

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 6695/2021

Date of institution 01.07.2021

Dr. Nabeela Rehman, Medical Officer (BPS-17) R/O Civil Dispensary
Bhana Mari, Peshawar.

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Health at Civil
Secretariat, Peshawar and another.

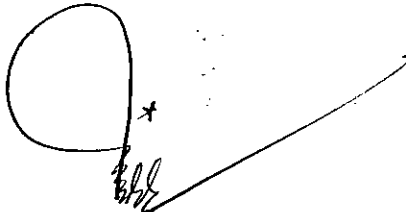
ORDER
15.09.2022

Appellant namely Dr. Nabeela Rehman in person present.
Mr. Kabirullah Khattak, Additional Advocate General for the
respondents present.

Appellant stated at the bar that she does not want to pursue her
appeal further and requested for withdrawal of the same. In this
respect, she also submitted an application, which is placed on file.

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withdrawn.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

ANNOUNCED
15.09.2022



(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

**IN THE HON'BLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR**

CM /2022

in

S.A No: 6695/2021

Dr. Nabeela Rehman

Versus

Govt of KPK and others

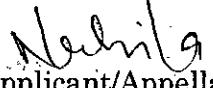
**APPLICATION FOR WITHDRAWAL OF SERVICE
APPEAL NO:6695/2021**

Respectfully Sheweth:-

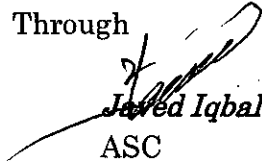
- A. That the above captioned appeal is pending adjudication before this Hon'ble Tribunal which is fixed for 15-09-2022.
- B. That the appellant wants to withdraw her service appeal.
- C. That there is no legal bar in the way of withdrawal of the instant appeal.

It is, therefore, most humbly prayed that on acceptance of this application, the Appeal No.6695/2021 may kindly be withdrawn.

Dated: 15/09/2022


Applicant/Appellant

Through


Javed Iqbal Gul Bela.

ASC

IN THE HON'BLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

CM____/2022

in

S.A No: 6695/2021

Dr. Nabeela Rehman

Versus

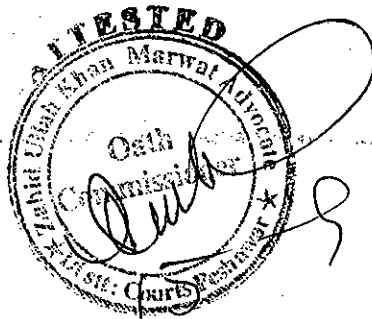
Govt of KPK and others

AFFIDAVIT

I, **Dr. Nabeela Rehman** (Appellant), do hereby solemnly affirm and declare that all the contents of the **application** are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Court.

Nabeela

Deponent



17.8.22

Due to summer vacation the case is
adjourned to 15.9.22 for the first time.

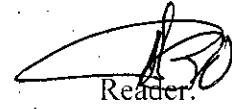


D

13/9/22

21.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 25.05.2022 for the same as before.



Reader.

25th May, 2022

Junior of learned counsel for the appellant present. Mr. Muhammad Rashid, DDA alongwith Safiullah, Litigation Officer for respondents present.

Junior of learned counsel for the appellant seeks adjournment on the ground that learned senior counsel is not available today. Adjourned. To come up for arguments on 14.06.2022 before D.B.



(Fareeha Paul)
Member(E)

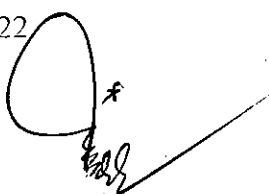


(Kalim Arshad Khan)
Chairman


14.06.2022

Clerk of counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for respondents present.

Clerk of counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is unable to attend the Tribunal today due to strike of Lawyers. Adjourned. To come up for arguments before the D.B on 17.08.2022



(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)

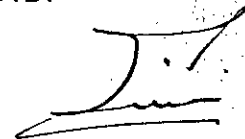


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

08.12.2021

Learned counsel for the appellant present. Mr. Safiullah, Section Officer alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

The Worthy Chairman is on leave, therefore, the bench is incomplete. Adjourned. To come up for arguments on 03.01.2022 before the D.B.

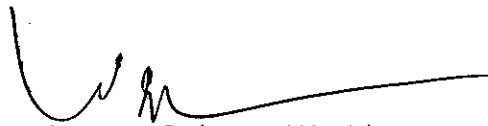


(Salah-ud-Din)
Member (J)

03.01.2022

Counsel for the appellant and Mr. Asif Masood Ali Shah, DDA alongwith Safiullah, Litigation Officer for the respondents present.

Counsel for the appellant seeks adjournment for preparation. Request accorded. Case to come up for arguments on 14.01.2022 before the D.B.



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




Chairman

14.01.2022

Mr. Javed Iqbal Gulbela, Advocate present. Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present.

Learned counsel for the appellant requested for time for documentation of the appeal with certain additional documents. Request accorded. To come up for arguments before the D.B on 21.02.2022.



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



Chairman

03.09.2021

Due to summer vacations, the case is adjourned to 30.09.2022 for the same as before.

READER

30-9-21

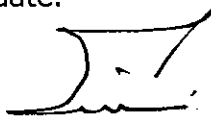
DB is on Taud case to come up
For the same on Dated. 18-10-21

Reader

18.10.2021

Junior to counsel for the appellant and Mr. Muhammad Adeel Butt, Addl. AG alongwith Ziaullah, Deputy Secretary (Legal) for the respondents present.

Due to general strike of the bar, counsel for the appellant is not in attendance today. To come up for arguments on 11.11.2021 before the D.B. The restrain order dated 02.07.2021 shall remain operative till next date.


(Salah-ud-Din)
Member(J)

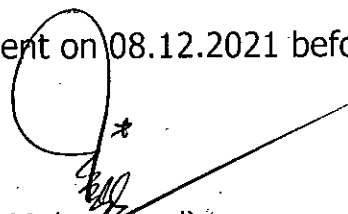

Chairman


11.11.2021

Junior to counsel for appellant present.

Muhammad Riaz Khan Paindakheil learned Assistant Advocate General alongwith Safi Ullah S.O for respondents present.

File to come up alongwith connected Service Appeal No.6686/2021 titled Dr. Ateeqa Rehman Vs. Health Department on 08.12.2021 before D.B.


(Mian Muhammad)
Member (E)


(Rozina Rehman)
Member (J)

11.08.2021

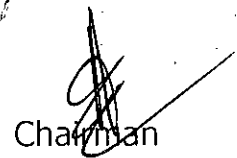
Junior to counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General alongwith Zia Ullah Law Officer and Safeer Ullah Focal Person for respondents present.

File to come up alongwith connected Service Appeal No. 6721/2021 titled Dr. Sikander Zen Vs. Health Department on 24.08.2021 before D.B.



(Rozina Rehman)
Member (J)

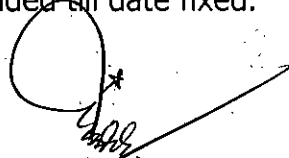


Chairman

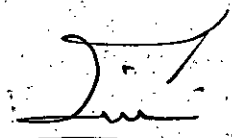
24.08 .2021

Mr. Junaid Khan, Advocate, Junior of learned counsel for the appellant present. Mr. Muhammad Rashid, DDA alongwith Mr. Ziaullah, Law Officer for the respondents present.

Junior of learned counsel for the appellant sought adjournment on the ground that the learned counsel for the appellant is not available today due to some domestic engagement. Adjourned. Last opportunity granted. To come up for argument before the D.B on 03.09.2021. The operation of the order shall remain suspended till date fixed.



(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

27.07.2021.

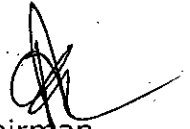
Appellant present through counsel.

Muhammad Adeel Butt learned Additional Advocate General alongwith Zia Ullah Law Officer for respondents present.

File to come up alongwith connected Service Appeal No.6721/2021 titled Dr. Sikander Zeb Vs. Health Department, on 04.08.2021 before D.B.



(Rozina Rehman)
Member (J)



Chairman

04.08.2021

Junior to counsel for appellant present.

Mr. Usman Ghani learned District Attorney alongwith Zia Ullah Law Officer for respondents present.

File to come up alongwith connected Service Appeal No.671/2021 titled Sikander Zeb Vs. Health Department, on 11.08.2021 before D.B.



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




(Rozina Rehman)
Member (J)

Form-A

FORM OF ORDERSHEET

Court of _____
 Case No. 6695 /2021 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3.
1	02/07/2021	<p>As per direction of the Worthy Chairman this case may be entered in the Institution Register and put to the S. Bench for preliminary hearing on <u>2.7.21</u>.</p> <p style="text-align: right;"> REGISTRAR</p>
	02.07.2021	<p>Counsel for the appellant present. Preliminary arguments heard.</p> <p>Alongwith the appeal, the appellant has annexed the copy of Posting and Transfers of the Government from Esta Code. According to Para xiv of the said policy, right of appeal has been given to the government servants and accordingly, if one is aggrieved due to the orders of posting/transfer of authorities, he 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. It is further provided in the said Para that such appeal shall be disposed of within fifteen days. As far as the office objection based on general waiting of 90 days is concerned, it is not workable in presence of a special condition of 15 days under the policy is in field for disposal</p>

Appellant Deposited
Security Process Fee

5/7/21


of appeal. Therefore, office objection is overruled. Points raised need consideration. The appeal is admitted to 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 in office within 10 days of the receipt of notices positively. If the written reply/comments are not submitted within the stipulated time, the office is directed to submit the file with a report of non-compliance. File to come up for arguments on 27.07.2021 before the D.B.

The appeal is also accompanied with an application for interim relief. Notice of the same be also given to the respondents for the date already fixed. The operation of the order shall remain suspended till date fixed.


Chairman

Sir,

The objection of this office and reply of counsel for the appellant is submitted for appropriate order, please


Registrar 2/7/2021.

Worthy Chairman.

Order:

07/07/2021

Keeping the objection of office intact for settlement at the time of preliminary hearing, this appeal be instituted.


Chairman

This is an appeal filed by Dr. Nabeela Rehman today on 01/07/2021 against the order dated 01.06.2021 against which she preferred/made departmental appeal/ representation on 11.06.2021 the period of ninety days is not yet lapsed as per section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, which is premature as laid down in an authority reported as 2005-SCMR-890.

As such the instant appeal is returned in original to the appellant/Counsel. The appellant would be at liberty to resubmit fresh appeal after maturity of cause of action.

No. 1144 /ST,

Dt. 1-07 /2021

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Javed Iqbal Gulbela Adv. Pesh.

Respected Sir,

As per the transfer & posting policy, the instant S.A is mature & kindly place it before the Hon'ble bench for disposal.

Javed Iqbal Gulbela

02-07-2021.

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR**

In Re S.A _____/2021

Dr. Nabeela Rehman

VERSUS

Secretary Health & Others

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Dated: 01/07/2021

Nabeela
Appellant

Through

Javed Iqbal Gulbela
Javed Iqbal Gulbela
Advocate Supreme Court of
Pakistan

(1)

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

In S.A. 6695 /2021

Diary No. 6732

Dated 01/7/2021

Dr. Nabeela Rehman, Medical Officer (BPS-17) R/o Civil Dispensary Bhana Mari, Peshawar.

-----Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Health at Civil Secretariat, Peshawar.
2. Director General Health Services, Government of Khyber Pakhtunkhwa.

-----Respondents

APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT - 1974 AGAINST THE IMPUGNED TRANSFER ORDER NO. SOH (E-II)/1-1/2021/ Dated 01-06-2021 OF THE OFFICE OF SECRETARY HEALTH KHYBER PAKHTUNKHWA, WHEREBY THE APPELLANT HAS BEEN TRANSFERRED FROM DISTRICT PESHAWAR TO DHQ HOSPITAL HANGU IN UTTER VIOLATION TO THE LAW AND POLICY OF TRANSFER & POSTING GOVERNING THE SUBJECT

Filed to-day

Registrar

01/07/2021

Respectfully Sheweth,

1. That the Appellant is a naturally born bona-fide citizen of Islamic Republic of Pakistan and hails from a respectable family of District Peshawar.
2. That after going through the mandatorily required criteria, laid down for selection of Medical Officers, the Appellant got appointed as Medical Officer years back.
3. That since induction into service and getting onto the rolls of this extremely humane and prestigious Department, the

Appellant has remained the most pragmatic, devoted and dutiful fellow, who never left any stone unturned in performance of her duties and importing any responsibility that has been entrusted to the Appellant.

4. That being highly professional and pragmatic towards the responsibilities bestowed upon the shoulders of the Appellant and because of her whetted professional skills, there have never been any sort of soot or sootage upon his long career, which fact is reflected from Appellant Service record, which sans any complaint or adverse or even advisory remarks mentioned or ever communicated to the Appellant.
5. That in-spite of all this background, whereby a brief glimpse is given in the preceding paras, the Appellant has been transferred vide the impugned Office Order No. SOH (E-II)/1-1/2021/ Dated 01-06-2021, issued from the Office of Secretary Health Khyber Pakhtunkhwa, like a bolt from the blue, from Peshawar to DHQ Hangu in quiet illegal & unwarranted manner. **(Copy of impugned order dated 01-06-2021 is annexed herewith as Annexure "A & A/I" respectively).**
6. That feeling aggrieved, the Appellant preferred a Departmental Appeal but in-spite of lapse of stipulated period as postulated in Khyber Pakhtunkhwa Transfer and Posting Policy, nothing came up of the same. **(Copy of Departmental Appeal is annexed herewith as Annexure "B").**
7. That before going to jotted down to the grounds of the instant Service Appeal, it would be appropriate to mention here that the provincial government has provided for its own Transfer and Posting Policy as visualized as Khyber Pakhtunkhwa Transfer & Posting Policy, wherein, it has provided for all sorts of conditions for posting and transfer of any Civil Servant, whereas, the same policy has also provided for approaching this Hon'ble Tribunal quiet expeditiously. **(Copy**

of Transfer & Posting Policy is annexed herewith as Annexure "C").

8. That feeling aggrieved and having the only remedy available being Civil Servant, the Appellant approaches this Hon'ble Tribunal for setting aside the impugned Transfer Order Dated 01-06-2021, issued from the Office of Secretary Health Khyber Pakhtunkhwa, upon the following grounds, inter-alia;

Grounds:

- A. That the impugned Transfer & Posting Order is wrong, illegal, unwarranted, hence not tenable in the eyes of law.
- B. That the impugned Transfer & Posting is thoroughly in derogation to the principles as laid down and enumerated in the Transfer & Posting Policy.
- C. That the Appellant is Peshawar based and domicile of the Appellant is that of District Peshawar. So as per rationale Policy, the Appellant is entitled to be placed in Peshawar and not beyond Peshawar.
- D. That the impugned transfer order is also against the normal tenure Policy, which under the law is not allowed.
- E. That by transferring the Appellant, the Appellant has virtually been penalized for no wrong done and have been simply kicked out from Peshawar as in either case, the Appellant can easily be adjusted anywhere in District Peshawar, where are lying dozens of vacant posts.
- F. That the Appellant is the only single Women Medical Officer against the sanctioned post at Civil Dispensary Bhana Mari, and has been posted to DHQ Hangu without any rhyme or reason, which under the law is not allowed.

(4)

- G. That even the spouse policy is very much clear on the subject matter, but even then the Appellant has been dealt with, using a different yardstick.
- H. That from every angle, the impugned Transfer & Posting Order is wrong, illegal, unlawful and is liable to be set-aside.
- I. That any other ground not raised here may graciously be allowed at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of the instant Service Appeal, the impugned Transfer & Posting Order No. SOH (E-II)/1-1/2021/ Dated 01-06-2021 of the Office of Secretary Health Khyber Pakhtunkhwa, may very graciously be set-aside.

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

Dated: 01/07/2021.

[Signature]
Appellant

Through

[Signature]
Javed Iqbal Gulbela
Advocate Supreme Court of
Pakistan

[Signature]
Saghir Iqbal Gulbela
&
Ahsan Sardar
Advocates, High Court
Peshawar.

NOTE:

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

[Signature]
Advocate.

5

BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR

In S.A No- _____/2021

Dr. Nabeela Rehman

Versus

Secretary Health Pakhtunkhwa & Others

AFFIDAVIT

I, Nabeela Rehman MO (BPS-17), do hereby solemnly affirm and declare that the contents of the instant service appeal/Petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Court.

Nabeela

DEPONENT

CNIC# 17301-0513549-0

0313 9365843

IDENTIFIED BY:

Javed Iqbal Gulbela

JAVED IQBAL GULBELA
Advocate Supreme Court of
Pakistan

CG

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR**

In Re S.A _____/2021

Dr. Nabeela Rehman

VERSUS

Secretary Health & Others

**Application for suspension of operation of impugned
Transfer & Posting Order Dated 01-06-2021**

Respectfully Sheweth,

1. That the Appellant / Applicant is filing the instant application, the contents of which may very graciously be considered as integral part and parcel of the instant Application.
2. That balance of convenience lies in favor of the Appellant / Applicant.
3. That if the impugned Transfer & Posting orders are not suspended, the Appellant / Applicant shall suffer irreparable loss.
4. That in given circumstances of the case, suspension of operation of the impugned Transfer & Posting Orders Dated 01-06-2021 are indispensable.

It is therefore most humbly prayed that on acceptance of the instant application, the operations of impugned Transfer & Posting Orders may very graciously be suspended, till the final disposal of the instant Service Appeal.

Dated: 01-07-2021


Javed Iqbal Gulbela
Advocate Supreme Court of
Pakistan

67

BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR

In S.A No-_____/2021

Dr. Nabeela Rehman

Versus

Secretary Health Pakhtunkhwa & Others

AFFIDAVIT

I, Nabeela Rehman MO (BPS-17), do hereby solemnly affirm and declare that the contents of the instant service appeal/Petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Court.

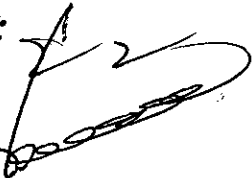
Nabeela

DEPONENT

CNIC# 17301-0513549-0

0313 9365843

IDENTIFIED BY:



JAVED IQBAL GULBELA

Advocate Supreme Court of
Pakistan

8

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR**

In Re S.A _____/2021

Dr. Nabeela Rehman

VERSUS

Secretary Health & Others

ADDRESSES OF PARTIES

APPELLANT

Dr. Nabeela Rehman, Medical Officer (BPS-17) R/o Civil Dispensary Bhana Mari, Peshawar.

ADDRESSES OF RESPONDENTS

1. Government of Khyber Pakhtunkhwa through Secretary Health at Civil Secretariat, Peshawar.
2. Director General Health Services, Government of Khyber Pakhtunkhwa.

Dated: 01/07/2021

Appellant

Through


Javed Iqbal Gulbela
Advocate Supreme Court of
Pakistan



**GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT**

Dated: 1st June, 2021

Amir

NOTIFICATION

No. SOH (E-II)/1-1/2021/ Upon the abolition of the posts of Medical Officers/Women Medical Officers (BPS-17) in different Civil Dispensaries in District Peshawar, the following posting/transfer is hereby ordered with immediate effect in best public interest;

S#	Name of Doctor	From	To	Remarks
1	Dr. Muhammad Ali	Civil Dispensary Khalid Town, Peshawar	Placed at the disposal of DHO Hangu	Against vacant post
2	Dr. Hamayun Murtaza	Civil Dispensary SMT-I	Placed at the disposal of DHO Hangu	Against vacant post
3	Dr. Bushra Ayub	Civil Dispensary SMT-I	DHO Hospital Hangu	Against vacant post
4	Dr. Nabeela Rehman	CD Bhuna Mari	DHO Hospital Hangu	Against vacant post
5	Dr. Faizul Mehmood Khattak	CD Din Bahar Colony, Peshawar	DHO Hospital Karak	Against vacant post
6	Dr. Muhammad Asif	CD Rashid Ganj	Placed at the disposal of DHO Karak	Against vacant post
7	Dr. Ateeqa Rehman	CD Lajir Abad, Peshawar	DHO Hospital Hangu	Against vacant post
8	Dr. Zahid Imran	BHU High Court	Placed at the disposal of DHO Hangu	Against vacant post
9	Dr. Noor-e-Mubeen	CBD No. 2, Peshawar	DHO Hospital Karak	Against vacant post
10	Dr. Faiza Manzoor	CBD No. 03, Peshawar	Placed at the disposal of DGHS, Peshawar	Against vacant post
11	Dr. Syed Usman Shah	CD Sheikh Abad, Peshawar	Placed at the disposal of DHO Karak	Against vacant post
12	Dr. Arshad Raza Ullah	CD Wazir, Peshawar	Placed at the disposal of DHO Karak	Against vacant post
13	Dr. Sadia Hussain	CD Sheikh Abad at Cal-RHC, Takhtabad on GD	Placed at the disposal of DHO Chitral Upper	Against vacant post
14	Dr. Shabana Fida	CD Swah Gate	Placed at the disposal of DHO Karak	Against vacant post
15	Dr. Wahida Altaudhar	CD Gulbahar	DHO Hospital Hangu	Against vacant post
16	Dr. Azeem Muzdur	CD Zargabad	Placed at the disposal of DHO Chitral Upper	Against vacant post
17	Dr. Iqbal-ur-Rehman	CBD No 3 at Cal-D Garatayk	Placed at the disposal of DHO Chitral Upper	Against vacant post
18	Dr. Ambreen Muhammad	CBD No 1 on GD at RHC Regt	Placed at the disposal of DHO Chitral Upper	Against vacant post
19	Dr. Samia Tahir	CD Sheikh Abad	DHO Hospital Karak	Against vacant post
20	Dr. Mansa Azeem	CD Bhuna Mari	Placed at the disposal of DHO Chitral Upper	Against vacant post
21	Dr. Raana Begum	CD Gulbahar	DHO Hospital Hangu	Against vacant post

**SECRETARY HEALTH
KHYBER PAKHTUNKHWA**

Scanned with CamScanner

INVESTIGATOR Gul Bela
District Law Chamber
High Court Peshawar
Mobile: 9996-9996501


(10)


GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Endst. No. & date even.

Copy forwarded to the:

- Director General Health Services, Khyber Pakhtunkhwa
- All RIs concerned.
- PS to Minister Health, Khyber Pakhtunkhwa.
- PS to Secretary Health Department.
- PS to Special Secretary (E&A), Health Department.
- PS to Additional Secretary (E&A) Health Department.
- PS to Deputy Secretary (Admn) Health Department.
- All concerned.


Section Officer (E-II)


Advocate Gul Bela
District Law Chamber
District High Court Peshawar
Mob: 0345-9405501

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**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR**

All communications should be addressed to the Director General Health Services
Peshawar and not to any official by name. Mail Address: K.P. Khyber@ghs.gov.pk
Office # 091-9210269 Fax # 091-9210157, 9210196 Fac # 091-9210230
NO. 51/25 A-1 Dated: 31/05/2021

Amir A/E

To: The Secretary to Government of
Khyber Pakhtunkhwa Health Department,
Peshawar.

Subject: POSTING/TRANSFER.

As decided by the Government, posts of Medical Officers (BPS-17) in different Civil Dispensaries in District Peshawar are abolished, the following Medical Officer/Women Medical officers working in the said Dispensaries in District Peshawar are proposed for posting/transfer against the vacant post of MOWMO (BPS-17) in the public interest.

S.No	Name of doctors	Present place of posting/Tenure	Propose	Remarks
1.	Dr. Muhammad Ali MO (BPS-17) Domicile Khyber	Civil Dispensary Khalid Town Peshawar since 07.01.2006	At the disposal of DHO, Hangu	Against the vacant post
2.	Dr. Hamayun Murataza MO (BPS-17)	Civil Dispensary SMT-I since 19.01.2012	At the disposal of DHO, Hangu	Against the vacant post
3.	Dr. Bushra Ayub WMO (BPS-17) Domicile: Lakki Marwat	Civil Dispensary SMT-I since 18.09.2014	DHQ Hospital Hangu	Against the vacant post
4.	Dr. Nabeela Rehman WMO (BPS-17) Domicile:	CD Bhana Mari since 12.08.2016	DHQ Hospital Hangu	Against the vacant post
5.	Dr. Faiza Mehmood Khattak WMO (BPS-17) Domicile: Peshawar	CD Din Bahar Colony Peshawar since 11.08.2016	DHQ Hospital Karak	Against the vacant post
6.	Dr. Muhammad Asif MO (BPS-17) Domicile: Peshawar	CD Rashid Gari (from Badaber) since 26.07.2016	At the disposal of DHO, Karak	Against the vacant post
7.	Dr. Ateeqa Rehman WMO (BPS-17) Domicile: Peshawar	CD Latif Abad Peshawar since 12.08.2016	DHQ Hospital Hangu	Against the vacant post
8.	Dr. Zahid Imran MO (BPS-17) Domicile: Swabi	BHU High Court since 12.08.2016	At the disposal of DHO, Hangu	Against the vacant post
9.	Dr. Noor e Mobeen MO (BPS-17) Domicile:	CBD-No.2 Peshawar since 09.07.2016	DHQ Hospital Karak	Against the vacant post
10.	Dr. Faiqa Manzoor MO (BPS-17) Domicile: Peshawar	CBD No. 03 Peshawar since 25.08.2016	At the disposal of DGHS, KP Peshawar	Against the vacant post
11.	Dr. Syed Usman Shah MO (BPS-17) Domicile: Peshawar	CD Sheikhabad Peshawar since 07.09.2016	At the disposal of DHO, Karak	Against the vacant post

JAVED IQBAL Gul Bela
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-9405501

12.	Dr. Arshad Rahat Ullah MO (BPS-17) Domicile: Peshawar	CD Wazir Bagh Peshawar since 08.09.2016	At the disposal of DHO, Karak	Against the vacant post
13.	Dr. Sadaqat Hussain MO (BPS-17) Domicile: Peshawar	CD Sheikhabad at Cat-RHC Takhtabad on GD since 19.05.2016	At the disposal of DHO, Chitral Upper	Against the vacant post
14.	Dr. Shahana Fida WMO (BPS-17) Domicile: Mohmand	CD Swali Gate (from Badaber) since 11.06.2017	At the disposal of DHO, Karak	Against the vacant post
15.	Dr. Wajaha Alluddin WMO (BPS-17) Domicile: Peshawar	CD Gulbahar since 09.08.2017	DHQ Hospital Hangu	Against the vacant post
16.	Dr. Azeem Muzahir MO (BPS-17) Domicile: Peshawar	CD Zargarabad since 01.08.2017	At the disposal of DHO, Chitral Upper	Against the vacant post
17.	Dr. Ikram-ur-Rehman MO (BPS-17) Domicile: Peshawar	CBD NO.3 at Cat-D Garatajik since 22.08.2017	At the disposal of DHO, Chitral Upper	Against the vacant post
18.	Dr. Ambreen Muhammad WMO (BPS-17)	CBD No.1 on GD at RHC Regi since 12.10.2017	At the disposal of DHO, Chitral Upper	Against the vacant post
19.	Dr. Saima Tahir WMO (BPS-17) Domicile: Mardan	CD Sheikhabad since 16.10.2017	DHQ Hospital Karak	Against the vacant post
20.	Dr. Maria Afaq WMO (BPS-17)	CD Bhana Mari since 12.12.2017	At the disposal of DHO, Chitral Upper	Against the vacant post
21.	Dr. Ranaz Begum WMO (BPS-17) Domicile: Mohmand	CD Gulbahar since 18.01.2018	DHQ Hospital Hangu	Against the vacant post

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

DIRECTOR GENERAL HEALTH
 SERVICES KHYBER PAKHTUNKHWA PESHAWAR

[Signature]

[Date]

JAVED IQBAL, Quli Bala
 Daudzai Law Chamber
 Advocate High Court Peshawar
 Mob: 0345-9406807

B

DATE: 9/19/21
DATE: 11/6/21

The Department of Health,
Ministry Health / Secretary Health.

Subject: Appeal against transfer

Sr. No SOHCE-II; 1-1/2021

With due respect, it is stated that I, Dr. Nabila Rehman, am the only single W.M.O. on sanctioned post of CD Bhana Mari. Secondly, I am Peshawar domicile holder and all my family is settled here in Peshawar. On the above grounds, I request you to kindly revert my transfer orders.

Thanks

W.M.O.

Dr. Nabila Rehman
W.M.O
CD Bhana Mari
Peshawar

Dated: 11/6/2021

Nabila

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Annexure - "C"

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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.

JAVED IQBAL Baki
(Regulation Law Chamber
Advocate High Court Peshawar
Mob. 995-9405501)

(15)

- v) { }
- vi) While making postings/transfer from settled areas to FATA and vice-versa, specific approval of Governor, KHYBER PAKHTUNKHWA 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 KHYBER PAKHTUNKHWA 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 KHYBER PAKHTUNKHWA 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.
- 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
³DCOs 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 KHYBER PAKHTUNKHWA 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 column2 thereof;

- | | |
|---|---|
| 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 KHYBER PAKHTUNKHWA 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 |
| 3 | Added vide Urdu circular letter No: SOR-VI (E&AD)/1-4/2005, dated 9-9-2005. |

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(16)

Khyber Pakhtunkhwa Services Laws

1333

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 Department in consultation with Head of Attached Department concerned. Secretary (Establishment)

JAVED IQBAL
 Advocate High Court Peshawar
 Chamber
 Phone: 0345-9453501

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.

(17)

- b) Tenure on present post shall also be taken into consideration and the posting/transfers shall be in the best public interest.
- 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.
- Pre-mature posing/transfer or posting transfer in violation of the provisions of this policy.
 - 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 Khyber Pakhtunkhwa 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:

- Transfer the holder of a tenure post before the completion of his tenure or extend the period of his tenure.
- 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/ERAD/1 4/2007}

JAVED IQBAL Gul Bela
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-9405501

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Khyber Pakhtunkhwa Services Laws

1335

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.

SPECIMEN NOTIFICATION.

GOVERNMENT OF KHYBER PAKHTUNKHWA

NAME OF ADMINISTRATIVE

DEPARTMENT

Dated Peshawar, _____

NOTIFICATION

NO. _____ The Competent Authority is pleased to order the transfer of Mr. _____ Department and to post him as _____ in the interest of public service, with immediate effect.

**CHIEF SECRETARY
GOVERNMENT OF KHYBER**

PAKHTUNKHWA

Endst. No. and date even.

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(NAME)
**SECTION OFFICER
Administrative Department**

Handwritten signature and stamp
D. J. ...
Adv...

{**Authority: Letter No. SO (E-I) E&AD/9-12/2006 dated 22-12-2006.**}

The competent authority has been pleased to direct that Para 1(v) of the Posting/Transfer Policy contained in this Department letter No:SOR-I (E&AD) 1-1/85 Vol-II, dated 15-2-2003 shall stand deleted, with immediate effect, consequently allowing the authorities, competent under the KHYBER PAKHTUNKHWA Government Rules of Business, 1985 and the District Government Rules of Business, 2001 or any other rules for the time being in force, to make posting/transfers of Government servants, any time during the year, in genuinely deserving and necessary cases, in public interest, subject to strict observance of all other provisions of posting/transfer policy contained and notified vide circular letter under reference. Hence there will be no ban on posting/transfer of Government Servants in any part of the year while carrying out postings/transfers of Government Servants.

(19)

The authorities concerned will ensure that no injustice whatsoever is caused to any civil servant, public work is not suffered and service delivery is improved.

I am therefore directed to request that the provisions of posting/transfer policy, as amended to the extent above, may kindly be followed in letter and spirit in future so as to keep good governance standard in this regard.

{**Authority:** Letter No: SOR-VI (E&AD) 1-4/2008/Vol-VI, dated 3-6-2008}.

.....
According to the policy of the provincial Government, maximum tenure on a post is three years. Contrary to the Policy, Store Keepers, Cashiers, Accountants and other ministerial staff remains posted in their particular field for long time, which may result in misuse of this position, due to which not only public exchequer may sustain loss but general public also suffers. The Provincial Government has taken serious notice of this situation & decided that all Administrative Secretaries and DCOs may submit a certificate within one month to the effect that above mentioned officials, having completed three years on their posts, have been adjusted on posts other than those they held previously.

{**Authority:** Urdu circular No: SOR-VI (E&AD)/05 dated 28th Oct, 2005.}

.....
The Chief Minister KHYBER PAKHTUNKHWA has directed that:-

- i) Submission of summary would not be required in case of mutual transfer.
- ii) Posting/transfer shall be made according to the policy;
- iii) Government Servants shall avoid direct submission of applications to the Chief Minister;
- iv) In genuinely deserving case, they should approach the Administrative Secretaries who could process the case according to policy;
- v) In case of direct submission of application to the Chief Minister Secretariat for Posting/ Transfer, the concerned govt servants shall be proceeded against under the prevalent rules and regulations.

{**Authority:** Urdu circular No; SOR-VI/E&AD/1-4/2003, dated 86-2004. Urdu Letter No: SOR-VI/E&AD/Misc: /2005, dated 3-1-2005.}

It has been decided with the approval of the competent authority that:-

- i) Mutual transfer would be allowed if both the concerned employees agree; except the Government Servants holding Administrative posts;
- ii) KHYBER PAKHTUNKHWA Government Rules of Business' 1985 shall be observed while issuing posting/transfer orders.

{**Authority:** - Urdu circular letter No: SOR (E&AD)/1-4/2005, dated 9-9-2005}

.....
The competent authority has decided that in order to maintain discipline, enhance performance of the departments and ensure optimum service delivery to the masses, the approved /prevalent policy of the posting/transfer shall be strictly followed. Government Servants violating the policy and the KHYBER PAKHTUNKHWA Govt Servants (Conduct)

JAVED IQBAL, Gul Bela
Daudzai Law Chamber
Adwara High Court Peshawar
Mob. 0345-9415501

(20)

Service (Special Powers) Ordinance
Govt Rules of Business 1985, the Administrative Secretaries shall ensure
policy and defaulting offices/officials be taken to task & entries to this effect shall be made
in their PERs/ACRs. In case subordinate officers are working on sites or proceeding for the
purpose of inspection, they shall submit inspection Report to their Administrative
Secretaries. Administrative Secretaries shall ensure submission of such reports.
Authority: - Urdu circular No: SOR-VI (E&AD)/1-4/06, dated, 29-6-2007.

JAVED IQBAL Gul Bela
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-9405997

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DOMICILE CERTIFICATE

Photo

I declare that I was born of Parents who are permanently domiciled in N.W.F.P having been born in this province

I was born at Village Mohallah Bagid Kheir

tehal Peshawar District Peshawar

18/9/1970

Nabila
Signature of applicant

Date 21-6-2001

Pursuance to the declaration dated

filled by Nabila Rehman FID of Shoucat Rehman

of Village Bagid Kheir Mohallah Mohallah Domiciled in N.W.F.P

it is hereby certified that the said Nabila Rehman parents are

permanent Resident of the N.W.F.P having born with in it.

our hand

I have satisfied myself from personal / my knowledge / verification that the above declaration is true and certified accordingly

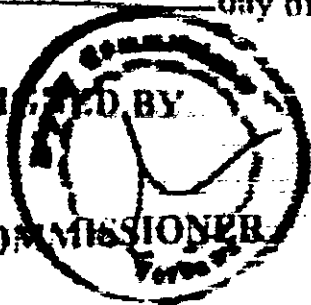
Given under my hand and the seal of the Court

JAVED IQBAL, Gul Bela
Daudzai Law Member
Advocate High Court Peshawar
Mob: 0345-9405501

this 21 day of June 2001

COUNTERSIGNED BY

DEPUTY COMMISSIONER



MAGISTRATE



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BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 6695/2021

DrNabeela Rehman..... Appellant

Versus

Govt. of Khyber Pakhtunkhwa through Chief Secretary and others.....Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS

Respectfully Sheweth :

PRELIMINARY OBJECTIONS:-

1. That the Appellant has got neither cause of action nor locus standi to file the instant Appeal.
2. That the Appellant has filed the instant appeal just to pressurize the respondents.
3. That the instant Appeal is against the prevailing Law and Rules.
4. That the Appeal is not maintainable in its present form.
5. That the Appellant has filed the instant Appeal with mala-fide intention hence liable to be dismissed.
6. That the Appeal is badly time barred.
7. That the Honourable Tribunal has no Jurisdiction to adjudicate upon the matter.
8. That the instant appeal is bad for mis-joinder of unnecessary and non-joinder of necessary parties.
9. The impugned transfer Notification has been issued in accordance with Section 10 of the Khyber Pakhtunkhwa Civil Servant Act 1973.

FACTS

1. Pertains to record.
2. Pertains to record.
3. Pertains to record, however, being a Civil Servant she is to serve with devotion and punctuality, however, her performance is not above the mark.
4. Subject to proof.
5. Correct to the extent that the appellant was transferred vide notification dated 01.06.2021 which was issued by the Competent Authority in accordance with Section-10 of the Khyber Pakhtunkhwa Civil Servant Act 1973.
6. Pertains to record, however, the instant appeal has been filed prematurely in utter violation of Section-4 of Civil Servant Act 1974 and the dictum laid down by apex Court as well as Service Tribunal in various judgements, hence, the same is not maintainable.
7. Pertains to record, however, the maintainability of premature appeals has already been adjudicated by the larger bench of this Honourable Tribunal in case of titled "ArifAbbasi versus of Government of Khyber Pakhtunkhwa" Service Appeal No1648/2013 dated 10.10.2014 as well as Supreme Court in many judgments.
8. Incorrect the appellant has been transferred in accordance with Section-10 of the Khyber Pakhtunkhwa Civil Servant Act 1973 as transfer and posting comes within terms and conditions of service, therefore, no vested right of the appellant has been violated by the respondents. It is worth to mention that the instant appeal has been filed before this Honourable Tribunal prematurely in utter violation of Section-4 of Service Tribunal Act 1974.

GROUND:

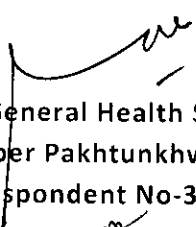
- A. Incorrect the impugned notification dated 01.06.2021 is in accordance with law, rules and Principle of natural justice.
- B. Incorrect the impugned notification has been issued in accordance with law and transfer posting policy of the Provincial Government and in accordance with Section-10. As per Section-10 of the Khyber Pakhtunkhwa Civil Servant Act 1973 a Civil Servant may be posted anywhere even outside of his cadre or province where the Competent Authority desires to utilize his services.


- C. Incorrect the appellant being a member of Provincial cadre post is liable to be posted, anywhere, by the Competent Authority under law and she is bound to serve where she is posted.
- D. The para is based on mala fide, misleading, concocted hence denied. No clause policy has been mentioned by the appellant which has been violated by respondents in fact respondents acted as per law, rules and policy.
- E. Incorrect the appellant has not been penalized. She has been transferred which is terms and conditions of her service and is not penalty.
- F. As per paras above.
- G. Incorrect already replied above
- H. Incorrect the competent authority has been empowered by Section 10 of the Khyber Pukhtunkhwa Civil Servant Act 1973 to transfer a Civil servant at anytime to any other post even outside his cadre or province provided his terms & conditions of service is not affected (As per dictum, laid down by the apex court, in 2020 PLCCS 1207 Supreme Court).

Similarly in another judgment reported as 2004 PLC (CS) 705 S.C. It has been laid down that civil servant could not claim posting at a particular station or at the place of his choice. Competent authority, under S 9 of the Punjab civil servant Act 1974, was empowered to transfer any civil servant from one place to other at anytime in exigencies of service or on administrative ground.

- I. Legal however the respondents also seek permission of this honorable tribunal to adduce other grounds during final hearing.

It is therefore requested that the appeal of the appellant may kindly be dismissed with cost.


Director General Health Services
Khyber Pakhtunkhwa
Respondent No-3


Secretary Health Department
Khyber Pakhtunkhwa
Respondent No-1&2

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 6695/2021

Dr Nabeela Rehman..... Appellant

Versus

Govt. of Khyber Pakhtunkhwa through Chief Secretary and others..... Respondents

VERIFICATION

I, Mr. Ziaullah Deputy Secretary (Lit) Health Department hereby verify that the contents of the Petition are correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.

Deponent

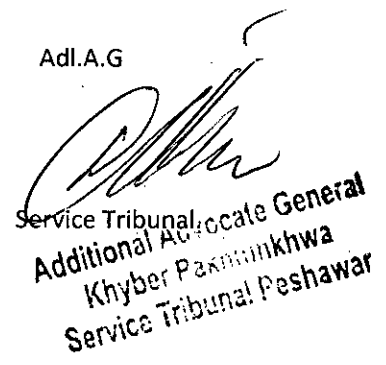


(Ziaullah)

Deputy Secretary (Lit) Health Department

Identified by

Adl.A.G



Service Tribunal, Associate General
Additional Advocate General
Khyber Pakhtunkhwa
Service Tribunal Peshawar