


Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 649/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	13.05.2024	<p>As per direction of the Hon'ble Member Judicial the present appeal is fixed for preliminary hearing before Single Bench at Peshawar today on 13.5.2024. Parcha Peshi given to the counsel for the appellant.</p> <p style="text-align: right;"> REGISTRAR</p>

BEFORE THE HON'BLE CHAIRMAN SERVICE TRIBUNAL
PESHAWAR

Service Appeal No 649 2024

Mr. Muhammad Raffaq VS Govt Of KP And Others

Service Appeal

Application for fixation of titled appeal
Before hor'able bench Peshawar for Today

Respectfully Sheweth:


1. That the titled Service appeal is being filed before this Tribunal today at principle Seat.
2. That as the matter is urgent in nature and an application for suspension of impugned order is also part time parcel of Service appeal, and the bench is not available at Abbottabad, So, the titled appeal filed at principle Seat.
3. That the valuable Rights of appellant are at the stake.

It is therefore, requested that the title Service appeal may kindly appeal may be fixed for today for hearing.

Date:13/05/2024

Through

Appellant



Fida Bahadar

Advocate Supreme Court

Abbottabad

BEFORE THE HON'BLE CHAIRMAN SERVICE TRIBUNAL
PESHAWAR

Service Appeal No 649 2024

MR. MUHAMMAD RAFFAQ S/O MUHAMMAD SABIR
VILLAGE AND P.O LAKHALLA TEHSIL AND DISTRICT
ABBOTTABAD .PRESENTLY CHOWKIDAR CIVIL
DISPENSARY LAKHALA, ABBOTTABAD.

.....Appellant

Versus

1. GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH SECRETARY HEALTH.
2. DISTRICT HEALTH OFFICER ABBOTTABAD.
3. DIRECTOR GENERAL HEALTH DEPARTMENT KP, PESHAWAR.

.....Respondents

Service Appeal

Reply of objection

Respectfully Sheweth:

The reply of objection is as under

1. The Secretary Health is proper party as the health department can not be sued with out arraying the Govt as party and Govt can be impleaded as party through Secretary Concerned.
2. The necessary party DG Health is arrayed as party on the panel of the respondent.

3. Check list is attached here with.
4. Appeal has been flagged/marked and with Annexure marks.
5. Affidavits are duly attested by oath commissioner.
6. Annexure of the appeal are attested by not republic.
7. Memorandum of appeal duly Signed by the appellant.
8. The order Dated 03/05/2024 is continuation of original transfer order Dated 07/07/2022 so the appeal against Said order is not necessary as per law

It is therefore, requested that the title Service appeal may kindly appeal may admitted for hearing,

Appellant

Through

Date: 13/05/2024


Fida Bahadar

Advocate Supreme Court

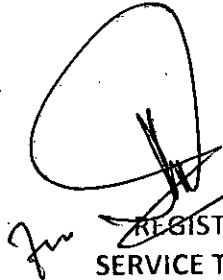
Abbottabad

The appeal of Mr. Muhammad Raffaq received today i.e on 13.05.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days:

- 1- According to sub-rule-4 of rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974 respondent no. 1 & 3 are un-necessary/improper parties, in light of the rules ibid and on the written direction of the Worthy Chairman the above mentioned respondent number be deleted/struck out from the list of respondent.
- 2- Necessary party be made in the heading of the appeal.
- 3- Check list is not attached with the appeal.
- 4- Appeal has not been flagged/marked with annexures marks.
- 5- Affidavit is not attested by the Oath Commissioner.
- 6- Annexures of the appeal are unattested.
- 7- Memorandum of appeal is not signed by the appellant.
- ⑧ Copy of departmental appeal against the impugned order dated 03.05.2024 and its rejection order is not attached with the appeal be placed on it.

No. 923 /Inst.KPST;

Dt. 13/5 /2024.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.
13/5/24

Mr. Fida Bahadar Adv.
Supreme Court at A.Abad.

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL, PESHAWAR.**

Service Appeal No. 649 /2024

Muhammad Raffaq VS Govt KPK and others

SERVICE APPEAL

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Dated:-13/05/2024

PETITIONER

Through



(FIDA BAHADAR)
Advocate Supreme Court of Pakistan
Abbottabad

BEFORE THE HON'BLE CHAIRMAN SERVICE TRIBUNAL
PESHAWAR

Service Appeal No 649 2024

MR.MUHAMMAD RAFFAQ S/O MUHAMMAD SABIR
VILLAGE AND P.O LAKHALLA TEHSIL AND DISTRICT
ABBOTTABAD .PRESENTLY CHOWKIDAR CIVIL
DISPENSARY LAKHALA, ABBOTTABAD.


.....Appellant

Versus

1. GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH SECRETARY HEALTH.
2. DISTCIT HEALTH OFFICER ABBOTTABAD.
3. DIRECTOR GENERAL HEALTH DEPARTMENT KP, PESHAWAR.

.....Respondents

Re-submitted to -day
and filed.


Registrar
13/5/24

APPEAL UNDER SECTION 4 SERVICE TRIBUNAL
ACT 1974 AGAINST THE ORIGINAL TRANSFER
ORDER DATED 07/07/2022 ALONG WITH ORDER
DATED 03/05/2024 ISSUE BY THE RESPONDED NO
2 VIDE WHICH APPELLANT HAS TRANSFERRED
FIRSTLY FROM CIVIL DISPENSARY LAKHALA TO
CIVIL DISPENSARY LEERAN, SECONDLY FROM
LEERAN TO POLICE HOSPITAL ABBOTTABAD
,THIRDLY TYPE D HOSPITAL

1

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL, PESHAWAR.

Service Appeal No. 649 /2024

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 12703

Dated 13/5/2024

MR. MUHAMMAD RAFFAQ S/O MUHAMMAD SABIR VILLAGE AND P.O.
LAKHALLA, TEHSIL & DISTRICT ABOOTTABAD. PRESENTLY CHOWKIDAR
CIVIL DISPENSARY LAKHALA, ABBOTTABAD.

...APPELLANT

VERSUS

1. PROVINCIAL GOVERNMENT KPK THROUGH SECRETARY, HEALTH,
KHYBER PAKHTUNKHAWA, PESHAWAR.
2. District HEALTH OFFICER ABBOTTABAD.
3. IN CHARGE CIVIL DISPENSARY LAKHAAL, ABBOTTABAD.

...RESPONDENTS

Filed to-day

Registrar

13/5/24

APPEAL U/S 4 SERVICE TRIBUNAL ACT 1974
AGAINST THE ORIGINAL TRANSFER ORDER
DATED 07/07/2022 AND DATED 03/05/2024
ISSUED BY RESPONDENT NO.2 VIDE WHICH
THE APPELLANT HAS TRANSFERRED
FIRSTLY FROM CIVIL DISPENSARY LAKHALA
TO CIVIL DISPENSARY LEERAN, SECONDLY
FROM LEERAN TO POLICE HOSPITAL
ABBOTTABAD, THIRDLY TYPE D HOSPITAL

HAVELIAN, FORTHLY FROM HAVELIAN TO POLICE HOSPITAL ABBOTTABAD AND FIFTHLY FROM POLICE HOSPITAL ABBOTTABAD TO LAKHALA AND LASTLY AGAIN TRANSFERRED TO LEERAN WHICH IS ILLEGAL, AGAINST LAW, VOID AB-INITO, BASED ON POLITICAL REVENGE AND DISCRIMINTION, SO THE IMPUGNED TRANSFER ORDER HAS NO LEGAL EFFECT UPON THE APPELLANT, AND LIABLE TO BE STRUCK DOWN.

.....

PRAYER:

ON ACCEPTANCE OF INSTANT SERVICE APPEAL, THIS HONOURABLE TRIBUNAL MAY SET ASIDE THE IMPUGNED TRANSFER ORDER DATED 07/07/2022 AND 03/05/2024 ISSUED BY RESPONDENT NO.2. ANY OTHER RELIEF WHICH THIS HONOURABLE TRIBUNAL MAY DEEM FIT AND PROPER IN THE CIRCUMSTANCES OF THE CASE MAY ALSO BE GRANTED TO THE APPELLANT.

Respectfully Sheweth:

Following are the facts, giving rise to the instant services appeal.

1. That, appellant was appointed as Chowkidar against BPS-3 on 20.07.2016.
(Copy of appointment order is annexed as Annexure "A")
2. That appellant throughout his professional carrier performed his duty with zeal and zest, and never give any opportunity to his superiors to question his conduct or job.
3. That, appellant is serving in the Health department since 6 years approximately in civil Dispensary Lakhala, Abbottabad.
4. That on the political basis the appellant was transferred by the respondent No.2 Vide original order dated.07/07/2022 from Civil Dispensary Lakhala -Tehsil Lower Tanawal District Abbottabad to Civil Dispensary Leeran, Tehsil Lora, District Abbottabad situated in far flung and hilly

area of Abbottabad. **Copy of impugned transfer order is attached as annexure "B".**

5. That there are many other employees in Health department who are serving at the same station from last 25 years but only the appellant is transferred purely on political basis. It is worth mentioning here that the MPA of locality discussed the appellant in open gathering in Jalsa e Aaam. **Video of speech of MPA is attached in shape of CD.**
6. That the appellant was transferred on 07/07/2022 but malafidely no transfer Order is provided to appellant.
7. That in charge of Civil Dispensary Lakhala compelled the appellant to relinquish the charge, when he is asked about transfer Orders of appellant, he replied that he did not receive any transfer order in writing, which is malafide on the part of respondents. **Hard copy of Whats**

app conversation is attached as annexure "C".

8. That the appellant is transferred 4 time in one year, firstly the firstly from civil dispensary Lakhala to civil dispensary Leeran, secondly from Leeran to Police Hospital Abbottabad, thirdly Type D Hospital Havelian, Fourthly from Havelian to police hospital Abbottabad and fifthly from police hospital Abbottabad to Lakhala and lastly again transferred to Leeran which is illegal, against law, void ab-inito, based on political revenge and discrimination, so the impugned transfer order has no legal effect upon the appellant, and liable to be struck down. **Copies of transfer orders are attached as annexure "D"**

9. That appellant filed departmental appeal before competent authority but the same has not been decided till now, hence, the instant appeal. **Copies of appeal and**

receipts are attached as annexure "E",
"F".

10. That appellant is very poor person and cannot afford the travelling expenses, rent of room in far flung area of Leeran being class four employees as the Leeran is situated at the distance of 6 hours by road from the village of appellant and the whole salary of appellant would be spent in fare and rent of room, and appellant cannot be financially survived in this situation

11. That as per Khyber Pakhtunkhwa civil Servant (appointment, promotion and Transfer) Rules, 1989, the appointment to the post in Basic Pay Scale 3 and 5 shall ordinarily be made on the local basis, so, they cannot be transferred out of locality.

12. That, petitioner left with no other option but to assails the act of respondent No.2 before this Honourable tribunal, inter-alia, on the following grounds:-

GROUNDS:

- a) That the act of respondents is against the fundamental right of the appellant, which is guaranteed under constitution of Islamic republic of Pakistan 1973.
- b) That the act of respondents is illegal, unlawful, against law, against facts and circumstances of the case and against the principle of natural justice.
- c) That the impugned Transfer Order issued by respondents is against the sub Rule 3 of Rule 12 of Khyber Pakhtunkhwa civil Servant (appointment, promotion and Transfer) Rules, 1989, the appointment to the post in Basic Pay Scale 3 and 5 shall ordinarily be made on the local basis, so, they cannot be transferred out of locality. Hence, the impugned order is liable to be set aside.
- d) That appellant is transferred purely on political basis. It is worth mentioning here

that the MPA of locality discussed the appellant in open gathering in Jalsa Aaam.

- e) That act of respondents is sheer violation of law and Rules on the subject, and impugned order is also based on discrimination.
- f) That the act of respondents is against the norms of natural justice and fundamental rights of appellant guaranteed by the constitution.
- g) That appellant is serving in BPS 3 as Chowkidar and as per Rules appellant cannot be transferred out of locality.
- h) That the other points would be urged at the time of arguments with the permission of this Honourable Tribunal.
- i) The appeal is well within time.

It is therefore, requested that on acceptance of instant service appeal, this Honourable Tribunal may set aside the

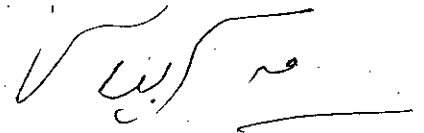
impugned transfer order dated 07/07/202 and 03/05/2024 issued by respondent No.2. Any other relief which this honourable tribunal, may deems fit and proper in the circumstances of the case may also be granted to the appellant.

Dated: 13/05/2024



APPELLANT

Through:



(FIDA BAHADAR)

Advocate Supreme

Court

Abbottabad

VERIFICATION:-

Verified on oath that the contents of foregoing Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

Dated: 13/05/2024



...DEPONENT

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL, PESHAWAR.**

Service Appeal No. /2024

Muhammad Raffaq VS Govt KPK and others

SERVICE APPEAL

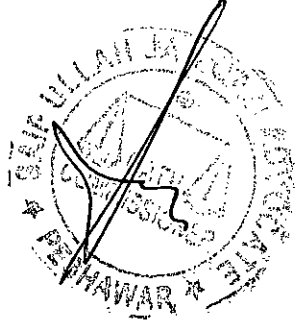
AFFIDAVIT

I, Muhammad Raffaq S/O Muhammad Sabir Village and P.O. Lakhala, Tehsil & District Abbottabad, presently Chowkidar civil dispensary Lakhala, Abbottabad, ***appellant*** do hereby solemnly affirm, and declare that the contents of forgoing ***Service Appeal*** are true and correct to the best of my knowledge and nothing has been suppressed from this Honorable Court.

Dated:-13/05/2024


...DEPONENT

ATTESTED



**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL, PESHAWAR.**

Service Appeal No. /2024

Muhammad Raffaq VS Govt KPK and others

**SERVICE APPEAL
CERTIFICATE**

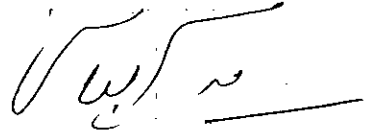
***Certified that no such Service Appeal under the same case
title has earlier been filed before this Hon'ble Tribunal.***

Dated: 13/05/2024



APPELLANT

Through:



**(FIDA BAHADAR)
Advocate Supreme Court
Abbottabad**

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL, PESHAWAR.**

Service Appeal No. /2024

Muhammad Raffaq VS Govt KPK and others

SERVICE APPEAL

APPLICATION FOR SUSPENSION OF IMPUNED TRANSFER

ORDERS OF RESPONDENT NO.2

Respectfully Sheweth:-

Brief facts, leading to the instant petition
as under:-

1. That the titled appeal is being filed before this Honourable Tribunal.
2. That the petitioner has good prima facie case and hopefully petitioner would be succeeded to prove her version before this Honorable court.
3. That the balance of convenience lies in favour of petitioner.
4. That if the impugned transfer order is not suspended the appellant/petitioner would suffer irreparable loss and titled Appeal would become in fructuous.

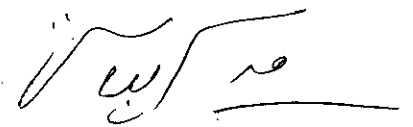
It is therefore, humbly prayed that on acceptance of instant application this honorable court may be pleased to suspend the impugned transfer order of respondent No.2 dated 07/07/2022 and 03/05/2024 till final disposal of titled appeal.



APPELLANT

Dated: 13/05/2024

Through:



(FIDA BAHADAR)

Advocate Supreme Court
Abbottabad

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL, PESHAWAR.**

Service Appeal No. /2024

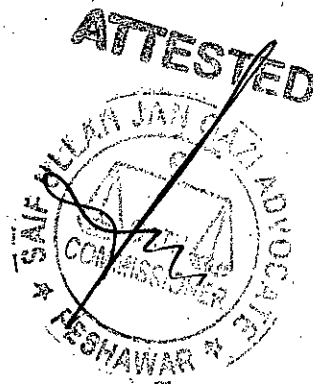
Muhammad Raffaq VS Govt KPK and others

SERVICE APPEAL

AFFIDAVIT

I, Muhammad Raffaq S/O Muhammad Sabir Village and P.O. Lakhala, Tehsil & District Abbottabad, presently Chowkidar civil dispensary Lakhala, Abbottabad, ***appellant*** do hereby solemnly affirm, and declare that the contents of forgoing ***application are*** true and correct to the best of my knowledge and nothing has been suppressed from this Honorable Court.

Dated:-13/05/20224



...DEPONENT

14

Anmerore
"A"



OFFICE OF THE DISTRICT HEALTH OFFICER ABBOTTABAD.

No. _____
Dated Abbottabad the 20 / 7 / 2016.

To:

Mr. Muhammad Rafiq S/o Muhammad Sahir
Village & PO Lakhula,
Tehsil Havelian District Abbottabad.

Subject: OFFER OF APPOINTMENT.
Memo.

On the recommendations of the Departmental Selection Committee, I am pleased to offer you a post of Chowkidar BPS-03 in National Pay Scale of Rs.6530-220-14335 plus usual allowances as admissible under the rules on the terms & conditions mentioned below

- ✓ Your services will be on regular basis as per existing rules / policy of the Government of Khyber Pakhtunkhwa.
- ✓ You will remain on probation for a period of one year and your further continuance will depend on your satisfactory work & conduct.
- ✓ In case you wish to resign any time, prior one month notice or one month pay will be necessary to deposit and you shall continue to serve the Government till your resignation is accepted and communicated to you.
- ✓ You will governed by the Rules & Orders relating to Leave/TA, Medical Attendance / Pay, Allowances etc as may be issued by the Government of Khyber Pakhtunkhwa from time to time.
- ✓ Your service will be subject to your being satisfactory report of verification roll/documents verification
- ✓ You will have to produce medical certificate of fitness from the Medical Superintendent, BBS (DHO) Hospital Abbottabad.

If above offer of appointment on the terms & conditions mentioned above is accepted then you are hereby advised to report for duty to the Incharge, Civil Dispensary, Lakhula on your own expenses within fifteen (15) days of the issuance of this appointment letter positively with the remarks that in case of failure in compliance within stipulated period, this letter shall stand automatically cancelled

District Health Officer
Abbottabad

No. 11710-11

- 1 Estab/D/Recr;
Copy forwarded to the:-
1. Incharge, CD Lakhula.
 2. Accounts Section undersigned office.
- For information and necessary action.

District Health Officer
Abbottabad

Attested to be true

ASC



**OFFICE OF THE DISTRICT HEALTH
OFFICER ABBOTTABAD.**

OFFICE ORDER

Mr. Muhammad Rafaq, Chowkidar attached to Civil Dispensary Lakhala is hereby transferred to Civil Dispensary Leeran on administrative grounds with immediate effect.

of
District Health Officer,
Abbottabad.

No. 6249-52 /Estab/D/Posting Dated Abbottabad the

07/07/2022.

Copy forwarded to the: -

- 1. Incharge CD Lakhala.
- 2. Incharge CD Leeran.
- 3. Accounts Section undersigned office.
- 4. Official concerned.

For information and necessary action.

of
District Health Officer,
Abbottabad.

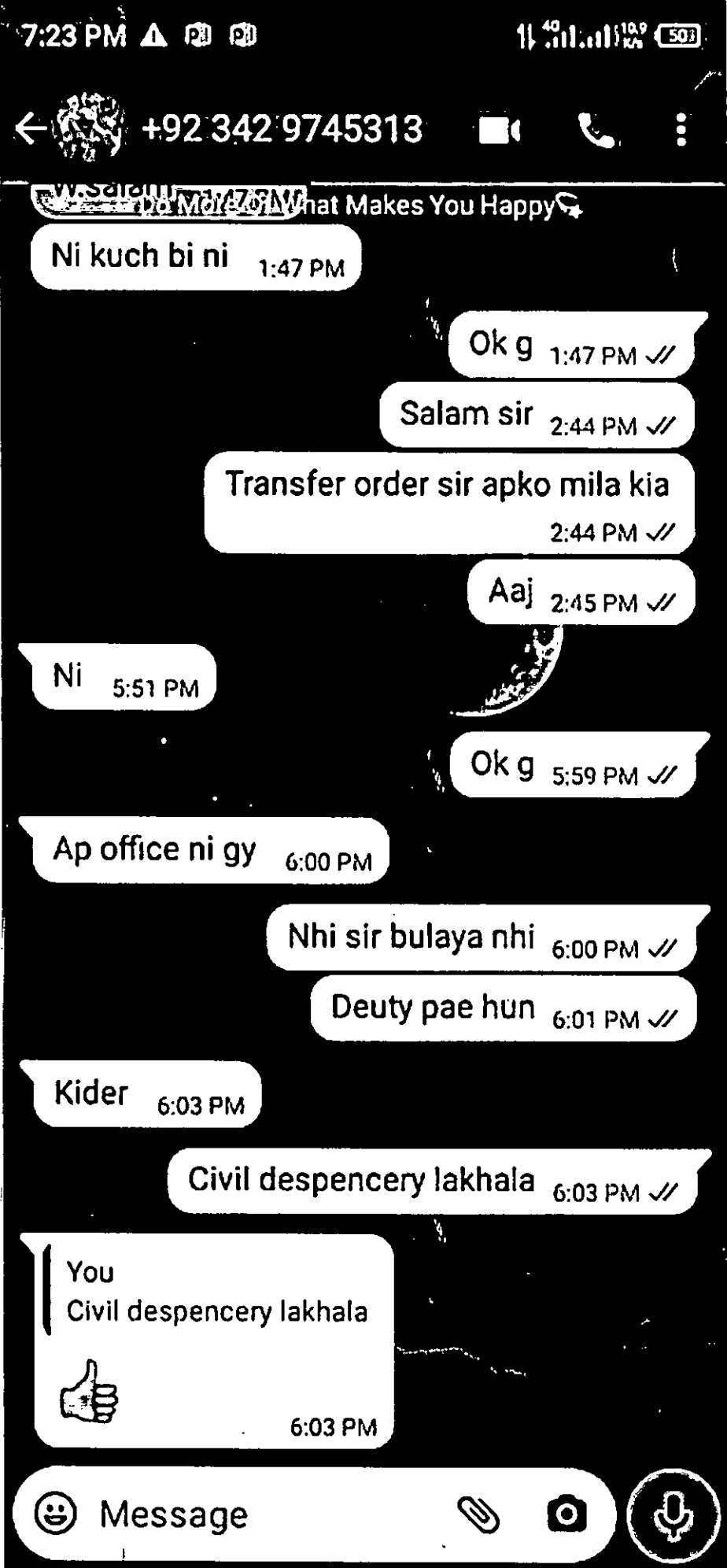
Attested to be true

[Signature]

District Health Officer, Link Road, Abbottabad.

16

Annexure
"C"

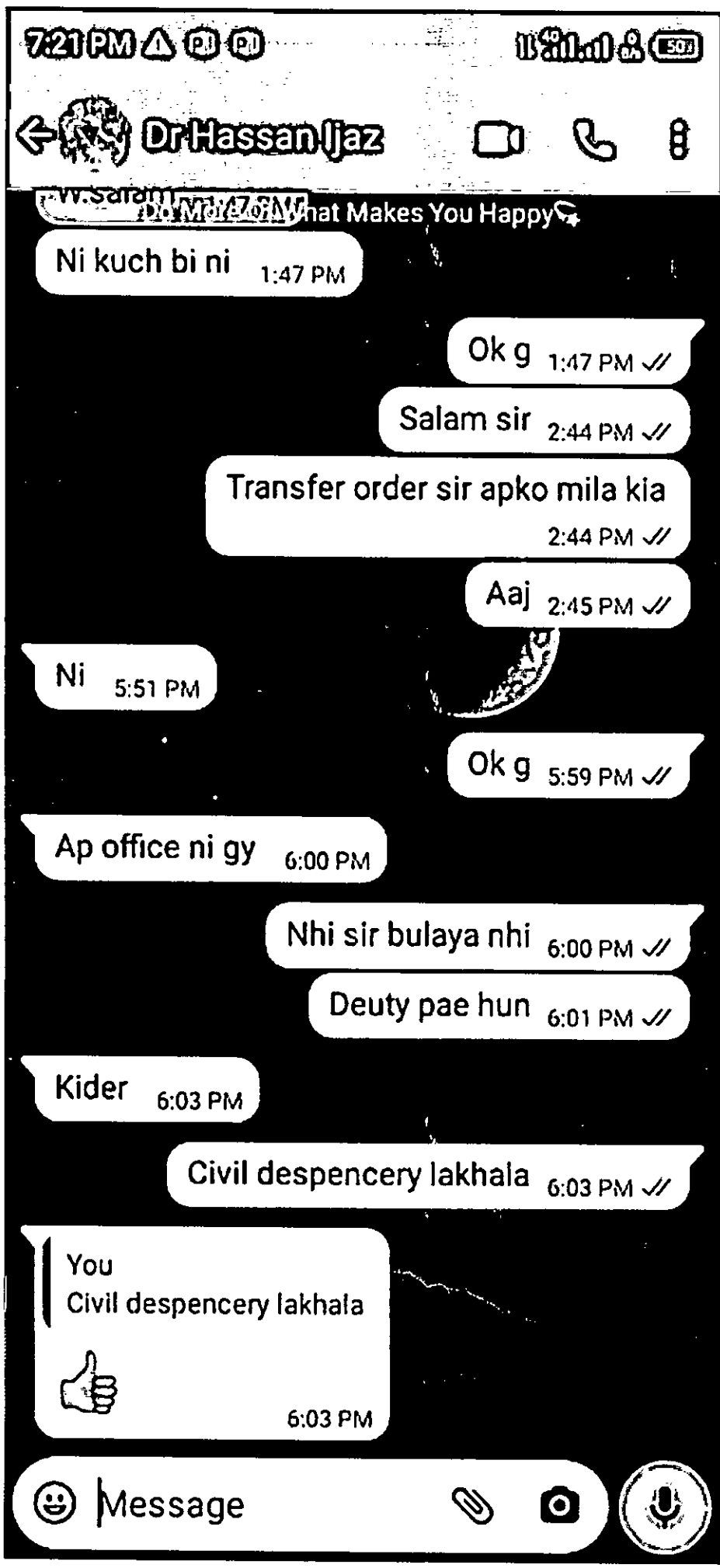


Admitted to be
True

[Handwritten signature]



(17)



*Allah not to
be true*

[Signature]



پشاور اور ہری پور سے بیک وقت شائع ہونے والا سب سے پہلا واحد کثیر الاشاعت قومی اخبار
DAILY NADA-I-KHALQ HARIPUR

روزنامہ

باقاعدہ تصدیق شدہ اشاعت

ندائے خلق

A.B.C
CERTIFIED

Member APNS

چیف ایڈیٹر ڈاکٹر چین مبارک ہزاروی

صفحات 8 قیمت 0

031

شمارہ

جمرات 4 اگست 2022 بمطابق 5 محرم الحرام 1444ھ 20 سادون

جلد نمبر 17

W
E

لوہر تناؤ لکھوالہ ایم پی اے کی دستکریاں سرکاری ملازمین کے لیے احتجاج

گزشتہ ہفتے ایم پی اے نے جلسے سے دھواں دار خطاب کرتے ہوئے سول ڈپینسری کے غریب اور یتیم ملازم کو سخت تنقید کا نشانہ بنایا

میں نے بھرتی کیا اب وہ میرے خلاف ہو گیا اسکی حیثیت کیا ہے کہ وہ ایک ایم پی اے کی جرات کر سکتا ہے، خطاب

ایبٹ آباد (جوہر رپورٹ) تحصیل لوہر تناؤ لکھوالہ میں سول ڈپینسری کے سرکاری ملازم کو ایم پی اے کی جانب سے دھمکیاں دینے کے خلاف مختلف محکموں کی سرکاری ملازمین اٹھے ہونا شروع ہو گئے ایم پی اے کا سیاسی جلسوں میں یوں سرکاری ملازمین کو ٹارگٹ کرنا اور دھمکیاں دینا قابل مذمت ہے تمام سرکاری ملازمین کلاس فور سے لے کر ڈپٹی کمشنر تک حکومت پاکستان کے ملازم ہیں نہ کسی ایم پی اے، ایم این اے یا ناظم کے گھریلو ملازمین ہیں کہ انہیں یوں سرعام نازیبا الفاظ سے دھمکیاں جائسے۔ تفصیلات کے مطابق گزشتہ ہفتے ایم پی اے نے حال لکھوالہ لوہر تناؤ میں ایک جلسے سے دھواں دار خطاب کرتے ہوئے مقامی سول ڈپینسری کے غریب اور یتیم ملازم کو سخت تنقید کا نشانہ بنایا۔ جہاں انہوں نے دیگر کلاس فور کی تعیناتیوں کا ذکر کیا وہیں پر متعلقہ ڈپینسری کے کلاس فور کے متعلق ان کا کہنا تھا اسکو میں نے بھرتی کیا تھا اور اب وہ میرے خلاف ہو گیا ہے اسکی حیثیت کیا ہے کہ وہ ایک ایم پی اے کے خلاف ہونے کی جرات کر سکتا ہے۔ متعلقہ ایم پی اے کی جانب سے نازیبا الفاظ کے استعمال پر سرکاری ملازمین میں خاصا اشتعال پایا جاتا ہے جس پر حکمت عملی ترتیب دینے کے لئے سرکاری ملازمین کی جانب سے جلد احتجاج بھی متوقع ہے

Addressed to 600

True

ASC

19

Annexure
"D"



**OFFICE OF THE DISTRICT HEALTH
OFFICER ABBOTTABAD.**

OFFICE ORDER

Mr. Muhammad Razaq, Chowkidar attached to Civil Dispensary Lakhala is hereby transferred to Civil Dispensary Leeran on administrative grounds with immediate effect.



[Signature]
District Health Officer,
Abbottabad.

No. 6249-52

/Estab/D/Posting Dated Abbottabad the

07/07/2022.

Copy forwarded to the:-

- 1. Incharge CD Lakhala.
 - 2. Incharge CD Leeran.
 - 3. Accounts Section undersigned office.
 - 4. Official concerned.
- For information and necessary action.



[Signature]
District Health Officer,
Abbottabad.

Attested to be
true.

[Signature]

[Signature]

(20)


3

OFFICE OF THE DISTRICT HEALTH
OFFICER ABBOTTABAD.



OFFICE ORDER

As per demand of the community, District Bar and to run the Hospital 24/7 for provision of services delivery to the public, Mr. Muhammad Rifaq Chowkidar under-transfer to Civil Dispensary Leeran is hereby directed to perform duties in evening shift at Police Hospital Abbottabad with immediate effect till further orders.



District Health Officer,
Abbottabad.

No. 8907-10/Estab/D/Posting Dated Abbottabad the 07/09/2022.

Copy forwarded to the: -

1. Incharge Police Hospital Abbottabad.
2. Incharge CD Leeran.
3. Accounts Section undersigned office.
4. Official Concerned.

For information and necessary action.


District Health Officer,
Abbottabad.

District Health Officer, Link Road, Abbottabad.

Phone # 0992-9310192

Fax # 0992-9310196

edohabd@yahoo.com

(21)

3

**OFFICE OF THE DISTRICT HEALTH
OFFICER ABBOTTABAD.**



OFFICE ORDER

As per demand of the Incharge Type D Hospital Havelian presented during the visit of undersigned to Hospital on 11.10.2022, Mr. Muhammad Rifaq, Chowkidar presently working at Police Hospital Abbottabad is hereby directed to report for duties to the Incharge Type D Hospital Havelian with immediate effect.

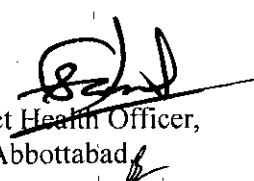
District Health Officer,
Abbottabad.

No. 10056-59 /Estab/D/O;O Dated Abbottabad the

12 /10 /2022.

Copy forwarded to the: -

1. Incharge Police Hospital Abbottabad.
 2. Incharge Type D Hospital Havelian.
 3. Accounts Section undersigned office.
 4. Official concerned.
- For information and necessary action.


District Health Officer,
Abbottabad.

District Health Officer, Link Road, Abbottabad.

Phone # 0992-9310192

Fax # 0992-9310196

edohabd@yahoo.com

(22)

OFFICE OF THE DISTRICT HEALTH OFFICER ABBOTTABAD.



OFFICE ORDER


Upon non-availability of Chowkidar at Civil Dispensary Leeran, Mr. Muhammad Rafiq Chowkidar working at Civil Dispensary Lakhala is hereby directed to report for duties at his original place of duty at Civil Dispensary Leeran with immediate effect.

Sdxxxx
District Health Officer,
Abbottabad.

No. 2264-67 /Estab/D/O/O Dated Abbottabad the 03 105 12024.

Copy forwarded to the: -

1. Incharge CD Lakhala.
 2. Incharge-CD Leeran.
 3. Accountant undersigned office.
 4. Official concerned.
- For information and necessary action.


District Health Officer,
Abbottabad.

Added to SC
Im
V. C. ASE

District Health Officer, Link Road, Abbottabad.
Phone # (0992-9310110)
Fax # (0992-9310196)
edabbad@yahoo.com

23

TO

WORTHY DIRECTOR GENERAL HEALTH DEPARTMENT
KHYBER PAKHTUNKHAWA, PESHAWAR.

SUBJECT: DEPARTMENTS APPEAL AGAINST THE TRANSFER ORDER NO:6249-52 DATED 07/07/2022 ISSUED BY DISTRICT HEALTH OFFICER ABBOTTABAD VIDE WHICH THE APPELLANT HAS TRANSFERED FROM CIVIL DISPENSARY LAKHALA (TEHSIL LOWER TANAWAL) TO CIVIL DISPENSARY LEERAN (TEHSIL LORA) WHICH IS ILLEGAL, AGAINST LAW, VOID AB-INITO, BASED ON POLITICAL REVENGE AND DISCRIMINTION, SO THE IMPUGNED TRANSFER ORDER HAS NO LEGAL EFFECT UPON THE APPELLANT, AND LIABLE TO BE STRUCK DOWN.

Respectfully Sheweth:

Following are the facts, giving rise to the instant departmental appeal.

11. That, appellant was appointed as Chowkidar against BPS-3 on 20.07.2016. (Copy of appointment order is annexed as Annexure "A")

12. That appellant throughout his professional carrier performed his duty with zeal and zest, and never give any opportunity to his superiors to question his conduct or job.

Attested to be true Copy



(24)

13. That, appellant is serving in the Health department under your kind control since 6 years approximately in civil Dispensary Lakhala, Abbottabad.

14. That on the political basis the appellant was transferred by the District Health officer Abbottabad from Civil Dispensary Lakhala Tehsil Lower Tanawal District Abbottabad to Civil Dispensary Leeran, Tehsil Lora, District Abbottabad situated in far flung and hilly area of Abbottabad. Copy of impugned transfer order is attached as annexure "B".

15. That there are many other employees in Health department who are serving at the same station from last 25 years but only the appellant is transferred purely on political basis.

16. That the appellant was transferred on 07/07/2022 but malafidely no transfer Order is provided to appellant till now, and appellant succeeded to get the copy of same through whats app and now filling the instant departmental appeal before your good self.

Noted to be true Copy



17. That in charge of Civil Dispensary Lakhala compelled the appellant to relinquish the charge, when he is asked about transfer Orders of appellant, he replied that he did not receive any transfer order in writing, which is malafide on their part.

18. That appellant is very poor person and cannot afford the travelling expenses, rent of room in far flung area of Leeran being class four employees as the Leeran is situated at the distance of 6 hours by road from the village of appellant.

19. That as per Khyber Pakhtunkhwa civil Servant (appointment, promotion and Transfer) Rules, 1989, the appointment to the post in Basic Pay Scale 3 and 5 shall ordinarily be made on the local basis, so, they cannot be transferred out of locality.

20. That, petitioner left with no other option but to assails the impugned transfer order before your good self, inter-alia, on the following grounds:-

Attested to be true Copy



96

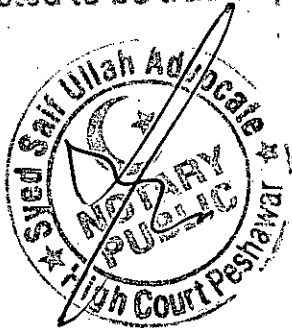
GROUNDS:

h) That the transfer order is against the fundamental right of the appellant, which is guaranteed under constitution of Islamic republic of Pakistan 1973.

i) That the impugned transfer order is illegal, unlawful, against law, against facts and circumstances of the case and against the principle of natural justice.

j) That the impugned Transfer Order issued by respondents is against the sub Rule 3 of Rule 12 of Khyber Pakhtunkhawa civil Servant (appointment, promotion and Transfer) Rules, 1989, the appointment to the post in Basic Pay Scale 3 and 5 shall ordinarily be made on the local basis, so, they cannot be transferred out of locality. Hence, the impugned order is liable to be set aside.

Attested to be true Copy



k) That appellant is transferred purely on political basis.

27

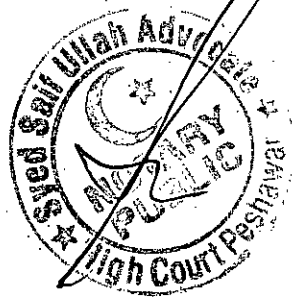
- l) That impugned transfer order is sheer violation of law and Rules on the subject, and impugned order is also based on discrimination.
- m) That appellant is serving in BPS 3 as Chowkidar and as per Rules appellant cannot be transferred out of locality.
- n) The appeal is well within time.

It is therefore, requested that on acceptance of instant departmental appeal, the impugned transfer order dated 07/07/2022 issued by DHO Abbottabad graciously be set aside and struck down and same may kindly be Cancelled.

Dated:05/08/2022

APPELLANT

Attested to be true Copy



Muhammad Raffaq S/O Muhammad Sabir Village and P.O Lakhala, Tehsil And District Abbottabad presently Chowkidar Civil Dispensary Lakhala, Abbottabad.

98

TC

WORTHY SECRETARY HEALTH DEPARTMENT
KHYBER PAKHTUNKHAWA, PESHAWAR.

SUBJECT: DEPARTMENTS APPEAL AGAINST THE TRANSFER ORDER NO.6249-52 DATED 07/07/2022 ISSUED BY DISTRICT HEALTH OFFICER ABBOTTABAD VIDE WHICH THE APPELLANT HAS TRANSFERED FROM CIVIL DISPENSARY LAKHALA (TEHSIL LOWER TANAWAL) TO CIVIL DISPENSARY LEERAN (TEHSIL LORA) WHICH IS ILLEGAL, AGAINST LAW, VOID AB-INITO, BASED ON POLITICAL REVENGE AND DISCRIMINTION, SO THE IMPUGNED TRANSFER ORDER HAS NO LEGAL EFFECT UPON THE APPELLANT, AND LIABLE TO BE STRUCK DOWN.

Respectfully Sheweth:

Following are the facts, giving rise to the instant departmental appeal.

1. That, appellant was appointed as Chowkidar against BPS-3 on 20.07.2016. (Copy of appointment order is annexed as Annexure "A")
2. That appellant throughout his professional carrier performed his duty with zeal and zest, and never give any opportunity to his superiors to question his conduct or job.



3. That, appellant is serving in the Health department under your kind control since 6 years approximately in civil Dispensary Lakhala, Abbottabad.
4. That on the political basis the appellant was transferred by the District Health officer Abbottabad from Civil Dispensary Lakhala Tehsil Lower Tanawal District Abbottabad to Civil Dispensary Leeran, Tehsil Lora, District Abbottabad situated in far flung and hilly area of Abbottabad. Copy of impugned transfer order is attached as annexure "B".
5. That there are many other employees in Health department who are serving at the same station from last 25 years but only the appellant is transferred purely on political basis.
6. That the appellant was transferred on 07/07/2022 but malafidely no transfer Order is provided to appellant till now, and appellant succeeded to get the copy of same through whats app and now filling the instant departmental appeal before your good self.

- (30)
7. That in charge of Civil Dispensary Lakhala compelled the appellant to relinquish the charge, when he is asked about transfer Orders of appellant, he replied that he did not receive any transfer order in writing, which is malafide on their part.
 8. That appellant is very poor person and cannot afford the travelling expenses, rent of room in far flung area of Leeran being class four employees as the Leeran is situated at the distance of 6 hours by road from the village of appellant.
 9. That as per Khyber Pakhtunkhawa civil Servant (appointment, promotion and Transfer) Rules, 1989, the appointment to the post in Basic Pay Scale 3 and 5 shall ordinarily be made on the local basis, so, they cannot be transferred out of locality.
 10. That, petitioner left with no other option but to assails the impugned transfer order before your good self, inter-alia, on the following grounds:-

GROUNDS:

- a) That the transfer order is against the fundamental right of the appellant, which is guaranteed under constitution of Islamic republic of Pakistan 1973.
- b) That the impugned transfer order is illegal, unlawful, against law, against facts and circumstances of the case and against the principle of natural justice.
- c) That the impugned Transfer Order issued by respondents is against the sub Rule 3 of Rule 12 of Khyber Pakhtunkhawa civil Servant (appointment, promotion and Transfer) Rules, 1989, the appointment to the post in Basic Pay Scale 3 and 5 shall ordinarily be made on the local basis, so, they cannot be transferred out of locality. Hence, the impugned order is liable to be set aside.
- d) That appellant is transferred purely on political basis.

- e) That impugned transfer order is sheer violation of law and Rules on the subject, and impugned order is also based on discrimination.
- f) That appellant is serving in BPS 3 as Chowkidar and as per Rules appellant cannot be transferred out of locality.
- g) The appeal is well within time.

It is therefore, requested that on acceptance of instant departmental appeal, the impugned transfer order dated 07/07/2022 issued by DHO Abbottabad graciously be set aside and struck down and same may kindly be Cancelled.

Dated:05/08/202

APPELLANT

Muhammad Raffaq S/O Muhammad Sabir Village and P.O Lakhala, Tehsil And District Abbottabad presently Chowkidar Civil Dispensary Lakhala, Abbottabad.

No. 406

For Insurance Notices see reverse. Stamps affixed except in case of RGL 81798284 not more than described in the in which no

Rs. Ps.

70 AD

RAD00516200 ACKNOWLEDGEMENT IS DUE

Received a registered* addressed to Society Health (Date Stamp)

Initials of Receiving Officer KPK with the word "insured" before it when necessary. Society Health (in words)

Insured for Rs. (in figures)

If insured.

Insurance fee Rs. 0 Ps. 0 (in words) Office Weight Kilo Grams

Name and address of sender RWF 5/18/22

No. 407

For Insurance Notices see reverse. Stamps affixed except in case of RGL 81798285 not more than described in the in which no acknowledgement is due. RAD00516201

Rs. Ps.

70 AD

Received a registered* addressed to D G Health (Date Stamp) KPK

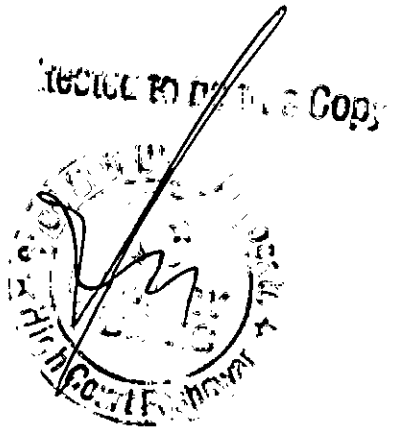
Initials of Receiving Officer KPK with the word "insured" before it when necessary.

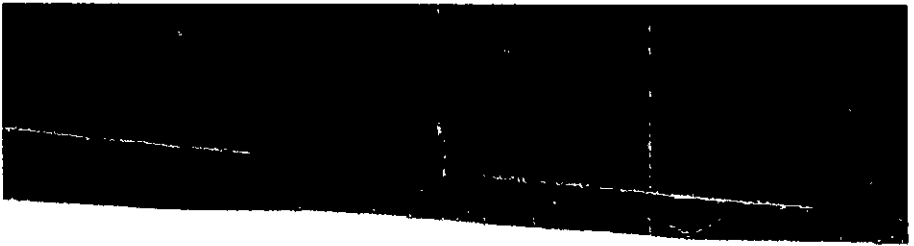
Insured for Rs. (in figures) 0 (in words) Parcel

If insured.

Insurance fee Rs. 0 Ps. 0 (in words) Parcel

Name and address of sender POS...





13-8-2022

[Handwritten signature]

نہی کی گئی
81798648
P
ATM

Chaukadar

[Handwritten mark]
Larkhala

P.S.S

MAHARAJA
RCU 817 5045

Registered to be true COPY



35



To,

Name: D G Health & PK

Address: Civil Secretariat Complex
WAZIRKOT Road Peshawar

CITY: Peshawar

Post Code: Phone: 091-7210269

E-Mail: Cell:

Postage Stamp

Bar code

Date



Trace your article at
ep.gov.pk

Call Center
111-111-117
051-8487080

Online at
www.pakpost.gov.pk



To,

Name: Secretary Health K PK

Address: Secretary Health Office,
Health Secretariat HRD Building
Attached Dept. Complex Gate #5
Khyber Road Peshawar

Post Code: Phone:

E-Mail: Cell:

Postage

Bar code

Date



Trace your article at
ep.gov.pk

Call Center
111-111-117
051-8487080



قیمت
50 روپے

33717



ایڈووکیٹ خدیجہ بیگم صاحبہ ایڈووکیٹ

بار کونسل ایسوسی ایشن نمبر: 10-1210

رابطہ نمبر: 0332-8412235

0333 5039488

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: سروس ڈیپوٹل پشاور

منجانب: اہدائے (محمد زفاق)	دعویٰ: سروس ڈیپوٹل
 <p>محمد زفاق صورت 10-1210 پشاور</p>	علت نمبر: _____
	مورخہ: _____
	جرم: _____
	تھانہ: _____
باعت تحریر آنگہ	

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ

آن مقام پشاور کیلئے خدیجہ بیگم صاحبہ ایڈووکیٹ کو وکیل مقرر کر کے قرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ لکھنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کر کے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کواپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو کوئی جملہ مذکورہ بالا اختیار حاصل ہوں گے اور اس کا سہاختہ پروا خستہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جہانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب یا بندہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

الموقع: 13/05/2024
PESHAWAR BAR ASSOCIATION
KHYBER PAKHTOONKHWA

نوٹ: اس وکالت نامہ کو کوئی تاقابل قبول ہوگی۔

FIDA BAHADAR
Advocate
Supreme Court of Pakistan