

05.06.2018

Neither the appellant nor his counsel present. M/S Amjid Ali, Assistant and Jaffar Ali, Senior Clerk alongwith Usman Ghani, District Attorney for the respondents present.

Since 8.00 A.M the case was called time and again but none appeared on behalf of the appellant.

It will be relevant to mention here that on previous date too, neither the appellant nor his counsel was present and the case was adjourned for today with the hope that someone may put attendance on behalf of the appellant but the situation remained the same. This conduct of the appellant clearly manifests his no interest in pursuing his case. Now it is about 2:00 P.M, and the court time is about to over. As such, this Tribunal is left with no option but to dismiss the appeal in hand in default. Parties are left to bear their own costs. File be consigned to the record room.

Muhammad Amin
Member


Q. H. Khan *EW* *5.6.2018*
Chairman
Camp Court, Swat

ANNOUNCED
05.06.2018

29.01.2018

None present on behalf of the appellant. Mr. Muhammad Jan, DDA for the respondents present. To come up for arguments on 02.02.2018 before S.B at Camp Court, Swat.



Member


Chairman
Camp Court, Swat

02.04.2018

Appellant in person and Mr. Usman Ghani, District Attorney for the respondents present. Due to strike of bar, counsel for the appellant is not in attendance. Adjourned. To come up for arguments on 04.06.2018 before D.B at camp court, Swat.


Member


Chairman
Camp court, Swat

04.06.2018


Neither the appellant nor his counsel present. M/S Mujeebur Rahman, S.O, Amjad Ali, Asstt. And Jafar Ali, Assistant for the respondents present. Adjourned. To come up for further proceedings/arguments before the D.B tomorrow i.e. on 05.06.2018 at camp court, Swat.


Member


Chairman
Camp Court, Swat

05.12.2016


Appellant with counsel and Mr. Muhammad Zubair, Sr.GP for the respondents present. Due to incomplete bench arguments could not be heard. To come up for final hearing on 06.03.2017 before D.B at camp court, Swat.


Chairman
Camp court, Swat.

06.03.2017

Appellant in person M/S Amjad Ali, Asstt. Anwar Ali, Legal Officer and Yar Gul, Assistant for the alongwith Mr. Muhammad Zubair, Senior Government Pleader for the respondents present. Due to strike of the bar counsel for the appellant is not in attendance. To come up for final hearing on 05.07.2017 before the D.B at camp court, Swat.



Member


Chairman
Camp court, Swat

10 05.07.2017

Clerk of the counsel for appellant and Mr. Muhammad Zubair, District Attorney for the respondents present. Clerk of the counsel for appellant requested for adjournment. Adjourned. To come up for final hearing on 08.11.2017 before D.B at Camp Court, Swat.

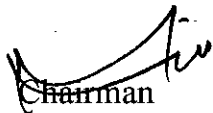

Member


Chairman
Camp Court, Swat

08.11.2017

Clerk of counsel for the appellant and Mr. Kabeerullah Khattak, Addl. AG alongwith Jafar Ali, Senior Clerk for the respondents present. Counsel for the appellant has not turned up from Peshawar. Seeks adjournment. To come up for arguments on 29.01.2018 before S.B at camp court, Swat


Member


Chairman
Camp court, Swat

1258/15

09.03.2016


Appellant in person and Mr. Yar Gul, Senior Clerk alongwith Mr. Farooq Ahmad, AGP for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 11.7.2016 at Camp Court Swat.


Chairman
Camp Court Swat

11.07.2016


Appellant in person and Mr. Muhammad Zubair, Sr. G.P for the respondents present. Counsel for the appellant is not in attendance due to strike of the bar. Adjourned for final hearing on 7.09.2016 before D.B at camp court, Swat.



Member


Chairman
Camp court, Swat.

07.09.2016

Appellant in person and Mr. Muhammad Zubair, Sr.GP for the respondents present. Rejoinder submitted. Appellant seeks adjournment as his counsel is not turned up from Peshawar. Adjourned for final hearing before the D.B on 05.12.2016 at camp court, Swat.


Member


Chairman
Camp Court, Swat

1258/15

23.11.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Medical Officer at Civil Hospital Khwaza Khela Swat when vide impugned order dated 30.6.2015 prematurely transferred to Civil Hospital Pura Shangla where against he preferred departmental appeal on 10.7.2015 which was not responded and hence the instant service appeal on 10.11.2015.

That the appellant was appointed at Civil Hospital Khwaza Kheal Swat on 13.9.2013 and as such the impugned transfer order is premature and, moreover, wife of the appellant is also serving in the same hospital as LHV and as such the same is against the spouse policy and, furthermore, the same is the result of political interference.

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 12.1.2016 at Camp Court Swat as the matter pertains to the territorial limits of Malakand Division.

Appellant Deposited
Security or Process Fee

Chairman

12.01.2016

Appellant in person and Shah Hussain, Assistant alongwith Mr. Muhammad Zubair, Sr,GP for respondents present. Requested for adjournment. To come up for written reply/comments before S.B on 09.03.2016 at Camp Court Swat.



Chairman
Camp Court Swat

Form - A

FORM OF ORDER SHEET

Court of _____

Case No. 1258/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	10.11.2015	<p>The appeal of Dr. Haseeb-ur-Rehman presented today by Mr. Muhammad Zafar Tahirkheli 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		<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>23-11-15</u>.</p> <p style="text-align: right;">  CHAIRMAN </p>

BEFORE THE SERVICE TRIBUNAL, KHYBER PUKHTOONKHWA
PESHAWAR

Service Appeal No. 1258 / 2015

Haseeb Ur Rahman

VERSUS

Govt of Khyber Pakhtunkhwa etc.

=====

I N D E X

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S.No	Particulars	Annexure	Dates	Pages
1	Memo of Appeal		-	1-2
2	Application for interim relief			3
3	Impugned Transfer Order	"A"	30-06-2015	4
4	Departmental representation	"B"	10-07-2015	5
5	Initial Appointment Order	"C"	10-03-2008	6
6	Posting Order	"C1"	13-09-2013	7
7	Order	"D"	23-04-2008	8
8	Vakalatnama			9

Date:- 07-11-2015


(Muhammad Zafar Tahirkheli)

Advocate
High Court Peshawar


(Ansar Ullah Khan)

Advocate
High Court Peshawar

1

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA
PESHAWAR

Service Appeal No. 158 /2015

Haseeb Ur Rahman,
Medical Officer,
Tehsil Headquarter Hospital, Puran District Shangla,

..... Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa, through Secretary Health, Peshawar.
2. Director General, Health Services, Khyber Pakhtunkhwa

N.W.F. Province
Service Tribunal
Case No. 1333
Date 10-11-2015

..... Respondents

=====

SERVICE APPEAL U/S 4 OF NWFP SERVICE TRIBUNAL ACT, 1974, AGAINST THE IMPUGNED TRANSFER ORDER DATED 30-06-2015 (ANNEX "A"), WHEREBY THE APPELLANT WAS PREMATURELY TRANSFERRED FROM CIVIL HOSPITAL KHWAZAKHELA, SWAT TO TEHSIL HEADQUARTER HOSPITAL PURAN, DISTRICT SHANGLA, AND HIS DEPARTMENTAL APPEAL DATED 10-07-2015 (ANNEX "B"), WAS NOT DECIDED TILL THE EXPIRY OF STATUTORY PERIOD OF LIMITATION.

=====

"Prayer"

- (a) By accepting this appeal and setting aside the impugned transfer order dated 30-06-2015 (Annex "A"), whereby the appellant was prematurely transferred to Shangla from Khwazakhela Swat, and
- (b) Directing the respondent department to cancel the impugned premature transfer order of the appellant and he may be retained as Medical Officer Civil hospital Khwazakhela Swat.

10/11/15

=====

Respectfully Sheweth,

1. The appellant since his appointment on 10-03-2008, through Public Service Commission, Khyber Pakhtunkhwa and has been serving the department honestly and diligently at different places of posting. That he was posted to Civil Hospital Khwazakhela Swat from Teaching Hospital Saidu Swat on 13-09-2013. (Copies annexed hereto **marked "C" & "C1"**).
2. That vide impugned order dated 30-06-2015, after serving only for 20 months at Civil Hospital Khwazakhela, Swat, the appellant was again, prematurely transferred to Tehsil Headquarter Hospital, Shangla.
3. That the appellant preferred his representation / departmental appeal dated 10-07-2015 against the impugned premature transfer order, which was not decided till the laps of statutory period of limitation of 90 days. (Annex "B")

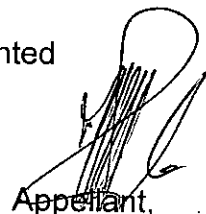
Feeling aggrieved and finding no other remedy, the appellant has been constrained to approach the Hon'ble Services Tribunal for the redress of his grievance, inter-alia on the following:

Grounds

- (a) The respondent department has acted in a most arbitrary manner while transferring the appellant prematurely, without allowing him to complete his tenure at Khwazakhela Swat, without showing any valid cause or cogent reason.
- (b) That the appellant has a clean service record, he was neither served with any adverse remarks nor complaint of any sort was ever filed against him. The respondent department has subjected the appellant to arbitrary treatment for the reasons best known to them.
- (c) That at the time of appellant's transfer, various other junior Medical Officers were posted at the same hospital, who had completed their tenure, but were not disturbed. That instead of transferring the juniors, the respondent department prematurely transferred the appellant, without any sufficient cause or reason, which amounts to victimization and abuse / misuse of power.
- (d) That the appellant was transferred after 20 months of service at Khwazakhela Swat, before completion of his 3 years tenure at the Civil Hospital Saidu Swat, which amounts to blatant violation of the Provincial Government's Transfer Policy, subject to correction by this Hon'ble Tribunal.
- (e) That in addition to above, the appellant's wife Noor Ayesha is also posted at Swat as LHV. The Provincial Government's Transfer Policy regarding the working spouse has also been violated by transferring the appellant to another district. The present transfer order is thus in violation of the Provincial Government policy and is liable to be rescinded as such. (Copies annexed hereto **marked "D"**).
- (f) That the appellant was prematurely transferred due to the political pressure asserted by the local MPA, Dr. Haider Ali Khan, for the reasons best known to him.
- (g) The impugned transfer order is thus arbitrary, discriminatory, against the principles of equity, law, justice and propriety, subject to correction by the worthy authority.
- (h) Appellant seeks permission to take several other grounds at the time of arguments.

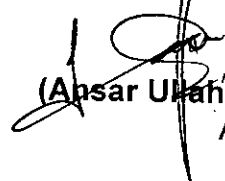
In view of the above, it is most humbly requested that by accepting this appeal the impugned transfer order dated 30-06-2015 may kindly be set aside and the respondent department may be directed to retain the appellant at Civil Hospital Khwazakhela Swat.

Any other relief deemed appropriate may also be granted


Appellant,

Through,


(MUHAMMAD ZAFAR TAHIRKHELI)
Advocate


(Ansar Ullah Khan)
Advocate

Peshawar, dated
07-11-2015

Affidavit

I, the appellant, do hereby stat on Oath that the contents of the above appeal are true and correct and nothing has been concealed or withheld from this Hon'ble Tribunal.


DEPONENT



BEFORE THE SERVICE TRIBUNAL, KHYBER PUKHTOONKHWA
PESHAWAR

Service Appeal No. _____/2015

Haseeb Ur Rahman,
Medical Officer,
Tehsil Headquarter Hospital, Puran District Shangla, Appellant

VERSUS

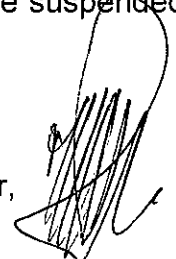
1. Government of Khyber Pakhtunkhwa, through Secretary Health, Peshawar.
 2. Director General, Health Services, Khyber Pakhtunkhwa
- Respondents

=====
PETITION FOR INTERIM RELIEF

Respectfully Sheweth

1. That the above titled petition is being filed before this Hon'ble tribunal, in which date of hearing is yet to be fixed.
2. That the contents of the accompanying appeal may kindly be read as part and parcel of the present petition.
3. The petitioner has got a good prima facie case on merits and is sanguine about his success.
4. The Respondent department has issued the impugned transferred order in complete disregard to the Transfer Policy.
5. It is the petitioner who will suffer irreparable harm if in case, his request is refused. The Respondent department may kindly be restrained from transferring the petitioner in violation of the transfer policy of the respondent department.

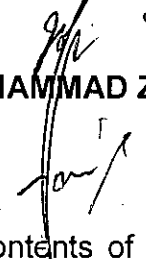
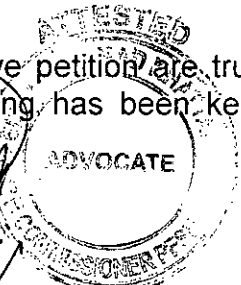
It is therefore, most humbly prayed that by accepting the present petition, the impugned transfer order dated 30-06-2015 may kindly be suspended till the decision of the present appeal.

Through,  Petitioner,
(MUHAMMAD ZAFAR TAHIRKHELI)
Advocate

Peshawar, dated
07-11-2015

Affidavit

I, the Petitioner, stated on Oath that contents of the above petition are true and correct to the best of my knowledge and belief, and nothing has been kept concealed from this Hon'ble Tribunal.


DEPONENT


4

ANNEXURE

A



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated Peshawar the 30th June 2015

NOTIFICATION

No. SO(EH-II/4-1/2015) The Competent Authority is pleased to order the following transfers/ postings with immediate effect in the best public interest:

S.#	Name of Doctor	From	To	Remarks
1.	Dr. Khair ul Nabi, MO (BPS-17)	CH Khwaza Khela Swat	DHQ Hospital Alpuri Shangla.	Against the vacant post
2.	Dr. Haseeb ur Rehman, MO (BPS-17)	CH Khwaza Khela Swat	CH Puran Shangla	Against the vacant post
3.	Dr. Mohammad Ali Jan MO (BPS-17)	CH Khwaza Khela Swat	At the disposal of DHO Shangla	Against the vacant post

**SECRETARY HEALTH
HEALTH DEPARTMENT**

Endst: No. even and date even.

Copy to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director General, Health Services, Khyber Pakhtunkhwa, Peshawar.
3. DHO Swat.
4. DHO Shangla.
5. District Account Officer Swat.
6. District Account Office Shangla.
7. Deputy Director (IT) Health Department.
8. PS to Secretary Health, Khyber Pakhtunkhwa.
9. PA to Special Secretary Health.
10. Doctor concerned.

(Signature)
(Daulat Khan)
Section Officer (E-II)

TRUE COPY

To.

The Honorable.
Chief Secretary
Government of Khyber Pakhtunkhwa
Peshawar.

5

RECEIVED

B

Through PROPER CHANNEL

Subject: CANCELLATION OF MALAFIDE/UNLAWFUL TRANSFER ORDER NO. SO(E)H-11/4-1/2015 DATED 30th JUNE 2015.

Respected Sir,

With great reverence and humble submission I beg to lay down the following few lines for your kind and sympathetic consideration:

Sir I am serving as Medical Officer (BPS-17) in Civil Hospital Khwazakhela Swat with great zeal and devotion. I have left no stone unturned in the discharging of my official duties and never committed any inefficiency which may create any problems/grievances for the public as well as my superiors.

Keeping in view such a good and appreciable reputation, I was expecting that my officers will protect my official status and provide me the opportunity to perform safe and sound service. But contrary to these facts and prevailing rules on the subject, I have been transferred from my existing position to Civil Hospital Puran Shangla against the vacant post without any sin, solid and cogent circumstances.

Sir, it is worth mentioning here that under the Provincial Government policy for posting transfer under S.No(i), all the posting transfer shall be strictly in public interest and shall not be abused or misused to victimize the government servants. Similarly under sub rules IV of the stated policy, normal tenure of posting transfer shall be three years.

Besides the competent authority whenever desire to fill up any vacant post by transfer the junior most official or officer are to be nominated, or if the post warrants, the posting of senior one then senior most is to be considered for transfer. Contrary to the facts the competent authority has ignored the prevailing rules, and neither junior Medical Officer nor senior have been touched in the process of transfer order. For your kind perusal the panel of junior as well as senior Medical Officers is tabulated below:-

8247
10/7/15

Name of Junior Medical Officers	Name of Senior Medical Officers
Dr. Azizur-Rahman	Dr. Issa Khan
Dr. Mushtaq	Dr. Saleem
Dr. Waqar	Dr. Mustafa
Dr. Nadia Khan	Dr. Fuzia

Sir, from the above narrated exposition it is crystal clear that my order has not been considered on merit and also not in the interest of state/ public. I have not yet completed my normal tenure of service on the present place. Similarly there are no public complaints or grievances against me, nor have my superiors ever observed my gross irregularities on my part. Thus my transfer has been issued totally on political grounds just to vacate position for posting of another favorite Medical Officer, which is against the spirit of law and the General Justice and prevailing rules on the subject.

Keeping in view the above facts and figures, it is requested that my transfer order may kindly be cancelled on compassionate grounds, and in case there is a vacant position in the District of Shangla, which warrants immediate filling, then junior or senior Medical Officer may be posted therein and I may very kindly be allowed to complete my normal tenure in the present place of duties, without any political interference and obliged, please.

Dr. Hasib-ur-Rahman
Medical Officer CH
Khwazakhela

RECEIVED

Advance copy forwarded to:
Chief Secretary govt: of Khyber Pakhtunkhwa

6

ADDITIONAL C

DIRECTORATE GENERAL HEALTH SERVICES NWFP, PESHAWAR

NO _____ /E-I
DATED 04 /04/2008

NOTIFICATION

On his 1st appointment as Medical Officer (BPS-17) on regular basis through NWFP, Public Service Commission Dr. Haseeb Ur Rehman S/O Mian Naqashband Mian has assumed charge of his duties as Medical Officer at BHU Bahrain District Swat on 10.03.2008.(F.N)

FOR **DIRECTOR GENERAL HEALTH SERVICES NWFP, PESHAWAR**

The Manager,
Govt. Printing Press NWFP Peshawar,
For Publication in Govt. Gazette.

No 9970-74 /E-III.

Copy forwarded to the: -

- 01.) Secretary to Govt. of NWFP, Health Department Peshawar.
 - 02.) EDO (Health) Swat.
 - 03.) DAO, Swat (H&A attached)
 - 04.) A.E-IV (Estt. Section) DGHS Office, NWFP, Peshawar.
 - 05.) Doctor concerned.
- For information and necessary action

FOR **DIRECTOR GENERAL HEALTH SERVICES NWFP, PESHAWAR**

[Handwritten signature]
3/4/8

APR 04 2008

Shah J. Amin

7

~~CONFIDENTIAL~~

C,



**GOVERNMENT
OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT**

Dated Peshawar the 13th September, 2013.

NOTIFICATION:

No. SO(E)H-II/4-1/2011, Dr.Haseeb -ur- Rehman, Medical Officer (BS-17) Saidu Group of Teaching Hospital. Swat is hereby posted at the the Civil Hospital Khawazakhela, Swat with immediate effect in the public intrest.

SECRETARY HEALTH
KHYBER PAKHTUNKHWA

Endst. No. & date even

Copy to the :-

- 3. DHO Swat.

Sd/- xxx xx
(Misbah Riaz)
SECTION OFFICER (II)

OFFICE OF THE DISTRICT HEALTH OFFICER SWAT.

NO. ~~8283~~ 96 /PF

Dated 23 /9/2013.

Copy forwarded to the :-

- 1. Medical Officer I/C, CH Khawaza Khella, Swat..
- 2. Dr.Haseeb -ur- Rehman .
- 3. Account Section of this office.
- 4. E.I, Section of this office .

For information and necessary action.

DISTRICT HEALTH OFFICER
SWAT AT GULKADA.

No: /

Copy forwarded to Director General Series Khyber Pakhtunkhwar Peshawar for information.

~~CONFIDENTIAL~~

4

DISTRICT HEALTH OFFICER
SWAT AT GULKADA

NO 2916 / PF-

Dated the 28/4/2008

From:-

The Executive District Officer.
Health District Swat.

TO,

The District Coordination Officer
District Swat at Gulkada

Subject:-

TRANSFER PROPOSAL.

Memo: As recommended by the District Nazim Swat the following transfer proposal is sent herewith for necessary approval.

You are requested to accord necessary approval in the same case please.

S.NO.	Name and Desg:	From	To
01.	Neer Aisha LHV	BHU:Baidara	CH:Khwazakhela
02.	Taskeen Anwar LHV	CH:Khwazakhela	BHU:Baidara swat.

[Signature]
(EXECUTIVE DISTRICT OFFICER)
HEALTH DISTRICT SWAT. (R)

Rahman Ali/**

VAKALATNAMA

In the Court of **Khyber Pakhtunkhwa Service Tribunal, PESHAWAR**

No. _____ of 2015

Haseeb Ur Rahman

Petitioner
Plaintiff
Applicant
Appellant
Complainant
Decree-Holder

VERSUS

Govt. of KP etc.

Respondent
Defendant
Opponent
Accused
Judgment-Debtor

I / We **Haseeb Ur Rahman,** the above noted **appellant** do hereby appointed and constitute, **Muhammad Zafar Tahirkheli & Ansar Ullah Khan, Advocates High Court,** to appear, plead, act, compromise, withdraw or refer to arbitration for me / us as my / our counsels / advocates in the above noted matter, without any liability for his default and with the authority to engage any other Advocate / Counsel at my / our cost.

The Client / Litigant will ensure his presence before the Court on each and every date of hearing and the counsel would not be responsible if the case is proceeded ex-parte or is dismissed in default of appearance. All cost awarded in favour shall be the right of Counsel or his nominee, and if awarded against shall be payable by me/us.

I / We authorize the said Advocates to withdraw and receive on my / our behalf all sums and amounts payable or deposited on my / our account in the above noted matter.

Dated

10-11-15

Office

ATIQ LAW ASSOCIATES,
87, Al-Falah Street, Besides State Life Building,
Peshawar Cantt, Phone: 091-5279529
E-mail : zafark.advocate@gmail.com

Client

M. Zafar Tahir

Attested & Accepted (Advocates)

Ansar Ullah Khan

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1258/2015

Mr. Haseeb-ur-Rehman

Appellant

Versus

Govt: of Khyber Pakhtunkhwa Health Department & Others

Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO.1 & 2.

Respectfully sheweth:-

PRILIMINARY 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
4. That the appellant is bad due to non-joinder and mis-joinder of un-necessary parties.
5. That the appeal is time barred.

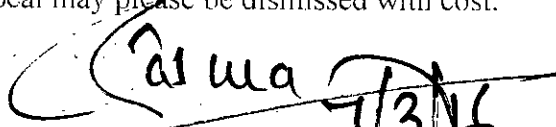
ON FACTS:-

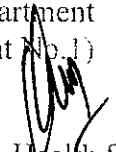
1. Pertains to record.
2. Incorrect. The impugned Notification is in public interest and in accordance with section-10 of Civil Servant Act.
3. Correct to the extent of law. Govt: is moving as per parameters set by the law.

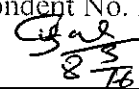
GROUND:-

- a. Incorrect. Respondent acted as per parameters set by the law and rules.
- b. Incorrect under section 10 of Civil Servant Act he is to serve anywhere his service required.
- c. As already stated in para 2 above.
- d. Incorrect. Normal tenure is 2 years while in un-attracted area it is 1 and half year which has been completed by the appellant.
- e. Pertains to record.
- f. Incorrect. As per paras above.
- g. Incorrect. Government is moving as per parameters set by the law.
- h. No comments being legal grounds.

It is, therefore, requested that the service appeal may please be dismissed with cost.


Secretary to Govt. of Khyber Pakhtunkhwa
Health Department
(Respondent No. 1)


Director General, Health Services,
Khyber Pakhtunkhwa (Respondent No. 2)


3/3/16
8/3/16

BEFORE THE SERVICE TRIBUNAL, KHYBER PUKHTOONKHWA
PESHAWAR

Service Appeal No. 1258 / 2015

Haseeb Ur Rahman

VERSUS

Govt of Khyber Pakhtunkhwa etc.

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APPELLANT'S REJOINDER

=====

REPLY TO PRELIMINARY OBJECTIONS

1. All the 5 preliminary objections taken in the reply are incorrect and denied in detail.

PARAWISE REPLY

1. Needs no reply.
2. Para 2 of the appeal is correct and that of the reply is incorrect. That the respondent department has failed to explain the premature transfer of the appellant. More so, no plausible reason for ignoring the transfer policy regarding the spouse being posted at the same station was given.

The impugned transfer order being premature and in complete disregard to transfer policy regarding working spouse is illegal, unlawful and subject to cancellation.

3. Para 3 of the appeal is correct and that of the reply is incorrect.

REPLY TO THE GROUNDS

1. That all the grounds taken in Para "a" to "h" in the appeal are correct, whereas that of the reply is incorrect.

The impugned order being premature and in complete disregard to transfer policy regarding working spouse is arbitrary, discriminatory, illegal, unlawful and subject to cancellation.

It is, therefore, most humbly prayed that the appellant's appeal may kindly be accepted as prayed for.

Appellant,

Through,

Peshawar, dated
22 / July, 2016

(MUHAMMAD ZAFAR TAHIRKHELI)
Advocate

Affidavit

I, the appellant, do hereby state on Oath that the contents of the above rejoinder are true and correct to the best of my knowledge and belief, and nothing has been kept concealed from this Hon'ble Tribunal.

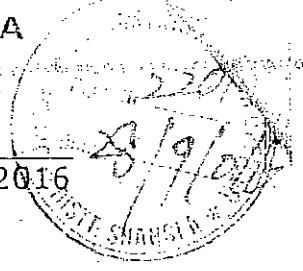
DEPONENT



Feb



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT



✓ OK Dated Peshawar the 19th August 2016

NOTIFICATION

No.SO(H)E-II/4-1/2016. The competent authority is pleased to transfer Dr.Haseeb-Ur-Rehman, Medical Officer (BS-17) from Poran, Shangla and post him in Civil Hospital, Khwaza Khela, Swat with immediate effect.

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HEALTH DEPARTMENT**

Endst of even No. and Date.

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2. Director General, Health Services, Khyber Pakhtunkhwa.
3. DHO Shangla/Swat.
4. DAO Shangla/Swat.
5. Deputy Director (IT) Health Department.
6. Coordinator HSRU, Health Department.
9. PS to Secretary Health, Khyber Pakhtunkhwa.
10. PA to Deputy Secretary-I, Health Department.
11. Doctor concerned.

(Jibreel Raza)
Section Officer (E-II)

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No. 5795-5802 /E-I Dated 19/08 /2016

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7. AE-IV, DGHS, KPK, Peshawar.
8. Doctor concerned.

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For information and necessary action.

[Signature]
ASSISTANT DIRECTOR (P-I)
DGHS, KPK PESHAWAR
[Signature]



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DISTRICT SHANGLA AT ALPURAI.

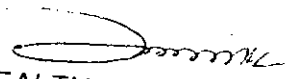
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No. 6031-36 /DHO/SH

Dated: 29 /09/2016

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- 2- The Deputy Commissioner Shangla for information please.
- 3- The District Accounts Officer District Shangla for information please.
- 4- The I/C SPMK THQ (H) Puran for information.
- 5- Dr. Haseeb-Ur-Rehman, Medical Officer (BPS-17) SPMK THQ (H) Puran District Shangla for information and further necessary action.
- 6- The Account Section of this office for information and necessary action.


DISTRICT HEALTH OFFICER
DISTRICT SHANGLA

Dr. Haseeb ur Rehman



GOVERNMENT OF KHYBER PAKHTUNKHWA
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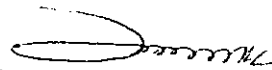
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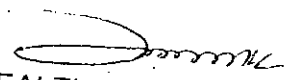
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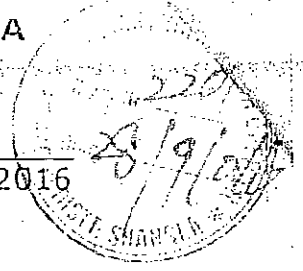

DISTRICT HEALTH OFFICER
DISTRICT SHANGLA

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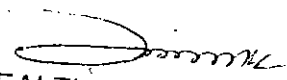
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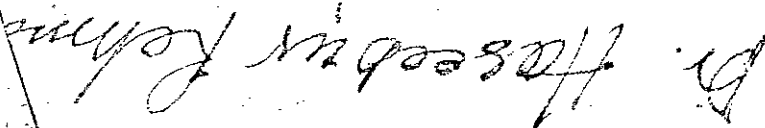
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