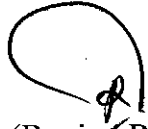


23.06.2021

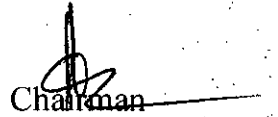
Junior of learned counsel for the petitioner present.

Mr. Muhammad Adeel Butt, learned Additional Advocate General for respondents present.

Junior of learned counsel for the petitioner requested for adjournment on the ground that senior learned counsel for the petitioner is busy before the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 15.07.2021 before D.B alongwith appeal No. 515/2021.



(Rozina Rehman)
Member(J)



Chairman

15.07.2021

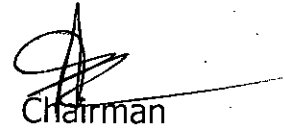
Junior to counsel for petitioner present.

Muhammad Adeel Butt learned Additional Advocate General alongwith Dr. Ijaz Khan D.M.S for respondents present.

File to come up alongwith main appeal No.515/2021, on 17.08.2021 before D.B.



(Rozina Rehman)
Member (J)



Chairman

17.08.2021

Since 17.08.2021 has been declared as Public holiday on account of Moharram, therefore, case is adjourned to 20.09.2021 for the same as before.

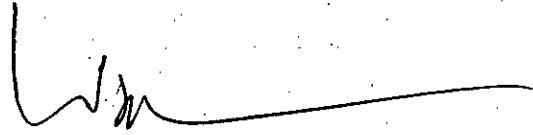


Reader

02.04.2021


Counsel for petitioner present. Mr. Nisar, Monitoring Officer on behalf of respondent No. 1 and Dr. Ijaz, on behalf of respondent No. 3 are present.

Representatives of respondent No. 1 & 3 are seeking time for submission of reply. Adjourned to 21.04.2021 before S.B.


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

21.04.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 21.05.2021 for the same as before.


Reader

21.05.2021


Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 07.06.2021 for the same as before.


Reader

07.06.2021

Junior to counsel for the petitioner and Nisar Ahmad Assistant for respondent No. 1, Jaffar Ali, Senior Clerk for respondent No. 2 and Ejaz, DMS for respondent No. 3 alongwith Kabirullah Khattak, Addl. AG for the respondents present.



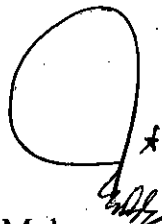
Respondents have furnished reply/comments. Placed on file. To come up for arguments on 23.06.2021 before the D.B alongwith Appeal No. 515/2021.


(Rozina Rehman)
Member(J)

FORM OF ORDER SHEET

Court of _____

C.O.C No. 77 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	04.03.2021	<p>The C.O.C submitted by Mst. Sadia Dilawar through Mr. Noor Muhammad Khattak Advocate may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This C.O.C Petition be put up before S. Bench on...<u>19/03/2021</u></p> <p style="text-align: right;"> CHAIRMAN</p>
2-	19.03.2021	<p>Counsel for the petitioner present. Addl: AG for respondents present.</p> <p>Notices of COC petition be issued to the respondents for submission of reply on the same.</p> <p>Adjourned to 02.04.2021 before S.B.</p> <p style="text-align: right;"> (Mian Muhammad) Member (E)</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

COC NO. _____/2021

APPEAL NO. 515 /2021

DR. SADIA DILAWAR

VS

HEALTH DEPTT:

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1	Memo of COC	1- 2.
2	Affidavit	3.
3	Application	A	4.
4	Oder Sheet Dated	B	5- 6.
9	Vakalat Nama	7.

APPELLANT

THROUGH:

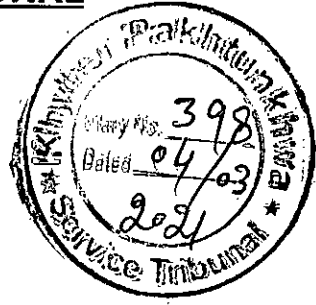
NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

COC NO. 77 /2021

IN

APPEAL NO. /2021



Mr. Sadia Dilawar, District Specialist Gynecology (BPS-18),
Under transfer to DHQ Hospital Mansehara.

.....Petitioner

VERSUS

- 1 Dr. Imtiaz Shah, Secretary health department, Khyber Pakhtunkhw, Peshawar.
- 2 Dr. Niaz, Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
- 3 Dr. Mohsin Raza Torabi, Medical Superintendent DHQ Hospital, District Haripur.

.....Respondents/Contemnors

APPLICATION UNDER ARTICLE- 204 OF THE
CONSTITUTION OF THE ISLAMIC REPUBLIC OF
PAKISTAN, 1973 READ WITH SECTION 3 & 4 OF THE
CONTEMPT OF COURT ORDINANCE, 2004 FOR
INITIATING CONTEMPT OF COURT PROCEEDINGS
AGAINST THE RESPONDENTS/CONTEMNORS

RESPECTFULLY SHEWETH:

- 1- That the appeal of the appellant is pending adjudication before this august tribunal and is fixed for hearing on dated 19.03.2021.
- 2- That the appellant filed the abovementioned appeal against the impugned transfer dated 27.08.2020 whereby the appellant has been transferred from DHQ Hospital Haripur to DHQ hospital Mansehara.
- 3- That the appellant along with appeal filed stay application which was allowed and the impugned order dated 27.08.2020 thereby suspended.
- 4- That the appellant moved an application along with attested copy of order sheet for assumption of duty, the respondents/contemnors rudely behaved and aren't allowing to assume duty at DHQ Hospital Haripur, despite granting stay by this August Tribunal vide order sheet dated . Copy of application and order sheet are attached as annexureA & B

5- That the acts and actions of the Respondents/Contemnors squarely fall within the ambit of the Contempt of the Court and as such they are liable to be proceeded for the Contempt and for the punishment under the law.

It is therefore, humbly prayed that on acceptance of this application, the Contempt of Court proceedings may graciously be initiated against the Respondents/Contemnors and they may be punished accordingly.

APPLICANT/ PETITIONER


DR.SADIA DILAWAR

THROUGH:


NOOR MOHAMMAD KHATTAK

&

**AFRASIAB KHAN WAZIR
ADVOCATES**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

COC NO. _____/2021

APPEAL NO _____/2021

DR. SADIA DILAWAR

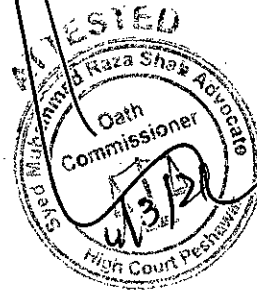
VS

HEALTH DEPARTMENT

AFFIDAVIT

I Noor Muhammad Khattak, Advocte, Peshawar on the instruction and behalf of my client, do hereby solemnly affirm that the contents of this **Contempt of Court Application** is true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

NOOR MUHAMMD KHATTAK
ADVOCATE



To

The Medical Superintendent,
DHQ Hospital
Haripur.

Subject: Resumption of duty.

Respected Sir,

With due respect it is stated that
as per service Tribunal Stay order # 1506
(Dated 20/01/21) I resumed my duty from
today 02/02/2021.

Yours Truly,

Dr. Sadia Dilawar
District Gynecologist
DHQ Haripur.
Sdf

Dated: 02/02/2021.

Attest
[Signature]

4/A

Attested
A

To, The Secretary
of Indian Post Office

of Indian Post Office

DATE: 11/11
DAY: 11/11
HEALTH SERVICES

Subject: Suspension of Transfer order by
Service Tribunal

Respected Sir,

It is stated with due respect

that my transfer order date 27-8-2001

from DHO Hospital Haripur to Type 'D'

Hospital Jogi Manshera has been

suspended by Honorable Court

(Service Tribunal) on 1-2-2001.

I given arrival & started my
duty in DHO Hospital Haripur

as per court order, but in

DHO Haripur you are not allowing

my arrival & started my duty

my to do my duty.

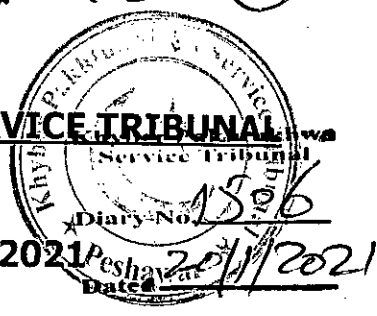
Your all department is requested

to continue my duty in

DHO Hospital Haripur.

Annexure "B" (5)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**



APPEAL NO. 515 /2021 Peshawar 20/11/2021

DR. SADIA DILAWAR, District Specialist Gynaecology (BPS-18),
Under transfer to DHQ Hospital Mansehara.

..... **APPELLANT**

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa Civil Secretariat, Peshawar.
- 2- The Secretary, Government of Khyber Pakhtunkhwa Health Department, Peshawar.
- 3- The Director General Health Services, Khyber Pakhtunkhwa, Peshawar.

..... **RESPONDENTS**

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 27-08-2020 WHEREBY THE APPELLANT HAS BEEN TRANSFERRED FROM DHQH HARIPUR TO DHQH MANSEHRA AGAINST THE PREVAILING LAW & RULES AND AGAINST NOT TAKING ANY ACTION ON THE DEPARTMENTAL APPEAL DATED 23-09-2020 OF THE APPELLANT WITH IN THE STATUTORY PERIOD OF 90 (NINTY) DAYS

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

PRAYERS:

Filed to-day
Registrar
20/11/2021

That on acceptance of this appeal the impugned transfer order dated 27-08-2020 may very kindly be set aside and the respondents may be directed to retain the appellant on his original place of posting at DHQH HARIPUR. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

Brief facts giving rise to the present appeal are as under:-

- 1- That appellant is the employee of the respondent Department and is appointed as District Specialist Gynae (BPS-18) vide order dated 08-01-2018 and since the appellant is performing her duty with full zeal & zest. Copy of the APPOINTMENT ORDER dated 08.01.2018 is attached as annexure **A.**

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

6



29.01.2021

Mr. Noor Muhammad Khattak, Advocate, for appellant is present.

The abridgment of what has been thrust at the bar by the learned counsel representing appellant is that, appellant being appointed as District Specialist Geyne (BPS-18), she performed her duty at DHQ Hospital Haripur, it was during the course of rendition of services that a death of a patient occurred, for ascertaining the reasons an inquiry committee was constituted, after conducting thorough probe of the matter in the light of evidence, appellant was exonerated however, on the basis of the referred to inquiry she was transferred prematurely from DHQ Haripur to DHQ Hospital Mansehra vide order dated 27.08.2020 impugned herein. Departmental appeal was filed before the competent authority but in vain hence, recourse was made to this Tribunal on 20.01.2021 on the expiry of statutory period of 90 days. The learned counsel contended that the impugned transfer order was passed by Secretary Health who is not the competent authority rather the Chief Minister of the Province is invested with requisite powers to be exercised through the office of Chief Secretary of the Province.

The point so agitated at the bar needs consideration. The appeal is admitted for regular hearing subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 12.02.2021 before S.B.

Appellant has submitted application for suspension of the operation of impugned order dated 27.08.2020 notice, of the application has to be communicated to the respondents and in the meanwhile the operation of the impugned order dated 27.08.2020 shall remain suspended if not already acted upon till the next date.

Appellant Deposited Security & Process Fee

Date of Presentation of Application 1-3-2021
 Number of Words 800
 Copying Fee 10
 Urgent _____
 Total 104
 Name of Copyist _____
 Date of Copying 3-3-2021
 Date of Delivery of Copy 3-3-2021

(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

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

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

_____ OF 2021

Dr Sadia Dilawar

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Health Deptt.

(RESPONDENT)
(DEFENDANT)

I/We Dr Sadia Dilawar

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ____/____/2020


CLIENT(S)

ACCEPTED
NOOR MOHAMMAD KHATTAK
15401-0705985-5
BC-08-0853
&

KAMRAN KHAN

AFRASIAB KHAN WAZIR

HAIDER ALI
ADVOCATES

OFFICE:
Flat No.4, Upper Floor,
Juma khan plaza near (FATA) Secretariat
Warsak road Peshawar.
Mobile No. **0345-9383141**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

COC NO. 77 /2021

APPEAL NO. _____ /2021

DR. SADIA DILAWAR

VS

HEALTH DEPTT:

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4	Oder Sheet Dated	B	5- 6.
9	Vakalat Nama	7.

APPELLANT

THROUGH:

NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

COC NO. _____/2021

IN

APPEAL NO. _____/2021

Mr. Sadia Dilawar, District Specialist Gynecology (BPS-18),
Under transfer to DHQ Hospital Mansehara.

.....Petitioner

VERSUS

- 1 Dr. Imtiaz Shah, Secretary health department, Khyber Pakhtunkhw, Peshawar.
- 2 Dr. Niaz, Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
- 3 Dr. Mohsin Raza Torabi, Medical Superintendent DHQ Hospital, District Haripur.

.....Respondents/Contemnors

APPLICATION UNDER ARTICLE- 204 OF THE
CONSTITUTION OF THE ISLAMIC REPUBLIC OF
PAKISTAN, 1973 READ WITH SECTION 3 & 4 OF THE
CONTEMPT OF COURT ORDINANCE, 2004 FOR
INITIATING CONTEMPT OF COURT PROCEEDINGS
AGAINST THE RESPONDENTS/CONTEMNORS

RESPECTFULLY SHEWETH:

- 1- That the appeal of the appellant is pending adjudication before this august tribunal and is fixed for hearing on dated 19.03.2021.
- 2- That the appellant filed the abovementioned appeal against the impugned transfer dated 27.08.2020 whereby the appellant has been transferred from DHQ Hospital Haripur to DHQ hospital Mansehara.
- 3- That the appellant along with appeal filed stay application which was allowed and the impugned order dated 27.08.2020 thereby suspended.
- 4- That the appellant moved an application along with attested copy of order sheet for assumption of duty, the respondents/contemnors rudely behaved and aren't allowing to assume duty at DHQ Hospital Haripur, despite granting stay by this August Tribunal vide order sheet dated . Copy of application and order sheet are attached as annexureA & B

5-

That the acts and actions of the Respondents/Contemnors squarely fall within the ambit of the Contempt of the Court and as such they are liable to be proceeded for the Contempt and for the punishment under the law.

It is therefore, humbly prayed that on acceptance of this application, the Contempt of Court proceedings may graciously be initiated against the Respondents/Contemnors and they may be punished accordingly.

APPLICANT/ PETITIONER

DR.SADIA DILAWAR

THROUGH:

NOOR MOHAMMAD KHATTAK

&

**AFRASIAB KHAN WAZIR
ADVOCATES**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

COC NO. _____/2021

APPEAL NO _____/2021

DR. SADIA DILAWAR

VS

HEALTH DEPARTMENT

AFFIDAVIT

I Noor Muhammad Khattak, Advocte, Peshawar on the instruction and behalf of my client, do hereby solemnly affirm that the contents of this **Contempt of Court Application** is true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

NOOR MUHAMMD KHATTAK
ADVOCATE

10

The Medical Superintendent,
DHQ Hospital.
Haripur.

Subject: Resumption of duty.

Respected Sir,

With due respect it is stated that
as per service Tribunal Stay order # 1506
(Dated 20/01/21) I resumed my duty from
today 02/02/2021.

Yours Truly,

Dr. Sadia Dilawar
District Gynaecologist
DHQ Haripur.
SD

Dated: 02/02/2021.

To: The Secretary
of ICHHA

Subject: Suspension of Transfer order by
Service Tribunal

Respected Sir,

It is stated with due respect

that my Transfer order date 27-5-2011

from DNO Hospital Haripur to Type 'D'

Hospital oggi Manshera has been

suspended by Honorable court

(Service Tribunal) on 1-2-2012.

I given arrival & started my
duty in DNO Hospital Haripur

as per court order but

DNO Hospital Manshera

my arrival there

was to be my duty.

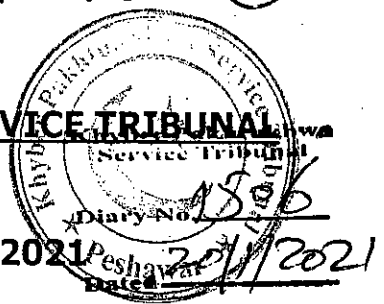
Your all efforts to

me to continue my duty

DNO Hospital Haripur

Annexure B (5)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**



APPEAL NO. 515 /2021

DR. SADIA DILAWAR, District Specialist Gynaecology (BPS-18),
Under transfer to DHQ Hospital Mansehara.

APPELLANT

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa Civil Secretariat, Peshawar.
- 2- The Secretary, Government of Khyber Pakhtunkhwa Health Department, Peshawar.
- 3- The Director General Health Services, Khyber Pakhtunkhwa, Peshawar.

RESPONDENTS

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 27-08-2020 WHEREBY THE APPELLANT HAS BEEN TRANSFERRED FROM DHQH HARIPUR TO DHQH MANSEHRA AGAINST THE PREVAILING LAW & RULES AND AGAINST NOT TAKING ANY ACTION ON THE DEPARTMENTAL APPEAL DATED 23-09-2020 OF THE APPELLANT WITH IN THE STATUTORY PERIOD OF 90 (NINTY) DAYS

ATTESTED

**EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar**

PRAYERS:

**Filed to-day
Registrar
20/11/2021**

That on acceptance of this appeal the impugned transfer order dated 27-08-2020 may very kindly be set aside and the respondents may be directed to retain the appellant on his original place of posting at DHQH HARIPUR. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

Brief facts giving rise to the present appeal are as under:-

- 1- That appellant is the employee of the respondent Department and is appointed as District Specialist Gynae (BPS-18) vide order dated 08-01-2018 and since the appellant is performing her duty with full zeal & zest. Copy of the APPOINTMENT ORDER dated 08.01.2018 is attached as annexure **A.**

Certified to be true copy

**EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar**

6



29.01.2021

Mr. Noor Muhammad Khattak, Advocate, for appellant is present.

The abridgment of what has been thrusted at the bar by the learned counsel representing appellant is that, appellant being appointed as District Specialist Geyne (BPS-18), she performed her duty at DHQ Hospital Haripur, it was during the course of rendition of services that a death of a patient occurred, for ascertaining the reasons an inquiry committee was constituted, after conducting thorough probe of the matter in the light of evidence, appellant was exonerated however, on the basis of the referred to inquiry she was transferred prematurely from DHQ Haripur to DHQ Hospital Mansehra vide order dated 27.08.2020 impugned herein. Departmental appeal was filed before the competent authority but in vain hence, recourse was made to this Tribunal on 20.01.2021 on the expiry of statutory period of 90 days. The learned counsel contended that the impugned transfer order was passed by Secretary Health who is not the competent authority rather the Chief Minister of the Province is invested with requisite powers to be exercised through the office of Chief Secretary of the Province.

The point so agitated at the bar needs consideration. The appeal is admitted for regular hearing subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 12.02.2021 before S.B.

Appellant has submitted application for suspension of the operation of impugned order dated 27.08.2020 notice, of the application has to be communicated to the respondents and in the meanwhile the operation of the impugned order dated 27.08.2020 shall remain suspended if not already acted upon till the next date.

Appellant Deposited Security & Process Fee

3/3/21

Date of Presentation of Application 1-3-2021
 Number of Pages 800
 Copying Fee 10
 Urgent _____
 Total 10
 Name of Copyist _____
 Date of Copy 3-3-2021
 Date of Delivery of Copy 3-3-2021

(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

COC NO. ...77 /2021

Dr. Sadia Dilawar, District Specialist Gynecology (BPS-18),

Under transfer to DHQ Hospital Mansehra.

...Petitioner

VERSUS

1. Dr. Imtiaz Shah, Secretary Health Department, Khyber Pakhtunkhwa Peshawar.
2. Dr. Niaz, Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
3. Dr. Mohsin Raza Turabi, Medical Superintendent DHQ Hospital District Haripur.

...Respondents

INDEX

Joint Para Wise Comments/Reply on the behalf of Respondent No. 1, 2 & 3

S. No	Description of Documents	Annexure	Pages
1	Reply/Comments with Affidavit	-	1-2
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3	Memo Of COC	-	4-5
4	Order Sheet	-	6-7
5	Vakalat Nama	-	8

(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

COC NO. ...77 /2021

Dr. Sadia Dilawar, District Specialist Gynecology (BPS-18),
Under transfer to DHQ Hospital Mansehra.

...Petitioner

VERSUS

1. Dr. Imtiaz Shah, Secretary Health Department, Khyber Pakhtunkhwa Peshawar.
2. Dr. Niaz, Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
3. Dr. Mohsin Raza Turabi, Medical Superintendent DHQ Hospital District Haripur.

...Respondents

PARAWISE COMMENTS ON THE BEHALF OF RESPONDENT NO. 01, 02 & 03

Respectfully Sheweth,

Preliminary Objections:-

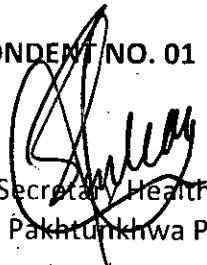
1. The petitioner has got no cause of action nor locus standi to file the instant petition.
2. The Writ Petition is defective in its present form.
3. The Petitioner has not come to this Honorable Court with clean hands.
4. That the Petitioner has concealed the material facts from this Honorable Court.

Grounds:-

1. It is correct that the appeal No. 515 of the appellant is pending before the August Tribunal and is fixed for hearing on dated 21-05-2021.
2. It is correct according to record that petitioner has been transferred from DHQ Hospital Haripur to DHQ Hospital Mansehra vide order no SOH-I/HD/3-1304/2017 dated 27.08.2017 and petitioner relieved from her duties on vide letter no 6551-60/Estab: /F/Relieving dated 28.08.2020, (copy attached) as annexure "A".
3. According to instant petition, it is correct, hence no comments.
4. It is correct that the petitioner moved an application for assumption of duty to Secretary Health (respondent no. 01) but the petitioner has been already relieved from DHQ Haripur vide letter no 6551-60/Estab: /F/Relieving dated 28.08.2020, the relieving order of the petitioner has been acted upon dated 28-08-2020 before the order of the Honorable Services Tribunal Court Peshawar vide dated 29-01-2021.
5. That the petitioner has not moved any application for assumption of duty to the respondents no. 02 & 03.
6. That the respondent no. 03 has not received any order officially from the august tribunal court because the present respondent no-03 were not present in respondents list in the main appeal no 515/2021, which was fixed for hearing before the august tribunal on date 21.05.2021.

It is therefore humbly prayed that on acceptance of the above Para wise comments, the instant COC writ petition may graciously be dismissed with costs.

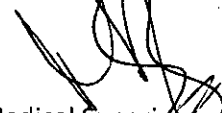
RESPONDENT NO. 01


Secretary Health
Khyber Pakhtunkhwa Peshawar

RESPONDENT NO. 02


Director General Health Services,
Khyber Pakhtunkhwa, Peshawar

RESPONDENT NO. 03


Medical Superintendent,
DHQ Hospital Haripur

②

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

COC NO. ...77 /2021

Dr. Sadia Dilawar, District Specialist Gynecology (BPS-18),
Under transfer to DHQ Hospital Mansehra.

...Petitioner

VERSUS

1. Dr. Imtiaz Shah, Secretary Health Department, Khyber Pakhtunkhwa Peshawar.
2. Dr. Niaz, Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
3. Dr. Mohsin Raza Turabi, Medical Superintendent DHQ Hospital District Haripur.

...Respondents

INDEX

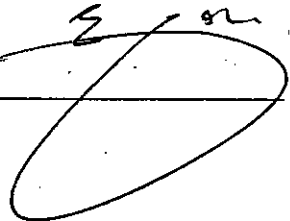
Joint Para Wise Comments/Reply on the behalf of Respondent No. 1, 2 & 3

AFFIDAVIT:

I, Dr. Ejaz Rehmatullah (DMS) BPS-18, Focal person of Litigation, DHQ Hospital Haripur do here by solemnly affirm and declare that contents of fore going comments are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable court.

Dated _____

Deponent _____



3

**OFFICE OF THE MEDICAL SUPERINTENDENT
DHQ TEACHING HOSPITAL HARIPUR**

Ph:No. 0995-351016, Fax No.0995-351017

OFFICE ORDER:

Consequent upon Government of Khyber Pakhtunkhwa Health Department Notification No.SOH-I/HD/3-1304/2017 dated 27.08.2020, regarding transfer of Dr. Sadia Dilawer, District Specialist Gynae (BS-18) attached to DHQ Teaching Hospital Haripur is hereby relieved from this Hospital on 28-08-2020 (F.Noon) with immediate effect. She is directed to report for duties at Type-D Hospital Oghi, Mansehra.

Sd/xxxxxx
MEDICAL SUPERINTENDENT
DHQ HOSPITAL HARIPUR

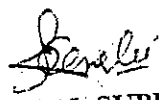
No. 6551-60 /Estt/E/Relieving Dated Haripur the

28/08 /2020.

Copy forwarded to the :-

1. Director General Health Services Khyber Pakhtunkhwa Peshawar.
2. Section Officer (E-I) Government of Khyber Pakhtunkhwa Health Department Peshawar for information w/r to above please.
3. PS to Minister Health, Khyber Pakhtunkhwa
4. PS to Chief Secretary, Khyber Pakhtunkhwa
5. PS to Secretary Health, Khyber Pakhtunkhwa
6. District Health Officer Mansehra
7. Incharge Type-D Hospital Oghi Mansehra
8. District Accounts Officer Haripur
9. Accounts Section undersigned office.
10. Doctor concerned.

for information and necessary action.


MEDICAL SUPERINTENDENT
DHQ HOSPITAL HARIPUR