

31.08.2022

Appellant Deposited
Security & Process Fee

Learned counsel for the appellant present and submitted an application for extension of time to deposit security and process fee. Application is allowed and appellant is directed to deposit security and process fee within (03) days, thereafter, notice be issued to the respondents for submission of reply/comments. Adjourned. To come up for reply/comments on 16.09.2022 before S.B. In the meanwhile operation of the impugned transfer order dated 20.01.2022 ^{shall remain} suspended, if not already acted upon.

(Mian Muhammad)
Member (E)

16.09.2022

Appellant present through counsel.

Kabir Ullah Khattak, learned Additional Advocate General alongwith Zulfiqar J.C for respondents present.

Reply on behalf of respondents is still awaited. Representative of respondents requested for time to submit reply/comments. Opportunity is granted. To come up for reply/comments on 03.10.2022 before S.B.

(Rozina Rehman)
Member(J)

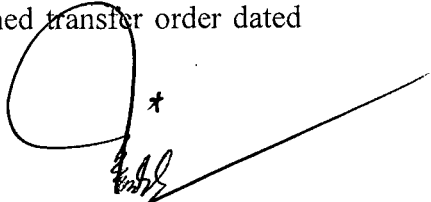
-15.08.2022

Appellant alongwith his counsel present. Preliminary arguments heard.

02. The appellant, as per contention of the learned counsel, is aggrieved of the impugned order dated 20.01.2022 whereby he was transferred from DHQ Hospital Nowshera to DHQ Hospital Hangu. His application/departmental appeal dated 22.07.2022 was not decided despite the fact that MS DHQ Hospital-Nowshera expressed and issued no objection to respondent No. 3 for retention of his services vide letter dated 28.07.2022. Thereafter, he approached the Honourable Peshawar High Court through Writ Petition No. 529-P/2022 for redressal of his grievances as the Service Tribunal was disfunctional during those days. The Honourable Peshawar High Court vide order dated 15.02.2022 converted the Writ Petition into departmental appeal to be decided in accordance with law within 30 days. However, even then no decision was made by the departmental authority.

03. It was further argued that the appellant has been subjected to discriminatory treatment because his spouse is also servicing at Mian Rashid Hussain Memorial Hospital Pabbi Nowshera and he is eligible to be allowed to serve on the same station under the Spouse Policy of Provincial government. The appellant is also looking after his handicapped and aged father at home and his transfer to DHQ Hospital Hangu is not justified on humanitarian and compassionate basis as well.

04. Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections. 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. To come up for reply/comments before the S.B on ~~31.08~~ 2022. Alongwith the service appeal, an application for temporary injunction has also been submitted for suspension of the impugned transfer order. Copy of the same be also sent to the respondents for reply/comments. In the meanwhile, operation of the impugned transfer order dated 20.01.2022 is suspended, if not already acted upon.


(Mian Muhammad)
Member (E)

BEFORE THE COURT OF HON'BLE SERVICE TRIBUNAL
KPK PESHAWAR.

DANISH NATHANIAL

VS

GOVT OF KPK & OTHERS.

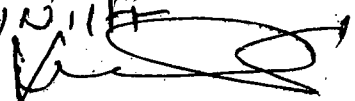
APPLICATION FOR EXTENSION OF TIME FOR DEPOSITING SECURITY FEES BEFORE THIS HON'BLE COURT ON NEXT DATE WHICH IS FIXED.

Respectfully sheweth,

- 1- That the above title case is fixed for hearing for depositing of security fees i.e 31/8/2022.
- 2- That the plaintiff seeks time to deposit fee in the next date of hearing due to some financial crisis.
- 3- That the plaintiff is law abiding citizen and will deposit fee accordingly.

It is therefore requested that on acceptance of this Application the time for ~~extension~~ depositing security fee may kindly be fixed for next date.

THROUGH


PLAINTIFF


KABIR IMAM
ADV. HR.

31/8/2022

04.08.2022

Appellant present in person and requested for adjournment on the ground that his learned counsel is not available today. Adjourned. To come up preliminary hearing on 15.08.2022 before S.B.

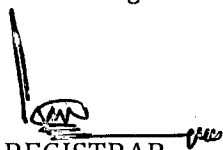



(Fareeha Paul)
Member (E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1079/2022


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	30/06/2022	<p>The appeal of Mr. Danish Nathaniel resubmitted today by Mr. Kabeer Imam Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-	4-7-22	<p>This case is entrusted to Single Bench at Peshawar for preliminary hearing to be put there on <u>7-7-22</u>. Notices be issued to appellant and his counsel for the date fixed.</p> <p> CHAIRMAN</p>
	7 th July, 2022 Notices issued for 04/09/22 EH	<p>Appellant in person present.</p> <p>Counsel are on strike. To come up for preliminary hearing on 08.09.2022 before S.B.</p> <p> (Kalim Arshad Khan) Chairman</p>

The appeal of Mr. Danish Nathaniel son of Nathaniel r/o Rafqui camp house district Peshawar received today i.e. on 28.06.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.
- 2- Page nos. 16, 33, 34 and 36 are illegible which may be replaced by legible/better one.
- 3- Copy of retaining order mentioned in para-5 of the memo of appeal is not attached with the appeal which may be placed on it.



No. 2119 /S.T,

Dt. 29/6 /2022


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Kabeer Imam Adv.
High Court Peshawar.

Notes

*after removal of objection re-submitted again
As the NOC is the retaining
order which was given by 
the MS of DHQ now here 
as and as consider as the
retaining order.*

BEFORE THE HONOURABLE SERVICES TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

Appeal No. 1079/2022

Danish Nathaniel

Versus

Govt of Khyber Pakhtunkhwa & Others

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DATED 31-5-2022

Appellant

Through

(KABEER IMAM)
Advocate, High Court,
Peshawar

BEFORE THE HON'BLE SERVICES TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

①

Appeal No. _____

Danish Nathaniel S/o Nathaniel R/o Rafqui camp,house #106/3
Mohallah Bari Lalkurti ,District Peshawar.

-----*(petitioner)*

VERSUS

1. Government of KP through its Chief Secretary Khyber Pakhtunkhwa at Civil Secretariat Peshawar.
2. Secretary Health Khyber Pakhtunkhwa at Civil Secretariat Peshawar
3. Director General Health ,Khyber Pakhtunkhwa Peshawar.
4. Medical Superintendent ,DHQ Nowshera
5. Medical Superintendent ,DHQ,Hangu

SERVICE APPEAL U/S 04 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974
AGAINST THE IMPUGNED OFFICE ORDER
BEARING endst No 356-61/E II DATED 20-1-
2022 OF THE RESPONDENT NO. 4 WHEREBY
THE PETITIONER IS TRANSFERRED FROM DHQ
NOWSHERA TO DHQ,HANGU ILLEGAL AND
UNLAWFULLY BY THE RESPONDENT#4 AND
THE FURTHER MORE SALARY OF THE
APPELLANT HAS ILLEGALLY BEEN STOPPED
SINCE MARCH 2022 WITHOUT ANY REM OR
REASON IN A CLASSICALLY & ARBITRARY
MANNER.

RESPECTFULLY SHEWETH,

2

1. That petitioner is the law abiding citizen of Pakistan and is performing his duty as male charge Nurse BPS-16 at DHQ ,Nowshera.(copy of Appoinment letter is annexed herewith)
2. That the petitioner is performing his duty at DHQ Nowshera for the last three years with full zest and zeal.
3. That few months later the department /respondent#3 transferred 2 charge nurses namely Miss Riffat and Miss Seeena to Hangu on basis of complaint, and they have served the present department/DHQ , Nowshera for the last 10 years .
4. That they have been posted for three months only at Hangu and as a result of political pressure transferred back to DHQ Nowshera without observing the normal tenures of postings and transfer.
5. That the petitioner was transferred to Hangu vide office order No 356-61 dated 20-1-2022 and regarding the said letter the petitioner moved an application/appeal to withdraw the transfer order to retain him at DHQ, Nowshera and resultantly he was

retained therein.(copy of application and retain order is annexed herewith)

3

6. That the appeal of the petitioner was rejected through verbal order and has been ordered to report at DHQ Hangu is violation of thereafter the petitioner was verbally order that your appeal/application has been rejected and you were transferred and posted at DHQ, Hangu without any written order.
7. That since the second order on the petitioner's application for setting aside/ cancellation of the office order No 356-61 dated 20-1-2022 and retaining the petitioner at DHQ, Nowshera, the Respondent#4 has deleted the name of the petitioner from the daily attendance roster therefore the petitioner could not mark his attendance in the concerned register despite his regularly attending and performing his duties at DHQ, Nowshera.
8. That the transferred order of the petitioner was again issued on political basis without observing the legal formalities by the Respondents.
9. That in said the hospital an out-district nurses were also performing duties but they were left here and on

personal grudges the oral transferred order was
announced to me by the Respondent#4.

9

10. That it is also pertinent to mention here that the wife of the appellant being a charge nurse is also rendering his service in the same department at Main Rashid Hussain Shaheed Memorial Hospital Pabbi District Nowshera on regular basis, hence appellant and his wife is liable to be posted at the same station of same district and to implement the government spouse policy in its letter and spirit. (copy of appointment order is annexed herewith)
11. That the appellant is ordered to report at DHQ Hangu without issuing any order in black and white, refused to mark his attendance at DHQ Nowshera and facing him to leave the present post at DHQ Nowshera by withholding his salary proves malafide at respondents.
12. That the Respondents also violate the spouse policy rule of the Government which is the clear cut violation of the spouse policy and needs to be cancelled.
13. That the petitioner is being subject to persistent acts of discrimination and without observing the normal tenures of postings and transfer, the petitioner by oral order is transferred to Hangu on political Mal Practice and personal grudges of the Respondents.

14. That the respondent#4 is given threats if he has not join the duty at Hangu his pay will not be issued to the appellant and also with holds/stop the salary of appellant from the month of march till date .

5

15. That feeling aggrieved the petitioner preferred application/departmental appeal firstly the appeal/application was accepted and petitioner was retain but after lapse of 2 days the Respondent#4 orally informed the petitioner regarding his dismissal even without any reason and no such written order is still given to the petitioner .

16. That the petitioner was transferred to Hangu while the favoritism and blue eyed were retain and posted to their parent department/place at the same time in sheer discrimination.

17. That the father of the petitioner is handicapped from legs and is not able to move/sit without any support and being the son the petitioner looks after him and his other family members and if the petitioner is transferred to Hangu it will be difficult for the whole family and specially to the father of petitioner.

18. That feeling aggrieved from the said impugned order the appellant also filed a writ petition#529-p/2022 titled Danish Nathaniel VS Govt of Kp and others which

was being converted into departmental appeal and the Respondents#2 to 4 was directed to decide the same appeal within 1 MONTH.(copy of writ petition and order is annexed herewith)

6

19. That till date the departmental appeal of the appellant is not being decided and the Respondent #3 has sent letter#1777 dated 31-3-2022 to Respondent#2 and requested necessary order of the Government be conveyed in the matter.(copy of the letter is annexed herewith)

20. That the departmental appeal is still not being decided by the Respondents which is also being the clear violation of the order of Honble High Court Peshawar.

21. That feeling aggrieved the appellant prefers the instant appeal on the following grounds inter alia

GROUNDS:

A. That the petitioner is a naturally born bonafide citizens of the Islamic Republic of Pakistan and is fully and equally, on equality basis, entitled to all basic and fundamental rights as enshrined in the fundamental law of the land, interpreted, guaranteed and enforced by the laws of the land and discrimination alongwith unfettered exercise of

discriminatory powers by an authority or office is always been deplored, deprecated and depreciated by superior Courts of the land. (7)

B. That persistent orders of transfer and posting of any Civil Servant/Government servant is always hazardous and injurious to the Potential and capabilities of the such civil servant /Government servant and has always been depreciated and discouraged by the Superior Courts, being always held as violation to fundamental rights and not solely to the service rights.

C. That the impugned transfer and posting orders is highly discriminatory ones and the petitioner is orally transferred from his parent department to Hangu without any rem and reason and without observing the law on subject while all the blue eyed ones were posted and transferred to their favorite places of posting and were left in field is highly discriminatory and void and amount to falling of the bolt from the blue upon the petitioner.

D. That retaining the blue eyed one and favorite on their favorite places and transferring the Petitioner unfettered discrimination and even only on this score the impugned office orders is void and illegal.

E. That the normal tenure of transfer and posting can only be allowed to be left in rare and exceptional cases and that to in a defined public interest. But the petitioner initially was retained and thereafter on political pressure again transferred is illegal and unlawful and needs to be cancelled and declared void.

9

1. That the verbal transferred order of the petitioner is an illegal, discriminatory, void, and unwarranted manner and is liable to be set-aside.

F. That the respondent has also violated the spouse policy of the government and on this score alone the impugned office order needs to be cancelled and declared void.

G. That posting and transferring any Civil Servant/Government Servant is a defined mechanism of service laws and a procedure is detailed in the Service Code while the accrued rights, accrued thereupon, is fully protected under the same code whose details are provided under rule 9 of Transfer, Promotion and Appointment Rules of 1989. But here the situation is volte-face and the petitioner is transferred from parent department without any justification and the same tantamount to violation of not only service laws but as well as fundamental law.

H. That no one can be condemned unheard, nor anyone can be condemned for no wrong.

I. That salary of the appellant has been estopped plausible reason and without any justification and without and fault on part of the appellant.

9

J. That from every angle and perspective the impugned transfer and posting order is illegal, discriminatory, void, unwarranted, vexatious, and unlawful and is liable to be cancelled and set aside.

K. That the petitioner authority dismissed the departmental appeal and that too without any speaking order and cogent reasons.

L. That any other ground no raised here may graciously be allowed to be raised at the time of arguments before this Honble tribunal.

It is, therefore, most humbly prayed that on acceptance of the instant appeal the impugned office order bearing endst No 356-61/E II DATED 20-1-2022 may kindly be set-aside and the appellant may kindly be retain . further prayed that the salary of the appellant may also be released from march 2022 with arrears thereof or

Any other relief not specifically asked for may also graciously be extended in favour of the Appellant in the circumstances of the case..

INTERIM RELIEF

(10)

To foster the ends of Justice, the petitioner has a good prima facie case and there is every hope of its success, therefore, by way of interim relief the petitioner may kindly be retained at DHQ, NOWSHERA and also give direction to the respondents to open/release the salary from the month of March 2022 of the petitioner till the final decision of the instant petition, so as to enable him to defend his valuable rights in accordance with law. Otherwise the writ petition would become infructuous.

DATED: 31-5-2022

Appellant

Through



KABEER IMAM

Advocate High Court, Peshawar

Note : No such like appeal for the same appellant has earlier been filed by me, upon the subject matter, prior to the instant one, before this Hon'ble Tribunal.



ADVOCATE

List of Books Referred:

1. Civil Servant Act- 1973
2. Case Laws
3. Any other book as per need.



ADVOCATE

BEFORE THE HONOURABLE SERVICES TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

11

Appeal No. _____

Danish Nathaniel

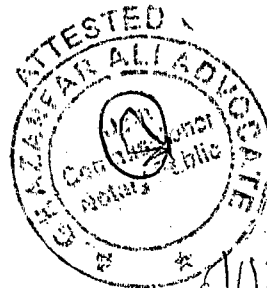
Versus

Govt of Khyber Pakhtunkhwa & Others

AFFIDAVIT

I, kabeer Imam Advocate Counsel for appellants do hereby solemnly affirm and declare on oath that as per information furnished by my client, all the contents of the Instant appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

DEPONENT



15/6/2022

BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR

12

C.M No# _____ / 2022

In S.A _____ /2022

Danish Nathaniel **VERSUS** Chief Secretary KP& others

APPLICATION FOR TEMPORARY INJUNCTION

RESPECTFULLY SHEWETH,

1. That the petitioner is filing the accompanying appeal, the contents of which may graciously be considered as integral part and parcel of the instant petition.
2. That prima facie case exists in favour of the Petitioner.
3. That balance of convenience is also lies in favor of Petitioner and his quite sanguine of his success.
4. That if the instant application is not allowed the petitioner shall suffer irreparable loss.

It is, therefore, most humbly prayed that on acceptance of the instant petition the respondents be directed to retain the petitioner from transfer to hungu and also to release his

salary from the month of march 2022 till the final disposal of the accompanying appeal.

13

Any other relief not specifically asked for may also graciously be extended in favor of the petitioner in the circumstances of the case.

Dated: 31/05/2022

Appellant

Through


KABEER IMAM

Advocates High Court Peshawar

(15)

BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR

In Re S.A _____/2022

Danish Nathaniel **VERSUS** Chief Secretary KP & Others

AFFIDAVIT

I, Danish Nathaniel S/o Nathaniel Daniel R/o Rafqui camp, house #106/3 Mohallah Bari Lalkurti, District Peshawar do hereby solemnly affirm and declare that the contents of the Instant **application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

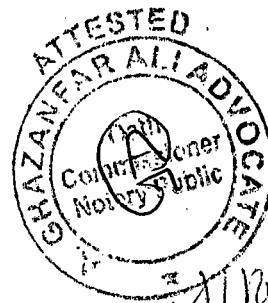

DEPONENT

Identified By


KABEER IMAM

Advocate High Court

Peshawar



BEFORE THE HONOURABLE SERVICES TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

15

Appeal No. _____

Danish Nathaniel

Versus

Govt of Khyber Pakhtunkhwa & Others

ADDRESSES OF PARTIES


ADDRESS OF APPELLANT

Danish Nathaniel S/o Nathaniel Daniel R/o Rafqui camp,house
#106/3 Mohallah Bari Lalkurti ,District Peshawar.

ADDRESSES OF RESPONDENTS

1. Government of KP through its Chief Secretary Khyber Pakhtunkhwa at Civil Secretariat Peshawar.
2. Secretary Health Khyber Pakhtunkhwa at Civil Secretariat Peshawar
3. Director General Health ,Khyber Pakhtunkhwa Peshawar.
4. Medical Superintendent ,DHQ Nowshera
5. Medical Superintendent ,DHQ,Hangu

DATED 31-5-2022

Appellant
Through 
(KABEER IMAM)
Advocate, High Court,
Peshawar



(A) A- (E) (16)

**DIRECTORATE
GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR**

All communications should be addressed to the Director General Health Services Peshawar and not to any official by name.

E-Mail Address: nwfpdgha@yahoo.com
Office Ph# 091-9210260
Exchange# 091-9210187, 9210100

OFFICE ORDER.

On the recommendation of Departmental Selection Committee the following Male Nurse BPS-16 are hereby appointed on Adhoc basis for a period of One year or till the availability of regular selectees of Khyber Pakhtunkhwa Public Service Commission (whichever is earlier) and posted against the vacant post of Male Nurse BPS-16 in the institutions mentioned against their names with immediate effect:-

S.No.	Name of Male Nurses	Father's Name	Place of posting	Remarks
01.	Asadullah	Sultan ud Din	DHQ Hospital Mardan	Against the vacant post
02.	Israr Ahmad	Mushtaq Ahmad	DHQ Hospital Charsadda	Against the vacant post
03.	Amam Saeed	Abdul Saeed	DHQ Hospital Nowshera	Against the vacant post
04.	Menhaj-ul-Islam	Sher Bahadar	DHQ Hospital Mardan	Against the vacant post
05.	Haroon Shah Jadoon	Malik Shah Jadoon	DHQ Hospital Swabi	Against the vacant post
06.	Hakim Khan	Momin Khan	DHQ Hospital Mardan	Against the vacant post
07.	Shaher Yar Khan	Hanif Gul	DHQ Hospital Nowshera	Against the vacant post
08.	Junaid Khan	Pervez Khan	DHQ Hospital Nowshera	Against the vacant post
09.	Suleman Jacob	Samson Jacob	Naseerullah Khan Babar Memorial Hospital Peshawar	Against the vacant post
10.	Adish Imtiaz	Eric Imtiaz	Naseerullah Khan Babar Memorial Hospital Peshawar	Against the vacant post
11.	Muhammad Asif Latif	Latif Khan	DHQ Hospital Charsadda	Against the vacant post
12.	Danish Nathaniël	Nathaniel	Services Hospital Peshawar	Against the vacant post
13.	Abid Sher Gul	Lazar Gul	Services Hospital Peshawar	Against the vacant post
14.	Sami Ullah	Fazal Karim	DHQ Hospital Mardan	Against the vacant post
15.	Ismail Khan	Ali Khan	DHQ Hospital Mardan	Against the vacant post
16.	Shah Zareen Khan	Sarfaz Khan	DHQ Hospital Swabi	Against the vacant post
17.	Asad Yar Khan	Hanif Gul	DHQ Hospital Nowshera	Against the

Attested
Dec
ade

(M) A-(E2)

25

(17)

18.	Syed Babar Ali	Noor Muhammad Syed	DHQ Hospital Mardan	Against the vacant post
19.	Jehangir Shah	Waseem Shah	DHQ Hospital Mardan	Against the vacant post
20.	Muhammad Asif Ali	Sher Badshah	DHQ Hospital Mardan	Against the vacant post
21.	Asif Khan	Muallim Dad Khan	MMC Teaching Hospital Mardan	Against the vacant post
22.	Sher Rahman	Abdur Rahman	MMC Teaching Hospital Mardan	Against the vacant post
23.	Naem Shah	Bahadar Shah	MMC Teaching Hospital Mardan	Against the vacant post
24.	Bilal Shah	Muhammad Iqbal	MMC Teaching Hospital Mardan	Against the vacant post
25.	Liaqat Shah	Khawas Khan	Bacha Khan Medical Complex, Swabi	Against the vacant post
26.	Muhammad Kamran	Ghulam Habib	Bacha Khan Medical Complex, Swabi	Against the vacant post
27.	Shahid Khan	Khan Zameer	Naseerullah Khan Babar Memorial Hospital Peshawar	Against the vacant post
28.	Rabid Shah	Said Badshah	Naseerullah Khan Babar Memorial Hospital Peshawar	Against the vacant post
29.	Khaiber Khan	Muhammad Arab	DHQ Hospital Charsadda	Against the vacant post
30.	Muhammad Shoib Khan	Abdul Wahab	Sarhad Hospital for Psychiatric Diseases Peshawar	Against the vacant post

Their appointment is subject to the following terms and conditions:-

01. They will be entitled to receive salary equal to the minimum of BPS-16 in addition to other allowances.
02. Their appointment shall be Health facility specific and non transferable, any adhoc employee bringing political pressure for their transfer will render themselves for termination.
03. On the expiry of one year or on arrival of recommendees of the Commission, whichever is earlier, the services of the employee shall stand automatically terminated.
04. No extension will be granted on the expiry of adhoc appointment.
05. They shall be entitled to Medical treatment as admissible under the Khyber Pakhtunkhwa Govt. Servant Medical attendance Rules-1959.
06. They shall be entitled to two days causal leave on full pay in every calendar month on duty rendered. No long leave shall be admissible to them.
07. They shall not be entitled to undergo any kind of training inside the Country or abroad.
08. The absence from duty of the employee for a period of seven days without prior permission will be considered as misconduct and violation of the agreement. In

[Handwritten mark]

Attaches
Per
Adh

(18) Annex E3
that case the competent authority will be competent to terminate his Services without any notice.

- (20)
(18)
09. The employee shall not be required to contribute to CP/GP fund.
 10. The Adhoc appointment is non pensionable and without gratuity. No claim for regularization of the adhoc service will be entitled at any stage.
 11. They shall not indulge in any trade, business or any other activity whatsoever which has been declared to be prohibited for the Govt. Servants in Civil Servant Act 1973.
 12. Adhoc appointment shall be subject to Medical fitness and verification of documents. In case of un fitness for service and declaring their documents fake by the respective educational Institutions, their appointment will be null and void beside taking legal action under the relevant law.
 13. In case of breach of any of the above terms and conditions mentioned above their services will be liable to be terminated by the competent authority

If the above terms and condition are acceptable to the adhoc appointees they are required to report for duty in the institution mentioned against their names within 14 days of the issuance of the offer of appointment. After the expiry of stipulated period no arrival shall be accepted and the appointment order shall stand automatically withdrawn.

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

No. 148-159 /E.II, Dated Pesh: the 22 / 01 /2016.

Copy forwarded to the :-

01. PS to Minister for Health Khyber Pakhtunkhwa Peshawar for information.
02. Medical Supdt. Bacha Khan Medical Complex, Swabi.
03. Medical Supdt. Sarhad Hospital for Psychiatric Diseases Peshawar.
04. Medical Supdt. MMC Teaching Hospital Mardan.
05. Medical Supdt. Services Hospital Peshawar.
06. Medical Supdt. Govt. Naseerullah Khan Babar Memorial Hospital Peshawar.
07. Medical Supdt. DHQ Hospitals, Mardan, Charsadda, Swabi & Nowshera,
08. Accountant General, Khyber Pakhtunkhwa Peshawar.
09. DAOs. Mardan, Charsadda, Swabi & Nowshera.
10. Male Nurses concerned.
11. DA concerned DGHS Office Peshawar.
12. P/files.

For information and n/action.

(Signature)
DIRECTOR GENERAL HEALTH
SERVICES, K.P.K, PESHAWAR.

20/1

(Signature)
Adc

A-E4
(27)

OFFICE OF THE
MEDICAL SUPERINTENDENT
D.H.Q HOSPITAL, NOWSHERA
NO: 8843 D.H.Q. Hosp
DATE: 27/10/2018

(27)
(19)

To, The Director General Health Services,
Khyber Pakhtunkhwa Peshawar.

Subject APPLICATION FOR REGULARIZATION OF SERVICE/RELEASE
OF SALARY.

R/Sir
Reference: your office letter No: 1038/E.II Dated: 01/03/2018 on the subject
cited above.

It is for your kind information Mr: Danish Nathaniel S/o Nathaniel Charge
Nurse reported for duty on 25th November 2017 at DHQ, Hospital and performing his
duties regularly till date. Copy of Charge report attached for further n/action.

Handwritten signature and scribbles.

MEDICAL SUPERINTENDENT
D.H.Q HOSPITAL NOWSHERA

Handwritten signature and initials.



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

No: 1038 /E.II, Dated Pesh: the 07/03 / 2018.

34
20

To:-

The Medical Superintendent,
DHQ Hospital, Nowshera.

Subject:- APPLICATION FOR REGULARIZATION OF SERVICE / RELEASE OF SALARY.

Memo:-

Mr. Danish Nathaniel D/O Nathaniel, Charge Nurse BPS 16 DHQ Hospital, Nowshera has requested for regularization of gap period w.c. from 28.10.2017 to 14.11.2017 for the purpose of drawal of pay

Please clarify as to whether he has reported his arrival for duty, if so a copy of his arrival report may be submitted to this Directorate for record purpose.

[Signature]
DEPUTY DIRECTOR (NURSING),
DGHS KHYBER PAKHTUNKHWA
PESHAWAR.

*Accounts section
to necessary action*

[Signature]
07/3/18

9/3/18

Annex "C"

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The medical Superintendent,
D.H.Q Hospital,
Nowshera.


Respected sir,

It is stated that I transferred to Hangu
"but" I do not want to go any where.
"because" my wife is working in Pabi and
my parent are disabled there is a lot
of domestic issue "there for" I would like
to stay in Nowshera D.H.Q.

Kindly Retain my Position-I shall be very
thankful to you.

Thank You

Accepted
OK
ndu


Daudh-Nathankel
Position M/N BPS 16

forwarded to
BPMR
Na
M
23.1.2023

(15) annex "D"



**OFFICE OF THE MEDICAL SUPERINTENDENT,
DHQ HOSPITAL NOWSHERA**

Phone & Fax: 0923-9220023

E-Mail: dhqnowshera4306@gmail.com

No. 648 / DHQNSR

Date: 28 / 1 / 2022

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To,

The Director General Health Services,
Khyber Pakhtunkhwa Peshawar.

Subject: NO OBJECTION CERTIFICATE.

Sir,

I have the honor to state that Mr. Danish Masih (Male Nurse)
BPS-16 attached to DHQ Hospital Nowshera has requested for retain.

In this connection it is stated that this office has no objection to
retain the above Male Nurse in DHQ hospital Nowshera in the best Public
interest.

Medical Superintendent,
DHQ Hospital, Nowshera

Attested

Adv.



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
P.O. Box 1001, Peshawar. P.O. Box 1001, Peshawar. P.O. Box 1001, Peshawar. P.O. Box 1001, Peshawar.

OFFICE ORDER

On the recommendation of Khyber Pakhtunkhwa Public Service Commission, the following Charge Nurses are hereby appointed in (BPS-16) @ Rs. 18910-1920-64510, plus usual allowances as admissible under the rules, on regular basis and posted against the vacant post in the Hospitals mentioned against their names with immediate effect.

S.No.	Name with Father's Name	Place of Posting	Remarks
1.	Samina Khan D/O Attzullah Khan	DHQ Hospital, Tank	Against the vacant post.
2.	Faza Masood D/O Masood Khan	KCO Peshawar	Against the vacant post
3.	Nozish Ali Khan D/O Muhammad Ali Khan	DHQ Hospital, Mardan	Against the vacant post
4.	Shabana Bibi D/O Muhammad Ghulam	King Abdullah Teaching Hospital, Mansehra	Against the vacant post
5.	Rabbla Khan Jameel D/O Jameel Khan	BKMC Swabi	Against the vacant post
6.	Nuzhat D/O Muhammad Ilyas	King Abdullah Teaching Hospital, Mansehra	Against the vacant post
7.	Iqra Bibi D/O Qazi Muhammad Akhtar	BKMC Swabi	Against the vacant post
8.	Huma Pervez D/O Muhammad Pervez	DHQ Hospital, Battagram	Against the vacant post
9.	Zobia Gul D/O Saifur Ur Rehman	DHQ Hospital, Battagram	Against the vacant post
10.	Shumaila Pervez D/O Pervez	King Abdullah Teaching Hospital, Mansehra	Against the vacant post
11.	Eman Jaleel D/O Abdul Jaleel	DHQ Hospital, Battagram	Against the vacant post
12.	Reena Kanwal D/O Bukhshteen Ellahi	DHQ Hospital, Swabi	Against the vacant post
13.	Shagufa Gul D/O Muhammad Rasheed	At the disposal of DHQ Swabi	Against the vacant post
14.	Hina Javed D/O Javed Nawaz	DHQ Hospital, Battagram	Against the vacant post
15.	Saiqa Fiaz D/O Muhammad Fiaz	At the disposal of DHQ Swabi	Against the vacant post
16.	Saima Bibi D/O Muhammad Ashraf	DHQ Hospital, Nowshera	Against the vacant post
17.	Noreen Bibi D/O Lat Khan	At the disposal of DHQ Swabi	Against the vacant post
18.	Mehwish D/O Faqir Muhammad	DHQ Hospital, Battagram	Against the vacant post
19.	Akiba Un Nisa D/O Muhammad Ashraf	At the disposal of DHQ Swabi	Against the vacant post
20.	Razia Jameel D/O Jameel Khan	At the disposal of DHQ Swabi	Against the vacant post
21.	Momna Niaz D/O Syed Niaz Hussain Shah	At the disposal of DHQ Swabi	Against the vacant post
22.	Azra Jabeen D/O Qazi Mehrajudin	DHQ Hospital, Battagram	Against the vacant post
23.	Noreen Bibi D/O Aziz ur Rehman	DHQ Hospital, Battagram	Against the vacant post

[Signature]
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	Amir Qadir	Hospital, Rajjar Charsadda	Against the vacant post
44.	Gul Bibi D/O Itbar Gul	DHQ Hospital, Alpurai Shangla	Against the vacant post
45.	Irij Saleem D/O Saleem Masih	Category-C Hospital, Shabqadar Charsadda	Against the vacant post
46.	Zarish Riaz D/O Riaz Masih	Category-C Hospital, Shabqadar Charsadda	Against the vacant post
47.	Lubna D/O Rafiq Masih	HMC MTI Peshawar	Against the vacant post
48.	Nadia Yaqoob D/O Yaqoob Masih	DHQ Hospital, Nowshera	Against the vacant post
49.	Kiran D/O Manzoor Masih	Category-C Hospital, Tangi Charsadda	Against the vacant post
50.	Marium Imtiaz D/O Imtiaz Shakir	Category-C Hospital, Tangi Charsadda	Against the vacant post
51.	Alisha D/O Pervez Sardar	DHQ Hospital, KDA Kohat	Against the vacant post
52.	Monica D/O Patras Paulous	Mian Rashid Hussain Memorial Hospital, Pabbi Nowshera	Against the vacant post
53.	Anney Sajjad D/O Sajjad Masih	Category-C Hospital, Tangi Charsadda	Against the vacant post

Scanned with CamScanner

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A-Eg

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61.	Nisha Alves D/O Alves Masih	Nowshera Category-C Hospital, Tangi Charsadda	Against the vacant post
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Their appointment in the Health Department Govt. of Khyber Pakhtunkhwa shall be subject to the following terms and conditions:-

01. They will be governed under the provisions contained in the Civil Servants Act Khyber Pakhtunkhwa, 1973, and the relevant Rules, Regulations & Policies framed thereunder, as amended or to be amended from time to time as well as all other laws Rules, Regulation & policies of the Govt. of Khyber Pakhtunkhwa Governing the cadre to which the employees belong; and
02. In line with the provisions of the Act *ibid*, they will be on probation initially for a period of two years extendable for a further period not exceeding one year; and
03. Their appointment will be subject to the verification of documents of their academic qualification/s, etc. by the respective Medical Superintendents / District Health Officers from the concerned Board/Faculty/Councilor Issuing authority; and
04. They will submit an undertaking on judicial stamp paper of appropriate value, stating that:
 - a. they have neither submitted any documents with initial application form for this employment, nor shall they submit any documents during the course of or in relation with their employment, which were or will be fake or not genuine in any manner; and
 - b. they have not been dismissed from Service of any Government or semi-Government or autonomous organization; and
05. Their *inter se* seniority will be reckoned as per merit assigned by the Khyber Pakhtunkhwa Public Service Commission conveyed vide their letter No. PSC/SR-III/ 07223 dated 15-03-2018, No. PSC/SR-III/ 07224 dated 15-03-2018 & No. PSC/SR-III/ 07225 dated 15-03-2018 and not on the basis of assumption of charge of the post; and
06. They will not be entitled to any TA/DA for joining their first place of appointment.

If the above terms and conditions are acceptable to them, they should submit arrival report in the institutions mentioned against their names for duty within (15) days of the issuance of this order.

Attested
Oc
RAW

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

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A-E₁₀

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No. 1415-3v

/E.II, Dated Pesh. The 10-05 /2018.
Copy forwarded to the:-

1. Secretary to Govt. of Khyber Pakhtunkhwa Health Department Peshawar for information.
2. Secretary Khyber Pakhtunkhwa Public Service Commission, Peshawar
3. Hospital Director MTI HMC Peshawar
4. Hospital Director MTI Khalifa Gul Nawaz Teaching Hospital, Bannu
5. Director Health Services FATA Peshawar.
6. Principal, KCD Peshawar
7. Medical Superintendent Mian Rashid Hussain Memorial Hospital, Pabbi Nowshera
8. Medical Superintendent DHQ Hospital, Battagram, Swabi BKMC Swabi, Mardan, Tank, Nowshera, Alpurai Shangla, and KDA Kohat
9. Medical Superintendent King Abdullah Teaching Hospital, Mansehra.
10. Medical Superintendent Women & Children Hospital, Rajjar Charsadda.
11. District Health Officer, Swabi.
12. District Health Officer, Charsadda
13. District Accounts Officers concerned.
14. DA-concerned, DGHS office Peshawar.
15. Charge Nurse concerned.

For information and necessary action.


DIRECTOR GENERAL HEALTH
SERVICES KHYBER PAKHTUNKHWA
PESHAWAR.

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Attache

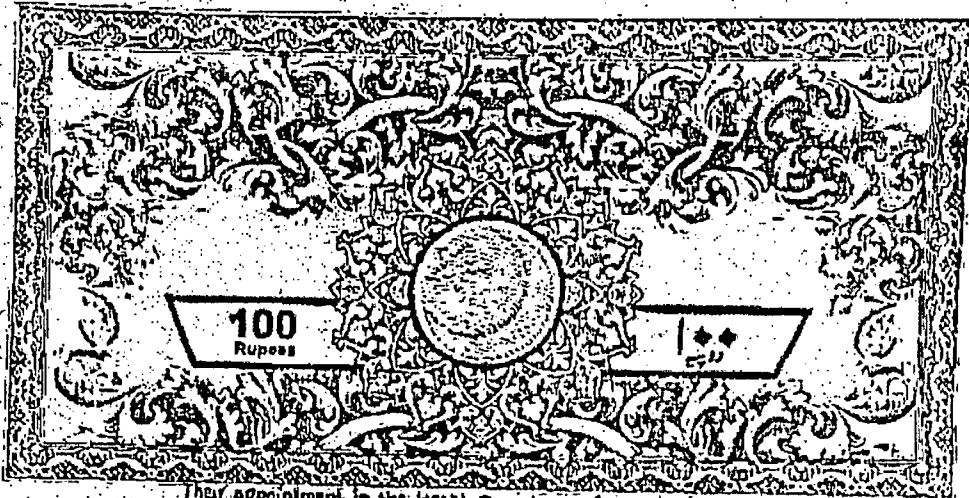

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Their appointment in the Health Department Govt. of Khyber Pakhtunkhwa shall be subject to the following terms and conditions:-

01. They will be governed under the provisions contained in the Civil Servants Act Khyber Pakhtunkhwa, 1973, and the relevant Rules, Regulations & Policies framed thereunder, as amended or to be amended from time to time as well as all other laws, Rules, Regulation & policies of the Govt. of Khyber Pakhtunkhwa Governing the cadre to which the employees belong; and
02. In line with the provisions of the Act/b/d, they will be on probation initially for a period of two years extendable for a further period not exceeding one year; and
03. Their appointment will be subject to the verification of documents of their academic qualification/s, etc. by the respective Medical Superintendents./ District Health Officers from the concerned Board/Faculty/Councilor Issuing authority; and
04. They will submit an undertaking on judicial stamp paper of appropriate value, stating that:
 - a. they have neither submitted any documents with initial application form for this employment, nor shall they submit any documents during the course of or in relation with their employment, which were or will be fake or not genuine in any manner; and
 - b. they have not been dismissed from Service of any Government or semi-Government or autonomous organization; and
05. Their inter se seniority will be reckoned as per merit assigned by the Khyber Pakhtunkhwa Public Service Commission conveyed vide their letter No. PSC/SR-III/07223 dated 15-03-2018, No. PSC/SR-III/ 07224 dated 15-03-2018 & No. PSC/SR-III/07225 dated 15-03-2018 and not on the basis of assumption of charge of the post; and
06. They will not be entitled to any TA/DA for joining their first place of appointment.

ATTESTED



11-05-20196

Attest

 not

Signature Mamirca
 Name Mamirca
 Father Name Latras Paulous
 Address Seven Day Advertiser Church/School & Shaktab Club Road Peshawar cantt -

No.

24.	Nadia Naz D/O Sher Nawaz Khan	At the disposal of DHS FATA	For further posting against the vacant post
25.	Benish Fiaz D/O Fiaz Maseeh	DHQ Hospital, Battagram	Against the vacant post
26.	Sitara Rehman D/O Wali Ur Rehman	DHQ Hospital, Battagram	Against the vacant post
27.	Saima Wazir D/O Abdul Khaliq	At the disposal of DHS FATA	For further posting against the vacant post
28.	Bushra Fiaz D/O Muhammad Fiaz	At the disposal of DHO Swabi	Against the vacant post
29.	Sabah Pervaiz D/O Sardar Muhammad Pervaiz	DHQ Hospital, Battagram	Against the vacant post
30.	Maimoona Gul D/O Muhammad Gul	At the disposal of DHS FATA	For further posting against the vacant post
31.	Tasleem Umar D/O Umar Zaher	At the disposal of DHS FATA	For further posting against the vacant post
32.	Anisa Ali D/O Saadat Ali	DHQ Hospital, Nowshera	Against the vacant post
33.	Almas Naz D/O Sher Nawaz Khan	At the disposal of DHS FATA	For further posting against the vacant post
34.	Neelam Wazir D/O Hazrat Ali	Khalifa Gul Nawaz Teaching Hospital, Bannu	Against the vacant post
35.	Shazia Bibi D/O Said Karam Mian	At the disposal of DHS FATA	For further posting against the vacant post
36.	Irana D/O Akbar Ali	At the disposal of DHS FATA	For further posting against the vacant post
37.	Fozia Ashiq D/O Ashiq Ali	At the disposal of DHS FATA	For further posting against the vacant post
38.	Fatima D/O Robin Khan	At the disposal of DHS FATA	For further posting against the vacant post
39.	Sadiqa Hussain D/O Munawar Hussain	At the disposal of DHS FATA	For further posting against the vacant post
40.	Hassina Wazir D/O Bahadur Nawaz	At the disposal of DHS FATA	For further posting against the vacant post
41.	Sadia Bangash D/O Sajid Khan	HMC MTI Peshawar	Against the vacant post
42.	Airman D/O Awaz Mir	Women & Children Hospital, Rajjar Charsadda	Against the vacant post
43.	Tamanna Naz D/O Amir Qadir	Women & Children Hospital, Rajjar Charsadda	Against the vacant post
44.	Gul Bibi D/O Itbar Gul	DHQ Hospital, Alpurai Shangla	Against the vacant post
45.	Irij Saleem D/O Saleem Masih	Category-C Hospital, Shabqadar Charsadda	Against the vacant post
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53.	Anney Sajjad D/O Sajjad Masih	Category-C Hospital, Tangi Charsadda	Against the vacant post

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DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR

All communications Should be Addressed to The Director General
Health Services Peshawar and not to any of the offices
Office Ph (091 - 9210269) Exchange: 091 9210187, 091 9210196 Fax (091 9210230)

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No. /E.II, datcd / 2018.

NOTIFICATION.

On her 1st appointment as Charge Nurse BPS 16 on regular basis through Khyber Pakhtunkhwa Public Service Commission **Mrs. Monica D/O Patras Paulous**, has assumed charge of her duties as Charge Nurse BPS-16 at Mian Rashid Hussain Shaheed Memorial Hospital Pabbi Nowshera on **12.05.2018**.

DEPUTY DIRECTOR (NURSING),
DGHS KHYBER PESHAWAR

The Manager,
Govt. Printing Press KPK Peshawar
for Publication in Govt. Gazette.

No. **3213-14** /E.II, Dated Pesh: the **17** / **8** /2018
Copy forwarded to the:

01. District Health Officer, Nowshera (Health Certificate is attached).
02. DAO, Nowshera.

For information and n/action.

DEPUTY DIRECTOR (NURSING),
DGHS KHYBER PESHAWAR

17/8/18

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NCRDP
Form-2

INDEX CARD OF THE DISABLED PERSONS EMPLOYMENT EXCHANGE

Name in full Nathaniel Registration No. 986/DP/11
Father's Name Daveil Dated 01-10-2011
Qualification Nil

Specimen Signatures of the
Disabled or thumb impression

Signature of the Attesting Officer



~~Manager~~
Employment
Peshawar

Manager,
Employment Exchange.

Attended to be true

BEFORE THE HONBLE PESHAWAR HIGH COUR PESHAWAR

W.P. 529/2022



Danish Nathaniel S/o Nathaniel R/o Rafqui camp,house #106/3
Mohallah Bari Lalkurti ,District Peshawar.

------(petitioner)

VERSUS

1. Chief Secretary Khyber Pakhtunkhwa Peshawar Khyber Pakhtunkhwa at Civil Secretariat Peshawar.
2. Secretary Health Khyber Pakhtunkhwa at Civil Scretariat Peshawar
3. Director General Health ,Khyber Pakhtunkhwa Peshawar.
4. Medical Superientendent ,DHQ Nowshera
5. Medical Superientendent ,DHQ,Hangu
6. District Account Officer ,Nowshera
7. District Account Officer ,Hungu

------(Respondents).

FILED TODAY

Deputy Registrar

11 FEB 2022

WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUION OF ISLAMIC REPUBLIC OF
PAKISTAN 1973 AMENDED UPTO DATED

Prayer :-

.On acceptance of this petition the Respdents be directed to retain the petitioner at DHQ, Nowshera and declare the order of the Respondents if any illegal, unlawful void, ineffective upon the right of the petitioner is liable to be cancelled, in the best interest of justice.

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Judgment Sheet
PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT.

W.P.No.529-P/2022

Danish Nathaniel
Versus
Chief Secretary Govt: of KPK and others.

Date of hearing 15.02.2022

Petitioners by: Mr. Kabeer Imam, advocate.
Respondent (s) by: Malik Akhtar Hussain Awan, AAG

JUDGEMENT

IJAZ ANWAR. J:- The instant writ petition has been filed under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 with the following prayer:

“It is, therefore, most humbly prayed that on acceptance of the instant writ petition the Respondents be directed to retain the petitioner at DHQ, Nowshera and be restrained from issuing order of transfer, if any, till the final disposal of the instant petition.

Any other relief not specifically asked for may also graciously be extended in favour of the appellant in

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the circumstances of the case.”

2. In essence, petitioner who is performing his duty as Male Charge Nurse BPS-16 in DHQ Hospital Nowshera is aggrieved of Office Order dated 20.1.2022 of respondents whereby he has been transferred to DHQ, Hospital Hangu.

3. After hearing the learned counsel for petitioner at length, we find that the matter in hand purely pertains to the terms and conditions of service of petitioner. Though, after his transfer vide the impugned order dated 20.1.2022, the Medical Superintendent DHQ Hospital Nowshera has given an NOC on having no objection on the retention of the petitioner at DHQ Hospital, Nowshera, however, even such letter is to be considered by the Departmental Authority. Besides, the petitioner has other alternate remedies available under the law,

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firstly; by filing a departmental appeal before the Appellate Authority and in case he receives no response or it is decided against him, he has his remedy before the Service Tribunal by filing service appeal.

4. On going through the record, we find that petitioner has not submitted a proper departmental appeal, as such, we instead of dismissing this writ petition, convert the same into a departmental appeal and send it to the Secretary Health, Govt: of KPK with direction to decide the same in accordance with law within a period of 30 days. Office shall retain copy of the writ petition for record.

[Signature]
Judge

[Signature]
Judge

Announced on;
Dated. 15.02.2022.

D.B. + Hon'ble Justice Musarrat Ihtilal and Hon'ble Mr. Justice Ijaz Anwar

[Signature]

07 APR 2022



**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR**

(36)

All communications should be addressed to The Director General Health Services Peshawar and not to any official by name.
Office Ph: 091 - 9210240 Exchange No: 091 - 9210187, 091 - 9210190 Fax: 091 - 9210270

No. 1777 J.E.II, Dated Peshawar the 31/13 /2022.

To:-

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

Subject:- WRIT PETITION NO. 529-P/2022 TITLED DANISH NATHANIEL S/O NATHANIEL, CHARGE NURSE BS-16 DHQ HOSPITAL, NOWSHERA VERSUS GOVT. OF KHYBER PAKHTUNKHWA AND OTHERS

Dear Sir,

I have the honour to enclose herewith a copy of writ petition No. 529-P/2022 filed by Mr. Danish Nathaniel S/O Nathaniel, Charge Nurse BS-16 DHQ Hospital, Nowshera in Peshawar High Court Peshawar against his transfer to Shaheed Farid Khan, DHQ Hospital, Hangu alongwith a copy of Judgment of Peshawar High Court Peshawar dated 15.02.2022 in the writ petition, wherein the Honorable Court has converted the writ petition into Departmental appeal and sent it to Secretary Health Khyber Pakhtunkhwa with the direction to decide the same in accordance with law within a period of 30 days, for favour of further necessary action.

It is stated that Mr. Danish Nathaniel S/O Nathaniel, Charge Nurse BS-16 DHQ Hospital, Nowshera has been transferred to DHQ Hospital, Hangu vide this Directorate office order bearing endst. No. 356-61/E II dated 20.01.2022. He was working in DHQ Hospital, Nowshera since 14.11.2017 and completed his tenure.

It is therefore requested that necessary order of the Govt. may please be conveyed in the matter.

Yours faithfully,

DIRECTOR GENERAL HEALTH SERVICES, KPK, PESHAWAR.

28/3/2022