

24.12.2018

Nemo for the parties.

The last date of hearing was adjourned due to Reader Note. Let notices be issued to the parties for 30.01.2019 before S.B.

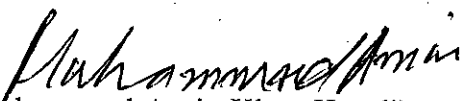

Chairman

30.01.2019

Petitioner Mst. Abida Noreen alongwith her counsel Mr. Kamran Khan present. Mr. Kabirullah Khattak, Additional AG for the respondents present.

The main service appeal No. 55/2018 has been withdrawn by the petitioner on the ground that the respondent department has made verbal commitment with her for redressal of her grievance if she withdraw her appeal and separate application has also been filed by the petitioner for conditional withdrawal of the present Contempt of Court Application. The same is placed on file. Therefore, the present Contempt of Court Application stand dismissed as withdrawn accordingly. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
30.01.2019


(Muhammad Amin Khan Kundi)
Member

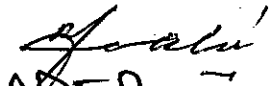
03.09.2018

None present on behalf of petitioner. Learned Additional Advocate General for the respondents present. Adjourned. To come up for further proceedings on ~~20.9.~~ 2018 before S.B.


Member

22.9.2018

Due to muharram ul haram
vacations The case is
adjourned to 12-10-2018


READER

12.10.2018

Mr. Muhammad Maaz Madni, Advocate for appellant present. Addl. AG (Mr. Kabirullah Khattak) for the respondents present. To come up for further proceedings on 06.11.2018 before S.B alongwith the main appeal.


Chairman

06.11.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 24.12.2018. ~~24.12.2018~~

READER

30.05.2018


Counsel for the appellant, Addl: AG for respondent present. To come up for further proceedings on 12.06.2018 before S.B alongwith main appeal no. 55/18.


(Ahmad Hassan)
Member

12.06.2018

Counsel for the petitioner present. Mr. Kabirullah Khattak, Additional AG for the respondents also present. To come up for further proceedings on 22.06.2018 before S.B alongwith main Service Appeal No. 55/2018.


22.06.2018


(Muhammad Amin Khan Kundi)
Counsel for the petitioner and Addl: AG for respondents present. Notices be issued to the respondents for reply/arguments on C.O. C application. Adjourned. To come up for further proceedings on 19.07.2018 before S.B. *alongwith main service Appeal No. 55/2018.*


(Ahmad Hassan)
Member

19.07.2018

Counsel for the petitioner present. Mr. Sardar Shoukat Hayat, Addl: AG for respondents present. Counsel for the petitioner seeks adjournment. Adjourned. To come up for further proceedings on 03.09.2018 before S.B.


(Ahmad Hassan)
Member

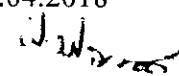
17.04.2018


Counsel for the appellant present. Mr. Riaz Ahmed Pinda Kheil, Assistant AG for the respondents also present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for further proceedings on 19.04.2018 before D.B alongwith main service appeal No. 55/2018.

(Ahmad Hassan)
Member


(Muhammad Amin Khan Kundi)
Member

19.04.2018


Appellant with counsel present. Mr. Ziaullah, Deputy District Attorney alongwith Shah Nawaz, Litigation Assistant for the respondents also present. Learned Deputy District Attorney seeks adjournment. Adjourned. To come up for further proceedings on 02.05.2018 before S.B alongwith main service appeal No. 55/2018.


(Ahmad Hassan)
Member


(Muhammad Amin Khan Kundi)
Member

02.05.2018

Junior counsel for the appellant and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Shah Nawaz, Litigation Officer for the respondents present. The Tribunal is non-functional due to retirement of our Hon'ble Chairman. Therefore, the case is adjourned. To come up for same on 17.05.2018.


Reader

17.05.2018

Mr. Kamran, husband of the appellant alongwith Mr. Mir Zaman, Advocate for appellant present. Mr. Kabirullah Khattak, Addl. AG on behalf of the respondents present. To come up for further proceedings on 30.05.2018 before S.B alongwith main appeal No. 55/2018..


Chairman

FORM OF ORDER SHEET

Execution Petition No. 77/2018

S.No.	Date of order Proceedings	Order or other proceedings with signature of Judge
1	2-11/18	3
1	16.03.2018	<p>The Execution Petition of Mst. Abida Perveen submitted to-day by Mr. Noor Muhammad Khattak Advocate may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR</p>
2-	21/03/18.	<p>This Execution Petition be put up before S. Bench on- <u>21/03/18.</u></p> <p style="text-align: right;"><i>[Signature]</i> MEMBER.</p>
21.03	2018	<p>Learned counsel for the petitioner present. Notice of the present application be given to the respondent party for 03.04.2018 before S.B. To come up for reply alongwith main service appeal of the appellant bearing No.55/2018 on the date fixed.</p> <p style="text-align: right;"><i>[Signature]</i> Member</p>
	03.04.2018	<p>Appellant absent. Junior counsel present on behalf of appellant. Mr. Kabir Ullah Khattak, Addl: AG alongwith Shah Nawaz, Legal Advisor for the respondents present. Representative of the respondents submitted order regarding implementation of the status-quo order of this Tribunal which is placed on file. To come up for further proceedings ⁰³⁻⁴⁻²⁰¹⁸ alongwith main service appeal of the appellant bearing No. 55/2018 on the date fixed.</p> <p style="text-align: right;"><i>[Signature]</i> Member</p>

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

COC NO. 577 /2018

IN

Appeal NO. 55 /2018

ABIDA NOREEN

VS

**SIKANDAR QAYUM
& OTHERS**

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE NO.
1-	Memo of application	1- 2.
2-	Affidavit	3.
3-	Order dated 22.02.2018	A	4.
4-	Vakalat nama	5.

PETITIONER/APPLICANT

THROUGH:

**NOOR MOHAMMAD KHATTAK
ADVOCATE**

MOBILE NO.0345-9383141

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

COC NO. 77 /2018

IN

Appeal NO. 55 /2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 302

Date 16/03/2018

Mst. Abida Noreen, Lady Health Visitor (BPS-12),
O/O Agency Surgeon, Khyber at Jamrud.

..... **APPLICANT/ PETITIONER**

VERSUS

- 1- Mr. Sikandar Qayum, Additional Chief Secretary FATA, FATA Secretariat, Warsak Road, Pesahwar.
- 2- Mr. Jawad Habib, Director Health Services FATA, FATA Secretariat, Warsak Road, Peshawar.
- 3- Dr. Ayub Afridi, Agency Surgeon, Khyber Agency at Jamrud..... **RESPONDENTS/ CONTEMNORS**

APPLICATION FOR INITIATING CONTEMPT OF COURT PROCEEDINGS AGAINST THE RESPONDENTS/ CONTEMNORS

R/SHEWETH:

- 1- That the applicant/ petitioner had filed service appeal No. 55 /2018 in this august Tribunal in which this august Tribunal issued/granted status quo in favor of the petitioner vide order sheet dated 22.03.2018. Copy of the order sheet is attached as annexure **A.**
- 2- That after obtaining the attested copy of the order/Judgment, the applicant/petitioner submitted the said order of this august Tribunal before the respondents/ contemnors for implementation but the same has not been implemented by the respondents rather the respondents estopped the monthly salaries of the applicant/petitioner inspite of clear direction of this august Service Tribunal.
- 3- That the action of the Respondents/Contemnors by stopping the monthly salaries of the petitioner is squarely fall within the ambit of the Contempt of Court and as such they are liable to be proceeded for the Contempt and for the punishment under the law.

It is therefore, humbly prayed that on acceptance of this application, the Contempt of Court proceedings may graciously be initiated against the Respondents/Contemnors and they may be punished accordingly.

DATED: 12.03.2017

APPLICANT/ PETITIONER

Abida Noreen

ABIDA NOREEN

THROUGH:

N

NOOR MOHAMMAD KHATTAK

&

M

**MUHAMMAD MAAZ MADNI
ADVOCATES**

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

COC NO. _____/2018

IN

Appeal NO. 55/2018

ABIDA NOREEN

VS

**SIKANDAR QAYUM
& OTHERS**

AFFIDAVIT

I Noor Mohammad Khattak Advocate on the instructions and on behalf of the petitioner do hereby solemnly affirm that the contents of this COC are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.



**NOOR MOHAMMAD KHATTAK
ADVOCATE**



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

APPEAL NO. 55 /2018

Khyber Pakhtunkhwa
Service Tribunal
Peshawar
Date: 01/01/2018
Filed: 01-01-2018

Mst. ABIDA NOREEN, Lady Health Visitor (BPS-12),
O/O Agency Surgeon, Khyber at Jamrud.

..... APPELLANT

VERSUS

- 1- The Additional Chief Secretary (FATA), FATA Secretariat, FATA Secretariat, Warsak Road, Peshawar.
- 2- The Director Health Service (FATA), FATA Secretariat, Warsak Road, Peshawar
- 3- The Agency Surgeon, Khyber Agency at Jamrud.

..... RESPONDENTS

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 06-10-2017, WHEREBY THE APPELLANT HAS BEEN TRANSFERRED FROM HER HOME AGENCY AND PLACE AT THE DISPOSAL OF AGENCY SURGEON LOWER & CENTRAL KURRAM IN UTTER VIOLATION OF RULES & POLICY ALONG WITH MINOR PENALTY OF STOPPAGE OF ONE ANNUAL INCREMENT WITH CUMULATIVE EFFECT WITHOUT CONDUCTING REGULAR INQUIRY INTO THE MATTER AND AGAINST NOT TAKING ANY ACTION ON THE DEPARTMENTAL APPEAL DATED 11-10-2017 OF THE APPELLANT WITHIN THE STIPULATED PERIOD INSPITE OF CLEAR DIRECTION ISSUED BY PESHAWAR HIGH COURT PESHAWAR IN ITS JUDGMENT DATED 23-11-2017 IN WRIT PETITION NO. 4434-P/2017.

11/1/18
Original copy
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

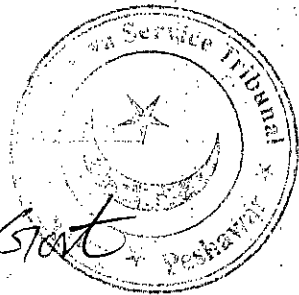
PRAYER:

That on acceptance of this appeal the impugned order dated 06-10-2017 may very kindly be set aside by retaining the appellant against its original placed of posting at her home agency i.e. Khyber Agency with the further direction to restore the annual increment of the appellant with all back benefits. Any other remedy which this Honourable Tribunal deem fit may also be awarded to the appellant

R/SHEWETH:
ON FACTS:

Brief facts giving rise to the instant appeal are

13/1/18
17/1/18
18/1/18



Appeal No. 55/2018
Ms. Abida Noor vs Govt

22.02.2018

Clerk of the counsel for appellant and Assistant AG present. None present on behalf of respondent department. Therefore, fresh notice be issued to the respondent department for attendance. Written reply not submitted. Learned Assistant AG requested for further time adjournment. Request accepted. To come up for written reply/comments on 08.03.2018 before S.B. Status-quo be maintained till the date fixed.

Sd/- Gulzar Khan,
Member

Certified to be true copy

MEMBER
Peshawar Service Tribunal,
Peshawar

Date of Presentation of Application	13-3-18
Number of Vols	6800
Copying Fee	22
Urgent	
Total	
Name of Clerk	
Date of Copying	13-3-18
Date of Delivery	13-3-18

VAKALATNAMA

IN THE COURT OF Khyber Pakhtunkhwa Service Tribunal
Peshawar
OF 2018

Abida Noreen (APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Sikandar Qayum & Others (RESPONDENT)
(DEFENDANT)

I/We Abida Noreen
Do hereby appoint and constitute **MUHAMMAD MAAZ MADNI, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. 12 / 03 / 2018

Abida Noreen

CLIENT

[Signature]

ACCEPTED

NOOR MOHAMMAD KHATTAK

[Signature]
MUHAMMAD MAAZ MADNI
ADVOCATES

OFFICE:

Room No.1, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.

Phone: 091-2211391

Mobile No.0345-9090737, 03339-9313113



DIRECTORATE OF HEALTH SERVICES FATA

FATA SECRETARIAT, WARSAK ROAD, PESHAWAR.

Phone: 091-9210212

FAX: 091-9212110

OFFICE ORDER

In pursuance of interim relief (status quo) granted by Khyber Pakhtunkhwa Service Tribunal Peshawar on 22.02.2018 in appeal No. 77/2018-Mst. Abida Noreen, LHV VS ACS FATA and others, the transfer order issued by this Directorate bearing No. 18972-77/DHS/FATA/Admn dated 18.11.2016 is hereby withdrawn till the final decision of the court.

Sd/xxxxx

Director Health Services,
FATA Peshawar

No. 7671-74 /DHS/FATA/Litigation

Dated: 03 / 03 / 2018

Copy for information and necessary action to:

1. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.
2. Agency Surgeon Khyber Agency with the direction to release her salary till further orders.
3. Agency Accounts Officer Khyber at Jamrud.
4. Official concerned.


Director Health Services,
FATA Peshawar

Before The K.P. Service Tribunal, Peshawar.

Mrs. Abida Nooreen v, A/S, Fata & others

Application for withdrawal of the
C.O.C. petition in APP. NO 55/18 on the condition
to redress the grievances of the petitioner.

Respectfully sheweth:

- ① That the above mentioned C.O.C. petition is pending before this court, and is fixed for today.
- ② That the respondent/department had made verbal commitment with the petitioner, that her grievances will be redressed if she withdraw her petition.
- ③ That the petitioner withdraw her petition with the condition that her grievances be redressed.

It is therefore, humbly requested that by accepting this application the C.O.C. petition may please be conditionally withdrawn.

Dated 30/1/19

Petitioner/Applicant
Thugh Mrs. Abida Nooreen
Abida Nooreen
Now M. Khalique
&
Kamran Ishaq Khan
Khan