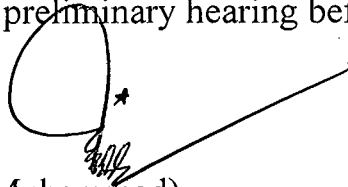


25.10.2022

Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for respondents No. 1 to 3 present. Mr. Asif Ali Yousafzai, Legal Advisor for respondents No. 4 to 10 present.

The appeal in hand is yet at pre-admission stage, however has been inadvertently fixed before the D.B, therefore, to come for preliminary hearing before the S.B on 31.10.2022.



(Mian Muhammad)  
Member (E)



(Salah-Ud-Din)  
Member (J)

10.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 28.04.2022 for the same as before.

  
Reader

28.04.2022

Appellant present through counsel.

Kabir Ullah Khattak learned Additional Advocate General alongwith Jaffar Ali Assistant for respondents No.1 to 3 present. Counsel for respondents No.4 to 10 present.

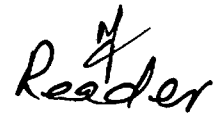
Reply on behalf of respondents No.4 to 10 has already been submitted while representative of respondents No. 1 to 3 relied upon the reply already submitted on behalf of respondents No.4 to 10. To come up for rejoinder, if any, and arguments on 08 / 07 / 2022 before D.B.



(Rozina Rehman)  
Member (J)

8-7-2022

Due to Holidays of Eid-ul-Azha  
the case is adjourned to 25-10-2022

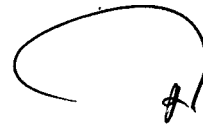
  
Reader

22.12.2021

Junior to counsel for appellant present.

Muhammad Adeel Butt, learned Additional Advocate General present. Learned counsel for respondents No.4 to 10 present.

File to come up alongwith connected service appeal No.7091/2021 on 03.01.2022 before S.B.



(Rozina Rehman)  
Member (J)

03.01.2022

Junior to counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG alongwith Dr. Tajdar Alam, Deputy Director (Admn) for respondents No 1, 2 & 3 present. Counsel for respondents No. 4 to 10 present.

File to come up alongwith connected service appeal No. 7091/2021 on 17.01.2022 before S.B.



(Rozina Rehman)  
Member (J)

17.01.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG alongwith Mr. Jaffar Ali, Assistant for official respondents No. 1 to 3 present. Learned counsel for respondent No. 4 to 10 present.

File to come up alongwith connected service appeal No. 7091/2021 on 10.02.2022 before S.B.



(Atiq-Ur-Rehman Wazir)  
Member (E)

08.09.2021

Mr. Shiraz Kha, Junior of learned counsel for the appellant present. Mr. Kabirullah Khattak, Learned Additional Advocate General alongwith Mr. Jafar Ali, Assistant for respondents No. 1 to 3 and Mr. Haroon Sarfaraz, Legal Advisor for respondents No. 4 to 10 present.

Written reply not submitted. Learned AAG seeks time to for submission of reply on the next date. Adjourned. To come up for reply/preliminary hearing before the S.B on 26.10.2021.

The operation of the impugned order is suspended till next date.

  
(MIAN MUHAMMAD)  
MEMBER (E)

26.10.2021

Junior to counsel for the appellant present and Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.




Learned AAG seeks further time for submission of written reply. To come up for reply/preliminary hearing on 22.12.2021 before the S.B. The operation of impugned order shall remain suspended till next date.

  
Chairman

## FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- 2093 /2021

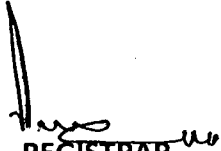
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	28/07/2021	<p>The appeal of Mr. Yaqub Masih resubmitted today by Mr. Jalal-ud-Din Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>09/08/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	04.08.2021	<p>Counsel for the appellant present.</p> <p>After hearing arguments at some length, pre-admission notice is necessary to be issued to the respondents. To come up for reply/preliminary hearing on 08.09.2021 before S.B.</p> <p>The operation of the impugned order is suspended till next date.</p> <p style="text-align: right;"> Chairman</p>

The appeal of Mr. Yaqoob Masih son of Rehmat Masih Khyber Teaching Hospital MTI Peshawar received today i.e. on 27.07.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant ✓
- 2- Annexures of the appeal may be attested. ✓
- 3- Appeal has not been flagged/marked with annexures marks ✓
- 4- Check list is not attached with the appeal. ✓
- 5- Affidavit may be got attested by the Oath Commissioner. ✓

No. 1499 /S.T,

Dt. 28/07 /2021

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Jalal-ud-Din Adv. Pesh.

Resubmitted on 28/07/21  
after removal of objections



7093/21

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

Case Title: میرزا محمد علی رضا کی درخواست

S#	CONTENTS	YES	NO
1	This Appeal has been presented by:		
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?		✓
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: Wahid Khan Adv  
 Signature: (WA) [Signature]  
 Dated: 28/7/21

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA,  
PESHAWAR

Service Appeal No 2093/2021

Yaqoob Masih

VERSUS

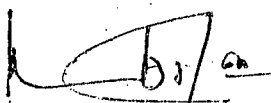
D.G Health Peshawar and others


INDEX

S NO	DESCRIPTION OF DOCUMENTS	ANNEX	PAGE
1.	Grounds of Appeal	-	1-7
2.	Affidavit	-	8-
3.	Application for interim relief with affidavit	-	9-11
4.	Addresses of the parties	-	12
5.	Copy of the initial appoint	'A'	13-14
6.	Copy of the impugned order dated 26-2-2021	'B'	15
7.	Copy of the order dated 07-07-2021 of Medical Tribunal, Peshawar	'C'	16
8.	Copy of the grounds of appeal and receiving order on the merge of departmental appeal	'D'	17
9.	Wakalat Nama (In original)	-	18

Appellant

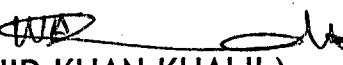
Through:

  
(SHAIBER KHAN)

  
(JALAL UD DIN)

  
(RAHMAT ULLAH KUNDI)

&

  
(WAHID KHAN KHALIL)  
Advocates,  
High Court Peshawar

Dated: -27-07-2021



BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA,  
PESHAWAR

Service Appeal No \_\_\_\_\_/2021

Yaqoob Masih S/O Rehmat Masih, Sweeper (Civil Servant) Khyber  
Teaching Hospital, MTI, Peshawar.....(Appellant)

VERSUS

1. Director General Health Services, Khyber Pakhtunkhwa,  
Peshawar
2. Additional Director General (Admin), Directorate General  
Health Services, Khyber Pakhtunkhwa, Peshawar
3. Government of Khyber Pakhtunkhwa through Chief  
Secretary Civil Secretariat, Peshawar
4. Hospital Director, MTI, KTH, Peshawar
5. Medical Director, MTI, KTH, Peshawar
6. Director Finance, MTI, KTH, Peshawar
7. Human Resources through its Manager MTI, KTH, Peshawar
8. Account Officer, MTI, KTH, Peshawar
9. Manager Facilities Management, MTI, KTH, Peshawar
10. Board of Governor through its Secretary MTI, Khyber  
Teaching Hospital, Peshawar.....(Respondents)

2

Appeal under Section 4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974 read with other enabling provision of law applicable to the matter against impugned order, dated 26-02-2021, whereby through impugned transfer order the Appellant has been illegally, without any lawful authority, transferred from Khyber Teaching Hospital (MTI) to Director General Health by Respondent No 4/Hospital Director without any rhyme, reasons and obtaining proper approval from competent authority against which the departmental representative / appeal dated 20<sup>th</sup> April, 2021 received on 22<sup>nd</sup> April, 2021 has been responded till-date within expiry of statutory period, hence the instant appeal

Respectfully Sheweth:

Brief facts leading to this service appeal are as under:-

- 1) That the Appellant is initially appointed on temporary basis in the Respondent's Officer Khyber Teaching Hospital MTI and was later on regularized on permanent posts and since then the Appellant is working against the permanent posts. (Copy of the initial appointment is attached as Annex 'A').
- 2) That the Respondents/Khyber Teaching Hospital MTI Peshawar through Respondent No 1 issued impugned

transfer order dated 26-02-2021 of Appellant and attached the salary of the Appellant without any rhymes, reasons and in violation of law, rules and regulations. (Copy of impugned order is attached as Annex 'B').

- 3) That initially, the Appellant filed appeal under Section 16-A of MTI Reforms Act 2015 (Amended Act 2020), read with Section of Medical Teaching Institution (MTI) before the Khyber Pakhtunkhwa Medical Tribunal Hayatabad, Peshawar against the impugned order of transfer, but the same was withdrawn vide order dated 07-07-2021; but the Chairman Medical Tribunal, to approach the proper forum. (Copy of the order dated 07-07-2021 is attached as Annex 'C').
- 4) That against the impugned transfer order dated 26-2-2021, the Appellant filed departmental appeal/representation on 20-04-2021, which was received by the Respondent on dated 22-04-2021 but the same has not been responded by the Respondent/department after expiry of statutory period under the law. (Copy of the grounds of appeal and receiving order on the merge of departmental appeal is attached as Annex 'D').
- 5) That the Appellant being aggrieved from the impugned order, filed departmental appeal before the competent authority, which departmental appeal has not yet been entertained and the Appellant has been constrained to

knock the door of the competent forum for the redressal of his grievances on the following grounds, inter-alia:- 4

GROUNDS:-

- A) That the Appellant is law abiding citizen of Pakistan and is employee at Khyber Teaching Hospital-MTI, Peshawar.
- B) That the Respondents/Khyber Teaching Hospital MTI Peshawar has acted beyond its jurisdiction and thus committed gross illegality.
- C) That the impugned order of transfer and attached of salary is illegal and the same is not tenable in the eyes of law and procedure as well as the dictums of the apex Court of Pakistan.
- D) That the allegations leveled by the Respondents are strictly denied by the Appellants and such allegations have not yet been proved in fact finding inquiry by any independent and reliable source. The word "Show Cause" meant to make clear of apparent, which has been held in 2006 SCMR 37 and 2007 CLC 1123 by the august Supreme Court of Pakistan, as by evidence testimony or reasoning to prove some guilt.
- E) That Appellant, with good record of service for more than 15 years, fully aware of his official responsibilities and being a disciplined official have not committed any wrong, therefore, the whole story and allegation are baseless and

neither proved nor any case was registered. Therefore, no  
any single iota of evidence is available in this regard. 5

F) That the imposition of penalty of transfer and attachment of salary of the Appellant is against the law, rules and regulations.

G) That the authority initiated the disciplinary proceeding on receiving an anonymous complaint, without giving any show cause to the Appellant. The complainant has not been examined in support of allegations in the presence of Appellant. In such eventuality, the allegations would be deemed to have not been proved in accordance with law. Such inquiry would be illegal and no punishment could be imposed on the accused on the basis of such inquiry. (Reliance is placed on 2005 PLC (CS) 1015).

H) That the transfer and attachment of salary of the Appellant is a major penalty and it is settled principle of law that such major penalty cannot be imposed without proper and regular inquiry. This view has been constantly maintained by this Honourable Tribunal as well as by the august Supreme Court of Pakistan. Reliance is placed on the following judgments.

- i. 2001 TD (Service) 147
- ii. PLJ 2002 (SC) 525
- iii. NLR 2003 Service 133 (SC)
- iv. 2003 TD (Service) 413

- v. 2003 SCMR 681
- vi. NLR 2004 Service 22 (SC)
- vii. 2004 SCMR 294
- viii. 2004 PLC (CS) 328 and 344 (SC)
- ix. 2005 PLC (CS) 256 and 263

- 6
- I) That the transfer order was not a speaking order as against the Section 24-A of the General Clause Act, 1897, which stipulates that every order should be speaking one and well-reasoned. It has been held in a case reported as 2002 PLC (CS) 1480, that "Any order passed by the executive authority must be speaking one and shall be well reasoned". Therefore, the transfer order being against the Section 24-A of the General Clauses Act, 1897 is liable to be set aside.
- J) That after withdrawal of appeal under MTI rule, the Respondents relieved the Appellant, but the relieving order has not been executed upon the Appellant neither the Appellant has assumed the charge at his new place of posting nor the Appellant has relinquished the charge from the old place because the MTI rules has not been applicable on Appellant.
- K) That any other ground, not raised specifically may graciously be allowed to be raised at the time of arguments.

PRAYER:-

7

It is, therefore, most respectfully prayed that on acceptance of this Appeal, the impugned order of transfer and attachment of salary of Appellant may please be set aside being against the law, rules and regulations and the initial order of posting at KTH be restored to his original post and the salary alongwith all back benefits from the date of impugned order, may please be released in favour of the Appellant.

Any other relief, which this Honourable Tribunal deems proper in the circumstances of the appeal, may also be granted in favour of Appellant.


Appellant

Through:

  
(SHAIBER KHAN)

  
(JALAL UD DIN)

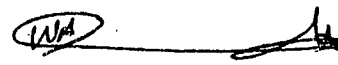
  
(RAHMAT ULLAH KUNDI)  
&

  
(WAHID KHAN KHALIL)  
Advocates,  
High Court Peshawar

Dated: -27-07-2021

NOTE:-

No such appeal for the same Appellant has earlier been filed by me before this Honourable Tribunal prior to instant one.

  
Advocate

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA,  
PESHAWAR

Yaqoob Masih.....(Appellant)

VERSUS

D.G Health Peshawar and others.....(Respondents)

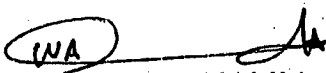
AFFIDAVIT

I, Yaqoob Masih S/O Rehmat Masih, Sweeper (Civil Servant) Khyber Teaching Hospital, MTI, Peshawar, do hereby solemnly affirm and declare on oath that all the contents of accompanying Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Honourable Court.

DEPONENT

CNIC # 17301-1677381-7  
Cell # 0343-9659604

Identified by:-

  
(WAHID KHAN KHALIL)  
Advocate  
High Court, Peshawar



Yaqoob Masih.....(Appellant)

V E R S U S

D.G Health Peshawar and others.....(Respondents)

Application for interim relief to the effect that the Respondents may kindly be directed to suspend the impugned order dated 31<sup>st</sup> March, 2021 passed by the Respondent till the final disposal of the instant appeal. Furthermore, the salary of the Appellant may kindly be released forthwith alongwith all back benefit

Respectfully Sheweth: -

- 1) That the captioned appeal has been filed and admitted for full hearing before this Honourable Court, wherein no date of hearing has yet been fixed.
- 2) That the contents of the appeal may kindly be considered as integral part and parcel of this application.
- 3) That due to the grounds set out in the main service appeal, the Petitioner/Appellant has got good prima facie case in his favour and is hopeful of its success.
- 4) That if the impugned transfer order mentioned above is not suspended, then the Petitioner/Appellant would suffer extreme irreparable loss.

5) That due to the peculiar circumstances of the case in hand, balance of convenience also lies in favour of allowing this application. (10)

It is, therefore, respectfully prayed that on acceptance of this Application, the impugned office order 31<sup>st</sup> March, 2021 passed by the Respondent may kindly be suspended till the final disposal of the instant appeal. Furthermore, the salary of the Appellant may kindly be released forthwith alongwith all back benefits.

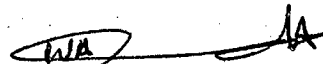
Applicant/Appellant

Through:

  
(SHAIBER KHAN)

  
(JALAL UD DIN)

  
(RAHMAT ULLAH KUNDI)  
&

  
(WAHID KHAN KHALIL)  
Advocates,  
High Court Peshawar

Dated: -27-07-2021

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA,  
PESHAWAR

(11)

Yaqoob Masih.....(Appellant)

VERSUS

D.G Health Peshawar and others.....(Respondents)

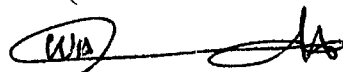
AFFIDAVIT

I, Yaqoob Masih S/O Rehmat Masih, Sweeper (Civil Servant) Khyber Teaching Hospital, MTI, Peshawar, do hereby solemnly affirm and declare on oath that all the contents of accompanying Application are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Honourable Court.

DEPONENT

CNIC # 1730-1677381-7  
Cell # 0343-9659604

Identified by:-



(WAHID KHAN KHALIL)  
Advocate  
High Court, Peshawar

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA,  
PESHAWAR

Yaqoob Masih

VERSUS

D.G Health Peshawar and others

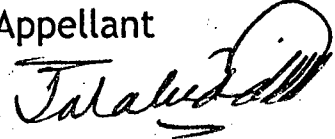
MEMO OF ADDRESSES

APPELLANT

Yaqoob Masih S/O Rehmat Masih, Sweeper (Civil Servant) Khyber Teaching Hospital, MTI, Peshawar

RESPONDENTS

1. Director General Health Services, Khyber Pakhtunkhwa, Peshawar
2. Additional Director General (Admin), Directorate General Health Services, Khyber Pakhtunkhwa, Peshawar
3. Government of Khyber Pakhtunkhwa through Chief Secretary Civil Secretariat, Peshawar
4. Hospital Director, MTI, KTH, Peshawar
5. Medical Director, MTI, KTH, Peshawar
6. Director Finance, MTI, KTH, Peshawar
7. Human Resources through its Manager MTI, KTH, Peshawar
8. Account Officer, MTI, KTH, Peshawar
9. Manager Facilities Management, MTI, KTH, Peshawar
10. Board of Governor through its Secretary MTI, Khyber Teaching Hospital, Peshawar

Through: Appellant  
  
(JALAL UD DIN)  
Advocate,  
High Court, Peshawar

Dated: -27-07-2021

(13)

(A)  
Amended  
29

HAYAT SHAHEED TEACHING HOSPITAL PESHAWAR

APPOINTMENT ORDER

No. \_\_\_\_\_/HSTH/E Dated. \_\_\_\_\_/1989.

As a result of interview dated \_\_\_\_\_  
Mr. \_\_\_\_\_ S/O, D/O, W/O \_\_\_\_\_  
is hereby selected and offered a temporary post of \_\_\_\_\_  
\_\_\_\_\_ in BPS (1) \_\_\_\_\_ plus other allowances  
admissible under the Govt: Rules in this institution against  
the vacant post of \_\_\_\_\_.

The post which is being offered to you is sanctioned  
temporary on year to year basis. Your employment is therefore  
purely temporary and can be terminated without any reasons  
being assigned to you at any time irrespective of the fact that  
you are holding a post other than the one which you originally  
recruited or upon the payment of 14 days salaries in lieu  
of NOTICE.

In case you wish to resign at any time a prior notice will  
be necessary and you will continue to serve the Government  
till your designation is accepted and communicated to you in  
writing.

You will be governed by such rules and orders relating  
to leave, T.A., Medical Attendance, pay etc, as may be issued  
by the Government for the category of Govt: servant to which you  
belong.

Your appointment will be subject to your Medical Fitness.

If you accept the offer on the above terms and conditions,  
you should report to the undersigned within 10 days of the  
receipt of this letter, failing which the offer will be treated  
as cancelled and withdrawn.

ADMINISTRATOR  
HAYAT SHAHEED TEACHING HOSPITAL  
PESHAWAR.

No. 1703-6/HSTH/E

Dt. 26/2/1989

A copy is forwarded to:-

1. The Deputy Medical Supdt (Admn) Hayat Shaheed Teaching Hospital, Peshawar.
2. The Accounts Officer, Hayat Shaheed Teaching Hospital, Peshawar
3. The I/C \_\_\_\_\_, H.S.T.H., Peshawar.
4. Mr./Miss/Mrs. \_\_\_\_\_, \_\_\_\_\_ Academy, Peshawar.

*[Signature]*  
ADMINISTRATOR  
HAYAT SHAHEED TEACHING HOSPITAL  
PESHAWAR.

Z\*\*

14

40

2

MS-100-1007-03

REGIONAL CERTIFICATE

Name of Official..... Mr. Yaqub  
 Name of race..... Christian/Pakistani  
 Name of office..... Rahmat  
 Residence..... Rural Academy, Town Peshawar.  
 Date of birth..... 1922  
 Exact height & measurement..... 5' 11"  
 Personal marks of identification..... Scar on R. hand  
 Signature of the Official.....  
 Signature of Head of office.....

Seal of Office.....  
 Administrator  
 Hayat Shabeed Teaching Hospital  
 Peshawar.

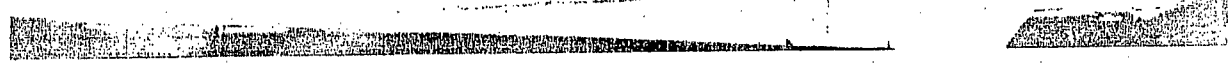
I do hereby certify that I have examined Mr. Yaqub..... candidate for  
 employment in the Office of the..... Hayat Shabeed Teaching Hospital  
 and did not discover that he had any disease communicable or other constitutional  
 defect or bodily infirmity except.....

I do not consider that a disqualification for employment in the Office of the  
 Administrator of Hayat Shabeed Teaching Hospital and by  
 appearance about 18 years.

27/2  
 N. H. J.

LEFT HAND THUMB AND FINGER  
 IMPRESSIONS.....

Medical Superintendent  
 Hayat Shabeed Teaching Hospital  
 Peshawar  
 27/2/70





15  
MEDICAL TEACHING INSTITUTION  
KHYBER TEACHING HOSPITAL, PESHAWAR  
Office of the Hospital Director

Amir (B)  
Millet B/I  
B


No. 1489 /KTH/HRD

Dated 26/02/2021

**OFFICE ORDER**

The services of **Mr. Yaqoob Masih** S/O Rehmat Masih, Sweeper (Civil Servant) attached to this institution are hereby repatriated to his parent department i.e. Directorate General Health Services Khyber Pakhtunkhwa on account of unprofessional behavior towards duties, involvement in sabotage activities and instigating other employees / public against the institutional reforms.

His services are no more required in this institution and he stands relieved to his parent department in the best public interest.

  
Hospital Director  
MTI, KTH, Peshawar

No. \_\_\_\_\_ /KTH/HRD

Copy to:-

1. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
2. Medical Director, MTI, KTH, Peshawar.
3. Director Finance, MTI KTH, Peshawar.
4. Manager Human Resources, MTI KTH Peshawar with the direction to inactive his profile from HMIS.
5. Accounts Officer, MTI, KTH, Peshawar, to stop his pay.
6. Manager Facilities Management, MTI, KTH, Peshawar.
7. Secretary to BOG, MTI, KTH/KMC/KCD, Peshawar.
8. Personal File of the official concerned.
9. Official Concerned.

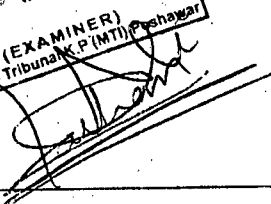
Hospital Director  
MTI, KTH, Peshawar.

Annex-116

**KHYBER PAKHTUNKHWA MEDICAL TEACHING INSTITUTIONS**

**APPELLATE TRIBUNAL**

**ORDER SHEET**

<u>Date of hearing</u>	Proceedings of the Tribunal
7.7.2021	<p><b><u>MTI Appeal No.31/2021</u></b></p> <p>Present: Mr.Wahid Khan Khalil, advocate for the appellant.</p> <p>_____</p> <p><b><u>NISAR HUSSIAN KHAN, CHAIRMAN:-</u></b> Submits that he is under instructions of his client to withdraw the instant appeal.</p> <p>Allowed. The same stands dismissed as withdrawn.</p> <p style="text-align: center;"><b>ATTESTED</b> 05 JUL 2021 (EXAMINER) Appellate Tribunal P (MTI) Peshawar</p> 



To,

The Worthy  
Chairman  
Board of Governor (BOG)  
Khyber Teaching Institution/Hospital  
Peshawar

Subject: - DEPARTMENTAL APPEAL AGAINST THE IMPUGNED  
TRANSFER ORDER DATED 26<sup>th</sup> FEBRUARY, 2021

Respected Sir,

With due respect, I have the honour this departmental appeal for your kind consideration and favour action on the following facts:-

- 1) That the Appellant is a law abiding citizen of Pakistan and having good reputation among the locality.
- 2) That the Appellant was appointed as civil servant in Khyber Teaching Hospital and also performed his duty with full zeal and devotion and no adverse entry is made against the Appellant by any competent officer.
- 3) That the Appellant neither involved or conduct in any unlawful activities against the institution nor infringe any public or private person right. Furthermore, all the efforts or services of the Appellant are for the institution and for better reform in the institution.
- 4) That it is pertinent to mention here that no inquiry was conducted, hence the transfer order of the Applicant is illegal and unlawful.
- 5) That the Appellant always work for the department and in the public interest.

In view of the above, it is therefore, humbly prayed that the impugned order dated 26-02-2021, the transfer order of the Appellant may graciously be reviewed for the best performance of Appellant's duty.

Yours sincerely,

(YAQOOB MASIH)  
Sweeper  
(Civil Servant)  
Khyber Teaching Hospital  
Peshawar

Dated: -20-04-2021

Received  
22/4/2021

SECRETARY  
BOARD OF GOVERNORS  
Medical Teaching Institution  
Khyber Teaching Hospital  
Peshawar

2021ء منجانب اسٹاکس  
لغویوں میں بنام ڈی جی سٹاکس

مورخہ  
مقدمہ  
دعویٰ  
جرم

### باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ  
آن مقام کے لیے شہباز خان / حلال الدین / زکرت خان کنڈی / عواحد خان خلیل  
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی  
اور منسوخی نیز دائر کرنے اپیل نگران و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت  
مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے  
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے  
اور اس کا ساختہ پرداختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے  
سبب سے و ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں  
گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

لغویوں کی

2021ء

07 ماہ

27

المرقوم

العبد بدمگ واہ العبد

کے لئے منظور ہے۔

Rahmed Kurali  
Advocate  
Rahmed

مقام  
Talak