

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

SERVICE APPEAL NO. 728/2015

Date of institution ... 24.06.2015

Date of judgment ... 06.04.2016

QAZI SHAFI ULLAH
S/o Qazi Abdul Wahid,
Junior PHC Tech (MP) TSI.
R/o House No. 058 Qazi Street No. 18, P.O Ashrafia Peshawar.

... (Appellant)

VERSUS

1. Director General Health Services Khyber Pakhtunkhwa, Peshawar.
2. Secretary Health Government of Khyber Pakhtunkhwa,
Civil Secretariat, KPK, Peshawar.
3. Mr. Asad Jan Junior PHC Tech (MP) TSI Charsadda.

... (Respondents)

APPEAL UNDER SECTION-4 OF KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 30.03.2015
WHEREBY THE APPELLANT WAS TRANSFERRED FROM DISTRICT
CHARSADDA TO DISTRICT LAKKI MARWAT.

Mr. Safdar Iqbal Khattak, Advocate.

.. For appellant.

Mr. Muhammad Jan, Government Pleader.

.. For official respondents.

Mr. Khalid Rehman, Advocate

.. For Private respondent.

MR. PIR BAKHSH SHAH

.. MEMBER (JUDICIAL)

MR. ABDUL LATIF

.. MEMBER (EXECUTIVE)

JUDGMENT

PIR BAKHASH SHAH, MEMBER: Designation of the appellant is that of Junior PHC Tech (MP/TSI) in the Health Department. Vide impugned order dated 3.03.2015 he was transferred from District Charsadda to District Lakki Marwat on

administrative ground in which order private respondent No.3 was transferred from District Swat to District Charsadda. On perusal of the memo of appeal it does not seem that the appellant has preferred any departmental appeal.

2. Arguments heard and record perused.

3. Learned counsel for the appellant argued that despite the fact that the appellant is a senior fellow, he was transferred from his home District to District Lakki Marwat. He also alleged that the transfer is the result of Political interference. He also argued that after the impugned order a number of transfer orders in-between with a short-interval of about a month to Kohat, Bannu, Swat and Mardan and finally to Takht Bai where he has taken charge and is presently working there. He also submitted that the frequent posting transfer orders of the appellant have made the appellant a rolling stone which is also against the tenure policy.

4. This appeal was resisted by learned counsel for private respondent No.3 as well as Learned Government Pleader by denying that the impugned order was the result of any political interference. They further argued that appellant had completed his tenure in Charsadda and the home town respondent No.3 is also from Charsadda. Private respondent No.3 remained at Swat almost for seven years hence the impugned order was made on merits. They further stated that post of the appellant was not available either in D.I Khan, Bannu, Kohat and even in Swat therefore frequent transfers of the appellant were made by the competent authority to accommodate the appellant. It was also argued that finally appellant was adjusted in the nearby District Mardan at Takht Bai where he has taken charge and the instant appeal has become infructous.

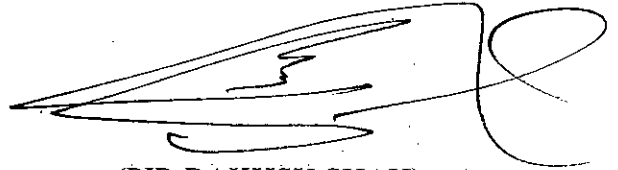
5. After going through the record and hearing pro & contra arguments, it was not shown that the appellant has made departmental appeal on which score this appeal is not competent. It was not established that the impugned order was the result of any political interference. It seems that every effort was made by the respondent-department to adjust the appellant at the place convenient to him which shows their bonafide. For the stated

reasons the Tribunal does not find any occasion for interference in the impugned order. Consequently the instant appeal is dismissed. Parties are, however, left to bear their own costs. File be consigned to the record room.

ANNOUNCED
06.04.2016



(ABDUL LATIF)
MEMBER



(PIR BAKHSH SHAH)
MEMBER

06.04.2016

Counsel for the appellant, Mr. Muhammad Arshad, SO
alongwith Mr. Muhammad Jan, GP for official respondents and
counsel for private respondent No.3 present.

Vide our detailed judgment of to-day placed on file, this
appeal is dismissed. Parties are left to bear their own costs. File be
consigned to the record.

Announced
06.04.2016



MEMBER



MEMBER

30.09.2015

Counsel for the appellant, M/S Yar Gul, Senior Clerk and Qibaz Khan, SO alongwith Addl: A.G for official respondents No. 1 and 2 and agent of counsel for private respondent No. 3 present. Submitted Wakalat Nama. Requested for adjournment. To come up for written reply as well as reply to application on 1.12.2015 before S.B.


Chairman

01.12.2015

Counsel for the appellant, Mr. Yar Gul, Senior Clerk alongwith Addl: A.G for official respondents No. 1 & 2 and agent of counsel for private respondent No. 3 present. Written statement by official respondents No. 1 & 2 as well as private respondent No. 3 submitted. Reply to application also submitted. The appeal is assigned to D.B for rejoinder and final hearing for 7.1.2016.


Chairman

07.01.2016

Agent of counsel for the appellant, Mr. Muhammad Arshed, SO alongwith Mr. Usman Ghani, Sr.GP for official respondents No. 1 & 2 and counsel for private respondent No. 3 present. Counsel for the appellant is not in attendance. Requested for adjournment. Adjourned for final hearing before D.B to 6.4.2016.


Member


Chairman

10.08.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Junior PHC Technician (MP) when vide order dated 30.3.2015 transferred from District Charsadda to Distirct Lakki Marwat on administrative grounds which order was cancelled vide order dated 6.4.2015 and services of appellant placed at the disposal of DHO Peshawar but vide impugned order dated 5.5.2015 the said order dated 6.4.2015 was again cancelled. That the appellant preferred departmental appeal on 6.5.2015 which was not responded and hence the service appeal on 24.6.2015 which stood matured on 6.8.2015.

That no vacancy commensurate with appointment of appellant was available at Lakki Marwat and, moreover, the impugned transfer order is premature. Learned counsel for the appellant further argued that the appellant has not given charge of any post till date.

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 1.9.2015 before S.B. Notice of stay application be also issued for the date fixed.


Chairman

01.09.2015

Counsel for the appellant and Mr. Qibaz Khan, SO alongwith Assistant A.G for respondents present. Requested for adjournment. To come up for written reply/comments on 30.9.2015 before S.B. Counsel for the appellant submitted application for release of salary of the appellant. Notice of the said application be also issued for the date fixed.


Chairman

Appellant Deposited
Security & Process Fee



4

13.07.2015

Appellant in person present. Counsel for the appellant is not in attendance. Requested for adjournment. Adjourned to 27.7.2015 for hearing on office objection before S.B.


Chairman

5


27.07.2015

Counsel for the appellant present. Seeks adjournment on office objection. Adjourned to 10.8.2015 before S.B.


Chairman

10-8-2015.

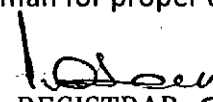


After removing of objection by the appellant, as the appeal has become mature. The appeal is placed before Hon'ble Chairman for preliminary hearing.


REGISTRAR

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 728/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	29.06.2015	<p>The appeal of Qazi Shafiullah resubmitted today by Mr. Safdar Iqbal 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	30-6-15	<p>To come up for preliminary hearing on the point of office objection on <u>1-2-15</u></p> <p style="text-align: right;"> CHAIRMAN</p>
3	01.07.2015	<p>Counsel for the appellant present. Learned counsel for the appellant requested for adjournment on office objection as the departmental was preferred on 6.5.2015 and the prescribed period of 90 days has not yet elapsed. Adjourned for hearing on office objection to 13.7.2015 before S.B.</p> <p style="text-align: right;"> Chairman</p>



**DIRECTORATE
GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR**

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

E-Mail Address K.P.Kdghs@yahoo.com
Office # 091-9210269
Exchange # 091-9210187, 9210196
Fax # 091-9210230

OFFICE ORDER

As approved by the competent authority, Qazi Shafiullah Jr PHC Tech (MP/TSI) (working against the ex-cadre post) attached to DHO Charsadda is hereby transferred and posted to DHO, Mardan against the vacant post of Jr PHC Tech (MP/TSI) (original cadre post) in the interest of public service with immediate effect.

N.B Arrival / Departure reports should be submitted to this Directorate for record

Sd/*****

**DIRECTOR GENERAL HEALTH
SERVICES KHYBER PAKHTUNKHWA PESHAWAR**

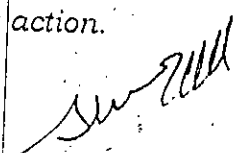
No. 2485-92 / AE-VI

Dated Peshawar the: 22/02/2016

Copy forwarded to the:

- ✓ 1. DHO, Mardan.
- ✓ 2. DHO, Charsadda w/r to his letter No. 787/DHO Charsadda dated 16.02.2016.
- ✓ 3. DAO, Mardan,
4. DAO, Charsadda.
5. Incharge Govt: Analyst Food Testing Laboratory Peshawar.
6. DHIS, Cell DGHS office KPK Peshawar.
7. Supdt. Promotion Cell DGHS office KPK Peshawar.
8. DA Concerned.

For information and necessary action.


**ASSISTANT DIRECTOR (P-III)
DIRECTORATE GENERAL HEALTH
SERVICES KHYBER PAKHTUNKHWA PESHAWAR**


22/02

The appeal of Qazi Shafiullah son of Abdul Wahid Junior PHC Tech. TSI received to-day i.e. on 24.06.2015 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Copies of departmental appeal and its rejection order are not attached with the appeal which may be placed on it.
- 3- Annexures of the appeal may be attested.
- 4- Appeal may be page marked according to the index.


No. 1001 /S.T,

Dt. 25/6 /2015



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Safdar Iqbal Khattak Adv. Pesh.

Re-Submitted to fulfill the objections 3 & 4.
So, for objection No 1 is concerned appeal is signed by the advocate and objection No 2. The departmental appeal and its rejection order are misplaced from the appellant therefore this objection cannot be removed due to the above reason.

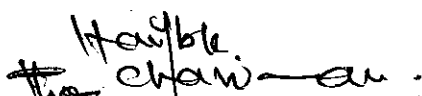

25/6/15


Note: departmental appeal has been filed, but its rejection order is not handed over to the appellant till date on 16-6-15 the office bears to say to all that your appeal is dismissed.


26/6/15

Siv,

The observations of this office and reply of counsel for the appellant is submitted for your order please.


the Chairman.

Fixed before Court 29.06.15 
26/6/15

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 728 / 1 2015

Qazi Shafi Ullah s/o Qazi Abdul Wahid Junior PHC Tech (MP) TSI Peshawar

.....Appellant

Versus

Director General Health Services Khyber Pakhtunkhwa, Peshawar & others

.....Respondents

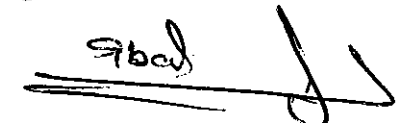
INDEX

S.No	Description of documents	Annexure	Page No
1	Memo of Appeal		1-4
2	Stay (Suspension application of order dated 30.3.2015)		5
3	Copy of the order dated 11.2.213	A	6
4	Copy of the order dated 30.3.2015	B	7
5	Copy of the order dated 6.4.2015	C	8
6	Copy of the order dated 5.5.2015	D	9
7	Wakalatnama		10


Appellant

Through,

Dated 23.06.2015



Safdar Iqbal Khattak

Advocate, Peshawar

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 728 2015

Qazi Shafi Ullah s/o Qazi Abdul Wahid Junior PHC Tech (MP) TSI, r/o
House No 058 Qazi Street No 18, P.O Ashrafia
Peshawar.....Appellant

Versus

**S.W.F. Province
Service Tribunal**
Diary No. 743
Date 24-6-2015

1. Director General Health Services Khyber Pakhtunkhwa,
Peshawar.
2. Secretary Health Government of Khyber Pakhtunkhwa, Civil
Secretariat Peshawar.
3. Mr. Asad Jan Junior PHC Tech (MP) TSI Charsadda

.....Respondents

Appeal under section 4 of Khyber Pakhtunkhwa Service Tribunal
Act 1974 against the order dated 30.3.2015 whereby the appellant
was transferred from District Charsadda to District Lakki Marwat.

Filed to-227

24/6/15

Prayer in Appeal,

On acceptance of this Appeal the Impugned Order dated 30.3.2015
passed by the Respondent No 2 may kindly be set-aside, and
service of the appellant may very graciously be Restored in his
original place i.e. Charsadda.

Respectfully Sheweth,

1. That the appellant is law abiding citizen and permanently resident in District Peshawar.
2. That the appellant is serving in the health Department of Khyber Pakhtunkhwa Peshawar, since 1985. The appellant has served the department in almost all the major and backward cities throughout the province. It is pertinent to mention here that wife of the appellant is also a government servant (Primary School Teacher) since 1993 in Peshawar.
3. That on 11.2.2013 the appellant was transferred to DHO, Charsadda from DHO, Mardan in the interest of public Service .(Copy of the order is attached)
4. That on 30.3.2015 the appellant was transferred to DHO, Lakki Marwat from DHO Charsadda, which is impugned.(Copy of the impugned order dated 30.3.2015 is attached)
5. That the aforementioned order was subsequently cancelled on 6.4.2015 on the directive of high official, however the appellant was posted in the same grade at Peshawar.(Copy of the order dated 6.4.2015 is attached)
6. That on 5.5.2015 the appellant was again transferred from Peshawar as the previous order of his transfer dated 30.3.2015 was restored and the order dated 6.4.2015 was cancelled on the directives of Minister.(Copy of the order dated 5.5 2015 is attached) The irony of fate is that the DHO Peshawar had recommended that a sanitary Inspector having the longest stay at Peshawar be transferred out and the appellant be retained but one Jan Baz Sanitary having 6 years service at Peshawar was not transferred and the appellant was told that since there is no place vacant at Peshawar he cannot be adjust at Peshawar. At place of the appellant at Charsadda Respondent No 3 was brought who is the brother of Jan Baz.

7. That the appellant made a representation regarding the situation of his transfer to Peshawar before the respondents No 1 & 2 and then their refusal to grant him duty at Peshawar, the representation not bear fruit.
8. That being the appellant is aggrieved from the aforementioned facts and the orders and come to this Hon,ble court inter alia on the following grounds.

Grounds

- a. That the impugned order dated 30.3.2015 regarding the transferred of the appellant and subsequently orders of the Respondents No 1 & 2 are incorrect based on malafide intention, against the facts, circumstances of the case and is against the principal of naturel justice.
- b. That the appellant was not accommodated because of the retention of Jan Baz who is the brother of the respondent No 3, and hence the previous transfer order was restored against which the petitioner representation had already been accepted which order still in the field.
- c. That the order passed by the respondent No 1 & 2 is highly illegal and unlawful.
- d. That keeping in view the above facts the appellant has not been treated in accordance with law and his been discriminated.
- e. That the impugned order of restoration of the previous order dated 5.5 2015 is Illegal, without jurisdiction and without lawful authority.
- f. That the appellant performed his duty regularly and was efficient and punctual officer during his service. It is pertinent to mentioned here that there is no complaint whatsoever on the entire service.
- g. That the appellant was appointed in the year 1985 and since then he has served the department to the entire satisfaction of all concerns and superior and there is no complaint against him.

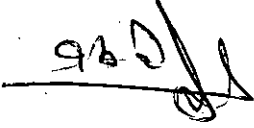
- h. That the impugned order is against the spouse policy and also against the policy of the government according to civil servant transfer Rules i.e. 3 years.
- i. That any other grounds will be taken at the time of arguments with the kind permission of this Hon,ble Tribunal.

It is therefore, humbly prayed that on acceptance of this appeal, this Hon, ble Tribunal may kindly be set aside the impugned order dated 30.3.2015 passed by the respondent No 1 and order dated 11.2.2013 may kindly be restored.

Any other order deemed appropriate in the circumstances of the case may also be passed. The appellant may be allowed to put forward any other arguments/documents at the time of hearing of this appeal.


Appellant

Through,



Safdar Iqbal Khattak

Advocate, Peshawar

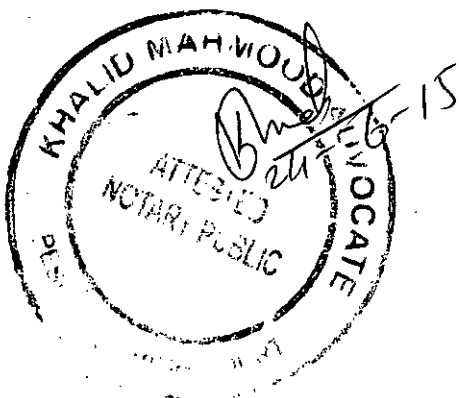
Dated 23.06.2015

Affidavit

I, Safdar Iqbal Khattak Advocate, do hereby solemnly affirm and declare that as per instruction of my client contents of the appeal are true and correct to the best of my knowledge and belief in nothing has been concealed from this Hon,ble court.



DEPONENT



5

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No . _____ 2015

Qazi Shafi Ullah s/o Qazi Abdul Wahid Junior PHC Tech (MP) TSI Peshawar
.....Appellant

Versus

Director General Health Services Khyber Pakhtunkhwa, Peshawar &
others.....Respondents

**Application for grant of temporary injunction in shape of
suspension of the order dated 30.3.2015 till final disposal of the
instant appeal.**

Respectfully Sheweth,

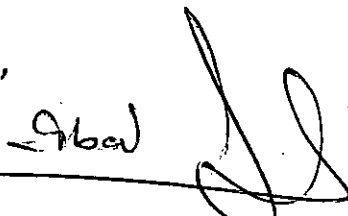
1. That the captioned appeal is being filed in which no date of hearing has yet been fixed.
2. That appellant has got good prime facie and arguable case in his favor.
3. That balance of convenience also lies in favor of the appellant
4. That if stay has not been granted in favor of the appellant in shape of suspension the appellant will get irreparable loss.
5. That grounds of the main appeal may also be considered as part and partial of this application

It is therefore humbly prayed that on acceptance of this application the impugned order dated 30.3.2015 may kindly be suspend till final disposal of the appeal.


Applicant

Through,

Dated 23.06.2015


Safdar Iqbal Khattak
Advocate, Peshawar



6

**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUN KHWA PESHAWAR.**

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

OFFICE ORDER

As approved by the competent authority, The following posting / Transfer of Jr PHC Tech (MP) / TSIs are hereby ordered with immediate effect in the interest of public service.

S. No.	Name	From	To	Remarks
01.	Qazi Shafiullah Jr PHC Tech(MP) / TSI	DHO Mardan	DHO Charsadda	Vice S.No.2 below
02.	Mohammad Mujahid Jr PHC Tech(MP) / TSI	DHO Charsadda	DHO Peshawar	Vice S.No.3 below
03.	Mr. Khurshid Ahmad Jr PHC Tech(MP) / TSI	DHO Peshawar	DHO Mardan	Vice S.No.1 above

Accepted

ATTES TED
01/12/13

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

Sd/xxxxxx
DIRECTOR GENERAL HEALTH
SERVICES KHYBER PAKHTUNKHWA
PESHAWAR

No. 784-94 JE-V

Dated. 11/12 /2013

Copy forwarded to the:-

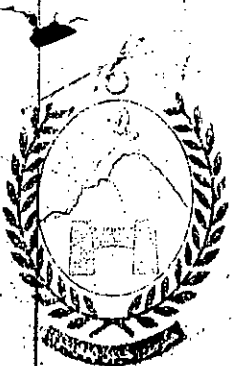
01. PS to Minister for Health Khyber Pakhtunkhwa Peshawar for information.
02. DHO Peshawar.
03. DHO Charsadda.
04. DHO Mardan.
05. AG Khyber Pakhtunkhwa Peshawar.
06. DAO Charsadda.
07. DAO Mardan.
08. P/File
09. Supdt: Promotion Cell DGHS, Khyber Pakhtunkhwa Peshawar.
10. Official Concerned.
11. DA Concerned.

For information and necessary action.

ASSISTANT DIRECTOR (P-III)
DGHS, KHYBER PAKHTUNKHWA
PESHAWAR

departmental appeal - 7.5.15

7



**DIRECTORATE
GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR**

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

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

Office Ph# 091-9411171
Health Services Peshawar and not
Exchange# 091-0210187, 0210186
to any official by name.

OFFICE ORDER.

As approved by the competent authority, the following posting/transfer of Jr. PHC Tech (MP) TSI, are hereby ordered, in the interest of public Service with immediate effect :-

S.No.	Name & Designation	From	To	Remarks
01	Qazi Shafiullah Jr. PHC Tech (MP) TSI	District Charsadda	District Marwat	On Administrative grounds
02	Mr. Asad Jan Jr. PHC Tech (MP) TSI	District Swat	District Charsadda	Vice No. 01 above

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

Sd/-
DIRECTOR GENERAL HEALTH SERVICES, KPK PESHAWAR.

ATTACHED
960

No. 2008-18 /AE-VI, Dated Pesh. The 30/3 /2015
Copy forwarded to the :-

01. District Health Officer, Charsadda w/r to his letter No. 786/DHO, dated 09-03-2015.
02. District Health Officer, Lakki Marwat.
03. District Health Officer, Swat.
04. DAO Swat.
05. DAO Charsadda
06. DAO Lakki Marwat
07. DHIS Cell DGHS office Peshawar.
08. Supdt. Promotion Cell DGHS office Peshawar.
09. Official concerned.
10. DA-concerned, DGHS Peshawar.
11. P/files.

For information and n/action.

P.T.O

ASSISTANT DIRECTOR (P-III),
DGHS KHYBER PAKHTUNKHWA
PESHAWAR
30/3/2015

OFFICE OF THE DISTRICT HEALTH OFFICER CHARSAKDA

No. 1122-25/DHO.

Dated Charsakda the 3 / 03 / 2015

Copy forwarded to the:-

1. District Accounts Officer, Charsakda.
2. Accounts Section of this office.
3. Mr. Qazi Shafiullah Jr. PHC Technician (MP) TSI of this office.

For information and necessary action.

M. A. W.
DISTRICT HEALTH OFFICER
CHARSAKDA

Even No & Dated

Copy forwarded to the Director General Health Services Khyber Pakhtunkhwa Peshawar with reference to his office order No. 2008-18/AE-VI, dated: 30-03-2015.

DISTRICT HEALTH OFFICER
CHARSAKDA



8

**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUN KHWA PESHAWAR.**

E-Mail Address: info@dgshservices.com Office Ph# 091-9210230 Exchange# 091-9210187, 9210196 Fax # 091-9210230

OFFICE ORDER

As approved by the competent authority, the posting /transfer of Jr. PHC Tech (MP) TSIs contained in this Directorate Office Order bearing endost: No. 2008-18/AE-VI dated. 30.03.2015 is hereby cancelled.

Subsequently, the service of Mr. Qazi Shafiullah Jr PHC Tech (MP) TSI attached to DHO Charsadda are hereby placed at the disposal of DHO Peshawar with immediate effect in the interest of public service.

The DHO Peshawar is hereby directed to relieve (Jr PHC Tech (MP)/TSI) having longest stay and directed him to report to DHO Charsadda for duty.

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

Sd/xxxxxx
DIRECTOR GENERAL HEALTH
SERVICES KHYBER PAKHTUNKHWA
PESHAWAR

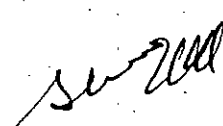
Dated. 6 / 4 / 2015

No. 2283-76 /AE-VI

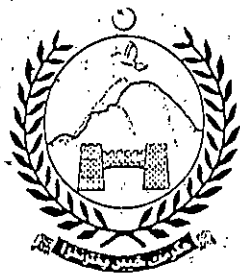
Copy forwarded to the:-

01. DHO, Charsadda.
02. DHO, Peshawar.
03. DHO, Lakki Marwat.
04. DHO, Swat.
05. Dr. Abdul Gul AD(Admn) DGHS Khyber Pakhtunkhwa Peshawar.
06. AG, Khyber Pakhtunkhwa Peshawar.
07. DAO, Charsadda.
08. DAO, Swat.
09. DAO, Lakki Marwat.
10. DHIS Cell DGHS Khyber Pakhtunkhwa Peshawar.
11. Suptt Promotion Cell DGHS Khyber Pakhtunkhwa Peshawar.
12. PA to DGHS Khyber Pakhtunkhwa Peshawar.
13. Official Concerned.
14. DA Concerned.

For information and necessary action.


ASSISTANT DIRECTOR (P-III)
DGHS, KHYBER PAKHTUNKHWA
PESHAWAR

ATTESTED

9

**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUN KHWA PESHAWAR.**

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

OFFICE ORDER

As approved by the competent authority, this Directorate Office Order bearing endost No.2283-96/AE-VI dated.06.04.2015 is hereby cancelled.

Subsequently, this Directorate Office Order bearing endost No.2008-18/AE-VI dated.30.03.2015 stands restored.

Sd/xxxxxx
DIRECTOR GENERAL HEALTH
SERVICES KHYBER PAKHTUNKHWA
PESHAWAR

No. 4943-58 /AE-VI

Dated. 5 / 5 /2015

Copy forwarded to the:-

01. Ps to Minister for Health Khyber Pakhtunkhwa Peshawar.
02. DHO, Charsadda.
03. DHO, Peshawar.
04. DHO, Lakki Marwat.
05. DHO, Swat.
06. Dr. Abdul Gul AD(Admn) DGHS Khyber Pakhtunkhwa Peshawar.
07. AG, Khyber Pakhtunkhwa Peshawar.
08. DAO, Charsadda.
09. DAO, Swat.
10. DAO, Lakki Marwat.
11. DHIS Cell DGHS Khyber Pakhtunkhwa Peshawar.
12. Suptt Promotion Cell DGHS Khyber Pakhtunkhwa Peshawar.
13. PA to DGHS Khyber Pakhtunkhwa Peshawar.
14. Official Concerned.
15. Personal file.
16. DA Concerned.

ATTESTED
[Signature]

For information and necessary action.

[Signature]
ASSISTANT DIRECTOR (P-III)
DGHS, KHYBER PAKHTUNKHWA
PESHAWAR

[Signature]
9/5/2015

To

The Secretary Health,
Government of Khyber Pakhtunkhwa, Peshawar.

Subject: **APPEAL FOR CANCELLATION OF TRANSFER ORDER**

Respected Sir,

Respectfully I beg to submit:

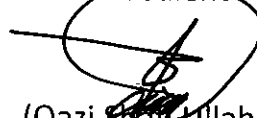
- ✓ That Director General Health Services, KPK, Peshawar issued my transfer order from District Charsadda to District Lakki Marwat vide No.2008-18/AE-VI, dated 30/3/2015 on administrative grounds.
- ✓ That the above transfer order was cancelled by the DGHS, Peshawar and placed at the disposal of DHO, Peshawar, with the direction to relieve (Jr.PHC Tech (MP/TSI) having longest stay at Peshawar vide No.2283-96/AE-VI dated 6/4/2015.
- ✓ That order No.2283-96/AE-VI dated 6/4/2015 has been cancelled by DG and restore order No.2008-18/AE-VI dated 30/3/2015 vide order No.4943-58/AE-VI dated 5/5/2015.
- ✓ That my tenure is one year at District, Charsadda.
- ✓ That there is no complaint, No explanation, No enquiry, No absentee against me and therefore my transfer is against the rules, as cleared in posting/transfer policy of the Provincial Government Civil Servants Act, 1973 para (i) That All the posting/transfers shall be strictly in public interest and shall not be abused/misused to victimize the Government servants.
- ✓ That the DHO Charsadda is taken over charge on 3/3/2015 and reported against me on 09/3/2015, I do, not know why, he is respectable for me and obey each and every verbal and written directives-he was new as DHO and someone misguided him against me.

- ✓ That the DHO Charsadda sent my performance certificate to Director General Health Services, KPK, Peshawar vide letter No.1297/food/DHO/CHD dated 13/4/2015.
- ✓ That my transfer order is issued in ban period, as the competent authority has imposed ban on all kinds of postings/transfer in Health Department vide Notification No.E&A(Health)/2-5/posting Transfer/2014 dated 28th October 2014 (Copy attached).
- ✓ That I am senior most and serving in health department since 14-9-1985.
- ✓ That my wife is serving in Education Department, District Peshawar, and therefore my transfer to District Lakki Marwat is against the spouse policy.
- ✓ That Senior Minister for Health & Information Technology Khyber Pakhtunkhwa issued directive on the body of my application to retain in District Charsadda.
- ✓ That my transfer to District Lakki Marwat is against the spouse policy because my wife is working in Education Department at Peshawar (Service certificate is attached), the transfer order is issued in ban period.

In view of the above it is therefore humbly requested that my transfer to Lakki Marwat may kindly be cancelled please.

Dated 06/05/2015.

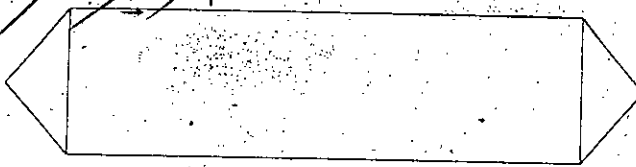
Your Obedient



(Qazi Sana Ullah)
Jr. PHC Tech (MP) TSI,
District Charsadda.

بعد استجواب صاحب کسٹم کے لئے درخواست

(15)



Appellant

2015ء پنجاب

23 جون

بنام حکومت

کامی تھیٹر ایئر

مورخہ

مقدمہ

دعویٰ

جرم

باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ
آن مقام کیلئے سند رسید کے لئے

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ امر منشی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی بڑامدگی
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت
مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے
اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہوگا اس کے لئے مقدمہ کے
سبب سے وہ ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب مقدمہ کے
گے۔ کہ پیروی مذکور کریں۔ لہذا اذکار کیا کہ سند ہے۔

ATTESTED

Handwritten signature and notes on the left margin, including the word 'Appar'.

Handwritten signature and notes on the left margin.

Handwritten signature and notes on the left margin, including the name 'Safdar'.

23

الرقوم

Handwritten signature and notes at the bottom of the page.

WAKALAT NAMA

IN THE COURT OF KPK Service Tribunal Pesh

Qazi Shafi Ullah

Appellant(s)/Petitioner(s)

VERSUS

Govt and others

Respondent(s)

I/We Respondent (3) do hereby appoint
Mr. Khaled Rehman, Advocate Supreme Court of Pakistan in the above
mentioned case, to do all or any of the following acts, deeds and things.

1. To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
2. To sign, verify and file or withdraw all proceedings, petitions, appeals, affidavits and applications for compromise or withdrawal or for submission to arbitration of the said case, or any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defence of the said case at all its stages.
3. To receive payment of, and issue receipts for, all moneys that may be or become due and payable to us during the course of proceedings.

AND hereby agree:-

- a. That the Advocate(s) shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remains unpaid.

In witness whereof I/We have signed this Wakalat Nama hereunder, the contents of which have been read/explained to me/us and fully understood by me/us this _____

Attested & Accepted by

Qazi
Signature of Executants

Khaled Rehman,
Advocate,
Supreme Court of Pakistan

3-D, Haroon Mansion
Khyber Bazar, Peshawar
Off: Tel: 091-2592458

BEFORE THE SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 728 /2015.

Qazi Shafi Ullah.....Appellant.

Versus.

Government of Khyber Pakhtunkhwa & Others.....Respondents.

PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS. 1 & 2.

Preliminary Objections:-

1. That the appellant has neither cause of action nor locus standi.
2. That the appeal is not maintainable in its present form.
3. That the appellant has not come to the tribunal with clean hands and hit by laches.
4. That the appellant is bad due to non-joinder of necessary and mis-joinder of unnecessary parties.
5. That this Honourable Tribunal has no jurisdiction of adjudicate the matter.

FACTS:-

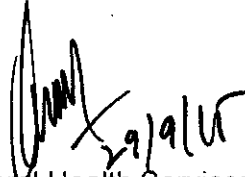
1. No comments.
2. needs no comments, however, no proof is attached regarding her wife's Government Service.
3. Denied as drafted. Upon his request he was transferred to Charsadda. (Copy of the application is attached as **(Annexure -A)**).
4. He was transferred from DHO Charsadda to DHO Lakki Marwat in light of the report of DHO Charsadda **(Annexure-B)**.
5. Correct up to ~~the~~ extent of his transfer however upon his request, he was transferred to District Peshawar.
6. The transfer order dated 30.03.2015 has been restored as per recommendation of the DHO Peshawar **(Annexure-C)** in the public interest.
7. Incorrect, False and unlocated no appeal / representation whatsoever has been filed to the appellate Authority against the impugned order, hence is liable to be dismissed.
8. No comments.

GROUND:-

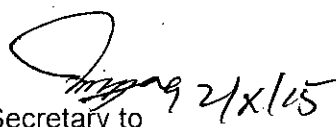
- A. The transfer order has been issued in light of the report / recommendation of the DHO Charsadda.
- B. Irrelevant, hence needs no comments.
- C. Denied, the order is made as per rules on the subject.
- D. Denied No discrimination has been made.
- E. As explained in Para "C" above.

- F. As explained in Para "A" above which speaks about his inefficiency. Furthermore, the DHO Peshawar, due to his non professional attitude had refused to adjust him.
- G. Already explained in above paras.
- H. As no proof in attached, hence it needs no comments.

It is therefore, requested to dismiss the instant appeal with cost throughout in the lights of comments been furnished by the Respondents.


29/9/15
Director General Health Services,
Khyber Pakhtunkhwa, Peshawar.
(Respondent No.01)


29/9/15


21/10/15
Secretary to
Government of Khyber Pakhtunkhwa
Health Department, Peshawar.
(Respondent No.02).

10/16

عنوان :- تسلیشن - ڈیپارٹمنٹ

A



جناب عالی :-

گزارش ہے کہ سائل مافی تصدع اللہ سنٹری / فوڈ اور
انس چارڈر کا ڈیپارٹمنٹ چارڈر سے ملے ہوئے ہو گیا ہے
سائل کو رجسٹرڈ کئے بنا ہی فروخت ہو رہی ہے جس کو سائل
عارضہ گزارش ہے کہ سائل مافی تصدع اللہ سنٹری / فوڈ اور
انس اور رجسٹرڈ ڈیپارٹمنٹ پر رکھنے کا حکم صادر فرمائیں
تبدہ نامہ دعاؤ رہیگا۔

24/4/15

(Signature)

مافی تصدع اللہ ڈیپارٹمنٹ چارڈر

DG/HS KP

P.D. Transfer against
to the mentioned post
in Charsadda - *(Signature)*
24/04/15

Shahram Khan Tarakai
Senior Minister for Health
& Information Technology
Khyber Pakhtunkhwa

CONFIDENTIAL

Ant: B

605

OFFICE OF THE
DISTRICT HEALTH OFFICER
CHARSADDA

No. 788 /DHO.

Dated Charsadda the 09/03/2015

To

The Director General Health Services,
Khyber Pakhtunkhwa Peshawar.

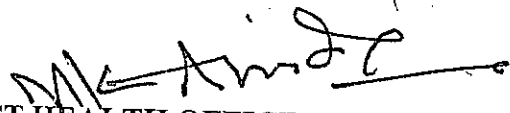
8552
18/3/15

Subject: - REQUEST FOR TRANSFER OF SANITARY /FOOD INSPECTOR.

Sir,

I have the honor to state that the sanitary/food inspector of this office is incompetent and inefficient. He may kindly be transferred from district Charsadda and a honest and dutiful person may kindly be posted for speedy response of his duties in the best interest of public.

Your early action in this regard will be highly appreciated.


DISTRICT HEALTH OFFICER
CHARSADDA

12/3

80/

OFFICE OF THE
DISTRICT HEALTH OFFICER
CHARSADDA

No. 970-73 / DHO.

Dated Charsadda the 19/03/2015

To

✓ The Director General Health Services,
Khyber Pakhtunkhwa Peshawar.

Subject: - INQUIRY AGAINST FOOD/SANITARY INSPECTOR.

Sir,

I have the honor to state that from 3rd March 2015 till date I repeatedly directed the Food/Sanitary Inspector to kill stray dogs in DHQ Hospital Charsadda and surrounding areas of Tehsil Charsadda. According to the statement of Sanitary Inspector Charsadda, he obeyed the order but no result till date. It means that the strychnine is below standard and no effect on dogs.

Therefore, I request to please nominate an honest inquiry officer along with undersigned to probe into the matter against the culprit and also the company.

Your early action in this regard will be highly appreciated.


DISTRICT HEALTH OFFICER/
MEMBER OF CONSUMER PROTECTION
CHARSADDA

Even No & Date:

Copy forwarded to the:-

1. Secretary Health Govt of Khyber Pakhtunkhwa Peshawar.
2. District Incharge Consumer Protection, Charsadda.
3. Mr. Qazi Shafiullah Food/Sanitary Inspector Charsadda.

For information and necessary action.

DISTRICT HEALTH OFFICER/
MEMBER OF CONSUMER PROTECTION
CHARSADDA

Qazi Shafiullah (I.S.I)

677

OFFICE OF THE DISTRICT HEALTH OFFICER,
PESHAWAR.

No. 2780 /DHO dated. 13/4 /2015

To

Director General Health Services,
Khyber Pakhtunkhwa Peshawar

Subject:

OFFICE ORDER

Sir,

R-613

11603

14/4/15

Reference your office order No.2283-96/AE.VI dated 6/4/2015, I have the honour to submit that the official under transfer to this office were relieved by the District Health Officer Charsadda vide his letter No.786/DHO dated 9/3/2015 being unwilling, incompetent and inefficient government servant. He was then transferred to District ^{Layari} Karak vide your office order No. 2008-18/AE.VI dated 30/3/2015 on administrative ground.

Now he was transferred to this office vide office order No. cited above and being a sensitive high profile District, how an inefficient, unwilling and incompetent worker can be adjusted.

It is therefore requested that the said order may please be cancelled as this office cannot adjust an inefficient and incompetent worker.


District Health Officer
Peshawar

Qas Shafi idlah 189

635

OFFICE OF THE
DISTRICT HEALTH OFFICER
CHARSADDA

No. 1535 /DHO.

Dated Charsadda the 22/04/2015

To

The Director General Health Services,
Khyber Pakhtunkhwa Peshawar.

Subject: - OFFICE ORDER.

Sir,

12713
23/04/15

Reference your Office Order endorsement No. 2008-18/AE-VI, dated: 30-03-2015 and Office Order bearing endorsement No. 2283-96/AE-VI, dated: 06-04-2015.

You are requested kindly restore the 1st Office Order No. 2008-18/AE-VI, dated. 30-03-2015 because Mr. Asad Jan Jr. PHC Technician (MP) TSI is very competent and progressive minded worker. The undersigned desires to retain him in district Charsadda.

Mr. Asad Jan Jr.
DISTRICT HEALTH OFFICER
CHARSADDA 22/4/15

641

OFFICE OF THE
DISTRICT HEALTH OFFICER
CHARSADDA

No. 1669-70 / DHO.

Dated Charsadda the 06/05/2015

To

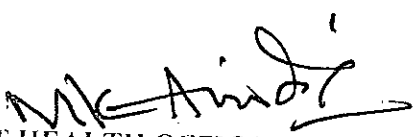
✓ The Director General Health Services,
Khyber Pakhtunkhwa Peshawar.

Subject: - TRANSFER ORDER OF MR. QAZI SHAFIULLAH SANITARY INSPECTOR.

Sir,

I have the honor to inform your good self that Mr. Qazi Shafiullah Jr. PHC Technician (MP) TSI was transferred from district Charsadda vide your good office order No. 2008-18/AE-VI, dated: 30-03-2015 on the recommendation of the undersigned vide office letter No. 786, dated: 09-03-2015. Lapsing 7 month, the above mentioned official has not submitted his departure report so far. He has also not handed over stock register and cupboard (locked) due to which the sanitation/food activities are suffering.

Therefore, you are requested that notice may please be issued to Mr. Qazi Shafiullah Jr. PHC Technician (MP) TSI to hand over complete charge to the new one.


DISTRICT HEALTH OFFICER
CHARSADDA

Even No & Date

Copy forwarded to the Deputy Commissioner, Charsadda for information, please.

OFFICE OF THE
DISTRICT HEALTH OFFICER
CHARSADDA

No. 1993-94 DHO.

Dated Charsadda the 20/05/2015

To

The Director General Health Services,
Khyber Pakhtunkhwa Peshawar.



Subject: - TRANSFER ORDER OF MR. QAZI SHAFIULLAH SANITARY INSPECTOR.

Sir,

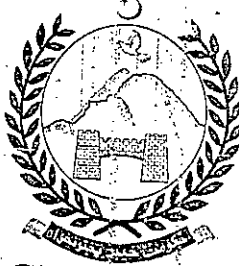
Reference this office letter No. 1669-70/DHO, dated: 06-05-2015 on the subject noted above to your good office regarding hand over complete charge of cupboard/stock register (Sanitation Unit) to Mr. Asad Jan Jr. PHC Technician (MP) TSI newly transferred. Mr. Asad Jan Jr. PHC Technician (MP) TSI has reported for duty in view of his transfer to DHO Office Charsadda vide transfer order No. 2008-18/AE-VI, dated: 30-03-2015. Where as Mr. Qazi Shafiullah Jr. PHC Technician (MP) TSI has neither handed over charge of official documents/registers and has locked everything in cupboard. Due to which Mr. Asad Jan Jr. PHC Technician (MP) TSI facing difficulties to perform his official duty.

Therefore, it is requested to your kindness that necessary disciplinary action may kindly be taken against Mr. Qazi Shafiullah Jr. PHC Technician (MP) TSI for noncompliance which is inefficiency/disobedient under the rules.

Mohammad
DISTRICT HEALTH OFFICER
CHARSADDA *M/S*

Even No & Date

Copy forwarded to the Deputy Commissioner, Charsadda for information please.



Am - C 613

**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUN KHWA PESHAWAR.**

E-Mail Address: nwfdghs@yahoo.com
091-9210230

Office Ph#

091-9210266



Exchange#

091-9210187, 9210196

Fax#

OFFICE ORDER

As approved by the competent authority, the posting /transfer of Jr PHC Tech (MP) TSIs contained in this Directorate Office Order bearing endost: No. 2008-18/AE-VI dated.30.03.2015 is hereby cancelled.

Subsequently, the service of Mr. Qazi Shafiullah Jr PHC Tech (MP) TSI attached to DHO Charsadda are hereby placed at the disposal of DHO Peshawar with immediate effect in the interest of public service.

The DHO Peshawar is hereby directed to relieve (Jr PHC Tech (MP)/TSI) having longest stay and directed him to report to DHO Charsadda for duty.

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

Sd/xxxxxx
DIRECTOR GENERAL HEALTH
SERVICES KHYBER PAKHTUNKHWA
PESHAWAR

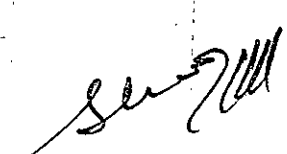
No. 2283-96/AE-VI

Dated. 6 / 4 / 2015

Copy forwarded to the:-

01. DHO, Charsadda.
02. DHO, Peshawar.
03. DHO, Lakki Marwat.
04. DHO, Swat.
05. Dr. Abdul Gul AD(Admn) DGHS Khyber Pakhtunkhwa Peshawar.
06. AG, Khyber Pakhtunkhwa Peshawar.
07. DAO, Charsadda.
08. DAO, Swat.
09. DAO, Lakki Marwat.
10. DHIS Cell DGHS Khyber Pakhtunkhwa Peshawar.
11. Suptt Promotion Cell DGHS Khyber Pakhtunkhwa Peshawar.
12. PA to DGHS Khyber Pakhtunkhwa Peshawar.
13. Official Concerned.
14. DA Concerned.

For information and necessary action.


ASSISTANT DIRECTOR (P-III)
DGHS, KHYBER PAKHTUNKHWA
PESHAWAR

dc

6/4/15

BEFORE SERVICE TRIBUNAL PESHAWAR.

Appeal No. 728/2015

Qazi Shafi Ullah.....Appellant.

Versus.

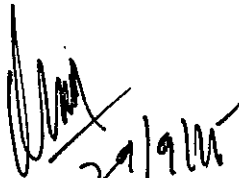
Government of Khyber Pakhtunkhwa & Others.....Respondents.

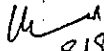
**REPLY OF APPLICATION FOR RELEASE SALARY^{1/2} OF THE
RESPONDENT NO. 1 & 2.**

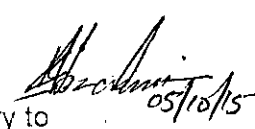
Respectfully Sheweth,

1. No comments.
2. Qazi Shafiullah Jr. PHC Technician (MP) has been transferred and posted under control of DHO Swat vide this Directorate office order No. 9235-45/AE-VI dated 19.08.2015 and no order regarding stoppage of his pay/ salary has been issued by Director General Health Services, Khyber Pakhtunkhwa Peshawar.
3. No comments.

It is therefore, prayed that on acceptance of the reply, the application in hand may please be dismissed with cost through out.


Director General Health Services,
Khyber Pakhtunkhwa, Peshawar.
(Respondent No. 1)


29/9/15


Secretary to
Government of Khyber Pakhtunkhwa
Health Department, Peshawar.
(Respondent No. 2).



b8

**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR**

OFFICE ORDER

In partial modification of this Directorate Office Order, bearing Endst: No.8687-97/AE-VI dated 23.07.2015, Mr. Qazi Shafiullah Jr. PHC Technician (MP/STI) under transfer from District Charsadda to District Kohat is hereby posted/ adjusted at District Swat against the vacant post in the interest of public service (caused vacant due to transfer of Mr. Asad Jan Jr. PHC Technician (MP/TSI) to District Charsadda).

Arrival / Departure report should be furnished to this Directorate for record.

Sd/XXXXXXXXXX

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

No. 9235-45 /AE-VI,

Dated Peshawar the 19 / 8 / 2015

Copy forwarded to the: -

1. PS to Minister for Health Khyber Pakhtunkhwa Peshawar.
2. DHO Charsadda.
3. DHO Swat.
4. DHO Kohat. He is requested to clarify that why Mr. Atifullah Jr. PHC Technician (MP) was adjusted against the other post when there is no vacant post of Jr. PHC Technician (MP).
5. DHO Lakki Marwat. He is requested to intimate that how Mr. Atifullah Jr. PHC Technician (MP) / TSI was appointed as Jr. PHC Technician (MP) // TSI & also submit his service documents urgently as has already asked so many times vide this Directorate letter No. 532/E-V dated 07.02.2014, letter No. 3594/AE-VI dated 18.04.2014 and letter No. 3961/AE-VI dated 21.05.2014.
6. DAO Charsadda.
7. DAO Swat.
8. DHIS Cell DGHS, Peshawar.
9. Supt: promotion Cell DGHS, Peshawar.
10. Official Concerned.
11. DA Concerned.

For information and necessary action.

**Assistant Director (P-I),
Directorate General Health Services,
Khyber Pakhtunkhwa, Peshawar.**

9/18/8/2015

BEFORE SERVICE TRIBUNAL PESHAWAR.

Appeal No. 728/2015

Qazi Shafi Ullah.....Appellant.

Versus

Government of Khyber Pakhtunkhwa & Others.....Respondents.

REPLY OF APPLICATION FOR RELEASE SALARY OF THE RESPONDENT NO. 1 & 2.

Respectfully Sheweth,

1. No comments.
2. Qazi Shafiullah Jr. PHC Technician (MP) has been transferred and posted under control of DHO Swat vide this Directorate office order No. 9235-45/AE-VI dated 19.08.2015 and no order regarding stoppage of his pay/ salary has been issued by Director General Health Services, Khyber Pakhtunkhwa Peshawar.
3. No comments.

It is, therefore, prayed that on acceptance of the reply, the application in hand may please be dismissed with cost through out

Director General Health Services,
Khyber Pakhtunkhwa, Peshawar.
(Respondent No. 1)

Submitted by Vekky

28/9/15

Secretary to
Government of Khyber Pakhtunkhwa
Health Department, Peshawar.
(Respondent No. 2)

*Refer subject to
conditions please
the*

*Also attach
counter affidavit*

[Signature]

[Signature]

29/9/15

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 728 /2015


Qazi Shafiullah.....Appellant

VERSUS

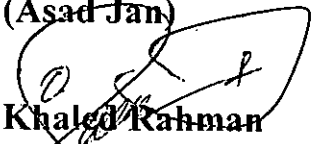
The D.G. Health KPK and others.....Respondents

INDEX

S.No.	Description of Documents	Date	Annexure	Pages
1.	Memo of Reply with Affidavit			1-4
2.	Order thereby services of appellant were placed at the disposal of DHO Charsadda	06.01.2015	Reply/1	0-5
3.	Adjustment order of appellant at BHU Mazara, District Charsadda	18.11.2015	Reply/2	0-6
4.	Letter of DHO Charsadda to Incharge Accounts Section	02.06.2015	Reply/3	0-7
5.	Letter of DHO Charsadda to DG Health	06.05.2015	Reply/4	0-8
6.	Letter of DHO Charsadda to DG Health	21.05.2015	Reply/5	0-9
7.	Office order for unlocking the Almirahs	26.05.2015	Reply/6	0-10
8.	Inventory		Reply/7	0-11
9.	Letter of DHO Charsadda to DG Health	09.03.2015	Reply/8	0-12
10.	Letter of DHO Charsadda to DG Health	22.04.2015	Reply/9	0-13


Respondent No.3
(Asad Jan)

Through


Khaled Rahman
Advocate,
Supreme Court of Pakistan

3-D, Haroon Mansion,
Khyber Bazar, Peshawar.
Off: 091-2592458
Cell # 0345-9337312

Dated: 01 /12 /2015

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 728 /2015

Qazi ShafiullahAppellant

Versus

The D.G. Health Services KPK and others.....Respondents

REPLY ON BEHALF OF RESPONDENT NO.3 (ASAD JAN)

Respectfully Sheweth,

Preliminary objections.

- I. That vide order dated 06.01.2015 (*Annex:-Reply/1*), the appellant's services were placed at the disposal of DHO Charsadda for posting and in consequence thereof the DHO Charsadda vide office order dated 18.11.2015 (*Annex:-Reply/2*) adjusted the appellant against the vacant post of Jr. PHC Technician (MP) MT at BHU Mazara, District Charsadda where the appellant took-over the charge and has been performing his duty ever since then. Thus in this changed scenario the appeal in hand has rendered infructuous and as such is not further entertainable.
- II. That sequel to the preliminary objection hereinabove, the appellant has got no cause of action to file the instant appeal.
- III. That the appellant has concealed material facts from the Hon'ble Tribunal and has not approached the Hon'ble Tribunal with clean hands, therefore, the instant appeal merits outright rejection.
- IV. That the appeal being premature is liable to be dismissed.
- V. That the appellant is estopped by his own conduct to file the instant appeal. Moreover, he is not entitled to any sort of relief in view of his contumacious behavior as after his transfer from District Charsadda on 30.03.2015, on

administrative grounds, he took away the entire valuable record including the Stock Register and kept the same in his custody unauthorizedly and for malafide reasons. In this regard the DHO Charsadda vide his letter dated 02.06.2015 (**Annex:-Reply/3**) informed the Incharge of Accounts Section not to release the service documents to the appellant. The matter was also brought into the notice of Director General Health Services vide letter dated 06.05.2015 (**Annex:-Reply/4**) followed by another letter dated 21.05.2015 (**Annex:-Reply/5**). After the repeated reminders when appellant avoided to handover the record and also to unlock the Almirahs where other record was stored, the locks were broken pursuant to the office order dated 26.05.2015 (**Annex:-Reply/6**) and some of the record was taken into possession vide Inventory (**Annex:-Reply/7**) and still the Stock Register an important register is in the custody of the appellant which he has concealed for the reasons best known to him.

VI. That the appeal is bad for mis-joinder and non-joinder of the parties.

Reply to Facts:

- 1&2. Paras-1&2 of the appeal need no reply.
3. Para-2 of the appeal is correct with the addition that appellant had served out a tenure of more than five years at District Mardan.
4. Para-4 of the appeal is correct but it is further clarified that the order was issued due to the conduct and performance of the appellant as would be evident from the Complaint/request for his transfer by the DHO Charsadda vide letter dated 09.03.2015 (**Annex:-Reply/8**). Moreover, the appellant has also completed his tenure at Charsadda as he has passed more than two years at the same station.
5. Para-5 of the appeal is also correct, however, after the transfer of appellant to Peshawar, the DHO, Peshawar was also not satisfied with the performance of his duties, therefore, on his request the Director Health Khyber Pakhtunkhwa, vide impugned order dated 05.05.2015 restored the transfer order of the appellant dated 30.03.2015 by cancelling the order dated 06.04.2015 *ibid*. It is also pertinent to submit here that the DHO Charsadda was quite satisfied with the performance of

the answering Respondent and has requested the Director General Health Khyber Pakhtunkhwa to retain him in his office vide letter dated 22.04.2015 (*Annex:- Reply/9*).

6. Para-6 of the appeal is incorrect. The impugned order was issued due to valid reasons as the DHO Peshawar was also not contented with the performance of duties of the appellant.

7&8. Paras-7&8 of the appeal need no reply.

Reply to Grounds:

- a) Ground-a of the appeal is incorrect hence denied. The impugned order and the all other orders were issued in accordance with law.
- b) Ground-b of the appeal is incorrect hence denied. The appellant though was transferred to Peshawar but he could not be accommodated due to his previous conduct and performance of duties by the DHO Charsadda.
- c) Ground-c of the appeal is incorrect. The orders passed by the Respondents are in accordance with law.
- d&e) Ground-d&e of the appeal are incorrect hence denied.
- f. Ground-f of the appeal is also incorrect. The record reveals that the performance of the appellant was not satisfactory and that is why he was transferred.
- g. Ground-g of the appeal is not concerning the answering Respondent.
- h. Ground-h of the appeal is incorrect. The appellant has already been adjusted at Charsadda.
- i. The answering Respondent also begs to submit some other grounds during the course of arguments.

It is, therefore, humbly prayed that on acceptance of this reply, the appeal of appellant may graciously be dismissed with costs.

Asad Jan
Respondent No.3
(Asad Jan).

Through

Khaled Rahman
Khaled Rahman,
Advocate,
Supreme Court of Pakistan

Dated: 02¹²/11/2015

Counter Affidavit

I, Asad Jan, Jr. PHC Technician (MP)/TSI, office of the DHO Charsadda, do hereby affirm and declare on oath that the contents of this reply are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



Asad Jan
Deponent



Reply/1

(5)

**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR**

OFFICE ORDER

As approved by the competent authority, the services of Mr. Qazi Shafiullah, Jr. PHC Technician (MP)/TSI under transfer to District Swat contained in this Directorate office order bearing endst: No. 9235-45/AE-VI dated 19.08.2015, are hereby placed at the disposal of DHO Charsadda for further posting under his control against the vacant post of Jr. PHC technician (MP)/MT with immediate effect in the interest of public service.

Subsequently, his intervening period w.e.f. 01.05.2015 till his arrival in District Charsadda is hereby regularized against the existing vacancy in district Charsadda for the purpose of drawl of pay etc.

N.B Arrival / Departure reports should be submitted to this Directorate for record

Sd/xxxxxxxxx
DIRECTOR GENERAL HEALTH
SERVICES KPK, PESHAWAR


No. 1082-90/AE-VI.

Dated Peshawar the 06/11/2015.

Copy forwarded to the:-

- 1) DHO Charsadda w/r to his letter No. 4912/DHO/CHD dated 30.10.2015.
- 2) DHO Swat.
- 3) DAO Charsadda.
- 4) DAO Swat.
- 5) DHIS Cell DGHS, Peshawar.
- 6) Supdt: Promotion Cell DGHS, Peshawar.
- 7) Assistant Director (Litigation) DGHS, Peshawar.
- 8) Official concerned.
- 9) DA concerned.

For information and necessary action.


Deputy Director (Personnel)
Directorate General Health Services,
Khyber Pakhtunkhwa, Peshawar.

11/15

Reply-1

OFFICE ORDER

Reply/2

6

In partial modification of this office order bearing No.5164-67/DHO/CHD dated 13/11/2015 ,Mr. Qazi Shafi Ullah Jr.PHC Technician (MP)/TSI is hereby adjusted against the vacant post of Jr.PHC Technician (MP) MT at BHU Mazara under the control of the undersigned

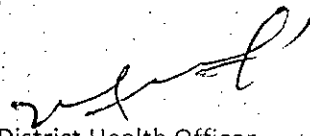
District Health Officer,
Charsadda.

No. 5229-32/DHO/CHD

Dated Charsadda the 18/11 /2015.

Copy forwarded to the:

1. Director General Health Services, KPK, Peshawar with reference to letter No.10982-90/AE-VI dated 06/11/2015 with a copy of arrival report for information as desired please.
2. DAO, Charsadda.
3. Accounts section of this office for necessary action.
4. Official concerned (by name) for compliance.


District Health Officer,
Charsadda.

Reply-2

Reply/3 (7)

OFFICE OF THE DISTRICT HEALTH OFFICER CHARSAJDA

No. 2438-39 DHO: CHD:

Dated Charsajda the, 21/6/2015

To

The I/C Accounts section,
DHO Office Charsajda

Subject: HANDING OVER COMPLETE CHARGE OF SANITATION UNIT
Memo;


As reported by Mr Asad Jan Food & Sanitary Inspector that Mr. shafiullah Food & Sanitary Inspector has been transferred 03 moths ago did not hand over complete charge of Sanitation unit to his successor till date He was directed in written & verbally again and again, but he gave deaf.

Your are hereby directed to do not release Service Documents of Mr. Shafiullah Food & Sanitary Inspector until & unless, he hand over complete charge to his successor otherwise you will be held responsible.

District Health Officer,
Charsajda

Even No. & Date

Copy forwarded to Mr. Asad Jan Food and Sanitary Inspector D H O office Charsajda for information and with the directives that after taking over complete charges, the undersigned may be informed accordingly


District Health Officer,
Charsajda

Reply/3

Reply/4 (8)

OFFICE OF THE
DISTRICT HEALTH OFFICER
CHARSADDA

No. 1669-70 / DHO.

Dated Charsadda the 06.05.2015

To

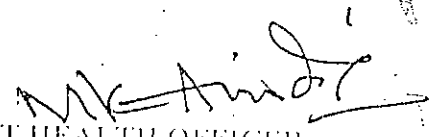
The Director General Health Services,
Khyber Pakhtunkhwa Peshawar.

Subject: - TRANSFER ORDER OF MR. QAZI SHAFIULLAH SANITARY INSPECTOR.

Sir,

I have the honor to inform your good self that Mr. Qazi Shafiullah Jr. PHC Technician (MP) TSI was transferred from district Charsadda vide your good office order No. 2008-18/AE-VI, dated: 30-03-2015 on the recommendation of the undersigned vide office letter No. 786, dated: 09-03-2015. Lapsing ⁴ month, the above mentioned official has not submitted his departure report so far. He has also not handed over stock register and cupboard (locked) due to which the sanitation/food activities are suffering.

Therefore, you are requested that notice may please be issued to Mr. Qazi Shafiullah Jr. PHC Technician (MP) TSI to hand over complete charge to the new one.


DISTRICT HEALTH OFFICER
CHARSADDA

Even No & Date

Copy forwarded to the Deputy Commissioner, Charsadda for information please.

Reply/4

OFFICE OF THE
DISTRICT HEALTH OFFICER
CHARSADDA

No. 1993-94 DHO.

Dated Charsadda the 20/05/2015

To

The Director General Health Services,
Khyber Pakhtunkhwa Peshawar.

Subject: - TRANSFER ORDER OF MR. QAZI SHAFIULLAH SANITARY INSPECTOR.

Sir,

Reference this office letter No. 1669-70/DHO, dated: 06-05-2015 on the subject noted above to your good office regarding hand over complete charge of cupboard/stock register (Sanitation Unit) to Mr. Asad Jan Jr. PHC Technician (MP) TSI newly transferred Mr. Asad Jan Jr. PHC Technician (MP) TSI has reported for duty in view of his transfer to DHO Office Charsadda vide transfer order No. 2008-18/AE-VI, dated: 30-03-2015. Where as Mr. Qazi Shafiullah Jr. PHC Technician (MP) TSI has neither handed over charge of official documents/registers and has locked everything in cupboard. Due to which Mr. Asad Jan Jr. PHC Technician (MP) TSI facing difficulties to perform his official duty.

Therefore, it is requested to your kindness that necessary disciplinary action may kindly be taken against Mr. Qazi Shafiullah Jr. PHC Technician (MP) TSI for noncompliance which is inefficiency/disobedient under the rules.

Mohammad
DISTRICT HEALTH OFFICER
CHARSADDA

Even No & Date

Copy forwarded to the Deputy Commissioner, Charsadda for information please.

Reply/5 (9)

15866/2015
21/05/15

Reply/5

Reply/6

(10)

OFFICE OF THE DISTRICT HEALTH OFFICER CHARSAZZA

Office Order

As approved by the competent authority, the following committee is hereby constituted to broke the lock of Almirahs pertaining to the record of Sanitary Inspectors as Mr. Qazi Shafiullah Ex-Sanitary Inspector was transfer from District Charsadda vide DG Health Office letter bearing endst No. 2008-18/AE-VI dated 30/03/2015. After above order he left the office without departure/handing over of charge, the record is completely locked and the sanitation work is badly suffering.

- | | | |
|----|---|----------|
| 1. | Dr. Hafiz Ziaul Habib
DTO Charsadda | Chairman |
| 2. | Dr. Farhad Khan
Coordinator EPI Charsadda | Member |
| 3. | Mr. Firdous Khan
Office Assistant DHO Office Charsadda | Member |

The above mentioned committee is herby directed to smash all the locks of sanitation section and enlist all records etc and hand over to Mr. Asad Jan Sanitary Inspector with immediate effect as the sanitation activities badly suffering.

District Health Officer
Charsadda

No. 2229-31/DHO Dated Charsadda the 26/05/2015
Copy forwarded to the:

- Director General Health, Services Khyber Pakhtunkhwa, Peshawar for information and further necessary action, with the request that this office already informed your good self regarding the issues vide this office letters No. 1669-70/DHO dated 06/05/2015 and No. 1993-94/DHO dated 20/05/2015 (copies attached)
- All members by name for information and immediate action to no more suffer the sanitation activities.
- Mr. Asad Jan Jr. PHC Technician (MP) TSI for information with direction to be present with committee during proceedings.

Mohammad
District Health Officer
Charsadda
26/5

Reply/6

To

The DHO
District Charsadda

Reply/7

(11)

Refer, Committee constituted by you Sir, the locks of Draz and
Accordingly Almich of Sanitary Inspector, were broken.

The following record is available
in Table Daraz & cupboard of Sanitation
Division.

- ① Dr. Farid ul Haq
 - ② Dr. Zaid Habib
 - 3. Firdaus Khan.
- (1) نوٹس فائل 2
 (2) فارم 265/1
 (3) جنرل 2 فائل
 (4) سٹیبل = 1 عدد
 (5) سٹیپ = 3 عدد
 (الماری)

- ⑬ 900 فائل : 1 عدد
- ⑭ لائسنس فوٹو کاپی : 1 عدد
- ⑮ فارم 19
- ⑯ پرائیڈنٹ بوکس مکمل ہے
- ⑰ زیر 278 P.P.C فارم : 6 عدد
- ⑱ سٹریکن سٹریکن : 15 (تقریباً)
- ⑲ بیگ : 1 عدد
- ⑳ الماری : 2 عدد دیکھیں پرائیڈنٹ بکس
- ㉑ ایسٹیل اور ایف ایف
- ① فارم 5 فائل : 1 عدد
- ② چالان فارم 269/273 : 5 عدد
- ③ احمد شین چالان فائل : 1 عدد
- ④ ٹور پورٹل : 1 عدد
- ⑤ فارم 9
- ⑥ پرائیڈنٹ پورٹ فارم : 1 عدد
- ⑦ جنرل فائل : 1 عدد
- ⑧ کنفیگ پورٹ فائل : 1 عدد
- ⑨ D/Not 9 کنفیگ فائل : 1 عدد
- ⑩ درخواست جنرل فائل : 1 عدد
- ⑪ ماسٹ فارم 6/23 : 1 عدد
- ⑫ : 1 عدد

Handed over to Asad Javed
 Charsadda
 28/5/15
 2050

Reply/7

~~26-5-15~~

Note:-

= There is no stock register in the

lock up. /

Dr Farhad
- Munir

Farhad

28/5

Qasim 28/05/2015

Dr Zaid Habib

Firdaus Khan

01/05/15

28-05-15

Reply/8

12

CONFIDENTIAL

OFFICE OF THE
DISTRICT HEALTH OFFICER
CHARSADDA

No. 786 / DHO.

Dated Charsadda the 09 / 03 / 2015

To

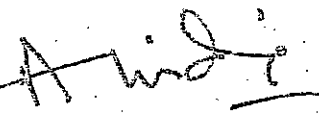
The Director General Health Services,
Khyber Pakhtunkhwa Peshawar.

Subject: - REQUEST FOR TRANSFER OF SANITARY /FOOD
INSPECTOR.

Sir,

I have the honor to state that the sanitary/food inspector of this office is incompetent and inefficient. He may kindly be transferred from district Charsadda and a honest and dutiful person may kindly be posted for speedy response of his duties in the best interest of public.

Your early action in this regard will be highly appreciated.


DISTRICT HEALTH OFFICER
CHARSADDA

3/3

Reply/8

D.No. 12713
23-4-15

- Reply/a

13

OFFICE OF THE
DISTRICT HEALTH OFFICER
CHARSADDA

No. 1535 / DHO.

Dated Charsadda the 22/04 /2015

To

The Director General Health Services,
Khyber Pakhtunkhwa Peshawar.

Subject: - OFFICE ORDER.

Sir.

Reference your Office Order endorsement No. 2008-18/AE-VI, dated: 30-03-2015 and Office Order bearing endorsement No. 2283-96/AE-VI, dated: 06-04-2015.

You are requested kindly restore the 1st Office Order No. 2008-18/AE-VI, dated. 30-03-2015 because Mr. Asad Jan Jr. PHC Technician (MP) TSI is very competent and progressive minded worker. The undersigned desires to retain him in district Charsadda.

Mr. Asad Jan Jr.
DISTRICT HEALTH OFFICER
CHARSADDA

22/4/15

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Qazi Shafi Ullah

_____ Appellant

VERSUS

Govt of KHYBER PAKHTUNKHWA & others

_____ Respondents

APPLICATION FOR RELEASE SALARY OF THE APPELLANT

Respectfully Sheweth,

1. That the captioned appeal is pending before this Hon'ble Tribunal and fixed for today i.e. 01/09/2015.
2. That the respondents No.1 & 2 stopped the salaries of the appellant from April 2015 till date without any justified and legal reason
3. That the appellant have Two School going children and the appellant have no source of income except ^{his} the salary.

It is, therefore, humbly prayed that by accepting this Application, this Hon'ble Tribunal may kindly directed the respondents No.1 & 2 to release the salaries of the appellant for the best interest of justice.

Dated: 01/09/2015

Appellant

Through

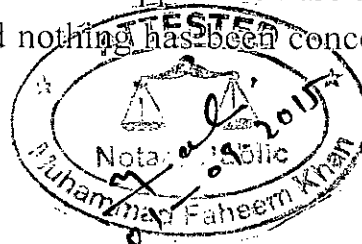
Qbal

SAFDAR IQBAL KHATTAK

Advocate, Peshawar.

Affidavit

I, **QAZI SHAFI ULLAH JUNIOR PHC, TECHNICIAN**, do hereby solemnly affirm and declare that the contents of the application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



Dependent

BEFORE SERVICE TRIBUNAL PESHAWAR.

Appeal No. 728/2015

Qazi Shafi Ullah.....Appellant.

Versus.

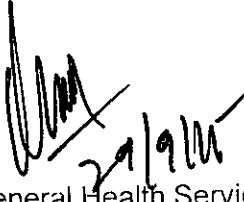
Government of Khyber Pakhtunkhwa & Others.....Respondents.

**REPLY OF APPLICATION FOR RELEASE SALARY^{1/2} OF THE
RESPONDENT NO. 1 & 2.**

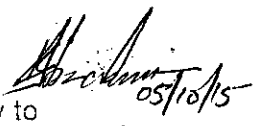
Respectfully Sheweth,

1. No comments.
2. Qazi Shafiullah Jr. PHC Technician (MP) has been transferred and posted under control of DHO Swat vide this Directorate office order No. 9235-45/AE-VI dated 19.08.2015 and no order regarding stoppage of his pay/ salary has been issued by Director General Health Services, Khyber Pakhtunkhwa Peshawar.
3. No comments.

It is therefore, prayed that on acceptance of the reply, the application in hand may please be dismissed with cost through out.


Director General Health Services;
Khyber Pakhtunkhwa, Peshawar.
(Respondent No. 1)


28/9/15


Secretary to
Government of Khyber Pakhtunkhwa
Health Department, Peshawar.
(Respondent No. 2).



**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR**

OFFICE ORDER

In partial modification of this Directorate Office Order, bearing Endst: No.8687-97/AE-VI dated 23.07.2015, Mr. Qazi Shafiullah Jr. PHC Technician (MP/STI) under transfer from District Charsadda to District Kohat is hereby posted/ adjusted at District Swat against the vacant post in the interest of public service (caused vacant due to transfer of Mr. Asad Jan Jr. PHC Technician (MP/TSI) to District Charsadda).

Arrival / Departure report should be furnished to this Directorate for record.

No. 9235-45 /AE-VI,

Sd/XXXXXXXXXXXX
**DIRECTOR GENERAL HEALTH
SERVICES KPK, PESHAWAR**
Dated Peshawar the 19 / 8 / 2015

Copy forwarded to the: -

1. PS to Minister for Health Khyber Pakhtunkhwa Peshawar.
2. DHO Charsadda.
3. DHO Swat.
4. DHO Kohat. He is requested to clarify that why Mr. Atifullah Jr. PHC Technician (MP) was adjusted against the other post when there is no vacant post of Jr. PHC Technician (MP).
5. DHO Lakki Marwat. He is requested to intimate that how Mr. Atifullah Jr. PHC Technician (MP) /TSI was appointed as Jr. PHC Technician (MP)/TSI & also submit his service documents urgently as has already asked so many times vide this Directorate letter No. 532/E-V dated 07.02.2014, letter No. 3594/AE-VI dated 18.04.2014 and letter No. 3961/AE-VI dated 21.05.2014.
6. DAO Charsadda.
7. DAO Swat.
8. DHIS Cell DGHS, Peshawar.
9. Supt: promotion Cell DGHS, Peshawar.
10. Official Concerned.
11. DA Concerned.

For information and necessary action.

**Assistant Director (P-III),
Directorate General Health Services,
Khyber Pakhtunkhwa, Peshawar.**

18/8/2015

BEFORE SERVICE TRIBUNAL PESHAWAR.

Appeal No. 728/2015

Qazi Shafi Ullah.....Appellant.

Versus.

Government of Khyber Pakhtunkhwa & Others.....Respondents.

REPLY OF APPLICATION FOR RELEASE SALARY OF THE
RESPONDENT NO. 1 & 2.

Respectfully Sheweth,

1. No comments.
2. Qazi Shafiullah Jr. PHC Technician (MP) has been transferred and posted under control of DHO Swat vide this Directorate office order No. 9235-45/AE-VI dated 19.08.2015 and no order regarding stoppage of his pay/ salary has been issued by Director General Health Services, Khyber Pakhtunkhwa Peshawar.
3. No comments.

It is, therefore, prayed that on acceptance of the reply the Application in hand may please be dismissed with cost through out.

Director General Health Services,
Khyber Pakhtunkhwa, Peshawar.
(Respondent No. 1)

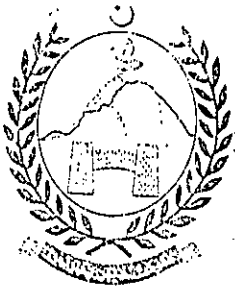
Submitted by
Veddy.

28/9/15

Secretary to
Government of Khyber Pakhtunkhwa
Health Department, Peshawar.
(Respondent No. 2)

Vetted subject to
considerations. Also
please attach
the counter affidavit.

29/9/15



**DIRECTORATE
GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR**

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

E-Mail Address K.P.Kdghs@yahoo.com
Office # 091-9210269
Exchange # 091-9210187, 9210196
Fax # 091-9210230

OFFICE ORDER

As approved by the competent authority, Qazi Shafiullah Jr PHC Tech (MP/TSI) (working against the ex-cadre post) attached to DHO Charsadda is hereby transferred and posted to DHO, Mardan against the vacant post of Jr PHC Tech (MP/TSI) (original cadre post) in the interest of public service with immediate effect.

N.B Arrival / Departure reports should be submitted to this Directorate for record

Sd/*****

**DIRECTOR GENERAL HEALTH
SERVICES KHYBER PAKHTUNKHWA PESHAWAR**

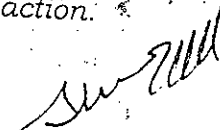
No. 2485-92 / AE-VI,

Dated Peshawar the: 22/02/2016

Copy forwarded to the:

- ✓ 1. DHO, Mardan.
- ✓ 2. DHO, Charsadda w/r to his letter No. 787/DHO Charsadda dated 16.02.2016.
- ✓ 3. DAO, Mardan,
4. DAO, Charsadda.
5. Incharge Govt: Analyst Food Testing Laboratory Peshawar.
6. DHIS, Cell DGHS office KPK Peshawar.
7. Supdt. Promotion Cell DGHS office KPK Peshawar.
8. DA Concerned.

For information and necessary action.


**ASSISTANT DIRECTOR (P-III)
DIRECTORATE GENERAL HEALTH
SERVICES KHYBER PAKHTUNKHWA PESHAWAR**
22/02

111
ANNEXURE

PAGE 50

From The Deputy Commandant
Frontier Reserve Police,
Khyber Pakhtunkhwa, Peshawar

To The Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar

No. 375 /PA, dated Peshawar the 20 10 8 /2013.

Subject APPROVAL FOR APPOINTMENT

Memo:

Several applications for recruitment as Constable received from different Ranges of FRP as per list attached.

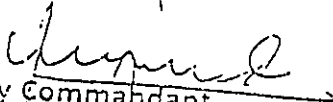
All Candidates fulfill all codal formalities regarding Recruitment policy. They were present for Physical and written test at FRP Hqrs: Peshawar.

Being Candidate of different ranges instead of FRP Hqrs: and Peshawar Range, so far the Selection Committee was unable to enlist them as constable.

On perusal of vacancy position they can easily compensate.

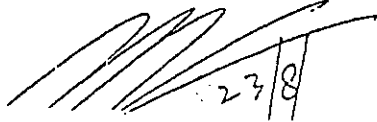
It is therefore, requested that necessary approval for enlistment may be granted.

(15)


Deputy Commandant
Frontier Reserve Police,
Khyber Pakhtunkhwa, Peshawar

Continued transparency, merit must be observed through Committee.

(112)


23/8

him which shows their ^{bonafide} malafide. For the stated reasons the Tribunal does not find any occasion for interference in the impugned order, consequently, the instant appeal is dismissed. Parties are, however, left to bear their own costs. File be consigned to the record room.

ANNOUNCED
06.04.2016

(PIR BAKHSH SHAH)
MEMBER

(ABDUL LATIF)
MEMBER

6

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

Service Appeal No. 1237/2014

Shabana Naz Appellant

Versus

DEO (Female) Kohat, and others Respondents

I N D E X

S.No	Description of Documents	Annexure	Pages
1.	Service appeal along with affidavit		1-4
2.	Application for suspension		5
3.	Affidavit		6
4.	Application for condonation of delay along with affidavit		7-8
5.	Addresses of parties		9
6.	Pay slips		10-12
7.	Copies of list dated 03.04.2013		13-19
8.	Copies of list dated 30.04.2014		20-21
9.	Copy of letter dated 30.12.2013		22
10.	Application dated 29.05.1994		23
11.	Office order dated 27.08.2013		24
12.	Inquiry report dated 12.10.2013		25
13.	Certificate		26
14.	Letter dated 20.01.2014		27
15.	Monthly sheet		28
16.	Letter dated 26.05.		29
17.	Bank pay role slips		30-32
18.	Wakalatnama		33

Appellant
Through

Date: ___ / ___ / 2014

Muhammad Amin Khattak Lachi
Advocate,
Supreme Court of Pakistan.

&

Ibrahim Shah
Advocate, High Court,
Peshawar

administrative ground in which order private respondent No.3 was transferred from District Swat to District Charsadda. On perusal of the memo of appeal it does not seem that the appellant has preferred any departmental appeal.

2. Arguments heard and record perused.

3. Learned counsel for the appellant argued that despite the fact that the appellant is a senior fellow, he was transferred from his home District to District Lakki Marwat.

He also alleged that the transfer is the result of Political interference. He also argued that after the impugned order a number of transfer orders with a short in-between

interval of about a month to Kohat, Bannu, Swat and Mardan and finally to Takht Bai where he took charge and is presently served there. He also submitted that the frequent posting transfer of the appellant has made the appellant a rolling stone which is also against the tenure policy.

4. This appeal was resisted by learned counsel for private respondent No.3 as well as Learned Government Pleader by denying that the impugned order was the result of

any political interference. He further argued that appellant had completed his tenure in Charsadda and respondent No.3 being also from Charsadda. He remained at Swat

almost for seven years hence the impugned order was made on merits. They further

stated that post of the appellant was not available either in D.I Khan, Bannu, Kohat and

Swat there the frequent transfer of the appellant which shows that the competent

authority took pains to accommodate the appellant. It was also argued that finally

appellant was adjusted in the nearby Mardan at Takht Bai where he has taken charge

and the instant appeal has become infructuous.

5. After going through the record and hearing pro & contra arguments, it was not shown that in pursuance of the legal provision the appellant has made departmental

appeal on which score this appeal is not competent. It was not established that the

impugned order was a result of any political interference. It seems that every effort was

made by the respondent-department to adjust the appellant at the place convenient to

^a
with short -

such as taken 'is working & made
orders

~~Swat~~

They

the home town is also

Respondent

in

even

five

were made by

D.I.K.

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR**

Service Appeal No. _____/2014

Shabana Naz Head Teacher GGPS,
Lachi Payan District Kohat Appellant

Versus

1. District Education Officer Female Kohat.
2. Sub Divisional, Education Officer, Kohat.
3. Director, Elementary & Secondary Education, KPK, Peshawar.
4. Secretary Elementary & Secondary Education, KPK, Peshawar
5. Rehana Yasmeen GGPs, Lachi Payan District Kohat. . Respondents

= = = = =

**SERVICE APPEAL UNDER SECTION 4 OF THE CIVIL
SERVANT ACT 1974 AGAINST THE JUDGMENT/ORDER
DATED 30.12.2013, WHEREBY APPELLANT WAS
TRANSFERRED FROM GGPS LACHI PAYAN TO GPS
SHEIKH BULAND BANDA AND REHANA YASMEEN WAS
TRANSFERRED TO GPS LACHI PAYAN, DEPARTMENTAL
APPEAL WAS ALSO DISMISSED ON 20.01.2014**

PRAYER:

On acceptance of this appeal the impugned judgment & order dated 30.12.2013 and departmental appeal rejection is illegal against the law and liable to be set aside and appellant may be reverted back to Lachi Payan.

= = = = =

D.F.A

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

SERVICE APPEAL NO. 728/2015

Date of institution ... 24.06.2015

Date of judgment ... 06.04.2016

QAZI SHAFI ULLAH

S/o Qazi Abdul Wahid,

Junior PHC Tech (MP) TSI.

R/o House No. 058 Qazi Street No. 18, P.O Ashrafia Peshawar.

... (Appellant)

VERSUS

1. Director General Health Services Khyber Pakhtunkhwa, Peshawar.

2. Secretary Health Government of Khyber Pakhtunkhwa,
Civil Secretariat, KPK, Peshawar.

3. Mr. Asad Jan Junior PHC Tech (MP) TSI Charsadda.

... (Respondents)

APPEAL UNDER SECTION-4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 30.03.2015 WHEREBY THE APPELLANT WAS TRANSFERRED FROM DISTRICT CHARSADDA TO DISTRICT LAKKI MARWAT.

Mr. Safdar Iqbal Khattak, Advocate.

.. For appellant.

Mr. Muhammad Jan, Government Pleader.

.. For official respondents.

Mr. Khalid Rehman, Advocate

.. For Private respondent.

MR. PIR BAKHSH SHAH

.. MEMBER (JUDICIAL)

MR. ABDUL LATIF

.. MEMBER (EXECUTIVE)

JUDGMENT

PIR BAKHASH SHAH, MEMBER: Designation of the appellant is that of

Junior PHC Tech (MP/TSI) in the Health Department. Vide impugned order dated

3.03.2015 he was transferred from District Charsadda to District Lakki Marwat on

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 613 /ST

Dated 15 / 4 / 2016

To

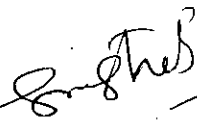
The Director General Health services,
Peshawar.

Subject: -

JUDGMENT

I am directed to forward herewith a certified copy of Judgement dated 6.4.2016 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

to 
REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

BEFORE THE KHYBER PAKHTUNKHWA, SERVICES TRIBUNAL PESHAWAR

Qazi Shafi Ullah

Versus

Govt of KPK

APPLICATION FOR SUBMISSION OF SOME ADDITIONAL DOCUMENTS

Respectfully Sheweth,

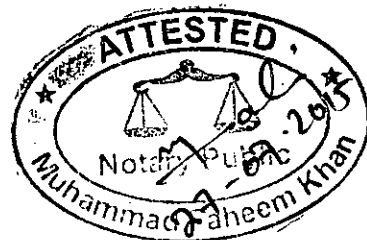
1. That the captioned appeal is pending before the Honourable tribunal and is fixed for today i.e. 27/07/2015.
2. That after the transfer of the appellant to Lakki Marwat the District Health officer of Lakki Marwat issued office order dated 05/06/2015. (Copy attached).
3. That on 23/07/2015, the appellant was again transferred to Kohat vide order dated 23/07/2015. (Copy attached).

It is, therefore, humbly prayed that the aforementioned documents may kindly be considered as part and parcel of the titled appeal.

Appellant
Through Qb.J
SAFDAR IQBAL KHATTAK
Advocate, Peshawar

AFFIDAVIT:

Declared on oath that the contents of the instant application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.



Deponent

NO 2507 /S-II Dated Lakki the 05/6 /2015.

From:-

The District Health officer
Lakki Marwat.

TO:

The Director General Health Services
Khyber Pukhtun Khwa Peshawar.

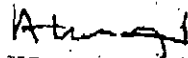
SUBJECT:

OFFICE ORDER.

Sir,

Reference your letter NO:4943-58/AE-VI
Dated 5.5.2015.

I have the honour to inform you that there
is No vacant post of Tehsil Sanitary Inspector
at District Lakki Marwat for your further
necessary action please.


DISTRICT HEALTH OFFICER
LAKKI MARWAT.



DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR

OFFICE ORDER:

As approved by the competent authority, Mr. Qazi Shafiullah Jr. PHC Technician (MP) under transfer from District Charsadda to District Lakki Marwat, contained in this Directorate office order bearing endst: No. 2008-18/AE-VI dated 30.03.2015 is hereby posted/adjusted at District Kohat against the vacant on caused vacant due to transfer of Mr. Atifullah Jr. PHC Technician (MP) to District Malakand in the interest of public service.

N.B Arrival / Departure reports should be submitted to this Directorate for record.

No. 8687-97/AE-VI

Sd/xxxxxxxxx
DIRECTOR GENERAL HEALTH
SERVICES KPK, PESHAWAR
Dated Peshawar the 23/7/2015.

Copy forwarded to the: -

- 1) PS to Minister for Health Khyber Pakhtunkhwa Peshawar.
- 2) DHO Charsadda.
- 3) DHO Lakki Marwat w/r to his letter No. 2507/5-11 dated 05.06.2015.
- 4) DHO Kohat.
- 5) DAO Charsadda.
- 6) DAO Lakki Marwat.
- 7) DAO Kohat.
- 8) DHIS Cell DGHS, KPK Peshawar.
- 9) Supdt: promotion Cell, DGHS, Office, Peshawar.
- 10) Official concerned.
- 11) DA concerned.

For information and necessary action.

Assistant Director (P-III)
Directorate General Health Services,
Khyber Pakhtunkhwa, Peshawar.

23/7/2015

BEFORE THE KHYBER PAKHTUNKHWA, SERVICES TRIBUNAL PESHAWAR

Qazi Shafi Ullah

Versus

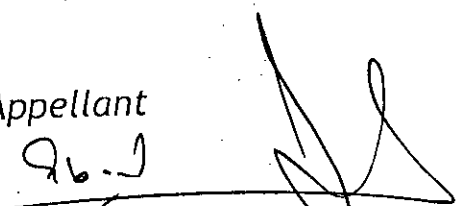
Govt of KPK

APPLICATION FOR SUBMISSION OF SOME ADDITIONAL DOCUMENTS

Respectfully Sheweth,

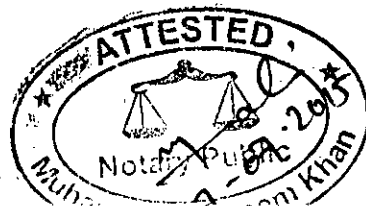
1. That the captioned appeal is pending before the Honourable tribunal and is fixed for today i.e. 27/07/2015.
2. That after the transfer of the appellant to Lakki Marwat the District Health officer of Lakki Marwat issued office order dated 06/06/2015. (Copy attached).
3. That on 23/07/2015, the appellant was again transferred to Kohat vide order dated 23/07/2015. (Copy attached).

It is, therefore, humbly prayed that the aforementioned documents may kindly be considered as part and parcel of the titled appeal.

Appellant
Through 
SAFDAR IQBAL KHATTAK
Advocate, Peshawar

AFFIDAVIT:

Declared on oath that the contents of the instant application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.



Deponent

NO 2507 /S-II Dated Lakki the 05/06 /2015.
From: -



TO: The District Health officer
Lakki Marwat.

The Director General Health Services
Khyber Pukhtun Khwa Peshawar.

SUBJECT: OFFICE ORDER.
Sir,

Reference your letter NO:4943-58/AE-VI
Dated 5.5.2015.

I have the honour to inform you that there
is No vacant post of Tehsil Sanitary Inspector
at District Lakki Marwat for your further
necessary action please.


DISTRICT HEALTH OFFICER
LAKKI MARWAT.




DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR

OFFICE ORDER:

As approved by the competent authority, Mr. Qazi Shafiullah Jr. PHC Technician (MP) under transfer from District Charsadda to District Lakki Marwat contained in this Directorate office order bearing endst: No. 2008-18/AE-VI dated 30.03.2015 is hereby posted/adjusted at District Kohat against the vacant on caused vacant due to transfer of Mr. Atifullah Jr. PHC Technician (MP) to District Malakand in the interest of public service:

N.B Arrival / Departure reports should be submitted to this Directorate for record.

No. 8687-97/AE-VI

Sd/xxxxxxxxx
DIRECTOR GENERAL HEALTH
SERVICES KPK, PESHAWAR
Dated Peshawar the 23/7/2015.

Copy forwarded to the: -

- 1) PS to Minister for Health Khyber Pakhtunkhwa Peshawar.
- 2) DHO Charsadda.
- 3) DHO Lakki Marwat w/r to his letter No. 2507/5-11 dated 05.06.2015.
- 4) DHO Kohat.
- 5) DAO Charsadda.
- 6) DAO Lakki Marwat.
- 7) DAO Kohat.
- 8) DHIS Cell DGHS, KPK Peshawar.
- 9) Supdt: promotion Cell, DGHS, Office, Peshawar.
- 10) Official concerned.
- 11) DA concerned.

For information and necessary action.

Assistant Director (P-III)
Directorate General Health Services,
Khyber Pakhtunkhwa, Peshawar.

23/7/2015



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Qazi Shafi Ullah

VERSUS

Govt of KPK & others

Service Tribunal
Diary No. 1079
dated 1/10/15

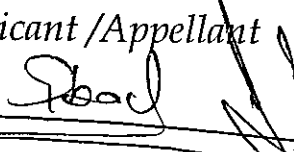
APPLICATION FOR EARLY DATE OF HEARING

Respectfully Sheweth:

- 1- That the captioned appeal is pending adjudication before this Hon'ble Tribunal and was fixed for reply on 30/09/2015.
- 2- That on the date fixed the respondents failed to submit the reply, and the case was adjourned to 01/12/2015.
- 3- That on the instant appeal, the appellant filed a stay application along with misc application for releasing of his salary, which is stopped by the respondents without any justified and legal reasons.

That in the above facts and circumstances, it is, humbly prayed that by accepting this application this Hon'ble Tribunal may kindly be fixed the date as early as possible and decided the appeal along with the application, on merits for the best interest of justice.

Dated 01/10/2015

Applicant /Appellant
Through 
Safdar Iqbal Khattak
Advocate Peshawar

filed
06-11-15

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Qazi Shafi Ullah

VERSUS

Govt of KPK & others

APPLICATION FOR EARLY DATE OF HEARING


Respectfully Sheweth:

- 1- That the captioned appeal is pending adjudication before this Hon'ble Tribunal and was fixed for reply on 30/09/2015.
- 2- That on the date fixed the respondents failed to submit the reply, and the case was adjourned to 01/12/2015.
- 3- That on the instant appeal, the appellant filed a stay application along with misc application for releasing of his salary, which is stopped by the respondents without any justified and legal reasons.

That in the above facts and circumstances, it is, humbly prayed that by accepting this application this Hon'ble Tribunal may kindly be fixed the date as early as possible and decided the appeal along with the application, on merits for the best interest of justice.

Dated 01/10/2015

Applicant /Appellant
Through


Safdar Iqbal Khattak
Advocate Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Qazi Shafi Ullah

VERSUS

Govt of KPK & others


APPLICATION FOR EARLY DATE OF HEARING

Respectfully Sheweth:

- 1- That the captioned appeal is pending adjudication before this Hon'ble Tribunal and was fixed for reply on 30/09/2015.
- 2- That on the date fixed the respondents failed to submit the reply, and the case was adjourned to 01/12/2015.
- 3- That on the instant appeal, the appellant filed a stay application along with misc application for releasing of his salary, which is stopped by the respondents without any justified and legal reasons.

That in the above facts and circumstances, it is, humbly prayed that by accepting this application this Hon'ble Tribunal may kindly be fixed the date as early as possible and decided the appeal along with the application, on merits for the best interest of justice.

Dated 01/10/2015

Applicant /Appellant
Through 
Safdar Iqbal Khattak
Advocate Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Qazi Shafi Ullah

VERSUS

Govt of KPK & others

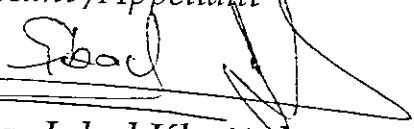
APPLICATION FOR EARLY DATE OF HEARING

Respectfully Sheweth:

- 1- That the captioned appeal is pending adjudication before this Hon'ble Tribunal and was fixed for reply on 30/09/2015.
- 2- That on the date fixed the respondents failed to submit the reply, and the case was adjourned to 01/12/2015.
- 3- That on the instant appeal, the appellant filed a stay application along with misc application for releasing of his salary, which is stopped by the respondents without any justified and legal reasons.

That in the above facts and circumstances, it is, humbly prayed that by accepting this application this Hon'ble Tribunal may kindly be fixed the date as early as possible and decided the appeal along with the application, on merits for the best interest of justice.

Dated 01/10/2015

Applicant /Appellant
Through 
Safdar Iqbal Khattak
Advocate Peshawar