

02.01.2018

Junior counsel for the appellant present. Mr. Muhammad Jan, Deputy District Attorney for official respondents No. 1 to 3 also present. Junior counsel for the appellant requested for adjournment on the ground that learned senior counsel for the appellant is not available today. Adjourned. To come up for arguments on 24.01.2018 before D.B.



(Ahmad Hassan)  
Member(E)

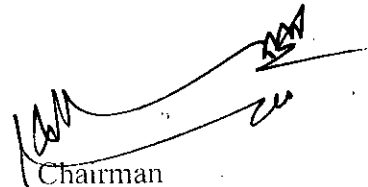


(M.Amin Khan Kundi)  
Member (J)

24.01.2018

Counsel for the appellant present and Mr. Muhammad Jan, DDA for the respondents present. Counsel for the appellant requested for withdrawal of the present appeal.

In view of the above, the present appeal is dismissed as withdrawn. Filed be consigned to the record room.

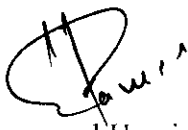
  
Member  
Chairman

**ANNOUNCED**  
24.01.2018

23.11.2017

Appellant in person present. Learned Assistant Advocate General present. None present on behalf of private respondent No.4 hence placed ex-parte. In the present appeal transfer order has been challenged and is lingering for the last one year. Last opportunity granted. To come up for arguments on 12.12.2017 before D.B.


  
(Gul Zeb Khan)  
Member

  
(Muhammad Hamid Mughal)  
Member

12.12.2017

Agent to counsel for the appellant present. Mr. Kabir Ullah Khattak, learned AAG for the respondents present. Due to general strike of the bar, the arguments could not be heard. To come up for arguments on 15.12.2017 before D.B.

  
(Gul Zeb Khan)  
MEMBER

  
(Muhammad Hamid Mughal)  
MEMBER

15.12.2017

Learned counsel for the appellant present. Mr. Muhammad Jan, Learned Deputy District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 02.01.2018 before D.B.

  
(Gul Zeb Khan)  
MEMBER

  
(Muhammad Hamid Mughal)  
MEMBER

25/09/2017

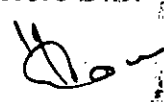
Since 22.09.2017 has been declared as a public holiday on account of first Muharram. Therefore cases adjourned to 13.10.2017, for the same

  
READER

13.10.2017

Clerk of the counsel for appellant present. Mr. Ziaullah  
Deputy District Attorney for official respondents present. Clerk of  
the counsel for appellant seeks adjournment on the ground that  
learned counsel for the appellant is not available today. Adjourn  
To come up for arguments on 24.10.2017 before D.B.


  
(Muhammad Amin Khan Kundi)  
Member

  
(Muhammad Hamid Mughal)  
Member

24.10.2017

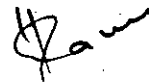
Counsel for the appellant and Mr. Ziaullah, DDA  
alongwith Faisal Atta, Legal Advisor for the official  
respondents present. None is present on behalf of private  
respondent No. 4. On 27.3.2017 the Tribunal directed  
issuance of notice to private respondent No. 4 but no notice  
was issued to him. Again on 14.7.2017 the Tribunal directed  
for issuance of notice to private respondent No. 4 but no  
notice was issued. The concerned Moharrir of the court is  
warned to be careful in future. He is directed to issue notice  
to private respondent No. 4 forthwith. To come up for  
appearance of respondent No. 4 and his written reply on  
23.11.2017. The restraint order shall continue.

  
Member


  
Chairman

14.07.2017


Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for official respondents present. None present on behalf of private respondent No.4. Counsel for the appellant seeks adjournment. Notice be also issued to private respondent no.4 for appearance and written reply. Adjourned. To come up for arguments on 22.08.2017 before D.B. The restraint order shall continue.

  
(Muhammad Hamid Mughal)  
Member

22/8/2017

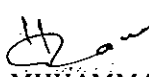
  
(Ahmad Hassan)  
Clerk of counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Clerk of counsel for the appellant requested for adjournment as his counsel is not available due to strike of the bar. To come up for arguments on 7/9/2017 before DB. The restraint order shall continue

7/9/2017 before DB. The restraint order shall continue

  
(GUL ZEB KHAN)  
MEMBER

07/09/2017

Due to general strike of the bar and bench is incomplete, the case is adjourned for arguments on 22/09/2017 before DB.

  
MUHAMMAD HAMID MUGHAL  
MEMBER

Q.ayat Ur Rahman

23.11.2017


Appellant in person present/ Learned Assistant Advocate General present. None present on behalf of private respondent No.4 hence placed ex-parte. In the present appeal ~~pertains to transfer order has been challenged and is lingering on since 08.12.2016. Adjourn at the cost of Rs. 2000/- to be paid by the appellant to the respondent party. To come up for arguments on 12.12.2017 before D.B.~~  
*for the last one year*  
*Cost of adjournment granted*

(Gul Zeb Khan)  
Member

(Muhammad Hamid Mughal)  
Member


25.04.2017


Counsel for the appellant and Addl. AG for the respondents present. Learned counsel for the appellant submitted rejoinder which is placed on file. To come up for final hearing on 30.05.2017 before D.B.

  
(Ahmad Hassan)  
Member

30.05.2017

Clerk of the counsel for appellant present. Mr. Said Muhammad, Head Clerk alongwith Mr. Muhammad Adeel Butt, Additional AG for official respondents No. 1 to 3 also present. Due to strike of the bar learned counsel for the appellant is not in attendance. Adjourned. To come up for arguments on 14.07.2017 before D.B.

  
(GUL ZEB KHAN)  
MEMBER

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER





  
(Ahmad Hassan)  
Member

15.02.2017

Appellant in person and Mr. Faiz Muhammad Litigation officer alongwith Addl. AG for respondents present. Written reply not submitted. Requested for adjournment. To come up for written reply/comments on 02.03.2017 before S.B. The restraint order shall continue.

  
(AHMAD HASSAN)  
MEMBER

02.03.2017

Appellant with counsel and Assistant AG alongwith Faisal Atta, Legal Advisor for the respondents present. Written reply to main appeal not submitted. Last opportunity granted. To come up for written reply/comments on 27.03.2017 before S.B. The restraint order shall continue.

  
CHAIRMAN

27.03.2017

Counsel for the appellant and Addl. AG for respondents present. Written reply submitted on behalf of respondents No. 1 to 3. Private respondent No. 4 not submitted. Notice be issued to private respondent No. 4. To come up for written reply/comments on 25.04.2017 before S.B.

(AHMAD HASSAN)  
MEMBER

Appeal No. 1222/2016  
Dr. Inayat-ur-Rehman vs Govt

Chairman  
13.12.2016

Learned counsel for the appellant argued that the appellant is serving as Agency Surgeon at North Waziristan Agency. That vide impugned order dated 06.09.2016 he was transferred from the said post and posted as Medical Officer Bajaur Agency where-against he preferred departmental appeal on 08.09.2016 which was not responded and hence the instant service appeal on 08.12.2016.

That the services of the appellant are of Management Cadre and cannot be posted as Medical Officer. That the impugned order is premature as the appellant has ~~assumed~~ the charge of the said post of Agency Surgeon North Waziristan Agency on 21.07.2016 and the impugned order was passed within a short span of less than two months.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 12.01.2017 before S.B. Status quo be maintained.

Appellant Deposited  
Security & Process Fee



  
Chairman

12.01.2017

Appellant with counsel and Faisal Legal Advisor alongwith Addl. AG for the respondents present. Written reply not submitted. Requested for further adjournment. To come up for written reply/comments on 15.02.2017 before S.B. The restraint order shall continue.

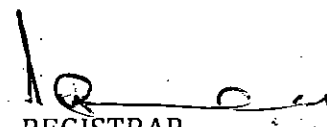


  
Chairman



Form- A  
FORM OF ORDER SHEET

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

Case No. 1222/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	08/12/2016	<p>The appeal of Dr. Inayat-ur-Rehman presented today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>2-</p> <p style="text-align: center;"><i>Samir</i> This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>13-12-16</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p></p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

APPEAL NO. 1222 /2016

ANAYAT UR REHMAN

VS

GOVT: OF KPK

**INDEX**

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3.	Notification dt:11.4.2016	<b>A</b>	6- 7.
4.	Order dt:19.4.2016	<b>B</b>	8.
5.	Notification dt:21.7.2016	<b>C</b>	9.
6.	Impugned order dt:6.9.2016	<b>D</b>	10.
7.	Letter	<b>E</b>	11.
8.	Departmental appeal	<b>F</b>	12- 13
9.	Transfer/ posting policy	<b>G</b>	14- 16.
10.	Vakalat nama	.....	17.

**APPELLANT**

**THROUGH:**

  
**NOOR MUHAMMAD KHATTAK**  
**ADVOCATE**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

Khyber Pakhtunkhwa  
Service Tribunal

APPEAL NO. 1222 /2016

Diary No. 1274

Dated 08-12-2016

Dr. Anayat Ur Rehman, Agency Surgeon, North Waziristan Agency,  
Under transfer to Medical Officer, Bajaur Agency

..... **APPELLANT**

**VERSUS**

- 1- The Additional Chief Secretary FATA, FATA Secretariat, Warsak Road, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Social Sector FATA, FATA Secretariat, Warsak Road, Khyber Pakhtunkhwa, Peshawar.
- 3- The Director Health Services FATA, FATA Secretariat, Warsak Road, Khyber Pakhtunkhwa, Peshawar.
- 4- Dr. Zakir, Medical Superintendent South Waziristan Agency under transfer to Agency surgeon North Waziristan Agency.

..... **RESPONDENTS**

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED TRANSFER ORDER DATED 6.9.2016 WHEREBY THE APPELLANT HAS BEEN TRANSFERRED FROM THE POST OF AGENCY SURGEON NORTH WAZIRISTAN AGENCY TO THE POST OF MEDICAL OFFICER BAJAUR AGENCY AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.**

**PRAYER:**

That on acceptance of this appeal the impugned order dated 6.9.2016 may very kindly be set aside and the respondents may be directed not to transfer the appellant from the post of Agency Surgeon 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:**

Brief facts giving rise to the present appeal are as under:-

- 1- That appellant was appointed in management cadre (BPS-17) on the recommendation of Khyber Pakhtunkhwa Public Service Commission vide Notification dated 11.4.2016. That

Filed to-day

Registrar

8/12/16

in the said Notification the services of the appellant were placed at the disposal of respondent No.3. That in response to the said Notification dated 11.4.2016 the appellant submitted his arrival report and started performing his duty quite efficiently and up to the entire satisfaction of his superiors. Copy of the Notification is attached as annexure ..... **A.**

2- That vide order dated 19.4.2016 the appellant was transferred and posted as ADHO Bajaur Agency. That in response the appellant submitted his charge report and started his duty as ADHO. Copy of the order is attached as annexure ..... **B.**

3- That vide Notification dated 21.7.2016 the appellant was transferred and posted as Agency Surgeon North Waziristan Agency. That in response to the said transfer Notification dated 21.7.2016 the appellant submitted his charge report and started performing his duty quite efficiently and up to the entire satisfaction of his superiors. Copy of the Notification dated 21.7.2016 is attached as annexure ..... **C.**

4- That appellant while serving as Agency Surgeon North Waziristan Agency the order dated 6.9.2016 was issued whereby the appellant was again transferred and posted as Medical Officer Bajaur Agency pre maturely and against the management cadre Rules. That it is pertinent to mention that within a span of five months the appellant had been transferred thrice without any reason and clear justification. Copy of the impugned order is attached as annexure ..... **D.**

5- That it is pertinent to mention that the Political Agent of North Waziristan Agency through letter dated 6.9.2016 has also requested the respondent No.1 that not to transfer the appellant as appellant is very hard working and dedicated Surgeon but inspite of that the respondents are not willing to cancel the impugned order dated 6.9.2016. Copy of the letter is attached as annexure ..... **E.**

6- That appellant feeling aggrieved from the impugned order dated 6.9.2016 prefer Departmental appeal before the appellate authority i.e. respondent No.1 but no reply has been received so far. That according clause-xiv of the transfer/ posting policy the appellate authority is bound to decide the Departmental appeal of the appellant within fifteen days but inspite of that the respondent No.1 is not willing to do so. Copies of the Departmental appeal and transfer/ posting policy are attached as annexure .... **F & G.**

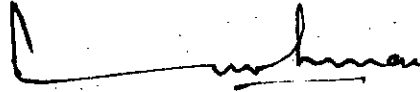
- 7- That appellant having no other remedy prefer the instant appeal on the following grounds amongst the others.

**GROUND:**

- A- That the impugned order dated 6.9.2016 issued by the respondents is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That 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 6.9.2016 is pre- mature, therefore not tenable and liable to be set aside.
- D- That the impugned order dated 6.9.2016 has not been passed/ issued in the public interest nor exigencies of service.
- E- That the impugned order dated 6.9.2016 has been issued the utter violation of clause i and iv of transfer/ posting policy of the provincial Government. Copy is already attached as annexure- G.
- F- That the impugned order dated 6.9.2016 has been issued by the respondents against the management cadre Rules, therefore the impugned order dated 6.9.2016 is not tenable and liable to be set aside.
- G- That the post the against which the petitioner is working belongs to management cadre while the petitioner has been transferred/ posted as Medical Officer i.e. of General Cadre, therefore the impugned order is not tenable and liable to be set aside.
- H- That 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

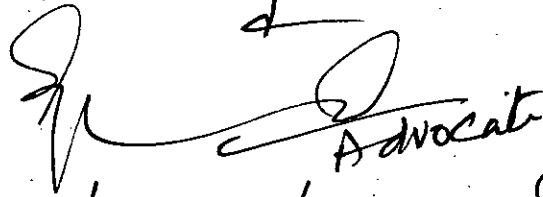


ANAYAT UR REHMAN

THROUGH:



NOOR MOHAMMAD KHATTAK  
ADVOCATE



Advocate

SYED IMDAD HUSSAIN SHAH

ADVOCATE

**BEFORE THE KHYBER PAKHTUNKHEWA SERVICE TRIBUNAL**  
**PESHAWAR**

**APPEAL NO. \_\_\_\_\_ /2016**

**INAYAT UR REHMAN VS HEALTH DEPARTMENT**

**APPLICATION FOR SUSPENSION OF OPERATION**  
**OF IMPUGNED ORDER DATED 6.9.2016 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 impugned transfer order dated 6.9.2016 is against the transfer/ posting policy of the Government of Khyber Pakhtunkhwa.
- 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 6.9.2016 may very kindly be suspended till disposal of this appeal.

**APPELLANT**



**INAYAT UR REHMAN**

**THROUGH:**



**NOOR MOHAMMAD KHATTAK**

**&**



**SYED IMDAD HUSSAIN SHAH**  
**ADVOCATES**

A → 6

**Better copy**

ATTACHED

**Notification**

**No.SOHIEV4.20/2016**

The competent Authority on the recommendation of the Khyber Pakhtunkhwa Public Service Commission is pleased to order the appointment of the following Officers of Management Cadre (BS-17) on regular basis with immediate effect.

S. NO	Name of Officer/Doctor	Father Name	Domicile
1.	Dr.Kifayatullah	Muhammad Ismail	Swat
2.	Dr.Fahad Iqbal	Muhammad Iqbal	Mardan
3.	Dr.Liaqat Ali	Hassan Ahmad	Swat
4.	Dr.Inayat ur Rehman	Abdul Rauf	Bajaur Agency
5.	Dr.Hamza Abbas Khan	Muhammad Abbas Khan	

2 Consequent upon the above the following posting /transfers are hereby ordered.

S.NO	Name	Domicile	Proposed
1.	Dr. Kifayatullah s/o Muhammad Ismail	Swat	DHIS Coordinator DHO Office Swat against the vacant post of (BS-17) in the Management Cadre.
2.	Dr. Fahad Iqbal s/o Muhammad Iqbal	Mardan	DHIS Coordinator DHO Office Mardan against the vacant post of (BS-17) in the Management Cadre.
3.	Dr. Liaqat Ali s/o		
4.	Dr. Inayat Ur Rehman S/O Abdul Rauf	Bajaur Agency	Services placed at the disposal of Director Health Services FATA for further posting against the vacant post of (BS-17) in the Management cadre
5.	Dr. Hamza Abbas Khan S/O Muhammad Abbas Khan	Mardan	EPI Coordinator DHO Office Mardan against the vacant post of (BS-17) in the Management Cadre.

**TERMS & CONDITIONS.**

- They shall be governed by the Khyber Pakhtunkhwa Civil Servant Act. 1973 and the rules made there under.
- They shall, initially be on probation for a period of one year extendable for further one year.



Anex. 7

①

- c. Their services shall be liable to termination at any time without assigning any reason before the expiry of the period of probation/extended period of probation if their performance during this period is not found satisfactory in such an event. They will be given one month prior notice of termination from service of one month pay in lieu thereof. In case they wish to resign at any time, one month prior notice shall be necessary or in lieu thereof one month's pay shall be forfeited.
- d. They will not be entitled to any TA/DA on their first appointment as Management Cadre (BS-17) officers.

SECRETARY HEALTH  
Govt: of Khyber Pakhtunkhwa

Endst: of even No. & date.

Copy forwarded to all concerned.

ATTESTED



Annex. B.  
8



**DIRECTORATE OF HEALTH SERVICES FATA**  
**FATA SECRETARIAT WARSAK ROAD PESHAWAR.**

**OFFICE ORDER**

On his arrival as Management Cadre (BS-17) on regular basis in compliance to Govt: of Khyber Pakhtunkhwa Peshawar Health Department Notification No. SOH(E-V)4-20/2016 dated 11.04.2016, Dr. Inayat ur Rehman presently working as N-Stop Officer NW Agency is hereby transferred and posted as ADHO Bajaur Agency in the interest of public service with immediate effect.

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

No. 5290-93 /DHS/FATA/Admn Dated 13 / 04 /2016

**Copy forwarded to the:-**

1. Agency Surgeon Bajaur and NW Agencies.
2. National Technical Coordinator FELTP/Executive Director NIH Islamabad.
3. Agency Accounts Officer Bajaur at Khar.
4. Officer concerned.

For information and necessary action.

19/4/16  
Director Health Services,  
FATA, Peshawar

**ATTESTED**

Annex. C  
(9)



Establishment Section

**FATA SECRETARIAT**  
(ADMINISTRATION, INFRASTRUCTURE & COORDINATION DEPARTMENT)  
**WARSAK ROAD PESHAWAR**

**NOTIFICATION :-**

No.FS/E/100-93(Vol-11)/0176-87. The following posting / transfers are hereby ordered with immediate effect in the public interest:-

Sl No	Name & Designation	From	To	Remarks
1.	Dr. Ikramullah Safi Medical Officer (BS-17)	Agency Surgeon North Waziristan Agency	Medical Superintendent Agency Headquarters Hospital Khar Bajaur Agency in his own pay & scale.	
2.	Dr. Inayat-ur-Rehman Medical Officer (BS-17)	Medical Officer Office of Agency Surgeon Bajaur Agency.	Agency Surgeon North Waziristan Agency in his own pay & scale.	Vice No.1

Dated 21/07/2016

**ADDITIONAL CHIEF SECRETARY (FATA)**

Copy to:-

1. Secretary Social Sectors Department FATA Secretariat.
2. Political Agent Bajaur Agency Khar.
3. Political Agent North Waziristan Agency.
4. Director Health Services (FATA) Peshawar.
5. Medical Superintendent Agency Headquarters Hospital Bajaur Agency.
6. Medical Superintendent Agency Headquarters Hospital Miranshah N.W Agency.
7. Agency Surgeon Bajaur Agency.
8. Agency Surgeon North Waziristan Agency
9. Agency Accounts Officer Bajaur Agency.
10. Agency Accounts Officer North Waziristan Agency.
11. PS to Additional Chief Secretary FATA.
12. Doctors concerned.

*[Signature]*  
Section Officer (Estab)

**ATTESTED**  
*[Signature]*

Ann. D. (10)



**FATA SECRETARIAT, WARSAK ROAD, PESHAWAR**

Ph# 091-9210212, Fax# 091-9212110.

No. \_\_\_\_\_/DHS/FATA/Admn

Dated: \_\_\_\_/09/2016.

**OFFICE ORDER:**

The competent authority has been pleased to order the following postings/transfers of the Agency Surgeons and Medical Superintendents of AHQ Hospitals in the best interest of public with immediate effect.

S#	Name & Designation	From	To	Remarks
1	Dr. Raza Ullah, BS-17, G. Cadre	Agency Surgeon Mohmand	MO Mohmand Agency	Against the Vacant Post
2	Dr. Shad Muhammad (BS-18), G. Cadre	SMO AHQ Hospital, Ghallana Mohmand	Agency Surgeon Mohmand	Vice No. 1
3	Dr. Wazir Khan (BS-17), G. Cadre	Agency Surgeon Bajaur	Medical Officer, Mohmand Agency	Against the Vacant Post
4	Dr. Abdul Haq, BS-18, G. Cadre.	SMOs Bajaur Agency	Agency Surgeon Bajaur	Vice No.3
5	Dr. Inayat Ur Rahman	Agency Surgeon NWA	MO Bajaur Agency	Against the vacant post
6	Dr. Zakir	MS Wana SWA	Agency Surgeon NWA	Vice No. 5
7	Dr. Hayat, BS-17, G. cadre	Agency Surgeon FR Peshawar	MO FR Peshawar	Against the Vacant post
8	Dr. Zarin, BS-17, G. Cadre	FSMO Khyber Agency	Agency Surgeon FR Peshawar	Vice No. 7
9	Dr. Khan Saeed, BS-18, G. Cadre	MS AHQ Hospital Landikotal, Khyber Agency	MS AHQ Hospital Khar, Bajaur	Vice No. 11
10	Dr. Zar Alam, BS-18, Specialist cadre	SMO, THQ Hospital Dogra Picket	MS AHQ Hospital, Landikotal, Khyber	Vice No. 9
11	Dr. Ikram Ullah, BS-17, G. Cadre.	MS AHQ hospital Bajaur	MO Mohmand Agency	Against the vacant post

Sd/xxx

Additional Chief Secretary FATA.

No. 14641-58 /DHS/FATA/Admn, dated 06 /09/2016.

Copy for information:

1. The Secretary Social Sectors Department FATA, Peshawar.
2. The Political Agents, Khyber, Mohmand, Bajaur, North Waziristan, South Waziristan & FR Peshawar.
3. The Agency Surgeons, Khyber, Mohmand, Bajaur, North Waziristan, South Waziristan & FR Peshawar.
4. The AGPR Sub Office, Peshawar.
5. The Agency Accounts Officers, Khyber, Mohmand, Bajaur, North Waziristan & South Waziristan.
6. The Medical Superintendents, AHQ hospital, Landikotal and AHQ Hospital Khar, Bajaur Agency.
7. The P.S to Additional Chief Secretary FATA, Peshawar.
8. Officers concerned.

For information and necessary action.

**ATTESTED**

*Handwritten signature*

*Handwritten signature*  
Director Health Services,  
FATA Peshawar



OFFICE OF THE POLITICAL AGENT  
NORTH WAZIRISTAN AGENCY

Tel: (0928) 300903 Fax (0928) 300642  
Email Address: [paritwaofficial@gmail.com](mailto:paritwaofficial@gmail.com)

No 4058-62 /S/E&A  
Dated 6/09/2016

To: The Additional Chief Secretary,  
FATA Secretariat Peshawar.

Subject: POSTING/TRANSFER OF AGENCY SURGEON.

It is very humbly submitted with great concern that very competent, hard working, dedicated and energetic agency surgeon is posted out by the Director Health Services FATA vide letter No. 14641-56/DHS/FATA/Admin/, dated 06/9/2016, just after having tenure of only one month and 12 days.

It is further submitted that its being 3<sup>rd</sup> posting of Agency Surgeon within the period of three months that to at the juncture when maximum rehabilitation, returns, settlement work is going in full swing. Previously Dr. Hamid Ur Rehman was transferred vide order No. FS/E/100-93(Vol-10)/8101-11, dated 23/5/2016; and Dr. Ikram Ullah Safi was given charge of Agency Surgeon who remained as Agency Surgeon till 21 July 2016 (one month & 28 days).


Keeping in view above ~~it is informed and~~ requested that Dr. Inayat Rehman, (Management Cadre) posting be reviewed being very competent officer and Political Administration is highly satisfied from his working within the agency. Beside that continuity of tenure is very important in public interest.

Forwarded for favourable consideration please.

  
POLITICAL AGENT,  
NORTH WAZIRISTAN AGENCY.

Copy to the:

1. Secretary Social Sector FATA.
2. Secretary A.I&C FATA.
3. Director Health Services FATA Peshawar.
4. Headquarter 7-Division Camp Area Miranshah.

ATTESTED  


  
POLITICAL AGENT,  
NORTH WAZIRISTAN AGENCY.

To,

THE ADDITIONAL CHIEF SECRETARY, FATA,  
FATA Secretariat, Peshawar.

Subject: DEPARTMENTAL APPEAL AGAINST THE ORDER NO. 11641-58/DHS/FATA/ADMN, DATED 6-9-2016 WHEREBY THE UNDERSIGNED HAS BEEN TRANSFERRED FROM THE MANAGEMENT CADRE POST OF AGENCY SURGEON NWA TO THE GENERAL CADRE POST OF MEDICAL OFFICER BAJOUR AGENCY, AGAINST THE LAW / RULES

Prayer: - On acceptance of this appeal the above mentioned order dated 6-9-2016 may please be modified to the extent of undersigned i.e. serial No. 5, and undersigned may please be allowed to, at least, complete his tenure of posting in NWA, as per law, with such other relief as may deem fit in the circumstances of the case may also be granted.

ATTESTED

Respected sir,

I, DR. INAYAT UR REHMAN Agency Surgeon NWA submit instant appeal against the order dated 6-9-2016 for your honors sympathetic and benevolent consideration, as under:-

1. That Order dated 6-9-2016 seems to be passed against the undersigned, in haphazard manner hence the same is illegal, unlawful, void and ineffective.
2. That the contents of the same to the extent of undersigned are against the principles of Natural Justice, also.

3. That, it merits mentioning here that the undersigned is Management Cadre Officer of the department while the incumbent who has been transferred and posted in his position is a General Cadre Doctor.
4. That, the post against which the undersigned was performing his duties in NWA relates to Management Cadre while as per Order dated 06.9.2016 the undersigned has been transferred to General Cadre post which is against the norms of fairness.
5. That, even otherwise, as per posting Transfer Policy, the undersigned has not completed his tenure of service on one station which action of the department negates the rule of justice. It is important to mention here that the undersigned has performed his duties in NWA for only about one and a half month.
6. That, the subject mentioned Order has not been issued by the Competent Authority hence the same is nullity in the eyes of law.
7. That, he undersigned still holds the charge of the post at NWA moreover he has not been relieved by the Department from NWA.
8. That, Article 4, 25 & 27 of the Constitution of the Islamic Republic of Pakistan has been violated.

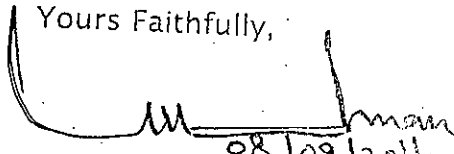
It is, therefore, requested that Appeal be accepted as prayed for.

Thanking you,

ATTESTED



Yours Faithfully,

  
08/09/2016  
DR. INAYAT UR REHMAN,  
Agency Surgeon NWA,

CC: 1 The Honorable Governor, Governor House, Peshawar.

2. ~~Add. Chief Secy DATA NWA Post. for Sanitation course.~~

3.



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) <sup>1</sup>{ }
- vi) While making postings/transfer from settled areas to FATA and vice-versa, specific approval of Governor, NWFP needs to be obtained
- <sup>2</sup>While 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.

<sup>1</sup> 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.

<sup>2</sup> Added vide Urdu circular letter No. SOR-VI(E&AD)1-4/2003, dated 21-09-2004

ATTEST



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- 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  
<sup>1</sup>DCOs 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

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74749

پشاور بار ایسوسی ایشن، خیبر پختونخوا

رابطہ نمبر: 3414 938 345

بعدالت جناب: سپریم کورٹ، اسلام آباد

منجانب: ڈاکٹر حفیظ الرحمن	دعویٰ:
 <p>نام: سپریم کورٹ، اسلام آباد</p>	علت نمبر:
	موضوع:
	جرم:
	تھانہ:

### باعت میرانکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ درجہ کے ایک مقام پر اپنے نوٹس کے ذریعے درخواست گزار کو مطلع کیا گیا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر حالت و فیصلہ برصفت دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہو گا اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ پر داخلہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا وہ وکیل موصوف وصول کرنے کا اختیار ہوگا کوئی تاریخ 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 مندر ہے۔

المرقوم: 08/12/2016

بند گواہ بند

مقام کے لئے منظور ہے۔

نوٹ: اس وکالت نامہ کی ذمہ داری کا حامل قبول ہوگی۔

Advocate

Accepted and accepted by

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

APPEAL NO. 1222/2016

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 46

Dated 25-1-2017

DR. INAYAT UR REHMAN VS ACS FATA & OTHERS

APPLICATION FOR SUSPENSION OF THE  
OPERATION OF ORDER DATED 16-01-2017

R/Sheweth:

1. That the appellant filed an appeal before this Honourable Tribunal against the impugned order 9/6/2016, whereby the services of the appellant was transferred from the post of Agency Surgeon NW Agency to Bajaur Agency.

2. That, this Honourable Tribunal in his order sheet dated 13/12/2016 issued/granted status quo in favour of the appellant/petitioner. Copy of the order dated 13.12.2016 is attached.

3. That, the same order sheet dated 13/12/2016 was forwarded to the respondents for implementation and issuance of orders. That in this regard the respondent No.1 and 2 issued direction to the respondent No.3 to honour the august Tribunal order dated 13.12.2016. Copy of the letter is attached.

4. That, the appellant/petitioner filed a COC petition No. 243/2016 in which next date of hearing is issued as 15/02/2017 for submission of written statement by the respondents. Copy of the order sheet is attached.

5. That, in the meanwhile the respondents issued another order dated 16-01-2017 whereby another third person namely Dr. Mohammad Rehman has been posted against the post already held by appellant i.e. Agency Surgeon NW Agency.

6. That the order dated 16.1.2017 has been issued by the respondent No.3 in utter disregard of this august Tribunal order dated 13.12.2016.

It is therefore, most humbly prayed that on acceptance of the instant application the impugned order dated 16-01-2017 may very kindly be suspended and the respondent be directed to implement the status quo order dated 13-12-2016 in favor of appellant/ petitioner.

*Record Perused  
In view of  
restant order  
case diary  
fixatin of dates  
and date of order  
fixed, the  
appellant is  
Dejected  
25.01.17*

Appellant/Petitioner

DR. INAYAT UR REHMAN

Through:

Noor Mohammad Khattak

&

Syed Imdad Hussain Shah

Advocates, Peshawar

3

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

Khyber Pakhtunkhwa  
Service Tribunal

APPEAL NO. 1222 /2016

Diary No. 1274

Dated 08-12-2016

Dr. Anayat Ur Rehman, Agency Surgeon, North Waziristan Agency,  
Under transfer to Medical Officer, Bajaur Agency

..... APPELLANT

**VERSUS**

- 1- The Additional Chief Secretary FATA, FATA Secretariat, Warsak Road, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Social Sector FATA, FATA Secretariat, Warsak Road, Khyber Pakhtunkhwa, Peshawar.
- 3- The Director Health Services FATA, FATA Secretariat, Warsak Road, Khyber Pakhtunkhwa, Peshawar.
- 4- Dr. Zakir, Medical Superintendent South Waziristan Agency under transfer to Agency surgeon North Waziristan Agency.

..... RESPONDENTS

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED TRANSFER ORDER DATED 6.9.2016 WHEREBY THE APPELLANT HAS BEEN TRANSFERRED FROM THE POST OF AGENCY SURGEON NORTH WAZIRISTAN AGENCY TO THE POST OF MEDICAL OFFICER BAJAUR AGENCY AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.**

**PRAYER:**

That on acceptance of this appeal the impugned order dated 6.9.2016 may very kindly be set aside and the respondents may be directed not to transfer the appellant from the post of Agency Surgeon 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.

Filed today

Registrar

27/12/16

**R.SHEWETH:**

**ON FACTS:**

Brief facts giving rise to the present appeal are as under:-

- 1- That appellant was appointed in management cadre (BPS-17) on the recommendation of Khyber Pakhtunkhwa Public Service Commission vide Notification dated 11.4.2016. That

*[Handwritten signature and notes in the bottom left corner]*

4  
Appeal No. 1222/2016  
Dr. Inayat-Ul-Rehman vs Govt

13.12.2016

Learned counsel for the appellant argued that the appellant is serving as Agency Surgeon at North Waziristan Agency. That vide impugned order dated 06.09.2016 he was transferred from the said post and posted as Medical Officer Bajaur Agency where-against he preferred departmental appeal on 08.09.2016 which was not responded and hence the instant service appeal on 08.12.2016.

That the services of the appellant are of Management Cadre and cannot be posted as Medical Officer. That the impugned order is premature as the appellant has ~~assumed~~ the charge of the said post of Agency Surgeon North Waziristan Agency on 21.07.2016 and the impugned order was passed within a short span of less than two months.

Appellant Deposited  
Security & Process Fee

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 12.01.2017 before S.B. Status quo be maintained.

Certified True Copy

Sd/-  
Chairman

Attention  
Wazir ACS - Sahib

5

COURT CASE

FATA SECRETARIAT,  
(Admin, Infra: & Coord Department)  
WARSAK ROAD PESHAWAR

No. S.O.(Lit)/CSF/3-2/18315

Dated Peshawar the 22-12-2016

To,  
The Director Health Services,  
FATA Secretariat,  
Peshawar.

Subject: COC NO.243 IN APPEAL NO.1222/2016 DR. ANYAT UR REHMAN.VS ACS FATA.

I am directed to enclose herewith a copy of Khyber Pakhtunkhwa Service Tribunal Notice in the subject appeal alongwith Judgment dated 1-12-2016.

Kindly implement judgment dated 13-12-2016 and deputize a conversant officer of your department to attend the Court on 12-01-2017 alongwith relevant record and reply of the department and intimate the proceeding to this office!

This may be treated as "MOST URGENT", please.

*Handwritten signature and initials*

*Handwritten signature*  
Deputy Secretary

Encls: As above.

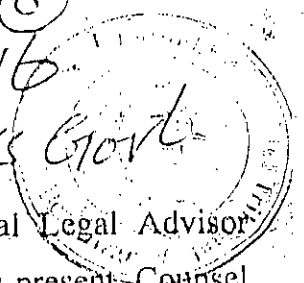
*Handwritten notes: ACS, Wazir, etc.*

Khyber Pakhtunkhwa

Note: 1. The hours of attendance in the court are the same that of the High Court except Sundays.  
2. Always quote Case No. While making any correspondence.



C.O.C No. 243/2016 (6)  
Dr. Inayatullah Rehman vs Govt.



12.01.2017 Petitioner with counsel and Faisal Legal Advisor  
alongwith Addl. AG for the respondents present. Counsel  
for the petitioner submitted that order dated 13.12.2016 of  
this Tribunal has not been implemented. Representative of  
the respondents requested for further adjournment. To  
come up for written statement on contempt of court  
application and arguments on 15.02.2017 before S.B.

*Sd/-*  
Chairman

Certified to be a true copy  
National Service Tribunal  
Islamabad

Date of Receipt: 12-1-17  
By: *[Signature]*  
C.O.C No: 243  
U.O. No: *[Signature]*  
Date of Delivery: 12-1-17



(7)

**DIRECTORATE OF HEALTH SERVICES**  
**FATA SECRETARIAT, WARSAK ROAD, PESHAWAR**  
Ph# 091-9210212, Fax# 091-9212110.

\*\*\*\*\*

**OFFICE ORDER**

The competent authority has been pleased to order the following postings /transfers with immediate effect, in the interest of public service:-

S.No.	Name	From	To
1.	Dr. Zakir Hussain	Agency Surgeon, NW Agency	Directorate of Health Services, FATA.
2.	Dr. Muhammad Rehman, Afridi	N-Stop Officer NW Agency	Agency Surgeon, NW Agency

Sd/-  
Additional Chief Secretary (FATA)

No. 767-75/101-2/ADA/DHS/FATA/Admn

Dated 16/01/2017

Copy to the:

1. Secretary SSD, Department, FATA Secretariat.
2. Political Agent, NW Agency.
3. Headquarter 7 Div, NW Agency.
4. AGPR Sub office, Peshawar.
5. Agency Accounts Officer, NW Agency.
6. PS to Additional Chief Secretary (FATA)
7. Officers concerned.
8. File.

Director Health Services, FATA

*[Signature]*

*[Signature]*

8

OFFICE OF THE AGENCY SURGEON NORTH WAZIRISTAN AGENCY  
Phone & Fax#0928-311662 Email:agency Surgeonnwa@gmail.com

NO/73-77/AS

Dated, 16/01/2017

\*\*\*\*\*

To,

The Political Agent  
North Waziristan Agency

Subject: Leaving of Station

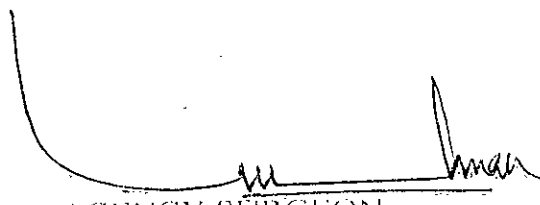
I have the honor to state that I am leaving my station (Agency Surgeon Office NWA) today at 16-01-2017 on 5:pm as per telephonic directions received from your control room to leave Agency immediately while no reason was intimated to undersigned for these directions.

Report is submitted for information please.

(Dr INAYAT UR REHMAN)  
AGENCY SURGEON  
NORTH WAZIRISTAN AGENCY

Copy:

- 1. Director Health Services FATA
- 2. HQ -7Div Miranshah
- 3. Registrar KPK Service Tribunal Peshawar
- 4. PS to ACS-FATA
- 5. PS to SSD-FATA.

  
AGENCY SURGEON  
NORTH WAZIRISTAN AGENCY

**BEFORE THE SERVICES TRIBUNAL**

**KHYBER PAKHTUNKHWA PESHAWAR**

Appeal No. 1222/2016

Dr. Inayat ur Rehman, Agency Surgeon, North Waziristan Agency

..... Petitioners

VS

Additional Chief Secretary FATA and others

..... Respondents

Parawise comments / reply on behalf of Respondent No. 4

Respectfully Sheweth;

**ON FACTS**

1. No comments.
2. No comments.
3. No comments.
4. The para relates to Department.
5. No comments.
6. The para relates to Department.
7. No comments.

**GROUND**

- A. The para relates to Department.
- B. No comments.
- C. No comments.
- D. No comments.
- E. The para relates to Department.
- F. As stated above.
- G. As stated above.
- H. No comments.

It is, therefore, most humbly prayed that the posting / transfer is the responsibility of Department, therefore, respondent No. 4 may kindly be exempted from further proceedings.

Dr. Zakir Hussain  
Respondent No. 4

BEFORE THE SERVICE TRIBUNAL , KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No.1222/2016

Dr. Anayat Ur Rehman Versus

The Additional Chief Secretary & others

INDEX

<u>S.No</u>	<u>DESCRIPTION</u>	<u>ANNEX</u>	<u>P/N</u>
1.	Written Reply of Appeal alongwith affidavit	-	01-03
2.	Written Reply of Application for suspension alongwith affidavit		04
3.	Copy of Complaint	<u>"A"</u>	05
4.	Copy of the detail of travelling received from FIA Immigration Peshawar	<u>"B"</u>	06-07
5.	Wakalatnama (in original)	-	08

Respondent 01 to 03

Through



(Muhammad Tariq)

&



(Faisal Atta)

Advocate, Peshawar

**BEFORE THE SERVICE TRIBUNAL , KHYBER PAKHTUNKHWA, PESHAWAR**

**Service Appeal No.1222/2016**

Dr. Anayat Ur Rehman

Versus

The Additional Chief Secretary & others

**Written Reply on behalf of Respondent 01 to 03**

Respectfully Sheweath:

Written Reply on behalf of Respondent 01 to 03 is as under:

**PRELIMINARY OBJECTION:**

- i. Appellant has got no cause of action to file appeal before this Honorable Tribunal.
- ii. Appellant has got no locus standi to file the appeal in hand against the Replying Respondent.
- iii. With utmost respect this Honorable Tribunal has got no jurisdiction to adjudicate the appeal in hand.
- iv. No political influence has been adopted by Replying Respondents for his posting rather have correctly been issued office order by other Respondents in the best public interest which cannot be challenge before this honorable Tribunal.
- v. Appellant has not come before this Honorable Tribunal with clean hands.
- vi. Appellant is estopped by her own conduct to file Appeal in hand.
- vii. Appellant has wrongly interpreted the Order Dated 06/09/2016 which was passed accordingly. As such, Appellant has no legal right to Challenged before this honorable Tribunal. As such, Appeal in hand is liable for its dismissal.
- viii. The impugned Order Dated 06/09/2016 has been correctly passed under section 10 of Civil Servant Act, 1973.
- ix. Number of complaints have been received by the Replying Respondents against the Appellant for his wrong acts and deeds and for his mis-management etc.(Copy of Complaint is Annexure "A")

**FACTS:**

1. Para 01 is pertaining to record. Hence, need no reply.
2. Para 02 is pertaining to record. Hence, need no reply.
3. Para 03 is pertaining to record. Hence, need no reply.

4. Para 04 is pertaining to record. However, Appellant has been transferred from the post of Agency Surgeon NW Agency and posted as Medical Officer in Bajaur Agency on 06/09/2016 due to the reason that being Agency Surgeon NW Agency, he has to be present in the Agency but he left the station/place of duty without prior approval of competent authority and absent from duty in August 2016 and travelled abroad without the permission/NOC of the Competent Authority and kept the Department in dark. It is pertinent to mentioned here that, Diphtheria out break was reported in the period when the Appellant was abroad and dozen of children died during this period in NW Agency. (Copy of the detail of travelling received from FIA Immigration Peshawar is Annexure "B")
5. Para 05 is incorrect, illegal, without substance. Hence, denied. Furthermore, Appellant is going to build pressure over Respondents to serve and post himself at his own choice.
6. Para 06 is incorrect, illegal, without substance. Hence, denied. Appellant has not approached by filing any appeal before Respondent 01 and Annexed a concocted appeal with appeal in hand just to deceived this honorable court for his ulterior motive and design. On this score too appeal in hand is liable to be dismissed.
7. Para 07 along with grounds are incorrect, illegal, without substance. Hence, denied, detail reply to its grounds is as under:

**GROUND:**

- A. Ground "A" is incorrect, illegal, without substance. Hence, denied. Detail reply has been given in the preceding paras.
- B. Ground "B" is incorrect, illegal, without substance. Hence, denied. Detail reply has been given in the preceding paras.
- C. Ground "C" is incorrect, illegal, without substance. Hence, denied. Detail reply has been given in the preceding paras.
- D. Ground "D" is incorrect, illegal, without substance. Hence, denied. Detail reply has been given in the preceding paras.
- E. Ground "E" is incorrect, illegal, without substance. Hence, denied. Detail reply has been given in the preceding paras.
- F. Ground "F" is incorrect, illegal, without substance. Hence, denied. The act of the Appellant was not according to rules and regulations of business that why he has been transferred from the responsible.
- G. Ground "G" is incorrect, illegal, without substance. Hence, denied. Detail reply has been given in the preceding paras.

H: Ground "H" is incorrect, illegal, without substance. Hence, denied.

It is, therefore, respectfully prayed that Appeal in hand may very graciously be dismissed with cost throughout.

Respondent 01,02,03

Through

  
(Muhammad Tariq)

&

  
(Faisal Atta)

Advocate, Peshawar

Dated March, 2017

**AFFIDAVIT**

It is hereby solemnly affirm and declare on oath that contents of **Written Reply** are true and correct to the best of my knowledge and belief and nothing has been kept from this honorable Court.

  
Deponent



**BEFORE THE SERVICE TRIBUNAL , KHYBER PAKHTUNKHWA, PESHAWAR**

**Service Appeal No.1222/2016**

Dr. Anayat Ur Rehman Versus The Additional Chief Secretary & others

**Application for suspension**

**Written Reply on behalf of Respondent 01 to 03**

Respectfully Sheweath:

Written Reply on behalf of Respondent 04 is as under:

**Preliminary Objection:**

- a. Applicant/Appellant has got no cause of action to file the instant application.
- b. Application in hand does not fulfill the mandatory cum requirement of Interim Relief. Hence, liable for it's summary dismissal.
- a. Application in hand has been filed with ulterior motive just to harass Replying Respondent and to waste the precious time of this Honorable Tribunal.
- b. Applicant/Appellant has not come to the Court with clean hands.

**FACTS**

1. Para 01 needs no reply.
2. Para 02 of application is incorrect, illegal and without substance. Hence, denied.
3. Para 03 of application is incorrect, illegal and without substance. Hence, denied.
4. Para 04 of application is incorrect, illegal and without substance. Hence, denied.


It is, therefore, respectfully prayed that application of Applicant may graciously be dismissed with cost through out

Respondent 01 to 03

Through

  
(Muhammad Tariq)

&

  
(Faisal Atta)  
Advocate, Peshawar

**AFFIDAVIT**

It is hereby solemnly affirm and declare on oath that contents of **Written Reply** are true and correct to the best of my knowledge and belief and nothing has been kept from this honorable Court.

  
Deponent

Annot (A)

PRESIDENT

Shams-ur-Rehman Dawar

0336-8000739

Vice President-I:

Malik Gul Saleh Jan

Vice President II:

Hussain Khan

Co-ordination Secretary

Fahm Ullah

Office Secretary:

Noor Hayat

North Waziristan Agency

Registration No: 12317-19-E 1110 Dated 9th Sept. 1970

Senior Vice President

Noor Ayaz Wazir

0336-5086427



GENERAL SECRETARY:

Mohammad Karim Shah

0335-7220407

Add: Secretary:

Pir Niamt Ullah

Joint Secretary:

Syed Badshah

Finance Secretary:

Raz Mohammad

Press Secretary:

Junaid Iqbal

Ref. No. \_\_\_\_\_

Date 14/1/2017

احتجاج احتجاج احتجاج

آج بروز جمعہ 14-01-2017 پر شمالی وزیرستان میں ہیرا میڈیکس کا اجلاس زیر صدارت صدر میڈیکس اربین منگھڑا۔ جس میں ہیرا میڈیکس کے تمام اہلکاروں نے شرکت کی۔ اس کے اجلاس میں صدر نے ذیل فیصلہ کیا کہ ہیرا میڈیکس 16-01-2017 سے تمام کام چھوڑنے کے لئے ہسپتال بند کر دیا جائے گا اور کلینک کے لئے ہیرا میڈیکس کو متعلقہ حکومتی حکام سے درخواست کی جائے گی کہ وہ اس وقت تک جاری نہیں رکھی جائے جب تک ہسپتال بند نہ ہو۔ اس کے علاوہ ہیرا میڈیکس اور میڈیکل کلب کے تمام اہلکاروں کو ہیرا میڈیکس سے علیحدگی دینی چاہئے اور ہیرا میڈیکس کے تمام کام چھوڑنے کے لئے ہیرا میڈیکس کو متعلقہ حکومتی حکام سے درخواست کی جائے گی کہ وہ اس وقت تک جاری نہیں رکھی جائے جب تک ہسپتال بند نہ ہو۔

ہیرا میڈیکس کے تمام کام چھوڑنے کے لئے ہیرا میڈیکس اور میڈیکل کلب کے تمام اہلکاروں کو ہیرا میڈیکس سے علیحدگی دینی چاہئے اور ہیرا میڈیکس کے تمام کام چھوڑنے کے لئے ہیرا میڈیکس کو متعلقہ حکومتی حکام سے درخواست کی جائے گی کہ وہ اس وقت تک جاری نہیں رکھی جائے جب تک ہسپتال بند نہ ہو۔

جناب ال ہیرا میڈیکس ایسوسی ایشن

کاپی برائے:

1- پولیٹیکل ایجنٹ نار تھ وزیرستان

2- جی ای او نار تھ وزیرستان

3- گورنر صاحب خیبر پختونخواں پشاور

4- صدر ہیرا میڈیکس کابینہ بنوں ڈویژن بنوں

5- ہیرا میڈیکس فانا صدر پشاور

6- ایم ایس میران شاہ نار تھ وزیرستان

جنرل سیکرٹری محمد کریم شاہ

410  
18-1-17

M. Karim Shah

DHS  
BDA  
16/1/17

M. KARIM SHAH  
General Secretary  
P.M.A.N.W. Agency

OFFICE OF THE AGENCY SURGEON NORTH WAZIRISTAN

Phone & Fax: 0928-300788-311662

email: [agencyvsurgeonwa@gmail.com](mailto:agencyvsurgeonwa@gmail.com)

No. 144-51 /Complaints /Paramedics

dated: 15 /01/2017.

Copy forwarded to the:

1. PS to Governor KPK Peshawar.
2. Director Health Service FATA Peshawar.
3. PS to ACS FATA.
4. PS to SSD FATA.
5. Political Agent North Waziristan Agency.
6. HQ-7 Division Camp Area Miranshah (IS) Branch.
7. Medical Superintendent AHQ Hospital Miranshah.



ANNEX  
(B)

OFFICE OF THE DEPUTY DIRECTOR  
FEDERAL INVESTIGATION AGENCY  
IMMIGRATION AIRPORT PESHAWAR  
PH: 091-9213372

No. Immigration/ 11

Dated 03/01 /2017

To,

The Director  
Health Services FATA  
Directorate Health Services FATA Secretariat Peshawar.

Subject:

CONFIRMATION OF FOREIGN TOUR

Please refer to your office letter No. 20536/DHS/FATA/Admin dated 26.12.2016 on the subject noted above.

Enclosed please find herewith Travel History in the name of Inayat ur Rehan S/O Abdur Rauf CNIC No. 2110323025469 provided by Assistant Director IBMS Peshawar Airport, for further necessary action.

Encl: As above.

*[Signature]* 3/1/2017  
DEPUTY DIRECTOR / FIA  
IMMIGRATION PESHAWAR

Subject:

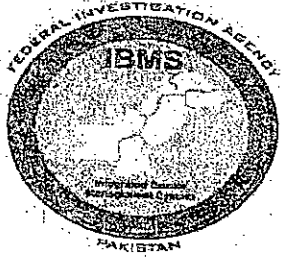
CONFIRMATION OF FOREIGN TOUR

Please refer to your office letter No. 20536/DHS/FATA/Admin dated 26.12.2016 on the subject noted above.

Enclosed please find herewith Travel History in the name of Inayat ur Rehan S/O Abdur Rauf CNIC No. 2110323025469 provided by Assistant Director IBMS Peshawar Airport, for further necessary action.

Encl: As above.

# IBMS TRAVEL HISTORY REPORT



**Name** UR RAHAN INAYAT  
**Father/Husband Name** RAUF ABDUR  
**Personai Number** 2110323025469  
**Birth Date** 10-APR-82  
**Nationality** PK

Document Number	Event Date	Flight No	Entry Status	Name	Location Name
CV1745461	25-SEP-13	PK2101	departing		Peshawar International Airport
CV1745461	31-OCT-13	PK2222	arriving		Peshawar International Airport
CV1745461	06-FEB-15	EY234	departing		Benazir Bhutto International Airport Islamabad
CV1745461	14-FEB-15	EY231	arriving		Benazir Bhutto International Airport Islamabad
CV1745462	22-AUG-15	TK715	departing		Allama Iqbal International Airport, Lahore
CV1745462	30-AUG-15	TK710	arriving		Benazir Bhutto International Airport Islamabad
CV1745462	27-SEP-15	QR609	departing		Peshawar International Airport
CV1745462	03-OCT-15	QR608	arriving		Peshawar International Airport
CV1745462	15-APR-16	QR615	departing		Benazir Bhutto International Airport Islamabad
CV1745462	23-APR-16	EK614	arriving		Benazir Bhutto International Airport Islamabad
CV1745462	20-AUG-16	QR633	departing		Benazir Bhutto International Airport Islamabad
CV1745462	27-AUG-16	QR632	arriving		Benazir Bhutto International Airport Islamabad

CV1745461	25-SEP-13	PK2101	departing		Peshawar International Airport
CV1745461	31-OCT-13	PK2222	arriving		Peshawar International Airport
CV1745461	06-FEB-15	EY234	departing		Benazir Bhutto International Airport Islamabad
CV1745461	14-FEB-15	EY231	arriving		Benazir Bhutto International Airport Islamabad
CV1745462	22-AUG-15	TK715	departing		Allama Iqbal International Airport, Lahore
CV1745462	30-AUG-15	TK710	arriving		Benazir Bhutto International Airport Islamabad
CV1745462	27-SEP-15	QR609	departing		Peshawar International Airport
CV1745462	03-OCT-15	QR608	arriving		Peshawar International Airport
CV1745462	15-APR-16	QR615	departing		Benazir Bhutto International Airport Islamabad
CV1745462	23-APR-16	EK614	arriving		Benazir Bhutto International Airport Islamabad
CV1745462	20-AUG-16	QR633	departing		Benazir Bhutto International Airport Islamabad
CV1745462	27-AUG-16	QR632	arriving		Benazir Bhutto International Airport Islamabad

**IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

C.O.C No.243/2016

In

Appeal No.1222/2016

Dr. Inayat ur Rehman

Versus

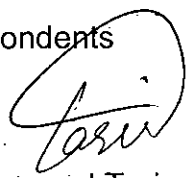
Mr. Mohammad Fida Wazir and other

**INDEX**


S.No	Description	Annex	P-No
1.	Written Reply alongwith Affidavit	-	01-03

Through

Respondents

  
Muhammad Tariq  
Advocate, High Court

&

  
Faisal Atta  
Advocate, Peshawar

Dated : March , 2017

**IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

C.O.C No.243/2016

In

Appeal No.1222/2016

Dr. Inayat ur Rehman

Versus

Mr. Mohammad Fida Wazir and other

**Written Reply on Behalf of Respondents**

Respectfully Sheweth:

Written Reply on behalf of Respondents is as under:

**Preliminary Objection:**

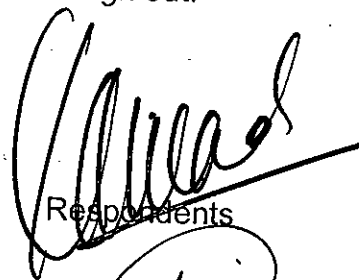
- i. Applicant/Petitioner has got no **cause of action** to file instant petition.
- ii. Applicant/Petitioner has no **locus standi** to file the instant petition.
- iii. Application in hand does not constitute the relevant provisions of law for initiating the contempt of court proceeding against the Replying Respondent. As such, liable to be dismissed.
- iv. Applicant has not annexed any relieving order or copy of relieving order alongwith his Petition which has been issued by the Replying Respondent. Therefore, Petitioner has not come to the court with clean hands.
- v. Replying Respondent till date has not issued any relieving Order to the Applicant and It is also pertinent to mentioned here that Applicant has withheld the true and real facts from this honorable Tribunal rather by concealing the true and real facts regarding the Relieving Order. As such, application in hand is liable to be dismissed on this score alone.
- vi. Applicant has only submitted an application in hand on ground of relieving is not maintainable in the eyes of law due to the above said reasons. Furthermore, Applicant has not submitted any order of this honorable Tribunal. As such, application in hand is liable for its summary dismissal.
- vii. Application in hand is filed with ulterior motive and design just to harass and pressurize to accept his illegal demands. As such, liable to be dismissed.

**On Fact**

1. Para No.1 Petition need no reply.
2. Para No.2 Petition incorrect, illegal, without substance, bundle of white lie. As such, denied. Applicant has not produce the attested copy of this Honorable Tribunal. It is also pertinent to mentioned here that Applicant has withheld the true and real facts from this honorable Tribunal rather by concealing the true and real facts regarding the Relieving Order which is also manifest from the Ordersheet Dated 13/12/2016.Detail reply has been given in the preceeding para.
3. In reply to Para No.3 of Petition incorrect, illegal, without substance. Hence, denied. Detail reply has been given in the preceeding para.

It is, therefore, respectfully prayed that Application of Applicant may graciously be dismissed with cost through out.

Through



Respondents

Muhammad Tariq  
Advocate, High Court

&

Faisal Atta  
Advocate, Peshawar

Dated : March , 2017



**IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

C.O.C No.243/2016

In

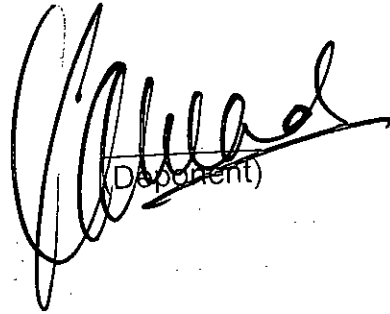
Appeal No.1222/2016

Dr. Inayat ur Rehman Versus

Mr. Mohammad Fida Wazir and other

**AFFIDAVIT**

It is solemnly affirm and declare on oath that contents of Written Reply are true and correct and nothing has been kept from this honorable Tribunal.

  
(Deponent)





71831

ایڈووکیٹ/دستخط: *Javed*

بار کونسل ابار ایسوسی ایشن نمبر: bc-11-1584

رابطہ نمبر: 0321-9167705

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب:

مناجب: مسولہ نسیم	دعوی:
	علت نمبر:
	مورثہ:
	جرم:
	تھانہ:

**باعت تحریر آنگہ**

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دی کاروائی متعلقہ

آن مقام سٹاؤر کھیلے محمد حارث (نہد حاصل عطاء) کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر حالت و فیصلہ برصفت دینے جواب دعوی اقبال دعوی اور درخواست از ہر قسم کی تصدیق نہیں بدستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہو گا اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ پرداخت منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جہان التوائے مقدمہ کے سبب سے ہوگا وہ وکیل موصوف وصول کرنے کا مختار ہوگا کوئی تاریخ 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 مندر ہے۔

المرقوم:

\_\_\_\_\_

مقام سٹاؤر کے لئے منظور ہے۔

نوٹ: اس وکالت نامہ کی فونو کاپی ناقابل قبول ہوگی۔

Accepted  
Javed

Accepted  
Javed

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

**Appeal No. 1222/2016**

**DR. INAYAT UR REHMAN**

**VS**

**A.C.S. FATA**

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

**R/SHEWETH:**

**(1-9):**

All the objections raised by the respondents are incorrect, 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 hence need no comments.
- 2- Admitted correct hence need no comments.
- 3- Admitted correct hence need no comments.
- 4- Incorrect and misconceived. That appellant was posted as Agency Surgeon North Waziristan Agency vide Notification dated 21.07.2016. That in response of the said posting the appellant submitted his charge report and started performing his duty quite efficiently and up to the entire satisfaction of his superiors. That astonishingly vide impugned Notification 6.9.2016 the appellant was prematurely transferred from the post of Agency Surgeon North Waziristan Agency to the post of Medical Officer, Bajaur Agency.
- 5- Incorrect and not replied accordingly. That the appellant was transferred from the post of Agency Surgeon NWA by the respondents for ulterior motives just to accommodate his blue eyed chap person.
- 6- Incorrect and not replied accordingly. That appellant filed Departmental appeal on 08.09.2016 against the impugned order dated 06.9.2016 before the respondent No.1 but no reply has been received so far.
- 7- 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 respondent are incorrect and baseless hence denied. That the impugned order dated 6.9.2016 is pre-mature, therefore not tenable and liable to be set aside. That the impugned order dated 6.9.2016 has not been passed/ issued in the public interest nor exigencies of service. That the impugned order dated 6.9.2016 has been issued the utter violation of clause-i and iv of transfer/ posting policy of the provincial Government. That the impugned order dated 6.9.2016 has been issued by the respondents against the management cadre Rules, therefore the impugned order dated 6.9.2016 is not tenable and liable to be set aside. That the post the against which the petitioner is working belongs to management cadre while the petitioner has been transferred/ posted as Medical Officer i.e. of General Cadre, therefore the impugned order is not tenable and liable to be set aside.

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

**APPELLANT**

  
**DR. INAYAT UR REHMAN**

**THROUGH:**

  
**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE**

14.07.2017

Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for official respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on C.O.C application on 22.08.2017 alongwith main service appeal no.1222/2016 before D.B.



(Muhammad Hamid Mughal)  
Member



(Ahmad Hassan)  
Member

AM

28.03.2017

Counsel for the appellant and Addl. AG for the respondents present. To come up for arguments on COC application along with main service appeal No. 1222/16 on 25/04/2017, before S.B.

(AHMAD HASSAN)  
MEMBER

25.04.2017

Counsel for the appellant and Addl. AG for the respondents present. To come up for arguments on COC application along with main service appeal No. 1222/2016 before D.B.

(Ahmad Hassan)  
Member

30.05.2017

Clerk of the counsel for appellant present. Mr. Said Muhammad, Head Clerk along with Mr. Muhammad Adeel Butt, Additional AG for respondents present. Due to strike of the bar learned counsel for the appellant is not in attendance. Adjourned. To come up for arguments on C.O.C application on 14.07.2017 along with main service appeal No. 1222/2016 before D.B.

(GUL ZEB KHAN)  
MEMBER

(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

12.01.2017

Petitioner with counsel and Faisal Legal Advisor

02.02.2017

alongwith Addl. AG for the respondents present. Counsel  
for the petitioner submitted that order dated 13.12.2016 of  
this Tribunal has not been implemented. Representative of  
the respondents requested for further adjournment. To  
come up for written statement on contempt of court  
application and arguments on 15.02.2017 before S.B.  
Chairman

15.02.2017

Petitioner in peron and Mr. Faiz Muhammad  
Litigation officer alongwith Addl. AG for respondents  
present. To come up for written statement on contempt of  
court application and arguments on 02.03.2017 before S.B.

(AHMAD HASSAN)

MEMBER

02.03.2017

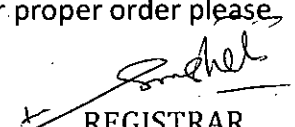
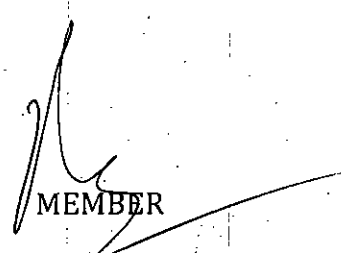
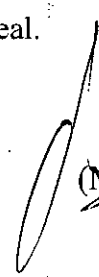
Petitioner with counsel, Assistant AG alongwith Faisal  
Atta, Legal Advisor for the respondents present. Written reply  
to Contempt of court application submitted. To come up for  
arguments on COC application on 27.03.2017 before S.B.

CHAIRMAN

## FORM OF ORDER SHEET

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

C.O.C Application No. 243/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	16/12/2016	<p>The C.O.C application submitted by Dr. Inayat-Ur-Rehman through Mr. Noor Muhammad Khattak Advocate may be entered in the relevant Register and put up to the Court for proper order please</p> <p style="text-align: right;"> REGISTRAR</p>
2	19-12-2016	<p>This C.O.C application be put up before S. Bench on <u>21-12-2016</u>.</p> <p style="text-align: right;"> MEMBER</p>
21.12.2016		<p>Counsel for the appellant and Addl. AG for respondents present. Notice be issued to the respondent for 12.01.2017 alongwith the main appeal.</p> <p style="text-align: right;"> (MUHAMMAD AAMIR NAZIR) MEMBER</p>

**IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

COC NO. 243 /2016

IN

Appeal NO.1222/2016

Dr. Inayat Ur Rehman

VS

Jawad Habib & others

**INDEX**

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2-	Affidavit	.....	3.
3-	Addresses of parties	.....	4.
4-	Judgment & application	A	5- 7.
5-	Vakalat nama	.....	8.

**PETITIONER/APPLICANT**

**THROUGH:**

**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE**

**MOBILE NO.0345-9383141**



**IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

COC NO. 243 /2016

IN

Appeal NO.1222/2016

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1188

Dated 16-12-16

Dr. Inayat Ur Rehman, Agency Surgeon, North Waziristan Agency,  
Under transfer to the post of Medical Officer, AHQ Hospital Bajaur  
Agency..... **PETITIONER**

**VERSUS**

- 1- Mr. Mohammad Fida Wazir Additional Chief Secretary FATA,  
FATA Secretariat, Warsak Road, Khyber Pakhtunkhwa,  
Peshawar.
- 2- Mr. Yousaf Rahim Secretary Social Sector FATA, FATA  
Secretariat, Warsak Road, Khyber Pakhtunkhwa, Peshawar.
- 3- Mr. Jawad Habib Director Health Services FATA, FATA  
Secretariat, Warsak Road, Khyber Pakhtunkhwa, Peshawar.
- 4- Dr. Zakir, Medical Superintendent South Waziristan Agency  
under transfer to Agency surgeon North Waziristan Agency.

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

**APPLICATION FOR INITIATING CONTEMPT OF  
COURT PROCEEDINGS AGAINST THE RESPONDENTS/  
CONTEMNORS**

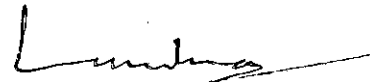
**R/SHEWETH:**

- 1- That the applicant/ petitioner had filed service appeal  
No.1222/2016 in this august Tribunal in which this august  
Tribunal issued/granted status quo in favor of the petitioner  
vide order sheet dated 13.12.2016. Copy of the order sheet  
is attached as annexure ..... **A.**
- 2- That after obtaining the attested copy of the  
order/Judgment, the applicant/petitioner submitted the said  
order of this august Tribunal along with application before  
the respondents/ contemnors for implementation but the  
same has not been implemented by the respondents rather  
the respondent No.1 issued relieving order of the petitioner  
inspite of clear direction of this august Service Tribunal.
- 3- That the action of the Respondents/Contemnors by relieving  
the petitioner is squarely fall within the ambit of the  
Contempt of Court and as such they are liable to be  
proceeded for the Contempt and for the punishment under  
the law.

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

**DATED: 15.12.2016**

**APPLICANT/ PETITIONER**



**INAYAT UR REHMAN**

**THROUGH:**



**NOOR MOHAMMAD KHATTAK**



**MOHAMMAD MAAZ MADNI**

**&**



**SYED IMDAD HUSSAIN SHAH  
ADVOCATES**

**IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

COC NO. \_\_\_\_\_/2016

IN

Appeal NO.1222/2016

**Dr. Inayat Ur Rehman**

**VS**

**Jawad Habib & others**

**AFFIDAVIT**

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



**NOOR MOHAMMAD KHATTTAK**  
**ADVOCATE**

**IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

COC NO. \_\_\_\_\_/2016

IN

Appeal NO.1222/2016

Dr. Inayat Ur Rehman VS Jawad Habib & others

**ADRESSES OF PARTIES**

Dr. Inayat Ur Rehman, Agency Surgeon, North Waziristan Agency,  
Under transfer to the post of Medical Officer, AHQ Hospital Bajaur  
Agency..... **PETITIONER**

**VERSUS**

- 1- Mr. Mohammad Fida Wazir Additional Chief Secretary FATA,  
FATA Secretariat, Warsak Road, Khyber Pakhtunkhwa,  
Peshawar.
- 2- Mr. Yousaf Rahim Secretary Social Sector FATA, FATA  
Secretariat, Warsak Road, Khyber Pakhtunkhwa, Peshawar.
- 3- Mr. Jawad Habib Director Health Services FATA, FATA  
Secretariat, Warsak Road, Khyber Pakhtunkhwa, Peshawar.
- 4- Dr. Zakir, Medical Superintendent South Waziristan Agency  
under transfer to Agency surgeon North Waziristan Agency.  
..... **RESPONDENTS/CONTEMNORS**

**PETITIONER**

**THROUGH:**

**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE**

**MOBILE NO.0345-9383141**

A - (5)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

Khyber Pakhtukhwa  
Service Tribunal

APPEAL NO. 1222 /2016

Diary No. 1274

Dated 08-12-2016

Dr. Anayat Ur Rehman, Agency Surgeon, North Waziristan Agency,  
Under transfer to Medical Officer, Bajaur Agency

..... APPELLANT

**VERSUS**

- 1- The Additional Chief Secretary FATA, FATA Secretariat, Warsak Road, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Social Sector FATA, FATA Secretariat, Warsak Road, Khyber Pakhtunkhwa, Peshawar.
- 3- The Director Health Services FATA, FATA Secretariat, Warsak Road, Khyber Pakhtunkhwa, Peshawar.
- 4- Dr. Zakir, Medical Superintendent South Waziristan Agency under transfer to Agency surgeon North Waziristan Agency.

..... RESPONDENTS

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED TRANSFER ORDER DATED 6.9.2016 WHEREBY THE APPELLANT HAS BEEN TRANSFERRED FROM THE POST OF AGENCY SURGEON NORTH WAZIRISTAN AGENCY TO THE POST OF MEDICAL OFFICER BAJAUR AGENCY AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.**

**PRAYER:**

That on acceptance of this appeal the impugned order dated 6.9.2016 may very kindly be set aside and the respondents may be directed not to transfer the appellant from the post of Agency Surgeon 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.

Filed to-day

Registrar

8/12/16

**R.SHEWETH:**

**ON FACTS:**

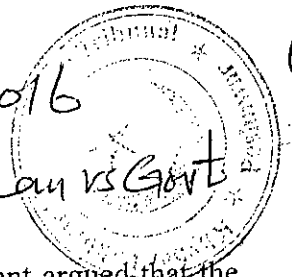
Brief facts giving rise to the present appeal are as under:-

That appellant was appointed in management cadre (BPS-17) on the recommendation of Khyber Pakhtunkhwa Public Service Commission vide Notification dated 11.4.2016. That

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Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Appeal No. 1222/2016  
Dr. Inayat-ur-Rehman vs Govt



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13.12.2016

Learned counsel for the appellant argued that the appellant is serving as Agency Surgeon at North Waziristan Agency. That vide impugned order dated 06.09.2016 he was transferred from the said post and posted as Medical Officer Bajaur Agency where-against he preferred departmental appeal on 08.09.2016 which was not responded and hence the instant service appeal on 08.12.2016.

That the services of the appellant are of Management Cadre and cannot be posted as Medical Officer. That the impugned order is premature as the appellant has ~~assumed~~ the charge of the said post of Agency Surgeon North Waziristan Agency on 21.07.2016 and the impugned order was passed within a short span of less than two months.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 12.01.2017 before S.B. Status quo be maintained.

Appellant Deposited  
Security & Process Fee

Certified to be true copy

*Sd/-*  
Chairman

10  
The worthy Secy Social  
Sec'n Dept DATA SEC.

(7)

Subject: Request for implementation of the  
honourable court order dt 13/12/06.

Pls with great respect it is stated in  
your gracious honour that the honourable  
service tribunal resp has been granted  
status in my case.

Therefore it is humbly requested in your gracious  
honour that the honourable Tribunal order may  
kindly be implemented in the larger interest  
of justice being no need of implementation  
in the light of court order..

Thank

Dated 13/12/06

Yours obediently  
Dr. Mayat in Behan

