


FORM OF ORDER SHEET

Court of _____

Appeal No. 1683/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	01/10/2024	<p>The appeal of Mr. Samad Ali Shah presented today by Mr. Saadullah Khan Marwat Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 02.10.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

**BEFORE THE HON'ABLE CHAIRMAN, SERVICE
TRIBUNAL, PESHAWAR**

C. M. No. _____ / 2024

IN

S.A No. _____ /2024

Samad Ali Shah

versus

Director General & Others

**APPLICATION FOR HEARING OF THE SUBJECT
APPEAL AT THE PRINCIPAL SEAT AT PESHAWAR:**

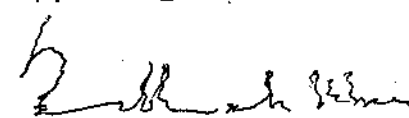
Respectfully Sheweth,

1. That the applicant filed the subject appeal before this hon'ble Tribunal today.
2. That R. No. 01 hails at Peshawar and the impugned transfer order passed by R. No. 01.
3. That it will be convenient for appellant as well as for respondents to heard the subject case on the Principal seat at Peshawar.

It is, therefore, most humbly prayed that the application be accepted as prayed for.


Appellant

Through


Saadullah Khan Marwat
Advocate

Dated 01-10-2024

BEFORE THE KP SERVICE TRIBUNAL, PESHAWARAppeal No. 1683/2024

Samad Ali Shah

Versus

DG& Others

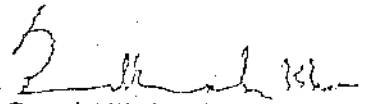
I N D E X

S. No.	Description of Documents	Annex	Page
1	Memo of Appeal		1-3
2	Transfer order dated 24-05-2024	"A"	4
3	Letter of R. No. 03 dated 10-06-2024 of no post	"B"	5
4	Representation dated 13-06-2024	"C"	6
5	Service Certificate of Wife	"D"	7
6	Application for Interim Relief		8-9

Dated: 01-10-2024

Through

Appellant


 Saad Ullah Khan Marwat
 Advocate
 21-A Nasir Mension,
 Shoba Bazar, Peshawar
 0345-9047738

BEFORE THE KP SERVICE TRIBUNAL, PESHAWARAppeal No. 1683/2024

Samad Ali Shah S/O Farman Ali Shah,
Telephone Operator, District Health
Office, Bannu Appellant

Versus

1. Director General, Health Services,
KP, Peshawar.
2. District Health Office, Bannu.
3. District Health Office,
D. I. Khan Respondents

⊕<=>⊕<=>⊕<=>⊕<=>⊕

**APPEAL UNDER SECTION 4 OF THE SERVICE
TRIBUNAL ACT, 1974 AGAINST ORDER NO. 2807-11
DATED 24-05-2024, WHEREBY SERVICES OF
APPELLANT WERE PLACED AT THE DISPOSAL OF R.
NO. 03 INSTEAD OF R. NO. 02.**

⊕<=>⊕<=>⊕<=>⊕<=>⊕

Respectfully Sheweth:

1. That appellant was appointed as Telephone Operator in the year 2015 and was posted at DHQ Office Bannu.
2. That on 24-05-2024, R. No. 01 issued office order, whereby appellant services were placed at the disposal of R. No. 03. (Copy as annex "A")
3. That appellant reported for duty before DHO D. I. Khan, R. No. 03 but no charge was assigned to him at the said station as no such post was available there.
4. That on 10-06-2024, R. No. 03 wrote letter to R. No. 01 that no sanction post for Telephone Operator was available under his control, so his office is unable to adjust him as such. (Copy as annex "B")

5. That regarding the aforesaid situation of the matter, appellant submitted representation before R. No. 01 on 13-06-2024 stating therein that such post is not available at DHO D. I. Khan, R. No. 03, so order dated 24-05-2024 be made withdrawn but without any response till date. (Copy as annex "C")
6. That on the other hand wife of appellant is serving in the DHO Office Banhu, R. No. 02 as per service certificate dated 10-09-2024 as Nurse. (Copy as annex "D")

Hence this appeal, inter alia, on the following grounds:-

GROUND S:

- a. That in the impugned order dated 24-05-2024, no reason was ever given for placing appellant services before DHO, D. I. Khan, R. No. 03.
- b. That appellant reported for duty at the office of R. No. 03 but no such post was available there as per letter dated 10-06-2024 at D. I. Khan.
- c. That main reason of the impugned order is of some Class-IV employees who are not performing their duties, being follower of political vendetta, so appellant compelled them to perform their duties at their respective posts. This act of the appellant annoyed the political vendetta.
- d. That the impugned order is issued at the instance of political vendetta, so is of no legal effect.
- e. That the impugned order is also against the Spouse Police.
- f. That that in the circumstances when the said post is lying vacant at the office of DHO Bannu, R. No. 02 is based on malafide as well as political interference.

It is, therefore, most humbly prayed that on acceptance of the appeal, order dated 24-05-2024 be set aside and appellant be let to perform duties at DHO Office Bannu, with such other relief as may be deemed proper and just in circumstances of the case.

S.A. Marwat

Appellant

Through

Saadullah Khan Marwat

Saadullah Khan Marwat

Arbab Saiful Kamal

Arbab Saiful Kamal

Amjad Nawaz

Amjad Nawaz

Advocates

Dated: 01-10-2024

AFFIDAVIT

I, Samad Ali Shah S/O Farman Ali Shah, Telephone Operation, District Health Office, Bannu (Appellant), do hereby solemnly affirm and declare that contents of **Service Appeal** are true and correct to the best of my knowledge and belief.

S.A. Marwat

DEPONENT

CERTIFICATE:

As per instructions of my client, no such like Service Appeal has earlier been filed by the appellant before this Hon'ble Tribunal.

Saadullah Khan Marwat

ADVOCATE



A 4

DIRECTORATE GENERAL HEALTH SERVICES KHYBER PAKHTUN KHWA PESHAWAR

E-Mail Address: dgsh@peshawar.gov.pk Office Ph# 091-9210269 Exchange# 091-9210187, 9210196 Fax # 091-9210230

OFFICE ORDER

The services of Mr. Samad Ali Shah Telephone Operator attached to DHO Office Bannu are hereby placed at the disposal of DHO Office D.I.Khan in the interest of public service with immediate effect.

Sd/xxxxxxxxxx

DIRECTOR GENERAL HEALTH
SERVICES, K.P, PESHAWAR.

Dated 24/5 /2024

No. 2807-11 /Personnel

Copy forwarded to the:

1. DHO Bannu.
2. DHO D.I.Khan.
3. DAOs D.I.Khan/ Bannu.
4. PA to DGHS KP Peshawar.
5. Official concerned.

For information and necessary action.

[Signature]
ADDITIONAL DG (ADMN)
DIRECTORATE GENERAL HEALTH
SERVICES, K.P PESHAWAR.

At-12

[Large Signature]

[Signature]
24-5-24



B 5

OFFICE OF THE DISTRICT HEALTH OFFICER
DERA ISMAIL KHAN
Phone# 0966-933199
Email: dhodikhan@yahoo.com

No. 5634-35/ /PF

Dated: 7th/06/2024

To

The Director General Health Services
Khyber Pakhtunkhawa Peshawar.

Subject: **OFFICE ORDER**

With reference to your office order No. 2807-11/ Personnel dated:
24/05/2024.

I have the honor to state that there is no sanction post for Telephone
Operator under the control of this office.

Therefore, this office is unable to adjust Mr. Samad Ali Shah Telephone
Operator for information and necessary action please.

District Health Officer
Dera Ismail Khan

Cc:-

- District Health Officer Bannu for information.

District Health Officer
Dera Ismail Khan

Accepted

C 6

To,

The Director General Health Services
Khyber Pakhtunkhwa Peshawar



Subject: REQUEST FOR CANCELATION OF OFFICE ORDER

Sir,

It is requested that I have been transferred from District Health Officer Bannu to District Health Officer D.I. Khan vide office order No. 2807-11/Personal dated 24/11/2024 (attached for ready reference).

Sir, went to D.I. Khan for arrival but post of Telephone Operator is not vacant / no sanction post of T.O (copy of order attached No. 5634-35/PF dated 10/06/2024).

It is requested to with draw my office order and oblige.

Yours Obediently

Samad
5/13.6.24

Syed Samad Ali Shah S/O Syed Farman Ali Shah
Telephone Operator District Health Office Bannu

Accepted




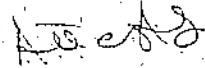
OFFICE OF THE DISTRICT HEALTH OFFICER BANNU

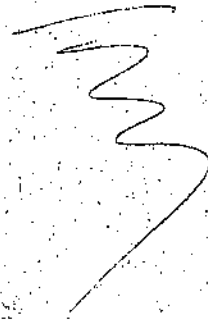
No 4675 / Dated Bannu the 10 / 9 / 2024

SERVICE CERTIFICATE

It is certified that Mst: Arifa Arifeen W/O Mr. Samad Ali Shah R/O Kotka Mulagan Tehsil and District Bannu is working under the control of the undersigned as "Registered Nursing officer" in BPS-(16) under the control of the undersigned at Type D Hospital Kakki


(Dr. Muhammad Rehman Afridi)
District Health Officer,
Bannu





8

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

Misc. A. No. /2024

IV

S. A. No. /2024

Samad Ali Shah

versus

Director General & Others

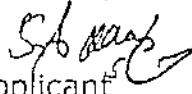
APPLICATION FOR SUSPENSION OF THE
IMPUGNED TRANSFER ORDER DATED 24-05-
2024 TILL THE FINAL DISPOSAL OF THE CASE:

Respectfully Sheweth,

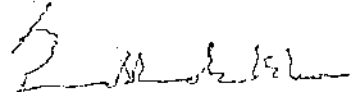
1. That applicant filed the subject appeal before this hon'ble Tribunal today against the transfer order dated 24-05-2024.
2. That as is evident from the contents of the appeal appellant was transferred to DHO Office, D. I. Khan without assigning any reason.
3. That main reason of the transfer of the appellant from DHO Office Bannu to DHO Office D. I. Khan is of Class-IV employees as they were not performing their duties in the hospital but otherwise.
4. That the applicant has a good prima facie case and balance of inconvenience lies in favour of the applicant and if the impugned transfer order dated 24-05-2024 is acted upon, then the applicant would suffer irreparable loss.
5. That applicant is now put in to and fro position as to where he shall performed his official duties.

9

It is, therefore, most humbly requested that the application be accepted as prayed for.


Applicant

Through


Saadullah Khan Marwat
Advocate

Date: 01-10-2024

AFFIDAVIT

I, Samad Ali Shah S/O Farman Ali Shah (Applicant), do hereby solemnly affirm and declare that contents of **Application** are true and correct to the best of my knowledge and belief.


DEPONENT

