

Order

05.12.2017

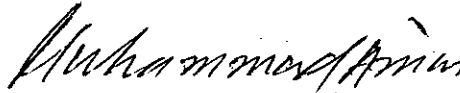
Counsel for the appellant and Mr. Usman Ghani, District Attorney for respondents present. Arguments heard and record perused.

This appeal is also accepted as per detailed judgment of today placed on file in connected service appeal No. 940/2016 entitled "Gul Nawaz-vs-Government of Khyber Pakhtunkhwa, through Secretary, Health Department, Civil Secretariat, Peshawar and 3 others". Parties are left to bear their own cost. File be consigned to the record room.

Announced:
05.12.2017



(AHMAD HASSAN)
Member



(MUHAMMAD AMIN KHAN KUNDI)
Member

02.08.2017


Junior to counsel for the appellant and Asst: AG for respondents present. Seeks adjournment as learned senior counsel for the appellant is busy in the august Supreme Court of Pakistan. Adjourned. To come up for such record and arguments on 17.08.2017 before D.B.



Member


Chairman

17.08.2017

Appellant in person present. Mr. Kabirullah Khattak, Assistant AG for the respondents present. Appellant seeks adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments on 09.11.2017 before D.B alongwith connected appeals.


(Muhammad Amin Khan Kundi)
Member (J)


(Muhammad Hamid Mughal)
Member (J)

09.11.2017


Appellant in person present. Mr. Muhammad Jan, Deputy District Attorney for the respondents also present. Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments on 05.12.2017 before D.B alongwith connected appeals.


(Gul Zeb Khan)
Member


(Muhammad Amin Khan Kundi)
Member

11.04.2017

Counsel for the appellant and Mr. Yar Gul, Senior Clerk alongwith Addl. AG for the respondents present. Written reply not submitted despite last opportunity. Requested for further adjournment. Last opportunity extended subject to payment of cost of Rs. 500/- which shall be borne by the respondents from their own pockets. To come up for written reply/comments and costs on 10.05.2017 before S.B.


Chairman

10.05.2017

Clerk to counsel for the appellant and Mr. Dr. Khuram Shehzad alongwith Addl. AG for the respondents present. Written reply not submitted despite last opportunity. Requested for further adjournment. Last opportunity extended subject to cost of payment of cost of Rs. 500/- which shall be borne by the respondents from their own pockets. To come up for written reply/comments and costs on 15.06.2017 before S.B.


Chairman

15.0.2017

Counsel for the appellant and Mr. Yar Gul, Assistant alongwith Asstt. AG for the respondents present. Written reply not submitted despite last opportunity which was further extended subject to payment of cost of Rs. 500/-. There is no need to give further opportunity to the respondents. The appeal is assigned to D.B for arguments on the basis of available record on 02.08.2017.


Ahmad Hassan

12.01.2017 Counsel for the appellant M/S Yar Gul, Asstt. and Dr. Shafiq, Medical Officer alongwith Addl. AG for the respondents present. Addl. AG and representative of the respondents seek adjournment as the respondents are resolving the issue departmentally. Request is accepted. In case the respondents fail to resolve the issue then case to come up for written reply and cost on 26.01.2017 before S.B. The restraint order shall continue.


Chairman

26.01.2017 Appellant with counsel and M/S Yar Gul, Assistant and Dr. Muhammad Shafique alongwith Addl. AG for the respondents present. Learned Addl. AG submitted affidavit of DHO, Noshera dated 16.01.2017 which is placed on record of service appeal No. 940/2016. Learned counsel for the appellant requested for another adjournment as the appellant has not yet received salary. To come up for further proceedings on 02.03.2017 before S.B.

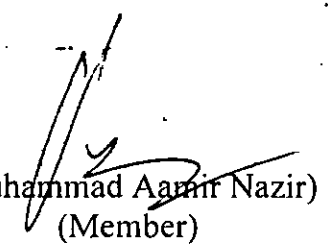

Chairman

02.03.2017 Appellant with counsel and Mr. Yar Gul Assistant alongwith Asstt. AG for the respondents present. Requested for adjournment. Last opportunity is granted to the respondents. For resolution of the controversy. To come up for further proceedings/written reply on 11.04.2017 before S.B.


CHAIRMAN

06.10.2016

Appellant in person and Addl: AG for respondents present. Written reply not submitted. Requested for adjournment. Request accepted. To come up for written reply/comments on ~~25.10~~ 25.10.2016 before S.B. Meanwhile the impugned transfer order stands suspended.


(Muhammad Aamir Nazir)
(Member)

25.10.2016

Counsel for the appellant and Assistant AG for respondents present. Written reply not submitted. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 28.11.2016 before S.B. The restrain order shall continue.


Chairman

28.11.2016

Counsel for the appellant and Mr. Fazal Rahim, Assistant alongwith Addl. AG for the respondents present. Written reply not submitted despite last opportunity. Last opportunity is further extended subject to payment of cost of Rs. 500/- which shall be borne by the respondents from their own pockets. To come up for written reply/comments and cost of Rs. 500/- on 12.1.2017 before S.B. The restraint order shall continue.


Chairman

07.09.2016

Counsel for the appellant present. Learned counsel for the appellant submitted that the appellant is a Class-IV employee, who is a bonafide resident of District Nowshera who was transferred from District Nowshera to Swat contrarily to rules and with malafide so that the post of the appellant might become vacant. He argued that minutes of the meeting dated 23.05.2016, copy of which is available on file, is proof of the contention that the transfer of the appellant was made on malafide. While routing this Tribunal through record, the learned counsel for the appellant further argued that the post at Swat was also not available to the appellant in view of the order of the Hon'ble Peshawar High Court Swat Bench as reflected in the M.S letter dated 25.05.2016. The learned counsel urged that the appellant while rendering services for sufficient long time in the Health Department, was forced to seek for duty from post to pillar and pillar to post, for the sake of his children and family and presently future of the appellant and his family has been made bleak and precarious. The learned counsel stressed that the impugned order is based on malafide as well as against principle of natural justice and is in conflict with the rules and policy of the government. He also submitted that the appeal is within time. He requested that the impugned order may be suspended and the respondents may be directed to regularly pay salary to the appellant.

Points urged at the Bar need further consideration. Admit. Subject to deposit of security and process fee within 10 days where-after notices be issued to the respondents for written reply/comments for 06.10.2016 before S.B. Meanwhile the impugned transfer order stands suspended. Since it is not clear that the post at Nowshera is presently available to the appellant, therefore, the appellant is directed to immediately report to the office of DG Health Peshawar who is directed to ensure arrangements for payment of salary to the appellant per rules.




Appellant Deposited
Security & Process Fee


Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 943/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	05/09/2016	<p>The appeal of Mr. Aman Ullah presented today by Mr. Hazrat Bilal Khan Advocate may be entered in the Institution Register and put up to Learned Member for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>7-9-2016</u>.</p> <p style="text-align: right;">MEMBER</p> <p style="text-align: right;"></p> <p></p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No 943/2016

Aman Ullah

Versus

The Govt. of KPK and Others

INDEX


S. No.	Description of documents	Anne x	Page #
1.	Memo of Service Appeal		1-12
2.	Copies of appellant service record	A	13-15
3.	Copy of the impugned transfer order dated 12.05.16	B	16-17
4.	Copy of the Relieving order dated 24.05.2015	C	18
5.	Copy of the Medical Superintendent dated 25.05.16	D	19
6.	Copy of order of PHC Mingora Bench	E	20-21
7.	Copy of the Judgment and Order of the PHC	F	22-25
8.	Copy of Departmental Appeal dated: 25/05/2016	G	26-27
9.	Copies of the ESTA Code provisions	H	28-29
10.	Copy of the DG letter to Secretary Health Deptt	I	30
11.	Copy of the cancellation of the transfer order	J	31
12.	Copy of the minutes of the meeting	K	32
13.	Wakalatnama		

APPELLANT

Through


Shumail Ahmad Butt,

&


H Bilal Khan

Advocates, Peshawar

TF-39, Deans trade Center,

Cell#03018580077

(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 943 /2016

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 953

Dated 05/9/2016

Aman Ullah, Dental Attendant
Rural Health Centre, Akbar Pura,
District Nowshera.

.....Appellant

Versus

1. Government of Khyber Pakhtunkhwa,
Through Secretary, Health Department,
Civil Secretariat, Peshawar.
2. Directorate General Health Services,
Through Director General,
Attached Department Complex,
Khyber Road, Peshawar.
3. District Health Officer,
Nowshera.
4. Medical Superintendent,
Saidu Group of Teaching Hospitals,
Saidu Sharif, Swat.

Filed to-day

W. A. Khan
Registrar
05/09/16

.....Respondents

SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE
IMPUGNED TRANSFER ORDER. NO. 3905-17/PERSONNEL/NSR
DATED 12/05/2016 WHEREBY THE APPELLANT HAS BEEN
ILLEGALLY AND UNLAWFULLY TRANSFERRED FROM DISTRICT
NOWSHERA TO SAIDU GROUP OF TEACHING HOSPITALS, SAIDU
SHARIF SWAT BY DIRECTOR GENERAL HEALTH SERVICES AND
ALL SUBSEQUENT ORDERS CONSEQUENT THERE TO OR
ARISING THEREFROM.

May it please this Honorable Court

1. That the Appellant is a Class-IV civil servant appointed against a vacant post of Dental Attendant, Rural Health Centre, Akbar Pura, District Nowshera, vide appointment order dated 01.03.2001 and has been serving on the said post. It is pertinent to mention here that at the time of his appointment district Nowshera was under the administrative control of district health officer in respect of health and later in the year 2001 Nowshera was given the status of a district in this respect.

(Copies of appellant service record are annexure "A")

2. That the Appellant started his career with zeal, dedication and excellence on the given position and served the public under direct control of Respondent No. 3 at Rural Health Centre Akbar Pura since his appointment to the best of his abilities and full satisfaction of his superiors therefore since over two decades he is performing his duties neither giving any chance of complaint to his seniors nor to the general public.

3. That a very influential political figure wanted to adjust his own party men and local voters of his area in the health sector of district Nowshera, without bothering that what will be the fate of appellant and other Class-IV who has spent almost a life span serving people of Nowshera, directed Respondent No. 2 to transfer the appellant along with thirteen other Class-IV employees from district Nowshera to create vacant posts for his men.

4. That while seized of an opportunity to get rid of some Class-IV employees and while actuated with clear mala fide and political agenda, Respondents chose to victimize low-paid employees to get into the good books of top political figure of this province and in this regard,

appellant and some other class-IV employees thus become an easy fall guys were thus ordered to be transferred and he was illegally and unlawfully transferred by Respondent No. 2 vide impugned transfer order. No. 3905-17/Personnel/NSR dated 12.05.2016, the appellant was transferred from the mentioned hospital and directed to report to Saidu Group of Teaching Hospitals situated in far flung area of Swat utterly against the policy and consideration of public interest.

(Copy of impugned transfer order dated 12.05.16.is annexure "B")

- 5. That Respondent. No. 3, while showing more loyalty to the political figure, issued an office order bearing No. 4912-17/ DHO NSR, dated 24.05.2016 wherein he relieved the appellant of his duty in absolute ignorance and violation of attending law and circumstances. It is important to point out that the appellant is a permanent civil servant and cannot be left at the mercy of Respondents and their most influential political figure who have no authority to issue any order or treat the appellant in any manner, in grave infraction and defiance of the law on question.

(Copy of the Relieving order dated 24.05.2015 is annexure "C")

- 6. That without prejudice to his right to approach competent authority against this illegal transfer order, and despite his grievance, he being an abiding civil servant obeyed the impugned transfer order and relieving order while on a very next morning he reached Saidu Group of Teaching Hospitals, Saidu Sharif, Swat to report there but the Appellant along with other class - IV employees were refused by Respondent No.4 and wrote a letter No. 7440/C-6/R-3 dated 25.05.2016 to Respondent No. 2 that a case has been pending before the Honorable Peshawar High Court Mingora Bench/Darul Qaza against the appointment/ filling of posts of class - IV employees in Swat and restraining order has been issued by the Honorable Peshawar High Court while stating that *"In the meanwhile the questioned posts shall not be filled through transfers"*.

(Copy of the Medical Superintendent and order of PHC Mingora Bench are annexure "D"& "E")

7. That this led the affected Class-IV employees to approach the Honorable Peshawar High Court, Peshawar by way of Writ Petition No. 1998-P/2016, wherein the appellant along with other Class-IV employees have challenged the impugned transfer order made by Director General Health Services. However the writ petition was dismissed in limine by the Divisional Bench of the Honorable Peshawar High Court, Peshawar on 01.06.2016 while pointing out that Article 212 of the Constitution of Islamic Republic of Pakistan has put a clear bar on High Court that they lack jurisdiction while entertaining the cases of civil servants as the aggrieved persons have the remedy to knock the door of the Honorable Service Tribunal.

(Copy of the Judgment and Order of the PHC is annexure "F")

8. That in the meanwhile appellant has also filed departmental appeal to the Respondent. No.1 dated 25.05.2016 while hoping that he will get relief from that forum but in vain as ninety days have been passed and yet no fruitful order has been conveyed to the appellant as still his Departmental Appeal/Representation is pending before the Departmental Authority who is under legal obligation to decide the same within statutory period, hence this appeal.

(Copy of the Departmental Appeal is annexure "G")

9. That while momentarily parting from the sequence of events, it is also worthwhile to point out that as per prevalent government policy, Class IV employees are not transferrable outside their home district while Respondent No. 2 issued Transfer and Posting Order of Appellant while ignoring the transfer policy and settled legal position qua class - IV employees, posted the Appellant to a far-flung place of Saidu Group

of Teaching Hospital, Swat.

(Copies of the ATP rules etc are Annexure "H")

10. That while reverting back to the facts of the appeal, Director General health Services further intimated the letter of Medical Superintendent and stay order of the Peshawar High Court, Mingora Bench to Respondent No.1 vide letter No. 4444-45/Personnel/DHO Nowshera Staff dated 21.06.2016 and informed him that the posts where Appellant and other Class - IV employees were transferred, have been stayed by the Honorable Peshawar High Court.

(Copy of the DG letter to Secretary Health Dept. is annexure "I")

11. That when the Appellant and other Class - IV employees were sent back by the medical superintendent of Saidu Group of Teaching Hospitals, approached Respondent No. 2 for cancelling their impugned transfer orders and to keep them on their posts Respondent No. 2 issued an office order No. 4456-64/Personnel/NSR dated: 24.06.2016 whereby he has cancelled impugned transfer order. No. 3905-17/Personnel/NSR dated 12.05.2016 however Respondent No. 3 straight away refused to accept the cancellation order and stated that they cannot be accommodated as there is no vacant post.

(Copy of the cancellation of the transfer order is annexure "J")

12. That after arising such situation when the appellant enquired about the reality whereby he and other Class-IV employees came to know that a powerful political figure of Nowshera who is in power nowadays has appointed some blue eyed persons of him on the posts vacated due to transfer of the appellant and his other Class-IV colleagues.

(Copy of the minutes of the meeting is annexure "K")

13. That in the meanwhile not only the appellant and his other colleagues

are left high and dry with no clarity at all that what would be their fate and where are they supposed to serve, their salaries are also stopped pushing them towards virtual starvation and thoughts of suicide.

14. That feeling gravely dissatisfied and aggrieved of the impugned transfer order which is illegal, unlawful and without lawful authority.

Hence this appeal inter-alia on the following grounds:-

Grounds warranting this Appeal:

- a. *Because* the impugned transfer order and proceedings consequent thereto are illegal, unlawful, without lawful authority and thus of no legal effect.
- b. *Because* the impugned transfer order and proceedings consequent thereto are passed without any legal or plausible justification and is therefore liable to be reversed.
- c. *Because* the impugned transfer order is clearly actuated with political considerations and was issued only to create vacant slots where blue eyed persons of a political wasp of Nowshera could be accommodated.
- d. *Because* the impugned transfer order and proceedings consequent thereto are fraught with partiality and is scant and scrimpy in material particulars.
- e. *Because* Respondents have not treated appellant in accordance with law, rules and policy on subject and acted in violation of Article 4 of the Constitution of Islamic Republic of Pakistan, 1973 and unlawfully issued the impugned transfer order and proceedings consequent thereto, which are all unjust, unfair and hence not sustainable in the eyes of law.

- f. *Because* the Respondent No.2 while accepting his earlier mistake of issuing impugned transfer order which was issued under pressure of a political figure of Nowshera has later on recalled his impugned order but in vain as those posts were hurriedly filled up by the blue eyed persons of that political figure.
- g. *Because* the Respondent. No. 3 kept Siraj sweeper who is at Serial. No. 9 in the impugned transfer order however his name cannot be found in the relieving order as he is the blue eyed person of Respondent. No. 3 which is clear and glare violation of article 4 and 25 of the constitution of Islamic Republic of Pakistan.
- h. *Because* neither the APT Rules nor the transfer policy of the Government mandate transfers on such political considerations.
- i. *Because* even otherwise, as is apparent on the face of records, impugned transfer order is actuated with intent mala se as the Respondents are hell bent to get rid of the appellant at any costs solely on political considerations.
- j. *Because* the appellant is left with no remedy at all as neither he is allowed to work on his original position of posting nor is he allowed to join at the place of transfer. This virtually amounts to throwing out the appellant out of his employment without the due process of law and has put in a lurch and state of confusion for no fault on his part.
- k. *Because* the very act of transferring the appellant is not only smacked with partiality, unfairness and nepotism but is a clear violation of Article 4, 5, 25, 37 and 38 of the Constitution.
- l. *Because* since the Petitioners are admittedly low-paid Class IV employees

who cannot be transferred out of their home district/district of domicile as per Government Policy.

- m. *Because* the impugned transfer order is clearly motivated with mala fide rather than made in public interest. As the record suggests, the appellant and his colleagues are victimized for ulterior motives of a political figure related to District Nowshera.
- n. *Because* despite the impugned transfer order the appellant approached Respondent. No. 4 for assuming charge where they were told that Class-IV posts have been stayed by the Honorable Peshawar High Court that the vacant posts shall not be filled through transfers but still Respondents are reluctant to adjust the appellant and acting in a manner clearly reeking highhandedness, caprice and victimization.
- o. *Because* the impugned transfer order is arbitrary, despotic and whimsical without having any legal or factual basis.
- p. *Because* the Respondents are hell bent to illegally discriminate the appellant and his colleagues without any reasonable justification or classification.
- q. *Because* the appellant is serving as a civil servant since last 16 years and is at the verge of his retirement so he cannot be left like this in glare violation of laws, rules and codes.
- r. *Because* in similar circumstances, the Honorable Peshawar High Court has allowed interim relief in aid of justice. Appellant is also similarly placed and deserved similar treatment by this Honorable Tribunal.
- s. *Because* the impugned transfer is made in violation of dicta laid down by the superior judiciary especially the apex Supreme Court of Pakistan wherein consideration for transfer have been elaborately dealt with and transfer on political consideration have been strongly deprecated.

t. *Because* appellant will raise any other grounds at the time of arguments with the prior permission of this Honorable Tribunal.

It is therefore most humbly prayed that on acceptance of the instant appeal, the impugned transfer order. No. 3905-17/Personnel/NSR dated 12.05.2016 may graciously be set aside and all orders, proceedings, actions and omissions consequent thereto and arising therefrom, and appellant be given their old postings or be adjusted somewhere in district Nowshera with all back benefits.

Any other relief not specifically asked for may also be granted to the appellant if deemed fit, just and appropriate.

Appellant

Through



Shumail Ahmad Butt,
Advocate Supreme Court
of Pakistan,
&
H Bilal Khan
Advocate High Court,
Peshawar.

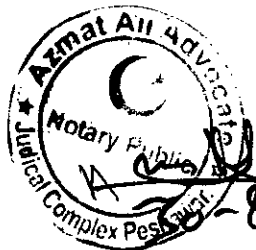
Dated: 30 /08/2016

AFFIDAVIT

I Aman Ullah, Deput ^{Attendant}, do hereby solemnly declare that the accompanying Appeal is true and correct to the best of my Knowledge and belief and nothing has been concealed from this Honorable Tribunal.

ATTESTED


DEPONENT



30-8-16

(10)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No _____/2016

Aman Ullah

Versus

The Govt. of KPK and Others

ADDRESSES OF PARTIES

Appellant

Aman Ullah, Dental Attendant
R/O Pandhu bala, gali No. 2, Madina Colony,
District Peshawar.

Respondents

1. Government of Khyber Pakhtunkhwa,
Through Secretary, Health Department,
Civil Secretariat, Peshawar.
2. Directorate General Health Services,
Through Director General,
Attached Department Complex,
Khyber Road, Peshawar.
3. District Health Officer,
Nowshera.
4. Medical Superintendent,
Saidu Group of Teaching Hospitals,
Saidu Sharif, Swat.

(11)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No _____/2016

Aman Ullah

Versus

The Govt. of KPK and Others

Application for Interim Relief

Respectfully Sheweth:

The Applicant/ Plaintiff very earnestly submit as follows:

- 1) That the Applicants/ Plaintiff is filing the instant appeal in this Honorable Service Tribunal wherein no date of hearing has yet been fixed.
- 2) That the contents of the accompanying appeal may kindly be considered as an integral part of this application.
- 3) That the Applicant/ Appellant has got a prima facie case in his favor and the balance of convenience has also got a clear tilt in favor of the Applicant/ Appellant.
- 4) That the Respondents are not paying the salaries of the Applicant/Appellant and have literally pushed them towards virtual starvation and thoughts of suicide and if the Respondents are not restrained, the Applicant/Appellant would suffer an immeasurably and irreparable loss.

It Is Therefore most humbly prayed that on acceptance of this application, the operation of the impugned transfer order No. 3905-17/Personnel/NSR dated 12.05.2016 may kindly be suspended till final disposal of the appeal and in the meanwhile Respondents may kindly be directed to release the salaries of the Applicant/ Appellant.

Any other remedy not specifically asked for may also be granted if deemed Just, fit and appropriate in the circumstance of the case.

Appellant

Through



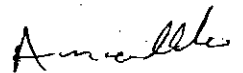
Shumail Ahmad Butt,
Advocate Supreme Court
of Pakistan,

& 
H Bilal Khan

Advocate High Court,
Peshawar.

Affidavit

It is hereby solemnly affirmed on oath that the contents of this application are true and correct and nothing contained therein is false or concealed from this Honorable Tribunal.



Deponent

ATTESTED



2016-16

Note—The entries in this page should be renewed or re-attested at least every five years and the Signature to
Lines 9 and 10 should be dated.

Annex "A"

(13)

1. Name .. Mr. Amanullah

2. Race .. Afghan

3. Residence .. Village & P.O. Ghaz Chowk
Phandu Road, Teh. & Distt. Peshawar.

4. Father's name and residence .. Mr. Maazullah


5. Date of birth by Christian era as nearly as can be ascertained .. 30-01-1983

6. Exact height by measurement .. 5-8"


7. Personal marks for identification .. Mole on right side of Face

8. Left hand thumb and finger impression of (non-gazetted) officer

Little Finger. 

Ring Finger 

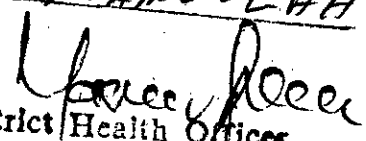
Middle Finger. 

Fore Finger 

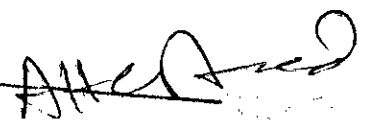
Thumb. 

9. Signature of Government servant

AMANULLAH


District Health Officer
PESHAWAR

10. Signature and designation of the Head of the Office, or other Attesting Officer.


R

1	2	3	4	5	6	7	8
Name of Post	Whether substantive or Officiating and whether Permanent or temporary	If Officiating state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R	Pay in substantive Post	Additional Pay for Officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant
Dental Attendant BPS-02 1275-45-1935		Temp!				01/3/2001	AMANU...
				Pay Rs 1275/- pm			
1275-45-1935 Dental Attendant			Pay Rs 1349/- pm			1-12-2007	
Revised 2001 BPS-02 1915-65-3865			1980/9 Rs 1915/-			1-12-2001	AMANU 2

Office of the Accountant General
N.W.F.P. Peshawar.
Pay Fixed in the revised basic pay scales 2001
of Rs 1275-45-1935-65-3865
at No: 1980/PMWER
with next increment on
1-12-2001
1-12-2002

Accounts Officer
Pay Fixation Party NWFP, Peshawar

Amer B^y 16

d, so
ant post

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



OFFICE ORDER

As approved by the competent authority, the following posting/transfer order of Class-IV employees are hereby ordered in the interest of public service with immediate effect:

S.No.	Name and Designation	From	To	Remarks
1	Mst. Yasmeen Bibi Dai	District Nowshera	District Charsadda	Against the vacant post
2	Mst. Pari Zadgi Dai	-do-	-do-	-do-
3	Mst. Gul Nargas Dai	-do-	-do-	-do-
4	Mst Fukraj Dai	-do-	District Peshawar	-do-
5	Mst. Waheeda Bano Dai	-do-	-do-	-do-
6	Mr. Gulab Porter	-do-	Saidu Group of Teaching Hospitals Swat	-do-
7	Mr. Ikramullah Porter	-do-	-do-	-do-
8	Mr. Nazir Khan X-Ray Attendant	-do-	-do-	-do-
9	Mr. Siraj Sweeper	-do-	-do-	-do-
10	Mr. Faridullah Sanitary Petrol	-do-	-do-	-do-
11	Muhammad Adnan Sweeper	-do-	-do-	-do-
12	Mr. Amanullah Dental Attendant	-do-	-do-	-do-
13	Mr. Rizwanullah Chowkidar	-do-	-do-	-do-
14	Mr. Salih Noor Ward orderly	-do-	-do-	-do-
15	Mr. Gul Nawaz Ward orderly	-do-	-do-	-do-

Arrival/ departure report should be submitted to this Directorate for record.

Sd/*****

**DIRECTOR GENERAL HEALTH
SERVICES KHYBER PAKHTUNKHWA,
PESHAWAR**

No. 3905-17 /Personnel/NSR

Dated 12/05/2016

01. P.S to Secretary to Government of Khyber Pakhtunkhwa Health Department Peshawar.
02. DHO Nowshera.
03. DHO Charsadda.
04. DHO Peshawar.
05. M.S Saidu Group of Teaching Hospitals Swat.
06. DAO Nowshera.
07. DAO Charsadda.
08. DAO Peshawar.
09. DAO Swat.
10. PA to DGHS, Khyber Pakhtunkhwa Peshawar.
11. PA to Director (Admn) DGHS, KPK Peshawar.
12. Officials concerned.
13. Master File.

Handwritten signature
2

**DIRECTOR GENERAL HEALTH
SERVICES KHYBER PAKHTUNKHWA,
PESHAWAR**

Dated 12/5/2016

(PTO)

ant)

(Attendant)
Patrol)

Orderly

ature

Signature

Signatur



OFFICE OF THE DISTRICT HEALTH OFFICER NOWSHERA

Phone & Fax: 0923-580759

E-Mail: nowshera.edoh@gmail.com

No. 4519-16 DHO NSR

Date: 19/11/2016

Copy forwarded to the:

1. Director General Health Services Khyber Pakhtunkhwa.
2. Medical Superintendent MRHSMH Pabbi, Nowshera.
3. Incharge Civil Hospital Akora Khattak.
4. Incharge RHC Akbarpura / Pirpai / Kheweshgi Nowshera.
5. Officials concerned.

For compliance

District Health Officer
Nowshera

17



- Copy forwarded to the:
1. Director General Health Services Khyber Pakhtunkhwa.
 2. Medical Superintendent MRHSMH Pabbi, Nowshera.
 3. Incharge Civil Hospital Akora Khattak.
 4. Incharge RHC Akbarpura / Pirpai / Kheweshgi Nowshera.
 5. Officials concerned.



OFFICE OF THE DISTRICT HEALTH OFFICER NOWSHERA

Phone & Fax: 0923-580759

E-Mail: nowshera.edoh@gmail.com

Amred "C" (18)

178

RELIEVING ORDER

0333 9272079
178

Reference Director General Health Services, Khyber Pakhtunkhwa Office Order bearing endorsement No. 3905-17/Personnel/NSR, dated 12-05-2016 (Copy attached). The following Class-IVs employees working under the control of under signed at District Nowshera are hereby relieved with immediate effect.

S. No	Name	Designation	Place of Posting
1	Yasmin Bibi	Dai	MRHSMH Pabbi
2	Pari Zadgai	Do	CH Akora Khattak
3	Gul E Nargis	Do	--do--
4	Fukhraj Begum	Do	MRHSMH Pabbi
5	Waheeda Begum	Do	MRHSMH Pabbi
6	Gulab Khan	Porter	RHC Akbarpura
7	Ikram Ullah	Porter	DHO office NSR
8	Nazir Khan	X-Ray Attendant	MRHSMH Pabbi
9	Farid Ullah	Sanitary Patrol	--do--
10	Muhammad Adnan	Sweeper	RHC Kheweshgi
11	Amanullah	Dental Attendant	RHC Akbarpura
12	Rizwanullah	Chowkidar	RHC Pirpai
13	Salih Noor	Ward Orderly	MRHSMH Pabbi
14	Gul Nawaz	Do	--do--

3/85
ADPent Adly
178

Sd _____
District Health Officer
Nowshera

Attended
D

No. 4912-17 / DHO NSR

Date: 20/5/2016

Copy forwarded to the:

1. Director General Health Services Khyber Pakhtunkhwa for information w/r office order No. noted above.
2. District Accounts Officer Nowshera for information and stoppage of salary (source attached).
3. Medical Superintendent MRHSMH Pabbi Nowshera.
4. Incharge CH Akora Khattak, RHC Akbarpura, Kheweshgi, Pirpai.
5. Incharge Accounts Section DHO office Nowshera.
6. Officials concerned for information & compliance.

District Health Officer
Nowshera

Annex "D" (19)

OFFICE OF THE MEDICAL SUPERINTENDENT

SAIDU GROUP OF TEACHING HOSPITAL SAIDU SHARIF SWAT

Ph: 0946-9240126-27, Fax: 0946-9240122

No. 7440/C-6/R-3
To

Dated Saidu Sharif the 25/5 /2016

The Director General Health Services,
Khyber Pakhtunkhwa, Peshawar

Subject: OFFICE ORDER

Dear Sir,

Reference your Office Order bearing Endst: No. 3905-17/Personnel/NSI
dated 12-05-2016

It is stated that 10 Class-IV employees have been posted at Saidu Group of Teaching Hospitals, Swat vide your Office Order referred above. A case in the Peshawar High Court Mingora Bench/Darul Qaza is pending against appointment/filling of posts of Class-IV (from BPS-01 to 04), under Writ petition No 450/2015 Habib ur Rahman etc ...VS... Govt: of Khyber Pakhtunkhwa, Health Department and Stay Order has been issued by the honourable High Court.

It is, therefore, requested that aforesaid Office Order may kindly be cancelled to avoid contempt of court or guide this office to proceed further please.

MEDICAL SUPERINTENDENT
S.G.T.H Saidu Sharif, Swat

Attended
S

Awa "E" (20)

BEFORE THE PESHAWAR HIGH COURT MINGORA

BENCH / DARUL QAZA, SWAT

W.P.No. 652/2015

- 1) Habib Ur Rehman S/o Nemat Khan (2) Aziz Ur Rehman S/o Gul Rahman
- (3) Abdullah Shah S/o Rehmat Shah (4) Mohammad Wakil S/o Darvesh (5)
- Fazal Karim S/o Simkeel (6) Mian Said Jalal S/o Mian Said Waheed (7) Zaid
- Gul S/o Fatiha Gul (8) Asim Iqbal S/o Shehzada (9) Noor Hussain S/o
- Mohammed Hussain (10) Khaisat Mohammad S/o Junna Gul (11) Ashraf Ali
- S/o Akhtar Ali (12) Gul Muhammad S/o Shabir (13) Nisar Ahmad S/o Ibar
- Gul (14) Fazal Chafar S/o Bahri Boston (15) Saifullah Khan S/o Joon Gul
- (16) Shaha Daman S/o Ghulam Jan (17) Muhammad S/o Aqal Wazir (18)
- Muhammad Israr S/o Mir Salim Khan (19) Fazal Wahid S/o Haji Naryah
- (20) Meharun Nisr S/o Wahid Zaman (21) Amir Zeb S/o Shaha Rahman
- (22) Farman Ali S/o Usman Ali (23) Shujat Ali S/o Sherin Hashar (24)
- Fardul Khan S/o Kaki Jan (25) Muhammad Sajjad S/o Muhammad Rahim
- (26) Mirza Ali S/o Muhammad Raziq (27) Shoukat Ali S/o Ashraf (28)
- Muhammad Raman S/o Mirdanullah Afzal (29) Noorul Hayat S/o Ziaurat Gul
- (30) Juman Ali S/o Toti Khan (31) Adnan S/o Amir Ghous (32) Sherin Begum
- S/o Gul Muhammad (33) Ziaullah Khan S/o Bacha Khan (34) Hamid S/o
- Dilwar Khan (35) Saifullah S/o Joon Gul (36) Amir Rashid S/o Zargham
- (37) Amirullah S/o Amirullah (38) Amirullah S/o Amirullah
- (39) Amirullah S/o Amirullah (40) Amirullah S/o Amirullah
- (41) Bacha Khan S/o Sahib Jan (42) Linqat Ali S/o Baturey (43) Gul
- Rawan S/o Bakht Rayyan (44) Mst. Jehan Pari D/o Amir Muhammad (45)



Mst. Asma Begum
Sharif District SWAT.

Residents of Saidu Teaching Hospital at Saidu
(Petitioner)

VERSUS

- 1. Govt. of K.P.K through Secretary Health, civil Secretariat Peshawar
- 2. Director General Health Services K.P.K Peshawar
- 3. Medical Superintendent, Saidu group of Teaching Hospital Saidu Sharif SWAT.
- 4. Departmental selector committee Saidu Teaching Hospital Swat, through chairman.
- 5. Chief Executive Saidu Teaching Hospital Swat.
- 6. District Account officer Swat.

(Respondent)

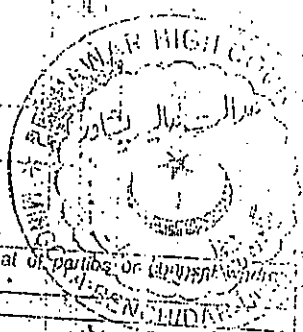
PLAD KSWAT
150 000 000

Asad
L

PESHAWAR HIGH COURT, BINGORA BENCH
(DAR-UL-QAZA), SWAT

FORM OF ORDER SHEET

Court of
Case No. of



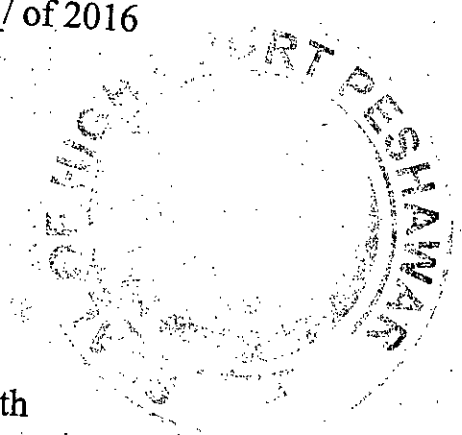
Serial No. of order or proceeding	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge and that of Parties or Agents
1	2	3
	20.06.2016	<p><u>W.P. No. 50-M/2015</u> <u>With Interim Relief</u></p> <p>Present: Mr. Rashid Ali Khan, Advocate for the petitioners.</p> <p style="text-align: center;">***</p> <p>Office is directed to club this writ petition with other cases of the identical nature. Adjourned to a date in office.</p> <p><u>Interim Relief</u></p> <p>Notice. In the meanwhile the questioned posts shall not be filled through transfers.</p> <p style="text-align: right;">Sd: Lat. J. Khattak Sd. Muhammad Younis Tahir</p> <p style="text-align: center;">Certified to be true copy</p> <p style="text-align: center;">EXAMINER Peshawar High Court, Bingora/Dar-ul-Qaza, Swat Authorized Under Article 17 of the Constitution of Pakistan</p> <p style="text-align: center;">20/6/16</p> <p>Name of Applicant: <u>Sd. M. A. B.</u> Date of Presentation of Applicant: <u>20.6.16</u> Date of Completion of Copies: <u>20.6.16</u> No of Copies: <u>2</u> Urgent Fee: Fee Charged: <u>5/-</u> Date of Delivery of Copies: <u>20/6/16</u></p>

21/6

Accepted

IN THE PESHAWAR HIGH COURT PESHAWAR

Writ Petition No. 1998 P of 2016



1. Gulab, Porter, Rural Health Centre Akbarpura District Nowshera.
2. Muhammad Adnan, Sweeper Office of the EDO Health Pirpaii District Nowshera.
3. Siraj, Sweeper, Office of the EDO Health Pirpaii, District Nowshera.
4. Rizwan Ullah, Chowkidar, Office of the EDO Health, Pirpaii, District Nowshera.
5. Ikram Ullah, Porter Office of the EDO Health Pirpaii District Nowshera.
6. Aman Ullah, Dental Attendant Rural Health Centre Akbarpura District Nowshera.
7. Farid Ullah, Sanitary Petrol Mian Rashid Hussain Memorial Hospital Pabbi, District Nowshera.
8. Saleh Noor, Ward Orderly, Mian Rashid Hussain Memorial Hospital Pabbi, District Nowshera.
9. Gul Nawaz, Ward Orderly, Mian Rashid Hussain Memorial Hospital Pabbi, District Nowshera.
10. Nazir Khan, X-Ray Attendant Mian Rashid Hussain Memorial Hospital Pabbi, District Nowshera.
11. Mst. Yasmeen Bibi, Dai Kashmir Ghari NTC, Pushtoon Ghari, District Nowshera.

Handwritten signature
2

ATTESTED
EXAMINER
 Peshawar High Court
 13 JUN 2016

FILED TODAY
 Deputy Registrar
 21 MAY 2016

Faint handwritten notes at the bottom left.

12. Ms. Farizadgai, Dai
Civil Hospital Akora Khattak
District Nowshera.

13. Mst. Gul-e-Nargas Dai
Civil Hospital Akora Khattak
District Nowshera....

Petitioners

VERSUS

1. Government of Khyber Pakhtunkhwa
through Secretary Health,
Civil Secretariat, Peshawar.

2. Director General Health
Khyber Pakhtunkhwa, Peshawar.

3. District Health Officer (DHO) Nowshera.

4. District Health Officer Peshawar.

5. District Health Officer Charsadda

6. Saidu Group of Teaching Hospitals
at Saidu Sharif, Swat...

Respondents

**WRIT PETITION UNDER ARTICLE 199
OF THE CONSTITUTION OF ISLAMIC
REPUBLIC OF PAKISTAN, 1973.**

Attested

Respectfully Sheweth:

1. That the petitioners are the permanent residents of District Peshawar as their addresses have been mentioned therein in the heading of the petition.

2. That the petitioners were appointed in different Hospitals and Rural Health Centres of the Health department as Class-IV and have been serving on the posts as mentioned against their names in the heading of the petition.

ATTESTED FILED TODAY
EXAMINER Deputy Registrar
Peshawar High Court
13 JUN 2016 21 MAY 2016

PESHAWAR HIGH COURT, PESHAWAR.

FORM 'A'
FORM OF ORDER SHEET

Date of order.	Order or other proceedings with the order of the Judge
1.6.2016	<p><u>W.P. 1998-P of 2016 with interim relief.</u></p> <p>Present: Ghulam Nabi, advocate for petitioners.</p> <p>-----</p> <p><u>MUSARRAT HILALI, J.-</u> Petitioners, through instant petition, seek setting aside of the impugned transfer order dated 12.5.2016 being unlawful and without jurisdiction.</p> <p>2. The petitioners were appointed as Class-IV employees in different hospitals and Rural Health Centre of the Health Department and they were performing their duties in the same capacity since the last 32/33 years. However, vide order dated 12.5.2016, they were transferred to various Districts including Swat and Charsadda. Feeling aggrieved, they filed Departmental Appeals/Representations before the Departmental Appellate Authority but the same has not been decided as yet, hence this petition.</p> <p>3. Heard. Admittedly, the petitioners are civil servants and the relief sought with regard to</p>

man

Attended
D

ATTEST

EXAMINER
Peshawar High Court

13 JUN 2016

cancellation of impugned transfer order dated 12.5.2016 is a matter relating to terms and conditions of their service, thus, in view of barring provision of Article 212 of the Constitution of Islamic Republic of Pakistan, 1973 this court has no jurisdiction to entertain instant petition. The remedy under Article 199 of the Constitution is invoked only where there is no other adequate remedy available but when Service Tribunal is specially constituted for the redressal of specified grievances of a person in service matters and when the same is functioning, then the petitioners cannot invoke the extra ordinary jurisdiction of this court abandoning the special remedy available.

Resultantly, this petition is not maintainable, which is accordingly dismissed in limine. As the Departmental Appeals/Representations of the petitioners are pending, therefore, the Departmental Appellate Authority is under legal obligation to dispose of the same within the statutory period.

Sd/ Waqar Ahmad Seth - J
Sd/ Masarat Hildali - J JUDGE

CERTIFIED TO BE TRUE COPY

Examiner
Peshawar High Court, Peshawar
Authorized Under Article 97 of
The Quran-e-Shakeer Order 1983

JUDGE

Amex G (26)

DN 11.4.15
Date 24.5.16
Secretary Health

To: The Secretary Health Services
Government of Khyber Pakhtunkhwa,
Civil Secretariat, Peshawar

Subject: DEPART MENTAL APPEAL AGAINST THE OFFICE
ORDER NO. 3905-17/PERSONNAL/NSR DATED
12.05.2016 WHEREBY THE APPELLANT HAS BEEN
TRANSFERRED FROM MIAN RASHID HUSSAIN
MEMORIAL HOSPITAL PABBI DISTRICT
NOWSHERA TO *Saidu Shariq Swai*

Respectfully Sheweth:

1. That the appellant was appointed at the post of Dental Attendant and has been serving on the above said post since the date of his appointment.
3. That it is pertinent to mention here that when the appellant was appointed at that time when Peshawar and Nowshera were the same District Peshawar, however, in the year 2000 Tehsil Nowshera was given the status of District Nowshera.
4. That the appellant has served the Department very honestly and utmost skill.
5. That unfortunately the appellant has been handed over his transfer order from Mian Rashid Hussain Memorial Hospital Pabbi District Nowshera to *Saidu Shariq Swai*
6. That the appellant is serving in Grade-IV, hence he cannot be transferred outside his home station/District Nowshera, however, he has been thrown to a far flung area District *Saidu Shariq Swai*
7. That transfer of the appellant is on malafide intention and ulterior motive just to vacate the posts for the blue eyed persons of the political figures.
8. That the appellant has served for a long tenure and his more than half service has been done at the above noted station and is about at the verge of his retirement, has been transferred to a far flung District.

Attended
/

ASE
DSH, U

6

DSH

8

9. That the transfer/posting of Class-IV outside their home District is illegal and unlawful and not warranted in any rule/law.

It is, therefore, humbly prayed that the transfer order of the appellant may please be cancelled and he be allowed to complete his service at his home station i.e. Nowshera.

Appellant

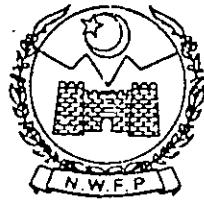
Dated: 20.05.2016

Amanullah

Amanullah Dental Attendant
R.H.C. Akbar pura.
Distt Nowshera

[Handwritten signature]

میراج خان



~~Advocate~~ "H"

Amee "H"

(28)

ESTACODE

ESTABLISHMENT

CODE NWFP

2000

VOLUME-I

Attested
S

A COMPENDIUM OF LAWS, RULES AND
INSTRUCTIONS RELATING TO THE TERMS AND
CONDITIONS OF PROVINCIAL CIVIL SERVANTS

Attested
Advocate
D

COMPILED BY:
(O&M) SECTION
SERVICES & GENERAL ADMINISTRATION DEPARTMENT

ATTESTED

29
 59

Section-17

Posting and Transfer

Statutory Provision.

Sl.No.1

Section 10 of the NWFP Civil Servants Act,1973.

Posting and Transfer. Every civil servant shall be liable to serve anywhere within or outside the Province, in any post under the Federal Government, or any Provincial Government or Local authority, or a Corporation or body set up or established by any such Government:-

Provided that nothing contained in this section shall apply to a civil servant recruited specifically to serve in a particular area or region;

Provided further that, where a civil servant is required to serve in a post outside a service or cadre, his terms and conditions of service as to his pay shall not be less favourable than those to which he would have been entitled if he had not been so required to serve.

Transfer of low paid Government Servants from their home Districts.

Sl.No.2

The Government has decided to continue existing policy regarding posting of class-III and Class-IV Government Servants in their Home Districts except on complaint and in the public interest. It has also been decided that the office bearers of the Association should not ordinarily be transferred for the year they are office bearers as such.

(Authority: S&GAD's letter No. SOE.III(S&GAD)1-57/73, dated 18.3.1973)

Attested
 Advocate
 2

Attested
 3

ATTESTED

Amir I^u

30

**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUN KHWA PESHAWAR**



E-Mail Address: nwfdgchs@yahoo.com Office Ph# 091-9210269 Exchange# 091-9210187, 9210196 Fax # 091-9210230
No. 4444-45 / Personnel / DHO Nowsherra Staff Dated: 01/06/2016

To,

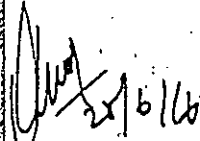
The Secretary to Government of,
Khyber Pakhtunkhwa Health Department
Peshawar.

Subject: OFFICE ORDER/ SUMMARY.

Dear Sir,

Kindly refer to this Directorate letter No.4098/Personnel/DHO NSR dated 01.06.2016 on the subject noted above and to state that the MS Saidu Group of Teaching Hospital Swat vide his letter No. 7440/C-6/R-3 dated 25.05.16 has informed that the Peshawar High Court Mingora Bench/ Darul Qaza has already issued stay order regarding appointment/ filling of vacant posts of Class-IV (copy attached).

It is therefore, requested that necessary advise of the Government may kindly be conveyed so as to proceed further in the matter.


DIRECTOR GENERAL HEALTH
SERVICES KHYBER PAKHTUNKHWA PESHAWAR

20/6/2016

Cc:

Master File.



Amir J^h

31

**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUN KHWA PESHAWAR**



E-Mail Address: nwfdghs@yahoo.com office Ph# 091-9210269 Exchange# 091-9210187, 9210196 Fax # . 091-9210230

OFFICE ORDER

As approved by the competent authority the posting/ transfer order in respect of Mr. Gul Nawaz Ward Orderly from District Nowshera to Saidu Group of Teaching Hospital Swat issued vide this Directorate office order bearing ends: No.3905-17/Personnel/NSR dated 12.05.2016 is hereby cancelled in the interest of public service.

Sd/xx xx xx
DIRECTOR GENERAL HEALTH
SERVICES, NWFP, PESHAWAR.
Date: 24/6/2016

NO 4456-64/Personnel/NSR

Copy forwarded to the:-

1. PSO to Chief Minister Khyber Pakhtunkhwa CM Secretariat Peshawar.
2. P.S. Secretary to Government of Khyber Pakhtunkhwa Health Department Peshawar.
3. DHO Nowshera.
4. MS. Saidu Group of Teaching Hospital Swat.
5. DAO Swat/ Nowshera.
6. P.A to DGHS Khyber Pakhtunkhwa Peshawar.
7. P.A to Director Administration, DGHS Khyber Pakhtunkhwa Peshawar.
8. Official concerned.

For information and necessary action.

Handwritten notes:
office DGHS
cancel DGHs. He
can't be allowed
to work in
Swat.
No vacancy

DIRECTOR GENERAL HEALTH
SERVICES KHYBER PAKHTUNKHWA
PESHAWAR.

Handwritten signature and date:
24/6/16

Handwritten signature:
Atif

Annex "K"

32

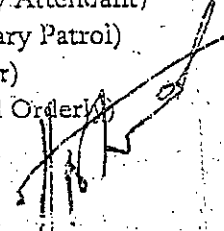
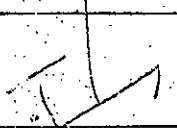
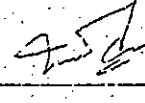

MINUTES OF MEETING

A constituted committee for the purpose has assembled on 23-05-2016 in the of Nowshera to scrutinize the applications received for the posts of Ward Orderlies & X-Ray Dental Attendant /Sanitary Patrol/Behishti/Chowkidars/Porter.

The committee thoroughly checked the documents and found the following valid, so t of the committee agreed to appoint the below mentioned named applicants on the vacant post

IVs.

- | | | |
|----|--|--------------------|
| 1 | Mr. Rahmat Ali S/O Sardar Amin | (Ward Orderly) |
| 2 | Mr. Muhammad Kamran Khan S/O Knair Ul Bashar | (Ward Orderly) |
| 3 | Mr. Imran Akhtar S/O Sohail Akhtar | (Ward Orderly) |
| 4 | Mr. Muhammad Asif S/O Shayan Khan | (Ward Orderly) |
| 5 | Mr. Tanioor Ahmad S/O Riaz Ahmad | (Ward Orderly) |
| 6 | Mr. Khan Baz S/O Dilawar Khan | (Ward Orderly) |
| 7 | Mr. Shahbaz Ahmad S/O Khyal Muhammad | (Dental Attendant) |
| 8 | Syed Pervaiz Shah S/O Mufarig Shah | (Chowkidar) |
| 9 | Mr. Zakria S/O Rasheed Khan | (Behishti) |
| 10 | Mr. Yousaf Ali Khan S/O Haslam Ali Khan | (Porter) |
| 11 | Mr. M. Irfan S/O Jangraiz Khan | (X-Ray Attendant) |
| 12 | Mr. Tariq Khan S/O Wali Muhammad | (Sanitary Patrol) |
| 13 | Mr. Muhammad Amin (Chowkidar) Post Change | (Porter) |
| 14 | Mr. Ali Akbar (Behishti) Post Change | (Ward Orderly) |

- | | | | | |
|----|---|----------|-----------|---|
| 1. | Dr. Arshad Ahmad Khan
DHO Nowshera. | Chairman | Signature |  |
| 2. | Dr. Tariq Khan
Deputy DHO Nowshera | Member | Signature |  |
| 3. | Dr. Abu Zar
Coordinator DIHS / PH
Nowshera. | Member | Signature |  |
| 4. | Dr. Abdul Jalil
Coordinator LHWs Program
Nowshera | Member | Signature |  |

Approved
D

**Memorandum of Authorization
For Representation as Legal Counsel/Lawyer
(Agreement for Legal Services)**

عهد توكيل اعادة خدمات قانونية
وكالت قامه

BEFORE THE Honorable Service Tribunal KPL

Judicial Stamp (Court Fees), if Required
Enter Here

Parties of the Proceedings (If Applicable)	<u>Amal Khatun</u>		PETITIONER(S)	
			PLAINTIFF(S)	
			COMPLAINANT(S)	
			OBJECTOR(S)	
			APPELLANT(S)	<input checked="" type="checkbox"/>
	VERSUS			
<u>Govt of KPL & others</u>		RESPONDENT(S)	<input checked="" type="checkbox"/>	
		DEFENDANT(S)		
Nature of the Proceedings or Legal Services to be rendered		<u>Service Appeal</u>	ACCUSED	

I/We, the Appellant (Executants on margins)
hereby appoint and constitute Mr. Shumail Ahmad Butt, AIC
& Idharat Bilal Khan AIC

as my/our attorney(s)/counsel for me/us and on my/our behalf, to appear, plead in the said proceedings with powers to sign, file pleadings and all kinds of applications including appeal/revision, execution etc. up to apex court/forum to withdraw and receive documents, to withdraw or compromise in the said proceedings or to refer to arbitration, bind me/us by oath, withdraw or receive any money(s) on my/our behalf and to give valid receipts and discharges, to do himself/themselves or through appointment of other lawyer(s)/counsel for me/us & in my/our name and on my/our behalf, to do all acts, deeds, matters and things relating to the proceeding(s) in all its stages that I/we personally could do if this instrument had not been executed. The appointment is subject to the following special terms and conditions:

- The fee paid, or agreed to be paid, to the aforesaid counsel is for his/their work at this forum alone. The retainer, however, shall continue and remain in the courts or fora through out; I/We shall however make separate arrangements as to his/their fees in respect of appeals revisions, and transfer proceedings and execution of decrees or orders.
- Unless the whole amount of fee is paid, the said counsel is/are not bound to prosecute my case nor is/are he/they bound to do so (unless especially under separate arrangement) at any place other the courthouse/place of proceedings/beyond the usual court hours, on public holiday or in any other court/forum. In addition, upon submission of proper documentation, I/we shall reimburse the said counsel for all reasonable and customary expenses incurred while providing services for me/us.
- No part of the said counsel's fee is returnable under any circumstances and cost of adjournments payable by the opposite party will be received and retained by him/them in addition to his/their fees payable by me/us.
- At any time the said counsel is/are unable to attend the court/forum of proceedings because of illness, absence from station or other unavoidable reasons or preoccupation, he/they will make alternate arrangements for appearance on his/their behalf. But he/they shall not be responsible for any loss caused to me/us should these arrangements fail.
- I/we shall make my/our own arrangements for attending the court/forum on every hearing; to inform my/our said counsel when the case/proceeding is called. The counsel shall in no way be responsible for any loss caused to me/us through my/our failure so to inform him/them owing to a decision ex parte for any reason.
- I/We also undertake to pay his full professional fees as per stipulation. In case his/their full professional fees are not paid the counsel can withdraw and/or suspend his/their services at any time. Additionally the said counsel enjoy(s) a lien over my assets in case of non-payment.
- I/We have been told, recognize and understand that said counsel have made NO GUARANTEE promising the success or outcome of the proceeding; in a particular way.
- I/We have read/understood the contents of this document in full and thus put my/our respective hands to empower the said counsel as stated on this 28 day of August 2016 at Peshawar

Accepted this instrument: _____
Executant(s)
Shumail Ahmad Butt
Idharat Bilal Khan

Date of Appt: 03 / 2001.
HONORABLE SERVICE TRAINING UNIT

11
11
Awar U.S.A

Dept of the Interior

Service Area 7

APPELLANT
APPELLANT
APPELLANT
APPELLANT
APPELLANT

APPELLANT

APPELLANT

APPELLANT