

26.3.2015

Appellant with counsel present and produced a copy of notification dated 25.3.2015. He submitted before the court that in the light of the aforementioned notification, the present appeal has become infructuous and requested for withdrawal of the appeal. Request is accepted. The appeal is dismissed as withdrawn. File be consigned to the record room.

ANNOUNCED

26.3.2015

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke, positioned above the word MEMBER.

MEMBER

24.02.2015

Malik Faheem, Advocate for learned counsel for the appellant present. Informed the Court that the learned counsel for the appellant is stated busy before the august Supreme Court of Pakistan. Adjourned for preliminary hearing before S.B to 13.03.2015.


Chairman

13.03.2015

Appellant in person present. Counsel for the appellant is stated busy before the august Supreme Court of Pakistan. Adjourned before S.B-II to 18.03.2015.


Chairman

18.3.2015

Appellant in person present. Due to general strike of the legal fraternity on account of murder of their colleague, counsel for the appellant is not available. Therefore, case is adjourned to 26.3.2015 for preliminary hearing.


MEMBER

Reader Note:

21.01.2015

Since 20th January has been declared as public holiday by the provincial government, therefore, case is adjourned to 03.03.2015 for the same.


Reader

31.01.2015

On the direction of the Hon'able Chairman, this case be clubbed with Service appeal No 1255/2014 of the same appellant which is fixed for preliminary hearing on 09.02.2015. To come up for preliminary hearing on 09.02.2015 instead of 03.03.2015.


Member

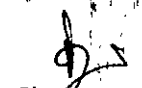
09.02.2015

Appellant with counsel present, and requested for adjournment. Request accepted. To come up for preliminary hearing on 10.02.2015.


Member

10.02.2015

Appellant in person present. Counsel for the appellant is not in attendance due to strike of the Bar. Adjourned for preliminary hearing before S.B to 24.02.2015.




Chairman.

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 1416/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	18.12.2014	<p>The appeal of Dr. Muhammad Ali Chohan presented today by Mr. Ghulam Mohy-ud-Din 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> <p style="text-align: center;"> This case is entrusted to Bench for preliminary hearing to be put up there on </p> <p style="text-align: right;">  CHAIRMAN </p>

BEFORE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

Service Appeal No. 1416 /2014

Doctor Muhammad Ali ChohanAppellant

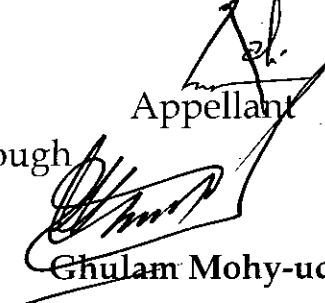
VERSUS


Government of Khyber Pakhtunkhwa and others.....Respondents

I N D E X

S.No.	Description of documents	Annex	Pages
1.	Appeal with Affidavit		1-7
2.	Suspension application with affidavit		8-9
3.	Addresses of Parties		10
4.	Copy of Notification dated 27.03.2014	A	11-12
5.	Copy of Notification dated 16.07.2014	B	13
6.	Copy of Notification dated 29.09.2014	C	14
7.	Copies of Newspapers Clippings	D	15
8.	Copy of Departmental Appeal	E	16-17
9.	Copy of summary to Chief Minister	F	18-22
10.	Copy of letter dated 12.12.2014	G	23
11.	Copy of writ petition	H	24-29
12.	Copy of order of Peshawar High Court dated 02.10.2014	I	30-34
13.	Copy of order dated 16.10.2014 of this Hon'ble Tribunal in Service Appeal No.1225/2014	J	35-36
14.	Wakalatnama		37

Dated 18.12.2014

Appellant
Through 
Ghulam Mohy-ud-Din Malik,
Advocate,
Supreme Court of Pakistan.

And 
Mohammad Farooq Malik,
Advocate
High Court Peshawar.

1

BEFORE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

Service Appeal No. 1416 /2014

1451
18-12-2014

Doctor Muhammad Ali Chohan M.S Khyber Teaching Hospital,
Peshawar , S/O Ghulam Ahmed, R/O House#244 Phase-III Sector
K-2 Hayatabad Peshawar.....Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa (Chief Minister) through Chief Secretary, Civil Secretariat, Peshawar.
2. The Secretary Health, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. Dr. Captain Habib Khattak, Management Cadre, District Health Officer, Kohat.....Respondents

APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT 1974 AGAINST THE TRANSFER
ORDER VIDE NOTIFICATION DATED SEPTEMBER 29,
2014 WHEREBY THE APPELLANT WAS TRANSFERRED
FROM THE POST OF MEDICAL SUPERINTENDENT
KHYBER TEACHING HOSPITAL PESHAWAR TO THE
DIRECTORATE GENERAL HEALTH SERVICES,
GOVERNMENT OF KHYBER PAKHTUNKHWA AS OSD
AND AGAINST THE ORDER DATED PESHAWAR THE
12TH DECEMBER, 2014 OF THE CHIEF MINISTER
REJECTING THE DEPARTMENTAL APPEAL OF THE
APPELLANT

Respectfully Sheweth

1. That the appellant is employee of Health Department in Management Cadre BPS-20. He was posted as Medical Superintendent Molvi Amir Shah Memorial Hospital

Hashtnagri Peshawar City and thereafter transferred and posted as OSD to the office of Director General Health Services, Peshawar vide Notification dated 27.03.2014. (Copy of Notification is attached as Annexure-A at page 11-12)

2. That the appellant was awaiting posting in the office of Health Department when in the meanwhile vide Notification No. SO(E-1)E&AD/9-133/2014 dated Peshawar the, July 16, 2014, Government of Khyber Pakhtunkhwa posted him as Medical Superintendent Khyber Teaching Hospital Peshawar against the vacant post. (copy of Notification is attached as Annexure-B at page 13)

3. That hardly after two months of his posting, Respondent No.1 once again vide notification No. SO(E-1)E&AD/9-133/2014 dated Peshawar the, September 29, 2014, transferred him from the post of Medical Superintendent Khyber Teaching Hospital Peshawar to the Directorate General Health Service Government of Khyber Pakhtunkhwa ^{as OSD} and in his place posted Dr. Captain Habib Khattak, District Health Officer Kohat. (Respondent No.3) (Copy of notification is Annexure-C at page 14)

4. That in the impugned order of quick transfer and posting of appellant as OSD, reasons have not been disclosed by the transferring authority, yet the appellant learnt from reliable sources that he has been victimized at the instance of local PTI MPA Mr.Yaseen Khalil who was annoyed over the appointment of Class-IV employees against some vacant posts in the hospital. He had asserted all possible political pressure and influence on the appellant for appointment of his kith and

kin, favourities by ignoring, pushing aside the merit. But he was not obliged by the hospital administration, so on September 24th 2014, he brought a few persons, workers of his constituency who raised contemptuous and defamatory slogans against the administration of hospital, blocked the main Jamrod Road leading from University Town to Hayatabad township and thereby created law & order situation in and outside the hospital. The learned MPA who being a law maker became the law breaker.

5. That on unbecoming conduct of MPA, all the doctors, clerks, Class-III and Class-IV Employees Associations criticized and condemned the conduct of the MPA in their respective statements. (Copies of Newspaper clippings are attached as Annexure-D at page 15)

Since in those days, PTI had staged Sit-in protest against Federal Government in Islamabad, therefore, under undue pressure, political influence and at the behest of said MPA, the Government of KPK transferred and posted the appellant as OSD after two months of his posting as M.S Khyber Teaching Hospital Peshawar. (Copy already annexed as Annexure-C above)

6. That the appellant being aggrieved by his transfer order and posting as OSD, submitted Departmental Appeal as required, to the competent Authority. The Secretary Health (Respondent No.2) forwarded the departmental appeal of the appellant in shape of summary to the Chief Minister, which has been rejected vide letter dated 12.12.2014. (Copy of Departmental Appeal/Summary to the Chief Minister and letter are attached as Annexure-E, F & G at page 16-23)

7. That since there was period of 90 days limitation in filing of appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 and the Departmental Appeal has not been decided by the competent Authority immediately and also that the Provincial Service Tribunal was non functional, the appellant filed Writ Petition No.2980/2014 in the Peshawar High Court Peshawar which was disposed of vide order dated 02.10.2014 sending the matter to the Service Tribunal by suspending the operation of impugned transfer order. (Copy of writ petition and order of Hon'ble High court are attached as Annexure H & I at page 24 - 34)
8. That since the Hon'ble Chairman Service Tribunal has been elevated as Judge of Peshawar High Court Peshawar, therefore, thereafter the matter is still pending disposal.
9. That by now, the Departmental Appeal of the appellant has been rejected by the competent Authority vide order dated 12.12.2014 mentioned above, therefore, the Departmental Appeal having become mature, the appellant files this appeal against the final order of the Respondents No.1 & 2, inter alia, on the following grounds:-

GROUNDS

- a. That the frequent transfer/posting of the appellant, posting him OSD time and again is unlawful, without lawful authority, void ab-initio, against the terms and conditions of service of the appellant.

- b. That the impugned orders are based on mala-fide and ulterior motive because the appellant being senior most officer BPS-20, belonging to Health Management Cadre has been made rolling stone for no good reason at all.
- c. That the impugned transfer order of the appellant smacks arbitrariness, deviation from the normal procedure of law and disclosing no reason justifying the frequent transfers of the appellant is unsustainable.
- d. That the Respondents by transferring the appellant have pleased their MPA on one hand and on the other have accommodated Respondent No.3, their blue eyed person belonging to highly placed political family.
- e. That the appellant in short span of his posting as M.S KTH served the department to the best of his ability, devotion, fairness and honesty but he has been victimized and humiliated for no good reason at all.
- f. That the appellant is BPS-20 officer and his competent Authority is the Chief Minister and not the Chief Secretary but the order has been issued under the signature of later which is against the relevant rules of business.
- g. That the summary to the Chief Minister for disposal of Departmental Appeal was moved in a post-hast and slipshod manner on flimsy, shaky and fragile grounds. So much so that the Secretary Establishment in his note dated November 19th 2014 in Para-6 of the summary made the following observations:-

"His subsequent transfer has been made vide Notification dated 29.09.2014, it is pertinent to mention that the subsequent order of Dr. Muhammad Ali Chohan and making him as OSD was not routed through Establishment Department"

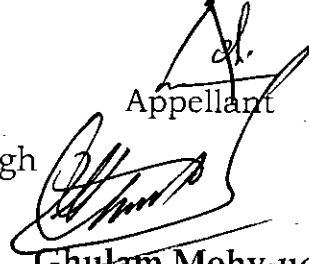
- h. That in the impugned order, no reason whatsoever has been given for taking such a drastic and coercive action causing irreparable loss to the dignity and reputation of the Appellant and thus the impugned order smacks mala-fide.
- i. That the principles of natural justice, equity and conscious demand that before passing any penal/adverse order in respect of Civil Servant, he should be warned, heard and given opportunity of explaining his position. But in case of the appellant and in the absence of any complaint against him he has been condemned unheard in violation of principles of natural justice enshrined in Maxim "Audi Alteram Partem"
- j. That the impugned transfer order is made contrary to the relevant rules, against the public interest and without allowing the appellant to complete his tenure, this Hon'ble Court possesses ample powers to examine such administrative order by applying the principle of Judicial Review.

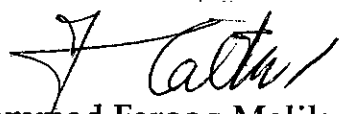
It is, therefore, prayed that on acceptance of this appeal, the impugned order of transfer of appellant from the post of Medical Superintendent Khyber Teaching Hospital Peshawar to the office of Directorate General Health

7

Services may graciously be declared unlawful, without lawful authority, violative of natural justice, fair play, equity and of no legal effect.


Appellant

Through 
Ghulam Mohy-ud-Din Malik,
Advocate,
Supreme Court of Pakistan.

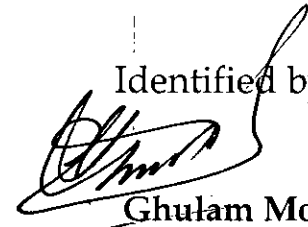
And 
Mohammad Farooq Malik,
Advocate
High Court Peshawar.

AFFIDAVIT

I, Doctor Muhammad Ali Chohan M.S Khyber Teaching Hospital, Peshawar , S/O Ghulam Ahmed, R/O House#244 Phase-III Sector K-2 Hayatabad Peshawar (Appellant) do hereby solemnly declare that the accompanying Appeal is true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.


Deponent

Identified by


Ghulam Mohy-ud-Din Malik
Advocate Peshawar.

BEFORE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

C.M No. _____/2014

IN

Service Appeal No. _____/2014

Doctor Muhammad Ali ChohanAppellant

VERSUS

Government of Khyber Pakhtunkhwa and others.....Respondents

APPLICATION FOR SUSPENSION OF
IMPUGNED ORDER DATED 29/09/2014
PENDING FINAL DECISION OF MAIN
APPEAL.

Respectfully Sheweth,

1. That the petitioner/appellant has filed Appeal before this Hon'ble Tribunal in which no date of hearing has been fixed so far.

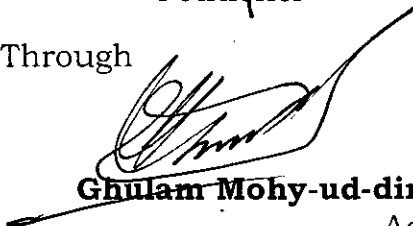
2. That the appellant has got a good prima facie arguable case, the impugned order is without lawful authority and unsustainable in law, balance of convenience lies in his favour and in case operation of impugned order is not suspended, the very purpose of appeal would be defeated and it would become infructuous as well.

It is, therefore, prayed that order of this Hon'ble Tribunal dated 16.10.2014 suspending the operation of transfer order dated 29.09.2014 may be extended and confirmed till final decision of this appeal against the final order of competent Authority dated 12.12.2014 rejecting the departmental appeal of the appellant.


Secondly this Hon'ble Tribunal may graciously suspend the operation of impugned order dated 12.12.2014, till final decision of instant appeal.


Petitioner

Through


Ghulam Mohy-ud-din Malik,
Advocate,
Supreme Court of Pakistan.

Dated 18.12.2014

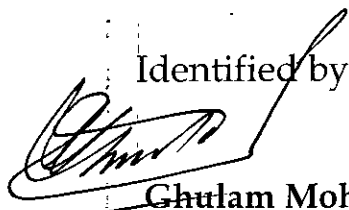
&

Mohammad Farooq Malik,
Advocate
High Court Peshawar

AFFIDAVIT

I, Doctor Muhammad Ali Chohan M.S Khyber Teaching Hospital, Peshawar , S/O Ghulam Ahmed, R/O House#244 Phase-III Sector K-2 Hayatabad Peshawar (Petitioner) do hereby solemnly declare that the accompanying **Application** is true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.


Deponent

Identified by


Ghulam Mohy-ud-Din Malik
Advocate Peshawar.

BEFORE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

Service Appeal No. _____/2014

Doctor Muhammad Ali ChohanAppellant

VERSUS

Government of Khyber Pakhtunkhwa and others.....Respondents

ADDRESSES OF PARTIES.

APPELLANT


Doctor Muhammad Ali Chohan M.S Khyber Teaching Hospital,
Peshawar , S/O Ghulam Ahmed, R/O House#244 Phase-III Sector
K-2 Hayatabad Peshawar.

RESPONDENTS


1. Government of Khyber Pakhtunkhwa (Chief Minister) through Chief Secretary, Civil Secretariat, Peshawar.
2. The Secretary Health, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. Dr. Captain Habib Khattak, Management Cadre, District Health Officer, Kohat


Appellant

Through


Ghulam Mohy-ud-Din Malik,
Advocate,
Supreme Court of Pakistan.

And


Mohammad Farooq Malik,
Advocate
High Court Peshawar.



ANNEXURE "A"
11

**GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT**

Dated Peshawar, March 27, 2014

NOTIFICATION

NO. SO(E-I)/E&AD/9-133/2014. Government of Khyber Pakhtunkhwa is pleased to order the posting/transfer of the following officers of Health Department, in the public interest, with immediate effect:-

S. #	NAME OF OFFICERS	FROM	TO
1.	Dr. Muhammad Iqbal Afridi (BS-20 Health Management Cadre)	MS, Govt Lady Reading Hospital, Peshawar.	Director (Admn) office of DGHS, Khyber Pakhtunkhwa, Peshawar, vice Sr. No. 3.
2.	Dr. Sharif Ahmed Khan (BS-20 Health Management Cadre)	Waiting for posting.	MS, Govt, Lady Reading Hospital, Peshawar, vice Sr. No.1.
3.	Dr. Muhammad Zaman Afridi (BS-20 Health Management Cadre)	Director (Admn) office of DGHS, Khyber Pakhtunkhwa, Peshawar.	MS, DHQ Hospital, Kohat, against the vacant post.
4.	Dr. Muhammad Ali Chohan (BS-20 Health Management Cadre)	MS, Molvi Ameer Shah Memorial Hospital, Peshawar.	Report to Director General, Health Services, Khyber Pakhtunkhwa.
5.	Dr. Jamshed Ahmed (BS-20 Health Management Cadre)	MS, Khalifa Gul Nawaz Teaching Hospital, Bannu.	MS, Molvi Ameer Shah Memorial Hospital, Peshawar, vice Sr. No.4.
6.	Dr. Ali Ahmed (BS-20 Health Management Cadre)	MS, Police & Services Hospital, Peshawar.	Director (PH) Office of DGHS, Khyber Pakhtunkhwa, against the vacant post.
7.	Dr. Sadiqur Rehman (BS-20 General Cadre)	Chief Medical officer, Benazir Bhutto, Shaheed Hospital, Abbottabad.	DHO, Abbottabad, vice Sr. No. 12
8.	Dr. Fawad Khan (BS-19 Health Management Cadre)	Waiting for posting.	MS, Khyber Teaching, Hospital, Peshawar, in his own pay and scale, against the vacant post.
9.	Dr. Ashoor Khan (BS-19 Health Management Cadre)	Coordinator (PH) o/o DHO, Peshawar.	MS, Police & Services Hospital, Peshawar, vice Sr. No.6.
10.	Dr. Muhammad Khan (BS-19 Health Management Cadre)	MS, DHQ Hospital, Charsadda.	MS, DHQ Hospital, Tank, against the vacant post.
11.	Dr. Muhammad Shafiq (BS-19 Health Management Cadre)	MS, DHQ Hospital, Swabi.	MS, DHQ Hospital, Charsadda, vice Sr. NO.10.
12.	Dr. Zafeer Hussain (BS-19 Health Management Cadre)	DHO, Abbottabad.	MS, Ayub Teaching Hospital, Abbottabad, in his own pay and scale, vice Sr. No. 14.
13.	Dr. Ihsanullah (General Cadre BS-19)	MS, DHQ Hospital Shangla (under transfer as PMO Saidu Group of Teaching Hospitals, Swat).	Retained as Principal Medical Officer, DHQ Hospital, Shangla.

AA tested

copy



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT

PAGE-II

14.	Dr. Iftikhar Ahmed (SMO BS-20)	MS, Ayub Teaching Hospital, Abbottabad.	Services placed at the disposal of Chief Executive Ayub Teaching Hospital, Abbottabad, for further posting.
15.	Dr. Iftikhar Ahmed (BS-19 Health Management Cadre.	Incharge Hospital Charsadda.	THQ, Tangi, MS, DHQ, Hospital, Swabi, vice Sr. No. 11.

CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA

Endst: No. & date even

Copy forwarded to the:-

1. Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Secretary to Govt. of Khyber Pakhtunkhwa, Health Department.
4. Divisional Commissioners concerned.
5. Accountant General, Khyber Pakhtunkhwa.
6. Deputy Commissioners of concerned Districts.
7. Director General Health Services, Khyber Pakhtunkhwa.
8. Chief Executive, of all concerned Hospitals.
9. Medical Superintendent of all concerned Hospitals.
10. District Accounts Officer, Bannu, Kohat, Abbottabad, Charsadda, Tank, Swabi, Shangla and Swat.
11. PS to Chief Secretary, Khyber Pakhtunkhwa
12. P.S. to Secretary Establishment, Khyber Pakhtunkhwa
13. Officers concerned.
14. Manager, Govt Printing Press Peshawar.

(MUHAMMAD JAVED SIDDIQI)
SECTION OFFICER (ESTT. I)
PHONE & FAX # 091-9210529

ZTA.UL.HAQ/**

Attested
to be true copy



ANNEXURE ^vB^u (13) 13

**GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT**

Dated Peshawar, July 16, 2014

NOTIFICATION

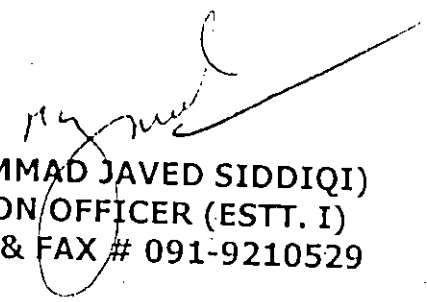
NO. SO(E-I)/E&AD/9-133/2014. Government of Khyber Pakhtunkhwa is pleased to post Dr. Muhammad Ali Chohan (BS-20 Health Management Cadre), awaiting posting in Health Department, as MS, Khyber Teaching Hospital, Peshawar, against the vacant post, in the public interest, with immediate effect:-

**CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA**


Endst: No. & date even

Copy forwarded to the:-

1. Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Secretary to Govt. of Khyber Pakhtunkhwa, Health Department.
4. Commissioner Peshawar Division, Peshawar.
5. Accountant General, Khyber Pakhtunkhwa.
6. Director General Health Services, Khyber Pakhtunkhwa.
7. Chief Executive, Khyber Teaching Hospital, Peshawar.
8. Medical Superintendent of Khyber Teaching Hospital, Peshawar.
9. District Accounts Officer, Peshawar.
10. PS to Chief Secretary, Khyber Pakhtunkhwa
11. P.S. to Secretary Establishment, Khyber Pakhtunkhwa
12. Officers concerned.
13. Manager, Govt Printing Press Peshawar.


**(MUHAMMAD JAVED SIDDIQI)
SECTION OFFICER (ESTT. I)
PHONE & FAX # 091-9210529**

Salman/**

Attested

to be true copy

ANNEXURE

14



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

DATED PESHAWAR, THE SEPTEMBER 29, 2014

NOTIFICATION

NO.SO(E-I)E&AD/9-133/2014. Government of Khyber Pakhtunkhwa is pleased to order posting/transfer of the following officers of Health Department, in the public interest with immediate effect:-

S.#	NAME OF OFFICER	FROM	TO
1.	Dr. Muhammad Ali Chohan (Management Cadre BS-20)	Medical Superintendent, Khyber Teaching Hospital Peshawar	Report to Directorate General Health Services, Khyber Pakhtunkhwa.
2.	Dr. Capt. Habib Khattak (Management Cadre BS-20)	District Health Officer, Kohat	Medical Superintendent, Khyber Teaching Hospital Peshawar, vice Sr. No. 1.
3.	Dr. Muhammad Iqbal (Management Cadre BS-20)	Attached to DHQ Hospital, Bannu	District Health Officer, Kohat, vice Sr. No. 2.

CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA

ENDST. NO. & DATE EVEN

Copy forwarded to the:-

1. Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Secretary to Govt. of Khyber Pakhtunkhwa, Health Department.
4. Divisional Commissioners, Peshawar, Kohat and Bannu.
5. Accountant General, Khyber Pakhtunkhwa.
6. Director General Health Services, Khyber Pakhtunkhwa.
7. Deputy Commissioners, Peshawar, Bannu and Kohat.
8. Chief Executive, Govt. LRH/KTH/HMC, Peshawar.
9. District Health Officers, Bannu and Kohat.
10. Medical Superintendents of all concerned hospitals mentioned above.
11. District Accounts Officers, Bannu and Kohat.
12. PS to Chief Secretary, Khyber Pakhtunkhwa.
13. PS to Secretary Establishment, Khyber Pakhtunkhwa.
14. Officers concerned.
15. Manager, Govt Printing Press Peshawar.

(MUHAMMAD JAVED SIDDIQI)
SECTION OFFICER (ESTT- I)

ZIA UL HAQ

Attested

to be true copy

M-S

M-S

26th Sep 2014

ANNEXURE 'D'

15

The News International, Friday, September 26, 2014

PTI workers' vandalism at KTH draws flak

Tauseef-ur-Rahman

PESHAWAR: The vandalism by the Pakistan Tehreek-e-Insaf (PTI) workers at the Khyber Teaching Hospital (KTH) on Wednesday drew flak from the medical fraternity and employees of the hospital who demanded the government to take stern action against the protestors.

The Provincial Doctors Association, Malgari Doctaran, People's Doctor Forum, Clerks Association of the hospital and Class-III and Class-IV employees' associations condemned the hooliganism and vandalism by PTI workers led by a party MPA, Yasin Khalil for misbehaving with senior staff of the hospital on Wednesday.

The PTI workers of PK-5 Peshawar constituency gathered outside the hospital and protested against the alleged appointment of 'outsiders' on a number of Class-IV posts. They blocked the road for some time and later entered the hospital, waving flags of PTI and planting slogans against hospital administration.

The hospital's chief executive (CE) and medical superintendent (MS) were not present

in the hospital as they had gone to attend the meeting of standing committee of Khyber Pakhtunkhwa Assembly on health. A delegation of protestors headed by Yasin Khalil met Director Administration Dr Iqbal Afridi, who was informed that the MS had recruited people from outside Peshawar district. They said it was the right of the people living near the hospital to be recruited on the Class-IV posts.

The secretary health reportedly took notice of the issue and rumours were spread that Dr Mohammad Ali Chohan, the MS of the hospital, had been made Officer on Special Duty (OSD). However, the order to this effect has not been issued yet.

Sources said the PTI MPA Yasin Khalil was demanding appointment of people from his constituency and a few days ago he had a meeting with the hospital administration to reinforce his demand. The hospital administration asked the MPA to contact minister for health and chief minister about the issue.

The doctors' associations and employees union expressed concern over the possi-

ble removal of the MS on the pressure of Yasin Khalil and demanded an inquiry into the incident.

When contacted, Dr Chohan said on Thursday the recruitment of employees was made according to the law and prescribed rules and regulations.

Dr Ihsan Turabi, general secretary of People's Doctor Forum (PDF), condemned the incident and termed it hooliganism. "If they have some reservation, they should contact the relevant quarters instead of protesting within the premises of the hospital," he remarked.

The PDF leader said: "If this practice starts, then the police stations and any other government department will not be safe and people will start attacks to press for their demands."

Dr Saadur Rahman, president of the Malgari Doctaran, the doctors' wing affiliated with Awami National Party (ANP), said responsible people should not adopt such steps. He said PTI is ruling Khyber Pakhtunkhwa and its workers and leaders bring bad name to their government by interfering in government affairs in such

aggressive manner.

He said use of force and humiliation of government employees could not solve problems. "If PTI workers have concerns, they should approach the proper forum instead of misbehaving with the employees," he added.

When contacted, Yasin Khalil refuted the allegation that he misbehaved with any employee of the hospital. "I came to control the angry workers and convinced them to talk to relevant officers instead of protesting on the road," he contended.

He said it was the right of local people to be recruited on Class-IV positions, but the MS of the hospital had made appointments on his own. "We checked the documents and it was found that all the appointments were illegal and no formal procedure was adopted for the purpose," he alleged.

The PDA KTH unit demanded proper inquiry into the incident and asked the health department to register a police case against Yasin Khalil for disrupting the official work of doctors and creating public unrest in the premises of the hospital.

For information plz.

Attested

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ppst p. o. need 07-1

① willful Damaging the
The Property

② Adverse criticism. *Asy with heavy arms*

ANNEXURE E

16

8997
30/9/14

To,

The Honorable Chief Minister,
Government of Khyber Pakhtunkhwa,

THROUGH PROPER CHANNEL.

Subject:- APPEAL/REPRESENTATION AGAINST THE ORDER DATED THE SEPTEMBER 29, 2014 PASSED BY THE GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH ESTABLISHMENT DEPARTMENT, TRANSFERRING THE APPELLANT FROM THE POST OF M.S KHYBER TEACHING HOSPITAL PESHAWAR TO THE POST OF O.S.D IN THE DIRECTORATE GENERAL HEALTH DEPARTMENT.

Respectfully Sheweth

1. That the appellant was posted as Medical Superintendent (M.S) Khyber Teaching Hospital Peshawar vide order dated July 16th, 2014 against the vacant post. Consequent upon the above said order, the appellant assumed the charge of the post on 19.07.2014. (Copies of order and charge assumption notification are Annexure- A & B)
2. That vide notification dated 29th September 2014, the appellant has been transferred and posted as OSD in the office of Director General Health Services KPK after a short span of two months and 10 days. (Copy of notification is Annexure-C)
3. That the impugned order is illegal, unsustainable and liable to be set aside, inter alia, on the following grounds:-

GROUNDS

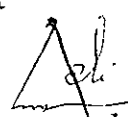
- a. That the transfer of the appellant who is a civil servant in BPS-20 is politically motivated in order to accommodate blue eyed person of a highly placed person from the Government of KPK.

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Political in the

- b. That the appellant is senior most civil servant in BPS-20, he has served as M.S to the best of his ability, devotion and fairness but has been transferred for no good reason at all.
- c. That the transfer of the appellant in such short span of time under political influence is void, illegal, against the posting/transfer policy of the government of KPK. —
- d. That the impugned order has been passed by the learned Chief Secretary Government of KPK in view of background of political influence which amounts to unlawful exercise of powers.
- e. That in the impugned order, no reason whatsoever has been given for taking such a drastic and coercive action causing irreparable loss to the dignity and reputation of the appellant and thus the impugned order smacks malafide.
- f. That the Chief Secretary in case of the appellant is not competent Authority to pass the impugned order.

It is, therefore, prayed that the impugned order dated Peshawar the September 29, 2014 passed by the Chief Secretary, Government of Khyber Pakhtunkhwa may graciously be cancelled.

Appellant

(Dr. Muhammad Ali Chohan)
Medical Superintended KTH
Peshawar

Dated 30.09.2014

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SUMMARY FOR CHIEF MINISTER

Subject: REVIEW PETITION/DEPARTMENTAL APPEAL OF DR MUHAMMAD ALI CHOCHAN (BS-20) EX-MS KHYBER TEACHING HOSPITAL PESHAWAR.

Dr Muhammad Ali Chohan(BS-20) Medical Superintendent Khyber Teaching Hospital Peshawar has submitted Review Petition/ Departmental Appeal to the Chief Minister, Khyber Pakhtunkhwa against the posting/transfer Notification No SO(E-I)9-133/2014 dated 29/9/2014 wherein he has been transferred and posted at the disposal of Director General Health Services Khyber Pakhtunkhwa. The doctor concerned has advanced the following grounds (**Annex-I**).

- i. That the appellant was posted as Medical Superintendent Khyber Teaching Hospital Peshawar vide order dated 16/7/2014 against the vacant post. Consequent upon the above said order, the appellant assumed the charge of the post on 19.7.2014.
- ii. That vide Notification dated 29/9/2014 the appellant has been transferred and posted as OSD in the Office of Director General Health Services after a short span of two months and 10-days.
- iii. That the impugned order is illegal, unsustainable and liable to be set aside, inter alia on the following grounds.
- iv. That the transfer of the appellant who is a civil servant in (BS-20) is politically motivated in order to accommodate blue eyed person of a highly placed person from the Govt of Khyber Pakhtunkhwa.
- v. That the appellant is senior most civil servant in (BS-20) he has served as MS to the best of his ability, devotion and fairness but has been transferred for no good reason at all.
- vi. That the transfer of the appellant in such short span of time under political influence is void illegal, against the posting/transfer policy of the Govt of Khyber Pakhtunkhwa.

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- vii. That the impugned order no reason whatsoever, has been given for taking such a drastic and coercive action causing irreparable loss to the dignity and reputation of the appellant and thus the impugned order smacks malafide.
- viii. That the Chief Secretary in case of the appellant is not competent authority to pass the impugned order.

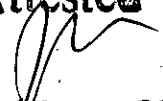
2. Section 22 of the Khyber Pakhtunkhwa Civil Servant Act 1973 provides **(Annex-II)**

- i. Where a right to prefer an appeal or apply for review in respect of any order relating to the terms and conditions of his service is provided to a Civil Servant under any Rules applicable to him, such appeal or application shall, except as may be otherwise prescribed, be made within thirty days of the date of such order.
- ii. Where no provision for appeal or review exists under the rules in respect of any order or class orders, a Civil Servant aggrieved by any such order may, within thirty days of the communication to him of such order, make a representation against it to the authority next above the authority which made the order.
- iii. Provided that no representation shall lie on matters relating to the determination of fitness of a person to hold a particular post or to be promoted to a higher post or grade.

3. Section-10 of the Civil Servant Act, 1973 provides that " Every civil servant shall be liable to serve any where within or outside the Province, in any post under the Federal Govt or any Provincial Govt or local authority" or corporation or Body set up or established by any such Government **(Annex-III)**.

4. Dr.Muhammad Ali Chohan (BS-20) was transferred from the post of MS Khyber Teaching Hospital, Peshawar on the grounds that his performance was not to the mark. He had been given a special task to improve the whole situation of the Khyber Teaching Hospital, Peshawar. However, the officer concerned failed to bring about any positive change in the Hospital. Moreover, his posting/transfer is covered under Section-10 of the Civil Servant Act 1973. Therefore, his Departmental appeal for cancellation of the impugned Notification dated 29/9/2014 may be regretted.

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5. Para-4 of the summary is submitted for appropriate orders of the Chief Minister Khyber Pakhtunkhwa, please.

Aftab Akbar Durrani
(Dr Aftab Akbar Durrani) 29/12
Secretary Health

Minister for Health
Khyber Pakhtunkhwa

Chief Secretary
Khyber Pakhtunkhwa

Chief Minister
Khyber Pakhtunkhwa

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GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

21

682
Dt. 30-10-14
O.S. to Secty Health



CS-3572

SUMMARY FOR CHIEF MINISTER

Subject: REVIEW PETITION/DEPARTMENTAL APPEAL OF DR MUHAMMAD ALI CHOHAN (BS-20) EX-MS KHYBER TEACHING HOSPITAL, PESHAWAR.

Summary on the subject cited above, is placed below for approval of the Chief Minister Khyber Pakhtunkhwa, please.

Aftab Akbar Durrani 29/10
(Dr. Aftab Akbar Durrani)
Secretary Health

Shahram Khan Tarakai
31/10/14
Shahram Khan Tarakai
Senior Minister for Health
& Information Technology
Khyber Pakhtunkhwa

~~Minister for Health,
Khyber Pakhtunkhwa~~

~~Chief Secretary
Khyber Pakhtunkhwa~~

~~Chief Secretary to Chief Minister
Khyber Pakhtunkhwa~~

2. Please examine.

Secretary Establishment

Sd/-
Chief Secretary
Dt. 05.11.2014

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Next Page

C.A.C.S Khyber Pakhtunkhwa
No. 5122
Date 27/11/2014

O/O Senior Minister for Health
& Information Technology
Khyber Pakhtunkhwa
Diary No: 359
Dated: 05/11/2014

Ps / Secy (E & AD)
Dt. 05-11-14
Dt. 05-11-14

Diary No. 7164
Dated 6-11-14
Reg-II Section E&AD

3. Views of the Establishment Department may kindly be perused at para-6-8 of the summary.

(Signature)
(Dr. Akhtar Nazir)
Secretary Establishment
November 19, 2014

Chief Secretary, Khyber Pakhtunkhwa.

PS / Govt of K P
Date: 19/11/14

PS/CM

(Signature)
21/11/2014
Chief Secretary
Govt: of Khyber Pakhtunkhwa

Chief Secretary

(Signature)
02.12.2014
Principal Secretary
to Chief Minister
Khyber Pakhtunkhwa

CA/CS Khyber Pakhtunkhwa
No. 5/22
Date: 20-11-14
21-11-14

Secy Health

(Signature)
4/1/14
Chief Secretary
Govt: of Khyber Pakhtunkhwa

Office of the PSCM
D. No. 3625
Date: 21/11/2014

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GOVERNMENT OF KHYBER PAKHTUNKHWA

HEALTH DEPARTMENT

NO. SOH(E-V)2-40/2007/Dr.Muhammad Ali
Dated Peshawar the 12th December, 2014

To

Mr.Muhammad Ali Chohan
Ex-MS Khyber Teaching Hospital,
Peshawar.

Subject: DEPARTMENTAL APPEAL OF DR.MUHAMMAD ALO CHOCHAN EX-MS
KHYBER TEACHING HOSPITAL, PESHAWAR

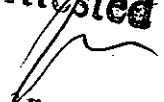
I am directed to refer to the subject noted above and to state that your
Departmental appeal regarding posting/transfer is regretted by the competent authority.


(HINA HAFEEZ)
SECTION OFFICER-V

Endst No & Date Even.

Copy to the PS to Secretary Health Department.


SECTION OFFICER-V

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BEFORE PESHAWAR HIGH COURT PESHAWARW.P No. 2920 P/2014

Doctor Muhammad Ali Chohan M.S Khyber Teaching Hospital,
Peshawar , S/O Ghulam Ahmed, R/O House #247 Phase-III Sector
K-2 Hayatabad Peshawar..... Petitioner



VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
2. The Secretary Health, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. Dr. Captain Habib Khattak, Management Cadre, District Health Officer, Kohat..... Respondents

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

Respectfully Sheweth

1. That the petitioner belongs to Health Management Cadre, he is in BS-20, earlier he was posted as M.S Molvi Amir Shah Memorial Hospital Hashtnagri Peshawar City. He was transferred and made OSD in the office of Director General Health Services Khyber Pakhtunkhwa, Peshawar vide notification dated 27.03.2014. (Copy of notification is Annexure-A at page 8-9)
2. That the petitioner was awaiting posting in Health Department when in the meanwhile vide Notification No. SO(E-1)E&AD/9-133/2014 dated Peshawar the, July 16, 2014, Government of Khyber Pakhtunkhwa posted him as Medical Superintendent

FILED TODAY
Deputy Registrar

01 OCT 2014

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EXAMINER
Peshawar High Court

Khyber Teaching Hospital Peshawar against the vacant post.
(Copy of notification is Annexure-B at page 10)

3. That hardly after two months of his posting, Respondent No.1 once again vide notification No. SO(E-1)E&AD/9-133/2014 dated Peshawar the, September 29, 2014, transferred him from the post of Medical Superintendent Khyber Teaching Hospital Peshawar to the Directorate General Health Service Government of Khyber Pakhtunkhwa and in his place posted Dr. Captain Habib Khattak, District Health Officer Kohat.
(Copy of notification is Annexure-C at page 11)

4. That as a matter of fact there fell ^{some} ~~some~~ vacancies of class-IV in the hospital, the local MPA Mr. Yaseen Khalil hailing from the PTI ruling party put all his undue political pressure and influence on the administration of the hospital for appointment of his recommendees/ favourities by ignoring the merit and when he could not be obliged by the administration, on September 9th, 2014 he took out procession comprising of workers of his constituency who raised contemptuous and defamatory slogans, criticizing the administration of the hospital, blocking the main Jamrod Road leading from the University Town to Hayatabad Township and thereby created law & order situation in and outside the hospital. The learned MPA who being law maker then became the law breaker.

5. That all the Doctors Associations, Clerks Association of the hospital and Class-III and Class-IV Employees Association condemned the unbecoming behavior, attitude and conduct of the PTI workers of PK-V Peshawar and that of their elected MPA in their respective Press statements.

It appears that under the undue pressure, political influence and interference of Mr. Yaseen Khalil MPA, the

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petitioner has been transferred and posted as OSD only after about two months of his posting as M.S Khyber Teaching Hospital. (Newspaper clippings are Annexure-D at page 12)

6. That the petitioner feeling aggrieved by his transfer order and posting him as OSD, has submitted departmental appeal to the competent Authority which has not been disposed of as yet. (Copy of Departmental Appeal is Annexure-E at page 13-14)

7. That at the movement due to ninety (90) days period of limitation prescribed for filing of appeal u/s 4 of Khyber Pakhtunkhwa Service Tribunal Act 1974 coupled with the fact that at the movement, the Service Tribunal is not functioning which fact has also been confirmed in the order of this Hon'ble Court dated 16.09.2014 in W.P No.2726-P/2014, title Dr. Sharif Ahmed versus Government of Khyber Pakhtunkhwa. (Copy of grounds of writ petition and order are Annexure-F & G at page 15-21)

The petitioner finding no other adequate, efficacious and speedy remedy, files this constitutional writ petition before this Hon'ble Court, inter alia, on the following grounds:-

GROUND

- a. That the transfer of the petitioner who is a civil servant in BPS-20 is politically motivated in order to accommodate blue eyed person of a highly placed political person in the Government of KPK.
- b. That the petitioner is senior most civil servant in BPS-20, he has served as M.S to the best of his ability, devotion and fairness but has been transferred for no good reason at all.

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- c. That the frequent transfer of the petitioner from one place to another and sometime posting him as ODS in a short span of time is based on malafide and ulterior motive, void, unlawful and against the posting/transfer policy of the Government of Khyber Pakhtunkhwa. Moreover, the petitioner being in BS-20, the Chief Minister not the Chief Secretary is competent Authority to pass his posting and transfer orders from one place to another so frequently.
- d. That the impugned order has been passed by the learned Chief Secretary Government of KPK in view of background of political influence which amounts to unlawful exercise of powers.
- e. That in the impugned order, no reason whatsoever has been given for taking such a drastic and coercive action causing irreparable loss to the dignity and reputation of the petitioner and thus the impugned order smacks malafide.
- f. That the principles of natural justice, equity and conscious demand that before passing any penal/adverse order in respect of Civil Servants, he should be warned, heard and given opportunity of explaining his position. But in case of the petitioner and in the absence of any complaint against him he has been condemned unheard in violation of principles of natural justice enshrined in Maxim "Audi Alteram Partem"
- g. That the impugned transfer order is made contrary to the relevant rules, against the public interest and without allowing the petitioner to complete his tenure, this Hon'ble Court possesses ample powers to examine such

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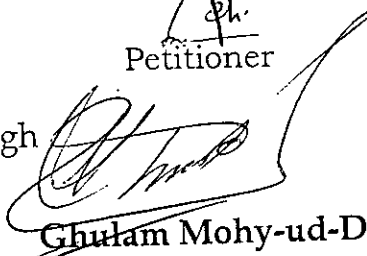
administrative order by applying the principle of Judicial Review.

It is, therefore, prayed that on acceptance of this writ petition, this Hon'ble Court may graciously declare as void, unlawful, without lawful authority, violative of principles of natural justice, fair play and equity, the impugned order dated Peshawar the September 29, 2014.

Secondly, the competent Authority may be directed to decide the Departmental Appeal of the petitioner within two/three days.

Any other relief which deemed proper and in the interest of justice may also be granted.

Ph.
Petitioner

Through 

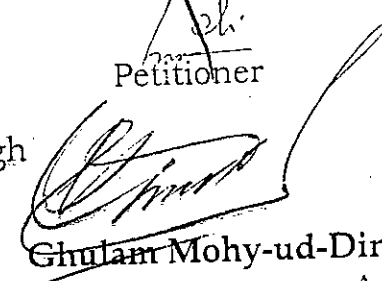
Ghulam Mohy-ud-Din Malik,
Advocate,
Supreme Court of Pakistan.

Interim Relief

May it please your lordship,

By way of interim relief, during pendency of this writ petition, the operation of impugned notification No. SO(E-1)E&AD/9-133/2014 dated Peshawar the, September 29, 2014 may be suspended and respondents be ordered to refrain from taking any adverse action against the petitioner.

Ph.
Petitioner

Through 

Ghulam Mohy-ud-Din Malik,
Advocate,
Supreme Court of Pakistan.

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(29)

CERTIFICATE

Certified that no such Writ Petition has earlier been filed in this Hon'ble Court on behalf of the petitioner.

LIST OF BOOKS

- 1 Constitution of Islamic Republic Of Pakistan, 1973.
- 2 Any other law as per need.

Advocate

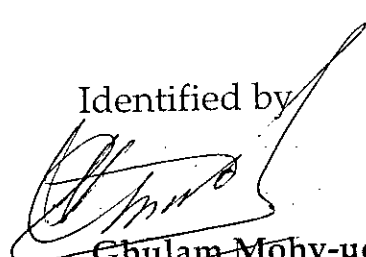
AFFIDAVIT

I, Doctor Muhammad Ali Chohan M.S Khyber Teaching Hospital, Peshawar , S/O Ghulam Ahmed, R/O House#244 Phase-III Sector K-2 Hayatabad Peshawar (Petitioner) do hereby solemnly declare that the accompanying Writ Petition is true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.


Deponent

NIC No 12/01-5801254-9

Identified by


Ghulam Mohy-ud-Din Malik
Advocate Peshawar.

Attested

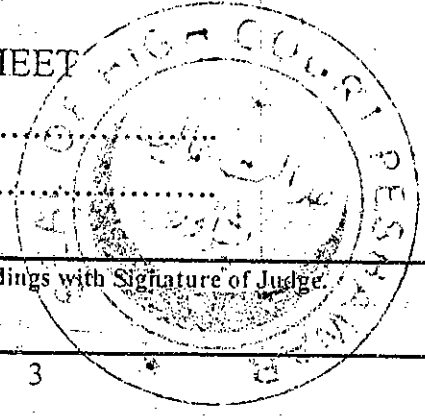

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PESHAWAR HIGH COURT, PESHAWAR

FORM OF ORDER SHEET

Court of.....

Case No.....of.....



Serial No. of Order of Proceedings	Date of Order of Proceedings	Order or other Proceedings with Signature of Judge
1	2	3
	<p>ORDER 02.10.2014</p>	<p><u>Writ Petition No.2980-P/2014 with Interim Relief.</u></p> <p>Present: Mr. Ghulam Mohy-ud-Din Malik, Adv: for Dr. Muhammad Ali Chohan, petr.</p> <p>*****</p> <p><u>MAZHAR ALAM KHAN MIANKHEL, CJ.-</u></p> <p>Dr. Muhammad Ali Chohan, petitioner herein, through the instant constitutional petition, has asked for the issuance of an appropriate writ declaring that the Notification dated 29.09.2014 of respondent No.1, whereby, he has been transferred from the post of Medical Superintendent, Khyber Teaching Hospital, Peshawar and has been directed to report the Directorate General, Health Services, Khyber Pakhtunkhwa, being nullity in the eye of law, is of no effect whatsoever.</p> <p>2. We have gone through the available record carefully and considered the submissions made by the</p>

M-76

ATTESTED

EXAMINER
Peshawar High Court,
03 OCT 2014

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learned counsel for the petitioner.

3. When we questioned the learned counsel for the petitioner that whether we, in view of bar contained in Article 212 of the Constitution of Islamic Republic of Pakistan, 1973, can embark upon the matter in dispute as it solely comes within the purview of the terms and conditions of service, the learned counsel for the petitioner very frankly conceded the aforesaid position and submitted that since the Service Tribunal is not functioned at the moment, the petitioner was left with no option but to approach this Court, that too, when the order, transferring him has been passed merely on political motivation and mala fide intention and not in the public interest or in the exigencies of service in a very short span of time and, interference of this Court, in the peculiar facts and circumstances of the case, would be rather imperative and even indispensable. Alternate remedy, the learned counsel added, being a rule of procedure and not of law can't limit or restrict the jurisdiction of this Court in the cases of this nature. When we further questioned him that since the Chairman, KPK Service Tribunal is very much there, who, himself, can grant interim relief but when he sensed that he isn't on so strong a wicket, he by

M. J. H.

ATTESTED

Attested

EXAMINER
Federal High Court

05 OCT 2014

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	<p>changing his stance, requested that since another Division Bench of this Court vide judgment / order dated 16.09.2014, rendered in the case of Dr. Sharif Ahmad vs. Government (Writ Petition No.2726-P/2014) has by keeping in mind the non-functioning of the Service Tribunal assumed the jurisdiction and restrained the respondents therein qua passing any adverse order affecting the service career of the petitioner therein. We appreciate the efforts of the learned counsel for the petitioner that he is so well-equipped but we too are more vigilant and mindful that the judgment / order, so referred by the learned counsel, was passed in totally different circumstances, which, in the instant matter, can't help him because in that very writ petition, the dispute was over the date of birth of the petitioner therein and vide the impugned order therein, his date of birth was declared / shown as 19.09.1954 instead of 19.09.1956, where-against, his representation was also pending and since, after that order, he was going to retire on 18.09.2014 and because of those constraints, he opted to approach this Court for the interim relief but here the case of the petitioner is, altogether, different from that of the aforesaid case because his transfer order was passed</p> <p><i>me / h</i></p>
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ATTESTED

EXAMINER
Court

03 OCT 2014

on 29.09.2014 and on the next very day i.e. 30.09.2014, he filed representation before the competent authority and, soon thereafter, i.e. on 01.10.2014, he filed the instant writ petition, which has been fixed for today for hearing. Now the sole question is that when the representation of the petitioner is pending adjudication before the proper forum and hardly three days have passed, whether during its pendency, any Court of competent jurisdiction either Service Tribunal or this Court can assume the jurisdiction, that too, when the petitioner should wait for ninety days for its disposal under the law, the answer, in this regard, would require determination. In this view of the matter, we, without dilating upon the merits of the case and without preempting the jurisdiction of the Service Tribunal, only by confining ourselves upto the interim relief, send the matter to the KPK Service Tribunal / Chairman for decision strictly in accordance with law and for considering the competency / maintainability of the appeal during pendency of the representation of the petitioner and also direct the petitioner to appear there on 16th instant for the purpose. Only till then, the impugned Notification dated 29.09.2014 shall remain

2) ———

ATTESTED
BY
03 OCT 2014

suspended and not thereafter. This writ petition is disposed of in these terms. Needless to remark that this order can't be placed as an authority in the posting / transfer cases of the Civil Servants.

Announced.
02. 10. 2014

CHIEF JUSTICE

JUDGE

Sd/- Magher Alam Khan - J
Sd/- Malik Manzoor Hussain - J

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Examiner
Peshawar High Court, Peshawar
Authorized under Article 97 of
The Constitution of Pakistan Order 1974

03 OCT 2014

4654

03-10-14

No. of Application.....

Date of Presentation of Application.....

No of Pages..... 6P

Copying fee..... /

Urgent Fee.....

Total..... 12.00

Date of Preparation of Copy..... 03-10-14

Date Given For Delivery..... 03-10-14

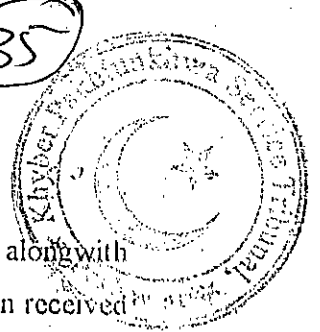
Date of Delivery of Copy..... 03-10-14

Received By..... M. Ali



ANNEXURE

Appeal No. 1225/2014



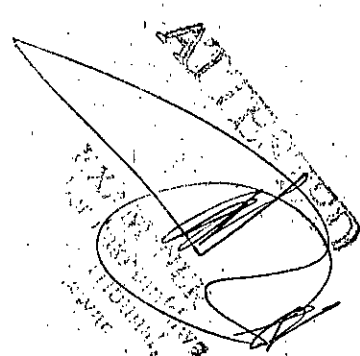
16.10.2014

Appellant with counsel present. The instant appeal, along with service appeals No. 1226/2014, 1231/2014 and 1232/2014 have been received from the Hon'ble High Court with orders dated 2.10.2014 and 9.10.14, respectively, for 'decision strictly in accordance with law and for considering the competency/maintainability of the appeal during pendency of the representation of the petitioner'. The Hon'ble High Court, in the said orders, directed that the impugned notifications/orders in the respective appeals 'shall remain suspended (till today) and not thereafter'.

At the outset, the learned counsel for the appellant (Mr. Ghulam Mohy-ud-Din Malik, Advocate, Supreme Court of Pakistan) (whose arguments were also adopted by the learned counsel in the aforementioned appeals, also received from the Hon'ble High Court along with the instant appeal), contended that after an order by the Hon'ble High Court and receipt of the appeals by the Tribunal from the Hon'ble High Court with the aforementioned orders, this Tribunal is now bound to examine whether the Tribunal is validly constituted in the light of existing law on the subject, as the question of constitution of the Tribunal precedes the matter of constitution of Benches, to which the appeals are then referred for adjudication/order either at the preliminary or final stage. The learned counsel further contended that undoubtedly the law allows only the Chairman or a sole Member to hear and pass order at the preliminary stage but the question would nevertheless be that whether the Tribunal is validly constituted and whether in case of non-constitution of the Tribunal, the Benches i.e Primary or Final Benches could lawfully hear appeals and pass orders, because the NWFP (Khyber Pakhtunkhwa) Service Tribunal Act, 2011, amended through Khyber Pakhtunkhwa Service Tribunal (Amendment) Act, 2013, provides that the Tribunal shall consist of a Chairman and two Members, one of whom is a District and Sessions Judge and the other is a Civil Servant in BPS-20 and above.

The objection to the constitution of the Tribunal has arisen in the backdrop of down-gradation/reversion of the learned Member (Judicial) of the Tribunal who has been rendered non-functional as he is no longer a District and Sessions Judge to qualify for the position of Member of the Tribunal.

It was also pointed out, during the course of arguments, that though one of the Member has been rendered non-functional by virtue of the subsequent development, as at the time of his appointment as Member of the Tribunal he was a District and Sessions Judge, but the Tribunal is still validly constituted under the assumption that there is a Chairman and two Members,



one from the executive and other from the judiciary, notwithstanding the current status of the learned Member (Judicial). Moreover, the Tribunal is also assumed to continue as a validly constituted Tribunal on the analogy of Article 192 of the Constitution of the Islamic Republic of Pakistan, 1973 where-under 'a High Court shall consist of a Chief Justice and so many other Judges as may be determined by law or, until so determined, as may be fixed by the President'; and that the High Court is never presumed as not validly constituted owing to shortage of Hon'ble Judges as determined/fixed under the said provision of the Constitution as long as the Hon'ble Chief Justice and even a single Hon'ble Judge of the High Court are there to perform their functions.

The learned counsel for the appellant pointed out that number of Hon'ble Judges of the High Court is not determined/fixed in the Constitution, whereas the number of Members of the Tribunal is clearly and unequivocally fixed in the law and that owing to change in the status/position of a learned Member, the Tribunal will, lawfully, not be validly constituted. The learned counsel maintained that in a similar situation, the Hon'ble Peshawar High Court has, while taking cognizance of the situation prevailing in the Tribunal, assumed jurisdiction and directed the respondents not to pass any adverse order affecting the service career of petitioner till the date Service Tribunal Khyber Pakhtunkhwa is legally constituted, vide order dated 16.9.2014 in writ petition No. 2726-P/2014 with I.R., on which reliance has also been placed by the Hon'ble Peshawar High Court in the aforementioned orders while referring the writ petitions to the Tribunal for further order in accordance with law. In order to further augment his arguments, the learned counsel also referred to PLD 2014 Supreme Court 232(b).

Since very important legal questions have been raised with respect to the very constitution of the Tribunal, it would be appropriate to deal with the questions raised at the Bar at the first instance before proceeding further with the appeals, and for the purpose, a pre-admission notice be issued to the learned AAG as well as to the Chief Secretary, Govt. of Khyber Pakhtunkhwa (respondent No. 1) to report about the present status/stage of the departmental appeal preferred by the appellant. In order to ward off the possibility of further legal/administrative complications, the interim relief already granted to the appellant by the Hon'ble High Court shall continue to remain operative in the meantime. To come up for arguments, as above, on 28.10.2014. ///

Chairman

Certified true and correct copy
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

constituted under the assumption that th

وکالت نامہ

بعدالت
سروس ٹریڈیونل فیڈریشن خوارک
ڈاکٹر محمد علی صوبان
گورنمنٹ

مخانب ریڈرمنٹ
دعویٰ یا جرم سروس ریڈرمنٹ

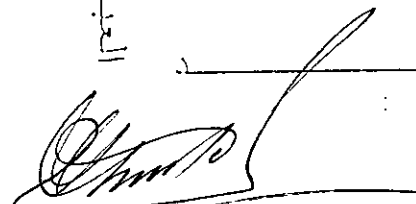
تقارن باعث تحریر آنکہ ایف آئی آر تاریخ
مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطہ پیردی وجوہی ہ مقام
کے لیے

غلام محی الدین ملک ایڈووکیٹ سپریم کورٹ آف پاکستان
محمد فاروق صاحب ٹریڈیونل فیڈریشن

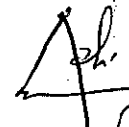
کو بدیں شرط وکیل مقرر کیا ہے میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا ہوں گا اور بروقت پکارے جانے
مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر من مظہر حاضر نہ ہوا اور مقدمہ میری غیر
حاضری کی وجہ سے کسی طور میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب
موصوف صدر مقام پکھری کے کسی اور جگہ یا پکھری کے مقررہ اوقات سے پہلے یا پیچھے یا بروز تعطیل پیردی کرنے کے ذمہ دار نہ
ہوں گے۔ اگر مقدمہ علاوہ صدر مقام پکھری کے کسی اور جگہ سماعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے
پیش ہونے پر من مظہر کو کوئی نقصان پہنچے تو اس کی ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختار نامہ واپس کرنے
کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھے کوکل سائنس پر وادختہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہوگا اور
صاحب موصوف کو عرضی دعوے و جواب دہی اور درخواست اجراء ڈگری و نظر ثانی اپیل و نگرانی ہر قسم کی درخواست پر دستخورد
تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرنے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے
اور ہر قسم کے بیان دینے اور سپرد تالی و راضی نامہ کو فیصلہ برخلاف کرنے، اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت اپیل و
برآمدگی مقدمہ یا منسوقی ڈگری، یک طرفہ درخواست حکم انتہائی یا ترقی یا گرفتاری قبل از اجراء ڈگری بھی موصوف کو بشرط ادا بیگی
تلیف و مختار نامہ پیردی کا اختیار ہوگا، اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا، یا مقدمہ مذکورہ یا اس کے کسی جزو کی
کاروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے کسی دوسرے وکیل یا بیرسٹر کو بجائے اپنے یا اپنے ہمراہ مقرر کریں، اور ایسے
مشیر قانون کو ہر امر میں وہی اور دینے ہی اختیارات حاصل ہوں گے، جیسے کہ صاحب موصوف کو حاصل ہیں اور درہان مقدمہ
میں جو کچھ ہر جانہ التواء پڑے گا وہ صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیردی نہ کریں اور ایسی صورت میں میرا کوئی
مطالبہ نہیں صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا یہ مختار نامہ لکھ دیا تاکہ سند رہے۔

18/12/14

مورخہ _____ مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔


Ghulam Mohy-ud-Din Malik
Advocate
Supreme Court of Pakistan.




DR. Muhammad Ali
Chohan



**GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT**

Place in file

Dated Peshawar the 25th March, 2015

NOTIFICATION

No. E&A (Health)/2-279/2015: in pursuance of the Khyber Pakhtunkhwa Medical Teaching Institutions Reform Act, 2015 and with the prior approval of competent authority conferring powers on Health Department, the following Hospital Directors and Medical Directors are appointed till further orders:-

S.No.	Name of Officer	Name of Institution
1.	Dr Farman Ali (BS-18) DMS Store, KTH Peshawar.	Hospital Director, Khyber Teaching Hospital, Peshawar.
2.	Dr. Nadeem Khawar Prof. Pediatrics, KMC Peshawar	Medical Director Khyber Teaching Hospital, Peshawar

As per provisions under section 3(1) and section 26 of the Khyber Pakhtunkhwa Medical Teaching Institutions Reform Act, 2015, the posts of Chief Executive and Medical superintendent shall cease to exist.

**SECRETARY HEALTH
KHYBER PAKHTUNKHWA**

Endst. No. & date even.

Copy to the:-

1. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa, Peshawar.
2. Principal Secretary to Governor, Khyber Pakhtunkhwa, Peshawar.
3. Accountant General, Khyber Pakhtunkhwa, Peshawar.
4. Director General Health Services, Khyber Pakhtunkhwa Peshawar.
5. Medical Director/ Hospital Director, Medical Teaching Institution Abbottabad
6. Medical Director/ Hospital Director, Medical Teaching Institution, Hayatabad Medical Complex, Peshawar.
7. Medical Director/ Hospital Director, Medical Teaching Institution, Khyber Teaching Hospital, Peshawar.
8. Medical Director/ Hospital Director, Medical Teaching Institution, Lady Reading Hospital, Peshawar.
9. District Account Officer, Abbottabad.
10. All Section Officers in Health Department.
11. PS to Minister Health, Khyber Pakhtunkhwa.
12. PS to Secretary Health.
13. PS to Special Secretary Health.
14. PA to Additional Secretary (Dev/Estab), Health Department.

(Signature)

(Imran Khan)
SECTION OFFICER (General)

BEFORE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

Service Appeal No. _____/2014

Doctor Muhammad Ali ChohanAppellant

VERSUS

Government of Khyber Pakhtunkhwa and others.....Respondents

APPLICATION FOR ADJOURNMENT

Respectfully Sheweth:

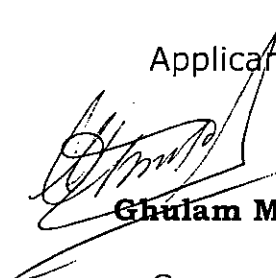
- 1 That the title case is fixed for today before this Hon'ble Tribunal.
- 2 That yesterday on 12.03.2015 at 04:06 PM through SMS information from the Apex Supreme Court of Pakistan given to the undersigned regarding fixation of C.A No.33-P/2014 fixed before Regular Bench No.3 at Serial No.1.
- 3 That the Registrar office of the Supreme Court telephonically informed that the case has been fixed on urgent basis and will be heard at 09:30 AM and the undersigned is required to attend the court without fail. (Copy of Cause List is attached)

It is, therefore, respectfully prayed that title case may kindly be adjourned to another convenient date.

Inconvenience is regretted.

Dated 13/03/2015

Applicant



Ghulam Mohy-ud-Din Malik,
Advocate,
Supreme Court of Pakistan
Counsel for Appellant

SUPREME COURT OF PAKISTAN, ISLAMABAD

SUPPLEMENTARY CAUSE LIST 149 of 2015

For Friday, March 13, 2015, at 9:00 AM

For fixation and result of cases, please visit www.supremecourt.gov.pk

BENCH - II

**MR. JUSTICE JAWWAD S. KHAWAJA
MR. JUSTICE IJAZ AHMED CHAUDHRY
MR. JUSTICE MAQBOOL BAQAR**

I C.A.518-L/2009
(Declaratory Suit
Matters/Others) (as to Status
Property)
(S.J.)
(13.03.2015)

Sardar Ali (decd.) thr. LRs. etc v. Chief
Administrator Auqaf, etc.

Mr. Mahmudul Islam, AOR
Malik Muhammad Rafiq Rajwana, ASC
R Ex-Parte
Mr. M. A. Qureshi, AOR
Mr. Aamir Iqbal Basharat, ASC

BENCH - III

**MR. JUSTICE ANWAR ZAHEER JAMALI
MR. JUSTICE DOST MUHAMMAD KHAN
MR. JUSTICE UMAR ATA BANDIAL**

I C.A.660/2014
(Land Acquisition and
Requisition Matters)
(D.B.)
(13.03.2015)
(P.H)

Director NIFA Peshawar v. Nizakat Aii &
others

Mr. M. S. Khattak, AOR
Mr. Ahmer Bilal Soofi, ASC
Mr. Imran Ahmed Malik, ASC
Mr. Abdul Qayyum Sarwar, AOR

and C.A.661/2014
(Land Acquisition and
Requisition Matters)
(D.B.)

Director NIFA Peshawar v. Muhammad
Sharif & others

Mr. M. S. Khattak, AOR
Mr. Ahmer Bilal Soofi, ASC
Mr. Imran Ahmed Malik, ASC
Mr. Muhammad Zahoor Qureshi, AOR
Mr. Ghulam Mohy-ud-Din, ASC

and C.A.662/2014
(Land Acquisition and
Requisition Matters)
(D.B.)

Director NIFA Peshawar v. Sahar Gul &
others

Mr. M. S. Khattak, AOR
Mr. Ahmer Bilal Soofi, ASC
Mr. Imran Ahmed Malik, ASC
R - Notice
Mr. Abdul Qayyum Sarwar, AOR

and C.A.663/2014
(Land Acquisition and
Requisition Matters)
(D.B.)

Director NIFA Peshawar v. Shafaqat Ullah
& others

Mr. M. S. Khattak, AOR
Mr. Ahmer Bilal Soofi, ASC
Mr. Imran Ahmed Malik, ASC

and C.A.664/2014
(Land Acquisition and
Requisition Matters)
(D.B.)

Director NIFA Peshawar v. Shah Wali &
others

Mr. M. S. Khattak, AOR
Mr. Ahmer Bilal Soofi, ASC
Mr. Imran Ahmed Malik, ASC
R - Notice
Mr. Abdul Qayyum Sarwar, AOR

and C.A.665/2014
(Land Acquisition and
Requisition Matters)
(D.B.)

Director NIFA Peshawar v. Mehboob Khan
& others

Mr. M. S. Khattak, AOR
Mr. Ahmer Bilal Soofi, ASC
Mr. Imran Ahmed Malik, ASC
R - Notice
Mr. Abdul Qayyum Sarwar, AOR

and C.A.666/2014 (Land Acquisition and Requisition Matters) (D.B.)	Director NIFA Peshawar v. Akhtar Zaman & others	Mr. M. S. Khattak, AOR Mr. Ahmer Bilal Soofi, ASC Mr. Imran Ahmed Malik, ASC Mr. Abdul Qayyum Sarwar, AOR
and C.A.667/2014 (Land Acquisition and Requisition Matters) (D.B.)	Director NIFA Peshawar v. Aman Ullah & others	Mr. M. S. Khattak, AOR Mr. Ahmer Bilal Soofi, ASC Mr. Imran Ahmed Malik, ASC Mr. Abdul Qayyum Sarwar, AOR
and C.A.668/2014 (Land Acquisition and Requisition Matters) (D.B.)	Director NIFA Peshawar v. Muhammad Jamil & others	Mr. M. S. Khattak, AOR Mr. Ahmer Bilal Soofi, ASC Mr. Imran Ahmed Malik, ASC R - Notice Mr. Muhammad Zahoor Qureshi, AOR
and C.A.669/2014 (Land Acquisition and Requisition Matters) (D.B.)	Director NIFA Peshawar v. Buzarg Shah & others	Mr. M. S. Khattak, AOR Mr. Ahmer Bilal Soofi, ASC Mr. Imran Ahmed Malik, ASC Mr. Abdul Qayyum Sarwar, AOR
and C.A.670/2014 (Land Acquisition and Requisition Matters) (D.B.)	Chairman PACE & another v. Mian Sher Akbar & others	Mr. M. S. Khattak, AOR Mr. Ahmer Bilal Soofi, ASC Mr. Imran Ahmed Malik, ASC Mr. Abdul Qayyum Sarwar, AOR
and C.A.671/2014 (Land Acquisition and Requisition Matters) (D.B.)	Chairman PACE & another v. Abdul Nasir & others	Mr. M. S. Khattak, AOR Mr. Ahmer Bilal Soofi, ASC Mr. Imran Ahmed Malik, ASC Mr. Abdul Qayyum Sarwar, AOR
and C.A.672/2014 (Land Acquisition and Requisition Matters) (D.B.)	Chairman Pakistan Atomic Energy Commission & another v. Nasrullah Khan & others	Mr. M. S. Khattak, AOR Mr. Ahmer Bilal Soofi, ASC Mr. Imran Ahmed Malik, ASC Mr. Abdul Qayyum Sarwar, AOR
and C.A.673/2014 (Land Acquisition and Requisition Matters) (D.B.)	Chairman PACE & another v. Akhtar Zaman & others	Mr. M. S. Khattak, AOR Mr. Ahmer Bilal Soofi, ASC Mr. Imran Ahmed Malik, ASC Mr. Abdul Qayyum Sarwar, AOR
and C.A.674/2014 (Land Acquisition and Requisition Matters) (D.B.)	Director NIFA Peshawar v. Amjed & others	Mr. M. S. Khattak, AOR Mr. Ahmer Bilal Soofi, ASC Mr. Imran Ahmed Malik, ASC
and C.A.675/2014 (Land Acquisition and Requisition Matters) (D.B.)	Director NIFA Peshawar v. Kiramat Ullah & others	Mr. M. S. Khattak, AOR Mr. Ahmer Bilal Soofi, ASC Mr. Imran Ahmed Malik, ASC Mr. Abdul Qayyum Sarwar, AOR
and C.A.676/2014 (Land Acquisition and Requisition Matters) (D.B.)	Director Nuclear Institute of Food & Agriculture Peshawar v. Abdul Baseer & others	Mr. M. S. Khattak, AOR Mr. Ahmer Bilal Soofi, ASC Mr. Imran Ahmed Malik, ASC
and C.A.677/2014 (Land Acquisition and Requisition Matters) (D.B.)	Director Nuclear Institute of Food & Agriculture Peshawar v. Shams-ur-Rehman & another	Mr. M. S. Khattak, AOR Mr. Ahmer Bilal Soofi, ASC Mr. Imran Ahmed Malik, ASC
and C.A.26-P/2014 (Land Acquisition and Requisition Matters) (D.B.)	Mian Sher Akbar & others v. Collector Land Acquisition Nowshera & others	Mr. Tasleem Hussain, AOR Mian Saad Ullah Jandoli, ASC R Ex-Parte Mr. M. S. Khattak, AOR Mr. Ahmer Bilal Soofi, ASC

and C.A.27-P/2014 (Land Acquisition and Requisition Matters) (D.B.)	Nizakat Ali & others v. Collector Land Acquisition Nowshera & others	Mr. Tasleem Hussain, AOR Mian Saad Ullah Jandoli, ASC R Ex-Parte Mr. M. S. Khattak, AOR Mr. Ahmer Bilal Soofi, ASC
and C.A.28-P/2014 (Land Acquisition and Requisition Matters) (D.B.)	Nasrullah Khan v. Collector Land Acquisition Nowshera & others	Mr. Tasleem Hussain, AOR Mian Saad Ullah Jandoli, ASC R Ex-Parte Mr. M. S. Khattak, AOR Mr. Ahmer Bilal Soofi, ASC
and C.A.32-P/2014 (Land Acquisition and Requisition Matters) (D.B.)	Muhammad Jamil & another v. Collector Land Acquisition Nowshera & others	Mr. Muhammad Zahoor Qureshi, AOR Mr. Abdul Sattar Khan, ASC R - Notice
and C.A.33-P/2014 (Land Acquisition and Requisition Matters) (D.B.)	Muhammad Sharif & others v. Collector Land Acquisition Nowshera & others	Mr. Muhammad Zahoor Qureshi, AOR Mr. Ghulam Mohyu-ud-Din Malik, Sr. ASC R - Notice

BEFORE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

PESHAWAR

C.M No. _____/2015

IN

Service Appeal No. 1416 / /2014

Doctor Muhammad Ali ChohanPetitioner/ Appellant

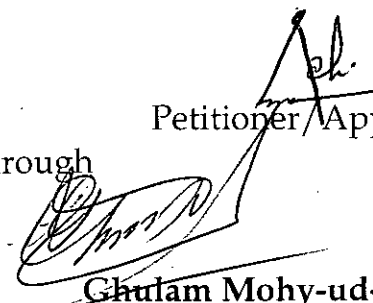
VERSUS

Government of Khyber Pakhtunkhwa and others.....Respondents

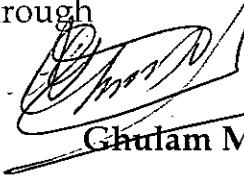
INDEX

S.No.	Description of documents	Annex	Pages
1.	Application with Affidavit		1-3
2.	Copy of Notification dated February 2, 2015	A	4
3.	Copy of Arrival Report dated,20.02.2015	B	5

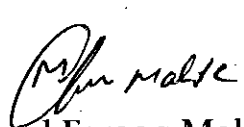
Dated 13.03.2015


Petitioner/Appellant

Through


Ghulam Mohy-ud-Din Malik,
Advocate,
Supreme Court of Pakistan.

And


Mohammad Farooq Malik,
Advocate
High Court Peshawar.

BEFORE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

C.M No. _____/2015
IN
Service Appeal No.1416/2014

Doctor Muhammad Ali ChohanPetitioner/ Appellant

VERSUS

Government of Khyber Pakhtunkhwa and others.....Respondents

**APPLICATION FOR DELETION OF NAME OF DR.
CAPTAIN HABIB KHATTAK (RESPONDENT NO.3)
FROM THE PENAL OF RESPONDENTS.**

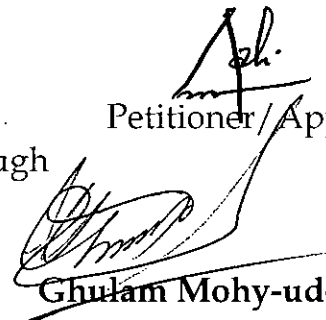
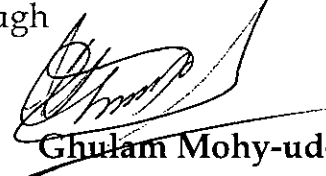
Respectfully Sheweth

1. That the title appeal is fixed for preliminary hearing before this Hon'ble Tribunal today.


2. That under the changed circumstances, since Respondent No.3 in the Appeal has been transferred and posted as DHO Mardan vide office order dated the February 2, 2015 who has complied with the order by submitting his arrival report dated 20.02.2015 and as such he is no more necessary or proper party in the lis.

**(Copies of transfer order and Arrival Report are attached as
Annexure-A & B)**

It is, therefore, prayed that name of Respondent No.3 may graciously be deleted from the penal of respondents.


 Petitioner/Appellant
 Through

 Ghulam Mohy-ud-Din Malik,
 Advocate,
 Supreme Court of Pakistan.

And


 Mohammad Farooq Malik,
 Advocate
 High Court Peshawar.

BEFORE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

PESHAWAR

C.M No. _____/2015
IN
Service Appeal No. _____/2014

Doctor Muhammad Ali ChohanPetitioner/ Appellant

VERSUS

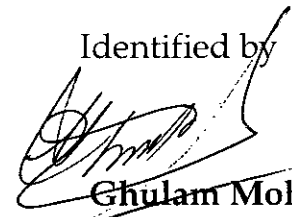
Government of Khyber Pakhtunkhwa and others.....Respondents



AFFIDAVIT

I, Doctor Muhammad Ali Chohan M.S Khyber Teaching Hospital, Peshawar , S/O Ghulam Ahmed, R/O House#244 Phase-III Sector K-2 Hayatabad Peshawar (Petitioner/appellant) do hereby solemnly declare that the accompanying **Application** is true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.


DEPONENT

Identified by


Ghulam Mohy-ud-Din Malik
Advocate Peshawar.

ATTESTED

13.03.2015
Oath Commissioner
High Court Peshawar




GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

ANNEXURE A-4

DATED PESHAWAR, THE FEBRUARY 2, 2015

NOTIFICATION

NO.SO(E-I)E&AD/9-133/2015. Government of Khyber Pakhtunkhwa is pleased to order posting/transfer of the following officers of Management Cadres of Health Department, in the public interest, with immediate effect:-

S.#	NAME OF OFFICER	FROM	TO
1.	Dr. Capt. Habib Khattak (BS-20)	DHO, Kohat under transfer to MS, KTH Peshawar.	DHO, Mardan, vice Sr. No. 2.
2.	Dr. Abdul Khaliq (BS-20)	DHO, Mardan	DHO Kohat, vice Sr. No. 1
3.	Dr. Maqsood Ahmad (BS-20)	MS BBS Teaching Hospital, Abbottabad	DHO, Peshawar against the vacant post.
4.	Dr. Muhammad Iqbal (BS-20)	Waiting for posting	MS Khalifa Gul Nawaz Teaching Hospital, Bannu, against the vacant post.
5.	Dr. Jehangir (BS-20)	Waiting for posting	MS, Mimi Teaching Hospital, Di Khan against the vacant post.

CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA

ENDST: NO. & DATE EVEN

Copy forwarded to the:-

1. Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Secretary to Govt. of Khyber Pakhtunkhwa, Health Department.
4. All Divisional Commissioners in Khyber Pakhtunkhwa
5. Accountant General, Khyber Pakhtunkhwa.
6. Director General Health Services, Khyber Pakhtunkhwa.
7. Deputy Commissioners, Peshawar, Mardan, Kohat, Abbottabad, Bannu and DIK.
8. Chief Executive, Govt. LRH/KTH/HMC, Peshawar.
9. District Health Officers, Mardan, Kohat, Abbottabad, Bannu and DIK.
10. Medical Superintendents of all concerned hospitals mentioned above.
11. District Accounts Officers, Mardan, Kohat, Abbottabad, Bannu and DIK.
12. PS to Chief Secretary, Khyber Pakhtunkhwa.
13. PS to Secretary Establishment, Khyber Pakhtunkhwa.
14. Officers concerned.
15. Manager, Govt Printing Press Peshawar.

(MUHAMMAD JAVED SIDDIQI)
SECTION OFFICER (ESTT- I)
PH& FAX# 091-9210529

ZIA UL HAQ**

**GOVERNMENT OF KHYBER PAKHTUNKHWA CERTIFICATE OF
TRANSFER OF CHARGE**

Certified that I, Dr. Capt. (R) Habib Khan, have this day before noon taken over charge of the of District Health Officer, Mardan with reference to the Govt: of KP Establishment Deptt: Notification No SO(E-1) E&AD /9-133/2015 dated 02.02.2015.

Particular of cash and important / secret / confidential document handed over / taken over are noted on the reverse.

Signature of relieved _____
Government Servant _____
Station _____
Designation _____
Dated _____

Signature of Government _____
Servant receiving Charge Dr. Capt. (R) Habib Khan
Designation District Health Officer Mardan
Dated 20.2.2015