


15. 04.07.2017 Counsel for the appellant present. Mr. Usman Ghani, District Attorney for the respondent present. To come up for further proceedings on 1.8.2017 before along with main service appeal No. 1242/2015.


(Gul Zeb Khan)
Member


(Muhammad Hamid Mughal)
Member

01.08.2017

Appellant with counsel and Mr. Muhammad Jan, Deputy District Attorney for respondents present. Arguments heard. To come up for order on 3/8/2017.


(Gul Zeb Khan)
Member

(Muhammad Hamid Mughal)
Member

22.03.2017

Clerk to counsel for the appellant and Addl. AG for respondents present. To come up for further proceedings on 27.04.2017 before D.B alongwith main appeal.

(AHMAD HASSAN)
MEMBER

28.04.2017

Petitioner with counsel and Mr. Muhammad Jan, Government Pleader for respondent 1 present. Counsel for respondent No. 2 is not in attendance. Last opportunity granted. To come up for further proceedings on 09.06.2017 before D.B alongwith main service appeal No. 1242/2015.


Member


Chairman

09.06.2017

Petitioner alongwith his counsel present. Mr. Muhamad Adeel Butt, Additional AG for the respondents also present. Learned counsel for the petitioner requested for adjournment. Adjourned. To come up for further proceedings on 04.07.2017 before D.B alongwith main service appeal No. 1242/2015.


(GUL ZEB KHAN)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

19.01.2017

Petitioner alongwith junior counsel and Mr. Yar Gul, Senior Clerk with Mr. Kabirullah Khattak, Assistant AG for respondent present. Junior counsel for petitioner requested that senior counsel is not in attendance today due to death of his relative and requested for adjournment. Adjourned. To come up for further proceedings on 06.02.2017.


(AHMAD HASSAN)
MEMBER


(ASHFAQUE TAJI)
MEMBER

06.02.2017

Petitioner with counsel, Mr. Muhammad Adeel Butt, Additional AG for respondent No. 1 and Mr. Shakeel Ahmed, Advocate for respondent No. 2 present. Learned counsel for petitioner requested for adjournment. Adjourned. To come up for further proceedings on 28.02.2017 alongwith main service appeal No. 1242/2015.


(ASHFAQUE TAJI)
MEMBER


(MUHAMMAD AAMIR NAZIR)
MEMBER

28.02.2017

Petitioner with counsel and Mr. Muhammad Jan, GP for respondents No. 1 and 2 present. None present on behalf of respondent No.3. Notice be issued to respondent No.3 and his counsel. Respondents are directed to implement the order of Status-quo of this Tribunal in latter in spirit. To come up for further proceedings on 22.03.2017 before D.B alongwith main appeal.

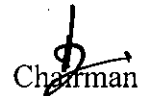

(AHMAD HASSAN)
MEMBER


(MUHAMMAD AAMIR NAZIR)
MEMBER

26.09.2016

Appellant in person and Mr. Usman Ghani, Sr. GP for respondents present. Appellant requested for adjournment. Request accepted. To come up for arguments on 24.11.2016 before D.B.


Member


Chairman

24.11.2016

Clerk to counsel for the appellant and Assistant AG for respondents present. Clerk to counsel for the appellant requested for adjournment. Request accepted. To come up for further proceedings on 05.01.2017.

(MUHAMMAD AAMIR NAZIR)
MEMBER

(ABDUL LATIF)
MEMBER

05.01.2017

Petitioner with counsel and Mr. Muhammad Jan, GP for the respondents present. Learned counsel for the petitioner requested for adjournment. Adjourned for further proceedings to 19.01.2017.

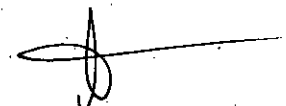
MUHAMMAD AAMIR NAZIR
MEMBER

15.7.2016

Counsel for the petitioner and Assistant A.G for the respondents present. Learned counsel for the appellant argued that the petitioner was yet to be relieved by respondent no. 2 their-after she will assume charge in District Headquarter Hospital Charsadda. He further contended that salary of the appellant had also been stopped. He also requested to attach the salary of the respondent no. 2 for not complying with the orders of this Tribunal.

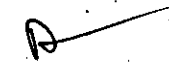
Learned counsel for the respondent no. 2 vehemently opposed the COC petition and informed that the appellant was relieved from LRH Peshawar vide order dated 25.7.2015 and her services were placed at the disposal of D.G Health for further posting. On 8.10.2015 she was posted in GHQ Hospital, Charsadda, while status-quo was granted by this Tribunal on 23.11.2015, which was honored in letter and spirit. The petition in hand being devoid of force be dismissed with cost.

It is pointed out that no adverse order has been passed by the respondents after status-quo order of this Tribunal dated 23.11.2015. Moreover, the main appeal of the petitioner is fixed for hearing before D.B on 24.8.2016. COC petition may be clubbed with the main appeal and be heard on the due date.


Member

24.08.2016

Appellant with counsel and Dr. Asadullah, Asstt: Director alongwith Mr. Muhammad Jan, GP for respondents present. To come up for arguments on 26.09.2016.

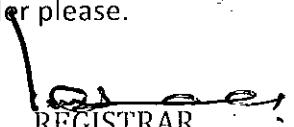

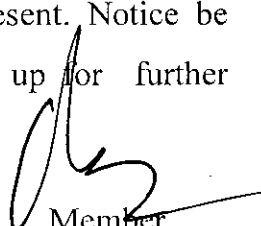

Member


Member

FORM OF ORDER SHEET

Court of _____

C.O.C Application No. 75/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	22/04/2016	<p style="text-align: center;">The C.O.C application submitted by Mst. Alima Ghani through Mr. Noor Muhammad Khattak Advocate may be entered in the relevant Register and put up to the Court for proper order please.</p> <div style="text-align: right; margin-right: 50px;">  REGISTRAR </div>
2-	27-4-2016	<p style="text-align: center;">This C.O.C application be put up before S. Bench on <u>06-5-2016</u>.</p> <div style="text-align: right; margin-right: 50px;">  CHAIRMAN </div>
6:05.2016		<p style="text-align: center;">Counsel for the petitioner present. Notice be issued to the respondents. To come up for further proceedings on 15.7.2016 before S.B.</p> <div style="text-align: right; margin-right: 50px;">  Member </div>

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IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

COC NO. 75 /2016

IN
Appeal NO.1242/2015

ALIMA GHANI

VS

PARVEEZ KAMAL

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S.NO.	DOCUMENTS	ANNEXURE	PAGE NO.
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5-	Vakalat nama	7.

PETITIONER/APPLICANT

THROUGH:

NOOR MOHAMMAD KHATTAK
ADVOCATE

MOBILE NO.0345-9383141

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

COC NO. 75 /2016

IN

Appeal NO.1242/2015

K.W.P. Provincial
Service Tribunal
Diary No. 311
Dated 22-4-16

Mst: Alima Ghani, Charge Nurse (BPS-16),
Hayatabad Medical Complex Hayatabad, Peshawar,
Under transfer to Director General Office, Peshawar

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

VERSUS

- 1- Mr. Parveez Kamal, Director General Health Services Department, Khyber Pakhtunkhwa, Peshawar.
- 2- Mr. Shehzad Akbar, Hospital Director Hayatabad medical Complex, Hayatabad, Peshawar.

..... **RESPONDENTS/ CONTEMNORS**

APPLICATION INITIATING CONTEMPT
OF COURT PROCEEDINGS AGAINST THE
RESPONDENTS/CONTEMNORS

RESPECTFULLY SHEWETH:

- 1- That the applicant/ petitioner had filed service appeal No.1242/2015 in this august Tribunal in which status quo was granted by this august Tribunal vide order dated 23.11.2015. Copy of the order sheet is attached as annexure **A.**
- 2- That after obtaining the attested copy of the order/Judgment, the applicant/petitioner submitted the said order of this august Tribunal before the respondents/contemnors for implementation but the same has been ignored by the respondents and till date the order has not been implemented in spite of repeated requests.
- 3- That the acts and actions of the Respondents/Contemnors squarely fall within the ambit of the Contempt of the Court and as such they are liable to be proceeded for the Contempt and for the punishment under the law.

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

DATED: 22.4.2016

APPLICANT / PETITIONER



ALIMA GHANI

THROUGH:



**NOOR MOHAMMAD KHATTAK
ADVOCATE**

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

COC NO. _____/2016

IN

Appeal NO.1242/2015

ALIMA GHANI

VS

PARVEEZ KAMAL

AFFIDAVIT

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



NOOR MOHAMMAD KHATTTAK
ADVOCATE

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

COC NO. _____/2016

IN

Appeal NO.1242/2015

ALIMA GHANI

VS

PARVEEZ KAMAL

ADDRESSES OF PARTIES

Mst: Alima Ghani, Charge Nurse (BPS-16),
Hayatabad Medical Complex Hayatabad, Peshawar,
Under transfer to Director General Office, Peshawar

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

VERSUS

- 1- Mr. Parveez Kamal, Director General Health Services
Department, Khyber Pakhtunkhwa, Peshawar.
- 2- Mr. Shehzad Akbar, Hospital Director Hayatabad medical
Complex, Hayatabad, Peshawar.

..... **RESPONDENTS/ CONTEMNORS**

PETITIONER

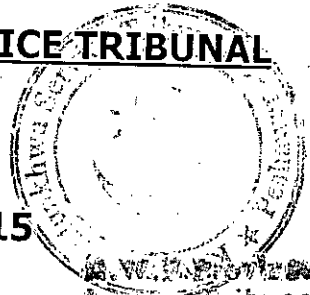
THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE

MOBILE NO.0345-9383141

A-5

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**



APPEAL NO. 1242 /2015

Mst: Alima Ghani, Charge Nurse (BPS-16),
Hayatabad Medical Complex Hayatabad, Peshawar,
Under transfer to Director General Office, Peshawar

Diary No. 1327
dated 06-11-2015

..... APPELLANT

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Secretary Health Department, Khyber Pakhtunkhwa Peshawar.
- 2- The Director General Health Services Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Hospital Director Hayatabad medical Complex, Hayatabad, Peshawar.

..... RESPONDENTS

APPEAL UNDER SECTION- 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 25.7.2015 AND SUBSEQUENT ORDER DATED 8.10.2015 WHEREBY THE APPELLANT WAS TRANSFERRED FROM HAYATABAD MEDICAL COMPLEX PESHAWAR IN VIOALTION OF RULES AND POLICY AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS

PRAYER: That on acceptance of this appeal the impugned orders dated 25.7.2015 and 8.10.2015 may kindly be set aside and the respondents may kindly be directed not to transfer the appellant from Hayatabad Medical Complex Peshawar. Any other remedy which th9is august Tribunal deems fit that may also be awarded in favor of the appellant.

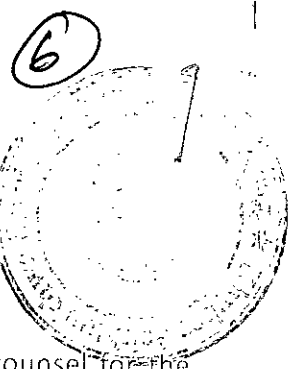
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R.SHEWETH:
ON FACTS:

- 1- That appellant was initially inducted in the respondent Department as Charge Nurse (BPS-16) on the proper recommendation of Khyber Pakhtunkhwa public service commission. That after appointment the appellant was posted at Hayatabad Medical Complex Peshawar wherein she started her duty quite efficiently and up to the entire satisfaction of her superiors.

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Appeal No. 1242/15
MSA. Alina Ghani



23.11.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant is serving as Charge Nurse at Hayat Abad Medical Complex Peshawar and vide impugned order dated 25.7.2015 she was transferred from the said hospital to Directorate of Health Department Peshawar on administrative grounds and certain allegations mentioned in the said order where against the appellant preferred departmental appeal on 27.7.2015 which was not responded and hence the instant service appeal on 6.11.2015.

Appellate Court
Services & ...
[Handwritten signature]

That under E & D Rules transfer order cannot be made as a punishment and as such the same is a nullity in the eye of law.

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 5.1.2016 before S.B. Notice of stay application be also issued for the date fixed. Status-quo be maintained.

[Handwritten signature]
Chairman

Certified to be true copy
Khyber Pakhtunkhwa
Services & ...
Peshawar

Date of ... 22-04-2016
No. 800
Charges ... 6
Under ...
Total ... 8
Name ...
Date ... 22-04-2016
Date of ... 22-04-2016

VAKALATNAMA

IN THE COURT OF KPK Service Tribunal Peshawar
OF 2016

Alima Ghani

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Parvez Kamal

(RESPONDENT)
(DEFENDANT)

I/We Alima Ghani

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

Dated. ___/___/2016

[Signature]
CLIENT

[Signature]
ACCEPTED

NOOR MOHAMMAD KHATTAK
(ADVOCATE)

OFFICE:

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

Phone: 091-2211391

Mobile No.0345-9383141