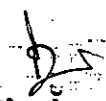


11

17.2.2015

None present for appellant.

Let notice be issued to appellant and her counsel for 20.4.2015 at camp court A/Abad.

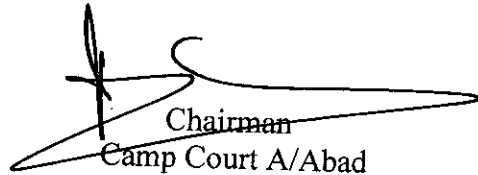

Chairman
Camp Court A/Abad

12 20.4.2015

None present for appellant. Mr. Muhammad Asif, Senior Clerk alongwith Mr. Muhammad Tahir Aurangzeb, G.P for respondents present. Informed the Court that the appellant has been reinstated in service and is, therefore, not interested in the prosecution of her case.

Since none is in attendance on behalf of the appellant despite service of notice as such the appeal is dismissed for want of prosecution. File be consigned to the record.

ANNOUNCED
20.4.2015

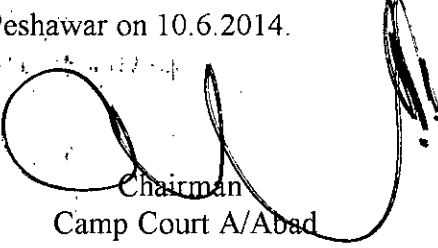

Chairman
Camp Court A/Abad

20.04.15

8 -

18.3.2014

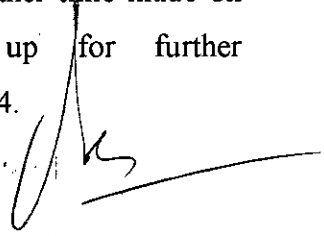
Appellant in person and Mr. Muhammad Tahir Aurangzeb, G.P for the respondents present. Appellant stated that though she has been reinstated in service, yet her claim with back benefits is still outstanding and her grievance in that respect has not been redressed by the respondent-department so far. To come up for further proceedings/written reply/comments at Peshawar on 10.6.2014.


Chairman
Camp Court A/Abad

9 -

10.6.2014

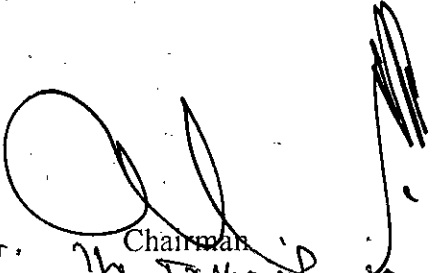
Counsel for the appellant and Mr. Yar Gul, Senior Clerk for respondent No. 2 with AAG for the respondents present. Written reply has not been received, and request for further time made on behalf of the respondents. To come up for further proceedings/written reply, positively, on 22.9.2014.


Member

10 -

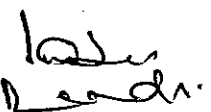
22.9.2014

Counsel for the appellant and Mr. Sheharyar, Assistant on behalf of respondents with Mr. Muhammad Adeel Butt, AAG present. Representative of the respondents stated that the matter of back benefits relates to the office of District Health Officer, Mansehra. Therefore, the District Health Officer, Mansehra (respondent No.3) be summoned alongwith record of the case for further proceedings/written reply, positively, at camp court A/Abad on 17.11.2014.


Chairman

17-11-14.

Parties not present. The Tribunal is incomplete. To come up written reply at camp court A/Abad on 17-2-15.


Member

6-

14.3.2014

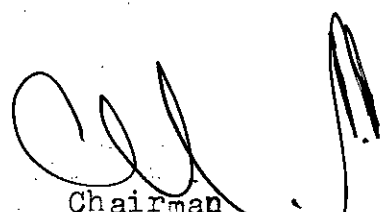
Counsel for the appellant, M/S Sheharyar, Assistant for respondent No. 1, Yar Gul, Senior Clerk for respondent No. 2 and Dr. Haq Nawaz, Dental Surgeon and Muhammad Asif, Senior Clerk for respondent No. 3 with AAG present. Representative of respondent No. 3 produced copy of office order dated 10.9.2013, whereby, as a result of departmental/inquiry proceedings, the appellant has been reinstated in service. The learned counsel for the appellant, however, stated that he would be contacting the appellant and seeking further instructions from her for disposal of the appeal. To come up for further proceedings at Camp Court Abbottabad on 17.3.2014.


CHAIRMAN

7-

17.3.2014

Neither appellant nor counsel for the appellant present despite repeated calls. MR. Muhammad Asif, Senior Clerk on behalf of respondents with MR. Muhammad Tahir Arangzeb, G.P present. In view of the office order dated 10.9.2013, representative of the respondents is directed to inform the appellant about the proceedings in her appeal, otherwise it will be presumed that grievance of the appellant has been redressed, and appeal disposed of accordingly on 18.3.2014.


Chairman
Camp Court A/Abad


Appeal No. 1084/2013,
Mst. Azra Shabeen.

3. 08.10.2013

Counsel for the appellant present. Preliminary arguments

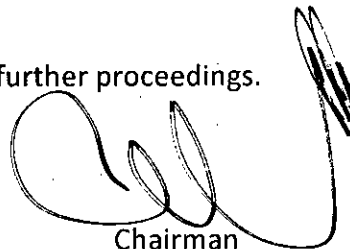
heard. Counsel for the appellant contended that the appellant has not been treated in accordance with the law/rules. ^{Against} The impugned removal from service order dated 31.12.2012 as received to the appellant on 26.02.2013, ^{He} filed departmental appeal which has not been responded within the statutory period of 90 days, hence the present appeal on 03.07.2013. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, notice be issued to the respondents. Case adjourned to 24.12.2013 for submission of written reply.

Appellant deposited security (process fee Rs 180/- Bank receipt is attached with file
M/S


Member.

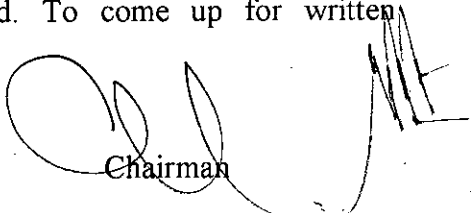
4. 08.10.2013

This case be put before the Final Bench  for further proceedings.


Chairman

5. 24.12.2013

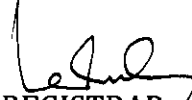

Counsel for the appellant, M/S Sheharyar, Assistant on behalf of respondent No.1 and Dr. Muhammad Mumtaz, Coordinator EPI alongwith Muhammad Asif, Senior Clerk DHO office Mansehra on behalf of respondent No.3 with AAG for the respondents present. Written reply has not been received. To come up for written reply/comments on 14.3.2014.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1084/2013


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	12/07/2013	<p style="text-align: center;">The appeal of Mst. Azra Shaheen resubmitted today by Mr. Noor Muhammad Khattak Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	24-7-2013	<p style="text-align: center;">This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>8-10-2013</u></p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mst. Azra Shaheen L.H.V received today i.e. on 03.07.2013 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of order of this Tribunal mentioned in para-3 of the memo of appeal is not attached with the appeal which may be placed on it.
- 2- Appeal and annexures are not properly paged and numbered.
- 3- Five more copies/sets of the appeal alongwith annexures i.e. complete in all respect may also be submitted with the appeal

No. 978 /S.T,

Dt. 03/07 /2013.



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Noor Muhammad Khattak Adv. Peshawar.

note:

Sir,

please be place before the court.


10/7/2013

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO 1084 /2013

Mst: AZRA SHAHEEN

VS

HEALTH DEPARTMENT

INDEX

S-NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of Appeal	1- 3.
2.	Appointment order	A	4- 5.
3.	Transfer order	B	6.
4.	Charge report	C	7.
5.	Memo of appeal	D	8- 12.
6.	Notice	E	13.
7.	Order	F	14.
8.	Attendance Copy	G	15- 19.
9.	Order	H	20- 21.
10.	Departmental appeal	I	22.
11.	Vakalat nama	23.

APPELLANT

THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO 1084 /2013

A.W.S. Province
Dated 03/07/13

Mst: Azra Shaheen, LHV (BPS-9),
BHU Village Arbora, Tehsil Koghi, District Mansehra**Appellant**

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Secretary Health Department Khyber Pakhtunkhwa Peshawar.
- 2- The Director Health Services Department, Khyber Pakhtunkhwa Peshawar.
- 3- The District Health Officer District Mansehra
.....**Respondents**

APPEAL UNDER SECTION-4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 31.12.2012 COMMUNICATED TO THE APPELLANT ON 26.2.2013 WHEREBY MAJOR PENALTY OF REMOVAL FROM SERVICE ALONGWITH RECOVERY OF SALARIES HAS BEEN IMPOSED ON THE APPELLANT AND AGAINST NOT TAKING ACTION ON THE DEPARTMENT APPEAL OF APPELLANT WITHIN STATUTORY PERIOD OF 90 DAYS

PRAYER:

That on acceptance of this appeal the impugned order dated 31.12.2012 communicated to the appellant on 26.2.2013 may very kindly be set aside and the respondents may be directed to re instated the appellant with all back benefits. any other remedy which this august court deems fit that may also be awarded in favor of the appellant.

Filed to
3/7/13

R/SHEWETH:

ON FACTS:

- 1- That the appellant was appointed as LHV (BPS-9) in the respondent Department vide order dated 25.2.1987. That since then the appellant has served the respondent Department for more than 25 years as LHV (BPS-9) quite efficiently and upto the entire satisfaction of her superiors. (Copy of the appointment order is attached as Annexure**A**).

re-submitted to
and filed.

3/7/13

- 2- That vide order dated 13.8.2011 the appellant was transferred from BHU Arbora to BHU Bherkand and one Mst: Saeeda Haider LHV was transferred in place of appellant. That in compliance the appellant took over charge of the

said post vide order dated 15.8.2011. (Copies of the transfer order and charge report**B and C**).

- 3- That feeling aggrieved from the order dated 13.8.2011 Mst: Saeeda Haider knocked the door of this Service Tribunal in appeal No.1808/2011. That status quo order was issue by this august Service Tribunal in the matter which was subsequently been implemented by the respondent No-3 vide order dated 14.1.2012. (Copies of the memo of appeal, Notification and order are attached as Annexure**D, E and F**).
- 4- That in compliance the appellant took over the charge at BHU Arbora and also contested the appeal as respondent No-5 in Service Tribunal. That appellant was astonished when she received the order of her removal dated 31-12-2012 communicated the appellant on 26.2.2013 on account of absence at BHU Bherkund. (Copies of the attendance register of BHU Bherkund and removal order are attached as Annexure**G and H**).
- 5- That feeling aggrieved from the impugned order dated 31.12.2012 communicated to the appellant on 26.2.2013 the appellant filed Departmental appeal vide dated 6.3.2013 but no reply has been received so far. Hence the present appeal on the following grounds amongst the others. (Copy of the Departmental appeal is attached as Annexure**I**).

GROUND:

- A- That the impugned order dated 31.12.2012 communicated to the appellant on 26.2.2013 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to the set aside.
- B- That the appellant has not treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the respondent No-3 inspite of knowing the fact that status quo has been granted in the transfer order dated 13.8.2011, has issued the impugned order 31.12.2012 which shows the uneducated and malafide manner of the respondent No-3.
- D- That no charge sheet and statement of allegation has been served on the appellant while issuing the

impugned order dated 31.12.2012 which mandatory under the law and rules.

- E- That no chance of personal hearing/ defense has been given before issuing the impugned order dated 31.12.2012.
- F- That no show cause notice has been served on the appellant while issuing the impugned order dated 31.12.2012 which is mandatory under the law and rules.
- G- That regular inquiry has been conducted which as per Superior Courts judgments is mandatory while issuing any adverse order against the Civil Servant.
- H- That 8-A of the E & D rules have not been followed by the respondent Department, therefore the impugned order dated 31.12.2012 is void ab initio on this score alone.
- I- That the appellant seeks permission to other grounds and proofs at the time of hearing.

It is therefore humbly prayed that the appeal of the appellant may accept as prayed for.



APPELLANT

Mst: AZRA SHAHEEN

THROUGH:



**NOOR MOHAMMAD KHATTAK
ADVOCATE**

A-4

HEALTH DIRECTORATE, N.W.F.P. PESHAWAR.

OFFICE ORDER.

The following Lady Health Visitors who have passed the Examination from the Nursing Examination Board, N.W.F.P. Peshawar, held in November, 1986 are hereby placed at the disposal of Divisional Deputy Directors, Health Services indicated below. These Lady Health Visitors may be appointed and posted to various Basic Health Units/Rural Health Centres etc. under their control.

1. DIVISIONAL DE:DIRECTOR, HEALTH SERVICES,
PESHAWAR DIVISION, PESHAWAR.

1. Miss. Nichat Begum D/O Saadullah Khan.
2. Miss. Robina Shaheen D/O Sajid Gul.

2. DIVISIONAL DE:DIRECTOR, HEALTH SERVICES,
KOHAT DIVISION, KOHAT.

1. Miss. Mentab Shaheen D/O S. Maqbool Shah.
2. Miss. Saeed Muntaz D/O Shamsul Huda.
3. Miss. Shabeela Aman D/O Amanullah Khan.
4. Miss. Ulfat Begum D/O Abdullah Khan.
5. Miss. Safia Begum D/O Wahid Gul.
6. Miss. Zaibun Hissa D/O Abdul Wahid-Durrani.
7. Miss. Khalida Begum D/O Ahmad Jan.
8. Miss. Shaheen Kowser D/O Ali Hussain.

3. DIVISIONAL DE:DIRECTOR, HEALTH SERVICES,
D. I. KHAN DIVISION, D. I. KHAN.

1. Miss. Gulshan Ara D/O Noor Ali Khan.
2. Miss. Zureen Taj D/O Amir Sultan.
3. Miss. Muntaz Nasri D/O Naimatullah Khan.
4. Miss. Intiaz Bibi D/O Mohammad Ali.
5. Miss. Rukhsana Akhtar D/O Israr Ahmad Khan.
6. Miss. Shahneela D/O Fazal Karim.
7. Miss. Nargis Bibi D/O Taj Ali.
8. Miss. Mehre Sani D/O Mohammad.
9. Miss. Sidra Yasmin D/O Umer Bakhsh.
10. Miss. Jamila Bibi D/O Mohammad Hussain Qureshi.
11. Miss. Abida Mahmood D/O Fazal Mahmood.

4. DIVISIONAL DE:DIRECTOR, HEALTH SERVICES,
HAZARA DIVISION AT ABBOTTABAD.

1. Miss. Shagufta Gul D/O Wali-ur-Rehman.
2. Miss. Sajida Bano D/O Allah Dad.
3. Miss. Sakina Bibi D/O Ghous Ahmad Farid.
4. Miss. Saeeda Bano D/O Malik Roshan Din.

ATTESTED
[Signature]

CAF

✓
P/2

- 5. Miss. Shamim Akhtar D/O Mir Afzal.
- 6. Miss. Azra Shahood D/O Mohammad Anwar.
- 7. Miss. Gul Nasreen D/O Pir Khan.
- 8. Miss. Yasmin D/O Sheikh Mohammad Iqbal.

5. DEVISIONAL D.Y.D. (Admn.) HEALTH SERVICES,
ALAKAND DIVISION AT BALDU SHARIF, SWAT.

- 1. Miss. Naazem Akhtar D/O Mukhtiarul Mulk.
- 2. Miss. Rukhsana Tabbasum D/O Dost Mohammad Khan.
- 3. Miss. Fatima Begum D/O Abdal Sattar.
- 4. Miss. Sabina Younis D/O Shahzada Younis Baig.
- 5. Miss. Shamim Akhtar D/O Mohammad Ibrahim.
- 6. Miss. Roshan Sitara D/O Malik Mohammad Riaz.
- 7. Miss. Nargis Bibi D/O Muhammad Khan.
- 8. Miss. Shamim Akhtar D/O Abdur Rehman.
- 9. Miss. Nargis Bibi D/O Haji Bahadar.
- 10. Miss. Shabrum Bibi D/O Hakim Khan.
- 11. Miss. Nargis D/O Tahir Mohammad.
- 12. Miss. Sabiha Begum D/O Buta Khan.
- 13. Miss. Waqarun Nisa D/O Rehmat Shah.
- 14. Miss. S. Shaban Riaz D/O Syed Irfan Ali Shah.
- 15. Miss. Shakeela Naz D/O Afzal Khan.

N.B:- Their places of posting should please be communicated to this Directorate.

Sd/- xxxxxxx
Director Health Services,
N.W.F. Province, Peshawar.

No. 3946-50/E-III, Dated Peshawar the 26/02/1987.

Copy forwarded to All Divisional Deputy Directors,
Health Services, in N.W.F.P., for necessary action.

[Signature]
Deputy Director (Admn.),
Director Health Services,
N.W.F. Province, Peshawar.

No. 3951-94/E-III, Dated Peshawar the 26/02/1987.

Copy forwarded to:

- 1. Miss. Nishat Begum D/O Sadullah Khan, Village Utmanzai, Tehsil Charsadda District Peshawar.
- 2. Miss. Robina Shaheen D/O Sajid Gul C/O Sajid Gul, Health Technician, B.H.U. Sher Pao, Teh: Charsadda Distt: Peshawar.
- 3. Miss. Mehtab Shaheen D/O S. Maqbool Shah, House No. 3874, Dabgari Gate, Peshawar City.
- 4. Miss. Saqeda Mumtaz D/O Shamsul Huda, University Peshawar, Darish Abad, House No. 3-A.
- 5. Miss. Shabeela Anan D/O Amanullah Khan, Village Saqad Abad, Paggi Road, House No. 4, Peshawar (District Peshawar).
- 6. Miss. Hafiz Begum D/O Abdullah Khan, Village Ghobai, P/O Pakla Ghulan, Tehsil and District Peshawar.

5

7. Miss. Safia D/O Wahid Gul C/O Wahid Gul Compound I/C Civil Dispensary Feroz Pura, Tehsil & Distt: Peshawar.
8. Miss. Zaibun Nisa D/O Abdul Wahid Durrani, House No. 33, Gulbahar, Peshawar City.
9. Miss. Khalida Begum D/O Ahmad Jan, Village Sardhari, Tehsil Charsadda District Peshawar.
10. Miss. Shaheen Kowsar D/O Ali Hussain, Landi Kotal Shaffi Hussain Saddiqui of Education Staff, Landikotal.
11. Miss. Gulshan Ara D/O Noor Ali Khan, Mohallah Jajizon Porry Gate, Bannu City.
12. Miss. Zareen Taj D/O Amir Sultan, House No. 264, Mohallah Hukam Chand, District Bannu.
13. Miss. Muataz Nisari D/O Maimunah Khan, Village Painda, Tehsil and District D.I. Khan.
14. Miss. Latiaz Bibi D/O Mohammad Ali, Mohallah Khatmat Garah Near Mulvi Illaudin Mosque, C/O Mohammad Ali Pathan, District D. I. Khan.
15. Miss. Rukhsana Akhter D/O Israr Ahmad Khan C/O Mohammad Israr Khan Wazi, Tehsil ~~----~~ F/O with Mahmood Wala District Mianwali.
16. Miss. Shahneela D/O Farid ~~-----~~ C/O Sadiq Medical Hall Near Sabz Mandi, Soshi Bakh, Peshawar City.
17. Miss. Nargis ~~-----~~ D/O Taj Ali, Village Adazai, Kohat Road, Tehsil and District Peshawar.
18. Miss. Meher Sani D/O Mohammad, Village Utmanzai, Tehsil Charsadda District Peshawar.
19. Miss. Sidra Fasmia D/O Omer Jakhsh C/O Omer Jakhsh Kocha Molvi Abdul Hakim, Cor Gathery Lahori Gate, Peshawar City.
20. Miss. Jamila Bibi D/O Muhammad Hussain Qureshi, House No. 595/G, Kochi Bazar, Peshawar City.
21. Miss. Abida Mahmood D/O Farid Mahmood, House No. 723, Illaga Mohallah Baru, Peshawar City.
22. Miss. Shagufta Gul D/O Wali-ur-Rehman, Tehsil and District Mansehra (Hazara).
23. Miss. Sajida Bano D/O Allah Dad, Village Guarden P/O Agy: Hazara.
24. Miss. Sakina Bibi D/O Mohammad Farid P/O Shargar Abbottabad (Mansehra).
25. Miss. Saeeda Bano D/O Malik Roshan Din, Mohallah Imrarzai, Mansehra (Abbottabad).
26. Miss. Shamim Akhtar D/O Mir Mizal, F/O Havansher, House TC-23/IA, Abbottabad.
27. Miss. Azra Shahcen D/O ~~-----~~ Adwar, Village Ber Kund, Tehsil and District Mansehra.
28. Miss. Gul Nasreen D/O Firdous, Mohallah Mufti Abad Tehri Mansehra District (Abbottabad).
29. Miss. Yasmin D/O Sheikh Mohammad Iqbal, Kassi Mohallah Saddar Bazar, Peshawar Cantt. (District Peshawar).
30. Miss. Naseem Akhtar D/O Mukhtiarul Mulk, Village Drosh, Tehsil and District Chitral.
31. Miss. Rukhsana Tabbasam D/O Dost Mohammad Khan, Mohallah Kabeli Tehsil and District Dir.
32. Miss. Fatima Begum D/O Abdul Sattar, P/O Rouch, Tehsil Adezi, District Dir.
33. Sabina Younis D/O Shahzoda Younis D.I. Mohallah Syed Shah Makoom, Near Tehsil Cor Gathery, House No. 2855 Peshawar City.

ATTESTED

To
The E.D.O
Manshara

C-7

Subject: Joining Report

R/Sirs.

In compliance to E.D.O
Manshara Order No 1171-75 date
13-8-2011. I hereby submit
my Joining Report to you on
date 15-8-11 (A.N)

Dated 15/8/11

Referred to EDO (H)
Manshara for further
and information

M2
15/8/11

Yours obediently
A2 Ra SHAHEER
J-C-F-T M.CH
B.H.U.
Bheri Road

ATTESTED
17/8

D-8

BEFORE THE SERVICE TRIBUNAL K.P.K., PESHAWAR

Service Appeal No. _____/2011

Mst. Saeeda Haider LHV (BPS-09)
Newly posted at BHU Village Arbora
Tehsil Oghi District Mansehra

.....Appellant

Versus

1. Govt. of K.P.K., through Secretary Health Department, Peshawar.
2. Director General Health Services K.P.K., Peshawar.
3. District Coordination District Mansehra.
4. Executive District Officer Health Department, District Mansehra.
5. Azra Shaheen LHV (BPS-09) BHU Village Bherkund Tehsil & District, Mansehra.

.....Respondents

**Appeal u/s 4 of Services Tribunal
K.P.K., Act 1974 against the order
dated 13.08.2011, whereby the
appellant has been transferred from
BHU Bherkund to BHU Arbora**

Prayer:

On acceptance of this appeal the
transfer order dated 13.08.2011 may
please be set-aside and the appellant
be allowed to work at her post of LHV
at BHU Bherkund

ATTESTED








9



Respectfully Sheweth:

1. That the appellant was appointed as LHV in BPS-09 at District Batagram in 1996.
2. That the appellant was then transferred from District Batagram to District Manshera at BHU Arbora in 1998.
3. That being transferred on different places finally the appellant was finally again posted at BHU Arbora on 27.09.2003, where he served till 2.2.2011.
4. That the appellant was transfer vide office letter No. 707-11 dated 02.02.2011 to BHU Bherkund on her tenure basis.
5. That only after the lapse of 06 months DCO Mansehra issued another transfer order of the appellant as well as respondent No. 5 on 13.08.2011 in which both the appellant as well as respondent No. 5 were again posted to their old place i.e. the appellant was brought back to BHU Arbora where she has already continuously served for more than 08 years, whereas respondent No. 5 was again brought back at BHU Bherkund, where she has already passed her service tenure w.e.f. 05.09.2001 to 27.03.2011. (Copies of both the letters of transfers 02.02.2011 alongwith the impugned letter dated 03.08.2011 are attached herewith as Annexure-'A' & 'B').

ATTESTED

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6. That in this connection the summary with regard to the DCO by the Executive District Officer and also to the Director General Health Services. (Copies of both the summaries are attached herewith as Annexure-'C' & 'C/1').
7. That in this connection the appellant then filed a departmental appeal, however no response whatsoever was given by the department to the said appeal. (Copy of the appeal of the appellant dated 17.08.2011 is attached herewith as Annexure-'D').
8. That in this connection the appellant also approached to the Office of Director General Health through an appeal/representation dated 1.10.2011, however still no response was paid by the respondents.
9. That the appellant now approaches this Honourable Tribunal again the above said impugned order on the following grounds amongst the others.

Grounds

- a) That the order of the transfer of the appellant as passed by the respondents is illegal unlawful without authority/jurisdiction and being based on the malafide intentions of the respondents is liable to be set-aside.
- b) That the above said order is even liable to be set-aside on the sole ground that the respondent No. 3 not a competent authority

ATTESTED



to issue the posting/transfer orders with regard to the LHVs serving in BPS-09, hence the said order is void-ab-initio and without any force against the appellant.

- c) That the said order has not been issued in the public interest but has been passed as a result of illegal/unlawful pressure exerted by the MPA Kifayatullah who is the MPA of the constituency of the appellant as well as respondent No. 5. (Copies of the letters issued by the said MPA for the above said transfer are attached herewith as Annexure- 'E', 'F').
- d) That it has now been settled by the apex courts that no Minister/MPA whatsoever he may be has got any right to interfere within the matters with regard to the posting/transfers and appointments of the civil servants, whereas it has been proved through the above attached documents that the appellant has been transferred on the recommendation as well as unlawful and undue pressure of the local MPA.
- e) That the Govt. of K.P.K., has also issued a notification in the transfer policy, thereby mentioning therein that no employee/officer will use any political forum for any transfer of posting and appointment.

ATTESTED

"B"

12

f) That if such like interference of the external forces like MPA/MNAs and Ministers or other influential elements are not checked and obstructed well within time all the structure of the departments will fall on the ground no employee official will be in a position to perform his duties whole heartedly and with such an interest/zeal as is necessary for smooth running of the Govt. Departments.

It is, therefore, prayed that on acceptance of this appeal the transfer order of the appellant dated 13.08.2011 being illegal unlawful without authority/jurisdiction and being based on the malafide intentions of the respondents, as well as passed by an incompetent authority may please be set-aside and the appellant be allowed to serve at her post of LHV at BHU Bherkund.

Saeeda Haider

Appellant

Through

Ghulam Nabi

Ghulam Nabi

Advocate, Peshawar

ATTESTED

[Signature]

PPM visit on 17-05-2012.
we found all staff present.
& LHV Azra Shaheen in six days.
about an order

ATTENDANCE ROLL FOR THE

G-15

MONTH OF.....

Attendance roll table with columns for days 1-27 and rows for staff members: 1- Dr. Maria Shafiq (M.O), 2- Mameon ue Rashid (M.T), 3- Wajid (M.S), 4- Nazia Noreen (F.M.T), 5- Saeeda Haider (LHV), 6- Mehmoodul Hussain (E.P.I), 7- Razaqat (w.o), 8- Peer Muhammad (B.S), 9- Sabie Hussain (B.S), 10- Asia bibi (Dai), 11- Shamim Akhter (Dai), 12- Arshad Nawaz (Chowkidar), 13- Tariq (Driver), 14- Azra Shaheen (JPMCT). Includes handwritten attendance marks like L, P, A, B, M, N, W, and a legend for 'Absent report sent to Nazia 17-5-12'.

ATTESTED

Handwritten signatures and text in Urdu, including '2012 کئی نیس' and 'وزیر تعلیم'.

ATTENDANCE ROLL FOR THE MONTH OF 16 Nov

No.	Name	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	Current month		
	DR. Sidka Akhter W.M.O																																		
	Mamoon: Ul-Rasheed Med. Tech																																		
	Wajid M/S																																		
	Rahela Kauler (F.M.T)																																		
	M. Zahoor (E.P.T TECH)																																		
	Rifaqat L/O																																		
	Peer Muhammad B/S																																		
	Sabir Hussain B/S																																		
	Asia Bibi (Dai)																																		
	Shamim Akhter (Dai)																																		
	Arshad Nawaz Chokidar																																		
	Dr. Nadia Hafsat (F.M.O)																																		
	Saeeda Haider (L.H.V)																																		
	Shagufta Gul (F.M.T)																																		
(15)	Azra Saem (JPHCT)																																		

ATTESTED

[Signature]

ATTENDANCE RECORD FOR THE

MONTH OF 17 AUGUST

No.	Name	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
	Dr. Sidra Akhter W.M.D.																															
2	Momoon ur Rashid Med. Tech.																															
3	Wajid M/S.																															
4	Najim Noor R.M.T																															
5	Saeeda Haider L.H.U																															
6	Mahmood ul-Husni L.H.U																															
7	Muhammadsahib B.P.Tech.																															
8	Rafiqat W/O.																															
9	Pers Muhammad B.S.																															
10	Sabir Hussain B.S.																															
11	Aziz Bilal Dev.																															
12	Shamim Akhter Dev.																															
13	Ashad Naveez Chakra dar																															
14	DR. NADIA SHAFQAT																															
15	Azra Shahen (IPACT)																															

ATTESTED
[Signature]

ATTENDANCE ROLL FOR THE

MONTH OF... 19 Jul

No.	Name	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
1.	Dr. Mousa Shafiq M.P.																														
2.	Mannan-M-Rahid M.T.																														
3.	Majid M.S.																														
4.	Nazir Noman R.M.T.																														
5.	Saeeda Haider L.H.U.																														
6.	Muhammadul Hameed B.P.I. Tech.																														
7.	Rafiqat w/o.																														
8.	Pers Muhammad M.S.																														
9.	Sabir Hussain B.S.																														
10.	Asir Bkri Dai																														
11.	Shamim Akhter Dai																														
12.	Dr. Ahmad Ali Charwadhar																														
13.	MUHAMMAD ZAHOR E.P.I Tech																														
14.	Azra Shaheen CPHCT																														

ATTESTED

[Signature]

**OFFICE OF THE DISTRICT HEALTH OFFICER
MANSEHRA**

TEL:0997920169; FAX: 0997920166; email:edohmra@yahoo.com
Website: www.edohmansehra.com

OFFICE ORDER.

No. _____ Dated 31/12/2012

Whereas it was reported by D.S.M PPHI Mansehra that Ms. Azra Shaheen JPHC Technician (MCH) (Lady Health Visitor) BHU Bherkund is absent from duty w.e.f 23.6.2012.

Whereas a notice was sent on her home address under rule II of Khyber Pakhtunkhwa Govt: servant E&D rules 2011 for wilfull absence to report for duty within stipulated period.

Whereas she attended the office of DHO Mansehra and was directed to report to the office of District Support Manager (DSM) Peoples Primary Health Care Initiative (PPHI) as he was heading the management of BHUs.

And whereas she did not attend the office of DSM PPHI and fled away and absented herself again.

And whereas a notice was published in the newspaper directing the accused official to report for duty.

And whereas she neither attended the office of DHO Mansehra nor the office of DSM, PPHI, nor BHU Arbora and BHU Bherkund.

And whereas her previous service record is also not satisfactory and is habitual absentee and always created problems, whenever she was transferred from one health unit to another.

And whereas her conduct depict that she is not interested in service and frequently used extraneous pressure in service matter, and always asking for release of salary without performing duty and sending letter sitting in her house.

And now I Dr. Siddiq-ur-Rehman District Health Officer, Mansehra, as competent authority under the rules, am satisfied that the accused official Ms. Azra Shaheen JPHC Technician (MCH) BHU Bherkund is not interested in service and did not respond to final show cause notice/ Absent Notice published in the newspaper for her willful absence, found guilty of willful absence / misconduct under Khyber Pakhtunkhwa Govt: servant (E&D) Rules 2011, and is liable to be punished and imposed major penalty as under :-

1. Major penalty of Removal from service from the date of absence.
2. Any pay and allowances received during the absence period by recovered and deposited in the Govt: treasury.

3
22
COMPETANT AUTHORITY,
Dr. Siddiq-ur- Rehman,
District Health Officer,
Mansehra.

No. 7081-95 /

Copy to :-

1. District Support Manager PPHI, Mansehra for information w/r to his letter No. PPHI/MAN/M&E/2012/-140 dated 10.12.2012.
 2. Medical Officer Inhcharge BHU Bherkund.
 3. Official concerned.
 4. Service Book Section office of the u/signed.
 5. Account Section office of the undersigned.
- For information & n/action.

COMPETANT AUTHORITY,
Dr. Siddiq-ur- Rehman,
District Health Officer,
Mansehra.

ATTESTED

[Handwritten signature]

J-NO 4798 I-22
6/3/2013

To

The Director General Health Services,
Khyber Pakhtunkhwa, Peshawar.

Subject: APPEAL FOR REINSTATEMENT IN SERVICE

Respected Sir,

Most respectfully it is stated that while working as JPHC Technician (MCH) (LHV) at BHU Bherkund Mansehra, I have been removed from service for absence from duty w.e.f. 23.6.2012 vide DHO Mansehra office order dated 31.12.2012. The same order was delivered to me on 26.2.2013.

In this connection it is submitted that while posted at BHU Bherkund Mansehra, Mst. Saeeda Haider, LHV got herself transferred to BHU Bherkund by transferring me to BHU Seri Harbora, Mansehra. On my appeal, the then DCO Mansehra cancelled the said transfer order. Aggrieved by this, Mst. Saeeda Haider, went in appeal to Service Tribunal Khyber Pakhtunkhwa which is still pending for decision in the said Tribunal. During this period, I performed my duty in BHU Bherkund but Mst. Saeeda Haider also used to come for duty in the same BHU. The behaviour of the administration of the BHU Bherkund was very biased to me as they at once stopped my salary and did not allow to sign the attendance register whereas my opponent was allowed to put her signature in the attendance register inspite of the fact that Service Tribunal has not yet accepted the appeal of my opponent.

Keeping in view the above, it is prayed that my request for reinstatement in service may kindly be considered giving me justice so as to get the hardships facing due to illegal imposition of penalty given by DHO Mansehra.

Yours faithfully,



(Azra Shaheen)

JPHC Technician (MCH) (LHV)
BHU Bherkund Mansehra

ATTESTED



VAKALATNAMA

IN THE COURT OF KPK Service Tribunal Peshawar

OF 2013

Mrs. Azra Shaheen (APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Health Department (RESPONDENT)
(DEFENDANT)

I/We Azra Shaheen

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

Dated. 2 / 7 / 2013



CLIENT


ACCEPTED
NOOR MOHAMMAD KHATTAK
(ADVOCATE)

OFFICE:

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

Phone: 091-2211391

Mobile No.0345-9383141



127

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

E-Mail Address: nw/pdghs@yahoo.com Office Ph# 091-9210269 Exchange# 091-9210187, 9210196 Fax # 091-9210230

OFFICE ORDER

Mrs. Azra Shahéen Ex-Jr PHC Tech(MCH)/LHV BPS-09 previously attached to DHO Mansehra Dismissed from Service vide DHO Mansehra office order No. 7091-95 dated 31.12.2012 is hereby re-instated into Service with immediate effect in the light of recommendation of the enquiry report conducted by Dr. Zafeer Hussain DHO Abbottabad.

Her absence period is hereby treated as EOL without pay.

On her re-instatement in Service Mrs. Azra Shaheen Jr PHC Tech (MCH)LHV is hereby posted /adjusted against the vacant post under the control of DHO Mansehra.

NB: - Arrival / Departure report should be submitted to this Directorate for record.

Sd/xxxxxx
DIRECTOR GENERAL HEALTH
SERVICES KHYBER PAKHTUNKHWA
PESHAWAR

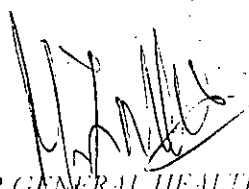
Dated. 10/9 /2013.

No. 22394-98 /AE-VI

Copy forwarded to the:-

01. DHO Abbottabad (Enquiry officer) for information w/r to his letter No: 6073 dated 04.09.2013.
02. DHO Mansehra.
03. DAO Mansehra.
04. Official Concerned.
05. DA Concerned.

For information and necessary action.


DIRECTOR GENERAL HEALTH
SERVICES KHYBER PAKHTUNKHWA
PESHAWAR

10/9/2013

OFFICE OF THE DISTRICT HEALTH OFFICER
MANSEHRA

TEL:0997920169; FAX: 0997920166; email:edohmra@yahoo.com
Website: www.edohmansehra.com

AUTHORITY LETTER.

Dr. Muhammad Mumtaz Coordinator EPI & Mr. Muhammad Asif Senior Clerk DHO Office, Mansehra are hereby authorized to attend the court service Tribunal, KPK Peshawar on 24/12/2013 in case of Mst. Azra Shaheen VS Health Department Appeal No.1084/13 on the behalf of undersigned.



**District Health Officer,
Mansehra.**

OFFICE OF THE DISTRICT HEALTH OFFICER MANSEHRA

TEL:0997920169; FAX: 0997920166; email:edohmra@yahoo.com

Website: www.edohmansehra.com

AUTHORITY LETTER.

Dr. Haq Nawaz Dental Surgeon & Mr. Muhammad Asif Senior Clerk DHO Office, Mansehra are hereby authorized to attend the court of Service Tribunal KPK Peshawar on 14.03.2014 in case of Mst. Azra Shaheen VS Government on the behalf of undersigned.


**District Health Officer,
Mansehra.**

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 1401 /ST

Dated 24/9 /2014

To,

The District Health Officer,
Mansehra.

Subject:- APPEAL NO. 1084/2013 MST AZRA SHAHEEN VS SECRETARY
HEALTH AND OTHERS.

I am directed to forward herewith the following order dated 22.09.2014
passed by this Tribunal on the above appeal for strict compliance.

“Counsel for the appellant and Mr. Sheharyar, Assistant on behalf of respondents with Mr. Muhammad Adeel Butt, AAG present. Representative of the respondents stated that the matter of back benefits relates to the office of District Health Officer, Mansehra. Therefore, the District Health Officer, Mansehra (respondent No. 3) be summoned alongwith record of the case for further proceedings/written reply, positively, at Camp Court A/Abad on 17.11.2014”.

Sd/--xx
Chairman

O/c

[Signature]

REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR.