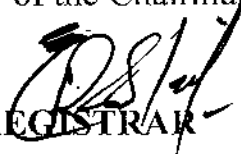


# FORM OF ORDER SHEET

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

**Appeal No. 1379/2024**

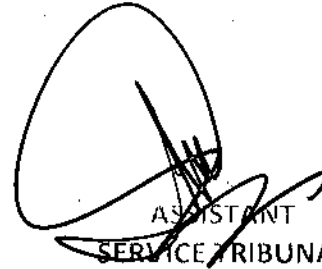
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	20-Aug-24	<p>The appeal of Mr. AIMAN WAZIR resubmitted today by Mr. FARMANULLAH KHATTAK Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 20-Sep-24. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

The appeal of Dr. Aiman Wazir, received today i.e. on 20-8-2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1. ✓ Annexures of the appeal may be attested.
2. ✓ Affidavit be attested by the Oath Commissioner.
3. ✓ Annex-A is not legible.
4. ✓ According to sub-rule-4 of rule-6 of Khyber pakhtunkhwa service tribunal rules 1974 respondent no. 3 to 5 are un-necessary/improper parties, in light of the rules ibid and on written direction of Worthy Chairman the above mentioned respondent number be deleted/struck out from list of respondents.

No. \_\_\_\_\_/S.T.


Dt. \_\_\_\_\_/2024

  
ASSISTANT  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR

Mr. Farman ul/ah khattak Adv. Pesh.

- (i) Annex of the appeal are duly attested.
  - (ii) Affidavit attested by Oath Commissioner.
  - (iii) Annex-A (Page-10) replaced by legible copy.
  - (iv) Resp No. 3 is very much necessary party because the appointment order has been issued while Resp No. 4 & 5 being un-necessary party and deleted / struck as per direction of worthy Chairman raised in para. 4 of the petition.
- Re-submitted for placed before the tribunal.

Assistant Registrar (T)

  
7/9/2024

**KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR**  
**CHECK LIST**

Dr. Aiman Wajid Versus Govt of KPK  
 ..... Appellant ..... Respondents

S NO	CONTENTS	YES	NO
1.	This petition has been presented by: <u>Advocate</u> <u>Court</u>		
2.	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	✓	
3.	Whether appeal is within time?	✓	
4.	Whether the enactment under which the appeal is filed mentioned?	✓	
5.	Whether the enactment under which the appeal is filed is correct?	✓	
6.	Whether affidavit is appended?	✓	
7.	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
8.	Whether appeal/annexures are properly paged?	✓	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10.	Whether annexures are legible?	✓	
11.	Whether annexures are attested?	✓	
12.	Whether copies of annexures are readable/clear?		
13.	Whether copy of appeal is delivered to AG/DAG?	✓	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15.	Whether numbers of referred cases given are correct?		
16.	Whether appeal contains cutting/overwriting?	✓	
17.	Whether list of books has been provided at the end of the appeal?	x	
18.	Whether case relate to this court?	✓	
19.	Whether requisite number of spare copies attached?	✓	
20.	Whether complete spare copy is filed in separate file cover?	✓	
21.	Whether addresses of parties given are complete?	✓	
22.	Whether index filed?	✓	
23.	Whether index is correct?	✓	
24.	Whether Security and Process Fee deposited? On _____	✓	
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On _____	✓	
26.	Whether copies of comments/reply/rejoinder submitted? On _____		
27.	Whether copies of comments/reply/rejoinder provided to opposite party? On _____		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name:- Fayman Ullah Khattak

Signature:- [Signature]

Dated:- 20/8/2024

1974-75 Comprising Chief Magistrate's Court, Peshawar  
 Director of Legal Services, Peshawar  
 Cell No. 19220282/1922028/1922028/1922028/1922028/1922028  
 Email: psc@peshawar.gov.pk

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

Service Appeal No:- 1379-P/2024

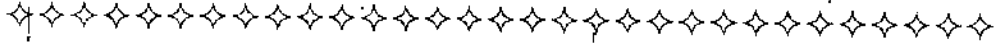
Dr. Aiman Wazir

**Versus**

Govt: of KP & others

..... Petitioners

..... Respondents



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4.	<i>Copy of Notification dated 21/12/2020</i>	"B"	12-13
5.	<i>Copy of notification and charge report</i>	"C" & "C/1"	14-15
6.	<i>Copy of leave letter</i>	"D"	16-16
7.	<i>Copy of absence notices</i>	"D/2" to "D/4"	17-19
8.	<i>Copy of notification statement of allegation and charge sheet</i>	"E" to "E/3"	20-22
9.	<i>Copy of the reply and findings of the inquiry officer</i>	"F" to "F/1"	23-25
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Dated:- 20/08/2024

Appellant

Through:-

Farman Ullah Khattak  
Advocate Supreme Court

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

Service Appeal No. 1379 /2024.

Dr. Aiman Wazir D/O Asadullah, Woman Medical Officer (BPS-17)  
RHSA-A-Bannu, R/O House No. 84, Street No. 10, Sector-J-1, Phase-2,  
Hayat Abad, Peshawar.....  
(Appellant).

Versus.

1. Govt. of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariate, Peshawar.
2. Secretary Population & Welfare Department, Govt. of Khyber Pakhtunkhwa, 2<sup>nd</sup> Floor, Abdul Wali Khan Multiplex, Civil Secretariate, Peshawar.
3. Director General Population & Welfare Department, Khyber Pakhtunkhwa Population House, Plot No. 18, Sector E-8, Phase-7, Hayat Abad, Peshawar.

..... (Respondents).

SERVICE APPEAL UNDER SECTION-04 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, AGAINST THE ORDER OF REMOVAL FROM SERVICE, DATED, 3<sup>RD</sup> APRIL, 2024, RECEIVED ON 16-04-2024 AND AGAINST WHICH THE APPELLANT FILED DEPARTMENTAL APPEAL ON 29-04-2024, DISPATCH THROUGH TCS ON 30-04-2024. HOWEVER, THE APPELLATE AUTHORITY DID NOT DECIDED THE APPEAL WITHIN STATUTORY PERIOD OF 90 DAYS, HENCE, THE INSTANT APPEAL WITHIN THIRTY DAYS.

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Respectfully Sheweth: -

The appellant humbly submit submits as under: -

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.

Service Appeal No. 1379 /2024.

Dr. Aiman Wazir D/O Asadullah, Woman Medical Officer (BPS-17)  
RHSA-A-Bannu, R/O House No. 84, Street No. 10, Sector-J-1, Phase-2,  
Hayat Abad, Peshawar.....  
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Versus.

1. Govt. of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariate, Peshawar.
2. Secretary Population & Welfare Department, Govt. of Khyber Pakhtunkhwa, 2<sup>nd</sup> Floor, Abdul Wali Khan Multiplex, Civil Secretariate, Peshawar.
3. Director General Population & Welfare Department, Khyber Pakhtunkhwa Population House, Plot No. 18, Sector E-8, Phase-7, Hayat Abad, Peshawar.

~~4. Dr. Asadullah, R/O House No. 84, Street No. 10, Sector-J-1, Phase-2, Hayat Abad, Peshawar.....~~

~~5. Chief Secretary, Govt. of Khyber Pakhtunkhwa, Civil Secretariate, Peshawar.....~~

(Respondents).

SERVICE APPEAL UNDER SECTION-04 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, AGAINST THE ORDER OF REMOVAL FROM SERVICE, DATED, 3<sup>RD</sup> APRIL, 2024, RECEIVED ON 16-04-2024 AND AGAINST WHICH THE APPELLANT FILED DEPARTMENTAL APPEAL ON 29-04-2024, DISPATCH THROUGH TCS ON 30-04-2024. HOWEVER, THE APPELLATE AUTHORITY DID NOT DECIDE THE APPEAL WITHIN STATUTORY PERIOD OF 90 DAYS, HENCE, THE INSTANT APPEAL WITHIN THIRTY DAYS.

Respectfully Sheweth: -

The appellant humbly submit submits as under: -

1. That the appellant after obtaining MBBS Degree and passing FCPS Part-I examination recommended for FCPS part-II training, vide, reference No. 7628, dated 02-08-2019 for the session July, 2019 to 2024. (Copy of the office order dated 020-08-2019 is hereby attached as annexure-A)
2. That during FCPS part-II training, the appellant qualified/recommended for the post WMOs/ DDPWOs (TECH) / Instructor (TECH) (BPS-17) in Population welfare department through Khyber Pakhtunkhwa Public Service Commission, vide, notification dated 21-12-2020 and was posted in FR Bannu. (Copy of the notification is hereby attached as annexure-B).
3. That in pursuance of notification KP Public Service Commission, the appellant was medically examined and was found fit for the subject post and thereafter appellant assumed the charge report on 10-02-2021. (Copy of the notification and charge report are hereby attached as annexure C and C/I)
4. That the appellant on very next day applied for permission extraordinary leave without pay (EOL) in order to complete her FCPS training part-II already in progress with effect from 2019-24 in Hayatabad Medical Complex, but the same was not considered, irrespective, of the fact that under Section-12 of the Civil Servant Revised Rule, 1981, appellant was entitled for extra ordinary leave without pay. (Copy of the leave letter is hereby attached as annexure-D)
5. That afterwards, in lieu of granting EOL, respondent department (Director General Welfare KP) regretted the same and proceeded the appellant under rule-9 of the KP Government Servant (Efficiency and Disciplinary Rules, 2011) for willful absence from official duty, followed by impugn absence notice dated, 15-09-2021, 29-09-2021 and 05-04-2022. (Copy of the absence notices are hereby attached as annexure D<sub>2</sub> to D<sub>4</sub>)
6. That in furthermore of disciplinary action initiated under KP Government Servant (Efficiency and Disciplinary rule, 2011) by

issuing Statement of Allegation, Charge Sheet and the inquiry was entrusted to one Ms. Misbah Riaz (PMS BS-18) Deputy Secretary, Public Health Engineering Department, KP Peshawar vide notification dated 30-06-2022. (Copy of the notification statement of allegation and charge sheet is hereby attached as Annexure E to E/III).

7. That appellant then formally submitted her reply regarding Disciplinary action launch against the appellant and the inquiry officer concluded in the recommendation that the charge level against the appellant is about absence from duty stands proved and she was supposed to join her duty when her request for leave was regretted. (Copy of the reply and findings of the inquiry officer is hereby attached as annexure F to F/D)
8. That as and when the competent authority (Chief Secretary) KP after receiving the inquiry report was not agreed upon and the same was marked to one Ms. Aieda Qureshi (PMS-18) Deputy Secretary, Finance Department, C/O Section Officer (Admin), Finance Department KP, Peshawar for DENOVO inquiry and one Mr. Naseem Ullah, Deputy Director (Admin) DG population welfare, KP was assign to assist the new inquiry officer, vide, order dated 02-12-2022. However, the charge sheet and statement of allegation were the former one. (Copy of the order dated 02-12-2022 is hereby attached as annexure G<sup>9/1</sup>)
9. That thereafter, the DENOVO inquiry report was submitted to the Secretary Population Welfare Department, in which the inquiry officer recommended back to the department for reconsidering on the point so raised in the findings of inquiry officer (Ms. Aieda Qureshi). (Copy of the DENOVO inquiry report is hereby attached as annexure H).
10. That after receiving DENOVO inquiry report by the competent authority i.e. Chief Secretary KP the same was return to the inquiry officer with the directions to revisit the DENOVO inquiry report and submit clear findings/recommendations regarding charges level against the appellant under sub rule 7 of the rule 11 (E&D) rules, 2011. (Copy of the letter dated 17-08-2023 is hereby attached as annexure I)



11. That in pursuance of the directions of competent authority the inquiry officer again submitted revised recommendation recommendations, wherein rejected the above 3 charges however, only charge of absence was acknowledged but that too was not completely proved and was remedial in nature and also recommended that the case of appellant be remand back to the department for reconsidering of EOL of the appellant of remaining period of her training or transfer the appellant to Peshawar for her convenience and furthermore for the non-duty period may be converted into EOL either under the leave rules or under the Regulatory Act or censure be issued along with the EOL. (Copy of the revised recommendations is hereby attached as annexure J)
12. That unfortunately rather considering the recommendations of the revised DENOVO inquiry officer recommendation, the Chief Secretary (Competent authority) considered the recommendations of former inquiry officer which was not previously considered and was set aside/superseded by the competent authority himself and issued the final show cause notice in which clearly mentioned the recommendations of former inquiry report dated 04-07-2022 and decided to impose major penalty of removal from service which was replied accordingly by the appellant on 26-01-2024. (Copy of the final show cause and reply are hereby attached as annexure K & K/D)
13. That eventually the competent authority issued impugned order of removal from service vide order dated 03-04-2024 after affording opportunity of hearing in pursuance of the show cause notice within the meaning of rule 4(i)(b)(iii) of KP Government Servant (E & D) rules 2011. (Copy of the impugned order dated 03-04-2024 is hereby attached as annexure L)
14. That therein after, the appellant submitted departmental appeal before the worthy Chief minister KP on 29-04-2024. It is pertinent to mention over here that so far, the departmental appeal of the appellant was neither fixed for hearing nor any order has been passed over there, hence, no option left to the appellant but to invoke the doors of this hon'ble Tribunal. (Copy of the departmental appeal and TCS is hereby attached as annexure M & M/I respectively)

GROUNDS:

- A. That the appellant had submitted Extra Ordinary Leave (Leave without Pay) Application in order to complete her FCPS Part-II training from 11.02.2021 to 06.08.2024, but the same was not considered. Although under section 12 of Civil Servant Revised Leave Rule, 1981, appellant was entitled for extra ordinary leave without pay for a period of two years, under which rule EOL was regretted?
- B. That the appellant earnestly wishes to continue her job as Women Medical Officer in Population Welfare Department with enhance qualification and experience. The appellant is currently in the 5th year of FCPS training (ending in August, 2024). This training shall enhance the appellant professional capabilities as a Doctor and in a broader picture, the appellant would be called a specialist doctor and would play a much more vital role for the betterment of public as a part of PWD.
- C. That furthermore, it is also pertinent to mention over here that FCPS-II training is also considered as a Postgraduate Medical Education which provides the doctors of mandatory leave for FCPS-II training "THE KHYBER PAKHTUNKHWA (APPOINTMENT, DEPUTATION, POSTING AND TRANSFER OF TEACHERS, LECTURERS, INSTRUCTORS AND DOCTORS) REGULATORY ACT, 2011, of Section 7 sub clause (2) along with it also under Civil Servants Act, 1973" Any doctor is selected or permitted for postgraduate medical training shall be treated on leave without pay and may be entitled only for stipend fixed by Government from time to time for such training. (Copy of the Act & relevant Leave granted to others doctors is herby enclosed as Annex-N to N/4 respectively).
- D. That once the disciplinary against the Appellant on the direction of Chief Secretary was initiated and one Ms. Misbah Riaz PMS BPS-18) Deputy Secretary Public Health Engineering Department Khyber Pakhtunkhwa Peshawar was appointed inquiry officer accompanied by charge sheet and statement of allegation signed by the Chief Secretary KP as Competent authority. The Competent Authority after receipt of the enquiry report declared the same being illegal and without giving

opportunity to the appellant ordered for DENOVA inquiry, hence, the impugned termination order on the basis of final show cause notice is illegal, un-lawful and without lawful authority.

- E. That the appellant was not provided opportunity of fair trial as enshrined in Article-10-A of the Constitution of the Islamic Republic of Pakistan, 1973, therefore, the impugned removal order of appellant is illegal and void-into.
- F. That the impugned order of termination is based upon on the recommendation of earlier inquiry which has been superseded on account of de-novo inquiry, hence, the impugned order of termination of the Appellant is illegal and not sustainable in the eyes of law.
- G. That the appellant was not will full absent from duty, hence, the charge of willful absence has not been established, therefore, in the subsequent inquiry remedial measure of recommendation. Therefore, the removal order of appellant from the service is totally illegal.
- H. That the De-Nove inquiry report in favor of the appellant has not been considered in the final Show-Cause Notice, although the earlier inquiry report was declared illegal and was superseded by De-Nove inquiry was conducted.
- I. That the show cause Notice and the impugned order of removal of appellant from the service is contrary to the De- Nove inquiry report, therefore, the same is liable to be set aside and the appellant is entitled to be reinstated with all back benefit.
- J. That no witness of the department has been deposed against the appellant nor any attendance register has been produced by the department against the appellant and the appellant has been awarded major penalty of removal from service despite the fact that De-Nove inquiry report was submitted by the De- Nove inquiry officer in her favor, therefore, the removal order of appellant from the service is illegal.

- K. That the competent authority was not authorized to pass the order against the appellant contrary to the De-Nove inquiry report.
- L. That after submitting De-Nove inquiry report in favour of the appellant no 2nd De-Nove inquiry was conducted against the appellant; therefore, the report of DENOVE inquiry in favour of the appellant became final and the competent authority was required to pass order in consonance with De-Nove inquiry report as such the impugned order is illegal and appellant is entitled to be reinstated with back benefit.
- M. That the competent authority has given reference of first inquiry report conducted by Ms. Misbah Riaz PMS BPS-18 Deputy Secretary as well as given reference of De-Nove inquiry report conducted by Ms. Aieda Qureshi PMS BPS-18 District Monitoring officer in the impugned order 03.04.2024 on the basis of which the impugned order was passed. Although the first inquiry report dated, Nill submitted by Ms. Misbah Riaz was declared illegal and superseded by initiating De-Nove Inquiry against appellant, therefore, the first inquiry report is no legal value and the impugned order of removal of appellant from the service on the basis on first inquiry report against the appellant is illegal.
- N. That the impugned order of removal from service of the appellant is contrary to the De-Nove inquiry report which suggest that the competent authority has not gone through the De-Nove inquiry report and signed the impugned order in slip shed manner, otherwise, if he had gone through De-novainquiry, he would not have passed such order contrary to the De-Nove report.
- O. That the impugned removal order dated 03.04.2024 of the appellant is illegal, unlawful, void ab initio against the rules, facts, norms of natural justice, guaranteed and secured rights of the appellant, hence, untenable in the eye of law and liable to be set aside.
- P. That the impugned removal order dated 03.04.2024 of the appellant is unreasonable, discriminatory, and arbitrary and are

against the Rules, hence, the Worthy Chief Secretary bulldozed all the Rules and Regulations, on this score alone the impugned removal order of the appellant is liable to be declared illegal and against the fundamental rights and the impugned removal order dated 03.04.2024 of the appellant, issued by the Worthy Chief Secretary, is against natural justice and material available on record, hence not tenable in the eye of Law.

Q. That the Appellant was alone discriminated in the matter of EOL and transfer to the posting at Peshawar, especially, when similarly placed was treated differently and one of the Doctors similarly placed namely Dr. Shagufta Naz has been granted NOC by the Population Department regarding continuation of mandatory FCPS training and the other one Dr. Saima Afzal was accorded two years EOL by the Population Department (Copies of which already enclosed as Annex). Hence, the Appellant was totally discriminated and case of the appellant had not been dealt in accordance with law and the impugned action of the Worthy Chief Secretary is crystal clear violation of the guidelines provided by the law, thus the appellant has not been dealt in accordance with Articles 4, 25 and other relevant articles of the Constitution of Islamic Republic of Pakistan 1973. Moreover, would also raise additional grounds with the permission of this Hon'ble Tribunal.

It is, therefore, most humbly requested on acceptance of this appeal, the impugned order of "Removal from Service", dated 03.04.2024 of removal of the appellant from the service may kindly be set aside and the appellant may graciously be reinstated with all back benefits, in fair administration of justice.



Appellant

Through

FARMAN ULLAH KHATTAK  
Advocate Supreme Court

&  
PIR HASEEB SHAH  
Advocate High Court.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.

Service Appeal No. \_\_\_\_\_/2024.

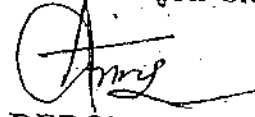
Dr. Aiman Wazir D/O Asadullah, Woman Medical Officer (BPS-17)  
RHSA-A-Bannu, R/O House No. 84, Street No. 10, Sector-J-1, Phase-2,  
Hayat Abad, Peshawar..... (Appellant).

Versus.

1. Govt. of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariate, Peshawar.
2. Secretary Population & Welfare Department, Govt. of Khyber Pakhtunkhwa, 2<sup>nd</sup> Floor, Abdul Wali Khan Multiplex, Civil Secretariate, Peshawar.
3. Director General Population & Welfare Department, Khyber Pakhtunkhwa Population House, Plot No. 18, Sector E-8, Phase-7, Hayat Abad, Peshawar.
4. District Population Officer, Bungalow No.21, Defense Officers Colony, Bannu Cantt.
5. Chief Executive Officer, Postgraduate Medical Institute, Hayat Abad, Peshawar..... (Respondents).

AFFIDAVIT

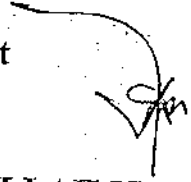
I Dr. Aiman Wazir D/O Asadullah, Woman Medical Officer (BPS-17)  
RHSA-A-Bannu, R/O House No. 84, Street No. 10, Sector-J-1, Phase-2,  
Hayat Abad, Peshawar, do hereby solemnly affirm on oath that the  
contents of the instant Service Appeal are true and correct to the best  
of my knowledge and nothing has been concealed from this Hon'ble  
Court.

  
DEPONENT.

Identify By.

Appellant

Through

  
FARMAN ULLAH KHATTAK  
Advocate Supreme Court  
&  
PIR HASEEB SHAH  
Advocate High Court.



# Postgraduate Medical Institute

Ref. No. 7628 /P.M.I./MCI Dated 2/8/2019

## OFFICE ORDER

On the recommendation of selection committee for FCPMCI training the following doctors are hereby allowed for the post-hospital for session July 2019, as Postgraduate Residents (PGRs), recruited against their name, subject to fulfillment of the following terms and condition:

- All PGRs who have been enrolled in their about annual report, for each year, specify about their address on each of their personal file. Failure to do so, will be considered and regarded as their resignation (written) to the Director, P.M.I. of a practice Medical Institute for FCPMCI and P.M.I. should be done on or before 31/07/2019, for further documents along with P.M.I. and registration with P.M.I.
- Each PGR shall be allowed to work in P.M.I. only.
- Those PGRs who have published research paper in peer reviewed journal of P.M.I. for the past year, need have quality the final examination, on the 1st of July in the case maybe with the exception of P.M.I. to many factors, which are detailed will be sent for meeting of year of the nation.
- Each PGR shall have to be admitted on, or at least formal registration, on P.M.I. website [www.pmi.gov.pk](http://www.pmi.gov.pk). Deadline for registration with CPSP (CPSP 2019 (if not extended), however, should be strictly directed to apply for registration with CPSP within appointed time mentioned above and) provide copy of the Registration Certificate (RC) to the Director of P.M.I. with copy as P.M.I. for record within 15 days.
- All the Government Employees who are on P.M.I. paid by Provincial Assembly of Khyber Pakhtunkhwa have to apply for getting their current Certificate of the continuation of training, in case of resignation a written copy of resignation by the respective appointing authority shall be provided along with arrival to P.M.I. P.M.I.

No.	Name of Doctor	Father Name	Specialty	Group	Unit/Hospital
1	Dr. Gul Bahman	Fahim Bahman	Gen. & Allied	A	Surgical "B" LRII
2	Dr. Abdullah	Zahid Ahmad	ENT		ENT "B"
3	Dr. Saaved Khan	Abdul Wahid	ENT		ENT "B"
4	Dr. Uzma Rahim	Abdul Wahid	Med. & Allied	A	Medical "A" LRII
5	Dr. Hamid Ali	Abdul Wahid	Med. & Allied	B	Medical "B" LRII
6	Dr. Ashraf Allah	Fahim Bahman	Med. & Allied	B	Medical "B" LRII
7	Dr. Waqar Khan	Abdul Wahid	Gen. & Allied	B	Gen. & Obs. "B" LRII
8	Dr. Suman Singh	Abdul Wahid	Gen. & Allied	B	Gen. & Obs. "B" LRII
9	Dr. Ghazwan Ali	Abdul Wahid	Gen. & Allied	B	Gen. & Obs. "B" LRII
10	Dr. Saqib Iqbal	Abdul Wahid	Gen. & Allied	B	Gen. & Obs. "B" LRII
11	Dr. Saqib Iqbal	Abdul Wahid	Gen. & Allied	B	Gen. & Obs. "B" LRII
12	Dr. Saqib Iqbal	Abdul Wahid	Gen. & Allied	B	Gen. & Obs. "B" LRII
13	Dr. Saqib Iqbal	Abdul Wahid	Gen. & Allied	B	Gen. & Obs. "B" LRII
14	Dr. Saqib Iqbal	Abdul Wahid	Gen. & Allied	B	Gen. & Obs. "B" LRII
15	Dr. Saqib Iqbal	Abdul Wahid	Gen. & Allied	B	Gen. & Obs. "B" LRII
16	Dr. Saqib Iqbal	Abdul Wahid	Gen. & Allied	B	Gen. & Obs. "B" LRII
17	Dr. Saqib Iqbal	Abdul Wahid	Gen. & Allied	B	Gen. & Obs. "B" LRII
18	Dr. Saqib Iqbal	Abdul Wahid	Gen. & Allied	B	Gen. & Obs. "B" LRII
19	Dr. Saqib Iqbal	Abdul Wahid	Gen. & Allied	B	Gen. & Obs. "B" LRII
20	Dr. Saqib Iqbal	Abdul Wahid	Gen. & Allied	B	Gen. & Obs. "B" LRII
21	Dr. Saqib Iqbal	Abdul Wahid	Gen. & Allied	B	Gen. & Obs. "B" LRII
22	Dr. Saqib Iqbal	Abdul Wahid	Gen. & Allied	B	Gen. & Obs. "B" LRII
23	Dr. Saqib Iqbal	Abdul Wahid	Gen. & Allied	B	Gen. & Obs. "B" LRII
24	Dr. Saqib Iqbal	Abdul Wahid	Gen. & Allied	B	Gen. & Obs. "B" LRII
25	Dr. Saqib Iqbal	Abdul Wahid	Gen. & Allied	B	Gen. & Obs. "B" LRII
26	Dr. Saqib Iqbal	Abdul Wahid	Gen. & Allied	B	Gen. & Obs. "B" LRII
27	Dr. Saqib Iqbal	Abdul Wahid	Gen. & Allied	B	Gen. & Obs. "B" LRII
28	Dr. Saqib Iqbal	Abdul Wahid	Gen. & Allied	B	Gen. & Obs. "B" LRII
29	Dr. Saqib Iqbal	Abdul Wahid	Gen. & Allied	B	Gen. & Obs. "B" LRII
30	Dr. Saqib Iqbal	Abdul Wahid	Gen. & Allied	B	Gen. & Obs. "B" LRII
31	Dr. Saqib Iqbal	Abdul Wahid	Gen. & Allied	B	Gen. & Obs. "B" LRII
32	Dr. Saqib Iqbal	Abdul Wahid	Gen. & Allied	B	Gen. & Obs. "B" LRII
33	Dr. Saqib Iqbal	Abdul Wahid	Gen. & Allied	B	Gen. & Obs. "B" LRII
34	Dr. Saqib Iqbal	Abdul Wahid	Gen. & Allied	B	Gen. & Obs. "B" LRII
35	Dr. Saqib Iqbal	Abdul Wahid	Gen. & Allied	B	Gen. & Obs. "B" LRII
36	Dr. Saqib Iqbal	Abdul Wahid	Gen. & Allied	B	Gen. & Obs. "B" LRII
37	Dr. Saqib Iqbal	Abdul Wahid	Gen. & Allied	B	Gen. & Obs. "B" LRII
38	Dr. Saqib Iqbal	Abdul Wahid	Gen. & Allied	B	Gen. & Obs. "B" LRII
39	Dr. Saqib Iqbal	Abdul Wahid	Gen. & Allied	B	Gen. & Obs. "B" LRII
40	Dr. Saqib Iqbal	Abdul Wahid	Gen. & Allied	B	Gen. & Obs. "B" LRII
41	Dr. Saqib Iqbal	Abdul Wahid	Gen. & Allied	B	Gen. & Obs. "B" LRII
42	Dr. Saqib Iqbal	Abdul Wahid	Gen. & Allied	B	Gen. & Obs. "B" LRII
43	Dr. Saqib Iqbal	Abdul Wahid	Gen. & Allied	B	Gen. & Obs. "B" LRII
44	Dr. Saqib Iqbal	Abdul Wahid	Gen. & Allied	B	Gen. & Obs. "B" LRII

Phase-IV, Hayatabad, Peshawar (Pakistan)



# Postgraduate Medical Institute

Ref. No. \_\_\_\_\_ /PGMI/TMO Dated \_\_\_\_\_

No.	Name of Candidate	Specialty	Recommendation	Postgraduate Institute
16	Dr. Amir Taj Khan 2nd Fellowship	dermatology	Rheumatology	Rheumatology Polyclinic Islamabad
17	Dr. Zahar Ayub Khan 2nd Fellowship	radiological sciences	Rheumatology	Rheumatology PHH Peshw to the awarded
18	Dr. Muhammad Nusratullah	Dr. Fazal Faqir awarding of	Neurology	Neurology PHH
19	Dr. Amir Iqbal	Neurology	Neurology	Neurology PHH
20	Dr. Jawad Hamid	Neurology	Neurology	Neurology PHH
21	Dr. Saqib Gul	Neurology	Neurology	Neurology PHH
22	Dr. Zahar Ali	Neurology	Neurology	Neurology PHH
23	Dr. Shahid Ali Ahmad	Neurology	Neurology	Neurology PHH
24	Dr. Shabbir Ur Rehman	Neurology	Neurology	Neurology PHH
25	Dr. Rabia Ur Rehman 2nd Fellowship	Neurology	Neurology	Neurology PHH

The relevant documents provided by candidates can be verified by PGMI at any stage of the training. In case of submission of false/forged documents or any false information given by the candidate will result in automatic cancellation of the training, refunding of the received stipend and this will be notified to both CPSP and PMH's.

*[Signature]*  
CHIEF EXECUTIVE OFFICER  
Postgraduate Medical Institute  
Hayatabad, Peshawar

- No. 7699-30/2019  
PGMI/TMO Secretary, Dated: 22-08-2019
- Copy: With regard to the following for Information and necessary action:
1. The Director, Higher Education, Government of Punjab, Peshawar
  2. The Director, Government of Punjab, Health Department, Peshawar
  3. The Director, General Health Services, Government of Punjab, Peshawar
  4. The Director, General Health Services, Government of Punjab, Peshawar
  5. The Regional Director, PHH, Peshawar
  6. All concerned offices of PHH, PHH, PHH, with the direction to submit the copies of all the arrival reports to PGMI Peshawar
  7. The Director, PHH, Peshawar
  8. The Commandant, PHH, Peshawar
  9. The Director, PHH, Peshawar
  10. The Director, PHH, Peshawar
  11. The Director, PHH, Peshawar
  12. The Director, PHH, Peshawar
  13. The Director, PHH, Peshawar
  14. The Director, PHH, Peshawar
  15. All Doctors concerned with the direction to download office order from PGMI website, & submit arrival report copy in PHH Section, PHH office Hayatabad Peshawar.
  16. PHH Section PHH Peshawar, with the reminder to upload office order on PGMI official website and face book page.

*[Signature]*  
CHIEF EXECUTIVE OFFICER  
Postgraduate Medical Institute  
Hayatabad, Peshawar





12

B

ANNEX

**GOVERNMENT OF KHYBER PAKHTUNKHWA,**  
**POPULATION WELFARE DEPARTMENT**  
02<sup>nd</sup> Floor, Abdul Wali Khan Multiplex, Civil Secretariat, Peshawar

No. SOE (PWD) 4-64/2020/Vol-II/20177-92  
Dated Peshawar the 21<sup>st</sup> December, 2020

To

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

Subject: - RECRUITMENT TO THIRTEEN (13) POSTS OF WMOs / DDPWOs (TECH) / INSTRUCTOR (TECH) (BS-17) IN POPULATION WELFARE DEPARTMENT (ADVT: No. 08/2018, S. No. 40)

Dear Sir,

I am directed to forward herewith a copy of Khyber Pakhtunkhwa Public Service Commission letter No. PSC/SR-VII/2020/013969 dated 17/12/2020 on the subject noted above wherein the following candidates have been recommended for appointment against the above subject post:-

S. No.	Name with father's name	District / Zone
1	Tanseem d/o Zahir ud Din	Dir Upper / 3;
2	Rabbia Shaheen d/o Abdul Samad	Peshawar / 2;
3	Khalida d/o Rehman Gul	Peshawar / 2;
4	Kalsoom Feroz d/o Feroz Khan	Mardan / 2;
5	Palwasha Iltaf d/o Iltaf Hussain	Peshawar / 2;
6	Zujaja Gul d/o Abdus Salam Khan	D.I. Khan / 4;
7	Shugufta Naz d/o Tahir Farooq Nawaz	FR Bannu / 1;
8	Rani Jehangir d/o Jehangir Khan	Mohmand Agency ; 1;
9	Aiman Wazir d/o Asadullah	FR Bannu / 1;
10	Zaibi Zara d/o Sher Zameen	Malakand / 3;
11	Hifsa Mumtaz d/o Mumtaz Khan	Swat / 3;
12	Dr. Saba Shafiq d/o Dr. Shafiq ur Rehman	Abbottabad / 5;
13	Khizra Nayab d/o Dr. Naeem Akhtar	Mansehra / 5.

Cont'd page: 02

13

2. To ascertain medical fitness of the recommendees for the said job, it is requested that Standing Medical Board may please be constituted for the recommendees and findings of the said Board conveyed at the earliest to this Department for further processing of the case please.

Yours faithfully,



(LAL SAEED KHATTAK)  
SECTION OFFICER (ESTT)

Encls: As above.

Copy to the: -

1. Director General, Population Welfare, Khyber Pakhtunkhwa, Peshawar.
2. PS to Secretary, PWD, Khyber Pakhtunkhwa, Peshawar.
3. Dr. Tanseem d/o Zahir ud Din, Flat C-47, Deans Complex (Flats) Near Shiraz Gathering, University Road, Peshawar.
4. Dr. Rabbia Shaheen d/o Abdul Samad, H. No. 26, Khwaja Town, Afridi Garhi Gulbahar No. 5, Deluxe Biscuit Factory, Peshawar.
5. Dr. Khalida d/o Rehman Gul, Rehman Gul Publishers Sadaf Plaza, Mohallah Jaungi Qissa Khawani, Peshawar.
6. Dr. Kalsoom Feroz d/o Feroz Khan, H. No. 253, Street No. 3, Professor Colony near Agriculture University, Peshawar.
7. Dr. Palwasha Iltaf d/o Iltaf Hussain, Street No. 2, Khwaja Town near bacha Khan Markaz Pajaggi Road, Peshawar.
8. Dr. Zujaja Gul d/o Abdus Salam Khan, Street No. 3, Hassan Town, Kakul Road, Abbottabad.
9. Dr. Shugufta Naz d/o Tahir Farooq Nawaz, Phase-4, Sector N-1, Street No. 10, H. No. 252, Hayatabad, Peshawar.
10. Dr. Rani Jehangir d/o Jehangir Khan, Mohallah Haji Siana Khan Tehsil Shabqadar District Charsadda.
11. Dr. Aiman Wazir d/o Asadullah, H. No. 84, Street No. 10, Sector, J-1, Phase-2, Hayatabad, Peshawar.
12. Dr. Zaibi Zara d/o Sher Zameen, H. No. B-82, Old Labour Colony, Industrial Estate, Phase-5, Hayatabad, Peshawar.
13. Dr. Hifsa Mumtaz d/o Mumtaz Khan, Prince Electric Store, New Road, Mingora Swat.
14. Dr. Saba Shafiq d/o Dr. Shafiq ur Rehman, Doctor House No. 226/2, KL, Street No. 13, New Kehal, Abbottabad.
15. Dr. Khizra Nayab d/o Dr. Naeem Akhtar, H. No. B-132, Ghazikot Township, Manshera.



SECTION OFFICER (ESTT)

14

e

Khyber

Dated Pesh 10 /Feb, 2021

**CHARGE ASSUMPTION REPORT**

In pursuance with the Secretary, Population Welfare Department, Government of Khyber Pakhtunkhwa, Notification No. SOE (PWD) 4-64/2021 dated 03/02/2021. I, Dr. Aiman Wazir (BPS-17) assumed the charge of SWMO (BPS-18) RHSCA Bannu at District Bannu today on dated 10<sup>th</sup> February, 2021 (F.N).

*(Signature)*  
**(Dr. Aiman Wazir)**  
SWMO, RHSCA Bannu

Copy to:-

- ✓ Accountant General Khyber Pakhtunkhwa, Peshawar.
- ✓ Section Officer (Establishment), Population Welfare Department Khyber Pakhtunkhwa w/r to notification mentioned above.
- ✓ PS to Special Assistant to Chief Minister for Population Welfare KP, Peshawar.
- ✓ PS to Secretary, Population Welfare Department, Peshawar
- ✓ PS to Director General, Population Welfare Department, Peshawar.
- ✓ Personal file of the officer.

**(Dr. Aiman Wazir)**  
SWMO, RHSCA Bannu

*Admin*

*(Signature)*  
10/02/2021

15

41

Annex

MSF 120, No. 4

MEDICAL CERTIFICATE

Name of official Dr. Asman Wazir  
 Caste or race Muslim  
 Father's name Dr. Asadullah  
 Residence Phase # 2, Sector # H3, Street # 7, House # 104, Hayatabad, Peshawar  
 Date of birth 01/03/1993  
 Exact height by measurement 5 feet 7 inch  
 Personal mark of identification mole on left upper lip  
 Signature of the official [Signature]  
 Signature of head of office \_\_\_\_\_

Seal of office \_\_\_\_\_

I do hereby certify that I have examined Mrs. Dr. Asman Wazir a candidate for employment in the Office of the Population Welfare Department (M.O.) and cannot discover 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 the as above.  
 His age according to his own statement 27 year and by appearance about Twenty seven year.

Stamping/Seal of District Police/Services Hospital Peshawar

LEFT HAND THUMB AND FINGER IMPRESSIONS

MEDICAL SUPERINTENDENT  
 CIVIL HOSPITAL  
 Peshawar

Physician  
 Police/Services Hospital  
 Peshawar

16

D

Annex -

To,

The Director General,  
Population Welfare Department, Khyber Pakhtunkhwa,  
Population House Plot No.18, Sector E-8, Phase-VII,  
Hayatabad, Peshawar.

Through Proper Channel:


Subject: REQUEST FOR PERMISSION ALONG WITH LEAVE WITHOUT PAY  
FOR TRAINING MEDICAL OFFICER ALREADY IN PROGRESS  
W.E.F. 2019 TO 2024 IN HAYATABAD MEDICAL COMPLEX,  
PESHAWAR

Dear Sir,

I have the honour to state that I, the undersigned has assumed the charge of the post of Senior Women Medical Officer, Reproductive Health Services Centre-A, Bannu on 10-02-2021(F.N) in own pay scale whereas I am also under training in "Training of Medical Officer" in H.M.C. Peshawar since 2019 to be ended in 2024.

In view of the above, it is therefore, requested that I may kindly be sanctioned leave without pay from the date of my assumption i.e. from 10-02-2021 to 2024 and obliged.

Yours Faithfully,

  
(Dr. AIMAN WAZIR)  
Women Medical Officer  
Reproductive Health Services Centre-A,  
BANNU

Dated 11/02/2021.

Registered

17



GOVERNMENT OF KHYBER PAKHTUNKHWA,  
POPULATION WELFARE DEPARTMENT  
02<sup>nd</sup> Floor, Abdul Wali Khan Multiplex, Civil Secretariat, Peshawar

1/2

No. SOE (PWD) 1-189/2020/PF/39/4-17  
Dated Peshawar the 15<sup>th</sup> Sept, 2021

To,

Dr. Aiman Wazir d/o Asadullah,  
H. No 84, Street No. 10, Sector, J-1, Phase-2 Hayatabad,  
Peshawar.

Subject: - ABSENCE NOTICE.

I am directed to refer to the report of District Population Welfare Officer Bannu, conveyed to this Department vide Directorate General Population Welfare, Khyber Pakhtunkhwa letter No. 2(1)/2021/Admn/4097-5000 dated 03-09-2021, you have remained absent from official duties with effect from 10-02-2021 wherein submitting application for Extra Ordinary Leave which has already been regretted by this department. As such you have rendered yourself to be proceeded against under Rule-9 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, for your willful absence from official duty.

2. You are, hereby directed to report for duty within fifteen (15) days of the receipt of this letter, failing which an ex-parte decision shall be taken against you under the rules ibid.

(LAL SAEED KHATTAK)  
SECTION OFFICER (ESTT)  
PHONE NO: 091-9223623

Endst: of Even No. & Date

Cc to the: -

1. Director General Population Welfare Khyber Pakhtunkhwa w/r to his letter quoted above with the direction to inform the officer concerned through registered acknowledgement to resume duty within the stipulated period.
2. District Population Welfare Officer, Bannu with the similar directions.
3. PS to Secretary Population Welfare Department, Khyber Pakhtunkhwa.

SECTION OFFICER (ESTT)



OFFICE OF THE  
DISTRICT POPULATION WELFARE OFFICER, BANNU  
BANGLOW NO. 21 DEFENCE OFFICERS COLONY  
BANNU CANTT.

PH: & FAX No. 0928 9270330  
Email: dpwobannu6333@gmail.com  
F.b. www.facebook.com/dpwobannu



(18)  
D/3  
Asad

F.No. 1(1)/2020-21/Admn: / 370

Dated Bannu the. 29/09/2021

To:

Dr. Aiman Wazir D/O Asadullah,  
H.No. 84, Street No. 10, Sector J-1, Phase-2, Hayatabad,  
Peshawar.

Subject:- **ABSENCE NOTICE**

Memo:-

Enclosed find herewith Absence Notice of Section Officer, PWD, Peshawar's letter F.No. SOE (PWD)1-189/PF/3914-14 dated 15/09/2021 addressed to you and copy to the undersigned for information and further necessary action.

(NIZAM-UD-DIN)

District Population Welfare Officer,  
Bannu

Encl: As Above:-

Copy to:-

1. Section Officer, PWD, Peshawar w/r to his letter quoted above for information.
2. PS to Director General, PWD, Peshawar for information.

District Population Welfare Officer,  
Bannu



(19)

D/4

Amir

**GOVERNMENT OF KHYBER PAKHTUNKHWA,**  
**POPULATION WELFARE DEPARTMENT**  
02<sup>nd</sup> Floor, Abdul Wali Khan Multiplex, Civil Secretariat, Peshawar

No. SOE (PWD) 1-189/2020/PF / 7618-21  
Dated Peshawar the 05<sup>th</sup> April, 2022

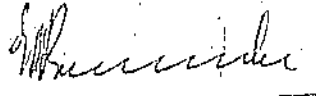
To,

**Dr. Aiman Wazir D/o Asadullah,**  
**H. No 84 , Street No. 10, Sector, J-1, Phase-2 Hayatabad,**  
**Peshawar.**

Subject: - **ABSENCE NOTICE.**

I am directed to refer to the report of District Population Welfare Officer Bannu, conveyed to this Department vide Directorate General Population Welfare, Khyber Pakhtunkhwa letter No. 2(1)/2021/Admn/4097-5000 dated 03-09-2021, you have remained absent from official duties with effect from 10-02-2021 (since assumption of charge). Your application for Extra Ordinary Leave has already been regretted by this department. As such, you have rendered yourself to be proceeded against under Rule-9 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, for your willful absence from official duty.

2. You are, hereby directed to report for duty within fifteen (15) days of the receipt of this letter, failing which an ex-parte decision shall be taken against you under the rules ibid.

  
**(SAID BACHA)**  
SECTION-OFFICER (ESTT)  
PHONE NO: 091-9223623

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

Cc to the: -

1. Director General Population Welfare Khyber Pakhtunkhwa w/r to his letter quoted above with the direction to inform the officer concerned through registered acknowledgement to resume duty within the stipulated period.
2. District Population Welfare Officer, Bannu with the similar directions.
3. PS to Secretary Population Welfare Department, Khyber Pakhtunkhwa.

SECTION OFFICER (ESTT)





(20)

(E)

Aman

**GOVERNMENT OF KHYBER PAKHTUNKHWA,**  
**POPULATION WELFARE DEPARTMENT**  
02<sup>nd</sup> Floor, Abdul Wali Khan Multiplex, Civil Secretariat, Peshawar

No. SOE (PWD) 1-189/2018/PF/  
Dated Peshawar the 30<sup>th</sup> June, 2022

To

Ms. Misbah Riaz (PMS BS-18),  
Deputy Secretary,  
Public Health Engineering Department,  
Khyber Pakhtunkhwa, Peshawar.

Subject: - **DISCIPLINARY ACTION AGAINST DR. AIMAN WAZIR, WOMEN MEDICAL OFFICER (BPS-17) RHSC-A, BANNU.**


I am directed to refer to the subject noted above and to state that the Competent Authority i.e. the Chief Secretary, Khyber Pakhtunkhwa has been pleased to appoint you as Inquiry Officer to conduct inquiry into the allegations against Dr. Aiman Wazir, Women Medical Officer (BPS-17) RHSC-A, Bannu.

02. I am further directed to request you to submit inquiry report / findings within 30 days in accordance with the provision of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011. (copy of Note for Chief Secretary and its enclosures are enclosed herewith).

03. Charge sheet and statement of allegations duly signed by the Competent Authority are attached herewith.

04. Mr. Naseem Ullah, Deputy Director (Admn), Directorate General Population Welfare, Khyber Pakhtunkhwa will assist you as Departmental Representative in the subject case.


Encls: As above:

  
(SHAH BAKHT YOUSAFZAI)  
SECTION OFFICER (ESTT)

ENDST: OF EVEN NO. & DATE:

Copy is forwarded to the:-

1. Director General Population Welfare, Khyber Pakhtunkhwa, Peshawar.
2. Mr. Naseem Ullah, Deputy Director (Admn), Directorate General Population Welfare, Khyber Pakhtunkhwa, Peshawar with the request to assist the Inquiry Officer during disciplinary proceedings against the above mentioned accused officer.
3. Dr. Aiman Wazir, House No.84, Street-10 Sector-I, Phase-II, Hayatabad, Peshawar with the direction to appear before the Inquiry Officer for the purpose of inquiry proceedings as and when required.
4. PS to Secretary, PWD, Khyber Pakhtunkhwa, Peshawar.

  
SECTION OFFICER (ESTT)

DISCIPLINARY ACTION

I, Dr. Shehzad Khan Bangash, Chief Secretary, Khyber Pakhtunkhwa, as competent authority, am of the opinion that Dr. Aiman Wazir (BS-17), Women Medical Officer RHSC-A Bannu, Population Welfare Department has rendered herself liable to be proceeded against, as she committed the following acts/omissions, within the meaning of rule 3 of the Khyber Pakhtunkhwa, Government Servants (Efficiency and Discipline) Rules, 2011:

STATEMENT OF ALLEGATIONS

That you, while posted as Women Medical Officer RHSC-A Bannu, Population Welfare Department, committed the following irregularities:

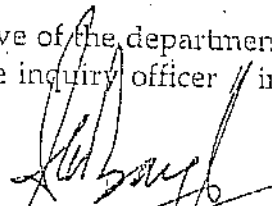
- (i) That you were appointed as Women Medical Officer / Deputy District Population Welfare Officer (Tech) / Instructor (Tech) (BPS-17) vide Government of Khyber Pakhtunkhwa Population Welfare Department Notification No. SOE(PWD)4-64/2021 dated 03-02-2021 and was posted as WMO (BPS-17) in RHSC-A Bannu.
- (ii) That instead of joining your duties, you submitted an application on 11-02-2021 for grant of study leave / extra ordinary leave from 11-02-2021 to 06-08-2024, which was regretted not covered under the Rules vide letter No. SOE(PWD)1-189/2020FP/21-24 dated 18-02-2021 and you were directed to attend your official duty, but you failed to resume your duties.
- (iii) That a notice was issued vide NO. SOE(PWD)1-189/2020/PF dated 05-04-2022 on your home address with the direction to join duty within 15 days in response you submitted an application for transfer from District Population Welfare Office Bannu to District Population Welfare Office Peshawar.
- (iv) That you are absent from yours duties w.e.f 10-02-2021 till date.

2. For the purpose of inquiry against the said accused with reference to the above allegations, the inquiry officer / inquiry committee, consisting of the following is constituted under Rule-10(1)(a) of the ibid rules.

- i. Ms. Mashah Riaz
- ii. DS, PHED
- iii. \_\_\_\_\_

3. The inquiry officer / inquiry committee shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the inquiry officer / inquiry committee.

  
(Dr. Shehzad Khan Bangash)  
Chief Secretary  
Khyber Pakhtunkhwa  
Competent Authority

(22)  
CHARGE SHEET

A-2111

I, Dr. Shehzad Khan Bangash, Chief Secretary, Khyber Pakhtunkhwa, as competent authority, hereby charge you, Dr. Aiman Wazir (BS-17), Women Medical Officer RHSC-A Bannu, Population Welfare Department as follows:

02. That you, while posted as Women Medical Officer RHSC-A Bannu, Population Welfare Department, committed the following irregularities:

- (i) That you were appointed as Women Medical Officer / Deputy District Population Welfare Officer (Tech) / Instructor (Tech) (BPS-17) vide Government of Khyber Pakhtunkhwa Population Welfare Department Notification No. SOE(PWD)4-64/2021 dated 03-02-2021 and was posted as WMO (BPS-17) in RHSC-A Bannu.
- (ii) That instead of joining your duties, you submitted an application on 11-02-2021 for grant of study leave / extra ordinary leave from 11-02-2021 to 06-08-2024, which was regretted not covered under the Rules vide letter No. SOE(PWD)1-189/2020FP/21-24 dated 18-02-2021 and you were directed to attend your official duty, but you failed to resume your duties.
- (iii) That a notice was issued vide NO. SOE(PWD)1-189/2020/PF dated 05-04-2022 on your home address with the direction to join duty within 15 days in response you submitted an application for transfer from District Population Welfare Office Bannu to District Population Welfare Office Peshawar.
- (iv) That you are absent from your duties w.e.f 10-02-2021 till date.

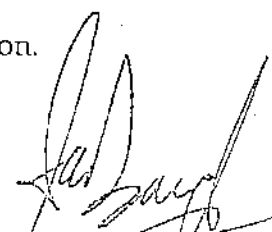
03. By reasons of the above, you appear to be guilty of mis-conduct under rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in rule 4 of the rules ibid.

04. You are, therefore, required to submit your written defence within seven days of the receipt of this Charge Sheet to the inquiry officer/inquiry committee as the case may be.

05. Your written defence, if any, should reach the inquiry officer/inquiry committee within the specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.

06. Intimate whether you desire to be heard in person.

07. A statement of allegations is enclosed.

  
CHIEF SECRETARY  
Khyber Pakhtunkhwa  
Competent Authority

Dr. Aiman Wazir,  
Women Medical Officer,  
RHSC-A Bannu

23

F

Ames

To

Ms. Misbah Riaz (PMS-18)  
Deputy Secretary,  
Public Health Engineering Department  
Khyber Pakhtunkhwa, Peshawar.

Subject: REPLY REGARDING DISCIPLINARY AGAINST DR. AIMAN WAZIR, WOMEN MEDICAL OFFICER (BPS-17) RHSC-A, BANNU

Reference: No.SOE (PWD) 1-189/2018/PF/ Dated: 30<sup>th</sup> June, 2022

Respected Madam, reply to point (ii) in charge sheet. I am humbly stating that I joined the duties on 10<sup>th</sup> February, 2021 Charge Assumption report attached please. Thereafter on 11<sup>th</sup> Feb, 2021. I applied for Extraordinary leave under the same rules under which EOL is granted to civil servants in respect of FCPS-II training in my case, leave granted notifications attached. As I am already undergoing FCPS-II training since 2019 and same was also intimated to the department.

Respected madam reply to point (iii) in charge sheet, I requested the transfer from Bannu to Peshawar on medical grounds and at that time I was admitted in the hospital a complete medical profile along with doctor reports and abstention from distant travelling (due to pregnancy) as prescribed by doctors was sent to the Population and welfare department. That request was made on medical grounds.

Lastly, respected madam, I am into 37<sup>th</sup> week of my pregnancy and during my pregnancy I faced several complications as I have suffered miscarriage (report attached) before because of which I was advised for extra care and it is a precious pregnancy, all reports were sent to the department concerned. Moreover, I am in the 4<sup>th</sup> year of my FCPS-II training and in the final days of my pregnancy before delivery (scan report attached). I therefore request to please be exonerated from this inquiry and my leave application reviewed. Moreover, I am also in the ambit of maternity leave as my Expected Date of Delivery is 1<sup>st</sup> August, 2022. I am also requesting for maternity leave of 90 days.

I request to all concerned to please exonerate me from this inquiry on humanitarian grounds as well and I would love to render my services to the PWD department in true spirit. Thank you



Yours sincerely,  
Dr. Aiman Wazir

## INQUIRY REPORT

Subject:

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INQUIRY INTO UNAUTHORISED ABSENCE FROM DUTY BY DR. AIMAN WAZIR,  
WOMEN MEDICAL OFFICER (BS-17), RHSC-A, BANNU.

The undersigned has been nominated as an inquiry officer to conduct inquiry into the allegations against Dr. Aiman Wazir, women Medical Officer (BS-17, RHSC-A, Bannu vide letter No. SOE(PWD)1-189/2018/PF/8500-04 dated 30<sup>th</sup> June, 2022 (Annex-I).

### BAGKGROUND:

Population Welfare Department moved a Note for Chief Secretary Khyber Pakhtunkhwa regarding willful absence of Dr. Aiman Wazir, WMO (BS-17), Bannu w.e.f 10-02-2021, i.e from the date of the charge assumption till date. Brief history of the case is as under:

- i. Dr. Aiman Wazir was appointed against the post of WMO/Deputy District Population Welfare Officer (Technical)/Instructor (Technical) (BS-17) vide Notification No. SOE(PWD)4-64/2021 dated 03-02-2021 (Annex-II).
- ii. She assumed the charge of the post on 10-02-2021 (F.N) (Annex-III).
- iii. After assumption of charge in DPW office Bannu, she did not join the duty till date as per report of District Population Welfare Officer, Bannu dated 15-06-2021 (Annex-IV).
- iv. Instead, she requested for leave without pay as she was undergoing training in H.M.C Peshawar since 2019 which is going to complete in 2024 (Annex-V).
- v. The request was not acceded to and she was informed to join the duties forthwith by explaining that the Khyber Pakhtunkhwa (Appointment, Deputation, Posting and Transfer of Teachers, Lectures, Instructors and Doctors) Regulatory Act, 2011 relates to the doctors selected in the Health Department and there is no concept of specialization of doctors selected in population Welfare Department (Annex-VI).
- vi. An absence notice was also served upon her with the direction to report for duty within fifteen days (Annex-VII)
- vii. In reply to the absence notice, she requested to transfer her to Peshawar due to the reasons that her husband is a Civil Servant bearing domicile of District Peshawar. And she is working as Trainee Medical Officer (4<sup>th</sup> year) in HMC. Furthermore, she is pregnant and the doctor has advised her to avoid long travels (Annex-VIII).
- viii. However, Population Welfare Department has recommended Chief Secretary Khyber Pakhtunkhwa to initiate disciplinary proceedings against the doctor concerned under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 (para 21/N of Note for Chief Secretary Khyber Pakhtunkhwa) (Annex-IX).



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PROCEEDINGS:

Dr. Aiman Wazir was directed to appear in the office of the undersigned on 6<sup>th</sup> July 2022 along with the written statement (Annex-X). She visited the office on the due date but she furnished the written statement on 18<sup>th</sup> July 2022, (Annex-XI).

WRITTEN STATEMENT OF DR. AIMAN WAZIR:

In the written statement, Dr. Aiman Wazir has submitted the following with the request that she may be exonerated from the inquiry:

1. She requested for Extra ordinary leave to complete the FCPS training. She has also attached the Notifications of other doctors for EOL, however, they all pertain to Health Department (Annex-XII).
2. She requested for her transfer from Bannu to Peshawar on Medical grounds.
3. She has further stated that she is in the 4<sup>th</sup> year of FCPS-II training and in the final days of the pregnancy and has requested for maternity leave of 90 days w.e.f 1<sup>st</sup> August 2022 (Reports at Annex-XIII).
4. She during the inquiry also informed that she intends to continue her TMO ship in HMC Peshawar, which is going to end in 2024.

FINDINGS:

On hearing the accused officer, perusal of the written statement and the record provided by the department, it is ascertained that her unwarranted absence from duty stands proved. She was supposed to join her duty when her request for leave was regretted, which she did not.

RECOMMENDATIONS:

In light of the above mentioned facts it is recommended that major penalty of Removal from service may be imposed upon Dr. Aiman Wazir, WMO, RHSC-A, Bannu.

(MISBAH RIAZ)  
Inquiry Officer (PMS BS-18)  
Deputy Secretary,  
Public Health Engineering Department



(26) -

GOVERNMENT OF KHYBER PAKHTUNKHWA,  
POPULATION WELFARE DEPARTMENT  
02<sup>nd</sup> Floor, Abdul Wali Khan Multiplex, Civil Secretariat, Peshawar

(9)

No. SOE (PWD) 1-189/2018/PF/  
Dated Peshawar the 02<sup>nd</sup> December, 2022

To

Ms. Aieda Qureshi (PMS BS-18),  
Deputy Secretary, Finance Department,  
C/O Section Officer (Admn), Finance Department,  
Khyber Pakhtunkhwa, Peshawar.

Subject: - DISCIPLINARY ACTION AGAINST DR. AIMAN WAZIR, WOMEN MEDICAL OFFICER (BPS-17) RHSC-A, BANNU.

Dear Madam,

I am directed to refer to the subject noted above and to state that the Competent Authority i.e. the Chief Secretary, Khyber Pakhtunkhwa has been pleased to appoint you as Inquiry Officer to conduct DE NOVO inquiry into the allegations against Dr. Aiman Wazir, Women Medical Officer (BPS-17) RHSC-A, Bannu.

02. I am further directed to request you to submit inquiry report / findings within 30 days in accordance with the provision of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 (Copy of the previous inquiry report and its enclosures are also attached herewith).

03. Charge sheet and statement of allegations duly signed by the Competent Authority are attached herewith.

04. Mr. Naseem Ullah, Deputy Director (Admn), Directorate General Population Welfare, Khyber Pakhtunkhwa will assist you as Departmental Representative in the subject case.

Yours faithfully,

Encls: As above:

(SHAH BAKHT YOUSAFZAI)  
SECTION OFFICER (ESTT)

ENDST: OF EVEN NO. & DATE:

Copy is forwarded to the:-

1. Director General Population Welfare, Khyber Pakhtunkhwa, Peshawar.
2. Mr. Naseem Ullah, Deputy Director (Admn), Directorate General Population Welfare, Khyber Pakhtunkhwa, Peshawar with the request to assist the Inquiry Officer during disciplinary proceedings against the above mentioned accused officer.
3. Dr. Aiman Wazir, House No.84, Street-10 Sector-I, Phase-II, Hayatabad Peshawar with the direction to appear before the Inquiry Officer for the purpose of inquiry proceedings as and when required.
4. PS to Secretary, PWD, Khyber Pakhtunkhwa, Peshawar.

SECTION OFFICER (ESTT)

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GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
**EDUCATION MONITORING AUTHORITY**

House No.7A, Near Army Checkpost, Shami Road, Peshawar  
Phone: 091-9223128, Fax: 091-9223127

To,

Dr Aiman Wazir,  
Women Medical Officer,  
RHSC-A, Bannu.

Subject: **DISCIPLINARY ACTION AGAINST DR. AIMAN WAZIR, WOMEN  
MEDICAL OFFICER (BPS-17) RHSC-A, BANNU**

In reference to the subject noted above, it is to state that Section Officer (Estt.), Population Welfare Department, Government of Khyber Pakhtunkhwa vide Notification No. SO E(PWD)1-189/2018/PF/051-55 dated 02-12-2022, has served upon you the Charge Sheet and Statement of Allegations, wherein the undersigned has been appointed as Inquiry Officer.

The undersigned being Inquiry Officer intends to afford you an opportunity of personal hearing. You are therefore, directed to appear before the inquiry committee well prepared along with documentary proof, in your defense, if any on 23.12.2022, 11.00 AM at the office of Deputy Director (Establishment), Khyber Pakhtunkhwa Education Monitoring Authority, House No. 7A, Shami Road, Peshawar Cantt.

(Aieda Qureshi)  
(PMS BS-18)

District Monitoring Officer, EMA



Subject: DENOVO inquiry report regarding disciplinary Action Against Dr. Alman Wazir, Women Medical Officer (WMO), BS-17, RHSC-A, Bannu

Order of Inquiry -

Population Welfare Department (PWD), Khyber Pakhtunkhwa vide letter no. SOE (PWD) 1-189/2018/PF/1051-55 dated 2<sup>nd</sup> December, 2022, appointed the undersigned as an Inquiry Officer to conduct a *De Novo* Inquiry in the subject matter (Flag-A).

Charges against the Accused as per Charge Sheet & Statement of Allegations -

The Charge Sheet and Statement of Allegation, as enclosed with the above referred to letter, stipulate the following charges against the accused (Flag-B & C)

- (1) That [she was] appointed as Women Medical Officer / Deputy District Population Welfare Officer (Tech) / Instructor (Tech), BPS-17 vide Government of Khyber Pakhtunkhwa Population Welfare Department Notification No. SOE(PWD)4-64/2021 dated 03-02-2021 and was posted as WMO (BPS-17) in RHSC-A Bannu - This Charge will be hereinafter referred to as Charge 1;
- (2) That instead of joining [her] duties, [she] submitted an application on 11-02-2021 for grant of study leave / extra ordinary leave from 11-02-2021 to 06-08-2024, which was regretted not covered under the Rules vide letter No. SOE(PWD)1-189/2020FP/21-24 dated 18-02-2021 and [she] was directed to attend [her] official duty, but [she] failed to resume [her] duties - This Charge will be hereinafter referred to as Charge 2;
- (3) That a notice was issued vide No. SOE(PWD)1-189/2020/PF dated 05-04-2022 on [her] home address with the direction to join duty within 15 days in response [she] submitted an application for transfer from District Population Welfare Office Bannu to District Population Welfare Office, Peshawar - This Charge will be hereinafter referred to as Charge 3; and,
- (4) That [she] was absent from [her] duties w.e.f 10-02-2021 till date - This Charge will be hereinafter referred to as Charge 4

Primary and Secondary Sources consulted during the Inquiry -

Overall recourse was made to the available documents on the file, the statement of the accused, the stance of the Department through the Departmental Representative, general legal instruments such as, but not limited to, the Khyber Pakhtunkhwa Leave Rules, 1981, and the special Acts, Rules including Regulatory Act, 2011.

Proceedings -

The Departmental Representative as well as the accused were called to appear before the undersigned on 23<sup>rd</sup> December, 2022 (Flag-D & E).

Background: A Chronology of the Issue, measures taken so far, and the Instant Inquiry -

The accused was appointed in pursuance of the recommendations of the Public Service Commission (PSC), Khyber Pakhtunkhwa vide PWD Notification No. SOE (PWD) 4-64/2021 dated 03<sup>rd</sup> February, 2021. She is at Serial # 09 of the said Notification (Flag-F). The said Notification also enunciates Terms and Conditions of the Appointees, including the accused. Serial # vi of the terms and conditions stipulates



that "they will be governed by [...] any other instructions which may be issued by the Government from time to time".

On 10<sup>th</sup> February, 2021, the Accused assumed the charge of post of Senior Women Medical Officer, Reproductive Health Services Center-A, Bannu, in pursuance of the above notification (Flag-G), with a copy of the same to the Director General, PWD, amongst others.

On 11<sup>th</sup> February, 2021, the Accused has submitted an application, addressed to Secretary PWD, requesting therein for "study leave/ extra ordinary leave from 11/02/2021 to 06/08/2024 as part of [her] mandatory FCPS-I training" (Flag-H). On the same date, the Accused has also submitted a separate application to the Director General, PWD with same request, also mentioning therein that her training has started in 2019 (Flag-I).

On 18<sup>th</sup> February, 2021, the accused was informed by the Section Officer (Estt), PWD that (1) her request is not covered under the Civil Servants Revised Leave Rules, 1981 and (2) "the Section 7 of the Regulatory Act, 2011 relates to the doctors selected in the Health Department and there is no concept for specialization of the doctors selected in PWD" (Flag-J). And, that she may resume her duties failing which disciplinary action will be initiated against her.

On 15<sup>th</sup> June, 2021, District Population Welfare Officer, Bannu has informed the DG PWD that (1) the accused has not resumed charge, despite being intimated that she could not be granted EOL and (2) neither the salary of the accused has been started nor taken on staff strength of the District (Flag-K).

Note – The case then remains silent, as per available record, till the 21<sup>st</sup> February, 2022.

On 21<sup>st</sup> February, 2022, the Secretary PWD has moved a Note for Chief Secretary, Khyber Pakhtunkhwa, hereinafter referred to as Note, with the request that Notice be served upon the accused through registered acknowledgement on her home address for resumption of her duty (Flag-L – the Note comprises of 13 x pages, and 54 paragraphs). The same was approved by the Chief Secretary, Khyber Pakhtunkhwa on 31<sup>st</sup> March, 2022.

On 18<sup>th</sup> April, 2022, the accused replied to the Absence Notice. The reply is not as much as a reply to the Absence Notice, but request for the posting to District Peshawar, under Spouse Policy, as her husband is also a government servant posted in Peshawar (Flag-M).

On 30<sup>th</sup> June, 2022, Deputy Secretary, Public Health Engineering Department was approved as an Inquiry Officer in the instant matter, on the above mentioned Note. The Inquiry Officer called the accused for personal hearing and recording statement (Flag-N). The accused submitted the written statement on 18<sup>th</sup> July, 2022 (Flag-O). The Inquiry Officer recommended, as a consequence of the Inquiry, that the penalty of Removal from Service be imposed on the accused (Flag-P).

On 17<sup>th</sup> August, 2022, on the Note a request was made for signature of Show Cause Notice by the Chief Secretary, Khyber Pakhtunkhwa. However, the observation vide paragraph-36 and 37 on it, resulted in the instant De Novo Inquiry in the matter. The undersigned was approved as Inquiry Officer on the said Note on 21<sup>st</sup> November, 2022.



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Questions Framed - Independent of Charges & Legal Answers Thereof -

Keeping in view the overall developments in the instant case, the undersigned has framed the following questions, in addition to the Charges framed and communicated vide the Statement of Allegations:

- (1) Doctors, both MBBS and BDS, do strive to enhance/upgrade their qualifications by applying for fellowship under the College of Physicians and Surgeons Pakistan and, on selection, they have to go 4-5 years training as Trainee Medical Officers, in various tertiary care hospitals. Any recruiting authority (Health Department has made special arrangements in this regard through legislation even to permit/allow them to continue with their TMOship on selection) or Department should take due care that it is cognisant of those circumstances so the question would be whether the Department, while making request for filling the said posts, had any provision in its service rules that either TMOs may not be selected or they will be asked to discontinue their trainings, in case of their appointment;
- (2) Whether the PSC, while advertising the said posts, had barred the TMOs from applying to said post or included any condition of discontinuation of training, in case of selection;
- (3) Whether the doctors as well as facilities of the PWD are same or similar to the doctors as well as facilities of the Health Department;
- (4) Whether the Regulatory Act, 2011 is applicable to the doctors of the PWD; and,
- (5) Whether the Revised Leave Rules, 1981 has any other provision that allows EOL or not, as observed in paragraph-36 and 37 of the Note.

The answers to the questions framed are as under at same serial numbers:

- (1) No - Requisition to the PSC is placed at Flag-Q;
- (2) No - the advertisement is placed at Flag-R;
- (3) The Rules of Business, 1985, under the heading of Population Welfare Department at Serial # 02 enunciates that: "Promotion of Family Health Services clinical and non-clinical [...] through Family Welfare Centers and those reproductive Health Service Establishments located in the Provincial Government hospitals [...]" (Flag-5).  
By this definition, both the services and facilities of the PWD are sub-components of the services and facilities of the Health Department in spirit, as well as legally, wherever such centers are within Provincial Government hospitals. Hence, there is a similarity. In fact, the doctors of Health Department also, in addition to other services, provide these services too.
- (4) Yes, it is explicitly applicable to the doctors of the PWD, having an Overriding Effect as per Section 9 of the said Act (Flag-T). Paragraph-11 and last 2 x lines of paragraph 14 of Note are not right to this extent. Hence, the PWD has not, initially, replied to the observation of the Establishment Department on Note regarding its applicability, and the case is, therefore, still without a conclusion; and,
- (5) Yes, it provides other modes of EOL too. Section 12 (1), in addition to the quoted part of the Rules holds that: "In case a civil servant has not completed ten years of continuous service, extraordinary leave without pay for a maximum period of two years may be granted at the discretion of the leave sanctioning authority". Moreover, Section 12 (2) states that "the maximum period of extraordinary leave without pay combined with leave on full pay and leave on half pay shall be subject to the limit of 5 years prescribed in FR-18, i.e. the maximum period of extraordinary leave without pay that would be admissible to a civil servant who has rendered



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continuous service for a period of not less than 10 years shall be 5 years less the period of leave on full pay and leave on half pay so combined" (Flag-U).

**Of Charges -**

The nature of charges, as per Charge Sheet and Statement of Allegations, their suitability, and whether these are proved or not, with remarks are tabulated below:

TABLE-I				
Charge #	Nature	Suitability	Proved/not Proved	Remarks
Charge 1	Statement	No	Not applicable	It is a plain statement regarding appointment and further posting. NOT A CHARGE by nature.
Charge 2	Statement	No	Not applicable	It is statement, and it pertains to record. It is NOT A CHARGE.
Charge 3	Statement	No	Not applicable	It is a plain statement. And, it pertains to record of service of Notice and her reply. It is NOT A CHARGE.
Charge 4	Charge of Absence	Yes	Subjectively proved with observations below.	It is A CHARGE.

In accordance with the Table-I above, there is ONLY 1 x charge that needs establishing or otherwise i.e., the Charge of Absence.

The accused has submitted her arrival, as a result of appointment. She has further assumed the charge of the post in pursuance of the posting/transfer order, at District Bannu. Moreover, to every communique available on record, the accused has responded/replied. Lastly, the Charge should have been of willful absence, but in the instant case, the willful absence has not been mentioned in the whole case, meaning thereby that the accused may not be willfully absent but was improving her qualifications through the FCPS training. However, in the strict sense, her not joining duty in Bannu pursuant to the Order may be construed as such. Mitigating factors are, neither the pay of the accused has been issued during the whole period w.e.f 03<sup>rd</sup> February, 2021 till date (31<sup>st</sup> December, 2022), nor was she taken on the staff list of District Bannu. In the light of above, it is clear that the accused was actively responding to the letters, notices etc issued by the Department to her, and was continuously making her case for either EOL or Maternity leave<sup>1</sup> or transfer to District Peshawar.

**Findings -**

Keeping in view all the above, the following are the findings:

- (1) There is a fine balance, on appointment of a Doctor already undergoing TMOship after qualifying FCPS Part-I, between the fact whether he/she may be allowed to undergo and

<sup>1</sup> The accused had a miscarriage in 2019 (documents on file). Moreover, an ultrasound report of March, 2022 suggest that she needed to avoid extensive travel - in this case from Bannu to Peshawar (as she is TMO, as well as her husband is posted in Peshawar).

complete the training or start performing duty by sacrificing the time and effort as well as opportunity to be a better doctor. The Department's regret of EOL has to be seen in that context. Moreover, when the Revised Leave Rules, 1981, have provision of 2 years EOL at any time in service.;

- (2) There was no bar on applying by TMOs for the posts, or a condition of resign/discontinuation of training in case of selection to the post;
- (3) No reference has been made by the Department to attendance register or to the biometric of the Institute regarding the absence of the accused w.e.f 03<sup>rd</sup> February, 2021 till June, 2022 (the month in which such absence report was communicated by the District Population Welfare Officer, Bahnu);
- (4) The request of transfer on the basis of the Spouse Policy was neither turned down nor accepted by the Department;
- (5) The accused replied to every letter, notice of the Department; and,
- (6) From the record it seems that the matter has not been placed before the Secretaries of the Department completely. That is, the relevant legal instruments have not been placed before them as well as the proposals placed before them were also not in light of these legal instruments.

#### Recommendations –

Foregoing in view the above, the case may be remanded back to the Department for reconsideration on the above points as ample legal remedies short of declaring her absent without leave are available including transfer or EOL without pay for remaining period of her training.

(Aieda Qureshi)

PMS BPS-18

District Monitoring Officer,  
Abbottabad.





(33)

Through T.C.S

I

GOVERNMENT OF KHYBER PAKHTUNKHWA,  
POPULATION WELFARE DEPARTMENT  
02<sup>nd</sup> Floor, Abdul Wali Khan Multiplex, Civil Secretariat, Peshawar  
Email Address: [population.establishment@gmail.com](mailto:population.establishment@gmail.com)  
Phone No: 091-9223623

Aman

No. SOE (PWD) 1-189/2018/PF/ 4322-06  
Dated Peshawar the 17<sup>th</sup> August, 2023

To

Ms. Aieda Qureshi (PMS BS-18),  
District Monitoring Officer,  
House No. 145 Street No. 09 Jinnah Abbas Mandia,  
District Abbottabad, Khyber Pakhtunkhwa.  
(Phone No: 0992-412829)

Subject: - DISCIPLINARY ACTION AGAINST DR. AIMAN WAZIR, WOMEN  
MEDICAL OFFICER (BPS-17) RHSC-A, BANNU.

Dear Madam,

I am directed to refer to the subject noted above and to state that the Competent Authority i.e. the Chief Secretary, Khyber Pakhtunkhwa has decided to return herewith the Inquiry Report (copy enclosed), as the same has not been concluded as per provisions of Khyber Pakhtunkhwa, Government Servant (Efficiency & Discipline) Rules, 2011.

02. I am, therefore, directed to request that the same may be revisited and clear findings / recommendations regarding charges levelled against the accused and imposition of penalties within fortnight may be added in the Inquiry Report as required under the sub-rule (7) of rule (11), (Efficiency and Discipline) Rule, 2011 (Amended 2021), please.

Yours faithfully,

(SHAH BAKHT YOUSAFZAI)  
SECTION OFFICER (ESTT)

Encis: As above:

ENDST: OF EVEN NO. & DATE:

Copy is forwarded to the:-

1. Director General Population Welfare, Khyber Pakhtunkhwa, Peshawar.
2. Mr. Naseem Ullah, Deputy Director (Admn), Directorate General Population Welfare, Khyber Pakhtunkhwa, Peshawar with the request to assist the Inquiry Officer during disciplinary proceedings against the above mentioned accused officer.
3. Dr. Aiman Wazir, House No.84, Street-10 Sector-I, Phase-II, Hayatabad Peshawar with the direction to appear before the Inquiry Officer for the purpose of inquiry proceedings as and when required.
4. PS to Secretary, PWD, Khyber Pakhtunkhwa, Peshawar.

SECTION OFFICER (ESTT)

34

J  
Annex

To,  
The Secretary,  
Population Welfare Department,  
Khyber Pakhtunkhwa.

**SUBJECT: DISCIPLINARY ACTION AGAINST DR. AIMAN WAZIR, WOMEN MEDICAL OFFICER, DS-17, PHSC-A, BANNU**

Dear Sir,

Kindly refer to the Inquiry Report already submitted in the subject matter as well as letter no SOE(PWD)1-189/2018/PF/4302-06 dated 17<sup>th</sup> August, 2023.

2- The above quoted letter referred back the Inquiry Report with the remarks that: "[...] the same may be revisited and clear findings/recommendations regarding charges levelled against the imposition of penalties [...] may be added in the Inquiry Report".

3- The Findings and Recommendations already submitted by the undersigned are final, however, this additional communique is explanatory in nature, as a reference to the above quoted letter ONLY. Still if the Department believes that the accused shall be necessarily given a Major Penalty for a SUBJECTIVELY proven ONE CHARGE, then it has recourse to a De Novo Inquiry. The relevant portions of the Inquiry, which comprise of Findings, and Recommendations, are reproduced heading-wise so that the same can be easily referred to, as follows:

(a) Under the Heading "Of Charges", the following Table has been incorporated, which clearly summarizes the Charges along with their status (that is, proved or not proved):

TABLE-I				
Charge #	Nature	Suitability	Proved/not Proved	Remarks
Charge 1	Statement	No	Not applicable	It is a plain statement regarding appointment and further posting. NOT A CHARGE by nature.
Charge 2	Statement	No	Not applicable	It is statement, and it pertains to record. It is NOT A CHARGE.
Charge 3	Statement	No	Not applicable	It is a plain statement. And, it pertains to record of service of Notice and her reply. It is NOT A CHARGE.
Charge 4	Charge of Absence	Yes	Subjectively proved with observations below.	It is A CHARGE.

(b) Under the Heading of "Findings", the following has been included, which clearly summarizes the Findings of the undersigned in the matter:

(1) There is a fine balance, on appointment of a Doctor already undergoing TMOship after qualifying FCPS Part-I, between the fact whether he/she may be allowed to undergo and complete the training or start performing duty by sacrificing the time and effort as well as

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opportunity to be a better doctor. The Department's regret of EOL has to be seen in that context. Moreso, when the Revised Leave Rules, 1981, have provision of 2 years EOL at any time in service;

- (2) There was no bar on applying by TMOs for the posts, or a condition of resign/discontinuation of training in case of selection to the post;
  - (3) No reference has been made by the Department to attendance register or to the biometric of the institute regarding the absence of the accused w.e.f 03<sup>rd</sup> February, 2021 till June, 2022 (the month in which such absence report was communicated by the District Population Welfare Officer, Bannu);
  - (4) The request of transfer on the basis of the Spouse Policy was neither turned down nor accepted by the Department;
  - (5) The accused replied to every letter, notice of the Department; and,
  - (6) From the record it seems that the matter has not been placed before the Secretaries of the Department completely. That is, the relevant legal instruments have not been placed before them as well as the proposals placed before them were also not in light of these legal instruments.
- (c) Under the Heading of "Recommendation", the following has been stated:  
Foregoing in view the above, the case may be remanded back to the Department for reconsideration on the above points as ample legal remedies short of declaring her absent without leave are available including transfer or EOL without pay for remaining period of her training.

4- Having said that, it is reiterated that the case in its completeness had not been put up before the Secretary Social Welfare, Department. The accused was termed as willfully absent, while she was corresponding back with the Department through applications for: (a) transfer to Peshawar (b) grant of leave of higher education and (c) maternity leave. The Department instead of replying (that is rejecting or accepting) to these applications, had termed her willfully absent and moved a case of Disciplinary proceedings against her. With this in mind, the undersigned has, therefore, recommended previously, that the case may be placed before the Secretary of the Department for review or revision, as the case may be, of his decision (that is moving a case for Disciplinary proceedings). But, instead of placing a case in its completeness before the Secretary of the Department, with other legal remedies available, the Department had sent a case to the Chief Secretary, Khyber Pakhtunkhwa (being Competent Authority).

5- The "ample legal remedies short of declaring her absent without leave" are stipulated below for the Department:

- (a) Reply to all her application including maternity leaves, posting under Spouse Policy and EOL (both from the Leave Rules and from the Regulatory Act) be given to the accused. The same may be either accepted or rejected, as the Secretary deem appropriate, and be subsequently, placed before the Chief Secretary, Khyber Pakhtunkhwa for approval. (The applicability of the Regulatory or bar thereon has been proved in the Inquiry Report submitted);
- (b) The non-duty period may be converted into EOL either under the Leave Rules or under the Regulatory Act. It is added here that for such a decision Secretary of the Department is competent authority, and there is no need to submit the case to Chief Secretary, Khyber Pakhtunkhwa;



- (c) In addition to paragraph- 5 (b), a censure may be issued along with LOU;  
(d) Her transfer request under the Spouse Policy may be approved or rejected, and the same may be communicated to her.

6- The Department may in future publish a complete advertisement, spelling clearly reasons and circumstances of leave etc.

7- For clarity, It is stated that the Chief Secretary, Khyber Pakhtunkhwa may be requested on the writs for Chief Secretary, Khyber Pakhtunkhwa intiated for the purpose of the instant Disciplinary proceedings to remand back the case to the Department, for the decision of the Secretary of the Department, in light of paragraph 5 ante. The reason for the above is that the Charge Sheet framed has only ONE ACTUAL CHARGE, as mentioned in the Table above, other are just statements. More so, that one Charge is NOT COMPLETELY PROVED, but ONLY subjectively.



AIDA QURESHI

INQUIRY OFFICER  
District Monitoring Cell  
Education Monitoring & Quality  
Elementary & Secondary Education  
Department Abbottabad





(37)

THROUGH TCS

GOVERNMENT OF KHYBER PAKHTUNKHWA,  
POPULATION WELFARE DEPARTMENT  
02<sup>nd</sup> Floor, Abdul Wali Khan Multiplex, Civil Secretariat, Peshawar  
Email Address: [population.establishment@gmail.com](mailto:population.establishment@gmail.com)  
Phone No: 091-9223623

K

Annex

1265-68

No. SOE (PWD) 1-189/2018/PF/  
Dated Peshawar the 19<sup>th</sup> January, 2024

To

Dr. Aiman Wazir, Women Medical Officer (BS-17),  
Population Welfare Department,  
House No.84, Street-10, Sector-I, Phase-II,  
Hayatabad Peshawar,

Subject: - DISCIPLINARY ACTION AGAINST DR. AIMAN WAZIR, WOMEN  
MEDICAL OFFICER (BPS-17) RHSC-A. BANNU.

I am directed to refer to the subject noted above and to serve upon you with a Show Cause Notice duly signed by the competent authority i.e Chief Secretary, Khyber Pakhtunkhwa in the instant case.

02. I am further directed to state that if no reply to this notice is received within ten (10) days of its delivery, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.

(SHAH BAKHT YOUSAFZAI)  
SECTION OFFICER (ESTT)

Encls: As above:

ENDST: OF EVEN NO. & DATE:

Copy alongwith a copy of Show Cause is forwarded to the:-

1. Director General Population Welfare, Khyber Pakhtunkhwa, Peshawar.
2. District Population Welfare Officer, Bannu.
3. PS to Secretary, PWD, Khyber Pakhtunkhwa, Peshawar.

SECTION OFFICER (ESTT)

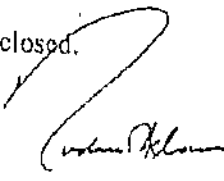
SHOW CAUSE NOTICE

I, Nadeem Aslam Chaudhary, Chief Secretary, Khyber Pakhtunkhwa, as Competent Authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you, Dr. Aiman Wazir, Women Medical Officer (BS-17) RHSC-A, Bannu as follows:

1. (i) That consequent upon the completion of formal inquiry conducted against you by the inquiry officer for which you were given opportunity of hearing vide communication No.SOG/PHED/General/1-36/2020 dated 04-07-2022; and  
(ii) on going through the findings and recommendations of the inquiry officer, the material on record and other connected papers including your defence before the inquiry officer.

I am satisfied that you have committed the following acts/omissions specified in Rule-3 of the said Rules:

- a) Guilty of misconduct.
  - b) Guilty of habitually absenting yourself from duty without prior approval of leave.
2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of removal from service under rule 4 of the said rules.
  3. You are, thereof, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
  4. If no reply to this notice is received within ten (10) days of its delivery, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.
  5. A copy of the findings of the inquiry officer is enclosed.

  
(NADEEM ASLAM CHAUDHARY)  
Chief Secretary, Khyber Pakhtunkhwa  
(Competent Authority)

Dr. Aiman Wazir,  
Women Medical Officer (BS-17),  
RHSC-A, Bannu.



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K/1

Annex

To

Section Officer (Estt)  
02<sup>nd</sup> Floor, Abdul Wali Khan Multiplex  
Civil Secretariat, Peshawar

**Subject:** REPLY REGARDING DISCIPLINARY AGAINST DR. AIMAN WAZIR, WOMEN MEDICAL OFFICER (BPS-17) RHSC-A, BANNU

**Reference:** No. SOE(PWD) 1-189/2018/PF/265-68 Dated: 19<sup>th</sup> January, 2024

In continuation to my earlier statement, It is humbly stated that I earnestly wish to continue my job as Women Medical Officer in PWD. I am currently in the 5<sup>th</sup> year of my FCPS training (ending in August, 2024). This training shall enhance my professional capabilities as a Doctor and in a broader picture, I as a specialist doctor would play a much more vital role for the betterment of public as a part of PWD.


Furthermore, it is also pertinent to mention that FCPS-II training is also considered as Postgraduate Medical Education which provides the doctors of mandatory leave for FCPS-II training "THE KHYBER PAKHTUNKHWA (APPOINTMENT, DEPUTATION, POSTING AND TRANSFER OF TEACHERS, LECTURERS, INSTRUCTORS AND DOCTORS) REGULATORY ACT, 2011." Section 7 sub clause (2) along with it also under Civil Servants Act, 1973. (Attached).

Moreover, I am not provided the copy of Inquiry Officers finding neither I accept the decision of removal from service. The whole proceedings lacked fair play and justice. I being a woman was even denied my due right of maternity leave by the Population Department which is the fundamental right.

Finally, there is also precedents of granting EOL to doctors posted in PWD. I therefore request the reversal of removal from service and to resume my job in PWD department after the completion of my FCPS-II training.

Thank you

Dated: 26<sup>th</sup> January, 2024

  
Yours sincerely,  
Dr. Aiman Wazir



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**GOVERNMENT OF KHYBER PAKHTUNKHWA,  
POPULATION WELFARE DEPARTMENT**

02<sup>nd</sup> Floor, Abdul Wali Khan Multiplex, Civil Secretariat, Peshawar  
Email Address: [population.establishment@gmail.com](mailto:population.establishment@gmail.com)  
Phone No: 091-9223623

**NOTIFICATION**

Dated Peshawar the 03<sup>rd</sup> April, 2024

No. SOE (PWD) 1-189/2018/PF //10/4-20 WHEREAS, Dr. Aiman Wazir (BS-17), Women Medical Officer, RHSC-A DPW-Office, Bannu Population Welfare Department was proceeded against under rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the Statement of allegations;

AND WHEREAS, Ms. Misbah Riaz (PMS BS-18) Deputy Secretary, Public Health Engineering Department was nominated an inquiry officer to conduct formal inquiry into the charges leveled against the said officer in accordance with rules;

AND WHEREAS, Ms. Aieda Qureshi (PMS BS-18) District Monitoring Officer, Abbottabad was nominated an inquiry officer to conduct De-Novo Inquiry into the charges leveled against the said officer in accordance with rules;

AND WHEREAS, the Inquiry Officers, after having examined the charges, evidence on record and explanation of the accused officer, submitted its reports;

NOW, THEREFORE, the Competent Authority (i.e Chief Secretary, Khyber Pakhtunkhwa) after having considered the charges, evidence on record, findings of Inquiry officers, the reply of the accused officer to the show cause and hearing her through hearing officer on 29-02-2024 & 07-03-2024 and exercising his powers under Rule-4(1)(b)(iii) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, has been pleased to impose major penalty of "Removal from Service" upon Dr. Aiman Wazir (BS-17), Women Medical Officer, RHSC-A DPW-Office, Bannu Population Welfare Department with immediate effect.

-sd-

**SECRETARY  
POPULATION WELFARE DEPARTMENT**

**ENDST: OF EVEN NO. & DATE:**

Copy is forwarded to the: -

1. Director General Population Welfare, Khyber Pakhtunkhwa, Peshawar.
2. PSO to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
3. District Population Welfare Officer, Bannu.
4. District Comptroller / Account Officer, Bannu.
5. Dr. Aiman Wazir, Women Medical Officer (BS-17), Population Welfare Department, House No.84, Street-10 Sector-I, Phase-II, Hayatabad Peshawar.
6. PS to Secretary, Population Welfare Department, Khyber Pakhtunkhwa, Peshawar.
7. Master file.

  
**(SHAH BAKHT YOUSAFZAI)  
SECTION OFFICER (ESTT)**

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M

Annex

To,

The Worthy Chief Secretary,  
Khyber Pakhtunkhwa,  
Peshawar.

**Subject: DEPARTMENTAL APPEAL / REPRESENTATION.**

In continuation to my earlier statement, it is humbly stated that I (herein called appellant) earnestly wish to continue my job as Women Medical Officer in PWD. The appellant is currently in the 5th year of my FCPS training (ending in August, 2024). This training shall enhance the appellant professional capabilities as a Doctor and in a broader picture; the appellant, a specialist doctor would play a much more vital role for the betterment of public as a part of PWD. Furthermore, it is also pertinent to mention that FCPS-II training is also considered as Postgraduate Medical Education which provides the doctors of mandatory leave for FCPS-II training "THE KHYBER PAKHTUNKHWA (APPOINTMENT, DEPUTATION, POSTING AND TRANSFER OF TEACHERS, LECTURERS, INSTRUCTORS AND DOCTORS) REGULATORY ACT, 2011." Section 7 sub clause (2) along with it also under Civil Servants Act, 1973. **(Attached).**

Moreover, the Worthy secretary, Population Welfare Department issued impugned Notification dated 03.04.2024 wherein the appellant was imposed major penalty of **Removal from service** despite the fact that the inquiry officer Ms. Aieda Qureshi (PMS BS-18) has recommended for reconsidering the appellant contention and declaring the appellant absentees without leave are available including transfer or EOL without pay for remaining period of her training because the appellant is legally entitled to all these remedies.. The whole proceedings lacked fair play and justice. The appellant being a woman was even denied her due right of maternity leave by the Population Department which is the fundamental right. Finally, there are also precedents of granting EOL to doctors posted in PWD. The appellant therefore, requests the reversal of removal from service and to resume her job in PWD department after the completion of her FCPS-II training.

That the impugned removal order dated 03.04.2024 of the appellant, issued by the Worthy secretary, Population Welfare Department is illegal, unlawful, void ab initio against the rules, facts, norms of natural justice, guaranteed and secured rights

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of the appellant, hence, untenable in the eye of law and liable to be set aside.

That the impugned removal order dated 03.04.2024 of the appellant, issued by the Worthy secretary, Population Welfare Department is unreasonable, discriminatory, and arbitrary and are against the Rules, hence, the Worthy secretary, Population Welfare Department bulldozed all the Rules and Regulations, on this score alone the impugned removal order of the appellant is liable to be declared illegal and against my fundamental rights and the impugned removal order dated 03.04.2024 of the appellant, issued by the Worthy secretary, Population Welfare Department is against natural justice and material available on record, hence not tenable in the eye of Law.

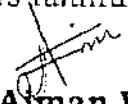
That the action of the Worthy secretary, Population Welfare Department and especially Shah Bakht Yousafzai (Section Officer ESTT) discriminatory in nature and case of the appellant had not been dealt in accordance with law, hence, they have violated the basic fundamental rights of the Constitution, and the impugned action of the Worthy secretary, Population Welfare Department and especially Shah Bakht Yousafzai (Section Officer ESTT) is a crystal clear violation of the guidelines provided by the law, thus the appellant has not been dealt in accordance with Articles 4, 25 and other relevant articles of the Constitution of Islamic Republic of Pakistan 1973, moreover, it is also tantamount to defeating the manifesto policy of the Government that all out efforts would be made towards honoring the rules, law and policy of the government.

That appellant is now being aggrieved from the Notification dated 03.04.2024, Peshawar wherein the Worthy secretary, Population Welfare Department imposed major penalty of removal from Service upon the appellant.

**In view of the above submission, it is humbly requested before your honour that your honour may graciously be pleased to reverse the order dated 03.04.2024 of removal from the service of appellant with all back benefits, accordingly, in the fair administration of justice.**

Dated: 29.04.2024

Yours faithfully,

  
**Dr. Afman Wazir**

Women Medical Officer (BPS-17)  
RHSC-A-Bannu




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	From: DR AIMAN WAZIR Address: H 84 SCT JI ST 10 PHSE 2 HAYATABAD PEW Contact: 03365860309 /	
	NTN: / CNIC: /	

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	From: DR AIMAN WAZIR Address: H 84 SCT JI ST 10 PHSE 2 HAYATABAD PEW Contact: 03365860309 /	
	NTN: / CNIC: /	

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
POPULATION WELFARE DEPARTMENT  
REGIONAL TRAINING INSTITUTE  
40/B-1 PHASE - V HAYATABAD  
PESHAWAR  
\*\*\*\*\*

NO.F.3 (1)/2010/RTI-PR/ 56-B

Dated Pesh 12 Feb, 2021


OFFICE ORDER

In pursuance with the Secretary, Population Welfare Department, Government of Khyber Pakhtunkhwa, Notification No.SOE (PWD)4-64/2021 dated 03/02/202, and the arrival report submitted by Dr. Shagufta Naz on 08/02/2021, She is hereby taken on staff strength of RTI, Peshawar against the post of Instructor (Technical) (BPS-17) w.e.f 08/02/2021 (F.N).

(Dr. Naila Muram Wazir)  
Principal RTI Peshawar.

Copy to:-

- The Account General, Khyber Pakhtunkhwa Peshawar.
- PS to Secretary Population Welfare Department Peshawar.
- PS to Director General Population Welfare Department, Peshawar.
- The Accountant RTI Peshawar for information and necessary action please.
- ✓ Personal file of the Officer.

  
PRINCIPAL RTI PESHAWAR.

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
DIRECTORATE GENERAL POPULATION WELFARE  
Plot No.18, Sector E-8, Phase-VII, Hayatabad, Peshawar.  
\*\*\*\*\*

E.No.1(6)/2021/Admn/1153-56  
Dated Peshawar the 12/05/2021.

To

The Principal Regional Training Institute  
Peshawar.

Subject: - NOC FOR CONTINUATION OF MANDATORY TRAINING IN  
RESPECT OF DR. SHAGUFTA NAZ, INSTRUCTOR, RTI  
PESHAWAR

I am directed to refer to the subject cited above and to enclose herewith Section Officer (Estt) letter No.SOE(PWD) 1-187/2020-21/PF/998-01 dated 12-04-2021 and to state that as requested by Dr. Shagufta Naz, Instructor RTI, Peshawar regarding continuation of her mandatory training at HMC in evening. The competent authority has been pleased to grant NOC to the officer subject on the following conditions:-

- i. The officer shall only receive salary from Population Welfare Department or Health Department and;
- ii. She must ensure that her official duties at RTI Peshawar will not suffer during her training period.

(Arif Abbas)

Assistant Director (Admn)

Copy forwarded to the: -

- 1. Dr. Shagufta Naz, Instructor, RTI, Peshawar.
- 2. PS to Director General, Population Welfare, Khyber Pakhtunkhwa, Peshawar.
- 3. Master File Admn Section.

Assistant Director (Admn)

19-5-2021  
Dep. Principal

17/5/21

a.o

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N/2

Annex



GOVERNMENT OF KHYBER PAKHTUNKHWA  
POPULATION WELFARE DEPARTMENT  
02<sup>nd</sup> Floor, Abdul Wali Khan Multiple Civil Secretariat, Peshawar

Dated Peshawar the 3<sup>rd</sup> March, 2022

**NOTIFICATION**

No. SOE(PWD) 1-4/2009/PE:- Sanction is hereby accorded to the grant of two (02) years Extra Ordinary Leave in respect of Dr. Salma Afzal, Women Medical Officer (BPS-17), I/C RHSC-A, Hyatabad Medical Complex, Peshawar with effect from 01-01-2022 to 31-12-2023 under the Khyber Pakhtunkhwa Civil Servant Revised Leave Rules, 1981.

sd/  
Secretary  
Govt. of Khyber Pakhtunkhwa  
Population Welfare Department

Encls: No. SOE (PWD) 1-4/2009/PE/16998-02 Dated Peshawar, the 3<sup>rd</sup> March 2022

Copy for information & necessary action to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director General, Population Welfare, Khyber Pakhtunkhwa, Peshawar w/r to letter No. 2(1)/2021/Admn/2381-04 dated 16-02-2022 with the request to provide a suitable substitute for posting in place of Dr. Salma Afzal at RHSC-A, Hyatabad Medical Complex, Peshawar.
3. Deputy Director (Medical), Directorate General, Population Welfare, Khyber Pakhtunkhwa, Peshawar w/r to letter No. 2(42)/2014-15/RHS dated 10-02-2022.
4. I/C RHSC-A, FMC, Peshawar.
5. PS to Secretary, PWD, Khyber Pakhtunkhwa, Peshawar.

*Said Bacha*

(SAID BACHA)  
SECTION OFFICER (ESTT)  
PHONE NO. 091-9223623

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
POPULATION WELFARE DEPARTMENT  
REGIONAL TRAINING INSTITUTE  
40/B-1 PHASE - V HAYATABAD  
PESHAWAR  
\*\*\*\*\*

NO.F.7 (1)/2009/RTI-PR/92

Dated Peshawar Mar, 2021

The Director General,  
Population Welfare Department,  
Govt. of Khyber Pakhtunkhwa,  
Peshawar.

Subject: REQUEST FOR 02 YEARS (EOL) LEAVE

Respected Sir,

Refer to the subject noted above and to enclose please find herewith request for two years (EOL) in respect of Dr. Shagufta Naz Instructor RTI, Peshawar.

It is pertinent to mention here that the said Instructor has assumed charge vide dated 08/02/2021 but is absent since the date of assumption of charge.

(Dr. Naila Muram Wazir)  
Principal RTI Peshawar.

Copy for information:

→ Dr. Shagufta Naz Instructor RTI, Peshawar.

  
Principal RTI Peshawar.

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N/4

THE KHYBER PAKHTUNKHWA (APPOINTMENT, DEPUTATION,  
POSTING AND TRANSFER OF TEACHERS, LECTURERS,  
INSTRUCTORS AND DOCTORS) REGULATORY ACT, 2011.

Annex

(KHYBER PAKHTUNKHWA ACT NO. XII OF 2011)

[first published after having received the assent of the Governor of  
the Khyber Pakhtunkhwa in the Gazette of Khyber Pakhtunkhwa  
(Extraordinary), dated the 12<sup>th</sup> May, 2011].

AN  
ACT

*to regulate by law appointments, postings and transfers of teachers serving in  
primary, middle, secondary and higher secondary schools, lecturers in colleges and  
instructors in technical institutions and doctors in health facilities.*

**Preamble**---WHEREAS it is expedient to regulate by law appointments,  
postings and transfers at local level, of teachers serving in primary, middle,  
secondary and higher secondary schools, lecturers in colleges and instructors in  
technical institutions and doctors in health facilities and to ensure the availability of  
teachers in schools, lecturers in colleges and instructors in technical institutions and  
the doctors in health facilities, and to regulate deputation of doctors abroad, and to  
provide for matters connected therewith or ancillary thereto;

It is hereby enacted as follows:

1. **Short title, application and commencement**---(1) This Act may be called  
the Khyber Pakhtunkhwa (Appointment, Deputation, Posting and Transfer of  
Teachers, Lecturers, Instructors and Doctors) Regulatory Act, 2011.

(2) It shall apply to teachers serving in primary, middle, secondary and  
higher secondary schools, lecturers in colleges as well as commerce colleges and  
instructors serving in technical institutions and doctors serving in the health facilities  
in the Province of the Khyber Pakhtunkhwa.

(3) It shall come into force at once.

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

(a) "Commission" means the Khyber Pakhtunkhwa Public  
Service Commission;

- (b) "doctor" means a doctor serving in the health facility;
- (c) "Government" means the Government of the Khyber Pakhtunkhwa;
- (d) "health facilities" mean all health facilities established and managed by the Government to provide medical facilities to general public;
- (e) "lecturer" and "instructor" respectively means a lecturer or an instructor serving in a Technical Institution as the case may be;
- (f) "prescribed" means prescribed by rules made under this Act;
- (g) "rules" mean the rules made under this Act;
- (h) "school" means school in the public sector including primary, middle, secondary school, higher secondary school or an institution of equivalent level imparting education through any system or medium of instruction in the public sector;
- (i) "teacher" means a teacher of primary, middle, secondary or higher secondary school; and
- (j) "technical institution" means and includes a Commerce College or Government College of Management Sciences or Technical Institute or Technical and Vocational Training Center or Skills Development Center in the public sector imparting technical education to students leading to the award of a degree or a diploma or a certificate.

(2) Words and phrases used in this Act, but not defined, shall have the same meanings as respectively assigned to them under the relevant federal law or provincial law or any other statutory order or rules for the time being in force.

3. Appointment, posting and transfer of primary school teachers.---(1) The vacancy of primary school teacher shall be filled in from the candidates belonging to the Union Council of their permanent residence mentioned in their Computerized National Identity Card and domicile, on merit and if no eligible candidate in that Union Council is available where the school is situate, such appointment shall be made on merit from amongst eligible candidates belonging to the adjacent Union Councils:

Provided that on availability of a vacancy, a primary school teacher, appointed from adjacent Union Council, as referred to in this sub-section, shall be transferred against a vacant post in a school of the Union Council of his residence within a period of fifteen days.

(2) Upon marriage, the primary school teacher on request may be transferred to the school in the Union Council, where his spouse, ordinarily resides, subject to the availability of vacancy.

(3) The primary school teacher shall be transferred to other school within the Union Council on completion of tenure as may be prescribed subject to the policy of rationalization for maintaining certain student teachers ratio, if any.

(4) Government shall, within a period not exceeding one year of the commencement of this Act, make arrangement for posting of all the primary school teachers appointed prior to coming into force of this Act, to the schools of their respective Union Councils or adjacent Union Councils, as the case may be.

4. Appointment of doctors, lecturers, instructors, subject specialists and teachers on adhoc basis.---(1) Government may, through the competent authorities make adhoc appointment on merit against the vacant posts of doctors, lecturers, instructors, subject specialists and teachers, falling within the purview of Commission, in a district concerned from the domicile holders of that district for a period of one year or till the arrival of recommendees of Commission, whichever is earlier after fulfilling the pre-requisites of giving wide publicity in the press. On assumption of charge of post by recommendee of the Commission, the services of such ad hoc appointee shall stand automatically terminated:

Provided that if no suitable and eligible candidate is available in the district concerned for appointment, then the candidates belonging to the neighbouring districts shall be considered for appointment in the order of their merit.

(2) Save as the appointment made under proviso of this section, "ad hoc appointee" shall serve in the district of his domicile.

(3) The post of a doctor, lecturer, instructor, subject specialist or secondary school teacher who proceeds on training or long leave may be treated as vacant post for the purpose of contract or contingent appointment till the return of such employce from training or long leave and assumption of charge of the post:

Provided that the period of such training or long leave shall not be less than one year and no appointment on contract or contingent shall be made on the post which may fall vacant for a period less than one year.



(51)

5. Initial posting.---(1) The doctors, the teachers and the lecturers and instructors upon their appointment shall be first posted in the periphery of the zone against whose quota they have been recruited, and they shall not be transferred for a period of at least three years.

(2) Upon expiry of the tenure as referred to in sub-section (1), transfer shall be made only upon the availability of substitute.

6. Deputation of Doctors.---(1) Government may allow deputation abroad for all categories of doctors only once in their entire service, for a period not exceeding three years.

(2) Deputation to "Foreign Service" within Pakistan shall be permissible only in respect of medical officers for a period not exceeding three years:

Provided that no further extension, on expiry of agreed tenure shall be given to the doctors who are already on deputation abroad or within Pakistan.

7. Postgraduate Medical Education.---(1) The Health Department, on the basis of objective need assessment and analysis, shall determine the intake number of Trainee Medical Officers (TMOs) in Postgraduate Medical Institute (PGMI) and Junior Registrars in Tertiary Care Hospitals every year. This stipulated number shall not exceed in any case.

(2) Any doctor selected or permitted for postgraduate medical training shall be treated on leave without pay and may be entitled only for stipend fixed by Government from time to time for such training.

(3) A doctor selected or permitted for postgraduate medical training shall provide surety bond prescribed by Government ensuring that upon completion of his studies for which he was initially selected, shall compulsorily serve for three years in the district of his domicile and in case of non-availability of a post in the district of domicile, he shall serve for three years in the rural area.

(4) For the purpose of sub-section (3), the doctor shall also provide guarantee of two government officers.

(5) In case of violation of sub-section (3), Government shall serve one month notice upon the doctor for resumption of duty, failing which the amount shall be recovered from him or from the guarantor, as the case may be.

8. Provisions relating to doctors apply to lecturers and instructors.---The provisions relating to doctors in section 7 of this Act shall *mutatis mutandis* apply to lecturers and instructors.

9. Act to over-ride other laws.---The provisions of this Act shall have effect notwithstanding anything contained in any other law for the time being in force.

10. Jurisdiction barred.---Save as provided under the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973), the Khyber Pakhtunkhwa Civil Servants (Appeal) Rules, 1986 and the Khyber Pakhtunkhwa Service Tribunal Act, 1974 (Khyber Pakhtunkhwa Act No. I of 1974), no order made or proceedings undertaken under this Act, or the rules made there under or any officer authorized by it shall be called into question in any Court, and no injunction shall be granted by any Court in respect of any decision made, or proceedings taken in pursuance or by any power conferred by or under this Act or the rules.

11. Removal of difficulties.---Government may, by order, provide for the removal of any difficulty which may arise in giving effect to the provisions of this Act.

12. Power to make rules.---Government may make rules for carrying out the purposes of this Act.

VAKALATNAM

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,  
PESHAWAR.

Service Appeal No. \_\_\_\_\_/2024.

Dr. Aiman Wazir. ....Petitioner/Appellant.

Versus

Chief Secretary Khyber Pakhtunkhwa and, others.

.....Respondent (s)

I/we hereby authorized Mr. Farman Ullah Khattak Legal Advocate Supreme Court of Pakistan (17-A) The Mall Peshawar Cantt, hereby appoint on behalf of Appellant, in the above noted Service Appeal before the Service Tribunal Khyber Pakhtunkhwa, Peshawar, to appear and defend this Service Appeal on my/our behalf and all proceedings that may be taken in respect of above noted petition any application connected with the same to file and take back documents, to accept the processes of the Court, to assist the Court and to represent the afore-said Appellant in the above matter and to do all things incidental to such action for the afore-said Appellant(s)/opposite party.

The afore-said Appellant(s)/opposite party hereby agrees/agree to ratify all acts done by the afore-said Advocate (Legal Counsel) in pursuance of this authority.

In witness whereof, I/we do hereby set my/our hand(s) on this the 19 August 18, 2024.

ACCEPTED

(FARMAN ULLAH KHATTAQ)  
ADVOCATE, SUPREME COURT OF  
PAKISTAN AT PESHAWAR.  
Cell No. 0333-9121157  
Bc-10-7589

Signature of Client/Respondent.