

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

APPEAL NO. 7085 /2021

Saeed Ullah

V/S

Health Deptt:

**INDEX**

S.No.	Documents	Annexure	Page No.
1.	Memo of appeal	-----	01-05
2.	Affidavit		06
3.	Stay application	-----	07-08
4.	Affidavit	-----	09
5.	Copies of order dated 11.08.2020	A	10
6.	Copy of order dated 24.08.2020	B	11
7.	Copy of order dated 10.09.2020	C	12
8.	Copies of service appeal 3423/2021 along with suspension application and order sheet dated 16.03.2021	D&E	13-21
9.	Copy of order dated 16.04.2021	F	22
	Copies of letter dated 22.04.2020, transfer order dated 15.06.2021 and letter dated 16.06.2021	G,H&I	23-25
10.	Copy of departmental appeal and covering letter dated 12.07.2021	J&K	26-29
11.	Copy of letter dated 11.11.2020	L	30
12.	Copies of posting transfer and circular dated 27.02.2013	M&N	31-39
13.	Vakalat Nama	-----	40

THROUGH:

APPELLANT

(TAIMUR ALI KHAN)

ADVOCATE HIGH COURT

Room No. Fr 8, 4<sup>th</sup> Flour,  
Bilour plaza, Peshawar cantt:  
Cell# 0333-9390916

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

APPEAL NO. 7085 /2021

Saeed Ullah, Head Clerk/Account Clerk (BPS-14),  
Office of DHO, North Waziristan, Tribal District.

(APPELLANT)

VERSUS

1. The Secretary to Govt: of Khyber Pakhtunkhwa, Health Department.
2. The Director General Health Service, K.P.K, Peshawar.
3. The Director Health Service Merged Areas Peshawar.
4. The District Health Officer, North Waziristan Tribal District.
5. Mr. Mutabar Khan, DHQ Hospital Miranshah.

(RESPONDENTS)

-----

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 15.06.2021, WHEREBY THE APPELLANT WAS PREMATURELY TRANSFERRED FROM DHO OFFICE NORTH WAZIRISTAN TO DHQ HOSPITAL MIRANSHAH AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL WITHIN 15 DAYS AS PER POSTING TRANSFER POLICY.

PRAYER:

THAT ON ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDER DATED 15.06.2021 MAY KINDLY BE SET ASIDE TO THE EXTENT OF THE APPELLANT AND PRIVATE RESPONDENT NO.5 BEING PREMATURE AND IN THE VIOLATION OF POSTING/TRANSFER POLICY AND CIRCULAR DATED 27.12.2013. THE RESPONDENTS MAY FURTHER BE DIRECTED NOT TO TRANSFER THE APPELLANT PREMATURELY AND IN VIOLATION OF POSTING/TRANSFER POLICY AND CIRCULAR DATED 27.12.2013. ANY OTHER REMEDY WHICH THIS AUGUST

**TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.**

**RESPECTFULLY SHEWETH:**

**FACTS:**

1. That the appellant being Senior clerk (BPS-14) working as Head Clerk/Account Clerk (BPS-14) in the office of DHO North Waziristan and performing his duty with great devotion and honesty whatsoever assigned to him.
2. That the appellant was posted as Head Clerk/Accountant BPS-14 in the office of DHO North Waziristan Tribal District vide order dated 11.08.2020. **(Copy of order dated 11.08.2020 is attached as Annexure-A)**
3. That respondent No.4 passed another order dated 24.08.2020, whereby the appellant was posted as Account Clerk in the office of DHO North Waziristan Tribal District and Junior Clerk namely Amjid Saleem was directed to continue his duty as Head Clerk in the office of DHO North Waziristan Tribal District Miranshah. **(Copy of order dated 24.08.2020 is attached as Annexure-B)**
4. That just after 18-days, the order dated 24.08.2020 was suspended by relieving the appellant of his charge/duty and Amjid Saleem, who is junior clerk (BPS-11) has given the charge of Head Clerk/Account Clerk in the office of DHO North Waziristan Tribal District through an order dated 10.09.2020. **(Copy of order dated 10.09.2020 is attached as Annexure-C)**
5. That the appellant being aggrieved from the order dated 10.09.2020 filed service appeal No. 3423/2021 against the impugned transfer order dated 10.09.2020 along with the suspension application in this Honourable Service Tribunal, which was fixed for preliminary hearing on 16.03.2021. The Honourable Service Tribunal admitted the appeal of the appellant for regular hearing and also suspended the impugned order to the extent of the appellant on the date fixed i.e 16.03.2021. **(Copies of service appeal No. 3423/2021 along with suspension application and order sheet dated 16.03.2021 are attached as Annexure-D&E)**
6. That in the compliance of the suspension order dated 16.03.2021 of the Honourable KP Service Tribunal, the appellant was posted as Head Clerk/Accountant in the office of the DHO North Waziristan Vide order dated 16.04.2021. **(Copy of order dated 16.04.2021 is attached as Annexure-F)**

7. That inquiry was conducted by Provincial Inspection Team regarding illegal appointment/regularization made by Dr. Hameedullah Ex-DHO North Waziristan and on the basis of inquiry report certain recommendations along with the transfer of clerical staff working in the office of DHO, North Waziristan have given to respondent No.2 for implementation by respondent No.1 through a letter dated 22.04.2021 on which respondent No.2 passed an order dated 15.06.2021, whereby the appellant was transferred from DHO office North Waziristan to DHQ Hospital Miranshah despite the fact the appellant is working on the basis of suspension order dated 16.03.2021 of this Honourable Service Tribunal passed in service appeal No.3423/2021 and was never involved in the irregular adjustment/regularization and appointment, which was also endorsed by the respondent No.4 in his letter dated 16.06.2021 to respondent No.2 in which he clearly mentioned that the appellant is honest and obedient Govt: Servant and not involved in any concealment of office record vested interest and nor involved in any irregular adjustment/regularization and appointment. **(Copies of letter dated 22.04.2020, transfer order dated 15.06.2021 and letter dated 16.06.2021 are attached as Annexure-G,H&I)**
8. That the appellant filed departmental appeal within 7 days as per posting transfer policy through proper channel against the transfer order dated 15.06.2021, which was forwarded to competent authority on 12.07.2021, which is evident from covering letter dated 12.07.2021, but no decision has been taken on his departmental appeal within the stipulated period of time frame of 15 days as per posting transfer policy of the Provincial Government. **(Copies of departmental appeal and covering letter dated 12.07.2021 are attached as Annexure-J&K)**
9. That the appellant has no other remedy except to file the instant appeal in this Honourable Tribunal for redressal of his grievance on the following grounds amongst others.

**GROUND:-**


- A) That the impugned transfer order dated 15.06.2021 is against the law, facts, norms of justice material on record, posting transfer policy and circular dated 27.02.2013, suspension order dated 16.03.2021 passed by this Honourable Service Tribunal in service appeal No.3423/2021

therefore, not tenable and liable to be set aside to the extent of the appellant and private respondent No.5.

- B) That the appellant is working on the basis of suspension order dated 16.03.2021 granted by the Honourable KP Service Tribunal in service appeal No. 3423/2021 and his case is pending before the Honourable Tribunal, but despite that the impugned transfer order dated 15.06.2021 was passed by the respondent No.2, which is against the norms of justice and fair play.
- C) That the appellant was transferred on the basis of report of Provincial Inspection Team by conducting inquiry in the illegal appointment/regularization in the office of DHO North Waziristan, but the respondent No.4 mentioned in his letter dated 16.06.2021 that the appellant is honest and obedient Govt. Servant and not involved in any concealment of office record vested interest and nor involved in any irregular adjustment/regularization and appointment, which means that the appellant has been punished for the fault of the others by transferring him through impugned order dated 15.06.2021.
- D) That respondent No.1 wrote a letter dated 11.11.2020 to Director Anti-Corruption Establishment Khyber Pakhtunkhwa for initiation of criminal proceeding/filing of FIR against Dr. Hameed Ullah Ex-DHO North Waziristan, Dr. Israr Ul Haq Ex-DHO North Waziristan, Amjid saleem Junior, Niamat Ullah, Muhammad Alim Shah and other beneficiaries on the basis of complaint and report of inquiry committee regarding illegal appointment made by the DHO North Waziristan without fulfilling codal formalities/bogus Diploma holders, which shows that the name of the appellant was not mentioned in the letter dated 11.11.2020, but despite that the appellant has made scape goat by transferring him from DHO office North Waziristan to DHQ Hospital Miranshah. **(Copy of letter dated 11.11.2020 is attached as Annexure-L)**
- E) That the appellant was posted as Account/Head clerk on 24.08.2020, but was relived just after 18-days by suspending the order dated 24.08.2020 through order dated 10.09.2020, which was suspended by the Honourable Service Tribunal on 16.03.2021, but he was again transferred on 15.06.2021, which is clear violation of posting/transfer policy and circular dated 27.02.2013 and as such the impugned transfer dated 15.06.2021 is liable to be set aside to the extent of the appellant and private respondent No.5. **(Copies of posting transfer policy and circular dated 27.02.2013 are attached as Annexure-M&N)**

- F) That the impugned transfer order is premature as the appellant has not completed his normal tenure on his post as per posting transfer policy and premature transfer is discouraged by the superior courts in plethora of judgments and as such the impugned transfer order is liable to be set aside to the extent of the appellant and private respondent No.5 on this ground alone.
- G) That the appellant was frequently transferred in short span of one year which also shows the malafide of the respondents and due to the frequent transfer orders, the appellant did not perform his duty to best of his ability and capability.
- H) That the appellant was transfer on the basis of inquiry conducted against other officials, but no one can be transferred on the basis of complaint/ administrative ground and such like transfers are discouraged by courts in its judgments.
- I) That the appellant seeks permission of this Honorable Tribunal to advance others grounds and proofs at the time of hearing.

It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

  
**APPELLANT**  
Saeed Ullah

**THROUGH:**

  
**(TAIMUR ALI KHAN)**  
**ADVOCATE HIGH COURT**

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

SERVICE APPEAL NO. \_\_\_\_\_/2021

Saeed Ullah

V/S

Health Deptt:

**AFFIDAVIT**

I, Saeed Ullah Head Clerk/Account Clerk (BPS-14), Office of DHO, North Waziristan, Tribal District, (Appellant) do hereby affirm and declare that the contents of this service appeal are true and correct and nothing has been concealed from this Honourable Tribunal.

  
**DEPONENT**

Saeed Ullah  
(APPELLANT)

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

APPEAL NO. \_\_\_\_\_/2021

Saeed Ullah

V/S

Health Deptt:)

**APPLICATION FOR SUSPENDING THE  
OPERATION OF ORDER DATED 15.06.2021 TO  
THE EXTENT OF THE APPELLANT AND  
PRIVATE RESPONDENT NO.5 TILL THE  
DECISION OF MAIN APPEAL.**

**RESPECTFULLY SHEWETH**

1. That the appellant has filed an appeal along with this application in which no date is fixed so for.
- J) That the appellant is working on the basis of suspension order dated 16.03.2021 granted by the Honourable KP Service Tribunal in service appeal No. 3423/2021 and his case is pending for adjudication before the Honourable Tribunal, but despite that the impugned transfer order dated 15.06.2021 was passed by the respondent No.2, which is against the norms of justice and fair play.
2. That the appellant was transferred on the basis of report of Provincial Inspection Team by conducting inquiry in the illegal appointment/regularization in the office of DHO North Waziristan, but the respondent No.4 mentioned in his letter dated 16.06.2021 that the appellant is honest and obedient Govt. Servant and not involved in any concealment of office record vested interest and nor involved in any irregular adjustment/regularization and appointment, which means that the appellant has been punished for the fault of the others by transferring him through impugned order dated 15.06.2021.
3. That the impugned transfer order is premature as the appellant has not completed his normal tenure on his post as per posting transfer policy and such premature transfer is discouraged by the superior courts in



plethora of judgments and as such the impugned transfer order is liable to be suspended to the extent of the appellant and private respondent No.5 on this ground alone.

4. That the appellant was frequently transferred in short span of one year which also shows the malafide of the respondents and due to the frequent transfer orders, the appellant did not perform his duty to best of his ability and capability.
5. That the appellant has a good prima facie case and all the three ingredients are in favour of the appellant.
6. That the grounds of main appeal may also be considered as integral part of this application.

It is therefore most humbly prayed that on the acceptance of this application the operation of the order dated 15.06.2021 may be suspended to the extent of the appellant and private No.5 till the decision of main appeal.



**APPELLANT**

**THROUGH:**



**(TAIMUR ALI KHAN)  
ADVOCATE HIGH COURT**

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

SERVICE APPEAL NO. \_\_\_\_\_/2021

Saeed Ullah

V/S

Health Deptt:

.....

**AFFIDAVIT**

I, Saeed Ullah Head Clerk/Account Clerk (BPS-14), Office of DHO, North Waziristan, Tribal District, (Appellant) do hereby affirm and declare that the contents of this application are true and correct and nothing has been concealed from this Honourable Tribunal.



**DEPONENT**

Saeed Ullah  
(APPELLANT)

Amir - H

A 10

②

③

**OFFICE OF THE DISTRICT HEALTH OFFICER**  
**NORTH WAZIRISTAN TRIBAL DISTRICT MIRANSHAH**

Phone & fax 0920-300788

No 3599-3 PF -I

Miranshah

Dated

Email : dhonwtd@gmail.com

the 11 /08/2020

**OFFICE ORDER**

Mr. Saeedullah Senior Clerk BPS-14 attached to this office is hereby Posted as Head Clerk/Accountant BPS-14 in office of the District Health Officer NW TD with immediate effect in public interest.

Mr. Amjad Saleem Junior Clerk BPS-11 is hereby directed to hand over the charge of Accounts matters, and to continue his duty as DHIS / HMIS, Aids control Programme, Hepatitis Control Programme Clerk of this Office till the decision of the case in High Court Bannu branch vide W.P No.271-B/2020.

Note:- Compliance report should be submitted to this office.

Sd/-  
(DR. MUHAMMAD ISRAR-UL-HAQ)  
DISTRICT HEALTH OFFICER,  
NORTH WAZIRISTAN TD MIRANSHAH

Copy forwarded to the:

1. Director Health Services MDs Peshawar.
2. Registrar High Court Bannu Branch.
3. District Accounts Officer NW TD Miranshah
4. Accounts Pay bill clerk of this office.
5. Official concerned.

DISTRICT HEALTH OFFICER,  
NORTH WAZIRISTAN TD MIRANSHAH

Amirul Haq  
B 11

**OFFICE OF THE DISTRICT HEALTH OFFICER  
NORTH WAZIRISTAN TRIBAL DISTRICT MIRANSHAH**

Phone & fax 0920-300788

Email : dhonwtd@gmail.com

No 3834-38 PE -I

Miranshah

Dated

the 24 /08/2020

**OFFICE ORDER -**

Mr. Amjad Saleem Junior Clerk BPS-11 is hereby directed to continue his duty as Head Clerk BPS-14 of this Office till the decision of W.P No. 271-B/2020 in Peshawar High Court Bannu branch.

Mr. Saeedullah Senior Clerk BPS-14 attached to this office is hereby Posted as Account Clerk BPS-14 in the office of District Health Officer NW TD with immediate effect in public interest.

Note:- Compliance report should be submitted to this office.

Sd/-

(DR. MUHAMMAD ISRAR-UL-HAQ)  
DISTRICT HEALTH OFFICER,  
NORTH WAZIRISTAN TD MIRANSHAH

Copy forwarded to the:

1. Director Health Services MDs Peshawar.
2. Registrar Peshawar High Court Bannu Branch.
3. District Accounts Officer NW TD Miranshah
4. Accounts Pay bill clerk of this office.
5. Official concerned.

  
DISTRICT HEALTH OFFICER,  
NORTH WAZIRISTAN TD MIRANSHAH

OFFICE OF THE DISTRICT HEALTH OFFICER TRIBAL DISTRICT NORTH  
WAZIRISTAN

Phone & Fax: 0928300788-311862 email:agencyurgeonwa@gmail.com

No. 42-36-40 IPF-1-A

Miranshah Dated 10/09/2020.

OFFICE ORDER

Mr Amjad Saleem Junior Clerk BPS-11 is hereby given the charge of Head/Account Clerk of the office of District Health Officer North Waziristan Tribal District in best public interest keeping in view of his good track record and performance.

This office order bearing No.3834-38/PF-I dated 24/08/2020 is hereby superseded with this office order by relieving Mr. Saeedullah Senior Clerk of the charge/duty.

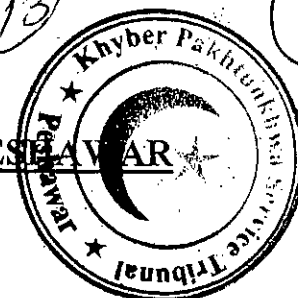
(Dr. Muhammad Israr Ul Haq)  
District Health Officer  
North Waziristan Tribal District

Copy forwarded to:-

1. Director Health, Service, Merged Area Peshawar.
2. Director HR, DG Health Govt of KPK Peshawar.
3. District Account Officer North Waziristan at Miranshah.
4. PS to DG Health Govt of KPK Peshawar.
5. Official concerned/office file.

District Health Officer  
North Waziristan Tribal District

BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR



APPEAL NO. 3423 /2021

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 3503

Saeed Ullah, Head Clerk/Account Clerk (BPS-14),  
Office of DHO, North Waziristan, Tribal District Miranshah.

Dated 11/3/2021

(APPELLANT)

VERSUS

1. The Secretary to Govt. of Khyber Pakhtunkhwa, Health Department.
2. The Director General Health Service, Khyber Pakhtunkhwa, Peshawar.
3. The Director Health Services Merged Areas Peshawar.
4. The District Health Officer, North Waziristan Tribal District Miranshah.
5. Mr. Amjad Saleem, Junior Clerk, DHO Office North Waziristan, Tribal District Miranshah.

(RESPONDENTS)

Filed to-day

Registrar

11/03/2021

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 10.09.2020 WHEREBY THE ORDER DATED 24.08.2020 WAS SUSPENDED AND THE APPELLANT WAS PREMATURELY RELIEVED/TRANSFERRED FROM THE POST OF ACCOUNT CLERK, AND AGAINST NOT TAKING ANY ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF 90 DAYS.

PRAYER:

Re-submitted to -day  
and filed.

Registrar

11/3/2021

THAT ON ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDER DATED 10.09.2020 MAY KINDLY BE SET-ASIDE BEING PREMATURE AND THE RESPONDENTS MAY FURTHER BE DIRECTED TO RESTORE THE ORDER DATED 24.08.2020 TO THE EXTENT OF THE APPELLANT

ATTESTED  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar


(70) (14)

ON THE POST OF HEAD CLERK (BPS-14) BEING JUNIOR CLERK (BPS-11). ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF THE APPELLANT.

**RESPECTFULLY SHEWETH:**

**FACTS:**

1. That the appellant being Senior clerk (BPS-14) working as Head Clerk/Account Clerk (BPS-14) in the respondent department and performing his duty with great devotion and honesty whatsoever assigned to him which is evident from the Service Certificates and letter issued by the Competent Authority from time to time in respect of appellant. **(Copy of Service Certificate and Letters are attached as Annexure - "A" & "B")**.
2. That the Private Respondent No. 5 who is Junior Clerk (BPS-11), but working on the post of Head Clerk/Accounts Clerk (BPS-14) was relieved from the post of Head Clerk/Accounts Clerk on administrative ground on 24.02.2020 and suspended on account of misconduct and non-compliance of order dated 24.02.2020 and inquiry was initiated against him through order dated 13.03.2020, however, the order dated 24.02.2020 was challenged by private respondent No.5 in the Honorable Peshawar High Court, Bannu Bench in W.P No. 271-B/2020. **(Copy of Order dated 24.02.2020 and 13.03.2020 are attached as Annexure - "C" & "D")**.
3. That the appellant being Senior Clerk (BPS-14) was posted as Head Clerk/Accountant (BPS-14) in the office of DHO North Waziristan Tribal District, while private respondent No. 5 was directed to hand over the charge of accounts matters and to continue his duty as DHMIS/HMIS, AIDS Control Programme, Hepatitis Control Programme of this office till the decision of case in High Court Bannu Bench vide writ petition No. 271-B/2020 vide order dated 11.08.2020 and in this respect direction was also given by the Competent Authority to the Respondent No. 5 to hand over the charge of account matters to the appellant through letter dated 13.08.2020. **(Copy of Order dated 11.08.2020 & Letter dated 13.08.2020 are attached as Annexure - "E" & "F")**.
4. That through an order dated 20.08.2020, the order dated 11.08.2020 was withdrawn and passed an other order dated 24.08.2020, whereby the appellant was posted as Account Clerk in the office of DHO North Waziristan Tribal District Miranshah and private respondent No. 5

**ATTESTED**  
  
**EXAMINER**  
Abdul Pakhtunkhwa  
Service Tribunal  
Peshawar

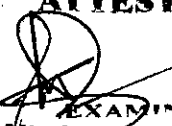
(3) (15)

was directed to continue his duty as Head Clerk BPS-14 in the office of DHO North Waziristan Tribal District Miranshah till the decision of writ petition No. 271-B/2020 in Peshawar High Court, Bannu Bench. (Copy of Order dated 20.08.2020 and 24.08.2020 are attached as Annexure - "G" & "H").

5. That astonishingly just after 18-days, the order dated 24.08.2020 was suspended by relieving the appellant of his charge/duty and private respondent No. 5 who is junior clerk (BPS-11) has given the charge of Head Clerk/Account Clerk in the office of DHO North Waziristan Tribal District through order dated 10.09.2020. (Copy of Order dated 10.09.2020 is attached as Annexure - "I").
6. That the appellant being aggrieved from the order dated 10.09.2020 filed writ petition No. 936-B/2020 in the Honorable Peshawar High Court Bannu Bench. The writ petition No. 936-B/2020 of the appellant and the writ petition No. 271-B/2020 of private respondent No. 5 were decided on same day i.e 24.11.2020 in which the Honorable Court dismissed the writ petition of the appellant on the basis of jurisdiction being not maintainable under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973, however the appellant/petitioner has given liberty to approach the proper and competent forum in this respect, while the writ petition of the private respondent No. 5 was dismissed on the basis of merit. (Copy of Judgment in W.P. No.936-B/2020 and W.P. No. 271-B/2020 are attached as Annexure-"J" & "K").
7. That after the decision of Honorable Peshawar High Court Bannu Bench, the appellant filed departmental appeal on 07.12.2020 which is not responded within the statutory period 90-days. (Copy of Departmental Appeal is attached as Annexure - "L").
8. That now the appellant comes to this Honourable Tribunal for redressal of his grievances on the following grounds amongst others.

**GROUND:-**

- A) That the impugned order dated 10.09.2020 and not taking any action on the department appeal are against the law, facts, norms of justice material on record, posting transfer policy and circular dated 27.02.2013, therefore, not tenable and liable to be set aside.
- B) That the appellant was relived/transfer just after 18-days by suspending the order dated 24.08.2020 through order dated 10.09.2020, which is clear violation of posting/transfer policy and

**ATTESTED**  
  
**EXAMINER**  
**Khyber Pakhtunkhwa**  
**Service Tribunal**  
**Peshawar**




9

16

circular dated 27.02.2013 are attached as Annexure - "M" & "N").

- C) That the private respondent No. 5 is Junior Clerk (BPS-11), but despite that he was posted on the post of BPS-14 (Head Clerk/Account Clerk), while the appellant is senior clerk BPS-14 but he was relieved from the post of Account Clerk (BPS-14) just after 18-days by suspending the order dated 24.08.2020 through impugned order dated 10.09.2020 to adjust the blue eyed person, which is clear violation of the Superior Court Judgment and as such the impugned order is liable to be set-aside on this ground alone.
- D) That the Honorable Peshawar High Court Bannu Bench has dismissed the case of private respondent No. 5 on the basis of merit and in this respect respondent No. 2 wrote a letter dated 06.01.2021 to Respondent No. 4 to implement the Writ Petition No. 936-B/2020 and 271-B/2020, but despite that private respondent No. 5 has not relinquished the charge despite the dismissal of his case by the Honorable Peshawar High Court, Bannu Bench, which shows the arrogant attitude of respondent No. 5 by not obeying the order of Honourable Peshawar High Court, Bannu Bench as well as his superiors. Copy of letter dated 06.01.2021 is attached as Annexure-O.
- E) That the writ petition No. 936-B/2020 of the appellant was not dismissed on the ground of merit but dismiss on the ground of jurisdiction/maintainability with liberty to the appellant to approach the proper and competent forum and the appellant has come this Honourable Tribunal against premature and illegal order, which is liable to be set aside being premature and passed in violation of posting transfer policy and circular dated 27.02.2013 and superior Court judgments.
- F) That the appellant is senior clerk (BPS-14) and was relived from the post BPS-14 (Head Clerk/account Clerk) by suspending the order dated 24.08.2020 through impugned order dated 10.09.2020, while private respondent who was junior clerk (BPS-11) was adjusted on the post of Head Clerk (BPS-14), which is not permissible under the law and rules.
- G) The impugned order is premature as the appellant has relieved/transferred just after 18 days, which is clear violation of transfer posting policy and circular dated 27.02.2013.

**ATTESTED**

  
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

(8) (17)

H) That the appellant is subject to frequent transfer orders which also shows the malafide of the respondents and due to the frequent transfer orders, the appellant did not perform his duty to best of his ability and capability.

I) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.

*Amir*  
APPELLANT

THROUGH:

*Amir Jafar*  
(M. ASIF YOUSAFZAI)

ADVOCATE SUPREME COURT OF PAKISTAN

(SYED NOMAN ALI BUKHARI)  
ADVOCATE HIGH COURT,

*Taimur Ali Khan*  
(TAIMUR ALI KHAN)  
ADVOCATE HIGH COURT

*Asad Mehmood*  
(ASAD MEHMOOD)  
ADVOCATE HIGH COURT,

(SHAHKAR KHAN YOUSAFZAI)  
ADVOCATE PESHAWAR

**Certified to be true copy**

**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation of Application 27/7/21  
Number of Words 2800  
Copying Fee 30/-  
Urgent 4/-  
Total 34/-  
Name of Copyist \_\_\_\_\_  
Date of Completion of Copy 27/7/21  
Date of Delivery of Copy 27/7/21

(18)

**BEFORE THE KP SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. \_\_\_\_\_/2021

Saeed Ullah

V/S


Health Deptt. & others.

**APPLICATION FOR SUSPENDING THE  
OPERATION OF ORDER DATED 10.09.2020 TO  
THE EXTENT OF THE APPELLANT TILL THE  
DECISION OF MAIN APPEAL.**

**RESPECTFULLY SHEWETH**

1. That the appellant has filed an appeal along with this application in which no date is fixed so far.
2. That the appellant is senior clerk (BPS-14) and was relieved from the post BPS-14 (Head Clerk/account Clerk) by suspending the order dated 24.08.2020 through impugned order dated 10.09.2020, while private respondent who was junior clerk (BPS-11) was adjusted on the post of Head Clerk (BPS-14), which is not permissible under the law and rules.
3. The impugned transfer order is premature as the appellant has relieved/transferred just after 18 days, which is clear violation of transfer posting policy and circular dated 27.02.2013.
4. That the appellant is subject to frequent transfer orders which also shows the malafide of the respondents and due to the frequent transfer orders, the appellant did not perform his duty to best of his ability and capability.
5. That the grounds of main appeal may also be considered as integral part of this application.
6. That the appellant has a good prima facie case and all the three ingredients are in favour of the appellant.

**ATTESTED**

  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

It is, therefore, most humbly prayed that on the acceptance of this application the operation of the order dated 10.09.2020 may be suspended to the extent of the appellant as private respondent No.5 who is not eligible to the post of Head Clerk/ Account Clerk (BPS-14) being Junior Clerk (BPS-11) till the decision of main appeal.

**APPELLANT**

**THROUGH:**

*M. Asif Yousafzai*

**(M. ASIF YOUSAFZAI)**

**ADVOCATE SUPREME COURT OF PAKISTAN**

**(SYED NOMAN ALI BUKHARI)**  
**ADVOCATE HIGH COURT,**

**(TAIMUR ALI KHAN)**  
**ADVOCATE HIGH COURT,**

**(ASAD MEHMOOD)**  
**ADVOCATE HIGH COURT,**

**(SHAHKAR KHAN YOUSAFZAI)**  
**ADVOCATE PESHAWAR.**

**AFFIDAVIT**

It is affirmed and declared that the contents of the application are true and correct to the best of my knowledge and belief.

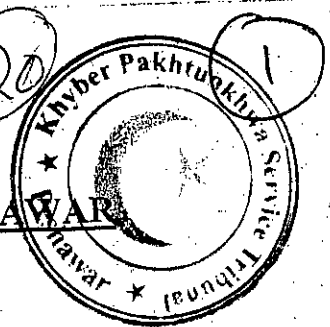
*[Signature]*  
**DEPONENT**

**ATTESTED**

**Certified to be true copy**  
**EXAMINER**  
**Khyber Pakhtunkhwa**  
**Service Tribunal**  
**Peshawar**

**AZMAT ALI ADVOGATE**  
**Notary Public**  
**Judicial Commission Peshawar**  
*[Signature]*  
**12-3-2021**

BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR



APPEAL NO. 3423 /2021

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 3503

Dated 11/3/2021

Saeed Ullah, Head Clerk/Account Clerk (BPS-14),  
Office of DHO, North Waziristan, Tribal District Miranshah.

(APPELLANT)

VERSUS

1. The Secretary to Govt. of Khyber Pakhtunkhwa, Health Department.
2. The Director General Health Service, Khyber Pakhtunkhwa, Peshawar.
3. The Director Health Services Merged Areas Peshawar.
4. The District Health Officer, North Waziristan Tribal District Miranshah.
5. Mr. Amjad Saleem, Junior Clerk, DHO Office North Waziristan, Tribal District Miranshah.

(RESPONDENTS)

Filed to-day

Registrar

11/03/2021

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 10.09.2020 WHEREBY THE ORDER DATED 24.08.2020 WAS SUSPENDED AND THE APPELLANT WAS PREMATURELY RELIEVED/TRANSFERRED FROM THE POST OF ACCOUNT CLERK AND AGAINST NOT TAKING ANY ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF 90 DAYS.

PRAYER:

Re-submitted to-day  
and filed.

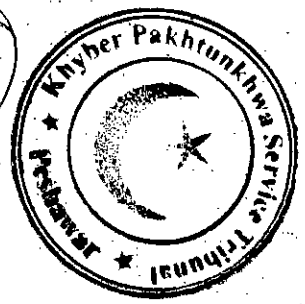
Registrar

11/3/2021

THAT ON ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDER DATED 10.09.2020 MAY KINDLY BE SET-ASIDE BEING PREMATURE AND THE RESPONDENTS MAY FURTHER BE DIRECTED TO RESTORE THE ORDER DATED 24.08.2020 TO THE EXTENT OF THE APPELLANT

ATTESTED  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

21



16.03.2021


Counsel for the appellant present.

It is the contention of learned counsel that the appellant was retransferred only after spending a period of 18 days through order dated 24.08.2020. The later order was issued on 10.09.2020 in blatant disregard of transfer/posting policy of Provincial Government and for no good reason.

In view of available record and submissions by learned counsel, instant appeal merits admission for regular hearing. Order accordingly. The appellant is required to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 02.04.2021 before S.B.

An application for suspension of operation of impugned order dated 10.09.2020 has also been submitted alongwith the appeal. Notice of the application be also given to the respondents for the date fixed. Till then the operation of impugned order, to the extent of appellant, shall remain suspended if not acted upon already.

  
Chairman

**ATTESTED**  
  
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

(22)

F

**OFFICE OF THE DISTRICT HEALTH OFFICER  
NORTH WAZIRISTAN TRIBAL DISTRICT MIRANSHAH**

Phone & fax 0920-300788

Email : dhonwtd@gmail.com

No. 4983-88 PF-I Miranshah

Dated the 16 /04/2021

**OFFICE ORDER**

In the light of Khyber Pakhtunkhwa Service Tribunal Peshawar decision dated 16.03.2021 vide w.p No.3423/2021, Mr. Saeedullah Senior Clerk BPS-14 attached to this office is hereby posted as Accountant / Head Clerk BPS-14 against the vacant post in the office of the Undersigned with immediate effect in public interest.

Note:- Compliance report should be submitted to this office for record.

Sd/-  
**DISTRICT HEALTH OFFICER,  
NORTH WAZIRISTAN TD MIRANSHAH**

Copy forwarded to the:

1. Registrar Service Tribunal KPK Peshawar.
2. PS to Secretary Health Govt. of KPK Peshawar.
3. Director General Health Services KPK Peshawar.
4. Deputy Commissioner North Waziristan TD Miranshah
5. District Accounts Officer NW TD Miranshah
6. Official concerned.

  
**DISTRICT HEALTH OFFICER,  
NORTH WAZIRISTAN TD MIRANSHAH**



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

NO. SOH(E-V)4-4/2021/Inquiry Report  
Dated Peshawar the April 22<sup>nd</sup>, 2021

To,  
The Director General Health Services,  
Khyber Pakhtunkhwa,  
Peshawar

Subject: REQUEST FOR INQUIRY AGAINST DHO NORTH WAZIRISTAN

Dear Sir,

I am directed to refer to the subject noted above and state that the Establishment & Admin Department (Regulation Wing) has submitted Inquiry Report of Khyber Pakhtunkhwa Provincial Inspection Team regarding illegal appointment/regularization made by Dr. Hameedullah, Ex-DHO North Waziristan. The following recommendations may be implemented:-

1. Cancel/ withdraw all the irregular adjustments/ regularizations and appointment of the employees during the tenure of Dr. Hameedullah and Dr. Israr ul Haq, Ex-DHO, North Waziristan as indicated in the inquiry report.
2. The credentials/ antecedents of all the employees working under the administrative control of DHO, North Waziristan may be verified from the concerned Boards/ Universitites/ Faculties under the prevailing rules.
3. The clerical staff working in the office of DHO, North Waziristan were found involved in concealment of the office record for their vested interest, therefore, they may be transferred out of District of North Waziristan and must never be posted in North Waziristan in future.

I am, further directed to state that the above mentioned recommendations may be implemented under intimation to this Department, please.

Yours faithfully,

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

IMPORTANT/URGENT

OFFICE OF THE DIRECTORATE GENERAL HEALTH KPK PESHAWAR

No. 7047-50/E.I

Dated: 06/05/2021

Copy of the above is forwarded to the:-

1. Deputy Director Paramedics DGHS Office Khyber Pakhtunkhwa, Peshawar.
2. AD/In-charge (Personnel Section) DGHS KP, Office.
3. The District Health officer North Waziristan Merged District at Miranshah.

For information and immediate necessary action.

*A. Saleem*





# DIRECTORATE GENERAL HEALTH SERVICES KHYBER PAKHTUN KHW PESHAWAR

## OFFICE ORDER

On the recommendation of Khyber Pakhtunkhwa Provincial Inspection Team enquiry report regarding illegal appointments in DHO Office North Waziristan Miranshah vide Govt. of KP Health Department letter No. SOH(E-V)4-4/2021/Inquiry Report dated 22.04.2021 the following posting/ transfer of Ministerial Staff are hereby ordered with immediate effect:-

S.No	Name of Officials	From	To	Remarks
1.	Saeed Ullah Senior Clerk	DHO North Waziristan	DHQ Hospital Miranshah	Vice S.No.4
2.	Muhammad Halder Ali Senior Clerk	DHO North Waziristan	DHO Kohat	Against the vacant post
3.	Muhammad Ilyas Senior Clerk	DHO North Waziristan	DHO South Waziristan	Against the vacant post
4.	Mutabar Khan Senior Clerk	DHQ Hospital Miranshah	DHO North Waziristan	Vice S.No.3
5.	Syed Muhammad Junior Clerk	DHO North Waziristan	DHQ Hospital Miranshah	Vice S.No.6
6.	Mr. Aman Ullah Junior Clerk	DHQ Hospital Miranshah	DHO North Waziristan	Vice S.No.5
7.	Gul Badshah Junior Clerk	DHO North Waziristan	DHQ Hospital Miranshah	Vice S.No.14
8.	Muhammad Usman Junior Clerk	DHO North Waziristan	DHQ Hospital Miranshah	Vice S.No.9
9.	Mr. Zahid Saeed Junior Clerk	DHQ Hospital Miranshah	DHO North Waziristan	Vice S.No.8
10.	Muhammad Anjad Junior Clerk	DHO North Waziristan	DHQ Hospital Miranshah	Vice S.No.11
11.	Gohar Rehman Junior Clerk	DHQ Hospital Miranshah	DHO North Waziristan	Vice S.No.10
12.	Safdar Ali Junior Clerk	DHO North Waziristan	DHQ Hospital Miranshah	Vice S.No.15
13.	Muhammad Niaz Junior Clerk	DHO North Waziristan	DHQ Hospital Miranshah	Vice S.No.16
14.	Mr. Aftab Islam Junior Clerk	DHQ Hospital Miranshah	DHO North Waziristan	Vice S.No.7
15.	Mr. Abdul Ali Junior Clerk	DHQ Hospital Miranshah	DHO North Waziristan	Vice S.No.12
16.	Mr. Jamil Ahmad Junior Clerk	DHQ Hospital Miranshah	DHO North Waziristan	Vice S.No.13
17.	Gul Behram Accountant	DHO North Waziristan	DHO Office South Waziristan	DHO should relieve his substitute
18.	Muhammad Mukhtar Computer Operator	DHO North Waziristan	DHQ Hospital Miranshah	Vice S.No.19
19.	Altaf Afzal Computer Operator	DHQ Hospital Miranshah	DHO North Waziristan	Vice S.No.18
20.	Mansoor Ahmad Accountant	DHO North Waziristan	DHO Kurram	DHO should relieve his substitute

NB: Arrival/ departure report should be submitted to this Office for record.

Sd/xxxxxx  
DIRECTOR GENERAL HEALTH  
SERVICES, K.P.K PESHAWAR.  
Dated 15/6/2021

No. 3659-86 /Personnel

Copy forwarded to the:-

1. DHO North Waziristan.
2. DHO South Waziristan.
3. DHO Kohat.
4. MS-DHQ Hospital Miranshah.
5. Section Officer (VI) Govt. of KP Health Department Peshawar.
6. PA to DGHS, Khyber Pakhtunkhwa.
7. Assistant Director (Ministerial) DGHS, KP Peshawar.
8. Officials concerned.

For information and necessary action.

DIRECTOR GENERAL HEALTH  
SERVICES, K.P PESHAWAR.

11/06/2021

I 25

**OFFICE OF THE DISTRICT HEALTH OFFICER**  
**NORTH WAZIRISTAN TRIBAL DISTRICT MIRANSHAH**

Phone & fax 0920-300788

Email : dhonwtd@gmail.com

No \_\_\_\_\_ /PF/DHO/NWTD

Miranshah

Dated the 16/06/2021

\*\*\*\*\*

To,  
The Director General Health Services,  
KPK Peshawar.

SUBJECT: - POSTING OF MR.SAEEDULLAH SENIOR CLERK , THROUGH HONOURABLE SERVICE TRIBUNAL N KPK PESHAWAR VIDE ORDER DATED 16.03.2021.

Dear Sir,

Reference your office order NO.3659-86 /Personnel dated 15.06.2021.

It is stated that Mr. Saeedullah Senior Clerk working as Head Clerk/Accounts Clerk on the light of Service tribunal KPK Peshawar vide order dated 16.03.2021 copy attached for ready reference and this office order NO.9983-88/ PF-I dated 16.04.2021. Now he transferred to DHQ Hospital Miranshah vide your office order cited above, further-more there is no competent senior clerk to hand over the office work which is already overloaded, and he is honest and obedient Govt; servant and not involved in any concealment of office record vested interest and nor involved in any irregular adjustment / regularization and appointment and have good moral character, and needs to continue his service in the office of the undersigned, as belated stage of closing financial year upto 30, June 2021.

There-fore you are requested to re-consider his transfer order and allowed him to continue his service in DHO Office NW TD in light of the above mentioned facts in public interest

Encl:- 03

For information and necessary action please!

  
DISTRICT HEALTH OFFICER,  
NORTH WAZIRISTAN TD MIRANSHAH

11757-60  
Copy forwarded to the:-

1. Registrar Service Tribunal KPK Peshawar.
2. PS to Secretary Health Govt: of Khyber Pakhtunkhwa Peshawar.
3. District Accounts Officer NW TD Miranshah.
4. Mr. Saeedullah Senior Clerk /Head Clerk of this office to continue his service till further order.

  
DISTRICT HEALTH OFFICER,  
NORTH WAZIRISTAN TD MIRANSHAH

1/24

To

The Worth Secretary Health,  
Khyber Pakhtunkhwa, Peshawar.

Through proper channel

**SUBJECT: DEPARTMENTAL APPEAL AGAINST THE ORDER  
DATED 15.06.2021 WHEREBY THE APPELLANT  
WAS TRANSFERRED FROM DHO OFFICE MIRAN  
SHAH DISTRICT NORTH WAZIRISTAN TO  
DHO HOSPITAL MIRAN SHAH.**

RESPECTED SIR,

1. That the appellánt being Senior clerk (BPS-14) working as Head Clerk/Account Clerk (BPS-14) in the respondent department and performing his duty with great devotion and honesty whatsoever assigned to him which is evident from the Service Certificates and letter issued by the Competent Authority from time to time in respect of appellánt.
2. That the appellánt was posted as Head Clerk/Accountant BPS-14 in the office of DHO North Waziristan Tribal District vide order dated 11.08.2020. (Copy of order dated 11.08.2020 is attached as Annexure-A)
3. That through an order dated 20.08.2020, the order dated 11.08.2020 was withdrawn and passed an other order dated 24.08.2020, whereby the appellánt was posted as Account Clerk in the office of DHO North Waziristan Tribal District Miranshah and Amjid Saleem was directed to continue his duty as Head Clerk BPS-14 in the office of DHO North Waziristan Tribal District Miranshah.
4. That astonishingly just after 18-days, the order dated 24.08.2020 was suspended by relieving the appellánt of his charge/duty and Amjid Saleem, who is junior clerk (BPS-11) has given the charge of Head Clerk/Account Clerk in the office of DHO North Waziristan Tribal District through order dated 10.09.2020.
5. That the appellánt being aggrieved from the order dated 10.09.2020 filed service appeal No. 3423/2021 against the impugned transfer

order dated 10.09.2020 along with the suspension application in Honourable Service Tribunal, which was fixed for preliminary on 16.03.2021. The Honourable Service Tribunal admitted the appeal of the appellant for regular hearing and also suspended the impugned order to the extent of the appellant on the date fixed i.e 16.03.2021. (

6. That in the compliance of the suspension order dated 18.03.2021 of the Honourable KP Service Tribunal, the appellant was posted as Head Clerk/Accountant in the office of the DHO Miran Shah Vide order dated 16.0.2021.
7. That compliant was filed to Director Anti-Corruption Establishment Khyber Pakhtunkhwa against Dr. Hameed Ullah Ex-DHO North Waziristan, Dr. Israr Ul Haq Ex-DHO North Waziristan, Amjid saleem Junior, Niamat Ullah, Muhammad Alam and other beneficiaries on the basis of illegal appointment in the office of DHO Miran Shah by the Health Department on which inquiry was conducted by Khyber Pakhtunkhwa Provincial Inspection Team in which different recommendation have given along with the transfer of clerical staff in the office on which Worthy DG Health service Honourable passed an order dated 15.06.2021, whereby the appellant was transferred from DHO office North Waziristan to DHQ Hospital Miran Shah despite the fact the appellant is working on the basis of suspension order dated 10.09.2020 by Honourable service Tribunal, and was never involved in the illegal appointment, which was also endorsed by the DHO Miran Shah in his letter dated 16.06.2021 to DG Health service KP, Peshawar. **(Documents are attached as reference)**
8. That now the appellant wants to file departmental appeal against the impugned transfer dated 15.06.2021 on the following grounds.

**GROUND:-**

- A) That the impugned transfer order dated 15.06.2021 is against the law, facts, norms of justice material on record, posting transfer policy and circular dated 27.02.2013, suspension order dated 16.03.2021 passed by Honourable Service Tribunal in service appeal No.3423/2021 therefore, not tenable and liable to be set aside to the extent of the appellant.
- B) That the appellant is working on the basis of suspension order dated 18.03.2021 granted by the Honourable KP Service Tribunal in service appeal No. 3423/2021, and his case is still subjudice before the

Honourable Tribunal, but despite that the impugned transfer order dated 15.06.2021 was passed by the worthy KP DG Health Services, which is violation of Tribunal order dated 18.03.2021 and amount to contempt of Court/Tribunal.

- C) That the appellant was transferred on the basis of report of Provincial Inspection Team by conducting inquiry in the illegal appointment in the office of DHO Miran Shah against Dr. Hameed Ullah Ex-DHO North Waziristan, Dr. Israr Ul Haq Ex-DHO North Waziristan, Amjid saleem Junior, Niamat Ullah, Muhammad Alam and other beneficiaries by the Health Department, but the concerned DHO mentioned in his letter dated 16.06.2021 that the appellant was never involved in the illegal appointment in the office of DHO Miran Shah which means that the appellant has been punished, for the fault of the others by transferring him through impugned order dated 15.06.2021.
- D) That the appellant was posted as Account/Head clerk on 24.08.2020, but was relived just after 18-days by suspending the order dated 24.08.2020 through order dated 10.09.2020, which was suspended by the Honourable Service Tribunal on 18.03.2021, but he was again transferred on 15.06.2021 which is clear violation of posting/transfer policy and circular dated 27.02.2013 and as such the impugned transfer dated 15.06.2021 is liable to be set aside to the extent of the appellant.
- E) That the appellant was frequently transferred in short span of one year due to which he is unable to perform his duty with best of his ability and capability.

It is, therefore most humbly requested that on acceptance of this departmental appeal, the impugned transfer order 15.06.2021 may kindly be set aside to the extent of the appellant and allowed him to continue on his post in the office of DHO Miran Shah till to complete his normal tenure in the office of DHO Miran Shah.

Dated: 21/07/2021

APPELLANT

Saeed Ullah, Senior Clerk  
Office of DHO, Miran Shah  
District North Waziristan

K (29)

**OFFICE OF THE DISTRICT HEALTH OFFICER  
NORTH WAZIRISTAN TRIBAL DISTRICT MIRANSHAH**

Phone & fax: 0920-300788

No. 12560 /Personal

Miranshah

Email: dhonwid@gmail.com

Dated: the 25 /07/2021

To: The Secretary Health Govt. of Khyber Pakhtunkhwa,  
Peshawar.

**SUBJECT: DEPARTMENTAL APPEAL OF MR. SAEEDULLAH SENIOR CLERK  
AGAINST THE ORDER DATED 15.06.2021, WHEREIN HE WAS  
TRANSFERRED FROM DHO N.W. TD TO DHQ HOSPITAL  
MIRANSHAH.**

Memo:-

It is stated that Mr. Saeedullah Senior Clerk is working as Head  
Accounts Clerk in the office of DHO North Waziristan. He was transferred from DHO  
North Waziristan to DHQ Hospital Miranshah through an order dated 15-06-2021. Now  
he was filed departmental appeal against the order dated 15-06-2021.

The departmental appeal of Mr. Saeedullah Senior Clerk is submitted  
for further necessary action please.

  
DISTRICT HEALTH OFFICER,  
NORTH WAZIRISTAN TD MIRANSHAH

**OFFICE OF THE DISTRICT HEALTH OFFICER  
NORTH WAZIRISTAN TRIBAL DISTRICT MIRANSHAH**

Phone & Fax 0920-300788

Email: [dhonwtd@gmail.com](mailto:dhonwtd@gmail.com)

No. 12560/Personal

Miranshah

Dated the 12/07/2021

To,

The Secretary Health Govt of Khyber Pakhtunkhwa  
Peshawar

Subject: **DEPARTMENTAL APPEAL OF MR. SAEEDULLAH  
SENIOR CLERK AGAINST THE ORDER DATED  
15.06.2021, WHEREIN HE WAS TRANSFERRED FROM  
DHO N.W T DHQ HOSPITAL MIRANSHA.**

Memo:

It is stated that Mr. Saeedullah Senior Clerk is working as Head / Accounts Clerk in the office of DHO North Waziristan. He was transferred from DHO North Waziristan to DHQ Hospital Miranshah through an order dated 15.06.2021. Now he was filed departmental appeal against the order dated 15.06.2021.

The departmental appeal of Mr. Saeedullah Senior Clerk is submitted for further necessary action please.

SD/-  
**DISTRICT HEALTH OFFICER  
NORTH WAZIRISTAN TO MIRANSHAH**



## HEALTH DEPARTMENT

NO. SOH(E-V)/9-B/2020/DHO NWTD

Dated Peshawar the November 11, 2020

L (30)

The Director,  
Anti-Corruption Establishment,  
Khyber Pakhtunkhwa

**COMPLAINT AGAINST ILLEGAL APPOINTMENTS MADE BY DHO  
NORTH WAZIRISTAN WITHOUT FULFILLING CODAL FORMALITIES/  
FUGUS DIPLOMA HOLDERS**

I am directed to refer to the above noted subject and to say that the  
competent Authority has directed to refer the case (The subject complaint and report of  
enquiry Committee, containing Volume-I & II with 733 pages) to Anti-Corruption  
Establishment, Khyber Pakhtunkhwa for initiation of criminal proceedings/ filing of FIR  
immediately against the following in terms of Rule 4(2) and Rule-9 of Khyber  
Pakhtunkhwa Anti-corruption Establishment Rules:-

- i. Dr. Hameed Ullah, Ex-DHO North Waziristan (now waiting for posting).
- ii. Dr. Israr Ul Haq, Ex-DHO North Waziristan (now waiting for posting).
- iii. Mr. Anjad Saleem, Jr. Clerk/ Head Clerk office of the DHO North Waziristan.
- iv. Mr. Nimat Ullah S/O Khan Marjan, Muhammad Aflm Shah S/O Muhammad Kaleem Shah and others beneficiaries.

Yours faithfully,

  
Section Officer (E.V)

**No. & Date Even**

to the:-

1. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
2. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
3. Deputy Commissioner, North Waziristan Tribal District, with the direction to take into custody all the appointments/ official record from Anjad Saleem, Jr. Clerk office of the DHO North Waziristan Tribal District with an affidavit that the record is complete and not a single official document is in his custody.
4. PSO to Chief Secretary, Khyber Pakhtunkhwa.
5. PS to Secretary to Government of Khyber Pakhtunkhwa, Health Department.
6. P.S to Secretary Health.



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT  
NO. SOH(E-V)/8-8/2020/DHQ NWTD  
Dated Peshawar the November 11, 2020

The Director,  
Anti-Corruption Establishment,  
Khyber Pakhtunkhwa.

Subject: **COMPLAINT AGAINST ILLEGAL APPOINTMENTS  
MADE BY DHQ NORTH WAZIRISTAN WITHOUT  
FULFILLING CODAL FORMULATION BOGUS  
DIMPLOA HOLDERS.**

**Sir,**

I am directed to refer to the above noted subject and to say that the competent authority has directed to refer the case (The subject complain and report of inquiry committee, containing Volume-I & II with 733 pages) to Anti-Corruption Estabishment, Khyber Pakhtunkhwa for intiation of criminal proceedings / filling of FIR (sic) against the following in terms of Rule 4 (2) and Rule-9 of Khyber Pakhtunkhwa Anti-Corruption Establishment Rules: -

- i. Dr. Hameed Ullah, EX-DHQ North Waziristan (now waiting for posting).
- ii. Dr. Israr ul Haq, EX-DHO North Waziristan (now waiting for posting).
- iii. Mr. Amjad Saleem, Jr. Clerk / Head Clerk office of the DHO North Waziristan.
- iv. Mr. Nimat Ullah S/o Khan Marjan, Muhammad Alim Shah S/o Muhammad Kaleem Shah and others beneficiaries.

Yours faithfully

Sd/-

Section Officer (E-V)

**Endst NO and Date Even**

Copy to the: -

1. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
2. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
3. Deputy Commissioner, North Waziristan Tribal District, with the direction to take into custody all the appointment / official record from Amjad Saleem Jr. Clerk Office of the DHO North Waziristan Tribal District with an affidavit that the record is complete and not a single official document is in his custody.
4. PSO to Chief Secretary, Khyber Pakhtunkhwa.
5. PS to Secretary to Government of Khyber Pakhtunkhwa, Establishment Department
6. P. S to Secretary Health.



**GOVERNMENT OF NWFP  
ESTABLISHMENT & ADMINISTRATION  
DEPARTMENT  
(Regulation Wing)**

**POSTING / TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT**

- i) All the posting/transfers shall be strictly in public interest and shall not be abused/misused to victimize the Government servants
- ii) All Government servants are prohibited to exert political, Administrative or any other pressures upon the posting/transfer authorities for seeking posting/transfers of their choice and against the public interest.
- iii) All contract Government employees appointed against specific posts, can not be posted against any other post.
- iv) The normal tenure of posting shall be three years subject to the condition that for the officers/officials posted in unattractive areas the tenure shall be two years and for the hard areas the tenure shall be one year. The unattractive and hard areas will be notified by the Government.
- v) {
- vi) While making postings/transfer from settled areas to FATA and vice-versa, specific approval of Governor, NWFP needs to be obtained

<sup>2</sup>While making postings/transfers of officers/officials up to BS-17, from settled areas to FATA and vice-versa approval of the Chief Secretary NWFP needs to be obtained. Whereas, in case of posting/transfer of officers in BS-18 and above, from settled areas to FATA and vice versa, specific approval of the Governor NWFP shall be obtained.

- vi (a) All Officers/officials selected against Zone-I/FATA quota in the Provincial Services should compulsorily serve in FATA for atleast eighteen months in each grade. This should start from senior most scales/grades downwards in each scale/grade of each cadre.
- vii) Officers may be posted on executive/administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and DPOs/Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thaana) of his area/residence is situated.

<sup>1</sup> Para-1(v) regarding months of March and July for posting/transfer and authorities for relaxation of ban deleted vide letter No: SOR-VI (E&AD) 1-4/2008/Vol-VI, dated 3-6-2008. Consequently authorities competent under the NWFP Government Rules of Business, 1985, District Government Rules of Business 2001. Posting/Transfer Policy and other rules for the time being in force, allowed to make posting/transfer subject to observance of the policy and rules.  
<sup>2</sup> Added vide Urdu circular letter No. SOR-VI(E&AD)1-4/2003, dated 21-09-2004

**ATTESTED**

- viii) No posting/transfers of the officer's/officials on detailment basis shall be made.
- ix) Regarding the posting of husband/wife, both in Provincial services, efforts where possible would be made to post such persons at one station subject to the public interest.
- x) All the posting/transferring authorities may facilitate the posting/transfer of the unmarried female government Servants at the station of the residence of their parents.
- (xi) Officers/officials except DCOs and DPOs/SPs who are due to retire within one year may be posted on their option on posts in the Districts of their domicile and be allowed to serve there till the retirement  
DCOs and DPOs who are due to retire in the near future may also be posted in the District of their domicile subject to the condition that such posting would be against non-administrative posts of equivalent scales;
- xii) In terms of Rule-17(1) and (2) read with Schedule-III of the NWFP Government Rules of Business 1985, transfer of officers shown in column 1 of the following table shall be made by the authorities shown against each officer in column 2 thereof:

Outside the Secretariat		
1.	Officers of the all Pakistan Unified Group i.e. DMG, PSP including Provincial Police Officers in BPS-18 and above.	Chief Secretary in consultation with Establishment Department and Department concerned with the approval of the Chief Minister.
2.	Other officers in BPS-17 and above to be posted against scheduled posts, or posts normally held by the APUG, PCS(EG) and PCS(SG).	-do-
3.	Heads of Attached Departments and other Officers in B-19 & above in all the Departments.	-do-
In the Secretariat		
1.	Secretaries	Chief Secretary with the approval of the Chief Minister.
2.	Other Officers of and above the rank of Section Officers: a) Within the Same Department b) Within the Secretariat from one Department to another.	Secretary of the Department concerned. Chief secretary/Secretary Establishment.
3.	Officials up to the rank of Superintendent:	

<sup>1</sup> Added vide Urdu circular letter No: SCR-VI (E&AD)/1-4/2005, dated 9-9-2005.

ATTESTED

a) Within the same Department	Secretary of the Department concerned.
b) To and from an Attached Department	Secretary of the Dept in consultation with Head of Attached Department concerned.
c) Within the Secretariat from one Department to another	Secretary (Establishment)

xiii) While considering posting/transfer proposals all the concerned authorities shall keep in mind the following:

- a) To ensure the posting of proper persons on proper posts, the Performance Evaluation Report/annual confidential reports, past and present record of service, performance on post held presently and in the past and general reputation with focus on the integrity of the concerned officers/officials be considered.
- b) Tenure on present post shall also be taken into consideration and the posting/transfers shall be in the best public interest.

xiv) Government servants including District Govt. employees feeling aggrieved due to the orders of posting/transfer authorities may seek remedy from the next higher authority / the appointing authority as the case may be through an appeal to be submitted within seven days of the receipt of such orders. Such appeal shall be disposed of within fifteen days. The option of appeal against posting/ transfer orders could be exercised only in the following cases.

- i) Pre-mature posting/transfer or posting transfer in violation of the provisions of this policy.
- ii) Serious and grave personal (humanitarian) grounds.

2. To streamline the postings/transfers in the District Government and to remove any irritant/confusions in this regard the provision of Rule 25 of the North West Frontier Province District Government Rules of Business 2001 read with schedule - IV thereof is referred. As per schedule-IV the posting/transferring authorities for the officers/officials shown against each are as under:-

S. No.	Officers	Authority
1.	Posting of District Coordination Officer and Executive District Officer in a District.	Provincial Government.
2.	Posting of District Police Officer.	Provincial Government
3.	Other Officers in BPS-17 and above posted in the District.	Provincial Government
4.	Official in BPS-16 and below	Executive District Officer in consultation with District Coordination Officer.

**ATTESTED**

*[Handwritten signature]*

3. As per Rule 25(2) of the Rules mentioned above the District Coordination Department shall consult the Government if it is proposed to:

- a) Transfer the holder of a tenure post before the completion of his tenure or extend the period of his tenure.
- b) Require an officer to hold charge of more than one post for a period exceeding two months.

4. I am further directed to request that the above noted policy may be strictly observed /implemented.

.....

All concerned are requested to ensure that tenures of the concerned officers/officials are invariably mentioned in summaries submitted to the Competent Authorities for Posting/Transfer.  
(Authority: Letter No: SOR-VI/E&AD/1-4/2003 dated 24-6-2003).

.....

It has been decided by the Provincial Government that posting/transfer orders of all the officers up to BS-19 except Heads of Attached Departments irrespective of grades will be notified by the concerned Administrative Departments with prior approval of the Competent Authority obtained on the Summary. The Notifications/orders should be issued as per specimen given below for guidance.

All posting/transfer orders of BS-20 and above and Heads of Attached Departments (HAD) shall be issued by the Establishment Department and the Administrative Departments shall send approved Summaries to E&A Department for issuance of Notifications.

SPECIMEN NOTIFICATION.

GOVERNMENT OF NWFP  
NAME OF ADMINISTRATIVE  
DEPARTMENT

Dated Peshawar, \_\_\_\_\_

NOTIFICATION

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

CHIEF SECRETARY  
GOVERNMENT OF NWFP

Encl. No. and date even.

Copy forwarded

- 1.
- 2.
- 3.
- 4.

ATTESTED

5.

(NAME)  
SECTION OFFICER  
Administrative Department

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

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

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

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

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

.....  
According to the policy of the provincial Government, maximum tenure on a post is three years. Contrary to the Policy, Store Keepers, Cashiers, Accountants and other ministerial staff remains posted in their particular field for long time, which may result in misuse of this position, due to which not only public exchequer may sustain loss but general public also suffers. The Provincial Government has taken serious notice of this situation & decided that all Administrative Secretaries and DCOs may submit a certificate within one month to the effect that above mentioned officials, having completed three years on their posts, have been adjusted on posts other than those they held previously.  
{Authority: Urdu circular No: SOR-VI (E&AD)/05 dated 28<sup>th</sup> Oct, 2005.}

.....  
The Chief Minister NWFP has directed that:-

- i) Submission of summary would not be required in case of mutual transfer.
- ii) Posting/transfer shall be made according to the policy;
- iii) Government Servants shall avoid direct submission of applications to the Chief Minister;
- iv) In genuinely deserving case, they should approach the Administrative Secretaries who could process the case according to policy;

ATTESTED

- v) In case of direct submission of application to the Chief Minister Secretariat for Posting/ Transfer, the concerned govt servants shall be proceeded against under the prevalent rules and regulations.

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

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

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

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

The competent authority has decided that in order to maintain discipline, enhance performance of the departments and ensure optimum service delivery to the masses, the approved /prevalent policy of the posting/transfer shall be strictly followed. Government Servants violating the policy and the NWFP Govt Servants (Conduct) Rules 1987 shall be proceeded against under the NWFP Removal from Service (Special Powers) Ordinance 2000. As required under the NWFP Govt Rules of Business 1985, the Administrative Secretaries shall ensure compliance with the policy and defaulting offices/officials be taken to task & entries to this effect shall be made in their PERs/ACRs. In case subordinate officers are working on sites or proceeding for the purpose of inspection, they shall submit inspection Report to their Administrative Secretaries. Administrative Secretaries shall ensure submission of such reports.

{Authority: - Urdu circular No: SOR-VI (E&AD)/1-4/06, dated, 29-6-2007.}

#### PLACEMENT POLICY.

In order to utilize the expertise of the officers who have received foreign training in various fields, the provincial Government has decided to adopt the Placement Policy, approved by the Prime Minister of Pakistan, and make it a part of its Posting/Transfer Policy. Placement Policy as follows:-

- i) All placements would be made on the basis of merit and keeping in view the needs of the organization.
- ii) The first priority in placement must go to the parent organization of the participant from where the individual had applied. This will be in consonance with the concept of establishing the "Need" for the department and fulfilling the need through "capacity building for the organization.
- iii) In order to follow the "bottom up approach" for Devolution, the priority within departments must go to the Districts, the Provinces and then the Federal Government.
- iv) The second priority in placement should go to up-grading the existing training Institution within the country. The knowledge gained by the

Placement Policy has been made part of the posting/transfer policy vide Urdu circular No SOR-VI(E&AD)/1-4/06, dt 9-9-2007

officers, will be of immense value to bring about a qualitative change in the training institutions. The following proposals are made in this regard:

- a) Permanent posting of an officer to the training institutions for 2-3 years;
- b) Temporary attachment with the training intuitions for 3 to 6 months for some research project on helping in developing case studies;
- c) Earmarked as a visiting faculty member for specific subject.
- v) Individuals posted to their parent organizations will also organize training for their subordinates within the department, in order to transfer the knowledge and bring about a qualitative change internally;
- vi) The Normal tenure of posting as already provided in the policy would be ensured;
- vii) No participant should be allowed to be posted on deputation to multinational donor agencies for at least 5 years;
- viii) No participant will decline/represent against his/her posting.


\*\*\*\*\*

ATTESTED



38

as Ahmed

	<p><b>GOVERNMENT OF KHYBER PAKHTUNKHWA</b>  <b>ESTABLISHMENT DEPARTMENT</b>          (REGULATION WING)          NO. SOR.VI (E&amp;AD)1 -4/2005/Vol-II          Dated Peshawar, 27<sup>th</sup> February, 2013</p>
---	---

Establishment Department  
 Government of Khyber Pakhtunkhwa  
 Peshawar  
 28 Feb 2013

To  
*[Handwritten signature]*

1. The Additional Chief Secretary (P&D) Khyber Pakhtunkhwa.
2. The Additional Chief Secretary (FATA) Khyber Pakhtunkhwa.
3. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
4. All Commissioners in Khyber Pakhtunkhwa.

**Subject: CONSTITUTION PETITION NO.23 OF 2012 OUT OF SUO MOTO CASE NO. 3/2012 (PETITION BY MS. ANITA TURAB FOR PROTECTION OF CIVIL SERVANTS REGISTERED UNDER ARTICLE 184 (3) OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973.)**

Sir,

I am directed to refer to the subject noted above and to state that the Supreme Court of Pakistan vide the subject cited judgment has enunciated the following principles of Law with regard to protection and conduct of civil servants.

(i) **Appointments, Removals and Promotions:** Appointments, removals and promotions must be made in accordance with the law and the rules made thereunder, where no such law or rule exists and the matter has been left to discretion, such discretion must be exercised in a structured, transparent and reasonable manner and in the public interest.

25/2

So  
 4/3

(ii) **Tenure, Posting and Transfer:** When the ordinary tenure for a posting has been specified in the law or rules made thereunder, such tenure must be respected and cannot be varied, except for compelling reasons, which should be recorded in writing and are judicially reviewable.

referred

Sd/- Secy  
*[Handwritten signature]*

SE LIC / So Est  
 16-573

**ATTESTED**

*[Handwritten mark]*

30

39

(iii) **Illegal Orders:** Civil Servants owe their first and foremost allegiance to the law and the constitution. They are not bound to obey orders from superiors which are illegal or are not in accordance with accepted practices and rule based norms; instead, in such situations, they must record their opinion and, if necessary, dissent.

(iv) **OSD:** Officers should not be posted as OSD except for compelling reasons, which must be recorded in writing. If at all an officer is to be posted as OSD, such posting should not exceed 03 months. If there is a disciplinary inquiry going against him/her such inquiry must be completed at the earliest. The officer on special duty may be posted against a post of his/her equivalent pay scale/grade within 03 months of his/her order as OSD.

2. I am, therefore, directed to request you to note the above principles of law for strict compliance.

Yours faithfully,

*NAJAM*  
(NAJ-MUS-SAHAR)  
SECTION OFFICER (REG-VI)

Encl: as above.

A copy is forwarded to:-

1. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. The Secretary Provincial Assembly, Khyber Pakhtunkhwa.
4. The Accountant General, Khyber Pakhtunkhwa.
5. The Registrar, Peshawar High Court, Peshwar.
6. The Secretary Khyber Pakhtunkhwa, Public Service Commission.
7. All Addl. Secretaries Establishment & Administration Department.
8. All Deputy Secretaries in Establishment & Administration Department.

*NAJAM*  
SECTION OFFICER (REG-VI)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR,

Service Appeal 7085/2021

Saeed Ullah

VS

Health Deptt:

REPLY TO APPLICATION FILED BY THE APPLICANT  
NAMELY AMJIAD SALEEM FOR IMPLEADMENT IN THE  
PANEL OF RESPONDENT IN THE INSTANT APPEAL.

Respectfully Sheweth:-

1. Pertain to record.
2. Correct to the extent that the appellant/replying respondent filed service appeal No. 3423/2021 in the instant appeal against the impugned transfer order dated 10.09.2020 and as applicant Amjid Saleem was posted on the post of the appellant in that impugned transfer order dated 10.09.2020, therefore, he made the applicant Amjid Saleem as party in that service appeal and the Honourable Service Tribunal admitted the appeal and suspended the order dated 10.09.2020 on the date fixed.
3. The applicant was posted on the post of the appellant/replying respondent through an order dated 10.09.2020 and the appellant/replying respondent being aggrieved from the order dated 10.09.2020 challenged that order in this Honourable Service Tribunal and made the applicant as a party in the previous appeal, however the applicant is not aggrieved party in the present appeal, therefore, the appellant/replying respondent did not make him as party in the panel of respondents. The Honourable Tribunal suspended the impugned transfer order and in the compliance of that order the concerned DHO posted the appellant/replying respondent on the post of Head Clerk. How the applicant says that the appellant/replying respondent misused the order of this Honourable Tribunal?
4. Incorrect. The appellant/replying respondent was transferred by the respondent No.2 just after 2 months vide order dated 15.06.2021 despite the fact the appellant/replying respondent was working on the basis of suspension order dated 16.03.2021 granted by this Honourable Tribunal in service appeal No.3423/2021, which was also challenged by the appellant/replying respondent in the instant appeal

R (1)

**OFFICE OF THE DISTRICT HEALTH OFFICER  
NORTH WAZIRISTAN TRIBAL DISTRICT MIRANSHAH**

Phone & fax 0220-300788

Email : dhonwtd@gmail.com

No 12911-13 /PF/DHO/NWTD

Miranshah

Dated the 03/08/2021

**OFFICE ORDER**

In light of the following allegations/inquiries, the services of Mr. Amjad Saleem, Junior clerk (BPS-11), attached to this office are hereby terminated/removed under Special Powers E&D rules with immediate effect in the larger public interest.

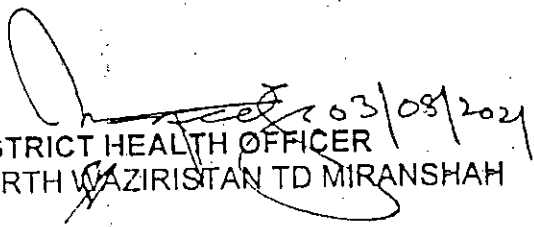
1. Whereas you are involved in concealment of the office record for your vested interests as inquired vide Government of KPK Health Department order No. SOH (E-V) 4-4 /2021/Inquiry Report dated 22/04/2021.
2. Whereas you are involved in financial embezzlement in the purchase of Medicines during the financial year 2019-20, amounting to Rs. 20.00 Million in the Head of medicines which is not received till to date.
3. Whereas you are involved in all illegal appointment/adjustment and regularization with all record in your custody without any authorization as a Junior Clerk (BPS-11) despite the fact that proper Senior Clerk (BPS-14) is working with the undersigned. This attitude and non-compliance on your part has badly affected and hampered the official activities which is a stigma for the office of the undersigned.
4. Whereas you have been informed time and again through various letters to make availability of the official record to the office of the undersigned but turned a deaf ear, showing your stubborn, proud, dual, vulgar, dishonest, deceptive & non-compliant attitude towards the DHO NWTD Office & public interests. And it also clearly depicts that you are considering yourself as being above the prevailing service rules.
5. Whereas yours and the then DHO Dr. Israr Ul Haq's Nexus are involved in illegal appointment, regularization and adjustment violating all the prevailing code of formalities & rules and regulations as also evident from the concluding report of the detailed inquiry which has been addressed to DG Health KPK vide letter No. SOH(E-V)4-4/2021/Inquiry Report Dated Peshawar the April 22<sup>nd</sup>, 2021, endorsed by DG Health KPK to the undersigned vide letter No. 7047-50/E.1 Dated 06/05/2021 for further implementation which the undersigned has already implemented.
6. Whereas you are involved in embezzlement of COVID-19 budget amounting to Rs. 5.00 Million vide Deputy Commissioner NW TD Miranshah letter No. 2345-49/PS dated 29/04/2021 which clearly indicates that you prefer your pocket more than the National Cause.
7. Whereas you are involved in embezzlement Rs.35.00 Million of liabilities of 24 Nos. CHC/CDs in NWTD (Staff salaries & Arrear of 139 Nos Employees) which is equivalent to snatching gob of the mouth of the already suffered people of NWTD.
8. Whereas you are involved in blackmailing/compelling/forcing the Chair of the DHO NWTD through various interferences for your vested interests which has very badly affected and paralyzed the whole Health System and resultantly the public of NWTD are being suffered.
9. Whereas you are a proven and stamped criminal due to your fraudulent/double standards recruitments by developing nexus with the then DHOs as indicated in the inquiry reports.

- (2)
10. Whereas you are hugely involved in Nepotism by recruitment of your family members in this department through fraudulent manner and keeping aside all the code formalities and pre-requisites of meritocracy.
  11. Whereas you are non-compliant to the Chair of the undersigned, wondering in various High level Offices without any prior permission of the undersigned which is a stigma for this office.
  12. Whereas you are involved in open corruption by exploiting the public of NWTD and the office of the undersigned which is clear cut violation of all prevailing rules and comes under the umbrella of misuse of authority and stigmatization & humiliation of the whole Health System which is a black spot on the face of Government.

---SD---  
(DR. HAFIZ ULLAH)  
DISTRICT HEALTH OFFICER  
NORTH WAZIRISTAN TD MIRANSHAH

Copy forwarded to the:-

1. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
2. PS to Secretary Health Govt: of Khyber Pakhtunkhwa, Peshawar.
3. Deputy Commissioner, North Waziristan Tribal District, Miranshah.
4. District Accounts Officer, North Waziristan Tribal District, Miranshah.
5. Accounts Clerk of this office.
6. Mr. Amjad Saleem J/C.

  
DISTRICT HEALTH OFFICER  
NORTH WAZIRISTAN TD MIRANSHAH  
03/08/2021

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

**APPEAL NO.7085 OF 2021**

Saeed Ullah.....Appellant

Versus

Secretary to Govt. of Khyber Pakhtunkhwa ..... Respondents  
Health Department and others

**PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1 TO 3**

**Respectfully Sheweth:**

**Preliminary Objections:-**

1. That the appellant has filed the instant appeal just to pressurize the respondents as he has already withdrawn his earlier Appeal No. 3423/2021 and application for suspension of his transfer order dated 15.06.2021 vide Hon'ble Service Tribunal order dated 30.07.2021 attached at **Annex-A**.
2. That the appeal is not maintainable in its present form and also in the present circumstances of the issue.
3. That the appellant has filed the instant appeal with mala-fide intention hence liable to be dismissed.
4. That the appellant has not come to this Honorable Tribunal with clean hands.
5. That the appeal is barred by law and limitation.
6. That the instant appeal is bad for mis-joinder of unnecessary and non-joinder of necessary parties.

**ON FACTS:**

1. Pertains to record.
2. Pertains to record. However, it is pertinent to mention here that the post of Head Clerk/Accountant is not existed. It is the discretion of competent authority to distribute official work amongst the clerks according to their qualification and ability.
3. Pertains to record. However, already explained in the preceding para.
4. Pertains to record. However, already explained in the preceding para.

5. Correct. As far as Appeal No. 3423/2021 is concerned, the appellant was already in Service Tribunal through the said appeal when he was transferred vide order dated 15.06.2021. However, the Service Tribunal dismissed the said appeal as withdrawn by the appellant vide order dated 30.07.2021.
6. Correct to the extent that in compliance of order dated 16.03.2021, the appellant was posted as Head Clerk/Accountant vide order dated 16.04.2021, at Annex-B.
7. Correct to the extent that an inquiry was conducted by the Provincial Inspection Team regarding illegal appointment in the office of DHO North Waziristan and in compliance of the inquiry report as well as instruction issued by the Health Department, the ministerial staff working in the office of DHO North Waziristan (including the appellant) have been transferred vide order dated 15.06.2021.

**(Copy of letter of Health Department & transfer order are attached at Annex-C & D).**

As far as Appeal No. 3423/2021 is concerned, the appellant was already in Service Tribunal through the said appeal when he was transferred vide order dated 15.06.2021. However, the Service Tribunal dismissed the said appeal as withdrawn by the appellant vide order dated 30.07.2021.

8. Pertains to record, however the instant appeal has been filed prematurely in violation of section 04 of the Khyber Pakhtunkhwa Service Tribunal Act 1974.
9. Incorrect, the appellant has already withdrawn his earlier appeal alongwith application for suspension of his transfer order dated 15.06.2021, therefore the appellant has no right to file the instant appeal.

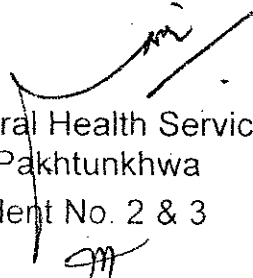
### **GROUND**

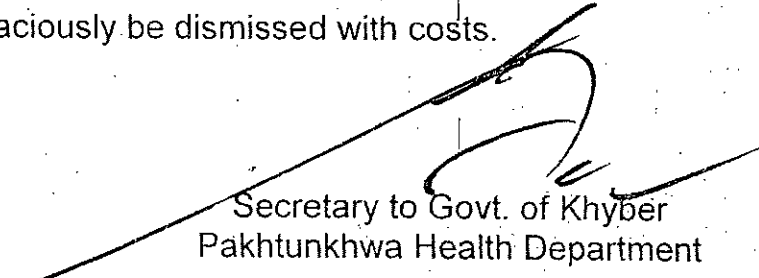
- A) Incorrect. The order dated 15/06/2021 has been issued in light of enquiry report conducted by the Provincial Inspection Team. As far as the appeal No. 3423/2021 and suspension order dated 16.03.2021 are concerned, it is stated that the appellant has withdrawn the said appeal vide order dated 30.07.2021. Consequently the interim relief has no more in the field.

- B) Incorrect, the para has been explained in preceding para.
- C) Correct to the extent that the appellant has been transferred in compliance of instructions issued by the Health Department in light of enquiry report conducted by the Provincial Inspection Team vide order dated 15.06.2021. The rest of the para pertains to record. Moreover, the recommendations of the inquiry committee cannot be override by a single mind.
- D) Correct to the extent of issuance of letter dated 11.11.2020 to Director Anti-Corruption for initiation of criminal proceedings against the culprits, whereas the appellant has been transferred on the recommendation of enquiry committee.
- E) Incorrect. The appellant has been transferred on the recommendation of enquiry committee. As far as the appeal No. 3423/2021 and suspension order dated 16.03.2021 are concerned, it is stated that the appellant has withdrawn the said appeal vide order dated 30.07.2021. Consequently the interim relief has no more in the field.
- F) Incorrect, as already explained in preceding para.
- G) Incorrect, as already explained in above paras.
- H) Incorrect. The same has already been replied in above paras.
- I) The Replying Respondents also seek prior permission of this Honorable Tribunal to adduce additional grounds at the time of arguments.

PRAY

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

Director General Health Services  
Khyber Pakhtunkhwa  
Respondent No. 2 & 3  
AD (Misc) 

  
Secretary to Govt. of Khyber  
Pakhtunkhwa Health Department  
Respondent No. 01



5. Correct. As far as Appeal No. 3423/2021 is concerned, the appellant was already in Service Tribunal through the said appeal when he was transferred vide order dated 15.06.2021. However, the Service Tribunal dismissed the said appeal as withdrawn by the appellant vide order dated 30.07.2021.
6. Correct to the extent that in compliance of order dated 16.03.2021, the appellant was posted as Head Clerk/Accountant vide order dated 16.04.2021, at **Annex-B**.
7. Correct to the extent that an inquiry was conducted by the Provincial Inspection Team regarding illegal appointment in the office of DHO North Waziristan and in compliance of the inquiry report as well as instruction issued by the Health Department, the ministerial staff working in the office of DHO North Waziristan (including the appellant) have been transferred vide order dated 15.06.2021.

**(Copy of letter of Health Department & transfer order are attached at Annex-C & D).**

As far as Appeal No. 3423/2021 is concerned, the appellant was already in Service Tribunal through the said appeal when he was transferred vide order dated 15.06.2021. However, the Service Tribunal dismissed the said appeal as withdrawn by the appellant vide order dated 30.07.2021.

8. Pertains to record, however the instant appeal has been filed prematurely in violation of section 04 of the Khyber Pakhtunkhwa Service Tribunal Act 1974.
9. Incorrect, the appellant has already withdrawn his earlier appeal alongwith application for suspension of his transfer order dated 15.06.2021, therefore the appellant has no right to file the instant appeal.



### **GROUND**

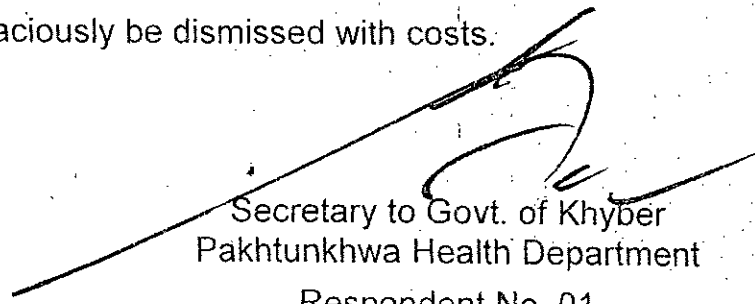
- A) Incorrect. The order dated 15/06/2021 has been issued in light of enquiry report conducted by the Provincial Inspection Team. As far as the appeal No. 3423/2021 and suspension order dated 16.03.2021 are concerned, it is stated that the appellant has withdrawn the said appeal vide order dated 30.07.2021. Consequently the interim relief has no more in the field.

- B) Incorrect, the para has been explained in preceding para.
- C) Correct to the extent that the appellant has been transferred in compliance of instructions issued by the Health Department in light of enquiry report conducted by the Provincial Inspection Team vide order dated 15.06.2021. The rest of the para pertains to record. Moreover, the recommendations of the inquiry committee cannot be override by a single mind.
- D) Correct to the extent of issuance of letter dated 11.11.2020 to Director Anti-Corruption for initiation of criminal proceedings against the culprits, whereas the appellant has been transferred on the recommendation of enquiry committee.
- E) Incorrect. The appellant has been transferred on the recommendation of enquiry committee. As far as the appeal No. 3423/2021 and suspension order dated 16.03.2021 are concerned, it is stated that the appellant has withdrawn the said appeal vide order dated 30.07.2021. Consequently the interim relief has no more in the field.
- F) Incorrect, as already explained in preceding para.
- G) Incorrect, as already explained in above paras.
- H) Incorrect. The same has already been replied in above paras.
- I) The Replying Respondents also seek prior permission of this Honorable Tribunal to adduce additional grounds at the time of arguments.

PRAY

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

  
Director General Health Services  
Khyber Pakhtunkhwa  
Respondent No. 2 & 3  
AD (Misc) 

  
Secretary to Govt. of Khyber  
Pakhtunkhwa Health Department  
Respondent No. 01

Annex-A

D. 13

1

BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR



APPEAL NO. 34/23 /2021

Khyber Pakhtunkhwa Service Tribunal

Diary No. 3503

Saeed Ullah, Head Clerk/Account Clerk (BPS-14),  
Office of DHO, North Waziristan, Tribal District Miranshah.

Dated 11/3/2021

(APPELLANT)

VERSUS

1. The Secretary to Govt. of Khyber Pakhtunkhwa, Health Department.
2. The Director General Health Service, Khyber Pakhtunkhwa, Peshawar.
3. The Director Health Services Merged Areas Peshawar.
4. The District Health Officer, North Waziristan Tribal District Miranshah.
5. Mr. Amjad Saleem, Junior Clerk, DHO Office North Waziristan, Tribal District Miranshah.

(RESPONDENTS)

Filed to-day  
Registrar  
11/03/2021

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 10.09.2020 WHEREBY THE ORDER DATED 24.08.2020 WAS SUSPENDED AND THE APPELLANT WAS PREMATURELY RELIEVED/TRANSFERRED FROM THE POST OF ACCOUNT CLERK AND AGAINST NOT TAKING ANY ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF 90 DAYS.

PRAYER:

Not submitted to-day and filed.

Registrar  
11/3/2021

THAT ON ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDER DATED 10.09.2020 MAY KINDLY BE SET-ASIDE BEING PREMATURE AND THE RESPONDENTS MAY FURTHER BE DIRECTED TO RESTORE THE ORDER DATED 24.08.2020 TO THE EXTENT OF THE APPELLANT

TESTED  
EXAMINER  
Khyber Pakhtunkhwa Service Tribunal  
Peshawar

30.07.2021

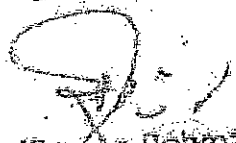
Appellant present through counsel.


Muhammed Adeel Butt learned Additional Advocate General is respondents present.

An application seeking withdrawal of the instant service appeal was filed.

Application is allowed. Appeal stands dismissed as withdrawn. Consequently, the restraint order in terms of interim relief remains no more in field. No order as to costs. File be consigned to the record room.

Announced.  
30.07.2021

  
(Rozina Rehman)  
Member (J)

  
Chairman

Annex-B

**OFFICE OF THE DISTRICT HEALTH OFFICER  
NORTH WAZIRISTAN TRIBAL DISTRICT MIRANSHAH**

Phone & fax 0920-300788

Email : dhonwtd@gmail.com

No. 4983/20 PF -I

Miranshah

Dated

the 16 /04/2021

**OFFICE ORDER**

In the light of Khyber Pakhtunkhwa Service Tribunal Peshawar decision dated 16.03.2021 vide w.p No.3423/2021, Mr. Saeedullah Senior Clerk BPS-14 attached to this office is hereby posted as Accountant / Head Clerk BPS-14 against the vacant post in the office of the Undersigned with immediate effect in public interest.

Note:- Compliance report should be submitted to this office for record.

Sd/-

**DISTRICT HEALTH OFFICER,  
NORTH WAZIRISTAN TD MIRANSHAH**

Copy forwarded to the:

1. Registrar Service Tribunal KPK Peshawar.
2. PS to Secretary Health Govt. of KPK Peshawar.
3. Director General Health Services KPK Peshawar.
4. Deputy Commissioner North Waziristan TD Miranshah
5. District Accounts Officer NW TD Miranshah
6. Official concerned.

**DISTRICT HEALTH OFFICER,  
NORTH WAZIRISTAN TD MIRANSHAH**



**DIRECTORATE GENERAL HEALTH SERVICES**  
**KHYBER PAKHTUN KHW A PESHAWAR**

## OFFICE ORDER

Annex  
H (24)

On the recommendation of Khyber Pakhtunkhwa Provincial Inspection Team equity report regarding illegal appointments in DHO Office North Waziristan Miranshah vide Govt. of KP Health Department letter No. SOH(E-V)4-4/2021/Inquiry Report dated 22.04.2021 the following posting/ transfer of Ministerial Staff are hereby ordered with immediate effect:-

S.No	Name of Officials	From	To	Remarks
1.	Saeed Ullah Senior Clerk	DHO North Waziristan	DHO Hospital Miranshah	Vice S.No.4
2.	Muhammed Haider Ali Senior Clerk	DHO North Waziristan	DHO Kohat	Against the vacant post
3.	Muhammad Niyas Senior Clerk	DHO North Waziristan	DHO South Waziristan	Against the vacant post
4.	Mutabar Khan Senior Clerk	DHO Hospital Miranshah	DHO North Waziristan	Vice S.No.3
5.	Syed Muhammad Junior Clerk	DHO North Waziristan	DHO Hospital Miranshah	Vice S.No.6
6.	Mr. Aman Ullah Junior Clerk	DHO Hospital Miranshah	DHO North Waziristan	Vice S.No.5
7.	Gul Badshah Junior Clerk	DHO North Waziristan	DHO Hospital Miranshah	Vice S.No.14
8.	Muhammad Usman Junior Clerk	DHO North Waziristan	DHO Hospital Miranshah	Vice S.No.9
9.	Mr. Zahid Saeed Junior Clerk	DHO Hospital Miranshah	DHO North Waziristan	Vice S.No.8
10.	Muhammad Anjad Junior Clerk	DHO North Waziristan	DHO Hospital Miranshah	Vice S.No.11
11.	Gohar Rehman Junior Clerk	DHO Hospital Miranshah	DHO North Waziristan	Vice S.No.10
12.	Saidar Ali Junior Clerk	DHO North Waziristan	DHO Hospital Miranshah	Vice S.No.15
13.	Muhammad Niaz Junior Clerk	DHO North Waziristan	DHO Hospital Miranshah	Vice S.No.16
14.	Mr. Aftab Islam Junior Clerk	DHO Hospital Miranshah	DHO North Waziristan	Vice S.No.7
15.	Mr. Abdul Ali Junior Clerk	DHO Hospital Miranshah	DHO North Waziristan	Vice S.No.12
16.	Mr. Jamil Ahmad Junior Clerk	DHO Hospital Miranshah	DHO North Waziristan	Vice S.No.13
17.	Gul Behram Accountant	DHO North Waziristan	DHO Office South Waziristan	DHO should relieve his substitute
18.	Muhammad Mukhtar Computer Operator	DHO North Waziristan	DHO Hospital Miranshah	Vice S.No.19
19.	Ataf Afzal Computer Operator	DHO Hospital Miranshah	DHO North Waziristan	Vice S.No.18
20.	Mansoor Ahmad Accountant	DHO North Waziristan	DHO Kurram	DHO should relieve his substitute

NS: Arrival/ departure report should be submitted to this Office for record.

Sd/xxxxxxx  
DIRECTOR GENERAL HEALTH  
SERVICES, K.P.K PESHAWAR.  
Dated 15/6/2021

No. 3659-86 /Personnel  
Copy forwarded to the-

1. DHO North Waziristan.
2. DHO South Waziristan.
3. DHO Kohat.
4. M.S.DHO Hospital Miranshah.
5. Section Officer (VI) Govt. of KP Health Department Peshawar.
6. PA to DGHS, Khyber Pakhtunkhwa.
7. Assistant Director (Ministerial) DGHS, KP Peshawar.
8. Officials concerned.

For information and necessary action.

DIRECTOR GENERAL HEALTH  
SERVICES, K.P PESHAWAR.

"A"

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.

DB

APPEAL No. 7085 of 2021.

Saeed Ullah

Appellant/Petitioner

Versus

The Secy, to Govt: of KPK Health Dept.

RESPONDENT(S)

Notice to Appellant/Petitioner <sup>Applicant</sup> Amjad Saleem (Junior  
clerk) DHO Office North Waziristan  
Mizan Shah

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 28-04-2022 at 09:00 AM.

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

[Signature]  
Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

“A”

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR. DB

(Rej) No. APPEAL No. 7085 of 2021.

Saeed Ullah

Appellant/Petitioner

Versus

The Secy, to Govt. of KPK Health Deptt.

RESPONDENT(S)

Aplicant  
Notice to Appellant/Petitioner (clerk) DHO Office North Waziristan  
Mivan Shgh  
Amjad Saleem (Junior)

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 28-04-2022 at 09:00 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.



**"A"**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
JUDICIAL COMPLEX (OLD), KHYBER ROAD, DB  
PESHAWAR.

No.

APPEAL No. 7085 of 20 21

Saeed Ullah

Appellant/Petitioner

Versus

The Secy to Govt of KPK Health Dept

RESPONDENT(S)

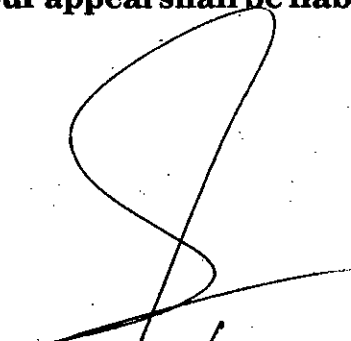
Council Bashir Khan


Notice to Appellant/Petitioner

Wazir Advocate, High Court  
Peshawar

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 28-9-2022 at 09:00 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

  
22/4/22

  
Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

**"B"**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR. D.B

No.

Appeal No. 7085 of 20 21

Saeedullah Appellant/Petitioner

Versus

Court of KP/HC Reg. Health Respondent

Respondent No. 4

Copy

Notice to: —

The Distt. Health Officer, North Waziristan  
Tribal Distt.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 20/8/2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 16/8.....

Day of.....Aug.....20 21

(for Reply)

[Signature]  
Registrar,

Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.

**"B"**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR. DLB

No.

Appeal No. 7085 of 20 21

Saeedullah Appellant/Petitioner

Versus

The Govt. CI Kfk Secy. Health Respondent

Respondent No. 5

Notice to: —

Mr. Mudabax Khan D-H-Q Hospital  
Miran Shah

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal on 20/8/2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 16/8

Day of Aug 20 21

(for Reply)

[Signature]  
Registrar

Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.

**"B"**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR,  
JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR.**

No.

Appeal No. 7085 of 20 21  
Saeed ullah Appellant/Petitioner

Govt. of KPK Secy: Health Respondent  
Respondent No. 1

Notice to: Govt. of KPK Secretary Health  
Dept. Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 20/8/2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No.....dated.....~~

Given under my hand and the seal of this Court, at Peshawar this 16/8 Day of Aug 20 21

(for Reply)

M. J. Khan



Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.

**"B"**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR.

No.

Appeal No. 7025 of 20 21

Sardar Malik Appellant/Petitioner

Versus

Court of KP Health Services Respondent

Respondent No. 3

Notice to: — The Director Health Service Merged Areas Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 20/8/2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. .... dated.....

Given under my hand and the seal of this Court, at Peshawar this 16/8.....

Day of Aug 20 21

(For Reply)

Advised  
Receive 17/08/21

Registrar,

Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.



**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
 JUDICIAL COMPLEX (OLD), KHYBER ROAD, P.B  
 PESHAWAR.

No.

Appeal No. 7085 of 20 21

Saeed Ullah Appellant/Petitioner

Versus

Govt. of KPK Secy. Health Respondent

Respondent No. 2

Notice to: —

The Director General Health Service KPK Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 20/8/2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 16/8.....

Day of Aug 20 21

(For Reply)

Registrar [Signature] 17/8/21

Khyber Pakhtunkhwa Service Tribunal, Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
 2. Always quote Case No. While making any correspondence.