


# FORM OF ORDER SHEET

Court of \_\_\_\_\_

**Appeal No.** 1958/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	20/09/2023	<p>The appeal of Mst. Rawasia resubmitted today by Mr. Kifayatullah Shahabkhel Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on <u>02-10-2023</u>.</p> <p>By the order of Chairman  REGISTRAR</p>

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

Misc. No. 1958 /2023

Mst. Rawasia W/O Jamshaid D/O Habib Syed R/O Bertras,  
Dabgai, District Bajuar.

*.....Application /Appellant*

***VERSUS***

Govt. of Khyber Pakhtunkhwa, Peshawar.

*.....Respondent*

**APPLICATION FOR HEARING OF THE ABOVE TITLED**  
**CASE BEFORE THE KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL, PESHAWAR BENCH.**

**Prayer:-**

**On acceptance of this application the above titled**  
**case may kindly be heard before the Khyber**  
**Pakhtunkhwa Service Tribunal, Peshawar Bench**  
**on the pretext of in expensive and expeditious**  
**justice.**

**Respectfully Sheweth,**

1. That the applicant / appellant is a respectable and law abiding citizen of Pakistan, hence entitled to all rights as enshrined in the constitution and laws of the nation.
2. That the applicant / appellant is filling an appeal before this Hon'ble Court, which needs to be hear

before the Khyber Pakhtunkhwa Service Tribunal,  
Peshawar Bench.

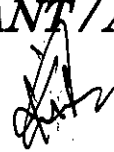
3. That the counsel for applicant / appellant is practicing in Peshawar.
4. That the Khyber Pakhtunkhwa Service Tribunal, Peshawar Bench is easily accessible and convenient for the applicant / appellant as well as her counsel.
5. That there is no bar in law to accept the instant application.
6. That any other ground will be raised at the time of arguments with the prior permission of this Hon'ble Court.

*It is therefore, most humbly prayed that On acceptance of this application the above titled case may kindly be heard before the Khyber Pakhtunkhwa Service Tribunal, Peshawar Bench on the pretext of in expensive and expeditious justice.*

Dated: 27/09/2023

**APPLICANT / APPELLANT**

Through

  
**Kifayat Ullah Shahabkhel**  
Advocate, High Court  
Peshawar.

**VERIFICATION:-**

It is verified and stated that the contents of the above application are true and correct as to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

**ADVOCATE** 

The appeal of Mst. Rawasia Bibi Senior Midwife CHC Tarai Shamozo received today i.e on 22.09.2023 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures of the appeal are unattested.
- 2- Memorandum of appeal is not signed by the appellant.
- 3- Affidavit is not attested by the Oath Commissioner.
- 4- Address of appellant is incomplete be completed according to Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 5- Copies of order 18.4.2023 & 7.06.2011 attached with the appeal are illegible be replaced by legible/better one.
- 6- Annexures of the appeal are not in sequence with may be annexed serial wise as mentioned in the memo of appeal.
- 7- Five more copies/sets of the appeal along annexures i.e. complete in all respect may also be submitted with the appeal.

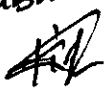
No. 3287 /S.T,

Dt. 25-9 /2023.



REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Kifayatullah Adv.  
High Court at Peshawar

Collection done  
be-submitted.  


BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL  
PESHAWAR.

Service Appeal No. 1958 /2023

Mst. Rawasia Bibi d/o Habib Syed w/o Jamshid  
R/o Bertras, Dabgai, Bajaur  
Senior Midwife, CHC Tarai, Shamoza.....Appellant

**Versus**

Govt. of Khyber Pakhtunkhwa  
through Secretary Health and others.....Respondents

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S.No.	Description of documents.	Annex:	Pages.
1.	Memo of appeal with affidavit		1-4
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3.	Application for condonation of delay with affidavit		7-8
4.	Impugned order dated 18.04.2023 with better copy.	A	9-9/A
5.	Copy of appointment order dated 07.06.2011 with better copy.	B	10-10/A
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Appellant

Through

**Kifayat Ullah Shahab Khel**  
Advocate High Court

Dated: 21.09.2023

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,  
PESHAWAR.

Service Appeal No. \_\_\_\_\_/2023

Mst. Rawasia Bibi d/o Habib Syed w/o Jamshid  
R/o Bertras, Dabgai, Bajaur  
Senior Midwife, CHC Tarai, Shamoza.....Appellant

**Versus**

- 1) Govt. of Khyber Pakhtunkhwa through Secretary Health, Civil Secretariat, Peshawar
- 2) Director General Health Department, Govt. of Khyber Pakhtunkhwa, Peshawar.
- 3) District Health Officer, Bajaur..... Respondents

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APPEAL U/S 4 OF THE KHYBER  
PAKHTUNKHWA SERVICES TRIBUNAL ACT,  
1974 AGAINST THE ORDER DATED  
18.04.2023 WHEREBY THE APPELLANT HAS  
BEEN TRANSFERRED FROM BHU QAZAFI  
TO CHC TARAI WITHOUT ANY LAWFUL  
JUSTIFICATION, ILLEGALLY AND  
MALAFIDE INTENTION TRANSFERRED HER  
AND ALSO SEALED THE RESIDENTIAL  
QUARTER OF THE APPELLANT.

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Prayer-in-Appeal :

On acceptance of this appeal, the order of  
DHO Bajaur Khaar dated 18.04.2023 may

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kindly be set aside and she may kindly be posted on her own village area BHU Qazafi and her residential quarter may also be returned/ de-seal to her for accommodation.

*Respectfully Sheweth;*

ON FACTS:

- 1) That the appellant is a law abiding citizen of Pakistan and working as Dai from the last about 12 years.
- 2) That there is no complaint whatsoever against her.
- 3) That a residential quarter was allotted to the appellant in the premises of BHU, which she also help/ care the local people even in Midnight.
- 4) That the DHO on the instigation of one Dost Muhammad who is also employèe there, and she was transferred.
- 5) That after transfer the appellant made arrival there but despite of that the DHO not cool down and try to dispossess from that quarter. It is pertinent to mention here that where she was transferred there is no accommodation for her to cover her head.
- 6) That after that the respondent tried to dispossess her and sealed the quarter and all the household articles still locked in the said quarter.
- 7) That feeling aggrieved and finding no other adequate remedy, the appellant is constrained to approach this Hon'ble Tribunal for redressal of her grievance respectfully submitting that the impugned order is illegal, against the law and rules on the

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subject, arbitrary and based on malafide, hence liable to be set aside inter alia on the following grounds:

GROUNDS:

- A) That the impugned transfer order is illegal, against the service law and rules, against the principles of natural justice, arbitrary and based on malafide, hence liable to be set aside.
- B) That the impugned transfer/ posting notification dated 29.08.2022 is violative of the mandatory clauses of Posting & Transfer Policy of the Provincial Government
- C) That the appellant served the department with unblemished record.
- D) That the appellant is a low paid employee and cannot afford the expenses of transport and other expenses.
- E) That the appellant is a female and due to the impugned order her family is being affected as there is no other female member to look after her family.
- F) That the appellant is suffering a lot due to impugned transfer order because the distance from the residence of the appellant so far away and the appellant spent Rs.500/- per day for her conveyance.
- G) That other points will be raised at the time of arguments with the kind permission of this Hon'ble Tribunal.



(u)

It view of above, it is, humbly prayed that on acceptance of this appeal, the order of DHO Bajaur Khaar may kindly be set aside and she may kindly be posted on her own village area BHU Qazafi and her residential quarter may also be returned to her for accommodation.

Any other relief deemed appropriate, but not specifically asked for may also be granted.

Appellant

Through

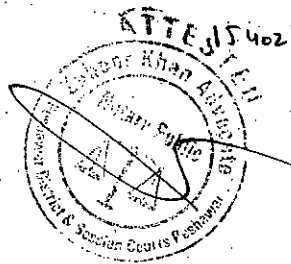


**Kifayat Ullah Shahab Khel**  
Advocate High Court

**AFFIDAVIT**

I, do hereby affirm and declare on oath that the contents of the appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

  
Deponent



(5)

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,  
PESHAWAR.

Service Appeal No. \_\_\_\_\_/2023

Mst. Rawasia Bibi d/o Habib Syed w/o Jamshid  
R/o Bertras, Dabgai, Bajaur  
Senior Midwife, CHC Tarai, Shamoza.....Appellant

**Versus**

Govt. of Khyber Pakhtunkhwa  
through Secretary Health and others.....Respondents

APPLICATION FOR SUSPENSION OF THE  
IMPUGNED ORDER DATED 18.04.2023 TILL  
THE FINAL DISPOSAL OF THE APPEAL  
FILED BY APPELLANT.

Respectfully Sheweth:

1. That the above titled service appeal is being filed today before this Hon'ble Court wherein next date has not yet been fixed.
2. That on the facts and grounds urged in the body of the main appeal which may kindly be read with an integral part of this application, applicant/ appellant has got a good prima-facie case in his favour.
3. That balance of convenience also lies in favour of the applicant/ appellant and if the operation of impugned dated 18.04.2023 is not suspended, the appellant shall suffer irreparable loss.

(6)

It is, therefore, humbly prayed that on acceptance of this application, operation of impugned order dated 18.04.2023 may kindly be suspended till the final disposal of the main appeal.

Appellant

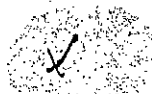
Through



**Kifayat Ullah Shahab Khei**  
Advocate High Court

**AFFIDAVIT**

I, do hereby affirm and declare on oath that the contents of the instant application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



Deponent



15402-9433897-4

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BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,  
PESHAWAR.

Service Appeal No. \_\_\_\_\_/2023

Mst. Rawasia Bibi d/o Habib Syed w/o Jamshid  
R/o Bertras, Dabgai, Bajaur  
Senior Midwife, CHC Tarai, Shamoza .....Appellant

**Versus**

Govt. of Khyber Pakhtunkhwa  
through Secretary Health and others.....Respondents

APPLICATION FOR CONDONATION OF DELAY

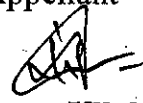
*Respectfully Sheweth;*

- 1) That the above titled service appeal is being filed today before this Hon'ble Court wherein next date has not yet been fixed.
- 2) That the appellant was illegally transferred vide order dated 18.04.2023 from BHU Qazafi to CHC Tarai without any lawful justification.
- 3) That after transfer the appellant made arrival there but despite of that the DHO not cool down and try to dispossess from the quarter in question. It is pertinent to mention here that where she was transferred there is no accommodation for her to cover her head.
- 4) That the appellant filed her departmental appeal on 18.05.2023 which is still un-responded.
- 5) That during the pendency of appeal the husband of the appellant fell seriously ill, hence there was no other person to look after him, due /

to which the appellant could not able to carry on proceedings, hence the delay caused.

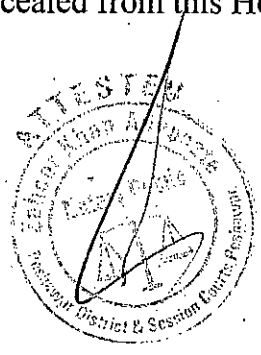
- 6) That the delay was neither willful nor deliberate but due to the reason mentioned above.
- 7) That valuable rights of the appellant are involved in the case and it will be in the interest of justice and according to the law if the alleged delay is condoned and the appeal be heard and decided on merits.
- 8) That law favours decision on merit rather on technicalities.

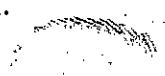
It is, therefore, prayed that the delay in filing of appeal may kindly be condoned and it may decided on merits and decided according to the law.

Appellant  
 Through   
**Kifayat Ullah Shahab Khel**  
 Advocate High Court

**AFFIDAVIT**

I, do hereby affirm and declare on oath that the contents of the instant application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



  
Deponent

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Annex A



OFFICE OF THE DISTRICT HEALTH OFFICER  
BAJAUR AT KHAR

Ms. Rawash Daud by transferred from BHU Qazafi and CHC Tarai  
with immediate effect in the best interest of public services.

OFFICE ORDER

.....  
DISTRICT HEALTH OFFICER  
BAJAUR

ATTESTED

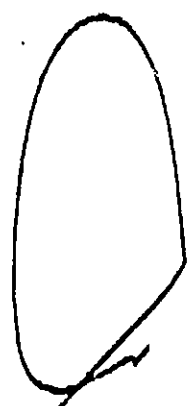
No. 781-9 /PFIC-SDHO(B)

Dated April 18, 2023

Copy to the:-

- 1. Director General Health Services Khyber Pakhtunkhwa, Peshawar.
- 2. Deputy Commissioner, Bajaur
- 3. I/C BHU Qazafi and CHC Tarai
- 4. Official concerned for compliance.

DISTRICT HEALTH OFFICER  
BAJAUR



(91A)

CLEAR COPY

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OFFICE OF THE DISTRICT HEALTH OFFICER  
BAJAUIR AT KHAR

Agencysurgeonbajaur@gmail.com 0942-222111  
220149

942-

**OFFICE ORDER**

Mst. Rawasia Dai is hereby transferred from BHU Qazafi and posted at CHC Tarai with immediate effect in the best interest of public services.

Sd/xxxxxxxxxxxxxxxx  
District Health Officer  
Bajaur

No. 781-9/ PF/C-5/DHO/ (B)

Dated April 18, 2023

Copy to the:

1. Director General Health Services Khyber Pakhunkhwa, Peshawar.
2. Deputy Commissioner, Bajaur.
3. I/C BHU Qazafi and CHC Tarai.
4. Official Concerned for Compliance.

District Health Officer  
Bajaur

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Amx B

OFFICE  
AGENCY SURGEON

OFFICE ORDER.

Miss. Rawasia Dai attached to RHC Barang is hereby transferred and posted to RHC Leghari with immediate effect in the interest of public services.

*[Signature]*  
ATTEST

XXXXXXXXXXXX  
AGENCY SURGEON  
BAJAR AT KHAR

No 944-45/TE/C-5/AS/BJR

Dated khar the 7/06/2011.

Copy to the:-

1. I/C RHC Barang for information & necessary action.
2. Miss. Rawasia Dai for Compliance.

*[Signature]*  
AGENCY SURGEON  
BAJAR AT KHAR



10A

**CLEAR COPY**

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**OFFICE OF THE  
AGENCY SURGEON BAJAUR AT KHAR.**

**OFFICE ORDER.**

Miss Rawais Dai Attached to RHC Barang is hereby transferred and posted ot CHC Leghari with immediate effect in the interest of public servides.

Sd/XXXXXXXX  
Agency Surgeon  
Bajaur at Khar

No. 944-45/PF/C-5/AS/BJR

Dated Khar the 7.06.2011.

Copy to the:-

1. I/C RHC Barang for information & necessary action.
2. Miss. Rawasi Dai for compliance.

Agency Surgeon  
Bajaur at Khar

To

The Director General Health Department,  
Govt. of Khyber Pakhtunkhwa, Peshawar.

APPEAL AGAINST THE ORDER DATED 18.04.2023  
WHEREBY THE APPELLANT HAS BEEN  
TRANSFERRED FROM BHU QAZAFI TO CHC  
TARAI WITHOUT ANY LAWFUL JUSTIFICATION,  
ILLEGALLY AND MALAFIDE INTENTION  
TRANSFERRED HER AND ALSO SEALED THE  
RESIDENTIAL QUARTER OF THE APPELLANT.

*Respectfully submitted;*

Brief facts giving rise to the instant Departmental Appeal are as under:-

- 1) That the undersigned/ appellant is a law abiding citizen of Pakistan and working as Dai from the last about 12 years.
- 2) That there is no complaint whatsoever against her.
- 3) That a residential quarter was allotted to the appellant in the premises of BHU, which she also help/ care the local people even in Midnight.
- 4) That the DHO on the instigation of one Dost Muhammad who is also employee there, and she was transferred.
- 5) That after transfer the appellant made arrival there but despite of that the DHO not cool down and try to dispossess from that quarter. It is pertinent to mention here that where she was transferred there is no accommodation for her to cover her head.
- 6) That after that the DHO, Bajaur tried to dispossess her and sealed the quarter and all the household articles still locked in the said quarter.
- 7) That feeling aggrieved, the appellant is constrained to approach your honour for redressal of her grievance.

- 8) That the impugned transfer order is illegal, against the service law and rules, against the principles of natural justice, arbitrary and based on malafide, hence liable to be set aside.
- 9) That the impugned transfer/ posting notification dated 29.08.2022 is violative of the mandatory clauses of Posting & Transfer Policy of the Provincial Government
- 10) That the appellant served the department with unblemished record.
- 11) That the appellant is a low paid employee and cannot afford the expenses of transport and other expenses.
- 12) That the appellant is a female and due to the impugned order her family is being affected as there is no other female member to look after her family.
- 13) That the appellant is suffering a lot due to impugned transfer order because the distance from the residence of the appellant so far away and the appellant spent Rs.500/- per day for her conveyance.

Keeping in view the aforesaid submissions, it is, therefore, humbly prayed to allow this departmental appeal, the order of DHO Bajaur Khaar may kindly be set aside and she may kindly be posted on her own village area BHU Qazafi and her residential quarter may also be returned to her for accommodation.

Appellant

Mst.Rawasia Bibi  
Senior Midwife, CHC Tarai, Shamoza  
Cell: 0303-8647478

**Dated: 18.05.2023**

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W



OFFICE OF THE  
ADDITIONAL DEPUTY COMMISSIONER (G),  
TRIBAL DISTRICT BAJAUR  
PHONE # (0942) 220294, 220558

No. 1410-12 /01/General/Vol-IV  
To,

Dated: 27/06/2023

The District Health Officer,  
Tribal District Bajaur

Subject: APPLICATION FOR SYMPATHETIC CONSIDERATION

Enclosed please find herewith copy of an application dated 23/06/2023, along with copy of statement dated 27/06/2023, received from Mrs. Rawasia Bibi, Senior Dai CHC Tarai, regarding the subject cited above, contents of which are self explanatory for further necessary action as per law/rules under intimation to this office, within 15 days.

*[Signature]*  
**ATTESTED**

(Enclosed: as above)

*[Signature]*  
Additional Deputy Commissioner (G)  
Tribal District Bajaur

Copy forwarded to:

1. The Deputy Commissioner, Bajaur for information, please.
2. Applicant concerned.

*[Signature]*  
Additional Deputy Commissioner (G)  
Tribal District Bajaur

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50	11144	پشاور بار ایسوسی ایشن، خیبر پختونخواہ
ایڈویکٹ:	بار کونسل ایسوسی ایشن نمبر: 10-7835	PESHAWAR BAR ASSOCIATION
رابطہ نمبر: 2300-5844181		QR Code

بعدالت جناب: سردار گل محمد خان

مخانب: Appellant	دعوی: Appeal
بنام حکومت خیبر پختونخوا	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:

**بامث تحریر آگہ**

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ آن مقام پشاور کیلئے کنفاریٹ الاٹیشن شہید فیصلی اور ڈی ایچ او کیلئے کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کال اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقررات و فیصلہ برحلف دینے جواب دعوی اقبال دعوی اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یا کٹرفہ یا اپیل کی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساتھ ساتھ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا اس کی تازگی پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں۔ لہذا وکالت نامہ لکھ دیا تاکہ سند رہے



المرقوم: 22/09/2023

بد و گواہ شد الع بد  
مقام: ساؤز کے لیے منظور ہے۔

Accepted by Advocate

نوٹ: اس وکالت نامہ کی فوٹوکاپی ناقابل قبول ہوگی۔

Khan Kifayat 746@gmail.com

سجادہ اولیٰ بن علی و اولیائے سیدہ باجوہ