

6.12.2021

Counsel for appellant present.

Noor Zaman Khan Khattak learned District Attorney for respondents present.

Reply on behalf of respondents is still awaited despite of notice. Case is adjourned by way of last chance for submission of comments within 10 days in office, on the cost of Rs. 5000/- which shall be borne by the respondents and the reply. To come up for arguments on 22/02/2022 before D.B at Camp Court, D.I.Khan.

(Rozina Rehman)
Member (J)

Chairman
Camp Court, D.I.Khan

22/2/22

Due to retirement of the Honble Chairmen to come up for the same as before on 28/6/22

28th June, 2022

Learned counsel for the appellant present.

2. Learned counsel for the appellant states that as per instruction of his client, he wants to withdraw the instant appeal. As a token of admission of his submission he signed the margin of the order sheet. Dismissed as withdrawn. Consign.

3. Pronounced in open court in D.I.Khan and given under my hand and seal of the Tribunal on this 28th day of June, 2022.

(Kalim Arshad Khan)
Chairman
Camp Court D.I.Khan

I withdraw my appeal 21702-0830595-9

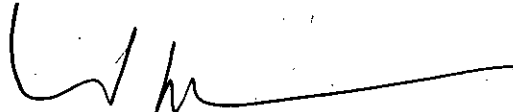
28/06/2022

27.10.2021

Nemo for parties.

Muhammad Rasheed learned Deputy District Attorney present.

Reply on behalf of respondents was not submitted. Notice be issued to both the parties with direction to respondents by way of last chance, to submit written reply/comments in office within 10 days of the receipt of notice, positively. If the reply/comments are not submitted within stipulated time, right of respondents for submission of reply shall be deemed as struck off. To come up for arguments on 16.12.2021 before D.B at Camp Court, D.I.Khan.



(Atiq ur Rehman Wazir)
Member (E)
Camp Court, D.I.Khan



(Rozina Rehman)
Member(J)
Camp Court, D.I.Khan

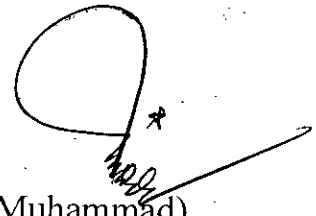
A. No. 3419/2021

24.03.2021

Appellant with counsel present. Mr. Muhammad Rashid,
DDA for respondents present.

Written reply/comments on behalf of respondents not
submitted. Learned DDA seeks time to contact the
respondents for submission of written reply/comments.

Adjourned to 25.05.2021 before S.B at camp court
D.I.Khan. In the meanwhile, the operation of impugned order
shall remain suspended, if not acted upon earlier.



(Mian Muhammad)
Member(E)
Camp Court D.I.Khan

30.09.2021

Notice for the appellant. Mr. Asif Masood Ali Shah, Deputy District
Attorney for the respondents present and sought time for submission of
written reply/comments. Respondents are directed to furnish
reply/comments within 10 days. In case the respondents failed to submit
reply/comments within stipulated time from today, they shall have to seek
extension of time through written application citing sufficient reasons.
Otherwise, their right for submission of reply/comments shall stand
ceased. They come up for arguments before the D.B on 27.10.2021 at Camp
Court D.I.Khan.

Previous date was changed on Reader Note, therefore, notice be
issued to the appellant as well as his counsel for the date fixed.



(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)
CAMP COURT D.I.KHAN

11.03.2021

Appellant present through counsel.

This appeal has been filed by Dr. Wali Rehman U/S 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 29.11.2020 whereby he has been transferred from post of District Health Officer South Waziristan to Directorate General Health Services Khyber Pakhtunkhwa.

Points raised need consideration. Admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to respondents for written reply/comments. To come up for written reply/comments on 24/03/2021 before S.B at Camp Court, D.I.Khan.

Annexed with the memo of appeal, there is an application for interim relief. Notice of the said application be also issued to respondents. In the meanwhile, the operation of impugned order shall remain suspended, if not acted upon earlier.

Appellant Deposited
Security & Process Fee

4/3/21


(Rozina Rehman)
Member (J)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. - 3419 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/03/2021	<p>The appeal of Dr. Wali Rehman presented today by Mr. Khalid Mahmood Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p style="text-align: right;"> REGISTRAR 10/3/2021.</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on _____</p> <p style="text-align: right;">MEMBER (J)</p>

a

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR.**

Service Appeal No. 3419 of 2021

Dr. Wali Rehman Vs. Govt. of Khyber Pakhtunkhwa etc

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2.	Copy of Notification No.SOH(HD)/E-V/4-4/2020 dated 25.06.2020 for posting as DHO S.W.	A	17
3.	Copy of letter No.4883/S-32 dated 31.10.2019 of Dy. Commissioner South Waziristan	B	18
4.	Copy of letter of Colonel, Projects Headquarter Frontier Corps K.P. (South)	C	19
5.	Copy of letter No.118 dated 20.02.2020 of D.H.O. South Waziristan	D	20
6.	Copy of letter dated 04.07.2020 of Commissioner D.I.Khan Division D.I.Khan	E	21
7.	Copy of letter No.1331/DPCR/SWTD dated 23.09.2020 of D.C. South Waziristan	F	22-23
8.	Copy of letter No.13300-02/ DGHS dated 07.10.2020 of Director General Health	G	24
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10	Copies of the printouts of Social Media	I	27-30
11	Copy of Notification dated 01.12.2015 as additional charge of Agency Surgeon South Waziristan	J	31
12	Copy of the Character Certificate dt. 30.11.2017	K	32
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14	Copy of impugned Notification bearing No. SOH(HD)/E-V/4-4/2020 dated 29.11.2020	M	34
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Yours Humble Appellant


(Dr. Wali Rehman)
Through Counsel

Dt. 04.03.2021


Ahmad Ali
Advocate Supreme Court


Miss Shumaila Awan
Advocate High Court, D.I.Khan.

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 3419 of 2021

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 3474

Dated 10/03/2021

Dr. Wali Rehman, son of Wali Marjan, caste Mehsud, resident of Baran Abad, Grid Road, D.I.Khan.

APPELLANT

VERSUS

1. **Government of Khyber Pakhtunkhwa**, through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. **Secretary** to Govt of Khyber Pakhtunkhwa, Health Department, Peshawar.
3. **Director General Health Services**, Khyber Pakhtunkhwa, Peshawar.
4. **District Health Officer**, South Waziristan.
5. **Accountant General**, Khyber Pakhtunkhwa, Peshawar.
6. **District Accounts Officer**, South Waziristan.
7. **Dr. Zakir Hussain**, Deputy Director Curative C/O D.G. Health Services, Peshawar, presently District Health Officer, South Waziristan.

RESPONDENTS

SERVICE APPEAL UNDER SECTION 4 OF THE K.P.
SERVICE TRIBUNALS ACT, 1974, AGAINST THE
NOTIFICATION BEARING NO. SOH(HD)/E-V)/4-
4/2020 DATED 29.11.2020 ISSUED BY THE
RESPONDENT No.2.

Filed to-day

Registrar
10/3/2021

PRAYER:

On acceptance of present Service Appeal and by setting aside Notification bearing No. SOH(HD)/E-V)/4-4/2020 dated 29.11.2020, the impugned

transfer of appellant from the post of District Health officer, South Waziristan, to the Disposal of D.G. Health Services, may graciously be cancelled and as result thereof the posting of petitioner as District Health Officer, South Waziristan, may graciously be restored. .

Respectfully Sheweth,

1. That the appellant is serving in the Health Department in BPS-18; and addresses of parties as given above are correct & sufficient for the purpose of service.
2. That after the merger of FATA in the province Khyber Pakhtunkhwa due to 25th Constitutional Amendment, the rehabilitation process started in the war affected South Waziristan, which imposed a heavy burden on the Health Department South Waziristan to cope with the health issues within the limited resources. In this challenging situation prevailed in the South Waziristan, the petitioner, who was serving as Deputy District Health Officer, South Waziristan, in the interest of public service was posted as District Health Officer, South Waziristan vide Notification No.SOH(HD)/E-V/4-4/2020 dated 25.06.2020 (**Annexure A**).
3. That accordingly petitioner assumed the charge as D.H.O. South Waziristan and started to perform his duties with zeal, zest, and devotion. The petitioner took steps to provide health facilities door-by-door in all over the tribal District and also operated the polio campaign at an intense level and administered the polio drops to children in the no-go areas leaving behind no children without

administering polio drops. These were the untired efforts of the petitioner that graph of Health Department in South Waziristan was never before.

4. That the performance of petitioner was above the board which was recognized by the District Administration as well as Security Agencies by awarding appreciation and commendation letters to the petitioner. Even, during the posting as Additional/Deputy District Health Officer, South Waziristan, the performance of petitioner remained up-to the mark and was praised. The detail of appreciations/ commendation letters issued to petitioner, during the posting as Addl./Dy. DHO and then posting as DHO of South Waziristan, are as under:

a. Posting as Additional/Deputy District Health Officer.

S#	Detail Description/ Subject of Appreciation / Commendation Letters	Issuing Authority
01.	<p>Outstanding performance of Dr. Wali Rehman, Additional District Health Officer South Waziristan.</p> <p><i>Performance during polio campaign and developmental programs was recognized.</i></p>	<p>Dy. Commissioner South Waziristan vide No.4883/S-32 dated 31.10.2019</p> <p>(Annexure B)</p>
02.	<p>Appreciative Performance of Dr. Wali Rehman, Additional District Health Officer South Waziristan.</p> <p><i>Conversant with Polio Campaign and Developmental Programmes, instrumental in medical treatment against deadly disease of Leishmaniasis, excellent job</i></p>	<p>Colonel, Projects Headquarter Frontier Corps K.P. (South) vide letter</p> <p>(Annexure C)</p>

	during TDPs Repatriation, streamlined various Health Facilities and made hospitals operational.	
03.	Appreciation and recommendation for rapid promotion by the District Health Officer, South Waziristan.	D.H.O. South Waziristan vide No.118 dated 20.02.2020 (Annexure D)

a. Posting as District Health Officer.

S#	Detail Description/ Subject of Appreciation / Commendation Letters	Issuing Authority
01.	Appreciation Certificate by Commissioner D.I.Khan <i>Frontline Worker in catering the Covid-19 Pandemic</i>	Commissioner D.I.Khan Division D.I.Khan vide letter dated 04.07.2020 (Annexure E)
02.	The Chief Secretary and Commissioner D.I.Khan, both appreciated the Health Department and DHO S.W. during the Meeting of Evening Review on NID	No.1331/DPCR/SWTD dated 23.09.2020 issued by the D.C. South Waziristan (Annexure F)
03.	Appreciation on functionalization of closed Health Facilities	Director General Health Services vide No.13300-02/ DGHS dated 07.10.2020 (Annexure G)
04.	Divisional Task Force (DTF) Meeting, under the Chair of Commissioner, D.I.Khan , on Polio Eradication Campaign, meeting held on 19.11.2020	Assistant to Commissioners (REV & GA) D.I.Khan Division, vide

	Role of DHO during the past Polio Campaigns was appreciated	No.7772/85/Gen: dated 20.11.2020 (Annexure H)
05	Appreciation and praise on provision of health facilities and effective polio campaign in South Waziristan became viral on the Social Media on the official Pages of Mr. Taimour Khan Jhagra Provincial Minister	Mr. Taimur Khan Jhagra, Health Minister via social media and printouts of Social Media Pages (Annexure I)

5. That it would not be out of place to mention that during the reign of political administration in the erstwhile FATA, the petitioner being an Additional Agency Surgeon South Waziristan Agency, was authorised to look after the affairs of the post of Agency Surgeon South Waziristan in addition to his own duties vide Notification dated 01.12.2015 **(Annexure J)**. Besides, the performance and character certificates were also awarded to the petitioner by the then Political Agent, South Waziristan. Copies of the Character Certificate and Commendation Certificate are enclosed as **Annexure K & L** respectively.
6. That despite being his efficient and recognized performance in the Health Department South Waziristan, the respondent No.2 on the purported complaints by the Commissioner, DIKhan Division DIKhan, containing accusations of unwillingness and negligence towards official duties transfer the petitioner from the post of DHO South Waziristan to accommodate private respondent No.7 on political basis, and placed him at the disposal of D.G Health Services vide Notification bearing No.SOH(HD)(E-V)/4-4/2020 dated 29.11.2020 **(Annexure M)**

7. That discontented with the transferred on the basis of alleged complaints vide letter dated 29.11.2020, the appellant preferred a Departmental Representation/Review to the respondent No. 1. the said Review Petition/ Departmental Representation received to the office of respondent No.2 on 02.12.2020. Copy of the Review Petition/ Departmental Representation is enclosed as **Annexure N.**
8. That the Health Department, in connection with Review Petition/ Representation of petitioner, asked the Commissioner, D.I.Khan, vide letter dated 15.12.2020 to submit his views/comments to the Department as he had verbally complained against the petitioner. Thereafter remainder was also issued to Commissioner D.I.Khan vide letter dated 19.02.2021 to submit his views/comments but the same have not been furnished. Copies of the letters dated 15.12.2020 and 19.02.2021 are enclosed as **Annexure O & P** respectively,
9. That now 90 days have been passed to the Review Petition/ Departmental Representation of petitioner but till date the same is pending, therefore, the petitioner has been left with no option but to file present service appeal before this Honourable Tribunal for cancellation of his transfer made on groundless complaint on, inter alia, the following grounds:

GROUND:

- i. That the impugned Notification bearing No. SOH(HD)/E-V/4-4/2020 dated 29.11.2020 is the outcome of malafide, result of political victimization, without jurisdiction, without lawful authority and having no binding effect upon rights of appellant.

- ii. That the appellant has been transferred on the verbal complaints of Commissioner, D.I.Khan, and admittedly, nothing is there in the black and white to support such verbal complaints of unwillingness and negligence towards official duties. Moreover, the Health Department in the context of Representation of appellant, sought comments/views from the Commissioner D.I.Khan but despite issuing two letters, he did not furnish his comments to support his verbal complaints. Hence, the career of appellant has been jeopardized without any sin.
- iii. That the impugned transfer of the appellant on groundless complaints is nothing but to stigmatize his entire unblemished exemplary career.
- iv. That the career of petitioner is filled with appreciations and commendations. Even the Commissioner D.I.Khan himself issued appreciation letters to appellant and he also praised the efforts of petitioner during the meetings. In this regard details of appreciations/ commendation letters issued to petitioner, during the posting as Addl./Dy. DHO and then posting as DHO of South Waziristan, are as under:

a. Posting as Additional/Deputy District Health Officer.

S#	Detail Description/ Subject of Appreciation / Commendation Letters	Issuing Authority
01.	Outstanding performance of Dr. Wali Rehman, Additional District Health Officer South Waziristan. <i>Performance during polio campaign and developmental programs was recognized.</i>	Dy. Commissioner South Waziristan vide No.4883/S-32 dated 31.10.2019 (Annexure B)

02.	<p>Appreciative Performance of Dr. Wali Rehman, Additional District Health Officer South Waziristan.</p> <p><i>Conversant with Polio Campaign and Developmental Programmes, instrumental in medical treatment against deadly disease of Leishmaniasis, excellent job during TDPs Repatriation, streamlined various Health Facilities and made hospitals operational.</i></p>	<p>Colonel, Projects Headquarter Frontier Corps K.P. (South)</p> <p>(Annexure C)</p>
03.	<p>Appreciation and recommendation for rapid promotion by the District Health Officer, South Waziristan.</p>	<p>D.H.O. South Waziristan vide No.118 dated 20.02.2020</p> <p>(Annexure D)</p>

b. Posting as District Health Officer.

S#	Detail Description/ Subject of Appreciation / Commendation Letters	Issuing Authority
01.	<p>Appreciation Certificate by Commissioner D.I.Khan</p> <p><i>Frontline Worker in catering the Covid-19 Pandemic</i></p>	<p>Commissioner D.I.Khan Division</p> <p>D.I.Khan vide letter dated 04.07.2020</p> <p>(Annexure E)</p>
02.	<p>The <i>Chief Secretary KPK</i> and Commissioner D.I.Khan, both appreciated the Health Department and DHO S.W. during the Meeting of Evening Review on NID</p>	<p>No.1331/DPCR/SWTD dated 23.09.2020 issued by the D.C. South Waziristan</p> <p>(Annexure F)</p>
03.	<p>Appreciation on functionalization of closed Health Facilities</p>	<p>Director General Health Services vide</p>

		No.13300-02/ DGHS dated 07.10.2020 (Annexure G)
04.	Divisional Task Force (DTF) Meeting, under the Chair of Commissioner, D.I.Khan , on Polio Eradication Campaign, meeting held on 19.11.2020 Role of DHO during the past Polio campaigns was appreciated	Assistant to Commissioners (REV & GA) D.I.Khan Division, vide No.7772-85/Gen: dated 20.11.2020 (Annexure H)
05	Appreciation and praise on provision of health facilities and effective polio campaign in South Waziristan became viral on the Social Media on the official Pages of Mr. Taimur Khan Jhagra, Provincial Minister	Mr. Taimur Khan Jhagra, Health Minister via social media and Printouts of Social Media pages (Annexure I)

v. That it would not be out of place to mention that during the reign of political administration in the erstwhile FATA, the petitioner being an Additional Agency Surgeon South Waziristan Agency, was authorised to look after the affairs of the post of Agency Surgeon South Waziristan in addition to his own duties vide Notification dated 01.12.2015. Besides, the performance and character certificates were also awarded to the petitioner by the then Political Agent, South Waziristan.

vi. That the Commissioner, D.I.Khan, is not the reporting or countersigning officer of the appellant; and department was required to hold an inquiry to probe into the verbal complaints but his straight away transfer amounts to punishment without trial.

- vii. That in the case of "2016 PLC(CS) 221" the worthy Supreme Court Azad Kashmir was pleased to hold:

transfer of an employee not against any post---Posting as an Officer on Special Duty---Scope---Employee being Secretary to Government was transferred and attached with the Services and General Administration Department---Contention of employee was that civil servant could only be transferred against a post---Appeal filed by the employee was dismissed by the Service Tribunal---Validity---Civil servant could be transferred anywhere inside or outside Azad Jammu and Kashmir against a post and could not be left without a post---Postings and transfers would exclusively fall under the discretion and domain of competent authority---Such discretion should not be exercised in an arbitrary or fanciful manner but in a judiciously and in accordance with the settled norms of justice, equity and fair play---transfer order which was politically motivated, in colourable exercise of authority, passed without wisdom and good sense was not a judicious order---Such an order would be arbitrary and fanciful which was not sustainable---Competent authority for transfer of Secretaries to the Government was the Services and General Administration Department with the approval of Prime Minister while for Additional Secretaries and Deputy Secretaries was also the same but with the consultation of concerned department---Tenure for the posts of Additional Secretaries, Deputy Secretaries, Section Officers and Heads of attached departments was three years---Post of Secretary to Government was not a tenure post---No period for transfer of Secretaries had been provided---



Non-fixing of period of transfer for the post of Secretary to Government did not clothe the Government with a power to transfer him frequently at their whims without adhering law---If Secretary to Government had refused to comply with the illegal orders of executive authority then he could not be transferred as a punishment---No application or complaint was on record which was received by the Ehtesab Bureau and it had ordered inquiry against the civil servant---Ehtesab Bureau had no power or jurisdiction to direct Secretary to Prime Minister that Government should send a reference to it for inquiry against civil servant---Ehtesab Bureau could inquire into the matter if a reference was sent by the Government or an application was received--- Summary for transfer of employee was initiated by the Secretary to Prime Minister and not by the Services and General Administration Department which was a violation of mandatory provision of Azad Jammu and Kashmir Rules of Business, 1985---Civil servant was left without a post---Civil servant might be posted as Officer on Special Duty (OSD) whenever required as such, however, no government servant was to be posted as OSD except under compelling circumstances---Civil servant might remain posted as OSD for a period of not more than 30 days---Impugned order for transfer of civil servant was arbitrary and colourful exercise of powers by the authority---Civil servant had been left without a post for more than six months---Order for transfer of employee was against law and was not sustainable, judgment of Service Tribunal was set aside by the Supreme Court

viii. That this Honourable Tribunal in the case reported as **"2012 PLC(CS) 187"** while dealing with a similar matter, like in this case, was pleased to declare:

S. 10---Khyber Pakhtunkhwa Service Tribunals Act (I of 1974), S.4---transfer---Appellant serving as Social Welfare Officer in BPS-17, was transferred from place 'P' to place 'A'---Appellant, on recommendation of DCO, was transferred to place 'C'---Appellant assailed the transfer order on the ground of being premature and based on mala fide---Validity---Appeal of civil servant was accepted holding that. impugned order was premature and passed on the basis of complaint which required a regular enquiry in the matter---transfer of civil servant could not be made on the basis of complaint because transfer had not been mentioned as punishment in the penalty list in the Rules and Regulations regarding the conduct of civil servant---Appellant being a BPS-17 employee, competent Authority for transfer was Chief Secretary/Secretary of the department; that DCO was not competent to deal with the matter directly and to order enquiry--Impugned order was set aside with direction that appellant would remain posted at place 'A'.

Similarly, the Punjab Service Tribunal in the case of transfer on complaint without any fact-finding inquiry was pleased to cancel the transfer. **"2003 PLC(CS) 417"** wherein it was held:

transfer---civil servant who was transferred, was to retire within a period of less than two years---civil servant was under obligation to serve anywhere in the Province and even out of Province and Competent Authority could transfer him anywhere, Competent

Authority, however, must exercise its powers judiciously and in accordance with guidelines given in transfer Policy by the Government--Competent Authority had not assigned any reason as to why civil servant who was at fag end of his service carrier, had been disturbed by transferring him to a new place of posting--Authorities had alleged that civil servant had been transferred on the basis of certain complaints against him--No fact finding enquiry was held to make any probe, into the alleged complaints--Mere complaints against civil servant could not be taken to be a legitimate ground for transfer of civil servant in the absence of any enquiry--Order transferring civil servant being against transfer Policy of Government, was unsustainable and was set aside

- ix. That the impugned transfer on the basis of verbal complaints, by discarding all the commendation and appreciation letters, is highly unjust, unlawful, with a view to mud sling the career of appellant without hearing him, and as such, the same are against the principle of 'audi alteram partem'.
- x. That it is worthy to mention that the appellant is still at the roll of District Health Officer South Waziristan and is taking salaries from District Accounts Officer South Waziristan and copy fo the pay slip of appellant in this regard is enclosed as **Annexure Q**.
- xi. That the counsel for appellant may be allowed to raise additional grounds at the time of arguments.

It is therefore, humbly prayed that the present service appeal may graciously be allowed as prayed for and thereby the impugned transfer of petitioner on the basis of very complaints, may kindly be cancelled and as

result thereof the posting of appellant as D.H.O. South Waziristan may kindly be restored.

Yours Humble Appellant


(Dr. Waji Rehman)
Through Counsel

Dt. 04.03.2019



Ahmad Ali
Advocate Supreme Court


Miss Shumaila Awan
Advocate High Court, D.I.Khan.

VERIFICATION: I, the appellant, on this day of March-2021, herein mentioned above, do hereby verify that all the contents of this appeal are true & correct and also that it is the first appeal on the subject matter and no such appeal has earlier been filed.


Appellant

AFFIDAVIT: I, the appellant; do hereby solemnly affirm and declare on oath that all the Para-wise contents of above **Service Appeal** are true & correct to the best of my knowledge, belief and information; and that, nothing has been deliberately concealed from this Honourable Tribunal.


Identified by Counsel:
Ahmad Ali ASC.


Deponent

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Civil Misc. Petition No. _____ of 2021

In Service Appeal No. _____ of 2021

Dr. Wali Rehman Vs. Govt of Khyber Pakhtunkhwa etc
Service Appeal

APPLICATION FOR SUSPENSION OF THE OPERATION OF IMPUGNED NOTIFICATION BEARING NO.SOH(HD)/E-V/4-4/2020 DATED 29.11.2020 ISSUED BY THE RESPONDENT NO.2, TILL FINAL DECISION OF SERVICE APPEAL AND IN THE MEANWHILE RESPONDENTS MAY ALSO BE ABSTAINED FROM TAKING ANY ACTION DETRIMENTAL TO THE SERVICE CAREER OF APPELLANT.

Respectfully Shewith,

1. That a Service Appeal is being filed before this august court and the grounds of same may please be considered as an integral part of this Petition.
2. That the petitioner/ appellant has got a good prima case on law as well as on facts and there is every likelihood of the success of Service Appeal, hence balance of convenience tills in favour of the appellant.
3. That the petitioner has been transferred on the basis of oral complaints and thereby his career is being stigmatized without any inquiry; therefore, in case of non-suspension of impugned

Notification of transfer, the petitioner/ appellant will suffer an irreparable loss.

Moreover, the appellant is still at the role of District Accounts Officer South Waziristan and is taking salaries from there.

It is, therefore, humbly prayed that on acceptance of the present Civil Misc. Petition, the operation of impugned Notification may please be suspended and respondents may please be desisted from taking any action detrimental to service career of appellant, till decision of Service Appeal.

Yours Humble Appellant

(Dr. Wali Rehman)
Through Counsel

Dt. ____/03.2021

Ahmad Ali
Advocate Supreme Court

Miss Shumaila Awan
Advocate High Court,
DIKhan.

AFFIDAVIT I, the appellant, do hereby solemnly affirm and declare on oath that all the Para-wise contents of above Misc-Application are true & correct to the best of my knowledge, belief and information; and that, nothing has been deliberately concealed from this Honorable Tribunal.

Identified by Counsel:
Ahmad Ali ASC

Deponent

Ann. A 17



**Government of Khyber Pakhtunkhwa,
Health Department**

Dated Peshawar the 25th June, 2020

NOTIFICATION

NO. SOH(HD)/E-V/4-4/2020

The competent authority is pleased to transfer Dr. Wali Rehman (BS-18), Deputy District Health Officer, South Waziristan and post him as District Health Officer, South Waziristan, in the public interest, with immediate effect.

**Secretary Health
Government of Khyber Pakhtunkhwa**

Endst. Of even No. & Date.

Copy to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
3. Director Health Services, Merged Areas, Peshawar.
4. District Health Officer, South Waziristan.
5. DAO, South Waziristan.
6. Deputy Director (IT), Health Department, with the direction to upload the notification on official website.
7. PS to Minister for Health Department, Khyber Pakhtunkhwa.
8. PS to Secretary Health Department, Khyber Pakhtunkhwa.
9. Doctor concerned.

Attended
[Signature]

[Signature]
25/6/20
(Muhammad Irfan Usman)
Section Officer (E-V)

Ann: B 18

No. 1823 /S-32

Dated Tank the 31/10/2019.

From:

The Deputy Commissioner,
South Waziristan Tribal District

To:

The Director Health Services,
Directorate of Health Services, Merged Areas Secretariat,
Warsak Road Peshawar.

Subject:

Outstanding performance of Dr. Wali Rehman. Additional District Health Officer. South Waziristan Tribal District.

Memo:

It is submitted that that Dr. Wali Rehman presently working as Additional District Health Officer, South Waziristan Tribal District possessing excellent administrative skill with ability to accomplish the task whenever being assigned to him.

He is well experienced and more conversant to Polio campaign and developmental programs as he has already been working as Additional District Health Officer from last 4 - 5 years in South Waziristan Tribal District with good moral characteristics and entire satisfaction to all superiors.

Now it has come into the notice of undersigned, the above mentioned doctor is promoted to BS-18 and he is hereby declared suitable person for any administrative post in health department in South Waziristan district in the larger public interest please.

DEPUTY COMMISSIONER,
South Waziristan Tribal District

Attested


Ann: C 19

MOST IMED

HQ FCKP (S) – Merged Area
Branch

JSC Wana

Tel: 36271

0202/07/Appl-BQHJ17

08 Nov 2019

To: The Director Health Services, Merged Areas Secretariat Warsak Road
Peshawar

Subj: Appreciative Performance of Dr Wali Rehman, Additional District
Health Officer, South Waziristan District

1. It is submitted that Dr Wali Rehman, presently working as additional District Health Officer, SWD is an excellent administrator. He is well experienced and more conversant with Polio Campaign and Developmental Programmes as he has already been working as Additional District Health Officer for last 4-5 years in SWD. His is instrumental in medical treatment against deadly disease of Leishmaniasis in SWD.
2. Dr Wali Rehman has done an excellent job during TDPs Repatriation from 2014 to 2017 and streamlined various Health Facilities including operationalization of Sheikh Fatima Binte Mubarak Hospital Wana and Mula Khan Sarai Hospital.
3. As Dr Wali Rahman is promoted to BS-18, he is hereby recommended for an administrative post in Health Department in SWD, in the larger public interest.

Colonel Projects Headquarters Frontier Corps KP (South)
(Malik Zafar Ali)

Aditya Singh


Am: D 20

OFFICE OF THE DISTRICT HEALTH OFFICER
SOUTH WAZIRISTAN TRIBAL DISTRICT

No. 118

, Dated: 20/02/2020

TO WHOME IT MAY CONCERN

It is certified that Dr. Wali Rehman (DPS-18) working as Deputy District Health Officer South Waziristan from last 5-6 years. He is Possessing an excellent Administrative Skill with 2 years MPH qualification to accomplish any task when ever assign to him.

Dr. Wali Rehman has done outstanding jobs during TDPs repatriation from 2014 to 2017 and streamlined various Health Facilities in TDPs returned areas.

He is well experienced and more conversant to Polio eradication programs and Annual Developmental Programms in Health Department.

He is good moral character with entire satisfaction to all supervisor.

Dr. Wali Rehman Deputy District Health Officer South Waziristan Tribal District is hereby recommended for the Post of District Health Officer in Khyber Pakhtunkhwa.


DISTRICT HEALTH OFFICER
SOUTH WAZIRISTAN TRIBAL DISTRICT

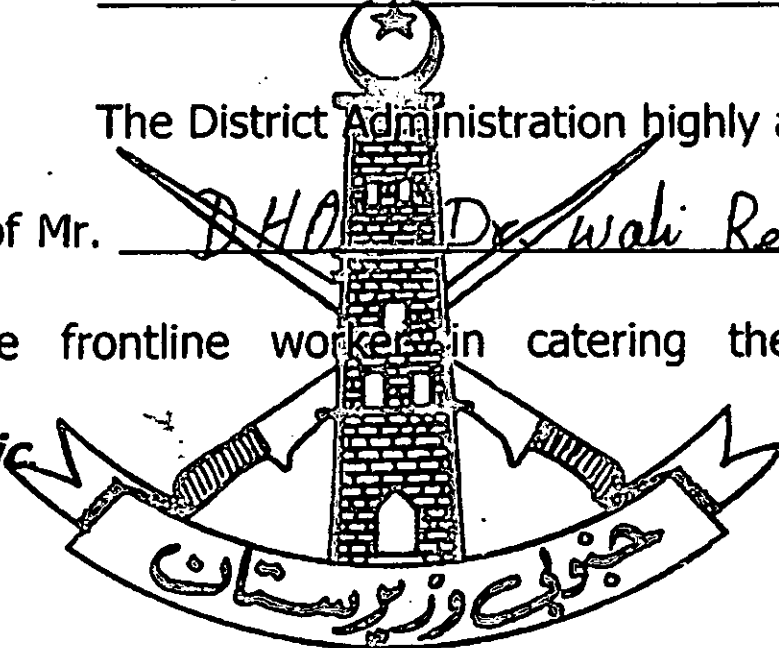
26/02/2020

Attested


OFFICE OF THE COMMISSIONER, DIKhan Division DIKhan

APPRECIATION CERTIFICATE

The District Administration highly appreciate the services of Mr. DHA Dr. wali Rehman.. being the frontline workers in catering the **COVID-19 Pandemic**



We wish him best of luck in future for rendering the services in the best public interest.


Commissioner,
DIKhan Division DIKhan.



Dated.
04-07-2020.

**OFFICE OF THE
DEPUTY COMMISSIONER
SOUTH WAZIRISTAN TRIBAL DISTRICT TAN**

Ph# 0963-51036-1/0963-510386

NO.1331/DPCR/SWTD

Dated Tank the September 23, 2020

MINUTES OF EVENING REVIEW MEETING DAY-3RD MID SEPTEMBER 2020

Venue: M. Commerce Hall Tank

Chair: Mr. Kamal Riaz Chief secretary Khyber Pakhtunkhwa

Co-Chair: Mr. Yahya Akhuzada Commissioner D I Khan, D I Khan Division

Dated: September 23, 2020

In attendance:

S.No.	Name	Designation
1.	Mr. Abdul Basit	Coordinator EOC
2.	Mr. Khalid Iqbal	Deputy Commissioner South Waziristan
3.	Mr. Shaukat Ali	DPO SW
4.	Mr. Farooq	RPO D I Khan
5.	Mr. Fahsed Ullah	Additional Deputy Commissioner South Waziristan
6.	Dr. Wali Rehman	DHO SW
7.	Dr. Ijaz Ali Shah	TL NSTOP KP
8.	Mr. Yasir Salman	AAC Indha
9.	Mr. Mustafa	NSTOP SW
10.	Mr. Asad Riaz	AC WHO
11.	Mr. Sami Ullah Shakeel	PDA South
12.	Mr. Ali Sher	Data FP
13.	Mr. Israr Ahmed	District Planning Officer

The meeting started with recitation from the Holy Quran followed by formal introduction of participants. The Chair welcomed the participants.

Mr. Asad Riaz Presented the Presentation and Campaign Progress was described in detail. Campaign infrastructure was described and presented in details.

Following discussion were made

S No.	Issues/ Point of Discussions	Decisions	Responsibility
1)	Shakeel belt falling under the AOR of 7-DIV SW	The worthy Commissioner D I Khan briefed that security arrangements were not proper in the said belt during the previous campaign as there is no established Police system. Chair Directed that proper arrangements to be made for the next Campaign	District Administration & Police Department
2)	Improvements done after Transformation from CBV to Non CBV mode	The Chair appreciated the achievements and directed the Deputy Commissioner to fix very strict accountability on the poor & non compliant performers. The Deputy Commissioner addressed the forum that there will be Post Campaign evaluation meeting in which performance of all the staff will be evaluated and action against the poor performers will be initiated	DC SW

Attested
[Signature]

[Handwritten Signature]

Accountability

The chair appreciated the District administration for the renovation of DPCR done and making it functional. The Chair was briefed that team clubbing has been avoided and no clubbing observed during the previous campaign. The chair appreciated the LEAs and directed that non compliance from the health Department & PEI Staff will not be tolerated.

NA

Health Department & PEI Staff

Improvement in earlier teams deployment
Increase in same Day Coverage from 14 to 22 %

The Chair appreciated and hope the same in the future. The Chair appreciated the Health department and PEI Staff that in spite of too many challenges same day NA coverage has been improved.

NA

Chair directed the DHO to keep the accountability sustained.

DHO

Accountability

[Signature]
Deputy Commissioner
South Waziristan Tribal District

Copy forwarded to;

1. Coordinator EOC, Khyber Pakhtunkhwa, Peshawar
2. Secretary to Commissioner, D I Khan Division, D I Khan for information please
3. Regional Police Officer D I Khan Division, D I Khan
4. District Police Officer South Waziristan Tribal District
5. HQ FC(s), JSC, Wana
6. Assistant Commissioner, Sub Division Ladha , Sarwekai & Wana
7. Team Leaders UNICEF, WHO, BMGF & N-STOP, EOC Merged Areas.

Attached
[Signature]

[Signature]
Deputy Commissioner
South Waziristan Tribal District



Ann: G 24

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.
RO, Office Dh, 021-9210267 Exchange, 021-9210107 Fax, 021-92102307. Mail: dghealthkpk2014@gmail.com

No 13300-02/DGHS

Dated 07/10/2020

To,

The District Health Officer
South Waziristan.

Subject: APPRECIATION ON FUNCTIONALIZATION OF CLOSED HEALTH FACILITIES.

Its my please to express my appreciation on your performance and personal interest on functionalization of following Health Facilities which were closed and non functional for so many years.

1. Civil Hospital Spin Wana 2. CD Zadrana, 3. CD Habib Kot Shabi Khel 4. CHC Boghisha Kot 5. CD Sahib Kot Spin 6. CD Ghwa Khwa 7. CD Karama.


The functionalization of these Health Facilities will surely provide quality health services to the local population, please keep continues monitoring supervision of concerned health facilities so that the functionalization is sustainable.

It is further added that take similar imitative in future for functionalization of other health facilities as well, any support need from Director General Health Services KP will be surely provided.


DIRECTOR GENERAL HEALTH
SERVICE: KHYBER PAKHTUNKHWA PESHAWAR

CC:

1. PS to Minister Health, Government of Khyber Pakhtunkhwa.
2. PS to Secretary Health, Government of Khyber Pakhtunkhwa.

Attached




Amr H

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OFFICE OF THE
COMMISSIONER
DIKHAN DIVISION DIKHAN



0060-9280361 0060-9280362 02-333-0071060
@commissionerdik @commissionerdik @commissionerdikhan@yahoo.com

Minutes	DIVISIONAL TASK FORCE (DTF) MEETING ON POLIO ERADICATION CAMPAIGN
Venue	Commissioner Office DIKhan Division.
Date/ Time	19-11-2020 Thursday (12-00hrs)
In Chair	Mr. Muhammad Yahya Akhuzada Commissioner DIKhan Division
In Attendance	<ol style="list-style-type: none"> 1. Mr. Arifullah Awan Deputy Commissioner DIKhan 2. Mr. Kabir Afridi Deputy Commissioner Tank 3. Mr. Faheedullah Khan ADC (G) SWTD 4. Dr. Rahim Khattak DHO DIKhan 5. Dr. Hisanullah DHO Tank 6. Dr. Wali ur Rehman DHO 7. Dr. Majid Salim TSO RDSRU DIKhan Region 8. Dr. Inayat Coordinator Public Health DHO office DIKhan 9. Mr. Rehmatullah AD LG & RDD 10. Mr. Pervez Shah RI/ Line Police DIKhan 11. Mr. Asim Inspector 12. Mr. Muhammad Umar Havildar MI DIKhan 13. N-Stop Officer DIKhan, Tank & SWTD 14. Dir Taj Muhammad Khan LHW Coordinator DHO office DIKhan 15. EPI Coordinator DIKhan 16. Reps; of WHO, UNICEF, COMNET
Agenda	Review of Past Three Campaign. Preparedness of Next Campaign December NID-2020 Security Arrangements for Next Campaign

The meeting started with the recitation from the Holy Quran. The Commissioner DIKhan Division DIKhan welcomed all the participants. Dr. Hafeezullah NSTOP Officer DIKhan presented the agenda and briefed the forum about the progress made and achievements during the past polio campaign. After deliberate discussion on the agenda items. The following decision were made in the meeting.

S. No.	Issue / Area of Work	Decision	Responsible
1	Quality trainings of UC Supervisors and Frontline Workers	District Administration and Health Teams were appreciated for their efforts in staging quality trainings in previous campaigns and directed to maintain the quality for November NID 2020	Deputy Commissioners / DHO's DI Khan / Tank / South Waziristan
2	Microplans not completed / submitted at South Waziristan	DEOC Incharge to follow upon the said issue and ensure that quality microplans are prepared and submitted with submission of compliance report to the Commissioner Office DIKhan Division	Additional Deputy Commissioner South Waziristan
3	Refusal coverage plans and its impact	All pre and intra campaign refusal conversion / coverage plans and their impact to be analyzed and progress made along with suggestions for improvements to be shared with respective Deputy Commissioner's	DHCSO's DI Khan / Tank / South Waziristan
4	Refusal Conversion	All those still refusals of previous campaigns to be visited and motivated 01 day prior to campaign for re-orientation	DHCSO's / Focal Person PEI DI Khan / Tank / South Waziristan


Allesheel

S. No.	Issue / Area of Work	Decision	Responsible
5	Security Plans	Appreciation of DPO's of all 03 Districts as their Security Plans are submitted in time for coming campaign.	Secretary to Commissioner for appreciation letter
6	Intra Divisional Permanent Transit Teams	Said issue to be taken by Area Coordinator with concerned Offices for possible support.	Area Coordinator WHO
7	Security Situation in South Waziristan	Repeated coordination with LEA's for ensuring optimal security support / preparation for next campaign	Deputy Commissioner South Waziristan
8	Clubbing of Teams in Tank	Said issue to be resolved in coordination with LEA's before next campaign	Deputy Commissioner Tank
9	Vaccine Management	D I Khan and Tank to ensure that targets for logistics and vaccines are in a manner to meet seasonal trend. South Waziristan to ensure that any additional vaccine is maintained for any need or as directed by EOC.	DEOC's D I Khan / Tank / South Waziristan
10	Vacant post of District Surveillance Officer D I Khan	Local office order to be issued and said task to be divided among existing staff with clear division of labor.	Area Coordinator WHO
11	Vacant post of Medical Officers South Waziristan	Additional Deputy Commissioner to take up case of said MO's including Officers at DHO Office with concerned quarters through the office of the Commissioner DIKhan Division.	Additional Deputy Commissioner South Waziristan
12	COVID 19	All frontline workers to be sensitized regarding adopting and ensuring COVID 19 SOPs in the field at all times.	DHO's D I Khan / Tank / South Waziristan
13	Timely deployment of Teams	LEA's to ensure timely deployment of security staff so as to enable timely deployment of teams.	DPO's D I Khan / Tank / South Waziristan
14	Support to Police Department	Any pending payments of the Police Department may be expedited by the concerned District through the office of the Commissioner DIKhan Division.	Deputy Commissioners D I Khan / Tank / South Waziristan

The end of the meeting the chaired appreciated the efforts of the Districts Administration, District Health Teams and Partners organization during the previous campaign. The Chair directed that the same may be maintained in the next campaign. That a "little" push is required and that we need to focus on following points for the successful completion of forthcoming campaign: -

- a. Quality Trainings and communications in the pre campaign phase,
- b. Data management and timely sharing of issues for improved operations during the campaign days.

The meeting was ended with prayers for the success of the next campaign.


 Assistant to Commissioner (Rev & GA)
 DIKhan Division DIKhan
 Date DIKhan the 20-11 /2020

No. 7772-85/Gen;

Copy for information and necessary action to the:-

1. Secretary to Government of Khyber Pakhtunkhwa Health Department Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa Home & TAs Department Peshawar.
3. HQ 11 Corps Peshawar Cantt
4. Secretary Law & Order Merged Area Secretariat Peshawar.
5. Director General Health Services Khyber Pakhtunkhwa.
6. Commander Sector HQ South Tank.
7. Regional Police Officer DIKhan.
8. Deputy Commissioners DIKhan, Tank & SWTD
9. PSO to Chief Minister Khyber Pakhtunkhwa.
10. PSO to Chief Secretary Khyber Pakhtunkhwa.
11. PS to ACS Merged Areas
12. PS to Principal Secretary to Governor Khyber Pakhtunkhwa.
13. Emergency Operation Centre (EOC) Khyber Pakhtunkhwa.
14. DPCRs DIKhan, Tank and SWTD.
15. Participants.

Attested



 Assistant to Commissioner (Rev & GA)
 DIKhan Division DIKhan

Ann. (I) 27

Taimur Khan Jhagra
September 27

تاریخ میں ہندو نغمہ ضلع جنوبی وزیرستان میں گہر گہر پولیو مہم جاری ہے اب وہ دن دور نہیں
جب خیبر پختونخوا اور پاکستان سے پولیو کا مکمل خاتمہ ہوگا. انشاء اللہ

These pictures of the first ever comprehensive vaccination drive in South Waziristan tell a great story of what it will take to beat polio. For the first time ever, the polio drive was conducted in every part of S. Waziristan. No no-go areas!

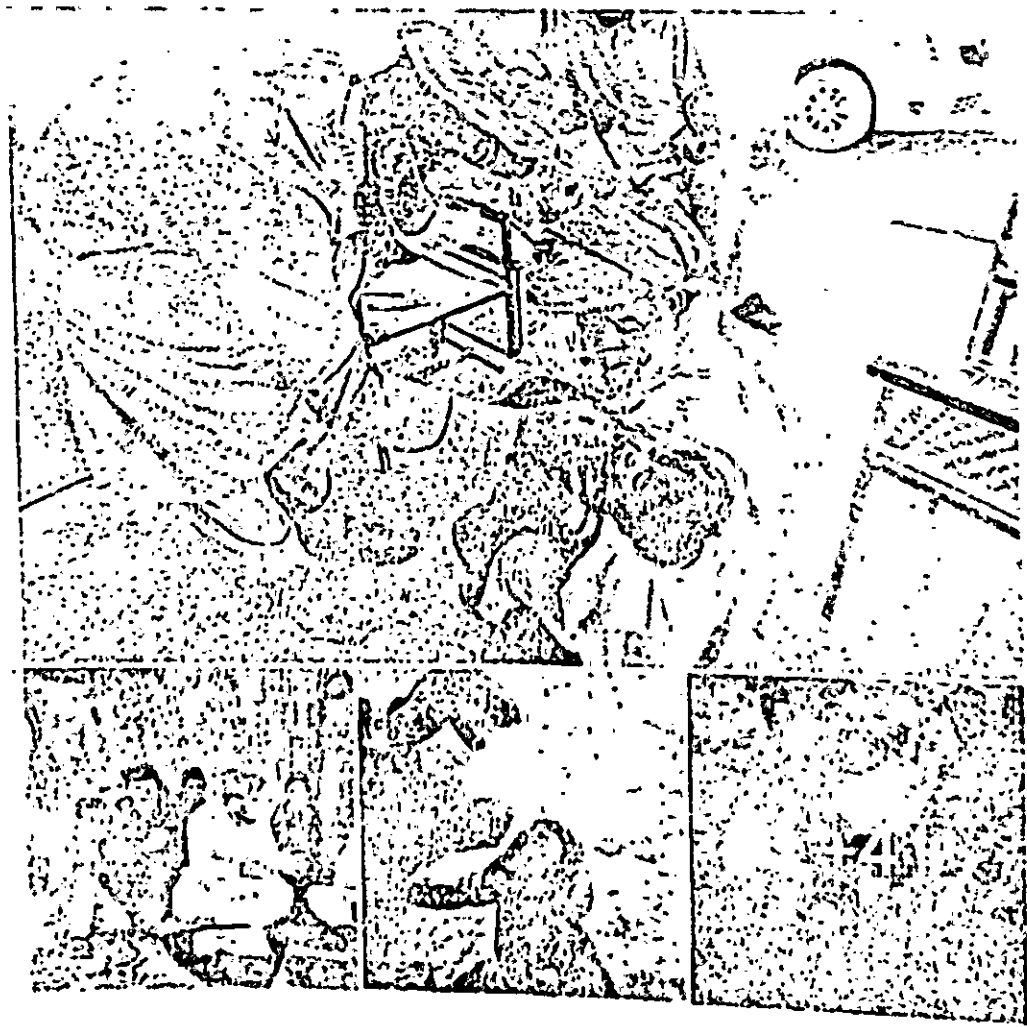
Inspiring to see thousands of staff and tens of thousands of children being vaccinated across S. Waziristan, a district where access itself was a challenge only a few short years ago. This itself is testament to the efforts of the civil and military authorities there.

There is also another story here: of the benefits of the merger of tribal districts with Pakhtunkhwa.

The mainstreaming has created ownership of the tribal districts like never before. The merger is priority number 1 for the KP govt, and that makes progress possible.

The priority given to tribal districts such as South Waziristan can be seen by actions. The CM chaired a comprehensive review of development in the district earlier this week, and the polio campaign was overseen on the ground by the Chief Secretary.

#PTI #SouthWaziristan #Pakistan



Attached



Taimur Khan Jha... · 27 Sep 20

1. These pictures of the first ever comprehensive vaccination drive in S. Waziristan tell a great story of what it will take to beat polio. For the first time ever, the polio drive was conducted in every part of S. Waziristan.

No no-go areas!



Faisal Sultan and 3 others



33



187



1,269

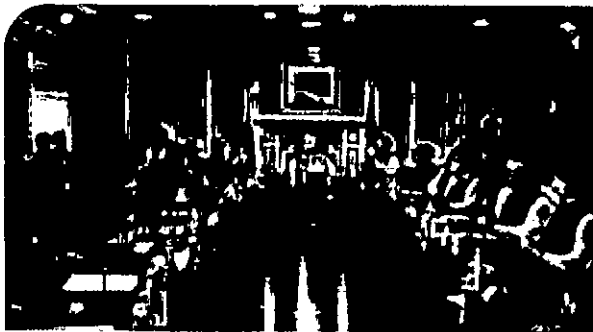


Attested



Taimur Khan Jha... · 27 Sep 20

4. The priority given to tribal districts such as South Waziristan can be seen by actions. The CM chaired a comprehensive review of development in the district earlier this week, and the polio campaign was overseen on the ground by the Chief Secretary.



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Attesteeel



Establishment Section

Am. J 31
FATA SECRETARIAT
(ADMINISTRATION, INFRASTRUCTURE & COORDINATION DEPARTMENT)
WARSAK ROAD PESHAWAR

NOTIFICATION:-

No. FS/E/100-93 (Vol-9) 16304-13 Dr. Wali-ur-Rahman Additional Agency Surgeon South Waziristan Agency is authorized to look after the affairs of the post of Agency Surgeon South Waziristan Agency in addition to his own duties with immediate effect, till further orders.

2- He will also deal with the work of the post of Medical Superintendent, AHQs Hospital Wana South Waziristan Agency in the public interest.

ADDITIONAL CHIEF SECRETARY (FATA)

Dated 01/12/2015

Copy to:-

1. Principal Secretary to Governor Khyber Pakhtunkhwa
2. Secretary Social Sectors Department FATA Secretariat
3. Director Health Services (FATA)
4. Political Agent South Waziristan Agency
5. Agency Surgeon South Waziristan Agency
6. Medical Superintendent, AHQs Hospital Wana South Waziristan Agency
7. Agency Accounts Officer South Waziristan Agency
8. PS to Additional Chief Secretary FATA Secretariat
9. PS to Secretary A, I & C Department FATA Secretariat
10. Officer concerned

[Signature]
Section Officer (Estab)

DIRECTORATE OF HEALTH SERVICES FATA, PESHAWAR

No. 25415-20/DHS/FATA/Admn

Date: 7/12/2015

Copy is forwarded to the:-

1. The Political Agent, SW Agency
2. Agency Surgeon SW Agency.
3. Medical Superintendent AHQH Wana.
4. Agency Accounts Officer SW Agency
5. Officer concerned.

[Signature]
Director Health Services,
FATA, Peshawar



Ann. K 32

**OFFICE OF THE POLITICAL AGENT,
SOUTH WAZIRISTAN AGENCY, TANK**

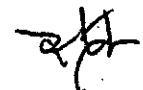
CHARATER CERTIFICATE.

It is certified that Dr. Wali Rehman s/o Wali Marjan, Additional Agency Surgeon, South Waziristan Agency, at Tank possessed good Administration and communication skill having good moral attitude and conscientious to work assigned to him.

Moreover, Dr. Wali Rehman Additional Agency Surgeon has streamlined various Health facilities and also executed an excellent job during TDPs repatriation from 2014 to Sept, 2017. He has found honest, trustworthy and competent Officer.

I wish him ever success in future carrier.

Dated Tank 30th Nov, 2017


(ZAFAR UL ISLAM)
POLITICAL AGENT,
South Waziristan-Agency
POLITICAL AGENT,
South Waziristan Agency

Attested


POLITICAL ADMINISTRATION, SOUTH WAZIRISTAN AGENCY



Am: L 33
**OFFICE OF THE POLITICAL AGENT,
SOUTH WAZIRISTAN AGENCY, TANK**

No. 4188 /PA/SWA/2017

Dated Tank the 30 Nov, 2017.

Subject: **COMMENDATION CERTIFICATE.**

It is certified that Dr. Wali Rehman, Additional Agency Surgeon, South Waziristan Agency, at Tank has performed outstanding services during my tenure especially in connection with health delivery services, Polio vaccination and repatriation of the TDPs of South Waziristan Agency.

His role in coordination both with Political Administration and LEAs for the smooth and successful completion of the job remained excellent.

In order to encourage him for similar performance in future, he is hereby issued this commendation certificate alongwith case award of Rs.30,000/- (Rupees Thirty thousand only).

This commendation certificate may be placed on his personal dossier and reflected in his Annual Performance Report.

(ZAFAR UL ISLAM)
POLITICAL AGENT,
South Waziristan Agency
POLITICAL AGENT,
South Waziristan Agency



Ann. M 34

**Government of Khyber Pakhtunkhwa,
Health Department**

Dated Peshawar the 29 November, 2020

NOTIFICATION

NO. SOH(HD)/E-V/4-4/2020

Whereas Dr. Wali Rehman, Dental Surgeon BS-18, while posted as District Health Officer, South Waziristan has shown completely unsatisfactory and poor performance during polio campaign; and

Whereas, a number of complaints have been received from Commissioner, D.I Khan regarding his unwillingness and negligence towards official duties;

Therefore, the Competent Authority in Health Department has been please to transfer him from the post of District Health Officer, South Waziristan and direct him to report to Directorate General Health Services, Khyber Pakhtunkhwa with immediate effect.

2. Consequent upon the above, Dr. Zakir Hussain, Deputy Director Curative (BPS-18), Directorate General Health Services, Khyber Pakhtunkhwa is posted as District Health Officer, South Waziristan against the post so vacated, with immediate effect, in the public interest.


Secretary Health
Government of Khyber Pakhtunkhwa

Endst. Of even No. & Date.

Copy to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
3. Deputy Commissioner, South Waziristan.
4. District Health Officer, South Waziristan.
5. District Accounts Officer, South Waziristan.
6. Deputy Director (IT), Health Department, with the direction to upload the notification on official website.
- ⑦ PS to Minister for Health Department, Khyber Pakhtunkhwa.
8. PS to Secretary Health Department, Khyber Pakhtunkhwa.
9. Doctors concerned.


(Latif-ur-Rehman)
Section Officer (E-V)

Attested


Am. N 35

Before The Government of Khyber Pakhtunkhwa,
in the Health Department, through
Chief Secretary Peshawar .

ISSUE BRANCH
CHIEF SECRETARY
Govt. of Khyber Pakhtunkhwa
Peshawar
12-12-2020

Dr. Wali Rehman.

S/O Wali Merjan, Caste Mehsud, R/O Baran Abad, Grid road,
Dera Ismail Khan, District Health officer, South Waziristan
Tribal District, now transferred to Directorate General Health
Services Khyber Pakhtunkhwa, Peshawar.

REVIEW PETITION/REPRESENTATION
AGAINST THE NOTIFICATION NO. SO
H(HD)/E-V/4-4/2020 DATED PESHAWAR
THE 29TH NOVEMBER 2020, WHEREIN
THE PETITIONER WAS TRANSFERRED TO
DIRECTORATE GENERAL HEALTH
SERVICES FROM SOUTH WAZIRISTAN.
THEREBY RELEGATING THE PETITIONER
FOR NO WRONG ON HIS PART.

The Petitioner among other grounds respectfully
submits as under,

- 1- That the Appellant/Petitioner is the law abiding,
respectable, disciplined officer and is permanent
resident of District South Waziristan Tribal District,
serving this esteemed Department.
- 2- That the Appellant was transferred to South Waziristan
Tribal District vide notification No. SOH(HD)/E-V/4-
4/2020 Dated Peshawar the 25th June, 2020 and
served this esteemed Department till 29-11-2020, and
then transferred to Directorate General Health Services,
Khyber Pakhtunkhwa, Peshawar vide impugned
Notification no. SOH(HD)/E-V/4-4/2020 Dated
Peshawar the 29 November, 2020, and the assignment

Attas Khan

is being handed over to Dr. Zakir Hussain. Copy is attached.

- 3- That in the impugned letter SOH(HD)/E-V/4-4/2020 Dated Peshawar the 29th November, 2020 some baseless and un acceptable allegations were leveled against the petitioner which will defiantly injured the good reputation and career of the petitioner which are also indifferent with the so many appreciation letters and praises from the top officials of Government of Khyber Pakhtunkhwa.
- 4- That as long as the exigency of the transfer of the Applicant is concerned it is worth mentioning that the impugned transfer order SOH(HD)/E-V/4-4/2020 Dated Peshawar the 29th November, 2020 was generated on Sunday, which is an instance of mis-governance and public affairs.
- 5- That this^{is} also a matter of great concern that after assumption of charge due to the personal interest in the Polio campaign and functionalized different health facilitation centers which were closed and non-functional for so many years and thus provide quality facilities to the most neglected area of the tribal district South Waziristan which was appreciated by the worthy Chief Secretary Khyber Pakhtunkhwa Mr. Kazim Niaz in the meeting of evening review meeting no. 1331/DPCR/SWTD Dated Tank the September 23, 2020. Copy of the same is annexed.
- 6- That Minister Health Mr. Taimur Khan Jhagra also appreciated the efforts of the health department headed by the petitioner. Copy of the post is annexed. Whereas to appreciate the efforts of the

Attas Javed
[Signature]

petitioner an appreciation letter no. 13300-02/DGHS Dated 07/10/2020 was also issued to the petitioner by the worthy Director General Health. Copy of the same is annexed.

7- That it is also important to mention here that in the impugned notification no. SOH(HD)/E-V/4-4/2020 Dated Peshawar the 29th November, 2020, unwillingness and negligence towards official duties were leveled against the petitioner from the worthy Commissioner Dera Ismail Khan, which is also not acceptable and also in negation to the minutes dated 19-11-2020 of the worthy Commissioner Dera Ismail Khan wherein the efforts of the district Health Team headed by the petitioner during the previous campaign. Copy of the minutes is also annexed.

8- That as per the paragraph 10 of the Establishment Code of Khyber Pakhtunkhwa (ESTA Code), sub para IV the Posting/Transfer Policy of the Provincial Government is narrated and the same is re produced for ready reference,

"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."

9- That this honorable forum has got ample powers in this respect, and the spelt out sage is not an instance which may not enable the competent authority to

Attested
[Signature]

reconsider the matter in issue and on compassionate grounds, the Appellant/Petitioner's grievance can be addressed favorably in favour of the Appellant/Petitioner by recalling the impugned order SOH(HD)/E-V/4-4/2020 Dated Peshawar the 29th November, 2020.

It is, therefore, humbly requested that on acceptance of the instant departmental appeal, the impugned Notification SOH(HD)/E-V/4-4/2020 Dated Peshawar the 29th November, 2020 may kindly be suspended, and the appellant may graciously be allowed to serve as district Health Officer South Waziristan Tribal District to meet the ends of justice and equity.

Dated 02-12-2020 Your Humble Appellant

[Handwritten Signature]
01/12/2020
Dr. Wali Rehman
DHO, SW,
Tribal District.
Attested

Ann. O 39



**GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT**

NO. SOH(E-V)3-3/2020/Dr. Wali Rehman
Dated Peshawar the 15th December, 2020

To

The Commissioner,
D.I.Khan Division,
D.I.Khan.

Subject: REVIEW PETITION/REPRESENTATION AGAINST THE
NOTIFICATION NO. SOH(HD)/E-4-4/2020 DATED 29.11.2020.

Dear Sir,

I am directed to refer to the subject noted above and to state on the verbal complaint of your good self, Dr. Wali Rehman, ex-District Health Officer South Waziristan Tribal District was transferred and his services were placed at the disposal of Directorate General Health Services, Khyber Pakhtunkhwa (copy attached).

Now, the DHO concerned has submitted an appeal to the Chief Secretary Khyber Pakhtunkhwa for cancellation of his transfer on the plea that The Divisional Task force on polio, Minister for Health, Khyber Pakhtunkhwa as well as Chief Secretary Khyber Pakhtunkhwa has appreciated his performance during the last NID-SEPTEMBER 2020 (copy attached).

It is, therefore, requested that views/comments in the instant matter may be furnished to this Department to proceed further in the matter, please.

Yours faithfully,

Encl: As above.

Encl. No. & Date Given

Copy to the:-

1. PS to Secretary Health, Khyber Pakhtunkhwa.
2. PA to Deputy Secretary (Establishment), Health Department.

Attested
[Signature] 15-12-20
(Latifur Rahman)
SECTION OFFICER (E-V)

[Signature] 15-12-20
SECTION OFFICER (E-V)



Ann. P 40
GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

NO. SOH(E-V)3-3/2020/Dr.Wali Rehman
Dated Peshawar the 19th February, 2021

REMINDER 1ST

To,

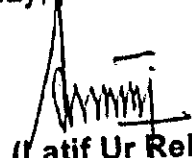
The Commissioner,
D.I.Khan Division,
D.I.Khan

Subject: REVIEW PETITION/ REPRESENTATION AGAINST THE
NOTIFICATION NO. SOH(HD)/ E-4-4/2020 DATED 29-11-2020

Dear Sir,

I am directed to refer to this department letter of even No. dated 15-12-2020 on the subject noted above in respect of Dr. Wali Rehman, Ex-District Health Officer South Waziristan Tribal District and to state that the reply is still awaited.

I am, therefore, directed to state that the reply to the above quoted letter may be furnished to this department without further delay, please.



(Latif Ur Rehman)
SECTION OFFICER (E-V)
19.02.21

Endst. No. & Date Even

Copy to the:-

1. PSO to Chief Secretary, Khyber Pakhtunkhwa.
2. P.S to Secretary Health, Khyber Pakhtunkhwa.
3. Personal file of the doctor concerned.

SECTION OFFICER (E-V)

Attested


41

Ames (5)

P Sec:001 Month:February 2021
TW6006 -DHO Health South Wazirista
DHO HEALTH SOUTH WAZIRIST

Pers #: 50195644 Buckle:

Name: WALI UR REHMAN

DENTAL SURGEON

CHIC No: 2170208305959

GPF Interest Free

17 Active Temporary

PAYS AND ALLOWANCES:

0001-Basic Pay	44,170.00
1000-House Rent Allowance	4,433.00
1210-Convey Allowance 2005	5,000.00
1528-Unattractive Area Allow	4,000.00
1538-Non Practicing Allowanc	3,000.00
1893-15% Medical Allowance	1,847.00
2148-15% Adhoc Relief All-2013	350.00
2199-Adhoc Relief Allow (104	673.00
2209-Health Prof. Allow FATA	92,000.00
Gross Pay and Allowances	169,446.00

DEDUCTIONS:

IT Payable	41,066.72	Deducted	90,846.00	TAX: (3609)	10,267.00
GPF Balance	299,893.00			Subro:	4,270.00
3501-Benevolent Fund					500.00
4004-R. Benefits & Death Comp:					500.00

KHALID MEHMOOD

Advocate

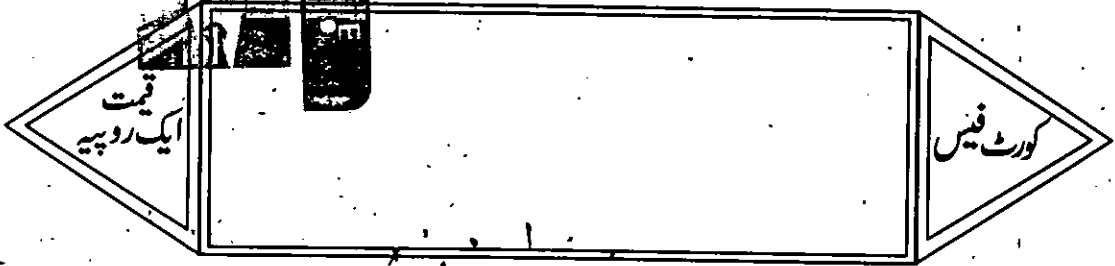
bc-15-5415

Date of issue: October 2020

Valid upto: October 2023

Secretary
KP Bar Council

وکالت نامہ



بعدالت جناب مسعود شریف شہزاد صاحب

منجانب اصلاحت

حکومتی لائسنس نامہ نمبر 1874

دعویٰ یا جرم

رہن ارسال

تفصیل دعویٰ یا جرم

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے پیروی و جوابدہی برائے پیشی یا تصفیہ مقدمہ بمقام 1874 کے لیے

حالیہ طور پر

کوحب ذیل شرائط پر وکیل مقرر کیا ہے، کہ میں ہر پیشی پر خود بخود یا بذریعہ اختیار خاص رو برو عدالت حاضر ہوتا ہوں گا۔ اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کا اطلاع دیکر حاضر عدالت کروں گا، اگر پیشی پر مظہر حاضر نہ ہوں۔ اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا۔ تو صاحب موصوف اسکے کسی طرح ذمہ دار نہ ہوں گے، نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل ہدی کرنے کے ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل ہدی کرنے کے ذمہ دار نہ ہوں گے۔ اور مقدمہ صدر پکھری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا عتق نہ واپس کرنے کے بھی موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پروا خط صاحب موصوف محل کردہ ذات خود منظور و قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ، یا جرم دعویٰ یا درخواست اجرائے ذمگی و نظر ثانی اپیل نگرانی و ہرجم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ذمگی کرنے اور ہرجم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے اور ہرجم کے بیان دینے اور اس پر حاشی یا راضی نامہ دینے پر حلف کرنے، اقبال دعویٰ کا بھی اختیار ہوگا۔ اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مذکورہ ہجرت دن از پکھری صدر ہدی مقدمہ مذکورہ نظر ثانی و اپیل نگرانی و ہرجم کی مقدمہ یا منسوخی ذمگی کی طرف یا درخواست حکم انتہائی یا ترقی یا گرفتاری عمل از فیصلہ اجرائے ذمگی بھی صاحب موصوف کو بشرط ادا سنگی علیحدہ عتق نہ ہدی کا اختیار ہوگا اور تمام ساختہ پروا خط صاحب موصوف محل کردہ ذات خود منظور و قبول ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اسکے کسی جزو کی کارروائی یا بصورت درخواست نظر ثانی اپیل یا نگرانی یا دیگر معاملہ مقدمہ مذکورہ کی دوسرے وکیل یا ایڈووکیٹ کو اپنے بجائے یا اپنے ہمراہ مقرر کریں۔ اور ایسے شیرتالون کو بھی ہر اس میں وہی اور ویسے اختیارات حاصل ہوں گے، جیسے صاحب موصوف کو حاصل ہیں، اور دوران مقدمہ میں جو کچھ ہر جائے التوا ہو پڑے گا، وہ صاحب موصوف کا حق ہوگا۔ مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی ہدی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی حکم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

لہذا وکالت نامہ لکھ دیا ہے۔ تاکہ سند ہے

موزعہ 15، مارچ 2023ء

مضمون وکالت نامہ من لیا ہے۔ اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

العبد العبد العبد

Accepted
[Signature]

3364330001

[Signature]



SAJJAD AHMED

Advocate

bc-11-3077

Date of issue: December 2017

Valid upto: December 2020



Acting Secretary
KP Bar Council

وکالت نامہ

۱۱

کورٹ
فیس

ایڈووکیٹ

صاحب مندرجہ بالا عنوان میں اپنی طرف واسطے بروہی و جواب دہی پیشی یا تفسیر مقدمہ بنام

مجاہد ایسٹریٹس

نام گزیر عہدہ ۸۸۷

ڈاکٹر علی الرحمن

سہیل

دعویٰ یا جرم

تفصیل دعویٰ یا جرم

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے بروہی و جواب دہی پیشی یا تفسیر مقدمہ بنام

سجاد احمد ستاحی ایڈووکیٹ صاحب

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا بڑا بندوبست رو برو عدالت حاضر ہونا ہوں گا اور بروقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر منظر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بروہی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر پکھری کے علاوہ اور جگہ ساعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے یا پیچھے پیش ہونے پر منظر کوئی نقصان پہنچے تو اس کے ذمہ دار یا ایسے واسطے کسی معاوضہ کے ادا کرنے یا عنت نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے مجھ کو کل ساختہ پر داخست صاحب موصوف مثل کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ یا درخواست اجراء اسٹانڈے ڈگری نظر ثانی اپیل گمانی و ہر قسم درخواست برہم کے بیان دینے اور پر تاشی یا راضی نامہ و فیصلہ برعکف کرنے اقبال دعویٰ کا بھی اختیار ہو گا اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مقرر بیرون از پکھری صدر بروہی مقدمہ مقرر نظر ثانی اپیل و گمانی و برآمدگی مقدمہ یا منسوخ ڈگری یک طرفہ یا درخواست حکم انتہائی یا قرتی یا گرفتاری قبل از فیصلہ اجراء ڈگری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ علیحدہ بروہی کا اختیار ہو گا اور تمام ساختہ پروداخت صاحب موصوف مثل کردہ از خود منظور و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو کہ مقدمہ مقررہ یا اس کے کسی جزو کی کارروائی یا بصورت درخواست نظر ثانی اپیل گمانی یا دیگر معاملہ و قدمہ مذکورہ کسی دوسرے وکیل یا ہیر مشرک اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو بھی ہر امر میں دینی اور دینیے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا وہ صاحب موصوف کا حق ہو گا مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی پردی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

لہذا وکالت نامہ لکھ دیا ہے تاکہ سند ہے

مورخ ۱۰ ماہ مارچ ۲۰۲۱

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے

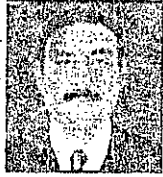
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SUPREME COURT
BAR ASSOCIATION
PAKISTAN

Ahmad Ali
Advocate



MEMBER

وکالت نامہ

42

President

M. Aslam
Secretary

کورٹ
فیس

حساب سرحدی ٹریبونل جسٹس خواجہ شہزاد

مشاہد اسلام آباد

گھانسرہ کی طرف سے

سروس بونل

دعویٰ یا جرم

التفصیل دعویٰ یا جرم

باعث تحریر آنکہ

514

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے اسٹیٹسٹریکی جواب دہی برائے پیشی یا تفسیر مقدمہ نام

احمد علی خان ایڈووکیٹ سروس بونل

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا بذریعہ دوسرے فرد عدالت حاضر ہوں گا اور ہر وقت، پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام بکھری کے علاوہ یا بکھری کے اوقات سے پہلے یا بیچے یا بروز تعطیل پروزی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر بکھری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا بکھری کے اوقات کے آگے یا بیچے پیش ہونے پر مظہر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا سماعت نہ دہلیں کرنے کے کئی صاحب موصوف ذمہ دار نہ ہوں گے مجھ کو کل سامنے پر وادعت صاحب موصوف پیش کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو مرض دعویٰ یا جواب دعویٰ یا درخواست اجراء اسمائے ذمیری نظر ثانی اپیل گرانٹی و ہر قسم درخواست ہر قسم کے بیان دینے اور پر تالی یا راضی نامہ و فیصلہ برطرف کرنے اقبال دعویٰ کا بھی اختیار ہو گا اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مزکور بیرون از بکھری صدر پروزی مقدمہ مزکور نظر ثانی اپیل، گرانٹی و برآمدگی مقدمہ یا منسوی ذمیری یک طرفہ یا درخواست حکم استثنائی یا ترقی یا گرانٹی، فیس از فیصلہ اجراء ذمیری بھی صاحب موصوف کو بشرط ادا انگی ٹیبلہ مقرر پروزی کا اختیار ہو گا اور تمام سامنے پروادعت صاحب موصوف پیش کردہ از خود منظور و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو کہ مقدمہ مزکورہ یا اس کے کسی جزو کی کارروائی یا بصورت درخواست نظر ثانی اپیل گرانٹی یا دیگر معاملہ و قدمہ مذکورہ کسی دوسرے وکیل یا بر سر کو اپنے ہونے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو بھی ہر امر میں دہلی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو چیز ہر جہت التوا ہونے گا وہ صاحب موصوف کا حق ہو گا مگر صاحب موصوف کو پروزی فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو اپنا اختیار ہو گا کہ مقدمہ کی پروزی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

لہذا وکالت نامہ لکھو یا ہے تاکہ سند رہے

مورخہ 10 مارچ 2021

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے

Accepted

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 1886/2011

Date of Institution. ... 12.12.2011
Date of Decision ... 07.05.2012



Dr. Misal Khan, Senior Medical Officer,
Medical Superintendent, DHQ Teaching Hospital,
D.I.Khan.

(Appellant)

VERSUS

1. The Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar.
2. The Secretary, Government of Khyber Pakhtunkhwa Health Department, Peshawar.
3. The Director General, Health Services, Khyber Pakhtunkhwa, Peshawar.
4. Dr. Khalid Aziz Baloch, DMS, MMMH, D.I.Khan. ... (Respondents)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE PREMATURE POLITICAL MOTIVATED TRANSFER ORDER DATED 14.

MR. MUHAMMAD ASIF YOUSAFZAI,
Advocate

For appellant.

MR. ARSHAD ALAM,
Addl. Government Pleader

For official respondents

MR. AMJAD ALI,
Advocate

For respondent No.4.

SYED MANZOOR ALI SHAH,
MR. NOOR ALI KHAN,

MEMBER
MEMBER

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

JUDGMENT

SYED MANZOOR ALI SHAH, MEMBER.- This appeal has been filed by Dr. Misal Khan, the appellant under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 14.9.2011, whereby he has been transferred from DHQ Teaching Hospital, D.I.Khan to the post of Principal Medical Officer, Civil Hospital, Chodwan, D.I.Khan. It has been prayed that on acceptance of the appeal, the impugned order may be set aside and the appellant may be allowed to complete his normal tenure at DHQ Teaching Hospital, D.I.Khan.

2. Brief fact of the case are that the appellant is BPS-19 officer in Health Department and while working as Medical Superintendent, DHQ Hospital, Tank, was transferred to DHQ Teaching Hospital, D.I.Khan on 16.7.2010. His performance remained good and there was no complaint against him. Just after 14 months, he has been transferred to the post of Principal Medical Officer, Civil Hospital,


Chodwan, D.I.Khan and private respondent No.4 has been transferred against his post. Feeling aggrieved the appellant filed departmental appeal on the same day, then he approached the Hon'ble Peshawar High Court, Circuit Bench, D.I.Khan, which was not accepted due to lack of jurisdiction. The appellant filed the instant appeal on 12.12.2011, after statutory period .

3. The appeal was admitted to regular hearing on 19.12.2011 and notices were issued to the respondents. Respondents No. 1, 2 and 4 filed their written reply and contested the appeal.

4. Arguments heard and record perused.

5. The learned counsel for the appellant argued that the appellant while serving as Medical Superintendent, DHQ Hospital Tank, had been transferred to DHQ Teaching Hospital D.I.Khan, in the public interest by the competent authority, vide order dated 16.7.2010. His performance remained good and to the entire satisfaction of his superiors. There was no complaint whatsoever, against him. Vide impugned order dated 14.9.2011, the appellant had been transferred as Principal Medical Officer, Civil Hospital, Chodwan, which is premature and against the policy of the Provincial Government. He further argued that the impugned order was not in the public interest and was issued on political interference to accommodate a blue eyed person against the post of his choice, which is evident from Endst. No: 7 of the impugned order, copy of which has been issued to P.S to Minister for Health, Khyber Pakhtunkhwa. The practice of political interference has been deprecated by the august Supreme Court of Pakistan. Counsel for the appellant relied on 1995-PLD(SC) 530, 2005-SCMR-17 and 2007-SCMR-599. He requested that the appeal may be accepted as prayed for.

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6. The learned counsel for the private respondent No.4 argued that private respondent No. 4 belongs to Management Cadre while the appellant belongs to general cadre. The post of Medical Superintendent is of Management Cadre, against which the private respondent No. 4 has been adjusted, whereas the post of Principal Medical Officer belongs to general cadre, against which the appellant has been adjusted, hence order dated 14.9.2011 is strictly in accordance with the law and in the interest of general public. So far as the political interference is concerned, the appellant approached approximately all the elected representatives belonging to D.I.Khan for his choice posting i.e. Medical Superintendent, DHQ Teaching Hospital, D.I.Khan, as is evident from D.O letters attached with written reply of private respondent No.4. He stated that since the appellant was

transferred against a wrong post illegally; he could not ask for completion of normal tenure against such post. He further stated that there were several complaints against the appellant; his record is full of enquiries and audit paras. Even in the instant case, private respondent No.4 already taken over charge at DHQ Teaching Hospital, D.I.Khan. He requested that the appeal may be dismissed. The learned AGP relied on the arguments put forth by the learned counsel for private respondent No. 4.

7. The Tribunal observes that both the appellant as well as private respondent No. 4 used political pressure for their choice posting i.e. DHQ Teaching Hospital, D.I.Khan in which private respondent No. 4 succeeded, wherein copy has been endorsed to P.S to Minister for Health at S.No. 7 of the impugned order dated 14.9.2011. The practice of political interference has been deprecated by the august Supreme Court of Pakistan. So far as the audit paras are concerned, it was raised after the impugned order dated 14.9.2011 and the enquiries and process is to continue till finalization of the same.

8. The Tribunal observes that the impugned order dated 14.9.2011 is based on summary for the Chief Minister by Secretary Health dated 25.7.2011 wherein in the very beginning it has been stated "The Minister for Health Government of Khyber Pakhtunkhwa has directed to put up proposal with regard to posting of Dr. Khalid Aziz Baloch SMO (BPS-19) DMS Mufti Mahmood Memorial Hospital, D.I.Khan". This clearly shows political interference by the Minister, a practice deprecated by the august Supreme Court of Pakistan. Hence order dated 14.9.2011 is set aside on this score. The contention of the department that the appellant is BPS-19 officer belonging to general cadre whereas the post of Medical Superintendent is BPS-20 and belongs to the Management Cadre, it is the prerogative of the department to post a qualified person with the requisite qualification and grade against the post of M.S DHQ Teaching Hospital, D.I.Khan on merit and as per rules but not on political consideration.

9. The appeal is disposed of accordingly in the above terms. Parties are left to bear their own costs. File be consigned to the record.

ANNOUNCED
7.5.2012.

Certified to be true copy

(NOOR ALI KHAN)
MEMBER

(SYED MANZOOR ALI SHAH)
MEMBER

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

اعلیٰ ترین عدالت سرحد میں سٹیٹ بار کونسل کے درخواستوں پر

سال 2021

سرحدی عدالت

ڈاکٹر وحی الرحمن نیام گورنمنٹ NDU

درخواست برادر Early Hearing

صبا سال سائل پیراگراف ویکس وینڈ ڈیل پڑھیں ہیں۔

1- یہ حکم عنوان بالا سے پہلے عدالت صبا میں پھنس چکا ہے۔

2- یہ حکم سائل ڈیڑھ بجھانے کے بعد ڈیڑھ بجھانے (سائیکو ڈیپریسین) سے تعلق رکھتا ہے۔

3- یہ حکم عدالت عالیہ کا ایکٹ کورٹ ڈیپریسین سے اس وقت کام نہیں کر رہا۔

4- یہ حکم سائل کا معاملہ urgent کوٹیشن کا ہے سائل عدالت سے 050 ہے۔

میرا اسٹریٹ سے سائل کی شہادت کے بارے میں

2021 میں سرحدی عدالت میں شہادت

تاریخ 03/03/2021

میں سے 050 کا ہے

اعلیٰ ترین عدالت
سرحدی عدالت
نیام گورنمنٹ

ڈاکٹر وحی الرحمن پیراگراف ویکس

سرحدی عدالت