

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.

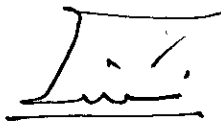

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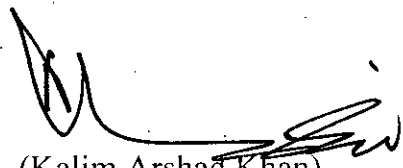
16th Feb, 2023

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 Dismissed as withdrawn.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
KALIM ARSHAD KHAN
PESHAWAR

9 withdrawn this S.A
as former redressed.

17.8.22

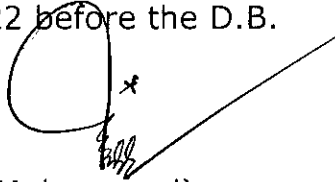
*Due to summer vacation the case
is adjourned to 15.9.22 for the first.*



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

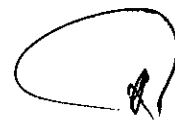

Junior to counsel for appellant present.

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 25.05.2022 for the same as before.


Reader

25th May, 2022

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

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



(Fareeha Paul)
Member(E)



(Kalim Arshad Khan)
Chairman

14.06.2022

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

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



(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

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

11.08.2021

Junior to counsel for appellant present.

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

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



(Rozina Rehman)
Member (J)

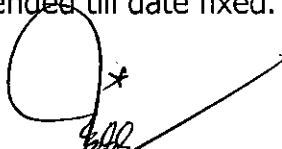


Chairman

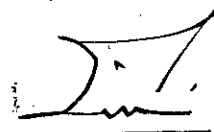
24.08 .2021

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

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



(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

27.07.2021

Appellant present through counsel.

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

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



(Rozina Rehman)
Member (J)



Chairman

04.08.2021

Junior to counsel for appellant present.

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

File to come up alongwith connected Service Appeal No.671/2021 titled Sikander Zeb Vs. Health Department, on ~~11.08~~ 11.08.2021 before D.B.



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




(Rozina Rehman)
Member (J)

Form-A

FORM OF ORDERSHEET

Court of 6692

Case No. /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	02/07/2021	<p>As per direction of the Worthy Chairman this case may be entered in the Institution Register and put to the S.Bench for preliminary hearing on <u>27/9/21</u></p> <p style="text-align: right;">  REGISTRAR </p>
	02.07.2021	<p>Counsel for the appellant present. Preliminary arguments heard.</p> <p>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</p>

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.

Appellant Deposited
Security Process Fee
S.H.

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 21/7/2021

Worthy Chair - am.

Order:

07/07/2021

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


Chairman

This is an appeal filed by Dr. Muhammad Asif 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. 1136 /ST,

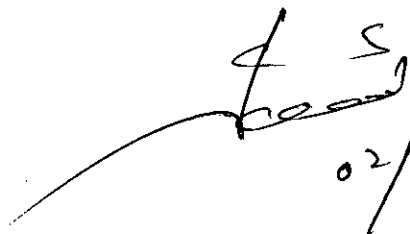
Dt. 1-7- /2021


REGISTRAR,
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Javed Iqbal Gulbela Adv. Pesh.

Respected Sir,

As per Transfer & Posting
Policy, the instant S. A is
matter & kindly place it
before the Hon'ble Bench.


02/07/2021

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

In Re S.A _____/2021

Dr. Muhammad Asif

VERSUS

Secretary Health & Others

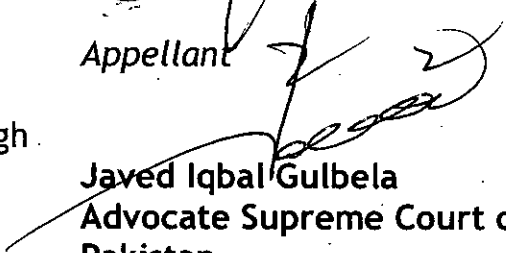
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3.	Suspension Application + Affidavit		6-7
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Dated: 01/07/2021


Appellant

Through


Javed Iqbal Gulbela
Advocate Supreme Court of
Pakistan

1

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR

In S.A. 6692 /2021

Diary No. 6737

Dated 01-7-2021

Dr. Muhammad Asif, Medical Officer (BPS-17) R/o CD Rashid garhi, 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
KARAK IN UTTER VIOLATION TO THE LAW
AND POLICY OF TRANSFER & POSTING
GOVERNING THE SUBJECT

Filed to-day

Registrar

01/07/2021

Respectfully Sheweth,

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

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 Karak and has been placed at the disposal of District Health Officer Karak in quiet illegal & unwarranted manner. **(Copy of impugned order dated 01-06-2021 is annexed herewith as Annexure "A & A/I" respectively).**
6. That feeling aggrieved, the Appellant preferred a Departmental Appeal but in-spite of lapse of stipulated period as postulated in Khyber Pakhtunkhwa Transfer and Posting Policy, nothing came up of the same. **(Copy of Departmental Appeal is annexed herewith as Annexure "B")**.
7. That before going to jotted down to the grounds of the instant Service Appeal, it would be appropriate to mention here that the provincial government has provided for its own Transfer and Posting Policy as visualized as Khyber Pakhtunkhwa Transfer & Posting Policy, wherein, it has provided for all sorts of conditions for posting and transfer of any Civil Servant, whereas, the same policy has also provided for approaching this Hon'ble Tribunal quiet expeditiously. **(Copy**

3)

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

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

Grounds:

- A. That the impugned Transfer & Posting Order is wrong, illegal, unwarranted, hence not tenable in the eyes of law.
- B. That the impugned Transfer & Posting is thoroughly in derogation to the principles as laid down and enumerated in the Transfer & Posting Policy.
- C. That the Appellant is Peshawar based and domicile of the Appellant is that of District Peshawar. So as per rationale Policy, the Appellant is entitled to be placed in Peshawar and not beyond Peshawar.
- D. That That besides the above, the Appellant is giving services to about 2000 patients free of cost every month, as well as the Appellant is engaged in the polio vaccination and due to the impugned illegal transfer order the patients as well as the people of district would suffer.
- E. That the impugned transfer order is also against the normal tenure Policy, which under the law is not allowed.
- F. That by abolishing 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.


4)

- G. That from every angle, the impugned Transfer & Posting Order is wrong, illegal, unlawful and is liable to be set-aside.
- H. That any other ground not raised here may graciously be allowed at the time of arguments.

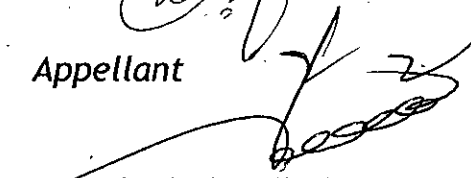
It is, therefore, most humbly prayed that on acceptance of the instant Service Appeal, the impugned Transfer & Posting Order No. SOH (E-II)/1-1/2021/ Dated 01-06-2021 of the Office of Secretary Health Khyber Pakhtunkhwa, may very graciously be set-aside.


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.


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.

5)

BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR

In S.A No- _____/2021

Dr. Muhammad Asif

Versus

Secretary Health Pakhtunkhwa & Others

AFFIDAVIT

I, Muhammad Asif 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 *Asif*

CNIC#

17301-6088899-5

IDENTIFIED BY:

Javed Iqbal Gulbela
JAVED IQBAL GULBELA
Advocate Supreme Court of
Pakistan



6)

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

In Re S.A _____/2021

Dr. Muhammad Asif

VERSUS

Secretary Health & Others

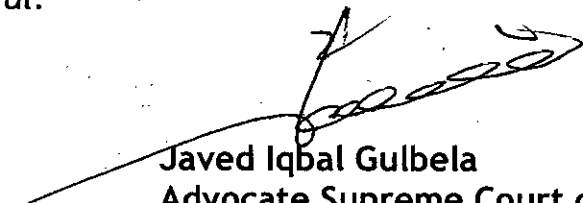
**Application for suspension of operation of impugned
Transfer & Posting Order Dated 01-06-2021**

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

7)

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

In S.A No-_____/2021

Dr. Muhammad Asif

Versus

Secretary Health Pakhtunkhwa & Others

AFFIDAVIT

I, Muhammad Asif 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#

17301-6088899-5

IDENTIFIED BY:

JAVED IQBAL GULBELA
Advocate Supreme Court of
Pakistan



03469007161

01-07-2021

8)

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

In Re S.A _____/2021

Dr. Muhammad Asif

VERSUS

Secretary Health & Others

ADDRESSES OF PARTIES

APPELLANT

Dr. Muhammad Asif, Medical Officer (BPS-17) R/o CD Rashid
garhi, Peshawar.

ADDRESSES OF RESPONDENTS

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

Dated: 01/07/2021

Appellant

Through


Javed Iqbal Gulbela
Advocate Supreme Court of
Pakistan



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated: 1st June, 2021

Amir

NOTIFICATION

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

Sr	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. Nausela Rehman	CD Bhuna Mari	DHO Hospital Hangu	Against vacant post
5	Dr. Faizul Mehmood Khattak	CD On 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. Aleeqa Rehman	CD Lalif 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 Raft Ullah	CD Wazirabad, Peshawar	Placed at the disposal of DHO Karak	Against vacant post
13	Dr. Sadiaul Hussain	CD Sheikh Abad at Cal-RHC Takhtabad on GD	Placed at the disposal of DHO Chitral Upper	Against vacant post
14	Dr. Shabana Fida	CD Swati Gate	Placed at the disposal of DHO Karak	Against vacant post
15	Dr. Waqha Altauddin	CD Gulbahar	DHO Hospital Hangu	Against vacant post
16	Dr. Begum Muzahir	CD Zargabad	Placed at the disposal of DHO Chitral Upper	Against vacant post
17	Dr. Irfan-ul-Rehman	CBD No 3 at Cal-D Garatayik	Placed at the disposal of DHO Chitral Upper	Against vacant post
18	Dr. Andreen Muhammad	CBD No 1 on GD at RHC Regi	Placed at the disposal of DHO Chitral Upper	Against vacant post
19	Dr. Farah Fatih	CD Sheikh Abad	DHO Hospital Karak	Against vacant post
20	Dr. Mala Anil	CD Bhuna Mari	Placed at the disposal of DHO Chitral Upper	Against vacant post
21	Dr. Rameez Begum	CD Gulbahar	DHO Hospital Hangu	Against vacant post

SECRETARY HEALTH
KHYBER PAKHTUNKHWA

JAVED IQBAL, Gul Bela
Dawood Law Chamber
Advocate High Court Peshawar
Mob: 0345-9465501

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GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Endst. No. & date even.

Copy forwarded to the:

- Director General Health Services, Khyber Pakhtunkhwa.
- Director KISS concerned.
- Minister Health, Khyber Pakhtunkhwa.
- Secretary Health Department.
- Special Secretary (E&A), Health Department.
- Additional Secretary (E&A) Health Department.
- Deputy Secretary (Admn) Health Department.
- Persons Concerned.

Section Officer (E-II)

JAVED IQBAL Gul Bela
Quduzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-9405501



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: P. K. Highways, Peshawar
Office: 091-9210269 Exchange: 091-9210187, 9210196 Fax: 091-9210230
NO 5165 H-1 Dated: 31/1/2021

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 Officers/Women Medical officers working in the said Dispensaries in District Peshawar are proposed for posting/transfer against the vacant post of MOWMO (BPS-17) in the public interest.

S.No	Name of doctors	Present place of posting/Tenure	Propose	Remarks
1.	Dr. Muhammad Ali MO (BPS-17) Domicile Khyber	Civil Dispensary Khalid Town Peshawar since 07.01.2008	At the disposal of DHO, Hangu	Against the vacant post
2.	Dr. Hamayun Muralaza MO (BPS-17)	Civil Dispensary SMT-I since 19.01.2012	At the disposal of DHO, Hangu	Against the vacant post
3.	Dr. Bushra Ayub WMO (BPS-17) Domicile: Lakki Marwal	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 Bela
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-9405501

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 Cat-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 11.06.2017	At the disposal of DHO, Karak	Against the vacant post
15.	Dr. Wajida Alluddia WMO (BPS-17) Domicile: Peshawar	CD Gulbahar since 09.08.2017	DHQ Hospital Hangu	Against the vacant post
16.	Dr. Azeem Muzahir MO (BPS-17) Domicile: Peshawar	CD Zargarabad since 01.08.2017	At the disposal of DHO, Chitral Upper	Against the vacant post
17.	Dr. Ikram-ur-Rehman MO (BPS-17) Domicile: Peshawar	CBD NO.3 at Cat-D Garatajik since 22.08.2017	At the disposal of DHO, Chitral Upper	Against the vacant post
18.	Dr. Ambreen Muhammad WMO (BPS-17)	CBD No.1 on GD at RHC Regi since 12.10.2017	At the disposal of DHO, Chitral Upper	Against the vacant post
19.	Dr. Saima Tahir WMO (BPS-17) Domicile: Mardan	CD Sheikhabad since 16.10.2017	DHQ Hospital Karak	Against the vacant post
20.	Dr. Maria Afaq WMO (BPS-17)	CD Bhana Mar since 12.12.2017	At the disposal of DHO, Chitral Upper	Against the vacant post
21.	Dr. Rahaz Begum WMO (BPS-17) Domicile: Mohmand	CD Gulbahar since 18.01.2018	DHQ 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

JAVED IQBAL Gul Bela
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-9405501

Ann 4B⁴

Secretary Health (KPK)

9/79
11-6-21


Subject: Request for withdrawal of transfer order
Departmental Appeal

Sir, With due respect it is stated reference to order no. SOH(E-11)/1-1/2021/ date 1st Jan 2021 I was transferred from CD Raikhad Gazi. It is to inform you that I am the only working doctor in the facility which covers a population of more than 65000 and which renders patients in excess of 2000 per month providing free treatment of different disease. Also I am only doctor to look after polio activities and routine immunization. I have domicile of Peshawar. Please ~~you~~ consider my application and cancel my transfer order.
Thanks

Dated: 11-6-21

JAVED KURUM Gul Beha
Daudzai Law Chamber
Arzoi Bz High Court Peshawar
Mob: 0345-9405501

Dr. M. Asif
Medical Officer
BPS 17
CD Raikhad Gazi


0306 8848687

(4)

Annexure - "C"

JAVED IQBAL Gul Bela
Dudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-9405501

(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

- 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 column2 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.

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Daudzai Law Chamber
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16)

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Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-9405501

Khyber Pakhtunkhwa Services Laws

1333

Outside the Secretariat		
1.	Officers of the all Pakistan Unified Group i.e. DMG, PSP including Provincial Police Officers in BPS-18 and above.	Chief Secretary in consultation with Establishment Department and Department concerned with the approval of the Chief Minister.
2.	Other officers in BPS-17 and above to be posted against scheduled posts, or posts normally held by the APUG, PCS(EG) and PCS(SG).	-do-
3.	Heads of Attached Departments and other Officers in B-19 & above in all the Departments.	-do-
In the Secretariat		
1.	Secretaries	Chief Secretary with the approval of the Chief Minister.
2.	Other Officers of and above the rank of Section Officers: a) Within the Same Department b) Within the Secretariat from one Department to another.	Secretary of the Department concerned. Chief secretary/Secretary Establishment.
3.	Officials up to the rank of Superintendent: a) Within the same Department b) To and from an Attached Department. c) Within the Secretariat from one Department to another	Secretary of the Department concerned. Secretary of the Dept in consultation with Head of Attached Department concerned. Secretary (Establishment)

xiii) While considering posting/transfer proposals all the concerned authorities shall keep in mind the following:

- a) To ensure the posting of proper persons on proper posts, the Performance Evaluation Report/annual confidential reports, past and present record of service, performance on post held presently and in the past and general reputation with focus on the integrity of the concerned officers/officials be considered.

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

xiv) Government servants including District Govt. employees feeling aggrieved due to the orders of posting/transfer authorities may seek remedy from the next higher authority / the appointing authority as the case may be through an appeal to be submitted within seven days of the receipt of such orders. Such appeal shall be disposed of within fifteen days. The option of appeal against posting/ transfer orders could be exercised only in the following cases.

- i) Pre-mature posing/transfer or posting transfer in violation of the provisions of this policy.
- ii) Serious and grave personal (humanitarian) grounds.

2. To streamline the postings/transfers in the District Government and to remove any irritant/confusions in this regard the provision of Rule 25 of the Khyber Pakhtunkhwa District Government Rules of Business 2001 read with schedule - IV thereof is referred. As per schedule-IV the posting/transferring authorities for the officers/officials shown against each are as under:-

S. No.	Officers	Authority
1.	Posting of District Coordination Officer and Executive District Officer in a District.	Provincial Government.
2.	Posting of District Police Officer.	Provincial Government
3.	Other Officers in BPS-17 and above posted in the District.	Provincial Government
4.	Official in BPS-16 and below	Executive District Officer in consultation with District Coordination Officer.

3. As per Rule 25(2) of the Rules mentioned above the District Coordination Department shall consult the Government if it is proposed to:

- a) Transfer the holder of a tenure post before the completion of his tenure or extend the period of his tenure.
- b) Require an officer to hold charge of more than one post for a period exceeding two months.

4. I am further directed to request that the above noted policy may be strictly observed /implemented.

.....

All concerned are requested to ensure that tenures of the concerned officers/officials are invariably mentioned in summaries submitted to the Competent Authorities for Posting/Transfer.

(Authority: Letter No: SOR-VI/ERAD/1/2007)

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Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-9405501

18)

JAVED IQBAL Gul Bela
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-9405501

Khyber Pakhtunkhwa Services Laws

1335

It has been decided by the Provincial Government that posting/transfer orders of all the officers up to BS-19 except Heads of Attached Departments irrespective of grades will be notified by the concerned Administrative Departments with prior approval of the Competent Authority obtained on the Summary. The Notifications/orders should be issued as per specimen given below for guidance.

All posting/transfer orders of BS-20 and above and Heads of Attached Departments (HAD) shall be issued by the Establishment Department and the Administrative Departments shall send approved Summaries to E&A Department for issuance of Notifications.

SPECIMEN NOTIFICATION.

GOVERNMENT OF KHYBER PAKHTUNKHWA
NAME OF ADMINISTRATIVE
DEPARTMENT

Dated Peshawar, _____

NOTIFICATION

NO. _____ The Competent Authority is pleased to order the transfer of Mr. _____ Department and to post him as _____ in the interest of public service, with immediate effect.

**CHIEF SECRETARY
GOVERNMENT OF KHYBER**

PAKHTUNKHWA
Endst. No. and date even.
Copy forwarded

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

**(NAME)
SECTION OFFICER
Administrative Department**

{Authority: Letter No. SO (E-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.

18)

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

I am therefore directed to request that the provisions of posting/transfer policy, as amended to the extent above, may kindly be followed in letter and spirit in future so as to keep good governance standard in this regard.

{**Authority:** Letter No: SOR-VI (E&AD) 1-4/2008/Vol-VI, dated 3-6-2008}.

.....

According to the policy of the provincial Government, maximum tenure on a post is three years. Contrary to the Policy, Store Keepers, Cashiers, Accountants and other ministerial staff remains posted in their particular field for long time, which may result in misuse of this position, due to which not only public exchequer may sustain loss but general public also suffers. The Provincial Government has taken serious notice of this situation & decided that all Administrative Secretaries and DCOs may submit a certificate within one month to the effect that above mentioned officials, having completed three years on their posts, have been adjusted on posts other than those they held previously.

{**Authority:** Urdu circular No: SOR-VI (E&AD)/05 dated 28th Oct, 2005.}

.....

The Chief Minister KHYBER PAKHTUNKHWA has directed that:-

- i) Submission of summary would not be required in case of mutual transfer.
- ii) Posting/transfer shall be made according to the policy;
- iii) Government Servants shall avoid direct submission of applications to the Chief Minister;
- iv) In genuinely deserving case, they should approach the Administrative Secretaries who could process the case according to policy;
- v) In case of direct submission of application to the Chief Minister Secretariat for Posting/ Transfer, the concerned govt servants shall be proceeded against under the prevalent rules and regulations.

{**Authority:** Urdu circular No; SOR-VI/E&AD/1-4/2003, dated 86-2004. Urdu Letter No: SOR-VI/E&AD/Misc: /2005, dated 3-1-2005.}

It has been decided with the approval of the competent authority that:-

- i) Mutual transfer would be allowed if both the concerned employees agree; except the Government Servants holding Administrative posts;
- ii) KHYBER PAKHTUNKHWA Government Rules of Business' 1985 shall be observed while issuing posting/transfer orders.

{**Authority:** - Urdu circular letter No: SOR (E&AD)/1-4/2005, dated 9-9-2005}

.....

The competent authority has decided that in order to maintain discipline, enhance performance of the departments and ensure optimum service delivery to the masses, the approved /prevalent policy of the posting/transfer shall be strictly followed. Government Servants violating the policy and the KHYBER PAKHTUNKHWA Govt Servants (Conduct)

JAVED IQBAL Gul Bela
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-9405501

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).

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Ann 4D⁴ 21)

OFFICE OF THE DISTRICT HEALTH OFFICER, PESHAWAR
OFFICE ORDER.

On completion of TMO ship & reliving by Dean PGMI vide office order No. 13461/PGMI/TMO dated 25/07/2016 of Dr. Mohammad Asif S/O Abdu Samad Medical Officer, is hereby posted at Cat-D Hospital Badber District Peshawar against the vacant post.


Sd/-
District Health Officer,
Peshawar

No. 6971-77 /DHO/E-2

Dated Peshawar the 15/8 /2016

Copy forwarded to the:-

1. Accountant General of Khyber Pakhtoonkhwa Peshawar.
 2. Director General Health Services, Khyber Pakhtoonkhwa Peshawar.
 3. PS to Secretary Govt. of Khyber Pakhtoonkhwa Health Department.
 4. Principal Medical Officer, Incharge Cat-D Hospital Badber District Peshawar.
 5. DHIS section of this office.
 6. Doctor concerned.
 7. Account Section of this office.
- For information and necessary action.


District Health Officer,
Peshawar

4/12/8/16

JAVED IQBAL Gul Beta
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-9405501



886

22)

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 Hussain Abad opp Gul. Bazar

Tehsil Peshawar District Peshawar

No - 4700/A
15-2-2001

Signature of the applicant

Date 3-2-2001

Pursuance to the declaration dated 3-2-2001

filed by MUHAMMAD ASIF s/a of Abdul Samad

of Village _____ Mohallah Hussain Abad

domiciled in N.W.F.P. it is, hereby, certified that the said Muhammad Asif parents are permanent residents of the N.W.F.P. having born with in it.

omv
omv
I have satisfied myself from personal/my own knowledge/verification that the above declaration is true and certify accordingly.

Given under my hand and the seal of the Court.

this 14th day of Feb. 1901

JAVED IQBAL Gul Bela
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-9405501

MAGISTRATE 1ST CLASS

COUNTERSIGNED BY

DEPUTY COMMISSIONER

BILAL NAVEED & CO.
38, Kissa Khawani Bazar,
Peshawar City Phone: 2564071

Dist. Govt. KP-Provincial
District Accounts Office Peshawar Dist.
Monthly Salary Statement (April-2021)

23)



Personal Information of Mr MUHAMMAD ASIF d/w/s of ABDUS SAMAD

Personnel Number: 00789328 CNIC: 1730160888995 NTN:
 Date of Birth: 06.09.1984 Entry into Govt. Service: 04.09.2012 Length of Service: 08 Years 07 Months 028 Days

Employment Category: Active Temporary

Designation: MEDICAL OFFICER 80814380-DISTRICT GOVERNMENT KHYBE

DDO Code: PW6580-EXECUTIVEDISTRICTOFFICER HEALTH PESHAWA

Payroll Section: 004 GPF Section: 001 Cash Center:

GPF A/C No: Interest Applied: Yes **GPF Balance: 285,323.00**

Vendor Number: -

Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 17 Pay Stage: 4

Wage type		Amount	Wage type		Amount
0001	Basic Pay	39,570.00	1000	House Rent Allowance	4,433.00
1210	Convey Allowance 2005	5,000.00	1548	Rural Compensatory Allowa	1,200.00
1974	Medical Allowance 2011	1,846.00	1985	Health Professional Allow	52,000.00
2148	15% Adhoc Relief All-2013	800.00	2199	Adhoc Relief Allow @10%	517.00
2211	Adhoc Relief All 2016 10%	2,544.00	2224	Adhoc Relief All 2017 10%	3,957.00
2247	Adhoc Relief All 2018 10%	3,957.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3017	GPF Subscription	-4,270.00	3501	Benevolent Fund	-1,500.00
3609	Income Tax	-4,082.00	4004	R. Benefits & Death Comp:	-900.00
4200	Professional Tax	-1,500.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 47,608.70 Recovered till APR-2021: 39,445.00 Exempted: 0.08- Recoverable: 8,163.78

Gross Pay (Rs.): 115,824.00 Deductions: (Rs.): -12,252.00 Net Pay: (Rs.): 103,572.00

Payee Name: MUHAMMAD ASIF

Account Number: 0010021130420015

Bank Details: ALLIED BANK LIMITED, 250309 Gul Bahar Colony Peshawar Gul Bahar Colony Peshawar, Peshawar

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: peshawar

Domicile: -

Housing Status: No Official

Temp. Address:

City:

Email: doctorasif1984@gmail.com

JAVED IQBAL Gul Beh
Daudzai Law Chamber
 Advocate, High Court Peshawar
 Mob: 0345-9405501

وکالت نامہ

بعد البتہ: جسٹس شری نیوٹی / سر جسٹس شری نیوٹی / سر جسٹس شری نیوٹی

نام: د. امیر محمد آصف

مخانب: Appellate دعویٰ

تاریخ: 01/07/2021

SA-2021-1742

باعث تحریر آنکہ مقدمہ مندرجہ بالا عنوان اپنی طرف سے داخلے پھروی و جوابدہی
 بمقام کے سر کیے جاویدا قبال گل بیلہ ایڈووکیٹ ہاؤس، گورنمنٹ روڈ، کراچی۔
 مقرر کیا ہے۔ کہ میں ہر پیشی کا خود یا بزرگیہ مختار خاص رو بروعدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے مقدمہ وکیل
 صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا، اگر پیشی پر من مظہر حاضر نہ ہوا 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 ہونگے۔ نیز وکیل صاحب موصوف صدر
 مقام کچہری کی کسی اور جگہ یا کچہری کے مقررہ اوقات سے پہلے یا پیچھے یا بروز تعطیل بیروی کرنے کے ذمہ دار نہ ہونگے۔ اگر
 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 مظہر 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 ہونگے۔ مجھے کوکل ساختہ پرداختہ 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 نگرانی 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 سپرد ثانی و راضی نامہ فیصلہ برخلاف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور
 بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یا کطرفہ درخواست حکم انتہائی یا قرق یا گرفتاری قبل از اجراء ڈگری بھی موصوف
 کو بشرط ادا ہوگی علیحدہ مختار نہ بیروی 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 ہونگے 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 کرونگا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی بیروی نہ کریں اور ایسی صورت
 میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا کہ سند رہے۔
 مورخہ: 01/07/2021 مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے۔ منظور ہے۔

امینہ
 اسٹیشن سردار
 اسٹیشن

Appellant

Accepted

By: [Signatures]

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 6686/2021

Dr. Ateeq Rehman..... 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.
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 she is to serve with devotion and punctuality, however, her 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 judgement, 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 Pakhtunkwha" 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 1973as 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:

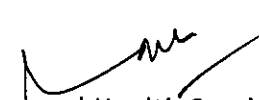

- A. Incorrect the impugned notification dated 01.06.2021 is in accordance with law rules and principal of natural justice.
- B. Incorrect the impugned notification has been issued in accordance with law and transfer and posting policy of the Provincial Government policy and in accordance with Section-10.As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

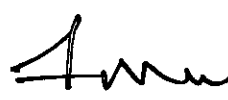

- C. Incorrect the appellant being a member of Provincial cadre post is liable to be posted, anywhere, by the Competent Authority under law and he is bound to serve where she is posted.
- D. The para is based on mala fide, misleading, concocted hence denied. The appellant has been transferred vide a 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 Pakhtunkhwa 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. 6686/2021

Dr. Ateeq Rehman..... 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


Service Tribunal.

**Additional Advocate General
Khyber Pakhtunkhwa
Service Tribunal Peshawar**