

10.10.2022

Appellant alongwith his counsel present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for official respondents No. 1 to 4 present.

Learned counsel for the appellant requested for adjournment on the ground that he has not gone through the record. Adjourned. To come up for arguments before the D.B on 06.12.2022.

(Mian Muhammad)
Member (E)

(Salah-Ud-Din)
Member (J)

06.12.2022

Counsel for the appellant present.

Naseer Ud Din Shah learned Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for withdrawal of the instant service appeal on the ground that the grievances of the appellant have been redressed. In this regard, his signature was obtained on the margin of the order sheet.

In view of the above, instant service appeal is hereby dismissed as withdrawn.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

ANNOUNCED
06.12.2022

(Mian Muhammad)
Member (E)

(Rozina Rehman)
Member (J)

As per instructions of my client, the grievances of the Appellant has been resolved and is no more interested in pursuing the instant service appeal. Hence the may be withdrawn.
Counsel for Appellant

SCANNED
KE & T
Peshawar

(Mian Muhammad)
Member (E)

(Salah-ud-Din)
Member (J)

4-8-2022

Proper DB not available the case is adjourned to 10-10-2022

Reader

P.S

28.07.2021

Learned Addl. A.G be reminded about the omission and for submission of Reply/comments within extended time of 10 days.


Chairman

30.11.2021

Appellant in person present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

Written reply/comments not submitted despite cost of Rs. 3000/- vide order sheet dated 11.03.2021. Learned AAG requested for further time. Request is acceded to but as a last chance as well as on payment of cost of Rs. 3000 which shall be borne by respondents from their pocket. To come up for written reply/comments on 31.01.2022 before S.B.


(MIAN MUHAMMAD)
MEMBER (E)

14.12.2021

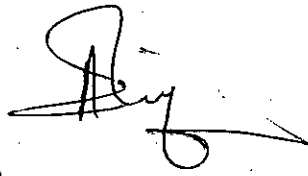
Appellant in person present. Mr. Noor Zaman Khattak, District Attorney alongwith Mr. Safiullah, Focal Person for respondents present.

Written reply/comments alongwith cost of Rs. 3000/- has been submitted by the official respondents. A copy of the written reply/comments alongwith cost of Rs. 3000/- is handed over to the appellant, receipt thereof is placed on file. Adjourned. To come up for arguments on 28.03.2022 before D.B.


(MIAN MUHAMMAD)
MEMBER (E)

28-3-2022

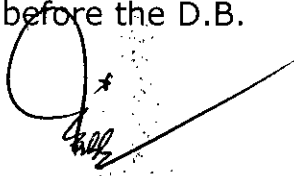
Proper DB not available the case is adjourned to come up for the same as before on 4-7-2022



Reader

04.07.2022

Junior of learned counsel the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for official respondents No. 1 to 4 present.


Junior of learned counsel for the appellant requested that an adjournment may be granted for submission of rejoinder. Adjourned. To come up for rejoinder as well as arguments on 04.08.2022 before the D.B.


(Mian Muhammad)
Member (E)


(Salah-ud-Din)
Member (J)

4-8-2022

Proper DB not available the case is adjourned to 10-10-2022


Reader

P.S

28.07.2021

Learned Addl. A.G be reminded about the omission and for submission of Reply/comments within extended time of 10 days.


Chairman

30.11.2021

Appellant in person present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

Written reply/comments not submitted despite cost of Rs. 3000/- vide order sheet dated 11.03.2021. Learned AAG requested for further time. Request is acceded to but as a last chance as well as on payment of cost of Rs. 3000 which shall be borne by respondents from their pocket. To come up for written reply/comments on 31.01.2022 before S.B.


(MIAN MUHAMMAD)
MEMBER (E)

11.03.2021

Appellant in person present. Addl: AG alongwith Mr. Nisar Khan, Litigation Assistant for official respondents and private respondent No. 5 in person present.

Written reply on behalf of private respondent No.5 submitted which is placed on file. Representative of official respondents did not submit written reply/comments despite cost of Rs. 1000/-. Requested for further adjournment. Adjournment granted subject to further payment of cost of Rs. 3000/- which shall be borne by respondents from their own pockets.

Adjourned to 20.05.2021 before S.B.



(Mian Muhammad)
Member (E)

20.05.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 07.07.2021 for the same as before.



Reader

07.07.2021

Junior to counsel for the appellant and Mr. Kabirullah Khattak, Addl. AG for the official respondents present. Private respondent No. 5 present and submitted reply.

Learned AAG seeks further time to submit reply/comments of official respondents. He is required to contact the official respondents and submit reply/comments in office within 10 days, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 30.11.2021 before the D.B.

Stipulated period has passed and reply has not been submitted.



Chairman

28.12.2020

Appellant is present in person. Mr. Asif Masood Ali Shah, Deputy District Attorney, on behalf of official respondents No. 1 to 4 and private respondent No. 5, are also present.

Written reply on behalf of official respondents as well as private respondent not submitted. Learned Deputy District Attorney as well as private respondent requested for further time for filing of written reply/comments. Time is allowed but as a last chance. File to come up for written reply/comments on 18.01.2021 before S.B.

(MUHAMMAD JAMAL KHAN)
MEMBER

18.01.2021

Appellant present through counsel.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Written reply of respondents is still awaited. Representative of respondents is not in attendance, therefore, case is adjourned on the request of learned A.A.G but on cost of Rs.1000/-. To come up for written reply/comments on 11.03.2021 before S.B.


(Rozina Rehman)
Member (J)

30.09.2020

Appellant in person and Addl. AG alongwith Amjad Ali, Assistant for official respondents counsel for private respondent No. 5 present.

Respondents need time to furnish reply/comments. Adjourned to 24.11.2020 on which date the requisite reply/comments shall positively be furnished

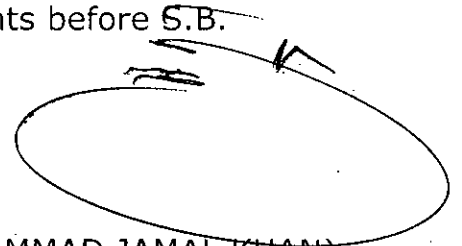


Chairman

24.11.2020

Appellant is present in person. Mr. Kabirullah Khattak, Additional Advocate General on behalf of official respondents No. 1 to 4 and counsel for private respondent No. 5, are also present.

Written reply on behalf of respondents not submitted. Learned Additional Advocate General requests for further time to contact the official respondents and furnish written reply/comments on the next date of hearing. Learned counsel for private respondent No. 5 is also seeking time for submission of written reply/comments. Adjourned to 28.12.2020 on which date file to come up for written reply/comments before S.B.



(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

1957/2020

10.08.2020

Junior to counsel for the appellant and counsel for impleaded respondent No. 5 present. Notices have not been issued to the respondents No. 1 to 4 due to non-deposit of security and process fee as required on 27.07.2020.

Former states that security and process fee have not been deposited inadvertently and submitted an application for extension of time to deposit the same.

Security and process fee shall be deposited within three working days from today. Thereafter notices be issued to respondents No. 1 to 4. To come up for written reply/ comments on 03.09.2020 before S.B.


Chairman

03.09.2020

Counsel for the appellant present. Impleaded respondent No. 5 in person present.

The appellant has submitted an application for permission to deposit security and process fee. The record shows that on 10.08.2020 the time for its deposit was extended but the requisite deposit could not be made.

The application in hand is though allowed but as last chance. The appellant shall deposit the requisite process fee and security within three working days. Thereafter, notices be issued to respondents No. 1 to 4. To come up for written reply/ comments on 30.09.2020 before S.B.


Chairman

Appellant Deposited
Security & Process Fee

03/9/20

27.07.2020

Mr. Saifullah Muhib Kakakheil, Advocate, for the appellant, is present. Mr. Sajjad Hussain, Advocate, for applicant Dr. Haroon, is also present. Reply to application submitted. Preliminary arguments on the main appeal as well as arguments on application for impleadment heard and record perused.

2. This single order is going to dispose of two matters/issues with respect to preliminary hearing of the instant lis/appeal as well as the issue with regard to impleadment of Dr. Haroon Medical Officer, DHQ Hospital Landikotal.

3. The issue and controversy before this august Tribunal is to look at as to whether by effecting transfer of the appellant from DHQ Hospital District Khyber to DHQ Hospital District Mohmand, is against the spouse policy as promulgated by the Government of the Khyber Pakhtunkhwa or else the transfer of appellant was made while adhering to the tenets and cannons of rules laid therein. The Tribunal has to look at the question in context of the rules and regulations involved alongwith allied matters.

4. Another issue involved and put forth before the Tribunal is as to whether any right of the appellant persist when his successor virtually assumes the charge of that very post purportedly falling vacant, these issues require serious thoughts and proper adjudication, therefore, the appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 10.08.2020.

5. It was contended by the learned counsel for appellant that the applicant who has filed application for impleadment have assumed the charge of the post in consequence of the vacancy of the post. That prior to the institution of instant appeal, appellant has moved Writ Petition in the Hon'ble Peshawar High Court, Peshawar, whereby the impugned order was suspended till then no further stay has been granted by the Service Tribunal nor the applicant has been impleaded in that very Writ Petition nor in the instant appeal despite the fact of being an affectee civil servant.

6. On the other hand, learned counsel for the appellant submitted that the stay granted earlier by the Hon'ble Peshawar

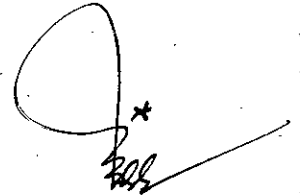
High court, has not been vacated nor this Service Tribunal, has made any order with regard to its vacation, he submitted, that a civil servant before approaching the Service Tribunal has to make a departmental appeal to the competent authority and in case of its rejection he can agitate the matter before this forum.

7. The perusal of record would reveal that the appellant Dr. Amir Gul working as Medical Officer, DHQ Hospital District Khyber, has challenged the vires of notification dated 01.11.2019 passed by the competent authority on the strength of which the services of the appellant were placed at the disposal of DHQ Hospital District Mohmand for further posting and order dated 11.02.2020 by dent of which appellant has challenged transfer order made from DHQ Hospital Khyber to DHQ Hospital Mohmand, reportedly the applicant has made arrival to Directorate Health Service of Merged Area at Warsak Road on 11.02.2020 against the vacant post on account of transfer of the appellant. Since the spread of COVID-19 he rendered duties in the Quick Response Team DHQ Hospital Landikotal District Khyber by virtue of order bearing No. 1900-09DHO/Khyber/COVID-19 dated 29.03.2020. In the event of assumption of charge applicant is direct affectee of the transfer orders so challenged in the instant appeal therefore, not impleading him, being a necessary party, would definitely jeopardize his respective rights, the very appeal and the rights involved could not be effectively adjudicated unless and until applicant is impleaded, his impleadment application is therefore, accepted he is impleaded in the column of respondents, order to his effect be made on the surface of appeal with red ink as well as in the relevant register.


(MUHAMMAD JAMAL KHAN)
MEMBER

25.06.2020

Counsel for the appellant present. Mr. Sajjad Hussain Shinwari, Advocate moved an application for impleadment on behalf of Mr. Haroon which is placed on file. Let pre-admission notice be issued to the respondents to assist the Tribunal. Adjourned. To come up for reply/arguments on application as well as preliminary hearing on 09.07.2020 before S.B.


MEMBER

09.07.2020

Syeda Uzma Advocate on behalf of learned counsel for the appellant and Mr. Usman Ghni, District Attorney on pre-admission notice present. Counsel for applicant (Dr. Haroon) also present.

Former has submitted reply regarding the impleadment application of Dr. Haroon which is placed on record.

As learned counsel for the appellant is indisposed today, therefore, the matter is adjourned to 27.07.2020 before S.B.

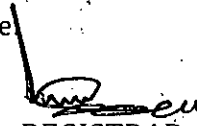
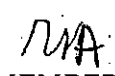
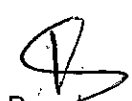

Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1957 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	17/03/2020	<p>The appeal of Mr. Dr. Ameer Gul resubmitted today by Mr. Arifullah Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please</p> <p> REGISTRAR 17/3/2020</p>
2-	19/03/20	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>01/04/2020</u></p> <p> MEMBER</p>
	01.04.2020	<p>Due to public holiday on account of COVID-19, the case is adjourned for the same on 25.06.2020 before S.B.</p> <p> Reader</p>



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated: Peshawar the 27th September, 2022

NOTIFICATION

NO.SOH (E-V)/2-2/2022

Consequent upon promotion to the post of Senior Medical Officer (BS-18) vide Health Department's Notification No. SOH(E-II)/1-1/2022/2145-55 dated 04.08.2022, SOH(E-II)/1-1/2022/2599-2610 dated 18.08.2022, SOH(E-II)/1-1/2022/4032-42 dated 13.09.2022 and SOH(E-II)/1-1/2022/4527-37 dated 23-09-2022, the following posting/ transfer of doctors are hereby ordered for actualization of their promotion with immediate effect, in the best public interest:-

S#	NAME OF DOCTOR	FROM	TO	REMARKS
1.	Dr. Waqar Ahmed S/O Rafiq Ahmed	Sifwat Ghayur Shaheed Memorial Hospital Peshawar	RHC Regi, Peshawar	Against the vacant post of SMO (BPS-18)
2.	Dr. Muhammad Jahanzeb S/O Muhammad Ali Khan	QHATH Nowshera	THQ Hospital Takht Bhai, Mardan	Against the vacant post of SMO (BPS-18)
3.	Dr. Umar Zed Khan S/O Swad Khan	Attached to DHO Bannu	CD Chandni Chowk, Bannu	Against The vacant post of SMO (BPS-18)
4.	Dr. Samina Afridi D/O Ghulam Nabi	Attached to DHO Khyber	NKBM Hospital, Peshawar	Against the vacant post of SMO
5.	Dr. Gul Hassan S/O Sher Hassan	KT Peshawar	RHC Regi, Peshawar	Against the vacant post of SMO (BPS-18).
6.	Dr. Usmanullah S/O Zaram Jan	GKMC Swabi	Cat-D Hospital Parova, D.I.Khan	Against the vacant post of SMO (BPS-18)
7.	Dr. Ali Bahadar S/O Gul Hussain	Attached to DHO North Waziristan	THQ hospital BD Shah, Karak	Against the vacant post of SMO (BPS-18)
8.	Dr. Khandad S/O Shaista Khan	Attached to DHO NWTD	THQ BD Shah, Karak	Against the vacant post of SMO (BPS-18)
9.	Dr. Syeda Fouzia Sultana D/O Syed Israr Ullah Shah	Attached DHO Chitral	RHC Regi Peshawar	Against the vacant post of SMO (BPS-18)

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S#	NAME OF DOCTOR	FROM	TO	REMARKS
10.	Dr. Muhammad Qaseem S/O Karim Khan	MRSMH Pabbi Nowshera	MRSMH Pabbi, Nowshera	Against the Vacant post Of SMO (BPS-18)
11.	Dr. Shagufta Naseem D/O Muhammad Naseem Gul	MMC Mardan	THQ Hospital Takht Bhai, Mardan	Against the vacant post of SMO(BPS-18)
12.	Dr. Asim Ali Shah S/O Asmat All Shah	Attached to DHO Kohat	Cat-D Hospital, Shakardara Kohat	Against the vacant post of SMO(BPS-18)
13.	Dr. Maqsood Ahmed S/O	DHQ Hospital Charsadda	Cat-C Hospital Tangi Charsadda	Against the vacant post of

293	Dr. Syed Muhammad Koshif S/O Syed Noor Ul Basar	THQ Hospital Takht Bhal Mardan	THQ Hospital Takht Bhal Mardan	Against vacant post of SMO
294	Dr. Farman Ali S/O Azam Ali Khan	Attached to DHO Bunir	RHC Nagrai Buner	Against vacant post of SMO
295	Dr. Masood shah S/O Muhammad Shah	Attached to DHO Charsadda	Cat-C Hospital Tangi Charsadda	Against vacant post of SMO
296	Dr. Majid Khan S/O Razi Bas Shah	LHW Coordinator DHO office Karak	Women & Children Hospital Karak	Against vacant post of SMO
297	Dr. Sarra Ghafoor D/O Fazli Ghafoor	DHQ Hospital Batkhela	DHQ Hospital Batkhela	Against vacant post of SMO
298	Dr. Syed Adil Shah S/O Shah Said Bacha	DHQ Hospital Nowshera	DHQ Hospital Nowshera	Against vacant post of SMO
299	Dr. Wasim Zarin S/O Muhammad Zarin	Cat-D Hospital Thana Malakand	Cat D Hospital Thana Malakand	Against vacant post of SMO
300	Dr. Naimtullah Khan S/O Muhammad Sher Khan	KGRTH Bannu	THQ Hospital BD Shah Karak	Against vacant post of SMO
301	Dr. Ghufraullah S/O Hussainullah	DHQ Timergara	DHQ Hospital Timergara Dir Lower	Against vacant post of SMO
302	Dr. Rooh Ullah S/O Amanullah	THQM Dargi Malakand	THQM Dargi Malakand	Against vacant post of SMO
303	Dr. Wajid Rehman S/O Musa Khan	Attached to DHO Karak	THQ Hospital BD Shah Karak	Against vacant post of SMO
304	Dr. Sikandar Bakht S/O Bakht Rawan	DHQ Hospital Timergara	DHQ Hospital Timergara Dir Lower	Against vacant post of SMO
305	Dr. Muhammad Haleem S/O Muhammad	SGTH Swat	SGTH Swat	Against vacant post of SMO

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	Saeed			
306	Dr. Amir Gul S/O Mehmood Khan	Attached to DHO Khyber	RHC Regi Peshawar	Against vacant post of SMO
307	Dr. Ahmad Inamullah Qureshi S/O Hajj Muhammad Younas	DHQ Hospital Haripur	Cat-D Hospital S R Khan Haripur	Against vacant post of SMO
308	Dr. Amjad Rehman S/O Sher Hussain	THQ Hospital Sadda Kurram	THQ Hospital Sadda Kurram	Against vacant post of SMO
309	Dr. Atta Ur Rehman S/O Shah Wali Khan	Attached to DHO Swat	SGTH Swat	Against vacant post of SMO
310	Dr. Muhammad Asif S/O Abdul Samad	Attached to DHO Peshawar	RHC Peshawar Putwar	Against vacant post of SMO (BPS-18)
311	Dr. Mahira Gillani D/O Syed Arshad Hussain Gillani	KTH Peshawar	RHC Regi Peshawar	Against vacant post of SMO (BPS-18)
312	Dr. Sultan Akbar S/O Saifur Rehman	THQ Hospital Mirali North Waziristan	Cat-C Hospital Sarai Aurang Lakki Marwat	Against vacant post of SMO
313	Dr. Munir Khan S/O Toor Khan	Attached to DHO Dir Upper	DHQ Hospital Dir upper	Against vacant post of SMO
314	Dr. Zakia Younas D/O Muhammad Younas	DHQ Hospital Mardan	DHQ Hospital Mardan	Against vacant post of SMO
315	Dr. Shabana D/O Mula Muhammad	DHQ Hospital Dir Upper	DHQ Hospital Dir upper	Against vacant post of SMO
316	Dr. Arshad	Type-D Hospital	Type-D Hospital	Against vacant post of SMO

352	Dr. Ibrar Ahmed S/O Gul Nar	RHC Sherwan Abbottabad	Government General & Mental Hospital Dadar Mansehra	Against the vacant post of SMO (BPS-18)
353	Dr. Mansoor Ahmad S/O Nazir Ahmad	DHQ Hospital Tank	DHQ Hospital Tank	Against the vacant post of SMO
354	Dr. Aisha Adil D/O Muhammad Adil	DHQ Hospital Mardan	DHQ Hospital Mardan	Against the vacant post of SMO
355	Dr. Asif Razaq S/O Abdur Razaq	City Hospital Lakki Marwat	City Hospital Lakki Marwat	Against the vacant post of SMO
356	Dr. Sarma Ameen D/O Ruhul Ameen	Type-D Katiang Mardan	DHQ Hospital Mardan	Against the vacant post of SMO
357	Dr. Talat Israr D/O Misbahul Hanna	BBST Hospital Abbottabad	BBST Hospital Abbottabad	Against the vacant post of SMO
358	Dr. Shahrukh Said S/O Khan Said	DHQ Hospital Mardan	DHQ Hospital Mardan	Against the vacant post of SMO
359	Dr. Zeeshan S/O Shah Dawaran	SGTH Swat	SGTH Swat	Against the vacant post of SMO
360	Dr. Zia Ur Rehman S/O Saeed Ur Rehman	DHQ Hospital Timergara.	DHQ Hospital Dir Lower	Against the vacant post of SMO
361	Dr. Noor Badshah S/O Bakht Jamal	DHQ Hospital Bajaur	DHQ Hospital Bajaur	Against the vacant post of SMO
362	Dr. Amjad Ali S/O Ahmad Khan	Attached to DHO Malakand	DHQ Hospital Batkhela	Against the vacant post of SMO
363	Dr. Shakeel Ahmad S/O Bashir Ahmad	Attached to DHO Swat	THQ Hospital Matta Swat	Against the vacant post of SMO
364	Dr. Imtiaz Ali Shah S/O Izatmand Shah	Attached to DHO Chitral	DHQ Hospital Chitral	Against the vacant post of SMO
365	Dr. Alamgir Khan S/O Abdul Mateen	MRHSM Hospital Pabbi Nowshera	MRHSM Hospital Pabbi Nowshera	Against the vacant post of SMO
366	Dr. Umer Farooq S/O Muhammad Farooq Matfullah	Attached to DHO Mansehra	KATH Hospital Mansehra	Against the vacant post of SMO

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367	Dr. Iqbal Amin S/O Shah Noor	DHQ Hospital Batkhela	DHQ Hospital Batkhela	Against the vacant post of SMO
368	Dr. Samad Khan S/O Mehmoob Wali Khan	DHQ Hospital Chitral	DHQ Hospital Chitral	Against the vacant post of SMO
369	Dr. Shumaila Samreen D/O Aqal Zaman	Attached to DHO Lakki Marwat	THQ Hospital Sarai Naurang District Lakki Marwat	Against the vacant post of SMO

SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

No. _____ / Notification of even No. & dated:

Copies forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director General Health Services, Khyber Pakhtunkhwa.
3. All concerned Directors in Khyber Pakhtunkhwa.
4. All concerned Medical/ Hospital Directors of MTIs in Khyber Pakhtunkhwa.
5. All concerned Medical Superintendents in Khyber Pakhtunkhwa.
6. All concerned District Health Officers in Khyber Pakhtunkhwa.
7. All concerned District Accounts Officers in Khyber Pakhtunkhwa.
8. PS to Secretary Health Department Khyber Pakhtunkhwa.
9. Deputy Director (IT), Health Department, Peshawar.
10. Doctor concerned.
11. Personal file of the doctor concerned.


(NADIR NAZAR)
SECTION OFFICER (E-V)

The appeal of Dr. Amir Gul son of Mehmood Khan Medical Officer DHQ Hospital Khyber received today i.e. on 13.03.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Affidavit may be got attested by Oath Commissioner.
- 3- Annexures of the appeal may be flagged.
- 4- Annexures of the appeal may be attested.
- 5- Page No. 9, 10 and 16 of the appeal are illegible which may be replaced by legible/better one.

No. 944 /S.T.

Dt. 13/3 /2020.



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Arifullah Adv. Pesh.

Sir,

- 1- Memorandum of appeal has been signed.
- 2- Affidavit is attested
- 3- Annexures are flagged.
- 4- All annexures are attested.
- 5- Page 9-10 eligible copies are on page 11-12 while page -16 better copy is 16-A.

Re-submitted, please.


Advocate.
16-3-2020

BEFORE THE LEARNED
SERVICE TRIBUNAL KP, PESHAWAR

Service Appeal No. 1857/2020

Dr. Amir Gul

(Appellant)

V E R S U S

Chief Secretary KP and others


(Respondents)

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4	Departmental Appeal a/w letters dt 31.12.19 and 13-12-2019. better copy		13-15
5	Copy of notification dated 11.02.2020		16
6	Service Certificate of Mst. Salma		17
7	Copy of order dated 31.01.2020 of Dr. Adnan Zahir a/w Spouse Policy		18-20
8	Wakalat Nama		


Appellant

Through


Arif Ullah
Muhammad Zia Ullah
Advocates High Court,
Peshawar

Dated: 12.03.2020

BEFORE THE LEARNED
SERVICE TRIBUNAL KP, PESHAWAR

Service Appeal No. 1957/2020

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1858

Dated 13/02/2020

Dr. Amir Gul S/o Mehmood Khan,

Medical Officer (BS-17) R/o DHQ Hospital, Khyber

(Appellant)

VERSUS

- 1) Chief Secretary, Govt. of Khyber Pakhtunkhwa, Peshawar
- 2) The Secretary to Government of Khyber Pakhtunkhwa, Health Department, Peshawar
- 3) The Director General, Health Services, Government of Khyber Pakhtunkhwa, Peshawar
- 4) The Director Health Services Merged Areas, KP Peshawar

order Dated
27/07/2020

- 5) Dr. Hameed, Medical Officer, DHQ Hospital, Landi Kotal (Respondents)
District Khyber

Filed to-day
Registrar
13/02/20

Service Appeal Under Section 04 of the Service Tribunal Act, 1974 against the Notification dated 01.11.2019 passed by the competent authority whereby the services of appellant were placed at the disposal of DHQ Mohmand for further posting as well as order dated 11.02.2020 whereby the appellant transfer has been made from DHQ Khyber to DHQ Mohmand which is in utter violation of law. Against the notification dated 01.11.2019 a departmental

Re-submitted to -day and filed.

Registrar
17/3/2020

appeal was filed which was considered and partial modification was made in the notification and the services of the appellant was retained at DHQ Khyber, but vide order dated 11.02.2020 it was mentioned the competent authority has considered and regretted the request of the following doctors / appellant.

Prayer:

On acceptance of this appeal, the impugned notification dated 01.11.2019 as well as 11.02.2020 upto the extent of appellant may graciously be set aside as it is against the verdicts of spouse / wedlock policy, hence being passed in manifest disregard of Articles of the Constitution of Islamic Republic of Pakistan 1973 as well as law laid down by the apex courts in various judgments in connection with wedlock/spouse policy.

Respectfully Sheweth,

- 1) That the appellant was serving as Medical Officer (BS-17) while his wife Mst. Bibi Salma has been serving at Government College of Education for Elementary Teachers (Female) Jamrud, District Khyber since long. (Copy of service certificate is attached)

- 2) That the appellant was performing his duties with keen interest without any complaint but vide Notification dated 01.11.2019 his services were placed at the disposal of DHQ Mohmand for further posting against the vacant post of Medical Officer. (Copy of notification is attached)
- 3) That the notification was in utter disregard of Article of the Constitution of Islamic Republic of Pakistan but was also against the spouse policy, therefore the appellant moved departmental appeal which was forwarded to the respondents for consideration on 31.10.2019 and following the request / departmental appeal of the appellant, on 13.12.2019 an office order was passed, whereby the services of the appellant were retained at Tribal District Khyber. (Copies of orders are attached)
- 4) That on 11.02.2020 another notification was passed whereby it was mentioned that the request of the appellant was considered and regretted and the appellant transfer was made from DHQ Khyber to DHQ Mohmand. (Copy of the notification is attached)
- 5) That against both the impugned notifications the appellant approached this Hon'ble Tribunal inter alia on the following grounds.

GROUND

- a) That the respondents have not treated appellant in accordance with law, rules and policy on the subject and acted in violation of Article 4 of the Constitution of Islamic Republic of Pakistan, 1973. Therefore the

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impugned notification regarding appellant are against the spirit of administration of justice.

- b) That the appellant wife Mst. Salma Bibi is serving as Subject Specialist at Government College of Education for Elementary Teachers (Female) at Jamrud District Khyber and according to spouse policy it is crystal clear mentioned **“that spouses already posted at one station, including those poste don deputation may normally not be disturbed without compelling reasons of public interest, 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 public interest”**.
- c) That it is very much astonishing that earlier by accepting the departmental appeal the services of the appellant were retained at Tribal District Khyber and thereafter another notification was made on 11.02.2020, whereby it was mentioned that the competent authority has considered and regretted the request of the appellant and his transfer was made from DHQ Khyber to DHQ Mohmand which is a grave miscarriage of justice and against the service law.
- d) That both the notifications are against the law and in violation of statutory rights provided by the constitution of Islamic Republic of Pakistan 1973, because most of the doctors mentioned in the notification dated 01.11.2019 has been dropped and they are still enjoying their previous positions which is very much evident from order dated 31.01.2020 of one of the Dr. Adnan Zahir, hence the discrimination has been made which is the

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes the need for transparency and accountability in financial reporting.

2. The second part of the document outlines the various methods and techniques used to collect and analyze data. It includes a detailed description of the experimental procedures and the statistical tools employed to interpret the results. The authors highlight the challenges faced during the data collection process and how they were overcome.

3. The third part of the document presents the findings of the study. It includes a series of tables and graphs that illustrate the trends and patterns observed in the data. The authors provide a thorough analysis of these findings, discussing their implications for the field of study and offering suggestions for further research.

4. The final part of the document is a conclusion that summarizes the key points of the study. It reiterates the importance of the research and the value of the findings. The authors express their gratitude to the funding agencies and the participants who made the study possible. They also provide contact information for those interested in further details or collaborations.

violation of the Article 4 and 25 of the constitution of Islamic Republic of Pakistan 1973. Thus, this laid duty on the shoulders of the competent authority to consider the case of the appellant in its true perspective and also in accordance with law but he did not bother for the same. Therefore, the impugned notifications (to the extent of appellant) are not sustainable in the eyes of law. 2007-SCMR-410(d) (citation-d)

■ Art.25—Equal protection of law---Principles---
Concept of equal protection of law envisages that a person or class of persons should not be denied the rights, which are enjoyed by other persons in the same situation.

- e) That the impugned notifications (to the extent of appellant) are against law, facts of the case and norms of natural justice. Therefore, the same are not tenable under the law.

- f) That it is very much astonishing that earlier upon the departmental appeal of the appellant his request was consider the spouse policy and the appellant was retained upon his post, but later on i.e. after a period of 2 months another office order was issued whereby it was mentioned that the appellant request was considered and regretted, which is against the law because it is not upon the sweet will of respondents that first they consider the departmental appeal and thereafter regretted it without any reason and justification.

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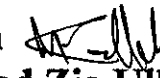
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- g) That pathoral of judgments of the apex courts as well as decisions of the Hon'ble Tribunal favours the appellatant which will be submitted at the time of arguments.

It is, therefore, most humbly stated that on acceptance of this appeal, the impugned notification dated 01.11.2019 as well as 11.02.2020 upto the extent of appellatant may graciously be set aside being passed in manifest disregard of Articles of the Constitution of Islamic Republic of Pakistan 1973 as well as law laid down by the apex courts in various judgments and posting/transfer policy.


Appellant

Through


Arif Ullah 
Muhammad Zia Ullah
Advocates High Court,
Peshawar

Dated: 12.03.2020

AFFIDAVIT

I, **Dr. Amir Gul** S/o Mehmood Khan, Medical Officer (BS-17) R/o DHQ Hospital, Khyber, do hereby solemnly affirm and declare on Oath that the contents of instant appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this honourable court.


DEPONENT



13 MAR 2020

BEFORE THE LEARNED
SERVICE TRIBUNAL KP, PESHAWAR

Service Appeal No. _____/2020

Dr. Amir Gul

(Appellant)

V E R S U S

Chief Secretary KP and others

(Respondents)

Application for suspension of operation of
impugned order dated 11.02.2020 as well as
01.11.2019 till the disposal of this appeal.

Respectfully Sheweth,

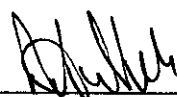
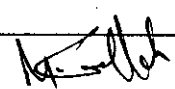
- 1) That the appellant filed above mentioned appeal along with this application before this august Service Tribunal in which no date has been fixed so far.
- 2) That all the three ingredients necessary for the stay is in favour of the appellant.
- 3) That the transfer of the appellant is against the transfer policy of the government of Khyber Pakhtunkhwa and the impugned transfer order is against the spouse policy / rules and regulations.

- 4) That the grounds of main appeal is also be considered as integral part of this application.

It is, therefore, humbly prayed that on acceptance of this application the impugned orders may kindly be suspended till final disposal of the main appeal.


Appellant

Through


Arif Ullah 
Muhammad Zia Ullah
Advocates High Court,
Peshawar

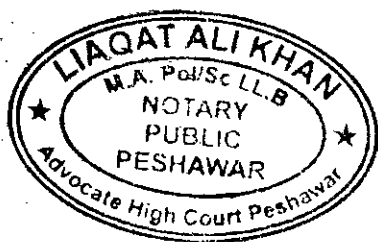
Dated: 12.03.2020

AFFIDAVIT

I, **Dr. Amir Gul** S/o Mehmood Khan, Medical Officer (BS-17) R/o DHQ Hospital, Khyber, do hereby solemnly affirm and declare on Oath that the contents of instant application are true and correct to the best of my knowledge and belief and nothing has been concealed from this honourable court.

ATTESTED


DEPONENT





GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated Peshawar the 01st November, 2019

NOTIFICATION

No. SQ/PH-11/8-1/2019

The competent authority has been pleased to order the following posting/transfer of doctors and nurses made on the basis of rationalization policy with immediate effect in the best public interest:

S. #	Name of Doctor	Designation	From	To
1	Dr. Adnan Zahid s/o Zahid Shah, MO, BS-17	SWA	Attached to DHO Khyber at Jamrud	Services placed at the disposal of DHO SWA for further posting against the vacant post of WMO, BS-17
2	Dr. Amir Gul s/o Hamid Khan, MO, BS-17	Isanmand	Attached to DHO Khyber at Jamrud	Services placed at the disposal of DHO Isanmand for further posting against the vacant post of WMO BS-17
3	Dr. Muhammad Aleem s/o Muhammad Ayub Khan, MO, BS-17	SWA	Attached to DHO Khyber at Jamrud	Services placed at the disposal of DHO SWA for further posting against the vacant post of MO, BS-17
4	Dr. Muhammad Zubair Zahid s/o Zahir Khan, MO, BS-17	SWA	Attached to DHO Khyber at Jamrud	Services placed at the disposal of DHO SWA for further posting against the vacant post of MO, BS-17
5	Dr. Saiman Saiman w/o Saiman Latif, WMO, BS-17	Peshawar	Attached to DHO Khyber at Jamrud	Services placed at the disposal of DHO Charsadda for further posting against the vacant post of MO, BS-17
6	Dr. Huma Shandana s/o Shah Saib, WMO, BS-17	Mohmand	Attached to DHO Khyber at Jamrud	Services placed at the disposal of DHO Mohmand for further posting against the vacant post of MO, BS-17
7	Dr. Muhammad Haroon s/o Khayya Gul, MO, BS-17	Peshawar	Attached to DHO Khyber at Jamrud	Services placed at the disposal of DHO Charsadda for further posting against the vacant post of MO, BS-17
8	Dr. Saadia Naz D/O Nabeer Khan, WMO, BS-17	HWA	Attached to DHO Khyber at Jamrud	WMO, BS-17 THQ Hospital Miral HWA
9	Dr. Saleem s/o Muhammad Nadeem Khan, MO, BS-17	HWA	Attached to DHO Khyber at Jamrud	MO, BS-17 THQ Hospital Miral HWA

TESTED
 Attached
 [Signature]
 [Signature]
 [Signature]

10	Dr. Muhammad Ali s/o Fazl Habood, MO, BS-17	Peshawar	DHO Hospital Landikotal	Services placed at the disposal of DHO Charsadda for further posting against the vacant post of MO, BS-17
11	Dr. Muhammad Asim s/o Wazir Khan, MO, BS-17	South Waziristan	DHO Hospital Landikotal	Services placed at the disposal of DHO South Waziristan for further posting against the vacant post of MO, BS-17
12	Dr. Farveeq Hussain s/o Muhammad Hussain, WMO, BS-17	Peshawar	DHO Hospital Landikotal	Services placed at the disposal of DHO Charsadda for further posting against the vacant post of WMO, BS-17
13	Dr. Rajshaba Lal D/O Muhammad, WMO, BS-17	Mohmand	DHO Hospital Landikotal	Services placed at the disposal of DHO Mohmand for further posting against the vacant post of WMO, BS-17

(Handwritten signature)
 Section Officer (E-11)

1. Accountant General, Health Services, Khyber Pakhtunkhwa
2. Director General Health Services, Khyber Pakhtunkhwa
3. Director Health Services, Mardan, Peshawar
4. Medical Superintendent (M.D. Hospital, Peshawar)
5. DHO Mardan/Charsadda/Jhelum/SWA
6. DHO Mardan/Charsadda/Jhelum/SWA
7. PS to Minister for Health, Khyber Pakhtunkhwa
8. PS to Secretary Health Services, Khyber Pakhtunkhwa
9. Doctors concerned

Copy to the
 Ends of even No. & Date.

**SECRETARY HEALTH
 KHYBER PAKHTUNKHWA**

10	Dr. Muhammad Peshawar A. s/o Mardan HO. BS-17	Hospital Mardan	Services placed at the hospital of DHO Mardan for further posting against the vacant post of WMO.
11	Dr. Muhammad South Wazir s/o Wazir Jan, MO BS-17	Hospital Lahoral	Services placed at the hospital of DHO South Wazir for further posting against the vacant post of MO, BS-17
12	Dr. Peshawar Mardan s/o Mardan WMO. BS-17	Hospital Mardan	Services placed at the hospital of DHO Mardan for further posting against the vacant post of WMO.
13	Dr. Peshawar Mardan s/o Mardan WMO. BS-17	Hospital Mardan	Services placed at the hospital of DHO Mardan for further posting against the vacant post of WMO.

ATTESTED
 (Handwritten signature)
 A. G. Khan
 Asst. Secy. H. S.
 Peshawar

5	Dr. Sultan Peshawar Sultan W/O Sultan Mardan WMO, BS-17	Hospital Mardan	Attached to Sultan placed at the hospital of DHO Mardan for further posting against the vacant post of WMO, BS-17
6	Dr. Shariq D/O Shariq s/o Shariq Mardan WMO, BS-17	Hospital Mardan	Attached to Shariq placed at the hospital of DHO Mardan for further posting against the vacant post of WMO, BS-17
7	Dr. Muhammad Peshawar Karnoo s/o Karnoo Mardan WMO, BS-17	Hospital Mardan	Attached to Muhammad placed at the hospital of DHO Mardan for further posting against the vacant post of WMO, BS-17
8	Dr. Shariq Mardan D/O Sabir Khan, WMO, BS-17	Hospital Mardan	Attached to Shariq placed at the hospital of DHO Mardan for further posting against the vacant post of WMO, BS-17
9	Dr. Saleem s/o Muhammad M.D. Dina Khan, M.D. BS-17	Hospital Mardan	Attached to Saleem placed at the hospital of DHO Mardan for further posting against the vacant post of WMO, BS-17

P-10

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GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

14

NOTIFICATION

Dated Peshawar the 01st November, 2019

No.SO(E)H-II/4-1/2019

The competent authority has been pleased to order the following posting/transfer of doctors are hereby made on the basis of rationalization policy with immediate effect in the best public interest:

S.#	Name of Doctor	Domicile	From	To
1	Dr. Adnan Zahir s/o Zahir Shah, MO, BS-17	SWA	Attached to DHO Khyber at Jamrud	Services placed at the disposal of DHO SWA for further posting against the vacant post of WMO, BS-17
2	Dr. Amir Gul s/o Mehmood Khan, MO, BS-17	Mohmand	Attached to DHO Khyber at Jamrud	Services placed at the disposal of DHO Mohmand for further posting against the vacant post of WMO, BS-17
3	Dr. Muhammad Alamgir s/o Muhammad Ayub Khan, MO, BS-17	SWA	Attached to DHO Khyber at Jamrud	Services placed at the disposal of DHO SWA for further posting against the vacant post of MO, BS-17
4	Dr. Muhammad Zubair Zahir s/o Zahir Khan, MO, BS-17	SWA	Attached to DHO Khyber at Jamrud	Services placed at the disposal of DHO SWA for further posting against the vacant post of MO, BS-17
5	Dr. Sahar Salman w/o Salman Liaqat, WMO, BS-17	Peshawar	Attached to DHO Khyber at Jamrud	Services placed at the disposal of DHO Charsadda for further posting against the vacant post of MO, BS-17
6	Dr. Huma Shandana D/O Shah Sahib, WMO, BS-17	Mohmand	Attached to DHO Khyber at Jamrud	Services placed at the disposal of DHO Mohmand for further posting against the vacant post of MO, BS-17
7	Dr. Muhammad Haroon s/o Kemya Gul, MO, BS-17	Peshawar	Attached to DHO Khyber at Jamrud	Services placed at the disposal of DHO Charsadda for further posting against the vacant post of MO, BS-17
8	Dr. Shama Naz D/O Sabir Khan, WMO, BS-17	NWA	Attached to DHO Khyber at Jamrud	WMO, BS-17 THQ Hospital Mirali NWA
9	Dr. Khalid Saleem s/o Muhammad Naib Din Khan, MO, BS-17	NWA	Attached to DHO Khyber at Jamrud	MO, BS-17 THQ Hospital Mirali NWA

ATTESTED

Attested
Anful (h)

10	Dr. Muhammad Ali s/o Mabbod, BS-17	Peshawar Fazli MO,	DHQ Hospital Landikotal	Services placed at the disposal of DHO Charsadda for further posting against the vacant post of MO, BS-17
11	Dr. Muhammad Nisar s/o Jan, MO, BS-17	South Waziristan	DHQ Hospital Landikotal	Services placed at the disposal of DHO South Waziristan for further posting against the vacant post of MO, BS-17
12	Dr. Perveen Hussain s/o Muhammad Hussain, BS-17	Peshawar WMO,	DHQ Hospital Landikotal	Services placed at the disposal of DHO Charsadda for further posting against the vacant post of WMO, BS-17
13	Dr. Naushaba Lal D/C Lal Muhammad, WMO, BS-17	Mohmand	DHQ Hospital Landikotal	Services placed at the disposal of DHO Mohmand for further posting against the vacant post of WMO, BS-17

**SECRETARY HEALTH
KHYBER PAKHTUNKHWA**

Endst. of even No. & Date.

Copy to the:

1. Accountant General Khyber Pakhtunkhwa.
2. Director General, Health Services, Khyber Pakhtunkhwa.
3. Director Health Services Merged Areas, Peshawar.
4. Medical Superintendent DHQ Hospital Landikotal.
5. DHO Khyber/Charsadda/Mohmand/SWA.
6. DAO Khyber/Charsadda/Mohmand/SWA.
7. PS to Minister for Health, Khyber Pakhtunkhwa
8. PS to Secretary Health Khyber Pakhtunkhwa.
9. Doctors concerned.

Section Officer (E-II)

ATTESTED

Anisulha Akbar

Associate HC

Peshawar

To,

The Secretary Health
Khyber Pakhtunkhwa

Through proper channel

Subject: CONSIDERATION OF SPOUSE POLICY

Sir,

With due respect it is tated that I am working as Medical Officer BPS-17 in Khyber District since 2012 and at present I am working at THQ Hospital Dogra Picket Bara Khyber District.

Sir, my wife is also working as a Subject Specialist (SS) in GCET(F) Jamrud Khyber District. Her service certificate is attached for ready reference.

In view of the above circumstances it is humbly requested that my posting may please be considered on Spouse Policy and I may pelase be retained at the present post to enable me to serve with more zeal and vigour.

I shall remain ever grateful and prayful for your exaltation.

Yours faithfully,

AG
5-11-19

Dr. Amir Gul S/O Mehmood Khan
Medical Officer PBS-17
THQ Hospital Dogra Picket Bara
Khyber District

Dated: 05/11/2019

ATTESTED

*Attested
Rajinder
(Arifullah)
Adv*



OFFICE OF THE DISTRICT HEALTH OFFICER
KHYBER AT JAMRUD

P-14

No: _____ /DHO/Khyber Dated: _____ / _____ / 2019

To,

The Director Health Services
merged areas warsak road Peshawar

Subject:
Sir,

APPLICATION FOR CONSIDERATION OF SPOUSE POLICY

I have the honour to submit herewith an application in original in respect of Dr. Amir Gul Medical Officer THQ Hospital Dogra Picket Bara Khyber District who has requested that he may be allowed to continue his duty at the strength of THQ Hospital Dogra Picket Bara Khyber District under spouse policy as his wife is working as Subject Specialist GCET Jamrud Khyber District (service certificate attached) .

District Health Officer
Khyber at Jamrud

No: 5888-90 /DHO/Khyber Dated: 31/1/0 /2019

Copy forwarded to the:-

1. Deputy Commissioner Khyber
2. SMO Incharge THQ Hospital Dogra Picket Bara.
3. Doctor concerned.

District Health Officer
Khyber at Jamrud

ATTESTED

Attested
Rafiqul
(Amir Gul)
AAV



DIRECTORATE OF HEALTH SERVICES
MERGED AREAS SECRETARIAT, WARSAK ROAD, PESHAWAR
PH# 091-9210212, Exch# 091-9213910-9212207 Fax # 091-9212110.

P-13

OFFICE ORDER:

Subject: - **ADJUSTMENT**

Reference Office Order No. SO(EH-11/4-1/209 dated 1-11-2019, the following partial modification is hereby made in the best interest of public service as per the directives of the competent authority.

Dr. Amir Gul S/O Mehmood Khan BPS-17 under transfer from DHO Khyber at Jamrud to DHO Mohmand is hereby retained at Khyber at Jamrud with immediate effect.



Director Health Services
Merged Areas, Peshawar

Dated: 13/12/2019


No. 30719-85 /DHS/Merged Areas/Admn

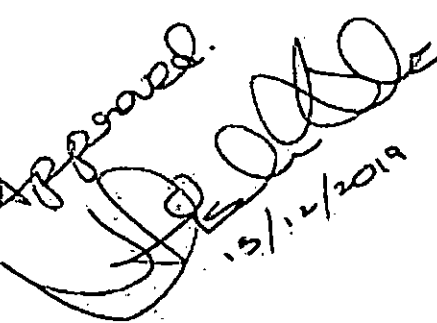
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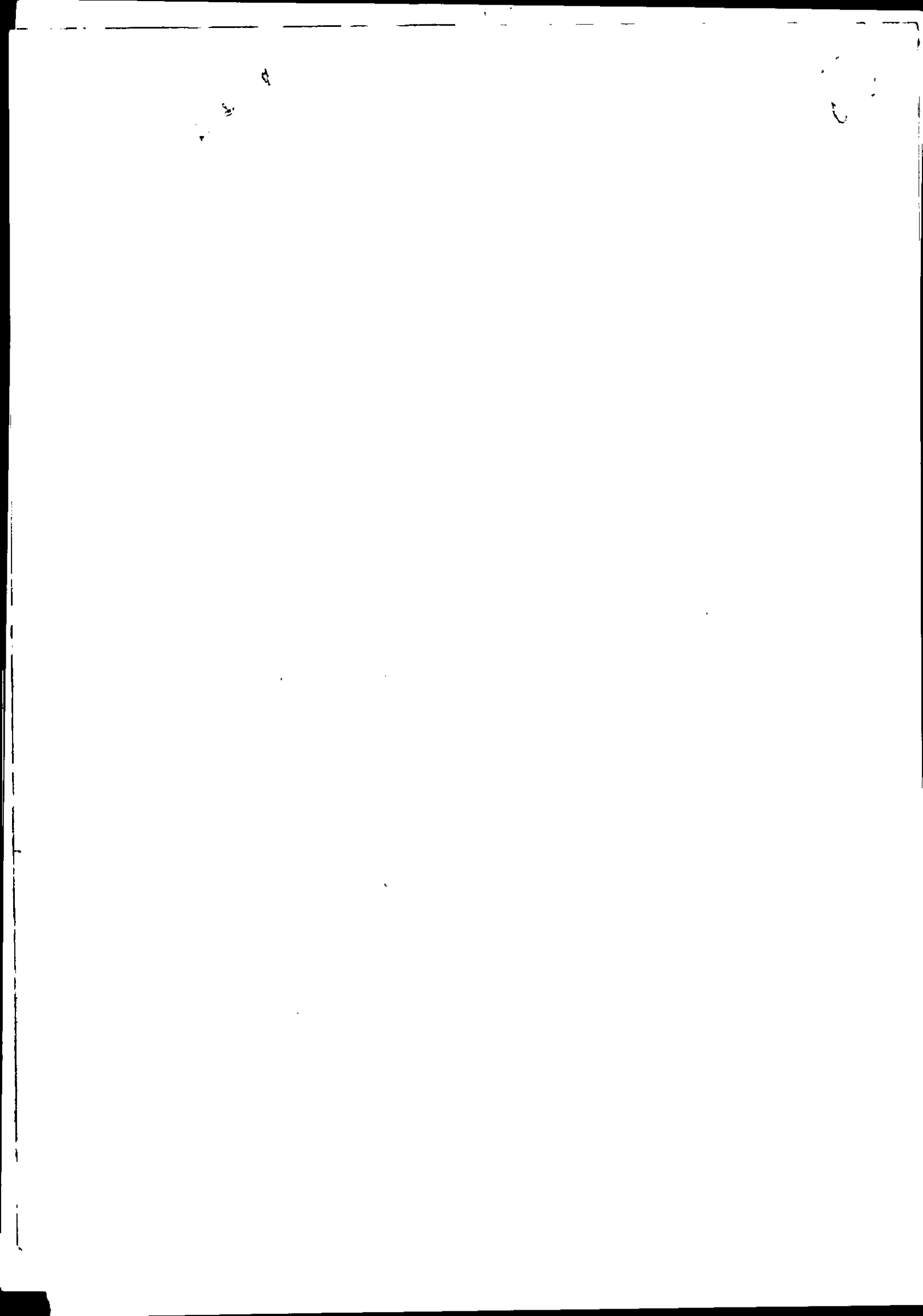
- 1- Deputy Commissioner Khyber
- 2- Deputy Commissioner Mohmand
- 3- District Health Officer Khyber at Jamrud
- 4- District Health Officer Mohmand
- 5- District Account Office Khyber
- 6- District Account Office Mohmand
- 7- Officer Concerned.


Director Health Services
Merged Areas, Peshawar

ATTESTED


Attestor
(Signature)
Adv

DDA
Adm Approved

13/12/2019





DIRECTORATE OF HEALTH SERVICES
MERGED AREAS SECRETARIAT, WARSAK ROAD, PESHAWAR
Phn 091-9210212, Extn 091-9212910-9212207 Fax # 091-9212110.


P-13

OFFICE ORDER:

Subject: - ADJUSTMENT

Reference Office Order No. SO(EH-11/4-1/209 dated 1-11-2019, the following partial modification is hereby made in the best interest of public service as per the directives of the competent authority.

Dr. Amir Gul S/O Mehmood Khan BPS-17 under transfer from DHO Khyber at Jamrud to DHO Mohmand is hereby retained at Khyber at Jamrud with immediate effect.


Director Health Services
Merged Areas, Peshawar

Dated 13/12/2019

No. 30719-85 /DHS/Merged Areas/Admn

CC:

- 1- Deputy Commissioner Khyber
- 2- Deputy Commissioner Mohmand
- 3- District Health Officer Khyber at Jamrud
- 4- District Health Officer Mohmand
- 5- District Account Office Khyber
- 6- District Account Office Mohmand
- 7- Officer Concerned.


Director Health Services
Merged Areas, Peshawar

DDA
Ad Approved.
15/12/2019

ATTESTED

Attested
(Ainulla)
Adv



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

P-16

No. SO (H) E-II/4 1/2020 (FATA Doctors)
Dated Peshawar, the 11th February 2020

The Director Health Services,
Merged Areas, Warsak Road, Peshawar

POSTING/TRANSFER OF DOCTORS ON RATIONALIZATION BASIS

I am directed to refer the subject noted above and to state that the competent authority has considered and regretted the request of the following doctors:-

Sr	Name of Doctor	Remarks
1	Dr. Amir Gulistan Muhammad Khan, MD, BS-17 under transfer from DHO Khyber to DHO Mohmand	
2	Dr. Nadeem Shauqana D/O Shauq Sarwar, WMO, BS-17 under transfer to DHO Mohmand	
3	Dr. Muhammad Hifazullah Wazir, MD, BS-17 under transfer to DHO Mohmand	
4	Dr. Imran Hussain / Muhammad Hussain, WMO, BS-17 under transfer to DHO Chagadda, DHO Peshawar	

In view thereof I am directed to request that the above mentioned Medical Officers, BS-17 may be directed to report their place of posting immediately otherwise strict disciplinary action will be taken against them under E&D Rules 2011.

Encl: As above.

Copy of copy No. & Date

Copy to

1. PD to Secretary Health, Khyber Pakhtunkhwa
2. FATA Additional Secretary (Fstab), Health Department.

Section Officer (E-11)

ATTESTED
Attested
A. Ghaffar
(A. Ghaffar)
AG

DIRECTORATE OF HEALTH SERVICES

Section Officer (E-11)

MERGED AREAS SECRETARIAT, WARSAK ROAD, PESHAWAR

PH No. 1-9210212, 1-921091-92120-9212297 Fax No. 921-9212109

47
No. 5743/115/Merged Areas/Admn

Dated 12/02/2020

Copy forwarded to the -

1. Director General Health Services Khyber Pakhtunkhwa.
2. District Health Officer Khyber.
3. District Account Officer Khyber.
4. Section Officer (E-II) Health Department Khyber Pakhtunkhwa.
5. Doctor Concerned with the remarks to report to your place of posting immediately otherwise strict disciplinary action will be taken against you under E&D rules.

12th Feb 2020
Deputy Director (Admn)
Merged Areas, Peshawar

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16-A

GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

No. SO(H) E-II/4-1/2020(Fata Doctors)
Dated Peshawar, the 11th February 2020

To

The Director Health Services,
Merged Areas, Warsak Road, Peshawar

Subject: **POSTING/TRANSFER OF DOCTORS ON RATIONALIZATION BASIS**

I am directed to refer the subject noted above and to state that the competent authority has considered and regretted the request of the following doctors:

S.#	Name of Doctor
1	Dr. Amir Gul S/o Mehmood Khan, MO, BS-17 under transfer from DHO Khyber to DHO Mohmand
2	Dr. Huma Shandana D/o Shah Sahib, WMO, BS-17 under transfer to DHO Mohmand
3	Dr. Muhammad Nisar S/o Wali Jan, MO, BS-17 under transfer to DHO South Waziristan
4	Dr. Perveen Hussain S/o Muhammad Hussain, WMO, BS-17 under transfer to DHO Charsadda to DHO Peshawar

In view thereof I am directed to request that the above mentioned Medical Officers, BS-17 may be directed to report their place of posting, immediately otherwise strict disciplinary action will taken against them under E&D Rules 2011.

Encl: As above,

Endst of Even No. & Date

Copy to:

1. PS to Secretary Health, Khyber Pakhtunkhwa
2. PA to Additional Secretary (Estab), Health Department

ATTESTED
Amirullah
Advocate HC
Peshawar

DIRECTORATE OF HEALTH SERVICES

Section Officer (E-II)

MERGED AREAS SECRETARIAT, WARSKA ROAD, PESHAWAR

PH: 091-9210212, Exch#091-9212910-9212207 Fax: 091-9212110

No. 3943-47/DHS/Merged Areas/Admn

Dated: 12/02/2020

Copy forwarded to the:

1. Director General Health Services, Khyber Pakhtunkhwa
2. District Health Officer Khyber
3. District Account Officer Khyber
4. Section Officer (E-II) Health Department Khyber Pakhtunkhwa
5. Doctor concerned with the remarks to report to your place of posting, immediately otherwise strict disciplinary action will be taken against you under E&D Rules.

Deputy Director (Admn)
Merged Area Peshawar

SERVICE CERTIFICATE

Certified that Mst. Bibi Salma D/O Mohammad Naseem SS, has been serving at Government College of Education for Elementary Teachers (Female) Jamrud Khyber District since 1/12/2000.

Principal
GCET (F) Jamrud
Khyber District.



Principal
G.C.E.T (F) Jamrud
Khyber Tribal District

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GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

P-12

Dated Peshawar the 31st January 2020

NOTIFICATION

No.SO(E)H-II/4-1/2019 The competent authority is pleased to cancel/withdraw this Department's Notification of even number dated 01.11.2019 to the extent of Dr. Adnan Zahir s/o Zahir Shah, MO, BS-17 appearing at S.No.01 under transfer from DHO office Khyber to DHO office SWA and retain him at his original place of posting.

**SECRETARY HEALTH
KHYBER PAKHTUNKHWA**

Endst. of even No. & Date.

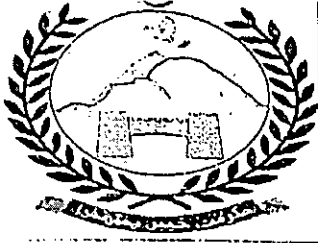
Copy to the:

1. Accountant General Khyber Pakhtunkhwa.
2. Director General, Health Services, Khyber Pakhtunkhwa.
3. Director Health Services Merged Areas Peshawar.
4. DHO Khyber/SWA.
5. DAO Khyber/SWA.
6. PS to Secretary Health Khyber Pakhtunkhwa.
7. Doctor concerned.

[Signature]
31/1/2020
Section Officer (E-II)

ATTESTED

Attested
[Signature]
(Amirullah)
Adv



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

(REGULATION WING)

No. SOR-VI/E&AD/1-4/2010/Vol-VIII
Dated Peshawar, the, 07th August, 2012

P-19

To

3. The Additional Chief Secretary, Planning & Development Department, Government of Khyber Pakhtunkhwa, Peshawar.
2. The Additional Chief Secretary (FATA), FATA Secretariat, Peshawar.
3. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
4. All the Administrative Secretaries to Government of Khyber Pakhtunkhwa.
5. All the Divisional Commissioners in Khyber Pakhtunkhwa.
6. All Heads of the Attached Departments in Khyber Pakhtunkhwa.
7. All the District Coordination Officers in Khyber Pakhtunkhwa and Political Agents in FATA.

ATTESTED

*Attested
by
Chief
Adm
Off*

Subject: POSTING OF SERVING HUSBAND/WIFE AT THE SAME STATION OF THE PROVINCIAL GOVERNMENT.

Dear Sir,

I am directed to refer to the subject noted above and to state that keeping in view the Socio economic Problems and hardships faced by husbands and wives in Government Service due to posting at different station of duty, the competent authority has been pleased to prescribe the following guideline to facilitate posting of husband and wife at the same station:-

- i) Where a request is made for posting at a different station in the same department/service/cadre in which an employee is already serving, the request may be accepted subject to availability of a post in the same BPS.
- ii) If request involves temporary deputation to another department, it may be processed in consultation with the concerned department and may be accepted on the prescribed terms of deputation subject to availability of a post in the same BPS.

Handwritten signature/initials

- iii) If there is a tie between two or more Government servants posting at the same station in the same department/unit of an

organization, the Government servant with greater length of service may be preferred.

iv) Request for posting by a spouse facing serious medical problems may be accorded highest priority.

v) Spouses already posted at one station, including those posted on deputation may normally not be disturbed without compelling reasons of public interest. Requests for extension of deputation period beyond the permissible limit may be considered with compassion if interests of public service would permit.

2. Kindly acknowledge receipt.

ATTESTED

Arifullah
Schroder
Peshawar

Yours faithfully,



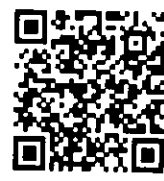
Majumdar
7/8/12
(NAJ-MUS-SAHAR)
SECTION OFFICER (REG:VI)

Endst No. & date even.

Copy forwarded to:

1. The Secretary to Governor, Khyber Pakhtunkhwa.
2. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. The Registrar, Peshawar High Court, Peshawar.
4. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
5. The Director General, Provincial Disaster Management Authority.
6. All Additional Secretaries, Deputy Secretaries and Section Officers in Establishment & Administration Department.
7. Private Secretaries to all Provincial Ministers in Khyber Pakhtunkhwa.
8. PSO to Chief Secretary Khyber Pakhtunkhwa, Peshawar.
9. Private Secretary to Secretary Establishment Department.
10. Private Secretary to Secretary Administration Department.
11. The Incharge Resource Centre, Estt.&Admn: Department.

Majumdar
7/8/12
SECTION OFFICER (REG: VI)

قیمت 50 روپے	45991			
ایڈویکٹ: عابد اللہ محمد ہمدانی اور سنس		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل ایسوسی ایشن نمبر 8033-10-80				
رابطہ نمبر: 0333-9689874				

بعدالت جناب: سر جسٹس سید سجاد علی شاہ

منجانب: ایڈویکٹ	دعویٰ: سر الٰہ الدین
	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:

باعت تحریر آئیکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ صاحب کی طرف سے
 آن مقام 12/3/20 کیلئے عابد اللہ محمد ہمدانی اور سنس کو وکیل مقرر
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
 زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز
 دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
 کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب
 مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا
 دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے
 باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 12/3/20

عبد اللہ محمد ہمدانی
 مقام: سر جسٹس سید سجاد علی شاہ

نوٹ: اگر وکالت نامہ کی فونو کا کاپی جاتا تو قبول ہوگی۔

سر جسٹس سید سجاد علی شاہ
 سر جسٹس سید سجاد علی شاہ
 سر جسٹس سید سجاد علی شاہ

Before the Khyber Pakhtunkhwa Service Tribunal
Peshawar

Service appeal # 1957/2020

Dr. Amir Gul vs Health.

Subject: Remission of cost.

- 1) That the above titled case is pending before this honorable court and is fixed for today
- 2) That the honorable court on Dated 18.01.2021 order Rs 1000/- cost for not submitting the para-wise comments
- 3) That the comments/Reply are ready for submission but the applicant request to remission the cost of 1000/-.

It is therefore requested that on the acceptance of this application the cost of 1000/- Rupees may be waived off.

Date 4/3/21

Applicant
Nisra Ahmed
Membership Assistant
Lit-II Health

whys

Before the KP Service Tribunal Peshawar.

S.A 1957/2020

Dr. Ameer gul -vs- Health

Application for Permission to grant
of Security fee.

Respectfully sheweth.

1. That the above titled case is pending adjudication before this Honorable Tribunal which is fixed for today i.e. 10-8-2020.
2. That the case was admitted on last date of hearing for regular hearing, but ~~due~~ inadvertently and Covid-19 the Security Process fee was not submitted well in time.




It is therefore requested,
on acceptance of this application
the permission of grant of Security
fee may kindly be granted.

Dated: 10-8-2020

Through

Applicant

Sarf ul Qasbi

قیمت 50 روپے	54475			
ایڈوکیٹ: محمد فرمان علی		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل/ایسوسی ایشن نمبر: BC-21-3564				
رابطہ نمبر: 83159340234				

Honble Service Tribunal, KP بعدالت جناب:

Appellant: منجانب:	دعوی:
Dr. Amir Gul	علت نمبر:
بنام	مورخہ:
Govt. KP Elections	جرم:
	تھانہ:

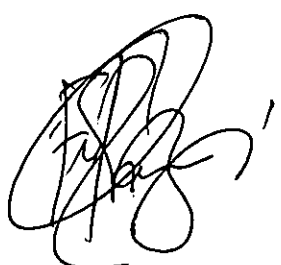
باعث تحریر آگہ

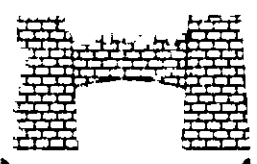
مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دی کارروائی متعلقہ آن مقام Professional کیلئے Muhammed Fergan Qazi کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائرہ کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا سناختہ پر داخستہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ بیرونی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 5/12/2021
PESHAWAR BAR ASSOCIATION
KHYBER PAKHTUNKHWA

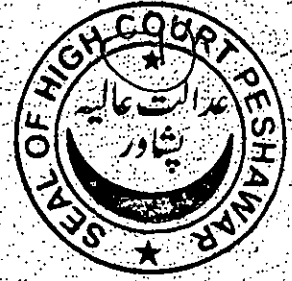
الع الع Peshawar کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فونو کالی ناقابل قبول ہوگی۔





IN THE PESHAWAR HIGH COURT, PESHAWAR



Writ Petition No. _____ of 2020

Dr. Amir Gul S/o Mehmood Khan R/o Medical Officer (BPS-17) in THQ
Hospital, Dogra Picket Bara, Khyber District

.....Petitioner

VERSUS

1. Government of Khyber Pakhtunkhwa through its Chief Secretary, Civil Secretariat, Peshawar
2. Secretary Health, Government of Khyber Pakhtunkhwa, Khyber Road, Peshawar.
3. Director General, Directorate of Health Service, Merged Areas Secretariat, Warsak Road, Peshawar.

..... Respondents

**WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN, 1973**

Respectfully Sheweth:

1. That the petitioner is serving as a Medical Officer (BPS-17) in THQ Hospital, Dogra Picket Bara, Khyber District since 2012.
2. That petitioner's wife Mst. Bibi Salma is also serving in the same district (Khyber) as Subject Specialist in Government College of Education for Elementary teachers (Female) from 01.12.2000 in accordance with the spouse policy. (Copy of Service Certificated is attached as Annexure "A")
3. That blindfolding itself and ignoring the spouse policy, respondent no.02 transferred the petitioner from District Khyber to District

ATTESTED

EXAMINER
Peshawar High Court

(2)

Mohmand through impugned notification dated 01.11.2019. (Copy of notification dated 01.11.2019 is attached as Annexure "B")

4. That petitioner filed an application dated 02.11.2019 before respondent no.02 for retention of service on basis of spouse policy but in vain. (Copy of application dated 02.11.2019 is attached as Annexure "C")
5. That subsequently through office order dated 03.12.2019, partial modification was made in notification dated 01.11.2019 and services of petitioner were adjusted in District Khyber. (Copy of office order dated 03.12.2019 is attached as Annexure "D")
6. That on 07.08.2012 government of Khyber Pakhtunkhwa issued guidelines for "Posting of serving Husband/Wife at the same station of Provincial Government", whereas V of the guidelines is reproduced hereinbelow:

" V. Spouses already posted at one station, including those posted on deputation, may normally not be disturbed without compelling reasons of public interest."

(Copy of Guidelines dated 07.08.2012 is attached as annexure "E")
7. That respondents due to ulterior motives have displaced petitioner whereas doctor namely Dr. Huma Shandana who was transferred along with petitioner was retained at her original place of posting by respondent No.02 through withdrawal/ cancellation of notification dated 01.11.2019, through notification dated 27.11.2019. (Copy of cancellation of transfer notification dated 27.11.2019 is attached as Annexure "F")
8. That another similarly placed doctor namely Dr. Adnan Zahir was retained in his original place of posting by respondent No.02

ATTESTED

EXAMINER
Peshawar High Court

- through notification dated 31.01.2020. (Copy of notification dated 31.01.2010 is attached as Annexure "G")
9. That the application for retention of service of petitioner along with other doctors including Dr. Huma Shandana was regretted through impugned order dated 11.02.2020 by respondent no.03 and they were directed to report to their place of posting. (copy of order dated 11.02.2020 is attached as Annexure "H")
 10. That to the utmost surprise of the petitioner, the order dated 11.02.2020 was modified vide order dated 25.02.2020 of respondent No. 03 whereby the services of Dr. Huma Shandana were retained at original place of posting. (Copy of order dated 25.02.2020 is attached as Annexure "I")
 11. That in wake of the COVID-19 catastrophe, preventive measures are taken by the Government against spread of the virus hence Service Tribunal is not functional and hear cases.
 12. That blue-eyed of the respondents have been retained while petitioner is transferred against the guidelines of transfer provided for spouses serving in the same district.
 13. That his Honourable in its constitutional jurisdiction have also granted relief in the cases where the spouse policy has been bluntly violated by the respondents.
 14. That one of the aggrieved person/ doctor namely Dr. Muhammad Nisar, Medical Officer in the said notification approached the Hon'ble Service Tribunal against the transfer on basis on spouse policy, whose wife was stationed at the same district as him. Status quo was maintained by the learned member on 20.02.2020 in view of the spouse policy. (Copy of order dated 20.02.2020 of service tribunal is attached as Annexure "J")
 15. That as per the dicta laid down by the Supreme Court of Pakistan reported in 2009 SCMR 1 has held that if one person gets an order

ATTESTED
EXAMINER
Peshawar High Court

from the court or tribunal then the similarly placed persons shall be treated alike with or without litigation but the respondents due to malafide have not followed the same even though the judgments rendered by this Honourable Court and August Supreme Court of Pakistan were provided to them.

- 16. That the impugned notification/ orders 11.02.2020 and modified order dated: 25.02.2020 are illegal, without jurisdiction and without lawful authority besides being for ulterior motives and political considerations.
- 17. That the petitioner has not been treated in accordance with law and has been discriminated against.
- 18. That petitioner is left with no adequate, efficacious and prompt remedy other than to approach this Hon'ble court by way of present writ petition.

It is, therefore, respectfully prayed that on acceptance of this writ petition:

- i. Declare the impugned orders dated: 11.02.2020 and modified order dated: 25.02.2020 as illegal, without jurisdiction, without lawful authority, discriminatory, against the spouse policy and Guidelines dated 07.08.2012 namely "Posting of serving Husband/Wife at the same station of Provincial Government" besides being against the judgments of this Honourable Court as well as August Supreme Court of Pakistan
- ii. Direct the respondents to follow the guidelines dated: 07.08.2012 namely "Posting of serving Husband/Wife at the same station of Provincial Government" in letter and spirit by retaining petitioners services in his original place of posting with her spouse.

ATTESTED
EXAMINER
Peshawar High Court

(5)

iii. Any other document / argument will be raised at the time of the hearing with the permission of this Hon'ble Court. Any other order deemed appropriate in the circumstances may also be passed.

INTERIM RELIEF:

It is, respectfully prayed that pending disposal of the writ petition, the impugned orders dated: 01.02.2020 and 25.02.2020 may be suspended to the extent of petitioner or in alternate respondents may be directed to maintain status quo by retaining services of petitioner in his original place of posting.

Petitioner

Through

³
Mian Muhibullah Kakakhel
Senior Advocate
Supreme Court of Pakistan

Saifullah
Saifullah Muhib Kakakhel
Advocate High Court (LL.M)
Cell: 0334-4440744

um
Mehwish Muhib Kakakhel
Advocate High Court
BSCS, LL.M (Cyber Crimes)

Zeenat
Zeenat Muhib Kakakhel
Advocate High Court.

Dated: 14/04/2020

CERTIFICATE:

It is certified that no such like writ petition has earlier been filed by the petitioner before this Honourable Court regarding the same subject matter.

Saifullah
ADVOCATE

LIST OF BOOKS

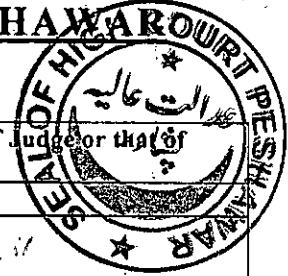
1. Constitution of Islamic Republic of Pakistan, 1973.
2. 2009 SCMR 01
3. Any other law book according to need.



Saifullah
ADVOCATE

ATTESTED

EXAMINER
Peshawar High Court

**PESHAWAR HIGH COURT PESHAWAR
ORDER SHEET**



Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary
1	2
29.04.2020	<p><u>Writ Petition No. 2335-P/2020.</u></p> <p>Present: Mr. Saifullah Mohib Kakakhel, advocate for the petitioner.</p> <p>Mr. Atif Ali Khan, Addl. AG on behalf of respondents.</p> <p align="center">*****</p> <p><u>WAQAR AHMAD SETH, CJ:-</u> The Court was apprised that petitioner has filed appeal before Service Tribunal, which is not functional in routine and only available on each Friday. Since the coming Friday is declared as Public Holiday on account of Labour Day, therefore, petitioner is directed to appear before the learned Service Tribunal, Khyber Pakhtunkhwa on 8.6.2020, i.e. next Friday. Till then impugned order is suspended.</p> <p align="right">  Chief Justice </p> <p align="right">  Judge </p>

SCANNED

[Handwritten Signature]

CERTIFIED TO

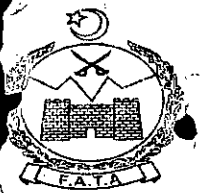
Tariq Jan PS.

DB, Mr. Justice Waqar Ahmad Seth, Chief Justice & Mr. Justice Muhammad Nasir Mahfooz, JJ.

Peshawar High Court
Authorized Under Article 87 of
The Qanun-e-Shahadat Order 1984

07 MAY 2020

No. 34566
Date of Presentation of Application 29/11/2020
No of Pages 6-2
Copying fee 24
Total 24
Date of Preparation of Copy 7/5/2020
Date of Delivery of Copy 7/5/2020
Received By 0/6/20



OFFICE OF THE DISTRICT HEALTH OFFICER
KHYBER AT JAMRUD

30

No: 3461-63 /DHO/Khyber

Dated: 16 / 06 / 2020

The District Accounts Officer
Khyber at Jamrud

PROMULGATION OF COURT ORDER

Annex
F

Reference writ petition No. 2335-P/2020 Dr. Amir Gul vs govt of Khyber
Pakhtunkhwa & others (copy enclosed)

In light of court order referred above, it is requested to start monthly salary of
Dr. Amir Gul Medical Officer BPS-17 THQ Hospital Dogra Picket Bara Khyber
District with immediate effect.

Therefore monthly salary of Dr. Haroon Medical Officer BPS-17 THQ Hospital
Dogra Picket Bara Khyber District may please be stopped with immediate
effect.

ove)

District Health Officer
Khyber at Jamrud

No: 3461-63 /DHO/Khyber Dated: 16 / 06 / 2020

Copy forwarded to the:-

Director General Health Services Khyber Pakhtunkhwa.

Director Health Services merged areas.

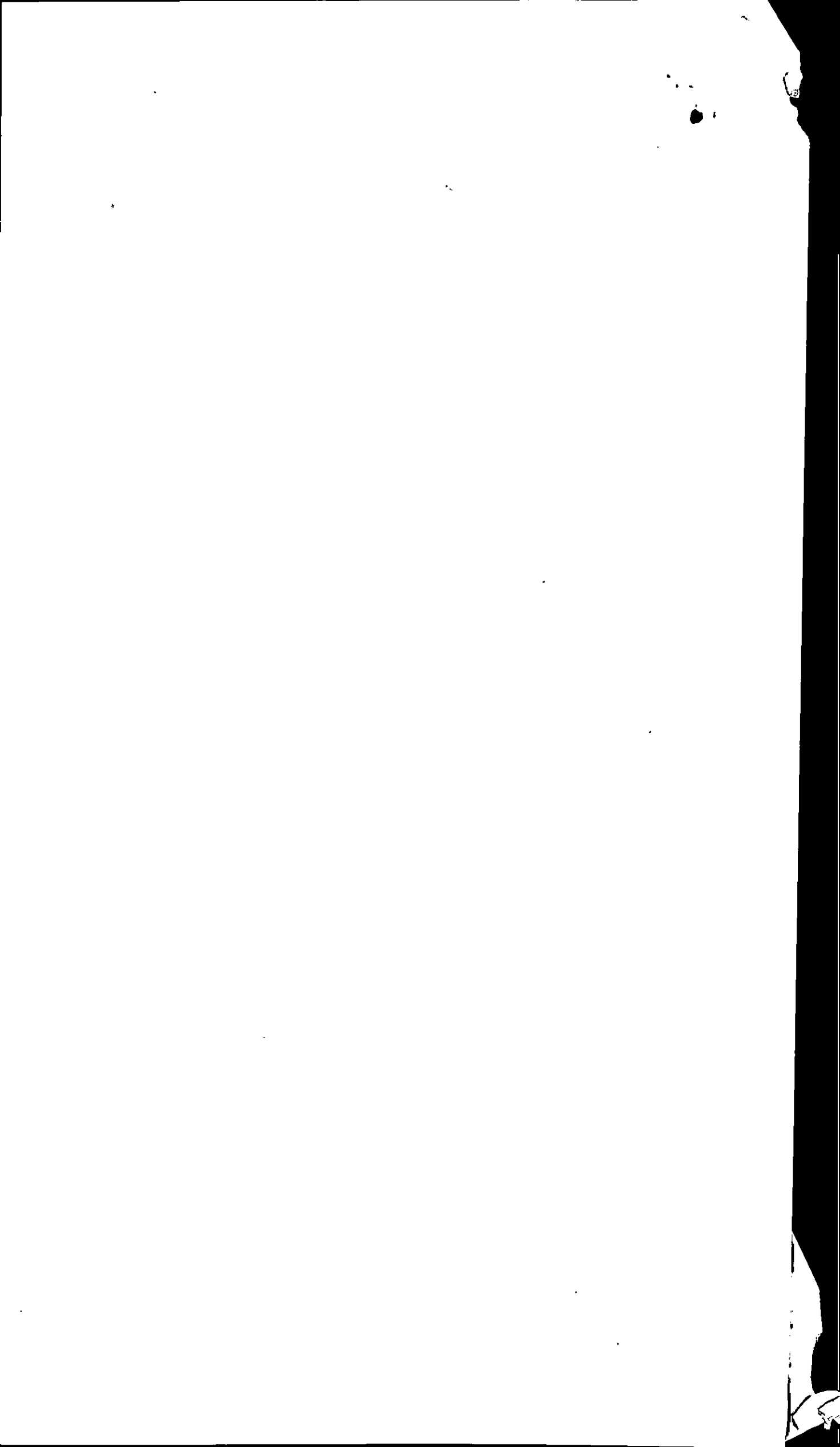
Deputy Commissioner Khyber

Section Officer (Litigation-II) Health Department Khyber Pakhtunkhwa.

Doctors concerned.

District Health Officer
Khyber at Jamrud

AGS
JMB





**OFFICE OF THE DISTRICT HEALTH OFFICER
KHYBER AT JAMRUD**

CERTIFICATE OF TRANSFER CHARGE

1. Certified that we have on the fore/ afternoon of this day handed/ taken over charge of the office of the Director Health Services, Merged areas
Notification No. 4424-31/DHS/Admin. Dated; 20-02-2020
2. Particulars of Cash, important secret and confidential documents handed over are noted on the reverse.

Signature of the relieved Government

Servant. _____

Designation. _____

Station: **JAMRUD**

Dated. 24 / 02 / 2020FN.

Signature of the Relieving Government

Servant Dr. Haroon Khan

Designation. Medical officer.

OFFICE OF THE DISTRICT HEALTH OFFICER KHYBER AT JAMRUD.

No. 1061-67 /DHO/Khyber

Dated: 26 / 02 / 2020.

Copy forwarded to the:-

1. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
2. Director Health Services merged areas.
3. Deputy Commissioner Khyber District.
4. District Accounts Officer Khyber at Jamrud
5. PS to Secretary Health Khyber Pakhtunkhwa Peshawar.
6. All Incharges concerned.
7. Officer concerned.

Dr. J. H. H. H.
District Health Officer
Khyber at Jamrud

BEFORE THE HON'BLE CHAIRMAN, KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

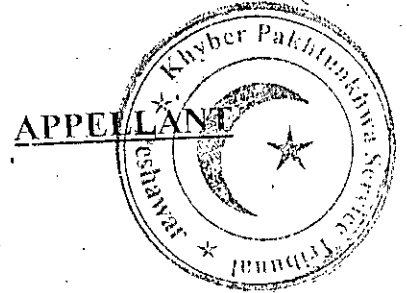
Service Appeal No. 880 /2020

Khyber Pakhtunkhwa
Service Tribunal

Case No. 1023

Date 07-02-2020

1. Dr. Muhammad Nisar, Medical officer (B-17) DHQ Hospital Landikotal,
District Khyber.




VERSUS

1. The Chief Secretary Government of Khyber Pakhtunkhwa, Peshawar.
2. The Secretary to Government of Khyber Pakhtunkhwa, Health Department,
Peshawar.
3. The Director General Health and Services, Government of Khyber
Pakhtunkhwa, Peshawar.
4. The Director Health Services Merged Area, Peshawar.


RESPONDENTS

Filed to-day


Registrar
07/02/2020

APPEAL UNDER SECTION 4 OF THE
KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT, 1974 AGAINST THE
NOTIFICATION DATED 01-11-2019
PASSED BY THE COMPETENT
AUTHORITY WHEREBY THE
SERVICES OF APPELLANT WERE
PLACED AT THE DISPOSAL OF DHO
SOUTH WAZIRISTAN FOR FURTHER
POSTING AGAINST THE VACANT POST
OF MEDICAL OFFICER (B-17) IN UTTER
VIOLATION OF LAW AGAINST WHICH
A DEPARTMENTAL APPEAL WAS
FILED ON 07-11-2019 BUT THE SAME

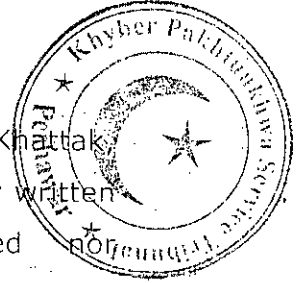
Certified to be true copy


Registrar
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

A. No. 830/2020
Dr. Muhammad Nisar vs Govt

09.03.2020

Appellant in person and Mr. Kabirullah Khattak, Additional AG for the respondents present. Neither written reply on behalf of respondents submitted nor representative of the department is present, therefore, notices be issued to the respondents with the direction the representative to attend the court and submit written reply on the next date positively. Adjourned to 24.03.2020 for written reply/comments but as a last chance. Status-quo be maintained till the next date.



MA
(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

24.03.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 16.06.2020 before S.B.

S
Reader

16.06.2020

Appellant in person and Mr. Kabirullah Khattak, Additional AG for the respondents present. Written reply on behalf of respondents not submitted. Representative of the department seeks further time to furnish written reply. Last opportunity is given to the respondent to furnish written reply/comments. Adjourned to 03.07.2020 for written reply/comments before S.B. Status-quo be maintained till the next date.

MA
(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

Certified to be true copy

MA
ENGINEER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 22/6/2020
Number of Words 800
Copying Fee 10/-
Urgent _____
Total 10/-
Name of Copyist [Signature]
Date of Completion of Copy 25/6/2020
Date of Delivery of Copy 25/6/2020

**BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA**

In
Service Appeal No. 1957/2020

Dr. Ameer Gul

..... Applicant

Versus

Govt. of KP & others

..... Respondents

**APPLICATION FOR GRANT OF PERMISSION TO
SUBMIT SECURITY FEE**

Respectfully Sheweth:

1. That the above titled case is pending adjudication before this Hon'ble Court, which is fixed of today i.e. 03.09.2020.
2. That the case was admitted on last date of hearing for regular hearing, but inadvertently and due to summer vacations, the security process fee was not submitted well in time.

It is, therefore, respectfully prayed that on acceptance of this application, the permission of security fee may kindly be granted, in the best interest of justice.

Applicant

Through


Saifullah Muhib Kakakhel
Advocate High Court (LL.M)
Cell # 0334-4440744

Dated: 03.09.2020

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

Service Appeal No.1957/2020

Dr Amir Gul

Vs

Chief Secretary and others

**REPLY ON BEHALF OF RESPONDENT NO.5 TO THE
APPEAL OF APPELLANT**

Respectfully Sheweth:-

Preliminary objections:-

1. *That the appellant have got no cause of action to file the instant appeal.*
2. *That the appeal is based on malafide and the appellant does not come to this Hon'ble Court with clean hands. Moreover the appellant have tried to suppress and conceal the material facts from this Hon'ble court hence their appeal is liable to be dismissed on this score alone.*
3. *That the appellant is estopped by his own conduct to file the instant appeal. Moreover, he is miserably been failed to comply/honour his own duties and obligation regarding his service rules.*
4. *That the appeal is not maintainable in its present form and appellant have concealed the real facts*

while not making the answering respondents is a necessary party in the writ petition No.2335-P/2020 as well as instant appeal.

5. That the answering respondents have made arrival dated 11.02.2020 at the post vacated by the appellant vide order No.4424-31 dated 20.02.2020.
6. That the appellant wish to get the decision of his own choice by concealing the real aspects and despite not presence of status quo order still not leaving the post despite transfer order.
7. That appellant being a civil servant not obeying the order of authorities and liable to be treated under efficiency and discipline rules.

ON FACTS:-

1. That Para 1 is correct to the extent that appellant being Medical Officer while the rest of the para pertains to record, the certificate attached by the appellant bearing no office order/detail hence subject to prove.
2. That Para 2 of the appeal is subject to prove upto the extent of appellant performing duties while the rest of the para is correct.
3. That initial of para No.3 regarding constitutional and spouse policy was wrong interpreted by the appellant just to get the decision of his own choice from the superior

courts and got the sympathy of courts the rest of the para is correct.

4. That Para No.4 of the appeal is correct.

5. That Para No.5 of the appeal is legal.

ON GROUNDS:-

A. That Para No.A is incorrect hence denied infact being civil servant the appellant is duty bound to obey the order of authorities, the appellant was transfer alongwith other as per policy and rules and answering respondents made arrival dated 11.02.2020 vide order No.4424-31 dated 20.02.2020 and performed his duty as team leader quick response force Covid-19. (Copy of orders are attached).

B. That Para No.B it is stated that appellant put the Court in darkness regarding the real facts keeping in view the spouse policy wrongly interpreted. Spouse policy doesn't confer the right to a civil servant to serve upon 20 years or entire service on one station. Since proper handing taking over of charged has been carried out and all these facts are concealed from the Courts while not making the answering respondents as necessary party in Writ petition No.2335-P/2020 and instant service appeal. (Copies attached)

C. That Para No.C is incorrect hence denied. The transfer posting is a discretion of the department and employ are bound the same. The department keeping in view on the basis of rationalization policy transfer the applicant from District Khyber to Mohmadn along with others dated 11.02.2020 and the remaining respondents and better reply regarding the same.

D. That Para No.D of the appeal it is stated that the appellant keeping in view wrong and concealing the fact from the Hon'ble Court not disclosing the real fact before the Court and when charged has been taken by the respondent No.5, no right of appellant has been infringed rather the answering respondents has performed due to Covide-19 Appedimix and also suffer from Covid-19 hence no question of violation of constitution has been arraised and Article 25 is not been properly interpreted.

(Copies of order is attached)

The instant case of appellant is not come within the ambit of Article 25 of the Constitution.

E. That Para No.E vehemently denied and need no repetition.

F. That Para No.F is incorrect against the facts and law and detail reply has been given in the above para hence no need for repetition.

G. That Para No.G is legal.

It is, therefore, most humbly prayed that on acceptance of this reply, the appeal of the appellant may kindly be dismissed with heavy cost.

Respondent No.5

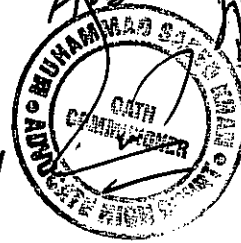
Through

Sajjad Hussain Shinwari
Advocates, High Court
Peshawar

VERIFICATION

It is verified on oath that the contents of the written reply are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

DEPONENT



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

Service Appeal No.1957/2020

Dr Amir Gul

Vs

Chief Secretary and others

**REPLY TO THE APPLICATION OF APPELLANT FOR
SUSPENSION OF OPERATION OF ORDER DATED
11.02.2020 AND 01.11.2019 ON BEHALF OF
RESPONDENT NO.5.**

Respectfully Sheweth:-

1. That Para 1 of the application is legal needs no reply.
2. That Para 2 of the application is incorrect hence denied. Infact on the said post answering respondents have make arrival and take charge so the three ingredients for interim relief is in favor of answering respondent rather then the appellant in prima facie case exist in favour of answering respondent.
3. That Para 3 of the application is incorrect against the facts and law transfer and posting is the discretion of department and the spouse policy and rules are not properly interpreted by the appellant keeping in view the case of respondent No.5.
4. That Para 4 of the application is incorrect the main appeal is not maintainable and conceal the real facts from the Hon'ble Court by not making the answering respondent is necessary party as he make arrival and take charge on

the post vacated by the appellant hence the grounds of main appeal cannot be considered as part and parcel of this application.

It is, therefore, most humbly prayed on acceptance of this reply to the application, the application of the appellant may kindly be dismissed with cost throughout.

Respondent No.5

Through.

Sajjad Hussain Shinwari
Advocates, High Court
Peshawar



AFFIDAVIT

I do hereby solemnly affirm and declare on oath that the contents of the **reply to the application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

DEPONENT



10-3-2021

DIRECTORATE OF HEALTH SERVICES

MERGED AREAS SECRETARIAT WARSAN ROAD PESHAWAR

PHONE 91910212 FAX 91910210

OFFICE ORDER

Consequent upon arrival in this Directorate in compliance To Provincial Health Department vide Notification No. SO(E)/H-II/4-1/2017/P, dated 30/01/2020 and No. SO(E)/H-II/4-1/2019/P dated 06/02/2020, the services of the following Medical Officers (BS-17) are hereby placed at the disposal District Health Officer Khyber for further posting against the posts vacated by Medical Officers / Women Medical Officer mentioned against their names with effect from the date of arrival in this directorate in the best interest of public.

S#	NAME OF & DESIGNATION	DATE OF ARRIVAL	POST VACATED BY
1	Dr. Haroon Khan S/O Jehangir Khan Medical Officer (BS-17)	11/02/2020	Dr. Amir Gul S/O Mehmood Khan, Medical Officer (BS-17)
2	Dr. Abdul Hameed Medical Officer (BS-17)	11/02/2020	Dr. Huma Shandana D/O Shah Sahib, Women Medical Officer (BS-17)

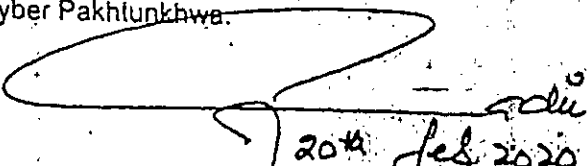
--/--
Director Health Services,
Merged Areas, Peshawar.

No. 4424-31 /DHS/Admin

Dated 20/02/2020

Copy forwarded to the:-

1. Director General Health Services Khyber Pakhtunkhwa.
2. District Health Officer, Khyber.
3. District Accounts Officer, Khyber.
4. PS to Secretary Health Department, Govt of Khyber Pakhtunkhwa.
5. PA to DHS Merged Areas.
6. Officer concerned.


20th Feb 2020
Deputy Director (Admin),
DHS, Merged Areas, Peshawar



OFFICE OF THE DISTRICT HEALTH OFFICER
KHYBER AT JAMRUD

OFFICE ORDER.

Keeping in view the current emergency scenario in regarding to COVID-19 endemic, the following Rapid Response Team for Landikotal is hereby notified in the doctors and paramedics are nominated as per below detail.

S#	Name of official	Designation	Contact Number
1	Dr. Haroon Khan	Medical Officer	0346-9759687
2	Dr. Abdul Qahar	Medical Officer	0334-9117713
3	Mr. Naveed	Malaria Supervisor	0300-8583272
4	Mr. Matiullah	Malaria Supervisor	0307-7181816

The team will be responsible for immediate response and keep close liaison with District Administration, District Health Officer and Medical Superintendent DHQ Hospital Landikotal there are also directed to make sure their availability DHQ Hospital Landikotal Khyber District.

sd
District Health Officer
Khyber at Jamrud

No: 1900-07 DHO/Khyber/COVID-19 Dated: 29/03/2020

- Copy forwarded to the:-
1. Director General Health Services Khyber Pakhtunkhwa.
 2. Director Health Services merged areas Peshawar.
 3. Deputy Commissioner Khyber.
 4. Joint Control Room Sector Head Quarter Shah Kas Fort
 5. Additional Deputy Commissioner Khyber.
 6. Medical Superintendent DHQ: Hospital Landikotal Khyber District.
 7. SMO, Incharge THQ: Hospital Dogra Picket Khyber District.
 8. Assistant Commissioners Landikotal,
 9. DMO IMU District Khyber.
 10. All Above concerned.

Matiullah
District Health Officer
Khyber at Jamrud

BEFORE THE HON'BLE CHAIRMAN, KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

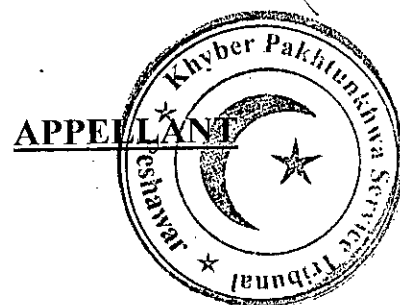
Service Appeal No. 830 /2020

Khyber Pakhtunkhwa
Service Tribunal

Case No. 1023

Dated 07-02-2020

1. Dr. Muhammad Nisar, Medical officer (B-17) DHQ Hospital Landikotal,
District Khyber.



VERSUS

1. The Chief Secretary Government of Khyber Pakhtunkhwa, Peshawar.
2. The Secretary to Government of Khyber Pakhtunkhwa, Health Department,
Peshawar.
3. The Director General Health and Services, Government of Khyber
Pakhtunkhwa, Peshawar.
4. The Director Health Services Merged Area, Peshawar.

RESPONDENTS

Filed to-day

Registrar

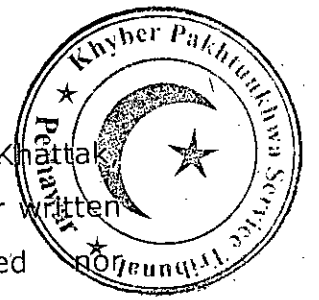
07/02/2020

APPEAL UNDER SECTION 4 OF THE
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SOUTH WAZIRISTAN FOR FURTHER
POSTING AGAINST THE VACANT POST
OF MEDICAL OFFICER (B-17) IN UTTER
VIOLATION OF LAW AGAINST WHICH
A DEPARTMENTAL APPEAL WAS
FILED ON 07-11-2019 BUT THE SAME

Certified to be true copy

REGISTRAR
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

A-No. 830/2020
Dr. Muhammad Nisar vs Govt



09.03.2020

Appellant in person and Mr. Kabirullah Khattak Additional AG for the respondents present. Neither written reply on behalf of respondents submitted representative of the department is present, therefore, notices be issued to the respondents with the direction the representative to attend the court and submit written reply on the next date positively. Adjourned to 24.03.2020 for written reply/comments but as a last chance. Status-quo be maintained till the next date.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER


24.03.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 16.06.2020 before S.B.

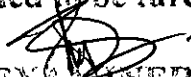

Reader

16.06.2020

Appellant in person and Mr. Kabirullah Khattak, Additional AG for the respondents present. Written reply on behalf of respondents not submitted. Representative of the department seeks further time to furnish written reply. Last opportunity is given to the respondent to furnish written reply/comments. Adjourned to 03.07.2020 for written reply/comments before S.B. Status-quo be maintained till the next date.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

Certified to be true copy


ENCLINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 22/6/2020
Number of Words 800
Copying Fee 10/-
Urgent _____
Total 10/-
Name of Copyist [Signature]
Date of Completion of Copy 25/6/2020
Date of Delivery of Copy 25/6/2020

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 1957/2020

Dr. Amir Gul

..... Appellant

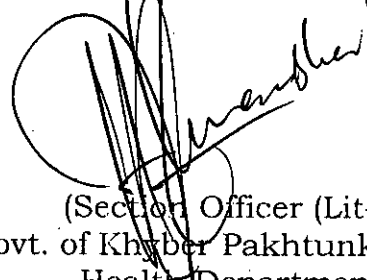
VERSUS

1. Chief Secretary Khyber Pakhtunkhwa & Others
2. Govt: of Khyber Pakhtunkhwa Secretary, Health Department
3. Director General Health Services Khyber Pakhtunkhwa
4. Director Merged Areas, Peshawar.

..... Respondents

I N D E X.

S.No	Description of documents	Annexure	Page
01.	Parawise Comments		1 to 03
02.	Notification dated	"A"	04
03	Notification dated	"B"	05-06
03.	Notification dated	"C"	07


(Section Officer (Lit-II))
Govt. of Khyber Pakhtunkhwa
Health Department.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 1957/2020

Dr. Amir Gul

..... Appellant

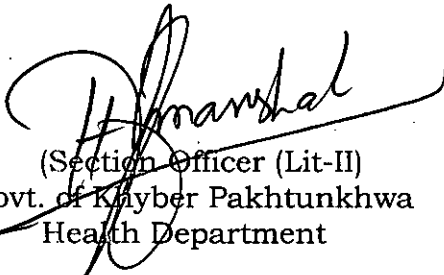
VERSUS

1. *The govt. of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa.*
2. *The Secretary Health Govt. of Khyber Pakhtunkhwa*
3. *The Director General Health Services, Khyber Pakhtunkhwa*
4. *The Director Health Services merged areas.*

..... Respondents

AFFIDAVIT.

I Mr. Hafeez-ur-Rehman Shah Section Officer (lit-II) Govt. of Khyber Pakhtunkhwa Health Department do hereby solemnly affirm and declare that the joint parawise comments in Service Appeal No. 1957/2020 at Page 1-2 is submitted on behalf of respondents No. 1, 2 & 3 is true and correct to the best of my knowledge, belief and that nothing has been concealed from this Hon'ble Court.


(Section Officer (Lit-II))
Govt. of Khyber Pakhtunkhwa
Health Department

Identified by:-

Addl: Advocate General,
Khyber Pakhtunkhwa

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 1957/2020

Dr. Amir Gul Appellant

Versus

Govt. of Khyber Pakhtunkhwa and others..... Respondent

RESPECTFULLY SHEWETH:

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS

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 the present form and also in the present circumstances of the issue.
5. That the Appellant has filed the instant Appeal with mala-fide intention hence liable to be dismissed.
6. That the Appellant has not come to the Tribunal with clean hands.
7. That the Appeal is time barred.
8. That the Honorable Tribunal has no Jurisdiction to adjudicate upon the matter.
9. That the instant appeal is bad for mis-joinder and non-joinder of the necessary parties.

ON FACTS:

1. Pertains to record.
2. Pertains to record.
3. The letter dated 31-10-2019 was addressed to Director Health Service Merged Areas and the subsequent Office order dated 13-12-2019 was also issued by Director Merged Areas not the Competent Authority.
4. The Competent Authority vide its notification dated 11-02-2020 has regretted the request / appeal made by the appellant.
5. No comments.


ON GROUNDS:


- A. The appellant has been treated in accordance with law/rules and no rights of the appellant has been violated.

- B. Correct to the extent of Spouse Policy of the Provincial Govt. however, the posting of the doctor concerned was dire need of the day and in the best public interest.
- C. The Office Order was issued by the Director Health Merged Areas who is not competent in this regard. The Competent Authority has not accepted the appeal and he was posted to his domicile district.
- D. As per rationalization policy and all the doctors who were posted vide notification dated: 01-11-2019 were either at their district of domicile or adjacent district where vacant posts were not available. Hence not discrimination has been made in notification dated: 01-11-2019.
- E. As per Para-B above.
- F. As per Para-C&D above.
- G. That other grounds will be agitated at the time of arguments with the permission of the Court.
- H. That other grounds will be agitated at the time of arguments with the permission of the court.

PRAYER:

It is therefore humbly prayed that on acceptance of the comments, the instant Appeal may very graciously be dismissed with Cost.


Secretary Health
Govt. of Khyber Pakhtunkhwa
(Respondent No. 01 & 02)


Director General Health Services
Khyber Pakhtunkhwa
(Respondent No. 03)

1

II-15705

9 Received Rs 3000/ Cost in

Service approx NO 1957/20

title Dr; Amir Gul

42

19-12-202

**BEFORE THE KHYBER PAKHTUNKHAWA SERVICE
TRIBUNAL PESHAWAR**

IN RE: Service Appeal No. 1957 /2020

Dr. Amir Gul

VERSUS

Govt of
Chief Secretary KP and Others

**REPLY FOR AND ON BEHALF OF APPELLANT
TO THE APPLICATION FILED BY DR. HAROON,
MEDICAL OFFICER FOR IMPLEADMENT IN
THE SERVICE APPEAL.**

Respectfully Sheweth:

PRILIMINARY OBJECTIONS:

- A. The applicant has no locus standi to file the impleadment application.
- B. The applicant has not challenged the orders/ judgment of the Hon'ble Peshawar High Court and if at all he was aggrieved from the order of the Hon'ble Peshawar High Court, he could have filed review petition.
- C. That the appellant (respondent in the impleadment application) has not left the charge and no handing over/ taking over has taken place. He is still serving on the said post and has filed the present service appeal against his illegal and unconstitutional transfer order, which is against the wedlock policy of the government and the same was not followed by the respondents in his transfer matter.
- D. The applicant is not proper and necessary party in the case and the decision of the case would have no impact on the applicant. The applicant has been transferred subsequent to the transfer order of

the appellant and even Hon'ble Peshawar High Court Division Bench headed by the Hon'ble Chief Justice, Mr. Justice Waqar Ahmad Seth suspended the impugned order and directed the answering respondents to appear before the Service Tribunal and the stay/ suspension order granted by the Hon'ble Peshawar High Court is still intact.

- E. The applicant does not want to perform his duties and want to delay the proceedings before this Hon'ble Tribunal, he has submitted the present application for impleadment in order to show it to his Superior that he is hanging in the sky and cannot perform duties because the appellant is still working on the post in question.
- F. The applicant is staying at home and is not performing his duties due to fear of contracting Corona Virus what to talk of leading a team of doctors/ paramedics to fight Covid-19.
- G. The applicant is running his private clinic and is earning in millions and that is the reason of filing a frivolous and fictitious application for impleadment.

ON FACTS

1. No comments.
2. Correct to the extent that the applicant made his arrival to the Directorate of Health Services merged Area Warsak Road, Peshawar as mentioned in the Notification, however, the appellant has not yet relinquished the charge and got stay order from the Hon'ble Peshawar High Court, hence he is still serving on the said post and the applicant has not yet joined the place of posting.
3. Incorrect, misleading hence, vehemently denied. The appellant is still serving on the post in question and applicant has not officially joined the place of posting. No handing over/ taking over has yet

been taken place. The appellant is on the post in question on the basis of the wedlock policy and the orders of Hon'ble Peshawar High Court which the applicant failed to challenge in review petition or before the Honourable Supreme Court of Pakistan in Civil Petition for Leave to Appeal.

4. Correct to the extent that the applicant was not made party in the writ petition and the appellant/ answering respondents made all the official/ necessary respondents in the panel of respondents. The applicant failed to implead himself in the case.
5. Incorrect and misleading, hence denied. There was no order passed by the authorities in favour of applicant and the appellant challenged the impugned transfer order which was passed by the authorities without following the wedlock policy and the Hon'ble Peshawar High Court graciously suspended the unconstitutional order passed by the respondents.
6. If at all the applicant was aggrieved of the order passed by the Hon'ble Peshawar High Court he could have submitted review petition or a petition under Section 12 (2) CPC or in alternate approach the Honourable Supreme Court of Pakistan in CPLA but the applicant failed to do so and submitted impleadment application in the appellant's service appeal which is after thought of the applicant. Moreover, the applicant has not officially taken the charge of the post in question and is trying to mislead this Hon'ble Tribunal to get a favourable order in his favour.
7. The whole paragraph is vehemently denied. No valuable right of the applicant would be violated and he has no right whatsoever to be impleaded in the present service appeal.
8. Incorrect and misleading. The application cannot be allowed mere on the ground of conjectures and surmises of the applicant and if he is allowed, the answering respondents would suffer irreparable

loss and the proceedings would be further delayed by the applicant as he does not want to perform duties in both the stations, mentioned in his application and want to remain at home.

It is, therefore, respectfully submitted that the application of the applicant may kindly be dismissed, with cost.

AS
Appellant / Answering
Respondent

Through:

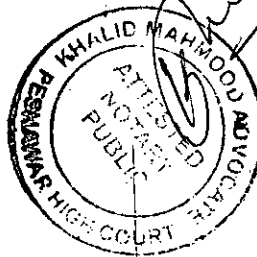
Saifullah
Saifullah Muhib Kakakhel
Advocate High Court (LL.M)

Dated: 09 / 07 / 2020

AFFIDAVIT

I, **Dr. Amir Gul** S/o Mehmood Khan, Medical Officer (BPS-17) R/o DHQ Hospital Dogra, Khyber do hereby solemnly affirm and declare that the contents of this **Reply** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

DEPONENT



AS