


S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
	01.10.2015	<p style="text-align: center;"><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,</u> <u>PESHAWAR.</u></p> <p style="text-align: center;">APPEAL NO.1298/2014</p> <p style="text-align: center;">(Kausar Naheed -vs- Govt. of Khyber Pakhtunkhwa, through Chief Secretary, Civil Secretariat, Peshawar and others).</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>PIR BAKHSH SHAH, MEMBER:</u></p> <p>Counsel for the appellant (Mr. Mohammad Rafiq, Advocate), Mr. Muhammad Jamshaid, Chief Technologist (Pharmacy) and Mr. Samiullah, Junior Clerk alongwith Government Pleader (Mr. Muhammad Jan) for respondents present.</p> <p>2. Appellant Kausar Naheed, Charge Nurse (BPS-16) is aggrieved with her impugned transfer order dated 24.07.2014 vide which she has been transferred from DHQ Teaching Hospital D.I. Khan to DHQ Hospital Tank.</p> <p>3. Arguments heard and record perused.</p> <p>4. It was submitted by learned counsel for the appellant that her departmental appeal dated 25.07.2014 was not respondent during the span in which this Tribunal was non-functional, therefore she filed Writ Petition in the Hon'ble High Court, Peshawar in which she was granted interim relief by suspending operation of the impugned order that when this</p>

appeal was instituted, so this Tribunal also granted order of status-quo in her favor vide order dated 09.03.2015. Learned counsel for the appellant further submitted that the appellant being unmarried female, has been transferred in violation of the posting/transfer policy of the Government according to which an un-married female should be posted at the residing place of her parents and further that the impugned transfer order was made during the period of ban on transfer in the Health Department vide order dated 04.04.2014. The learned counsel for the appellant further stressed that the appellant being only trained and qualified Nurse in the Dental field, was accommodated in the Dental Section on the order of DG Health dated 29.10.2010 therefore the impugned transfer order was not in the public interest. He requested that the impugned transfer order may be set aside and that the salary of the appellant stopped since 01.08.2014 till now may also be paid to the appellant.

5. This appeal was resisted by learned Government Pleader on the ground that the impugned order was passed on administrative ground in the public interest because appellant was creating problems for the Hospital Administration and further that she had completed her tenure long ago at DHQ Teaching Hospital D.I Khan.

6. We have heard the arguments and perused the record. It transpired that originally the appellant was posted in Mufti Mehmood Teaching Hospital D.I Khan wherefrom she was transferred to DHQ Hospital D.I Khan on the order of DG Health dated 25.10.2010. The DG Health vide his next order dated 29.10.2010 further directed that the appellant will work in the Dental Section. The record further reveals that Medical Superintendent DHQ Teaching Hospital, K.I.Khan (respondent No.5) vide his order dated

05.07.2014 directed that the appellant shall work in the Dental Section which order was again cancelled by him vide his order dated 10.07.2014 but the matter did not end up there as Medical Superintendent DHQ Teaching Hospital, K.I.Khan (respondent No.5) once again posted appellant in the Casualty Ward in the evening shift vide order dated 17.07.2014 which order was further followed by impugned transfer order dated 24.07.2014 vide which she was transferred from D.I Khan to Tank. The above events on record reveal that the appellant is persona-non-grata in the eyes of the hospital Administration, therefore, opinion of the respondent-department against the appellant is not without bias. This was not disputed that the appellant is bachelor residing with her parents at D.I Khan. Her departmental appeal has also not been responded so far. In the stated situation of the appeal as evident from record, the Tribunal deems it necessary to remit the case to the appellate authority to closely examine the case, which has assumed knotty and enigmatic position and to decide the same strictly on merits within a period of two months after receipt of this judgment. Till disposal of this departmental appeal, the appellant will work in DHQ Hospital D.I Khan. The appeal is disposed of accordingly. Needless to state that the appellate authority may also decide the issue of salary of the appellant. Parties are left to bear their own costs. File be consigned to the record.



(ABDUL LATIF)
MEMBER



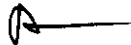
(PIR BAKHSH SHAH)
MEMBER

ANNOUNCED
01.10.2015

1298/2014

31.08.2015

Appellant in person, and Mr. Muhammad Jan, GP with Muhammad Jamshed, Chief Technical Pharmacy for the respondents present and submitted certain record, copy of which is handed over to appellant. Due to general strike of the legal fraternity, counsel for the appellant is not available. Therefore, case to come up for full arguments on 1-10-2015. Status quo is extended till the date fixed.



MEMBER



MEMBER

27.4.2015

Counsel for the appellant, and Mr. Farhaj Sikandar, GP with Samiullah Clerk for the respondents present. Request made on behalf of the respondents for submission of written reply. Request is accepted. To come up for written reply/further proceedings on 25.5.2015 at camp court, D.I.Khan. Till then status quo is extended. Counsel for the appellant submitted an application for release of salary of the appellant. Copy of application handed over to the learned GP and representative of the respondents for reply/arguments on the date fixed.



MEMBER
Camp Court, D.I.Khan

25.05.2015

Clerk of counsel for the appellant and Mr. Farhaj Sikandar, GP with Samiullah, Junior Clerk for the respondents present. Respondents need further time. To come up for written reply/further proceedings on main appeal as well as reply/arguments on application submitted on behalf of the appellant for release of pay, on 27.7.2015 positively at camp court, D.I.Khan. Status quo granted on 09.3.2015 is extended till the date fixed.



MEMBER
Camp Court, D.I.Khan.

28.07.2015

Appellant present in person and Mr. Farhaj Sikandar, GP with Muhammad Jamshed, Chief Clinical Technician for the respondents present and submitted written reply to appeal, copy whereof handed over to appellant for rejoinder, if any, on or before the next date. Since the matter pertains to posting/transfer it would be proper to place it before the D.B at Principal seat. Therefore, case to come up for reply to application for release of salary and full hearing at principal seat at Peshawar before the D.B on 31-08-2015. Status quo extended till the date fixed.



MEMBER

Camp Court, D.I.Khan

09.03.2015

Counsel for the appellant and Asst: AG for the respondents present. Learned counsel for the appellant argued that vide impugned order dated 27.07.2014 the appellant was transferred from the position of Charge Nurse serving at Teaching Hospital D.I.Khan to DHQ Hospital Tank against the ~~app~~ approved policy of the Government including circular of the Secretary Health dated 04.04.2014 imposing ban on all kind of posting/transfer in Health Department. That the appellant preferred Writ Petition No. 3542-P/2014 as this Tribunal was not functional and that the Hon'able Peshawar High Court vide order dated 28.11.2014 has suspended the impugned transfer order. Learned Counsel for the appellant further argued that the appellant has been reportedly again transferred which order has not been made public and communicated to the appellant. That the impugned transfer order is malafide apart from destructing of the approved policy of the Government regarding which departmental appeal was preferred on 25.07.2014 which was not responded and hence the present appeal on 31.10.2014.

*Appellant deposited
process fee & security.*

23

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments. Since the appeal pertains to territorial limits of D.I. Khan the same be assigned to the said bench for further proceedings for ~~30~~ 30.03.2015. Till then status-quo be maintained.


Chairman

30.3.2015

Clerk to counsel for the appellant and Mr Farhaj Sikander, GP with Dr Kiramtullah SMO for the respondents present. To come up for written reply /further proceeding on 28.4.15. at Camp Court D.I.Khan. Till then status-quo be maintained.


MEMBER
Camp Court, D.I.Khan

Reader Note:

25.11.2014

Counsel for the appellant present. Since the Tribunal is incomplete, therefore, case is adjourned to 10.12.2014 for the same.


Reader

Reader Note:

10.12.2014

Clerk of counsel for the appellant present. Since the Tribunal is incomplete, therefore, case is adjourned to 01.01.2015 for the same.


Reader

Reader Note:

01.01.2015

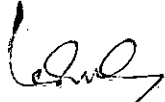

No one is present on behalf of the appellant. Since the Tribunal is incomplete, therefore, case is adjourned 09.03.2015 for the same.


Reader

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1298/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	31/10/2014	<p>The appeal of Mst. Kausar Naheed presented today by Mr. Muhammad Rafiq Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	6-11-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>25-11-2014</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER

PAKHTUNKHWA, PESHAWAR

S.A.No. 1298 /2014

Kausar Naheed..... Appellant

Versus

The Government of Khyber Pakhtunkhwa,

through Chief Secretary, and others..... Respondents

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S.No.	Description of documents.	Annexure	Pages.
1.	Service Appeal		1-5
2.	Application with affidavit		6-7
3.	Copy of orders	A to A/5	8-13
4.	Copy of Impugned orders	B-D	14-16
5.	Copy impugned order dated 24.07.2014	E	17
6.	Copy of Departmental appeal alongwith receipts	F-G	18-21
7.	Copy of Notification	H	22
8.	Copy of Certificates of appreciation	I-J	23-24
9.	Wakalatnama		25

Appellant Kausar Naheed
Kausar Naheed

Through

Mr. Rafiq
Mohammad Rafiq
Advocate, High Court

Abbas Khan Sangeen
Advocate, High Court

Dated 31/10/14.

BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER

PAKHTUNKHWA, PESHAWAR

S.A.No. 1298 /2014

1325
31-10-2014

Kausar Naheed D/o Imtiaz Khan

Charge Nurse GHQ Teaching Hospital, D.I.Khan Petitioner

Versus

- 1) The Government of Khyber Pakhtunkhwa, through Chief Secretary, Civil Secretariat, Peshawar.
 - 2) The Secretary Health Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
 - 3) The Director General Health Services Govt. of Khyber Pakhtunkhwa, Peshawar.
 - 4) Chief Executive DHQ Teaching Hospital Dera Ismail Khan/ Principala Gomal Medical College, D.I.Khan.
 - 5) The Medical Superintendent DHQ Teaching Hospital, D.I.Khan
- Respondents

APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL
ACT, 1974 AGAINST THE OFFICE
ORDERS NO.3850-81/PF DATED
03.07.2014, NO.3978-80 PF DATED
10.07.2014 AND NO.4068-71/PF DATED
17.07.2014 ISSUED BY RESPONDENT
NO.5 AND OFFICE ORDER BEARING
NO.3962-66 DATED 24.07.2014 ISSUED BY
RESPONDENT NO.3 VIDE WHICH
APPELLANT HAS BEEN TRANSFERRED
FROM DHQ TEACHING HOSPITAL

31/10/14

2

D.I.KHAN TO DHQ HOSPITAL TANK
IRRESPECTIVE OF THE FACT THAT THE
APPELLANT HAS FILED A
DEPARTMENTAL APPEAL/
REPRESENTATION AGAINST THE
IMPUGNED ORDERS REFERRED TO
ABOVE ISSUED BY THE RESPONDENT
NO.5 DUE TO ULTERIOR MOTIVE AND
MALAFIDE.

Respectfully submitted;

- 1) That the appellant is a Civil Servant and serving in the Health Department with best of her abilities and devotion.
- 2) That the appellant was posted as Nurse in the Mufti Mehmood Hospital Dera Ismail Khan and on the request of Incharge/ Dental Surgeon DHQ Teaching Hospital, services of the appellant were transferred from Mufti Mehmood Teaching Hospital to the DHQ Teaching Hospital Dera Ismail Khan and was posted as such under office order issued by DG Health Services, Peshawar, Khyber Pakhtunkhwa vide office order No.25869-74 dated 25.10.2010. (Copies of application and other office letters and order are enclosed as Annexure "A", "A/1 to A/5" respectively)
- 3) That the appellant was performing her duty to the entire satisfaction of her superiors and there are/ were no complaint, but even then respondent No.5 issued impugned orders dated 03.07.2014, 10.07.2014 and 17.07.2014 vide which the appellant was transfer from the Post of Orthodontic Assistant of the

Orthodontic Unit to the Casualty Department of the DHQ Teaching Hospital Dera Ismail Khan. (Copies of impugned orders are enclosed as "B", "C" & "D" respectively)

- 4) That on 24.07.2014 the impugned transfer order bearing endorsement No.3962-66 was issued by respondent No.3 and the appellant was transferred from DHQ Teaching Hospital D.I.Khan to DHQ, Tank. (Copy attached as Annexure "E")
- 5) That the appellant then preferred representation/ departmental appeal dated 25.07.2014 to respondent No.2, but without any response, despite the lapse of statutory period as required under the law. (Copy of appeal alongwith original receipt of courier service are enclosed as Annexure "F" & "G")
- 6) That having no other speedy and efficacious remedy, the appellant is obliged to knock the door of this Hon'ble Tribunal under its appellate jurisdiction, inter alia, on the following grounds.

GROUNDS

- A. That all the impugned orders of transfer/ posting issued by respondent No.5 and 3 are against law, rules and regulations holding the field, therefore, the impugned orders of transfer and posting of appellant is void, arbitrary, malafide, unconstitutional, without lawful authority and without jurisdiction.
- B. That the impugned order dated 24.07.2014 of transfer of the appellant issued by respondent No.3 is not in the public interest and in fact it is a sheer violation of law and rules on the subject.

- C. That the impugned order of transfer of appellant from D.I.Khan to Tank has been issued by respondent No.3 irrespective of fact that there was bas on transfer as is evident from the Circular/ Notification bearing No.SO(E)H-I/14-01/2014 dated 04.04.2014. (Copy of Notification is enclosed as Annexure "H")

- D. That the appellant is the only skill person performing duties as Orthodontic Assistant in the Ortho Unit of DHQ Teaching Hospital and there is no substitute of the appellant, which has caused great hardship and inconvenience to the patient in the Ortho Unit of Dental Ward DHQ Teaching Hospital, D.I.Khan and in this respect certificate of appreciation has already been issued by the then M.S DHQ Teaching Hospital D.I.Khan, which speaks loudly of her zealness and devotion. (Copy of certificates are enclosed as Annexure "I" & "J")

- E. That the impugned transfer order dated 24.07.2014 is another glaring violation of rules containing in the posting/ transfer Policy of the Govt. being un-married she has to be posted near her parental residence. On this score too the impugned order needs to be suspended.

- F. That the appellant has been met out discriminatory treatment and has been made as rolling stone and shuttle Cock due to repeated transfer orders issued by respondents No.3 and 5 for the reasons best known to the offices concerned.

- G. That counsel for appellant may please be allowed to raise additional grounds during the course of arguments.

It is, therefore, humbly prayed that on the acceptance of this appeal, the Hon'ble Tribunal may very graciously be please to accept the writ petition of the appellant and to issue order/ directions of declaring the order/ action of respondents No.3 & 5 of issuance of impugned transfer/ posting orders mentioned above collectively and individually to be void, illegal, malafide, contrary to law, without lawful authority and without jurisdiction and the same may please be recalled/ set-aside.

Appellant
Kausar Naheed

Kausar Naheed

Through

Mohammad Rafiq
Advocate, High Court

Mohammad Rafiq

Abbas Khan Sangeen

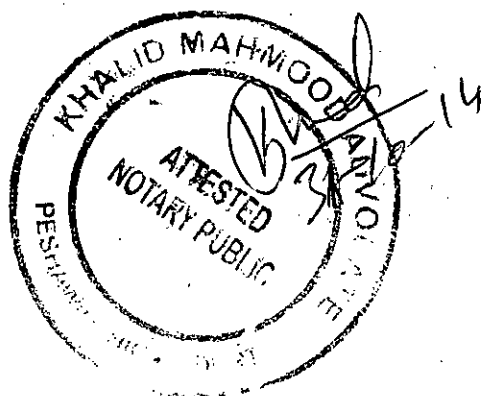
Abbas Khan Sangeen
Advocate, High Court

AFFIDAVIT

I, Kausar Naheed D/o Imtiaz Khan Charge Nurse DHQ Teaching Hospital, D.I.Khan, the appellant do hereby solemnly affirm and declare on oath, that the contents of the appeal are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Hon'ble Tribunal.

Kausar Naheed

Deponent



6

BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER

PAKHTUNKHWA, PESHAWAR

C.M.No. _____/2014

IN

S.A.No. _____/2014

Kausar Naheed Appellant

Versus

The Government of Khyber Pakhtunkhwa,
through Chief Secretary, and others.....Respondents

APPLICATION FOR INTERIM RELIEF CONTAINING
THE REQUEST FOR SUSPENSION OF OPERATION
OF IMPUGNED TRANSFERRED ORDER OF
PETITIONER/ APPELLANT DATED 24.07.2014
ISSUED BY RESPONDENT NO.3 AND MAINTAIN
STATUS QUO TILL THE FINAL DISPOSAL OF
INSTANT APPEAL.

Respectfully Sheweth:

- 1) That the accompanied appeal is being filed by the applicant in this Hon'ble Tribunal, with no date as yet.
- 2) That the subject matter of the appeal is to set-aside impugned office order of transfer of petitioner/ applicant dated 24.07.2014, which has been passed without observing the legal formalities.
- 3) That the petitioner/ applicant has a prima-facie good case and there is every likelihood of its acceptance.
- 4) That balance of convenience lies in faouvr of applicant.

5) That the applicant would sustained irreparable loss if the operation of the impugned order of transfer is not suspended and the very object and purpose of filing of the accompanied appeal, which may be considered as part and parcel of this application, would become fruitless and illogical.

In view of the submission made above, it is therefore, most humbly prayed that on acceptance of this application, this Hon'ble Tribunal may very graciously be pleased to suspend the operation of impugned transfer order of respondent No.3 dated 24.07.2014 and status quo may please be maintained till the disposal of appeal.

Abbas Khan Sangeen
Advocate, High Court

Petitioner/ Applicant
Kausar Naheed

Kausar Naheed

Through

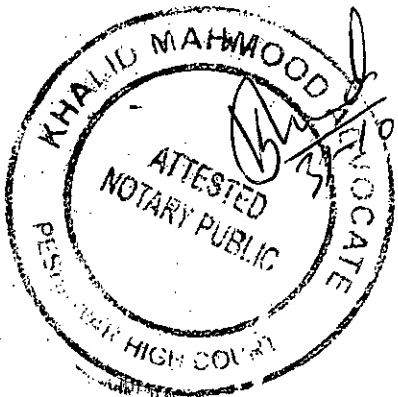
Mohammad Rafiq
Advocate, High Court

AFFIDAVIT

I, Kausar Naheed D/o Imtiaz Khan Charge Nurse DHQ Teaching Hospital, D.I.Khan, the appellatant do hereby solemnly affirm and declare on oath, that the contents of the Application are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Hon'ble Tribunal.

Kausar Naheed

Deponent



To

The Chief Executive (Principal)
DHQ Teaching Hospital
D.I.Khan

Annex:

8

Through: Proper Channel

Subject: REQUEST FOR TRAINED ASSISTANT

A

~~10~~

Sir,

By the grace of Allah, due to your kindness & cooperation of Medical Superintendent Ortho Section in the Hospital has been established & equipped with Dental Unit, Dental Chair etc and is ready for work.

Sir, presently I have Technician but none of the Technicians knows even about ABC regarding Orthodontic treatment and without trained Assistant it is very difficult to attend a patient.

Sir, it is in my knowledge that a Staff Nurse Miss.Kausar Naheed attached to Mufli Mehmood memorial Teaching Hospital D.I.Khan, has a vast experience as Orthodontic Assistant so, it is requested in the interest of public to direct her to perform duties in Ortho Section at DHQT Hospital D.I.Khan so the present staff may get trained for further & we would be able to deliver good service to the public.

Thanks.

Yours Obediently

Dr. H. Muhammad Tahir
Dr.H.Muhammad Tahir
Dental Surgeon
DHQT Hospital DIKhan

OFFICE OF THE MEDICAL SUPERINTENDENT DHQ TEACHING HOSPITAL
D.I.KHAN

No-9296/PT

DT: 28/6/10

- Recommended and forwarded to the Chief Executive DHQ Teaching Hospital D.I.Khan for information and necessary action please.

*Abdullah
Jamil
Adwood*

Dr. H. Muhammad Tahir
Medical Superintendent
DHQ Teaching Hospital
D.I.Khan

*Abdullah
Jamil*

A/1 9

OFFICE OF THE PRINCIPAL
GOMAL MEDICAL COLLEGE
DERA ISMAIL KHAN

No. 2259 /ESTT/GMC/DIK
Dated 29/10/2010

To

The Medical Superintendent
Mufti Mehmood Teaching Hospital
Dera Ismail Khan

Subject: Transfer of Miss. Kausar Naheed staff Nurse.

Miss: Kausar Naheed working as Staff Nurse under your control, may be directed to perform her duties at DHQ Teaching Hospital DIKhan with Dr. H. Muhammad Tahir Dental Surgeon in newly established Ortho Section, being an expert and vast experience as Orthodontic Assistant

Chief Executive/Principal
Gomal Medical College
Dera Ismail Khan

*Attested
Jumal
Advocate*

*Attested
JK*

A/1 029

BETTER COPY

No 2259.
dt 29.6.2010

To,

The Medical Superintendent,
Mufti Mehmood Teaching Hospital,
Dera Ismail Khan.

Subject:- TRANSFER OF MISS. KAUSAR NAHEED STAFF NURSE.

Miss Kausar Naheed Working as Staff Nurse Under your control may be directed to perform her duties at DHQ Teaching Hospital DIKhan with Dr. H. Muhammad Tahir Dental Surgeon in newly established Ortho Section, being an expert and vast experience as Orthodontic Assistant.

Sd/- _____

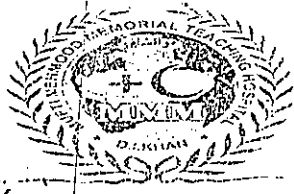
Chief Executive / Principal,
Gomal Medical College,
Dera Ismail Khan.

*Alleged
Joint
Advocate*

*Alleged
Joint
Advocate*

2-11-10/14

19



A/2

10

Phone No. 0966-747067
Fax No. 0966-747067

Office of the
Medical Superintendent
MIM Teaching Hospital
Dera Ismail Khan

No. 5685/100

Dated: 28/07/2010

To
The Director General,
Health Services KPK,
Peshawar.

Subject: Transfer of Miss Kousar Najeed Charge Nurse.
Respected Sir,

Pl: reference to subject and vide letter No. 2259/EST/GMC/DIK dated 29-06-2010 from the office of Chief Executive Principal Gomal Medical College Dikhan, which self explanatory (copy attached), for your information and further necessary action please.

Medical Superintendent
MIM Teaching Hospital
Dera Ismail Khan

No. 5685-271 PF

CC:-
1 Chief Executive/Principal Gomal Medical College Dikhan for information with reference to above.
Official concerned for information.

*Accepted
Jinn
Schwartz*

*Mustafiz
Jinn*

Medical Superintendent
MIM Teaching Hospital
Dera Ismail Khan

Better Copy

A/2

10

NO 6625/PF

dt: 28.7.2010

To,

The Director General,
Health Services KPK,
Peshawar

Subject:-
R/Sir,

TRANSFER OF MISS KOUSAR NAHEED CHARGE NURSE.

PL; Reference to subject and vide letter No. 2259/EST/GMC/DIK dated 29-06-2010 from the office of Chief Executive principal Gomal Medical College DIKhan which self explanation (Copy attached) for your information and further necessary action please.

Sd/-

Medical Superintendent
MMM Teaching Hospital
Dera Ismail Khan

No 6626-27/PF

CC

1. Chief Executive / Principal Gomal Medical College Dera Ismail Khan.
2. Information with reference to above.
3. Official concerned for information.

Attested
Junaid
Adwani

Sd/-

Medical Superintendent
MMM Teaching Hospital
Dera Ismail Khan

Muhammad
Ali



DIRECTOR GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR

A/3

108

P. 11

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

2. E-Mail Address: dg@kpk.gov.pk
Office Phn: 091-9210269
Exchange# 091-9210102, 9210196

No. AE II
Dated 17/8/2010

To:-
The Medical Superintendent,
Mufi Mehmood Teaching Hospital,
DIKhan.

1202/114
21/8/2010

Subject: TRANSFER OF MISS. KOUSAR NAHEED CHARGE NURSE.
Memo:-

I am directed to refer to your letter No. 6625/PF, dated 28.07.2010, on the subject noted above and to say to intimate as to whether Miss. Kousar Naheed Charge Nurse Mufi Mehmood Teaching Hospital, DIKhan has got any Diploma in orthodontic Speciality or having any other long time experience in the said field or otherwise.

FOR DIRECTOR GENERAL HEALTH SERVICES, KPK PESHAWAR.

No. 383 AE II
Copy forwarded to the Medical Supdt. DHQ Teaching Hospital, DIKhan for information and necessary action. He is requested to intimate as to whether is there no expert Charge Nurse amongst the Charge Nurses working in DHQ Teaching Hospital, DIKhan to work with Dr. H. Muhammad Tahir Dental Surgeon in newly established Orthodontic Section or otherwise.

Attested
FOR DIRECTOR GENERAL HEALTH SERVICES, KPK PESHAWAR.

Seen
MK
Attested
June
Advised
Copy to
Mufi Mehmood
DHQ Teaching
Hospital
10/8/10

Attested
JWS

Better Copy

A/3

(11)

DIRECTORATE GENRAL
HEALTHSERVICES KPK PESHAWAR

~~103~~

To,

The Medical Superintendent,
Mufti Mehmood Teaching Hospital,
DIKhan.

Subject:- TRANSFER OF MIS: KOUSAR NAHEED CHARGE NURSE

Memo,

I am directed to refer to your letter No. 6625/ PF, dated 28-07-2010, on the subject noted above and to say to intimate as to whether Miss. Kousar Naheed Charge Nurse Mufti Mehmood Teaching Hospital DIKhan has got any Diploma in orthodontic Specialty or having any other long time experience in the said field or otherwise.

For Director General Health
Services KPK Peshawar

No 20383 /E.II dt 10.8.2010

Copy forwarded to the Medical Supdt. DHQ Teaching Hospital, DIKhan for information and necessary action. He is requested to intimate as to whether is there nor expert Charge Nurse amongst the Charge Nurse Working in DHQ Teaching Hospital, DIKhan to work with Dr. H. Muhammad Tahir Dental Surgeon in newly established Orthodontic Section or otherwise.

Attested
Jumra Adwaid

Sd/-
For Director General Health
Service KPK Peshawar

10/8/2010

[Handwritten signature]



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

Mail Address: mgp@pjhdc.gov.pk
Office Fax: 091-92102691
Exchange: 091-9210107, 9210108

OFFICE ORDER.

As approved by the competent authority, Mrs. Kausar Naheed D/O. Mumtaz Khan, Charge Nurse BPS-16 Multi Mehmood Teaching Hospital, DIKhan is hereby transferred and posted in DIHQ Teaching Hospital, DIKhan against the vacant post of Charge Nurse, in the interest of public service with immediate effect.

NB: - Arrival/Departure reports should please be submitted to this Directorate for records.

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

No. 25869-74 B.H., Dated Pesh. The 25/10 /2010

Copy forwarded to the:-

01. PS to Minister for Health Khyber Pakhtunkhwa Peshawar for information.
02. Medical Supdt. Multi Mehmood Teaching Hospital, DIKhan.
03. Medical Supdt. DIHQ Teaching Hospital, DIKhan.
04. DAO, DIKhan.
05. Da-concerned, DGHS Peshawar.
06. P/Files.

For information and necessary action.

Akhtar
MRS. AKHTAR JEHAN,
DEPUTY DIRECTRESS (NURSING),
DGHS KPK PESHAWAR.

*Attested
Jamil
Adwood*

7/25/10

*M. Khan
Jm*

12
A/4

*Postup
order*

A/4

Better copy

12

DIRECTORATE GENRAL
HEALTHSERVICES KPK PESHAWAR

OFFICE ORDER:

As approved by the competent authority. Miss Kausar Naheed D/O Mumtaz Khan, Charge Nurse BPS-16 Mufti Mehmood Teaching Hopital DIKhan is hereby transferred and posted in DHQ Teaching Hospital DIKhan against the vacant Post of Charge Nurse in the interest of Public Service with immediate effect.

NB- Arrival / Departure reports should please be submitted to this Directorate for records.

Sd/-
Director General Health
Services, K.P.K Peshawar

No 25869-74 /E-II, Dated Pesh. The 25/10 2010

Copy forwarded to the:-

1. PS to Minister for Health Khyber Pakhtunkhwa Peshawa for information.
2. Medical Suptt: Mufti Mehmood Teaching Hospital DIKhan.
3. Medical Suptt: DHQ Teaching Hospital DIKhan.
4. DAO, DIKhan
5. Da-Concerned DOHS Peshawar.
6. P/file.

For information & necessary action please

Sd : _____

MRS. AKHTAR JEHAN
DEPUTY DIRECTRESS (NURSING)
DGHS KPK PESHAWAR

*Attested
Jumra
Dobwani*

*Muhammad
Jawad*

13 ~~108~~ A/S



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.

No. 23425-38 J.H.

Dated: 28/1/2010

To
The Medical Superintendent
DHO Teaching Hospital,
D.L.Khan

Subject: TRANSFER OF MISS KOUSAR SAHEED CHARGE NURSE

Memo.
I am directed to refer the the chief Executive letter No. 2259/EST/3/MC/D.L.Khan dated 28/07/2010 Miss Kouzar Saheed CNS Transferred to DHO Teaching Hospital vide this office order No. 25869-73 L.H. dated Peshawar the 25/10/2010, under your control, may please be directed to perform her duties in newly established orthodontic section (Dental) DHO Teaching Hospital D.L.Khan.

M. Saad
FOR DIRECTOR GENERAL
HEALTH SERVICES KPK PESHAWAR

No. B.H.

Copy forwarded to the principal Chief Executive DHO Teaching Hospital with reference to his letter No. 2299/EST/3/MC/D.L.Khan dated 28/07/2010

FOR DIRECTOR GENERAL
HEALTH SERVICES KPK PESHAWAR

*Attested
Jamil
Saheed*

*AMK
JHS*

Services performed
at orthodontic section

Better copy

(13)

A/5

DIRECTORATE GENRAL
HEALTHSERVICES KPK PESHAWAR

No 23485-98

Dated: 29-10-2010.

To,

The Medical Superintendent,

DHQ Teaching Hospital,

DIKhan

Subject:- **TRANSFER OF MISS KOUSAR NAHEED CHARGE NURSE**

Memo,

I am directed to refer the chief Executive letter No. 2259/EST DIKhan Dated 28-07-2010 Miss Kousar Naheed on transferred to DHQ Teaching Hospital vide this office Order No. 25869-74 dated 25-10-2010 under your control may please be directed to perform her duties in newly established orthodontic section (Dental) DHQ Teaching Hospital Dera Ismail Khan.

Sd/-

**For Director Genral
HealthServices KPK Peshawar**

No _____

Copy forwarded to the Principal / Chief Executive DHQ Teaching Hospital with reference to his letter No. 2259/EST dated 28-07-2010.

*Attested
Jumal
Sawad*

**For Director Genral
HealthServices KPK Peshawar**

*M. K. Khan
Jumal*

B

(16)

PH# 0966-9280201/ Fax # 0966-9280446/DIK

Office of the Medical Superintendent

DHQ Teaching Hospital DIKhan

No. _____ /PF

Dated 3 / 7 /2014

OFFICE ORDER

Two Female Dental Technicians and one Male Technician will work in orthodontic Unit. Meanwhile Kausar Naheed Charge nurse is allowed to work in Orthodontic Unit for one month till the other Technicians are properly trained.

Karim Star
Medical Superintendent
DHQ Teaching Hospital DIKhan

3880 ... 81 PF

No. _____ /PF

Copy forwarded to the:-

1. Incharge Dental Unit DHQTH DIKhan to provide the list of equipments necessary in orthodontic section to be purchased locally and depute two female technicians and one male technician to orthodontic section.
2. Nursing Superintendent DHQTH DIKhan with reference to above and shift Kausar Naheed Charge Nurse to Dentistry Unit for one month only, after expiry of one month she will be transferred to ward.

Karim Star
Medical Superintendent
DHQ Teaching Hospital DIKhan

*Attested
Jinnat
Achowala*

10/07/14

[Signature]

PH# 0966-9280201/ Fax # 0966-9280446/DIK

Office of the Medical Superintendent
DHQ Teaching Hospital DIKhan

No. 3978 / PF

Dated 10/7 2014

OFFICE ORDER

The office order under endorsement No.3880-81/PF dated 03-07-2014 erroneously issued in respect of Kausar Naheed Charge Nurse is hereby cancelled. She is directed to work in female medical ward. She is further directed to stop creating problems for the administration failing which strict action will be taken against her.

Medical Superintendent
DHQ Teaching Hospital DIKhan

No. 3978-80 / PF

Copy forwarded to the:-

1. Incharge Dental Department DHQ Teaching Hospital DIKhan.
2. Nursing Superintendent DHQTH DIKhan
3. Nurse concerned.

Marina Shah
Medical Superintendent
DHQ Teaching Hospital DIKhan

*Attested
Qumz
Advoent*

SM

Ph# 0966-9280201/ Fax # 0966-9280446/DIK

Office of the Medical Superintendent
DHQ Teaching Hospital DIKhan

Annex: D

16
16

No. _____
Dated 17 / 07 / 2014

OFFICE ORDER:

On the demand of public to provide female staff to assist the doctor in the treatment of female patients at casualty Miss.Kausar Naheed Charge Nurse is hereby directed to perform duty in the Casualty Department DHQ Teaching Hospital DIKhan in the evening shift with immediate effect in the interest of public services.

Medical Superintendent
DHQ Teaching Hospital DIKhan

4068 - 71 / PF
No. _____

Copy forwarded to the:-

1. Incharge Medical Unit DHQ Teaching Hospital DIKhan.
2. Nursing Superintendent DHQ Teaching Hospital DIKhan.
3. Incharge Casualty Department DHQ Teaching Hospital DIKhan.
4. Miss.Kausar Naheed Charge Nurse.

Karim Shah
Medical Superintendent
DHQ Teaching Hospital DIKhan

Attested
Jumal
Adwards

Sahar
an

Impugn order

17

Better copy

E

[Handwritten mark]

DIRECTORATE GENRAL
HEALTHSERVICES KPK PESHAWAR

OFFICE ORDER:

Mrs. Kausar Naheed D/o Mumtaz Khan Charge Nurse BPS-16 DHQ Teaching Hospital Dera Ismail Khan is hereby transferred and posted in DHQ Hospital Tank against the vacant post of charge Nurse on acting charge Nurse on Administrative Grounds in the interest of Public Service with immediate effect.

NB: Arrival / Departure report should please be submitted to this Directorate for records.

Sd. _____

Director General Health
Service KPK Peshawar

No. 3962-66

Dated: 24-07-2014.

Copy Forwarded to the:-

1. Medical Superintendent DHQ Teaching Hospital DIKhan with reference to his letter No. 4072 dated 17-07-2014.
2. Medical Superintendent DHQ Hospital Tank.
3. DAO DIKhan
4. DAO Tank
5. DA Concerned DGHS KPK Peshawar for information and necessary action please.

*Attest
General
Advocate*

Sd//
Deputy Directoress (Nursing) DGHS
KPK Peshawar

24.7.14

[Handwritten signature]

(18)

Departmental
Appeal

Annex -
(F)

**BEFORE THE WORTHY SECRETARY GOVERNMENT OF
KHYBER PAKHTUN KHWA, HEALTH DEPARTMENT
PESHAWAR.**

SERVICE REPRESENTATION No. _____ of 2014

THROUGH PROPER CHANNEL

Ms. Kausar Naheed (D/O Mumtaz Khan caste Marwat) Charge
Nurse (BPS-16) District Headquarter Teaching Hospital, DIKhan
(Appellant)

VS

1. The Director General, Health Services, Khyber Pakhtun Khwa, Peshawar.
2. The Medical Superintendent, District Headquarter Quarter Teaching Hospital, DIKhan.
3. Dr. Karim Shah (Senior Medical Officer) presently Medical superintendent District Head Quarter Teaching Hospital, DIKhan.

(Respondents)

Service representation under Sec: 22 of the Civil Servants Act (XVIII) of 1973 against order No. 3962-66/ dated: 24/7/2014 (being final in its scope and tenor) of the Respondent No. 1, instantaneously endorsing the letter No. 4072 dated: 17/7/2014 of the Respondent No. 2 manned by the Respondent No. 3 vide which the Appellant has been transferred to District Head Quarter Hospital, Tank after making serious complaint vide representation dated: 12/7/2014 to the Respondent No. 1 against the Respondent No. 3 qua his despotic manner of management of public affairs.

The Appellant; amongst other grounds; respectfully submits as follows:

1. The Appellant as Charge Nurse BPS-16 has been working in Orthodontics Section/ Unit of District Head Quarter Teaching Hospital, DIKhan since July-2010 (Copy of order dated: 29/6/2010

[Handwritten signature]

COPIES DEPT. UAN 111-202-202
MAGASA, P50 071574, UST 282109
GUJ 100003, P5W 071500
WEIGHT

19

along with its endorsing order of the Respondent No. 1 dated: 25/10/2010 are enclosed as Annexure- "A".

2. The Respondents No. 2 & 3, in an overauthoritative mood tried to disrupt the peaceful working of the said unit made a non-meaningful order No. 3679-81 received by the Appellant on 10/7/2014 and thereafter shifted the Appellant to medical ward (female) vide order No. 3978-80 dated: 10/7/2014 (copies are enclosed as Annexure-"B & C" respectively).
3. The Appellant made representation to the next higher authority on 12/7/2014 along with copy to the Respondent No. 1 (copy is enclosed as Annexure- "D")
4. The memo of appeal was read over to the Respondent No. 3 on 14/7/2014 and he got annoyed and rebuked the Appellant in immoral language.
5. The Respondents No. 2 & 3 later on issued order No. 3978-80 dated: 17/7/2014 (copy is enclosed as Annexure-"E") and also wrote letter No. 4072 dated: 17/7/2014 to the Respondent No. 1 (the contents are not known to the Appellant).
6. The Respondent No. 1 instead of reading the letter dated: 17/7/2014 in juxtaposition with memo of appeal dated: 12/7/2014, on the personal stress of the Respondent No. 3 passed the impugned dated: 24/7/2014 which has caused genuine grievance to the present Appellant. (Copy of the impugned order is enclosed as Annexure-"F").
The Appellant has not been substituted and the post has been kept vacant.

7. GROUNDS OF THE REPRESENTATION.

1. The Respondent No. 3 has become personal and avengeful after going through the memo of representation dated: 12/7/2014.

[Handwritten signature]

20

2. The Respondent No. 1 instead of taking action on departmental appeal had followed the memo of complaint No. 4072 dated: 17/7/2014 of the Respondents No. 2 & 3 and had remained indifferent to the grievance of the Appellant and such indifference is not in line with the rules on the subject matter and the impugned orders dated: 24/7/2014 is final for all intents and purposes.
3. The departmental representation vies for express and meaningful orders under the provisions of the Right to Public Service Act, 2014 & the imbalanced attitude of the Respondent No. 3 being ill-equipped for such heavy administrative assignment being an incumbent of BPS-19 instead of BPS-20 needs correction and the record of the Secretariat may speak about the ill-reputation of the Respondent No.3.
4. The Appellant is un-married and has been weaned away from the curatorial roll of her parents which is against rule of equity.
5. The Appellant may be heard in person against the autocratic behavior of the Respondent No. 3 and his other deeds.

It is, therefore, PRAYED that the instant Appeal may be accepted and the order dated: 24/7/2014 of the Respondent No. 1 may be cancelled/ annulled with back benefits.

Your humble Appellant,

Dated: 25/7/2014

~~Signature~~ 25/7/14
 Ms Kausar Naheed,
 Charge Nurse
 D/O Mumtaz Khan Marwat
 R/O Basti Dewala,
 Dera Ismail Khan.

*Alfred
 Jinnah
 Advocate*

Copy in advance through courier

Signature

~~Signature~~
 (Appellant) 25/7/14

21

Annex - G

5 26

CUSTOMERS SERVICES DEPT. UAN 111-202-202
 FOR 3514054, LHE 8752914, HSB 282430, FEO 874574, UET 288185
 RWP 8478473, BUX 4541453, HOO 2821231, GUY 883402, PEW 8738888

CONSIGNOR'S ACCOUNT NO.	DESTINATION	PIECES	WEIGHT
14011	0190888	P.B.W	1.5

OR
 KMS ex.
 CONSIGNEE
 STEPHEN H. HUBBARD
 1000 W. 10th St. Suite 100
 Denver, CO 80202

CASH CHARGES

1. CHARGED RATES	
2. OTHER CHARGES	
3. INSURANCE	
4. S.T. 1% (1+2+3)	
5. TOTAL (1 To 5)	30

SENT BY _____ TEL _____ ATTENTION _____ TEL _____

DESCRIPTION OF CONTENTS _____ DECLARED VALUE _____

INSURANCE: DO YOU REQUIRE COVERAGE? YES NO AMOUNT _____

THIS IS A NON-NEGOTIABLE CONSIGNMENT NOTE SUBJECT TO THE TERMS AND CONDITIONS SET FORTH ON THE REVERSE OF SHIPPER'S COPY. IN PACKAGING THIS SHIPMENT SHIPPER AGREES THAT OCS SHALL NOT BE LIABLE FOR SPECIAL PROCEEDING FOR CONSEQUENTIAL DELAYS OR DAMAGES ARISING FROM CARRIAGE. HOWEVER, OCS DISCLAIMS ALL WARRANTIES EXPRESSED OR IMPLIED WITH RESPECT TO THIS SHIPMENT. THE LIABILITY OF OCS FOR ANY LOSS OR DAMAGE SHALL BE LIMITED TO \$25,000. THE SHIPMENT UNDER THIS CONSIGNMENT NOTE IF NOT INSURED BY THE SHIPPER, IT WILL BE TREATED ON SHIPPER'S RISK ALONE.

I WARRANT THAT ALL ABOVE DETAILS GIVEN HEREIN ARE TRUE AND CORRECT

NAME _____ CODE _____ DATE _____

COLLECTION BY OCS: **40211** TIME _____ A.M. / P.M.

CONSIGNOR'S SIGNATURE _____ RECEIVED IN GOOD ORDER AND CONDITION DATE **25 7 11** A.M. / P.M.

SENDER CONSIGNEE'S SIGNATURE _____ TIME _____ P.M.

CONSIGNMENT NOTE - NON NEGOTIABLE S.T. NO.: 12-00-8508-003-55

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KHY
IDE
EDIP

Registration on arrival not by... please to...

22



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Amir H

Dated Peshawar the 4th April 2014

CIRCULAR

No. SC(E)H-II/4-1/2014: The Competent Authority is pleased to impose ban on all kind of postings/transfers in Health Department, Khyber Pakhtunkhwa with immediate effect till further orders.

Ban will not be applicable on the recommendees of Public Service Commission arrival from leave/deputation, posting of MOs/ Demonstrators/ Junior Registrars/Senior Registrars and where desired by the competent authority in exigencies of service / greater public interest.

SECRETARY HEALTH
KHYBER PAKHTUNKHWA

Endst. No. & date even.

Copy to the:

1. Accountant General of Khyber Pakhtunkhwa.
2. Director General Health Services, Khyber Pakhtunkhwa.
3. All Chief Executives of Teaching Hospitals in Khyber Pakhtunkhwa.
4. All Principals of Medical Colleges in Khyber Pakhtunkhwa.
5. All District Health Officers in Khyber Pakhtunkhwa.
6. All Medical Superintendents in Khyber Pakhtunkhwa.
7. Deputy Director (IT), Health Department.
8. All Section Officers Health Department.
9. PS to Minister for Health Khyber Pakhtunkhwa.
10. PS to Secretary Health Department.
11. PA to Special Secretary Health Department.
12. PA to AS (I) Health Department.
13. PA to AS (D) Health Department.
14. PAs to Deputy Secretary Health Department.

Advised
Amir H
Advised

Misbah Rizvi
(Misbah Rizvi)
Section Officer-II

Amir H
Amir

Ban on Transfers

Better copy

Annex - 14

22

GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

CIRCULAR

Dated: 04-04-2014

No. SO (E) H-II) / 4-1/2014. The Competent Authority is pleased to impose ban on all kind of Postings / transfers in Health Department, Khyber Pakhtunkhwa with immediate effects further orders.

Ban will not be applicable on the recommendees of Public Service Commission, arrival from leave / deputation, posting of TMOs / Demonstrators/ Junior Registrars / Senior Registrars and where desired by the competent authority in exigencies of service / greater public interest.

**SECRETARY HEALTH
KHYBER PAKHTUNKHWA**

Endst. No. & date even.

Copy to the:

1. Accountant General of Khyber Pakhtunkhwa.
2. Director General Health Services Khyber Pakhtunkhwa.
3. All chief Executives of Teaching Hospitals in Khyber Pakhtunkhwa.
4. All Principals of Medical Colleges in Khyber Pakhtunkhwa.
5. All Direct Health Officers in Khyber Pakhtunkhwa.
6. All Medical Superintendents in Khyber Pakhtunkhwa.
7. Deputy Directors (IT), Health Department.
8. All Section Officers Health Department.
9. PS to Minister for Health Khyber Pakhtunkhwa.
10. PS Secretary Health Department.
11. PA to Special Secretary Health Department.
12. PA to AS (E) Health Department.
13. PA to AS (D) Health Department.
14. PAs to Deputy Secretaries Health Department.

Sd/-
Misbah Riaz
Section Officer-II

*Attested
Ghous
Adwaid*

*Misbah
Riaz*

23

Annex-1

OFFICE OF THE MEDICAL SUPERINTENDENT

DHQ TEACHING HOSPITAL D.I.KHAN (K.P.K)

CERTIFICATE OF APPRECIATION

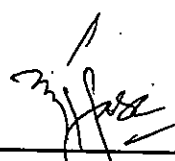
Awarded to

MISS KOUSAR NAHEED

Working as orthodontic assistant in Ortho section
(Dental unit) for her best performance.

No. 772

Dated: 8 Feb, 2014



MEDICAL SUPERINTENDENT
(Dr. Hashim Khan Marwat)
District Head Quarter
Teaching Hospital
Dera Ismail Khan

Attested
Jumra Adwani

M. I. Khan

Annex-J

24

[Handwritten signature]



ISLAMIC INTERNATIONAL DENTAL HOSPITAL

7th Avenue, G-7/A, Islamabad Te: 92-51-2891835-8, Fax: 92-51-2875100

EXPERIENCE CERTIFICATE

It is certified that Miss Kousar Naheed has worked in Ortho Department under my Supervision, as Orthodontic Assistant. Her Tenure is from September 2009 to October 2010.

I am satisfied by her work. She is a devoted, punctual and intelligent orthodontic Assistant.

She not only identifies the orthodontic materials & Instruments, but she also knows their exact and proper use.

*Attest
Gusar
Naheed*

[Handwritten signature]

DR. ULFAT BASHIR RAJA,
FCPS, MCPS (Ortho)
Head of the Orthodontic Deptt.
Islamic International Dental
Hospital, Islamabad.

[Handwritten signature]

✓ Transfers during bar period
 skill pass. at 21kann.

✓ No export available

✓ No public interest

✓ Unmarried should list a new
 to the residence of her

✓ Parents (Transfer/party policy)

Still hold
 the charge

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR



W.P No:- 3542-P/2014

Kausar Naheed D/O Imtiaz Khan
Charge Nurse, DHQ Teaching Hospital
Dera Ismail Khan..... Petitioner
Versus

1. The Government of Khyber Pakhtunkhwa, through Chief Secretary, Civil Secretariat, Peshawar.
2. The Secretary Health, Government of Pakhtunkhwa, Civil Secretariat, Peshawar.
3. The Director General Health Services, Government of Khyber Pakhtunkhwa, Peshawar.
4. Chief Executive, DHQ Teaching Hospital, D.I.Khan/
Principal Gomal Medical College, D.I.Khan.
5. The Medical Superintendent, DHQ Teaching Hospital, Dera Ismail Khan..... Respondents

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973 AGAINST THE OFFICE ORDER BEARING NO.3962-66 DATED 24.07.2014 ISSUED BY RESPONDENT NO.3 VIDE WHICH PETITIONER HAS BEEN TRANSFERRED FROM DHQ TEACHING HOSPITAL, D.I.KHAN TO DHQ HOSPITAL TANK.

Respectfully Sheweth:-

1. That the petitioner is a Civil Servant and serving in the Health Department with best of her abilities and devotion.
Kausar Naheed
Charge Nurse
Dera Ismail Khan...

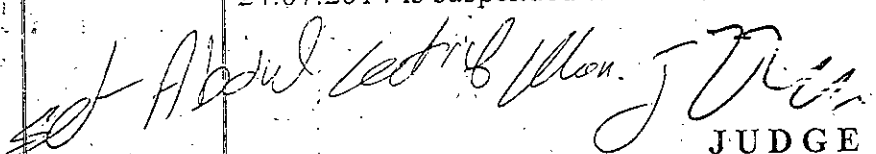
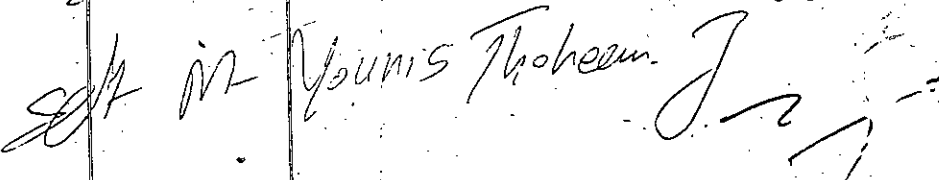
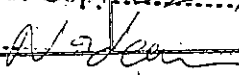
2. That the petitioner was posted as Nurse in the Mufti Mehmood Hospital Dera Ismail Khan and on the request of Incharge/ Dental Surgeon DHQ Teaching

FILED
Deputy Registrar
25 NOV 2014

FILED
EXAMINED
PESHAWAR HIGH COURT
02 DEC 2014

PESHAWAR HIGH COURT PESHAWAR

ORDER SHEET

Serial No. of Order or Proceedings	Date of Order or Proceedings	Order on other Proceedings with Signature of Judge or that of parties or counsel where necessary
1	2	3
	28.11.2014	<p><u>WP. No. 3542-P/2014.</u></p> <p>Present: Mr. Muhammad Rafiq, Advocate, for the petitioner.</p> <p align="center">*****</p> <p align="center">Adjourned to date in office.</p> <p><u>Interim relief:</u></p> <p>Notice. The Service Tribunal is not functioning. The operation of the impugned transfer orders of respondent No. 3 dated 24.07.2014 is suspended till date.</p> <p align="right">  JUDGE </p> <p align="right">  JUDGE </p> <p align="center">8170</p>
<p>Date of Presentation of Application... 28-11-14</p> <p>No of Pages... 28</p> <p>Copying fee... /</p> <p>Urgent Fee... /</p> <p>Total... 4.00</p> <p>Date of Preparation of Copy... 02-12-14</p> <p>Date Given For Delivery... 02-12-14</p> <p>Date of Delivery of Copy... 02-12-14</p> <p>Received By... </p>		

CERTIFIED TO BE TRUE COPY

Examiner
Peshawar High Court, Peshawar
Authorized Under Article 87 of
The Constitution of Pakistan Order 1484

02 DEC 2014

BEFORE THE HONORABLE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA, PESHAWAR

SERVICE APPEAL NO.1298/2014

Kausar Naheed *Appellant*

Versus

Govt. of KPK through Chief Secretary etc.....*Respondent*

Written reply behalf of respondents No.1 to 5.

Respectfully Sheweth,

Respondents humbly submit as under:-

29/17

Preliminary Objections:-

1. *The appeal is badly time berried.*
2. *The appeal is not maintainable and incompetent.*
3. *The appellant is estopped due to her own conduct.*
4. *The appellant has got no cause of action & locus standi.*
5. *The appellant has not come to the tribunal with clear hands.*
6. *The appellant has concealed material facts from the honorable tribunal.*
7. *The appeal is bad for misjoinder & non joinder for necessary parties.*
8. *The honorable tribunal has no jurisdiction to entertain the instant appeal.*

*Govt. Pleader
KPK Services Tribunal
Camp Court D.I.Khan*

Brief Facts:-

1. *Correct to the extent that the appellant is a government servant while rest of the para is pertained to record.*

2. Correct to the extent that the appellant was transferred from MMM Teaching Hospital to DHQ Teaching Hospital DIKhan. The Dental Surgeon who is not the Incharge of the Dentistry was personally interested in the lady. The personal interest of the Dental Surgeon in the lady is evident from this office letter No.3874/PF dated: 13.05.2015 along with enclosure on Annexure A.
3. Correct to the extent that the appellant being a Charge Nurse was directed to perform duty in emergency ward as per her job description. She is posted on the post of Charge Nurse, not posted on the post of Orthodontic Assistant because there is no post of Orthodontic Assistant on the Pay Roll of this Hospital.
4. Correct to the extent that the appellant was transferred form DHQ Teaching Hospital to Tank on Administrative grounds because she had refused to perform duty any where else in the Hospital.
5. Incorrect, the departmental appeal was not processed through proper channel.

Joel
 Govt: Pleader
 KPK Services Tribunal
 Camp Court D.I.Khan

GROUNDS

- a. Incorrect, hence denied. The posting / transfers orders were issued as per law and existing polices after fulfilling all codal formalities.
- b. Incorrect, not admitted. According to section 10 of Government Servants Act,1973, every Government Servant shall be liable to serve anywhere with in or out side Pakistan in any post under Provincial / Federal Government.
- c. Incorrect. The appellant was transferred on administrative grounds. The ban was not applicable on the transfers made by the competent authority in exigencies and in the public interest.

- d. Incorrect. There is no post of Orthodontic in the Hospital. She was posted on the Post of Charge Nurse. The patients does not suffer due to transfer of Charge Nurse.
- e. Incorrect. She is posted in MMM Teaching Hospital which is situated in DIKhan is the same city i.e. DIKhan.
- f. Incorrect. The posting / transfers were made in the best interest of public.

It is, therefore, most humbly prayed that an acceptance of this para wise comments, the appeal being devoid of legal footings and merit may graciously be dismissed with cost.



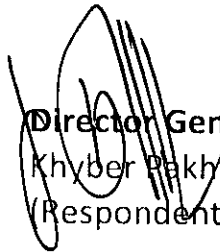
Secretary Health

Government of Khyber Pakhtunkhwa
Peshawar (Respondent No.2)

Vetted

Jachoy

Govt: Pleader
KPK Services Tribunal
Camp Court D.I.Khan



Director General Health Services

Khyber Pakhtunkhwa Peshawar
(Respondent No.3)

11/6/15



Medical Superintendent

DHQ Teaching Hospital
DIKhan (Respondent No.5)



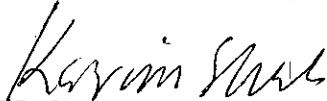
OFFICE OF THE MEDICAL SUPERINTENDENT
DISTRICT HEAD QUARTER TEACHING HOSPITAL DIKHAN

No. 1863 / PF/G-2
Phone No.0966-9280201

Dated 30 / 3 / 2015
Fax No.0966-9280446

Authority Letter

Dr.Kiramtullah Senior Medical Officer BPS-18 attached to DHQ Teaching Hospital DIKhan is hereby authorized to attend the Service Tribunal Court Bench DIKhan in appeal No.1298/2014 case title Mst.Kosar Naheed Vs Govt: of KPK on behalf of the undersigned on 30.03.2015.


Medical Superintendent
DHQ Teaching Hospital DIKhan



OFFICE OF THE PRINCIPAL GOMAL MEDICAL COLLEGE
DERA ISMAIL KHAN.

AUTHORITY LETTER.

Mr. Qaisar Nadeem Director Physical Education (BPS-17) Gomal Medical College Dera Ismail Khan is hereby authorized to attend the Honorable Service Tribunal Bench Dera Ismail Khan in the case of Service Appeal No. Kausar Naheed Versus Government of KPK etc on behalf of the undersigned on dated 30/03/2015 and onward.



**CHIEF EXECUTIVE / PRINCIPAL
GOMAL MEDICAL COLLEGE
DERA ISMAIL KHAN.**

No *1316-18* /Estt: Dated DIKhan the *30*/03/2015

Copy to:-

1. The Service Tribunal Khyber Pakhtunkhwa Court Camp DIKhan.
2. The Government Pleader Service Tribunal Khyber Pakhtunkhwa Court Camp DIKhan.
3. Mr. Qaisar Nadeem DPE Gomal Medical College DIKhan for information and compliance.



**CHIEF EXECUTIVE / PRINCIPAL
GOMAL MEDICAL COLLEGE
DERA ISMAIL KHAN.**



2

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 1604 /ST

Dated 19 / 10 / 2015


To

The Director General,
Health Services,
KPK Peshawar.

Subject: - Judgement.

I am directed to forward herewith certified copy of Judgement dated 1.10.2015 passed by this Tribunal on subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.