

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR  
CAMP COURT SWAT.

Service Appeal No. 146/2016

Date of Institution ... 16.02.2016

Date of Decision ... 09.01.2019

Dr. Khursheed Ahmad S/o Hazrat Ahmad, Professor BPS-20 (Retired), R/o Gumbad Mira, Mingora. ... (Appellant)

VERSUS

The Chief Secretary Government of Khyber Pakhtunkhwa, Peshawar and six others. ... (Respondents)

MR. IMDAD ULLAH,  
Advocate

--- For appellant.

MIAN AMIR QADAR,  
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.

**ARGUMENTS.**

2. Learned counsel for the appellant argued that in view of deficiency of staff in Basic Sciences Department, Saidu Medical College, Swat his services were requisitioned for posting as Associate Professor Community Medicine (BPS-19). That vide notification dated 18.08.2006 his services were placed at the disposal of Principal Saidu Medical College for further posting. The provincial government sanctioned pay package for the teaching staff of Saidu Medical College and others w.e.f 01.07.2007 and the appellant also received the same. During the course of audit of accounts of the above Medical College for the year 2010-12 the audit party raised objection that the appellant was not entitled to receive the said amount. It

was further directed to recover Rs. 3848200/- from the appellant. The learned counsel for the appellant further argued that in the meeting of Departmental Accounts Committee, it was decided that the Finance Department may be approached to regularizing<sup>g</sup> the above allowance. Moreover, in a meeting chaired by the Secretary Health Department on 25.05.2015, it was decided that audit paras of teaching staff and institutions who rendered services be dropped and the meeting of the Departmental Selection Committee be rescheduled. Reliance was placed on judgment of this Tribunal dated 07.03.2017 rendered in service appeal no. 58/2015.

3. Learned District Attorney argued that due to deficiency of teaching staff services of the appellant were requisitioned for posting in own pay and scale. He did not possess the minimum required qualification for posting as Associate Professor Community Medicine, so was not entitled to draw the said allowance. Later on the audit party objected on the same and directed that the allowance received by him should be recovered from the appellant.

**CONCLUSION.**

4. We would not go into the deep merits of the case but rely on the judgment of this Tribunal dated 07.03.2017. The moot point agitated in this appeal is similar to the one decided through the said judgment, hence, for the sake of consistency and fairness, the appellant deserves to be treated in the like manner.

5. Since the issue is to be reconsidered in the said meeting of the D.A.C as such we direct that recovery on the strength of the said Audit Paras shall not be made from the appellant unless and until the said Audit Paras are settled by the D.A.C in its re-scheduled meeting. After decision by the D.A.C the appellant may re-agitate<sup>his</sup> grievances, if any, in the prescribed manner, if so advised. The appeal is

disposed of in the above manners leaving the parties to bear their own costs. File be  
consigned to the record room.



(AHMAD HASSAN)

Member  
Camp court Swat

*Muhammad Amin*  
(MUHAMMAD AMIN KHAN KUNDI)  
Member

ANNOUNCED  
09.01.2019

08.11.2018

Due to retirement of the Hon'ble Chairman Service Tribunal is incomplete. Tour to Camp Court Swat has been cancelled. To come up for the same on 09.01.2019 at camp court Swat.

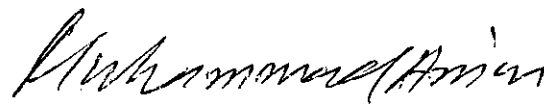
  
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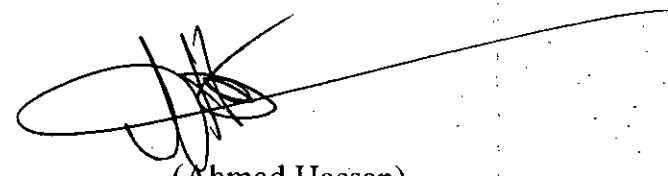
**ORDER**

09.01.2019

Counsel for the appellant present. Mr. Sarzamin Khan, Lecturer alongwith Mian Amir Qadir, District Attorney for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today placed on file, Since the issue is to be reconsidered in the said meeting of the D.A.C as such we direct that recovery on the strength of the said Audit Paras shall not be made from the appellant unless and until the said Audit Paras are settled by the D.A.C in its re-scheduled meeting. After decision by the D.A.C the appellant may re-agitate grievances, if any, in the prescribed manner, if so advised. The appeal is disposed. In the circumstances, parties are left to bear their own costs. File be consigned to the record room.


  
(M. Amin Khan Kundi)  
Member

  
(Ahmad Hassan)  
Member  
Camp Court Swat

**ANNOUNCED**  
09.01.2019

05.07.2018

Mr. Tariq clerk of the counsel for the appellant present. Mr. Muhammad Jan learned Deputy District Attorney for the respondents present. Clerk to counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not in attendance. Granted. To come up for arguments on 09.08.2018 before D.B at camp court Swat.

  
Member

  
Chairman  
Camp Court, Swat

09.08.2018

Clerk to counsel for the appellant and Mr. Sarzamin Lecturer and Mr. Irshad So, for the respondents present. Due to summer vacation the case is adjourned to 04.10.2018 for the same at camp court Swat.

  
Reader

04.10.2018

Appellant Dr. Khurshid Ahmad in person alongwith his counsel Mr. Imdad Ullah, Advocate present. M/S Sarzamin Khan, Lecturer and Muhammad Irshad, SO alongwith alongwith Mr. Usman Ghani, District Attorney for respondents present.

During the course of hearing, copy of a judgment dated 07.03.2017 passed by this Tribunal in service appeal no. 58/2015 produced before this Tribunal. The learned District Attorney sought adjournment that the consult that very judgment and argue the case on the next date. Adjournment granted. Case to come up for arguments on 08.11.2018 before D.B at camp court Swat. In the meanwhile deduction of amount from the appellant is suspended till the date fixed.

  
Member

  
Chairman  
Camp Court Swat

09.11.2017

Appellant with counsel and Addl. AG alongwith Amjad Ali, Assistant for the respondents present. Counsel for the appellant seeks adjournment. Granted. To come up for arguments on 30.01.2018 before the D.B at camp court, Swat.

  
Member

  
Chairman  
Camp court, Swat

30.01.2018

Appellant in person present and Addl: AG alongwith Mr. Muhammad Irshad, SO (Lit) & Jaffar Ali, Assistant for the respondents present. Appellant seeks adjournment as his counsel is not in attendance today. Granted. To come up for arguments on 03.04.2018 before D.B at Camp Court, Swat.


  
Member

  
Chairman  
Camp Court, Swat

03.04.2018

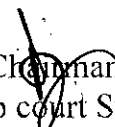
Counsel for the appellant and Mr. Mr. Usman Ghani, District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Granted. To come up for arguments on ~~06.04~~ 2018 before D.B at Camp Court, Swat.

  
Member

  
Chairman  
Camp court, Swat


05.01.2017

Counsel for the appellant, M/S Sarzamin, Lectuer, Muhammad Irshad, SO, Qazi Muhammad Naeem, Legal Officer, Amjad Ali, Assistant and Yar Gul, Assistant for the respondents present. Written reply by respondent No. 2 submitted while learned GP relies on the same on behalf of remaining respondents. Cost of Rs. 500/- paid and receipt thereof obtained from the appellant. The appeal is assigned, to D.B for rejoinder and final hearing for 02.05.217 at camp court, Swat.

  
Chairman  
Camp court Swat.

02.05.2017


Counsel for the appellant present. Mr. Sar Zamin Khan, Lecturer alongwith Mr. Muhammad Zubair, District Attorney for the respondents also present. Rejoinder submitted. Due to incomplete bench arguments could not be heard. To come up for arguments on 09.08.2017 before D.B at Camp Court Swat.

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER  
Camp Court Swat.

09.08.2017

Counsel for the appellant, Mr. Muhammad Zubair, District Attorney alongwith Sarzamin, Lecturer for the respondents present. Rejoinder submitted by the learned counsel for the appellant and seeks adjournment. Adjourned. To come up for arguments on 09.11.2017 before the DB at camp court, Swat.


  
Member

  
Chairman  
Camp court, Swat

146/16


03.08.2016

Appellant in person and M/S Muhammad Irshad, SO and Sarzamin Khan, Lecturer alongwith Mr. Muhammad Zubair, Sr.GP for the respondents present. Written reply by respondents No. 1, 6 and 7 submitted while remaining respondents requested for further adjournment. Last opportunity granted. To come up for written reply/comments of respondents No. 2 to 5 on 10.11.2016 before S.B at camp court, Swat.

  
Chairman  
Camp court, Swat.

10.11.2016

Appellant in person, M/S Sarzamin, Lecturer and Muhammad Irshad, SO alongwith Mian Amir Qadar, GP for the respondents present. Written reply by respondents No. 1, 6 and 7 already submitted. Written reply by respondents No. 2 to 5 not submitted despite last opportunity. Learned GP requested for adjournment. Last opportunity is further extended subject to payment of cost of Rs. 500/- which shall be paid by respondents No. 2 to 5 from their own pockets. To come up for written reply/comments and cost on 05.01.2017 at camp court, Swat.

  
Chairman  
Camp court, Swat



06.04.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant while serving as EDO Health (BPS-19) his services were placed at the disposal of the Principal, Saidu Medical College vide notification dated 18.8.2006 where-after he was assigned the duties of Associate Professor Community Medicines vide order dated 01.09.2006 and that the appellant received all financial benefits attached to the said post. That vide impugned order dated 02.09.2015 communicated to the appellant on 01.10.2015 it was directed that an amount of Rs. 3,848,200/- be recovered from the appellant as he was not entitled to the Science Teaching Allowance attached to the post where-against the appellant preferred departmental appeal on 03.11.2015 which was not responded and hence the instant appeal on 16.02.2016.

Appellant Deposited  
Security & Process Fee

That the impugned order is against facts and law as the appellant was entitled to pay and allowances attached to the said post of Associate Professor of Community Medicine.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notice of appeal and application be issued to the respondents for written reply/comments for 05.05.2016 before S.B at Camp Court, Swat. Till further orders recovery shall not be made from the pension of the appellant.

  
Chairman  
Camp Court, Swat.

05.05.2016

Counsel for the appellant and Mr. Muhammad Irshad, SO for respondent No. 2 and Mr. Sarzamin Khan Lecturer for respondent No. 6 alongwith Mr. Muhammad Zubair, SGP for the respondents present. Written reply not submitted. Requested for adjournment. To come up for written reply/comments on 03.08.2016 before S.B at camp Court, Swat.

  
Chairman  
Camp Court, Swat

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 146/2016

| S.No. | Date of order Proceedings | Order or other proceedings with signature of judge or Magistrate   |
|-------|---------------------------|--|
| 1     | 2                         | 3  |
| 1     | 16.02.2016                | <p>The appeal of Dr. Khurshid Ahmad presented today by Mr. Aziz-ur-Rehman Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i><br/>to REGISTRAR</p>                             |
| 2     |                           | <p>This case is entrusted to touring S. Bench at Swat for preliminary hearing to be put up thereon <u>9-3-2016</u>.</p> <p style="text-align: right;"><i>[Signature]</i><br/>CHAIRMAN</p>  |
|       | 09.03.2016                | <p>Agent of counsel for the appellant present. Counsel for the appellant is not in attendance due to strike of the Bar. Adjourned for preliminary hearing before S.B to 6.4.2016 at Camp Court Swat.</p> <p style="text-align: right;"><i>[Signature]</i><br/>Chairman<br/>Camp Court Swat</p> |

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

*Appeal no. 146/2016*

Dr. Khurshid Ahmad

...Appellant

VERSUS

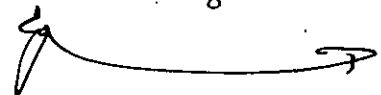
The Chief Secretary Govt. Khyber Pakhtunkhwa Peshawar and Others

...Respondents

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Appellant  
Through Counsel



AZIZ-UR-RAHMAN  
ADVOCATE SWAT  
Office: Khan Plaza, Gulshan Chowk,  
Mingora, District Swat  
Cell No. 0300-9070671

①

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

Service Appeal No. 146 of 2016

Dr. Khursheed Ahmad S/o Hazrat Ahmad, Professor BPS-  
20 (Retired), R/o Gumbad Mira, Mingora.

... Appellant W.P. Province  
Service Tribunal

VERSUS

Diary No. 101  
Dated 16-2-2016

1. The Chief Secretary Government of Khyber Pakhtunkhwa, Peshawar.
2. The Secretary Finance Government of Khyber Pakhtunkhwa, Peshawar.
3. The Secretary Establishment Government of Khyber Pakhtunkhwa, Peshawar.
4. The Secretary to Government of Khyber Pakhtunkhwa, Health Department, Peshawar.
5. The District Accounts Officer at Saidu Sharif, District Swat.
6. The Principal Saidu Medical College, Saidu Sharif, District Swat.
7. The Director General Audit Khyber Pakhtunkhwa, Peshawar.

... Respondents

APPEAL UNDER SECTION 4 OF THE  
KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL ACT, 1974 AGAINST THE  
LETTER DATED 02-09-2015 TO THE  
RESPONDENT NO. 6, WHO ENDORSED  
THE SAME VIDE LETTER NO.  
5270/SMS/ACCOUNTS DATED  
01-10-2015, WHICH WAS  
COMMUNICATED TO THE  
APPELLANT ON 09-10-2015, WHEREBY

Filed for  
Smt. S. S. S. S.  
16-2-16

THE ORDER OF RECOVERY OF THE SALARIES AND OTHERS EMOLUMENTS RECEIVED BY THE APPELLANT AS ASSISTANT PROFESSOR COMMUNITY MEDICINE AGAINST THE LAW, RULES AND PRINCIPLES OF NATURAL JUSTICE, FEELING AGGRIEVED OF WHICH THE APPELLANT PREFERRED A DEPARTMENTAL APPEAL, WHICH IS STILL PENDING DISPOSAL DESPITE THE LAPSE OF MANDATORY PERIOD OF TIME.

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PRAYER:

IT IS, THEREFORE, VERY RESPECTFULLY PRAYED THAT ON ACCEPTANCE OF THIS SERVICE APPEAL THE AMOUNT AS MENTIONED ABOVE I.E. RUPEES 3.484 MILLION MAY BE DECLARED TO HAVE BEEN RIGHTLY RECEIVED BY THE APPELLANT AS PART OF HIS SALARY FOR THE DUTY HE HAS PERFORMED AND THE RESPONDENTS MAY VERY KINDLY BE DIRECTED TO CONSIDER IT AS PART OF THE EMOLUMENTS OF THE APPELLANT HAVING BEEN RIGHTLY RECEIVED BY HIM.

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Respectfully Sheweth:

Facts:

- i. That the appellant is MBBS with Post Graduate Diploma in Health Planning and Management from Peshawar University and degree of Master of Public Health and Hospital Administration.

Pakistan Medical and Dental Council (PM&DC) Islamabad has been pleased to registered that MBBS and Diploma in Health Planning and Management from Peshawar University is equivalent to Master in Public Health, nevertheless the appellant has also additionally acquired Master degree in Public Health and Hospital Administration. Copies are enclosed as Annexure "A" to "A2", respectively.

- ii. That in the year 2006 the Principal Saidu Medical College, respondent No. 6 appraised the Provincial Government of the deficiency in the faculty in the **Basic Science Department**, which fact was also pointed out by the PM&DC in their inspection report of 27<sup>th</sup> June, 2005. This deficiency was more evident in Community Medicine Department as there was no teacher at all in the said department. The college was facing constant risk of losing the faculty members and threat of De-Recognition by the PM&DC. The appellant was by then working as EDO Health BPS-19 was requisitioned for posting / transfer as Associate Professor of Community Medicine (BPS-19) in Saidu Medical College against the vacant post. To this effect the letter of the respondent No. 6 dated 26-05-2006 is enclosed as Annexure "B".
- iii. That the Provincial Government vide Notification dated 18-08-2006 posted and transferred the appellant from the post of Executive District Officer (Health) and his

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services were placed at the disposal of the Principal Saidu Medical College. Copy of the Notification along with endorsement orders of the respondent No. 6 thereof is enclosed as Annexure "C". The respondent No. 6 assigned the duties of Associate Professor of Community Medicine vide office order No. on 01-09-2006. Copy of the order dated 01-09-2006 is enclosed as Annexure "D". The appellant accordingly started teaching very competently.

- iv. That the appellant while working as such in the college teaching Community Medicine to the students to the entire satisfaction of all the concerned including the PM&DC, to this effect a recognition/appreciation letter of the PM&DC is enclosed as Annexure "E".
- v. That while working against the post of Associate Professor the appellant was paid the pay and allowances of the said post. On June 1, 2007 the Provincial Government was pleased to sanction the pay package and science teaching allowance to the teaching staff of Gomal Medical College, D. I. Khan, Saidu Medical College Swat and Khyber Girls Medical College Peshawar. The appellant being born on the teaching cadre was also allowed the same package. Copy of the Notification is enclosed as Annexure "F". The cadre of the appellant at the relevant time has also been acknowledged by the Provincial Government in an order dated 16-10-2012. Copy of the order dated 16-10-2012 is enclosed as Annexure "G". This fact confirms that the

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appellant was member of the teaching staff as long as he remained in the college, which made him definitely entitled to the pay and allowances including other incentives.

- vi. That during financial year 2010-2012, record of the Saidu Medical College was Audited by the audit party of the office of the Director General Khyber Pakhtunkhwa Peshawar and illegally and unauthorisedly observed / objected that the appellant was allowed the emoluments / allowances of the teaching cadre for which he was not entitled/admissible to receive, thus the total amount on this account coming to rupees 38,48,200/- is recoverable. An annotated reply of the para was submitted, however the para emerged as advance para No. 90, which was discussed in Departmental Accounts Committee (DAC) meeting.
- vii. That in the Departmental Accounts Committee (DAC) meeting the receipt of the amount in question was not declared as illegal, but was advised to be made regularized by the Finance Department. Accordingly the respondent No. 6 vide letter dated 13-06-2014 requested the respondent No. 4 to approach the respondent No. 2 for regularization. Copy of the letter is enclosed as Annexure "H". That the respondent No. 2 did not properly place the case of the appellant for regularization but unnecessarily sought the advice and comments, copy is enclosed as Annexure "I". In response, on totally wrong assumption, the Finance Department it was



opined the respondent No. 2 that the amount of rupees 3.848 million be recovered from the appellant. ~~\_\_\_\_\_~~

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viii. That the Health Department sent a letter dated 08-09-2015 to the respondent No. 6, who endorsed the same vide letter No. 5270/SMS/Accounts dated 01-10-2015, which was communicated to the appellant on 09-10-2015, copy is enclosed as Annexure "J". The appellant feeling aggrieved by the same preferred departmental appeal against the same, which is still not responded to despite the lapse of mandatory period of time, hence this service appeal on the following grounds. Copy of the appeal is enclosed as Annexure "K".

Grounds:


a. That the appellant is eligible to hold the post of Associate professor/Professor and he has been duly posted at the Saidu Medical College as such by the competent authority in the interest of public. The appellant has the right to receive the pay and allowances for the post against which he was actually working on the strength of the valid orders of the Government, which have never been varied, amended or altered. This is beyond the scope of the law to work as Associate Professor and received the pay against the post of EDO Health, which post was already occupied by another Officer. The recovery process of the amount received by the appellant is against the command of the Constitution.

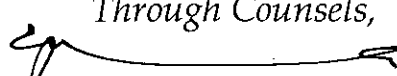
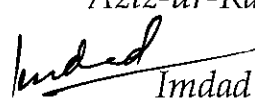
- b. *That this is the management/prerogative of the competent authority to assign any duty commensurating to the status of the employee and the employee is legally bound to comply with the orders of the competent authority, noncompliance would have definitely amounted to misconduct on the part of the appellant, but receiving the pay and the allowances against the post assigned to the appellant is his vested right. The afore mentioned enclosures clearly reflects the designation of the Professor, which is always relating to teaching.*
  
- c. *That in the college there are so many other teaching staff against whom the audit para has been taken up for consideration, but no recovery order has been made against them. Furthermore the Auditor General Office has never adhered to the due course by not taking into consideration the valid and substantiated reply, in annotated form by the College.*
  
- d. *That the appellant is made to suffer for no fault at all on his part on the grounds that the amount he received was on the basis of valid orders and the emoluments corresponding to his teaching in the college.*
  
- e. *That the basic Audit Para and subsequent adverse superstructure against the appellant is detrimental to his established rights and the entire proceedings against him on this account is based on mala fide and travelling beyond their jurisdiction of the concerned authorities. This is a classical example of mala fide and colorful exercise of the powers.*

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It is, therefore, very respectfully prayed that on acceptance of this service appeal the amount as mentioned above i.e. rupees 3.484 million may be declared to have been rightly received by the appellant as part of his salary for the duty he has performed and the respondents may very kindly be directed to consider it as part of the emoluments of the appellant having been rightly received by him.

Any other relief deemed appropriate may also very kindly granted in the circumstances.

 Appellant  
Dr. Khursheed Ahmad

Through Counsels,  
  
Aziz-ur-Rahman  
  
Imdad Ullah  
Advocates Swat

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

9

Service Appeal No. \_\_\_\_\_ of 2016

Dr. Khursheed Ahmad S/o Hazrat Ahmad, Professor BPS-  
20 (Retired), R/o Gumbad Mira, Mingora.

...Appellant

**VERSUS**

The Chief Secretary Government of Khyber Pakhtunkhwa  
and Others.

...Respondents

**AFFIDAVIT**

It is solemnly stated on Oath that all the contents of  
this service appeal are true and correct to the best of my  
knowledge and belief and nothing has either been  
misstated or concealed before this Honourable Tribunal.

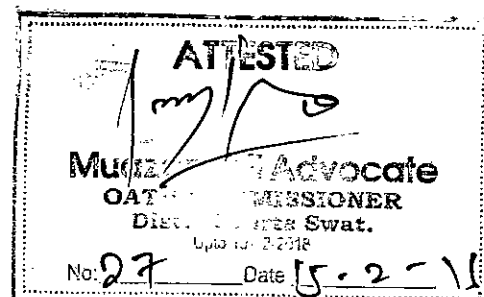
Deponent

Dr. Khursheed Ahmad

Identified By:

Aziz-ur-Rahman

Advocate Swat



(10)

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

Service Appeal No. \_\_\_\_\_ of 2016

Dr. Khursheed Ahmad S/o Hazrat Ahmad, Professor BPS-20 (Retired), R/o Gumbad Mira, Mingora.

... Appellant

**VERSUS**

The Chief Secretary Government of Khyber Pakhtunkhwa and Others.

... Respondents

**ADDRESSES OF THE PARTIES**

Appellant:

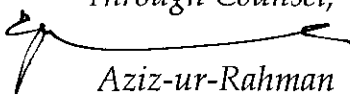
Dr. Khursheed Ahmad S/o Hazrat Ahmad, Professor BPS-20 (Retired), R/o Gumbad Mira, Mingora.

Respondents:

1. The Chief Secretary Government of Khyber Pakhtunkhwa, Peshawar.
2. The Secretary Finance Government of Khyber Pakhtunkhwa, Peshawar.
3. The Secretary Establishment Government of Khyber Pakhtunkhwa, Peshawar.
4. The Secretary to Government of Khyber Pakhtunkhwa, Health Department, Peshawar.
5. The District Accounts Officer at Saidu Sharif, District Swat.
6. The Principal Saidu Medical College, Saidu Sharif, District Swat.
7. The Director General Audit Khyber Pakhtunkhwa, Peshawar.

Appellant

Through Counsel,

  
Aziz-ur-Rahman

Advocate Swat

BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR

(11)

Service Appeal No. \_\_\_\_\_ of 2016

Dr. Khursheed Ahmad S/o Hazrat Ahmad, Professor BPS-  
20 (Retired), R/o Gumbad Mira, Mingora.

...Appellant

**VERSUS**

The Chief Secretary Government of Khyber Pakhtunkhwa  
and Others.

...Respondents

**APPLICATION FOR GRANT OF  
INTERIM RELIEF TILL THE DISPOSAL  
OF THE APPEAL.**

---

Respectfully Sheweth:

- i. That the above titled case is pending before this Honourable Tribunal in which no date of hearing is fixed as yet.
- ii. That the appellant has got a prima facie case in his favour and this Honourable Tribunal has got the jurisdiction to adjudicate upon.
- iii. That the balance of convenience is in the favour of the appellant as.
- iv. That if the interim relief is not granted so the appellant will suffer irreparable loss and also will render the instant appeal as infructuous.

It is, therefore, very respectfully prayed  
that on acceptance of this application the

respondents may very kindly be directed not to  
make the recovery of the alleged amount till the  
final disposal of this appeal.

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Applicant/Appellant

Dr. Khurshheed Ahmad

Through Counsels,

Aziz-ur-Rahman

Imdad Ullah

Advocates Swat

BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR

13

Service Appeal No. \_\_\_\_\_ of 2016

Dr. Khursheed Ahmad S/o Hazrat Ahmad, Professor BPS-  
20 (Retired), R/o Gumbad Mira, Mingora.

...Appellant

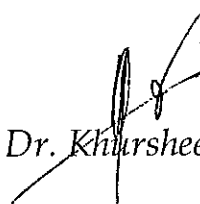
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The Chief Secretary Government of Khyber Pakhtunkhwa  
and Others.

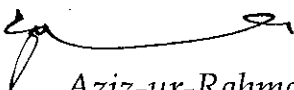
...Respondents

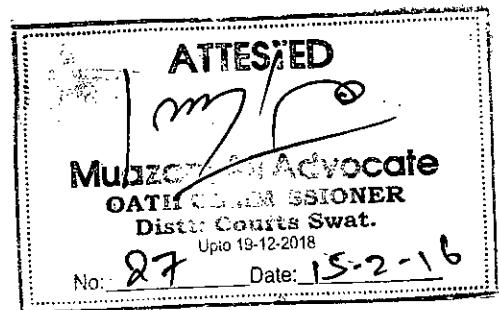
AFFIDAVIT

It is solemnly stated on Oath that all the contents of  
this application are true and correct to the best of my  
knowledge and belief and nothing has either been  
misstated or concealed before this Honourable Tribunal.

Deponent  
  
Dr. Khursheed Ahmad

Identified By:

  
Aziz-ur-Rahman  
Advocate Swat





# PAKISTAN MEDICAL & DENTAL COUNCIL

G-10/4, Mauve Area, Islamabad.  
Website: www.pmdc.org.pk



## CERTIFICATE OF MEDICAL REGISTRATION

Registration Number  
(Please refer to this number in all correspondence)

23-N

Name

KHURSHID AHMAD

Father's Name

HAZRAT AHMAD

Present Address

C/O HAIDER PHARMACY  
MAIN BAZAR MINGORA SWAT

Permanent Address

SAYED ABAD GUMBAD MIRA  
MINGORA SWAT

Registration Date

30/01/1979

Valid upto:

31/12/2013

Qualification & Date

1 M.B., B.S. ----- PESHAWAR UNIVERSITY ----- 1978\*  
(BASIC MEDICAL QUALIFICATION)

2 DIP. IN HEALTH PLAN. & MANAGE ----- PESHAWAR UNIVERSITY ----- 1990\*  
\*\*\*\*\*

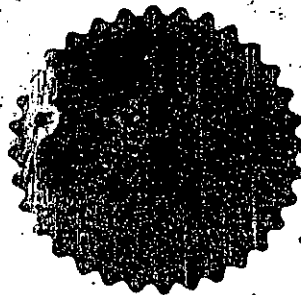
Remarks

Office of the Pakistan Medical & Dental Council, Islamabad. Dated the 05/01/2009\*

**It is hereby certified** that the above is a true copy of the entries in the Register of Medical Practitioners Part-A) in respect of the medical practitioner specified therein. He / She is authorised to practice Basic Medicine, Surgery, Obstetrics & Gynaecology, and will be considered a specialist in the field of which any additional postgraduate qualification is registered herein

### IMPORTANT NOTICE :

1. The Registered Medical Practitioner should apply for revalidation of this certificate/retention of his/her name on the medical register three months before the date of retention expires.
2. Every Registered Medical Practitioner should be careful to send to the Registrar immediate notice within 30 days of any change in his/her address and also to answer enquiries that may be sent to him/her by the Registrar in regard thereto in order that his/her correct address may be duly inserted otherwise such practitioner is liable to have his/her name removed from the Register.
3. PMSDC shall maintain your name in the register of medical practitioners only till the date of retention mentioned on this certificate. Further retention will only be possible on payment of prescribed fee.
4. A copy of this certificate has to be displayed prominently in the place of practice.
5. The Issuing Authority reserves the right to recall, correct or cancel this certificate.



**ATTESTED**

*Mudat*

**ADVOCATE**

SECRETARY/REGISTRAR

Md. F

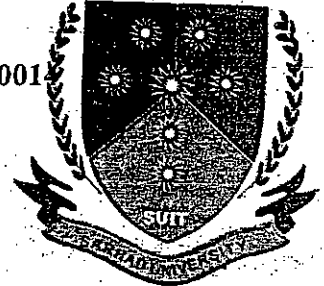
*Elham 8/10/11*



16

Registration No. SUIT-05-02-PGD-EDU-001

Serial No. 000637



# Sarhad University of Science & Information Technology

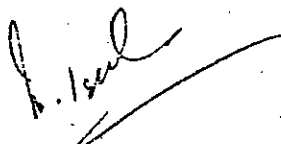
This is to certify that Khurshid Ahmad son/d. ~~XXXXXXXX~~ of Hazrat Ahmad

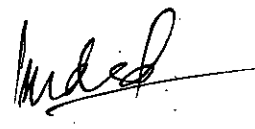
having passed the requisite examination, is hereby awarded the degree of

**Master of Public Health & Hospital Administration**

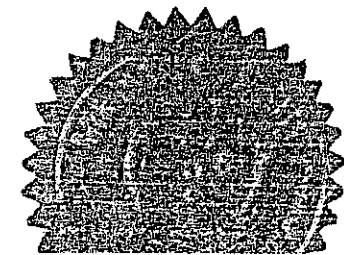
with all the rights and privileges appertaining thereto.


Given at Peshawar (PAKISTAN) on the Second Day of June Two Thousand Six.

  
Registrar

**ATTESTED**  
  
ADVOCATE

  
Vice Chancellor





PRINCIPAL,  
SAIDU MEDICAL COLLEGE,  
SAIDU SHARIF, SWAT.

No. 3153 /SMC/

Dated 26/05/2006

To

The Secretary to Govt. of NWFP,  
Health Department, Peshawar.

**SUBJECT: CONSENT TO JOIN COMMUNITY MEDICINE DEPARTMENT IN SMC**  
Dear Sir,

In continuation of this office proposal No. 2661/SMC/PMDC/PA dated 12-04-2006, on the subject cited above.

It is to inform you that this institution is deficient in faculty in the Basic Science Department. This deficiency has also been pointed out by the PM&DC in their inspection report of 27<sup>th</sup> June 2005. The deficiency is more evident in Basic sciences, for example community medicine Department. At the moment this college has no teacher in the said department. It is totally empty now.

Moreover this institution is running constant risk of loosing the faculty members, if and when, they are offered an attractive offer from private/semi autonomous medical colleges. This office is working hard to keep all the posts filled by qualified teachers to avoid the constant threat of de-recognition by PM&DC. Therefore the following proposal is submitted herewith for consideration till the availability of regular selectee of NWFP Public Service Commission to fulfillment the requirement of PM&DC:

| Sr. No. | Name of Officer                 | Present position                                    | Proposed posting/transfer                                     | Remarks  |
|---------|---------------------------------|---|---|--|
| 1       | Dr. Khurshid Ahmad<br>MBBS, MPH | Executive District Officer Health<br>Swat<br>BPS-19 | Associate Professor<br>Community<br>Medicine<br>SMC<br>BPS-19 | Against the vacant post in his own pay & scale |

Therefore, it is recommended & requested that the above proposal of transfer in respect of the named doctor in his own pay & scale, may kindly be approved, to rectify the observation of PM&DC for the recognition of this college.

PRINCIPAL,  
SAIDU MEDICAL COLLEGE,  
SAIDU SHARIF, SWAT.

**ATTESTED**

*Wadeh*

**ADVOCATE**

PRINCIPAL,  
SAIDU MEDICAL COLLEGE,  
SAIDU SHARIF, SWAT.  
NO. 3153/SMC/  
DATED 26 / 05 / 2006

To

The Secretary to Govt: of NWFP,  
Health Department, Peshawar.

SUBJECT: CONSENT TO JOIN COMMUNITY MEDICINE DEPARTMENT IN SMC

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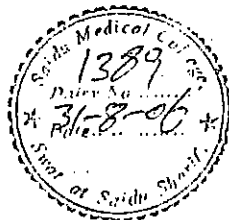
Therefore, it is, recommended & requested that the above proposal of transfer in respect of the named doctor in his own pay & scale, may kindly be approved, to rectify the observation of PM&DC for the recognition of this college.

--sd--

PRINCIPAL,  
SAIDU MEDICAL COLLEGE,  
SAIDU SHARIF, SWAT.

**ATTESTED**

  
**ADVOCATE**



GOVERNMENT OF N.W.F.P.  
ESTABLISHMENT & ADMINISTRATION  
DEPARTMENT

Dated Peshawar the 18<sup>th</sup> August 2006

**NOTIFICATION**

**NO.SO(E-I)E&AD/9-133/2006.** The Competent Authority, in consultation with Provincial Selection Board is pleased to promote the following Senior Medical Officers (BS-19) to Medical Superintendent (BS-20) of Health Department on regular basis, with immediate effect:-

| S. No. | Name of Senior Medical Officers |
|--------|---------------------------------|
| 1.     | Dr. Jamal-ud-Din.               |
| 2.     | Dr. Ameer Sultan.               |
| 3.     | Dr. Faridoon Khan.              |
| 4.     | Dr. Sajid Shaheen.              |
| 5.     | Dr. S. Shah Naam Badshah.       |
| 6.     | Dr. Abdul Qadir.                |
| 7.     | Dr. Muhammad Zakrullah.         |
| 8.     | Dr. Abdul Hameed Afridi.        |
| 9.     | Dr. Adil Marjan.                |
| 10.    | Dr. Khushdil Khan.              |
| 11.    | Dr. Sajjad Hussain.             |

2. The officers on promotion will remain on probation for a period of one year in terms of Section 6(2) of NWFP Civil Servants Act, 1973 read with Rule-15(1) of NWFP Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

3. Consequent upon above, the following posting/transfers are ordered henceforth:-

| S.No | Name of Doctor With BPS          | From /   | To  |
|------|----------------------------------|--|---|
| 1.   | Dr. Jamal-ud-Din (BS-20)         | Senior Medical Officer, Khyber Teaching Hospital, Peshawar.        | Senior Medical Officer, Khyber Teaching Hospital, Peshawar. The officer will draw his salary from Khyber College of Dentistry, Peshawar against the vacant post of BS-20. |
| 2.   | Dr. Ameer Sultan (BS-20)         | Medical Superintendent, Saidu Teaching Hospital, Swat.             | Medical Superintendent, Saidu Teaching Hospital, Swat.  |
| 3.   | Dr. Faridoon Khan (BS-20)        | Senior Medical Officer, Saidu Teaching Hospital, Swat.             | Executive District Officer (Health) Swat.   |
| 4.   | Dr. Sajid Shaheen (BS-20)        | Director, NWFP Health Foundation, Peshawar.                        | Medical Superintendent, Mental Hospital, Peshawar.  |
| 5.   | Dr. S. Shah Naam Badshah (BS-20) | Medical Superintendent, District Headquarters Hospital, Charsadda. | Medical Superintendent, District Headquarters Hospital, Mardan.   |
| 6.   | Dr. Abdul Qadir (BS-20)          | Senior Medical Officer, District Headquarters Hospital, D.I.Khan.  | Senior Medical Officer, District Headquarters Hospital, D.I.Khan. The officer will draw his salary as District Surgeon BS-20 in DHQs D.I.Khan.                            |

ATTESTED

ADVOCATE



GOVERNMENT OF N.-W.F.P.  
ESTABLISHMENT & ADMINISTRATIVE  
DEPARTMENT

(Page-2)

|     |                                      |   |   |
|-----|--------------------------------------|---|---|
| 7.  | Dr. Muhammad Zakirullah<br>(BS-20)   | Medical Superintendent,<br>District Headquarters<br>Hospital, Abbottabad.               | Medical Superintendent,<br>District Headquarters<br>Hospital, Abbottabad.               |
| 8.  | Dr. Abdul Hameed Afridi<br>(BS-20)   | Medical Superintendent,<br>City Hospital, Peshawar.                                     | Medical Superintendent,<br>City Hospital, Peshawar.                                     |
| 9.  | Dr. Adil Marjan<br>(BS-20)           | Deputy Director,<br>Provincial Health Services<br>Academy, Peshawar.                    | Executive District Officer<br>(Health) Kohat.   |
| 10. | Dr. Khushdil Khan<br>(BS-20)         | Medical Superintendent,<br>Sarhad Mental Hospital,<br>Peshawar.                         | Medical Superintendent,<br>Khyber Teaching Hospital,<br>Peshawar.                       |
| 11. | Dr. Sajjad Hussain<br>(BS-20)        | Medical Superintendent,<br>Mental & General<br>Hospital, Daddar,<br>Mansehra.           | Medical Superintendent,<br>Ayub Teaching Hospital,<br>Abbottabad.                       |
| 12. | Dr. Abdul Sabooh<br>Bacha<br>(BS-20) | Medical Superintendent,<br>Hayatabad Medical<br>Complex, Peshawar.                      | Medical Superintendent,<br>Lady Reading Hospital,<br>Peshawar.                          |
| 13. | Dr. Rahim Jan<br>Afridi<br>(BS-19)   | Director (Admn), O/O<br>Directorate General of<br>Health Services, NWFP,<br>Peshawar.   | Medical Superintendent,<br>Hayatabad Medical<br>Complex, Peshawar.                      |
| 14. | Dr. Roohullah<br>(BS-19)             | Senior Medical Officer,<br>Lady Reading Hospital,<br>Peshawar.                          | Director (Admn), O/O<br>Directorate General of<br>Health Services, NWFP,<br>Peshawar.   |
| 15. | Dr. Abdul Waheed<br>Barki<br>(BS-19) | Agency Headquarters<br>Hospital, Batkhaila,<br>Malakand.                                | Medical Superintendent,<br>Distt H/Quarters Hospital,<br>Timergarah, Lower Dir.         |
| 16. | Dr. Hakeem Khan<br>(BS-19)           | Medical Superintendent,<br>District Headquarters<br>Hospital, Timergarah,<br>Lower Dir. | Senior Medical Officer,<br>District Headquarters<br>Hospital, Timergarah,<br>Lower Dir. |
| 17. | Dr. Captain Umar<br>Khan<br>(BS-19)  | Executive District Officer<br>(Health) Kohat.   | Medical Superintendent,<br>District Headquarters<br>Hospital, Charsadda.                |
| 18. | Dr. Khurshid<br>Ahmad<br>(BS-19)     | Executive District Officer<br>(Health) Swat.  | Services placed at the<br>disposal of Principal, Saidu<br>Medial College, Swat.         |
| 19. | Dr. Hamayun<br>Zafar<br>(BS-19)      | Medical Superintendent,<br>Lady Reading Hospital,<br>Peshawar.                          | Director, NWFP Health<br>Foundation, Peshawar.  |
| 20. | Dr. Abdul Hadi<br>(BS-19)            | Medical Superintendent,<br>District Headquarters<br>Hospital, Karak.                    | Senior Medical Officer,<br>District Headquarters<br>Hospital, Karak.                    |
| 21. | Dr. Shera Jan<br>(BS-19)             | Senior Medical Officer,<br>District Headquarters<br>Hospital, Bannu.                    | Medical Superintendent,<br>District Headquarters<br>Hospital, Karak.                    |
| 22. | Dr. Safiullah<br>(BS-19)             | Medical Superintendent,<br>District Headquarters<br>Hospital, Mardan.                   | Medico-legal Officer,<br>District Headquarters<br>Hospital, Mardan.                     |

CHIEF SECRETARY  
GOVERNMENT OF N.-W.F.P.

(Next Page-3)

19



GOVERNMENT OF N.-W.F.P.  
ESTABLISHMENT & ADMINISTRATION  
DEPARTMENT

(Page-3)

Endst. No. & date even

Copy forwarded to the:-

1. Secretary to Governor, NWFP.
2. Secretary to Chief Minister, NWFP.
3. Secretary to Govt. of NWFP Health Department.
4. Director General, Health Services, NWFP.
5. Chief Executive, Hayatabad Medical Complex, Peshawar.
6. Dean, PGMI Hayatabad Medical Complex, Peshawar.
7. Chief Executive, Lady Reedy Hospital, Peshawar.
8. Managing Director, NWFP Health Foundation, Peshawar.
9. Director, Provincial Health Services Academy, Peshawar.
10. EDOs (Health), Peshawar, Swat, Mansehra, Malakand, Charsadda, Mardan, DIKhan, Abbottabad, Dir Lower, Karak & Bannu.
11. Medical Superintendent, Hayatabad Medical Complex, Peshawar.
12. Medical Superintendent, Lady Reading Hospital, Peshawar.
13. Medical Superintendent, Saidu Teaching Hospital, Swat.
14. Medical Superintendent, City Hospital, Peshawar.
15. Medical Superintendent, Mental Hospital, Peshawar.
16. Medical Superintendent, Mental & General Hospital, Daddar, Mansehra.
17. Medical Superintendent, Agency Headquarters Hospital, Batkhaila, Malakand.
18. Medical Superintendents, DHQs Hospitals, Charsadda, Mardan, DIKhan, Abbottabad, Timergarah, Karak & Bannu.
19. Accountant General, NWFP.
20. District Accounts Officers, Swat, Mansehra, Malakand, Charsadda, Mardan, DIKhan, Abbottabad, Dir Lower, Karak & Bannu.
21. PS to Minister for Health, NWFP.
22. PS to Chief Secretary, NWFP.
23. PS to Secretary Establishment, E&A Deptt.
24. Officers concerned.
25. Manager, Govt Printing Press, Peshawar.

ATTESTED

*M. Yusuf Jalil*

ADVOCATE

*M. Yusuf Jalil*

*Abdul Jalil* 18.8.2006

( ABDUL JALIL )  
SECTION OFFICER(E-I)  
PHONE & FAX # 091-9210529

*Endst No. 80(E)H-11/4-1/2006*

*Dated :- 30-8-2006*

*Copy of the above is forwarded to*

*Principal Saidu Medical College Swat*

OFFICE OF THE PRINCIPAL S.M.C SWAT

No. 5148-49 /SMC/PF Dated 01/09/2006.

Copy forwarded to the:-

- 1:- Dr. Khurshid Ahmad Associate Professor Comm:Medicine SMC, Swat.
- 2:- Accounts Officer, SMC, Swat

for information and necessary action.

*Aziz Rehman*  
Principal,  
Saidu Medical College,

Section Officer (E-I)  
Government of NWFP  
Health Department



*[Handwritten signature]*

SAIDU MEDICAL COLLEGE,  
SAIDU SHARIF SWAT.

Dated 01/10/2006

**OFFICE ORDER**

Upon the arrival of Dr. Khurshid Ahmad, Executive District Officer (Health) Swat vide Government of NWFP, Establishment & General Administration Department Peshawar, his services placed at the disposal of Principal Saidu Medical College, Swat vide Government of NWFP, Establishment & Administration Notification No. SO(E-I)E&AD/9-133/2006 dated 18<sup>th</sup> August, 2006, is hereby adjusted against the vacant post of Associate Professor BPS-19 Community Medicine, Saidu Medical College, Swat. He will draw his pay and allowance against the said post.

Principal  
Saidu Medical College,  
Saidu Sharif Swat.

No. 5144-47 /SMC/PF

Copy forwarded to the:-

- 1- Secretary to Government of NWFP, Health Department Peshawar.
- 2- Director General Health Services, NWFP, Peshawar.
- 3- District Accounts Officer, Swat.
- 4- Accounts Officer, SMC, Swat.
- 5- Dr. Khurshid Ahmad Associate Prof:
- 6- Head of Deptt. For information and necessary action.  
Community Medicine SMC, Swat.

*Aziz Rehman*  
Principal  
Saidu Medical College,  
Saidu Sharif Swat.

**ATTESTED**

*[Handwritten signature]*

**ADVOCATE**

No.PF-12-F-2011/227106

Website: www.pmdc.org.pk  
Email: pmcdc@pmdc.org.pk



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

**PAKISTAN  
MEDICAL & DENTAL COUNCIL**

G - 10/4, Mauve Area,  
ISLAMABAD.

Dated 13/1/2012

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

The Principal  
Saidu Medical College  
SWAT

**SUBJECT: EXEMPLARY RESULT OF FINAL YEAR MBBS STUDENTS OF SAIDU MEDICAL COLLEGE, SWAT.**

Dear Sir,

Reference your letter No. 7256-58/SAS/SMC/Final Prof: Result /Ann-2011 dated 13<sup>th</sup> December 2011, and letter No.SAS/SMC-2011,7428 dated 23<sup>rd</sup> December, 2011. I am directed by the Honourable President & Honourable Registrar PM&DC to congratulate you and your team for the exemplary result shown by your students and to enclose the message of Honourable President of PM&DC.

Despite the hard ship faced by the students & faculty in the last three years of war against terrorism, having such exemplary result is admirable and shows the efforts on your part in continuing medical education and health care in such a remote area.

Special compliments should be conveyed to Mian Shah Yousaf who stood first in final year MBBS and all other students.

PMDC will always patronise your institute and will extend all help in future.

Thank you for your cooperation.

Yours sincerely

(Dr. Amir Amanullah)  
Assistant Registrar

- C.c.
- Registrar PM&DC.
  - P.S. to President, PM&DC.
  - D.G Health (NSRD).
  - Secretary Health KPK.
  - Vice Chancellor KMU Peshawar.
  - Mian Shah Yousaf 1<sup>st</sup> position holder SMC Swat.
  - D.G Health Services KPK.

For Academic Council meeting

Disapproved  
Amir

ATTESTED

*[Signature]*

ADVOCATE

Annex-B

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

NO.FD(PRC)5-3/2002

Dated Peshawar the, June 01, 2007.

To

1. The Secretary to Govt. of NWFP,  
Health Department.
2. The Accountant General,  
NWFP

SUBJECT:- SPECIAL PACKAGE FOR GOMAL MEDICAL COLLEGE,  
D.I.KHAN, SAIDU MEDICAL COLLEGE, SWAT, KHYBER  
GIRLS MEDICAL COLLEGE PESHAWAR AND BANNU  
MEDICAL COLLEGE BANNU.

Dear Sir,

I am directed to refer to the subject noted above and to state that the competent authority has been pleased to sanction the following Pay Package and Science Teaching Allowance to the following categories of staff of Gomal Medical College, D.I.Khan, Saidu Medical College, Swat, Khyber Girls Medical College Peshawar and Bannu Medical College, Bannu:-

| S.No. | Designation                | Pay      |
|-------|----------------------------|----------|
| 1.    | Professor (BPS-20)         | 1,50,000 |
| 2.    | Associate Professor (B-19) | 1,00,000 |
| 3.    | Assistant Professor (B-18) | 80,000   |

## Science Teaching Allowance

| S.No. | Designation           | Science Teaching Allowance |
|-------|-----------------------|----------------------------|
| 1.    | Professor             | 50,000/-                   |
| 2.    | Associate Professor   | 40,000/-                   |
| 3.    | Assistant Professor   | 30,000/-                   |
| 4.    | Lecturer/Demonstrator | 10,000/-                   |

Yours faithfully

SECTION OFFICER (SR.I)

Endst.No &amp; Date cvcn

A copy is forwarded to the

1. Secretary to Chief Minister, NWFP
2. District Accounts Officers Swat, Bannu and D.I.Khan

ATTESTED

ADVOCATE

E. K. S. S.



GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT & ADMINISTRATION  
DEPARTMENT

Dated Peshawar, the November 5, 2012

**NOTIFICATION**

NO.SO(E-I)E&AD/9-133/2012. Government of Khyber Pakhtunkhwa is pleased to transfer Dr. Khurshid Ahmed (Member Health Management Cadre BS-20) Professor of Community Medicine at Saidu Medical College, Swat and post him as Medical Superintendent, Saidu Group of Teaching Hospital, Swat, against the vacant post in the public interest, with immediate effect.

**CHIEF SECRETARY  
GOVERNMENT OF KHYBER PAKHTUNKHWA**

Enclst. Number and date even

- Copy forwarded to the:-
1. Secretary to Governor, Khyber Pakhtunkhwa.
  2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
  3. Secretary to Govt. of Khyber Pakhtunkhwa, Health Department.
  4. Accountant General, Khyber Pakhtunkhwa.
  5. Director General Health Services, Khyber Pakhtunkhwa.
  6. Medical Superintendent, Saidu Group of Teaching Hospital, Swat.
  7. District Coordination Officer, Swat.
  8. District Accounts Officer, Swat.
  9. PS to Chief Secretary, Khyber Pakhtunkhwa
  10. P.S. to Secretary Establishment, Khyber Pakhtunkhwa
  11. P.S. to Minister for Health, Khyber Pakhtunkhwa
  12. Officers concerned.
  13. Manager, Govt Printing Press Peshawar.

(MUHAMMAD JAVED SIDDIQI)  
SECTION OFFICER (ESTT. I)  
PH: & FAX: 091-9210529



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT.

No. SOH(E.V) 2-380/07

Dated Peshawar the 16<sup>th</sup> Nov, 2012.

Copy of the Govt of Khyber Pakhtunkhwa Establishment & Administration Department Notification No.SO(E.I)E&AD/9-133/2012 dated 6.11.2012 is forwarded to Chief Executive/Principal, Saidu Medical College, Swat.

(Muhammad Irshad)  
Section Officer-V



**ATTESTED**

*Irshad*

ADVOCATE

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT & ADMINISTRATION  
DEPARTMENT

Dated Peshawar, the November 16, 2012

**NOTIFICATION**

NO.SO(E-I)E&AD/9-133/2012. Government of Khyber Pakhtunkhwa is pleased to transfer Dr. Khurshid Ahmed (Member Health Management Cadre BS-20) Professor of Community Medicine at Saidu Medical College, Swat and post him as Medical Superintendent, Saidu Group of Teaching Hospital, Swat, against the vacant post in the public interest, with immediate effect.

CHIEF SECRETARY  
GOVERNMENT OF KHYBER PAKHTUNKHWA

Endst. Number and date even

Copy forwarded to the :-

1. Secretary to Governor, Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Secretary to Govt. of Khyber Pakhtunkhwa, Health Department.
4. Accountant General, Khyber Pakhtunkhwa.
5. Director General Health Services, Khyber Pakhtunkhwa.
6. Medical Superintendent, Saidu Group of Teaching Hospital, Swat.
7. District Coordination Officer, Swat.
8. District Accounts Officer, Swat.
9. P.S. to Chief Secretary, Khyber Pakhtunkhwa.
10. P.S. to Secretary Establishment, Khyber Pakhtunkhwa.
11. P.S. to Minister for Health, Khyber Pakhtunkhwa.
12. Officer concerned.
13. Manager, Govt. Printing Press Peshawar.

--sd--

(Muhammad javed Siddiqi)  
Section officer (estt.I)  
Ph: & fax# 091-9210529

GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT.

No. SOH(E.V) 2-380 / 07

Dated Peshawar the 16<sup>th</sup> Nov, 2012.

Copy of the Govt. of Khyber Pakhtunkhwa Establishment & Administration Department Notification No. NO.SO(E-I)E&AD/9-133/2012 dated 6.11.2012 is forwarded to Chief Executive/Principal, Saidu Medical College, Swat.

--sd--

(Muhammad Irshad)  
Section Officer-V

**ATTESTED**

*Muhammad Irshad*  
ADVOCATE

Annexure "H"

24



**SAIDU MEDICAL COLLEGE**  
**Saidu Sharif, Swat.**

Phone: 0946-9240134

Fax: 0946-9240135

No. 113 /SMC/Accounts

Dated: 13/06 /2014

To

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

SUBJECT:

MINUTES OF THE DAC MEETING HELD ON 8-11-2013 & 28-8-2014 ON THE  
ACCOUNTS OF PRINCIPAL, SAIDU MEDICAL COLLEGE SWAT FOR THE FINANCIAL  
YEAR 2010-12.

Memo:

Please refer to letter No. SOL-1/HD/4-23/DAC/20111-12 dated 10-12-2014 and  
received in this office on 29-12-2014 on the subject noted above, wherein in the DAC has decided for  
regularization of Para No. 84,90,92,94,100,118, by the Finance Department within 30 days.

It is therefore requested that all these paras along with their proper replies and  
necessary documents are enclosed herewith for forwarding to Finance Department for regularization  
at the earliest.

Prof. Dr. Taj Muhammad Khan  
Chief Executive / Principal (تمنہ شجاعت)  
Saidu Group of Teaching Hospitals &  
Saidu Medical College Swat.

**ATTESTED**

*Mudid*

**ADVOCATE**

V ADVOCATE



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT PESHAWAR

No.SOB-1/HD/4-23/ 2011-12 /DAC/Vol-II

Dated 28.05.2014

To

The Secretary to Government of Khyber Pakhtunkhwa,  
Finance Department, Peshawar

Subject: - **Audit Para No.90 Titled "Unauthorized drawl of Teaching Cadre Allowance worth – Rs .3848200/- "**

I am directed to refer to the subject noted above and to state that the subject Advance Para No.90 titled "Unauthorized drawl of teaching cadre allowance worth – Rs. 3848200/-" was discussed in the DAC meetings held on 08.11.2013 and 28.08.2014 and was decided that the Para may be clarified from Finance Department. In this connection it is submitted that due to non availability of the Professorial / teaching staff in the subject of community medicine in the Basic Sciences Department, the services of Dr.Khurshid Ahmad BPS -19, EDO health swat were requisitioned to the Government by the Principal Saidu Medical College Swat vide letter No.3154/SMC dated 24/5/2006 (Annexure-A).

The officer was transferred by the competent authority vide Government of N.W.F.P Establishment & Administration Department notification No.SO (E-1)E&AD 9-133/2006 dated 18/2/2006 (Annexure-B). Section 17 and section 2E of the civil servant act allow the officer to draw the pay and allowances and the District Accounts Officer Swat has also issued revised salary pay slip (Annexure – C & D). The post were advertised by the Public Service Commission in news papers vide advertisement No.04/2006 dated 11/7/2006 and till date no regular Associate Professor and Professor has been appointed in the college in the same subject (Annexure-E). Moreover, more than 300 students have obtained MBBS degrees and are serving and some are doing their Postgraduate Studies. The Officer remained their teacher, paper setter, internal examiner, external examiner under the auspices of university of Malakand, university of Peshawar, Khyber Medical University (Annexure - F, G, H). The PMDC Team visited SMC Swat on dated 11 & 12 December 2006, in their report the services of officer concerned as internal examiner were satisfactory (Annexure-I). The college has been visited twice by the PMDC for 50 &100 students recognition while the officer was serving in the college. The president PMDC in the report dated 22/12/2011 has held that appointments already made shall not be disturbed and titles already accrued shall hold (Annexure-J). Even on deputation outside the cadre an incumbent is entitled to the perks and privileges of that post vide Finance Department Order NO.FD (SOSR.II)8-7/2002/Vol-IV dated 3/3/2008 (Annexure-K). Similar is the case of MOs, SMOs and District Specialists received and are receiving demonstrator/ AP allowance of basic sciences on transfer to medical college. In NWFP/ KPK allowances and special pay rule 13 doctors who teach basic science in medical college are allowed teaching allowance.

ATTESTED

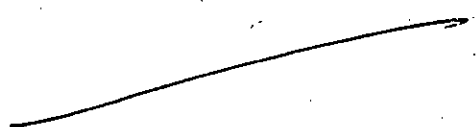
ADVOCATE




The officer was not on management cadre post and has worked as Associate Professor and Professor Community Medicine for more than 6 years and the allowances were in serving in the Basic Sciences departments. In these 6 long years District Accounts officers of District Swat, Accounts Officers Medical college and Principals as DDOs have allowed the allowances, neither of the audit parties in the same time have objected to the drawl of pay and allowances (Annexure-L)

On promotion of the officer to BPS - 20 in the management cadre in the 1<sup>st</sup> batch and by implementing the management cadre by the government the officer was transferred as medical superintendent saidu teaching hospital by the competent authority vide notification number SO (E-1) E&AD /9-133/2012 dated Peshawar November 6 /2012.in the transfer order the designation of the officer has been shown as professor of community medicine saidu medical college (Annexure-M).

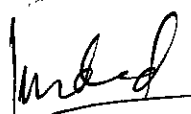
In light of above the Audit Para No. 90 is forwarded herewith for advice/clarification, please.

  
SECTION OFFICER (BUDGET-D)

- Copy forwarded for information to:-
1. The Principal Said Medical College, Swat.
  2. PS to Secretary Health, Khyber Pakhtunkhwa, Peshawar.

  
SECTION OFFICER (BUDGET-D)

v

**ATTESTED**  
  
ADVOCATE



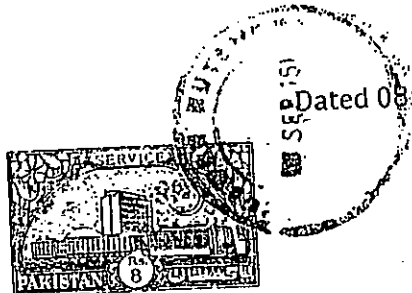


GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT PESHAWAR

No. SOB-1/HD/4-23/ 2011-12 /DAC/Vol-II

To

✓ The Principal,  
Saidu Medical College,  
Swat.



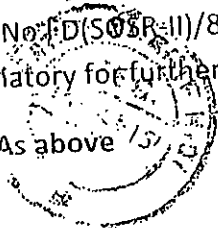
Dated 08.09.2015

Dispatcher

Subject: - Audit Para No.90 Titled "Unauthorized drawl of Teaching Cadre Allowance worth - Rs .3848200/- "

I am directed to refer to your letter No.113/SMC/Acctt: dated 05.01.2015 on the subject noted above and to forward herewith a copy of Finance Department letter No. FD(SO&R-II)/8-18/2009 dated 02.09.2015 alongwith its enclosures which is self explanatory for further necessary action.

Encl: As above



Section Officer (Budget - I)

OFFICE OF THE PRINCIPAL SAIDU MEDICAL COLLEGE, SWAT.  
NO. 5270 /SMC/Accounts Dated 01 /10/2015.

Copy alongwith its enclosures is forwarded to Dr. Khurshid Ahmad S/O Hazrat Ahmad BPS-20 (Retired) for information & further necessary action.

PRINCIPAL  
SAIDU MEDICAL COLLEGE  
SAIDU SHARIF, SWAT

ATTESTED

*Inded*

ADVOCATE

...necessary for the recognition of the college.  
That the principal Saidu Medical College through a request letter to the provincial government and the Health Department named the appellant for the said faculty.

*Inded*  
ADVOCATE

That the provincial government honored the request of the principal and transferred the appellant to the college as Associate Professor of Community Medicine.

That the appellant performed his duties as such till his retirement to the satisfaction of the authorities, without any objections.

That after the retirement of the appellant an audit para was raised regarding the drawl of the salary and other allowances as Associate Professor by the appellant and the same drawl was stated to be illegal.

That the issue has not been considered in the light of the available record and the appellant is burdened with the liability of returning the same for the reason of misapplication of the law.

That the appellant has drawn the salary and the allowances as Associate Professor in accordance with the law and as per the approval of the provincial government as well as the health department for the job the appellant actually performed.

That appellant is made to suffer in utter violation of the golden principal of natural justice and Shariah.

It is, therefore, very humbly requested that on acceptance of this appeal the para may very kindly be dropped and the orders for the recovery of the salary and allowances drawn as Associate Professor may also kindly be set aside.

  
Appellant  
Dr. Khurshid Ahmad

03-11-2015

**ATTESTED**

  
ADVOCATE

No. 1133

For Insurance Notices see reverse.  
Stamps affixed except in case of  
uninsured letters of not more than  
the initial weight prescribed in the  
Post Office Guide or on which no  
acknowledgment is due.

Rs. Ps.

Received a registered  
addressed to

*Kate Nalwa*

Write here "letter", "postcard", "packet" or "parcel"  
with the word "insured" before if when necessary.  
(Insured for Rs. (in figures) / (in words))

Weight  
Insurance fee Rs. Ps. (in words)

Kilo  
Grams

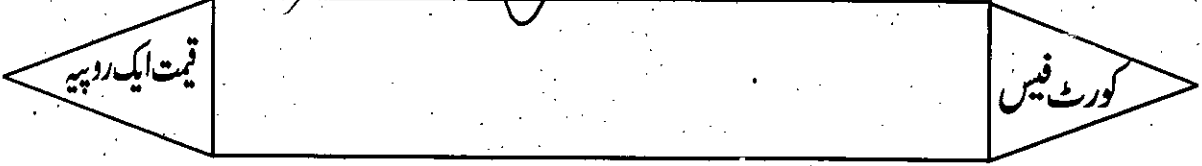
Name and  
address

**ATTESTED**

*Mided*

**ADVOCATE**

بعدالت ضابطہ سروس کنٹریول لیسٹ اور ایکس کوآرڈیناٹ



مورخہ 8 فروری 1961ء منجانب ایس/انڈ  
 مقدمہ ڈاکٹر خورشید احمد نام حکومت دہلی

دعویٰ سروس کنٹریول

### باعث تحریر آنکہ

جرم

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ آن مقام کیس کے سروس کنٹریول / عزیز الرحمن صاحب کو آرڈر ایس ڈی وکس مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے جواب دی اور اقبال دعویٰ اور درخواست ہر قسم کی تصدیق زرا اور اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری ایک طرف یا اپیل کی برآمد ہوگی اور منسوخ مذکور کے نسل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقررہ شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اس کا ساختہ برواختہ منظور و قبول ہوگا۔ اور دوران مقدمہ میں جو خرچہ و ہرجانہ التوا ایس مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرپتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ ہر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا کہ سند رہے

المرقوم 08 ماہ فروری 1961ء

العبد گواہ شدہ العبد

بکریٹریول لیسٹ اور ایکس کوآرڈیناٹ

کے لئے منظور ہے

Attested and Accepted by

Handwritten signature

Handwritten signature

Handwritten text on the right margin: ڈاکٹر خورشید احمد

BEFORE HONOURABLE SERVICE TRIBUNAL AT CAMP COURT SWAT

Appeal No..146 of 2016

Dr. Khursheed Ahmad & Others

Petitioner

Versus

Director General Audit & Others

Respondent 07

Para wise comments of the appeal.

Respectfully Sheweth,

**Preliminary objection**

1. That the appellants have got no cause of action.
2. That the instant appeal is barred by law.
3. That the instant appeal is not maintainable.
4. That the appellants have got no locus standi.

**Reply on facts**

- I. Not related to replying respondent
- II. Not related to replying respondent
- III. The Petitioner was transferred from the post of EDO B-19 on need basis against a vacant post in Saidu medical College in his own Pay & Scale as mentioned in letter No. 3153/SMC/dated 26.05.2005 (*Annexure-A*)
- IV. Not related to replying respondent
- V. **Incorrect:** The services of the concerned Doctor (being Management Cadre) was requisitioned due to non availability of the Professional Teaching Staff on the basis of own pay scale. So he was required to draw the pay & allowances of his original post/cadre. Moreover, the appellant has neither qualified the FCPS in the relevant field nor has the minimum qualification which is a basic requirement for the post of an Associate Professor and for the recognition of a teacher as per CPSP (College of Physician & Surgeon of Pakistan) policy, so the drawl of emolument/allowances of the teaching post by a non teaching doctor is not only unauthorized but also illegal.

As for as change of cadre is concerned, it is stated that non teaching is automatically changed into teaching cadre by qualifying FCPS in the relevant field or MD/M.Phil/Ph.D in the relevant field.

VI. **Incorrect.** The Auditor General Conducts audit subject to Article 169 and 170 of the Constitution of the Islamic Republic of Pakistan 1973, read with section 8 of the article of the Auditor General's (Functions, Powers, Terms and Conditions of Service) Ordinance 2001. Audit team of the Director General Audit of Khyber Pakhtunkhwa conducted audit during 2010-12, legally and fulfilled its statutory duty by pointing out irregularity of overpayment of Rs.3,848,200/- to the appellant on account of teaching allowance which was not admissible as per rules. The pointation of recovery is based on facts without any personal liking or partiality. Audit office has fulfilled its statutory responsibility in fair, and impartial manner.

VII. **Incorrect:** The para was not declared illegal in Departmental Accounts Committee (DAC). The audit plea was also confirmed by the Finance Department (Respondent No 2) declaring the paid teaching allowance illegal with the directions to refund the said amount of Rs. 3.848 (Million).

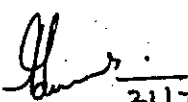
VIII. Not related to replying respondent.

**Ground**

- a. **Incorrect:** The appellant is not entitled for the teaching allowance as he has not qualified required FCPS or MD/M.Phil/Ph.D Degrees in the relevant field. This allowance is admissible to those who fulfill certain basic requirements produced in para V. Hence the recovery pointed out is legal and falls within the sphere of constitution.
- b. The appellant was transferred on his own pay & scale and terms and conditions do not provide any room for such allowance. (*Annexure - B*)
- c. **Incorrect:** The annotated reply submitted by the department was considered in the presence of Secretary Health & member of the Finance Department as well as Principal of Saidu Medical College and with the unanimous consent of all the members, recovery was termed as justified & sent the matter to the Finance Department for final verdict who agreed with the point of view of audit and directed the health authorities for recovery from the appellant.
- d. **Incorrect:** The teaching allowance was paid against rules.
- e. **Incorrect:** The observation raised against the appellant is based on fact & figures & audit has fulfilled its statutory function of conducting & pointing irregularities in free, fair and impartial manner.

**Prayer**

It is, therefore, submitted with profound respect that this honourable Tribunal may very graciously be pleased to dismiss the instant appeal with cost:

  
21/7/16  
DIRECTOR GENERAL AUDIT  
KHYBER PAKHTUNKHWA  
PESHAWAR

**BEFORE HONORABLE SERVICE TRIBUNAL AT CAMP COURT SWAT**

Appeal No.146 of 2016

Dr. Khursheed Ahmad & Others

Petitioner

**Versus**

Director General Audit & Others

Respondent. 07

**AFFIDAVIT**

Muhammad Amjad Senior Auditor, office of the Director General Audit Khyber Pakhtunkhwa, Peshawar, do hereby solemnly affirm and declare that the contents of the accompanying **Parawise comments** on behalf of added respondents Director General Audit Khyber Pakhtunkhwa are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable Service Tribunal.



**DEPONENT**

C.N.I.C No. 17301-9774664-

Identified by

Advocate General  
khyber Pakhtunkhwa  
Peshawar



Annex  
C A D  
352  
29/2

NWFP PUBLIC SERVICE COMMISSION

Scouts Building, Sector P-I, Phase-IV,

Hayatabad, Peshawar.

Website: www.nwfpnsc.gov.pk

Dated: 11.07.2006

**ADVERTISEMENT No. 04/2006**

Applications are invited for the following post(s) from Pakistani citizens of N.W.F.P. / F.A.T.A. Domicile by 10.08.2006 (25.08.2006) for candidates from Abroad). These posts are on Regular/Contract basis for Non-Government Servants. In the case of regular government servants, their appointment on selection shall be on regular basis on the terms and conditions already available to them and shall not be affected by the Contract Policy of the Government.

**HEALTH DEPARTMENT**

**Twelve Professors (Three in Pathology, Two each in Anatomy, Biochemistry, Forensic Medicine and Community Medicine and one in Physiology for Saidu Medical College & Gomal Medical College).**

**QUALIFICATION:** (a) MBBS or equivalent Medical qualifications recognized by the Pakistan Medical and Dental Council (PMDC) (hereinafter referred to as the Council) and (b) D.sc/Ph.D. in the respective basic subject of FCPS/MD/MS in the related clinical subject OR equivalent qualification recognized / registered by the Council with at least two papers on research work of original nature published in a standard medical journal within the last three years.  
**EXPERIENCE:-** (a) Three years Teaching experience as an Associate Professor in the respective subject and total teaching experience of eight years as an Assistant Professor and Associate Professor OR (ii) Nine years teaching experience as an Assistant Professor in the respective subject.  
**AGE LIMIT:** 40 to 50 years. **PAY SCALE:** BPS-20. **ELIGIBILITY:** Both Sexes. **ALLOCATION:** Merit.

**Twelve Professors (Three in Orthopedics, Two each in Surgery, Gynecology and Pediatrics and One each in ENT, Ophthalmology and Medicine for Saidu Medical College & Gomal Medical College).**

**QUALIFICATION:** (a) MBBS or equivalent Medical qualifications recognized by the Council and (b) FCPS/MS/MD in the respective subject OR equivalent qualification in the specialty recognized by the Council. **EXPERIENCE:-** (i) Three years Teaching experience as an Associate Professor in the respective subject and total teaching experience of eight years as an Assistant Professor and Associate Professor OR (ii) Nine years teaching experience as an Assistant Professor in the respective subject.  
**RESEARCH WORK:-** At least two papers of research work of original nature in the relevant specialty published in a standard medical journal as a principal author in the capacity of Associate Professor.  
**AGE LIMIT:** 40 to 50 years. **PAY SCALE:** BPS-20. **ELIGIBILITY:** Both Sexes. **ALLOCATION:** Merit.

**Sixteen Associate Professors (Three each in Surgery and Medicine, Two Each in Ophthalmology, ENT, Gynecology, Orthopedics and Pediatrics for Saidu Medical College & Gomal Medical College).**

**QUALIFICATION:** (a) MBBS or equivalent Medical qualifications recognized by the Council and (b) FCPS/MS/MD in the respective subject OR equivalent qualification in the specialty recognized by the Council. **EXPERIENCE:-** (i) Five years Teaching experience as an Associate Professor in the respective subject. **RESEARCH WORK:-** At least three papers of research work of original nature as a principal author in the capacity of Assistant Professor in the relevant specialty published in a standard medical journal. **AGE LIMIT:** 35 to 45 years. **PAY SCALE:** BPS-19. **ELIGIBILITY:** Both Sexes. **ALLOCATION:** Merit.

For the purpose of counting experience prescribed above, experience gained as Senior Registrar or person with the requisite postgraduate qualifications such as FCPS, etc. In the respective specialty shall be added in the ratio of 2:1 to the experience as Assistant Professor i.e. Two years experience as Registrar with the requisite Postgraduate qualifications shall be equivalent to one year experience as Associate Professor.

P.T.O

Doctors who teach basic science in medical college are allowed teaching allowance.

PRINCIPAL,  
SAIDU MEDICAL COLLEGE,  
SAIDU SHARIF, SWAT.

Nc: 3153 /SMC/

Dated 26/05/2006

To  
The Secretary to Govt: of NWFP,  
Health Department, Peshawar.

**SUBJECT: CONSENT TO JOIN COMMUNITY MEDICINE DEPARTMENT IN SMC**

Dear Sir,

In continuation of this office proposal No. 2661/SMC/PMDC/PA dated 12-04-2006, on the subject cited above.

It is to inform you that this institution is deficient in faculty in the Basic Science Department. The deficiency has also been pointed out by the PM&DC in their inspection report of 27<sup>th</sup> June 2005. The deficiency is more evident in Basic sciences, for example community medicine Department. At the moment this college has no teacher in the said department. It is totally empty now.

Moreover this institution is running constant risk of loosing the faculty members, if and when, they are offered an attractive offer from private or other medical colleges. This office is working hard to keep all the posts filled by qualified teachers to avoid the constant threat of de-recognition by PM&DC. Thus the following proposal is submitted herewith for consideration till the availability of regular selectee of NWFP Public Service Commission to fulfillment the requirement of PM&DC:

| Sr. No. | Name of Officer                 | Present position                   | Proposed posting/transfer   | Remarks  |
|---------|---------------------------------|------------------------------------|---|--|
| 1       | Dr. Khurshid Ahmad<br>MBBS, MPH | Executive Officer Health<br>BPS-19 | District Swat<br>Associate Professor<br>Community<br>Medicine SMC<br>BPS-19 | Against the vacant post in his own pay & scale |

Therefore, it is recommended & requested that the above proposal of transfer in respect of the named doctor in his own pay & scale, may kindly be approved, to rectify the observation of PM&DC for the recognition of this college.

PRINCIPAL  
SAIDU MEDICAL COLLEGE,  
SAIDU SHARIF, SWAT.

ATTESTED

*Wadeel*

ADVOCATE

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PRINCIPAL  
SAIDU MEDICAL COLLEGE,  
SAIDU SHARIF, SWAT.  
NO. 3153/SMC/  
DATED 26 / 05 / 2006

To

The Secretary to Govt: of NWFP,  
Health Department, Peshawar.

SUBJECT: CONSENT TO JOIN COMMUNITY MEDICINE DEPARTMENT IN SMC

Dear Sir,

In continuation of this office proposal No. 2661/SMC/PMDC/PA dated 12-04-2006 on the subject cited above.

It is to inform you that this institution is deficient in faculty in the Basic Science Department. The deficiency has also been pointed out by the PM&DC in their inspection report of 27<sup>th</sup> June 2005. The deficiency is more evident in Basic Sciences, for example community medicine Department. At the moment this college has no teacher in the said department. It is totally empty now.

Moreover this institution is running constant risk of losing the faculty members, and when, they are offered an attractive offer from private, semi autonomous medical colleges. This office is working hard to keep all the posts filled by qualified teachers to avoid the constant threat of de-recognition by PM&DC. Therefore the following proposal is submitted herewith for consideration till the availability of regular selectee of NWFP Public Service Commission to fulfilment the requirement of PM&DC.

| Sr. No. | Name of Officer                 | Present position                                    | Proposed posting/ Transfer                                 | Remarks  |
|---------|---------------------------------|---|--|--|
| 1       | Dr. Kuhrshid Ahmad<br>MBBS, MPH | Executive District<br>Officer Health Swat<br>BPS-19 | Associate Professor<br>Community<br>Medicine SMC<br>BPS-19 | Against the vacant<br>post in his own pay<br>& scale |

Therefore, it is, recommended & requested that the above proposal of transfer in respect of the named doctor in his own pay & scale, may kindly be approved, to rectify the observation of PM&DC for the recognition of this college.

--sd--

PRINCIPAL,  
SAIDU MEDICAL COLLEGE,  
SAIDU SHARIF, SWAT.

ATTESTED

*Inded*  
ADVOCATE

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 146/2016

Dr. Khurshid Ahmad

Appellant

VS

The Chief Secretary Govt: of Khyber Pakhtunkhwa and others. Respondents

**Written reply on behalf of Respondent No.4 (Secretary to Govt: of Khyber Pakhtunkhwa Health Department Peshawar) and Respondent No.6 (Principal Saidu Medical College Swat)**

Respectfully Sheweth:

**FACTS**

Para (1): Needs no comments as it pertains to the record.

Para(2): Correct

Para(3): Correct /Not disputed

Para(4): The PM&DC letter dated 10-01-2012 (Annex-A) which is self-explanatory is recognition of the services of the teaching staff of the college and hard work and talent of the students for showing exemplary result in Final Year MBBS examination at a difficult time in the history of swat.

Para(5): Correct as per record. No comments needed

Para(6): Admitted as per record to the extent that during Financial year 2010-2012, record of Saidu Medical College Swat was audited by the audit party of the office of DG Khyber Pakhtunkhwa and observed that the emoluments/allowances of the teaching cadre received by the appellant doctor were not admissible to him and that the amount Rs.3848200/- be recovered from him. Furthermore it is not disputed as per record that observations of the audit party/Para emerged as Advanced Para No. 90 and was discussed in the Departmental Accounts Committee (DAC) meeting.

Para(7): In reply to this para, it is stated that as the DAC decided that the para stands for clarification by the Finance Department, therefore, Respondent No.4 was requested by the Respondent No. 6 for the purpose (Annex-B). The rest of the para does not need comments of the answering respondents.

Para(8): Pertains to the record, therefore needs no comments.

**Cont: page(2)**

**GROUNDS:-**

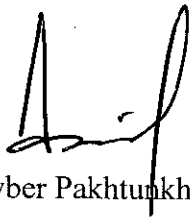
Para(a): Detailed reply stands reflected in the preceding paras.

Para(b): As in para "a" above.

Para(c): In reply to the 1st portion of the para, it is stated that other cases are of different nature and DAC has referred those to PAC.

Para(d): Detailed facts have been stated in the above paras, no further comments are needed.


Para(e): Not agreed



1- Secretary to Govt: of Khyber Pakhtunkhwa Health  
Department Peshawar

\* (Respondent No.4)

2- Principal Saidu Medical College Saidu Sharif Swat



(Respondent No.6)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 146/2016

Dr. Khurshid Ahmad

Appellant

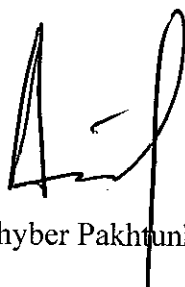
VS

The Chief Secretary Govt: of Khyber Pakhtunkhwa and others.

Respondents

**AFFIDAVIT**

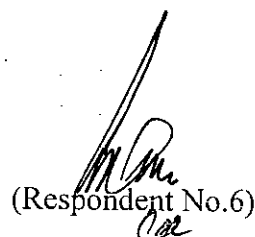
We the Respondents noted below do hereby solemnly affirm and declare that the contents of the accompanying para wise comments/reply are true and correct to the best of our knowledge and belief and nothing has been concealed or kept secret from this Honourable Court.



1- Secretary to Govt: of Khyber Pakhtunkhwa Health  
Department Peshawar

\* (Respondent No.4)

2- Principal Saidu Medical College Saidu Sharif Swat



(Respondent No.6)

ANNEX - "A"

No.PF-12-F-2011/227106

Site: www.pmdc.org.pk  
mail: pmdc@pmdc.org.pk



UAN: 111-321-786  
Tel: (92 61) 9106151-54  
Fax: (92 61) 9106159

The Principal  
Saidu Medical College  
SWAT

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

PAKISTAN  
MEDICAL & DENTAL COUNCIL

G - 10/4, Mauve Area,  
ISLAMABAD.

Dated 13/1/2012

SUBJECT: EXEMPLARY RESULT OF FINAL YEAR MBBS STUDENTS OF SAIDU MEDICAL COLLEGE, SWAT.

Dear Sir,

Reference your letter No. 7256-58/SAS/SMC/Final Prof: Result /Ann-2011 dated 13<sup>th</sup> December 2011, and letter No.SAS/SMC-2011,7428 dated 23<sup>rd</sup> December, 2011. I am directed by the Honourable President & Honourable Registrar PM&DC to congratulate you and your team for the exemplary result shown by your students and to enclose the message of Honourable President of PM&DC.

Despite the hard ship faced by the students & faculty in the last three years of war against terrorism, having such exemplary result is admirable and shows the efforts on your part in continuing medical education and health care in such a remote area.

Special compliments should be conveyed to Mian Shah Yousaf who stood first in final year MBBS and all other students.

PMDC will always patronise your institute and will extend all help in future.

Thank you for your cooperation.

Yours sincerely

(Dr. Amir Amanullah)  
Assistant Registrar

- C.c.
- Registrar PM&DC.
  - P.S. to President, PM&DC.
  - D.G Health (NSRD).
  - Secretary Health KPK.
  - Vice Chancellor KMC Peshawar.
  - Mian Shah Yousaf, position holder SMC Swat.
  - D.G Health Services KPK.



ANNEX-"B"  
SAIDU MEDICAL COLLEGE

Saidu Sharif, Swat.

Phone: 0946-9240134

Fax: 0946-9240135

No. 113 /SMC/Accounts

Dated: 13/06 /2014

To

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

SUBJECT:

MINUTES OF THE DAC MEETING HELD ON 8-11-2013 & 28-8-2014 ON THE  
ACCOUNTS OF PRINCIPAL, SAIDU MEDICAL COLLEGE SWAT FOR THE FINANCIAL  
YEAR 2010-12.

Memo:

Please refer to letter No. SOU-1/HD/4-23/DAC/20111-12 dated 10-12-2014 and  
received in this office on 29-12-2014 on the subject noted above, wherein in the DAC has decided for  
regularization of Para No. 84,90,92,94,100,118, by the Finance Department within 30 days.

It is therefore requested that all these paras along with their proper replies and  
necessary documents are enclosed herewith for forwarding to Finance Department for regularization  
at the earliest.

Prof. Dr. Taj Muhammad Khan  
Chief Executive / Principal (تمنہ شجاعت)  
Saidu Group of Teaching Hospitals &  
Saidu Medical College Swat.



07.07.17  
M. H. H.

5/1/2017  
M. H. H.

07.07.17

07.07.17

07.07.17

07.07.17

07.07.17

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

Service Appeal No. 146/2016  
Dr. Khurshid Ahmed(Professor Rtd.),  
R/O. Gumbad Mira, Mingora.

...

**Appellant**

**VERSUS**

1. The Chief Secretary, Govt: of Khyber Pakhtunkhwa.
2. The Secretary to Govt: of Khyber Pakhtunkhwa, Finance Department.
3. The Secretary to Govt: of Khyber Pakhtunkhwa, Establishment Department.
4. The Secretary to Govt: of Khyber Pakhtunkhwa, Health Department.
5. The District Accounts Officer, District Swat.
6. The Principal, Saidu Medical College, Saidu Sharif, District Swat.
7. The Director General Audit, Khyber Pakhtunkhwa, Peshawar.


...

**Respondents**

**REPLY ON BEHALF OF SECRETARY TO GOVERNMENT OF**  
**KHYBER PAKHTUNKHWA, FINANCE DEPARTMENT**  
**(RESPONDENT No.02.)**

**Respectfully Sheweth.**

Secretary to Government of Khyber Pakhtunkhwa, Finance Department (Respondent No.02) do hereby endorse/relies on the Parawise Comments already filed in the Honourable Service Tribunal by Respondent No.07 (i.e. Director General Audit, Khyber Pakhtunkhwa, Peshawar). The Parawise Comments of Respondents No. 07 may be treated as reply of Respondent No.02 (Secretary Finance) also.

 3/1/17

**SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA,**  
**FINANCE DEPARTMENT**  
**(RESPONDENT NO.02)**

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

Service Appeal No. 146/2016  
Dr. Khurshid Ahmed(Professor Rtd.),  
R/O. Gumbad Mira, Mingora.

...

**Appellant**

**VERSUS**

1. The Chief Secretary, Govt: of Khyber Pakhtunkhwa.
2. The Secretary to Govt: of Khyber Pakhtunkhwa, Finance Department.
3. The Secretary to Govt: of Khyber Pakhtunkhwa, Establishment Department.
4. The Secretary to Govt: of Khyber Pakhtunkhwa, Health Department.
5. The District Accounts Officer, District Swat.
6. The Principal, Saidu Medical College, Saidu Sharif, District Swat.
7. The Director General Audit, Khyber Pakhtunkhwa, Peshawar.


...

**Respondents**

**REPLY ON BEHALF OF SECRETARY TO GOVERNMENT OF  
KHYBER PAKHTUNKHWA, FINANCE DEPARTMENT  
(RESPONDENT No.02.)**

**Respectfully Sheweth.**

Secretary to Government of Khyber Pakhtunkhwa, Finance Department (Respondent No.02) do hereby endorse/relies on the Parawise Comments already filed in the Honourable Service Tribunal by Respondent No.07 (i.e. Director General Audit, Khyber Pakhtunkhwa, Peshawar). The Parawise Comments of Respondents No. 07 may be treated as reply of Respondent No.02 (Secretary Finance) also.

 3/1/17

**SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA,  
FINANCE DEPARTMENT  
(RESPONDENT NO.02)**

(1)

BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 146/2016

Dr. Khurshid Ahmad.

...Appellant

**VERSUS**

The Government of Khyber Pakhtunkhwa through Chief  
Secretary and Others.

...Respondents

REJOINDER ON BEHALF OF THE APPELLANT

Respectfully Sheweth:

Preliminary Objections:

That all the preliminary objections are incorrect, baseless, against the law, rules and facts and are denied specifically. Moreover the appellant has got a prima facie case in his favour and has approached this Honourable Tribunal well within time and this Honourable Tribunal has got the jurisdiction to adjudicate upon the same.

On Facts:

1. Para 1 of the comments being admission, hence needs no comments.
2. Para 2 of the comments also being admission, hence no comments.
3. Para 3 of the comments as drafted is misconstrued and against the facts available on record. The

Handwritten signature and date: 9/8/17

(2)

appellant was transferred to Saidu Medical College on the request of the college and also his case was duly processed and was designated as such and performed his duties very efficiently, proof of which is the result of the subject the appellant taught and also the admission by the respondent college as well. Moreover under the law and rules when an employee is serving against a post so he must be given the perks and privileges, which includes salary as well. Thus the para as drafted by the Respondent No. 7 is specifically denied.

4. Para 4 of the comments as drafted by the Respondents Nos. 4 and 6 furthers the case of the appellant, thus needs no comments.
5. Para 5 of the comments as drafted by the Respondent No. 7 is incorrect and against the law and rules on the subject and against the facts as well. The eligibility was not the one alleged, moreover the relevant quarters have not raised any objections. Moreover the competent authority has been pleased to drop all the audit para against the teaching staff of the medical college, thus the impugned order itself stands infructuous, thus the para is denied.
6. Para 6 as drafted by the Respondents Nos. 4 and 6 is vague, evasive and volt face, however the comments of the Respondent No. 7 are based on misstatements and concealment as it has been decided and agreed by the competent authority that

*the paras will be rescheduled for the purpose of being dropped, thus the para is denied.*

7. *Para 7 as is vague, evasive and based on misstatements and the appellant is made to suffer for the inaction of the respondent department, moreover the competent authority has been pleased to reschedule the audit paras regarding the teaching staff of the medical college for the purpose of being dropped, thus the para is denied.*

8. *Para 8 of the comments as drafted is vague and evasive thus amounts to admission.*


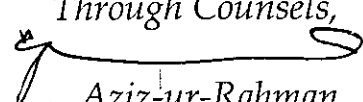

On Grounds:

- a. *Ground A as drafted is against the law and rules, hence denied.*
- b. *Ground B as drafted by the Respondent No. 7 is incorrect and based on concealment of facts as the progress and approval with regards the appellant is not mentioned at all to his detriment, thus the para is denied.*
- c. *Ground C of the comments as drafted is also based on misstatements as the competent authority was pleased to reschedule the audit paras of the teaching staff of the medical college for the purpose of being dropped, thus the para is denied.*
- d. *Ground D of the comments as drafted being evasive is thus denied.*

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e. Ground E of the comments is also incorrect and based on concealment of facts thus the same is denied.

It is, therefore, very respectfully prayed that on acceptance of this rejoinder the appeal of the appellant may very kindly be decided as prayed for originally, especially in light of the approval of the competent authority.

 Appellant  
Dr. Khurshid Ahmad  
Through Counsels,  
  
Aziz-ur-Rahman  
  
Imdad Ullah  
Advocates Swat

5

BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 146/2016

Dr. Khurshid Ahmad.

...Appellant

VERSUS

The Government of Khyber Pakhtunkhwa through Chief  
Secretary and Others.

...Respondents

AFFIDAVIT

It is solemnly stated on Oath that all the contents of  
this rejoinder are true and correct to the best of my  
knowledge and belief and nothing has either been  
misstated or kept concealed before this Honourable  
Tribunal.

Deponent

Dr. Khurshid Ahmad

ATTESTED

IIMAR SADIO Advocate,  
OATH COMMISSIONER  
Distt. Courts Swat.

No. 418 Date 2/8/17



(6)

~~Amjad~~

(4)

**MINUTES OF THE MEETING HELD IN THE CHIEF MINISTER**  
**KHYBER PAKHTUNKHWA SECRETARIAT PESHAWAR**

A meeting was held under the Chairmanship of honourable Chief Minister Khyber Pakhtunkhwa Mr. Pervez Khattak on Thursday 14<sup>th</sup> May 2015 at 2.00 pm. Agenda of the meeting was "Health Related issues of District Swat and Saidu Group of Teaching Hospital". The following attended the meeting:-

1. Mr. Shahram Khan Tarakai Senior Minister for Health Khyber Pakhtunkhwa
2. Mr. Mohibullah Khan, Minister for Lives Stock Khyber Pakhtunkhwa
3. Mr. Mahmood Khan Minister for Irrigation Khyber Pakhtunkhwa
4. Dr. Amjad Ali Khan Advisor to Chief Minister Khyber Pakhtunkhwa
5. Mr. Fazal Hakim DDAC Chairman Swat/MPA PK-80 Swat
6. Mr. Azizullah Gran, MPA
7. Mr. Muhammad Mushtaq Jadoon Secretary to Govt. of Khyber Pakhtunkhwa Health Department
8. Prof. Dr. Taj Muhammad Khan Chief Executive/ Principal Saidu Medical College, Swat
9. Prof. Dr. Aziz Ahmad, Vice Principal (Administration) Saidu Medical College, Swat
10. Prof. Dr. Gulshan Hussain Vice Principal (Clinical) Saidu Medical College, Swat
11. Prof. Dr. Haroon Rashid, HoD Ophthalmology Saidu Medical College, Swat
12. Prof. Dr. Manzoor Ali, HoD Surgery Saidu Medical College, Swat
13. Dr. Muhammad Ayub, Acting Medical Superintendent Saidu Group of Teaching Hospital, Swat

The meeting started with the recitation of Holy Qura'an. Prof. Dr. Taj Muhammad Khan made a detailed presentation about various problems related to the health in Swat region in general and of patients attending Saidu Group of Teaching Hospitals in particular. He statistically highlighted the facilities available and services delivered to the patients during the year 2014 at Saidu Group Teaching Hospital. He also elaborated the workload in all clinical departments especially Cardiology, Gynecology /Obstetrics and Paediatrics. The Chief Executive referred to lack of adequate pathology staff and services in institution as reflected in the recent report of PM&DC inspection report. Ministers and Members of Provincial Assembly of Khyber Pakhtunkhwa actively participated in the discussion urging upon the solution of various health related problems. The honourable Chief Minister Khyber Pakhtunkhwa took the following decisions:-

1. Establishment of a new Category-B Hospital in Kanju township Swat.
2. Up-gradation of Civil Hospital Matta, Swat.
3. The Mega Project of up-gradation of Saidu Group of Teaching Hospital, Swat which is already considerably delayed must be expedited. The C&W Department should take concrete steps to make it functional by the end of the year 2015.
4. An Endowment fund be established in Saidu Group of Teaching Hospital with Share of Rs. 10 Million from funds of respective MPAs from Swat for the benefit of poor patients and institution.
5. All vacant sanctioned posts of doctors/Nursing and supporting staff in Saidu Group of Teaching Hospital, Swat/Saidu Medical College, Swat be filled on urgent basis to provide speedy services and reduce the long waiting list for elective surgeries.

*Attested*  
*by*  
*Amjad*

**Attested**  
*by*  
**Advocate**

6. Immediate recruitment of all the sanctioned posts through Departmental Selection Committee for Sheikh Khalifa Bin Zayed Model Hospital (Trauma Center) to functionalize 104 bedded facility.
7. Professorial and technical staff of pathology department Saidu Medical College is allowed to extend their services to Saidu Group of Teaching Hospital on the analogy of other clinical departments to improve quality of service and combat the workload. The college staff thus involved in hospital will be entitled for due share in lab revenue.
8. Construction of OPD Block with all diagnostic facilities and cafeteria in Central Wing Saidu Group of Teaching Hospital.
9. Construction of Main Operation Theater Complex with central Sterilization Unit in Central Wing Saidu Group of Teaching Hospital.
10. Establishment of proper units of Neurosurgery, Urology, Gastroenterology and Nephrology as the senior Registrars are available but there are no wards/units.
11. Establishment of other important Sub Specialties like Pulmonology, Cardio-Thoracic Surgery, Plastic Surgery and Burn Unit in the Central Wing, Saidu Group of Teaching Hospitals (after shifting to new hospital)
12. Establishment of one extra Ward of General Medicine, General Surgery, Pediatrics, Gynae/Obst, Ophthalmology and ENT in the Central wing after shifting of the existing units to the new hospital upon completion.

The Secretary to Government of Khyber Pakhtunkhwa Health Department was directed by the honourable Chief Minister Khyber Pakhtunkhwa for necessary action with reference to above decisions. The honourable Chief Minister Khyber Pakhtunkhwa also issued directives regarding implementation of the "Health Teaching Institutions Reforms Act 2015" in Saidu Group of Teaching Hospital, Swat, providing full autonomy to the institution at the earliest. This will help to solve other problems of the institutions discussed in the meeting such as Up-gradation of Pathology, Blood bank, Anesthesia Departments, and installation of equipment under public private partnership in the central wing Saidu Group of Teaching Hospital, Swat.

Sd/ x a a a

Prof. Dr. Taj Muhammad Khan  
Chief Executive / Principal (تموہیجات)

No.2978-86 /SMC/PA

dated 18-05-2015

Copy forwarded to the:-

1. Principal Secretary to honourable Chief Minister Khyber Pakhtunkhwa
2. PS to Chief Secretary Khyber Pakhtunkhwa
3. PS to Health Minister Khyber Pakhtunkhwa
4. Mr. Mohibullah Khan, Minister for Lives Stock Khyber Pakhtunkhwa
5. Mr. Mehmood Khan Minister for Irrigation Khyber Pakhtunkhwa
6. Dr. Amjad Ali Khan, Advisor to Chief Minister Khyber Pakhtunkhwa
7. Mr. Fazal Hakeem, Chairman DDAC Swat/MPA PK-80 Swat
8. Mr. Azzullah Khan Gran, MPA
9. PS to Secretary to Government of Khyber Pakhtunkhwa Health Department

Accepted  
Mehmed  
Adv

Attested  
Mehmed  
Advocate

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**MINUTES OF THE MEETING OF THE SECRETARY HEALTH GOVT. OF KHYBER PAKHTUNKHWA. HEALTH DEPARTMENT WITH ACADEMIC COUNCIL MEMBERS OF SAIDU MEDICAL COLLEGE/SGTH, SWAT HELD ON 21/05/2015**

A meeting, chaired by, Mr. Muhammad Mushtaq Jadoon, Secretary to the Government of Khyber Pakhtunkhwa Health Department, was held with Academic Council members of Saidu Medical College/Saidu Group of Teaching Hospital, Saidu Sharif, Swat in the Academic Council Hall of the college on Thursday 21<sup>st</sup> May, 2015 at 10:00 AM, during his comprehensive visit to the Hospital and Medical College.

Following attended the meeting:-

1. Mr. Fazal Hakim Khan MPA PK-80
2. Professor Dr. Taj Muhammad Khan, Principal & Chief Executive
3. Professor Dr. Gulshan Hussain HoD ENT & VP Clinical SMC/SGTH
4. Professor Dr. Haroon Rashid, HoD Ophthalmology
5. Professor Dr. Muhammad Ali Jan HoD Pediatrics
6. Professor Dr. Muhammad Khan, HoD Anatomy
7. Professor Dr. Suraya Hameed, HoD Gynae/Obs
8. Professor Dr. Amreek Lal, HoD Pathology
9. Professor Dr. Qaribullah Khan, HoD Community Medicine
10. Associate Professor Dr. Israr ul Haq, Department of Pediatrics
11. Associate Professor Dr. Bakht Rokhan, Radiology Department
12. Associate Professor Dr. Alamzeb Khan, Physiology Department
13. Associate Professor Dr. Dilawar Khan, Orthopedic Department
14. Associate Professor Dr. Iqbal Ahmad, Pharmacology Department
15. Associate Professor Dr. Anwar Sayed, Forensic Medicine
16. Assistant Professor S.M.Naeem, HoD Biochemistry
17. Assistant Professor Dr. Muhammad Shoaib, Anesthesiology Department
18. Assistant Professor Dr. Hafiz-ur-Rehman, Cardiology Department

The meeting started with the recitation from the holy Qura'an.

The Chairman welcomed all the participants, informed the council about the Medical Teaching Institution Reforms Act 2015 and emphasized the need for more input from senior and skilled faculty for the best interest of the patients and public.

He was of the opinion to modify/relax the eligibility criteria for appointment of teachers in basic sciences department, especially in the subject of biochemistry to recruit non medical graduate degree holders in the subject, as per medical university criteria, in order to cover up the deficiency of teaching faculty in all medical colleges of the province in the best public interest.

The points, forwarded by the academic council of the college, were discussed and the following decisions were made.

| S.No | Point on Agenda   | Decision   |
|------|---|--|
| 1.   | In post conflict Swat, the services of Health care provider's i.e doctors and all staff to be appreciated and their services should be recognized at higher level. One step promotion for all staff is requested. For teaching staff, up gradation, as per universities policy. | Agreed and to be taken up with authorities concerned.  |
| 2.   | Promotion cases through PSB to be expedited as the delay in the process is causing faculty drain to other institutions.   | A committee has already been constituted for immediate disposal of the case, which will be done immediately. |
| 3.   | Audit Paras of various teaching staff and institution who had provided services to be dropped/DSC be rescheduled for it please.   | Agreed to reschedule DSC and to support the point to be dropped.   |
| 4.   | Residential accommodation of SMC/SGTH staff is a big problem. A residential colony for the staff should be approved on priority basis.  | Sanction for house acquisition of staff was agreed upon  |
| 5.   | Research grant should be allocated to the Medical Education Department for the betterment of research and medical education of the students.  | Agreed   |

Accepted  
Mudab  
Adv

Attested  
Mudab  
Advocate

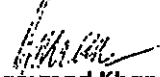
(9)

|     |   |  |
|-----|---|--|
| 6.  | Professional and technical staff of pathology department Saidu Medical College, be allowed to extend their services to Saidu Group of Teaching Hospital on the analogy of other clinical departments to improve quality of service and combat the work load. The college staff thus involved in hospital will be entitled for due share in lab revenue. | Agreed   |
| 7.  | Incentives for the staff of Anaesthesia Department, which has already been agreed upon, to be provided.   | Agreed   |
| 8.  | A laboratory for 50 student's batch along with two rooms (Reagent/Staff) is urgently needed for biochemistry as temporary arrangement/makeshift arrangement.  | Agreed for stop gap arrangement, the Principal SMC to initiate a proposal through Works and Services Department at the earliest. |
| 9.  | One Hiace Vehicles is urgently needed which may be allowed for purchase from private fund of the college to be used by college faculty/staff.   | Agreed   |
| 10. | Teaching experience of Senior Registrar to be counted as half of that to Assistant Professor as per previous practice.  | Agreed to forward the case to quarters concerned.  |
| 11. | Appointment of auxiliary/Paramedics/Nursing staff is needed to cover the deficiency in the hospital.  | Medical Superintendent to prepare a case and to appoint staff from special fund.   |
| 12. | FCPS/MCPS supervisors should be given incentive.  | Agreed; directed to submit a proposal to be processed accordingly.   |

Afterwards, the Secretary to the Government of Khyber Pakhtunkhwa Health Department, along with Mr. Fazal Hakim, MPA PK-80 and Chairman, District Development Advisory Committee, Members of the academic council, authorities of works and services department and contractor of under construction Saidu Teaching Hospital, paid a detailed visit to various sections of the Hospital and gave directives for early completion of the project.

They also visited the Central Wing Hospital, inspected various wards & Units, and met the staff and patients. The following decisions were taken.

|    |  |        |
|----|--|--------|
| 1. | Construction of OPD Block with all diagnostic facilities and canteen in Central Wing Saidu Group of Teaching Hospital.           | Agreed |
| 2. | Construction of Main Operation Theatre Complex with central Sterilization Unit in Central Wing Saidu Group of Teaching Hospital. | Agreed |

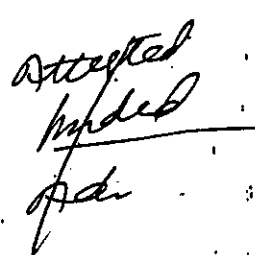
  
 Prof. Dr. Taj Muhammad Khan  
 Chief Executive / Principal (تمذبات)  
 Saidu Medical College &  
 Saidu Group Teaching Hospitals,  
 Saidu Sharif, Swat.

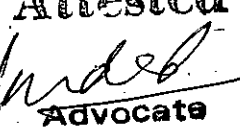
No. 3102-6/SMC/PA-2015

dated 25/05/2015

Copy forwarded to:-

1. Mr. Fazal Hakim Khan, MPA PK-80 Swat
2. The Secretary to Govt. of Khyber Pakhtunkhwa Health Department Peshawar.
3. The Medical Superintendent, Saidu Teaching Hospital, Swat
4. The Vice Principal (Administration, Clinical & Academic) SMC/SGTH Swat
5. All the above concerned Officers.

  
 Accepted  
 [Signature]

Attested  
  
 Advocate

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 106 /ST

Dated 15 / 01 / 2019

To

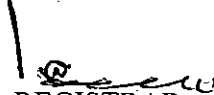
The Principal Saidu Medical College, Saidu Sharif,  
Government of Khyber Pakhtunkhwa,  
Swat.

Subject: -

JUDGMENT IN APPEAL NO. 146/2016, DR. KHURSHID AHMAD.

I am directed to forward herewith a certified copy of Judgement dated 09.01.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.