

03.10.2019 Counsel for the petitioner and Mr. Kabirullah Khattak, Additional AG alongwith M/S Sher Baz, Section Officer and Hazrat Shah, Superintendent for the respondents present.

Representative of respondent No. 5 requests for time to engage a counsel. Adjourned to 17.10.2019 before S.B. The application for suspension of operation of order dated 14.03.2019 shall also be argued on the next date of hearing.

17.10.2019 Mr. Rizwanullah, Advocate for appellant and Addl. AG alongwith Sher Baz Khan, Section Officer and Hazrat Shah, Superintendent for the respondents present.

Learned counsel for the appellant has submitted Wakalatnama in his favour and requests for adjournment in order to seek fresh instructions from his client. Adjourned to 19.11.2019 before S.B.

CHAIRMAN 
Chairman 

19.11.2019 Mr. Mir Zaman Safi, Advocate for appellant, Addl. AG for the official respondents and Mr. Rizwanullah, Advocate for private respondent No. 5 present.

Learned counsel for respondent No. 5 has produced a copy of notification dated 18.10.2019 whereby transfer of Dr. Adnan as well as respondent No. 5 has been effected. Learned counsel states that in view of the development the present matter does not require to be proceeded with any further. Learned counsel for the appellant does not grudge to the stance from other side.

Order accordingly. File be consigned to the record room.

Chairman 

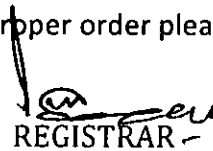

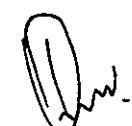
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19.11.2019

FORM OF ORDER SHEET

Court of _____

C.O.C Application No. 340 /2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	13/09/2019	<p style="text-align: center;">The C.O.C application of Dr. Hameed Ali submitted today by 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-	(16/09/19)	<p style="text-align: center;">This C.O.C application be put up before S. Bench on <u>04/10/19</u>.</p> <p style="text-align: right;">  CHAIRMAN </p>
	20.09.2019	<p style="text-align: center;">Counsel for the petitioner present. Notices be issued to the respondents for 03.10.2019 before S.B.</p> <p style="text-align: right;">  Chairman </p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

COC NO. 340 /2019
IN
APPEAL NO. 823/2019

DR. HAMEED ALI V/S SALEEM KHAN & OTHERS

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PETITIONER

THROUGH:

NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

COC NO. 340 /2019
IN
APPEAL NO. 823/2019



Dr. Hameed Ali, DHO/Agency Surgeon (BPS-18),
Merged Area District Kurram.....**PETITIONER**

VERSUS

- 1- Saleem Khan, Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- Muhammad Yahya Akhunzada, Secretary Health Department, Khyber Pakhtunkhwa, Peshawar.
- 3- Arshad Ahmad, Director General Health Services Department, Khyber Pakhtunkhwa, Peshawar.
- 4- Shah Faisal, Director Health Merged Area District, Merged Area Secretariat, Warsak Road, Peshawar.
- 5- Dr. Moeen Begum, AHQ Hospital Parachinar, presently Agency Surgeon Merged Area District Kurram.

.....**RESPONDENTS/CONTEMNORS**

APPLICATION UNDER ARTICLE-204 OF THE CONSTITUTION
OF ISLAMIC REPUBLIC OF PAKISTAN, 1973 READ WITH
SECTION 3 & 4 OF THE CONTEMPT OF COURT ORDINANCE,
2004 FOR INITIATING CONTEMPT OF COURT PROCEEDINGS
AGAINST THE RESPONDENTS/CONTEMNORS

R/SHEWETH:

RESPECTFULLY SHEWETH:

- 1- That the applicant/ petitioner had filed service appeal No.823/2019 before this august Tribunal. That applicant/petitioner had filed the above mentioned service appeal against the impugned order dated 14.03.2019. Copy of the service appeal alongwith record is attached as annexure..... **A.**
- 2- That the aforementioned service appeal was finally heard on 09.08.2019 and decided by this august Tribunal with the view that ***"In the light of above, the appellant has not been able to seek indulgence of this Tribunal. Consequently the respondent Department is directed to appoint suitable officer from Management Cadre, against the post of Agency Surgeon Merged Area, kurram within 15 days of the receipt of this judgment. The respondent department is further directed to recall all the transfer posting orders of Medical Officers/Senior Medical Officers against the***

posts Management Cadre". Copy of the judgment is attached as annexure.....**B.**

- 3- That after obtaining attested copy of the order/Judgment dated 09.08.2019, the applicant/petitioner submitted the same before the contemnors/respondents but the respondents instead to obey the judgment of Honorable Service Tribunal, Peshawar issued order dated 05.09.2019 whereby they have restored the previous order dated 14.03.2019 and posted the private respondent No.5 i.e. (Dr. Moeen Begum) as District Health Officer, Merged Area District Kurram in place of the petitioner. Copy of the order dated 14.03.2019 is attached as annexure.....**C.**
- 4- That the acts and actions of the Respondents/Contemnors squarely fall within the ambit of the Contempt of the 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: 12.09.2019

APPLICANT/ PETITIONER


DR. HAMEED ALI

THROUGH:


NOOR MOHAMMAD KHATTAK

&

MIR ZAMAN SABI
ADVOCATES

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

COC NO. _____/2019

IN

APPEAL NO. 823/2019

DR. HAMEED ALI

V/S

SALEEM KHAN & OTHERS

APPLICATION FOR SUSPENSION OF
OPERATION OF THE IMPUGNED ORDER DATED
05.09.2019 TILL THE DISPOSAL OF THE ABOVE
MENTIONED COC

R/SHEWETH:

- 1- That the above mentioned COC has been filed by the applicant/petitioner before this Honorable Tribunal in which no date is fixed so far.
- 2- That petitioner filed the above mentioned COC against the respondents/contemnors by issuing the impugned order dated 05.09.2019 instead to obey the judgment passed by this august Tribunal on 09.08.2019.
- 3- That all the three ingredients necessary for the stay is in favor of the appellant.
- 4- That any other ground would be taken at the time of arguments.

It is therefore, most humbly prayed that on acceptance of the instant C.M. the operation of the impugned order dated 05.09.2019 may very kindly be suspended till the disposal of the above mentioned COC.

Dated: 12.09.2019.

APPLICANT


DR. HAMEED ALI

THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

COC NO. _____/2019

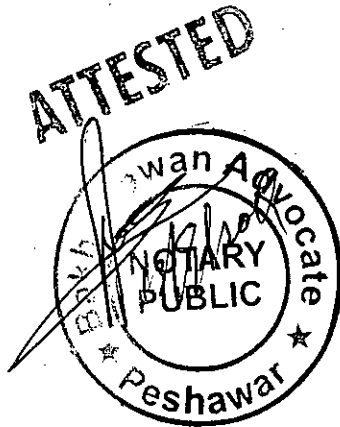
IN


APPEAL NO. 823/2019

DR. HAMEED ALI V/S SALEEM KHAN & OTHERS

AFFIDAVIT

I Noor Mohammad Khattak, Advocate on the instructions and on behalf of my client do hereby solemnly affirm that the contents of this **application for COC** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.




NOOR MOHAMMAD KHATTAK,
Advocate,
High Court, Peshawar

A-5

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 823 /2019Khyber Pakhtunkhwa
Service TribunalDiary No. 885Dr. Hameed Ali S/o Sadaf Ali Agency
Surgeon/Merged area District KurramDated 24/6/2019

.....Appellant

VERSUS

1. Chief Secretary, Government of KPK civil Secretariat, Peshawar
2. Secretary Health Department, Government of KPK Civil Secretariat, Peshawar
3. Director General Health Service Government of KPK, Peshawar
4. Dr. Moeen Begum AHQ Hospital Parachinar

.....Respondents

APPEAL U/S 4 OF KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT,
1974, AGAINST THE NOTIFICATION NO.
SOH(E-V)/7-732/2017 DATED 14/03/2019
OF RESPONDENT NO. 2, WHEREBY THE
TRANSFER ORDER OF THE APPELLANT
AS AGENCY SURGEON DISTRICT KURRAM
HAS BEEN WITHDRAWN AND AGAINST
WHICH DEPARTMENTAL APPEAL OF THE
APPELLANT HAS NOT BE RESPONDED SO
FAR DESPITE THE LAPSE OF STATUTORY
PERIOD OF 90 DAYS.

Filed to-day

Registrar

ATTESTED

(6)

Prayer:-

On acceptance of this appeal, the impugned notification dated 14/03/2019 may kindly be set aside and the appellant may be allowed to perform his duty as a agency surgeon/merged area district Kurram.

Respectfully Sheweth:-

1. That the appellant was appointed as medical Officer vide notification No. SO(E)H/-11/2006 dated 08/11/2006 (BPS-17) and was promoted as BPS-18 vide notification No. 940-47/D-28 dated 17/04/2018. **(Copies of notifications are attached as annexure A & B Respectively)** and since then the appellant performed his duty with honesty and full devotion and to the entire satisfaction of his high ups.
2. That the appellant was granted Ex-Pakistan leave vide notification No. 533/PF dated 04/03/2019 for 30 days w.e.f. 01/03/2019 to

ATTACHED

⑦

01/04/2019. (Copy of *application*
dated 04/03/2019 along with application for
leave are attached as annexure C & D)

3. That the appellant while performing his duties as senior medical officer at agency Head quarter Hospital Parachinar was transferred to the office of agency surgeon/merged area district Kurram vide office order dated 07/03/2019 vide notification No. 2745-50/DHS/FATA/Admn dated 07/03/2019. **(Copy of notification dated 07/03/2019 is attached as annexure E)**

4. That strangely and in utter violation of laws and rules, the order dated 07/03/2019 was withdrawn vide notification dated 14/03/2019. **(Copy of order dated 07/03/2019 is attached as annexure F)**

ATTESTED


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5. That the appellant preferred departmental appeal vide Diary No. 395/WE dated 21/03/2019 which has not been responded despite the lapse of statutory period of 90 days.
(Copy of appeal is attached as annexure G)

6. That the impugned order dated 14/03/2019 is illegal, unlawful, without lawful authority and of no legal effect on the following grounds inter alia as follows:

GROUND S:-

- A. That the impugned notification is illegal, void ab inito.
- B. That the impugned notification is pre-mature being issued just after 7 days thus not tenable.
- C. That the impugned notification/order is not speaking order thus liable to be set aside on this score alone.
- D. That the impugned notification/order has been issued without assigning any reason.

ATTESTED



- E. That the appellant has not been treated in accordance with law and rules being his fundamental rights duly protected by the constitution and the law.
- F. That the impugned order is the outcome of the malafide, influence, and against all norms of justice.
- G. That the respondent No. 4 has already remained posted as Agency Surgeon/merged area Kurram Since 2014 and she is not willing to leave the said post in violation of the civil servant Act, 1973. **(Copy of notification dated 29/10/2014 is attached as annexure H)**
- H. That the appellant has 13 years of service with unblemished service record.
- I. That any other ground may be raised at the time of arguments, with the kind permission of this Honourable Tribunal, if needed so.

*It is, therefore, most humbly prayed that
On acceptance of this appeal, the
impugned notification dated 14/03/2019
may kindly be set aside and the*

ATTESTED

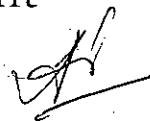
appellant may be allowed to perform his duty as a agency surgeon/merged area district Kurram.

Any other relief available in the circumstances of the case, not specifically asked for, may also be granted to the appellant.



Appellant

Through



Noor Muhammad Khalil
Advocate, High court
Peshawar

Date: 24/06/2019

ATTESTED



11

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

Service Appeal No. _____/2019

Dr. Hameed Ali

.....Appellant

VERSUS

Chief Secretary, Government of KPK Civil
Secretariat, & others

.....Respondents

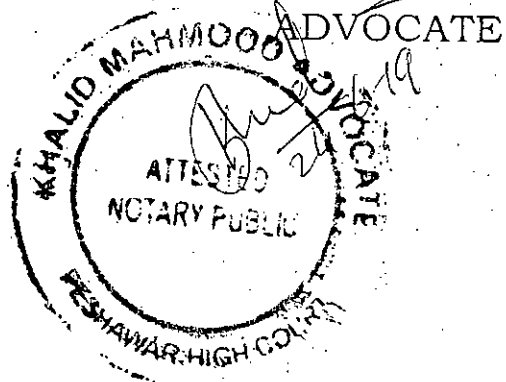
A F F I D A V I T

I, Dr. Hameed Ali S/o Sadaf Ali Agency
Surgeon/Merged area District Kurram, do hereby
solemnly affirm and declare that the contents of the
accompanying **Service Appeal** are true and correct
to the best of my knowledge and belief and nothing
has been concealed from this Hon'ble Court.

[Signature]

ATTSTED

[Signature]



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

Service Appeal No. _____/2019

Dr. Hameed Ali

.....Appellant

VERSUS

Chief Secretary, Government of KPK Civil
Secretariat, & others

.....Respondents

ADDRESSES OF PARTIES

APPELLANT

Dr. Hameed Ali S/o Sadaf Ali Agency
Surgeon/Merged area District Kurram

RESPONDENTS

1. Chief Secretary, Government of KPK civil
Secretariat, Peshawar
2. Secretary Health Department, Government of
KPK Civil Secretariat, Peshawar
3. Director General Health Service Government of
KPK, Peshawar
4. Dr. Moeen Begum AHQ Hospital Parachinar

Appellant

Through



Noor Muhammad Khalil
Advocate, High court
Peshawar

Date: 24/06/2019

ATTESTED



13

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____/2019

Dr. Hameed Ali

.....Appellant

VERSUS

Chief Secretary, Government of KPK Civil
Secretariat, & others

.....Respondents

**Application for suspension of the
operation of impugned order dated
14/03/2019, till the final decision of
the appeal.**

Respectfully Sheweth:

1. That the above noted appeal is being filed before this Hon'ble Court, in which no date of hearing has yet been fixed.
2. That the appellant has got a good prima facie case in their favour, and are sanguine about its success.

ATTESTED



(14)

3. That the balance of convenience also lies in favour of the appellant.
4. That if the order dated 14/03/2019 not suspended, the petitioners would suffer irreparable loss.
5. That the facts and grounds of the appeal may kindly be read as an integral part of this application.

It is, therefore, respectfully prayed that on acceptance of this application, the impugned order dated 14/03/2019 may kindly be suspended, till the final decision of the case.

Appellant
Through



Noor Muhammad Khalil
Advocate, High court
Peshawar

Date: 24/06/2019

ATTESTED



15

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____/2019

Dr. Hameed Ali

.....**Appellant**

VERSUS

Chief Secretary, Government of KPK Civil
Secretariat, & others

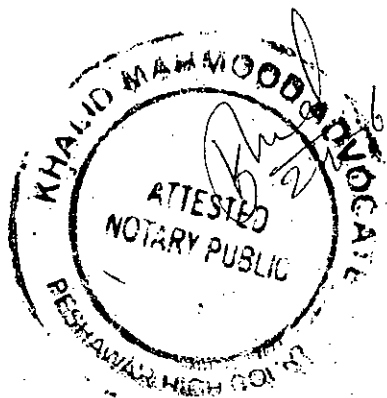
.....**Respondents**

A F F I D A V I T

I, Dr. Hameed Ali S/o Sadaf Ali Agency
Surgeon/Merged area District Kurram, do hereby
solemnly affirm and declare that the contents of the
accompanying **application** are true and correct to
the best of my knowledge and belief and nothing has
been concealed from this Hon'ble Court.

(Signature)

(Signature)
ADVOCATE



ATTESTED
(Signature)

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Ann A
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(16)

GOVERNMENT OF NWFP
HEALTH DEPARTMENT..

Dated November 8th 2006.

NOTIFICATION.

NO.SO(E)H/-11/2006. On the recommendation of NWFP PSC, the competent authority is pleased to appoint the following doctors as MO (BPS-17) under Section 19 (2) of the Civil Servants (Amendment) Act 2005, on regular basis:-

<u>S.NO. NAME OF DOCTOR</u>	<u>PRESENT POSTING</u>	<u>PROPOSED POSTING.</u>
C1. Dr. Muhammad Sohail Khattak	MO (Cont:) BHU Shin Dand FR Kohat	At the disposal of EDO(H) Peshawar for further post- ing.
C2. Dr. Ijaz Ahmad S/O Bashir Ahmad.	First Appointt:	At the disposal of EDO(H) Nowshera for further post- ing.
C3. Dr. Muhammad Sajjad Masood S/O M. Masood Khan.	MO Cont:) BHU Sakhi Jani Khel Bannu.	BHU Sakhi Jani Khel Bannu .
C4. Dr. Azam Khan S/O Noor Rehman.	First appointment.	Services placed at disposal of EDO(H) Swabi for further posting.
C5. Dr. Hasan Ullah S/O Haji Hawas Khan.	First appointment.	Services placed at the disposal of EDO(H) Charsadda for further posting.
C6. Dr. Attaul Haq S/O Ihsanul Haq.	-do-	Services placed at the disposal of EDO(H) Nowshera for further posting.
C7. Dr. Muhammad Riaz S/O Muhammad Aslam.	MO Cont:), ESH Pabbi Nowshera.	Emergency Satellite Hospital Pabbi.
C8. Dr. Iftikhar Ahmad Khan S/O Wasim Jan.	MO (Cont:) BHU Sawal Dher Mardan.	MO BHU Palo Dher: Mardan.
C9. Dr. Hameed Ali S/O Sadaf Ali.	MO (Cont!) BHU, Jalander Kurram Agency.	At the disposal of DHS FATA for further posting.
C10. Dr. Fawad Ahmed Khan S/O Fazal Nabi.	First appointment.	At the disposal of EDO(H) Mardan for further posting.
C11. Dr. Muhammad Iftikhar Adil S/O Yasir Gul.	-do-	MO BHU Sawal Dher Distt; Mardan.
C12. Dr. Nadir Ali Shuja S/O Shujaud Dullah Khan.	MO (Cont:) RHC Gambat Mardan.	RHC Gambat Mardan.

Attest
H

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Cont: Page No.02.

- 13. Dr. Ghani Khan S/O Abdul Qayyum. MO (Cont:)BHU Dherkai Bajour. At the disposal of DHS FATA for further posting.
- 14. Dr. Ihsan Ullah S/O Lal Saleh Din. MO (Cont:)THCH: Mir Ali NWA. THCHsop: Mir Ali NW Agy.
- 15. Dr. Mukhtyar Alem Afridi. First appointment. Services placed at the disposal of EDO(H) Battagram for further posting.
- 16. Dr. Muhammad Shehryar Khattak S/O Muhammad Tariq Khattak. -do- Services placed at the disposal of EDO(V) Kohat for further posting.
- 17. Dr. Jamal Ud Din S/O Muhammad Din. MO(Cont:)BHU Shikho Charsadda. MO BHU Shikho Distt: Charsadda.

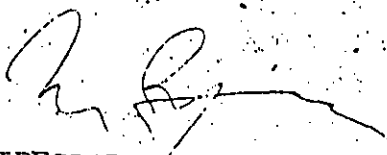
02. The serial chronological order will not confer any right of seniority which is determined by the Public Service Commission.

03. The officers are required to report for duty within 30 days of the issuance of this notification.

SD/-Secretary Health N.W.F.P.

OFFICE OF THE DG HEALTH SERVICES, NWFP, PESHAWAR.
 NO. 30562-661 / E.I. DATED PESH. THE 20/ 11 /2006.
 Copy forwarded to

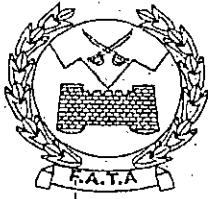
- 01. Director Health Services, FATA Peshawar.
 - 02. EDOs(Health) Kohat, Peshawar, Nowshera, Bannu, Swabi, Charsadda Mardan and Battagram.
 - 13. Agency Surgeons Kurram, Bajour and SW, Wana Agy.
 - 14. DAG, NWFP, Peshawar.
 - 22. DADS, Kohat, Peshawar, Nowshera, Bannu, Swabi, Charsadda Mardan and Battagram.
 - 25. Agency Accounts Officers, Kurram, Bajour, and SW Wana Agy.
 - 42. Doctors concerned.
 - 43. AE-IV DGHS, Office Peshawar.
- for information and n/action.


 FOR DIRECTOR GENERAL HEALTH SERVICES, NWFP, PESHAWAR.

ISHAQ KHAN.
 2006.11.20.//

Handwritten notes:
 Sheryar to Me
 1/20/06

Handwritten notes:
 11/20/06
 747
 1.12.06
 PF



AGENCY HEAD QUARTER HOSPITAL PARACHINR
KURRAM AGENCY.

Phone office 0926 311468 Fax 0926310411

Email;msahqprcr468@gmail.com

NO 940-47 /D-28

Dated 17/4 /2018

To

The Director Health Services
FATA Peshawar.

Subject; POSTING OF SMOs AGAINST THE VACANT POSTS OF SPECIALISTS.
Sir.

In compliance of your office Notification NO 4133-4276 /DHS /FATA / Admin dated 28/02/2018 & Office order NO 4075-81 /DHS/FATA/Admin dated 28/02/2018 the following Senior Medical Officers BPS 18 are hereby adjusted against the vacant posts of specialists as mentioned against each with effect from their date of Arrival at the Directorate of Health Services FATA Peshawar.

S.NO	Name of SMO	BPS	Date of Arrival	Adjusted against
1	Dr Ramazan Ali	18	04-12-2017	Surgical Specialist
2	Dr Hameed Ali	18	03-02-2018	Physician
3	Dr Asad Ali	18	06-02-2018	Physician
4	Dr Habibullah Jan	18	06-02-2018	ENT Specialist
5	Dr Hussain Jan	18	06-02-2018	Cardiologist
6	Dr Gul Ali	18	07-02-2018	Radiologist

It is added that the rest of three SMOs placed at the disposal of this office could not be accommodated and are hereby returned to your office for further necessary action please.

Medical Superintendent
Agency Head Quarter Hospital
Parachinar

Cc

1. Agency Account Officer Kurram Parachinar for information and N/A.
2. Agency Surgeon Kurram for information please.
3. SMOs mentioned above for information and to note that they would be relived in case of arrival of the original incumbent of the post.
4. Dr S. Muhammad Hassanin.
5. Dr Ali Muhammad.
6. Dr Nawab Ali
7. DMS for information and necessary action.

For information and with the direction to report to Director Health Services FATA Peshawar for Further necessary action.

Medical Superintendent
Agency Head Quarter Hospital
Parachinar

ATTACHED

Ann. 66-23

(8)

(19)



AGENCY HEAD QUARTER HOSPITAL PARACHINR
KURRAM AGENCY.

Phone office 0926 311468 Fax 0926310411
Email;msahqpcr468@gmail.com

NO 533 /PF Dated 4/3 /2019

To

The Director Health Services
Merged Areas Peshawar.

Subject;
Sir.

APPLICATION FOR 30 DAYS EARNED LEAVE.


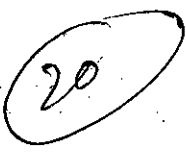
I have the honor to submit herewith an Original Application duly signed by Agency Account Officer Kurram for 30 Earned leave in respect of Dr Hammed Ali Senior Medical Officer BPS 18 of this office for favorable consideration please.

Encl; 1

[Signature]
Medical Superintendent
Agency Head Quarter Hospital
Parachinar

Attested
[Signature]

ATTESTED
[Signature]

16
Ann  

GSAPD.N.W.F.P. 508 R.S. 1,508 R.S 1,500P. OF 100 18-12-85

APPLICATION FOR LEAVE

Note: item 1 to 9 must be filled in by all applicants .item applies only in the case of Government servants of BPS 16 and above.

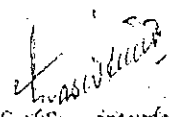
- 1. Name of Applicant Dr. Hameed Ali
- 2. Leave Rules applicable Revised leave Rule 1981
- 3. Post held Sr Medical Officer BPS 18
- 4. Department or Office Health Department.
- 5. Pay B. Pay Rs 72790/-
- 6. House rent allowance/conveyance allowance or other compensatory allowance drawn in the present post.
- 7. (a) Nature of leave applied for Earned Leave
(b) Period of leave in days 30 days
(c) Date of commencement 01/03/2019
- 8. Particular Rule /Rules under which leave is admissible. Revised leave Rule 1981
- 9. (a) Date of return from last leave
(b) Nature of leave.
(c) Period of leave in days.
(d) Date


Signature of Applicant.

10. Remarks and recommendation of the controlling officer

11. Certified that leave applied for is admissible under rule Revised leave Rule 1981 and necessary condition are fulfilled.

Date


Signature Medical Superintendent
Designation Agency Head Quarter Hospital Parachinar.

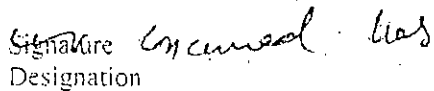
12. Report of Audit Officer


Date

Signature
Designation


13. Orders of the sanctioning authority certifying that on the expiry of leave the applicant is likely to the same post carrying the compensatory allowance being drawn by him

Date

DI is certified that the  was sufficient leave in his credits so he is entitle for the leave applied for,


District Accounts Officer
Parachinar Kupam Tribal District

Attested


ATTESTED




DIRECTORATE OF HEALTH SERVICES

MERGED AREAS WARSAK ROAD PESHAWAR.

No: _____ /DHS/FATA/Admn Dated:-

Phone#: 091-9210106

FAX#: 091-9210212

OFFICE ORDER:-

The competent authority is pleased to order the following posting / transfer of doctors in the interest of public service with immediate effect.

S#	Name	From	To
1	Dr. Moeen Begum (BPS-19)	Agency Surgeon Merged Area Kurram	Report to Medical Superintendent AHQ Hospital Parachinar for duty
2	Dr. Hamced Ali (BPS-18)	Senior Medical Officer AHQ Hospital Parachinar	Agency Surgeon Merged Area Kurram

-----SD-----

Secretary to Government,
Health Department, Khyber Pakhtunkhwa,
Peshawar

No. 2745-50 /DHS/FATA/Admn, dated 07/03/2019.

Copy forwarded for information and necessary action to: _____

1. The Minister Health, Khyber Pakhtunkhwa, Peshawar
2. The Secretary to Government Health Department, Khyber Pakhtunkhwa, Peshawar.
3. Medical Superintendent AHQ Hospital Parachinar, Merged area Kurram and Wana SW.
4. The Agency Surgeon Merged area Kurram.
5. The District Accounts officer, Merged area Kurram and SW.
6. The Doctors concern.

Attested
Director Health Services,
Merged Areas, Peshawar

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated Peshawar the March 14, 2019

NOTIFICATION

NO.SOH(E-V)/7-732/2017 The Competent Authority is pleased to withdraw
Director Health Services Merged Area Peshawar Office Order No. 2745-
50/DHS/FATA/Admin dated 07.03.2019 with immediate effect.

SECRETARY HEALTH
Govt. of Khyber Pakhtunkhwa

Endst. No. & Date Even

Copy to the:-

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. Director General, Health Services, Khyber Pakhtunkhwa.
3. Director Health Services Merged Area Districts.
4. Medical Superintendent AHQ Hospital Merged Area Parachinar and Wana SW
5. The Agency Surgeon Merged Area Kurram
6. District Accounts Officer Merged Area Kurram and Wana SW
7. PS to Secretary Health Department.
8. Computer Programmer Health Department
9. Doctors concerned.

(FAZAL ALI)

SECTION OFFICER (E-V)

DIRECTORATE OF HEALTH SERVICES

MERGED AREA SECRETARIAT WARSAK ROAD PESHAWAR

NO. 3895-905 /DHS/ADMIN

DATE: 17 /03. /2019

Copy is forwarded to the:-

1. Deputy Director (Admin) DHS Merged Areas.
2. Agency Surgeon Tribal District Kurram.
3. Deputy Commissioner Tribal District Kurram.
4. Medical Superintendent AHQ Hospital Parachinar.
5. Agency Accounts Officer Kurram and SWA.
6. Doctor concerned.

For information and further necessary action.

ATTESTED

To,

The Hon'ble Chief Secretary
Khyber Pakhtunkhwa, Peshawar.

Subject:

DEPARTMENTAL APPEAL AGAINST THE
ORDER DATED 14/03/2019 WHEREBY
THE TRANSFER ORDER OF THE
APPELLANT DATED 07/03/2019 HAS
BEEN WITHDRAWN

Reverenced Sir,

1. That I am the employee of Health Department in DHQ Hospital Parachinar, serving as SMO in DHQ Hospital.
2. That while I was performing my duty in DHQ Hospital, I received letter dated 07/03/2019 whereby I have been posted as Agency Surgeon (Kurram marged area). Copy attached.
3. That astonishingly just after 7 days of my transfer as Agency Surgeon, the order dated 07/03/2019 has been withdrawn by Secretary Health vide his order dated 14/03/2019. Copy attached.
4. That I am a Doctor enlisted in management order since 2004.
5. That the incumbent presently working on the post of Agency Surgeon has already completed her normal tenure on the post in question, as she is working since 2014.
6. That the post of Agency Surgeon is that of BPS-18 and the present incumbent is of BPS-19 Officer which is against the law and rules on the subject.
7. That I have performed my duty with full devotion, enthusiasm and as such have an unblemished

Attested
[Signature]

ATTESTED
[Signature]

[Handwritten marks]

23

PS/O.S Khyber Pakhtunkhwa
Diary No. 395/WF
Date 11/03/2019

- (24)
8. That the withdrawal order dated 14/03/2019 is not a speaking order and is a result of hastiness, just to benefit the present incumbent.
 9. That the impugned order is premature being against the transfer/posting policy of the Provincial Government and as such not tenable.
 10. That the impugned order has not been passed as per law, as in the instant case the competent authority is the Chief Minister KPK, the order as such is without jurisdiction and legal authority.

It is, therefore, most humbly requested that the order dated 14/03/2019 be canceled/set-aside by retaining me on the post as Agency Surgeon.

Dated: 21/03/2019

Sincerely Yours

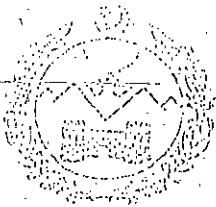


Dr. Hameed Ali

Cell# 0308-5391954

ATTESTED





Establishment Section



25

NOTIFICATION:

No. FSI/EM/100-93 (Vol-4) / 1697-1708 On placement of her services at the disposal of Directorate of Health Services (FATA) vide Health Department Khyber Pakhtunkhwa Notification No. SOH(E-V)-853/2013 dated 14-10-2014, Dr. Moeen Begum (BS-19) is posted to Agency Headquarters Hospital Wana South Waziristan Agency against the vacant post of Medical Superintendent (BS-19) for the purpose of actualization of her promotion in BS-19 as well as drawal of pay and allowances.

She will, however, continue to perform duties as Agency Surgeon Kurram Agency in the public interest.

SECRETARY (ADMIN, INFRA & COOR)

Dated: 10/10/2014

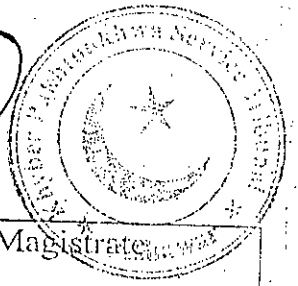
Copy to:-

1. Secretary Health Department Khyber Pakhtunkhwa
2. Director General Health Services Khyber Pakhtunkhwa
3. Director Health Services (FATA)
4. Agency Surgeon Kurram Agency
5. Agency Surgeon South Waziristan Agency
6. Medical Superintendent, AHQs Hospital Wana South Wazi Agency
7. Agency Accounts Officer South Waziristan Agency
8. Agency Accounts Officer Kurram Agency
9. PS to Secretary A, I&C Department FATA Secretariat
10. Officer concerned

(JIBREEL RAZA)
Section Officer (Estab)

ATTESTED

B-76



Sr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
<p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u> Service Appeal No. 823/2019</p> <p style="text-align: center;">Date of Institution 24.06.2018 Date of Decision 09.08.2019</p> <p>Dr. Hameed Ali S/o Sadaf Ali Agency Surgeon/Merged Area District Kurram.</p> <p style="text-align: right;">Appellant</p> <p style="text-align: center;">Versus</p> <ol style="list-style-type: none"> 1. Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar. 2. Secretary Health Department Government of Khyber Pakhtunkhwa, Peshawar. 3. Director General Health Services Government of Khyber Pakhtunkhwa, Peshawar. 4. Dr. Moeen Begum AHQ Hospital Parachinar. <p style="text-align: right;">Respondents</p> <p>09.08.2019</p> <p>Mr. Muhammad Hamid Mughal-----Member(J) Mr. Ahmad Hassan-----Member(E)</p> <p style="text-align: center;"><u>JUDGMENT</u> <u>MUHAMMAD HAMID MUGHAL, MEMBER: - Appellant</u></p> <p>present. Learned counsel for appellant present. Mr. Muhammad Jan learned Deputy District Attorney for official respondents present. Private respondent No.4 alongwith counsel present.</p> <ol style="list-style-type: none"> 2. The appellant "Senior Medical Officer (BS-18)" has filed the 		

9/8/2019

ATTESTED

EXAMINED
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

ATTESTED

present service appeal being aggrieved against the order dated 14.03.2019 whereby his transfer from the post of Senior Medical Officer AHQ Hospital Parachinar to the post of Agency Surgeon Merged Area Kurram in place of private respondent No.4, was withdrawn.

3. Learned counsel for the appellant argued that vide order dated 07.03.2019 the appellant was transferred from the post of Senior Medical Officer AHQ Hospital Parachinar to the post of Agency Surgeon Merged Area Kurram however with in a few days of the issuance of the said order the same was withdrawn vide impugned order dated 14.03.2019. Further argued that the impugned order is premature and in utter violation of laws, rules and policy. Further contended that private respondent No.4 has already been posted as Agency Surgeon Merged Area Kurram since 2014 but she is not willing to leave the said post.

4. As against that learned Deputy District Attorney assisted by learned counsel for private respondent No.4, argued that the posting order of the appellant as Agency Surgeon Merged Area Kurram was issued by the incompetent authority. Further argued that the post of Agency Surgeon (BS-18) falls to the share of Health Management Cadre in BS-18 while the appellant belongs to General Cadre and that cross cadre posting is against the Health Management Cadre Service Rules, 2008. Next contended that the transfer posting order dated 07.03.2019 was illegal hence rightly withdrawn.

5. Arguments heard, File perused.
6. There is no dispute that the post of Agency Surgeon is a

Pa
9/8/2019

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

ATTESTED

28

Management Cadre Post whereas both the appellant and private respondent No.4 belong to General Cadre.

7. Learned counsel for the appellant could not demonstrate that under the relevant rules, how a Medical Officer/Senior Medical Officer of General Cadre can be appointed against the Management Cadre post. Director Health Services Merged Areas Peshawar has exceeded his authority by issuing transfer posting order dated 07.03.2019 in relation to the appellant (BS-18) and private respondent No.4 (BS-19).

8. In the light of above, the appellant has not been able to seek indulgence of this Tribunal. Consequently the respondent department is directed to appoint suitable officer from Management Cadre, against the post of Agency Surgeon Merged Area Kurram, within 15 days of the receipt of this judgment. The respondent department is further directed to recall all the transfer posting orders of Medical Officer/Senior Medical Officers against the posts of Management Cadre. The present service appeal is disposed of in the above noted terms. Parties are left to bear their own costs. File be consigned to the record room.

(Signature of Ahmad Hassan)

(Signature of Muhammad Hamid Mughal)

Certified to be a true copy (Ahmad Hassan) Member

(Muhammad Hamid Mughal) Member

Khyber Pakhtunkhwa
Services Tribunal,
Peshawar

ANNOUNCED.

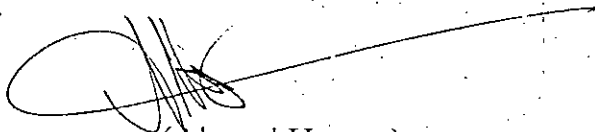
09:08.2019

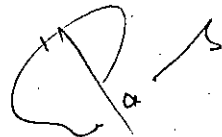
Date of Decree/Order of Appeal	11-9-2019
Number of Pages	3600
Copying Fee	36
Urgent	40
Total	40
Name of Applicant	<i>(Signature)</i>
Date of Appeal	11-9-2019
Date of Delivery	11-9-2019

ATTACHED
(Signature)

09.08.2019

Appellant present. Learned counsel for the appellant present. Mr. Muhammad Jan learned Deputy District Attorney for official respondents present. Private respondent No.4 along with his counsel present. Vide separate judgment of today of this Tribunal placed on file, the appellant has not been able to seek indulgence of this Tribunal. Consequently the respondent department is directed to appoint suitable officer from Management Cadre, against the post of Agency Surgeon Merged Area Kurram, within 15 days of the receipt of this judgment. The respondent department is further directed to recall all the transfer posting orders of Medical Officer/Senior Medical Officers against the posts of Management Cadre. The present service appeal is disposed of in the above noted terms. Parties are left to bear their own costs. File be consigned to the record room.



 (Ahmad Hassan)
 Member


 (Muhammad Hamid Mughal)
 Member

ANNOUNCED
 09.08.2019.

ATTESTED

 EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

ATTESTED




DIRECTORATE OF HEALTH SERVICES
Merged Areas, Peshawar.

C-33

Phone: 091-9210212

FAX: 091-9212110

OFFICE ORDER

In pursuance of Khyber Pakhtunkhwa Service Tribunal Peshawar judgment dated 09.08.2019 in Appeal No. 823/2019-Dr. Hameed Ali Vs Govt. of Khyber Pakhtunkhwa & others, and approval of the competent authority, the withdrawal Notification No. SOH(E-V)/7-732/2017 dated 14.03.2019 is hereby restored till posting of Management Cadre Officer against the post of District Health Officer, Tribal District Kurram.

Sd/xxxxx
Secretary Health,
Govt. of Khyber Pakhtunkhwa
Peshawar

No. 14819-28 /DHS/Liti Dated: 05/09/2019

Copy to the:-

1. Secretary Health, Govt. of, Khyber Pakhtunkhwa Peshawar.
2. Special Secretary Health, Govt. of, Khyber Pakhtunkhwa Peshawar.
3. Deputy Commissioner, Tribal District Kurram.
4. 73 Brigades, Parachinar Kurram.
5. Commandant 8-Baloch, Pak Army Parachinar, Kurram.
6. Additional Deputy Commissioner, Tribal District Kurram.
7. Section Officer (Liti-I), Health Department, Peshawar.
8. District Health Officer, Tribal District Kurram.
9. District Accounts Officer, Tribal District Kurram at Parachinar.
10. Officer concerned.

[Handwritten signature]

[Handwritten signature]
Director Health Services,
Merged Areas Peshawar

DIRECTORATE OF HEALTH SERVICES

Merged Area, Peshawar.



Phone: 091-9212115

FAX: 091-9212110

OFFICE ORDER

In pursuance of Kyber Pakhtunkhwa Service Tribunal Peshawar judgment dated 08.08.2019 in Appeal No: 823/2019-D. Hameed Ali Vs Govt. of Kyber Pakhtunkhwa & others, and approval of the competent authority, the withdrawal Notification No. SOH(E-V)-7-73212017 dated 14.03.2019 is hereby restored till posting of Management Cadre Officer against the post of District Health Officer,


Tribal District Kuzam.

Sd/-xxxxxx
Secretary Health
Govt. of Kyber Pakhtunkhwa
Peshawar

No 1987-23/10HSL/18 Dated: 21.08.2019

Copy to the -

1. Secretary Health, Govt. of Kyber Pakhtunkhwa Peshawar.
2. Special Secretary Health, Govt. of Kyber Pakhtunkhwa Peshawar.
3. Deputy Commissioner, Tribal District Kuzam
4. TA Bhabra, Peshawar Kuzam.
5. Commissioner & District, Pak Army Peshawar, Kuzam.
6. Additional Deputy Commissioner, Tribal District Kuzam.
7. Section Officer (Lit-I), Health Department, Peshawar.
8. District Health Officer, Tribal District Kuzam.
9. District Accounts Officer, Tribal District Kuzam at Peshawar.
10. Officer concerned.


Director Health Services
Merged Area Peshawar

VAKALATNAMA

Before the KP Service Tribunal, Peshawar

OF 2019

Dr. Hameed Ali

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

A Saleem Khan & Others

(RESPONDENT)
(DEFENDANT)

I/We *Dr. Hameed Ali*

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. *12 / 9 / 2019*



CLIENT



ACCEPTED

NOOR MOHAMMAD KHATTAK

SHAHZULLAH YOUSAFZAI

&

MIR ZAMAN SAFI
ADVOCATES

OFFICE:
Flat No.3, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.
Mobile No.0345-9383141

Before the Honible Chairaman, KPK Senior Tribunal, Peshawar.

بعدالت

COC No. 340/2019
in appeal No. 823/2019

(Respondent No. 5) 2 منجانب بنام

Dr. Hameed Ali
VS

Saleem Khan, Chief Secretary
and other باعث تحریر آنک

موزخه
مقدمہ
دعوی
جزم

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی اور جواب دہی وکل کاروائی متعلقہ
آن مقام ~~Rizwanullah Adv~~ کے لیے ~~Peshawar~~

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 ثالثہ فیصلہ بر حلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک دروپیدار عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخ
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
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 بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو شخص ہر جہاں سے مقدمہ کے سبب سے وہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے کہ پیروی
مذکور کریں۔ لہذا ادکالت نامہ لکھ دیا کہ مندر ہے۔

دعویٰ کا اقرار
میں نے
6/10/19

Accepted
20

المرقوم
واہ
بمقام



GOVERNMENT OF KHYBER PAKHTUNKHWA

HEALTH DEPARTMENT

Dated Peshawar, the 18th October, 2019

NOTIFICATION.

NO.SOH(EV)4-22/2019. The Competent Authority is pleased to issue the following posting/transfer of doctors with immediate effect in the public interest.

S.No	Name of Doctors	From	To
1.	Dr. Adnan, Management Cadre BS-17	Under transfer to Type-D Hospital Dogra Picket Khyber	DHO, Upper Kurram in his own pay & scale vice Sr. No. 2.
2.	Dr. Mueen Begum General Cadre BS-19	DHO, Upper Kurram (BS-18)	DHQ hospital Kohat against the vacant post of BS-19.

SECRETARY HEALTH
Govt of Khyber Pakhtunkhwa.

Endst. No. & Date even.

Copy to :-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director General Health Services, Khyber Pakhtunkhwa.
3. Director Health Services Merged Areas Peshawar.
4. DHO, Upper Kurram.
5. District Accounts Officer, Upper Kurram.
6. PS to Minister Health Khyber Pakhtunkhwa
7. PS to Secretary Health Department.
8. Computer Programmer Health Department.
9. Doctor/officer concerned.

(Fazal ur Rahim)
SECTION OFFICER-V