

23.06.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant is serving as MO (BPS-17) at HMC, Peshawar and vide impugned order dated 23.9.2014 he was transferred and his services were placed at the disposal of DHO Chitral against the vacant post of Medical Specialist (BS-18) in his own pay and scale. That the appellant preferred departmental representation against the impugned order on 25.9.2014 which was recommended and the impugned order of transfer was recommended to be cancelled but despite the same no orders whatsoever were made in favour of the appellant.

That wife of the appellant is serving as Lecturer at GGDC, Gulshan Rehman Colony, Kohat Road Peshawar and as such appellant entitled to serve at Peshawar under the spouse policy.

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

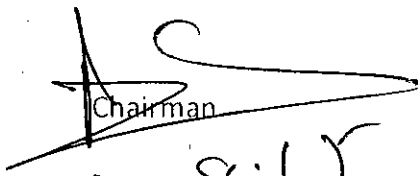

Chairman

13.08.2015

Counsel for the appellant present. Submitted application for withdrawal of appeal.

Dismissed as withdrawn. File be consigned to the record.



ANNOUNCED
13.8.2015


Chairman
13.08.15

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 633/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	12.06.2015	<p>The appeal of Dr. Dilaram Khan presented today by Mr. Javed Ali 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	22-6-15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>23-6-15</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR

Service Appeal No. 633 /2015

Dr. Dilaram Khan.....(Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary.
and others.....(Respondents)

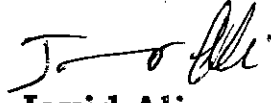
I N D E X


S.No	Description of Documents	Annex	Pages
1.	Service Appeal		1-5
2.	Application		6-7
3.	Affidavit		8
4.	Addresses of the parties		9
5.	Copy of Notification No. SOH/E-11/2-2/2007	A	10-14
6.	Copy of Notification	B	15
7.	Copy of order dated 19/06/2014	C	16
8.	Copy of FCPS	D	17
9.	Copy of order dated 23/09/2014	E	18-19
10.	Copy of Certificate	F	20
11.	Copy of departmental/ presentation	G	21
12.	Copy of Order of Hon'ble Peshawar High Court / other relevant Document.	H	22-29
13.	Wakalat Nama		30


Appellant

Through

Dated: 12/06/2015


Javid Ali

&

M. Ibrar Afridi
Advocates High Court,
Peshawar.
Cell No. 0333-9589103

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BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR

Service Appeal No. 633/2015

K.W.F. Province
Service Tribunal
Diary No. 679
Dated 12-6-2015

Dr. Dilaram Khan

Medical Officer/ Junior Registrar, Gastroenterology Hayatabad
Medical Complex, Peshawar.....(Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary.
2. Ministry of Health through Secretary Health, Peshawar.
3. Director General Health Services Khyber Pakhtunkhwa, Peshawar.
4. Chief Executive Hayatabad Medical Complex, Hayatabad, Peshawar.....(Respondents)

APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL
ACT 1974, AGAINST THE IMPUGNED
TRANSFER ORDER DATED 23/09/2014
VIDE WHICH THE APPELLANT WAS
TRANSFERRED FROM PESHAWAR TO
CHITRAL.

Filed to
Registrar
12/6/15

Respectfully Sheweth:

BRIEF FACTS:

1. That the appellant was initially appointed by respondent No. 2 as Medical Officer (BPS-17) vide

Notification No. SOH/E-11/2-2/2007 and his services were placed at the disposal of Dean PGMI. (Copies attached as annexure "A").

2. That the appellant was serviced in the Hayatabad Medical Complex at Trainee Medical Officer (TMO) from the date mentioned above and was posted/retained as a Medical Officer in Hayatabad Medical Complex vide Notification No. SO(EH-II/4-1-2010. (Copy of Notification is attached as annexure "B").
3. That the appellant was then appointed as a Junior Registrar in the Gastroenterology Unit by the respondents vide office order dated 19/06/2014 and still serving in the capacity of the Junior Register in the said Institution. (Copy of order dated 19/06/2014 is attached as annexure "C").
4. That the appellant has done/ qualified FCPS in Gastroenterology and basically Herpetologist, which is super specialty in medicine. (Copy is attached as annexure "D").
5. That the respondent No. 2 vide Notification No. SOH(EH-II) 4-1-2014 vide order dated 23/09/2014 and transfer the appellant to District Chitral/ DHO, Chitral in BPS-18. (Copy of order dated 23/09/2014 is attached as annexure "E").
6. That it is pertinent to mention that the appellant as well as his wife is performing their duties at Peshawar and presently his spouse is a Lecturer in

Botany in Government Girls Degree College, Gulshan Rehman, Kohat Road, Peshawar in BPS-17 as a Civil Servant in Higher Education Department in the Government of Khyber Pakhtunkhwa. (Copy of Certificate is attached as annexure "F").

7. That the petitioner also approached the respondents through departmental/ presentation but the same is not decided till date. (Copy of departmental/ presentation is attached as annexure "G").
8. That the appellant approached the Hon'ble High Court in W.P. No. 3139-P/2014 but the same was dismissed by virtue of Article 212 of the Constitution, thus the appellant approaches this Hon'ble Tribunal on the following grounds. (Copy of Order of Hon'ble Peshawar High Court is attached as annexure "H").

GROUND:

- A. That under the promotion & transfer policy the spouse policy has not been adopted in the case of appellant and respondents were required under the law to treat the appellant.
- B. That acts and orders of respondents are illegal, against law, against the facts of the case, hence the same is liable to be struck down.
- C. That the acts of the respondents are against rules, procedure, policy and regulation and not

sustainable in the eyes of law and needs to be reversed.

- D. That the appellant was appointed/ serving in the institution under respondent No. 4 as a Specialist under a super-specialty and transfer to a place where no such unit specialty/ facility do exists, hence, the orders of the respondents are unreasonable, unjustified and needs to be declared null and void.
- E. That the respondents have not considered the policy governing the rules/ regulations under the spouse policy and were illegally ignored by transferring the appellant against the said policy.
- F. That the said unit is also short of Medical Officer/ Specialist and the respondent No. 4 vide his Medical Superintendent also requested for the said officers/ specialist in this regard which also shows that the order of the respondents is not sound and based on reality.
- G. That acts of the respondents are also unreasonable as the appellant is performing his duty in a specialize field for which he was specialized in his respective field and the order of the respondent is just to spoil the appellant's specialty, hence, the acts of the respondents are not sustainable according to rules and regulations.

H. That the appellant was not treated according to law, which is against the provision/ articles of the Constitution and law on the subject.

It is, therefore, most humbly prayed that on acceptance of this Service Appeal, the transfer order may please be set aside and appellant be treated according the spouse policy.

Any other relief which this august Tribunal deems appropriate may kindly be awarded to meet the ends of justice.



Appellant

Through

Dated: 12/06/2015


Javid Ali

&


M. Ibrar Afridi
Advocates High Court,
Peshawar.

**BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR**

C.M. No. ____/2015

In

Service Appeal No. ____/2015

Dr. Dilaram Khan.....(Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary,
and others.....(Respondents)

**APPLICATION FOR TEMPORARY
INJUNCTION NOT TO TRANSFER THE
APPELLANT FROM PESHAWAR TO
CHITRAL, TILL THE FINAL DISPOSAL
OF THE CASE.**

Respectfully Sheweth:

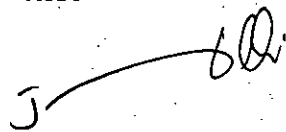
1. That the above mentioned appeal is pending adjudication before this Hon'ble Court, in which no date of hearing has yet been fixed.
2. That the instant application may kindly be considered as part and parcel of the accompanying appeal.

3. That on the face of it, the appellant has got a strong arguable case and is sanguine about its success.
4. That the balance of convenience also lies in favour of appellant.
5. That if the temporary injunction is not granted in favour of appellant, then the appellant would sustain an irreparable loss.

It is, therefore prayed that on acceptance of this application, temporary injunction as prayed for in the heading of this application may kindly be granted to the appellant, till the final disposal of the main appeal.


Appellant


Through



Dated: 12/06/2015

Javid Ali

&


M. Ibrar Afridi
Advocates High Court,
Peshawar.

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR

Service Appeal No. ____/2015

Dr. Dilaram Khan.....(Appellant)

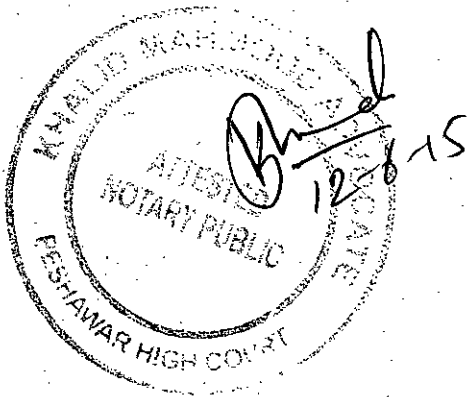
VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary.
 and others.....(Respondents)

AFFIDAVIT

I, Dr. Dilaram Khan Medical Officer/ Junior Registrar, Gastroenterology Hayatabad Medical Complex, Peshawar, do hereby solemnly affirm and declare, that all the contents of accompanying **Service Appeal and Application** are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Hon'ble Tribunal.

D. Khan
DEPONENT



**BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR**

Service Appeal No. ____/2015

Dr. Dilaram Khan.....(Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary.
and others.....(Respondents)

ADDRESSES OF THE PARTIES

APPELLANT:

Dr. Dilaram Khan
Medical Officer/ Junior Registrar, Gastroenterology Hayatabad
Medical Complex, Peshawar.

RESPONDENTS:

1. Government of Khyber Pakhtunkhwa through Chief Secretary.
2. Ministry of Health through Secretary Health, Peshawar.
3. Director General Health Services Khyber Pakhtunkhwa, Peshawar.
4. Chief Executive Hayatabad Medical Complex, Hayatabad, Peshawar.

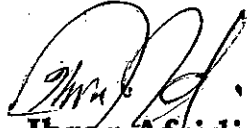

Appellant

Through

Dated: 12/06/2015


Javid Ali

&


M. Ibrar Affridi
Advocates High Court,
Peshawar.

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TO BE SUBSTITUTED BEARING THE SAME NUMBER AND DATE

GOVERNMENT OF NWFP
HEALTH DEPARTMENT

Dated November 14th, 2007

NOTIFICATION

NO.SOH(E-II)/2-2/2007. The Services of the following Medical Officers (BS-17) who were appointed vide this Department Notification No.SOH(E-II)3-18/07 dated 7th September 2007 and dated 05th October 2007, are placed at the disposal of Dean/Principal, PGMI Peshawar for undergoing FCPS-II training with immediate effect.

S.No	Name of Doctor	Father's Name	Present posting
1	Dr. Abdul Aziz	M. Rauf	At the disposal of DHS FATA
2	Dr. Abdul Hadi	Abdul Halim	At the disposal of EDO(H) Dir Upper
3	Dr. Abdul Kabir Khan	Abdul Samad Khan	At the disposal of EDO(H) Swat
4	Dr. Abdul Munir Ahmad	Ahmad Jan	At the disposal of DHS FATA
5	Dr. Abdul Sattar	H. Haleem Khan	At the disposal of DHS FATA
6	Dr. Abdul Wali	Ali Jan	MO Khalif Gulnawaz Hospital, Bannu
7	Dr. Abeela Azam	M. Azam	WMO Mufti Mehmood Hospital DIK
8	Dr. Adnan Khan	GhulamRuhUllah	MO Khalif Gulnawaz Hospital, Bannu
9	Dr. Adnanur Rehman	Habib Gul	At the disposal of EDO(H) Bannu
10	Dr. Aisha Arif	M. Arif	At the disposal of EDO(H) Mardan
11	Dr. Aisha Kulsoom Mufti	Mufti Daud Jan	At the disposal of EDO(H) Swat
12	Dr. Akhtar Ghani	Hussain Badsha	At the disposal of EDO(H) Karak
13	Dr. Akhtar Nawaz	Saleem Bad Shah	At the disposal of DHS FATA
14	Dr. Akhtar Zaman	Gohar-ur-Rahman	At the disposal of EDO(H) Haripur
15	Dr. Alam Zeb Khan	H.M. Yasin	At the disposal of DHS FATA
16	Dr. Ali Bashir	Bashir Hussain	At the disposal of EDO(H) Dir lower
17	Dr. Ambreen Naz	Aqeel Ahmad Khan	At the disposal of EDO(H) Kohat
18	Dr. Amjad Mahboob	Mahboob Alam	At the disposal of EDO(H) Manshara
19	Dr. Anwar Iqbal	M. Iqbal Ahmad	MO Mufti Mehmood Hospital, DIKhan
20	Dr. Arif Khalid Khan	M. Khalid Khan	At the disposal of EDO(H) Mardan
21	Dr. Irshad Ali	Jan Ali	At the disposal of DHS FATA
22	Dr. Arshad Amin	Salah-Ud-Din	At the disposal of EDO(H) Shangla
23	Dr. Arzoo Amin	Amin Ullah	At the disposal of EDO(H) Charsadda
24	Dr. Asaf Alam Khan	Alamgir	At the disposal of EDO(H) Swat
25	Dr. Ashfaq Ahmed	Fazale Elahi Khan	MO Mufti Mehmood Hospital, DIK.
26	Dr. Asia Habib	M. Atif	At the disposal of EDO(H) Nowshera
27	Dr. Asif Iqbal	Shamsur Rahman	At the disposal of EDO(H) Swabi
28	Dr. Asif Muhammad	Sultan Muhammad	At the disposal of EDO(H) Swabi
29	Dr. Asim Ali Shah	Asmat Ali Shah	MO Khalifa Gulnawaz Hospital, Bannu
30	Dr. Athar Mahmood	Shams-o-Qamar	At the disposal of DHS FATA
31	Dr. Atif Faheem	Fateh Ullah Khan	At the disposal of EDO(H) DI Khan
32	Dr. Atiq ur Rehman	Fazle Rehman	At the disposal of DHS FATA
33	Dr. Atiya Bibi Khan	Mir Ghulam Khan	At the disposal of DHS FATA.
34	Dr. Aya Khan	Jamai Din	At the disposal of DHS FATA
35	Dr. Ayesha Amin	Amin Ullah Khan	At the disposal of EDO(H) Swabi
36	Dr. Azmat Ali	M. Parwez	At the disposal of EDO(H) Charsadda
37	Dr. Badshahi Noor	Sahib Noor	At the disposal of DHS FATA
38	Dr. Bilal Khattak	Jehanzeb Khattak	At the disposal of EDO(H) Manshara
39	Dr. Danish Naveed	Manzoor Ellahi	At the disposal of EDO(H) Haripur
40	Dr. Danish Zafar	Zafar Ali	At the disposal of EDO(H) Manshara
41	Dr. Dilaram Khan	Salman Khan	At the disposal of DHS FATA

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12	Dr. Durkhan Mahboob	Mahboob Ali	At the disposal of DIIS FATA
13	Dr. Faiqa Farah Muslim	Muslim Khan	At the disposal of EDO(H)Charsadda
14	Dr. Fakhar Hayat	Asghar Hayat	At the disposal of EDO(H)Bannu
15	Dr. Farah Nighat	Amin Ullah Jan	At the disposal of EDO(H)Malakand
16	Dr. Farhan Akram	Akram Khan	At the disposal of EDO(H)Abbottabad
17	Dr. Farid Ullah	Nadir Khan	At the disposal of DIIS FATA
18	Dr. Fariha Afzal	M. Afzal	At the disposal of EDO(H)Malakand
19	Dr. Farnaz	Niaz Badshah	At the disposal of EDO(H)Kohat
20	Dr. Farooq Ahmad	Faqir Muhammad	At the disposal of DIIS FATA
21	Dr. Fauzia Fatima	Sadat Khan	At the disposal of EDO(H)Abbottabad
22	Dr. Fawad Ahmad	Fazal Nabi	At the disposal of EDO(H) Kohat
23	Dr. Fazal-e-Rahman	Haji Jalat Khan	At the disposal of DIIS FATA
24	Dr. Fazli Ghaffar	Fazli Rahman	At the disposal of EDO(H)Dir upper
25	Dr. Ghalfoor Ullah	Mohammad Sherin	At the disposal of EDO(H)Karak
26	Dr. Ghairat Khan	Arbab Khan	At the disposal of DHS FATA
27	Dr. Ghareeb Ullah	Yaqub Khan	At the disposal of EDO(H)Abbottabad
28	Dr. Ghazala Shaheen	Abdul Ghani	At the disposal of EDO(H) Karak
29	Dr. Ghulam Abbas	Khalid afzal	At the disposal of DIIS FATA
30	Dr. Ghulam Dawood Khan	Ghulam Faqir	At the disposal of EDO(H)Chitral
31	Dr. Gul e Rana	Noor Qadir	At the disposal of EDO(H)Manshra
32	Dr. Hajira Ilyas	M. Ilyas	WMO Khalifa Gul Nawaz Hosp. Bannu
33	Dr. Hanif Ullah Khan	Hamid Ullah Khan	At the disposal of EDO(H)L. Marwat
34	Dr. Hashmat Ullah Khan	Rafi Ullah Khan	At the disposal of EDO(H)Bannu
35	Dr. Hasib Nawaz Ahmad	Gulzar Ahmad	At the disposal of EDO(H)Chitral
36	Dr. Hazrat Bilal	Bismillah Khan	At the disposal of DIIS FATA
37	Dr. Humera Adeeb	Zarabat Khan	At the disposal of EDO(H)Kohat
38	Dr. Hussain Ahmad	Abdul Khaliq	At the disposal of EDO(H)Dir lower
39	Dr. Hussain Ahmad	Qari Harat Gul	At the disposal of EDO(H)Bannu
40	Dr. Ibrahim Shah	Malik Taj	At the disposal of DIIS FATA
41	Dr. Iftikhar Ahmad Khan	Ahmad Khan	At the disposal of EDO(H)Shangla
42	Dr. Ikram Ullah	Ghulam Nazar	At the disposal of EDO(H)Chitral
43	Dr. Imtiaz Khan	Ikram ud Din	At the disposal of EDO(H)Kohistan
44	Dr. Inayat Ullah Khan	Abdullah Khan	At the disposal of DIIS FATA
45	Dr. Irfan Khan	Wahab Ali Khan	At the disposal of EDO(H)Bannu
46	Dr. Irfan Shaukat	Shaukat Hayat Khan	At the disposal of EDO(H)Shangla
47	Dr. Irfan Ullah	M. Ishaq	At the disposal of EDO(H)Nowshera
48	Dr. Irfan Ullah	M. Hafeez Ullah	At the disposal of EDO(H)Karak
49	Dr. Kalsoom Nawab	Nawab Khan	At the disposal of EDO(H)Haripur
50	Dr. Kashif Ullah	Ikram Ullah	At the disposal of EDO(H)L. Marwat
51	Dr. Kausar Perveen	Allah Dad Khan	At the disposal of EDO(H)Manshra
52	Dr. Khalid	Sher Nawab Khan	At the disposal of EDO(H)Buner
53	Dr. Khalid Khan	Khan Zada	At the disposal of EDO(H)Mardan
54	Dr. Khurshid Alam	Sher Bahadar	At the disposal of EDO(H)Swat
55	Dr. Kiran Rasool	Rasool Bakhsh	WMO SGTI Swat
56	Dr. Laila Zaib	Aurang Zaib	At the disposal of EDO(H)Charsadda
57	Dr. Loreena Gul	Akhtar Gul	At the disposal of DIIS FATA
58	Dr. Lubna Jelani	Ghulam Jelani	At the disposal of EDO(H)Fank
59	Dr. Lubna Naz	Fida M. Khan	At the disposal of EDO(H)Haripur
60	Dr. Lubna Noor	Noor Muhammad	At the disposal of EDO(H)Hangu
61	Dr. Lubna Fahir	Amin-ur-Rehman	WMO DIQI Timergara Dir lower
62	Dr. M. Afab	Syed Qamar Shah	At the disposal of EDO(H)Manshra
63	Dr. M. Arif Khan	M.M. Zarif Khan	At the disposal of EDO(H)Batagram
64	Dr. M. Arshad Raza	M. Afzal Raza	At the disposal of EDO(H)Batagram
65	Dr. M. Bilal	M. Iqbal Khadim	At the disposal of EDO(H)Batagram
66	Dr. M. Faisal	Juma Gul	At the disposal of EDO(H)Bannu
67	Dr. M. Haroon	M. Shanam	At the disposal of EDO(H)Dir lower
68	Dr. M. Haroon Taj	Taj M. Khattak	At the disposal of EDO(H)Karak
69	Dr. M. Ikram	M. Younis	At the disposal of DIIS FATA

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100	Dr. M. Iltaf	M. Younas	At the disposal of EDO(H)Mansehra.
101	Dr. M. Kabir	M. Saqeer	At the disposal of EDO(H)Chitral
102	Dr. M. Kamran Hassan	M. Hassan Khan	At the disposal of EDO(H)Bannu.
103	Dr. M. Kamran Khan	Inayatullah Khan	At the disposal of EDO(H)D.I.Khan
104	Dr. M. Masoud Alam	M. Alam	At the disposal of EDO(H)Mansehra.
105	Dr. M. Nadeem Khattak	Behram Khan	At the disposal of DHS FATA.
106	Dr. M Qaseem	Karim Khan	At the disposal of EDO(H)Dir lower
107	Dr. M. Qasim Khan	Naseer M. Khan	At the disposal of EDO(H)Swabi
108	Dr. M. Rafiq	Haji Amir Shah	At the disposal of DHS FATA.
109	Dr. M. Rafiq	Qismat Khan	At the disposal of FATA.
110	Dr. M. Rehan Khan	M. Hanif	At the disposal of EDO(H)Tank
111	Dr. M. Shahzad	Aurangzeb Khan	At the disposal of EDO(H)Abbottabad
112	Dr. M. Si raj	M. Hanif	At the disposal of DHS FATA.
113	Dr. M. Tariq	Qias Gul	At the disposal of EDO(H)Mansehra.
114	Dr. M. Tariq Mehr	Mehr Dil Khan	At the disposal of EDO(H) L.Marwat
115	Dr. M. Tayyab	M. Nazeer	At the disposal of EDO(H)Swabi
116	Dr. M. Umar	Wakil Khan	At the disposal of DHS FATA.
117	Dr. Madiha Iqbal	Iqbal shah Taizai	At the disposal of EDO(H)Mansehra.
118	Dr. Maleeha Imtiaz	Imtiazul Haq	WMO DHQH:Mansehra.
119	Dr. Malik M.Bilal	M. Ismail Khan	At the disposal of EDO(H)Hariur.
120	Dr. Mewat Shah	Gul Moin	At the disposal of EDO(H)Hangu
121	Dr. Mir Bacha	Abdul Samad	At the disposal of EDO(H)Mansehra.
122	Dr. Mirza Faisal Ahmad	M. Rafiq Mughal	At the disposal of EDO(H)Abbottabad.
123	Dr. Mohammad Bilal	Imdad Hussain	At the disposal of EDO(H)L.Marwat
124	Dr. Mohsin Hayat	Amir Gul	At the disposal of EDO(H)Mardan
125	Dr. Moti Ullah Khan	Mir Bad Shah Khan	At the disposal of DHS FATA.
126	Dr. Mubarak Zeb	Alam Zeb	At the disposal of EDO(H)Dir upper
127	Dr. Mubashir Rehman	Abdur Rehman Raz	At the disposal of EDO(H)L.Marwat
128	Dr. Muhammad Imran	Dr. Alamgir Khan	At the disposal of DHS FATA.
129	Dr. Muhammad Shoaib	Shamim Khan	At the disposal of EDO(H)Dir lower
130	Dr. Mujahid Khan	Abdul Khaliq	At the disposal of EDO(H)L.Marwat
131	Dr. Mujeeb ur Rehman	Hamid ur Rehman	MO SGTI Swat.
132	Dr. Murad Rashid	Haroon Rashid	At the disposal of EDO(H)Shangla.
133	Dr. Nabila Khan	Pardul Khan	At the disposal of EDO(H)Mardan
134	Dr. Nadan Khan	Abdul Matin	At the disposal of DHS FATA.
135	Dr. Nadia Khitab	Umer Khitab	At the disposal of EDO(H)D.I.Khan
136	Dr. Nadia Mahmood	Mahmood Shah	At the disposal of DHS FATA.
137	Dr. Naheed Akhtar	Khuna Gul	At the disposal of EDO(H)Buner.
138	Dr. Najeeb-ur-Rehman	Shahzada Khan	At the disposal of EDO(H)Mansehra.
139	Dr. Nasir Ali	Zar Gul Khan	At the disposal of EDO(H)L.Marwat
140	Dr. Nasrullah	Zair Ullah	At the disposal of EDO(H)Dir upper
141	Dr. Naz Jehangir	M. Jehangir Khan	At the disposal of EDO(H)L.Marwat
142	Dr. Nazia Suleman	M. Suleman	At the disposal of EDO(H)Kohistan
143	Dr. Nazish Hayat	Hayatullah	At the disposal of EDO(H)Dir lower.
144	Dr. Nighat Jamal	Badar Munir Khan	At the disposal of EDO(H)Batagram
145	Dr. Nisar Ahmed	M. Yousaf	At the disposal of EDO(H)Swat. True Copy
146	Dr. Noor Khaliq Jan	Gul Dad Khan	At the disposal of DHS FATA.
147	Dr. Noor Ullah Khan	Rambel Khan	At the disposal of EDO(H)Mansehra.
148	Dr. Parveen Maseen	Maseen Zada	At the disposal of EDO(H)Swat
149	Dr. Qurat ul Ain	Abdul Ghayas	At the disposal of EDO(H)L.Marwat.
150	Dr. Rifaqat Malik	Abdul Malik	At the disposal of EDO(H)Kohistan.
151	Dr. Rafi Ullah	Sad-ud-Din Khan	At the disposal of EDO(H)Shangla.
152	Dr. Rahat Jabeen	Inayat Ullah Khan	At the disposal of EDO(H)Dir lowr
153	Dr. Raza Hassan	Nazir Hussain	At the disposal of EDO(H)Chitral
154	Dr. Riaz Ahmad Khan	Gul M. Khan	At the disposal of DHS FATA.
155	Dr. Riaz Ahmad Khan	Khan M.	At the disposal of EDO(H)Swat.
156	Dr. Riaz ur Rehman	Gul Daraz Khan	At the disposal of EDO(H)L.Marwat.
157	Dr. Rukhsana Jalal	Abdul Jalal	WMO SGTI Swat.

158	Dr. S. Dilbagh Ali Shah	S. Sahib Shah	At the disposal of EDO(H)Manshehra.
159	Dr. Sadia Afzal	M. Afzal	At the disposal of EDO(H) Malakand
160	Dr. Sadia Ali	Dr. Jan Ali	At the disposal of EDO(H)Manshehra.
161	Dr. Sadia Irum	M. Farid Khan	At the disposal of EDO(H)Batagram.
162	Dr. Sadia Rahim	Abdur Rahim	At the disposal of EDO(H) Manshehra.
163	Dr. Sadiq Khan	Jafar Shah	At the disposal of EDO(H)Abbottabad.
164	Dr. Sadiya Binish	Allah Dad	At the disposal of EDO(H)Haripur.
165	Dr. Safina Rani	Ali Farman	At the disposal of EDO(H)Manshehra.
166	Dr. Saif Ullah Khan	Gul Sambar Khan	At the disposal of EDO(H)Chitral.
167	Dr. Saifur Rahman	Gul Janan	At the disposal of DHS FATA.
168	Dr. Saima Akhtar	M. akhtar	At the disposal of EDO(H)Abbottabad.
169	Dr. Saima Bibi	Syed Qabool Shah	At the disposal of EDO(H)Manshehra.
170	Dr. Saima Khattak	Habibur Rehman	At the disposal of EDO(H)Swabi
171	Dr. S.Saima Qamar Naqvi	Qamar Hussain	At the disposal of EDO(H)Manshehra
172	Dr. Saira Iqbal	Iqbal Hussain	At the disposal of EDO(H)Malakand
173	Dr. Sajjad Ali	Awal Din	At the disposal of EDO(H)Dir upper
174	Dr. Sajjad Hussain	M. Khamis	At the disposal of DHS FATA.
175	Dr. Salman Mustan khan	Abdul Mustaan Khan	At the disposal of EDO(H)Swat.
176	Dr. Samina Naseem	Naseem Gul	WMO Woman & Children Hosp. A.Abad
177	Dr. Sardar Sohail Afsar	Sardar Khan Afsar	At the disposal of EDO(H)Abbottabad
178	Dr. Sarwat Noreen	Faiz Ullah Khan	WMO DHQH:Nowshera.
179	Dr. Seema Aziz Khan	Aziz ur Rehman	At the disposal of EDO(H)Swat.
180	Dr. Seema Sharafat	Sharafat Khan	At the disposal of EDO(H)Karak
181	Dr. Shahir Ahmad	Jumma Khan	MO DHQH: Karak.
182	Dr. Shah Said	Sher Aman	At the disposal of EDO(H)Buner
183	Dr. Shahid Abdullah	Abdullah Khan Khattak	At the disposal of EDO(H)Karak
184	Dr. Shahid Nawaz	Allah Nawaz	At the disposal of EDO(H)Karak
185	Dr. Shahzad Haider	Sher Haider	At the disposal of EDO(H)Shangla
186	Dr. Shahzad Hussain	Mir Rahman	At the disposal of EDO(H)Shangla.
187	Dr. Shahzadi Saima	Syed Shahadat Hussain	At the disposal of EDO(H)Karak.
188	Dr. Shams ur Rehman	Mirza Ali Khan	At the disposal of DHS FATA.
189	Dr. Shandana Bawar	Siraj Ali	At the disposal of EDO(H)Nowshera.
190	Dr. Shandana Khan	M. Zafar Khan	At the disposal of EDO(H)Karak.
191	Dr. Shandana Mustafa	Ghulam Mustafa Jadon	At the disposal of EDO(H)Abbottabad.
192	Dr. Shandana Nawaz	M.Nawaz Khan	At the disposal of DHS FATA.
193	Dr. Shazia Nosheen	Mian Kifayatullah	At the disposal of EDO(H)Charsadda.
194	Dr. Shazia Tabassum	M. Roshan	At the disposal of EDO(H)D.I.Khan
195	Dr. Sher Ali Khan	Mir Asad Khan	At the disposal of EDO(H)Kohistan
196	Dr. Shumaila Naeem	Haji Muhammad	At the disposal of EDO(H)D.I.Khan
197	Dr. Sobia Azeem	M. Azeem Sadiqi	At the disposal of DHS FATA.
198	Dr. Sualeha Anjum	Syed Jafar Hussain	WMO Mufti Mehmood Hosp. D.I.Khan
199	Dr. Sumera Kazmi	S. Noor Ahmad Shah	At the disposal of EDO(H)Abbottabad
200	Dr. Syed Aman Shah	Syed Attaullah Shah	At the disposal of EDO(H)L.Marwat.
201	Dr. Tahira Rahman	Abdur Rahman	WMO Khalif Gulnawaz Hosp. Bannu
202	Dr. Tamjeed Gul	Firdaus Rahim	At the disposal of EDO(H)Charsadda.
203	Dr. Tariq Ahmad	Fazale Mulaa	At the disposal of EDO(H)Buner
204	Dr. Tariq Iqbal	Adalat Khan	At the disposal of EDO(H)Swat
205	Dr. Uzma	Khan Bahadur	At the disposal of EDO(H)Abbottabad
206	Dr. Wagma Nisar	Nisar M. Khan	WMO SGTH Swat.
207	Dr. Wajiha Arshad	Arshad Parvez	WMO SGTH Swat.
208	Dr. Waqar unNisa	M. Anisud Din	At the disposal of EDO(H)Haripur.
209	Dr. Wasiq Rahman	Habib ur Rahman	At the disposal of EDO(H)Hangu
210	Dr. Yaseen Afridi	Lai Bad Shah Afridi	At the disposal of FATA.
211	Dr. Zabihullah	Mr. Fazle Rehmani	At the disposal of DHS FATA.
212	Dr. Zahid Khan	Noushad Khan	At the disposal of EDO(H)Karak
213	Dr. Zahir Khan	Shair Khan	At the disposal of DHS FATA.
214	Dr. Zahoor Ahmad	Ghani ur Rehman	At the disposal of EDO(H)Karak
215	Dr. Zahoor Ahmad	Rashid Gul Khan	At the disposal of EDO(H)Dir lower

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216	Dr. Zakia Sharafat	Sharafat Khan	At the disposal of EDO(H)Karak
217	Dr. Zakir Hussain	Karim Khan	At the disposal of EDO(H)L. Marwat
218	Dr. Zia Ullah	Aman Ullah	At the disposal of EDO(H)Swabi
219	Dr. Zia ur Rehman	Abdur Rehman	At the disposal of EDO(H)Malakand
220	Dr. Zill-e-Huma	Ajab Khan	At the disposal of EDO(H)Swabi
221	Dr. Zubaida Khanum Wazir	Mohib Ullah Khan Wazir	At the disposal of DHS FATA.
222	Dr. Fazal Manan	Abdul Wadood Jan	At the disposal of DHS FATA.
223	Dr. Waseeq Ur Rahman	Shafiq Ur Rahman	At the disposal of EDO(H)Karak.
224	Dr. Najjullah Khan	Rahim Zad Gul	At the disposal of EDO(H)Banpu
225	Dr. Adnan Wadud Khan	Abdul Waduk Khan	At the disposal of EDO(H)D.I.Khan.
226	Dr. Tauqir Ahmad	M.Haroon	At the disposal of EDO(H)Abbottabad.
227	Dr. Aasma Jehan	Jahan Dad Khan	WMO DHQH:Karak.
228	Dr. Farah Wakil	Abdul Wakil	At the disposal of EDO(H)D.I.Khan
229	Dr. Shabbir Ahmad	Juma Khan	MO DHQH: Karak.
230	Dr. Naeem Ullah	II.Abdul Jabar	At the disposal of DHS FATA.
231	Dr. Ghulam Muhammad	Noor Sultan	At the disposal of DHS FATA:
232	Dr. Zeenat Parveen	Nawab Ali Khan	At the disposal of DHS FATA.
233	Dr. Shabana Fida	Muhammad Fida	At the disposal of EDO(H)Mardan.

2. They shall draw their salaries against the newly created seats vide this Department Notification No. SOB/HD/2-4/2002-03/TMOs dated 5th November 2007.

SECRETARY HEALTH

Endst: No. & date 15-11-2007.

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- Secretary to Govt: of NWFP Finance Department, Peshawar.
- Director General Health Services, NWFP, Peshawar.
- AG NWFP Peshawar.
- ✓ Dean PGMI Peshawar with the request to kindly indicate date of completion of these TMOs to the Director General Health Services, NWFP, Peshawar..
- DHS FATA.
- All concerned EDOs (H) in NWFP.
- DAOs/AAOs in NWFP/FATA.
- S.O(Budget) Health Deptt.

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SECTION OFFICER-II

14/11/07

(15)

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**GOVERNMENT OF KHYBER PAKHTUNKHWA,
HEALTH DEPARTMENT.**

Dated Peshawar, the 24.1.2011.

NOTIFICATION.

No. SO(E)H-II/4-1/2010: On completion of his TMO-ship at PGMI, Peshawar, Dr. Dilaram Khan, Medical Officer (BS-17) is hereby posted in HMC Peshawar against the vacant post with immediate effect in the public interest.

SECRETARY HEALTH.

Endst. No. & date even.

Copy to the:-

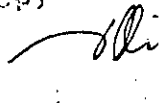
1. Director General, Health Services, Peshawar.
2. Chief Executive, HMC Peshawar.
3. Dean PGMI Peshawar.
4. PS to Minister for Health..
5. PS to Special Secretary, Health.
6. Computer Section, Health Department.
- ✓ 7. Officer concerned.


(M. Hayat Shah)
Section Officer-II

Copy also available on the website www.healthnwfp.gov.pk

HRD Building, Health Department Govt. of Khyber Pakhtunkhwa,
Khyber Road Peshawar Phone # 091-9210570, Fax # 091-9210419

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HAYATABAD MEDICAL COMPLEX,
PESHAWAR



(16)

“(C)”

OFFICE ORDER

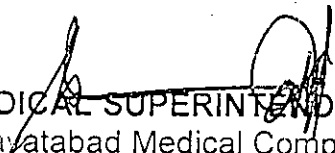
As approved by the competent authority, Dr. Dilaram Khan Medical Officer Gastroenterology unit is hereby nominated as Acting Junior Registrar of the said unit till selection of proper Junior Registrar.

xxSdxx
CHIEF EXECUTIVE
HMC/ KGMC/ IKD /PICO/KICH
HAYATABAD, PESHAWAR.

No. 8242-44 /HMC/E-I
Copy forwarded to the:-


Dated: 19/6 /2014


1. Chief Executive, HMC Peshawar
2. In charge Gastroenterology unit HMC.
3. Dr. Dilaram Khan MO Gastroenterology unit


MEDICAL SUPERINTENDENT
Hayatabad Medical Complex
Peshawar

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Certified to be
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No. 15087

COLLEGE OF
 PHYSICIANS AND SURGEONS
 PAKISTAN

Know all men by these Presents, that
 President and Council of the College of Physicians
 and Surgeons Pakistan as follows



Verified From The College
 Record And Certified To Be True

Dr. Dilaram Khan

DR. MUHAMMAD SHARIF
 Chief Controller of Examinations
 College of Physicians & Surgeons Pakistan

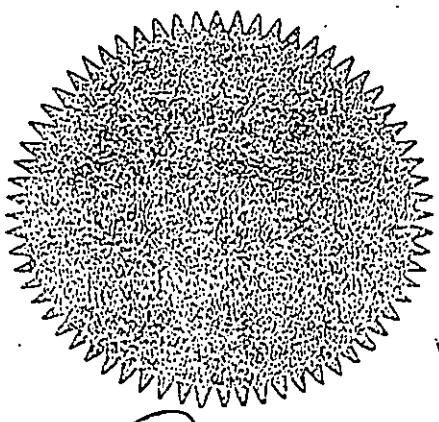
7/7/2014

a Fellow of the College

in the subject of Gastroenterology

In witness thereof, we have subscribed our names
 and caused the seal of the College to be hereunto
 affixed this 30th day of January 2014

Certified to be
 True



J. V. Khan President

Rizwan Azam Member
 Executive Committee

[Signature] Registrar
 of the College

Professor of Medicine
 Head of Gastroenterology Department
 P.O. Box: 100, Lahore Cantt. 54000
 PAKISTAN

[Signature]
 Certified to be
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(18)

"E"

GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated Peshawar the 23rd September, 2014.


NOTIFICATION.

No.SO(H)E-II/4-1/2014: The Competent Authority is pleased to order the following transfers/ postings in the best public interest:

S.#	Name of Doctor	From	To
1.	Dr. Iram Sabir WMO (BS-17)	LRH,Peshawar.	At the disposal of DHO Peshawar for further posting against the vacant post of Surgical Specialist (BS-18) in her own pay and scale.
2.	Dr. Ghulam Mustafa MO(BS-17)	LRH,Peshawar.	Services Hospital Peshawar, against the vacant post of District Surgeon(BS-18) in his own pay and scale.
3.	Dr. Nilhar Noor MO (BS-17)	LRH,Peshawar.	DHQ Hospital Charsadda against the vacant post of District Specialist Skin(BS-18) in his own pay and scale.
4.	Dr. Mubashir MO (BS-17)	LRH,Peshawar.	At the disposal of DHO Peshawar for further posting against the vacant post of District Specialist Eye (BS-18) in his own pay and scale.
5.	Dr. Khalid Mehmood MO (BS-17)	LRH,Peshawar.	THQ Hospital D.I.Khan against the vacant post of Surgical Specialist (BS-18) in his own pay and scale.
6.	Dr. Qayum Khan MO (BS-17)	LRH,Peshawar.	THQ Hospital Takht Bhai Mardan against the vacant post of Orthopedic Surgeon(BS-18) in his own pay and scale.
7.	Dr. Umar Saddique MO (BS-17)	LRH,Peshawar.	Civil Hospital Scrai Naurang Lakki Marwat against the vacant post of Orthopedic Surgeon (BS-18) in his own pay and scale.
8.	Dr. Ihsan ud Din MO (BS-17)	LRH,Peshawar.	Bacha Khan Medical Collage Swabi against the vacant post of Orthopedic Surgeon (BS-18) in his own pay and scale.
9.	Dr. Sardar Khan MO (BS-17)	LRH,Peshawar.	DHQ Hospital Mardan against the vacant post of Anesthetist (BS-18) in his own pay and scale.
10.	Dr. Furqan Nazar MO (BS-17)	LRH,Peshawar.	At the disposal of DHO Peshawar for further posting against the vacant post of Anesthetist(BS-18) in his own pay and scale.
11.	Dr. M.Hussain MO (BS-17)	LRH,Peshawar.	At the disposal of DHO, Dir Upper for further posting against the vacant post of Anesthetist (BS-18) in his own pay and scale.
12.	Dr. Adil Mehmood MO (BS-17)	LRH,Peshawar.	DHQ Hospital, Charsadda against the vacant post of Anesthetist (BS-18) in his own pay and scale.
13.	Dr. Bilal Khattak MO (BS-17)	LRH,Peshawar.	At the disposal of DHO Charsadda, for further posting against the vacant of Surgical specialist (BS-18) in his own pay and scale.
14.	Dr. Khalid Mehmood MO (BS-17)	LRH,Peshawar.	At the disposal of DHO Peshawar for further posting against the vacant post of Orthopedic Surgeon (BS-18) in his own pay and scale.
15.	Dr. Madiha Iqbal WMO(BS-17)	KTH,Peshawar.	At the disposal of DHO Nowshera for further posting against the vacant post of District Specialist Gynae(BS-18) in her own pay and scale.
16.	Dr. Najibullah, MO(BS-17)	KTH, Peshawar.	At the disposal of DHO Hangu for further posting against the vacant post of Orthopedic Surgeon (BS-18) in his own pay and scale.

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17.	Dr. Gul Hassan MO(BS-17)	KTH, Peshawar.	Services Hospital, Peshawar against the vacant post of District Specialist Medicine(BS-18) in his own pay and scale.
18.	Dr. Ikram ud Din MO(BS-17)	KTH, Peshawar.	THQ Hospital, Takht-Bhai Mardan against the vacant post of Surgical specialist Peads(BS-18) in his own pay and scale.
19.	Dr. Muhammad Tahir Jan MO(BS-17)	HMC, Peshawar	DHQ Hospital, Nowshera against the vacant post of District Specialist Psychiatry(BS-18) in his own pay and scale.
20.	Dr. Rahat Jabeen WMO(BS-17)	HMC, Peshawar	DHQ Hospital, Mardan against the vacant post of District Specialist Gynae(BS-18) in her own pay and scale.
21.	Dr. Sadia Ali WMO(BS-17)	HMC, Peshawar	At the disposal of DHO Peshawar for further posting against the vacant post of District Specialist Gynae(BS-18) in her own pay and scale.
22.	Dr. Sadia WMO (BS-17)	IKD, Peshawar.	Naseerullah Khan Babar Memorial Hospital Peshawar, against the vacant post of Surgical Specialist(BS-18) in her own pay and scale.
23.	Dr. Faiz ur Rahman MO(BS-17)	IKD, Peshawar.	Bacha Khan Memorial Complex, Swabi, against the vacant post of Surgical Specialist(BS-18) in his own pay and scale.
24.	Dr. Gul Sharif MO(BS-17)	LRH, Peshawar.	DHQ Hospital, Dir Upper against the vacant post of Surgical Specialist (BS-18) in his own pay and scale.
25.	Dr. M. Iqbal Mahsud MO(BS-17)	LRH, Peshawar.	DHQ Hospital, Dir Upper against the vacant post of District Specialist ENT (BS-18) in his own pay and scale.
26.	Dr. Dilaram Khan MO(BS-17)	HMC, Peshawar	At the disposal of DHO Chitral against the vacant post of Medical Specialist (BS-18) in his own pay and scale.
27.	Dr. Fazeelat Jamala WMO (BS-17)	HMC, Peshawar	At the disposal of DHO Nowshera against the vacant post of District Specialist Gynae(BS-18) in her own pay and scale.
28.	Dr. Salim Khan MO(BS-17)	HMC, Peshawar	DHQ Hospital, Dir Lower against the vacant post of District Specialist (BS-18) in his own pay and scale.
29.	Dr. Zafar Iqbal MO(BS-17)	HMC, Peshawar	At the disposal of DHO Dir Lower against the vacant post of Surgical Specialist (BS-18) in his own pay and scale.
30.	Dr. Aziz ur Rahman MO(BS-17)	HMC, Peshawar	At the disposal of DHO Buner against the vacant post of Surgical Specialist (BS-18) in his own pay and scale.
31.	Dr. Rehmat Ghaffar SMO(BS-18)	HMC, Peshawar	DHQ Hospital, Chitral against the vacant post of District Specialist Cardiology (BS-18) in his own pay and scale.
32.	Dr. Abdullah SMO(BS-18)	HMC, Peshawar	DHQ Hospital, Nowshera against the vacant post of District Specialist (BS-18) in his own pay and scale.

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SECRETARY HEALTH
KHYBER PAKHTUNKHWA

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"F" 3

Office of the Principal
Govt: Girls Degree College Kohat Road Peshawar

Phone No. 3320143

SERVICE CERTIFICATE.

This is to certify that Mst. Shaheen Jan W/O Dr Dilaram Khan is a permanent employee in the Higher Education Department Government of Khyber Pakhtun Khawah Peshawar, presently she is working in this college as Lecturer (B-17).

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J —————

[Signature]

Principal
Govt: Degree College (For Women)
Kohat Road, Peshawar

25/9/14.

[Signature]
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Annex "G"

Annex - IV

To
The Secretary, Govt of Khyber pakhtunkhwa
Health department.

Subject: Cancellation of transfer under spouse policy

Respected sir,

It is stated with due respect that, I have been transferred from Gastroenterology department HMC to district Chitral.

I have done FCPS in Gastroenterology and currently working as Acting Registrar in the Gastroenterology department Hayatabad medical complex Peshawar and my wife is working as Lecturer in Govt Girls Degree college Gulshan Rehman colony Kohat road Peshawar

Respected sir, my transfer from Peshawar to chitral will not only disturb my family life and it will be very difficult for my wife and children to live alone in Peshawar but I will also lose the opportunity to get further advanced training in the field of gastroenterology and Hepatology.

Therefore you are requested to kindly cancel my transfer Gastroenterology department HMC to district Chitral.

Thanks

25/9/14

DR. DILARAM KHAN,

MO/Acting Registrar Gastroenterology deptt.

Hayatabad medical complex Peshawar

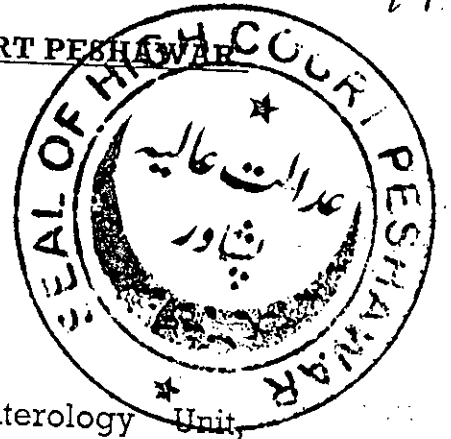
The Doctor is
working as Specialist
medical officer and
getting specialist being
speciality, his transfer may be
cancelled
Amir Hamid

Dr. Amir Hamid
Specialist
Medical Officer

Amir Hamid
AMIR HAMID

Amir Hamid
Certified to be
True Copy

BEFORE THE COURT PESHAWAR HIGH COURT PESHAWAR



W.P.No.3139 of 2014

Dr. Dilaram Khan

Medical Officer/ Junior Registrar, Gastroenterology Unit,
Hayatabad Medical Complex, Peshawar.....Petitioner

Versus

- 1) Govt. of Khyber Pakhtunkhwa through Chief Secretary.
- 2) Ministry of Health through Secretary Health, Peshawar.
- 3) Director General Health Service Khyber Pakhtunkhwa,
Peshawar.
- 4) Chief Executive Hayatabad Medical Complex, Hayatabad.
..... Respondents

**WRIT PETITIONS UNDER ARTICLES
199 OF THE CONSTITUTION OF
PAKISTAN 1973**

*Respectfully submitted;***BRIEF FACTS**

- ✓ 1) That the petitioner was initially appointed by respondent No.2 as Medical Officer (BPS-17) vide Notification No.SOH/E-II/2-2/2007 and his services were placed at the disposal of Dean PGMI. (Copies attached)
- ✓ 2) That the petitioner was serving in the Hayatabad Medical Complex as Trainee Medical Officer (TMO) from the date mentioned above and was posted/ retained as a Medical Officer in Hayatabad Medical Complex vide Notification No.SO(EH-II/4-1-2014. (Copy of Notification is attached)

FILED TODAY
Deputy Registrar
18 OCT 2014

[Signature]
True Copy

ATTESTED
EXAMINER
Peshawar High Court
04 JUN 2015

- 3) That the petitioner was then appointed as a Junior Registrar in the Gastroenterology Unit by the respondents vide office order dated 19.06.2014 and still serving in the capacity of a Junior Registrar in the said Institution. (Copy of order dated 19.06.2014 is attached as Annexure "C")
- 4) That the petitioner has done/ qualified FCPS in Gastroenterology and basically Herpetologist, which is super specialty in medicine. (Copy is attached as Annexure "D")
- 5) That the respondent No.2 vide Notification No.SOH(EH-II) 4-1-2014 vide order dated 23.09.2014 and transfer the petitioner to District Chitral/ DHO, Chitral in BPS-18. (Copy of order dated 23.09.2014 is attached as Annexure "D")
- 6) That it is pertinent to mention that the petitioner as well as his wife is performing their duties at Peshawar and presently his spouse is a Lecturer in Botany in Government Girls Degree College, Gulshan Rehman, Kohat Road, Peshawar in BPS-17 as a Civil Servant in Higher Education Department in the Government of Khyber Pakhtunkhwa. (Copy of Certificate is attached as annexure "E")
- 7) That the petitioner been aggrieved from the order dated 23.09.2014 and have no other adequate and efficacious remedy approaches this Hon'ble Court on the following amongst other grounds:-

GROUND

- A. That acts and orders of respondent are illegal, against law, against the facts of the case, hence the same is liable to be struck down.
- B. That the acts of the respondents are against rules, procedure, policy and regulation and not sustainable in the eyes of law and needs to be reversed.

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Deputy Registrar
18 OCT 2014

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EXAMINER
Peshawar High Court
04 JUN 2015

- C. That the petitioner was appointed/ serving in the institution under respondent No.4 as a Specialist under a super-specialty and transfer to a place where no such unit specialty / facility do exists, hence, the orders of the respondents are unreasonable, unjustified and needs to be declared null and void.
- D. That the respondents have not considered the policy governing the rules/ regulations under the spouse policy and were illegally ignored by transferring the petitioner against the said policy.
- E. That the said unit is also shot of Medical Officer/ Specialist and the respondent No.4 vide his Medical Superintendent also requested for the said officers/ specialist in this regard which also shows that the order of the respondents is not sound and based on reality.
- F. That acts of the respondents are based on favoritism, nepotism and for ulterior motives and also against the norms of natural justice, hence, needs to be corrected.
- G. That the acts of the respondents are also unreasonable as the petitioner is performing his duty in a specialize field for which he was specialized in his respective field and the order of the respondent is just to spoil the petitioner's specialty, hence, the acts of the respondents are not sustainable according to rules and regulations.
- H. That the petitioner was not treated according to law, which is against the provision/ articles of the Constitution and Law on the subject.

It is, therefore, most humbly prayed, that on acceptance of this writ petition, the order of the respondent dated 23.09.2014 may kindly be declared null and void and be struck down and the petitioner may

FILED IN NO. 18 OCT 2014
Deputy Registrar

[Signature]
Certificate
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~~ATTORNEY~~
~~EXAMINER~~
Reshawar Hill Court.
04 JUN 2015

kindly be treated according to law as per his specialty in his respective field and the respondents may please be directed as per law and rules and the Constitution.

Any other relief deems fit and appropriate in the circumstances of the case may also be granted to the petitioner if not specifically asked for.

INTERIM RELIEF

It is, further prayed that during the pendency of this writ petition the order of the respondent dated 23.09.2014 may kindly be suspended till the disposal of the case and respondents may please be directed not to compel or persuade the petitioner to relinquish his charge as MO/ Junior Registrar Gastroenterology Unit, Hayatabad Medical Complex, Peshawar.

(Signature)
Petitioners
Through *J Ali*
Javed Ali

&

(Signature)
M. Ibrar Khan Afridi
Advocates, High Court

CERTIFICATE:

Certified that as per information and instructions furnished by my clients no such like writ petition has earlier been filed by the petitioners on the subject in this hon'ble Court.

LIST OF BOOKS:

- 1) Constitution of Islamic Republic of Pakistan, 1973.
- 2) Case law.

J Ali
Advocate

(Signature)
18 OCT 2014

(Signature)
Certificate
True Copy

~~ATTESTED~~

EXAMINER
Peshawar High Court

04 JUN 2015

BEFORE THE COURT PESHAWAR HIGH COURT PESHAWAR.

W.P.No. 3139-P/2014

Dr. Dilaram KhanPetitioner

Versus

Govt. of Khyber Pakhtunkhwa through

Chief Secretary & others.....Respondents

ADDRESSES OF THE PARTIES

PETITIONER:

Dr. Dilaram Khan
Medical Officer/ Junior Registrar, Gastroenterology Unit,
Hayatabad Medical Complex, Peshawar

RESPONDENTS:

- 1) Govt. of Khyber Pakhtunkhwa through Chief Secretary.
- 2) Ministry of Health through Secretary Health, Peshawar.
- 3) Director General Health Service Khyber Pakhtunkhwa,
Peshawar.
- 4) Chief Executive Hayatabad Medical Complex, Hayatabad.

D.K.
Petitioners
Through *Javed Ali*
Javed Ali

&

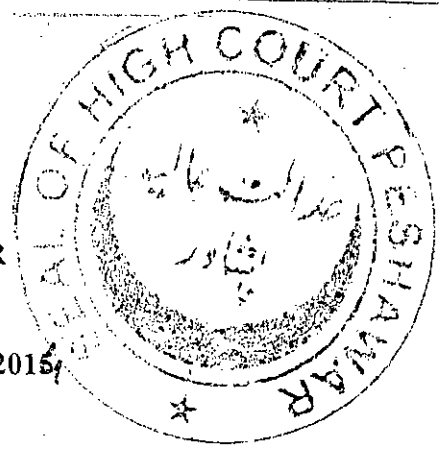
M. Ibrar Khan Afridi
M. Ibrar Khan Afridi
Advocates, High Court

FILED TODAY
Deputy Registrar
18 OCT 2014

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~~EXAMINER~~
Peshawar High Court
04 JUN 2015

27



JUDGMENT SHEET
PESHAWAR HIGH COURT PESHAWAR
JUDICIAL DEPARTMENT

D.R. (N) with W.P. NO 3139 OF 2015

JUDGMENT

Date of hearing 29-04-2015

Appellant (Dr. Dilaram Khan) By Taveed Ali Advocate

Respondent (Govt KPK J.) By Syed Danish Ali Shah A.A.G.

MAZHAR ALAM KHAN MIANKHEL, CJ.- The

petitioner Dr. Dilaram Khan being aggrieved of his transfer orders dated 23.09.2014 has filed the instant writ petition for declaring the same as null and void.

2. When the learned counsel for the petitioner was asked that when the KPK Service Tribunal is duly functional and the matter pertaining to the terms and conditions of petitioner was required to have been filed before the Service Tribunal, he was unable to give any plausible explanation for not approaching the proper forum for the redress of the grievance of the petitioner.

The Apex Court in its recent judgment passed in CIVIL REVIEW PETITION NO.193 OF 2013 ETC dated 05.01.2015 has again laid down that the issue relating

to the terms and conditions of service cannot be

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Peshawar High Court
04 JUN 2015

entertained by a High Court either in its Constitutional jurisdiction or in its Original Civil jurisdiction or in High Court Appeal, being barred under Article 212 of the Constitution.

3. It appears that the petitioner has chosen a wrong forum just for the purpose of getting a speedy remedy, which was, however, not available to him under the law, therefore, the instant writ petition is hereby dismissed.

Announced
29.04.2015

~~Chief Justice~~
CHIEF JUSTICE

~~Judge~~
JUDGE

Sd/- Magher Awan - g
Sd/- Malik Mangood Hussain.

Office
27/5/15

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Examiner
Peshawar High Court
Authorized Under
The Qanun-e-Shahadaat Act 1984

04 JUN 2015

No. 21122

Date of Presentation of Application 04/5/15

No of Pages 07

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SERVICE CERTIFICATE

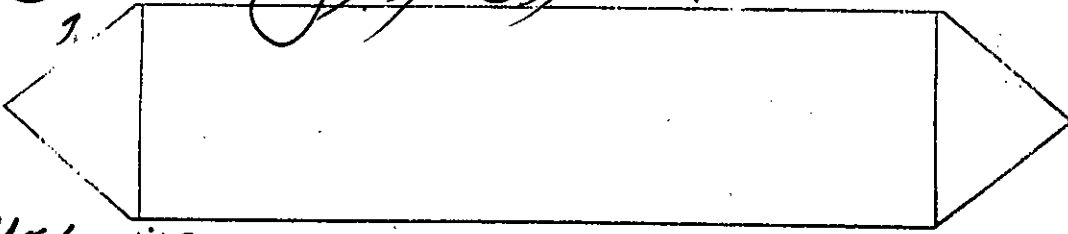
Certified that Miss. Shaheen Jan D/O Muhammad Zahir Jan (Lecturer in Botany) has served at GGDC Khar Bajaur Agency as adhoc lecturer W-E-F: 01-03-2007 to 01-01-2009 and as regular lecturer W-E-F: 01-01-2009 to 09-08-2011.

[Signature]
Certified to be
True Copy

[Signature]
Principal
GGDC Khar
Bajaur Agency
PRINCIPAL
Govt. Girls De. Stage
Khar Soj. Agency

[Signature]
Certified to be
True Copy

بعد االت صاب سہرویں ٹریڈ سونل کا 19



2ء پنجاب اسپورٹس

موزخہ 12-6-2015

بنام

سہرویں اسپل

مقدمہ

دعویٰ

جرم

ڈاکٹر دلرازمین گلگندٹ

باعث تحریر آئنگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب وہی کل کاروائی مختلفہ
آن مقام کیلئے صاحب علی

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کہ مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب وہی اور اقبال دعویٰ اور
بسورت ڈگری کرنے اجراء اور صولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
نیز یا ترک کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے نکل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو کسی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
پر اختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے وہ ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

المرقوم 12 ماہ جون 15

بمقام
Janid Ali Adv.
واہ العی

In the court of Service Tribunal K.P.K. Peshawar.

D2 Dilaram Khan vs Govt of K.P.K.

Application for withdrawal of case

Respectfully sheweth!

- 1) That the above title case is pending before this H. Court which is fixed for today.
- 2) That the applicant was transferred by the Health department dated 23-9-2014, Now the department cancelled the transfer order of the applicant, and there is no need to pursue the instant case. (copy annexed)

It is therefore requested that the order for withdrawal of case may please be granted.

Date 13-08-2015

Applicant

through 

David Ali And M. Ibrar Afidi
Advocates



**GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT**

Dated Peshawar the 24th June 2015

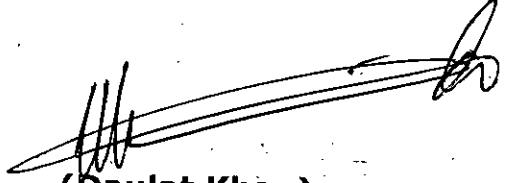
NOTIFICATION

No.SO(H)E-II/4-1/2014 The Competent Authority is pleased to withdraw this Department Notification of even number dated 23.09.2014 in respect of Dr. Dilaram Khan Medical Officer (BS-17) who is appear at Serial No.26.

**SECRETARY HEALTH
HEALTH DEPARTMENT**

Copy to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director General, Health Services, Khyber Pakhtunkhwa, Peshawar.
3. Hospital Director, HMC, Peshawar.
4. District Health Officer, Chitral.
5. District Account Officer Chitral.
6. Deputy Director (IT) Health Department.
7. PS to Secretary Health, Khyber Pakhtunkhwa.
8. PS to Special Secretary Health.
9. Doctor concerned.


(Daulat Khan)
Section Officer (E-II)