

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
AT CAMP COURT SWAT.

Service Appeal No. 1419/2018

Date of Institution ... 20.11.2018

Date of Decision ... 08.10.2021

Mst. Tahira Naz (P.H.C Technician (MCH/LHV Swat) Wife of Manzoor Ahmad, R/O
Sikha Cheena, P.O Amankot, Mingora Tehsil & District Swat.

... (Appellant)

VERSUS

District Health Officer, Health Department, Mingora Swat and three others

... (Respondents)

MR. MUMTAZ AHMAD
Advocate

... For Appellant

MR. RIAZ KHAN PAINDAKHEIL,
Assistant Advocate General

... For official respondents No.1 to 3

MR. SAEED AHMAD
Husband

... For private respondent No. 4

ROZINA REHMAN
ATIQ-UR-REHMAN WAZIR

...

MEMBER (JUDICIAL)
MEMBER (EXECUTIVE)

JUDGMENT

ATIQ-UR-REHMAN WAZIR MEMBER (E):-

Briefly stating the facts

necessary for disposal of the lis in hand are that the appellant was appointed as
PHC Technician (MCH/LHV) in Health Department on 10-02-2002. The appellant
was transferred from BHU Nazarabad Swat to BHU Thalang Swat vide order dated
10-05-2018. Again the appellant was transferred from Swat to Kohistan vide order
dated 26-09-2018. Feeling aggrieved, the appellant filed departmental appeal dated
08-10-2018, which was rejected vide order dated 29-10-2018, hence the instant

service appeal with prayers that the impugned order dated 26-09-2018 may be set aside and the appellant may be allowed to serve in swat as per order dated 10-05-2018 by restoring the order dated 10-05-2018.

02. We have heard Mr. Mumtaz Ahmad, advocate for appellant, Mr. Riaz Khan Paindakheil, Assistant Advocate General of official respondents No. 1 to 3, Mr. Saeed Ahmad husband for private respondent No. 4 and have gone through the record and the proceedings of the case in minute particulars.

03. Learned counsel for the appellant has contended that the impugned order of transfer of the appellant to district Kohistan is against the settled procedure of service law and facts, which is liable to be set aside; that the impugned order dated 26-09-2018 is against the pronouncements of the superior courts regarding political involvement of the public representatives in the government departments; that the appellant has only served for 5/6 months and has been pre-maturely transferred, which is contrary to the settled norms of tenure and transfer policy of civil servants; that the relevant rules provides for a female to serve in her home district but the appellant was transferred to a far flung district, which is contrary to the prevailing rule and law; that legally the respondent No 2 is not authorized to transfer the appellant to other district without approval of respondent No 3, hence the impugned order needs to be reversed accordingly.

04. Husband of private respondent No. 4 has contended that the respondent No. 4 has served in District Kohistan for almost five years and that too without spouse, as her husband is serving as Education officer in district swat, hence it was not possible for both of them to live together for almost five years; that transfer of the appellant was made in accordance with law after adopting proper procedure and in compliance, she has resumed her duty and performing duty to the satisfaction of the high-ups; that transfer of the respondent No. 4 otherwise is in accordance with spouse policy; that the respondents No. 4 completed more than double of the prescribed tenure in District Kohistan hence her transfer is justified on

this score alone; that female civil servant was to be transferred nearest to residence of her husband even if he was not a government servant. Reliance was placed on 2017 PLC (C.S) 1453.

05. Learned Assistant Advocate General for official respondents has contended that the appellant was transferred from swat to Kohistan vide impugned order dated 26-09-2018 and she was relieved of her duty on 31-09-2018, but till today, she has not made arrival in her place of transfer; that the appellant served in district swat for more than 15 years by one pretext or the other; that the appellant is an unwilling worker and during her career, she was proceeded against many a times; that numerous complaints have been lodged against the appellant by various people/offices regarding her absence as well alleged corruption of taking money from patients; that several inquiries have been conducted against her and every time, she was recommended for transfer out of district on administrative grounds, but every time, she maneuvered and succeeded to stop such transfer by political interference; that her transfer was made in accordance with law, hence her appeal being devoid of merit may be dismissed.

06. We have heard learned counsel for the parties and have perused the record.

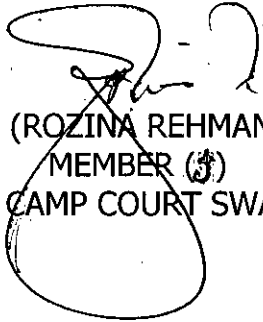
07. Record reveals that there are a bunch of complaints, a number of warnings even inquiry has been conducted against the appellant for her willful absence. She was transferred to district Kohistan after she served for a longer period in district swat. Though the impugned transfer order does not contain the specific wordings of administrative grounds, but record would suggest that she was transferred after repeated complaints and her repeated absence from duty. On the other hand, respondent No 4 was transferred to swat after serving for five years in district Kohistan and her stance is further substantiated with spouse policy as her husband is also serving in district swat. We have noted that the impugned transfer

was made in accordance with law and no illegality was noticed. In circumstances, the action of the respondents does not warrant any interference.


08. In a situation, the instant service appeal stands dismissed. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED

08.10.2021



(ROZINA REHMAN)
MEMBER (S)
CAMP COURT SWAT



(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)
CAMP COURT SWAT

ORDER

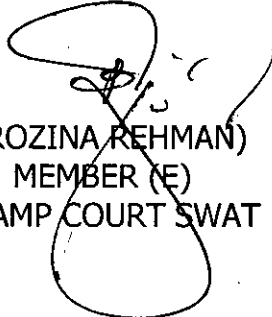
08.10.2021

Mr. Mumtaz Ahmad, Advocate for the appellant present. Mr. Riaz Khan Paindakheil, Assistant Advocate General alongwith Mr. Aman Ullah Assistant (Litigation) for official respondents No. 1 to 3 present. Mr. Saeed Ahmad, Husband for private respondent No.4 present. Arguments heard and record perused.

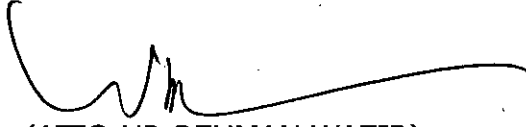
Vide our detailed judgment of today, separately placed on file, the instant service appeal stands dismissed. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED

08.10.2021



(ROZINA REHMAN)
MEMBER (E)
CAMP COURT SWAT



(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)
CAMP COURT SWAT

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4

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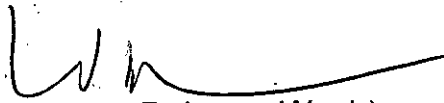
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7


06.10.2021

Husband of appellant on behalf of appellant present.
Asif Masood Ali Shah learned Deputy District Attorney
for official respondents present:

Husband of appellant again made a request for adjournment. He had already been warned time and again to produce his counsel for arguments. He was also burdened with cost of Rs.2000/- but he once again made a request for adjournment, therefore, case is adjourned to 08.10.2021 with last chance. In the meanwhile, private respondent No.4 be put on notice. To come up on the date fixed for arguments before D.B at Camp Court, Swat.



(Atiq ur Rehman Wazir)
Member(E)
Camp Court, Swat



(Rozina Rehman)
Member(J)
Camp Court, Swat

05/04/2021

Due to COVID-19, the case is adjourned to

05/05/2021 for the same.

Q

READER

Due to COVID-19 the case is
adjourned to 06/10/21

*On
Reader*

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01.01.2021

Due to COVID 19, the case is adjourned to
03.03.2021 for the same as before.

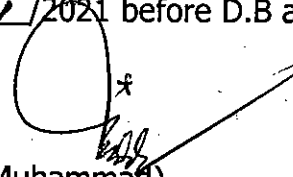

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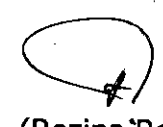
03.03.2021

Husband of appellant on behalf of appellant present.

Riaz Khan Paindakheil learned Assistant Advocate General
for respondents present.

Former submitted Wakalat Nama of Abdul Nasir Advocate
and made a request for adjournment. Adjourned but on cost
of payment of Rs.2000/-. To come up for arguments on
05/04/2021 before D.B at Camp Court, Swat.


(Mian Muhammad)
Member (E)
Camp Court, Swat

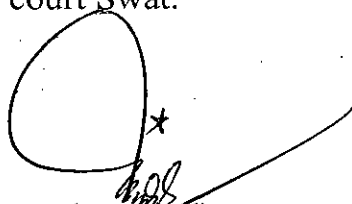

(Rozina Rehman)
Member (J)
Camp Court, Swat

07.10.2020

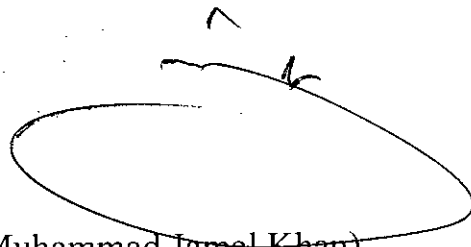
Mr. Manzoor Ahmad, Husband of the appellant alongwith Mr. Abdul Nasir, junior to counsel for the appellant is present. Mr. Usman Ghani, District Attorney alongwith Mr. Ziaullah, Law Officer for respondents present.

Husband of the appellant submitted application seeking adjournment on the ground that ^{an} accident has happened to his respective counsel. Application is placed on record.

Adjourned to 04.11.2020 for arguments before D.B at camp court Swat.



(Mian Muhammad)
Member(E)



(Muhammad Jamal Khan)
Member
Camp Court Swat

04.11.2020

Husband of appellant on behalf of appellant present.

Muhammad Jan learned Deputy District Attorney alongwith Kazi Muhammad Naeem A.D and Muhammad Aman Litigation Assistant for respondents present.

Lawyers are on general strike, therefore, case is adjourned to 06.01.2021 for arguments, before D.B at Camp Court Swat.



(Atiq ur Rehman Wazir)
Member (E)
Camp Court, Swat



(Rozina Rehman)
Member (J)
Camp Court, Swat

07.07.2020 Bench is incomplete. Therefore, the case is adjourned.
To come up for the same on 08.09.2020, at camp court
Swat.



Reader


08.09.2020

Mr. Manzoor Ahmad attorney for appellant present.

Mr. Riaz Khan Paindakheil learned Assistant AG for
respondents No. 1 to 3 present. Nemo for private respondent No.4.

Former requests for adjournment as his counsel is not
available. Record shows that it is an old case and that too, in respect
of transfer order, therefore, last chance is given to appellant with
strict direction to make sure presence of appellant alongwith
counsel on the next date. Notice be issued to private respondent
No.4 for arguments on 07.10.2020 before D.B at Camp Court, Swat.



(Attiq ur Rehman)
Member (E)
Camp Court, Swat


(Rozina Rehman)
Member (J)
Camp Court, Swat

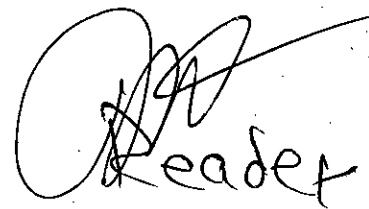
03.03.2020

Manzoor Ahmad husband of the appellant on behalf of appellant. Mr. Usman Ghani learned District Attorney for official respondents present. Saeed Ahmad husband of private respondent No.4 on behalf of the said private respondent present. Husband of the appellant submitted application for adjournment. Adjourn. To come up for arguments on 07.04.2020 before D.B at Camp Court, Swat.


Member


Member
Camp Court, Swat.

Due to Corona virus four
to camp court Swat has been
Cancelled. To come up for the
same on 02/06/20


Reader

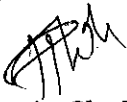
02.06.2020


Due to Covid-19, the case is adjourned. To come up for the same on 07.07.2020, at camp court Swat.


Reader

07.01.2020

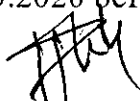
Mr. Manzoor Ahmad, husband of the appellant on behalf of the appellant present. Mr. Usman Ghani, District Attorney for official respondents No. 1 to 3 and husband of private respondent No. 4 present. Husband of the appellant submitted application for adjournment on the ground that learned counsel for the appellant has gone to Principal seat Peshawar High Court, Peshawar and cannot attend the Tribunal today. Application is placed on record. Case to come up for arguments on 04.02.2020 before D.B at Camp Court Swat.



(Hussain Shah)
Member
Camp Court Swat


(M. Amin Khan Kundi)
Member
Camp Court Swat

04.02.2020

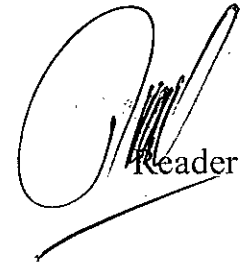
Mr. Manzoor Ahmed, Husband of the appellant on behalf of the appellant present. Mr. Muhammad Jan learned Deputy District Attorney for the respondents present. Lawyers are not attending the courts today on the call of Khyber Pakhtunkhwa Bar Council. Adjourn. To come up for further proceedings/arguments on 03.03.2020 before D.B at Camp Court Swat.


Member


Member
at Camp Court Swat

29.10.2019

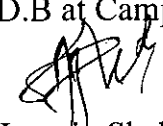
Bench incomplete as learned Member (Executive) is on leave. Therefore, the matter is adjourned to 07.11.2019 for the same.




Reader

06.11.2019

Mr. Manzoor Ahmad, husband of the appellant, on behalf of the appellant present. Mr. Riaz Ahmad Paindakheil, Assistant AG for official respondents No. 1 to 3 and husband of private respondent No. 4 present. Husband of the petitioner submitted an application for adjournment on the ground that learned counsel for the appellant is busy before the Hon'ble Peshawar High Court, Mingora Bench and cannot attend the Tribunal today. Application is placed on record. Adjourned to 02.12.2019 for arguments before D.B at Camp Court Swat.



(Hussain Shah)
Member
Camp Court Swat




(M. Amin Khan Kundi)
Member
Camp Court Swat

02.12.2019

Learned counsel for the appellant present. Mr. Riaz Paindakheil learned Assistant Advocate General for official respondents present. No one present on behalf of private respondent No.4. Adjourn. To come up for arguments on 07.01.2020 before D.B at Camp Court, Swat. Notice be issued to private respondent No.4 for the date fixed.



Member




Member
Camp Court, Swat

27.09.2019

Learned counsel for the petitioner present. Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. Arguments on restoration application heard.

Record reveals that the main service appeal was dismissed for non-prosecution on 19.09.2019. The restoration application submitted on the same date, therefore, the same is well within time, hence the restoration application is accepted and the appeal is restored on its original number. Adjourned. To come up for arguments on 17.10.2019 before D.B.


(Hussain Shah)

17.10.2019

Member Husband of the appellat alongwith learned Member Counsel for the appellat present. Husband of the private respondent present. Learned counsel for the appellat seeks adjournment being freshly engaged. Last opportunity is granted for arguments. Adjourn. To come up for arguments on 28.10.2019 before D.B.


(M. Amin Khan Kundi)

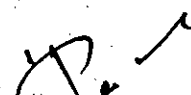

Member


Member

28.10.2019

Appellant absent. Learned counsel for the appellat absent. Husband of the appellat on behalf of appellat present. Mr. Kabir Ullah Khattak learned Additional Advocate General for official respondents present. Husband of private respondent, on her behalf present. Husband of appellat seeks adjournment. Being posting transfer case, adjourned to 29.10.2019 for arguments before D.B.

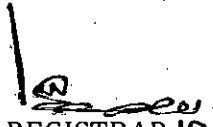

Member


Member

Form-A
FORM OF ORDER SHEET

Court of _____

Appeal's Restoration Application No. 349/2019

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	19.09.2019	The application for restoration of appeal No. 1419/2018 submitted by Mr. Mumtaz Ahmad Advocate, may be entered in the relevant register and put up to the Court for proper order please.  REGISTRAR 19/9/19
2	20-9-19	This restoration application is entrusted to D. Bench to be put up there on <u>27-9-2019</u>  CHAIRMAN

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Restoration Application no. 349/2019

C.M. No. _____/2019

In

S.A. No.1419/2018

Mst Tahira Naz.....**Petitioner/Appellant**

VERSUS

District Health Officer & others

.....**Respondents**

I N D E X

S.N	Description of Documents	Annex	Pages
1.	Application for Restoration		1-3
2.	Affidavit		4
3.	Application for Early Hearing		5-6
4.	Affidavit		7

Through

Petitioner

Mumtaz Ahmad

Advocate High Court

Peshawar

Cell#0333-9118161

Dated 19.09.2019

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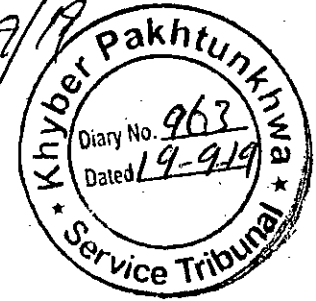
**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Restoration Application No. 349/19

C.M. No. _____/2019

In

S.A. No. 1419/2018



Mst Tahira Naz.....**Petitioner/Appellant**

VERSUS

District Health Officer & others

.....**Respondents**

**APPLICATION FOR RESTORATION OF
THE SERVICE APPEAL No.1419/2018
WHICH WAS DISMISSED IN DEFAULT
VIDE ORDER DATED 19.09.2019.**

Respectfully Sheweth:-

That the petitioner/appellant submits as under:-

1. That above titled case was fixed for today i.e 19.09.2019 before this Hon'ble Tribunal.
2. That the above appeal was called upon and husband of the petitioner (Attorney for petitioner) appeared before the Hon'ble Bench requesting that his counsel is busy with another Court and soon will rush to this Hon'ble Tribunal.

2

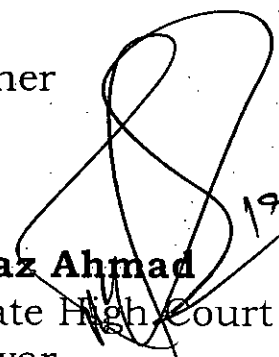
3. That the case was called for the 2nd time at 11:35 am and the attorney for the petitioner appeared before the Hon'ble Bench saying that my counsel on the way and within few minutes will reached now.
4. That despite appearance of the attorney for the petitioner the Hon'ble Bench announced dismissal of instant appeal (dismissed in default).
5. That this is strange enough that how an appeal could be dismissed for default despite presence of the appellant (attorney of the appellant).
6. That legally no appeal can be dismissed for default when appellant (through attorney) is present in Court and his counsel was on the way towards the Tribunal and that too at the early stage of hearing/early hours i.e 11:35 am. Thus the impugned order dated 19.09.2019 being devoid of merit, unjustified, illegal and ineffective upon the rights of the petitioner needs to be recalled by restoring the main appeal of the petitioner to its original position.
7. That the impugned order dated 19.09.2019 has greatly suffered the petitioner mentally as this appeal was against transfer of the appellant from District Swat to District Kohistan.

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8. That there is no legal bar restoring the instant appeal to its original position for deciding the case on merit according to law.
9. That any other ground will be raised at the time of arguments with the prior permission of this Hon'ble Tribunal.

It is, therefore most humbly prayed that on acceptance of this application the above titled Appeal may kindly be restored in the best interest of justice.

Through Petitioner


19/9/2019

Dated 19.09.2019

Mumtaz Ahmad
Advocate High Court
Peshawar
Cell#0333-9118161

(4)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

C.M. No. _____/2019
In
S.A. No.1419/2018

Mst Tahira Naz.....**Petitioner/Appellant**

VERSUS

District Health Officer & others

.....**Respondents**

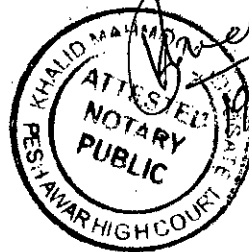
AFFIDAVIT

I, Manzoor Ahmad S/o Ghazi Muhammad R/o Amankot Mohall Skha Cheena , Mingora Tehsil Babuzai District Swat (**Attorney for the petitioner**), do hereby solemnly affirm and declare on oath that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal

DEPONENT
CNIC#13302-0531889-7
Cell#0344-9614056

Identified by

Mumtaz Ahmad 19/9/2019
Advocate, High Court
Peshawar



(5)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

C.M. No. _____/2019

In

S.A. No.1419/2018

Mst Tahira Naz.....**Petitioner/Appellant**

VERSUS

District Health Officer & others

.....**Respondents**

**APPLICATION FOR EARLY HEARING
TO THE EFFECT THAT THE INSTANT
RESTORATION APPLICATION MAY
KINDLY BE FIXED AS EARLY AS
POSSIBLE BEING URGENT IN
NATURE**

*Be fixed in the
next week.*

10/11/2019

Respectfully Sheweth:-

- 1-That the petitioner has filed restoration application before this Hon'ble Tribunal.
- 2-That since today the Hon'ble Tribunal dismissed the instant appeal in default in the presence of the petitioner/appellant (Attorney for the appellant) as the main case being appeal against her transfer order from District Swat to District Kohistan has caused greatly as mental agony for the petitioner/appellant.
- 3-That the petitioner apprehends that the respondents No.1 will issue relieving order of the petitioner on the basis of dismissal order

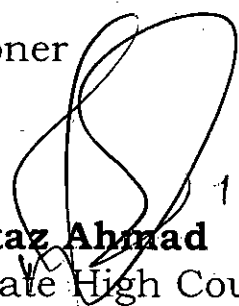
①

(dismissed in default) hence instant restoration application needs to be fixed urgently for hearing to avoid further complications.

4- That there is no legal bar in fixing the instant restoration application for early date of hearing.

It is, therefore most humbly prayed that on acceptance of this application, the instant restoration application may kindly be fixed for early date of hearing in the best interest of Justice.

Through Petitioner



Mumtaz Ahmad
Advocate High Court
Peshawar
Cell#0333-9118161

19/9/2015

Dated 19.09.2019

(7)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

C.M. No. _____/2019

In

S.A. No.1419/2018

Mst Tahira Naz.....**Petitioner/Appellant**

VERSUS

District Health Officer & others

.....**Respondents**

AFFIDAVIT

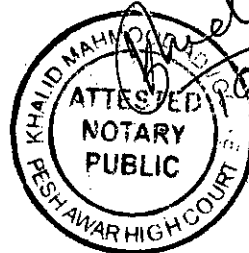
I, Manzoor Ahmad S/o Ghazi Muhammad R/o Amankot Mohall Skha Cheena , Mingora Tehsil Babuzai District Swat (**Attorney for the petitioner**), do hereby solemnly affirm and declare on oath that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal

Manzoor

DEPONENT
CNIC#13302-0531889-7
Cell#0344-9614056

Identified by

17/9/2019
Mumtaz Ahmad
Advocate High Court
Peshawar




21.08.2019 Appellant submitted an application for adjournment on the ground that her counsel has gone abroad. Last chance is given to learned counsel for the appellant for arguments. Mr. Ziaullah, Deputy District Attorney for official respondents No. 1 to 3 and husband of private respondent No. 4 present. Adjourned to 04.09.2019 for arguments before D.B.


(Hussain Shah)
Member

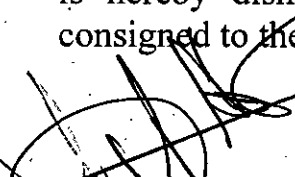

(M. Amin Khan Kundi)
Member


04.09.2019 Junior to counsel for the appellant present. Mr. Zia Ullah learned Deputy District Attorney for the official respondents and Husband of the private respondent No.4 present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not in attendance. Adjourned. To come up for arguments on 19.09.2019 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

19.09.2019 Appellant absent. Learned counsel for the appellant absent. Mr. Riaz Khan Paindakheil learned Assistant Advocate General for official respondents present. Saeed Ahmad husband of private respondent No.4 also present. Case called but neither the appellant nor her counsel turned up. Consequently the present service appeal is hereby dismissed in default. No order as to costs. File be consigned to the record room.


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

01.08.2019


Appellant absent. Learned counsel for the appellant absent, however, husband of the appellant present and seeks adjournment on the ground that the learned counsel for the appellant has gone to Islamabad, Mr. Ziaullah, DDA for official respondents no. 1 to 3 and husband of private respondent no. 4 present. In the given circumstances, ^{when} appellant as well as her counsel are absent, therefore, the instant case is adjourned on the payment of cost of Rs. 1000/- to be paid on behalf of the appellant to the private respondents. Case to come up for arguments on 08.08.2019 before D.B.



Member


Member

08.08.2019

None for the appellant present. Mr. Muhammad Jan, DDA for official respondents and husband of private respondent no.4 in person present. Due to general strike on the call of Pakistan Bar council the case is adjourned. To come up for arguments on 21.08.2019 before D.B.


Member


Member

10.05.2019

Counsel for the appellant, Asst: AG alongwith Mr. Jafar Ali, Assistant and Mr. Muhammad Aman, Litigation Assistant for official respondents no. 1 to 3 and private respondent no.4 with counsel present.

After arguing the case at some length, learned counsel for the appellant requested for a short adjournment in order to lay hands on latest/amended up-to-date policy of the Provincial Government pertaining ^{to} transfer and posting of civil servants.

Adjourned to 15.05.2019 for arguments before D.B.

The respondent no.4 has submitted special Power of Attorney executed in favour of Saeed Ahmad s/o Dilbar Khan which is placed on record.



Member


Chairman

15.05.2019

Counsel for the appellant and Asstt. AG for the official respondents and counsel for private respondent No. 4 present.

Due to demise of his father, learned Member of the Bench (Mr. Hussain Shah) is on leave. Adjourned to 13.06.2019 for arguments before the D.B.


Chairman

13.6.2019

The Bench is incomplete
therefor case is adjourned
to 01-08-2019


Reader

03.05.2019

Husband of the appellant on behalf of appellant present.
Mr. Riaz Paindakheil learned Assistant Advocate General for
official respondents present. Learned counsel for private
respondent No.4 present. Husband of private respondent No.4
present. Learned counsel for the appellant not available.
Husband of the appellant requested for adjournment.

In the present service appeal, interim relief/status quo
granted till 18.12.2018, was not extended any further. As such
the interim relief/status quo order is no more in field. Adjourn.
To come up for arguments on 10.05.2019 before D.B.


Member


Member

1419/2018

15.03.2019

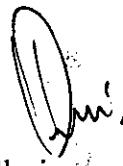
Counsel for the appellant, Mr. Usman Ghani, District Attorney for the official respondents and private respondent No. 4 in person present.

Respondent No. 4 has submitted an application for release of her pay which has been stopped from the month of November, 2018. The application is accompanied by a certificate issued by Medical Officer, Incharge BHU, Talang Barikot, Swat to the effect that private respondent No. 4 has been performing duty regularly from 01.10.2018.

Notice of the application be given respondent No. 1 for next date. The said respondent shall also ensure appearance of a representative alongwith relevant record.

Adjourned to 26.04.2019 before the D.B.


Member


Chairman

26.04.2019

Due to general strike of the bar, the case is adjourned. To come up for further proceedings as per preceding order sheet on 03.05.2019 before D.B.

Fresh notice be issued to respondent No.1 alongwith copy of order sheet dated 15.03.2019. Repeated applications for the release of salary received and placed on file.


Member


Member

12.02.2019

Husband of the appellant on behalf of appellant present.
Mr. Kabir Ullah Khattak learned Additional Advocate General
alongwith Jafar Ali Assistant and Hazrat Shah Superintendent
on behalf of respondents present. Written reply submitted.
Adjourn. To come up for rejoinder/arguments on 27.02.2019
before D.B.



Member

27.02.2019

Counsel for the appellant, Addl. AG alongwith
Hazrat Shah, Superintendent for official respondents
and Mr. Saeed Ahmad, husband of private respondent
No. 4 present.

Learned counsel for the appellant requests for
time to submit rejoinder in respect of reply submitted
by respondents. Adjourned to 15.3.2019 before the
D.B. The appellant may submit rejoinder within one
week.



Member



Chairman

18.12.2018

Iltaf Hussain brother of the appellant present. Hazrat Shah Superintendent present on behalf of respondent department. ^{Present} Written reply not submitted. In the present service appeal, transfer order has been made impugned and orders regarding maintenance of status-quo has also been issued. Last opportunity is granted to the representative of the respondent department to furnish written reply. To come up for written reply on 03.01.2019 before S.B


Member

03.01.2019

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Jaffar Ali, Assistant on behalf of official respondents No. 1 to 3 and husband of private respondent No. 4 present. Written reply on behalf of private respondent No. 4 submitted. Written reply on behalf of official respondents No. 1 to 3 not submitted despite last opportunity. Learned Additional AG requested for further adjournment. Another last opportunity is granted. Adjourned. To come up for written reply/comments on behalf of official respondents No. 1 to 3 on 15.01.2019 before S.B.


Muhammad Amin Khan Kundi
Member

15.1.2019

Mr. Manzoor Hayat, husband of appellant and Hazrat Shah, Superintendent for respondents No. 1 to 2 alongwith Addl. AG for the respondents present.

Representative of respondents No. 1 to 3 states that the requisite comments of respondents No. 1 to 3 have been received from DHO Swat which are yet to be vetted, therefore, requests for time. Adjourned to 12.02.2019 before the S.B.

Chairman 

Appeal No. 1419/2018
Met. Talwinder Singh

26.11.2018

Counsel for the appellant present.

Contends that the appellant belongs to Swat and while performing duty as PHC Technician(LHV) was transferred from BHU, Nazar Abad, Swat to BHU, Talang Swat on 10.05.2018. Within a span of less than five months she was again transferred from Swat to DHQ Hospital, Kohistan, that too, under the orders of Addl. Director General (HRM), Directorate of Health Services who was not the competent authority for the purpose. Learned counsel for appellant also referred to the posting/transfer policy of Provincial Government wherein it was provided that premature posting/transfer was violative of the policy. Further, the official in BPS-16 and below could only be transferred in consultation with the DCO which was not done in the present case.

In view of the above, the instant appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Notices be issued to the respondents for submission of written reply/comments on 19.12.2018.

The appeal is accompanied by an application for suspension of the impugned order dated 26.09.2018.

Notice of application ~~may~~ also be given to the respondents for the date fixed. Status quo shall be maintained till the next date of hearing.


Chairman



Appellant Deposited.
Security & Process Fee

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 1419/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	20/11/2018	<p>The appeal of Mst. Tahira Naz presented today by Mr. Mumtaz Ahmad 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</p>
2-	22-11-2018	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>26-11-2018</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No. 1419 /2018

Mst. Tahira Naz Appellant

VERSUS

District Health Officer,

Health Department & others Respondents

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Service Appeal		1-5
2.	Affidavit		6
3.	Addresses of parties & Stay Application		7-7B
4.	Copy of order dated 10.05.2018	A	8-12
5.	Copy of the impugned notification dated 26.09.2018	B	13-14
6.	Copy of the Departmental Appeal & Departmental Order	C	15-18
7.	Copy of the Rules / Policy	D	19-26
8.	Wakalat Nama		27

T. Naz
Appellant

Through

Dated: 30.10.2018

MUMTAZ AHMAD
Advocate, High Court
Peshawar
Cell # 0333-9118161

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No. 1419 /2018

Diary No. 1663

Dated 20/11/2018

Mst. Tahira Naz (P.H.C Technician (MCH/LHV Swat)

Wife of Manzoor Ahmad,

R/o Sikha Cheena, P.O Amankot,

Mingora Tehsil & District Swat.....**Appellant**

VERSUS

- 1) ✓ District Health Officer, Health Department, Mingora Swat
- 2) ✓ Director General Health Khyber Pakhtunkhwa, near District Court, Khyber Road, Peshawar
- 3) ✓ Secretary Health, Health Department, Civil Secretariat, Peshawar
- 4) ✓ Mst. Afiya Bibi, (P.H.C Technician Mingora Swat)

90 DHO Swat —

.....**Respondents**

Filed to-day

20/11/18

**APPEAL U/S 4 OF KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974 AGAINST THE
IMPUGNED ORDER DATED 26.09.2018,
WHEREIN THE SERVICES OF THE APPELLANT
WERE TRANSFERRED FROM MINGORA SWAT
TO DISTRICT KOSHISTAN WITH IMMEDIATE
EFFECT.**

Prayer in Appeal

By acceptance of this instant service appeal the impugned order dated 26.09.2018 of respondent No.2 may kindly be set aside (being premature and appellant be allowed to serve in Mingora Swat as per order dated 10.05.2018 accordingly) by restoring the order dated 10.05.2018.

Respectfully Sheweth:-

Brief facts of the instant appeal are as under:

1. That the appellant was appointed as PHC Technician (MCH/LHV) on 10.02.2002.
2. That the appellant was transferred from BHU Nazar Abad Swat to BHU, Talang Swat vide order dated 10.05.2018. (Copy of Order dated 10.05.2018 is attached as annexure "A").
3. That surprisingly soon after 5/6 months the respondent No.2 transferred again the appellant prematurely vide order dated 26.09.2018 wherein the instant impugned notification was intimated to the appellant through Endst Notification dated 01.10.2018. (Copy of the impugned notification dated 26.09.2018 is attached as annexure "B").

4. That the appellant then filed departmental representation before the respondent no.2 and 3 however these appeals were regretted/declined vide order dated 29.10.2018. (Copy of the Departmental Appeal & Departmental order are attached as annexure "C").
5. That the appellant now left with no choice but to approach this Hon'ble Tribunal inter alia, on the following grounds amongst others:0

GRUNDS:-

- A. That the impugned order of the respondent No.2 is against the settled procedure of Service Law and facts which is liable to be set aside.
- B. That the impugned order dated 26.09.2018 itself speak malafide on the part of respondent No.2
- C. That apparently the impugned order dated 26.09.2018 is against the pronouncement of the Superior Courts judgments regarding political involvement of the public representative in the Government Department.
- D. That the appellant has only served 5/6 months and now has been transferred which is premature and against the settled norms of the tenure of transfer of a Civil Servant.

- E. That the appellant is a house wife and transferring her to far-flung area i.e District Kohistan (Hazarat Division) from her native District (District Swat) is sheer discrimination and provided rules of the Government and of Civil Servant Act which provides that female employees must be allowed to serve in their native area accordingly. (Copy of the rules are attached as annexure "D").
- F. That the appellant has till date served with full devotion and vigor and to the entire stratification of her high-ups but despite the fact her services has been transferred without assigning any reasons and against the transfer/posting policy specially of the female employee, hence the impugned order dated 26.09.2018 is needs to be reverse by allowing her to continue her duty in BHU Talang Swat by restoring the order dated 10.05.2018.
- G. That the impugned order is against the general procedure of Transfer and Posting envisaged in the transfer/posting policy of the Civil Servants.
- H. That the appellant's children are in the mid of their educational year and it would adversely affect the educational year of the children of appellant, if the impugned transfer order is not cancelled as a

transfer has not only effected her serve but also effected her entire family as well.

- I. That legally the respondent No.2 is not authorized to transfer the appellant to out District without prior permission from the Secretary Health (Respondent No.3) hence the impugned order needs to be reversed accordingly.
- J. That any other grounds will be raised at the time of arguments with the prior permission of this Hon'ble Tribunal

It is, therefore, humbly prayed that By acceptance of this instant service appeal the impugned order dated 26.09.2018 of respondent No.2 may kindly be set aside (being premature and appellant be allowed to serve in Mingora Swat as per order dated 10.05.2018 accordingly) by restoring the order dated 10.05.2018.

Through

T. Naz

Appellant

Mumtaz Ahmad
Advocate,
High Court Peshawar

Dated 30.10.2018

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2018

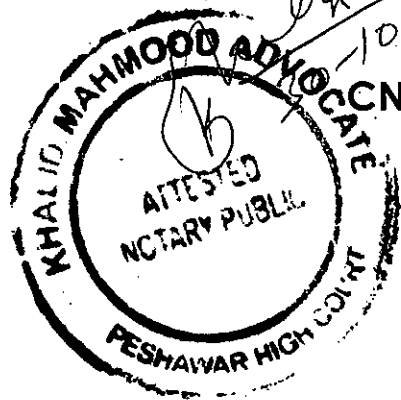
Mst. Tahira Naz.....Appellant

V E R S U S

District Health Officer,
 Health Department & others.....Respondents

A F F I D A V I T

I, Mst. Tahira Naz (P.H.C Technician (MCH/LHV Swat) Wife of Manzoor Ahmad, R/o Sikha Cheena, P.O Amankot, Mingora Tehsil & District Swat, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



Tahira Naz
DEPONENT
 CCNIC No.15602-7630979-6



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2018

Mst. Tahira Naz.....Appellant

V E R S U S

District Health Officer,
 Health Department & others.....Respondents

ADDRESSES OF PARTIES

A P P E L L A N T :

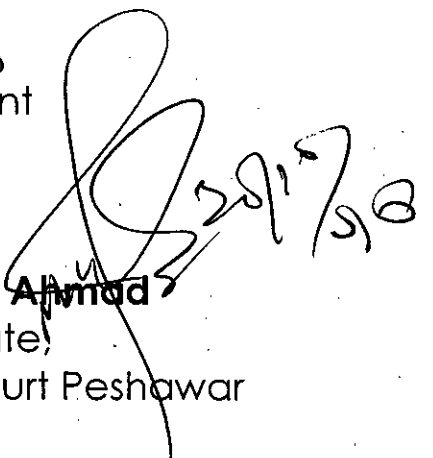
Mst. Tahira Naz (P.H.C Technician (MCH/LHV Swat)
 Wife of Manzoor Ahmad,
 R/o Sikha Cheena, P.O Amankot,
 Mingora Tehsil & District Swat

R E S P O N D E N T S :-

- 1) District Health Officer, Health Department, Mingora Swat
- 2) Director General Health Khyber Pakhtunkhwa, near District Court, Khyber Road, Peshawar.
- 3) Secretary Health, Health Department, Civil Secretariat, Peshawar
- 4) Mst.Afiya Bibi, (P.H.C Technician Mingora Swat)

Through


 Appellant


 Mumtaz Ahmad
 Advocate,
 High Court Peshawar

Dated 30.10.2018

7-A

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2018

Mst. Tahira Naz.....Appellant

V E R S U S

District Health Officer,
Health Department & others.....Respondents

**APPLICATION FOR SUSPENSION OF THE
OPERATION OF IMPUGNED ORDER DATED
26.09.2018 TILL THE FINAL DECISION OF THE
ACCOMPANYING SERVICE APPEAL**

Respectfully Sheweth:

1. That the above noted service appeal is being filed before this Hon'ble Tribunal, in which no date of hearing has yet been fixed.
2. That the applicant/ appellant has got a good prima facie and arguable case and is sanguine about its success.
3. That the balance of convenience also lies in favour of the applicant/ appellant.

7-B

4. That if the operation of impugned transfer order is not suspended, then the applicant/ appellant would suffer irreparable loss.
5. That the facts and reasons stated in the accompanying service appeal may please be read integral part of this application

It is, therefore, respectfully prayed that on acceptance of this application, the operation of impugned order dated 26.09.2018 may kindly be suspended, till the final decision of the case.

Through

T. No. 7
Appellant

Mumtaz Ahmad
Advocate,
High Court Peshawar

Dated 30.10.2018

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR
AFFIDAVIT

As per instructions of my client it is stated that the contents of the application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



DEPONENT



Amir 8

DECLARATION CERTIFICATE

I hereby declare that I am born of parents who are permanently domiciled in North West Frontier Province, and my family settled in this Province.

1

I am from Village AMIANIKOT Mohallah SCHACHINA
BARBOZAI District SWAT

15-8-95

Signature of Applicant Tahira Naz

Pursuant to this declaration dated 15-8-95

Filed by Mr/Miss TAHIRA NAZ S/o D/O HAZRAT AHMAD
domiciled in the North West Frontier Province (it is hereby certified that the said Mr/Miss
is/are of Parents who are permanent resident of North West Frontier Province having been settled
at an Distt. SWAT.)

I have satisfied myself from my personal knowledge/verification that the above declaration is true and certified accordingly:

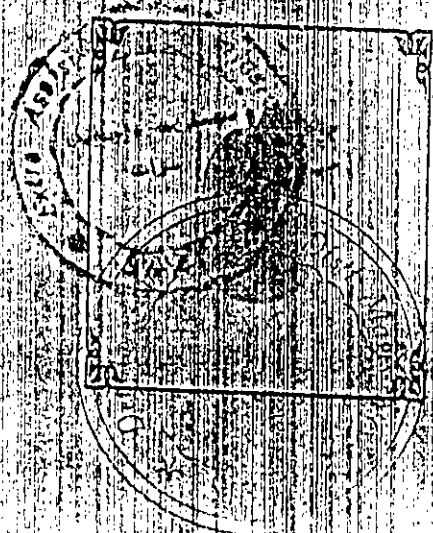
927 This 10th day of Aug 1995

Magistrate 1st Class

[Signature]

COUNTERSIGNED

[Signature]
District Magistrate
SWAT



28/8/95

[Signature]

Dist. Govt. NWFP-Province
District Accounts Office SWAT
Monthly Salary Statement (September-2018)



10

Personal Information of Miss TAHIRA NAZ d/w/s of HAZRAT AHMAD

Personnel Number: 00115587 CNIC: 15602763097
 Date of Birth: 16.04.1979 Entry into Govt. Service: 20.02.2002

NTN:
 Length of Service: 16 Years 07 Months 012 Days

Employment Category: Active Temporary

Designation: JUNIOR PHC TECHNICIAN (MC 80004769-DISTRICT GOVERNMENT KHYBE

DDO Code: SW6353-District Health Officer (BHUs) Swat

Payroll Section: 002 GPF Section: 001 Cash Center:

GPF A/C No: Interest Applied: Yes **GPF Balance: 87,498.00**

Vendor Number: -

Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 12 Pay Stage: 10

Wage type		Amount	Wage type		Amount
0001	Basic Pay	22,920.00	1000	House Rent Allowance	1,961.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
1911	Compen Allow 20% (1-15)	1,000.00	1985	Health Professional Allow	10,000.00
2148	15% Adhoc Relief All-2013	519.00	2199	Adhoc Relief Allow @10%	356.00
2211	Adhoc Relief All 2016 10%	1,834.00	2224	Adhoc Relief All 2017 10%	2,292.00
2247	Adhoc Relief All 2018 10%	2,292.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3012	GPF Subscription - Rs2220	-2,220.00	3501	Benevolent Fund	-600.00
3609	Income Tax	-84.00	4004	R. Benefits & Death Comp:	-1,052.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 1,000.00 Recovered till September-2018: 252.00 Exempted: 0.80- Recoverable: 748.80

Gross Pay (Rs.): 47,530.00 Deductions: (Rs.): -3,956.00 Net Pay: (Rs.): 43,574.00

Payee Name: TAHIRA NAZ

Account Number: CA 475-21

Bank Details: HABIB BANK LIMITED, 221488 HBL KHAZANA SWAT HBL KHAZANA SWAT,

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: SWAT

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email:

Aanz

[Signature]

(66931/26.09.2018/14:22:00) 2) All amounts are in Pak Rupees 3) Errors & omissions excepted



Amly
(A) *(12)*

**OFFICE OF THE DISTRICT HEALTH OFFICER
GULKADA DISTRICT SWAT**

Phone No: 0946-9240139, Fax No: 0946-9240215

Email: edohswat@yahoo.com

No. /

Dated: 10 /5/2018

OFFICE ORDER.

The posting /Transfer (Mutual) of the following PHC Technicians (MCH) LHV are hereby ordered with immediate effect in the best interest of public services.

S/N	Name	Designation	From	To	Remarks
01	Mrs.Tahira Naz	PHC Tech (MCH) LHV	BHU:Nazar Abad swat	BHU:Talang swat	Vice S.No.2
02	Mrs.Nadeema	----do----	BHU:Talang swat	BHU:Nazar Abad swat	Vice S.No.1

Arrival /Departure reports should be submitted to this office accordingly.

Sdxxxxx

District Health Officer
District Swat at Gulkada.

NO 6847-54 /PC

Copy forwarded to the :-


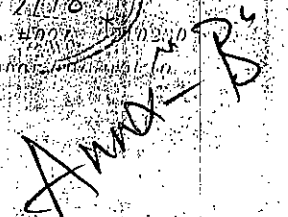
- 01- Medical Officer I/C BHU:Talang Barikot swat .
- 02- Medical Officer I/C BHU:Nazar Abad swat .
- 03- Divisional Monitoring Officer MKD Division swat.
- 04- Account Section of this office.
- 05- Estt:II Section Of this office .
- 06- DHIS Cell of this office.
- 07- Mrs.Tahira Naz PHC Tech (MCH) LHV
- 08- Mrs.Nadeema PHC Tech (MCH) LHV with the direction to submit all Services Documents
For information.

libl
District Health Officer
District Swat at Gulkada.

Rahman ali 1052018

Rahman
af

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

Phone 091-9210269 Exchange 091-9210187, 091-9210196.

Communications should be addressed to the Director General Health Services Peshawar.

Official language

ORDER

As approved by the competent authority, the following posting/transfer of PHC Technicians (MCH)/LHV BPS-12, are hereby ordered:

No.	Name	From	To
1	Mst. Afa Bibi, PHC Technician (MCH)/LHV	DHO, Kohistan	DHO, Swat
2	Mrs. Tahira Naz, PHC Technician (MCH)/LHV	DHO, Swat	DHO, Kohistan

Arrival/Departure reports should be furnished to this Director for

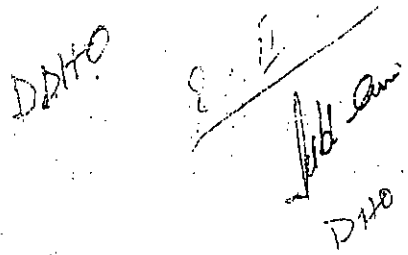
Sd/xxxxxxxxx
DIRECTOR GENERAL HEALTH SERVICES KHYBER PAKHTUNKHWA

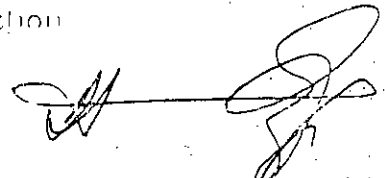
6811-17 /AE-VI, Dated Peshawar the 28/9/2018

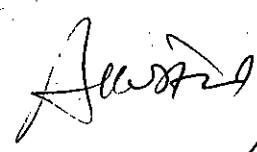

Copy forwarded to the:

- 1) District Health Officer, Kohistan.
- 2) District Health Officer, Swat.
- 3) DHO, Swat.
- 4) Supdt. Promotion Cell DGHS KP (to correct the place of posting of the official concerned in the seniority list).
- 5) DA concerned
- 6) Official concerned

For information and necessary action




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

25/9

14

Better Copy

DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA, PESHAWAR

PA

OFFICE ORDER

As approved by the competent authority the following issuing/
transfer of PHC Technicians (MCH/LHV BPS-12) are hereby ordered

No.	Name	From	To
1	Mst. Afia Bibi, PHC Technician (MCH)/LHV	DHQ, Kohistan	DHQ, Swat
2	Mrs. Tahira Naz, PHC Technician (MCH)/LHV	DHQ, Swat	DHQ, Kohistan

Arrival/ departure reports should be furnished to this Directorate for
General

Sd/-
Directorate General Health
Service Khyber Pakhtunkhwa

No.6811-17/AE-VI, dated Peshawar 26/09/2018

Copy forwarded to the

1. District Health Officer, Kohistan
2. All District Health Officer, Swat
3.
4. DHQ Swat
5. Supdt. Promotion Cell DGHS KP (to correct the place of posting
of the official concerned in the seniority slit).
6. DA concerned
7. Official concerned

For information and necessary action

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

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AMX-C
15

1556
Date 08/10/2018
Secretary Health

To,

The Secretary Health Govt of KPK
Peshawar

SUBJECT: DEPARTMENTAL REPRESENTATION

Respected Sir,

HUMBLY SUBMITTED AS UNDER

- 1) That initially I was appointed as LHV in Health Department in year 2002
- 2) That since then the undersigned serving her duty with due zeal and devotion in different of District Swat.
- 3) That I was transferred vide office order dated 10/05/2018 to BHU Talang Swat from BHU Nazarabad Matta Swat.
- 4) That undersigned station therefore 5 and 6 months when the undersigned again was transfer to out District Kohistan which clearly amounts to deviation from provided rule and regulation regarding transfer from posting that the undersigned recent transferred is premature against the transfer rule and politically motivated as well
- 5) That being a female the undersigned was victimise for no reason dispile the up till no complaint what so ever filed against me it is restfully summited that the impugned transfer order dated 01/10/2018 (in intimated date) may kindly be reversed/ recalling allowing the undersigned to continue her duty in were in district Swat.

Copy to:-
1 D.G (Health) Peshawar KPK.

Undersigned
Deponent T. Naz
Name: Tahira Naz
Designation: PHC teach (MCH) LHV

Dated: 08/10/2018

0344-9614056

A-SE
D.S/S

Em

Zah
9/10

Alex

Forward to DGHC
to look into the matter as per
rules/ policy

[Handwritten signature]

16

To,

The Director General
Health
Peshawar KPK.

LHM

29/6/18
08/10/18

SUBJECT: DEPARTMENTAL REPRESENTATION

Respected Sir,

HUMBLY SUBMITTED AS UNDER

- 1) That initially I was appointed as LHV in Health Department in year 2002
- 2) That since then the undersigned serving her duty with due zeal and devotion in different of District Swat .
- 3) That I was transferred vide office order dated 10/05/2018 to BHU Talang Swat from BHU Nazarabad Matta Swat.
- 4) That undersigned station therefore 5 and 6 months when the undersigned again was transfer to out District Kohistan which clearly amounts to deviation from provided rule and regulation regarding transfer from posting that the undersigned recent transferred is premature against the transfer rule and politically motivated as well
- 5) That being a female the undersigned was victimise for no reason dispile the up till no complaint what so ever filed against me it is restfully submitted that the impugned transfer order dated 01/10/2018 (in intimated date) may kindly be reversed/ recalling allowing the undersigned to continue her duty in were in district Swat.

Copy to:-

1 D.G (Health) Peshawar KPK.

Undersigned

Deponent

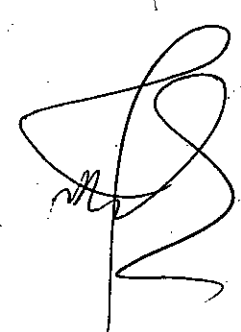
T. No 2
07

Name: Tahira Naz

Designation: PHC, teach (MCH) LHV

Dated: 08/10/2018

Tahira Naz





17
**GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT**

No. SOH-III/8-89/2018(Tahira Naz)
Dated the Peshawar 12th October, 2018

To

The Director General,
Health Services Khyber Pakhtunkhwa,
Peshawar:

SUBJECT: **DEPARTMENTAL PRESENTATION.**

I am directed to refer to the subject noted above and to enclose herewith a copy of self-explanatory appeal and other enclosures received from Tahira Naz, PHC, Technician (MCH) LHV attached to District Health Officer, Swat for further necessary action as per rules/policy under intimation to this department.

Encl: As above.

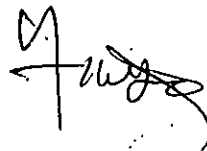
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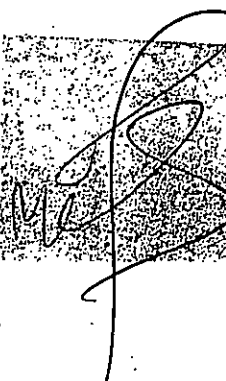
Copy forwarded to:-

PS to Secretary Health, Khyber Pakhtunkhwa.


Section Officer-III


Section Officer-III





DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA, PESHAWAR.

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Office Ph# 091 - 9210269

Exchange# 091 - 9210187, 091 - 9210196,

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All communications should be addressed to the Director General Health Services Peshawar and not to any official by name.

No. 8077 /AE-VI,

Dated 29 /10/2018

To

The District Health Officer,
Swat.

Subject: - REQUEST FOR ADJUSTMENT/POSTING.

I am directed to refer to your letter No.14688/PF, dated 19/10/2018, on the subject noted above and to state to relieve the official concerned and direct her to submit arrival report to DHO Kohistan.

Please also inform the official concerned that her request is regretted.

DEPUTY DIRECTOR (PARAMEDICS)
DGHS KHYBER PAKHTUNKHWA
PESHAWAR.

29/10

Amended

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I. POSTINGS AND TRANSFERS

Sl. No. 1

General Conditions Regarding Postings, Transfers and Deputation- F.R. 15.

(a) The Governor-General may transfer a Government servant from one post to another, provided that, except-

- (1) on account of inefficiency or misbehaviour, or
- (2) on his written request;

a Government servant shall not be transferred substantively to, or, except in a case covered by rule 49, appointed to officiate in a post carrying less pay than the pay of the permanent post on which he holds a lien or would hold a lien had his lien not been suspended under rule 14.

(b) Nothing contained in clause (a) of this Rule or in clause (13) of Rule 9 shall operate to prevent the retransfer of a Government servant to the post on which he would hold a lien, had it not been suspended in accordance with the provisions of clause (a) of rule 14.

Government decision.- Permanent transfers from a higher to a lower scale in anticipation of the abolition of a post are not transfers within the meaning of F.R. 15.

[Authority.- Government of India, Finance Division letter No. F-452-R.1/27, dated 1-2-1928].

Sl. No. 2.

Policy Guidelines for Postings/Transfers of Officers

It has now been decided by the President that postings/transfers of officers of Grade-17 and above in all Occupational Groups/ Services/Ex-cadre posts, etc., will, henceforth, be made according to the Rules of Business, 1973 by the respective Ministries/Departments who are responsible for their administrative control.

2. The following guidelines may, however, be observed by the Ministries/Departments regarding policy concerning transfers:

- (1) Transfer between Pakistan and foreign countries should normally be made only after 3 years. If an officer is required to be transferred earlier than 3

- 20
- (2) Officers should not be transferred as a result of their taking leave for short periods for rest and recreation for which only acting arrangements should be made.
- (3) Ordinarily 3 months notice should be given to government servants who are transferred from one station to another to enable them to plan their affairs.

3. The above instructions may be passed on to departments under the administrative control of the Division/Ministry.

[Authority:— Establishment Secretary's D.O. letter No. 1/24/78, C.P., dated 30-9-1978].

Sl. No. 3

Normal Tenure of Posting

It has been observed that government instructions with regard to normal tenure for an officer on the same job/post issued from time to time are not being followed with the result that in some Ministries/Divisions/Departments, officers have continued to work on the same desk for unduly long periods. The position has been reviewed and the competent authority has laid down the following criteria for posting/transfer of the officers working in Ministries/ Divisions and the Attached Departments/Subordinate Offices, Autonomous and Semi-Autonomous Organizations, under their administrative control:

POSTINGS/TRANSFERS WITHIN PAKISTAN

- (i) The normal tenure of an officer on the same post should be three years. Posting of an officer on the same post beyond the normal tenure will require concurrence of the competent authority, in each case.
- (ii) Shifting of the officer may be phased in a manner that no dislocation in the official work takes place due to large scale transfers.

Ordinarily, three months notice should be given to the officer who is to be transferred. Exception may, however, be made in case the officer is required to be shifted immediately in the public interest with the approval of the competent authority.

- (iv) Orders for premature transfers in the Ministries/ Divisions/Departments of the Federal Government should be referred to the Establishment Division, and in the Autonomous/Semi-Autonomous Organizations to the administrative Ministry concerned.

posting/transfer of such officers may also be rotated in their parent departments/cadres as far as possible in accordance with the rules of the post.

Postings/Transfers to Pakistan Missions Abroad (Other Than Posts Administered by Ministry of Foreign Affairs)

(i) Posts in foreign missions abroad should be filled on the basis of detailed job descriptions to be prepared by the controlling Ministry;

(ii) The controlling Ministry should prepare a panel of suitable officers for the post;

(iii) The panel of suitable officers should be considered by a Committee of the controlling Ministry including a representative of the Establishment Division;

(iv) The recommendations of the Committee should be considered by the Special Selection Board; and

(v) The recommendations of the Special Selection Board should be submitted to the competent authority for approval.

2. Ministries/Divisions are requested to proceed further in the matter of postings/transfers as above and bring these instructions to the notice of all departments, offices, autonomous/semi-autonomous bodies and corporations under their control for strict compliance.

[Authority:— Ec. Division O.M. No. 10/10/94-R.2, dated 22-3-1994].

Sl. No. 4

Posting of Serving Husband/Wife at the Same Station

The government has taken note of the socio-economic problems and hardship faced by husbands and wives in government service due to posting at different stations of duty, and it has been decided to prescribe the following guidelines to facilitate posting of husband and wife at the same station:

(i) Where a request is made for posting at a different station in the same department/service/cadre in which an employee is already serving, the request may be accepted subject to availability of a post in the same BPS.

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- (iii) When a request is made for permanent transfer to absorption in another department/agency, the request may be processed in consultation with the department concerned, subject to the condition that in the event of permanent transfer, seniority shall be determined in accordance with the Civil Servants (Seniority) Rules, 1993.
- (iv) If there is a tie between two or more government servants for posting at the same station in the same department/unit of an organization, the government servant with greater length of service may be preferred.
- (v) Request for posting by a spouse facing serious medical problems may be accorded highest priority.
- (vi) Spouses already posted at one station, including those posted on deputation beyond the prescribed maximum period, may not normally be disturbed without compelling reasons of public interest. Requests for extension of deputation period beyond the permissible limit may be considered with compassion if interests of public service would permit.

2. The above guidelines are subject to the following conditions:-

- (i) Posting of husband and wife at the same station should not be made by dislocation of any government servant already serving at a particular station unless his transfer is necessitated by compelling reasons of public interest or within the framework of general policy of postings and transfers.
- (ii) The prescribed selection authority should be consulted in each case.

3. All government servants whose spouses are in government service may be asked to furnish, at the end of every calendar year, the particulars of their spouses to their controlling Ministries/Divisions so as to facilitate maintenance of ICP Charts and up-to-date monitoring of the situation.

4. The above guidelines may be circulated to the autonomous bodies under the charge of Ministries/Divisions for adoption, with such modifications, as may be considered necessary.

[Authority:- Estt. Division O.M.No. 10/30/97-R.II, dated 13-5-1998].

Sl. No. 5

Posting of Unmarried Female Government Servants at the Place of Residence of Parents/Family

It has been brought to the notice of government that unmarried female government servants face socio-economic and security problems when they are posted at stations other than the place of residence of their parents/family. The government has taken note of this difficulty and it has been decided to prescribe the following guidelines for dealing with requests of unmarried female government servants for posting at the place of residence of their parents/family:-

(i) Where a request is made for posting at a different station in the same department/service/cadre in which an employee is already serving, the request may be accepted subject to availability of a post in the same BPS.

(ii) If a request involves temporary deputation to another department, it may be processed in consultation with the department concerned, and may be accepted on the prescribed terms of deputation subject to availability of a post in the same BPS.

(iii) When a request is made for permanent transfer to absorption in another department/agency, the request may be processed in consultation with the department concerned, subject to the condition that in the event of permanent transfer, seniority shall be determined in accordance with Rule 4 of the Civil Servants (Seniority) Rules, 1993.

(iv) If there is a tie between two or more government servants for posting at the same station in the same department/unit of an organization, the government servant with greater length of service may be preferred.

(v) Request for posting by an unmarried female government servant facing serious medical problems may be accorded highest priority.

(vi) Unmarried female government servants already posted at a station, including those posted on deputation beyond the prescribed maximum period, may normally not be disturbed without compelling reasons of public interest. Requests for extension of deputation period beyond the permissible limit may be considered with compassion, if interests of public service would permit.

2. The above guidelines are subject to the following conditions:-

- (i) Posting of unmarried female government servants at the station of residence of their parents/family should not be made by dislocation of any government servant already serving at a particular station unless his transfer is necessitated by compelling reasons of public interest or within the framework of general policy of postings and transfer.
- (ii) The prescribed selection authority should be consulted in each case.

3. It has also been decided that the above guidelines shall also be followed by autonomous/semi-autonomous bodies/ corporations etc. under the control of the Federal Government.

[Authority.- Estt. Division O.M. No. 10/30/97-R-2, dated 17-12-1999].

SI. No. 5-A

Posting of Married Female Government Servants at the Place of Residence/Posting of Their Husbands Who are Not in Government Employment

Keeping in view the socio-economic problems and hardships faced by husbands and wives in government service due to posting at different stations of duty, the Establishment Division issued instructions/guidelines vide its OM No. 10/39/97-R-2, dated 13.5.1998 (SI. No. 4) and 17.12.1999 (SI.No. 5) to facilitate posting of husbands and wives at the same station and the posting of the unmarried female civil servants at the place of residence of their parents/families. With a view to facilitating those female government servants whose spouses are not in government service or employed in the private sector or unemployed, it has been decided to extend the facility to this class of government servants also to the above to serve at the place of residence of their spouses irrespective of whether such spouses are employed with the government, private sector, or even unemployed.

[Authority.- Estt. Div.'s OM No. 10/30/97-R-2, dated 21-4-2006].

SI. No. 6

Normal Tenure for an Officer on the Same Job/Post

It has been observed that a number of officers remain at the same desk for considerable period of time. This arrangement is not administratively desirable as the officers holding the same post for a long time tend to develop rigidity in the outlook and ideas and do not view the problems with the same objectivity.

2. The above orders apply not only to the Ministries and Divisions but also to all kinds of organizations, including the Attached Departments and Subordinate Offices, as well as autonomous bodies and corporations under the administrative control of the various Federal Ministries/Divisions.

3. As regards the technical officers/experts, if they have been recruited for same post in which they are working, the orders referred to above will not apply. However, if it is possible to rotate such officers, this may be done.

[Authority.- Establishment Secretary's d.o. letter Nos. 27/370-F.1, dated 4-11-1970 and 30-8-1971].

**SI. No. 7
Guidelines for Selection of the Officers for Posting Abroad in Pakistan Missions**

The President has been pleased to approve the following guidelines for selection of officers for posting abroad in Pakistan Missions:-

Posts will be filled on the basis of detailed job descriptions to be prepared by the controlling Ministry.

The controlling Ministry will:

- (a) prepare a panel of suitable officers for the post on the basis of job description from amongst the officers working in or controlled by the Ministry;
- (b) ask the Establishment Division for a panel of suitable names of officers working in other Ministries/Divisions and Provincial Governments.

This panel will be considered by a Committee in the Ministry/Division which exercises administrative control of the posts to be filled. The Committee shall include a representative of the Establishment Division.

The Committee will select, after due scrutiny, a panel of three officers against each post, taking into consideration the following factors:-

- (a) The selectee fulfills the requirements of the post as detailed in the job description.
- (b) The selectee is in the same grade as the post to be filled. Officers from higher or lower grades will not be considered.

Approved
[Signature]

- 23
- (d) The selectee is, at least, a graduate or possesses the technical qualification required for the job.
- (e) Persons within promotion zone within the next 2 years should not be considered.
- (f) Those likely to retire during the next 4 years should not be considered.
- (g) An officer should not be posted abroad more than once.
5. The panel of three officers selected by the Committee on the above criteria will be submitted to the Special Selection Board for final selection interview.
6. The recommendations of Special Selection Board shall be submitted to the President for approval.
7. The Ministries/Divisions are requested to strictly follow this procedure in future while recommending officers for posting abroad in Pakistan Missions.

[Authority:- Estt. Div.'s O.M.No.4/7/81-TIV, dated 28-12-1981].

Sl. No. 8

Procedure for Selection of Candidates for Appointment in Pakistan Missions Abroad

Reference Establishment Division's O.M. of even number dated 28 December, 1981 (Sl.No.7) that in order to ensure uniformity in selection of candidates for appointment in Pakistan's Missions abroad, the following procedure be adopted by the Selection Committee to draw up the panel for submission to Special Selection Board:-

1. The Selection Committee will allocate marks to be distributed as under

	Marks
(i) Officer's Record	50
(ii) Assessment by the Committee	50
(a) Interview	30
(b) Experience	20

Total = 100

The evaluation of record shall be computed against the scale of 50 marks in accordance with the formula for overall assessment enunciated in the Promotion Policy circulated vide Establishment Division's letter No. 10(3)/81-CP-I(Pt), dated 31st October, 1982.

The Committee will interview the candidates to assess their fitness for the job.

Marks for experience should take into account the experience and additional qualifications relevant to the job. No marks need be allocated for the basic qualifications required for the post.

[Authority:- Estt. Div.'s O.M. No.4/7/81-T.IV, dated 18-1-1983].

No.9

Marking Reversion to Lower Post for Posting Abroad

Instances have come to the notice of Establishment Division where the Ministries/Divisions have been found indulging in the practice of permitting the employees serving under them, especially those belonging to the ministerial cadre holding posts of Private Secretary, Superintendent, Assistant, Stenographer etc. to revert to the lower post with a view to facilitating their posting in Pakistan Missions abroad. In the recent past, a few Ministries/Divisions approached this Division also supporting requests of their employees for reversion to lower posts for the purpose of posting abroad.

2. The above matter has been given careful consideration keeping in view the provisions of section 10 of the Civil Servants Act, 1973 and F.R. 15. It has been held that these provisions do not lend any support to voluntary requests of officials for reversion to lower posts with a view to winning posting in Pakistan Missions/offices in foreign countries.

3. In view of above, it is advised that the requirements of Pakistan Missions/offices abroad may be met by restricting selection to holders of corresponding posts in Ministries/Divisions. The selection for posting abroad may be made on the basis of seniority-cum-fitness by an ad hoc committee to be constituted specifically for the purpose.

[Authority:- Estt. Division O.M.No.4/8/85-R.6 dated 3-12-1985].

Approved

Transfer/Postings from settled to F. including F.Rs to Districts.

SI.No.5

Instances have come to the notice of Governor's Secretariat NWFP, where policy on posting/transfer to and from FATA is not being followed in letter and spirit. The Governor, NWFP has taken serious notice of the violation of the said policy and directed that all Departments must obtain his prior approval before issuing all such posting/transfer orders.

(Authority: SOR.I(S&GAD)1-188/96, dated 2nd Oct., 1997)

Inter Provincial Transfer

SI.No.6

Attention is invited to Rule-8 of the NWFP, Civil Servants(Appointment, Promotion and Transfer) Rules, 1989 where under Inter-Provincial Transfers of employees in BPS 1 to 15 and 16 and above are permissible subject to the fulfilment of conditions laid down in the aforesaid rule. However, in most of the cases, the requests for Inter-Provincial Transfers are not strictly scrutinized in the light of the aforesaid rules which creates not only embarrassment for the S&GAD but also causes delays in finalizing of such cases.

2. While examining cases, it has been noticed that inter-provincial transfer results in an over all increase of officials in the NWFP, which is against the downsizing policy of the Government. The un-employment situation in NWFP is more acute than in any other province. Large scale transfers of officials from other provinces would also deprive the people of NWFP from employment in other Provinces. It may, therefore, be necessary to restrict the inter-provincial transfers to very exceptional cases where a strong humanitarian ground exists or where technical expertise, which is not available in the province, is required.

3. It is requested that the provisions of Rule-8 of the NWFP Civil Servants(Appointment, Promotion and Transfer) Rules, 1989 may be observed strictly while recommending cases of inter-provincial transfers, with full justification for consideration of the competent authority.

(Authority: S&GAD's letter No. SORI(S&GAD)2-27/86, dated 1.11.1997)

Posting/Transfer in Government Departments

- 24
- (i) The normal tenure of posting shall be three years subject to the conditions that for the officers/officials posted in unattractive areas, the tenure shall be two years and for the hard areas i.e. (District Kohistan), it shall be 1-1/2 years at least.
 - (ii) Months of March and August are fixed for posting/transfer of the officers/officials excluding the officers in BP-19 and above in the Province. There should be a ban on posting/transfers throughout the year excluding the aforesaid two months. However, there shall be no restriction in cases where:-
 - (a) Postings/transfers of Government employees become inevitable in other months due to promotion/retirement/ creation of new posts/return from long leave/involvement in disciplinary proceedings and adjustment of surplus staff.
 - (b) Postings of existing officers of the APUG, PCS(FG) and PCS (SG) and Heads of Attached Departments and other B-19 and above officers in all the departments as indicated in Schedule-III of the NWFP Government Rules of Business, 1985 as well as Field posts and ex-cadre posts by the Chief Secretary and Chief Minister NWFP.
 - (iii) While making postings/transfers from settled areas to FATA and Vice-versa, the approval of Governor, NWFP needs to be obtained.
 - (iv) No officer shall be allowed to be posted in his own District of domicile.
 - (v) No postings/transfers of the officers/officials on detailment basis shall be made.
 - (vi) About the posting of husband/wife, both in Provincial Services, at one station, the over riding consideration will be the administrative position. It may be desirable to post such persons at one station and this will be subject to the public interest.

2. It is requested that the above policy may please be implemented in letter and spirit.

(Authority: S&GAD's letter No. SOR-I(S&GAD)1-1/85, dt: 20.5.1998)

Posting/Transfer in Govt. Departments.

SI.No.8

I am directed to refer to the subject cited above and to say that in supersession of all policy instructions issued in this behalf, the competent authority has inter-alia approved the

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two years and for the hard areas (i.e District Kohistan), it shall be 1½ years at least.

- (ii) Months of March and August are fixed for posting/transfer of the officers/officials excluding the officers in BS-19 and above in the Province. There should be a ban on posting/transfers throughout the year excluding the aforesaid two months. However, there shall be no restriction in cases where:-
- (a) Postings/transfers of Government employees become inevitable in other months due to promotion/ retirement/creation of new posts/ return from long leave/involvement in disciplinary proceedings and adjustment of surplus staff.
- (b) Postings of existing officers of the APUG, PCS(EG) and PCS(SG) and heads of Attached Departments and other B-19 and above officers in all the Departments as indicated in Schedule-III of the NWFP Govt. Rules of Business, 1985 as well as Field posts and ex-cadre posts by the Chief Secretary and Governor, NWFP.
- (iii) While making postings/transfers from settled areas to FATA and vice-versa, specific approval of the Governor, NWFP needs to be obtained.
- (iv) No officer shall be posted on executive/administrative posts in the District of their domicile.
- (v) No postings/transfers of the officers/officials on detailment basis shall be made.
- (vi) About the posting of husband/wife, both in Provincial Services, at one station, the over riding consideration will be the administrative position. It may be desirable to post such persons at one station and this will be subject to the public interest.
- (vii) Officers/officials who are due to retire within two years may be posted on their option, on non-executive/non-administrative posts in the Districts of their domicile and be allowed to serve there till their retirement.

2. As already notified, all postings/transfers of officers/officials will be done on the recommendations of the placement scrutiny committees at the Provincial, Departmental and Divisional level, while keeping in mind the following:-

- (i) Recommendations should be based on Annual Confidential Reports, past and present record of service, performance on post held presently and in the past and his general reputation with focus on integrity.

- (iii) The process should be completely transparent and in the best public interest.
3. I am further, directed to request that all concerned should ensure that:-
- (a) All postings/transfers are made strictly in accordance with this posting/transfer policy and any-one violating the said policy shall be held accountable under the E&D Rules.
- (b) If an exemption is required to be made in exigency of service aiming at serving public interest, that shall be allowed only by the Chief Secretary.
- (c) Each department, without violating the posting/transfer policy, may add further yardsticks, keeping in view their own requirement, which shall be got approved, from the Chief Secretary.
3. The receipt of this letter may kindly be acknowledged.

(Authority S&GAD letter No.SOR-I(S&GAD)1-1/85(Vol.I), dated 22.12.99)

**Policy of posting of serving Husband/
Wife in the same station.**

Sl.No.9

The following policy of the Federal Government with regard to the posting of husband and wife at one station of duty, has been adopted by the Provincial Government of NWFP in respect of its employees working in Government Departments, Autonomous and Semi-Autonomous Bodies in the NWFP:-

- (i) Where a request is made for posting at a different station in the same department/service/cadre in which an employee is already serving, the request may be accepted subject to availability of a post in the same BPS.
- (ii) If a request involves temporary deputation to another department, it may be processed in consultation with the concerned department, and may be accepted on the prescribed terms of deputation subject to availability of a post in the same BPS.
- (iii) When a request is made for permanent transfer to/absorption in another department/agency, the request may be processed in consultation with the department concerned, subject to the condition that in the event of permanent transfer, seniority shall be determined in accordance with section-8 of the NWFP Civil Servants Act, 1973 read with Rule-17 of the NWFP Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.
- (iv) If there is a tie between two or more Government servants for posting at the same station in the same department/unit of an organization, the

Accepted
[Signature]

- (v) Request for posting by a spouse facing serious medical problems may be accorded highest priority.
- (vi) Husband already posted at one station, including those posted on deputation beyond the prescribed maximum period, may normally not be disturbed without compelling reasons of public interest. Requests for extension of deputation period beyond the permissible limit may be considered with compassion if interests of public service would permit.
2. The above guidelines are subject to the following conditions:-

- (i) Posting of husband and wife at the same station should not be made by dislocation of any Government servant already serving at a particular station unless his transfer is necessitated by compelling reasons of public interest or within the frame work of general policy of postings and transfer.
- (ii) The prescribed selection authority should be consulted in each case.

3. It is requested to follow the above policy strictly in letter and spirit.

(Authority:- Circular letter No.SORI(S&GAD)1-1/85(V.I), dt: 11.7.98)

Decision of the Provincial Cabinet meeting held on 8.7.99

S.No. 10

Decision

"DEOs & SDEOs (female) may be posted in their own district of domicile by the Education Department if considered necessary & unavoidable"

(Authority:-Circular letter No.SOC(S&GAD)27/89/99, dated 15.07.99)

Placement Scrutiny Committee

S.No.11

Notification:

No.SOI(S&GAD)1-1/98. The competent authority is pleased to constitute a Placement Scrutiny Committee comprising of the following:-

- | | | |
|----|--------------------------------|--------------|
| a. | Additional Chief Secretary | Co-ordinator |
| b. | Senior Member Board of Revenue | Member |
| c. | Secretary Home & TA Department | Member |

- 26
- i. To examine scrutinize and recommend names of officers for posting as Deputy Commissioners, Political Agents, Assistant Commissioners, Assistant Political Agents and Extra Assistant Commissioners;
- ii. Recommendations should be based on Annual Confidential Reports, past and present record of service, performance on post held presently and in the past and his general reputation with focus on integrity;
- iii. Tenure on present post should also be taken into consideration.
3. Recommendations and proposals so evolved/made should be submitted to the Chief Secretary for further necessary action.

(Authority S&GAD letter No.SOI(S&GAD)1-1/98, Dt: 4.11.99)

Departmental Placement Scrutiny Committee.

S.No.12

I am directed to refer to the subject noted above and to state that the Competent Authority has been pleased to direct that a Departmental Placement Scrutiny Committee in each department may be constituted under the Chairmanship of Administrative Secretary concerned. This Committee will decide the posting/transfers of officers for whom Competent Authority otherwise is the Administrative Secretary and orders be issued accordingly.

2. The Committee shall comprise three appropriate departmental officers, apart from the Chairman, to be nominated by the Secretary concerned. Placement (Posting) of the departmental officers on various posts is to be based on their Annual Confidential Reports, past and present record of Service, performance on the post held presently and their general reputation with focus on integrity. Their tenure on the present post shall also be taken into consideration.

3. Proceedings of these Committees should regularly be sent to the S&GAD for information of the higher authorities and record.

4. Secretary, Home and T.A Department is requested to issue similar instructions to the Commissioners and the Police Department for the needful as above.

(Authority S&GAD letter No.SOI(S&GAD)1-1/98, dt: 27.11.99)

Representative for the Placement Scrutiny Committee For Posting & Transfer of Officers.

S.No.13

I am directed to refer to the subject noted above and to state that the Governor NWFP has been pleased to approve that the Army Authorities should also be represented on the Placement Scrutiny committees for the posting of officers of the line departments in

WAKALAT NAMA

In the court of: Service Tribunal Peshawar

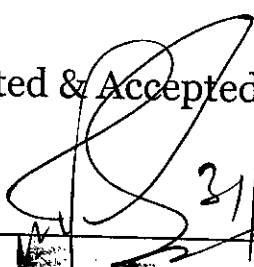
Mrs. Tahira Azeem Petitioner/ Complainant
Appellant

VERSUS

DHO Jir Respondent

I Mrs. Tahira Azeem in the above noted S. Appeal do hereby appoint **Mr. Mumtaz Ahmad Advocate High Court** as my/our counsel in the above proceedings and authorize him to appear, plead, defend, act, compromise, withdraw, negotiate or refer to arbitration for me/ us as my / our advocate/ legal attorney in the above mentioned matter, without any liability for his default and with the authority to engage/ appoint any other Advocate/ Counsel on my/our behalf and to file amended petition/any miscellaneous application or any other documentation which is legally required on my /our behalf for the above proceedings.

Attested & Accepted


31/10/20

Mumtaz Ahmad Advocate
High Court, Peshawar
Cell: 0333-9118161

T. Naz

(CLIENT)

NWFP, PESHAWAR.

IMMEDIATE

No. SO-III/5(4)2/05/
December 30, 2005

2553 HE

SO HCN
209
17/2/06

To

No. 5246
Date 31-12-05

The Secretary to Govt. of NWFP,
Health Department, Peshawar.

Subject:-

COMPLAINT AGAINST Ms. SEMA GUL LHV BHU
CHUNGI - TAHIRA NAZ LHV

27

Dear Sir,

I am directed to enclose herewith an application & its enclosures (in original), received from Ms. Tahira Naz LHV Chungi, Swat on the subject noted above, as marked by the Governor NWFP to your good self for further necessary action, in light of his remarks, reproduced below:-

"Pl look into it"

Yours faithfully,

(MUHAMMAD ISMAIL QURESHI)
SECTION OFFICER-III

Encl as above

h
31/12

M. Ismail

please see Deptt.
to furnish detail
report alongwith
Recommendation & CM
to go to House

Stew/son

20/2/06
SO-III

SO II

H/M
11/1/06

SO/II



OFFICE OF THE DISTRICT HEALTH OFFICER
GULKADA DISTRICT SWAT

Phone No: 0946-9240139, Fax No: 0946-9240215

Email: edohswat@yahoo.com

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service appeal No.1419/2018

Mst. Tahira Naz PHC Technician (MCH/LHV) Swat Wife of Manzoor Ahmad R/O Skha china P.O Amankot
Mingora Tehsil Babozai District Swat.....Appellant.

VERSUS

District Health Officer, Health Department, Mingora Swat and others.

.....Respondents.

INDEX

S.No	Description of documents	Annexure	Pages
1	Para-wise comments.	1-2
2	Affidavit	3
3	Spouse policy	A	4-5
4	Authority	6
5	Wakalat nama	7

Afia

AFIA BIBI.
RESPONDENT NO.4

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Comments in Service Appeal No: 14/19 / 2018

Mst. Tahira Naz (P.H.C Technician (MCH/LHV) Swat) Wife Of Manzoor Ahmad, Resident Of Sikhana Cheena
P.O Amankot, Mingora, Tehsil and District Swat..... **Appellant**

VERSUS

1. District Health Officer, Health Department, Mingora Swat.
 2. Director General Health Khyber Pakhtunkhwa, Near District Courts, Khyber Road, Peshawar.
 3. Secretary Health, Health Department, Civil Secretariat, Peshawar.
 4. Mst. Afiya Bibi, (PHC Technician Mingora Swat).
- **Respondents**

COMMENTS ON BEHALF OF RESPONDENT NO:4

Respectfully Sheweth:

Comments on behalf of Respondent No:4 are submitted as under:

Preliminary Objections:

1. That the Appellant has got no cause of action to institute the instant appeal.
2. That the instant appeal is not maintainable in its present form.
3. That the Appellant is stopped from filing the instant appeal.
4. That the present Appellant has no locus standi to challenge the legal order dated:20-09-2018 through which the transfer was effected to DHQ Kohistan therefore the present appeal is liable to be dismissed.
5. That Respondent No:4 performed her job in DHQ Kohistan for a period of more than five years and she was transferred to DHQ Swat on merits and after holding the charge, Respondent No:4 is serving to the satisfaction of the high ups, furthermore, her transfer and posting at Swat is in fully accordance with the services rules and laws, as such the appeal is not maintainable being devoid of any weight.

6. That without prejudice to the above, even otherwise, Respondent No:4 is also entitled to be posted at Swat as per spouse policy as her husband is serving as ADEO(Male)in Education Department at Mingora Swat, therefore the appeal is liable to be dismissed.
(spouse policy as Annexure A)

Facts:

1. Contents of Para No:1 are in respect of the appointment of the Appellant and need no reply.
2. Contents of Para No: 2 are not concerned with Respondent No:4 as such need no reply.
3. Contents of Para No:3 are related to the official respondents however the said order in accordance with law and Respondent No:4 has been transferred to DHQ Swat on merits, whereas the Appellant is performing her duty in the limits of District Swat which is evident from the contents of Para No:3. Transfer order of Respondent No:4 is in accordance with law. The averment contrary to the above is denied.
4. Contents of Para No:4 are related to Respondents No:2&3 as such need no reply.
5. Contents of Para No:5 are legal however the Appellant is intended to put pressure on official respondents through instant appeal. The Appellant has got no case to be interfered by this honorable tribunal.

Grounds:

Grounds serial no: A to J are not related to Respondent No:4, official respondents are bound to reply the same. The instant appeal is based on mala fide and is liable to be dismissed.

Prayer:

It is therefore submitted that in lieu of the above submissions, the instant appeal may kindly be dismissed with cost throughout.

Dated:26-12-2018



Responent No:4/Mst. Afiya
Bibi, (PHC Technician Mingora
Swat).

AFFIDAVIT

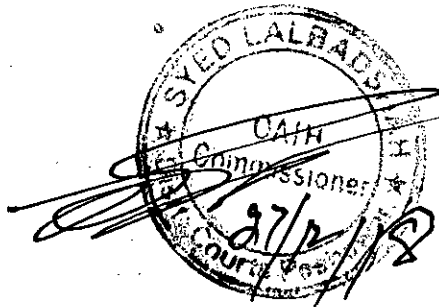
I, Mst. Afiya Bibi, (PHC Technician Mingora Swat) do hereby solemnly affirm and declare on Oath that the contents of the contents of the written statement/comments are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

ATTESTED

Afiya

DEPONENT

IDENTIFIED BY



SPOUSE POLICY

GOVERNMENT OF PAKISTAN
CABINET SECRETARIAT
ESTABLISHMENT DIVISION

No 10/3097-R.II

Islamabad, the 13th May, 1998.

OFFICE MEMORANDUM

Subject: POSTING OF SERVING HUSBAND / WIFE AT THE SAME STATION.

The undersigned is directed to state that Government has taken note of the socio-economic problems and hardships faced by husbands and wives in Government service due to posting at different stations of duty, and it has been decided to prescribe the following guidelines to facilitate posting of husband and wife at the same station:

- (i) Where a request is made for posting at a different station in the same department/service/cadre in which an employee is already serving, the request may be accepted subject to availability of a post in the same BPS.
- (ii) If a request involves temporary deputation to another department, it must be processed in consultation with the concerned department, and may be accepted on the prescribed terms of deputation subject to availability of a post in the same BPS.
- (iii) When a request is made for permanent transfer to/absorption in another department/agency, the request may be processed in consultation with the department concerned, subject to the condition that in the event of permanent transfer, seniority shall be determined in accordance with Rule 4 of the Civil Servants (Seniority) Rules, 1993.
- (iv) If there is a tie between two or more Government servants for posting at the same station in the same department/unit of an organization, the Government servant with longer length of service may be preferred.
- (v) Request for posting by a spouse facing serious medical problems may be accorded highest priority.
- (vi) Spouses already posted at one station, including those posted on deputation beyond the prescribed maximum period, may normally not be disturbed without compelling reasons of public interest. Requests for extension of

deputation period beyond the permissible limit may be considered with compassion if interests of public service would permit.


2. The above guide-lines are subject to the following conditions:-

(i) Posting of husband and wife at the same station should not be made by dislocation of any Government servant already serving at a particular station unless his transfer is necessitated by compelling reasons of public interest or within the frame work of general policy of postings and transfers.

(ii) The prescribed selection authority should be consulted in each case.

3. All Government servants whose spouses are in Government service may be asked to furnish at the end of every calendar year the particulars of their spouses to their controlling Ministries/Divisions so as to facilitate maintenance of ICP Charts and up-to-date monitoring of the situation

4. The above guidelines may be circulated to the autonomous bodies under the charge of Ministries / Divisions for adoption, with such modifications, as may be considered necessary.


(M. RAMIZUL HAQ) 13/5/95
Senior Joint Secretary to the
Government of Pakistan

All Ministries / Divisions
Islamabad / Rawalpindi.

AUTHORITY LETTER

Mr. Saeed Ahmad S/O Dilbar Khan is hereby authorized to submit Para-wise comments in Service appeal No.1419/2018 on behalf of the under signed.

Afia

AFIA BIBI
RESPONDENT NO.4



ایڈوکیٹ: محمد حسن رستمی
 بار کونسل ایسوسی ایشن نمبر: 10490
 رابطہ نمبر: 0344 922 5886

پشاور بار ایسوسی ایشن، خیبر پختونخوا

بعدالت جناب: سیمر محمد نواز سروس سٹریٹجی

دعویٰ:	مخائب: <u>مرتبہ اسائنمنٹ</u>
علت نمبر:	
مورخہ:	
جرم:	
تھانہ:	

مس ظاہرہ ناز بنام ڈاکٹر اسلمہ اسلمہ

باعت تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ آن مقام سیمر محمد نواز سروس سٹریٹجی کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم:

الم ————— واہ شد ————— الم
 مقام پشاور کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

Attested & accepted

Posting and Transfer

Statutory Provision.

Section 10 of the NWFP Civil Servants Act, 1973.

Posting and Transfer. Every civil servant shall be liable to serve anywhere within or outside the Province, in any post under the Federal Government, or any Provincial Government or Local authority, or a Corporation or body set up or established by any such Government:-

Provided that nothing contained in this section shall apply to a civil servant recruited specifically to serve in a particular area or region:

Provided further that, where a civil servant is required to serve in a post outside a service or cadre, his terms and conditions of service as to his pay shall not be less favourable than those to which he would have been entitled if he had not been so required to serve.

Posting/transfer policy of the Provincial Government.

- i) All the posting/transfers shall be strictly in public interest and shall not be abused/misused to victimize the Government servants
- ii) All Government servants are prohibited to exert political, Administrative or any other pressures upon the posting/transfer authorities for seeking posing/transfers of their choice and against the public interest.
- iii) All contract Government employees appointed against specific posts, can not be posted against any other post.
- iv) Existing tenure of posting/transfer of three (03) years for settled areas and two (02) years for unattractive/hard areas shall be reduced to two (02) years for settled areas, 01½ years for unattractive areas and one year for hard areas.
- v) []

⁷⁹ Para-1(v) regarding months of March and July for posting/transfer and authorities for relaxation of ban deleted vide letter No: SOR-VI (E&AD) 1-4/2008 Vol-VI, dated 3-6-2008. Consequently authorities competent under the NWFP Government Rules of Business, 1985, District Government Rules of Business 2001, Posting/Transfer Policy and other rules for the time being in force, allowed to make Posting/Transfer subject to observance of the policy and rules.

- vi) ⁸⁰While making posting/transfers of officers/officials up to BS-17 from settled areas to FATA and vice versa approval of the Chief Secretary, NWFP needs to be obtained. Save Tehsildars/Naib Tehsildars within a division in respect of whom the concerned Commissioner will exercise the same power. Whereas in case of posting/transfer of officers in BS-18 and above, from settled areas to FATA and vice versa, specific approval of the Governor, NWFP shall be obtained.

Provided that the power to transfer Political Tehsildars and Political Naib Tehsildars within FATA between different divisions shall rest in Additional Chief Secretary FATA.

- vi (a) All Officers/officials selected against Zone-I/FATA quota in the Provincial Services should compulsorily serve in FATA for at least eighteen months in each grade. This should start from senior most scales/grades downwards in each scale/grade of each cadre.
- vii) Officers may be posted on executive/administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and DPOs/Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thana) of his area/residence is situated.
- viii) No posting/transfers of the officers/officials on detailment basis shall be made.
- ix) Regarding the posting of husband/wife, both in Provincial services, efforts where possible would be made to post such persons at one station subject to the public interest.
- x) All the posting/transferring authorities may facilitate the posting/transfer of the unmarried female government Servants at the station of the residence of their parents.
- xi) Officers/officials except DCOs and DPOs/SPs who are due to retire within one year may be posted on their option on posts in the Districts of their domicile and be allowed to serve there till the retirement

⁸¹ DCOs and DPOs who are due to retire in the near future may also be posted in the District of their domicile subject to the condition that such posting would be against non-administrative posts of equivalent scales;

xii) In terms of Rule 17(1) and (2) read with Schedule-III of the NWFP Government Rules of Business 1985, transfer of officers shown in column 1 of the following table shall be made by the authorities shown against each officer in column 2 thereof:

Outside the Secretariat		
1.	Officers of the all Pakistan Unified Group i.e. DMG, PSP including Provincial Police Officers in BPS-18 and above.	Chief Secretary in consultation with Establishment Department and Department concerned with the approval of the Chief Minister.
2.	Other officers in BPS-17 and above to be posted against scheduled posts, or posts normally held by the APUG, PCS(EG) and PCS(SG).	-do-
3.	Heads of Attached Departments and other Officers in B-19 & above in all the Departments.	-do-
In the Secretariat		
1.	Secretaries	Chief Secretary with the approval of the Chief Minister.
2.	Other Officers of and above the rank of Section Officers: a) Within the Same Department b) Within the Secretariat from one Department to another.	Secretary of the Department concerned. Chief secretary/Secretary Establishment.
3.	Officials up to the rank of Superintendent: a) Within the same Department b) To and from an Attached Department c) Within the Secretariat from one Department to another	Secretary of the Department concerned. Secretary of the Department in consultation with Head of Attached Department concerned. Secretary (Establishment)

xiii) While considering posting/transfer proposals all the concerned authorities shall keep in mind the following:

- a) To ensure the posting of proper persons on proper posts, the Performance Evaluation Report/annual confidential reports, past and present record of service, performance on post held presently and in the past and general reputation with focus on the integrity of the concerned officers/ officials be considered.
- b) Tenure on present post shall also be taken into consideration and the posting/transfers shall be in the best public interest.

⁸¹ Added vide Urdu circular letter No: SOR-VI (E&AD)/1-4/2005, dated 9-9-2005.

xiv) Government servants including District Govt. employees feeling aggrieved due to the orders of posting/transfer authorities may seek remedy from the next higher authority / the appointing authority as the case may be through an appeal to be submitted within seven days of the receipt of such orders. Such appeal shall be disposed of within fifteen days. The option of appeal against posting/ transfer orders could be exercised only in the following cases.

- i) Pre-mature posting/transfer or posting transfer in violation of the provisions of this policy.)
- ii) Serious and grave personal (humanitarian) grounds.

2. To streamline the postings/transfers in the District Government and to remove any irritant/confusions in this regard the provision of Rule 25 of the North West Frontier Province District Government Rules of Business 2001 read with schedule - IV thereof is referred. As per schedule-IV the posting/transferring authorities for the officers/officials shown against each are as under:-

S. No.	Officers	Authority
1.	Posting of District Coordination Officer and Executive District Officer in a District.	Provincial Government.
2.	Posting of District Police Officer.	Provincial Government
3.	Other Officers in BPS-17 and above posted in the District.	Provincial Government
4.	Official in BPS-16 and below	Executive District Officer in consultation with District Coordination Officer.

3. As per Rule 25(2) of the Rules mentioned above the District Coordination Department shall consult the Government if it is proposed to:)

- a) Transfer the holder of a tenure post before the completion of his tenure or extend the period of his tenure.
- b) Require an officer to hold charge of more than one post for a period exceeding two months.

4. I am further directed to request that the above noted policy may be strictly observed/implemented.

5. All concerned are requested to ensure that tenures of the concerned officers/officials are invariably mentioned in summaries submitted to the Competent Authorities for Posting/Transfer.

(Authority: Letter No: SOR-VI/E&AD/1-4/2003 dated 24-6-2003).

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PLACEMENT POLICY.

In order to utilize the expertise of the officers who have received foreign training in various fields, the provincial Government has decided to adopt the Placement Policy, approved by the Prime Minister of Pakistan, and make it a part of its Posting/Transfer Policy. Placement Policy is as follows:-

- i) All placements would be made on the basis of merit and keeping in view the needs of the organization.
- ii) The first priority in placement must go to the parent organization of the participant from where the individual had applied. This will be in consonance with the concept of establishing the "Need" for the department and fulfilling the need through "capacity building for the organization.
- iii) In order to follow the "bottom up approach" for Devolution, the priority within departments must go to the Districts, the Provinces and then the Federal Government.
- iv) The second priority in placement should go to up-grading the existing training Institution within the country. The knowledge gained by the officers, will be of immense value to bring about a qualitative change in the training institutions. The following proposals are made in this regard:
 - a) Permanent posting of an officer to the training institutions for 2-3 years;
 - b) Temporary attachment with the training institutions for 3 to 6 months for some research project on helping in developing case studies;
 - c) Earmarked as a visiting faculty member for specific subject.
- v) Individuals posted to their parent organizations will also organize training for their subordinates within the department, in order to transfer the knowledge and bring about a qualitative change internally;
- vi) The Normal tenure of posting as already provided in the policy would be ensured;
- vii) No participant should be allowed to be posted on deputation to multinational donor agencies for at least 5 years;
- viii) No participants will decline/represent against his/her posting.

⁸² Placement Policy has been made part of the posting transfer policy vide Urdu circular No.SOR-VI(E&AD)1-4/06, dated 9-2-2007

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

SERVICE APPEAL NO. 1419 OF 2018

Tahira Naz.....Appellant

Versus

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

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS

Respectfully Sheweth,

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 instant appeal with mala-fide intention hence liable to 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 upon the matter.

ON FACTS:

1. Para No. 1 pertains to record, hence no comments.
2. Para No. 2 is correct, need no comments. However, it is added that the said order was on mutual basis which clearly reflect from the said order.
3. In reply to para No. 3. The Appellant has been transferred out of district Swat on Administrative grounds, as complaints were recorded against the Appellant (Annex-A).
4. Para No. 4 is incorrect. As explained in para No. 3 above.
5. Para No. 5 no comments.

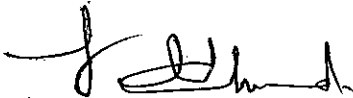
ON GROUNDS.

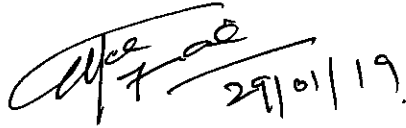
- A. Para-A is incorrect, as explained in para No. 3 above.
- B. Para-B is incorrect, as explained in para No. 3 above.
- C. Para-C is incorrect, as explained in para No. 3 above.
- D. Para-D is incorrect, the Appellant was working in district Swat since 20/02/2002 and completed her normal tenure at district Swat.
- E. Para-E is incorrect. As explained in para No. 3 above.
- F. Para-F is incorrect. As explained in para No. 3 above.

- G. Para-G is incorrect, the Director General Health Services Khyber Pakhtunkhwa is competent to issue transfer order to BPS-16.
H. Para-H as explained in para No. 3 above.
I. Para-I is incorrect. As explained in para No. 3 above.
J. The respondents seek permission to raise additional grounds at the time of arguments.

PRAYER:

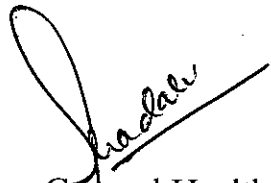
It is therefore most humbly prayed that on acceptance of comments, the instant appeal may very graciously be dismissed with cost.


District Health Officer Swat.
Respondent No. 01



Secretary, Health Department,
Khyber Pakhtunkhwa, Peshawar.
Respondent No. 03

Secretary Health


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

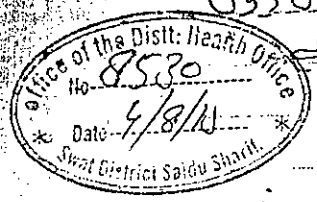
161 C.H. Bunkri
3/8/15

103

تحریر منہی انماج سول ہسپتال بٹکوٹ سوات

درخواست: عمر شہادت برائے لیبروم نائٹ ٹٹاف آن ڈول

ورثہ 2.8.2015 جمع 5.30 A.M



منہی علی

گوڈ ریٹا ہے کہ میں کسی احمدی کے والدین کی طرف سے شہادت کے لیے درخواست کی ہے۔

2.8.2015 کو میری طرف سے جو کہ زچگی کے لیے بٹکوٹ ہسپتال لایا۔

جب مجھے کسی شہادت ہوئی تو ڈیوٹی پر موجود ڈیڑھی ٹٹاف طاہم ہمارے

7:45 کے نیم فٹے مبالغہ دو نیا (2000) کے افراد کے ساتھ مل کر گیا۔ میں نے

ان سے کہا کہ یہ سرفارسی ہسپتال ہے۔ اس کے بعد میں نے اپنا طرف سے جو کہ

انتہائی غریب ہے۔ علاج کے سلسلے میں ہسپتال لایا۔ چونکہ مذکورہ

بہنیں کیساتھ صرف پندرہ سو روپیہ کے موجود تھا۔ اس کے بعد کورن ٹٹاف

نے طرف سے پندرہ سو روپیہ لے لیا۔ جب طرف سے پانچ آیا۔ تو اس نے مجھ

سے کہا کہ ڈیوٹی پر موجود ٹٹاف نے ہم سے پندرہ سو روپیہ لے لیا۔

اس کے بعد مذکورہ ٹٹاف نے یہ یا اس شہادت کے لیے لیا۔ اور ان سے

کہا کہ آپ نے طرف سے پندرہ سو روپیہ تمہارا سلسلے میں لیا۔

تو اس نے کہا کہ یہ میرا فیس ہے۔ میں نے جواب میں کہا کہ یہ میری طرف سے

ہسپتال ہے۔ یہاں فیس کی ضرورت نہیں ہے۔ اس کے بعد مذکورہ ٹٹاف

سے مجھ سے پندرہ سو روپیہ والی لے لیا۔ اور مجھ سے لے لیا۔ اور

میں نے اسے لیا کہ فیس مذکورہ طرف سے لے لیا۔ اور ہم نے جو

کے ساتھ لیا۔ اور فیس مذکورہ طرف سے لے لیا۔ اور ہم نے جو

القاص
احمد ریجم عرفی (بالوصاف)

شہادت کے لیے درخواست
3/8/15

سیاض کاٹھن 1560 3817 248

سوات کاٹھن 0340 5840198

Handwritten notes and signatures:

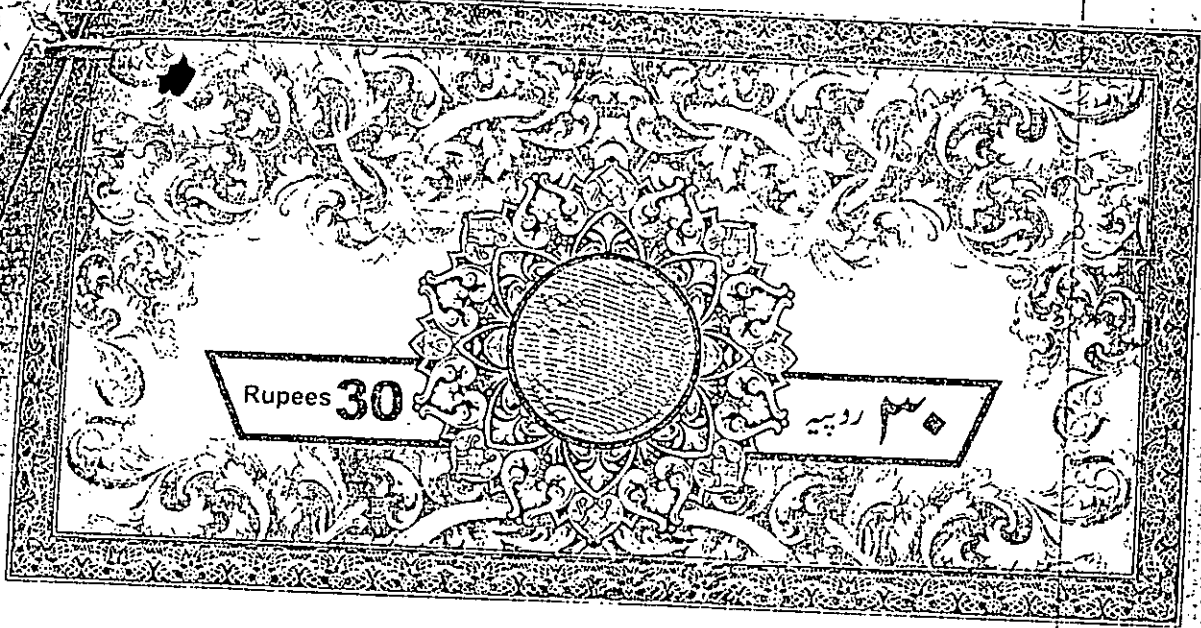
- the copies of action sheet are kept from the MO at Bunkri hospital. The copies of action sheet are kept from the MO at Bunkri hospital.
- He replied that the action sheet is received.
- Signature: [Illegible]
- Date: 3/8/15
- IC Medical Officer Civil Hospital Bunkri Swat
- Signature: [Illegible]
- Date: 4/8/15
- Signature: [Illegible]
- Date: 4/8/15

Handwritten notes:

- Handwritten signature: [Illegible]
- Handwritten signature: [Illegible]
- Handwritten signature: [Illegible]

Re-Marks of M.O. on Bank

P.T.O



95

بیان حلقی :-

بندہ صاحبان طاہرہ ناز اور صاحبہ منظورہ العزم کے امانتوں منظورہ کھیل بالوں کی
 میں سوات کی بیرون انداز میں وقت بیک وقت میسر میں ہو کر اس قسم کے کھیلوں اور
 ان کے کھیلوں میں بیرون کہہ سکتے ہیں۔ ڈیڑھ گھنٹہ کے انداز میں ایک دن سے کھیلوں اور
 کھیلے ڈیڑھ گھنٹہ سے غیر حاضری تھی۔ کھیلوں اور کھیلوں اور کھیلوں اور کھیلوں اور
 جو انڈیا کی ہے۔ کھیلوں اور کھیلوں اور کھیلوں اور کھیلوں اور کھیلوں اور کھیلوں اور
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 آپ صاحبان کو شکایت نہ ہوگی۔ بلکہ ایسا ہی کھیلوں اور کھیلوں اور کھیلوں اور
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بیان یا اس حد علم و کتبیں صرف راست اور صحیح ہے۔ کوئی اور شخص یا شخص
 نہیں لکھا گیا ہے۔ منظورہ بیانیہ ثابت ہے۔ بیرون بیرون بیرون بیرون بیرون بیرون
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3 09 2015
 ATTACHED
 13-04-2015

T. Naz

طاہرہ ناز اور منظورہ العزم
 امانتوں منظورہ
 15602-7630979-6-6

The District Health Officer
Swat.

58

INQUIRY REPORT REGARDING CHARGE SHEET OF MISS TAHIRA NAZ,
JPHC TECH: (MCH) CH BARIKOT.

With reference to your order regarding the subject inquiry (Copy attached).

We visited Civil Hospital Barikot on 14/03/2015 met the Medical Officer I/C discussed the matter with him, also checked attendance register and found her absent from duty.

Also obtained written statement of MO I/C CH Barikot wherein he stated that the charge sheet was served upon her on 09.02/2015 which was received by her on 12/03/2015 duly signed by her. Statement of MO I/C in original and acknowledgement receipt by the alleged official attached. Thus it is evident that she is no-more interested in defense of her case. Therefore, it is concluded that the charges leveled against her are true and factual.

Recommendation:- Thus, it is recommended that she may be terminated from her job as per relevant Government rules.

Dr. Ijaz Ahmad
18-3-2015
Dr. Ijaz Ahmad
Inquiry Officer

Shah Dawran
Shah Dawran
Inquiry Officer.

*0.5
issue show cause notice
to proceed as recommended
by the inquiry committee.
E-11
do the needful
14/3/2015*

Shah Dawran

KHV
AND

323

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h

35

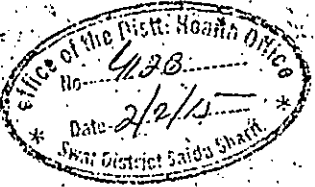
C.H. BARIKOT
SWAT

Dated 29.01.2015

From,

INCHARGE MEDICAL OFFICER CIVIL HOSPITAL BARIKOT

78



THE DISTT. HEALTH OFFICER
SWAT

SUBJECT:

ABSENTEE REPORT OF MRS. TAHIRA NAZ
LHV FROM GOVT DUTY

Memo

According to your verbal inquiry regarding LHV Tahira Naz, it is stated that the said LHV is absent from her duty since November 2013. Her absentee report was sent to your office twice on diary nos

- ① 73 — Dated 30.9.2013
- ② 85 — Dated 12.11.2013

Thanks

DR. SALMAN ^{Imam} Medical Officer
Civil Hospital
Barikot Swat
Incharge Medical Officer
CH Barikot Swat

(Handwritten notes and signatures)
E-1
Do the meeting as directed by Pmt on O.D.
as directed by Pmt on O.D.
0.5
Pz issue sheet 2/2/15
Change sheet 2/2/15
2/2/15

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Office
Hospital
Swat

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TO

The District Health Officer,
Swat at Gulkada.

TR

SUBJECT:-

INQUIRY INTO THE REPORT SUBMITTED BY MEDICAL OFFICER I/C CIVIL
HOSPITAL BARIKOT REGARDING ABSENTEE OF TAHIRA NAZ LHV

R/Sir,

With reference to your order dated 13-11-2013, I paid a visit to Civil Hospital Barikot on 16/11/2013 at 10:00 A.M.; met the Medical Officer I/C and had a round of all wards/sections & physically observed the reality on ground regarding the duty status of the LHV in question, the concerned LHV was not only absent on the same day but the register revealed her continuous absence for the last 15 days. Subsequently I contacted telephonically and directed her to visit the office of the DHO Swat regarding inquiry & submission of a statement on Monday 18-11-2013, but neither she had attended the office nor gave any statement but rather used very harsh language.

Findings:- The report of the Medical Officer I/C is 100% correct & his report regarding the absence of the LHV is true & confirmed.

Recommendation:- Therefore, it is recommended that she may be transferred out of the District on administrative grounds.

(Signature)
(Dr. Ijaz Ahmed)
Deputy District Health Officer,
Swat at Gulkada.

Dated 18/11/2013.

E-11
Put up File

(Signature)
18/11/13

NKHW
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19/3/23
19

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No 1
3/1/2014

C.H. Barikot
Swat

The EDO
HEALTH Department
Swat

(73)

CHWA
ND

3230-

Subject - Absentees Report

SIR

GI's stated that TAHIRA NAZ
LHV at Civil Hospital Barikot Swat
is absent from 1st November 2013
till date with out any information
So GI is requested you to take over
necessary action regarding her absenties

THANKS

DR. JEHANGIR

Incharge

CH - BARIKOT

SWAT

[Signature]
2013-1-2014
Civil Hospital
Barikot Swat

Dated - 3-1-2014

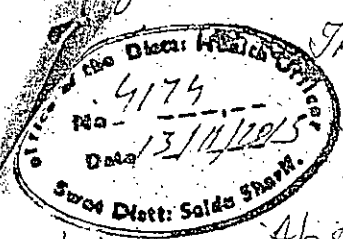
[Signature]
7/1/2014

Health

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C.H. Barikot
11/11/13



The District Health Officer, Swat,
Distt, Swat.

Subject: Absent Report of Tahira Naz L.H.V
Civil Hospital Barikot Swat.

(71)

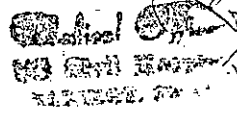
R/sir,

With due respect ~~res~~ it is submitted in your best honour that Tahira Naz L.H.V has been performing her duty as an L.H.V at Civil Hospital Barikot Swat on General duty. She is found to be absent continuously from her duty since 1st November 2013 (01-11-2013) till date. Next she does not perform her duty at Labour Room at night. We have already reported her to you. Next, she has been recorded at every facility centre that she is not dutiful. Please, kindly take an immediate action against Tahira Naz L.H.V.

Dr. Ejaz
for Enquiry

Dated 12/11/2013

13/11/13



DR. Jahangir Khan
SMO II Civil
Hospital Barikot Swat

No = $\frac{73}{30910B}$ C.H. Barikot



(69)

The EDO Health Swat

Subject :- Absent report of Tahira Naz (L.H.V)

Respected Sir,
With due respect I have to say that Ms Tahira Naz (L.H.V) at E.H Barikot is not performing her duties and she was absent from night duty for 4-days. Labour room is locked due to her absence for 4-days, kindly take action against her. Transfer her from E.H Barikot & will be very thankful to you.

~~G-11~~
Accountant
Deduct 04 days salary
for the absent
D.H. Naz
Call @ (0911) 24113

I/C Medical Officer
E.H Barikot
Dr. Jehanagar Khan

I/C Medical Officer
Civil Hospital
Barikot Swat.

17/12/13

5744 *DF*

Dated. 16 /6/2010.

from:-

The Executive District Officer,
Health District Swat.

TO,

Mrs; Tahira Naz LHV
BHU Chungai swat ✓

(b7)

Subject:-

EXEPLANATION.

As reported by Mchammad Kaziq Chairman CCB chungai shamozai swat You are found absent from Govt: duty with out any information/application to the undersigned.

You are hereby directed to explain your position with in 3 days after the receipt of this letter, otherwise strict disciplinary action will be taken against you.

[Signature]
EXECUTIVE DISTRICT OFFICER
HEALTH DISTRICT SWAT.

NO. _____ /C-I

Copy forwarded to the:-

- 1- Medical Officer I/C BHU Chungai swat for information.
- 2- Acctt: Section to stop pay of the above named official concerned
- 3- Chairman CCB chungai shamozai for information.

EXECUTIVE DISTRICT OFFIER
HEALTH DISTRICT SWAT.

MOST IMMEDIATE.

OFFICE OF THE DISTRICT COORDINATOR OF POLICE SWAT AT GULKAD A.

No. 14155 /38/DCO/Estt.

Dated the 16 /6/2010.

To,

The EDO Health Swat.

(40)

Subject:- COMPLAINT AGAINST LHV BHU CHUNGAI.

Memorandum:-

A copy of complaint submitted by Chairman CCB Village Chungai Shamoza Swat against LHV BHU Chungai Shamoza Swat, due to her absence is sent herewith ^{for} immediate necessary action, under intimation to this office.

Encl: as above.

HUMAN RESOURCE DEV. OFFICER SWAT.

No. _____ /38/DCO/Estt.

Copy forwarded to the Chairman CCB Village Chungai Shamoza District Swat, for information with reference to above.

HUMAN RESOURCE DEV. OFFICER SWAT.

*2:51
Action has already been taken in his regard
200 (H) copy made be HRDD Swat
endorsed to HRDD Swat*



حضرت جناب سید سید علی احمد صاحب B.H. جوٹھی ٹمپورل سوات

7014

15/6/10

جناب عالی!

عرض دہلی میں

اصل ایک ریلوے اسٹیشن ڈپوٹی چیف کلرک سے انجام نہیں دیا

دہلی سے جہلی کے علاقہ کے لوگوں کو بہت زیادہ تکلیف ہے

اس بارے میں ایک بار D.H.O سے شکایت کی تھی ان کا کہنا تھا

کہ اس پر غور فرما کر کیا کرے گا۔ اس کے بعد موجودہ وہ اپنی ڈپوٹی

سے اکثر غیر حاضر رہتی ہیں۔ جب کہ ریلوے کے وہ حاضر نگار ہیں

لیکن اب صاحبوں سے درخواست ہے کہ ان کی عارضی

تعمیر کیا جائے۔

Respectfully

CCO (H) for

W.P.

Signature

CHAIRMAN,
D.H. C.C.C. (H)
W.P.

محمد عزیز خان چیئرمین سی سی بی

General Secretary,
D.H. C.C.C. (H)
W.P. District, Swat.

محمد عزیز خان چیئرمین

محمد رفیق
محمد رفیق خان
محمد رفیق خان

محمد رفیق خان

محمد رفیق خان

محمد رفیق خان



NO. 5744 /C-I

Dated. 16 /6/2010.

The Executive District Officer,
Health District Swat.

TO,

Mrs; Tahira Naz LHV
BHU Chungai swat

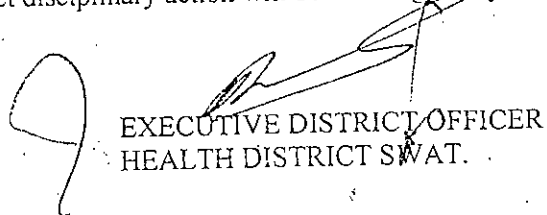
42

Subject:-

EXEPLANATION.

As reported by Mohammad Raziq Chairman CCB chungai shamozai swat You are found absent from Govt: duty with out any information/application to the undersigned.

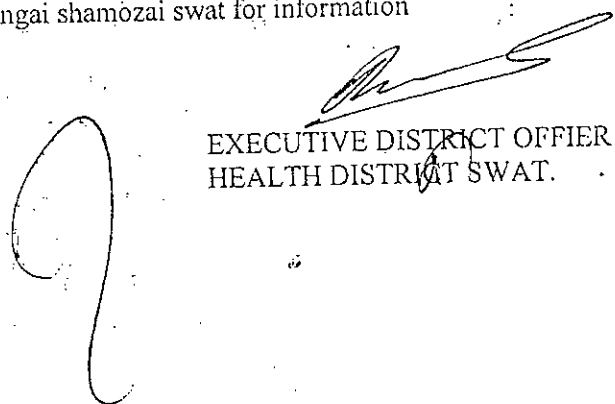
You are hereby directed to explain your position with in 3 days after the receipt of this letter, otherwise strict disciplinary action will be taken against you.


EXECUTIVE DISTRICT OFFICER
HEALTH DISTRICT SWAT.

NO. 5745 /C-I

Copy forwarded to the:-

- 1- Medical Officer I/C BHU Chungai swat for information.
- 2- Acctt: Section to stop pay of the above named official concerned
- 3- Chairman CCB chungai shamozai swat for information


EXECUTIVE DISTRICT OFFIER
HEALTH DISTRICT SWAT.

Office of the Chief Health Officer
 No. 1675
 Date: 11/6/10
 Swat District

بابت صواب شدہ ٹیکل اینریٹا B.H.O. جو فنی ٹیکل

(4)

صواب عالی

مرضی ریل میں

ایل ایچ ڈی، ایسی ڈیوٹی شیڈ فریڈ سے ای کام نہیں دیا

دسی جیسی وجہ سے علاقہ کے لوگوں کو کھیت زیادہ تکلیف دیتی

اس بنا پر جی ڈی کے بارے D.H.O سے شکایت کی تھی ان کا کہنا تھا

کہ ایسی فریڈ حاضر کیا گیا۔ اس کے علاوہ بھی وہ ایسی ڈیوٹی

نے اکثر فریڈ حاضر آتی تھی۔ جب کہ راجپوتوں نے وہ فریڈ لگا رکھے

لیکن آپ صاحب سے درخواست ہے کہ ان کی فریڈ

CHAIRMAN,
 Swat District Council

Forwarded to
 DHO (H) for
 info
 (Signature)

General Secretary,
 Swat District Council
 Swat

محمد اذوق خان چیئرمین سوات ڈسٹرک کونسل

محمد اذوق خان چیئرمین سوات ڈسٹرک کونسل

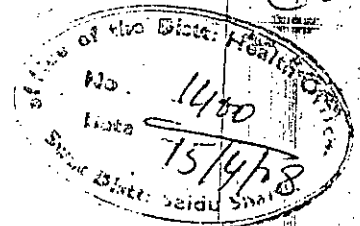
Call Explanation
 From: LHM
 BHO, Changan
 and stop pay
 (Signature)

محمد اذوق خان
 چیئرمین سوات ڈسٹرک کونسل

محمد اذوق خان
 چیئرمین سوات ڈسٹرک کونسل

مختصر حساب انگریز بلڈنگ ڈسٹرکٹ انجینئر صاحب فضلہ سہوت

39



درخواست نمبر 1204 میں کاروائی پر خلاف
عدی نعل انجینئر BHA جونز کی 9 دیکر کلیم

فضلہ سہوت

حسب ذیل گزارش کی جاتی ہے :-

- 1- جسے ساٹھ اربان موضع چھوٹی چھوٹی زمینیں پر کھوکھلی فٹنگ سہوت کے باشندگان میں
- 2- جسے حکومت نے جمادی سنہ 1978ء میں بطور فٹنگ سہوت BHA کی گئی ہے۔
- 3- جسے مذکورہ ہسپتال میں عدی نعل انجینئر اور دیگر کلیم بھی تعینات ہے۔
- 4- جسے تعینات عدی نعل انجینئر اور دیگر کلیم ہسپتال عزیز پورہ میں ڈپٹی
سے غیر جانبدار ہیں۔ جس سے سلام و سلام کو سہوت کے لئے کامیاب
- 5- جسے کلیموں 08-04-12 اسٹیشن کا پورٹ سیمال بھی ہسپتال انجینئر صاحب
کیا تو تعینات نا اہل ہسپتال کے برائے کوارٹرز میں سہوت بھی آرڈر
میں مرقعہ کا دیا ہے۔ لیکن انہیں تعینات کے لئے دفعہ اطلاع بھی بھیجا
گواہی کے لئے ہسپتال میں ڈپٹی انجینئر کی نام لکھ کر دیا گیا۔ اس پر
عدی نعل انجینئر اور دیگر کلیم غیر جانبدار
- 6- جسے اس واسطے آرڈر درخواست فضلہ سہوت ڈسٹرکٹ انجینئر کو اطلاع
بھیجا اور ساتھ میں ڈپٹی انجینئر کی بھی دی کہ وہ خود عدی نعل ہسپتال میں
جانے دیکھیں کہ کتنے کامیاب کوئی شنوائی نہیں ہوئی۔

Dr. Refillal
to conduct the
Enquiry as
a report will be
submitted

15.04.2008

مختصر درخواست نمبر 1204 میں کاروائی پر خلاف
درخواست نمبر 1204 میں کاروائی پر خلاف
عدی نعل انجینئر BHA جونز کی 9 دیکر کلیم

عزت

نمبر 154-08

1- محمد ادریس خان سہوت
2- زر علی خان سہوت (فائل نمبر)

NO 2086 /DF

dated the 17/4/2008

From:- The Executive District Officer
Health District Swat.

TO, Mst. Tabira Naz LHV
BHU: Chungai.

Subject:- WARNING.
Memo:

38

It has been reported that you are irregular in your duties and also examine patients in your home in duty hours, which has seriously been viewed.

You are finally warned to be care ful in further, if reported strict action will be taken against you, transferring you to a for flng area.

[Signature]
A EXECUTIVE DISTRICT OFFICER
HEALTH DISTRICT SWAT.

Rahman Ali/**

2095 / PF

Dated 15 / 3 / 2006.

The Executive District Officer,
Health District Swat.

TO,

The Director General Health,
Services N.W.F. Province.

30

Subject: COMPLAINT AGAINST MISS SEEMA GUL LHV BHU CHUNGAI-
TAHIRA NAZ LHV.

Reference your Memo No. 601/CC/743/2006 dated 27/2/2006
on the subject matter cited above.

In this connection, I have the honour to state, that
the complaint Mst. Tahira Naz LHV has already been working at BHU
Chungai vide this office order No. 10008-83/T-3 LHV/E dated 24.6.2005.

EXECUTIVE DISTRICT OFFICER
HEALTH DISTRICT SWAT.

IMMEDIATE.

Office of the District Officer
No. 1025
Date 8/3/06

99

DIRECTORATE GENERAL HEALTH SERVICES, NWFP, PESHAWAR.

No. 621 /CC/713/2006.

Dated. 27 /02/2006.

To

The Executive District Officer (Health) Swat.

Subject:-

COMPLAINT AGAINST MISS: SEMA GUL LHV BHU CHUNGI - TAHIRA NAZ LHV.

Enclosed please find a copy of Govt. of NWFP, Health Deptt: letter No. SO(V)7-6/2004-05/Swat dated 20.20.2006 alongwith copy of complaint of Tahira Naz LHV alongwith its enclosures with the remarks to furnish your comments in the matter immediately for onward submission to the Govt.:

FOR

DIRECTOR GENERAL HEALTH SERVICES, NWFP, PESHAWAR.

No.

/CC/713/2006.

Copy forwarded to the SOH-V Health Deptt: NWFP, Peshawar for information W/r to his letter cited above.

24/02

FOR

DIRECTOR GENERAL HEALTH SERVICES, NWFP, PESHAWAR.

R.K.
w. copy
actual posting of Tahira
and E-
13/3

ED-4)

To

The Hon. Judge.
Service Tribunal
Peshawar.

Subject: Application for pay Release.

Respected Sir,

It is humbly requested in your kind honor that the pay of Respondent No. 4 (Afia Bibi PHC Technician MCH/LHV BPS-12) has been stopped from November 2018 due to Honorable Court case.

Honorable Sir I am performing my duty in BHU Talang Barikot Swat and I have submitted my LPC, Service Book, Releasing chit (from Distt. Kohistan), Arrival report, Charge report and all other related documents in DHO Office, Swat.

Honorable Sir the Education of my children suffered badly due to stoppage of my salary. therefore it is kindly requested that my salary may please be released through DHO, Swat on BPS-12 in District Swat.

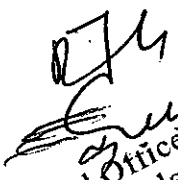
Yours Sincerely,
Afia Bibi LHV (Afia)
BHU Talang Barikot
Swat
Date: 14/03/2019

CERTIFICATE

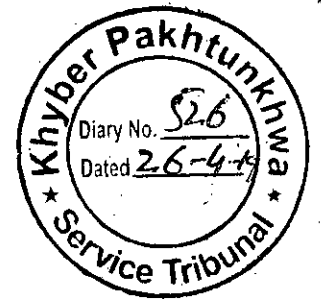
It is certify that Mrs. Afia Bibi PHC Technician (MCH/LHV) has submitted her arrival report in DHO Office Swat on 01/10/2018 in the light of her transfer from D.G Health office peshawar vide Order No. 6811-17/AE-VI dated peshawar the 26/09/2018, while further adjusted by DHO Office Swat vide Order No. 13640-43 dated 01/10/2018 in BHU Talang Barikot Swat, and she took over her charge in BHU Talang on 03/10/2018 and performed her duty regularly upto date.

She perform her duty regularly
from 01/10/18 till now.

Incharge / MO
BHU Talang Barikot
Swat.


Medical Officer
i/c BHU Talang
Distt: Swat

14-03-19



To

The Hon. Judge,
Service Tribunal,
Peshawar.

Subject: Application for pay Release.

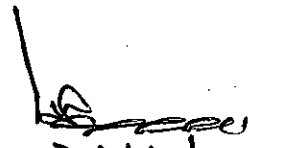
Hon. Sir,


It is humbly requested in your kind honor, that due to this Hon. Court case my salary is stopped from November 2018.

Hon. Sir in last date i.e. on 15/03/2019 I have submitted my application for pay release but still the pay not released. Now again I request in your honor that the month of Ramzan is coming and the Education of my children suffered badly due to stoppage of my salary, therefore it is kindly requested that my salary may please be released through DHO Swat on BPS-12 in District Swat.

put up to the court with relevant app.

Lead du.


28/4/19.

Yours Sincerely,
Respondent No. 4
Afia Bibi LHV 
BHU Talang Barikot
Swat.
Dated 25/04/2019

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Case No. 1663

Date 20/11/2018

Service Appeal No. 1419 /2018

Mst. Tahira Naz (P.H.C Technician (MC) LHM Swat)

Wife of Manzoor Ahmad,

R/o Sikha Cheena, P.O Amankot,

Mingora Tehsil & District Swat.....**Appellant**



V E R S U S

- 1) ✓ District Health Officer, Health Department, Mingora Swat
- 2) ✓ Director General Health Khyber Pakhtunkhwa, near District Court, Khyber Road, Peshawar
- 3) ✓ Secretary Health, Health Department, Civil Secretariat, Peshawar
- 4) Mst. Afiya Bibi, (P.H.C Technician Mingora Swat)

90 DHO Swat —

ATTESTED

.....**Respondents**
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

[Handwritten signature and date]
20/11/18

**APPEAL U/S 4 OF KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974 AGAINST THE
IMPUGNED ORDER DATED 26.09.2018,
WHEREIN THE SERVICES OF THE APPELLANT
WERE TRANSFERRED FROM MINGORA SWAT
TO DISTRICT KOSHISTAN WITH IMMEDIATE
EFFECT.**

1419/2018

15.03.2019

Counsel for the appellant, Mr. Usman Ghani, District Attorney for the official respondents and private respondent No. 4 in person present.



Respondent No. 4 has submitted an application for release of her pay which has been stopped from the month of November, 2018. The application is accompanied by a certificate issued by Medical Officer, Incharge BHU, Talang Barikot, Swat to the effect that private respondent No. 4 has been performing duty regularly from 01.10.2018.


Notice of the application be given respondent No. 1 for next date. The said respondent shall also ensure appearance of a representative alongwith relevant record.

Adjourned to 26.04.2019 before the D.B.


Member


Chairman

Certified to be true copy


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 12-4-2019
 Number of Words 800
 Copying Fee 600
 Urgent 200
 Total 800
 Name of Applicant st
 Date of Collection of Copy 12-4-2019
 Date of Delivery of Copy 12-4-2019

To

The Hon. Judge
Service Tribunal
Peshawar.

Subject: Application for pay Release.

Respected Sir,

It is humbly requested in your kind honor that the pay of Respondent No. 4 (Afia Bibi PHC Technician MCH/LHV BPS-12) has been stopped from November 2018 due to Honorable Court case.

Honorable Sir I am performing my duty in BHU Talang Barikot Swat and I have submitted my LPC, Service Book, Relieving chit (from Distt. Kohistan), Annual report, charge report and all other related documents in DHO Office Swat.

Honorable Sir the Education of my children suffered badly due to stoppage of my salary. therefore it is kindly requested that my salary may please be released through DHO Swat on BPS-12 in District Swat.

Yours Sincerely
Afia Bibi LHV (Afia)
BHU Talang Barikot
Swat.
Date: 14/03/2019