


29.11.2022

Due to rush of work, this case has been deleted from the cause list. To come up for the same as before on 16.02.2023 before the D.B.


Reader

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 Dismissed as withdrawn.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
KPST
Peshawar

3 Mr. Arshad Khan for
intd s-A as grievances
redressed.

17.8.22

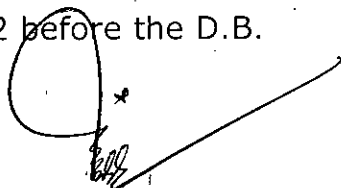
due to summer vacation the case is
adjourned to 15.9.22 for the same.




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.

File to come up alongwith connected Service Appeal No.6686/2021 titled "Dr. Ateeqa Rehman Vs. Government of Khyber Pakhtunkhwa" 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 24.05.2022 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)

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)

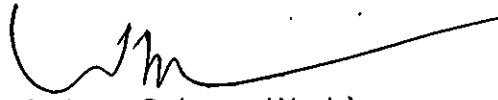


Chairman

03.01.2022

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)

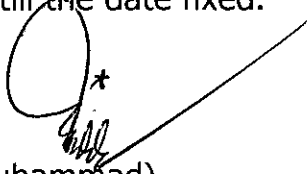

Chairman


[Faint, mostly illegible text and markings, possibly bleed-through from the reverse side of the page, including some numbers and names.]

09.11.2021 Junior to counsel for appellant present.

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

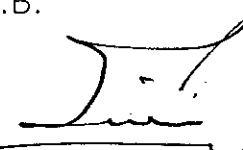
Former made a request for adjournment as senior counsel is busy in august Supreme Court of Pakistan. Last chance is given. To come up for arguments on 08.12.2021 before D.B. The operation of impugned order shall remain suspended till the date fixed.


(Mian Muhammad)
Member (E)


(Rozina Rehman)
Member (J)


08.12.2021 Learned counsel for the appellant present. Mr. 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


03.09.2021

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


READER

30-9-21

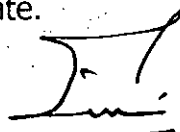
DB is on Tour case to come up
For the same on dated, 18-10-21


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 02.07.2021 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 Safer 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)

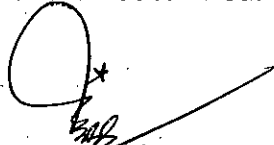


Chairman

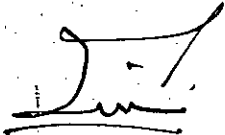
24.08.2021

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 titled 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)

Appellant Deposited
Security & Process Fee

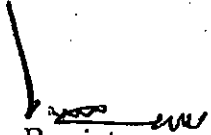
of appeal. Therefore, office objection is overruled. Points raised need consideration. The appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in 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 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


Registrar 2/7/2021

Worthy Chairman.

Order:

02/07/2021

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. Hamyum Murtaza Butt today on 01/07/2021 against the order dated 01.06.2021 against which he 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. 1138 /ST,

Dt. 1-07 /2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Javed Iqbal Gulbela Adv. Pesh.

Respected Sir,

AS per the transfer & posting policy, the instant S.A is matured please place it before the Honble bench

Javed Iqbal Gulbela

2/2

02/07/21

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

In Re S.A _____/2021

Dr. Hamayun Murtaza Butt

VERSUS

Secretary Health & Others

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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. 6697/2021

Diary No. 6231

Dated 01-7-2024

Dr. Hamayun Murtaza Butt, Medical Officer (BPS-17) R/o Civil
Dispensary SMT-I, Peshawar.

-----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 DISTRICT
HANGU IN UTTER VIOLATION TO THE LAW
AND POLICY OF TRANSFER & POSTING
GOVERNING THE SUBJECT**

Filed to-day

Registrar

01/07/2024

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

Appellant has remained the most pragmatic, devoted and dutiful fellow, who never left any stone unturned in performance of his 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 his 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 District 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:

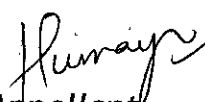
- A. That the impugned Transfer & Posting Order is wrong, illegal, unwarranted, hence not tenable in the eyes of law.
- B. That the impugned Transfer & Posting is thoroughly in derogation to the principles as laid down and enumerated in the Transfer & Posting Policy.
- C. That the Appellant is Peshawar 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 post of 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 from every angle, the impugned Transfer & Posting Order is wrong, illegal, unlawful and is liable to be set-aside.
- G. That any other ground not raised here may graciously be allowed at the time of arguments.

4

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.

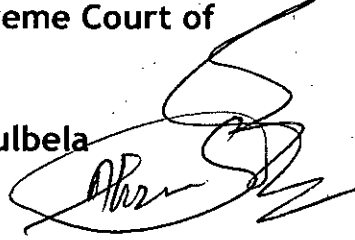
Any other relief not specifically asked for may also graciously be extended in favor of the appellant in the circumstances of the case.

Dated: 01/07/2021.


Appellant

Through


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.

3

BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR

In S.A No- _____/2021

Dr. Hamayun Murtaza

Versus

Secretary Health Pakhtunkhwa & Others

AFFIDAVIT

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

Hamayun
DEPONENT

CNIC#17301-1634061-1

03005982800

IDENTIFIED BY:

Javed Iqbal Gulbela
JAVED IQBAL GULBELA
Advocate Supreme Court of
Pakistan



01-07-2021

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

In S.A No- _____/2021

Dr. Hamayun Murtaza Butt

Versus

Secretary Health Pakhtunkhwa & Others

AFFIDAVIT

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

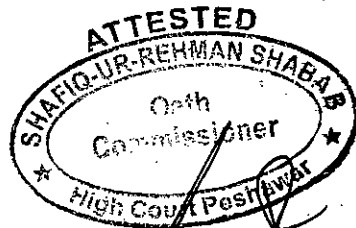
Hamayun
DEPONENT

CNIC#17301-1634061-1

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IDENTIFIED BY:

Javed Iqbal Gulbela
JAVED IQBAL GULBELA
Advocate Supreme Court of
Pakistan



Shafiq-ur-Rehman Shabaz

01-07-2021

8)

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

In Re S.A _____/2021

Dr. Hamayun Murtaza Butt

VERSUS

Secretary Health & Others

ADDRESSES OF PARTIES

APPELLANT

Dr. Hamayun Murtaza Butt, Medical Officer (BPS-17) R/o Civil Dispensary SMT-I, Peshawar.

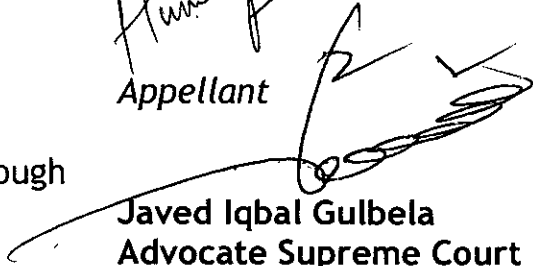
ADDRESSES OF RESPONDENTS

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 A

NOTIFICATION

No. SOH (E-II)/1-1/2021: Upon the abolition of the posts of Medical Officers/Women Medical Officers (BPS-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. Nabeela Rehman	CD Bhuna Mari	DHO Hospital Hangu	Against vacant post
5	Dr. Faizul Mahmood Khattak	CD Din Bahar Colony, Peshawar	DHO Hospital Karak	Against vacant post
6	Dr. Muhammad Asif	CD Rashid Gari	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. Faiza 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 Rahat Ullah	CD Wazir Begh, Peshawar	Placed at the disposal of DHO Karak	Against vacant post
13	Dr. Saadul Hussain	CD Sheikh Abad at Cat-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. Wahiba Altauddin	CD Gulbahar	DHO Hospital Hangu	Against vacant post
16	Dr. Nazam Muzahar	CD Zargabad	Placed at the disposal of DHO Chitral Upper	Against vacant post
17	Dr. Irfan-ur-Rehman	CBD No. 3 at Cat-D Garatapk	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. Samia Eshu	CD Sheikh Abad	DHO Hospital Karak	Against vacant post
20	Dr. Babar Amir	CD Bhuna Mari	Placed at the disposal of DHO Chitral Upper	Against vacant post
21	Dr. Ranoz Begum	CD Gulbahar	DHO Hospital Hangu	Against vacant post

**SECRETARY HEALTH
KHYBER PAKHTUNKHWA**

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JAVED ICHAL Gul Pelt
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-9405501

(b)

GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Endst. No. & date even.

Copy forwarded to the:

- Director General Health Services, Khyber Pakhtunkhwa.
- Chief MS 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.
- MS concerned.


Section Officer (E-II)

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JAVED IQBAL Gul date
Daudza Law Chamber
Advocate High Court Peshawar
Mob. 6345-940388



(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. Khyber @ yahoo.com
Office # 091-9210269 Fax # 091-9210187, 9210196 Loc # 091-9210230
NO 51/65 A-1 Dated: 31/05/2021*

Amir A/S

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 MO/WMO (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 Murataza 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 Abad 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 Gul
Daudpur Law Chamber
Advocate High Court Peshawar
Khyber 0345-9405501

72)

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 at Cal-RHC Takhtabad on GD since 19.05.2016	At the disposal of DHO, Chitral Upper	Against the vacant post
14.	Dr. Shabana Fida WMO (BPS-17) Domicile: Mohmand	CD Swati Gate (from Badaber) since 11.08.2017	At the disposal of DHO, Karak	Against the vacant post
15.	Dr. Wajiba Alluddia 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 Zaigarabad 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 at Cal-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 KHYBER PAKHTUNKHWA PESHAWAR

D IQBAL Gul Bela
Advocate
State High Court Peshawar
0347-911111

13)

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9/90
11-6-21

To

The Secretary Health
Health Deptt KPK.

SUBJECT: Departmental appeal for cancellation of transfer.

Sir, WPK reference to order NO SOH(E-11)/1-1/200 / Dated 11th June 2021

Dr Humayun Mustaza Butt Sp. DR Ghulam Mustafa Butt, transferred to Hangu, as mentioned in order that I am working in CD SMT-1 since 19-1-2012 till date.

Sir my first appointment as MO (BPS-17) on adhoc basis was done on 24-11-2011 and then was regularised under KPK medical and dental surgeon act 2015 (Regularization of services) e ref to notification No-SOH(E-11) 3-18/2015 wef 20th march 2015.

Sir I worked there till dec 2017 and transferred to CD SMT-1 vide letter No 19748-54/DHO/PF dated 21/12/17 on general duty as MO (uprec chairman).

Sir my salary has been drawn from CH-Mattani and also my domicile is of Peshawar, Now I am transferred to Hangu, kindly take notice of this transfer and cancel the order. Kindly consider my appeal.

Thanking you

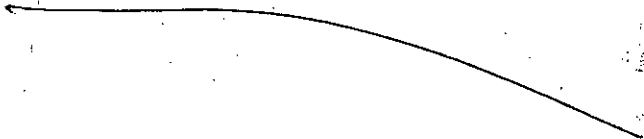
Yours Sincerely
Dr Humayun Mustaza Butt
MO CD SMT-1
BPS-17

Dated: 11th June 2021

Humayun
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Annexure - "C"



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JAVED IQBAL Gul Bala
Dandjal Law Chamber
Advocate High Court Peshawar
Mob: 3345-94035

(Regulation Wing)

2 POSTING / TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT

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

1 . Instructions issued vide circular letter No. SOR-VI (E&AD)1-10/08 (X), dated 07-10-2008
2 . Posting - Transfer Policy - updated till 10 Jan, 2009

15

- 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 IQBAL Gul Bela
 Daudzai Laito Chamba:
 Advocate
 Mob: 3333333333

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.

Gul Bela
Daudzai Law Chamber
Advocate

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/11 4/2007}

18

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.

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- 1.
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**(NAME)
SECTION OFFICER
Administrative Department**

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

The competent authority has been pleased to direct that Para 1(v) of the Posting/Transfer Policy contained in this Department letter No:SOR-I (E&AD) 1-1/85 Vol-II, dated 15-2-2003 shall stand deleted, with immediate effect, consequently allowing the authorities, competent under the 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.

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* 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, Gul Bela
Daudzai Law Chamber
Advocate High Court Peshawar
19000

Service (Special Powers) Ordinance
 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 IQBAL, Gul Bela
 Daudzai Law Chamber
 Advocate No. 1001
 District Bar Council, District Dera Ismail Khan



OFFICE OF THE DISTRICT HEALTH OFFICER,
PESHAWAR.

Phone No. 091 9225377
Fax No. 091 9225333

21)

Ann 1 D^y

OFFICE ORDER.

Upon up-gradation of various posts of medical officers, BS-17 to the post of Senior Medical Officers, BS-18, Senior Medical Officers, BS-18 to the post of Principal Medical Officers, BS-19 and Principal Medical Officer, BS-19 to the post of Chief Medical Officers, BS-20. In result of the above promotions various posts of doctors become surplus in various health facilities. So the undersigned is pleased to re-adjust the following medical officers BS-17 against the vacant posts as under, in the large interest of public.

S.No	Name of Medical Officer, BS17	From	To
1	Dr. Muhammad Asif	Cat- "D" Hospital Badhber Peshawar	Civil Dispensary, Rashood Garhi, Peshawar
2	Dr. Majid Jalil Qureshi	-do-	Basic Health Unit, Chagharaqati
3	Dr. Abdul Rehman	-do-	CBD, No.2
4	Dr. Tajdar Malik	Original place of posting Cat "D" Hospital Badhber and performing duty at TBC, Centre, Peshawar.	CBD, No.1, Peshawar.
5	Dr. Hafsa Tariq	Cat "D" Hospital Mattani	Civil Dispensary, Clerk Colony.
6	Dr. Sultan	-do-	RHC, Putwar
7	Dr. Hamayun Murtaza Batt	-do-	CD, Shaheen Muslim Town
8	Dr. Khalid Mehmood	Emergency Satellite Hospital, Nahaqi Peshawar.	RHC, Putwar
9	Dr. Adnan Saed	-do-	RHC, Takhtabad
10	Dr. Haris Adnan	-do-	-do-
11	Dr. Rana Bibi	-do-	Civil Dispensary, Gulbahar
12	Dr. Amin-ul- Hadi	-do-	CD, Akhoon Abad

Sd/XXXXXX
District Health Officer,
Peshawar.

No. 19748-54 /DHO/P.F

Dated Peshawar the 21-12-2017

Copy forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. Secretary Health, Govt. of Khyber Pakhtunkhwa Peshawar.
3. Director General Health Services, Khyber Pakhtunkhwa.
4. Coordinator, DHIS Section of DHO Office Peshawar.
5. All Incharge, concerned health facilities.
6. Account Section of this office.
7. MO's/WMO's, concerned.

For information and further necessary action.

District Health Officer,
Peshawar.

JAVED IQBAL Gul Bela
Daudzai Law Chamber
Advocate High Court Peshawar
M.C. No. 123456789

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**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

Office Ph: 091-9210269 Exchange: 091-9210187, 091-9210126 Fax: 091-9210230

No. _____/E.I

Dated. ____/01/2012

22)

NOTIFICATION:

On his 1st appointment as MO (B-17) on Adhoc basis for a period of one year, Dr. Humayun Murtaza Butt S/O Ghulam Murtaza Butt has assumed charge of his duties as MO at Civil Hospital Mattani Distt: Peshawar on 24/11/2011 (FN).

**ASSISTANT DIRECTOR (P-I)
DIRECTORATE GENERAL HEALTH
SERVICES KHYBER PAKHTUNKHWA**

The Manager,
Govt: Printing Press KPK, Peshawar
For Publication in Govt: Gazette.

No. 2194-99 /E.I

Dated. 19 /01/2012

Copy forwarded to the:-

1. Secretary to Govt: of KPK, Health Deptt: Peshawar.
2. EDO (Health) Peshawar.
3. AG KPK, Peshawar. (Health & Age Certificate attached)
4. Doctor concerned.
5. AE-IV DGHS Office KPK, Peshawar.
6. AE-III DGHS Office KPK, Peshawar.

For information & necessary action.

**ASSISTANT DIRECTOR (P-I)
DIRECTORATE GENERAL HEALTH
SERVICES KHYBER PAKHTUNKHWA**

for

18/1/12

**JAVED IQBAL Gul Bela
Daudzan Law Chamber
Advocate High Court Peshawar**



23)

DOMICILE CERTIFICATE

I declare that I was born of parents who are permanently domiciled in N.W.F.P. having been born in this Province.

I was born at Village/Mohallah GUL BAHAR Colony 103
Tehsil Peshawar District Peshawar

8284/PA Humayun Mustafa Butt
Signature of the applicant
4-8-94
Dated 22 S. 1994

Pursuance to the declaration dated 2-8-94
filled by HUMAYUN MURTAZA BUTT of GUL BAHAR MURTAZA BUTT
Resident of GUL BAHAR PESHAWAR
domiciled in N.W.F.P. It is hereby certified that the said HUMAYUN MURTAZA BUTT
parents are permanent residents of the N.W.F.P. having been born within it.

I have satisfied myself from ~~personal~~ overseas own knowledge verification that the above declaration is true and certify accordingly.

Given under my hand and the seal of the Court.
This 3rd day of August 1994

COUNTERSIGNED BY

DEPUTY COMMISSIONER

JAVED Iqbal Gu. Bela
Dauda Juv. Chamber
Advocate High Court Peshawar

MAGISTRATE 1st CLASS

Certified that the applicant
is born of parents who are permanently
domiciled in N.W.F.P. having been
born in this province

Tamam
3/8/84

Syed Qamar Abbas
Minister for Jails, Elections,
Urban Renewal, Public
Complaints & Grievances
N. W. F. P.

وکالت نامہ

صبر ایجوکیشنل سروسز پرائیویٹ لمیٹڈ
 راجستریڈ کمپنی (مخصوص) بنام
 منجانب Appellate دعویٰ S.A - 202

تاریخ 01/07/2022 BC-11-1742

باعث تحریر آنکہ مقدمہ مندرجہ بالا عنوان اپنی طرف سے واسطے پیروی و جواب

بمقام کے لیے جاوید اقبال گل بیلہ ایڈووکیٹ ہائٹی کورٹ لاہور کے واسطے

مقرر کیا ہے۔ کہ میں ہر پیشی کا خود یا بزرگیہ مختار خاص رو برو عدالت حاضر ہوتا ہوں گا اور بوقت پکارے جانے مقدمہ مندرجہ

صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا، اگر پیشی پر من مظهر حاضر نہ ہوں اور مقدمہ میری غیر حاضری کی وجہ سے

کسی طور پر میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر

مقام کچہری کی کسی اور جگہ یا کچہری کے مقررہ اوقات سے پہلے یا پیچھے یا بروز تعطیل یا کچہری کے اوقات کے آگے پیچھے پیش ہونے پر

مقدمہ علاوہ صدر مقام کچہری کے کسی اور جگہ سماعت ہونے یا بروز تعطیل یا کچہری کے اوقات کے آگے پیچھے پیش ہونے پر

من مظهر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختار نہ واپس کرنے کے بھی

صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھے کوکل ساختہ پر داخیتہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہوگا۔ اور

صاحب موصوف کو عرضی دعویٰ و جواب دعویٰ اور درخواست اجراء ڈگری و نظر ثانی اپیل و گرانہ ہر قسم کی درخواست پر دستخط و

تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرانے اور ہر قسم کے روپیہ وصول کرنے اور رسید دینے اور داخل

کرنے اور ہر قسم کے بیان دینے اور سپروائٹش و راضی نامہ فیصلہ برخلاف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور

بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یا طرفہ درخواست حکم اتناعی یا ترقی یا گرفتاری قبل از اجراء ڈگری بھی موصوف

کو بشرط ادا ہوگی علیحدہ مختار نہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا

اس کے کسی جزو کی کاروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے دوسرے وکیل یا پیرسٹر کو بجائے اپنے یا اپنے ہمراہ

مقرر کریں اور ایسے مشیر قانون کے ہر امر وہی اور ویسے ہی اختیارات حاصل ہوں گے جیسے کے صاحب موصوف کو حاصل

ہیں۔ اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا۔ اور صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو

پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت

میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا کہ سدر ہے۔

مورخہ 01/07/2022 مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے

01/07/2022

01/07/2022

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01/07/2022

01/07/2022

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01/07/2022

01/07/2022

Appellate
 ڈاکٹر صاحبون متصرف

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Accd
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BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 6697/2021

Dr. Humayun Murtaza Butt..... Appellant

Versus

Govt. of Khyber Pakhtunkhwa through Chief Secretary and others..... Respondents

PARA WISE COMMENTS ON BEHALF OF RESPONDENTS

Respectfully Sheweth :

PRELIMINARY OBJECTIONS:-

1. That the Appellant has got neither cause of action nor locus standi to file the instant Appeal.
2. That the Appellant has filed the instant appeal just to pressurize the respondents.
3. That the instant Appeal is against the prevailing Law and Rules.
4. That the Appeal is not maintainable in its present form.
5. That the Appellant has filed the instant Appeal with mala-fide intention hence liable to be dismissed.
6. That the Appeal is badly time barred.
7. That the Honourable Tribunal has no Jurisdiction to adjudicate upon the matter.
8. That the instant appeal is bad for mis-joinder of unnecessary and non-joinder of necessary parties.
9. The impugned transfer Notification has been issued in accordance with Section 10 of the Khyber Pakhtunkhwa Civil Servant Act 1973.

FACTS

1. Pertains to record.
2. Pertains to record.
3. Pertains to record, however, being a Civil Servant he is to serve with devotion and punctuality, however, his performance is not above the mark.
4. Subject to proof.
5. Correct to the extent that the appellant was transferred vide notification dated 01.06.2021 which was issued by the Competent Authority in accordance with Section-10 of the Khyber Pakhtunkhwa Civil Servant Act 1973.
6. Pertains to record, however, the instant appeal has been filed prematurely in utter violation of Section-4 of Civil Servant Act 1974 and the dictum laid down by apex Court as well as Service Tribunal in various judgements, hence, the same is not maintainable.
7. Pertains to record, however, the maintainability of premature appeals has already been adjudicated by the larger bench of this Honourable Tribunal in case of titled "ArifAbbasi versus of Government of Khyber Pakhtunkhwa" Service Appeal No1648/2013 dated 10.10.2014 as well as Supreme Court in various judgments.
8. Incorrect the appellant has been transferred in accordance with Section-10 of the Khyber Pakhtunkhwa Civil Servant Act 1973 as transfer and posting comes within terms and conditions of service, therefore, no vested right of the appellant has been violated by the respondents. It is worth to mention that the instant appeal has been filed before this Honourable Tribunal prematurely in utter violation of Section-4 of Service Tribunal Act 1974.

GROUND:



- A. Incorrect the impugned notification dated 01.06.2021 is in accordance with law rules and principal of natural justice.
- B. Incorrect the impugned notification has been issued in accordance with law and transfer and posting policy of the Provincial Government policy and in accordance with Section-10. As per Section-10 of the Khyber Pakhtunkhwa Civil Servant Act 1973 a Civil Servant may be posted anywhere even outside of his cadre where the Competent Authority wants to utilize his services.

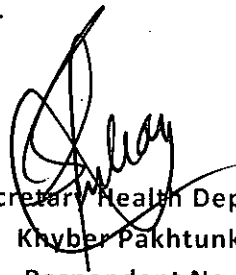
- C. Incorrect the appellant being a member of Provincial cadre post is liable to be posted, anywhere, by the Competent Authority under law and he is bound to serve where she is posted.
- D. The para is based on mala fide, misleading concocted hence denied. The appellant has been transferred vide a general transfer posting order in accordance with law. No clause of policy has been mentioned by the appellant which has been violated by respondents in fact respondents acted as per law, rules and policy.
- E. As per paras above.
- F. Incorrect the appellant has not been penalized. She has been transferred which is terms and conditions of her service and is not penalty.
- G. Incorrect already replied above
- H. Incorrect the competent authority has been empowered by Section 10 of the Khyber Pukhtunkhwa Civil Servant Act 1973 to transfer a Civil servant at anytime to any other post even outside his cadre or province provided his terms & conditions of service is not affected (As per dictum, laid down by the apex court, in 2020 PLCCS 1207 Supreme Court)

Similarly in another judgment reported as 2004 PLC (CS) 705 S.C. It has been laid down that civil servant could not claim posting at a particular station or at the place of his choice. Competent authority, under S 9 of the Punjab civil servant Act 1974, was empowered to transfer any civil servant from one place to other at anytime in exigencies of service or on administrative ground.

- I. Legal however the respondents also seek permission of this honorable tribunal to adduce other grounds during final hearing.

It is therefore requested that the appeal of the appellant may kindly be dismissed with cost.


Director General Health Services
Khyber Pakhtunkhwa
Respondent No-3



Secretary Health Department
Khyber Pakhtunkhwa
Respondent No-1&2

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 6697/2021

Dr. Humayn Murtaza..... Appellant

Versus

Govt. of Khyber Pakhtunkhwa through Chief Secretary and others..... Respondents

VERIFICATION

I, Mr. Ziaullah Deputy Secretary (Lit) Health Department hereby verify that the contents of the Petition are correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.

Deponent



(Ziaullah)

Deputy Secretary (Lit) Health Department

Identified by

Adl.A.G



Additional Advocate General
Khyber Pakhtunkhwa
Service Tribunal Peshawar

BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWA

In Re S.A _____/2021

Dr. Humayun Murtaza Butt

VERSUS

Secretary Health & Others

Application for issuing directions to release the Salary of the Appellant

Respectfully Sheweth,

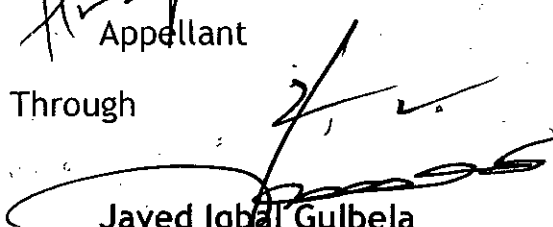
1. That the captioned case is pending before this Hon'ble Court and is fixed for today, i.e. 27-07-2021.
2. That the impugned transfer and posting order dated 01-06-2021 has already been suspended by this Hon'ble Tribunal vide Order Dated 02-07-2021.
3. That as an act of retaliation, the Respondents 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- _____/2021

Dr. Humayun Murtaza Butt

VERSUS

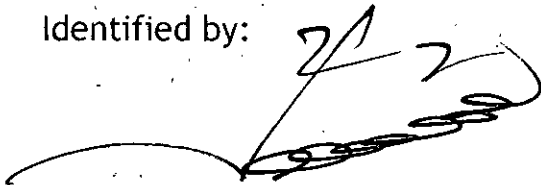
Secretary Health & Others

AFFIDAVIT

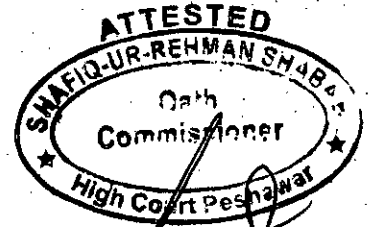
I, Dr. Humayun Murtaza Butt, Medical Officer (BPS-17), at C.D Shaheen Muslim Town Peshawar, do hereby solemnly affirm and declare on oath that the contents of the instant application is correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

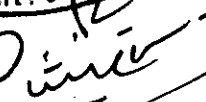

DEPONENT

Identified by:



Javed Iqbal Gulbela
Advocate, Supreme Court of
Pakistan




27-07-2021

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 6697/2021

Dr. Muhammad Asif..... Appellant

Versus

Govt. of Khyber Pakhtunkhwa through Chief Secretary and others..... Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS

Respectfully Sheweth ;

PRELIMINARY OBJECTIONS:-

1. That the Appellant has got neither cause of action nor locus standi to file the instant Appeal.
2. That the Appellant has filed the instant appeal just to pressurize the respondents.
3. That the instant Appeal is against the prevailing Law and Rules.
4. That the Appeal is not maintainable in its present form.
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GROUND:

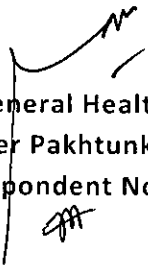
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- C. Incorrect the appellant being a member of Provincial cadre post is liable to be posted, anywhere, by the Competent Authority under law and he is bound to serve where she is posted.
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Khyber Pakhtunkhwa
Respondent No-3


Secretary Health Department
Khyber Pakhtunkhwa
Respondent No-1&2

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 6697/2021

Dr. Muhammad Asif..... Appellant

Versus

Govt. of Khyber Pakhtunkhwa through Chief Secretary and others..... Respondents

VERIFICATION

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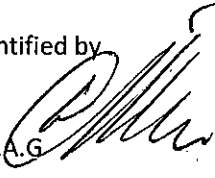
Deponent


(Ziaullah)

Deputy Secretary (Lit) Health Department

Identified by

Adl. A.G.


Additional Advocate General
Khyber Pakhtunkhwa
Service Tribunal Peshawar