

09.03.2015

None present for appellant. Mr. Sheharyar Khan Assistant for respondents alongwith Addl: A.G present. Comments submitted. The appeal is assigned to D.B for rejoinder and final hearing for 30.09.2015.

  
Chairman

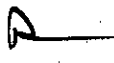
30.09.2015

None present for appellant. Mr. Muhammad Qibaz Khan, SO alongwith Mr. Muhammad Jan, GP for respondents present. Notices be issued to the appellant/ counsel for the appellant. To come up for rejoinder and final hearing on 17-3-16.

  
Member

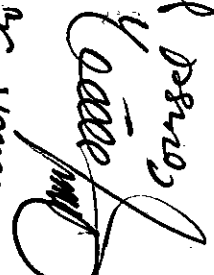
17.03.2016

Appellant in person and Mr. Muhammad Jan, GP for respondents present. Since for the last two years the case is pending adjudication and now the appellant has been entered into retirement zone. Hence, the appellant wants to withdraw the appeal. His signature of learned counsel is also available on order sheet. It is therefore, humbly prayed that the appeal of the appellant may very kindly be dismissed as withdrawn.

ANNOUNCED   
17-03-2016 Member

  
Member

R/Sir Since for the last 2 years the case is pending adjudication and now the appellant has been entered into retirement zone. Hence the appellant wants to withdraw the appeal.

  
Counsel for appellant

16.6.2014

Counsel for the appellant and AAG for the respondents present and requested for time to contact them. To come up for written reply on main appeal as well as reply/arguments on stay application on 20.8.2014.

  
MEMBER

20.08.2014

Counsel for the appellant and Mr. Muhammad Jan, GP with Mr. Sheryar, and Yar Gul, Assistants for the respondents present. The learned Member is on official tour to Abbottabad. To come up for the same on 23.10.2014.

  
READER

10.11.2014

Appellant with counsel and Sheryar, Assistant for the respondents present. The Tribunal is incomplete. To come up for the same on 5.1.2015.

  
READER

5.1.2015

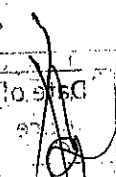
Counsel for the appellant and Mr. Muhammad Jan, GP with Sheryar, Assistant for the respondents present. The Tribunal is incomplete. To come up for the same on 9.3.2015.

  
READER

Appeal No. 628/2014  
Dr. Syed Yousaf Ali


29.05.2014

Counsel for the appellant present and filed an application for early hearing. To come up for arguments on early hearing application on 02.06.2014.

  
Member

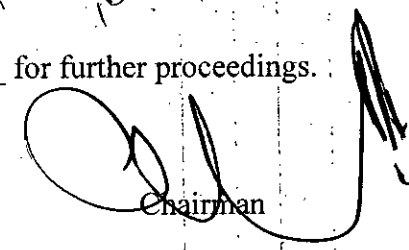
02.06.2014

Appellant with counsel present. Preliminary arguments heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. Against the original order dated 25.03.2014, he filed departmental appeal on 26.03.2014, which has been rejected on 25.04.2014, hence the present appeal on 06.05.2014. He further contended that the transfer order is pre-mature and without lawful authority. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notices be issued to the respondents. Counsel for the appellant also filed an application for grant of interim relief. Notice of application should also be issued to the respondents for reply/arguments. To come up for written reply/comments on main appeal on 20.08.2014 as well as reply/arguments on application on 16.06.2014.

  
Member

02.06.2014

This case be put before the Final Bench      for further proceedings.

  
Chairman

*Appellant deposited  
Process fee & Security  
Rs. 180/- Bank Receipt  
attached with file*

3.


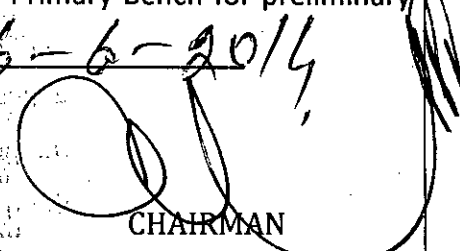
4.

5.

Form- A  
FORM OF ORDER SHEET

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

Case No. 628 /2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	06/05/2014	<p>The appeal of Dr. Syed IbneAli presented today by Mr. Muhammad Usman Khan Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	8-5-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>6-6-2014</u></p> <p style="text-align: right;"> CHAIRMAN</p>

(1)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

**PESHAWAR.**

In Ref to S. Appeal No. 628 /2014.

Dr. Syed Ibne Ali, MS.....versus..... Sectary Health & other.

**INDEX**

S.No	DESCRIPTION OF DOCUMENTS	ANNEX	P. No
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3.	Application for Interim relief.	----	9-10
4.	Affidavit.	----	11
5.	Application for early hearing.	----	12-13
6.	Affidavit.	----	14
7.	Copy of the promotion order.	"A"	15-16
8.	Transfer/posting order at LMH Kohat dated 25-3-2014.	"B"	17
9.	Arrival/charge report at LMH Kohat.	"C"	18-19
10.	Impugned transfer Order dated 25-3-2014.	"D"	20
11.	Copy of the departmental appeal.	"E"	21
12.	Copy of the final Impugned order.	"F"	22
13.	Vokatnama in original.	----	23

APPELLANT

Through

Muhammad Usman Khan  
Turlandi  
Advocate Peshawar.

Dated. <sup>06</sup>~~28~~ /05/2014.

**Office; Flate i/C, Murad Plaza Dalazak Road Peshawar.**

**Cell # 0300-5895841.**

(2)

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

In Ref to S. Appeal No. 678 /2014.

**S.W.P. Peshawar**  
**665**  
**06/5/2014**

Dr. Syed Ibne Ali, Deputy Medical Superintendent (BPS-19), Liaquat Memorial Hospital Kohat.....**APPELLANT**

**VERSUS**

1. Sectary to the government of Khyber Pakhtunkhwa, Health Department, Civil Secretariat Peshawar.
2. Director General, Health Services Khyber Pakhtunkhwa Peshawar.

.....**RESPONDENTS.**

**6/5/14**

**APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT,**  
**AGAINST THE IMPUGNED ORDER DATED 25-04-2014 PASSED**  
**BY THE RESPONDENT NO.1, WHEREBY THE**  
**DEPARTMENTAL REPRESENTATION OF THE APPELLANT**  
**WAS REGRITTED AND REFUSED AND THE IMPUGNED**  
**TRANSFER ORDER No. 6848-54/E-I, PASSED BY THE**  
**RESPONDENT NO. 2 DATED 25-03-2014 WAS UPHELD.**

**PRAYERS:**

On acceptance of this Appeal the impugned frequent transfer/posting orders, passed by the incompetent authority and violating the policy of

cadre to cadre transfer in respect of the appellant being DMS, be declare unlawful, without lawful authority, without jurisdiction, unconstitutional and against the norms of natural justice and be set-aside and the respondent be directed to retain the appellant on his parent post at Liaquat Memorial Hospital Kohat enabling the appellant to complete his normal tenure of posting and to get legal redressal of his grievances.

**Respectfully Sheweth:-**

1. That the appellant belongs to a respectable family of Village Shahu Khel, District Hangu, had joined the services in Health Department, presently working and posted as Deputy Medical Superintendent at Liaquat Memorial Hospital Kohat.
2. That since his first appointment, assumed his duty, he is performing his respective duty as DMS with great zeal, zest and enthusiasm and no complaint or adverse remarks whatsoever has ever been assigned to him from any quarter.
3. That the appellant as a token of his ability, honesty, integrity, hardworking, remarkable experience and dedication in his respective field of administration as Deputy Medical Superintendent (BPS-18) was promoted to the rank of Medical Superintendent (BPS-19) and was posted as MS at District HQ Hospital Karak vide order 21-10-2013 and assumed his respective duty as such while he was surprised to get a transfer/posting order dated 03-03-2014, passed by the respondent No. 1 whereby the appellant, as a result of political influence and political victimization was transferred and whereas his new posting was placed at the disposal of the respondent No.2. (Copy of the promotion order is annexure "A").

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4. That on 25-03-2014 vide letter No. 6848-54/E-I, passed by the respondent No. 2, the appellant was again transferred and posted as Deputy Medical Superintendent (DMS) at Liaquat Memorial Hospital Kohat and took over the charge and assumed his duty. (Copy of the transfer/posting order and arrival/charge report is annexure "B" & "C" respectively).
5. That while adopting a novel procedure, ignoring the date & dispatch number affixed over order (Annexure-"B"), the appellant, after performing his respective duty for a single day as DMS at LMH Kohat, was once again transferred/posted at the disposal of Medical Superintendent at Molvi Ameer Shah Memorial Hospital Peshawar vide impugned order of even No. 6848-54/E-I dated 25-03=2014, (Copy of the impugned order is annexure "D").
6. That in the given circumstances, the appellant has also preferred the departmental appeal and tabled before the respondent No.1 for the redressal of his grievances which was not considered at all and refused vide final impugned order dated 25-04-2014. (Copy of the departmental appeal and the final impugned order thereon is annexure "E" & "F" respectively).
7. That the appellant while aggrieved of the impugned transfer/posting order followed by frequent transfer/posting orders of immature tenure and violating the rules and cadre to cadre posting policy, and in such circumstances, when there is no adequate remedy available, the appellant is constrained to approach this august Tribunal on the following amongst other grounds inter-alia.

**GR OUNDS:-**

- a) That the impugned order has been passed in the exercise of colorful authority which is unlawful, without lawful authority,



without jurisdiction, un-Islamic, un-constitutional, against the norms of equity and natural justice.

- b) That the impugned order of transfer/posting from Liaquat Memorial Hospital Kohat as Deputy Medical Superintendent to Molvi Ameer Shah Memorial Hospital Peshawar dated 25-03-2014 if seen at a glance, novel procedure has been adopted and the policy of cadre to cadre posting has totally been violated resulting to discouragement of a government servant and as such the final impugned order dated 25-04-2014 is liable to be reversed.
- c) That the appellant after performing his respective duty for a single day as Deputy Medical Superintendent at Liaquat Memorial Hospital Kohat has been transferred to Molvi Ameer Shah Memorial Hospital Peshawar through the impugned order prematurely and thus the concept of tenure has been dealt with in an arbitrary manner and not in accordance with law which is liable to be set-aside.
- d) That the appellate authority while deciding the fate of the appellant has simply regretted the departmental appeal with a single stroke of pen and has not bothered to follow the policy laid down by the apex court in the case of Aneeta Turab, properly circulated by the Establishment Department hence the final impugned order date 25-04-2014 is passed in utter disregard of the law on the subject and also contrary to the decisions of the apex Supreme Court of Pakistan.
- e) That normal period of posting of a government servant at a station, according to Rule of Business is three years, which has to be followed in the ordinary circumstances, unless for reasons or exigencies of service a transfer before expiry of the said period

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become necessary in the opinion of the competent authority.  
Reliance; PLD 2010 SC 759.

- f) That the impugned order of transfer/posting is illegal which has not been passed by the competent authority so authorized under the Civil Servant Act and also against the policy of the provincial government just in order to accommodate and adjust the blue eyed person and such discrimination is hit by the command of the constitution of the country.
- g) That the appellant has been victimized/penalized through the impugned order for his no fault on his part and without any sort of complaint whatsoever and by adding the word "Public interest", the respondent have tried their level best just to legalize the impugned order whereas it has been held by the apex Supreme Tribunal of Pakistan that "The use of word 'In public interest' in such matter are not fatuous or pointless, but emphasize the fiduciary nature of orders relating to tenure, posting etc. Thus a proposed decision which deviates from the accepted or rule-based norm without proper justification can be tested on the touch stone of a manifest public interest.
- h) That the observation/remarks highlighted in the above Para was already circulated by the apex Supreme Tribunal of Pakistan to the Secretary Establishment Division and the Chief Secretaries of the four provinces, thus the same should have been implemented in its letter and spirit and in violation thereof, this august Tribunal has the jurisdiction to entertain the petition.
- i) That further submission will be advanced at the time of hearing the appellant at the bar.

In view of the foregoing facts, circumstances and submissions, it is therefore humbly prayed that on acceptance of this

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appeal, the final impugned order may be set-aside and the appellant may be kept continue at his parent duty station at least to complete his normal tenure.

Any other remedy is available may be also extended in favour of the appellant to meet the ends of justice.

APPELLANT

Through

Muhammad Usman Khan  
Turlandi  
Advocate Peshawar.

Dated:- 28/03/2014.

Note:- No such like appeal has ever been filed before this august Tribunal as per instruction of my client.

Dated: 06/05/2014

ADVOCATE PESHAWAR.

8

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

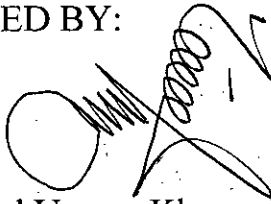
In Ref to S. Appeal No. \_\_\_\_\_/2014.

Dr. Syed Ibne Ali, MS.....versus..... Sectary Health & other.

**AFFIDAVIT.**

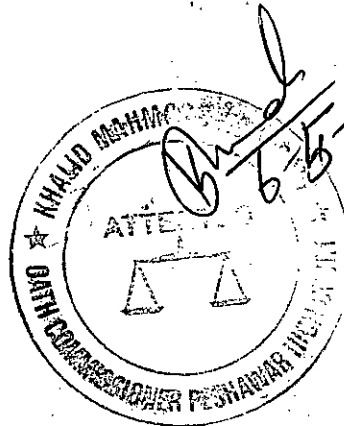
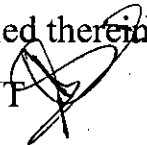
I, Dr. Syed Ibne Ali, Deputy Medical Superintendent (BPS-19), Liaqat Memorial Hospital Kohat, do hereby solemnly affirm and declare on oath that contents of the accompanying Service Appeal are true and correct to the best of my knowledge and belief and nothing has been kept secret or concealed therein.

IDENTIFIED BY:



Muhammad Usman Khan  
Turlandi  
Advocate Peshawar.

DEPONENT



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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**P E S H A W A R.**

In Ref to S. Appeal No. \_\_\_\_\_/2014.

Dr. Syed Ibne Ali, MS.....versus..... Sectary Health & other.

**Application for early hearing of the main appeal/Application for grant of Interim Relief.**

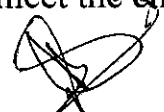
**Respectfully Sheweth:**

1. That the petitioner/appellant has filed the accompanying service appeal before this august Tribunal wherein no date for hearing has yet been fixed.
2. That matter in hand pertains to the transfer of the petitioner and if the early hearing has not been accorded, the petitioner will suffer irreparable loss and the very purpose of the service appeal would become infructuous.
3. That the grounds already taken in the accompanying appeal may be considered the integral part and parcel of this application.
4. That if the impugned transfer order is not suspended and interim relief is not granted in an early date, the petitioner would suffer irreparable loss.
5. That there is no legal bar on the suspension of the impugned transfer order and granting interim relief to the petitioner enabling him to keep continue his duty at his parent duty station.
6. That the petitioner has been discriminated in service in violation of the policy, rules, regulation and law on the subject beside utter disregard of

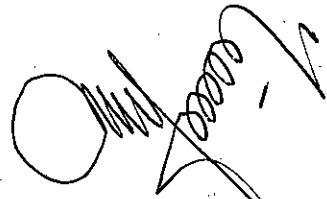
the principles laid down by the apex Supreme Court of Pakistan and early hearing of the main appeal/application for suspension of the impugned transfer order would certainly minimize the grievances of the petitioner.

- 7. That further submission will be advanced at the time of hearing the petitioner at the bar.

It is therefore, humbly requested that on acceptance of this petition, the main appeal/application for suspension of the impugned transfer order may be fixed for accelerated early hearing in order to meet the ends of justice.

  
**APPELLANT.**

Through



Muhammad Usman Khan  
Turlandi  
Advocate Peshawar.

Dated 6/05/2014

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

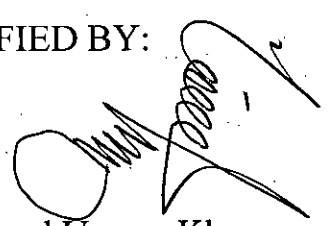
In Ref to S. Appeal No. \_\_\_\_\_/2014.

Dr. Syed Ibne Ali, MS.....versus..... Sectary Health & other.

**AFFIDAVIT.**

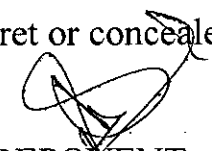
I, Dr. Syed Ibne Ali, Deputy Medical Superintendent (BPS-19), Liaqat Memorial Hospital Kohat, do hereby solemnly affirm and declare on oath that contents of the accompanying application for grant of status quo are true and correct to the best of my knowledge and belief and nothing has been kept secret or concealed therein.

IDENTIFIED BY:



Muhammad Usman Khan  
Turlandi  
Advocate Peshawar.

DEPONENT



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

In Ref to S. Appeal No. \_\_\_\_\_/2014.

**Dr. Syed Ibne Ali, MS.....versus..... Sectary Health & other.**

**APPLICATION FOR GRANT OF INTERIM RELIEF.**

**RESPECTFULLY SHEWETH:-**

1. That the petitioner has filed the accompanying appeal for setting aside the impugned order today before this august Tribunal wherein no date of hearing has yet been fixed.
2. That balance of convince and inconvenience also lies in favour of the petitioner.
3. That the grounds already taken in the accompanying appeal may be considered the integral part and parcel of this application.
4. That if the impugned transfer order is not suspended and interim relief is not granted, the petitioner would suffer irreparable loss.
5. That there is no legal bar on the suspension of the impugned transfer order and granting interim relief to the petitioner enabling her to keep continue her duty at her parent duty station,
6. That further submission will be advanced at the time of hearing the petitioner at the bar.

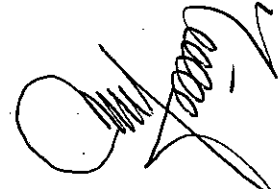


(13)

It is therefore humbly prayed that the interim relief may be granted in shape of suspending the impugned order and the respondents be directed to allow the petitioner to perform her duty at her parent duty station till the final disposal of the main appeal and they may further be directed to release the monthly salary of the petitioner forthwith to meet the ends of justice.

  
APPELLANT.

Through



Muhammad Usman Khan  
Turlandi  
Advocate Peshawar.

Dated 6/05/2014

14

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

In Ref to S. Appeal No. \_\_\_\_\_/2014.

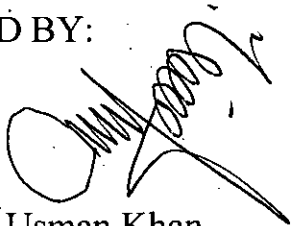
Dr. Syed Ibne Ali, MS.....versus..... Sectary Health & other.

**AFFIDAVIT.**

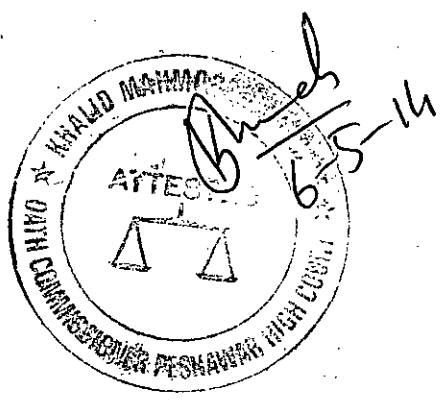
I, Dr. Syed Ibne Ali, Deputy Medical Superintendent (BPS-19), Liaquat Memorial Hospital Kohat, do hereby solemnly affirm and declare on oath that contents of the accompanying application for early hearing of the main appeal/Application for grant of Interim Relief are true and correct to the best of my knowledge and belief and nothing has been kept secret or concealed therein.

IDENTIFIED BY:

DEPONENT



Muhammad Usman Khan  
Turlandi  
Advocate Peshawar.





GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

**ANNEXURE "A"**

Dated Peshawar the October 21, 2013

**NOTIFICATION**

**NO.SOH(E-V)4-20/2013**

The Competent authority, on the recommendations of the Provincial Selection Board is pleased to promote the following doctors of Health Department (Health Management Cadre) from BS-18. to BS-19, on regular basis with immediate effect:-

S.No.	Name of Doctor	S.No	Name of Doctor
1.	Dr.Muhamad Javed Umar Gul Khan	5	Dr.Obaidur Rehman s/o Khilur Rehman
2.	Dr.Noor-ul- Mabood Sahibzada	6	Dr Muhammad Aurangzeb s/o Sadullah Khan
3.	Dr.Syed Abne.Ali s/o Najmul Hassan	7	Dr.Muhammad Saleem Khan s/o Hakim Khan
4.	Dr.Javed Parvez s/o Sher Mast Khan		

2. The officers on promotion shall remain on probation for a period of one year in terms of Section 6 (2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-15 (1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

3. Consequent upon above, the following postings/transfers are hereby ordered, in the public interest:-

S#	Name of Doctor	Present Posting	Proposed Posting	Remarks
1.	Dr.Muhamad Javed Member of Service (BS-19).	DMS Maulvi Ameer Shah Hospital Peshawar	Services placed at the disposal of the Chief Executive LRH Peshawar	Against the vacant post of BS-19
2	Dr.Noo-rul- Mabood Member of Service (BS-19)	Deputy Director PECO HMC Peshawar	Deputy Dean PGMI Peshawar	Against the post of BS-19 in the Management
3	Dr.Syed Abne Ali Member of Service (BS-19)	Attached to DHO Hangu	MS DHQ Hospital Karak	Against the post of BS-19 in the Management Cadre vice S.No.8
4	Dr.Javed Parvez Member of Service (BS-19)	Provincial Programme Manager DHIS Khyber Pakhtunkhwa, Peshawar	Deputy Director (Public Health) DGHS Office Peshawar.	Against the post of (BS-19) in the Management Cadre vice S.No 9.
5	Dr.Obaidur Rehman Member of Service (BS-19)	Provincial Health Service Academy Peshawar.	At the disposal of Director Provincial Health Service Academy Peshawar.	For further posting against the post of BS-19 in the Management Cadre

ATTACHED TO THE TRUE COPY

ATTESTED TO BE TRUE COPY

U: Usman Khan Turlandi  
M. A. LL. B Advocate  
Peshawar.

M: Usman Khan Turlandi  
M. A. LL. B Advocate  
Peshawar.

P.T.O

(16)

6	Dr. Aurangzeb Member of Service (BS-19)	Demonstrator Bacha Khan Medical College Mardan	Service placed at the disposal of Chief Executive BMC/MMC Mardan.	For further posting against the post of (BS-19)
7	Dr. Muhammad Salcem Member of Service (BS-19)	Project Director (Health) Afghan Refugees Khyber Pakhtunkhwa	Services placed at the disposal of Director PHSA	Against the post of (BS-19) the Management Cadre.
8	Dr. Iftikhar Iqbal (BS-19) Management Cadre	Under Transfer as MS DHQ Hospital Karak	Retained as DTO Peshawar.	Against the post of BS- 19 in the Management Cadre
9	Dr. Syed Ahmad (BS- 19) Management Cadre	Deputy Director Public Health DGHS Office Peshawar.	Service placed at the disposal of Chief Executive LRH Peshawar.	Against the vacant post of BS-19 in the management cadre.

**SECRETARY HEALTH**  
**Govt. of Khyber Pakhtunkhwa**

OFFICE OF THE DG HEALTH SERVICES, KHYBER PAKHTUNKHWA PESHAWAR.  
No. 30830-47 / E. I, Dated Pesh: the 4/11 /2013.

- Copy to the :-
1. AG, Khyber Pakhtunkhwa Peshawar.
  2. Director PHSA Peshawar.
  3. Chief Executive LRH, Peshawar.
  4. Chief Executive BMC/MMC, Mardan.
  5. Chief Executive HMC, Peshawar.
  6. Dean FGMI, Peshawar.
  7. MS Moulvi Ameer Shah Memorial Hospital Peshawar.
  8. DHO, Hangu, Peshawar, Karak.
  9. MS DHQ Hospital Karak.
  10. Provincial Program Manager DHIS, Peshawar.
  11. Project Director Afghan Refugees Khyber Pakhtunkhwa Peshawar.
  12. PA to DGHS Office Peshawar.
  13. DAOs, Mardan, Hangu, Karak.
  14. Doctor concerned.

For information and n/action.

*Saleem*  
ASSISTANT DIRECTOR (P-I)  
DGHS KPK, PESHAWAR.

ATTESTED TO BE  
TRUE COPY  
*M. A. LL.B.*  
M. A. LL.B. Advocate  
Peshawar

*Attested*  
*M. A. LL.B.*  
*Advocate*

17

ANNEXURE "B"



**DIRECTORATE  
GENERAL HEALTH SERVICES  
KHYBER PAKHTUNKHWA PESHAWAR**

All communications should  
addressed to the Director Gen  
Health Services Peshawar and  
to any official by name

E-Mail Address K.P.Kdghs@yah  
Office # 091-9210269  
Exchange # 091-9210187, 921  
Fax # 091-9210230

**OFFICE ORDER**

Dr. Syed Ibne Ali Member of Service (BPS-19) is hereby posted  
against the vacant post of DMS (BPS-19) LMH Kohat in the interest of  
public service with immediate effect.

Sd/XXXXXX  
DIRECTOR GENERAL HEALTH  
SERVICES KHYBER PAKHTUNKHWA  
PESHAWAR.

No. 6848-54 /E-I, Dated Peshawar the: 25 / 3 /2014

Copy forwarded to the:-

1. District Health Officer Kohat.
2. Medical Superintendent DHQ Hospital Kohat.
3. Medical Superintendent DHQ Hospital Karak.
4. District Account Officer Kohat.
5. District Account Officer Karak.
6. PS to Secretary to Govt: of KPK Health Department Peshawar.
7. Doctor concerned.

For information and necessary action

*25.3*  
DIRECTOR GENERAL HEALTH  
SERVICES KHYBER PAKHTUNKHWA  
PESHAWAR.

IZHAR KHAN

ATTESTED TO BE  
TRUE COPY

*M. Usman Khan Turlandi*  
M. A. LL. B. Advocate  
Peshawar.

ATTESTED TO BE  
TRUE COPY

*M. Usman Khan Turlandi*  
M. A. LL. B Advocate  
Peshawar.

(12) (18)

**ANNEXURE "C"**

WOMEN AND CHILDREN/L.M.HOSPITAL KOHAT

CERTIFICATE OF TRANSFER OF CHARGE

Certified that I Dr. Syed Ibne Ali BPS-19 have this day after/before ~~for~~ Taken over the charge of this office of Deputy Medical Superintendent W&C/LMH Kohat dated, 26.03.2014. With reference Director General Health Services Khyber Pakhtun Khwa Peshawar Office order No.6848-54/E-1.dated.25.03.2014.

Station: W&C / L.M.Hospital Kohat.

Dated: 26.03.2014

Signature of the Receiving Govt. Servant

Govt. Servant

Name: Dr. Syed Ibne Ali

Designation: DMS BPS-19

OFFICE OF THE DEPUTY MEDICAL SUPERINTENDENT  
WOMEN & CHILDREN HOSPITAL KOHAT.

Endst: No. D 717-21 /PF/W&C/LMH Dated Kohat the 26 / 03.2014

Copy forwarded to the:-

1. Secretary Health Govt of Khyber Pakhtun Khwa Peshawar.
2. Director General Health Services Khyber Pakhtun Khwa Peshawar.
3. District Health Officer Kohat.
4. Medical Superintendent DHQ Teaching Hospital Kohat.
5. District Account Officer Kohat.

ATTESTED TO BE  
TRUE COPY

*M. Usman Khan Turlandi*  
M. A. LL. B Advocate  
Peshawar.

DEPUTY MEDICAL SUPERINTENDENT  
WOMEN & CHILDREN HOSPITAL KOHAT

*Attested*

M. Usman Khan Turlandi  
M. A. LL. B Advocate  
Peshawar.

~~18~~  
Better Copy 19

WOMEN AND CHILDREN/L.M.HOSPITAL KOHAT.

CERTIFICATE OF TRANSFER OF CHARGE.

Certified that I Dr. Syed Ibne Ali BPS-19 have this day after/before noon  
Taken over the charge of this office of Deputy Medical Superintendent  
W&C/L.M.H Kohat dated 26-03-2014 With reference Director General  
Health Services Khyber Pakhtunkhwa Peshawar office order No. 6848-54/E-  
1 dated, 25-03-2014.

Station: W&C/LM Hospital Kohat

Dated: 26.03.2014

sd

Signature of the Relieving Servant  
Govt; servant  
Name Dr. Syed Ibne  
Designation; DMSBPS

OFFICE OF THE DEPUTY MEDICAL SUPERINTENDENT  
WOMEN & CHILDREN HOSPITAL KOHAT

Endst; No. D 717-21 / PF/W&C/LMH dated Kohat the 26/03/2014.

Copy forwarded to the:-

1. Secretary Health Govt; Khyber Pakhtunkhwa Peshawar
2. Director General, Health Services Khyber Pakhtunkhwa Peshawar
3. District Health Officer Kohat.
4. Medical Superintendent DHQ Teaching Hospital Kohat.
5. District Account Officer Kohat.

sd

DEPUTY MEDICAL SUPERINTENDENT  
WOMEN & CHILDREN HOSPITAL KOHAT

ATTESTED TO BE  
TRUE COPY  
M. Usman Khan Turlandi  
M. A. LL. B Advocate  
Peshawar.

ATTESTED TO BE  
TRUE COPY

M. Usman Khan Turlandi  
M. A. LL. B Advocate  
Peshawar.

90

ANNEXURE



**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

E-Mail Address [K.P.Kdghs@yahpko](mailto:K.P.Kdghs@yahpko)  
Office # 091-9210269  
Exchange # 091-9210187, 9210196  
Fax # 091-9210230

**OFFICE ORDER**

Dr. Syed Ibne Ali Member of Service (BPS-19) is hereby posted at the disposal of Medical Superintendent Molvi Ameer Shah Memorial Hospital Peshawar in the interest of public service with immediate effect.

Sd/XXXXXX  
DIRECTOR GENERAL HEALTH  
SERVICES KHYBER PAKHTUNKHWA  
PESHAWAR.

No. 6848 - 54/E-I,

Dated Peshawar the: 25/ 03 /2014

Copy forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Medical Supdt. Molvi Ameer Shah Memorial Hospital Peshawar.
3. Medical Supdt. DHQ Hospital Karak.
4. Medical Supdt. DHQ Hospital Kohat.
5. District Account Officer Karak.
6. PS to Secretary to Govt: of KPK Health Department Peshawar.
7. Doctor concerned.

For information and necessary action

**DIRECTOR GENERAL HEALTH  
SERVICES KHYBER PAKHTUNKHWA  
PESHAWAR.**

IZHAR KHAN

ATTESTED TO BE  
TRUE COPY

M. Usman Khan Turlandi  
M. A. LL. B Advocate  
Peshawar.

ATTESTED TO BE  
TRUE COPY

M. Usman Khan Turlandi  
M. A. LL. B Advocate  
Peshawar.



(48)

(21)

(21)

ANNEXURE "E"

The secretary Govt of Khyber Pakhtun Khwa  
Helth Department Peshawar.

SUBJECT:- APPEAL REGARDING CANCELLATION OF TRASFER  
ORDER DATED 25-03-2014.

Respected Sir,

I have the honour to state that I have been posted from Liaqat Memorial Hospital (LMH) at the disposal of the Medical Superintendent Molvi Amir Shah Hospital Peshawar without any lawful reasons/ grounds . In this connection I would like to bring the following few line in your kind notice for your kind consideration and favorable action please.

1. My recent transfer /posting is premature as I was transferred as Deputy Medical Superintendent at LMH kohat vide order dated.25-3-2014 whereas, surprisingly I was again Transferred /posted on the same very day under one and the same dispatch Number vide impugned order dated 25- 3- 2014o( copy of both the orders of even date are annexure "A" & "B respectively.
2. Presently I am under training in PHSA Peshawar. During training period the transfer it is quite injustice.
3. My transfer is made without approval of the competent authority.
4. My transfer is made through political influence.
5. No substitute of D/Medical Superintendent from the cadre is provided by the department.

Therefore, it is very kindly requested to please re-examine my transfer case and I may please be retained as D/medical superintendent LMH against my original post so as I may be able to perform my duty with zeal & zest.

Yours Sincerely

DR Syed Ibne Ali  
Medical Superintendent  
DHQ Hospital Karak.

ATTESTED TO BE  
TRUE COPY

M. Usman Khan Turlandi  
M. A. LL. B Advocate  
Peshawar

Dated: 26/03/2014.

ATTESTED TO BE  
TRUE COPY

M. Usman Khan Turlandi  
M. A. LL. B Advocate  
Peshawar.

22

ANNEXURE



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

NO. SOH(E-V)1-717/2007/Dr Syed Ibne Ali  
Dated Peshawar the 25<sup>th</sup> April, 2014

*sa*  
29/4

To

The Director General  
Health Services Khyber Pakhtunkhwa  
Peshawar.

Subject: APEAL REGARDING CANCELLATION OF TRANSFER ORDER DATED  
23.3.2014

I am directed to refer to the subject noted above and to state that the appeal of Dr.Syed Ibne Ali Ex-DMS DHQ Hospital Kohat has been regretted by the competent authority.

*[Signature]*  
(HINA HAFEEZ)  
SECTION OFFICER-V

Endst No & Date Even.

Copy to the PS to Secretary Health Department.

*[Signature]*  
SECTION OFFICER-V

ATTESTED TO BE  
TRUE COPY

*[Signature]*  
M. Usman Khan Turlandi  
M. A. LL. B Advocate  
Peshawar.

**BEFORE SERVICE TRIBUNAL PESHAWAR.**

**Appeal No. 628/2014.**

Dr. Syed Ibne Ali.....**Appellant.**

**Versus.**

Government of Khyber Pakhtunkhwa and Others.....**Respondents.**

**Parawise comments on behalf of respondent No.1.2.**

**Preliminary Objections:-**

1. That the appellant has neither cause of action nor locus standi.
2. That the appeal is not maintainable in its present form.
3. That the appellant has not come to the Tribunal with clean hands.
4. That the appeal is bad due to non-joinder and mis-joinder of necessary parties.
5. That the appeal is time barred.


**FACTS:**


1. The Appellant belongs to the Health Management Cadre in (BS-19) and presently working in Movli Ameer Shah Hospital, Peshawar.
2. Incorrect. During the posting of appellant as DMS LMH Kohat, the Assistant to Commissioner Kohat Division intimated Health Department that the doctor is involved in Sectarian activities and create problems for the local administration during the month of Muharram (**Annex-I**).
3. Incorrect. The appellant was posted as MS DHQ Hospital Karak, but his performance was not to the point. No improvement was made in the Hospital during his posting. Rather the situation was going from bad to worse. Therefore, he was transferred and his service were placed at the disposal of the Director General Health Services for further posting.
4. Pertains to record.
5. Incorrect. The appellant was involved in Sectarian activities the local public approached to Secretary Health respondent No. 1, who vide Notification dated 03.03.2014 placed the appellant at disposal of Director General Health Services respondent No. 2, who transferred the appellant according to law. (**Annex 2 and 3**).
6. Pertains to record.
7. Incorrect. The appellant was transferred under the law and rules in order to save his life and to prevent him from sectarian activities, which was illegal.


**GROUND:**

- A. Incorrect. The posting/transfer of the appellant has been made under the law as explained in Para-7 above.
- B. Incorrect. Posting of the doctor I District Kohat was not in the public interest on the grounds mentioned in Para-2 above while as per posting/transfer policy all posting/transfer may be made in the public interest. Moreover, the posting/transfer of the doctor is covered under the law as mentioned in Para-7 above.
- C. As per Para-6 above.
- D. Incorrect. The appellant case is not resemble <sup>able with</sup> the case of Aneeta Turab because the appellant was involved in sectarian activities and could cause the law and order situation.
- E. He is domiciled of Orakzai Agency and spent sufficient time at District Kohat.
- F. Incorrect. The Provincial Health Department has made authorized the Director General Health Service in the order dated 03.03.2014 whereby the services of Dr. Syed Ibne Ali was placed at the disposal of the Director General Health Services for further posting. The Director General Health Services further posted the doctor concerned in Molvi Ameer Shah Hospital, Peshawar.
- G. Incorrect. The posting/transfer of the doctor has been made in the public interest.
- H. Incorrect. The appellant is trying to miss lead this honourable Service Tribunal that in his case the sectarian activities in involved and thus not cover his case above coated Aneeta turab case.
- I. No comments.

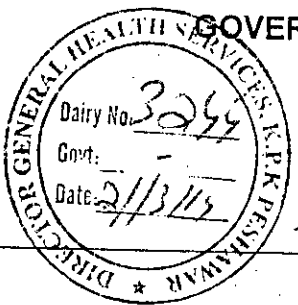
It is therefore, requested that the appeal may be dismissed with cost.

  
SECRETARY TO  
GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT, PESHAWAR.  
(RESPONDENT NO.1.)

  
DIRECTORATE GENERAL HEALTH SERVICES  
KHYBER PAKHTUNKHWA PESHAWAR.  
(RESPONDENT NO.2.)

  
11/12/14

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m3  
21/3/2014



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

589

E-I  
ADD-E-I

Dated Peshawar the 03/03/2014

NOTIFICATION

No. SOH(E-V)4-1/2013

The competent authority is pleased to order the posting/transfer of Dr. Syed Abne Ali (BS-19), M.S, D.H.Q Hospital, Karak at the disposal of D.G.H.S, Khyber Pakhtunkhwa for further posting with immediate effect in the public interest.

2. Consequent upon above, Dr. Fakhre Alam, D.M.S is directed to look after the post of Medical Superintendent in addition to his own duties, till further orders.

SECRETARY HEALTH

Endst. No. & Date Even.

Copy to the:-

1. Director General, Health Services, Khyber Pakhtunkhwa.
2. District Health Officer, Karak.
3. M.S, D.H.Q Hospital, Karak.
4. District Accounts Officer, Karak.
5. D.M.S, D.H.Q Hospital, Karak.
6. P.S to Minister, Health
7. P.S to Secretary, Health
8. Computer Programmer, Health Department.
9. Doctor concerned.

Handwritten notes: DBP, Moulvi, Hospital, Karak

Handwritten signature and stamp: Addl. Secretary (E&A) Health Department.

Handwritten notes: E-I, Post up

Handwritten notes: 21.3.2014, Dismissed post to LMH or DMS

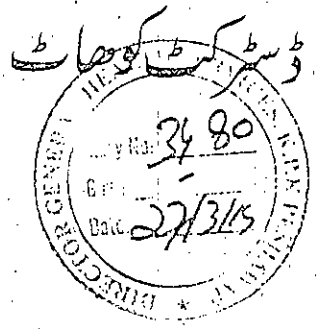
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Handwritten notes: DDP, 25/3



# پاکستان تحریک انصاف

صدر ہمایون پٹیلوا  
0922-512052



تاریخ 27/03/2015

28/3/15

حترم ڈائریکٹر پولیس <sup>جزل</sup> ضلع کوٹلی

صاف - عالی

خودمانہ گزارش ہے کہ ڈائریکٹر این اے سی کوٹلی ایک کرپٹ ترین اور زنا

ڈاکٹر ہے۔ جسکا تبادلہ ایک دن پہلے کرک سے کوٹلی ہوا ہے۔

DMS کے عہدے پر -

واضح رہے کہ مذکورہ ڈاکٹر اس سے پہلے ہی عوامی شکایات پر

کوٹلی سے ہٹو تھیں ہوا تھا۔ اور ہٹو کے عوام نے کرپشن اور

پر ہٹو سے صلح کر کے کرک تبدیل کر دیا تھا۔

سائلان عرفی رساں ہیں -

کہ مذکورہ ڈاکٹر (ابن علی) کو جس سے پہلے صلح کی گئی

لوٹنگ سے روکی جائے۔ تاکہ صلح کوٹلی کے لوگ سٹو کا

پاکستان تحریک انصاف  
چانسلر ہمایون پٹیلوا  
چانسلر ہمایون پٹیلوا کوٹلی

mat Afridi  
ce President  
trict Kohat

Handwritten signature

- 1 - ہمایون پٹیلوا ضلع صدر PTI کوٹلی
- 2 - علی محمد خان سیکرٹری ایب صدر PTI
- 3 - طارق الہریں نائب صدر

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

In Ref to S. Appeal No. \_\_\_\_\_/2014.

4/10  
23-8/14

Dr. Syed Ibne Ali, MS.....versus..... Sectary Health & other.

**Application for early hearing of the main appeal/Application for grant of Interim Relief.**

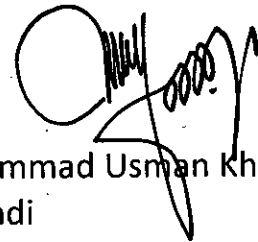
**Respectfully Sheweth:**

1. That the petitioner/appellant has filed the accompanying service appeal before this august Tribunal wherein next date, 06-06-2014 for hearing has been fixed.
2. That matter in hand pertains to the transfer of the petitioner and if the early hearing has not been accorded, the petitioner will suffer irreparable loss and the very purpose of the service appeal would become infructuous.
3. That the grounds already taken in the accompanying appeal may be considered the integral part and parcel of this application.
4. That if the impugned transfer order is not suspended and interim relief is not granted in an early date, the petitioner would suffer irreparable loss.
5. That there is no legal bar on the suspension of the impugned transfer order and granting interim relief to the petitioner enabling him to keep continue his duty at his parent duty station.
6. That the petitioner has been discriminated in service in violation of the policy, rules, regulation and law on the subject beside utter disregard of the principles laid down by the apex Supreme Court of Pakistan and early hearing of the main appeal/application for suspension of the impugned transfer order would certainly minimize the grievances of the petitioner.
7. That further submission will be advanced at the time of hearing the petitioner at the bar.

It is therefore, humbly requested that on acceptance of this petition, the main appeal/application for suspension of the impugned transfer order may be fixed for accelerated and an early hearing in order to meet the ends of justice.

**APPELLANT/APPLICANT.**

Through

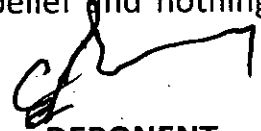


Muhammad Usman Khan  
Turlandi  
Advocate Peshawar.

Dated; 21/05/2014

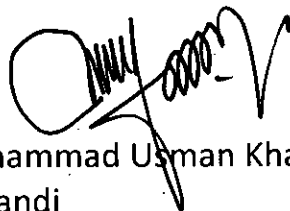
**AFFIDAVIT.**

I, Dr. Syed Ibne Ali, Deputy Medical Superintendent (BPS-19), Liaquat Memorial Hospital Kohat, do hereby solemnly affirm and declare on oath that contents of the accompanying application for early hearing of the main appeal/Application for grant of Interim Relief are true and correct to the best of my knowledge and belief and nothing has been kept secret or concealed therein.



**DEPONENT**

**IDENTIFIED BY:**



Muhammad Usman Khan  
Turlandi  
Advocate Peshawar.

