

25.05.2017


Counsel for the appellant present. Mr. Faiz-ul-Haq, Assistant Litigation Officer alongwith Mr. Ziaullah, Deputy District Attorney for the respondents also present. Representative of the respondent-department stated at the bar that the grievances of the appellant have been redressed, therefore, requested for dismissal of the appeal. However, counsel for the appellant stated at the bar that the appellant is not present, therefore, requested for adjournment. Last opportunity is given to counsel for the appellant to produce the appellant on the next date positively. To come up for attendance of appellant and further proceedings on 03.07.2017 before D.B alongwith service appeal no. 1162/2015.

(GUL ZEB KHAN)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

09.02.2017

Counsel for petitioner, Mr. Faiz Muhammad, Litigation Officer and Shah Nawaz alongwith Mr. Muhammad Adeel Butt, Additional AG for respondents present. Learned counsel for petitioner submitted that the main Service Appeal No. 1162/2015 of the petitioner is fixed on 10.03.2017 before D.B and requested that the instant C.O.C application may be clubbed with said service appeal. The C.O.C application is clubbed with Service Appeal No. 1162/2015. To come up for further proceedings on 10.03.2017 before D.B alongwith Service appeal No. 1162/2015.


(ASHFAQUE TAJ)

10.03.2017


Counsel for petitioner and Mr. Muhammad Government Pleader for respondents present. Learned counsel for petitioner requested for adjournment. Adjournment granted. To come up for further proceedings alongwith main Service Appeal No. 1162/2015 on 20.04.2017 before D.B.


(ASHFAQUE TAJ)
MEMBER


(MUHAMMAD AAMIR NAZIR)
MEMBER

20.04.2017

Counsel for the petitioner present. Mr. Faiz Muhammad, Litigation Officer alongwith Mr. Kabirullah Khattak, Assistant AG for respondents also present. Representative of the respondent-department submitted office order dated 06.04.2017 vide which the relieving order of the appellant was cancelled. Learned counsel for the petitioner requested for adjournment to contact the petitioner. Adjourned. To come up for further proceedings/arguments on 25.05.2017 before D.B. alongwith service appeal No. 1162/2015.

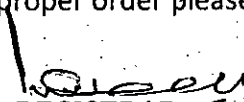

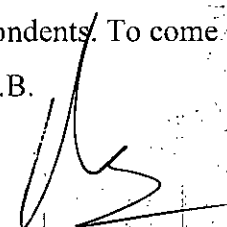

(Ahmad Hassan)
Member


(Muhammad Amin Khan Kundi)
Member

FORM OF ORDER SHEET

Court of _____

C.O.C Application No. 253/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	28/12/2016	<p style="text-align: center;">The C.O.C application submitted by Mr. Amanullah through Mr. Noor Muhammad Khattak Advocate may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;">  REGISTRAR </p>
2	30-12-2016	<p style="text-align: center;">This C.O.C application be put up before S. Bench on <u>04-01-2017</u></p> <p style="text-align: right;">  CHAIRMAN </p>
	04.01.2017	<p style="text-align: center;">Clerk to counsel for the Petitioner and Asst: AG for respondents present. Notices be issued to the respondents. To come up for further proceedings on 09.02.2017 before S.B.</p> <p style="text-align: right;">  (MUHAMMAD AAMIR NAZIR) MEMBER </p>

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

COC NO. 253 /2016

IN

Appeal NO. 1162/2015

AMAN ULLAH

VS

FIDA WAZIR & OTHERS

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APPELLANT

THROUGH:


NOOR MUHAMMAD KHATTAK
ADVOCATE

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

COC NO. 253 /2016

IN

Appeal NO. 1162/2015

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1220

Dated 28-12-16

Mr. Aman Ullah, Medical Technician (BPS-12),
Civil Dispensary Panida Lalma, Mulagori Khyber Agency under
transfer to Agency Headquarter Hospital Landi Kotal, Khyber Agency.

..... **APPLICANT/ PETITIONER**

VERSUS

- 1- Mr. Fida Wazir, Additional Chief Secretary FATA, FATA Secretariat, Warsak Road, Khyber Pakhtunkhwa, Peshawar.
- 2- Dr. Jawad Habib, Director Health Services FATA, FATA Secretariat, Warsak Road, Peshawar.
- 3- Dr. Niaz Muhammad Afridi, Agency Surgeon, Khyber at Jamrudu..... **RESPONDENTS/ CONTEMNORS**

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

R/SHEWETH:

- 1- That the applicant/petitioner has filed service appeal No.1162/2015 in this august Tribunal in which the Tribunal issued/granted status quo in favor of the petitioner vide order sheet dated 27.10.2015. Copy of the order sheet is attached as annexure **A.**
- 2- That after obtaining the attested copy of the order/Judgment, the applicant/petitioner submitted the said order of this august Tribunal before the respondents/ contemnors for implementation. That from the date of order dated 27.10.2015 the appellant is performing his duty in the Civil Dispensary Panida Lalma, Mulagori Khyber Agency. That during the pendency of this appeal the respondent No.3 issued relieving order vide dated 19.12.2016 of the petitioner inspite of clear direction of this august Service Tribunal. Copy of the relieving order is attached as annexure..... **B.**
- 3- That the action of the Respondents/Contemnors by relieving the petitioner is squarely fall within the ambit of the Contempt of Court and as such they are liable to be proceeded for the Contempt and for the punishment under the law.

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

DATED: 27.12.2016

APPLICANT/ PETITIONER



AMAN ULLAH

THROUGH:



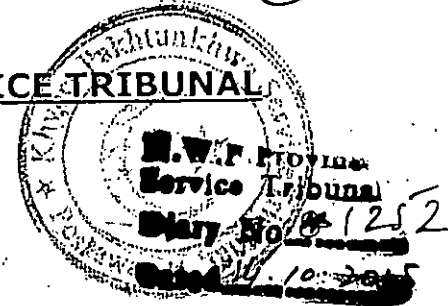
NOOR MOHAMMAD KHATTAK



**MUHAMMAD MAAZ MADNI
ADVOCATES**

A-3

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**



APPEAL NO. 1162/2015

Mr. Amanullah Medical Technician (BPS-12),
Civil Dispensary Painde Lalma, Mulagori Khyber Agency under
transfer to Agency Headquarter Hospital Landi Kotal, Khyber Agency
..... **APPELLANT**

VERSUS

- 1- The Director Health Services FATA, FATA Secretariat, Warsak Road, Peshawar.
- 2- The Agency Surgeon, Khyber Agency at Jamrud.

.....**RESPONDENTS**.....

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 06-10-2015 WHEREBY THE APPELLANT WAS TRANSFERRED TO AGENCY HEADQUARTER HOSPITAL LANDI KOTAL KHYBER AGENCY FROM CIVIL DISPENSARY PAINDE LALMA MULAGORI KHYBER AGENCY PRE-MATURELY AND IN VIOLATION OF THE TRANSFER/ POSTING POLICY AND AGAINST THE APPELLATE ORDER DATED 12-10-2015 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED ON NO GOOD GROUNDS

ATTESTED
Secretary
Peshawar

PRAYER:

That on acceptance of this appeal the impugned orders dated 06-10-2015 and 12.10.2015 may very kindly be set aside and the respondents may be directed not to transfer the appellant from Civil dispensary Painde Lalma, Mulagori Khyber Agency till completion of his normal tenure. That the respondents may further please be directed to adjust the appellant on his original post at Civil Dispensary Painde Lalma. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

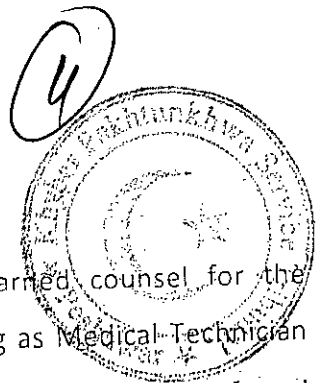
Filed to-Case
Registrar
14/10/15

R/SHEWETH:

ON FACTS:

ATTESTED

- 1- That appellant is the employee of the respondent Department and is serving the respondent Department as Medical Technician quite efficiently and up to the entire satisfaction of his superiors.



27.10.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Medical Technician (BPS-12) at BHU Kambela Khyber Agency where from he was transferred to Civil Dispensary Pinda Lalma vide office order dated 9.1.2014 with the remarks that he will draw pay against the vacant post of TB Assistant, AHQ Hospital Landikotal till the availability of his original post. That after the availability of original post appellant was not appointed against the same and vide impugned order dated 6.10.2015 transferred to AHQ Hospital Landikotal regarding which he preferred departmental appeal on 12.10.2015 which was rejected on the same day where-after service appeal was preferred on 14.10.2015.

That the impugned order is premature and not in the interest of public service and appellant was entitled to adjustment against the said post.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 30.11.2015 before S.B. Notice of stay application be also issued for the date fixed. Status-quo be maintained. III

Certified for...
Khyber Pakhtunkhwa...
...

Chairman

ATTESTED

q

Date of Presentation of Affidavit: 28.10.2015
Number of Voids: 800
Copying Fee: 6
Stamp: 2
Total: 8
Date of Completion of Work: 28.10.2015
Date of Delivery of Copy: 28.10.2015

B - (5)



OFFICE OF THE AGENCY SURGEON KHYBER AT JAMRUD

/AS/Khy

Dated: _____/_____/2016

The Director
Health Services FATA
Warsak Road,
Peshawar

Subject: **RELIEVED TO HEALTH DIRECTORATE FATA**

It is submitted that the following Paramedics of Khyber Agency, involved in activities unbecoming of officials and service norms, are hereby relieved of their duties and directed to report to Health Directorate FATA for further dispersal in any other agency:-

S No	Name	Designation	Place of duty	Remarks
1	Mr. Amanullah	Medical Technician (working against the post of TB Assistant - AHQH Landikotal)	Civil Hospital Lowara Maina	Surplus to the sanctioned compliment
2	Mr. Kiramat Khan	Dispenser (working against the post of ECG Technician AHQH Landikotal)	Civil Dispensary Paindi Lalma	Surplus to the sanctioned compliment & a trained Medical Tech (ECG Technician) is available at CH Lowara Maina.

It is submitted that their presence in Khyber Agency is considered detrimental to health-care delivery system and may create chaos amongst other dutiful paramedics.

Agency Surgeon
Khyber at Jamrud

No: 10974-78 /AS-KHY

Dated 19/12/2016

Copy forwarded to the:-

1. Political Agent Khyber Agency, Khyber House, Peshawar.
2. Medical Superintendent AHQ Hospital Landikotal.
3. Agency Account Officer Khyber at Jamrud
4. Assistant Political Agent Landikotal/Jamrud
5. Political Naib Tehsildar Mullagori (Tehsil Paindi Lalma)
6. official concerned.

ATTESTED

Agency Surgeon
Khyber at Jamrud

VAKALATNAMA

IN THE COURT OF HPK Service Tribunal Peshawar
OF 2016

Aman Ullah
(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Fida Wajir & Others
(RESPONDENT)
(DEFENDANT)

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

Dated. ____/____/2016




CLIENT


ACCEPTED
NOOR MOHAMMAD KHATTAK


MUHAMMAD MAAZ MADNI
(ADVOCATES)

OFFICE:
Room No.1, Upper Floor,
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Peshawar City.
Phone: 091-2211391
Mobile No.0345-9383141


S. Imdad Hussain
M.A.L.L.B Advocate
Peshawar.
Advocate