


10.04.2019

Appellant with counsel present. The appellant when confronted with the impugned order dated 09.11.2018 wherein it is clearly noted that he will report to the Directorate upon completion of his training for the purpose of further posting, he requested for withdrawal of instant appeal with the permission to file a fresh one in case any order of posting/transfer is made to his detachment.

21/2/19
In view of the request, the appeal in hand is dismissed as withdrawn. File be consigned to the record room.


Chairman

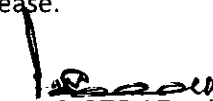

ANNOUNCED.

10.04.2019

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 395/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	25/03/2019	<p style="text-align: center;">The appeal of Mr. Nasir Anwar presented today by Syed Mushtaq Ali Shah Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 25/3/19</p>
2-	29/03/19	<p style="text-align: center;">This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>10/04/2019</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

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

Service Appeal No. 395 of 2019

Nasir Anwar S/O Muhammad Anwar Charge Nurse BPS-16
R/O Presently KMU Hayatabad Peshawar

.....Appellant

VERSUS

Government Khyber Pakhtunkhwa Secretary Health
Peshawar and others

.....Respondents

INDEX

S. No	Description	Annexure	Page
1	Grounds of appeal		1-4
2	Affidavit		5
3	Addresses of the parties		6
4	Copy of Order No KMU-INS/4-9/2441 dated 26/09/2018	A	7
5	Copy of application and office order No 4486-88/E-II dated 11-10-2018	B & C	8-10
6	Copy of order No 5323-30/E.II dated 09-11-2018 of DG health services KPK, Peshawar	D	11
7	Copy of departmental representation	E	12-13
12	Wakalat Nama		14

Dated 25/03/2019

Through  Appellant

Syed Mushtaq Ali Shah
Advocate
High Court Peshawar
0314-9131049

(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No. 395 of 2019

Diary No. 387

Dated 25/3/2019

Nasir Anwar S/O Muhammad Anwar Charge Nurse BPS-16
R/O Presently KMU Hayatabad Peshawar


.....Appellant

VERSUS

- 1) Government Khyber Pakhtunkhwa Secretary Health Peshawar
- 2) Director General Health Services KPK Peshawar.
- 3) Deputy Director (Nursing) Director General Health Services office KPK Peshawar
- 4) District Health officer District Swat.
- 5) District Health officer District Shangla
- 6) Mst Arabiya D/O Akhtar Hussain Charge Nurse BPS-16 THQ Hospital Khwaza Khella District Sawat.

Filed to-day

.....Respondents


Registrar
25/3/19

Appeal under section 4 of Khyber Pakhtunkhwa service tribunal Act 1974 against the office order No 5323-30/E.II dated 09-11-2018 of Director General Health Services Khyber Pakhtunkhwa, Peshawar whereby the appellant was transferred from THQ Hospital

2

**Khawaza khella to Category-C
Hospital Puran Shangla.**

Prayer

It is therefore most humbly requested that instant appeal of the appellant may graciously be accepted and the impugned order mentioned in the subject may kindly be set aside accordingly. Or Any other relief deem fit my kindly be granted.

Respectfully Sheweth

- 1- That the appellant was appointed as Charge Nurse BPS-16 and was serving at THQ Hospital Khawaza Khella Swat.
- 2- That in meanwhile the appellant was successfully selected for admission in MS Nursing session 2018-20 at institute of Nursing Science, Khyber Medical University Peshawar. (Copy of Order No KMU-INS/4-9/2441 dated 26/09/2018 is attached as annexure "A")
- 3- That on application for NOC and Relieving for admission in MSCN at KMU Peshawar by the appellant, the appellant was relieved with the direction that the appellant will continue to draw pay against his original post and after completion of his training he will report to THQ Hospital Khawaza khella Swat for duty. (Copy of application and office order No 4486-88/E-II dated 11-10-2018 are attached as annexure "B" & "C")
- 4- That on 30/11/2018 the appellant has received the transferred order No 5323-30/E-II dated 09/11/2018 through DHO Swat whereby the appellant was transferred from the THQ Hospital Khawaza Khella swat to Category-C Hospital Puran District Shangla without any reason. (Copy of order No 5323-30/E.II dated 09-11-2018 of

3

Director General health services Khyber Pakhtunkhwa, Peshawar is attached as annexure "D")

- 5- That feeling aggrieved the appellant has filed departmental representation before the Respondent No 2 but after elapse of 90 days it was not decided hence the instant appeal. (Copy of departmental representation is attached as annexure "E")
- 6- That feeling aggrieved from the above said order the appellant now approached to this honorable Service Tribunal for setting aside the impugned order on the following grounds

Grounds: -

- a) That under the law, the impugned order of the Director General health KPK Peshawar (Respondent No 2) is absolutely illegal and without lawful authority.
- b) That no notice or any information was forwarded to the appellant while passing the impugned order of transfer as the statutory period of 3 years service has not yet been completed by the appellant.
- c) That no opportunity of hearing was given to the appellant hence he was condemned unheard.
- d) That impugned Order is against the relieving order of the appellant for joining the MS Nursing hence the impugned order is not maintainable in the eyes of law.
- e) That the appellant may also be allowed to rely on additional grounds at the time of arguments.

It is therefore most humbly requested that instant appeal of the appellant may graciously be accepted and the impugned order mentioned in

74


the subject may kindly be set aside and order for reposting of the appellant to his original Post at THQ Hospital Khawaza Khella sawat may kindly passed in favor of the appellant accordingly.

Or

Any other relief deems fit my kindly be granted.

Appellant

Through


Syed Mustaq Ali Shah
Advocate,
High Court Peshawar

5

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

Service Appeal No. _____ of 2019

Nasir Anwar S/O Muhammad Anwar Charge Nurse BPS-16
R/O Presently KMU Hayatabad Peshawar

.....Appellant

VERSUS

Government Khyber Pakhtunkhwa Secretary Health
Peshawar and others

.....Respondents

Affidavit

I, Mr. Nasir Anwar S/O Muhammad Anwar Charge Nurse BPS-16 R/O Presently KMU Hayatabad Peshawar do hereby solemnly declare on oath that the contents of this appeal are correct to the best of my knowledge and belief.



Deponent

Nasir Anwar

6

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

Service Appeal No. _____ of 2019.

Nasir Anwar S/O Muhammad Anwar Charge Nurse BPS-16
R/O Presently KMU Hayatabad Peshawar

.....Appellant

VERSUS

Government Khyber Pakhtunkhwa Secretary Health
Peshawar and others

.....Respondents

Correct address of the parties

Appellant


Nasir Anwar S/O Muhammad Anwar Charge Nurse BPS-16
R/O Presently KMU Hayatabad Peshawar

Respondents

- 1) Government Khyber Pakhtunkhwa Secretary Health Peshawar
- 2) Director General Health Services KPK Peshawar.
- 3) Deputy Director (Nursing) Director General Health Services office KPK Peshawar
- 4) District Health officer District Swat.
- 5) District Health officer District Shangla
- 6) Mst Arabiya D/O Akhtar Hussain Charge Nurse BPS-16 THQ Hospital Khwaza Khella District Sawat.

Through

Appellant


Syed Mushtaq Ali Shah
Advocate,
High Court Peshawar



KHYBER MEDICAL UNIVERSITY

Phase-V, Hayatabad, Khyber Pakhtunkhwa, Peshawar, Pakistan.
☎ 091-9217703, 091-9217696-99, Fax: 091-9217704

Annexure - 'A'


No. KMU-INS/4-9/2441

Dated: 26/09/2018

TO WHOM IT MAY CONCERN


The following candidates are successfully selected for admission in MS Nursing Session 2018-20 at Institute of Nursing Sciences, Khyber Medical University. They are directed to deposit Rs. 50,800/- in KMU account and provide the original bank deposit slip to the institute on or before 27th Sep, 2018 to finalize their admission. The classes shall be commenced w.e.f. 3rd Oct, 2018:

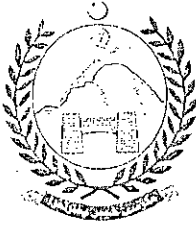
S#	Name	Father Name	Parent Department
1	Muhammad Aurangzeb	Khaista Wadood	Charge Nurse IKD, Pesh
2	Zafar Iqbal	Muhammad Ibrahim	Staff Nurse, NWGH, Pesh
3	Imran Inayat Yousafzai	Inayat Ul Haq	Lecturer, KMU INS
4	Akhtar Zeh	Shawkat Ali	Charge Nurse, Health Dept, KPK
5	Fajz Muhammad	Abdul Khanan	Charge Nurse, DHQ Hangu
6	Muhammad Saleem	Waris Khan	Charge Nurse, DHQ Hospital Batagram
7	Nasir Anwar	Muhammad Anwar	Charge Nurse DG Health KPK
8	Shahnaz Bibi	Azdar Baig	Charge Nurse, DHQ Hospital, Chitral
9	Syed Firdos Jamal	Alan Zeh	Staff Nurse, LRH, Peshawar
10	Akhtar Saeed	Jamshaid	Charge Nurse, Nawaz Sharif Kidney Hospital, Swat
11	Sobia Yasmin	Muhammad Iqbal	Nursing Instructor, State College of Nursing Mirpur
12	Shamim Akhtar	Khurshid Ali	Charge Nurse, LRH Peshawar
13	Nasar Mian	Shah Tamroz Mian	Charge Nurse THQ Swat
14	Amina Khatoon	Nawab Khan Khankhel	Nursing Instructor, LRH SON, Peshawar
15	Saeeda Akbar	Ali Akbar	No Details
16	Ruqyya	Umar Sayed	Head Nurse, LRH-MTI, Peshawar
17	Fahira Sadiq	Muhammad Sadiq	Staff Nurse, CEM
18	Samina Haidar	Sardar Ghulam Haider	Charge Nurse BBS Hospital Abbottabad
19	Tbne Amin	Muhammad Alam	Charge Nurse HMC, Peshawar
20	Akhtar Begum	Amir Lal	Instructor KTH SON, Peshawar


DIRECTOR / CHAIRMAN
Admissions Committee
Institute of Nursing Sciences,
Khyber Medical University
Peshawar

Copy to:

1. Office file

Attested




8

Annexure - B^o

DISTRICT HEALTH OFFICER
SWAT AT GULKADA.
Phone No. 0946-9240139,
Fax No. 0946-9240215
Email. edohswat@yahoo.com

No. 13/22 /PF/C.3. Dated. 15 /9/2018.

To


The Director General Health Services
Khyber Pakhtun Khwa Peshawar.

Subject:-

**APPLICATION FOR NOC AND RELIEVING FOR ADMISSION IN MSCN
AT KMU, PESHAWAR.**

R/Sir,

I have the honour to enclose herewith an application in respect of Mr. Nasir Anwar
Charge Nurse BPS-16, attached to THQ; Hospital Khawaza Khella Swat, which is self explanatory for
information and further necessary action. Please:



DISTRICT HEALTH OFFICER,
DISTRICT SWAT AT GULKADA.

NO. _____ /C.3/PF.

Copy to Medical Officer Incharge THQ; Hospital Khawaza Khella Swat for information

DISTRICT HEALTH OFFICER,
DISTRICT SWAT AT GULKADA.

SHARIF.

Accepted


D. G. H

*Pl do the needful
as per Law/policy*

Private Secretary to
Minister for Health
Khyber Pakhtunkhwa

26/9/2018

(9)

19/9/18

The Director General Health Services KPK.

E.I.
DHO

(Through paper channel)

Subject: Application for NOC and Relieving for Admission in MSc N (KMC)

Respected Sir,

Most respectfully it is stated that I have applied for MSc Nursing program and I am selected - Now I need noc and relieving from my duties - I shall be very thankful for your positive response.

Yours Sincerely,

Name Nasir Anwar

Nasir Anwar

Charge Nurse at "C" Hospital

Khwaza Khela Swat

Date: 19-9-2018

Accepted
[Signature]

No: 928-DT: 19-9-2018
Forwarded to DHO Swat for consideration and n/action please

Incharge
Category "C" Hospital
Khwaza Khela Swat
19/9/18

10

Annexure 'C'

DIRECTORATE GENERAL HEALTH SERVICES
HYBER PAKHTUNKHWA PESHAWAR

All communications should be addressed to The Director General
Health Services Peshawar and not to any official by name
Office Ph (091) - 9210269 Exchange 3 091 - 9210187, 091 - 9210196 Fax (091) - 9210230

W/O P.H.

OFFICE ORDER.

Mr. Nasir Anwar S/O Muhammad Anwar, Charge Nurse
(BPS-16) THQ Hospital Khawaza Khella Swat is hereby relieved from his
duties for joining MS Nursing '02 years program at KMU Hayatabad
Peshawar.

He will continue to draw pay against his original post and
after completion of his training he will report to THQ Hospital Khawaza Khella
Swat for duty.

Sd/-
DIRECTOR GENERAL HEALTH
SERVICES, KPK, PESHAWAR.

No. 4486-88/E.II, Dated Pesh.

11/10/2018.

Copy forwarded to the:-

- 01. Registrar KMU Peshawar.
- 02. District Health Officer, Swat.
- 03. Charge Nurse concerned.

For information and necessary action.

DEPUTY DIRECTRESS (NURSING)
DIRECTORATE GENERAL HEALTH
SERVICES, K.P.K, PESHAWAR.

11/10/18

S.I. / AS
Sub. can
DHO

Alerted
(S)



(11)

Annexure - D^o

**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR**

All communications should be addressed to the Director General
Health Services Peshawar and not to any official by name.
Office Ph. 091-20119209 Exchange 2, 091-20119209, 091-20119266 Fax. 091-2210230

OFFICE ORDER.

The following Posting/transfer of Charge Nurses (BPS-16) are hereby ordered in the interest of public Service with immediate effect:-

S.No.	Name of Charge Nurse	From	To	Remarks
01.	Mrs. Arabiya D/O Akbar Hussain, Charge Nurse BPS-16	SGTH, Swat	THQ Hospital Khawaza Khella Swat	Vice No. 02
02.	Mr. Nasir Anwar S/O Muhammad Anwar, Charge Nurse BPS-16	THQ Hospital Khawaza Khella Swat, undergoing MSc Nursing at KMU Peshawar	Category-C Hospital Puran Shangla	Against the vacant post for drawal of pay and will report to this Directorate for further posting after completion of his training.
03.	Ms. Relana Begum D/O Nasser Ahmad, Charge Nurse BPS-16	Qazi Hussain Ahmad Medical Complex, Nowshera	DHQ Hospital Nowshera	Against the vacant post.

NB: - Arrival/Departure reports should please be submitted to this Directorate for record.

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

No. 5323-30 /E.H. Dated Pesh. The 09-11/2018

Copy forwarded to the:-

- 01. Hospital Director, Qazi Hussain Ahmad Medical Complex, Nowshera.
- 02. Medical Supdt. SGTH, Swat.
- 03. Medical Supdt. DHQ Hospital Nowshera.
- 04. District Health Officer, Swat.
- 05. District Health Officer, Shangla.
- 06. DAOs concerned.
- 07. Charge Nurse concerned.
- 08. DA concerned, DGHS, K.P.K. Peshawar.

for information and necessary action.

DEPUTY DIRECTOR (NURSING)
DIRECTORATE GENERAL HEALTH SERVICES, K.P. PESHAWAR

Attended
[Signature]

E: I
[Signature]
DHO



DISTRICT HEALTH OFFICER
DISTRICT SWAT AT GULKADA.
Phone No. 0946-9240139,
Fax No. 0946-9240215.

Email. edohswat@yahoo.com


NO. 17257-60 /PF/C-3.

Dated. 30 / 11 /2018.

Copy of Reverse is forwarded to :-

- 1-Medical Officer Incharge THQ;Hospital Khawaza Khella Swat.
- 2-Divisional Monitoring Officer District Swat.
- 3-Mr.Nasir Anwar Charge Nurse BPS-16,attached THQ;Hospital Khawaza Khella Swat.
- 4-Account/DHIS Section of this office.

For information and necessary action.

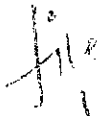
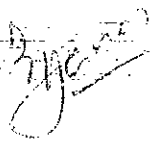

DISTRICT HEALTH OFFICER
DISTRICT SWAT AT GULKADA

NO. _____ /C.3/PF.

Copy of endorsement only forwarded to the Director general health Services.Khyber pakhtunkhwa Peshawar for information Please.

DISTRICT HEALTH OFFICER
DISTRICT SWAT AT GULKADA

SF

(19)

Annexure - E



DISTRICT HEALTH OFFICER
SWAT AT GULKADA.
Phone No. 0946-9240139,
Fax No. 0946-9240215
Email. edohswat@yahoo.com

No. 17694 /PF. Dated. 10 /12 /2018.

To

The Director General Health Services
Khyber Pakhtun khwa Peshawar.

Subject:-

**RE-POSTING TO ORIGINAL POST AT THQ;HOSPITAL KHAWAZA KHELLA
SWAT AFTER COMPLETION OF STUDIES.**

R/Sir,

I have the honour to enclose herewith an application for reposting in respect of Mr. Nasir Anwar Charge Nurse BPS-16, attached to THQ;Hospital Khawaza Khella Swat which is self explanatory for information and further necessary action.

Enclose-2.

17695
NO. 17695 /PF.

DISTRICT HEALTH OFFICER,
DISTRICT SWAT AT GULKADA.

Copy to Medical Officer Incharge THQ;Hospital Khawaza Khella Swat for information.

SHARIF.

DISTRICT HEALTH OFFICER,
DISTRICT SWAT AT GULKADA

Advised

13

2018
5/2/18

To Director General
Health Services NTK Rajasthan

Subject: Referring to a mail post of TMC Hospital
Jaipur with mail after completion of studies.

Respected Sir,

most respectfully I request that I

be allowed for a 6-month program from TMC
Hospital Jaipur. As per the letter no 4486-88/EI
dated for the document it was stated that

I will report to TMC Jaipur after
completion of my 6-month program. So please
kindly issue my mail letter and allow me

to do a TMC Hospital Jaipur study.

Yours sincerely,
Vishal Sharma
Employee ID: 14
TMC Hospital Jaipur
Date: 01-12-2018

NO USE OF
Incentive & Pk
for a/a plan

Incentive
Employee ID: 14
Date: 01-12-2018

Accepted
(S)

Better Copy

To,

The Director General,
Health Services KPK, Peshawar.

Subject: Reporting to Original Post at THQ Hospital
Khwarakhela Swat after completion of studies.



Respected Sir,

Most respectfully, it is stated that I am
believed for MSc Nursing program from THQ
Hospital Khwarakhela. As per the letter No 4486-88/E.II
issued from this directorate, it was stated that
I will report to THQ Khwarakhela Swat after
completion of my MSc Nursing program. So please
kindly consider my that letter and allow me
to be in THQ hospital Khwarakhela.

Yours sincerely,

Nasir Anwar,
Charge Nurse, BPS-16,
THQ Khwarakhela,
Date 03/12/2018

Attested


قیمت 50 روپے	7798	  
ایڈوکیٹ:		
بار کونسل / ایسوسی ایشن نمبر: B.C. 10-7728	رابطہ نمبر:	پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ

مخانب: سائل ۲	دعوی:
ناصر الوار	علت نمبر:
بنام	مورخہ:
حکومت	جرم:
	تھانہ:
باعث تحریر آتکہ	

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ
 آن مقام مسجد کیلئے کسٹمر سٹاپ کا انٹیمپٹ کو وکیل مقرر
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعوی اقبال دعوی اور درخواست از ہر قسم کی تصدیق
 زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز
 دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
 کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب
 مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور و قبول ہوگا
 دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے
 باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

accepted

2/10/2023

المرقوم: ۱۲-۰۳-۲۵

الع بد گواہ شد الع بد
 مقام مسجد کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔