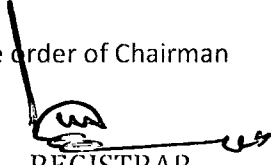


Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 1297/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	05/09/2022	<p>The appeal of Mr. Mukhtiar Ali presented today by Mr. Taimur Ali Khan Advocate. It is fixed for preliminary hearing before touring Single Bench at Swat on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

SERVICE APPEAL NO. 1297 /2022

Mukhtiar Ali

V/S

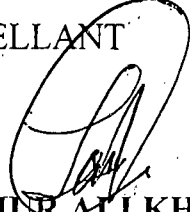
Health Department

INDEX

S.NO.	Documents	Annexure	Page No.
1	Memo of appeal	-----	01-05
2	Affidavit		06
3	Suspension application	-----	07-08
4	Copy of medical prescription	A	09-28
5	Copy of order dated 10.08.2020	B	29
6	Copies of order dated 29.10.2020 and order dated 03.01.2022	C&D	30-31
7	Copy of judgment dated 22.04.2022	E	32-41
8	Copy of letter dated 12.05.2022	F	42
9	Copy of order dated 17.05.2022	G	43
10	Copy of departmental appeal	H	44
11	Copy of order dated 06.06.2022	I	45
13	Copy of posting/transfer policy	J	46-49
14	Vakalat Nama	-----	50

APPELLANT

THROUGH:


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT,
PESHAWAR

Contact No. 03339390916

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. 1297/2022

Mr. Mukhtiar Ali, Office Assistant (BPS-16),
DHQ Hospital, Shangla.

(APPELLANT)

VERSUS

1. The Secretary Health Department, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. The Director General Health Services Khyber Pakhtunkhwa, Peshawar.
3. The District Health Officer, Peshawar.
4. Mr. Naseem Khan Office Assistant, DHO Office, Peshawar.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 17.05.2022, WHEREBY THE APPELLANT WAS TRANSFERRED FROM THE OFFICE OF DISTRICT HEALTH OFFICER PESHAWAR TO DHQ HOSPITAL SHANGLA ON ADMINISTRATIVE GROUND AND AGAINST THE ORDER DATED 06.06.2022, WHEREBY THE RESPONDENT NO.4 WAS TRANSFERRED FROM DGHS OFFICE AND POSTED ON THE POST OF THE APPELLANT AT DHO OFFICER PESHAWAR AND AGAINST NOT TAKING ANY ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 17.05.2022 AND ORDER DATED 06.06.2022 MAY KINDLY BE SET-ASIDE AND THE RESPONDENT MAY BE DIRECTED NOT TO TRANSFER THE APPELLANT ON ADMINISTRATIVE GROUND AND IN VIOLATION OF POSTING/TRANSFER POLICY. ANY OTHER REMEDY WHICH THIS HONORABLE

**TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY
ALSO BE AWARDED IN FAVOUR OF APPELLANT.**

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant is working in the respondent department as Office Assistant (BPS-16) and performing his duty with great devotion and honest whatsoever, assigned to him no complaint has been filed against him regarding his performance.
2. That the appellant is a hypertension patient and has severe heart problem and in this respect he has recently done angioplasty, which is evident from the medical report of the appellant and the appellant is also at the verge of his retirement as he is going to be retired in the year 2024 on attaining the age of superannuation. **(Copy of medical prescription is attached as Annexure-A)**
3. That the appellant, while working as Office Assistant was transferred and posted at DHO Office Peshawar vide order dated 10.08.2020 and was performing his duty with the entire satisfaction of his superiors. **(Copy of order dated 10.08.2020 is attached as Annexure-B)**
4. That after two months, the appellant was transferred from the office of District Health Officer Peshawar to Government Naseerullah Khan Baber Memorial Hospital Peshawar against the post of Superintendent on his own pay and scale vide order dated 29.10.2020 without completing his normal tenure at DHO Office Peshawar and in response of order dated 29.10.2020, the appellant was relieved from his duty vide order dated 03.11.2020. **(Copies of order dated 29.10.2020 and order dated 03.011.202 are attached as Annexure-C&D)**
5. That against the premature transfer order dated 29.10.2020 and relieving order dated 03.11.2020, the appellant filed service appeal No. 696/2021 in this Honorable Tribunal and the respondent No.4 also filed service appeal No.16158 in this Honorable Tribunal to be posted on the post of the appellant in DHO Office Peshawar. Both the cases were heard by this Honorable Tribunal on 21.04.2022 and decided on 22.4.2022. The Honorable Tribunal dismissed both the appeals and hold that it is for the department to decide fairly and justly, who should be posted where and when. **(Copy of judgment dated 22.04.2022 is attached as Annexure-E)**

6. That on the basis of judgment dated 22.04.2022, the DHO Peshawar (respondent No.3) wrote a letter dated 12.05.2022 to DG Health Services, Khyber Pakhtunkhwa (respondent No.2), that DHO Office have no objection to retain the appellant in this office in the best interest of public. **(Copy of letter dated 12.05.2022 is attached as Annexure-F)**
7. That despite NOC of DHO Office and respondent department knowing about the severe heart problem of the appellant transferred him from the office of DHO Office Peshawar to DHQ Hospital Shangla by respondent No.2 on Administrative ground vide order dated 17.05.2022. **(Copy of order dated 17.05.2022 is attached as Annexure-G)**
8. That the appellant filed departmental on 23.05.2022 to cancel his transfer order dated 17.05.2022 or to posted him on any vacant post at District Peshawar as he belongs to District Peshawar and at the verge of retirement and have also severe heart problem. **(Copy of departmental appeal is attached as Annexure-H)**
9. That respondent No. 4 was transferred from the office of DGHS and posted at DHO Office Peshawar vide order vide order dated 06.06.2022 on the post of the appellant. **(Copy of order dated 06.06.2022 is attached as Annexure-I)**
10. That as the department has taken no action on the departmental appeal of the appellant within the statutory period of ninety days and now the appellant has no other remedy except to file the present service appeal for redressal of his grievances in this Honourable Tribunal on the following grounds amongst others.

GROUND:

- A) That impugned the order dated 17.05.2022 and 06.06.2022 are against the law, facts, norms of justice and posting transfer policy, therefore, not tenable and liable to be set-aside:
- B) That the impugned transfer order dated 29.10.2020 was passed in violation of posting transfer/policy as the appellant belongs to District Peshawar and is at the verge of the retirement and should be posted in his home District as per posting transfer policy, therefore, the

impugned orders are liable to be set aside. (Copies of posting transfer policy is attached as Annexure-J)

- C) That appellant is a hypertension patient and has severe heart problem and in this respect he has recently done angioplasty and the department also know about the health condition of the appellant, but despite that he was transferred to far flung hilly area of District Shangla through impugned order dated 17.05.2022 and as such the impugned transfers of the appellant as well as the private respondent No.4 are liable to be set aside on humanitarian ground.
- D) That as the appellant is severe heart patient and has recently done angioplasty and performing duty in hilly area of Shangla will definitely effect his heart problem, which not only effect only his performance but any mishap might be occurred with the appellant, therefore the impugned transfer orders are liable to be set aside.
- E) That the impugned transfer order of the appellant was passed on administrative ground but as per reported judgment of this Honorable Tribunal no one can be transferred on complaint bases/administrative ground as transfer is not mentioned in the penalty list and as such the impugned transfer orders are liable to be set aside on this ground also.
- F) That the appellant is not interested to be post on the particular post in the office of DGHO Peshawar which is evident from his departmental appeal as in his departmental appeal he requested to cancel his transfer order or to be posted at any vacant post at Peshawar as the appellant belongs to District Peshawar and is at the verge of retirement and have also severe heart problem as due to far flung hilly area of District Shangla will effect his health condition as well as his whole family.
- G) That no compelling reason has been shown by the authority of transferring the appellant, but just to adjust blue eyed person on the post of the appellant which is against the norms of justice and fair play.
- H) That the appellant seeks permission of this Honorable Tribunal to advance others grounds and proofs at the time of hearing.

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


APPELLANT

Mukhtiar Ali

THROUGH:


(TAIMUR ALI KHAN)

ADVOCATE HIGH COURT

PESHAWAR

&


(MUHAMMAD NOUMAN)

ADVOCATE HIGH COURT

PESHAWAR

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____/2022

Makhtiar Ali

V/S

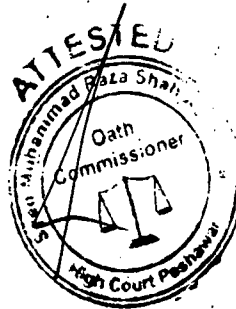
Health Department

AFFIDAVIT

I, Mukhtiar Ali, Office Assistant (BPS-16), DHQ Hospital, Shangla (Appellant) do hereby affirm and declare that the contents of this service appeal are true and correct and nothing has been concealed from this august Court.


DEPONENT

05 SEP 2022



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____/2022

Mukhtiar Ali

V/S

Health Department

APPLICATION FOR SUSPENDING THE
OPERATION OF ORDERS DATED 17.05.2022
and 06.06.2022 TILL THE DECISION OF
MAIN SERVICE APPEAL.

RESPECTFULLY SHEWETH:

1. That the appellant has filed an appeal against the order dated 17.05.2022, whereby the appellant was transferred from DHO Office Peshawar to DHQ Hospital Shangla despite the knowing the fact by the respondents that the appellant is a hypertension patient and has severe heart problem and in this respect he has recently done angioplasty and also at the verge of the retirement and against the order dated 06.06.2022, whereby private was transferred from the office to DGHS and posted on the post of the appellant at DHO Office Peshawar along with this application in this august Service Tribunal in which no date is fixed so for.
2. That the appellant is a hypertension patient and has severe heart patient and has recently done angioplasty and performing duty in hilly area of Shangla will definitely effect his heart problem, which not only effect only his performance but any mishap might be occurred with the appellant accident, therefore the impugned transfer orders are liable to be suspended.
3. That the appellant has a good prima facie case and all the three ingredients are in favour of the appellant.
4. That the grounds of main appeal may also be considered as integral part of this application.

It is therefore most humbly prayed that the operation of the order dated 17.05.2022 and 06.06.2022 may kindly be suspended till the decision of main appeal.

THROUGH:

NAZ
APPELLANT

Qadri
(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT
PESHAWAR

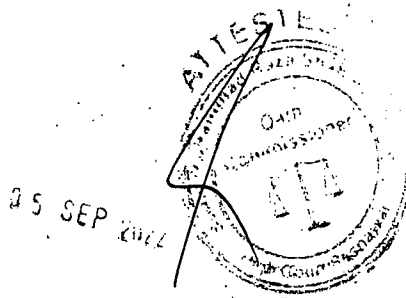
& *Nouman*

(MUHAMMAD NOUMAN)
ADVOCATE HIGH COURT
PESHAWAR

AFFIDAVIT

It is solemnly affirmed that the contents of the application are true and correct to best of my knowledge and belief and nothing has been concealed from this Honourable Service Tribunal.

NAZ
DEPONENT



Dr. Riaz Ahmed Shah
M.B.B.S., R.M.P.

Ex. House Physician & Surgeon
P.G.M.I. Lady Reading Hospital

Medical Officer
P.G.M.I. - L.R.H. Peshawar

Clinic : Gulbahar Road, Sheikabad.
Ph.

ڈاکٹر ریاض احمد شاہ

ایم. بی. بی. ایس. آر. ایم. پی
سابقہ ہاؤس فزیشن اینڈ سرجن
پوسٹ گریجویٹ میڈیکل انسٹیٹیوٹ
لیڈی ریڈنگ ہسپتال
ایم. اے. پی. جی. ایم. آئی. ایل. آر. ایچ. پشاور
کلینک: گلت بہار روڈ، شیخ آباد

Clinical Record

- Headache

Pt's Name

مہتاب

Age

32

Sex

Male

Date

19.3.99

Rx

H.Y.

2 Tab. Accupril.
5mg

دو روایت

2 Tab. Noctamid.

دو روایت

Exam

Chest

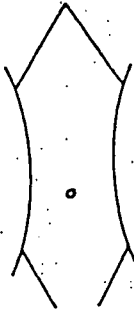
Heart

Nose

Throat

Abd

M/D



Temp

N

BP

165/120 mm Hg

Wt.

Signature

Dr. A. Sahibzade
F.R.C.P. (C)
Fellow American Board of Internal Medicine
American Board of Cardiology

AI NOOR PLAZA JAMSHED PORA,
UNIVERSITY TOWN, PESHAWAR,
OFFICE HRS: 4:00 - 7:30 PM.
DAILY EXCEPT SATURDAY & SUNDAY
Date: 9/7/99

Muhammad Ali: 32 yrs
Hypertension - BP: 130/80

4. Concor 50
2 Xanax 0.5 mg
1 at night

DR. AZIZ G. MUFTI (Cardiologist)
 M.B.B.S., M.D. (U.S.A.)
 F.A.C.C. (U.S.A.), F.A.C.P. (U.S.A.), F.C.C.P. (U.S.A.)
 FELLOW COUNCIL ON CLINICAL CARDIOLOGY AMERICAN HEART ASSOCIATION
 DIPLOMATE AMERICAN BOARD OF INTERNAL MEDICINE AND
 DIPLOMATE CARDIOVASCULAR DISEASES
 ASSISTANT PROFESSOR CARDIOLOGY, PGMI, LADY READING HOSPITAL

CLINIC:
HABIB MEDICAL COMPLEX
 OPPOSITE MISSION HOSPITAL, PESHAWAR
 Saturday - Wednesday
 Off: Saturday & Sunday
 Phone: 219243

11
 ڈاکٹر عزیز گل مفتی
 ماہر امراض قلب
 اسٹنٹ پروفیسر کardiology ریڈنگ ہسپتال پشاور
 کلینک: عیدیت میڈیکل کمپلیکس
 بالقابل نشن ہسپتال پشاور
 22/3/89

9/100 →
 1/9 ↗

Mukhtiar Ali 34

Pt had a bug 2 weeks ago
 developed chest pain.

Co palpitation

on Accupril 6yr 2dlif and
 Xocloamide

clo benzene in chest in heart, 2008
 sleep SA - work in heart to direct

Rest foot neg PEF 4p, neg 1st 2nd 4th
 neg 3rd, neg 5th

ECG as table
 1st 2nd 3rd 4th 5th

ECG 1977 was in E for 10 days

2nd
 Alex
 neg
 13.13ant

also Hypertension

h

Mukhtas Ali

Aziz Gul

22/3/19

Months 36yrs 0

chest pain

82159
102188

140/100
140/100
150/100
170/110

170/80
140/70

Resting ECG is normal reached Max HR of 179/min, without
reached for 13.13 min without significant ST-T changes
chest pain and without significant ST-T changes
Exercise stopped due to fatigue. Recovery is immediate

Adequate stress test

Negative for Angina

Negative for Myocardial Ischemia

[Signature]
AZIZ GUL (MUEE)
M.D. F.A.C.C. F.A.C.P.
Assistant Professor Cardiology
Lady Reading Hospital
P. O. M. I. Peshawar.



Echocardiography

13

Cardiology Department
Lady Reading Hospital - Peshawar

Name : MUKHTIAR ALI

Age : 40 Years Sex : Male

Patient ID: 476-07-12

Date : 07-JUL-12 Type : Entitle

Address : MUSA ZAI PESHAWAR

MMode & 2D Dimension	Measured	Range
End Diastolic Diameter	4.80	3.5-5.7
End Systolic Diameter	3.20	
Right Ventricle	2.00	0.9-2.6
Interventricular septum	1.00	0.6-1.1
LV Post Wall	1.00	0.6-1.1
Aorta	3.40	2.0-3.7
Left Atrium	3.60	1.9-4.0
Fractional Shortening	33.0	(30-44) %
Ejection Fraction	70.4	
Mitral Valve Area		
VSD Size		

Doppler	Gradient Peak	Regurgitation
Mitral Valve		1
Aortic Valve		1
Pulmonic Valve		
Tricuspid Valve		
VSD Gradient		
RV Systolic Pressure		
Rvot		
Lvot		

COMMENTS

Aortic valve is tricuspid, thickened, not calcified, preserved motion, not doming.
 Left atrium size is normal.
 Left ventricle size is normal with preserved function.
 Right ventricle size is normal.
 There is no clot in left atrium.
 No vegetations seen in mitral valve.

DOPPLER

MR, AR Documented.

CONCLUSION

Thickened Aortic valve Mild to Moderate AR.
 Mild MR.

Analyzed By FY

Signature



HAYATABAD MEDICAL COMPLEX PGMi PESHAWAR

CARDIOLOGY DEPARTMENT

EXERCISE TOLERANCE TEST

Name: MUKHTAIR ALI Age: 48 Yrs Date: November 25, 2013
 Address: PESHAWAR Sex: Male Type: Entitle free

ADULT				DOPPLER		
#	PARAMETER	Dimension (cm)	Adult	GRADIENT	Peak mmHg	Mean mmHg
1.	Left Ventricular Diameter (end diastole)	5.0	3.5-5.7	Mitral valve		
2.	Left Ventricular Diameter (end systole)	3.6		Tricuspid Valve		
3.	Right Ventricular Diameter	2.0	0.9-2.6	Aortic valve		
4.	Interventricular septal thickness (diastole)	1.0	0.6-1.1	Pulmonary valve		
5.	Left ventricular posterior wall thickness (diastole)	1.1	0.6-1.1	VSD gradient		
6.	Aortic root diameter	3.2	2.0-3.7	REGURGITATION		
7.	Left atrial dimension	3.5	1.9-4.0	Mitral valve		
8.	Fractional shortening	28%	30-44%	Tricuspid valve		
9.	Ejection fraction	62%		Aortic valve		
10.	Mitral valve area		cm ²	Pulmonary Valve		
11.	VSD size		cm	HAEMODYNAMICS (mmHg)		
				RVSP		
				Pulmonary artery		
				Systemic BP		
				Doppler Mitral valve area		cm ²

2D COMMENTS:

- LA is normal in size.
- LV is normal in size with preserved systolic function.
- RV is normal in size with preserved function.
- Valvular structures appear normal.
- No definite segmental wall motion abnormalities seen.
- No definite ASD/VSD seen.
- No LA or LV clot seen.

DOPPLER COMMENT:

- E/A ratio is reversed.
- MR not documented.

CONCLUSION:

LV DIASTOLIC DYSFUNCTION

Analyzed by: SA

Prepared by: SA

[Signature]
Signature



Services Hospital Peshawar

(Cardiology Department)

15

Echocardiography Report

Patient Name Mukhtiyar Ali Echo No 2826 OPD No 161258
 Echo Date 05-Jul-22 Age 58 years Referred By Dr. Muhammad Jamil

Measurments	Observed	Normal Range	Parameters	Values
Aortic Root Dimmersion	27	20-40 (mm)	EPSS	
Left Atrial Dimmension	37	20-40 (mm)	PHT	
LV End. Diastolic Dimmension	51	36-56 (mm)	EVel	
LV End. Systolic Dimmension	34	(mm)	AVel	
IVS Thickness	10	08-12 (mm)	EAratio	
LVPW Thickness	10	08-11 (mm)	RVP Sys.	
Right Ventricle Dimmension	22	08-26 (mm)	(mmHg) Dias.	

Fraction Shortening 33 % Ejection Fraction 65 %

Valves	Gradient		velocity m/sec	valve area		Regurgitation
	Peak	Mean		2D	Doppler	
Mitral valve						+1
Tricuspid valve						
Aortic valve						+1
Pulmonic valve						

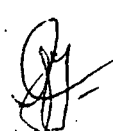
Comments:

Normal size cardiac chambers.
 Normal LV systolic function.
 Apicallateral segment is hypokinetic.
 E.A ratio across the mitral valve is reversed.
 Valves are normal in structure.
 No clot or pericardial effusion seen.

Conclusions:

Apicallateral hypokinesia.
 Grade I LV diastolic dysfunction.
 Mild MR, AR.

 Cardiologist


 Cardiac Technician



SERVICES HOSPITAL PESHAWAR GOVERNMENT OF KPK OPD REGISTRATION

RS 10/-

Name MUKHTIYAR ALI Age 58 Sex MALE

Department GENERAL OPD Address PESHAWAR

Hospital Yearly No. 161258-22 Dated 05-07-2022

History
~~HTN~~
 HTN

R/-
 Tel. Xaver - 114
 (1)

Clinical Examination

Tel. Action / cancer 3.5
 (1)

Provisional Diagnosis

M Ascend
 (1) 25

Investigations
 ECG
 Echo

M Roswin
 (1)
 Tel. Cardnit 2.6

Doctor on Duty _____ Doctor's Signature [Signature]



Department of Pathology
Plot #2, Sector B-2, Phase-5,
Hayatabad Peshawar.

پیتھالوجی ڈیپارٹمنٹ
پلاٹ نمبر 2، سیکٹر B-2، فیز 5، حیات آباد پشاور

17

Patient Name P22070673 Mukhtiyar All Father's Name Abdul Raziq
Age 55-Years Date 06-Jul-2022 01:20 PM
Gender Male Consultant Bakhtawar shah
Address Peshawar Receipt No P2207-529

PM SCHEME

	RESULT	NORMAL VALUES	UNIT		RESULT	NORMAL VALUES	UNIT
Haemoglobin	16.9	12.0-16.0	g/dL	Diff: Leukocytes			
Total RBC Count	6.43	4.5-5.5	$\times 10^{12}/L$	Neutrophils	69	40-75	%
Total Leukocytes	11.8	4.0-11.0	$\times 10^9/L$	Lymphocytes	29	20-45	%
Platelet Count	452	150-450	$\times 10^9/L$	Eosinophils	00	01-06	%
PCV	58.1	40-54	%	Monocytes	02	06-10	%
MCV	90.0	83-101	fl	Absolute Leukocytes Count			
MCH	26.2	27-32	pg	Neutrophils	8.16	1.6-8.25	$\times 10^9/L$
MCHC	29.0	31-35		Lymphocytes	3.43	0.8-4.95	$\times 10^9/L$
Viral Profile				Eosinophils	0.00	0.04-0.66	$\times 10^9/L$
HBsAg	0.55	Cutt of index 1.0		Monocytes	0.24	0.24-1.1	$\times 10^9/L$
Anti HCV	0.09	Cutt of index 1.0					
HIV Ab	0.11	Cutt of index 1.0					
Blood Group & Rh Factor	00						
RBS 127							
Creat 1.3							

Prof. Dr. Mukhtiyar All
MBBS, DCP, W.D., FRCR (Pathology)
Consultant, Hayatabad, Peshawar

Prof. Dr. M. Sharaz Khan
MBBS, MCh (Histopathology)
Consultant, Hayatabad, Peshawar

Dr. Inamullah
MBBS, MChS (Pathology)
Specialist Hematology
Associate Professor, Peshawar

Dr. M. Tariq Mehsud
MBBS, FRCR (Hematology)
Director General, Government
Consultant Hematologist

This report is electronically verified and does not require any signature/stamp



Department of Pathology

Plot #2, Sector B-2, Phase-5,
Hayatabad Peshawar.

پیشہ لوجی ڈیپارٹمنٹ

پلاٹ نمبر 2، سیکٹر B-2، فیز 5، حیات آباد پشاور

18

Patient Name	P22070673 Mukhtiyar Ali	Father's Name	Abdul Raziq
Age	55-Years	Date	06-Jul-2022 01:20 PM
Gender	Male	Consultant	Bakhtawar shah
Address	Peshawar.	Receipt No	P2207-529

	RESULT	NORMAL VALUES	UNIT
Corona Virus Antibody(SARS-COV-2)	0.16	Cut Off Index for Non Reactive <1.0	

Prof. Dr. Faqar Ali
MBBS, MCh, MPhil (Microbiology)
Chief, Pathology Laboratory Services

Prof. Dr. M. Sheraz Khan
MBBS, M. Phil (Histopathology)
Consultant Histopathologist

Dr. Inamullah
MBBS, MChS (Pathology),
MChD (Hematology)
Associate Professor,
Consultant Hematologist

Dr. M. Faris Masood
MBBS, PhD (Hematology)
Director, Laboratory Services
Consultant Hematologist

This report is electronically verified and does not require any signature/stamp.



NKBM Hospital Kohat Road Peshawar

180
110

Serial no.:



PATIENT REGISTRATION FORM

Ph.No.: 091-9212742

To be filled at the Registration Center

PATIENT NAME

Muhammad Ali

W/O. D/O. S/O.

19

AGE (in Year)

58

REGISTRATION NUMBER

9540

GENDER

MOBILE NUMBER

ADDRESS

DATE

28/6/22

CNIC (13 DIGIT ID CARD NUMBER)

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

OPD

REFER TO

To be filled by the DOCTOR

EXAMINATION

Temperature

B.P

180
110

Pulse

Weight (in Kg's)

Height (feet & inches)

COMPLAINTS

Lt. sided chest Pain.
R/L HTN

DIAGNOSIS

HTN (Control 5)
(Co-Egiday)

TREATMENT ADVISED

S. No	Medicine & Strength	Dose	Medicine Provision
1.	inj. Lasix 40mg	1/2 std	
2.	Tab. Capoten 25mg	SL std	

DOCTOR'S NAME & SIGNATURE

Radiology

Pathology

ECC - normal
ST-T ↓ in V1, V4F

Lipid Profile -

PIMS



Discharge Slip

Pt. Name Munir Ali

Age 58 Sex m Ward Register Ad:No _____

Address Peshawar

Ward cardiology Room No CCU

D/AD: 05-07-22 D/OP: 06-07-22

D/Dis: _____

Diagnosis normal

Operation Cor-Angio

Discharge Card Made by Dr./Name _____ Sign _____

Discharge Card Checked by Dr./Name _____ Sign _____

Peshawar Institute Of Medical Sciences

Plot-2, Sector B-2, Phase-5, Hayatabad, Peshawar Pakistan

Tel: 091-5892730-5

TREATMENT FOR HOME

پریش

Tab. Xavoy - DIU → (1)

Tab. Actim 2.5 mg → (1)

Tab. ~~Tab.~~ Ascard 75mg → (1)

Tab. Rosavax 10mg → (1)

Tab. Ace cardinit 2.6mg → (1) + (1)

Signature _____
House Officer/Medical Officer

یہ ہسپتال پاک انٹرنیشنل میڈیکل کالج کراچی کا ٹیچنگ ہسپتال ہے۔

اس ہسپتال کے وارڈوں میں سرکاری ہسپتالوں کے طرز پر مریضوں کا داخلہ اور علاج کیا جاتا ہے۔

جس میں خصوصاً جنرل سرجری، کارڈیالوجی، نیوروسرجری، گائنتری، جنرل میڈیسن، آرٹھوپیدک، بچوں،

آئی اور ای این ٹی (E.N.T) کے مریضوں کا داخلہ مفت کیا جاتا ہے۔

MRI Seimens 1.5 Tesla Essenza کی سہولت سرکاری ہسپتالوں سے

بھی کم خرچ پر موجود ہیں۔

اس ہسپتال میں 8 ماڈرن اپریشن تھیٹر، 9 بستروں کا آئی سی یو 7 بسترے CCU

Aquilion سی، ٹی سکین ڈیجیٹل ایکسرے، کمپیوٹرائزڈ لیبارٹری، فارمیسی اور

فزیوتھراپی کی سہولت بھی موجود ہے۔

ایمرجنسی مریضوں کے لئے ہفتہ اور اتوار کو بھی ہسپتال کھلا ہوتا ہے۔

اوقات معائنہ نیوروسرجری اور دوسری سپیشلیٹیز

روزانہ صبح 9:00 بجے سے 5:00 بجے تک

پشاور انسٹیٹیوٹ آف میڈیکل سائنسز

SERVICES HOSPITAL PESHAWAR
GOVERNMENT OF KPK
OPD REGISTRATION

Name MUKHTIYAR ALI Age 58 Sex MALE

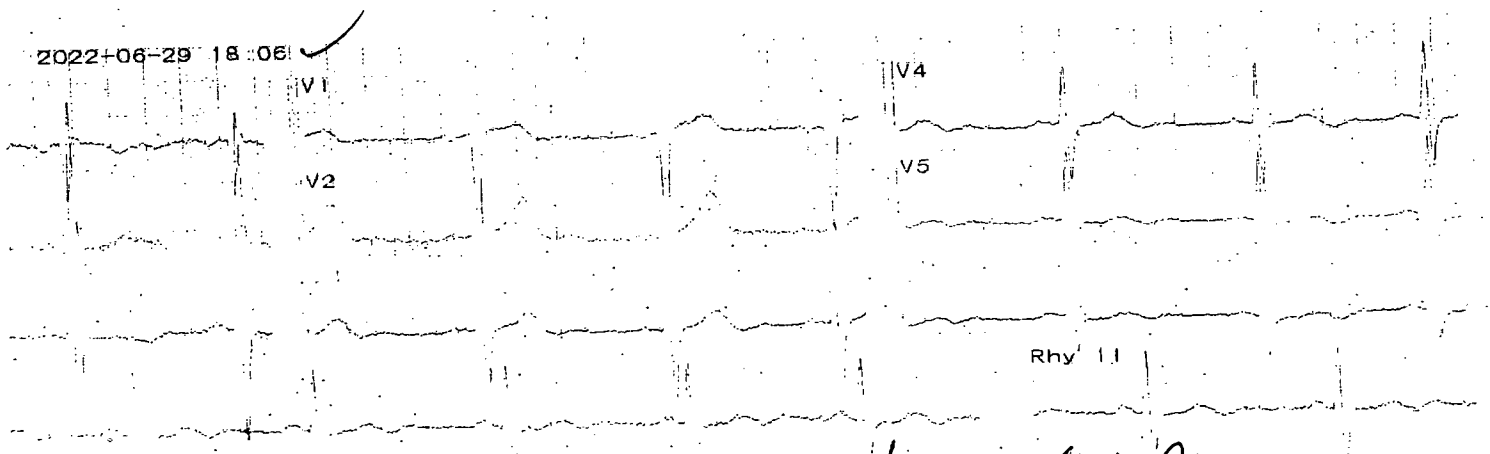
Department GENERAL OPD Address PESHAWAR

Hospital Yearly No. 161258-22 Dated 05-07-2022

<p>History</p> <p>HTN HTN</p> <p>Clinical Examination</p> <p>Provisional Diagnosis</p> <p>Investigations</p> <p>ECG ECHO</p>	<p>R/-</p> <p>Tel. X-ray - D14 ①</p> <p>Tel. Actin / cancer ①</p> <p>M Ascend ② 25</p> <p>M Roswin ①</p> <p>Tel. Cardnet 2.6</p>
---	--

Doctor on Duty _____ Doctor's Signature [Signature]

2022-06-29 18:06 ✓



Rhy II

Four-lead ECG

~~ST-T~~ ST-T change / WNL / AVR
 in III, AVR

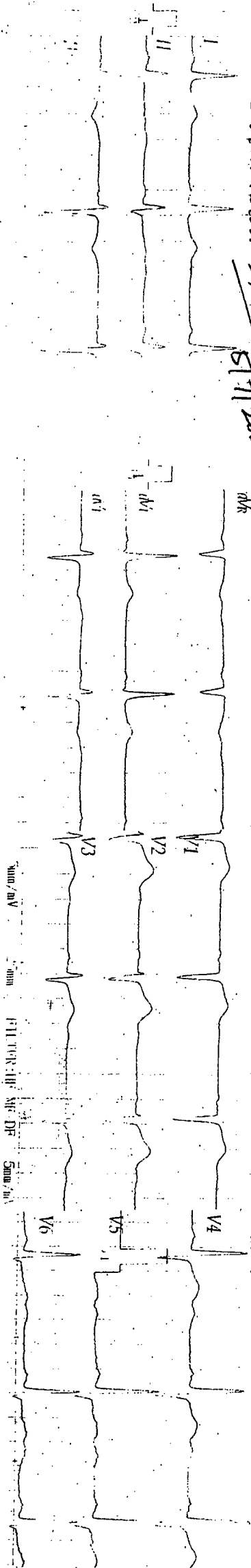
ID 2206290110
 NAME ~~MURRAY~~
 AGE 88 yr
 HEIGHT cm
 BP 180/110 mmHg
 SEX Male
 WEIGHT kg

Carion 5 OD.
 Lopin 75 OD.
 lowplat 75 OD.
 Co-enzyme Q10
 Rosuvastatin 50 OD
 atorvastatin

84

Mark R. Khan MD

5/7/2022



SB



Services Hospital Peshawar

(Cardiology Department)

Echocardiography Report

Patient Name Mukhtiyar Ali Echo No 2826 OPD No 161258
 Echo Date 05-Jul-22 Age 58 years Referred By Dr. Muhammad Jamil

Measurements	Observed	Normal Range	Parameters	Values
Aortic Root Dimension	27	20-40 (mm)	EPSS	
Left Atrial Dimension	37	20-40 (mm)	PHT	
LV End. Diastolic Dimension	51	36-56 (mm)	EVel	
LV End. Systolic Dimension	34	(mm)	AVel	
IVS Thickness	10	08-12 (mm)	EAratio	
LVPW Thickness	10	08-11 (mm)	RVP Sys.	
Right Ventricle Dimension	22	08-26 (mm)	(mmHg) Dias.	
Fraction Shortening	33 %	Ejection Fraction		65 %

Valves	Gradient		velocity m/sec	valve area		Regurgitation
	Peak	Mean		2D	Doppler	
Mitral valve						+1
Tricuspid valve						+1
Aortic valve						
Pulmonic valve						

Comments:

Normal size cardiac chambers.
 Normal LV systolic function.
 Apicallateral segment is hypokinetic.
 E.A ratio across the mitral valve is reversed.
 Valves are normal in structure.
 No clot or pericardial effusion seen.

Conclusions:

Apicallateral hypokinesia.
 Grade I LV diastolic dysfunction.
 Mild MR, AR.

 Cardiologist

 Cardiac Technician

27

ort

Created By: Muhammad Usman

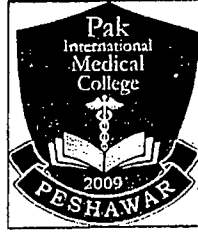
Patient Copy		Peshawar Institute of Medical Sciences		
Patient Name	Mukhtiyar Ali	Consultant	Bakhrwar shah	
Receipt #	P2207-529	Registration #	P22070673	
Receipt Date	06-Jul-2022 12:18	Patient Age	55-Years	
Patient Type	Pakistan Sehat Card [Out-Patient]	Contact No	03159774088	
Anti-SARS-Cov-2	1	800	PM Scheme	1
Total Amount	800	Reg. Fee	100	Discount
				0
				Net Amount
				800

For Online Report Visit Here : <https://pimspeshawar.com>

28

[Handwritten marks]

Peshawar Institute of Medical Sciences



Name: Muhammad Ali Age: _____ Sex M Date 06-07-22

Address: Peshawar Consultant: Dr. Bahattar Shah

HTN⁽⁺⁾

C

- CBC
- RBS
- UREA
- CREAT
- VIRAL PROFILE
- COVID ANTIBODIES

Chest pain
SOB

Headache

Fatigue

ADU

Cor - Arterio ± PCI

[Handwritten signature]



DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUN KHWA PESHAWAR

E-Mail Address: nwfidgsh@yahoo.com office Ph# 091-9210269 Exchange# 091-9210187, 9210196 Fax # 091-9210230

OFFICE ORDER

Mr. Mukhtiar Ali Office Assistant attached to Sifwat Ghayur Shaheed Memorial Hospital Peshawar is hereby transferred and posted to DHO Office Peshawar against the vacant post of Office Assistant in the interest of public service with immediate effect.

Nb: Arrival/ departure reports should be submitted to this Office for record.

Sd/xxxxxxxxx
DIRECTOR GENERAL HEALTH
SERVICES, K.P, PESHAWAR.

Dated 10/08/2020.

No 1061-65 /Personnel

Copy forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. P.S to Minister for Health Khyber Pakhtunkhwa vide D.O letter dated 10.08.2020.
- ✓ 3. DHO Peshawar.
4. MS Sifwat Ghayur Shaheed Memorial Hospital Peshawar.
5. Official concerned.

For information and necessary action.

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

10/8/2020



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.
DQ Office Pk 091 - 9210269 Exchange 091 - 9210187 Fax 091 - 92102308 Math dghealthkpk2014@gmail.com

30

OFFICE ORDER

As approved by the competent authority the following posting transfer of Ministerial staff is hereby ordered in the best public interest with immediate effect.

S.NO.	Name & Designation	From	To	Remarks
01.	Mr. Mukhtiar Ali Office Assistant	DHO Office Peshawar	Govt. NKBMH Hospital Peshawar	Against the vacant post of Supt. In his own pay and scale
02.	Mr. Munawar Khan Senior Clerk	DHO Office Orakzai	DHQ Hospital Parachinar	Against the vacant post.

THE DHO (H)
Daily No. 5142
Date 29/10/2020
PESHAWAR

Sd/-----
Director General Health
Services, Khyber Pakhtunkhwa.

Dated Peshawar the, 29/10/2020.

No. 134467-751

Handwritten notes:
OK
Endorse, pl.
(Good luck to him)
A

Copy forwarded to :

- 1- Accountant General Khyber Pakhtunkhwa Peshawar.
- 2- DHO Peshawar.
- 3- MS Govt: Naseer Ullah Khan Babar Memorial Hospital Peshawar.
- 4- DHO Orakzai.
- 5- DAO Orakzai.
- 6- Medical Superintendent DHQ: Hospital Parachinar.
- 7- DAO Kurram
- 8- PS to Secretary Health, Khyber Pakhtunkhwa Peshawar.
- 9- Officials Concerned for information and compliance.

Director General Health
Services, Khyber Pakhtunkhwa.



D 31

OFFICE OF THE DISTRICT HEALTH OFFICER
PESHAWAR

Phone No. 0919225387

OFFICE ORDER

In response to the Director General Health Services Khyber Pakhtunkhwa Office order bearing endorsement No. 134467-751, dated 29.10.2020. Mr. Mukhtiar Ali Office Assistant BPS-16 is hereby relieved from his duty and directed to report to his new place of posting.

Sd/xxxxxxx
DISTRICT HEALTH OFFICER
Peshawar.

No. 17236-41 /DHO,

Dated 03 /11/2020

Copy forwarded to :-

1. Director General Health Services Khyber Pakhtunkhwa.
2. Accountant General Khyber Pakhtunkhwa.
3. Medical Superintendent Naseer Ullah Baber Memorial Hospital, Peshawar
4. Coordinator DHIS DHO Office Peshawar.
5. Accounts Section DHO Office Peshawar.
6. The above named Officials Concern.
for information and n.action.

DISTRICT HEALTH OFFICER
Peshawar.

Service Appeal No.696/2021 titled "Mukhtiar Ali, vs. Secretary Health & two others", and Service Appeal No.16158/2020 titled "Naseem Khan versus Secretary Health and two others" decided on 22.04.2022 by Division Bench comprising Mr. Kalim Arshad Khan, Chairman and Mrs. Rozina Rahman, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.**



BEFORE: KALIM ARSHAD KHAN, CHAIRMAN
MIAN MUHAMMAD, MEMBER (EXECUTIVE)

Service Appeal No.696/2021

Mukhtiar Ali, Office Assistant (BPS-16), District Health Officer,
Peshawar.....(Appellant)

Versus

1. The Secretary to the Government of Khyber Pakhtunkhwa Health Department, Peshawar.
2. The Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
3. The District Health Officer, Pakhtunkhwa, Peshawar.....(Respondents)

Present:

Mr. Taimur Ali Khan, Advocate.....For appellant.
Mr. Nasir-ud-Shah, Assistant Advocate GeneralFor respondents.

Date of Institution.....27.01.2021
Date of Hearing.....21.04.2022
Date of Decision..... 22.04.2022

APPEALS UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 29.10.2020, WHEREBY THE APPELLANT WAS TRANSFERRED FROM THE OFFICE OF THE DISTRICT HEALTH OFFICER TO GOVERNMENT NASEERULLAH KHAN BABER MEMORIAL HOSPITAL PESHAWAR AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS

Service Appeal No.16158/2020

Naseem Khan, Office Assistant (BPS-16), Directorate Health Service, Merged Area, Warsak Road, Peshawar.....(Appellant)

ATTESTED

Versus

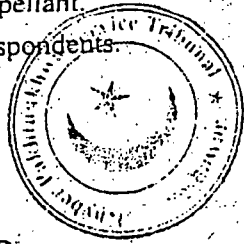
1. The Secretary to the Government of Khyber Pakhtunkhwa Health Department, Peshawar.
2. The Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
3. The District Health Officer, Pakhtunkhwa, Peshawar.....(Respondents)

Service Appeal No.696/2021 titled "Mukhtiar Ali vs. Secretary Health & two others", and Service Appeal No.16158/2020 titled "Museem Khan versus Secretary Health and two others" decided on 22.04.2022 by Division Bench comprising Mr. Kalim Arshad Khan, Chairman and Mrs. Rozina Rehman, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

Present:

Mr. Noor Muhammad Khattak, Advocate.....For appellant
Mr. Nasir-ud-Shah, Assistant Advocate GeneralFor respondents

Date of Institution.....18.12.2020
Date of Hearing.....21.04.2022
Date of Decision.....22.04.2022



APPEALS UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE INACTION OF RESPONDENTS BY NOT POSTING/TRANSFERRING THE APPELLANT AT THE OFFICE OF THE DISTRICT HEALTH OFFICER PESHAWAR INSPITE OF THE AVAILABILITY OF VACANT POST OF THE OFFICE ASSISTANT AND AGAINST NO ACTION TAKEN ON THE APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS

JUDGEMENT

KALIM ARSHAD KHAN CHAIRMAN. The appellant Mukhtiar Ali was serving as Assistant in the office of the District Health Officer, Peshawar when on 29.10.2020 he was transferred to the Government Naseerullah Khan Baber Memorial Hospital Peshawar against the post of Superintendent in his own pay and scale without allowing him to complete normal tenure at the office of respondent No.3; that against the premature transfer, the appellant filed departmental appeal on 29.10.2020, while on 09.11.2020, the Medical Superintendent of the Government Naseerullah Khan Baber Memorial Hospital Peshawar wrote a letter to the Director General Health Services Khyber Pakhtunkhwa, Peshawar saying that the appellant was not required because he was problematic and was used to create issues in the official business of the office and also created confrontation with his immediate officer when he remained posted; that the Medical Superintendent of the Government Naseerullah Khan Baber

Handwritten signature and date: 22/4/22

ESTED

Handwritten signature and stamp

Memorial Hospital Peshawar requested to post the appellant anywhere else; that in response the respondent No.2 asked the Medical Superintendent of the Government Naseerullah Khan Baber Memorial Hospital Peshawar to retain the appellant and in case any irregularity was found that should be reported for necessary action; that the Medical Superintendent of the Government Naseerullah Khan Baber Memorial Hospital Peshawar again requested vide letter No.8584/GNBMH dated 03.12.2020 that the post against which the appellant was transferred had already been filled and the appellant could not be adjusted there; that awaiting 90 days waiting period, the appellant filed this appeal on the 90th day i.e. on 27.01.2021.

2. The appellant then filed this appeal on the grounds that his transfer was made against the prevalent policy of the Government; that he was transferred against a post where already a Women Medical Officer (Dr. Syeda Alia Tariq) was working; that there was a post of Office Assistant, still vacant in the office of Respondent No.3 and appellant could be allowed to work against that post till completion of his tenure as per policy; that the order was passed on political pressure to adjust blue eyed; that allegation of creating problems were incorrect.

3. On receipt of the appeal, notices were issued to the respondents to file their reply. The respondents submitted reply. They mainly complained about the conduct of the appellant by stating some incidents and claimed that the appellant was transferred under Section 10 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 in the public interest.

4. During the pendency of appeal, one Naseem Khan submitted an application for his impleadment as private respondent on the grounds that vide the impugned transfer order dated 29.10.2020, the appellant was transferred and his post was kept vacant, while the applicant had already filed service appeal

Handwritten signature/initials

STED

Stamp: Khyber Pakhtunkhwa Service Tribunal, Peshawar

Handwritten mark

Service Appeal No.696/2021 titled "Mukhtiar Ali vs. Secretary Health & two others", and Service Appeal No.16158/2020 titled "Naseem Khan versus Secretary Health and two others" decided on 22.04.2022 by Division Bench comprising Mr. Kalim Arshad Khan, Chairman and Mrs. Rozina Rehman, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

No.16158/2020 for his transfer to the office of respondent No.3. Reply to this application was sought. The respondents filed reply and contended that the applicant had no cause of action to file such application. However, arguments on the application could not have been heard until final arguments on the main appeal. The learned counsel for the applicant pointed out that the applicant had already filed separate appeal No.16158/2020 in this respect, which was fixed for 15.06.2020. The appeal file of the applicant was requisitioned and fixed for today.

5. Since, the applicant (appellant of SA No.16158/2020) vide his appeal sought transfer in the office of respondent No.3 and vide his application for impleadment in this appeal too, he prayed for his impleadment on the sole ground that in his appeal he had sought his transfer in the office of respondent No.3 and due to transfer of the appellant of this appeal on 29.10.2020, the post fell vacant and he could be transferred against the post fell vacant due to the transfer of the appellant (of this appeal), therefore, instead of impleading him as party in this appeal, his appeal is being decided through this single judgment as that would also serve the purpose of filing the application for impleadment of the applicant as party in this appeal.

6. In the appeal No.16158/2020, the appellant Naseem Khan contended that he was serving as Office Assistant (BPS-16) and had completed normal tenure of three years in the Directorate of Health Service, merged area, Peshawar; that under the placement policy, he submitted application through proper channel for his transfer but despite the fact that a post was lying vacant at the office of respondent No.3 and despite transfer of Mukhtiar Ali (appellant) vide order dated 29.10.2020, the respondents were not willing to transfer the appellant Naseem Khan against the post of Office Assistant at the office of respondent No.3, therefore, he filed the appeal.

Service Appeal No.696/2021 titled "Mukhtiar Ali vs. Secretary Health & no others", and Service Appeal No.16158/2020 titled "Naseem Khan versus Secretary Health and two others" decided on 22.04.2022 by Division Bench comprising Mr. Kalim Arshad Khan, Chairman and Mrs. Rozina Rehman, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

7. Preliminary arguments on the appeal of Naseem Khan could not have been heard till date. However, his learned counsel has been heard today and since the official respondents have filed reply to his impleadment application in the appeal of Mukhtiar Ali, therefore, their arguments were also heard.

8. We have heard the learned counsel for the appellant Mukhtiar Ali and learned Additional Advocate Genera for the respondents. The learned counsel for the applicant Naseem Khan (appellant in SA No.16158/2020) was also heard on his own appeal.

9. It was argued by the learned counsel for the appellant that in view of the facts and grounds agitated in the appeal and enumerated above, this appeal might be accepted. Learned counsel for the appellant of appeal No.16158/2020 submitted that on dismissal of this appeal, the post of Office Assistant in the office of respondent No.3 would fall vacant against which the applicant/appellant Naseem Khan might be posted.

10. Conversely the learned Assistant AG for the respondents maintained the stance taken by the respondents in their replies in both the appeals and prayed for dismissal of both the appeals.

11. Section 10 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 requires that 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. This means that the civil servant has to serve anywhere at the pleasure of the authority. In the postings/transfers the malafide or other consideration except the merit or interest of public service, are normally interfered with. Request of civil servant seeking cancellation of transfer amounts to interference in the smooth functioning of the government and a civil servant could not claim to be posted at one place;

TESTED

M. J. Khan
Member Judicial

Page 5

Service Appeal No.696/2021 titled "Mukhtiar Ali, vs. Secretary Health & two others", and Service Appeal No.16138/2020 titled "Musam Khan vs. Secretary Health and two others" decided on 22.04.2022 by Division Bench comprising Mr. Kullwarsahad Khan, Chairman and Alex. Razina Rehman, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

rather the civil servant was required to serve anywhere against the post to which he is transferred. This is ruled by the august Supreme Court of Pakistan in a case titled "Zakaullah Bajwa versus Chief Secretary" reported as 2007 PLC (CS) 706.

12. The appellant Mukhtiar Ali seeks cancellation of transfer on the grounds that his transfer was against the posting/transfer policy of the government and that he was transferred with a premature tenure besides the post from which he was transferred, was still vacant. The only ground to be seriously considered could be a premature transfer. The department has alleged that the conduct of the appellant was not becoming of a good official and in this respect the respondents annexed some documents which show that the appellant was involved in some matters which speak about his conduct other than of a good official. The record also shows that the appellant remained posted in the office of respondent No.3 a number of times, therefore, the contention of the appellant that he was transferred with immature tenure, does not sound good as his stay as a whole at the office of respondent No.3 seems more than of a normal tenure. Moreover, it seems that the unbecoming conduct of the appellant became a reason of his transfer. In such a situation the judgement of the honourable Supreme Court referred to above fits in the circumstances of this especially the following ruling:

"4. We have considered the arguments of the petitioner and carefully perused the record available. The contentions of the petitioner are not borne out from the record rather it shows that his transfer from Gujrat took place not only due to the application but there were lot of complaints against him which were thoroughly probed in and finally it was found that the petitioner is not working according to the settled principles of good governance and is creating hurdles in the ordinary functions of the department. According to section 9 of the Punjab Civil Servants Act, 1974, "every civil servant be liable to serve anywhere within or outside the Province in any post under the Government of the Punjab". The request of the petitioner seeking cancellation of the transfer orders

TESTED
27/6/22

Service Appeal No.696/2021 titled "Mubtahir Ali vs. Secretary Health & two others", and Service Appeal No.16158/2020 titled "Kusoom Khan versus Secretary Health and two others" decided on 22.04.2022 by Division Bench comprising Mr. Kalim Arshad Khan, Chairman and Mrs. Ruzina Rehman, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

actually amounts to the interference in the smooth working of the Government and the petitioner as a right cannot claim to be posted at one place rather he is required to serve anywhere against the post to which he is transferred. The orders of the authority as well as the impugned judgement of the Tribunal are entirely in consonance with the law laid down by this Court. It would be advantageous to reproduce here the relevant paragraph of the impugned judgement, which reads as under:

"(7) The reproduction of the relevant material in the preceding paragraphs would show that the District Coordination Officer became so fed up with the conduct of the appellant that he had no option but to surrender him to his parent department. For all intents and purposes it was not in the administrative interest to linger and cope with the appellant as Deputy District Officer (Revenue) Gujrat. To say that if the appellant was guilty of any act of misconduct departmental proceedings could have been launched and transfer was not the remedy to rectify such conduct may be true but the appellant has himself admitted that no disciplinary proceedings have yet been launched for any misconduct on his part, therefore, the instances quoted by the District Coordination Officer, Gujrat goes to show that appellant created an embarrassing situation in the District for his superiors and by and large with passage of time the District Coordination Officer felt that the administrative interests of his office got throttled every time a complaint came to him by the public against the appellant, therefore, the transfer of the appellant by asking him to report to Services and General Administration Department was for administrative reasons. No doubt, the Honourable Supreme Court has observed in the case of Zahid Akhtar v. Government of the Punjab, Secretary Local Government and Rural Development Department, Lahore and two others supra that Government servants repeated transfers from one place to another in a span of few months by the order of Minister concerned and carrying out such orders obediently by the Secretary of the Department concerned is highly unethical and undesirable and that normal period of posting of Government servant at a station as per policy decision of Government being for three years, has to be followed in ordinary circumstances unless for reasons of exigencies of service such policy has to be deviated from. The ruling given by the apex Court that normal period of posting of a Government servant has to be in ordinary circumstances for three years unless for reasons of exigencies of service such policy has to be departed from, gives sufficient room for movement in the present case for reasons which have been discussed. Moreover, a policy matter does not have the force of law and can be deviated if good reasons are forthcoming. There is no hard and fast rule that Government servant can in no case be transferred before he completes three years

Handwritten signature and date: 22/4/22

TESTED
D
SEAL

Service Appeal No. 696/2021 titled "Mukhtiar Ali vs. Secretary Health & two others", and Service Appeal No. 16138/2020 titled "Naseem Khan versus Secretary Health and two others" decided on 22.04.2022 by Division Bench comprising Mr. Kalim Arshad Khan, Chairman and Mrs. Rozina Rehman, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

service at a particular station. To the contrary Section 9 ibid makes it a mandatory for a civil servant to be posted anywhere in the Province and he has no right as such to claim continuance of service at a particular station. So, the transfer policy is merely based on convenience but if such convenience is abused as in the present case the Government can always transfer the civil servant to avoid embarrassment to itself. It would be worthwhile to quote from an unreported judgment of the Honourable Supreme Court in Civil Petition for Leave to Appeals bearing Nos. 2051-L/2004 to 2055-L/2004 and 2104-L/2004 titled District Coordination Officer etc. v. Mst. Parveen Shandi and others. The relevant portion is reproduced for facility of reference:---

"As far as question regarding the jurisdiction of the Service Tribunal to entertain appeals against the transfer and posting order is concerned it will be examined because we are, prima facie, of the opinion that in such-like matters in terms of Section 9 of the Punjab Civil Servants Act, civil servant is bound to serve anywhere in the province and Service Tribunal has no jurisdiction to entertain such appeals unless it is shown that there is some provision of law which binds of Government not to shift a civil servant from one place to another. For the above reasons, petitions stands disposed of."

13. In 1999 S C M R 2482 titled "Ehsan Elahi Cheema versus Secretary Health and 2 others", the august Supreme Court of Pakistan was pleased to hold as under:

"Firstly, it is a case of mere transfer of a civil servant. Posting and transfer is the prerogative of the employer. therefore, no vested right is created in favour of a civil servant to claim that he should be posted at one station unless any rule creates any right in him to remain posted at one station or debars the administration from transferring him or the same suffers from mala fides. In this case, the allegations made by the petitioner in respect of the alleged irregularities were found to be false, therefore, it could not be urged that the order of transfer made for administrative reasons could be said to have suffered from mala fides particularly when the petitioner had already remained posted for more than eight years much above the normal tenure of posting of three years at a station under the rules."

Handwritten signature and initials.

14. The appellant Naseem Khan seeks direction that he may be transferred to the post of his choice i.e. Officer Assistant in the office of respondent No.3, which he says was lying vacant on transfer of the appellant Mukhtiar Ali.

ESTED
Handwritten mark

40

Service Appeal No.696/2021 titled "Mukhtar Ali, vs. Secretary Health &wa others", and Service Appeal No.16138/2020 titled "Muslem Khan versus Secretary Health and wa others" decided on 22.04.2022 by Division Bench comprising Mr. Kalim Arshad Khan, Chairman and Mrs. Razina Rehman, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

This contention in itself is against the provisions of Section 10 of the Khyber Pakhtunkhwa Civil Servants Act, 1973, therefore, misconceived and not worth consideration.

15. From what has been discussed above, it can be gathered that the appellants of both these appeals are desirous to be posted at their choice posting as Office Assistant in the office of respondent No.3. It is incomprehensible why both the appellants are so desirous? The reason is obvious. Be that as it may the august Supreme Court of Pakistan has dealt with such a situation in a Judgement in the case of "Muhammad Mansha Javed versus Secretary to Government of Punjab & others" reported as 1998 SCMR 263, in the following manner:

"3. The Tribunal found that both the petitioner as well as respondent No.2 exercised undue influence in getting the above posting. In this view of the matter, the Tribunal disposed of the appeal in terms of para 20 of the impugned judgment, which reads as follows:--
"20. As is obvious in this case both the appellant and respondent No.2 tried to over-whelm the competent authority through their political influence by not allowing it to act independently and justly. This tendency on the part of the civil servants is paralysing the functionaries. The vested interests have to be discouraged for the sake of good governance, promoting public interest and for strengthening the institutions. We, therefore, cannot uphold the impugned order. At the same time, we are unhappy over the transfer of respondent No.2 to his present posting at Narowal made in the absence of exercise of powers in accordance with the law referred to above. Under the circumstances we feel that the Government should decide the whole matter de novo. It will be worth considering if both the officers are deprived of the posting at Narowal which has led to the present race inter se them and which was obviously for the purpose not activated with a desire for service to the people. Let others who are in this race of using political influence also take a lesson from the Government decision of depriving both of these of Narowal posting so that they are discouraged from using undue political influence, in the matter of their transfer."
The petitioner's grievance is that he should have been allowed to remain posted at Narowal in place of respondent No.2. He has, therefore, filed the present petition for leave to appeal.

Handwritten signature

TESTED
[Stamp]

Page 9

Service Appeal No. 696/2021 titled "Mukhtar Ali vs. Secretary Health & Co. others" and Service Appeal No. 16158/2020 titled "Naseem Khan versus Secretary Health and Co. others" decided on 22.04.2022 by Division Bench comprising Mr. Kalim Arshad Khan, Chairman and Mrs. Rozana Rehman, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

3. Mirza Masood-ur-Rehman, learned Advocate Supreme Court appearing for the petitioner, has vehemently contended that the Tribunal was not justified in not maintaining the posting of the petitioner. We are unable to subscribe to the above submission. perusal of the above quoted para from the impugned judgment indicates that the Tribunal, in order to discourage the tendency on the part of the civil servants to get posting of their choice by using illegal means, has passed a just and appropriate order. It "is for the department to decide fairly and justly, who should be posted as Chief Officer, Zila Council, Narowal. Neither the petitioner nor respondent No.2 has any vested right to remain or to get posted at the above place. Leave is refused."

16. While relying on the above judgement of the august Supreme Court of Pakistan, we dismiss both the appeals and would hold that it is for the department to decide fairly and justly, who should be posted where and when. Copy of this judgement be placed on the connected appeal file titled "Naseem Khan versus the Secretary Health etc". Consign.

17. Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 22nd day of April, 2022.



[Signature]
KALIM ARSHAD KHAN
Chairman

[Signature]
MIAN MUHAMMAD
Member Executive

Date of Presentation of Affidavit: 28/4/22
Number of Pages: 1000
Cost: 424
Date of Delivery of Copy: 28/4/22

Certified to be true copy
[Signature]
Chairman
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

F 42

**OFFICE OF THE DISTRICT HEALTH OFFICER
PESHAWAR**

Phone No. 091-9225387

No. 5460 /DHO(Peshawar)

dated : 12/05/2022

To

The Director General Health Services,
Khyber Pakhtunkhwa, Peshawar.

**Subject: Service Appeal No 696/2021 In the respect of Mr Mukhtiar Ali
Office Assistant (BPS-16)**

Sir,

Enclosed please find herewith Services Tribunal Khyber Pakhtunkhwa Judgement dated.22-04-2022, on the subject noted above which is self explanatory for favor of necessary action please . (copy Attached).

It is therefore requested that this office have got no objection for the above official to retain in this office in the best interest of public.

*District Health Officer,
Peshawar*

C.C to :-

1. Litigation Officer to this office.
2. Office Assistant to this office.
for information please.

19/05/2022
MTS/22

**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUN KHWA PESHAWAR**

Postal Address: Hospital Shangla, Peshawar. Phone: 091 9200200. Facsimile: 091 9200187, 9200195. Fax: 091 9219230



OFFICE ORDER

As approved by the competent authority, Mr. Mukhtiar Ali office Assistant (BS-16) attached to DHO Peshawar, is hereby transferred and posted at DHQ Hospital Shangla on administrative ground against the vacant post with immediate effect:

Nb: Arrival/ departure report should be submitted to this Directorate for record.

Sd/xxxxxxx
GENERAL HEALTH
SERVICES, K.P.K PESHAWAR.
Dated 17/05/2022

No. 1721-25 / Personnel
Copy forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. DHO Peshawar
3. Medical Superintendent DHQ Hospital Shangla.
4. DAO Shangla.
5. Official concerned.

For information and necessary action.

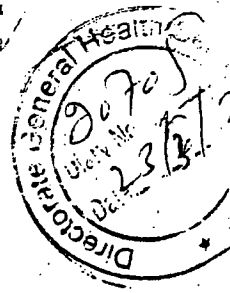
DIRECTOR (HRM)
DIRECTORATE GENERAL HEALTH
SERVICES, K.P PESHAWAR.

17-5-22

To,

Director General Health Services,
Khyber Pakhtunkhwa Peshawar

Subject: D/ APPEAL FOR CANCELLATION OF TRANSFER ORDER
R/Madam:



With deep sense of veneration, I have the honour to invite your kind attention to your good office order bearing No.1721-25/Personnel dated 17/5/2022, under which I was transferred to District Shangla on administrative ground. I request the following facts and want your kind and humble remedy:

1. I belong to District Peshawar and the senior most office Assistant. My name is also included in the seniority list for promotion to BPS-17.
2. I am going to be retired in 2024.
3. I have school going Children's and there is no one to look after them after my posting at so far flung area.
4. My tenure is also not completed at present place of posting.
5. My immediate Boss i.e. District health Officer Peshawar also requested for retaining my services in his office vide letter No.8460/DHO dated 12/5/2022 after the disposal of my appeal by the august court.
6. If there is some issue regarding my retention at my present place of posting, there are vacant posts of Office Assistant at District Peshawar against which I can be posted.

It is therefore humbly requested that the office order cited above may please be cancelled on humanitarian basis to avoid financial as well as mental disturbance

OR

I may please be posted anywhere at District Peshawar to support my family and other issues.

I shall be very thankful to you for this kindness and will pray for your prosperity.

Encl: Attached

Received
CVP - 24/05/22

Shahin Afendi
Dir HRM.

Obediently Yours

(MUKHTIAR ALI)
Office Assistant B-16
DHO Office Peshawar
23/05/22

Date: 22/05/2022



**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
Office Ph (091 - 9210269 Exchange - 091 - 9210187, 091 - 9210196 Fax (091 - 9210230

45

OFFICE ORDER

As approved by the competent (DGHS Khyber Pakhtunkhwa Peshawar) Mr. Naseem Khan Office Assistant BS-16 attached to DGHS Office Peshawar is hereby transferred and posted to DHO Office Peshawar against the vacant post of Office Assistant BS-16 in the interest of public service with immediate effect.

NB: Arrival/ departure reports should be submitted to this Directorate for record.

Sd/xxxxxxxx

DIRECTOR GENERAL HEALTH
SERVICES, K.P, PESHAWAR.

Dated 06 / 06 / 2022.

No 2782-89 / Personnel

Copy forwarded to:-

1. Hon'able Chairman Khyber Pakhtunkhwa Service Tribunal Peshawar w/r to Service Appeal No. 696/2021.
2. A.G Khyber Pakhtunkhwa Peshawar.
3. DHO Peshawar w/r to his NOC No. 9490/DHO dated 26.05.2022.
4. Dy: Director. (Accounts) DGHS Office.
5. Director DHIS Cell DGHS Office Peshawar.
6. Assistant Director (Lit) DGHS Office Peshawar.
7. Incharge Ministerial (Promotion Cell) DGHS office Peshawar.
8. Official Concerned.

For information and necessary action.

ADDITIONAL DG (HRM)
DIRECTORATE GENERAL HEALTH
SERVICES, K.P.K PESHAWAR.

06/06/22

J
46

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 posting/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) {
- vi) While making postings/transfer from settled areas to FATA and vice-versa, specific approval of Governor, NWFP needs to be obtained

¹While making postings/transfers of officers/officials up to BS-17, from settled areas to FATA and vice-versa approval of the Chief Secretary NWFP

1 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.

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.
- 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
²DCOs 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.

1. Added vide Urdu circular letter No. SOR-VI(E&AD)1-4/2003, dated 21-09-2004
 2. Added vide Urdu circular letter No: SOR-VI (E&AD)/1-4/2005, dated 9-9-2005.

86 ESTA CODE [Establishment Code Khyber Pakhtunkhwa]

48

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.

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.

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}.

//