sue to such of work, of work this canbe has been delited. To come up for the same a 16-2.23.

16th Feb, 2023

29-11-22

9 Nothdram the Sichersul

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

Learned counsel for the appellant requested for withdrawal 2. 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 Dismissed as withdrawn.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

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

(Salah Ud Din) Member(J)

(Kalim Arshad Khan) Chairman

put to strongener valation the Else is appaurmed to 15-9, 22 for the game, .9-22

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.

Park

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. Kabiruliah 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 17.08.2021

(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.

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)

(Salah-ud-Din) Member (J)

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.

Chairman

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

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

READER

Pivide

18.10.2021

03.09.2021

30-9-21

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

DB is on Tows case to come up For the Some on Danted, 18-10-21

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)

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)

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.

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.

bencl

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

30-9-21

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

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

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)

fman

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)

Charman

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 MUHAMMÁD) 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)

Form-A

FORMOF ORDERSHEET

Court of ______ Case No. 6686 /2021

Order or other proceedings with signature of judge S.No. Date of order proceedings 3 2 1 As per direction of the Worthy Chairman this case may 02/07/2021 1 be entered in the Institution Register and put to the S Bench for preliminary hearing on 0>/07/21 REGISTRAR Counsel for the appellant present. Preliminary 02.07.2021 arguments heard. Alongwith the appeal, the appellant has annexed the copy of Posting and Transfers of the Government from Esta Code. According to Para xiv of the said policy, right of appeal has been given to the government servants and accordingly, if one is aggrieved due to the orders of posting/transfer of authorities, he 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. It is further provided in the said Para that such appeal shall be disposed of within fifteen days. As far as the office objection based on general waiting of 90 days is concerned, it is not workable in presence of a special condition of 15 days under the policy is in field for disposal

of appeal. Therefore, office objection is overruled. Points raised need consideration. The appeal is admitted to The appellant is directed to deposit regular hearing. 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

Sec

& Process Fee

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.

mar

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

Registrar >17 70>

Marthy Chair-cu -

Order: 07<u>07</u>2021

Sir,

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.21-07 /2021

SERVICE TRIBUNAL **KHYBER PAKHTUNKHWA** PESHAWAR.

Mr. Javed Iqbal Gulbela Adv. Pesh.

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BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

In Re S.A _____/2021

Dr. Ateeqa Rehman

<u>VERSUS</u>

Secretary Health & Others

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4	Addresses of parties		8	
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Dated: 01/07/2021

Appellant 5 Yæ

Through

Javed Iqbal Gulbela Advocate Supreme Court of Pakistan

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

/2021 In S.A

Dr. Ateeqa Rehman, Medical Officer (BPS-17) R^{Dated} Dispensary Latifabad, Peshawar.

VERSUS

- 1. Government of Khyber Pakhtunkhwa through Secretary Health at Civil Secretariat, Peshawar.
- 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

Respectfully Sheweth,

- 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

iledto-day

-----Appellant

Diary No.

· Pakhtukhwa

Service Tribunal

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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

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.

- 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 setaside.
- 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

pellant Javed Igbal Gulbela Advocate Supreme Court of Pakistan Saghir Iqbál 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 Tribugal.

8

Advocate.

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

CNIC#17301-7383668-4

03015901262

ATTESTED

Oath Commissione

07-2021

IDENTIFIED BY:

JAVED IQBAL GULBELA Advocate Supreme Court of Pakistan

BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

6)

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

BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

7)

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

CNIC#17301-7383668-4

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IDENTIFIED BY:

JAVED IQBAL GULBELA Advocate Supreme Court of Pakistan

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.

Through

Dated: 01/07/2021

Appellant

Javed Iqbal Gulbela Advocate Supreme Court of Pakistan

GOVERNMENT OF KHYBER PAKHTUNKHWA HEALTH DEPARTMENT

Dated: 1st June, 2021

NOTIFICATION

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

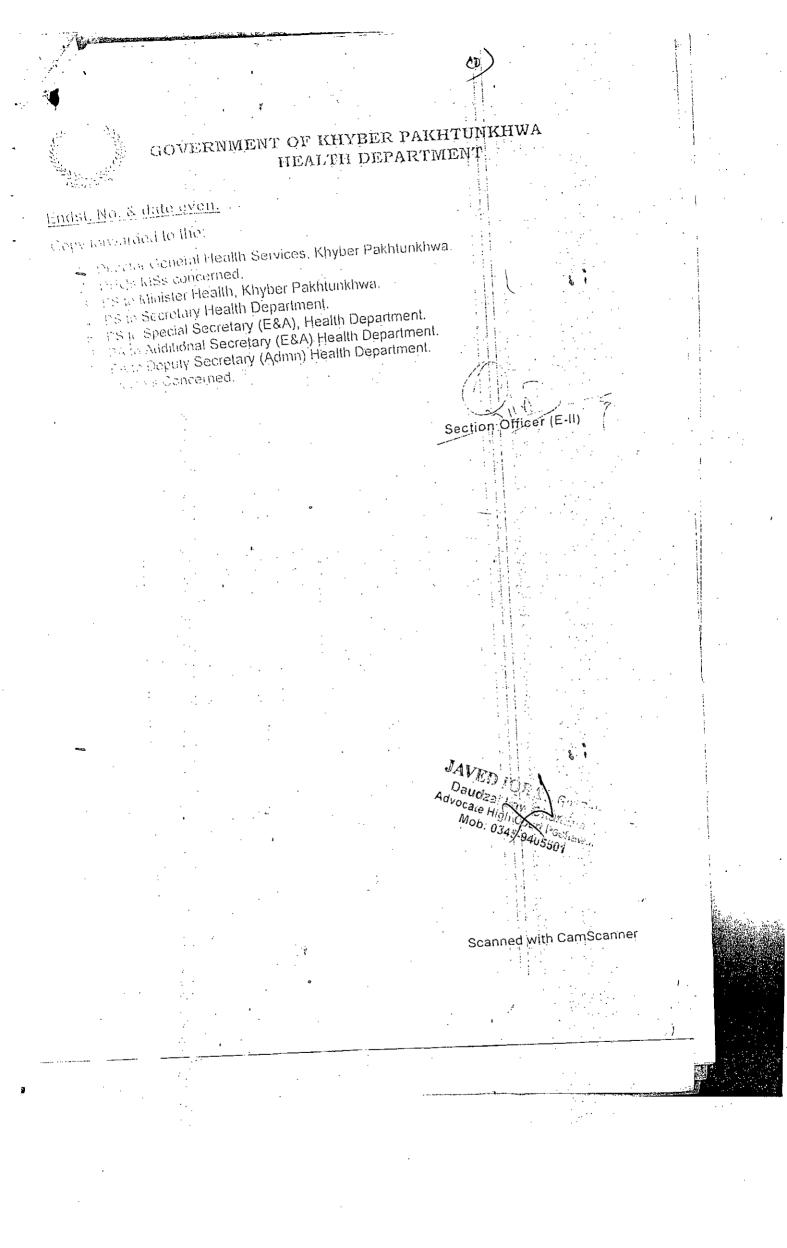
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extended to addressed to the Director Gene Pershawar and not to any official by name 1. Mail (dilleys & P.S.dgiya soloro yun 3) Received and the original of the operation of the o Dated: 31 / 05 /2021 11.1 NO 5163

То

The Secretary to Government of Khyber Pakhlunkhwa Health Department. Peshawar.

Subject .

11)

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

	interest.			Pomarks .
		Present place of	Propose	Remarks
No	Name of doctors	nonting/Tenure		·
		Civil Dispensary	At the disposal	Against the
•	Dr. Muhammad Ali MO	Khalid Town	of DHO, Hangu	vacant post
	(BPS-17) Domicile Khyber	Peshawar since		• .
		07.01.2006		·
		07.01.2000	At the disposal	Against the
}	Dr. Hamayun Murataza	Civil Dispensary	of DHO, Hangu	vacant post
	MO (BPS-17)		01011011010	
	· · · ·	19.01.2012	DHQ Hospitat	- Against the
3.	Dr. Bushra Ayub WMO	Civil Dispensary	Hangu	vacant post
	(BPS-17) -'Domicile: Lakki	SMT-I since	naliyu	
	- Marwat	10.09.2014	DHQ Hospital	Against the
4	I Dr Nabeela Rehman	CD Bhana Mari		vacant post
٦.	WMO (BPS-17) Domicile:	since	Hangu	Tugan por
	Auto for e tite	12.08.2016		I Against the
<u> </u>	Dr. Faiza Mehmood	CD Din Bahar	DHQ Hospita	vacant post
5.	Khattak WMO (BPS-17)) Colony	Karak	vacant poar
	Domicile: Peshawar	Peshawar		
	Uomicile: Pesilawa	11.08.2016		
			At the dispose	al Against the
6	Dr. Muhammad Asif MC (BPS-17) Domicile			vacant post
		since		•
	Peshawar	26.07.2016		
			DHQ Hospit	al Against . th
7.	Dr. Ateeqa Rehman WM		· •	vacant post
	(BPS-17) Domicile	3. Lesugart oute	E L Hange	
	Peshawar	12.08.2016	t At the dispos	al Against th
8.	Dr. Zahid Imran M	• 1 •	of DHO, Hang	u vacant post
įΨ.	(BPS-17) Domicile: Swab	i since		Ju Vacun poor
1		12.00.2010		tal Against th
-	Dr. Noor e Mobeen M	O CBD-No.2	DHQ Hospi	vacant post
9.	(BPS-17) Domicile:	Peshawar sinc	e Karak	vacant post
ļ.		09.07.2016		eal Anainst I
<u></u>	Dr. Faiga Manzoor M	O CBD No. (3 At the dispo	Sar Magainer
[10			e of DGHS, I	KP vacant post
1		25.08.2016	Peshawar	
	Peshawar		ad At the dispo	sal Against
_	Dr. Syed Usman Shah M			ak vacant post &
11		IIC. FCallenger and		1
11	(BPS-17) Domici	07 00 2016		
11	(BPS-17) Domici Peshawar	07.09.2016		
11	(BPS-17) Domici	07.09.2016		

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				12)
2.	MO (BPS-17) Domicile:	CD Wazir Bagh Peshawar since 08 09.2016	of DHO, Karak	Against the vacant post
13.		CD Sheikhabad at Cat-RHC Takhtabad on GD since	At the disposal of DHO, Chitral Upper	Against the vacant post
14.	Dr Shabana Fida WMO (BPS-17) Domicile: Mobimand	19.05.2016 CD Swati Gate (from Badaber) sinco 11.06.2017		Against the vacant post
15	Dr. Wajiha Alluddin WMO (BPS-17) Domicile:	°CD Gulbahar since 09.08.2017	DHQ Hospital Hangu	Against the vacant post
16.	Peshawai Di, Azeem Muzahir MO (BPS-17) Domicile: Declamar	CD Zargarabad	of DHO, Chitral Upper	Against the vacant post
17.	Peshawar Dr. Ikram-ur-Rehman MO (BPS-17) Domicile: Peshawar	CBD NO.3 al	At the disposal of DHO, Chitral Upper	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	vacant post
19.	Dr. Saima Tahir WMO (BPS-17) Domicile: Mardan	CD Sheikhabad since 16.10.2017	Karak	vacant post
20.	Dr. Maria Afaq WMO (BPS-17)	CD Bhana Mar since 12.12.2017	of DHO, Chitra Upper	I vacant post
21.	Dr. Ranaz Begum WMC (BPS-17) Domicile Mohmand) CD Gulbaha ; since 18.01.2018	r DHQ Hospita Hangu	vacant post

It is therefore requested that necessary orders of the Govt. may please

be conveyed in the matter.

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JAVED IOBAL Gul Bela Daudzar Law Charriber Advice a of Moscould Postswar Moscould Postswar

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Vie Department of Health, Better Copy Ministry Health / Secretary Health Subject: Ann-1 Subject: Appeal against transfer Drag 49193 DU, with due respect, it is statied that my transfer has been addred from Reshower to Hangy but due to the gollowing grounds to Hangy but due to the gollowing grounds ground for against my transfer group forwarding Request against my transfer group two (2) years ald son is suffering W My two (2) years and sorr is sufferent from some conserved Medical admends He is under treatment from L.R.H club He is under treatment from L.R.H club poot centre, orthopoedic Sussess and ENT specialist. My transfei will sexult in specialist. My transfei will sexult in damage to his treatment and hence his health damage to his treatment one W.M.O on: @ A am the only one W.M.O on: # and the only one W.M.O on: # Abad one sonctioned post at cD latig-the only one sonctioned post at cD latig-3 1 an Peshawar domicile holder and my januty is residing here whatake and my januty is residing here whatake and my januty is above grounds, A care of my kids. Or the basis of above grounds, A or the basis of careal my transfer order request you to stop/careal my transfer order to stop/careal my transfer order Dr. Aleepa Rehman. N.M.O Doted: 11/6/21 Aleepa (D) Ladiz Abad Peshaesar Atterna

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Khyber Pakhtunkhwa Services Laws



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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 column2 thereof:

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

> Advoca Hyn Court Peshawar More United States JAVED 1000 L Gul Bela Deudzai Law Chamber Advoca Hyn Court Peshawar Mob: 0345-9405501

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		<u>↓</u> 	Jerry Change d	Khyber Pakhtunkhwa Servi	tices Laws 1333
	風が行う	L F		Outside the Secretariat	
ersa, specific	記録で、長沢長見		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.
settled areas KHTUNKHWA in BS-18 and the Governor			2.	Other officers in BPS-17and above to be posted against scheduled posts, or posts normally held by the APUG, PCS(EG) and PCS(SG).	i -do-
cial Services grade. This rade of each			3.	Heads of Attached Departments and other Officers in B-19 & above in all the Departments.	-do-
icts of their	1	ł		In the Secretariat	the approval of
intendent of posted at a			1.	Secretaries	Chief Secretary with the approval of the Chief Minister.
made, forts where the public			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.
sfer of the ce of their			3.	Officials up to the rank of Superintendent: a) Within the same Department	Secretary of the Department concerned.
in one year tile and be isted in the		;		b) To and from an Attached Department	Secretary of the Dept in consultation with Head of Attached Department concerned.
be against				c)Within the Secretariat from one Department to another	Secretary (Establishment)
e KHYBER shown in binst each	:		xiii)	While considering posting/transfer proposals a in mind the following:	; ;
elaxation of onsequently ness, 1985, or the time rules.				Evaluation Report/annual confidentia	rsons on proper posts, the Performance ial reports, past and present record of presently and in the past and general ity of the concerned officers/officials be

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Khyber Pakhtunkhwa Services Laws

b) Tenure on present post shall also be taken into consideration and the posting/transfers shall be in the best public interest.

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.
- 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.	
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: Latter No: SOR-VI/ERAD/1_4/2007*

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Khyber Pakhtunkhwa Services Laws

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 SECREARY GOVERMENT OF KI

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PAKHTUNKHWA Endst. No. and date even.

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{Authority: Letter No. SO (E-I) E&AD/9-12/2006 dated 22-12-2006}. The competent authority has been pleased to direct that Para 1(v) of the

(NAME)

SECTION OFFICER

Administrative Department

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/transfers of Government Servants in any part of the year while carrying out posting/transfers of Government Servants.

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

I am therefore directed to request that the provisions of posting/transfer policy, as amended to the extent above, may kindly be followed in letter and sprit 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:-

- 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 meccus, the approved /prevalent policy of the posting/transfer shall be strictly followed. Government Servants violating the policy and the KHYBER PAKHTUNKHWA Govt Servants (Conduct)

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Service (Special Powers) or anticide Govt Rules of Business 1985, the Administrative Secretaries shan closure of policy and defaulting offices/officials be taken to task & entries to this effect shall be madepolicy and defaulting offices/officials be taken to task & entries to this effect shall be madepolicy and defaulting offices/officials be taken to task & entries to this effect shall be madepolicy and defaulting offices/officials be taken to task & entries to this effect shall be madepolicy and defaulting offices/officials be taken to task & entries to this effect shall be madepolicy and defaulting offices/officials be taken to task & entries to this effect shall be madepolicy and defaulting offices/officials be taken to task & entries to this effect shall be madepolicy and defaulting offices/officials be taken to task & entries to their soft of the purpose of inspection, they shall submit inspection Report to their Administrative Secretaries. Administrative Secretaries shall ensure submission of such reports. *Charthority: - Urdu circular No: SOR-VI (E&AD)/1-4/06, dated, 29-6-2007*}.

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the nent uct) A Dilles Advoca Mob. 03 (5-040550) 🤌 و کالت نامه il and grish. Rive to سور محال بنام ADD+ رموی Re-11-17 42 0] 01 له مقدر مه مندرجه بالاعنوان این طرف کے داسط پیروی و جم المدیح _ آنک يحكيط حاويدا قبال مقرر کیا ہے۔ کہ میں ہر پیشی کاخود یا بزریعہ مختار خاص رو بروعدالت حاضر ہوتا رہونگا۔ اور بوقت ایکار نے جانے مقدر مہد کیل صاحب موصوف کواطلاع دے کرحا ضرعدالت کر دنگا،اگر پیشی پرمن مظہر حاضر نہ ہوا ادرمقد مہ میر کسی طور برمیرے برخلاف ہوگیا تو صاحب موصوف اس کے کسی طرح ذمہ دارنہ ہوئے گے۔ نیز وکیل صا مقام کچہری کی کسی اورجگہ یا کچہری کے مقررہ ادقات ہے پہلے یا پیچھے یا بردز تعطیل پیر دی کرنے کے ذمہ دار نہ ہو . _اگر ر مر **ا** مقد مہ علادہ صدر مقام کچہری کے کسی اور جگہ ساعت ہونے یا بر دزنعطیل یا تچہری کے اوقات کے آگے پیچھے پیش ہونے پر من مظہر کوکوئی نقصان پنچے تو اس کے ذمہ داریا اس کے داسطے سی معاوضہ کے ادا کرنے یا مختارا نہ داپس کرنے کے بھی . ذمه دارنه ، بو سَلَّے ۔ مجھے کوکل ساختہ پر داختہ صاحب موصوف مثل کردہ ذات خود منظور وقبول ہوگا۔اور صاحد صاحب موصوف كوعرضي دعوى وجواب دعوى اور درخواست اجرائ ذكري دنظر ثاني ابيل دنكراني مرتتم كي درخواست يرد ستخط و تقدر یق کرنے کابھی اختیار ہوگا اور کسی تھم یا ڈگری کے اجراء کرانے اور ہوشم کے روپید وصول کرنے اور رسید دینے اور داخل کرنے اور ہوتیم کے بیان دینے اور سپر وثالثی وراضی نامہ فیصلہ برخلاف کرنے اقبال دعویٰ دینے کابھی اختیار ہوگا۔اور بصورت اپیل وبرآمدگی مقدمه یامنسوخی ڈگری یکطرفه درخواست بحکم امتناعی یا قرتی یا گرفتاری قبل از اجراء ڈگری بھی موصوف كوبشرط ادائيكي عليجده مخنارانه پيروى كااختيار ہوگا۔ادربصورت ضرورت صاحب موصوف كوبھى اختيار ہوگايا مقدمہ مذكورہ يا اس کے کہی جزو کی کاروائی کے داسطے یا بصورت اپیل، اپیل کے داسطے دوسرے دکیل یا بیرسٹر کو بجائے اپنے پااپنے ہمراہ _موصوف كوحاصل مقرر کریں اورا یسے مشیر قانون کے ہرا مرد ہی اور ویسے ہی اختیا رات حاصل ہو گئے جیسے کے صاحہ ہی۔اورد دران مقدمہ میں جو کچھ ہر جاندالتواء پڑے گا۔اورصا حب موصوف کاحق ہوگا۔اگروکیل صاحب موصوف کو یوری فیس تاریخ پیش سے پہلے ادانہ کرونگا تو صاحب موصوف کو پوراا ختیار ہوگا کہ مقدمہ کی پیردی نہ کریں اورا لیے صورت میں میرا کوئی مطالبہ کسی تشم کا صاحب موصوف کے برخلاف نہیں ہوگا۔لہذا مختار نا مہلکھ دیا کہ سندر ہے ___ کے مضمون مختار نامہ تن لیا ہے اور اچھی طرح سمجھ لیا ۔

GOVERNMENT OF KHYBER PAKHTUNKHWI HEALTH DEPARTMENT

Dated Poshawar the 15"

July, 2021a

SECRETARY HEALTH KHYBER PAKHTUNKHV

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NOTIFICATION

NO.SOH(E-11)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 Sifwal Ghayur Shaheed Memorial Hospital, Peshawar, with immediate effect in the best public interest.

-ndst. of even No. & Date.

Copy to the:

- Accountant General Khyber Pakhlunkhwa ١
- Director General, Health Services, Khyber Pakhlunkhwa. 2
- MS DHQ Hospital Hangu. 3.
- District Health Officer, Hangu & Peshawar. 4.
- District Account Officer, Hangu & Peshawar. 5
- Assistant Director-IT, Health Department. б.
- PS to Secretary Health, Khyber Pakhtunkhwa. 7
- PA to Special Secretary (E&A / B&D) Health Department. PA to Additional Secretary (E&A / B&D); Health Department. 8
- PA to Deputy Secretary (Estab), Health Department 9
- 10
- Doctor concerned. 11.
- Master file: 12

Government & Khyber Pakhtunkhwa Health Department

Dated Peshawar the 18" June, 20

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SECTION OFFICER (E-V)

NOTIFICATION

NO. SOH(E-V)/2-2/2021/ The Sometent Authority is pleased to transfer a Dr. Saima Tuhić, Woman Medical Construction 177 under transfer to DHO Hospital Karak, and post her as Deputy Dr. con a Directorate General Health Services Peshawai against the vacant post in the awa bay & scale, in the best public interest, with immediate effect

SOVERNMENT OF KHYBER PAKHTUNKHWA

Endst. Of even No. & Date. Copy to the:-

- 1. Accountant General, Khyber Pashiar khwa: Peshawar.
- 2. Director General Health Ser Cost All Aber Pakhtunkhwa, Peshawar.
- 3. Deputy Director (IT), Health Jepath ant with the direction to upload the notification on official website
- 4. Section officer-II Health Department Khyber Pakhtunkhwa
- 5, PSito Minister for Health Department: Khyber Pakhtunkhwa.
- 6. PS to Secretary Health Department, Khyber Pakhtunkhwa.
 - 7. Doctor concerned.
 - Rersonal file of the doctor concerned



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,
 - PS to Special Secretary (E&A / B&D), Health Department.
 - PS to Additional Secretary (E&A / B&D), Health Department
 - PA to Deputy Secretary (Estab), Health Department. Doctor concerned.

Master file.

6.

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.

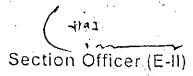
SECRETARY HEALTH KHYBER PAKHTUNKHWA

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
- 2. PA to Deputy Secretary (Estab), Health Department.
- 9. Doctor concerned.

10. Master file.



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BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWA

In Re S.A 6721 /2021

Dr. Sikander Zeb

<u>VERSUS</u>

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 bebal 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

TESTE

Conmission

27-07-2021

nCa

ldentified by:

Gulbela Javed Ig Advocate Supreme Court of Pakistan