

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
	18.02.2016	<p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.</u></p> <p style="text-align: center;">Appeal No. 1122/2014</p> <p style="text-align: center;">Nasreen Bibi Versus Government of KPK through Secretary Health Department and others.</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>PIR BAKHSH SHAH, MEMBER.-</u> Appellant with counsel (Mr. Muhammad Zafar Tahirkheli, Advocate), Government Pleader (Mr. Ziaullah) with Yar Gul, Assistant for the official respondents and counsel for private respondent No.4 (Mr. Muhammad Akif Khan, Advocate) present.</p> <p>2. Director General Health Services, KPK, Peshawar vide his order dated 04.10.2013 transferred private respondent No. 5 (Mst.Khursheed Bano, FMT) from District Nowshera to District Peshawar for further posting to BHU Sango, Peshawar and also directed DHO Peshawar to relieve her substitute to report to DHO Nowshera for duty. To follow up this order, District Managewr, DSU, Peshawar KPH KP, Peshawar vide his impugned order dated 18.12.2013 transferred the appellant (Mst. Nasreen Begum from BHU, Budni, Peshawar as the substitute of the private respondent No.5 and the place so likely to be vacated by the appellant was to be filled in through private respondent No.5 on her posting to Budni. Feeling aggrieved, the appellant filed departmental appeal</p>

on 21.5.2014, which was not responded, hence this service appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974.

3. Arguments heard and record perused.

4. It is the contention of the learned counsel for the appellant that the appellant is in BPS-14 who cannot be substituted by private respondent No.5 who is in BPS-12. It was further argued that the appellant was not transferred in the original order of D.G Health Services dated 04.10.2013 in which private respondent No.5 has been directed to be posted at BHU Sangu, Peshawar and not in Budni but in order to accommodate respondent No.5, the appellant was made a scape-goat. It was also argued that the appellant has also not been paid salary for sufficient long time and while setting aside the impugned order, the respondent department may also be directed to pay arrears of her salary.

5. The appeal was resisted by the learned counsel for private respondent No.5 and learned Government Pleader by submitting that the appeal is badly time barred as the impugned order was passed on 18.12.2013 against which departmental appeal on 21.5.2014 is time barred and on which score the appeal is incompetent and hence, no merit of the case is need to be discussed. It was also contended that the appellant has concealed DG Health order dated 4.10.2013 and thus her conduct before the

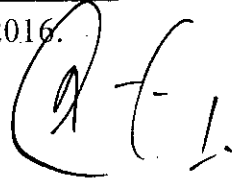
Tribunal is not fair. It was also stated that the appellant is not performing duty at BHU Budni but no disciplinary action has been taken against her. Final it was requested that the appeal may be dismissed.

6. We have carefully perused the Director General Health Services KPK, Peshawar order dated 04.10.2013 in which while placing services of private respondent No. 5 at the disposal of DHO, Peshawar, has further been directed to be posted at BHU, Sangu. At that time the appellant was serving in BHU Budni, therefore, in order to relieve private respondent No. 5 from duty at Sangu, the post of the appellant at Budni was vacated through the impugned order. In compliance of orders of the superiors, a civil servant is required to serve anywhere in the province but the superior is also required to pass any such order on merits and in accordance with the rules. The Tribunal observes in this case that on one hand order of the D.G Health dated 04.10.2013 was violated by DSU, Peshawar when he posted appellant in Budni instead of Sangu but on the other hand when the appellant was transferred by the impugned order and if she was not complying the same it is uncertain that the department initiated proceedings against her. Non-payment of salary is not remedy. It is thus evident that a hotchpotch has been made out of the matter by high ups of the department and to add further to this mess, departmental appeal of the appellant has also not ~~is~~ not being decided by the authority. Hence, we remit the case to the respondent department with the direction to decide the case within a period of one month

of the receipt of this judgment. The issue of payment of salary to the appellant be also decided by that authority. The appeal is disposed off according^{ly} Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

18.02.2016.



(ABDUL LATIF)
MEMBER



(PIR BAKHSH SHAH)
MEMBER

31.07.2015

Appellant with counsel, Mr. Yar Gul, Senior Clerk alongwith Addl. A.G for official respondents No. 1 to 3 and counsel for private respondent No.4 present. Comments by official respondents No. 1 and 3 also submitted. The appeal is assigned to D.B for rejoinder and final hearing for 30.11.2015.


Chairman

30.11.2015

Counsel for the appellant and Mr. Ziaullah, GP. for respondent present. Counsel for the appellant requested for adjournment. To come up for rejoinder as well as arguments on

18.2.2016.


Member


Member

24.03.2015

Appellant in person, M/S Yar Gul, Senior Clerk and Asadullah, Monitoring Officer for official respondents No. 1 to 4 alongwith Addl: A.G and respondent No. 5 in person present. Written reply not submitted. Last opportunity granted for submission of written reply as well as reply to application and arguments thereon for 22.5.2015 before S.B.



Chairman

22.05.2015

Appellant in person, Mr. Yar Gul, Senior Clerk for respondent No. 3 alongwith Addl; A.G for official respondents No. 1 to 4 and private respondent No. 5 in person present. Written reply on behalf of official respondents No. 1 to 4 not submitted despite last opportunity.

23.05.2015

Requested for further time. Last opportunity is extended for submission of written reply to 23.7.2015, provided written reply on behalf of official respondent No. 5 is submitted. Last opportunity is extended for submission of written reply to 31.7.2015. Requested for further time. Last opportunity is extended for submission of written reply to 31.7.2015.


Member

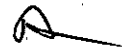
27.07.2015

Appellant with counsel, Yar Gul, Senior Clerk alongwith Addl: A.G for official respondents and private respondent No. 4 in person present. Written statement by respondent No. 4 submitted while for remaining respondents adjournment is sought as the same is under process. Last opportunity granted. To come up for written reply/comments on 31.7.2015 before S.B.


Chairman

18.02.2015

Appellant alongwith her counsel, M/S Muhammad Arif, Assistant Admin for official respondent No.2, Muhammad Asif, District Manager (respondent No.4) in person and private respondent No. 5 with Asst: AG for official respondents present. Mr. Yousaf Ali, Advocate filed Wakalat Nama on behalf of private respondent No. 5. Representative of the respondents needs time to submit written reply/comments. To come up for written reply/comments on main appeal as well as reply/arguments on application on 04.03.2015



Member

04.03.2015

Counsel for the appellant, Mr. Muhammad Arif, Assistant Admin for official respondents No. 2 and Counsel for private respondent No. 5 with Asst: AG for official respondents present. Written reply on behalf of private respondent No.5 submitted. Learned AAG requested for time to submit written reply/comments. To come up for written reply/comments on main appeal as well as reply/arguments on application on 24.03.2015.



Member

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Appeal No. 1122/2014

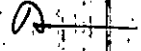
Mst. Nargis Bibi

6

15.01.2015

Appellant in person and Mr. Kabirullah Khattak, Asst:

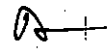
Advocate General for the respondents present. Appellant requested for adjournment due to General Strike of the Bar. To come up for further preliminary hearing on 23.01.2015.


Member

23.01.2015

7. Counsel for the appellant and Mr. Kabirullah Khattak, Asst: Advocate General for the respondents present. Preliminary arguments heard and case file perused. Through the instant appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, the appellant has impugned order dated 18.12.2013, vide which the appellant was transferred from BHU Budni, Peshawar to Nowshera. Against the above referred impugned order appellant filed departmental appeal on 02.05.2014 which was not responded within the statutory period of 90 days, hence the instant appeal on 04.09.2014. Counsel for the appellant have also filed an applications alongwith the appeal for interim relief, release of pay and condonation of delay. Notice of applications should also be issued to the respondents for reply/arguments.


Since the matter pertains to terms and conditions of service of the appellant, hence admit for regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notice be issued to the respondents for submission of written reply. To come up for written reply/comments on main appeal as well as reply/arguments on application on 18.02.2015 before the learned Bench-III.


Member

Appellant Deposited
Security & Process Fee
Rs. 400/- Bank
Receipt is Attached with File.

3
21.10.2014

Appellant alongwith his counsel present. Preliminary arguments partly heard. The matter required further clarification, therefore, pre-admission notice be issued to the AAG/GP to assist the Tribunal and to contact the respondents for production of the requisite record. To come up for preliminary hearing on 11.11.2014.


Member

4
Reader Note:

10.11.2014

Clerk of counsel for the appellant present. Since the Tribunal is incomplete, therefore, case is adjourned to 12.12.2014 for the same.


Reader

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Reader Note:

12.12.2014


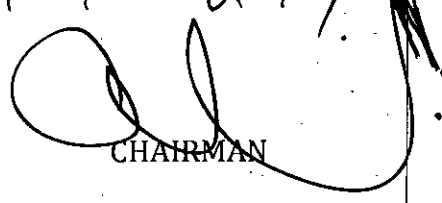
Counsel for the appellant and Mr. Kabirullah Khattak, Asst: Advocate General for the respondents present. Since the Tribunal is incomplete, therefore, case is adjourned to 15.01.2015 for the same.


Reader

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1122/2014

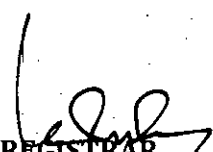
S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	08/09/2014	<p>The appeal of Mr. Nasreen Bibi resubmitted today by Mr. M. Zaffar Tahirkheli Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	9-9-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on 21-10-2014</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mst. Nasreen Bibi FMT BHU Budni Peshawar received today i.e. on 04.09.2014 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Address of respondent No. 5 is incomplete which may be completed.
- 2- Heading of the appeal is incomplete which may be completed.

No. 1338 /S.T,

Dt. 5-9 /2014.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. M.Zaffar Tahirkheli Adv. Pesh.

08-09-14.

Duty completed and re-submitted

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AW. HE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 1122 /2014

Nasreen Bibi

VERSUS

Government of KPK etc

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Peshawar, dated
03-09-2014


Advocate

0300-9597670

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 1122/2014

Nasreen Bibi,
Female Medical Technician (FMT) (BPS-14)
BHU Budni, Peshawar

136
04/9/2014 Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa, through Secretary Health
2. Provincial Executive, Khyber Pakhtunkhwa Primary Healthcare (KPH),
Khushal Hostel, Alam Bagh, Warsak Road, Peshawar.
3. Director General, Health Services, Khyber Pakhtunkhwa
4. District Manager, District Support Unit, Khyber Pakhtunkhwa Healthcare,
Alam Bagh Warsak Road Peshawar
5. Mst. Khursheed Bano (FMT), BHU Budni. Peshawar

..... Respondents

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SERVICE APPEAL U/S 4 OF NWFP SERVICE TRIBUNAL ACT, 1974
against the impugned transfer order dated 18-12-2013, , whereby the appellant was
transferred from bhu budni Peshawar

Prayer in Appeal;

By accepting this appeal and setting aside the impugned transfer order dated 18-12-2013, (copy annexed hereto **marked "A"**) and directing the department to allow the appellant to serve as Female Medical Technician (FMT) (BPS-14) BHU Budni, Peshawar.

Respectfully Sheweth;

1. The appellant being qualified and eligible was selected and appointed as Female Medical Technician (FMT) (BPS-11), dated Feb 1984. Her post was upgraded to BPS-14 in 2012. (copy annexed hereto **marked "B"**)
2. That while serving at BHU Budni, the appellant pay for the month of March was withheld. On her inquiry, the appellant was informed that she has been transferred vide impugned order dated 18-12-2013.

The appellant was never served with the impugned transfer order and thus requested the department to provide her with the copy of the said order on 7th April 2014.

3. The impugned order is vague in its present form as the appellant has been relieved from duty and directed to report to DHO Peshawar / DHO Nowshehra for duty.

That due to the confusing order passed in a hastily manner, the appellant is in a state of shock and confusion that she has been transferred and has been asked to report to two different districts at a same time, vide a same transfer order.

re-submitted to ~~the~~
and filed.

9/9/14

- 2
4. The impugned transfer order was kept concealed from the appellant and was not officially communicated to her in spite of the passage of almost 04 months for the reasons best known to the concerned quarters.
 5. The impugned order has been passed in complete violation of established principles of equity, justice, law and propriety, against which the appellant submitted her appeal on 02-05-2014, which has not been decided by the respondent department till the passage of statutory period of limitation. (copy annexed hereto marked "C")
 6. Feeling aggrieved and finding no other remedy, the appellant has been constrained to approach the Hon'ble Services Tribunal, respectively, maintaining that the impugned transfer order of the appellant is arbitrary, malafide and as such without justification and without lawful authority, inter-alia for the following:

Reasons

- (a) That the appellant has been transferred from BHU Budni Peshawar to report to Peshawar/Nowshera, two completely different districts for duty at the same time. This act on the part of the authority is illegal, unlawful and is in violation of rules regulating the service.
- (b) That since his appointment the appellant has been serving the department honestly and diligently at different places of postings to the utmost satisfaction of her superiors.

During her 30 years of continuous service, she was neither communicated adverse remarks nor complaint of any sort was ever filed against her.
- (c) The appellant is unmarried and is presently residing with her brother's family at Peshawar. Her transfer to two different districts at the same time is in violation of the transfer policy and is thus subject to cancellation being arbitrary and discriminatory.
- (d) That according to the Government's Transfer and Posting Policy, being female, the appellant has the legal right to be posted at a place near to her residence, where she can reside with her parents. However she has been denied her legal right.
- (e) It is worth mentioning that respondent No. 4 in his letter dated 12-06-2014 addressed to DG Health Khyber Pakhtunkhwa, has categorically mentioned the names of officials who are serving the department since long at Peshawar, and were available for adjustment with the appellant at Peshawar. (copy annexed hereto marked "D")
- (f) In similar manner Assistant Director Health Services Khyber Pakhtunkhwa in his letter dated 07-07-2014 addressed to respondent No. 4, has asked the later to explain that how he has replaced the appellant serving in BPS-14 with a junior Mst. Khursheed Bano BPS-12. This letter is self explanatory to the fact that the appellant was transferred arbitrarily in order to adjust a low scale employee, against the rules regulating the service. (copy annexed hereto marked "E")

- (g) In utter disregard and in violation of the principles of equity and justice, the appellant has been subjected to arbitrary and discriminatory treatment, as is evident from the facts narrated above.

Unless a good reason is recorded any transfer order made in such manner is in colorable exercise of power and is an illegal and void order.

- (e) As the impugned order has been issued against law and rules regulating the service and by ignoring the well-established principal of equity and justice, calling for interference by the Hon'ble Tribunal.
- (h) Appellant seeks permission to take additional grounds at the time of hearing.

In view of the above, it is, humbly prayed that the Hon'ble Tribunal may be pleased to accept the appeal of the appellant and the impugned transfer order dated 18-12-2013 may be cancelled and she may be allowed to continue with her service at her present place of posting at BHU Budni.

Any other relief deemed appropriate may also be granted in addition to the relief claimed above.

Nasreen
Appellant,

Through,

Peshawar, dated
03-09-2014


Advocate

BEFORE THE SERVICE TRIBUNAL, KHYBER PUKHTUNKHWA
PESHAWAR

Service Appeal No. _____ / 2014

Nasreen Bibi

VERSUS

Government of KPK etc

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PETITION FOR INTERIM RELIEF

Respectfully Sheweth

1. That the above titled petition is being filed before this Hon'ble tribunal, in which date of hearing is yet to be fixed.
2. That the contents of the accompanying appeal may kindly be read as part and parcel of the present petition.
3. The petitioner has got a good prima facie case on merits and is sanguine about her success.
4. The Respondent department has issued the impugned transferred order in complete disregard to the rules regulating the service.
5. It is the petitioner who will suffer irreparable harm if in case, his request is refused. The Respondent department may kindly be restrained from transferring the petitioner in violation of the transfer policy of the respondent department.

It is therefore, most humbly prayed that by accepting the present petition, the impugned transfer order dated 18-12-2013, may kindly be suspended pending adjudication the present appeal.

Nasreen

Petitioner,

Through,

Peshawar, dated
03-09-2014

(MUHAMMAD ZAFAR TAHIRKHELI)

Advocate

Affidavit

I, the Petitioner, stated on Oath that contents of the above petition are true and correct to the best of my knowledge and belief, and nothing has been kept concealed from this Hon'ble Tribunal.

Nasreen

DEPONENT



04-09-2014

5

BEFORE THE SERVICE TRIBUNAL, KHYBER PUKHTUNKHWA
PESHAWAR

Service Appeal No. _____ / 2014

Nasreen Bibi

VERSUS

Government of KPK etc

=====
CONDONATION OF DELAY

Respectfully Sheweth

1. That the above titled petition is being filed before this Hon'ble tribunal, in which date of hearing is yet to be fixed.
2. That the contents of the accompanying appeal may kindly be read as part and parcel of the present petition.
3. The petitioner has got a good prima facie case on merits and is sanguine about his success.
4. That the department willfully concealed the impugned transfer order from the appellant for more then 4 months. The appellant came to know about the impugned order on 07-04-2014 and requested for provision of the copy of the same. She submitted her departmental appeal as soon as she got hold of the impugned order.
5. The petitioner's case merits acceptance and requests the Hon'ble tribunal for condonation of delay in filing the departmental appeal and after words the present appeal.

In view of the above, it is requested that by accepting this appeal, the delay in the filing of the departmental appeal and present appeal may kindly be condoned for decision of the appellant's case on merits.

Nasreen
Petitioner,

Through,

(MUHAMMAD ZAFAR TAHIRKHELI)
Advocate

Peshawar, dated
03-09-2014

Affidavit

I, the Petitioner, stated on Oath that contents of the above petition are true and correct to the best of my knowledge and belief, and nothing has been kept concealed from this Hon'ble Tribunal.



Nasreen
DEPONENT



6

Dated: 18/12/2013

ATTENTION 'A'

OFFICE ORDER

No.DSU-PSII/M&E-011/2013-14/1533: Reference Order No. 27993-02 dated 4-10-2013. The following transfer posting is made in the best interest of public.

S.No	Name & Designation	
1	Mst. Khursheed Bano (FMT)	BHU Budni
2	Mst. Nasreen Begum (FMT)	Relieved from duty and report to DHO Peshawar/DHO Nowshera for duty.

[Signature] 18/12/13
(District Manager)
DSU- Peshawar
KPH KP/FATA

Copy to:

1. Chief Operating Officer KPH- KP/FATA.
2. District Health Officer Peshawar
3. Official Concern...

Apart of Sarhad Rural Support Program (Reg. Under Section 42 of Companies Ord, 1984)
Alam Bagh, Near Khushal Hostel, Talaat Qayyum Qureshi Road. Near Warsak road Peshawar.
Ph#: 091-5201230, Fax# 091-5201250, E-mail: ppniveshwar@yahoo.com

TRIP PART
Name





7

Annexure B

GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated the Peshawar. 11th May 2012

ORDER.

No. SOH-III/8-60/2005(Promedics). The Competent Authority is pleased to upgrade the following Primary Health Care Technician (Multi-Purpose) BS-12 and Junior Primary Health Care Technician (M.P) BS-09 to the post of Senior Primary Health Care Technician (M.P) BS-14 with immediate effect:-

S.No	Name/Employee Name	Designation With BS	Place of Present Posting
1.	Abdul Wahab	Senior Primary Health Care Technician (Multi Purpose) BS-12	EDO (H) Battagram
2.	Faizullah Khan S/O Karim	-do-	EDO (H) Malakand
3.	Allah Ud Din S/O	-do-	AS FR Kohat/Pesh
4.	Abdul Hameed S/O Muhammad Suleman	-do-	EDO (H) Manshera
5.	Karam ul Haq S/O	-do-	AS FR Bannu
6.	Hanzulat Khan S/O Mir Gul	-do-	EDO (H) Kohat
7.	Muhammad Sibtain S/O Ghulam Shah	-do-	EDO (H) D.I. Khan
8.	Rookul Islam S/O Rehman	-do-	EDO (H) Battagram
9.	Samiullah S/O	-do-	EDO (H) Kohat
10.	Zainul Islam S/O Hafiz Muhammad	-do-	EDO (H) Bannu
11.	Naseeb Chan. Shah S/O Sultani Shah	-do-	EDO (H) Bannu
12.	Azizullah S/O Mehraban Khan	-do-	EDO (H) Bannu
13.	Sarwai Begum D/O Fazal Karim	-do-	EDO (H) Peshawar
14.	Muhammad Ayaz S/O Mir Azam	-do-	EDO (H) Charsadda
15.	Khalid Iqbal S/O Nadir Khan	-do-	EDO (H) Peshawar
16.	Moinuddin S/O Rehmani Gul	-do-	EDO (H) Malakand
17.	Fariq Hussain S/O Ghazi Hussain Shah	-do-	EDO (H) Abbottabad
18.	Taj Muhammad S/O Wali Dad	-do-	EDO (H) Abbottabad
19.	Muhammad Haroon S/O Abdul Qayum	-do-	EDO (H) Manshera
20.	Khalid Mehmood S/O Pir Badshah	-do-	EDO (H) Abbottabad
21.	Abdul Majid S/O Malak Mir	-do-	EDO (H) L/Marwat
22.	Rifaqat Hussain S/O Hazrat Shah	-do-	EDO (H) Manshera
23.	Muhammad Anif S/O Mir Afzal Khan	-do-	AS FR Bannu
24.	Ghulam Mustafa S/O Muhammad Yousof	-do-	EDO (H) Abbottabad
25.	Rahat Gul S/O Sherif Gul	-do-	EDO (H) Malakand
26.	Ataur Rehman S/O Inayat Rehman	-do-	EDO (H) Buner
27.	Muhammadi Rehman S/O Inayat Rehman	-do-	EDO (H) Buner
28.	Azmatullah S/O Saadullah Khan	-do-	EDO (H) Karak
29.	Said Ahmad S/O Amir Hatam Khan	-do-	EDO (H) Battagram
30.	Khalid Mehmood S/O Muhammad Younas	-do-	EDO (H) Abbottabad

11/5/2012

True Copy
Noreen

31.	Noor Ul Haq S/O Muhammad Qasim	-do-	EDO (H) Kohistan
32.	Miss Nusrateen D.O Usman Shah	-do-	EDO (H) Peshawar
33.	Muhammad Ishaq S/O Munir Ahmad Idrees	-do-	EDO (H) Haripur
34.	Khan Muhammad S/O Khan Muhammad	-do-	EDO (H) L/Marwat
35.	Abdul Rashid S/O Muhammad Ishaq	-do-	EDO (H) Bannu
36.	Muhammad Imran S.O Malik M. Asraf	-do-	EDO (H) Peshawar
37.	Muhammad Arshad S/O Muhammad Rafique	-do-	EDO (H) Manselira
38.	Feroz din S/O Rahman-ud-Din	-do-	EDO (H) Mardan
39.	Jehanzeb Shah S/O Ghafoor Shah	-do-	EDO (H) Mardan
40.	Muhammad Amin S/O Saïda Gul	-do-	EDO (H) Mardan
41.	Fazal Qayam S/O Fazli Hakeem	-do-	EDO (H) Mardan
42.	Moinour Rehman	-do-	EDO (H) Swabi
43.	Muhammad Sherin S/O Muhammad Zarin	-do-	EDO (H) Mardan
44.	Miss Bushra Niaz D.O Amanullah	-do-	EDO (H) Manselira
45.	Shagufta Gul D.O Arshad Hussain	-do-	EDO (H) Manselira
46.	Behzad Khan S/O Aziz Khan	-do-	EDO (H) Swabi
47.	Muhammad Saïab S/O Mulvi Fakhruddin	-do-	EDO (H) Mardan
48.	Israr Habib S/O Sher Habib	-do-	EDO (H) Mardan
49.	Muhammad Kaleem S/O Abdullah Shah	-do-	EDO (H) Mardan
50.	Zahid Ali S/O Muhammad Shauab	-do-	EDO (H) Mardan
51.	Hamidullah S/O Rehmatalah	-do-	EDO (H) Nowshera
52.	Said Aman S.O Awal Khan	-do-	EDO (H) Swabi
53.	Inayatullah S/O Muhammad Ayub	-do-	FR Kohat Peshawar
54.	Muhammad Shabir S/O Muhammad Farid	-do-	EDO Manselira
55.	Zaimullah Khan S/O Shah Jehan	-do-	EDO (H) Buner
56.	Durri Menhaj Afridi D/O Fazal Haq	-do-	EDO (H) Peshawar
57.	Abdul Mannan S/O Abdul Sattar Sher Muhammad S.O	-do-	EDO (H) D.I. Khan
58.	Muhammad Khan	-do-	EDO (H) Swat
59.	Sooraj Parkash S/O Sita Ram	-do-	EDO (H) Swat
60.	Gul Sadbar S/O Yacoob	-do-	EDO (H) Buner
61.	Muhammad Aman S/O Khairul Aman	-do-	EDO (H) Swat
62.	Ahmad Zeb S/O Jehanzeb	-do-	EDO (H) Swat
63.	Siraj Khan S/O Ramzan Khan	-do-	EDO (H) Buner
64.	Ghulam S/O Pir Saïd	-do-	EDO (H) Malakand
65.	Muhammad Ayub S/O Noor Muhammad	-do-	EDO (H) D.I. Khan
66.	Muhammad Ayaz S/O Gul Zaman	-do-	EDO (H) Buner
67.	Ahmad Khan S/O Mir Dawlat Khan	-do-	EDO (H) Buner
68.	Miss Nargis Begum D/O Ghulam Habib	-do-	EDO (H) Buner
69.	Badrud Din S/O Farid R. Khan	-do-	EDO (H) Buner
70.	Abdul Hameed S/O Ghulam Malik	-do-	EDO (H) Buner
71.	Jamilur Rehman S/O Jiyasamin	-do-	EDO (H) Buner
72.	Anees Khan S/O Shamsi Khan	-do-	EDO (H) Buner
73.	Akhir Jan S/O Ahmad Jan	-do-	LRH Peshawar

11/5/2012

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Horse

74.	Fazli Rehman S/O Abdul Khan	-do-	EDO (H) Buner
75.	Muhammad Idrees S/O Saifur Rehman	-do-	EDO (H) Buner
76.	Amir Ghani S/O Saim Muhammad	-do-	EDO (H) Manselira
77.	Haji Nawab S/O Sher Afzal Khan	-do-	EDO (H) Buner
78.	Muhammad Khan	-do-	EDO (H) Peshawar
79.	Muhammad Rehman S/O Muhammad	-do-	EDO (H) Battagram
80.	Muhammad S/O Abdul Rauf	-do-	EDO (H) Battagram
81.	Hidayatullah S/O Abdullah Jan	-do-	Govt: LRH Peshawar
82.	Mukhtar Hussain S/O Shah Khan	-do-	EDO (H) Peshawar
83.	Shaheen Akhtar S/O Haji Muhammad Gul	-do-	EDO (H) Manselira
84.	Adeel Rauf S/O Akbar Jan	-do-	BIU Upper Karg
85.	Ghulam Akbar S/O Ghulam Hussain	-do-	EDO (H) D.I.Khan
86.	Sadbar Khan S/O Shamsi Khan	-do-	EDO (H) Swat
87.	Ghulam Khan S/O Ali Khan	-do-	EDO (H) D.I.Khan
88.	Rahim Bakhsh S/O Abdul Hakim	-do-	EDO (H) Swat
89.	Nayyar Batool D.O Fazal Haq	-do-	EDO (H) Peshawar
90.	Jan Muhammad S/O Lal Baz	-do-	EDO (H) Charsadda
91.	Muhammad Ibrahim s/o Mahmood	-do-	EDO (H) Charsadda
92.	Bakhtiar Ahmad S/O Said Ahmad Shah	-do-	EDO (H) Charsadda
93.	Muhammad Zubair S/O M. Zaman	-do-	EDO (H) Battagram
94.	Talib Jan S/O Sharaf Din	-do-	EDO (H) Charsadda
95.	Muhammad Irshad S/O Muhammad Abdullah	-do-	EDO (H) Abbottabad
96.	Saifur Rehman S/O Saifur Rehman	-do-	EDO (H) Charsadda.
97.	Askar Shah S/O Syed Muqadar Shah	-do-	EDO (H) Peshawar
98.	Muhammad Iqbal S/O Muhammad Ishag	-do-	EDO (H) Peshawar
99.	Khan Afsar S/O Mir Zaman	-do-	EDO (H) Abbottabad
100.	Zainul Abidin S/O Izzat Khan	-do-	EDO (H) Charsadda
101.	Sajjad Gul S/O Abdul Jaleem	-do-	EDO (H) Abbottabad
102.	Muhammad Fayaz S/O Wali Ahmad	-do-	EDO (H) Haripur
103.	Roidad Khan S/O Gul Dad Khan	-do-	EDO (H) Mardan
104.	Miss Aridea Shaheen D.O Azizur Rehman	-do- 11/5/2012	EDO (H) Haripur
105.	Alan Zeb S/O Khawas Khan	-do-	EDO (H) Swabi
106.	Behram Khan S/O Muhammad Akbar Khan	-do-	EDO (H) Kohistan
107.	Sabz Ali S/O Ajoon Khan	-do-	EDO (H) Kohistan
108.	Sarwar Khan	PHC Techn. (MP) BS-09	BHC Ranwal
109.	Azra Parveen D.O Taj	-do-	BHC Ranwal
110.	Zainab Begum S/O Ramzan Shah	-do-	EDO (H) Nowshera
111.	Muhammad Saadiq S/O Abdul Rauf	-do-	BIU AS Kohistan
113.	Zarsiad Khan	-do-	CH Kohistan
114.	Hussain	-do-	AS Peshawar
115.	Abdul Jalil	-do-	AS Peshawar Agency
116.	Khan S/O Wali Bana	-do-	EDO (H) Swat
117.	Zainab Begum D.O Saadi Gul	-do-	EDO (H) Charsadda
118.	Yar Muhammad S/O A. I Abdullah	-do-	PHQ

*True Copy
Kasran*

7c

119.	Khalid Badshah	-do-	RHC Battagram
120.	Mehmood Hussain	-do-	
121.	Muhammad Khan	-do-	BEU Chini Michen Khel
122.	Altam Rehman	-do-	BEU
123.	Khalid Sultan S/O Ghulam Rabooni	do	
124.	Noor Dast Khan S/O Sher Mast Khan	-do-	AS FR Kohat /Pesh:
125.	Khali Gul S/O Gul Muhammad	-do-	AS Moh: Agency
126.	Naseem Ul Haq S/O Lal Sahib	-do-	EDO (H) Peshawar
127.	Muhammad Hawas S/O Fazal Rahim	-do-	AS Mohm: Agency
128.	Razi Khan S/O Amin Khan	-do-	AS Hospital Ghalanai
129.	Muhammad Khan S/O Shan Gul	-do-	AS Mohmand
130.	Naseem Khan	-do-	AS M. Agy:
131.	Najibuddin S/O Rehmat Ud Din	-do-	AS Kurram Agency

Secretary to Govt. of Khyber Pakhtunkhwa
Health Department

Encl: No. of even No and Date.

Copy forwarded to the:-

1. The Director General Health Services Khyber Pakhtunkhwa Peshawar w/r to his letter 13681/AE-VII dated 11.05.2012 for necessary action.
2. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. The Director Health Services FATA, Khyber Pakhtunkhwa.
4. All the Chief Executives, of Teaching Hospitals in Khyber Pakhtunkhwa.
5. All the Principals of Medical Colleges in Khyber Pakhtunkhwa.
6. All the Medical Superintendents, of DHQ Hospitals in Khyber Pakhtunkhwa.
7. All the District Accounts Officers/ Agency Accounts Officers in Khyber Pakhtunkhwa.
8. The Deputy Director (Information Technology) Health Department Peshawar
9. PS to Secretary Establishment, Khyber Pakhtunkhwa.
10. PS to Secretary Finance Department, Khyber Pakhtunkhwa.
11. PS to Principal Secretary to Chief Minister Khyber Pakhtunkhwa.
12. President, Provincial Association of Paramedics, Khyber Pakhtunkhwa Peshawar.

(Muhammad Faruq Khan) 11/5/2012
Additional Secretary (Establishment)
Health Department

True Copy
Nasreen

ANNEXURE 'C'

To,

Provincial Executive,

Khyber Pakhtunkhwa Primary Healthcare (KPH),

FATA District Support Unit Peshawar.

DEPARTMENTAL REPRESENTATION / APPEAL,

=====

Respectfully Sheweth,

Mst Nasreen Begum, Female Medical Technician (FMT) (BPS-14) BHU Budni Peshawar, the appellant, submits most respectfully the following for your kind consideration and favour of acceptance:-

1. The appellant being qualified and eligible was selected and appointed as Female Medical Technician (FMT) (BPS-11), dated Feb 1984. Her post was upgraded to BPS-14 in 2007.
2. That while serving at BHU Budni, the appellant pay for the month of March was withheld. On her inquiry, the appellant was informed that she has been transferred vide impugned order dated 18-12-2013.

The appellant was never served with the impugned transfer order and she requested the department to provide her with the copy of the said order on 7th April 2014.

3. That since his appointment the appellant has been serving the department honestly and diligently at different places of postings to the utmost satisfaction of her superiors.

During her 30 years of continuous service, she was neither communicated any adverse remarks nor complaint of any sort was ever filed against her.

4. The impugned order is vague in its present form as the appellant has been relieved from duty and directed to report to DHO Peshawar / DHO Nowshera for duty.

That due to the confusing order passed in a hastily manner the appellant is in a state of shock and confusion that she has been transferred and has been asked to report to two different districts at a same time, vide a same transfer order.

Diary No: 7654.
Date: 2/5/14.

TRIP COPY

Nasreen

6. The appellant is unmarried and is presently residing with her brother's family at Peshawar. Her transfer to two different districts at the same time is in violation of the transfer policy and is thus subject to cancellation being arbitrary and discriminatory.

7. The impugned order has been passed in complete violation of established principles of equity, justice, law and propriety, subject to correction by the worthy appellate authority.

In view of the above, it is, humbly prayed that the august authority may be pleased to accept the departmental appeal of the appellant and the impugned transfer order dated 18-12-2013 may be cancelled and she may be allowed to continue with her service at her present place of posting at BHU Budni.

Appellant.



Nasreen Begum,
Female Medical Technician (FMT)

Dated: 21-04-2014

Nasreen



ANNEXURE "D"

Khyber Pakhtunkhwa Primary Healthcare (KPH)
Khyber Pakhtunkhwa / FATA,
District Support Unit, Peshawar.

No: KPH/Psh/M&E/2014/ 1753
Dated: 12/06/2014

Put up on file

ADP
20/6

To,
The Director General Health Services,
Khyber Pakhtunkhwa,
Peshawar.

25/6/14

Subject: Adjustment of Nasreen Begum FMT (BPS-14).

Kindly refer to your remarks on D.O letter of Sabir Hussain (Ex-MNA) as well as telephonic discussion with your good self on the subject cited above.

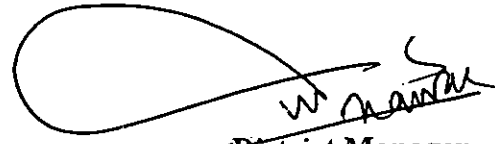
Currently there are 6 posts in BPS-14 in BHUs in District Peshawar. The said posting/transfer of Mst. Nasreen Begum (BPS-14) has been made in the light of orders of DGHS duly endorsed by DHO Peshawar bearing No. 27993-02/E-V dated 4/10/2013 (Copy enclosed).

In view of the above presently, no vacant post in BPS-14 is available in BHUs in District Peshawar. Moreover if she is adjusted, then any one from the following staff will be required to relive to DHO Peshawar.

S.No	Name	BPs	Name of BHU	Date of Posting
1	Khalid iqbal	14	Aza Khel	August, 2006
2	Qazi Aman-ul-Haq	14	Sarband	July, 2000
3	Inayat Ullah	14	Sango	May, 2009
4	Muhammad Imran	14	Sherkera	Sept, 1994
5	Nayar Batol	14	Hazarkhwani	April, 2008
6	Duri Minhaj Afridi	14	Mashogagar	January, 1991

TRUE COPY
Nasreen.

The report is therefore submitted for your kind perusal & further orders as to which staff may be relived to DHO Peshawar out of the above, for the adjustment of Mst. Nasreen Begum (FMT, BPS-14).



District Manager,
KPH-DSU Peshawar

Copy forwarded for information and necessary action to: -

1. Chief Operating Officer, KPH KP/FATA.
2. District Health Officer Peshawar.
3. Personal File.

CRIT COPY

Nasreen



12
ANNEXURE

**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUN KHWA PESHAWAR.**

E-Mail Address: nwfpdghs@yahoo.com

Office Ph#

091-9210264



Exchange#

091-9210187, 9210196

Fax #

091-9210230

NO. 4420 /AE-VI,

Dated. 7/7 /2014


To

The District Manager,
KPH- DSU Peshawar.

Subject: - **ADJUSTMENT OF NASREEN BEGUM FMT BS-14.**

Dear Sir,

I am directed to refer to your letter No. KPH/Psh/M&E/2014/1753 dated 12.06.2014 on the subject noted above and to state to clarify that Mst. Nasreen Begum is working as PHC Tech (MP) BS-14 while Mst. Khurshid Bano transferred from District Nowshera to District Peshawar vide this Directorate order No. 27993-02/E-V, dated 04.10.2013 is working as PHC Tech(MP) BS-12, how you relieve the PHC Tech(MP) BS-14 as substitute of BS-12.


ASSISTANT DIRECTOR (P-II)
DGHS, KHYBER PAKHTUNKHWA
PESHAWAR

No. _____ /AE-VI.

Copy forwarded to the DHO Peshawar for information and similar necessary action.

ASSISTANT DIRECTOR (P-II)
DGHS, KHYBER PAKHTUNKHWA
PESHAWAR

Haji Kamran Kahn

TRUE COPY

Nasreen

VAKALATNAMA

In the Court of

Service Tribunal, K.P. Peshawar

No. _____ of 2014

Petitioner
Plaintiff
Applicant
Appellant
Complainant
Decree-Holder

Nasreen Bibi

VERSUS

Respondent
Defendant
Opponent
Accused
Judgment-Debtor

Govt of K.P.K

I / We Nasreen Bibi the above
noted Appellant do hereby appointed and constitute,

Muhammad Zafar Tahirkheli & Ansar Ullah Khan, Advocates High Court, to appear, plead, act, compromise, withdraw or refer to arbitration for me / us as my / our counsels / advocates in the above noted matter, without any liability for his default and with the authority to engage any other Advocate / Counsel at my / our cost.

The Client / Litigant will ensure his presence before the Court on each and every date of hearing and the counsel would not be responsible if the case is proceeded ex-parte or is dismissed in default of appearance. All cost awarded in favour shall be the right of Counsel or his nominee, and if awarded against shall be payable by me/us.

I / We authorize the said Advocates to withdraw and receive on my / our behalf all sums and amounts payable or deposited on my / our account in the above noted matter.

Nasreen.

Client

Dated 04-09-14

[Signature]
Attested & Accepted (Advocates)

Office **ATIQU LAW ASSOCIATES,**
87, Al-Falah Street, Besides State Life Building,
Peshawar Cantt, Phone: 091-5279529
E-mail : zafark.advocate@gmail.com

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[Signature]
[Signature]

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ایڈووکیٹ جناب سرورس ٹریبونل / جج صاحب لیشاور

S.A 1122/14 |

2 پنجاب ریسیٹنٹ ڈسٹریکٹ / 5
نسرین بی بی بنیام حکومت وٹیرہ

موزخہ
مقدمہ
دعوی
جرم

باعث خیر آگے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطہ پیروی و جواب دہی و کل کارروائی متعلقہ
آن مقام لیشاور کے ایڈووکیٹ یوسف علی ایڈووکیٹ
مقرر کر کے اقرار کیا جاتا ہے کہ صاحب دستور کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقررات ہائے فیملہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور سولی چیک اور وپیاء و پیش 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 بسورت ضرورت مقدمہ مذکور
کے کل یا جزوی کارروائی کے واسطہ اور وکیل یا مختار قانونی کو اپنے ہمسرا یا اپنے بجائے تقرر کا اختیار
ہوگا اور صاحب مقرر شدہ کو کسی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ
پر واضحہ مشورہ قبول ہوگا۔ دوران مقدمہ میں جو چیز یا اساتذہ متعلقہ کے سبب سے وہ ہوگا
کوئی تاریخ پیشی مقام دوزہ پر ہو یا حد سے باہر ہو وکیل صاحب پابند ہوں گے کہ پیروی
مذکور کریں۔ لہذا ادکالت نامہ لکھ دیا کہ سند ہے۔

فوری شہد بانو
Munishah

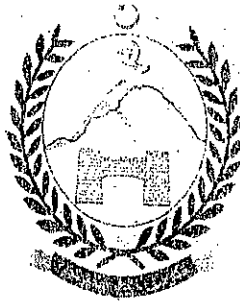
المترجم 18 ماہ فروری 2016

ATTESTED AND

ACCEPTED

Ay 18/2/15

مقام لیشاور



**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR.**

Postal Address: dirgenhs@yahoo.com Office Phn: 091-9210269 Exchanges: 091-9210187, 0210196 Fax #: 091-9210230

OFFICE ORDER

As approved by the competent authority, Mst. Khurshid Bano PHC Tech (MP) BPS-12 attached to DHO Nowshera is hereby transferred and her services are placed at the disposal of DHO Peshawar for further posting at BHU Sangu with immediate effect in the interest of public service.

Subsequently, the DHO Peshawar is hereby directed to relieve her substitute and direct him to report to DHO Nowshera for duty.

NB: - Arrival / Departure report should be submitted to this Directorate for record.

Sd/xxxxxx
DIRECTOR GENERAL HEALTH SERVICES KHYBER PAKHTUNKHWA PESHAWAR

27993-02

/E-V

Dated: 4/10/2013

Copy forwarded to the:-

01. PS to Minister for Health Khyber Pakhtunkhwa Peshawar for information.
02. DHO Peshawar.
03. DHO Nowshera.
04. DSM PPHI Peshawar.
05. DSM PPHI Nowshera.
06. AG Khyber Pakhtunkhwa Peshawar.
07. DAO Nowshera.
08. Supdt: Promotion Cell DGHS, Khyber Pakhtunkhwa Peshawar.
09. Official concerned.
10. D.A-concerned.

For information and necessary action.

*DSM PPHI
2/1/13
10/10/2013*

DAO Peshawar

M. ad juri at an

agiri

06/10/2013

Recd

4/10/13

Shaukat Ali Jaisi

ASSISTANT DIR
DGHS, KHYBER PAKHTUNKHWA
PESHAWAR

Minister for Health,
Khyber Pakhtunkhwa

10/10/2013




Khyber Pakhtunkhwa Primary Healthcare (KPH)
Khyber Pakhtunkhwa / FATA,
District Support Unit, Peshawar.

Dated: 12/12/2013

OFFICE ORDER

No.DSU-PSH/M&E-011/2013-14/1533: Reference Order No. 27993-02 dated 4-10-2013. The following transfer posting is made in the best interest of public.

S.No	Name & Designation	
1	Mst. Khursheed Bano (FMT)	BHU Budni
2	Mst. Nasreen Begum (FMT)	Relieved from duty and report to DHO Peshawar/DHO Nowshera for duty.


(District Manager)
DSU- Peshawar
KPH KP/FATA

Copy to:

1. Chief Operating Officer KPH- KP/FATA.
2. District Health Officer Peshawar
3. Official Concern.

Apart of Sarhad Rural Support Program (Reg.Under Section 42of Companies Ord,1984)
Alam Bagh, Near Khushal Hostel, Talaat Qayyam Qureshi Road, Near Warsak road Peshawar.
Ph#: 091-5201230, Fax# 091-5201250, E-mail: pphipeshawar@yahoo.com



Khyber Pakhtunkhwa Primary Healthcare (KPH)
Khyber Pakhtunkhwa / FATA,
District Support Unit, Peshawar.

No: KPH/Psh/M&E/2014/ 1753
Dated: 12/06/2014

To,
The Director General Health Services,
Khyber Pakhtunkhwa,
Peshawar.

Subject: **Adjustment of Nasreen Begum FMT (BPS-14).**

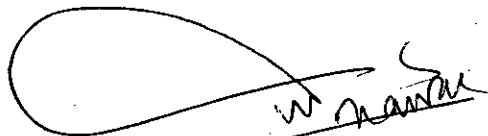
Kindly refer to your remarks on D.O letter of Sabir Hussain (Ex-MNA) as well as telephonic discussion with your good self on the subject cited above.

Currently there are 6 posts in BPS-14 in BHUs in District Peshawar. The said posting/transfer of Mst. Nasreen Begum (BPS-14) has been made in the light of orders of DGHS duly endorsed by DHO Peshawar bearing No. 27993-02/E-V dated 4/10/2013 (Copy enclosed).

In view of the above presently, no vacant post in BPS-14 is available in BHUs in District Peshawar. Moreover if she is adjusted, then any one from the following staff will be required to relive to DHO Peshawar.

S.No	Name	BPs	Name of BHU	Date of Posting
1	Khalid iqbal	14	Aza Khel	August, 2006
2	Qazi Aman-ul-Haq	14	Sarband	July, 2000
3	Inayat Ullah	14	Sango	May, 2009
4	Muhammad Imran	14	Sherkera	Sept, 1994
5	Nayar Batol	14	Hazarkhwani	April, 2008
6	Duri Minhaj Afridi	14	Mashogagar	January, 1991

The report is therefore submitted for your kind perusal & further orders as to which staff may be relived to DHO Peshawar out of the above, for the adjustment of Mst. Nasreen Begum (FMT, BPS-14).



**District Manager,
KPH-DSU Peshawar**

Copy forwarded for information and necessary action to: -

1. Chief Operating Officer, KPH KP/FATA.
2. District Health Officer Peshawar.
3. Personal File.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

In Re

NasreenBibi

Vs

Govt of KPK & 4 Others

SERVICE APPEAL U/S 4 OF NWFP SERVICE TRIBUNAL ACT, 1974

Reply on behalf of Respondent No.4

Respectfully Submitted as under:

Preliminary Objections

1. That the instant appeal is badly time-barred, hence not maintainable in the eyes of law.
2. That the appellant has not approached this court with clean hands rather with sullied hands by concealing material facts from this Honorable Court, this act on behalf of the appellant alone is sufficient to dismiss this appeal.
3. That the appeal in present form is against the facts and law, hence merits dismissal.
4. That the instant appeal is only a delaying tactic and abuse of the process of the court in order to avoid the execution of valid executive orders and to cause interference in the otherwise smooth affairs of the business of the respondents.

5. That the appeals should not be entertained only on the grounds for not accommodating the first preference choice of the appellant while performing her duties. The appellant desired to have posting at District Peshawar (her place of first choice), however the appellant was transferred posted at nearest available location i.e. District Nowshera.
6. That the Appellant was ordered transfer to Nowshera on 18.12.2013 by the Answering Respondent in continuation of the order of Respondent No.3. Earlier Respondent No.3 vide Reference Order No.27993-02 dated 4.10.2013 ordered the Answering Respondent to relieve a substitute with immediate effect direct the substitute to report to DHO Nowshera for duty. Copy of the transfer order was handed over to the Appellant on the same day. The Appellant was accordingly advised to approach DHO Peshawar for relieving/relinquishing her charge and further arrival to DHO Nowshera after transfer by DHO Peshawar.

It is pertinent to note that the salary of the Appellant was processed to AG office to stop her salary immediately.

*Orders dated 4.10.2013 and 18.12.2013 are **Annex-A& B** respectively.*

7. That it is pertinent to mention that on the instructions of this Honorable Court, the Appellant filed an application(**Annex-C**) on 18.2.2015 to Respondent No.3 where she *inter-alia* requested for her adjustment preferably in Peshawar. However, the competent authority i.e. Respondent No.3 on 27.02.2015 vide reference No.1359-69 through an office order directed the Appellant for transferred and posted at District Nowshera with immediate effect.
8. That in the garb of this appeal, the Appellant intends to grab salary and allowances for the long period when she has admittedly not provided the services and duties to the authorities concerned.

Para-Wise Reply

1. Para 1 does not concern the Answering Respondent. It is of note that the Answering Respondent only takes a specific number of employees from Respondent No.1 in order to carry out its functions.
2. Denied, as stated. As detailed in Para 6 of Preliminary Objections, the stoppage of salary of the Appellant was processed since the day of her transfer orders, while copy of the order was also provided to her on the same day. Further more the respondent No.5 arrived for duty and started her assignment as per order of respondent No.3, therefore there is no question arise of the acknowledgment/transfer.
3. Para 3 is denied as stated. Firstly, the order is not vague, as such. It clearly states that the Appellant is transferred and she has to approach DHO Peshawar for relieving and DHO Nowshera for further joining report as the respondent No.5 was transferred from Nowshera to Peshawar through DHO Peshawar. For the sake of arguments, even if, there is some ambiguity in the order regarding the understanding of the Appellant, the Appellant can approach the officials concerned for clarity. However it does nowhere authorizes the Appellant to challenge the very legality of the due order that was passed by the Answering Respondent in pursuance of the orders passed by Respondent No.3.
4. Para 4 is denied in terms of replies of preceding paras.
5. Para 5 of the Appeal is denied as stated. Appellant's representation, if any, is an afterthought hence badly time barred. More importantly, the very recent application filed by the Appellant on 18.2.2015 has also been dismissed by the competent authority on 27.2.2015.
6. Para 6 is denied as stated. The Appellant has no cause of action to approach this Honorable Court.

On Reasons

- a. Denied in terms of replies to preceding paras.
- b. Contents of Reason (b) does not concern the Answering respondent. Besides, these are irrelevant to the question in issue.
- c. No need to comment on the person the Appellant, however rest of the para is denied as no transfer policy is violated.
- d. Denied as stated. Neither legal right of the Appellant is denied nor any transfer and posting is made in violations of applicable law.
- e. Letter dated 12.6.2014 is not denied. However, it is pertinent to note that while making transfer orders no legal provision was violated.
- f. Letter dated 7.7.2014 is not denied. However it is of note that the substitute for the transferee is the person performing similar duties that Health unit. Respondent No.4 has replied respondent No.3 for advise to relieve any of the substitute in BPS-14 vide letter No.....
- g. Denied in terms of preceding replies.
- h. Denied in terms of preceding replies.

It is therefore humbly prayed that the instant appeal which is vexatious, time-barred, without merits may graciously be dismissed.



Respondent No.4

Through


Muhammad Akif Khan

I do hereby solemnly affirm and declare on oath that the contents of the accompanying Reply to the subject Petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.


Deponent

POWER OF ATTORNEY
(Vakalatnama)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

In the Matter of:

NasreenBibi Vs Govt of KPK & 4 Others

KNOW ALL to whom these PRESENTS shall come that the undersigned, appoint:


Mr. Muhammad Akif Khan and Mehmood Hassan, Advocate High Court, to be the Advocate for **Respondent No.4** in the above-mentioned cause, to do all the following acts, deeds and things or any of them, that is, to say:

1. To act, appear and plead in the above-mentioned cause in this Court or any other Court in which the same may be tried or heard in the first instance or in appeal or review or execution or in any other stage of its progress until its final decision.
2. To present pleadings, appeals, cross-objections or petitions for execution, review, revision withdrawal, compromise or other petitions or affidavits, or other documents, as shall be deemed necessary or advisable for the prosecution of the said cause in all its stages.
3. To withdraw or compromise the said cause or submit to arbitration any difference or dispute that shall arise touching upon or in any manner relating to the said cause.
4. To receive money and grant receipts thereof and to do all other acts, deeds and things which may be necessary to be done for the progress and in the course of the adjudication of the said cause.

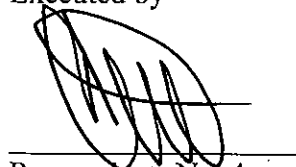
AND I/We hereby agree that in the event whole or any part of the fee agreed by me/us to be paid to the Advocate remains unpaid, he shall be entitled to withdraw from the prosecution of the said cause until the same is paid.

IN WITNESS WHEREOF I/We hereby set my/our hands to these presents the contents of which have been explained to me/us and understood by me/us on this 20th of May in the year 2015.

Accepted by


Muhammad Akif Khan
Advocate High Court

Executed by


Respondents No. 4



Homecare K/P 11



DIRECTORATE GENERAL HEALTH SERVICES KHYBER PAKHTUN KHW A PESHAWAR.

Mail Address: dwhpdkhs@dghs.gov.pk Office Ph# 091-9210269 Exchange# 091-9210187, 9210196 Fax# 091-9210230

OFFICE ORDER

As approved by the competent authority, Mst. Khurshid Bano PHC Tech (MP) BPS 12 attached to DHO Nowshera is hereby transferred and her services are placed at the disposal of DHO Peshawar for further posting at BHU Sangu with immediate effect in the interest of public service.

Subsequently, the DHO Peshawar is hereby directed to relieve her substitute and direct him to report to DHO Nowshera for duty.

NB: - Arrival / Departure report should be submitted to this Directorate for record.

Sd/xxxxxx
DIRECTOR GENERAL HEALTH
SERVICES KHYBER PAKHTUNKHWA
PESHAWAR

No. 27993-02
F-V

Dated. 4/10/2013

Copy forwarded to the:-

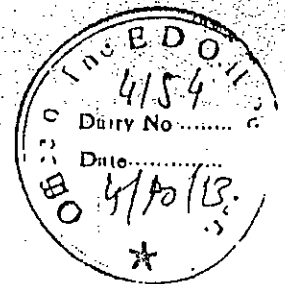
01. PS to Minister for Health Khyber Pakhtunkhwa Peshawar for information.
02. DHO Peshawar.
03. DHO Nowshera.
04. DSM PPH Peshawar.
05. DSM PPH Nowshera.
06. AG Khyber Pakhtunkhwa Peshawar.
07. DAO Nowshera.
08. Supdt. Promotion Cell DGHS, Khyber Pakhtunkhwa Peshawar.
09. Official concerned.
10. DA-concerned.

For information and necessary action.

DSM PP 4/9
2-11/9
10.10.2013
Khan

ASSISTANT DIRECTOR (I) HD
DGHS, KHYBER PAKHTUNKHWA
PESHAWAR

10/10/2013






Khyber Pakhtunkhwa Primary Healthcare (KPH)
Khyber Pakhtunkhwa / FATA,
District Support Unit, Peshawar.

Dated: 18/12/2013

OFFICE ORDER

No.DSU-PSH/M&E-011/2013-14/1533: Reference Order No. 27993-02 dated 4-10-2013. The following transfer posting is made in the best interest of public.

S.No	Name & Designation	
1	Mst. Khursheed Bano (FMT)	BHU Budni
2	Mst. Nasreen Begum (FMT)	Relieved from duty and report to DHO Peshawar/DHO Nowshera for duty.


(District Manager)
DSU- Peshawar
KPH KP/FATA

Copy to:

1. Chief Operating Officer KPH- KP/FATA.
2. District Health Officer Peshawar
3. Official Concern.

Apart of Sarhad Rural Support Program (Reg. Under Section 42 of Companies Ord, 1984)
Alam Bagh, Near Khushal Hostel, Talaat Qayyum Qureshi Road, Near Warsak road Peshawar.
Ph#: 091-5201230, Fax# 091-5201250, E-mail: pphipeshawar@yahoo.com

گورنمنٹ جی پ ایف

جی پ ایف

Service to community

18-2-2015

آج مورننگ 10 بجے
 میں ایڈووکیٹ جنرل
 نے ڈی جی ایف میں سے بات کی کہ
 اس کا (سر) منہ من لیا جائے۔
 اس لئے اس کا منہ من لیا جائے اور
 اس کے لئے اس کا منہ من لیا جائے اور
 اس کے لئے اس کا منہ من لیا جائے اور
 اس کے لئے اس کا منہ من لیا جائے اور

اس کے لئے

Nasreen

سربراہ ایف ایف ایف

18-2-2015



**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUN KHWA PESHAWAR.**

E-Mail Address: uwfdghs@yahoo.com Office Ph# 091-9210269 Exchange# 091-9210187, 9210196 Fax #
G/F 5210/30

OFFICE ORDER

Mst. Nasreen Begum PHC Tech (MP) BS-14 attached to DIIO/DSU KPH Peshawar is hereby transferred and posted at District Nowshera against the vacant post with immediate effect in the interest of public service.

NB: - Arrival / Departure report should be submitted to this Directorate for record.

Sd/xxxxxx
DIRECTOR GENERAL HEALTH
SERVICES KHYBER PAKHTUNKHWA
PESHAWAR

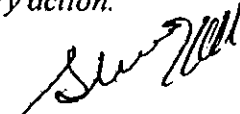
No. 1359-69 /E-V

Dated. 27/2 /2015

Copy forwarded to the:-

01. DHO Peshawar.
02. District Manager DSU KPH Peshawar.
03. DHO Nowshera.
04. AG Khyber Pakhtunkhwa.
05. DAO Nowshera.
06. Supdt. Promotion Cell DGHS office Peshawar.
07. DHIS Cell DGHS Peshawar.
08. AD (Lit) DGHS Khyber Pakhtunkhwa.
09. Official Concerned.
10. DA Concerned.
11. Master file DGHS KPK Peshawar.

For Information and necessary action.


ASSISTANT DIRECTOR (P-III)
DGHS, KHYBER PAKHTUNKHWA
PESHAWAR


20/2/15

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

In Re:

Service Appeal No.1122/14

Nasreen Bibi.....Appellant

Versus

Govt. of KPK through Secretary Health

& othersRespondents

COMMENTS ON BEHALF OF
RESPONDENT NO.5 (MST. KHURSHEED
BANO) (FMT) BHU, BUDNI

Respectfully Sheweth:

PRELIMINARY OBJECTIONS.

- A. That the appellant has got no locus standi to file the present appeal due to concealment of facts.
- B. That the appeal is prima-facie barred by time, therefore, liable to be dismissed summarily.
- C. That the impugned order of transfer is outcome and in continuation of the order of Director General Health KPK (Respondent No.3) bearing No.27993-02 dated 04.10.2013 vide which the present respondent has been transferred from DHO, Nowshera and her services has been placed at the disposal of DHO, Peshawar and subsequently transferred^{MS} to BHU Budni, Peshawar.
(Copy of the order dated 04.10.2013 is annexure "A")

ON FACTS:-

1. That Para No.1 needs no reply.
2. That it is replied that the salary of appellant pertaining to the month of march has rightly been withheld, because she was transferred by the impugned order to Nowshera and till date she has not assumed the charge of her service.
3. It is replied that the transfer order is upto the mark, clear cut, but miss-understood due to concealment of the order of respondent No.3, bearing No.27993-02 dated 04.10.2013 and both the orders should be read in a juxtaposition and not separately
4. That Para No.4 is related to the official respondents.
5. As replied above.
6. As replied above.

ON REASONS.

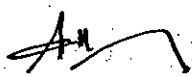
- A. It is replied that the appellant has been transfer to Nowshera and respondent No.5 has been transfer from Nowshera to Peshawar BHU Budni, but due to concealments of the facts the transfer order misunderstood.
- B. That Para is pertaining to the official respondents.
- C. That this para is pertaining to the person of appellant, but however, the replying respondent is a widow and having two disable kids to care them.

- D. That this para is pertaining to the official respondents.
- E. That this para is pertaining to communication between the appellant and official respondents.
- F. This para is also pertaining to the communication between appellant and official respondents.
- G. This para has already been replied above.
- H. This para is also replied above.
- I. Ground specifically not taken should not be urged letter on.

It is therefore, most humbly prayed that the appeal of the appellant is vexatious therefore, may graciously be dismissed with compensatory costs.

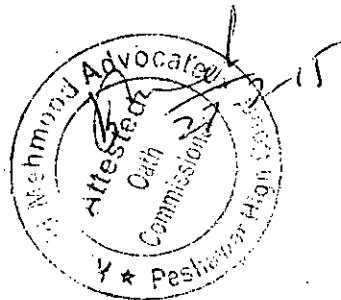
Respondent No.5

Through


Yousaf Ali
Advocate, Peshawar

AFFIDAVIT

I, , do hereby affirm and declare as per information furnished by my client that the contents of the accompanying **Comments** are true and correct and nothing has been concealed from this Hon'ble Court.




Deponent

CNIC-17301-2326454-4



Annexure R/P "A"

**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUN KHW A PESHAWAR.**

E-Mail Address: uwfpdghs@yahoo.com Office Ph# 091-9210269 Exchange# 091-9210187, 9210196 Fax# 091-9210230

OFFICE ORDER

As approved by the competent authority, Mst. Khurshid Bano PHC Tech (MP) BPS-12 attached to DHO Nowshera is hereby transferred and her services are placed at the disposal of DHO Peshawar for further posting at BIU Sangu with immediate effect in the interest of public service.

Subsequently, the DHO Peshawar is hereby directed to relieve her substitute and direct him to report to DHO Nowshera for duty.

NB: - Arrival / Departure report should be submitted to this Directorate for record.

Sd/xxxxxx
DIRECTOR GENERAL HEALTH
SERVICES KHYBER PAKHTUNKHWA
PESHAWAR

No. 27993-02
AE-V

Dated. 4 / 10 / 2013

Copy forwarded to the:-

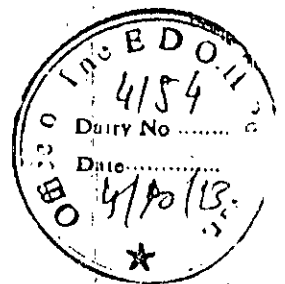
01. PS to Minister for Health Khyber Pakhtunkhwa Peshawar for information.
02. DHO Peshawar.
03. DHO Nowshera.
04. DSM PPH Peshawar.
05. DSM PPH Nowshera.
06. AG Khyber Pakhtunkhwa Peshawar.
07. DAO Nowshera.
08. Supdt. Promotion Cell DGHS, Khyber Pakhtunkhwa Peshawar.
09. Official concerned.
10. DA-concerned.

For information and necessary action.

Handwritten notes and signatures: "DSM PPH", "27993/02", "4.10.2013", and "DAV".

ASSISTANT DIRECTOR (P III)
DGHS, KHYBER PAKHTUNKHWA
PESHAWAR

Handwritten date: 10/10/2013



E.12

OFFICE OF THE DISTRICT HEALTH OFFICER, PESHAWAR.

No. 728084 /DHO

Dated Peshawar The 22/10 /2013

Copy forwarded to the: -

1. Accountant General Khyber Pakhtoonkhwa Peshawar.
2. District Support Manager (PPH) Peshawar.
3. Incharge BHU, Sangu.
4. Official concerned.
5. Account Section of this office.


District Health Officer,
Peshawar

BEFORE SERVICE TRIBUNAL PESHAWAR.

Appeal No. 1122/2014.

Nasreen Bibi.....Appellant.

Versus.

Government of Khyber Pakhtunkhwa & OthersRespondents.

Parawise comments on behalf of respondent No.1 & 3.

Preliminary Objections:-

- 1. That the appellant has neither cause of action nor has locus standi.
- 2. That the appeal is not maintainable in its present form.
- 3. That the appellant has not come to the Court with clean hands.
- 4. That the appeal is bad due to mis-joinder and non-joinder of necessary parties.
- 5. That the appeal is time barred.

RESPECTFULLY SUBMITTED.

- 1. The appellant was appointed as FMT BPS-09 and promoted/up-graded as Senior Primary Health Care Tech (MP) BPS-14 on 27.07.2012.
- 2. Relates to DHO Peshawar /District Support Manager KPK (DSU) Peshawar, however her transfer order has already been endorsed to DHO Peshawar vide No. 21742-80/AE-VII dated 27.07.2012.
- 3. Relates to District Manager KPH DSU Peshawar.
- 4. Relates to District Manager KPH DSU Peshawar.
- 5. Relates to DMS PPHI Peshawar as the applicant has submitted her appeal to Provincial Executive KPK/KPH/FATA DSU Peshawar.

GROUND:-

- A. Relates to District manager KPH DSU Peshawar.
- B. Pertains to record.
- C. Relates to District Manager KPH DSU Peshawar.
- D. Incorrect as per policy, she will serve in Khyber Pakhtunkhwa.

- E. The District Manager KPH DSU Peshawar has already been asked to clarify his position that how he relieved the PHC Tech (MP) BPS-14 (appellant) as substitute of PHC Tech (MP) BPS-12 but he has not clarified his position.
- F. As in Para--E.
- G. Relates to District Manager KPH DSU Peshawar.
- H. That the respondent seek permission to raise additional grounds at the time of arguments.
- I. As in Para G.

It is requested that the appellant may be dismissed.



Director General Health Services,
Khyber Pakhtunkhwa, Peshawar.
(Respondent No.03)

af
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Secretary to
Government of Khyber Pakhtunkhwa
Health Department, Peshawar.
(Respondent No.01).