

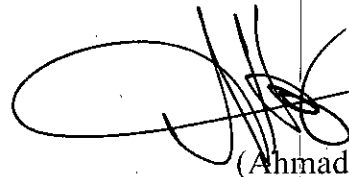
Order

02.09.2019

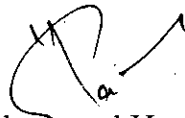
Counsel for the appellant present. Mian Ameer Qadir, DDA for respondents present. Arguments heard and record perused.

This appeal is also accepted as per detailed judgment of today placed on file in service appeal No. 816/2018 titled "Bashir Ahmad- vs- The Government of Khyber Pakhtunkhwa through Secretary Health Services, Peshawar and two others." Parties are left to bear their own cost. File be consigned to the record room.

Announced:
02.09.2019



(Ahmad Hassan)
Member
Camp Court Abbottabad



(Muhammad Hamid Mughal)
Member

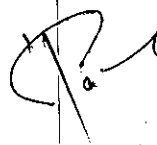
07.05.2019

Learned counsel for the appellant and Mr. Mian Amir Qadir learned District Attorney for official respondents present. Learned counsel for private respondent also present.

Partial arguments of Learned counsel for the appellant and learned District Attorney heard. Learned counsel for private respondent seeks adjournment.

Two issues surfaced during the course of partial arguments that whether the appointments of the appellant and private respondent is hospitalized based appointments and who is the competent authority to make transfer posting of the appellant and private respondent. Adjourn. To come up for further arguments on 02.07.2019 before D.B at Camp Court Swat.

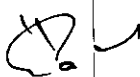

Member


Member
Camp Court, Swat.

02.07.2019

Clerk to counsel for the appellant present. Mian Amir Qadir, DDA alongwith Dr. Sajad, Litigation Officer present. Arguments could not be heard due to general strike of the Bar. Adjourn. Case to come up for arguments on 02.09.2019 before D.B at camp court Swat.


Member


Member
Camp Court Swat

02.07.2019

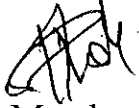
Clerk to counsel for the appellant present. Mian Amir Qadir, DDA alongwith Dr. Sajad, Litigation Officer present. Arguments could not be heard due to general strike of the Bar. Adjourn. Case to come up for arguments on 02.09.2019 before D.B at camp court Swat.

Member

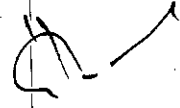
Member
Camp Court Swat

06.02.2019

Clerk to counsel for the appellant and Mian Amir Qadar learned Deputy District Attorney alongwith Muhammad Naeem AD present. Due to general strike of the bar, the case is adjourned. To come up for arguments on 06.03.2019 before D.B at camp Court Swat.



Member



Member
Camp Court Swat.

06.03.2019

Junior to counsel for the appellant and Mian Amir Qadir, District Attorney for respondents present.

A request is made for adjournment due to non-availability of learned senior counsel for the appellant today. Adjourned to 03.04.2019 before the D.B at camp court Swat.



Member



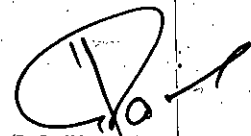
Chairman
Camp Court, Swat

03.04.2019

Syed Imdad Ullah, junior counsel for the appellant present. Mr. Mian Ameer Qadir, District Attorney alongwith Mr. Jaffar Shah, Senior Clerk for official respondents No. 1 & 2 and Mr. Sarbaz Khan, Attorney for private respondent No. 3 present. Junior counsel for the appellant seeks adjournment on the ground that learned senior counsel for the appellant is not available today. Being transfer matter last opportunity is granted for arguments. Adjourn. To come up for arguments on 07.05.2019 before D.B at Camp Court Swat.



(M. Amin Khan Kundi)
Member
Camp Court Swat



(M. Hamid Mughal)
Member
Camp Court Swat

06.09.2018

Counsel for the appellant present. Mr. Usman Ghani, District Attorney for official respondents 1 and 2 present. Mr. Muhammad Saeed Shangla, Advocate counsel for private respondent no.3 present and submitted wakalat nama. Written reply on behalf of respondent no.3 submitted. Case to come up for written reply/comments of official respondents no. 1 and 2 on 04.10.2018 before S.B at camp court Swat.


Member
Camp Court Swat

04.10.2018

Counsel for the appellant present. Mr. Amjid Ali, Assistant alongwith Mr. Usman Ghani, District Attorney for the official respondents present. Mr. Sarbaz Khan, Attorney for private respondent no.3 present. Written reply on behalf of official respondents submitted. Private respondent no.3 already submitted. Case to come up for rejoinder and arguments on 06.12.2018 before D.B at camp court Swat.

Member


Member
Camp Court Swat

06.12.2018

Learned counsel for the appellant and Mr. Usman Ghani learned District Attorney for official respondents present. Junior to counsel for private respondent No.3 also present. Learned counsel for the appellant submitted rejoinder which is placed on file. Adjournment requested. Adjourn. To come up for arguments on 06.02.2019 before D.B at Camp Court Swat.


Member


Member
Camp Court, Swat

05.07.2018

Counsel for the appellant Mr. Imdadullah Advocate present.
Heard on preliminary.

Contends that the appellant was transferred in the public interest by the competent authority vide order dated 14.2.2017, which has been cancelled on 26.2.2017 in violation of posting/transfer policy of the government.

The points raised need consideration. The appeal is admitted to regular hearing, subject to all legal objections, if raised by the respondents. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents.

Appellant Deposited
Security & Process Fee

To come up for written reply/comments on 08.08.2018 before S.B at camp court, Swat.


Chairman

08.08.2018


Clerk to counsel for the appellant present. Due to summer vacations, the case is adjourned. To come up for the same on 06.09.2018 at camp court Swat .


Reader

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 817/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	25/06/2018	<p>The appeal of Mr. Asil Zada presented today by Mr. Aziz-ur-Rehman Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;">REGISTRAR <u>25/6/18</u></p> <p>This case is entrusted to Touring S. Bench at Swat for preliminary hearing to be put up there on <u>5/7/18</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 817 of 2018

Asil Zada Clinical Technician, presently under transfer to DHQ Hospital
Shangla, District Shangla.

...Appellant

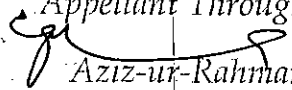
VERSUS

The Government of Khyber Pakhtunkhwa through Secretary Health Services,
Peshawar and Others.

...Respondents

INDEX

S. No.	Description of documents	Signature	Pages
1.	Memo of Appeal	1-3
2.	Affidavit	4
3.	Addresses of the parties	5
4.	Copy of the Order dated 14-12-2017	A	6
5.	Copy of the Order dated 26-02-2018	B	7
6.	Copy of the Departmental Appeal	C	8
7.	Vakalat Nama	9

Appellant Through

Aziz-ur-Rahman
Advocate Swat
Office: Khan Plaza, Gulshone Chowk,
Mingora Swat, Cell 0333 929 7746

①

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 817 of 2018

Asil Zada Clinical Technician, presently under transfer to
DHQ Hospital Shangla, District Shangla.

Khyber Pakhtunkhwa
Service Tribunal

...Appellant Diary No. 1079

Date 25-6-2018

VERSUS

1. The Government of Khyber Pakhtunkhwa through Secretary Health Services, Peshawar.
2. The Director General Health Government of Khyber Pakhtunkhwa, Peshawar.
3. Minhaju-ud-Din Clinical Technician, presently under transfer to SPMK Hospital, Puran. **DISTRICT SHANGLA**

...Respondents

Filed to-day
25/6/18
Registrar

SERVICE APPEAL UNDER SECTION 4
OF THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974
AGAINST THE ORDER NO. 2979-85AF-
VI DATED 26-02-2018, RECEIVED ON 08-
03-2018, WHEREBY THE TRANSFER
ORDER OF THE APPELLANT WAS
CANCELLED WITH IMMEDIATE
EFFECT AGAINST THE LAW, RULES
AND POLICY, FEELING AGGRIEVED
OF THE SAME THE APPELLANT
PREFERRED A DEPARTMENTAL
APPEAL, BUT THE SAME WAS NOT
RESPONDED TO DESPITE THE LAPSE
OF STATUTORY PERIOD OF TIME.

PRAYER:

That on acceptance of this appeal the order impugned may very kindly be set aside being against the law, rules and policy and the appellant let to perform his duties at the present station i.e. SPMK Hospital, category C hospital Puran.

Respectfully Sheweth:

Facts:

- 1. That the appellant was transferred vide order endorsement No. 20187-93/AF-VI dated 14-12-2017 to Puran Category C Hospital and took over charge at SPMK hospital by submitting their arrival report. Copy of the order dated 14-12-2017 is enclosed as Annexure "A".*
- 2. That the appellant is regularly performing his duty as such regularly.*
- 3. That now the DG has cancelled the transferred order through order No. 2979-85AF-VI dated 26-02-2018, received on 08-03-2018. Copy of the order dated 26-02-2018 is enclosed as Annexure "B".*
- 4. That feeling aggrieved of the transfer order the appellant preferred a departmental appeal, but the same is not responded to despite the lapse of statutory period, hence this appeal on the following grounds. Copy of the departmental appeal is enclosed as Annexure "C".*

Grounds:

- a. That the appellant is not being treated in accordance with the law, rules and policy of the Provincial Government, hence the appellant has not been treated in accordance with the law.
- b. That the appellant transfer is cancelled without letting him complete his tenure. Moreover there has been given no reason for the cancellation of the transfer order of the appellant.
- c. That the transfer cancellation is result of political pressure and not allowed under the law.
- d. That the respondents have resorted to colourful exercise of authority by bulldozing the relevant law, rules and policy, which act is not tenable in the eyes of law.

It is, therefore, very respectfully prayed that on acceptance of this service appeal the order impugned dated 26-02-2018 may very kindly be cancelled and the appellant let to perform his duties at his present station i.e. SPMK hospital.

Any other relief deemed appropriate in the circumstances and not specifically prayed for may also very kindly be granted.

Appellant
Asil Zada
Asil Zada
Through Counsels,
Aziz-ur-Rahman
Imdad Ullah
Imdad Ullah
Advocates Swat

4

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

Service Appeal No. _____ of 2018

*Asil Zada Clinical Technician, presently under transfer to
DHQ Hospital Shangla, District Shangla.*

...Appellant

VERSUS

*The Government of Khyber Pakhtunkhwa through
Secretary Health Services, Peshawar and Others.*

...Respondents

AFFIDAVIT

*It is solemnly stated on Oath that all the contents of
this service appeal are true and correct to the best of my
knowledge and belief and nothing has either been
misstated or kept concealed before this Honourable
Tribunal.*

Deponent

Asil Zada
Asil Zada

Identified by:

Imdad Ullah
Imdad Ullah
Advocate Swat

ATTESTED

U R

UMAR SADIQ Advocate,
OATH COMMISSIONER
Distt: Courts Swat.

No. 529 Date 23-06-18

(5)

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____ of 2018

Asil Zada Clinical Technician, presently under transfer to
DHQ Hospital Shangla, District Shangla.

...Appellant

VERSUS

The Government of Khyber Pakhtunkhwa through
Secretary Health Services, Peshawar and Others.

...Respondents

ADDRESSES OF THE PARTIES


Appellant:

Asil Zada Clinical Technician, presently under transfer to
DHQ Hospital Shangla, District Shangla.

Respondents:

1. The Government of Khyber Pakhtunkhwa through
Secretary Health Services, Peshawar.
2. The Director General Health Government of
Khyber Pakhtunkhwa, Peshawar.
3. Minhaju-ud-Din Clinical Technician, presently
under transfer to SPMK Hospital, Puran. **DISTRICT SHANGLA**

Appellant
Through Counsel,


Imdad Ullah
Advocate Swat

DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA, PESHAWAR.



6

Office Ph# 091 - 9210269 Exchange# 091 - 9210187, 091 - 9210196. Fax #091 - 9210230
All communications should be addressed to the Director General Health Services Peshawar and not to any
Official by name.

OFFICE ORDER.

Signature

As approved by the competent authority, the transfer of the following Clinical Technicians
(Pharmacy) BPS-12, are hereby ordered with immediate effect in the interest of public service:-

S.No.	Name	From	To
1.	Muhammad Karam CT (Pharmacy).	DHQ: Hospital, Shangla	DHO, Shangla.
2.	Asal Zada. CT (Pharmacy).	DHQ: Hospital, Shangla	DHO, Shangla.
3.	Bashir Ahmad. CT (Pharmacy).	DHQ: Hospital, Shangla	DHO, Shangla.
4.	Hijajuddin. CT (Pharmacy).	DHQ: Hospital, Shangla	DHO, Shangla.
5.	Umar Shah. CT (Pharmacy).	DHQ: Hospital, Shangla	DHO, Shangla.
6.	Muhammad Ashraf	DHO, Shangla.	DHQ: Hospital, Shangla
7.	Minhajuddin. CT (Pharmacy).	DHO, Shangla.	DHQ: Hospital, Shangla
8.	Alamzeb. CT (Pharmacy).	DHO, Shangla.	DHQ: Hospital, Shangla
9.	Sarbat Khan CT (Pharmacy).	DHO, Shangla.	DHQ: Hospital, Shangla
10.	Irshad Ali, CT (Pharmacy).	DHO, Shangla.	DHQ: Hospital, Shangla

Arrival/ Departure reports should be furnished to this Directorate for record.

Sd:XXXXXXXXX
DIRECTOR GENERAL HEALTH
SERVICES KPK, PESHAWAR.

No. 20187-93 /AE-VI.

Dated Peshawar the 14/12/2017

Copy forwarded to the:-

- 1) District Health Officer, Shangla.
- 2) M.S DHQ: Hospital, Shangla.
- 3) DAO, Shangla.
- 4) P.A to DGHS KP Peshawar
- 5) Supdt: Promotion Cell (to correct the place of posting of official concerned in the seniority list).
- 6) DHIS Cell DGHS KP Peshawar.
- 7) DA concerned.

For information and necessary action.

ATTESTED
Handwritten signature

ADVOCATE

Handwritten signature
Additional Director General (H.R.M)
Directorate General Health Services,
Khyber Pakhtunkhwa, Peshawar.

14/12/17

**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA, PESHAWAR.**

7



Annexure ^B

Office Ph# 091 - 9210269 Exchange# 091 - 9210187, 091 - 9210196, Fax #091 - 9210230
All communications should be addressed to the Director General Health Services Peshawar and not to any
Official by name.

OFFICE ORDER

As approved by the competent authority, the transfer order issued vide this Directorate office order bearing endorsement No. 20187-93/AE-VI, dated 14.12.2017 is hereby cancelled with immediate effect.

721
90316
PF
17/12
17/12

Sd/xxxxxxx
DIRECTOR GENERAL HEALTH
SERVICES KPK, PESHAWAR.

No. 2979-85/AE-VI Dated Peshawar the 26/12/2017.

Copy forwarded to the:-

- 1) District Health Officer, Shangla.
- 2) M.S DHQ Hospital, Shangla.
- 3) DAO, Shangla.
- 4) P.A to Director General Health Services KPK, Peshawar.
- 5) DHIS Cell DGHS KPK Peshawar.
- 6) DA concerned.
- 7) Official concerned.

For information and necessary action.

Additional Director General (H.R.M)
Directorate General Health Services,
Khyber Pakhtunkhwa, Peshawar.

Copy forwarded to:
District Health Officer, Shangla
M.S DHQ Hospital, Shangla
DAO, Shangla
P.A to Director General Health Services KPK, Peshawar
DHIS Cell DGHS KPK Peshawar
DA concerned
Official concerned

DHO
8/3/18

ATTESTED

Handwritten signature

ADVOCATE

For information and necessary action.

OFFICE OF THE DISTRICT OFFICER HEALTH DISTRICT SHANGLA AT ALPURAI

No. 1820-28 /DHO/SH

Dated: 08 /03/2018.

Copy is forwarded to the Medical Superintendent Category-C THQ Hospital Puran District Shangla for information and necessary action please.


**DISTRICT HEALTH OFFICER
SHANGLA**

Endst: No. & Date Even:

Copy is forwarded for information to:

- 1- The Director General Health Services Khyber Pakhtunkhwa Peshawar w.r to his office order vide Endst: No. 2979-85/AE-VI dated Peshawar the 26/02/2018.
- 2- The Deputy Commissioner District Shangla.
- 3- The Medical Superintendent DHQ Hospital Alpurai.
- 4- The Divisional Monitoring Officer IMU Malakand-I at Swat.
- 5- The District Accounts Officer Shangla.
- 6- The DHIS Cell Shangla.
- 7- The Accounts/Record Section of this office.
- 8- The Officials concerned for information and compliance.


**DISTRICT HEALTH OFFICER
SHANGLA**

Mr. Asil Zada
The District Officer
Shangla

8

Annexure C

BEFORE THE SECRETARY HEALTH GOVERNMENT OF KHYBER

PAKHTUNKHWA PESHAWAR

Asil Zada Clinical Technician Shaheed Pir Muhammad Khan Hospital Puran, District Shangla.

.....Appellant

Versus

1. The Director General Health Services Government of Khyber Pakhtunkhwa.

.....Respondents

Subject: Departmental appeal against the order No. 2979-85/AF-VI dated Peshawar the 26/2/2017.

Respected Sir,

The appellant submits as under;

That the appellant was transferred vide order endorsement No. 20187-93/ AF-VI dated 14-12-2017 to Puran Category C Hospital and took over charge at SPMK hospital by submitting their arrival report.

That the appellant is regularly performing his duty as such regularly.

That now the DG has cancelled the transferred order through order No. 2979-85AF-VI dated 26-02-2018.

That the order is made without allowing the appellant to complete his tenure at SPMK Hospital.

That there is no reason given in the transfer order.

That the transfer cancellation is result of political pressure and not allowed under the law.

It is therefore humbly requested that on acceptance of this departmental appeal the cancellation order No. 2979-85AF-VI dated 26-02-2018 may very kindly be cancelled.

Appellant
Asil Zada
Asil Zada
Clinical Technician

Affidavit:

It is solemnly stated on oath that all the contents of this departmental appeal are true and correct.

ATTESTED
[Signature]
OATH COMMISSIONER
Licence No. 245
District Courts Swat
No. 217. Date 19-3-18

Deponent
Asil Zada
Asil Zada

ATTESTED
[Signature]
ADVOCATE

In the matter of:-

Asif Zada Appellant

VERSUS

The Govt. K.P. through
Secretary Health and Ores Respondents

KNOWN ALL to whom these present shall come that I/we, the undersigned appoint

AZIZ-UR-RAHMAN and IMDAD ULLAH

Advocates High Court

To be the advocate for the Appellant in the above mentioned case to do all the following acts, deeds and things or any one of them, that is to say:-

- ❖ To acts, appear and plead in the above mentioned case in this court or any other Court in which the same may be tried or heard in the first instance or in appeal or review or revision or execution or at any other stage of its progress until its final decision.
- ❖ To present pleadings, appeals, cross objections or petitions for execution review, revision, withdrawal, compromise or other petition or affidavits or other documents as shall be deemed necessary or advisable for the prosecution of the said case in all its stages.
- ❖ To withdraw or compromise the said or submit to arbitration any difference or dispute that shall arise touching or in any manner relating to the said case.
- ❖ To receive money and grant receipts therefore, and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.
- ❖ To employ any other Legal Practitioner authorizing him to exercise the power and authorities hereby conferred on the Advocate wherever he may think fit to do so.
- ❖ I understand that the services of aforesaid lawyer are hired irrespective of the outcome of the case.

And I/We hereby agreed to ratify whatever the advocate or his substitute shall to do in the said premises.

And I/We hereby agree not to hold the Advocate or his substitute responsible for the result of the said case in consequences of his absence from the Court when the said case is called up for hearing.

And I/We hereby agree that in the event of the whole or any part of the fee agreed by me/us to be paid to the Advocate remaining unpaid, the Advocate shall be entitled to withdraw from the prosecution of the case until the same is paid.

IN THE WITNESS WHEREOF I/WE hereunto set my/our hand(s) to these present the contents of which have been explained to and understood by me/us, this 20 day of 6 2018.

(Signature or thumb impression)

(Signature or thumb impression)

(Signature or thumb impression)

Accepted subject to terms regarding fees

(AZIZ-UR-RAHMAN)

Advocate High Court

Office: Khan Plaza, Gulshone Chowk

G.T. Road Mingora, District Swat.

Cell No. 0300 907 0671

Asif Zada

(IMDAD ULLAH)

Advocate High Court

Office: Khan Plaza, Gulshone Chowk,

G.T. Road, Mingora, District Swat

Cell No. 0333 929 7746

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service Appeal No. 817 of 2017

Asil Zada

Vs

Government of Khyber Pakhtunkhwa through Secretary

Health and others

Written Statement on behalf of respondent No.3 Namely
Minhajuddin Clinical Technician

Respectfully Sheweth:

The written statement on behalf of respondent No.3 is as
under

Preliminary Objection: -

- 1) The appellant has got no cause of action.
- 2) The appeal is not maintainable in its present form.
- 3) The appeal is time barred.
- 4) The appellant has got no locus standie.

Facts:

- i) That the respondent No. 3 is serving under the
DHO Cadre which falls within the domain of

District Government and which are on the disposal of District government in case of transfer of the respondent No.3 as per law and rules of business, the NOC from the District government is the condition precedent to be obtained from the District government. The appellant service falls under the management of Director General Health Services and on the District level they are from the MS Service Wing and their posting and transfer are to be regulated and made by the Director General Health Services. The transfer order dated 14/12/2017 was made by an authority which was otherwise not competent to do so and subsequently when the ordering authority came to know regarding their illegality and irregularity so, while adopting the legal course they withdraw the same vide his office order No. 2979-85/AE-VI dated 26/02/2018 and the illegality and irregularity made by the concerned officials

rectified. The appeal filed by the appellant is tainted with mala-fide, ill will and is false and is vexatious, liable to be dismissed with exemplary cost. (Copy of the transfer and posting order of the petitioner is attached herewith, similarly copy of the order of district Nazim is also attached herewith)

- ii) Para No. 2 of the memo of appeal pertains to appellant.
- iii) Para No. 3 is replied as the order passed was not in accordance with law and rules and in the jurisdiction of the issuing authority so, while realizing the mistake committed by the issuing authority the office order dated 26/02/2018 was passed which is correct and according to law and needs no interference. The appellant being a civil servant cannot challenge the transfer order being the outcome of transfer and posting which are terms and conditions of the service. Moreover, the petitioner is at the verge of retirement in the next year and as per rule he is to be retained in home station even if he is out of it.

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iv) Para No. 4 of the memo of appeals is misconceiving the appellant has got no locus standie to file the departmental as well as the instant appeal which is devoid of all legal force hence, the appellant is stopped to bring any action against the answering respondent.

ON GROUNDS:

a. Ground a of the memo of appeal is incorrect tainted with mala-fide hence, requires to be ruled out of consideration, the order dated 26/02/2018 is based on sound legal grounds and as per rule and government policy coupled with distribution of powers.

b. That the office order dated 14/12/2017 was passed against the general powers of District Government without obtaining any NOC from the District government which falls within the

sphere of DHO whereas, the appellant services falls within the sphere of MS hence, the obtaining of NOC from District government was obligatory which was not so obtained hence, the grave illegality was committed and the illegal order was rectified for which there was no need of any notice to the appellant as the department and competent authority has rectified his own mistaken order for which there was no need to give an exhaustive and elaborate reasons and the mistaken order was rectified which is the uncurtailed powers of the issuing authority in the light of general clauses Act also. In addition to what has been detailed above in the written statement of the answering respondent another case was also pending before the Peshawar High Court Mingora Bench in which the District Nazim has challenged the transfer office order dated

16/12/2017 on account of lack of powers and the superior jurisdiction and powers conferred as District Nazim by the relevant provision of law, local government ordinance and rule of business.

c. That the appellant had exercised political exertion and this was not respondent who has got political exertion.

d. That Para d of the memo of appeal is incorrect, no illegality or violation of rule and policy has been made by the answering respondent hence, the appeal filed by the appellant being baseless, frivolous and the result of misconception and based on harassment which requires to be dismissed with heavy cost throughout, it may be added here, the answering respondent is the only male member and dependent of his entire family and the mother of answering

respondent is severely patient of serious decease and there is no other male member of the family of answering respondent to provide medical relief to her mother in case of any emergency so, on this account the absence of answering respondent from his home to out station may cause serious alarm to the health of the mother of the answering respondent which will cause serious irreparable loss.

It is therefore, humbly prayed that on acceptance of this written statement the appeal filed by the appellant be dismissed with cost being devoid of all legal force and policy of posting and transfer and violative of rules.

Respondent No. 3



Minhajuddin Clinical Technician

Through Counsel



Muhammad Saeed Khan Shangla

Advocate, Supreme Court of Pakistan

c 78)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service Appeal No. 817 of 2017

Asil Zada

Vs

Government of Khyber Pakhtunkhwa through Secretary

Health and others

Affidavit:

I Minhajuddin S/o Abdul Hayi R/o Chagam, Ghat, Asharray, Tehsil Puran CNIC No. 15505-0222198-5 solemnly swears on oath that the contents of the written statement are correct to the best of my knowledge and belief and nothing has been concealed from this August Tribunal.

Deponent

Minhajuddin



ATTESTED
WAJID ALI SHAH ADVOCATE
District Courts Swat
* No. 193 Date 16.08.18 *
OATH COMMISSIONER

1791

9

No. 1791 /A-5.

Date. 5 /4/1986.

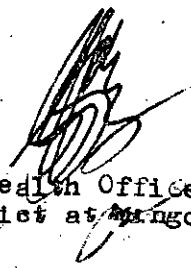
From:- The District Health Officer,
Swat District at Mingora.

To, Mr. Minhajuddin S/O, Abdul Hai,
Village Chagum Teh; Pura District; Swat.

Subject:- TEMPORARY POST COMPOUNDER AGAINST THE MEDICAL TECH: AT MARTUNG SWAT.
Memo,

You are hereby offered a post of ~~Medical Tech on temporary basis~~ Compounder on temporary basis against the vacant post of Medical Tech; in Basic Health Unit Martung in BPS 6 plus usual allowances sanctioned by the Government from time to time.

- 1) Your appointment is purely on Temporary basis and your service will be terminated when Medical Tech; become available.
- 2) You will have no right to claim to continue your service for this purpose you will have to give an undertaking to this effect.
- 3) You will have no right to challenge the decision of this office.
- 4) You will be governed by ~~such~~ rules and orders relating to Pay T.A. Leave & Medical Attendance Rules etc; issued by the Govt; service you belong.
- 5) Your appointment will be subject to your medical Fitness and satisfactory character report.
- 6) If you accept this offer on the above mentioned terms and condition you should report for duty at B.E.U. Martung District Swat.


 (District Health Officer,
 Swat District at Mingora.)

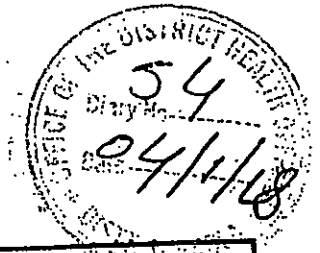
No. 1792-95 /A-5.

Copy forwarded to them

1. Medical Officer, I/C, Civil Hospital Pura.
2. I/C, Medical Tech; BHU Martung.
3. Accountant D.H.O. Office.
4. Service Books Clerk D.H.O. Office.

(District Health Officer,
 Swat District at Mingora.)

OFFICE OF THE
NAZIM DISTRICT GOVERNMENT
SHANGLA



☎ 0996-850176	Email: znshangla@gmail.com	☎ 0996-850177
---------------	----------------------------	---------------

OFFICE ORDER/CANCELLATION

Due to non-fulfillment of the codal formalities as well as non-compliance of the instructions of the Provincial Government which has been issued vide Notification No. SOG (LG) 7-1/Misc/2016/Vol-II dated: 08/08/2016 by the Secretary to LG & RDD Government of Khyber Pakhtunkhwa, the illegal transfer order of CT Pharmacy BPS-12, which is under the competency of the District Government, District cadre posts and without any consultation of the undersigned in the light of Pre-Monitoring Mechanism as devolved department, issued by the Additional Director HRM DG Health Services Khyber Pakhtunkhwa Peshawar vide No.20187-93/AD/VI dated: 14/12/2017 is hereby cancelled from the date of issue in the best interest of public service.



NAZIM
DISTRICT GOVERNMENT
SHANGLA

No. 01-001/

Dated: ___/01/2018

Copy forwarded for information and necessary action to:

- 1) PSO to Chief Secretary, Khyber Pakhtunkhwa.
- 2) The Secretary LG & RDD Khyber Pakhtunkhwa Peshawar.
- 3) The Secretary Health Department Khyber Pakhtunkhwa Peshawar.
- 4) The DG Health Services Khyber Pakhtunkhwa Peshawar.
- 5) The Deputy Commissioner, Shangla.
- 6) The District health Officer, Shangla.
- 7) The District Accounts Officer, Shangla.
- 8) The MS DHQ hospital Alpuri.
- 9) The MS THQ hospital Puran.

Est. Sm

W/a


NAZIM
DISTRICT GOVERNMENT
SHANGLA

1791

9

No. 1791/A-5.

Date 5/4/1986.

From:- The District Health Officer,
Swat District at Mingora.

To, Mr. Minhajuddin S/O, Abdul Hai,
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Subject:- TEMPORARY POST COMPOUNDER AGAINST THE MEDICAL TECH: AT MARTUNG SWAT.
Memo,

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- 4) You will be governed by such rules and orders relating to Pay & A. Leave & Medical Attendance rules etc. issued by the Govt; service you belong to.
- 5) Your appointment will be subject to your medical Fitness and satisfactory character report.
- 6) If you accept this offer on the above mentioned terms and conditions you should report for duty at B. H. U. Martung District Swat.

No. 1792-45/A-5.

Copy forwarded to these

1. Medical Officer, I/C, Civil Hospital Piran.
2. I/C, Medical Tech, BHU Martung.
3. Accounts Clerk D.H.O. Office.
4. Services Books Clerk D.H.O. Office.

(District Health Officer,
Swat District at Mingora.)

(District Health Officer,
Swat District at Mingora.)

Dr. Noor Mohammad

MBBS, FCPS

Assistant Professor Peshawar Medical College
Medical Specialist With Special Interest
in Hepatology & Gastroenterology
Vice President (K.P.K)
Pakistan Society Of Gastroenterology & GI Endoscopy

Members:

- Asian Pacific Association for the study of Liver Disease
- Pakistan Association for study of Liver Disease
- Pakistan Society of Hepatology

Dr. Ihsan-ul-Haq

MBBS, FCPS (Surgery)

2000

K04965074

Dr. Abidullah

MBBS, MCPS
FCPS (I)

Pt's Name Mr. Bilal Ahmad

Date 11/11/2017

OPD
F.M.

UCL 173

B
Buneri 150

Feb 2017

Repro suo

to Buneri

Paraded

Car Service

NOT VALID FOR COURT

0340-6328277 نمبر لینے کیلئے رابطہ نمبر

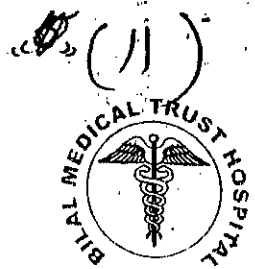
BILAL MEDICAL TRUST HOSPITAL (REGISTERED)

Pir Baba Distt: Buner Tel: 0939-520461 Email: bilal_medical@yahoo.com

Bilal

Medical Trust
Hospital Laboratory Buner

Contact: 9938 522700, Email: Bilalmedicaltrust@gmail.com



Name: <u>m/o Mr</u>	Sex: <u>F</u>	Date: <u>8/03/17</u>
---------------------	---------------	----------------------

HEMATOLOGY

TESTS	RESULTS	NORMAL RANGES	TESTS	RESULTS	NORMAL RANGES
Hb		11.5 - 16.5 g/dl	TLC		3500 - 10000/cmm
B.T	_____ mins _____ sec		DLC		
C.T	_____ mins _____ sec	4 - 7 min	Neutrophils		35 - 70 %
Plat Count		100000 - 400000//	Lymphocytes		15 - 50 %
MP			Monocytes		02 - 10 %
ESR	<u>(28)</u>	5 - 16 mm/1st hr	Eosinophils		02 - 08 %

BIO CHEMISTRY

TESTS	RESULTS	NORMAL RANGES	TESTS	RESULTS	NORMAL RANGES
B. Sugar F		70 - 160 mg/dl	CPK		Upto 180 U/L
B. Sugar P		70 - 120 mg/dl	S. Protein		Upto 5.5 g/dl
B. Urea	<u>(51)</u>	10 - 40 mg/dl	S. Cholesterol		Upto 200 mg/dl
S. Creatinine	<u>(0.9)</u>	0.5 - 1.5 mg/dl	S. Triglyceride		50-150 mg/dl
S. Bilirubin		0.6 - 1.0 mg/dl	S. Amylase		Upto 150 U/L
SGPT		Upto 40 U/L	S. Calcium		8.5 - 11 mg/dl
ALK Phosphates	<u>(79)</u>	Ad. 100-300 U/L Ch. 300-700 U/L	S. Uric Acid		M: 2.5 - 7.0 mg/dl F: 2.0 - 6.0 mg/dl
SGOT		Upto 40 U/L	LDH		150 - 450 U/L

SEROLOGY/IMMUNOLOGY

Pregnancy:			HBSAg:	
Brucella	Abortus	Melitensis	HCV Antibodies:	
Widal	TO	TH	HAV Antibodies:	
Blood Group:	Rh Factor:		HIV:	
Cross Match:			Mp ICT:	
ASO Titer:			H.Pylori:	
RA Factor:			Stool Ag for H.Pylori:	
VDRL:			Dengue:	IgM
Urine for B.J Protein:			IGG	
			TB ICT:	

Lab Incharge Signature

Address: Bilal Medical Trust Hospital Din Bahar Colony, Post Office Pir Baba, Daggar, District Buner.

(12)

NAME = D. DE MINHAI

SEX =

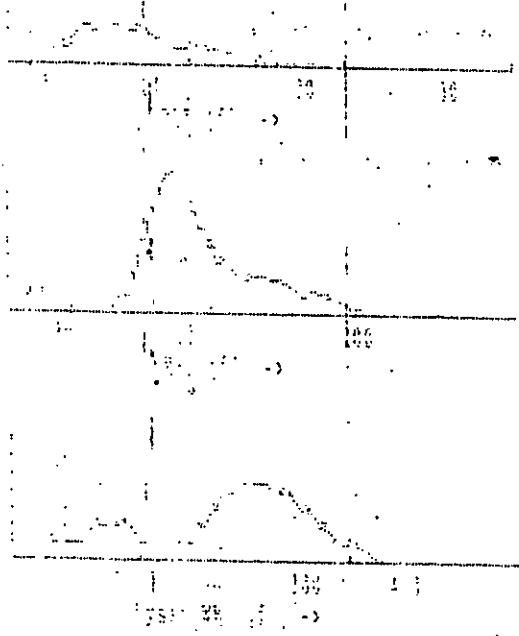
SIQ = 9019

DATE = 03/03/2017

BLDGD CT

TIME = 11:58:12

Parameter	Value	Normal Ranges
RPC = L	2.70	40 12/1 3.50 : 5.50
WV =	91.0	f1 75.0 : 100.0
RMS =	12.2	% 11.0 : 16.0
RMSa =	13.5	f1 30.0 : 150.0
HBT = L	24.9	% 55.0 : 55.0
PST =	1.7	10.9/1 100 : 400
MPV =	8.7	f1 8.0 : 11.0
PDW =	13.4	f1 0.1 : 99.9
PST =	0.1	% 0.01 : 99.99
PLCR =	20.1	% 0.1 : 99.9
WBC =	10.9	10 9/1 3.5 : 10.0
Hb =	14.1	g/dl 11.5 : 16.5
Hct =	41.3	pg 25.0 : 35.0
MCH =	29.3	1p/g 31.0 : 38.0
MCHC =	32.5	10 9/1 0.5 : 5.0
RDW =	13.5	10 9/1 1.2 : 8.0
RDW-CV =	13.5	10 9/1 0.1 : 1.5
PLT =	110.0	% 15.0 : 50.0
PLT-CV =	7.4	% 25.0 : 75.0
M.P.V =	4.7	% 2.0 : 15.0



Handwritten signature or scribble.

Associate Professor

Dr. Wasil Khan

MBBS (Pesh) MCPS (Medicine)

FCPS (Medicine) FCPS (Pulmonology)

Saidu Group of Teaching Hospital
(Medical Ward)

Saidu Medical College Saidu Sharif Swat
Cell: 03005803283



Not valid For Any Sort of Medical-Legal Aspect

0316-9531399

ایسوسی ایٹ پروفیسر (13)

ڈاکٹر واصل خان

سیدو گروپ آف ٹیچنگ ہسپتال (میڈیکل وارڈ)

سیدو میڈیکل کالج سیدو شریف سوات

Date 8/7/12

Name

Age & Gender

Address

Clinical Record

AM
DA
ST

Rx

Tas Ceftriaxone 2AP
120

Cap Orthoserin
120

Tas Xkerapid 2P
120

Syr Enrich
120

ایسوسی ایٹ پروفیسر
ڈاکٹر واصل خان
سیدو میڈیکل کالج سیدو شریف سوات
فون: (0946) 724582



ANWAR CLINICAL LABORATORY
Saidu Sharif Swat

Pathologist
PROF: ANWAR ALI
M.B.B.S, MCPS (Path)
M-Phil (Histopathology)

PROF: IMRAN UD DIN
MBBS, DC (Path)
M-Phil (Haematology)

Associate Prof:
DR. MUKAMIL SHAH
MBBS, DC (Path)
M-Phil (Haematology)

Assistant Prof:
DR. IMTIAZ AHMAD
M.B.B.S, M-Phil (Microbiology)

Patient's Name M/10 Minhoj (15)

ID No. 40073

Consultant /

Date 8/7/17

URINE/STOOL EXAMINATION

Colour <u>p. yellow</u>	Turbidity <u>/</u>
Reaction <u>Acidoph</u>	Ketones <u>/</u>
Sugar <u>nil</u>	Urobilinogen <u>normal</u>
Protein <u>nil</u>	Bilirubin <u>/</u>

MICROSCOPY

Pus Cells <u>1-3</u>	/HPF
Epith Cells <u>4-5</u>	/HPF
RBC <u>NO</u>	/HPF
Casts <u>/</u>	/HPF
Crystals <u>/</u>	/HPF

Stool Examination
P.T.O

PATHOLOGIST

دہلی صیغہ الکریم

حکومت پاکستان

قومی شناختی کارڈ

15501-1901757-3



1/01/1935

مفتاحہ ہندوستان

9-3-15

V0Q8K7

15595-5908757-8

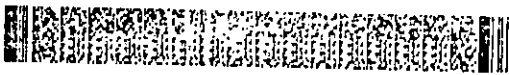
بیت الفی سیر: 8-590875-15595
بیت الفی سیر: 8-590875-15595



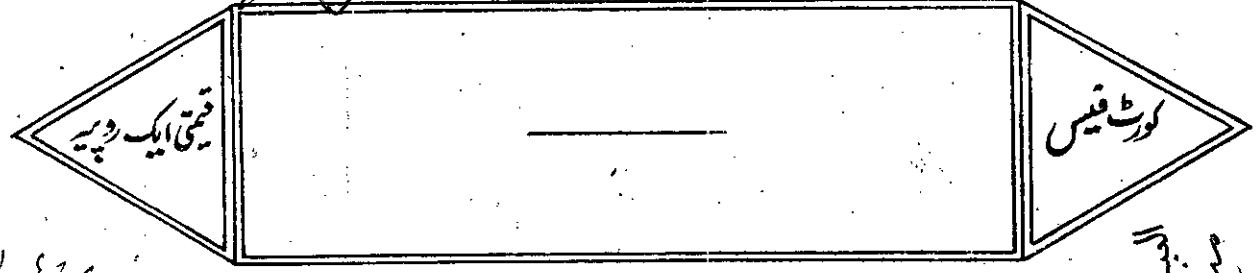
بیت الفی سیر: 8-590875-15595

28/03/2014

مشورہ کارڈ سے برقرار رہیں



یعدالت KP سروس سروسٹریٹس کمیٹی کورٹ ہولنگ



سید منجانب رسا سندھ 3

بنام حکومت سندھ سروسٹریٹس کمیٹی کورٹ ہولنگ

مورخہ
مقدمہ
دعویٰ
جرم

اصل راز
اسم نمبر 817
2018

منیجر کورٹ ہولنگ
منیجر سروسٹریٹس کمیٹی
منیجر کورٹ ہولنگ

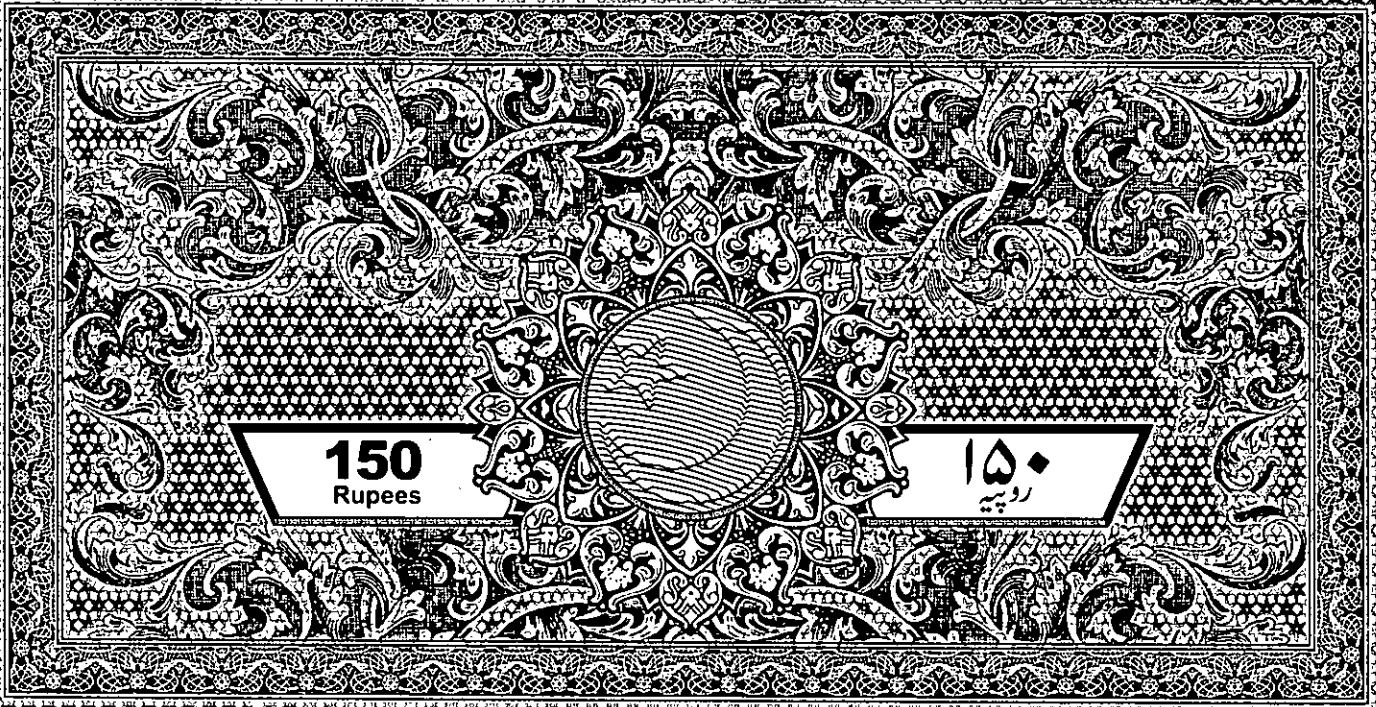
باعث تحریر آئیکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیریوی وجواب دہی وکل کارروائی متعلقہ آن مقام کمیٹی کورٹ ہولنگ کے لئے محمد سعید منجانب رسا سندھ ABC مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو کرنے راضی نامہ و تقرر ثالث و فیصلہ بر حلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور عرضی دعویٰ اور درخواست قسم کی تصدیق نراس پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیریوی یا ڈگری طرفہ یا بیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیریوی کرنے کا اختیار ہوگا۔ اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پروا ختم منظور و قبول ہوگا و دوران مقدمہ میں جو خرچہ وہم جائز التوائے مقدمہ کے سبب سے ہوگا اس کے مستحق وکیل صاحب موصوف ہوں گے۔ نیز بقایا و خرچہ کی وصولی کرنے کا بھی اختیار ہوگا۔ اگر کوئی تاثر پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیریوی مذکورہ کریں۔ لہذا نکات نامہ لکھ یا کہ سند رہے۔

المترجم
ماہ

انور احمد
انور احمد
کے لئے منظور ہے۔

مقام کمیٹی کورٹ ہولنگ



مختار نامہ خاص

منکہ اختیار دہندہ منہاج الدین ولد عبدالحی ساکن اشاڑے، چاگم، تحصیل پورن، ضلع شانگلہ کا ہوں۔ اندر میں وقت بقائی عقل ہوش و حواس خمسہ براضا مندی بخوشی اقرار کر کے لکھ دیتا ہوں۔ کہ من مقرر کے خلاف ایک سروس اپیل نمبر 817 بعنوان اصیل زادہ بنام حکومت وغیرہ بعدالت جناب سروس ٹریبونل پشاور کمپ کورٹ سوات میں زیر سماعت ہے۔ چونکہ من مقرر بوجہ دیگر مصروفیات ہونے کے بناء پر مقدمہ بالا کی پیروی و جواب دہی سے اصالتاً قاصر ہوں۔ لہذا من مقرر اپنی جانب خود سے سکی سر باز خان ولد گل غفار ساکن بنگلی، الوچ، تحصیل پورن، ضلع شانگلہ کو مختار خاص مقرر کر کے اختیار دیتا ہوں کہ وہ خود یا بذریعہ وکیل/بیریسٹرز عدالت ابتدائی تا عدالت عالیہ پشاور ہائی کورٹ پشاور/سپریم کورٹ آف پاکستان یا دیگر عدالت ہائے مروج کرے اور کروائے درخواست ہائے جواب درخواست ہائے جواب الجواب یا دیگر درخواست ہائے دیوے۔ اپیل۔ نگرانی۔ نظر ثانی۔ رٹ پیشینہ دائر کرے اور کروائے۔ وکالت نامہ تصدیق کرے، عرض کی تصدیق کریں، درخواست گردانا جائے۔ فہرست گواہان داخل کریں شہادت پیش کریں، عذرات داخل کریں، مختیار خاص من مقرر کی طرف سے راضی نامہ کریں تاشی قبول کریں، مصلح مقرر کریں بیان حلفی دیوے/تحریر وزبانی بیان دیوے۔ عدالت موصوف کے علاوہ عدالت عالیہ پشاور/بینگورہ بیچ اور عدالت اعظمی سپریم کورٹ آف پاکستان جو بھی ضروری اور قانونی کارروائی ہو عمل میں لائیں۔ الغرض جو بھی قانونی کارروائی بابت مقدمہ ہذا ضروری ہو عمل میں لائے۔ جملہ کارروائی بابت مقدمہ ہذا من مقرر کو قبول و منظور ہوگی۔ لہذا مختار نامہ سنداً تحریر ہے۔

No 38
06-9-2018

ATTESTED
Arshad Khan Advocate
NOTARY PUBLIC
Lic # SO (Jud) 4-16/2015/Vol-II
District Courts Gulistan Swat
No 38 Date 06-9-2018

منہاج الدین

کارڈ نمبر: 15505-0222198-5

گواہ شد

ارشد علی ولد شیر زمان ساکن کونگے، پورن، ضلع شانگلہ

گواہ شد

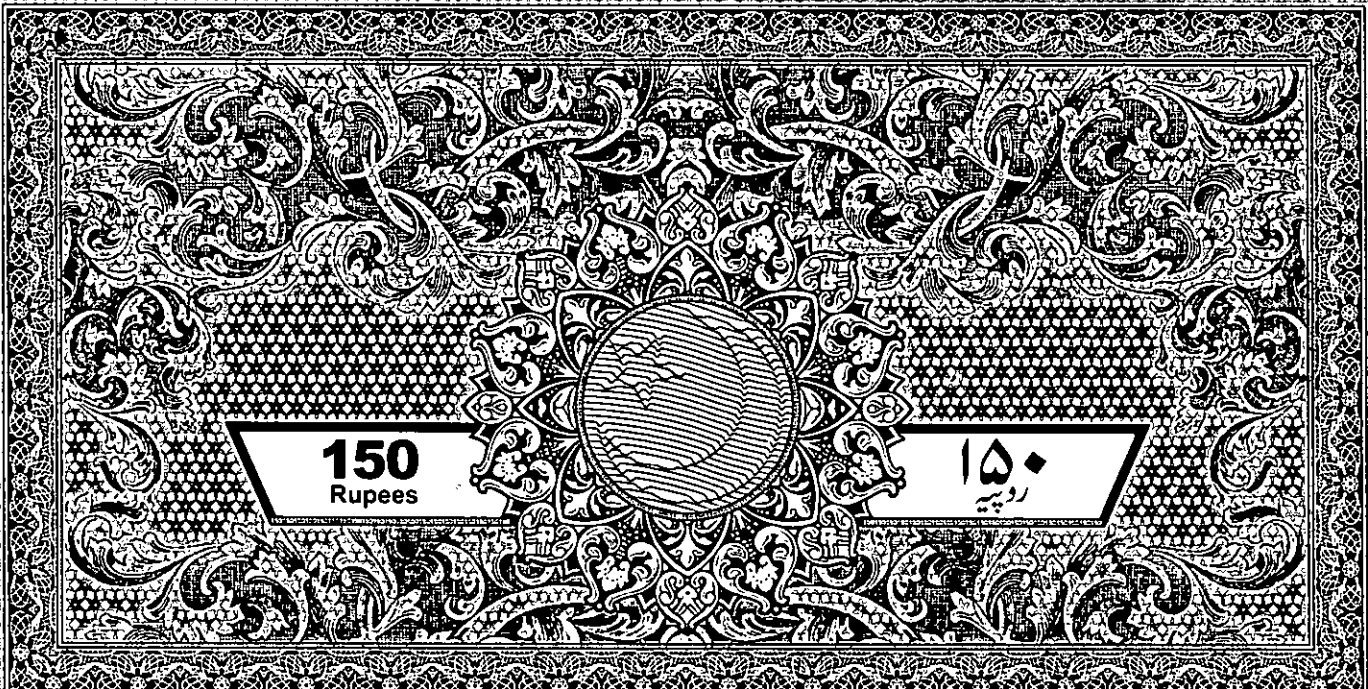
عالمزبیب ولد گل اکبر ساکن پورن، ضلع شانگلہ

116
96-2-2018

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District Court



287271



150
Rupees

۱۵۰
روپیہ

J. Ahmad

فستاد جامعہ

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81-2-16-90
FHM

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. 817 OF 2018

Asil Zada.....Appellant

Versus

Govt. of Khyber Pakhtunkhwa and others.....Respondents

Respectfully Sheweth:

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS

Preliminary Objections:-

1. That the appellant has got neither cause of action nor locus standi to file the instant appeal.
2. That the appellant has filed the instant appeal just to pressurize the respondents.
3. That the instant appeal is against the prevailing Law and Rules.
4. That the appeal is not maintainable in the present form and also in the present circumstances of the issue.
5. That the appellant has filed the appeal in a non proper form and may be dismissed.
6. That the appellant has not come to the Tribunal with clean hands.
7. That the appeal is time barred.
8. That the Honorable Tribunal has no Jurisdiction to adjudicate the matter.

ON FACTS:

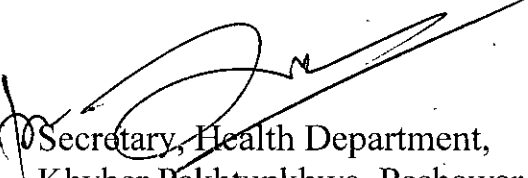
1. Correct. The transfer order of the appellant has been issued by Director General Health Services, Khyber Pakhtunkhwa after issuance of the NOC by both the controlling officers i.e. District Health Officer Shangla and Medical Superintendent DHQ Hospital, Alpuri, Shangla.
2. Pertains to record, hence no comments.
3. The transfer order has been cancelled in the light of the District Govt. Shangla letter No. 01-09 dated 01/01/2018 (Annex-A).
4. Incorrect. They have not submitted to the appellant authority.

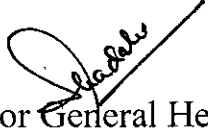

Grounds:

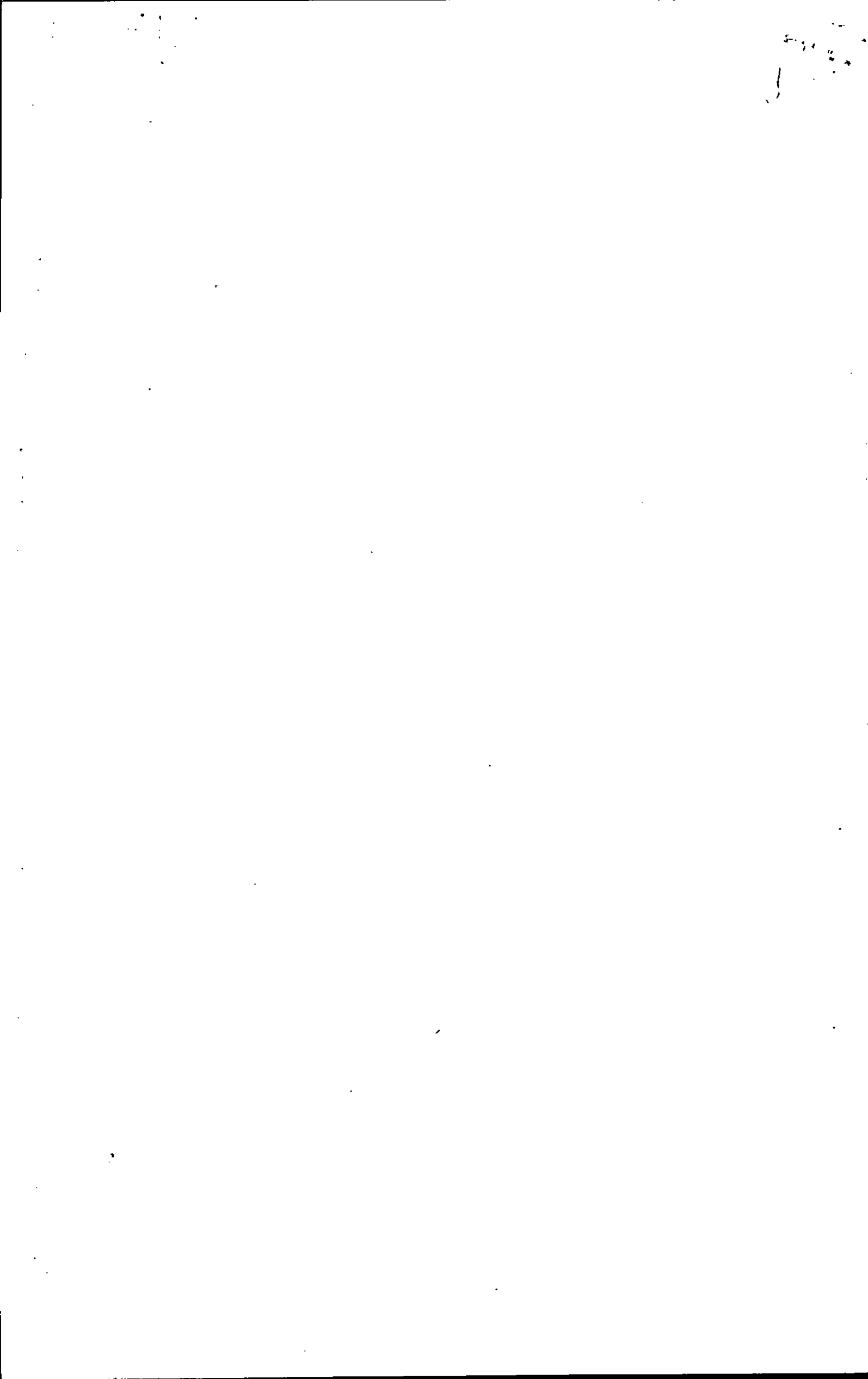
- a. Incorrect as in para-3 above.
- b. Incorrect as in para-3 above.
- c. Incorrect as in para-3 above.
- d. Incorrect. The appellant was treated as per relevant provision of Law & Rules.

Prayer:

Keeping in view of the above, it is prayed that the instant appeal may graciously be dismissed with cost.


Secretary, Health Department,
Khyber Pakhtunkhwa, Peshawar.
Respondent No. 01


Director General Health Services,
Khyber Pakhtunkhwa, Peshawar.
Respondent No. 02 



OFFICE OF THE
NAZIM DISTRICT GOVERNMENT
SHANGLA

205
54
04/1/18

0996-850176

Email: nshangla@gmail.com

0996-850177

OFFICE ORDER/CANCELLATION

Due to non-fulfillment of the codal formalities as well as non-compliance of the instructions of the Provincial Government which has been issued vide Notification No. SOG (LC) 7-1/Misc/2016/Vol-II dated: 08/08/2016 by the Secretary to LG & RDD Government of Khyber Pakhtunkhwa, the illegal transfer order of CT Pharmacy BPS-12, which is under the competency of the District Government, District cadre posts and without any consultation of the undersigned in the light of Pre-Monitoring Mechanism as devolved department, issued by the Additional Director HRM DG Health Services Khyber Pakhtunkhwa Peshawar vide No.20187-93/AD/VI dated: 14/12/2017 is hereby cancelled from the date of issue in the best interest of public service.

NAZIM

DISTRICT GOVERNMENT
SHANGLA

No. 01-27/1

Dated: ___/01/2018

Copy forwarded for information and necessary action to:

- 1) PSO to Chief Secretary, Khyber Pakhtunkhwa.
- 2) The Secretary LG & RDD Khyber Pakhtunkhwa Peshawar.
- 3) The Secretary Health Department Khyber Pakhtunkhwa Peshawar.
- 4) The DG Health Services Khyber Pakhtunkhwa Peshawar.
- 5) The Deputy Commissioner, Shangla.
- 6) The District health Officer, Shangla.
- 7) The District Accounts Officer, Shangla.
- 8) The MS DHQ hospital Alpuri.
- 9) The MS THQ hospital, Puran.

EST: Sm

M.

W/a

NWVR
4/1/18

NAZIM

DISTRICT GOVERNMENT
SHANGLA

AD (L1)

W

Room

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 817 -M of 2018

Asil Zada Clinical Technician.

...Petitioners

VERSUS

*The Government of Khyber Pakhtunkhwa through
Secretary Health Services, Peshawar and Others.*

...Respondent

REJOINDER BY THE APPELLANT

Respectfully Sheweth:

Preliminary Objections:

That all the preliminary objections are incorrect, against the law, rules and facts and are based on misstatements and concealment of material facts, thus are specifically denied. Moreover the appellant has got a prima facie case in his favour and has approached this honourable tribunal well within time with clean hands and this honourable tribunal has got the jurisdiction to adjudicate upon the same.

On Facts:

- i) Para 1 of the comments being admission, thus needs no comments.*
- ii) Para 2 of the comments as drafted also amounts to admission, hence needs no reply.*

- iii) *Para 3 of the comments as drafted is admission of the fact that the respondents have yielded to extraneous influence to the detriment of the appellant as well in utter disregard of the law and rules on the subject and which act of the authorities are making them liable for disciplinary action as well, thus the para is replied in the manner.*
- iv) *Para 4 of the comments as drafted is incorrect, baseless and against the record, thus the same is denied specifically.*

On Grounds:

- a. *Ground A of the comments as drafted is vague and evasive, nevertheless the respondents are admitting the fact that they have yielded to political pressure, thus the para is denied.*
- b. *Ground B of the comments as drafted also is vague, whimsical and devoid of merits, thus the same is denied as well.*
- c. *Ground C of the comments as drafted also is vague, evasive and devoid of merits, hence the same is denied as well.*
- d. *Ground D of the comments as drafted is incorrect and baseless especially in light of the forgoing discussion, thus the para is denied specifically.*

It is, therefore, very respectfully prayed that on acceptance of this rejoinder the appeal of the appellant may very kindly be decided as prayed for originally.

Appellant



Asil Zada

Through Counsel,



Imdad Ullah

Advocate Swat

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 817 -M of 2018

Asil Zada Clinical Technician.

...Petitioners

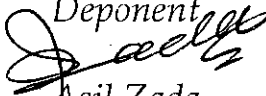
VERSUS

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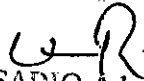
...Respondent

AFFIDAVIT

It is solemnly stated on Oath that all the contents of
this rejoinder are true and correct to the best of my
knowledge and belief and nothing has either been
misstated or kept concealed before this honourable
tribunal.

Deponent

Asil Zada

ATTESTED


UMAR SADIO Advocate,
OATH COMMISSIONER
Distt: Courts Swat.
No. 108.....Date 6/12/18.

**GOVERNMENT OF
KHYBER PAKHTUNKHWA
LOCAL GOVERNMENT, ELECTIONS AND
RURAL DEVELOPMENT DEPARTMENT**



NOTIFICATION

Peshawar, dated the November 3, 2015

NoSO(Dir)ROB/LGE&RDD/2015. In exercise of the powers conferred by section 112 of the Khyber Pakhtunkhwa Local Government Act, 2013 (Khyber Pakhtunkhwa Act No. XXVIII of 2013) the Government of Khyber Pakhtunkhwa is pleased to make the following Rules, namely;

**THE KHYBER PAKHTUNKHWA
DISTRICT GOVERNMENT RULES OF
BUSINESS, 2015.**

12. Orders, instruments, contracts and litigation:-

(1) All executive actions of the district government shall be taken in the name of district government.

(2) Save in cases where an officer has been specifically empowered by the Nazim, to sign an order or instrument on behalf of the district government, every order or instrument shall be signed by such officer, and such signature shall be deemed to be proper authentication of such order or instrument.

(3) Making and execution of contracts and assurances of property in district government shall be subject to instructions of Law, Parliamentary Affairs and Human Rights Department of the Government.

(4) The district government may sue and be sued in its name through the Deputy Commissioner.

13. Posting and Transfer policy:-The transfers and posting of officers in a district government shall be regulated by the Government transfer and posting policy for the time being in force as per following table:-

Khyber Pakhtunkhwa District Government Rules of Business, 2015

S#	Officers	Authority
1	Posting of Deputy Commissioners	Provincial Government
2	Posting of District Heads of devolved departments	Provincial Government
3	Other officers in BS-17 & above posted in the district	Provincial Government
4	Officers / officials in BS-16 & below	Concerned district head as per rules and regulations