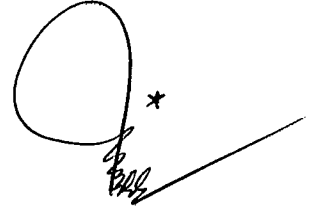


05.04.2022

Appellant alongwith her counsel present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

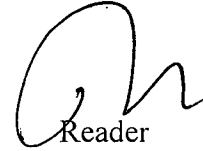
Written reply/comments not submitted. Notices to the respondents have not been issued. Office is directed to issue notices to the respondents for submission of written reply/comments. Adjourned. To come up for written reply/comments on 18.04.2022 before S.B. The operation of impugned notification dated 09.12.2021 shall remain suspended to the extent of appellant till date fixed.

A handwritten signature in black ink, consisting of a large, stylized loop followed by a vertical stroke and a horizontal line extending to the right. A small asterisk is placed to the right of the vertical stroke.

(MIAN MUHAMMAD)
MEMBER(E)

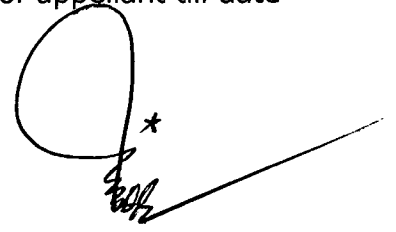
22.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 24.03.2022 for the same as before.


Reader

24.03.2022 Counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present.

Written reply/comments on behalf of respondents not submitted. Notices be issued to the respondents for submission of written reply/comments. Adjourned. To come up for written reply on 05.04.2022 before S.B. The operation of impugned Notification dated 09.12.2021, ^{shall remain} is suspended to the extent of appellant till date fixed.


(MIAN MUHAMMAD)
MEMBER(E)


01.02.2022

Counsel for the appellant is present. Preliminary arguments have been heard.

Learned counsel for the appellant states that while serving as Dental Surgeon BPS-17 was posted at RHC Potowar Peshawar vide Notification dated 26.02.2021. Vide notification dated 05.03.2021, she was placed at the disposal of Social Health Protection Initiative (SHPI) Peshawar. She was further transferred from SHPI to DHQ Hospital, Hangu vide impugned notification dated 09.12.2021. Learned counsel contends that the impugned transfer is premature and against the posting/transfer policy of the Provincial Government. He further contends that the appellant is unmarried and is entitled for posting in her native town. What public interest lies in frequent transfers in one year, is point to be settled during regular hearing. The appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 22.02.2022 before S.B.

Alongwith the appeal, the appellant has also submitted an application for suspension of the operation of impugned Notification dated 09.12.2021. Notice of application be given to the respondents for the date fixed. The operation of impugned Notification dated 09.12.2021, is suspended to the extent of appellant till date fixed.

Appellant Deposited
Security & Process Fee




Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 144/2022 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	01/02/2022	<p>The appeal of Mst. Mahwish Adil presented today by Syed Noman Ali Bukhari Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>01/02/22</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 144 /2022

Mehwish Adil

V/S

Govt. of KP etc.

INDEX

S.N	Documents	Annexure	Page No.
1.	Memo of Appeal	-----	01-06
2.	Stay Application along-with Affidavit	-----	07-08
3.	Copy of Id. card	A	09-10
4.	Copy of transfer order	B	11
5.	Copy of transfer order	C	12
6.	Copy of impugned order	D	13
7.	Copy of departmental appeal	E	14-15
8.	Copy of policy	F	16-17
9.	Copy of posting transfer policy	G	18-20
10.	Copy of anita turab circular	H	21-22
11.	Copy of medical	I	23-24
12.	Vakala Nama	-----	25

Mehwish Adil
APPELLANT

Mehwish Adil

THROUGH:

Syed Noman Ali Bukhari
(SYED NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT

Uzma Syed
&
(UZMA SYED)

ADVOCATE HIGH COURT

①

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____/2022

Miss. Mehwish Adil D/o Adil Marjan Dental Surgeon
R/o Phase 7, Haytabad, House No, 357, Street No.6,
Sector E-7, Peshawar.

(APPELLANT)

VERSUS

1. The Chief Secretary Govt of KP, Civil Secretariat Peshawar.
2. The Secretary Health Deptt, Govt of KP, Civil Secretariat Peshawar.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 09.12.2021 IN UTTER VIOLATION OF POSTING TRANSFER POLICY AND AGAINST SUPERIOR COURT JUDGMENT, AND ALSO AGAINST NOT DECIDING THE APPEAL OF THE APPELLANT WITHIN 15 DAYS AS PROVIDED UNDER CLAUSE XIV OF THE POSTING TRANSFER POLICY.

PRAYER:

THAT THE ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDER DATED 09.12.2021, MAY PLEASE BE SET ASIDE TO THE EXTENT OF THE APPELLANT BEING, PASSED IN VIOLATION OF POSTING/TRANSFER POLICY. THE RESPONDENT DEPTT: MAY FURTHER PLEASE BE DIRECTED NOT TO TRANSFER THE APPELLANT IN VIOLATION OF POSTING/TRANSFERPOLICY. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

**RESPECTFULLY SHEWETH:
FACTS:**

2

1. That the appellant is working as DENTAL SURGEON BPS-17 in health department and work with full zeal and zest upto entire satisfaction of her superior.
2. That the appellant is resident of Phase 7, Hayatabad, House No. 357, Street No.6, Sector E-7, Peshawar. **Copy of the Id-Card is attached as annexure-A.**
3. That the appellant was posted at RHC Potowar Peshawar vide order dated 26.02.2021 and thereafter another notification dated 05 march 2021 has been issued wherein appellant was placed at disposal of Social health protection initiative (SHPI) Peshawar. **Copy of notifications is attached as annexure-B & C.**
4. That thereafter, appellant was transfer from SHPI to DHQ Hospital Hnagu vide order dated 09.12.2021 prematurely just after 9 months also uin violation of policy made for unmarried females. **(copies of transfer order is attached annexure-D).**
5. That the appellant feeling aggrieved from the impugned order dated 09.12.2021 filled departmental appeal which was not responded **Copy of departmental appeal is attached as annexure- E.**
6. That the appellant has no other remedy but to come this august Tribunal on the basis of following grounds amongst others.

GROUND:

- A. That the impugned order dated 09.12.2021 is against the law, facts, norms of justice, violation of Govt: circulars, therefore not tenable and liable to be set aside.
- B. That the appellant is unmarried and resident of Hayatabad, Peshawar. So, transfer of appellant, out of district is against the law, rules, policy and according to Supreme Court judgment and this Hon'ble Tribunal Judgment. Further appellant also shall not be transferred on humanitarian ground, so the impugned order is liable to be set-aside. **Copy of Policy is attached as annexure-F.**

- (B)
- C. That the impugned order was passed in sheer negation of law rules, framed for the posting and transfer of unmarried civil servants, in slipshod, perfunctory, arbitrary and clandestine manners thus liable to be set aside.
- D. That according to posting transfer policy, normal tenure for posting is 2 years, but the appellant transferred order was passed before completion of normal tenure, which is total violation of Govt: posting transfer policy. Thus the impugned transfer order is liable to be set-aside on this score alone. **Copy of posting transfer Policy is attached as Annexure-G.**
- E. That the transfer of the appellant is also violation of circular based on the Anita Turab case dated 27.2.2013 in which it was clearly mentioned that when the ordinary tenure for a posting has been specified in the law or rules made there under, such tenure must be respected and cannot be varied, except for compelling reasons, which should be recorded in writing and are judicially reviewable, **but in the case of the appellant the tenure was not respected and was posted/ transferred without completing his normal tenure and also in violation of spouse policy. Copy of Circular is attached as Annexure-H.**
- F. That the impugned transfer of the appellant has immensely affected the family life of the appellant. Being away from the family not only affected the mental health of the appellant but also troubled the life of his parent being old and ill who needs the immediate presence and help. **Copy of the medical report is attached as annexure-I.**
- G. That not only the national laws and rules but also the international conventions like Universal Declaration of Human Right and International Covenant on Civil and Political Rights urge the promotion and protection of family life in order to guarantee a happy life to family. And the impugned transfer is contravening to these conventions to which Pakistan is a signatory.
- H. That, no solid, valid, concrete or confidence inspiring reasons/ justification has been given by the competent authority while transferring the appellant from SHPI.

- ④
- I. That, the impugned transfer order has neither been in the best interest of public service nor in exigencies of service, hence, not tenable and liable to be set aside.
- J. That, the impugned transfer order is violative of clause-I, IV and X of the transfer/ posting policy of the Government of Khyber Pakhtunkhwa as the appellant has been transferred from his current post.
- K. That, the powers or jurisdiction are vested in authority to exercise it justly, fairly, honestly, judiciously and in accordance with law, rules and regulations but the respondents have transgressed upon their powers while dealing with the matter in hand.
- L. That the impugned order is not a rational one and based on personal liking and disliking.
- M. That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

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

Mehwish Adil
APPELLANT
Mehwish Adil

THROUGH:

Noman Ali Bukhari
(SYED NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT
& *Uzma Syed*
(UZMA SYED)
ADVOCATE HIGH COURT

5

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. _____/2022

Mehwish Adil

V/S

Govt. of KP etc.

CERTIFICATE:

It is certified that no other service appeal earlier has been filed between the present parties in this Tribunal, except the present one.

[Signature]
DEPONENT

LIT OF BOOKS:

1. Constitution of the Islamic Republic of Pakistan, 1973.
2. The ESTA CODE
3. Any other case law as per need.

Mehwish Adil
APPELLANT

Mehwish Adil

THROUGH:

[Signature]
(SYED NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT

[Signature]
& Uzm
(UZMA SYED)

ADVOCATE HIGH COURT

6

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. _____/2022

Mehwish Adil

V/S

Govt. of KP etc.

AFFIDAVIT

I, Mehwish Adil, (Appellant) do hereby affirm that the contents of this service appeal are true and correct, and nothing has been concealed from this honorable Tribunal.

DEPONENT

Mehwish Adil
Mehwish Adil

7

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. _____/2022

Mehwish Adil

V/S

Govt. of KP etc.

.....

**APPLICATION FOR SUSPENSION OF
OPERATION OF ORDER DATED 09.12.2021
TO THE EXTENT OF APPELLANT TILL
THE DISPOSAL OF MAIN APPEAL.**

RESPECTFULLY SHEWETH:

1. That the appellant has filed an Appeal along-with application in which no date has been fixed so far.
2. That the appellant has good prime facie case and all the ingredients of stay is in favour of appellant.
3. That the grounds of main appeal may also be considered as integral part of this application.
4. That the vacancy of the appellant was still vacant and no other official transfer in place of appellant so, if the order may be suspended creates no hurdle.
5. That the impugned order has passed on favoritism and nepotism and has been passed in-violation of Posting, Transfer Policy.

6. That the appellant was transferred out of district and the order dated 09.12.2021 is also in violation of policy for unmarried girl.

It is, therefore, most humbly prayed that the order dated 09.12.2021 may be suspended till the disposal of main appeal. Any other remedy, which this august tribunal deems fit that may also be awarded in favour of appellant.

Mehwish Adil
APPELLANT
Mehwish Adil

THROUGH:

N.A.
(SYED NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT
& *U.S.*
(UZMA SYED)
ADVOCATE HIGH COURT

AFFIDAVIT:

It is affirmed and declared that the contents of this Application are true and correct to the best of my knowledge and belief.

[Signature]
DEPONENT



PAKISTAN National Identity Card
ISLAMIC REPUBLIC OF PAKISTAN



A-91

Name
Mahwish Adil



موش عادل

Father Name
Adil Marjan

عادل مرجان



Gender	Country of Stay
F	Pakistan
Identity Number	Date of Birth
17301-0514573-2	01.08.1990
Date of Issue	Date of Expiry
02.11.2020	02.11.2030

Mahwish Adil

Holder's Signature

۱۵

سرحد روہتہ ٹیڑ 7 حیات آباد، مکان نمبر 357، سڑیت نمبر 6، سیکڑ
ای-7، پٹاؤر

17301-0514573:Z



سنگل پڑ، سنگل خیل، چنڈری، تحصیل، ضلع ٹرن

101601155190

Registrar General of Pakistan

گمشدہ کارڈ ملنے پر قریبی لیٹر بکس میں ڈال دیں

1739
021-314Dated Peshawar the 26th February, 2021NOTIFICATION

NO. SOH (E-V)3-3/2020. The Competent Authority is pleased to transfer the following doctors with immediate effect in the public interest:-

S. No	Name of Doctor	From	To
1.	Dr. Muhammad Alamgir, Management Cadre (BS-17)	DMS (BS-17) Women & Children Hospital, District Charsadda	DHIS (BS-18) Coordinator, District Charsadda in OPS against the vacant post
2.	Dr. Pervez Khan, General Cadre (BS-17)	DHIS Coordinator (BS-18), District Buner	EPI Coordinator (BS-18), District Buner in OPS vice S. No. 3
3.	Dr. Lal Bacha, SMO (BS-18)	EPI Coordinator (BS-18), District Buner	DHIS Coordinator (BS-18), District Buner vice S. No. 2
4.	Dr. Yasmeen Sharif, Dental Surgeon (BS-17)	RHC Potowar, Peshawar	Cat-D Hospital Katlang, Mardan against the vacant post
5.	Dr. Mehwish Adil D/o Adil Marjan, Dental Surgeon (BS-17)	Waiting for posting	RHC Potowar, Peshawar vice S. No. 5
6.	Dr. Mehtab Khan (Medical officer Bs-17)	DHO Office Bannu	EPI Coordinator (BS-18) Bannu in OPS

Secretary Health
Government of Khyber Pakhtunkhwa

Endst. of even No. & Date.

Copy to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
3. MS, Women & Children Hospital, District Charsadda.
4. MS, DHQ Hospital Haripur.
5. District Health Officer, Charsadda, Mardan, Peshawar & Buner.
6. District Account Officer, Charsadda, Mardan, Haripur & Buner.
7. Assistant Director (IT), Health Department, with the direction to upload the notification on official website.
8. PS to Minister for Health Department, Khyber Pakhtunkhwa.
9. PS to Secretary Health Department, Khyber Pakhtunkhwa.
10. Doctor concerned.

(Latif Ur-Rohman)
SECTION OFFICER (E-V)



(C-12)

GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated Peshawar the 05th March, 2021

NOTIFICATION


NO. SOH (E-V)3-3/2020. In partial modification of this Department notification of even No. dated 04-03-2021, the Competent Authority is pleased to direct that Dr. Mehwish Adil, Dental Surgeon (BS-17), (Under transfer to RHC Potowar, Peshawar) is placed at the disposal of Social Health Protection Initiative (SHPI), Peshawar, with immediate effect in best public interest.

Secretary Health
Government of Khyber Pakhtunkhwa

Endst. of even No. & Date.

Copy to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
3. District Health Officer, Peshawar.
4. Assistant Director (IT), Health Department, with the direction to upload the notification on official website.
5. PS to Minister for Health Department, Khyber Pakhtunkhwa.
6. PS to Secretary Health Department, Khyber Pakhtunkhwa.
7. Doctor concerned.
8. Personal file of the doctor concerned.


05/03/21
(Latif-Ur-Rohman)
SECTION OFFICER (E-V)



D-13

**GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT**

Dated Peshawar the December 09, 2021

NOTIFICATION

No.SOH(E-II)/1-1/2021: The Competent Authority is pleased to order the following posting/ transfer of Medical Officers (BS-17), with immediate effect, in the best public interest:-

S/No	Name / Father Name	From	To
1.	Dr. Annum Rashid, Medical Officer (BS-17)	Social Health Protection Initiative (SHPI), Peshawar	Type-D Hospital Lachi, District Kohat
2.	Dr. Mehreen Farooq, Medical Officer (BS-17)	-do-	DHQ Hospital Hangu
3.	Dr. Adeel Afridi, Medical Officer (BS-17)	-do-	Type-D Hospital Lachi, District Kohat
4.	Dr. Mehwish Adil, Dental Surgeon (BS-17)	-do-	DHQ Hospital Hangu
5.	Dr. Sana Zahid, Medical Officer (BS-17)	-do-	DHQ Hospital Hangu
6.	Dr. Umer Farooq, Medical Officer (BS-17)	-do-	DHQ Hospital Hangu
7.	Dr. Ayesha Latif, Medical Officer (BS-17)	-do-	DHQ Hospital Hangu
8.	Dr. Maryam Hidayat, Medical Officer (BS-17)	-do-	Type-D Hospital Sadda, District Kurram

**SECRETARY HEALTH
KHYBER PAKHTUNKHWA**

Endst. of even No. & Date.

Copy to the:

1. Accountant General Khyber Pakhtunkhwa.
2. Director General, Health Services, Khyber Pakhtunkhwa.
3. District Health Officer, Swabi and Mardan.
4. Medical Superintendent, DHQ Hospital, Dir Upper and Mardan.
5. All the concerned District Account Officers, Khyber Pakhtunkhwa.
6. PS to Secretary Health, Khyber Pakhtunkhwa.
7. PA to Special Secretary (E&A / B&D) Health Department.
8. PA to Additional Secretary (E&A / B&D), Health Department.
9. PA to Deputy Secretary (Estab), Health Department.
10. Doctors concerned.
11. Master file.

Dr. Fawad Ahmad Khan
Section Officer (E-II)
Health Department,
Khyber Pakhtunkhwa

Fad 10/12/2021

(Dr. Fawad Ahmad Khan)
SECTION OFFICER (E-II)

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E 14

Page 1 of 2

To,

The Secretary Health,
Department of Health,
Khyber Pakhtunkhwa.

Diary No. 1421
Dated: 15-12-2021
SOH (E-V), Health Department

Subject: Request for posting in Peshawar only.

Sir,

Most respectfully, it is stated that I (Dr. Mahwish Adil) am working as Dental Surgeon in the Health Department. Till now i was working at the disposal of the Social Health Protection Initiative (SHPI). As per Order Number SOH(E-II)/1-1/2021, Dated: 09/12/2021 (Annexure A) I am being posted to the DHQ Hangu, which is not possible for me as I am an unmarried female and also my parents aren't in good health. My father had Coronary Artery Bypass Graft Surgery (CABG) in November 2019, he is also suffering from Diabetes, Hypertension and Parkinson Disease (Annexure B & C). My father Dr. Adil Marjan, has served in the Health Department from 1979 till 2012 on the various Management Posts as a Doctor and retired as Grade 20 Officer. My mother is suffering from memory loss and depression. My mother has also served as a teacher in the Education Department, KPK. I have only one brother and four sisters. My elder brother and elder sister have their own families and are married. I along with my other two sisters are totally dependent on my father for all our matters. My family is under immense mental stress due to my posting in periphery keeping in view my parent's medical issues. As well as it will cause me financial issues if i am not able to continue my job as my parents are pensioners. Also my family has settled in Peshawar since the last 20 years. I have received my all educational qualifications from my matriculation till my graduation in Peshawar based educational institutes (Annexure D, E & F). Kindly consider my posting in "Peshawar only" on compassionate background as per ESTA CODE (Annexure G & H) for unmarried female government servants.

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Page 2 of 2

Thanking you in anticipation.

Yours Respectfully,

Mahwish Adil

Dr. Mahwish Adil,

Dental Surgeon,

Health Department,

KPK.

Contact : 0334-3688882

0345-3780903

Dated: 15/12/2021

← - 18
9 (15)

Copy of letter No. 10/30/97-R-2, dated. 17.12.99 from Deputy Secretary Govt: of Pakistan Cabinet Secretariat, Establishment Division, Islamabad, addressed to all Provincial Chief Secretariat in Pakistan.

Subject: POSTING OF UNMARRIED FEMALE GOVT: SERVANTS AT THE PLACE OF RESIDENCE OF PARENTS/ FAMILY.

Sir,

I am directed to state that it has been brought to the notice of the Govt: that unmarried female Govt: servants face social-economic and security problems when they are posted at station other than the place of residence of their parents/family. The Govt: has taken note of this difficulty and it has been decided to prescribe the following guide lines for dealing with request of unmarried female Govt: servants for posting at the place of residence of their parents/family:

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

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

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

i)- Posting of unmarried female Govt: servants at the station of residence of their parents/family should not be made by dislocation of any Govt: servant already serving at the particular station unless his transfer is necessitated by compelling reasons of public interest of within frame work of general policy of posting and transfer.

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

3- The competent authority has directed that the above guide lines shall also be followed by the Provincial Govt: and the Autonomous/Semi-autonomous bodies under their administrative control.

Sd/-
Amir-ul-Haq
Dy: Secretary.

GOVT: OF NWFP
SERVICE & GENERAL ADMIN: DEPTT:
(REGULATION WING)

Endst: No. SOR-I(S&GAD)1-1/85(Vol:1) dated Pesh: the 10.12.99

Copy forwarded for information and further n/action to the:

All Heads of attached Deptt: in the NWF nad other concerned.

OFFICE OF DIRECTOR SECONDARY EDUCATION NWFP PESHAWAR.

Endst: No. 794-252/ dated Pesh: the 6.1.2000.

(Annexure H)

G 18



ESTA CODE

ESTABLISHMENT CODE KHYBER PAKHTUNKHWA
(REVISED EDITION) 2011

A COMPENDIUM OF LAWS, RULES AND INSTRUCTIONS
RELATING TO THE TERMS AND CONDITIONS
OF PROVINCIAL CIVIL SERVANTS

COMPILED BY;
(O&M) SECTION
ESTABLISHMENT & ADMINISTRATION DEPARTMENT

A

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) 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, 0 1/2 years for unattractive areas and one year for hard areas.
- v) ⁷⁹[]

⁷⁹ Para-1(c) regarding months of March and July for posting/transfer and authorities for relaxation of bar deleted, vide letter No SOR-VI (E&AD) 1-4/2008/Vol-VI, dated 3-6-08. Consequently authorities competent under the NWFP Government Rules of Business, 1955, 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.

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- 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 (DCOs) and DPOs/Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thana) of his area/residence is situated.
- viii) No posting/transfers of the officers/officials on detailment basis shall be made.
- ix) Regarding the posting of husband/wife, both in Provincial services, efforts where possible would be made to post such persons at one station subject to the public interest.
- x) All the posting/transferring authorities may facilitate the posting/transfer of the unmarried female government servants at the station of the residence of their parents.
- xi) Officers/officials except DCOs and DPOs/SPs who are due to retire within one year may be posted on their option on posts in the Districts of their domicile and be allowed to serve there till the retirement.

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GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)
NO. SOR-VI (E&AD) 1-4/2005/Vol-II
Dated Peshawar, 27th February, 2013

RECEIVED
ESTABLISHMENT DEPARTMENT
KHYBER PAKHTUNKHWA
PESHAWAR
27 FEB 2013

To
عزیز

1. The Additional Chief Secretary (P&D) Khyber Pakhtunkhwa.
2. The Additional Chief Secretary (FATA) Khyber Pakhtunkhwa.
3. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
4. All Commissioners in Khyber Pakhtunkhwa.

Subject: CONSTITUTION PETITION NO. 23 OF 2012 OUT OF SUO
MOTO CASE NO. 3/2012 (PETITION BY MS ANITA TURAB
FOR PROTECTION OF CIVIL SERVANTS REGISTERED
UNDER ARTICLE 184 (3) OF THE CONSTITUTION OF
ISLAMIC REPUBLIC OF PAKISTAN 1973.)

Sir,
I am directed to refer to the subject noted above and to state that the Supreme Court of Pakistan vide the subject cited judgment has enunciated the following principles of Law with regard to protection and conduct of civil servants.

Appointments, Removals and Promotions: Appointments, removals and promotions must be made in accordance with the law and the rules made thereunder, where no such law or rule exists and the matter has been left to discretion, such discretion must be exercised in a structured, transparent and reasonable manner and in the public interest.

Tenure, Posting and Transfer: Which the ordinary tenure for a posting has been specified in the law or rules made thereunder, such tenure must be respected and cannot be varied, except for compelling reasons, which should be recorded in writing and are judicially reviewable.

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Legal Orders: Civil Servants owe their first and foremost allegiance to the law and the constitution. They are not bound to obey orders from superiors which are illegal or are not in accordance with accepted practices and rule based norms; instead, in such situations, they must record their opinion and, if necessary, dissent.

(iv) OSD: Officers should not be posted as OSD except for compelling reasons, which must be recorded in writing. If at all an officer is to be posted as OSD, such posting should not exceed 03 months. If there is a disciplinary inquiry going on against him/her such inquiry must be completed at the earliest. The officer on special duty may be posted against a post of his/her equivalent pay scale/grade within 03 months of his/her order as OSD.

2. I am, therefore, directed to request you to note the above principles of law for strict compliance.

Yours faithfully,

Majam
(NAJ-MUS-SAHAR)
SECTION OFFICER (REG-VI)

Encl: as above.

A copy is forwarded to:-

1. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. The Secretary Provincial Assembly, Khyber Pakhtunkhwa.
4. The Accountant General, Khyber Pakhtunkhwa.
5. The Registrar, Peshawar High Court, Peshwar.
6. The Secretary Khyber Pakhtunkhwa, Public Service Commission.
7. All Addl. Secretaries Establishment & Administration Department.
8. All Deputy Secretaries in Establishment & Administration Department.

Majam
SECTION OFFICER (REG-VI)

Attested



Northwest General
Hospital & Research Centre

(Annexure C) Dr. Sardar Muhammad Alam
FRCP (EDIN)

Consultant Neurologist

Sector A-3, Phase-V, Hayatabad, Peshawar.

U.A.N: (091) 111-583-880, Ph: 091-5838800, Fax: 091-5822620

Email: smalam@nwgh.pk, Web: www.nwgh.pk

PM&DC Reg. No: 817-N

Date: XV/XI/XIX

ADIL MARJAN

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Northwest General
Hospital & Research Centre

24

INPATIENT DISCHARGE SUMMARY

Name	DR ADIL MARJAN	Hospital No	041702250
Age/Gender	73 Year(s)/Male	Address	PESHAWAR
Ward/Bed No	Ward 2/229	Consultant	Dr. Niaz Ali
Date of Admission	17-Nov-2019	Date of Discharge	22-Nov-2019

DIAGNOSIS

CAD.

HISTORY

According to patient he is known diabetic since 2006, taking oral medications. He is having active complain of chest pain since on month. pain is mild, that becomes severe on exertions. He had 1st MI in 2017, then he was started on oral medications. He had another MI in October 2019. COR angiography Done, showing TVCAD. CABG advised by Cardiologist. He is now admitted for CABG in NWGH.

PROCEDURE

CABG

NOTES

Date: 18/11/2019.

Findings:

DIFFUSE CORONARY DISEASE.
LAD END ARTECTOMY,
GOOD LV.

Procedure:

IV lines passed--GA given--patient C&D-- Median sternotomy done-LIMA & SVG harvested--heparin given ---pericardium opened--aortic and venous lines inserted--and CPB started--root cannula placed and aorta cross clamped, cardioplegia given --following grafts were given

- 1) LIMA TO LAD
- 2) SVG TO OM
- 3) SVG TO PDA

Clamp off -- patient taken off CPB--lines removed and heparin reversed with protamine. Left pleural and 1 mediastenal drain kept, 2 pac wires kept. hemostasis secured and sternum closed--wounds closed and ASD done.

PROGRESS

Patient is now vitally stable and discharged on home medications.

INVESTIGATION

ector A-3, Phase-V, Hayatabad, Peshawar. U.A.N: (091) 111-583-880, Ph: 091-5838800, Fax: 091-5822620

Email: info@nwgh.pk, Web: www.nwgh.pk

A project of ALLIANCE HEALTHCARE (Pvt) Ltd.

VAKALATNAMA

NO. _____ /20

IN THE COURT OF

KP Service Tribunal Peshawar

Mehwish Adil

Appellant
Petitioner
Plaintiff

VERSUS

Court of KP

Respondent (s)
Defendants (s)

I/WE Mehwish Adil

do hereby appoint and constitute the **SYED NOMAN ALI BUKHARI Advocate High Court** for the aforesaid Appellant(s), Petitioner(S), Plaintiff(s) / Respondent(s), Defendant(s), Opposite Party to commence and prosecute / to appear and defend this action / appeal / petition / reference on my / our behalf and all proceedings that may be taken in respect of any application connected with the same including proceeding in taxation and application for review, to draw and deposit money, to file and take documents, to accept the process of the court, to appoint and instruct council, to represent the aforesaid Appellant, Petitioner(S), Plaintiff(s) / Respondent(s), Defendant(s), Opposite Party agree(s) ratify all the acts done by the aforesaid.

DATE _____ /20

Mehwish Adil
(CLIENT)

ACCEPTED

Syed
SYED NOMAN ALI BUKHARI
ADVOCATE HIGH COURT

CELL NO: 0306-5109438

Syed
Uzma Syed

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR. SB

No.

144

Miss ^{Appeal No.} Mehwish Adil of 20 ²²

Appellant/Petitioner

The Chief Secy Civil Secretariat Peshawar, KPK

Respondent

(1)

Respondent No.

The Chief Secy Civil Sectt Peshawar, KPK

Notice to: —

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on..... at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition. ✓

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

08.

Given under my hand and the seal of this Court, at Peshawar this.....

Day of..... Feb 20²²

(For Reply)

ISSUED IN BRANCH
CHIEF CLERK
Govt. of Khyber Pakhtunkhwa
Peshawar

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

SB

No.

144

Appeal No. of 20 22

Miss Mehwish Adil

Appellant/Petitioner

The Chief Secy Civil Secretariat Peshawar, KPK

Respondent

Respondent No. (2)

Notice to: -

The Secy Health Deptt, Govt of KP, Civil Secretariat Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....22/02/2022.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition. ✓

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....08.....

Day of.....Feb.....20 22

(For Reply)

12/10/2022

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

SB

No.

Appeal No. 194 of 2022

Mehwish Adil

Appellant/Petitioner

Chief Secy, Civil Secretariat, KPK - Peshawar

Respondent

Respondent No. (1)

Notice to: The Chief Secy, Govt of KPK, Civil Secretariat Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 18/04/2022 at 8.00 A.M. If you wish to urge anything against the appellent/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 7th

Day of April 2022

For Reply

[Signature]

[Signature]
Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

10. 1987

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foundations (and) - 1981 to 1982 - (see field notes)

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"B"

CS-782-J
12-04-22

Delivered by
Salman

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No. 144
erroneously recruited
now returned back
to Mr. Usman, HPSTP.

Appeal No. 144 of 22

Mehwish Adil

Appellant/Petitioner

Chief Secy, Civil Secretariat, KPK, Peshawar

Respondent

(2)

Respondent No.

Notice to:

The Secy Health Deptt: Govt of KP, Civil Secretariate
Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this

office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....

Day of.....2022

For Reply
Original copy not attached
April
Signature Officer (Sd/-)
Health Department
Khyber Pakhtunkhwa

ISSUED BY
CHIEF CLERK
Govt of Khyber Pakhtunkhwa
PESHAWAR

Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

- Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No/While making any correspondence.

(P) 5A

12-4-90-8

789-1

~~Received by~~
~~Mark Bassett~~