

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

SERVICE APPEAL NO. 2009/2022

Muhammad Waqar.....Appellant

Versus

Government of Khyber Pakhtunkhwa & othersRespondents

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*original reply comments received
at principal seat & spare copies
send to abatabaeel.*

28/07/23

abatabaeel



**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR**

*All communications should be addressed to the Director General Health Services
Peshawar and not to any official by name
Office # 091-9210269 Fax # 091-9210230*

AUTHORITY LETTER

Mr. Laeeq Ahmad Focal Person (Litigation) Directorate General Health Services, Khyber Pakhtunkhwa, is hereby authorized to submit parawise comments in case Service Appeal No. 2009/2022 titled Muhammad Waqar VS Govt. of Khyber Pakhtunkhwa & others on behalf of the undersigned.

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

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

SERVICE APPEAL NO. 2009/2022

Muhammad Waqar.....Appellant

Versus

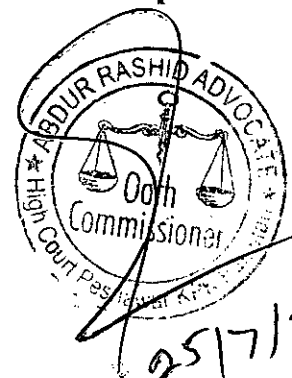
Government of Khyber Pakhtunkhwa & othersRespondents.

Affidavit

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

Laeeq Ahmad

Deponent



BEFORE THE HONORABLE KHYBER PAKHTUNKHWA

SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 2009 OF 2022

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 6898

Dated 25/07/23

Muhammad Waqar.....Appellant

Versus

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

PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 01 TO 03

Respectfully Sheweth:

Preliminary Objections:-

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

ON FACTS:

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

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

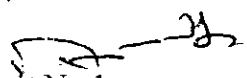
9. Pertains to record.

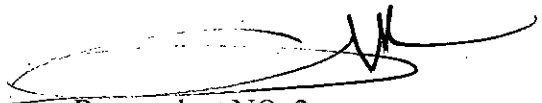
Grounds:

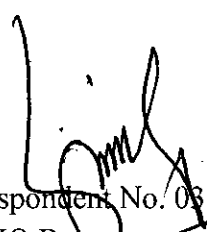
- A. As explained in Para-05 above.
- B. As explained in Para-05 above.
- C. As explained in Para-05 above.
- D. As explained in Para-05 above.
- E. As explained in Para-05 above.
- F. As explained in Para-05 above.
- G. As explained in Para-05 above.
- H. As explained in Para-05 above.
- I. As explained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

Prayer:

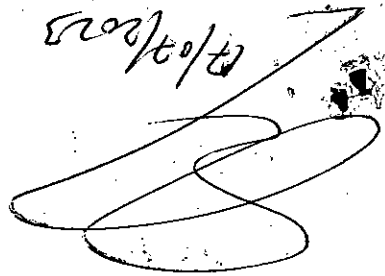
It is humbly submitted that in view of the above arguments this service appeal may kindly be dismissed being devoid of merit.


Respondent No.1
Secretary Health
Govt Of KPK.

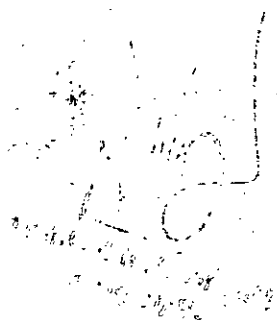

Respondent NO. 2
Director General Health
Govt Of KPK.


Respondent No. 03
DHO Battagram
District Health Officer
Battagram

2/10/2023



M.214



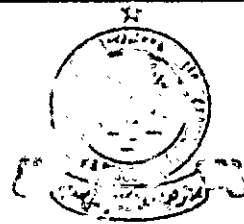
(4)

Anexure

(B)

S. No. 0601528

Roll No. 120263



Board of Intermediate and Secondary Education
Abbottabad
 Khyber Pakhtunkhwa - Pakistan
SECONDARY SCHOOL CERTIFICATE EXAMINATION
 SSC (ANNUAL) 2014

This is to certify that MUHAMMAD WAQAR
 Son/Daughter of MUHAMMAD BASHIR
 A candidate from AL-HUDA PUBLIC HIGH SCHOOL BATTAGRAM
 has passed the Secondary School Certificate Examination of the Board of Intermediate and Secondary Education, Abbottabad
 held in March/April, 2014 as a Regular candidate. He/She has obtained 873 marks out of 1100 and has been placed in
 Grade A Representing EXCELLENT. Date of Birth according to admission form is 15 MARCH, 1998.

The candidate passed in the following subjects:

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

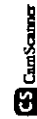
[Signature]
Asstt. Secretary

This certificate is issued without alteration or erasure.

[Signature]
Secretary

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BOARD OF INTERMEDIATE AND SECONDARY EDUCATION

ABBOTTABAD

Khyber Pakhtunkhwa (Pakistan)

Secondary School Certificate Examination

Roll No: 120263
Group: SCIENCE

(CLASS X)

Session: 2014 (Annual)

Name: MUHAMMAD WAQAR
Father's Name: MUHAMMAD BASHIR
Date of Birth: 15-MAR-98
Reg: No: 1221401001
Institution / District: AL HUDA PUBLIC HIGH SCHOOL BATTAGRAM



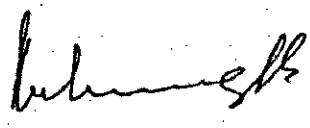
has secured the marks shown against each subject in the Secondary School Certificate Examination (Class 10th) held in the month of March/April as a Regular Candidate.

Subjects	Total	Part-I		Part-II		Total	Marks in Words
		Marks Obtained		Marks Obtained			
		Th	Pract	Th	Pract		
English	150	60	--	61	--	121	One Hundred Twenty-One
Urdu	150	58	--	65	--	123	One Hundred Twenty-Three
Mathematics	150	57	--	63	--	120	One Hundred Twenty Only
Physics	150	44	9	52	10	115	One Hundred Fifteen
Chemistry	150	47	8	62	10	127	One Hundred Twenty-Seven
Biology	150	55	9	46	10	120	One Hundred Twenty Only
Islamiat Comp	100	40	--	27	--	67	Sixty-Seven
Pakistan Studies	100	42	--	38	--	80	Eighty Only
Total 1100						873-A	Eight Hundred Seventy-Three Only

Remarks :

Dated: 17-JUN-14

Checked by: 


Controller of Examinations

Note:- Errors/Omissions excepted. Any mistake in the Name, Father's Name & DOB etc must be intimated within 30 days of the issuance date of this certificate. Visit us: www.biseatd.edu.pk
361

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STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

IN SENATE,
January 10, 1912.

REPORT
OF THE
ATTORNEY GENERAL,
JAMES C. HENRY,
IN RESPONSE TO A RESOLUTION
PASSED BY THE SENATE
MAY 17, 1911.

ALBANY:
J. B. LIPPINCOTT COMPANY,
PRINTERS,
1912.



(6) Annexure (B) 198515162

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION ABBOTTABAD

Khyber Pakhtunkhwa (Pakistan)

Higher Secondary School Certificate Examination

Part - II

Session: 2016 (Annual)

PROVISIONAL & DETAILED MARKS CERTIFICATE

Roll No: 98515

Group: PRE-MEDICAL



Name: MUHAMMAD WAQAR

Father Name: MUHAMMAD BASHIR

Reg No: 0142248013

Institution/ AL-SYED GARDEN PUBLIC SCHOOL & COLLEGE BATTAGRAM

District

has secured the marks shown against each subject in the Higher Secondary School Certificate Examination Part-II held in the month of April/May as a Regular Candidate.

Subjects	Marks	Marks Obtained				Total	Marks in Words
		Part-I		Part-II			
		Theory	Pract	Theory	Pract		
English	200	63	--	78	--	141	One Hundred Forty-One
Urdu (Comp)	200	67	--	86	--	153	One Hundred Fifty-Three
Islamyal Compulsory	50	32	--	--	--	32	Thirty-Two
Pakistan Studies	50	--	--	43	--	43	Forty-Three
Physics	200	44	14	64	13	135	One Hundred Thirty-Five
Chemistry	200	75	12	77	15	179	One Hundred Seventy-Nine
Biology	200	51	15	62	15	143	One Hundred Forty-Three

Total : 1100

826-A Eight Hundred Twenty-Six Only

Date : 31 July, 2016

Remarks :

Checked By :

Controller of Examinations

Note Errors / Omissions excepted. Any error in Name, Father Name etc must be intimated within 30 days after declaration of result (31-07-2016) Visit us www.biseatd.edu.pk
197 AL-SYED GARDEN P/S & COLLEGE BATTAGRAM

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7 Annexure B

S.No. 009555

Roll No. 83194

Session 2017-2018

Faculty of Paramedical and Allied Health Sciences

Khyber Pakhtunkhwa-Pakistan

This is to certify that MUHAMMAD WAQAR Son/ Daughter of MUHAMMAD BASHIR

and a student of FRONTIER INSTITUTE OF MEDICAL SCIENCES ABBOTTABAD bearing Registered. No. 2017/ME/FIMS/ATD/ST/FS/4

having passed the prescribed examination held in FEBRUARY 2020 is this day admitted by the Faculty of Paramedical and Allied Health Sciences Khyber Pakhtunkhwa to the Diploma SURGICAL

Technology in B Grade.

Checked By [Signature]

Verified By [Signature]



Result Declaration Date 03-Jul-2020 Print Date and Time 21-Sep-2020 02:38:21 PM

[Signature]
Chief Executive Officer

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

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⑧ Annexure ③

S. No. 010477

Session FEBRUARY, 2020

Faculty of Paramedical and Allied Health Sciences



Khyber Pakhtunkhwa-Pakistan
CERTIFICATE OF REGISTRATION

Registration No. 2017/MF/FIMS/ATD/ST/FS/4

Name MUHAMMAD WAQAR

Father's Name MUHAMMAD BASHIR

Roll Number 83194

Diploma Serial No. 9555

Name of Institute FRONTIER INSTITUTE OF MEDICAL SCIENCES ABBOTTABAD

Technology SURGICAL

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

Prepared by: [Signature]

Checked by: [Signature]

Verified by: [Signature]

[Signature]
Chief Executive Officer

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



Anexure (B)

Faculty of Paramedical and Allied Health Sciences (FPMA)

Khyber Pakhtunkhwa

DETAILED MARKS CERTIFICATE

10171429



Registration No: 2017/MF/FIMS/IATD/ST/IFS/4

Student Name: MUHAMMAD WAQAR

Son/Daughter of: MUHAMMAD BASHIR

Institute: FRONTIER INSTITUTE OF MEDICAL SCIENCES ABBOTTABAD

Course: DIPLOMA NEW COURSE Technology SURGICAL

Subject Name	Total Marks	Passing Marks	Theory	Viva	Total Obtained	Result
Semester: 1 Session: JULY 2018 Roll No: 55275						
Anatomy	100	50	55	8	63	Pass
Physiology	100	50	56	8	64	Pass
BioChemistry	100	50	62	10	72	Pass
Computer Skill	50	25	39	-	39	Pass
Sub-Total	350				238	

Semester: 2 Session: MARCH 2019 Roll No: 70604						
Pathology	100	50	58	10	68	Pass
Pharmacology	100	50	53	12	65	Pass
English	100	50	77	-	77	Pass
Islamial	50	25	38	-	38	Pass
Public Health	100	50	56	14	70	Pass
First Aid & Patient Safety	50	25	23	5	28	Pass
Sub-Total	500				346	

Semester: 3 Session: MARCH 2019 Roll No: 60401						
I-Applied Anatomy, Physiology & CP	100	50	49	8	57	Pass
II-Surgical Procedure-I & CP	100	50	45	10	55	Pass
Medical Ethics	50	25	30	-	30	Pass
Sub-Total	250				142	

Semester: 4 Session: FEBRUARY 2020 Roll No: 83194						
English	100	50	71	-	71	Pass
Pak-Study	50	25	36	-	36	Pass
I-MICROBIOLOGY & CP	100	50	60	15	75	Pass
II-STERILIZATION, SUPPLIES & EQUIPMENT & CP	100	50	50	13	63	Pass
Sub-Total	350				245	
Grand Total	1450		858	113	971	66.97%

Checked By:

Verified By:

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

Result Declaration Date/Time: Friday, July 03, 2020 Printed by: Shafiq Daraz

Issue Date/Time: Monday, September 21, 2020 05:04:40 PM

Note: Error/Omission excepted Any mistake in above particulars must be intimated within 15 days of the receiving of the certificate

CP Means Clinical Practice

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10

Anexure

13

DISTRICT HEAD QUARTER HOSPITAL



EXPERIENCE CERTIFICATE

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

I wish him successful in future.

Dated: 12.06.2021

Medical Superintendent
DHQ Hospital, Battagram

Medical Superintendent
D.H.Q Hospital,
Battagram

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(19)

ANNEXURE (C)

OFFICE OF THE DISTRICT HEALTH OFFICER

Battagram (Khyber Pakhtunkhwa)

Phone & Fax: # (0997) 310507

No. 1537-43 / date 30/07/2021

OFFICE ORDER

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

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

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

District Health Officer
Battagram

Copy forwarded to the:-

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

District Health Officer

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LIBRARY

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(12)

ANNEXURE 'D'

The District Health Officer
Battagram.

Subject: ARRIVAL REPORT.

Sir,

Reference your office letter No. 1537-43 dated 30.07.2021.

With due respect it is submitted that I am selected as CT Surgical BS-12 in Type-D Banna Allai vide your letter No. 1537-43 dated 30.07.2021. I am submitting my arrival report against the vacant post of CT Surgical BS-12 in the Type-D Banna Allai today on 31.07.2021 (FN). Kindly accept my arrival and oblige please.

Dated 31.07.2021.

AR of Muhammad Waqar
CT Surgical Submitted
his a/v today
on 31/7/2021 at
Type D Banna
before noon
(Subm)
MS

Muhammad Waqar
Your Obediently

Muhammad Waqar S/O
Muhammad Bashir
CT Surgical BS-12
Type-D Hospital Banna Allai

[Signature]
District Health Officer
BATTAGRAM

[Signature]
Attested

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13

E

ANNEXURE



DIRECTORATE GENERAL HEALTH SERVICES KHYBER PAKHTUNKHWA PESHAWAR

No. 602-R / DGHS Date: 27/08/2021

OFFICE ORDER

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

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

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

[Signature]
 DIRECTOR GENERAL HEALTH
 SERVICES KHYBER PAKHTUNKHWA PESHAWAR

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

[Handwritten signature]

85

(18)

1875 JANUARY

(14)

Annexure (F)

INQUIRY REPORT REGARDING ILLEGAL APPOINTMENT AT DHO OFFICE
BATTAGRAM

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

BACK GROUND:-

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

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

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

1. JPHC/EPI

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

2. PHCT (Surgical)

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

3. JCT (Radiology)

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

4. JCT (Pulmonology)

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

Statement of Shah Faisal (Junior Clerk).

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

Findings

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

issued after verification of testimonials.

(17) Annexure (F)

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

5. Vaccinator.

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

Statement of Dr. Waseem Ahmad (DHO Batagram)

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

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

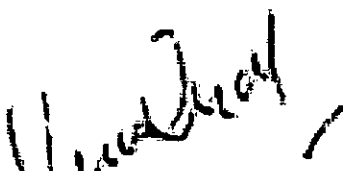
The higher authorities have issued a letter for cancellation of interview process so I followed the order and issued letter of cancellation of interview vide No. 1803-08 dated 28/08/2021 (Annex-F).

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

I feel sorry for the process and staff involved in this process.

Conclusions/Recommendations:

- The whole process was done without fulfilling the crucial formalities of the recruitment as pointed out in the findings.
- According to the above findings the recruitment process must be simplified and the same may be re-evaluated in the best interest of public and an audit mechanism should be followed in order to ensure the merit and transparency.
- DDO being the Chairman and Junior Clerk are responsible for the whole false and bogus recruitment exercise of all these unjustified mistakes must be dealt with under the L&O rules.
- Strict disciplinary action must be taken against Dr. Muhammad Rahim DMS Services and Dr. Azam Hamayun DMS (M.D.M) BHO Hospital Basigram regarding their negligence & misuse of their official power by issuing experience certificate without any proper departmental notification/orders.


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


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

B. Khan COPC

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

CONCLUSION / RECOMMENDATIONS

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

sd/2-2
Dr. Hidayat Ullah,
Deputy Director (Coord) DGHS KP

sd/2-2
Dr. Faisal Khanzada,
ADG (Hazara Division) DGHS.

Attested
[Signature]

~~19~~ Annexure 9

IN THE PESHAWAR HIGH COURT, BENCH ABBOTTABAD.

WP No. 955-A/2021

Muhammad Waqar & others

..... Petitioners

Versus

Govt: of KPK etc:

... Respondents

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5.	Approval Of ban Relaxation	B	6
6.	Advertisement in News Paper	C,D	7-8
7.	Request for DGHS Representative	E	9
8.	Nomination of Representative by DGHS	F	10
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[Signature]

[Signature]
Deponent

4

20

Anexure

9

2X

BEFORE THE PESHAWAR HIGH COURT ABBOTTBAD BENCH

WP No 955/2021

Muhammad Waqar & others Petitioners

Versus

Govt of KPK & others Respondents

PARAWISE REPLIES ON BEHALF OF RESPONDENT DHO BATTAGRAM

Respectfully Sheweth,

Preliminary Objection:

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

ON FACTS:

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

ON GROUNDS:

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

20

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Annexure 9



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

PARYER:

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

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

replied
[Signature]
27/1/2021

22

Annexure

9

27

IN THE PESHAWAR HIGH COURT, BENCH ABBOTTABAD.

WP NO 955/2021

Muhammad Waqar & others Petitioners

Versus

Govt of KPK & others Respondents

AFFIDAVIT

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

Identified

[Signature]
27/9/21
588-1559

Dr. Waseem Ahmed
District Health Officer
Battagram

ATD
29 of 21
Dr. Waseem Ahmed
Health Officer
DH O Battagram

[Signature]

27/9/21

559

23

Annexure

9

IN THE PESHAWAR HIGH COURT, BENCH ABBOTTABAD.

W.P No.955-A/2021

Muhammad Waqar & others

Petitioners.

Versus.

Government of Khyber Pakhtunkhwa, etc

Respondents

INDEX.

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Jawid Farhan
Deponent

23

24

Anexure 9

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BEFORE THE PESHAWAR HIGH COURT ABBOTTABAD BENCH

WP No 955-A/2021

Muhammad Waqar & others Petitioners

Versus

Govt of KPK & others Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENT DHO BATTAGRAM

Respectfully Sheweth,

Mr KC

Preliminary Objection:

1. That the petitioner has neither cause of action nor locus standi to file the instant petition.
2. That the petitioner has not come to the Honourable court with clean hands.
3. That the instant petition is not maintainable due to non joinder and mis joinder of necessary parties.
4. That the petitioners have got no cause of action to file this instant petition.
5. That the petition is not maintainable in its present form.
6. That, the petitioners are not "AGGRIEVED" persons within the meaning of Article 199 of the Constitution of Pakistan.

ON FACTS:

1. Para No 1 is correct to the extent that the petitioners are residents of District Battagram. The remaining portion is subject to proof.
2. Para No 2 is correct.
3. Regarding Para No 3 it is submitted that besides selected candidates several other candidate had applied for the post advertised. According to the then DHO "the recruitment committee selected only the candidates who were qualifying on merit. The rest of candidates were left. All codal formalities were observed, in the comments submitted previously by the then DHO detailed checklist of codal formalities was provided (attached as annexure A)". However during an inquiry conducted by DGHS team some irregularities in the recruitment process were pointed out mainly related to "Experience Certificates" most of which were issued by the Medical Superintendent, DHQ Hospital Battagram. Moreover both, the then DHO and his clerical staff have admitted, in their statement before the Inquiry committee to existence of clerical mistakes in the merit list. (copy attached as annexure B)

~~24~~

25

Anexure (9)

4. Para No 4 is correct to the extent of arrival report. However no further progress in all the cases was done as the High Ups intervened and the candidate's appointment were cancelled by Respondent No 2 and inquiry was initiated into the matter dated 23.08.2021.(copy attached as annexure C)
5. Para No 5 is incorrect, the Petitioners have got no cause of action, as the High Ups have immediately intervened in the matter, (copy attached as annexure C) and respondent NO.4 has merely followed orders of High Ups (copy attached as annexure D).

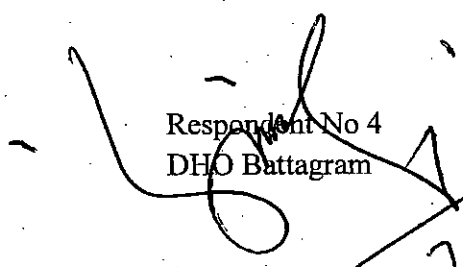
ON GROUNDS:

- A. Para A of the ground is Incorrect; the Respondent No 4 completed the recruitment proceedings and Not independently issued any order against the Petitioners. The order of Respondent No 2 was complied for which the Respondent No 4 was legally bound being his subordinate. (copy attached as annexure D).
- B. Para B of the ground is Incorrect no right accrued to the Petitioner as the selection was set aside immediately without further proceeding in the matter except arrival report.
- C. Para C of the ground is Incorrect, the Respondent No 2 exercised his power under the law and Respondent No 4 complied his order.
- D. Para D of the ground is Incorrect. Detailed reply is given in the above paras.
- E. Para E of the ground is absolutely incorrect no right accrued to the petitioner as the selection was set aside immediately after selection, hence application of locus ponentiae is not applicable in the present case.
- F. Para F of the ground is Incorrect; detailed reply is given in the above paras. The selection order was set aside before completion of necessary proceedings required for recruitment of petitioners, which are essential.
- G. Para G of the ground is Incorrect.
- H. Para H of the ground is Incorrect and relate to Respondent No 2 who set aside the selection. The Respondent No 4 only complied to the orders of High Ups.
- I. Para I of the ground is legal.

checked by
P.N.C.

PARYER:

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


Respondent No 4
DHO Battagram
22.7.22

~~26~~

26

Annexure

G

~~P~~

IN THE PESHAWAR HIGH COURT, BENCH ABBOTTABAD.

WP No.955-A/2021

Muhammad Waqar & others

..... Petitioners

Versus

Govt: of KPK etc:

..... Respondents

AFFIDAVIT

I Dr. Yasir Pasha, Litigation Officer Attached to DHO Office Battagram do hereby solemnly affirm and declare on Oath that the contents of the reply are true and correct to the best of my knowledge and belief and nothing has been concealed from the Honourable Court.

Identified by
Ym. K.C.

Yasir Pasha

Dr. Yasir Pasha
Litigation Officer
DHO Office Battagram

4522/121
Abbottdad
05 day of 09 2022
Dr. Yasir Pasha - Ho
District Head
No. G-10
I solemnly know is true

Oath Commissioned
Yasir Pasha
5/8/22

13 200X4000A

2022/05/10
D. W. M.
M. W. M.

15/12/23

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

PROFORMA FOR EARLY HEARING

Khyber Pakhtunkhwa
Service Tribunal

Judicial Branch

Diary No. 9932

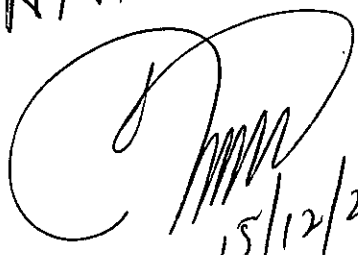
Form "A"

Dated 15-12-2023

To be filled by the counsel

Case No.	Service Appeal No. 2009/2022				
Case Title	MUHAMMAD WAQAR VS HEALTH DEPTT: & OTHERS				
Date of Institution	2022				
Bench	SB		DB		
Case Status	Fresh		Pending		
Stage	Notice		Motion		PAN
Urgency to be clearly stated	That, the applicant/appellant had filed appeal his withdrawal of appointment from service order and are in situation having no other means of livelihood being hardship issue. Therefore it is required in view of law and justice that the mentioned appeal be fixed an early date.				
Nature of the relief sought	That the matter pertains to urgent nature.				
Next date of hearing	24/01/2024				
Alleged Target Date	Within Week				
Counsel for	Petitioner		Respondent		In Person


Signature of Counsel/Party

NFA

15/12/23

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

PROFORMA FOR EARLY HEARING

Form "B"

Inst:

Early Hearing No:- _____-P/2023

In case

Service Appeal No:- **2009** /2022

MUHAMMAD WAQAR VS HEALTH DEPTT: & OTHERS

Presented by **Noor Muhammad Khattak, Advocate Supreme Court of Pakistan** on behalf of **Petitioner/Appellant**, entered in the relevant register.

Put up alongwith main case _____

REGISTRAR

Last date fixed	
Reasons(s) for last adjournment, if any by the Branch Incharge	
Date(s) fixed in the similar matter by the Branch Incharge	
Available dates readers/Assistant Registrar Branch	

Assistant Registrar

REGISTRAR

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

C.M No. _____ of 2023

IN

Service Appeal No. 2009/2022

MUHAMMAD WAQAR VS HEALTH DEPTT: & OTHERS

APPLICATION FOR EARLY HEARING / ACCELERATION
OF THE CAPTIONED SERVICE APPEAL

Respectfully Sheweth:

1. That, the above titled Service Appeal is pending adjudication before this Hon'ble Tribunal and is fixed for 24/01/2024.
2. That, the applicant/appellant had filed appeal his withdrawal of appointment from service order and are in situation having no other means of livelihood being hardship issue.
3. Therefore it is required in view of law and justice that the mentioned appeal be fixed an early date.
4. That the petitioner being sanguine about the success of his case, is requested before this Honourable Tribunal for fixation of an early date of hearing in the instant appeal.
5. That there is no legal bar on acceptance of this application.

It is, therefore, most humbly prayed that on acceptance of this application, the above titled Contempt of Court Petition may kindly be fixed within week to meet the ends of Justice.

Applicant / Petitioner

Through:


Noor Muhammad Khattak
Advocate, Supreme Court

RECORDED
KPT
Peshawar
15/12/23

BEFORE THE KHYBER PAKHTUNKHWA SERVICED TRIBUNAL,
PESHAWAR

CM _____/2023
IN
SERVICE APPEAL NO. 2009/2022

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 9936

Muhammad WaqarAppellant/Applicant

Dated 15-12-2023

V E R S U S

Govt. Of KPK & others..... Respondent

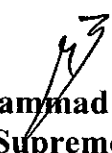
APPLICATION FOR TRANSMISSION OF THE ABOVE TITLED APPEALS
FROM ABBOTTABAD CAMP COURT TO THE PRINCIPAL SEAT AT
PESHAWAR.

Respectfully Sheweth:

1. That the above mentioned appeals are pending adjudication before this Hon'ble Tribunal at Abbottabad Camp Court in which no date has been fixed for hearing on 24.01.2024.
2. That the applicants/appellants has filed appeals against their withdrawal of appointment from service orders and are in severe situation having no other means of livelihood being hardship issue.
3. That according to Rule 5 of the Khyber Pakhtunkhwa Service Tribunal Rules 1974, a Tribunal may hold its sittings at any place in Khyber Pakhtunkhwa which would be convenient to the parties whose matters are to heard.
4. That it is worth mentioning that the offices of all the respondents concerned are at Peshawar and Peshawar is also convenient to the appellants meaning thereby that Principal Seat would be convenient to the parties concerned.
5. That any other ground will be raised at the time of arguments with the permission of this Hon'ble court.

It is therefore prayed that on acceptance of this application the appeal may please be transmitted from Abbottabad Camp Court to The Principal Seat at Peshawar for the Convenience of parties and best interest of justice.

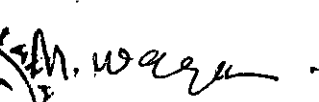

Dated:- 15-12-2023 Through Applicant/appellant


Noor Mohammad Khattak
Advocate Supreme Court

AFFIDAVIT:-

It is, stated on oath that the contents of the accompanying Application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.

DEPONENT

ATTESTED


12-2023

وکالت نامہ

کورٹ فیس
قیمتی

بعدالت جناب سروس ٹریڈنگ لیمیٹڈ

محمد رفیق بٹ

منجانب دھوئے ٹائم 2009/22

باعث تحریر آنکہ

برائے پیشی یا برہان

محمد رفیق بٹ

مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی تصدیقاً مقدمہ لو و محمد حسن احمد ولد سید محمد کرم + ولد دربان محمد فاروق ایڈووکیٹ ہائی کورٹ۔ سپریم کورٹ۔ ممبر ڈسٹرکٹ بار ایسوسی ایشن

کے لئے کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا ہوں گا اور بروقت پکارے جانے مقدمہ مکمل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر کوئی پیشی مٹھ کر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ پکھری کے علاوہ کسی اور جگہ سماعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر مٹھ کر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختانہ کے واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھے کل ساختہ پرواخت صاحب مثل کردہ ذرات از خود منظور قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ یا جواب دعویٰ درخواست اجراء و ذمہ داری اور نظر ثانی اپیل دہرم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کروانے اور ہر قسم کاروبار و حصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور اس پر عائشہ ورائسی نامہ برخطف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے بیرونجات از پکھری صدر اپیل و برآمدگی مقدمہ یا مٹھ کر ذمہ داری یا طرفہ درخواست حکم اقتناعی یا قرتی یا گرفتاری قبل از گرفتاری و اجراء و ذمہ داری بھی صاحب موصوف کو بشرط ادا ایگی علیحدہ مختانہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مٹھ کر یا اس کے کسی جزو کی کاروائی کے یا بصورت اپیل کسی دوسرے وکیل یا بیرسٹر کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے قانون کو بھی ہر امر میں اوی اور ویسے ہی اقتیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانہ التوا پڑے گا وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں۔ اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

Accepted

15 مارچ 2009

لہذا وکالت نامہ لکھ کر دیا ہے کہ سند ہے مورخہ
مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

محمد رفیق بٹ

Handwritten signatures and initials at the bottom left.

BEFORE THE KHYBER PAKHTUNKHWA SERVICED TRIBUNAL,
PESHAWAR

CM _____/2023

IN

SERVICE APPEAL NO. 2009/2022

Muhammad WaqarAppellant/Applicant

V E R S U S

Govt. Of KPK & others..... Respondent

APPLICATION FOR TRANSMISSION OF THE ABOVE TITLED APPEALS
FROM ABBOTTABAD CAMP COURT TO THE PRINCIPAL SEAT AT
PESHAWAR.

Respectfully Sheweth:

1. That the above mentioned appeals are pending adjudication before this Hon'ble Tribunal at Abbottabad Camp Court in which no date has been fixed for hearing on 24.01.2024.
2. That the applicants/appellants has filed appeals against their withdrawal of appointment from service orders and are in severe situation having no other means of livelihood being hardship issue.
3. That according to Rule 5 of the Khyber Pakhtunkhwa Service Tribunal Rules 1974, a Tribunal may hold its sittings at any place in Khyber Pakhtunkhwa which would be convenient to the parties whose matters are to heard.
4. That it is worth mentioning that the offices of all the respondents concerned are at Peshawar and Peshawar is also convenient to the appellants meaning thereby that Principal Seat would be convenient to the parties concerned.
5. That any other ground will be raised at the time of arguments with the permission of this Hon'ble court.

It is therefore prayed that on acceptance of this application the appeal may please be transmitted from Abbottabad Camp Court to The Principal Seat at Peshawar for the Convenience of parties and best interest of justice.

Dated:- 15-12-2023

Through

Applicant/appellant


Noor Mohammad Khattak
Advocate Supreme Court

AFFIDAVIT:-

It is, stated on oath that the contents of the accompanying Application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.

DEPONENT

M. waqar

BEFORE THE KHYBER PAKHTUNKHWA SERVICED TRIBUNAL,
PESHAWAR

CM _____/2023

IN

SERVICE APPEAL NO. 2009/2022

Muhammad WaqarAppellant/Applicant

V E R S U S

Govt. Of KPK & others..... Respondent

APPLICATION FOR TRANSMISSION OF THE ABOVE TITLED APPEALS
FROM ABBOTTABAD CAMP COURT TO THE PRINCIPAL SEAT AT
PESHAWAR.

Respectfully Sheweth:

1. That the above mentioned appeals are pending adjudication before this Hon'ble Tribunal at Abbottabad Camp Court in which no date has been fixed for hearing on 24.01.2024.
2. That the applicants/appellants has filed appeals against their withdrawal of appointment from service orders and are in severe situation having no other means of livelihood being hardship issue.
3. That according to Rule 5 of the Khyber Pakhtunkhwa Service Tribunal Rules 1974, a Tribunal may hold its sittings at any place in Khyber Pakhtunkhwa which would be convenient to the parties whose matters are to heard.
4. That it is worth mentioning that the offices of all the respondents concerned are at Peshawar and Peshawar is also convenient to the appellants meaning thereby that Principal Seat would be convenient to the parties concerned.
5. That any other ground will be raised at the time of arguments with the permission of this Hon'ble court.

It is therefore prayed that on acceptance of this application the appeal may please be transmitted from Abbottabad Camp Court to The Principal Seat at Peshawar for the Convenience of parties and best interest of justice.

Dated:- 15-12-2023

Through

Applicant/appellant


Noor Mohammad Khattak
Advocate Supreme Court

AFFIDAVIT:-

It is, stated on oath that the contents of the accompanying Application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.

DEPONENT

M. waqar

Peshawar High Court alongwith writ petition did not decided the matter within 90 days.

9. It is also pertinent to mention here that appointment orders were cancelled as per representative of respondent upon report of respondent No.3 who reported that local MPA Mr. Zubair forcefully snatched entire record of appointments/recruitments of appellants at gun point from him as he wants to get appoint his blue eyed who was not appointed. When respondent No.3 reported incident of snatching of record legal proceeding must be initiated against the said MPA but instead of doing so, appointment orders were concealed without providing opportunity to direct effectees i.e. present appellants which is against the settled norms and rules upon subject and is not sustainable in the eyes of law.


10. Moreover it is mentioned in cancellation order dated 27.08.2021 local in-charge are directed not to accept the arrival of any of appointee/candidate but present appellants submit their arrival reports and also assumed charge of their posts. So, when appellants assumed charge then they became civil servants and they will have to be dealt with in accordance of rules and law, otherwise too Worthy Peshawar High Court consider appellants as civil servant.


11. In the circumstance it would be appropriate to provide opportunity to the appellants to defend themselves as they were appointees of the process in which irregularities were allegedly committed. Hence, impugned orders



are set-aside with direction to the respondents to associate appellants with the inquiry proceeding by providing opportunity of defense and hearing to them. Appellants who assumed charge of their respective posts are hereby reinstated into service for the purpose of inquiry. Respondent are further directed to conduct and conclude inquiry within 60 days after receipt of copy of this order. Costs shall follow the event. Consign.

12. *Pronounced in camp court at Abbottabad and given our hands and seal of the Tribunal on this 24th day of January, 2024.*


(MUHAMMAD AKBAR KHAN)
Member (E)
Camp Court Abbottabad


(RASHIDA BANO)
Member (J)
Camp Court Abbottabad

ORDER


24.01.2024 1. Learned counsel for the appellant present. Mr. Asif Masood Ali


Shah learned Deputy District Attorney Dr. Adnan Shehzad, Litigation Officer for the respondents present.

2. Vide our detailed judgment of today placed on file, the impugned orders are set-aside and appellant is reinstated into service for the purpose of denovo inquiry with direction to the respondents to associate appellant with the inquiry proceeding by providing opportunity of defense and hearing to him. Respondent are further directed to conduct and conclude inquiry within sixty days after receipt of copy of this order. Costs shall follow the event. Consign.

3. *Pronounced in camp court at Abbottabad and given our hands and seal of the Tribunal on this 24th day of January, 2024.*

SCANNED
KF 31
Peshawar


(MUHAMMAD AKBAR KHAN)
Member (E)
Camp Court Abbottabad


(RASHIDA BANO)
Member (J)
Camp Court Abbottabad

11.12.2023

Learned counsel for the appellant present. Mr. Habib Anwar,
Additional Advocate General for the respondents present.

Learned counsel for the appellant seeks time for preparation
of arguments. Adjourned. To come up for arguments on
24.01.2024 before the D.B at Camp Court Abbottabad. Parcha
Peshi given to the parties.

RECORDED
IN
PESHAWAR

(Fareeha Paul)
Member (E)

Camp Court Abbottabad

(Salah-ud-Din)
Member (J)

Camp Court Abbottabad


Naeem Amin

25.07.2023

Appellant alongwith his counsel present. Dr. Adnan (Litigation Officer) alongwith Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.

Representative of the respondents requested for further time for submission of reply/comments. Adjourned. Last opportunity granted. To come up reply/comments on 24.10.2023 before the S.B at Camp Court Abbottabad. Parcha Peshi given to the parties.


**SCANNED
KPST
Peshawar**


(Salah-Ud-Din)
Member (J)
Camp Court Abbottabad

Naeem Amin

- 24th Oct. 2023
1. Learned counsel for the appellant and Mr. Asif Masood Ali Shah learned Deputy District Attorney for the respondents present.
 2. Reply on behalf of the respondents has been submitted through office. Copy of the same was handed over to the learned counsel for the appellant. To come up for arguments on 11.12.2023 before D.B at Camp Court, Abbottabad. P.P given to the parties.

**SCANNED
KPST
Peshawar**


(Kalim Arshad Khan)
Chairman
Camp Court, Abbottabad

**Mutazem Shah **

30.03.2023

Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Dr. Yasir Pasha, Litigation Officer for the respondents present.

Reply/comments on behalf of respondents not submitted. Representative of the respondents requested for time to submit reply/comments. Adjourned. To come up for reply/comments on 25.05.2023 before S.B at camp court Abbottabad. Parcha Peshi given to the parties.

**SCANNED
KPST
Peshawar**

(Muhammad Akbar Khan)
Member (E)
Camp Court Abbottabad

25.05.2023

Learned counsel for the appellant present. Dr. Yasir Pasha, Litigation Officer alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present and requested for further time for submission of reply/comments. Last opportunity granted. Adjourned. To come up for reply/comments on 25.07.2023 before the S.B at Camp Court Abbottabad. Parcha Peshi given to the parties.

**SCANNED
KPST
Peshawar**

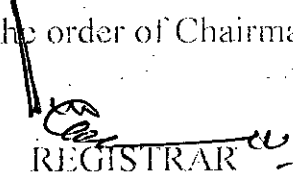
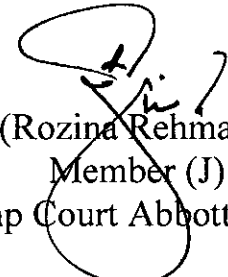
(Salah-Ud-Din)
Member (J)
Camp Court Abbottabad

Naeem Amin

FORM OF ORDER SHEET

Court of _____

Case No. - 2009 / 2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	28/12/2022	<p style="text-align: center;">3</p> <p>The appeal of Mr. Muhammad Waqar presented today by Mr. Hamayun Advocate. It is fixed for preliminary hearing before touring Single Bench at A.Abad on <u>26/1/23</u> Notices be issued to appellant and his counsel for the date fixed.</p> <p style="text-align: right;">By the order of Chairman  REGISTRAR</p>
	26.01.2023	<p>Counsel for the appellant present.</p> <p>Preliminary arguments heard. Record perused.</p> <p>Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections.</p> <p>The appellant is directed to deposit security fee within 10 days. Thereafter, notices be issued to respondents for submission of written reply/comments. To come up for written reply/comments on 30.03.2023 before S.B at camp court Abbottabad.</p> <p style="text-align: right;"> (Rozina Rehman) Member (J) Camp Court Abbottabad</p>

*Counsel was contacted
Telephone no. 15/1/23*

**SCANNED
KPST
Peshawar**

*Rs-100/-
Appellant Deposited
Security & Process Fee
A. Jaffar
02/02/23*

**SCANNED
KPST
Peshawar**

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

SCANNED
KPST
Peshawar

Appeal No. 2009 /2022

Muhammad Waqar son of Muhammad Bashir (Ex. JCT Surgical, BPS-12),
resident of Tamai, Tehsil & District Battagram.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa through Secretary Health Peshawar & others.

...RESPONDENT

SERVICE APPEAL

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2.	Copy of advertisement	9	"A"
3.	Copy of documents	10 — 20	"B"
4.	Copy of appointment order of appellant	21 — 23	"C"
5.	Copy of arrival report	24 — 27	"D"
6.	Copy of impugned letter dated 23.08.2021	28	"E"
7.	Copy of impugned letter dated 27.08.2021	29	"F"
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9.	Copy of comments and order	36 — 40	"H" & "I"
10.	Wakalatnama	41	

...APPELLANT

Dated: 21/12/2022

Through


(HAMAYUN KHAN)

&


(FAZLULLAH KHAN)

Advocates High Court, Abbottabad

1

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Registry No. 2586

Dated 28/12/2022

Appeal No: 2009 /2022

Muhammad Waqar son of Muhammad Bashir (Ex. JCT Surgical, BPS-12),
resident of Tamai, Tehsil & District Battagram.

...APPELLANT

VERSUS

1. Govt. of Khyber Pakhtunkhwa through Secretary Health Peshawar.
2. Director General Health Services Khyber Pakhtunkhwa, Peshawar.
3. District Health officer Battagram. ✓

...RESPONDENTS

APPEAL UNDER ARTICLE 212 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN 1973 READ WITH SECTION 4 OF
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
ACT 1974, AGAINST THE IMPUGNED ORDER
DATED 23.08.2021 PASSED BY THE RESPONDENT
NO. 2 AND ORDER DATED 27.08.2021 PASSED BY
RESPONDENT NO. 3, WHEREBY, RESPONDENTS
NO. 2 AND 3 CANCELLED APPOINTMENT ORDER
OF THE APPELLANT, WHICH IS ILLEGAL,
UNLAWFUL, AGAINST THE LAW, FACTS AND

Filed to-day
Registrar
28/12/22

NATURAL JUSTICE AND LIABLE TO BE SET ASIDE.

PRAYER: ON ACCEPTANCE OF INSTANT APPEAL IMPUGNED ORDER DATED 23.08.2021 PASSED BY RESPONDENT NO. 2 AND SIMILARLY ORDER DATED 27.08.2021 PASSED BY RESPONDENT NO. 3 MAY KINDLY BE DECLARED AS NULL AND VOID, ILLEGAL, UNLAWFUL, AGAINST THE LAW, VOID, ABI-INITIO, HENCE LIABLE TO BE SET-ASIDE AND APPELLANT BE REINSTATED IN SERVICE ALONGWITH ALL BACK BENEFITS. ANY OTHER RELIEF WHICH THIS HONOURABLE TRIBUNAL DEEMS FIT AND PROPER IN THE CIRCUMSTANCES OF THE CASE MAY ALSO BE GRANTED TO THE APPELLANT.

Respectfully Sheweth:-

Appellant beg to solicit through instant appeal on the following legal and factual back grounds:-

1. That on 01.06.2021, respondent No. 3 advertised different posts including JCTC (Surgical BPS-12). Copy of advertisement is annexed as Annexure "A".

2. That consequent upon the advertisement, appellant submitted documents for the post of Surgical Technician BPS-12. Copy of documents is annexed as Annexure "B".
3. That thereafter, respondents conducted test/ interview and after completion of process on the recommendation of Departmental Selection Committee on 30.07.2021, respondent No. 3 issued appointment order of the appellant. Copy of appointment order of appellant is annexed as Annexure "C".
4. That on 31.07.2021, appellant submitted arrival report at Type-D THQ Hospital Banna Allai and joined duty. Copy of arrival report is annexed as Annexure "D".
5. That on 23.08.2021, respondent No. 2 issued letter to the respondent No. 3, whereby, respondent No. 2 cancelled appointment order of the appellant. Copy of impugned letter dated 23.08.2021 is annexed as Annexure "E".

6. That similarly on 27.08.2021, respondent No. 3 cancelled appointment order of the appellant in the light of letter dated 23.08.2021 issued by respondent No. 2. Copy of impugned letter dated 27.08.2021 is annexed as Annexure "F".
7. That thereafter, appellant alongwith others filed Constitutional Petition before the Honourable Peshawar High Court, Abbottabad Bench due to ambiguity about the term and condition of the appellant. Copy of Writ Petition No. 955/2021 (Departmental Appeal) is annexed as Annexure "G".
8. That thereafter, respondent submitted comments before the Honourable Peshawar High Court, Abbottabad Bench and on 15.09.2022, after hearing of arguments, Honourable Peshawar High Court converted writ petition to departmental appeal and sent to the respondent No. 2 for disposal within 90 days. Copy of comments and order is annexed as Annexure "H" & "I".
9. That after completion of stipulated period (90 days), respondent No. 2 did not give any response

and similarly not passed any order on the departmental appeal, which was sent by the Honourable Peshawar High Court, Abbottabad Bench.

10. That, being aggrieved from the order dated 23.08.2021 and 27.08.2021 passed by respondents No. 2 and 3, the appellant is before this Honourable Tribunal with the appeal in hand inter-alia on the following amongst other grounds;-

GROUND:-

- a. That the impugned order/ act of respondents is illegal, unlawful, without lawful authority, arbitrary, perverse, against the principle of natural justice, hence ineffective upon the rights of the appellant and thus liable to be set-aside.
- b. That all proceedings were conducted against a well known principle of natural justice and guaranteed fundamental rights of appellant and therefore as the appellant has been condemned unheard, therefore, the

impugned order/ act is liable to be set-aside and appellant be reinstated with all back benefits.

- c. That the impugned orders of respondents are sheer example of highhandedness and political motivation. Hence, liable to be set-aside.
- d. That the impugned act of respondents is a worst example of discrimination and misuse of power/ authority.
- e. That the act of department against the Article- 4 & 25 of the Constitution of Islamic Republic of Pakistan as well as natural justice and intentionally till date not released back benefits.
- f. That, impugned letter/ order are based on personal grudges and interests which is not sustainable.
- g. That, impugned letter/ order are against the rules, no regular inquiry was conducted nor

the opportunity of defence and hearing was given to the appellant.

- h. That, all the proceeding conducted by respondents No. 2 and 3 are clear violation of E&D Rules and issued impugned orders without any lawful justification, hence ineffective upon the rights of appellant and are liable to be set-aside.
- i. That, the act of respondent is against guaranteed constitutional rights of the appellant, which are also against the norms and dictates of Justice.
- j. That, impugned orders are issued in a hasty manner, which did not fulfill the codal requirement, hence having no legal value, is liable to be struck down.
- k. That the valuable rights of the applicant are involved and all act of the finance department against the law, rules, policy and natural justice.

1. That the other grounds shall be argued at the time of arguments with the kind permission of this Honourable Tribunal.

It is, therefore humbly prayed that on acceptance of instant appeal impugned order dated 23.08.2021 passed by respondent No. 2 and similarly order dated 27.08.2021 passed by respondent No. 3 may kindly be declared as null and void, illegal, unlawful, against the law, void, abi-initio, hence liable to be set-aside and appellant be reinstated in service alongwith all back benefits. Any other relief which this Honourable Tribunal deems fit and proper in the circumstances of the case may also be granted to the appellant.


APPELLANT

Through

Dated: 21/12 /2022


(HAMAYUN KHAN)

&


(FAZLULLAH KHAN)

Advocates High Court, Abbottabad

VERIFICATION/ AFFIDAVIT:-

Verified on oath that the contents of forgoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.


DEPONENT

ANNEXURE 'A'

ہر امیدوار ایک سالہ صلاحیت ہیکر اگ کے مختلف مراکز صحت میں مندرجہ ذیل ایڈمیٹیشن کی اسامیاں خالی ہیں جن پر تقرری کیلئے صلاحیت ہیکر اگ سے تعلق رکھنے والے اہل امیدواروں سے درخواستیں مطلوب ہیں۔ صلاحیت ہیکر اگ میں اہل امیدوار دستیاب نہ ہونے کی صورت میں ملحقہ اضلاع سے بھی اہل امیدوار کی تقرری ہو سکتی ہے۔

Sl. No.	Post	Age	Qualification	Remarks
1	JCT (Radiology)	12	ڈی بی سی ایم سی	RHC
2	JCTC (Surgical)	12	ڈی بی سی ایم سی	ڈی بی سی ایم سی
3	JCT (Pulmonology)	12	ڈی بی سی ایم سی	ڈی بی سی ایم سی
4	PHCT (EPI)	12	ڈی بی سی ایم سی	ڈی بی سی ایم سی
5	EP, vaccinator	06	ڈی بی سی ایم سی	ڈی بی سی ایم سی

(1) سبکدوش (کم از کم پندرہ روز) بعد رسالہ متعلقہ شعبہ کا ایڈیشن پر پختہ خواہ کسی بھی دیگر صوبے کی میڈیکل کالج یا متعلقہ ایجنسی میں کسی مندرجہ بالا سے ایف ایس سی۔ (2) عمر کی حد 18 تا 30 سال۔ (3) جس امیدوار کی عمر مریدہ عمر سے زیادہ ہو تو وہ Age Relaxation سرٹیفکیٹ پیش کرنے کا پابند ہوگا۔ (4) تجربہ کار سرٹیفکیٹ مطلوبہ نصابیت کے بعد تصور کیا جائے گا نیز تجربہ کار Certificate مستند ادارے سے حاصل کردہ ہونا ضروری ہے غیر مستحانہ اس کے Certificate قابل قبول نہیں ہوگا۔ (5) معذور افراد کیلئے 2% کوٹیشن کیا جائے گا نیز معذور امیدواروں کے ساتھ ساتھ ان کے ساتھ رہنے والے افراد کے ساتھ ساتھ (6) امیدوارانہ طور پر کے موٹیو پاپی اسٹیٹمنٹ اسناد لے کر آئے ہوگی صحت میں باظہار میں شامل نہیں کیا جائے گا صرف شہری امیدواروں کو ہیٹ باظہار کیلئے بلایا جائے گا اس کے ساتھ ساتھ ان کے دفتر میں آؤ بیڑاں کی جائے گی۔ (7) مکمل اور مقررہ تاریخ کے بعد موصول ہونے والی درخواستوں پر فوراً نہیں کیا جائے گا۔ (8) انٹرویو کیلئے آنے والے کو کوئی TA/DA نہیں دیا جائے گا۔ (9) تقرری صوبائی حکومت کے مجوزہ قواعد و ضوابط کے تحت عمل میں لائی جائے گی۔ (10) اسامیوں کی تعداد کی پیشی ہو سکتی ہے۔ (11) خواہشمند امیدواروں کو مطلع کیا جاتا ہے کہ ان کے پاس 15 روز کے اندر اس کے آفس ہیکر اگ کے پاس اپنی درخواستیں سادہ کاپی پر صرف CV کی صورت میں پیش کرنی ہوں گی اسناد کی صورت میں قبول نہیں ہوگا۔ (12) جنہی اسناد جمع کرنے والے امیدوار کے خلاف کوئی کارروائی نہیں کی جائے گی۔ (13) ہالڈنگ کی صورت میں اسناد جمع کروانے والے امیدواروں کو مطلع کیا جاتا ہے۔

پتہ: ڈی بی سی ایم سی، ڈی بی سی ایم سی، ڈی بی سی ایم سی

Handwritten signature and text in Urdu.

S.NO. 1793



DOMICILE CERTIFICATE

The Pakistan Citizenship Act, 1951 (Act, II of 1951)
Rules made throunder (vide Rule No: 23)

MUHAMMAD WAQAR Son/Daughter/Wife of MUHAMMAD BASHIR

Declare that I was born of parents who are permanently domiciled in Khyber Pakhtunkhwa. Province having belonged to it by birth/settled in it.

I belong to Village / Mohallah AHMAD ABAD TAPAI

Tehsil BATTAGRAM District BATTAGRAM

Signature/Thumb Impression of Applicant

Name MUHAMMAD WAQAR

Signature of the applicant

Pursuance to the declaration date _____ Filled

Mr./Miss/Mrs. MUHAMMAD WAQAR So, Do, W/o MUHAMMAD BASHIR

CNIC No NIL Domiciled in the Khyber Pakhtunkhwa Province

It is hereby Certified that the said MUHAMMAD WAQAR is born of parents who are permanent residents of Khyber Pakhtunkhwa Province having belonged to it by birth/settled in it, I have satisfied myself personally through my relevant sources that the above declaration is true and duly certified overleaf.

This 5th Day of August 2016

No 1587 Date 8/8/2016

COUNTER SIGNED BY

Deputy Commissioner
Battagram

Assistant Commissioner
Battagram
Add: Assistant Commissioner (Revenue)
Battagram

میں اس بات کی تصدیق کرتا ہوں کہ اس سے پہلے میں نے کسی بھی ڈسٹرکٹ ایف آر اقبال کی ایجنسی کا ڈی سی آئی سرٹیفیکٹ حاصل نہیں کیا

دستخط اشان انگوٹھا

تصدیق کی جاتی ہے کہ کسی اسمت محمد حیات ولد اختر محمد بشیر کا کی رہائشی و پیدائشی ہے اور اس کے والدین اشوہر بھی علاقہ مذکورہ کے رہائشی و پیدائشی باشندگان ہیں۔ میں ان کو ذاتی طور پر جانتا جانتی ہوں۔

دستخط

MULLAH KHAN
Subdar Tawal
Distt. BATAGRAM

تاریخ 4.8.2016

ضابطہ علی -
حسب تصدیق اشان اللہ خاں فریاد دیکھ کر سے محمد دقار محمد بشیر قوم سواتی
سکن قناری قیس و مغل شہریم کو رہا پر اور اس سے رہائشی و سکونت باشندہ ہے
تین سالہ مذکورہ ولد مغل قناری میں اراضی کا نمبر 13/14 سے ثابت ہے۔

محمد بشیر
5/08/2016
مکتہ - پانچ گرام

تصدیق شد
Muhammad Khan
F.N. 5.8.16
BALD MUHAMMAD KHAN
Gardhar Circle
Batagram

The report Patwari Holqa
Verified by Khatungo in Confection
with Domicile Certificate in respect
of above mentioned individual is
being attested by me.

Muhammad Khan
5.8.16
Nald Tehsildar
Batagram

S. No. 0601529

Roll No. 120263



Board of Intermediate and Secondary Education
Abbottabad
 Khyber Pakhtunkhwa - Pakistan
SECONDARY SCHOOL CERTIFICATE EXAMINATION
SSC (ANNUAL) 2014

This is to certify that MUHAMMAD WAQAR

Son/Daughter of MUHAMMAD BASHIR

A candidate from AL HUDA PUBLIC HIGH SCHOOL BATTAGRAM

has passed the Secondary School Certificate Examination of the Board of Intermediate and Secondary Education, Abbottabad held in March/April, 2014 as a Regular candidate. He/She has obtained 873 marks out of 1100 and has been placed in Grade A Representing EXCELLENCE. Date of Birth according to admission form is 15 MARCH, 1998.

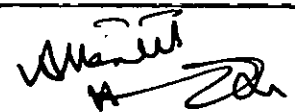
The candidate passed in the following subjects:

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


Asst. Secretary

This certificate is issued without alteration or erasure.


Secretary





BOARD OF INTERMEDIATE AND SECONDARY EDUCATION ABBOTTABAD

(Khyber Pakhtunkhwa (Pakistan))

Secondary School Certificate Examination

Roll No: 120263
Group: SCIENCE

(CLASS X)

Session: 2014 (Annual)

Name: MUHAMMAD WAQAR
Father's Name: MUHAMMAD BASHIR
Date of Birth: 15-MAR-98
Reg: No: 1221401001
Institution / District: AL HUDA PUBLIC HIGH SCHOOL BATTAGRAM



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


Subjects	Total	Part-I		Part-II		Total	Marks in Words
		Marks Obtained		Marks Obtained			
		Th	Pract	Th	Pract		
English	150	60	--	61	--	121	One Hundred Twenty-One
Urdu	150	58	--	65	--	123	One Hundred Twenty-Three
Mathematics	150	57	--	63	--	120	One Hundred Twenty Only
Physics	150	44	9	52	10	115	One Hundred Fifteen
Chemistry	150	47	8	62	10	127	One Hundred Twenty-Seven
Biology	150	55	9	46	10	120	One Hundred Twenty Only
Islamiat Comp	100	40	--	27	--	67	Sixty-Seven
Pakistan Studies	100	42	--	38	--	80	Eighty Only


Total 1100

873-A Eight Hundred Seventy-Three Only

Remarks :

Dated: 17-JUN-14

Checked by: 


Controller of Examinations

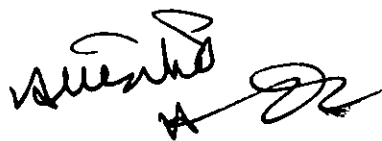
Note:- Errors/Omissions excepted. Any mistake in the Name, Father's Name & DOB etc must be intimated within 30 days of the issuance date of this certificate. Visit us: www.biseatd.edu.pk

361

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BOARD OF INTERMEDIATE AND SECONDARY EDUCATION ABBOTTABAD

Khyber Pakhtunkhwa (Pakistan)
Higher Secondary School Certificate Examination

Part - II

Session: 2016 (Annual)

PROVISIONAL & DETAILED MARKS CERTIFICATE

Roll No: 98515

Group: PRE-MEDICAL

Name: MUHAMMAD WAQAR

Father Name: MUHAMMAD BASHIR

Reg No: 0142248013

Institution/
District: AL-SYED GARDEN PUBLIC SCHOOL & COLLEGE BATTAGRAM



has secured the marks shown against each subject in the Higher Secondary School Certificate Examination Part-II held in the month of April/May as a Regular Candidate.

Subjects	Marks	Marks Obtained				Total	Marks in Words
		Part-I		Part-II			
		Theory	Pract	Theory	Pract		
English	200	63	--	78	--	141	One Hundred Forty-One
Urdu (Comp)	200	67	--	86	--	153	One Hundred Fifty-Three
Islamiyat Compulsory	50	32	--	--	--	32	Thirty-Two
Pakistan Studies	50	--	--	43	--	43	Forty-Three
Physics	200	44	14	64	13	135	One Hundred Thirty-Five
Chemistry	200	75	12	77	15	179	One Hundred Seventy-Nine
Biology	200	51	15	62	15	143	One Hundred Forty-Three
Total : 1100						826-A	Eight Hundred Twenty-Six Only

Date: 31 July, 2016

Remarks:

Checked By: 

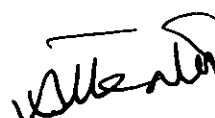


Controller of Examinations

Note Errors / Omissions excepted Any error in Name, Father Name etc must be intimated within 30 days after declaration of result (31-07-2016) Visit us www.biseatd.edu.pk
197 AL-SYED GARDEN P/S & COLLEGE BATTAGRAM

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15

Serial No. 048316



HAZARA UNIVERSITY

MANSEHRA, PAKISTAN

DETAILED MARKS CERTIFICATE

BA COMPOSITE ANNUAL EXAMINATION 2019

Roll No: 222
 Registration No: 19-PB-3144
 Name: MUHAMMAD WAQAR
 Father Name: MUHAMMADBASHIR
 District: BATTAGRAM

COURSE TITLE:	Total Marks	Obtained Marks	Marks in Words	Remarks
PART-I				
ENGLISH	75	37	Thirty-Seven	Pass
ISLAMIYAT	60	44	Forty-Four	Pass
ISLAMIC STUDIES	75	42	Forty-Two	Pass
POLITICAL SCIENCE	75	45	Forty-Five	Pass
PART-II				
ENGLISH	75	25*	Twenty-Five	Pass
PAKISTAN STUDIES	40	22	Twenty-Two	Pass
ISLAMIC STUDIES	75	44	Forty-Four	Pass
POLITICAL SCIENCE	75	38	Thirty-Eight	Pass
Total:		550	297	Two Hundred Ninety-Seven

*:Change

Percentage: 54.00

Print Date: 19/09/2019

Division: **SECOND**Checked by: *Bz***REVISED**

Errors and omissions are subject to subsequent rectification.

Note: Any mistake in Name, Father Name etc must be intimated within 60 days of the issuance date of this Certificate.

Controller Examination
 Hazara University, Mansehra
 September 03, 2019

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S. No. 009555

Faculty of Paramedical and Allied Health Sciences

Khyber Pakhtunkhwa-Pakistan

Roll No. 63121
Session 2017-2018

This is to certify that MUHAMMAD WAQAR Son/ Daughter of MUHAMMAD BASFIR
and a student of FRONTIER INSTITUTE OF MEDICAL SCIENCES ABBOTTABAD bearing Registered. No. 2017/MF/FIM/WATD/ST/FS/3
having passed the prescribed examination held in FEBRUARY 2020 is this day admitted by the Faculty
of Paramedical and Allied Health Sciences Khyber Pakhtunkhwa to the Diploma SURGICAL
Technology in B Grade.

Checked By [Signature]
Verified By [Signature]

Result Declaration Date 03-Jul-2020 Print Date and Time 21-Sep-2020 02:38:21 PM

[Signature]
Chief Executive Officer

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

[Signature]

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S. No. 010477

17

Session FEBRUARY, 2020

Faculty of Paramedical and Allied Health Sciences



Khyber Pakhtunkhwa - Pakistan
CERTIFICATE OF REGISTRATION

Registration No. 2017/MF/FIMS/ATD/ST/FS/4

Name MUHAMMAD WAQAR

Father's Name MUHAMMAD BASHIR

Roll Number 33194

Diploma Serial No. 6555

Name of Institute FRONTIER INSTITUTE OF MEDICAL SCIENCES ABBOTABAD

Technology SURGICAL

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

Prepared by: [Signature]

Checked by: [Signature]

Verified by: [Signature]

[Signature]
Chief Executive Officer

Note: In case of any dispute(s) excepted. Any mistake in above particulars must be intimated within 30 days of the issuance of this certificate.

[Handwritten Signature]



Faculty of Paramedical and Allied Health Sciences (FPMA)

Khyber Pakhtunkhwa

DETAILED MARKS CERTIFICATE

18

Registration No. 2017/MF/FIMS/ATD/ST/IFS/4

Student Name MUHAMMAD WAQAR

Son/Daughter of MUHAMMAD BASHIR

Institute FRONTIER INSTITUTE OF MEDICAL SCIENCES ABBOTTABAD

Course DIPLOMA NEW COURSE Technology SURGICAL

10171429



Subject Name	Total Marks	Passing Marks	Theory	Viva	Total Obtained	Result
Semester: 1 Session: JULY 2018 Roll No: 55275						
Anatomy	100	50	55	8	63	Pass
Physiology	100	50	56	8	64	Pass
BioChemistry	100	50	62	10	72	Pass
Computer Skill	50	25	39	--	39	Pass
Sub-Total	350				238	
Semester: 2 Session: MARCH 2019 Roll No: 70604						
Pathology	100	50	58	10	68	Pass
Pharmacology	100	50	53	12	65	Pass
English	100	50	77	--	77	Pass
Islamiat	50	25	38	--	38	Pass
Public Health	100	50	56	14	70	Pass
First Aid & Patient Safety	50	25	23	5	28	Pass
Sub-Total	500				346	
Semester: 3 Session: MARCH 2019 Roll No: 60401						
I-Applied Anatomy, Physiology & CP	100	50	49	8	57	Pass
II-Surgical Procedure-I & CP	100	50	45	10	55	Pass
Medical Ethics	50	25	30	--	30	Pass
Sub-Total	250				142	
Semester: 4 Session: FEBRUARY 2020 Roll No: 83194						
English	100	50	71	--	71	Pass
Pak-Study	50	25	36	--	36	Pass
I-MICROBIOLOGY & CP	100	50	60	15	75	Pass
II-STERILIZATION, SUPPLIES & EQUIPMENT & CP	100	50	50	13	63	Pass
Sub-Total	350				245	
Grand Total	1450		858	113	971	66.97%

Checked By:

Verified By:

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

Result Declaration Date Time: Friday, July 03, 2020 Printed by: Shafiq Daraz

Issue Date Time: Monday, September 21, 2020 05:04:40 PM

Note: Error/Omission excepted Any mistake in above particulars must be intimated within 15 days of the receiving of the certificate
CP Means Clinical Practice

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FRONTIER INSTITUTE OF MEDICAL SCIENCES ABBOTTABAD

Affiliated with Govt. Of K.P.K Medical Faculty, Peshawar.(Pakistan)

Course Completion Certificate

Session 2017-2019

Batch 000021

Certified that Mr./Miss./Mrs. Muhammad Waqar

Son/Daughter of Muhammad Bashir

has Completed a Two years(4 Semesters) Course of Surgical Technology

Technology at the **FRONTIER INSTITUTE OF MEDICAL SCIENCES, ABBOTTABAD.**

1 Theoretical Training: From August 2017 To August 2019

2 Practical Training: at DHQ HOSPITAL BATTAGRAM
(Complex Hospital)

1 ***** 2 *****

3 *****

His/her performance was satisfactory. We recommend him/her for a suitable job.

Issue Date ; 03-08-2020

Managing Director
Managing Director
Abbottabad

Attested
Der

Principal
FIMS
Abbottabad

Principal

DISTRICT HEAD QUARTER HOSPITAL



EXPERIENCE CERTIFICATE

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

I wish him successful in future.

Dated 12.06.2021

Medical Superintendent
DHQ Hospital, Battagram

Medical Superintendent
D.H.Q Hospital,
Battagram

Attended
H. Waqar



ANNEXURE 'C' 21

**OFFICE OF THE DISTRICT HEALTH OFFICER
Battagram (Khyber Pakhtunkhwa)**

Phone & Fax: # (0997) 310507

No 1537-43 / date 30/07/2021

OFFICE ORDER

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

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

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


District Health Officer
Battagram

Copy forwarded to the:-

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


District Health Officer
Battagram



OFFICE OF THE DISTRICT HEALTH OFFICER

Battagram (Khyber Pakhtunkhwa)

Phone & Fax: # (0997) 310507

MINUTES OF THE PROCESS OF DEPARTMENTAL SELECTION COMMITTEE

A meeting was held in the office of District Health Officer Battagram on 14.07.2021 for appointment of various Paramedical Posts, vacant in DHO office Battagram. The following members attended the meeting.

Dr. Waseem Ahmed DHO

Dr. Ahmed Faisal Representative DGHS

Mr. Muzafar Khan Representative DC Battagram

The post of CT Radiology, CT Surgical, CT Pulmonology and PHCT MP (EPI/ Vaccinator) were advertised by District Health Officer in the Daily News Paper Aaj Peshawar (Advertisement attached), for the District Battagram. The applicants were directed to submit their documents to DHO office District Battagram. It was mentioned in the advertisement that the applicant applying for the post must have Diploma in the relevant field from the Medical Faculty or FSC Medical Technology from recognize board. Furthermore, the candidates having domicile of the concerned District will be given preference in case of non availability of suitable competent candidates in the District, the candidates could be selected from other District: As per following detail this office received applications of the following applicants.

A departmental Selection committee was constituted on, vide this office order No.1305-07 dated 08.07.2021 and interview was scheduled on 12.07.2021. Various candidates attended the interview on mentioned date attendance list attached.

CT Surgical	CT Radiology	CT Pulmonology	PHCT (EPI)	EPI Vaccinator
22	09 District Battagram 37 Out District	09	128	49

And after checking the original documents of the candidates a final merit list was prepared and signed by all the committee member. The following candidates as per final merit list are selected.

CT Radiology				
S. No	Name candidate	Father Name	Technology	Domicile
01	Amir Majid	Minhaj	CT Radiology	Battagram
02	Sajad Ahmed	Shamshad Khan	CT Radiology	Battagram
03	Aliq ur Rehman	Abdur Rehman	CT Radiology	Battagram
04	Noor Islam	Abdur Rahim	CT Radiology	Battagram
05	Abid ullah	Rasheer Ahmed	CT Radiology	Battagram

CT Surgical				
S. No	Name candidate	Father Name	Technology	Domicile
01	Mohammad Waqar ✓	Mohammad Bashir	CT Surgical	Battagram
02	Javed Khan	Mohammad Imran	CT Surgical	Battagram

CT Pulmonology					
S. No	Name candidate	Father Name	Technology	Domicile	Remarks
01	Waseem Akram	Mohammad Nadeem	CT Pulmonology	Battagram	Appointment subject to verification of Diploma
02	Naveedullah	Said Mohd Khan	CT Pulmonology	Battagram	
03	Mohd Zubair	Gul Rehman	CT Pulmonology	Battagram	

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Attested
H. [Signature]

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ANNEXURE 109

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PHCT EPI

S. No	Name candidate	Father Name	Technology	Domicile
01	Mohammad Islam	Faqir Khan	Health (EPI)	Battagram
02	Ubaidullah	Muslim Khan	Health (EPI)	Battagram
03	Mohammad Usman	Mohammad Iqbal	Health (EPI)	Battagram
04	Inamullah	Siraj Khan	Health (EPI)	Battagram
05	Mohammad Amir Khan	Fazal Rahim	Health (EPI)	Battagram
06	Saeed Khan	Mohammad Nigab	Health (EPI)	Battagram
07	Fidaullah	Umar Baz Khan	Health (EPI)	Battagram
08	Mohammad Ibrar	Mabar Khan	Health (EPI)	Battagram
09	Mohammad Fawad Khan	Hazrat Rehman	Health (EPI)	Battagram
10	Syed Moeen Shah	Gul Wahid Shah	Health (EPI)	Battagram

EPI Vaccinator

S. No	Name candidate	Father Name	Technology	Domicile
01	Arshid Aziz	Aziz ur Rehman	EPI Vaccinator	Battagram
02	Syed Ijaz Ali Shah	Wahid Said	EPI Vaccinator	Battagram

The meeting ended with a vote of thanks from the chair.

District Health Officer
Battagram

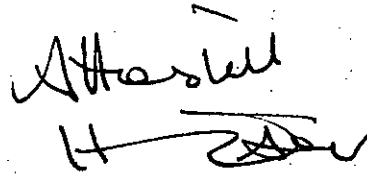
No 1323-25 / Dated 18/07/2021
Copy forwarded to the:-

1. Director General Health Services Khyber Pakhtunkhwa Peshawar for information
2. All concerned for information
3. Office copy


District Health Officer
Battagram

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ANNEXURE 'D' 24

The District Health Officer
Battagram.

Subject: ARRIVAL REPORT.

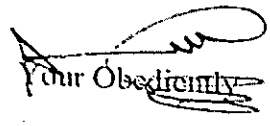
Sir,

Reference your office letter No. 1537-43 dated 30.07.2021.

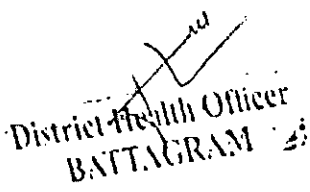
With due respect it is submitted that I am selected as CT Surgical BS-12 in Type-D Banna Allai vide your letter No. 1537-43 dated 30.07.2021. I am submitting my arrival report against the vacant post of CT Surgical BS-12 in the Type-D Banna Allai today on 31.07.2021 (FN). Kindly accept my arrival and oblige please.

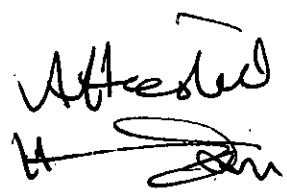
Dated 31.07.2021.

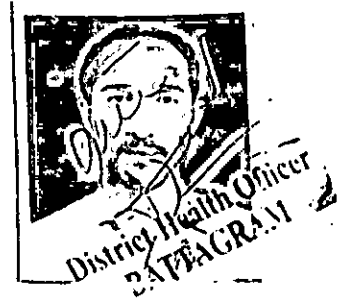
AR of Muhammad Waqar
CT Surgical Submitted
his a/r today
on 31/7/2021 at
Type D Banna
before noon
Subm
MS


Yours Obediently

Muhammad Waqar S/O
Muhammad Bashir
CT Surgical BS-12
Type-D Hospital Banna Allai


District Health Officer
BATTAGRAM





MEDICAL CERTIFICATE

Name of Official: Muhammad Waqar
 Caste of Race: Swati
 Father Name: Muhammad Bashir
 Resident of Village: Village, Ahmad Abad Tamai Tehsil & District Battagram.
 Exact Height by Measurement: 05 ft 08" inch
 Date of Birth: 15.03.1998
 Personal Mark of Identification: NIL
 Signature of Official: *[Handwritten Signature]*

Signature of District Health Officer
 BATAGRAM

I do hereby certify that I have Mr. Muhammad Waqar Candidate for employment in the office of District health Officer Battagram not discovers that he had any disease communicable or other constitutional affection or bodily infirmity except NIL

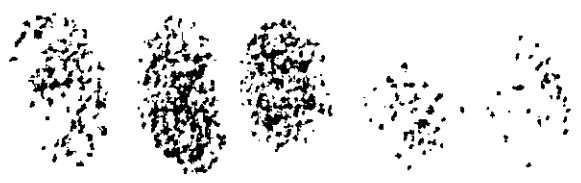
I do not consider this as disqualification for employment in the office of as above. His age according to his own statement 23 appearance about 23 (twenty Three Years)

NIC 13202-3488774-9

Blood Group A-Ive

Eye Vision 6/6 both without glasses.

LEFT HAND THUMB AND FINGER IMPRESSION.....



[Handwritten Signature]

21/6/2021
 Medical Superintendent
 DHQ Hospital Battagram
 31/7/2021
 Medical Superintendent
 DHQ Hospital Battagram



Note: The entries on this page should be reviewed and re-attested at least every five years in the signature to lines 11 and 12 should be dated.

1. Name Muhammad Ishaq

2. NIC No: 12302-2688774-9

3. Race Swati 4. District of Domicile Balghian

5. Residence Tarai Tehsil Dist Balghian

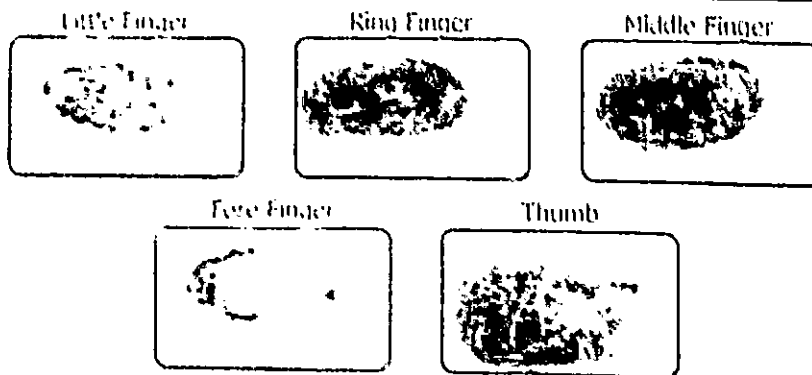
6. Father name and residence Muhammad Bashir

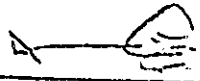
7. Date of Birth by Christian era as nearly as can be ascertained: 15.03.1998

8. Exact height by measurement: 5' 8" inc 4

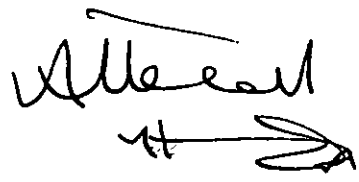
9. Personal Marks for Identification: Nil

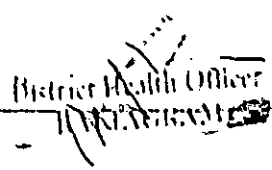
10. Left Hand Thumb and Finger Impression of (Non Gazetted Office)




11. Signature of Government Servant: 

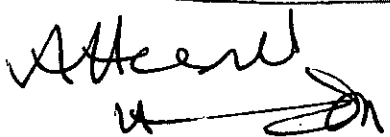
12. Signature & Designation of the Head of the Office or other attesting officer.



District Health Officer


9	10	11	12	13		14	15	
Signature and Designation of the Head of the Office or other attesting Officer in attestation of Column 1-8	Date of Termination or Appointment	Reason of Termination (such as promotion, Transfer, Dismissal etc)	Signature of the head of the office or other attesting officer	Nature & Duration of Leave taken	Allocation of period of leave on average pay up to four months for which leave salary is debit able to another government		Signature of the Head of the Office or other attesting officer	Reference to any recorded punishment or censure or reward or praise of the government servant
					Period	Government to which debit able		
	<p>Appointed as CT Surgical BS-12 against the vacant post vide DHO Battagram office order NO. 1537-43 / dated 30-07-2021.</p>							


 District Health Officer
 BATTAGRAM


 u ————



DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR

All communications should be addressed to the Director General Health Services Peshawar and not to any office by name.
RS Office, P.O. Box 12, Peshawar. Tel: 091-9210770. Fax: 091-9210771. E-mail: dg@peshawar.gov.pk

No. 602-B / DGHS

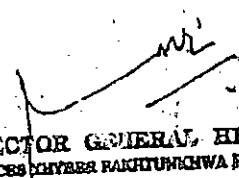
Date: 27/08/2021

OFFICE ORDER

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

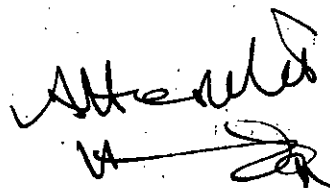
1. Dr. Faisal Khanzada (ADG Hazara Division) DGHS Office.
2. Mr. Hidayat (Deputy Director Coordination) DGHS Office.

The recruitment process will be reinstated after proper inquiry as per government rules & policy.


DIRECTOR GENERAL, HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR

Cc

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





OFFICE OF THE DISTRICT HEALTH OFFICER,
Baliagram (Khyber Pakhtunkhwa)
Phone & Fax: (0997) 310507

No. 1803-08 /DH/O/100M

Dated: 27/8/2021

OFFICE ORDER

In compliance with the DPHS Peshawar Letter No. 6028 /DGHS dated 23/6/2021; no promotional letters issued from the office of the undersigned are hereby strictly recalled. Moreover, all facilities in-chargees are directed not to accept the arrival of any candidate in this regard.

District Health Officer
Baliagram

Copy forwarded to

1. Director General Health Services (DGHS) Peshawar.
2. Dr Faisal Khanzada (ADG) Hazara Division.
3. Deputy Commissioner Baliagram.
4. District Account Officer Baliagram.
5. All facilities in-chargees Baliagram for information and compliance
6. Office copy

District Health Officer
Baliagram

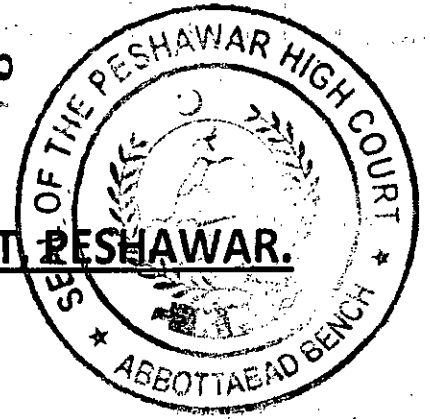
ATTESTED

Attested
[Signature]

ANNEXURE 'G'

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BEFORE THE PESHAWAR HIGH COURT PESHAWAR.



In ref to W.P NO: 955 /2021

1. Muhammad Waqar S/O Muhammad Bashir R/O PO Tamaee, Tehsil & District Batagram.
2. Amir Majid S/O Minhaj R/O kas pul, kajbori Tehsil & district Battagram.
3. Ateeq ur Rehman S/O Abdur Rehman R/O Shams Abad, khas, District Battagram.
4. Abidullah S/o Bashir Ahmed R/O Tamaee, Tehsil & District Battagram.
5. Noor Ul Islam S/O Abdur Rahim R/O Kharari, Sardar Abad colony, District Battagram.
6. Sajjad Ahmed S/O Shamshad Khan R/O Chapper Gram , Tehsil and District Battagram.
7. Naveedullah S/O Sayed Muhmmad Khan R/O Chapper Gram , Tehsil and District Battagram.
8. Muhammad Zubair S/O Gul Rehman R/O khas, District Battagram.
9. Javed Khan S/O Muhammad Imran R/O Ahmad Abad, Tamae, Tehsil & District Batagram.
10. Muhammad Ibrar S/O Mabar Khan R/O Ajmeera , District Battagram.

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EXAMINER
27 DEC 2022
Peshawar High Court Atd Bench
Authorized Under Se 75 Evid Ordns.

N^o 4908
3.9.21

FILED TODAY
ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH

VERSUS

PETITIONERS
FILED TODAY
Deputy Registrar
3.1 AUG 2021

- 1) Government of Khyber Pukhtunkhwa Through Chief secretary civil secretariat Peshawar
- 2) Director General Health Services, government of Khyber Pukhtunkhwa Peshawar

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ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH

3/9/21

- 3) Secretary Health, Govt Khyber Pukhtunkhwa, Cvili Secretariat , Peshawar.
- 4) District Health Officer Batagram.

.....RESPONDENTS

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

Prayer:

On acceptance of instant writ petition:

A. writ of certiorari may please be issued to declare Order dated 23/8/2021 passed by the respondent No: 2 followed by order dated 28/8/2021 by respondent NO: 4 as illegal, unlawful, against the factual position , contra legume *against the recognized fundamental rights of the petitioners, passed under political influence of the ruling party and their representatives, based on motives other than legal.*

B. The respondents may please be directed to withdraw the impugned notifications/orders and allow the petitioners to perform their duties as per their initial appointment orders.

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PESHAWAR HIGH COURT
ABBOTTABAD BENCH

31/9/21

FILED TODAY
Deputy Registrar
31 AUG 2021

Respectfully sheweth,

1. That the petitioners are law abiding and peaceful citizen of Pakistan and permanent/bona fide residents of *different villages of* District Batagram.
2. That respondent No: 4 advertised different posts of para medical staff including JCT (RADIOLOGY), JCTC(SURGICAL), JCT(PULMONOLOGY) PHCT(EPI) AND EPI VACCINATOR in Daily News Paper by inviting applications from eligible candidates having domicile of District Batagram, Khyber Pukhtunkhwa, having specified age limit and qualification.(coy of Advertisement is attached as annexure "A")
3. That in sequel to above all, the petitioner being eligible, suitable and qualified candidates applied for the posts along with so many other candidates, after short listing the petitioners were called for interview by respondent No:4 to appear before the selection committee and after fulfilling all the legal and codel formalities, appointment orders of the petitioners were issued.(copies attached as annexure "B").
4. That consequently , petitioners submitted their arrival, they were posted to their respective places of duties as per advertisement and requirements , the petitioners assumed their respective charges of post, served their for about 20/21 days. But all of sudden respondent No: 2 issued impugned notification dated 23/8/2021 regarding cancellation of appointment of the petitioners under political pressure of ruling party and their local representative for accommodating their blue eyed people.(impugned notifications ANNEXURE "c")

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 Deputy Registrar
 31 AUG 2021

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 PESHAWAR HIGHT COURT
 ABBOTTABAD BENCH
 27/9/21

5. That the petitioner being aggrieved from dated 23/08/2021 by respondent No:2, followed by order dated 28/08/2021 by respondent No:4 , has got no other appropriate/adequate remedy except to file the instant writ petition on the following grounds among the others.

GROUNDS

A. That the rights of the petitioners have been flagrantly violated by the respondents by issuing impugned orders absolutely against the law governing the matter.

B. That the petitioners have not been treated in accordance with law , rather the act of respondents is in conflict with the law governing the subject specifically with regard to rights guaranteed by the constitution of Islamic Republic of Pakistan 1973.

C. That rights of the petitioners have been flagrantly violated by the respondents, being public functionaries exercising statutory powers, have not discharged their duties in accordance with and acted in a manner absolutely contrary to law.

D. That due to the illegal and unwarranted act of respondent No: 2 & 4 rights of the Petitioners have been glaringly violated, appointments of the petitioners have been cancelled in complete negation of rules and law, which is manifestly not only an illegality or irregularity but discriminatory and glaring disobedience of law and constitution..

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3.1 AUG 2021

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ABBOTTABAD BENCH
23/9/21

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EXAMINER
21 DEC 2022
Peshawar High Court Atd Bench
Authorized Under Sec 75 Evid Ordns.

(5)

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- E. That the doctrine of **locus Poenitentiae** is fully applicable to the case of petitioners in the light of principles laid down by august Supreme court of Pakistan.
- F. That the act of respondents is the **most blatant affront to the concept of rule of law, equal protection of law and protection from discrimination** as provided under the article 25 of the constitution, as it is has not been neither mandated such **omnibus and omnipotent powers** to the respondent No:2 & 4, Nor ever bestowed with absolute discretion at the cost of rights of individuals/petitioners.
- G. That the act of respondents is **classical example bending for accomplishment of desires and whims of political allied**, which in toto against the law on the subject and the rights guaranteed by the constitution.
- H. That the appointments of the petitioners were cancelled without any notice or **opportunity** of personal hearing by keeping the aside the rules and the law. The illegal and unwarranted impugned orders of the respondent NO:2 and 4 have taken away the rights of the petitioners without complying with law governing the subject.
- I. That the impugned orders are in glaring violation of judgment of Hon'le Supreme Court in case titled "**Chiefe Secretary Govt of Punjab vs Malik Asif Hayat**" reported as "**2011 SCMR-1220**".

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Deputy Registrar
3.1 AUG 2021

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PESHAWAR HIGH COURT
ABBOTTABAD BENCH

23/9/21

It is therefore, humbly prayed that on acceptance of instant writ petition:

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A. writ of certiorari may please be issued to declare Order dated 23/8/2021 passed by the respondent No: 2 followed by order dated 28/8/2021 by respondent NO: 4 as illegal, unlawful, against the factual position, contra legume *against the recognized fundamental rights of the petitioners, passed under political influence of the ruling party and their representatives, based on motives other than legal.*

B. The respondents may please be directed to withdraw the impugned notifications/orders and allow the petitioners to perform their duties as per their initial appointment orders.

Any other /further, better relief which has not been specifically prayed for but this Honourable Court deems just and equitable in the circumstances of the case may also be granted to petitioner.

Interim Relief:

It is further prayed that by way of seeking interim relief, Impugned order dated 23/8/2021 and 28/8/2021 passed by Respondents may very kindly be suspended and the respondents may please be restrained from proceeding further with the matter pertaining to the subject appointments till decision of instant writ petition

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PESHAWAR HIGH COURT
ABBOTTABAD BENCH

23/9/21

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Deputy Registrar

31 AUG 2021

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EXAMINER

21 DEC 2022

Peshawar High Court Atd Bench
Authorized Under Se 75 Evid Ordns

Petitioner

Through

Amjad Hassan Tanoli

ADVOCATE HIGH COURT

ANNEXURE 'H'

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BEFORE THE PESHAWAR HIGH COURT ABBOTTBAD BENCH

WP No 955/2021



Muhammad Waqar & others

Petitioners

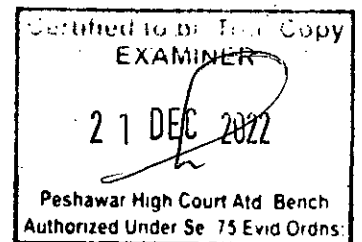
Versus

Govt of KPK & others

Respondents

PARAWISE REPLIES ON BEHALF OF RESPONDENT DHO BATTAGRAM

Respectfully Sheweth,



Preliminary Objection:

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

ON FACTS:

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

ON GROUNDS:

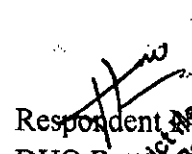
- A. Para A of the ground is Incorrect, the Respondent No 4 completed the recruitment proceedings and Not independently issued any order against the Petitioners. The order of Respondent No 2 was complied for which the Respondent No 4 was legally bound being his subordinate, (copy attached annexure M).


No. 5556
29-09-21
ALEX. H. QADAY
ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH
29/9/21

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

PARYER:

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

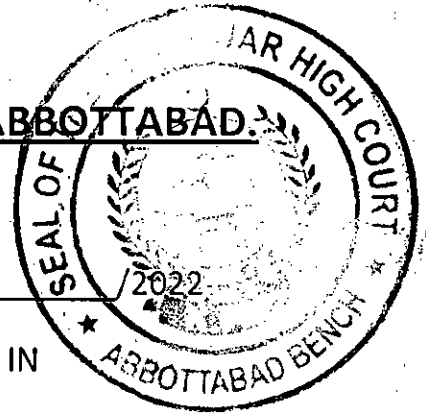

 Respondent No 2
 DHO Battagram
 District Health Officer
 Battagram


 27/12/21

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 ABBOTTABAD BENCH
 29/12/21

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 Peshawar High Court 4 Bench
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IN THE PESHASWAR HIGH COURT BENCH, ABBOTTABAD.



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IN

W.P No. 955-A/2021.

Muhammad Waqar & others

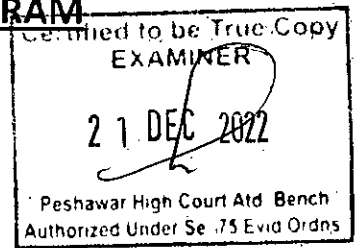
Petitioner.

Versus

Government of Khyber Pakhtunkhwa etc

Respondents.

APPLICATION FOR FILING BETTER COMMENTS ON BEHALF OF
RESPONDENT NO. 04 DISTRICT HEALTH OFFICER BATTAGRAM



Respectfully sheweth;-

1. That the above titled writ Petition is pending for adjudication before the Hon'ble Court.
2. That the comments previously submitted by Respondent No.4 before the Hon'ble Court were prepared prior to receiving the results of inquiry ordered by Director General Health Services.
3. That the contradiction in the comments of Respondent No. 04 and Respondent No.02 is because comments of Respondent No.02 DG Health services are based on findings of the inquiry report.

That the Applicants/Respondents intend to file better comments in the instant case.

5. That if this Hon'ble Court allow this application, it would be helpful for disposing off the instant Writ Petition on merit.

*vetted
by
M.A.C*

*No. 2218
20-05-22*

ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH

6. That there is no legal bar to allow this application and this Hon'ble Court has got ample powers to accept the instant Application.

It is therefore most humble prayed that the better comments may be allowed to be submitted in the above titled case.

vetthel
Sp-DC
Assistant Advocate General
Khyber Pakhtunkhwa, Abbottabad

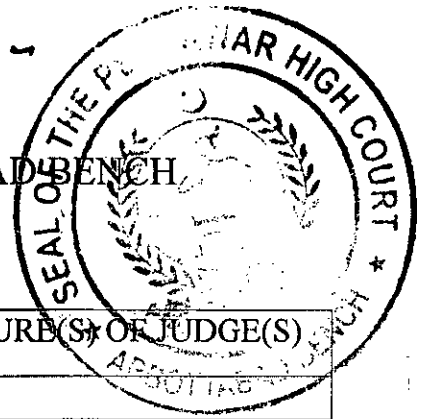
[Signature]
District Health officer
Battagram
Respondent No. 04

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27 DEC 2022
Peshawar High Court Amd Bench
Authorized Under Sec 75 Evid Ordns

~~FILED TODAY~~
ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH
[Signature]

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ANNEXURE 'i'

PESHAWAR HIGH COURT, ABBOTTABAD BENCH
FORM 'A'
FORM OF ORDER SHEET



Date of Order or Proceedings	ORDER OR PROCEEDINGS WITH SIGNATURE(S) OF JUDGE(S)
1	2
15.09.2022	<p>WP No.955-A/2021.</p> <p>Present:- Mr.Amjad Hussain Tanoli, Advocate for petitioner</p> <p>Sardar Ali Raza, AAG for respondents with Javaid Salim Focal Person DGHS Khyber Pakhtunkhwa and Yasir Pasha.Lit Officer DHO Office Battagram.</p> <p>***</p> <p><u>IJAZ ANWAR, J.</u> Since the matter squarely falls within the jurisdiction of service tribunal, as such, jurisdiction of this court is bar under Article 212 of The Constitution of Islamic Republic of Pakistan.</p> <p>2. In view thereof copy of the memorandum of this writ petition be transmitted to the respondents/department and be treated as department appeal for decision in accordance with law. On the completion of 90 days the petitioner would be at liberty to approach service tribunal subject to all just and legal exceptions.</p>

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EXAMINER
21 DEC 2022
Peshawar High Court Atd Bench
Authorized Under Section 5 F. and Ordns


JUDGE


JUDGE

(Muhammad Jamil)

(DB)

Hon'ble Mr Justice Ijaz Anwar,
Hon'ble Mr Justice Wiqar Ahmad.

Office
15/12/22

کورٹ فیس

وکالت نامہ

SCANNED
KFST
Peshawar

BEFORE THE K.P.K. Senior Tribunal بعدالت

Muhammed Waqar نام Court of K.P.K. عنوان:

Appellant منجانب:

Service Appeal نوعیت مقدمہ:

ATD باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دی کل کاروائی متعلقہ آن مقام

Hamayun Khan, Fazlullah Khan

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل

صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلاف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری

کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت

ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی

جگہ تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا

ساختہ پر داختم مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے

مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا

حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں

کوئی جزو بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد

استجارت نالاش بصیغہ مفلسی کے دائر کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کیا تاکہ سند رہے۔

المقوم: 21/12/22

بمقام: