

Before the Honorable Service Tribunal Khyber Pakhtunkhwa

Appeal No: 454 /2018

Dr Iftikhar Iqbal
House No: 121 Street No: 12 F/8 Phase-6 Hayatabad
Peshawar

485
Dated: 04/04/2018



Versus

- 01. Chief Secretary Government of Khyber Pakhtunkhwa
- 02. Secretary to Government of Khyber Pakhtunkhwa Health Department
- 03. Director General Health Services Khyber Pakhtunkhwa Peshawar

..... Respondents

.....
Appeal under Section 4 of Khyber Pakhtunkhwa Service Tribunal Act 1974, for giving directions to the respondents for transfer of the appellant to home district or nearby home district quite in accordance with Transfer policy of Government against any of the option posts in my own cadre i.e. Management cadre

- 1. DHO Karak 2. DHO Hangu 3. DHO Lakki Marwat
- 4. DHO Kohat 5. Medical Superintendent Kohat

Filed to-day
Registrar

4/4/18

Respectfully Sheweth:

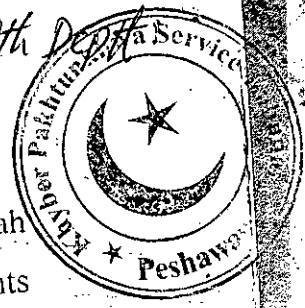
01. That the appellant is civil servant, serving in Management cadre (BS-20) in Health Department Government of Khyber Pakhtunkhwa and have every legal and constitutional right duly protected under law of the land.

ATTESTED

02. That the appellant is presently waiting for posting and placed on the disposal of Director General Health Services Khyber Pakhtunkhwa (Respondent No: 03) vide Government Notification NO; SOH (E-V) 1-1/2007 dated 29.11.2017.

REGISTRAR
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

SA # 454/2018, Dr. Iftikhar Iqbal vs Health Dept



17.05.2018

Appellant Dr. Iftikhar Iqbal in person present. Mr. Kabirullah Khattak, Addl. AG on pre-admission notice for the respondents present.

Short arguments heard and record perused.

During hearing of initial arguments, when the appellant was confronted with the pre-requisite legal requirements of Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, he straight away requested the court to allow him to withdraw the present appeal so as to approach proper forum.

In view of the request of the appellant, the appeal in hand is dismissed as withdrawn. However, the appellant would be at liberty to approach proper forum, if so advised. File be consigned to the record room.

Sd/- Chairman

ANNOUNCED

17.05.2018

Certified to be true copy

SECRETARY
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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SA# 454/2018, Dr. Iftikhar Iqbal vs Health Dept.

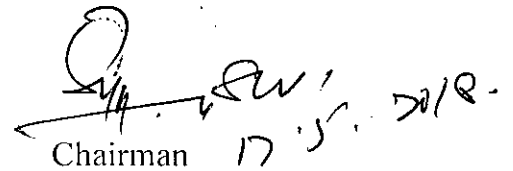
17.05.2018

Appellant Dr. Iftikhar Iqbal in person present. Mr. Kabirullah Khattak, Addl. AG on pre-admission notice for the respondents present.

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Chairman 17.5.2018

ANNOUNCED

17.05.2018

16.04.2018

Appellant in person present. Preliminary arguments heard and case file perused. Appellant argued that he was serving as DHO Tor Ghar and was transferred vide notification dated 29.11.2017. He submitted arrival report to the D.G Health on 15.12.2017 and is awaiting posting. He submitted an application to respondent no.1 on 28.12.2017 for posting. He is going to retire from service on 01.01.2019. When the appellant was confronted on the point that this appeal is not accordance with the section-4 of the Service Tribunal Act, 1974, he was unable to give any plausible explanation. Let pre-admission notice be issued to the Additional Advocate General to assist the Tribunal. To come up for preliminary hearing on 02/05/18 before S.B.


(Ahmad Hassan)
Member

02.05.2018


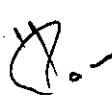
None present for appellant. Mr. Kabirullah Khattak, Additional AG for the respondents present. The Tribunal is non-functional due to retirement of our Hon'ble Chairman. Therefore, the case is adjourned. To come up for same on 17.05.2018.


Reader

Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 454/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
<p style="text-align: center;">1</p> <p style="text-align: center;">2-</p>	<p style="text-align: center;">04/04/2018th</p> <p style="text-align: center;">06/04/18</p> <p style="text-align: center;">P</p>	<p>The appeal of Dr. Iftikhar Iqbal presented today by him, may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p style="text-align: right;">  REGISTRAR 4/4/18 </p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>16/04/18.</u></p> <p style="text-align: right;">  MEMBER </p>

Before the Honorable Khyber Pakhtunkhwa Service Tribunal

Appeal No: 454 /2018

Dr Iftikhar Iqbal

House No: 121 Street No: 12 F/8 Phase-6 Hayatabad

Peshawar

..... Appellant

Versus

01. Chief Secretary Government of Khyber Pakhtunkhwa

02. Secretary to Government of Khyber Pakhtunkhwa Health Department

03. Director General Health Services Khyber Pakhtunkhwa Peshawar

..... Respondents

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03.	Addresses of the parties		05
04.	Copy of the application dated 28.12.2017 filed by the appellant to the Respondent No: 02 for transfer against option post in home district according to Transfer policy	A	06
05.	Copy of the covering letter of Respondent No: 03 by which application of the appellant was forwarded to Respondent No: 02	B	07
06.	Copy of the Transfer policy of the government of Khyber Pakhtunkhwa	C	08-09



Appellant (in person)

Dated: 04/04/2018

Before the Honorable Service Tribunal Khyber Pakhtunkhwa

Appeal No: 454 /2018

Dr Iftikhar Iqbal
House No: 121 Street No: 12 F/8 Phase-6 Hayatabad
Peshawar

~~Before the Honorable Service Tribunal Khyber Pakhtunkhwa~~
485
Dated: 04/04/2018

..... Appellant

Versus

- 01. Chief Secretary Government of Khyber Pakhtunkhwa
- 02. Secretary to Government of Khyber Pakhtunkhwa Health Department
- 03. Director General Health Services Khyber Pakhtunkhwa Peshawar

..... Respondents

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Appeal under Section 4 of Khyber Pakhtunkhwa Service Tribunal Act 1974, for giving directions to the respondents for transfer of the appellant to home district or nearby home district quite in accordance with Transfer policy of Government against any of the option posts in my own cadre i.e. Management cadre

- 1. DHO Karak 2. DHO Hangu 3. DHO Lakki Marwat
- 4. DHO Kohat 5. Medical Superintendent Kohat

.....

Filed to-day
Registrar

4/4/18

Respectfully Sheweth:

- 01. That the appellant is civil servant, serving in Management cadre (BS-20) in Health Department Government of Khyber Pakhtunkhwa and have every legal and constitutional right duly protected under law of the land.
- 02. That the appellant is presently waiting for posting and placed on the disposal of Director General Health Services Khyber Pakhtunkhwa (Respondent No: 03) vide Government Notification NO; SOH (E-V) 1-1/2007 dated 29.11.2017.

03. That the appellant submitted an application dated 28.12.2017 through proper channel (i.e. through Respondent No: 03) to the Respondent No: 02 for transfer against option post in home district/nearby home district in own cadre and post (Management cadre BS-20) quite in accordance with Transfer policy of Government of Khyber Pakhtunkwa as the applicant is due to retire on 01.01.2019.

(Copy of the application dated 28.12.2017 to the Respondent No: 02 is annexed as **Annexure-A**)

04. That the Respondent No: 03 forwarded the application of the appellant vide covering letter dated 24.01.2018.

(Copy of the **covering letter dated 24.01.18** is annexed as **Annexure-B**)

05. That according to the transfer policy of the government of Khyber Pakhtunkhwa, a civil servant in the last year of the service has to be transferred on the option post in home district.

(Copy of the **Transfer policy of the government** of Khyber Pakhtunkhwa is annexed as **Annexure-C**)

06. That the appellant is due to retire on 01.01.2019 but till date has neither been transferred on the option post in home district nor received any reply for the application and more than 03 months period is lapsed.

07. That the appellant having no other remedy available, hence approaches this Honorable Service Tribunal under Section-3 (2) of the Khyber Pakhtunkhwa Service Tribunal Act 1974, inter-alia on the following amongst other grounds:

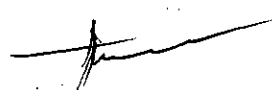
Grounds:

- A. That avoiding transfer on option post in home district in the last year of service is violation of Transfer policy of the government.
- B. That avoiding transfer on option post in home district in the last year of service is increasing the miseries of the civil servant and his family.
- C. That avoiding transfer on option post in home district in the last year of service is against the law, policy and principles of natural justice, hence the appellant is entitled to be posted at home station in the last year of service.

- D. That the appellant was not treated under the law and existing policy, hence he is entitled to be posted on option post in home district in the last year of service.
- E. That the appellant was deprived from the constitutional right and was discriminated by not posing on option post in home district in the last year of service, hence the appellant is entitled to be posted on option post in home district in the last year of service.
- F. That any other grounds, with the permission of this Honorable Tribunal will be raised at the time of arguments.

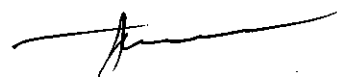
It is, therefore, humbly prayed that on acceptance of the instant appeal, this Honorable Tribunal may please issue directions to the respondents for transfer of the appellant to home district or nearby home district quite in accordance with Transfer policy of Government against any of the following option posts in own cadre i.e. Management cadre

1. DHO Karak
2. DHO Hangu
3. DHO Lakki Marwat
4. DHO Kohat
5. Medical Superintendent Kohat


Appellant (in person)


Certificate


It is certified that no such like appeal has been earlier filed by the appellant before this Honorable court.


Appellant (in person)

List of Law books:

01. Constitution of Islamic republic of Pakistan
02. ESTA Code Khyber Pakhtunkhwa
03. Other law books

Dated:  04/04/2018


Appellant (in person)

Before the Honorable Service Tribunal Khyber Pakhtunkhwa

Appeal No: /2018

Dr Iftikhar Iqbal
House No: 121 Street No: 12 F/8 Phase-6 Hayatabad
Peshawar

..... Appellant

Versus:


- 01. Chief Secretary Government of Khyber Pakhtunkhwa
- 02. Secretary to Government of Khyber Pakhtunkhwa Health Department
- 03. Director General Health Services Khyber Pakhtunkhwa

..... Respondents

Affidavit/verification

I, the appellant, named Dr Iftikhar Iqbal resident of House No: 121 Street No:12 F/8 Phase-6 Hayatabad Peshawar hereby solemnly affirm and declare on oath that the contents of the instant appeal are true and correct to the best of my knowledge and belief and that nothing has been concealed or kept secret from this Honorable Tribunal.

Dated: 04/04/2018 .2018


Appellant



05

Before the Honorable Service Tribunal Khyber Pakhtunkhwa

Appeal No: /2018

Dr Iftikhar Iqbal versus Chief Secretary Government of
Khyber Pakhtunkhwa & others

Addresses of the parties:


Addresses of the Appellant

Dr Iftikhar Iqbal
House No: 121 Street No: 12 F/8 Phase-6 Hayatabad
Peshawar

Addresses of the Respondents

01. Chief Secretary Government of Khyber Pakhtunkhwa
02. Secretary to Government of Khyber Pakhtunkhwa Health Department
03. Director General Health Services Khyber Pakhtunkhwa

Dated: ^{04/09/18}
 .2018


Appellant (in Person)

Note: The addresses given are sufficient for serving the purpose.

To

The Secretary to Government of Khyber Pakhtunkhwa
Health Department

Through Proper Channel

Subject: Application for Transfer in respect of Dr Iftikhar Iqbal Management cadre (BS-20) to home district or nearby district on the ground of option post in home district as the applicant is due to retire on 01.01.2019

Sir

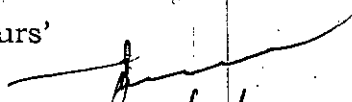
It is submitted that:

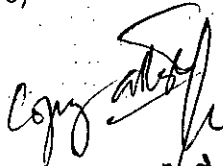
1. The applicant is member of Management cadre (BS-20) and is due to retire after a year on 01.01.2019.
2. The applicant is domiciled of District Karak.
3. The applicant had earlier submitted an application dated 02.11.2017 in the office of DGHS for transfer for forwarding to the competent authority but no action has yet been taken yet in this regard (copy of application enclosed).
4. The applicant is hereby re-submitting the instant application for transfer against my cadre posts (Management cadre posts) on any of the following option posts in accordance with transfer policy of Government of Khyber Pakhtunkhwa (Copy of transfer policy enclosed).

- | | |
|---|---------|
| i. Distt Health Officer Karak | (BS-20) |
| ii. Distt Health Officer Hangu | (BS-20) |
| iii. Distt Health Officer Kohat | (BS-20) |
| iv. Med Superintendent DHQ Hospital Kohat | (BS-20) |

Thanks

Sincerely Yours'


 Dr Iftikhar Iqbal 28/12/17
 Management cadre (BS-20)
 (on disposal of DGHS/waiting for posting)


 Registrar Med Unit
 KTH Peshawar

9/2



**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR**

All communications should be addressed to the Director General Health Services
Peshawar and not to any official by name E-Mail Address K.P.Kdghs@yahoo.com
Office # 091-9210269 Exchange # 091-9210187, 9210196 Fax # 091-9210230

NO. 1666 /E-I(1-19)

Dated: 24 / 1 / 2018

To

The Secretary to Govt. of
Khyber Pakhtunkhwa Health Department,
Peshawar.

Subject:

**APPLICATION FOR TRANSFER IN R/O DR. IFTIKHAR IQBAL
MANAGEMENT CADRE BPS-20 TO HOME DISTRICT OR NEARBY
DISTRICT ON THE GROUND OF OPTION POST IN HOME DISTRICT AS
THE APPLICANT IS DUE TO RETIRE ON 01.01.2019.**

Dear Sir,

I have the honour to enclose herewith an application of Dr. Iftikhar Iqbal BPS-20, requesting for posting against one of the following posts as per policy of the Govt. of Khyber Pakhtunkhwa, for favour of further necessary action.

- | | |
|---------------------------|--------|
| 1. DHO, Karak | BPS-20 |
| 2. DHO Hangu | BPS-20 |
| 3. DHO, Kohat | BPS-20 |
| 4. MS, DHQ Hospital Kohat | BPS-20 |

It is stated that Dr. Iftikhar Iqbal BPS-20 was working as DHO Tor Ghar. He has been transferred and directed to report to Director General Health Services KP Peshwar vide Notification No. SOH(E-V)1-1/2007 dated 29.11.2017.

It is added that Dr. Iftikhar Iqbal BPS-20 has submitted arrival report in this Directorate General Health on 15.12.2017, which has already been forwarded to Govt. of KP Health Department vide letter No. 423/E-I(1-19) dated 05.01.2018.

It is therefore requested that further orders of the Govt. may please be conveyed in the matter.

Copy also
Registrar Med Unit
KTH Peshawar

ADDL. DIRECTOR GENERAL (HRM)
DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR

[Signature]
23/1

Posting/Transfer policy of the Provincial Government of Khyber Pakhtunkhwa.

- 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) 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) While 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

Copy attached
 Registered Unit
 KTH Peshawar

(D.C.O.) and DPOs (Subalterns of Police (SP) similarly. Deputy Districts of their domicile except District Coordination Officers Officers may be posted on executive/administrative posts in the

grades/grades downwards in each grade/grade of each cadre/ cadre in months in each grade. This should start from senior most Provincial Services should compulsorily serve in PATA for at least 18 (18) All Officers/officials selected against Non-PATA / posts in the

Chief Secretary PATA between different divisions shall rest in additional transfer Political Secretaries and Political Joint Secretaries within PATA the Governor. WFP shall be obtained. Provided that the power to and above, from settled areas to PATA and vice versa, specific approval of same power. Ministers, in case of posting/transfer of officers in B2-18 division in respect of whom the concerned Commissioner will exercise the WFP needs to be obtained. Same Secretaries/Joint Secretaries within a settled areas to PATA and vice versa approval of the Chief Secretary.

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SECRETARY
PATA
10/11/2008

vi) While making posting/transfers of officers/officials up to B2-18 from subject to observance of the policy and rules.

rules for the time being in force, allowed to make posting/transfer Government Rules of Business 2001, Posting/Transfer Policy and other under the WFP Government Rules of Business, 1982, District 4/2008/101-VI dated 3-8-2008. Consequently authorities competent authorities for relaxation of ban deleted vide letter No: 208-VI (E&AD),

vii) Para-1(v) regarding months of March and July for posting/transfer and 24th for third areas.

(02) years for settled areas, 01 & 1/2 years for municipalities areas and one and two (02) years for municipalities/ward areas shall be reduced to two

viii) Existing tenure of posting/transfer of three (03) years for settled areas not be posted against any other post

ix) All contract government employees appointed against specific posts, can posting/transfers of their choice and against the public interest or any other pressures upon the posting/transfer authorities for seeking

x) All Government servants are prohibited to exert political, administrative or abused/misused to victimize the Government servants.

xi) All the posting/transfers shall be strictly in public interest and shall not

பேர்திருத்தம்

Posting/Transfer policy of the Provincial Government of Khyber

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 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.**

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;

Copy
Registrar New Unit
KTH Peshawar

Before the Honorable Service Tribunal Khyber Pakhtunkhwa

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 453

Dated 23/04/2018

Appeal No: 454/2018

Date fixed : 2.5.18

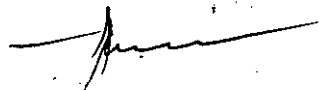
Dr Iftikhar Iqbal versus Chief Secretary Govt of Khyber Pakhtunkhwa & others

**Application for adjournment to next
short date as the applicant is unable
to attend the Tribunal due to private
matters on the date fixed**

Respectfully Sheweth:

1. That the appeal titled above is pending adjudication in this Honorable Tribunal on 2.5.18.
2. That the appellant/applicant is unable to attend the hearing on 2.5.18 due to private/urgent problems outside the station due to unavoidable circumstances.

It is, therefore, humbly, requested that the hearing may please be adjourned to next short date.



Appellant/applicant