

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**SERVICE APPEAL NO. 151/2023**

Khyber Pakhtunkhwa  
Service Tribunal

Abdul Qadoos son of Khan Zaman Principal Dental Surgeon Type-C-Hospital Diray No. 4403  
Takht-e-Nasrati District Karak.....**APPELLANT** dated 16/3/2023

**Vs**

1. Govt: of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
2. Secretary health Govt; of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. Director General Health Services, Warsak Road Peshawar.
4. District Health Officer Karak.

**RESPONDENTS**

**JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 1 TO 4**

**Respectfully Sheweth:- that the respondents submits as under.**

1. That the Appellant has got no cause of action and locus standi, hence the titled Appeal is not maintainable on this sole legal ground.
2. That the Appellant did not approach this Hon'able Tribunal with clean hands and suppressed material facts and had tried to twist the factual as well as legal position of the case.
3. That the Appeal is barred by law.
4. That the Appeal of the appellant is pre-mature.

**FACTS:-**

1. Correct upto some extent. That initially the appellant was appointed as Dental Surgeon (BS-17) during the year dated. 26.12.1995. and presently working as Principal Dental Surgeon (BS-19) at Type-C-Hospital Takht-e-Nasrati along-with the charge of Incharge/medical Superintendent/DDO at Type-C-Hospital Takht-e-Nasrati District Karak (under transfer).

2. Correct upto some extent. That actually in light of the complaint regarding Ghost Doctors in District Karak an inquiry committee was conducted by the DGHS KPK(Respondent No-3) consisting of Dr. Hidayat Ullah Deputy Director (Dev/Coord-I) office of the DGHS KPK & Dr. Muhammad Saleem Medical Superintendent (BS-19) DHQ Hospital Karak & in light of the Inquiry recommendations the appellant was transferred by the competent authority i.e (Respondent No-2) vide Notification No. SOH (E-V)/2-2/2022 dated 06.10.2022 (Inquiry report attached).
3. Pertains to record. Moreover Govt: servants are bound to comply with the orders issued by the Govt;/competent authority & then submit departmental appeal while in the instant appeal the appellant has not complied the orders of the competent authority and has not yet submitted his departure report on account of his transfer.
4. Incorrect. However para-2 of the facts is self-explanatory.

**GROUND:-**

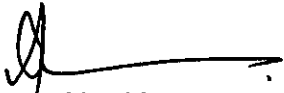
- A. Incorrect. As stated in Para-2 that, in light of the recommendations of the inquiry committee the appellant has been transferred & as stated in Para-3 of the facts that, Govt: servants are bound to comply the orders issued by the Govt;/competent authority & then submit departmental appeal while the appellant has not complied the orders of the competent authority and has not yet submitted his departure report on account of his transfer.
- B. Pertains to record.
- C. Incorrect. That initially the appellant was assigned the duty of t I/C of Type-C- Hospital Takht-e-Nasrati District Karak during the year dated 26.02.2020 & has exercised the power of DDO since 25<sup>th</sup> October, 2021 vide Govt: of Khyber Pakhtunkhwa Health Department Notification No. SOH –II/HD/1-4/DDO Powers dated Peshawar the 25<sup>th</sup> October, 2021 & District health officer Karak endst: No. 5199-204/Admn dated 16/11/2021.

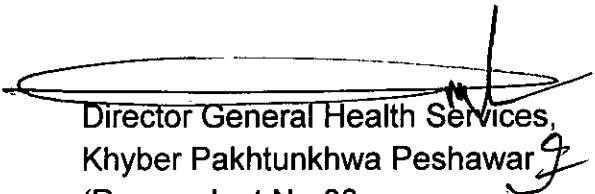
- D. Incorrect. However inquiry report is the base of the transfer of the appellant.
- E. Incorrect. As stated in Para-3 of the Facts that, Govt: Servant is bound to comply the orders issued by the Govt"/competent. So the appellant has been treated by the order of the Govt: as the inquiry was conducted by the Govt: not by the private person.
- F. Incorrect. That the inquiry report is self-explanatory, proper written statement of the appellant have been recorded by the inquiry committee as evident from the inquiry report.(Attach statement of Appellant).
- G. Incorrect. Para-2 of the facts is self-explanatory.
- H. That the respondents may be allowed to raise additional grounds at the time of arguments.


**PRAYER:-**

In light of the above submission, it is humbly prayed that as stated in para-2 & Para-3 of the facts that, the transfer order of the appellant has been issued by the competent authority in light of the recommendations of the inquiry committee & the appellant has not complied the orders of his superior Officers/competent authority and has not yet submitted his departure report on account of his transfer, so the appeal of the appellant is devoid of the merits and has no legal value, therefore may graciously be dismissed.

Chief Secretary,  
Khyber Pakhtunkhwa Peshawar  
(Respondent No-01)

  
Secretary Health,  
Khyber Pakhtunkhwa Peshawar  
(Respondent No-02) - 1

  
Director General Health Services,  
Khyber Pakhtunkhwa Peshawar  
(Respondent No-03)

  
District Health Officer Karak  
(Respondent No-04)  
District Health Officer  
Karak

Annex A  
14



TO BE SUBSTITUTED WITH THE SAME NO. & DATED  
GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

Dated: Peshawar the 06<sup>th</sup> October, 2022

**NOTIFICATION**


NO. SOH (E-V)/2-2/2022 In light of recommendations of the Inquiry committee regarding ghost doctors/ employees under the control of DHO Karak, the following posting/ transfer of doctors are hereby ordered with immediate effect, in the best public interest:-

S.NO.	NAME OF DOCTOR	FROM	TO
1.	Dr. Qadoos, Principal Dental Surgeon (BS-19)	Principal Dental Surgeon Incharge Hospital Takht-e-Nasrati Karak	Report to Directorate General Health Services, Khyber Pakhtunkhwa
2.	Dr. Niaz Ali, Senior Medical Officer (BS-18)	Deputy DHO Karak	Report to Directorate General Health Services, Khyber Pakhtunkhwa

SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

No. 2530-37 Notification of even No. & dated:  
Copies forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director General Health Services. Khyber Pakhtunkhwa.
3. District Health Officer, Karak.
4. District Accounts Officer, Karak.
5. PS to Secretary Health Department Khyber Pakhtunkhwa.
6. Deputy Director (IT), Health Department, Peshawar.
7. Both the doctors concerned.
8. Personal files of the doctors concerned.

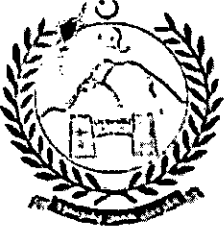
  
(NADIR NAZAR)  
SECTION OFFICER (E-V)

A

GHOST DOCTORS IN KARAK SUPPORTING BY ACTING DHO  
KARAK FOR HIS PERSONAL BENEFITS

1. Dr saad arshad belong from charsada absent since his arrival report attached to type c hospital Takhti Nasrati as he is giving 50000 per month to dho karak. 2. Dr ijaz anwar SMO attached to type c hospital Takhti Nasrati absent since his posting. 3. Dr baseer MO surgery attached to type c Takhti Nasrati absent. 4. Dr inam on general duty at Takhti Nasrati absent as he giving 30000 per month. 5. dr kiramat wazir came for 1 day attached to type c Takhti Nasrati then remained absent. 6. dr noreen shabana gynaecologist only came on Saturday and monday then remained absent and gynae ward is closed as she pays money to incharge and dho karak. 7. Nadia nurse absent since 8 months as she pays 15000 per month. 8. Samina nurse absent since 8 months as she pays 15000 per month. 9. dr Noor Anwar is in Saudi Arabia and he left the duty station without sanction of leave but dho is silent. 10. dr tahir saeed district surgeon absent since long attached to THQ bdshah. 11. Dr sidra baig attached to THQ bdshah absent since long. 12. dr umer khyiam is in America attached to bdshah. 13. Dr habil khan attached to bdshah is in Kuwait but he has paid all salaries till june 2021 despite of the fact that his name is also not included in adhoc extension. 14. Dr shahid rehman attached to THQ bdshah only perform sunday duty in month as he paid 30 thousands to incharge and dho karak. 15. Four dental surgeons are working in THQ bdshah but opd less than 10 per week as each dental surgeon perform only 1 day duty per week. 16. Dho karak, incharge THQ bdshah and concerned clerk have purchased various medicines and other items on local purchase basis without MCC lists for their commissions etc.

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17/11/21



**DIRECTORATE GENERAL HEALTH SERVICES  
KHYBER PAKHTUNKHWA PESHAWAR**

All communications should be addressed to The Director General  
Health Services Peshawar and not to any official by name.  
Office Ph (091) - 9210769 Exchange (091) - 9210187, Fax (091) - 9210730

**OFFICE ORDER**

An enquiry committee consisting of the following officers is hereby constituted to conduct fact finding inquiry into the ghost doctors in District Karak supporting by acting DHO Karak for his personal benefits.

1. Dr. Muhammad Saleem Medical Superintendent (BS-19) Karak.
2. Dr. Hidayatullah Deputy Director (Coord) DGHS KP, Peshawar.

The committee should probe and investigate into the matter and submit its report with proper recommendations duly backed and supported by relevant laws/rules within 15-days positively for onward submission to the Govt:

Sd/xxxxxx  
DIRECTOR GENERAL HEALTH,  
SERVICES KHYBER PAKHTUNKHWA.

No. 14010-13/HRM

Dated 10/09/2021.

Copy forwarded to the:-

1. Secretary to Govt: of Health Department KPK for information w/r to his letter quoted above.
2. Dr. Muhammad Saleem Medical Superintendent (BS-19) Karak.
3. Dr. Hidayatullah Deputy Director (Coord) DGHS KP, Peshawar  
For information and necessary action. A copy of relevant document on which remarks of DG Sahab is recorded is attached for perusal please.
4. P.A to DGHS KPK Peshawar for information.

  
ADDITIONAL DIRECTOR GENERAL (HRM)  
HEALTH SERVICES KHYBER PAKHTUNKHWA

## INQUIRY REPORT REGARDING GHOST DOCTORS IN KARAK

In compliance to the DGHS Khyber Pakhtunkhwa office order bearing office order No. 14010-13/HRHA dated 10/09/2021, the inquiry report is submitted as under:

### Background:-

A complaint received to DGHS Khyber Pakhtunkhwa that there are ghost Doctors in Karak who are being supported by acting DHO Karak for his personal benefits. The following Doctors and other staff were mentioned in the complaint.

1. Dr. Saad Arshad (Type-C Hospital Takhti Nasrati) is absent since his arrival and giving 50000 per to DHO Karak.
2. Dr. Ijaz Anwar SIAO (Type-C Hospital Takhti Nasrati) is absent since his posting.
3. Dr. Baseer IAO Surgery (Type-C Hospital Takhti Nasrati) is absent.
4. Dr. Inam on general duty (Takhti Nasrati) absent giving 30000 per month.
5. Dr. Kramat Wazir (Takhti Nasrati) came only for one day and then remained absent.
6. Dr. Horeen Shabana Gynaecologist is coming only on Saturday and Monday and then remains absent in rest of the week and gives money to incharge and DHO Karak.
7. Nadia Nurse is absent since 8 months as she pays 15000 per month.
8. Samina Nurse is absent since 8 months as she pays 15000 per month.
9. Dr. Noor Anwar is in Saudi Arabia and he has left duty station without sanction of leave but DHO is silent over it.

Inquiry of the remaining officers/officials including in the above mentioned complaint who belongs to THQ Hospital Banda Daud Shah, Karak have already been carried out by another inquiry committee.

The inquiry committee visited Type-C Hospital Takhti Nasrati and the office of the District Health Officer Karak on 20/09/2021 to record the statements of incharge Type-C Hospital Takhti Nasrati, DHO Karak and the above mentioned staff.

### Statement of Dr. Niaz Ali Khan (DHO):

Dr. Niaz Ali Khan (DHO) totally denied the allegations leveled against him in the complaint and submitted a detailed report along with (documented proofs) of actions taken against the officer/officials mentioned in the complaint (Annex-A).

### Statement of Incharge Type-C Takht-e-Nasrati:

Incharge Type-C Hospital Takht-e-Nasrati also denied all the allegations against him and DHO Karak. He stated that all the Doctors and staff of his hospital are regularly performing their duties. About 400 patients are being seen daily in the OPD, 50-80 emergencies being conducted in the casualty and about hundred deliveries per month in labour room (Annex-B).

### Statement of Medical Superintendent, Type-C Hospital Karak.

The MS Type-C Hospital stated in his written statement stated that Dr. Noor Anwar Medical Officer submitted application for 730 days EOL (without Pay) which was regretted by the competent authority and he wrote to DAO Karak for stoppage of pay and informed the MO concerned accordingly through a letter on his home address (Annex-C).

### Findings:

- According to DHO Karak; satisfactory performance report of Dr. Saad Medical Officer has been received from Incharge Medical Superintendent Takhte Nasrati and forwarded to DGHS Khyber Pakhtunkhwa for his contract renewal while on the other hand he has stated that according to IMU he was found absent several times due to that explanation was called and salary was deducted accordingly. It needs to be mentioned that during the inquiry committee visit, the said Medical Officer was found absent too.
- According to duty roster of August & September 2021 (Annex-D) only three duties of 8 hours were assigned to Dr. Saad Medical Officer by MS Takht e Nasrati and according to MS he is satisfied from his duties.
- Dr. Ijaz Ahmad SMO was found present during the visit of the committee to the above hospital and he was attending promotion training at DHQ Hospital Karak since 10/09/2020 to 09/12/2020 vide DGHS office order No/ 15474-75/A.E-I dated 08/09/2020 (Annex-E).
- Dr. Baseer Ahmad Medical Officer was found absent during the visit of the inquiry Committee and according to duty roster of August 2021, only three duties of 8 hours were assigned to him by the MS Takht e Nasrati while he was not assigned any duties in the duty roster of September 2021 and according to MS he is satisfied from his duties.
- Dr. Inam was found present during the visit of the inquiry committee and he is regular in performing of his duties.
- Dr. Kiramat Wazir was found absent from his duties on the day of inquiry committee visit, he was mentioned in general OPD Duty roster in August 2021 while no duty was assigned to him in the month of September 2021 but despite of these facts the DHO and MS stated that he is regular in his duties.
- Dr. Noreen Gynecologist was found present during the visit of the committee but according to the IMU in charge she was found absent several times during IMU Monitoring staff visits. She was marked as tick ✓ by the Incharge Type-C Hospital Takht-e-Nasrati instead of signature about which she stated that this is her initial (Annex-F).
- Samina Akhtar and Nadia Sultan Charge Nurses; both of them were absent during the committee visit to the said hospital and according to DHO Karak, proper action regarding long absent has been taken against them.
- Dr. Noor Anwar; according to Medical Superintendent Type-C Hospital Karak, he had applied for 730 days EOL (Without Pay) through online to DGHS Khyber Pakhtunkhwa which was forwarded to Secretary Health Khyber Pakhtunkhwa vide letter No. 9195/E.I dated 23/06/2021, which was regretted by Secretary Health vide letter No. SOH(E-II)/4-1/2021 dated 03/08/2021 but the Doctor concerned has submitted his departure on 15/07/2021 after confirming that his application is forwarded to Secretary Health. MS Type-C Hospital Karak stopped his pay vide letter No. 805 dated 03/08/2021 and also informed the doctor concerned through a copy of the letter on his home address regarding regretting of his leave application and report for duty vide letter No. 941-44 dated 15/09/2021 but the reply of the concerned doctor is still awaited.

### Recommendations:

- As per duty roster prepared by the Incharge Type-C Hospital Takht-e-Nasrati, some of the doctors and nurses were found absent on the visit day as well and the duty roster developed according to the convenience of the staff, almost all of the staff are performing two days duties per week, therefore strict disciplinary action may be taken against the doctors/staff and the Incharge due to not following the government



directives regarding no of hours per week. Therefore they may not be given / entitled for Health Professional Allowance and Conveyance allowance for their absent period.

- Incharge Type-C Hospital Takht-e-Nasrati may be transferred Immediately on account of poor performance and negligence.
- The DHO Karak (Acting) seems to have closed his eyes on these irregularities & negligence, being responsible for the above mentioned facts may be transferred from the post of DHO.
- Salary of Dr. Noor Anwar may be stopped Immediately and disciplinary action may be initiated against him under E&D Rules 2011 and also over payments made to him in salaries may be recovered.
- In case of salary received by Dr. Noor Anwar after July 2021 strict action may be taken against the Medical Superintendent, Type-C Hospital Karak.

(Inquiry Officer)

Dr. Hidayat Ullah,  
Deputy Director (Dev/Coord-I) DGHS

(Inquiry Officer)

Dr. Muhammad Saleem  
MS DHQ Hospital Karak



**GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT**

Dated Peshawar the 25<sup>th</sup> October, 2021

**NOTIFICATION**

**No.SOB-II/HD/1-4/DDO Powers**

In pursuance of powers conferred under Rule-3 of the General Financial Rules (GFR), the competent authority is pleased to declare Medical Superintendents of Category-C & D Hospitals as Drawing & Disbursing officers for the financial affairs of their respective hospitals (as per the following details) in the best public interest with immediate effect and in supersession of all previous notifications in this regard:

Sl. No.	DDO Code	Category/Hospital
1	BD6213	Civil Hospital Chamla (Nawagai, Buner
2	BD6214	Civil Hospital Totalai, Buner
3	CA6226	Tehsil Headquarter Hospital Shabqadar, Charsdda
4	CL6189	Tehsil Headquarter Hospital, Chitral
5	CU6189	Tehsil Headquarter Hospital, Chitral Upper
6	DA6344	Tehsil Headquarter, Dir Lower
7	DI6310	Civil Hospital Daraban, D.I.Khan
8	DI6311	Civil Hospital Chowdhan, D.I.Khan
9	DI6312	Civil Hospital Police Line, D.I.Khan
10	DI6367	Tehsil Head Quarter Hospital Panyala, D.I.Khan
11	DI6368	Tehsil Head Quarter Hospital Kulachi, D.I.Khan
12	DI6369	Tehsil Head Quarter Hospital Parova, D.I.Khan
13	DI6370	Tehsil Head Quarter Hospital Paharpur, D.I.Khan
14	HR6387	Civil Hospital Kotla, Haripur
15	HR6388	Civil Hospital Kalabat Town Ship, Haripur
16	HR6389	Civil Hospital Rehana, Haripur
17	KK6266	Civil Hospital Bahader Khel, Karak ✓
18	KK6267	Civil Hospital Gurgurj, Karak ✓
19	KK6268	Civil Hospital Terri, Karak ✓
20	KK6910	Tehsil Head Quarter BD Shah, Karak ✓
21	KK6936	Type C Hospital Takhti Nasrati, Karak ✓
22	KK6912	Women & Children Hospital, Karak ✓
23	KT4433	Women & Children Hospital, Kohat
24	KO6059	Tehsil Head Quarter Hospital Pattan, Kohistan Lower
25	LK6076	City Hospital, Lakki Marwat
26	LK6107	Civil Hospital Serai Naurang, Lakki Marwat
27	MA6361	Tehsil Head Quarter Hospital Balakot, Mansehra
28	MD6218	Tehsil Headquarter Hospital Dargai, Malakand
29	MR6468	Thehsil Headquarter Hospitl Takht Bhai, Mardan
30	NR6195	Satellite Hospital Pabbi, Nowshera
31	NR6323	Civil Hospial Akora Khattak, Nowshera
32	PR4328	Services Hospital, Peshawar
33	PR5492	Moulvi Ameer Shah Memorial Hospital, Peshawar
34	PW6160	Sifwat Ghayur Shaheed Mem. Hospital, Peshawar
35	PW6595	Category-C Hospital Nahaqi, Peshawar
36	SU6328	Tehsil Headquarter Hospital Lahor, Swabi
37	SU6348	Category-C Hospital Tehsil Topi, Swabi
38	SW6438	Tehsil Headquarter Hospital Matta, Swat
39	TK6115	Category-C Hospital, Ama Khel, Tank

*[Handwritten signature]*

	Category/D Hospital	
1	AD6242	Category-D Hospital Havelian, Abbottabad
2	BD6212	Category-D Hospital Pachakaly, Buner
3	BM6276	Category D Hospital Banna Allai, Battagram
4	BU6327	Type-D Hospital Kakki, Bannu
5	DP6117	Category -D Hospital Patrok, Dir Upper
6	DP6133	Category (D) Hospital Wari, Dir Upper
7	DP6134	Category D Hospital Barawal, Dir Upper
8	HG6035	Category D Hospital Thali, Hangu
9	HG6166	Category D Hospital Doaba, Hangu
10	HG6175	Category D Hospital Hangu
11	HR6222	Type- D Hospital Khanpur, Haripur
12	HR6223	Type- D Hospital Ghazi, Haripur
13	HR6361	Type-D Hospital Sarai N.Khan, Haripur
14	KK6265	Type -D Hospital Latamber, Karak ✓
15	KK6271	Category -D Hospital Sabirabad, Karak ✓
16	KT6350	Category- D Hospital Lachi, Kohat
17	KT6370	Category-D Hospital Shakardara, Lachi Kohat
18	LK6218	Civil Hospital Tajori Lakki, Marwat
19	MR6309	Category-D Hospital Katlang, Mardan
20	MR6310	Category -D Hospital Rustam, Mardan
21	MR6478	Category- D Hospital Shahbaz Garhi, Mardan
22	MR6479	Category- D Hospital Toru, Mardan
23	NR6334	Category- D Hospital Manki Sharif, Nowshera
24	NR6340	Category- D Hospital Ziarat Kaka Sahib, Nowshera
25	NR6341	Category- D Hospital Dak Ismaili Khel, Nowshera
26	PW6594	Category-D Hospital GaraTajak Town 2, Peshawar
27	PW6605	Category- D Hospital Badaber Town 4, Peshawar
28	PW6606	Category-D Hospital Mathari Town 4, Peshawar
29	SH6172	Category-D Hospital Chakisar, Shangla
30	SU6318	Category- D Hospital Yar Hussain, Swabi
31	SU6343	Category-D Hospital Kalu Khan Razar, Swabi

**Secretary to Govt. of Khyber Pakhtunkhwa  
Health Department**

Endst: of even No. & Date

Copy forwarded to:

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Director General, Health Services, Khyber Pakhtunkhwa.
3. All District Health Officers in Khyber Pakhtunkhwa.
4. All District Comptrollers of Accounts in Khyber Pakhtunkhwa.
5. All District Accounts Officers in Khyber Pakhtunkhwa.
6. All Medical Superintendents, Category-C & D Hospital in Khyber Pakh:
7. The Director IT, Health Department to upload on official website.
8. All Section Officers in Health Department.
9. PS to Secretary Health, Khyber Pakhtunkhwa

  
(Muhammad Israr)

SECTION OFFICER (BUDGET-III)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

Dated Peshawar the 25<sup>th</sup> October, 2021

**NOTIFICATION**

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38	SW6438	Tehsil Headquarter Hospital Matta, Swat
39	TK6115	Category-C Hospital, Ama Khel, Tank



OFFICE OF THE DISTRICT HEALTH OFFICER KARAK

Phone ☎ # Fax ☎ #: 0927-290537

No. 5199-204 /Admn:

Dated: 16 /11/2021

Copy forwarded to:

1. Medical Superintendent/Incharge Type-C Hospital Takhti Nasrati, Type-D Hospital Latamber Civil Hospital Bahadar Khel/Teri/Gurguri with the direction to attend this office personally concern clerk for a proper handing/taking over.
2. Account section (pay/contingency) DHO Office Karak with the direction to handover all books/contingency to concern health facilities Medical Superintendent/Incharge.
3. Incharge Account Section DHO Office Karak with the direction to handover budget copy and statement to concerned health facilities.
4. Main Store Keeper (Medicine/equipment) DHO Office Karak with the direction to handover medicines/equipments(if any) to concerned health facilities Incharge's/storekeepers.
5. Director General Health Services, Khyber Pakhtunkhwa, Peshawar for information please.
6. PS to Secretary to Govt. of Khyber Pakhtunkhwa, Health Department, Peshawar for information.

District Health Officer  
Karak