


FORM OF ORDER SHEET

Court of _____

Appeal No. 1763/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	07/10/2024	<p>The appeal of Dr. Shaukat Ali presented today by Qazi Jawad Ihsan Ullah Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 09.10.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 1763/2024

Dr. Shaukat Ali

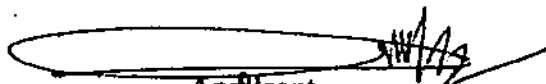
Versus

Government of Khyber Pakhtunkhwa & others


INDEX

Sr. No	Description of Documents	Annexures	Pages
1.	Service appeal		1-8
2.	Affidavit		9
3.	Application for Temporary Injunction along with affidavit		10-11-A
4.	Impugned Notification dated 16.05.2024	"A"	12
5.	Notification of appointment dated 17.01.2023	"B"	13
6.	Notification of suspension dated 26.04.2024	"C"	14
7.	Notification of withdrawn additional charge dated 14.05.2024	"D"	15
8.	Notification of relieve additional charge dated 17.05.2024	"E"	16
9.	Office order of Miss Irum Nreen dated 02.04.2024	"F"	17
10.	Personal hearing of DG and Irum Noreen dated 10.05.2024 along with NOCs 28.03.2024 & 01.04.2024	"G"	18-21
11.	Notification of Dr. Faisal Kamal dated 20.05.2024	"H"	22
12.	Copy of Newspaper Cutting and social Medical	"I"	23-29
13.	Copy of letter of MPA against present appellatant dated 15.04.2024	"J"	30
14.	Copy of letter of MPA Shafi Ullah Khan To CM for notified his son as DHO dated 05/05/2024	"K"	31
15.	Copy of writ petition No. 2268-P/2024 along with judgment.	"L"	32-43
16.	Copy of letter dated 24.09.2024 to AG	"M"	44

17.	Copy of supreme court order in CPLA No. 2231/2024 dated 25.09.2024	"N"	45-46
18.	Copy of Departmental Appeal of present appellant dated 14.06.2024	"O"	47-48
19.	<i>Vakalatnama.</i>	--	--


Applicant

Through


Qazi Jawad Ehsanullah
Advocate Supreme Court of Pakistan
Office 17-A The Mall Peshawar Cantt
Cell No. 0300-3950682

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 1763/2024

Dr. Shaukat Ali

Son of Gul Nawaz Khan

Officers of Health Service management Cadre(BPS-20)

Government of Khyber Pakhtunkhwa Office Warsak Road, Peshawar.

.....Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa
Through its Chief Secretary
Civil Secretariat Peshawar.
2. The Chief Secretary
Government of Khyber Pakhtunkhwa
Civil Secretariat Peshawar.
3. The Secretary Health
Government of Khyber Pakhtunkhwa
Civil Secretariat Peshawar.
4. Dr. Muhammad Saleem
(BS-20 Management Cadre)
Director General Health Services
Government of Khyber Pakhtunkhwa
Office Warsak Road, Peshawar

.....Respondents

APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT
1974 AGAINST THE NOTIFICATION NO. SO (E-I)/E&AD/9-133/2024 DATED 16-
05-2024 -

Respectfully Sheweth:-

The Appellant humbly submits as under:

1. That the appellant commenced his career in the government service as a medical Officer in 1991. Since that time, he has devoted himself in serving the

Department of Health, Government of Khyber Pakhtunkhwa, demonstrating exceptional dedication and commitment to his responsibilities. Over the years, he has excelled in various roles, contributing significantly to the advancement of public health initiatives within the province. His exemplary service has been recognized through multiple promotions to key positions, reflecting both his professional competence and the trust placed in him by the Government.

2. That the Appellant carries an unblemished service record, consistently fulfilling his duties with professionalism and integrity, without there been any complaints or allegations from anywhere. The PERs earned by the appellant during his service tenure bespeak of his clean and flawless service record. His commitment to excellence is evident in the numerous projects he has successfully undertaken. Notably, during his tenure as the Project Director of Timergara Medical College, the Appellant demonstrated exceptional leadership, spearheading initiatives that resulted in substantial advancements in the institution's development.
3. That the Appellant is an accomplished officer in the BPS-20 Management Cadre, possessing extensive experience and a distinguished career in public health administration, therefore, he was posted as Director General Health Services, Government of Khyber Pakhtunkhwa (DGHS, KPK), through a formal Notification dated 17-01-2023. In this capacity, the Appellant has been entrusted with enumerable responsibilities, overseeing the strategic direction and operational management of the health services across the province. His expertise in health policy implementation and program management has been pivotal in advancing the objectives of the Department of Health.
4. That the Appellant served in the capacity of Director General Health Services, Khyber Pakhtunkhwa, with unwavering dedication and professionalism, ensuring that the activities and operations of the Department of Health were conducted

smoothly and efficiently, without any complaints or disruptions. However, in February 2023, the Appellant was approached by certain influential individuals, notably Shafi Ullah Khan, a member of the Khyber Pakhtunkhwa Provincial Assembly. These individuals sought to pressurize the Appellant into granting extraordinary favors that would compromise the integrity of his position. Despite the undue influence exerted upon him, the Appellant firmly refused to engage in any actions that would abuse the powers vested in him. His steadfast commitment to ethical conduct and public service principles highlights his integrity and dedication to the responsibilities of his role. It is evident from the record that Mr. Shafiullah Khan, Member of the Khyber Pakhtunkhwa Provincial Assembly, exerted pressure on the appellant to make appointments based on a list provided on his official letterhead for Timergara Medical College. Additionally, he wrote a letter to the Chief Minister of Khyber Pakhtunkhwa requesting the appellant's transfer. He is known for his significant influence and pressured the appellant to post his son, Dr. Faisal Kamal, currently a BPS-17 in the general cadre, to the position of DHO at BPS-20, which the appellant refused. Subsequently, following the appellant's transfer order, Dr. Faisal Kamal was appointed as DHO vide order dated 20-05-2024.

5. Following these events, a baseless allegation was concocted against the Appellant, claiming that he had received an illegal gratification of Rs. 14,000 to approve the transfer order of Dr. Irum Noreen, a Clinical Technician Radiology (BPS-12), who had submitted an application requesting a transfer from MTI Bannu to MTI D.I. Khan. This allegation was entirely fabricated and lacked any substantive evidence. In response to this baseless claim and under the pretext of these fabricated allegations, the Appellant was suspended from his position as Director General Health Services, Khyber Pakhtunkhwa, vide notification dated 26-04-2024..It is crucial to highlight that the Appellant was never provided with a

charge sheet or any formal statement of allegations against him, nor was he given an opportunity to defend himself before the suspension notification was issued. This clear violation of due process underscores the *malafide* intentions of the Government and raises serious concerns regarding the fairness and legitimacy of the actions taken against the Appellant. Such procedural irregularities not only contravene established administrative protocols but also reflect an intent to unjustly tarnish the Appellant's reputation and career.

6. Feeling aggrieved by the aforementioned suspension, the Appellant filed *Writ Petition No. 2268-P/2024 title Dr. Shaukat Ali versus Government of Khyber Pakhtunkhwa & Others* challenging the validity of the suspension order. However, this petition was dismissed by the court through an order/Judgment dated 15-05-2024. Notably, the operating paragraph of the judgment is reproduced as follows:

We therefore refer this matter to the Worthy Chief Secretary, Khyber Pakhtunkhwa to see as to whether any departmental proceedings have been initiated by the "Competent Authority" in the instant matter and also to ensure that such suspension is not used as a tool to post out the petitioner from the post of Director General, Health Services, Khyber Pakhtunkhwa.

7. That on the very next day following the Judgment/Order dated May 15, 2024, issued by the Honorable Peshawar High Court, the Respondent No. 2, in his purported capacity as the competent authority, issued impugned Notification No. SO(E-I)E&AD/9-133/2024 dated 16-05-2024 transferring the appellant from the post of DGHS and directing him to report to the Directorate General Health. Needless to state that this action was taken in bad faith and in clear violation of

the directions set forth in the aforementioned Judgment/Order. it is pertinent to mention here that during the hearing before the apex court the Government of Khyber Pakhtunkhwa has stated that the Appellant suspension has not been extended.

8. That the Appellant filed a departmental appeal with Respondent No. 2 on 14-06-2024, challenging the impugned posting/transfer. This appeal was submitted within the statutory time period, however, despite the timely submission, the Respondents did not respond and redress the Appellant's. As a result, the Appellant finds himself with no alternative remedy and is compelled to seek the indulgence of this Honorable Tribunal to set aside the impugned posting/transfer order dated 16-05-2024, *inter alia* on the following grounds:

GROUND: -

- A. Because the impugned posting/transfer order, issued on 16-05-2024, directly contravenes the explicit directives provided by the Honorable Peshawar High Court in its judgment dated May 15, 2024. The Court's ruling emphasized the necessity of adhering to due process and ensuring that the Appellant's rights are protected. By proceeding with the transfer despite the Court's clear instructions, the Respondent No. 2 has acted in defiance of judicial order hence the impugned notification dated 9th May 2024 is on the face of it is illegal, without any legal justification, *coram non judice*, arbitrary, whimsical, against the law, without jurisdiction and lawful authority.
- B. Because the Appellant's was unjustly suspended on the basis of false allegations, which were entirely unfounded and lacked any credible evidence. This suspension occurred shortly before the issuance of the judgment by the Honorable Peshawar High Court,

highlighting a troubling pattern of *mala fide* actions by the Respondents. The timing of the suspension, followed by the impugned transfer order clearly stipulates the respondent's actions were premeditated, aimed at undermining the Appellant's career and reputation. Such actions not only violate principles of fairness and justice but also indicates a clear intent to misuse authority for personal vendetta, therefore, the impugned posting/transfer notification is liable to be set *aside* as it is a direct result of *mala fide* and lacks any legal justification.

C. Because the impugned transfer notification is in direct violation of the posting/transfer policy framed by the Government of Khyber Pakhtunkhwa, which explicitly stipulates that the normal tenure of civil servants must be 3rd years. According to the policy, transfers should not be executed arbitrarily and should respect the established tenure periods to ensure stability and continuity in service delivery. The Appellant's transfer disregards these critical guidelines, disrupting his ongoing contributions to the Department of Health and undermining the framework designed to promote effective governance. This breach of policy not only jeopardizes the Appellant's professional standing but also adversely affects the operational integrity of the department. As such, the impugned notification is liable to be *set aside*.

D. Because the impugned posting/transfer notification contravenes the legal principles established in the landmark *Anita Turab case reported as PLD 2013 SC 415*, which emphasized the necessity of ensuring fairness, transparency, and due process in administrative actions involving civil servants. In that case, it was determined that

any transfer or posting must be justified based on valid grounds, and should not be executed arbitrarily or capriciously. As evident from the record, there is no legal justification of the Appellant's transfer and appears to be motivated by extraneous considerations rather than legitimate administrative needs. The failure to adhere to the procedural safeguards and the absence of a transparent rationale for this transfer not only undermines the integrity of the administrative process but also sets a dangerous precedent that erodes the trust and confidence of civil servants in the system. Thus, in light of the Anita Turab case, the impugned notification should be declared *null and void*.

- E. Because the impugned posting/transfer order is not genuinely in the public interest; rather, it appears to be a result of political pressure. Furthermore, the order was issued by an authority lacking the competence and against Posting Transfer policy of the government.
- F. Because Clause Xi-A of the Provincial Government's Posting/Transfer Policy clearly states that when making postings or transfers for administrative and executive positions, the competent authority must follow the policy to uphold principles of good governance and ensure the smooth operation of departmental affairs.
- G. Because the *mala fide* of the Respondents is evident from the record, which shows that they have formed several committees of junior officers to unnecessarily harass the appellant and to tarnish the appellant's reputation. Notably, on June 4, 2024, the Honorable Chief Minister established a committee without any legal basis.


This committee is chaired by the Convener, who is the politically appointed Advisor to the Chief Minister on Anti-Corruption. The committee is inquiring into records from the Health Department solely to harass the appellant. Furthermore, it is on record that the National Accountability Bureau previously initiated investigations against officials of Timergara Medical College and DHQ Hospital for corruption and misuse of authority, but these inquiries were ultimately closed by NAB authorities.

It is therefore, prayed that on acceptance of this appeal this august Tribunal may please to;

- A. Set-aside and quash Notification No. SO(E-I)E&AD/9-133/2024 dated 16.05.2024 and the appellant be allowed to complete his posting tenure of 3 years as stipulated in posting and transfer policy of the Government of Khyber Pakhtunkhwa.
- B. Any other legal ground which may be raised at the time of hearing of this appeal.


Appellant

Through


Qazi Jawad Ehsanullah
Advocate Supreme Court of Pakistan

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2024

Dr. Shaukat Ali

Versus

Government of Khyber Pakhtunkhwa & others

AFFIDAVIT

I, Dr. Shaukat Ali Son of Gul Nawaz Khan Officers of Health Service Management Cadre (BPS-20) Government of Khyber Pakhtunkhwa Office Warsak Road, Peshawar Affirm and declare on oath that the content of this service appeal is true and correct to the best of my knowledge, information and belief nothing has been cancelled to this Hon'ble Service Tribunal.



DEPONENT

Dr. Shaukat Ali

CNIC No.15302-5048605-4

Cell No. 0333-6888884

Identified By.

Qazi Jawad Ehsanullah
Advocate Supreme Court of Pakistan
BC No. 10-7648
Cell No. 0300-3950682

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2024

Dr. Shaukat Ali

Versus

Government of Khyber Pakhtunkhwa & others

**APPLICATION UNDER ORDER XXXIX RULE 1 FOR GRANT
OF TEMPORARY INJUNCTION**

Respectfully Sheweth;


The applicant humbly submits as under:

1. That the accompanied service appeal is being filed in this Honorable tribunal and the grounds taken therein may kindly be considered as an integral part of this application.
2. That the petitioners have got an excellent prima-facie case and is sanguine about its success.
3. The posting/transfer order of the applicant was issued with *mala fide* intentions and under political pressure, aimed at jeopardizing the applicant's reputation. It is evident that the order was not based on merit rather influenced by external factors and personal motives.
4. The balance of convenience also tilts in favor of granting interim relief to the applicant.
5. That the applicant will suffer irreparable loss if the posting/transfer order dated 16-05-2024 is not suspended till the final adjudication of the instant service appeal


Prayer;

It is therefore, most humbly prayed, that on acceptance of this application this honorable tribunal may graciously be pleased to suspend the operation of posting/transfer order dated 16-05-2024 till the final decision of the service appeal *OR*

Any other relief as deemed appropriate by this honorable court under the circumstances, specifically not asked for, may graciously be granted.




Applicant

Through


Qazi Jawad Ehsanullah
Advocate Supreme Court of Pakistan

AFFIDAVIT

I **Dr. Shaukat Ali** Son of Gul Nawaz Khan Officers of Health Service Management Cadre (BPS-20) Government of Khyber Pakhtunkhwa Office Warsak Road, Peshawar Affirm and declare on oath that the content of this service appeal is true and correct to the best of my knowledge, information and belief nothing has been cancelled to this Hon'ble Service Tribunal.



05/05/24


Deponent

- 1/A

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

Service Appeal No. _____/2024

For Appellant

Titled;

Dr. Shaukat Ali

V/s

Govt. of Khyber Pakhtunkhwa & others

MEMO OF PARTIES/ADDRESS OF PARTIES

Appellant

Dr. Shaukat Ali

Son of Gul Nawaz Khan

Officers of Health Service Management Cadre (BPS-20)

Government of Khyber Pakhtunkhwa Office Warsak Road, Peshawar

Respondents

1. **Government of Khyber Pakhtunkhwa**
Through its Chief Secretary
Civil Secretariat Peshawar.
2. **The Chief Secretary**
Government of Khyber Pakhtunkhwa
Civil Secretariat Peshawar.
3. **The Secretary Health**
Government of Khyber Pakhtunkhwa
Civil Secretariat, Peshawar.
4. **Director General Health Services**
Government of Khyber Pakhtunkhwa
Office Warsak Road, Peshawar


Applicant

Through


Qazi Jawad Ehsanullah

Advocate Supreme Court of Pakistan

Office 17-A The Mall Peshawar Cantt

Cell No. 0300-3950682



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

Dated Peshawar May 16, 2024

NOTIFICATION

Annexure "A"

12

NO. SO(E-I)/E&AD/9-133/2024. The following posting/transfer of officers is hereby ordered in the public interest, with immediate effect:-

S.#	NAME OF THE OFFICERS	FROM	TO
1.	Dr. Shaukat Ali Khan (BS-20 Management Cadre)	Director General, Health Services, Khyber Pakhtunkhwa	Report to Directorate General, Health Services, Khyber Pakhtunkhwa
2.	Dr. Muhammad Saleem (BS-20 Management Cadre)	Chief Executive Officer, Faculty of Paramedics & Allied Health Science, Khyber Pakhtunkhwa	Director General, Health Services, Khyber Pakhtunkhwa, vice Sr. No.1

CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA

ENDST. NO. & DATE EVEN.

Copy forwarded to the:-

1. Senior Member Board of Revenue, Khyber Pakhtunkhwa.
2. Additional Chief Secretary, P&D Department.
3. Additional Chief Secretary, Home & Tribal Affairs Department.
4. Principal Secretary to Governor, Khyber Pakhtunkhwa.
5. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
6. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
7. All Divisional Commissioners in Khyber Pakhtunkhwa
8. Accountant General, Khyber Pakhtunkhwa.
9. Director General, Health Services, Khyber Pakhtunkhwa.
10. Chief Executive Officer, Faculty of Paramedics & Allied Health Science, Khyber Pakhtunkhwa.
11. Chief Executive Officer, Health Care Commission, Peshawar.
12. All Deputy Commissioners in Khyber Pakhtunkhwa.
13. Director General, Information & P.Rs Khyber Pakhtunkhwa.
14. Managing Director, Health Foundation, Khyber Pakhtunkhwa.
15. Director, Provincial Health Services Academy, Peshawar.
16. Additional Secretary (Staff) to Chief Secretary, Khyber Pakhtunkhwa
17. All Hospitals/Medical Directors, MTIs, Khyber Pakhtunkhwa.
18. All District Health Officers in Khyber Pakhtunkhwa.
19. All Medical Superintendent of All District Headquarter Hospitals in Khyber Pakhtunkhwa
20. All Principals, Public Sector Medical Colleges, Khyber Pakhtunkhwa.
21. Secretary, Pharmacy Council, Khyber Pakhtunkhwa.
22. Additional Secretary/CSO to Chief Secretary, Khyber Pakhtunkhwa.
23. PSO to Chief Secretary, Khyber Pakhtunkhwa.
24. Deputy Director, IT Health Department.
25. PS to All Ministers in Khyber Pakhtunkhwa (concerned)
26. PS to Secretary (Estt)/Special Secretary (Estt)/Special Secretary (R)/ PA to AS (Estt)/AS(HRD)/SO (Secret)/SO (HRD-I) & SO (E-I) Establishment Department.
27. PS to Managing Director, Khyber Pakhtunkhwa IT Board, Peshawar.
28. Officers concerned.
29. Manager, Govt. Printing Press Peshawar.

(ZIA.U.L.HAQ)
SECTION OFFICER (ESTT. I)

Ph# 091-9210529

CS CamScanner

ATTSTED



**GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT.**

Dated Peshawar January 17, 2023

NOTIFICATION

Annexure "B"
13

NO. SOE-11ESAD/1-1/2023 (V). The following posting/transfer of officers is hereby ordered, in the public interest, with immediate effect:-

SR.#	NAME OF THE OFFICER	FROM	TO
1.	Dr Shauqat Ali (Management Cadre BS-20)	Director Health Services, Khyber Pakhtunkhwa	Report to Directorate of Health Services, Khyber Pakhtunkhwa.
2.	Dr Shaukat Ali (Management Cadre BS-20)	Regional Director Health Services, Malakand Region	Director General Health Services, Khyber Pakhtunkhwa vice Si No. 1

**CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA**

ENDST. NO. & DATE EVEN.

Copy forwarded to the:-

1. Senior Member Board of Revenue, Khyber Pakhtunkhwa
2. Additional Chief Secretary, P&D Department.
3. Principal Secretary to Governor, Khyber Pakhtunkhwa.
4. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. All Administrative Secretaries in Khyber Pakhtunkhwa
6. All Divisional Commissioners in Khyber Pakhtunkhwa
7. Accountant General, Khyber Pakhtunkhwa.
8. Director General Health Services, Khyber Pakhtunkhwa.
9. Director General, Provincial Health Services Academy, Peshawar.
10. Chief Executive Officer, Health Care Commission, Peshawar.
11. All Hospital/ Medical Directors, MTIs, Khyber Pakhtunkhwa.
12. Managing Director, Health Foundation, Khyber Pakhtunkhwa.
13. All Principals, Public Sector Medical Colleges, Khyber Pakhtunkhwa
14. Secretary Pharmacy Council, Khyber Pakhtunkhwa.
15. Secretary Medical Faculty, Khyber Pakhtunkhwa.
16. District Health Officers in Khyber Pakhtunkhwa
17. Medical Superintendents of all D. Hqs in Khyber Pakhtunkhwa
18. Deputy Director (IT), Health Department, Khyber Pakhtunkhwa.
19. CSO to Chief Secretary, Khyber Pakhtunkhwa
20. PS to Minister for Health, Khyber Pakhtunkhwa
21. PS to Secretary Establishment, Khyber Pakhtunkhwa
22. Officers concerned.
23. Manager, Govt Printing Press Peshawar.

*
(ZIA-UL-HAQ)
SECTION OFFICER (ESTT. II)
PH:# 081-9210529

ATTSTED

Attested to be True
Copy

CS CamScanner



ANNEXURE
GOVT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Annexure "C"



Dated: Peshawar, the 26th April 2024.

NOTIFICATION

NO. SQH(E-V)/4-4/2024 The Competent Authority is pleased to suspend the services of DR. SHAUKAT ALI (1530250486057) S/O GUL NAWAZ KHAN Director General Health Services (BPS-20), with immediate effect till finalization of the inquiry in the subject matter dated: 02-04-2024; order No: 766-71/AE-VI/DGHS by Director General Health Services, Khyber Pakhtunkhwa in the best public interest.

14

SECRETARY HEALTH
KHYBER PAKHTUNKHWA

No. 4494-112 /Notification of even No. & dated:
 Copy of the above is forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. PSO to Chief Secretary, Khyber Pakhtunkhwa.
4. Director General, PHSA Khyber Pakhtunkhwa, Peshawar.
5. Commissioner, Peshawar.
6. All DHOs, Khyber Pakhtunkhwa.
7. All MSs, Khyber Pakhtunkhwa.
8. All Projects / Program Managers Khyber Pakhtunkhwa.
9. PS to Minister Health, Khyber Pakhtunkhwa.
10. Additional Director Director (HRM), DGHS Office, Peshawar.
11. Deputy Director (IT), Health Department, Khyber Pakhtunkhwa.
12. PS to Secretary Health Department, Khyber Pakhtunkhwa.
13. PS to Special Secretary (E&A) Health Department, Khyber Pakhtunkhwa.
14. Doctor(s) concerned.
15. Master file.

(FAZAL AMIN)
 SECTION OFFICER (E-V)

ATTSTED



17135297012

Page 1/1

H. E. A. L. I. T. H. K. P.



ANNEXURE
GOVT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT



15

Dated: Peshawar the 14th May 2024.

NOTIFICATION

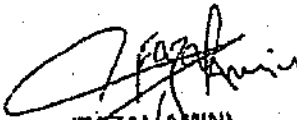
Annexure "D"

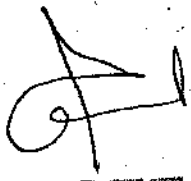
NO. SOH(E-V)/4-4/2024 Upon the suspension of services of Dr. Shaukat Ali, Management Cadre (BS-20) CNIC No. 1 [REDACTED], Director General Health Services, Khyber Pakhtunkhwa vide Health Department's Notification No. SOH(E-V)/4-4/2024/4494-112 dated 26.04.2024, the additional charges assigned to him vide Notifications No. SOH(E-V)/4-4/2023/8484-89 dated 17.04.2023 and SOH(E-V)/4-4/2022/276 dated 17.01.2022 regarding Provincial Coordinator (LHWs) and Chief Executive Officer, DHQ Teaching Hospital Timergara & Timergara Medical College Dir (Lower) are hereby withdrawn with immediate effect, in the best public interest and till further orders.

SECRETARY HEALTH
KHYBER PAKHTUNKHWA

No. 4748-54 Notification of even No. & dated:
Copy of the above is forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
3. Chief Executive Officer, DHQ Teaching Hospital Timergara & Timergara Medical College Dir (Lower)
4. District Account Officer, Dir (Lower).
5. PS to Secretary Health Department Khyber Pakhtunkhwa.
6. Doctor concerned.


(FAZAL AMIN)
SECTION OFFICER (E-V)


ATTSTED



1715757942

Page 1/1



GOVT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Annexure (16)
"E"



Dated: Peshawar the 17th May 2024

NOTIFICATION

No. PO-IV/NHSP/1-96/2022-23: In light of Section Officer (Establishment), Planning & Development Department letter No.SO (E) P&D/5-6/Health/2024, dated 15.05.2024, the Competent Authority is pleased to relieve, DR. SHAUKAT ALI (1530250486057) S/D/W OF GUL NAWAZ KHAN from the additional charge of the post of Project Director and Drawing & Disbursing Officer of the Project "National Health Support Program (KP-Component)" with immediate effect.

SECRETARY HEALTH
KHYBER PAKHTUNKHWA

Endst: of even No. & dated:
Copy of the above is forwarded to the:-

1. Additional Chief Secretary to Govt. of Khyber Pakhtunkhwa, P&D Department
2. Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
3. Accountant General, Khyber Pakhtunkhwa, Peshawar.
4. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
5. Manager, State Bank of Pakistan, Peshawar Branch.
6. Dr. Shaukat Ali Project Director National Health Support Program, Peshawar
7. PS to Secretary Health, Khyber Pakhtunkhwa.
8. PS to Special Secretary Health (B&D) Health Department.
9. PS to Additional Secretary (Establishment) Health Department.
10. PA to CPO Health.

PLANNING OFFICER (IV)

ATTSTED

Annexure "F"

17



**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR**

All communications Should be Addressed to The Director General
Health Services Peshawar and not to any official by name

Office Ph: 091 - 9210269 Exchanges 091 - 9210187, 091 - 9210196 Fax: 091 - 9210230

OFFICE ORDER

As approved by the Competent Authority (Director General Health Services Khyber Pakhtunkhwa), Miss. Irun Noreen D/O Rustam Khan Clinical Technician (Cardiology) BS-12 attached to DHQ Teaching Hospital (MTI) Barnu is hereby transferred / posted at MMM Teaching Hospital (MTI) D.I.Khan against the vacant post with immediate effect in the interest of Public Service.

NB: Arrival/Departure reports should be submitted to this Directorate for record.

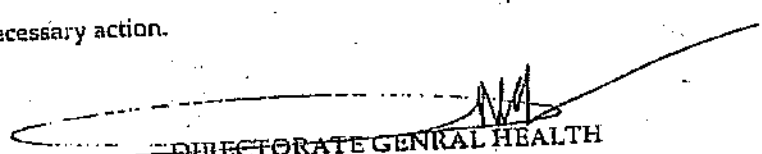
Sd/-xxxxxx
DIRECTOR GENERAL HEALTH
SERVICES, KP, PESHAWAR.


No. 766-71 / AE-VI / DGHS Dated Pesh: the: 07 / 04 / 2024.

Copy forwarded to the:-

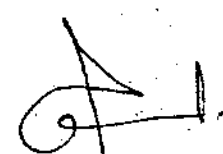
1. Secretary BOG, MMM Teaching Hospital MTI D.I.Khan w/r to his NOC No. 206/BOG/MTI/DIK dated 28/03/2024
2. Secretary BOG MTI, DHQ Teaching Hospital Barnu.
3. Director Finance D.I.Khan / Barnu.
4. Director DHIS Cell DGHS Office Peshawar.
5. DA Paramedics Promotion Cell DGHS KP Peshawar.
6. Official Concerned.

For information and necessary action.


DIRECTORATE GENERAL HEALTH
SERVICES, KP PESHAWAR


02/04/24

FILE


ATTSTED

Attested to be True
Copy



GOVERNMENT OF
KHYBER PAKHTUNKHWA
HOUSING DEPARTMENT

B-Block, 2nd Floor, Civil Secretariat, Peshawar

No. SO(Housing)/HD/1-19/Gen./2023
Dated, Peshawar, the 10th May, 2024

To,

Mrs. Irum Noreen D/o Rustam Khan,
Clinical Technician (Cardiology) BPS-12,
MTI MM(a) Teaching Hospital D.I Khan.

(18)

Subject PERSONAL HEARING.

Annexure 'G'

I am directed to refer to the subject noted above and to state that the Competent Authority has appointed Dr. Amber Ali Khan, Secretary Housing/Livestock Department as Inquiry Officer to probe into the alleged receipt of gratification by Dr. Shaukat Ali, DG Health Services, Peshawar in your transfer from Bannu to D.I Khan vide Health Department Notification No. SOH(E-V)/4-4/2024/4586-05 dated 03.05.2024

2. I am further directed to summon you to appear before the Inquiry Officer on 13.05.2024 at 02:00 PM in his office for personal hearing.

3. You are also allowed to be accompanied by any male family member of your family during the proceeding of the inquiry.

(Signature)
(SHAKIR KHAN)
SECTION OFFICER (HOUSING)

ENDST. NO. & DATE EVEN:

Copy is forwarded to the.

1. Mr. Shahid Younas, Additional Director General, Health Services, Peshawar is requested to attend the personal hearing alongwith relevant record
2. PS to Secretary, Health Department
3. PS to Secretary, Housing Department
4. PA to Director General, Health Services Peshawar with the requested to inform the above named official to attend the personal hearing.
5. Master File

(Signature)
SECTION OFFICER (HOUSING)

ATTSTED



GOVERNMENT OF
KHYBER PAKHTUNKHWA
HOUSING DEPARTMENT

No. SO(Housing)/HD/1-19/Gen./2023
Dated, Peshawar, the 10th May, 2024

To.

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

Subject: FACT FINDING INQUIRY

19

I am directed to refer to the subject noted above and to state that the Competent Authority has appointed Dr Amber Ali Khan, Secretary Housing/Livestock Department as Inquiry Officer to probe into the alleged receipt of gratification by Ex-Director General Health Services Dr Shaukat Ali, in the transfer of Miss. Irum Noreen, Clinical Technician (Cardiology) BS-12 vide Health Department Notification No SOH(E-V)/4-4/2024/4586-96 dated 03.05.2024.

2 I am therefore, directed that Mr. Shahid Younas, Additional Director General, Health Services, Peshawar will assist the Inquiry Officer in the conduct of inquiry.



(SHAKIR KHAN)
SECTION OFFICER (HOUSING)

ENDST. NO. & DATE EVEN:

Copy is forwarded to the:-

1. PS to Secretary, Health Department
2. PS to Secretary, Housing Department.
3. Master File.


SECTION OFFICER (HOUSING)


ATTSTED



20

OFFICE OF THE BOARD OF GOVERNORS

MEDICAL TEACHING INSTITUTE DIKHAN

No. 266/BOG/MTI/DIK

DATED 28/03/2024

To: The Director General Health Services,
Khyber Pakhtunkhwa, Peshawar

Subject: **NO OBJECTION CERTIFICATE**

Dear Sir,

I am directed to convey that Miss. Irum Noreen D/O Rustom Khan working as CT (Cardiology) UPS-12 (Civil Servant) attached to DHQ Teaching Hospital Bannu has approached this office for the grant of No Objection Certificate, duly recommended by Additional Hospital Director, MMMT Teaching Hospital MTI Dikhan dated 3/03/2024.

In the light of the approval accorded by Competent Authority, No Objection Certificate is granted in respect of applicant and she will be adjusted against the any vacant post of MMMT Teaching Hospital MTI Dikhan, as her services are required in the best public interest.

[Signature]
SECRETARY
BOARD OF GOVERNORS
M.T.I. DIKHAN

Endorsement Even No. & Date

- 1- The Chairman & Members BOG MTI Dikhan
- 2- The Medical Director MMMT MTI Dikhan
- 3- The Additional Hospital Director MMMT MTI Dikhan
- 4- Miss Irum Noreen CT (Cardiology) DHQ TH Bannu

[Signature]
SECRETARY
BOARD OF GOVERNORS
M.T.I. DIKHAN

Attested to be True
Copy

[Signature]
ATTSTED



OFFICE OF THE MEDICAL DIRECTOR
MEDICAL TEACHING INSTITUTION BANNU

Ph: 0726-613052, E-mail: medicaldirector@mtibannu.org.pk

NOC

Ref No. 246/MTI/MTI/BANU

Date: 01-09-2024

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

(21)

Subject: NO OBJECTION CERTIFICATE

Memo,

Mst: Irum Noreen Clinical Technician Radiology (BPS-12 Civil servant)
is hereby issued NOC for transfer from MTI Bannu.

MEDICAL DIRECTOR
MTI Bannu
MEDICAL DIRECTOR
MTI BANNU

[Handwritten signatures]

Attested to be True
Copy

ATTSTED

GOVT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT



Dated Peshawar the 20th May 2024

NOTIFICATION

Annexure "H"

22

NO. SOH(E-V)/1-4/2024 The Competent Authority is pleased to order posting / transfer of the following doctors in the best public interest, with immediate effect in the public interest:-

S/No	Employee Name	From	To/Disposal	Remarks
1	DR. MUJAHID HUSSAIN, General Cadre (BS -18) 1730129354479	District Health Officer (BPS-18), District Health Office - Lower & Central Kurram	Report to Directorate General Health Services, Khyber Pakhtunkhwa	
2	DR. FAISAL KAJMAL, General Cadre (BS -17) 1730190167789	Medical Officer (BPS-17), District Health Office Malakand	District Health Officer (BPS-18), District Health Office - Lower & Central Kurram in OPS	Vice S.No.1

SECRETARY HEALTH
KHYBER PAKHTUNKHWA

No. 4747-58 Notification of even No. & dated:
Copy of the above is forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
3. Additional Director Director (HRM), DGHS Office, Peshawar.
4. District Health Officer(s), concerned.
5. District Account Officer(s), concerned.
6. Deputy Director (IT), Health Department, Khyber Pakhtunkhwa.
7. PS to Secretary Health Department, Khyber Pakhtunkhwa.
8. PS to Special Secretary (E&A) Health Department, Khyber Pakhtunkhwa.
9. Doctor(s) concerned.
10. Master file.


(FAZAL AMIN)
SECTION OFFICER (E-V)

ATTSTED



1716201398

Page 1/1

**DAILY
MASHRIQ
Peshawar**

**THE EDWARDIAN'S
ACADEMY**

ANITA / MATHS

Starting From

20 Waqar Dagi Dr. M. Zubair Dr. Saqib Shah Dr. Saad Khan
Chemistry Zoology Physics Physics
Dr. Amir Dr. Madhwa Dr. Azeal Soid
History Maths English

ایم پی اے کا جوئیئر ڈاکٹر فیصل کمال کی ایچ او کرم مقرر ہو گیا

گریڈ 17 کے ڈاکٹر فیصل کمال گریڈ 19 کی پوسٹ پر تعینات، ڈاکٹر مجاہد اہلس ڈی

سابق دور میں بھی ڈاکٹر فیصل کمال کو قبائلی ضلع کا ڈی ایچ او لگایا گیا تھا

پشاور (نور پوریز) محکمہ صحت نے گریڈ 18 کے
جونیئر ڈاکٹر کو ڈسٹرکٹ ہیلتھ آفیسر لوئر اینڈ سنٹرل
کرم کے عہدے سے ہٹا کر رکن صوبائی اسمبلی کے
جونیئر ڈیپوٹیشن ڈی ایچ او مقرر کر دیا ہے محکمہ صحت
کے ذرائع نے بتایا کہ ایم پی اے کی جانب سے
شدید دباؤ تھا جس کی وجہ سے ان کے گریڈ 17
کے ڈاکٹر بیٹے کو اس اہم عہدے پر تعینات کیا گیا
ہے اس تعیناتی سے قبل وہ ملاکنڈ (بقیہ 34 صفحہ 6)


ATTSTED



Najeeb Utman Pti is with Zia Ullah and 9 others.

17 h · ④

شکریہ Malak Shafi Ullah Khan دیر کا ملک ریاض اپنے انجام کو پہنچا دیا

24

See more ... ڈائریکٹر جنرل ہیلتھ سروسز ڈاکٹر شوکت علی

NOTIFICATION

NO.SOH(E-V)4-4/2024 The Competent Authority is pleased to suspend the services of DR. SHAUKAT ALI (1530250486057) S/O GUL NAWAZ KHAN Director General Health Services (BPS-20), with immediate effect till finalization of the inquiry in the subject matter dated: 02-04-2024 order No: 766-71/AE-VUDGHS by Director General Health Services, Khyber Pakhtunkhwa in the best public interest.

**SECRETARY HEALTH
KHYBER PAKHTUNKHWA**

No. 4494-112/Notification of even No. & dated:
Copy of the above is forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. PSO to Chief Secretary, Khyber Pakhtunkhwa.
4. Director General, PHSA Khyber Pakhtunkhwa, Peshawar.
5. Commissioner, Peshawar.
6. All DHOs, Khyber Pakhtunkhwa.
7. All MSs, Khyber Pakhtunkhwa.
8. All Projects / Program Managers Khyber Pakhtunkhwa.
9. PS to Minister Health, Khyber Pakhtunkhwa.
10. Additional Director Director (HRM), DGHS Office, Peshawar.
11. Deputy Director (IT), Health Department, Khyber Pakhtunkhwa.
12. PS to Secretary Health Department, Khyber Pakhtunkhwa.
13. PS to Special Secretary (E&A) Health Department, Khyber Pakhtunkhwa.
14. Doctor(s) concerned.
15. Master file.

Fazal Amin
(FAZAL AMIN)
SECTION OFFICER (E-V)

[Signature]
Attested to be True
Copy



Zahir Ullah and 37 others

11 comments · 9 shares

[Signature]
ATTSTED

25



ALI Sher is with Shahid Kamal and 12 others.

5h

وزیر اعلیٰ خیبر پختونخوا علی امین گنڈاپور نے کرپشن اور دیگر شکایات کی بنیاد پر ڈائریکٹر جنرل ہیلتھ سروسز خیبر پختونخوا کو معطل کر دیا ہے اور ان کے خلاف انکوائری شروع کرادی گئی ہے۔ صبح بخیر اہلیان دیر...!!!

ڈاکٹر شوکت علی ڈی جی ہیلتھ خیبر پختونخواہ کے عہدے سے برطرف اور ان کے خلاف انکوائری وزیر اعلیٰ خیبر پختونخواہ جناب علی امین گنڈاپور اور رکن صوبائی اسمبلی... See more

(OPS-20), with immediate effect in accordance of the inquiry in the subject matter dated: 02.01.2024 under No: T66-1748-VDDOHS by Director General Health Services, Khyber Pakhtunkhwa in the best public interest.

SECRETARY HEALTH
KHYBER PAKHTUNKHWA

No. 111/2024 Notification of even No. A dated:
Copy of the above is forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa
3. P.D. to Chief Secretary, Khyber Pakhtunkhwa
4. Director General, PHS, Khyber Pakhtunkhwa, Peshawar.
5. Commissioner, Peshawar.
6. All DHOs, Khyber Pakhtunkhwa
7. All RSOs, Khyber Pakhtunkhwa.
8. All Projects / Program Managers Khyber Pakhtunkhwa.
9. PD to Director Health, Khyber Pakhtunkhwa
10. Additional Director General (HHS), DHOs Office, Peshawar.
11. Deputy Director (IT), Health Department, Khyber Pakhtunkhwa
12. PS to Secretary Health Department, Khyber Pakhtunkhwa.
13. PS to Special Secretary (SOA) Health Department, Khyber Pakhtunkhwa.
14. Director(s) concerned
15. Master file.

(FAZAL AHMAD)
SECTION OFFICER (S-1)



26

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15 comments • 9 shares

Like

Comment

Send

Share

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Omer Khan

Posts Photos

26

Sajad Ahmad and 2 others

4 comment

Like

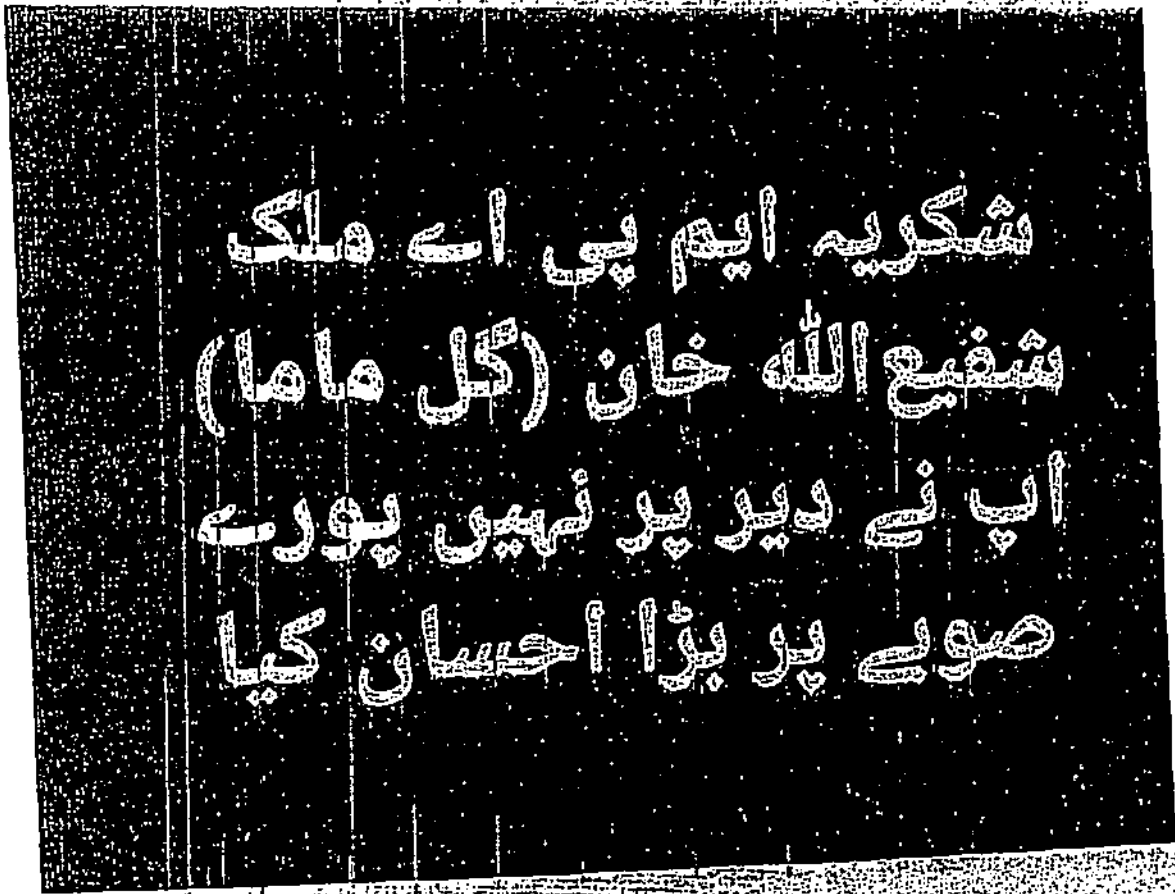
Comment

Send



Omer Khan

18 h



Abd Ullah and 49 others

Attested to be True Copy

15 comment

Like

Comment

Send



Omer Khan

ATTSTED

ANNEXURE

Najeeb Utman Pti is with Zia Ullah and 9 others.

17h · 🌐

27

شکریہ Malak Shafi Ullah Khan دیر کا ملک ریاض اپنے

انجام کو پہنچا دیا

ڈائریکٹر جنرل ہیلتھ سروسز ڈاکٹر شوکت علی ... See more

NOTIFICATION

NO.50H(E-V)4-1/2024 The Competent Authority is pleased to suspend the services of DR. SHAUKAT ALI (1530250486057) SIO GUL NAWAZ KHAN Director General Health Services (BPS-20), with immediate effect till finalization of the inquiry in the subject matter dated: 02-04-2024 order No: 756-71/AE-V/DGHS by Director General Health Services, Khyber Pakhtunkhwa in the best public interest.

SECRETARY HEALTH
KHYBER PAKHTUNKHWA

No. 4494-112/Notification of even No. 8 dated:
Copy of the above is forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. PSO to Chief Secretary, Khyber Pakhtunkhwa.
4. Director General, PHSA Khyber Pakhtunkhwa, Peshawar
5. Commissioner, Peshawar
6. All DHOs, Khyber Pakhtunkhwa.
7. All MSs, Khyber Pakhtunkhwa.
8. All Projects / Program Managers Khyber Pakhtunkhwa.
9. PS to Minister Health, Khyber Pakhtunkhwa
10. Additional Director Director (HRM), DGHS Office, Peshawar.
11. Deputy Director (IT), Health Department, Khyber Pakhtunkhwa.
12. PS to Secretary Health Department, Khyber Pakhtunkhwa
13. PS to Special Secretary (ESA) Health Department, Khyber Pakhtunkhwa.
14. Doctor(s) concerned
15. Master file.

Fazal Amin
(FAZAL AMIN)
SECTION OFFICER (E-V)

Page 1/1
17475207012
Zahir Ullah and 37 others 11 comments · 9 shares

WP3835-2024 SHOUKAT ALI VS GOVT CF PG163

A.
ATTSTED

Tussle with lawmaker costs DG health his post

Ashfaq Yusufzal | Published April 29, 2024 | Updated 3 days ago

28

JOIN OUR WHATSAPP CHANNEL

PESHAWAR: The suspension of Dr Shaukat Ali, who remained director-general health services of Khyber Pakhtunkhwa for more than 15 months amidst allegations of irregularities, has surprised many in the department.

He was suspended on the directives of Chief Minister Ali Amin Gandapur on Friday last.

Sources said that Dr Shaukat was suspended on charges of receiving bribe from a low-grade officer for transfer but the real reason behind his abrupt de-seating was his refusal to appoint son of an MPA of the ruling party as director TB control programme because he was junior to fill the position.

They said that he could have been shown the door long ago because he faced three inquiries by National Accountability Bureau (NAB) involving a sum of Rs8 billion but he managed to retain his position owing to his connection at top level.

Dr Shaukat denies allegation of corruption and vows to face inquiry

They said that NAB had asked health department to probe the allegations of corruption and irregularities against him in purchase of medicines and acquiring land for Timergara Medical College as its project director.

However, officials said that the inquiries conducted by the same officers in the department, who were junior to him and the outcome of the probe was never made public.

They said that the MPA played vital role in issuance of his suspension order from chief minister's office on the day when the director-general of health was busy in the wedding ceremony of his daughter.

"He could have been suspended two days ago or a week later but the MPA wanted to cause him more embarrassment by suspending him on the wedding day of his daughter," said officials.

Attested to be True
Copy

ATTSTE

Sources in secretariat said that corruption cases against the director-general of health were too strong and evidence-based but he survived.

However, challenging the MPA cost him his priced job, they added.

They said that for the first time, the notification also mentioned the name of his father, which was uncommon in normal circumstances as the government's orders only carried names of officials, their designations and grade in correspondence.

A BPS-20 officer, Dr Shaukat Ali, was appointed director-general health services of Khyber Pakhtunkhwa in January 2023 during the government of Pakistan Tehreek-i-Insaf government.

Sources said that his suspension order was issued by the office of health secretary instead of chief secretary. They added that any order regarding officers working in grade above BPS-18 was issued by the office of chief secretary.

The director-general of health was among the few officers, who held more than one positions simultaneously.

He remained close to former chief minister Mahmood Khan. Last year, the caretaker government was about to replace him but he managed to stick to the second top position in health department despite opposition by the then adviser to chief minister on health.

The first caretaker health adviser, Prof Abid Jamil, was unhappy with his alleged corruption in purchase of drugs but his request to remove him fell on deaf ears and as result the former called it a day. The other health adviser had no issue with director-general of health.

Dr Shaukat Ali health faced huge campaign on social media regarding his alleged irregularities but he remained very active in meetings in departments and elsewhere. He was good at obliging the high-ups, sources said.

Despite his suspension as director-general of health, he is still regional director health of Malakand, project director of Timergara Medical College and head of a foreign-funded project.

Dr Shaukat Ali in a brief chat with this correspondent denied all allegations and vowed to face inquiry.

Published in Dawn, April 29th, 2024

29

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Attested to be True
Copy

ATTSTED

[Handwritten signature]

[Handwritten signature]
MPA No-16
15/04/2024

Respect

Dr. Shaukat Ali, Dr. Hossain belongs to my constituency and he may please be removed from the post of Dr. Health. This has been discussed with your good self earlier.

Yours Obedient Minister MP

SPECIAL ASSISTANT TO CHAIRPERSON
KHAYBER PAKHTUNKHWA

SHAHI ULLAH KHAN
MPA DIC-16



Annexure "J"

30

Hand Block, Area Near Khan Mulla, District, Pakistan, Phone No. 0919213904

ATTSTED

MPPA PK-16
05/05/2024

Regards.

Dr. Faris Khan M.D. attached
to DHO Malakand may please be
forwarded to DHO Kheran, Peshawar.

Shah: Chief Minister KP

SPECIAL ASSISTANT TO CHIEF MINISTERS
KHAYBER PAKHTUNKHWA

MPPA PK-16
SHAH ULAH KHAN



Annexure "K"

(31)

Annexure "L"

In the Peshawar High Court, Peshawar

32

Writ Petition No. _____ -P of 2024

Dr. Shaukat Ali son of Gul Nawaz Khan,
Director General Health Services (BPS-20),
DGHS Office, Warsak Road, Peshawar.



.....Petitioner

Versus

1. Government of Khyber Pakhtunkhwa,
Through Chief Secretary,
Civil Secretariat, Peshawar
2. Secretary Health Department,
Civil Secretariat, Peshawar
3. Section Officer (E-V),
Government of Khyber Pakhtunkhwa,
Peshawar.
4. Mst. Irum Noreen,
Clinical Technician Radiology (BPS-12),
MTI Bannu.

.....Respondents

Writ Petition under Article 199
Of the Constitution of Islamic Republic of Pakistan, 1973

May it please this Honorable Court

The Petitioner very humbly implore for permission to plead his grievances at the hands of respondents and seeks solace thereto, as follows:

Facts leading to this Writ Petition:

ATTESTED
EXAMINER
Peshawar High Court

1. That the Petitioner, after successfully qualifying the relevant exams joined the Department of Health Khyber Pakhtunkhwa in the year 1991 as Medical Officer and thereafter has started his career with zeal and dedication and served public at large and department of Health on various posts/positions to the best of his abilities and full satisfaction of superiors since his appointment. It is pertinent to place on record that the Petitioner had never given any

WP3835-2024 SHOUKAT ALI VS GOVT CF PG163

ATTSTED

chance of even a minor complaint to his high ups and has rendered his services with passion and keenness.

33

2. That gradually and steadily, the Petitioner got promoted and posted as District Health Officer (DHO) Lower Dir whereafter the petitioner opted to join the Management Cadre and since then he has served at various management positions such as Medical Superintendent DHQ Hospital, Timergara, Project Director Timergara Medical College, Regional Director North and was lastly posted as Director General Health Services Khyber Pakhtunkhwa on 17.01.2023.

(Copy of the posting as DG Health is Annexure "A")

3. That before going into the merits of the instant petition, it is worth mentioning that before his posting as DGHS, the Petitioner while posted as District Health Officer Dir Lower was also assigned with an additional charge /responsibility to act as Project Director Timergara Medical College during the year 2016 because prior to his positing as Project Director, 02 other project directors had been assigned the task but they couldn't make any significant progress in the project. After taking over the Charge as Project Director, Timergara Medical College, significant developments were carried out in the said College which was highly applauded and appreciated by the Health Department and P&D monitors and the Khyber Medical University expert teams.
4. That since posting of the Petitioner as DG Health Services, all the activities in the Health Department went very smooth for over an year without any complaint against the Petitioner at any forum. There is no cavil to this fact, that while discharging his functions as DG health Services, the Petitioner has to come across various issues of the employees of the Health Department including but not limited to Posting/ transfers of the Employees and thus as of routine, an application was moved by a Clinical Technician Radiology (BPS-12) on 27/03/2024, before the Petitioner being the competent forum i.e. DGHS, for her transfer from MTI Bannu to MTI D I Khan whereafter a proper process was initiated in this regard and her file was moved and documents in respect of Respondent No. 04 were sought from the MS DHQ Teaching Hospital Bannu. In response whereof MS DHQ Teaching Hospital Bannu has submitted the requisite documents in respect of Respondent No. 04 whereafter file was circulated through several officers and in the meantime NOCs were also sought from both the MTI's i.e. MTI Bannu and MTI MAMTHA D I Khan.

WP3935-2024 SHOUKAT ALI VS GOVT OF PG163

ATTESTED
EXAMINER
Peshawar High Court

ATTSTED

(Copy of NOC from MMMTH Is Annexure "B")
(Copy of NOC from MTI Bannu is Annexure "C")

34

5. That, after due process so initiated on the application of Respondent No.4 for here transfer, the Respondent No. 04 was transferred from MTI Bannu to MMMTH, D I Khan against a vacant post of Clinical Technician (Cardiology) on 02/04/2024 on the grounds so mentioned in her application.

(Copy of Lady Technician transfer order is Annexure "D")

6. That soon after the transfer of Respondent No. 04, Petitioner started receiving various calls from different very influential sources for withdrawal of her transfer order. Subsequently the Petitioner has directed his office to thoroughly investigate the merits of the transfer order but most shockingly the worthy CM on the behest and mala fide intention of the local MPA from the native village of the Petitioner, has verbally directed the Respondent No. 02 to suspend the petitioner and to initiate an inquiry against the Petitioner. Resultantly the Respondent No. 02, while lacking any Authority and competency, illegally and wrongly issued Notification No SOH(E-V)/44/2024 dated 26th April, 2024 wherein no justifiable reasons have been provided and the only ground mentioned therein is that "till the finalization of the inquiry in the subject matter dated 02.04.2024 order No. 766-71/AE-Vi/DGHS" which is the Order of Transfer order of the Respondent No. 04.

(Copy of Impugned Notification dated 26/04/2024 is Annexure "E")

7. That above mentioned so-called Notification dated 26.04.2024 of the Respondent No.02 is highly illegal, unlawful, without lawful authority and thus of no legal effect being issued by an incompetent and without lawful authority as worthy the Respondent No.2/Secretary Health (being BPS-19 officer) cannot suspend an officer of BPS-20 thus on this score alone this order requires to be set aside and put at naught. More so the Respondent No. 02 while lacking authority has ordered the ibid impugned Notification while altogether ignoring the fact that no departmental proceedings have been initiated against the Petitioner by the competent/departmental authority.

~~ATTESTED~~
~~EXAMINER~~
Peshawar High Court

8. That, in order to elucidate and bring forth the real facts before this Honorable Court, it is submitted that all these above proceedings initiated against the


ATTSTED

petitioner is that he refused to bow before the illegal demands of some of the member of the Ruling Party and refused to appoint son of an MPA of the ruling party as Director TB Control Program who was not at all competent to be appointed as such being junior in rank to fill the position and this non obedience of the Petitioner to kneel down to the illegitimate demand actuated the local Member Provincial Assembly, KP to start a well planned and clearly motivated drive/hunt against the Petitioner.

35

9. That in continuation to his illegal and highly mala fide drive, firstly the Petitioner has been wrongly and illegally dragged into a unfounded departmental proceedings so as to smash the dignity and standing of the Petitioner. Thereafter, the mentioned MPA was heard saying openly and flatly on numerous occasions that he would make sure that the Petitioner cannot stay as DGHS if he does not comply with his illegal orders and demands and that he would make him an example for others and in this respect the suspension order of Petitioner has been circulated on the social media pages of the local MPA and his relatives.

(Copies of the Social Media Screen shots are Annexure "F")

10. That the refusal of the Petitioner for not yielding to the illegal demands and refusing to bow down his head to the unlawful demands of Member Provincial Assembly costs the petitioner very heavily i.e. illegal and unfounded suspension and to face an inquiry for no wrong done. It is pertinent to place on record that the tussle between the Petitioner and local MPA from his native village has resulted into all this.

(Copies of the press Clippings are Annexure "G")

11. That the Petitioner in order to probe into the allegation so attributed toward him and where there was casted serious allegations of taking money in lieu of passing Transfer Order of Respondent No.4, when contacted the Respondent No.4 through his office that who has taken amount from her so that the Petitioner can provide redressal to her grievances. In response whereof, the Respondent No.4 in a very explicit and clear terms denied to have given any such statement or to have move any complaint to any quarter concerned rather she for clearance of the situation rendered a statement though duly sworn affidavit that she has been transferred after due process and none of the DGHS employees have demanded any bribe from her thus her statement is totally contrary to the allegations so led to his suspension.

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EXAMINER

WP2258-2024 SHAIKAT ALI VS GOVT CF PGS29 USB.pdf Peshawar High Court

WP3835-2024 SHAIKAT ALI VS GOVT CF PG163

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36

12. That in absolute ignorance and violation of attending laws and circumstances impugned suspension order was issued by the office of Respondent No. 02 upon direction of worthy Secretary whereas orders regarding the officers serving in BPS-18 or above should be issued by the office of worthy Chief Secretary thus the impugned notification is void ab initio. It is important to point out that the Petitioner, being a permanent civil servant of BPS-20 cannot be left at the mercy of an MPA, Chief Minister or to any other influential political figures thus any action taken on their direction is in grave infraction and defiance of the law.

13. That the Petitioner being aggrieved of the Notification No SOH(E-V)/4-4/2024 dated 26th April, 2024 is constrained to approach this Honorable Court while having no other adequate and efficacious remedy available, hence, this writ petition on the following grounds amongst others :-

Grounds warranting issuance of appropriate writ(s):

- a. Because the Impugned Notification/ Order SOH(E-V)/4-4/2024 dated 26.04.2024 is illegal, wrong, based on mala fide, without cogent reasons, based on Political high handedness and fundamental rights of the Petitioner, hence liable to be struck down and reversed.
- b. Because the impugned Notification No SOH(E-V)/4-4/2024 dated 26th April, 2024 being issued by the Respondent No.2 *Ultra Vires* of his authority, illegal, unlawful and thus of no legal effect hence liable to be reversed and put at naught.
- c. Because the impugned Notification No SOH(E-V)/4-4/2024 dated 26th April, 2024 is lacking any legal backing as the competent forum in respect of BPS-18 and above officers is not the Secretary rather Chief Secretary or the Chief Minister as the case may be and thus being issued by incompetent Authority/ person, the same is *void ab initio*.
- d. Because the Respondent No. 04 has herself rendered a statement on affidavit wherein, she has brushed aside the allegations so leveled against the Petitioner in respect of her transfer.

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EXAMINER
Peshawar High Court~~

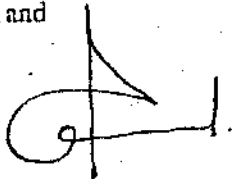
- e. Because the social media pages of the local MPA clearly reflects that the impugned Notification No SOH(E-V)/4-4/2024 dated 26th April, 2024 is based

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- . on political victimization rather than on merit thus on this score alone the requires to be put naught.
- f. Because the impugned Notification No SOH(E-V)/4-4/2024 dated 26th April, 2024 is purely made on malafide and intervention of the aforementioned MPA whereas it is high time that the trend of seeking interference and intervention of such like political figures be discouraged in line with the dictum so laid down by the superior judiciary.
- g. Because the government servants cannot be made scapegoat so as to please the parliamentarian of the ruling party figures.
- h. Because the impugned Notification No SOH(E-V)/4-4/2024 dated 26th April, 2024 has resulted into visible injustice to the Petitioner as the impugned order has been passed without any legal or plausible justification hence liable to be reversed and set aside on the aforementioned grounds.
- i. Because the impugned Notification No SOH(E-V)/4-4/2024 dated 26th April, 2024 has been issued by political intervention of an MPA, as not even Health Department wanted the Petitioner to be suspended from the said post but they were put under extreme pressure.
- j. Because the impugned order is passed without any legal or plausible justification and is therefore liable to be reversed.
- k. Because the Respondents are travelling way beyond the scope and approach adopted for others thus the approach adopted for the Petitioner is hit by the Article 10-A and 25 of the Constitution.
- l. Because impugned order is passed in tone and tenor of "punishment". No minor or major punishment can be imposed without due process of law.

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 Peshawar High Court

m. Because *modus operandi* adopted and resorted to be the Respondents by issuing the impugned Notification is not only smacked with Political interference, unfairness and nepotism but is also a clear violation of Article 4, 5, 25, 37 and 38 of the Constitution.


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- n. Because as held numerously by superior judiciary including the apex Supreme Court of Pakistan, no civil servant can be suspended except for public interest whereas the impugned order is clearly having a color of punishment and is done on the whims and wishes of the Political junta.
- o. Because the Respondents are acting in a manner clearly reeking highhandedness, caprice and victimization.
- p. Because the impugned order is made with sole purpose of creating terror and deterrence in heart of Civil Servant by making the Petitioner as mere guinea pig and scapegoat for no fault on his part.
- q. Because Respondents have not treated Petitioner in accordance with law, rules and policy on subject and acted in violation of Article 4 of the Constitution of Islamic Republic of Pakistan, 1973 and unlawfully issued the impugned order, which is unjust, unfair and hence not sustainable in the eyes of law.
- r. *Because* ESTA Code provisions does not permit the Respondents to pass the impugned order.
- s. *Because* even otherwise, as is apparent on the face of records, impugned order is actuated with intent mala se as the Respondents are hell bent to get rid of the Petitioner at any costs solely on political considerations.
- t. *Because* the impugned order without jurisdiction and is clearly a colorful exercise of authority.
- u. *Because*, even otherwise this Honorable Court is vested with the Authority and jurisdiction to provide efficacious and appropriate remedy to the Petitioner.
- v. *Because* Petitioner will raise other grounds at the time of arguments with the prior permission of the Court.

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Peshawar High Court

It is therefore very humbly prayed that on acceptance of this Writ Petition, this Honorable Court may very magnanimously hold, declare and order that:

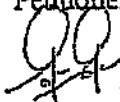
- i. The Notification No SOH(E-V)/44/2024 dated 26th April, 2024 is patently illegal, absolutely invalid, without lawful authority and thus of no legal effect

[Handwritten Signature]
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and hence liable to be set aside and reversed.

- ii. The Respondents shall at once withdraw/recall the Impugned Notification No SOH(E-V)/4-4/2024 dated 26th April, 2024.
- iii. The Respondents be directed to restore back the Petitioner at his previous place of Posting as Director General Health Services, Khyber Pakhtunkhwa.
- iv. Cost throughout.
- v. Interim Relief: In view of all the ingredients of interim relief the operation of the Impugned Notification. No SOH(E-V)/4-4/2024 dated 26th April, 2024 may very magnanimously be suspended and the Respondents may very kindly be restrained from taking any kind of adverse action till the final disposal of this Petition
- vi. *Any other relief*, not specifically prayed may also graciously be granted to the Petitioner, if appears just, necessary and appropriate.


Petitioner


Through 

Shumail Ahmad Butt,
ASC



Barrister Waqar Ali,
ASC



Abdul Rahim Jadoon
&
H Bilal Khan 

Advocates High Court(s), Peshawar.

ATTESTED
EXAMINER
Peshawar High Court


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(40)

JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT

W.P. No.2268-P/2024 with IR

Dr. Shaukat Ali

Vs.

**Government of Khyber Pakhtunkhwa through
Chief Secretary, Peshawar and others**



Date of hearing 15.05.2024

For Petitioner(s): M/s. Shumail Ahmad Butt,
Advocate and Barrister Waqar Ali
Khan.

For Respondent(s): M/s. Shah Faisal Utmankeel,
Advocate General, Khyber
Pakhtunkhwa and Muhammad
Bashar Naveed, AAG alongwith
Mr. Sadaqat Ullah, Additional
Secretary and Mr. Ziaullah,
Deputy Secretary (Litigation),
Health Department, Government
of Khyber Pakhtunkhwa,
Peshawar.

JUDGMENT

IJAZ ANWAR, J. This writ petition has been filed
under Article 199 of the Constitution of Islamic Republic of
Pakistan, 1973, with the following prayer:-

"It is, therefore, very humbly prayed that on
acceptance of this writ petition, this Hon'ble
Court may very magnanimously hold, declare
and order that:-

- i. The Notification No.SOH(E-V)/4-4/2024
dated 26th April, 2024 is patently illegal,
absolutely unlawful, without lawful
authority and thus of no legal effect and
hence liable to be set aside and reversed.
- ii. The respondents shall at once withdraw/
recall the impugned Notification
No.SOH(E-V)/4-4/2024 dated 26th April,
2024.

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EXAMINER
Peshawar High Court

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41

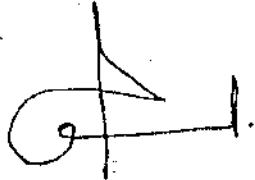
- iii. The respondents be directed to restore back the petitioner at his previous place of posting as Director General, Health Service, Khyber Pakhtunkhwa.
- iv. Cost throughout.
- v. Any other relief, not specifically prayed may also graciously be granted to the petitioner, if appears just, necessary and appropriate".

2. Learned counsel representing the petitioner argued that the impugned suspension Notification dated 26.04.2024 is result of extreme mala fide, mainly aim to post out the petitioner from the post of Director General Health Services. He further contended that the Secretary Health, Government of Khyber Pakhtunkhwa is not the competent authority to suspend the petitioner or to initiate departmental inquiry against him. He referred to Rule 6 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 and stated that it is only the Chief Secretary of the Province who can pass any such order.

3. Arguments heard and record perused.

4. Perusal of the record reveals that the petitioner was posted as Director General, Health Services, Khyber Pakhtunkhwa vide Notification dated 17.01.2023. Vide the impugned Notification dated 26.04.2024, the Secretary Health, Government of Khyber Pakhtunkhwa, has issued the suspension order of the petitioner. The worthy Advocate General, Khyber Pakhtunkhwa has produced the amended Rule 6 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.

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EXAMINER
Peshwar High Court~~


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42

according to which, where the Chief Minister or the Chief Secretary is the competent authority, the Administrative Secretary may suspend the Government servant and submit charge sheet and statement of allegations, forthwith to the competent authority for signature and initiation of disciplinary proceedings in accordance with these rules.

5. We have noted that the suspension Notification, though, finds reference to certain inquiry, however, as required under Rule 6 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, neither the petitioner is served with any Charge Sheet or statement of allegations nor any Inquiry Officer has been appointed so far. In any case, we are of the view that the suspension Notification, not being punishment, cannot be questioned before this Court in the constitutional jurisdiction. The record, placed on file relating to the reports on social media and newspapers, suggests that certain political figures are taking the credit of suspension of the petitioner in the instant case. We, in the given circumstances of the case, expect from the worthy Chief Secretary, Khyber Pakhtunkhwa, he will never let his officer down, if he is not involved in any irregularity or corrupt practices. The view of the superior Courts is clear on the point that the departmental proceedings should not be made a device to done away with the services of civil servant(s) or to post him/them out on such alleged administrative grounds.

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Peshawar High Court~~


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43

6. In view of the above legal position and the fact that this Court has always shown restraint of interference in the internal matters of the Government, as such, we conclude that this writ petition against the order of suspension of the petitioner is not legally tenable. We are also mindful of the fact that recently a good number of writ petitions against similar suspension orders are filed and are pending and the main allegations are that in order to accommodate favorites of political figures, they have been suspended. We, therefore, refer this matter to the worthy Chief Secretary, Khyber Pakhtunkhwa to see as to whether any departmental proceedings have been initiated by the "COMPETENT AUTHORITY" in the instant matter and also to ensure that such suspension is not used as a tool to post out the petitioner from the post of Director General, Health Services, Khyber Pakhtunkhwa.

7. This writ petition is, thus, dismissed and disposed of with the above observations.

Announced
Dt:15.05.2024



Senior
Puisne Judge


Judge

1718

(DB) Hon'ble Mr. Justice Ijaz Anwar and Hon'ble Mr. Justice Shoukat Ahmad

1718
Date of Presentation of Application: 12/7/2024
No. of Pages: 12
Copying fee: 48/-
Date of Preparation: 13/7/2024
Date of Filing: 12/7/2024
10/12/2024

EXAMINED TO BE TRUE COPY
EXAMINER
Peshawar High Court
Established Under Article 87 of
the Constitution of Pakistan Act 1973
12 JUL 2024


ATTSTED



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

No. PA(DS)/Lit/III/2024
Dated Peshawar the 24-09-2024.

44

Annexure 'A'

To.

Syed Kausar Ali Shah
Additional Advocate General, Khyber Pakhtunkhwa
AG office, Supreme Court of Pakistan, Islamabad.

Subject:- CPLA NO. 2231/2024; DR. SAUKAT ALI - VS - GOVT. OF KHYBER PAKHTUNKHWA THROUGH CHIEF SECRETARY, PESHAWAR.

Dear Sir,

I am directed to refer to the subject noted above and to state that the appellant, Dr. Shaukat Ali, Ex-DGHS was placed under suspension vide notification dated 26-04-2024, followed by initiation of formal inquiry by serving Charge Sheet and Statement of Allegations.

2. As per Rule-6 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, a Govt. Servant shall be deemed to be reinstated if the period of suspension (120 days) is not extended before the expiry of Initial period of suspension. Rule-6 (1) of the ibid rules is reproduced as under:

"The competent authority may place any government servant under suspension or sent him on leave, against whom proceedings are proposed to be initiated for an initial period not exceeding one hundred and twenty days at one time extendable in writing by the competent authority for such period as it may deem appropriate or till conclusion of the proceedings, if in the opinion of the competent authority, suspension or the sending the government servant on leave is necessary or expedient. If the period of suspension is not extended before the expiry of initial period of suspension, the suspension of such Government servant shall cease to have effect."

3. The services of the officer concerned (petitioner) is at disposal of Director General Health Services. Since the initial suspension notification dated 26-04-2024 has not be extended after expiry 120 days as per Rule-6 of the ibid Rules 2011, therefore, the officer stand reinstated into service in accordance with Rule-6 of the ibid Rules.

4. I am, therefore, directed to convey the above instruction of the Department for onward submission before the hon'ble Court, please.

(ZIA ULLAH)
Deputy Secretary (Litigation)

Copy for information to:

1. Advocate General, Khyber Pakhtunkhwa.
2. PS to Secretary Health Department, Govt. of Khyber Pakhtunkhwa.
3. PS to Special Secretary (E&A), Health Department, Govt. of Khyber Pakhtunkhwa.

Deputy Secretary (Litigation)

ATTSTED

SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

45

Bench-IV

Mr. Justice Yahya Afridi
Mr. Justice Syed Hasan Azhar Rizvi
Mr. Justice Shahid Waheed

Annexure
"N"

C.P.L.A. 2231/2024

(Against the judgment dated 15.05.2024 passed by the Peshawar High Court, Peshawar in WP No. 2268-P/2024)

Dr. Shaikat Ali

...Petitioner(s)

Versus

Government of Khyber Pakhtunkhwa,
through Chief Secretary, Peshawar and
others

...Respondent(s)

For the Petitioner(s) : Mr. Shah Khawar, ASC

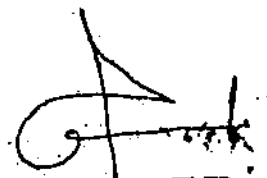
For the Respondent(s) : Syed Kosar Ali Shah, Addl. AG KP
Zia Ullah, DS Health

Date of Hearing : 25.09.2024

ORDER

Yahya Afridi, J: Through the instant petition, the petitioner has called in question the impugned judgment dated 15.05.2024 of the Peshawar High Court, Peshawar whereby the Writ Petition No. 2268-P of 2024 filed by the petitioner was dismissed.

2. The learned counsel for the petitioner contends that the suspension order issued against the petitioner, without the initiation of a formal inquiry, as required by the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, is void ab initio. Consequently, the petitioner should be reinstated to the position and the post he held at the time the impugned suspension order was issued.



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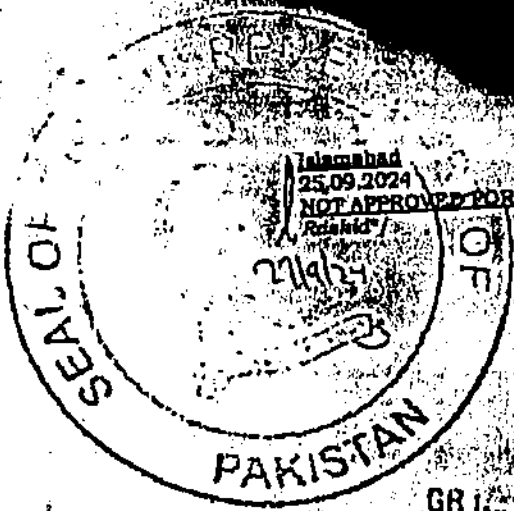
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3. The learned Additional Advocate General, Khyber Pakhtunkhwa, produced a letter dated 24.09.2024 of the Government of Khyber Pakhtunkhwa, Health Department, wherein it was stated that the suspension of the petitioner in the present case was not extended.

4. In light of the above, we find that the grievance of the petitioner has been substantially addressed, rendering the matter infructuous. Accordingly, this petition is hereby disposed of in the aforementioned terms. However, the petitioner may, if so advised, pursue any other appropriate remedy available to him under the law.

Sd/-J
Sd/-J
Sd/-J

Certified to be true copy
[Signature]
Ms. Noreen Khalid
Sr. Court Associate
Supreme Court of Pakistan



[Signature]
ATTSTED

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To,
The Chief Secretary,
Government of Khyber Pakhtunkhwa

Annexure
"0"

47

Through Proper Channel

Subject: APPEAL ON THE REPRESENTATION ON TRANSFER ORDER NO.SO (E-D/E&AD/9-133/2024 AND POSTING AS DIRECTOR GENERAL HEALTH SERVICES KHYBER PAKHTUNKHWA WITH ADDITIONAL CHARGE OF THE CEO TIMERGARA MEDICAL COLLEGE.

With due reverence, it is submitted that the undersigned joined the government service as a Medical Officer in 1991 and has since served the Department of Health, Khyber Pakhtunkhwa, with utmost dedication and zeal. Over the years, the undersigned has been promoted to various significant positions, culminating in the recent appointment as Director General Health Services (DGHS) on 17.01.2023.

Throughout the undersigned's career, an unblemished record has been maintained, consistently fulfilling duties without any complaints or allegations. Noteworthy contributions have been made, particularly as Project Director of Timergara Medical College, where substantial progress was achieved under the undersigned's leadership.

Upon the undersigned's appointment as Director General Health Services, the Health Department functioned smoothly and efficiently, with no complaints lodged. During this tenure, various administrative matters, including the transfer of employees, were handled as per the laid-down procedures.

On 02.04.2024, a routine transfer application for a Clinical Technician Radiology (BPS-12) from MII Bannu to MTI D.I. Khan was processed and approved following due process. However, shortly thereafter, the undersigned faced undue pressure and threats from influential sources demanding the reversal of the transfer order.

Despite a thorough internal information confirming the propriety of the transfer, the Honorable Chief Minister, allegedly influenced by a local MPA, verbally directed the undersigned's suspension. Consequently, the Secretary to the Govt of Khyber Pakhtunkhwa, Health Department, without lawful authority, issued the impugned suspension Order No. SOH(E-V)/4-4/2024 dated 26.04.2024, without providing justifiable reasons or following due process. This was followed by Relieving me from the Additional Charge of Chief Executive Officer Timergara Medical College on 14th May and Project Director National Health Support Program (NHSP) KP.

The undersigned approached the Honorable Peshawar High Court through Writ petition no. 2268-P/2024 against the Impugned suspension order. The honorable court in its judgment dated 15.05.2024, disposed off the said Writ Petition, referring the matter to the Chief Secretary to ensure that the suspension order is not used as a tool for the undersigned transfer from the post of Director General Health Services, Khyber Pakhtunkhwa.


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48

Despite the directions from the Honorable Court, the Secretary to the Government of Khyber Pakhtunkhwa Health Department issued another order No.SO(E-I)/E&AD/9-133/2024 dated 16.05.2024 transferring the undersigned from the position of Director General Health Services. This action is in clear Violation of the Honorable Peshawar High Court's Directives and the guideline laid down by the apex court in the reknown Anita Turab Case, reported as PLD 2013 SC 195.

Furthermore, the impugned transfer order violates the APT Rules, under which the tenure of the post of Director General Health is three years. The undersigned has been prematurely transferred before the completion of this tenure. The impugned suspension order is illegal, issued by an officer (Secretary Health Department) lacking the authority to suspend a BPS-20 officer, thereby rendering it null and void ab initio.

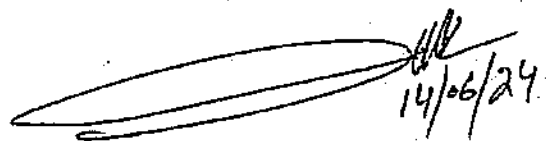
The impugned suspension and subsequent transfer orders are based on political motives and malafide intentions, backed by a local MPA from Lower Dir, as against the undersigned for not complying with his unlawful demands. This is also evident from the fact that soon after my transfer, the 17 grade son of the said MPA was posted as DHO Kurram on 20th May 2024. The said MPA has also explicitly expressed in-writing recommendation of my transfer.

The procedural requirements for initiating an inquiry and issuing a suspension order were blatantly ignored, violating the principles of natural justice and due process. The transfer of the said Clinical Technician was conducted transparently and in accordance with the rules. Her subsequent affidavit confirms that no bribe was solicited or paid, contradicting the allegations against the undersigned.

The impugned suspension order and subsequent transfer order were issued without any valid reason or departmental proceedings, solely on the verbal directive of the Chief Minister, under pressure from the aforementioned MPA.

In light of the above, it is respectfully prayed that the impugned transfer orders be revoked, and the undersigned be reinstated to the position of Director General Health Services, Khyber Pakhtunkhwa with the additional charge of CEO Timergara Medical College.

Yours faith fully,



Dr. Shaukat Ali
Management Cadre BS-20
Department of Health,
Khyber Pakhtunkhwa



ATTSTED

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

Service Appeal No. _____/2024
For Appellant
Titled;

Dr. Shaukat Ali
V/s

Govt. of Khyber Pakhtunkhwa & others

I, Dr. Shaukat Ali Son of Gul Nawaz Khan Officers of Health Service Management Cadre (BPS-20) Government of Khyber Pakhtunkhwa Office Warsak Road, Peshawar do hereby appoint QAZI JAWAD EHSANULLAH, & BABER KHAN YOUSAFZAI ADVOCATES SUPREME COURT OF PAKISTAN, MUBASHIR MANZOOR & MUHAMMAD WAQAS ADVOCATES HIGH COURT, in the above mentioned case, to do all or any of the following acts, deeds and things:-

- 1- To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal in which the same may be tried or heard, and any other proceedings arising out of or connected therewith.
- 2- To sign and verify and file or withdraw all proceeding, petitions, appeals, affidavits and applications for compromise or withdrawal, or for submission to arbitration of the said case, or any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defense of the said case at all its stages.
- 3- To receive payment of, and issue receipts for, all moneys that may be or become due and payable to us during the course of the proceedings.

AND hereby agree:-


That the Advocate shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fees remain unpaid.

In witness whereof I/We have signed this vakalatnama hereunder, the contents of which have been read/explained to me/us and fully understood by me/us this 05/10/2024

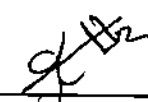

Signature of Executant


Dr. Shaukat Ali
CNIC No.15302-5048605-4
Cell No. 0333-6888884

Accepted by:


Qazi Jawad Ehsan Ullah
Advocate Supreme Court of Pakistan
BC No.10-7646


Mubashir Manzoor
Advocate High Court


Babar Khan Yousafzai
Advocate Supreme Court of Pakistan


Muhammad Waqas
Advocate High Court
BC No. 14-4727

Office Q & Q Law Associates 17-A the Mall Peshawar Cantt Cell No. 0300-3950682