

01.01.2019

Counsel for the appellant Muhammad Maaz Madni, Advocate present. Mr. Muhammad Jan, DDA for respondents present. Counsel for the appellant seeks adjournment. Last opportunity granted for arguments. Rejoinder received and placed on file. Case to come up for arguments on 15.01.2019 before D.B.


(Ahmad Hassan)
Member


(M. Hamid Mughal)
Member

15.01.2019

Counsel for the appellant present. Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 18.01.2019 before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

Order

18.01.2019

Counsel for the appellant present. Mr. Ziaullah, DDA for respondents present. Arguments heard and record perused.

This appeal is also dismissed as per detailed judgment of today placed on file in connected service appeal No. 126/2018 titled "Muhammad Shoaib-vs- Additional Chief Secretary (FATA), FATA Secretariat, Warsak Road, Peshawar and two others." Parties are left to bear their own cost. File be consigned to the record room.

Announced:
18.01.2019


(Ahmad Hassan)
Member


(Muhammad Amin Khan Kundi)
Member

Service Appeal No. 127/2018

30.08.2018

Counsel for the appellant and Mr. Riaz Ahmad Paindakhel, Assistant AG for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 27.09.2018 before D.B.

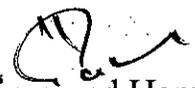

(Ahmad Hassan)
Member


(Muhammad Amin Khan Kundi)
Member

27.09.2018

Clerk to counsel for the appellant and Mr. Kabirullah Khattak learned Additional Advocate General for the respondent present. Due to general strike of the bar adjourn. To come up for arguments on 28.09.2018 before D.B.

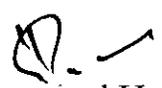

(Hussain Shah)
Member


(Muhammad Hamid Mughal)
Member

28.09.2018

Clerk to counsel for appellant and Mr. Muhammad Jan learned Deputy District Attorney present. Clerk to counsel for appellant seeks adjournment as learned counsel for appellant is not in attendance. Adjourn. To come up for arguments on 13.11.2018 before D.B.


(Hussain Shah)
Member


(Muhammad Hamid Mughal)
Member

13.11.2018

Due to retirement of Hon'able Chairman, the Tribunal is defunct. Therefore, the case is adjourned for the same on 01.01.2019 before D.B.


Reader

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No. 127/2018

ABDUL WADOOD

VS

ACS (FATA) & OTHERS

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APPELLANT

THROUGH:



MUHAMMAD MAAZ MADNI,
ADVOCATES,
HIGH COURT PESHAWAR
0333-9313113, 0314-9965666

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No. 127/2018

ABDUL WADOOD VS ACS (FATA) & OTHERS

REJOINDER ON BEHALF OF APPELLANT IN RESPONSE TO
THE REPLY SUBMITTED BY THE OFFICIAL
RESPONDENTS

R/SHEWETH:

(1 to 8):

All the objections raised by the respondents are incorrect, baseless and not in accordance with law and rules, rather the respondents are estopped due to their own conduct to raise any objection at this stage of the appeal.

ON FACTS:

- 1- Admitted correct to the extent of appointment but the respondent cannot take shelter of the seniority as the employee working in FATA now emerged KP area has no separate seniority at all.
- 2- Admitted correct hence need no comments.
- 3- Admitted correct hence needs no reply.
- 4- Incorrect and not replied accordingly. As the Departmental Appeal of the appellant was properly filed before the appellate authority.
- 5- Admitted correct, hence needs no comments.
- 6- Needs no comments.

GROUND:

All the grounds of main appeal are correct and in accordance with law and prevailing rules and that of the respondent are incorrect and baseless hence denied. That the impugned orders dated 12-04-2017 are against the Clause I, III and VI of the transfer/posting policy of the Government of Khyber Pakhtunkhwa. That the appellant has been repatriated by the respondent who was not competent for repatriation, therefore the impugned orders dated 12-04-2017 and subsequent order dated 20-06-2017 are not tenable in the eye of law and prevailing rules as issued by incompetent forums and is also issued in the ban period which was intimated on 05-06-2015 in light of repatriation made vide order dated 29-05-2012. Copy is attached as annexure **R&R1.**

It is therefore, most humbly prayed that on acceptance of this rejoinder the appeal of the appellant may kindly be accepted in favor of the appellant.

Dated: 26-09-2018

APPELLANT

THROUGH:



NOOR MOHAMMAD KHATTAK



**MUHAMMAD MAAZ MADNI,
ADVOCATES,
HIGH COURT PESHAWAR**

3

Annexure - R



FATA SECRETARIAT
SOCIAL SECTORS DEPARTMENT
WARSAK ROAD PESHAWAR

OFFICE ORDER

The services of the following ministerial staff attached to Health Department FATA are hereby placed at the disposal of Director General Health Services, Khyber Pakhtunkhwa Peshawar with immediate effect in the best interest of public.

1. Mr. Nisar Khan, Senior Clerk attached to Agency Surgeon Mohmand at Ghallani.
2. Mr. Muhammadullah, Office Assistant attached to DHS, FATA Peshawar.
3. Mr. Saadullah, Senior Clerk attached to Agency Surgeon N.W. Agency Miranshah.

Secretary Social Sectors Department
FATA.

No SO (SSD/DHS/SC/H) 171-78 Dated 28 / 5 / 2012

Copy to the:-

1. Secretary to Govt Khyber Pakhtunkhwa Health Department Peshawar
2. Director General Health Services, Khyber Pakhtunkhwa Peshawar
3. Director Health Services, FATA Peshawar.
4. AGPR Sub Office Peshawar.
5. Agency Surgeon Mohmand & N.W. Agency Miranshah.
6. Agency Accounts Officers Mohmand & N.W. Agency.
7. PS to Secretary Social Sectors FATA Peshawar.
8. Officials concerned.

Section Officer
Social Sectors Department

28/5

WAS / ADA
ADA

OFFICE OF THE DIRECTOR HEALTH SERVICES FATA (PS) NW-3

No. 8206-15 / DHS/FATA

Dated:

Copy forwarded to the:

THROUGH

1. Director General Health Services Khyber Pakhtunkhwa Peshawar.
2. Deputy Director (Admn) Health Directorate FATA.
3. Agency Surgeon Mohmand at Ghallani.
4. Agency Surgeon North Waziristan Agency.
5. AGPR Sub Office Peshawar.
6. Agency Accounts Officer, Mohmand at Ghallani.
7. Agency Accounts Officer, North Waziristan Agency.
8. Accountant, Health Directorate FATA.
9. Officials concerned, for strict compliance.

4

Annexure - R1



DIRECTORATE GENERAL HEALTH SERVICES, GOVT. OF KHYBER PAKHTUNKHWA, PESHAWAR.
NO 4019 /PERSONNEL
DATED 05 /06/2012.

To,

The DHS (FATA) ✓
Khyber Pakhtunkhwa Peshawar.

cc. 5/1
07/06/12

Subject: **OFFICE ORDER.**
Memo:

Reference your office order bearing Endst: No. E806-15/DHS/FATA dated 29.05.2012, on the subject noted.

Your are informed that this Directorate has got neither reserved pool for such workers nor the employees upto BPS-15 can be transferred from FATA as per instructions of the Establishment Department Government of Khyber Pakhtunkhwa.

ADA
06/6


DIRECTOR GENERAL HEALTH SERVICES, K.P.K PESHAWAR.

Muz S M Ali Shah

3
7/6
05

02.04.2018

Clerk to counsel for the appellant Mr. Kabir Ullah Khattak, learned Additional Advocate General for respondents present. Due to general strike of the bar, the case is adjourned. To come up for arguments on 19.04.2018 before D.B.



(Ahmad Hassan)
Member



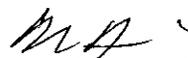
(Muhammad Hamid Mughal)
Member

19.04.2018

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG for the respondents also present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 04.07.2018 before D.B.



(Ahmad Hassan)
Member



(Muhammad Amin Khan Kundi)
Member

04.07.2018

Junior to counsel for the appellant present. Mr. Ziaullah, DDA for respondents present. Junior to counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 30.08.2018 before D.B.



(Ahmad Hassan)
Member



(Muhammad Amin Kundi)
Member

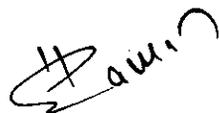
05.03.2018

Clerk of the counsel for appellant and Assistant AG for the respondent present. None present on behalf of respondent department therefore, fresh notice be issued to the respondent department for attendance. Written reply not submitted. Learned Assistant AG requested for further time adjournment. Request accepted. Last opportunity is granted otherwise the impugned order shall stand ~~is~~ suspended. To come up for written reply/comments on 20.03.2018 before S.B.


(Gul Zeb Khan)
Member

20.03.2018

Learned counsel for the appellant present. None present on behalf of the respondent department. Through the present service appeal the appellant has also challenged the order dated 20.06.2017 whereby he was repatriated to Health Department Khyber Pakhtunkhwa. Learned counsel for the appellant requested for the grant of ad-interim relief in favor of appellant, however he remained unable to make out a prima facie case in favor of the appellant. Since the issue of repatriation of the appellants is involved and the appellant is pressing hard for the disposal of the present appeal or otherwise for the issuance of interim relief. As such the present appeal be fixed before the D.B for 02.04.2018. Fresh notice be issued to the respondents to file written reply/comments on the date fixed. Mr. Faiz Muhammad Superintendent, representative of the respondents be also summoned with warning of attachment of salaries in case of his none attendance on the date fixed.


Member

06.02.2018

Counsel for the appellant present. Preliminary arguments heard and case file perused. The appellant is serving as Junior Clerk (BPS-11) in the office of Agency Surgeon, Mohmand Agency at Ghallanai. Vide impugned order dated 12.04.2017 he was relieved off his duties on administrative grounds and directed to report to Director Health Services FATA. He preferred departmental on 04.05.2017. During pendency of departmental appeal through a separate order dated 20.06.2017 he was repatriated to the Govt: of Khyber Pakhtunkhwa Health Department. He also filed writ petition which was dismissed for want of jurisdiction. Instant service appeal was filed on 22.01.2018. As impugned order was passed by incompetent authority so the same is *corum-non-judice*, hence, void ab-initio. Vide notification dated 25.05.2009 Director Health Services FATA is competent authority for post upto BPS-15 in the FATA Directorate. Limitation does not run against a void order. He has also submitted a separate application for suspension of impugned order.

Points urged need consideration. Admit subject to limitation. The appellant is directed to deposit of security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 20.02.2018 before S.B. Notice of stay application be also issued to the respondent for the date fixed.

Appellant Deposited
Security Process Fee

(AHMAD HASSAN)
MEMBER

20.02.2018

Counsel for the appellant and Muhammad Jan, DDA alongwith Mr. Faiz Muhammad, Superintendent for official respondent present. Written reply not submitted. Learned DDA requested for further time adjournment. Request accepted. To come up for written reply/comments on 05.03.2018 before S.B.

(Gul Zeb Khan)
Member

Form-A

FORM OF ORDERSHEET

Court of _____

Case No. 127/2018

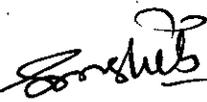
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	24/1/2018	<p>The appeal of Mr. Abdul Wadood resubmitted today by Mr. Noor Muhammad Khattak Advocate, may be entered in the Institution Register and put up to Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	06/02/18	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>06/02/18</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Abdul Wadood Junior Clerk office of the Agency Surgeon Mohmand Agency received today i.e. on 22.01.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Annexure-G of the appeal is illegible which may be replaced by legible/better one.

No. 180 /S.T,

Dt. 24/01 /2018


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Noor Muhammad Khattak Adv. Pesh.

*Resubmitted after removing
deficiency from Annexure-G
Page-20.*


24/01/2018.

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

APPEAL NO. 127 /2018

ABDUL WADOOD

VS

ACS FATA & OTHERS

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22/1/2018

APPELLANT

THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

APPEAL NO. 127 /2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 80

Dated 22-01-2018

Mr. ABDUL WADOOD, Junior Clerk (BPS-11),
O/O Agency Surgeon, Mohmand at Ghallanai.

..... APPELLANT

VERSUS

- 1- The Additional Chief Secretary (FATA),
FATA Secretariat, Warsak Road, Peshawar.
- 2- The Director Health Service (FATA),
FATA Secretariat, Warsak Road, Peshawar.
- 3- The Agency Surgeon,
Mohmand at Ghallanai.

..... RESPONDENTS

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER
DATED 12-04-2017, WHEREBY THE APPELLANT HAS BEEN RELIEVED
OF HIS HOME AGENCY AND PLACE AT THE DISPOSAL OF
RESPONDENT NO. 2 IN UTTER VIOLATION OF RULES & POLICY AND
AGAINST ORDER DATED 20-06-2017, WHERE BY THE APPELLANT
HAS BEEN REPATRIATED TO SETTLED AREA IN UTTER VIOLATION OF
THE RESPONDENT'S AGENCY CADRE POLICY 2009.**

PRAYER:

**That on acceptance of this appeal the impugned orders dated
12-04-2017 & 20-06-2017 may very kindly be set aside by
retaining the appellant against its original placed of posting at
his home agency i.e. Mohmand Agency. Any other remedy
which this Honourable Tribunal deem fit may also be awarded
to the appellant**

RESPECTFULLY SHEWETH:

FACTS:

Brief facts giving rise to the instant appeal are as under:-

- 1- That appellant is the domicile holder of Mohmand Agency and was appointed as Junior Clerk (BPS-05) now (BPS-11) by Agency Surgeon Mohmand at Ghallanai, vide its order dated 19-04-1995. Copy of Appointment is attached as annexure ----- **A.**

Filed on day

Registrar

Re-submitted to-day
and filed.

Registrar
24/1/18

- 2- That, the appellant is serving the Department quite efficiently, whole heartedly and upto the entire satisfaction of his high ups and as such the appellant has unblemished service record of more than 22 years.
- 3- That, the appellant while serving at his Home Agency, the respondent no. 3 issued the impugned order dated 12-04-2017 where by the appellant was relieved of from Mohmand Agency to Respondent No. 2 (Director Health Services FATA). Copy of the order is attached as annexure ----- **B.**
- 4- That, the appellant filed departmental appeal against the impugned order dated 12-04-2017 before Respondent No. 2, but in response the appellant was issued with another order dated 20-06-2017 whereby the appellant is repatriated to Provincial Health Department it utter violation of rules & policy. Copy is attached as Annexure ----- **C&D.**
- 5- That, appellant feeling aggrieved from the inactions of the respondents filed Writ Petition No. 2734-P/2017 before the Peshawar High Court Peshawar which was disposed of vide judgment dated 11-01-2018 with the direction "**that, the petitioners have got an alternate adequate, efficacious remedy before the service tribunal for redressal of their grievance**". Copy of judgment dated **11-01-2018** is attached as Annexure ----- **E.**
- 6- That, the appellant having no other efficacious remedy but to file the instant appeal on the following ground amongst other:

GROUND:

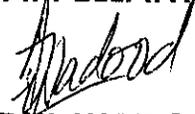
- A- That the impugned order dated 12-04-2017 & 20-06-2017 issued by the respondents are void ab initio, against the law, facts, norms of natural justice and materials on the record hence not tenable and is liable to be set aside.
- B- That, the post of the appellant squarely falls within the ambit of Agency Cadre Policy 2009, hence the impugned order dated 12-04-2017 & 20-06-2017 are completely void ab initio. Copy of the Agency Cadre Policy 2009 is attached as annexure ----- **F.**
- C- That the appellant has not been treated by the respondent Department in accordance with law and rules and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.

- D- That the impugned order dated 06-10-2017 has been issued in violation of Clause- I, II & VI of the transfer/posting Policy of the Provincial Government. Copy of the transfer/posting policy is attached as annexure ----- **G.**
- E- That it is pertinent to mention here that Provincial Health Department had imposed complete ban on posting upto BPS- 1-15 vide its letter dated 15-04-2015. Copy of letter is attached as annexure ----- **H.**
- F- That, the impugned order dated 12-04-2017 & 20-06-2017 has been issued in arbitrary and malafide manner just to accommodate their blue eyed person.
- G- That the appellant has been transferred to the office of respondent no. 2 on administrative ground and as such transfer cannot be impose as punishment in light of E&D Rules 2011, therefore the impugned order 12-04-2017 is void ab-initio in the eye of law.
- H- That, respondents have issued the impugned orders dated 12-04-2017 & 20-06-2017, just to harass the appellant and are penalized for the unknown reason.
- I- That the impugned orders dated 12-04-2017 & 20-06-2017 has neither been issued in the public interest nor exigencies of service.
- J- That Appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that appeal of the appellant may be accepted as prayed for in the heading of the appeal.

Dated: 18-01-2018

APPELLANT,


ABDUL WADOOD

THROUGH:


NOOR MOHAMMAD KHATTAK

&


MUHAMMAD MAAZ MADNI,
ADVOCATES, PESHAWAR.

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

APPEAL NO. _____/2018

ABDUL WADOOD

VS

ACS FATA & OTHERS

**APPLICATION FOR SUSPENSION OF OPERATION OF
IMPUGNED ORDER DATED 12-04-2017 & 20-06-2017 TILL
THE FINAL DISPOSAL OF THIS APPEAL**

R/SHEWETH:

- 1- That the appellant filed the above mentioned appeal along with this application before this august Service Tribunal in which no date has been fixed so for.
- 2- That all the three ingredients necessary for the stay is in favor of the appellant.
- 3- That the impugned transfer order dated 12-04-2017 & 20-06-2017 is against the transfer/ posting policy as laid down for the subject matter.
- 4- That the grounds of main appeal may also be considered as integral part of this application.

It is, therefore, most humbly prayed that on acceptance of this application the impugned order dated **12-04-2017 & 20-06-2017** may very kindly be suspended till disposal of this appeal.

DATED: 18-01-2018

APPELLANT


ABDUL WADOOD

THROUGH:


NOOR MOHAMMAD KHATTAK


MUHAMMAD MAAZ MADNI,
ADVOCATES, PESHAWAR.

(8)

(11)

(5)

Annexure - (A)

OFFICE OF THE AGENCY SURGEON MOHMAND AGENCY

OFFICE ORDER

Mr/Ms: Abdul Wadood S/O, R/O, W/O Mohammad

Azam is hereby appointed as Mr. Clerk in BPS-15 1100-55-2490 plus usual allowances as admissible under the rules and posted on the following terms & conditions:-

1. He/She is domiciled in Mohmand Agency/
2. He/She will not be entitled to any CA/DA for joining 1st appointment.
3. He/She is liable to serve any where in NWFP.
4. He/She will be governed by such rules and orders as may be required/issued by the Govt. for the category of Govt. Servant to which he belongs.
5. If he/she wishes to resign at any time, he will resign in writing and will continue to serve the Health Deptt. till the acceptance of resignation by the competent authority.
6. His/Her appointment in the Health Deptt. is purely temporary and his/her services will be terminated without any reason being assigning at any time irrespective of the fact that he is holding the post other than one to which he/she was originally recruited.

If He/She accepts the offer on the above mentioned terms and conditions, He/she shall please report to the undersigned within 7 days after the receipt of this letter.

Sd/-
(DR. MOHAMMAD JAMIL)
AGENCY SURGEON
MOHMAND AGENCY

NO: 4484-87/1 Dated Challanai the 19/04/1995

Copy forwarded to -

1. Mr/Ms: Abdul Wadood S/O, W/O Mohd. Azam of Village Mirallah Mohmand Agency for information & n/action
2. The Agency Accounts Officer Mohmands Challanai
3. The Accounts Clerk AS-Office Challanai

ATTESTED

Attested
awad

Jamil
(DR. MOHAMMAD JAMIL)
AGENCY SURGEON
MOHMAND AGENCY

6

1

Better Copy

A

OFFICE OF THE AGENCY SURGEON MOHMAND AGENCY

OFFICE ORDER

Mr/Mst. Abdul Wadood S/o, D/o, W/O, Mohammad Azam is hereby appointed as Jr. Clerk in BPS-5 1400-66/2390 plus usual allowances admissible under the rules and posted on the following terms and candidates:-

1. He/She will not be entitled to any TA/DA for joining 1st appointment.
2. He/she will be governed by such rules and orders as may be required/ issued by the Govt. for the category of Govt. Servant to which he belongs.
3. He/she is liable to serve anywhere in NWFP.
4. He/she will be governed by such rules and orders as may be required/ issued by the Govt. for the category of Govt. Servant to which he belongs.
5. If he/she wishes to resign at any time, he will resign in writing and will continue to serve the health Department till the acceptance of resignation by the competent authority.
6. His/her appointment in the Health Department is purely temporary and his/her service will be terminated without any reason being assigning at any time irrespective of the fact that he is holding the post other than one to which he/she was originally recruited.

If he/she accepts the offer on the above mentioned terms and condition, he/she should please report to the undersigned within 7 days after the receipt of this letter.

Sd/-
(Dr. Muhammad Jamil)
Agency Surgeon
Mohmand Agency

No. 4484-87/

Dated Ghallani the 19/04/1995

Copy forwarded to:-

1. Mr/Mst. Abdul Wadood S/ W/O Muhammad Azam of Village Pirailah Mohmand Agency for information and action.
2. The Agency Accounts Officer Mohmand's Ghallani
3. The Accounts Clerk AS Office Ghallani

ATTESTED

attested

Sd/-

7

2

B

OFFICE OF THE AGENCY SURGEON
MOHMAND AT GHALLANAI

Amerkur

OFFICE ORDER

Reference this office letter No.2798-99/ASM Dated:10-04-2017, Mr Abdul Wadood Junior Clerk of this office is hereby relieved off his duties on administrative ground and directed to report to Director Health Services FATA Peshawar for further posting with immediate effect in the best interest of public.

.....sd.....
Agency Surgeon,
Mohmand Agency

Dated 12/04/2017

No 2831-34/ASM

- 1. Director Health Services FATA Peshawar.
- 2. Political Agent Mohmand Agency.
- 3. Agency Accounts officer Mohmand.
- 4. Official Concerned.

Agency Surgeon,
Mohmand Agency
12-4-2017

attested
B

~~ATTESTED~~

خدمت چناب غزنیہ ڈاکٹر کبیر حسینہ سرور صاحبہ اپنا اور

درخواست برآمد: Relieving کرنے والی اس ڈاکٹر **8** Annexure - (C)

صاحب عالی!

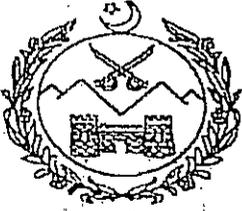
مؤدیانہ گزارش کی جاتی ہے کہ سائل آپ کے زیر سایہ مہمند ایجنسی میں بطور جوئینر کلرک کام کر رہا ہے۔ سائل اپنی ڈیوٹی انتہائی اہماری اور خصوص کے ساتھ انجام دے رہا ہے۔ مورخہ 2017-04-2 کو ایجنسی سرجن صاحب نے میرے Relieving کے احکامات جاری فرمائیں ہیں کیونکہ میری کھرتی مہمند ایجنسی کیسے ہوئی ہے اور میری تبادلی کو بغیر کسی وجہ کے آپ کے دفتر میں کروا دیا ہے۔ جو کہ میں مہمند ایجنسی کا مستقل باشندہ ہوں اور مہمند ایجنسی کے روزانہ ڈیوٹی کیسے آنے والے ہیں تکیف ہوگی اسلئے آپ صاحبان مورخہ 2017-04-2 کے احکامات منسوخ فرمائیں اور مجھے مہمند ایجنسی میں ڈیوٹی کرنے کے احکامات جاری فرمائیں۔ سائل بھر بھر دعا گو رہے گا۔

العارض

مورخہ 04.5.2017

آلہ کافرانہ برادر
عبد الوہاب
جوئینر کلرک
مہمند ایجنسی

Attested
B



Establishment Section

(9)

(7) (B)
FATA SECRETARIAT
(ADMINISTRATION, INFRASTRUCTURE & COORDINATION DEPARTMENT)
WARSAK ROAD PESHAWAR

ORDER:-

Annexure - D

Mr. Abdul Wadood Junior Clerk (BS-11), waiting for posting in Directorate of Health Services (FATA) is hereby repatriated to Health Department Khyber Pakhtunkhwa with immediate effect in the public interest.

No. FS/E/100-93(Vol-11)/ 5929-35
Dated 20/06/2017
Copy to:-

ADDITIONAL CHIEF SECRETARY (FATA)

1. Secretary to Government of Khyber Pakhtunkhwa Health Department Peshawar.
2. Secretary Social Sectors Department (FATA).
3. Director General Health Services Khyber Pakhtunkhwa.
4. Director Health Services (FATA) Peshawar.
5. Additional Accountant General (PR) Sub Office Peshawar.
6. PS to Secretary AI&C Department (FATA).
7. Official concerned.

ATTESTED

[Signature]
Section Officer (Estab)

attested *Attested*
B S

(10)

Amekare-(E)

Reporting

Judgment Sheet

IN THE PESHAWAR HIGH COURT, PESHAWAR

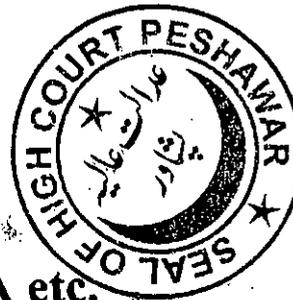
(Judicial Department)

WP No. 2734-P/2017.

Abdul Wadood

Vs

Additional Secretary FATA etc.



JUDGMENT

Date of hearing. 11.01.2018

Petitioner(s) by: Sardar Ali Raza
Advocate.

Respondent(s) by: Mr. Waqar Ahmad
AAG.

SHAKEEL AHMAD, J:- Through this single order, we intend to dispose of instant petition (Writ Petition No.2734-P/2017) alongwith connected Writ Petitions bearing Nos.2959-P/2017 and 3157-P/2017, as identical question of law and facts are involved therein.

2. Brief facts of Writ Petition No.2734-P/2017 is that the petitioner was appointed as Junior Clerk (BPS-5) in the year 1995 by Agency

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ATTESTED
EXAMINER
Peshawar High Court
16 JAN 2018

(11)

Surgeon Mohmand Agency. He was lastly promoted to BPS-11, after serving for 22 years. Lateron vide office order dated 20.6.2017, petitioner was repatriated by respondent No.1 to Health Department Khyber Pakhtunkhwa with immediate effect.

3. The precise facts of Writ Petition No.3157-P/2017 are that initially petitioner was appointed as *Junior Clerk* in BPS-5 by the Divisional Director Health Services Kohat vide office order dated 3.3.1993. He was transferred to the Directorate of Health Services FATA in the year 2004 and lateron transferred to Agency Surgeon FR Peshawar vide office order dated 3.7.2014. He was lastly promoted to BPS-11 after serving for 24 years however, he was repatriated to the Health Department Khyber Pakhtunkhwa vide office order dated 25.7.2017.

4. The background of Writ Petition No.2959-P/2017 are that petitioner was appointed as *Junior Clerk(BPS-5)* by the Agency Surgeon Bajaur Agency vide office order dated 27.9.1992.

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ATTESTED
EXAMINER
Peshawar High Court
15 JAN 2018

12

He was promoted to BPS-11 after serving for 27 years but later on he was repatriated to the Health Department Khyber Pakhtunkhwa vide office order dated 20.6.2017, hence all the above referred Constitutional petitions.

5. It was mainly argued by learned counsel for petitioners that the respondent No.1 has no authority to pass the impugned order whereby the petitioners were repatriated to the Health Department of KPK. So, according to him the impugned orders are illegal and unlawful and it should be declared as such therefore, the same are liable to be recalled.

6. Learned AAG appearing on behalf of the respondents strongly/ vehemently opposed the contention of learned counsel for petitioners by filing comments and stating through arguments that this Court has got no jurisdiction to entertain this writ petition being barred by the express provisions of Article 212 of the Constitution of Islamic Republic of Pakistan, 1973, because the question relates to the terms and condition of

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EXAMINER
Peshawar High Court
16 JAN 2018
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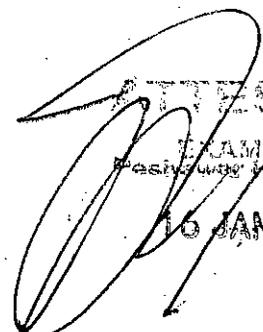
service of petitioners. In support of his point of view, he placed reliance on the cases "Khalid Mahmood Watto Vs Government of Punjab" (1998 SCMR 2280), Government of Punjab Vs Muhammad Zafar Bhatti & others" (PLD 2004 SC 317), "Fauzia Siddique Qureshi Vs Secretary, Ministry of Education, Islamabad" (2004 SCMR 521).

He has also urged that petitioners have got another alternate adequate remedy before the Services Tribunal, so they could not be granted any relief in Writ jurisdiction. Reliance is placed on the case of "Syed Imran Raza Zaidi Vs Government of Punjab & others" (PLI 1996 SC 601).

7. In reply to the above submission, learned counsel for petitioners argued that if an order, which is based on mala fide and coram non iudice, the same can be set aside by this Court.

8. We have considered the lengthy arguments of both the learned counsel for the parties and scanned the record of above cases minutely.

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ATTESTED
EXAMINER
Peshawar High Court
16 JAN 2018


14

9. This essential fact cannot be denied that all the petitioners are Government servants and the service regulations, terms & conditions are applicable to them, which comes within the domain of Service Tribunal. The Constitutional jurisdiction of the High Court, in such like matters, is ousted by explicit provisions of Article 212 of the Constitution. Even if, the transfer order is passed on the basis of mala fide or coram non judge or is in violation of any rules, the same could only be challenged before the Service Tribunal. It has been settled by the Apex court time and again that the matter regarding transfer of a civil servants is one of the incident of terms and conditions of service, which could not be agitated before the High Courts, through Constitutional petition under Article 199 of the Constitution. Article 212 of the Constitution, explicitly bars the jurisdiction of the High Courts in the matters exclusively triable by the Service Tribunal. Reliance is placed on the cases "Muhammad Yaseen Vs Chairman, Pakistan Telecommunication etc" (NLR 2003 civil 321).

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APPROVED
15 JAN 2012

Miss Rukhsana Ijaz Vs. Secretary Education, Punjab and others (1997 SCMR 167), Secretary Education NWFP Peshawar and two others vs. Mustamir Khan and another (2005 SCMR 17) and Pir Muhammad Vs. Government of Baluchistan through Chief Secretary and others (2007 SCMR 54).

In this respect reliance can also be placed on the case "Ali Azhar Khan Baloch & others Vs Province of Sindh & others" [2015 SCMR 456], wherein it was held as under:-

"149. Article 212 of the Constitution ousts the jurisdiction of High Courts and civil Courts in respect of the matters pertaining to terms and conditions of civil servants. In other words, the provisions of Article 212 do not confer a concurrent jurisdiction to civil Courts, High Courts and Tribunals. The ouster contemplated under the said Article is a Constitutional command, and, therefore, of necessity restricts the jurisdiction of civil courts and High Courts on the subject, which squarely falls within the exclusive domain of Tribunals.

150. The High Court of Sindh has completely overlooked the intent and spirit of the Constitutional

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EXAMINER
Peshawar High Court

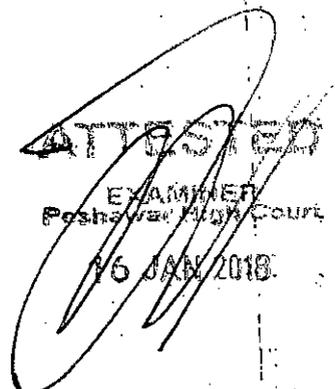
16 JAN 2018

provisions relating to the terms and conditions of service, while entertaining Civil Suits and constitution petitions filed by the civil servants, which are explicitly barred by Article 212. The expression 'Terms and Conditions' includes transfer, posting, absorption, seniority and eligibility to promotion but excludes fitness or otherwise of a person, to be appointed to or hold a particular post or to be promoted to a higher post or grade as provided under section 4(b) of the Sindh Service Tribunals Act, 1973. Surprisingly, it has been ignored that it is, by now, a settled principle of law that the civil and writ jurisdictions would not lie in respect of the suits or petitions filed with regard to the terms and conditions of Civil Servants, and yet some of the learned Judges of High Court of Sindh have erroneously exercised both civil and writ jurisdictions with regard to the terms and conditions of civil servants.

151. We, for the aforesaid reasons, conclude that the exercise of jurisdiction by way of suit and Constitution petition filed by a civil Servant with regard to his terms and conditions of service is violative of Articles 175, 212 and 240 and the law.

152. During the present proceedings, we were informed by the learned Additional Advocate General Sindh and other petitioners that the Civil Servants

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ATTESTED
EXAMINER
Peshawar High Court
16 JAN 2018


(17)

have filed suits and petitions before the High Court of Sindh on the subject, which was conclusively determined by this Court in its judgment under review. We called for the list of the Constitution Petitions as well as of the suits which were filed before the High Court of Sindh, and we are shocked to notice that numerous petitions and suits filed by the Civil Servants were pending and in some cases even restraining orders had been passed in the matters strictly falling outside the ambit of the suit or writ petition and the only and proper forum available in such cases was the Tribunal.

153. More alarmingly, we also observed that some of the suits and petitions were clearly in violation of the principles set by this Court in the judgment under review. The admission of these suits and petitions by the learned Judges concerned obviously confront and defy Article 189, if not attract the provisions of Article 209 of the Constitution."

10. For what has been discussed above, we do not deem it appropriate to pass any order in these writ petitions, in view of the express bar envisaged by Article 212 of the Constitution of the Islamic Republic of Pakistan, 1973. The petitioners have got an alternate adequate, efficacious remedy before the Service Tribunal for redressal of their

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grievance, so all the Writ petitions referred above are not maintainable, hence dismissed with no order as to costs.

Announced:
11.01.2018.

Yahya Afridi
CHIEF JUSTICE

Shakeel Ahmad
JUDGE



CERTIFIED TO BE TRUE COPY

Examiner
Peshawar High Court, Peshawar
Authorized under Article 87 of
The Qanun-e-Shahadat Order 1988

15 JAN 2017

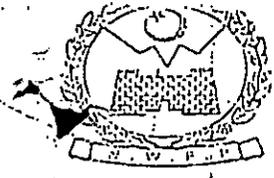
"A.Qayum PA"

(DB) Hon'ble Mr. Justice Yahya Afridi H CJ
&
Hon'ble Mr. Justice Shakeel Ahmad

attested

No. 6731
Date of Presentation of Application 13/1/18
No of Pages 15
Copying Fee
Urgent Etc
Total 6000
Date of Preparation of Copy 16/1/18
Date of Delivery of Copy 16/1/18
Received By [Signature]

19



GOVERNMENT OF NWFP
HEALTH DEPARTMENT

Dated the Peshawar 25th May 2009

Amexure - (F)

NOTIFICATION.

No. SOH-III/8-90/2009 (FATA). The Governor of the North West Frontier Province (NWFP), in his capacity as agent to the President of Islamic Republic of Pakistan for FATA has been pleased to delegate powers of appointing authority to Director Health Services FATA, Political Agents and the Agency Surgeons for appointment against posts in the Health sector given hereunder:-

Sr.No.	Pay Scale	Appointing Authority
1.	Posts up to BPS-15 in the FATA Directorate.	Director of Health Services FATA.
2.	Posts in BPS-11 to BPS-15 in an Agency.	Political Agent of the concerned Agency.
3.	Posts in BPS-10 and below in an Agency.	Agency Surgeon of the concerned Agency.

Secretary to Govt. of NWFP,
Health Department.

Endst No. of even No and Date.

Copy forwarded for information to:

1. Secretary to Governor NWFP.
2. Principal Secretary to Chief Minister, NWFP.
3. Accountant General, NWFP.
4. Secretary to Govt. of NWFP, Establishment Department.
5. Secretary to Govt. of NWFP, Administration and Coordination Department FATA Secretariat NWFP Peshawar.
6. Director General Health Services, NWFP.
7. Director Health Services, FATA.
8. All Political Agents.
9. All Agency Surgeons in FATA.
10. PS to Chief Secretary NWFP.
11. PS to Secretary Health, NWFP.
12. Programmer, Health Department, NWFP.



Signature

See

21/5/09

Accepted



Signature

Section Officer



4 - (CA)
9-20

**GOVERNMENT OF NWFP
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT
(Regulation Wing)**

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) The normal tenure of posting shall be three years subject to the condition that for the officers/officials posted in unattractive areas the tenure shall be two years and for the hard areas the tenure shall be one year. The unattractive and hard areas will be notified by the Government.
- v) ¹{ }
- vi) While making postings/transfer from settled areas to FATA and vice-versa, specific approval of Governor, NWFP needs to be obtained

²While making postings/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. 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.
- vi (a) All Officers/officials selected against Zone-I/FATA quota in the Provincial Services should compulsorily serve in FATA for atleast 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 (Thaana) of his area/residence is situated.
- viii) No posting/transfers of the officer's/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.

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. Added vide Urdu circular letter No. SOR-VI(E&AD)1-4/2003, dated 21-09-2004

- 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
 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 Dept 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.

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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 posing/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.

.....

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}.

.....

It has been decided by the Provincial Government that posting/transfer orders of all the officers up to BS-19 except Heads of Attached Departments irrespective of grades will be notified by the concerned Administrative Departments with prior approval of the Competent Authority obtained on the Summary. The Notifications/orders should be issued as per specimen given below for guidance.

All posting/transfer orders of BS-20 and above and Heads of Attached Departments (HAD) shall be issued by the Establishment Department and the Administrative Departments shall send approved Summaries to E&A Department for issuance of Notifications.

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F-1

DIRECTORATE GENERAL HEALTH SERVICES, GOVT: OF KHYBER PAKHTUNKHW, PESHAWAR.

NO 4621 /PERSONNEL

DATED 15 /04/2015.

Annexure - H

To,

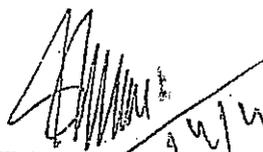
The DHS (FATA) Peshawar.

Subject: REQUEST FOR TRANSFER.
Memo:

D.H.S. FATA Office.
- Diar. No. 330.
Date: 24-04-2015

Reference your letter No. 7980/DHS/FATA/Admn dated 30.03.2015, on the subject noted above.

You are requested not to forward applications for transfer of employees Up-to BS-15 from FATA to settled area as the same has fully been banned by the Government of Khyber Pakhtunkhwa Establishment & Administration Department.


DIRECTOR GENERAL HEALTH SERVICES, K.P.K, PESHAWAR.

Refused

RD

28/4/15

attested

13/4/15

Attested
ATTESTED

VAKALATNAMA

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

22/01 OF 2018

ABDUL WADOOD (APPELLANT)

VERSUS

ACS FATA & OTHERS (RESPONDENT)

I/We ABDUL WADOOD

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK & Muhammad Maaz Madni, Advocates, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. 18 / Jan / 2018

Abdood
CLIENT

NR
ACCEPTED

NOOR MOHAMMAD KHATTAK

&

Muhammad Maaz Madni
**MUHAMMAD MAAZ MADNI
ADVOCATES**

OFFICE:

Room No.1, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.

Phone: 091-2211391

Mobile No.0345-9383141

BEFORE THE SERVICES TRIBUNAL
KHYBER PAKHTUNKHWA, PESHAWAR

APPEAL NO. 127/2018

Abdul Wadood, Junior Clerk (BPS-11)

.....Petitioner

Versus

Additional Chief Secretary FATA and othersRespondents

S NO.	DETAIL	PAGE NO.	Description
1	Para wise Comments	1-2	
2	Affidavit	3	
3	Seniority list	4-7	A


Faiz Muhammad
Assistant Litigation,
DHS FATA Peshawar.
0301-8846252

BEFORE THE SERVICES TRIBUNAL
KHYBER PAKHTUNKHWA, PESHAWAR

APPEAL NO. 127/2018

Abdul Wadood, Junior Clerk (BPS-11)

.....Petitioner

Versus

Additional Chief Secretary FATA and others Respondents

Para wise comments on behalf of respondent No. 1, 2 & 3

Respectfully Sheweth;

Preliminary objections

1. That this Honorable Tribunal Lacks jurisdiction to entertain this appeal as "Repatriation" does not come within the definition of terms and conditions of service. Repatriation does not amount to Transfer.
2. That the relieving office order dated 12.04.2017 is not liable to be challenged.
3. That the appellant has not filled departmental appeal against the repatriation order dated 20.06.2017, hence, this appeal is not maintainable.
4. That the appellant has not yet submitted his appeal.
5. That the appellant has got no locus standi to file the instant appeal.
6. That the appellant has not come to this Honorable Court with clean hands and concealed the factual position of his service.
7. That the appellant has got no cause of action to file the instant appeal.
8. That, the appellant is not an "AGGRIEVED" person within the meaning of Article 199 of the Constitution of Pakistan.
9. The appeal is badly time barred.

ON FACTS:

1. Correct, the petitioner was appointed as Junior Clerk BPS-5 on regular basis by the Agency Surgeon Mohmand in the year 1995 and reached to BPS-11 when the post of Junior Clerk was upgraded by the Provincial Health Department. Furthermore, the appellant is at S.No. 130 in the seniority list of Junior Clerks issued by the Director General Health Services, Khyber Pakhtunkhwa

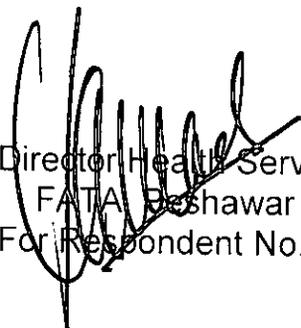
which means the appellant is a Provincial Health employee at
Annex-A.

2. Pertain to record.
3. Correct.
4. Correct to the extent of repatriation order to his parent Department being Provincial Health employee. No departmental appeal has been filled by the appellant against repatriation order dated 20.06.2017.
5. Correct.
6. No comments.

ON GROUNDS:

- A. Incorrect, the orders are not against the law, facts because being Provincial Health employee, the appellant was repatriated to his parent department.
- B. Incorrect, the appellant was appointed before the Agency Cadre Policy 2009, therefore, he was repatriated to his parent department.
- C. Incorrect, as stated above.
- D. Incorrect, the appellant was transferred to his parent department.
- E. Correct to the extent of ban but it was for the employees recruited by FATA after the Agency Cadre Policy 2009 while the appellant was appointed in 1995 and in the seniority list of DGHS Khyber Pakhtunkhwa.
- F. Incorrect.
- G. Incorrect as stated above.
- H. Incorrect as stated above.
- I. No comments.

As the appellant being Provincial Health Department has been repatriated to his parent Department, therefore, it is most humbly prayed that the appeal may please be dismissed.


Director Health Services,
FATA, Peshawar
For Respondent No. 2


Agency Surgeon,
Mohmand Agency
Respondent No. 3

Additional Chief Secretary (FATA),
FATA Secretariat Peshawar.
Respondent No. 1

BEFORE THE SERVICES TRIBUNAL
KHYBER PAKHTUNKHWA, PESHAWAR

APPEAL NO. 127/2018

Abdul Wadood, Junior Clerk (BPS-11)

.....Petitioner

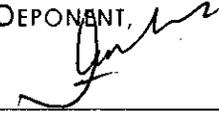
Versus

Additional Chief Secretary FATA and others Respondents

AFFIDAVIT

I, **Faiz Muhammad**, Assistant Litigation, DHS FATA Peshawar, do hereby affirm & declare on oath on behalf of the respondents that the contents of the para wise comments are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Honourable Court.

DEPONENT,



Faiz Muhammad,
Litigation, Assistant
DHS FATA, Peshawar.
0301-8846252
NIC No. 17301-8498414-1



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**DIRECTORATE GENERAL
HEALTH SERVICES KHYBER
PAKHTUNKHWA PESHAWAR**

No. 9412-66 / Personnel/Promotion
Dated. 16 /01/ 2017

To.

1. The Principals, KMC/ KCD Peshawar.
2. The Principal, AMC Abbottabad.
3. The Principal Bacha Khan Medical College. Mardan.
4. The Director Health Services, FATA Peshawar.
5. The Medical Superintendents,
Govt. MTI/LRH, KTH, HMC Peshawar.
6. The Medical Superintendent,
Saidu Group of Teaching Hospital Swat.
7. The Medical Superintendent,
MTI/ Ayub Teaching Hospital Abbottabad.
8. The Medical Superintendent,
Khalifa Gul Nawaz Teaching Hospital, Bannu.
9. The Medical Superintendent,
Mufti Mehmood Memorial Teaching Hospital D.I.Khan.
10. The Medical Superintendent,
ID Children Hospital, Peshawar.
11. The Medical Superintendent,
Women & Children Hospital, GT Road Peshawar.
12. The Medical Superintendent,
Govt. City Hospital, Kohat Road Peshawar.
13. The Medical Superintendent,
Services Hospital, Peshawar.
14. The Medical Superintendent,
Mardan Medical Complex, Mardan.
15. The Medical Superintendent, Sarhad Hospital for Psychiatric Diseases, Peshawar.
16. The Medical Superintendent, General & Mental Hospital Dadar, Mansehra.
17. The All Medical Superintendents, DHQ/ AHQ Hospital in KPK/FATA.
18. The All Agency Surgeons in FATA/ FRs.
19. The All District Health Officers. in Khyber Pakhtunkhwa Province.
20. All Sub Office's of Director General Health Services KPK, Peshawar.

Subject: PROVISIONAL SENIORITY LIST OF JUNIOR CLERKS (BS-11) OF
(SUB CADRE) HEALTH DEPARTMENT KHYBER PAKHTUNKHWA.

Memo: Enclosed please find a Provisional Seniority List of Junior Clerks (BS-11) of (Sub Cadre) Health Department Khyber Pakhtunkhwa for information and circulation amongst the officials working under your control.

The same may please be brought into the notice of all concerned and objections regarding correction in Name, Father Name, date of appointment, Place of posting, date of birth, and date of retirement, may kindly be sent to this Directorate within one month of the receipt of this letter after which no representation will be accepted and the Final Seniority List will be issued.

DIRECTOR GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA, PESHAWAR.

No. 9412-66 /Personnel/Promotion. Dated Peshawar the 16 /01/2017

Copy forwarded to the:-

1. PS to Secretary to Govt. of Khyber Pakhtunkhwa, Health Department Peshawar.
2. Chairman, APCA, Khyber Pakhtunkhwa, Health Department Peshawar.

DIRECTOR GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA, PESHAWAR.

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31-01-17
To circulate for info as desired in copy
30/1/17

120.	Abdul Ali	11.02.1995	KTH Peshawar	10.12.1973/ NWA	09.12.2033
121.	Dawood Khan S/O Muhammad Akbar Khan	14-02-1995	KTH Peshawar	13-08-1968 Peshawar	12-08-2028
122.	Saif ur Rahman S/O Fazal Mehmood	15.02.1995	KTH Peshawar	17.03.1967 Orakzai	16.03.2027
123.	Muhammad Ali	15.02.1995	AHQ Hosp: Miranshah	11.02.1974/ Charsadda	10.02.2034
124.	Amjad Ali	27.02.1995	Agency Surgeon Orakzai	09.09.1972/ Orakzai Agency	08.09.2032
125.	Muhammad Arif	28.02.1995	Agency Surgeon Orakzai	20.11.1965/ NWA	19.11.2025
126.	Gul Banaf Shah	15.03.1995	Nursing School Bannu	16.04.1962/ Bannu	15.04.2022
127.	Muhammad Shoaib S/O Saidan Shah	26.03.1995	Govt: ID children Hospital Peshawar	01.04.1971 Peshawar	30.03.2031.
128.	Abad Shah	27.03.1995	Agency Surgeon Khyber Agency	10.02.1962/ Khyber Agency	09.02.2022
129.	Hazrat Yousaf	20.04.1995	Agency Surgeon Bajaur Agency	01.07.1965/ Bajaur Agency	30.06.2025
130.	Abdul Wadood	20.04.1995	Agency Surgeon Mohmand Agency	01.04.1969/ Mohmand Agency	31.03.2029
131.	Gulab Khan S/O Nizam Khan	30.04.1995	Agency Surgeon Wana Agency	14.04.1968/ SWA	13.04.2028
132.	Umar Badshah	02.05.1995	LRH Peshawar	01.02.1971/ Peshawar	31.01.2031
133.	Said Nijat Hussain	18.05.1995	THQ Hosp: Sadda Kurram Agency	26.03.1975/ Kurram Agency	25.03.2035
134.	Ashiq Ali	29.06.1995	DHO Mardan	01.04.1966/ Mardan	31.03.2026
135.	Hasinur Rahman	01.07.1995	LRH Peshawar	15.03.1971/ Peshawar	14.03.2031
136.	Abdul Hamid	01.07.1995	KTH Peshawar	01.09.1971/ Karak	31.08.2031
137.	Wajid Ali	01.07.1995	Agency Surgeon Kurram Agency	13.02.1973/ Kurram Agency	12.02.2033
138.	Fazle Qadir	16.07.1995	HMC Peshawar	13.05.1974/ Charsadda	12.05.2034
139.	Umar Gul Jan	27.07.1995	KTH Peshawar	15.02.1969/ Nowshera	14.02.2029
140.	Muhammad Riaz	28.07.1995	DHS FATA	14.03.1967/ Khyber Agency	13.03.2027
141.	Mushtaq Khan	29.07.1995	DHO Mardan	04.02.1971/ Mardan	03.02.2031
142.	Fazli Akbar S/O Muhammad Fayyaz	30.07.1995	DHQ Hosp: Mardan	11.05.1969/ Mardan	10.05.2029
143.	Amin Gul S/O Muhim Gul	15.08.1995	DHO Swat	05.05.1974/ Swat	04.05.2034
144.	Abdullah S/O Faridoon	23.09.1995	SMC Swat	10.09.1969/ Swat	09.09.2029
145.	Anwar Ali S/O Ali Akbar	04.10.1995	DHO Swat	04.03.1969/ Swat	03.03.2029
146.	Sadiqullah S/O Attaullah Khan	01.11.1995	DHO Karak	15.04.1969/ Karak	14.04.2029
147.	Naib Zaman	10.12.1995	PGMI Peshawar	17.01.1971/ Peshawar	16.01.2031
148.	Saeed Badshah	14.12.1995	PGMI Peshawar	15.09.1970/ Karak	14.09.2030
149.	Ikramullah S/O Fazal Rabbi	07.01.1996	DGHS, Office	20.12.1974/ Charsadda	19.12.2034
150.	Javed Iqbal S/O Sher Azam Khan	24.01.1996	DHO Chitral	12.02.1973/ Chitral	11.02.2033

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264.	Adnan Sharif S/O Sharifullah	05.07.2013	DHO Swat	01.11.1991/ Swat	31.10.2051
265.	Raza Muhammad S/O Zari Dad Khan	11.11.2013	BMC Swabi	17.03.1987/ Swabi	16.03.2047

DIRECTOR GENERAL HEALTH SERVICES,
KHYBER PAKHTUNKHWA, PESHAWAR.