KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

BEFORE: KALIM ARSHAD KHAN ... CHAIRMAN
SALAH UD DIN ... MEMBER (JUDICIAL)

Service Appeal No.7855/2021

Usman Malik son of Bashir Hussain Malik, Monitoring & Data Collection Assistant, IMU, Abbottabad.
.....(*Appellant*)

Versus

1. **Government of Khyber Pakhtunkhwa**, through Secretary Health Department, Khyber Pakhtunkhwa, Peshawar.
2. **Director Independent Monitoring Unit,** Health Department, Khyber Pakhtunkhwa, Peshawar.
3. **Director General,** Health Services, Khyber Pakhtunkhwa, Peshawar.
4. **Divisional Monitoring Officer** Hazara-I, Officers Colony, Abbottabad.

.....(***Respondents***)

Present:

Mr. Muhammad Arshad Khan Tanoli,
Advocate.....For appellant.

Syed Naseer Ud Din Shah,
Assistant Advocate General .....For respondents.

Date of Institution.....09.12.2021
Dates of Hearing.....19.07.2022
Date of Decision.....19.07.2022

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 FOR DECLARATION TO THE EFFECT THAT THE APPELLANT WAS APPOINTED AS MONITORING AND DATA COLLECTION ASSISTANT IN HEALTH DEPARTMENT IN DISTRICT ABBOTTABAD ON 18.02.2015 AND THEREAFTER APPOINTED ON REGULAR BASIS ON 30.06.2017 BUT THE APPELLANT HAS ILLEGALLY BEEN TRANSFERRED/POSTED FROM IMU OFFICE ABBOTTABAD TO IMU OFFICE TORGHAR VIDE IMPUGNED TRANSFER ORDER DATED 16.11.2021 WHICH IS PERVERSE, DISCRIMINATORY, AGAINST THE LAW BECAUSE THE APPELLANT CANNOT BE TRANSFERRED FROM DISTRICT

OF HIS DOMICILE. HENCE, THE IMPUGNED TRANSFER ORDER IS LIABLE TO BE SET ASIDE.

JUDGMENT

KALIM ARSHAD KHAN CHAIRMAN.: The facts surrounding the appeal are that the appellant was initially appointed as "Monitoring and Collection Assistant (BS-16)" on fixed pay/contract basis in Project "Establishment of Independent Monitoring Unit, in Health Department" on 18.02.2015 whose services, alongwith 168 others, were later on regularized under the Khyber Pakhtunkhwa Employees of Health Department (Regularization of Services) Act, 2017 vide notification dated 14.06.2019. That, as no separate terms and conditions were specified in the Act, therefore, it was construed that his post was district/domicile based and not transferable, as per serial (iii) of the terms and conditions of his contractual appointment order dated 18.02.2015. That the appellant was, therefore, aggrieved of the transfer order dated 16.11.2021 whereby he was transferred from the IMU Abbottabad to the IMU Torghar. That the appellant submitted departmental appeal to respondent No.1 on 19.11.2021, which was not responded within the statutory period, compelling the appellant to file this appeal on 09.12.2021.

2. On receipt of the appeal and its admission to full hearing, the respondents were summoned, who, on putting appearance, contested the appeal by filing written reply raising therein numerous legal and factual objections. The defence setup was a total denial of the claim of the appellant.

19/7/22

3. We have heard learned counsel for the appellant and learned Assistant Advocate General for the respondents.

4. The learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned AAG controverted the same by supporting the impugned order.

5. There is no denial of the fact that since his appointment on 18.02.2015 as project employee and then his regularization vide Notification No. SOG/Health/2-65/2017 dated 30.06.2017, the appellant remained posted at Abbottabad and for the first time, vide office order No.118 dated 16.11.2021, issued by the Director Independent Monitoring Unit, Health Department, Government of Khyber Pakhtunkhwa, Peshawar, the appellant was transferred from Abbottabad to Torghar, which order he has impugned on 09.12.2021 and since then (till date) he is sitting at Abbottabad that way he has spent more than the double of the normal tenure at the station/Abbottabad. The ground urged before the Tribunal for setting aside the impugned transfer order is mainly that the appellant relies on para (iii) of terms and conditions of his appointment in the project made on 18.02.2015. The appointment of the appellant was against a temporary/project post, however, he became civil servant after his regularization on 30.06.2017, therefore, the services of the appellant are to be governed under the provisions of the Government of Khyber Pakhtunkhwa Civil Servants Act, 1973 and the rules made there-under. When the appellant became civil servant his services, as aforesaid, were to be governed by the provisions of the

19/7/22

Khyber Pakhtunkhwa Civil Servants Act, 1973 and various rules/standing orders etc passed by the Government of Khyber Pakhtunkhwa from time to time regulating the services of the civil servants. Under Section-10 of the Khyber Pakhtunkhwa Civil Servants Act, 1973, a civil servant has 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 setup or established by any such government. Therefore, the ground agitated before the Tribunal respecting term (iii) of appointment of the appellant in the project, made on 18.02.2015, for cancellation of the impugned transfer order, is not finding favour with us.

6. The upshot of the above discussion is that this appeal, being devoid of force, is dismissed. Costs shall follow the event. Consign.

7. ***Pronounced in open Court at Abbottabad and given under our hands and the seal of the Tribunal on this 19th day of July, 2022.***

Khyber Pakhtunkhwa Service Tribunal Peshawar

KALIM ARSHAD KHAN
Chairman
Camp court Abbottabad

SALAH UD DIN
Member Judicial
Camp court Abbottabad

ORDER

19th July 2022

1. Learned counsel for the appellant present. Syed Naseer Ud Din Shah, Asst: AG for respondents present.

2. Vide our detailed judgment of today, separately placed on file, this appeal, being devoid of force, is dismissed. Costs shall follow the event. Consign.

3. *Pronounced in open court in Abbottabad and given under our hands and seal of the Tribunal on this 19th day of July, 2022.*

Khyber Pakhtunkhwa Service Tribunal Peshawar

(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

(Salah Ud Din)
Member(J)
Camp Court Abbottabad

17.05.2022 None for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for respondents present.

Written reply/comments on behalf of respondents No. 1 to 4 have already been submitted through office which is available on file. A copy of the same be provided to the appellant. To come up for rejoinder as well as arguments before D.B on 19.07.2022 at camp court Abbottabad.

(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

18.01.2022

Clerk of learned counsel for the appellant present. Mr. Muhammad Arif, Legal Assistant alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present and sought time for submission of written reply/comments. Adjourned. To come up for written reply/comments on 15.03.2022 before S.B at Camp Court Abbottabad.

(Salah-ud-Din)
Member (J)
Camp Court A/Abad

Post Script
18.01.2022

Later on learned counsel for the appellant appeared and submitted an application for release of salary of the appellant with effect from December 2021 and onward, copy of the same handed over to learned Additional Advocate General. To come up for reply and arguments on the said application also on the date fixed i.e 15.03.2022 before the S.B at Camp Court Abbottabad.

(Salah-ud-Din)
Member (J)
Camp Court A/Abad

Appeal No. 7855/2021
Usman Malik vs Govt

07.01.2022 Appellant in person present.

This appeal has been fixed for today in pursuance to the application dated 06.01.2022 submitted by the appellant with the submission that he filed Service Appeal No. 7855/2021 in this Tribunal to impugn his transfer order, which was admitted on 09.12.202. However, he has been served with show cause notice on 17.12.2021 for a disciplinary action as to why he had not reported to his new station. The copy of show cause notice has been appended with the application. Accordingly, he has been directed to appear in person before the enquiry officer on 23.12.2021 at IMU Health Department who is respondent No. 2 in Service Appeal of the appellant. The appeal has already been admitted to regular hearing with the direction for issuing of notices to respondents. After admission for regular hearing, the date was firstly fixed as 14.03.2022 but the same on acceptance of application for early hearing was fixed for 18.01.2022 at camp court, Abbottabad. The appellant has already deposited the security and process fee and notices in pursuance to the said direction have also been issued to the respondents for 18.01.2022. The appellant submits that he appeared before the respondent No. 2 in pursuance to the show cause notice on the given date i.e 23.12.2021 and informed them about pendency of this appeal. The application for suspension of impugned order has already been submitted alongwith memorandum of appeal but no order on the same was passed at the time of admission of the appeal for regular hearing. Notice of the application for interim relief may also be given to the respondents for the date fixed. The operation of the impugned order dated 16.11.2021 is suspended till date fixed and respondents are directed not to take any adverse action against the appellant on account of his not reporting for duty in compliance with the said order when he is seeking judicial remedy against the same. Copy of this order be sent to the respondent No. 2 alongwith notice.

CHAIRMAN

09.12.2021

Learned counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant at the very outset of his preliminary arguments contended that the appellant was initially appointed as "Monitoring and Collection Assistant (BS-16)" on fixed pay/contract basis in Project "Establishment of Independent Monitoring Unit, in Health Department" on 18.02.2015 whose services alongwith 168 others were regularized under the Khyber Pakhtunkhwa Employees of Health Department (Regularization of Services) Act, 2017 vide notification dated 14.06.2019. AS no separate terms and conditions were specified therefore, it is construed that his post is district/domicile base and not transferable, as per serial III of terms and conditions of his contractual order dated 18.02.2015. The appellant is therefore aggrieved of the transfer order dated 16.11.2021 whereby he was transferred from IMU Abbottabad to IMU Torghar. The appellant submitted departmental appeal to Respondent No. 1 on 19.11.2021 which was not responded to hence jurisdiction of the Service Tribunal was invoked under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the impugned transfer order dated 16.11.2021.

Learned counsel for the appellant also submitted an application for transfer of the instant Service Appeal at Camp Court Abbottabad which his acceded to and allowed.

The appeal is admitted for regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to respondents for submission of reply/comments. To come up for reply/comments on 14.03.2022 before the S.B at Camp Court Abbottabad.

Appellant Deposited
Security & Process Fee
21/12/21

(Mian Muhammad)
Member (E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7856/2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	09/12/2021	The appeal of Mr. Usman Malik presented today by Mr. Arshad Khan Tanoli Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please. REGISTRAR
2-		This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on 9-12-2021 CHAIRMAN

BEFORE KHYBER PKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST

Case Title: Usman Malik **vs** Govt of KPK

S.#	Contents	Yes	No
1.	This appeal has been presented by: Arshad Khan Tokali Adv		
2.	Whether Counsel / Appellant / Respondent / Deponent have signed the requisite documents?	✓	
3.	Whether Appeal is within time?	✓	
4.	Whether the enactment under which the appeal is filed mentioned?	✓	
5.	Whether the enactment under which the appeal is filed is correct?	✓	
6.	Whether affidavit is appended?	✓	
7.	Whether affidavit is duly attested by competent oath commissioner?	✓	
8.	Whether appeal/annexures are properly paged?	✓	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10.	Whether annexures are legible?	✓	
11.	Whether annexures are attested?	✓	
12.	Whether copies of annexures are readable/clear?	✓	
13.	Whether copy of appeal is delivered to A.G/D.A.G?	✓	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15.	Whether numbers of referred cases given are correct?	✓	
16.	Whether appeal contains cuttings/overwriting?	✗	
17.	Whether list of books has been provided at the end of the appeal?	✓	
18.	Whether case relate to this Court?	✓	
19.	Whether requisite number of spare copies attached?	✓	
20.	Whether complete spare copy is filed in separate file cover?	✓	
21.	Whether addresses of parties given are complete?	✓	
22.	Whether index filed?	✓	
23.	Whether index is correct?	✓	
24.	Whether Security and Process Fee deposited? on		
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? on 7/12/2	✓	
26.	Whether copies of comments/reply/rejoinder submitted? on		
27.	Whether copies of comments/reply/rejoinder provided to opposite party? on		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: Usman Malik

Signature: [signature]

Dated: 7/12/21

BEFORE THE CHAIRMAN SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA, PESHAWAR

Service Appeal No. 7855 /2021

Usman Malik son of Bashir Husain Malik, Monitoring & Data Collection Assistant, IMU, Abbottabad.

...APPELLANT

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Health Department, KPK, Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

INDEX

S.#	*Description*	*Page No.*	*Annexure*
1.	Service appeal along with affidavit	1 to 8	
2.	Application for suspension	9 to 10	
3.	Copy of initial appointment on contract basis and regularization order dated 30/06/2017	11 – 18	"A" & "B"
4.	Copy of impugned transfer order dated 16/11/2021	19	"C"
5.	Copy of departmental appeal dated 19/11/2021	20	"D"
6.	Copy of Domicile Certificate showing the residence of the appellant	21	"E"
7.	Wakalatnama		

...APPELLANT

Through

Dated: 7/12 /2021

(Muhammad Arshad Khan Tanoli)
Advocate High Court, Abbottabad

BEFORE THE CHAIRMAN SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA, PESHAWAR

Service Appeal No. 7855/2021

Usman Malik son of Bashir Husain Malik, Monitoring & Data Collection Assistant, IMU, Abbottabad.

...APPELLANT

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Health Department, KPK, Peshawar.
2. Director Independent Monitoring Unit, Health Department KPK, Peshawar.
3. Director General Health Services, KPK, Peshawar.
4. Divisional Monitoring Officer Hazara-I, Officers Colony, Abbottabad.

...RESPONDENTS

SERVICE APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 FOR DECLARATION TO THE EFFECT THAT THE APPELLANT WAS APPOINTED AS MONITORING AND DATA COLLECTION ASSISTANT IN HEALTH DEPARTMENT IN DISTRICT ABBOTTABAD ON 18/02/2015 AND THEREAFTER APPOINTED ON REGULAR BASIS ON 30/06/2017 BUT THE APPELLANT HAS ILLEGALLY BEEN TRANSFERRED/ POSTED

FROM IMU OFFICE ABBOTTABAD TO IMU OFFICE TORGHAR VIDE IMPUGNED TRANSFER ORDER DATED 16/11/2021 WHICH IS PERVERSE, DISCRIMINATORY, AGAINST THE LAW BECAUSE THE APPELLANT CANNOT BE TRANSFERRED FROM DISTRICT OF HIS DOMICILE. HENCE, THE IMPUGNED TRANSFER ORDER IS LIABLE TO BE SET ASIDE.

PRAYER: ON ACCEPTANT OF THE INSTANT SERVICE APPEAL OF THE APPELLANT, IMPUGNED TRANSFER ORDER DATED 16/11/2021 OF THE APPELLANT MAY GRACIOUSLY BE ORDERED TO BE SET ASIDE AND RESPONDENTS MAY BE DIRECTED TO RETAIN THE APPELLANT IN IMU OFFICE ABBOTTABAD ANY OTHER RELIEF WHICH THIS HONOURABLE TRIBUNAL DEEMS APPROPRIATE IN THE CIRCUMSTANCES OF THE CASE MAY ALSO BE GRANTED.

Respectfully Sheweth;-

That Facts forming the background of instant service appeal are arrayed as under;-

1. That the appellant was appointed as Monitoring and Data Collection Assistant in IMU Office Abbottabad, initially on contract basis. Thereafter, the service of appellant has been regularized vide Gazzete Notification dated 30/06/2017. Copy of initial appointment on contract basis and regularization order dated 30/06/2017 are attached as Annexure "A" & "B".

2. That as per terms and condition of the appointment order of the appellant, the appointment of the appellant has been made on Domicile basis in the District of his Domicile i.e. District Abbottabad and no posting of the appellant out of his District is allowed but respondents with malafide intention, contrary to law issued impugned transfer from the office of IMU, Abbottabad to the office of IMU District Torghar vide impugned transfer order No. 118/IMU-Health/2021-22 dated 16/11/2021 which is hundreds of miles away from the place of abode of the appellant. Copy of impugned transfer order dated 16/11/2021 is attached as Annexure "C".

3. That feeling aggrieved the appellant filed departmental representation to the respondent No.

1 on 19/11/2021 but the respondents did not bother to respond to the department appeal of the appellant. Copy of departmental appeal dated 19/11/2021 is attached as Annexure "D", Hence, the instant service appeal of the appellant is filed, inter-alia on the following grounds;-

GROUNDS:

a) That impugned posting/ transfer order dated 16/11/2021 from the office of IMU Abbottabad to the office of IMU District Torghar is malafide, discriminatory against the law as well as the mandatory terms and condition of the appointment order. Hence, the impugned transfer order dated 16/11/2021 is liable to be set aside.

b) That there exists no law which empowers the respondents for transfer of the appellant from IMU, Abbottabad to IMU District Torghar. It is worth to mention here that appointment of the petitioner as Monitoring and Data Collection Assistant is purely based on the Domicile of his District. The

appellant hails from District Abbottabad and is to serve in his District of Domicile. Copy of Domicile Certificate showing the residence of the appellant is attached as Annexure "E".

c) That no stretch of the imagination empowers the department to transfer the appellant from District Abbottabad to Torghar. The respondents' department did not follow the prescribed law in the case of the appellant. Good administration of justice demands when law prescribe a thing which is to be done in a particular manner in that manner and not otherwise. Hence, posting and transfer order is a void order in all respect.

d) That transfer order of the appellant comes within the parameters of wrong posting. Therefore, impugned posting order dated 16/11/2021 of the appellant is liable to be cancelled.

e) That respondents' department has led the appellant to the place which is utterly

unknown to the principle of jurisprudence, natural justice, fair play and good governance.

f) That the valuable right to be treated in accordance with law is inalienable right of the appellant.

g) That in the instant case, respondents' department without lawful justification, reason and rhyme has been posted which is illegal. Respondents were bound to follow the law and the transfer order of the appellant IMU Office Abbottabad to Torghar is nothing but based on the whims and wishes of the respondents.

h) That the service appeal of the appellant is well within time and the Service Tribunal has jurisdiction to entertain the instant service appeal as the matter relates to terms and conditions of service.

i) That other points shall be urged at the time of arguments with the permission of this Honourable Tribunal.

It is, therefore, humbly prayed that on acceptant of the instant service appeal of the appellant, impugned transfer order dated 16/11/2021 of the appellant may graciously be ordered to be set aside and respondents may be directed to retain the appellant in IMU Office Abbottabad. Any other relief which this Honourable Tribunal deems appropriate in the circumstances of the case may also be granted.

...APPELLANT

Through

Dated: 7/12 /2021

(Muhammad Arshad Khan Tanoli)
Advocate High Court, Abbottabad

VERIFICATION:-

Verified on oath that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.

...APPELLANT

BEFORE THE CHAIRMAN SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA, PESHAWAR

Service Appeal No._____/2021

Usman Malik son of Bashir Husain Malik, Monitoring & Data Collection Assistant, IMU, Abbottabad.

...APPELLANT

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Health Department, KPK, Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

APPLICATION FOR SUSPENSION OF OPERATION OF IMPUGNED TRANSFER ORDER DATED 16/11/2021 OF THE APPELLANT AND STATUS QUO MAY GRACIOUSLY BE MAINTAINED TILL FINAL DISPOSAL OF THE MAIN SERVICE APPEAL.

Respectfully Sheweth:-

1. That the instant application may be read as part & parcel of the main service appeal.

2. That appellant has brought a good prima facie case and there is likelihood of success of the appellant in the instant service appeal.

3. That impugned transfer order dated 16/11/2021 from the office of IMU, Abbottabad to Office of IMU District Torghar is malafide and against the terms and conditions mentioned in the appointment order of the appellant. The impugned transfer order is void order.

4. That valuable rights of the appellant are involved.

In view of the above, it is prayed that, on acceptance of the instant application, impugned transfer order dated 16/11/2021 may be suspended and status quo may be ordered to be maintained till final disposal of the main service appeal.

...APPELLANT

Through

Dated: 7/12 /2021

(Muhammad Arshad Khan Tanoli)
Advocate High Court, Abbottabad

AFFIDAVIT;-

I, ***Usman Malik son of Bashir Husain Malik, Monitoring & Data Collection Assistant, IMU, Abbottabad***, do hereby solemnly affirm and declare that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.

...DEPONENT

BEFORE THE CHAIRMAN SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA, PESHAWAR

Service Appeal No._____/2021

Usman Malik son of Bashir Husain Malik, Monitoring & Data Collection Assistant, IMU, Abbottabad.

...APPELLANT

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Health Department, KPK, Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

AFFIDAVIT

I, ***Usman Malik son of Bashir Husain Malik, Monitoring & Data Collection Assistant, IMU, Abbottabad,*** do hereby solemnly affirm and declare that the contents of foregoing service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.

ATTESTED
SOHAIL AYUB TANOLI
NOTARY PUBLIC
ADVOCATE HIGH COURT ABBOTTABAD

DEPONENT

Annex-A

GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT
(INDEPENDENT MONITORING UNIT)

Dated: 18/02/2015.

Order. No. 786-5/REC/IMU/H/2014-15:- On the recommendation of Project Selection Committee and approval of the competent authority, following candidates are hereby appointed as **Monitoring and Data Collection Assistant (BPS-16)** in district **Abbottabad (Male).**

NAME	FATHER NAME
1. SYED TOUSEEF HUSSAIN SHAH	SYED JAVED HUSSAIN SHAH
2. ZEESHAN KHAN JADOON	SALIM KHAN JADOON
3. MANSOOR AHMED	MAQBOOL AHMED
4. USMAN MALIK	BASHIR HUSSAIN MALIK
5. SYED ADIL HUSSAIN SHAH	SYED MUBARIK SHAH
6. TAUSEEF MUHAMMAD ASHRAF	MUHAMMAD ASHRAF
7. SARMAD JADOON	IMTIAZ KHAN
8. SYED SAFEER ALI	SYED SHABBIR SHAH
9. HASEEB KHALIQ DAD	SARDAR KHALIQ DAD
10. MUHAMMAD GULBAZ	MUSHTAQ AHMED

Under the scheme **"Establishment of Independent Monitoring Unit, in the Health Department"** on contract basis, till 30th June 2016, on the following terms and conditions.-

Fixed Pay.

i) **Pay Package:** Basic Pay Rs. 30,000/- P.M (Fixed Pay) with annual increment of 5% up to the maximum of Rs. 35,000/- as per the project policy, subject to enhancement on the rates as notified by Government from time to time for project posts.

Attested
Muhammad Ishaq
Advocate
Reg. No.

ii) **Period of Contract:** The period of this contract shall be till 30th June 2016, which could be extendable subject to satisfactory performance of the project employee.

iii) A project employee shall work against that post for which he/she was recruited and shall not be transferred to any other post in the project or at any other station.

iv) A project employee shall also not be transferred to any other project under the same Department/Govt.

v) The contract shall be liable to termination on 30 days' notice (If the performance of the employee is found unsatisfactory) or payment of 30 days salary in lieu thereof, by either side.

vi) The employees shall be responsible for the losses (accruing to the project due to him/her and shall be held responsible thereof).

vii) On completion of the project, the services of the project employees shall stand terminated however, they shall be re-appointed on need basis, if the project is extended over any new phase or phases.

viii) **Pension:** Service Rendered by you under the present contract shall not qualify for pension/gratuity.

ix) **Leave:** You will be entitled for leave as admissible to the civil servants under the Khyber Pakhtunkhwa revised Leave Rules.

x) **Travelling Allowance:** Travelling Allowance for journey as admissible under the rules.

xi) **Rules/Regulations:** In respect of other matters, not covered in this letter, you will be governed by the rules/regulations as applicable to Govt. employees, unless otherwise specified by the employer.

xii) **Seniority:** Being a temporary post there shall exist no relative seniority in your case in relation to other regular or temporary employees of your category in the Health Department.

xiii) You will be governed by the Provincial Govt. rules as amended from time to time.

xiv) You will not be required to contribute towards General Provident Fund nor entitled to any benefit of the General Provident Fund.

xv) You will not divulge, either directly or indirectly, to any person any knowledge or information of a confidential nature which you may acquire concerning the affairs, property, enterprise and undertaking of the Department during the course of your service.

PROJECT DIRECTOR
INDEPENDENT MONITORING
UNIT

Endst: No. 786-5/REC/IMU/H/2014-15.- Dated. 18/02/2015

Attested
Muhammad [illegible]
Advocate
Office [illegible]

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Chief Planning Officer, Health Department.
3. Director General Health Services.
4. PS to Secretary Health.
5. Personal File.

(Dr. FARYAL BADDIA)
DEPUTY PROJECT DIRECTOR

Annex- B

P-13

EXTRAORDINARY

GOVERNMENT

REGISTERED NO. P.III

GAZETTE

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, FRIDAY, 14TH JUNE, 2019.

GOVERNMENT OF KHYBER PAKHTUKHWA
HEALTH DEPARTMENT

NOTIFICATION
Dated: 30th June, 2017.

No.SOG/Health/2-65/2017:- In pursuance of Section-3 of The Khyber Pakhtunkhwa Employees of Health Department (Regularization of Services) Act, 2017 (Khyber Pakhtunkhwa Act no. VII of 2017), the services of following officers/officials appointed on contract/fixed pay basis in ADP no. 339 code 140775 "Establishment of Independent Monitoring Unit" and holding the posts at the time of commencement of the Act ibid shall stand regularized:-

S.No	Name	Father Name	Designation	BPS	District
1	Aftab Ahmad Akhunzada	Nisar Ahmed	Database Admin/ Data Analyst	18	Head Office
2	Tauqeer Iftikhar Abbasi	Iftikhar Hussain	Divisional Monitoring Officer	18	Abbottabad
3	Mujib Ur Rehman	Gulfam Khan	Divisional Monitoring Officer	18	Peshawar
4	Syed Sohaib Shah	Syed Mussadiq Shah	Divisional Monitoring Officer	18	Mansehra
5	Salman Rahim	Abdur Rahim	Divisional Monitoring Officer	18	Swat
6	Muhammad Atif Khan	Rehan Gul	Divisional Monitoring Officer	18	Lower Dir
7	Abdul Waheed	Muhammad Siraj	Divisional Monitoring Officer	18	kohat
8	Gohar Rehman	Mushtaq Ahmed	Divisional Monitoring Officer	18	Mardan
9	Maliha Gul	Asmat Ullah Khan	Divisional Monitoring Officer	18	DI Khan
10	Adnan Saeed Khan	Saeed Khan	Finance/Admin Officer	18	Head Office
11	Kousar Khan	Abdul Rehman	Monitoring & Data Collection Assistant	16	Peshawar
12	Zahoor Alam	Fakhruddin Ahmed	Monitoring & Data Collection Assistant	16	Peshawar
13	Usman Khan	Bashir Ahmed	Monitoring & Data Collection Assistant	16	Peshawar
14	Waqas Ayub	Muhammad Ayub Khan	Monitoring & Data Collection Assistant	16	Peshawar
15	Sikandar Wadood	Ihsan Ul Wadood	Monitoring & Data Collection Assistant	16	Peshawar
16	Muhammad Haris Mehmood	Khalid Mehmood	Monitoring & Data Collection Assistant	16	Peshawar
17	Arif Khan	Hayat Khan	Monitoring & Data Collection Assistant	16	Peshawar

Attested

Muhammad Ar... Advocate High Court Office No ...

P- 14

18	Rashid Noor	Noor Muhammad	Monitoring & Data Collection Assistant	16	Peshawar
19	Marina Iqbal	Muhammad Iqbal	Monitoring & Data Collection Assistant	16	Peshawar
20	Mehwish Khan	Naseer Ahmad	Monitoring & Data Collection Assistant	16	Peshawar
21	Uzma Karim	Abdul Karim	Monitoring & Data Collection Assistant	16	Peshawar
22	Fatima Jahan	Taj Muhammad Khan	Monitoring & Data Collection Assistant	16	Peshawar
23	Azra Aamir	Abdul Rehman	Monitoring & Data Collection Assistant	16	Peshawar
24	Zulfikar Ali	Muhammad Ali	Monitoring & Data Collection Assistant	16	Charsadda
25	Zeeshan Ali	Sher Bahadar	Monitoring & Data Collection Assistant	16	Charsadda
26	Shahzad Yousaf	Muhammad Yousaf	Monitoring & Data Collection Assistant	16	Kohat
27	Saira Batool	Altaf Muhammad	Monitoring & Data Collection Assistant	16	Kohat
28	Aziz Ur Rehman	Abdur Rehman	Monitoring & Data Collection Assistant	16	Hangu
29	Azmat Ali	Qeemat Khan	Monitoring & Data Collection Assistant	16	Hangu
30	Asad Iqbal	Haq Nawaz Khan	Monitoring & Data Collection Assistant	16	karak
31	Qaisar Farooq	Muhammad Farooq	Monitoring & Data Collection Assistant	16	Karak
32	Muhammad Waqas Khan	Abdul Sattar Khan	Monitoring & Data Collection Assistant	16	Bannu
33	Zahid Ullah Khan	Ghulam Khan	Monitoring & Data Collection Assistant	16	Bannu
34	Farhan Ashiq	Ashiq Noor	Monitoring & Data Collection Assistant	16	Bannu
35	Muhammad Waseem Farooq	Muhammad Asif Khan	Monitoring & Data Collection Assistant	16	Bannu
36	Ihsan Ullah Khan	Zafar Ullah Khan	Monitoring & Data Collection Assistant	16	Bannu
37	Sadaf Parveen	Shafi Ullah Jan	Monitoring & Data Collection Assistant	16	Bannu
38	Muhammad Wajid Iqbal	Muhammad Iqbal Khan	Monitoring & Data Collection Assistant	16	DI Khan
39	Waqar Asmat Khan	Asmat Ullah Khan	Monitoring & Data Collection Assistant	16	DI Khan
40	Irfan Daud	Daud Khan	Monitoring & Data Collection Assistant	16	DI Khan
41	Muhammad Imran Zia	Zia Ul Hassan Shah	Monitoring & Data Collection Assistant	16	DI Khan
42	Shafqat Ullah	Inayat Ullah Khan	Monitoring & Data Collection Assistant	16	DI Khan
43	Adnan Latif Khan	Abdul Latif Khan	Monitoring & Data Collection Assistant	16	DI Khan
44	Nusrat Shaheen	Mehmood Khan	Monitoring & Data Collection Assistant	16	DI Khan
45	Muhammad Imran Ullah	Inayat Ullah Khan	Monitoring & Data Collection Assistant	16	Tank
46	Asif Ali	Akbar Ali	Monitoring & Data Collection Assistant	16	Tank
47	Muhammad Maaz	Hakim Khan	Monitoring & Data Collection Assistant	16	Tank
48	Khalid Waseem	Nadir Khan	Monitoring & Data Collection Assistant	16	Lakki Marwat
49	Muhammad Gul	Ghulam Jan	Monitoring & Data Collection Assistant	16	Lakki Marwat

Attested
Advocate High Court
Office No. 33 Adl
Dist Bar Abbo

P-15

50	Imad Khan	Khalil Ur Rahman	Monitoring & Data Collection Assistant	16	Malakand
51	Mehran Khan	Dost Muhammad	Monitoring & Data Collection Assistant	16	Malakand
52	Muhammad Tahir	Muhammad Nazar	Monitoring & Data Collection Assistant	16	Malakand
53	Sajjad Khan	Sher Zada	Monitoring & Data Collection Assistant	16	Malakand
54	Shahnaz	Muhammad Gul	Monitoring & Data Collection Assistant	16	Malakand
55	Abdur Rashid	Abdur Rahim	Monitoring & Data Collection Assistant	16	Swat
56	Shaukat Ali	Khalil Ur Rahman	Monitoring & Data Collection Assistant	16	Swat
57	Adnan Khan	Shah Dawran	Monitoring & Data Collection Assistant	16	Swat
58	Zeshan Ali	Muhammad Ali Shah	Monitoring & Data Collection Assistant	16	Swat
59	Atif Khan	Mumtaz Ali Khan	Monitoring & Data Collection Assistant	16	Swat
60	Ihsan Ullah	BakhtKaram	Monitoring & Data Collection Assistant	16	Swat
61	Murad Ali Mian	Bahadar Ali Mian	Monitoring & Data Collection Assistant	16	Swat
62	Sana Sher Afzal	Sher Afzal Khan	Monitoring & Data Collection Assistant	16	Swat
63	Mati Ur Rehman	BakhtZada	Monitoring & Data Collection Assistant	16	Swat
64	IzharUllah	Alamgir	Monitoring & Data Collection Assistant	16	Shangla
65	Ihsan Ullah	Hazrat Usman	Monitoring & Data Collection Assistant	16	Shangla
66	Sharif Ullah	Sarfaraz	Monitoring & Data Collection Assistant	16	Shangla
67	Abdul Saboor	Sadur Ul Uloom	Monitoring & Data Collection Assistant	16	Shangla
68	Gauhar Ali	Pir Said	Monitoring & Data Collection Assistant	16	Shangla
69	Naseem Ul Haq	Hameed Ullah Khan	Monitoring & Data Collection Assistant	16	Bunner
70	Naveed Ahmad	Abdul Shakoor	Monitoring & Data Collection Assistant	16	Bunner
71	Munir Ahmad	Raishad Khan	Monitoring & Data Collection Assistant	16	Bunner
72	Arshad Ali	Nazar Muhammad	Monitoring & Data Collection Assistant	16	Swabi
73	Abid Ali Khan	Zahir Khan	Monitoring & Data Collection Assistant	16	Swabi
74	Sajjad Ahmad	Musamar Khan	Monitoring & Data Collection Assistant	16	Swabi
75	Irfan Ali Khan	Munjra Khan	Monitoring & Data Collection Assistant	16	Swabi
76	NidaTabassum	Jan Muhammad	Monitoring & Data Collection Assistant	16	Swabi
77	Jawad Ali	Ashraf Ali	Monitoring & Data Collection Assistant	16	Swabi
78	Kashif Khan Tanoli	Muhammad Sheesh Khan	Monitoring & Data Collection Assistant	16	Swabi
79	Yasir Khan	Ajab Khan	Monitoring & Data Collection Assistant	16	Mardan
80	Usman Hakam	Abdul Hakam	Monitoring & Data Collection Assistant	16	Mardan
81	Zahid Hussain	Bakhtiar Khan	Monitoring & Data Collection Assistant	16	Mardan

Attested

Muhammad Ishaq Khan
Advocate Court
Office No 3 Adjacent

P-16

82	Zahir Rahman	Muhammad Rahman	Monitoring & Data Collection Assistant	16	Mardan
83	Imtiaz Alam	Ibrahim Khan	Monitoring & Data Collection Assistant	16	Mardan
84	Muhammad Saqib	Gulzar Muhammad	Monitoring & Data Collection Assistant	16	Mardan
85	HinaTila	Tila Muhammad Khan	Monitoring & Data Collection Assistant	16	Mardan
86	Akbar Ali Khan	Hijab Gul	Monitoring & Data Collection Assistant	16	Mardan
87	Nisar Ahmed	Haji Ghulam Muhammad	Monitoring & Data Collection Assistant	16	Nowshera
88	Muhammad Ahmed Jan	Sajid Ali Khan	Monitoring & Data Collection Assistant	16	Nowshera
89	Masaud Jan Khan	Taslim Khan	Monitoring & Data Collection Assistant	16	Nowshera
90	Shehreyar	KhushDil	Monitoring & Data Collection Assistant	16	Nowshera
91	Abdullah	Bakht Biland	Monitoring & Data Collection Assistant	16	Nowshera
92	Zainab Ali khan	Liaqat Ali Khan	Monitoring & Data Collection Assistant	16	Nowshera
93	Aamir Malook	Saif Ul Malook	Monitoring & Data Collection Assistant	16	Nowshera
94	Mubbashir Rabbani	Ghulam Rabbani	Monitoring & Data Collection Assistant	16	Abbottabad
95	Waqas Ahmed	Taj Muhammad	Monitoring & Data Collection Assistant	16	Abbottabad
96	Muhammad Gulbaz	Mushtaq Ahmed	Monitoring & Data Collection Assistant	16	Abbottabad
97	Sarmad Jadoon	Imtiaz Khan	Monitoring & Data Collection Assistant	16	Abbottabad
98	Mansoor Ahmed	Maqbool Ahmed	Monitoring & Data Collection Assistant	16	Abbottabad
99	Syed Safeer Ali	Syed Shabbir Shah	Monitoring & Data Collection Assistant	16	Abbottabad
100	Usman Malik	Bashir Hussain Malik	Monitoring & Data Collection Assistant	16	Abbottabad
101	Ayesha Mushtaq	Sardar Mushtaq Ahmed	Monitoring & Data Collection Assistant	16	Abbottabad
102	Muhammad Abeela	Muhammad Ishaq khan Jadoon	Monitoring & Data Collection Assistant	16	Abbottabad
103	Arslan Yaqoob	Muhammad Yaqoob	Monitoring & Data Collection Assistant	16	Haripur
104	Umer Ayub	Malik Muhammad Ayub	Monitoring & Data Collection Assistant	16	Haripur
105	Syed Basharat Ali	Syed Imran	Monitoring & Data Collection Assistant	16	Haripur
106	Ahsan Ullah Khan	Muhammad Saleem Khan	Monitoring & Data Collection Assistant	16	Haripur
107	Asif Mehmood	Gulzar Khan	Monitoring & Data Collection Assistant	16	Haripur
108	Faiqa Wahid	Abdul Wahid	Monitoring & Data Collection Assistant	16	Haripur
109	Zubair Khan	Muhammad Nawaz Khan	Monitoring & Data Collection Assistant	16	Haripur
110	Shahzad Nadeem	Muhammad Kareem Khan	Monitoring & Data Collection Assistant	16	Upper Dir
111	Muhammad Tahseen Raza	Raza khan	Monitoring & Data Collection Assistant	16	Upper Dir
112	Muhammad Imdad Ul Haq	Ahmad Munir	Monitoring & Data Collection Assistant	16	Upper Dir

Attested

Advocate High Court
Office No. 32 A...

P-17

113	Riaz Ahmad	Nisar Ahmad	Monitoring & Data Collection Assistant	16	Lower Dir
114	Fazal Amin	Khaista Rahman	Monitoring & Data Collection Assistant	16	Lower Dir
115	Bushra Qayuum	Abdul Qayuum	Monitoring & Data Collection Assistant	16	Lower Dir
116	Muhammad Mursaleen Alam	Alam Zeb	Monitoring & Data Collection Assistant	16	Lower Dir
117	Muhammad Qasim Shah	Muhammad Sadiq	Monitoring & Data Collection Assistant	16	Lower Dir
118	Irfan UlHaq	Khurshaid-ul-haq	Monitoring & Data Collection Assistant	16	Lower Dir
119	Assad Ur Rehman	Abdul Sattar	Monitoring & Data Collection Assistant	16	Chitral
120	Ihsan Uddin	Azim Ud Din	Monitoring & Data Collection Assistant	16	Chitral
121	Muhammad Aman	Sher Dil Aman	Monitoring & Data Collection Assistant	16	Chitral
122	Adeel Ul Mulk	Qayoom Ul Mulk	Monitoring & Data Collection Assistant	16	Chitral
123	Saira Azam	Mir Azam Khan	Monitoring & Data Collection Assistant	16	Chitral
124	Muhammad Zeeshan Uddin	Islah-Ud-Din	Monitoring & Data Collection Assistant	16	Chitral
125	Qazi Anwar	Amir Ud Din	Monitoring & Data Collection Assistant	16	Chitral
126	Sarfaraz Ahmad	Gul Muhammad	Monitoring & Data Collection Assistant	16	Kohistan
127	Aurang Zaib	Nosheer	Monitoring & Data Collection Assistant	16	Kohistan
128	Abdul Mateen	Nawab	Monitoring & Data Collection Assistant	16	Kohistan
129	Khan Alam	Sarbuland Khan	Monitoring & Data Collection Assistant	16	Kohistan
130	Abdul Sattar	Ghaffar Khan	Monitoring & Data Collection Assistant	16	Kohistan
131	Malik Naveed Akhter	Imam Rabbani	Monitoring & Data Collection Assistant	16	Battagram
132	Hidayat Ullah	Speen Gul	Monitoring & Data Collection Assistant	16	Battagram
133	Shahab Hussain	Muhammad Hussain	Monitoring & Data Collection Assistant	16	Battagram
134	Haleema Sattar	Syed Abdul Sattar Shah	Monitoring & Data Collection Assistant	16	Battagram
135	Muhammad Ibrahim	Rehman Uddin	Monitoring & Data Collection Assistant	16	Toghar
136	Muhammad Awais	Sher Bahadar	Monitoring & Data Collection Assistant	16	Mansehra
137	Kashif Irfan	Muhammad Irfan	Monitoring & Data Collection Assistant	16	Mansehra
138	Rizwan Khurshid	Khurshid Abbasi	Monitoring & Data Collection Assistant	16	Mansehra
139	Sharyar khan	Nadir Khan	Monitoring & Data Collection Assistant	16	Mansehra
140	Syed Shah Fahad	Syed Pir Muhammad Shah	Monitoring & Data Collection Assistant	16	Mansehra
141	Waqas Rashid	Baboo Abdur Rashid	Monitoring & Data Collection Assistant	16	Mansehra
142	Atiq Ur Rehman	Shafiq Ur Rehman	Monitoring & Data Collection Assistant	16	Mansehra
143	Zubair Razzaq	Abdul Razzaq	Monitoring & Data Collection Assistant	16	Mansehra

Attested

Muhammad Arshad Khan Tanoli
Advocate High Court
Office No. 33 A...

P-18

144	Khursheed Ahmad	Abdul Rahim	Monitoring & Data Collection Assistant	16	Mansehra
145	Muhammad Afzal	Muhammad Rafique	Monitoring & Data Collection Assistant	16	Mansehra
146	Sarmad Shehnam	Muhammad Tariq	Monitoring & Data Collection Assistant	16	Mansehra
147	Nighat Mushtaq	Mushtaq Ahmad	Monitoring & Data Collection Assistant	16	Mansehra
148	Zeeshan Khan	Gul Azam	Computer Operator	16	Peshawar
149	Waqas Ahmed	Khan Sher	Driver	6	Peshawar
150	Riffat Ullah	Inayat Ullah	Driver	6	Peshawar
151	Muhammad Iftikhar	Muhammad Ishaq	Driver	6	Abbottabad
152	Zakir Ali	Nadir Khan	Driver	6	Mardan
153	Akash Khan	Tariq Khan	Driver	6	Abbottabad
154	Ghulam Akbar	Fazal Akbar	Driver	6	Peshawar
155	Dost Muhammad	Ghulam Muhmaad	Driver	6	Peshawar
156	Naeem Ullah Jan	Masam Jan	NaibQasid	3	Peshawar
157	Ajab Khan	Khan Muhammad	NaibQasid	3	Peshawar
158	Waqas Ahmad	Aman Sher	NaibQasid	3	Peshawar
159	Hameed Ullah Khan	Munawar Khan	NaibQasid	3	Kohat
160	Muhammad Islam	Akbar Jan	NaibQasid	3	Bannu
161	Hafeez Ullah Khan	Subhan Ullah	Driver	6	Nowshera
162	Muhammad Adeel Asif	Muhammad Asif	Driver	6	Mansehra
163	Shoaib Ahmed	Muhammad Ahmad Khan	Driver	6	Mansehra
164	Maqsood Ahmad	Muhammad Hussain Khan	Naib Qasid	3	Lower Dir
165	Mawahid Ali	Murad Ali	Naib Qasid	3	Mardan
166	Muhammad Kamran Rauf	Abdul Rauf	Naib Qasid	3	DI Khan
167	Saeed Ur Rehman	Muhammad Bashir	Naib Qasid	3	DI Khan
168	Amir Zeb	Muhammad Zarin	Naib Qasid	3	Swat
169	Shakeel Ahmad	Aziz Ur Rehman	Driver	6	Lower Dir

Sd/xxx
Secretary to Govt. of Khyber Pakhtunkhwa
Health Department

Printed and published by the Manager,
Staty. Ptg. Deptt., Khyber Pakhtunkhwa, Peshawar.

Attested

Muhammad Arshad Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
Distt. ...

Annex- C

P-19

INDEPENDENT MONITORING UNIT
HEALTH DEPARTMENT
GOVERNMENT OF KHYBER PAKHTUNKHWA
Dashboard: www.imuhealth.com
Website: www.imuhealthkpk.gov.pk
House # 3, Safi Homes, Canal Road, University Town, Peshawar.

Date: 16 / 11 / 2021

Office Order:

No. 1120 /IMU-Health/2021-22 The competent authority has been pleased to order transfer/posting amongst the officials of IMU Health with immediate effect, for the best public interest;

S.No	Name	Designation	From	To
1	Mr. Imran Khan	Monitoring & Data Collection Assistant	IMU Office Swat	IMU Office Bajaur
2	Mr. Usman Malik	Monitoring & Data Collection Assistant	IMU Office Abbottabad	IMU Office Torghar

17/11/21

Director
Independent Monitoring Unit
Health Department

Copy forwarded to:

1. Divisional Monitoring Officers Hazara-I & Hazara-II
2. Divisional Monitoring Officers Malakand-I & Malakand-II
3. Official Concerned
4. Personal File

Director
Independent Monitoring Unit
Health Department

Muhammad Asif Khan
Advocate High Court
Office No. 33, Adjacent ...

Annex-D

P-26

To,

The Secretary,
Health Department, KPK.

Subject: **DEPARTMENTAL APPEAL AGAINST ORDER NO. 118/IMU-HEALTH/2021-22.**

Dear Sir,

I work as a Monitoring and data collection assistant in Independent Monitoring Unit, district Abbottabad. I am amongst the field staff that established this department in KPK and worked hard to give it the reputation. The appellant as well as his project has been taken over by the health department. Now the appellant is serving as a regular employee in health department.

That the appellant is a permanent resident of district Abbottabad but the competent authority with mala fide intentions without lawful justification has transferred the appellant from district Abbottabad to district Torghar vide impugned order no. 118/IMU-Health/2021-22 dated 16/11/2021 (copy attached).

That the appointment of appellant is domicile based therefore, the appellant cannot be transferred from district office domicile i.e. district Abbottabad. Besides, there is also a scarcity of staff and three posts of monitoring and data collection assistants are lying vacant in district Abbottabad. The impugned transfer order is discriminatory, perverse and the same is liable to be set aside.

It is further submitted that no reason/ justification has been provided in the impugned transfer order. It is worth to mention that the impugned transfer order dated 16/11/2021 is void and not maintainable at law.

That the appellant served as MDCA with complete devotion, dedication as well as to the entire satisfaction of his superior authorities. It is not out of place to mention here that the appellant left no stone unturned in smooth functioning of the project and earned good name for the department.

As per initial terms and conditions of the initial appointment order dated 18/02/2015, the appellant cannot be transferred at any other station. Therefore, impugned transfer order in district Torghar is wrong posting and as per transfer and posting policy, wrong posting is nullity in the eye of the law. It is also submitted that the appellant is the only male member to look after his ailing parents and other dependent family members. The appellant will hardly be able to look after his parents and other dependents in Abbottabad from far flung area of district Torghar. Besides, the spouse of appellant is serving in Benazir Bhutto Shaheed Hospital Abbottabad. Therefore, as per spouse policy, the appellant cannot be transferred from district Abbottabad.

In view of the above, it is prayed that the impugned transfer order of the appellant may graciously be ordered to be set aside so as to enable the appellant to serve with peace of mind and obliged.

Regards,

Usman Malik
MDCA, IMU Abbottabad

Dated: 19/11/2021

Attested

Muhammad Jehad Khan
Advocate High Court
Office No.
Dist. Tor Ghar

Annex E

P- (21)

DOMICILE CERTIFICATE

I declare that I was born of parents who are permanently domiciled in NWFP having belonged by birth settled in it

I belong by birth to Village/Mohallah _____

Tehsil _____ District _____

Nawaz Malik

SIGNATURE OF THE APPLICANT

DATE _____

Pursuance to the declaration dated _____ filed by _____ son/daughter of _____ domiciled in the NWFP it is hereby certified that the said _____ is born of parents who are permanent residents of the NWFP having belonged to it by birth/settled in it

I have satisfied myself form ~~personal/my knowledge verification that~~ the above declaration is true and certify

This 24th day of July 2004

No. 4053 Dated 10.4.04

COUNTERSIGNED

DISTRICT REVENUE OFFICER
ABBOTTABAD

Tehsil Officer Revenue Abbottabad

DEPUTY DISTRICT OFFICER
REVENUE & ESTATE.
ABBOTTABAD

Attested

ATTESTED

ZULFIQAR HUSSAIN MALIK
NOTARY PUBLIC
Dated 27/4/04
Sub Divn: Courts Abbottabad

Usman Malik

verified that the deponent is my son. He is bonafide resident of village Aghbadian Sarbhana Tel.: Dist Abbottabad.

Attested
Muhammad Iqbal
Advocate
Adjacent
Office
Dist

Bashir Hussain Malik
Advocate
Nazim UC Sarbhana/Phalkote

[illegible]

[illegible] 1920 / 1915 / 1024

[illegible] 28/1/04

24/8/06

This report of Patwari Halqa/Girdawari verified by Kanungo [illegible] with Domicile Certificate in respect of above mentioned individual is being attested by me.

24/3/04

Vakuildar Naib Tehsildar,
Abbottabad

CERTIFICATE

This is to certify that Usman Malik S/O Malik Bashir Hussain is a regular student of this Academy and has passed 5th class (Primary) Examination from this Academy. His date of birth according to the school record is 24-9-1988 (Twenty Fourth Sep N.H Eighty Eight)

ACADEMY

Principal
Al-Imran Academy

کورٹ فیس

وکالت نامہ

بعدالت: Before the Chairman Service Tribunal KPK Peshawar

عنوان: Usman Malik بنام Govt of KPK etc

منجانب: Appellant

نوعیت مقدمہ: Service Appeal

باعث تحریر آنکہ

Muhammad Arshad Khan Tanoli
Advocate High Court
Office No 33 Adjacent
Distt Bar Abbottabad

مقدمہ مندرجہ میں اپنی طرف سے پیروی و جواب دہی کل کاروائی متعلقہ آں مقام Atd Muhd Arshad Khan Tanoli Adv کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب موصوف کو کرنے راضی نامہ وتقرر ثالث وفیصلہ برحلف ودینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء وصولی چیک روپیہ وعرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار بھی ہوگا ور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پرداختہ مجھ کو منظور وقبول ہوگا۔ دوران مقدمہ جو خرچہ وہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جز وبقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد استجارت نالش بصیغہ مفلسی کے دائر کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کیا تا کہ سند رہے۔

المرقوم: 8 دسمبر 2021

بمقام: Abbottabad

العبد

العبد

Muhammad Arshad Khan Tanoli
Advocate High Court
Office No 33 Adjacent
Distt Bar Abbottabad

M. Arshad Khan Tanoli
Advocate

وقاص فوٹوسٹیٹ کچہری (ایبٹ آباد)

18/01/22

Khyber Pakhtunkhwa Service Tribunal
Diary No. 38
Dated 06/01/2022

The Chairman,
Service Tribunal, KPK

Subject :- Request for early hearing.

Sir,

I have filed a service appeal against the transfer in your honourable tribunal No. 7855/2021 which is set to be heard on 18/1/2022. The appellant has been served with a showcause notice on 17/12/2021 and the department is set out to terminate from the service. Kindly set the date to an early hearing for tomorrow or the day after that as the appellant is really worried for his job. I belong to a middle class family and can not afford more suffering. I shall be highly obliged.

Usman Malik
(Appellant)

Dated :- 6/1/2022

put up to the worthy chairman with relevant appeal.
6/1/2022.

Fix for today
07/1/2022

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
APPEAL NO. **7855/2021**

USMAN MALIK

VERSUS

GOVT. Of KPK ETC

S.No	Title	Annexures	Page No
1	Para-wise Reply		1-2
2	Affidavit		3
3	Authority Letter		4
3 sets of photo copies of the above documents are attached			

BEFORE THE KHYBER PAKHTUNKHWASERVICE TRIBUNAL PESHAWAR

APPEAL NO 7855/2021

USMAN MALIK **APPELLANT**

VERSUS

THE SECRETARY HEALTH KHYBER PAKHTUNKHWA AND OTHERS **RESPONDENTS**

PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS 1 TO 4

Respectfully Sheweth

PRELIMINARY OBJECTIONS:

i. That the appellant has got neither cause of action nor locus standi to file the instant Appeal.
ii. That the appeal is badly time barred.
iii. That the appellanthave filed the instant Appeal to pressurize the answering respondents.
iv. That the instant appeal is against the prevailing Law and Rules.
v. That the Appeal is not maintainable in its present form and also in the present circumstances of the issue.
vi. That the appellant has filed the instant appeal with mala-fide intention hence liable to be dismissed.
vii. That the appellant has not come to the Court with clean hands.
viii. That the appeal is bad due to non-joinder of necessary and mis-joinder of unnecessary parties.
ix. That the Honorable tribunal has no jurisdiction to adjudicate upon the matter.
x. That the appellant has deliberately conceal the important material and rules in this case from this Honorable Tribunal.

ON FACTS:

1. Pertain to record.

2. In correct, the appellant is appointed on contract basis and regularized under section-3 Khyber Pakhtunkhwa employees of health department (regularization of services) act, 2017(Khyber Pakhtunkhwa Act no. VII of 2017).(Annexure B by appellant).After regularization he became a Civil Servant whereas Section 10 of Khyber Pakhtunkhwa Civil Servant Act 1973.

   *"**Section-10**: 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 setup or established by any such government".*

   As such the order impugned herein has rightly been passed and is legal and lawful order.

3. Pertains to record, however the service appeal has been filed premature, hence not maintainable

GROUNDS

A. Incorrect, the appellant has not been discriminated in any manner and rightly been transferred under Khyber Pakhtunkhwa Civil Servant Act 1973 (Act No. XVIII) Of 1973.
B. Denied as explained above.
C. Denied as explained above. The transfer of the appellant is according to law and in the public interest.
D. The impugned order has been issued in accordance with law
E. Explained in para C.
F. Incorrect, the respondent has treated appellant according to law.
G. Denied as per Para A.
H. Subject to proof.
I. The respondents seek permission to raise additional grounds during arguments.

In view of the above mentioned, the instant appeal may be dismissed with costs.
Any other relief may also be granted as deemed appropriate by this Honorable Court.

Secretary Health Department.
(Respondent No.01)

Director Independent Monitoring Unit
(Respondent No.02)

Director General Health Services
(Respondent No.03)

Divisional Monitoring Officer Hazara-I
(Respondent No.04)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
REPLY TO SERVICE APPEAL NO. **7855/2021**

USMAN MALIK ..... (Appellant)

VERSUS

GOVT. Of KPK ETC..... (Respondents)

AFFIDAVIT

I, Adnan Saeed Khan S/O Saeed Khan bearing CNIC # 15602-7559312-3, Finance/Admin Officer, Independent Monitoring Unit (IMU) Health Department, Government of Khyber Pakhtunkhwa, do hereby solemnly affirm and declare that the contents of the Para Wise Reply submitted on behalf of Independent Monitoring Unit (IMU) Health Department Respondents is true and correct to the best of my knowledge, belief and that nothing has been concealed from this Honorable Court.

Adnan Saeed Khan
Finance/Admin Officer
IMU Health Department
Govt. of Khyber Pakhtunkhwa
CNIC # 15602-7559312-3

Identified by:

Advocate General Office

INDEPENDENT MONITORING UNIT
HEALTH DEPARTMENT
GOVERNMENT OF KHYBER PAKHTUNKHWA
Dashboard: www.imuhealthkp.com
Website: www.imuhealthkp.gov.pk
Office: House # 3, Safi Homes, Canal Road, University Town, Peshawar

AUTHORITY LETTER

Mr. Adnan Saeed Khan, Finance/Admin Officer (BPS-18), Independent Monitoring Unit (IMU) Health Department is hereby authorized to attend/defend the Court Cases and file comments on behalf of Director, Independent Monitoring Unit Health Department, Govt. of Khyber Pakhtunkhwa before the Honorable Peshawar High Court and its benches in the Province as well as Lower Courts.

9/3/22

Director
IMU Health Department