

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. 2010/2022

Javed Khan.....Appellant

Versus

Government of Khyber Pakhtunkhwa & othersRespondents

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

SERVICE APPEAL NO. 2010/2022

Javed Khan.....Appellant

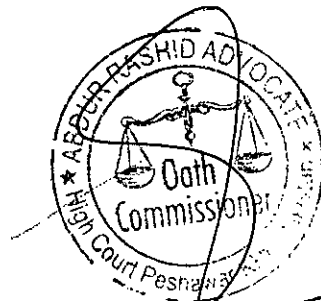
Versus

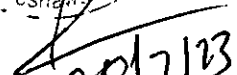
Government of Khyber Pakhtunkhwa & othersRespondents.

Affidavit

I, Laeeq Ahmad, Focal Person (Litigation) office of the Director General Health Services, Khyber Pakhtunkhwa, Peshawar, under the directions of the Competent Authority, do hereby solemnly affirm that the contents of the parawise Comments on behalf of Respondent are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'able Court. It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense has been struck off / costs.


Deponent




20/7/23



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 # 091-9210269 Fax # 091-9210230*

24

AUTHORITY LETTER

Mr. Laeeq Ahmad Focal Person (Litigation) Directorate General Health Services, Khyber Pakhtunkhwa, is hereby authorized to submit parawise comments in case Service Appeal No. 2010/2022 titled Javed Khan VS Govt. of Khyber Pakhtunkhwa & others on behalf of the undersigned.

**Director General Health Services
Khyber Pakhtunkhwa, Peshawar.**

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA

Khyber Pakhtunkhwa
Service Tribunal

SERVICE TRIBUNAL PESHAWAR

Diary No. 6697

SERVICE APPEAL NO. 2010 OF 2022

Dated 25/07/23

Javed Khan.....Appellant

Versus

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

PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 01 TO 03

Respectfully Sheweth:

Preliminary Objections:-

1. That the appellant has got no cause of action or locus standi to file the instant appeal.
2. That the appellant has filed the instant appeal just to pressurize the respondents.
3. That the instant appeal is against the prevailing Law and Rules.
4. That the appeal is not maintainable in its present form and also in the present circumstances of the issue.
5. That the appellant has filed the instant appeal with mala-fide intention hence liable to be dismissed.
6. That the appellant has not come to this Honorable Tribunal with clean hands.
7. That the appeal is barred by law and limitation.
8. That the Honorable Tribunal has no Jurisdiction to adjudicate upon the matter.
9. That the instant appeal is bad for mis-joinder of unnecessary and non-joinder of necessary parties.

ON FACTS:

1. Correct. Advertisement for different posts JCTC (Surgical BPS-12) was issued by DHO Battagram on 01/06/2021 (Annex-A).
2. Correct. Documents were submitted by the appellant for the post of JCTC (Surgical BPS-12) (Annex-B).
3. Incorrect. Appointment order dated 30/07/2021 was issued after conducting interview only. No screening test was conducted (Annex-C).
4. Correct. Arrival report was submitted and duty was joined by the appellant on 03/08/2021 at Type-D hospital Banna Allai (Annex-D).
5. An enquiry has been conducted in the matter and it was recommended by the enquiry committee that there were some irregularities in the appointment process i.e. experience certificate, therefore, the appointment process has been cancelled by issuance of letter from Director General Health Services Khyber Pakhtunkhwa (Annex-E & F).
6. As in preceding para.
7. Pertains to record.
8. Correct. Respondent No. 3 i.e. District Health Officer Battagram submitted comments twice before the Peshawar High Court, Abbottabad Bench on 29/09/2021 and again better comments on 20/05/2022. The Peshawar High Court,

Abbottabad Bench converted writ petitions NO 955-A/ 2021 to departmental appeal,
(Copy Attached Annexure G).

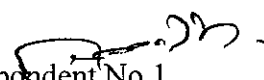
9. Pertains to record.

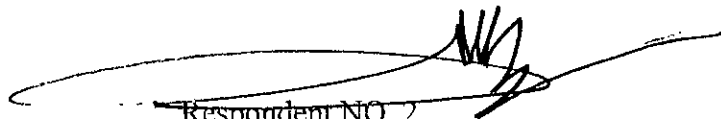
Grounds:

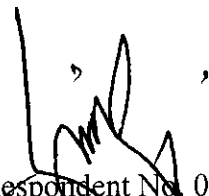
- A. As explained in Para-05 above.
- B. As explained in Para-05 above.
- C. As explained in Para-05 above.
- D. As explained in Para-05 above.
- E. As explained in Para-05 above.
- F. As explained in Para-05 above.
- G. As explained in Para-05 above.
- H. As explained in Para-05 above.
- I. As explained in Para-05 above.
- J. As explained in Para-05 above.
- K. As explained in Para-05 above.

Prayer:

It is humbly submitted that in view of the above arguments this service appeal may kindly be dismissed being devoid of merit.


Respondent No.1
Secretary Health
Govt Of KPK.


Respondent NO. 2
Director General Health
Govt Of KPK.


Respondent No. 03
DHO Battagram
District Health Officer
Battagram

(4) Annexure

(B)

Serial No. 0756911

Roll No. 173381



Board of Intermediate and Secondary Education
Abbottabad Khyber Pakhtunkhwa Pakistan
Secondary School Certificate Examination

SSC (ANNUAL) 2017


This is to certify that JAVED KHAN
Son/Daughter of MUHAMMAD IMRAN
A candidate from AL SYED GARDEN PUBLIC SCHOOL & COLLEGE BATTAGRAM
has passed the Secondary School Certificate Examination of the Board of Intermediate and Secondary Education, Abbottabad held in March/April, 2017 as a Regular candidate. He/She has obtained 917 marks out of 1100 and has been placed in Grade A1 Representing OUTSTANDING. Date of Birth according to admission form is 10 APRIL, 2001.

The candidate passed in the following subjects:

- | | | | | |
|-----------|--------|-----------------|---------------|-----------|
| 1.ENGLISH | 2.URDU | 3.ISL-EDUCATION | 4.PAK STUDIES | 5.MATHS |
| 6.PHYSICS | | 7.CHEMISTRY | | 8.BIOLOGY |


Asstt. Secretary

This certificate is issued without alteration or erasure.


Secretary



**BOARD OF INTERMEDIATE AND SECONDARY EDUCATION
ABBOTTABAD** AB 1173381172

Khyber Pakhtunkhwa (Pakistan)
Secondary School Certificate Examination
PROVISIONAL & DETAILED MARKS CERTIFICATE

Roll No: 173381
Group: SCIENCE
(CLASS X)
Session: 2017 (Annual)



Name: JAVED KHAN
Father's Name: MUHAMMAD IMRAN
Date of Birth: 10-04-2001
Reg. No: 0152719086
Institution / District: AL SYED GARDEN PUBLIC SCHOOL & COLLEGE
BATTAGRAM

has secured the marks shown against each subject in the Secondary School Certificate Examination (Class 10th) held in the month of March/April as a Regular Candidate.

Subjects	Total	Part-I		Part-II		Total	Marks In Words
		Marks Obtained		Marks Obtained			
		Th	Pract	Th	Pract		
English	150	62	--	68	--	130	One Hundred Thirty Only
Urdu	150	56	--	62	--	118	One Hundred Eighteen
Mathematics	150	68	--	66	--	134	One Hundred Thirty-Four
Physics	150	50	8	58	9	125	One Hundred Twenty-Five
Chemistry	150	57	8	50	9	124	One Hundred Twenty-Four
Biology	150	58	8	56	9	131	One Hundred Thirty-One
Islamiat Comp	100	39	--	46	--	85	Eighty-Five
Pakistan Studies	100	28	--	42	--	70	Seventy Only
Total: 1100						917-A1	Nine Hundred Seventeen Only

Remarks :

Dated: 19 June, 2017

Checked by: [Signature]

[Signature]
Controller of Examination

Note - Errors/omissions etc. Any mistake in the Name, Father's Name & DOB etc must be reported within 30 days of the issuing date (10.06.2017) of this certificate. Visit us www.biseabtd.edu.pk
411 61-6175 GARDEN PUBLIC SCHOOL BATTAGRAM

BOARD OF INTERMEDIATE & SECONDARY EDUCATION ABBOTTABAD

Khyber Pakhtunkhwa (Pakistan)

Higher Secondary School Certificate Examination



Part - II

Session: 2020 (Annual)

PROVISIONAL & DETAILED MARKS CERTIFICATE

Roll No: 113253

Group: PRE-MEDICAL



Name: JAVED KHAN
 Father Name: MUHAMMAD IMRAN
 Reg No: 18120016048
 Institution/
 District: AL QURAN BEACON PUBLIC SCHOOL & COLLEGE BATTAGRAM

has secured the marks shown against each subject in the Higher Secondary School Certificate Examination Annual 2020 as a Regular candidate

Subjects	Marks	Marks Obtained				Total	Marks in Words
		Part-I		Part-II			
		Theory	Pract	Theory	Pract		
English	200	52	--	As per Part I	104	One Hundred Four	
Urdu (Comp)	200	74	--	As per Part I	148	One Hundred Forty-Eight	
Urdu (Compulsory)	50	39	--	--	39	Thirty-Nine	
Pakistan Studies	50	--	--	As per Part I	39	Thirty-Nine	
Physics	200	51	12	As per Part I	126	One Hundred Twenty-Six	
Chemistry	200	28	5	As per Part I	66	Sixty-Six	
Biology	200	48	14	As per Part I	124	One Hundred Twenty-Four	
Total : 1100					646-C	Six Hundred Forty-Six Only	

Date : 28 July, 2020

Checked By: _____

Controller of Examination

Note: The Marks awarded for the Part II is the best prediction of the performance and has been awarded based on the formula and guidelines approved by the government and recognized by IBCC due to Covid 19

(7) Annexure (R)

S. No 009554

Roll No 62928
Session 2017-2018

Faculty of Paramedical and Allied Health Sciences

Khyber Pakhtunkhwa-Pakistan

This is to certify that JAVED KHAN Son/ Daughter of MUHAMMAD IMRAN

and a student of FRONTIER INSTITUTE OF MEDICAL SCIENCES ABOTTABAD bearing Registered. No. 2017/MI/AFIMS/ATD/ST/FS/3

having passed the prescribed examination held in AUGUST 2019 is this day admitted by the Faculty of Paramedical and Allied Health Sciences Khyber Pakhtunkhwa to the Diploma SURGICAL

Technology in B Grade.

Checked By [Signature]

Verified By [Signature]

Result Declaration Date 18-Dec-2019 Print Date and Time 21-Sep-2020 02:38:16 PM

[Signature]
Chief Executive Officer



Note: Error(s) & omission(s) excepted. Any mistake in above particulars must be intimated within 30 days of the issuance of this Diploma

8

Annexure

2

S No. 20176

Session AUGUST 2019

Faculty of Paramedical and Allied Health Sciences



Khyber Pakhtunkhwa-Pakistan CERTIFICATE OF REGISTRATION

Registration No. 2017/MF/FIMS/ATD/ST/FS/5

Name JAVED KHAN

Father's Name MUHAMMAD IMRAN

Roll Number 62928

Diploma Serial No. 9554

Name of Institute FRONTIER INSTITUTE OF MEDICAL SCIENCES ABBOTTABAD

Technology SURGICAL

Date 21-Sep-2020 Retained upto 20-Sep-2025

Prepared by: [Signature]

Checked by: [Signature]

Verified by: [Signature]

[Signature]
Chief Executive Officer

Note: Errors & omissions excepted. Any mistake in above particulars must be corrected within 30 days of the issuance of this certificate.



(9) - Amekute - (B)

Faculty of Paramedical and Allied Health Sciences (FPMA) Khyber Pakhtunkhwa

DETAILED MARKS CERTIFICATE

Registration No 2017/MF/FIMS/IATD/ST/IFS/5

Student Name JAVED KHAN

10171428



Son/Daughter of MUHAMMAD IMRAN

Institute FRONTIER INSTITUTE OF MEDICAL SCIENCES ABBOTTABAD

Course DIPLOMA NEW COURSE Technology SURGICAL

Subject Name	Total Marks	Passing Marks	Theory	Viva	Total Obtained	Result
Semester: 1 Session: JANUARY 2018 Roll No: 75158						
Anatomy	100	50	54	9	63	Pass
Physiology	100	50	54	8	62	Pass
BioChemistry	100	50	60	10	70	Pass
Computer Skill	50	25	25	-	25	Pass
Sub-Total	350				220	
Semester 2 Session: AUGUST 2018 Roll No: 44327						
Pathology	100	50	52	10	62	Pass
Pharmacology	100	50	58	11	69	Pass
English	100	50	54	-	54	Pass
Islamiat	50	25	33	-	33	Pass
Public Health	100	50	51	10	61	Pass
First Aid & Patient Safety	50	25	19	6	25	Pass
Sub-Total	500				304	
Semester: 3 Session: MARCH 2019 Roll No: 60402						
I-Applied Anatomy, Physiology & CP	100	50	56	8	64	Pass
II-Surgical Procedure-I & CP	100	50	52	8	60	Pass
Medical Ethics	50	25	33	-	33	Pass
Sub-Total	250				157	
Semester: 4 Session: AUGUST 2019 Roll No: 62928						
English	100	50	63	-	63	Pass
Pak-Study	50	25	36	-	36	Pass
I-MICROBIOLOGY & CP	100	50	37	13	50	Pass
II-STERILIZATION, SUPPLIES & EQUIPMENT & CP	100	50	37	13	50	Pass
Sub-Total	350				199	
Grand Total	1450		774	106	880	60.69%

Checked By

Verified By

Chief Executive Officer
Faculty of Paramedical & Allied Health Sciences
Khyber Pakhtunkhwa

Result Declaration Date/Time: Wednesday, December 18, 2019 Printed by: Shafiq Qaraz Issue Date/Time: Monday, September 21, 2020 05:04:23 PM
Note: Error/Omission excepted Any mistake in above particulars must be intimated within 15 days of the receiving of the certificate
CP (Asana Clinical Practice)

10

Annexure B

DISTRICT HEAD QUARTER HOSPITAL

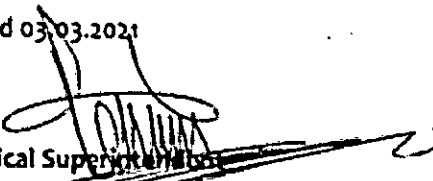


EXPERIENCE CERTIFICATE

It is to certify that Mr. Javed Khan S/O Muhammad Imran, resident of Village Tamai Tehsil & District Battagram attended the OT unit of this hospital on voluntarily basis since January 2020 to February 2021. He was well oriented, regular and energetic Technician. His behavior with his senior & other staff members remained good.

I wish him successful in future.

Dated 03/03/2021


Medical Superintendent
DHQ Hospital, Battagram
Medical Superintendent
DHQ Hospital Battagram



(11) Annexure (2)

OFFICE OF THE DISTRICT HEALTH OFFICER

Battagram (Khyber Pakhtunkhwa)

Phone & Fax # (0997) 310507

OFFICE ORDER

No. 1530-36/1 date 30/07/2021

Consequent upon the recommendation of the Departmental Selection committee, Mr Javed Khan S/O Muhammad Imran is hereby appointed as JCT (Surgical) BPS-12 against the vacant post plus usual allowances as admissible under the rules and subject to revision from time to time on the following terms and conditions according to the Government policies

1. This order is subject to the verification of the original documents from the issuing authority/ production Two years Diploma either from Khyber Pakhtunkhwa or any other illegible/ Register able Institute/ College or University, if the Diploma is from outside KPK It must be registered with Medical Faculty of Khyber Pakhtunkhwa Peshawar
2. If the academic/ Technician/ experience certificates is not from the government institutions or International organization that will be not consider as experience
3. If the academic/ technician/ experience certificates of any candidate found fake/ bogus of any stage his/ her services will be considered terminated automatically.
4. He/ She shall initially be on probation for a period of Two years under the rules extendable further for a period of one year.
5. He/ She can be terminated without any notice during the probation of his/her work if his/her conduct found unsatisfactory.
6. He/ She shall be governed by the Government of Khyber Pakhtunkhwa civil servants act 1973 and the laws applicable to the civil servants under the rule made there under E&S rules 2011
7. He/ She shall be entitled to annual increments as per existing policy.
8. He/ She join his duties at his own expenses.
9. In case you wish to resign at any time, one month notice will be essential or in lieu shall be forfeited.
10. You will be awarded by such rules/ entitlement and orders related to TA, leave and MRC etc as may be issued by the Govt, from time to time for the category of Government servant to which you belong.
11. Your appointment will be subject to provision of Medical Fitness certificate.
12. The appointee shall be bound to perform any duty assigned by the undersigned as per Govt. rules.
13. Your duty in National obligation and International commitment may be required time to time.

If He/ She accept the above mentioned Terms & Conditions he/she should report to the undersigned within 14 Days of receipt of this offer and submit original documents along with one set of the photocopier for verification from concerned Boards/ University/Medical Faculty KPK/ Nursing Council, if applicable in case he/ she fails to report for duty within stipulated period of time this appointment order will automatically stand cancelled and the next candidate in merit list (waiting) will be considered for appointment.


District Health Officer
Battagram

Copy forwarded to the:-

1. Director General Health Services Khyber Pakhtunkhwa for information
2. District Accounts officer Battagram for information
3. Incharge Type-D Banna Allal for information
4. Account Section office of the undersigned for information
5. Official for information and compliance
6. Incharge Establishment section office of the undersigned for information and compliance
7. Office copy


District Health Officer
Battagram

(12)

Annexure

(D)

To.

The District Health Officer
Battagram.

From: *Aty JNR D Banna Allai District Hospital*
Subject: ARRIVAL REPORT.

Sir,

Reference your office letter No. 1530-36 dated 30.07.2021

With due respect it is submitted that I am selected as CT Surgical BS-12 in Type-D Banna Allai vide your letter No. 1530-36 dated 30.07.2021. I am submitting my arrival report against the vacant post of CT Surgical BS-12 in the Type-D Banna Allai today on 03.08.2021 (FN). Kindly accept my arrival and oblige please.

Dated 03.08.2021

Your Obediently

Javed
Javed Khan S O
Muhammad Imran
CT Surgical BS-12
Type-D Hospital Banna Allai

03-01
AK
Report forwarded
J. n/a please.

Mu
Medical Superintendent
Type D Hospital Banna Allai

[Signature]
District Health Officer
BATTAGRAM

Scanned with CamScanner

CS CamScanner

CS CamScanner

(13)

(E) (X)

ANNEXURE



DIRECTORATE GENERAL HEALTH SERVICES KHYBER PAKHTUNKHWA PESHAWAR

no. 602-8 / DGHS Dated 23/08/2021

OFFICE ORDER

Reportedly there are irregularities in the recruitment process of various cadre of Para Medics by District Health Officer Ballegram, therefore all recent recruitment done by District Health Officer Ballegram of various cadre of Medical Technicians are hereby stand cancelled with immediate effect and an inquiry committee consisting of following officers is hereby constituted to conduct the inquiry and submit report within 07 days.

1. Dr. Faizal Khanzada (ADG Hazara Division) DGHS Office.
2. Mr. Hidayat (Deputy Director Coordination) DGHS Office.

The recruitment process will be reinitiated after proper inquiry as per governmental rules & policy.

[Signature]
DIRECTOR GENERAL HEALTH
SERVICES KHYBER PAKHTUNKHWA PESHAWAR

- cc
1. Dr. Faizal Khanzada (ADG Hazara Division) DGHS Office (Inquiry Officer).
 2. Mr. Hidayat (Deputy Director Coordination) DGHS Office (Inquiry Officer).
 3. District Health Officer Ballegram for immediate compliance.
 4. PS to Minister Health Khyber Pakhtunkhwa.
 5. PS to Secretary Health Khyber Pakhtunkhwa.
 6. District Account Officer Ballegram.

[Handwritten signature]

(14) Annexure (F)
INQUIRY REPORT REGARDING ILLEGAL APPOINTMENT AT DHO OFFICE
BATTAGRAM

In compliance to the DGHS Khyber Pakhtunkhwa office order bearing No. 6028/DGHS, dated 23/08/2021, the inquiry report regarding recruitment of various cadres of Technician in District Health Officer Battagram is submitted as under:

BACK GROUND:-

District Health Officer Battagram was called along with his relevant staff and all recruitment process record on 30/08/2021 at 9:00 AM in the office of Additional Director General Health (Hazara Division). The documents of recruitment process were checked by both the inquiry officers and the following points were noted.

- Relaxation on ban of recruitment was issued to DHO Battagram by SO (General) Government of Khyber Pakhtunkhwa Health Department vide No. SOG(HD/1-2/P&T/2020/2744 dated 29/04/2021 for the following categories.

S/No	Designation	BPS	No. of posts
1	JPHCT (Multipurpose)	12	10
2	JCT (Surgical)	12	02
3	JCT (Radiology)	12	04
4	JCT (Pulmonology)	12	02
5	Vaccinator	06	01
	Total		19

1. JPHC/EPI

- 128 applicants were short listed for interview for JPHC/EPI, 10 candidates were selected among them (Annex-A)
- In the merit list of JPHC (EPI) the experience marks of Serial No. 2,3,4,5,6,8,9 & 10 was issued by MS DHQ Hospital / DHO Battagram where all of them have worked voluntarily and not under proper notification. At Serial No. 5,8,9,11 experience certificate was issued before receiving of diploma while at Serial No. 2, experience certificate by authorized institute was not found.
- 4 marks of experience were given to S. No. 2,3,4,6,8 & 9 while 7 marks are given to S. No. 5,10 accordingly.
- S. No. 7 is failed in interview having 3 marks (passing marks is 3.2) while he was selected.

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Annexure (F)

2. PHCT (Surgical)

- 24 candidates were short listed and called for interview.
- Among them 02 were selected at S. No. 1 & 2 (Annex-B).
- The experience certificate were issued to both candidates by MS DHQH Batagram while both were worked as voluntarily and experience certificate to S. No. 1, was issued before receiving of diploma.
- Both of them were given 4 marks for interview.
- At S. No. 6 marks of diploma was placed in the 2nd division column instead of 1st division column.
- At S.No. 24 needs to be placed at S. No. 18 according to marks.
- The experience certificates to all of the candidates were issued by MS DHQH Batagram where they worked voluntarily.

3. JCT (Radiology)

- The approval from the competent authority for filling of vacant positions of JCT (Radiology) was given for 4 seats while total 05 candidates were selected (Annex-C).
- 08 candidates were short listed among 05 were selected.
- At S. No. 2 experience marks 4 were given, certificate was issued by MS DHQH Batagram. He was marked failed in interview receiving 2 marks while he was selected.
- At S. No. 3, seven (07) marks given as experience by MS DHQH Batagram before receiving of diploma.
- S. No. 4&5 both were failed in interview receiving 2 marks (passing marks is 3.2), but both were selected.
- Among them 03 candidates were called for interview where diplomas of Radiology were not found with the applicants.

4. JCT (Pulmonology)

- 09 candidates were short listed among them 02 were selected (Annex-D).
- At S. No. 1 diploma was not present but he was granted 20 marks of diploma as 1st division. He has no experience but have granted 4 marks of experience and kept him on top of the selected candidates

(16)

Annexure

(F)

Statement of Shah Faisal (Junior Clerk).

According to his statement, I have made merit list purely on the documents submitted to the office by candidates. Any discrepancy may be considered as clerical mistake as I have worked honestly and without any intention for favor my candidate illegal. The final merit list was handed over to me by selected committee and I have entered as it is duly signed from panel committee. The panel signed it after thoroughly examination. Nothing was added or subtracted by me from the said list (Annex-I)

Findings

- According to the statement of DHO and Junior Clerk (Batagram) advertisement was floated in daily Ajj on 01/06/2021, but they handed over the photocopy of advertisement was on plain paper and not on proper newspaper page (Annex-J).
- The recruitment process was done without involving of recruitment testing agencies for BPS-12.
- Short listing committee was not notified for the above mentioned posts.
- List of short listed candidates was not displayed on notice board nor on Health Department web site.
- Minutes of short listing committee was also not available.
- Minutes of the selection committee is attached as Annex-K.
- In the Radiology sanctioned vacant posts were 4 but selected 5 candidates.
- In the vaccinator sanctioned vacant posts was 1 while 2 were selected.
- According to 2% quota they should select 1 candidate instead of 2 (total candidates were 49).
- Most of the candidates were marked failed in the interview but selected by the committee.
- Most of the candidates have marked unauthorized experience before the receiving of diploma.
- All most all the selected candidates having no proper experience certificate but they were selected on the basis of their experience marks.
- According to the DHO statement there is clerical mistake and he feel sorry for the process and the mistake was done by his staff.
- According to Junior Clerk who prepared the whole process stated that it is clerical mistake and final merit was handed over by selection committee.

issued after verification of testimonials.

(F) Annexure (F)

- At S. No. 1,2,3 all of them failed in interview receiving 3,2&1 marks respectively while S. No. 2,3 were selected.

5. Vaccinator.

- 49 candidates were short listed for 01 sanctioned post among them 02 was selected (Annex-E).
- In short listed of 49 candidates, 02 disable quota candidates were selected which 4% disable quota and not 2% quota.
- In the S. No. 1, disable certificate it was mentioned that his right hand is handicap and he is able to work light duty/official work while he was selected as vaccinator for out- reach and fixed centre for vaccinator.
- At S. No. 2, 4 marks of experience were granted but having no experience after receiving of diploma. In his disability certificate it was mentioned that he is able only of official work only while he was selected as vaccinator for out-reach and fixed centre.

Statement of Dr. Waseem Ahmad (DHO Batagram)

According to his statement that I wrote a letter to Health Department for removal of ban on recruitment of the staff which was granted. I give advertisement through proper channel and wrote letter to DGHS for Departmental selection committee. The interview was conducted on 12/7/2021, minutes were wrote down.

I assigned Head Clerk Faisal for short listing of candidates and short listing of documents. He prepared list and asked DDHO Dr. Gul to kindly verify the list. Merit list was prepared and displaced on notice board. During the interview, two candidates got stay order from the court due to that the process of recruitment was stopped, I issued order for EPI Technician posts.

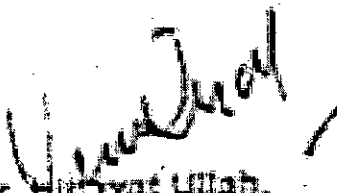
The higher authorities have issued a letter for cancellation of interview process so I followed the order and issued letter of cancellation of interview vide No. 1803-08 dated 28/08/2021 (Annex-F).

During the process of inquiry, I noted that there are many clerical mistakes in the merit list, I agree that, I did not do it willfully, I really on the staff who committed the mistakes.

I feel sorry for the process and will try to improve it in the future.

Conclusions/Recommendations:

- The whole process was done without following the usual formalities of the recruitment as stated in the findings.
- According to the above findings the recruitment process must be controlled and the same must be re-structured in the best interest of public and all local formalities must be followed in order to ensure the merit and transparency.
- The way the Chairman and Joint Clerk are responsible for the whole false and bogus recruitment process of all these unqualified mistakes must be dealt with under the EO Act 1972.
- Strict disciplinary action must be taken against Dr. Muhammad Rahim DMS Services and Dr. Azam Noman DMS (Admin) GHQ Hospital Balagram regarding their negligence in misuse of their official power by issuing experience certificate without any proper Departmental Notification/Orders.


Dr. Hidayat Ullah,
Jointly Director (Coord), DGHS, KP


Dr. Faheem Khanzada,
ADG (Hazara Division), DGHS,

Annexure F 18

Better copy

Verification of the experience certificates of the candidates was verified by the MS DHQH Batagram wherein it is mentioned that the issuing authority were Dr. Muhammad Rahim Khan DMS Admn and Dr. Rashid Hamayun DMS Services vide letter No. 3983/Estab/General dated 01/09/2021 (Annex-L).

CONCLUSION / RECOMMENDATIONS

- The whole process was done without fulfilling the codal formalities of the recruitment as pointed out in the findings.
- According to the above findings the recruitment process must be cancelled and the posts shall be re-advertised in the best interest of public and all codal formalities must be followed in order to ensure the merit and transparency.
- DHO being the chairman and Junior Clerk are responsible for the whole false and bogus recruitment process of all these unjustified mistakes must be dealt with under the E&D rules 2011.
- Strict disciplinary action must be taken against Dr. Muhammad Rahim DMS Services and Dr. Rashid Hamayun DMS (Admn) DHQ Hospital Batagram regarding their negligence and misuse of their official power by issuing experience certificate without any proper departmental notification/orders.

sd/2-2

Dr. Hidayat Ullah,
Deputy Director (Coord) DGHS KP

sd/2-2

Dr. Faisal Khanzada,
ADG (Hazara Division) DGHS.

Attested
msb

19
Annexure (9)

IN THE PESHAWAR HIGH COURT, BENCH ABBOTTABAD. X

WP No. 955-4/2021

Muhammad Waqar & others

..... Petitioners

Versus

Govt: of KPK etc:

... Respondents

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[Signature]

Deponent

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Annexure

9

X

BEFORE THE PESHAWAR HIGH COURT ABBOTTBAD BENCH

WP No 955/2021

Muhammad Waqar & others Petitioners

Versus

Govt of KPK & others Respondents

PARAWISE REPLIES ON BEHALF OF RESPONDENT DHO BATTAGRAM

Respectfully Sheweth,

Preliminary Objection:

1. That the petitioner has neither cause of action nor locus standi to file the instant petition.
2. That the petitioner has not come to the Honourable court with clean hands.
3. That the instant petition is not maintainable due to non joinder and mis joinder of necessary parties.

ON FACTS:

1. Para No 1 is correct to the extent that the petitioners are residents of District Battagram. The remaining portion is subject to proof.
2. Para No 2 is correct.
3. Regarding Para No 3 it is submitted that besides selected candidates several other candidate had applied for the post advertised. The recruitment committee selected only the candidates who were qualifying on merit. The rest of candidates were left. All codal formalities were observed, (check list of all codal formalities attached as annexure A to L).
4. Para No 4 is correct to the extent of arrival report. However no further progress in all the cases was done as the High Ups intervened and the candidate's appointment were cancelled by Respondent No 2.
5. Para No 5 is incorrect, the Petitioners have got no cause of action, as the High Ups have immediately intervened in the matter, (copy attached as annexure L) and respondent No 4 has merely followed orders of High Ups (copy attached annexure M).

ON GROUNDS:

- A. Para A of the ground is Incorrect, the Respondent No 4 completed the recruitment proceedings and Not independently issued any order against the Petitioners. The order of Respondent No 2 was complied for which the Respondent No 4 was legally bound being

Annexure 9

- B. Para B of the ground is incorrect no right accrued to the Petitioner as the selection was set aside immediately without further proceeding in the matter except arrival report.
- C. Para C of the ground is incorrect, the Respondent No 2 exercised his power under the law and Respondent No 4 complied his order.
- D. Para D of the ground is incorrect. Detailed reply is given in the above paras.
- E. Para E of the ground is absolutely incorrect no right accrued to the petitioner as the selection was set aside immediately after selection, hence application of locus poenitentiae is not applicable in the present case.
- F. Para F of the ground is incorrect, detailed reply is given in the above paras. The selection order was set aside before completion of necessary proceedings required for recruitment of petitioners, which are essential.
- G. Para G of the ground is incorrect.
- H. Para H of the ground is incorrect and relate to Respondent No 2 who set aside the selection. The Respondent No 4 only complied to the orders of High Ups.
- I. Para I of the ground is legal.

PARYER:

In view of the above discussion it is humbly prayed that the petition be dismissed being devoid of merit.

[Signature]
 Respondent No 2
 DHO Battagram
 District Health Officer
 District Battagram

verified
[Signature]
 27/1/2019

(27)

Annexure (9)

X

IN THE PESHAWAR HIGH COURT, BENCH ABBOTTABAD.

WP NO 955/2021

Muhammad Waqar & others

Petitioners

Versus

Govt of KPK & others

Respondents

AFFIDAVIT

I Dr. Waseem Ahmed District Health Officer Battagram do hereby solemnly affirm and declare on Oath that the contents of the reply are true and correct to the best of my knowledge and belief and nothing has been concealed from the honourable court.

Identified

[Signature]
27/9/21
588-1559

Dr. Waseem Ahmed
District Health Officer
Battagram

27
Dr. Waseem Ahmed
Health Officer
DH A Battagram

[Signature]

70
27/9/21

D. S. S. S.
05/09/2023

D. S. S. S.
12/02/2023

اسم