


FORM OF ORDER SHEET

Court of _____

Appeal No. 1406/2024

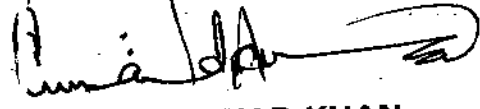
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	03-Sep-24	<p>The appeal of Mr. Shahzad Ali Khan resubmitted today by Mr. Junaid Anwar Khan Advocate. It is fixed for preliminary hearing before Single Bench at Abbottabad on 26-Sep-24. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

17.	Copy of the Notification dated: 27/05/2024 alongwith better copy	"N"	102-104
18.	Copy of the order of the wife of the appellant.	"O"	105
19.	Wakalat Nama		106

Dated:- 05/06/2024

Er. Shahzad Ali Khan
Appellant

Through:-



MUNIR ANWAR KHAN
Advocate Supreme Court
Of Pakistan

**BEFORE THE HONOURABLE KHYBER PAKHTONKHWA A
SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. 1406 /2024

Dr. Shazad Ali Khan son of Muhammad Fareed Swati resident of Fareed Bagh Mandian,
post Office Kotkay, Tehsil and District Mansehra / presently posted Medical
Superintendent (M/S) King Abdullah Hospital Mansehra.....APPELLANT

V E R S U S

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber
Pakhtunkhwa, Peshawar.
2. Government of Khyber Pakhtunkhwa through Secretary Health,
Peshawar..... RESPONDENTS

**SERVICE APPEAL UNDER SECTION 4 OF KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974
AGAINST THE IMPUGNED NOTIFICATION
BEARING NO.SOH (E-V) 2-2/2024 DATED 27.05.2024
ISSUED BY THE RESPONDENTS WHEREBY THE
APPELLANT WAS ORDERED TO BE TRANSFERRED
FROM THE POST OF MEDICAL SUPERINTENDENT
KING ABDULLAH TEACHING HOSPITAL,
MANSEHRA TO TEHSIL HEAD QUARTER
HOSPITAL TAKHT BAI MARDAN.**

PRAYER: -

On acceptance of the instant service appeal, the impugned notification bearing No.SOH(E-V)/2-2/2024 dated 27.05.2024 issued by the respondents whereby the appellant was transferred from the post of Medical Superintendent King Abdullah Teaching Hospital, Mansehra to Tehsil Headquarter Hospital Takht bai Mardan may please be set aside and the appellant may graciously be restored to its previous position i.e. Medical Superintendent, King Abdullah Teaching Hospital, Mansehra or any other order or relief as this Honourable Tribunal deems fit and appropriate in the circumstances of the case, may also be issued/passed.

Respectfully Sheweth!

1. That, the appellant is a bonafide resident of Fareed Bagh Mandian Kotkay, Tehsil and District Mansehra.

(Copy of the CNIC of the appellant is annexed as annexure "A").

2. That, the appellant is a qualified Doctor and is performing his duties

in the Management Cadre of the respondents' department.

(Copies of the educational testimonials of the appellant alongwith service record are annexed as annexure "B" & "C").

3. That, the appellant was initially inducted in the Health Department, Government of Khyber Pakhtunkhwa who was later on transferred and lastly posted as Medical Superintendent, King Abdullah Teaching Hospital, Mansehra vide notification bearing No.SOH(HD)/E-V/4-4/2020, dated 18.03.2020.

(Copy of the notification is annexed as annexure "D").

8. That, the appellant was working against the impugned post with great zeal and zest but the respondents illegally and unlawfully transferred the appellant by way of notification dated 09.07.2021.

(Copy of the impugned notification is annexed as annexure "E").

7. That, the appellant being aggrieved from the impugned notification,

submitted departmental appeals before the respondents but the same were not been adhered to by the respondents.

(Copies of the departmental appeals are annexed as annexure "F").

8. That, the appellant being aggrieved from the impugned notification duly filed a service appeal before the Honourable Service Tribunal, KPK Peshawar which was accepted vide order dated 09.11.2021 and directions were issued to the respondents to do further needful to bring the position in place as per accepted prayer of the appellant.

(Copies of the service appeal alongwith order are annexure as annexure "G").

9. That, the order of the Honourable Service Tribunal was not complied with by the respondents, therefore, the appellant being aggrieved from the actions/in-actions of the respondents filed an application for implementation of the order before the Honourable Service Tribunal, KPK Peshawar and the Honourable

Service Tribunal ordered for posting the appellant against the impugned post.

(Copies of the application for implementation alongwith order are annexed as annexure "H&I").

10. That, after hectic efforts by the appellant as well as upon the strict directions of the Honourable Service Tribunal, KPK Peshawar, the appellant was ordered to be posted on the post of Medical Superintendent, King Abdullah Teaching Hospital, Mansehra on 18.05.2022.

(Copy of the order dated 18.05.2022 is annexed as annexure "J").

11. That, after obtaining charge of the post of Medical Superintendent, King Abdullah Teaching Hospital, Mansehra and after the disposal of the implementation application of the appellant, the respondents unlawfully and illegally issued impugned notification dated 30.05.2022 whereby the appellant was again transferred from the post of Medical Superintendent, King Abdullah Teaching Hospital, Mansehra to

Directorate General, Health Service Khyber
Pakhtunkhwa, Peshawar.

*(Copy of the impugned order dated:
30/05/2022 is annexed as annexure "K").*

12. That, the appellant being aggrieved from the impugned order dated: 30.05.2022 submitted a departmental appeal before the respondents which was not attended to by the respondents against which the appellant filed Writ Petition before this Hon'ble Peshawar High Court as well as Service Appeal before the Hon'ble Service Tribunal, Khyber Pakhtunkhwa Peshawar, which was allowed by the Hon'ble Service Tribunal, Peshawar.

*(Copies of the Writ Petition and
Departmental Appeal are attached as
annexures "L & L1").*

13. That, the respondents later on refused to restore the services of the appellant in the light of the order of Khyber Pakhtunkhwa Service Tribunal, Peshawar hence the appellant submitted application for contempt of court before the Hon'ble

Service Tribunal, Peshawar which was listed before the Honourable Tribunal on 04.05.2023 and the respondents handed over the notification bearing No.SOH(E-V/4-4 / 2023 dated 02.05.2023 and thus the appellant's services have been restored as Medical Superintendent King Abdullah Teaching Hospital, Mansehra.

(Copies of the petition for contempt of court alongwith order are annexed as annexure "M").

14. That, the appellant started to perform his duties in the light of the order dated 04.05.2023 and never remained negligent in performance of his duties but after lapse of only one year, the respondents issued the impugned notification bearing No. SOH(E-V)/2-2/2024 dated 27.05.2024 whereby the appellant was transferred from the post of Medical Superintendent King Abdullah Teaching Hospital, Mansehra to Tehsil Headquarter Hospital Takht bai Mardan.

(Copy of the notification dated 27.05.2024 is annexed as annexure "N").

15. That, the appellant time and again visited the offices of the respondents for the cancellation of the impugned notification but in vain hence the appellant being aggrieved from the impugned notification seeks the gracious indulgence of this Honourable Tribunal by way of instant service appeal, inter alia on the following grounds: -

GROUNDS

- i. That, the impugned notification bearing No.SOH(E-V)/2-2/2024 dated 27.05.2024 issued by the respondents whereby the appellant was transferred from the post of Medical Superintendent King Abdullah Teaching Hospital, Mansehra to Tehsil Headquarter Hospital Takht bai Mardan is wrong, illegal, against the law and facts, arbitrary, fanciful, perverse hence being unconstitutional liable to be set aside .

- ii. That, admittedly, the appellant was given the charge of the impugned post in the light of the order of Honourable Service Tribunal, Peshawar dated 04.05.2023 by way of order dated 02.05.2023 and since then the appellant is serving against the impugned post with great zeal and zest and there is not even a single departmental or public complaint against the appellant hence no legal justification rests with the respondents to transfer the appellant from the impugned post.
- iii. That, the appellant has obtained the initial charge of the impugned post by way of notification SOH(HD)/E-V/4-4/2020 dated 18.03.2020 and since the passage of said order, the respondents have transferred the appellant 3/4 times and all the times, the said transfer notifications were reverted back by this Honourable Tribunal which speaks volume of malafide on the part of the respondents.
- iv. That, the appellant has been politically victimized by the respondents and the respondents

while making themselves as pawn in the hands of the local political figure of the locality have issued the impugned notification just to facilitate their blue eyed chap.

- v. That, it is well settled by now that the political figures have nothing to do with the transfer or posting rather the same is the pure domain of the relevant department but in the matter in hand, all the proceedings have been carried out at the behest of the political figure of the area which is not warranted under the law.
- vi. That, the impugned notification is against the norms of fair play, good conscious, equity as well as against the fundamental rights of the appellant hence the same is liable to be brushed aside.
- vii. That, the law does not permit the respondents to disturb the services of any employee but the respondents while considering them above the law have issued the impugned notification mere on the basis of political influence of the respondent

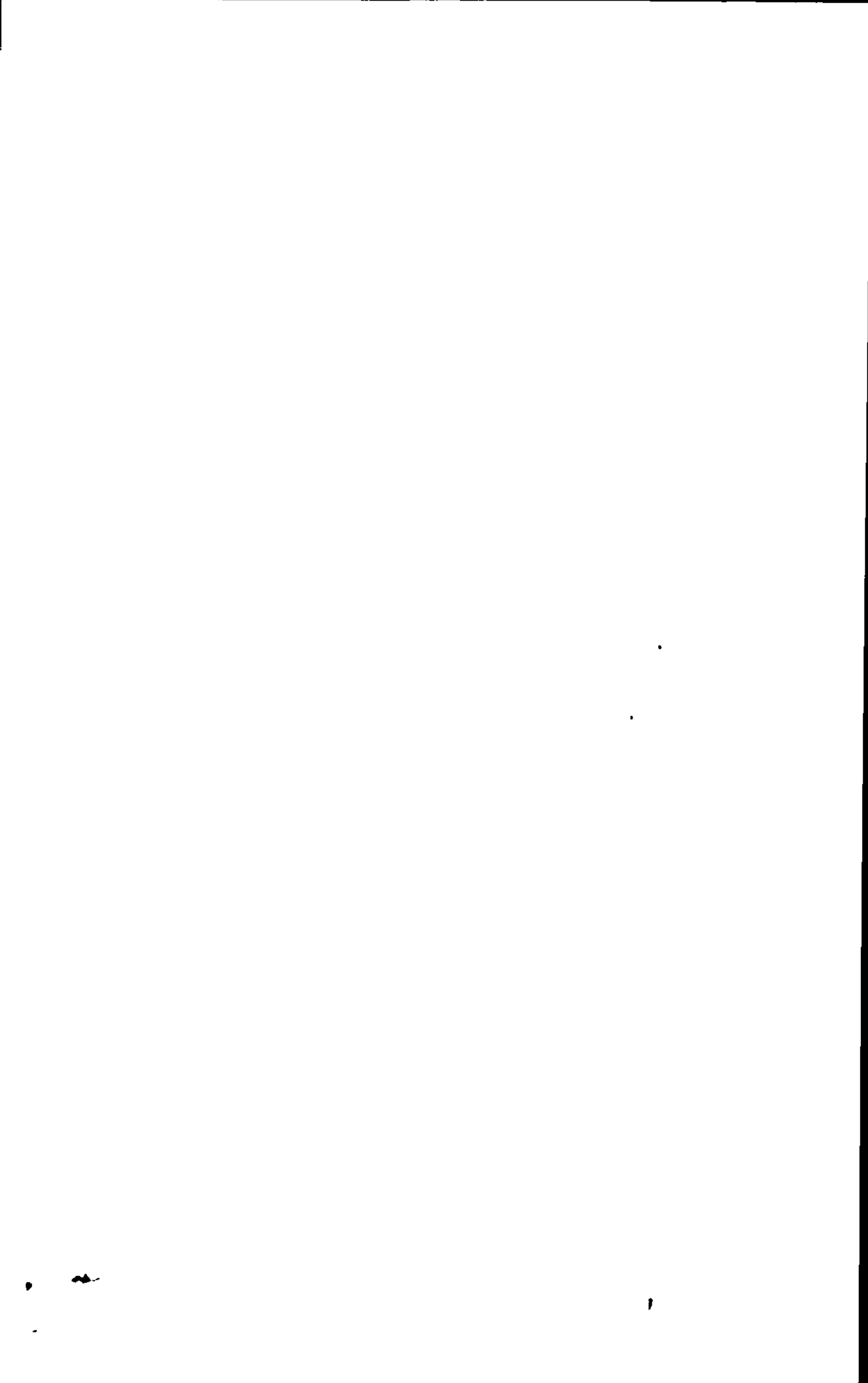
No.6 and that too without completion of the tenure of the appellant hence the impugned notification being, hit by the relevant law, rules and policy on the subject have no legal sanctity in the eyes of law.

- viii. That, relevant law, rules and regulations have blatantly bypassed/ violated by the respondents and the relevant law, rules and regulations have never been taken into consideration by the respondents and thus the notification so passed by the respondents have no legal sanctity in the eyes of law.
- ix. That, no solid, valid, concrete or confidence inspiring reasons/ justification has been given by the competent authority while transferring the appellant from King Abdullah Teaching Hospital, Mansehra.
- x. That, the respondents have also flouted and violated the provisions of spouse policy on the subject whereas spouse policy is also in favour of the appellant as his wife is serving in District Mansehra and the spouse policy duly supports the version of

the appellant that husband and wife must be adjusted in the same District.

(Copy of the order of the wife of the appellant is annexed as annexure "O").

- xi. That, relevant law, rules and regulations have completely been bypassed by the competent authority while carrying out the impugned proceedings regarding transfer of the appellant.
- xii. That, the competent authority failed to exercise its powers in accordance with the relevant law, rules and regulations rather travelled beyond the powers so vested in it under the law.
- xiii. That, the appellant has unblemished service career as the appellant. He is performing his duties with great zeal and zest and never remained negligent in performance of his assigned duties. Similarly, neither any departmental nor any public complaint is available against the appellant.



- xiv. That, it is an inalienable right of the appellant to enjoy the protection of law and to be treated in accordance with law, rules and regulations but such right of the appellant has been infringed in a sheer malafide manner.
- xv. That, the impugned transfer order has neither been in the best interest of public service nor in exigencies of service, hence, not tenable and liable to be set aside.
- xvi. That, the impugned transfer order is nothing but to harass the appellant and to accommodate their blue eyed person.
- xvii. That, the impugned transfer order is violative of clause-I, IV and XIII of the transfer/ posting policy of the Government of Khyber Pakhtunkhwa as the appellant has been transferred prematurely from his current post.
- xviii. That, the powers or jurisdiction are vested in authority to exercise it justly, fairly, honestly, judiciously and in accordance with law, rules and regulations but the respondents

have transgressed upon their powers while dealing with the matter in hand.


.....PRAYER.....

It is, therefore, most humbly prayed that on acceptance of the instant service appeal, the impugned notification bearing No.SOH(E-V)/2-2/2024 dated 27.05.2024 issued by the respondents whereby the appellant was transferred from the post of Medical Superintendent King Abdullah Teaching Hospital, Mansehra to Tehsil Headquarter Hospital Takht bai Mardan may please be set aside and the appellant may graciously be restored to its previous position i.e. Medical Superintendent, King Abdullah Teaching Hospital, Mansehra or any other order or relief as this Honourable Tribunal deems fit and appropriate in the circumstances of the case, may also be issued/passed.

Dated 27.05.2024

Dr. Shahzad Ali Khan
.....Appellant

Through


JUNAID ANWAR KHAN,
Advocate Supreme Court
Of Pakistan.

AFFIDAVIT

I, Dr. Shahzad Ali Khan son of Muhammad Fareed Swati resident of Fareed Bagh Mandian, post Office Kotkay, Tehsil and District Mansehra, appellant, do hereby solemnly affirm and declare on oath that the contents of the foregoing Service Appeal are true and correct and nothing has been concealed from this Honourable Tribunal.

Dated 05.06.2024


Dr. Shahzad Ali Khan
(DEPONENT)

**BEFORE THE PESHAWAR HIGH COURT,
BENCH ABBOTTABAD**

C.M No. _____ of 2024

IN

Service Appeal No. _____ of 2024

Dr. Shahzad Ali KhanAPPELLANT

VERSUS

Government of Khyber Pakhtunkhwa through
Chief Secretary, Khyber Pakhtunkhwa,
Peshawar etc.....RESPONDENTS

SERVICE APPEAL

**APPLICATION SEEKING SUSPENSION
OF THE OPERATION OF IMPUGNED
NOTIFICATION BEARING NO. SOH(E-
V)/2-2/2024 DATED 27.05.2024 AND FOR
ISSUANCE OF TEMPORARY
INJUNCTION TO THE EFFECT THAT
THE RESPONDENTS MAY PLEASE BE
RESTRAINED FROM TRANSFERRING
THE APPELLANT FROM KING
ABDULLAH TEACHING HOSPITAL,
MANSEHRA TO TEHSIL HEADQUARTER
HOSPITAL TAKHT BAI MARDAN OR
ANY OTHER PLACE, TAKING CHARGE
FROM THE APPELLANT, RELIEVING
THE DUTIES OF THE APPELLANT,
TRANSFERRING THE RESPONDENT
NO.6 AT THE PLACE OF THE**

APPELLANT, HANDING OVER THE CHARGE OF THE APPELLANT'S POST TO RESPONDENT NO.6 OR DOING ANY OTHER ACT WHICH DIRECTLY OR INDIRECTLY AFFECTS THE RIGHTS OF THE APPELLANT TILL THE DISPOSAL OF THE TITLED SERVICE APPEAL

Respectfully Sheweth!

1. That, this application may please be considered as part and parcel of the titled Service appeal.
2. That, the appellant has a prima facie case and there is every hope of its success.
3. That, the balance of convenience also tilts in favour of the appellant.
4. That, if the operation of the impugned notification has not been suspended and temporary injunction has not been granted/issued then the appellant would suffer an irreparable loss and purpose of the service appeal would become infructuous.


.....PRAYER.....

It is, therefore, most humbly requested that on acceptance of the instant application, operation of the impugned notification may please be suspended and the temporary injunction as mentioned in the heading of the instant application may please be granted/ issued till the disposal of the titled Service appeal.

Dated 05.06.2024

Dr. Shahzad Ali Khan
.....Appellant

Through


JUNAID ANWAR KHAN,
Advocate Supreme Court
Of Pakistan.

AFFIDAVIT

I, Dr. Shahzad Ali Khan son of Muhammad Fareed Swati resident of Fareed Bagh Mandian, post Office Kotkay, Tehsil and District Mansehra, appellant, do hereby solemnly affirm and declare on oath that the contents of the foregoing application are true and correct and nothing has been concealed from this Honourable Tribunal.

Dated 05.06.2024


Dr. Shahzad Ali Khan
(DEPONENT)

**BEFORE THE HONOURABLE KHYBER
PAKHRUNKHWA SERVICE TRIBUNAL,
PESHAWAR**

Service Appeal No. _____ of 2024

Dr. Shahzad Ali KhanAPPELLANT

VERSUS

Government of Khyber Pakhtunkhwa through
Chief Secretary, Khyber Pakhtunkhwa,
Peshawar etc.....RESPONDENTS

SERVICE APPEAL

CORRECT ADDRESSES OF THE PARTIES

APPELLANT

Dr. Shahzad Ali Khan son of Muhammad Fareed Swati resident of Fareed Bagh Mandian, post Office Kotkay, Tehsil and District Manshara.


RESPONDENTS

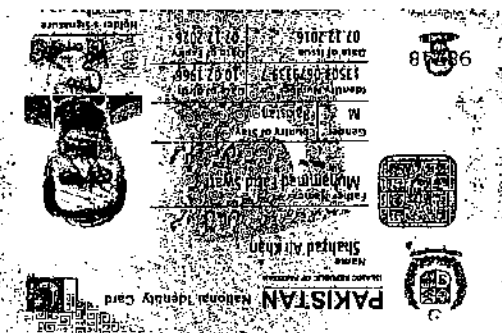
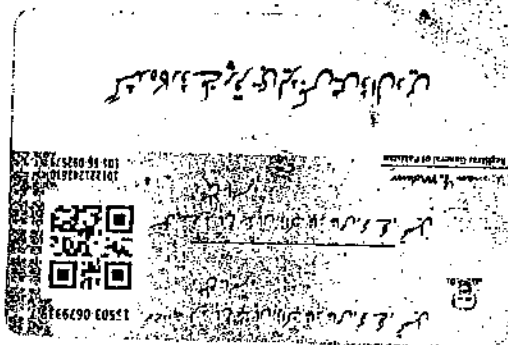
1. Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. Government of Khyber Pakhtunkhwa through Secretary Health, Peshawar.
3. Chief Minister, Khyber Pakhtunkhwa, Peshawar.
4. Minister Health Department, Khyber Pakhtunkhwa, Peshawar.
5. Director General, Health Services, Khyber Pakhtunkhwa, Peshawar.
6. Dr. Tariq, Medical Superintendent, Tehsil Headquarter Hospital, Takht Bai Mardan.

Dated 05.06.2024

Dr. Shahzad Ali Khan
.....Appellant

Through


JUNAID ANWAR KHAN,
Advocate Supreme Court
Of Pakistan.



Annexure A
19

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Handwritten signature/initials

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

University of Peshawar (Pakistan)

SESSION SUPPLEMENTARY - 1988

This is to certify

SHANZAD ALI KHAN,

that

SON of

MAHAMMAD FARID SWATI

of the AYUR MEDICAL COLLEGE, ABBOTTABAD has obtained the Degree of

Bachelor of Medicine & Bachelor of Surgery

from this University at the Examination held in SEPTEMBER, 1987, and that he/she is hereby authorised to practice Medicine, Obstetrics and Surgery

Serial No 002043

Registered No. 83 - MD - 757

Roll No. 47

10TH NOVEMBER, 1989



Registrar

Countersigned

Vice-Chancellor

ATTESTED

CERTIFICATE

26
Annexure

PROVINCIAL HEALTH SERVICES ACADEMY

HEALTH DEPARTMENT
GOVERNMENT OF KHYBER PAKHTUNKHWA

CERTIFICATE OF ACHIEVEMENT

AWARDED TO

Dr. Shahzad Ali Khan
District Health Officer, Mansehra

ON COMPLETION OF

FOUR MONTHS MANDATORY PROMOTIONAL TRAINING
FOR HEALTH MANAGEMENT CADRE (BS-19 To BS-20)

FROM 26th February 2018 to 29th March 2018

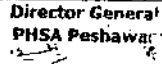
&

FROM 30th April 2018 to 31st July 2018

AT

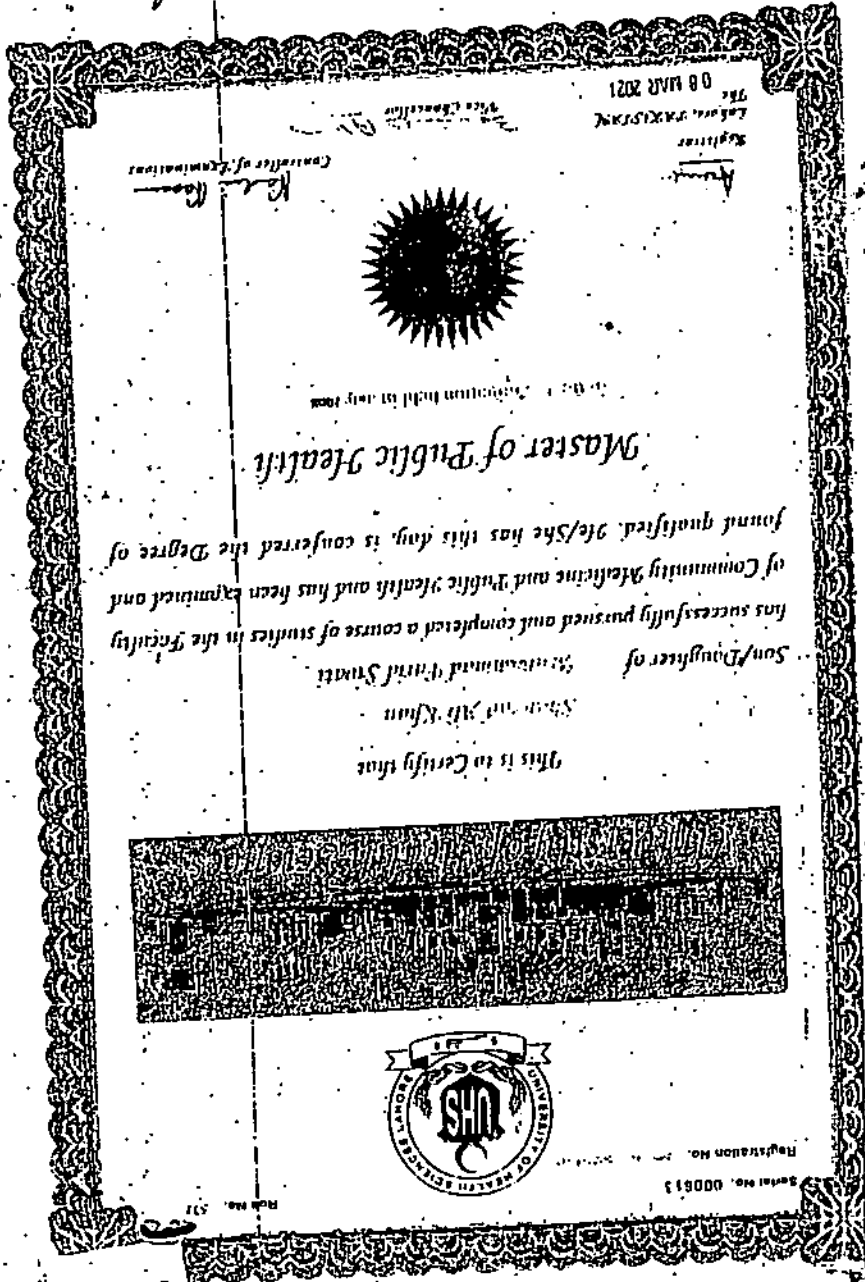
PROVINCIAL HEALTH SERVICES ACADEMY PESHAWAR


Director HRD
PHSA Peshawar


Director General
PHSA Peshawar

ATTESTED

ATTEST



08 MAR 2021

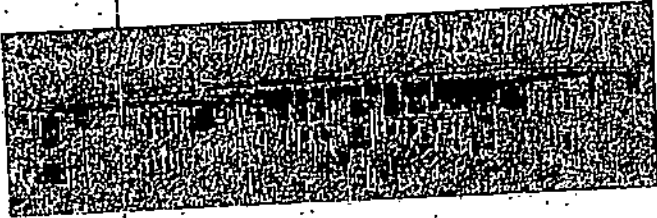
Registrar

Controller of Examinations



Master of Public Health

This is to Certify that
 Son/Daughter of
 Muhammad Farid Surti
 has successfully pursued and completed a course of studies in the Faculty
 of Community Medicine and Public Health and has been examined and
 found qualified. He/She has this day, is conferred the Degree of



Registration No. 000613

Roll No. 531

22

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Annexure D



Government of Khyber Pakhtunkhwa
Health Department

Dated Peshawar the 18th March, 2020

NOTIFICATION

NO. SOH(HD)/E-V/4/2020 The competent authority is pleased to transfer Dr. Shahzad Ali Khan (BS-19) District Health Officer, Mansehra and post him as Medical Superintendent, King Abdullah Teaching Hospital Mansehra, in the best of public interest, with immediate effect.

Secretary Health
Government of Khyber Pakhtunkhwa

Endst. Of given No. & Date.
Copy to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
3. District Health Officer, Mansehra.
4. MS, King Abdullah Teaching Hospital, Mansehra.
5. DAO, District Mansehra.
6. Deputy Director (IT), Health Department, with the direction to upload the notification on official website.
7. PS to Minister for Health Department, Khyber Pakhtunkhwa.
8. PS to Secretary Health Department, Khyber Pakhtunkhwa.
9. Doctor concerned.
10. Personal file of the doctor concerned.

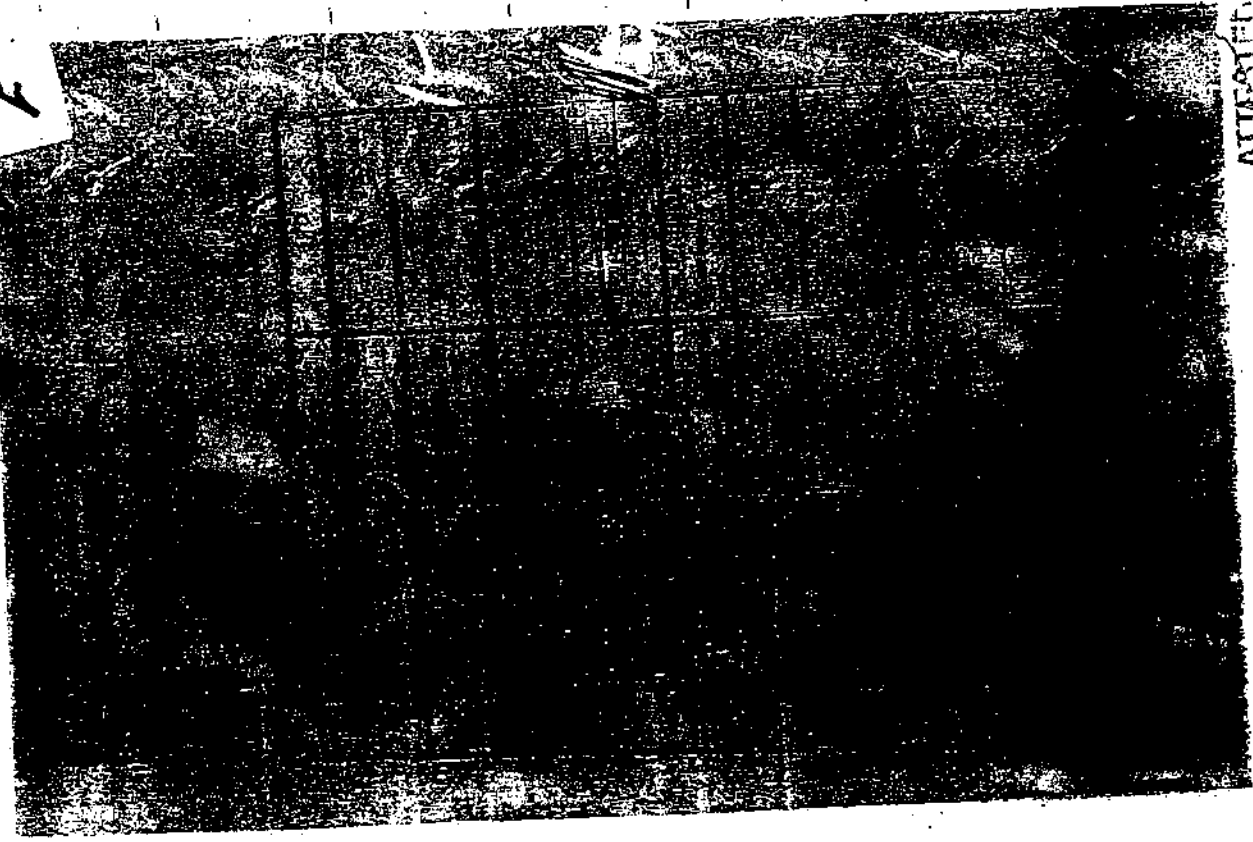
(Signature)
(Hafeez Ur Rehman Shah)
Section Officer (E-V)

King Abdullah Teaching Hospital
Mansehra
Date: 25-3-20
Signature: *(Signature)*

ATTESTED

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F



ATTEST

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BETTER COPY

GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated Peshawar the July 09, 2021

NOTIFICATION

No.SOH(E-V)4-4/2021 The competent Authority is pleased to order posting/transfer of the following doctors, in the best public interest with immediate effect.

S.No.	Name	From	To
1.	Dr. Arshad Amir, Management Cadre (BS-20)	Waiting for posting	District Health Officer Dir (Lower) against the vacant post
2.	Dr. Muhammad Tariq Management Cadre (BS-19)	Deputy District Health Officer/Buner	Medical Superintendent King Abdullah Teaching Hospital, Mansehra Vice S.No.4
3.	Dr. Nasreen Akbar, Management Cadre (BS-19)	MS Govt. Maternity Hiatal Peshawar (Additional Charge)	Medical Superintendent, Govt. Maternity Hospital, Peshawar against the vacant post
4.	Dr. Shahzad Ali, Management Cadre (BS-19)	Medical Superintendent, King Abdullah Teaching Hospital, Mansehra	Deputy District Health Officer, Mansehra against the vacant post
5.	Dr. Rahim Khattak, Management Cadre (BS-19)	Waiting for posting	District Health Officer Buner against the vacant post
6.	Dr. Jamil Ahmad, Management Cadre (BS-19)	Waiting for posting	Medical Superintendent, DHQ Hospital Baktkhela, Malakand Vice S.No.7
7.	Dr. Saeed ur Rehman, Management Cadre (BS-19)	Medical Superintendent, DHQ Hospitals Baktkhela, Malakand	Principal Paramedical institute of Medical Technology Saidu Sharif Swat against the vacant post
8.	Dr. Niaz Afridi, Management Cadre (BS-19)	Director, Provincial Health Services Academy, Peshawar	Medical Superintendent, DHQ, Landikotal, Khyber vice S.No.9
9.	Dr. Nekdad Khan, Management Cadre (BS-18)	Medical Superintendent, DHQ Hospital Landikotal, Khyber	Director, Public Health, Directorate General Health Services, Khyber Pakhtunkhwa against the vacant post

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BETTER COPY

10.	Dr. Syed Murtaz Ali Shah Senior Medical Officer (BS-18)	Nawaz Sharif Kidney Hospital Swat	Medical Superintendent, Nawaz Sharif Kidney Hospital, Swat in OPS against the Vacant post
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Sd/-

SECRETARY HEALTH
GOVERNMENT OF KHYBER PAKHTUNKHWA

Endst. Of even N. & Date

Copy to the

1. Accountant General, Khyber Pakhtunkhwa, Peshawar
2. Director General Health Services, Khyber Pakhtunkhwa Peshawar
3. Director General PHSA, Khyber Pakhtunkhwa
4. All District Health Officer, Khyber Pakhtunkhwa
5. All Medical Superintendents, DHQ Hospitals, Khyber Pakhtunkhwa
6. All District Accounts Officer, Khyber Pakhtunkhwa.
7. Deputy Director (IT), Health Department, with the direction to upload the notification on official website.
8. P.S to Minister for Health Department, Khyber Pakhtunkhwa
9. P.S to Secretary Health Department, Khyber Pakhtunkhwa
10. Doctors concerned.
11. Personal file of the doctors concerned.

Sd/-

Latif ur Rehman
Section Officer (E-V)

Copy
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27
Annexure
"F"

To,

THE CHIEF SECRETARY,
Khyber Pakhtunkhwa, Peshawar.

Subject:

DEPARTMENTAL APPEAL AGAINST THE
IMPOGNED NOTIFICATION BEARING
NO.SOH(E-V)/4-4/2021 DATED 09.07.2021
WHEREBY THE APPELLANT WAS
ORDERED TO BE TRANSFERRED FROM
MEDICAL SUPERINTENDENT KING
ABDULLAH TEACHING HOSPITAL,
MANSEHRA TO DEPUTY DISTRICT
HEALTH OFFICER, MANSEHRA.

Respected Sir,

It is submitted that:

- 1: That, the appellant was initially inducted in the Health Department, Government of Khyber Pakhtunkhwa who was later on transferred and lastly posted as Medical Superintendent, King Abdullah Teaching Hospital, Mansehra vide notification bearing No.SOH(HD)/E-V/4-4/2020 dated 18.03.2020.

(Copy of the notification is annexed herewith).

2. That, the appellant is performing his duties with great zeal and zest and never

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remained negligent in performance of his assigned duties. Similarly, neither any departmental nor any public complaint is available against the appellant rather the long service record of the appellant is cogent and unblemished.

3. That, the appellant is serving at King Abdullah Teaching Hospital, Manshra from the last one year and four months whereas the tenure of the appellant is still incomplete because as per the service terms and conditions, at least tenure at any station is 03 years.

4. That, as per law, terms and conditions, the appellant cannot be transferred prior to completion of his tenure but very astonishingly, the appellant has illegally and unlawfully been transferred by the competent authority vide notification dated 09.07.2021.

(Copy of the notification is annexed herewith).

5. That, no solid, valid, concrete or confidence inspiring reasons/justification has been given by the competent authority while transferring the appellant from King Abdullah Teaching Hospital, Manshra.

ATTEST

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6. That, it is also worth mentioning here that the Hospital Management Board of King Abdullah Teaching Hospital, Manselra through minutes of the meeting dated 22.05.2014 held that in future transfer/posting on key positions of the Hospital may be done in consultation with the Management Board/Partner but in the instant case neither any consultation has been done by the competent authority nor any other legal procedure has been adopted by the competent authority while transferring the services of the appellant.

(Copy of the minutes of the meeting are annexed herewith).

7. That, the appellant has politically been victimized by the competent authority as all the process/proceedings have been carried out at the back of the appellant mere on the behest of the political figures of the area whereas the appellant has not been afforded opportunity of being heard hence all the proceedings are against the settled principle of natural justice.

8. That, relevant law, rules and regulations and even the decision of the Management Board has been blatantly violated by the

~~ATTESTED~~

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competent authority while carrying out the impugned proceedings regarding transfer of the appellant.

9. That, it is also worthy to note that the transfer order of the appellant was communicated to the Minister for the Health Department, Khyber Pakhtunkhwa which shakens the veracity/genuineness of the impugned order and speaks loudly that the transfer was made on the basis of pure political motivation and there is clear cut malafide on the part of the department/political figures.
10. That, it is well settled by now that the political figures have nothing to do with the transfer/posting of the civil servants whereas in the instant case, the competent authority while making himself pawa in the hands of the political figures, issued the impugned notification regarding transfer of the appellant which has no legal sanctity in the eyes of law.
11. That, the competent authority failed to exercise its powers in accordance with the relevant law, rules and regulations rather travelled beyond the powers so vested in it under the law.

ATTEST


12. That, it is an inalienable right of the appellant to enjoy the protection of law and to be treated in accordance with law, rules and regulations but such right of the appellant has been infringed in a sheer malafide manner.

.....PRAYER.....

It is, therefore, most humbly requested that the impugned notification dated 09.07.2021 to the extent of S.No.04 i.e. transfer of the appellant from Medical Superintendent, King Abdullah Teaching Hospital, Manshra to Deputy District Health Officer, Manshra may please be set aside and the appellant may please be restored to his previous position i.e. Medical Superintendent, King Abdullah Teaching Hospital, Manshra.

Dated 16.07.2021

Dr. SHAHZAD ALI KHAN,
Medical Superintendent,
King Abdullah Teaching Hospital,
Manshra.


~~Dr. SHAHZAD ALI KHAN~~

32
Annexure
"G"

BEFORE THE HONOURABLE SERVICE
TRIBUNAL, KPK PESHAWAR

Service Appeal No. _____ of 2021

Dr. Shahzad Ali Khan son of Muhammad
Fareed Swati resident of Fareed Bagh
Maudian, post Office Kolkay, Tehsil and
District Mansehra APPELLANT

Khyber Pakhtunkhwa
Service Tribunal

Case No. 7503

Date 27-8-2021

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
 2. Government of Khyber Pakhtunkhwa through Secretary Health, Peshawar.
 3. Chief Minister, Khyber Pakhtunkhwa, Peshawar.
 4. Minister Health Department, Khyber Pakhtunkhwa, Peshawar.
 5. Section Officer (E-v), Government of Khyber Pakhtunkhwa, Peshawar.
 6. Director General, Health Services, Khyber Pakhtunkhwa, Peshawar.
 7. Deputy Director (IT), Health Department, Peshawar.
 8. District Health Officer, Mansehra.
 9. Dr. Muhammad Tariq, Management Cadre, Deputy District Health Officer, Buner.
- RESPONDENTS

Handwritten signature
27/8/21
Registrar

33

SERVICE APPEAL UNDER SECTION 4 OF KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL, 1974. READ
WITH CLAUSE XIV OF POSTING TRANSFER POLICY
AGAINST THE AGAINST THE IMPUGNED
PREMATURE TRANSFER AND POLITICALLY
MOTIVATED IMPUGNED NOTIFICATION BEARING
NO.SOH(E-V)/4-4/2021 DATED 09.07.2021 WHEREBY
THE APPELLANT WAS ORDERED TO BE
TRANSFERRED FROM MEDICAL SUPERINTENDENT
KING ABDULLAH TEACHING HOSPITAL,
MANSEHRA TO DEPUTY DISTRICT HEALTH
OFFICER, MANSEHRA AND ALSO AGAINST NOT
DECIDING THE APPEAL OF THE APPELLANT
WITHIN 15 DAYS AS PROVIDED UNDER CLAUSE
XIV OF THE POSTING TRANSFER POLICY.

PRAYER:-

On acceptance of the instant service appeal, the impugned notification bearing No.SOH(E-V)/4-4/2021 dated 09.07.2021 whereby the appellant was ordered to be transferred from Medical Superintendent King Abdullah Teaching Hospital, Mansehra to Deputy District Health Officer, Mansehra may please be set aside and the appellant may please be restored to its previous position i.e. Medical Superintendent King Abdullah Teaching Hospital, Mansehra or any other relief as this Honourable Tribunal deems fit and appropriate.

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in the circumstances of the case,
may also be issued/passed.

Respectfully Sheweth!

1. That, the appellant is bonafide resident of Fareed Bagh Mandian Kotkay, Tehsil and District Mansehra.

(Copy of the CNIC of the appellant is annexed as annexure "A").

2. That, the appellant is a qualified Doctor and is performing his duties in the Management Cadre of the respondents' department.

(Copies of the educational testimonials of the appellant alongwith service record are annexed as annexure "B" & "C").

3. That, the appellant was initially inducted in the Health Department, Government of Khyber Pakhtunkhwa who was later on transferred and lastly posted as Medical Superintendent, King Abdullah Teaching Hospital, Mansehra vide notification bearing No.SOH(HD)/E-V/4-4/2020 dated 18.03.2020.

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(Copy of the notification is annexed as annexure "D").

4. That, the appellant is performing his duties with great zeal and zest and never remained negligent in performance of his assigned duties.
5. That, the appellant is serving at King Abdullah Teaching Hospital, Mansehra from the last one year and four months whereas the tenure of the appellant is still incomplete because as per the service terms and conditions, at least tenure at any station is 03 years.
6. That, as per law, terms and conditions, the appellant cannot be transferred prior to completion of his tenure but very astonishingly, the appellant has illegally and unlawfully been transferred by the competent authority vide notification dated 09.07.2021.

(Copy of the impugned notification is annexed as annexure "E").

7. That, the appellant being aggrieved from the impugned notification, submitted departmental appeals before the respondents but the same

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before the respondents but the same have not been adhered to by the respondents.

(Copies of the departmental appeals are annexed as annexure "F").

8. That, the appellant time and again visited the offices of the respondents for the cancellation of the impugned notification and for the decision of departmental appeals but in vain rather the respondents are bent upon to take charge from the appellant hence the appellant being aggrieved from the impugned notification seeks the gracious

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indulgence of this Honourable
Tribunal by way of instant appeal,
inter alia, on the following grounds:-

GROUNDS

- a. That, impugned notification bearing No.SOH(E-V)/4-4/2021 dated 09.07.2021 whereby the appellant was ordered to be transferred from Medical Superintendent King Abdullah Teaching Hospital, Mansehra to Deputy District Health Officer, Mansehra and non-deciding the fate of the departmental appeal filed by the appellant are wrong, illegal, against the law and facts, arbitrary, fanciful, perverse, against the relevant law, rules and regulations, politically motivated, based on malafide, against the fundamental rights of the appellant hence being unconstitutional, liable to be struck down.
- b. That, relevant law, rules and regulations have blatantly bypassed/ violated by the respondents and the

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relevant law, rules and regulations have never been taken into consideration by the respondents and thus the notification so passed by the respondents have no legal sanctity in the eyes of law.

- c. That, no solid, valid, concrete or confidence inspiring reasons/justification has been given by the competent authority while transferring the appellant from King Abdullah Teaching Hospital, Mansehra.
- d. That, it is also worth mentioning here that the Hospital Management Board of King Abdullah Teaching Hospital, Mansehra through minutes of the meeting dated 22.05.2014 held that in future transfer/posting on key positions of the Hospital may be done in consultation with the Management Board/Partner but in the instant case neither any consultation has been done by the competent authority nor any other legal procedure has been adopted by the competent authority while

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transferring the services of the appellant.

(Copy of the minutes of the meeting are annexed as annexure "H").

e. That, the appellant has politically been victimized by the competent authority as all the process/proceedings have been carried out at the back of the appellant mere on the behest of the political figures of the area whereas the appellant has not been afforded opportunity of being heard hence all the proceedings are against the settled principle of natural justice.

f. That, relevant law, rules and regulations and even the decision of the Management Board has completely been bypassed by the competent authority while carrying out the impugned proceedings regarding transfer of the appellant.

g. That, it is also worthy to note that the transfer order of the appellant was communicated to the Minister for the Health Department, Khyber

Pakhtunkhwa which shakens the veracity/genuineness of the impugned order and speaks loudly that the transfer was made on the basis of pure political motivation and there is clear cut malafide on the part of the department/political figures.

h. That, it is well settled by now that the political figures have nothing to do with the transfer/posting of the civil servants whereas in the instant case, the competent authority while making himself pawn in the hands of the political figures, issued the impugned notification regarding transfer of the appellant which has no legal sanctity in the eyes of law.

i. That, the competent authority failed to exercise its powers in accordance with the relevant law, rules and regulations rather travelled beyond the powers so vested in it under the law.

j. That, the appellant has unblemished service career as the appellant is performing his duties with great zeal and zest and never remained

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1

negligent in performance of his assigned duties. Similarly, neither any departmental nor any public complaint is available against the appellant.

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- k. That, it is an inalienable right of the appellant to enjoy the protection of law and to be treated in accordance with law, rules and regulations but such right of the appellant has been infringed in a sheer mala fide manner.
 - l. That, the impugned transfer order 09.07.2021 has neither been in the best-interest of public service nor in exigencies of service, hence, not tenable and liable to be set aside.
 - m. That, the impugned transfer order dated 09.07.2021 is nothing but to harass the appellant and to accommodate their blue eyed person.
 - n. That, the impugned transfer order dated 09.07.2021 is violative of clause-I, IV and XIII of the transfer/posting policy of the Government of Khyber Pakhtunkhwa as the

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- o. That, the powers or jurisdiction are vested in authority to exercise it justly, fairly, honestly, judiciously and in accordance with law, rules and regulations but the respondents have transgressed upon their powers while dealing with the matter in hand.
- p. That according to posting transfer policy, normal tenure for posting is 2 years, but the appellant transferred order was passed before completion of normal tenure, which is total violation of Govt. posting transfer policy. Thus the impugned transfer order is liable to be set-aside on this score alone. Copy of posting transfer Policy is attached as Annexure-H.
- p. That in the special circumstances of the case and due to urgency in the instant appeal being transfer matter the appeal of the appellant may be heard in the light of posting policy and order dated 02.08.2021 of this Tribunal in appeal no.5338/2021. Copy of order is attached as annexure-I.

.....PRAYER.....

It is, therefore, most humbly prayed that on acceptance of the instant service appeal, the impugned notification bearing No.SOH(E-V)/4-4/2021 dated 09.07.2021 whereby the appellant was ordered to be transferred from Medical Superintendent King Abdullah Teaching Hospital, Mansehra to Deputy District Health Officer, Mansehra may please be set aside and the appellant may please be restored to its previous position i.e. Medical Superintendent King Abdullah Teaching Hospital, Mansehra or any other relief as this Honourable Tribunal deems fit and appropriate.


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in the circumstances of the case,
may also be issued/passed.

Dated 25.08.2021

Dr. Shahzad Ali Khan
.....Appellant

Through

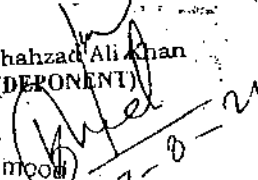

JUNAI ANWAR KHAN,
Advocate High Court
Mansehra.

AFFIDAVIT

I, Dr. Shahzad Ali Khan son of
Muhammad Fareed Swati resident of
Fareed Bagh Mandian, post Office
Kotkay, Tehsil and District Mansehra,
appellant, do hereby solemnly affirm and
declare on oath that the contents of the
foregoing Writ Petition are true and
correct and nothing has been concealed
from this Honourable Court.

Dated 25.08.2021

Dr. Shahzad Ali Khan
(DEPONENT)


Khalid Mahmood
Oath Commissioner
Peshawar High Court

27-8-21

44

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. _____/2021

Dr. Shehzad Ali Khan

V/S

Govt. of KP etc.

CERTIFICATE

It is certified that no other service appeal earlier has been filed between the present parties in this Tribunal, except the present one.

DEPONENT

LIT OF BOOKS:

1. Constitution of the Islamic Republic of Pakistan, 1973.
2. The ESTA CODE
3. Any other case law as per need.

(Junaid Anwar Khan)
ADVOCATE HIGH COURT
Mansehra

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL (PESHAWAR)

Service Appeal No. 7294/2021



Date of Institution 27.08.2021
Date of Decision 09.11.2021

Dr. Shahzad Ali Khan son of Muhammad Fareed Swati resident of Fareed Bagh Mandian, post Office Kotkay, Tehsil & District Mansehra.
(Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar and eight others.
(Respondents)

Junaid Anwar, Advocate For appellant.
Muhammad Rasheed, Deputy District Attorney For respondents.
Ahmad Sultan Tareen Chairman
Rozina Rehman Member (J)

JUDGMENT

Rozina Rehman, Member(J): Brief facts of the case are that appellant is a qualified Doctor and is performing duties in the Management Cadre of the respondents' Department. He was posted as Medical Superintendent, King Abdullah Teaching Hospital Mansehra. He was performing his duties, when in the meanwhile he was transferred vide Notification dated 09.07.2021. Being aggrieved from the impugned notification, he submitted departmental appeal but to no avail, hence, the present service appeal.

INTERESTED
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

We have heard Junaid Anwar Advocate learned counsel for appellant and Muhammad Rasheed learned Deputy District Attorney

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for the respondents and have gone through the record and the proceedings of the case in minute particulars.

3. Junaid Anwar Advocate, learned counsel for appellant submitted that impugned Notification dated 09.07.2021 whereby the appellant was transferred from the post of Medical Superintendent King Abdullah Teaching Hospital Manshra to the post of Deputy District Health Officer is wrong, illegal, arbitrary and against the relevant law and rules being politically motivated and against the fundamental rights of the appellant. He submitted that relevant law and rules were blatantly bypassed by the respondents and relevant rules and regulations were not taken into consideration by the respondents. He contended that no solid and confidence inspiring reasons were given by the competent authority while transferring the appellant. He submitted that the appellant has been politically victimized by the competent authority as all the proceedings were carried out at the back of the appellant mere on behest of the political figures of the area and that the appellant was not afforded any opportunity of personal hearing, hence, all the proceedings are against the settled principles of natural justice. Lastly, he submitted that the transfer order of the appellant was communicated to the Minister for Health Department which has shaken the veracity of the impugned order and speaks loudly that the transfer was made on the basis of political motivation. He, therefore, requested that the impugned notification may kindly be set aside and the appellant may be restored to his previous position.

ATTESTED

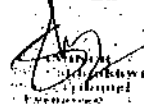
4. Conversely, learned D.D.A submitted that according to Section-10 of the Khyber Pakhtunkhwa Civil Servants Act, 1973, a civil servant has to serve anywhere and he is not entitled to be posted in

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accordance with his whims & wishes. He contended that the appellant failed to manage even a single bed for COVID-19 affected. No centralized Oxygen was available despite ample funds available in H.M.B and he was directed time and again by the higher authority to award the work for Oxygen gas piping on top priority basis. That the officer never participated in daily online meetings which shows inefficiency and lack of interest towards his responsibilities. He submitted that due to poor performance of the appellant, during Health Emergency due to COVID-19, he was not allowed by the competent authority to serve against the key position in the hospital at the cost of public health and it is the power of the competent authority to transfer a civil servant even before completion of his normal tenure under the Khyber Pakhtunkhwa Civil Servants Act, 1973.

5. Perusal of record would reveal that appellant was transferred and posted as Medical Superintendent, King Abdullah Teaching Hospital Mansehra vide Notification dated 16th March, 2020. It was on 9th July, 2021 when he was transferred from King Abdullah Teaching Hospital Mansehra to the post of Deputy District Health Officer, Mansehra. Principles of posting and transfer are based upon the criteria that it is within the domain of Government to utilize services of a civil servant anywhere it deemed fit in public interest. Even according to Civil Servants Act, 1973, right of posting vests in the exclusive jurisdiction of the competent authority and the said posting cannot be challenged unless it is against the law and rules or mala fide. Section-10 of the Act also stipulates that every civil servant shall be liable to serve anywhere within or outside the province in any post under the Federal Government or in Provincial Government or local authority or a corporation or bodies setup or established by any

ATTESTED


Secretary
Khyber Pakhtunkhwa
Government

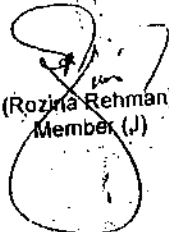
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such Government. In the instant case, the appellant was transferred vide Notification dated 9th July, 2021 but no convincing reasons have been given by the authority in the impugned notification. According to transfer posting policy, normal tenure for posting is two years but the appellant was transferred before completion of normal tenure which is total violation of the Government Transfer/Posting Policy. Moreover, having the clue from the events brought into our notice through an interlocutory application by the appellant complaining about the mistreatment of him to oust him from the office for accommodation of co-transferee in his place despite suspension of the impugned order, we cannot be oblivious of the hot pursuit of the respondents ridden with some hidden agenda. When the respondents after suspension of the impugned order did not wait for disposal of the appeal, in their pursuit against the appellant, their bias in dealing with him has become evident, which in particular circumstances of the case is not indicative of any public interest in transfer of the appellant.

6. For what has been discussed above, this appeal is allowed as prayed for with direction to the respondents No.1 & 2 to do further needful to bring the position in place as per accepted prayer of the appellant. There is no order as to costs. File be consigned to the record room.

ANNOUNCED
09.11.2021


(Ahmad Sultan Tareen)
Chairman


(Rozina Rehman)
Member (J)

Certified to be true copy

Khawar Pakhtunkhwa
Service Tribunal,
Peshawar.

Annexure
"H" 49

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

CM No. _____/2021

IN

Service Appeal No. 7294/2021

Dr. Shahzad Ali Khan son of Muhammad Farid Swati, resident
of Farid Bagh, Mandian, P.O Kotkay, Tehsil & District,
Manshra.

...APPELLANT

VERSUS

1. Government of Khyber Pakhtunkhwa, through Chief Secretary, Khyber Pakhtunkhwa Peshawar.
2. Government of Khyber Pakhtunkhwa, through Secretary Health Peshawar.
3. Chief Minister, Khyber Pakhtunkhwa Peshawar.
4. Minister Health Department, Khyber Pakhtunkhwa, Peshawar.
5. Section Officer (E-V), Government Khyber Pakhtunkhwa, Peshawar.
6. Director General, Health Services, Khyber Pakhtunkhwa, Peshawar.
7. Deputy Director (IT) Health Department, Peshawar.
8. District Health Officer, Manshra.
9. Dr. Muhammad Tariq Management Cadre, Deputy District Health officer, Buner.

...RESPONDENTS/

50

APPLICATION AGAINST THE RESPONDENTS FOR IMPLEMENTATION OF ORDER/ JUDGMENT DATED 09.11.2021 PASSED BY THIS HONOURABLE TRIBUNAL IN SERVICE APPEAL NO.7294/2021 IN ITS TRUE LETTER AND SPIRIT.

Respectfully Sheweth: -

- 1. That the appellant has filed the above mentioned service appeal before this Honourable Tribunal. *(Copy of the service appeal is annexed as Annexure "A").*
- 2. That the above mentioned service appeal was listed before this Honourable Tribunal on 09.11.2021 and this Honourable Tribunal vide its order/ judgment dated 09.11.2021 allowed the service appeal as prayed for and directed the respondents No.1 and 2 to do further needful to bring the position in place as per accepted prayer of the appellant. *(Attested Copy of the order/ judgment dated 09.11.2021 is annexed as Annexure "B").*

3. That after getting the attested copy of the above mentioned order/ judgment, the appellant visited the offices of the respondents and placed the attested copy of the order before them and the copy of the said order was also officially communicated to the respondents by the office for compliance but the respondents are showing reluctance to implement the said judgment, rather, they have clearly refused to act upon the judgment/ order of this Honourable Tribunal and till now the matter is pending with the respondents without any legal and valid justification lingering on the matter.
4. That this Honourable Tribunal has clearly directed the respondents to do the needful and to implement the judgment/ order of this Honourable Tribunal in its true letter and spirit but after the lapse of considerable time, respondents have badly failed to implement the said judgment/ directions in its true letter and spirit.
5. That the appellant having no other remedy except to file the instant application against the

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respondents for implementation of the judgment of this Honourable Tribunal, inter-alia, on the following grounds:-

GRUNDS:-

- a. That in view of the judgment/ order passed by this Honourable Tribunal, respondents are/ were under constitutional and legal obligation to obey/ implement the judgment in its true letter and spirit because this Honourable Tribunal has clearly directed the respondents to implement the order but by not implementing the same or not giving any plausible reason in this regard, such conduct of the respondents is highly condemnable.
- b. That for the ends of justice, it is mandatory, rather obligatory upon the respondents to implement the judgment of this Honourable Tribunal in its letter and spirit as the respondents were left

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with no other legal option except to implement the directions given in the said judgment but they have badly failed to comply with the direction despite lapse of considerable time.

- c. That the appellant time and again visited the offices of the respondents to do the needful keeping in view the directions issued by the Honourable Tribunal who initially made lame excuses and later on straightway refused to obey/ implement the judgment of this Honourable Tribunal.
- d. That no contrary order is available against the passage of the order of the appellant by any higher forum and the judgment of this Honourable Tribunal is still in field, therefore, no reason rests with the respondents to refuse the implementation of the judgment of this Honourable Tribunal in favour of the appellant.


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It is, therefore, most humbly prayed that on acceptance of the instant application, the respondents may please be strictly ordered/ directed to implement the order/ judgment dated 09.11.2021 passed by this Honourable Tribunal in its true letter and spirit.

APPELLANT

Through

Dated: 13.12.2021 •


(JUNAID ANWAR KHAN)
Advocate High Court, Mansehra

Annexure

P.P. No. 383/2021

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Dr. Shahzad A.S. Khan



18.05.2022

Petitioner in person present. Mr. Asif Masood, Deputy District Attorney alongwith Mr. Tehmas Ayub, SO (V) and Safiullah, Focal Person for respondents present.

Representative of the respondents submitted copy of notification No. SOH(E-V0/4-4/2022 dated 18.05.2022 wherein he stated that grievance of the petitioner has been redressed. Copy of order is handed over to the petitioner. The petitioner does not want to pursue the case further being satisfied. Disposed of accordingly. Consign.

Pronounced in open court in Abbottabad and given under my hand and seal of the Tribunal this 18th day of May, 2022.



(Handwritten signature)

(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

Certified to be true copy

(Handwritten signature)
ENABLING
Khayber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 06/5/22
 Number of Words 5/1
 Copying Fee 5/1
 Urgent 5/1
 Total 5/1
 Name of Copyist _____
 Date of Completion of Copy 07/5/22
 Date of Delivery of Copy 07/5/22



Government of Khyber Pakhtunkhwa,
Health Department

Dated Peshawar the 18th May, 2022

NOTIFICATION

NO. SOH(E-V)/4-4/2022

In pursuance to the Khyber Pakhtunkhwa, Services Tribunal judgement dated 09.11.2021, this department's notification of even No. dated 09.07.2021 regarding transfer and posting of Dr. Shahzad Ali Khan, Member of Service (BS-19) from the post of Medical Superintendent, King Abdullah Teaching Hospital Mansehra to Deputy District Health Officer, Mansehra, is hereby withdrawn and posted as Medical Superintendent of the said hospital, subject to the final outcome of the CPLA and Inquiry, with immediate effect in the best public interest.

Consequent upon the above, Dr. Muhammad Tariq (BS-19), Medical Superintendent, King Abdullah Teaching Hospital Mansehra is hereby directed to report to Directorate General Health Services, Khyber Pakhtunkhwa, Peshawar.

SECRETARY HEALTH
GOVERNMENT OF KHYBER PAKHTUNKHWA

Endst. No. 1021-32

Copy to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
3. Deputy Commissioner, Mansehra.
4. District Health Officer, Mansehra.
5. MS, King Abdullah Teaching Hospital, Mansehra.
6. District Accounts Officer, Mansehra.
7. Deputy Director (IT), Health Department, with the direction to upload the notification on official website.
8. PS to Minister for Health Department, Khyber Pakhtunkhwa.
9. PS to Secretary Health Department, Khyber Pakhtunkhwa.
10. Doctor concerned.
11. Personal file of the doctor concerned.

18/5/2022
(TEJMAS AYUB)
SECTION OFFICER



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

57
Annexure
K

Dated: Peshawar the 30th May, 2022

NOTIFICATION

NO.SOH(E-V)/4-4/2022 In continuation of this department's notification No. SOH(E-V)/4-4/2022/ 1089-1106 dated 20.2022 and No. SOH(E-V)/4-4/2022/1186-1204 dated 20.05.2022, the following posting/ transfer/ adjustment of doctors are hereby ordered, with immediate effect, in the best public interest:-

S.NO.	NAME OF DOCTORS	FROM	TO
1.	Dr. Muhammad Aurangzeb, Management Cadre (BS-20)	Medical Superintendent, DHQ Hospital Timergara	Chief Medical Officer (BS-20), DHQ Hospital Mardan against the vacant post
2.	Dr. Daud Khan, Management Cadre (BS-19)	Under transfer as Deputy Medical Superintendent, DHQ Hospital Timergara, Dir (Lower)	Retained as Medical Superintendent, DHQ Hospital Timergara, Dir (Lower)
3.	Dr. Inran Ayaz, Management Cadre (BS-20)	District Health Officer, Battagram	Chief Medical Officer (BS-20), King Abdullah Teaching Hospital, Mansehra against the vacant post
4.	Dr. Zakir Hussain, Management Cadre (BS-19)	Medical Superintendent, Cat-D Hospital Lal Qila, Dir (Lower)	District Health Officer, Battagram
5.	Dr. Ahmad Faisal, Management Cadre (BS-19)	Under transfer as District Health Officer, Abbottabad	Medical Superintendent, King Abdullah Teaching hospital, Mansehra
6.	Dr. Shah Faisal, Management Cadre (BS-19)	Under transfer to Directorate General Health Services, Khyber Pakhtunkhwa	Retained as District Health Officer, Abbottabad
7.	Dr. Shahzad Ali Khan, Management Cadre (BS-19)	Medical Superintendent, King Abdullah Teaching hospital, Mansehra	Report to Directorate General Health Services, Khyber Pakhtunkhwa, Peshawar
8.	Dr. Muhammad Naeem, Management Cadre (BS-19)	Under transfer as Deputy DHO Battagram	Medical Superintendent, Cat-D Hospital, Alai Battagram

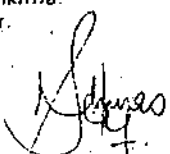
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9.	Dr. Munawar Khan, General Cadre (BS-19)	Principal Medical Officer (BS-19), DHQ Hospital, Haripur	District Health Officer, Haripur against the vacant post
10.	Dr. Ehtisham, General Cadre (BS- 18)	Senior Medical Officer (BS-18), DHQ Hospital, Landikotal	Incharge Type-D Hospital, Jamrud District Khyber

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT.

No. 1296-1307 / Notification of even No. & dated:
Copies forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director General Health Services, Khyber Pakhtunkhwa.
3. All concerned District Health Officers in Khyber Pakhtunkhwa.
4. All concerned Medical Superintendent, DHQ Hospitals in Khyber Pakhtunkhwa.
5. All concerned District Accounts Officer, in Khyber Pakhtunkhwa.
6. All concerned Medical Superintendents of Cat-D Hospitals in Khyber Pakhtunkhwa.
7. PS to Minister for Health, Khyber Pakhtunkhwa.
8. PS to Secretary Health Department Khyber Pakhtunkhwa.
9. Deputy Director (IT), Health Department, Peshawar.
10. All concerned doctors.
11. Personal files of the concerned doctors.


30/5/2011.
(Tehmas Ayyub)
SECTION OFFICER (E-V)

Annexure
"L" 59
-

**BEFORE THE PESHAWAR HIGH COURT,
BENCH ABBOTTABAD**

W.P No. 650A of 2022

Dr. Shahzad Ali Khan son of Muhammad
Fareed Swati resident of Fareed Bagh
Mandián, post Office Kotkay, Tehsil and
District MansehraPETITIONER

VERSUS

1. Government of Khyber Pakhtunkhwa,
through Chief Secretary, Khyber
Pakhtunkhwa, Peshawar.
2. Government of Khyber Pakhtunkhwa
through Secretary Health, Peshawar.
3. Chief Minister, Khyber Pakhtunkhwa,
Peshawar.
4. Minister Health Department, Khyber
Pakhtunkhwa, Peshawar.
5. Section Officer (E-v), Government of Khyber
Pakhtunkhwa, Peshawar.
6. Director General, Health Services, Khyber
Pakhtunkhwa, Peshawar.
7. Deputy Director (IT), Health Department,
Peshawar.
8. District Health Officer, Mansehra.
9. Dr. Ahmed Faisal, District Health Officer,
Abbottabad.....RESPONDENTS.

FILED TODAY
ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH
9/16/22

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WRIT PETITION UNDER ARTICLE 199
OF THE CONSTITUTION OF ISLAMIC
REPUBLIC OF PAKISTAN, 1973 FOR A
DECLARATION TO THE EFFECT
THAT THE IMPUGNED NOTIFICATION
BEARING NO.SOH(E-V)4-4/2022 DATED
30.05.2022 WHEREBY THE PETITIONER
WAS TRANSFERRED FROM THE
POST OF MEDICAL SUPERINTENDENT
KING ABDULAH TEACHING
HOSPITAL, MANSEHRA TO
DIRECTORATE GENERAL HEALTH
SERVICES, KHYBER PAKHTUNKHWA
PESHAWAR IS WRONG, ILLEGAL,
AGAINST THE LAW AND FACTS,
ARBITRARY, FANCIFUL, PERVERSE,
AGAINST THE SPIRIT OF THE
JUDGMENT OF HONOURABLE
SERVICE TRIBUNAL, KPK
PESHAWAR, AGAINST THE
FUNDAMENTAL RIGHTS OF THE
PETITIONER HENCE BEING
UNCONSTITUTIONAL LIABLE TO BE
STRUCK DOWN.

PRAYER:-

On acceptance of the instant Writ
Petition, the impugned notification
bearing No.SOH(E-V)4-4/2022 dated
30.05.2022 whereby the petitioner was

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transferred from the post of Medical Superintendent King Abdullah Teaching Hospital, Mansehra to Directorate General Health Services, Khyber Pakhtunkhwa Peshawar may please be declared as wrong, illegal, against the law and facts, arbitrary, fanciful, perverse, against the spirit of the judgment of Honourable Service tribunal, KPK Peshawar, against the fundamental rights of the petitioner hence being unconstitutional be struck down and the petitioner may please be restored to its previous position i.e. Medical Superintendent, King Abdullah Teaching Hospital, Mansehra or any other writ, order or relief as this Honourable Court deems fit and appropriate in the circumstances of the case, may also be issued/passed.

Respectfully Sheweth!

1. That, the petitioner is a bonafide resident of Fareed Bagh Mandian Kotkay, Tehsil and District Mansehra.

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(Copy of the CNIC of the petitioner is annexed as annexure "A").

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2. That, the petitioner is a qualified Doctor and is performing his duties in the Management Cadre of the respondents' department.

(Copies of the educational testimonials of the petitioner alongwith service record are annexed as annexure "B" & "C").

3. That, the petitioner was initially inducted in the Health Department, Government of Khyber Pakhtunkhwa who was later on transferred and lastly posted as Medical Superintendent, King Abdullah Teaching Hospital, Mansehra vide notification bearing No.SOH(HD)/E-V/4-4/2020 dated 18.03.2020.

(Copy of the notification is annexed as annexure "D").

4. That, the petitioner is performing his duties with great zeal and zest and never remained negligent in performance of his assigned duties.

5. That, the petitioner is serving at King Abdullah Teaching Hospital, Mansehra from the last one year and four months whereas the tenure of the petitioner is still incomplete

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PESHAWAR
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because as per the service terms and conditions, at least tenure at any station is 03 years.

6. That, as per law, terms and conditions, the petitioner cannot be transferred prior to completion of his tenure but very astonishingly, previously the petitioner was illegally and unlawfully transferred by the competent authority vide notification dated 09.07.2021.

(Copy of the impugned notification is annexed as annexure "E").

7. That, the petitioner being aggrieved from the impugned notification, submitted departmental appeals before the respondents but the same have not been adhered to by the respondents.

(Copies of the departmental appeals are annexed as annexure "F").

8. That, the petitioner being aggrieved from the impugned notification duly filed a service appeal before the Honourable Service Tribunal, KPK Peshawar which was accepted vide order dated 09.11.2021 and directions were issued to the

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respondents to do further needful to bring the position in place as per accepted prayer of the petitioner.

(Copies of the service appeal alongwith order are annexure as annexure "G").

9. That, the order of the Honourable Service Tribunal was not complied with by the respondents, therefore, the petitioner being aggrieved from the actions/in-actions of the respondents filed an application for implementation of the order before the Honourable Service Tribunal, KPK Peshawar and the Honourable Service Tribunal ordered for posting the petitioner against the impugned post.

(Copies of the application for implementation alongwith order are annexed as annexure "H&I").

10. That, after hectic efforts by the petitioner as well as upon the strict directions of the Honourable Service Tribunal, KPK Peshawar, the petitioner was ordered to be posted on the post of Medical Superintendent, King Abdullah

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ABBOTTABAD PESHAWAR

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Teaching Hospital, Mansehra on
18.05.2022.

*(Copy of the order dated 18.05.2022 is
annexed as annexure "J").*

11. That, after obtaining charge of the post of Medical Superintendent, King Abdullah Teaching Hospital, Mansehra and after the disposal of the implementation application of the petitioner, the respondents unlawfully and illegally issued impugned notification dated 30.05.2022 whereby the petitioner was again transferred from the post of Medical Superintendent, King Abdullah Teaching Hospital, Mansehra to Directorate General, Health Service Khyber Pakhtunkhwa, Peshawar.

*(Copy of the impugned order dated
30.05.2022 is annexed as annexure
"K").*

12. That, the petitioner being aggrieved from the impugned order dated 30.05.2022 submitted a departmental appeal before the respondents which is still unattended to.

*(Copy of the departmental appeal is
annexed as annexure "L").*

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AUBOTEKAD BENCH
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13. That, the petitioner time and again visited the offices of the respondents for the cancellation of the impugned notification and for complying the judgment of the Honourable Service Tribunal, KPK Peshawar in its true letter and spirit but in vain rather the respondents are bent upon to take charge from the petitioner hence the petitioner being aggrieved from the impugned notification seeks the gracious indulgence of this Honourable Court by way of instant Writ Petition, inter alia, on the following grounds:-

GROUNDS

a. That, the impugned notification bearing No.SOH(E-V)4-4/2022 dated 30.05.2022 whereby the petitioner was transferred from the post of Medical Superintendent King Abdulliah Teaching Hospital, Mansehra to Directorate General Health Services, Khyber Pakhtunkhwa Peshawar is wrong, illegal, against the law and facts, arbitrary, fanciful, perverse,

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against the spirit of the judgment of Honourable Service tribunal, KPK Peshawar, against the fundamental rights of the petitioner hence being unconstitutional liable to be struck down.

b. That, admittedly, Honourable Service Tribunal clearly directed the respondents to do the needful and on the basis of the judgment of Honourable Service Tribunal, order dated 18.05.2022 was issued and after the passage of said judgment, the respondents was not supposed to pass any other order but for the reason well known to them, the respondents have again issued the transfer order of the petitioner while making the petitioner as rolling stone which is not the mandate of law and justice.

c. That, the conduct of the respondents clearly comes within the ambit of mischief as well as contempt of the judgment of Honourable Service Tribunal, KPK Peshawar and also the mockery with the legal proceedings. Furthermore, the impugned notification

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is against the norms of fair play, good conscious, equity as well as against the fundamental rights of the petitioner.

d. That, it is also worthy to note that in order dated 18.05.2022, it has categorically been mentioned by the respondents that this order is subject to the final outcome of the C.P.L.A filed by the respondents and inquiry but very astonishingly, prior to the final verdict of the Honourable Supreme Court of Pakistan, the impugned notification has been passed and thus the services of the petitioner has been disturbed by the respondents without any legal and valid justification.

e. That, the law do not permit the respondents to disturb the services of any employee especially in the circumstances when the court of competent jurisdiction has passed clear verdict upon the fate of the employment of any employee. Similarly, till the decision of Honourable Supreme court of Pakistan no such order can be


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passed but the respondents while considering them above the law has carried out the impugned proceedings including issuance of impugned notification and such conduct of the respondents is highly condemnable and deplorable.

- f. That, relevant law, rules and regulations have blatantly bypassed/ violated by the respondents and the relevant law, rules and regulations have never been taken into consideration by the respondents and thus the notification so passed by the respondents have no legal sanctity in the eyes of law.
- g. That, no solid, valid, concrete or confidence inspiring reasons/ justification has been given by the competent authority while transferring the petitioner from King Abdullah Teaching Hospital, Mansehra.
- h. That, the petitioner has politically been victimized by the competent authority as all the process/ proceedings have been carried out at

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the back of the petitioner mere on the behest of the political figures of the area whereas the petitioner has not been afforded opportunity of being heard hence all the proceedings are against the settled principle of natural justice.

- i. That, relevant law, rules and regulations and even the judgment of the court of competent jurisdiction has completely been bypassed by the competent authority while carrying out the impugned proceedings regarding transfer of the petitioner.
- j. That, it is also worthy to note that the transfer order of the petitioner was communicated to the Minister for the Health Department, Khyber Pakhtunkhwa which shakens the veracity/genuineness of the impugned order and speaks loudly that the transfer was made on the basis of pure political motivation and there is clear cut malafide on the part of the department/political figures.
- k. That, it is well settled by now that the political figures have nothing to

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do with the transfer/posting of the civil servants whereas in the instant case, the competent authority while making himself pawn in the hands of the political figures, issued the impugned notification regarding transfer of the petitioner which has no legal sanctity in the eyes of law.

- l. That, the competent authority failed to exercise its powers in accordance with the relevant law, rules and regulations rather travelled beyond the powers so vested in it under the law.

- m. That, the petitioner has unblemished service career as the petitioner is performing his duties with great zeal and zest and never remained negligent in performance of his assigned duties. Similarly, neither any departmental nor any public complaint is available against the petitioner.

- n. That, it is an inalienable right of the petitioner to enjoy the protection of law and to be treated in accordance with law, rules and regulations but

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such right of the petitioner has been infringed in a sheer malafide manner.

o. That, the impugned transfer order has neither been in the best interest of public service nor in exigencies of service, hence, not tenable and liable to be set aside.

p. That, the impugned transfer order is nothing but to harass the petitioner and to accommodate their blue eyed person.

q. That, the impugned transfer order is violative of clause-I, IV and XIII of the transfer/ posting policy of the Government of Khyber Pakhtunkhwa as the petitioner has been transferred prematurely from his current post.

r. That, the powers or jurisdiction are vested in authority to exercise it justly, fairly, honestly, judiciously and in accordance with law, rules and regulations but the respondents have transgressed upon their powers

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AUBOTE ROAD BUNJI

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while dealing with the matter in hand.

.....PRAYER.....

It is, therefore, most humbly prayed that on acceptance of the instant Writ Petition, the impugned notification bearing No.SOH(E-V)4-4/2022 dated 30.05.2022 whereby the petitioner was transferred from the post of Medical Superintendent King Abdullah Teaching Hospital, Mansehra to Directorate General Health Services, Khyber Pakhtunkhwa Peshawar may please be declared as wrong, illegal, against the law and facts, arbitrary, fanciful, perverse, against the spirit of the judgment of Honourable Service tribunal, KPK Peshawar, against the fundamental rights of the petitioner hence being unconstitutional be struck down and the petitioner may please be restored to its previous position i.e. Medical Superintendent, King Abdullah Teaching Hospital, Mansehra or any other writ, order or relief as this Honourable Court deems fit and appropriate in the

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circumstances of the case, may also be issued/passed.

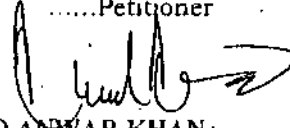
INTERIM RELIEF.

It is further prayed that the operation of the impugned notification dated 30.05.2022 and for issuance of temporary injunction to the effect that the respondents may please be restrained from transferring the petitioner from King Abdullah Teaching Hospital, Mansehra to Directorate General Health Services, Khyber Pakhtunkhwa Peshawar or any other place, taking charge from the petitioner, relieving the duties of the petitioner, transferring the respondent No.9 at the place of the petitioner, handing over the charge of the appellant's post to respondent No.9 or doing any other act which directly or indirectly affects the rights of the petitioner till the disposal of the titled Writ Petition.

Dated 31.05.2022

Dr. Shahzad Ali Khan
.....Petitioner

Through


JUNAID ANWAR KHAN,
Advocate Supreme Court
Of Pakistan.

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ABBOTTBENCH
26/5/22

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PESHAWAR HIGH COURT, ABBOTTABAD BENCH.

FORM OF ORDER SHEET

Date of Order of Proceedings	Order or other Proceedings with Signature of Judge (s)
1	2
08.06.2022	<p><u>W.P.No.656-A/2022.</u></p> <p>Present: Mr. Junaid Anwar Khan, Advocate for petitioner.</p> <p>Mr. Sajid ur Rehman Khan, Asstt: A.G for respondents.</p> <p>***</p> <p><u>Wiqar Ahmad, J.</u> Learned counsel for petitioner contends that petitioner was just posted as Medical Superintendent in King Abdullah Teaching Hospital, Mansehra on 18.05.2022 in compliance with the order of Khyber Pakhtunkhwa Service Tribunal and he was again transferred from the post of Medical Superintendent, King Abdullah Teaching Hospital, Mansehra to Directorate General, Health Service Khyber Pakhtunkhwa, Peshawar vide order dated 30.05.2022, which order was the result of express malafide on the part of respondents. Learned Assistant Advocate General present in court, in some other case, was put on notice who accepted the same. In the circumstances where the petitioner has already filed appeal before competent authority i.e. the Chief Minister, Khyber Pakhtunkhwa, Peshawar and the competent authority is supposed to decide his appeal within fifteen days according to Para 14 of the Appointment, Promotion and Transfer Policy of the provincial Government, we</p>

APab/PS/

Hon'ble Justices: Wiqar Ahmad & Kahtyan Hayat Mankhal

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direct the competent authority to decide the appeal of petitioner within seven (07) days from receipt of order of this court. The learned Assistant Advocate General and learned Additional Registrar of this court is directed to convey direction of this court to concerned respondent. This petition is disposed of accordingly.

JUDGE



JUDGE

Office
2/16/22

Annex "2-1"

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To,

CHIEF SECRETARY,
Khyber Pakhtunkhwa, Peshawar.

Subject: DEPARTMENTAL APPEAL AGAINST
THE IMPUGNED NOTIFICATION BEARING
NO.SOH(E-V)/2-2/2024 DATED 27.05.2024
ISSUED BY THE DEPARTMENT WHEREBY
THE APPELLANT WAS TRANSFERRED
FROM THE POST OF MEDICAL
SUPERINTENDENT KING ABDULLAH
TEACHING HOSPITAL, MANSEHRA TO
TEHSIL HEADQUARTER HOSPITAL
TAKHT BAI MARDAN.

PRAYER: -

On acceptance of the instant Departmental appeal, the impugned notification bearing No.SOH(E-V)/2-2/2024 dated 27.05.2024 issued by the department may please be set aside and the appellant may please be restored to its previous position i.e. Medical Superintendent, King Abdullah Teaching Hospital, Mansehra.

Respectfully Sheweth!

1. That, the appellant is a bonafide resident of Fareed Bagh Mandian Kotkay, Tehsil and District Mansehra.

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2. That, the appellant is a qualified Doctor and is performing his duties in the Management Cadre of the respondents' department.
3. That, the appellant was initially inducted in the Health Department, Government of Khyber Pakhtunkhwa who was later on transferred and lastly posted as Medical Superintendent, King Abdullah Teaching Hospital, Mansehra vide notification bearing No.SOH(HD)/E-V/4-4/2020 dated 18.03.2020.
4. That, the appellant was working against the impugned post with great zeal and zest but the department illegally and unlawfully transferred the appellant by way of notification dated 09.07.2021.
5. That, the appellant being aggrieved from the impugned notification, submitted departmental appeals before the department but the same were not been adhered to by the respondents.
6. That, the appellant being aggrieved from the impugned notification duly filed a service appeal before the

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Honourable Service Tribunal, KPK Peshawar which was accepted vide order dated 09.11.2021 and directions were issued to the department to do further needful to bring the position in place as per accepted prayer of the appellant.

7. That, the order of the Honourable Service Tribunal was not complied with by the respondents, therefore, the appellant being aggrieved from the actions/in-actions of the department filed an application for implementation of the order before the Honourable Service Tribunal, KPK Peshawar and the Honourable Service Tribunal ordered for posting the appellant against the impugned post.
8. That, after hectic efforts by the appellant as well as upon the strict directions of the Honourable Service Tribunal, KPK Peshawar, the appellant was ordered to be posted on the post of Medical Superintendent, King Abdullah Teaching Hospital, Mansehra on 18.05.2022.

9. That, after obtaining charge of the post of Medical Superintendent, King Abdullah Teaching Hospital, Mansehra and after the disposal of the implementation application of the appellant, the department unlawfully and illegally issued impugned notification dated 30.05.2022 whereby the appellant was again transferred from the post of Medical Superintendent, King Abdullah Teaching Hospital, Mansehra to Directorate General, Health Service, Khyber Pakhtunkhwa, Peshawar.
10. That, the appellant being aggrieved from the impugned order dated 30.05.2022 submitted a departmental appeal before the department which was not attended to by the department against which the appellant filed Writ Petition before this Honourable Court as well as Service appeal before the Honourable Service Tribunal, Khyber Pakhtunkhwa Peshawar, which was allowed by the Honourable Service Tribunal, Peshawar.
11. That, the department later on refused to restore the services of the appellant in the light of the order of

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Khyber Pakhtunkhwa Service Tribunal,
Peshawar hence the appellant
submitted application for contempt
of court before the Honourable
Service Tribunal, Peshawar which
was listed before the Honourable
Tribunal on 04.05.2023 and the
department handed over the
notification bearing No.SOH(E-V/4-4
/ 2023 dated 02.05.2023 and thus
the appellant's services have been
restored as Medical Superintendent
King Abdullah Teaching Hospital,
Mansehra.

12. That, the appellant started to perform his duties in the light of the order dated 04.05.2023 and never remained negligent in performance of his duties but after lapse of only one year, the department issued the impugned notification bearing No. SOH(E-V)/2-2/2024 dated 27.05.2024 whereby the appellant was transferred from the post of Medical Superintendent King Abdullah Teaching Hospital, Mansehra to Tehsil Headquarter Hospital Takht bai Mardan.

13. That, the appellant ran from pillar to post for the redressal of his genuine grievances but in vain hence the appellant seeks the gracious indulgence of your goodself by way of instant departmental appeal, inter alia, on the following grounds: -

GROUNDS

- i. That, the impugned notification bearing No.SOH(E-V)/2-2/2024 dated 27.05.2024 issued by the department whereby the appellant was transferred from the post of Medical Superintendent King Abdullah Teaching Hospital, Mansehra to Tehsil Headquarter Hospital Takht bai Mardan is wrong, illegal, against the law and facts, arbitrary, fanciful, perverse, against the fundamental rights of the appellant hence liable to be set aside.
- ii. That, admittedly, the appellant was given the charge of the impugned post in the light of the order of Honourable Service Tribunal, Peshawar dated 04.05.2023 by way of order

dated 02.05.2023 and since then the appellant is serving against the impugned post with great zeal and zest and there is not even a single departmental or public complaint against the appellant hence no legal justification rests with the department to transfer the appellant from the impugned post.

iii. That, the appellant has obtained the initial charge of the impugned post by way of notification SOH(HD)/E-V/4-4/2020 dated 18.03.2020 and since the passage of said order, the department have transferred the appellant 3/4 times and all the times, the said transfer notifications were reverted back by the Honourable Service Tribunal which speaks volume of malafide on the part of the respondents.

iv. That, the appellant has been politically victimized by the department and the department while making themselves as pawn in the hands of the local political figure of the locality have issued the

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impugned notification just to facilitate their blue eyed chap.

- v. That, it is well settled by now that the political figures have nothing to do with the transfer or posting rather the same is the pure domain of the relevant department but in the matter in hand, all the proceedings have been carried out at the behest of the political figure of the area which is not warranted under the law.
- vi. That, the impugned notification is against the norms of fair play, good conscious, equity as well as against the fundamental rights of the appellant hence the same is liable to be brushed aside.
- vii. That, the law does not permit the department to disturb the services of any employee but the department while considering them above the law have issued the impugned notification mere on the basis of political influence of the respondent No.6 and that too without completion of the tenure of the appellant hence

the impugned notification being hit by the relevant law, rules and policy on the subject have no legal sanctity in the eyes of law.

viii. That, relevant law, rules and regulations have blatantly bypassed/ violated by the department and the relevant law, rules and regulations have never been taken into consideration by the department and thus the notification so passed by the department have no legal sanctity in the eyes of law.

ix. That, no solid, valid, concrete or confidence inspiring reasons/ justification has been given by the competent authority while transferring the appellant from King Abdullah Teaching Hospital, Mansehra. Similarly, spouse policy is also in favour of the petitioner as his wife is serving in District Mansehra.

x. That, relevant law, rules, and regulations have completely been bypassed by the competent authority while carrying out the impugned proceedings regarding transfer of the appellant.

- xi. That, the competent authority failed to exercise its powers in accordance with the relevant law, rules and regulations rather travelled beyond the powers so vested in it under the law.
- xii. That, the appellant has unblemished service career as the appellant is performing his duties with great zeal and zest and never remained negligent in performance of his assigned duties. Similarly, neither any departmental nor any public complaint is available against the appellant.
- xiv. That, the impugned transfer order has neither been in the best interest of public service nor in exigencies of service, hence, not tenable and liable to be set aside.
- xv. That, the impugned transfer order is nothing but to harass the appellant and to accommodate their blue eyed person.
- xvi. That, the impugned transfer order is violative of clause-I, IV and XIII of


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the transfer/ posting policy of the Government of Khyber Pakhtunkhwa as the appellant has been transferred prematurely from his current post.

.....PRAYER.....

It is, therefore, most humbly prayed that on acceptance of the instant departmental appeal, the impugned notification bearing No.SOH(E-V)/2-2/2024 dated 27.05.2024 issued by the department whereby the appellant was transferred from the post of Medical Superintendent King Abdullah Teaching Hospital, Mansehra to Tehsil Headquarter Hospital Takht bai Mardan may please be set aside and the appellant may please be restored to its previous position i.e. Medical Superintendent, King Abdullah Teaching Hospital, Mansehra

Dr. SHAHZAD ALI KHAN
son of Muhammad Fareed
Swati resident of Fareed
Bagh Mandian, post Office
Kotkay, Tehsil and District
Mansehra.....APPELLANT


Dated 30/5/24.

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Payment Details:
 3:00
 Express Letter out of Van
 Rs. 2000
 Insured Value

Sender Details:
 Name: DR SHAHZAD ALI KHAN
 Phone: 03009115387
 Address: MS KING ABDULAH H
 KHAM DISTT HEALTH
 ANSHERA

Receiver Details:
 Name: CHIEF MINISTER KPK
 Phone: 03009115387
 Address: PESHAWAR C M HOUSE
 Peshawar
 CN: 2987719



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 Premium 0
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 Origin Tax PST 50
 Insurance CHG 40
 VAS 8
 Other Amount 0.0
 Fuel Surcharge 28.0
 Service CHG 278.0

Payment Details:
 3:00
 Express Letter out of Van
 Rs. 2000
 Insured Value

Sender Details:
 Name: DR SHAHZAD ALI KHAN
 Phone: 03009115387
 Address: MS KATH KANSEHRA

Receiver Details:
 Name: SECRETARY HEALTH
 Phone: 03009115387
 Address: PESHAWAR
 CN: 2987719888



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 Premium 0
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 Origin Tax PST 50
 Insurance CHG 40
 VAS 8
 Other Amount 0.0
 Fuel Surcharge 28.0
 Service CHG 278.0

Payment Details:
 3:00
 Express Letter out of Van
 Rs. 2000
 Insured Value

Sender Details:
 Name: MS KATH KANSEHRA
 Phone: 03009115387
 Address: SHANZAD ALI KHAN
 KHAM DISTT HEALTH
 ANSHERA

Receiver Details:
 Name: MINISTER HEALTH KPM
 Phone: 03009115387
 Address: PESHAWAR
 CN: 2987719867



Annexure
BEFORE THE SERVICE TRIBUNAL KPK
PESHAWAR



COC No. 330 /2022

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 183

Dated 06/06/2022

In
Service Appeal No. 7294 of 2021

Dr. Shahzad Ali Khan son of Muhammad Farid Swati
Resident of Farid Bagh, Mandian, Kotkay, Tehsil & District
Mansehra

.....Petitioner

Versus

1. Ameer Sultan Tareen, Secretary Health Khyber
Pakhtunkhwa, Peshawar
2. Dr. Shaheen Afridi, Director, general health Services Khyber
Pakhtunkhwa, Peshawar.
3. Tehmas Ayub, Setion officer (V) health Department, Khyber
Pakhtunkhwa, Peshawar

.....Respondent

PETITION OF INITIATION OF CONTEMPT
OF COURT PROCEEDINGS AGAINST THE
RESPONDENT/CONTEMNER FOR
SHOWING DEFIANCE AND VIOLATING THE
JUDGMENT/ORDER PASSED BY THIS
HON'BLE COURT DATED 18-05-20212 IN THE
ABOVE MENTIONED SERVICE APPEAL.

ATTESTED
Khyber Pakhtunkhwa
Service Tribunal
Peshawar
7/5/22

28

89

PRAYER: -

On acceptance of the instant petition, the respondents/contemners herein may please be proceeded in accordance with law on the subject and get the judgment implement and the respondents may please be strictly directed to restore the petitioner at its previous position i.e. Medical Superintendent, King Abdullah Teaching Hospital, Mansehra.

Respectfully Sheweth!

1. That, the petitioner initially filed a service appeal before this Honourable Tribunal challenging his transfer order dated 09.07.2021 and the said appeal was listed before this Honourable Court on 09.11.2021 and this Honourable court while allowing the appeal filed by the petitioner and directed the respondents to do further needful to bring the position in place as per accepted prayer of the appellant.

(Attested copies of memo of appeal alongwith order are annexed as annexure "A&B").

ATTESTED
BY
MEMBER PASTORAL
SERVICE TRIBUNAL
PESHAWAR

8d.

290

2. That, after the passage of the impugned order, the respondents refused to act upon the judgment/order of this Honourable Court constraining the petitioner to file application for implementation before this Honourable court and during the course of the proceedings upon the said application, the respondents issued notification dated 18.05.2022 whereby the impugned transfer of the petitioner was withdrawn and the petitioner was posted as Medical Superintendent, King Abdullah Teaching Hospital, Mansehra hence the application for implementation was disposed off accordingly vide order dated 18.05.2022.

(Copies of the application for implementation alongwith order dated 18.05.2022 and notification dated 18.05.2022 are annexed as annexure "C", "D" & "E").

3. That, as the petitioner did not relieved his charged on the basis of previous transfer order, therefore, the petitioner started to perform his duties accordingly.

ATTESTED
[Signature]
[Stamp]
[Date]

91

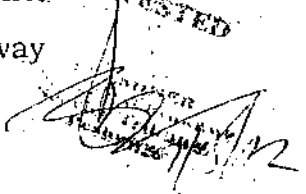
4. That, the respondents clearly and categorically redressed the grievances of the petitioner before this Honourable Tribunal but later on, after lapse of 11/12 days, the respondents issued another notification bearing No.SOH(E-V)/4-4/2022 dated 30.05.2022 whereby the petitioner was again transferred from the post of Medical Superintendent, KATH Mansehra to Directorate General Health Services, Khyber Pakhtunkhwa, Peshawar.

(Copy of the impugned notification dated 30.05.2022 is annexed as annexure "F").

5. That, the respondents were bound under the law to honour their notification dated 18.05.2022 by not passing/issuing any other order but the respondents while again transferring the appellant has willfully disobeyed, violated and flouted the order of this Honourable Tribunal.

6. That, the petitioner time and again visited the offices of the respondents for implementation of the order dated 18.05.2022 passed by this Honourable Tribunal in its true letter and spirit but the respondents straightway

ATTESTED

A handwritten signature in black ink is written over a circular stamp. The stamp contains the word "ATTESTED" at the top and some illegible text below. The signature appears to be "A. A. Khan" or similar.

92
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refused to act upon/implement the order passed by this Honourable court.

7. That, petitioner having no other remedy except to file the instant application for initiating contempt of court proceedings against the respondents, inter alia, on the following grounds: -

GROUNDS

- a. That, admittedly, the respondents produced the notification dated 18.05.2022 before this Honourable Tribunal whereby the respondents withdrawn the transfer order of the petitioner and thus the petitioner was again restored on his previous position i.e. Medical Superintendent, King Abdullah Teaching Hospital, Mansehra.
- b. That, the said notification dated 18.05.2022 for restoring the position of the petitioner at KATH, Mansehra was issued subject to the outcome of the CPLA and inquiry whereas neither the CPLA pending before the

ATTENDED
KING ABDULLAH TEACHING HOSPITAL
Service Tribunal
Mansehra
[Signature]

93

Honourable Supreme Court of Pakistan was disposed off nor any inquiry was concluded hence no justification rests with the respondents for issuance of the impugned order dated 30.05.2022 but despite that fact, the respondents issued the impugned order and thus committed contempt of the order of this Honourable Court.

- c. That, as the notification dated 18.05.2022 was produced before this Honourable court hence the respondents were bound under the law to honour the same and to implement the same in its true letter and spirit but the respondents while passing the impugned notification has committed willful contempt of the order of this Honourable Court.
- d. That, the act of the respondents is not only against the relevant law, rules and regulations but also a mockery with the order of Honourable Tribunal and such act of the respondents is highly condemnable and deplorable.
- e. That, once the respondents have withdrawn the previous transfer of the

REQUESTED
Khan
Service
8/2/2022

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petitioner till the outcome of the CPLA or inquiry then the respondents are bound under the law to wait for the fate of the CPLA or inquiry but neither the petitioner was called by the respondents for any inquiry nor any order of Honourable Supreme Court of Pakistan was intimated to the petitioner hence without any outcome of the CPLA or inquiry, the passage of the impugned order does not appeal to a prudent mind rather shows the stubborn behaviour of the respondents that they just on political influence, disturbed the services of the petitioner as well as violated the order of this Honourable Tribunal.

- f. That, no legal, lawful or valid justification has been given by the respondents to further transfer the service of the petitioner rather the impugned order speaks volume of malafide, political motivation of the respondents.
- g. That, valuable rights of the petitioner are involved in the matter in hand and as the respondents managed to get rid of the proceedings of application for implementation submitted before this Honourable

ATTORNEY
S. M. A. M. S. M.
15/04/2009

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—

Tribunal, therefore, this Honourable Tribunal has been deceived by the respondents and also committed fraud with this Honourable Tribunal and such conduct of the respondents is to dealt with iron hands.

- h. That, respondents/contemnors was left with no other legal option except to implement the direction given in the said judgment but they have badly failed to comply with the direction so given.
- i. That, the defiance shown by contemnors towards the implementation of judgment passed by this Honourable Court dated 18.05.2022 clearly and squarely falls into the mischief of contempt of court and he is liable to be proceeded thereunder.

.....PRAYER

It is, therefore, most humbly prayed that on acceptance of the instant petition, the respondents/contemnors herein may please be proceeded in accordance with law on the subject and get the judgment implement and the respondents may please be strictly directed to restore the petitioner at its previous position

APPROVED
By: [Signature]
Name: [Name]
Service: [Service]
[Date]

[Signature]

96

i.e. Medical Superintendent, King
Abdullah Teaching Hospital, Mansehra.

Dated 04.06.2022

Dr. Shahzad Ali Khan
Petitioner

Through

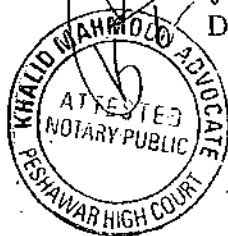
[Signature]
JUNAID ANWAR KHAN,
Advocate Supreme Court,
Of Pakistan at

AFFIDAVIT: Mansehra

I, Dr. Shahzad Ali Khan son of
Muhammad Farid Swati resident of
Farid Bagh, Mandian, Kotkay, Tehsil
and District Mansehra, Petitioner, do
hereby solemnly affirm and declare on
oath that the contents of the foregoing
petition for contempt of court are true
and correct and nothing has been
concealed from this Honourable Court.

Dated 04/06/2022

[Signature]
Dr. Shahzad Ali Khan
(DEPONENT)



Certified to be true copy
[Signature]
06/06/22

Date of Presentation of Petition

Number of Words

Copying Fee

Urgent

Total

Name of Court

Date of Copy

Date of Delivery of Copy

06/06/22

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58/-

07/06/22

07/06/22

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4th May, 2023

1. Petitioner in person present. Mr. Asif Masood Ali Shah
Deputy District Attorney for respondents present.

2. Respondents produced copy of notification bearing Endst No. SOH(E-V)4-4/2023 dated 02.05.2023, whereby in compliance of the judgment of the Tribunal, grievance of the petitioner has been redressed. Since the order of the Tribunal has been complied with, therefore, the instany execution petition is filed. Consign.

3. Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal on this 4th day of May, 2023.

(Signature)
(Kalim Arshad Khan)
Chairman

Aadad Shahi, P.A.

APPROVED
(Signature)
Secretary
Peshawar

Date of Presentation of Application 06-5-23
Number of Sheets 47
Copying Fee 20/-
Urgent 20/-
Total 20/-
Name of Clerk
Date of Copy 07-5-23
Date of Delivery of Copy 07-5-23



GOVT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

98



Dated: Peshawar the 17th January 2024

NOTIFICATION

NO. SOH(E-V)/4-4/2024: WHEREAS, Formal inquiry was initiated against DR. SHAHZAD ALI KHAN (1350306793397) S/D/W of MUHAMMAD FARID, Management Cadre (BS-19), Medical Superintendent, King Abdullah Teaching Hospital Mansehra vide Health Department's Notification No. SOH(E-V)/8-8/2021 dated 22.09.2021 on account of forcibly occupying office of the MS of the hospital on 07.09.2021, using abusive & derogatory language against the public representative, deploying private security guards in the premises of the hospital and thus taking the law into his hands without waiting for proper orders of Health Department for implementation of the order of the Services Tribunal with regard to his transfer.

2. AND WHEREAS, After completion of formal inquiry, the charges leveled against the above named officers have been partially proved.

3. AND WHEREAS, A Show Cause Notice was issued to Dr. Shahzad Ali Khan for withholding of promotion for a period of two years which was served upon the accused vide Health Department's letter No. SOH(E-V)/4-4/2023/ Dr. Shahzad Ali Khan dated 29.08.2023.

4. NOW THEREFORE, In exercise of the power conferred under Rule-14 of the Khyber Pakhtunkhwa Civil Servants (E&D) Rules, 2011 and all such powers on that behalf, the Competent Authority (Chief Minister Khyber Pakhtunkhwa) is pleased to pass order to "exonerate" Dr. Shahzad Ali Khan, Management Cadre (BS-19), Medical Superintendent, King Abdullah Teaching Hospital Mansehra from the charges leveled against him.

SECRETARY HEALTH
KHYBER PAKHTUNKHWA

No. 3463-72/Notification of even No. & dated:

Copy of the above is forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director General Health Services, Khyber Pakhtunkhwa.
3. Director IMU Health, Khyber Pakhtunkhwa.
4. Medical Superintendent, King Abdullah Teaching Hospital Mansehra.
5. District Accounts Officer, Mansehra.
6. Deputy Director (IT), Health Department, Peshawar.
7. PS to Secretary Health Department Khyber Pakhtunkhwa
8. Doctor concerned.
9. Personal file of the doctor concerned.

(FAZAL AMIN)
SECTION OFFICER (E-V)



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Page 1/1

H E A L T H K P

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**GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT**

Dated Peshawar the 02nd May, 2023

NOTIFICATION

NO. SOH(E-V)/4-4/2023

The following posting/ transfer of doctors is hereby ordered, with immediate effect, in the best public interest:-

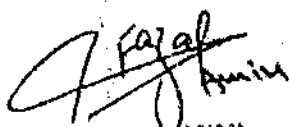
S.NO	NAME	FROM	TO	REMARKS
1.	Dr. Shahzad Ali Khan, Management Cadre (BS-19)	Principal Medical Officer (BS-19), King Abdullah Teaching Hospital, Mansehra	Medical Superintendent (BS-19), King Abdullah Teaching Hospital, Mansehra	Vice S.No.02
2.	Dr. Ahmad Faisal, Management Cadre (BS-19)	Medical Superintendent (BS-19), King Abdullah Teaching Hospital, Mansehra	Medical Superintendent (BS-19), Cat-D hospital Sarai Naimat Khan District Haripur	Against the vacant post

**SECRETARY HEALTH
GOVERNMENT OF KHYBER PAKHTUNKHWA**

No. 8605-16 Endst. of even No. & Date

Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
3. Registrar/ Assistant Registrar, Khyber Pakhtunkhwa Services Tribunal, Peshawar, w/r to his letter No. 836-38/ST dated 02.03.2023.
4. Medical Superintendent, King Abdullah Teaching Hospital, Mansehra.
5. District Health Officer, Haripur.
6. District Accounts Officer, Haripur & Mansehra.
7. Medical Superintendent, Cat-D hospital Sarai Naimat Khan, Haripur.
8. Deputy Director (IT), Health Department, with the direction to upload the notification on official website.
9. PS to Minister for Health Department, Khyber Pakhtunkhwa.
10. PS to Secretary Health Department, Khyber Pakhtunkhwa.
11. All concerned doctors.


 (FAZAL AMIN)
 SECTION OFFICER (E-V)

GOVERNMENT OF KHYBER PAKHTUNKHWA

100

CERTIFICATE OF TRANSFER OF CHARGE

Certified that I, **Dr. Shahzad Ali Khan** have this day before/afternoon taking-over/relinquished charge of the office of **Medical Superintendent**, King Abdullah Teaching Hospital Mansehra with reference to the Order of the Government of Khyber Pakhtunkhwa Health Department No. SOH(HD)E-V/4/4/2023 dated 02.05.2023.

Station: Mansehra

Signature of relieved
Government Servant
Designation

Dated 03.05.2023

Signature of Government
Servant receiving charge
Designation

No. 3977-83/HP. Dated Mansehra the 03-05/2023

From:-

The Medical Superintendent
King Abdullah Teaching Hospital Mansehra

To

1. The Secretary Health Govt. of Khyber Pakhtunkhwa.
2. The Director General Health Services Khyber Pakhtunkhwa.
3. The Registrar / Assistant Registrar, Khyber Pakhtunkhwa Service Tribunal Peshawar for information please.
4. The District Accounts Officer Mansehra.
5. Account Section undersigned office.
6. In-charge DHIS Cell, KATH Mansehra.
7. Officer concerned.

The charge of the office of **Medical Superintendent** King Abdullah Teaching Hospital Mansehra taking over/relinquished due to transferred and posted as **Medical Superintendent** on the fore/afternoon of the 03.05.2023.

Medical Superintendent
King Abdullah Teaching
Hospital Mansehra

101



APPRECIATION CERTIFICATE

Expeditious Justice Initiative (EJI)
Model Criminal Trial Courts (MCTC)

The Honorable Chief Justice of Pakistan, Mr. Justice Asif Saeed Khan Khosa and The Honorable Chief Justice of Peshawar High Court Peshawar are pleased to award this certificate to

District Health Officer Mansehra, SHEHZAD ALI KHAN

in appreciation of performance rendered as a Focal Person Health Department Mansehra for Model Criminal Trial Court, Mansehra.

Suhail Sheraz Noor Saani

District & Sessions Judge Mansehra



Annexure
"N"
102



GOVT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT



Dated Peshawar the 27th May 2024

NOTIFICATION

NO.SOH(E-V)/2-2/2024 The following posting/ transfer of doctors are hereby ordered with immediate effect, in the best public interest:-

S.No	Employee Name	From	To/Disposal	Remarks
1	DR MUHAMMAD AMJAD, General Cadre (BS -19) 1350306500447	Principal Medical Officer (BPS-19), King Abdullah Teaching (DHQ) Hospital, Manshehra	Principal Medical Officer (BPS-19), DHQ Hospital Dir Upper	A.V.P
2	DR SHAHZAD ALI KHAN, Management Cadre (BS -19) 1350306793357	Medical Superintendent (BPS-20) in OPS, King Abdullah Teaching (DHQ) Hospital, Manshehra	Medical Superintendent (BPS-19), THQ Hospital Takht Bahi Mardan	Vice S.No.4
3	DR SHAHZAD QUL, General Cadre (BS -19) 1350454045129	Principal Medical Officer (BPS-19) King Abdullah Teaching (DHQ) Hospital, Manshehra	Principal Medical Officer (BPS-19), Cat-D Hospital Patrok Dir Upper	A.V.P
4	DR TAHQ Management Cadre (BS -19) 1350454221101	Medical Superintendent (BPS-20), THQ Hospital Takht Bahi Mardan	Medical Superintendent (BPS-20), King Abdullah Teaching (DHQ) Hospital, Manshehra in OPS	Vice S.No.02

SECRETARY HEALTH
KHYBER PAKHTUNKHWA

No. 4940-57 / Notification of even No. & dated:
Copy of the above is forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director General Health Services, Khyber Pakhtunkhwa.
3. District Health Officer, Mardan, Dir (Upper).
4. District Accounts Officer, Mardan, Manshehra, Dir (Upper).
5. MS, King Abdullah Teaching Hospital Manshehra.
6. MS, DHQ Hospital, Dir (Upper).
7. MS, THQ Hospital Takht Bahi Mardan.
8. PS to Secretary Health Department Khyber Pakhtunkhwa.
9. Deputy Director (IT), Health Department, Peshawar.
10. Both the concerned doctors.
11. PS to Special Secretary (E&A and B&D), Health Department.
12. Personal files of both the concerned doctors.


(FAZAL AMIN)
SECTION OFFICER (E-V)



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Page 1/1

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**GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT**

Dated Peshawar the 27th May 2024

NOTIFICATION

No. SHO(E-V)12-2/2024 The following posting / transfer of doctors are hereby ordered with Comments effect, in the best public interest:

S.NO	Coadunate Name	From	To Disposal	Remarks
1	DR MUHAMMAD AMJAD. General Cadre (BS-19) 1350306500447	Principal Medical officer (BPS-19) King Abdullah teaching (DHQ) Hospital Mansehra.	Principal Medical officer (BPS-19).DHQ Hospital Dr Upper	A.V.P
2	DR SHAHZAD ALI KHAN Management Cadre (BS-19) 1350306793397	Medical Superintendent (BPS.20) in OPS OPS. King Abdullah (DHQ)Hospital Mansehra	Medical superintendent (BPS-19). THQ Hospital Takhi Bhai Mardan	Vice S.No.4
3	DR SHAHZAD GUL.	Principal Medical Officer (BPS-19).King Abdullah (DHQ) Hospital Mansehra	Principal Medical officer (BPS-19) Cal-D Hospital Palrok Dir Upper	A.V.P
4	DR TARIQ	Medical Superintendent (BPS-19). THO Hospital Takhi Bahi Mardan.	Medical superintendent (BPS-19) King Abdullah Teaching (DHQ) Hospital Mansehra in OPS	Vice S.No.02

**SECRETARY HEALTH
KHYBER PAKHTUNKHWA**

No. 4940-52/ Notification of even No.& dated:

Copy of the above is forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director General Health services. Khyber Pakhtunkhwa.
3. District Health Officer , Mardan, Dir (Upper).
4. District accounts Officer, Mardan, Mansehra , Dir (Upper).
5. MS, King Abdullah Teaching Hospital Mansehra.
6. MS, DHQ Hospital, Dir (Upper).
7. MS, THQ Hospital Takht Bahi Marda.
8. PS to secretary Health department Khyber Pakhtunkhwa.
9. Deputy Director (IT), Health Department, Peshawar.
- 10.Both the concerned doctors.
- 11.PS to Special Secretary (E&A and B&D). Health Department.
- 12.Personal files of both the concerned doctors.

(FAZAL AMIN)
SECTION OFFICER (E,V)



Provincial Inspection Team, Khyber Pakhtunkhwa
 Block No. 15, Attached Department Complex,
 Khyber Road, Peshawar. Cantt.
 Tele. & Fax: 9211764
 No. Adman/402/PIT/2022/2308
 Dated: November 15, 2023

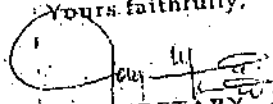
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 103

To
 The Secretary to Govt. of Khyber Pakhtunkhwa,
 Health Department
 Peshawar.

Subject: PERFORMANCE APPRECIATION

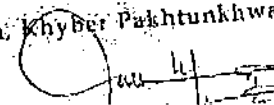
Dear Sir,
 I am directed to refer to the subject noted above and to state that during visit of the Chairman Provincial Inspection Team to the King Abdullah Teaching Hospital District Mansehra on 30.10.2023. Dr. Shahzad Ali Khan Medical Superintendent was found a competent Administrator, who had maintained up to the mark cleanness and hygienic environment in the Hospital. A proper Solid Waste Management was found in place with a functional incinerator and waste disposal mechanism which exhibited his keen interest towards his official duties.

2. The Provincial Inspection Team appreciates efforts of the above officer and expects that he will work with the same spirit and dedication in future as well for patient care.

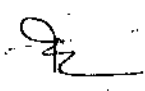
Yours faithfully,

 SECRETARY

M-3 sas
 P.F.
 Sir
 Reward

- Copy to the:-
1. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
 2. PSO to Chief Secretary, Govt. of Khyber Pakhtunkhwa.
 3. Medical Superintendent, Dr. Shahzad Ali Khan, King Abdullah Teaching Hospital District Mansehra.
 4. PS to Chairman Provincial Inspection Team, Khyber Pakhtunkhwa.


 SECRETARY

1
 MS
 20/11/23

3140
 20-11-23


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Department of Health
Government of Khyber Pakhtunkhwa

Certificate of Appreciation

Presented to Dr. SHEZAD ALI KHAN **DHA**
district MANSHERA region HAZARA

for achieving second highest overall score in performance management


Dr. Shaukat Ali

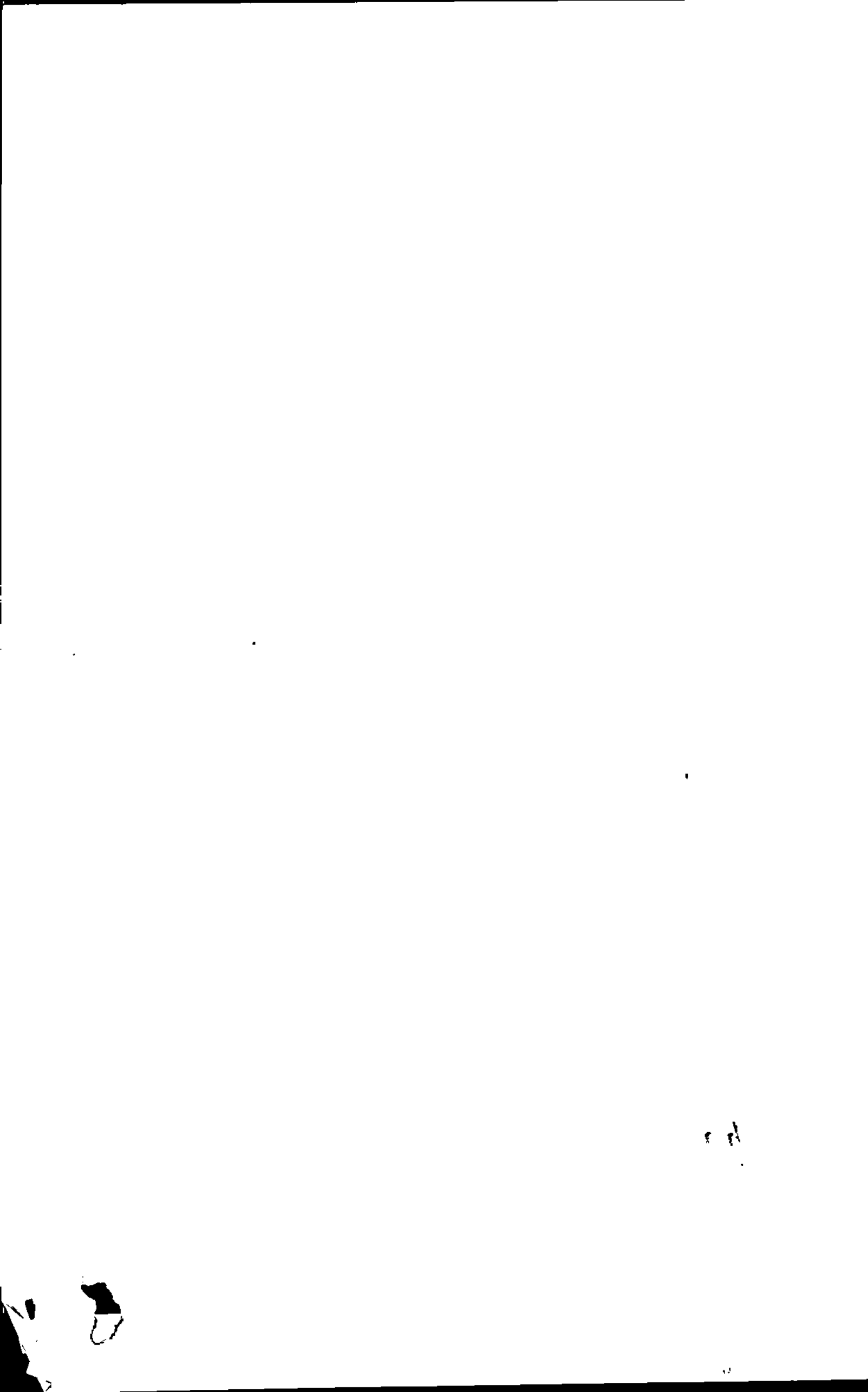
Director General Health Services,
Khyber Pakhtunkhwa


Dr. Riaz Anwar

Advisor to Chief Minister
Khyber Pakhtunkhwa on Health


Mr. Mahmood Aslam

Secretary to Government of Khyber
Pakhtunkhwa, Health Department



Annexure
"O"
105



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated Peshawar, the 25th July, 2023

NOTIFICATION

NO.SOH(E-I)/3-1293/2017:

The competent Authority has been pleased to transfer Dr. Bibi Sara, District Gynecologist (BS-18) from Type-D Hospital Baffa, Mansehra and post her at King Abdullah District Headquarter Hospital Mansehra, against the vacant post of District Gynecologist (BS-18) with immediate effect, in the best public interest:-

Secretary to Govt. of Khyber Pakhtunkhwa
Health Department

Endst: of even No. & date:-

Copy forwarded to the:-

1. Director General Health Services, Khyber Pakhtunkhwa.
2. Medical Superintendent, King Abdullah District Headquarter Hospital Mansehra.
3. District Accounts Officer, Mansehra.
4. PS to the Secretary Health Govt. of Khyber Pakhtunkhwa, Peshawar.
5. Deputy Director (IT) to upload this Notification on official website.
6. Both the concerned doctors.
7. PS to the Special Secretary (E&A and B&D), Health Department.
8. Personal file of the concerned doctor.

Aapke

MS

Fazal Amin
Section Officer (E-I)

وکالت نامہ

میر فتح فرخاہ سرورس ٹریبونل بہاولپور

بعدالت جناب

ڈاکٹر عزیز احمد علی خان بنام قدرت میر فتح فرخاہ وغیرہ

سرورس اپیل منجانب اسپلڈنٹ

دعویٰ یا جرم

باعث تحریر آنکہ

بہاولپور کے لئے

مندرجہ بالا عنوان میں اپنی طرف سے پیروی و جوابدہی بہ تمام

جنید انور خان ایڈووکیٹ سپریم کورٹ آف پاکستان

بدیں شرط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختیار خاص رو برو عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے وکیل صاحب موصوف کو اطلاع دے کر حاضر کروں گا۔ اگر کسی پیشی پر مظہر حاضر نہ ہو اور غیر حاضری کی وجہ سے کسی طور پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام کچہری کے علاوہ کسی اور جگہ یا کچہری کے مقررہ اوقات سے پہلے یا بروز تعطیل پیروی کرنے کے مجاز نہ ہوں گے۔ اگر مقدمہ مقام کچہری کے کسی اور جگہ سماعت ہونے پر یا بروز کچہری کے اوقات کے آگے یا پیچھے ہونے پر مظہر کو کوئی نقصان پہنچے تو ذمہ دار یا اس کے واسطے کسی معاوضہ ادا کرنے، مختیار نامہ واپس کرنے کے مجھے صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھے کل ساختہ پرداخت صاحب مثل کردہ ذات خود منظور و قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل نگرانی دائر کرنے، نیز ہر قسم کی درخواست پر دستخط تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرانے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرانے کا ہر قسم بیان دینے اور سپرد ثالثی و راضی نامہ و فیصلہ برخلاف کرنے و اقبال دعویٰ کا اختیار ہوگا اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یا طرفہ درخواست حکم امتناعی یا ڈگری قبل از فیصلہ اجراءے ڈگری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ پیروی مختیار نامہ کرنے کا مجاز ہوگا اور بصورت ضرورت اپیل اور اپیل کے واسطے کسی دوسرے وکیل یا پیر مشر کو بجائے اپنے ہمراہ مقرر کریں اور ایسے مشیر قانونی کو بھی اس امر میں وہی اختیار حاصل ہوں گے جسے صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ پیروی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا اختیار نامہ لکھ دیا ہے کہ سند ہے۔

مضمون مختیار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

الرقوم 5 جون 2024

العبد العبد العبد العبد

ڈاکٹر عزیز احمد علی خان

ACCEPTED

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