

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

**PESHAWAR**

**EXECUTION PETITION NO. 336/2021**

**IN**

**SERVICE APPEAL NO. 515/2021**

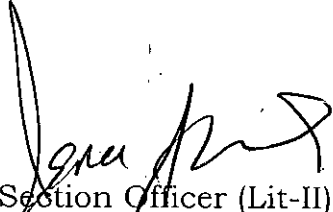
Dr. Saadia Dilawar .....Appellant

**Versus**

Government of Khyber Pakhtunkhwa & others .....Respondents

**I N D E X.**

S.No	Description of documents	Annexure	Page
01	Application for release of salary	-	1 to 1
02.	Order Sheet dated 11.12.2023	I	02
03.	Order Sheet dated 27.11.2023	II	03
04.	Notification dated 10.10.2023	III	04
05	Affidavit	IV	05
06	Authority letter	V	06

  
(Section Officer (Lit-II))  
Govt. of Khyber Pakhtunkhwa  
Health Department.

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

**PESHAWAR**

**EXECUTION PETITION NO. 336/2021**

**IN**

**SERVICE APPEAL NO. 515/2021**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 11387

Dated 27-02-2024

Dr. Saadia Dilawar ..... Appellant

**Versus**

Government of Khyber Pakhtunkhwa & others ..... Respondents.

**APPLICATION FOR RELEASE OF SALARY ON BEHALF OF  
RESPONDENTS/APPLICANTS**

**Respectfully Sheweth**

1. That the above subject titled COC Petition in Service Appeal mentioned above was pending for adjudication before this Honorable Tribunal which was decided and file has been consigned to the record room vide order dated 11.12.2023 (**Annex-I**).
2. That this Honorable Service Tribunal vide order dated 27.11.2023 has attached the salaries of the Applicants/Respondents till submission of implementation report (**Annexure-II**).
3. That the Respondents have implemented the judgment dated 20.09.2021 vide Notification dated 10.10.2023 in compliance with the order of this Honorable Service Tribunal (**Annex- III**).
4. That vide order dated 11.12.2023 the compliance report (**Annex-I ibid**) was accepted and file consigned to the record room but no order regarding release of salary.

It is, therefore, humbly prayed that on acceptance of this application the salaries of the Applicants/Respondents may graciously be released.

Applicants/Respondents

Through

  
Additional Advocate General,  
Khyber Pakhtunkhwa,

①

Khyber Pakhtunkhwa  
Service Tribunal

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

Diary No. 1506  
Date 20/11/2021

**APPEAL NO. 515 / 2021**

DR. SADIA DILAWAR, District Specialist Gynaecology (BPS-18),  
Under transfer to DHQ Hospital Mansehra..... **APPELLANT**

**VERSUS**

- 1- The Government of Khyber Pakhtunkhwa, through Chief Secretary, Khyber Pakhtunkhwa Civil Secretariat, Peshawar.
- 2- The Secretary, Government of Khyber Pakhtunkhwa Health Department, Peshawar.
- 3- The Director General Health Services, Khyber Pakhtunkhwa, Peshawar.

..... **RESPONDENTS**

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 27-08-2020 WHEREBY THE APPELLANT HAS BEEN TRANSFERRED FROM DHQH HARIPUR TO DHQH MANSEHRA AGAINST THE PREVAILING LAW & RULES AND AGAINST NOT TAKING ANY ACTION ON THE DEPARTMENTAL APPEAL DATED 23-09-2020 OF THE APPELLANT WITH IN THE STATUTORY PERIOD OF 90 (NINTY) DAYS**

**PRAYERS:**

Filed to-day

Registrar

20/11/2021

That on acceptance of this appeal the impugned transfer order dated 27-08-2020 may very kindly be set aside and the respondents may be directed to retain the appellant on his original place of posting at DHQH HARIPUR. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

**R/SHEWETH:**  
**ON FACTS:**

Brief facts giving rise to the present appeal are as under:-

- 1- That appellant is the employee of the respondent Department and is appointed as District Specialist Gynae (BPS-18) vide order dated 08-01-2018 and since the appellant is performing her duty with full zeal & zest. Copy of the APPOINTMENT ORDER dated 08.01.2018 is attached as annexure ..... **A.**


Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

11<sup>th</sup> Dec. 2023

01. Junior to counsel for the petitioner present. Mr. Asif Masood Ali Shah, DDA alongwith Muhammad Shahab, Computer Operator for the respondents present.

02. Representative of the respondents produced copy of corrigendum dated 10.10.2023 vide which the date for conditional withdrawal of notification has been corrected. The departmental representative further produced copy of notification dated 27.10.2023 vide which the gap period w.e.f. 27.08.2020 to 05.04.2022 of the petitioner has been regularized. Counsel for the appellant is satisfied and informed that arrears of her salaries have also been paid to her. As the judgment of this Tribunal stands implemented, file be consigned.

03. *Pronounced in open Court at Camp Court, Abbottabad and given under my hand and the seal of the Tribunal on this 11<sup>th</sup> December, 2023.*

  
(Farzana Paul)  
Member(E)  
Camp Court, A/Abad


\*FazleSubhan. P.S\*

Saeed Delanor  
27.11.2023

27.11.2023

Junior of learned counsel for the petitioner present.  
Mr. Asif Masood Ali Shah, Deputy District Attorney for  
the respondents present and sought further time for  
submission of implementation report.

Several opportunities have been granted to  
the respondents for submission of implementation  
report, however they failed to do so and even their  
representative is not present before the court today. In  
such view of the matter, salaries of the respondents stand  
attached in the manner prescribed in Section 260(1)(i) of  
the Code of Civil Procedure, 1908, till further orders.  
Registrar of this Tribunal shall send copy of this order to  
Accountant General Khyber Pakhtunkhwa, Peshawar for  
compliance. Respondents shall positively produce proper  
implementation report on 11.12.2023 before the S.B. at  
Camp Court Abbottabad.

  
(Salah-Ud-Din)  
Member (J)  
Camp Court Abbottabad

\*Naeem Amin\*



PSIC S Khyber Pakhtunkhwa  
Diary No. 5917-P  
Date 21-12-2023

Office of the  
**Accountant General**  
Fort Road, Khyber Pakhtunkhwa  
Peshawar Pakistan  
Phone: 091 9211250-54

No. Lit/S.T/Attachment of salary/2023/Vol-II 1968-73

Dated: 19.12.2023

To,

The Accounts Officer,  
Payroll.....05.....

The Accounts Officer,  
Payroll.....09.....

**SUBJECT: - ATTACHMENT OF SALARY**

Please refer to Registrar Khyber Pakhtunkhwa Service Tribunal letter No.3797/ST dated 06.12.2023 Peshawar & order sheet Dated: 27.11.2023 on the subject noted above.

As per Court orders in Appeal No.515/2021, the monthly salary of below mentioned officers be attached till further orders.

1. The Chief Secretary, KP, Peshawar.
2. The Secretary Health Department KP, Peshawar
3. The Director General Health Services, KP, Peshawar.

Accounts Officer  
(Litigation)

Copy is forwarded to the:-

1. Registrar Service Tribunal Khyber Pakhtunkhwa, Peshawar with reference to the above quoted Order Sheet.
2. The Chief Secretary, KP, Peshawar.
3. The Secretary Health Department KP, Peshawar
4. The Director General Health Services, KP, Peshawar.

Accounts Officer  
(Litigation)

*Ascijt*  
*Siv;*  
*For Urgent n/a pl.*  
*DST*  
*Most Immediate*  
*21/12*  
*21/12/2023*  
Deputy Secretary/  
PS to Chief Secretary  
Khyber Pakhtunkhwa Peshawar



**GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT**

Dated Peshawar, the 10<sup>th</sup> October, 2023

**CORRIGENDUM**

**SOH-I/HD/3-1304/2017:** In partial modification of this office Notification of even No. dated 22.03.2022, the date for conditionally withdrawal of Notification of even No. dated 20.08.2020 may be read as 20.09.2021, the date of judgement of Khyber Pakhtunkhwa, Service Tribunal in service appeal No. 515 of 2021, till the final come out of CPLA No. 760-P/2021 in the instant case.

**Secretary to Govt. of Khyber Pakhtunkhwa  
Health Department**

**Endst. of even No. & date:-**

Copy forwarded to the:-

1. Registrar Khyber Pakhtunkhwa Service Tribunal, Peshawar.
2. Accountant General, Khyber Pakhtunkhwa.
3. Director General Health Services, Khyber Pakhtunkhwa.
4. District Health Officer, Mansehra.
5. Medical Superintendent, DHQ Hospital, Mansehra/Haripur.
6. Deputy Secretary Litigation, Health Department.
7. District Accounts Officer, Mansehra/Haripur.
8. Section Officer (Lit-II)/Supreme Court Health Department.
9. Deputy Director (IT) to upload this Notification on official website.
10. PS to the Secretary Health Govt. of Khyber Pakhtunkhwa, Peshawar.
11. PS to the Special Secretary (E&A), Health Department, Govt. of Khyber Pakhtunkhwa, Peshawar.
12. PS to the Additional Secretary (E&A), Health Department, Govt. of Khyber Pakhtunkhwa, Peshawar.
13. Doctor concerned.
14. Personal file.

  
Section Officer (Estab-I)

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

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**EXECUTION PETITION NO. 336/2021**

**IN**

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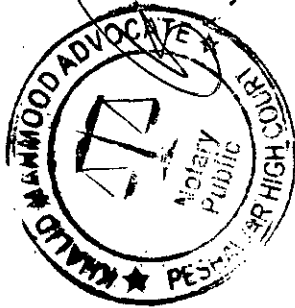
**Versus**

Government of Khyber Pakhtunkhwa & others .....Respondents

**APPLICATION FOR SALARY RELEASE**

**AFFIDAVIT**

I Mr. Shaukat Ali, Director General Health Services do hereby state on oath that contents of the above application is correct to the best of my knowledge and nothing has been concealed.



Deponent

Shaukat Ali  
Director General Health Services  
(Respondent No.03)





GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

AUTHORITY LETTER

Mr. Safi Ullah, Focal Person (Litigation-II), Health Department, Civil Secretariat is hereby authorized to attend/defend the Court Cases and file comments on behalf of Secretary Health Government of Khyber Pakhtunkhwa before the Service Tribunal and lower Courts.

(MAHMOOD ASLAM)

Secretary to Govt. of Khyber Pakhtunkhwa  
Health Department  
Secretary to Govt. of  
Khyber Pakhtunkhwa  
Health Department

*Attested*  
*[Signature]*

Section Officer (Lit-II)  
Health Department  
Khyber Pakhtunkhwa

9/15/23