D/O Rahmat Jee
287	Dr. Zaffar Ali S/O Amir Ghawas	324	Dr. Saira Gulzar D/O Ataulah Jan
288	Dr. Tehmina Jafri d/o Abdul Jalil	325	Dr. Shaukat Sa'eem Khan S/O Saleem Khan
289	Dr. Muhammad Gul S/O Rehmat Gul	326	Dr. Robina Karim D/O Fazal Karim
290	Dr. Aurangzeb Afridi S/O Ghulam Hussain	327	Dr. Muhammad Ishaq S/O Abdul Karim
291	Dr. Mumtaz Hussain S/O Asghar Hussain	328	Dr. Jalal Mohyuddin S/O Ghulam Mohyuddin
292	Dr. Muhammad Jawad s/o Ifkhar Khan		
293	Dr. Farkhanda d/o Fahim Dil	329	Dr. Nabeela Mehmood D/O Mehmood Khan Khattak
294	Dr. Muhammad Riaz S/O Muhammad Aslam	330	Dr. Muhammad Hameed S/O Mushtaq Ahmad Dar
295	Dr. Habib-ur-Rehman S/O Abdul Aziz	331	Dr. Sher Bahadar S/O Faza' Ahmad
296	Dr. Inayatullah S/O Saifullah Khan	332	Dr. Fahad Ajmal S/O Muhammad Ajmal
297	Dr. Abbas Khan S/O Ajab Khan	333	Dr. Muhammad Ali Khan S/O Sam Muhammad Malik
298	Dr. Muhammad Munib S/O SHis Ali Khan	334	Dr. Rahat Ara D/O Ghulam Jan
299	Dr. Akram Khan S/O Arbab Khan	335	Dr. Ghareebullah S/O Yaqub Khan
300	Dr. Nawab Khan S/O Aslam Khan	336	Dr. Tariq Jalil S/O Abdul Jalil Shaheed
301	Dr. Azam Khan Afridi S/O Abdul Aziz	337	Dr. Abdul Hameed Khan S/O Abdul Majeed Khan
302	Dr. Shah Karim S/O Nowserawan	338	Dr. Fauzia Habib D/O Habib ur Rehman Khattak
303	Dr. Rahim Nawaz S/O Mir Dan Khan	339	Dr. Musa Khan S/O SHiszada
304	Dr. Azhar Azeem	340	Dr. Mushtaq Ahmad S/O Haji Fazal Khan
305	Dr. Muhammad Shafiq	341	Dr. Tariq Aziz S/O Shakirullah
306	Dr. Muhammad Shah Rawan	342	Dr. Walayat Khan S/O Karim Badshah
307	Dr. Zill-e-Huma D/O Ajab Khan	343	Dr. Syeda Uzma Saeed D/O Syed Saeedul Haq
308	Dr. Aya Khan S/O Jamal Din	344	Dr. Muhammad Yasser Sharif S/O Muhammad Sharif
309	Dr. Fazal Wahab S/O Abdul Ghaffar	345	Dr. Muhammad Kashif Irfan S/O Muhammad Irfan
310	Dr. Muhammad Shoaib S/O Shamim Khan	346	Dr. Sahibzada Hilal Ahmad S/O S. Naseer Ahmad
311	Dr. Sumaira Sardar D/O Sardar ul Islam	347	Dr. Zarshad Ahmad S/O Pir Muhammad
312	Dr. Alifullah Khan S/O Arif Ullah Khan	348	Dr. Hassan Nasir S/O SHis Akbar Shah

349	Dr. Salman Ahmad s/o Ajab Khan	386	Dr. Wazir Khan S/O Rukam Khan
350	Dr. Nusrat Ara D/O Abdullah Jan	387	Dr. Munir Taj S/O Taj Malook
351	Dr. Azmat Ali S/O Muhammad Afzal	388	Dr. Muhammad Salman Khan S/O Muhammad Akbar Khan
352	Dr. Manzoor Ahmad S/O Rustam Khan	389	Dr. Zulfiqar Ali S/O Ijaz Hussain Awan
353	Dr. Ali Bashir S/O Bashir Hussain	390	Dr. Mohabat Ali Khan S/O Abdul Baqi
354	Dr. Shabir Ahmad S/O Juma Khan	391	Dr. Syed Munqadullah S/O Syed Mahidullah
355	Dr. Shafiqat Younas Tanooli S/O Muhammad Younas	392	Dr. Liaqat Ali S/O Shah Bali Jan
356	Dr. Muhammad Ibrahim Khan S/O Abdul Halim Khan	393	Dr. Jehanzeb S/O Munawar Khan
357	Dr. Shaikat Hussain S/O Bagh Zamin	394	Dr. Farmanullah Khan S/O Jamil Ullah Khan
358	Dr. Muhammad Naeem S/O Habibullah Khan	395	Dr. Muhammad Tahir Iqbal S/O Muhammad Iqbal
359	Dr. Tariq Masood S/O Sher Azam Khan	396	Dr. Qazi Yasir Imdad S/O Qazi Imdad Hussain
360	Dr. Muhammad Safdar Qureshi S/O Muhammad Sarwar Quresh	397	Dr. Roshan Zada S/O Syed Latif
361	Dr. Nosheen Rehman D/O Qazi Zia Ur Rehman	398	Dr. Shahid Mehmood S/O Sardar Muhammad Aslam
362	Dr. Najeebullah s/o Mehboobur Rehman	399	Dr. Samiullah s/o Naqeebullah
363	Dr. Akhtar Munir S/O Murad Khan	400	Dr. Lal Badshah S/O Pirzad Gul
364	Dr. Naheed Akhtar D/O Khuna Gul	401	Dr. Shafiqullah S/O Muhammad Gul
365	Dr. Anjum Afroz D/O Muhammad	402	Dr. Haroon Nasir Khattak S/O Rab Nawaz
366	Dr. Kamran Ali S/O Abdul Hameed	403	Dr. Gohar Zaman S/O Minhajuddin
367	Dr. Erum Qayyum S/O Syed Qayyum	404	Dr. Abdul Wali S/O Izzat Khan
368	Dr. Gohar Zaman S/O Muhammad Zaman	405	Dr. Mumnoon Elahi S/O Muhammad Khurshid
369	Dr. Mazhar Hayat S/O Malik Hazrat Mir	406	Dr. Rafiqullah S/O Arsala Jan
370	Dr. Shah Baraz Khan S/O Gulzar Khan	407	Dr. Ajif Jan S/O Amir Jan
371	Dr. Rubina Bangash D/O Jan Hussain Bangash	408	Dr. Sir biland Khan S/O Ghulam Gilani
372	Dr. Raza Ali Orakzai S/O Liaqat Ali Orakzai	409	Dr. Zahiddin s/o Yousaf Khan
373	Dr. Syeda Nargis Jabeen D/O Israrullah Shah	410	Dr. Rab Nawaz Khan Afridi s/o Haji Said Jan Afridi
374	Dr. Sheraz Ahmad S/O Rashid Ahmad	411	Dr. Sardeep Kumar s/o Hukumchand
375	Dr. Muhammad Zamin Khan S/O Hayat Khan	412	Dr. Khalida Yesmeen D/O Haji Ali Hussain
376	Dr. Lubna Rasool D/O Abdul Rasool	413	Dr. Robina Wazir D/O Haji Mumtaz
377	Dr. Arshiya Ilyas D/O Muhammad Ilyas	414	Dr. Rowish d/o Ahmad Jan
378	Dr. Sadia Asif D/O Muhammad Asif	415	Dr. Muhammad Riaz S/O Ghulam Rasool
379	Dr. Fazal Gul S/O Haji Musa Khan	416	Dr. Noshaba Naheed D/O Manzoor Ahmed
380	Dr. Lubna Hayat D/O Fazal Hayat Taj	417	Dr. Muhammad Arif s/o Chand Badshah
381	Dr. Muhammad Amin Khan S/O Muhammad Usman Khan	418	Dr. Asif Rahim s/o Abdul Rahim
382	Dr. Nouman Khan S/O Nasir Khan	419	Dr. Abdullah Khan s/o Abdul Mastan
383	Dr. Muhammad Zubair S/O Itikhar Ahmad Bhatti	420	Dr. Raz Muhammad s/o Badshah Muhammad
384	Dr. Muhammad Ismail S/O Said Muhammad	421	Dr. Fazal Wahid s/o Khan Gul
385	Dr. Sultan un Nisa D/O Hafiz Muhabat Khan	422	Dr. Mushtaq Ahmad s/o BadshahulMulk

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423	Dr. Nizamuddin s/o Qaandar Khan	446	Dr. Shahzad Gul s/o Muhammad Sharfeeq
424	Dr. Nisar Ahmad s/o Amir Muhammad	447	Dr. Mast Ali Khan s/o Majani
425	Dr. Khizar Hayat s/o Pir Muhammad	448	Dr. Lalzada Khan s/o Umar Gul
426	Dr. Rukhsana d/o Malik Farukh Sair Khan	449	Dr. Abdul Aziz s/o Abdur Rashidn
427	Dr. Ajab Khan s/o Ismail Khan	450	Dr. Sher Umar Khan s/o Fateh Khan
428	Dr. Khalid Javed s/o Zulfiqar Khan	451	Dr. Abdul Haleem Afridi s/o Fazal Shah
429	Dr. Abdul Sattar Khan s/o Rukam Khan	452	Dr. Said Ameen Shah s/o Abdullah Shah
430	Dr. Ayub Khan s/o Umar Gul	453	Dr. Ijaz Ajmal Khan s/o Ajmal Khan
431	Dr. Muhammad Farooq s/o Muhammad Raziq Mehmood	454	Dr. Mursaha d/o Muhammad Afzal
432	Dr. Naeemullah s/o Abdullah	455	Dr. Manzoor Ahmad s/o Abdul Wadood
433	Dr. Khalid Hafeez s/o Habzur Rehman	456	Dr. Shazia Gul d/o Masood Ahmad
434	Dr. Irshat Jehan d/o Shamsul Wahab	457	Dr. Roobina Gul d/o Badshah Gul
435	Dr. Nazar Wali s/o Syed Awaz	458	Dr. Rifat Shaheen d/o Qazi Ahmad
436	Dr. Naseerullah s/o Umar Kaba	459	Dr. Shaheen Mehtab d/o Mumtaz Khan
437	Dr. Muhammad Ayaz Khan s/o Haji Amir Nawab	460	Dr. Faridoon Mehmood Khan s/o Mehmood Khan
438	Dr. Saifmuddin s/o Haji Shah Bakht Rawan	461	Dr. Syed Badshah s/o Musafar Khan
439	Dr. Fazal Hadi s/o Juma Gul	462	Dr. Abdul Ghafoor s/o Badshah Khan
440	Dr. Qasim Abbas s/o Saifur Rehman	463	Dr. Fazal Raziq s/o Fazal Mau'a
441	Dr. Hakim Zada s/o Purdes Khan	464	Dr. Naheed Sultana d/o Muhammad Akram
442	Dr. Nusrat Begum d/o Qazi Abdul Mateen	465	Dr. Saeedur Rehman s/o Ashtar Khan
443	Dr. Nasreen Begum d/o Awal Saddam	466	Dr. Fayyaz Ali s/o Qaiser Khan
444	Dr. Muhammad Shafeeq s/o Raza Khan	467	Dr. Shakinullah s/o Fazal Ghafoor s/o Muhammad Amin
445	Dr. Wali Khan s/o Mameer Khan	468	Dr. Faheem Ul Haq s/o Muhammad Ishaq
		469	Dr. Fahad Khalid Umerzai s/o Khalid Khan Umerzai

2. In term of Rule 6 (3) of Civil Servants Act, 1973 and Rule 15 (1) of Appoi230nment, Promotion and Transfer Rules, 1989, they will be on probation for a period of 231one year extendable for another year.

3. The postings/transfers of the above named doctors shall be notified later on.

SECRETARY HEALTH
Govt of Khyber Pakhtunkhwa

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Endst.No & Date Even.

Copy to the:-

1. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa
2. Principal Secretary to Governor, Khyber Pakhtunkhwa.
3. Secretary to Govt of Khyber Pakhtunkhwa, Establishment Department
4. Director General Health Services, Khyber Pakhtunkhwa.
5. Director Health Services FATA, Peshawar
6. PS to Minister Health, Khyber Pakhtunkhwa, Peshawar
7. PS Secretary Health, Khyber Pakhtunkhwa, Peshawar
8. Officers/doctors concerned.

(JIBREEL RAZA)
SECTION OFFICER (E-V)

GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT



Dated Peshawar, the 20th December, 2017

NOTIFICATION

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

Upon promotion to BS-18 in the General Cadre vide Notification of even number dated 15.11.2017, the competent authority is pleased to retain Dr.Rashid Ahmad SMO BS-18 at S.No.100 attached to Khyber Teaching Hospital Peshawar in the said Hospital against the vacant post of BS-18 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/Medical Director KTH Peshawar
4. PS to Minister Health Khyber Pakhtunkhwa
5. PS Secretary Health, Khyber Pakhtunkhwa, Peshawar
6. Officer/doctor concerned.


(JIBREEL RAZA)
SECTION OFFICER (E-V)


ATTESTED

To

The Hospital Director
MTI Khyber Teaching Hospital
Peshawar.

Annex 0 ^{page} (37)

Subject: Arrival Report and Request for release of Salaries.

Sir,

With due respect it is stated that I was relieved from KTH vide order no 3497-3510/ KTH/E dated 30.1.2017 (copy is attached).

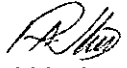
The relieving order was suspended by services Tribunal KPK Through Order no 510 dated 7.6.2017.

Consequent upon services Tribunal suspension order I hereby submit by my arrival report in general OPD for duty and request for release of salaries since 30.01.2017.

Thanks

Dated: 15th June 2017

Your's obediently


Dr. Rashid Ahmad
MO Khyber Teaching Hospital,
Peshawar.


ATTESTED

To

The Hospital Director
MTI Khyber Teaching Hospital
Peshawar.

Subject: Arrival Report and Request for release of Salaries.

Sir,

With due respect it is stated that my appeal no 510-2017, dated 05-12-2017 has been accepted with following two reliefs by services tribunal Khyber Pakhtunkhawa Peshawar (copy attached).

1. The relieving order no.3497-3510/ KTH/E dated 30.01.2017 has been set aside.
2. Hospital Director order no.23097-106/KTH//E dated 18.10.2016 has been restored.

I was promoted from BPS-17 to BPS-18 by health department order no SOH (E-V) 4.22.2017 dated 20.12.2017.


In Implementation of Court order, Secretary Health Passed Order no SOH (E-V) 4.22.2017 dated 20.12.2017 for my retention as Senior Medical Officer in Khyber Teaching Hospital Against the vacant post (Copy attached) with others senior Medical Officer.

Consequent upon acceptance of above appeal and in the light there up, the secretary Health KPK Order no. SOH (E-V) 4.22.2017 I hereby submit my arrival report in general OPD for duty and request for release of salaries since 30.01.2017.

Thanks

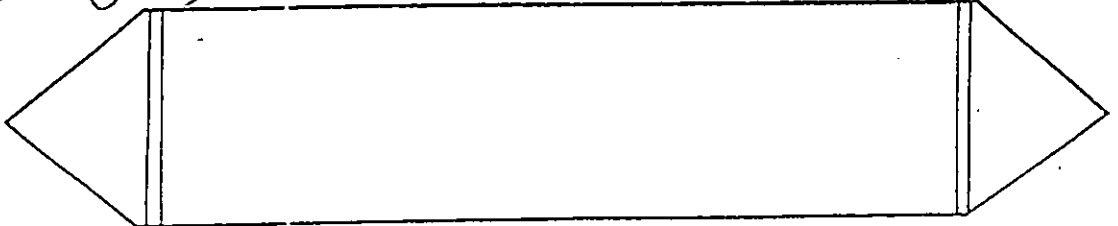
Dated: 26th Dec, 2017

Your's obediently


Dr. Rashid Ahmad
SMO Khyber Teaching Hospital,
Peshawar.


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بعد االت علیہ صبرین سرور ٹریڈ سوسائٹی کے بی کے سٹاؤر



20/8، پنجاب سٹاؤر سٹریٹ

بنام

ڈاکٹر عبدالرحمن

موزخہ
مقدمہ
دعویٰ
جرم

بنام
صدر کل ڈاکٹر سکندر
یا سیکرٹری ڈاکٹر سکندر
صبرین سرور ٹریڈ سوسائٹی
باعت تحریراً ننگہ 504 وغیرہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کارروائی متعلقہ
آن مقام کے لیے سول ریکورڈ صبرین سرور ٹریڈ سوسائٹی

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کمال اختیار و کمال
دیکل صاحب کو راضی نامہ کرنے و تقرر ثالت ہ فیصلہ بر حلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک و در پیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرایں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخ
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کارروائی کے واسطے اور دیکل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیار حاصل ہوں گے اور اس کا ساختہ
پرداختہ منٹا در قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو دیکل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا وکالت نامہ گھدیا کہ سندر ہے۔

المرتوم _____ ماہ _____ 20

انہی _____ واہ الب

کے لئے منظور ہے۔

Affected
Mian Jabal Hussain

R/S

بمقام

بدرالت حیات
KPK سروسز ٹریجول ہسپتال

Respondents 1 to 3
2018

لاہور
مقدمہ
دعویٰ نمبر 162/18
جیم

باعث تحریرانگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیری و جواب دہی اور کل کارروائی متعلقہ آن مقام ہسپتال کے لئے خالد کمانڈر کے لئے مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوت کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔

دیکس صاحب کو کرنے راضی نامہ و تقررات و فیصلہ برصطف دیے جواب دہی اور اقبال دعویٰ اور بصورت دیگر کرنے اجراء اور دعویٰ چیک و روپیہ اور مرضی دعویٰ اور درخواست ہر قسم کی تصدیق و ترمیم پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیری یا دیگر کیفر یا اپیل کی برآمدگی اور منسوخ ہونے پر اس کے لئے اپیل ٹکرائی و نظر ثانی و پیری کرنے کا اختیار ہوگا۔ اور بصورت ضرورت مقدمہ بند کور کے لئے کل یا جزوی کارروائی کے واسطے اور دیکس یا مختار قانونی کو اپنے ہمراہ یا اپنی جگہ سے تفریح کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جلد مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساتھ میں ہواختہ منظور و قبول ہوگا۔ دوران مقدمہ میں جو چیزیں و ہرجانے اتھوائے مقدمہ کے سب سے ہوگا۔

مقرر کے مستحق دیکس صاحب موصوت ہوں گے۔ نیز بقایا و فرج کی ذمہ داری کرنے کا بھی اختیار ہوگا۔ اگر کوئی تاریخ پیش مقام دورہ پر ہو یا بعد سے باہر ہو تو دیکس صاحب پابند نہ ہوں گے۔ کہ پیری کے لئے مقرر ہے۔

13
المترجم

Chairman Board of Governors NATH, KTH Paska

Medical Director of NATH, KTH Paska
Hospital Director

2018.6.30

NATH

Medical Director
Medical Teaching Institute
Pachawar

کے لئے منظور ہے۔

مقام ہسپتال

Allotted 9 Kapsa
Khalid

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Execution Petition No. 162 /2018

Dr. Rashid Ahmad. Appellant

VERSUS

Medical Director MTI , KTH Peshawar..... Respondents

INDEX

S.No.	Description of Documents	Date	Annexure	Pages
1.	Memo of Reply with Affidavit			1-5
2.	Judgment of the Hon'ble High Court	25.04.2017	PC/1	6 - 15
3.	Cause List	30.11.2017	PC/2	16
4.	Judgment of the Hon'ble Tri	30.11.2017	PC/3	17 - 28

Respondents
(Hospital Director)

Through

Khaled Rahman
Advocate
Supreme Court of Pakistan

3-D, Haroon Mansion,
Khyber Bazar, Peshawar.
Off: 091-2592458
Cell # 0345-9337312

Dated: 12/10/2018

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Execution Petition No. 162 /2018

Dr. Rashid Ahmad. Appellant

VERSUS

Medical Director MTI , KTH Peshawar..... Respondents

REPLY ON BEHALF OF RESPONDENTS.

Respectfully Sheweth,

Preliminary objections.

- I. That the petitioner has got no cause of action and locus standi to file the instant Petition.
- II. That the judgment dated 05.12.2017 has been procured fraudulently by misrepresentation of the facts. Therefore, the answering Respondents have already filed an application U/S 12(2) CPC before this Hon'ble Tribunal for setting aside the same. Hence, the instant petition is not executable.
- III. That the execution petition is not maintainable as the Petitioner has not come to this Hon'ble Tribunal with clean him.

Reply to Facts:

- 1. Needs no reply.
- 2-6. Subject to proof.

7. Correct. After completion of the said period Petitioner was rightly relieved.
8. Correct to the extent of invoking the jurisdiction of this Hon'ble Tribunal. It is submitted earlier that petitioner and his other colleagues had filed writ petitions before the Hon'ble Peshawar High Court Peshawar, which were dismissed vide Judgment dated 25.04.2017 (*Annex:-PC/1*). The concluding para of the cited judgment is reproduced herein below:-

“11. Admittedly, the petitioners are civil servants and their grievances relates to the terms and conditions of service, the appropriate remedy for seeking their redressal would surely be the Service Tribunal.

12. This Court is barred under Article-212 of the Constitution of the Islamic Republic of Pakistan, 1973 to take cognizance in the matter relating to the terms and conditions of service of civil servant. The Apex Court in the case of I.A. Sherwani and others .VS. Government of Pakistan through Secretary, Finance Division, Islamabad and others (1991 SCMR 1041) and recently in Ali Asghar Khan Balch's case (2015 SCMR 456), has again laid down that the issue relating to the 'terms and conditions' of Service cannot be entertained by High Court either in its constitutional jurisdiction or in its original civil jurisdiction being barred under Article-212 of the Constitution.

13. In view of the above, all these Writ Petitions being not maintainable are hereby dismissed.”

Pursuant to the judgment *ibid*, Petitioner and his other colleagues invoked the jurisdiction of this Hon'ble Tribunal by way of Service Appeals which were contested by the answering respondents by filing Replies thereto.

All the appeals including that of petitioner were enlisted for hearing on 30.11.2017 before a Bench comprising of the worthy Chairman

and another Hon'ble Member as is evident from the Cause List (*Annex:-PC/2*). After lengthy arguments and discussing all the legal and factual aspects of the cases all the appeals were dismissed vide consolidated judgment dated 30.11.2017 (*Annex:-PC/3*). The concluding para of the consolidated judgment is reproduced herein below:-

“8. This Tribunal is therefore, of the view that no sufficient cause has been shown by the appellants in pursuing their cases before a wrong forum and the application for condonation of delay cannot be accepted. All these appeals being time barred are dismissed. Parties are left to bear their own costs. File be consigned to the record Room.”

To the utter surprise of the Answering Respondents, subsequently the service appeal of the Petitioner was again listed and heard on 15.12.2017 by another Bench of this Hon'ble Tribunal comprising of the worthy Members as by then the worthy Chairman was at Camp Court at Mingora, Swat and without hearing the answering Respondents and in absence thereof, the appeal was allowed vide judgment dated 15.12.2017. Petitioner intentionally and deliberately failed to bring into the notice of the Hon'ble Tribunal the fact about the same earlier judgment as well as the Notice to the answering Respondents during the course of arguments being necessary. It is also important to add that the Respondents are Autonomous Institution constituted under the Khyber Pakhtunkhwa Medical Teaching Institutions Reforms Act, 2015 and is represented through a counsel, therefore, the learned Govt. Pleader/Additional Govt. Pleader had no role in the cases of autonomous Institutions. It is significant to mention here the answering Respondents have already filed an application under 12(2) CPC before this Hon'ble Tribunal for setting aside the same Judgment being procured by misrepresentation. Notice to the petitioner was issued.

9. Incorrect hence vehemently denied. The detailed reply has already been given in the preceding paras that the judgment has been obtained by misrepresentation of facts.
10. Pertains to record. However, it is submitted that petitioner has procured the judgment of this Hon'ble Tribunal dated 15.12.2017 under a patent and deliberate misrepresentation etc. by concealing the crucial facts having bearing on the decision of the case, therefore, Answering Respondents have filed an application under 12(2) CPC.
11. Incorrect hence empathetically denied. As already explained in the preceding paras that petitioner was promoted against the vacant BS-18 post during pendency of the earlier appeal and not after the decision of the Hon'ble Tribunal. Moreover, the Health Department has got no authority to issue the posting order of the petitioner in the Khyber Teaching Hospital being an independent Institution operating under the law with full autonomy.
12. Incorrect hence vehemently denied. As a matter of fact when the petitioner was directed to report to the Health Department for further posting but he did not apply. Moreover, the answering Respondents were not bound under the law to accept the arrival report of the petitioner nor the Health Department Khyber Pakhtunkhwa was competent to issue posting order in the Khyber Teaching Hospital.
13. Incorrect. Already explained in the above preceding paras.

GROUND.

- A. Incorrect hence vehemently denied. Detailed reply has already been given in the above paras. Moreover, petitioner did not perform his duty in the office of the Respondents.

B-J. Incorrect hence denied. Petitioner has not performed duties, therefore, no violation of law and rules have been made. Moreover, since he was not on the part of the Answering Respondents how he is, therefore, his claim for payment of emoluments from the Answering Respondents is unfounded baseless and incorrect.

It is, therefore, humbly prayed that on acceptance of this reply, the petition of petitioner may graciously be dismissed with costs.

Through

Respondents

Khaled Rahman,
Advocate,
Supreme Court of Pakistan

Dated: 12 /10/2018

Counter Affidavit

Verified as per instructions that the contents of this reply are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Counsel

Annex P/1

(6)

(Signature)

~~Annex P/1~~

(Signature)

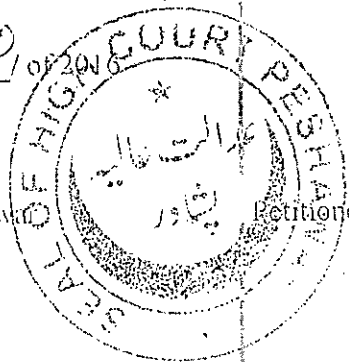
~~Attorney-at-Law~~

IN THE PESHAWAR HIGH COURT, PESHAWAR

W.P. No.

429-P of 2016

Farrukh Jalil son of Gulzar Masih Naz
Male Nurse, Lady Reading Hospital, Peshawar



Petitioner

VERSUS

1. Director General Health Services
Khyber Pakhtunkhwa, Peshawar.

2. Secretary Health, Khyber Pakhtunkhwa,
Peshawar.

Respondents

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

Respectfully Sheweth:

1. That the petitioner belongs to Christian Minority of the Khyber Pakhtunkhwa and hails from a very respectable family.
2. That the petitioner was appointed as a Male Nurse in Lady Reading Hospital Peshawar, way back and his services are governed by Medical Teaching Institutions Act (MTI) 2015. He, therefore, is an Institutional Employee.
3. That the recent unrest and protest of the Doctors on 30.01.2016 a meeting was held by the petitioner and other staff and some Doctors

SCANNED

EXAMINER
PESHAWAR HIGH COURT
27 APR 2017

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JUDGMENT SHEET

IN THE PESHAWAR HIGH COURT,
PESHAWAR.
JUDICIAL DEPARTMENT

Writ Petition No. 429-P/2016.

JUDGMENT

Date of hearing: 25.4.2017

Petitioner (Farrukh Jalil) by M/s Mian Mahbubullah
Kakakhel & Saifullah Muhib, Advocates.

Respondent (Director General Health Services, Peshawar
and another) by Mian Arshad Iqbal, AAG.

WAQAR AHMAD SETH, J.- Through this single
judgment, we propose to dispose of instant Writ
Petition as well as connected Writ Petitions No. 557-P,
593-P, 4193-P/2016, 184-P, 517-P & 667-P/2017 as
common questions of law and facts are involved
therein.

Writ Petition No. 429-P/2016

2. In essence, case of the petitioner is that he
was appointed as Male Nurse in Lady Reading
Hospital, Peshawar, however, vide impugned order
dated 1.2.2016, he was transferred and posted at DHQ
Hospital KDA, Kohat against the vacant post, which

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order has now been impugned through the instant Writ Petition and prayed for setting aside of the same being illegal, without jurisdiction and without lawful authority.

Writ Petition No. 557-P/2016

3. In essence, petitioners No. 1 to 3 are the President, General Secretary and Senior Vice President of Provincial Paramedical Association, Peshawar while petitioners No. 5 & 6 are the General Secretary & Vice President of Paramedic Association of LRH whereas petitioner No. 4 is the Secretary Finance of Provincial Para Medie Association and petitioners No. 7 to 20 are para-medical staff working in different low-paid categories at Medical Teaching Institutes, namely, Lady Reading Hospital and Khyber Teaching Hospital. however, vide impugned orders dated 1.2.2016 & 9.2.2016, they were transferred to far flung places of the Province; which orders have now been impugned through the instant Writ Petition and sought the

following prayer:-

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- I. The impugned transfer orders of the petitioners are illegal, unlawful, without lawful authority and thus of no legal effect and hence liable to be set aside and reversed.
- II. The Respondents shall not dislodge the petitioners, proceed against them adversely or interfere with their legal or fundamental rights in garb of the West Pakistan Essential Service (Maintenance) Act, 1958.
- III. Costs throughout"

Amended Writ Petition No.593-P/2016

4. In essence, case of the petitioners is that they were appointed as Nurses in Lady Reading Hospital, Peshawar some 25/27 years back, however, vide impugned office orders dated 9.2.2016 & 11.2.2016, they were transferred to DHQ Hospital Battagram, DHQ Teaching Hospital, D.I.Khan & THQ Hospital Chota Lahor Swabi, which orders have been impugned before this Court through Writ Petition. During the course of hearing i.e. on 25.2.2016, Mr. Abdul Latif Yousafzai, worthy Advocate General, present in Court in different matters, was put to notice, who after seeking fresh instructions, stated that the impugned transfer orders were recalled and instead the

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petitioners were to DHQ Hospital, Nowshera vide transfer orders dated 24.2.2016; hence, the learned counsel for the petitioners sought adjournment to amend the Writ Petition. Subsequently, the petitioners have filed the instant amended writ petition by challenging the aforesaid modification notification dated 24.2.2016, whereby they were transferred to DHQ Hospital, Nowshera and prayed that the impugned transfer orders and its modification notifications dated 24.2.2016 be set aside being illegal, without jurisdiction and without lawful authority.

Writ Petition No. 4193-P/2016

5. In essence, case of the petitioner is that he is serving as Medical Officer, Khyber Teaching Hospital, Peshawar, however, vide impugned orders dated 3.11.2016 & 5.11.2016, not only the petitioner's services were repatriated to his parent department but also allotted his Room No. 13 Old Doctor Hostel to Dr. Tahira Iqbal Trainee Registrar (Gynae-A Unit); hence, the petitioner has impugned the above said orders

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through the instant Writ Petition and prayed for setting aside of the same being illegal, without jurisdiction and without lawful authority.

Writ Petition No. 184-P/2017

6. In-essence, case of the petitioner is that he is serving as Medical Officer in the Khyber Teaching Hospital, Peshawar since S.S.1994 till date, however, he was received an office order dated 29.12.2016, whereby his services were rendered back to Health Department; hence, the petitioner has filed the instant Writ Petition by impugning the above said office order and prayed for setting aside of the same being illegal, without jurisdiction and without lawful authority.

Writ Petition No. 517-P/2017

7. In essence, case of the petitioner is that he is serving as Medical Officer in Khyber Teaching Hospital, Peshawar, however, vide office order dated 30.1.2017, the services of petitioner were rendered back to Health Department, which order has now been

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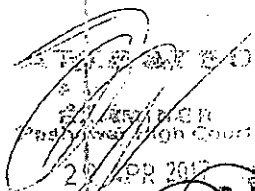
18

impugned through the instant Writ Petition and sought the following prayer:-

- i. To declare the impugned Office Order No. 3497-3510/KTH/E dated 30.1.2017 of respondent No.1 (Annex "A") as without lawful authority and of no legal effect.
- AND
- ii. To restore the Office Order No. 23097-106/KTH/E dated 18.10.2016 of respondent No.1 (Annex "B").
- iii. To restrain the respondents from implementing the impugned order and to stop the salary of the petitioner and to eject him from his allotted accommodation of Room No. 09 Old Doctors Hostel, KTH, Peshawar.
- iv. To direct the respondents to frame fair and transparent policy regulating the relieving of civil servant from KTH to Health Department.
- v. To restrain the respondents from arbitrary exercise of powers, and policy based on making pick and choose, discrimination in relieving/transfer of the civil servants from KTH to Health Department.
- vi. Any other remedy which this august court deems fit and just in the circumstances of the case, may also be granted in favour of petitioner".

Writ Petition No. 667-P/2017

8. In essence, case of the petitioner is that she is serving as Charge Nurse (BPS-16) in Khyber Teaching Hospital, Peshawar since 13.3.1993, however, vide office order dated 14.11.2016, her services were


 JUDGE
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 ATTORNEY GENERAL
 Peshawar

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rendered back to Health Department Khyber Pakhtunkhwa for further posting. Subsequently on 2.1.2017, respondent No.3 wrote a letter to respondent No. 1 to withdraw the above said office order and allow the petitioner to continue her duties as Charge Nurse in KTH Peshawar on humanitarian grounds. In response thereof, respondent No.1 vide letter dated 14.1.2017 communicated that all the post of Charge Nurses in BPS-16 have been filled through advertisement and presently there is no vacant post to adjust the petitioner; hence, the petitioner has filed the instant Writ Petition by impugning the transfer order dated 14.11.2016 and refusal order dated 14.1.2017 of respondent No.1 and prayed for setting aside of the same being illegal, without jurisdiction and without lawful authority.

Writ Petition No. 1167-P/2017

9. In essence, case of the petitioner is that he is serving as Medical Officer in Khyber Teaching Hospital, Peshawar since 8.8.1994 till date, however, he was received an office order dated 29.12.2016, whereby

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his services were rendered back to Health Department, Khyber Pakhtunkhwa; hence, the petitioner having no other remedy has filed the instant Writ Petition by impugning the office order dated 29.12.2016 and prayed for setting aside of the same being illegal, without jurisdiction and without lawful authority.

10. Arguments heard and record perused.

11. Admittedly, the petitioners are civil servants and their grievances relate to the terms and conditions of service, the appropriate remedy for seeking their redressal, would surely be the Services Tribunal.

12. This Court is barred under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973 to take cognizance in the matter relating to the terms and conditions of service of a civil servant. The Apex Court in the case of LA Sharwani and others vs. Government of Pakistan through Secretary, Finance Division, Islamabad and others (1991 SCMR 1041) and recently in Ali Azhar Khan Baloch's case (2015

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SCMR 456), has again laid down that the issue relating to the 'terms and conditions' of service cannot be entertained by a High Court either in its constitutional jurisdiction or in its original civil jurisdiction being barred under Article 212 of the Constitution.

13. In view of the above, all these Writ Petitions being not maintainable are hereby dismissed.

Justice Muzaffar Hussain

Justice Muzaffar Hussain
JUDGE

JUDGE



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Q. No. 29/1/17

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List of D.B -I Cases fixed for 30.11.2017, before the Chairman and Mr. Ahmad Hassan(E) KPK Service Tribunal Peshawar.

~~Amal~~

ARUGMENTS

1. 640/15	Issa Dad (29)	Education
2. 537/17	Sartaj (8)	Health
3. 465/17	Shams ul Taj (5)	do
4. 532/17	Rooh ul Amin (5)	do
5. 480/17	Dr. Jamshed Saeed	do
6. 479/10	Dr Rashid Ahmad (1)	do
7. 458/17	Syed Roidar shah	do
8. 1104/16	Mehnaz Begum	Health
9. 723/15	Neelam	do
10. 1384/15	Fazal-I- Qadir	do
11. 846/15	Dr Qaser Zaman (1)	Education
12. 284/04	Sher Kamal (2)	S.MBR
13. 673/15	Umbaras khan	Education
14. 1942/11	Muhammad Nawaz	Education
15. 640/11	Ghazala Abreen (4)	Education
16. 349/14	Mashaal khan	do
17. 693/14	Din Mohammad	do
18. 1356/09	Mumlikat	Education
19. 20/14	Zabta Khan	Education
20. 1160/10	Noor Rahim	do
21. 1830/11	Awal Badshah	Health
22. 850/13	Dr Ali Raza	do
23. 1380/13	Amina Jan	do
24. 1498/13	Dr Misal khan (1)	do
25. 150/14	Dr Abdul Ghafoor	Finance
26. 704/16	Hazrat Younas	Health
27. 805/16	Amir Hussain	do
28. 1134/14	Dr Rizwan Ullah	Health
29. 1388/14	M Ijaz	S.MBR
30. 1178/16	Sajid Saleem	Education
31. 512/17	Ikram Ullah	
32. 620/17	Shanabaz khan	Exorbit
33. 694/17	Dr Hussain Ahmad	Education
34. 667/16	Zenat Ara	Health
35. 304/17	Khan Mir	Education
36. 262/17	Mahajra	Police
37. 284/17	Muhammad Zaman	Education
38. 1071/12	Mujeeb ur Rehman (1)	

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ANNEX PC/3

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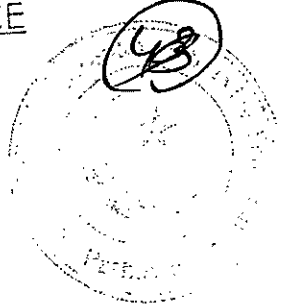
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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 458/2017

Date of Institution ... 12.05.2017

Date of Decision ... 30.11.2017



Syed Roidar Shah,
Clinical Technician(Pharmacy),
(President Provincial Paramedic Association as well as
President Paramedical Association Lady Reading Hospital),
Presently posted at MTI, LRH, Peshawar. ... (Appellant)

VERSUS

1. The Govt: of Khyber Pakhtunkhwa through Secretary,
Health Department, Civil Secretariat, Peshawar and 3
others. ... (Respondents)

MR. SHUMAIL AHMAD BUTT,
Advocate --- For appellant.

MR. MUZAMMIL KHAN,
Legal Advisor ... For respondent no.4

MR. JAVED IQBAL GULBELA,
Legal Advisor --- For respondent no.4.

MR. USMAN GHANI,
District Attorney
respondents. --- For official

MR. NIAZ MUHAMMAD KHAN,
MR. AHMAD HASSAN,
CHAIRMAN
MEMBER (Executive)

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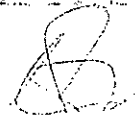


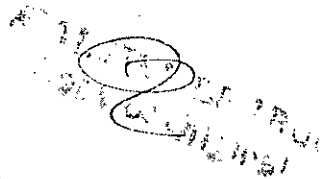
JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN.-

This judgment shall dispose of the instant service appeal as well as connected service appeals no. 465/2017 entitled Shams-Ut-Taj, no. 466/2017 entitled Murad Ali, no. 467/2017 entitled Muhammad Ali, no. 468/2017 entitled Muhammad Riaz Barki, no. 469/2017 entitled Shahid Masih Gharui, no. 470/2017 entitled Mujahid Azim, no. 532/2017 entitled Rooh-ul-Amin no. 533/2017 entitled Niaz Muhammad, no. 534/2017 entitled Yaqoob Masih, no. 535/2017 entitled Hamayun, no. 536/2017 entitled Noor Rehman, 537/2017 entitled Sartaj, no. 538/2017 Imdad Ullah, no. 539/2017 entitled Johar Ali, no. 540/2017 entitled Ms. Sajida Parveen, no. 541/2017 entitled Ms. Gulshan Ara, no. 542/2017 entitled Ms. Sumbal Firdous, no. 543/2017 entitled Ms. Aster Shaheen, no. 544/2017 entitled Bilqees Rana, no. 511/2017 entitled Muhammad Asim, no. 527/2017 entitled Isam Gul and no. 552/2017 entitled Farrukh Jalil as similar questions of law and facts are involved therein..

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2. Arguments of the learned counsel for the parties heard and record perused.

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FACTS

3. The appellants were transferred through an order dated 09.02.2016 against which they filed departmental appeals on 23.02.2016 and then the appellants filed writ petition on 17.02.2016 and the worthy Peshawar High Court, Peshawar through its judgment dated 25.04.2017 dismissed the writ petition on the ground of jurisdiction in view of Article-212 of the Constitution of the Islamic Republic of Pakistan and thereafter they filed the instant service appeals on 12.05.2017.

ARGUMENTS

4. Learned counsel for the appellant argued that delay in filing present service appeals was due to confusion qua jurisdiction of the Service Tribunal. As in the impugned transfer orders there was mention of a law i.e West Pakistan Essential Services (Maintenance) Act 1958, which misled the appellants in choosing the forum for redressal. That the appellants in good faith believed that the above mentioned Act did not fall within the terms and conditions of the civil

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servants and therefore, this Tribunal had no jurisdiction. That the appellants then bonafidely, in good faith and with due diligence preferred writ petition for redressal of their remedy before the worthy Peshawar High Court but unfortunately the same could not hold good for their lordships of the Peshawar High Court and the Peshawar High Court vide order dated 15.07.2017 dismissed the writ petition for want of jurisdiction. He further argued that alongwith the memorandum of appeals before this Tribunal the appellants filed applications for condonation of delay under Section-14 of the Limitation Act 1908. He next contended that under Section-14 of the Limitation Act pursuing remedy before wrong forum with due diligence and good faith is an established ground for condonation of delay. He next contended that such good faith and due diligence can be gathered from the circumstances of the case argued by him above. The circumstances were such in nature which would result in presuming that the appellants were misled and then they knocked the door of the Hon'ble Peshawar High Court. The learned counsel for the appellants in order to augment his stance relied upon the judgments reported as 2017 PLC (C.S) 692 and 2007 PLC (C.S) 870. The learned counsel for

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the appellant then also argued the appeal on merits by highlighting that the Government was not authorized under the West Pakistan Essential Services (Maintenance) Act, 1958 to transfer the appellants as the said law was in force at that time. He particularly referred to Section-4 of the Act in this regard. He then went on to argue that in accordance with the transfers/postings policy of the Government, the office Bearers of the Association could not be transferred. That most of the appellants are Office Bearers. That some of the appellants are menials which could also not be transferred out of the District as per the Policy of the Provincial Government. That the impugned orders speak on their own that all transfers were made as punishment which is not approved by law and also by so many judgments of the Superior Courts. That the impugned orders are therefore, void orders and no limitation, at all, shall run against the void orders which is an admitted position of law at present.

5. On the other hand Legal Advisor for respondents argued that the present appeals are hopelessly time barred. That the judgment pressed into service by the learned counsel for the appellants reported as 2017 PLC (C.S) 692 was passed under dissimilar circumstances as in the same judgment the writ.

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was sent back to the departmental authority for treating the same as departmental appeal which is not the case here. Learned Legal Advisor also relied upon judgment reported as 2010 SCMR 1982 in support of his arguments that limitation is an issue which should be taken seriously and not lightly. The learned Legal Advisor further argued that filing of departmental appeal by the appellants on 23.02.2016 itself manifests that the appellants knew that the matter was of one of the terms and conditions of civil servants and after the filing of that departmental appeal, appellants were bound to have had recourse to Section-4 of the Khyber Pakhtunkhwa Service Tribunal 1974 but instead the appellants filed the writ petition before the Peshawar High Court which was not allowed.

6. The learned District Attorney for official respondents argued that the very departmental appeal is defective as the same was filed by all the appellants jointly and under Rule-3(2) of the Khyber Pakhtunkhwa Government Servants (Appeal) Rules, 1986 joint appeal is not allowed. He further argued that the application for condonation of delay is moved under Section-14 of the Limitation Act 1908 but under section-9 of the Khyber Pakhtunkhwa Service Tribunal Act.

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1974 Section-14 is not applicable in the proceedings before this Tribunal. That this Tribunal has already given judgments in two appeals No. 1395/2013 entitled "Momin Khan-vs-Government" and No. 1396/2013 entitled "Zaheerullah-vs-Government" on 28.11.2017 in which the effect of judgment reported as 2017 PLC(C.S) 692 has been discussed and the period was not condoned due to pursuing the case before wrong forum. He further argued that the appellants were to explain each and every day delay which has not been done by the appellants.

CONCLUSION.

7. This Tribunal is first to decide whether the present appeals are within time and if not then this Tribunal cannot discuss the merits of the appeals. The pivotal question for determination to reach the conclusion is whether pursuing a case before a wrong forum is a valid ground for condonation of delay in appellate jurisdiction. The application for condonation of delay is moved under section-14 of the Limitation Act, 1908. Though Section-14 is not applicable in the proceedings before this Tribunal. The august Supreme Court of Pakistan in the judgment of Larger Bench reported as 2016 PLD 872 while discussing the applicability of Section-14

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of the Limitation Act has decided that provision of Section-14 of the Limitation Act are not applicable in all appeals even before the normal Civil Courts. But again in the said very judgment it is held that wherever Section-5 of the Limitation Act is applicable then the reasons given in Section-14 of the Act can be taken into consideration for deciding the sufficient cause. In the said very judgment the august Supreme Court of Pakistan while discussing many judgments of the august Supreme Court of Pakistan prior to 2016 has resolved the issue once for all by declaring many judgments as *per incurium*. In the judgment of the larger Bench the august Supreme Court of Pakistan has allowed the condonation on the ground of pursuing the remedy in good faith and due diligence and the august Supreme Court of Pakistan has further held in that very judgment that pursuing case in wrong forum *per se* cannot be presumed to be pursuing in good faith and due diligence unless the valid and sufficient reasons are given in the application for condonation of delay which misled the party or for that matter their counsel for choosing wrong forum. The judgment relied upon by the counsel for the appellant reported as 2007 PLC(C.S) 870 is also discussed in the judgment of larger Bench mentioned

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above. This judgment has now merged in to the judgment of the larger Bench. Now we are to see whether the appellants have mentioned any ground in the application for condonation of delay which misled them or their counsel to choose wrong forum. If we go through the applications for condonation of delay in these appeals there is only general mention of the appellants pursuing the case innocently and bonafidly. No particulars of the circumstances which misled the appellants to choose the wrong forum, are mentioned. The learned counsel for the appellants today added the ground which misled the appellants for choosing the wrong forum but this ground is not available in the applications for condonation of delay. The august Supreme Court of Pakistan in that very judgment has also cited certain examples of misleading the counsel or his client by formulating two questions on this very subject. In question No.2 regarding wrong advice of the counsel for the appellant pursuing the remedy before the wrong forum their lordship have added that the person seeking condonation of delay must explain delay of each and every day and should establish that the delay was caused by reasons beyond control of that person (or counsel) and that he was not indolent, neqligent or careless in initiating and

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pursuing the actionable right which had accrued in his favour. Mere incompetence of the counsel, inadvertence, negligence or ignorance of law is held to be no ground. One of such examples given by their lordships is that of drawing the wrong decree sheet by the trial court as to valuation for the purpose of appeal due to which a counsel was misled into choosing the appellate forum was a valid ground. In this very judgment *actus-curiae per se* has not been approved to be a sweeping ground for condonation of delay while answering question no. 3. So in the light the judgment of the Larger Bench the appellants have failed to mention the specific ground in the application for condonation which misled them or their counsel for approaching a wrong forum. Secondly, if the arguments of the learned counsel for the appellants are made part of this application then we are to see whether that ground really misled the appellants or their counsel to approach the proper forum. As discussed above the crux of the arguments of the learned counsel for the appellant is that the appellants/counsel were misled in believing because the impugned order had mentioned Act of 1953 which Act was not part of the terms and conditions of the civil servants and hence, they approached the worthy Peshawar High Court. If

Attorney General
Peshawar

ATTORNEY

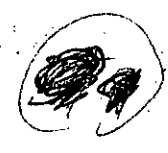
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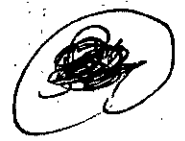
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we go through the impugned order the said order has simply transferred the appellants. The transfers are very much part of the terms and condition of the civil servants under the Khyber Pakhtunkhwa Civil Servants Act 1973. If any civil servant is transferred wrongly or in exercise of any of the powers given other than the Khyber Pakhtunkhwa Civil Servants Act, 1973 the matter still remains that of transfer. There arises no question of any misleading that how transfer on the basis of a law/rules other than Civil Servants Act or Rules there-under fell outside the purview of this Tribunal. Every day the civil servants are transferred on the basis of wrong notifications, by applying wrong law or rules which give cause of action to the Civil Servants to challenge the same before this Tribunal. Mentioning of any right or wrong law never misleads any person if the net outcome of the order is transfer. So far as judgment reported as 2017 PLC (C.S) 692 is concerned that judgment has got no application to the present appeal for the reason that in the said judgment the departmental authority was directed to consider the writ petition as departmental appeal. Secondly in this judgment the judgment of larger Bench was not considered. And if there is any discordance between judgments of the august Supreme

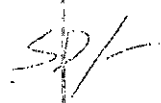
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Court of Pakistan the one of larger Bench shall prevail. The learned counsel has also not been able to convince this Tribunal that how the transfer orders are void and no limitation shall run in these appeals. All illegal orders are not void orders as is jurisprudentially settled. The objection of learned District Attorney as to joint appeal is not fatal as no penal consequences are mentioned and at the most it is directory.

8. This Tribunal is therefore, of the view that no sufficient cause has been shown by the appellants in pursuing their cases before a wrong forum and the application for condonation of delay cannot be accepted. All these appeals being time barred are dismissed. Parties are left to bear their own costs. File be consigned to the record room.




(NIAZ MUHAMMAD KHAN)
CHAIRMAN



(AHMAD HASSAN)
MEMBER



ANNOUNCED
30.11.2017

Certified by the court


Approved For Reporting