

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

Service Appeal No. 2477/2023

BEFORE: MISS FAREEHA PAUL ... MEMBER (E)

**Dr. Liaqat Ali, Medical Superintendent, DHQ Hospital, Bajaur under transfer as District Specialist (Peads), DHQ Hospital, Bajaur.**  
..... (Appellant)

Versus

1. The Government of Khyber Pakhtunkhwa through Chief Secretary Civil Secretariat, Peshawar.
2. The Secretary, Government of Khyber Pakhtunkhwa Health Department, Civil Secretariat, Peshawar.
3. Dr. Wazir Khan Safi, DHO, North Waziristan under transfer as Medical Superintendent, DHQ Hospital, Bajaur. ... (Respondents)

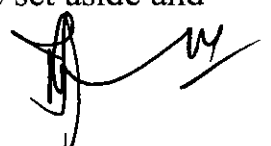
Mr. Khalid Rahman,  
Advocate

... For appellant.

Date of Institution.....	28.11.2023
Date of Hearing.....	05.12.2023
Date of Decision.....	05.12.2023

**JUDGEMENT**

**FAREEHA PAUL, MEMBER (E):** Instant appeal has been filed under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the impugned notification dated 18.08.2023 whereby the appellant was illegally and prematurely transferred during the period of ban from the post of Medical Superintendent DHQ Hospital, Bajaur vice respondent No. 3, who was transferred against the subject post from the post of DHO, North Waziristan, against which the appellant preferred a departmental representation on 21.08.2023 but the same was not disposed of within the statutory period of 90 days. It has been prayed that on acceptance of the appeal, the impugned notification dated 18.08.2023 might be set aside and



the appellant be allowed to be posted as Medical Superintendent DHQ Hospital, Bajaur.

2. Preliminary arguments heard and the case file alongwith connected documents perused in detail.

3. Brief facts of the case are that through an order dated 18.08.2023, appellant was transferred from the post of Medical Superintendent DHQ Hospital, Bajaur to District Specialist (Peads), DHQ Hospital Bajaur. He has impugned the said order before this Tribunal on the ground that order was issued during ban period and necessary NOC was not obtained from the Election Commission of Pakistan. Learned counsel for the appellant further contended that the transfer was done on political grounds but did not provide any documentary evidence in support of his argument. In view of the observation of NOC of Election Commission of Pakistan, Mr. Asad Ali Khan, Assistant A.G, who was present in the court, was directed to contact the Health Department in order to clarify whether the required NOC was obtained or not. The departmental representative, Mr. Safiullah, appeared before the bench and produced the NOC of the Election Commission of Pakistan dated 10.04.2023, placed on file, based on which appellant was transferred. Another point that needs to be mentioned here is that the appellant was of Specialist Cadre in BS-18, who was holding the charge of Management Cadre in BS-19 before the issuance of the impugned order and through that order he was adjusted in his own cadre and in his own pay scale in the same hospital.



4. In view of the above, the appeal in hand is dismissed in *limine*, being groundless. Cost shall follow the event. Consign.

5 *Pronounced in open Court at Peshawar and given under my hand and the seal of the Tribunal this 05<sup>th</sup> day of December, 2023.*

  
(Fareeha Paul)  
Member(E)

*\*Fazle Subhan, P.S\**

S.A 2477/2023

05<sup>th</sup> Dec. 2023 01. Mr. Khalid Rehman, Advocate for the appellant present.

Preliminary arguments heard and record perused.

02. Vide my detailed judgment consisting of 03 pages, the appeal in hand is dismissed in *limine*, being groundless. Cost shall follow the event. Consign.

03. *Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal on this 05<sup>th</sup> day of December, 2023.*

  
(FAREEHA PAUL)  
Member (E)

\*Fazle Subhan, P.S\*