

(1)

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 10861

Dated 29-1-2024

Service Appeal No: 89/2023

Mst. NajmaFidous D/o Muhammad Suleman RNO (BPS-16)

\*\*\*\*\* VERSUS \*\*\*\*\*

1. Secretary, Health Department, Khyber Pakthunkhwa, Peshawar.
2. Director, General Health Services, Khyber Pakthunkhwa, Peshawar.
3. Medical Superintendent, DHQ Teaching Hospital, KDA, Kohat.

**APPLICATION FOR VACATION OF SUSPENSION ORDER**

**DATED 08/01/2024 PASSED BY THIS HON'BLE TRIBUNAL**

**IN SERVICE APPEAL NO. 89/2023**

*Respected Sheweth:*

*The petitioner / R-3 being aggrieved from the order dated 08/01/2024 passed by this Hon'ble Tribunal in captioned service appeal, now seeks its withdrawal in the following grounds, inter alia.*

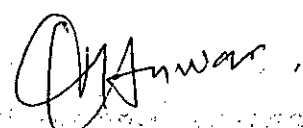
1. That the appellant Mst. NajmaFidrous, Registered Nurse Officer BPS-16 was serving in DHQ Teaching Hospital KDA, Kohat w.e.f 10/01/2012 as Charge Nurse. She rendered the entire service in DHQ Hospital Kohat. Her normal tenure has since been completed and no violation of the transfer posting policy has been made by the department.
2. That the transfer order of the appellant was issued on the recommendation of inquiry conducted by the

District Health Officer, Kohat on administrative ground.

- 3. That the transfer order of the appellant has been suspended by the Hon'ble Service Tribunal vide order dated 08/01/2024 without hearing of Health Department. The departmental stance would have to be heard, so as the actual facts of the case can be brought before the court.

*It is, therefore, most humbly prayed that, to please vacate the decision of the suspension of transfer order dated 03/10/2023 till the final decision of the Hon'ble Service Tribunal.*

*Dated: 29/01/2024*

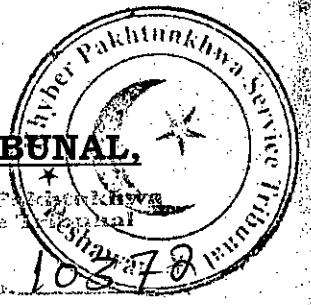


**HABIB ANWAR**  
*Additional Advocate General*  
*Khyber Pakhtunkhwa Service Tribunal*  
*Peshawar.*

*Placed on file*

*Additional Advocate General*  
*Khyber Pakhtunkhwa Service Tribunal*  
*Peshawar.*

1



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**

**PESHAWAR.**

Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Diary No. 10378

Service Appeal No. 89 /2024

Dated 05-1-2024

Mst. Najma Firdous D/o Muhammad Suleman (RNO) (BS-16),  
District Headquarter Hospital, KDA, Kohat.....(Appellant)

**VERSUS**

1. Secretary Health Services, Government of Khyber Pakhtunkhwa, Khyber Road, Peshawar.
2. Director General Health, Khyber Pakhtunkhwa, Warsak Road, Peshawar.
3. Medical Superintendent, District Headquarter Hospital, KDA, Kohat.....(Respondents)

**APPEAL UNDER SECTION 4 OF KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT,  
1974, AGAINST THE IMPUGNED ORDER  
DATED 03/10/2023 SERIAL NO. 1  
WHEREBY THE APPELLANT HAS BEEN  
TRANSFERRED FROM THE DHQ HOSPITAL  
KOHAT TO SHAHEED FARID KHAN DHQ  
HOSPITAL HANGU AGAINST THE VACANT  
POST.**

4  
05/01/24

**PRAYER:**

*On acceptance of the instant service appeal, the impugned transfer order dated 03/10/2023 of respondent No. 2 and reliving order dated 03/10/2023 may kindly be set aside and the*

**Certified to be true copy**

*[Signature]*  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

08.01.2024 1. Appellant alongwith his counsel present arguments heard.



2. As against the impugned transfer order dated 03.10.2023, the appellant filed departmental appeal on 05.10.2023, which was not responded within the statutory period, hence preferred the instant service appeal on 05.01.2023. The learned counsel submits that the appellant was transferred not only on administrative ground but also on the basis of some complaint, whereas, posting/transfer could not be made as a punishment. Points raised need consideration. The appeal is admitted for regular hearing subject to all just and legal objections by the other side. Appellant is directed to deposit security fees within 10 days. Thereafter respondents be summoned through TCS, the expenses of which be deposited by the appellant within 03 days. To come up for reply/comments on 19.01.2024 before S.B. P.P given to learned counsel for the appellant.

3. As to the application for suspension of the operation of the impugned transfer order dated 03.10.2023, it is directed that operation of the impugned order shall stand suspended to the extent of appellant, if not already complied by the appellant.

**Certified to be true copy**

**MEMBER**  
Kyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

(Muhammad Akbar Khan)  
Member (E)

S.A No. 89/2024

19.01.2024



Appellant alongwith her counsel present Mr. Yousaf,  
Focal Person, alongwith Mr. Asad Ali Khan, Assistant

Advocate General for the respondents present and requested  
for some time for submission of reply/comments. Adjourned.  
To come up for reply/comments on 02.02.2024 before the  
S.B. Parcha Peshi given to the parties.

(Salah-ud-Din)  
Member (J)

SCANNED  
KPST  
Peshawar

\*Naeem Amin\*

Certified to be true copy

AMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Date of Presentation of Application 28/1/24

Number of Words 37

Copying Fee 28/1/24

Urgent 28/1/24

Total 28/1/24

Name of Copy 28/1/24

Date of Completion 28/1/24

Date of Delivery of Copy 28/1/24