


FORM OF ORDER SHEET

Court of _____

Appeal No. 1413/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1.	2	3
1-	06-Sep-24	<p>The appeal of Mr. DR GHAFOR AHMAD presented today by Mr. Noor Muhammad Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 12-Sep-24. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman.</p> <p> REGISTRAR</p>

THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

CHECK LIST

DR. GHAFOR AHMAD

V/S

HEALTH DEPTT:

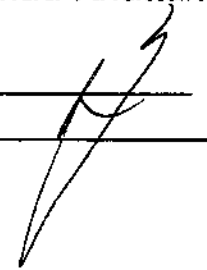
<u>S NO</u>	<u>CONTENTS</u>	<u>YES</u>	<u>NO</u>
1.	This petition has been presented by: Noor Muhammad Khattak Advocate Supreme Court	√	
2.	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	√	
3.	Whether appeal is within time?	√	
4.	Whether the enactment under which the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

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name:- Noor Muhammad Khattak, ASC

Signature:- _____

Dated:- _____



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

SERVICE APPEAL No 1413 / 2024

DR. GHAFOOR AHMAD

V/S

HEALTH DEPTT:

INDEX

S. NO.	DOCUMENTS	ANNEX	PAGE
1.	Memo of appeal with affidavit	1-4
2.	Application for suspension with affidavit		5
3.	Copy of the notification	A	6
4.	Copy of the notification	B	7
5.	Copy of the due letters	C&D	8-9
	Copy of the summary	E	10
6.	Copy of the impugned notification	F	11
7.	Copies of departmental appeal and appellate order dated 15/08/2024	G&H	12-14
8.	Copy of the transfer posting Policy	I	15-17
11.	Vakalat Nama	18

Dated: 05-09-2024

APPELLANT

THROUGH:

NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

SERVICE APPEAL No. 1413 /2024

Dr. Ghafoor Ahmad, Senior Medical Officer (BPS-18)
Presently posted as Medical Superintendent
THQ Shaheed Pir Muhammad Khan Category C Hospital
Puran, Shangla

.....**APPELLANT**

VERSUS

1. The Chief Secretary Khyber Pakhtunkhwa, Peshawar.
2. The Secretary Health Department Khyber Pakhtunkhwa, Peshawar.
3. The Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
4. Dr. Iftikhar Ahmad, Medical Officer, THQ Hospital Puran Shangla under transfer to the post of Medical Superintendent (SPMK) Category C Hospital Puran Shangla.

.....**RESPONDENTS**

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED NOTIFICATION DATED 06/08/2024, WHEREBY THE PRIVATE RESPONDENT WAS POSTED/ TRANSFERRED THROUGH POLITICAL INFLUENCE AGAINST THE POST ALREADY HELD BY THE APPELLANT I.E. AS MEDICAL SUPERINTENDENT THQ HOSPITAL PURAN SHANGLA AND AGAINST THE APPELLATE ORDER DATED 15/08/2024 COMMUNICATED TO THE APPELLANT ON 04/09/2024, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REGRETTEED ON NO GOOD GROUNDS.

Prayer:-

On acceptance of this Service Appeal, the impugned notification dated 06/08/2024 & appellate order dated 15/08/2024 communicated to the appellant on 04/09/2024 may kindly be set aside and the respondents may kindly be directed not to transfer the appellant from the post of Medical Superintendent (BPS-19) THQ

Hospital Puran Shangla. Any other remedy which this august Service Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

Brief facts giving rise to the present appeal are as under:-

- 1) That appellant is the employee of the respondent department and is serving the respondent department as Senior Medical Officer (BPS-18) quite efficiently and upto the entire satisfaction of his superiors.
- 2) That vide notification dated 29/11/2022 the appellant was transferred and posted as Medical Superintendent (BPS-19) OPS at THQ Hospital SPMK Puran Shangla. That in response the appellant submitted his charge report and started performing his duty efficiently. Copy of the notification is attached as annexure.....**A**
- 3) That the private respondent No 4 being blue-eyed person of the respondents, serving as Medical Officer (BPS-17) in the respondent department was posted as Coordinator (LHWs) BPS-18 Shangla vide notification dated 13/06/2024. Copy of the notification is attached as annexure.....**B**
- 4) That one local MPA namely Abdul Muneem Khan has recommended the private respondent for posting against the post of Medical Superintendent (BPS-19) THQ Hospital Puran Shangla i.e. vice the appellant. Copy of the due letters are attached as annexure.....**C&D**
- 5) That upon the ibid political influence a summary was put up before the Minister for Health KPK, Peshawar wherein it was clearly mentioned that ibid MPA has recommended the private respondent for posting against the post of M.S THQ Hospital Puran, Shangla. Copy of the summary is attached as annexure.....**E**
- 6) That upon the ibid summary, the respondent No 2 issued the impugned notification dated 06/08/2024 transferred/posting the private respondent as Medical Superintendent (BPS-19)

THQ Hospital Puran Shangla as additional charge. Copy of the impugned notification is attached as annexure.....**F**

- 7) That it is pertinent to mention that the ibid post has been held by the appellant and as such prior to the issuance of the impugned notification no notification regarding the transfer of appellant was issued by the respondents.
- 8) That feeling aggrieved the appellant preferred departmental appeal before respondent No 1 on 09/08/2024, but the respondent No 1 vide letter/order dated 15/08/2024 communicated to the appellant on 04/09/2024 regretted the departmental appeal of the on no good grounds. Copies of departmental appeal and appellate order dated 15/08/2024 are attached as annexure.....**G&H**
- 9) Hence the present service appeal on the following grounds amongst the others:-

GROUND:

- A) That the impugned notification dated 06/08/2024 & appellate order dated 15/08/2024 issued by the respondents are against the law, fact and norms of natural justice, therefore, not tenable and are liable to be set aside.
- B) That the appellant has not been treated by the respondent department in accordance with law on the subject noted above and as such the respondents violated Article 4, 25 of the Constitution of Islamic Republic of Pakistan, 1973.
- C) That the impugned notification dated 06/08/2024 has been issued by the respondents under political pressure, which is not only violative of clause ii Transfer Posting Policy of Provincial Government, but also against the judgment of the apex court reported as PLD 2013 SC 195. Copy of the transfer posting Policy is attached as annexure.....**I**
- D) That the impugned notification dated 06/08/2024 is also violative of clause i, iv & xiii of the Transfer Posting Policy of Provincial Government. Copy of the policy is already attached.
- E) That the impugned notification dated 06/08/2024 has not been issued in the public interest nor exigencies of public service, therefore, not tenable and liable to be set aside.

- F) That the private respondent is actually Medical Officer of BPS-17, but being blue eyed to the respondents he has been given dual charge one of as Coordinator LHWs BPS-18 and the other is of Medical Superintendent BPS-19, so both the Impugned notifications are violative of the instructions of the establishment code as well as judgments of the Apex Court.
- G) That the impugned notification and appellate order are based on malafide and arbitrary intention. therefore, not tenable and are liable to be set aside.
- H) That the appellant has been discriminated on the subject noted above and as such the respondents have violated Articles 25 & 27 of the Constitution of Islamic Republic of Pakistan, 1973.
- I) That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for. Any other remedy which this august Court deems fit that may also be awarded in favor of the appellant.

Dated: 05-09-2024

[Signature]
APPELLANT

THROUGH:

NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT

UMAR FAROOQ MOHMAND

WALEED ADNAN

ADVOCATES HIGH COURT

CERTIFICATE:

No such like appeal is pending or filed between the parties on the subject matter before this Honorable Tribunal.

[Signature]
Advocate

AFFIDAVIT

I, Dr. Ghafoor Ahmad, do hereby solemnly affirm and declare on oath that the contents of this **Service Appeal** are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble tribunal.

[Signature]
DEPONENT

-5-

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL No _____ / 2024

DR. GHAFOOR AHMAD

V/S

HEALTH DEPTT:

APPLICATION FOR SUSPENSION OF OPERATION OF THE IMPUGNED NOTIFICATION DATED 06/08/2024, WHEREBY THE PRIVATE RESPONDENT WAS POSTED/ TRANSFERRED THROUGH POLITICAL INFLUENCE AGAINST THE POST ALREADY HELD BY THE APPELLANT I.E. AS MEDICAL SUPERINTENDENT THQ HOSPITAL PURAN SHANGLA AND APPELLATE ORDER DATED 15/08/2024 COMMUNICATED TO THE APPELLANT ON 04/09/2024, TILL THE DISPOSAL OF THE MAIN APPEAL.

R/SHEWETH:

- 1- That the above mentioned appeal along with this application has been filed the appellant before this august Tribunal in which no date has been fixed so far.
- 2- That appellant filed the above mentioned appeal against the impugned notification dated 06/08/2024 & appellate order dated 15/08/2024 communicated to the appellant on 04/09/2024.
- 3- That all the three ingredients necessary for the stay is in favor of the appellant.
- 4- That the impugned notifications dated 06/08/2024 & 15/08/2024 are issued in utter disregard of law and prevailing Rules.

It is therefore, most humbly prayed that on acceptance of this application the operation of both the impugned notifications dated 06/08/2024 & 15/08/2024 may very kindly be suspended till the disposal of the above mentioned service appeal.

Dated: 05-09-2024


APPELLANT

THROUGH:


NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT

AFFIDAVIT

I, Dr. Ghafoor Ahmad, do hereby solemnly affirm and declare on oath that the contents of this **application** are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble tribunal.


DEPONENT

"A" -6-

**GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT**

Dated Peshawar the 29th November, 2022

NOTIFICATION

NO. SOH(E-V)/2-2/2022

The Competent Authority (Chief Secretary, Khyber Pakhtunkhwa) is pleased to adjust Dr. Ghafoor Ahmad, Senior Medical Officer (BS-18) attached to Shaheed Pir Muhammad Khan (SPMK) Cat-C Hospital Puran, Shangla against the vacant post of Medical Superintendent (BS-19) at the same hospital in OPS, with immediate effect, in the best public interest.

**SECRETARY HEALTH
GOVERNMENT OF KHYBER PAKHTUNKHWA**

No. 5460-70 /Endst. of even No. & Date

Copy to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
3. District Health Officer, Shangla.
4. Medical Superintendent, Shaheed Pir Muhammad Khan (SPMK) Cat-D Hospital Puran, Shangla.
5. District Accounts Officer, Shangla.
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.

**(BREKHNA HABIB)
SECTION OFFICER (E-V)**

29/11/22

GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated Peshawar 29th November, 2022

NOTIFICATION

No. SOH(E-V)2-2/2022, The competent Authority (Chief Secretary, Khyber Pakhtunkhwa) is pleased to adjust Dr. Ghafoor Ahmad, Senior Medical Officer (BS-18) attached to Shaheed Pir Muhammad Khan (SPMK) Cat-C Hospital Puran, Shangla against the vacant post of Medical Superintendent (BS-19) at the same Hospital in OPS, with immediate effect, in the best of public interest.

Secretary Health
Government of Khyber Pakhtunkhwa

No 5460-70/Endst of even No & date



GOVT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

"B"



Dated Peshawar the 13th June 2024

-7-

NOTIFICATION

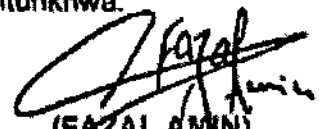
NO.SOH(E-V)/2-2/2024 The following posting/ transfer of doctors are hereby ordered with immediate effect, in the best public interest:-

SNo	Employee Name	From	To/Disposal	Remarks
1	DR IFTHIKHAR AHMAD, General Cadre (BS -17) 1550582832957	Medical Officer (BPS-17), THQ Hospital Puran Shangla	Coordinator (LHWs) (BPS-18), District Health Office(r) Shangla in OPS	Vice Sr No.2
2	DR. ABDUS SAMAD, General Cadre (BS -17) 1550114166277	Coordinator (LHWs) (BPS-18) in OPS, District Health Office(r) Shangla	At the disposal of District Health Office(r) Shangla for further adjustment	Against the vacant post of MO

SECRETARY HEALTH
KHYBER PAKHTUNKHWA

No. S203-13 /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, Peshawar.
3. Additional Director Director (HRM), DGHS Office, Peshawar.
4. District Health Officer(s), concerned.
5. District Account Officer(s), concerned
6. Deputy Director (IT), Health Department, Khyber Pakhtunkhwa.
7. PS to Secretary Health Department, Khyber Pakhtunkhwa.
8. PS to Special Secretary (E&A) Health Department, Khyber Pakhtunkhwa.
9. Doctor(s) concerned.
10. Master file.


(FAZAL AMIN)
SECTION OFFICER (E-V)



5173175788728



SPECIAL ASSISTANT TO CM
FOR AUQAF, HAJJ & RELIGIOUS AFFAIRS
KHYBER PAKHTUNKHWA

8- "C"

D. Iftikhar Ahmed 40
Rozki Khan (15505-8283296-7)

Medical Officer (B-17), Spnk.

Person should be
assigned additional charge
of the post of MS of
the same hospital.

Section Officer (E-V)

Private Secretary to
Minister for Health
Khyber Pakhtunkhwa

5/11
Faculty
MA

~~10-07-2024/2025~~
MPT

DR S. G. T. Khan Name "D"
510 Raii Khan presented by 9-
Wagang as D.M.S. ~~MPT~~ from
Shangra may be on faculty
additional charge of M.S.
The approval of the Summary.



**GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT**

"E" -10-

NOTE FOR MINISTER FOR HEALTH, KHYBER PAKHTUNKHWA

Subject: - ASSIGNING ADDITIONAL CHARGE OF THE POST OF MS

The post of Medical Superintendent (BS-19), THQ Hospital Shaheed Pir Muhammad Khan (THQ) Cat-C Hospital Puran Shangla is lying vacant since 14.04.2021 and additional charge of the post was assigned to Dr. Ghafoor Ahmad. Now, Mr. Abdul Munim, Member Provincial Assembly is requesting for assigning additional charge of the post of MS THQ Hospital Shaheed Pir Muhammad Khan (THQ) Cat-C Hospital Puran Shangla Dr. Iftikhar Ahmad S/O Rozi Khan (15505-8283296-7), Medical Officer (BS-17) of the same hospital. In this regard the Hon'ble Minister for Health has directed that "Dr. Iftikhar Ahmad S/O Rozi Khan presently working as DMS Puran Shangla may be entrusted additional charge of MS till approval of the Summary".

2. The doctor concerned is a Civil Servant belonging to General Cadre in BS-17 while the post of MS THQ Hospital Shaheed Pir Muhammad Khan (THQ) Cat-C Hospital Puran Shangla falls to the share of Management Cadre in BS-19.

3. Establishment Department vide letter No. (1)3-19/92 dated 12.08.1997 has advised that Administrative Department can assign additional charge (Annex-I).

4. Foregoing in view, Health Department proposes that:-

- I. We may ask DGHS to furnish name of any suitable doctor amongst the Management Cadre or General Cadre having pay scale of BS-18 or BS-19, so as to enable this section to initiate Summary for Chief Minister, Khyber Pakhtunkhwa for posting of a full time MS for THQ Hospital Shaheed Pir Muhammad Khan (THQ) Cat-C Hospital Puran Shangla; OR
- II. We may assign additional charge of the post of MS THQ Hospital Shaheed Pir Muhammad Khan (THQ) Cat-C Hospital Puran Shangla to Dr. Iftikhar Ahmad S/O Rozi Khan, Medical Officer (BS-17) of the same hospital by relieving Dr. Ghafoor Ahmad from additional charge of the post of MS.



GOVT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT



Dated: Peshawar the 6th August 2024

NOTIFICATION

NO.SOH(E-V)/2-2/2024 Consequent upon approval granted by the Minister for Health, Khyber Pakhtunkhwa, DR. IFTIKHAR AHMAD SIO ROZI KHAN (1550582832967) BS-17, Coordinator (LHWs) at DHO office Shangla will look after the work of Medical Superintendent (BS-19), THQ Hospital Shaheed Pir Muhammad Khan (THQ) Cat-C Hospital Puran Shangla in addition to his own duties till further orders.

SECRETARY HEALTH
KHYBER PAKHTUNKHWA

No. 6317-24 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, Peshawar.
3. DHO, Shangla.
4. District Accounts Officer, Shangla.
5. Medical Superintendent, THQ Hospital Shaheed Pir Muhammad Khan (THQ) Cat-C Hospital Puran Shangla
6. PS to Secretary Health Department Khyber Pakhtunkhwa
7. The concerned doctor


SECTION OFFICER (E-V)

Pub. No. 32/B.C. (11/11)
Daily No. 32/B.C. (11/11)
Date 09-08-2024

116"
7011
12/8/24
-12-

To The Honorable Chief Secretary,
Khyber Pakhtunkhwa, Peshawar.

Deputy Secretary/
PS to Chief Secretary
Khyber Pakhtunkhwa

Subject: DEPARTMENTAL APPEAL AGAINST THE ORDER DATED 06/08/2024.

Respected Sir

1. That the appellant while performing his duties as Senior Medical Officer (BS-18) at Shaheed Pir Muhammad Khan (SPMK) Cat-C Hospital Puran was posted as Medical Superintendent (BS-19) vide notification dated 29-11.2022 in the same Hospital and started performing his duty quite efficiently and to the entire satisfaction of his superiors.
2. That it important to mention here, that the Member of Provincial Assembly Mr. Abdul Munim requested for Dr. Ifikhar Ahmad MO BPS-17 for assigning him Additional Charge of the post of the appellant, whereafter by request of the said MPA, The Health Minister directed the Health Department for doing the same. Furthermore vide summary dated 10/07/2024 The Health Department stated that the post of MS in the said Hospital is laying vacant and additional charge of the post MS was assigned to the appellant but in fact the appellant was transferred and posted against the said post by the competent authority as OPS and till now performing his duties as MS.
3. That the vice of the appellant namely Dr. Ifikhar exerted the appellant political pressure, which is evident from the letters of the Health Minister who directed the Health Department to assigned additional charge of the post of MS of the same Hospital to the ibid employee.

That astonishingly by political intervention and on the approval of the Health Minister the Secretary Health Through impugned Notification dated 06/08/2024 assigned look after charge of the said post to DR. Ifikhar MO BPS-17 (LHWs) at DHO Office Shangla, despite of the fact that the appellant is holding the ibid post and as such not separate order regarding his transfer was issued prior to the issuance of the ibid impugned notification.

That Dr. Ifikhar MO (BPS-17) vice of the appellant was recently posted as Coordinator (LHWs) through notification dated 13/06/2024 at District Health Officer Shangal in OPS basis against the post of BPS-18, but through political interference, the concerned authority vide impugned notification assign another look-after charge of the post of BS-19 to the vice of the appellant i.e. concerned doctor.

6. That the appellant feeling aggrieved from the notification dated 06/08/2024 filed the instant departmental appeal before your honor on the following grounds:-

Grounds:

SSH (E&A)
AS - ESTT
AS - MTI
DS - Adm'n
DS - Legal
DS - ESTT

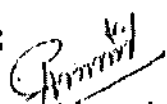
Dr. Munim
13/8/24
SD

- A- That the impugned notification dated 06/08/2024 the issued by the concerned authorities are against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That the appellant has not been treated by the concerned authorities in accordance with law and rules on the subject noted above and as such the concerned authorities violated article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That department has violated the transfer/posting policy of the Provincial Government while issuing the impugned Notification dated 06/08/2024 as the same is premature.
- D- That the vice of the appellant is junior to the appellant but despite of that the concerned authority posted him in place of the appellant.
- E- That the treatment meted out to the appellant is a clear violation of the Fundamental Rights of the appellant as enshrined in the Constitution of Pakistan 1973.
- F- That the impugned Notification has neither been issued in the public interest nor exigencies of public service, therefore not tenable and liable to be set aside.
- G- That the impugned Notification has been issued by the concerned authority on the basis of political interference, therefore the impugned Notification is politically motivated, hence not tenable and liable to be set aside.
- H- That if the impugned notification has been implemented, then in the circumstance, the appellant will remain in hanging position without any post.
- I- That the appellant seeks permission to advance other grounds/points and proofs at the time of personal hearing.

It is therefore most humbly prayed that on acceptance of this Departmental appeal the impugned notification dated 06/08/2024 may very kindly be set aside.

Dated: 08/08/2024

Appellant;


Dr. Ghafsoor Ahmad,
SMO BS-18 SPMK
Cat-C Hospital District Shangla



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

"H" 14-

No. SOH(E-V)2-2/2024/ Dr. Ghafoor Ahmad
Dated Peshawar the 15.08.2024

03 To
04/19/24

Dr. Ghafoor Ahmad,
Senior Medical Officer (BS-18),
DHO office Shangla

Subject: DEPARTMENTAL APPEAL AGAINST THE ORDER DATED 06.08.2024

I am directed to refer to your application dated 08.08.2024 on the above captioned subject addressed to the Chief Secretary Khyber Pakhtunkhwa regarding departmental appeal against Health Department's Notification dated 06.08.2024 and to convey that Summary in the instant case is under process for perusal/ appropriate orders of the Competent Authority.

2. I am, therefore, directed to convey that final outcome of the summary after approval of the Competent Authority will be conveyed to you accordingly. Hence, the instant appeal being premature is regretted.

SECTION OFFICER (E-V)

Endst. No. & Date Even

Copies to the:-

1. CSO to Chief Secretary, Khyber Pakhtunkhwa.
2. Director General Health Services, Khyber Pakhtunkhwa.
3. PS to Secretary Health Department, Khyber Pakhtunkhwa.

SECTION OFFICER (E-V)

UC



15-1

(20)

1/11

**GOVERNMENT OF NWFP
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT
(Regulation Wing)**

POSTING / TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT.

- i) All the posting/transfers shall be strictly in public interest and shall not be abused/misused to victimize the Government servants
- ii) All Government servants are prohibited to exert political, Administrative or any other pressures upon the posting/transfer authorities for seeking posing/transfers of their choice and against the public interest.
- iii) All contract Government employees appointed against specific posts, can not be posted against any other post.
- iv) The normal tenure of posting shall be three years subject to the condition that for the officers/officials posted in unattractive areas the tenure shall be two years and for the hard areas the tenure shall be one year. The unattractive and hard areas will be notified by the Government.
- v) { }
- vi) While making postings/transfer from settled areas to FATA and vice-versa, specific approval of Governor, NWFP needs to be obtained.
- While making postings/transfers of officers/officials up to BS-17, from settled areas to FATA and vice-versa approval of the Chief Secretary NWFP needs to be obtained. Whereas, in case of posting/transfer of officers in BS-18 and above, from settled areas to FATA and vice versa, specific approval of the Governor NWFP shall be obtained.
- vi (a) All Officers/officials selected against Zone-I/FATA quota in the Provincial Services should compulsorily serve in FATA for atleast eighteen months in each grade. This should start from senior most scales/grades downwards in each scale/grade of each cadre.
- vii) Officers may be posted on executive/administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and DPOs/Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thaana) of his area/residence is situated.
- viii) No posting/transfers of the officer's/officials on detailment basis shall be made.
- ix) Regarding the posting of husband/wife, both in Provincial services, efforts where possible would be made to post such persons at one station subject to the public interest.
- x) All the posting/transferring authorities may facilitate the posting/transfer of the unmarried female government Servants at the station of the residence of their parents.

Para-1(v) regarding months of March and July for posting/transfer and authorities for relaxation of ban deleted vide letter No. SOR-VI (E&AD) 1-4/2008/Vol-VI, dated 3-6-2008. Consequently authorities competent under the NWFP Government Rules of Business, 1985, District Government Rules of Business 2001, Posting/Transfer Policy and other rules for the time being in force, allowed to make posting/transfer subject to observance of the policy and rules. Added vide Urdu circular letter No. SOR-VI(E&AD)1-4/2003, dated 21-09-2004

A

- 16
- x) Officers/officials except DCOs and DPOs/SPs who are due to retire within one year may be posted on their option on posts in the Districts of their domicile and be allowed to serve there till the retirement.
DCOs and DPOs who are due to retire in the near future may also be posted in the District of their domicile subject to the condition that such posting would be against non-administrative posts of equivalent scales;
- xii) In terms of Rule-17(1) and (2) read with Schedule-III of the NWFP Government Rules of Business 1985, transfer of officers shown in column 1 of the following table shall be made by the authorities shown against each officer in column 2 thereof.

Outside the Secretariat		
1.	Officers of the all Pakistan Unified Group i.e. DMG, PSP including Provincial Police Officers in BPS-18 and above.	Chief Secretary in consultation with Establishment Department and Department concerned with the approval of the Chief Minister.
2.	Other officers in BPS-17 and above to be posted against scheduled posts, or posts normally held by the APUG, PCS(EG) and PCS(SG).	-do-
3.	Heads of Attached Departments and other Officers in B-19 & above in all the Departments.	-do-
In the Secretariat		
1.	Secretaries	Chief Secretary with the approval of the Chief Minister.
2.	Other Officers of and above the rank of Section Officers: a) Within the Same Department b) Within the Secretariat from one Department to another.	Secretary of the Department concerned. Chief secretary/Secretary Establishment.
3.	Officials up to the rank of Superintendent: a) Within the same Department b) To and from an Attached Department c) Within the Secretariat from one Department to another	Secretary of the Department concerned. Secretary of the Dept in consultation with Head of Attached Department concerned. Secretary (Establishment)

- xiii) While considering posting/transfer proposals all the concerned authorities shall keep in mind the following:
- a) To ensure the posting of proper persons on proper posts, the Performance Evaluation Report/annual confidential reports, past and present record of service, performance on post held presently and in the past and general reputation with focus on the integrity of the concerned officers/officials be considered.
- b) Tenure on present post shall also be taken into consideration and the posting/transfers shall be in the best public interest.

¹ Added vide Urdu circular letter No: SOR-VI (E&AD)/1-4/2005, dated 9-9-2005.

xiv) Government servants including District Govt. employees feeling aggrieved due to the orders of posting/transfer authorities may seek remedy from the next higher authority / the appointing authority as the case may be through an appeal to be submitted within seven days of the receipt of such orders. Such appeal shall be disposed of within fifteen days. The option of appeal against posting/transfer orders could be exercised only in the following cases.

- i) Pre-mature posing/transfer or posting-transfer in violation of the provisions of this policy.
- ii) Serious and grave personal (humanitarian) grounds.

2. To streamline the postings/transfers in the District Government and to remove any irritant/confusions in this regard the provision of Rule 25 of the North West Frontier Province District Government Rules of Business 2001 read with schedule-IV thereof is referred. As per schedule-IV the posting/transferring authorities for the officers/officials shown against each are as under:-

S. No.	Officers	Authority
1.	Posting of District Coordination Officer and Executive District Officer in a District.	Provincial Government.
2.	Posting of District Police Officer.	Provincial Government.
3.	Other Officers in BPS-17 and above posted in the District.	Provincial Government
4.	Official in BPS-16 and below	Executive District Officer in consultation with District Coordination Officer.

3. As per Rule 25(2) of the Rules mentioned above the District Coordination Department shall consult the Government if it is proposed to:

- a) Transfer the holder of a tenure post before the completion of his tenure or extend the period of his tenure.
- b) Require an officer to hold charge of more than one post for a period exceeding two months.

4. I am further directed to request that the above noted policy may be strictly observed /implemented.

All concerned are requested to ensure that tenures of the concerned officers/officials are invariably mentioned in summaries submitted to the Competent Authorities for Posting/Transfer.

(Authority: Letter No: SOR-VI/E&AD/1-4/2003 dated 24-6-2003).

It has been decided by the Provincial Government that posting/transfer orders of all the officers up to BS-19 except Heads of Attached Departments irrespective of grades will be notified by the concerned Administrative Departments with prior approval of the Competent Authority obtained on the Summary. The Notifications/orders should be issued as per specimen given below for guidance.

All posting/transfer orders of BS-20 and above and Heads of Attached Departments (HAD) shall be issued by the Establishment Department and the Administrative Departments shall send approved Summaries to E&A Department for issuance of Notifications.

VAKALATNAMA
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No 12024

Dr. Ghafsoor Ahmed

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Health Dept

(RESPONDENT)
(DEFENDANT)

I/We Dr. Ghafsoor Ahmed

Do hereby appoint and constitute **Noor Mohammad Khattak Advocate Supreme Court** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. / / 202


CLIENT

ACCEPTED


**NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT**


WALEED ADNAN


UMAR FAROOQ MOHMAND


KHANZAD GUL

&


**ABID ALI SHAH
ADVOCATES**

OFFICE:
Flat No. (TF) 291-292 3rd Floor,
Deans Trade Centre, Peshawar Cantt.
(0311-9314232)