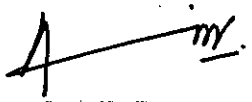


# FORM OF ORDER SHEET

Court of

**Appeal No. 1181/2023**

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
√1-	26/05/2023	<p>The appeal of Mst. Mehrun Nisa resubmitted today by Mr. Afroz Ahmed Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on</p> <p>By the order of Chairman  REGISTRAR</p>

The appeal of Mehrun Nisa Deputy Chief Nursing Sifat Ghayoor Shaeed Memorial Hospital Peshawar received today i.e on 19.05.2023 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Appeal has not been flagged/marked with annexures marks.
- 2- The law under which appeal is filed is not mentioned.

No. 1466 /S.T,

Dt. 22/5 /2023.

For A ml  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Afroz Khan Adv.  
High Court Peshawar.

The Appeal is filed u/s 4 of the service Tribunal Act 1973 which is inadvertently not mentioned in the heading of Appeal & please fixed it before Tribunal.

Advocate  
25/5/2023

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA**

*Appeal no 1181/2023*

Mehrun Nisa. .... **APPELLANTS**

**VERSUS**

Government of KPK & others ..... **RESPONDENTS**

**I N D E X**

<b>S.No</b>	<b>Description of Documents</b>	<b>Annex</b>	<b>Pages</b>
1.	Appeal		1-4
2.	Copy of the CV	<b>A</b>	5-8
3.	Copy of the impugned notification	<b>B</b>	9
4.	Copy of Departmental Appeal	<b>C</b>	10-11
5.	Wakalatnama		

Through Appellant

Date: 19.05.2023

**AFROZ AHMED**  
Advocate Supreme Court.

(1)

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA**

*Appeal no 1181/2023*

**MEHRUN NISA** (DEPUTY CHIEF NURSING)

Superintendent Sifat Ghayoor Shaheed Memorial Hospital  
Peshawar.

..... **APPELLANTS**

**V E R S U S**

1. Government of Khyber Pakhtunkhwa  
Through Chief Secretary,  
At Civil Secretariat, Peshawar.
2. Government of Khyber Pakhtunkhwa  
Through Secretary Health,  
Peshawar.
3. Director General, Health Services,  
Khyber Pakhtunkhwa, Peshawar.
4. Additional Director,  
Nursing Health Department, Peshawar.
5. The Medical Superintendent,  
Sifat Ghayoor Shaheed Hospital, Peshawar.

..... **RESPONDENTS**

**APPEAL AGAINST THE ORDER IMPUGNED  
IMUGNED VIDE NOTIFICATION NO. SOII-  
III/3-5/2022 DATED: 18.01.2023.**

---

**PRAYER IN APPEAL:**

On acceptance of this appeal, the impugned notification No.SOII-III/3-5/2022 dated: 18.01.2023 to the extent of posting appellant in management cadre may please be set aside, and the respondents

1 "A"

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA**

*Appeal no 1181/2023*

**MEHRUN NISA** (DEPUTY CHIEF NURSING)

Superintendent Sifat Ghayoor Shaheed Memorial Hospital  
Peshawar.

..... APPELLANTS

**V E R S U S**

1. Government of Khyber Pakhtunkhwa  
Through Chief Secretary,  
At Civil Secretariat, Peshawar.
2. Government of Khyber Pakhtunkhwa  
Through Secretary Health,  
Peshawar.
3. Director General, Health Services,  
Khyber Pakhtunkhwa, Peshawar.
4. Additional Director,  
Nursing Health Department, Peshawar.
5. The Medical Superintendent,  
Sifat Ghayoor Shaheed Hospital, Peshawar.

..... RESPONDENTS

**APPEAL U/S 4 OF THE SERVICE  
TRIBUNAL ACT 1976 AGAINST THE  
ORDER IMPUGNED IMPUGNED VIDE  
NOTIFICATION NO. SOII-III/3-5/2022  
DATED: 18.01.2023.**

---

**PRAYER IN APPEAL:**

On acceptance of this appeal, the impugned notification No.SOII-III/3-5/2022 dated: 18.01.2023 to the extent of posting appellant in management cadre may please be set aside, and the respondents

2

be directed to post appellant in teaching cadres as Principal at Post Graduate College of Nursing Peshawar or Additional Director Nursing or Controller at Nursing Examination Board Peshawar.

**RESPECTFULLY SHEWETH:**

1. That the appellant is a law abiding citizen of Pakistan and her rights has been duly protected under the Constitution of Pakistan as well as law of the land.

2. That appellant is a highly qualified and only one who is Master in Nursing from Agha Khan University Karachi, which is equivalent to M.Phil, the appellant passed public service commission in the year 2007 for the post of sister tutor and served as senior lecturer/ principal/ controller till date.

**(COPY OF THE CV IS ATTACHED AS ANNEXURE A)**

3. That the appellant was vide impugned notification No. SOII-III/3-5/2022 dated: 18.01.2023 posted as Deputy Chief Nursing Superintendent (BPS-19) which is management cadre and posted at Sifat Ghayoor Shaheed Memorial Hospital Peshawar.

**(COPY OF THE IMPUGNED NOTIFICATION IS ATTACHED AS ANNEXURE B)**

4. That the appellant belongs to Teacher Cadre and her posting in management cadre is violation of rules, so the appellant filed departmental appeal on 23.01.2023, which is still pending adjudication without any reason. **(COPY OF DEPARTMENTAL APPEAL IS**

**ATTACHED AS ANNEXURE C)**

5. That the appellant feeling aggrieved from the impugned notification dated: 18.01.2023 not posted in Teaching Cadre approached this Honorable Tribunal for redressal of her grievances inter alia on the following grounds;

**GROUND S:**

- A. That the acts of respondents is against the law & facts, hence untenable in the eye of law.
- B. That the appellant belongs to teaching cadre and served as teacher throughout her career, so her posting in management cadre is against the rules, regulations; hence liable to be set aside on this score alone.
- C. That the appellant served all time as teaching cadre, so, she is able to deliver provide better services as compare to management post.
- D. That the posting of the appellant as management cadre is against the rules of posting & transfer policy of Khyber Pakhtunkhwa, therefore impugned notification to the extent of posting in management cadre is not maintainable.
- E. That the appellant has not been treated in accordance with rules and policy, thus acted in violations of principles of natural justice, therefore

acts of respondents are illegal, hence not maintainable. (4)

- F. That the appellant filed Departmental Appeal which is with malafide intention not decided uptill now & kept pending without any justification.
- G. That the appellant seeks permission of this Honorable Court Tribunal to raise any other additional grounds at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of this appeal, the impugned notification No.SOII-III/3-5/2022 dated: 18.01.2023 to the extent of posting in Management Cadre may please be set aside & the respondents be directed to post appellant in teaching cadre as Principal at Post Graduate College of Nursing Peshawar or Additional Director Nursing or Controller at Nursing Examination Board Peshawar.

Any other remedy which deems fit by this Honourable Court in the interest of justice, may also be granted in favour of appellants.

Through

Appellant

**AFROZ AHMED**  
Advocate Supreme Court.

Date: 19.05.2023



4 A

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA**


Mehrun Nisa. . . . . **APPELLANTS**

**VERSUS**

Government of KPK & others . . . . . **RESPONDENTS**

**AFFIDAVIT**

I, **MEHRUN NISA** (DEPUTY CHIEF NURSING) Superintendent Sifat Ghayoor Shaheed Memorial Hospital Peshawar, do hereby solemnly affirm and declare on oath that all the contents of the accompanying **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

19/5/22  


  
**DEPONENT**

ATTESTED

Ann "A"



## CURRICULUM VITAE

### ✠ PERSONAL PROFILE:

❖ Name	Mehr-un-nisa Muhammad Mustafa
❖ Designation	Controller NEB (BPS – 18)
❖ Address	C/o Tahir Iqbal Satti Town # 2 street # 3 C House # 3 Haji camp adda (children hospital) Peshawar.
❖ Domicile certificate	Peshawar
❖ NIC No	17201-2096196-6
❖ PNC registration No	A-17253
❖ Contact No	03219063315
E-mail address: <a href="mailto:Mehr_mustafa@yahoo.com">Mehr_mustafa@yahoo.com</a>	

### ✠ PROFESSIONAL EDUCATIONAL PROFILE

DEGREES / DIPLOMA	YEARS	INSTITUTION
Master's in Nursing	2005	Aga Khan University Karachi
Bachelor's in nursing	2001	Aga Khan University Karachi
Bachelor's in nursing	1995	Peshawar University
Specialization in ICU	1997	College of nursing Peshawar
Diploma in midwifery	1991	Lady reading hospital Peshawar
Diploma in Nursing	1990	Lady reading hospital Peshawar
Intermediate	1987	Nisar Shaheed College Risal Pur
Matriculation	1985	F. G. Girls High School Risal Pur

**WORK EXPERIENCE:**

- 1991-1992 worked as charge nurse in clinical area Medical unit Lady Reading Hospital Peshawar
- 1992-1994 worked as charge nurse in Intensive care unit Lady Reading Hospital Peshawar
- 1994-1996 worked as charge nurse in Gyanee labor room Lady Reading Hospital Peshawar
- 2001-2002 worked as in charge of General ICU
- 2002-2003 worked as nursing instructor in School of nursing Lady Reading Hospital Peshawar
- 2005-2011 worked as Sister Tutor at Post Graduate College of Nursing Hayatabad, Peshawar
- 2012- till date working as lecturer at Sattam Bin Abdul Aziz Al-Kharj, Riyadh KSA

**PUBLICATION:**

- 1997 First publication in first Pakistan Newslines on "Team work" College of Nursing Peshawar
- 2001 "Nursing and education" in English News paper 'The Statesman' Peshawar
- 2004 as co-author in a qualitative study of "Exploring therapeutic effects of Crying among Pakistani males"
- 2005 Abstract "Barriers to Higher Education in Nursing: Sindh, Pakistan" in Health Sciences Education; Trends, Opportunities and Challenges. The Aga Khan University Karachi.
- "Dose Antenatal Educational Classes Helps in Safe Mother and Child Care During Antenatal and Postnatal Period?" in "International Nurses Day 2005" Aga Khan University, Karachi, Pakistan.
- 2008 the rule of Nursing professional in N.W.F.P, "A Lively debate" FIRST INDEPENDENT PAKISTAN JOURNAL OF NURSING,"The Silent Voice". Quomi Welfare Foundation Islamabad.
- 28-10-2015 acceptance letter for publication of "Barriers to Higher Education in Nursing: Sindh, Pakistan" International Journal of Nursing Education Institute of Medico-Legal Publications, 4rth Floor, Statement House Building, Road, Connaught Place, New Dehli, 110001:

**SCHOLARLY ACTIVITIES:**

- 2005 Paper "Dose Antenatal classes helps in safe mother and child care during antenatal and post natal period?" a safety issue on International Nurses day at Aga

ATTESTED

Khan University Karachi

- 2005 Paper "Child Sexual Abuse" at Aga Khan University Karachi
- 2005 Poster presentation on "Poverty" at Aga Khan University Karachi
- 2005 Position paper "Nurses need higher education" at Aga Khan University Karachi
- 2004 paper writing on Critical analysis of classroom session's observation at Aga Khan University Karachi
- 2004 Position paper: "Surrogated Mothers" at Aga Khan University Karachi
- 2004 Paper on Karo Kari-Honor killing, a feudal custom prevalent in Pakistan at Aga Khan University Karachi
- 2004 presentation on "Karo Kari: a question of honor killing, but whose honor" at Aga Khan University Karachi
- 2004 presentation on ethical Dilemmas and Moral Justification
- 2004 paper alternative medication "Angus fruit and Neem" at Aga Khan Hospital University Karachi
- 2004 presentation on "Ethics in Research" at Aga Kahn Hospital University Karachi
- 2004 paper "A comparison of Johnson's Behavioral system Model and Orem's Self care Model at Aga Khan University Karachi
- 2004 presentation "A comparison of Johnson's Behavioral system Model and Orem's Self care Model at Aga Khan University Karachi



#### **AWARDS AND CERTIFICATIONS:**

- 2013, "Locomotor Dysfunction Physiotherapy" King Khalid Hospital & Prince Sultan Center, Al-Kharj, KSA.
- 2013, 1<sup>st</sup> Annual Al-Kharj Trauma Symposium" King Khalid Hospital & Prince Sultan Center, Al-Kharj, KSA.
- 2010-2011, "Conduction of Entrance Test for Admission into Medical & Dental Institutions of KMU" Peshawar.
- 2006 Appreciation certificate for conducting communication skills workshop,
- 2005 Certificate on paper presentation "Dose Antenatal classes helps in safe mother and child care during antenatal and post natal period" in International Nurses Day at Aga Khan University Karachi
- 2003 Certificate in civil defense, NWFP for Civil Defense services as Coordinator in Peshawar
- 2001 Merit Award in Nursing Education from Aga Khan University Karachi
- 2001 Deans honor Award from Aga Khan University Karachi
- 1996 Certificate for Intensive Care Unit from College of Nursing, Peshawar

Appreciation Certificate for providing outstanding services to the Lady reading Hospital, Peshawar

**✦ ATTENDED CONFERENCE/ WORKSHOP:**

- 2000 Research conference, Regional Collaboration in Nursing-Education, Practice and Research, at Aga Khan University Karachi
- National Workshop for Midwifery Core Group of Master Tutors in collaboration with Pakistan Institute for Mothers and Newborns (PAIMAN) funded by Pakistan Institute of Medical Sciences Islamabad. March 28-April 26, 2006.
- International Confederation of Midwives 28th Triennial Congress Glasgow (England) 1-5 June 2008.
- Saudi Heart Association Cardio Pulmonary Resuscitation Training at Sattam Bin Abdul Aziz University Hospital Al-Kharj, KSA. November, 2015
- "Midwifery Professional Development in Intrapartum Care" Memorial Christian Hospital, Sialkot, Pakistan, 2008.
- Leadership and Quality Assurance in Nursing Practice" Women Health Project Ministry of Health, Islamabad, 2007
- "Efficiency & Discipline, E & D/service Rules" Provincial Health Services Academy, Peshawar, 2008
- "Drawing & Disbursing Officers" Provincial Health Services Academy, Peshawar, 2008
- "General Financial Rules" Provincial Health Services Academy, Peshawar, 2008.
- "Curriculum Development" Higher Education Commission, Islamabad, 2009.
- Internal Quality Assurance Mechanism: Enhance Quality of Teaching / Learning & Research through Quality Enhancement cell in KMU and Its' Constitutions / Colleges" Peshawar, 2010

**✦ EXTERNAL EVALUATOR:**

- Conducted OSCE exam in Tamer-e-Millat Shifa College of Nursing, as External Evaluator
- Evaluate the Thesis of master in Nursing students (MSN) at Khyber Medical University, Peshawar as External Evaluator since 2019 to till date.

**✦ CONDUCTED WORKSHOP:**

- 2008 Communication Skill workshop Lady Reading Hospital Peshawar.

ATTESTED

Annex B



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

Annex E

Dated Peshawar, the 18<sup>th</sup> January, 2023

NOTIFICATION

**SOH-III/3-5/2022(Nursing Carders BPS-19):** In continuation of this Department's Notification of even number dated 04-08-2022, the Competent Authority is pleased to order posting/transfer of the following officers of Nursing Carder (BS-19) in Health Department, with immediate effect, in the public interest;

S.No	Name of officer with father name.	From	To
1.	Mst. Mehr-un-Nisa D/O Muhammad Mustafa	Deputy Controller (BS-18) in Nursing Examination Board (NEB) Khyber Pakhtunkhwa	Deputy Chief Nursing Superintendent (BS-19) at Sifwat Ghayoor Shaheed Memorial Hospital, Peshawar
2.	Mst. Najma Sama D/O Qalandar Khan,	Vice Principal (BS-18) Govt. College of Nursing Swat	Deputy Chief Nursing Superintendent (BS-19) at Saidu Group of Teaching Hospitals, Swat
3.	Mst. Parveen Akhtar Bukharl D/O Syed Noor Ali Shah	Principal (BS-18) Govt. College of Nursing HMC Peshawar	Deputy Chief Nursing Superintendent (BS-19) at Service Hospital, Peshawar
4.	Mr. Faridullah Shah S/O Lal Shah,	Deputy Director Nursing (BS-18) DGHS Office Peshawar	Additional Director (Nursing), BS-19 at DGHS Office, Peshawar
5.	Mst. Razia Begum D/O Wali Muhammad,	Vice Principal (BS-18) Govt. College of Nursing Bannu	Deputy Chief Nursing Superintendent (BS-19) DHQ Hospital, Karak

Secretary to Govt. of Khyber Pakhtunkhwa  
Health Department

Endst of even No and Date.

Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director General, Health Services, Khyber Pakhtunkhwa, Peshawar.
3. Medical Superintendent, Sifwat Ghayoor Shaheed Memorial Hospital, Peshawar.
4. Medical Superintendent, Saidu Group of Teaching Hospital, Swat.
5. Medical Superintendent, Services Hospital, Peshawar.
6. Medical Superintendent, DHQ Hospital, Karak.
7. District Accounts Officer, Swat/Karak.
8. The Deputy Director (I.T) Health Department.
9. PS to Secretary Health, Khyber Pakhtunkhwa.
10. PA to Deputy Secretary (Admn) Health Department.
11. Officers concerned.

(Nasser Ahmad)

ATTESTED

Annex C1

10

NURSING EXAMINATION BOARD  
KHYBER PAKHTUNKHWA

Ref: 3476/NEB

Dated: 20-01-2023

The secretary Health/Chairman,  
Nursing Examination Board,  
Khyber Pakhtunkhwa,  
Peshawar.

177  
23-01-23

Subject: - DEPARTMENTAL APPEAL FOR JUSTICE

Honorable Sir,

It is humbly submitted as under:

- That in pursuance of health department letter No. SOH-III/3-5/2022 (Nursing Cadre BPS-19) Deputy Chief Nursing Superintendent (BS-19), dated: 18th January, 2023 at Sifat, Ghayobr Shaheed Memorial Hospital Peshawar (Annex I) without prejudice to my legal rights/claims.
- The promotion notification from BPS-18 to BPS-19 has issued seven month before (Annex II). According to that merit and qualification I am on top of the list and proposed as Additional Director Nurse (ADN) after taking my willingness for the said post from SOH-III office.
- It is important to say that an interview has also been conducted by EX-Director General Health (DGHS) and asked for three choices of placement for actualization (1. Additional Director Nurse (ADN), 2. Controller Nursing Examination Board, 3. Principal Post Graduate College of Nursing Hayatabad, Peshawar) however, the said posting order is not the choice of appellant. Further, again and again it was assured that placement will be on merit basis however, this posting order not only astonished but forced to think that it has many hidden secrets within itself that need to be unlocked. Because keeping awaited till seven months and then all of sudden issuance of this order after one day of transfer of honorable Ex-Secretary health (Annex III) raised many questions.
- The appellant is the only one in this list who is (MSN) Master's in Nursing from Aga Khan University, Karachi (Annex IV) and according to higher education commission the MSN is equivalent to Mphil (Annex V). Further, appellant cleared Public Service Commission in 2007 for the post of lecturer (Annex VI) and served as senior lecturer /Principal/Controller till date. Therefore, changing me from education cadre is the blasphemies of my competences.

Plot No: 30, Sector E-8, PHASE-7, HAYATABAD PESHAWAR

091-2-9087

ATTESTED

**NURSING EXAMINATION BOARD  
KHYBER PAKHTUNKHWA**

Ref:- 34/6/NEB

Dated:-20-01-2023


- The appellant would also bring in your kind notice that currently I am serving as Controller Nursing Examination (NEB) and nursing examinations are under process which cannot be left unattended till the arrangement of new Controller therefore, I need your guidance in this regard.

**Possible Recommendations for Your Kind Consideration**

- The appellant would like to request to that actualization of Additional Director Nurse (ADN) should be made on merit basis as assured.
- According to Pakistan Nursing Council approved Bylaws (2019, Annex VII) the seat of Controller at Nursing Examination Board has been upgraded from BPS-18 to BPS-19 therefore; the appellant actualization should be made on BPS-19 as Controller.
- The seat of Principal at Post Graduate College of Nursing (PGCN) is also BPS-19 and the existing Principal has completed her tenure of three years and waited for BPS-20 as Additional Director General of Nursing at DGHS office which is vacant. I would really prefer to be appointed at PGCN as Principal BPS-19.

The appellant would like to humbly request for proper placement according to merit, qualification with hope of positive consideration and justice.

The copy is forwarded for information and necessary action please.

  
**Mehr-un-Nisa**  
Controller  
Nursing Examination Board  
Khyber Pakhtunkhwa  
Peshawar.

Copy forwarded to:

1. Ps to Chief Secretary, Health Khyber Pakhtunkhwa, Peshawar.
2. Office File.

**Mehr-un-Nisa**  
Controller  
Nursing Examination Board  
Khyber Pakhtunkhwa  
Peshawar.



