

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

**SERVICE APPEAL NO. 1578/2024**

Ajmal Khan.....Appellant

Versus

Government of Khyber Pakhtunkhwa & others .....Respondents

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**Deponent**



**(Dr. Muhammad Saleem)  
Director General Health Services  
Khyber Pakhtunkhwa, Peshawar**

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

**SERVICE APPEAL NO. 1578/2024**

Ajmal Khan S/O Walayat Shah Tube Well Operator (BPS-06) at District Health Office  
R/O Garh Jawal Khel, Jandrai, Tehsil and District Karak-----Appellant

**VS**

- 1 Regional Directorate General Health Services, South Region D.I Khan, at DHO Office, Karak,
- 2 District Health Officer, Near Civil Hospital City Karak.
- 3 Zabih Ullah S/O Aman Ullah, Tube Well Operator (BPS-06) at DHO Office, Karak R/O Surdag, Tehsil and District Karak.
- 4 Director General Health Services, Khyber Pakhtunkhwa.

**Respondents**

**JOINT PARAWISE COMMENTS OF RESPONDENTS NO.1-2 and 4**

**PRELIMINARY OBJECTIONS:-**

- 1 That the Appellant has got no cause of action and locus standi, hence the titled Appeal is not maintainable on this sole legal ground.
- 2 That the Appellant did not approach this Hon'able Court with clean hands and suppressed material facts and had tried to twist the factual as well as legal position of the case.
- 3 That the Appeal is barred by law, hence not maintainable.

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 16909

Dated 17-10-24

**RESPECTFULLY SHEWTH:-**

**FACTS:-**

- 1 Correct to the extent of appointment, it is worth mention that the appellant has worked at about 13-years (long stay) at Type-D-Hospital Latamber Karak, the question of the performance of the appellant is concerned was not satisfactory as evident from the report of the MS of the Hospital dated.29/04/2024(Annex-A)
- 2 Correct upto some extent, actually the performance of the appellant was not Satisfactory as explained in para-1 of the facts as well as there was a long stay of the appellant due to the reason the appellant has been transferred from Type-D-Hospital Latamber to Type-D-Hospital Sabir Abad. The question of the transfer of respondent No-3 is concerned he has been transferred by the competent authority and his transfer was not on his request while the respondent No.3 belongs to Village Surdag not Village Latamber(Annex-B) Page: Cont-2

- 3 Correct upto some extent. The representation/appeal of the appellant regretted by the respondent No.2 (District Health Officer Karak) and then the appellant submitted another representation/appeal to the high ups which has been regretted by the respondent No-1 ( the Regional Director General Health Services, South) accordingly. The question of the satisfactory performance report of the appellant is concerned the performance of the appellant was not satisfactory as explained in para-1 of the facts(Annex-C)
4. As replied above.

**GROUND:-**


- A. Correct to the extent of appointment, it is worth mention that the appellant has worked at about 13-years (long stay) at Type-D-Hospital Latamber Karak as well as the question of the performance of the appellant is concerned was not satisfactory as evident from the report of the MS of the Hospital dated 29/04/2024.
- B. Incorrect. The appellant belongs to Union Council Jandrai and the Type-D-Hospital Sabir Abad is located in the area of Union Council Sabir Abad the posting station of the appellant. There is no name of the appellant/father of the appellant in the FIR as well as there is no threat of life is seems in the FIR(Annex-D).
- C. Incorrect. As explained in Para-A that there was a long stay of the appellant at about 13-years as well as the performance of the appellant was not satisfactory as evident from the report of the MS of the Hospital dated. 29/04/2024.
- D. Incorrect. The transfer order of the appellant is purely in the interest of public service as well as the performance of the appellant was not satisfactory as explained in the Para-A of the grounds.
- E. Incorrect. Para-D is self-explanatory.
- F. Incorrect. Para-A, B, C and Para-D are self-explanatory.
- G. Incorrect. As explained in Para-A that there was a long stay of the appellant at about 13-years as well as the performance was not satisfactory as evident from the report of the MS of the Hospital dated. 29/04/2024.


- H. Incorrect. The transfer order of the appellant is purely in the interest of public service as well as the performance of the appellant was not satisfactory as explained in the Para-A of the grounds.
- I. Incorrect. As explained above that there was unsatisfactory performance report of the appellant from the MS of the Hospital as well as there was a long stay of the appellant at about 13-years in the station as evident from the report of the MS of the Hospital & also the representation/appeal of the appellant regretted by the respondent No. 1 & 2 & being a Govt: servant the appellant not obeying the order of the competent authority and not submitting his arrival report for duty to his new place of posting, while the respondent No. 3 has submitted his departure report from his duty & submitted arrival report to his new place of posting.
- J. Incorrect. Para-I is self-explanatory.

**PRAYER:-**

In light of the above submission, as the performance of the appellant was not satisfactory as evident from the report of the MS of the Hospital & also there was a long stay in the station, while on the other hand the representation/appeal of the appellant have been regretted by the respondent No. 1 & 2 & being a Govt: servant the appellant not obeying the order of the competent authority and not submitting his arrival report for duty to his new place of posting, while the respondent No. 3 has submitted his departure report from his duty & submitted arrival report to his new place of posting. So the appeal of the appellant is devoid of merits and has no legal value, therefore, may graciously be dismissed.

  
Dr. Fakhr-e-Alam Regional Director General,  
Health Services South Region (Respondent No-1)

  
Dr. Muhammad Saleem  
Director General Health Services KPK  
(Respondent No-4)

  
Dr. Muhammad Shoaib  
District Health Officer Karak  
(Respondent No-2)  
District Health Officer,  
Karak

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Annexure A

OFFICE OF THE EXECUTIVE DISTRICT OFFICER HEALTH KARAK

APPOINTMENT ORDER

On recommendation of Departmental Selection Committee held in its meeting in the office of the undersigned on dated 29.01.2011, the following candidate as per detail given below, are hereby offered the post of Tube Well Operator in BPS-04 (3240-140-7440) plus other allowances as admissible under the rules on regular basis and posted against the vacant post.

S.No	Name with Parentage and address	Place of duty
1	Ajmal S/O Wilayat Resident of Gunda Karak	Type "D" Hospital Latamber
2	Zar Plo Khan S/O Amal Baig Village Lakarki PO & Tehsil Takht-e-Nasrati District Karak	Type "C" Hospital Takht-e-Nasrati

His appointment in Health Department Khyber Pakhtunkhwa will be subject to the following terms and condition.

His appointment in Health Department Khyber Pakhtunkhwa will be subject to the following terms and condition.

1. He is domiciled of District Karak.
2. He will be on probation initially for a period of one year extendable for a further period not exceeding one year.
3. His Services can be dispensed with during the probation period, if his work and conduct found unsatisfactory.
4. His appointment will be subject to Medical Fitness and verification of character and antecedents / educational qualification etc.
5. He will not be entitled to any TA/DA for Medical Examination and on joining of his first place of appointment.
6. His appointment is purely on Temporary basis and can be terminated at any time without any notice but in case, if he wish to resign from service, he will resign in writing by giving prior notice of ONE MONTH OR deposit one month pay in lieu of one month's advance notice, in the Govt Treasury. However he will continue to serve the Govt, till his resignation is accepted by the competent authority.
7. He will be governed by such rules and orders as may be issued by the Govt from time to time for the category of Govt servant to which he belongs.
8. He will for all intents and purposes be Civil Servants, except for the purpose of pension and gratuity. In lieu of the same he will be entitled to contributory provident Fund as per Govt Rules and instruction.
9. He is liable to be posted / served any where in KPK / FATA.
10. He will complete normal tenure at his place of first posting as per Govt Rules.
11. He will submit an undertaking on Judicial Stamp paper stating that the documents submitted with application form is genuine and not fake. Moreover he has not been dismissed from services by any Govt OR Semi Govt Organization.

*[Handwritten signature]*

*[Handwritten signature]*

*[Handwritten signature]*

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If the above terms and condition are acceptable to him, he should submit his Arrival Report for duty at health institution mentioned against his name and produced the Medical Fitness Certificate form MS DHQ Hospital karak within 15 days of issuance of this order, failing which this order will be treated as cancelled automatically.

\*\*\*\*\*SD\*\*\*\*\*  
Executive District Officer  
Health Karak

No. 1076-80 /Estb: - Karak the dated 18/03/2011

Copy forwarded to:-

1. The District Coordination Officer Karak for information please
2. The DAQ Karak
3. Concerned Incharges of Health Institutions for n/a
4. Accounts Section Local Office for necessary action.
5. Officials Concerned for compliance of the order.

  
Executive District Officer  
Health Karak

*Attended*  
*[Signature]*

*[Handwritten signature]*



OFFICE OF MEDICAL SUPERINTENDENT  
TYPE-D HOSPITAL LATAMBER KARAK

(Khyber Pakhtunkhwa)  
Phone (0343-9796952)

✓  
Unsatisfactory report of MS (6)  
against The appellant

No. 1001/L /Admn/Latamber

Dated: 29/04/2024

To,

The District Health Officer  
Karak.

**SUBJECT: REPORT IN RESPECT OF MR AJMAL KHAN TUBE WEL OPERATOR  
ATTACHED TO CAT D HOSPITAL LATAMBER KARAK.**

R/Sir,

With Reference to your office letter No: 1717/Admn dated: 16/04/2024 on the subject cited above, It is stated that Mr. Ajmal Khan has been found to have an illegal practice in emergency department. I restrained him many times from such illegal practices but he continuously disobeyed my directions. Lastly he availed two months leave i-e Dec 2023 & Jan 2024. After completion of two months leave, he was supposed to join his duties but he deliberately did not give arrival on 1<sup>st</sup> Feb 2024. He is reported absent from 1<sup>st</sup> Feb to 15 Feb 2024 by IMU Health Karak. I have deducted his conveyance Allowance of Two Months in account of his two months leave. Now he is using social platform against me to pressurize me. (Picture attached is a proof).

Moreover, He runs Private Pharmacy in duty hours in the front of Cat D Hospital Latamber Karak. He is continuously interfering in the smooth running of hospital. He gave me threats.

It is therefore requested that post / transfer him from this Hospital for the smooth running and in the best public interest.

*Ahmed*

*C. Nadeem Ahmad* 29/4/2024

Medical Superintendent  
Cat D Hospital Latamber Karak

Ⓟ

21/5/24



OFFICE OF THE DISTRICT HEALTH

KARAK

(Khyber Pakhtunkhwa)

Phone ☎ # Fax ☎ #: 0927-290537

Amal-B

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**OFFICE ORDER:**

On the recommendation of Departmental Selection Committee meeting held in the office of the undersigned on dated: 18-01-2024, Mr. Zahib Ullah S/O Aman Ullah EX-Driver is hereby appointed as Tubewell Operator BPS-04 (14960-660-34490) plus other allowances as admissible under the rules on regular basis against the vacant post at Type-D Hospital Sabir Abad under 100% Invalidated / Incapacitated son quota.

His appointment in the health department Khyber Pakhtunkhwa, will be subject to the following terms & conditions.

1. He is domiciled of District Karak( KPK)
2. He will be initially on probation for a period of one year.
3. His service can be dispensed with during the probation period if his work and conduct is found unsatisfactory. During the probation period his services will be on temporary basis and can be terminated at any time without any notice.
4. His appointment will be subject to Medical Fitness.
5. If he wishes to resign from service, he will resign in writing by giving prior notice of one month or deposit one month pay in lieu of one month advance notice in the Govt. treasury.
6. He will be governed by such rules and orders as may be issued by Govt. from time to time for the category of Govt. Servant to which he belongs.
7. He will complete normal tenure at his place of first posting as per Govt. rules.

If the above terms and condition are acceptable to him, he should submit his arrival for duty at the office of the Incharge Type-D Hospital Sabir Abad and produce the Medical Fitness Certificate from MS DHQ Hospital Karak within 15 days after the receipt of this order, failing which this order will be treated as cancelled automatically.

No. 629-35 /Admn:

Endst. No Even No. & Date:-

Copy Forwarded for information to the:-

1. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
2. Regional Director General Health Services (Southern Region), Dera Ismail Khan.
3. District Accounts Officer Karak.
4. Incharge Type-D Hospital Sabir Abad.
5. Account Section DHO Office Karak
6. Mr. Zahib Ullah S/O Aman Ullah EX-Driver R/O Village: Surdag, Latamber Tehsil: & District: Karak.

For information & necessary action.

---sd---  
District Health Officer  
Karak

Dated: 09/02/2024

*[Signature]*  
District Health Officer  
Karak



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Annexure-C

An advance copy sent to DG health services KP

To: ✓  
The Director General Health Services KP  
Through proper channel  
The Regional Director General  
South Region, Khyber Pakhtunkhwa

Subject: Appeal for cancellation of transfer order in respect of Mr. Ajmal Khan, Tube well operator type D hospital Latamber.

Respected Sir, Officer Concerned,

- With your due honor and regards the brief summary of the subject cited above is as under:
1. I am involuntarily transferred without my consent from my permanent and designated position at Latamber Type-D hospital to Sabirabad type-D hospital, as I am the senior most tube well operator performing my duties on the same station from last 13 years and permanent resident on the same station from last 10 years due to Domestic enemies and threat to life at UC Sabirabad. The transferred tube well operator is the junior most having less than 1 year service and is on probation period, so the transfer is also illegal.
  2. Due to Domestic enemies and threat to my life, I cannot report my arrival to the transferred station, please consider my request on genuine and positive grounds. (FIR on my family members is annexed as annexure A for ready reference).
  3. If justice in my case is delayed I will be compelled to approach the honorable service tribunal to redress my grievances.
  4. My order may please be cancelled on humanitarian grounds so that I can perform my duties with full zeal and spirit.

Note: Request to DHO is attached as annexure B.

Thanks in anticipation,

Regards,

18/9/2024

Mr. Ajmal Khan

Tube well operator  
Type-D Hospital Latamber

Dated 18/9/2024

- Copy forwarded for information to:
1. Secretary Health KP
  2. Deputy Commissioner Karak.

Attested

Registered  
  
DR. F. KHAN  
DG HEALTH SERVICES SOUTH REGION  
KHYBER PAKHTUNKHWA

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TYPE ✓

The District Health officer

Karak, KP.

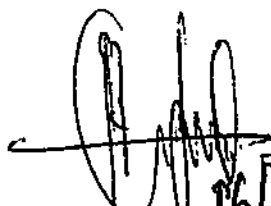
**SUBJECT: REQUEST FOR CANCELLATION OF TRANSFER ORDER IN RESPECT OF MR. AJMAL KHAN TUBE WELL OPERATOR TYPE D HOSPITAL LATAMBER.**

Respected Sir/ Officer Concerned,

With your due honor and regards the brief summary of the subject cited above is as under:

1. I am transferred from my permanent and designated position to Sabirabad type-D hospital with mutual without my consent as I am the senior most tube well operator performing my duties on the same station from last 13 years and permanent resident on the same station from last 10 years (Due to Domestic enmities and threat to life).
2. Due to Domestic enmities and threat to my life I cannot report my arrival to the transferred station, please consider my request on genuine and positive grounds.
3. My order may please be cancelled on humanitarian grounds so that I can perform my duties with full zeal and spirit.

Thanks in anticipation

  
 Regards,  
 16/9/2024  
 Mr. Ajmal Khan  
 Type-D Hospital  
 Latamber.

Copy for information to:

1. MS Type-D hospital Latamber.
2. MS Type-D hospital Sabirabad.

D/M/323

16-09-2024

Filed:  
  
 25.9.24.

Ahmedul  




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

**SERVICE APPEAL NO. 1578/2024**

Ajmal Khan.....Appellant

**Versus**

Government of Khyber Pakhtunkhwa & others .....Respondents

**Affidavit**

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



**Deponent**

A handwritten signature in black ink, appearing to be "MS" with some flourishes.

**(Dr. Muhammad Saleem)  
Director General Health Services  
Khyber Pakhtunkhwa, Peshawar**

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**DIRECTORATE GENERAL HEALTH SERVICES  
KHYBER PAKHTUNKHWA PESHAWAR**

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

**AUTHORITY LETTER**

Muhammad Yousaf Jamal Focal Person Litigation Section Directorate General Health Services Khyber Pakhtunkhwa is hereby authorized to attend/defend the court cases and file Parawise Comments / Reply on behalf of the undersigned before the Honorable Khyber Pakhtunkhwa Service Tribunal and its Camp Courts.

**(Dr. Muhammad Saleem)**

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