


# FORM OF ORDER SHEET

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

**Appeal No.** 1152/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	12/08/2024	<p>The appeal of Dr. Wazir Khan Safi presented today by Mr. Noor Muhammad Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 15.08.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR.

NO. 1152 /202

Dv. Wazir Khan Sofi

VS GOVT. OF KPK & OTHERS

APPLICATION FOR RELATION OF THE ABOVE TITLED *Appeal* AT  
PRINCIPAL SEAT, PESHAWAR

Respectfully Sheweth:

1. That the above mentioned *appeal* is pending adjudication before this Hon'ble Tribunal in which no date has been fixed so far.
2. 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 be heard.
3. That it is worth mentioning that the offices of all the respondents concerned are at Peshawar and Peshawar is also convenient to the appellant/applicant meaning thereby that Principal Seat would be convenient to the parties concerned.
4. That any other ground will be raised at the time of arguments with the permission of this Hon'ble tribunal.

It is therefore prayed that on acceptance of this application the *appeal* may please be fixed at Principal Seat, Peshawar for the Convenience of parties and best interest of justice.

Appellant/Applicant

Dated: 08/07/21

Through

  
NOOR MOHAMMAD KHATTAK  
ADVOCATE SUPREME COURT

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

SERVICE APPEAL NO. 1152 /2024

**DR. WAZIR KHAN SAFI** **VERSUS** **GOVT: OF KP**

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Dated: 08-08-2024

**APPELLANT**  
**THROUGH:**  
**NOOR MUHAMMAD KHATTAK**  
**ADVOCATE SUPREME COURT**

-2-

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

SERVICE APPEAL NO:- 1152 /2024

Dr. Wazir Khan Safi R/o Safi House, Street No 01, Gul Town  
Lanoi Sarak, Tehsil & District Peshawar.  
(Medical Superintendent (BS-19) DHQ Hospital Bajaur)

..... APPELLANT

**VERSUS**

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Health Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Director General Health Services Department, Khyber Pakhtunkhwa, Peshawar.

..... RESPONDENTS

**SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED NOTIFICATION DATED 28/12/2023 WHEREBY FACT FINDING INQUIRY COMMITTEE HAS BEEN CONSTITUTED TO PROOF INTO THE PSEUDONYMOUS COMPLAINT AND AGAINST THE INACTION OF THE RESPONDENTS BY NOT DECIDING THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF 90 DAYS.**

Prayer:-

On acceptance of this Service Appeal, the impugned notification dated 28/12/2023 may kindly be set aside and the appellant be allowed to perform his duties against the post of Medical Superintendent (BS-19) DHQ Hospital Bajaur. Any other remedy which this august Service Tribunal deems fit that may also be awarded in favor of the appellant.

**R/SHEW'ETH:**

**ON FACTS:**

**Brief facts giving rise to the present appeal are as under:**

- 1- That appellant is the law abiding citizen of Pakistan had served the respondent department as District Health Officer North Waziristan quite efficiently and up to the entire satisfaction of his superior.

2- That while performing his duties as DHO North Waziristan with zeal and zest, the appellant was transferred from District Health Officer North Waziristan and posted as Medical Superintendent (BS-19) DHQ Hospital Bajaur vide order dated 18/08/2023. Copy of transfer order dated 18/08/2023 is attached as annexure.....A

3- That the appellant while performing his duties quite efficiently, however, a pseudonymous complaint was lodged against him that the appellant has not eligible for the said post as per required qualification, but as per Esta Code instructions anonymous /pseudonymous compliant shall be thrown in to the dustbin and no action shall be taken on such like complaints, but the respondents through impugned notification No SOH(E-V)/2-2/2023 dated 28/12/2023 initiated an inquiry against the appellant on the basis of such pseudonymous compliant. Copies of the compliant & Esta Code instructions & impugned inquiry notification are attached as annexure.....B,C&D

4- That it is important to mention here that the respondent department not follow its own criteria of anonymous/pseudonymous lodged against any of its employee, which is reproduced as under:-

- i. *In complaint against a civil servant, the appellant should be asked to furnish an affidavit to the effect that all facts stated in his complaint are true and if his affidavit is proved false, he would be prepared to face legal action which could be taken against him.*
- ii. *Anonymous communications must invariably be filed on their receipt. No action of any kind is to be taken on them and no notice of any kind is to be taken on their contents. If the communication is found to be pseudonymous it (and any previous notes etc. connected with it) must similarly be filed.*
- iii. *It is however recognized that there may be exceptional cases, when anonymous/ pseudonyms communication contain allegation of a specific nature having a right of truth, then these may be inquired into only after obtaining the orders of Secretary Health.*
- iv. *Anonymous petitions or letters should normally be filed except when definite allegations are made and concrete instance given.*
- v. *Complaints received through anonymous/pseudonymous source should be ignored.*
- vi. *Antecedents and credentials of a complaint should be verified before an inquiry is instituted against the officials concerned.*

vii. *Appreciation, regard and reward would be given to individuals who raise accurate complaints having concrete proof to bring forward a legitimate and valid concern, it will have taken less time to identify the problem and will create a positive and open environment. Copy of notification dated 19/07/2023 is attached as annexure.....E*

5- That the respondent department initiated a so called inquiry on the basis of aforementioned anonymous/pseudonymous compliant, in response to the ibidi complaint.

6- That the appellant being aggrieved from the impugned notification, approached before the Honourable Peshawar High Court, Peshawar vide Writ Petition, but the same has been returned on the ground of jurisdiction vide objection dated 19/07/2024, the appellant relied to the said objection on 22/07/2024 and re-submitted again, but the same has been once again returned by the Additional Registrar on the same ground vide objection dated 23/07/2024. Copies of grounds of Writ Petition alongwith objection slip are attached as annexure.....F

7- That feeling aggrieved, the appellant filed a representation before the respondent, but the same has not been responded so far till dated. Copy of departmental appeal is attached as annexure.....G

8- That appellant feeling aggrieved and having no other efficacious remedy preferred the instant service appeal on the following grounds.

**GROUND:**

A- That the impugned notification dated 28/12/2023 being contrary to law and rules and norms of natural justice, hence not tenable in the eye of Law, liable to be set aside, and needs interference of this Honorable Court.

B- That appellant has not been treated by the respondent department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the constitution of Islamic Republic of Pakistan 1973.

C- That respondents has violated the instructions of the Provincial Government while issuing the impugned notification dated 28/12/2023.

- 4-
- D-** That as per instructions of Esta Code, no departmental proceeding be initiated on anonymous/pseudonymous complaint, but despite that the respondent through impugned notification dated 28/12/2023 initiated inquiry against the appellant.
- E-** That the treatment meted out to the appellant is a clear violation of the Fundamental Rights of the appellant as enshrined in the Constitution of Pakistan 1973.
- F-** That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for. Any other remedy which this august Court deems fit that may also be awarded in favor of the appellants.

Dated: \_\_\_/08/2024

  
APPELLANT

THROUGH:

  
NOOR MUHAMMAD KHATTAK  
ADVOCATE SUPREME COURT

  
UMAR FAROOQ MOHMAND

  
WALEED ADNAN  
ADVOCATES HIGH COURT

**AFFIDAVIT**

I, Dr. Wazir Khan Safi, (the appellant), do hereby solemnly affirm on oath that the contents of the above appeal are true and correct to the best of my knowledge and believe and nothing has been concealed from this Honorable Tribunal.

  
DEPONENT

-5-

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

CM No. \_\_\_\_\_ /2024

IN

SERVICE APPEAL No. \_\_\_\_\_ /2024

**DR. WAZIR KHAN SAFI      VERSUS      GOVT: OF KP**

**APPLICATION FOR SUSPENSION OF IMPUGNED**  
**NOTIFICATION DATED 28/12/2023, TILL THE FINAL**  
**DECISION OF THE INSTANT SERVICE APPEAL.**

**R/SHEWETH:**

1. That the above mentioned appeal alongwith this application has been filed by the appellant before this august Tribunal in which no date has been fixed so far.
2. That appellant filed the above mentioned appeal against the impugned notification dated 28/12/2023, whereby fact finding inquiry committee has been constituted to proof into the pseudonymous complaint.
3. That all the facts and grounds of the accompanied appeal may kindly be consider as part and parcel of this application.
4. That all the three ingredients necessary for the stay is in favor of the appellant and if the temporary injunction in the instant case is not granted, the appeilant shall suffer irreparable loss.
5. That the impugned action and inaction of the respondent department in utter disregard of law and prevailing Rules.

It is therefore, most humbly prayed that on acceptance of this application, the operation of the impugned notification dated 28/12/2023 may kindly be suspended, till the final decision of the instant appeal.

Dated: 08/08/2024

  
APPELLANT

THROUGH:

NOOR MUHAMMAD KHATTAK  
ADVOCATE SUPREME COURT

**AFFIDAVIT**

I, Dr. Wazir Khan Safi, (the appeilant), do hereby solemnly affirm on oath that the contents of the above application are true and correct to the best of my knowledge and believe and nothing has been concealed from this Honorable Tribunal.

  
DEPONENT





GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

Dated: Peshawar the 18<sup>th</sup> August, 2023

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**NOTIFICATION**

**NO. SCH (E-V)/2-2/2023**

The Competent Authority (Chief Minister, Khyber Pakhtunkhwa) is pleased to order posting/ transfer of the following doctors with immediate effect, in the best public interest:-

S.NO	NAME OF DOCTOR	FROM	TO
1	Dr. Wazir Khan Safi, Management Cadre (BS-19)	District Health Officer, North Waziristan	Medical Superintendent (BS-19), DHQ Hospital Bajaur. Vice S.No. 02
2.	Dr. Liaqat Ali, Specialist Cadre (BS-18)	Medical Superintendent (BS-19), DHQ Hospital Bajaur in OPS	District Specialist (Peads) BS-18, DHQ Hospital Bajaur against the vacant post
3.	Dr. Miraj Wazir, General Cadre (BS-17)	Medical Officer (BS-17), attached to DHO office North Waziristan	District Health Officer (BS-18), North Waziristan in OPS. Vice S.No.01

SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

No. 1338-47 / Notification of even No. & dated:

Copies forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director General Health Services. Khyber Pakhtunkhwa.
3. MS, DHQ Hospital Bajaur.
4. District Health Officer, North Waziristan.
5. District Accounts Officer, North Waziristan and Bajaur.
6. PS to Secretary Health Department Khyber Pakhtunkhwa.
7. Deputy Director (IT), Health Department, Peshawar.
8. All concerned doctors.
9. Personal files of the concerned doctors.

  
(FAZAL AMIN)  
SECTION OFFICER (E-V)

ATTESTED



منصور نانی نے کلرک بہت اہم کردار ادا کیا ہے۔ اور کروڑوں روپوں ARREAR کو CLASS - IV ملازمین  
 ناموں کتابے گئے ہیں ان CLASS- IV کو BACK DATE میں بھرتی کیا اس میں لفٹ کرنے میں GENERAL  
 HEALTH سیم اللہ خان کے سائن برٹن لفٹ کیا تھا اور اس میں SOH(G) سلیم اللہ خان نے ایک اہم کردار کیا تھا اور اس میں  
 میں نے SO GENERAL HEALTH کو بھی کروڑوں روپوں کا شیر مل چکا ہے۔ اور SO GENERAL سے جو  
 لفٹ کیا گیا اس کے DFA کو منظر عام پر لانا چاہیے کہ واقعی SECRETARY HEALTH جو کہ بھلا اقدار ہے قابل  
 اپرویل دیا ہے یا نہیں اگر نہیں دیا ہے تو لا کورہ بندوں کو واقعی سزا دیا جائے تاکہ اشد کے لیے کوئی بند ایسا کاروائی نہ کی جائے نہ کورہ  
 بندوں میں سے ابھ سیم جو کہ KPK میں کرپشن کا بے تاج بادشاہ بنا جاتا ہے۔ اور یوگس سنگھ جگر کا بادشاہ بنا جاتا ہے۔ جسکی واضح  
 ثبوت Director Health General Service KPK کے یوگس سائن سے اپنے آپ کو بحال کیا اس کے

خلاف SO SECRET HEALTH کے ذریعے انکو زنی

CONDUCT کیا اس انکو زنی میں DG HEALTH کا Re-instatement order پر یوگس DECLAR کیا

کیا گیا۔ اور اسی یوگس اورڈر کے تحت SERVICE TRIBUNAL سے WITHDRAW کیا ہے اس کے خلاف FIR

ٹاپا ہے۔ اور زمین سے نا کھولی روپے گجرا کے مذ میں جلوب کیا گیا اس بارے میں ہم نے امران بالا سے کئی کپیٹنٹ کیے لیکن کوئی

ال رو اور کین ڈولہ خدائے ان کر بی امران کی خلاف ملی جا انکو زنی مقرر کرنا چاہیے تاکہ دودھ کا دودھ پانی اور پانی اور جائے۔ نیز

ڈ کو رو کر کے HEALTH کے خلاف HEALTH SECRETARY کے دفتر میں انکو زنی

اور ہی ہے اب اس کی FINDINGS کی ڈیکری میں ان کی ہے۔ برائے کرم وہ منظر عام پر لانا چاہیے تاکہ دودھ کا دودھ اور

پانی پانی منظر عام پر آجائے اور ان بندوں کو جیلی سزا دینا چاہیے تاکہ عرب اور تم لوگوں کے دل بھی ٹھنڈا ہو جائے۔ اور اسلام سے

دھڑکی بھرتی

دور جب انکو زنی اور منظر عام پر لانا چاہیے تاکہ اس میں مزید اضافہ ہو سکے۔

اس کے علاوہ لا کورہ سائن کے مندرجہ ذیل ایجنسی ایجنسی اور شمالی وزیرستان ایجنسی میں بحیثیت DHO اور

MS جو نکل پر وہ چکان الہ انکو زنی کیا جائے۔ ہر جگہ پر ان کے ساتھ دفتر کے ہاتھ کے ساتھ مل کر قومی خزانے کو کروڑوں روپے کا

تلفان پہنچا گیا ہے اس کے مل سہرا انکو زنی ہوئی چاہیے۔ اور اسی دفعہ اب صاحبان نے میرے اس کپیٹنٹ پر عمل نہیں کیا کیا

میں جو روزانہ ان کے MANAGEMENT ORDER میں یوگس ڈیکری کے ذریعے جو INDUCTION

کیا ہے وہ بھی منظر عام پر لانا چاہیے۔

جانب ہاؤسنگ کے معاملے میں لا کورہ سائن کے خلاف ڈل انکو زنی ہوئی چاہیے۔ نمبر 1 یوگس MPH ڈیکری نمبر

CLASS IV 258 3 نمبر کے۔ TERMINATE EMPLOYER اور تمام ویلیز کرنے کے۔

MEDICEN BILL اور یوگس

ATTEST

**Determination of the 'Appellate Authority' in terms of the Civil Servants (Appeal) Rules, 1977.**

It has been observed that Ministries/Divisions/Departments do not generally follow the prescribed procedure regarding submission of appeals/petitions to the Establishment Division, for obtaining orders of the Prime Minister or the President, as the case may be in terms of Civil Servants (Appeal) Rules, 1977 read with Rule 15-A of Rules of Business, 1975. In number of cases the appeals/petitions processed by the respective Ministries/Divisions etc. have been found to have not been addressed to the proper appellate authority. In such a case, to avoid delay, the receiving authority, should withhold the appeal and simultaneously inform the appellant to re-submit the same duly addressed to the proper appellate Authority to be indicated as required under Rule 7 of the said rules. The case relating to an appeal should invariably be submitted to the Establishment Division in the form of a Summary titled as "Summary for the Prime Minister" seeking orders of the President where the President is an Appellate Authority alongwith the appeal (in original) with parwise comments to be given in juxta-position in the form of a statement as indicated overleaf.

2. In this connection, it may be pointed out that an appeal from a civil servant in BPS-17, and above against imposition of any minor penalty, as prescribed in Rule 4(i)(b) of Government Servants (E&D) Rules, 1973, by an authorised Officer or a major penalty by the authority i.e. the Prime Minister under Rule 4(1)(a) shall lie to the President, in his capacity as the appellate authority, and shall be processed in accordance with Rule 15-A of the Rules of Business, 1973.

1. All Ministries/Divisions/Provincial Governments are requested to bring the said position to the notice of all concerned for their information and guidance.

(Authority: Establishment Division O.M No.5/4/94-Rev/D.3, dated 17.3.1997 circulated by Khyber Pakhtunkhwa Government letter No.SORII(S&GAD)5(27)79, dated 9.5.1997)

**Anonymous Complaints/Letters**

**Disposal of Enquiry cases based on anonymous/Pseudonymous complaints.**

The following instructions may be followed during disposal of anonymous communications:-

1. Anonymous communications must invariably be filed on their receipt. No action of any kind is to be taken on them and no notice of any kind is to be taken on their contents. If the communication is found to be pseudonymous it (and any previous notes etc. connected with it) must similarly be filed.
2. It is however recognized that there may be exceptional cases, when anonymous/pseudonymous communication contain

allegations of a specific nature having a ring of truth, then these may be inquired into only after obtaining the orders of Administrative Secretaries/Head of Attached Department/Commissioners/Deputy Commissioners as the case may be.

3. Local heads of Police officers in the Districts can also exercise discretion to order enquiries into anonymous and pseudonymous petition on the analogy of Deputy Commissioners in their respective jurisdictions. Since the Deputy Commissioner is the General Administrative head of the District, his orders should be obtained by the concerned head of office under his administrative control if he wants to take action on any anonymous petition.
4. Anonymous petitions or letters should normally be filed except when definite allegations are made and concrete instances given.
5. In complaint against a civil servant, the petitioner should be asked to furnish an affidavit to the effect that all facts stated in his complaint are true and if his affidavit is proved false, he would be prepared to face legal action which could be taken against him.
6. Complaints received through anonymous/pseudonymous source should be ignored.
7. Antecedents and credentials of a complaint should be verified before an inquiry is instituted against the officials concerned.
8. News papers publishing allegations, which are proved to be baseless, should be dealt with according to the law.

It is requested that strict observance of the above instructions may be ensured at all levels of Administration under your control.

(Authority:-S&GAD's letter No.SORII(S&GAD)5(29)/97-II, dated 22.7.1998)

**Disposal of anonymous/pseudonymous complaints.**

I am directed to invite attention to this Department circular letter of even number dated 22.7.98, wherein detailed instructions with regard to the disposal of anonymous/pseudonymous complaints had been issued. It has been observed that the aforesaid instructions are either not being followed or have been lost sight of as anonymous/pseudonymous complaints are still being received which on investigation, are found baseless resulting in wastage of time and energy of the Government functionaries and stationary of the Government which could usefully be utilised in pursuits of public interest.

2. I am, therefore, directed to request once again that anonymous/pseudonymous letters/complaints should not be entertained in any Government Department/office in future.

9/10-1-1997

RECEIVED

The above instructions may kindly be brought to the notice of all concerned and noted for strict compliance.

(Authority S&GAD letter NO.SORII(S&GAD)5(29)97 Vol-II, dated 15.11.1999)

**Conducting of Inquiries into complaints.**

I am directed to refer to the subject noted above and to state that in a case of inquiry pertaining to Agency Headquarters Hospital, Landikotal, the Chief Secretary Khyber Pakhtunkhwa was pleased to observe that in very rare cases anybody responsible would admit a mistake or a fault. It has therefore been desired that while dealing with such complaints the officer conducting a particular enquiry should be a little more discerning, otherwise the entire exercise would become meaningless. The Departments should not treat every complaint as a noose around their neck. The idea of conducting inquiries into the alleged malpractices is simply to see inwardly and reform/correct the situation wherever anything goes wrong. In all cases so far referred to the Departments, the charges leveled against individual officers are denied and no case has been reported in which corrective action was taken.

In view of the position explained above, the instructions of the Competent Authority as mentioned above may please be noted for strict compliance. These instructions may also be circulated amongst the attached department and subordinate offices for similar action.

(Authority S&GAD letter No.SO(Coord)/PMC/S&GAD/1-1/99/853-95 Dt:2.3.2000)

**Khyber Pakhtunkhwa  
Anti-corruption Establishment Rules, 1999**

**Notification No. SOS-III(S&GAD)4(6)/98, dated 15-12-1999.**---In exercise of the powers conferred by section 6 of the West Pakistan Anti-Corruption Ordinance, 1961 (W.P. Ord. XX of 1961), and in supersession of the West Pakistan Anti-Corruption Establishment Rules, 1965, the Governor of the Khyber Pakhtunkhwa is pleased to make the following rules, namely:-

1. **Short title and commencement.**--- These rules may be called the Khyber Pakhtunkhwa Anti-corruption Establishment Rules, 1999.

(2) They shall come into force at once.

2. **Definitions.**---(1) In these rules, unless the subject or context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say:-

- (a) "Act" means the Prevention of Corruption Act, 1947 (Act No. II of 1947);
  - (b) "Assistant Director" means an [the Assistant Director of the Establishment];
  - (c) "Chief Secretary" means the Chief Secretary to the Government of Khyber Pakhtunkhwa;
  - (d) "Circle Officer" means the officer in charge of the Anti-Corruption Circle in a District;
  - (e) "Competent Authority" means the authority competent to accord permission to hold an enquiry, to order registration of a criminal case, permit submission of a challan to court, drop the case after investigation and decide departmental action under the rules;
  - (f) "Director" means the Director of the Establishment;
  - (g) "Establishment" means the Anti-corruption Establishment of the Khyber Pakhtunkhwa;
  - (h) "Government" means the Government of the Khyber Pakhtunkhwa;
  - (i) "Head of Attached Department" means an officer in charge of the Department declared as such by Government; and
  - (j) "Ordinance" means the Anti-Corruption Establishment Ordinance, 1961 (W.P. Ord. No. XX of 1961); and
- (2) The expressions used but not defined in these rules shall have the same meanings as respectively assigned to them in the Act and the Ordinance.

3. **Preliminary/Open enquiries against Public Servants.**---(1) Preliminary inquiries and investigation against public servants shall be initiated by the Establishment on complaints received from Government, Head of Departments or other reliable sources.

(2) The Director shall initiate preliminary/open enquiries in order to ascertain the identity of the complaint or informer and genuines of the complaint or information.

(3) It shall be incumbent on the Head of concerned Department/Office to provide the relevant record required in connection with enquiries/investigations as soon as a request is made by the Establishment.

Provided the enquiry against the [District Co-ordinate Officers in the Districts], Secretaries to the Provincial Government, Head of Attached Departments

1. Substituted for the words "officer in charge of Anti-Corruption Establishment in a Division" by Notification SOS-III(E&AD)1-6/98 dated 09-07-2002

RECEIVED  
15/12/99

D-2

1. The first part of the document contains a list of names and their corresponding addresses. The names are written in a cursive script, and the addresses are listed below them. The list is organized into several columns, with names in the first column and addresses in the second column.

2. The second part of the document contains a series of numbered entries, likely representing a list of items or transactions. Each entry is preceded by a number and followed by a description of the item or transaction. The descriptions are written in a cursive script and are somewhat difficult to read due to the handwriting.

3. The third part of the document contains a series of lines of text, which appear to be a continuation of the list or a separate section of the document. The text is written in a cursive script and is also somewhat difficult to read.

4. The fourth part of the document contains a series of lines of text, which appear to be a continuation of the list or a separate section of the document. The text is written in a cursive script and is also somewhat difficult to read.

5. The fifth part of the document contains a series of lines of text, which appear to be a continuation of the list or a separate section of the document. The text is written in a cursive script and is also somewhat difficult to read.

ATTESTED

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT**

**NOTIFICATION**

**NO SOH(E-V)2-2/2023** A Fact finding committee is hereby constituted comprising of following to probe into the complaint submitted by Malik Atta Ullah from North Waziristan against Dr. Wazir Khan Safi then then DHO North Waziristan (Now MS DHQ Hospital Bajaur) on account of fake/bogus MPH degree, illegal appointments of staff, release of salaries, illegal conversion of dispensers position to the post of Junior clerk, illegal re-instatement of already terminated EPI technicians/paramedics and other corrupt practices during his tenure and submit its report alongwith recommendations within fifteen (15) days positively.

1. Dr. Abid Hussain (BPS-20)                      Chairman  
    Additional Director General (M&E)  
    Directorate General Health Services  
    Khyber Pakhtunkhwa
2. Dr. Muhammad Saleem (BS-19)              Member  
    Director (DHIS) Directorate General  
    Health Services Khyber Pakhtunkhwa  
    And
3. Dr. Mushtaq Ahmad (BS-19)              Member  
    DHQ Hospital KDA Kohat

Secretary to Govt: of Khyber Pakhtunkhwa  
Health Department

No 3325-28/Notification of even NO & dated



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

Dated Peshawar, the 19<sup>th</sup> July, 2023.

**NOTIFICATION**

**No.SOG/HD/1-35/Gen.Notification/2023:** It has been observed that the instructions contained in Chapter-IV Serial No. 35 of ESTA Code (Revised Edition) 2011 are not being followed or have been lost sight of as anonymous/ pseudonymous complaints are still being received which on investigation, are found baseless resulting in wastage of time and energy of the Government functionaries and stationery of the Government which could usefully be utilized in pursuance of public interest. The Competent Authority has taken serious note of the issue and directed for strict observance of the following instructions be ensured in all attached Departments of Health in future:-


- i. In complaint against a civil servant, the petitioner should be asked to furnish an affidavit to the effect that all facts stated in his complaint are true and if his affidavit is proved false, he would be prepared to face legal action which could be taken against him.
  - ii. Anonymous communications must invariably be filed on their receipt. No action of any kind is to be taken on them and no notice of any kind is to be taken on their contents. If the communication is found to be pseudonymous it (and any previous notes etc. connected with it) must similarly be filed.
  - iii. It is however recognized that there may be exceptional cases, when anonymous/ pseudonymous communication contain allegations of a specific nature having a ring of truth, then these may be inquired into only after obtaining the orders of Secretary Health.
  - iv. Anonymous petitions or letters should normally be filed except when definite allegations are made and concrete instances given.
  - v. Complaints received through anonymous/pseudonymous source should be ignored.
  - vi. Antecedents and credentials of a complaint should be verified before an inquiry is instituted against the officials concerned.
  - vii. Appreciation, regard and reward would be given to individuals who raise accurate complaints, having concrete proof to bring forward a legitimate and valid concern, it will have taken less time to identify the problem and will create a positive and open environment.
2. The above instructions may also be disseminated amongst field formations of the respective line departments.

SECRETARY  
GOVT. OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

**Endst. No. & Date Even :**

**Copy for information/necessary action to the:**

1. All Director General's Health Department, Khyber Pakhtunkhwa, Peshawar.
2. All DHOs/MS Health Department, Khyber Pakhtunkhwa, Peshawar.
3. Chief Planning Officer Health Department Khyber Pakhtunkhwa, Peshawar.
4. Chief HSRU Health Department Khyber Pakhtunkhwa, Peshawar.
5. All Project/Manager Directors, Health Department Khyber Pakhtunkhwa, Peshawar.
6. All Section Officers in Health Department Khyber Pakhtunkhwa, Peshawar.
7. PS to Advisor to Chief Minister for Health Department Khyber Pakhtunkhwa, Peshawar.
8. PS to Secretary Health Department Khyber Pakhtunkhwa, Peshawar.
9. PS to all Special Secretaries in Health Department, Khyber Pakhtunkhwa, Peshawar.
10. PA to all Additional Secretaries in Health Department, Khyber Pakhtunkhwa, Peshawar.
11. PA to all Deputy Secretaries in Health Department, Khyber Pakhtunkhwa, Peshawar.

  
(SALEEMULLAH KHAN)  
Section Officer (General)  
(091-0210853)

ATTESTED



13-

**BEFORE THE PESHAWAR HIGH COURT, PESHAWAR.**

WRIT PETITION NO:- \_\_\_\_\_-P/2024

Dr. Wazir Khan Safi R/o Safi House, Street No 01, Gul Town  
Landi Sarak, Tehsil & District Peshawar.  
(Medical Superintendent (BS-19) DHQ Hospital Bajaur)

..... PETITIONER

**VERSUS**

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Health Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Director General Health Services Department, Khyber Pakhtunkhwa, Peshawar.

..... RESPONDENTS

**WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973 AS AMENDED UP TO DATE.**

**R/SHEWETH:**

**ON FACTS:**

FILED TODAY

Deputy Registrar

19 JUL 2024

**Brief facts giving rise to the present writ petition are as under:**

- 1- That petitioner is the law abiding citizen of Pakistan had served the respondent department as District Health Officer North Waziristan quite efficiently and up to the entire satisfaction of his superior.
- 2- That while performing his duties as DHO North Waziristan with zeal and zest, the petitioner was transferred from District Health Officer North Waziristan and posted as Medical Superintendent (BS-19) DHQ Hospital Bajaur vide order dated 18/08/2023. Copy of transfer order dated 18/08/2023 is attached as annexure.....A

3- That the petitioner while performing his duties quite efficiently, however, a pseudonymous complaint was lodged against him that the petitioner has not eligible for the said post as per required qualification, but as per Esta Code instructions anonymous /pseudonymous compliant shall be thrown in to the dustbin and no action shall be taken on such like complaints, but the respondents through impugned notification No SOH(E-V)/2-2/2023 dated 28/12/2023 initiated an inquiry against the petitioner on the basis of such pseudonymous compliant. Copies of the compliant & Esta Code instructions & impugned inquiry notification are attached as annexure.....B,C&D

4- That it is important to mention here that the respondent department not follow its own criteria of anonymous/pseudonymous lodged against any of its employee, which is reproduced as under:-

- i. *In complaint against a civil servant, the petitioner should be asked to furnish an affidavit to the effect that all facts stated in his complaint are true and if his affidavit is proved false, he would be prepared to face legal action which could be taken against him.*
- ii. *Anonymous communications must invariably be filed on their receipt. No action of any kind is to be taken on them and no notice of any kind is to be taken on their contents. If the communication is found to be pseudonymous it (and any previous notes etc. connected with it) must similarly be filed.*
- iii. *It is however recognized that there may be exceptional cases, when anonymous/ pseudonyms communication contain allegation of a specific nature having a right of truth, then these may be inquired into only after obtaining the orders of Secretary Health.*
- iv. *Anonymous petitions or letters should normally be filed except when definite allegations are made and concrete instance given.*
- v. *Complaints received through anonymous/pseudonymous source should be ignored.*
- vi. *Antecedents and credentials of a complaint should be verified before an inquiry is instituted against the officials concerned.*
- vii. *Appreciation, regard and reward would be given to individuals who raise accurate complaints having concrete proof to bring*

FILED TODAY

Deputy Registrar

19 JUL 2025

*forward a legitimate and valid concern, it will have taken less time to identify the problem and will create a positive and open environment. Copy of notification dated 19/07/2023 is attached as annexure.....E*

- 5- That the respondent department initiated a so called inquiry on the basis of aforementioned anonymous/pseudonymous compliant, in response to the ibid complaint.
- 6- That feeling aggrieved, the petitioner filed a representation before the respondent, but the same has not been responded till dated.
- 7- That petitioner feeling aggrieved and having no other efficacious remedy preferred the instant writ petition on the following grounds.

FILED TODAY  
 Deputy Registrar  
 19 JUL 2024

**GROUND:**

- A- That the impugned notification dated 28/12/2023 being contrary to law and rules and norms of natural justice, hence not tenable in the eye of Law, liable to be set aside, and needs interference of this Honorable Court.
- B- That petitioner has not been treated by the respondent department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the constitution of Islamic Republic of Pakistan 1973.
- C- That respondents has violated the instructions of the Provincial Government while issuing the impugned notification dated 28/12/2023.
- D- That as per instructions of Esta Code, no departmental proceeding be initiated on annomonoy/pshydonomous complaint, but despite that the respondent through impugned notification dated 28/12/2023 initiated inquiry against the petitioner.
- E- That the treatment meted out to the petitioner is a clear violation of the Fundamental Rights of the petitioner as enshrined in the Constitution of Pakistan 1973.

F- That the petitioner seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that on acceptance of this writ petition the impugned notification dated 28/12/2023 may kindly be declared as illegal, unlawful and ineffective upon the rights of petitioner and the respondents may kindly be directed to set aside the said notification. Any other remedy which this august Court deems appropriate may kindly also be granted in favor of the petitioner.

**Interim Relief:-**

By way of interim relief, the Impugned Notification dated 28/12/2023 may very kindly be suspended till the disposal of instant writ petition.

Dated: 18/07/2024

**PETITIONER  
THROUGH:**

**FILED TODAY**  
Deputy Registrar  
17 JUL 2024

**NOOR MUHAMMAD KHATTAK**  
ADVOCATE SUPREME COURT

**UMAR FAROOQ MOHMAND**

**WALEED ADAAN**

**MAHMOOD JAN**  
ADVOCATES HIGH COURT

**VERIFICATION:-**

Verified that the contents of the instant Writ Petition are true and correct to the best of my knowledge and belief and that nothing material has been suppressed from this Hon'ble Court.

**DEPONENT**

**LIST OF BOOKS:**

1. Constitution of Pakistan.
2. Services Laws Book.
3. Any other case law as per need

-17-

**BEFORE THE PESHAWAR HIGH COURT, PESHAWAR.**

WP No:- \_\_\_\_\_ -P/2024

Wazir Khan  
..... Petitioner

**Versus**

Govt. of KP & others  
..... Respondents

**AFFIDAVIT**

**I, Wazir Khan S/o Rookam Khan R/o Safi House, Street No 1, Gul Town, Landay Sarak, Charsadda Road, Tehsil & District**

**Peshawar, (The petitioner) do hereby solemnly affirm and declare on oath that the contents of this accompanying Writ Petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.**

Identified by

DEPONENT  
CNIC No:- 17301-8313402-5  
Cell No:- 0303-2877446

Noor Muhammad Khattak  
Advocate Supreme Court

18/07/2024  
I certify that the above was verified on solemnly sworn before me in office, this 18/07/2024  
at 09:20 AM by Wazir Khan  
Rookam Khan, r/o Charsadda  
was identified by Noor Muhammad Khattak  
who is personally known to me:  
C. J. Registrar  
Peshawar  
18/7/2024

FILED TODAY  
Deputy Registrar  
18 JUL 2024

IN THE PESHAWAR HIGH COURT, PESHAWAR.  
OBJECTION SLIP

-18-

No: 22754

Dr. Wazir Khan Safi V/S Govt of Kp and others

- 54 Being a matter related to the terms and condition of Civil Service, this Writ Petition is not maintainable under article 212 of the Constitution.
- 62 Rescan the Petition after removing/ rectifying the objection(s).

  
READER

Returned with above mentioned objections for removal to be re-submitted on or before \_\_\_\_\_


03/18/24

19 July 2024

  
Deputy Registrar/Incharge  
Peshawar High Court, Peshawa

R. Sir,


It is stated to me about mentioned objection, but the petition has assigned Notification dated 28/12/2023, whereby an irregularity procedurally initiated against the petition, which does not related to the terms and condition of the petitioners and the petition has no other remedy, but to file writ petition under Article 199.

  
22/7/2024


W.P. No. \_\_\_\_\_ /2024.  
Dr. Wazir Khan Vs Govt. of KPK etc


R/Sir,

1. The above titled WP has been filed by learned counsel for the petitioner which was returned to him with office objection at No. 54 that being a matter related to the terms and condition of Civil Service, this Writ Petition is not maintainable under article 212 of the constitution. He re-filed the case with a note of request.
2. If approved.
  - a. The above mentioned case may be returned to the learned counsel, or
  - b. Entertain the case at Principal Seat with office objection.
3. Submitted for orders, please.

  
 Asstt. Registrar (Institution)  
 Dated: 22-07-2024

Deputy Registrar (Institution).

*Submitted for order please*  
*Made*  
  
 22/7/2024

*Additional reasons for reasons of bar contained in Art. 212 of the Constitution, this court lacks jurisdiction, hence para 29 approved.*  
  
 20/7/2024

*Deputy Registrar  
(Institution)*

To,

The Secretary Health Department,  
Khyber Pakhtunkhwa, Peshawar.

Subject:- DEPARTMENTAL APPEAL AGAINST THE IMPUGNED  
NOTIFICATION DATED 28/12/2023

Respected Sir,

1) That appellant is the law abiding citizen of Pakistan, had served the Health Department as District Health Officer North Waziristan quite efficiently and up to the entire satisfaction of his superior.

2) That while performing his duties as DHO North Waziristan, the appellant was transferred from District Health Officer North Waziristan and posted as Medical Superintendent (BS-19) DHQ Hospital Bajaur vide order dated 18/08/2023.

3) That the appellant while performing his duties quite efficiently, however, a pseudonymous complaint was lodged against him that the appellant has not eligible for the said post as per required qualification, but as per Esta Code instructions anonymous /pseudonymous compliant shall be thrown in to the dustbin and no action shall be taken on such like complaints, but the department through notification No SOH(E-V)/2-2/2023 dated 28/12/2023 initiated an inquiry against the appellant on the basis of such pseudonymous compliant. It is important to mention here that the respondent department not follow its own criteria of anonymous/ pseudonymous lodged against any of its employee, which is reproduced as under:-

- i. *In complaint against a civil servant, the appellant should be asked to furnish an affidavit to the effect that all facts stated in his complaint are true and if his affidavit is proved false, he would be prepared to face legal action which could be taken against him.*
- ii. *Anonymous communications must invariably be filed on their receipt. No action of any kind is to be taken on them and no notice of any kind is to be taken on their contents. If the communication is found to be pseudonymous it (and any previous notes etc. connected with it) must similarly be filed.*
- iii. *It is however recognized that there may be exceptional cases, when anonymous/ pseudonyms communication contain allegation of a specific nature having a right of truth, then these may be inquired into only after obtaining the orders of Secretary Health.*
- iv. *Anonymous petitions or letters should normally be filed except when definite allegations are made and concrete instance given.*
- v. *Complaints received through anonymous/pseudonymous source should be ignored.*
- vi. *Antecedents and credentials of a complaint should be verified before an inquiry is instituted against the officials concerned.*



-2/-


vii. *Appreciation, regard and reward would be given to individuals who raise accurate complaints having concrete proof to bring forward a legitimate and valid concern, it will have taken less time to identify the problem and will create a positive and open environment.*

- 4) That the department initiated a so called inquiry on the basis of aforementioned pseudonymous compliant, in response to the ibid complaint.
- 5) That the appellant aggrieved from the so-called inquiry filed the instant representation before your honor inter alia on the following grounds:-

**GROUNDS:**

- A) That the impugned notification dated 28/12/2023 being contrary to law and rules and norms of natural justice, hence not tenable in the eye of Law, liable to be set aside.
- B) That appellant has not been treated by the department in accordance with law and rules on the subject noted above and as such violated Article 4 and 25 of the constitution of Islamic Republic of Pakistan 1973.
- C) That department has violated the instructions of the Provincial Government while issuing the impugned notification dated 28/12/2023.
- D) That as per instructions of Esta Code, no departmental proceeding be initiated on pseudonymous complaint, but despite this fact, the department through impugned notification dated 28/12/2023 initiated inquiry against the appellant.

It is therefore, most humbly prayed that on acceptance of this departmental appeal, the impugned notification dated 28/12/2023 may kindly be set aside and the appellant may kindly be exonerated from the allegations.

  
Dr. Wazir Khan Safi  
R/o Safi House, Street No 01, Gul  
Town  
Lardi Sarak, Tehsil & District  
Peshawar.  
(Medical Superintendent (BS-19)  
DIQ Hospital Bajaur)  
Dated: 16-04-24

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

\_\_\_\_\_ No. \_\_\_\_\_ /2024

Dr. Waqar Khan Sefi (APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Health Dept (RESPONDENT)  
(DEFENDANT)

I/We Dr. Waqar Khan Sefi

Do hereby appoint and constitute **Noor Mohammad Khattak Advocate Supreme Court** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. \_\_\_\_\_ / \_\_\_\_\_ /2024

  
**CLIENT**

**ACCEPTED**

**NOOR MOHAMMAD KHATTAK  
ADVOCATE SUPREME COURT**

  
**WALEED ADNAN**

  
**UMAR FAROOQ MOHMAND**

  
**MAHMOOD JAN**

&

  
**ABID ALI SHAH  
ADVOCATES**

**OFFICE:**

No. (TF) 291-292 3<sup>rd</sup> Floor,  
Trade Centre, Peshawar Cantt.  
(9314232)