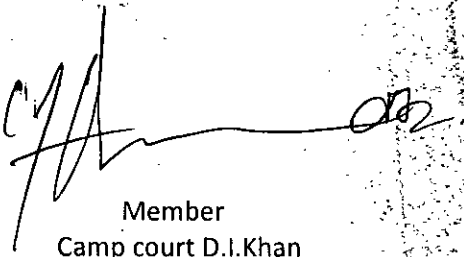


Appeal No. 339 of 2016

29.08.2016

Counsel for the appellant present and submitted an application for withdrawal of the instant appeal which is placed on file. Application is allowed and the instant appeal is dismissed as withdrawn. File be consigned to the record room.

Announced:
29.08.2016



Member
Camp court D.I.Khan

26.04.2016

Counsel for the appellant present. Learned counsel for the appellant submitted that the appellant was transferred vide impugned order in violation of the rules and transfer/posting policy and on the basis of discrimination. He further submitted that the Hon'able High Court, Peshawar had initially suspended the impugned order but the Writ Petition was disposed of for want of jurisdiction. He submitted that on the post, from which the appellant was transferred, remained only for eight months and he has been transferred. Pre-admission notice be issued to the respondents for preliminary hearing. To come up for further preliminary hearing on 24.05.2016 at camp court D.I. Khan.


Member
Camp Court D.I. Khan

24.05.2016

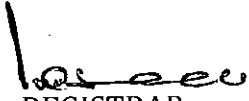

Clerk to counsel for the appellant and Mr. Farkhaj Sikandar, GP for respondents present. Clerk to counsel for the appellant requested for adjournment. To come up for preliminary hearing on 30.08.2016 at camp court D.I. Khan.


Member
Camp Court D.I.Khan

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 339/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	31.03.2016	<p>The appeal of Dr. Naqibur Rehman received to-day by post through Mr. Muhammad Anwar Awan 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 -</p>
2	1-4-16	<p>This case is entrusted to Touring S. Bench at D.I.Khan for preliminary hearing to be put up thereon <u>26-4-2016</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR
CAMP D.I.KHAN.**

Appeal no. 339 of 2016.

Dr. Naqeeb-ur-Rehman

VS

Govt; of Pakistan and others

INDEX

No.	Particulars	Annexure	Pages
1	Writ		1-4
2	Copy Of appointment Order	A	5-6
3	Copy Of Transfer Order	B	7
4	Copy of impugned order dated; 29-09-2015.	C	8
5	Copy of Departmental Appeal along with postal receipt.	D	9
6	Copy of writ petition.	E	10-13
7	Copy of letters.	F	14-15
8	Copy of Judgment	G	16-17
9	Wakalat Nama	H	18

Your Humble Petitioners

Through Counsel

Anwar Adv.

**Muhammad Anwar Awan
Advocate Supreme Court**

Dated; 28-03-2016.

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR
CAMP D.I.KHAN.

Appeal no. 339... of 2016.

Dr. Naqeeb-ur-Rehman Medical Superintendent Agency Headquarter,
Hospital Wanna, South Waziristan Agency.

K.P. Province
Service Tribunal
Diary No 302
Date 31-03-2016

VERSUS

1. Government of Pakistan through Chief Secretary KPK Secretariat, Peshawar.
2. Government of KPK through secretary Health Deptt: Peshawar.
3. Additional Chief Secretary FATA, Peshawar.
4. Director Health Services FATA, Peshawar.
5. Political Agent, South Waziristan Agency.
6. Agency Account Officer, South Waziristan Agency.
7. Dr Muhammad Arif, Agency Headquarters Hospital Wanna , South Waziristan Agency.

Shawar

APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL
ACT, 1974 AGAINST ILLEGAL AND AGAINST LAW
TRANSFER ORDER DATED 29-09-2015.

Filed to the
Signature
2/13/16

Respectfully Sheweth.

The facts leading rise to present appeal in brief are: -

1. That the appellant is appointed as Doctor in BPS-17 vide notification dated; 19-10-1987 by health department. Copy of appointment order is Annexure A.



30/11/2020 08/12/2009

مركز المعلومات الوطني
مركز المعلومات الوطني

مركز المعلومات الوطني
مركز المعلومات الوطني

XVBSX 21708-0998875-1



15280125885

IN THE COURT OF Justice Iqbalul Haq, J. KHAN

Suit/Case Title Mr. Nageshwar Sharma vs Govt + Others

I/W/ Dr. Nageshwar Sharma, Applicant

the above named, hereby appoint, Mr Muhammad Ismail Alizai, Advocate High Court, Ferozullah Khan,
Attorned Shabbir Alizai, Advocate High Court
in my/our name and on my/our behalf, that is to say,

1. To appear, act and plead for me/us in the above mentioned case in this Court/tribunal in which the same may be tried or heard or any other proceedings what so ever, ancillary thereto, including appeal, revision etc; on payment of fees separately for each court by me / us.
2. To sign, verify, file, present or withdraw all/any proceedings, petitions, appeals, cross objections and application for compromise or withdrawal, or for submission to arbitration of the said case or any other documents, as may be deemed necessary or advisable by him/them and to conduct prosecution or defense of the said case at all its stages;
3. To undertake execution proceedings, deposits, draw and receive money, cheques, cash and grant receipts thereof and to do all other acts and things which may be conferred to be done for the progress and in the course of prosecution of the said case.
4. To appoint and instruct any other Advocate/ legal practitioner authorizing him to exercise the power and authority conferred upon the advocate whenever he/they may think fit to do so and to sign Power of Attorney on our behalf.

I/we, the undersigned do hereby agree to ratify and confirm all acts done by the advocate or his authorized substitute in the matter as my /our own acts, as if done by me/us in intent and purposes, and I / we undertake that I / we or my/our duly authorized agent shall appear in the court on all hearings and will inform the advocate(s) for appearance when case is called and I/we the undersigned agree hereby not to hold the advocate or his substitute responsible if the said case be proceeded ex-parte or dismissed in default in consequence of my/our absence from court when it is called for hearing and for the result of the said case, the adjournment costs whenever ordered by the court shall be of the advocate which he/they may receive and retain himself/themselves. I/we the undersigned do hereby agree that in the event of the whole or part of the fees agreed by me/us to be paid to the advocate, if remain unpaid, he/they shall be entitled to withdraw from prosecution of the above said case until the same is paid and fee settled for the above said case and above court and I / we agree hereby that once fee is paid, I/we shall not be entitled for refund of the same in any case whatsoever.

IN WITNESS WHEREOF, I / we do hereby set my/our hand to these presents, the contents of which have been read / read over, explained fully and understood by me/us on this 25 Day of April 2015

Accepted By: [Signature]
Muhammad Ismail Alizai,
Advocate High Court.

NRIL
CAIC # 21728 - 0998875-1

2. That the appellant is serving in the department since 28 years and has posted at various places at FATA.
3. That appellant was transfer and posted as Medical superintendent at AHQ Hospital Wanna vide order dated; 22-01-2015. Copy of Transfer Order is Annexure B.
4. That suddenly and abruptly the petitioner is transferred and posted at S.M.O Khyber Agency through an office order bearing No. FS/E/100-93 (vol-8)/13518-27 dated; 29-09-2015 while respondent No.7 who is more junior for the post was appointed as medical superintendent headquarter Wanna. Copy of impugned order dated; 29-09-2015 is Annexure C.
5. That that the appellant filed departmental appeal before the respondent No.3 but no order was passed on the same till now. Copy of appeal is Annexure D.
6. That appellant filed constitution petition NO.694-D/2015 under article 199 before Hon'ble Peshawar High Court D.I.Khan Bench in which vide order dated; 19-11-2015 the impugned order dated; 29-09-2015 was suspended. Copy of writ petition is Annexure E.
7. That due to suspension order, the respondent vide letter dated; 22-01-2016 suspend the transfer posting order and appellant took the charge of the post on 26-01-2016. Copy of letter is Annexure F.
8. That Hon'ble High Court dismissed the writ petition vide judgment dated; 15-03-2016.
9. That feeling aggrieved from above said action appellant is constrained to approaches this honorable court on the following grounds amongst other:-

GRUNDS;

1. That the action of respondents is against facts and law, ultra virus and without any Jurisdiction.
2. That the impugned action of respondent No.3 of issuance of transfer and posting order of the appellant is discriminatory, against provisions

of fundamental rights of equal treatment as guaranteed under the provisions of fundamental rights, void ab-initio, malafide, arbitrary, without jurisdiction and without lawful authority and of no legal effect qua the rights of appellant.

3. That it is settled principle of Services laws that a servant posted at one place has right to serve for period for not less than two years and not more than three years while the appellant was transferred just 8 months of his previous order on the post of Agency Headquarter Hospital Wanna, so the action taken is against the law and rules.
4. That the appellant has served the department for a more than 28 years he is near to complete his age of superannuation and at that time appellant is otherwise entitled to complete his services at his native land. It is also pertinent to mention here that the civil servant transferred on the post of appellant is junior for the post.
5. That appellant is working in BPS-18 and is near to promotion in BPS-19 and is senior most in this grade while respondent is working in BPS-17 which is not fit for a medical superintendent of any hospital.

In wake of above submissions, it is respectfully prayed that on acceptance of instant appeal, the transfer posting order

dated; 29-09-2015 may kindly be cancelled from the date of
order. 3

Your Humble Petitioners.

NReh
Dr. Naqeeb-ur-Rehman

THROUGH COUNSEL

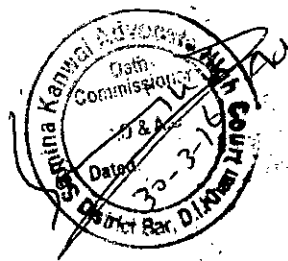
.Dated; 28-03-2016.

Anwar Adv
Muhammad Anwar Awan
Advocate Supreme Court.

AFFIDAVIT

Dr. Naqeeb-ur-Rehman do hereby solemnly affirm and declare on OATH that the contents of the same are true and correct to the best of my knowledge and belief and that nothing has been concealed from this honorable court.

NReh
Deponent.



BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR
CAMP D.I.KHAN.

Appeal no..... of 2016.

Dr. Naqeeb-ur-Rehman

VS

Govt; of Pakistan and others

Appeal

Application for suspension of letter dated;29-09-2015.

Respectfully Sheweth,

1. That appeal is filing before this honorable court.
2. That respondents in violation of rules issued transferred order dated;29-09-2015 by posting/transfer the appellant as SMO in Khyber Agency while a junior most serving in BS-18 was posted as Medical Superintendent. The impugned order is on the face of it is illegal, politically motivated and against policy which will cause a great hardship to appellant.
3. That this honorable court has vast power to accept the instant application.

It is therefore prayed that the application may kindly be
accepted.

YOUR HUMBLE PETITIONER

Dr. Naqeeb-ur-Rehman



Muhammad Anwar Awan

Advocate Supreme Court.

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR
CAMP D.I.KHAN.
Appeal no..... of 2016.

Dr. Naqeeb-ur-Rehman

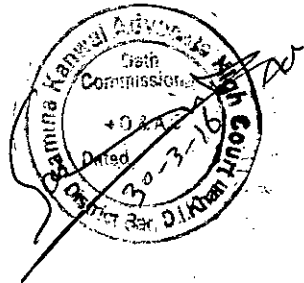
VS

Govt; of Pakistan and others

AFFIDAVIT

Dr. Naqeeb-ur-Rehman, do hereby solemnly affirms and declare
on OATH that the application has been drafted by me as per instruction of my client
that the contents of the same are true and correct to the best of my knowledge and
belie and that nothing has been concealed from this honorable court.

Dated; 28-03-2016.



NRUs
DEPONENT

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR
CAMP D.I.KHAN.

Appeal no..... of 2016.

Dr. Naqeeb-ur-Rehman

VS

Govt; of Pakistan and others

Appeal

Application for condonation of delay in filing appeal.

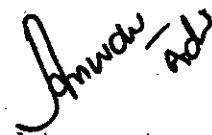
Respectfully Sheweth,

1. That appeal is filing before this honorable court.
2. That appellant after issuance of impugned order dated;29-09-2015 filed departmental appeal and also filed constitution petition No.694-D/2015 in which impugned transferred order was suspended vide order dated; 19-11-2015. The respondents on the basis of order dated;19-11-2015, suspended the impugned order. Later on the writ petition was dismissed due to which delay is caused in filing appeal.
3. That this honorable court has vast power to accept the instant application.

It is therefore prayed that the application may kindly be accepted.

YOUR HUMBLE PETITIONER

Dr. Naqeeb-ur-Rehman



Muhammad Anwar Awan

Advocate Supreme Court.

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR
CAMP D.I.KHAN.
Appeal no..... of 2016.

Dr. Naqeeb-ur-Rehman

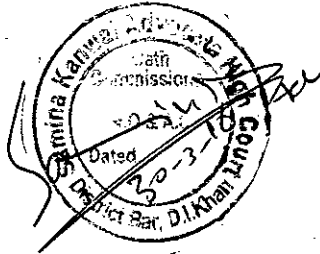
VS

Govt; of Pakistan and others

AFFIDAVIT

Dr. Naqeeb-ur-Rehman, do hereby solemnly affirms and declare
on OATH that the application has been drafted by me as per instruction of my client
that the contents of the same are true and correct to the best of my knowledge and
belie and that nothing has been concealed from this honorable court.

Dated; 28-03-2016.



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DEPONANT

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GOVERNMENT OF N.W.F.P.,
HEALTH & S.WELFARE DEPARTMENT.
Dated Peshawar the 8th Oct; 1987.

NOTIFICATION.

No. SO(H)IV/1-5/72-. On the recommendation of Departmental Selection Committee, the Govt; of NWFP is pleased to appoint the following Doctors as Medical Officers, (BPS-17) on adhoc basis for a period of six months or till the availability of regular selectees of the NWFP Public Service Commission, Peshawar whichever is earlier, with immediate effect on the usual terms and conditions:-

Sl; No.	NAME WITH FATHER'S	DOMICILE.
1.	Dr Abdul Khaliq S/O Abdul Haque	Mansehra.
2.	Dr Shah Zaman S/O Khan Afzal Khan	FR Kohat.
3.	Dr Humayun Khan S/O Zakir Khan	Mardan.
4.	Dr. Abdul Waheed S/O Abdul Ghafoor	Bannu.
5.	Dr. Shahid Iqbal S/O M. Yousaf Khan.	Peshawar.
6.	Dr. Afsar Jan S/O Shah Nawaz .	Peshawar.
7.	Dr. Iftikhar Ahmad S/O Abdul Khaliq	Hazara.
8.	Dr. Muhammad Zahid S/O Anwar Hussain.	Bannu.
9.	Dr. Noor Ahmad S/O Sher Mat Khan	Kohat.
10.	Dr. Naqeebur Rehman S/O Muhammad Yar.	S.W. Agency.
11.	Dr. Aminullah Jan S/O Saeedullah Jan	Peshawar.
12.	Dr. Farooq Khattak S/O Moinullah	Karak.
13.	Dr. Khair Muhammad S/O Khanon Khan,	S.W. Agency.
14.	Dr. (Capt;) Wazir S/O Ali Ghulam	Kurram.
15.	Dr. Gul Amin S/O Gul Khan.	Dir.
16.	Dr. Muhammad Rahman S/O Mehmood Jan.	Dir.
17.	Dr. Habib-ur-Rehman S/O Khatab Gul.	Mardan.

Sd/-
DR ALI SHER KHAN
SECRETARY HEALTH.

ENDST. EVEN NO. AND DATE.

- Copy forwarded for information and necessary action to:-
1. The Director Health Services, NWFP Peshawar.
 2. The Accountant General NWFP Peshawar.
 3. The PS to Secretary Health.

Sd/-
(SHER MUHAMMAD MARWAT)
SECTION OFFICER (HEALTH) IV.

OFFICE OF THE DIRECTOR HEALTH SERVICES, NWFP PESHAWAR.

NO. 24022-47 /E.I. DATED PESHAWAR THE 19 /10/1987.

Copy forwarded to the:-

1. All Divisional Deputy Director Health Services, in N.W.F.P.,
2. All Distt; Accounts Officers in N.W.F.P.
3. All Agency Accounts Officers in NWFP.

for information and necessary action.

Shahid
Deputy Director (Admin) 19/10/87
for Director Health Services,
N.W.F. Province, Peshawar.

Kifayat

Shahid
SHAHID AWAN
Advocate

M. ANWAR AWAN Advocate

(DR. WAHID KHAN HASOOD)
AGENCY SURGEON

No. AYUB.

Copy to Dr. Nageeb Rehman Medical Officer CH, Wana for information and complete the Nominal Roll form and return to this office in due course for onwards submission to higher authority.

Dated Wana the 12th Jan: 1988.

No 332

OFFICE OF THE AGENCY SURGEON SOUL WAZIRISTAN WANA.

Sd/- Director Health Services,
M. W. F. Peshawar.

1. Secretary to Govt; of NWFP, Health and Welfare Deptt; Peshawar for information.
2. Agency Surgeon Wana for information. A copy of Nominal Roll form is sent herewith for completion by the doctor concerned immediately and return to this Directorate for further action.
3. Agency Accounts Officer S.W. Bank for information and copy of Health and Age Certificate of the above named officers is sent herewith for record.
4. Dy: Director Health Services, Dikhan Lyan; Dikhan.

No 29272-76 / F-1 dated 22.12.87

The Manager Govt; Press NWFP, Peshawar for publication in the Govt; Gazette.

Sd/- Director Health Services,
M. W. F. Peshawar.

Dr. Nageebur Rehman Medical Officer (BPS-17) at the Agency Headquarters has been posted as Medical Officer, Public Service Commission for Medical Officer service wherever is earlier of six month or till such time candidates are selected and recommended by the plus usual allowance as sanctioned by the Government from time to time for a post on adhoc basis at Rs. 20,000/- P.M. in Basic Pay scale No. 17 (i.e. Rs. 2065-155-3925).
Dr. Nageebur Rehman is appointed as temporary Medical Officer.

NOTIFICATION

HEALTH AND WELFARE DEPARTMENT PESHAWAR

6

A - 7

DIRECTORATE OF HEALTH SERVICES FATA
FATA SECRETARIAT WARSAK ROAD, PESHAWAR.

OFFICE ORDER

As approved by the competent authority, Dr. Nazib-ur-Rehman, SMO 2S-13 Civil Hospital Jandola FR Tank is hereby transferred and posted as Medical Superintendent AHQ Hospital Wana against the vacant post in the interest of public service with immediate effect.

Sd/ _____
Director Health Services,
FATA Peshawar

No. 1386-95 /DHS /FATA/Admin Dated 22/01/2015

Copy forwarded to the :

1. Political Agent SW Agency.
2. Registrar Peshawar/High Court Peshawar.
3. Agency Surgeon SW Agency.
4. Medical Superintendent AHQ Hospital Wana.
5. Agency Surgeon, FR Tank.
6. Agency Accounts Officer SW at Tank.
7. District Accounts Officer Tank.
8. PS to Secretary Social Sectors FATA.
9. Officer concerned.

For information and further necessary action.

Director Health Services,
FATA Peshawar

MANNARAWAN
MANNARAWAN
DIRECTOR

C-8-



FATA SECRETARIAT
(ADMINISTRATION, INFRASTRUCTURE & COORDINATION DEPARTMENT)
WARSAK ROAD PESHAWAR



Establishment Section

NOTIFICATION :-

No.FS/E/100-93 (Vol-8) 13512-27. The following posting/transfers are hereby ordered with immediate effect in the public interest:-

S.No	Name	From	To	Remarks
1.	Dr. Muhammad Arif. SMO (BS-18)	Senior Medical Officer, Agency Headquarters Hospital Wana South Waziristan Agency.	Medical Superintendent, Agency Headquarters Hospital Wana South Waziristan Agency.	Vice No.2
2.	Dr. Naqeeb-ur-Rahman SMO (BS-18)	Medical Superintendent, Agency Headquarters Hospital Wana South Waziristan Agency.	Services placed at the disposal of Agency Surgeon Khyber Agency for his further posting as SMO (BS-18).	--

ADDITIONAL CHIEF SECRETARY (FATA)

Dated 21/9/2015

Copy to:-

1. Secretary Social Sectors Department FATA Secretariat
2. Director Health Services (FATA)
3. Political Agents Khyber and South Waziristan Agencies
4. Agency Surgeon Khyber Agency
5. Agency Surgeon South Waziristan Agency
6. Medical Superintendent, AHQs Hospital Wana South Waziristan Agency
7. Agency Accounts Officers Khyber & South Waziristan Agencies
8. PS to Additional Chief Secretary FATA Secretariat
9. PS to Secretary A,I&C Department FATA Secretariat
10. Doctors concerned


MAMWARAWAN
Advocate



Section Officer (Estab)

DIRECTORATE OF HEALTH SERVICES FATA, PESHAWAR

N 20420-28 DHS/FATA/Adm: Date: 27/09/2015

Copy is forwarded to the:-

1. The Agency Surgeons Khyber and SW Agencies.
2. Medical Superintendent AliQH Wana
3. Agency Accounts officers SW and Khyber
4. Officers concerned.

 29/09/15
Director Health Services,
FATA, Peshawar

To

The Additional Chief Secretary
FATA

Through: PROPER CHANNEL

Subject: DEPARTMENTAL APPEAL FOR CANCELLATION OF POSTING/TRANSFER ORDER

Reference notification No. FS/E/100-93 (Vol-8)/13518-27 dated 21-09-2015 with great respect it is stated that I have completed approximately 28 years service in Health Department South Waziristan Agency and was performing my duty as Medical Superintendent AHQ Hospital South Waziristan Agency. Sir, I have transferred to Khyber Agency as SMO vide notification quoted above and a junior doctor Dr. Muhammad Arif recently promoted to grade 18 posted as Medical Superintendent AHQ Hospital SW Agency through recommendations of political/MNA Ghalib Khan which is against the Government rules & regulations.

I kindly request to your good self to cancel the above quoted order being a senior doctor ^{OR} to adjust me at Agency Surgeon ^{post} South Waziristan Agency as the present Agency Surgeon has completed his tenure or adjust me at DHS FATA Office as Deputy Director (Admn) expecting a genuine decision from your good office and oblige.

Your Obediently

M. Anwar
M. ANWAR AWAN
Advocate

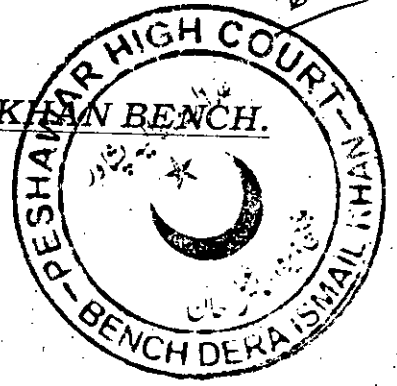
NRU 5.10.2015
Naqeeb Ur Rahman
Medical Superintendent
AHQ Hospital Wana

M. Anwar
M. ANWAR AWAN
Advocate

E-10 - 4

BEFORE THE PESHAWAR HIGH COURT D.I. KHAN BENCH.

W. P No. 694-D of 2015



Dr. Naqeeb Ur Rehman S.M.O Medical Superintendent.
Agency Headquarter, Hospital Wana, South Waziristan
Agency.

(Petitioner)

VERSUS

1. Government of Pakistan, through Chief Secretary
FATA Secretariat, Peshawar.
2. Additional Chief Secretary FATA, Peshawar.
3. Director Health Services, FATA, Peshawar.
4. Political Agent, South Waziristan Agency.
5. Agency Account Officer, South Waziristan Agency.

(Respondents)

WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN 1973.

RESPECTFULLY SHEWETH:

Filed today 31/28

Add: Registrar.

17/10/15

1- That the petitioner is a citizen of Islamic Republic of Pakistan and is Medical Superintendent at Agency Headquarter Hospital Wana South Waziristan Agency.

2- That petitioner is serving in the Department since 28 years and has posted at various places in FATA.

ATTESTED

EXAMINOR
Peshawar High Court
D.I. KHAN BENCH
28/3/16

3- That the petitioner was transfer and posted as Medical Superintending at AHQ Hospital Wana vide order dated 22/01/2015. Copy of order is enclosed as Annexure "A".

4- That suddenly and abruptly an office order bearing No. FS/E/100-93(Vol-8)/13518-27 dated 29/09/2015 vide which the petitioner is transferred and posted at S.M.O Khyber Agency while petitioner is transferred on the said post on 22/01/2015 so the order is based on malafide, illegal and against the rules. Copy of impugned order dated 29/09/2015 is enclosed as Annexure "B".

5- That the petitioner filed Departmental appeal before the respondent No. 2 but no order was passed on the same till now. Copy of appeal is enclosed as Annexure "C".

6- That fundamental rights guaranteed under constitution has been violated due to malafide action of respondent No.2, therefore, having no other efficacious and adequate remedy available, the petitioner seeks the indulgence of this honorable court under its constitutional jurisdiction inter alia on the following grounds.

GROUND

A. That the impugned action/in-action of respondent No.2 of issuance of transfer and

Filed today

3128

Add: Registrar.

17/10/15

ATTESTED

EXAMINOR
Peshawar High Court
D.J.Khan Bench

28/3/16

posting order of the petitioner is discriminatory, against provisions of fundamental rights of equal treatment as guaranteed under the provisions of the fundamental rights, void abinitio, malafide, arbitrary, without jurisdiction and without lawful authority and of no legal effect qua the rights of petitioner.

B. That it is settled principal of service Laws that a servant posted at one place has right to serve for period not less then two years and not more then three years while the petitioner was transferred just 8th months of his previous order on the post of Agency Headquarter Hospital Wana, so the action taken is against the law and rules.

C. That the petitioner has served the Department for a more then 28 years and he is near to complete his age of superannuation and at that time petitioner is otherwise entitled to complete his services at his native land. It is also pertinent to mention here that the civil servant transferred on the post of petitioner is junior for the post.

D. That all the citizens are equal in the eyes of law and all the citizens have equal protection of law under the provisions of fundamental rights and there should be no discrimination on the basis of sex, race, colour and domicile or any other reason but the petitioner has

Filed today 3/28
Addl: Registrar.
17/10/15

ATTESTED

EXAMINOR
Peshawar High Court
D.I. Khan Bench

28/3/16

become a victim of colorable exercise of powers and jurisdiction in order to oblige a junior most employee of the Department who is a blue eyes boy of the respondent No.2 who has been ordered to be posted at the post already held by the petitioner.

- E. That counsel for the petitioner may please be allowed to raise additional grounds during the course of arguments.

In view of submissions made above, it is, therefore, humbly prayed that on acceptance this petition, this Honorable Court may very graciously be pleased to issue writ declaring the impugned office order dated 29/09/2015 to be void ab-initio, malafide, arbitrary, without jurisdiction and without lawful authority and of no legal effect qua the rights of petitioner.

Any other relief deemed appropriate in the prevailing circumstances may also be granted.

INTERIM RELIEF:

It is further prayed that the impugned notification dated 29/09/2015 may kindly be suspended till the decision of this Writ Petition.

Filed today 3/28

Add: Registrar.

17/10/15

Dated: /10/2015

Your humble petitioner

NReh
Dr. Nageeb Ur Rehman
Through Counsels

Anwar
MOHAMMAD ANWAR AWAN
Advocate Supreme Court of
Pakistan &

Saleem
MOHAMMAD SALEEM BHATTI
Advocate High Court,
D.I.Khan

ATTESTED

EXAMINER
Peshawar High Court
D.I.Khan Bench

28/3/16



F-14-



FATA SECRETARIAT
 (ADMINISTRATION, INFRASTRUCTURE & COORDINATION DEPARTMENT)
WARSAK ROAD PESHAWAR

NOTIFICATION:-

No. FS/E/100-93 (Vol-8) / 591-601 in pursuance of Peshawar High Court D.I. Khan Bench Judgement dated 19-11-2015 in Writ Petition No.694-D/2015, this department's Notification No. FS/E/100-93 (Vol-8) / 13518 27 dated 21-09-2015 regarding posting/transfers of Dr. Muhammad Arif and Dr. Naqeeb-ur-Rahman Senior Medical Officers (S-10) is suspended till final decision of the Court.

ADDITIONAL CHIEF SECRETARY (FATA)

Dated 18/1/2016

Copy to:-

1. Secretary Social Sectors Department FATA Secretariat
2. Director Health Services (FATA)
3. Deputy Secretary (Litigation) FATA Secretariat
4. Political Agents Khyber and SW Agencies
5. Agency Surgeon Khyber Agency
6. Agency Surgeon South Waziristan Agency
7. Medical Superintendent, AHQs Hospital Wana South Waziristan Agency
8. Agency Accounts Officer Khyber & South Waziristan Agency
9. PS to Additional Chief Secretary FATA Secretariat
10. PS to Secretary A, I & C Department FATA Secretariat
11. Doctors concerned

[Signature]
 Section Officer (Estab)

DIRECTORATE OF HEALTH SERVICES FATA, PESHAWAR

No. 624-30 / DHS/FATA/Admn

Date 22/01/2016

Copy of the above is forwarded to the:-

1. Agency Surgeon Khyber at Jamrud
2. Agency Surgeon South Waziristan Agency
3. Medical Superintendent AHQ Hospital Wana
4. Agency Accounts Officer Khyber at Jamrud
5. Agency Accounts Officer SWA at Tank
6. Doctors concerned.

For information and further necessary action.

[Signature]
 Director Health Services
 FATA, Peshawar

[Signature]
 Advocate

- 15 -

OFFICE OF THE MEDICAL SUPERINTENDENT AHQ HOSPITAL WANA (SWA)

No. _____/D-1
_____/01/2016

dated Wana the 26/01/2016

To

The Director,
Health Services, FATA
Peshawar.

Subject: **ARRIVAL / REPORT FOR DUTY**

Dear Sir,

With reference Fata secretariat Peshawar notification No: FS/E/100-03(Vol-8) 591-601 dated 18-01-2016 and your office Endst No. 624-30/DHS/FATA/Admin dated 22/01/2016.

I have the honour to submit my arrival report for duty in AHQ Hospital WANA as Medical Superintendent (BPS-18) today on 26/01/2016. Necessary specimen signature is hereby submitted for information and necessary action please.

DR. NAQEEB UR REHMAN
Medical Superintendent
AHQ Hospital Wana

Endst No. 133/D-1

Copy to the:-

1. Political Agent SWA at Tank for information please.
2. Assistant Political Agent SWA Wana for information please.
3. Agency Surgeon SWA at Wana for information please.
4. Agency Account Officer SWA at Tank for information please.
5. Manager National Banks of Pakistan Wana 2000 / Tank Branch.
6. Manager UBL Wana.
7. Office copy.

M. Anwar
M. ANWAR AWAN
Advocate

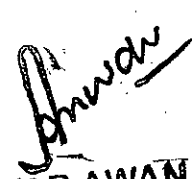

NR
DR. NAQEEB UR REHMAN
Medical Superintendent
AHQ Hospital Wana

Comments
slip

15A-

IN THE PESHAWAR HIGH COURT D.I.KHAN BENCH

FORM OF ORDER SHEET

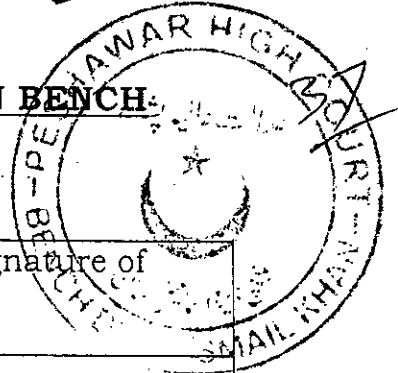
Date of order or proceedings	Order or other proceedings with signature of Judge(s).
(1)	(2)
19.11.2015	<p><u>W.P. No.694-D/2015</u> <u>With Interim Relief.</u></p> <p><u>Present:-</u> M/S Muhammad Anwar Awan and Muhammad Salim Bhatti, Advocates along with petitioner, in person.</p> <p>Mr. Hashmat-ur-Rehman, Standing Counsel for respondents.</p> <p>***</p> <p>Respondents No.2 & 3 shall file their para-wise comments within a fortnight. In the meanwhile, order dated 29.9.2015 shall remain suspended.</p> <p style="text-align: right;"><u>JUDGE</u></p> <p style="text-align: center;"> <u>M.ANWAR AWAN</u> Advocate</p> <p style="text-align: right;"> <u>JUDGE</u></p>

Hi
27/11/15

5-16-

IN THE PESHAWAR HIGH COURT, D.I.KHAN BENCH

FORM OF ORDER SHEET



Date of order or proceedings	Order or other proceedings with signature of Judge(s).
(1)	(2)
15.03.2016	<p><u>W.P.No.694-D/2015 with interim relief and C.M.No.249-D/2016.</u></p> <p><u>Present:-</u> Mohammad Anwar Awan, Advocate for petitioner.</p> <p>Mr. Hashmat ur Rahman, standing counsel for respondents.</p> <p>Mr. Rustam Khan Kundi, Advocate for applicant Dr. Mohammad Arif.</p> <p style="text-align: center;">*****</p> <p><u>IKRAMULLAH KHAN J.-</u> Through the instant writ petition, the petitioner seeks the following relief.</p> <p style="padding-left: 40px;"><i>“In view of submissions made above, it is, therefore, humbly prayed that on acceptance of this petition, this Honourable Court may very graciously be pleased to issue writ declaring the impugned office order dated 29.9.2015 to be void ab-initio, malafide, arbitrary, without jurisdiction and without lawful authority and of no legal effect qua the rights of petitioner.”</i></p> <p><u>2.</u> At the very outset when learned counsel for petitioner was asked that instant writ petition is not maintainable as the matter relates to the terms and conditions of service and in such like matters, the</p>

ATTESTED

EXAMINER
Peshawar High Court
D.I. Khan Bench

[Signature]
20/3/16

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jurisdiction of this court is barred under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973. The learned counsel for petitioner could not furnish any plausible explanation.

3. Be that as it may, since the matter relates to the terms and conditions of service of civil servant, therefore, under Article 212 of Constitution of Islamic Republic of Pakistan, 1973 this court has got no jurisdiction to entertain the matter. Thus, the instant writ petition is hereby dismissed in limine being not maintainable alongwith C.M.No.249-D/2016.

Announced.
15.03.2016.

Aftab/*

JUDGE

JUDGE

ATTESTED

EXAMINOR
Peshawar High Court
D.J.Khan Bench

28/3/16

15/3/16

G.R.No. 922
Application Received on 25-3-16
Copying Fee deposited Rs. 2
No of Papers 6/Paper
Copying Fee 11/11
Urgent Fee 2/2
Total Fee 11/11
Copy ready for delivery 28-3-16
Copy delivered on: 28-3-16
Signature of Examiner [Signature]
28/3/16

Certified to be true Copy

[Signature]
EXAMINOR
Peshawar High Court Bench D Khan
Authorized Under Section 97 of
Qanoon-a-Shahadat-Act

28/3/16

VAKALATNAMA

IN THE COURT OF KPK Service Tribunal D.I.KHAN

Dr. Nageebur Rehman **VERSUS** Govt of KPK

TITLE Appeal

I/WE Appellant

The above named..... Dr. Nageebur Rehman..... hereby appoint **MOHAMMAD ANWAR AWAN ADVOCATE HIGH COURT D.I.Khan**, in the above mentioned case to all or any of the following acts, deeds and things.

1. To appear, act and plead for me/us in the above mentioned case in this court/tribunal in which the same may be tried or heard or any other proceedings out of our connected therewith.
2. To sign and verify and file or withdraw all proceedings, petitions, appeals, affidavits, and applications for compromise or withdrawal, or for the submission to arbitration of the said case or any other documents, may be deemed necessary or advisable by them by the conduct, prosecution or defense of the said case at all its stages.
3. To receive payments of and issue receipts for all moneys that may be or become due and payable to us during the course on conclusion of the proceedings.
To do all other acts and things, which may deemed necessary or advisable during the court of Proceedings.

AND hereby agree:

- a) To ratify whatever advocates may do the proceedings.
- b) Not to hold the advocates responsible if the said case be proceed ex-parte or dismissed in default in consequence of their absence form the court when it is called for hearing.
- c) That the advocates shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remain un-paid.
- d) That advocates may be permitted to argue any other point at the time of arguments.

In witness whereof I/we have signed this vakalatnama here under the contents of which have been read / explained to me/us which is fully understood by me/us.

Date... 28/3/18

Accepted by:



NR
Signature of executant (s)

MUHAMMAD ANWAR AWAN
ADVOCATE HIGH COURT
0966-730828
0333-9962231

181



Handwritten Urdu text at the top center, possibly a name or title.

Govt of KPK

Dr. Nazim

SUPREME COURT BAR ASSOCIATION PAKISTAN

Muhammad Anwar Advocate

President Secretary

Address: [Illegible] NIC: 14015178040731
Tel: 0366-730628 Mob: 0333-9962231

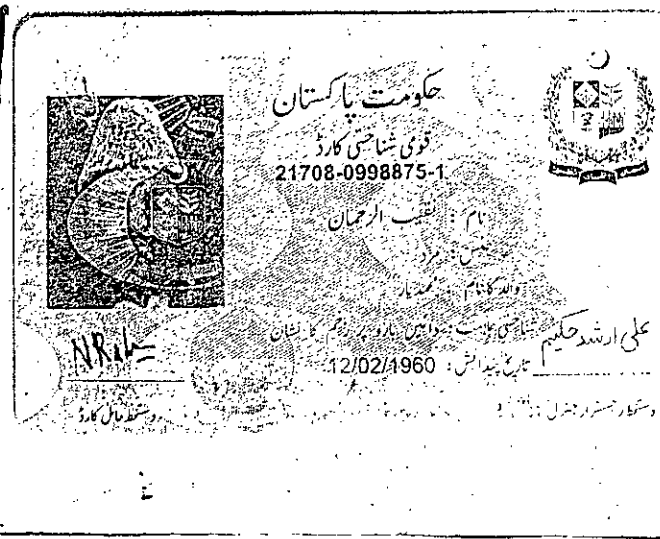
This Card is the property of SCBA Pakistan. If found, please mail to the above following address:
Supreme Court Bar Association Pakistan
Constitution Avenue, Islamabad. Tel: 051/9215185, 042/9210970

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03/3/85



PESHAWAR AT

of Pakistan & others

SERVICE APPEAL

APPLICATION FOR WITHDRAWAL OF PETITION

Respectfully Sheweth,

1. That this service appeal is pending adjudication before this honorable court.
2. That the petitioner's grievances were redressed by the respondents so he wants to withdraw the service appeal.
3. That this honorable court has vast power to accept the instant application.

It is therefore prayed that the application may kindly be accepted.

YOUR HUMBLE APPLICANT


Dr. Naqibur Rehman


Mohammad Anwar Awan

Advocate High Court.