

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

Service Appeal No: 2445/2023

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 10860

Dated 29-1-2024

Miss. Rashida Begum vs Govt of KPK & others

***** VERSUS *****

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

**APPLICATION FOR VACATION OF SUSPENSION
ORDERED DATED 14/12/2023 PASSED BY THIS HON'BLE
TRIBUNAL IN SERVICE APPEAL NO. 2445/2023**

Respected Sheweth:

The petitioner / R-3 being aggrieved from the order dated 14/12/2023 passed by this Hon'ble Tribunal in captioned service appeal, now seeks its withdrawal in the following grounds, inter alia.

1. That the appellant Miss. Rashida Begum, Registered Nurse Officer BPS-16 was serving in DHQ Teaching Hospital KDA, Kohat w.e.f 04/05/2007. 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 14/12/2023 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

RESPONDENT NO. 3
Medical Superintendent
DHQ, Teaching Hospital KDA, Kohat
Cell No: 0348-9341428

through ~~Submitt~~

Atiqur
Additional Advocate General,
K.P. Service Tribunal, Peshawar.

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**BEFORE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR**

Service Appeal NO. 2445 -P/2023



Miss Rashida Begum, Nurse (BPS-16)
DHQ Teaching Hospital KDA, Kohat.

..... APPELLANT

V E R S U S

1. The Government of Khyber Pakhtunkhwa through Secretary Health Department, Khyber Pakhtunkhwa, Peshawar.
2. Director General Health, Khyber Pakhtunkhwa, Peshawar.
3. Medical Superintended DHQ Teaching Hospital KDA, Kohat.
4. Miss Najma Firdous, Charge Nurse, Shaheed Farid Khan DHQ Hospital Hangu.

..... RESPONDENTS

SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT, 1974 AGAINST BOTH THE IMPUGNED ORDERS DATED 03/10/2023, WHEREBY THE APPELLANT HAS BEEN TRANSFERRED FROM DHQ HOSPITAL KOHAT TO DHQ HOSPITAL KARAK AND THROUGH SUBSEQUENT ORDER, THE APPELLANT HAS BEEN RELIEVED FROM HER POST AT DHQ HOSPITAL KOHAT AND AGAINST THE APPELLATE ORDER DATED 20/11/2023, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REGRETTEED ON NO GOOD GROUND.

PRAYER:-

That on acceptance of the instant service appeal, the impugned transfer order dated 03/10/2023 of respondent No 2 and impugned relieving order dated 03/10/2023 of respondent No 3 and appellate order dated 20/11/2023 may very kindly be set aside and the respondents may kindly be directed, not to transfer the appellant from DHQ Hospital Kohat. Any other remedy which this august Tribunal deems fit that may also be awarded in favour of the appellant.

certified to be true copy
[Signature]
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

come up for reply/comments on 13.12.2023 before S.B.
P.P given to the learned counsel.



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

(Kalim Arshad Khan)
Chairman

Mutazem Shuh

3rd Dec. 2023

1. Junior to counsel for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General alongwith Mr. Safiullah Focal Person for official respondents present. Nobody present on behalf of private respondent No.4, hence, placed ex-parte.
2. Request for adjournment was made by the learned AAG to submit reply on behalf of official respondents. Granted. To come up for reply/comments on 21.12.2023 before S.B. P.P given to the parties.

Certified to be true copy

Mutazem Shuh
MUTAZEM SHUH
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

(Kalim Arshad Khan)
Chairman

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