


6

30.09.2015

Agent of counsel for the appellant and Mr. Muhammad Maaz Madni, Assistant Litigation Officer alongwith Addl: A.G for respondents present. Para-wise comments submitted. The appeal is assigned to D.B for rejoinder and final hearing for 21.12.2015.



Chairman


21/12/15

21.12.2015

Counsel for the appellant (Mr. Noor Muhammad Khattak, Advocate) and Mr. Muhammad Maaz Madni, Assistant Litigation Officer alongwith Mr. Muhammad Jan, GP for respondents present. Counsel for the appellant requested for withdrawal of the instant appeal. In this respect his signature is also recorded in the margin of the order sheet. Request is accepted and the appeal is dismissed as withdrawn. File be consigned to the record.

Announced
21.12.2015


Member


Member

14.07.2015

Appellant with counsel present. Learned counsel for the appellant argued that the appellant was serving as Medical Technician in Civil Hospital Jamrud on the basis of transfer order dated 3.7.2013 when vide impugned order dated 4.6.2015 he was transferred to Civil Dispensary Syed Imran Kalay regarding which he preferred departmental appeal on 17.6.2015 which was rejected on 22.6.2015 and hence the instant service appeal on 7.7.2015.

That the impugned transfer order is violation of clause I and IV of the transfer and posting policy of the Provincial Government and that the order of the appellate authority is not a speaking order and in violation of clause 24-A of the General Clauses Act, 1897 and, moreover, the impugned transfer order was not made in the public interest.

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 13.8.2015 before S.B. Notice of the stay application for the date fixed be also issued. Status-quo be maintained.


Chairman

13.08.2015

Agent of counsel for the appellant and Mr. Muhammad Maaz Madni, Assistant Litigation Officer alongwith Assistant A.G for respondents present. Requested for adjournment. To come up for written reply/comments on 2.9.2015 before S.B. Status-quo be maintained.


Chairman

02.09.2015

Counsel for the appellant and Mr. Maaz Madni, Assistant Litigation Officer alongwith Addl: A.G for respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 30.9.2015 before S.B. Status-quo be maintained.


Chairman



Appellant Deposited
Security & Process Fee



Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 789/2015


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	09.07.2015	<p>The appeal of Mr. Muhammad Safdar resubmitted today by Mr. Noor Muhammad Khattak Advocate, may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	10-7-15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>14-7-15</u></p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Muhammad Safdar Dispenser Civil Hospital Jamrud received to-day i.e. on 07.07.2015 is incomplete on the following score which is returned to the counsel for the appellants for completion and resubmission within 15 days.

Copy of proper rejection order of departmental is not attached with the appeal which may be placed on it.

No. 1043 /S.T,

Dt. 7/7 /2015


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Noor Muhammad Khattak Adv.

Note:

R/Sik,

The rejection order is already attached as annexure — D/P. Therefore the instant appeal may kindly be placed before the Honorable Bench for hearing. Furthermore the rejection order has been issued by the appellate authority on the Departmental appeal of appellant and as such no separate order of appellant is available nor communicated to the appellant by the respondents. 19/7/15

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 789 /2015

MOHAMMAD SAFDAR

VS

A.C.S FATA

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of APPEAL	1- 3.
2.	Stay application	4.
4.	Transfer order	A	5.
5.	Order dt: 6.3.2014	B	6.
11.	Impugned order dt: 4.6.2015	C	7.
12.	Departmental appeal & rejection	D	8.
13.	Transfer/ posting policy	E	9- 11.
14.	Vakalat nama	12.

APPELLANT

THROUGH:


NOOR MUHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 789 /2015

A.W.P. Province
Service Tribunal

Diary No. 775

Dated 07-7-2015

Mr. Mohammad Safdar, Dispenser,
Civil Hospital Jamrud, Khyber Agency, Under transfer to
Civil Dispensary Syed Imran Kalay, Khyber Agency.

..... **APPELLANT**

VERSUS

- 1- The Additional Chief Secretary FATA, FATA Secretariat Warsak Road, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director Health Services FATA, FATA Secretariat Warsak Road, Khyber Pakhtunkhwa, Peshawar.
- 3- The Agency Surgeon, Khyber Agency.

..... **RESPONDENTS**

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 4.6.2015 WHEREBY THE APPELLANT WAS PREMATURELY TRANSFERRED FROM CIVIL HOSPITAL JAMRUD TO CIVIL DISPENSARY SYED IMRAN KALAY AND AGAINST THE APPELLATE ORDER DATED 22.6.2015 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN DISMISSED ON NO GOOD GROUNDS

PRAYER: That on acceptance of this appeal the impugned orders dated 4.6.2015 and 22.6.2015 may very kindly be set aside to the extent of appellant and the respondents may be directed that not to transfer the appellant from Civil Hospital Jamrud Khyber Agency till completion of his normal tenure. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of appellant.

Filed to-day
7/7/2015
re-submitted to-day
and filed.

R.SHEWETH:
ON FACTS:

- 1- That appellant is the employee of the respondent Department and has served the respondent Department for quite considerable time quite efficiently and up to the entire satisfaction of her superiors.

9/7/15

- 2- That lastly the appellant was transferred to Civil Hospital Jamrud vide order dated 3.7.2013. That appellant in compliance of the order dated 3.7.2013 submitted his charge report and started performing his duty quite efficiently at the concerned station. Copy of the order is attached as annexure **A.**
- 3- That appellant while serving in the respondent Department as Dispenser at Civil Hospital Jamrud Khyber Agency an order was issued due to which the appellant was prematurely transferred from Civil Hospital Jamrud to CHC Kotki Tirah vide order dated 06.3.2014. That just after the lapse of one week the order dated 6.3.2014 was cancelled by the respondent No.3. Copy of the orders are attached as annexure **B.**
- 4- That appellant while serving as technician at Civil Hospital Jamrud Khyber Agency the impugned order was issued dated 4.6.2015 whereby the appellant was prematurely transferred from Civil Hospital Jamrud to Civil Dispensary Syed Imran Kalay with assigning any reason and clear justification. Copy of the impugned order is attached as annexure **C.**
- 5- That appellant feeling aggrieved from the impugned order dated 4.6.2015 filed Departmental appeal on 17.6.2015 but the same was rejected by the respondent No.3 on no good grounds vide order dated 22.6.2015. Copy of the Departmental appeal and rejection order is the same is hereby attached as annexure **D.**
- 6- That appellant feeling aggrieved and having no other remedy filed the instant appeal on the following grounds amongst the others.

GROUND:

- A- That the impugned orders dated 4.6.2015 and 22.6.2015 are against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That the appellant has not been treated by the respondents in accordance with law and rules on the subject noted above and as such the respondents violated article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.

- C- That the impugned transfer order dated 4.6.2015 is against the clause I and IV of the transfer/ Posting policy of the Government of Khyber Pakhtunkhwa. (Copy of Transfer/Posting policy is attached as annexure E.
- D- That the impugned order dated 4.6.2015 has not been issued by the respondent No.3 in the public interest nor in exigencies of service.
- E- That the impugned transfer order dated 4.6.2015 is pre mature, therefore not tenable and liable to be set aside.
- F- That the respondents acted in arbitrary and malafide manner while issuing the impugned transfer order dated 4.6.2015.
- G- That the appellant has been discriminated by the respondents by issuing repeated transfer order against the appellant and as such the respondents has made the appellant a rolling stone.
- H- That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

DATED: 6.7.2015

APPELLANT


MOHAMMAD SAFDAR

THROUGH:


**NOOR MOHAMMAD KHATTAK
ADVOCATE**

BEFORE THE KHYBER PAKHTUNKHEWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO _____/2015

MOHAMMAD SAFDAR

VS

A.C.S FATA

APPLICATION FOR SUSPENSION OF OPERATION
OF IMPUGNED ORDER DATED 4.6.2015 TO THE
EXTENT OF APPELLANT TILL THE DISPOSAL OF
THIS APPEAL

R/SHEWETH:

- 1- That the appellant filed above mentioned appeal along with this application before this august service Tribunal in which no date has been fixed so for.
- 2- That all the three ingredients necessary for the stay is in favor of the appellant.
- 3- That the transfer of the appellant is against the transfer policy of the Government of Khyber Pakhtunkhwa and the impugned transfer order dated 4.6.2015 is also not issued in the public interest nor exigencies of public service.
- 4- That the grounds of main appeal is also be considered as integral part of this application.

It is therefore humbly prayed that on acceptance of this application the impugned transfer order dated 4.6.2015 may very kindly be suspended till disposal of this appeal.

APPELLANT


MOHAMMAD SAFDAR

THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE

A - (5)

OFFICE OF THE AGENCY SURGEON KHYBER AT JAMRUD

NO 2766-67 /AS KHY

Dated 03 /07/013

OFFICE ORDER

Mr. Muhammad Safder Medical tech is hereby directed to perform his duty in CH; Jamrud on general duty till farther order.



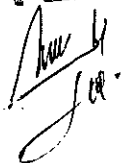
Agency Surgeon
Khyber at Jamrud

Cc

01 In charge CH; Jamrud,
02 Concerned Staff,

Agency Surgeon
Khyber at Jamrud

ATTESTED



OFFICE OF THE AGENCY SURGEON KHYBER AT JAMRUD

OFFICE ORDER:

This office order bearing No. 426-27/As-Khy dated 31.1.2014 and No.469-73/AS-Khy dated 4.2.2014 is hereby cancelled and Mr. Safdar Khan Medical Technician is directed to report for duty to CHQ Kotki Tirab with immediate effect in the best interest of public, instead of Mr. Nisar Shah dispenser attached to camp hospital Jaloza.

**Agency Surgeon Khyber,
At Jamrud.**

No. 1312-14/AS-Khy

Dated 6/3/2014

Copy forwarded to the all concerned.

**Agency Surgeon Khyber,
At Jamrud.**

ATTESTED



B-6

OFFICE OF THE AGENCY SURGEON KHYBER AT JAMRUD.

OFFICE ORDER.

This office order bearing No. 426-27/As-Khy dated: 31.1.2014 and No. 462-73/As-Khy dated: 4.2.2014 is hereby cancelled and Mr. Saifdar Khan Medical Technician is directed to report for duty to CHC Kotki Tirah with immediate effect in the best interest of public, instead of Mr. Nawaz Shah dispenser attached to camp hospital Jalozai.

Agency Surgeon Khyber,
at Jamrud.

NO 1312-14/As-Khy dated 6/3 /2014.

Copy forwarded to the:-

1. SMO Incharge H:Jamrud .
2. SMO Incharge Camp Hospital Jalozai.
3. Incharge CHC Kotki Tirah.

[Signature]
Agency Surgeon Khyber,
at Jamrud.

*Remd.
H. Saifdar
Salam*

ATTESTED

[Signature]

C-7

ATTESTED

Ray li
Jan

To

D-8

The Agency Surgeon Khyber Agency at Jamrud.

Subject: Department appeal.

Sir!

With due respect I beg to state that I am the resident of tensil Jamrud and working as a medical technician in Civil hospital Jamrud. I have never reported nor underinquired by competent authority.

So please kindly cancelled my transferred ordered. letter 1720-38/As-Khyb. dated 04-06-2015

Thanks.

Yours obediently
Muhammad Saifdar (med-technician)
Civil hospital Jamrud

Dated: 17-06-15

Seen and filed
Agency Surgeon
Khyber Agency
22-06-15

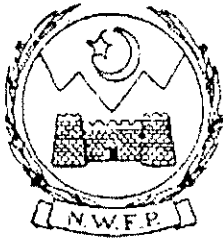
ATTESTED

[Signature]

Forwarded to A/S King
for N/A.

S.M.O. Incharge
Civil Hospital
Jamrud

[Signature]
18/6/15



**GOVERNMENT OF NWFP
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT
(Regulation Wing)**

POSTING / TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT.

- i) All the posting/transfers shall be strictly in public interest and shall not be abused/misused to victimize the Government servants
- ii) All Government servants are prohibited to exert political, Administrative or any other pressures upon the posting/transfer authorities for seeking posing/transfers of their choice and against the public interest.
- iii) All contract Government employees appointed against specific posts, can not be posted against any other post.
- iv) The normal tenure of posting shall be three years subject to the condition that for the officers/officials posted in unattractive areas the tenure shall be two years and for the hard areas the tenure shall be one year. The unattractive and hard areas will be notified by the Government.
- v) ¹{ }
- vi) While making postings/transfer from settled areas to FATA and vice-versa, specific approval of Governor, NWFP needs to be obtained

²While making postings/transfers of officers/officials up to BS-17, from settled areas to FATA and vice-versa approval of the Chief Secretary NWFP needs to be obtained. Whereas, in case of posting/transfer of officers in BS-18 and above, from settled areas to FATA and vice versa, specific approval of the Governor NWFP shall be obtained.
- vi (a) All Officers/officials selected against Zone-I/FATA quota in the Provincial Services should compulsorily serve in FATA for atleast eighteen months in each grade. This should start from senior most scales/grades downwards in each scale/grade of each cadre.
- vii) Officers may be posted on executive/administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and DPOs/Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thaana) of his area/residence is situated.
- viii) No posting/transfers of the officer's/officials on detailment basis shall be made.
- ix) Regarding the posting of husband/wife, both in Provincial services, efforts where possible would be made to post such persons at one station subject to the public interest.
- x) All the posting/transferring authorities may facilitate the posting/transfer of the unmarried female government Servants at the station of the residence of their parents.

¹ Para-1(v) regarding months of March and July for posting/transfer and authorities for relaxation of ban deleted vide letter No: SOR-VI (E&AD) 1-4/2008/Vol-VI, dated 3-6-2008. Consequently authorities competent under the NWFP Government Rules of Business, 1985, District Government Rules of Business 2001, Posting/Transfer Policy and other rules for the time being in force, allowed to make posting/transfer subject to observance of the policy and rules.

² Added vide Urdu circular letter No. SOR-VI(E&AD)1-4/2003, dated 21-09-2004

- xi) Officers/officials except DCOs and DPOs/SPs who are due to retire within one year may be posted on their option on posts in the Districts of their domicile and be allowed to serve there till the retirement
¹DCOs and DPOs who are due to retire in the near future may also be posted in the District of their domicile subject to the condition that such posting would be against non-administrative posts of equivalent scales;
- xii) In terms of Rule-17(1) and (2) read with Schedule-III of the NWFP Government Rules of Business 1985, transfer of officers shown in column 1 of the following table shall be made by the authorities shown against each officer in column2 thereof:

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

- xiii) While considering posting/transfer proposals all the concerned authorities shall keep in mind the following:
- a) To ensure the posting of proper persons on proper posts, the Performance Evaluation Report/annual confidential reports, past and present record of service, performance on post held presently and in the past and general reputation with focus on the integrity of the concerned officers/officials be considered.
 - b) Tenure on present post shall also be taken into consideration and the posting/transfers shall be in the best public interest.

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

ATTESTED

M
A

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

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

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

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

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

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

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

.....

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

{Authority: Letter No: SOR-VI/E&AD/1-4/2003 dated 24-6-2003}.

.....

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

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

ATTESTED

VAKALATNAMA

IN THE COURT OF KPK Service Tribunal Peshawar
OF 2015

Mohammad Saffar

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

A.C.S FATA

(RESPONDENT)
(DEFENDANT)

I/We Mohammad Saffar

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, 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. ___/___/2015



CLIENT


ACCEPTED

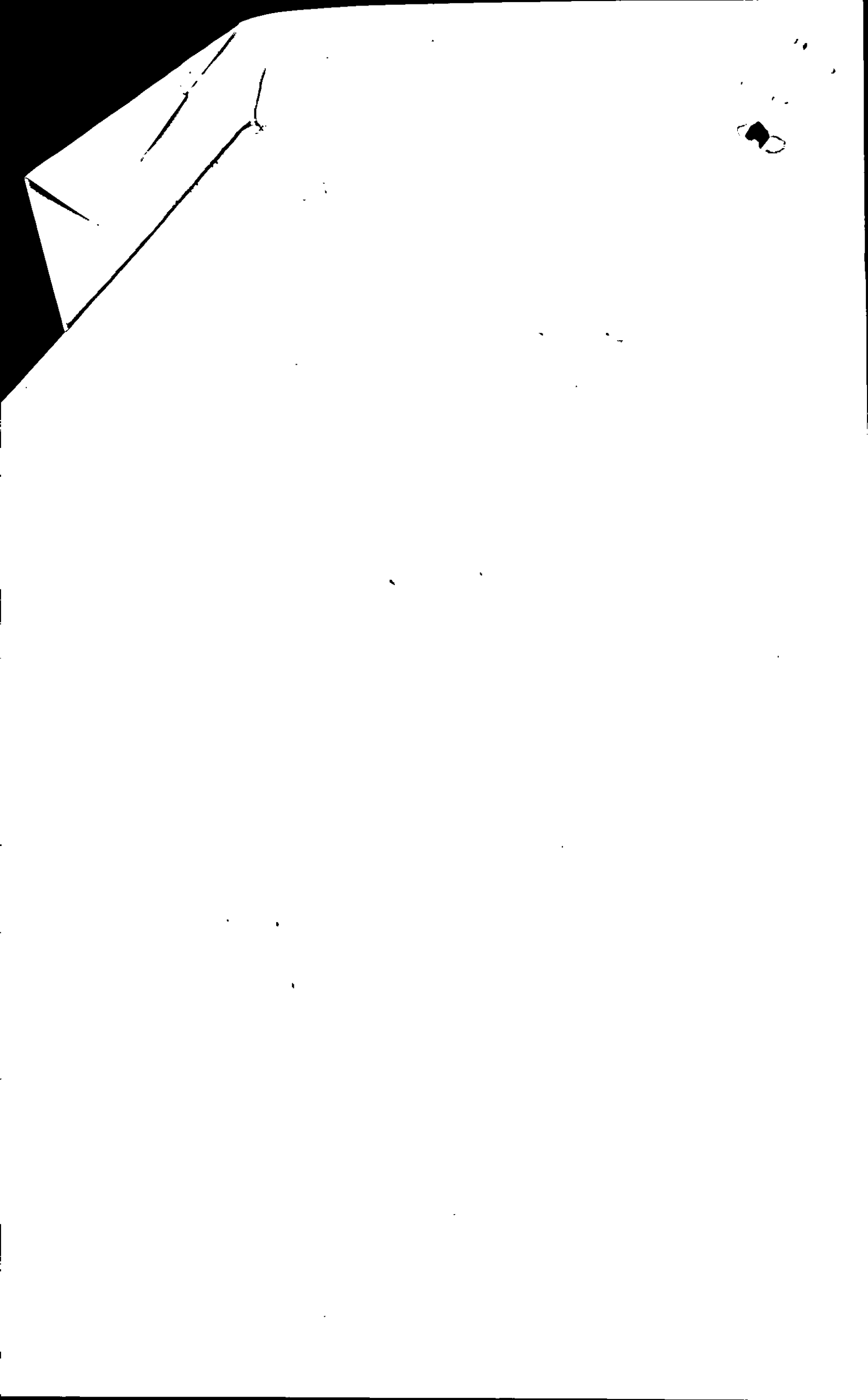
**NOOR MOHAMMAD KHATTAK
(ADVOCATE)**

OFFICE:

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

Phone: 091-2211391

Mobile No.0345-9383141



BEFORE THE SERVICES TRIBUNAL
KHYBER PAKHTUNKHWA, PESHAWAR

Appeal No. 789/2015

Mr. Muhammad Safdar

..... Appellant

Versus

Additional Chief Secretary (FATA) & Others

..... Respondents

Para wise joint comments on behalf of respondent No. 1, 2 & 3.

Preliminary objections

1. That the appellant has no cause of action/locus standi to file the present appeal.
2. That the appellant is estopped by his own conduct to file the instant appeal.
3. That this Honorable Service Tribunal has got no jurisdiction to entertain the instant appeal.
4. That the instant appeal is bad for Mis-Joinder & Non-Joinder of necessary parties.
5. That the present appeal is barred by law.
6. That the appeal is not maintainable in its present form, as no requirement is fulfilled as is required under the law.
7. That, the appellant had to serve anywhere in Province/FATA as per rule & Law.

Respectfully Sheweth;

ON FACTS

1. Correct, to the extent of employee of the respondent department, but the appellant is appointed purely on contract basis in Health Department FATA and can never be termed as civil servant. (Copy of appointment is attached as **Annex-A**)
2. Incorrect, the posting of the appellant to CH Jamrud was on general duty.
3. Incorrect, hence denied. For the smooth running of the Health Facilities in FATA and to provide health care facilities to the people of FATA the appellant was directed to perform his duty at his original place of posting.
4. Incorrect, as stated above the appellant is actually asked just only to perform his duty at his original place of posting i.e. Civil Dispensary Syed Imran Kali.


(2)

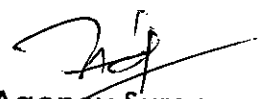
5. Incorrect, the appellant never ever filed any departmental appeal, the annexed departmental appeal does not show the authentication or justification to be considered as an official document.
6. Incorrect, the appellant is not an aggrieved person as no illegality is made with respect to the issuance of impugned order.

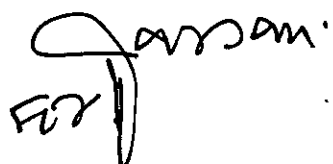
ON GROUNDS

- A. Incorrect, the appellant is performing his duty in Civil Hospital Jamrud as "GENERAL DUTY" and if the department has asked him to perform his services at his original place of posting, then impugned order is according to law and is not against facts, norms of natural justice and is not liable to be set aside.
- B. Incorrect, the appellant is treated in accordance with law and no violation of the constitution have been made.
- C. Incorrect, the posting is made with the best interest of public.
- D. Incorrect, as stated above the order is in the best interest of public.
- E. Incorrect, the order is not pre-mature the appellant is serving on "GENERAL DUTY" in Civil Hospital Jamrud since from the appointment and assuming of charge.
- F. Incorrect, no arbitrary or malafide manner have been made while issuing the impugned orders.
- G. Incorrect, no discrimination have been made as is explained above.
- H. That the respondents seeks permission to raise additional grounds and proof at the time of arguments.

It is therefore most humbly prayed that the appeal being devoid of merits/legal footing, may please be dismissed with cost.


Director Health Services,
FATA, Peshawar.
RESPONDENT NO. 2


Agency Surgeon,
Khyber at Jamrud.
RESPONDENT NO. 3


Additional Chief Secretary (FATA),
Peshawar.
RESPONDENT NO. 1

BEFORE THE SERVICES TRIBUNAL
KHYBER PAKHTUNKHWA, PESHAWAR

Appeal No. 789/2015

Mr. Muhammad Safdar

V/S

ACS (FATA) & Others

REPLY OF APPLICATION


Preliminary objections


1. That the appellant has no cause of action/locus standi to file the present appeal.
2. That the appellant is estopped by his own conduct to file the instant appeal.
3. That this Honourable Service Tribunal has got no jurisdiction to entertain the instant appeal.
4. That the instant petitioner is bad for mis joinder & non-joinder of necessary parties.
5. That the present appeal is barred by law.
6. That the petition is not maintainable in its present form.
7. That the present appeal is bad in its present form, hence not maintainable and liable to be dismissed.
8. That the present appeal is against the provision of S. 56 (d) of Specific Relief Act.
9. That, the applicant does not provide the requirement of interim relief.


Respectfully Sheweth:

1. No Comments.
2. Incorrect, there is neither a prima-facie nor the hope of success of the instant appeal.
3. Incorrect, the order is issued in accordance with law and in the public interest.
4. That, grounds of the reply may be considered as integral part of the application reply.

It is therefore, most humbly prayed that on acceptance of this reply the status quo issued to appellant may very please be dismissed.


Agency Surgeon,
 Khyber at Jamrud.
RESPONDENT NO. 3


Director Health Services,
 FATA, Peshawar.
RESPONDENT NO. 2


Additional Chief Secretary (FATA),
 Peshawar.
RESPONDENT NO. 1

OFFICE OF THE AGENCY SURGEON KHYBER AT JAMRUD.

OFFICE ORDER.

As Recommended by the selection committee (6)
Mr. ~~Muhammad Saifullah~~ S/O Qismat Khan address Khyber Agency
Jamrud
BPS-09 (Rs, 6200-380-17600)

With immediate effect, on the following terms & condition:


1. The appointment will be purely on contract base.
2. He will have to produce the Medical Fitness Certificate.
3. His Service can be terminated at any time without assigning any reason.
4. If he /she wish to resign to the service, a Prior notice or one month shall be submitted or one month's pay in the lieu should be deposited into Govt: treasury.
5. The offer shall be automatically held cancelled, if he fails to join the duty within 15 days, receipt of this offer.

No: 2863-47 /As-Khy

CC:

Agency Surgeon Khyber
At Jamrud
Dated 15 / 5 / 2013

1. Director Health Services (FATA) at Peshawar, For information please.
2. Political Agent Khyber at Peshawar.
3. Agency Accounts Officer Khyber at Jamrud.
4. Accountant of the office of undersigned.
5. Official Concerned, For Information.


Agency Surgeon Khyber
At Jamrud

*Accepted
to be
True Copy*

