

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. 7893/2021

Date of institution 20.12.2021

Shah Saud Khan S/O Sabir Khan, Medical Technician (BPS-12), Civil Hospital Shamshatoo under transfer to CHC Soorpan, Sub-Division Peshawar.

VERSUS

Director General, Health Service, Khyber Pakhtunkhwa, Warsak Road, Peshawar and two others.

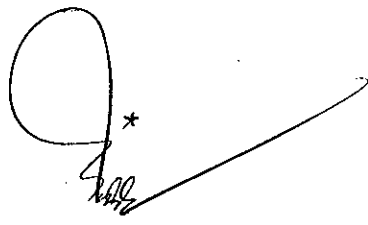
ORDER
12.10.2022

Mr. Muhammad Maaz Madni, Advocate for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

Learned counsel for the appellant stated at the bar that the grievance of appellant has been redressed, therefore, as per instruction of his client, he wants to withdraw the instant service appeal. In this respect, he submitted written application, which is placed on file.

In view of the above, the appeal in hand is dismissed as withdrawn. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
12.10.2022



(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

SA # 7893 / 2021

Shah Sand vs Health Deptt:

Application for withdrawal of above
titled Service Appeal.

R/ Sherveth:


1) That the above titled Service Appeal is pending adjudication before this H/Tribunal and is fixed for argument today on 12.10.2022.

2) That the appellant has filed the instant Service Appeal against his pre-mature & frequent transfers so made.

3) That, now grievance of the appellant has been redressed and does not want to contest the case anymore.

4) It is, therefore, most humbly prayed that the instant Service Appeal may please be withdrawn.

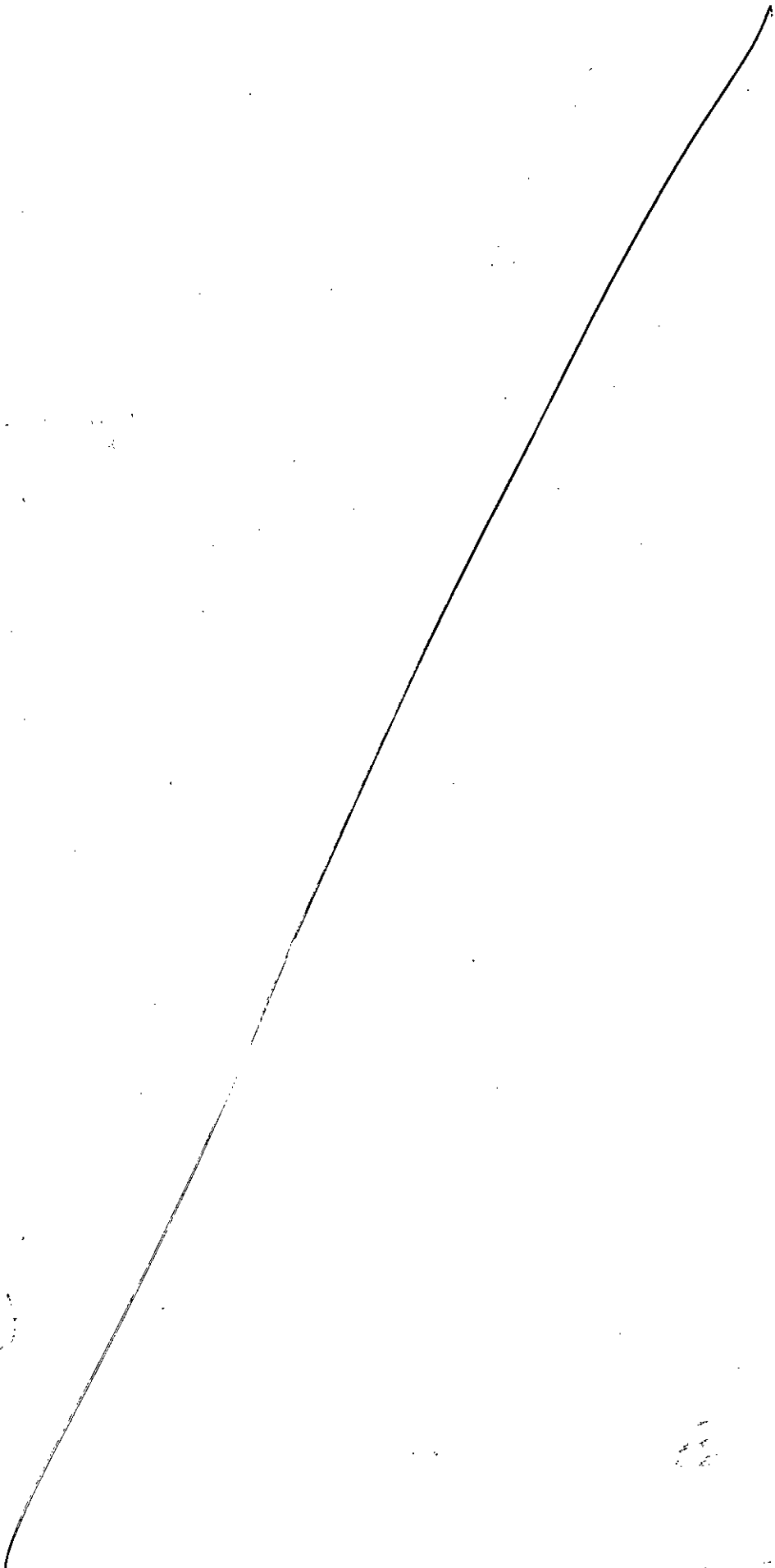
12th Oct 2022.

Appellant.
Through. 
Muhammad Mazaq
AHC

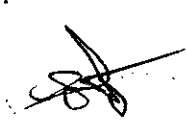
19-7-2022

The Bench is incomplete
therefor case is adjourned
to 12.10.22.

Readeo 



24.02.2022 Due to retirement of the Hon'able Chairman, the case is adjourned to 4.04.2022 for the same before D.B.


Reader

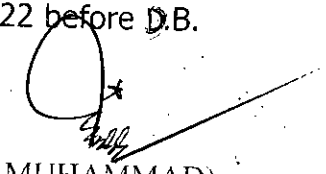
04.04.2022 Counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl:AG for respondents present.

Written reply/comments not submitted. Notices be issued to the respondents for submission of written reply/comments. Adjourned. To come up for written reply/comments on 25.04.2022 before S.B. The operation of impugned order dated 19.11.2021 to the extent of appellant ^{shall remain} suspended till date fixed.


(MIAN MUHAMMAD)
MEMBER(E)

25.04.2022 Counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Jafar Ali, Assistant and Mr. Mastan Ali Shah, Assistant for respondents present.

Written reply/comments on behalf of the respondents submitted which is placed on file. A copy of the same is also handed over to the learned counsel for the appellant. To come up for rejoinder as well as arguments on 14.07.2022 before D.B.


(MIAN MUHAMMAD)
MEMBER(E)

01.02.2022

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

Learned counsel for the appellant states that vide order dated 12.02.2021, the appellant was transferred from BHU Janakore to CHC Akbar Hussain in interest of public service. Vide order dated 04.06.2021, he was again transferred from CHC Akbar Hussain to BHU Faridi. He hardly served there for 10 day when he was further transferred to CH Shamshatoo vide order dated 14.06.2021. The appellant took over charge at Civil Hospital Shamshato and started performing his duty but all of a sudden vide order dated 19.11.2021, he was again transferred to CHC Soorpan, which is premature and against the policy of Policy of Provincial Government. The remarks column in the impugned order is blank and thus it is not clear that the post against which the transfer has been made is vacant or otherwise. What public interest lies in frequent transfers in one year, is arguable point during regular hearing. The appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 23.02.2022 before S.B.

Alongwith the appeal, the appellant has also submitted an application for suspension of the operation of impugned order dated 19.11.2021. Notice of application be given to the respondents for the date fixed. The operation of impugned order dated 19.11.2021 to the extent of appellant is suspended till date fixed.

Appellant Deposited
Security Process Fee

10/2/22

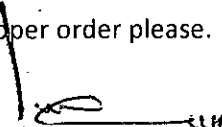


Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7893/2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	20/12/2021	<p>The appeal of Mr. Shah Saud Khan presented today by Mr.Muhammad Maaz Madni Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>10/2/22</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

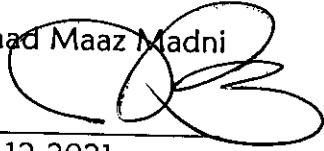
CHECK LIST

Case Title: SHAH SAUD KHAN v/s GOVT. OF KP & OTHERS

S#	CONTENTS	YES	NO
1	This Appeal has been presented by: MUHAMMAD MAAZ MADNI	✓	
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 AG/DAG?	✓	
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 cutting/overwriting?	x	✓
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	✓	
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: Muhammad Maaz Madni

Signature: 

Dated: 20-12-2021

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

APPEAL NO. 7893 /2021-

SHAH SAUD KHAN

V/S

GOVT. OF KP & OTHERS


INDEX

S.NO.	DOCUMENTS	DATED	ANNEXURE	PAGE
1.	Memo of appeal		.....	1 - 4
2.	Petition for Suspension		.....	5
3.	Appointment Order	07.04.2008	A	6
4.	Medical Certificate	.....	B	7
5.	Posting Orders	12.02.2021	C	8
6.	Posting Orders	04.06.2021	D	9
7.	Posting Order	14.06.2021	E	10
8.	Impugned Order	19.11.2021	F	11
9.	Notification	28.10.2021	G	12 - 13
10.	Departmental Appeal	30.11.2021	H	14
11.	Posting/Transfer Policy 2009	.....	I	15 - 17
12.	Wakalatnama	.....	.....	18

Dated: 20th of December, 2021

APPELLANT

Through:


MUHAMMAD MAAZ MADNI,
ADVOCATE HIGH COURT, PESHAWAR
TF-291, 292,
Deans Trade Centre, Peshawar Cantt:
0333-9313113, 0345-9090737
muhammad.m3adv@gmail.com

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. 7893/2021

SHAH SAUD KHAN s/o Sabir Khan, Medical Technician (BPS-12),
Civil Hospital Shamshatoo under transfer to CHC Soorpan, sub-Division Peshawar.
i/o Bakarr Khel, Shamshatoo Mandi, Tehsil & District Sub-Division Peshawar.

.....APPELLANT

Khyber Pakhtunkhwa
Service Tribunal

VERSUS

Case No. 8078

- 1- DIRECTOR GENERAL,
Health Service, Khyber Pakhtunkhwa, Warsak Road, Peshawar. 20-12-2021
- 2- DISTRICT HEALTH OFFICER,
District Peshawar.
- 3- DEPUTY DISTRICT HEALTH OFFICER, Sub-Division, Kohi Hassan Khel,
Khusal Road Back to Shalimar CNG Ring Road, Peshawar.

.....RESPONDENTS

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 READ WITH ALL ENABLING LAWS & RULES AGAINST THE IMPUGNED PRE-MATURE TRANSFER/POSTING ORDER DATED 19-11-2021 WHEREBY THE APPELLANT HAS BEEN TRANSFERRED AND POSTED ON A PROJECT POST UNDER ADP SCHEME AND AGAINST NOT TAKING ANY ACTION ON THE DEPARTMENTAL APPEAL DATED 30-11-2021 WITH IN THE PRESCRIBED PERIOD

PRAYER:

That on acceptance of the instant service appeal the impugned transfer/posting order dated 19-11-2021 whereby the appellant has been transfer/posted pre-maturely to a project based post under ADP may very kindly be declared illegal & unconstitutional to the extent of the appellant and the respondents may kindly be directed not to transfer/post the appellant from Civil Hospital Shamshatoo to an ADP based post at CHC Soorpan. Any other remedy which this august Tribunal deems appropriate that may also be awarded in favor of the appellant.

Respectfully Sheweth;

FACTS:

Brief facts giving raise to the instant appeal are as under:

1. That appellant is a regular employee of Health Department Khyber Pakhtunkhwa and was appointed as Pharmacy

Filed to-day
Registrar
20/12/2021

Technician (BPS-09) now Medical Technician (BPS-12) after fulfilling all the legal & codal formalities required for the post of Medical Technician vide order dated 07-04-2008.

Copy of Appointment Order dated 07.04.2008 is attached as Annexure... A.

2. That the appellant after receiving the appointment order dated 07-04-2008 was medical examined by the concerned medical officer and submitted his arrival report and since the appellant is performing duty with full zeal & zest and as such the appellant has an unblemished service record of more than 13 years.

Copy of Medical Certificate is attached as Annexure B.

3. That the appellant while performing his duty at his assigned duty station was transfer/posted vide order dated 12-02-2021 the appellant took over the charge there by obey the order of respondent no. 4 but just after a passage of 70 days the appellant was again transfer/posted by respondent no. 4 to another place vide order dated 04-06-2021.

Copy of Orders dated 12.02.2021 & 04.06.2021 are attached as Annexure.....C & D.

4. That the appellant while obeying the transfer/posting order dated 04-06-2021 issued by respondent no. 3 has just submitted his arrival report over the ibid order dated 04-06-2021 that 3rd one posting/transfer order dated 14-06-2021 by the respondent no. 3 has been issued just after 10 days of the 2nd transfer/posting order.

Copy of Order 14.06.2021 is attached as Annexure E.

5. That the appellant while obeying the order dated 14-06-2021 of respondent no. 3 took over the charge at Civil Hospital Shamshato and started performing at the assigned duty station that respondent no. 3 issued the pre-mature impugned transfer/posting order dated 19-11-2021 just after approximately 05 month without showing any plausible reason.

Copy of Impugned Order 19.11.2021 is attached as Annexure F.

6. That in the meanwhile the Election Commission of Pakistan has issued schedule for conducting Local Government Election in Khyber Pakhtunkhwa vide notification dated 28-10-2021 along with this directions were issued by completely banned the posting/transfer order and even then the appellant was prematurely been transferred to an ADP project based post.

Copy of Notification dated 28.10.2021 is attached as Annexure G.

7. That feeling aggrieved from the premature impugned transfer/posting order dated 19-11-2021 the appellant preferred Department Appeal dated 30-11-2021 before the respondent No. 3 but till date the same was not responded.

Copy of Departmental Appeal dated 30.11.2021 is attached as AnnexureH.

8. That appellant feeling highly aggrieved and having no other remedy but to file the instant appeal on the following grounds amongst the others:

GROUND:

- A-** That the impugned pre-mature transfer/posting order dated 19-11-2021 passed by respondent no. 3 is against the law, rules, facts, void ab initio, Norms of Natural Justice and materials available on the record hence not tenable in the eye of Law and is liable to be set aside.
- B-** That appellant has not been treated in accordance with law and rules by the respondent Department on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C-** That the impugned premature transfer/posting order dated 19-11-2021 passed by respondent no. 3 is against the Fundamental Rights as enshrined in the Constitution of Pakistan 1973.
- D-** That the impugned premature transfer/posting order dated 19-11-2021 passed by respondent no. 3 is discriminatory and against the norms of Natural Justice, therefore the same is not tenable in the eye of law and is liable to be struck down.
- E-** That the appellant has been transfer/posted to an ADP based posted as Community Health Centre in the erstwhile FATA is running from the contingent budget whereas the appellant has validly been appointed on regular post and has served on regular post for quite considerable time and till date.
- F-** That the impugned premature transfer/posting order dated 19-11-2021 passed by respondent no. 3 is also against the Posting/Transfer policy 2009 of the Provincial Government as the appellant has pre-maturely been transfer/posted for 4 times since 12-02-2021 to 19-11-2021 hence the impugned order dated 19-11-2021 may be struck down.

Copy of Posting/Transfer Policy 2009 is attached as Annexure ...I.

- G-** That under Article 38 (e) of the Constitution of Pakistan, 1973 state is bound to reduce disparity in the income and earning of the individuals including persons in the various services of Pakistan, therefore in light of the above mentioned Article the impugned premature transfer/posting order dated 19-11-2021

passed by respondent no. 3 is also against the ibid article and needs to be struck down on this score only.

H- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

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


Dated: 20-12-2021

Appellant



SHAH SAUD KHAN

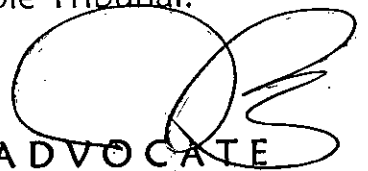
Through:



MUHAMMAD MAAZ MADNI
Advocate, High Court, Peshawar

CERTIFICATE

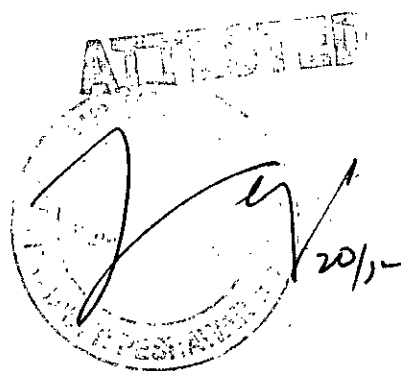
No, such like appeal has been filed or pending on the subject matter between the parties before this Honourable Tribunal.


ADVOCATE

AFFIDAVIT

I, Shah Saud Khans/o Sabir Khan, do hereby solemnly affirm on oath that the contents of the appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.

ATTESTED


DEPONENT
17301-3780343-5

LIST OF BOOKS:

1. Constitution of Pakistan, 1973.
2. Service Laws
3. Other relevant case Laws



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2021

SHAH SAUD KHAN V/S GOVT. OF KP & OTHERS

APPLICATION FOR SUSPENSION OF OPERATION ON THE
IMPUGNED PRE-MATURE TRANSFER ORDER DATED 19-11-2021
TILL FINAL DISPOSAL OF THE INSTANT APPEAL

Respectfully Sheweth:,

1. That the petitioner/appellant has filed the instant service appeal before this Honourable Tribunal today in which no date for hearing has been fixed so far.
2. That, the petitioner/appellant has filed the above title service appeal against the pre-mature transfer order dated 19-11-2021.
3. That all the three ingredients required for the grant of status quo are in favour of the petitioner/appellant.
4. That the instant petition may kindly be consider as part & parcel of the main service appeal.
5. That other grounds would be agitated at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of the instant petition for the grant of status quo the operation on the impugned pre-matured transfer order dated 19-11-2021 may very kindly be suspended till final disposal of the service appeal.

Dated: 20-12-2021

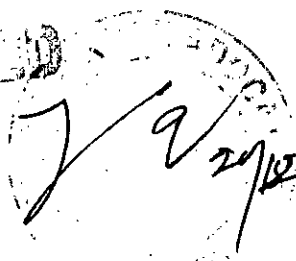

PETITIONER/APPELLANT
SHAH SAUD KHAN,

Through: 
MUHAMMAD MAAZ MADNI,
Advocate, High Court, Peshawar

AFFIDAVIT

I, Shah Saud Khan s/o Sabir Khan, do hereby solemnly affirm on oath that the contents of the above petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.

ATTESTED




DEPONENT
17301-3780343-5

(6)

ANNEXURE A

DIRECTORATE OF HEALTH & POPULATION WELFARE FATA.

FATA SECRETARIAT, Warsak Roqi Peshawar

OFFICE ORDER

On the recommendation of the Departmental Selection Committee the competent authority is pleased to appoint Mr Shah Saad Khan SO Sahir Khan of ER PESHAWAR as PHARMACY TECHNICIAN in BPS 03 on contract basis on the terms and conditions laid down below:

1. His/Her appointment shall be for a period of 3 years on contract basis from the date of his/her joining in services and shall be extended on his satisfactory performance & will remain on probation for ONE year.
2. He/She is declared medically fit for this job.
3. His/Her appointment is purely on contract basis (prescribed under Government of NWFP Contract Policy 2005).
4. He/she shall be bound to serve for at least 5 years in FATA.
5. He/She shall not indulge in any trade, business and any other activity what so ever which has been declared prohibited for the Government Servants in Civil Servant Act 1973.
6. He/She shall be entitled for all those allowances admissible under the rules.
7. He/She will not be entitled for any TA/DA for joining service.
8. If he/she wishes to resign the services a prior notice of 60 days will be submitted or pay of 60 days should be deposited in lieu of resignation in Govt.
9. He/she will have to serve anywhere in FATA.
10. Salaries should be released after the verification of all the documents by the respective Agency Surgeon/Medical Superintendent from the concerned Board/Faculty etc.
11. He/She will submit undertaking on stamp paper on prescribed format prior to joining of the service.
12. The offer shall be automatically held cancelled if he/she fails to join the duty within 15 days of the receipt of this offer.

If he/she accepts the above terms and conditions, he/ she is directed to report for duty to the Agency Surgeon ER PESHAWAR.

Sd/xxxx
Dr Muhammad Zubair Khan
Director Health Services FATA
Peshawar

No. 6928-32 /DHS/Admin/FATA Dated: 7 /01/2003.
(To be substituted with same number & date)

Copy for information an necessary action to:

1. Deputy Director Admin DHS FATA.
2. Agency Surgeon ER PESHAWAR.
3. District Accounts Officer Agency Surgeon ER PESHAWAR.
4. AGPR-Sub Office Peshawar
5. Dealing Assistant for record DHS FATA
6. Official Concerned.

ATTESTED

for
[Signature]

[Signature]
Deputy Director (Admin)
DHS FATA Peshawar

7

ANNEXURE - B

Medical Centre

For Federal Government Servants, Peshawar

Serial No. 1810

Peshawar, dated 09/4/88

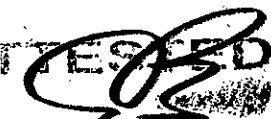
I hereby certify that I have examined Mr./Miss/Mrs. Shake Sabir.....
 a candidate for employment in the Health & Pop. Welfare FATA Department and cannot discover
 that he/she has any disease, constitutional weakness or bodily infirmity except
 nil I do not consider this a disqualification for employment
 in the office of Dir. of Health & Pop. Welfare FATA. His/Her age is according to his/hyr own
 statement. 24 years and by appearance about 24/25 years.

He/She is not suffering from any communicable disease.

Shake Sabir
Signature of Candidate

Amjad Gul
 CIVIL SURGEON/ASSISTANT PHYSICIAN,
 Federal Government, Peshawar.
 Dr. Amjad Gul
 Civil Surgeon / Assistant Physician
 Medical Centre for F.G. Servants
 PESHAWAR.

PCPPI-413/FGMC.-16-4-1987-10,000.

ATTESTED

 to be true copy
 Attestor

9



DEPUTY DISTRICT HEALTH OFFICER SUB DIVISION HASSAN KHEL PESHAWAR
Tawas khan colony ring road Peshawar city

ANNEXURE- C

Ref No# _____ DDHO/Admin/Pesh

Dated ___/___/2021

OFFICE ORDER

The following posting/transfer of paramedical staff is hereby ordered in the interest of public service with immediate effect.

SNo	Name with Designation	Present Posting	Transfer to	Remarks
1	Mir Azam (MT)	BHU Hassan Khel	BHU Faridi	
2	Shah Saud(MT)	BHU Janakore	CHC Akhbar Hussain	✓
3	Abdul Wahab(MT)	RHC Kohi	BHU Hassan Khel	
4	Muhammad Yousaf (MT)	CD Amirzada	BHU Janakore	
5	Haji Gul (MT)	CHC Akhbar Hussain	CD Amir Zada	
6	Abdul Qadar(EPI)	CHC Ayub	BHU Faridi	
7	Dost Muhammad(EPI)	BHU Janakore	CHC Soorpan	
8	Muhammad Farooq (MT)	CD Ilyas	RHC Kohi	
9	M.Iqbal (MT)	CHC Soorpan	CHC Said Azam	
10	Javeed Muhammad (EPI)	BHU Faridi	CHC Ayub	
11	Hazarat UmarMT	BHU Faridi	CD Ilyas	
12	Atteq Raza MT	CHC Said Azam	CHC Soorpan	
13	Takhmir Gul EPI	CHC Soorpan	BHU Janakore	

Deputy District Health Officer
Sub-Division Hassan khel, Peshawar

Ref No# 3574-17 DDHO/Admin/Pesh

Dated 12/08/2021

ATTESTED

(Signature)
for copy

- Copy to.
1. Deputy Commissioner , Peshawar
 2. District Health Officer, Peshawar
 3. All Health Facilities IN charge
 4. Officials Concerned.

(Signature)
Deputy District Health Officer
Sub-Division Hassan khel, Peshawar

10



OFFICE OF THE DEPUTY DISTRICT HEALTH
OFFICER SUB DIVISION HASSAN KHEL PESHAWAR

Tawas Khan Colony near Allama iqbal public school ring road Peshawar

ANNEXURE- D

Office Order:

The following posting/transfers of Medical Technicians (BPS12) are hereby made with immediate effect in the interest of public service with immediate effect.

S.NO	Name	From	To
1	Mr. Ateeq Raza	CHC Soorpan	CD Mussa Darra
2	Mr. Amin Ullah	CD Mussa Dara	CHC Soorpan
3	Shah Saud	CHC Akbar Hussain	BHU Faridi
4	Naeem	BHU Faridi	CHC Akbar Hussain

Sdxxxxx

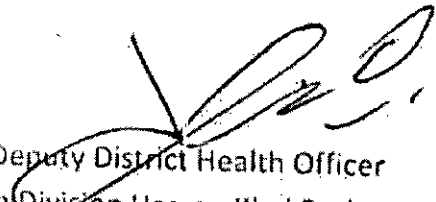
Deputy District Health Officer
Sub Division Hassan Khel Peshawar

No. 4070-72 /DDHO/ADMIN/PESH

Dated: 4/10/2021

Copy to the:

1. Director Health Service Merged Area Peshawar
2. All In Charge of Health Facilities
3. Officials Concerned


Deputy District Health Officer
Sub Division Hassan Khel Peshawar

ATTESTED
to be a true copy
Advocate



DEPUTY DISTRICT HEALTH OFFICER SUB DIVISION HASSAN KHEL PESHAWAR
Tawas khan colony ring road Peshawar city

ANNEXURE - E

Ref No# _____ DDHO/Admin/Pesh

Dated ____/____/2021

OFFICE ORDER

The following posting/transfer of paramedical staff is hereby ordered in the interest of public service with immediate effect.

SNo	Name with Designation	Present Posting	Transfer to	Remarks
1	Mr Shahid Sarfaraz(Lab Tech)	CH Shamshtoo	RHC Kohi	
2	Shah Saud(MT)	BHU Faridi	CH Shamshtoo	
3	Tariq Mahmood(Lab Tech)	RHC Kohi	CH Shamshtoo	
4	Majid Khan(MT)	CH Shamshtoo	RHC Kohi	
5	Sharifullah (MT)	RHC Kohi	CD Musadara	
6	AteeqRaza (MT)	CD Musadara	CH Shamshtoo	
7	Romana (Dai)	CHC Akhbar Hussain	CD Musadara	Be careful next time especially in future polio Campaigns
8	Khanaum bibi(Dai)	CHC SaidAzam	CHC Akhbar Hussain	
9	Tayyiba BIBI(Dai)	CHC Said Azam	CHC Soorpan	

Deputy District Health Officer
Sub-Division Hassan khel, Peshawar

Dated 14/6/2021

Ref No# 4615-19 DDHO/Admin/Pesh

Copy to.

5. Deputy Commissioner , Peshawar
6. District Health Officer, Peshawar
7. All Health Facilities IN charge
8. Officials Concerned.

ATTESTED

to be copy

Deputy District Health Officer
Sub-Division Hassan khel, Peshawar



(12)

OFFICE OF THE DEPUTY DISTRICT HEALTH OFFICER
SUB DIVISION HASSAN KHEL PESHAWAR
Khushal Road back to Shalimar CNG, Ring Road Peshawar

ANEXURE-F

No. 9200-3/DDHO/SDHK/Pesh

Date 19/11/2021

OFFICE ORDER:

After detail discussion with competent authority the following posting/transfers of officials are hereby made with immediate effect in the best public interest.

S.NO	Name & Designation	From	To	Remarks
1	Arif, MT	RHC Kohi	CH Shamsatoo (Morning shift)	
2	Atif Ur Rehman, MT	CH Shamshatoo	RHC Kohi (Evening shift)	
3	Shah Zaman, M/S	BHU Faridi	BHU Hassan Khel	On administrative ground, warning issued to perform duty regularly
4	Ayub, MT	CHC Soorpan	CHC (Evening shift)	
5	Shah Saud, MT	CH Shamshatoo	CHC Soorpan	
6	Jansher, Sweeper	CH Shamshatoo	RHC Kohi (Evening shift)	
7	Noor Baz Gul	CH Shamshatoo	BHU Janakor	
8	Khanam Bibi	RHC Kohi	CHC Akbar Hussain	
9	Saima Gul	BHU Pastawani	CH Shamshatoo (Night Shift)	
10	Tayyba, Dai	CHC Soorpan	BHU Pastawani	On administrative ground, showcause issued
11	Romana, Dai	CH Shamshatoo	CHC Soorpan	

Note: Those employees who are engaged in MR Campaign, should report to the concerned facility after MR Campaign

Sd/xxxxx

Deputy District Health Officer
Sub Division Hassan Khel Peshawar

ATTESTED
to be
Ad

Copy to the:

1. Director General Health Services, KPK Peshawar
2. District Health Officer, Peshawar
3. Officials Concerned

Deputy District Health Officer
Sub Division Hassan Khel Peshawar

(13)

ANNEXURE-147

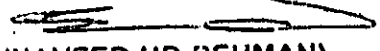
ELECTION COMMISSION OF PAKISTAN
NOTIFICATION

Islamabad, the 28th October, 2021

Subject:- SCHEDULE FOR CONDUCT OF LOCAL GOVERNMENT ELECTION (FIRST PHASE) IN KHYBER PAKHTUNKHWA.

No.F.16(1)/2021-LGE-KP:- In partial modification of this Commission earlier notification of even number, dated 25-10-2021, whereby Election Program has been issued for the conduct of Local Government Elections in 17 districts of Khyber Pakhtunkhwa, the Election Commission of Pakistan has been pleased to exclude, on the request of the Provincial Government, District Malakand from the first phase of Election Program and include District Buner in the first phase of Local Government Elections in Khyber Pakhtunkhwa Province. Consequently the Election Program earlier issued in respect of District Malakand is hereby withdrawn and the same for District Buner is being issued separately.


By the order of the Election Commission of Pakistan


(NAVEED-UR-REHMAN)
Deputy Director (LGE-KP)

To

The Manager,
Printing Corporation of Pakistan Press,
Islamabad.

[For publication in the Gazette of Pakistan,
Extraordinary (Part-III) of today's date]

ATTESTED
to be true copy


(14)

-2-

2. To ensure that elections to the Local Government are conducted honestly, justly, fairly in accordance with law and to ensure that the corrupt practices are guarded against, the Election Commission of Pakistan directs that:-

- i. All Executive Authorities in the Federation and in the Provinces shall neither announce any development project nor use State Resources in Local Government Elections calculated to influence the elections in favor of a particular candidate;
- ii. If any person in Government Service misuses his official position in any manner in order to influence results of the elections, he shall be liable to be proceeded against under the Law;
- iii. Districts in respect of which election schedule of local government elections has been issued, no transfers / postings of the Government Officers and Officials including Autonomous Bodies/ Authorities shall be made without prior approval of the Commission till the publication of election results;
- iv. After the issuance of Election Schedule, the President, Prime Minister, Chief Minister, Governor, Speaker and Deputy Speaker of any assembly, Chairman and Deputy Chairman, of Senate, Federal and Provincial Ministers, Advisors to the Prime Minister or Chief Minister or any other holder of public office shall not visit the area of any local council to announce any development scheme or to canvass or campaign for any candidate or any political party. In case if someone is resident of the district where election are being held he may visit the district however shall not take part in any kind of political activity.
- v. District in respect of which election schedule has been issued, no leave of the Government Officers and Officials including Autonomous Bodies/ Authorities will be granted after the issuance of Election Schedule of the Local Government Elections without prior approval of the Commission till the publication of election results. In case leave has already been sanctioned, the officer will not relinquish his charge without approval of the Hon'ble Commission;
- vi. Any holder of public office, who is found to have violated any provision of Election Laws or the instructions issued by the Election Commission, shall be proceeded against as mandated in law;

Note:- i. The offices of the Election Commission as well as the offices of District Returning Officer and Returning Officer shall remain open on all public holidays if any activity provided in the schedule falls on that day.

ii. All electoral activities mentioned in the aforesaid schedule shall be undertaken during office hours and the said timing will also be followed on public holidays fixed for any electoral activity of the schedule.

iii. Polling Hours will be observed from 08:00 AM to 05:00 PM.

iv. Appellate Tribunals may start proceedings of hearing/deciding of appeals simultaneously from 15.11.2021 to 19.11.2021 (Excluding Sunday on 14.11.2021)


By the order of the Election Commission of Pakistan


(NAVEED-UR-REHMAN)
Deputy Director (LGE-KP)

To

The Manager,
Printing Corporation of Pakistan Press,
Islamabad.

(For publication in the Gazette of Pakistan,
Extraordinary (Part-III) of today's date)

ATTESTED

to be published by
Attestation

(15)

ANNEXURE-H

To

The District Health Officer,
District Peshawar.

6951
30-11-2021

Subject: Departmental Appeal Against
Pre-Mature Transfer Order dated 19.11.2021

R/Sr,

Most respectfully it is stated that I am a regular employee of Health Department and working in TK Peshawar since 2008. I am regularly performing my duties at the assigned duty stations. Since February 2021 I have been transferred for about 04 times and recently I have been transferred to an ADP post vide order dated 19-11-2021.

It is, therefore, requested that the order dated 19-11-2021 may be cancelled being premature and illegal.

30.11.2021

Yours
Obediently

Shah Saad.
MT, CH Shamskoto.
0333-5808792.

ATTESTED
to be true copy

16

ANNEXURE-I



GOVERNMENT OF NWFP
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT
(Regulation Wing)

POSTING / TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT.

- i) All the posting/transfers shall be strictly in public interest and shall not be abused/misused to victimize the Government servants
- ii) All Government servants are prohibited to exert political, Administrative or any other pressures upon the posting/transfer authorities for seeking posing/transfers of their choice and against the public interest.
- iii) All contract Government employees appointed against specific posts, can not be posted against any other post.
- iv) The normal tenure of posting shall be three years subject to the condition that for the officers/officials posted in unattractive areas the tenure shall be two years and for the hard areas the tenure shall be one year. The unattractive and hard areas will be notified by the Government.
- v) { }
- vi) While making postings/transfer from settled areas to FATA and vice-versa, specific approval of Governor, NWFP needs to be obtained

²While making postings/transfers of officers/officials up to BS-17, from settled areas to FATA and vice-versa approval of the Chief Secretary NWFP needs to be obtained. Whereas, in case of posting/transfer of officers in BS-18 and above, from settled areas to FATA and vice versa, specific approval of the Governor NWFP shall be obtained.
- vi (a) All Officers/officials selected against Zone-I/FATA quota in the Provincial Services should compulsorily serve in FATA for atleast eighteen months in each grade. This should start from senior most scales/grades downwards in each scale/grade of each cadre.
- vii) Officers may be posted on executive/administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and DPOs/Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thaana) of his area/residence is situated.
- viii) No posting/transfers of the officer's/officials on detailment basis shall be made.
- ix) Regarding the posting of husband/wife, both in Provincial services, efforts where possible would be made to post such persons at one station subject to the public interest.
- x) All the posting/transferring authorities may facilitate the posting/transfer of the unmarried female government Servants at the station of the residence of their parents.

ATTESTED

1 Para-1(v) regarding months of March and July for posting/transfer and authorities for relaxation of ban deleted vide letter No: SOR-VI (E&AD) 1-4/2008/Vol-VI, dated 3-6-2008. Consequently authorities competent under the NWFP Government Rules of Business, 1985, District Government Rules of Business 2001, Posting/Transfer Policy and other rules for the time being in force, allowed to make posting/transfer subject to observance of the policy and rules.
2 Added vide Urdu circular letter No. SOR-VI(E&AD)1-4/2003, dated 21-09-2004

17

- xi) Officers/officials except DCOs and DPOs/SPs who are due to retire within one year may be posted on their option on posts in the Districts of their domicile and be allowed to serve there till the retirement
DCOs and DPOs who are due to retire in the near future may also be posted in the District of their domicile subject to the condition that such posting would be against non-administrative posts of equivalent scales;
- xii) In terms of Rule-17(1) and (2) read with Schedule-III of the NWFP Government Rules of Business 1985, transfer of officers shown in column 1 of the following table shall be made by the authorities shown against each officer in column 2 thereof:

Outside the Secretariat		
1.	Officers of the all Pakistan Unified Group i.e. DMG, PSP including Provincial Police Officers in BPS-18 and above.	Chief Secretary in consultation with Establishment Department and Department concerned with the approval of the Chief Minister.
2.	Other officers in BPS-17 and above to be posted against scheduled posts, or posts normally held by the APUG, PCS(EG) and PCS(SG).	-do-
3.	Heads of Attached Departments and other Officers in B-19 & above in all the Departments.	-do-
In the Secretariat		
1.	Secretaries	Chief Secretary with the approval of the Chief Minister.
2.	Other Officers of and above the rank of Section Officers: a) Within the Same Department b) Within the Secretariat from one Department to another.	Secretary of the Department concerned. Chief secretary/Secretary Establishment.
3.	Officials up to the rank of Superintendent: a) Within the same Department b) To and from an Attached Department c) Within the Secretariat from one Department to another	Secretary of the Department concerned. Secretary of the Dept in consultation with Head of Attached Department concerned. Secretary (Establishment)

ATTESTED

- xiii) While considering posting/transfer proposals all the concerned authorities shall keep in mind the following:
 - a) To ensure the posting of proper persons on proper posts, the Performance Evaluation Report/annual confidential reports, past and present record of service, performance on post held presently and in the past and general reputation with focus on the integrity of the concerned officers/officials be considered.
 - b) Tenure on present post shall also be taken into consideration and the posting/transfers shall be in the best public interest.

Added vide Urdu circular letter No: SOR-VI (E&AD)/1-4/2005, dated 9-9-2005.

18

- xiv) Government servants including District Govt. employees feeling aggrieved due to the orders of posting/transfer authorities may seek remedy from the next higher authority / the appointing authority as the case may be through an appeal to be submitted within seven days of the receipt of such orders. Such appeal shall be disposed of within fifteen days. The option of appeal against posting/ transfer orders could be exercised only in the following cases.
 - i) Pre-mature posing/transfer or posting transfer in violation of the provisions of this policy.
 - ii) Serious and grave personal (humanitarian) grounds.

2. To streamline the postings/transfers in the District Government and to remove any irritant/confusions in this regard the provision of Rule 25 of the North West Frontier Province District Government Rules of Business 2001 read with schedule – IV thereof is referred. As per schedule-IV the posting/transferring authorities for the officers/officials shown against each are as under:-

S. No.	Officers	Authority
1.	Posting of District Coordination Officer and Executive District Officer in a District.	Provincial Government.
2.	Posting of District Police Officer.	Provincial Government
3.	Other Officers in BPS-17 and above posted in the District.	Provincial Government
4.	Official in BPS-16 and below	Executive District Officer in consultation with District Coordination Officer.

3. As per Rule 25(2) of the Rules mentioned above the District Coordination Department shall consult the Government if it is proposed to:

- a) Transfer the holder of a tenure post before the completion of his tenure or extend the period of his tenure.
- b) Require an officer to hold charge of more than one post for a period exceeding two months.

4. I am further directed to request that the above noted policy may be strictly observed /implemented.

.....

All concerned are requested to ensure that tenures of the concerned officers/officials are invariably mentioned in summaries submitted to the Competent Authorities for Posting/Transfer.
 {Authority: Letter No: SOR-VI/E&AD/1-4/2003 dated 24-6-2003}.

.....

It has been decided by the Provincial Government that posting/transfer orders of all the officers up to BS-19 except Heads of Attached Departments irrespective of grades will be notified by the concerned Administrative Departments with prior approval of the Competent Authority obtained on the Summary. The Notifications/orders should be issued as per specimen given below for guidance.

All posting/transfer orders of BS-20 and above and Heads of Attached Departments (HAD) shall be issued by the Establishment Department and the Administrative Departments shall send approved Summaries to E&A Department for issuance of Notifications.

RECEIVED
 2003

(POWER OF ATTORNEY)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____/2021

SHAH SAUD

VS

GOVT. OF KP & OTHERS

I, Shah Saud do hereby nominated and appointed **MUHAMMAD MAAZ MADNI**, Advocate High Court, Peshawar, to be counsel in the above matter for me/us and on my/our behalf as agreed to appear, plead, act and answer in the above court or any appellate court or any court to which the business is transferred in the above matter as and is agreed to sign and file petition, appeals, statements, accounts, exhibits, compromises or other documents whatsoever, in connection with the said matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc and to apply for and issue summons and other writs or subpoena and to apply for and get issued any arrest, attachment or other execution, warrants or order and to conduct any proceedings that may arise there out; and to apply for and receive payment of any or all sums or submit the above matter to arbitration, and to employ an other legal practitioner authorizing him to exercise the power and authorities hereby conferred on the advocate whenever he may think fit to do so.

AND to do all acts legally necessary to manage and conduct the said case in all respects whether herein specified or not, as may be proper and expedient.

AND I/WE hereby agree to ratify and confirm all lawful acts done on my/our behalf; under or by virtue of these present or of the usual practice in such matter. PROVIDED always that I/WE undertake at the time of calling of the case by the court I/MY authorized agent shall inform the advocate and make him appear in the court, if the case, may be dismissed in default, it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us.

IN WITNESS WHERE OF I/We hereunto set MY/OUR hand to these presents, the contests of which have been explained to and understood by ME/US this 20th day of December 2021.

EXECUTANT [Signature]
(Shah Saud)

Accepted subject to the terms regarding fees:

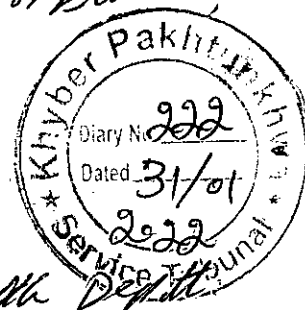
[Signature]

MUHAMMAD MAAZ MADNI,
ADVOCATE HIGH COURT, PESHAWAR
BC No. (BC-11-1460)
CNIC No. 17101-9263898-1

Before the Khyber Pakhtunkhwa Service Tribunal
Peshawar

Put up to the waiting chair - as
with relevant app.

Appeal No. 7893/2021



Shah Saad ^{31/1/2022} vs Health Dept.


Application for allowing the above
mentioned for early hearing fix on 01/2/2022

R/Sherwath:

1. That the above mentioned appeal is pending adjudication before this august Tribunal which is fixed for hearing 10.02.2022.
2. That the above mentioned appeal filed by the appellant against his pre-mature transfer.
3. That the aforementioned is fixed for preliminary hearing along with application for suspension of the impugned order.
4. That the respondents are bent to relieve the appellant, therefore, the appeal in hand needs to be fixed for hearing on an earlier date.
5. That the interest of justice demands that such like matter should be heard on an earlier date to meet the interest of justice.

It is therefore most humbly prayed that on acceptance of this application the appeal in hand may very kindly be fixed for an earlier date.

Dated: 31/1/2022.

Through 
Muhammed Maaz Madni
Advocate

"B"

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

No.

Appeal No. 7893 of 2021Shah Saud Khan Appellant/Petitioner 21

Versus

21

(Reg)

DG, Health, KPK, Peshawar RespondentRespondent No. (2)

Notice to:

District Health officer, Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 23/2/2022 at 8.00 A.M. If you wish to urge anything against the appellants/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

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

Given under my hand and the seal of this Court, at Peshawar this 10thDay of Feb 2022.For Reply

[Signature]
 Registrar,
 Khyber Pakhtunkhwa Service Tribunal,
 Peshawar.

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

(B.2)

15 F8P3
Zhan Zang Khan

16 Dr. Health, KPR, Pasadena

17

18 District Health Officer, Pasadena

23/10/55

7



10th

55

Fop

For kept

10th

"B"

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

No.

Appeal No. 7893 of 20 21Shah Saud Khan Appellant/Petitioner

(Reg)

Versus
Director General Health, KPK, Peshawar.
RespondentRespondent No. 1Notice to: Director General Health Service, KPK, Warsak Road, Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 23/2/2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

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

Given under my hand and the seal of this Court, at Peshawar this 10th
 Day of Feb 20 22

For Reply

[Signature]
 Registrar,
 Khyber Pakhtunkhwa Service Tribunal,
 Peshawar.

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

(2B)

F8D3

Shah Sand Khan

Director General Health, KPK, Peshawar.

(Copy)

Director General Health Service, KPK, Muzak Road, Peshawar

23/2/2022

7

10K

55

[Handwritten signature]

For

[Handwritten signature]

"B"

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

No.

Appeal No. 7893 of 20 21

Shah Saud Khan Appellant/Petitioner

Versus

D.G., Health, KPK, Peshawar Respondent

Respondent No. (3)

Notice to: Deputy District Health officer, Sub-Division Kohi Hassan Khel, Khushal Road, Back to Shalimar CNG Ring Road Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 23/2/2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

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

Given under my hand and the seal of this Court, at Peshawar this 10th

Day of Feb 20 22

For Reply



Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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

(2B)

51

F8D3
2nd Sand Khan

Df, Health, Kpk, Islamabad

1/Ref

(3)

Shahman (1st Ring Road, Islamabad)
Kopi Hassan Khan, Khushal Road, Back to
Deputy District Health Officer, Sub-Division

5/2/2025

10th

55

Fop

~~10th~~

for Reply

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Services Appeal No. 7893/2021

Shah Saud Khan

-----Appellant

Versus

Govt of Khyber Pakhtunkhwa & Others

-----Respondents

INDEX

S. No	Description of Documents	Annexure	Page No.
01	Affidavit		01
02	Parawise Comments		02-03
03	Copy of Explanation NO.3475/DDHO/SDHK/Pesh	A	04
04	Copy of Office Order NO.3514-17/DDHO/SDHK/Pesh	B	05
05	Copy of Explanation NO.3962-64/DDHO/SDHK/Pesh	C	06
06	Copy of Office Order NO.4070-72/DDHO/ADMIN/Pesh	D	07
07	Copy of Office Order NO.4415-19/DDHO/Admin/Pesh	E	08
08	Copy of Performance NO.9365-67/DDHO/SDHK/Pesh	F	09
	Copy of Performance NO.9404-06/DDHO/SDHK/Pesh	G	10

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 7893/2021.

Shah Saud Khan

-----Appellant

Versus

- 1: Director General Health Services Peshawar Warsak Road Peshawar.
- 2: District Health Officer, Peshawar.
- 3: Deputy District Health Officer .Sub-Division , Kohi Hassan Khel Peshawar

-----Respondents

PARAWISE REPLY ON BEHALF OF RESPONDENTS No.01 to 03.

Respectfully Shewith,
Preliminary Objections:-

1. The appellant has neither cause of action nor locus standi to file the instant appeal.
2. The appellant has not come to the court with clean hands.
3. The appeal is bad for mis joinder and non joinder of the necessary and proper parties.
4. That the instant appeal is barred by law and badly time barred.

On facts;

Para No.1 Pertains to record, hence need no comments.

Para No.2 Pertaining to record, but it is important to mention here that the appellant always create issues in the official matter of the office & create confrontation with his immediate officers.

Para No.3 The fact is that the appellant was not regular in performing his official duties & he was warned several times verbally as well as in written form ,but in vain **Annexure-A** ,so the appellant along with another staff whose were irregular in their duties were transferred dated 12-02-2021 **annexure-B**.

Similarly the second transfer of the appellant was also on administrative ground as he was creating hurdles in the normal business of the hospital. The explanation from the appellant is **Annexure-C**. But the appellant didn't change his habits & so he was transferred again dated.04-06-2021. **Annexure-D**.

Para No.4 Needless to mention that the 3rd posting /transfer were also done because of the same issue, as the daily OPD & health services were badly suffered because of his aggressive behavior & non-cooperation with the public /patients **Annexure-E** .

Para No. 5 Incorrect, the appellant haven't obeyed the order of his immediate officer .Though the appellant submit his arrival report but was not doing his duties as he was reported absent many times by the IMU . Furthermore it is stated that due to chronic absentism of the appellant the respondent No.03 sent letter No.9365-67/DDHO/SDHK/Pesh, dated.16/12/2021 & letter No.9404-6/DDHO/SDHK/Pesh, dated 27/12/2021 to the respondent No.02 in which he requested to respondent No.02 for his relieving, as he was not performing his duties .**Annexure-F & Annexure- G** .

Para No. 6 Pertains to record .

Para No. 7 Already facts have been described in details in above paras.

Para No. 8 As above.

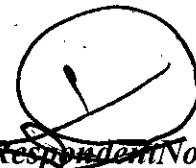
Reply on Grounds:-

- A: - Already explained in para -5.
- B: - Incorrect, as the respondent department believes in equality & respect.
- C: - Already explained in above paras.
- D: - Already explained in above paras.
- E: - Already explained in above paras.
- F: - Already explained in above paras.
- G: - Already explained in above paras.
- H:- That the respondent also seeks permission to raise further points at the time of Arguments .

It is therefore, requested that the services appeal in hand, being devoid of merits, and may graciously be dismissed with cost.

Shahen Afendi
Respondent No. 01

Director General Health Services
Khyber Pakhtunkhwa Peshawar



Respondent No.02
District Health Officer
Peshawar.

[Signature]
Respondent No.03

Deputy District Health Officer
Sub-Division, Kohi Hassan Khel Peshawar

4

Annexure — A



OFFICE OF THE DEPUTY DISTRICT HEALTH OFFICER
SUB DIVISION HASSAN KHEL PESHAWAR
Khushal Road back to Shalimar CNG, Ring Road Peshawar

No. 3475 /DDHO/SDHK/Pesh

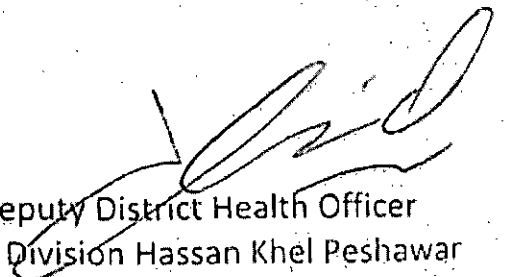
Date 04 / 09 / 2021

To,
Mr: Shah Saud (MT)

Subject: EXPLANATION

You Mr: Shah Saud (MT) attached to BHU Jinakor Town-V is reported by Incharge and as well as community elders that you are coming late to the facility and leave early and also your behavior with patients is very pathetic and odd .your Stock register and medicine register is still incomplete. You are verbally directed to correct your behavior and duties but failed .

You are directed to explain your position within 48 hours, otherwise you will be reported to higher ups for strict disciplinary action


Deputy District Health Officer
Sub Division Hassan Khel Peshawar

Copy to the:

1. Director General Health Services, KPK Peshawar
2. Deputy Commissioner, Peshawar.
3. DHO Peshawar.

5
Annexure - B



DEPUTY DISTRICT HEALTH OFFICER SUB DIVISION HASSAN KHEL PESHAWAR
Tawas Khan colony ring road Peshawar city

Ref No# DDHO/Admin/Pesh Dated / / 2021

OFFICE ORDER

The following posting/transfer of paramedical staff is hereby ordered in the interest of public service with immediate effect.

S.No	Name with Designation	Present Posting	Transfer to	Remarks
1	Mir Azam (MT)	BHU Hassan Khel	BHU Faridi	
2	Shahi Saud(MT)	BHU Janakore	CHC Akhbar Hussain	
3	Abdul Wahab(MT)	RHC Kohi	BHU Hassan Khel	
4	Muhammad Yousaf (MT)	CD Amirzada	BHU Janakore	
5	Haji Gul (MT)	CHC Akhbar Hussain	CD Amir Zada	
6	Abdul Qadar(EPI)	CHC Ayub	BHU Faridi	
7	Dost Muhammad(EPI)	BHU Janakore	CHC Soorpan	
8	Muhammad Farooq (MT)	CD Ilyas	RHC Kohi	
9	Muqbal (MT)	CHC Soorpan	CHC Said Azam	
10	Javeed Muhammad (EPI)	BHU Faridi	CHC Ayub	
11	Hazarat Umar MT	BHU Faridi	CD Ilyas	
12	Atteq Raza MT	CHC Said Azam	CHC Soorpan	
13	Takhrmir Gul EPI	CHC Soorpan	BHU Janakore	

Deputy District Health Officer
Sub-Division Hassan khel, Peshawar

Ref No# 3574-17 DDHO/Admin/Pesh Dated 16/02/2021

Copy to.

1. Deputy Commissioner, Peshawar
2. District Health Officer, Peshawar
3. All Health Facilities IN charge
4. Officials Concerned.

Deputy District Health Officer
Sub-Division Hassan khel, Peshawar

6 (6)

Annexure - C



OFFICE OF THE DEPUTY DISTRICT HEALTH OFFICER
SUB DIVISION HASSAN KHEL PESHAWAR
Khushal Road back to Shalimar CNG, Ring Road Peshawar

No. 3962-64/DDHO/SDHK/Pesh

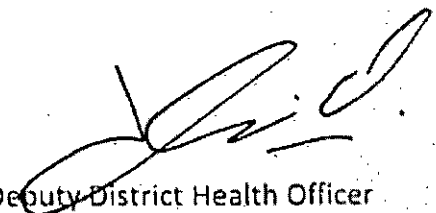
Date 24 / 05 / 2021

To,
Mr: Shah Saud (MT)

Subject: EXPLANATION

You Mr: Shah Saud (MT) attached to CHC AKBAR HUSSAIN Town-V is reported by community elders that you are coming late to the facility and leave early and mostly remained absent from your duties without prior permission and also your behavior with patients is not good .your Stock register and medicine register is still incomplete.Your hospital OPD is decreased from 500 to 180

You are directed to explain your position within 48 hours, otherwise strict disciplinary action will be taken gainst you under the rules


Deputy District Health Officer
Sub Division Hassan Khel Peshawar

Copy to the:

1. Director General Health Services, KPK Peshawar
2. Deputy Commissioner, Peshawar.
3. DHO Peshawar.

Deputy District Health Officer
Sub Division Hassan Khel Peshawar

OFFICE OF THE DEPUTY DISTRICT HEALTH OFFICER SUB DIVISION HASSAN KHEL PESHAWAR

Tawas Khan Colony near Allama Iqbal Public School Ring Road Peshawar

Office Order:

The following posting/transfers of Medical Technicians (BPS12) are hereby made with immediate effect in the interest of public service with immediate effect.

S.No	Name	From	To
1	Mr. Ateeq Raza	CHC Soorpan	CD Mussa Darra
2	Mr. Amin Ullah	CD Mussa Dara	CHC Soorpan
3	Shah Saud	CHC Akbar Hussain	BHU Faridi
4	Naeem	BHU Faridi	CHC Akbar Hussain


Sd/xxxxx
Deputy District Health Officer
Sub Division Hassan Khel Peshawar

No. 4070-72 /DDHO/ADMIN/PESH

Dated: 4/10/2021

Copy to the:

1. Director Health Service Merged Area Peshawar
2. All In Charge of Health Facilities
3. Officials Concerned


Deputy District Health Officer
Sub Division Hassan Khel Peshawar



DEPUTY DISTRICT HEALTH OFFICER SUB DIVISION HASSAN KHEL PESHAWAR
Tawas Khan, colony ring road Peshawar city

Annexure - E

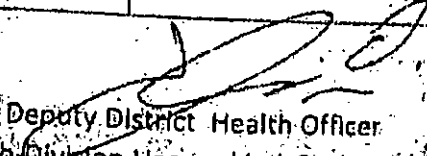
Ref No# DDHO/Admin/Pesh

Dated / / 2021

OFFICE ORDER

The following posting/transfer of paramedical staff is hereby ordered in the interest of public service with immediate effect.

SNo	Name with Designation	Present Posting	Transfer to	Remarks
1	Mr Shahid Sarfaraz(Lab Tech)	CH Shamshtoo	RHC Kohi	
2	Shah Saud(MT)	BHU Faridi	CH Shamshtoo	
3	Tariq Mahmood(Lab Tech)	RHC Kohi	CH Shamshtoo	
4	Majid Khan(MT)	CH Shamshtoo	RHC Kohi	
5	Sharifullah (MT)	RHC Kohi	CD Musadara	
6	Ateeq Raza (MT)	CD Musadara	CH Shamshtoo	
7	Romana (Dai)	CHC Akhbar Hussain	CD Musadara	Be careful next time especially in future polio Campaigns
8	Khanaum hibi(Dai)	CHC Sald Azam	CHC Akhbar Hussain	
9	Tayyiba BIBI(Dai)	CHC Sald Azam	CHC Soorpan	

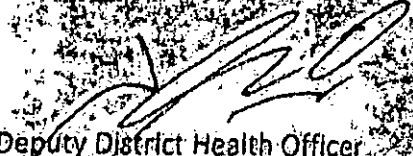

Deputy District Health Officer
Sub-Division Hassan-khel, Peshawar

Ref No# 4415-19 DDHO/Admin/Pesh

Dated 14/6/2021

Copy to.

5. Deputy Commissioner, Peshawar
6. District Health Officer, Peshawar
7. All Health Facilities IN charge
8. Officials Concerned.


Deputy District Health Officer
Sub-Division Hassan-khel, Peshawar



OFFICE OF THE DEPUTY DISTRICT HEALTH OFFICER
SUB DIVISION HASSAN KHEL PESHAWAR
Khushal Road back to Shalimar CNG, Ring Road Peshawar

No. 9365-67/DDHO/SDHK/Pesh

Date 16/12/2021

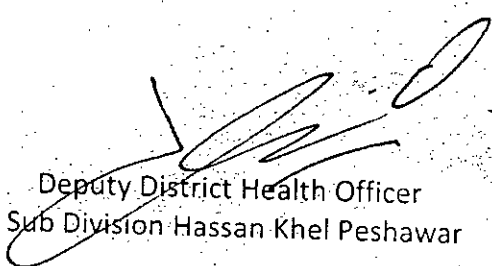
The District Health Officer
Peshawar

Subject: PERFORMANCE OF MR:SHAH SAUD MEDICAL TECHNICIAN

Sir,

Kindly refer to subject cited above and as discussed telephonically with you and to state that Mr: Shah Saud (MT) attached CHC Soorpan Town-V is still absent after transferring to CHC soorpan vide office order no. 9200-3/DDHO/SDHK/Pesh dated 19-11-2021, and also failed to submit reply of explanation issued to him vide office letter no. 9345-49/DDHO/SDHK/Pesh dated 15-12-2021, and also reported absent as per IMU report dated 09-12-2021 and the daily OPD and health services are badly suffered
Moreover, the above mentioned official is creating problem in field, not interested in duty

It is therefore, requested to kindly relieved him on administrative ground and on misconduct please


Deputy District Health Officer
Sub Division Hassan Khel Peshawar

Copy to the:

1. Director General Health Services, KPK Peshawar
2. Deputy Commissioner, Peshawar

10

Annexure - 9



OFFICE OF THE DEPUTY DISTRICT HEALTH OFFICER
SUB DIVISION HASSAN KHEL PESHAWAR.
Khushal Road back to Shalimar CNG, Ring Road Peshawar

No. 9404-6 /DDHO/SDHK/Pesh

Date 27/12/2021

The District Health Officer
Peshawar


Subject: PERFORMANCE OF MR: SHAH SAUD MEDICAL TECHNICIAN

Sir,

Kindly refer to your office letter no. 21121/DHO dated 23-12-2021, subject cited above and this office letter no. 9365-67/DDHO/SDHK/Pesh dated 16-12-2021, Mr: Shah Saud (MT) is attached to CHC Soorpan, was transferred from CH Shamshatoo to CHC Soorpan on administrative ground on 19-11-2021 after detail discussion with DHO Peshawar, but instead of giving arrival the mentioned official still coming to CH Shamshatoo, creating problems for hospital administration and also involved in illegal activities there.

He was verbally and in written informed to submit his original documents and service book which are still in his custody, but instead of submitting documents he illegally stated that he submitted the copies of documents in the office, but the statement is totally fake and baseless (Copy attached)

It is therefore, kindly requested to give him show cause notice as his documents/degrees etc are looking suspicious/fake


Deputy District Health Officer
Sub Division Hassan Khel Peshawar

Copy to the:

1. Director General Health Services, KPK Peshawar
2. Deputy Commissioner, Peshawar