


Form- A

FORM OF ORDER SHEET

Court of _____

Implementation Petition No. 1223/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	17.10.2024	<p>The implementation petition of Mr. Taqveen ul Haq submitted today by Mr. Noor Muhammad Khattak Advocate. It is fixed for implementation report before Single Bench at Peshawar on 25.10.2024. Original file be requisitioned. AAG has noted the next date. Parcha Peshi given to counsel for the petitioner.</p> <p>By order of the Chairman  REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Implementation Petition No. 1228 /2024
In
Appeal No. 1414/2024

MR. DR. TAQVEEM UL HAQ

V/S

HEALTH DEPTT:

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THROUGH:

Petitioner

Mr. Dr. Taqveem Ul Haq, ~~1228~~

NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Implementation Petition No. 1227 /2024
In
Appeal No. 1414/2024

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 16878

Dated 17-10-24

Mr. Dr. Taqveem Ul Haq, District Specialist (Pathology) [BPS-18],
Mian Rashid Hussain Memorial Hospital Pabbi District Nowshera,
Under Transfer as Senior Medical Officer {BPS-18},
Mian Rashid Hussain Memorial Hospital Pabbi District Nowshera

..... **PETITIONER**

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Health Department, Khyber Pakhtunkhwa, Peshawar
- 3- Mr. Dr. Mian Muhammad Naveed Senior Medical Officer {BPS-18} Mian Rashid Hussain Memorial Hospital Pabbi District Nowshera under transfer as District Specialist (Pathology) [BPS-18] Mian Rashid Hussain Memorial Hospital Pabbi District Nowshera

..... **RESPONDENTS**

EXECUTION PETITION UNDER SECTION 7(2)(d) OF THE KP SERVICE TRIBUNAL ACT 1974; RULE 27 OF THE KP SERVICE TRIBUNAL RULES 1974 READ WITH SECTIONS 36 AND 51 OF THE CIVIL PROCEDURE CODE AND ALL ENABLING LAWS ON THE SUBJECT FOR THE IMPLEMENTATION OF THE JUDGMENT DATED 13/09/2024 IN LETTER AND SPIRIT.

R/SHEWETH:

- 1- That the appellant filed service appeal bearing No. 1414/2024 before this august Service Tribunal against impugned notification dated 17/05/2024 may very kindly be set aside and the respondents may kindly be directed not to transfer the appellant from the post of District Specialist (Pathology) [BPS-18] Mian Rashid Hussain Memorial Hospital Pabbi District Nowshera.
- 2- That the appeal of the appellant was fixed for 13/09/2024 and this Honourable Tribunal was pleased to order as follows:-

"2. Alongwith the appeal there is an application for suspension of operation of the impugned notification dated 17/08/2024. Notice of the application be issued to the respondents. In the meanwhile, the operation of the impugned notification is suspended, if not acted upon earlier." Copy of the judgment dated 13/09/2024 is attached as annexure.....A

- 3- That after obtaining copy of the judgment dated 13/09/2024 the same was submitted with the respondents for implementation of his grievance coupled with an application, but the respondents/ department failed to do so, which is the violation of the judgment supra. Copy of application is attached as annexure.....B
- 4- That petitioner having no other remedy but to file this implementation petition.

It is therefore, most humbly prayed that on acceptance of the instant execution petition the respondents may kindly be directed to implement the Judgment dated 13/09/2024 passed in Appeal No. 1404/2024 in letter and spirit. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the petitioner.

Petitioner

Mr. Dr. Taqveem Ul Haq,

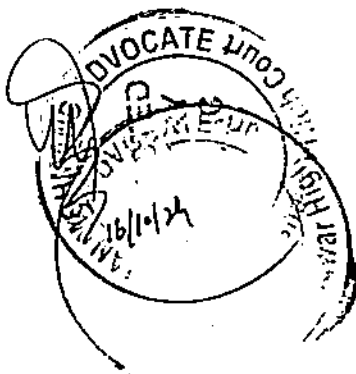
THROUGH:

**NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT**

AFFIDAVIT

I, Mr. Dr. Taqveem Ul Haq, ~~PS-19~~ (petitioner) do hereby solemnly affirm that the contents of this implementation Petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

DEPONENT





4A" -3- -D-
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. 1414 /2024

Mr. Dr. Taqveem Ul Haq, District Specialist (Pathology) [BPS-18],
Mian Rashid Hussain Memorial Hospital Pabbi District Nowshera,
Under Transfer as Senior Medical Officer {BPS-18},
Mian Rashid Hussain Memorial Hospital Pabbi District Nowshera.

..... APPELLANT

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Health Department, Khyber Pakhtunkhwa, Peshawar
- 3- Mr. Dr. Mian Muhammad Naveed Senior Medical Officer (BPS-18) Mian Rashid Hussain Memorial Hospital Pabbi District Nowshera under transfer as District Specialist (Pathology) (BPS-18) Mian Rashid Hussain Memorial Hospital Pabbi District Nowshera

..... RESPONDENTS

SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, 1974 AGAINST THE IMPUGNED NOTIFICATION DATED 17/05/2024 WHEREBY THE APPELLANT WAS TRANSFERRED FROM DISTRICT SPECIALIST (PATHOLOGY) [BPS-18] MIAN RASHID HUSSAIN MEMORIAL HOSPITAL PABBI DISTRICT NOWSHERA TO SENIOR MEDICAL OFFICER {BPS-18} MIAN RASHID HUSSAIN MEMORIAL HOSPITAL PABBI DISTRICT NOWSHERA AND TRANSFERRED/POSTED THE PRIVATE RESPONDENT AGAINST THE POST OF APPELLANT AND AGAINST THE INACTION OF THE APPELLATE AUTHORITY, BY NOT DECIDING THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STIPULATED PERIOD OF 90 DAYS.

Prayer:-

That on acceptance of the instant service appeal, the impugned notification dated 17/05/2024 may very kindly be set aside and the respondents may kindly be directed not to transfer the appellant from the post of District Specialist (Pathology) [BPS-18] Mian Rashid Hussain Memorial Hospital Pabbi District Nowshera. Any other remedy which this august Tribunal deem fit may also be awarded in favour of the appellant.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

15-10-24



13.09.2024 1. Learned counsel for the appellant present and argued that vide impugned notification dated 17.05.2024, the appellant was transferred from District Specialist Pathologist to Senior Medical Officer which is a wrong posting because appellant is Specialist Pathologist. He further argued the impugned notification was issued in violation of Clause-xiii of the posting transfer policy of the Provincial Government, in accordance with which proper person would be posted against a proper post. Feeling aggrieved, appellant filed departmental appeal on 27.05.2024, which was not responded within statutory period, hence the present service appeal. Points raised need consideration. Appellant is directed to deposit security fee within ten days, thereafter notices be issued to the respondents for submission of written reply. Respondents be summoned through TCS, the expenses of which shall be deposited by the appellant within a week. To come up for written reply/comments on 02.10.2024 before S.B. P.P given to learned counsel for the appellant.

2. Alongwith the appeal there is an application for suspension of operation of the impugned notification dated 17.05.2024. Notice of the application be issued to the respondents. In the meanwhile, the operation of the impugned notification is suspended, if not acted upon earlier..

ATTESTED
 EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar
 15/10-24

Khyber Pakhtunkhwa Service Tribunal, Peshawar

Application No. 122 Date 15-10-24

Name of Applicant M. Anjum

Number of Words/Pages 2-9

Copying Fee 10/-


Urgent/Ordinary 5/-

Total 15/-

Name & Sign of Copyist Zeeshan

Date of Completion of Copy 15-11-24

Date of Delivery of Copy 15-10-24


 (Rashida Bano)
 Member (J)

Handwritten initials/signature at the top of the page.

Dr. Taqvi M Haq
District Pathologist
BPS-18
Mian Rashid Hussain Memorial
Hospital Pabli Nowshera

Handwritten signature of Dr. Taqvi M Haq.

Yours Sincerely,

...therefore, most humbly requested that on acceptance of
...representation the order dated 13.09.2024 of the Honble
...Tribunal may please be implemented in letter and spirit.

...13.09.2024. (Copy of order is attached)
...the order dated 17.05.2024 vide its order dated
...the Honble Service Tribunal and the Honble Service Tribunal
...the applicant filed Service Appeal No. 1414/24 before the
...Authority, which was not responded yet.

2 That being agreed from the order, on 27.05.2024 the
applicant filed Departmental Appeal before the Competent
Authority, which was not responded yet.

3 It is stated that I have been transferred from District Pathologist
BPS-18 Mian Rashid Hussain Memorial Hospital Pabli Nowshera to Senior
Medical Officer BPS-18 Mian Rashid Hussain Memorial Hospital
Pabli vide order dated 17.05.2024

Respected Sir,

REQUESTATION FOR IMPLEMENTATION OF ORDER DATED
13.09.2024 OF THE HONBLE SERVICE TRIBUNAL PESHAWAR IN
APPEAL NO. 1414/24

The Hon. Secy Health
Cyber Pakistana
Review

Health Department
Date 13/9/24
Dary No 9847

Handwritten notes: -5- and B=

To

The Hon'ble Secretary Health
Khyber Pakhtunkhwa,
Peshawar.

Subject:- REPRESENTATION FOR IMPLEMENTATION OF ORDER DATED 13/09/2024 OF THE HONOURABLE SERVICE TRIBUNAL PESHAWAR IN APPEAL NO 1414/2024

Respected Sir,

- 1) It is stated that I have been transferred from District Pathologist BPS-18 Mian Rashid Hussain Hospital Pabbi Nowshera to Senior Medical Officer (BPS-18) Mian Rashid Hussain Memorial Hospital, Pabbi vide order dated 17/05/2024.
- 2) That feeling aggrieved from the order on 27/05/2024 the applicant filed departmental appeal before the competent authority, which was not responded yet.
- 3) That the applicant filed Service Appeal No 1414/2024 before the Hon'ble Service Tribunal and the Hon'ble Service Tribunal suspended the order dated 17/05/2024 vide its order dated 13/09/2024. (Copy of order is attached).

It is, therefore, most humbly requested that on acceptance of this representation, the order dated 13/09/2024 of the Hon'ble Service Tribunal may please be implemented in letter and spirit.

Your Sincerely

Dr. Taqvim Ul Haq
District Pathologist
BPS-18
Mian Rashid Hussain
Hospital Pabbi Nowshera

AA-8-10-24
[Signature]

VAKALATNAMA
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

EP NO: _____ OF 2024

Dr. Tarveem ul Haq

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Health Deptt

(RESPONDENT)
(DEFENDANT)

I/We Dr. Tarveem ul Haq

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

[Handwritten Signature]

CLIENT

ACCEPTED

NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT
(BC-10-0853)
(15401-0705985-5)

UMAR FAROOQ MOHMAND

WALEED ADNAN

KHANZAD GUL

&

MUJEEB UR REHMAN
ADVOCATES