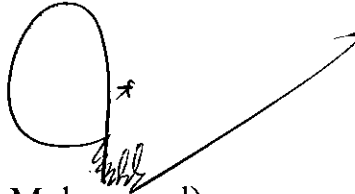


08.12.2022

Clerk of learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is indisposed today. Last opportunity given. To come up for arguments on 12.12.2022 before D.B.

SCANNED
KPSI
Peshawar



(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

12.12.2022

Nemo for appellant.

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

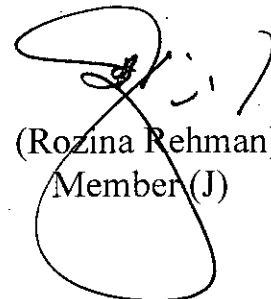
SCANNED
KPSI
Peshawar

Case was called time and again but none appeared on behalf of appellant till rising of the Bench. As such the instant service appeal stands dismissed in default for non-prosecution. No order as to costs. File be consigned to the record room.

Announced
12.12.2022



(Fareeha Paul)
Member (E)



(Rozina Rehman)
Member (J)

28th July, 2022

Appellant in person present and submitted Wakalatnama of Mr. Muhammad Saeed Butt, Advocate. Mr. Kabirullah Khattak, Addl: AG for respondents present.

Appellant seeks adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments on 24.10.2022 before the D.B. P.P given to the parties and their counsel.



(Salah Ud Din)
Member(Judicial)

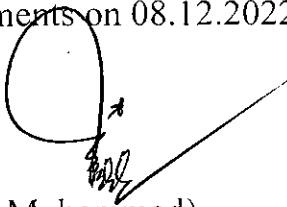


(Kalim Arshad Khan)
Chairman

24.10.2022

Clerk of learned counsel for the appellant present. Mr. Safiullah, Focal Person alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today due to strike of lawyers. Adjourned. To come up for arguments on 08.12.2022 before the D.B.



(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)


SCANNED
KCS
Peshawar

SA 1082/20

19.01.2022

Nemo for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG alongwith Dr. Ali Shah, Litigation Officer and Safiullah, Litigation Officer for the respondents present.

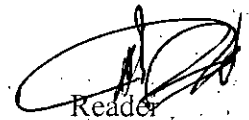
The proceedings were previously adjourned through Reader Note. Notices be issued to appellant/learned counsel for prosecution of the appeal. Case to come up on 25.02.2022 for arguments before the D.B.


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


Chairman

25.02.2022


Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 17.05.2022 for the same as before.


Reader

17.05.2022

Nemo for the appellant. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Previous date was changed on Reader Note, therefore, notice for prosecution of the appeal be issued to the appellant as well as his counsel and to come up for arguments on 28.07.2022 before the D.B.


(Rozina Rehman)
Member (J)


(Salah-ud-Din)
Member (J)

16.04.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 17.06.2021 for the same as before.

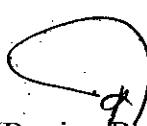

Reader

17.06.2021

Counsel for the appellant present.

Mr. Riaz Khan, learned Assistant Advocate General alongwith Dr. Ilyas Quraishi, MO for respondents present.

Lawyers are on general strike, therefore, case is adjourned. To come up for arguments on 01.10.2021 for before the D.B.


(Rozina Rehman)
Member(J)


Chairman

1-10-21


DB is on Tour case to come up
for the same on Dated. 19-1-22

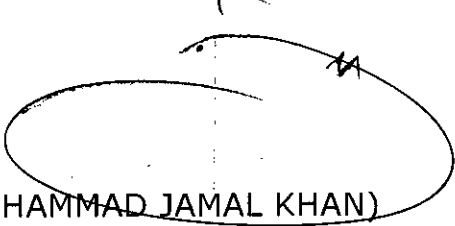

Reader

10.02.2021

Appellant is present alongwith his counsel namely, Asad Ali Chohan, Advocate. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith representatives of the department M/Supreme Court of Pakistan Dr. Muhammad Ilyas, Saleem Jan, Litigation Officer, Ziaullah, Law Officer, Dr. Ali Shah, Litigation Officer and Nisar, Assistant, are also present.

Arguments on behalf of learned counsel for appellant heard. The learned Deputy District Attorney requested for allowing him time to prepare the brief. Time is allowed. The appeal is adjourned to 04.03.2021 on which date file to come up for arguments before D.B.



(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)


(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

04.03.2021

Appellant in person and Asif Masood, DDA alongwith Asad, Asstt. Dr. Muhammad Ilyas Qureshi, M.O and Dr. Ali Shah, Litigation Officer for the respondents present.

Due to general strike on the call of Khyber Pakhtunkhwa Bar Council, the matter is adjourned to 16.04.2021 for hearing before the D.B.


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


Chairman


Appeal No. 1089/2020
Dr. Mamnoon Elahi vs Govt

26.01.2021

Appellant in person present.

Muhammad Rasheed learned Deputy District Attorney alongwith Dr. Salim Javid Litigation Officer (for respondent No.2) Mastan Ali Litigation Officer (for respondent No.3) Dr. Ilyas Qureshi DMS and Mansoor Khan J.C (for respondent No.4), Dr. Ali Shah Litigation Officer and Anwar Ullah Assistant (for respondent No.5) present.

As per appellant, application for release of salary was properly submitted in the concerned office and its submission was admitted by the representatives of respondents. A request for adjournment was made by appellant as his counsel hails from Mansehra and now another counsel will be engaged, therefore, case is adjourned on his request but with last chance. To come up for arguments 10.02.2021 before D.B.


(Mian Muhammad)
Member (E)

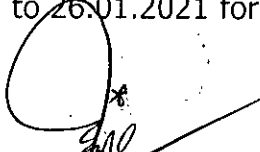

(Rozina Rehman)
Member (J)

15.01.2021

Appellant present in person.

Muhammad Rasheed learned Deputy District Attorney alongwith Shehbaz Khan Section Officer (for respondent No.1), Dr. Salim Javid Litigation Officer (for respondent No.2), Mastan Ali Litigation Officer (for respondent No.3) and Dr. Ali Shah Litigation Officer (for respondent No.5) present.

Reply to application submitted by appellant for release of salary was awaited. The learned D.D.A and representative of respondent No.1 submitted that the appellant may be asked to submit application before the respondent No.4 seeking release of his salary and that the needful will be done, accordingly, appellant may do so before the date. Leaned counsel for appellant is also not available, therefore, case is adjourned to 26.01.2021 for arguments, before D.B.


(Mian Muhammad)
Member (E)


(Rozina Rehman)
Member (J)


03.12.2020 Due to COVID-19, the case is adjourned to 22.12.2020 for the same as before.

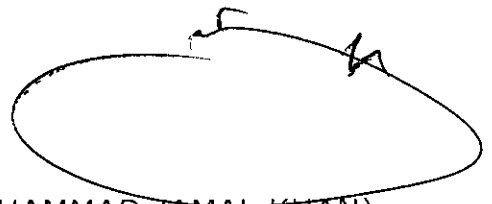

Reader

22.12.2020

Appellant in person alongwith his counsel is present. Zara Tajwar, Deputy District Attorney and Dr. Ali Shah, Litigation Officer, representative of respondent No. 5, are also present.

Representative of respondent No. 5 submitted that their office agree with the comments of Secretary Health Department of Khyber Pakhtunkhwa and Director General Health Services, Khyber Pakhtunkhwa, Peshawar, to this effect statement submitted and placed on record. So far as the rest of respondents No. 4 & 6 are concerned they have not submitted their respective replies/comments so far nor any representative has been deputed to attend the Tribunal, therefore, their defence is accordingly struck off. Learned counsel representing appellant invited attention of the bench to the application seeking direction to respondents for release of salary of the appellant. Learned Deputy District Attorney is seeking time to submit reply for making contact with respondents No. 4. In this regard time is allowed, directing her to submit reply. File to come up for reply and arguments on 15.01.2021. As regard rejoinder, learned counsel for appellant stated at the bar that he is not going to submit the same.


(ATIQU-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)


(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

22.07.2020

Appellant is absent. Mr. Kabirullah Khattak, Additional AG alongwith M/S Hazrat Shah, Superintendent on behalf of respondents No. 1 & 2, Mastan Ali Shah, Assistant on behalf of respondent No. 3 and Dr. Ali Shah, Litigation Officer on behalf of respondent No. 4 present.

Representatives of respondents No. 1, 2 & 3 submitted written replies on behalf of respondents No. 1, 2 & 3 which are placed on file. Representative of respondent No. 4 seeks further time to submit written reply/comments. Neither written reply on behalf of respondents No. 5 & 6 submitted nor anyone on their behalf is present, therefore, notices be issued to them for submission of written reply/comments. File to come up for written reply/comments on behalf of respondents No. 4 to 6 on 17.09.2020 before S.B. In the meanwhile operation of impugned order dated 18.10.2019 shall remain suspended till next date.

(MUHAMMAD JAMAL KHAN)
MEMBER

17.09.2020


Nemo for appellant. Addl. AG for the respondents present.

Respondents No. 1, 2 and 3 have submitted parawise comments which are made part of the record. Respondents No. 4, 5 and 6 have not furnished reply/comments despite last chance granted to them on 16.06.2020. The matter is assigned to D.B for arguments on 03.12.2020. The appellant may furnish rejoinder to the comments of respondents No. 1 to 3, within one month, if so advised.


Chairman

16.06.2020

None present on behalf of the appellant. Mr. Kabirullah Khattak, Additional AG alongwith M/S Saleem Javed, Assistant on behalf of respondent No. 2 and Mastan Ali Shah, Litigation Assistant on behalf of respondent No. 3 present. Representatives of respondents No. 2 & 3 seeks further time to furnish written reply/comments. None present on behalf of respondents No. 1, 4, 5 & 6 therefore, notices be issued to them with the direction to direct the representatives to attend the court and submit written reply on the next date. Adjourned to 03.07.2020 for written reply/comments but as a last chance before S.B. In the meanwhile operation of impugned order dated 18.10.2019 shall remain suspended till next date.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

03.07.2020

Junior to counsel for the appellant and Addl: AG alongwith Mr. Dr. Ali Shah, for respondent No. 5, Mr. Mastan Ali Shah, Assistant Litigation for respondent No. 3 and Hazrat Shah, Supdt for respondents No. 1 and 2 present. Written reply on behalf of respondents not submitted. Requested for further time. Notice be issued to respondents No. 4 and 6.

Adjourned to 22.07.2020 for ~~written reply~~ comments before S.B. In the meanwhile operation of impugned order dated 18.10.2019 shall remain suspended till next date.


MEMBER

Service Appeal No. 1082/2020

09.03.2020

Appellant alongwith his junior counsel present. Mr. Kabirullah Khattak, Additional AG alongwith M/S Dr. Ali Shah, Litigation Officer and Anwar Ullah, Litigation Assistant on behalf of respondent No. 5 present. Learned Additional AG seeks further time to furnish written reply/comments on behalf of respondents No. 1 to 4 & 6. To come up for written reply/comments on 24.03.2020 before S.B. In the meanwhile operation of impugned order dated 18.10.2019 shall remain suspended till 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

24.02.2019

Appellant with counsel present. Preliminary arguments heard.

The appellant (Principal Medical Officer), has filed the present service appeal being aggrieved against his transfer from the post of Principal Medical Officer King Abdullah Teaching Hospital Mansehra and placement of his services at the disposal of DHO Charsadda for further posting against the vacant post of Principal Medical Officer vide order dated 18.10.2019.

Submissions made by the learned counsel for the appellant, need consideration. The present service appeal is admitted for regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 09.03.2020 before S.B.

The appellant has also sought interim relief. In the meanwhile operation of the impugned order dated 18.10.2019 shall remain suspended.

Appellant Deposited
Security & Process Fee

24/2/20



Member

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.-

1082

/2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	18/02/2020	<p>The appeal of Dr. Mamnoon Elahi presented today by Mr. Asad Ali Chohan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please decrease</p> <p><i>[Signature]</i> REGISTRAR 18/2/2020</p>
2-	20/02/2020	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>24/02/2020</u>.</p> <p><i>[Signature]</i> MEMBER. CHAIRMAN</p>

BEFORE THE HON'BLE SERVICE TRIBUNAL, KPK
PESHAWAR

1082/2020

Dr. Mamnoon Elahi (Appellant)

VERSUS

Govt. of Khyber Pakhtunkhwa through Secretary Health,
Peshawar & Others (Respondents)

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4.	Copy of CNIC of appellant	A	17
5.	Copy of Order	B	18
6.	Copy of Promotion Order	C	19-20
7.	Copy of the letter No. 4919 Dated 18/06/2019	D	21
8.	Copies of the notification	E	22
9.	Copies of the charge report and duty order	F, G	23-25
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11.	Copy of notification No. 7999 along with Better copy	I	27
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Dated: 17/02/2020

Through

Dr. Mamnoon Elahi (Appellant)

Assad Ali Choochan

Advocate, High Court,
District Courts, (Mansehra)

(C)

BEFORE THE SERVICE TRIBUNAL,
K.P.K., PESHAWAR

1082/2020

Dr. Mamnoon Elahi son of Muhamamd
Khurshid Ali, resident of Peshawar
presently Township Mansehra, presently
Medical Officer, King Abdullah Teaching
Hospital, Mansehra.....**Appellant**

Khyber Pakhtunkhwa
Service Tribunal

Case No. 1242

Dated 18/2/2020

Versus

- ✓ 1) Government of Khyber Pakhtunkhwa through Secretary Health, Peshawar.
- ✓ 2) Director General, Health Services, Khyber Pakhtunkhwa, Peshawar.
- ✓ 3) District Health Officer, Peshawar.
- ✓ 4) ✓ Medical Superintendent, King Abdullah Teaching Hospital, Mansehra.
- ✓ 5) District Health Officer, Charsadda. ✓
- ✓ 6) District Accounts Officer, Mansehra.....**Respondents**

Filed to-day


Registrar

18/2/2020

SERVICE APPEAL UNDER SECTION 4
OF KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT, 1974 AGAINST THE
IMPUGNED NOTIFICATION/ORDER NO.
SOH(E-V)4-22/2019 DATED 18.10.2019
ISSUED/PASSED BY RESPONDENT NO.
1 WHEREBY THE APPELLANT DUE TO
NON AVAILABILITY OF POST OF
PRINCIPAL MEDICAL OFFICER
WITHOUT COMPLETION OF SERVICE

TENURE AT K.A.T.H. MANSEHRA
TRANSFERRED WITHOUT LAWFUL
AUTHORITY AGAINST THE LAW AND
RULE, TRANSFERRED TO DHO
CHARSADDA AND THE APPELLANT IS
DIRECTED TO PLACE HIS SERVICE AT
THE DISPOSAL OF DHO CHARSADDA
FOR FURTHER POSTING, THE
IMPUGNED ORDER IS AGAINST THE
LAW, WRONG, ILLEGAL, ARBITRARY,
FANCIFUL AND BASED ON MALAFIDE
AND LIABLE TO BE STRUCK DOWN.

PRAYER:-

On acceptance of instant appeal, the impugned order No. SOH(E-V)4-22/2019 Dated 18.10.2019 passed by respondent No. 1 may please be set aside and the appellant be adjusted against the available post of Principal Medical Officer at King Abdullah Teaching Hospital, Mansehra.

Respectfully Sheweth!

- 1) That, appellant is a bonafide resident of District Peshawar.

(Copy of the CNIC of the appellant is annexed as Annexure "A").

- 2) That, the appellant was initially appointed as Medical Officer on

25.11.1995 vide appointment order bearing No. 294000 at BHU Ghari Usmani Khel Malakand.

(Copy of the order is annexed as Annexure "B").

- 3) That, after his appointment, the appellant served in the Health Department with great and zeal and zest.
- 4) That, on 08.05.2019, keeping in view the best services rendered by the appellant, he was promoted from the post of Senior Medical officer to the post of Principal Medical Officer in BPS-19 in same hospital Emergency Badabher.

(Copy of promotion order is annexed as Annexure "C").

- 5) That, the District Health Officer, Peshawar issued a letter No. 4919 dated 18.06.2019 through which he placed before the higher authority that there is no availability of post of BPS-19 while the appellant through promotion order was promoted to BPS-19 at serial No. 105 in the same hospital i.e. Emergency Settellite Hospital Badabher and requested to higher authority for his adjustment.

(Copy of the letter No. 4919 dated 18.06.2019 is annexed as Annexure "D").

6) That, again the competent authority vide its Notification No. SOH(E-V)4-22/2019 on 27.09.2019 issued a modification in Notification of even number dated 31.05.2019 wherein the proposed place of posting of petitioner PMO BPS-19 at serial No. 105 be shown as King Abdullah Teaching Hospital Mansehra and hence the appellant was transferred to KATH Mansehra.

(Copies of notifications are annexed as Annexure "E" & F).

7) That, the appellant in compliance with the above mentioned transfer order, took the charge vide order dated 01.10.2019 as Principal Medical Officer at King Abdullah Teaching Hospital, Mansehra.

(Copies of the charge report and duty order are annexed as Annexure "F" & G).

8) That, on 18.10.2019 for the reasons best known to the competent authority, the appellant was again transferred without having any justification and without completion of service tenure at KATH Mansehra through notification bearing No. SOH(E-V)4-22/2019 whereby the appellant was directed to place his services at the disposal of District

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Headquarter Hospital Charsadda for further posting.

(Copy of the post notification is annexed as Annexure "H")

- 9) That, after that order dated 18.10.2019 the District Health Officer Charsadda through letter No. 7999 dated 24.10.2019 addressed to the DG Health explain that there is no vacant post of PMO, BPS-19 is available in DHO Charsadda.

(Copy of letter No. 7999 is annexed as Annexure "I")

- 10) That, the appellant remained in services at King Abdullah Teaching Hospital, Mansehra till 12.11.2019 after receiving the letter bearing No. 8833-36 dated 12.11.2019 whereby the appellant's services were relieved from King Abdullah Teaching Hospital Mansehra.

(Copy of the relieve order is annexed as Annexure "J")

- 11) That, the appellant being aggrieved from the above mentioned situation, submitted an application to the competent authority for redressal of his grievances and the Medical Superintendent King Abdullah Teaching Hospital, Mansehra vide its letter No. 8338 dated 24.10.2019 addressed to Director General Health

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Peshawar also requested for necessary action.

(Copies of application and order dated 24.10.2019 are annexed as Annexure "K" and "L")

- 12) That, the appellant after becoming a rolling stone and running from pillar to post when the competent authority has not adjusted the appellant than at last appellant filed a representation (Departmental appeal) as per law to the competent authority on 26.10.2019 against the Notification No. SOH(E-B)4-22-19 dated 18.10.2019 through which competent authority issued an order that the appellant be placed at disposal of District Health Officer, Charsadda without any reasonable grounds and against the law, rule and without the completion of tenure of the appellant after his posting at King Abdullah Teaching Hospital just passing of 18 days. Furthermore, the representation of appellant is also forwarded by Medical Superintendent King Abdullah Teaching Hospital, Mansehra alongwith his covering letter No. 8483 dated 31.10.2019.

(Copies of representation as well as covering letter are annexed as Annexure "M")

13) That, upon the representation of the appellant Director General Health Services Khyber Pakhtunkhwa i.e. competent authority issued a letter No. 20855-56 dated 13.11.2019 wherein he explain the representation of appellant as well as covering letter of Medical Superintendent King Abdullah Teaching Hospital Mansehra and forwarded recommendation that no post available in District Health Officer Charsadda and thereafter made a request Dr. Mamnoon Elahi (POM) BPS-19 transfer order from King Abdullah Teaching Hospital, Mansehra to DHQ Charsadda is premature and no vacancy is available in Charsadda.

(Copy of the letter is annexed as Annexure "N")

14) That, the competent authority has not yet acted upon the Director General Health and no further order still is issued by the competent authority in regard with posting of appellant. Furthermore, the appellant's salary have been stopped by the respondents.

15) That, thereafter the appellant on 21.11.2019 relieved the appellant from King Abdullah Teaching

Hospital, Mansehra and after that the appellant is having no place of appointment and the appellant being aggrieved has no other adequate, alternate or efficacious remedy except to invoke the constitutional jurisdiction of this Honourable Tribunal, *inter-alia*, on the following grounds: -

GROUNDS: -

- A)** That, non-adjustment of the appellant against the post of Principal Medical Officer (PMO) at King Abdullah Teaching Hospital, Mansehra despite availability of the above mentioned post by the respondents is wrong, illegal, against the law and facts, arbitrary, fanciful, perverse, without lawful authority, based on malafide, discriminatory, against the relevant law, rules and regulations, against the fundamental rights of the appellant, hence being unconstitutional, liable to be struck down.
- B)** That, admittedly a post of Principal Medical Officer (PMO) is lying vacant at King Abdullah Teaching

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Hospital, Mansehra, but despite availability of the post of PMO, non-adjustment of the appellant against the said post speaks volume of malafide on the part of the respondents.

- C)** That, the respondents have made the appellant as rolling stone and in no way ready to compensate the appellant against the vacant post of PMO at King Abdullah Teaching Hospital, Mansehra whereas the appellant deserves to be adjusted against the vacant post available at King Abdullah Teaching Hospital, Mansehra.
- D)** That, the respondents have kept intact the transfer order of the appellant at Charsadda till now whereas due to non-availability of the post of BPS-19 in Hospital at Charsadda at the disposal of DHO, the said order has been declared as illegal and void hence the previous order of the appellant is deemed to be restore, but the respondents are not ready to act upon the law, rules and regulations.

- E) That, no proper procedure has been adopted by the respondents while issuing transfer order of the appellant from Mansehra to Charsadda. Infact, the appellant is having a family dispute with his wife who belongs to an influential family of the locality and the appellant has been victimized by the respondents just on the whims and wishes of his in-laws which is not permissible under the law.

- F) That, it was the bounden duty of the respondents to first observe that whether any post of BPS-19 is available in Hospital in Charsadda and then any order regarding transfer would be made but the respondents without obtaining any information and without fulfillment of legal procedure straightway issued the transfer order of the appellant.

- G) That, as per law when the appellant's transfer order to Charsadda has been cancelled due to non-availability of the post, therefore, it was incumbent upon the respondents to restore the appellant at its previous position i.e. at King Abdullah Teaching

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Hospital, Mansehra from where the appellant was transferred to Charsadda, but in this regard, relevant law, rules and regulations have been bypassed/violated by the respondents in a sheer malafide manner.

- H) That, the respondents have also stopped the salary of the appellant in a malafide manner without any fault on the part of the appellant as the appellant is running from pillar to post for his adjustment at King Abdullah Teaching Hospital, Mansehra or any other suitable post.
- I) That, all the acts of the respondents are in clear violation of the law, rules and regulations on the subject hence smack malafide and the said acts also encroaches upon the fundamental rights of the appellant as guaranteed by Islamic Republic of Pakistan, 1973.
- J) That, law impose sacred duty upon the respondents to act strictly in accordance with law, rules and regulations but the respondents have transferred upon their powers

while dealing with the matter in hand:

K) That, it is an inalienable right of the appellant to enjoy the protection of law and to be treated in accordance with law, rules and regulations but this rights of the appellant are being infringed by the respondents in sheer malafide manner.

L) That, the appellant has been victimized by the respondents just on the behest of his in-laws while the law, rules and regulations on the subject have never been taken into consideration by the respondents. Furthermore, the appellant has been kept under frequent transfers and frequent correspondences have been made by the respondents and thus the appellant have been disturbed by the respondents.

M) That, although the very passage of the transfer order to Charsadda is illegal, however, if there is no post then the appellant was entitled for the adjustment at his previous position but by not doing so, the respondents have blatantly

violated the relevant law, rules and regulations which in service injustice with the appellant.

13

- N) That, it was also brought into the notice of respondents that having family dispute with in-laws at Peshawar and Charsadda, they are at dagger drawn with the appellant and the appellant has immense danger to his life and liberty from the hands of in-laws, but these acts have been ignored/overlooked by the respondents.

It is, therefore, requested that on acceptance of instant appeal, non-adjustment of the appellant against the post of Principal Medical Officer (PMO) at King Abdullah Teaching Hospital Mansehra despite availability of the above mentioned post by the respondents may please be declared as wrong, illegal, against the law and facts, arbitrary, fanciful, perverse, without lawful authority, based on malafide, discriminatory, against the relevant law, rules and regulations, against the fundamental rights of the appellant, hence being unconstitutional, liable to be struck down and the respondents may please be directed to adjust the appellant against the post of Principal Medical Officer (PMO) at King Abdullah Teaching Hospital Mansehra or any other order or relief as this Honourable Tribunal deems fit and appropriate in the circumstances of the case may also be issued/passed.

INTERIM RELIEF

14

It is further prayed that the respondents may be directed to place the appellant at his place of posting at King Abdullah Hospital Mansehra and further be directed to release his salary from placing the appellant at King Abdullah Hospital Mansehra and not to relieve him till the disposal of the above titled appeal.

Dated 17.02.2020

Dr. Mamnoon Elahi

(Appellant)

Through: -

Mamnoon Elahi

(A)

ASSAD ALI CHOOHAN

Advocate High Court,

District Courts,

(Mansehra)

VERIFICATION

I, DR. MAMNOON ELAHI SON OF MUHAMAMD KHURSHID ALI, RESIDENT OF PESHAWAR PRESENTLY TOWNSHIP MANSEHRA, PRESENTLY PRINCIPAL MEDICAL OFFICER, KING ABDULLAH TEACHING HOSPITAL, MANSEHRA DO HEREBY VERIFY THAT THE CONTENTS OF FORE-GOING APPEAL ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND NOTHING HAS BEEN CONCEALED OR SUPPRESSED FROM THIS HONOURABLE TRIBUNAL.

DR. MAMNOON ELAHI
(DEPONENT)

Mamnoon Elahi

BEFORE THE SERVICE TRIBUNAL,
K.P.K., PESHAWAR

15

Dr. Mamnoon Elahi.....Appellant

Versus

Government of Khyber Pakhtunkhwa
through Secretary Health, Peshawar and
others.....Respondents

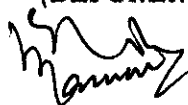
SERVICE APPEAL

AFFIDAVIT

I, DR. MAMNOON ELAHI SON OF MUHAMAMD KHURSHID ALI, RESIDENT OF PESHAWAR PRESENTLY TOWNSHIP MANSEHRA, PRESENTLY MEDICAL OFFICER, KING ABDULLAH TEACHING HOSPITAL, MANSEHRA DO HEREBY SOLEMNLY AFFIRM AND DECLARE ON OATH THAT NO SUCH SUBJECT MATTER APPEAL HAS EVER BEEN FILED NOR PENDING NOR DECIDED. THAT THE CONTENTS OF FORE-GOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND NOTHING HAS BEEN CONCEALED OR SUPPRESSED FROM THIS HONOURABLE TRIBUNAL.

DR. MAMNOON ELAHI
(DEPONENT)

IDENTIFIED BY:-



ASSAD ALI CHOOHAN
ADVOCATE HIGH COURT (MANSEHRA)



ATTACHED

10-02-2020

(15)

BEFORE THE SERVICE TRIBUNAL,
K.P.K., PESHAWAR

Dr. Mamnoon Elahi.....Appellant

Versus

Government of Khyber Pakhtunkhwa
through Secretary Health, Peshawar and
others.....Respondents

SERVICE APPEAL

CORRECT ADDRESSES OF THE PARTIES

Respectfully Sheweth!

Correct addresses of the parties are as
under: -

APPELLANT

Dr. Mamnoon Elahi son of Muhamamd
Khurshid Ali, resident of Peshawar presently
Township Mansehra, presently Medical
Officer, King Abdullah Teaching Hospital,
Mansehra

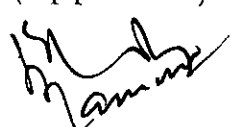
RESPONDENTS

- 1) Government of Khyber Pakhtunkhwa
through Secretary Health, Peshawar.
- 2) Director General, Health Services, Khyber
Pakhtunkhwa, Peshawar.
- 3) District Health Officer, Peshawar.
- 4) Medical Superintendent, King Abdullah
Teaching Hospital, Mansehra.
- 5) District Health Officer, Charsadda.
- 6) District Accounts Officer, Mansehra

Dated 17.02.2020

Dr. Mamnoon Elahi
(Appellant)

Through: -



ASSAD ALI CHOOHAN
Advocate High Court,
District Courts,
(Mansehra)



PAKISTAN National Identity Card
ISLAMIC REPUBLIC OF PAKISTAN

Name
Mumnoon Ellahi

Father Name
Muhammad Khurshid Ali

Gender / Country of Stay
M / Pakistan

Identity Number 17301-1562478-1	Date of Birth 10.03.1965
Date of Issue 28.12.2018	Date of Expiry 28.12.2028

Holder's Signature

Annexure

17

17301-1562478-1

101801209433
137-65-086020

گمشده کارڈ ملنے پر قریبی لیو بکس میں ڈال دیں

18

Annexure
"B"

DIRECTORATE GENERAL HEALTH SERVICES, NWFP, PESHAWAR.

NO. 25460/E-I,

DATED: 29/11/1995.

To,

Dr. Mamnoon Ellahi
Sp. Markin mead Khurshi d Ali

SUBJECT:- OFFER OF APPOINTMENT ON CONTRACT BASIS.

MEMORANDUM:-

Reference your application on the above subject for the post of Medical Officer/ Women Medical Officer/ Dental Surgeon.

1. The Competent authority is hereby appoint you as Medical Officer/ Women Medical Officer/ Dental Surgeon in the Health Department, Govt. of NWFP, on contract basis in B-17 for a period of one year or till the availability of Public Service Commission selected/ return of original incumbent from leave/deputation whichever is earlier, on the terms and conditions laid down in the attached Agreement Deed. You shall be posted to M. D. BHU ASMANI. This contract appointment is not transferrable. MALAKA W/D
2. This contract appointment is subject to your physical fitness for which you will appear before the Medical Board constituted by the Government.
3. If you accept the offer of appointment on contract basis as a Medical Officer/Women Medical Officer/Dental Surgeon, the attached Agreement Deed should be filled in duly signed by you and should report at your own expense.
4. If you fail to report for duty at the station specified in para-3 above, within Ten (10) days, the offer of appointment on contract basis will be deemed to have been withdrawn automatically and no further correspondence shall be entertained in this respect.

Dr. Azmat Khan Afridi
(DR. AZMAT KHAN AFRIDI)
DIRECTOR GENERAL HEALTH SERVICES, NWFP, PESHAWAR.

NO. _____/E-I, Dated _____ Peshawar, the _____/1995.

Copy forwarded to the :-

1. Secretary to Govt. of NWFP, Health Deptt: Peshawar for information with reference to his letter No. SO(H)IV/3-18/95, dated 16th Nov. 1995.
2. Medical Supdt. _____ for information, & n/action.
3. Divisional Director Health Services, Malakand.
4. District Health Officer/Agency Surgeon, Malakand.
5. Accountant General, NWFP, Peshawar.
6. District/Agency Accounts Officer, Malakand for information and n/action please.

Dr. Azmat Khan Afridi
(DR. AZMAT KHAN AFRIDI)
DIRECTOR GENERAL HEALTH SERVICES, NWFP, PESHAWAR.

LEFT IN IMPRESS

KHUSHDIL

Attached to be
from copy
(A.O.)

(18A)

"BETTER COPY"

Directorate General Health
Services, NEFP, Peshawar
No. 29460/E-I,
Dated: 20/11/1995

To,

Dr. Mamnoon Elahi
S/o Muhammad Khurshid Ali

Subject:- OFFICER OF APPOINTMENT OF CONTRACT BASIS.

Memorandum:

Reference your application on the above subject for the post of Medical Officer / Women Medical Officer / Dental Surgeon.

1. The Competent authority us hereby appoint you as Medical Officer / Women Medical Officer / Dental Surgeon in the Health Department, Govt. of NWFP, on contract basis in B-17 for a period of one years or till the availability of Public Service Commission selectee / return of original incumbent from leave / deputation which over is earlier on the terms and condition laid down in the attendant Agreement deed. You shall be posted to M.O BHU Ghari Usmani Khel Malakand. This contract appointment is not transferred.
2. This contract appointment is subject to your physical fitness for which you will appear before the Medical Board constituted by the Government.
3. If you accept the offer of appointment on contract basis as a Medical Officer / Women Medical Officer / Dental Surgeon, the attached Agreement Deed Should be titled in duly signed by you and should report at your own expense.
4. If you fail to report for duty at the station specified in Para-3 above within Ten (10) days, the offer of appointment on contract basis will be deemed to have been withdrawn automatically and no further correspondence shall be entertained in this respect.

SD/-
(Dr. Azmat Khan Afridi)
Director General Health
Services, NWFP, Peshawar

No. _____/E-1, Dated: Peshawar, the _____/1995.
Copy forwarded to the:-

1. Secretary to Govt. of NWFP, Health Department for information with reference to his letter No. SO(H)IV/3-1893, Dated 16th Nov, 1995.
 2. Medical Supdre _____ for information & n/action.
 3. Divisional Director Health Services Malakand.
 4. District Health Officer / Agency Surgeon Malakand.
 5. Accountant General, NWFP, Peshawar.
 6. District / Agency Accounts Officer Malakand.
- For information and n/action please.

Attested to be true copy
(A J)

SD/-
(Dr. Azmat Khan Afridi)
Director General Health
Services, NWFP, Peshawar



19

GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated Peshawar, the 31st May, 2019

NOTIFICATION

Annexure 'C'

NO.SOH(E-V)4-22/2019

Consequent upon their promotion to BS-19 in the

General Cadre as notified on 08th May, 2019, the competent authority is pleased to order posting/transfer of the following Principal Medical Officers BS-19 with immediate effect in the public interest:-

S#	Name of Doctor	FROM	TO	Remarks
1.	Dr. Muhammad Younis Nadeemi PMO BS-19	DHQ Hospital KDA Kohat	DHQ Hospital KDA Kohat	Against the vacant post of PMO BS-19
2.	Dr. Muhammad Sadiq PMO-BS19	TBC Center North Waziristan Merged District	Services placed at the disposal of DHO Lakki Marwat	Against the vacant post of PMO BS-19
3.	Dr. Sher Zaman PMO BS-19	Mardan Medical Complex Mardan	Services placed at the disposal of DHO Mardan	Against the vacant post of PMO BS-19
4.	Dr. Zubaida Khanum PMO BS-19	City Hospital Lakki Marwat	City Hospital Lakki Marwat	Against the vacant post of PMO BS-19
5.	Dr. Farzana Ayub PMO BS-19	TBC Center Abbottabad	RHC Kalapani Abbottabad	Against the vacant post of PMO BS-19
6.	Dr. Abdur Rehman PMO BS-19	RHC Naryab Hangu	Category-D Hospital Thall Hangu	Against the vacant post of PMO BS-19
7.	Dr. Iqbal Jan BS-19	Public Health School Abbottabad	Public Health School Abbottabad	Against the vacant post of PMO BS-19
8.	Dr. Sultan Bibi PMO BS-19	DHQ Hospital Abbottabad	DHQ Hospital Abbottabad	Against the vacant post of PMO BS-19
9.	Dr. Muhammad Younas PMO BS-19	Attached to DHQ Hospital Miranshah NW Merged District.	Services placed at the disposal of DHO Bannu	Against the vacant post of PMO BS-19
10.	Dr. Zulfiqar Ali PMO BS-19	Moulvi Ameer Shah Memorial Hospital Peshawar	Moulvi Ameer Shah Memorial Hospital Peshawar	Against the vacant post of PMO BS-19
11.	Dr. Rashid Hassan Khan	THQ Hospital Kulachi	Category-D Hospital	Against the vacant post of PMO BS-19

Attested to be
True copy
(A) (R)

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100	Dr. Shabir Ahmad PMO BS-19	DHQ Hospital Mohmand	Services placed at the disposal of DHO Charsadda	Against the vacant post of PMO BS-19
101	Dr. Anwar Saeed PMO BS-19	THQ Hospital Tangi Charsadda	THQ Hospital Tangi Charsadda	Against the vacant post of PMO BS-19
102	Dr. Fazal Subhan PMO BS-19	Saidu Group of Teaching Hospital Swat	Saidu Group of Teaching Hospital Swat	Against the vacant post of PMO BS-19
103	Dr. Spin Gul PMO BS-19	Govt Naseerullah Babar Memorial Hospital Peshawar	Govt Naseerullah Babar Memorial Hospital Peshawar	Against the vacant post of PMO BS-19
104	Dr. Zahir Shah PMO BS-19	DHQ Hospital Mardan	DHQ Hospital Mardan	Against the vacant post of PMO BS-19
105	Dr. Mumnoon Elahi PMO BS-19	Category-D Hospital Badabher Peshawar	Category-D Hospital Badabher Peshawar	Against the vacant post of PMO BS-19
106	Dr. Noor Muhammad Khan PMO BS-19	THQ Hospital Munda Dir (lower)	Services placed at the disposal of DHO Dir (lower)	Against the vacant post of PMO BS-19
107	Dr. Muhammad Karim PMO BS-19	Category-D Hospital Nahqi Peshawar	Services placed at the disposal of DHO Peshawar	Against the vacant post of PMO BS-19
108	Dr. Shahab Khan PMO BS-19	Category-D Hospital Nahqi Peshawar (under transfer to Shaker Darra Kohat	Services placed at the disposal of DHO Peshawar	Against the vacant post of PMO BS-19
109	Dr. Muhammad Shahrwan PMO BS-19	DHQ Hospital Bajaur Merged District	Services placed at the disposal of DHO Dir (lower)	Against the vacant post of PMO BS-19
110	Dr. Azizur Rehman PMO BS-19	DHQ Hospital Bajaur Merged District	DHQ Hospital Bajaur Merged District	Against the vacant post of BS-19
111	Dr. Misbahul Haq PMO BS-19	BHU Turangizai Charsadda	Women and Children Hospital Rajjer Charsadda	Against the vacant post of PMO BS-19
112	Dr. Rafiullah PMO BS-19	Attached to DHO Lakki Marwat	Services placed at the disposal of DHO Lakki Marwat	Against the vacant post of PMO BS-19
113	Dr. Muhammad Tariq PMO BS-19	DHQ Hospital Bajaur Merged District	Services placed at the disposal of DHO Dir (Upper)	Against the vacant post of PMO BS-19
114	Dr. Akram Khan PMO BS-19	Attached to DHO Nowshera	Services placed at the disposal of DHO Nowshera	Against the vacant post of PMO BS-19
115	Dr. Ijaz Akbar PMO BS-19	Mian Rashid Hussain Hospital Pabbi Nowshera	Services placed at the disposal of DHO Nowshera	Against the vacant post of PMO BS-19
116	Dr. Muhammad Ayub Khan PMO BS-19	Category-D Hospital Mohmad Gutt Merged Distract Mohmand	Services placed at he disposal of DHO Charsadda	Against the vacant post of PMO BS-19
117	Dr. Sharifullah PMO BS-19	Attached to Director Health Services Merged District	Services placed at the disposal of DHO Dir (Upper)	Against the vacant post of PMO BS-19

Attested to True Copy (A)

Section Officer (PMO) District Government Charsadda

	Dr. Badshah Khan PMO BS-19	City Hospital Lakki Marwat	City Hospital Lakki Marwat	Against the vacant post of PMO BS-19
210	Dr. Syed Umair Hussain PMO BS-19	DHQ Hospital Abbottabad	DHQ Hospital Abbottabad	Against the vacant post of PMO BS-19
211	Dr. Nusrat Ara PWMO BS-19	DHQ Hospital Abbottabad	DHQ Hospital Abbottabad	Against the vacant post of PMO BS-19
212	Dr. Shazia Gui PWMO BS-19	THQ Kalay Lower Orakzai Merged District	DHQ Hospital KDA Kohat	Against the vacant post of PMO BS-19
213	Dr. Seema Sharif PWMO BS-19	Bacha Khan Medical College Mardan	Services placed at the disposal of DHO Mardan	Against the vacant post of PMO BS-19
214	Dr. Shamsul Qamar PWMO BS-19	Civil Hospital Islamiya College Peshawar	RHC Takhtabad Peshawar	Against the vacant post of PMO BS-19
215	Dr. Fahmeeda Khan PWMO BS-19	Women and Children Hospital Bannu	Services placed at the disposal of DHO Bannu	Against the vacant post of PMO BS-19
216	Dr. Riaz Shahid PMO BS-19	Govt Naseerullah Babar Memorial Hospital Peshawar	Govt Naseerullah Babar Memorial Hospital Peshawar	Against the vacant post of PMO BS-19

SECRETARY HEALTH
Govt of Khyber Pakhtunkhwa

Endst.No & Date Even.

Copy to the:-

1. Accountant General Khyber Pakhtunkhwa, Peshawar
2. Director General Health Services, Khyber Pakhtunkhwa.
3. Director Health Services Merged Districts
4. Hospital/Medical Director LRH/KTH/HMC Peshawar
5. Hospital/Medical Director KGN/DHQ Hospital DIKhan
6. Medical Superintendents DHQ Hospitals mentioned above
7. District Accounts Officers mentioned above
8. PS to Minister Health, Khyber Pakhtunkhwa
9. PS Secretary Health, Khyber Pakhtunkhwa
10. Doctors concerned.

*Attested to be
True copy
(A) [Signature]*

[Handwritten Signature]

(FAZAL ALI)
SECTION OFFICER (E-V)



OFFICE OF THE DISTRICT HEALTH OFFICER,
PESHAWAR.

Phone No. 091 9212911
Fax No. 091 2572588

21

No. 4919 /DHO
To

Dated Peshawar The 18/06 /2019.

The Secretary Health
Govt. of Khyber Pakhtunkhwa, Peshawar.

Annexure
"D"

Subject: - SURPLUS STAFF IN BPS - 19 PMO'S POSTS
R/Sir:

Please refer to your Notification No. SOH (E-V) 4-22/2019 dated 31-05-2019, I have the honor to state that 15 numbers of PMOs were transferred to this office. Out of which the following 05 doctors were adjusted against the vacant posts.

S.NO.	Name	From	To	Number
1	Dr. Rafiullah	ESI Nahaqi	Cat - D Gara Tajik	At S.NO: 93
2	Dr. Naseer Ahmad Khalil	Cat - D Gara Tajik	Cat - D Gara Tajik	At S. No. 78
3	Dr. Rabia Waheed	Cat - D Gara Tajik	Cat - D Gara Tajik	At S. No. 84
4	Dr. Shams Ul Qamar	CD Islamia College	RHC Takhtabad	At S. No. 108
5	Dr. Razat Shah	CD	CD Gulbahar	At S. No. 214

You are therefore requested that the remaining PMO's at S.No. 12,13,24,39,50,78,88,105,107,108,197 may please be adjusted in other places as there is not vacant post of PMO BPS - 19 available. ✓

Furthermore two posts of Medical Superintendent, BPS - 19 one at ESI Nahaqi and one at Badhber are vacant.

18.6.19
District Health Officer,
Peshawar. A

cc.

1. Director General Health Services Govt of Khyber Pakhtunkhwa, Peshawar.

Attested to be
True copy
(A) J

22

Annexure



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT "E"

Dated Peshawar the September 27, 2019

NOTIFICATION

NO.SOH(E-V)4-22/2019. In partial modification of this department notification of even number dated 31-05-2019, the proposed place of posting in respect of Dr. Mumnoon Elahi, PMO BS-19 at Sr. 105 may be read as King Abdullah Teaching Hospital, Mansehra against the vacant post of PMO BS-19.

SECRETARY HEALTH
Govt. of Khyber Pakhtunkhwa

Endst. No. & Date Even

Copy to the:-

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. Director General, Health Services, Khyber Pakhtunkhwa.
3. MS, Category-Hospital, Badabhar Peshawar.
4. MS, King Abdullah Teaching Hospital, Mansehra.
5. The District Accounts Officer, Mansehra.
6. PS to Secretary Health Department.
7. Computer Programmer Health Department.
8. DHIS Cell DGHS Office, Peshawar.
9. Doctor concerned.

(FAZAL-UR-RAHIM)
SECTION OFFICER (E-V)

Attested to be
True Copy

(A)

A/S

1/10/19

23

CERTIFICATE OF TRANSFER OF CHARGE.

Certified that I, Dr. Mumtaz Elahi Siddiqui have this day before/afternoon taking over/relinquished charge of the office of PMO BPS-19 King Abdullah Teaching Hospital Mansehra with reference to the order of the Government of Khyber Pakhtunkhwa Health Department No. SOH(E-V) 4-22/2019 Dated 27/09/2019.

Station Mansehra:

Signature of relived

Annex 'F'

Government Servant

Designation

Dated 01/10/2019.

Signature of Government

Servant receiving Charge

Designation Principal Medical Officer
BPS-19

No. 6936-40

Dated Mansehra the, 02/10/2019

From: The Medical Superintendent
King Abdullah Teaching
Hospital Mansehra

To,

1. Secretary Health Government of KPK Peshawar.
2. Director General Health Services KPK, Peshawar.
3. District Accounts Officer Mansehra.
4. Account Section undersigned Office.
5. Official concerned.

The Charge of the office of PMO BPS-19 King Abdullah Teaching Hospital Mansehra taking over/relinquished due to posting at KAT Hospital Mansehra against the vacant post of PMO BPS-19

On the fore/afternoon of the 01/10/2019

Attested to be
True copy
(A) [Signature]
18-2-20

[Signature]
Medical Superintendent
King Abdullah Teaching
Hospital Mansehra.

24

**OFFICE OF THE MEDICAL SUPERINTENDENT
KING ABDULLAH TEACHING HOSPITAL MANSEHRA**

Tel: 0997-920096, Fax: 0997-540211; email: mskathmanshra@gmail.com
Website: www.kathmanshra.com

OFFICE ORDER

Annexure

Dr. Mamnoon Elahi, PMO of King Abdullah Teaching Hospital Mansehra is hereby directed to perform his duty in Casualty Department with immediate effect, as per Duty Rota.

"#"
"G"

[Signature]
Medical Superintendent
King Abdullah Teaching
Hospital Mansehra

No. *8029-3/1*
Dated *11-10* /2019

Copy to:-

1. All Deputy Medical Superintendents, KATH Mansehra.
2. Dr. Muhammad Ilyas Qureshi, I/C Casualty KATH Mansehra.
3. Dr. Mamnoon Elahi, PMO KATH Mansehra.

[Signature]
Medical Superintendent
King Abdullah Teaching
Hospital Mansehra

*Attested to be
True Copy
(A) [Signature]*

25

DUTY ROSTER OF CASUALTY MEDICAL OFFICER (CMOS) KATH-Mansehra

For Month of October – 2019

Revised Rota

Days	Morning	Evening	Night
Monday	Dr. Faisal Shahzad Dr. Aliya Parveen Dr. Mammon Elahi	Dr. Faisal Shahzad Dr. Aliya Parveen Dr. Ayesha Rafi	Dr. Khizar Hayat Dr. Syed Ubaid Hussain
Tuesday	Dr. Aliya Parveen Dr. Faisal Shahzad Dr. Mammon Elahi	Dr. Aliya Parveen Dr. Faisal Shahzad Dr. Ayesha Rafi	Dr. Khizar Hayat Dr. M. Ilyas Qureshi*
Wednesday	Dr. Zubaida Khawaja Dr. Mansoor Darvesh Dr. Aliya Parveen Dr. Mammon Elahi	Dr. Usman Qasim Dr. Zubaida Khawaja Dr. Ayesha Rafi	Dr. Saifullah Dr. Mansoor Darvesh
Thursday	Dr. Bilal Hassan Dr. M. Ilyas Qureshi Dr. Mammon Elahi	Dr. Syed Ubaid Hussain Dr. Mansoor Darvesh Dr. Ayesha Rafi	Dr. Bilal Hassan Dr. Usman Qasim
Friday	Dr. M. Ilyas Qureshi Dr. Ayesha Rafi Dr. Aliya Parveen Dr. Mammon Elahi	Dr. Zubaida Khawaja Dr. Saifullah Dr. Ayesha Rafi	Dr. Usman Qasim Dr. Ilyas Qureshi*
Saturday	Dr. Bilal Hassan Dr. Saifullah Dr. Mammon Elahi	Dr. Usman Qasim Dr. Syed Ubaid Hussain Dr. Zubaida Khawaja	Dr. Bilal Hassan Dr. Saifullah
Sunday	Dr. Faisal Shahzad Dr. Zubaida Khawaja Dr. Syed Ubaid Hussain	Dr. Faisal Shahzad Dr. Syed Ubaid Hussain Dr. Zubaida Khawaja	Dr. Mansoor Darvesh Dr. Khizar Hayat

Attested to be
True copy
(A) D
18-2-20


Dy. Medical Superintendent
King Abdullah Teaching Hospital Mansehra

26

Annexure 'H'



GOVERNMENT OF KHYBER PAKHTUNKHWA HEALTH DEPARTMENT

Dated Peshawar the October, 18, 2019

NOTIFICATION

NO.SOH(E-V)4-22/2019. The Competent Authority is pleased to order posting/transfer of Dr. Mumnoon Elahi, Principal Medical Officer BS-19 attached to King Abdullah Teaching Hospital, Mansehra and place his services at the disposal of DHO, Charsadda for further posting against the vacant post of PMO BS-19 with immediate effect in best public interest.

SECRETARY HEALTH
Govt. of Khyber Pakhtunkhwa

Endst. No. & Date Even

Copy to the:-

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. Director General, Health Services, Khyber Pakhtunkhwa.
3. MS, King Abdullah Teaching Hospital, Mansehra.
4. DHO, Charsadda
5. The District Accounts Officers, Mansehra/Charsadda.
6. PS to Secretary Health Department.
7. Computer Programmer Health Department.
8. DHIS Cell DGHS Office, Peshawar.
9. Doctor concerned.

*Attached to be for
Copy (A)*

King Abdullah Teaching Hospital
Mansehra
Issue No. 3835
Received 24/10/19 MS
Date 24/10/19
Signature [Signature]

[Signature]
(FAZAL-UR-RAHIM)
SECTION OFFICER (E-V)

No. 8329 dated 24-10-19
Copy to:
Dr. Mumnoon Elahi
for compliance

Medical Superintendent
King Abdullah Teaching
Hospital Mansehra

[Signature]
21/10/19
25-10-19

27

Annexure

↓

OFFICE OF THE
DISTRICT MEDICAL OFFICER
CHITSADEA

7999

Date: 24 / 10 / 2019

The Director General Health
Services, Hyderabad, Andhra Pradesh

Subject: VACANT POST OF PRINCIPAL MEDICAL OFFICER (P)

Sir,

I have the honor to inform your good self that there is a
Principal Medical Officer BPS-19 in DHO Chitsadda.

Report is submitted for further necessary action please.

DISTRICT MEDICAL OFFICER
CHITSADEA

Attested to be
True copy
(A) 22

Better Copy

OFFICE OF THE DISTRICT HEALTH
OFFICER CHARSAKDA

27

A

No. 7999

Dated 24.10.2019

To,

The Director General Health
Services Khyber Pakhtunkhwa
Peshawar

Subject: **VACANT POST OF PRINCIPAL**
MEDICAL OFFICER 19

Sir,

I have the honour to inform you that there is no vacant post of Principal Medical Officer BPS-19 in DHQ Charsadda.

Report is submitted for further necessary action please.

DISTRICT HEALTH OFFICER
CHARSAKDA

*Attested to be
True Copy*

(A. N.)

(28)

Annex "J"

[Handwritten signature]

**OFFICE OF THE MEDICAL SUPERINTENDENT
KING ABDULLAH TEACHING HOSPITAL MANSEHRA**

Tel: 0997-920096, Fax: 0997-540211; email: mskathmansehra@gmail.com
Website: www.kathmansehra.com

No. 8832
Dated 12-11/2019

To

Dr. Mumnoon Elahi, PMO
King Abdullah Teaching Hospital Mansehra

Subject: - **OFFICE ORDER**

With reference to the Government of Khyber Pakhtunkhwa Health Department vide notification No.SOH (E-V) 4-22/2019 dated 18.10.2019. You were transferred from King Abdullah Teaching Hospital Mansehra to DHO Charsadda. The transferred order was endorsed to you vide this office letter No.8329 dated 24.10.2019 for compliance, but you failed up till now. Therefore you are hereby relieved from this Hospital immediately and asked to fulfill the required transfer documents.

[Handwritten signature]
Medical Superintendent
King Abdullah Teaching
Hospital Mansehra

No. _____

Copy to the:-

1. Secretary Health, Government of Khyber Pakhtunkhwa Peshawar.
2. Director General Health Services Khyber Pakhtunkhwa Peshawar.
3. District Accounts Officer Mansehra.
4. Account Section undersigned office for necessary action.

[Handwritten signature]
Medical Superintendent
King Abdullah Teaching
Hospital Mansehra

*Attested to be
True Copy
(A) [Signature]*

29

Annexure "K"

OFFICE OF THE MEDICAL SUPERINTENDENT
KING ABDULLAH TEACHING HOSPITAL MANSEHRA

Tel: 0997-920096, Fax: 0997-540211; email: mskathmansehra@gmail.com
Website: www.kathmansehra.com

No. 8338 / PF
Dated 24-10/2019

To

The Director General
Health Services
Khyber Pakhtunkhwa, Peshawar.

Subject: - **TRANSFER**

Please find enclosed herewith an application (which is self explanatory) submitted by Dr. Mumnoon Elahi, Principal Medical Officer (BPS-19) of King Abdullah Teaching Hospital Mansehra regarding the subject cited above for further necessary action.

Medical Superintendent
King Abdullah Teaching
Hospital Mansehra

Attached to be
True Copy
(A)

30

Annexure

"A" L

The Secretary
Govt. of KPR
HEALTH DEPARTMENT.

Through Proper Channel

Subject: TRANSFER

Respected Sir,
Most respectfully, it is stated that I
joined my duties as P.M.O in KATH since 01/10/19
Vide Order No - SOH (E-V) 4-22-2019.
Astomishingly, a new order has been
issued vide Order No. SOH (E-V) 4-22/2019.
I have been transferred to Chansadda
which is not my district of domicile.
Therefore it is requested either I may
please be left in Manshore or transfered

to Peshawar.

Thanking you in anticipation.

Yours Faithfully,

DR. MUNNOOR ELAHI
Principal medical officer
INATH, Manshore
21-10-19

Proccin

21/10/19

Attended to be
True Copy
(A) D
21/10/19

BETTER COPY

The Secretary
Govt. of KPK
HEALTH DEPARTMENT

30A

Through: - Proper channel

Subject: - TRANSFER

Respected Sir,

Most respectfully it is stated that I joined my duties as PMO in KATH since 01.10.19 vide order No. SOH(E-V)4-22-2019.

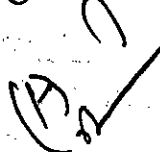
Astonishingly, a new order has been issued vide order No. SOH(E-V)4-22/2019 I have been transferred to Charsadda which is not my district of domicile.

Therefore, it is requested either I may please be left in Mansehra or transferred to Peshawar.

Thanking you in anticipation.

Yours faithfully

Dr. Mamnoon Elahi
Principal Medical Officer
KATH Mansehra
21.10.2019

Attested to be
True Copy
(A) 

31

Annexure "N"

OFFICE OF THE MEDICAL SUPERINTENDENT
KING ABDULLAH TEACHING HOSPITAL MANSEHRA

Tel: 0997-920096, Fax: 0997-540211; email: mskathmanshra@gmail.com
Website: www.kathmanshra.com

No. 8483/ PF
Dated 31-10/2019

To
The Director General
Health Services
Khyber Pakhtunkhwa Peshawar

Subject: - RETENTION AS PMO (BPS-19) AT KING ABDULLAH TEACHING
HOSPITAL MANSEHRA.

Please find enclosed herewith an application submitted by Dr. Mumnoon Elahi, Principal Medical Officer (BPS-19) of King Abdullah Teaching Hospital Mansehra regarding the subject cited above for further necessary action. *as per rules.*

*Attested to be
True copy
(A) 2/*

[Signature]
Medical Superintendent
King Abdullah Teaching
Hospital Mansehra

32

The Secretary Health
Khyber Pakhtun Khwa
Peshawar.

Subject:- RETENTION AS PMO BPS-19 AT KING ABDULLAH TEACHING HOSPITAL, MANSEHRA.

through proper channel

Dear Sir,

I have been recently transferred to King Abdullah Teaching Hospital Mansehra as PMO BPS-19 on my own request by your good office Notification No. SOH (E-V) 4-22/2019 dated 27-09-2019.

Due to unknown reason I was retransferred within a month from King Abdullah Teaching Hospital Mansehra to DHO Office Charsadda by your good office Notification No. SOH (E-V) 4-22/2019 dated 18-10-2019 without my consent.

Further more there is still two (2) vacant posts of PMO in BPS-19 at King Abdullah Teaching Hospital Mansehra where as DHO Charsadda has confirmed in his letter address to DGH Services Khyber Pakhtun Khwa Peshawar vide letter No. 7999/DHO Charsadda dated 24-10-2019 that there is no vacant post of PMO BPS-19 under his command. (copy attached for ready reference).

Therefore it is humbly submitted that I may be retained at King Abdullah Teaching Hospital Mansehra as PMO in (BP-19) where I was transferred last month by your good office.

King Abdullah Teaching Hospital

Issue # 3890

Date 26-10-19

Signature

Best Regards

Dr. Mumnoon Elahi
PMO BPS-19

Attested to be true copy (A)

Announced by mlc Govt as per rule & Policy

26/10/19

32A

To,

The Secretary Health
Khyber Pakhtunkhwa
Peshawar

Subject: RETENTION AS PMO BPS-19
AT KING ABDULLAH
TEACHING HOSPITAL
MANSEHRA

Through: - Proper channel

Dear Sir,

I have been recently transferred to King Abdullah Teaching Hospital Mansehra as PMO BPS-19 on my own request by your good office Notification No. SOH-(E-V)4-22/2019 dated 27.09.2019.

Due to unknown reason I was transferred to within a month from King Abdullah Teaching Hospital Mansehra whereas DHO Charsadda has confirmed it his letter address to DGH Services Khyber Pakhtunkhwa Peshawar vide letter No. 7999/DHO Charsadda dated 24.10.2019 that there is no vacant post of PMO BPS-19 under his command. (Copy attached for ready reference).

Therefore it is humbly submitted that I may be retained at King Abdullah Teaching Hospital Mansehra as PMO (BPS-19), where I was transferred last month by your good office.

Best Regards

Dr. Mamnoon Elahi
PMO BPS-19

*Attested to be
True copy
(H) 2*

33

Annexure "E" N



**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR**

All communications should be addressed to the Director General Health Services
Peshawar and not to any official by name E-Mail Address K.P.Kdghs@yahoo.com
Office # 091-9210269 Exchange # 091-9210187, 9210196 Fax # 091-9210230
NO 8483-56/E-I

Dated: 13 / 11 / 2019

To

The Secretary to Govt. of Khyber Pakhtunkhwa
Health Department Peshawar.

Subject:

**RETENTION AS PMO (BPS-19) AT KING ABDULLAH TEACHING
HOSPITAL MANSEHRA.**

Dear Sir,

I have the honour to enclose herewith a copy of letter No. 8483/PF dated 31.10.2019, from MS, King Abdullah Teaching Hospital Mansehra alongwith application of Dr. Mumnoon Elahi PMO (BPS-19) requesting for cancellation of his transfer to DHO, Charsadda and retention in King Abdullah Teaching Hospital Mansehra, for favour of further necessary action.

It is stated that Dr. Mumnoon Elahi PMO (BPS-19) was transferred from Peshawar to King Abdullah Teaching Hospital Mansehra, where he assumed charge of his duty on 01.10.2019. Now he has been transferred from King Abdullah Teaching Hospital Mansehra to DHO, Charsadda vide Notification No. SOH(E-V)4-22/2019 dated 18.10.2019, but as intimated by DHO, Charsadda no vacant post of PMO (BPS-19) is available under his control vide his letter No. 7999/DHO Charsadda dated 24.10.2019.

It is therefore requested to cancel transfer order of Dr. Mumnoon Elahi (PMO) BPS-19 King Abdullah Teaching Hospital Mansehra to DHO Charsadda being premature and non availability of vacant post of PMO (BPS-91) in Charsadda.

Cc:

Attested to be
True Copy
(A)


**DIRECTOR GENERAL HEALTH
SERVICES KHYBER PAKHTUNKHWA PESHAWAR.**

7
13/11/19

MS, King Abdullah Teaching Hospital Mansehra w/r to his letter referred
above

مورخہ 18-02-20

2 منجانب
ڈیپوٹل منیجمنٹ الہی بنام گورنمنٹ ہسپتال
KP

مقدمہ

دعویٰ میں اپیل

جیم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام لیساور کیلئے صاحب اسد علی ہجوہان ایڈمنسٹریٹو جلال آباد لکھنؤ
کو مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرفہ یا اپیل کی برآمدگی
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت
مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے
اور اس کا ساختہ پرداختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے
سبب سے وہ ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں
گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھدیا کہ سندر ہے۔

2020

ماہ فروری

المرقوم 18

مقام لیساور
صاحبزویں ڈیپوٹل کیس
کے لئے منظور ہے۔

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 1082/2020

Dr. Mamnoon Ilahi

..... Appellant

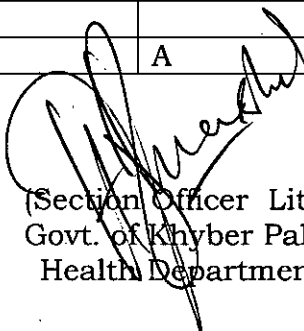
VERSUS

1. *The Govt. of Khyber Pakhtunkhwa through Secretary Health..*
2. *The Director General Health Services, Khyber Pakhtunkhwa.*
3. *The Medical Superintendent King Abdullah Teaching Hospital, Mansehra.*
4. *The District Health Officer, Charsadda.*
5. *The District Account Officer Mansehra.*

..... Respondents

I N D E X.

S.No.	Description of documents	Annexure	Page
01	Parawise Comments		1 to 2
02.	Annex	A	30/4


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

5

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 1082/2020

Dr. Mamnoon Ilahi

..... Appellant

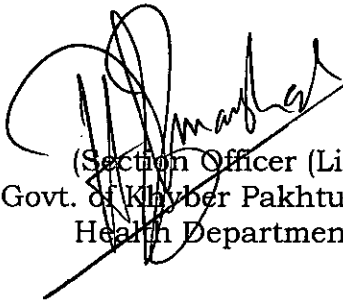
VERSUS

1. *The Secretary Health Govt. of Khyber Pakhtunkhwa*
2. *The Director General Health Services, Khyber Pakhtunkhwa*
3. *The District Health Officer, Peshawar.*
4. *The Medical Superintendent, King Abdullah Teaching Hospital, Mansehra.*
5. *The District Health Officer, Charsadda.*
6. *The District Account Officer, Mansrha.*

..... 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. 1082/2020 at Page 1-2 is submitted on behalf of respondents No. 1 & 2 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. 1082/2020

Dr. Mamnoon Ilahi..... 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. No comments.
2. Pertains to record.
3. Pertains to record.
4. Pertains to record.
5. Correct. The appellant was promoted to the post of BS-19 and retained him in Category-D Hospital, Badaber, Peshawar but due to non availability of post he was further adjusted in King Abdullah Teaching Hospital, Mansehra in the best public interest.
6. Correct. As per para 05 above.
7. Pertains to record
8. Incorrect. In light of the Civil Servant Act 1973 Section 10 " every Civil Servant shall be liable to serve anywhere within or out side the province in any post under the federal govt., or any provincial govt. or local authority, or a corporation or body setup or established by any such government".
9. Pertains to record.
10. Incorrect. That the appellant was transferred from King Abdullah Teaching Hospital, Mansehra to DHO office Charsadda the order was endorsed to him for compliance but he

failed. Therefore, he has been relieved by the Medical Superintendent King Abdullah Teaching Hospital, Mansehra (Annex-A).

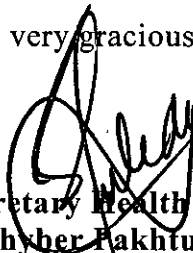
11. No comments.
12. Incorrect. As per para 8 above.
13. Pertains to record.
14. Pertains to record.
15. Correct

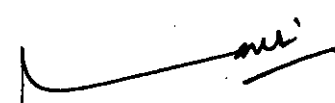
ON GROUNDS:

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- D. Incorrect. As per para 08 above of the facts
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- L. Incorrect. As per para 08 above
- M. Incorrect. That the appellant has been treated in accordance with law/rules and no rights of the appellant has been violated
- N. Subject to proof.

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)


Director General Health Services
Khyber Pakhtunkhwa
(Respondent No. 02)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Service Appeal No. 1082/2020.

Dr. Momnoon Elahi

-----Appellant

Versus

- 1: Secretary Health, Govt of Khyber Pakhtunkhwa Peshawar.
- 2: Director General Health Services Peshawar .
- 3: District Health Officer, Peshawar.
- 4: Medical Superintendent King Abdullah Teaching Hospital Mansehra ,
- 5: District Health Officer Charsadda .
- 6: District Accounts Officer Mansehra.

-----Respondents

Respected sir,

Regarding services Appeal No 1082/2020, Dr. Mamnoon Elahi Vs Govt Khyber Pakhtunkhwa & others is related to the promotion as well as transfer of the principal Medical Officer which is beyond the jurisdiction of the undersigned. Furthermore the appellant promotion orders transfer order, cancellation order, stoppage of the salary reveals that none of the above mentioned orders /letters issued by the undersigned.

Moreover the paras no 6 ,7,8 ,9 10 are crystal clear that the appellant is at the disposal of Directorate General Health Services as well as Secretary Health ,Govt of Khyber Pakhtunkhwa ,whom knows the factual position and can accurately reply the same .

long as the undersigned is concerned, he is formal respondent /defendant (forma respondent) in the instant appeal.


**District Health Officer,
Peshawar**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Service Appeal No. 1082/2020.

Dr. Momnoon Elahi

-----Appellant

Versus

- 1: Secretary Health, Govt of Khyber Pakhtunkhwa Peshawar.
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As long as the undersigned is concerned, he is formal respondent /defendant (proforma respondent) in the instant appeal.


**District Health Officer,
Peshawar**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 1082/2020

Dr. Mamnoon Ilahi

..... Appellant

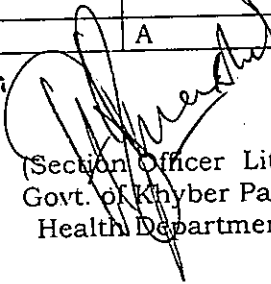
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..... Respondents

I N D E X.

S.No	Description of documents	Annexure	Page
01	Parawise Comments		1 to 2
02.	Annex	A	30/47


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

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

Service Appeal No. 1082/2020

Dr. Mamnoon Ilahi

..... Appellant

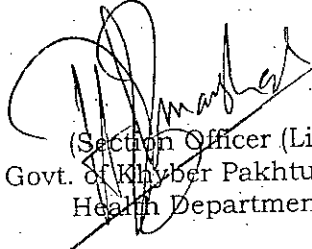
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(Section Officer (Lit-II)
Govt. of Khyber Pakhtunkhwa
Health Department

Identified by:-

**Addl: Advocate General,
Khyber Pakhtunkhwa**

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 1082/2020

Dr. Mamnoon Ilahi..... Appellant

Versus

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

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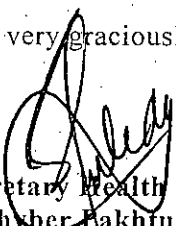
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13. Pertains to record.
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15. Correct

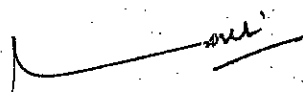
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PRAYER:

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)


Director General Health Services
Khyber Pakhtunkhwa
(Respondent No. 02)

BEFORE THE SERVICE TRIBUNAL PESHAWAR

APPEAL NO 1082/2020

Dr. Mamoon Elahi

----- Appellant

VERSUS

1. The Secretary Health Govt of Khyber Pakhtunkhwa, Peshawar
2. The Director General Health Services Khyber Pakhtunkhwa Peshawar
3. District Health Officer Charsadda
4. Medical Superintendent King Abdullah Teaching Hospital Mansehra
5. District Health Officer Charsadda
6. District Accounts Officer Charsadda

----- Respondents

Respected Sir,

Regarding services appeal No. 1082/2020, Dr. Mamoon Elahi vs Govt of Khyber Pakhtunkhwa Health Department & Others. As long as the undersigned is concerned, he is formal respondent/defendant. However this office agrees with the comments of Secretary, Health Department Govt of Khyber Pakhtunkhwa and Director General Health Services Khyber Pakhtunkhwa, Peshawar.


District Health Officer
Charsadda

BEFORE THE SERVICE TRIBUNAL PESHAWAR

APPEAL NO.1082/2020

Dr. Mamoon Elahi

----- Appellant

VERSUS

1. The Secretary Health Govt of Khyber Pakhtunkhwa, Peshawar
2. The Director General Health Services Khyber Pakhtunkhwa Peshawar
3. District Health Officer Charsadda
4. Medical Superintendent King Abdullah Teaching Hospital Mansehra
5. District Health Officer Charsadda
6. District Accounts Officer Charsadda ----- Respondents

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District Health Officer
Charsadda

BEFORE THE SERVICE TRIBUNAL PESHAWAR

APPEAL NO 1082/2020

Dr. Mamoon Elahi

----- Appellant

VERSUS

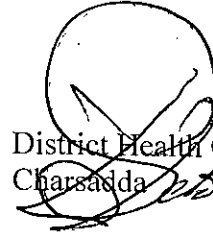
1. The Secretary Health Govt of Khyber Pakhtunkhwa, Peshawar
2. The Director General Health Services Khyber Pakhtunkhwa Peshawar
3. District Health Officer Charsadda
4. Medical Superintendent King Abdullah Teaching Hospital Mansehra
5. District Health Officer Charsadda
6. District Accounts Officer Charsadda

----- Respondents

Respected Sir,

Regarding services appeal No. 1082/2020, Dr. Mamoon Elahi vs Govt of Khyber Pakhtunkhwa Health Department & Others. As long as the undersigned is concerned, he is formal respondent/defendant. However this office agrees with the comments of Secretary, Health Department Govt of Khyber Pakhtunkhwa and Director General Health Services Khyber Pakhtunkhwa, Peshawar.

District Health Officer
Charsadda



BEFORE THE SERVICE TRIBUNAL PESHAWAR

APPEAL NO 1082/2020

Dr. Mamoon Elahi

----- Appellant

VERSUS

1. The Secretary Health Govt of Khyber Pakhtunkhwa, Peshawar
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District Health Officer
Charsadda

**BEFORE THE PESHAWAR HIGH COURT,
BENCH ABBOTTABAD**

Dr. Mamnoon ElahiAppellant

VERSUS

Govt. of KPK etc.....Respondents.

SERVICE APPEAL

CIVIL MISCELLANEOUS

INDEX

S#	Particulars of documents	Annexure	Pages
1	Memo of Civil miscellaneous alongwith affidavit.	

Dated 03.12.2020

Dr. Mamnoon Elahi
..... Appellant

Through

SARDAR ASAD ALI CHOHAN,
Advocate High Court,
Mansehra.

(A 22)

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

Dr. Mamnoon ElahiAppellant

VERSUS

Govt. of KPK etc.....Respondents.

SERVICE APPEAL

**APPLICATION SEEKING DIRECTION
TO RESPONDENTS FOR RELEASE OF
PREVIOUS SALARIES OF THE
APPELLANT.**

Respectfully Sheweth!

1. That, the above-titled Service Appeal is pending before this Honourable Court.
2. That, the respondents have stopped the monthly salaries of the appellant previously for the month of December, 2019, January 2020, February 2020 ande, the appellant has not been paid his above said salaries.
3. That, the appellant repeatedly requested the respondents for the release of his salaries but due to the

lethargic behaviour of the respondents, the salaries have not been paid to the appellant.

4. That, the appellant continued to services during the above said period and never remained negligent in performance of his duties, therefore, the stoppage of the salaries by the respondents does not appeal to a prudent mind rather height of injustice with the appellant and such act of the respondents is also against the law as well as basic and fundamental rights of the appellant.

.....PRAYER.....

It is, therefore, most humbly requested that on acceptance of the instant application, the respondents may please be directed to release the salaries of the appellant w.e.f. December 2019 till February 2020.

Dated 03.12.2020

Dr. Mamnoon Elahi
.....Appellant

Through

SARDAR ASAD ALI CHOHAN
Advocate High Court,
Manshera

(A)

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

Dr. Mamnoon ElahiAppellant

VERSUS

Govt. of KPK etc.....Respondents.

SERVICE APPEAL

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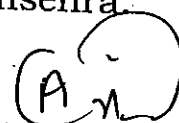
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Dated 03.12.2020

Dr. Mamnoon Elahi
.....Appellant

Through

SARDAR ASAD ALI CHOCHAN,
Advocate High Court,
Mansehra

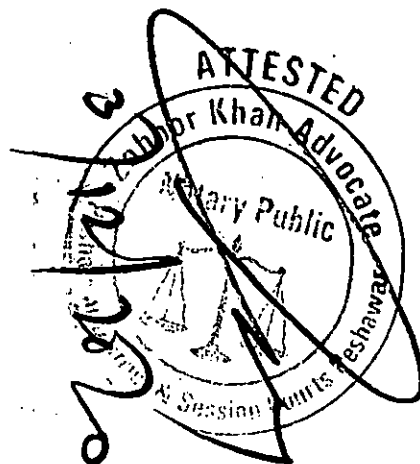


AFFIDAVIT.

I, Dr. Mamoon Elahi son of Muhammad Khurshid Ali, resident of Peshawar presently Township Mansehra presently Medical Officer, King Abdullah Hospital Teaching, Mansehra, Appellant, do hereby solemnly affirm and declare on oath that the contents of the foregoing application are true and correct and nothing has been concealed from this Honourable Court.

Dated 03.12.2020

Dr. Mamoon Elahi
(DEPONENT)



AMMENDMENT FOR (PAYMENT/DEDUCT
OFFICE OF THE MEDICAL SUPERINTENDENT KING ABDULLAH TEACHING HOSPITAL MANSEHRA

FORM: PAY F03
Month of 02/2021

DDO Code	M	A	4	3	6	2	Sub - DDO Code	0	0	0	Detail Deptt:Function Code								
0	Personal No.		NAME				Field ID	New Contents				Effective date				Remarks			
	00049755		Dr. Mamnoon Elahi PMO									0 1 - 0 2 - 2 1				Arrear 12/2019 , 01/2020 & 02/2020.			
							2	4	1	6	8	0	P						
								2	6	5	6	8	P						
								1	5	0	0	0	P						
									1	5	0	0	P						
									8	8	6	8	P						
								1	8	6	0	0	P						
									4	5	6	0	P						
									3	0	6	6	P						
								1	5	7	3	8	P						
								2	4	1	6	8	P						
								2	4	1	6	8	P						
								2	1	5	4	0	D						
									2	4	0	0	D						
									4	8	0	0	D						

Medical Superintendent
King Abdullah Teaching
Hospital Mansehra.

Detail of Arrear & Recovery

	Pay Rate 12/2019	Arrear 12/2019	Arrear 01/2020	Arrear 02/2020	Total
Pay	80560/-	80560/-	80560/-	80560/-	241680
	8856/-	8856/-	8856/-	8856/-	26568/-
CA	5000/-	5000/-	5000/-	5000/-	15000/-
Entertainment Allowance	500/-	500/-	500/-	500/-	1500/-
MA	2956/-	2956/-	2956/-	2956/-	8868/-
HPA	62000/-	62000/-	62000/-	62000/-	186000/-
ARA 2013	1520/-	1520/-	1520/-	1520/-	4560/-
ARA 2015	1022/-	1022/-	1022/-	1022/-	3066/-
ARA 2016	5246/-	5246/-	5246/-	5246/-	15738/-
ARA 2017	8056/-	8056/-	8056/-	8056/-	24168/-
ARA 2018	8056/-	8056/-	8056/-	8056/-	24168/-
Total	183772/-	183772/-	183772/-	183772/-	551316/-

**BEFORE THE PESHAWAR HIGH COURT,
BENCH ABBOTTABAD**

Dr. Mamnoon ElahiAppellant

VERSUS

Govt. of KPK etc.....Respondents.

SERVICE APPEAL

CIVIL MISCELLANEOUS

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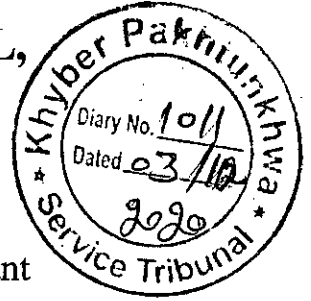
Mamnoon Elahi
Dr. Mamnoon Elahi
..... Appellant

Through

SARDAR ASAD ALI CHOCHAN,
Advocate High Court,
Mansehra.

A 2 2

BEFORE THE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR



Dr. Mamnoon ElahiAppellant

put up to the court along with
valuable appeal.

VERSUS

Govt. of KPK etc.....Respondents.

~~3/12/2020~~
3/12/2020.

SERVICE APPEAL

Reader

APPLICATION SEEKING DIRECTION
TO RESPONDENTS FOR RELEASE OF
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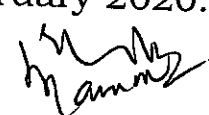
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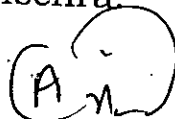
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Dr. Mamnoon Elahi
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Through

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Advocate High Court,
Mansehra

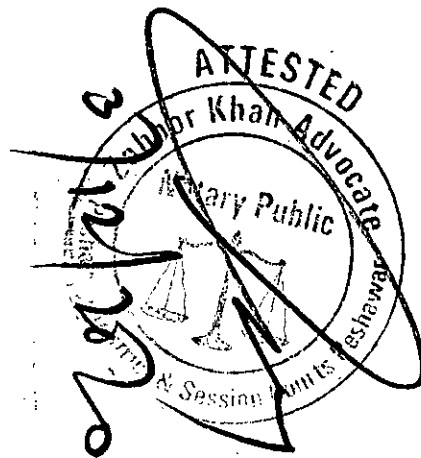


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Dated 03.12.2020

Dr. Mamoon Elahi
(DEPONENT)



قیمت 50 روپے	32666			
ایڈوکیٹ: محمد سعید بیٹ		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل/ ایسوسی ایشن نمبر: 7069-16 BC				
رابطہ نمبر: 03152907090				

بعدالت جناب: چیئرمین سروس ٹریبیونل خیبر پختونخواہ

منجانب: ممنون الہی ولد خورشید علی	دعویٰ:
	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:
	باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ
 آن مقام پشاور کیلئے محمد سعید بیٹ / کرنل نور محمد / منیر شہید شاہ خالد
 کر کے قرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کر کے دفتر 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 ایبل کی برآمدگی اور سبوتاہی، نیز
 دائر کر کے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار 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 کوئی جملہ مذکورہ با اختیارانت حاصل ہوں گے اور ایسے کا ساتھ پر دستخط منظور و قبول ہوگا
 دوران مقدمہ میں جو خرچہ ہر جانبہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے
 باہر ہو تو وکیل صاحب یا بندہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سدر ہے

محمد سعید بیٹ
 محمد سعید بیٹ

المقام: 28 OCT 2022
 PESHAWAR BAR ASSOCIATION
 KHYBER PAKHTUNKHWA

المقام: پشاور کے لیے منظور ہے

ممنون الہی ولد خورشید علی
 17301-15624781

نوٹ: اس وکالت نامہ کی کوئی کاپی ناقابل قبول ہوگی۔