



22.11.2017

Appellant absent. Learned counsel for the appellant also absent. Mr. Riaz Khan, Assistant AG for the respondent present. Case called for several times but no one appeared on behalf of the appellant. Consequently the present appeal is dismissed in default. Parties are left to bear their own costs. File be consigned to be record room.

**ANNOUNCED**

22.11.2017

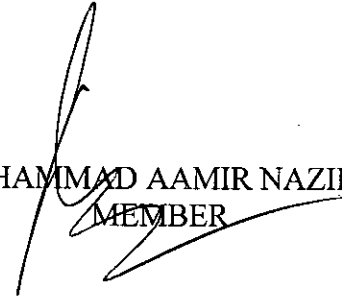
  
(Gul Zeb Khan)  
Member (E)

  
(Muhammad Hamid Mughal)  
Member (J)

25.11.2016


Counsel for the appellant and Mr. Muhammad Jan, GP for official respondents No. 1 to 5 present. Learned counsel for the appellant requested for adjournment. Request accepted. To come up for arguments on 3-4-2017 before D.B.

  
(ABDUL LATIF)  
MEMBER

  
(MUHAMMAD AAMIR NAZIR)  
MEMBER

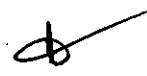
03.04.2017

Counsel for the appellant and Mr. Ziaullah, GP for the respondents present. Argument could not be heard due to incomplete bench. To come up for final hearing on 25.07.2017 before D.B.

  
Chairman

22. 25.07.2017

Clerk of the counsel for appellant and again Seeks adjournment on the ground that learned counsel for the appellant is not available. The case is pertains to the year 2014 and the order made impugned in the present appeal is regarding transfer. Adjournment granted subject to payment cost of Rs. 2000/- to be paid by the appellant to the respondent party. Adjourned. To come up for final hearing on 22.11.2017 before D.B.

  
(Ahmad Hassan)  
Member

  
(Muhammad Hamid Mughal)  
Member

02.03.2016

Counsel for the appellant, Mr. Maaz Madni, Assistant Litigation Officer alongwith Addl: A.G for official respondents No. 1 to 5 and counsel for private respondent No. 6 present. Written reply submitted by respondents No. 1, 2 and 5. The learned Addl: A.G relies on the same on behalf of respondents No. 3 and 4 while learned counsel for private respondent No. 6 requested for further adjournment. Last opportunity granted. To come up for written reply/comments on behalf of private respondent No. 6 on 28.3.2016 before S.B.

  
Chairman

28.03.2016

Agent of counsel for the appellant, Assistant AG for official respondents and private respondent No. 6 in person present. Written reply by private respondent No. 6 also submitted. The appeal is assigned to D.B for rejoinder and final hearing for 14.7.2016.

  
Chairman

14.07.2016

Clerk to counsel for the appellant and Mr. Muhammad Jan, GP for the official respondents No. 1 to 5 present. Rejoinder not submitted and requested for further time to file rejoinder. To come up for rejoinder and arguments on 25.11.16.

  
MEMBER

  
MEMBER

19.3.2015

Counsel for the appellant present. Mr. Muhammad Jan, GP with Yar Gul, Assistant for respondent No. 1 present and requested for time. Fresh notices be issued to respondents No. 2 to 6. To come up for written reply on 17.6.2015.

  
MEMBER

  
MEMBER

17.06.2015

Clerk of counsel for the appellant, Mr. Sabir Khan, SO for respondent No. 5 alongwith Asstt. A.G for the official respondents and counsel for private respondent No. 6 present. Wakalatnama on behalf of private respondent No. 6 submitted, which is placed on file. Written reply not submitted. Requested for further time. To come up for written reply on 07.10.2015.

  
Member

07.10.2015

Clerk of counsel for the appellant and Mr. Ziaullah, GP for respondents present. Written reply not submitted. Requested for further time. To come up for written reply/comments on 23.11.2015

  
MEMBER

23.11.2015

None present for the parties. Notice be issued to both the parties for 2.3.2016 before S.B.

  
Chairman

1212/13

02.6.2014

Counsel for the appellant and Mr. Muhammad Jan, GP with Sheryar, Assistant, Yar Gul, Assistant and Muhammad Mahaz, Litigation Assistant for the official respondents present and requested for time. Fresh notice be issued to private respondent No.6 through registered post. To come up for written reply on 10.9.2014.

MEMBER

MEMBER

10.09.2014

Counsel for the appellant, and Mr. Mr. Muhammad Adeel Butt, AAG with Muhammad Mahaz, Litigation Assistant and Yar Gul, Assistant for the respondents present. The learned Member is on leave. To come up for the same on 24.11.2014.

READER

24.11.2014

Counsel for the appellant, and Mr. Muhammad Jan, GP with Muhammad Mahaz, Litigation Assistant and Yar Gul, Assistant for the respondents present. The Tribunal is incomplete. To come up for the same on 07.01.2015.

READER

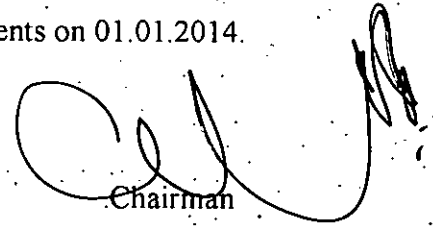
07.1.2015

Junior to counsel for the appellant and Mr. Muhammad Jan, GP with Yar Gul, Assistant for the respondents present. The Tribunal is incomplete. To come up for the same on 19.3.2015.

READER

27.11.2013

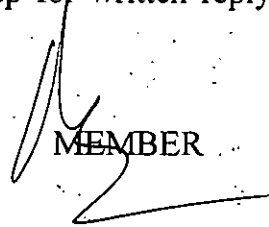
Appellant in person and Mr. Yar Gul, Senior Clerk on behalf of respondent No.5 with AAG for official respondents No.1 to 5 present. The appellant informed that a connected case titled 'Amir Zaib-vs-D.G Health etc.' is pending before learned Bench-II and is fixed there for further proceedings on 1.1.2014. In order to avoid conflicting decisions in these two similar nature appeals, this appeal is also entrusted to learned Bench-II, where the parties are directed to appear for further proceedings/written reply/comments on 01.01.2014.

  
Chairman

01.01.2014

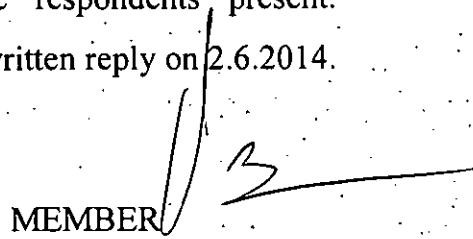
File received from learned Bench-I and order sheet dated 27.11.2013 perused.

Counsel for the appellant, Mr. Muhammad Adeel Butt, AAG with Sher Yar, Assistant for respondent No. 5 present and requested for time. None is available on behalf of other respondents. Fresh notices be issued to them. To come up for written reply on 24.3.2014.

  
MEMBER

24.3.2014

Appellant with counsel and Mr. Ziaullah, GP with Muhammad Mahaz, Assistant for the respondents present. Respondents need time. To come up for written reply on 2.6.2014.

  
MEMBER

Appeal No. 1212/2013  
Mr. Amanullah

06.09.2013

Appellant with counsel present and heard on preliminary.

Contended that the appellant has not been treated in accordance with the law/rules. He was transferred vide order dated 20.01.2012 from Orakzai Agency to Mohmand Agency and was adjusted against the vacant post of Pharmacy Technician. Which is premature. Vide order dated 14.05.2012 his transfer order was canceled. The appellant filed departmental appeal on 12.04.2013 which has not been responded with the statutory period of 90 days, hence the instant appeal on 06.08.2013. Points raised need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, notice be issued to the respondents. Case adjourned to 23.10.2013 for submission of written reply.

Appellant deposited  
security & process fee  
Rs 240/- Bank receipt  
is attached with  
file  
Jhal

Member.

06.9.2013

This case be put before the Final Bench I for further proceedings.

23-10-13

Chairman



comment from the appellant present  
The worthy chairman is an honor. To come  
up for written reply / comment on  
27-11-2013.

Chairman

Form- A  
FORM OF ORDER SHEET

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

Case No. 1212/2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	13/08/2013	<p>The appeal of Mr. Amanullah resubmitted today by Mr. Fazal Shah Mohmand 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	19-8-2013	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>6-9-2013</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>




The appeal of Mr. Amanullah Pharmacy Technician received today i.e. on 06/08/2013 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copies of service appeal and order dated 12.3.2013 mentioned in para-7 of the memo of appeal are not attached with the appeal which may be placed on it.
- 2- Annexures of the appeal may be attested.
- 3- Eight more copies/sets of the appeal along with annexures i.e. complete in all respect may be also be submitted with the appeal.

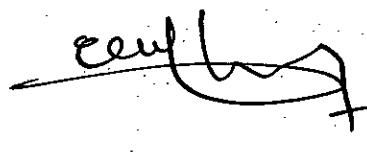
No. 1142 /S.T.

Dt. 06/8 /2013.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Fazal Shah Mohmand Adv. Pesh.

Sir,  
Resubmitted please, after necessary  
completion and compliance.

  
Adv.  
13-8-13

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR**

Service Appeal No 1212 /2013

Amanullah..... Appellant

**VERSUS**

DG Health FATA and Others..... Respondents

**INDEX**

S No	Description of Documents	Annexure	Pages
1	Service appeal with affidavit		1-5
2	Copy of application with Affidavit		6-7
3	Copy of appointment order dated 09-01-1995	A	8
4	Copy of transfer order and arrival report	B & B/1	9-10
5	Copy of order dated 13-04-2010	C	11
6	Copy of order dated 23-06-2011	D	12
7	Copy of order dated 20-01-2012	E	13
8	Copy of order dated 14-05-2012	F	14
9	Copy of Joint departmental appeal, Service Appeal, order dated 12-03-2013 and departmental appeal	G, H, I & J	15-21
10	Wakalat Nama		22

Dated: ~~29-07~~ 2013

Through

Appellant

*Fazal Shah*  
Fazal Shah Mohmand  
Advocate Peshawar

**OFFICE:-**

Cantonment Plaza Flat 3/B  
Khyber Bazar Peshawar  
Cell # 0301 8804841

Note- A similar nature appeal No 4  
titled as Amir Zeb vs DG. is pending before  
this Honorable Tribunal and fixed for  
16-8-2013.

*Fazal Shah*  
Adv  
29-7-13

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR**

Service Appeal No 919/2013

Amanullah, Pharmacy Technician at Ghalanai Mohmand Agency.....Appellant

**[Redacted]**  
**[Redacted]**  
**[Redacted]**  
12/13  
06-8-13

**V E R S U S**

1. Director General Health Services FATA, FATA Secretariat Warsak Road Peshawar.
2. Additional Chief Secretary FATA, FATA Secretariat Warsak Road Peshawar.
3. Agency Surgeon Mohmand, at Ghalanai Mohmand Agency.
4. Agency Surgeon, Orakzai, at Hangu Orakzai Agency.
5. Secretary Health, Govt. of KPK Peshawar.
6. Shakir Khan Medical Technician, at the office of Agency Surgeon Mohmand, at Ghalanai, Mohmand Agency

.....Respondents

**APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT 1974/RW KPK GOVT. SERVANTS ( E & D) RULES 2011, AGAINST THE ORDER DATED 14-05-2012 PASSED BY RESPONDENT NO 1 WHERE BY THE APPELLANT HAS BEEN TRANSFERRED FROM THE OFFICE OF AGENCY SURGEON MOHMAND AT GHALANAI MOHMAND AGENCY TO THE OFFICE OF AGENCY SURGEON ORAKZAI, AT HANGU ORAKZAI AGENCY AND AGAINST WHICH THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS NOT BEEN RESPONDED SO FAR, DESPITE THE LAPSE OF MORE THAN SIXTY DAYS.**

**PRAYER:-**

On acceptance of this appeal the impugned order dated 14-05-2012 of respondent No 1 may kindly be set aside and the appellant may kindly be ordered to be transferred to the office of Agency Surgeon Mohmand at Ghalanai Mohmand Agency.

**[Redacted]**  
6/8/13

**Respectfully Submitted:-**

1. That the appellant joined the respondent Department as Dispenser on 09-01-1995, was and since then he performed his duties with honesty and full devotion. (Copy of the appointment order is enclosed as Annexure A).
2. That the appellant has been transferred time and again in violation of law and rules on the subject and was posted as Dispenser, in Orakzai Agency in July 2009, and upon making arrival was told that there is no vacant post and was thus refused charge. (Copy of transfer order and arrival report are enclosed as Annexure B and B/1).
3. That again the appellant was transferred from Orakzai Agency to North Waziristan Agency and his services were placed at the disposal of Agency Surgeon North Waziristan Agency MiranShah for further posting against vacant post vide order dated 13-04-2010 but there too he was refused charge and was told that there is no vacant post in North Waziristan Agency and the appellant was thus made a rolling stone. (Copy of the order is enclosed as Annexure C).
4. that the appellant was declared surplus and vide order dated 23-06-2011, was adjusted against the vacant post of charge Nurse at the office of Agency Surgeon Orakzai. (Copy of the order is enclosed as Annexure D).
5. that vide order dated 20-01-2012 the appellant was transferred from Orakzai Agency to Mohmand Agency by respondent No 1 and was adjusted against the vacant post of Pharmacy Technician in Mohmand Agency. (Copy of the order is enclosed as Annexure E).
6. That astonishingly vide order dated 14-05-2012 the appellant's transfer order was canceled and was transferred to Orakzai Agency by respondent No 1 and respondent No 6 was transferred in his place. (Copy of the order is enclosed as Annexure F).

7. That the appellant along with others jointly filed Departmental appeal on 17-05-2012, and then filed Service Appeal No 1067/12 before the KPK Service Tribunal, which was finally withdrawn with the permission to file separate Departmental Appeal, where after the appellant filed separate Departmental appeal before respondent No 2 which has not been responded so far despite the lapse of more than ~~sixty~~<sup>60</sup> days. (Copy of joint appeal, Service Appeal, order dated 12-03-2013 and departmental Appeal are enclosed as Annexure G, H, I and J).

8. That the impugned order dated 14-05-2012 of respondent No 1 is against the law, facts and principles of justice on grounds inter alia as follows:-


**GROUND S:-**

- A. That the impugned order is illegal and void ab-initio.
- B. That the appellant has not been treated in accordance with law and mandatory provisions of law, rules and policy on the subject have been violated by the respondents and the respondents have violated all norms of justice.
- C. That the impugned orders <sup>is 3</sup> are based on malafide, favoritism and political interference.
- D. That the appellant was transferred just after about three months and that too with out assigning any reason and before the completion of his normal tenure.
- E. That the appellant remained posted to Hard areas and the appellant as such is entitled to be posted to his Home Agency.
- F. That the appellant has more than 18 years of service with unblemished service record.
- G. That the appellant seeks the permission of this honorable tribunal for further/additional grounds at the time of arguments.

It is therefore prayed that appeal of the appellant may kindly be accepted as prayed for in the heading of the appeal.

  
Appellant

6-8  
Dated:- ~~20~~ 07-2013

Through   
Fazal Shah Mohmand  
Advocate, Peshawar

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR**

Service Appeal No \_\_\_\_\_ 2013

Amanullah.....Appellant

**V E R S U S**

Director General and others.....Respondents

**A F F I D A V I T**

I, Amanullah, Pharmacy Technician at Ghalanai Mohmand Agency, do hereby solemnly affirm and declare on oath that the contents of this **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

**DEPONENT**

Identified by

*Fazal*  
Fazal Shah Mohmand  
Advocate Peshawar



*[Handwritten signature]*

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR**

Service Appeal No \_\_\_\_\_ 2013

Amanullah.....Appellant

**V E R S U S**

Director General and others.....Respondents

**Application for the suspension of the impugned order dated 14-05-2012 of respondent No 1 till the final decision of this Appeal**

**Respectfully submitted :-**

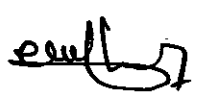
1. That the accompanying appeal is being filed today in which no date of hearing has been fixed so far.
2. That the grounds of appeal may be considered as integral Part of this application.
3. That the impugned order being void abinitio, illegal and the result of malafide and the appellant has a good prima facie case in his favor.
4. That the appellant is sanguine of his success in the case and the balance of convenience lies in his favour.
5. That if the impugned order is not suspended the appellant would suffer an irreparable loss.

It is therefore prayed that on acceptance of this application, the impugned order dated 14-05-2012 of respondent No 1 may kindly be suspended till the final decision of the accompanying appeal.

  
Appellant

Dated:- ~~05~~ 07-2013

Through

  
Fazal Shah Mohiuddin  
Advocate Peshawar



**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR**

Service Appeal No \_\_\_\_\_ 2013

Amanullah.....Appellant

**V E R S U S**

Director General and others.....Respondents

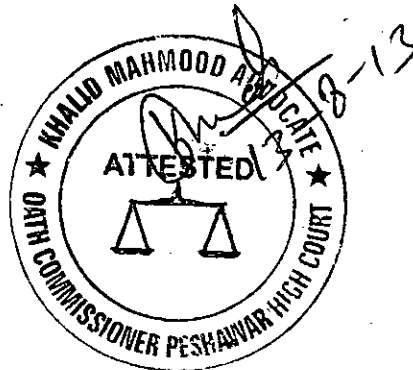
**A F F I D A V I T**

I, Amanullah, Pharmacy Technician at Ghalanai Mohmand Agency, do hereby solemnly affirm and declare on oath that the contents of this **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

  
**DEPONENT**

Identified by

  
**Fazal Shah Mohmand  
Advocate Peshawar**



OFFICE ORDER

As per result and interview dated 9-01-1995 held in this Directorate Mr. Aman Ullah has qualified dispenser is hereby offered the post of Dispenser in BPS-6 Rs. 1440-75-2533 plus usual allowances as admissible under the Rules and posted in the Agency surgeon at Mohmand at Ghalanai, on the following terms and conditions :-

1. He/she is domiciled in NWFP
2. He/she is declared medically fit for Government service.
3. He/she will not be entitled to any TA/DA for medical examination and joining the first appointment.
4. He/she will be liable to serve anywhere in the N W P F
5. He/she will be governed by such Rules and orders as may be issued by the Government for the category of Government servant to which he/she belongs.
6. If he/she wished to resign if any time he/she will resign in written and will continue to serve the Government till the acceptance of resignation by the competent authority.
7. His/her appointment in the Health service department is purely on temporary basis and his/her services can be terminated without assigning any reason being assigned at any time irrespective of the fact that he is holding the post other than one to which he/she was originally recruited.

If he/she accept the post on the above mentioned conditions he/she should please report to the Agency Surgeon Mohmand at his own expenses within 7 days of the receipt of this offer, failing which the offer of appointment will be considered as cancelled.

sd/- Divisional Director,  
Health Services, Peshawar

Attested  
eas  
Ad.

Attested  
Ad.

M. J. Man

Jan

Miller

Miller

STANDARD LIFE AND ACCIDENT INSURANCE COMPANY

31-5-1933

6975-78

STANDARD LIFE AND ACCIDENT INSURANCE COMPANY

NOTARY PUBLIC

AGENCY SURGEON

AGENCY SURGEON

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DIRECTORATE OF HEALTH & POPULATION WELFARE FATA  
 FATA SECRETARIAT, WARSAK ROAD PESHAWAR

**B**  
**9**

ORDER

The following Posting ~~Transfer~~ of Dispensers is hereby ordered  
 in interest of public service with immediate effect.

No	Name & Designation	From	To	Remarks
	Mr. Amanullah Dispenser	Attached to Agency Surgeon Mohmand at Ghallanai	Agency Surgeon Orakzai at Hangu	Vice No. below ( ) Administrative Grounds )
	Mr. Farmanullah Dispenser	Attached to Agency Surgeon Orakzai at Hangu	Agency Surgeon Mohmand at Ghallanai	Vice No. above

Sd/-  
 Director Health Services  
 FATA, Peshawar.

No. 12602-5 / FATA/Admn

Dated 10/7/2009

Copy forwarded to the

1. Agency Surgeon Orakzai at Hangu.
2. Agency Surgeon Mohmand at Ghallanai information w/r to his letter No. 630 dated 16.7.2009.
3. Agency Accounts Officers, Mohmand, Orakzai.
4. Official concerned.

For information and necessary action.

Attested  
 Adv

For info  
 with AH.

Director Health Services,  
 FATA, Peshawar.

Attested  
 Adv

B/E  
10

The Agency Surgeon  
Orakzai at Hangu.

ect:- Arrival Report

Reference DHS FATA office Order  
No. 1262-S/FATA/Admn Dated 7-2009. I have  
the honour to submit my Arrival Report  
at Agency Surgeon office Orakzai at Hangu  
to day on ~~22/2/2010~~ Dated 22/2/2010

Thanks.

Yours obediently,  
Aman <sup>Ullah</sup>  
Disp:

NO any possib  
vacant  
was

Attested

3  
C Adr

Attested  
ewf  
At

C  
11

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

OFFICE ORDER

Mr. Amanullah pharmacy technician under transfer to Orakzai Agency is hereby transferred and placed his services at the disposal of Agency Surgeon NW Agency Miran shah for further posting against the vacant post in the interest of justice.

The absence period from July, 2009 till his arrival in NWA Miran shah is hereby regularized as leave without pay.

Sd/-

Director Health Services  
FATA Peshawar.

No. 4604-8 /DHS/Admn FATA

Dated 13-04-2010

Attested  
ceal  
Ad  
Attested  
Ad

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

E  
11

**OFFICE ORDER:**

Mr Aman Ullah, Pharmacy Technician under transferred to Orakzai Agency is hereby transferred and placed at his services at the disposal of Agency Surgeon NWA Agency Miranshah for further posting against the vacant post in the interest of public service with immediate effect.

The absence period from 13/7/2009 till his arrival in NWA Miranshah is hereby regularized as leave without pay.

Sd-xx(XXX)  
 Director Health Services,  
 FATA Peshawar

No 4604-8 /DHS/Admin-FATA Dated 13/4 /2010  
 Copy to:

1. Agency Surgeon, Orakzai at Hangu for information with reference to his letter no. 292 dated 22-02-2010.
2. Agency Surgeon, Mohmand at Chaltana
3. Agency Surgeon, NWA at Miranshah.
4. Agency Accounts Officer, NWA Miranshah
5. Official Concern for strict compliance.

*There is no vacant post in NWA*

Agency Surgeon  
 North Waziristan Agency  
 Miranshah  
 AS NWA 26/4

Attested  
 (Adv)

Attested  
 Fayaz

Director Health Services,  
 FATA Peshawar

Abdul Akbar Khan  
 MPA  
 Parliamentary Leader  
 PPP(P)

*As per our telephonic discussion the bearing is correct.*

Abdul Akbar Khan

DC Health FATA  
 Mr. Ammullah  
 Muhammad Arif  
 Ph. Tech  
 Minister Health  
 Khyber Pakhtunkhwa

D  
12

TO BE SUBSTITUTED FOR THE SAME NUMBER AND DATE  
**DIRECTORATE OF HEALTH SERVICES FATA**  
 FATA SECRETARIAT, WARSAK ROAD, PESHAWAR

**OFFICE ORDER**

As approved by the competent authority, the following regular paramedical staff caused surplus due to de-emphasization in FATA Health Sector are hereby adjusted against the posts of Charge Nurses in the Health Facilities mentioned against each for the purpose of drawl of pay w.e.f. 01.07.2010 till the availability of their original posts or availability of incumbents of the posts whichever is earlier in the interest of public service with immediate effect.

S.No.	Name with designation	From	To	Remarks
1	Shahnaz Begum, LHV	Agency Surgeon Mohmand	AHQ: Hospital Khar Bajaur	Against the vacant post of charge Nurse
2	Shakeela Naz, LHV	-- do --	-- do --	-- do --
3	Nighat, LHV	-- do --	-- do --	-- do --
4	Saira Rehman, LHV	-- do --	-- do --	-- do --
5	Amina Naz, LHV	-- do --	-- do --	-- do --
6	Nehayat LHV	-- do --	AHQ: Hospital Ghallanai	-- do --
7	Sabeha, LHV	-- do --	AHQ: Hospital Landi Kotal	-- do --
8	Gul Naz, LHV	-- do --	-- do --	-- do --
9	Ajmira, LHV	-- do --	-- do --	-- do --
10	Shehnaz, LHV	-- do --	-- do --	-- do --
11	Abida, LHV	-- do --	-- do --	-- do --
12	Bakht Zamin, Dispenser	-- do --	THQ Hospital Sadda	-- do --
13	Muhammad Tahir, Dispenser	-- do --	-- do --	-- do --
14	Dawa Jan, Dispenser	-- do --	-- do --	-- do --
15	Amir Zeb, Dispenser	-- do --	-- do --	-- do --
16	Muhd Ashraf, Dispenser	-- do --	AHQ: Hospital Landi Kotal	-- do --
17	Anwar Khan, Dispenser	-- do --	-- do --	-- do --
18	Sardar Khan, Dispenser	-- do --	Agency Surgeon Orakzai	-- do --
19	Jan Ali, Dispenser	Agency Surgeon S.W. Agency	-- do --	-- do --
20	Sawab Ullah, Dispenser	-- do --	THQ: Hospital Mirali	-- do --
21	Obedullah, Dispenser	-- do --	-- do --	-- do --

Attested  
 [Signature]  
 Ad.

Attested  
 [Signature]  
 C.A.D.



S.No.	Name with designation	From	To	Remarks
22	Samina, LHV	Agency Surgeon S.W.	AHQ: Hospital Wana	Against the vacant post of charge Nurse
23	Nafisa Moon, LHV	-- do --	-- do --	-- do --
24	Kuasar Nigar, LHV	-- do --	-- do --	-- do --
25	Nazila Taj Bibi, LHV	-- do --	-- do --	-- do --
26	Hajra Bibi, LHV	-- do --	-- do --	-- do --
27	Noor Aslam, Dispenser	Agency Surgeon FR Peshawar /Kohat	Agency Surgeon Orakzai	-- do --
28	Musarrat, LHV	Agency Surgeon FR DIK/Tank	AHQ: Hospital Wana	-- do --
29	Gul Farid Shah, Dispenser	Agency Surgeon FR Bannu /Lakki	AHQ: Hospital Miranshah	-- do --
30	Shah Muhd, Dispenser	-- do --	-- do --	-- do --
31	Aziz ur Rehman, Dispenser	-- do --	-- do --	-- do --
32	Rohul Amin, Dispenser	-- do --	-- do --	-- do --
33	Amanullah, Dispenser	-- do --	Agency Surgeon Orakzai	-- do --
34	Zainab Bibi, LHV	-- do --	THQ: Hospital Mirali	-- do --
35	Shaheen Begum, LHV	-- do --	-- do --	-- do --
36	Noushad Akhtar, LHV	-- do --	-- do --	-- do --
37	Mahseema Niazi, LHV	-- do --	-- do --	-- do --

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

No. 10430-37 /DHS/Admn

Dated 23 /06/2011.

Copy to the:-

1. PS to Secretary A&C, FATA Secretariat, Peshawar
2. Agency Surgeons, South Waziristan Wana, North Waziristan Miranshah, FR DIK/Tank at D.IKhan, FR Bannu/Lakki at Bannu, FR Peshawar/Kohat at Peshawar, Orakzai at Hangu, Khyber at Jamrud, Mohmand at Ghallanai, Bajaur at Khar. Kurram at Parachinar and Additional Agency Surgeon Lower Kurram at Sadda.
3. Medical Superintendents AHQ: Hospitals Khar, Ghallanai, Landi Kotal, Miranshah and Wana.
4. All Agency Accounts Officers in FATA.
5. All District Accounts Officers in FRs.
6. Deputy Director (Admn), DHS, FATA.
7. Deputy Director (Dev), DHS, FATA.
8. All official concerned.

Director Health Services,  
FATA, Peshawar.

23/6/2011

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

**E**  
**13**

**OFFICE ORDER:**

The following posting/transfer of Paramedical staff is hereby ordered in the interest of public service with immediate effect.

NO	Name	From	To	Remarks
	Mr. Gul Farid Shah, Pharmacy Tech	Working against the post of Charge Nurse in the AHQ: Hospital Miranshah	Adjusted against the post of Pharmacy Tech under the control of Agency Surgeon NWA	Vide Mr. Burhanud Din, Pharmacy Tech transferred to Bajaur Agency
	Mr. Aziz Ur Rehman, Pharmacy Tech	-do-	-do-	Vice Mr.. Khalid Khan, Pharmacy Tech transferred to Bajaur Agency
	Mr. Rohul Amin, Pharmacy Tech	-do-	-do-	Vice Mr. Adam Khan, Pharmacy Technician transferred to Khyber Agency
	Mr. Shah Muhammad, Pharmacy Tech	-do-	-do-	Vice Mr. Abdul Matten, Pharmacy Technician transferred to Bajaur Agency
	Mr. Ubaid Ullah, Pharmacy Tech	Working against the post of Charge Nurse in the THQ: Hospital Mirali	-do-	Vice Mr. Umer Zada, Pharmacy Tech transferred to Bajaur Agency
	Mr. Sawab Ullah, Pharmacy Tech	-do-	Adjusted against the newly created post of Pharmacy Tech at CD Abdul Baqi Kot SWA	Against the newly created post of Pharmacy Tech
	Mr. Shakir Khan, Medical Tech	Attached to Agency Surgeon Mohmand under report	Agency Surgeon SWA	Against the newly created post of Pharmacy Tech at CI Sahib Kot Spin SWA.
8.	Mr. Aman Ullah, Pharmacy Tech	working against the post of Charge Nurse in Orakzai Agency	Adjusted against the post of Pharmacy Tech in Mohmand Agency	Vice No. 7 above
9.	Mr. Zarshad, Medical Tech	Attached to Agency Surgeon Mohmand under report	Agency Surgeon NWA	Vice No. 10 below.
10.	Mr. Noor Ul Islam, Pharmacy Tech	Attached to Agency Surgeon NWA	Agency Surgeon Mohmand	Vice No. 9 above

Attested  
copy

.....sd.....  
Director Health Services,  
FATA, Peshawar.  
Dated 20/1 /2012

- No. 1156-62 /DHS/FATA/PF  
Copy forwarded to:

1. Agency Surgeon Mohmand at Ghallanai for information w/r to his endorsement No. 28-11 dated 02/01/2012.
  2. Agency Surgeon South Waziristan Agency Wana.
  3. Agency Surgeon North Waziristan Agency Miranshah.
  4. Agency Accounts Officers, Mohmand, Miranshah, SWA at Tank.
  5. Officials concerned.
- For information and necessary action.

Attested  
3  
C. Adu,

Director Health Services  
FATA, Peshawar

F  
14

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

**OFFICE ORDER:**

The posting/transfer of Mr. Shakir Khan, Medical Technician from Mohmand to South Waziristan Agency and Mr. Aman Ullah, Pharmacy Technician from Orakzai to Mohmand Agency contained in this Directorate Office order bearing endorsement No. 1156-62/DHS/FATA dated 20/01/2012 is hereby canceled in the interest of public service with immediate effect.

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

No. 7993-99 /DHS/FATA

Dated 14 /04/2012

Copy forwarded to:

1. Agency Surgeon Mohmand at Ghallanai.
2. Agency Surgeon South Waziristan Agency for information w/r to his letter No: 593 dated 09/04/2012.
3. Agency Surgeon Orakzai at Hangu.
4. Agency Accounts Officer, Mohmand at Ghallanai.
5. Agency Accounts Officer, South Waziristan Agency at Tank.
6. Agency Accounts Officer, Orakzai at Hangu.
7. Officials concerned.  
For information and further necessary action.

Attested

3  
Adv

Attested

cut  
Adv

Director Health Services  
FATA, Peshawar.

G  
15  
15

To:

The Secretary Social Sectors FATA,  
FATA Secretariat Peshawar.



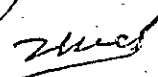
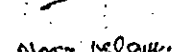
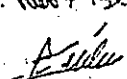
Subject:- DEPARTMENTAL APPEAL.

R/Sir,

With most respectfully it is stated that during the de-emphasization of health facilities of FATA 2010, we were surplus and when the matter was decided and we were adjusted against the posts of charge nurses for the drawl of pay at Orakzai Agency. In the meanwhile, posts of Medical Technician became vacant at Mohmand Agency and we were transferred to Mohmand Agency on that posts. We also the locals of the Mohmand Agency. Later on our transfer orders were cancelled, i.e, Amaullah on 14.05.2012, Amir zeb on 18.04.2012, Mr. Zahid Ali 14.05.2012, Mr. Noor Islam on 18.04.2012, Mr. Fazal Elahi on 18.04.2012 and Fazal Wadood on 18.04.2012.

It is therefore kindly requested that the above mentioned office orders may be cancelled and leave us on our own station, i.e, Mohmand Agency, please.

Yours obediently,

- ✓ 1. Mr. Amanullah. 
- ✓ 2. Mr. Amirzeb. 
- ✓ 3. Mr. Zahid. 
- ✓ 4. Mr. Noor Islam. 
- ✓ 5. Mr. Fazal Elahi 
- 6. and others.

Atty  
cop to Adm

Record verified  
Dated. 17/5/2012

H  
16

**BEFORE THE ADDITIONAL CHIEF SECRETARY,**  
**FATA, PESHAWAR.**

**DEPARTMENTAL APPEAL AGAINST**  
**THE ORDER DATED 14/05/2012**  
**OF DIRECTOR GENERAL HEALTH**  
**SERVICES FATA, PESHAWAR.**

*Respectfully Sheweth:-*

1. *That I was appointed as Dispenser on 09/01/1995 and have performed my duties with honesty and full devotion.*
  
2. *That I have been transferred time and again, was posted as dispenser in Orakzai Agency at Hangu in July, 2009 and upon making arrival I was told that there is no vacant post, thus I was refused charge. (Copy of transfer order and arrival report are attached as annexure "A" & "A/I").*
  
3. *That it was transferred from Orakzai Agency to North Waziristan Agency Miranshan and was placed at the disposal of Agency Surgeon North Waziristan Agency. I was posted against the vacant post on 13/04/2010, but there too charge was not handed over to me on the pretext that there is no vacant post, thus I was made a rolling stone. (Copy of order is attached as annexure "B").*

Attested  
cert  
G  
Ad.

4. That I was declared surplus on 23/06/2011 and was adjusted against the vacant post of Charge Nurse at the Office of Agency Surgeon Orakzai, and was transferred from Orakzai Agency to Mohmand Agency and was adjusted to post of Pharmacy Technician. (Copy of the orders are attached as annexures "C" & "D").
5. That just after about 4 months, the transfer order was canceled and was again posted to Orakzai Agency on 14/05/2012. (Copy of the order is attached as annexure "E").
6. That I filed departmental appeal on 17/05/2012 alongwith others, which was not responded, where after I approached to K.P.K Service Tribunal in Service Appeal No 1067/2012, which was withdrawn with the permission to filed separate departmental appeal. (Copy of Departmental Appeal, Service Appeal and order dated 12/03/2013 are attached as annexure "F", "G" & "H" respectively).
7. That the impugned order dated 14/05/2012 of the Director General Health Services FATA, Peshawar is against the law, facts and principles of justice on grounds inter alia as follows:-

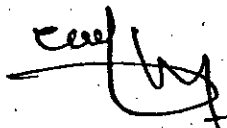
Attested  
copy  
by  
[Signature]  
[Signature]

Grounds:-

18

- A. That the impugned order is illegal and void ab-initio being passed in utter violation of law, rules and policy on the subject.
- B. That the impugned order is based on malafide as the favorite one has been transferred in my place, thus also the outcome of favoritism and nepotism.
- C. That even since September, 2009 to July, 2010 the salaries have not been paid to me maliciously despite the fact that the same has been passed by the Account Branch and have been kept by the Agency Surgeon namely Dr. Fazal-e-Mula with him, to which I am entitled. Even the salaries from 14/05/2012 till date too have not been paid to me.
- D. That the impugned order has been canceled only after three months and that too without any reason.
- E. That I have remained posted to hard areas and belong to Mohmand Agency, thus entitled to be posted to my home Agency.


Attested

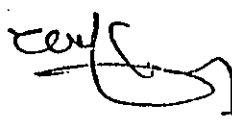


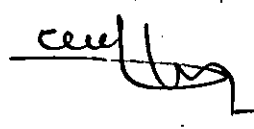
Ad.

It is, therefore, most humbly prayed that on acceptance of this appeal, the impugned order dated 14/05/2012 of Director General Health Services, FATA, Peshawar may kindly be set-aside and I may be ordered to be posted to the office of Agency Surgeon Mohmand Agency at Ghallani Mohmand Agency.

Dated:- 12/04/2013

  
Aman Ullah  
S/o Mohammad Jan  
Pharmacy Technician,  
At the Office of Agency Surgeon  
Mohmand Agency at Ghallani

Attested  
 Ad.

Attested  
 Ad.



BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR



20

Service Appeal No 1067/2012

Amanullah, Pharmacy Technician at Ghalanai Mohmand Agency

Appellant

V E R S U S

May No 1069  
17-9-2012

1. Director General Health Services FATA Peshawar.
2. Additional Chief Secretary FATA, FATA Secretariat Warsak Road Peshawar.
3. Agency Surgeon Mohmand, 0at Ghalanai Mohmand Agency.
4. Agency Surgeon Orakzai, at Hangu Orakzai Agency.
5. Secretary Health, Govt. of KPK Peshawar.
6. Shakir Khan Medical Technician at the office of Agency Surgeon Mohmand, at Ghalanai, Mohmand Agency

..... Respondents

APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 14-05-2012 PASSED BY RESPONDENT NO 1 WHERE BY THE APPELLANT HAS BEEN TRANSFERRED FROM THE OFFICE OF AGENCY SURGEON MOHMAND AT GHALANAI MOHMAND AGENCY TO THE OFFICE OF AGENCY SURGEON ORAKZAI AT HANGU AND AGAINST WHICH THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS NOT BEEN RESPONDED SO FAR, DESPITE THE LAPSE OF MORE THAN NINETY DAYS.

PRAYER:-

On acceptance of this appeal the impugned order dated 14-05-2012 of respondent No 1 may kindly be set aside and the appellant may kindly be ordered to be transferred to the office of Agency Surgeon Mohmand at Ghalanai Mohmand Agency.

Respectfully Submitted:-

ATTESTED  
  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

re-submitted to-609  
and filed.

Registered 3/10/12



MEMBER

I want to withdraw the appeal to file 2013 separate septal appeal.

*certified*  
Adv.  
Counsel for appellant

Counsel for the appellant present and requested withdrawal of the appeal with the permission to file a fresh appeal. Request accepted and the appeal is dismissed as withdrawn with permission to file a fresh one. File be consigned to the record.

ANNOUNCED.  
12.03.2013.

*MEMBER*

Certified to be true copy

*[Signature]*  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Date of Processing 6/8/13  
Number 400  
Copying 4-00  
Urgent 4-00  
Total 4-00  
Name of Case  
Date of Court 12/8/2013  
Date 12/8/2013

**POWER OF ATTORNEY**

In the Court of Service Tribunal KPCR Peshawar

Amamullah

For  
Plaintiff  
Appellant   
Petitioner  
Complainant

**VERSUS**

D.G. Health FATA and  
Others

Defendant  
Respondent  
Accused

Appeal/Revision/Suit/Application/Petition/Case No-----of 2013  
Fixed for-----

I/We the undersigned, do hereby nominate and appoint

**FAZAL SHAH MOHMAND, ADVOCATE, HIGH COURT, PESHAWAR**

My/our true and lawful attorney, for me/our in my/our name and on my/our behalf to appear at Peshawar to appear, plead, act and answer in the above Court or any appellate Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions, an appeal statements, accounts, exhibits, compromise or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc and to apply for and issue summons and other writs or sub-poena and to apply for and get issued and arrest, attachment or other execution, warrants or order and to conduct any proceedings that may arise there out, and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other legal practitioner authorizing him to exercise the powers and authorities here by conferred on the Advocate whenever he may think fit to do so, any other lawyer may be appointed by my said Counsel to conduct the case who shall have the same powers.

**AND** to do al acts legally necessary to manage and conduct the said case in all respects whether herein specified or not, as may be proper and expedient.  
AND I/we here by agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

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

**IN WITNESS**, where of I/We have signed at Peshawar  
This 6-8 day of August in the year 2013  
Executant/Executants [Signature]  
Accepted subject to the terms regarding fee.....

Attested and Accepted by:  
[Signature]  
**Fazal Shah Mohmand**  
**Advocate High Court**

**OFFICE:-** Cantonment Plaza, Flat, 3/B Khyber Bazar Peshawar. Cell # 0301 8804841

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

Appeal No. 1212/2013

Aman Ullah, Pharmacy Technician

..... Appellant

**Versus**

DHS (FATA) & Others

..... Respondents

**Para wise joint comments on behalf of respondent No. 1, 2 & 5.**

**Respectfully Sheweth;**

**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 Honorable Service Tribunal has got no jurisdiction to entertain the instant appeal.
4. That the instant appeal is bad for Miss-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, as no requirement is fulfilled as required under the law.
7. That, the appellant had to serve anywhere in Province/FATA as per Rules & Law.

**ON FACTS**

1. Correct to the extent of appointment but his file is full of irregularities and disobedience hence the question of honesty & full devotion does not arise. **(Annex-A)**
2. Incorrect, each and every time he is transferred on administrative grounds due to disobedience and non-performance of duty as is evident from arrival which is made after lapse of 8/9 months.

(2)


3. Incorrect, the appellant approached Minister Health for his favour which falls within the ambit of Misconduct as per Rules-22 of Khyber Pakhtunkhwa Government Servants (Conduct) Rules 1987, as is evident from Annex-C of the appeal.
4. Correct, that the appellant was declared surplus it was due to the fact that by the directives of Governor Khyber Pakhtunkhwa. Health Facilities were de-emphasized in FATA and staff of the said Health Facilities became surplus.
5. Correct, that the appellant was transferred to Mohmand Agency but were not regular in the performance of duties.
6. Incorrect, it was not astonishing as stated above the appellant was not regular in the performance of duties and due to the reason he was again transferred to Orakzai Agency.
7. Correct, to the extent of Departmental Appeal but as there were no vacant post available in Mohmand Agency therefore, Departmental appeal of the appellant was in process when the appellant filed the instant Service Appeal.
8. Incorrect, the impugned order dated 14-05-2012 is according to law, facts & principle of natural justice as per rules a civil servant to serve anywhere in KP/FATA.

**ON GROUNDS**

- A. Incorrect, as stated in the above paras, the order is according to law.
- B. Incorrect, as stated in the above paras.
- C. Incorrect, no favoritism or malafide is involved rather each and every time the appellant is transfer on administrative ground.
- D. Incorrect, as stated above each and every time the appellant was transfer on administrative grounds.
- E. Incorrect, as stated above as per rules a civil servant has to serve anywhere in Khyber Pakhtunkhwa/FATA.

- F. Incorrect, as stated above each and every time the appellant was transferred on administrative ground so the question of unblemished service record does not arise.
- G. That the respondents seek permission to raise additional grounds and proof at the time of arguments.

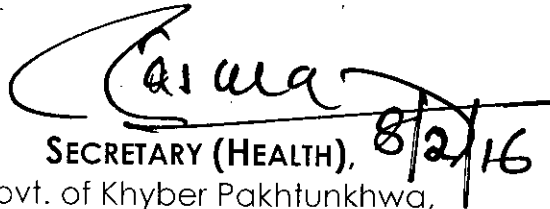
It is therefore most humbly prayed that the appeal being devoid of merits/legal footing, may please be dismissed with cost.

  
25/1/16

Director Health Services,  
FATA, Peshawar.  
RESPONDENT NO. 1

FOR 

Additional Chief Secretary (FATA),  
FATA Secretariat, Peshawar.  
RESPONDENT NO. 2

  
8/2/16

SECRETARY (HEALTH),  
Govt. of Khyber Pakhtunkhwa,  
Health Department, Peshawar.  
RESPONDENT NO. 5

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

**Appeal No. 1212/2013**

Aman Ullah, Pharmacy Technician

..... Appellant

**Versus**

DHS (FATA) & Others

..... Respondents

**REPLY OF APPLICATION**

**Preliminary objections**

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

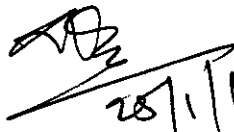
**Respectfully Sheweth:**

1. No Comments.
2. That, reply on the main appeal may also be considered as integral part of this application.

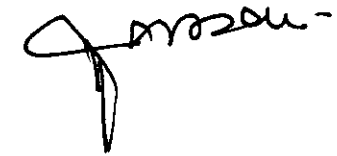
(5)

3. Incorrect, the transfer of the appellant is according to Law & Policy of the Government of Khyber Pakhtunkhwa and there is no malafide and the case is also not a good prima facie.
4. Incorrect, hence denied.
5. Incorrect, if the impugned order is suspended the very purpose of his transfer will loss.

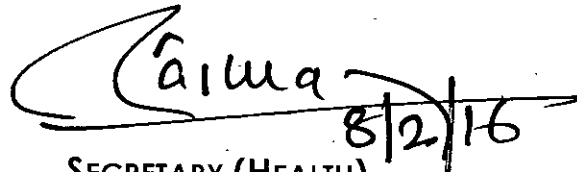
It is therefore, most humbly prayed that on acceptance of this reply the application of the applicant may very kindly be dismissed, please.

  
28/1/16

**DIRECTOR HEALTH SERVICES,**  
FATA, Peshawar.  
**RESPONDENT NO. 1**

For 

**ADDITIONAL CHIEF SECRETARY (FATA),**  
FATA Secretariat, Peshawar.  
**RESPONDENT NO. 2**

  
8/2/16

**SECRETARY (HEALTH),**  
Govt. of Khyber Pakhtunkhwa,  
Health Department, Peshawar.  
**RESPONDENT NO. 5**



163

**OFFICE OF THE AGENCY SURGEON MOHMAND AT GHALLANAI**

No. 626 /ASM Ghallanai 16/04/2008  
\*\*\*\*\*

To,

Director Health & Population  
Welfare, FATA, NWFP Peshawar.

2779  
24/4

Subject:-

**OFFICE ORDER**

Sir,

With reference to the Director Health Services Letter's No. 4396-98/FATA/Admin dated 11-3-2008 and Medical Superintendent AHQ Hospital office's endorsement letter No. 451-54/MS dated 12-3-2008 wherein Mr. Aman Ullah Pharmacy Technician returned back to the office undersigned for further posting but unfortunately his arrival report is still awaited so this office is not in position to take any disciplinary action against the defaulter.

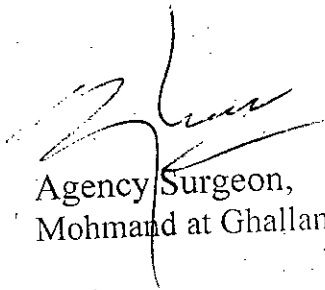
So his case is forwarded disciplinary action service rules and also recommended for transfer somewhere outside this agency, please.

o/supt

disciplinary

A. dr

18-2

  
Agency Surgeon,  
Mohmand at Ghallanai

n-016

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

**OFFICE ORDER:**

Mr. Aman Ullah, Pharmacy Technician under transferred to Orakzai Agency is hereby transferred and placed his services at the disposal of Agency Surgeon NW Agency Miranshah for further posting against the vacant post in the interest of public service with immediate effect.

The absence period from July 2009 till his arrival in NWA Miranshah is hereby regularized as leave without pay.

Sd-xxxxxx  
Director Health Services,  
FATA Peshawar

No. 4604-8 /DHS/Admin-FATA  
Copy to:

Dated: 13 / 4 /2010

1. Agency Surgeon, Orakzai at Hangu for information with reference to his letter no. 292 dated 22-02-2010.
2. Agency Surgeon, Mohmand at Ghallanai.
3. Agency Surgeon, NWA at Miranshah.
4. Agency Accounts Officer, NWA Miranshah.
5. Official Concern for strict compliance.

*gk*  
Director Health Services,  
FATA Peshawar

*o/c*  
Director Health Services,  
FATA Peshawar  
10/5/10

**SPEAKER,**  
**PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA**

My dear Dr. Fawad SB

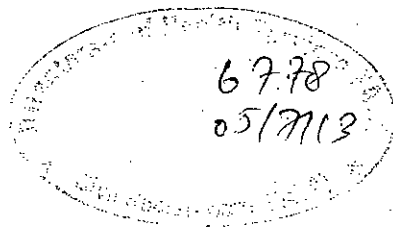
I hope you are fine  
and in good health.

Mr. Amanullah, Pharmacy  
technician is coming to your  
goodself.

As telephonically discussed  
I shall be grateful if you solve  
his problem by releasing his  
salary as desired by Hon;  
Speaker.

with best wishes  
Director, <sup>Capital</sup> District  
Health Services,  
PATA. <sub>U.S. 4/11</sub>

JK  
2/7/13  
Pro to Speaker

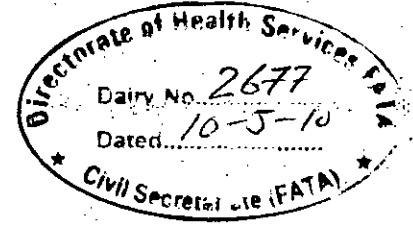


CHIEF MINISTER'S SECRETARIAT  
KHYBER PAKHTUNKHWA

No.SO-II/CMS/KPK/1-2/2010  
Dated Peshawar the 30<sup>th</sup> April 2010

To

The Director,  
Health Services, FATA  
Peshawar.



Subject:- POSTING/TRANSFER

Dear Sir,

I am directed to refer to the subject noted above and to say that the transfer order No. 1630/FATA/Admn dated 16-07-2009 of Mr. Amanullah Dispenser from Mohmand Agency to Orakzai Agency and to say that the order may be cancelled and he may be retained at Mohmand Agency as desired by the Honorable Chief Minister, Khyber Pukhtunkhwa.

It is, therefore, requested that necessary action may please be taken in the matter accordingly.

Yours Faithfully,

(GUL ZAREEN)  
SECTION OFFICER-II

Copy to the:-

1. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa Peshawar.
2. PSO to Chief Minister, Khyber Pakhtunkhwa Peshawar.

SECTION OFFICER-II

Director Health Services  
FATA Peshawar

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

*Appeal No. 1212/2013*

*Aman Ullah, Pharmacy Technician.....Appellant*

**V E R S U S**

*DHS (FATA) & others.....Respondents*

*Replay on behalf of respondent No. 6*

---

***Respectfully Sheweth:***

***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 is Honorable Service Tribunal has got no jurisdiction to entertain the instant appeal.*

4. *That the instant appeal is bad for Miss-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, as no requirement is fulfilled as required under the law.*
7. *That the appellant had to serve anywhere in province/ FATA as per Rules & law.*

**On Facts:**

1. *Correct to the extent of appointment but his file is full of irregularities in disobedience hence the question of honesty & full devotion does not arise. (Annex "A").*
2. *Incorrect, each and every time he is transferred on administrative grounds due to disobedience and non-performance of duty as is evident from arrival which is made after lapse of 8/9 months.*
3. *Incorrect, the appellant approached Minister Health for his favour which falls within the ambit of Misconduct as per Rules-22 of Khyber Pakhtunkhwa Government Servants*

*(Conduct) Rules 1987, as is evident from Annex "C" the appeal and political interference is against the judgments of Supreme Court.*

- 4. Correct that the appellant was declared surplus it was due to the fact that by the directives of governor Khyber Pakhtunkhwa. Health Facilities were de-emphasized in FATA and staff of the said Health Facilities became surplus.*
- 5. Correct, that the appellant was transferred to Mohmand Agency but were not regular in performance of duties.*
- 6. Incorrect, it was not astonishing as stated above the appellant can be transferred any where in the interest of public, as per section 10 of civil servant Act.*
- 7. Incorrect, joint appeal is not permissible under the law and the Honorable Tribunal vide order dated 12/03/2013, only permitted to the appellant to file fresh appeal the Tribunal no where allowed the appellant to file departmental appeal after a laps of almost one year nor same is the power of tribunal. When the departmental appeal of the appellant is time barred than the appellant appeal cannot be disposed off on merit rather the same be dismissed time barred.*

8. *Incorrect, the impugned order dated 14/05/2012 is according to law, facts & principle of nature justice as per rules a civil servant to serve anywhere in KPK/ FATA.*

**ONGROUNDS:**

- A. *Incorrect, as stated in the above paras, the order is according to law.*
- B. *Incorrect, as stated in the above paras.*
- C. *Incorrect, no favoritism or malafide is involved rather each and every time the appellant is transfer on administrative ground. No interference is done by the respondent No. 6 but in fact the appellant tried his best to use political interference in the matter which is against the judgments of supreme court and relevant rules on the subject.*
- D. *Incorrect, as stated above each and every time the appellant was transfer on administrative grounds.*
- E. *Incorrect as stated above as per rules a civil servant has to serve anywhere in Khyber Pakhtunkhwa/ FATA beside as the appellant is permanent resident of district Mardan and not of Mohmand Agency. Respondent No 6 is permanent*



*resident of Mohmand Agency, the residence in place of duty of the respondent is within one kilo meter, due as local person respondent performing their duties more optionally.*

F. *Incorrect, pertains to record.*

G. *Permitted as per law.*

*It is therefore most humbly prayed that the appeal being devoid of merits/ legal footing/ time barred may please be dismissed with cost.*



**DEPONENT**

**Respondent No. 6**



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

Appeal No. 1212/2013

Aman Ullah, Pharmacy Technician

..... Appellant

**Versus**

DHS (FATA) & Others

..... Respondents

**REPLY OF APPLICATION**

**Preliminary objections**

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

**Respectfully Sheweth:**

1. No Comments.
2. That, reply on the main appeal may also be considered as integral part of this application.

(7)

3. Incorrect, the transfer of the appellant is according to Law & Policy of the Government of Khyber Pakhtunkhwa and there is no malafide and the case is also not a good prima facie.
4. Incorrect, hence denied,
5. Incorrect, if the impugned order is suspended the very purpose of his transfer will loss.

It is therefore, most humbly prayed that on acceptance of this reply the application of the applicant may very kindly be dismissed, please.

  
Deponent Respond No: 6

