


Appeal No. 1019/2015
Sayed Muhammad vs Govt

08.08.2016

Counsel for the appellant, Mr. Ziaullah, GP for official respondents No. 1 to 4 and counsel for private respondent No. 5 present. Learned counsel for the appellant submitted that the instant appeal may be dismissed as withdrawn for the reason that grievance of the appellant has been redressed. In this regard he submitted photocopy of office order dated 03.08.2016 hence the appeal is dismissed as withdrawn. This may be observed that this office order dated 03.08.2016 was disputed by learned counsel for private respondent No. 5 who submitted that this order does not pertain to the matter. Since the learned counsel for the appellant stated that the appellant does not want to pursue the appeal therefore the same is dismissed without further proceedings. File be consigned to the record room.

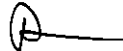
ANNOUNCED
08.08.2016


Member


Member

28.04.2016

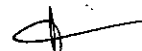
Appellant in person, Mr. Maaz Madni, Assistant Litigation Officer alongwith Mr. Ziaullah, GP for official respondents No. 1 to 4 and private respondent No. 5 in person present. Due to strike of the Bar learned counsel for the appellant is not available today before the Court, therefore, case is adjourned for arguments to 26.5.2016. Status-quo be maintained.

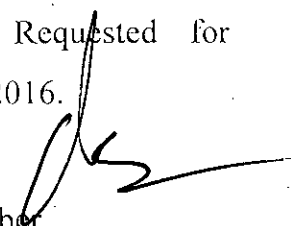

Member


Member

26.05.2016

Clerk of counsel for the appellant, Asstt. A.G for the official respondents and counsel for private respondent No. 5 present. Learned counsel for the appellant was stated to be busy before the Hon'ble Peshawar High Court. Requested for adjournment. To come up for arguments on 08.08.2016.


Member


Member

31.03.2016


Appellant in person, Mr. Muhammad Jan, GP for official respondents No. 1 to 4 and Counsel for private respondent No.5 (Mr. Ijaz Anwar, Advocate) present. Appellant submitted an application for adjournment. Wherein his counsel was busy before the august Peshawar High Court Peshawar in Writ Petition titled. Alima Ghani-vs-Govt. of KPK. Application allowed. To come up for arguments on 18.04.2016. Status-quo be maintained.


MEMBER


MEMBER

18.04.2016

Appellant in person, Mr. Muhammad Jan, GP for official respondents and private respondent No.5 alongwith his counsel present. An application for adjournment was submitted by appellant which is placed on file. Learned counsel for private respondent NO.5 has objection on further adjournment who submitted that the appellant has got a stay order in his favour against the transfer which badly affects his client. The reason in adjournment is illness of mother of the learned counsel for the appellant, hence last opportunity granted. To come up for arguments on 28.04.2016.


Member


Member



DIRECTORATE OF HEALTH SERVICES FATA
FATA SECRETARIAT WARSAK ROAD PESHAWAR

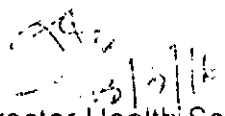
Phone# 091-9210212

Fax#091-9212110

OFFICE ORDER:

In continuation this Directorate Health Services FATA office order No. 8036-39/
DHS/FATA/Lit dated 01-06-2016. The distribution of work of clerical staff are under:

S#	Name	Designation	Section
1	Qazi Badshah	Junior Clerk	Development Section, National Program & Gazetted Section
2	Syed Muhammad	Junior Clerk	Accounts & Administration Section


Director Health Services
FATA, Peshawar

No. 171-79 /DHS/FATA/Admn

Dated 13 /06/2016

Copy forwarded to the:

- 1 Agency Surgeon NW Agency
- 2 Official Concerned.

Director Health Services
FATA, Peshawar

26.1.2016

Appellant with counsel and Mr. Maaz Madni, Assistant Litigation Officer alongwith Addl: A.G for official respondents No. 1 to 4 and counsel for private respondent No. 5 present. Written reply by official respondents No. 1 to 3 submitted. The learned Addl: A.G relies on the same on behalf of respondent No. 4. Private respondent No. 5 has already submitted written statement. Cost of Rs. 1000/- paid to learned counsel for the appellant and receipt thereof obtained. The appeal is assigned to D.B for rejoinder and final hearing for 1.3.2016. Status-quo be maintained


Chairman

01.03.2016

Counsel for the appellant, Mr. Maaz Madni, Assistant Litigation Officer alongwith Mr. Muhammad Jan, GP for official respondents and private respondents No. 5 in person present. Rejoinder received on behalf of the appellant copy of which is handed over to the respondents-department. To come up for arguments on 31.3.16. Status-quo be maintained.


Member


Member

03.12.2015

Appellant with counsel, Mr. Maaz Madni, Assistant Litigation Officer alongwith Addl: A.G for official respondents No. 1 to 4 and counsel for private respondent No. 5 present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 29.12.2015 before S.B. Status-quo be maintained.


Chairman

29.12.2015

Appellant with counsel, Mr. Maaz Madni, Assistant Litigation Officer alongwith Addl: AG for officials respondents 1 to 4 and private respondent No. 5 with counsel present. Written reply on behalf of private respondent No. 5 submitted, whereof copy handed over to counsel for the appellant and learned Addl: AG. Written reply on behalf of official respondents No. 1 to 4 not submitted despite last opportunity. Requested for further adjournment. Last opportunity is extended subject to payment of cost of Rs. 1000/- which shall be borne by the respondents from their own pockets. To come up for written reply/comments on behalf of official respondents No. 1 to 4 on 26.1.2016 before S.B. Status-quo be maintained.


Member

22.09.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Junior Clerk on the strength of office order dated 30.10.2013 by Agency Surgeon, North Waziristan and that vide impugned order dated 31.8.2015 one Mr. Gul Badshah Junior Clerk (respondent No.5) was transferred against the said post despite his ineligibility regarding which appellant preferred departmental appeal on 3.9.2015 which was rejected on the same day and hence the instant service appeal on 10.9.2015.

That the transfer of the appellant from the said post was neither in public interest nor in consonance with the transfer/posting policy particularly clause iv and viii of the said policy.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 10.11.2015 before S.B. Notice of stay application be also issued for the date fixed.

Appellant Deposited
Security & Process Fee



S.B. - 25


Chairman

10.11.2015

Appellant with counsel, Addl: A.G for official respondents No. 1 to 4 and agent of counsel for private respondent No. 5 present. Wakalat Nama on behalf of private respondent No. 5 submitted. Requested for adjournment. To come up for written reply/comments on 3.12.2015 before S.B. Status-quo be maintained.

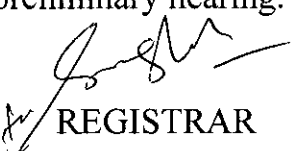


Chairman

FORM-A

FORM OF ORDER SHEET

Court _____

Case No. 1019/2015

	Date of order/ proceedings	Order or other proceedings with signature of Judge/ Magistrate
1	2	3
1.	16.09.2015	<p>The appeal of Mr. Sayed Muhammad resubmitted to-day by Mr. Noor Muhammad Khattak, Advocate, may be entered in the institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case be put up before the S.Bench for preliminary hearing on <u>22-9-15</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Sayed Muhammad was received on 10.09.2015 and returned to his counsel (Mr. Noor Muhammad Khattak, Advocate) for placing on file rejection order of departmental appeal. To-day he resubmitted the appeal by submitting that the departmental appeal has been rejected on 3.09.2015 as per remarks of the Agency Surgeon, Miranshah on the departmental appeal. Further 10 days time is given for placing on file proper rejection order.

No 1413 /ST,

Dated 15/9 /2015.

Mr. Noor Muhammad Khattak, Advocate Peshawar

to
REGISTRAR
KPK SERVICE TRIBUNAL,
PESHAWAR.

Note:

Sir,

please be place before the bench for decision.

12/9
16/9/2015

The appeal of Mr. Sayed Muhammad received to-day i.e. on 10.09.2015, is incomplete on the following scores, which is returned to his counsel for completion and resubmission within 15 days:-

1. Proper rejection order of departmental appeal may be placed on file.

No. 1402 /ST,

Dated 14/9 /2015


REGISTRAR
KPK SERVICE TRIBUNAL,
PESHAWAR.


MR. Noor Muhammad Khattak, Advocate

Note:

Sir,

That the Departmental appeal has been rejected on the note of Agency Surgeon dated 3/9/2015 on the Departmental appeal, which may be consider as rejection order.

P.T.O


14/9/2015

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL No. 1019 /2015

SAYED MUHAMMAD

VS

A.C.S FATA

INDEX

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PETITIONER

THROUGH:

NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No. 1019 /2015

A.W.F. Province
Service Tribunal
Diary No. 1063
Dated 12/9/15

Mr. Sayed Muhammad, Junior Clerk (BPS-07),
O/O the Agency Surgeon North Waziristan Agency at Miran Shah.

.....Appellant

VERSUS

- 1- The Additional Chief Secretary FATA, FATA Secretariat, Warsak Road, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary, Social Sector Department FATA, FATA Secretariat, Warsak Road, Khyber Pakhtunkhwa, Peshawar.
- 3- The Director Health Services FATA, FATA Secretariat Warsak Road, Khyber Pakhtunkhwa, Peshawar.
- 4- The Agency Surgeon, North Waziristan Agency at Miran Shah.
- 5- Mr. Gul Bad shah, Junior Clerk (BPS-07), O/O the Agency Surgeon North Waziristan Agency at Miran Shah.

..... RESPONDENTS

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE PRE-MATURE TRANSFER ORDER DATED 31-08-2015 WHEREBY THE RESPONDENT NO.5 WAS TRANSFERRED/POSTED AS HEAD CLERK IN THE O/O OF AGENCY SURGEON NORTH WAZIRISTAN AGENCY IN PLACE OF APPELLANT AND AGAINST THE APPELLATE ORDER DATED 3.9.2015 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED ON NO GOOD GROUNDS

PRAYER:

That on acceptance of this appeal the impugned orders dated 31-08-2015 and 3.9.2015 may very kindly be set aside and the respondents may be directed that not to transfer the appellant from the post of Head Clerk Agency Surgeon Office North Waziristan Agency till completion of his normal tenure. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

10/9/15

- 1- That the appellant was appointed as Junior Clerk (BPS-07) in the respondent Department. That right from appointment till date the appellant has served the respondent Department quite efficiently and up to the entire satisfaction of his superiors.
- 2- That vide order dated 30-10-2013 the appellant was posted/adjusted against the post of Senior Clerk (BPS-09) and was further directed to continue his duty as Head Clerk in the office of Agency Surgeon North Waziristan Agency at Miran Shah. That in response the appellant took over the charge of the said post on the same day i.e. vide dated 30-10-2013 and started performing his duty quite efficiently and up to the entire satisfaction of his superiors. Copy of the posting order is attached as annexure **A.**
- 3- That the local MNA of North Waziristan Agency has telephonically directed the respondent No.3 to transfer the private respondent No.5 as Head Clerk in place of appellant. That the respondent No.3 in compliance of the said illegal and unlawful direction issued the impugned order dated 31/08/2015 whereby the private respondent who is actually on detailment in the o/o of agency surgeon NWA has been posted in place of appellant. Copies of the impugned order, list and relieving order are attached as annexure **B, C and D.**
- 4- That the appellant feeling aggrieved from the impugned order dated 31-08-2015 filed Departmental appeal before the respondent No.2 through proper channel but instead the respondent No.4 instead of forwarding the same to respondent No.2 has itself regretted the same on no good grounds vide order dated 3.9.2015. Copy of the Departmental appeal and rejection on the same page of Departmental appeal is attached as annexure **E.**
- 5- Hence the present appeal on the following grounds amongst the others.

GROUND:

- A- That the impugned orders dated 31-08-2015 and 3.9.2015 are against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That the appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.

- C- That the impugned order dated 31-08-2015 is against the Clause I, II and IV of the transfer/posting policy of the Government of Khyber Pakhtunkhwa. Copy of the policy is attached as annexure **F.**
- D- That the impugned order dated 31-08-2015 has not been issued by the respondents in the public interest nor exigencies of service.
- E- That the respondents inspite of knowing the fact that the private respondent No.5 is already serving the Department at the O/O of Agency Surgeon NWA on detailment basis has transferred/ posted as Head Clerk in place of appellant.
- F- That the respondent Department acted in arbitrary and malafide manner while issuing the impugned orders dated 31-08-2015 and 3.9.2015.
- G- That the impugned orders dated 31.8.2015 and 3.9.2015 are also issued by the respondents in violation of clause 24(A) of the General Clauses Act 1897.
- H- That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

APPELLANT



SAYED MUHAMMAD

THROUGH:



**NOOR MUHAMMAD KHATTAK
ADVOCATE**

BEFORE THE KHYBER PAKHTUNKHEWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO 1019 /2015

SAYED MOHAMMAD

VS

A.C.S. FATA

APPLICATION FOR SUSPENTION OF OPERATION
OF IMPUGNED ORDER DATED 31.8.2015 TILL
THE DISPOSAL OF THIS APPEAL

R/SHEWETH:

- 1- That the appellant filed above mentioned appeal along with this application before this august service Tribunal in which no date has been fixed so for.
- 2- That all the three ingredients necessary for the stay is in favor of the appellant.
- 3- That the transfer of the appellant is against the transfer policy of the Government of Khyber Pakhtunkhwa and the impugned transfer order dated 31.8.2015 is also not issued in the public interest nor exigencies of public service.
- 4- That the grounds of main appeal is also be considered as integral part of this application.

It is therefore humbly prayed that on acceptance of this application the order dated 31.8.2015 may very kindly be suspended till disposal of this appeal.

APPELLANT



SAYED MOHAMMAD

THROUGH:



NOOR MOHAMMAD KHATTAK
ADVOCATE

A-(5)

OFFICE OF THE AGENCY SURGEON
NORTH WAZIRISTAN AGENCY MIRANSHAH.

PHONE & FAX: 0928-300788.

OFFICE ORDER.

In compliance with the Director Health Services, FATA Peshawar order bearing endorsement No.17321-24/DHS/FATA/Admn dated 29/10/2013, Mr.Syed Muhammad is adjusted against the post of senior clerk BPS-09 and directed to continue his duty as a Head Clerk in the interest of public services with immediate effect.



(DR. JEHAN MIR)
AGENCY SURGEON,
NORTH WAZIRISTAN MIRANSHAH.

No. 2775-77 IC-1, Dated Miranshah The 30/10/2013.

- 1. Copy forwarded to:-
The Director Health Services, FATA Peshawar for information w/r to his letter No. quoted as above please.
- 2. The Agency Accounts Officer North Waziristan Agency Miranshah for information and necessary action.
- 3. The official concerned.

Attested




AGENCY SURGEON,
NORTH WAZIRISTAN MIRANSHAH.

ATTESTED



DIRECTORATE OF HEALTH SERVICES FATA
FATA SECRETARIAT WARSAK ROAD PESHAWAR

OFFICE ORDER:

Mr. Gul Badshah, Junior Clerk attached to Agency Surgeon NWA will work as Head Clerk in the office of Agency Surgeon NWA in the interest of Public with immediate effect.

Sd/-
Director Health Services,
FATA, Peshawar

NO. 19122-24/DHS/FATA/Admin

Dated 31/8/2015

Copy forwarded to all concerned.

ATTESTED



B-6

DIRECTORATE OF HEALTH SERVICES FATA
FATA SECRETARIAT WARSAK ROAD PESHAWAR.

OFFICE ORDER

Mr. Gul Badshah, Junior Clerk attached to Agency Surgeon NWA will work as Head Clerk in the office of Agency Surgeon NWA in the interest of public with immediate effect.

.....Sd.....
Director Health Services,
FATA, Peshawar.

NO. 19/2A-26/DHS/FATA/Admn Dated 2/08/2015

Copy forwarded to the:-

1. Deputy Director (Admn) DHS FATA.
2. Agency Surgeon NW Agency.
3. Official concerned

[Signature]
Director Health Services,
FATA, Peshawar

DAI: 51
3/9/15

Attested
[Signature]

ATTESTED

[Signature]

AGENCY SURGEON
NORTH WAZIRISTAN AGENCY MIRANSHAH

No. 31/5

Dated 22/5/2015

To

The Director Health Services,
FATA Peshawar

Subject: **LIST OF MINISTERIAL STAFF.**

Memo:

Reference your office telephonic message dated 22/05/2015, on the subject noted above; I have the honour to submit here with list of ministerial staff working under the control of this office for further necessary action as desired please.

Agency Surgeon
North Waziristan Miranshah
At Bannu

ATTESTED



C-7

AGENCY SURGEON
NORTH WAZIRISTAN AGENCY MIRANSHAH

Address: Civil Colony House No. 124, Street No. 02, Miranshah
Telephone (0928)311662, Fax (0928)300788.

Presently at District Bannu (928 62099)

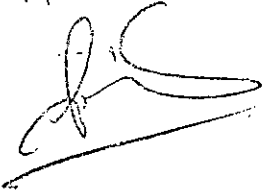
No. 3115 / Dated 22/05/2015

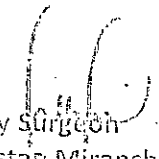
To
The Director Health Services,
FATA Peshawar.


Subject: LIST OF MINISTERIAL STAFF.

Memo:

Reference your office telephonic message dated 22/05/2015, on the subject noted above; I have the honour to submit here with list of ministerial staff working under the control of this office for further necessary action as desired please.

Attested



Agency Surgeon
North Waziristan Miranshah
At Bannu

ATTESTED


STATEMENT SHOWING THE DETAIL

vacancies with Grade	Sanct	Filled	Vacant	No
Senior Clerk BPS-9	4	4	-	1
				2
				3
				4
Junior Clerk BPS-7	7	7	-	1
				2
				3
				4
				5
				6
				7

N.B:- Mr.Saldullah Senior Clerk was transferred
But he has not yet submitted his depart

ATTESTED

[Handwritten Signature]

D - (9)

**OFFICE OF THE AGENCY SURGEON
NORTH WAZIRISTAN MIRANSHAH.
PHONE & FAX: 0928-300788.**

OFFICE ORDER:

Mr. Gul Bad Shah J/Clerk is hereby ordered to assume the charge of Head Clerk and Saeed Muhammad J/ Clerk is here by directed to hand over all the charge, vide Director Heath Services FATA, order No. 19122-23, dated: 03-8-2015, with immediate effect in the public services.

-Sd:XXXXXXXXXXXXXXXX
Dr Hamid ur Rehman
Agency Surgeon
North Waziristan Miranshah

No. 3898-38/1 Trafr: dated: Miranshah the: 7-9 /2015.

Copy to the:

1. Director Health Services FATA Warsak Road Peshawar with reference to his letter No. cited above.
2. Agency Account Officer Miranshah.
3. N.B. of Pakistan Miranshah Branch.
4. Official concerned.

For information and necessary action.

Received on
08/09/2015 at 12-00 Noon.
[Signature]
08/09/2015

[Signature]
Agency Surgeon
North Waziristan Miranshah

ATTESTED
[Signature]

E-16

The Honourable Secretary,
Social Sector Department, FATA Secretariat Peshawar.

Through:- Proper Channel.

Subject:- APPEAL.
Sir,

With due respect I beg to say that I am working as a Head Clerk in Agency Surgeon office from the last two years. Neither public complaints lodged against me nor any explanation or show cause Notice has been issued to me by the department.

Beside Director Health Services, FATA Peshawar has issued my transfer order from the post of Head Clerk on political influence of MNA North Waziristan Agency vide order No. 19122-24/DHS/FATA/Admn dated 31/8/2015.

From the last two years MNA North Waziristan Agency pressurizing me for illegal and unlawful works like issuing feasibility reports for his non-feasible schemes as well as for appointments of his non qualified Dais in Health Institutions situated in his village etc, which is impossible under the rules for me.

As a result he recommended my name for transfer from the post of head clerk and another junior clerk has posted on the same post on detailment basis, which is also violation of the transfer / posting policy. Further more the sitting Agency Surgeon was not asked for the act and he may kindly be asked whether he feels comfortable with him or not regarding his present record working with him.

Therefore it is humbly requested to kindly cancel my transfer order on the following grounds.

1. There is no public complaint, disciplinary proceeding, departmental inquiry pending against me.
2. My tenure on the present post have not been completed.
3. Transfer / posting on political pressure in Government Departments is unlawful/unjust action with Government servants.
4. Transfer / Posting on detailment basis in government Department is against the service rules. Therefore it is requested to kindly the posted junior clerk may be directed to report for duty to his original place of duty i.e RHC Spinwam according to the Government rules.
5. Political influence especially for developmental schemes in Government Departments is damaging the system.

Thanks

Dated: 03/09/2015.

ATTESTED

Your's obediently

Attested
[Signature]

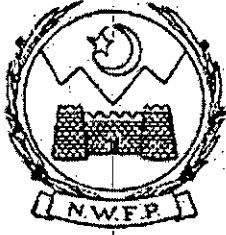
Seen and filed

[Signature]

(Mr. Syed Muhammad)

Head Clerk Agency Surgeon Office
Health Department North Waziristan Agency.

[Stamp: Agency Surgeon Office, N.W. Agency, Peshawar]



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

POSTING / TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT.

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

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

¹ Para-1(v) regarding months of March and July for posting/transfer and authorities for relaxation of ban deleted vide letter No: SOR-VI (E&AD) 1-4/2008/Vol-VI, dated 3-6-2008. Consequently authorities competent under the NWFP Government Rules of Business, 1985, District Government Rules of Business, 2001, Posting/Transfer Policy and other rules for the time being in force, allowed to make posting/transfer subject to observance of the policy and rules.
² Added vide Urdu circular letter No. SOR-VI(E&AD)1-4/2003, dated 21-09-2004

ATTES
[Signature]

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

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

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

ATTESTED

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

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

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

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

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

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

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

.....

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

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

.....

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

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

ATTESTE
14

VAKALATNAMA

IN THE COURT OF MPK Service Tribunal Peshawar

_____ OF 2015

Sayed Muhammad

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

A. C. S. PATA

(RESPONDENT)
(DEFENDANT)

I/We Sayed Muhammad

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

Dated. ____/____/2015

CLIENT

ACCEPTED

**NOOR MOHAMMAD KHATTAK
(ADVOCATE)**

OFFICE:

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

Phone: 091-2211391

Mobile No.0345-9383141

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 1712 ST

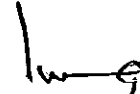
Dated 6 / 11 / 2015

To

The Director Health Services,
FATA Secretariat Peshawar.

Subject: - Order

I am directed to forward herewith a certified copy of order dated 22.9.2015 passed by this Tribunal on the above subject for strict compliance.



REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

POWER OF ATTORNEY

In the Court of Khyber Pakhtun Khwa Service Tribunal

Peshawar

Sayed Muhammad

- } For
- } Plaintiff
- } Appellant
- } Petitioner
- } Complainant

VERSUS

Additional Chief Secretary Fata

Secretariat and others

- } Defendant
- } Respondent No. 5
- } Accused

Appeal/Revision/Suit/Application/Petition/Case No. _____ of _____
Fixed for _____

I/We, the undersigned, do hereby nominate and appoint

IJAZ ANWAR ADVOCATE, SUPREME COURT OF PAKISTAN

And Sajid Amin Advocate my true and lawful attorney, for me in my same and on my behalf to appear at Peshawar to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions. An appeal, statements, accounts, exhibits. Compromises or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc, and to apply for and issue summons and other writs or sub-poena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have hereto signed at _____
the _____ day to _____ the year _____
Executant/Execufants _____
Accepted subject to the terms regarding fee _____


SAJID AMIN
ADVOCATE HIGH COURT

Legal Advisor Services & Labour Laws Consultants
FR-3-4, Fourth Floor, Bilour Plaza Peshawar Cantt.
Ph: 091-5272054, Mob: 4333-4584386, 0333-166856


Ijaz Anwar
Advocate High Courts & Supreme Court of Pakistan

ADVOCATES, LEGAL ADVISORS, SERVICE & LABOUR LAW CONSULTANT
FR-3 & 4, Fourth Floor, Bilour Plaza, Saddar Road, Peshawar Cantt
Ph.091-5272154 Mobile-0333-9107225



Muhammad Nazir Khan

Member National Assembly

NA-40

North Waziristan

26/8/2015

To,
The Director,
Directorate of Health,
FATA Secretariat Peshawar.

Date 26-8-15

6446

Ref. NA-40-786-611

Subject: Transfer of Gul Bad Shah Jaffer Senior Clerk Health
Department N.W.A to as Head Clerk Agency
Sergen office N.W.A

Dear Sir,
I hope you will be fine.
May I state that Mr Gul Bad Shah
is serving as Senior Clerk at Health
Department N.W.A. He is very honest
and hardworker of his duties.

I strongly recommended for the
subject on top priority basis will
be highly appreciable of your
kind cooperation please.

Kind Regards

M. Nazir Khan.

MUHAMMAD NAZIR KHAN
Member National Assembly
NA-40
North Waziristan
PMI (N)

~~Discard~~

~~DDA~~
~~Discard~~

Office

A. Issue order

26/8/15

NA
WAZIRISTAN

OFFICE OF THE AGENCY SURGEON
NORTH WAZIRISTAN AGENCY MIRANSHAH.

PHONE & FAX; 0928-300788.

OFFICE ORDER

Mr. Syed Muhammad Junior Clerk BPS-07 working against the post of Senior Clerk BPS-09 is hereby adjusted against the original vacant post of Junior Clerk BPS-07 with the direction to continue his duty as a Head Clerk in the interest of public services with immediate effect.



(DR. JEHAN MIR)
AGENCY SURGEON,
NORTH WAZIRISTAN MIRANSHAH.

No. 3288-90 /C-1, Dated Miranshah the 17/10 /2014.

Copy forwarded to:-

1. The Director Health Services, FATA Peshawar for information please.
2. The Agency Accounts Officer North Waziristan Agency Miranshah for information and necessary action.
3. The official concerned.



AGENCY SURGEON,
NORTH WAZIRISTAN MIRANSHAH.

DIRECTORATE OF HEALTH SERVICES FATA
FATA SECRETARIAT WARSAK ROAD PESHAWAR.

OFFICE ORDER

Mr. Gul Badshah, Junior Clerk attached to Agency Surgeon NWA will work as Head Clerk in the office of Agency Surgeon NWA in the interest of public with immediate effect.

...Sd.....

Director Health Services,
FATA, Peshawar.

NO. 19/22-24/DHS/FATA/Admn Dated 3/1 08 /2015

Copy forwarded to the:-

1. Deputy Director (Admn) DHS FATA.
2. Agency Surgeon NW Agency.
3. Official concerned.

[Signature]
Director Health Services,
FATA, Peshawar

NO. 51
3/9/2015

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

In the matter of
Service Appeal No. 1019/ 2015

Said Muhammad.....(Appellant)
VERSUS

Additional Chief Secretary FATA, FATA Secretariat, Warsak
Road Peshawar and Other.....(Respondent)

WRITTEN REPLY ON BEHALF OF THE RESPONDENT NO. 5

Respectfully Submitted,

PRELIMINARY OBJECTIONS:

- a. That the appellant has filed the instant appeal with mala fide intention and with ulterior motive.
- b. That under Section 10 of the Civil Servant Act, every civil servant is liable to be transfer any where through out the province and he cannot lawfully resist for choice posting.
- c. That the appellant has got no cause of action nor any Locus Standi to file the instant appeal.
- d. That the instant appeal is badly time barred.
- e. That the appellant has suppressed material facts from this Honourable Tribunal and has not come to the Tribunal with clean hands.
- f. That the appellant has served in the office of the respondent No.4 as head clerk beyond the normal tenure of posting, as he cannot lawful be allowed to stick him self to the said post for indefinite period.
- g. That the appeal in hand is incompetent in its present form and under the present circumstances.
- h. That the appeal in hand is bad for non joinder /mis joinder of necessary parties.

ON FACTS OF THE CASE

1. Contents need no reply. However the replying respondent was also appointed as Junior Clerk in the respondent Department. Rest of the Para regarding the performance of the appellant is subject to proof. *(Copy of the appointment order of the respondent No. 5 is attached as Annexure R-I)*
2. Contents incorrect and misleading, the appellant has tried to conceal facts from the Honourable Tribunal. In-fact the appellant remained posted in the office of the Respondent No. 4 since 2011, moreover the appellant was transferred from the Office of the Respondent No. 4, to MS. AHQ Hospital, Miranshah vide order dated 10.09.2013, however the appellant being influential never obeyed that order and managed to get the order dated 29.10.2013, wherein he was retained in the office of the Agency Surgen N.W Agency on his original Post of Junior Clerk. Vide order dated 30.10.2013, he was only adjusted as Senior Clerk and allowed to continue his duty as Head Clerk while he was actually working as Head Clerk in the Respondent No. 4 office since 2011. *(Copies of the order dated 10.09.2013, order dated 29.10.2013 and order 30.10.2013, are attached as Annexure R-II, R-III & R-IV)*
3. Contents incorrect, false and misleading, the order dated 31.08.2015, was issued by the competent authority without there being any political pressure in the best interest of public. The appellant had already completed his tenure as he was posted against the said post since 2011. Moreover the contention of the appellant regarding the derailment of the replying respondent No. 5 is also incorrect and baseless. *(Copies of the service book of Respondent No. 5 and salary slip are attached as Annexure R-V & VI)*
4. Contents incorrect and misleading, the appellant departmental appeal if any filed by the appellant is subject to proof, moreover there is no rejection order attached with the appeal as such the appeal was filed prematurely.
5. Contents need no reply, however the grounds taken in the appeal are all incorrect and misleading, and are replied as under:

ON GROUNDS

- A. Contents incorrect and misleading, the impugned order is well is well in accordance with law, facts and norms of Justice, passed by the competent authority, hence cannot be interfered.

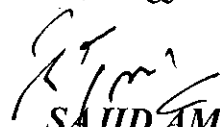
- B. Contents incorrect and misleading, the appellant has been treated in accordance with law and rules, he had already completed his tenure of posting, therefore the order dated 31.08.2015, is well in accordance with the transfer and posting policy and no right of the appellant has been violated.
- C. Contents incorrect and misleading, the appellant has served against the said post for more then his normal tenure of posting, therefore the order dated 31.08.2015, is well in accordance with the transfer and posting policy without there being any violation.
- D. Contents incorrect and misleading, the impugned order is issued in the best interest of public.
- E. Contents incorrect and misleading, the replying respondent is the employee of the respondent office the contention of the appellant regarding the derailment of the replying respondent No. 5 is also incorrect and baseless. The replying respondent is drawing salary from the office as is evident from his pay slip.
- F. Contents incorrect and misleading there is no violation of any law rather the order is passed well in accordance with law rules and policy and in the best interest of public.
- G. Contents incorrect and misleading, moreover as explained above.
- H. That the replying respondent also seeks permission of the Honourable tribunal to rely on additional grounds at the time of arguments.

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


Respondent No. 5

Through


IJAZ ANWAR
Advocate Peshawar

&

SAJID AMIN
Advocate, Peshawar

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

In the matter of
 Service Appeal No.1019/ 2015

Said Muhammad.....(Appellant)
VERSUS

Additional Chief Secretary FATA, FATA Secretariat, Warsak
 Road Peshawar and Other.....(Respondent)

COMMENTS / REPLY TO THE APPLICATION FOR
SUSPENSION OF THE IMPUGNED ORDER

PRELIMINARY OBJECTIONS:

- A. That the appellant has got no cause of action to file the instant application.
- B. That the application in hand does not full fill the necessary ingredients for temporary injunctions.
- C. That the relief sought through the instant application amounts to main relief, therefore the same cannot be granted at this stage of proceedings.


ON FACTS


1. Contents need no reply. However the appeal is fixed today for reply.
2. Contents incorrect and misleading, neither there is any Prima facia exists in favor of the appellant nor there is any irreparable loss to the appellant. Moreover, balance of convenience also tilt in favour of the replying respondent. The application in hand lacks the basic ingredients of interim relief/temporary injunction.
3. Contents incorrect and misleading there is no violation of any law rather the order is passed well in accordance with law rules and policy and in the best interest of public.
4. That the accompanied reply on main appeal may also be read as integral part of the instant reply to the application.

It is, therefore, requested that the application may kindly be dismissed with costs.

Respondent No. 5

Through


IJAZ ANWAR
Advocate Peshawar

&

SAJID AMIN
Advocate, Peshawar

AFFIDAVIT

I, do hereby solemnly affirm and declare on oath that the contents of the above reply to the main appeal as well as reply to the application are true and correct to best of my knowledge and believe and that nothing has been kept back or concealed from this Honourable Tribunal.


Deponent



(6)

Annexure - 2

OFFICE OF THE AGENCY SURGEON NORTH WAZIRISTAN MIRANSHAH

OFFICE ORDER

In compliance of the recommendation of Minister for Health NWFP, Peshawar, Mr. Gul Bad Shah S/O Sahib Shah of North Waziristan Agency is hereby appointed as a Junior Clerk in BPS-5 (1400-66-2390) plus usual allowances as admissible under the rules, against the vacant post in Malaria control Programme NWA.

His appointment is subject to the following terms and conditions:-

1. His appointment in the Health Department (MCP) is purely temporary and his services are liable to termination at any time without assigning any reasons.
2. He is medically fit for Government service.
3. If he wish to resign at any time he will have to tender his resignation prior to one month notice and shall continue his services till such time that his resignation is accepted by the competent authority failing which one month pay will be forfeited to Government.
4. If he accept the offer on the above mentioned terms and conditions he will have to report for duty to the office of the Agency Surgeon North Waziristan Miranshah within 15 days from the date of receipt of this offer, failing which the offer will be considered as cancelled.
5. He will be governed by such rules and orders as issued by the Govt. for the category of the staff to which he belongs.
6. No T.A/DA will be admissible for joining the duty.

Sd/-

(Dr. Ihsanullah)

Agency Surgeon

North Waziristan Miranshah

No. 314-15/1 Dated Miranshah the 16/2 1995.

Copy forwarded to these

1. Account/Pay Bill Clerk Agency Surgeon Office Miranshah.
2. Mr. Gul Bad Shah S/O Sahib Shah of North Waziristan Agency.

for information and necessary action.

No. _____

Copy alongwith a copy of the recommendation, is forwarded to the Private Secretary to Minister for Health NWFP, Peshawar for favour of information please.

Agency Surgeon,
North Waziristan Miranshah

ATC
[Signature]

DIRECTORATE OF HEALTH SERVICES FATA
FATA SECRETARIAT WARSAK ROAD PESHAWAR.

OFFICE ORDER.

7
Annexure
R-II

As approved by the competent authority following posting/transfer of Ministerial staff is hereby ordered in the interest of public service with immediate effect.

S.#	Name	From	To	Remarks
1	Mr. Saeedullah Senior Clerk	Agency Surgeon office Miranshah	Office of the Additional Agency Surgeon Kurram at Sadda	Against the vacant post without entrusting him any responsibility.
2	Mr. Said Muhammad Junior Clerk	Agency Surgeon Miranshah	M.S. AHQ Hospital, Hospital Miranshah	Against the vacant post.
3	Mr. Lair Jam Senior Clerk	Agency Surgeon Miranshah	Head clerk Agency Surgeon Office Miranshah	Vice No. 2 above.

NO. 14478-84 /DHS/FATA/Admn

.....Sd.....
Director Health Services,
FATA, Peshawar.
Dated 10/09/2013

Copy forwarded to the:-

1. Secretary Social Sectors Department, FATA.
2. Agency Surgeon NW Miranshah.
3. Medical Superintendent AHQ Hospital Miranshah.
4. Additional Agency Surgeon Lower and central Kurram at Sadda.
5. Agency Account Officer North Waziristan Agency.
6. Agency Account Officer, Kurram at Parachinar.
7. Official concerned.

For information and necessary action.

Muzam
Director Health Services,
FATA, Peshawar.

ATC
TD

DIRECTORATE OF HEALTH SERVICES FATA
FATA SECRETARIAT WARSAK ROAD PESHAWAR.

OFFICE ORDER

As approved by the competent authority, Mr. Syed Muhammad Junior Clerk attached to Agency Surgeon N.W. Agency is hereby retained in the office of Agency Surgeon N.W. Agency on his original post of Junior Clerk in the best interest of public with immediate effect. It is further added that assign him the responsibilities accordingly.

.....Sd.....
Director Health Services,
FATA, Peshawar.

NO. 17321-24 DHS/FATA/Admn Dated 29/10/2013

Copy forwarded to the:-

1. Agency Surgeon N.W. Agency.
2. Medical Superintendent AHQ Hospital Miranshah.
3. Agency Accounts Officer N.W. at Miranshah.
4. Official concerned.

For information and necessary action.

29/10
Director Health Services,
FATA, Peshawar.

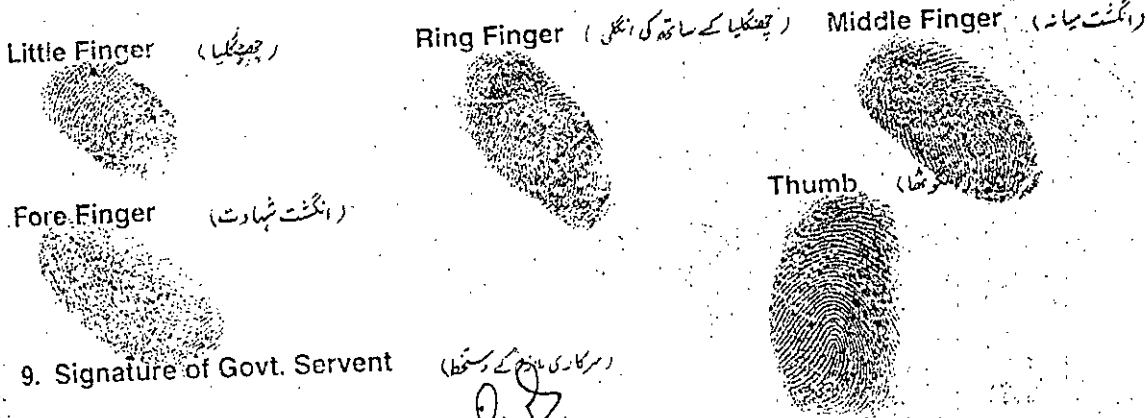
ATC
[Signature]

(9)

Annexure R-V

1. Name (نام) Gul Bad Shah
2. Nationality and Religion Pakistani (Muslim)
(قومیت اور مذہب)
3. Residence (مستقل رہائش) village Gheera Tehsil Shewa N.W. Agency
4. Father's name and residence Sahib Shah
(والد کا نام اور پتہ)
5. Date of birth by Christian era as nearly as can be ascertained 3-4-1972
(تاریخ پیدائش مطابق سن عیسوی)
6. Exact height by measurement 5-7
(قد و قامت)
7. Personal mark of identification scar chin
(نشانی شناخت)

8. Left hand/right hand thumb and finger-impressions of (Non-gazetted officer)
(سرکاری صورت میں بائیں اور عورت کی صورت میں دائیں ہاتھ کی انگلیوں کے نشانات)



9. Signature of Govt. Servent
(سرکاری کام کے دستخط)

10. Signature and designation of the Head of the Office or other Attesting officer
(تصدیق کنندہ افسر کے دستخط اور نام)

[Signature]
M. W. Agency
M. W. Agency
M. W. Agency

Note: The entries in this page should be renewed or re-attested at least every five years and the signatures in lines 9 and 10 should be dated. Finger prints need not be taken after every 5 years under this rule.

اس صفحہ کے مندرجات کم از کم پانچ سال بعد تصدیق ہونا ضروری ہیں اور نمبر 9-10 میں دستخطوں کے نیچے تاریخ ہونی چاہیے انگلیوں کے نشانات کے لئے ہر پانچ سال کے بعد کی تصدیق کی ضرورت نہیں۔

DTC
D

8	9	10	11	12		13	14	15
Signature of Government servant	Signature and designation of the Head of the office or other attesting officer in attestation of column 1 to 8	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal etc.)	Signature of the head of the office or other Attesting officer	Nature and duration of leave taken	Allocation of period of leave of average pay up to four months (or earned leave not exceeding 120 days) to which leave salary is debitable to another Government	Signature of the Head of the office or other attesting Officer	Reference to any recorded punishment or censure, or reward or praised of the Government servants
دستخط سرکاری ملازم	دستخط افسر مجاز	تاریخ تعینات یا ملازمت	وجہ ہٹانے کا مقصد ملازمت ترقی یا سروس باہر منتقلی	دستخط افسر مجاز	رہنمائی کی نوعیت و مہینوں	چھ ماہ کی رہنمائی کے لئے اوسط تنخواہ کا تعین Period Government to which debitable	دستخط افسر مجاز	سزا یا جزا یا توبیخ یا سب کا ریکارڈ کی کارروائی
		16/2/95				Appointed as a junior clerk against the vacant post in Malacca Control in B.P.S-5 (1400-66-2390) plus usual allowance as admissible under the rules vide Agency Surgeon Office No. 314-15 dated 16/2/1995		
						Allowed 2 (two) advance more Ts due to F.S. marks date of July/100 and pay fixed in Revised Basic pay scale No. 5 vide FID-PTT. Govt. of M.S.F.P No: FD(PRC)-1-89 dated 11-8-91		
						Pay on 16-2-95 Rs 1400/- P.M + 2 advance more Ts 132/- P.M Total 1532/- P.M		
						Allowed Annual increment		
		20/1/95				From 01/01/95 to 30/01/95		

Agency Surgeon N. W. Agency Miran Shah

Agency Surgeon N. W. Agency Miran Shah

Agency Surgeon N. W. Agency Miran Shah

Handwritten initials and signature at the bottom left corner.

1	2	3	4	5	6	7	8	9
Name of Post	Whether Substantive or officiating and whether permanent or temporary	If officiating state- (i) substantive appointment or (ii) whether service counts for pension under rule 3-20 of C.S.R. (Pb.) Volume II	Pay in substantive position	Additional pay for officiating	Other emoluments falling under the term pay	Date of appointment	Signature of Government servant	Signature designat the head office or attesting in attesta column
	عارضی مستقل یا قائم مقام	اگر عارضی ہے تو کیا وہ رول کے مطابق پیش کیا گیا ہے	تجواہ بطور عارضی ملازمت	زائدہ تجواہ بطور قائم مقام	ماسوائے تجواہ دیگر اڈنس	تاریخ تقرری	دستخط سرکاری ملازم	سربراہ
			Rs. Ps.	Rs. Ps.				
Pops-5-1450-66-2380								
Jacob P.M		Kay C.A.		1664/- P.M.		12/96 P.M.		
do				Pay @ Rs. 1730/- P.M.		1/12/96 P.M.		
 <p>Due to oversight the page has left</p> <p>B. Danti</p> 								

AGENCY SU
N. W. A
IRAN S

Atc
TD

8	9	10	11	12	13	14	15
Signature of Government servant	Signature and designation of the Head of the office or other attesting officer in attestation of column 1 to 8	Date of termination or appointment	reason of termination (such as promotion, transfer, dismissal etc.)	Signature of the head of the office or other Attesting officer	Nature and duration of leave taken	Signature of the Head of the office or other attesting Officer	Reference to any recorded punishment or censure, or reward or praised of the Government servants
دستخط سرکاری ملازم	دستخط افسر مجاز	تاریخ انعقاد ملازمت	وجوہات انعقاد ملازمت ترقی بہادر دیار پٹنی	دستخط افسر مجاز	رخصت کی نوعت و میاد	دستخط افسر مجاز	سزا یا جزا یا غیرت سب کارکردگی کا ریکارڈ
		30/11/96 AN.	Allowed Annual	Allowed Annual	چار ماہوں کی رخصت کے لئے اوسط تنخواہ کا تین	Service verified upto and from 30/11/96 AN	AN
	AGENCY SURGEON N. W. A. MIRAN SHAH			AGENCY SURGEON N. W. A. MIRAN SHAH		AGENCY SURGEON N. W. A. MIRAN SHAH	
		30/11/97 AN	Allowed Annual	Allowed Annual	Service verified upto of for 30/11/97 AN		
	AGENCY SURGEON N. W. A. MIRAN SHAH			AGENCY SURGEON N. W. A. MIRAN SHAH		AGENCY SURGEON N. W. A. MIRAN SHAH	
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ATC
HD

8 Signature of Government servant	9 Signature and designation of the Head of the office or other attesting officer in attestation of column 1 to 9	10 Date of termination or appointment	11 reason of termination (such as promotion, transfer, dismissal etc.)	12 Signature of the head of the office or other Attesting officer	12 Nature and duration of leave taken	13 Allocation of period of leave of average pay up to four months (or earned leave not exceeding 120 days) to which leave salary is debitable to another Government	14 Signature of the Head of the office or other attesting Officer	15 Reference to any recorded punishment or censure, or reward or praised of the Government servants
<p>دستخط سرکاری ملازم</p>	<p>دستخط افسر مجاز</p>	<p>تاریخ انقضاء ملازمت</p>	<p>وجوبت انقضاء ملازمت ترقی تیار در با بر طری</p>	<p>دستخط افسر مجاز</p>	<p>رخصت کی نوبت وسیعاً</p>	<p>چار ماہ تک کی رخصت کے لئے اوسط تنخواہ کا تین</p>	<p>دستخط افسر مجاز</p>	<p>سزا جزا یا طر سب کارکردگی کا ریکارڈ</p>
<p>12 24 1-98 FN</p>	<p>Annual Increment on 30/11/98</p>						<p>Service verified from office copy of Pay bill up to 1-12-97 to 30-11-98</p>	
<p>12 24 1-99 FN</p>	<p>30/11/99 AN</p>			<p>Allowed Annual Increment</p>			<p>Service Verified upto and for 30/11/99 AN from the off pay bill and other available record</p>	
<p>7 2000 FN</p>	<p>7 2000 AN</p>		<p>Transferred under the Control of Medical Supdt. SHD Hospital Miran Shah Agency Supdt. order No. 2193-76/C-1 Dated 18/7/2000</p>				<p>Service verified upto and for 18-7-2000 AN</p>	
<p>ATC to</p>	<p>AGENCY SURGEON N. W. A. MIRAN SHAH</p>			<p>AGENCY SURGEON N. W. A. MIRAN SHAH</p>			<p>AGENCY SURGEON N. W. A. MIRAN SHAH</p>	

8	9	10	11	12		13	14	15
Signature of Government servant	Signature and designation of the Head of the office or other attesting officer in attestation of column 1 to 6	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal etc.)	Signature of the head of the office or other Attesting officer	Nature and duration of leave taken	Allocation of period of leave of average pay up to four months (or earned leave not exceeding 120 days) to which leave salary is debitable to another Government	Signature of the Head of the office or other attesting Officer	Reference to any recorded punishment or censure, or reward or praised of the Government servants
دستور سرکاری ملازم	ڈاکٹر محمد امجد	20/04/2000	بیماری اور طبی بلازمت ترقی تبادلہ برطرفی	ڈاکٹر امجد	رخصت کی نوعیت دو مہینہ	بیماری کی رخصت کے لئے اوسط تنخواہ کا قہری Period Government to which debitable	ڈاکٹر محمد امجد	سزا یا جزا یا غیر سزا کارکردگی کا ریکارڈ
<p>Assumed duty on 19/7/2000 (FN) In Compliance of O.O No. 219/12 dt. 18-7-2000 against the clear cut existing vacancy of Sr. Clerk</p>								
<p>1-12-2000 FN 30/11/2000 AN Medical Superintendent Agency H.O. Hospital Miran Shah.</p>								
<p>Granted Annual Increment Service Verified upto 30/11/2000 AN</p>								
<p>30/11/2001 AN Allowed Annual Increment Service Verified upto 30/11/2001 AN</p>								
<p>12-1-2001 FN 30/11/2001 AN Allowed Annual Increment Service Verified upto 30/11/2001 AN</p>								

1-12-2000 FN

12-1-2001 FN
 30/11/2001 AN
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Medical Superintendent
 Agency H.O. Hospital
 MIRAN SHAH

Medical Superintendent
 Agency H.O. Hospital
 MIRAN SHAH

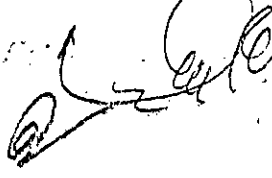


Medical Superintendent
 Agency H.O. Hospital
 MIRAN SHAH

ATC

1	2	3	4		5		6	7	8
Name of Post	Whether Substantive or officiating and whether permanent or temporary	If officiating state- (i) substantive appointment or (ii) whether service counts for pension under rule 3-20 of C.S.R. (Pb.) Volume II	Pay in substantive position		Additional pay for officiating		Other emoluments falling under the term pay	Date of appointment	Signature of Government servant
			Rs.	Ps.	Rs.	Ps.			
درجہ ملازمت	ماریں مستقل یا قائم مقام	اگر ماریں ہے تو کیا وہ رول کے مطابق پیش کاسستی ہے	تخوہ بلور	ماریں ملازمت	زائدہ تخوہ بلور	قائم مقام	ماسوائے تخوہ دیگر الاؤنس	تاریخ تقرری	دستخط سرکاری ملازم
			B-5 (2100-100-5100)		Pay @ Rs. 3100/PM			12/1/2011	
			J/clock.						
			do		Pay @ Rs. 3200/PM			12/200	
			do		Pay @ Rs. 3300/PM			12/200	

NTC

8	9	10	11	12		13	14	15
Signature of Government servant	Signature and designation of the Head of the office or other attesting officer in attestation of column 1 to 8	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal etc.)	Signature of the head of the office or other Attesting officer	Nature and duration of leave taken	Allocation of period of leave of average pay up to four months (or earned leave not exceeding 120 days) to which leave salary is debitble to another Government	Signature of the Head of the office or other attesting Officer	Reference to any recorded punishment or censure, or reward or praised of the Government servants
دستخط سرکاری ملازم	دستخط انسپکشن آفیسر	تاریخ تقریر یا ملازمت	بیماری، انتقال، ترقی، یا دیگر وجوہات	دستخط انسپکشن آفیسر	نوعت کی نوعت و میاں	<p>بیماری کی مدت کے لئے اوسط تنخواہ کا تین</p> <p>Period Government to which debitble</p>	دستخط انسپکشن آفیسر	سزا یا جزا یا تادیب یا کارکردگی کی کارکردگی
12/1/2002		30/11/2002				Allowed Annual Increment		Specified upto 30/11/2002
12/1/2003		30/11/2003				Allowed Annual Increment		Specified upto and for 30/11/2003
12/1/2003		30/11/2003				Allowed Annual Increment		Service Verified and for 30/11/2003

Agency Head Office Hospital
 Agency Head Office Hospital
 Agency Head Office Hospital

Medical Superintendent, Hospital
 Medical Superintendent, Hospital
 Medical Superintendent, Hospital

Agency Head Office Hospital
 Agency Head Office Hospital
 Agency Head Office Hospital

Agency Head Office Hospital
 Agency Head Office Hospital
 Agency Head Office Hospital

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1	2	3	4	5	6	7	8
Name of Post	Whether Substantive or officiating or whether permanent or temporary	If officiating state- (i) substantive appointment or (ii) whether service counts for pension under rule 3-20 of C.S.R. (Pb.) Volume II	Pay in substantive position	Additional pay for officiating	Other emoluments falling under the term pay	Date of appointment	Signature of Government servant
	عارضہ مستقل یا قائم مقام	اگر عارضی ہے تو کیا وہ رول کے مطابق پیش کش کی گئی ہے	تخوفا بطور عارضی ملازمت	زائد تخوفا بطور قائم مقام	ماسوائے تخوفا دیگر اداؤں	تاریخ تقرری	دستخط سرکاری ملازم
			Rs. Ps.	Rs. Ps.			
B-5 (2415-115-5665)			Pay @ Rs.		3795/-	14/12/11	805
do			Pay @ Rs.		3910/-	12/12/11	805
do			Pay @ Rs.		4025/-	12/06/11	806

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8	9	10	11	12		13	14	15
Signature of Government servant	Signature and designation of the Head of the office or other attesting officer in attestation of column 1 to 8	Date of termination or appointment	reason of termination (such as promotion, transfer, dismissal etc.)	Signature of the head of the office or other Attesting officer	Nature and duration of leave taken	Allocation of period of leave of average pay up to four months (or earned leave not exceeding 120 days) to which leave salary is debitabale to another Government	Signature of the Head of the office or other attesting Officer	Reference to any recorded punishment or censure, or reward or praised of the Government servants
دستخط سرکاری ملازم	دستخط افسر مجاز	تاریخ انقطاع ملازمت	وجوہات انقطاع ملازمت ترقی تبادلہ برسرطریق	دستخط افسر مجاز	رضعت کی نوعیت ومعیار	چار ماہ کی رخصت کے لئے اوسط تنخواہ کا اتنا Period Government to which debitabale	دستخط افسر مجاز	سزا یا جزا یا غیر مناسب کارکردگی کا ریکارڈ
12 FN 005		30-6-AN 005						
12 FN 5		30-11-AN 005						
12 FN		30-11-AN 05						
12 FN		30-11-AN 05						

Pay fixed as per new pay scale vide financial direction letter No. FD (PAC) F-1-(1) dated 1/5/05 Islam A. A. A.

Medical Superintendent, Agency Headquarter's Hospital
 Medical Superintendent, Agency Headquarter's Hospital
 Allowed Annual Increment
 Specified upto 30-11-AN
 Medical Superintendent, Agency Headquarter's Hospital
 Medical Superintendent, Agency Headquarter's Hospital
 Allowed Annual Increment
 Specified upto 30-11-AN
 Medical Superintendent, Agency Headquarter's Hospital
 Medical Superintendent, Agency Headquarter's Hospital
 Allowed Annual Increment
 Specified upto 30-11-AN
 Medical Superintendent, Agency Headquarter's Hospital
 Medical Superintendent, Agency Headquarter's Hospital
 Allowed Annual Increment
 Specified upto 30-11-AN

ATC

1	2	3	4		5		6	7	8
Name of Post.	Whether Substantive or officiating and whether permanent or temporary	If officiating state- (i) substantive appointment or (ii) whether service counts for pension under rule 3-20 of C.S.B. (Pb.) Volume II	Pay in substantive position		Additional pay for officiating		Other emoluments falling under the term pay	Date of appointment	Signature of Government servant
			Rs.	Ps.	Rs.	Ps.			
درجہ ملازمت	عارضی مستقل یا تائم مقام	اگر عارضی ہے تو کیا و درول کے مطابق پیشن کا مستحق ہے	تعمدہ بطور عارضی ملازمت		زائد تعمده بطور تائم مقام		ماسوائے تعمدہ دیگر اور انس	تاریخ تقرری	دستخط سرکاری ملازم
B-7(2940-160-7740) Pay @ Rs. 4700/- M. 1/07/2007 FH.									
B-7(2940-160-7740) Pay @ Rs. 4860/- M. 1.12.2007 FH.									
do ————— Pay @ Rs. @ Rs.									

ATC
to

Signature of Government servant

دستخط سرکاری ملازم

07/2007
FH

12.2007
FH

9	10	11	12		13	14	15
Signature and designation of the Head of the office or other attesting officer in attestation of column 1 to 8	Date of termination or appointment	reason of termination (such as promotion, transfer, dismissal etc.)	Signature of the head of the office or other Attesting officer	Nature and duration of leave taken	Allocation of period of leave of average pay up to four months (or earned leave not exceeding 120 days) to which leave salary is debitable to another Government	Signature of the Head of the office or other attesting Officer	Reference to any recorded punishment or censure, or reward or praised of the Government servants
دستخط افسر مجاز	تاریخ انعقاد ملازمت	وجوہات نقولہا ملازمت ترقی یا دوسری ملازمت یا دیگر	دستخط افسر مجاز	رخصت کی نوعیت و دمیاد	چار ماہ کی رخصت کے لئے اوسط تنخواہ کا تین Period Government to which debitable	دستخط افسر مجاز	سزا یا جزا یا نکتہ سب کارکردگی کا ریکارڈ
<p>The post of gp/ clerk is up-graded to B-7 w.e.f 1st July 2007 and pay fixed in the revised BPs-2007 vide Govt. of NWFP Finance Dept's Notification No. FD/50(PR) 7-2/2007 dt. 28.7.2007</p>							
<p>Pay on 30/06/07 in existing B-5 @ Rs. 4025/-</p>							
<p>Pay fixed as on 1/7/07 in up-graded revised B-7 @ Rs. 4700/- pm.</p>							
<p>30/11/2007 AM</p>							
<p>MEDICAL SUPERINTENDENT AHO HOSPITAL AIRANSHAH</p>							
<p>Allowed Annual Increment specified upto and for 30/11/2007</p>							
<p>MEDICAL SUPERINTENDENT AHO HOSPITAL AIRANSHAH</p>							
<p>MEDICAL SUPERINTENDENT AHO HOSPITAL AIRANSHAH</p>							


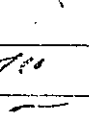
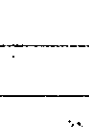

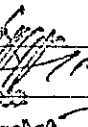
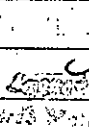

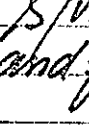
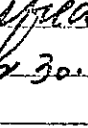
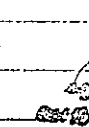
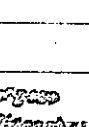


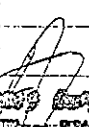

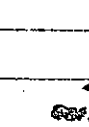
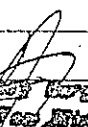
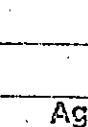
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1	2	3	4		5		6	7	8
Name of Post:	Whether Substantive or officiating and whether permanent or temporary	If officiating state- (i) substantive appointment or (ii) whether service counts for pension under rule 3-20 of C.S.R. (Pb.) Volume II	Pay in substantive position		Additional pay for officiating		Other emoluments falling under the term pay	Date of appointment	Signature of Government servant
			Rs.	Ps.	Rs.	Ps.			
درجہ ملازمت	عارضی مستقل یا قائم مقام	اگر عارضی ہے تو کیا وہ رول کے مطابق پیش کا مستحق ہے	تخواہ بطور	عارضی ملازمت	ذائدہ تخواہ بطور	قائم مقام	ماسوائے تخواہ دیگر الاؤنس	تاریخ تقرری	دستخط عیاری ملازم
<p>B-7 (2940-160-7740) Pay @ Rs. 4860/- 28/12/07</p> <p style="text-align: right;">B An</p> <p style="text-align: center;">Revised increment on account of One Special increment w.e.f 1/1/2007</p> <p>BPS-7 (2940-160-7740) 1/7/2007</p> <p>do Rs. 4860/- 1/9/2007</p> <p>do Rs. 5020/- 1/12/2007 FN</p> <p>BPS-7 (3530-190-9230) Pay Revised 1/7/2008</p> <p>do Rs. 6000/- 1/7/2008 FN</p> <p>do Rs. 6190/- 1/12/2008 FN</p>									

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1	2	3	4		5		6	7	8
Name of Post	Whether Substantive or officiating and whether permanent or temporary	If officiating state- (i) substantive appointment or (ii) whether service counts for pension under rule 3-20 of C.S.R. (Pb.) Volume II	Pay in substantive position		Additional pay for officiating		Other emoluments falling under the term pay	Date of appointment	Signature of Government servant
			Rs.	Ps.	Rs.	Ps.			
درجہ ملازمت	عارضی مستقل یا قائم مقام	اگر عارضی ہے تو کیا وہ رول کے مطابق پنشن کا مستحق ہے	تخوایہ بطور عارضی ملازمت		زائد تخوایہ بطور قائم مقام		ماسوائے تخوایہ دیگر اڈنس	تاریخ تقرری	دستخط سرکاری ملازم
B-7 (3530-190-9230)					Pay @ Rs. 6380/- Pm			1.12.2009	FN
A. J. Clerk of Justice									
office visit to Shah									
B-7 (3530-190-9230)					Pay @ Rs. 6570/- Pm			1.12.2010	FN

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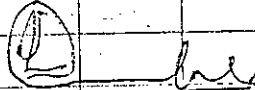
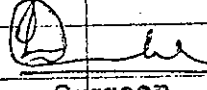
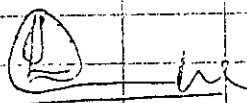
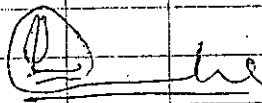
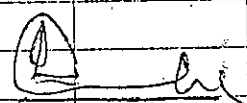
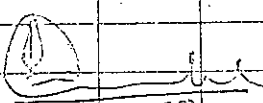
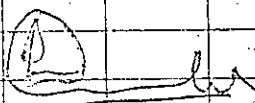
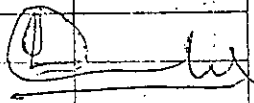

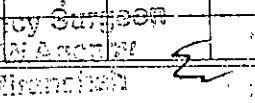
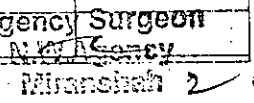
8	9	10	11	12		13	14	15
Signature of government servant	Signature and designation of the Head of the office or other attesting officer in attestation of column 1 to 6	Date of termination or appointment	reason of termination (such as promotion, transfer, dismissal etc.)	Signature of the head of the office or other Attesting officer	Nature and duration of leave taken	Allocation of period of leave of average pay up to four months (or earned leave not exceeding 120 days) to which leave salary is debitable to another Government چار ماہ کی رخصت کے لئے اور جو تنخواہ کا تعلق ہے Period Government to which debitable	Signature of the Head of the office or other attesting Officer	Reference to any recorded punishment or censure, or reward or praised of the Government servants
دستور سرکاری خانہ Don 2009 FN	دستور اور سربراہ مستوفی	تاریخ انقطاع لازمت	دعوت انقطاع لازمت ترقی تبادلہ یا بطرفی	دستور سربراہ	رخصت کا وقت دو مہینہ	30/11/2009 AN Specified upto 21 for 30/11/2009 AN	دستور اور سربراہ	سزا یا جزا یا توبیخ یا تعمیر یا تعریف کا کاروبار
	Allowed Annual Increment							
2010 FN	30.11.2010 AN	Allowed Annual Increment	30.11.2010 AN	Allowed Annual Increment	30.11.2010 AN	Specified upto and for 30.11.2010 AN		
								
			Pay fixed as Per new - AM Scale vide Department Notification No. F0180/PAC/2811					

Agency Surgeon
N.W. Agency
Miranshah

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to

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Name of Post	Whether Substantive or officiating and whether permanent or temporary	If officiating, state- (i) substantive appointment or (ii) whether service counts for pension under rule 3-20 of C.S.R. (Pb.) Volume II	Pay in substantive position	Additional pay for officiating	Other emoluments falling under the term pay	Date of appointment	Signature of Government servant
	ماریں مستقل یا قائم مقام	اگر ماریں ہے تو کیا وہ دونوں کے مطابق پیش لکاسٹی ہے	تنخواہ بطور ماریں ملازمت	زائد تنخواہ بطور قائم مقام	ماسوائے تنخواہ دیگر الاؤنس	تاریخ تقرری	دستخط سرکاری ملازم
			Rs. Ps.	Rs. Ps.			
BPS-07	(5800-320-15400)			Rs. 10920/-		01-07-71	
	Jr/clock-						
do				Rs. 11240/-		01-12-71	
do				Rs. 11560/-		01-12-71	
BPS-07	(5800-320-15400)			Rs. 11880/-		01-12-71	
BPS-01	(6600-460-20400)			Rs. 12120/-		20/05/71	
	Jr/clock-						
				Rs. 12120/-			
				Rs. 460/-		30/05/71	
				Pre-matric increment - 12580/-			

ATC
to

8	9	10	11	12	13	14	15	
Signature of Government servant	Signature and designation of the Head of the office or other attesting officer in attestation of column 9 to 10	Date of termination or appointment	reason of termination (such as promotion, transfer, dismissal etc.)	Signature of the head of the office or other Attesting officer	Nature and duration of leave taken	Allocation of period of leave of average pay up to four months (or earned leave not exceeding 120 days) to which leave salary is debitable to another Government	Signature of the Head of the office or other attesting Officer	Reference to any recorded punishment or censure, or reward or praised of the Government servants
دستخط سرکاری ملازم	دستخط افسر مجاز	تاریخ انقطاع ملازمت	وجوہات انقطاع ملازمت ترقی تبادلہ یا برطرفی	دستخط افسر مجاز	رخصت کی نوعیت دو میار	چار ماہ کی رخصت کے لئے اوسط تنخواہ کا تعین Period Government to which debitable	دستخط افسر مجاز	ملازمین کا ریکارڈ ملازمین کا ریکارڈ
1-07-20	30/11/011 AT/1			Allowed Annual Dues		Service verified upto and for 30/11/011 AT/1		
1-12-20				 Agency Surgeon N.W. Agency Miranshah 2		 Agency Surgeon N.W. Agency Miranshah 2		
1-12-20	31/11/012 AT/1			Allowed Annual Dues		Service verified upto and for 30/11/012 AT/1		
				 Agency Surgeon N.W. Agency Miranshah 2		 Agency Surgeon N.W. Agency Miranshah 2		
1-12-20	30/11/013 AT/1			Allowed Annual Dues		Service verified upto and for 30/11/013 AT/1		
01/05/20				 Agency Surgeon N.W. Agency Miranshah 2		 Agency Surgeon N.W. Agency Miranshah 2		
01/05/20				 Agency Surgeon N.W. Agency Miranshah 2		 Agency Surgeon N.W. Agency Miranshah 2		

ATC


30

FORM OF LEAVE ACCOUNT

LEAVE ACCOUNT OF PERMANENT GOVERNMENT SERVANTS AND GOVERNMENT SERVANTS

Name of Government Servant:

Date of commencement of service:

Serial No.	PERIOD OF DUTY			LEAVE EARNED		LEAVE AT CREDIT			LEAVE TAKEN												
	On Average Pay			On Average Pay		On Average Pay			On Average Pay												
1	2	3	4	5	6	7	8	9	10	11	12										
	Govt. Servd. under			On average pay at 1-11th 1-22nd of column 4	On half average pay at 1-12th 1-22nd of column 4	On average pay subject to a maximum 1-2 months Columns (18 + 5)	On average pay in excess of 42 months column (18 + 15 + 5)	On half average pay column (20 + 6)	Date	Against column - 7	On Medical Certificate or for pilgrimage, Rest, Education & Recreation Ex-Pakistan etc. against column 8 (column 11-12 not to exceed 6 months at a time)										
From	To	Y	M	D	Y	M	D	Y	M	D	Y	M	D	From	To	Y	M	D	Y	M	D
<p>B-11 (6600-460-20400) Pay @ Rs = 13019/-</p>																					

ATC
[Signature]

CONT
 VANTS

UNDER THE LEAVE RULES, 1955

WITH A CONTINUOUS/TEMPORARY SERVICE EXCEEDING 3 YEARS

Date of attaining the age of 55/56 years

Date of coming under the Leave Rules, 1955

LEAVE TAKEN

Average Pay	12
13	
14	
15	
16	
17	
18	
19	
20	

LEAVE/TERM												BALANCE ON RETURN FROM LEAVE			Remarks
On half average pay												18	19	20	
13		14		15		16		17		18		19		20	
In terms of average pay (a)		In terms of half average pay (rule of 13(b) b)		Days		Medical Certificate of 3 months absence		Total (Columns 13(b)+15+16)		Leave on average pay subject to a maximum of 42 months (columns 7-11)		Leave on average pay in excess of 42 months (columns 3-12)		Leave on half average pay (columns 3-17)	

Y M D Y M D Y M D Y M D Y M D Y M D Y M D Y M D Y M D Y M D Y M D

Post of J/c up - Graded from B-7 to B-11 vide Finance Department G.P.R. (Regulation wing) Notification No. F.P/50 (G.P.R.) 10-22/2014 dt. 20.5.14.

[Signature]
 AGENCY SURGEON
 W. W. A. MIRAN SHAH

Granted Pre-mature increment on up-gradation vide G.O. of G.P.R. Finance Department (Regulation wing) Notification No. F.P/50 (G.P.R.) 2-123/2014 dt. 30/5/14.

[Signature]
 AGENCY SURGEON
 W. W. A. MIRAN SHAH

Allowed Annual Specialized and...

[Signature] AGENCY SURGEON W. W. A. MIRAN SHAH
[Signature] AGENCY SURGEON W. W. A. MIRAN SHAH
[Signature] AGENCY SURGEON W. W. A. MIRAN SHAH

A.T.C.
[Signature]

32

Annexure R-VI

S#: 1 Miran Chen-H. M. P Sec: 001 Month: September 2015
 NU0031 - Agency Surgeon
 Min. OP M. A & N. A & S. F. R
 Pers #: 50185828 Buckle:
 Name: GUL BADSHAH JUNIOR CLERK
 CNIC No. 2150688595771
 GPF Interest Applied
 11 Active Temporary
 NTN:
 GPF #:
 Old #:

PAYS AND ALLOWANCES:		NU0031	-
0001-Basic Pay		14,870.00	
1000-House Rent Allowance		1,234.00	
1210-Convey Allowance 2005		2,856.00	
1300-Medical Allowance		1,500.00	
1528-Unattractive Area Allow		1,000.00	
1748-Adhoc Allowance 2010@ 50%		3,265.00	
2148-15% Adhoc Relief All-2013		1,887.00	
2174-Adhoc Relief Allow-2014		1,258.00	
2198-Adhoc Relief All 7.5%		1,245.00	
Gross Pay and Allowances		31,155.00	

DEDUCTIONS:			
GPF Balance	10,125.00	Subtr:	675.00
3701-Renevolent Fund(Exchange)			100.00
3704-Group Insurance(Exchange)			115.00
3711-Addl Group Insurance(Exch)			13.00

Total Deductions 983.00
 30,172.00

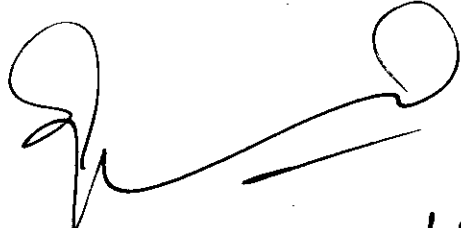
Htc
to

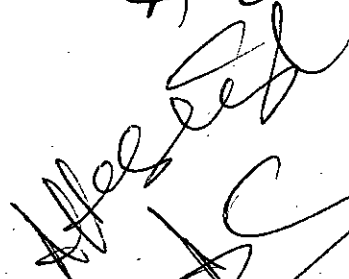
D. B. E. LFP Quota:
 03.04.1972 Payment through CDD.
 20 Years 07 Months Old Bays

Receipt

Rs 9 Syed Imdad Hussain Advocate
Associati NORR Mohammad Advocate
has received Rs 1000/- as Cost in
S. Appeal 1019/15 Titled
Syed Muhammad vs ACAS FATA.

Dated - 26/01/2016.


(S. Imdad Hussain)
Advocate


26-01-16

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL No. 1019 /2015

SAYED MUHAMMAD

VS

A.C.S FATA

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of appeal	1- 3.
2.	Stay application	4.
3.	Posting order	A	5.
4.	Impugned order	B	6.
5.	list	C	7- 8.
6.	Relieving order	D	9.
7.	Departmental and rejection	E	10.
8.	Vakalat nama	11.

PETITIONER

THROUGH:

NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No. 1019 /2015

Mr. Sayed Muhammad, Junior Clerk (BPS-07),
O/O the Agency Surgeon North Waziristan Agency at Miran Shah.
.....Appellant

VERSUS

- 1- The Additional Chief Secretary FATA, FATA Secretariat, Warsak Road, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary, Social Sector Department FATA, FATA Secretariat, Warsak Road, Khyber Pakhtunkhwa, Peshawar.
- 3- The Director Health Services FATA, FATA Secretariat Warsak Road, Khyber Pakhtunkhwa, Peshawar.
- 4- The Agency Surgeon, North Waziristan Agency at Miran Shah.
- 5- Mr. Gul Bad shah, Junior Clerk (BPS-07), O/O the Agency Surgeon North Waziristan Agency at Miran Shah.

..... **RESPONDENTS**

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE PRE-MATURE TRANSFER ORDER DATED 31-08-2015 WHEREBY THE RESPONDENT NO.5 WAS TRANSFERRED/POSTED AS HEAD CLERK IN THE O/O OF AGENCY SURGEON NORTH WAZIRISTAN AGENCY IN PLACE OF APPELLANT AND AGAINST THE APPELLATE ORDER DATED 3.9.2015 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED ON NO GOOD GROUNDS

PRAYER:

That on acceptance of this appeal the impugned orders dated 31-08-2015 and 3.9.2015 may very kindly be set aside and the respondents may be directed that not to transfer the appellant from the post of Head Clerk Agency Surgeon Office North Waziristan Agency till completion of his normal tenure. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:
ON FACTS:

- 1- That the appellant was appointed as Junior Clerk (BPS-07) in the respondent Department. That right from appointment till date the appellant has served the respondent Department quite efficiently and up to the entire satisfaction of his superiors.
- 2- That vide order dated 30-10-2013 the appellant was posted/adjusted against the post of Senior Clerk (BPS-09) and was further directed to continue his duty as Head Clerk in the office of Agency Surgeon North Waziristan Agency at Miran Shah. That in response the appellant took over the charge of the said post on the same day i.e. vide dated 30-10-2013 and started performing his duty quite efficiently and up to the entire satisfaction of his superiors. Copy of the posting order is attached as annexure **A.**
- 3- That the local MNA of North Waziristan Agency has telephonically directed the respondent No.3 to transfer the private respondent No.5 as Head Clerk in place of appellant. That the respondent No.3 in compliance of the said illegal and unlawful direction issued the impugned order dated 31/08/2015 whereby the private respondent who is actually on detailment in the o/o of agency surgeon NWA has been posted in place of appellant. Copies of the impugned order, list and relieving order are attached as annexure **B, C and D.**
- 4- That the appellant feeling aggrieved from the impugned order dated 31-08-2015 filed Departmental appeal before the respondent No.2 through proper channel but instead the respondent No.4 instead of forwarding the same to respondent No.2 has itself regretted the same on no good grounds vide order dated 3.9.2015. Copy of the Departmental appeal and rejection on the same page of Departmental appeal is attached as annexure **E.**
- 5- Hence the present appeal on the following grounds amongst the others.

GROUND:

- A- That the impugned orders dated 31-08-2015 and 3.9.2015 are against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That the appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.

- C- That the impugned order dated 31-08-2015 is against the Clause I, II and IV of the transfer/posting policy of the Government of Khyber Pakhtunkhwa. Copy of the policy is attached as annexure F.
- D- That the impugned order dated 31-08-2015 has not been issued by the respondents in the public interest nor exigencies of service.
- E- That the respondents inspite of knowing the fact that the private respondent No.5 is already serving the Department at the O/O of Agency Surgeon NWA on detailment basis has transferred/ posted as Head Clerk in place of appellant.
- F- That the respondent Department acted in arbitrary and malafide manner while issuing the impugned orders dated 31-08-2015 and 3.9.2015.
- G- That the impugned orders dated 31.8.2015 and 3.9.2015 are also issued by the respondents in violation of clause 24(A) of the General Clauses Act 1897.
- H- That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

APPELLANT


SAYED MUHAMMAD

THROUGH:


**NOOR MOHAMMAD KHATTAK
ADVOCATE**

BEFORE THE KHYBER PAKHTUNKHEWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO _____/2015

SAYED MOHAMMAD

VS

A.C.S. FATA

APPLICATION FOR SUSPENTION OF OPERATION
OF IMPUGNED ORDER DATED 31.8.2015 TILL
THE DISPOSAL OF THIS APPEAL

R/SHEWETH:

- 1- That the appellant filed above mentioned appeal along with this application before this august service Tribunal in which no date has been fixed so for.
- 2- That all the three ingredients necessary for the stay is in favor of the appellant.
- 3- That the transfer of the appellant is against the transfer policy of the Government of Khyber Pakhtunkhwa and the impugned transfer order dated 31.8.2015 is also not issued in the public interest nor exigencies of public service.
- 4- That the grounds of main appeal is also be considered as integral part of this application.

It is therefore humbly prayed that on acceptance of this application the order dated 31.8.2015 may very kindly be suspended till disposal of this appeal.

APPELLANT



SAYED MOHAMMAD

THROUGH:



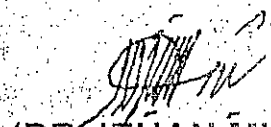
NOOR MOHAMMAD KHATTAK
ADVOCATE

A-(5)

OFFICE OF THE AGENCY SURGEON
NORTH WAZIRISTAN AGENCY MIRANSHAH.
PHONE & FAX; 0928-300788.

OFFICE ORDER.

In compliance with the Director Health Services, FATA Peshawar order bearing endorsement No.17321-24/DHS/FATA/Admn dated 29/10/2013, Mr.Syed Muhammad is adjusted against the post of senior clerk BPS-09 and directed to continue his duty as a Head Clerk in the interest of public services with immediate effect.



(DR. JEHAN MIR)
AGENCY SURGEON,
NORTH WAZIRISTAN MIRANSHAH.


No. 2775-77 IC-1, *Dated Miranshah The 30/10/2013.*

- Copy forwarded to:-
1. The Director Health Services, FATA Peshawar for information w/r to his letter No. quoted as above please.
 2. The Agency Accounts Officer North Waziristan Agency Miranshah for information and necessary action.
 3. The official concerned.

Attested




AGENCY SURGEON,
NORTH WAZIRISTAN MIRANSHAH.

ATTESTED


DIRECTORATE OF HEALTH SERVICES FATA
FATA SECRETARIAT WARSAK ROAD PESHAWAR

OFFICE ORDER:

Mr. Gul Badshah, Junior Clerk attached to Agency Surgeon NWA will work as Head Clerk in the office of Agency Surgeon NWA in the interest of Public with immediate effect.

Sd/-
Director Health Services,
FATA, Peshawar

NO. 19122-24/DHS/FATA/Admin

Dated 31/8/2015

Copy forwarded to all concerned.

ATTESTED



DIRECTORATE OF HEALTH SERVICES FATA
FATA SECRETARIAT WARSAK ROAD PESHAWAR.

B-6

OFFICE ORDER

Mr. Gul Badshah, Junior Clerk attached to Agency Surgeon NWA will work as Head Clerk in the office of Agency Surgeon NWA in the interest of public with immediate effect.

Sd.....

Director Health Services,
FATA, Peshawar.

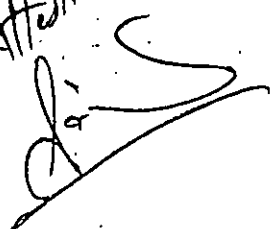
NO. 19/2A-24/DHS/FATA/Admn Dated 3/08/2015

Copy forwarded to the:-


1. Deputy Director (Admn) DHS FATA.
2. Agency Surgeon NW Agency.
3. Official concerned.

3/8/15
Director Health Services,
FATA, Peshawar

F

Attested


ATTESTED



Doc: 51
3/8/15

AGENCY SURGEON
NORTH WAZIRISTAN AGENCY MIRANSHAH

No. 31/5

Dated 22/5/2015

To.

The Director Health Services,
FATA Peshawar

Subject: **LIST OF MINISTERIAL STAFF.**

Memo:

Reference your office telephonic message dated 22/05/2015, on the subject noted above; I have the honour to submit here with list of ministerial staff working under the control of this office for further necessary action as desired please.

Agency Surgeon
North Waziristan Miranshah
At Bannu

ATTESTED



C-7

AGENCY SURGEON

NORTH WAZIRISTAN AGENCY MIRANSHAH

Address: Civil Colony House No. 124, Street No. 02, Miranshah
Telephone (0928) 311662, Fax (0928) 300788.

Presently at District Bannu (928) 620999

No. 31/5

Dated

22/05/2015

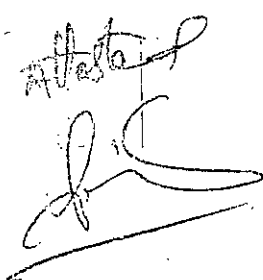
To

The Director Health Services,
FATA Peshawar.

Subject: LIST OF MINISTERIAL STAFF.

Memo:

Reference your office telephonic message dated 22/05/2015, on the subject noted above; I have the honour to submit here with list of ministerial staff working under the control of this office for further necessary action as desired please.



Agency Surgeon
North Waziristan Miranshah
At Bannu

ATTESTED



8

STATEMENT SHOWING THE DETAIL OF MINISTERIAL STAFF OF AGENCY SURGEON OFFICE NWA.

Hierarchy with Grade	Sanct.	Filled	Vacant	Name of Incumbent with Designation	Place of Duty	Joined with In Agency.	Joined on the present post	Remarks
Senior Clerk BPS-9	4	4	-	1. Mr. Lahir Jan Senior Clerk	ADHC/IAS Office	20/12/1979	01/07/2009	Promotion under process to BPS-15.
				2. Mr. Haider Ali Senior Clerk	TBC/IAS Office.	16/01/1991	1/5/2009	
				3. Mr. Mukhter Ali Junior Clerk	IAS Office.	1/5/2013	1/5/2013	Working against the post of Senior Clerk.
				4. Mr. Ainafulah Junior Clerk	EPI/IAS Office	1/5/2013	1/5/2013	Working against the post of Senior Clerk.
Junior Clerk BPS-7	7	7	-	1. Said Muhammad Junior Clerk.	IAS Office.	26/3/1996	1/12/2013	Working as a Head Clerk.
				2. Mr. Gul Bad Shah Junior Clerk ✓	RHC Spinwar. ✓	16/2/1995 ✓	27/2/2008 ✓	Working in AS Office on detailment basis
				3. Mr. Usman Junior Clerk.	TBC/IAS Office.	1/5/1994	1/5/1994	
				4. Mr. Muhammad Amlad Junior Clerk	THQ Hospital Mirali.	1/2/2003	1/8/2003	
				5. Mr. Muhammad Safdar Junior Clerk	THQ Hospital Mirali.	1/5/2009	1/5/2009	
				6. Mr. Muhammad Niaz Jr. Clerk	IAS Office.	1/5/2009	1/5/2009	
				7. Mr. Muhammad Mnsoor Jr. Clerk	Malaria C/P Programme	1/5/2009	1/5/2009	Working in THQ Hospital Mirali.

N.B:- Mr. Saldullah Senior Clerk was transferred to additional Agency Surgeon Lower Kurm at Sadda by your good office in October, 2011, But he has not yet submitted his departure report.

ATTESTED
[Signature]

Attested
[Signature]

Agency Surgeon
North Waziristan Miranshah
At Bannu
[Signature]

D-9

OFFICE OF THE AGENCY SURGEON
NORTH WAZIRISTAN MIRANSHAH.
PHONE & FAX: 0928-300788.

OFFICE ORDER:

Mr. Gul Bad Shah J/Clerk is hereby ordered to assume the charge of Head Clerk and Saeed Muhammad J/ Clerk is here by directed to hand over all the charge, vide Director Heath Services FATA, order No. 19122-23, dated: 03-8-2015, with immediate effect in the public services.

-Sd:XXXXXXXXXXXXXXXXXX

Dr Hamid ur Rehman
Agency Surgeon
North Waziristan Miranshah

No. 3898-38/1 Trafr: dated: Miranshah the: 7/9/2015.

Copy to the:

1. Director Health Services FATA Warsak Road Peshawar with reference to his letter No. cited above.
2. Agency Account Officer Miranshah.
3. N.B. of Pakistan Miranshah Branch.
4. Official concerned.

For information and necessary action.

Received on
08/09/2015 at 12-00 Noon.
[Signature]
2015

[Signature]
Agency Surgeon
North Waziristan Miranshah
ATTESTED
[Signature]

E - (16)

The Honourable Secretary,
Social Sector Department, FATA Secretariat Peshawar.

Through:- Proper Channel.

Subject:- APPEAL.
Sir,

With due respect I beg to say that I am working as a Head Clerk in Agency Surgeon office from the last two years. Neither public complaints lodged against me nor any explanation or show cause Notice has been issued to me by the department.

Beside Director Health Services, FATA Peshawar has issued my transfer order from the post of Head Clerk on political influence of MNA North Waziristan Agency vide order No.19122-24/DHS/FATA/Admn dated 31/8/2015.

From the last two years MNA North Waziristan Agency pressurizing me for illegal and unlawful works like issuing feasibility reports for his non-feasible schemes as well as for appointments of his non qualified Dais in Health Institutions situated in his village etc, which is impossible under the rules for me.

As a result he recommended my name for transfer from the post of head clerk and another junior clerk has posted on the same post on detailment basis, which is also violation of the transfer / posting policy. Further more the sitting Agency Surgeon was not asked for the act and he may kindly be asked whether he feels comfortable with him or not regarding his present record working with him.

Therefore it is humbly requested to kindly cancel my transfer order on the following grounds.

1. There is no public complaint, disciplinary proceeding, departmental inquiry pending against me.
2. My tenure on the present post have not been completed.
3. Transfer / posting on political pressure in Government Departments is unlawful/unjust action with Government servants.
4. Transfer / Posting on detailment basis in government Department is against the service rules. Therefore it is requested to kindly the posted junior clerk may be directed to report for duty to his original place of duty i.e RHC Spinwam according to the Government rules.
5. Political influence especially for developmental schemes in Government Departments is damaging the system.

Thanks
Dated:-03/09/2015.

ATTESTED

Your's obediently

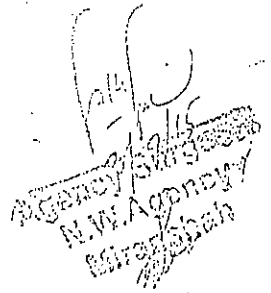
Seen and filed



Attested


(Mr. Syed Muhammad)

Head Clerk Agency Surgeon Office
Health Department North Waziristan Agency.



BEFORE THE SERVICES TRIBUNAL
KHYBER PAKHTUNKHWA, PESHAWAR
APPEAL NO. 1019/2015

Mr. Syed Muhamamd

..... Appellant

Versus

ACS (FATA) & Others

..... Respondents

Para wise joints comments on behalf of respondent No. 1- 3.

Preliminary objections

1. That the appellant has no cause of action/locus standi to file the present appeal.
2. That the appellant is estopped by his own conduct to file the instant appeal.
3. That this Honourable Service Tribunal has got no jurisdiction to entertain the instant appeal.
4. That the instant appeal is bad for Mis Joinder & Non-Joinder of parties.
5. That the present appeal is barred by law.
6. That the appeal is not maintainable in its present form.
7. That the present appeal is bad in its present form, hence not maintainable and liable to be dismissed.
8. That the appellant has to serve anywhere in KP/FATA as per Rules & Law.

Respectfully Sheweth;

1. Correct, to the extent of official record.
2. Correct, to the extent of posting as Head Clerk but is pertinent to mention here that the appellant is posted within the same office of the Agency and has completed his normal tenure as Head Clerk.
3. Incorrect, the rest of the para is baseless as no political influence is involve while posting the private respondent No. 5.
4. Correct, to the extent of Departmental Appeal which was under process and not yet regretted but a copy of which was placed on file in the office of Agency, Surgeon North Waziristan Agency.
5. No comments

ON GROUNDS

- A. Incorrect, the impugned orders are according to law, facts, norms of justice and on material fact and is not liable to be set aside.
- B. Incorrect, the appellant is treated in accordance with law & rules and therefore, no violation of Article 4 & 25 of the Constitution of Islamic Republic of Pakistan 1973 have been made.
- C. Incorrect, no violation of the clauses have been made as the impugned order is issued in the public interest.
- D. Incorrect, as stated in the above para.
- E. Incorrect, as stated above.
- F. Incorrect, no arbitrary or malafide manner have been adopted while issuing the orders.
- G. Incorrect, as stated in Para-C above.
- H. That, the respondents also seeks permission to advance further grounds & proofs at the time of argument.

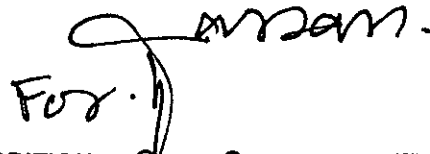
It is therefore most humbly prayed that the appeal in hand is devoid of merits/legal footing, may be dismissed with cost.



SECRETARY (SSD)
FATA Secretariat, Peshawar
(Respondent No. 02)



DIRECTOR HEALTH SERVICES,
FATA Peshawar.
(Respondent No. 03)



ADDITIONAL CHIEF SECRETARY (FATA)
FATA Secretariat, Peshawar
(Respondent No. 01)

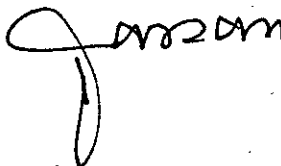
BEFORE THE SERVICES TRIBUNAL**KHYBER PAKHTUNKHWA, PESHAWAR****APPEAL NO. 1019/2015**Mr. Syed Muhamamd **Versus** ACS (FATA) & Others**REPLY OF APPLICATION****Preliminary objections**

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


Respectfully Sheweth:

1. No Comments.
2. Incorrect, none of the ingredients that is necessary for the stay is in favour of the appellant.
3. Incorrect, the transfer/posting order is according to law & rules.
4. That, grounds on the main reply may also be consider as integral part of the reply on application

It is therefore, most humbly prayed that on acceptance of this reply on application filed by the petitioner/appellant for suspension of operation of order date 31-08-2015 may be dismissed, please.

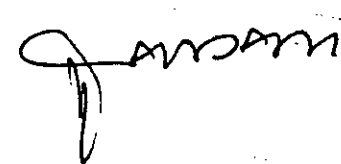


SECRETARY (SSD)
FATA Secretariat, Peshawar
(Respondent No. 02)



DIRECTOR HEALTH SERVICES,
FATA Peshawar.
(Respondent No. 03)

For



ADDITIONAL CHIEF SECRETARY (FATA)
FATA Secretariat, Peshawar
(Respondent No. 01)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL No. 1019/2015

SAYED MUHAMMAD VS ACAS FATA & OTHERS

REJOINDER ON BEHALF OF APPELLANT IN
RESPONSE TO THE REPLY SUBMITTED BY
THE RESPONDENTS

R/ SHEWETH:

PRELIMINARY OBJECTIONS:

(1 TO 8):

All the preliminary objections raised by the respondents are incorrect and baseless and not in accordance with law and rules rather the respondents are estopped due to their own conduct to raise any objection at this stage of the appeal.

ON FACTS:

- 1- Admitted correct all the respondents hence need no comments.
- 2- Incorrect and not replied accordingly. That vide order dated 30.10.2013 the appellant was posted/ adjusted against the post of senior clerk and was further directed to continue his duty as Head Clerk in the office of Agency Surgeon North Waziristan Agency at Miranshah. That in response the appellant submitted his charge report and started performing his duty.
- 3- Incorrect and not replied accordingly. That one MNA Namely Mr. Muhammad Nazir Khan NA-40 North Waziristan Agency directed/ advised the respondent No.3 to transfer the private respondent No.5 as Head Clerk in place of appellant. That the respondent No.3 in compliance of the said illegal and unlawful direction issued the impugned order dated 31-08-2015 whereby the private respondent who is actually on detailment basis in the o/o the Agency Surgeon NWA has been posted in place of appellant. Copy of the MNA letter/ advised and other record are attached as Annexure
..... **R.**
- 4- Incorrect and not replied accordingly. That feeling aggrieved from the impugned order dated 31-08-2015 the appellant filed Departmental appeal before the respondent No.2 through

proper channel but instead the respondent No.4 forwarding the same to respondent No.2 has itself regretted the same on no good grounds vide order dated 03-09-2015.

5- Incorrect and not replied accordingly hence denied.

GROUND:
(A TO H):

All the grounds of main appeal are correct and in accordance with law and prevailing rules and that of the respondents are incorrect and baseless hence denied. That the action of the respondents is against the law, facts and norms of natural justice. That the impugned order dated 31-08-2015 is against the clause I, II and IV of the transfer/posting policy of the Government of Khyber Pakhtunkhwa. That the impugned order dated 31-08-2015 has not been issued by the respondents in the public interest nor exigencies of service. That the respondent acted in arbitrary and malafide manner while issuing the impugned order dated 31-08-2015. That the impugned orders dated 31-08-2015 and 03-09-2015 are also issued by the respondents in violation of clause 24(A) of the General Clauses Act 1897.

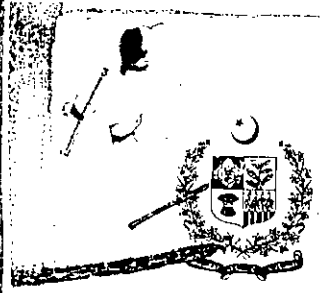
It is therefore most humbly prayed that on acceptance of this rejoinder the appeal of the appellant may be accepted as prayed for.

APPELLANT

SAYED MUHAMMAD

THROUGH:


NOOR MUHAMMAD KHATTAK
ADVOCATE



Muhammad Nazir Khan

Member National Assembly

NA-40

North Waziristan

26/8/2015

To,
The Director,
Directorate of Health,
FATA Secretariat Peshawar.

6446
Date 26-8-15 Ref: NA-40-786-6141

Subject: Transfer of Gul Bad Shah former clerk Health Department N.W.A to as Head clerk Agency Serger office N.W.A

Dear Sir,
I hope you will be fine.
May I state that Mr Gul Bad Shah is serving as former clerk at Health Department N.W.A. He is very honest and hardworker of his duties.

Strongly recommended for the subject on top priority basis will be highly appreciable of your kind cooperation please.

Kind Regards

M. Nazir Khan

MUHAMMAD NAZIR KHAN
Member National Assembly
NA-40
North Waziristan
PMI (N)

~~DDA~~
Discum.
Office

P. Issue order
26/8/15

PHHA

OFFICE OF THE AGENCY SURGEON
NORTH WAZIRISTAN AGENCY MIRANSHAH.
PHONE & FAX; 0928-300788.

OFFICE ORDER.

Mr. Syed Muhammad Junior Clerk BPS-07 working against the post of Senior Clerk BPS-09 is hereby adjusted against the original vacant post of Junior Clerk BPS-07 with the direction to continue his duty as a Head Clerk in the interest of public services with immediate effect.


(DR. JEHAN MIR)
AGENCY SURGEON,
NORTH WAZIRISTAN MIRANSHAH.

No. 3288-90/C-1. Dated Miranshah the 17/10 2014:

Copy forwarded to:-

1. The Director Health Services, FATA Peshawar for information please.
2. The Agency Accounts Officer North Waziristan Agency Miranshah for information and necessary action.
3. The official concerned.


AGENCY SURGEON,
NORTH WAZIRISTAN MIRANSHAH.

Clerk-BPS-9 (6200-380-17600) BPS - 09

Permnet Bill

S. No	Name	CAT. GARY	AO-1101 PAY	AO1202 HRA	AR-20% NEW	AR-50% NEW	AR-15% NEW	AO1217 MA	AO 1233 UAA	Convence Allowance	AO 3805 FTA	000000- G.Total	GPF	BF	GIF	Net Total
1	Mr. Lair Jan Senior Clerk BPS-09	A	18360	1146	3672	5360	1608	1000	1000	1840	0	33986	595	180	115	33096
2	Mr. Muhammad Amjad, BPS-09	A	8680	1059	1736	2430	729	1000	1000	1840	0	18474	0	180	67	18227
3	Gul Bādshāh RHC Spinwam BPS-7	B	11560	1059	2312	3285	985	1000	1500	1840	0	23541	530	180	67	22764
4	Said Muhammad BPS-7.	A	11240	1059	2248	3190	957	1000	1000	1840	0	22534	530	180	67	21757
	Muhammad Niaz BPS-7	A	6440	1059	1288	1765	529	1000	1000	1840	0	14921	0	180	67	14674
5	(S/IIASV) BPS-9 (6200-380-17600)		0	0	0	0	0	0	0	0	0	0	0	0	0	0
6	Muhammad Iqbal ASV. MRN	A	15320	1146	3064	4440	1332	1000	1000	1840	45	29187	595	180	67	28345
	Gul Shader S.I. MRN	A	13800	0	2760	3980	1194	1000	1000	1840	85	25659	595	180	67	24817
7	Supv. BPS-9 (6200-380-17600)		0	0	0	0	0	0	0	0	0	0	0	0	0	0
8	Masood Khan SS MRN	A	14560	1146	2912	4210	1263	1000	1000	1840	30	27961	595	180	67	27119
	Noor Salim Shah S.S MRN	A	8480	1146	1696	2370	711	1000	1000	1840	30	18273	0	180	67	18026
9	VACCINATORS BPS-9 (6200-380-17600)		0	0	0	0	0	0	0	0	0	0	0	0	0	0
10	Ihsanullah ASO MRN	B	14560	1146	2912	4210	1263	1000	1500	1840	20	28451	0	180	67	28204
11	Rehmanullah	A	14560	1146	2912	4210	1263	1000	1000	1840	20	27951	0	180	67	27704
12	Yousaf Sahn	A	13800	1146	2760	3980	1194	1000	1000	1840	20	26740	0	180	67	26493
13	Noor Zali Khan Datta Khel Area	B	13040	1146	2508	3750	1125	1000	1500	1840	20	26029	0	180	67	25782
14	Anwar Shah	A	13800	1146	2760	3980	1194	1000	1000	1840	20	26740	0	180	67	26493
15	Aziz Rehman RHC Spinwam	B	13040	1146	2508	3750	1125	1000	1500	1840	20	26029	0	180	67	25782
	Noor Wali Jan RHC Spinwam (Radiog)	B	11900	1146	2360	3405	1021	1000	1500	1840	0	24192	595	180	67	23350
Total:-			203140	16842	40628	58315	17493	16000	18500	29440	310	400668	4035	2880	1120	392633

51

Certified that the official concerned has not been provided with Govt accomodation, and are residing in the area specified, house rent allowed

CLASSIFICATION	AMOUNT
AO1151- PAY	203140
AO1202-HRA	16842
AR-20% NEW	40628
AR-50% NEW	58315
AR-15% NEW	17493
AO1217-MA	16000
AO1233-UAA	18500
Convence Allow:	29440
AO-3805.FTA	310
(00000) G.Total	400668
Deduction:-	8035
Net Total:-	392633

Deduction -	
GPF:-	4035
BF -	2880
GIF:-	1120
Total	8035

S No	Name of Post	Post drawn in Previous Month	Post claim in this Bill
1	Jr.Clerk	3	3
2	Sr.Clerk	1	2
3	Supervisor	2	2
4	Vaccinator	6	6
5	Radiog	1	1
6	S/II ASV	2	2
	Total	15	16

Agency Surgeon
North Waziristan Miranshah

Agency Surgeon
North Waziristan Miranshah

P.O. No. 451
01/05/2013

Before the Khyber Pakhtunkhwa Service Tribunal
Peshawar

Appeal No. 1019 / 2015.

Sayed Mohammad vs A.C.S FATA & OTHERS

Application for adjournment

R/Sheweth:

- 1- That the mentioned appeal is pending adjudication before this august Service Tribunal which is fixed for hearing today dated 31.3.2016.
- 2- That appellant filed the above mentioned appeal against the impugned transfer order dated 31st 8/2015.
- 3- That counsel for the appellant is busy before the Peshawar High Court in a contempt of Court proceeding title Alima Ghani vs Govt. of KPK which is fixed for arguments in the court of Justice Wazir Ahmad Seth, due to which counsel appellant cannot appear before this august tribunal today.

It is therefore, most humbly requested the appeal of the appellant may ^{be} adjourned today and fixed for hearing in any other date.

Dated: 31-3-2016.

Appellant


Sayed Mohammad

Before the Khyber Pakhtunkhwa Service Tribunal
Peshawar

Appeal No. 1019/2015

Sayed Mohammad vs A.C.S FATA


Application for adjournment

R/Sheweth:

- 1 - That the above mentioned appeal is pending adjudication before this august Tribunal which is fixed for hearing today dated 18-4-2016.
- 2 - That appellant filed the above mentioned appeal against the impugned transfer order dated 31-8-2015.
- 3 - That counsel for the appellant, due to serious illness of her mother cannot appear today before this august Tribunal.

It is therefore, most humbly prayed that on acceptance of this application the appeal of the appellant may be adjourned and be fixed to any other date.

Dated: 18-4-2015.

APPELLANT
THROUGH: 
Sayed Mohammad