

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

COC No 330/2022

In

SERVICE APPEAL NO. 7294/2021

Dr. Shahzad Ali Khan.....petitioner

Versus

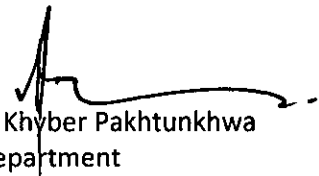
Amir Sultan Tareen & Others.....Respondents

Implementation/ Progress Report on behalf of Secretary Health

Respectfully Sheweth,

1. That the instant petition is pending before this honourable Tribunal which is fixed for today.
2. That previously the appellant was posted as MS King Abdullah Teaching Hospital Manshera vide Notification dated 18/05/2022 on the directions of this honourable Tribunal however, the petitioner was again transferred vide Notification dated 30/05/2022. This department forwarded a note to Chief Secretary Khyber Pakhtunkhwa (Competent Authority) for withdrawal of the Notification dated 30/05/2022 in order to implement the judgment of this honourable Tribunal. **(Copy of the note is Annexure-A)**

In view of the above, it is therefore requested that on acceptance of the instant report an order for release of salaries of the respondents as well as withdrawal of show cause notice already issued, may graciously be issued in the interest of justice.


Secretary to Govt. Of Khyber Pakhtunkhwa
Health Department



**GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT**

NOTE FOR CHIEF SECRETARY, KHYBER PAKHTUNKHWA

Subject: **SHOWCAUSE NOTICE IN CONTEMPT OF COURT APPLICATION
NO. 330/2022 TITLED DR. SHAHZAD ALI KHAN VS SECRETARY
HEALTH DEPARTMENT, PESHAWAR AND OTHERS**

The Khyber Pakhtunkhwa Services Tribunal served a Show Cause Notice to Health Department and Others in Contempt of Court vide No. 330/ 2022 titled "Dr. Shahzad Ali Khan Vs Secretary Health, Government of Khyber Pakhtunkhwa and Others" (Annex-I). ۷۳

2. Furthermore, Dr. Shahzad Ali Khan, Management Cadre (BS-19) the then Medical Superintendent, King Abdullah Teaching Hospital, Manshera was transferred and posted as Deputy District Health Officer, Mansehra vide Health Department's Notification dated 09.07.2021 (Annex-II). He was feeling aggrieved and filed Service Appeal No. 7294/ 2021 before the Khyber Pakhtunkhwa Service Tribunal, where the Tribunal suspended this Department's Notification dated 09.07.2021 vide judgment dated 06.09.2021 (Annex-III). In pursuance of judgment, this Department's Notification dated 09.07.2021 was withdrawn vide Notification dated 18.05.2022 (Annex-IV). Later on the doctor concerned was again directed to report to Directorate General Health Services, Khyber Pakhtunkhwa vide this Department's Notification dated 30.05.2022 (Annex-V). In the meanwhile he was adjusted against the post of Principal Medical Officer (BS-19) for the purpose of drawing of pay & allowances at King Abdullah Teaching Hospital, Mansehra vide Health Department's Notification dated 22.11.2022 (Annex-VI).

3. Now, the doctor concerned again approached the Khyber Pakhtunkhwa Service Tribunal, Peshawar in Contempt of Court, wherein the court issued Show Cause Notice to the Department for non-compliance of order of the Tribunal and further directed the respondent to come up on 27.03.2023 before Service Tribunal at Camp Court Abbottabad (despite of already implementation of the previous order of the Tribunal) vide order sheet dated 27.02.2023 (Annex-VII). Moreover, the Election Commission of Pakistan has relaxed ban on posting/ transfer as a consequence of Court orders duly circulated by Government of Khyber

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GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Pakhtunkhwa vide letter No. SO(E-I)E&AD/11-25/2023 dated 14.02.2023 (Annex-VIII).

4. It is pertinent to mention here that, a formal inquiry was initiated against Dr. Shahzad Ali Khan the then MS King Abdullah Teaching Hospital, Mansehra on account of occupying his office forcibly while used abusive & derogatory language against a public representative and deployed private security guards in the premises of the hospital vide Health department's Notification dated 22.09.2022 (Anne-IX). Now, the inquiry committee has submitted its report to the health department while submitted their opinion that "only one fourth part of the allegations i.e. occupation of the office of the MS KATH without approval by the Competent Authority, is proved against the accused" for which Summary to the Chief Minister, Khyber Pakhtunkhwa has been sent for issuance of Show Cause notice by inserting any of the penalty from the list of penalties, vide FTS No. HD-16-1368-00749.

5. Keeping in view of the above circumstances, Health Department submits the following posting/ transfer proposal in order to avoid any adverse order by the Hon'ble Khyber Pakhtunkhwa Services Tribunal:-

S.NO.	NAME OF THE DOCTOR	FROM	TO
1.	Dr. Shahzad Ali Khan, Management Cadre (BS-19)	Principal Medical Officer (BS-19), King Abdullah Teaching Hospital, Mansehra	Medical Superintendent (BS-19), King Abdullah Teaching Hospital, Mansehra
2.	Dr. Ahmad Faisal, Management Cadre (BS-19)	Medical Superintendent (BS-19), King Abdullah Teaching Hospital, Mansehra	At the disposal of Medical Superintendent, Benazir Bhutto Shaheed Teaching Hospital Abbottabad for further adjustment against vacant post of Principal Medical Officer (BS-19)



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

6. The proposal contained in Para-5 of the Note is submitted for approval of the Chief Secretary, Khyber Pakhtunkhwa, being competent authority in light of Instructions at (Annex-X), please.

(ATTA UR REHMAN) 28/03/23
Secretary Health

ADVISOR TO CHIEF MINISTER,
KHYBER PAKHTUNKHWA ON HEALTH

Jameel
24/03/23
DR. ABD JAMEEL
(Advisor to Caretaker
Chief Minister for Health)
Khyber Pakhtunkhwa.

CHIEF SECRETARY, KHYBER PAKHTUNKHWA

Dairy No. 47 Date 24/3/2023
O/o Advisor to Caretaker
Chief Minister for Health
Khyber Pakhtunkhwa

Secretary Health
N=95
16-24-0904
24/3/2023