

29-11-22

Due to rush of work, ~~of late~~ this case has been deleted. To come up for the same on 16-2-23.

16th Feb, 2023

Counsel for the appellant present. Mr. Umair Azam, Addl: AG alongwith Mr. Safiullah Jan, Focal Person for respondents present.

2. Learned counsel for the appellant requested for withdrawal of the instant service appeal on the ground that grievance of the appellant has been redressed. As a token of admission of his submission he signed the margin of the order sheet. Dismissed as withdrawn. Consign

3. Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 16th day of February, 2023.

(Salah Ud Din)
Member(J)

(Kalim Arshad Khan)
Chairman

SCANNED
Khalid
Peshawar

9 withdrawn As S.A
as Grievance is redressed

17-8-22

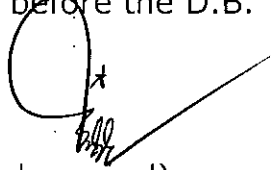
*Due to summer vacation the case is
adjourned to 15-9-22 for the same.*



15.09.2022

Clerk of learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 18.10.2022 before the D.B.



(Mian Muhammad)
Member (Executive)



(Salah-Ud-Din)
Member (Judicial)



18.10.2022

Junior to counsel for appellant present.

Kabir Ullah Khattak, learned Additional Advocate General for respondents present.

Former made a request for adjournment as senior counsel for appellant is busy before the Hon'ble Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 29.11.2022 before D.B.




(Fareeha Paul)
Member(E)



(Rozina Rehman)
Member (J)

21.02.2022


Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 25.05.2022 for the same as before.


Reader

25th May, 2022

Junior of learned counsel for the appellant present.
Mr. Muhammad Rashid, DDA alongwith Safiullah, Litigation Officer for respondents present.

Junior of learned counsel for the appellant seeks adjournment on the ground that learned senior counsel is not available today. Adjourned. To come up for arguments on 14.06.2022 before D.B.

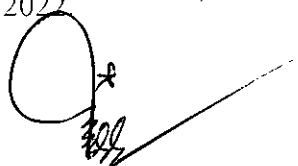

(Fareeha Paul)
Member(E)


(Kalim Arshad Khan)
Chairman

14.06.2022

Clerk of counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for respondents present.

Clerk of counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is unable to attend the Tribunal today due to strike of Lawyers. Adjourned. To come up for arguments before the D.B on 17.08.2022


(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

08.12.2021

Learned counsel for the appellant present. Mr. Safiullah, Section Officer alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.


The Worthy Chairman is on leave, therefore, the bench is incomplete. Adjourned. To come up for arguments on 03.01.2022 before the D.B.


(Salah-ud-Din)
Member (J)

03.01.2022

Counsel for the appellant and Mr. Asif Masood Ali Shah, DDA alongwith Safiullah, Litigation Officer for the respondents present.

Counsel for the appellant seeks adjournment for preparation. Request accorded. Case to come up for arguments on 14.01.2022 before the D.B.

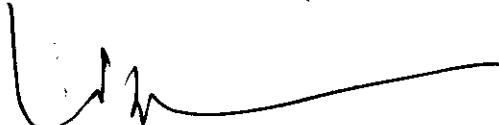

(Atiq-ur-Rehman Wazir)
Member(E)


Chairman

14.01.2022

Mr. Javed Iqbal Gulbela, Advocate present. Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present.

Learned counsel for the appellant requested for time for documentation of the appeal with certain additional documents. Request accorded. To come up for arguments before the D.B on 21.02.2022.


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


Chairman

03.09.2021

Due to summer vacations, the case is adjourned to 30.09.2022 for the same as before.

READER

30-9-21

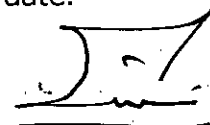
DB is on Tour case to come up
For the same on Dated, 18-10-21

Reader

18.10.2021

Junior to counsel for the appellant and Mr. Muhammad Adeel Butt, Addl. AG alongwith Ziaullah, Deputy Secretary (Legal) for the respondents present.

Due to general strike of the bar, counsel for the appellant is not in attendance today. To come up for arguments on 11.11.2021 before the D.B. The restrain order dated 09.07.2021 shall remain operative till next date.


(Salah-ud-Din)
Member(J)

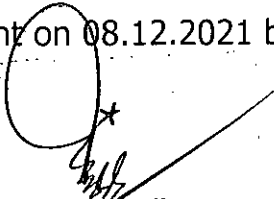

Chairman


11.11.2021

Junior to counsel for appellant present.

Muhammad Riaz Khan Paindakheil learned Assistant Advocate General alongwith Safi Ullah S.O for respondents present.

File to come up alongwith connected Service Appeal No.6686/2021 titled Dr. Ateeqa Rehman Vs. Health Department on 08.12.2021 before D.B.


(Mian Muhammad)
Member (E)

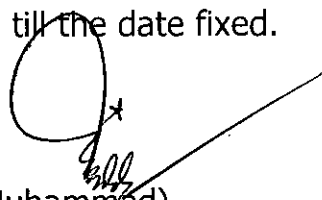

(Rozina Rehman)
Member (J)


11.11.2021

Junior to counsel for appellant present.

Muhammad Riaz Khan Paindakheil learned Assistant Advocate General alongwith Safi Ullah S.O for respondents present.

Former made a request for adjournment as senior counsel is busy in august Supreme Court of Pakistan. Last chance is given. To come up for arguments on 08.12.2021 before D.B. The operation of impugned order shall remain suspended till the date fixed.

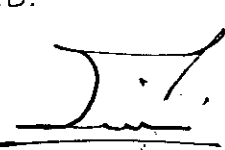

(Mian Muhammad)
Member (E)


(Rozina Rehman)
Member (J)

08.12.2021

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

The Worthy Chairman is on leave, therefore, the bench is incomplete. Adjourned. To come up for arguments on 03.01.2022 before the D.B.


(Salah-ud-Din)
Member (J)

03.09.2021

Due to summer vacations, the case is adjourned to 30.09.2022 for the same as before.

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READER

30-9-21

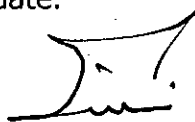
DB is on Tour case to come up
For the same on Dated 18-10-21

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Reader

18.10.2021

Junior to counsel for the appellant and Mr. Muhammad Adeel Butt, Addl. AG alongwith Ziaullah, Deputy Secretary (Legal) for the respondents present.

Due to general strike of the bar, counsel for the appellant is not in attendance today. To come up for arguments on 11.11.2021 before the D.B. The restrain order dated 09.07.2021 shall remain operative till next date.


(Salah-ud-Din)
Member(J)


Chairman

11.08.2021

Junior to counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General alongwith Zia Ullah Law Officer and Safeer Ullah Focal Person for respondents present.

File to come up alongwith connected Service Appeal No. 6721/2021 titled Dr. Sikander Zen Vs. Health Department on 24.08.2021 before D.B.



(Rozina Rehman)
Member (J)

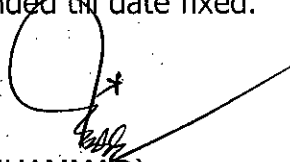


Chairman

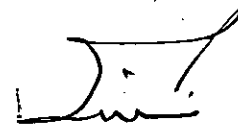
24.08 .2021

Mr. Junaid Khan, Advocate, Junior of learned counsel for the appellant present. Mr. Muhammad Rashid, DDA alongwith Mr. Ziaullah, Law Officer for the respondents present.

Junior of learned counsel for the appellant sought adjournment on the ground that the learned counsel for the appellant is not available today due to some domestic engagement. Adjourned. Last opportunity granted. To come up for argument before the D.B on 03.09.2021. The operation of the order shall remain suspended till date fixed.



(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

27.07.2021

Appellant present through counsel.

Muhammad Adeel Butt learned Additional Advocate General
alongwith Zia Ullah Law Officer for respondents present.

File to come up alongwith connected Service Appeal
No.6721/2021 tilted Dr. Sikander Zeb Vs. Health Department, on
04.08.2021 before D.B.


(Rozina Rehman)
Member (J)

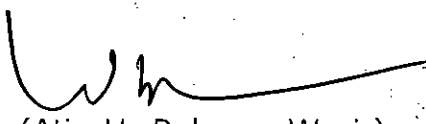

Chairman

04.08.2021

Junior to counsel for appellant present.

Mr. Usman Ghani learned District Attorney alongwith Zia Ullah
Law Officer for respondents present.

File to come up alongwith connected Service Appeal
No.671/2021 titled Sikander Zeb Vs. Health Department, on
11.08.2021 before D.B.


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


(Rozina Rehman)
Member (J)

of appeal. Therefore, office objection is overruled. Points raised need consideration. The appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days of the receipt of notices positively. If the written reply/comments are not submitted within the stipulated time, the office is directed to submit the file with a report of non-compliance. File to come up for arguments on 27.07.2021 before the

Appellant Deposited
Security & Process Fee

5/7/21

D.B.

The appeal is also accompanied with an application for interim relief. Notice of the same be also given to the respondents for the date already fixed. The operation of the order shall remain suspended till date fixed.


Chairman

Sir,

The objection of this office and reply of counsel for the appellant is submitted for appropriate order, please

~~MS~~ ^{ew}
Registrar 2/7/2021

Worthy Chair - cw

Order:

07/07/2021

Keeping the objection of office intact for settlement at the time of preliminary hearing, this appeal be instituted.



Chairman

This is an appeal filed by Dr. Ateeqa Rehman today on 01/07/2021 against the order dated 01.06.2021 against which she preferred/made departmental appeal/ representation on 11.06.2021 the period of ninety days is not yet lapsed as per section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, which is premature as laid down in an authority reported as 2005-SCMR-890.

As such the instant appeal is returned in original to the appellant/Counsel. The appellant would be at liberty to resubmit fresh appeal after maturity of cause of action.

No. 1145 /ST,

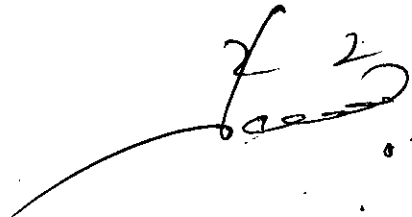
Dt. 01-07 /2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Javed Iqbal Gulbela Adv. Pesh.

Respected Sir,

As per Transfer & Posting Policy, the instant S.A is return of kindly place it before the Honorable Bench for disposal.


02/07/2021

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR**

In Re S.A _____/2021

Dr. Ateeqa Rehman

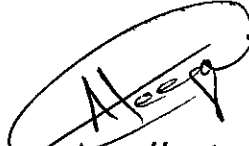
VERSUS

Secretary Health & Others

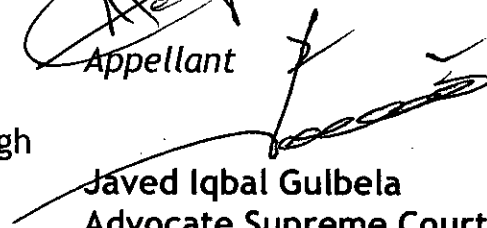
INDEX

S#	Description of Documents	Annex	Pages
1.	Grounds of Appeal		1-4
2.	Affidavit		5
3.	Suspension Application + Affidavit		6-7
4.	Addresses of parties		8
5.	Copy of impugned Office Order Dated 01-06-2021	"A & A/I"	9-12
6.	Copy of Departmental Appeal	"B"	13
7.	Copies of Transfer & Posting Policy	"C"	14-20
8.	Other documents	-	-
9.	Wakalat Nama		21

Dated: 01/07/2021


Appellant

Through


Javed Iqbal Gulbela
Advocate Supreme Court of
Pakistan

(1)

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR**

Khyber Pakhtunkhwa
Service Tribunal

In S.A. 6686 /2021

Diary No. 6738

Dr. Ateeqa Rehman, Medical Officer (BPS-17) R/o Civil
Dispensary Latifabad, Peshawar.

Dated 01-7-2021

-----Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Health at Civil Secretariat, Peshawar.
2. Director General Health Services, Government of Khyber Pakhtunkhwa.

-----Respondents

**APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICES TRIBUNAL ACT -
1974 AGAINST THE IMPUGNED TRANSFER
ORDER NO. SOH (E-II)/1-1/2021/ Dated 01-
06-2021 OF THE OFFICE OF SECRETARY
HEALTH KHYBER PAKHTUNKHWA, WHEREBY
THE APPELLANT HAS BEEN TRANSFERRED
FROM DISTRICT PESHAWAR TO DHQ
HOSPITAL HANGU IN UTTER VIOLATION TO
THE LAW AND POLICY OF TRANSFER &
POSTING GOVERNING THE SUBJECT**

Filed to-day

Registrar

01/7/2021

Respectfully Sheweth,

1. That the Appellant is a naturally born bona-fide citizen of Islamic Republic of Pakistan and hails from a respectable family of District Peshawar.
2. That after going through the mandatorily required criteria, laid down for selection of Medical Officers, the Appellant got appointed as Medical Officer years back.
3. That since induction into service and getting onto the rolls of this extremely humane and prestigious Department, the

6

Appellant has remained the most pragmatic, devoted and dutiful fellow, who never left any stone unturned in performance of her duties and importing any responsibility that has been entrusted to the Appellant.

4. That being highly professional and pragmatic towards the responsibilities bestowed upon the shoulders of the Appellant and because of her whetted professional skills, there have never been any sort of soot or sootage upon his long career, which fact is reflected from Appellant Service record, which sans any complaint or adverse or even advisory remarks mentioned or ever communicated to the Appellant.
5. That in-spite of all this background, whereby a brief glimpse is given in the preceding paras, the Appellant has been transferred vide the impugned Office Order No. SOH (E-II)/1-1/2021/ Dated 01-06-2021, issued from the Office of Secretary Health Khyber Pakhtunkhwa, like a bolt from the blue, from Peshawar to DHQ Hangu in quiet illegal & unwarranted manner. (Copy of impugned order dated 01-06-2021 is annexed herewith as Annexure "A & A/I" respectively).
6. That feeling aggrieved, the Appellant preferred a Departmental Appeal but in-spite of lapse of stipulated period as postulated in Khyber Pakhtunkhwa Transfer and Posting Policy, nothing came up of the same. (Copy of Departmental Appeal is annexed herewith as Annexure "B").
7. That before going to jotted down to the grounds of the instant Service Appeal, it would be appropriate to mention here that the provincial government has provided for its own Transfer and Posting Policy as visualized as Khyber Pakhtunkhwa Transfer & Posting Policy, wherein, it has provided for all sorts of conditions for posting and transfer of any Civil Servant, whereas, the same policy has also provided for approaching this Hon'ble Tribunal quiet expeditiously. (Copy

3)

of Transfer & Posting Policy is annexed herewith as Annexure "C").

8. That feeling aggrieved and having the only remedy available being Civil Servant, the Appellant approaches this Hon'ble Tribunal for setting aside the impugned Transfer Order Dated 01-06-2021, issued from the Office of Secretary Health Khyber Pakhtunkhwa, upon the following grounds, inter-alia;

Grounds:

- A. That the impugned Transfer & Posting Order is wrong, illegal, unwarranted, hence not tenable in the eyes of law.
- B. That the impugned Transfer & Posting is thoroughly in derogation to the principles as laid down and enumerated in the Transfer & Posting Policy.
- C. That the Appellant is Peshawar based and domicile of the Appellant is that of District Peshawar. So as per rationale Policy, the Appellant is entitled to be placed in Peshawar and not beyond Peshawar.
- D. That the impugned transfer order is also against the normal tenure Policy, which under the law is not allowed.
- E. That by transferring the Appellant, the Appellant has virtually been penalized for no wrong done and have been simply kicked out from Peshawar as in either case, the Appellant can easily be adjusted anywhere in District Peshawar, where are lying dozens of vacant posts.
- F. That the Appellant is the only single Women Medical Officer and in-charge against the only sanctioned post at Civil Dispensary Latifabad, and has been posted to DHQ Hangu without any rhyme or reason, which under the law is not allowed.

4)

- G. That the child of the Appellant is suffering from various congenital issues and is under treatment in Peshawar, therefore, the impugned transfer order is liable to be set-aside.
- H. That from every angle, the impugned Transfer & Posting Order is wrong, illegal, unlawful and is liable to be set-aside.
- I. That any other ground not raised here may graciously be allowed at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of the instant Service Appeal, the impugned Transfer & Posting Order No. SOH (E-II)/1-1/2021/ Dated 01-06-2021 of the Office of Secretary Health Khyber Pakhtunkhwa, may very graciously be set-aside.

Any other relief not specifically asked for may also graciously be extended in favor of the appellant in the circumstances of the case.

Dated: 01/07/2021.

Through

Appellant

Javed Iqbal Gulbela
Advocate Supreme Court of
Pakistan

Saghir Iqbal Gulbela
&
Ahsan Sardar
Advocates, High Court
Peshawar.

NOTE:

No such like appeal for the same appellant, upon the same subject matter has earlier been filed by me, prior to the instant one, before this Hon'ble Tribunal.

Advocate.

5)

BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR

In S.A No- _____/2021

Dr. Ateeqa Rehman

Versus

Secretary Health Pakhtunkhwa & Others

AFFIDAVIT

I, Ateeqa Rehman MO (BPS-17), do hereby solemnly affirm and declare that the contents of the instant service appeal/Petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Court.



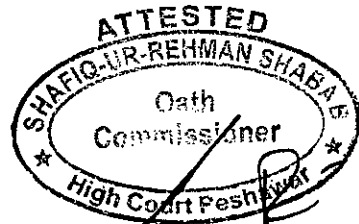
DEPONENT

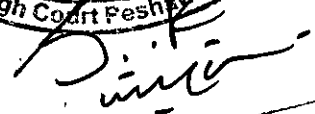
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IDENTIFIED BY: 

JAVED IQBAL GULBELA
Advocate Supreme Court of
Pakistan




01-07-2021

6)

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR**

In Re S.A _____/2021

Dr. Ateeqa Rehman

VERSUS

Secretary Health & Others

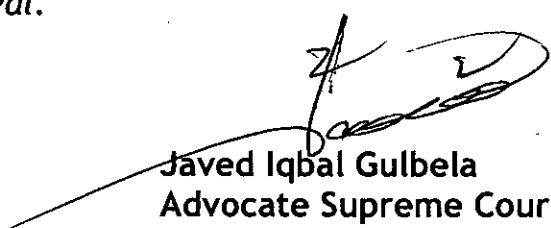
**Application for suspension of operation of impugned
Transfer & Posting Order Dated 01-06-2021**

Respectfully Sheweth,

1. That the Appellant / Applicant is filing the instant application, the contents of which may very graciously be considered as integral part and parcel of the instant Application.
2. That balance of convenience lies in favor of the Appellant / Applicant.
3. That if the impugned Transfer & Posting orders are not suspended, the Appellant / Applicant shall suffer irreparable loss.
4. That in given circumstances of the case, suspension of operation of the impugned Transfer & Posting Orders Dated 01-06-2021 are indispensable.

It is therefore most humbly prayed that on acceptance of the instant application, the operations of impugned Transfer & Posting Orders may very graciously be suspended, till the final disposal of the instant Service Appeal.

Dated: 01-07-2021


**Javed Iqbal Gulbela
Advocate Supreme Court of
Pakistan**

2)

BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR

In S.A No- _____/2021

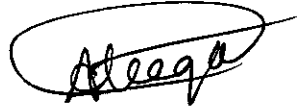
Dr. Ateeqa Rehman

Versus

Secretary Health Pakhtunkhwa & Others

AFFIDAVIT

I, Ateeqa Rehman MO (BPS-17), do hereby solemnly affirm and declare that the contents of the instant service appeal/Petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Court.

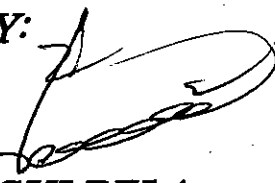


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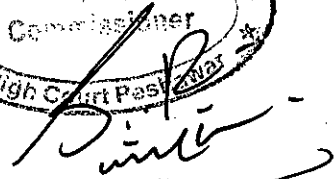
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IDENTIFIED BY:


JAVED IQBAL GULBELA
Advocate Supreme Court of
Pakistan





01-07-2021

8)

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR**

In Re S.A _____/2021

Dr. Ateeqa Rehman

VERSUS

Secretary Health & Others

ADDRESSES OF PARTIES

APPELLANT

Dr. Ateeqa Rehman, Medical Officer (BPS-17) R/o Civil Dispensary Latifabad, Peshawar.

ADDRESSES OF RESPONDENTS

1. Government of Khyber Pakhtunkhwa through Secretary Health at Civil Secretariat, Peshawar.
2. Director General Health Services, Government of Khyber Pakhtunkhwa.

Dated: 01/07/2021

Appellant

Through


Javed Iqbal Gulbela
Advocate Supreme Court of
Pakistan



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated: 1st June, 2021

Amir

NOTIFICATION

No. SOH (E-II)/1-1/2021: Upon the abolition of the posts of Medical Officers/Women Medical Officers (UPS-17) in different Civil Dispensaries in District Peshawar, the following posting/transfer is hereby ordered with immediate effect in best public interest:

S#	Name of Doctor	From	To	Remarks
1	Dr. Muhammad Ali	Civil Dispensary Khalid Town, Peshawar	Placed at the disposal of DHO Hangu	Against vacant post
2	Dr. Hamayun Murtaza	Civil Dispensary SMT-I	Placed at the disposal of DHO Hangu	Against vacant post
3	Dr. Bushra Ayub	Civil Dispensary SMT-I	DHO Hospital Hangu	Against vacant post
4	Dr. Mabeela Rehman	CD Bhana Mari	DHO Hospital Hangu	Against vacant post
5	Dr. Faizul Mahmood Rhotak	CD Din Bahar Colony, Peshawar	DHO Hospital Karak	Against vacant post
6	Dr. Muhammad Asif	CD Rashid Ganj	Placed at the disposal of DHO Karak	Against vacant post
7	Dr. Ateeqa Rehman	CD Latif Abad, Peshawar	DHO Hospital Hangu	Against vacant post
8	Dr. Zahid Imran	BHU High Court	Placed at the disposal of DHO Hangu	Against vacant post
9	Dr. Noor-e-Mubeen	CBD No. 2, Peshawar	DHO Hospital Karak	Against vacant post
10	Dr. Farqa Manzoor	CBD No. 03, Peshawar	Placed at the disposal of DGHS, Peshawar	Against vacant post
11	Dr. Syed Usman Shah	CD Sheikh Abad, Peshawar	Placed at the disposal of DHO Karak	Against vacant post
12	Dr. Arshad Raza Ullah	CD Wazir, Bagh, Peshawar	Placed at the disposal of DHO Karak	Against vacant post
13	Dr. Saadqul Hussain	CD Sheikh Abad at Cal-RHC Takhtabad on GD	Placed at the disposal of DHO Chitral Upper	Against vacant post
14	Dr. Shabana Fida	CD Swati Gate	Placed at the disposal of DHO Karak	Against vacant post
15	Dr. Zahra Altauddin	CD Gulbahar	DHO Hospital Hangu	Against vacant post
16	Dr. Azam Muzahir	CD Zargabad	Placed at the disposal of DHO Chitral Upper	Against vacant post
17	Dr. Irfan-ur-Rehman	CBD No. 3 at Cal-D Garatajik	Placed at the disposal of DHO Chitral Upper	Against vacant post
18	Dr. Ambreen Muhammad	CBD No. 1 on GD at RHC Regi	Placed at the disposal of DHO Chitral Upper	Against vacant post
19	Dr. Sami Ullah	CD Sheikh Abad	DHO Hospital Karak	Against vacant post
20	Dr. Moina Zehra	CD Bhana Mari	Placed at the disposal of DHO Chitral Upper	Against vacant post
21	Dr. Haris Begum	CD Gulbahar	DHO Hospital Hangu	Against vacant post

SECRETARY HEALTH
KHYBER PAKHTUNKHWA

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JAVED QURESHI, Gul Bela
Deputy Attorney General
Advocate High Court, Peshawar
Mob: 999-9405531

GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Endst. No. & date given.

Copy forwarded to the:

- Director General Health Services, Khyber Pakhtunkhwa.
- Director KHS concerned.
- PS to Minister Health, Khyber Pakhtunkhwa.
- PS to Secretary Health Department.
- PS to Special Secretary (E&A), Health Department.
- PS to Additional Secretary (E&A) Health Department.
- PS to Deputy Secretary (Admn) Health Department.
- Others Concerned.

Section Officer (E-II)

JAVED FORA
Daudza
Advocate High Court Peshawar
Mob: 03479405507



11)

**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR**

*All communications should be addressed to the Director General Health Services
Peshawar and not to any official by name. Mail Address: K.P. Highways, Peshawar
Office: 091-9210269 Exchange: 091-9210187, 9210196 Fax: 091-9210230
NO. 5165 H-1 Dated: 31/05/2021*

Am-A/E

To
The Secretary to Government of
Khyber Pakhtunkhwa Health Department,
Peshawar.

Subject: POSTING/TRANSFER.

As decided by the Government, posts of Medical Officers (BPS-17) in different Civil Dispensaries in District Peshawar are abolished, the following Medical Officer/Women Medical officers working in the said Dispensaries in District Peshawar are proposed for posting/transfer against the vacant post of MOWMO (BPS-17) in the public interest.

S No	Name of doctors	Present place of posting/Tenure	Propose	Remarks
1.	Dr. Muhammad Ali MO (BPS-17) Domicile Khyber	Civil Dispensary Khalid Town Peshawar since 07.01.2006	At the disposal of DHO, Hangu	Against the vacant post
2.	Dr. Hamayun Muralaza MO (BPS-17)	Civil Dispensary SMT-I since 19.01.2012	At the disposal of DHO, Hangu	Against the vacant post
3.	Dr. Bushra Ayub WMO (BPS-17) Domicile: Lakki Marwat	Civil Dispensary SMT-I since 18.09.2014	DHQ Hospital Hangu	Against the vacant post
4.	Dr. Nabeela Rehman WMO (BPS-17) Domicile:	CD Shana Mari since 12.08.2016	DHQ Hospital Hangu	Against the vacant post
5.	Dr. Faiza Mehmood Khattak WMO (BPS-17) Domicile: Peshawar	CD Din Bahar Colony Peshawar since 11.08.2016	DHQ Hospital Karak	Against the vacant post
6.	Dr. Muhammad Asif MO (BPS-17) Domicile: Peshawar	CD Rashid Gari (from Badaber) since 26.07.2016	At the disposal of DHO, Karak	Against the vacant post
7.	Dr. Ateeqa Rehman WMO (BPS-17) Domicile: Peshawar	CD Latif Abadi Peshawar since 12.08.2016	DHQ Hospital Hangu	Against the vacant post
8.	Dr. Zahid Imran MO (BPS-17) Domicile: Swabi	BHU High Court since 12.08.2016	At the disposal of DHO, Hangu	Against the vacant post
9.	Dr. Noor e Mobeen MO (BPS-17) Domicile:	CBD-No.2 Peshawar since 09.07.2016	DHQ Hospital Karak	Against the vacant post
10.	Dr. Faiqa Manzoor MO (BPS-17) Domicile: Peshawar	CBD No. 03 Peshawar since 25.08.2016	At the disposal of DGHS, KP Peshawar	Against the vacant post
11.	Dr. Syed Usman Shah MO (BPS-17) Domicile: Peshawar	CD Sheikhabad Peshawar since 07.09.2016	At the disposal of DHO, Karak	Against the vacant post

JAVED IQBAL, Gil Belu
Daudrai Law Chamber
Advocate High Court Peshawar
Mob: 091-9403501

129

12.	Dr. Arshad Rahat Ullah MO (BPS-17) Domicile: Peshawar	CD Wazir Bagh Peshawar since 08.09.2016	At the disposal of DHO, Karak	Against the vacant post
13.	Dr. Sadaqat Hussain MO (BPS-17) Domicile: Peshawar	CD Sheikhabad al Cat-RHC Takhtabad on GD since 19.05.2016	At the disposal of DHO, Chitral Upper	Against the vacant post
14.	Dr. Shahana Fida WMO (BPS-17) Domicile: Mohmand	CD Swati Gate (from Badaber) since 11.06.2017	At the disposal of DHO, Karak	Against the vacant post
15.	Dr. Wajiba Alluddin WMO (BPS-17) Domicile: Peshawar	CD Gulbahar since 09.08.2017	DHO Hospital Hangu	Against the vacant post
16.	Dr. Azeem Muzahir MO (BPS-17) Domicile: Peshawar	CD Zargarabad since 01.08.2017	At the disposal of DHO, Chitral Upper	Against the vacant post
17.	Dr. Ikram-ur-Rehman MO (BPS-17) Domicile: Peshawar	CBD NO.3 al Cat-D Garatajik since 22.08.2017	At the disposal of DHO, Chitral Upper	Against the vacant post
18.	Dr. Ambreen Muhammad WMO (BPS-17)	CBD No.1 on GD at RHC Regi since 12.10.2017	At the disposal of DHO, Chitral Upper	Against the vacant post
19.	Dr. Saima Tahir WMO (BPS-17) Domicile: Mardan	CD Sheikhabad since 16.10.2017	DHO Hospital Karak	Against the vacant post
20.	Dr. Maria Afaq WMO (BPS-17)	CD Bhana Mari since 12.12.2017	At the disposal of DHO, Chitral Upper	Against the vacant post
21.	Dr. Ranaz Begum WMO (BPS-17) Domicile: Mohmand	CD Gulbahar since 18.01.2018	DHO Hospital Hangu	Against the vacant post

It is therefore requested that necessary orders of the Govt. may please be conveyed in the matter.

DIRECTOR GENERAL HEALTH
SERVICES DIVISION, PESHAWAR

JAVED IQBAL Gul Bela
Daudzai Law Chamber
Advocate High Court Peshawar
Mob. 9999999999

To

The Department of Health,
Ministry Health / Secretary Health

Subject: Appeal against transfer ~~Day#~~ 9/19/3
11.6.21

Sir, with due respect, it is stated that my transfer has been ordered from Peshawar to Hangu but due to the following grounds I am forwarding request against my transfer

① My two (2) years old son is suffering from some congenital Medical ailments He is under treatment from L.R.H club foot, centre, orthopaedic Surgeon and ENT specialist. My transfer will result in damage to his treatment and hence his health

② I am the only one W.M.O on the only one sanctioned post at CD Ladig-Abad Peshawar.

③ I am Peshawar domicile holder and my family is residing here who take care of my kids.

On the basis of above grounds, I request you to stop/cancel my Transfer order.
Thanks

Dated: 11/6/21

Ateeza

Attested

Dr. Ateeza Rehman
W.M.O
CD Ladig Abad
Peshawar



The Department of Health
 Ministry Health for a long health.
 I defects report required language 11/12
 Date 01/11/2021
 Mr. Health the report, the is state of health
 my language has been selected from the
 but due to the language is not
 I am a doctor for a consultation of a language
 of a language and child is supporting
 the medical reports are attached. The treatment
 is instructions from a child club post card.
 anthropometric. Surgeon and ENT Specialist.
 My language will result in brain
 the treatment process.
 Secondly I am the only W.M.O
 a sanctioned post card CD lady Abad
 the other MO as W.M.O there.
 Thirdly I am Pakistan domestic
 India and my family a residing few
 who take care of my kids.
 On the basis of above grounds
 I request you to stop/cancel
 my language officer.
 Thanks

Date 1/16/21


 1/16/21

Dr. Alayaz Rehman
 CD Lady Abad
 Rehman

4001

- v) { }
- vi) While making postings/transfer from settled areas to FATA and vice-versa, specific approval of Governor, KHYBER PAKHTUNKHWA needs to be obtained
- ²While making postings/transfers of officers/officials up to BS-17, from settled areas to FATA and vice-versa approval of the Chief Secretary KHYBER PAKHTUNKHWA 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 KHYBER PAKHTUNKHWA 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.
- 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
- ³DCOs 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 KHYBER PAKHTUNKHWA 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:

- | | |
|---|---|
| 1 | 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 KHYBER PAKHTUNKHWA 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. |
| 2 | Added vide Urdu circular letter No. SOR-VI(E&AD)1-4/2003, dated 21-09-2004 |
| 3 | Added vide Urdu circular letter No: SOR-VI (E&AD)/1-4/2005, dated 9-9-2005. |

JAVED IOBAL Gul Bela
 Advocate
 Budget Law Chamber
 Advocate High Court Peshawar
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 Daudzai Law Chamber
 Advocate High Court Peshawar
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Daudzai Law Firm
Advocate High Court
Mob: 0345-944000

Khyber Pakhtunkhwa Services Laws

1333

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: a) Within the same Department b) To and from an Attached Department c) Within the Secretariat from one Department to another	Secretary of the Department concerned. Secretary of the Dept in consultation with Head of Attached Department concerned. 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 posing/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 Khyber Pakhtunkhwa 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.

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/ERAD/1/2000}

SAVED FORAL
Daudzai Law Centre
Advocate High Court Peshawar
Mob: 0345-9405501

3/11/2007
District Government
Advocate
Muzaffargarh

18)

JAVED IQBAL GILANI
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0745-3485501

Khyber Pakhtunkhwa Services Laws

1335

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 KHYBER PAKHTUNKHWA
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 KHYBER**

PAKHTUNKHWA
Endst. No. and date even.
Copy forwarded

- 1.
- 2.
- 3.
- 4.
- 5.

**(NAME)
SECTION OFFICER
Administrative Department**

{Authority: Letter No. SO (E-1) 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 KHYBER PAKHTUNKHWA 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.

18)

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) 1-4/2008/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 28th Oct, 2005.}

.....

The Chief Minister: KHYBER PAKHTUNKHWA 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;
- 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) KHYBER PAKHTUNKHWA 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 KHYBER PAKHTUNKHWA Govt Servants (Conduct)

JAVED IQBAL, Gill Raj
Daudzai Law Firm
Advocate High Court
Mob: 03-9445601

Service (Special Powers) Committee
 Govt Rules of Business 1985, the Administrative Secretaries shall ensure that
 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.

JAVED ITOO
 Director
 Advocacy
 Mob: 0315-8405501

GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated Peshawar the 15th July, 2021.

NOTIFICATION

NO. SOH(E-II)/1-1/2021: In partial Modification of this Department's Notification No SOH(E-II)/1-1/2020 dated 01st June, 2021, the place of posting in respect of Dr. Ranaz Begum, Medical Officer (BS-17), may be read as from DHQ Hospital Hangu to Sifat Ghayur Shaheed Memorial Hospital, Peshawar, with immediate effect in the best public interest.

SECRETARY HEALTH
KHYBER PAKHTUNKHWA

Endst. of even No. & Date.

Copy to the:

- 1 Accountant General, Khyber Pakhtunkhwa.
- 2 Director General, Health Services, Khyber Pakhtunkhwa.
- 3 MS DHQ Hospital Hangu.
- 4 District Health Officer, Hangu & Peshawar.
- 5 District Account Officer, Hangu & Peshawar.
- 6 Assistant Director-IT, Health Department.
- 7 PS to Secretary Health, Khyber Pakhtunkhwa.
- 8 PA to Special Secretary (E&A / B&D) Health Department.
- 9 PA to Additional Secretary (E&A / B&D), Health Department.
- 10 PA to Deputy Secretary (Estab), Health Department.
- 11 Doctor concerned.
- 12 Master file.

(11/23)
Section Offi

Government of Khyber Pakhtunkhwa
Health Department

Dated Peshawar the 13th June, 2021

NOTIFICATION

NO. SOH(E-V)/2-2/2021/ The Competent Authority is pleased to transfer

Dr. Saima Tahir, Woman Medical Officer (17) under transfer to DHO Hospital Karak and post her as Deputy Director, Directorate General Health Services Peshawar against the vacant post in her own pay & scale, in the best public interest, with immediate effect.

SECRETARY HEALTH
GOVERNMENT OF KHYBER PAKHTUNKHWA

Endst. Of even No. & Date.

Copy to the:-

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
3. Deputy Director (IT), Health Department with the direction to upload the notification on official website.
4. Section officer-II Health Department Khyber Pakhtunkhwa
5. PS to Minister for Health Department, Khyber Pakhtunkhwa.
6. PS to Secretary Health Department, Khyber Pakhtunkhwa.
7. Doctor concerned.
8. Personal file of the doctor concerned.

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

3622
21/6/21



Dr. Azeem Muzahir,
M.O - B-17

GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated Peshawar the 24th June, 2021

NOTIFICATION

NO.SOH(E-II)1-1/2021: In partial modification of this Department's Notification No. SOH(E-II)1-1/2021 dated 01st June, 2021, Dr. Azeem Muzahir, Medical Officer (BS-17) is retained at CD Zargarabad, District Peshawar with immediate effect in the best public interest.

SECRETARY HEALTH
KHYBER PAKHTUNKHWA

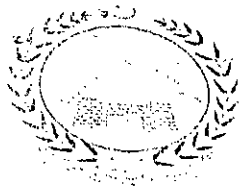
Endst. of even No. & Date.

Copy to the:

1. Accountant General Khyber Pakhtunkhwa.
 2. Director General, Health Services, Khyber Pakhtunkhwa.
 3. District Health Officer, Peshawar & Chitral.
 4. District Account Officer, Peshawar & Chitral.
 5. PS to Secretary Health, Khyber Pakhtunkhwa.
 6. PS to Special Secretary (E&A / B&D), Health Department.
 7. PS to Additional Secretary (E&A / B&D), Health Department.
 8. PA to Deputy Secretary (Estab), Health Department.
- Doctor concerned.
Master file.

Section Officer (E-II)

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GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated Peshawar the 19th June, 2021

NOTIFICATION

NO.SOH(E-II)1-1/2021: In partial modification of this Department's Notification No. SOH(E-II)1-1/2021 dated 01st June, 2021, Dr. Zahida Imran, Women Medical Officer (BS-17) is retained at BHU High Court, Peshawar with immediate effect in the best public interest.

SECRETARY HEALTH
KHYBER PAKHTUNKHWA

Endst. of even No. & Date.

Copy to the:

1. Accountant General Khyber Pakhtunkhwa.
2. Director General, Health Services, Khyber Pakhtunkhwa.
3. District Health Officer, Peshawar & Hangu.
4. District Account Officer, Peshawar & Hangu.
5. PS to Secretary Health, Khyber Pakhtunkhwa.
6. PS to Special Secretary (E&A / B&D), Health Department.
7. PS to Additional Secretary (E&A / B&D), Health Department.
8. PA to Deputy Secretary (Estab), Health Department.
9. Doctor concerned.
10. Master file.

4/41
Section Officer (E-II)

BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWA

In Re S.A 6721 /2021

Dr. Sikander Zeb

VERSUS

Secretary Health & Others

Application for issuing directions to release the Salary of the Appellant

Respectfully Sheweth,


1. That the captioned case is pending before this Hon'ble Court and is fixed for today, i.e. 27-07-2021.
2. That the impugned transfer and posting order dated 09-06-2021 has already been suspended by this Hon'ble Tribunal vide Order Dated 09-07-2021.
3. That as an act of retaliation, the Respondents have with-held the salary of the Appellant and are reluctant in releasing the same.
4. That in given circumstances, releasing of the salary of the Appellant is indispensable.

It is therefore most humbly prayed that on acceptance of the instant application, the respondents be directed to release the salary of the Appellant forthwith.

Dated: 27-07-2021

Appellant

Through


Javed Iqbal Gulbela
Advocate Supreme Court of
Pakistan

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR

In S.A No- 6721 /2021

Dr. Sikander Zeb

VERSUS

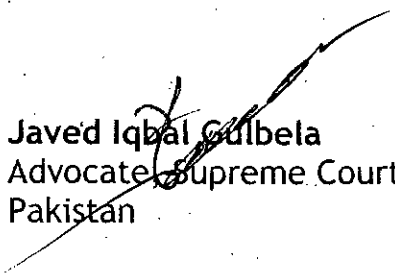
Secretary Health & Others

AFFIDAVIT

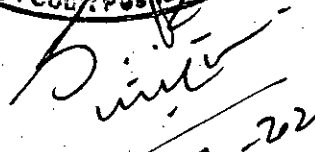
I, Dr. Sikander Zeb S/o Jehanzeb R/o Agriculture University Peshawar do hereby solemnly affirm and declare on oath that the contents of the instant Service Appeal is correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

DEPONENT

Identified by:


Javed Iqbal Gulbela
Advocate Supreme Court of
Pakistan




27-07-2021