

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.

**SERVICE APPEAL NO. 630/2014**

Date of institution ... 07.05.2014  
Date of judgment ... 06.12.2016

Mst. Bakht Sania, Charge Nurse (BPS-16),  
Hayatabad Medical Complex, Khyber Pakhtunkhwa, Peshawar.

... (Appellant)

VERSUS

1. The Secretary Health, Government of Khyber Pakhtunkhwa, Peshawar.
2. The Secretary Finance Department, Government of Khyber Pakhtunkhwa, Peshawar.
3. The Director General Health Services, Government of Khyber Pakhtunkhwa, Peshawar.
4. The Director Health Services FATA, FATA Secretariat, Warsak Road, Peshawar.

... (Respondents)

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 FOR THE GRANT OF LIEN i.e BY COUNTING THE SERVICE OF APPELLANT FROM FATA TOWARDS SETTLED AS CHARGE NURSE (BPS-16) IN LIGHT OF THE NOTIFICATIONS DATED 19.08.2013 AND 09.10.2013 AND AGAINST NOT TAKING ACTION ON DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

Mr. Noor Muhammad Khattak, Advocate.  
Mr. Muhammad Jan, Government Pleader

.. For appellant.  
.. For respondents.

MR. ASHFAQUE TAJ  
MR. MUHAMMAD AAMIR NAZIR

.. MEMBER (JUDICIAL)  
.. MEMBER (JUDICIAL)

JUDGMENT

ASHFAQUE TAJ, MEMBER:- The appellant Mst. Bakht Sania, Charge Nurse (BPS-16) Hayatabad Medical Complex, Khyber Pakhtunkhwa, Peshawar, had filed instant appeal under Section-4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974 with prayer to count service of the appellant from FATA towards settled area as Charge Nurse (BPS-16) i.e in light of notifications dated 19.08.2013 and 09.10.2013.

*06.12.16*

2. Facts in brief are that the appellant was initially inducted in service as Charge Nurse (BPS-16) on the recommendations of Departmental Selection Committee on contract basis vide departmental order dated 08.03.2008 issued by respondent No. 4. She was posted in Civil Hospital Ghiljo Upper Orakzai Agency and accordingly she submitted her arrival report on 11.03.2008. She was further posted/transferred to Agency Surgeon Khyber at Jamrud in Khyber Agency on 09.08.2008 and her arrival report is on 12.08.2008. Later on the services of appellant were regularized from the date of her appointment as Charge Nurse (BPS-16) on 06.01.2009 vide Notification No. SO-VI (Regulation) (E&D) 1-13/2005 dated 10.08.2005 and her charge report in this regard was on 20.03.2013. In the meanwhile, Public Service Commission announced posts of Charge Nurse (BPS-16) of settled area. Appellant being resident of District Swat applied for the said post through proper channel and she qualified the interview and was accordingly recommended for appointment as Charge Nurse (BPS-16) by the Public Service Commission. Later on 18.07.2013 she was posted at Saidu Government Teaching Hospital Swat on 19.08.2013 and the respondent No. 4 on 09.10.2013 relieved the appellant to join her new assignment. Subsequently, she was transferred to Hayatabad Medical Complex Peshawar on 02.09.2013 and she started performing her duties. That the appellant has applied for fixation of lien in departmental appeal dated 20.01.2014. That no reply/action was received, hence the instant appeal.

3. The learned counsel for the appellant argued that initially appellant Mst. Bakht Sania daughter of Abdul Ahad was appointed as Charge Nurse (BPS-16) on contract basis on the recommendations of Departmental Selection Committee, thus her entry in the service was legal and proper. That subsequently, she was regularized from the date of her appointment charge assumption by respondent No. 4 on 06.01.2009 vide Government Notification. That when post of Charge Nurse was published in settled area she applied through proper channel and accordingly she was recommended by the Public Service Commission. That NOC and relieving order was issued inter-alia the department has got no objection of her shifting from FATA to settled area as a Charge Nurse new assignment. That when the appellant requested respondents for grant of lien the same was not granted

*1000 fine*  
06.12.16

on the ground that in relieving order dated 09.10.2013 it was mentioned that her job was on contract basis at AHQ Hospital Khar. That transfer of lien of previous job is her right in term of FR-12-A which lays down that a government servant on substantive appointment to any permanent post acquires a lien on that post and ceases to hold any lien previously acquired on any other post. Hence, prayed that the appeal in hand may be accepted and that her previous services may be counted and services of the appellant prior to the said appointment may be granted as she acquired proper lien on that post.

4. On the contrary learned Government Pleader resisted the stance of appellant on many grounds. The main arguments of learned Government Pleader was that the initial appointment of the appellant by the Director Health Services FATA Peshawar was not in accordance with rules and therefore, the question of lien did not arise. That incorrect appointment and subsequent regularization orders were issued by respondent No. 4 and he was not authorized to do so and that the appellant had been appointed as a fresh employee in light of recommendations of Public Service Commission and that her previous irregular services could not be counted. Hence the appeal be dismissed.

5. Examination of record transpires that initially the appellant was appointed as Charge Nurse (BPS-16) on the recommendations of Departmental Selection Committee on contract basis. The services of appellant were regularized by respondent No. 4 on 06.01.2009 in pursuance of Notification No. SO-VI (Regulation) (E&D) 1-13/2005. The respondents though have raised objection that the initial appointment and regularization order was not proper but in support of their contention they failed to bring on record or proof that the said appointment was illegal. Merely, an explanation letter was issued to Director General Health FATA Peshawar that under Contract Employment Policy 2002 the appellant was required to be recommended by Public Service Commission and that she was regularized by the office of D.G which was clear deviation from rules but no further process in this regard has been placed on file. It would not be out of context to mention here that in the year 2009 all the contract employees were regularized by the Act of Assembly known as Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2009, so if for the sake of arguments it is reckoned that the regularization of the appellant

11/12/16  
06.12.16

was doubtful as pleaded by learned Government Pleader even then appellant stands protected under the umbrella of regularization of Services Act *ibid*. Meaning thereby her regularization order dated 06.01.2009 is intact and holds field unless is set-aside by any competent authority. So without falling further in the controversy which is neither impugned nor challenged by the respondents that her initial recruitment in BPS-16 on contract basis and further regularization was illegal the question of lien is hereby taken into consideration. It is to be noted that "Lien" means the title of a civil servant to hold substantively a post on which he has been confirmed (Rule-2 (b) of Civil Servants (Confirmation) Rules, 1993). There is no cavil to the proposition that an employee on substantive appointment to any permanent post acquires a lien on that post and ceases to hold any lien previously acquired on any other post (F.R.12-A). It is well-settled by now that for the termination of lien of a permanent Civil Servant from his original Department three prerequisites had to be satisfied which are as under:

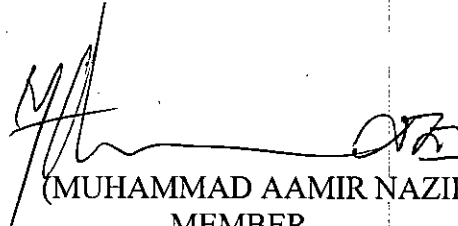
- i. the Civil Servant concerned had joined other Department on regular basis;
- ii. the joining to other Department was result of his selection;
- iii. the selection was through a regular selection process.

(Reliance is placed on 2011 SCMR 442)

6. The rule FR-12-A is very much perspicuous to the effect that a government servant on substantive appointment to any permanent post acquires a lien on that post and ceases to hold any lien previously acquired on any other post.

7. For the reasons stated above the appeal in hand stands accepted to the effect that the earlier service of the appellant shall be counted from FATA towards settled area as Charge Nurse (BPS-16) from the date when she was regularized in the earlier post at FATA. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
06.12.2016

  
(MUHAMMAD AAMIR NAZIR)  
MEMBER

  
(ASHFAQUE TAJ)  
MEMBER

15/12/16  
06.12.16

08.08.2016

Mr. Imdad Hussain, Advocate for appellant and Mr. Amjid Ali, Assistant alongwith Mr. Muhammad Jan, GP for respondents present. It was brought into notice of Tribunal about incident of unfortunate terror of today happened in Balochistan, the Bar has declared strike after 12:00 noon. Hence the case is adjourned for arguments to 6-10-16 before D.B.



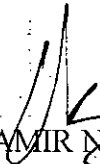
Member



Member

06.10.2016

Counsel for the appellant and Mr. Usman Ghani, Sr.GP for respondents present. Partially arguments heard. Learned counsel for the appellant stated that on the next date he will produce case law in support to his case. To come up for further arguments on 6-12-16 before D.B.



(MUHAMMAD AAMIR NAZIR)  
MEMBER



(PIR BAKHSH SHAH)  
MEMBER

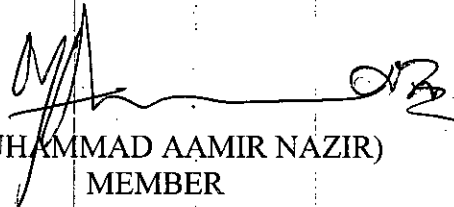
06.12.2016

Counsel for appellant and Mr. Muhammad Jan, Government Pleader for the respondents present. Arguments heard and case file perused.

Vide our detailed judgment of today consisting of four pages placed on file, the appeal in hand stands accepted to the effect that the earlier service of the appellant shall be counted from FATA towards settled area as Charge Nurse (BPS-16) from the date when she was regularized in the earlier post at FATA. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

06.12.2016



(MUHAMMAD AAMIR NAZIR)  
MEMBER



(ASHFAQUE TAJ)  
MEMBER

8

09.06.2015

Appellant with counsel, M/S Muhammad Maaz Madni, Assistant Litigation Officer and Yar Gul, Senior Clerk alongwith Addl: A.G for respondents present. Requested for adjournment. To come up for written reply on 27.8.2015 before S.B.

  
Chairman

9

27.08.2015

Counsel for the appellant, M/S Muhammad Maaz Madni, Assistant Litigation Officer and Yar Gul, Senior Clerk alongwith Assistant A.G for respondents present. Written reply by respondent No. 4 submitted while remaining respondents requested for further adjournment. Last opportunity granted to remaining respondents No. 1 to 3. To come up for written reply/comments on behalf of remaining respondents No. 1 to 3 on 23.11.2015 before S.B.

  
Chairman

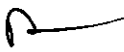
23.11.2015

Counsel for the appellant, M/S Maaz Madni, Assistant Litigation Officer and Yar Gul, Senior Clerk alongwith Addl: A.G for respondents present. Written reply by respondents No. 1 to 3 submitted. Respondent No. 4 has already submitted the same. The appeal is assigned to D.B for rejoinder and final hearing for 12.4.2016.

  
Chairman

12.04.2016

Junior to counsel for the appellant and Mr. Muhammad Jan, GP for respondents present. Rejoinder on behalf of the appellant submitted copy of which is placed on file. To come up for arguments on 08.08.2016.


  
Member

  
Member

6.

03.02.2015

Appellant with counsel and Mr. Kabirullah Khattak, Asst. Advocate General for respondents present. The learned AAG requested for time to contact the respondents for submission of complete record of the appellant. To come up for preliminary hearing on 26.02.2015.

  
Member

26.02.2015

Appellant with counsel present. Learned counsel for the appellant argued that the appellant was initially appointed on contract basis as Charge Nurse on 08.03.2008 and that later on she was regularized vide office order dated 06.01.2009 and she was declared Civil Servant for all intents and purposes except pension and gratuity. That the appellant was selected on a post of Charge Nurse advertised by the Provincial Public Service Commission vide order dated 19.08.2013. That the appellant had applied to the said post through proper channel.

That the services of the appellant prior to the said appointment has not been granted to the appellant despite numerous efforts including departmental appeal preferred on 20.01.2014 which was not responded within the statutory period and hence the instant appeal on 07.05.2014.

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 09.06.2015 before S.B.


  
Chairman

*Appellant appointed  
Process fee & Security*

3.

01.07.2014

Counsel for the appellant present. Preliminary arguments partly heard. Pre-admission notice be issued to the learned GP to assist the Tribunal. To come up for preliminary hearing on 15.09.2014.

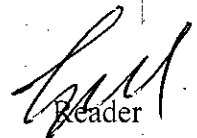
  
Member

4.

Reader Note.

15.09.2014

Clerk of counsel for the appellant and Mr. Kabirullah Khattak, Assistant Advocate General for the respondents present. The learned Member (Judicial) is not working due to a recent order of the Hon'ble Peshawar High Court, Peshawar effecting his status as District and Session Judge. To come up for preliminary hearing on 20.11.2014.

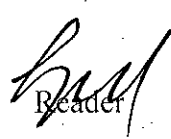
  
Reader

5.

Reader Note:

20.11.2014

Clerk of counsel for the appellant present. Since the Tribunal is incomplete, therefore, case is adjourned to 03.02.2015 for the same.

  
Reader



Form- A  
FORM OF ORDER SHEET

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

Case No. 630/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	07/05/2014	<p>The appeal of Mst. Bakht Sania presented today by Mr. Noor Muhammad Khan Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;">REGISTRAR</p>
2	12-5-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on 1-7-2014.</p> <p style="text-align: right;">CHAIRMAN</p>

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

Appeal No. 630 /2014

668  
07/5/2014

Mst: Bakht Sania, Charge Nurse (BPS-16),  
Hayat Abad Medical Complex, Khyber Pakhtunkhwa, Peshawar  
..... **Appellant**

**VERSUS**

- 1- The Secretary Health, Govt of Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Finance Department, Govt of Khyber Pakhtunkhwa, Peshawar.
- 3- The Director General Health Services, Govt of Khyber Pakhtunkhwa, Peshawar.
- 4- The Director Health Services FATA, FATA Secretariat, Warsak Road, Peshawar.

..... **Respondents**

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 FOR THE GRANT OF LIEN i.e. BY COUNTING THE SERVICE OF APPELLANT FROM FATA TOWARDS SETTLED AS CHARGE NURSE (BPS-16) IN LIGHT OF THE NOTIFICATIONS DATED 19-08-2013 AND 09-10-2013 AND AGAINST NOT TAKING ACTION ON DEPARTMENTAL APPEAL OF THE APPELLANT WITH IN THE STATUTORY PERIOD OF NINETY DAYS**

**PRAYER:**

That on acceptance of this appeal the respondents may be directed to count the service of the appellant from FATA towards Settled as Charge Nurse (BPS-16) i.e. LIEN in light of the Notifications dated 19-08-2013 and 09-10-2013. Any other remedy which this august Court deems fit may also be very kindly awarded in favor of the appellant.

**R/SHEWETH:**

**FACTS:**

- 1- That the appellant was inducted in the service as Charge Nurse (BPS-16) on the recommendations of the Departmental Selection Committee on contract basis in the respondent No.4 Department vide order dated 08-03-2008. That in light of order dated 08-03-2008 the appellant was further posted to civil hospital Ghiljo upper orakzai Agency. That in compliance of the order dated 08-03-2008 the appellant submitted her arrival report on 11-03-2008 and started performing her duties quite efficiently and up to the entire satisfaction of her

superiors. Copies of the appointment order, posting order and arrival report are attached as annexure ..... **A, B and C.**

- 2- That vide order dated 09-08-2008 the services of the appellant were placed at the disposal of Agency Surgeon Khyber at Jamrud for further posting in Khyber Agency. That vide order dated 09-08-2008 the appellant was posted as Charge Nurse (BPS-16) at Tahsil Headquarter Hospital Dogra Picket Bara. That in compliance of the said order the appellant submitted her arrival report on 12-08-2008. Copies of the order dated 09-08-2008, relieving order, LPC, and arrival report are attached as annexure ..... **D, E, F & G.**
- 3- That appellant while serving as Charge Nurse (BPS-16) AT Tehsil Headquarters Hospital Dogra, Bara, her service regularized from the date of her appointment as Charge Nurse (BPS-16) vide order dated 06-01-2009. That vide order dated 18-03-2013 the services of the appellant was transferred to Agency Headquarters Hospital Bajaur at Khar. That the appellant submitted her charge report on 20-03-2013 and started performing her duties at Agency Headquarters Hospital Bajaur at Khar. Copies of regularization order, Transfer order, charge report and LPC are attached as annexure ..... **H, I, J and K.**
- 4- That the provincial public service commission advertised some posts of Charge Nurse (BPS-16) on settled side. That appellant being a bonafide resident of District Swat applied for the said posts through proper channel. That the appellant was called for interview by the public service commission on 18-02-2013 with certificate of permission from respondent No.4. That the appellant qualified the interview and recommended for appointment as Charge Nurse (BPS-16) by the public service commission letter dated 18-07-2013. Copies of the letter of public service commission, NOC and recommendation letter are attached as annexure ..... **L, M and N.**
- 5- That in compliance of the letter dated 18-07-2013 of public service commission the appellant was appointed and posted as Charge Nurse (BPS-16) at Saidu Government Teaching Hospital Swat vide order dated 19-08-2013. That the respondent No.4 on 09-10-2013 relieved the appellant to join her new assignment. Copies of the appointment order and relieving order are attached as annexure ..... **O and P.**

**BEFORE THE KHYBER PKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

APPEAL NO. 630 /2014

**Bakht Sania VS Health Department**

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7.	LPC	<b>F</b>	11.
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**APPELLANT**

**THROUGH:**

  
**NOOR MOHAMMAD KHATTAK  
ADVOCATE**

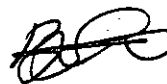
- 6- That vide order dated 02-09-2013 the appellant was transferred to Hayat Abad Medical Complex Peshawar. That the appellant submitted her charge report on 03-09-2013 and started performing her duties quite efficiently and up to the entire satisfaction of her superiors. That the appellant applied for fixation of her pay/LIEN through Departmental appeal dated 20-01-2014. Copies of the transfer order, charge report, Departmental appeal and forwarding letter are attached as annexure ..... **Q, R and S.**
- 7- That on the said Departmental appeal no reply has been received so far. That having no other remedy the appellant filed this appeal on the following grounds amongst the others.

**GROUND:**

- A- That not granted lien to the appellant by the respondent Department is against the law, facts, and norms of natural justice.
- B- That the appellant has not been treated by the respondents 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 Pakistan 1973.
- C- That the respondent Department acted in arbitrary and malafide manner by not granting lien to appellant inspite of NOC and relieving order of the respondent No.4.
- D- That appellant has served the respondent No.4 Department for more than five years and her services were regularized in the year 2009 by the respondent No.4, therefore under the law the appellant is fully entitled for the grant of lien by counting her service from FATA to settle.
- E- That inspite of NOC and relieving order the respondent Department is not willing to count the service of appellant as charge nurse (BPS-16) from FATA towards settle area.
- F- That the respondent Department discriminated the appellant on the subject noted above and as such the respondents violated the principle of equity and equality.
- G- 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 very kindly be accepted as prayed for.

**APPELLANT**



**BAKHT SANIA**

**THROUGH:**



**NOOR MUHAMMAD KHATTAK  
ADVOCATE**

A-57



# DIRECTORATE OF HEALTH & POPULATION WELFARE FATA

FATA SECRETARIAT, Warsak Road Peshawar

## OFFICE ORDER

On the recommendation of the Departmental Selection Committee the competent authority is pleased to appoint MISS. **BAKHT SANIA** D/O **ABDUL AHAD** of **DISTRICT SWAT** as **CHARGE NURSE** **SPS 16** on contract basis on the terms and conditions laid down below:

1. His/Her appointment shall be for a period of 3 years on contract basis from the date of his/her joining in services and shall be extended on his satisfactory performance & will remain on probation for ONE year.
2. He/She is declared medically fit for this job.
3. His/Her appointment is purely on contract basis (prescribed under Government of NWFP Contract Policy 2005).
4. He/She shall be bound to serve for at least 5 years in FATA.
5. He/She shall not indulge in any trade, business and any other activity what so ever which has been declared prohibited for the Government Servants in Civil Servant Act 1973.
6. He/She shall be entitled for all those allowances admissible under the rules.
7. He/She will not be entitled for any TA/DA for joining service.
8. If he/she wishes to resign the services a prior notice of 60 days will be submitted or pay of 60 days should be deposited in lieu of resignation in Govt.
9. He/She will have to serve anywhere in FATA.
10. Salaries should be released after the verification of all the documents by the respective Agency Surgeon/Medical Superintendent from the concerned Board/Faculty etc.
11. He/She will submit undertaking on stamp paper on prescribed format prior to joining of the service.
12. The offer shall be automatically held cancelled if he/she fails to join the duty within 15 days of the receipt of this offer.

If he/she accepts the above terms and conditions, he/ she is directed to report for duty to the Agency Surgeon **ORAKZAI AGENCY**

Sd/xxxx

**Dr Muhammad Zubair Khan**  
Director Health Services FATA  
Peshawar

No. 4029-33 /DHS/Admin/FATA Dated: 28 /03/2008.

Copy for information an necessary action to:

1. Deputy Director Admin DHS FATA.
2. Agency Surgeon **ORAKZAI AGENCY**
3. Agency Accounts Officer **ORAKZAI AGENCY**
4. Dealing Assistant for record DHS FATA
5. Official Concerned.

*Received/self*

*[Signature]*  
Deputy Director (Admin)  
DHS FATA Peshawar

**ATTESTED**

*[Signature]*

B-6

OFFICE OF THE AGENCY SURGEON ORAKZAI AT HANGU.

OFFICE ORDER.

On appointment as Charge Nurse in BPS-16, vide Director Health Services, Office Order bearing Ends: No.4029-33-23 DHS/Ag.ann/FATA dated: 08/3/2008. Miss: Bakht Sania D/O Abdul Ahad is hereby posted at CH Ghiljo Upper Orakzai Agency with immediate effect.

N.B: Arrival report should be submitted to this Office for record.

Agency Surgeon  
Orakzai at Hangu.

No. \_\_\_\_\_ /P/CH/Nurse: Dated, Orakzai at Hangu the \_\_\_/3/2008.

Copy forwarded to:-

1. The Director Health Services FATA, NWFP, Peshawar, for information and with reference to his order No cited above.
2. Incharge CH Ghiljo Orakzai Agency.
3. Miss: Bakht Sania Charge Nurse for strict compliance of the order.

Agency Surgeon  
Orakzai at Hangu.

**ATTESTED**

*[Handwritten signature]*

OFFICE OF THE AGENCY SURGEON ORAKZAI AGENCY AT HANGU



C-7

To,

The Agency Surgeon,  
Orakzi at Hangu.

Sub;

Arrivals Report

R/Sri,

Reference Office Order No, 362-64/  
PFCh/Nurse dated Orakzi at Hangu  
10.03.2008. I have the honour to submit  
my arrival report at CH. Gujho today  
the 11<sup>th</sup>, March, 2008, After noon.

Dated : 11-03-2008

Thanks.

Yours Obediently,

(BAKHT SANIA)

Charge Nurse

CH, Gujho.

Forwarded to AS  
for necessary Act

for [Signature]  
11-03-08

**ATTESTED**

[Signature]

D-8

DIRECTORATE HEALTH SERVICES,  
FATA, N.W.F.P., PESHAWAR.

OFFICE ORDER.

Miss. Bakht Sania Charge Nurse attached to Agency Surgeon Orakzai at Hangu is hereby transferred and her Services are placed at the disposal of Agency Surgeon Khyber at Jamrud for further posting in the Khyber Agency against the vacant post of Charge Nurse at THQ Hospital Dogra Picket Bara in the interest of public service immediate effect.

Sd/-----  
DIRECTOR HEALTH SERVICES,  
FATA, NWFP, PESHAWAR.

NO 16538-42/FATA/Admn

Dated 09 / 08 / 2008

Copy forwarded to the:-

1. Agency Surgeon Orakzai at Hangu.
2. Agency Surgeon Khyber at Jamrud.
3. Agency Accounts Officer Orakzai, Khyber.
4. Official concerned.

DIRECTOR HEALTH SERVICES,  
FATA, NWFP, PESHAWAR.

**ATTESTED**

*[Handwritten signature]*

9

Directorate of Health & Population Welfare, FATA Warsak Road Peshawar.  
\*\*\*\*\*

OFFICE ORDER.

Miss: Bakht Sania Charge nurse attached to Agency Surgeon Orakzai at Hangu is hereby transferred and her services are placed at the disposal of Agency Surgeon Khyber at Jamrud for further posting in the Khyber Agency against the vacant post of charge Nurse at THQ: Hospital Dogra Picket Bara in the interest of Public Services immediate effect.

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

No.16538-42/FATA/Admn dated\_9.8.2008.

Copy to :-

- 1. Agency Surgeon Orakzia at Hangu.
- 2. Agency Surgeon Khyber at Jamrud.
- 3. Agency Account Officer Orakzai, Khyber.
- 4. Official concerned.


Director Health Services,  
FATA NWFP, Peshawar.

OFFICE OF THE AGENCY SURGEON KHYBER AT JAMRUD.

NO-2080-82/As-Khy dated-12/8-/2008.

Copy to :-

- 1. Senior Medical Officer Incharge CH: Jamrud.
- 2. Miss: Bakht Sania Charge Nurse is hereby directed to report for duty at Civil Hospital Jamrud on general duty on her request and heavy load there.
- 3. Agency Account Officer Khyber at Jamrud.

  
Agency Surgeon Khyber,  
At Jamrud.

NO-----/As-Khy dated-----/2008.

Copy to:-

- 1. Director Health and Population welfare FATA for information.

Agency Surgeon Khyber,  
At Jamrud.

**ATTESTED**



The Agency Surgeon,  
Orakzai Agency at Hangu.

Sub;

Departure Report.

Sir,

Reference Directorate Health Ser  
PATA, NWFP, Peshawar NO, 16538-42,  
1 Admn Dated 09/08/2008. I have  
honour to submit my departure k  
at CH, Ghiljo to day the 11/08/2008  
forenoon.

Dated: 11/08/2008

Thanks.

Forwarded to  
Agency Surgeon of  
Orakzai at Hangu  
for information pl-

IC Medical Officer  
C.H. Ghiljo Orakzai

Your's Obedient  
*[Signature]*

( Miss. BAKHT SANIA  
Charge Nurse  
CH, Ghiljo.

**ATTESTED**

*[Signature]*

# LAST PAY CERTIFICATE

F-11

Pay Certificate of Bakht Sania Charge Nurse  
 of the Agency Surgeon Orakzai at Hangu  
 proceeding to Agency Surgeon Khyber at Tamrud  
 He has been paid upto 31-07-2008

at the following rates:—

Particulars:

Substantive Pay:—

Officiating Pay:—

Exchange Compensation Allowance:—

Pay — 6060/-

MVA — 800/-

UAA — 125/-

MA — 500/-

Total — 7485/-

*for wife Mr  
No work for*

*[Signature]*  
 Agency Accounts Officer  
 Agency at Hangu  
 19/8/08

Deductions:—

BF - 20/-

G - 9ms - 44/-

Total - 64/-

3. He made over charge of the Office of civil Hospital Ghilgo  
Orakzai Agency  
 on the after noon of 11-8-2008

4. Recoveries are to be made from the pay of the Government servant as detailed on the reverse.

5. He has been paid leave salary as detailed below. Deductions have been made as noted on the reverse.

From \_\_\_\_\_ to \_\_\_\_\_ at Rs. \_\_\_\_\_ a month

From \_\_\_\_\_ to \_\_\_\_\_ at Rs. \_\_\_\_\_ a month

From \_\_\_\_\_ to \_\_\_\_\_ at Rs. \_\_\_\_\_ a month

6. He is entitled to draw the following:—

7. He is also entitled to joining time for usual days.

8. The details to the Income Tax recovered from him upto the date from the beginning of current year are noted on the reverse.

## ATTESTED

*[Signature]*

To:

The Agency Surgeon G-12  
Khyber at Jamrud

Sub:

Arrival Report

Ref 1318

Reference office order NO 16538-42  
FATA/Adm Dated 9.8.2008 at Khyber  
at Jamrud.

I have the honour to submit  
my arrival report at THQ Hospital  
Dogra Picket Bada Today the 12 August  
2008, at morning.

Thank D.  
Dated 12-08-2008.

Yours obediently,

Bakht Samia  
Chief Nurse  
THQ Hospital  
Dogra Picket

Recommended and  
forwarded to A/S  
for w/A.

ATTESTED

M. S. Dogra Hosp  
Bada.

12/8/2008

M.S.

DIRECTORATE OF HEALTH SERVICES FATA  
FATA SECRETARIAT WARSAK ROAD PESHAWAR.

OFFICE ORDER:

In pursuance to Government of NWFP, Civil Servants (Amendment) Act 2005 read with Government of NWFP, Establishment & Administration Department (Regulation Wing) Notification No. SO-VI(Regulation) (E&D)1-13/2005 dated 10.8.2005 the Services of Miss Bakht Sania S/O Abdul Ahad appointed as Charge Nurse (BPS-16) vide Office Order No. 4029-33/DHS/Admin/FATA Dated 08.03.2008 presently attached to Agency Surgeon Khyber Agency is hereby regularized from the date of his appointment/charge assumption as Charge Nurse.

He will for all intent and purposes are civil servant except the purpose of Pension and gratuity, In lieu of the same. He will be entitled to receive contributory provident fund. For the said fund 10% will contributed by the Civil Servant concerned in the prescribe manner. Provided further that in the event of death of the Civil Servant, whether before or after retirement his family shall be entitled to receive the said amount, if it has already not received by concerned deceased Civil Servant.


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

Dated 06 /01/2009

323-26  
No. 323-26 /FATA/Admin

Copy forwarded to, the: -

1. Director General Health Services, NWFP, Peshawar.
2. Agency Surgeon Khyber Agency
3. Agency Accounts Officer, Khyber Agency
4. Official concerned.

  
Director Health Services,  
FATA, Peshawar.

**ATTESTED**



# DIRECTORATE OF HEALTH SERVICES FATA

FATA SECRETARIAT WARSAK ROAD PESHAWAR

## OFFICE ORDER:

On her arrival in this Directorate on 26/02/2013, Miss. Bakht Sarai, Charge Nurse, waiting for posting is hereby posted in the Agency Headquarter Hospital Bajaur at Khar against the vacant post with the approval of competent authority in the interest of public service with immediate effect.

sd.....  
Director Health Services,  
FATA, Peshawar

No. 4401-5 /DHS/FATA/Admin

Dated 18/3/2013

Copy to the:

1. Secretary Social Sectors Department FATA.
  2. Director General Health Services Khyber Pakhtunkhwa Peshawar.
  3. Medical Superintendent Agency Headquarter Hospital Bajaur at Khar.
  4. Agency Account Officer Bajaur at Khar.
  5. Charge Nurse concerned.
- For information and necessary action.

Director Health Services,  
FATA, Peshawar.

**ATTESTED**

*[Handwritten signature]*





**CERTIFICATE OF TRANSFER OF CHARGE.**

1. Certified that we have on the fore/afternoon of this day respectively made over and received charge of the office of the Mst. Bakht Sania Charge Nurse
2. Particulars of cash and important secret and confidential documents handed over are noted on the reverse:-

Signature of relieved  
Government servant \_\_\_\_\_  
Designation \_\_\_\_\_

Station. AHQ, Hospital Bijnor

Dated 20/3/2013 (F.N)

Signature of relieving  
Government servant [Signature]  
Designation Charge Nurse

**ATTESTED**

[Signature]

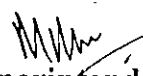
**OFFICE OF THE MEDICAL SUPERINTENDENT AHQH, KHAR BAJAUR.**

No: 794-97 /PF/C-10/MS

Dated Khar the 20/3/2013.

Copy forwarded to the: -

- 1- Director General Health Services, Khyber Pakhtunkhwa Peshawar.
- 2- Director Health Services FATA Peshawar for information w/r to his office order No. 4401-5/DHS/FATA/Admin dated 18/3/2013 please.
- 3- Agency Accounts Officer Bajaur at Khar for information and n/action.
- 4- Nurse concerned for information.

  
**Medical Superintendent,  
AHQH, Bajaur at Khar.**

K-16

OFFICE OF THE AGENCY ACCOUNTS OFFICE KHYBER AT JAMRUD  
No Agency Accounts Office /Khyber /GAD/ 2000/13/522

DATED: 8-11-13

To

The District/ Agency Accounts Officer  
Bayanval

**Subject:** LPC AND TRANSFER OF SERVICE DOCUMENTS IN RESPECT OF  
Mrs. Bakht Sania - Charge Nurse Bana Khyber Agency

**Memo:**

The above name Officer has been transferred to your Audit Control His/Her Personnel file ,S/Book and Service Statement are sent here with His/Her other documents are as under:

He/She has been paid up to 31-8-2012 Pay Rs 14000  
Account No \_\_\_\_\_

**DEDUCTION**

G.P.FUND	Rs	—	HRA	Rs	1818-
• B.F	Rs	250-	SAAC/A	Rs	5000-
G.I	Rs	173	UAA HAA	Rs	1500-
Income Tax.	Rs	—	ARD/A	Rs	600-
AC	Rs	19	SBAM/8	Rs	500-
			DA MA	Rs	1120-
			AR10	Rs	3735-
			AR11	Rs	1120-
			AR12	Rs	1400-
			TOTAL	Rs	30793

He/she is authorized to draw pay and allowance from \_\_\_\_\_ to \_\_\_\_\_ at the above rates

Over Payment of pay and allowances from \_\_\_\_\_ To \_\_\_\_\_ is recoverable at the above rats.

Service Statement at the above prior to \_\_\_\_\_ the Officer was under the control of A.G.NWFP/DAO.

Station	Date	Pay	HRA	CA	UAA	SAA	ARAA	AR80	AR11	AR12	TOTAL
AAO Khybr	1-8-2012	14000	1818	5000	1500	600	1120	3735	1120	1400	30793

**ATTESTED**  
[Signature]

[Signature]  
Agency Accounts Officer  
Khyber Agency (JAMRUD)

A.T.M. 9 NUGAD/NA 137/14.96 - 11/13  
Part 59: Audit Manual

PAY SLIP

OFFICE OF THE

No. *Balchit Sania Charge Nurse 16*  
*NH 2 Hospital Beja*

he is entitled to draw pay and allowance at the monthly rates shown below from the dates specified less already drawn

Detail of calculation  
10-3-13 to 1-7

	From	13 From	From	From
Substantive pay <i>P4</i>	14000	14000		
Officiating pay <i>NA 11</i>	1818	1818		
Overseas pay <i>NA 11</i>	1500	1500		
Special pay <i>NA 10</i>	3725	3725		
Indexed pay <i>NA 11</i>	1120	1120		
	2800	2800		
	1400	1400		
	31083			
Total	29683	32483		

*[Signature]*  
A 62

ATTESTED

*[Signature]*

Telephone: 091-9214131, 9213563,  
9213750, 9212897

Khyber Pakhtunkhwa, Public Service Commission  
2-Fort Road Peshawar Cantt Near Governor House.

L-18

No. KP/PSC/SR-IV \_\_\_\_\_ 30526

Dated: \_\_\_/\_\_\_/2013.

18/2



To

Bakht Sania D/O Abdul Ahad

*Khyber Pakhtunkhwa Peshawar.*

C/O Alam Khan PA DG Health Services ~~Peshawar~~

Subject: RECRUITMENT OF FEMALE CHARGE NURSE (B-16) IN HEALTH DEPARTMENT (ADVT: 01/2012 S.NO.17)

With reference to your application for the above post, you are required in the Commission's Office at 2-Fort Road, Peshawar Cantt. (Near Governor House) at 08:30 A.M on 08.03.2013 for Oral Test (interview). Please bring original certificates, degrees and testimonials which will be returned to you on conclusion of your interview.

2. You should rectify the following ticked deficiencies if any, Three (03) days before interview failing which the Commission will reject your application and shall not interview you for the above post:-

**Attested copy of:**

A	Secondary School Certificate.
B	Diploma Certificate in Nursing.
C	Diploma Certificate in Midwifery.
D	D.M.C's of 1 <sup>st</sup> , 2 <sup>nd</sup> and 3 <sup>rd</sup> Year Nursing AND Midwifery.
<input checked="" type="checkbox"/>	Pakistan Nursing Council Registration Valid For Current Year and Recognition of 'A' Grade Nurse <del>and</del> Midwifery <i>and Post Midwifery.</i>
F	Domicile Certificate.
G	Husband Domicile Certificate along with Marriage Certificate (Nikkah Nama).
H	Computerized National Identity Card.(For Married candidates where in Husband Name is Registered)
I	Photographs.
<input checked="" type="checkbox"/>	<i>Departmental Permission Certificate</i>
<input checked="" type="checkbox"/>	<i>DG Health FATA.</i>

Note: -

Please note that no request for change the date of interview is entertained.

**ATTESTED**

*19/2*

*[Signature]*  
Superintendent

M-19



Establishment Section

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

No.FS/E/100-81 (Vol-10)/ 6.11.37-58  
Dated 14/4/2012

Director General Health Services,  
Khyber Pakhtunkhwa, Peshawar.

2613  
6/4

Subject: DEPARTMENTAL PERMISSION

Dear Sir,

I am directed to enclose herewith prescribed application form bearing No.303027 of Provincial Public Service Commission in original, in respect of Miss. Bakht Sania Charge Nurse, Civil Hospital Jamrud Khyber Agency who has applied for the post of Female Charge Nurse (BS-16) completion and onward submission to the Commission under intimation to department.

2- I am further directed to state that in case of selection of the official concerned, her substitute may be provided to FATA and that she will only be relieved once her substitute reports for duty in FATA, first.

Yours faithfully,

(Muhammad Abbas Khan)  
Section Officer (Establishment)

Encl: (As above)  
Copy to:-

- Director Health Services (FATA) for information.

Section Officer (Establishment)

ASA  
9/6/12

05  
9/11

**ATTESTED**

# Congratulations

N-(20)

Telephone: 9212897



Khyber Pakhtunkhwa Public Service Commission, Peshawar  
2-Fort Road Near Governor House Peshawar Cantt

No. KP/PSC/SR-IV/ 070304

Date: 18 / 07 / 2013


To

Bakht Sania D/O Abdul Ahad

Mohallah School, Bar Shawar Thesil Matta Distt: Swat.

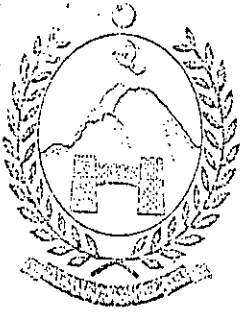
Subject: - RECRUITMENT TO THREE HUNDRED & FIFTY NINE (359) POSTS OF FEMALE CHARGE NURSE (BPS-16) IN HEALTH DEPARTMENT (ADVT: 01/2012, S. NO.17).

The commission has recommended you to the government for appointment, but please do not treat this as a letter of appointment for which government is the final authority. The commission cannot entertain any correspondence from you in this regard.

  
SUPERINTENDENT  
for Director  
FAZAL QAYYUM

**ATTESTED**





1

0-21

**DIRECTORATE  
GENERAL HEALTH SERVICES  
KHYBER PAKHTUNKHWA PESHAWAR**

All communications should be addressed to the Directorate General Health Services Peshawar and not to any office by name.

E-Mail Address: [gwfdghs@yahoo.com](mailto:gwfdghs@yahoo.com)  
Office Ph# 091-9210230  
Exchange# 091-9210187, 921019  
Fax # 091-9210230

**OFFICE ORDER.**

On the recommendation of Khyber Pakhtunkhwa Public Service Commission, the following Nurses are hereby appointed as Charge Nurses BPS-16 @ Rs. 10,000-800-34,000, plus usual allowances as admissible under the rules, on regular basis and posted against the vacant post in the Hospitals mentioned against their names with immediate effect :-

S.No.	Name with Father's Name	Place of Posting.	Remarks
01 ✓	Naseem D/O Khan Bashar	SGTH Swat	Against the vacant post
02 ✓	Yasmin D/O Abdul Wahid	DHQ Hospital, Batkhela	Against the vacant post
03 ✓	Roqia D/O Bakht Amin	SGTH Swat	Against the vacant post
04 ✓	Sakina Bibi D/O Sher Mohammad	DHQ Hospital, Chitral	Against the vacant post
05 ✓	Naheed Bibi D/O Mohammad Zahir Shah	DHQ Hospital, Daggar (Buner)	Against the vacant post
06 ✓	Sheema Bibi D/O Mohammad Fayon	SGTH Swat	Against the vacant post
07 ✓	Samina Bibi D/O Fazal Rehman	DHQ Hospital, Batkhela	Against the vacant post
08 ✓	Shabana D/O Gul Nabi	SGTH Swat	Against the vacant post
09 ✓	Salmas D/O Ahmadi Jan	SGTH Swat	Against the vacant post
10 ✓	Shazia Bibi D/O Bakht Jan	Civil Hospital, Kalam (Swat)	Against the vacant post
11 ✓	Nusrat Bibi D/O Sher Wazir Khan	DHQ Hospital, Chitral	Against the vacant post
12 ✓	Tahira Gul D/O Gul Wali	DHQ Hospital, Chitral	Against the vacant post
13 ✓	Bakht Sania D/O Abdul Ahad	SGTH Swat	Against the vacant post
14 ✓	Farzana Bibi D/O Ajmal Khan	DHQ Hospital, Batkhela	Against the vacant post
15 ✓	Sharifa Bibi D/O Shah Ayub	DHQ Hospital, Chitral	Against the vacant post
16 ✓	Tahira D/O Zahir Shah	DHQ Hospital, Daggar (Buner)	Against the vacant post
17 ✓	Shabiqa Gul D/O Hasil Mohammad	DHQ Hospital, Chitral	Against the vacant post
18 ✓	Ambrin Gul D/O Wahid Gul	Civil Hospital, Barikot (Swat)	Against the vacant post
19 ✓	Rafida Bibi D/O Gul Faraz	DHQ Hospital, Chitral	Against the vacant post
20 ✓	Shamia Wadood D/O Abdul Wadood	Civil Hospital, Kalam (Swat)	Against the vacant post
21 ✓	Nasreen Bibi D/O Amir Khan	DHQ Hospital, Chitral	Against the vacant post

**ATTESTED**

14.



22	Zardana Bibi D/O Afas Aman	DHQ Hospital, Chitral	Against the vacant post
23	Shazia Qamar D/O Ali Murad Baig	DHQ Hospital, Chitral	Against the vacant post
24	Sumaira D/O Bacha Rahman	DHQ Hospital, Daggarr (Buner)	Against the vacant post
25	Riffat Saeed D/O Mohammad Saeed	Zanana Hospital, Upper Dir	Against the vacant post
26	Shazamina D/O Yar Gul	DHQ Hospital, Daggarr (Buner)	Against the vacant post
27	Shamim Akhtar D/O Bakht Raj	DHQ Hospital, Daggarr (Buner)	Against the vacant post
28	Tasleem Begum D/O Amir Haider	Civil Hospital, Kalam (Swat)	Against the vacant post
29	Safia D/O Mohammad Ismail	SGTH Swat	Against the vacant post
30	Shoukat D/O Khista Rahman	DHQ Hospital, Timergara	Against the vacant post
31	Rubina D/O Amir Baig	DHQ Hospital, Chitral	Against the vacant post

Their appointment in the Health Department Govt. of Khyber Pakhtunkhwa will be subject to the following terms and conditions:-

01. They will be on probation initially for a period of one year extendable for a further period not exceeding one year.
02. Their Services can be dispensed with during the probation period, if their work and conduct found unsatisfactory.
03. Their appointment will be subject to medical fitness and verification of character and antecedents/Educational qualification etc by the respective Medical Supdt./ District Health Officer from the concerned Board/Faculty etc.
04. They will not be entitled to any TA/DA for medical examination and joining their first place of appointment.
05. They will be governed by such Rules and orders as may be issued by the Government from time to time for the category of Government Servants to which they belong.
06. They are liable to be posted/served any where in Khyber Pakhtunkhwa/FATA.
07. They will complete normal tenure at their places of 1st posting as per Government rules.
08. They will submit an undertaking on judicial stamp paper stating that the documents submitted with application form are genuine and not fake. Moreover they have not been dismissed from Service by any Govt. or semi Govt. organization.
09. If they wish to resign from Service, they will resign in writing by giving prior notice of one month OR deposit one month pay in lieu of one month's advance notice, in the Government treasury. However they will continue to serve the Government till their resignation is accepted by the competent authority.

**ATTESTED**

13  
9

If the above terms and conditions are acceptable to them, they should submit arrival report in the institutions mentioned against their names for duty within (14) days of the issuance of this order.

Sd/-  
DIRECTOR GENERAL HEALTH  
SERVICES, K.P.K, PESHAWAR.

No. 20108-20 /E.II, Dated Pesh. The 19-8 /2013.

Copy forwarded to the:-

- 01. Secretary to Govt. of Khyber Pakhtunkhwa Health Department Peshawar.
- 02. Secretary Khyber Pakhtunkhwa Public Service Commission, Peshawar.
- 03. Medical Superintendent Saidu Group of Teaching Hospital, Swat.
- 04. Medical Superintendent DHQ Hospital, Batkhela.
- 05. Medical Superintendent DHQ Hospital, Chitral.
- 06. Medical Superintendent DHQ Hospital, Daggar (Buner).
- 07. Medical Superintendent DHQ Hospital, Timergara (Lower Dir).
- 08. Medical Superintendent DHQ Hospital, Upper Dir.
- 09. District Health Officer, Swat.
- 10. District Health Officer, Upper Dir.
- 11. DAOs, Malakand, Upper Dir, Swat, Buner, Chitral and Lower Dir.
- 12. DA-concerned, DGHS office Peshawar.
- 13. Charge Nurse concerned.

For information and necessary action.

DIRECTOR GENERAL HEALTH  
SERVICES KHYBER PAKHTUNKHWA  
PESHAWAR.

7  
19/8/13

**ATTESTED**

DIRECTORATE OF HEALTH SERVICES FATA  
FATA SECRETARIAT WARSAK ROAD PESHAWAR.

OFFICE ORDER

As approved by the competent authority, Miss. Bakht Sania Charge Nurse working on contract basis at AHQ Hospital Khar is hereby relieved of her duties on eve of her appointment on regular basis contained in Director General Health Services Khyber Pakhtunkhwa No. 20108-20/E.II dated 19.09.2013 to join her new assignment in settled area in the best interest of public.

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

NO. 16327-39 DHS/FATA/Admn Dated 9/10/2013

Copy forwarded to the:-

1. Deputy Director (Admin :) DHS, FATA.
2. Medical Superintendent AHQ Hospital Bajaur at Khar.
3. Agency Accounts Officer Bajaur at Khar.
4. Official concerned.

For information and necessary action.

*Muazzin*  
Director Health Services,  
FATA, Peshawar.  
*J*

**ATTESTED**

*67*



**DIRECTORATE  
GENERAL HEALTH SERVICES  
KHYBER PAKHTUNKHWA PESHAWAR**

Q - 25

All communications should be addressed to the Director General Health Services Peshawar and not to any official by name.

E-Mail Address: [nw.fpdghs@yahoo.com](mailto:nw.fpdghs@yahoo.com)  
Office Ph# 091-9210269  
Exchange# 091-9210187, 9210196  
Fax # 091-9210230

**OFFICE ORDER.**

In-partial modification of this Directorate office order bearing Endst. No. 20108-20/E.H. dated 19.08.2013, Mrs. Bakht Sarwar P/O Abdul Ahad newly appointed Charge Nurse (BPS-16) under Posting to SGTH Swat is hereby posted in HMC Peshawar against the vacant post of Charge Nurse, in the interest of public service with immediate effect.

Her terms and conditions of appointment will be the same as mentioned in the above referred office order.

Sd/-  
DIRECTOR GENERAL HEALTH  
SERVICES, KPK PESHAWAR.

No. 21333-38 /E.H. Dated Pesh. The 2/9 /2013.

Copy forwarded to the :-

01. Medical Superintendent HMC Peshawar.
02. Medical Superintendent SGTH Swat.
03. AG Khyber Pakhtunkhwa Peshawar.
04. DAO, Swat.
05. Charge Nurse concerned.
06. DA-concerned, DGHS Peshawar.

For information and necessary action.

*mm* 2/9/13

DEPUTY DIRECTOR (NURSING),  
DGHS KHYBER PAKHTUNKHWA  
PESHAWAR.

*2/9/13*

**ATTESTED**

*g*



**CERTIFICATE OF TRANSFER OF CHARGE**

1. Certified that we have on the fore/afternoon of this day respectively made over the receive charge of this office of Medical Superintendent Hospital  
Phan medical Complex Peshawar
2. Particulars of case and important secret and confidential documents handed over are noted on the reverse:-

Station Peshawar

Signature of relieved Government servant \_\_\_\_\_

Designation \_\_\_\_\_

Dated 03-09-2013

Signature of receiving Government servant BBA  
Bakht Jania D/O Abdul Ahad  
 Designation Charge nurse

x -----

**ATTESTED**

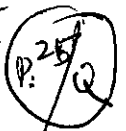
*[Handwritten signature]*

جناب عالی: گزارش درج ذیل ہیں۔

1. یہ کہ سائلہ بخت ثانیہ بنت عبدالمجد کے بطور چارج نرس تقریبی کے احکامات 2008 مارچ کو ہوئے تھے۔ (کاپی لف ہے)
2. سائلہ کی تبدیلی کے احکامات 12 اگست 2008 کو جمروہ ہسپتال کر دیئے گئے۔ (کاپی لف ہے)
3. سائلہ کی T.H.Q ہسپتال Dogra پبلک ہاؤسنگ ہو گئے (کاپی لف ہے)
4. سائلہ کی گورنر صوبہ سرحد نے کنٹریکٹ ملازمت کو مستقل کر دیا (کاپی لف ہے) بحوالہ نمبر 26-323 تاریخ 6/1/09
5. سائلہ کی سروسز کو ڈائریکٹوریٹ ہیلتھ سروسز فائناڈائریکٹوریٹ نے ڈی جی ہیلتھ سروسز کے حوالے بحوالہ نمبر آرڈر 88-14286 تاریخ 08.08.2012
6. سائلہ مندرجہ بالا کی تعینال کرتے ہوئے DGHS میں Arival رپورٹ بحوالہ ڈائری نمبر 18340 بتاریخ 24/8/12 کو کر دی۔ (کاپی لف ہے)
7. آرڈر کی تعینال کے بعد DGHS والوں نے سائلہ کی تقرری کے متعلق فائناڈائریکٹوریٹ سے تفصیلات مانگ لی (کاپی لف ہے) لیٹر نمبر 25639 مورخہ 17/9/12
8. فائناڈائریکٹوریٹ نے DGHS کو کچھ کاغذات دیئے جو کہ DGHS والوں نے دوبارہ واپس کر دیئے اور مزید تفصیلات مانگ لی
9. مزید تفصیلات مانگنے پر ڈائریکٹوریٹ آف ہیلتھ فائناڈائریکٹوریٹ نے اپنی غلطی مان لی (کاپی لف ہے) جس میں انہوں نے لکھا تھا کہ 2002 کی بجائے 2005 کو غلطی سے لکھا گیا اور غلطی کو معاف کی جائے ڈائری نمبر 16343 مورخہ 21/10/12
10. آخر کار سائلہ کو DGHS والوں نے سائلہ کی سروس اس بناء پر فائناڈائریکٹوریٹ کو حوالہ کی کہ یہ نرس صوبائی پبلک سروس کمیشن کے تھرو سیلکٹ نہیں ہوئی ہے۔ ڈائری نمبر 4998 مورخہ 26/12/13
11. سائلہ کے متعلق DGHS کے ریمارکس کو مدنظر رکھتے ہوئے فائناڈائریکٹوریٹ نے باجوڑ ہسپتال خار میں تعیناتی کے آرڈر کر دیئے۔ (کاپی لف ہے)
12. سائلہ نے اسی اثناء صوبائی پبلک سروس کمیشن کو اشتہار نمبر 01/2012 کیلئے فارم جمع کئے۔ اور اس کے لئے سائلہ نے باقاعدہ طور پر فائناڈائریکٹوریٹ سے ڈپارٹمنٹل پر مشن حاصل کی جسکی (کاپی لف ہے)۔
13. سائلہ کو صوبائی پبلک سروس کمیشن چارج نرس کی پوسٹ کیلئے ریکامنڈ کیا۔ اور ریکامنڈیشن لیٹر نمبر KP/PSC/SR/IV/070304 تاریخ 18.07.2013 بھجوائیں۔
14. سائلہ کو صوبائی پبلک سروس کمیشن کے ذریعے DGHS والوں نے حیات آباد میڈیکل کمپلکس میں بحوالہ آرڈر نمبر 21333-38/E تاریخ 02.09.2013 کو کر دیئے۔ لیکن ڈی جی ہیلتھ سروسز والوں نے سائلہ کے آرڈر بطور New Appointee کر دیئے۔ جو کہ سائلہ کے ساتھ سراسر زیادتی پر مبنی ہے۔ کیونکہ سائلہ کی کنٹریکٹ سے مستقل طور پر گورنر صوبہ سرحد صاحب باقاعدہ طور پر کر دیئے۔ اور اسکے جواب فائناڈائریکٹوریٹ

ATTESTED





سائلہ کی مندرجہ بالا مستقل حیثیت بابت ملازمت دیکھتے ہوئے سائلہ کی پچھلی سروس کو بھی اس میں شامل کیجاوے۔ اور سائلہ کے ساتھ کی ہوئی زیادتی کا ازالہ کیجاوے۔ اور سائلہ کی تقرری کے احکامات DGHS سے دوبارہ Corrigendum کے ذریعے issue کی جاوے۔ اور سائلہ کو دعا گو ہونے کا موقع فراہم کیجاوے۔ سائلہ تا حیات دعا گو رہے گی۔

مورخہ: 20.01.2014

العارضہ



آپ کی تابع فرمان بخت ثانیہ بنت عبدالاحد چارج نرس حیات آباد میڈیکل کمپلکس حیات آباد پشاور۔

**ATTESTED**

*Handwritten signature*





GOVT. OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

No. SOH-III/8-89/2014(Bakht Sania)  
Dated the Peshawar 22<sup>nd</sup> April, 2014

To

The Secretary to  
Govt: of Khyber Pakhtunkhwa,  
Establishment Department.

SUBJECT: APPEAL FOR JUSTICE.

Dear Sir,

I am directed to enclose herewith a copy of letter No. SO (Secret)/HD/1-5/2014/Jan dated: 19-03-2014 and other enclosures received from Section Officer (Secret/Comp) Health Department and to state that Miss. Bakht Sania D/O Abdul Ahad were appointed by Director Health FATA on contract basis dated 08.03.2008. Her services were regularized in pursuance to Government of Khyber Pakhtunkhwa, Civil Servant (amendment) Act, 2005 read with Government of Khyber Pakhtunkhwa Establishment and Administration Department (Regulation wing) notification No. SO-VI (Reg) (E&D) 1-13/2005 dated 10.02.2005 vide Directorate order dated: 06-01-2009. She served in FATA as Charge Nurse w.e.f 08.03.2008 till 19.09.2013. She applied for the post of Charge Nurse (BPS-16) through proper channel (Advertised by Public Service Commission, 2013 with Department permission certificate dated 25.02.2013. She got selected by Public Service Commission as Charge Nurse (BPS-16) and DGHS posted her in HMC w.e.f 19.08.2013. She filed an appeal to Secretary Health forwarded by CM's Secretariat with the request to count her previous services as Charge Nurse (BPS-16) in FATA towards pay fixation.

It is therefore, requested that necessary advice from Establishment Department may kindly be conveyed to this department to proceed further in the matter.

Encl: As above.

**ATTESTED**

Your's faithfully,

  
(Wajid Ali Khan)  
Section Officer-III

**VAKALATNAMA**

IN THE COURT OF KPK Service Tribunal Peshawar  
\_\_\_\_\_ OF 2014

Bakht Samia

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Health Department

(RESPONDENT)  
(DEFENDANT)

I/We Bakht Samia

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

Dated. \_\_\_\_/\_\_\_\_/2014



**CLIENT**



**ACCEPTED**  
**NOOR MOHAMMAD KHATTAK**  
**(ADVOCATE)**

**OFFICE:**

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

Phone: 091-2211391

Mobile No.0345-9383141

# **BEFORE SERVICE TRIBUNAL PESHAWAR.**

**Appeal No. 630/2014**

Mst. Bakht Sania.....**Appellant.**

**Versus.**

Government of Khyber Pakhtunkhwa & Others.....**Respondents.**

**Parawise comments on behalf of respondent No.1, 2 & 3.**

## **Preliminary Objections:-**

1. That the appellant has no cause of action.
2. That the appeal is not maintainable in its present form and also time barred.
3. That the appeal is bad for mis joinder of unnecessary and non joinder of necessary parties.
4. That the appellant has no locus standi and also estopped by his own conduct.
5. That the appellant has not come to the Tribunal with the clean hands.
6. The Appellant was appointed as a fresh and she did not challenged her appointment order.

## **FACTS.**

1. Pertained to record. However copy of the contractual appointment order was not endorsed to Director General Health Services KPK Peshawar. If the same order was sent to the Director General Health Services KPK Peshawar, the Director General Health Services FATA Peshawar would have been informed of his competency to do so.
2. Pertained to record.
3. Pertained to record.
4. As admitted by the appellant herself to have applied to the Public Service Commission KPK for selection as Charge Nurse BPS-16 on regular basis it was fairly known to her that she was not a regular employee.
5. Correct to the extent that the appellant after being selected by the Public Service Commission KPK was appointed as a fresh candidate alongwith others and posted to Saidu Teaching Hospital, Swat. This is worth while to mention here that no relieving order was received in this Directorate as mentioned by the appellant.
6. Correct to the extent that the appellant was transferred to HMC Peshawar. As regard the departmental appeal the same was not entertainable in light of the factual position mentioned in the proceeding paras.
7. No comments.

**GROUNDS:**

- A. Incorrect the impugned order is in accordance with law.
- B. The appellant has been appointed as Charge Nurse BPS-16 on regular basis by respondent No. 03 in accordance with Civil Servant Act and APT rules.
- C. Since appointment of the appellant by the Director Health Services FATA Peshawar was not accordance with the rules the question of lien does not arise.
- D. Incorrect, Appointment and subsequent regularization orders might have been issued by respondent No. 4 owing to an oversight, because he was / is not authorized to appoint the employee in BPS-16.
- E. The appellant has been appointed as a fresh following recommendations of Public Service Commission on the domicile of District Swat. Her previous irregular Service cannot be counted.
- F. Incorrect she has been dealth according to law and rules.
- G. No comments.

In view of the forging it is humbly prayed that the instant appeal may be dismissed with cost.

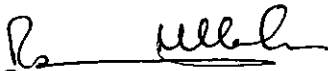


Director General Health Services,  
Khyber Pakhtunkhwa, Peshawar.  
(Respondent No. 3)

*D.*  
8/7/15



Secretary to  
Government of Khyber Pakhtunkhwa  
Health Department, Peshawar.  
(Respondent No.1).



Secretary to  
Government of Khyber Pakhtunkhwa  
Finance Department, Peshawar.  
(Respondent No.2).

*P.*  
8/11/15

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

**Appeal No. 630/2014**

**BAKHT SANIA**

**VS**

**GOVT: OF KPK**

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

**R/SHEWETH:**

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

**ON FACTS:**

- 1- Admitted correct hence denied.
- 2- Admitted correct hence denied.
- 3- Incorrect and not replied accordingly. That the appellant was regularized from the date of her appointment as charge Nurse (BPS-16) vide order dated 06-01-2009 issued by the respondent No.4.
- 4- Incorrect and not replied accordingly. That the appellant is the bonafide resident of District Swat as settled area and for the purpose of working in the settled area she applied for charge Nurse BPS-16 through public service commission.
- 5- Incorrect and not replied accordingly. That the appellant was relieved of her duty by respondent No.4 vide order dated 09-10-2013 as already intimated by respondent No. 4 in his reply. (Grounds- Para-E)
- 6- Incorrect and not replied accordingly. That the appellant applied for fixation of pay/Lien through Departmental appeal vide dated 20-01-2014 but no reply has been received so far.
- 7- Admitted correct hence denied.

**GROUND:**

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

respondent Department acted in arbitrary and malafide manner by not granting lien to appellant in spite of NOC and relieving order of the respondent No.4. That appellant has served the respondent No.4 Department for more than five years and her services were regularized in the year 2009 by the respondent No.4, therefore under the law appellant is fully entitled for the grant of lien by counting her service from FATA to settle. That the respondent Department discriminated the appellant on the subject noted above and as such the respondents violated the principle of equity and equality.

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

**APPELLANT**



**BAKHT SANIA**

**THROUGH:**



**NOOR MOHAMMAD KHATTAK  
ADVOCATE**

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

Appeal No. 630/2014

Miss Bakht Sania

..... Appellant

**Versus**

Secretary (Health) & Others

..... Respondents

**Para wise comments on behalf of respondent No. 4.**

**Preliminary objections**

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

**Respectfully Sheweth;**

1. Pertains to record, needs no comments.
2. Pertains to record, needs no comments.
3. Correct to the extent of transfer order, charge report and LPC but the regularization order was not considered by the Provincial Health Department, Khyber Pakhtunkhwa as the Director General Health Services asked that "how the Director Health Services FATA appointed Charge Nurses in BPS-16, while the same was required to have been appointed on the recommendation of KP Public Service Commission".  
(Annex-A, B & C)
4. Pertains to record, needs no comments.


(2)

5. Pertains to record, needs no comments.
6. In response to para-6, the Provincial Health Department Khyber Pakhtunkhwa would be in the better position to reply.
7. Relates to Provincial Health Department Khyber Pakhtunkhwa.

**ON GROUNDS**

- A. Incorrect, the appellant was dealt with in accordance with law, facts and norms of natural justice.
- B. Incorrect, the appellant is treated in accordance with law.
- C. Correct, the appellant is properly relieved by respondent no. 4.
- D. Correct, to the extent of regularization but as stated above it was not considered by Provincial Health Department Khyber Pakhtunkhwa as respondent no. 4 is not the competent authority to issue such like orders.
- E. Correct, the appellant is properly relieved by FATA, NOC & Departmental Permission was granted.
- F. Incorrect, no discrimination have been made.
- G. Incorrect.

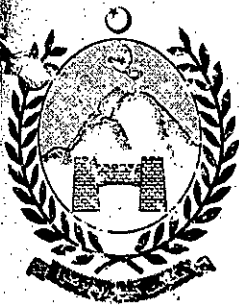
It is therefore most humbly prayed that the appeal in hand is devoid of merits/legal footing, may be dismissed with cost.

  
26/8/15  
**Director Health Services,**  
FATA Peshawar.  
(Respondent No. 04)



3

Annexure - A



**DIRECTORATE  
GENERAL HEALTH SERVICES  
KHYBER PAKHTUNKHWA PESHAWAR.**

No. 34372 /E.II,  
Dated 04/12 /2012.

To

The Director Health Services  
FATA Peshawar.

All communications should be addressed to the Director General Health Services Peshawar and not to any official by name.

E-Mail Address: [nwgdghs@yahoo.com](mailto:nwgdghs@yahoo.com)  
Office Ph# 091-9210269  
Exchange# 091-9210187, 9210198  
Fax # 091-9210200

Directorate of Health Services  
10613  
07/12/2012

Subject:- OFFICE ORDER

Memo:-

I am directed to refer to your letter No. 18326, dated 08/11/2012, on the subject cited above and once again you are requested to furnish a copy of **Contract Policy 2005** as the policy received with your above referred letter is copy of contract policy 2002. Moreover intimate as to how you have appointed the Charge Nurse concerned in BP-3-16, while the same was required to have been appointed on the recommendation of Provincial Public Service Commission, Khyber Pakhtunkhwa.

*mmt 2/12/12*  
DEPUTY DIRECTRESS (NURSING),  
DGHS KPK PESHAWAR.

No. \_\_\_\_\_ /EII

*7*  
*3/12/12*

Copy forwarded to Secretary to Govt. of Khyber Pakhtunkhwa Health Department Peshawar for information.

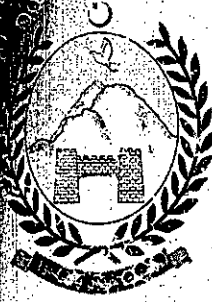
DEPUTY DIRECTRESS (NURSING),  
DGHS KPK PESHAWAR.

*M. Iqbal*  
*6/12*

*Attested*  
*[Signature]*

*D.S.*

~~55~~ (4) Amexure: B

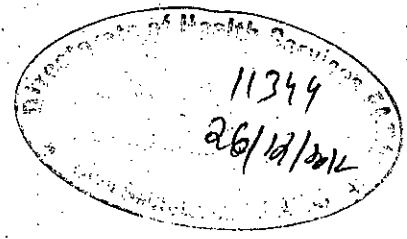


**DIRECTORATE  
GENERAL HEALTH SERVICES  
KHYBER PAKHTUNKHWA PESHAWAR.**

No. 36729 /E-II  
Dated:- 21/12/2012

All communications should be addressed to the Director General Health Services Peshawar and not to any official by name.  
E-Mail Address: rwf@dghs@yahoo.com  
Office # 091-9210269  
Exchange# 091-9210187, 9210196  
Fax # 091-9210230

To  
The Director Health Services,  
FATA.



Subject:- **OFFICE ORDER.**

Memo:

I am directed to refer to this Directorate letter No.34372/E.II, dated 04/12/2012, on the subject cited above and to state to furnish a copy of **Contract Policy 2005**, and to intimate as to how you have appointed the Charge Nurse concerned in BPS-16, while the same was required to have been appointed on the recommendation of Provincial Public Service Commission, Khyber Pakhtunkhwa.

*mm* 20/12/12

DEPUTY DIRECTRESS (NURSING),  
DGHS KPK PESHAWAR.

No. /E.II. Dated Peshawar the 20/12/12 /12/2012.

Copy forwarded to Secretary to Government of Khyber Pakhtunkhwa, Health Department, Peshawar for information.

DEPUTY DIRECTRESS (NURSING),  
DGHS KPK PESHAWAR.

*action O.S. 26/12  
taken by already  
fill. A*

*Attested*  
*[Signature]*

OPERATION COPY

5

Annexure: C

385

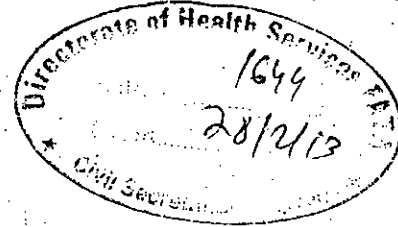
**DIRECTORATE  
GENERAL HEALTH SERVICES  
KHYBER PAKHTUNKHWA PESHAWAR.**

No. **4997** /E.II,  
Dated **26/02** /2013.

All communications should be addressed to the Director General Health Services Peshawar and not to any official by name.

E-Mail Address: [nwfpdghs@yahoo.com](mailto:nwfpdghs@yahoo.com)  
Office Ph# 091-9210269  
Exchange# 091-9210187, 9210196  
Fax # 091-9210230

The Director Health Services  
(FATA) Peshawar.



Subject: -  
Memo: -

**OFFICE ORDER.**

I am directed to refer to your letter No. 20811/DHS/FATA/Admn, dated 31.12.2012, on the subject noted above, the services of Miss. Bakht Sania Charge Nurse BPS-16 Civil Hospital, Jamrud Khyber Agency repatriated to Provincial Health Department Khyber Pakhtunkhwa vide Secretary Social Sector Department office order No. 597-602/SSD/Health/FATA, dated 03.08.2012, is return to FATA with the directives that the appointment order of the said Charge Nurse is ambiguous and under Contract employment Policy-2002, she required to be recommended by the Public Service Commission but she appointed by your office, which is clear deviation from rules which may create unnecessary litigations for Health Department.

*26/2/13*  
DEPUTY DIRECTRESS (NURSING),  
DGHS KPK PESHAWAR

No. /E.II,  
Copy forwarded to the Secretary Social Sector Department Worsak Road Peshawar w/r to his office order referred to above.

DEPUTY DIRECTRESS (NURSING),  
DGHS KPK PESHAWAR

*DHS*

*what is this  
pt. chedi*

*for 26/2*

*Pl. put up details - and  
list of all other nurses  
appointed like her*

*Attested*  
*[Signature]*

*202 ADA / D.S. 2/12*

Date: 26/2/2013

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 2105 /ST

Dated 19 / 12 / 2016

To


The Director General Health Services,  
Government of Khyber Pakhtunkhwa,  
Peshawar.

Subject: -

JUDGMENT

I am directed to forward herewith a certified copy of Judgement dated 6.12.2016 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.