

13.05.2015

Appellant Deposited  
Security & Process Fee



Counsel for the appellant and Asstt: AG for the respondents present. For the reasons recorded in order sheet dated 17.04.2015, the appeal is admitted to regular hearing.

Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 08.06.2015 before S.B. Since the appellant has not relinquished the charge as such status-quo be maintained.

  
Chairman

08.06.2015

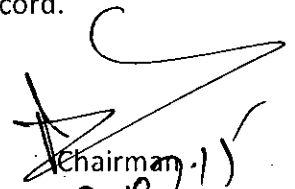
Appellant in person and Addl: A.G for respondents present. Requested for adjournment. To come up for written reply/comments on 2.7.2015. Status-quo be maintained.

  
Chairman

02.07.2015

Appellant with counsel, M/S Yar Gul, Senior Clerk and Maaz Madni, Assistant Litigation Officer alongwith Mr. Kabirullah Khan Khattak, Assistant A.G for respondents present. Learned counsel for the appellant informed the Tribunal that the grievances of the appellant have been redressed as such the appellant intends to withdraw the instant appeal. Dismissed as withdrawn. File be consigned to the record.

ANNOUNCED  
02.07.2015

  
Chairman  
02.07.15

17.04.2015.

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was appointed as Pharmacy Technician in the year 2011 and vide order dated 14.10.2014 he was transferred to Shaheed Maina (Mullagori) and after less than three months period he was transferred to BHU Kambela vide order dated 06.02.2015 where-after he submitted departmental appeal on 09.02.2015 which was rejected on the same date.

That no enquiry was conducted nor the charges surfaced on record the impugned order is, therefore, not tenable in the eye of law.

Let pre-admission notice be issued to the respondents and the record be also produced before the Court on 30.04.2015.

7  
11-5-12

11-5-12  
Chairman

30.04.2015

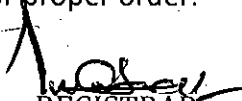


Counsel for the appellant and Asstt: AG for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned to 13.05.2015 for preliminary hearing before S.B.

Chairman

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 202/2015


S.No:	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	12.03.2015	<p>The appeal of Mr. Walid Mir resubmitted today by Mr. Yousaf Ali Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	25-3-15	<p>This case is entrusted to Bench <u>F</u> for preliminary hearing to be put up thereon <u>30-3-15</u></p> <p style="text-align: right;"> CHAIRMAN</p>
3	31.03.2015	<p>None present for appellant. The appeal be relisted for preliminary hearing for 17.4.2015 before S.B.</p> <p style="text-align: right;"> Chairman</p>

The appeal of Mr. Mr. Walid Mir son of Jumat Mir Pharmacy Technician received to-day i.e. on 11.03.2015 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copies of departmental appeal and its rejection order are not attached with the appeal which may be placed on it.
- 2- Annexures of the appeal may be attested.
- 3- Memorandum of appeal may be got signed by the appellant.
- 4- Copy of order dated 6.2.2012 mentioned in para-3 of the memo of appeal is not attached with the appeal which may be placed on it.

No. 323/S.T,

Dt. 12/3/2015

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Yousaf Ali Adv. Pesh.

Sir,

- (1) Departmental Appeal / Representation, rejection order dt 9/2/15 is available on file Annexure "D" P-9
- (2) Annexures of the Appeal are duly attested
- (3) Memo of the Appeal is signed duly by Appellant
- (4) Copy of the order dt 6/2/15 is Annexure "C" P-8

Resubmitted After removal of objections

dt 13/3/15



12/12  
337

*[Handwritten signature]*

- 1) Departmental Appeal / Representational objection
- 2) Order of the Appellate is available on file Number D.P-9
- 3) Names of the Appellate are duly attested
- 4) Name of the Appellate is signed by all the members
- 5) Copy of the order of the Appellate is submitted to the members "C-9-8"

Resubmitted after removal of objections

of 1313112  
*[Handwritten signature]*

BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 210 /2015

Wahid Mir ..... Appellant

Versus

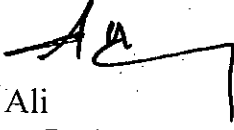
Govt. of KPK through Secretary Health, and others ..... Respondents

INDEX

S.No.	Description of documents.	Annexure	Dated
1.	Memo of appeal		1-3
2.	Stay application with affidavit.		4-5
3.	Copy of office order	A	6
4.	Copy of office order.	B	7
5.	Copy of office order.	C	8
6.	Copy of application for cancellation of relieving order / <i>Departmental Appeal</i>	D	9
7.	Wakalatnama		10

  
Appellant

Through

  
Yousaf Ali  
Advocate, Peshawar  
Cell: 0333-9052089

Dated: 11/3/15

①

BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 210 /2015

**N.W.F. Province**  
**Service Tribunal**  
Diary No. 216  
Dated 11-3-2015

Walid Mir S/o Jumat Mir

R/o Daulat Khel (Mullagori) Khyber Agency

(Pharmacy Technician BPS-9)..... Appellant

Versus

- 1) Govt. of KPK through Secretary Health, Civil Secretariat, Peshawar.
- 2) Medical Superintendent, DHQ Hospital, Khyber Agency
- 3) Director General Health Services, KPK, Peshawar.
- 4) Agency Surgeon Khyber Agency at Jamrud..... Respondents

SERVICE APPEAL U/S 4 OF SERVICE  
TRIBUNAL ACT, 1974 AGAINST THE  
IMPUGNED ORDER OF RESPONDENT  
NO.4 DATED 06.02.2015

Respectfully Sheweth;

- 1) That the appellant was appointed as Pharmacy Technician in BPS-09 vide appointment letter dated 01.07.2012. (Copy of the appointment order is Annexure "A")
- 2) That after appointment the appellant was posted at Civil Dispensers (C.D) Shaheed Maina Khyber Agency (Mullagori) and thereafter he was transferred to Kambela BHU Khyber Agency vide order dated 14.10.2014. (Copy of order is Annexure "B")
- 3) That vide the impugned order dated 06.02.2015 of the respondent No.4 the appellant has been transferred from Kambela (Khyber Agency) with the direction for further posting out of this agency. (Copy of the impugned order dated 06.02.2015 is Annexure "C")

Filed to Registrar  
11/3/15

Re-submitted to Registrar  
and filed.  
12/3/15

- 4) That the appellant feeling aggrieved prefer an appeal/ representation, departmentally before the respondent No.4 which was rejected vide order dated 09.02.2015. (Copy of representation and order dated 09.02.2015 are Annexure "D")
- 5) That the appellant feeling aggrieved is filing present appeal on the following amongst other grounds inter-alia, before this Hon'ble Tribunal.

GROUND:

- a. That the impugned order of transfer is against the law, facts and material available on the record.
- b. That the impugned transfer order is challengeable on two grounds mainly i.e.
  - i. The order is premature because at Sheeda Maina the appellant has spend only few months, AND
  - ii. Is also illegal based on malice and malafide because the relieve/ transfer order is with the direction for further posting out of this agency.
- c. That the impugned order is also the result of political motivation and not in the best public interest.
- d. That inquiry which has been referred vide order dated 09.02.2015 is totally illegal.
- e. That in the said inquiry appellant has not participated as no notice, summon was issued to the appellant for defence, reply and participation by the respondents.
- f. That while conducting the said inquiry malice and malafide is floating on the surface being conduct on holiday.
- g. That the service record of appellant's reveals that till date no show cause notice, censure or other mode and alertness/ carefulness has



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been issued to the appellant due to upto the mark conduct of the appellant i.e. appellant is rendering meritorious services.

- h. That the appellant begs to offer additional grounds at the time of hearing.


It is, therefore, most humbly prayed that, on acceptance of this appeal the impugned order of transfer dated 06.02.2015 may graciously be set-aside and the appellant may kindly be allowed to perform his duty at BHU Kambela at Khyber Agency.

Any other relief which this Hon'ble Tribunal deems appropriate in the circumstances of the case and not specifically asked for may also be granted.



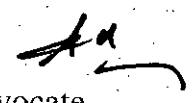
Appellant

Through

  
Yousaf Ali  
Advocate, Peshawar  
Cell: 0333-9052089

VERIFICATION

Verified on as per information furnished by my client that the contents of the above appeal are true and correct and nothing material has been concealed from this hon'ble Tribunal.

  
Advocate

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BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. \_\_\_\_\_/2015

Wahid Mir ..... Appellant

Versus

Govt. of KPK through Secretary Health, and others ..... Respondents

APPLICATION FOR INTERIM RELIEF

*Respectfully Sheweth;*

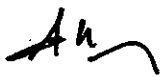
- 1) That the accompanied appeal is being filed today before this hon'ble Tribunal in which no date of hearing has been fixed so far..
- 2) That prima facie the balance of convenience lies in favour of the appellant being based on concrete reasons.
- 3) That if status quo was not maintained the applicant will suffer irreparable loss.
- 4) That this application be treated as part and parcel of the grounds of appeal.
- 5) That the applicant begs to offer further points at the time of arguments.

It is, therefore, humbly prayed that on acceptance of this application, interim relief may kindly be granted till final disposal of the appeal.



Appellant/ applicant

Through



Yousaf Ali  
Advocate, Peshawar

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BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. \_\_\_\_\_/2015.

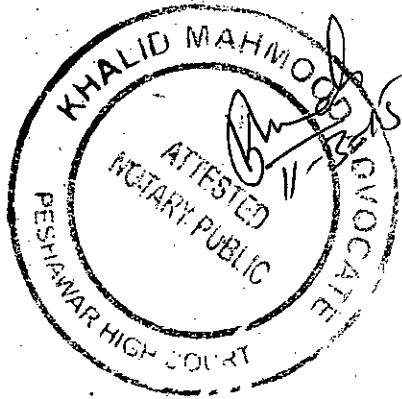
Wahid Mir ..... Appellant

Versus

Govt. of KPK through Secretary Health, and others ..... Respondents

AFFIDAVIT

I, Wahid Mir S/o Jumat Mir R/o Daulat Khel (Mullagori) Khyber Agency (Pharmacy Technician BPS-9) do hereby affirm and declare on oath that the contents of the Service Appeal are true and correct to the best of my knowledge and belief and nothing material has been concealed from this hon'ble Tribunal.



*Wahid Mir*

Deponent

17301-7380535-7

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Annexure 'A'

**OFFICE OF THE AGENCY SURGEON KHYBER  
AT JAMRUD.**

**OFFICE ORDER.**

Mr. Walid Mir S/O Jumat Mir residence of Daulat Khel (Mullagori) Khyber Agency is hereby appointed as a Pharmacy Technician BPS-09<sup>th</sup> (6200-380-17600) on contract basis at the vacant post of Pharmacy Technician (10 - CHC - D) in Khyber Agency.

01. The appointment will be purely on Contract Basis.
02. The appointment is strictly non transferable.
03. If he wishes to resign he will serve one month notice or will deposit one Month salary in lieu of notice.
04. He will have to produce the Medical Fitness Certificate.
05. His service can be terminated at any time without assigning any reason or Notice.

Sd/-xxxxxxxxxxxx  
Agency Surgeon Khyber,  
At Jamrud.

No. 1661-64 /AS-Khy:/PF Date 01-07-2012

Copy forwarded to the:-

01. Director Health Services FATA, Peshawar.
02. Political Agent Khyber at Peshawar.
03. Agency Account Officer Khyber at Jamrud.
04. Official Concerned.

For information please.

*Attested*

*Au*

*Walid Mir*  
Agency Surgeon Khyber,  
At Jamrud.

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Annexure "B"

OFFICE OF THE AGENCY SURGEON KHYBER  
AT LANDIKOTAL.

OFFICE ORDER.

The following posting/transfer orders of Pharmacy Technicians are hereby issued in the best interest of public service till further order:-

S.No.	Name	From	To
01	Mr:Kamal uddin.	CD:Shinpokh Loe shilunin	CH:Lowara Maina.
02	Mr:Muhammad zahid	CD:Prangdara Loe shilunin	CH: Lowara Maina.
03	Mr:Walid Mir	CD: Shamsed Mina (Mullagori)	BHU:Kambillah

Note:- Arrival / departure reports should reach to the office in due course.

d/-xxxxxxxxxxx  
Agency Surgeon Khyber,  
at Jamrud.

Copy forwarded to the:-

- 01. Incharge CH: Lowara Maina.
- 02. Incharge Civil dispensary Shinpokh.
- 03. Incharge Civil Dispensary Prangdara.
- 04. Incharge BHU:Kambillah.
- 05. All officials concerned.

For information and necessary action.

Agency Surgeon Khyber,  
at Jamrud.

*Accepted*

*AC*

*AC*

14 / 11 / 2014

Annexure "C"

8

1

F N on 6/2/2015

DHS FATA

Time - 3.04

OFFICE OF THE AGENCY SURGEON, KHYBER AT JAMRUD

OFFICE ORDER

Reference enquiry conducted on the complaint of Dr. Muhammad Ismail, Medical Officer, BHU Kambela, the following decisions are hereby taken in light of report of the enquiry Committee:

- 01) The services of Mr. Walid Mir, Medical Technician are hereby relieved off and directed to report to the Directorate, health services, FATA for further posting out of this agency.
- 02) Dr. Muhammad Ismail, MO, BHU Kambela is hereby transferred to THQ, hospital, Bara, being his original place of posting.
- 03) The transfer order of Dr. Bilal Khan, MO from BHU Mian Morcha to BHU Kambela in this Office Order No.353-58/ASK dated. 04/02/2015 will stand intact.

*[Signature]*  
Agency Surgeon  
Khyber

dated. 6/2/2015

No. 372-77/ASK  
CC

- 01) The Director, Health Services, FATA, FATA Secretariat, Warsak Road, Peshawar, for information, please.
- 02) The Political Agent, Khyber Agency, Khyber House, Peshawar Cantonment for information; please.
- 03) Dr. Muhammad Ismail, MO, THQ Hospital, Bara for information and compliance.
- 04) Dr. Bilal Khan, MO, BHU Kambela for information and compliance.
- 05) The Agency Accounts Officer, Khyber agency at Jamrud for information.
- 06) Mr. Walid Mir, Medical Technician for information and compliance.

*[Signature]*  
Agency Surgeon  
Khyber

*[Signature]* - 1. Attested  
*[Signature]*

محترم جناب ایچ سی سر جنرل صاحب آف ڈیپارٹمنٹ اینڈ ایڈمنسٹریٹر

Annexure 'D'

درخواست برائے دستوری ریلوے آرڈر

9

ضابطہ عالی

مُذبانہ تدریس ہو کہ فوری کو ریلوے کے بنیاد پر ریلوے  
کیا گیا چونکہ ریلوے کے سرکار سے کسی طرف سے کوئی بھی نوٹ  
نہیں آیا ہے اس لیے اس کی حثیت رکھنی ہے لہذا اب صاحبان کی خدمت  
میں لکھ کر کہیں کہ فوری کیا کو کافی زیادتی ہوئی اور  
میں بنیاد پر فوری کے ریلوے آرڈر کو مسترد کر کے فوری

نظامی

The inquiry was  
conducted in emergency  
of emergency activity  
can be conducted on  
holidays  
So the appeal is rejected

میں کو اس کی

الٹا ہے

Jan 21 2015  
Agency

کیا گیا ہے اور لکھ کر فوری

کی ایک کو کامیاب بنا کر دیا گیا ہے

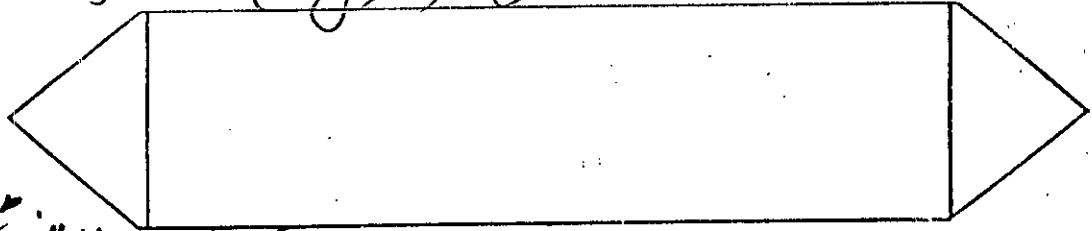
Attested

فورم 09/02/2015

Handwritten signature

Handwritten signature and date 09/02/2015

# بعدالت جناب سرورس سر بیرونل حج حبیب لیشاہ



2015ء پنجاب اپیلز

بنام حکومت لڈر روم محمد  
مختصرہ

والد سرورلہ  
عمادہ سرور

مورخہ  
مقدمہ  
دعویٰ  
جرم

## باعث تحریر آئندہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ  
آن مقام لیشاہہ کیلئے لو سٹو علی سے ایڈوکیٹ

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 ثالث فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی 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 منسوخی  
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 خرچہ ہر جانہ التوائے 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 وکالت نامہ لکھ دیا کہ سند ہے۔

المرقوم 11 ماہ مارچ 2015

کے لئے منظور ہے۔

بمقام لیشاہہ

ATTESTE AND

ACCEPTED Au 11/3/15