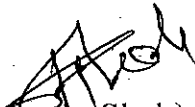


Appeal No. 1373/2015
Mst. Rahat ul Ain vs Govt

08.10.2018

Learned counsel for appellant and Mr. Muhammad Jan learned Deputy District Attorney present. Learned counsel for appellant referred to the fresh order as mentioned in the preceding order sheet and stated that in view thereof, he seeks withdrawal of the present service appeal. Consequently the present service appeal is hereby dismissed as withdrawn. No order as to costs. File be consigned to the record room.



(Hussam Shah)
Member



(Muhammad Hamid Mughal)
Member

ANNOUNCED
08.10.2018

10/10/18

03.10.2018


Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney for the respondent present.

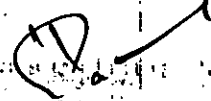
Learned counsel for the appellant submitted application for suspension/setting aside of order dated 28.09.2018 passed by respondent No.1 whereby the appellant has been relieved from the hospital (government Naseerullah Khan Babar Memorial Hospital Kohat Road Peshawar).

Learned Deputy District Attorney stated that the present appeal No. 1373 of the year 2015 is against the transfer order dated 12.08.2015 but, was not timely argued on behalf of the appellant and consequently the same has now become infructuous due to the issuance of fresh order.

The present appeal is against the transfer order dated 12.08.2015 was filed on 09.12.2015 and could not be decided until yet due to frequent requests for adjournment on behalf of the appellant. As such the stance of the learned Deputy District Attorney that the fate of the present appeal, which is lingering on since 2015, should have been decided until yet, is found genuine.

In view of the above scenario and the prayer in the present service appeal, the application filed today by the learned counsel for the appellant is hereby regretted. Learned counsel for the appellant again requested for adjournment. Adjourn To come up for arguments in the main appeal on 08.10.2018

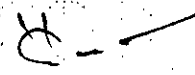

(Hussain Shah)
Member


(Muhammad Hamid Mughal)
Member

10.08.2018


Learned counsel for the appellant and Mr. Muhammad Jan Deputy District Attorney present. Adjournment requested. Adjourned. To come up for arguments on 21.08.2018 before D.B.


(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member


21.08.2018


*Due to Eidul Azha vacation,
the case is adjourned to 27-9-18.*


Reader

27.09.2018

Clerk to counsel for the appellant and Mr. Kabirullah Khattak learned Additional Advocate General for the respondent present. Due to general strike of the bar adjourn. To come up for arguments on 28.09.2018 before D.B.



(Hussain Shah)
Member


(Muhammad Hamid Mughal)
Member


28.09.2018

Learned counsel for appellant and Mr. Muhammad Jan learned Deputy District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 03.10.2018 before D.B.


(Hussain Shah)
Member



(Muhammad Hamid Mughal)
Member

25.05.2018 Clerk of the counsel for appellant and Addl: AG along with Hazrat Shah, Supdt for the respondents present. Arguments could not be heard due to incomplete bench. Adjourned. To come up for arguments on 26.06.2018 before D.B.


(Muhammad Amin Khan Kundi)
Member

26.06.2018

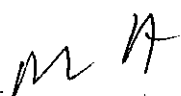
Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney along with Hazrat Shah Superintendent for the respondents present. Representative of the respondents, produced cancellation order of transfer of the appellant which is placed on file. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 06.07.2018 before D.B.


(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member


06.07.2018


Counsel for the appellant present. Mr. Sardar Shoukat Hayat, Addl: AG for respondents present. Arguments could not be heard due to incomplete bench. To come up for arguments on 10.08.2018 before D.B.


(Muhammad Amin Kundi)
Member

16.01.2018


Clerk of the counsel for appellant present. Mr. Muhammad Jan, DDA for the respondents present. Clerk of the counsel for appellant seeks adjournment as his senior counsel for the appellant is not in attendance today. Adjourn. To come up for arguments on 19.03.2018 before D.B.



(Gul Zeb Khan)
Member (E)


(Muhammad Hamid Mughal)
Member (J)

19.03.2018

Appellant absent. Learned counsel for the appellant and Mr. Ziaullah, Deputy District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 02.04.2018 before D.B.


(Muhammad Amin Khan Kundi)
Member


(Muhammad Hamid Mughal)
Member

02.04.2018

Clerk to counsel for the appellant and Mr. Muhammad Jan, Learned Deputy District Attorney for the respondents present. Due to general strike of the bar, the case is adjourned. To come up for arguments on 25.05.2018 before D.B.


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

23.06.2017

Counsel for the appellant present. Mr. Ziaullah, Deputy District Attorney for the respondents also present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 19.07.2017 before D.B.

(Gul Zeb Khan)
Member

(Muhammad Amin Khan Kundi)
Member

19.07.2017

Clerk of the counsel for appellant present. Mr. Ziaullah, Deputy District Attorney for the respondents also present. Due to strike of the bar learned counsel for the appellant is not available today. Adjourned. To come up for arguments on 02.11.2017 before D.B.

(Gul Zeb Khan)
Member

(Muhammad Amin Khan Kundi)
Member

02.11.2017


Counsel for the appellant and Mr Ziaullah, DDA for the respondents present. Counsel for the appellant seeks adjournment. Granted. To come up for arguments on 16.1.2018 before the D.B.

Member

Chairman

08.08.2016

Counsel for the appellant and Mr. Ziaullah, GP for respondents present. It was brought into notice of Tribunal about incident of unfortunate terror of today happened in Balochistan, the Bar has declared strike after 12:00 noon. Hence the case is adjourned for arguments to 13-12-16 before D.B.


Member


Member

13.12.2016


Counsel for the appellant and Mr. Muhammad Jan, GP for the respondents present. Learned counsel for the appellant requested for adjournment. Request accepted. To come up for arguments on 24.4.17 before D.B.


(ASHFAQUE TAJ)
MEMBER

(MUHAMMAD AAMIR NAZIR)
MEMBER

24.04.2017

Counsel for the appellant and Mr. Muhammad Jan, Government Pleader for the respondents present. During the course of arguments learned counsel for the appellant argued that the impugned transfer order was not permissible under the law. According to learned Government Pleader such a ground is not taken in the instant case. The ground agitated before us is a legal question which can be agitated by the appellant at the stage of final hearing. Learned Government Pleader seeks adjournment for preparation of the case on the said lines. Adjourned for final hearing to 23.06.2017 before D.B.


Member


Chairman


21.03.2016

Counsel for the appellant, M/S Muhammad Arshed, SO and Yar Gul, Senior Clerk alongwith Addl: A.G for respondents present. Parawise comments submitted. The appeal is assigned to D.B for rejoinder and final hearing for 14.4.2016. Status-quo be maintained.


Chairman

14.04.2016

Counsel for the appellant and Mr. Muhammad Jan, GP for respondents present. Learned counsel for the appellant submitted rejoinder which is placed on file alongwith miscellaneous application for setting aside of the fresh order dated 19.01.2016. Notice of this application be issued to the respondent-department for reply/arguments. To come up for further proceedings on 26.05.2016. In the meanwhile status-quo be maintained as before.

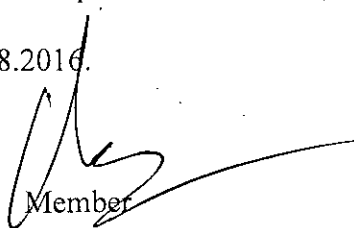

Member


Member

26.5.2016

Counsel for the appellant, M/S Muhammad Arshad, SO and Yar Gul, Senior Clerk alongwith AAG for respondents present. Counsel for the appellant requested for adjournment. Adjourned for arguments on 8.8.2016.


Member


Member

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 1373/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	09.12.2015	<p>The appeal of Mst. Rahat-Ul-Ain presented today by Mr. Saadullah Khan Marwat Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR</p>
2		<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>11-12-15</u>.</p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>
	11.12.2015	<p>Counsel for the appellant present. Seeks adjournment. Adjourned for preliminary hearing to 23.12.2015 before S.B.</p> <p style="text-align: right;"><i>[Signature]</i> Chairman</p>
	23.12.2015	<p>Clerk to counsel for the appellant present. Seeks adjournment. Adjourned for preliminary hearing to 26.1.2016 before S. B.</p> <p style="text-align: right;"><i>[Signature]</i> Member</p> <p><i>In view of application, appeal fixed for P.H on 05.01.16</i></p>

Appeal No. 1373/2015
MST. Rahatul-Ain vs Govt

05.01.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Charge Nurse at Government Naseer Ullah Khan Baber Memorial Hospital, Kohat Road, Peshawar when transferred malafidely to LRH Peshawar against the vacant post vide impugned order dated 17.8.2015 where-against she preferred departmental appeal on 9.9.2015 which was not responded and hence the instant service appeal on 9.12.2015.

That the transfer order is not in the public interest as it was made despite ban imposed by the government and due to reason that the appellant has lodged a complaint against the MS of the Hospital to Chief Minister Complaint Cell. That the appellant has not yet relieved the charge.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 10.2.2016 before S.B. Notice of stay application be also issued for the date fixed. Status-quo be maintained.

Appellant Deposited
Security & Process Fee


Chairman

10.02.2016

Counsel for the appellant, M/S Yar Gul, Senior Clerk and Muhammad Arshed, SO alongwith Addl: A.G for respondents present. Written reply not submitted. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 21.3.2016 before S.B. Status-quo be maintained.


Chairman

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

S.A No. 1373 /2015

Mst: Rahat-ul-Ain

Versus

D.G & Others

I N D E X

S.#	Description of Documents	Annex	Page
1.	Memo of Appeal		1-3
2.	Impugned Order, 17.08.2015	"A"	4-5
3.	Representation, 09.09.2015	"B"	6-7

Appellant

Through



(Saadullah Khan Marwat)

Advocate

21-A Nasir Mansion,

Shoba Bazar, Peshawar.

Ph: 0300-5872676

Dated: 9.12.2015

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

S.A No. 1373 /2015

K.P. Service Tribunal

Diary No. 1433

Dated 09-12-2015

Mst. Rahat-ul-Ain D/o Gulzar Khan,
Staff Nurse, Govt. Naseer-Ullah Khan Babar
Memorial Hospital, Kohat Road, Peshawar. Appellant

Versus

1. Director General, Health Services,
KP, Peshawar.
2. Secretary, Govt. of KP,
Health Department, Peshawar. Respondents

⇔<=>⇔<=>⇔<=>⇔<=>⇔

APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT 1974, AGAINST OFFICE ORDER NO. 5143-46/E-II, DATED 17.08.2015 ISSUED ON 20.08.2015 OF R. NO. 1 WHEREBY APPELLANT WAS TRANSFERRED FROM GOVT. NASEER ULLAH KHAN BABAR, MEMORIAL HOSPITAL, KOHAT ROAD, PESHAWAR AND POSTED IN LRH, PESHAWAR AGAINST THE VACANT POST OF CHARGE NURSE FOR NO LEGAL REASON.

⇔<=>⇔<=>⇔<=>⇔<=>⇔

Respectfully Sheweth:

1. That appellant was initially appointed as Nurse in October 2008 and was posted at BHU Hospital KDA, Kohat. Thereafter, she was transferred to City Hospital, Lakki Marwat. Finally she was transferred from City Hospital Lakki Marwat to Govt. Naseer Ullah Khan Babar, Memorial Hospital, Kohat Road, Peshawar.

Filed to file
Naseer
Registrar
9/12/15

2. That beside the aforesaid transfer/posting, appellant remained as such for 2 years at Khyber Medical University, Peshawar.
3. That wherever appellant was posted, she performed her duty in the best interest of public and without any complaint.
4. That during service period, appellant completed 2 years course of BSc Nursing and also got admission in Master of Public Health (MPH).
5. That on 17.08.2015, appellant was transferred from Govt. Naseer Ullah Khan Babar, Memorial Hospital, Kohat Road, Peshawar to Lady Reading Hospital, Peshawar against the vacant post of Charge Nurse. The said order was endorsed on 20.08.2015. The post of appellant at Govt. Naseer Ullah Khan Babar, Memorial Hospital, Kohat Road, Peshawar is still lying vacant. (Copy as annex "A")
6. That on 18.08.2015, the Minister for Health Department imposed ban on transfers/postings.
7. That on 09.09.2015, appellant submitted representation before R. No. 2 which met dead response till date. (Copy as annex "B")

Hence this appeal, inter alia, on the following grounds:-

GROUND S:

- a. That since the year 2008, appellant performed duty at various Hospitals of the Province to the best of the ability and to the entire satisfaction of the superiors.
- b. That on 18.08.2015, ban was imposed on transfers/postings and in fact order of transfer of appellant was issued on 20.08.2015 as is evident from the same. By then, ban was imposed on posting and transfers.

- c. That the impugned order was made due to the ill wishes of the Medical Officer of the Hospital and at his instance the impugned order issued by R. No. 1.
- d. That appellant is undergoing Master of Public Health (MPH) and has completed first semester successfully.
- e. That the impugned order is not in the interest of public service but was passed at the ill wishes and nefarious designs of Medical Superintendent of Govt. Naseer Ullah Khan Babar, Memorial Hospital, Kohat Road, Peshawar.
- f. That as per the verdict of the apex Court, illegal and malafide based orders should not be complied with by issuing courage.
- g. That the post of appellant is still lying vacant while her transfer was based on malafide.

It is, therefore, most humbly prayed that on acceptance of the appeal, the impugned order dated 17.08.2015 of the R. No. 1 be set aside and appellant be restored to his original position with all service benefits.

Through

Appellant

Saadullah Khan Marwat

Arbab Saif-ul-Kamal

&

Miss Rubina Naz
Advocates

Dated: 9.12.2015

A

4

ORDER NO. 107
DATED 17/08/2015
GOVERNMENT HOSPITAL PESHAWAR
M. NASEERULLAH KHAN BABAR



**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.
E-Mail Address: mg@ghs.gov.pk
Office Phn: 921-9210293
Extn: 921-9210187, 9210198

OFFICE ORDER.

Mrs. Rahat-ul-Ain D/O Gulzar Khan, Charge Nurse BPS-16 Govt. Naseerullah Khan Babar Memorial Hospital, Kohat Road Peshawar is hereby transferred and posted in LRH Peshawar against the vacant post of Charge Nurse, in the interest of public service with immediate effect.

NB: - Arrival/Departure reports should please be submitted to this Directorate for records.

Sd/-
DIRECTOR GENERAL HEALTH SERVICES, K.P.K, PESHAWAR.

Handwritten notes:
D.G.H.S KP
Please cancelled
down by Mr. Babar
Minister for Health
Kohat

E.II. Dated Pesh. The 17/8 /2015.

Copy forwarded to the:-

- 01- Deputy Medical Superintendent (Admn) MTH/ LRH Peshawar.
- 02- Medical Supdt. Govt. Naseerullah Khan Babar Memorial Hospital, Kohat Road Peshawar w/ to his Endst. No. 6707/GNKBMH, dated 25-07-2015.
- 03- AG Khyber Pakhtunkhwa Peshawar.
- 04- DA concerned DGHS office Peshawar.

For information and necessary action.

Private Secretary
Minister for Health
Information Technology
Khyber Pakhtunkhwa

Handwritten: Minister Health cancelled please

DEPUTY DIRECTOR (NURSING)
DIRECTORATE GENERAL HEALTH SERVICES, K.P.K PESHAWAR

SEHALEEMAH
Minister for Labour & P.H.E.D
Khyber Pakhtunkhwa

Handwritten: endorse to all concerned & relieve her immediately 20/8

Handwritten: m/s

Handwritten signature and date: 20/08

Handwritten signature and date: Attested by 20/08

5

**OFFICE OF THE MEDICAL SUPERINTENDENT GOVT.
NASEERULLAH KHAN HOSPITAL KOHAT ROAD PESHAWAR.**

No. 5491-95/GNBMH

Dated 20.08.2015

Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Nursing Superintendent of this Hospital.
3. Accountant Section of this Hospital.
4. Office Superintendent of this Hospital.
5. Ms. Rahat-ul-Ain Charge Nurse with the direction to report for duty.
6. MO LRH, Peshawar immediately in the best interest of Public for Information and necessary action.

Sd/-
Medical Superintendent
Govt. Naseer Ullah Khan Babar
Memorial Hospital, Kohat Road,
Peshawar.

Attended
by

بخدمت جناب سپیکر ٹری ہیلتھ صاحب خیبر پختون خوا پشاور۔

راحت العین چارج لرس گورنمنٹ نصیر اللہ خان بابر ہسپتال کوہاٹ روڈ پشاور۔

.....اپیلانٹہ / سائلہ

بنام

(۱) ڈائریکٹر ہنزل ہیلتھ سروسز صوبہ خیبر پختون خوا پشاور۔

(۲) میڈیکل سپرنٹنڈنٹ گورنمنٹ نصیر اللہ خان بابر ہسپتال کوہاٹ روڈ پشاور۔

.....مسئول الیہم

محکمہ اپیل بر خلاف حکم محررہ 17/08/2015 از مسئول الیہ نمبر او حکم

اپر از مسئول الیہ نمبر ۲ محررہ 20/08/2015۔

مناب مالی / سائلہ / اپیلانٹہ سب ذیل منسب رہا ہے۔

(۱) یہ کہ سائلہ / اپیلانٹہ مورخہ 29/03/2010 سے گورنمنٹ نصیر اللہ خان بابر ہسپتال میں بطور نرس اپنی ڈیوٹی سرانجام دے رہی ہے۔

(۲) یہ کہ سائلہ / اپیلانٹہ نے اپنی ڈیوٹی کے دوران نائٹ ڈیوٹی بھی کی ہے اور نہایت ایمانداری سے اپنی ڈیوٹی سرانجام دے رہی ہے۔

(۳) یہ کہ سائلہ / اپیلانٹہ کے خلاف اب تک کوئی محکمہ انکوائری یا شکایت نہیں ہے۔

(۴) یہ کہ مورخہ 18/08/2015 کو وزیر صحت صاحب نے ہر قسم کے تبادلوں پر پابندی عائد کی ہے لیکن مسئول الیہ نمبر نے پابندی کے باوجود بھی مسئول الیہ نمبر ۲ کی ایما پر بلا وجہ من سائلہ /

اپیلانٹہ کا تبادلہ گورنمنٹ نصیر اللہ خان بابر ہسپتال سے لیڈی ریڈنگ ہسپتال کروایا ہے اور یہ تبادلہ

دوران پابندی کروایا گیا ہے جو کہ غیر قانونی اور بدینیق پر مبنی ہے۔

(نقل حکم تبادلہ محررہ 17/08/15، 20/08/15 لف اپیل ہذا ہے)

Attest

B

6

9-9-15

بخدمت جناب سپیکر ٹری ہیلتھ صاحب خیبر پختون خوا پشاور۔

راحت العین چارج ٹرس گورنمنٹ نصیر اللہ خان بابر ہسپتال کوہاٹ روڈ پشاور۔

.....اپیلانٹہ / سائلہ

بنام

(۱) ڈائریکٹر ہنزل ہیلتھ سروسز صوبہ خیبر پختون خوا پشاور۔

(۲) میڈیکل سپرنٹنڈنٹ گورنمنٹ نصیر اللہ خان بابر ہسپتال کوہاٹ روڈ پشاور۔

.....مسئول الیہم

محکمانہ اپیل برخلاف حکم محررہ 17/08/2015 از مسئول الیہ نمبر ۱۱

اپیزا مسئول الیہ نمبر ۲۰/08/2015

بنام مالی! / سائلہ / اپیلانٹہ سب ذیل درجہ میں ہے۔

(۱) یہ کہ سائلہ / اپیلانٹہ مورخہ 29/03/2010 سے گورنمنٹ نصیر اللہ خان بابر ہسپتال میں

بطور نرس اپنی ڈیوٹی سرانجام دے رہی ہے۔

(۲) یہ کہ سائلہ / اپیلانٹہ نے اپنی ڈیوٹی کے دوران نامٹ ڈیوٹی بھی کی ہے اور نہایت ایمانداری

تے اپنی ڈیوٹی سرانجام دے رہی ہے۔

(۳) یہ کہ سائلہ / اپیلانٹہ کے خلاف اب تک کوئی محکمہ انکوائری یا شکایت نہیں ہے۔

(۴) یہ کہ مورخہ 18/08/2015 کو وزیر صحت صاحب نے ہر قسم کے تبادلوں پر پابندی عائد کی

ہے لیکن مسئول الیہ نمبر ۱۱ کے باوجود بھی مسئول الیہ نمبر ۲ کی ایما پر بلا وجہ من سائلہ

اپیلانٹہ کا تبادلہ گورنمنٹ نصیر اللہ خان بابر ہسپتال سے لیڈی ریڈنگ ہسپتال کروایا ہے اور یہ تبادلہ

دوران پابندی کے خلاف کیا گیا ہے جو کہ غیر قانونی اور بددینی پر مبنی ہے۔

(نقل حکم تبادلہ مورخہ 17/08/15، 20/08/15 لف اپیل ہذا ہے)

11-

(۵) یہ اہل من ساکنہ/اپیلانٹ کا تبادلہ برآمداتی و برروسنگ کوئی اہل کھٹت اور سائٹس کا ایجنٹ ہے۔
جس سے من ساکنہ/اپیلانٹ کو ذمہ داری کو فٹ پہنچا اور من ساکنہ/اپیلانٹ کو ناقابل تلافی نقصان
کا بھی خدشہ ہے۔

(۶) یہ کہ من ساکنہ/اپیلانٹ نے مسئول الیہ نمبر ۲ کے خلاف وزیر اعلیٰ کمپلیٹ سیل ایک شکایت/
کمپلیٹ کی تھی جس میں مسئول الیہ نمبر ۲ کیخلاف انکو آڑی شروع ہوئی تھی اور انکو آڑی کو
بھی محکمہ صحت کے اہلکاران نے کہیں غائب کی ہے اور من ساکنہ/اپیلانٹ کا تبادلہ بلاوجہ
اور غیر قانونی طور پر کیا گیا جس کی منسوخی بحق من ساکنہ/اپیلانٹ نہایت ضروری ہے تاکہ
انصاف کے لائق کو پورا کیا جاسکے۔

لہذا استدعا ہے کہ منظور کی اپیل بذامن ساکنہ/اپیلانٹ کا تبادلہ منسوخ کرنے کے احکامات صادر فرمائیں۔

مورخہ 09/09/2015

نیز دیگر اداری جو قرین انصاف ہو وہ بھی مرحمت فرمائی جائے۔

ساکنہ/اپیلانٹ راحت العین چارج نرس (BPS-16)

گورنمنٹ نصیر اللہ بابر ہسپتال کوہاٹ روڈ پشاور۔

Attested
/

23-6-17 1373/15 Rahatul Amin

1

Secretary, Health Services

To,

Date

4/40

Page

~~2555~~ 17

1. Medical Superintendent,
Govt. Naseer Ullah Khan Babar,
Memorial Hospital, Kohat Road, Peshawar.
2. Director General, Health Services, KP,
Peshawar.
3. The Secretary, Government of KP,
Health Department, Peshawar.

Subject: VACATION OF HOSPITAL ROOM (FINAL NOTICE)

Respectfully Sir,

Reference your letter No. 2873/GNBMH, dated 18-05-2017 on the subject note above.

Respected Sir,

1. It is in your knowledge that I am targeted by the Ex- M/S for no justification and reason but at the instance of others for ulterior motive to kick me out from the hospital.
2. That they succeeded in their nefarious designs by transferring me from the hospital to LRH-Peshawar.
3. That I submitted departmental appeal to the appellate authority and thereafter before the Hon'ble KP, Service Tribunal Peshawar. The Hon'ble Tribunal was pleased to admit my appeal for regular hearing by granting Interim Relief in shape of maintaining status-quo which is pending disposal before the Hon'ble Tribunal.

Put up to the court
with appeal.

[Signature]
20/6/17

Sir, since 20-08-2015, my monthly salary is stopped for no legal reason but due to the high handedness of the Ex-authorities. My father is Diabetic/Sugar patient which requires medicines every day but due to stoppage of my monthly salaries, the health of my father is going adverse day by day.

4. More so, at present 04 rooms are laying vacant in the hospital but the one which is allotted to me by making deduction every month from my monthly salary, is made issue as to why my respected authority is behind the same to vacate the room.
5. That I have already submitted application to the worthy DG Health Services to help me in the matter.
6. Sir, I am female and cannot live anywhere except with other female nurses in the same hospital rooms.
7. As stay is granted in the case by the Hon'ble Tribunal which means that everything is locked, so to respect the order of Hon'ble Tribunal, such like letters is not required to be issued.
8. That perhaps the worthy Secretary and DG of the department was / is unaware about the matter. On transfer to LRH, I reported for arrival but my arrival was not accepted due to the reason that I am a Civil Servant and LRH was given status of Medical Teaching Institute (MTI) where Civil Servant is not permitted to function.
9. That due to the aforesaid reason and under compulsion, I knocked the doors of Service Tribunal and after hearing, **stay** was granted in the matter but till date, I was not allowed by the then / present MS to perform my duty at the hospital. (Copy of stay order is attached)
10. Sir, in this respect I made several request to the aforesaid authorities but no positive step was taken to solve my problem.
11. That several correspondence in this respect was made with the authorities dated 29-04-2016, 09/2016, 31-10-2016, etc.(Copies attached)
12. That the said appeal is fixed for hearing on 23-06-2017 before the hon'ble Service Tribunal. I may be allowed for performance of duties please.

It is, therefore, most humbly requested that my honor may recall letter dated 18-05-2017 and help me in the matter by releasing my monthly salaries as well, because the matter is sub-judice before the hon'ble Service Tribunal.

Thanking you, sir.

Yours obediently,



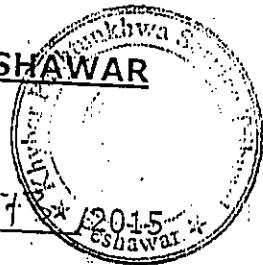
Rahat-ul-Ain
Staff Nurse,
Govt. Naseer Ullah Khan
Babar, Memorial Hospital,
Kohat Road, Peshawar

Dated: 23-05-2017

Copy to:

1. Muhammad Tahir Khan Khattak, Legal Advisor to Secretary, Govt. of KP, Law department for opinion to the said authorities.
2. The worthy Chairman, KP, Service Tribunal with reference to Appeal No. 1373/2015, "Rahat ul Ain versus D.G, Health & Others"

1
BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR



S.A No. 137

2015
Peshawar

Mst. Rahat-ul-Ain D/o Gulzar Khan,
Staff Nurse, Govt. Naseer Ullah Khan Babar
Memorial Hospital, Kohat Road, Peshawar. Appellant.

1433
09-18-2015

Versus

1. Director General, Health Services,
KP, Peshawar.
2. Secretary, Govt. of KP,
Health Department, Peshawar. Respondents

⊕<=>⊕<=>⊕<=>⊕<=>⊕

**APPEAL UNDER SECTION 4 OF THE SERVICE
TRIBUNAL ACT 1974, AGAINST OFFICE ORDER**

ATTESTED

**NO. 5143-46/E-II, DATED 17.08.2015 ISSUED
ON 20.08.2015 OF R. NO. 1 WHEREBY
APPELLANT WAS TRANSFERRED FROM GOVT.
NASEER ULLAH KHAN BABAR, MEMORIAL
HOSPITAL, KOHAT ROAD, PESHAWAR AND
POSTED IN LRH, PESHAWAR AGAINST THE
VACANT POST OF CHARGE NURSE FOR NO
LEGAL REASON.**

[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

[Signature]
09/12/15

⊕<=>⊕<=>⊕<=>⊕<=>⊕

Respectfully Sheweth:

1. That appellant was initially appointed as Nurse in October 2008 and was posted at BHU Hospital KDA, Kohat. Thereafter, she was transferred to City Hospital, Lakki Marwat. Finally she was transferred from City Hospital Lakki Marwat to Govt. Naseer Ullah Khan Babar, Memorial Hospital, Kohat Road, Peshawar.

05.01.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Charge Nurse at Government Naseer Ullah Khan Baber Memorial Hospital, Kohat Road, Peshawar when transferred malafidely to LRH Peshawar against the vacant post vide impugned order dated 17.8.2015 where-against she preferred departmental appeal on 9.9.2015 which was not responded and hence the instant service appeal on 9.12.2015.

That the transfer order is not in the public interest as it was made despite ban imposed by the government and due to reason that the appellant has lodged a complaint against the MS of the Hospital to Chief Minister Complaint Cell. That the appellant has not yet relieved the charge.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 10.2.2016 before S.B. Notice of stay application be also issued for the date fixed. Status-quo be maintained.

Certified as true copy

Khy. Service Tribunal,
Peshawar

Sd
Chairman

Date of Presentation of Application	5-1-2016
Number of Pages	800
Cost of Printing	600
Cost of Stationery	200
Cost of Miscellaneous	800
	<u>2000</u>
	5-1-2016
Date of Delivery of Application	5-1-2016

13
BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

S.A No. 1373/2015

Rahat-ul-Ain

Versus

D.G & others

**APPLICATION FOR DIRECTION TO RESPONDENTS TO
RELEASE MONTHLY SALARIES WITHHELD SINCE JULY
2015 TILL DATE, ETC.**

Respectfully Sheweth,

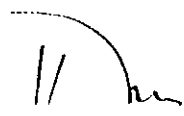
1. That the subject appeal is pending disposal before this hon'ble Tribunal.
2. That applicant was transferred on 17.08.2015 to Lady Reading Hospital, Peshawar on malafide and personal grudge of the Medical Superintendent, Govt. Naseer Ullah Khan Babar Memorial Hospital, Kohat Road, Peshawar as she had submitted application for complain cell of CM against the mal practices of the said MO.
3. That applicant filed appeal before this hon'ble Tribunal wherein status-quo was allowed but due to this act of the applicant, her monthly salaries were with-held by the respondents.

It is, therefore, most humbly requested that the application be accepted as prayed for.

Appellant

Through

Dated: 29.04.2016


Arbab Saif-ul-Kamal
Advocate,

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

S.A No. 1373/2015

Rahat-ul-Ain

Versus

D.G. & others

AFFIDAVIT

I, Rahat-ul-Ain Appellant, do hereby solemnly affirm and declare that contents of the Application are true and correct to the best of my knowledge and belief.



DEPONENT

To,

Director General,
Health Services,
KP, Peshawar.

Subject: Application for adjustment of the applicant at Govt. Naseer Ullah Khan Babar, Memorial Hospital Peshawar, against a vacant post of Charge Nurse:

Respectfully Sheweth,

1. That applicant is serving the said Hospital as a Charge Nurse with devotion and to the entire satisfaction of the superiors.
2. That on 17-08-2015, applicant was transferred from the said Hospital and was posted at LRH-Peshawar for no legal reason but due to the adverse attitude of the then, M.S. namely "Shawkat Jamal" of the Hospital.
3. That after filing of the representation before the authority, service appeal No. 1373/15 was filed before Service Tribunal and order of transfer dated 17-08-2015, was suspended / stayed.
4. That the post of applicant at Naseer Ullah Khan Babar, Memorial Hospital Peshawar, is lying vacant along with other similar post and applicant could be adjusted at the vacant post very easily.
5. That apart from the said situation since 17-08-2015, monthly salaries of the applicant has since been stopped for no legal reason, despite the fact that stay was granted by the Hon'ble Tribunal in favor of applicant.
6. That on one hand, there is stay in favor of applicant, meaning thereby that she shall perform her official duties at her former post in the Hospital, while on the other hand; the then M.S. of the Hospital didn't allow her to perform her official duties.

7. That applicant is attending the Hospital daily and is performing her duty as OSD, wherever need arises.
8. That applicant is facing great financial constraint by not paying her monthly salaries.

Sir, by keeping in view the aforesaid submissions, applicant humbly request your kind honor to adjust her at the vacant post in the hospital and to pay her monthly salaries held with since 17-08-2015, and obliged.

It is further requested that applicant be guided in the matter.

I shall pray not only for you but for your whole family.

Yours obediently,

Rahat-ul-Ain
Staff Nurse,
Govt. Naseer Ullah Khan
Babar, Memorial Hospital,
Kohat Road, Peshawar

Dated: 09-2016

Copy to: Hon'ble Chairman, Service Tribunal, Peshawar with reference to Appeal No. 1373/15, pending disposal.

To,

Director, Medical Superintendent,
Govt. Naseer Ullah Khan Babar,
Memorial Hospital, Kohat Road, Peshawar

Subject: Vaccation of Hospital Room (warning)

Respectfully Sir,

Reference your letter No. 4038/GNBMH, dated 27-10-2016 on
the subject note above

Sir,

1. It is in your knowledge that I am targeted by the Ex- M/S for no justification and reason but at the instance of others for ulterior motive to kick me out from the hospital.
2. That they succeeded in their nefarious designs by transferring me from the hospital to LRH-Peshawar.
3. That I submitted departmental appeal to the appellate authority and thereafter before the Hon'ble KP, Service Tribunal Peshawar. The Hon'ble Tribunal was pleased to admit my appeal for regular hearing by granting Interim Relief in shape of maintain status-quo which is pending disposal before the Hon'ble Tribunal.

Sir, since 20-08-2015, my monthly salary is stopped for no legal reason but due to the high handedness of the Ex-authorities. My father is Diabetic/Sugar patient which requires medicines every day but due to stoppage of my monthly salaries, the health of my father is going adverse day by day.

4. More so, at present 07 rooms are laying vacant in the hospital but the one which is allotted to me by making deduction every month from my monthly salary, is made issue as to why my respected authority is behind the same to vacate.

5. That I have already submitted application to the worthy DG Health Services to help me in the matter.
6. Sir That I am female and cannot live anywhere except with other female nurses in the same hospital rooms.
7. As stay is granted in the case by the Hon'ble Tribunal which means that everything is locked, so to respect the order of Hon'ble Tribunal, such like letters is not required to be issued.

It is, therefore, most humbly requested that my honor recall letter dated 27-10-2016, and help me by releasing my monthly salaries as well.

Thanking you, sir.

Yours obediently,



Rahat-ul-Ain
Staff Nurse,
Govt. Naseer Ullah Khan
Babar, Memorial Hospital,
Kohat Road, Peshawar

Dated: 31-10-2016

Copy to:

1. Director General, Health Services, KP, Peshawar.
2. PA, to secretary, Govt. of KP, Health department, Peshawar for information and help
3. Head Constable, Police security of Govt. NKBMH, Kohat Road, Peshawar, with reference to court case



OFFICE OF THE MEDICAL SUPERINTENDENT

GOVT NASEERULLAH KHAN BABAR MEMORIAL HOSPITAL KOHAT ROAD PESHAWAR

Email. gnkbmhospital@gmail.com

Fax 091-2324611

Tele; 091- 9212742

No. 2873 /GNBMH

Dated 18/05/2017

To,

Miss. Rahat ul Ain Ex-C/N
Govt. Naseerullah Khan Babar
Memorial Hospital Peshawar.

Sub:- VACATION OF HOSPITAL ROOM (FINAL NOTICE)

Regarding above subject, in pursuance of enclosed letter from Secretary to Govt of Khyber Pakhtunkhwa Health Department letter you are finally warned to vacate the occupied room within one week after receiving this letter positively, failing which your room locked will be opened forcibly by the Department and matter shall be referred to the Police for further necessary action.


MEDICAL SUPERINTENDENT

NO. _____ GNKBMH

Copy forwarded to:-

1. Director General Health Services Khyber Pakhtunkhwa, Peshawar
2. PA to Secretary to Government of Khyber Pakhtunkhwa, Health Department, Peshawar for information.
3. Head Constable Police security of this hospital with the direction to compliance the order.


MEDICAL SUPERINTENDENT

Subject: ILLEGAL OCCUPATION OF GOVERNMENT RESIDENCES IN HEALTH FACILITIES

I have received your letter dated 12 May 2017 regarding illegal occupation of government residences in Health Facilities and gone through the information attached. I therefore pass the following orders in my capacity as Secretary Health & Principal Accounting Officer for the Department considering public interest and the fact such illegal occupation has not only deprived the rightful health professional from residence on hospital premises but has also led to accruing of bills (paid or unpaid) as well as M&R cost for the buildings:

1. In all cases where illegal occupant is a health dept staff member, the rent assessment on market rate may be recovered from him or her through the District Account Officer from where he or she is getting salary, and this should continue till he or she does not vacate the accommodation. Furthermore, disciplinary action must be initiated against such employee. Finally the estimated M&R cost of such residence along with any outstanding bills of utilities etc may also be recovered from the pay of such employees;
2. In all cases where the illegal occupants are civil officers / Departments working in Districts, including Deputy Commissioners, each Commissioner of the Division in whose jurisdiction the health facility is, must be written a letter under signature of Additional Secretary for (a) getting the illegally occupied residence vacated & handed over to Health Department, (b) Recovery of market based rent from the illegal occupant from the date of such occupation till he or she vacates the premises; and (c) Recovery of outstanding utilities bills as well as standard M&R charges from the illegal occupant and their deposit in government treasury under intimation to us so that we demand the same amount for repair of such residences;
3. In case of Police, pl write to DIGs concerned for exact similar action as (2) above;
4. In case of Anti Corruption Establishment to the Director ACE for similar action as (2) above;
5. In case of employees of District Account Office, to Finance Department & AG Office for similar action as (2) above;
6. In cases of private persons, village councilor, private contractors etc, to the Deputy Commissioners of the concerned Districts for their forcible removal from the premises and recovery of rent, M&R costs as well as utility charges, if any.
7. Finally, those DHOs & MSs who have not sent details may be given final warning to either send them within next 7 days or face disciplinary action.

(Muhammad Abid Majeed)
Secretary Health

1. Additional Secretary Estab for urgent action as above.
2. Director General Health Services Khyber Pakhtunkhwa

یعدالت چناب سروس ٹریڈ پورٹل صوبہ سندھ پشاور

منجانب ایڈوائس

محکمہ صحت و تندرستی

رافت الصین

دعویٰ اپیل

باعث شکریہ ایٹیکہ

مقررہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و عمل کاروائی متعلقہ آن مقام پشاور کیسے استعدا اٹا سا خان سرور نے ایڈووکیٹ ہائی کورٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی عمل کاروائی کا کابل اختیار ہوگا نیز وکیل صاحب کو کرنے رضی نامہ و تقرر ثالث و فیصلہ بحلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور رضی دعویٰ اور درخواست ہر قسم کی تقدیرات اور اس پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری بیکطرفہ یا اپیل کی برآمدگی اور سسپنشن نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کے عمل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منطوق قبول ہوگا اور دوران مقدمہ میں جو خرچہ و ہرجانہ التوا مقدمہ کے سبب سے ہوگا اس کے مستحق وکیل صاحب موصوف ہوں گے نیز بغیا و خرچہ کی وصولی کرنے کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام درجہ پر ہو یا عدالت سے باہر ہو تو وکیل صاحب یا بند نہ ہوں گے کہ پیروی مذکور کریں۔

لہذا وکالت نامہ رکھ دیا کہ سبند ہے۔

المزوم 9/12/15

العنکد

العنکد

العنکد

سید اللہ خان فرقت
ایڈووکیٹ
Pabna
من روپیہ تار
ایڈووکیٹ

اللہ

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

S.A No. /2015

Mst: Rahatulain

Versus

D.G & others

**APPLICATION FOR SUSPENSION OF THE IMPUGNED
ORDER TILL THE DECISION OF THE CASE.**


Respectfully Sheweth;

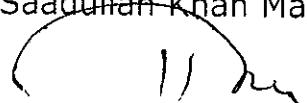
1. That appellant filed the subject appeal today before this Hon'ble Tribunal.
2. That appellant was transferred with malafide by not surrendering to the ill wishes and nefarious designs of the head of the Hospital.
3. That appellant has not yet relinquished the charge of the said assignment, so balance of convenience lies in her favour.
4. That facts and grounds of the appeal be treated as integral part of this application for grant of temporary injunction.

It is, therefore, most humbly requested that operation of the impugned order be suspended till the decision of the case.

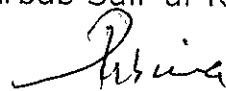
Through


Appellant


Saadullah Khan Marwat


Arbab Saif-ul-Kamal

&


Miss Robina Naz
Advocates

Dated: 9.12.2015

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

S.A No. /2015

Mst: Rahatulain

Versus

D.G & others

AFFIDAVIT

I, Rahat-ul-Ain D/o Gulzar Khan, Staff Nurse, Govt. Naseer Ullah Khan Babar Memorial Hospital, Kohat Road, Peshawar, do hereby solemnly affirm and declare that contents of the Application are true and correct to the best of my knowledge and belief.



DEPONENT

ATTESTED

Mian Sibghat Ullah Shah
Advocate
OATH COMMISSIONER
High Court Peshawar



Before the Chairman Service Tribunal, Feroze

Filed for 26-1-16

Rahatul Aam vs. Director Health etc

Application for early hearing

Part of Repeated sent.
with copy of
u.i.

As due to unavailability of the
Chairman at principal sent, the case
is adjourned to 26.1.16.

As, being Transfer matter, the case
requires early hearing to meet the ends
of justice

It is, therefore, most humbly requested
that the subject case be fixed for tomorrow
& the inconvenience caused to the holder P.O.
be regretted.

Dtd 4.1.16

Applicant
Saadullah Khan
(Saadullah Khan)
Advocate

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 1373/2015
Mst. Rahat ul Ain Charge Nurse
Govt. Naseerullah Khan Babar Memorial Hospital PeshawarAppellant
Versus

Government of KPK, through Secretary Health Department KPK, Peshawar &
Others..... Respondents.

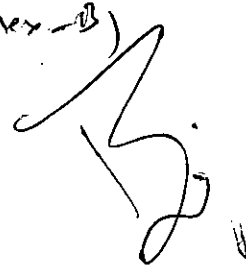
Parawise comments on behalf of respondent No.1.2.

Preliminary Objections:-

1. That the appellant has no cause of action.
2. That the appeal is not maintainable and also time barred.
3. That the appeal is bad for mis joinder and non joinder of necessary parties.
4. That the appellant has no locus standi and also estopped by his own conduct.
5. That the appellant has not come to the Tribunal with the clean hands.

FACTS


01. The appellant was initially appointed as Charge Nurse (BPS-16) in October, 2008 and posted at DHQ Hospital KDA, Kohat. She was transferred to City Hospital Lakki Marwat on administrative grounds during September 2009, being involved in highly objectionable activities. Just after 06 months she succeeded in her transfer to Govt. Naseerullah Khan Babar Memorial Hospital Peshawar through political pressure (copy of letter from the then Minister for Health Khyber Pakhtunkhwa is attached as Annexure "A").
02. The appellant attended 02 years Post RN BSc Nursing in KMU, Peshawar w.e.from 01.02.2013 to 31.01.2015.
03. Not correct. Her performance in DHQ Hospital Kohat was not satisfactory due to which she was transferred out from Kohat on administrative grounds. At Govt. Naseerullah Khan Babar Memorial Hospital Kohat road Peshawar her performance was also not satisfactory because she is disobedient, when she was directed to vacate room (which is not hostel room) to install expensive machines in the said room the other 05 Charge Nurses have vacated their rooms, but the appellant refused to do so. Disciplinary proceeding have already been started against her and she has been already charge sheeted vide DGHS letter No 1838/E-II dated 03/03/2016 and Dr Akhtar Ali DMS Services Hospital Peshawar has been nominated as Enquiry Officer vide DGHS Letter No 1199-1205/E-II dated 23/02/2016 (Copy Attached)
04. The appellant got admission in MPH without permission of the Department which is against the rules.
05. The appellant was transferred to LRH Peshawar during August 2015 where proper accommodation is available, but she refused to obey the order of the competent authority. She has been transferred in the public interest to vacate rooms for installation of expensive equipment for needy patients.
06. Not correct. The ban on posting transfer was imposed w.e.from 18.08.2015 while the appellant was transferred on 17.08.2015.
07. Her appeal has been rejected by the competent authority. (Annex-B)




GROUNDS.

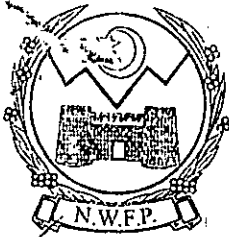
- a. Not correct. Her performance in both the Hospital where she remained posted was not satisfactory as mentioned above.
- b. Not correct, the ban was imposed on 18.08.2015 while the appellant was transferred on 17.08.2015 on day prior to the ban, moreover under section 10 of Civil Servant Act 1973 the competent authority can transfer the civil servant.
- c. Not correct, the appellant was transferred due to non obeying the lawful order of the competent authority.
- d. The appellant can complete her MPH from LRH Peshawar.
- e. Not correct, the appellant was transferred to LRH Peshawar where accommodation is available for Nursing staff.
- f. Incorrect, she has not obeyed the lawful order of the competent authority.
- g. Not correct, the appellant was transferred to LRH Peshawar where accommodation for nurses available.

In view of the above the appeal may kindly be dismissed and the appellant be directed to report to LRH Peshawar.


Director General Health Services,
Khyber Pakhtunkhwa, Peshawar.
(Respondent No.01)


21/1/16


Secretary to
Government of Khyber Pakhtunkhwa
Health Department, Peshawar.
(Respondent No.02).



MINISTER

Alm
20-3-10

(A)

99
SYED ZAHIR ALI SHAH
MINISTER FOR HEALTH,
N.-W.F.P.

D.O. No. PS/Min/Health/NWFP/1-25/109

Dated Peshawar the 17/3/10

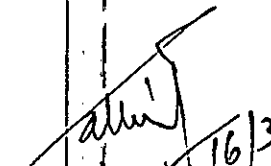
~~2035~~
2035
17-3-10

ADCA

Subject: POSTING/TRANSFER.

Mst. Rahat ul Ain, Charge Nurse, city hospital Lakki Marwat may be transferred and posted at City Hospital Kohat Road, Peshawar against the vacant post in the best interest of public.

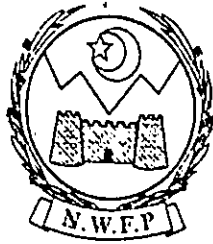
With Regards.


(SYED ZAHIR ALI SHAH)
President Pakistan Peoples Party,
NWFP.

DG Health Services, NWFP.

633
20/3/10

ADCA
7



**DIRECTORATE
GENERAL HEALTH SERVICES
N.W.F.P, PESHAWAR.**

OFFICE ORDER.

Mrs. Rahat Ul Ain D/O Gulzar Khan Charge Nurse (BPS-16) Govt. City Hospital Lakki Marwat is hereby transferred and posted in Govt. City Hospital Kohat Road Peshawar, against the vacant post of Charge Nurse, in the interest of public service with immediate effect.

NB: - Arrival/Departure reports should please be submitted to this Directorate for records.

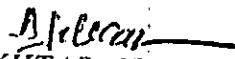
Sd/-
DIRECTOR GENERAL HEALTH
SERVICES, NWFP, PESHAWAR.

No. 9324-28 /E.II, Dated Pesh. The 29/3 /2010

Copy forwarded to the:-

01. MS Govt. City Hospital Lakki Marwat.
02. EDO (Health) Lakki Marwat
03. MS Govt. City Hospital Kohat Road Peshawar.
04. AG, NWFP, Peshawar.
05. DAO Lakki Marwat.
06. DA-concerned, DGHS NWFP Peshawar.

For information and necessary action.


MRS. AKHTAR JEHAN,
ASSISTANT DIRECTOR (NURSING)
DGHS NWFP PESHAWAR.

29/3/10

All communications should be addressed to the Director General Health Services Peshawar and not to any official by name.

E-Mail Address: nwfpdghs@yahoo.com
Office Ph# 091-9210269
Exchange# 091-9210187, 9210196



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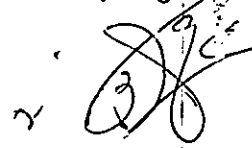
GOVT. OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT
No. SOH-III/8-89/2015(Rahat ul Ain C.Nurse)
Dated the Peshawar 17th March, 2016

To

The Director General,
Health Services Khyber Pakhtunkhwa,
Peshawar.

SUBJECT: APPEAL.

I am directed to refer to your letter No. 1198/E.II, dated: 23-02-2015 on the subject noted above and to state that appeal in r/o Rahat ul Ain, Charge Nurse BS-16 Govt. Naseer Ullah Babar Hospital, Kohat Road Peshawar is hereby regretted as her transfer has been made on administrative grounds.


(Muhammad Tariq)
Section Officer-III

Endst: of even no & date.

Copy forwarded to:-

PS to Secretary Health, Khyber Pakhtunkhwa.


Section Officer-III



215
GOVT. OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT
No. SOH-III/8-89/2015(Rahat ul Ain C.Nurse)
Dated the Peshawar 26th October, 2015

To

The Director General,
Health Services Khyber Pakhtunkhwa,
Peshawar.

SUBJECT: APPEAL.

I am directed to enclose herewith a copy of an application & others enclosures received from Rahat ul Ain, Charge Nurse BS-16 Govt. Naseer Ullah Babar Hospital, Kohat Road Peshawar which is self-explanatory.

It is therefore, requested that views/comments may kindly be furnished to this department for further processing the case.

Encl: As above.

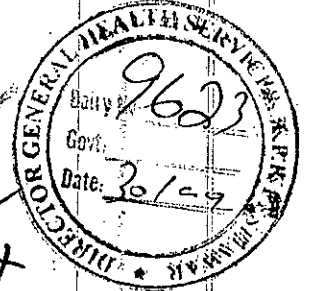
Endst: of even no & date.

Copy forwarded to:-

1. PS to Secretary Health, Khyber Pakhtunkhwa.
2. PA to Special Secretary Health, Khyber Pakhtunkhwa.

(Muhammad Farooq)
Section Officer-III

Section Officer-III



بخدمت جناب سیکرٹری ہیلتھ صاحب خیبر پختون خوا پشاور۔

217

راحت العین چارج نرس گورنمنٹ نصیر اللہ خان بابر ہسپتال کوہاٹ روڈ پشاور۔

.....اپیلانٹہ / سائلہ

8509
11/9

بنام

(۱) ڈائریکٹر جنرل ہیلتھ سروسز صوبہ خیبر پختون خوا پشاور۔

(۲) میڈیکل سپرنٹنڈنٹ گورنمنٹ نصیر اللہ خان بابر ہسپتال کوہاٹ روڈ پشاور۔

.....مسئول الیہم

حکمانہ اپیل برخلاف حکم محررہ 17/08/2015 از مسئول الیہ نمبر ۱ و حکم

لیٹر از مسئول الیہ نمبر ۲ محررہ 20/08/2015۔

جناب عالی! سائلہ / اپیلانٹہ حسب ذیل عرض کرتا ہے۔

(۱) یہ کہ سائلہ / اپیلانٹہ مورخہ 29/03/2010 سے گورنمنٹ نصیر اللہ خان بابر ہسپتال میں

بطور نرس اپنی ڈیوٹی سرانجام دے رہی ہے۔

(۲) یہ کہ سائلہ / اپیلانٹہ نے اپنی ڈیوٹی کے دوران نائٹ ڈیوٹی بھی کی ہے اور نہایت ایمانداری

سے اپنی ڈیوٹی سرانجام دے رہی ہے۔

(۳) یہ کہ سائلہ / اپیلانٹہ کے خلاف اب تک کوئی محکمہ انکوآری یا شکایت نہیں ہے۔

(۴) یہ کہ مورخہ 18/08/2015 کو وزیر صحت صاحب نے ہر قسم کے تبادلوں پر پابندی عائد کی

ہے لیکن مسئول الیہ نمبر ۱ نے پابندی کے باوجود بھی مسئول الیہ نمبر ۲ کی ایما پر بلاوجہ من سائلہ /

اپیلانٹہ کا تبادلہ گورنمنٹ نصیر اللہ خان بابر ہسپتال سے لیڈی ریڈنگ ہسپتال کروایا ہے اور یہ تبادلہ

دوران پابندی کروایا گیا ہے جو کہ غیر قانونی اور بددینی پرمی ہے۔

(نقل حکم تبادلہ محررہ 17/08/15: 20/08/15 لف اپیل ہذا ہے)

Secured

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(۵) یہ کہ من ساکنہ/ اپیلانٹ کا تبادلہ بردہ نیتی و برد روغ گوئی، من گھڑت اور سازش کا نتیجہ ہے۔ جس سے من ساکنہ/ اپیلانٹ کو ذہنی کوفت پہنچا اور من ساکنہ/ اپیلانٹ کو ناقابل تلافی نقصان کا بھی خدشہ ہے۔

(۶) یہ کہ من ساکنہ/ اپیلانٹ نے مسؤل الیہ نمبر ۲ کے خلاف وزیر اعلیٰ کمپلیٹ سیل ایک شکایت/ کمپلیٹ کی تھی جس میں مسؤل الیہ نمبر ۲ کی خلاف انکوائری شروع ہوئی تھی اور انکوائری کو بھی حکمہ صحت کے اہلکاران نے کہیں غائب کی ہے اور من ساکنہ/ اپیلانٹ کا تبادلہ بلاوجہ اور غیر قانونی طور پر کیا گیا جس کی منسوخی جتن من ساکنہ/ اپیلانٹ نہایت ضروری ہے تاکہ انصاف کے تقاضو کو پورا کیا جاسکے۔

لہذا استدعا ہے کہ منظوری اپیل ہذا من ساکنہ/ اپیلانٹ کا تبادلہ منسوخ کرنے کے احکامات صادر فرمائیں۔

مورخہ 09/09/2015

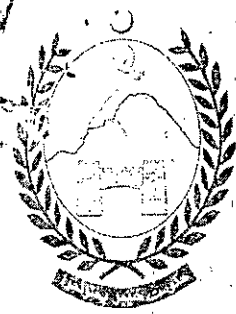
نیز دیگر دوسری جو قرین انصاف ہو وہ بھی مرحمت فرمائی جائے۔

ال

ساکنہ/ اپیلانٹ راحت العین چارج نرس (BPS-16)

گورنمنٹ نصیر اللہ بابر ہسپتال کوہاٹ روڈ پشاور۔

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**DIRECTORATE
GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA, PESHAWAR.**

No. 1198 /E.II,
Dated 23/02 /2015

227
All communications should be addressed to the Director General Health Services Peshawar and not to any official by name.

E-Mail Address: nwfpdghs@yahoo.com
Office Ph# 091-9210269
Exchange# 091-9210187, 9210196

To:-

The Secretary to Govt. of
Khyber Pakhtunkhwa Health Department,
Peshawar.

Subject: - **APPEAL.**
Dear Sir,

With reference to your letter No. SOH-III/8-89/2015 (Rahatul Ain Charge Nurse) dated 26.10.2015 on the subject noted above and to state that the Hospital has purchased very expensive modern equipments like Echocardiography, CR system and phaco emulsification machine etc out of ADP scheme, as the Hospital is very busy but having very little space and are facing great difficulties to accommodate the above important items.

The Hospital have 06 Rooms block on the top floor, in which one Room is occupied by Charge Nurse Mst. Rahatul Ain, She being a lady living there and they are unable to utilize these other 05 room in this block while this 06 rooms block had never been designated as Nursing Hostel.

To cope with the situation i.e. to provide space for the above mentioned items, the Hospital Admn decided to ask the Charge Nurse concerned to vacate her room which will actually provide space of 06 rooms.

The then Medical Supdt. Govt. Naseerullah Khan Babar Memorial Hospital Kohat Road Peshawar issued orders for the vacation of these rooms initially 06 Nurses were living in this block, the rest of the 05 Nurses obeyed the orders and vacated the rooms, but the Charge Nurse concerned refused to obey and vacate the room.

She has been transferred from Govt. Naseerullah Khan Babar Memorial Hospital Kohat Road Peshawar to LRH Peshawar vide this Directorate office order bearing Endst: No. 5143-46/E.II, dated 17.08.2015 and already relieved from her duties, her salary has been stopped but not yet reported arrival for duty at LRH Peshawar.

On account of non compliance of lawful order of her transfer, she has been served with charge sheet and enquiry is being conducted against her.

It is therefore requested that necessary orders of the competent authority may please be conveyed at an early date.

22/2/16
DIRECTOR GENERAL HEALTH
SERVICES, KPK, PESHAWAR.



**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.

E-Mail Address: nwfpdghs@yahoo.com
Office Ph# 091-9210269
Exchange# 091-9210187, 9210196
Fax # 091-9210230

DISCIPLINARY ACTION

01. I, Dr. Parvez Kamal Khan, Director General Health Services, KPK Peshawar as Competent authority, am of the opinion that Miss. Rahat ul Ain D/O Gulzar Khan, Charge Nurse (BPS-16) Govt. Naseerullah Khan Babar Memorial Hospital Peshawar under transfer to MTI LRH, Peshawar has rendered herself liable to be proceeded against as she committed the following acts /omission within the meaning of Section-3 of the Khyber Pakhtunkhwa (Efficiency and Discipline) Rules, 2011.

Statement of allegations.

- a. She failed to obey the lawful order of the competent authority to report for in MTI LRH Peshawar after her reliving from Govt. Naseerullah Khan Babar Memorial Hospital Peshawar on 20.08.2015 on eve of her transfer from Govt. Naseerullah Khan Babar Memorial Hospital Peshawar vide this Directorate office order bearing Endst: No. 5143-46/E.II, dated 17.08.2015.
- b. Mis conduct.

02. For the purpose of inquiry against the said accused with reference to the above allegations Dr. Akhtar Ali DMS Services Hospital Peshawar is hereby appointed as Enquiry Officer under Rule, 10(1) (a) of the ibid rules.

The Enquiry Officer shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within 30 days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

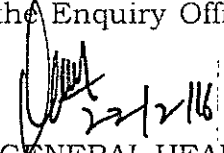
The accused and a well conversant representative of the department shall join the proceedings on the date, time and place to be fixed by the Enquiry Officer.

Sd/-
DIRECTOR GENERAL HEALTH
SERVICES, KPK, PESHAWAR.

No. 1199-1205/E.II, Dated Pesh. The 23/02/2016.

Copy of the above is forwarded to the:-

01. Hospital Director MTI / LRH Peshawar.
02. Medical Supdt. Services Hospital Peshawar.
03. Medical Supdt. Govt. Naseerullah Khan Babar Memorial Hospital Peshawar
04. Dr. Akhtar Ali DMS Services Hospital Peshawar.
05. Mst. Rahat ul Ain D/O Gulzar Khan, Charge Nurse (BPS-16) Govt. Naseerullah Khan Babar Memorial Hospital Peshawar for information, with the directions to appear before the Enquiry Officer on the date time and place to be fixed by the Enquiry Officer.
06. Nursing Superintendent Govt. Naseerullah Khan Babar Memorial Hospital Peshawar with the request to assist the Enquiry Officer during the enquiry proceedings.


DIRECTOR GENERAL HEALTH
SERVICES, KPK, PESHAWAR.



**DIRECTORATE
GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR.**

No.

1832

/E.II,

Dated

03/03

/2016.

To :-

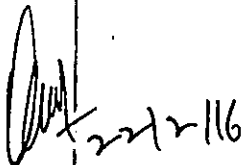
The Medical Superintendent,
Govt. Naseerullah Khan Babar,
Memorial Hospital Peshawar.

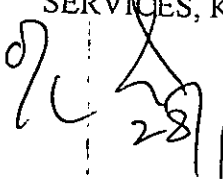
Subject:-

Charge Sheet.

Memo :-

Enclosed please find herewith Charge sheet and statement of allegation (in duplicate) in respect of Mst. Rahat ul-Ain D/O Gulzar Khan, Charge Nurse Govt. Naseerullah Khan Babar Memorial Hospital Peshawar with the request to serve the same upon the Charge Nurse concerned and duplicate copy duly signed by the accused may be returned to this Directorate as a token of receipt for record purpose.


DIRECTOR GENERAL HEALTH
SERVICES, KPK PESHAWAR.



275
All communications should be addressed to the Director General Health Services Peshawar and not to any official by name.

E-Mail Address: nwfpdghs@yahoo.com
Office Ph# 091-9210269
Exchange# 091-9210187, 9210196

**NASEERULLAH KHAN
DIRECTOR GENERAL HEALTH
SERVICES, KPK PESHAWAR.**

**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

E-Mail Address: nwfdghs@yahoo.com
Office Ph# 091-9210269
Exchange# 091-9210187, 9210196
Fax # 091-9210230

CHARGE SHEET.

01. I, Dr. Parvez Kamal Khan, Director General Health Services, Khyber Pakhtunkhwa Peshawar as Competent Authority hereby charge you, Mst. Rahat ul Ain D/O Gulzar Khan, Charge Nurse (BPS-16) Govt. Naseerullah Khan Babar Memorial Hospital Peshawar under transfer to LRH, Peshawar as follows :-

- a. You failed to obey the lawful order of the competent authority to report for in MTI LRH Peshawar after your reliving from Govt. Naseerullah Khan Babar Memorial Hospital Peshawar on 20.08.2015 on eve of your transfer from Govt. Naseerullah Khan Babar Memorial Hospital Peshawar vide this Directorate office order bearing Endst: No. 5143-46/E.II, dated 17.08.2015.
- b. Mis conduct.

02. By reasons of the above, you appear to be guilty of "Misconduct" under rule-3 of Khyber Pakhtunkhwa Govt. servants (Efficiency & Discipline) rules, 2011, and have rendered yourself liable to all or any of the Penalties specified in rule-4 of rule ibid.

03. You are therefore, required to submit your written defence within 07 days of this Charge Sheet to the enquiry officer.

04. Your written defence, if any should reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defence to put in and in that case exparte action shall follow against you.

05. Intimate whether you desire to be heard in person

06. A statement of allegation is enclosed.

22/2/16
DR. PARVEZ KAMAL KHAN
DIRECTOR GENERAL HEALTH
SERVICES, KPK, PESHAWAR.

Mrs. Rahat-ul-Ain D/O Gulzar Khan,
Charge Nurse, Naseerullah Khan Babar
Memorial Hospital Peshawar.

NO 1838 /E.II
Dated 03/03/2016

Statement of allegations.

- a. You failed to obey the lawful order of the competent authority to report for in MTI LRH Peshawar after your reliving from Govt. Naseerullah Khan Babar Memorial Hospital Peshawar on 20.08.2015 on eve of your transfer from Govt. Naseerullah Khan Babar Memorial Hospital Peshawar vide this Directorate office order bearing Endst: No. 5143-46/E.II, dated 17.08.2015.
- b. Mis conduct.

22/2/16
DR. PARVEZ KAMAL KHAN
DIRECTOR GENERAL HEALTH
SERVICES, KPK, PESHAWAR.

28/1
KPK, PESHAWAR.



OFFICE OF THE
MEDICAL SUPERINTENDANT
SERVICES HOSPITAL, PESHAWAR

Phone: (Off) 091 9210509 (Exch) 091 9223472 Fax: 091 9210543

No. 1030-32 /MS/Admn/2015-16

dated: 01/03/2016

Medical Superintendent
Naseerullah Khan Babar Memorial Hospital
Peshawar


Subject: - **DISCIPLINARY ACTION.**

Memo:

With reference to Director General Health Services Khyber Pakhtunkhwa Peshawar letter No. 1199-1205/E.II dated 23-02-2016 on the subject noted above.

It is to inform you that in light of the above cited letter the undersigned has nominated as Inquiry officer to conduct inquiry regarding the Mis-conduct of Miss. Rahat ul Ain D/O Gulzar Khan Charge Nurse (BPS-16).

Therefore you are requested to direct the above named charge nurse to appear before the inquiry committee to be held in office of the undersigned on 10-03-2016 (Thursday) at 10:00 AM along with relevant record to proceed further.


Dr. Akhtar Ali
Enquiry Officer
Dy: Medical superintendent
Peshawar

Copy to:

1. Director General Health Services Khyber Pakhtunkhwa Peshawar for information with reference to his letter No. referred above.
2. Miss. Rahat ul Ain D/O Gulzar Charge Nurse (BPS-16) attached to Naseerullah Khan Babar Memorial Hospital Peshawar on the above mentioned dated and time with relevant record if any.

1

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR

S.A No. 1373/2015

Rahat-ul-Ain

Versus

D.G & Others

REPLICATION

Respectfully Sheweth,

PRELIMINARY OBJECTION.

All the 5 preliminary objections are illegal and incorrect. No reason in support of the same is ever given as to why appellant has no cause of action, appeal is not maintainable and time barred, is bad for mis and non-joinder of necessary parties, appellant has no locus standi and is estopped by her own conduct and appellant has not come to the Tribunal with clean hands.

ON FACTS

1. In response to para No. 1 of the written statement/para wise comments, it is submitted that unparliamentary language has been used by the responsible respondents. Such like unparliamentary language is not admissible under the law nor appeals too prudent mind. The same is not justified in any manner, whatsoever, with the respondents, being high profile dignitaries.

As far as political pressure is concerned, authority should not succumbed to the wishes of political vendetta but the same was to get higher qualification at Peshawar which facility was not available at District Hospital, Lakki Marwat.

2. Not rebutted by the respondents but admitted correct as appellant attended 2 years Post RN B.Sc Nursing Course at KMU, Peshawar, being higher qualification for further promotion.
3. Not correct. The para of the appeal is correct regarding performance of her official duties. As far as the para of the comments is concerned, the same is without proof regarding unsatisfactory performance at Kohat. Neither any notice was served upon appellant regarding unsatisfactory official performances of duties nor any explanation to this effect was called for from her.

In the hospital, 7 rooms exist which were allotted to the nurses serving there. The 5 charge nurses got married and left the rooms. Not only from appellant, but rent from the nurses is deducted from their monthly salaries. Appellant has no residential house at Peshawar, being permanent resident of district Kohat. (Copy attached)

Appellant is not receiving Rs. 5000/- per month of conveyance allowance due to the allotment of room at the hospital.

Other maternity students of Jinah Medical College also reside at this hospital for training.

As far as charge sheet is concerned, the same was based on ulterior motive regarding the subject matter and product of malice. Reply to the same dated 10.03.2016 is attached.

4. In response to para No. 4 of the comments, the duty of appellant starts from 2:00 PM while the admission in Master of Public Health (MPH) starts from 9:00 AM to 12:00 PM.
5. Not replied to the contents of the para of the appeal. After filing of the appeal in hand in this hon'ble Tribunal, R. No. 1 issued office order on 19.01.2016 whereby Shafqat Ara Charge Nurse was posted at the place of appellant but as per law, when the matter is subjudice before any legal forum, no order could be made in any manner except the permission of the forum, so such order is legally liable to be struck down. (Copy attached)
6. Not correct. The impugned order was received by the appellant on 22.08.2015 which comes under the preview of ban on posting/transfer.
7. Not correct. No rejection order of departmental appeal was ever received by appellant till date. Such rejection order is annexed with comments which is of 17.03.2016 and the appeal was filed before the hon'ble Tribunal on 09.12.2015.

In this rejection order dated 17.03.2016, it has been written that the same was on administrative ground. Administrative ground requires full probe/enquiry in the charges and if the officer/official is found guilty, then of course, such order could be issued. This order dated 17.03.2016 is legally sufficient for acceptance of the appeal.

GROUND S:


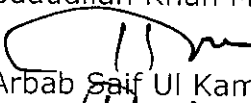
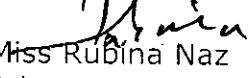
- a. Not correct. No proof is attached with the comments.

- b. Not correct. Order of transfer dated. 17.08.2015 was received on 22.08.2015 and the same shall be given effect since 22.08.2015 and not from the date of issue. Many judgments of the apex court are available on this point.
- c. Not correct. No such evidence regarding none obeying of lawful order prior to the matter in hand was available on record.
- d. Not correct. No facility of residence is available at LRH but the same should be on turn and seniority.
- e. As above regarding accommodation at LRH.
- f. Not correct. No lawful order was disobeyed by the appellant and as stated in the rejection order dated 17.03.2016, the same was made on administrative grounds which requires full probe.
- g. Not correct. Such para is replied in the aforesaid manner where accommodation would be on turn and seniority.

It is, therefore, most humbly requested that the appeal be accepted as prayed for in prayer of appeal.

Through


Dated: 13.04.2016

Appellant

 Saadullah Khan Marwat

 Arbab Saif Ul Kamal

 Miss Rubina Naz
 Advocates,

AFFIDAVIT

I, the undersigned, Appellant do hereby solemnly affirm and declare that contents of the **Appeal & Replication** are true and correct to the best of my knowledge and belief and that of the reply of respondents are illegal and incorrect.

I reaffirm the same on oath once again to be true and correct as per the available record.

14-4-2016

 EID MOHAMMAD KHATAK
 ADVOCATE
 PESHAWAR


 DEPONENT



4

GOVERNMENT OF PAKISTAN
ACCOUNTANT GENERAL KHYBER PAKHTUNKHWA
DISTRICT AG NWFP PESH
PAYROLL SYSTEM

9#

PAYMENT ADVICE

P Sec:009 Month:September 2014
PR4334 -Naseer ullah Khan Bahar Me

Pers #: 00436034 Buckle:
Name: RAHAT UL AIN HN-164
Des: CHARGE NURSE
CNIC No. 1430134313130

Min: Health
NTN:
GFF #:
Old #:

grt interest Applied
BPS 16 Active Temporary

DEPTT CODE PR4334

PAYS AND ALLOWANCES:

0001-Basic Pay	14,000.00
1001-House Rent Allowance 45%	2,727.00
1516-Dress/ Uniform Allowance	600.00
1592-Mess Allowance	500.00
1947-Medical Allow 15% (16-22)	979.00
1948-Adhoc Allowance 2010@ 50%	3,265.00
1970-Adhoc Relief Allow 2011	979.00
2118-Adhoc Relief Allow (2012)	2,800.00
2148-15% Adhoc Relief All-2013	2,100.00
Gross Pay and Allowances	29,350.00

DEDUCTIONS:

GPF Balance 43,731.00	Subrc:	1,760.00
3501-Benevolent Fund		250.00
3511-Addl Group Insurance		19.00
3603-Gas Charges		200.00
3604-Group Insurance		173.00
3605-Hostel Charges		300.00
3620-House Rent Deduction 5%		700.00

Total Deductions

3,402.00

NET AMOUNT PAYABLE

25,948.00

QUALIFYING SERVICE

YRS MON

05 Years 11 Months 001

D. O. B

20.10.1984

Days

LFP Quota:

HBL
02187900202401

HANGU ROAD, KOHAT

Govt of Pakistan
Accountant General Khyber Pukhtoonkhwa
Distt: A G KPK Peshawar

Payroll System: Payment Advice

Personal NO 00436034

Name: Rehat-ul-Ain HN 164

DSC charge Nurse

Nic no 1430134313/3.0

GPE Interest Applied

BPS-16 Active Temporary

Pay and Allowances

Basic Pay -14000/=		
H. Rent Allowance 45%		2727-00
Dress uniform "		600-00
Mess "		500-00
Medical " " 15%		979-00
Ad hoc "		3265-00
Ad hoc Relief "		2800-00
Gross Pay		2100-00

Deduction

1- Gas charges		200-00
2- Group Insurance		173-00
3- Hostel charge		300-00
4- House Rent		700-00
5- Conveyance Allowance		500-00
6- Bonus Fund		250-00

Accountant General King's Department
 Distt. A G K P K Department
 Part of the list

Payment due to
 Personal No 0013003



Name: Part-AM HN 101
 P & C Charge No 002
 P 42-10 Active Temporary
 P 42-10 Active Temporary
 P 42-10 Active Temporary

and Allowances
 = 1000/-

Description	Amount
1. Part Allowance N.S.	2197-00
2. Uniform	800-00
3. " "	200-00
4. " "	250-00
5. Medical	3292-00
6. " "	2800-00
7. " "	2100-00

Description	Amount
1. Car charges	173-00
2. Grand Passages	13-00
3. Hostel charges	3-00
4. House rent	3-00
5. Government Allowance	3-00
6. " "	3-00
7. " "	3-00

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To

Dr. Perwaiz Kamal Khan
Director General, Health Services,
Khyber Pakhtunkhwa,
Peshawar.

Subject: CHARGE SHEET/ DISCIPLINARY ACTION.

Respected Sir,

Reference your Charge Sheet No. 1838/E-II, Dt: 03/03/2016 Received on 07/03/2016 and 08/03/2016 respectively on the subject noted above:

1. That petitioner was serving Government Naseer Ullah Khan Babar Memorial Hospital, Kohat Road Peshawar but was transferred to Lady Reading Hospital, Peshawar on account of some reasons not explainable with the then Medical Superintendent.
2. That the said transfer order was due to malice, so petitioner invoked the jurisdiction of Hon'ble Service Tribunal, Peshawar for the redressal of her grievance.

3. That when the said matter come up for hearing, the Hon'ble Tribunal was pleased to grant her interim relief by not relinquishing the charge of the post at Government Naseer Ullah Khan Babar, Memorial Hospital, Kohat Road, Peshawar. (Copy of Stay Order is attached).

4. That the said order was remitted to your honour and Secretary to Government of Khyber Pakhtunkhwa, Health Department for compliance and information.

5. That Appeal No. 1373/2015 is still pending disposal before the Hon'ble Tribunal and the department was directed to submit written statement after admitting the said appeal to regular hearing.

6. That in the circumstances, stated above petitioner never failed to obey the order of the authority nor any misconduct was made.

7. The perhaps the charge sheet was issued to the petitioner due to non awareness or information about the aforesaid stated submissions or pendency of appeal before the Hon'ble Tribunal.

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8. That the matter is subjudice before the Hon'ble Tribunal for disposal and your honour is requested to vacate the charge sheet in hand.

It is, therefore, most humbly requested that disciplinary action/ charge sheet be dropped and petitioner be exonerated from the charges which has been explained in the aforesaid manner.



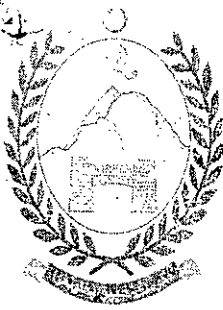
Dated: 10/03/2016

Rahat Ul Ain
Charge Nurse
Naseer Ullah Khan Babar
Memorial Hospital,
Peshawar.

COPY TO:

1. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
2. Secretary, Government of Khyber Pakhtunkhwa, Health Department, Peshawar.

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**DIRECTORATE
GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR**

OFFICE ORDER

All communications should be addressed to the Director General Health Services Peshawar and not to any official by name.

E-Mail Address: nwipdghs@yahoo.com

Office Ph# 091 9210269

Exchange# 091-9210187, 9210196

Fax # 091 9210230

In the light of C.O.C. Khyber Pakhtunkhwa Service Tribunal Peshawar, the transfer order of Mst. Rahat-ul-Ain D/O Gulzar Khan, Charge Nurse (BPS-16) Govt. Naseerullah Khan Babar Memorial Hospital Peshawar to LRH Peshawar issued vide this Directorate office order bearing Endst: No. 5143-46/E.II, dated 17.08.2015 is hereby withdrawn.

**Sd/-
DIRECTOR GENERAL HEALTH
SERVICES, KPK, PESHAWAR.**

No. 19-23 /E.II, Dated Pesh. 05 / 10 /2017.

Copy forwarded to the:-

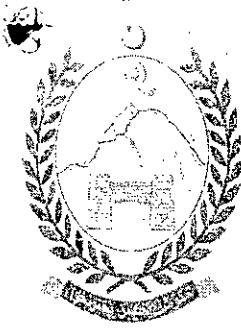
01. Hospital Director, MTI LRH Peshawar.
02. Medical Superintendent, Govt. Naseerullah Khan Babar Memorial Hospital Peshawar.
03. Accountant General, Khyber Pakhtunkhwa Peshawar.
04. Assistant Director (Lit:) DGHS Office Peshawar w/r to his letter No. 9160-62/AD(Lit:), dated 05.12.2017.
05. DA-concerned, DGHS office Peshawar.

For information and necessary action.

**DEPUTY DIRECTOR (NURSING)
DIRECTORATE GENERAL HEALTH
SERVICES, K.P.K, PESHAWAR**

05/11

P-07



**DIRECTORATE
GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR**

OFFICE ORDER

All communications should be addressed to the Director General Health Services Peshawar and not to any official by name.

E-Mail Address: rwfdghs@yahoo.com

Office Ph# 091-0210269

Exchange# 091-9210187, 9210196

Fax # 091-9210230

In the light of C.O.C Khyber Pakhtunkhwa Service Tribunal Peshawar, the transfer order of Mst. Rahat-ul-Ain D/O Gulzar Khan, Charge Nurse (BPS-16) Govt. Naseerullah Khan Babar Memorial Hospital Peshawar to LRH Peshawar issued vide this Directorate office order bearing Endst: No. 5143-46/E.II, dated 17.08.2015 is hereby withdrawn.

Sd/-

**DIRECTOR GENERAL HEALTH
SERVICES, KPK, PESHAWAR.**

No. 18-23 /E.II, Dated Pesh. 09 / 101 /2017.

Copy forwarded to the:-

01. Hospital Director, MTI LRH Peshawar.
02. Medical Superintendent, Govt. Naseerullah Khan Babar Memorial Hospital Peshawar.
03. Accountant General, Khyber Pakhtunkhwa Peshawar.
04. Assistant Director (Lit.) DGHS Office Peshawar w/r to his letter No. 9160-62/AD(Lit:), dated 05.12.2017.
05. DA-concerned, DGHS office Peshawar.

For information and necessary action.

DEPUTY DIRECTOR (NURSING)
DIRECTORATE GENERAL HEALTH
SERVICES, K.P.K, PESHAWAR

05/11

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

CM.

IN

S.A No.1373/2015

Rahat Ul Ain Versus Director General & Another

⇔<=>⇔<=>⇔<=>⇔<=>⇔

APPLICATION FOR SUSPENSION / SETTING ASIDE
ORDER NO. 6324-26/GNBM /PF DATED 28-09-2018
ISSUED BY THE MEDICAL SUPERINTENDENT OF THE
HOSPITAL:

⇔<=>⇔<=>⇔<=>⇔<=>⇔

Respectfully Sheweth:

1. That the subject appeal is pending disposal before this hon'ble Tribunal for cancellation of the then transfer order dated 17/20-08-2015 which was later on cancelled while the salaries were held and now the impugned order dated 28-09-2018 was issued. (Copy attached)
2. That during pendency of appeal / case, no adverse order could be issued by any authority except the permission of the Tribunal / court and that too during emergency.
3. That there exists no emergency to issued the said order but the authority showed high handedness by mis-using of power.

It is, therefore, most humbly requested that the application be accepted as prayed for and appellant be restored to her original position in the hospital.

Appellant

Through



Saadullah Khan Marwat

Dated 03-10-2018

Advocate

Handwritten note:
 2-10-2018



OFFICE OF THE MEDICAL SUPERINTENDENT

GOVT NASEERULLAH KHAN BABAR MEMORIAL HOSPITAL KOHAT ROAD PESHAWAR

Email. gnkbmhospital@gmail.com

Fax 091-2324611

Tele; 091- 9212742

No. /GNBMH

dated Peshawar 28 /09/2018

To,

The Director General Health Services,
Khyber Pakhtunkhwa, Peshawar.

Sub:-

**RELIEVEING OF MISS.RAHAT-UL-AIN CHARGE NURSE THIS
HOSPITAL ON ADMINISITRATIVE GROUND.**

R/Sir,

Upon the recommendation of the inquiry committee constituted against the complaint regarding the above mentioned charge nurse, the undersigned is pleased to relieve Miss.Rahat-ul-Ain Charge Nurse from this hospital on administrative ground with immediate effect.

Further, the undersigned is also requested to your good office to transfer another charge Nurse in her place to avoid any difficulties in nursing services to the patients.

Medical Superintendent.

No. 6321-26GNBM/PF

A copy of the above is forwarded to the:

1. Miss.Rahar-ul-Ain Charge Nurse for information and with the direction to report immediately to DG; Health Services KP Peshawar for further posting.
2. Nursing Superintendent Govt; NBM Hospital Peshawar.
3. Account Section of this hospital for information and to stop her salary with immediate effect.


Medical Superintendent

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

S.A No. 1373/2015

Rahat-ul-Ain

Versus

D.G & others

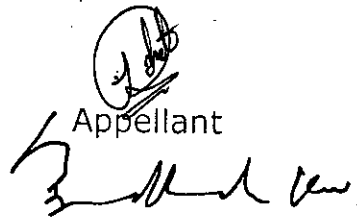
**APPLICATION FOR SETTING ASIDE ORDER DATED
19.01.2016.**

Respectfully Sheweth;

1. That the subject appeal is pending disposal before this hon'ble Tribunal.
2. That during the pendency of appeal, the impugned order was, after receipt of appeal by the respondents, made which quite against the norms of law.
3. That as per the judgments of the apex court, no adverse order, except the permission of the court, could be passed, so such order quite illegal and has no effect upon the case of appellant.
4. That such order was passed due to malafide to fill up the post which was lying vacant at the time of filing of the appeal.

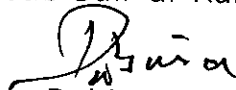
It is, therefore, most humbly requested that order dated 19.01.2016 be set aside by keeping the post vacant.

Through


Appellant
Saadullah Khan Marwat


Arbab Saif-ul-Kamal

&


Miss Robina Naz
Advocates,

Dated: 13.04.2016

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

S.A No. 1373/2015

Rahat-ul-Ain

Versus

D.G. & others

AFFIDAVIT

I, Rahat-ul-Ain Appellant, do hereby solemnly affirm and declare that contents of the Application are true and correct to the best of my knowledge and belief.

Recd.
19-11-15




DEPONENT



DAIRY NO: 57
DATED 19/01/2016
GOVT NASEERULLAH KHAN BABAR
MEMORIAL HOSPITAL

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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.

E-Mail Address: nwfpdghs@yahoo.com
Office Ph# 091-9210269
Exchange# 091-0210187, 9210196

OFFICE ORDER.

On return from leave on 08.12.2015, Mrs. Shafqat Ara D/O Ghulam Mohammad, Charge Nurse BPS-16 is hereby posted in Govt. Naseerullah Khan Babar Memorial Hospital Peshawar against the vacant post in the interest of public service with immediate effect.

The remaining portion of her leave upto 05.01.2015 is hereby cancelled.

NB: - Arrival/Departure reports should please be submitted to this Directorate for record.

Sd/-
DIRECTOR GENERAL HEALTH
SERVICES, KPK, PESHAWAR.

No. 108-11 /E.II, Dated Pesh. The 19/01 /2016.

Copy forwarded to the:-

- 01. Medical Supdt. Govt. Naseerullah Khan Babar Memorial Hospital Peshawar.
- 02. Accountant General, Khyber Pakhtunkhwa Peshawar.
- 03. Charge Nurse concerned.
- 04. DA-concerned, DGHS KPK Peshawar.

For information and necessary action.

Sd/-
DEPUTY DIRECTRESS (NURSING),
DGHS KHYBER PAKHTUNKHWA
PESHAWAR

May endorse to all concerned

M/S
19/01/16

19/01

Posted in place of a specimen



OFFICE OF THE MEDICAL SUPERINTENDENT

GOVT. NASEERULLAH KHAN BABAR MEMORIAL HOSPITAL KOHAT ROAD PESHAWAR

Email: gnkbnhospital@gmail.com

Fax 091-2324611

Tele; 091- 9212742

No. 272-73 /GNBMH

Dated Peshawar the 23/01/2016

Copy forwarded to Mrs. Shafqat Ara D/o Ghulam Mohammad Charge Nurse of Govt. Naseerullah Khan Babar Memorial Hospital Peshawar for information and compliance.

Accountant

MEDICAL SUPERINTENDENT

23/01