

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

Service Appeal No. 402/24

Dr-Bushra Abdul Waheed Daughter of Abdul Waheed, WMO, Resident of  
Al-Awan House, Tarkanna Road Supply, Tehsil And District Abbottabad.  
...Appellant

Versus

Government of Khyber Pakhtunkhwa, through Secretary Health, Peshawar  
and others.


...Respondents

**SERVICE APPEAL**

**NOTE**

it is hereby mentioned that the instant format of service appeal is being filed  
upon the direction of this Honourable Tribunal dated 29-05-2024 as the writ  
petition of the present appellant has been sent by Honourable Peshawar  
High Court to this Honourable tribunal therefore annexures listed in the  
index have already been attached to the previous file in this submission, we  
are only delivering the main appeal as directed by .

**Next date AT AbbotTabad : 24-6-2024**

  
Abdul Aziz Tanali  
0311-8775478  

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# KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

## CHECK LIST

Versus

*Dr. Bushra Wahheed.*  
..... Appellant

*Gout*  
..... Respondents

S No	CONTENTS	YES	No
1. 1	This petition has been presented by Abdul Aziz Advocate High Court	✓	
2.	Whether Counsel/Appellant/Respondent/Deponent have signed he requisite documents?	✓	
3.	Whether appeal is within time?	✓	
4.	Whether the enactment under which the appeal is filed mentioned	✓	
5.	Whether the enactment under which the appeal is filed correct		
6.	Whether affidavit is appended?	✓	
7.	Whether affidavit is duly attested b competent Oath Commissioner?	✓	
8.	Whether appeal/annexures are properly paged?	✓	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished ?	✓	
10.	Whether annexures are legible?	✓	
11.	Whether annexures are attested	✓	
12.	Whether copies of annexures are readable/clear?	✓	
13.	Whether copy of appeal is delivered to AG/DAG	✓	*
14.	Whether Power of Attorney of the Counsel engaged engaged is attested and signed by petitioner/appellant/respondents?	✓	
15.	Whether numbers of referred cases given are correct?	✓	
16.	Whether appeal contains cutting/overwriting?		✓
17.	Whether list of books has been provided at the end of the appeal?	✓	✓
18.	Whether case is relate to this court	✓	
19.	Whether requisite number of spare copies attached?	✓	
20.	Whether complete spare copy is filed in separate file cover	✓	
21.	Whether addresses of parties given are complete?	✓	
22.	Whether index filed?	✓	
23.	Whether index is correct	✓	
24.	Whether security and process fee deposit? on _____		
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 rule 11, notice along with copy of appeal and annexures has been to respondents? on _____	✓	
26.	Whether copies of comments/reply/rejoinder submitted? On _____	X	
27.	Whether copies of comments/reply/rejoinder provided to opposite party? On _____		

it is certified that formalities/documentation as required in the above table have been fulfill

Name:- *Abdul Aziz Advocate*

Signature:- *[Signature]*

Dated:- *27-06/2024.*

*03118775478*

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

Service Appeal No. 402/24

Dr-Bushra Abdul Waheed Daughter of Abdul Waheed, WMO, Resident of Al-Awan House, Tarkanna Road Supply, Tehsil And District Abbottabad.

...Appellant

**Versus**

Government of Khyber Pakhtunkhwa, through Secretary Health, Peshawar and others.

...Respondents

**SERVICE APPEAL**

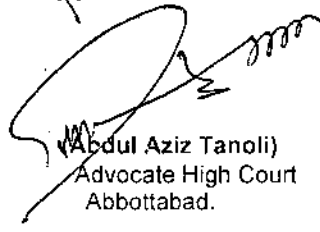
**INDEX**

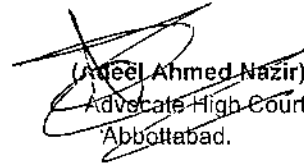
S.#	Description	Page no	Annexure
1	Service appeal	1-10	
2	Affidavit	11	
3	Copy of the Notification dated 06-09-2017	12-15	"A"
4	Copy of arrival report dated 29-01-2019	16	"B"
5	Copies of the notifications dated 08-08-2019 & 29-10-2019 along with arrival report dated 31-10-2019 and notification dated 27/01/2020	17-21	"C"
6	Copy of the order dated 31/10/2019	22	"D"
7	Copies of the internal transfer orders and letter dated 09/03/2021	23-25	"E"
8	Copy of Correspondence/ applications of the Appellant	26-28	"G"
9	Copy of Notification number SO(E)H-II/3-18/2019 dated 30/10/2019 of respondent no-1	29	"H"
7	Copy of the notices of filing of writ petition and receipts	30-35	"I"
8	Stamp paper worth Rs-500/-	36	
9	Wakalatnamas	37	

Dated 07-06-2024

Through,

**Appellant**

  
(Abdul Aziz Tanoli)  
Advocate High Court  
Abbottabad.

  
(Adeel Ahmed Nazir)  
Advocate High Court  
Abbottabad.

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

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

Dr-Bushra Abdul Waheed Daughter of Abdul Waheed, WMO, Resident of Al-Awan House, Tarkanna Road Supply, Tehsil And District Abbottabad.

**Appellant**

**Versus**

**Khyber Pakhtunkhwa  
Service Tribunal**

Diary No. 13385

Dated 11-06-2024

- 1- Government of KPK, through Secretary Health, Peshawar.
- 2- Director General Health Services, Khyber Pakhtunkhwa Peshawar.
- 3- District Health Officer, Abbottabad.
- 4- Medical Superintendent District Head-Quarter Hospital, District Abbottabad.
- 5- District Account Officer Abbottabad.

.....Respondents

**SERVICE APPEAL UNDER SECTION-4 OF  
KHYBER PAKHTUNKHWA SERVICES  
TRIBUNAL ACT, 1974, TO THE EFFECT THAT  
THE APPELLANT, AFTER BEING APPOINTED  
ON 06-09-2017 AND AFTER SUBMITTING  
HER ARRIVAL ON COMPLETING HER TMO's  
TRAINING ON 29-01-2019 AND AFTER  
BEING POSTED TO DHQ ABBOTTABAD VIDE  
NOTIFICATION DATED 30-10-2019, IS  
SERVING THE DEPARTMENT AND  
PERFORMING HER DUTIES TILL DATE, THE**

ACT OF RESPONDENTS, BY NOT POSTING  
THE APPELLANT IN THE INTERVENING  
PERIOD, AND DESPITE OF THE ORDER OF  
REGULARIZATION DATED 30-10-2019 BY  
RESPONDENT NO-1, NOT ISSUING THE  
SALARY AND BENEFITS OF THE APPELLANT  
FOR THE INTERVENING PERIOD  
FURTHERMORE NOT ISSUING THE 10%  
SHRE OF BASIC SALARY AFTER JOINING  
THE DHQ HOSPITAL TILL DATE IS IN  
COMPLETE CONTRAVENTION OF LAW,  
RULES/ REGULATIONS AND IS VOILATION  
OF THE FUNDAMENTAL RIGHTS OF THE  
APPELLANT AS ENSHRINED IN THE  
CONSTITUTION OF THE ISLAMIC REPUBLIC  
OF PAKISTAN 1973.MOREOVER ACT OF  
RESPONDENT NO-4 BY NOT DESIGNATING  
THE APPELLANT THE DUTIES SHE HAS  
SPECIALISED FOR(FPCS SURGERY TRAINED)  
AND THEREBY VIOLATING THE PRINCIPLE  
OF "RIGHT PERSON FOR THE RIGHT JOB"  
AND MAKING HER ROLLING STONE BY  
POSTING HER FROM ONE DEPARTMENT TO  
ANOTHER AFTER SHORT INTERVALS IS  
ALSO ILLEGAL, AND UNCONSTITUTIONAL.  
THE ACTS OF RESPONDENTS ARE ILLEGAL  
UNLAWFUL AND ARE NOT ONLY  
DISCRIMINATION BUT ALSO SHEER  
VIOLATION OF FUNDAMENTAL RIGHTS OF  
APPELLANT, AGAINST THE LAW AND  
NORMS OF JUSTICE, HENCE ARE LIABLE TO  
BE INTRFERED BY THE HONOURABLE  
TRIBUNAL.

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**PRAYER:** ON ACCEPTANCE OF THE INSTANT APPEAL, DIRECTION MAY KINDLY BE ISSUED TO THE EFFECT THAT THE APPELLANT, AFTER BEING APPOINTED ON 06-09-2017 AND AFTER SUBMITTING HER ARRIVAL ON COMPLETING HER TMO'S TRAINING ON 29-01-2019 AND AFTER BEING POSTED TO DHQ ABBOTTABAD VIDE NOTIFICATION DATED 30-10-2019, IS SERVING THE DEPARTMENT AND PERFORMING HER DUTIES TILL DATE. THE ACT OF RESPONDENTS, BY NOT POSTING THE APPELLANT IN THE INTERVENING PERIOD, AND DESPITE OF THE ORDER OF REGULARIZATION DATED 30-10-2019 BY RESPONDENT NO-1, NOT ISSUING THE SALARY AND BENEFITS OF THE APPELLANT FOR THE INTERVENING PERIOD AND NOT ISSUING THE 10% SHARE OF BASIC SALARY AFTER JOINING THE DHQ HOSPITAL TILL DATE IS IN COMPLETE CONTRAVENTION OF LAW, RULES/ REGULATIONS AND IS VIOLATION OF THE FUNDAMENTAL RIGHTS OF THE APPELLANT AS ENSHRINED IN THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN 1973. MOREOVER ACT OF RESPONDENT NO-4 BY NOT DESIGNATING THE APPELLANT THE DUTIES SHE HAS SPECIALIZED FOR, (FCPS SURGERY TRAINED) AND THEREBY VIOLATING THE PRINCIPLE OF "RIGHT PERSON FOR THE RIGHT JOB" AND MAKING HER ROLLING STONE BY POSTING HER FROM ONE DEPARTMENT TO ANOTHER AFTER SHORT INTERVALS IS ALSO ILLEGAL, UNLAWFUL AND UNCONSTITUTIONAL. THE RESPONDENTS MAY KINDLY BE ORDERED TO TAKE THE APPELLANT AT CHARGE W.E.F. 29-01-2019 AND HER SALARY AND BENEFITS FOR THE INTERVENING PERIOD ALONG WITH 10% WMC SHARE TILL DATE, MAY KINDLY BE ORDERED TO BE RELEASED AND APPELLANT MAY KINDLY BE ASSIGNED THE DUTIES AS ACCORDING TO HER QUALIFICATION AND

EXPERTISE MOREOVER ALL BACK BENEFITS AND CONSEQUENTIAL RELIEF OF THE APPELLANT MAY ALSO BE GRANTED. ANY OTHER RELIEF THIS HONOURABLE TRIBUNAL DEEMS FIT AND PROPER, IN THE CIRCUMSTANCES, MAY ALSO BE GRANTED.

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Respectfully Sheweth,

The Appellant very humbly submits as under:

1. That the Appellant successfully qualified the competitive examination through Public Service Commission and got appointed as Medical Officer BPS-17 in the respondent Department vide notification no SO(E)H-II/3-18/2017/1830 dated 06-09-2017. **(Copy of the Notification dated 06-09-2017 is Attached as Annexure "A")**
2. That the Appellant was granted extraordinary leave without pay for the purpose of training (TMOship). The Appellant successfully completed her FCPS-II training from post Graduate Medical Institute and duly reported the department on 29/01/2019 having diary number 4228. **(Copy of arrival report dated 29-01-2019 is attached as annexure "B")**
3. That the Appellant, after approaching the office of respondents several times, got posted vide notification dated 08-08-2019 and subsequently 29-10-2019 to District Head Quarter Hospital Abbottabad and assumed her charge on 31/10/2019 which was duly notified vide notification dated 27-01-2020. **(Copies of the notifications dated 08-08-2019 & 29-10-2019 along with arrival report dated 31-10-2019 and notification dated 27/01/2020 are attached as annexure "C")**
4. That the Appellant was adjusted at the disposal of HOD Gynae WCH by respondent no-4 vide order dated 31/10/2019 which obviously was not the job according to her specialties **(Copy of the order dated 31/10/2019 is Attached as Annexure "D")**

5. That, from that point onwards; the Appellant was made a ping pong ball by being transferred from one department to another on regular basis, making sure that she does not get the field of her specialty. It is pertinent to mention here that HOD Surgical unit through a letter dated 09/03/2021 recommended the adjustment of Appellant in surgery ward as the surgery ward was short of medical officer for the smooth running of the said ward but such genuine request of HOD also went prey to the high handedness of respondent no-4 **(Copies of the internal transfer orders and letter dated 09/03/2021 are attached as Annexure "E")**
6. That the irony of the situation was aggravated when the Appellant was adjusted in the respondent Hospital neither the salary of the Appellant was issued from date of her arrival till 30-10-2019, nor the 10% share of WMC(Part of salary) on proportionate basis was released, despite of several requests and correspondence of the Appellant with respondents, the Appellant also moved an application to Commandant WMC for release of her 10% share which was not considered. **(Copy of Correspondence/ applications of the Appellant is attached as annexure "G")**
7. That the stance of Appellant was affirmed by the self explanatory letter issued from the office of respondent no-1 wherein the right of Appellant to the extent of salary for the intervening period was accepted but no further action whatsoever was taken by the respondents and the salary for the period still stands unpaid. **(Copy of Notification number SO(E)H-II/3-18/2019 dated 30/10/2019 of respondent no-1 is attached as annexure "H")**
8. That the acts of respondents has not only deprived the Appellant from her hard-earned salary but also her service period is not being taken into count, adversely affecting the seniority, pay and allowances of the Appellant.



9. That the appellant having aggrieved from the act and action of the respondent the instant service appeal is being filed, on the following inter alia amongst many other;

**GROUNDS:**

- a. That act of respondents is against the law, unconstitutional, discriminatory, victimizing, Malafide, Biased, perverse and void ab-initio; hence liable to be interfered by this Honourable court.
- b. That the Appellant is discriminated against in a complete violation of article-25 of the constitution of Islamic Republic of Pakistan.
- c. That the act of respondents squarely falls within the definition of exploitation as defined in the constitution of Islamic Republic of Pakistan and service laws.
- d. That the public functionaries are bound to act in accordance with law but the Appellant has not been dealt with in accordance with law and constitution, which warrants immediate interference by the Honourable Court.
- e. That the act of respondent department is not only against the norms of justice but also discriminatory, against the law and unwarranted.
- f. That respondent no-4 has missed no opportunity in humiliating, degrading and harassing the Appellant throughout her period in the hospital

which has resulted in severe mental stress and health problems.

- g. That the instant format of service appeal is being filed upon the direction of this honorable Tribunal dated 29-05-2024, as the writ petition of the present appellant has been sent by Honorable Peshawar High Court to this Honourable Tribunal.
- h. That the appeal of the appellant is within time
- i. That others grounds will be agitated with the permission of this honorable tribunal at the time of arguments.

IT IS THEREFORE, VERY RESPECTFULLY PRAYED THAT ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL, A DIRECTION MAY KINDLY BE ISSUED TO THE EFFECT THAT THE APPELLANT, AFTER BEING APPOINTED ON 06-09-2017 AND AFTER SUBMITTING HER ARRIVAL ON COMPLETING HER TMO'S TRAINING ON 29-01-2019 AND AFTER BEING POSTED TO DHQ ABBOTTABAD VIDE NOTIFICATION DATED 30-10-2019, IS SERVING THE DEPARTMENT AND PERFORMING HER DUTIES TILL DATE. THE ACT OF RESPONDENTS, BY NOT POSTING THE APPELLANT IN THE INTERVENING PERIOD, AND DESPITE OF THE ORDER OF REGULARIZATION DATED 30-10-2019 BY RESPONDENT NO-1, NOT ISSUING THE SALARY AND BENEFITS OF THE APPELLANT FOR THE INTERVENING PERIOD AND NOT ISSUING THE 10% SHARE OF BASIC SALARY AFTER JOINING THE DHQ HOSPITAL TILL DATE IS IN COMPLETE CONTRAVENTION OF

LAW, RULES/ REGULATIONS AND IS VIOLATION OF THE FUNDAMENTAL RIGHTS OF THE APPELLANT AS ENSHRINED IN THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN 1973. MOREOVER ACT OF RESPONDENT NO-4 BY NOT DESIGNATING THE APPELLANT THE DUTIES SHE HAS SPECIALIZED FOR (FCPS SURGERY TRAINED) AND THEREBY VIOLATING THE PRINCIPLE OF "RIGHT PERSON FOR THE RIGHT JOB" AND MAKING HER ROLLING STONE BY POSTING HER FROM ONE DEPARTMENT TO ANOTHER AFTER SHORT INTERVALS IS ALSO ILLEGAL, AND UNCONSTITUTIONAL. THE RESPONDENTS MAY KINDLY BE ORDERED TO TAKE THE APPELLANT AT CHARGE W.E.F. 29-01-2019 AND HER SALARY AND BENEFITS FOR THE INTERVENING PERIOD ALONG WITH 10% WMC SHARE TILL DATE, MAY KINDLY BE ORDERED TO BE RELEASED AND APPELLANT MAY KINDLY BE ASSIGNED THE DUTIES AS ACCORDING TO HER QUALIFICATION AND EXPERTISE. ANY OTHER RELIEF THIS HONOURABLE COURT DEEMS FIT AND PROPER, IN THE CIRCUMSTANCES, MAY ALSO BE GRANTED.

Appellant

Through:

Dated 07-06-2024

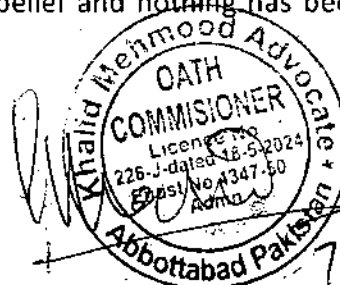
(Abdul Aziz Tanoli)  
Advocate High Court  
Abbottabad.

(Adeel Ahmed Nazir)  
Advocate High 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 mis-stated or concealed from this Honourable Tribunal.

Dated 07-06-2024



Appellant

7/6/2024

**BEFORE THE SERVICES TRIBUNAL, KHYBER  
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Abbottabad.

...Appellant

**Versus**

Government of Khyber Pakhtunkhwa, through Secretary Health,  
Peshawar and others.

...Respondents

**SERVICE APPEAL**

**ADDRESS OF PARTIES**

ADDRESSES OF PARTIES ARE CORRECTLY GIVEN  
ON HEADING OF SERVICE APPEAL.

Dated 07-06-2024

Through:

~~Appellant~~

(Abdul Aziz Tanoli)  
Advocate High Court  
Abbottabad.

(Adeel Ahmed Nazir)  
Advocate High Court  
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**...Respondents**

**SERVICE APPEAL**

**AFFIDAVIT**

I, Dr-Bushra Abdul Waheed Daughter of Abdul Waheed, WMO, Resident of Al-Awan House, Tarkanna Road Supply, Tehsil And District Abbottabad (Appellant), do hereby affirm and declare that the contents of instant service appeal are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable Tribunal.

Dated 07-06-2024

~~DEPONENT~~



7/6/2024