

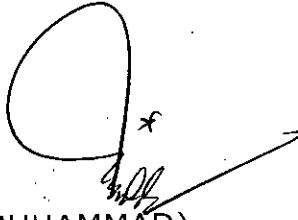
10.12.2020

Learned counsel for appellant is present. Zara Tajwar, Deputy District Attorney for the respondents is also present.

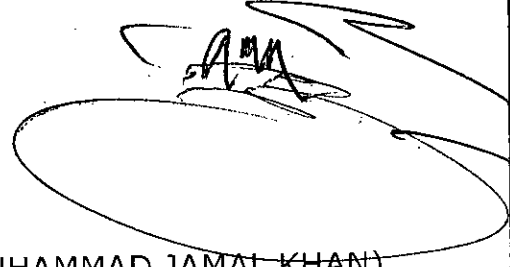
Learned counsel representing appellant produced office order bearing no. 5778-83/DHO/SH dated 03.12.2020 issued by the District Health Officer Shangla whereby partial modification/re-adjustment of sixteen officials including appellant have been made by virtue of which the appellant has got satisfied and the learned counsel representing appellant requested for filing of the appeal.

Since the grievance of the appellant has been redressed, therefore, the appeal stands filed as per request of the learned counsel representing appellant. File be consigned to the record room.

ANNOUNCED
10.12.2020



(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)



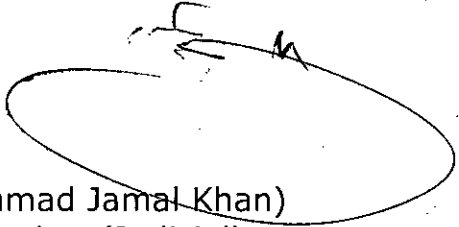
(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

I satisfied from the order/letter no 5778-83 dt 03-12-2020 hence this appeal may kindly be disposed of in this manner.

13.11.2020

Nemo for the appellant. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Hazrat Shah, Section Officer, for the respondents are present.

Representative of the respondents once again seeks time to submit reply. On the preceding date, cost of Rs. 1000/- was imposed on the respondents but till today reply was not submitted. As such, the appeal is posted to D.B for arguments on 04.12.2020.



(Muhammad Jamal Khan)
Member (Judicial)

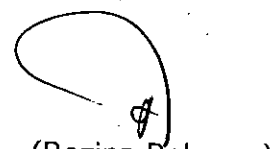
04.12.2020

Appellant present through counsel.

Zara Tajwar learned Deputy District Attorney alongwith Dr. Salim Javid Litigation Officer for respondents present.

Arguments could not be heard as counsel for appellant had submitted an application for suspension of impugned order dated 11.11.2020. This application was submitted on 30.11.2020, copy whereof has not been supplied to the respondents, therefore, appellant is directed to hand over copy of the said application to respondents and file to come up for reply, arguments on application as well as arguments on main service appeal on 10.12.2020 before D.B.


(Atiq ur Rehman Wazir)
Member (E)

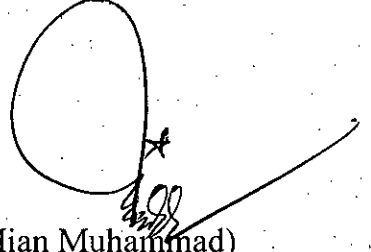

(Rozina Rehman)
Member (J)

20.08.2020

Counsel for the appellant present. Addl: AG for respondents present.

Notices to the respondents have not been issued. The office is directed to issue notices to the respondents for submission of written reply/comments.

Adjourned to 21.09.2020 before S.B.



(Mian Muhammad)
Member(E)

21.09.2020

Counsel for the appellant and Addl. AG for the respondents present.

Learned AAG seeks time to contact the respondents and procure their reply/comments. Adjourned to 09.10.2020 on which date the requisite reply/comments shall positively be furnished.



Chairman

09.10.2020

Junior to counsel for the appellant and Addl. AG alongwith Hazrat Shah, S.O for the respondents present.

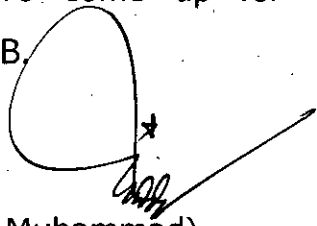
Representative of the respondents seeks further time to submit reply/comments. Last opportunity is granted. To come up for reply/comments on 13.11.2020 before S.B.



Chairman

01.06.2020

None for the appellant present. Notices be issued to the appellant and his counsel. Adjourned. To come up for preliminary hearing on 06.08.2020 before S.B.


(Mian Muhammad)
Member

06.08.2020

Mr. Muhammad Arif Jan, Advocate for appellant is present.

According to the learned counsel for the appellant during the course of initiation of adverse action against his client, she was on maternity leave, appellant has not been associated in the process at any stage of the proceedings and lastly appellant was transferred on the basis of that very action which order has been challenged.

The issues agitated at the bar require proper adjudication and consideration in the light of law and rules applicable, therefore, the appeal is admitted for regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within ten days, thereafter, notices be issued to the respondents for written reply/comments. File to come up for written reply/comments on 20.08.2020 before S.B.




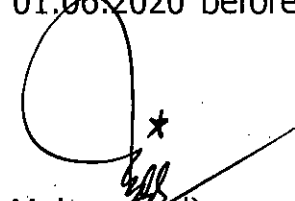

Appellant Deposited
Security & Process Fee


(MUHAMMAD JAMAL KHAN)
MEMBER

Form- A

FORM OF ORDER SHEET

Court of _____
Case No.- 3313 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	23/04/2020	<p>The appeal of Mst. Safia Bibi submitted today by Mr. Muhammad Arif Jan, Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p style="text-align: right;"> REGISTRAR 23/4/2020</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up on <u>06-05-20</u>.</p> <p style="text-align: right;"> MEMBER</p> <p>06.05.2020</p> <p>Nemo for the appellant. Adjourn. To come up for preliminary hearing on 13.05.2020 before S.B.</p> <p style="text-align: right;"> Member</p> <p>13.05.2020</p> <p>None for the appellant present. Adjourned. To come up for preliminary hearing on 01.06.2020 before S.B.</p> <p style="text-align: right;"> (Mian Muhammad) Member</p>



OFFICE OF THE
DISTRICT HEALTH OFFICER DISTRICT SHANGLA
AT ALPURAI

Tel- 0996- 850653 Fax- 0996- 850824
E-mail: dho.shangla@gmail.com

DHO Shangla
DHO Shangla

No. 5778-83 /DHO/SH/

Dated: 03 /12/2020

OFFICE ORDER:

Reference to this office Order vide No: 5312-19/DHO/SH Dated 11-11-2020. The following partial modification/readjustment is hereby ordered under the spouse policy/dire need basis with immediate effect in the best public interest:

S No	Name	Under transfer to	Readjusted at	Remarks
1	Amina bibi LHV	THQ H Bisham	BHU Opal	Under Spouse policy
2	Gul Zeb LHV	BHU Katkoo	THQ H Bisham	Retained on the request of MS Bisham.
3	Shama LHV	BHU Opal	BHU Dandai	---
4	Kausar LHV	BHU Amnawi	THQ H Puran	Against the vacant post of CT Pharmacy
5	Shaheen Akhtar	BHU Towa	BHU Amnawi	Retained at original place on public demand
6	Shahi Iqbal LHV	BHU Damoral	BHU Kuzkana	Retained at original place on public demand
7	Muhtarama LHV	BHU Kuzkana	RHC Martung	Against the newly created post of LHV.
8	Attia bibi LHV	BHU Dandair	BHU Damoral	Under Spouse policy.
9	Shagufta LHV	BHU Kabalgram	BHU Katkoo	Adjusted at Cat-C (H) Puran on need basis
10	Zuhra bibi LHV	BHU Chichilo	BHU Dherai	Under Spouse policy and resume her duty after expiry of maternity leave.
11	Safia Bibi LHV	BHU Dherai	BHU Towa	Under Spouse policy.
12	Fahmida LHV	BHU Dandai	BHU Bengalal	---
13	Hameeda Akhtar	BHU Bengalal	CD Shikawla	Need basis on public demand.
14	Andaleeb LHV	BHU Kamech	BHU Kabalgram	Security risk.
15	Muhammad Akbar MT	BHU Katkoo	BHU Gunanger	Under Spouse policy
16	Nishat Begum FMT	BHU Gunanger	BHU Katkoo	She will be performing her duty at BEmONG Cat-D Chakisar.

Sdxxx.

DISTRICT HEALTH OFFICER
SHANGLA

Endst: No. & Date Even:

Copy forwarded for information to:

- 1- The Divisional Monitoring Officer, BMU Malakand-I at Swat.
- 2- The District Account Officer, Shangla.
- 3- The In-charges concerned for information and necessary action.
- 4- The DHIS Cell, of this office.
- 5- The Accounts/Establishment section of this office.
- 6- The above named officials for strict compliance.

DISTRICT HEALTH OFFICER
SHANGLA

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 3313 /2020

Mst Safia Bibi.....Appellant

VERSUS

Secretary Health and othersRespondents

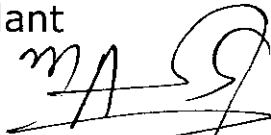
I N D E X

S.No.	Description of documents.	Annexure	Dated
1.	Service Appeal		1-6
2.	Stay application with affidavit		7-8
3.	Addresses of parties		9
4.	Copy of letter dated 10-12-2019	A	10
5.	Copy of impugned letter dated 20-12-2019	B	11
6.	Copy of departmental appeal	C	12
7.	Wakalatnama		13

Dated:



Appellant
Through



Muhammad Arif Jan
Advocate High Court
Cell: 0333-2212213

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 3313 /2020

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 2646

Dated 23-4-2020

Mst Safia Bibi w/o Muhammad Riaz LHV BHU Gunangar
District Shangla (under transfer to BHU Maira District
Shangla.

.....Appellant

VERSUS

- 1) Secretary Health, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 2) Director General Health, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 3) District Health Officer, District Shangla at Alpurai.

.....Respondents

Filed to-day

Registrar

23/4/2020

**SERVICE APPEAL U/S 4 OF THE
KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT, 1974 AGAINST THE
ORDER DATED 20-12-2019 PASSED BY
RESPONDENT NO-3, AGAINST WHICH
THE DEPARTMENTAL APPEAL
PREFERRED AND THE SAME HAS NOT
BEEN DECIDED WITHIN STATUTORY
PERIOD BY THE RESPONDENT NO-2.**

Respectfully Sheweth:-

- 1) That the appellant was initially appointed as LHV vide appointment letter dated 23-12-2005 and was posted at BHU, Gunangar which the hard area and the appellant remained there for 2 years and then was transferred to her native station ie BHU, Chowga and remained there till Sep, 2010 but then again was transferred to BHU Gunangar till the impugned order.
- 2) That the appellant applied for maternity leave which was sanction by respondent No-3 being competent authority vide letter dated 20-12-2019 since 01-12-2019 till 15-01-2020. (Copy of letter dated 10-12-2019 is attached as ANNEX-A).
- 3) That the appellant was transferred vide order/letter bearing No.7008-15/DHO/SH dated 20-12-2019 on administrative grounds to BHU Maira (Copy of transfer order/letter dated 20-12-2019 is Annex "B").
- 4) That the appellant filed departmental appeal before respondent No.2, which has not been decided in the stipulated period of time. (Copy of departmental appeal is attached as Annex "C").
- 5) That appellant now approaches this Hon'ble Tribunal on the following grounds:-

GROUND

- A. Because the act, commission and omission of the respondents by way of transferring the appellant

vide the impugned order dated 20-12-2019 passed by respondent No-3 and further the non-disposal of departmental appeal by respondent No-2 respectively (hereinafter impugned) are patently illegal, unlawful, without lawful authority, against the law, rules and regulation governing the subject matter, thus the impugned transfer order liable to be set-aside and the appellant may kindly be allowed to keep and continue her duties as LHV at BHU Gunanger.

- B. Because, it is worth mentioned here that, the Gov. of KPK imposed complete ban on posting/transfer, but the respondents knowingly all these facts, intentionally violated the same and transferred the appellant vide the impugned order, which is against the norms of justice.
- C. Because the impugned transfer of the appellant without adopting proper criteria and codal requirements by the respondents is against the worthy ruling of the Hon'ble Superior Courts of Pakistan and therefore, the same is illegal practice and such practice adversely effects efficiency of incumbents and also reduces their confidence and faith in public, hence the impugned order referred above is liable to be un-held on this score also.
- D. Because the impugned order has been passed without applying proper law and rules over the subject.

- E. Because the Respondents erroneously exercised their powers against judicial principle, and have passed the impugned order and opened a new Pandora box in clear violation of Service law, hence, the said impugned order is liable to be set aside, and the appellant may kindly be allowed to work on her previous station ie BHU Gunanger.
- F. Because it is highly condemnable that the respondents are adopting the policy of "MIGHT IS RIGHT", which is evident from the impugned transfer/ posting order of the appellant as well as respondent No.3 once himself sanctioned the maternity leave to the appellant then knowing all the facts and circumstance passed the impugned order against the appellant which shows some extra pressure of political hierarchy or personal grudges with the appellant. thus the act, commission and omission of the respondents is in violation of law and rules, hence invites consideration of this hon'ble Tribunal.
- G. Because no complaint or inquiry is pending against the appellant but the respondent No-3 based the impugned order on the ground of recommendation of the so called inquiry committee which is absolutely wrong and no inquiry been conducted nor an opportunity of hearing been given to the appellant to defend herself.

- H. Because no show cause notice been issued to the appellant moreover no statement of allegation been provided to the appellant.
- I. Because the appellant have unblemished record of about 15 years and there is/ was no any complaint or inquiry whatsoever been pending against the appellant nor the appellant herself filed an application for her transfer, thus the impugned order is a result of personal grudges and misuse of vested powers.
- J. Because the respondents are well aware of the facts of suffering of the appellant for which she is regularly getting her medical treatment from her Doctor and further the respondent No-3 also sanctioned maternity leave, thus the appellant is unable to keep and continue her duties at a far flung hilly area due to long travelling on daily basis.
- K. That any other ground which has not been specifically mentioned will be agitated at the time of arguments with kind permission of this hon'ble Tribunal.

It is, therefore, humbly prayed that, on acceptance of the instant appeal may be pleased to;

- i. Declare the impugned order dated 20-12-2019 passed by respondent No-3 as illegal,

6

unlawful, without lawful authority and void ab-initio and to be set-aside.

- ii. Direct the respondents to allow the appellant to work on the post of LHV BHU, Gunanger with all privileges of the post.
- iii. Any other relief may also kindly be granted in the circumstances of the appellant's case.

and to
Appellant
Through


Muhammad Arif Jan
Advocate High Court

AFFIDAVIT

I, Mst Safia Bibi w/o Muhammad Riaz LHV BHU Gunangar District Shangla (under transfer to BHU Maira District Shangla) (Appellant), do hereby affirm and declare on oath that the contents of accompanying Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble court.


Deponent



7

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____/2020

Mst Safia Bibi.....Appellant

VERSUS

Secretary Health and othersRespondents

APPLICATION FOR SUSPENSION OF OPERATION OF
THE IMPUGNED TRANSFER ORDER DATED 20-12-2019
TILL THE FINAL DECISION OF TITLED APPEAL.

Respectfully Sheweth:

- 1) That the above titled appeal is being filed before this hon'ble Tribunal alongwith instant application.
- 2) That the grounds of main appeal may kindly also be considered as part and parcel of this application.
- 3) That appellant is having a good arguable case in her favour and is also sanguine about its success
- 4) That balance of convenience also lies in favour of appellant.
- 5) That if the relief as prayed for in the heading of this application is not granted, the very purpose of titled appeal will be defeated and the appellant will be suffer an irreparable loss.

It is, therefore, prayed that on acceptance of this application, the impugned transfer order dated 20-12-2019 may graciously be suspended till the final decision of titled appeal.

8

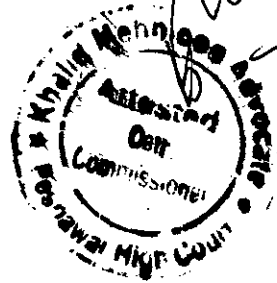
Appellant
Through
Muhammad Arif Jan
Advocate High Court

AFFIDAVIT

I, Mst Safia Bibi w/o Muhammad Riaz LHV BHU Gunangar District Shangla (under transfer to BHU Maira District Shangla) (Appellant), do hereby affirm and declare on oath that the contents of accompanying Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble court.



Deponent



9

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____/2020

Mst Safia Bibi.....Appellant

VERSUS

Secretary Health and othersRespondents

ADDRESSES OF PARTIES

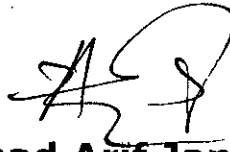
APPELLANT

Mst Safia Bibi w/o Muhammad Riaz LHV BHU Gunangar
District Shangla (under transfer to BHU Maira District
Shangla

RESPONDENTS

1. Secretary Health, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. Director General Health, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. District Health Officer, District Shangla at Alpurai.

Appellant
Through



Muhammad Arif Jan
Advocate High Court



Amex - 'A' (60)

**OFFICE OF THE
DISTRICT HEALTH OFFICER
DISTRICT SHANGLA AT ALPURAL.**

☎- 0996- 850653 ☎- 0996- 850824
E-mail: edohshangla@gmail.com

No. 6738-42 /DHO/SH/PF

Dated: 10 /12/2019

OFFICE ORDER:

Sanction is hereby accorded to 45 days Maternity Leave in respect of Mrs. Safia bibi LHV attach to BHU Gunanger District Shangla w.e.f 01/12/2019 to 15/01/2020. ✓

The official is likely to resume her duty at her original place of posting after the expiry of leave.

Sd/-xxxxx
DISTRICT HEALTH OFFICER
DISTRICT SHANGLA.

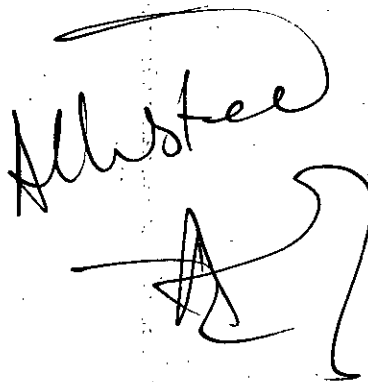
Endst: No. & Date Even.

Copy forwarded to:-

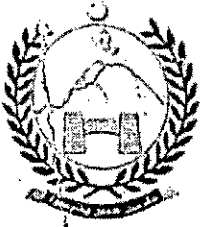
- 1- The Divisional Monitoring Officer IMU Malakand-I at Swat.
- 2- The In-charge BHU Gunanger.
- 3- The Accounts Section of this office.
- 4- The Establishment and Accounts Section for necessary action.
- 5- The DHIS Cell Shangla.


DISTRICT HEALTH OFFICER
DISTRICT SHANGLA

Sajid/EDO(H) Office Distt. Shangla (Office Order).



490
100
330



Annex - B (17)

**OFFICE OF THE
DISTRICT HEALTH OFFICER
DISTRICT SHANGLA AT ALPURAL.**

☎- 0996- 850653 ☎- 0996- 850824
E-mail: edohshangla@gmail.com

No. 7008-15 /DHO/SH

Dated: 20 /12/2019

OFFICE ORDER:

The following Duty Adjustments/Transfer Posting of LHVs is hereby ordered in the best public interest with immediate effect.

S#	Name with designation	From	To	Remarks
1.	Miss. Safia Bibi LHV BPS-12	BHU Gunanger	BHU Maira	On administrative grounds as per recommendation of the enquiry committee in view of public complaint
2.	Miss. Fahmeeda Bibi LHV BPS-12	BHU Maira (on GD at CH Chakisar)	BHU Gunanger	Against S. No. 01

Departure / Arrival should be submit in due course of time for record.

Sd/-xxxxxxx
**DISTRICT HEALTH OFFICER
SHANGLA**

Endst: No. & Date Even:

Copy forwarded to:

- 1- The Deputy Commissioner District Shangla.
- 2- The Divisional Monitoring Officer IMU Malakand-I Saidu Sharif Swat.
- 3- The District Accounts Officer Shangla.
- 4- The DHIS Cell Shangla.
- 5- The MO In-charge CH Chakisar.
- 6- The In-charge BHU Gunanger and BHU Maira.
- 7- The Establishment & Accounts Section of this office.
- 8- The above named officials for information and compliance.

**DISTRICT HEALTH OFFICER
SHANGLA**

Amex - 6

12

بخدمت جناب ڈائریکٹر جنرل ہیلتھ خیبر پختونخواہ پشاور
عنوان: بین ریلیکیشن

جناب عالی!

نہایت ادب کے ساتھ عرض کی جاتی ہے کہ سائلہ صفیہ بی بی LHV بنیادی مرکز صحت گنا نگر ضلع شانگلہ میں اپنی خدمات سرانجام دے رہی ہو، 20 دسمبر 2019ء کو میرا ٹرانسفر بنیادی مرکز صحت گنا نگر سے بنیادی مرکز صحت میرہ کو ہو چکی ہے اور 01 دسمبر 2019ء سے میں میسنری لیو پرتھی یعنی میرا ٹرانسفر میسنری لیو کی پیروی میں ہو چکی جو کہ غیر قانونی ہے اور میرے ساتھ سراسر زیادتی ہوئی ہے۔

لہذا میں آپ صاحبان سے گزارش کرتی ہوں کہ مہربانی کر کے میرے آرڈر کو کینسل کرنے کے لئے موجودہ بین کوریلیکس کرنے کے احکامات صادر فرما کر مشکور فرمائیں۔

عین نوازش ہوگی

المرفوع 22-12-2020

العارض

سائلہ صفیہ بی بی LHV بی بی ایچ یو گنا نگر ضلع شانگلہ، خیبر پختونخواہ۔

Attest
A

13

WAKALATNAMA

IN The Court of KP Service Tribunal Peshawar

Mst Safia Bibi

(Petitioner)
(Plaintiff)
(Applicant)
(Complainant)
(Decree Holder)

VERSUS

Gort & others

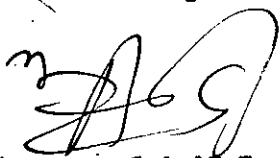
(Respondent)
(Defendant)
(Accused)
(Judgment Debtor)

Case Svc Appeal - 2020

I/We, Mst Safia Bibi do hereby appoint and constitute **Muhammad Arif Jan Advocate High Court, Peshawar**, to appear. Plead, act, compromise, withdraw or refer to arbitration to me/ us as my/ our Counsel in the above noted matter, without any liability for their default and with the authority to engage/ appoint any other Advocate/ Counsel at my/ our matter.

Attested & Accepted

CLIENT/S



Muhammad Arif Jan
Advocate, High Court, Peshawar.
Office No. 6, 1st Floor
Pabbi Medical Centre, G.T. Road
Peshawar.
Mobile: 0333-2212213

Safia Bibi

(Safia Bibi)



7

**OFFICE OF THE
DISTRICT HEALTH OFFICER
DISTRICT SHANGLA AT ALPURAL.**

☎ 0998 250853 • 0998 2508 4
E-mail: shangla@gnss.com

No. 982-87 /DHO/SH/PI

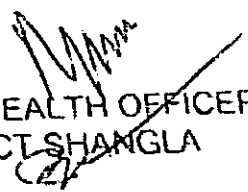
Dated: 27 /01/2020

To be recorded for the grant of 45 Days Post Maternity Leave in
respect of FHM Malakand-I at Swat
Official is likely to resume her duty at her original place of posting after the

Sd/-XXXXX
DISTRICT HEALTH OFFICER
DISTRICT SHANGLA.

Copy & Date Even

- Copy forwarded to:-
- 1. FHM Malakand-I at Swat
- 2. Documents Section of this office
- 3. FHM Malakand-I
- 4. Documents Section for Record
- 5. District Health Officer, District Shangla
- 6. Officer Concerned


DISTRICT HEALTH OFFICER
DISTRICT SHANGLA

To

The DHO office Alpuria
District shangla.

Subject Departure report

Respected Sir,

According to your office


letter NO 7008-15 Dated 20-12-2019. I have been transferred

from BHU Gumangar to BHU maina. So I am

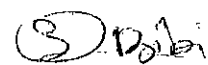
going to submit my departure report.

Kindly accepted my departure report.

thanks


He: Bhu Gumangar
MEDICAL OFFICER
B.H.U. GUMANGAR

Dated - 8-4-2020


Safia BIBI LHM
BHU Gumangar.



**OFFICE OF THE
DISTRICT HEALTH OFFICER
DISTRICT SHANGLA AT ALPURAL.**

☎- 0996- 850653 ☎- 0996- 850824
E-mail: edohshangla@gmail.com

No. 7008-15 /DHO/SH

Dated: 20 /12/2019

OFFICE ORDER:

The following Duty Adjustments/Transfer Posting of LHVs is hereby ordered in the best public interest with immediate effect.

S#	Name with designation	From	To	Remarks
1.	Miss. Safia Bibi LHV BPS-12	BHU Gunanger	BHU Maira	On administrative grounds as per recommendation of the enquiry committee in view of public complaint
2.	Miss. Fahmeeda Bibi LHV BPS-12	BHU Maira (on GD at CH Chakisar)	BHU Gunanger	Against S. No. 01

Departure / Arrival should be submit in due course of time for record.

Sd/-xxxxxxx
**DISTRICT HEALTH OFFICER
SHANGLA**

Endst: No. & Date Even:

Copy forwarded to:

- 1- The Deputy Commissioner District Shangla.
- 2- The Divisional Monitoring Officer IMU Malakand-I Baidou Sharif Swat.
- 3- The District Accounts Officer Shangla.
- 4- The DHIS Cell Shangla.
- 5- The MO In-charge CH Chakisar.
- 6- The In-charge BHU Gunanger and BHU Maira.
- 7- The Establishment & Accounts Section of this office.
- 8- The above named officials for information and compliance.


**DISTRICT HEALTH OFFICER
SHANGLA**

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Mst. Safia Bibi.....Vs.....Secretary Health etc



Put up to the court with
relevant appeal.

30/11/2020

Order

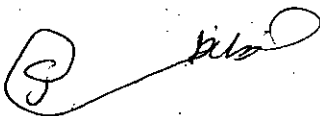
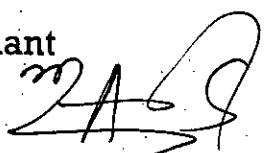
Application for suspension of operation of impugned office order dated 11.11.2020 upto the extent of applicant, whereby the respondents while cancelling the leave already granted to appellant transfer her from BHU Gunager to BHU Dandai till final decision of titled appeal.

Respectfully submitted;

- 1) That in the above titled appeal is pending before this Hon'ble Tribunal, and is fixed for 04.12.2020.
- 2) That through titled appeal, the appellant assailed the impugned office order dated 20.12.2019 vide which, appellant was transferred to BHU Maira.
- 3) That during pendency of titled appeal, the respondents malafidely issued another order dated 11.11.2020, vide which while cancelling the leave already granted to appellant vide order dated 27.04.2020 was cancelled and she was transferred from BHU Gunagar to BHU Dandai despite the fact that her earlier transfer order dated 20.12.2019 was already subjudice before this hon'ble Tribunal. (Copy of order dated 11.11.2020 is attached.

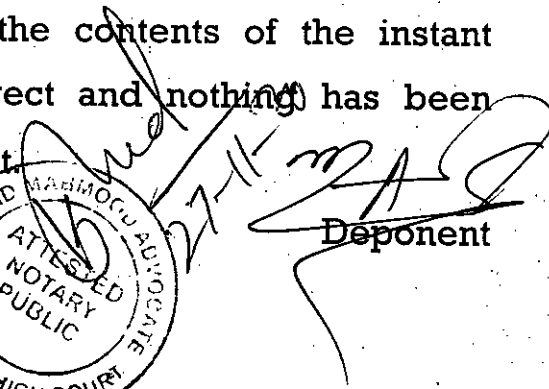
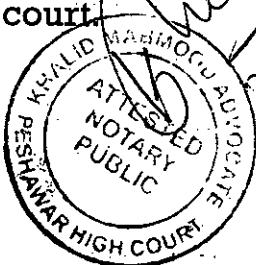
- 4) That the grounds of main appeal may kindly be considered as part and parcel of this application.
- 5) That the appellant has a good prima-facie case in her favour and is also sanguine about its success.
- 6) That balance of convenience also lies in favour of appellant.
- 7) That if the operation of impugned order dated 11.11.2020 upto the extent of appellant is not suspended, the very purpose of titled appeal will become infructuous.

It is, therefore, prayed that on acceptance of this application, the operation of impugned office order upto to the extent of appellant dated 11.11.2020 may graciously be suspended till final decision of tilted appeal.


Appellant
Through 
Muhammad Arif Jan
Advocate High Court

AFFIDAVIT

I, do hereby affirm and declare as per instruction/ information of my client that the contents of the instant **Application** are true and correct and nothing has been concealed from this hon'ble court.


Deponent




**OFFICE OF THE
DISTRICT HEALTH OFFICER DISTRICT
SHANGLA AT ALPURAI**

☎- 0996- 850653

E-mail: edohshangla@gmail.com

☎- 0996- 850824

No. 5312-19/DHO/SH/(Posting/Transfer)

Dated: 11/11/2020

OFFICE ORDER:

In view of the recommendation of the enquiry report bearing this office Diary No. 12312 Dated 05/10/2020, in light of series of complaints through Pakistan Citizen Portal regarding illegal/malpractice during duty hours within the premises of the government hospitals of the district, the following posting/transfers of the female paramedical staff of various categories are hereby ordered on administrative grounds as per tenure policy under the Government of Khyber Pakhtunkhwa Civil Servant Act 1973 Section 10 and sub sections amongst various health facilities in the district with immediate effect in the greater public interest:-

S#	Name with Designation	From	To	Remarks
1.	Fahmeeda Bibi PHC Tech. (MCH)/LHV BPS-12	BHU Gunanger	BHU Dandai	--
2.	Safia Bibi PHC Tech. (MCH)/LHV BPS-12	BHU Maira	BHU Dehrai	Her leave order bearing No. 1861-67/DHO/SH/PF Dated 27/04/2020, has stand cancelled with immediate effect
3.	Palak Naz PHC Tech. (MCH)/LHV BPS-12	BHU Dandai	BHU Maira	--
4.	Shanim Akhtar PHC Tech. (MCH)/LHV BPS-12	BHU Dehrai	RHC Karora	--
5.	Shahi Iqbal PHC Tech. (MCH)/LHV BPS-12	BHU Kuzkana	BHU Damorai	--
6.	Atia PHC Tech. (MCH)/LHV BPS-12	BHU Damorai	BHU Olander	--
7.	Kausar PHC Tech. (MCH)/LHV BPS-12	BHU Olander	BHU Amnovi	--
8.	Shahzia Bibi PHC Tech. (MCH)/LHV BPS-12	BHU Chichloo	BHU Shahlizara	--
9.	Zuhra PHC Tech. (MCH)/LHV BPS-12	BHU Shahlizara	BHU Chichloo	--
10.	Shahcen Akhtar PHC Tech. (MCH)/LHV BPS-12	BHU Amnovi	BHU Towa	--
11.	Hameeda Akhtar PHC Tech. (MCH)/LHV BPS-12	BHU Towa	BHU Bengalai	--
12.	Farah Begum PHC Tech. (MCH)/LHV BPS-12	BHU Chawga	BHU Titwalan	--
13.	Nihayat Bibi PHC Tech. (MCH)/LHV BPS-12	BHU Bengalai	BHU Chawga	--
14.	Muhtaram Bibi PHC Tech. (MCH)/LHV BPS-12	BHU Titwalan	BHU Kuzkana	--
15.	Shagufta Bibi PHC Tech. (MCH)/LHV BPS-12	BHU Martung	BHU Kabalgram	--
16.	Andalceb PHC Tech. (MCH)/LHV BPS-12	BHU Kabalgram	BHU Kamach	--
17.	Shama Bibi PHC Tech. (MCH)/LHV BPS-12	BHU Kamach	BHU Opal	--
18.	Shaista Zeb PHC Tech. (MCH)/LHV BPS-12	BHU Katkoo	BHU Gunanger	--
19.	Amina Bibi PHC Tech. (MCH)/LHV BPS-12	BHU Opal	THQ (H) Besham	--
20.	Fauzia PHC Tech. (MCH)/LHV BPS-12	RHC Karora	RHC Martung	--
21.	M. Akbar PHC Tech. (MP)/MT BPS-12	BHU Gunanger	BHU Katkoo	--
22.	Gul Zeb PHC Tech. (MCH)/LHV BPS-12	THQ (H) Besham	BHU Katkoo	--
23.	Mr. Aziz Ahmad PHC Tech. (MP)/MT BPS-12	BHU Katkoo	BHU Gunanger	--

Strict compliance will be observed in true letter and spirit. Arrival/Departure should be submitted for record within the stipulated period.


**DISTRICT HEALTH OFFICER
SHANGLA**

Endst: No. & Date Even:

Copy forwarded to:

- 1- Director General Health Services Khyber Pakhtunkhwa Peshawar.
- 2- Deputy Commissioner District Shangla.
- 3- Divisional Monitoring Officer IMU Malakand-I at Swat.
- 4- District Accounts Officer District Shangla.
- 5- In-charge of above mentioned health facilities for necessary action.
- 6- Establishment/Accounts Section of this office for necessary action.
- 7- DHIS Cell Shangla for necessary action.
- 8- Above named officials for strict compliance.


**DISTRICT HEALTH OFFICER
SHANGLA**