


13.04.2021

Appellant present in person. Preliminary arguments heard. Record perused.

Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notice be issued to respondents for submission of written reply/comments. To come up for reply/comments on 20.06.2022 before S.B.

Rs-500/-
Appellant Deposited
Security & Process Fee
-
A. Safi Ullah
19/4/22


(Rozina Rehman)
Member (J)

20.06.2022

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Safi Ullah, Focal Person for respondents present.

Representative of the respondent department seeks time for submission of written reply/comments. Request accepted. To come up for reply/comments on or before 28.07.2022 before S.B.


(Fareeha Paul)
Member (E)

13.10.2021

Learned counsel for the appellant present.

Learned counsel for the appellant requested for adjournment on the ground that he has not prepared the brief. Adjourned. To come up for preliminary hearing before the S.B on 09.12.2021.



(MIAN MUHAMMAD)
MEMBER (E)

09.12.2021

Clerk of learned counsel for the appellant present and requested for adjournment on the ground that learned counsel for the appellant is busy in other courts today. Request is acceded to. To come up for preliminary hearing on 04.02.2022 before S.B.



(MIAN MUHAMMAD)
MEMBER (E)

04.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 13.04.2022 for the same as before.





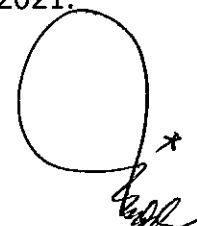
Reader

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7036 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	13/07/2021	<p>The appeal of Mr. Abid Iqbal resubmitted today by Syed Noman Ali Bukhari Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	30.08 .2021	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>30/08/2021</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Junior of counsel for the appellant present.</p> <p>Junior of learned counsel for the appellant requested for adjournment on the ground that the learned counsel for the appellant is not available today. Adjourned. To come up for preliminary hearing before the S.B on 13.10.2021.</p> <p style="text-align: right;"> (MIAN MUHAMMAD) MEMBER (E)</p>

The appeal of Mr. Abid Iqbal PHC Clinical Technologist RHC Gul Abad Lower Dir received today i.e. on 16.06.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of impugned order and departmental appeal against it are not attached with the appeal which may be placed on it.
- 2- Documents referred to in the memo of appeal (Annexures-A to N) are not attached with the appeal which may be placed on it.
- 3- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1019 /S.T,

Dt. 17/06 /2021

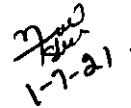

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

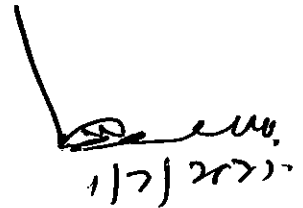
Syed Noman Ali Bukhari Adv.Pesh.

Sir,

It is requested that, kindly allowed extension for 15 days for submission of appeal.

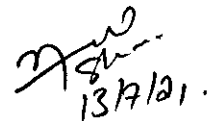
⑮ days time further extended.


1-7-21.


1/7/2021.

Sir,

Objection removed & file re-submitted


13/7/21.

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST**

Case Title: Abid Iqbal vs Grant of WP

S.#	Contents	Yes	No
1.	This appeal has been presented by: <u>Syl Name Ali Bulder</u>	✓	
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 A:G/D.A.G?	✓	
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 cuttings/overwriting?		✓
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: Syl Name Ali Bulder

Signature: [Signature]

Dated: 10

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

APPEAL NO: 7036 /2021


Abid iqbal

VS

Govt of KP

INDEX

S.NO.	Documents	Annexure	Page No.
1.	Memo of appeal	-----	01-05
2.	Copy of upgradation order	---A---	06-08
3.	Copy of promotion order	---B---	09-12
4.	Copy of comments	---C---	13-14
5.	Copy of judgment	---D---	15-18
6.	Copy of departmental appeal	---E---	19
15.	Copy of rules	---F---	20-25
16.	Vakalatnama	-----	26


Appellant
Abid iqbal

THROUGH:


(SYED NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT,

Room No. Fr-8, 4th Floor,
Bilour Plaza, Peshawar Cantt:
Contact No. 0306.5109438

①

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

APPEAL NO: _____ /2021

Mr. Abid Iqbal PHC Clinical Technologist (retired)
RHC Gul Abad Lower Dir.

..... appellant

Versus

1. Govt Of Khyber Pakhtunkhwa Through Chief Secretary Khyber Pakhtunkhwa, Peshawar.
2. Secretary to Govt Health Deptt, Civil Secretariat Peshawar..
3. Director General Health Service, Khyber Pakhtunkhwa Peshawar.

.....RESPONDENT

APPEAL UNDER SECTION-4 OF THE KP SERVICES TRIBUNAL ACT 1974, FOR DIRECTING THE RESPONDENTS TO CONSIDER THE APPELLANT FOR PERFORMA/NOTIONAL PROMOTION TO THE POST OF SENIOR PHC TECHNOLOGIST MP BPS-18 FROM THE DATE VACANCY WAS EXISTED IN THE QUOTA OF THE APPELLANT AND AGAINST NOT DECIDING THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN STATUTORY PERIOD OF 90 DAYS.

PRAYER:

THAT ON ACCEPTANCE OF THIS APPEAL THE RESPONDENT MAY BE DIRECTED TO CONSIDER THE APPELLANT FOR PROFORMA/NOTIONAL PROMOTION TO THE POST OF SENIOR PHC TECHNOLOGIST MP BPS-18 i.e FROM THE DATE VACANCY WAS EXISTED IN HIS QUOTA, WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH HONORABLE TRIBUNAL THINKS DEEM FIT AND APPROPRIATE MAY ALSO BE AWARDED IN FAVOR OF APPELLANT.

RESPECTFULLY SHEWETH

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FACTS

The brief acts of the case are as under

1. That the appellant appointed as MT on 23.02.1982 and then upgraded to Chief PHC technician and later on promoted as PHC Clinical technologist vide order dated 21.07.2017 and posted on 03.08.2017 at DHO Dir lower and in his all career work with full zeal and devotion. **Copy of orders is attached as annexure-A & B.**
2. That the appellant filed service appeal no 1474/2019 in KP service Tribunal for anti-dation of promotion of BPS-12 from 1999 and BPs-17 from 2013. but during the pendency of the appeal respondent in para-8 of comments also submitted the fact that the case of the appellant was submitted to the govt also for promotion to the post of Senior PHC Technologist MP (BPS-18) and that fact was also reflected in the judgment dated 22.03.2021 in service appeal no. 1474/2019. It is pertinent to mentioned here that, in real this fact has no concerned with the mentioned appeal but that fact narrated by the respondent in comment is only for the reason to mislead the court and want to drag appellant into the definition of non-aggrieved person. In which he succeeded. **Copy of comments and judgment is attached as annexure-C & D.**
3. That, after submission of comments by the respondents in service appeal no1474/2019, appellant filed appeal for promotion to the post of BS-18 Senior PHC Technologist. However, when appellant query about his promotion case from the Deptt the fact came to his knowledge that, the case of the appellant for promotion to the post of BS-18 never submitted to the Govt. Which is also amount to contempt of court proceeding. It is therefore, requested the same may be submitted to Peshawar High Court Peshawar for initiation of Contempt of court Proceeding against the respondents, if deems fit and appropriate in the view of Tribunal. **Copy of departmental appeal is attached as annexure-E.**
4. That the departmental appeal of the appellant was not decided within statutory period of 90 days. It is pertinent to mentioned here that the appellant was retired during that period from service therefore claim Proforma promotion. Hence the present appeal on the following grounds amongst others.

GROUND

- A. That the respondents act and proceedings regarding the service of the appellant is illegal, malafide, discriminating and not based on equality.
- B. That inaction and omission of respondent department, not to consider the appellant for promotion is against the spirit of section-9 of Civil Servants Act, 1973 and service rights duly protected under the Civil Servants laws.
- C. That the Honourable Supreme Court of Pakistan has held in many cases that in absence of any stoppage of promotion order by the government/competent authority, the civil servant is entitled from the date of availability of post. Thus, the appellant is entitled to proforma promotion with effect from his due date.
- D. That the same nature case the Hon'ble Tribunal accepted the appeal no 731/2015 and grant notional promotion, so the case of the appellant is also same nature and may be treated the same and may be grant notional promotion to the appellant from his due date.
- E. That the apex Court has already clearly held in case of Anita Turab (PLD-2013 Supreme Court Page No. 195) that matter of tenure, appointment, posting, transfer and promotion, of service could not be dealt with in an arbitrary manner but could only be sustained if it was in accordance with law. Whenever there was statutory provision or rules or regulation of government the matter of appointment of Civil Servants that must be followed honestly and scrupulously and discretionary must be exercised and structured, transparent and reasonable manner, thus the verdict of the Honourable Supreme Court fully favours the appellant's case.
- F. That as there is no any order regarding the stoppage of promotion of appellant, therefore, the appellant has legal vested rights to be considered for promotion from the date when vacancy was vacant in his quota. (97-SCMR-1997-515).
- G. That according to fresh amendment the appellant has the right to be promoted with his due date i.e when the junior to the appellant was promoted.

- H. That, according to dictums laid down by the superior courts any civil servant can claim promotion after retirement when the right to be promoted was accrued to him but the department/ government , due to the reasons best known to it, failed to considered the name of the appellant for promotion.
- I. That the appellant department itself stated in their comments that the promotion case of the appellant for Bs-18 was submitted to the Govt, which was filed before the Hon'ble Service tribunal in in service appeal no1474/2019. However, despite that the appellant was not considered for the post of Senior PHC Technologist (BPS-18) in time, which shows laziness on the part of respondents. That the statement given before the Hon'ble tribunal showing that the appellant was entitled for the post of Senior PHC Technologist (BPS-18) but despite that the appellant was not considered for the post of Senior PHC Technologist (BPS-18) for no fault on his part. And the respondent also mislead the court because the case of the appellant was never submitted to the govt.
- J. That the appellant was deprived from his legal right by not considering for promotion to the post of BPS-18 from the date when vacancy was vacant in his quota, which also suffered appellant's pensionary emolument.
- K. That the appellant was deprived from his rights of promotion in an arbitrary manner which is the violation of Article-2,4 and 25 of the Constitution of Pakistan.
- L. That according to Superior Court Judgment reported as *1997 SCMR 515* in which it is held that delay in making promotion had entirely due to reason that officer of that department not carry out fairly simple exercise with reasonable period so the appellant is entitled to the promotion from back date.
- M. That it is well settled principle of justice that no one should be suffered from the arbitrary acts of public functionaries and the public functionaries are required to act in accordance with rules and law with fair means. But in case of appellant such principle has been violated.
- N. That the appellant has not been treated in accordance with law and his rights secured and guaranteed under the law has also been badly violated.

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- O. That the appellant being eligible and senior most and legally entitled for promotion to the post of Senior PHC Technologist (BPS-18) according to rules of the respondent department. Copy of Rules is attached as Annexure-F.
- P. That the respondents did not promote to appellant and caused financially as well as service career loss , willfully to appellant which is against the law in vogue.
- Q. That the appellant during his service was entitled for service promotion to BPS-18, meanwhile the appellant was retired from service on _____ in BPS-16. Therefore the appellant is entitled after retirement for what ,which was due to , him during his service, while this august high court as well as supreme court of Pakistan in WP NO.249-A/13 295-A/13 dated on 24.04.2013 by his honorable court SCRM 1996 1185 ,2009 SCMR 1, PLJ 96 160 ,PLJ 1996 163, ,PLD 94 233© 2012 SCRM 126 ,SCMR 2010 1466,PLC 2009 303 ,PLC 2009.
- R. That by no sketch of imagination, the appellant can be deprived from the valuable rights in the light of dictums of the supreme courts as well as high court.
- S. That appellant Seeks permission to advance other grounds at the time of arguments.

It is therefore most humbly requested the appeal of the appellant may be accepted as prayed for.


Appellant

THROUGH:


(SYED NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT



A 117 E (B)

DIRECTORATE GENERAL HEALTH SERVICES, KHYBER PAKHTUNKHWA, PESHAWAR

OFFICE ORDER

Consequent upon approval accorded by the competent authority the following PHC Techs (MP) BS-12 have been upgraded to the post of Chief Primary Health Care Technologist (MP) BS-16 vide Govt. of Khyber Pakhtunkhwa, Health Department Notification No. SOH-III/8-60/2005 (Paramedics) dated 11.05.2012.

S. No.	Name/ Father's Name	From
1.	Kamal Zada S/O Muhammad Nawab	District Shangha
2.	Mir Atzal S/O Abdu Qayyum	District Kohat
3.	Wali Muhammad S/O Abdul Khalid	District Swat
4.	Muhammad Riaz S/O Saifoor Bacha	District Mardan
5.	Hidayatullah S/O Eid Muhammad	District Karak
6.	Rafiqullah S/O Dakhil Gul	District Karak
7.	Shabir Nawaz S/O Ghazal Nawaz	District Karak
8.	Muqadar S/O Sardar	District Swat
9.	Abid Iqbal S/O Kachkol Bacha	District Dir Lower
10.	Ghulam Hazrat	District Dir Upper
11.	Ishrat Parveen D.O Khadim Hussain	District Peshawar
12.	Shaukat Ali S/O Roshani Gul	District Karak
13.	Hameedullah S/O Rab Nawaz Khan	District Bannu
14.	Zahid Hussain S/O Umer Muhammad	District Dir Lower
15.	Bashir Ahmad S/O Faqir Muhammad	District Shangha
16.	Shah Nawaz S/O Fazal Maan	AS NWA Miranshah
17.	Fazal Rehman S/O Mian Syed Usman	District Swat
18.	Anwar Saeed S/O Muhammad Younis	District Mausehra
19.	Fazal Ahmad S/O Khair Ahmad	District I/Marwat
20.	Muhammad Bashir S/O Gohar Rehman	District Haripur
21.	Nageena Azmat D.O Sharfuddin	District Peshawar
22.	Sher Zada S/O Mughal Khan	DHQP Charsadda
23.	Rashida Akhtar D.O Sultan Muhammad	District Nowshera
24.	Rukhsana D/O Jan Muhammad	District Peshawar
25.	Azra Batto D.O Muhammad Hussain	District Peshawar
26.	Abdul Waheed S/O Muhammad Ishaq	District Haripur
27.	Niaz Ali S/O Fazli Rehman	District Peshawar
28.	Abdur Rahim S/O Shah Jehan	District Abbottabad
29.	Fazli Rabi S/O Mukhtar Nabi	District Battagram
30.	Bakht Amin S/O Muhammad Yousof	District Swat
31.	Rashid Ahmad S/O Hamidullah Jan	District I/Marwat
32.	Umar Sardar S/O Ghulam Haider	District Karak
33.	Noor Sahib Khan S/O Ali Mirjan	District Kohat
34.	Zafar Ali S/O Rafiquddin	District Charsadda
35.	Maqsood Anwar S/O Muhammad Shah	District Haripur
36.	Alsar Khan S/O Yarell Khan	District Charsadda
37.	Khalid Khan S/O Durrani Khan	District Peshawar
38.	Noorullah S/O Zarin Khan	AS Mohmand
39.	Muhammad Rafiqat S/O Ghulam Mohammad	District Haripur
40.	Muhammad Idrees S/O Haji Gul	District Peshawar
41.	Bashir Ahmad S/O Amir Rahman	District Mardan
42.	Jan Muhammad S/O Nowshad Khan	District Dir Lower
43.	Qamar Zaman S/O Fazal Rehman	District Karak
44.	Muhammad Irfan S/O Gul Sherin	District Karak
45.	Fazal Wahab S/O Ahib Gul	District Mardan
46.	Muhammad Hussain S/O Ghulam Rasool	District D.I. Khan
47.	Fazal Muhammad S/O Faqir Muhammad	District Swat
48.	Fazal Hadi S/O Leibar	District Swat
49.	Jehanzeb S/O Kala Khan	District Haripur
50.	Manzoor Ahmad S/O Khan Zunar	District Mausehra
51.	Qasim Hussain S/O Rahmat Hussain	District Dir Lower
52.	Muhammad Nawaz S/O Shahwaz Khan	EDO (H) Mausehra
53.	Arshad Hussain S/O Minhajiddin	District Swat
54.	Mrs. Yasmin Begum D/O Abdur Rehman	District Mausehra
55.	Nadir Khan S/O Mir Badshah	District Kohat
56.	Salahuddin S/O Kandpoosh	District Shangha
57.	Naeem Tariq S/O Fayaz Gul	District Nowshera
58.	Shahid Gul S/O Amir Muhammad	District Charsadda

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59.	Abdullah Khan S/O Meln Dil	District D.I.Khan
60.	Muhammad Rafiq S/O Ghulam Muhammad	District D.I.Khan
61.	Attiqur Rehman S/O Gaida Khel	District Karak
62.	Mrs.Mumtaz Shaheen D.O Muhammad Ismail	District Peshawar
63.	Momin Khan S/O Rokhan	District Peshawar
64.	Fida Muhammad S/O Q. Sahibullah	District Peshawar
65.	Muhammad Iqbal S/O Karim Gul	District Peshawar
66.	Tasleem Khan S/O Fazal Rahman	District Charsadda
67.	Khalid Usman S/O Muhammad Saeed	District Karak
68.	Nigar Sultana D/O Pir Bakhtish	District Peshawar

On their upgradation to the post of Chief Primary Health Care Tech: (MP) BS-16, the following posting/transfer adjustment are hereby ordered to be operative from 11.05.2012, the date of upgradation: -

S. No.	Name/ Father's Name	From	To	Remarks
1.	Kamal Zada S/O Muhammad Nawab	District Shangla	District Shangla	-do-
2.	Mir Afzal S/O Abdu Qayyum	District Kohat	District Kohat	-do-
3.	Wali Muhammad S/O Abdul Khalil	District Swat	District Swat	-do-
4.	Muhammad Riaz S/O Saifoor Bacha	District Mardan	District Mardan	-do-
5.	Hidayatullah S/O Eid Muhammad	District Karak	District Bannu	-do-
6.	Rafiqullah S/O Dakhil Gul	District Karak	District Fatak	-do-
7.	Shabir Nawaz S/O Gharib Nawaz	District Karak	District Karak	-do-
8.	Muqadar S/O Sardar	District Swat	District Swat	-do-
9.	Abid Iqbal S/O Kachkol Bacha	District Dir Lower	District Dir Lower	-do-
10.	Ghulam Hazrat	District Dir Upper	District Dir Upper	-do-
11.	Islami Parveen D.O Khadim Hussain	District Peshawar	District Mardan	-do-
12.	Shaukat Ali S/O Roshani Gul	District Karak	District Karak	-do-
13.	Hameedullah S/O Rab Nawaz Khan	District Bannu	District Bannu	-do-
14.	Zahid Hussain S/O Umer Muhammad	District Dir Lower	District Dir Lower	-do-
15.	Bashir Ahmad S/O Faqir Muhammad	District Shangla	District Shangla	-do-
16.	Shah Nawaz S/O Fazal Mando	AS NWA Miranshah	District Bannu	-do-
17.	Fazal Rehman S/O Mian Syed Usman	District Swat	District Buner	-do-
18.	Anwar Saeed S/O Muhammad Younis	District Manshera	District Manshera	-do-
19.	Fazal Ahmad S/O Khair Ahmad	District L/Marwat	District L/Marwat	-do-
20.	Muhammad Bashir S/O Gohar Reliman	District Haripur	District Abbottabad	-do-
21.	Nageena Azmat D.O Sharfuddin	District Peshawar	District Peshawar	-do-
22.	Sheer Zada S/O Mughal Khan	DHQH Charsadda	District Charsadda	-do-
23.	Rashida Akhtar D.O Sultan Muhammad	District Nowshera	District Nowshera	-do-
24.	Rukhsana D/O Jan Muhammad	District Peshawar	District Swabi	-do-
25.	Azra Bano D.O Muhammad Hussain	District Peshawar	District Nowshera	-do-
26.	Abdul Waheed S/O Muhammad Ishaq	District Haripur	District Kohistan	-do-
27.	Niaz Ali S/O Fazli Rehman	District Peshawar	District Peshawar	-do-
28.	Abdur Rahim S/O Shah Jehan	District Abbottabad	District Abbottabad	-do-
29.	Fazli Rabi S/O Mukhtiar Nabi	District Battagram	District Battagram	-do-
30.	Bakht Amin S/O Muhammad Yousof	District Swat	District Buner	-do-
31.	Rashid Ahmad S/O Hamidullah Jan	District L/Marwat	District L/Marwat	-do-
32.	Umar Sartar S/O Ghulam Haider	District Karak	District Dir Upper	-do-
33.	Noor Sahib Khan S/O Ali Marjan	District Kohat	District Kohat	-do-
34.	Zafar Ali S/O Rafuddin	District Charsadda	District Mardan	-do-
35.	Maqsood Anwar S/O Muhammad Shadi	District Haripur	District Abbottabad	-do-
36.	Afsar Khan S/O Yardi Khan	District Charsadda	District Charsadda	-do-
37.	Khalid Khan S/O Durran Khan	District Peshawar	District Peshawar	-do-
38.	Noorullah S/O Zarin Khan	AS Mohmand	District Swabi	-do-
39.	Muhammad Rafiqat S/O Ghulam Mohammad	District Haripur	District Haripur	-do-
40.	Muhammad Idrees S/O Haji Gul	District Peshawar	District Swabi	-do-
41.	Bashir Ahmad S/O Amir Rahman	District Mardan	District Mardan	-do-
42.	Jan Muhammad S/O Nowshad Khan	District Dir Lower	District Dir Lower	-do-
43.	Qamar Zaman S/O Fazal Rehman	District Karak	District Hangu	-do-
44.	Muhammad Irfan S/O Gul Sherin	District Karak	District Hangu	-do-
45.	Fazal Wahab S/O Ahib Gul	District Mardan	District Malakand	-do-
46.	Muhammad Hussain S/O Ghulam Rasool	District D.I.Khan	District D.I.Khan	-do-
47.	Fazal Muhammad S/O Faqir Muhammad	District Swat	District Swat	-do-
48.	Fazal Hadi S/O Lajbar	District Swat	District Chitral	-do-
49.	Jehanzeb S/O Kala Khan	District Haripur	District Haripur	-do-
50.	Manzoor Ahmad S/O Khan Zaman	District Haripur	District Abbottabad	-do-
51.	Qasim Hussain S/O Rahmat Hussain	District Dir Lower	District Dir Upper	-do-
52.	Muhammad Nawaz S/O Shahwaz Khan	EDO (H) Manshera	District Manshera	-do-
53.	Arshad Hussain S/O Minhajuddin	District Swat	District Malakand	-do-
54.	Mrs. Yasmin Begum D/O Abdur Rehman	District Manshera	District Manshera	-do-
55.	Nadir Khan S/O Mir Badshah	District Kohat	District Kohat	-do-
56.	Salahuddin S/O Kandpoosh	District Shangla	District Malakand	-do-

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58.	Shahzad Gul S/O Amir Muhammad	District Charsadda	District Charsadda	-do-
59.	Abdullah Khan S/O Mehr Dil	District D.I.Khan	District D.I.Khan	-do-
60.	Muhammad Rafiq S/O Ghulam Muhammad	District D.I.Khan	District D.I.Khan	-do-
61.	Atiqur Rehman S/O Gaida Khej	District Karak	District Karak	-do-
62.	Mrs. Mumtaz Shahiceen D.O Muhammad Ismail	District Peshawar	District Nowshera	-do-
63.	Momin Khan S/O Rokhan	District Peshawar	District Peshawar	-do-
64.	Fida Muhammad S/O Q. Sahibullah	District Peshawar	District Swabi	-do-
65.	Muhammad Iqbal S/O Karim Gul	District Peshawar	District Peshawar	-do-
66.	Fasleem Khan S/O Fazal Rahman	District Charsadda	District Mardan	-do-
67.	Khalid Usman S/O Muhammad Saeed	District Karak	District Tank	-do-
68.	Nigar Sultana D/O Pir Bakhish	District Peshawar	District Charsadda	-do-

Sd/xxxxxxxx
Director General Health Services,
Khyber Pakhtunkhwa, Peshawar

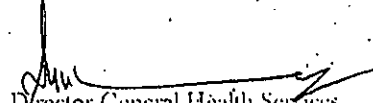
No. 21682-74 JAE-VII

Dated Peshawar the 27 /07/2012

Copy forwarded to the:

1. The Secretary to Govt. of Khyber Pakhtunkhwa, Health Department Peshawar.
2. The DHS FATA, Khyber Pakhtunkhwa, Peshawar.
3. The Director Provincial Health Services Academy, Khyber Pakhtunkhwa, Peshawar.
4. The All Executive District Officers (Health) in Khyber Pakhtunkhwa, Province.
5. The All District Accounts Officers in Khyber Pakhtunkhwa, Province.
6. The Agency Surgeons Mohmand.
7. The Agency Accounts Officer, Mohmand.
8. Muhammad Jamil, Assistant Director (P-II) DGHS Office, Peshawar.
9. Incharge, Paramedics Promotion Cell DGHS Office Peshawar.
10. Officials concerned.
11. Personal Files.
12. P.A. to DGHS, Khyber Pakhtunkhwa, Peshawar.
13. P.A. to Director (Administration) DGHS Office Peshawar.
14. P.A. to Deputy Director (Personnel) DGHS Office Peshawar.

For information and necessary action.


Director General Health Services,
Khyber Pakhtunkhwa, Peshawar.

8/47
19/7/2012



GOVT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated the Peshawar 03rd August, 2017

NOTIFICATION.

No. SOH-III/8-60/2017. Consequent upon their promotion, vide this department notification of even number dated: 21-07-2017, the Competent Authority is pleased to order the following posting/transfer in different categories/specialties from BS-16 to BS-17 in Health Department with immediate effect in the public interest.

S.No	Name & Designation with BPS PHC Technicians (M.P) BS-16 to PHC Technologist (M.P) BS-17	From	To	Remarks
1.	Jamil ur Rahman	DHO Kohat	DHO Kohat	Against the vacant post
2.	Wali Muhammad	DHO Swat	DHO Swat	...do...
3.	Hidayatullah	DHO Karak	DHO Karak	...do...
4.	Rafiullah	DHO Karak	DHO Bannu	...do...
5.	Shabir Nawaz	DHO Karak	DHO Hangu	...do...
6.	Muqadar	DHO Swat	PMI Swat	...do...
7.	Abid Iqbal	DHO Dir Lower	DHO Dir Lower	...do...
8.	Ghulam Hazrat	DHO Dir Upper	DHO Dir Upper	...do...
9.	Shaukat Ali	DHO Karak	DHO Karak	...do...
10.	Hameedullah	DHO Bannu	DHO Bannu	...do...
11.	Zari Badshah	DHO Nowshera	DHO Mardan	...do...
12.	Zahid Hussain Khan	DHO Dir Lower	DHO Dir Lower	...do...
13.	Bashir Ahmad	DHO Shangla	DHO Shangla	...do...
14.	Anwar Saqad	DHO Mansehra	DHO Mansehra	...do...
15.	Fazal Ahmad	DHO L/Marwat	DHO Lakki Marwat	...do...
16.	Muhammad Bashir	DHO Abbottabad	DHO Abbottabad	...do...
17.	Nageena Azmat	DHO Peshawar	DHO Peshawar	...do...
18.	Sher Zada	DHQH Charsadda	DHO Charsadda	...do...
19.	Rashida Akhtar	DHO Nowshera	DHO Nowshera	...do...
S.No	Clinical Technician (Pharmacy) BS-16 to Clinical Technologist (Pharmacy) BS-17.			
1.	Bashir Ahmad	SHPD Peshawar	SGM Hospital Peshawar	Against the vacant post
2.	Muhammad Aslam	District Tank	DHQ Hosp. Tank	...do...

(Next Page).....

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3.	Murtaza Khan	IDC Hospital Peshawar	DHO Charsadda.	...do...
4.	Allah Nawaz	DHQH D.I.Khan	DHO DI Khan	...do...
5.	Shafiullah	LRH Peshawar	LRH Peshawar.	...do...
6.	Abdul Malik	KTH Peshawar	KTH Peshawar.	...do...
7.	Abdul Latif	DHO Bannu	DHQ Hosp. Bannu.	...do...
8.	M. Javed	District Nowshera	DHQ, Hospital Charsadda.	...do...
9.	Shafiur Rehman	DHQ Hosp; Karak	DHQ Hosp; Karak	...do...

S.No Clinical Technician (Anesthesia) BS-16 to the post of Clinical Technologist (Anesthesia) BS-17.

1.	Sher Dil	KTH Peshawar	LRH Peshawar	Against the vacant post
2.	Tahir Gul	KTH Peshawar	LRH Peshawar	...do...
3.	Niamat	HMC Peshawar	AHQ, Landi Kotal	...do...

S.No Clinical Technician (Cardiology) BS-16 to the post of Clinical Technologist (Cardiology) BS-17.

1.	Tajammul Hussain	LRH Peshawar	LRH Peshawar	Against the vacant post
2.	Wisa Muhammad	LRH Peshawar	LRH Peshawar	...do...

S.No Clinical Technician (Dental) BS-16 to the post of Clinical Technologist (Dental) BS-17.

1.	Muhammad Iqbal	DHQ, Hospital Mardan	KCD, Peshawar.	Against the vacant post
2.	Amanat Ullah	LRH Hospital Peshawar	LRH, Peshawar	...do...

S.No Clinical Technician (Dialysis) BS-16 to the post of Clinical Technologist (Dialysis) BS-17.

1.	Muhammad Ishaq	KTH Peshawar	KTH Peshawar	Against the vacant post
2.	Muhammad Ishaq	LRH, Peshawar	LRH Peshawar	...do...

S.No Chief PHC Technician (MCH) BS-16 to the post of Chief PHC Technologist (MCH) BS-17

1.	Yasmin Raheel	DHO Malakand	DHO Swat	Against the vacant post
2.	Rukhtaj	DHO Mansehra	DHO Abbottabad	...do...
3.	Sakina Bibi	DHO, Bannu	DHO D.I Khan	...do...
4.	Nasim Akhtar	DHO Chitral.	DHO Peshawar.	...do...
5.	Farkhanda Jabeen	DHO Peshawar.	DHO Peshawar	...do...

S.No Chief Clinical Technician (Ophthalmology/Otorhinolaryngology) BS-16 to the post of Clinical Technologist (Ophthalmology/Otorhinolaryngology) BS-17

1.	Malik Tahir Awan	LRH, Peshawar	LRH, Peshawar	Against the vacant post
----	------------------	---------------	---------------	-------------------------

2.	Iftikhar Ahmad	KTH Peshawar	KTH Peshawar	...do...
4.	Muhammad Saleem	DHO Hosp. D.I. Khan	DHO Hosp. D.I. Khan	...do...
5.	Qudratullah	DHC Nowshera	MIMC Mardan	...do...
6.	Tariq Saeed	LRH Peshawar	LRH Peshawar	...do...

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S.No Chief Clinical Technician (Surgical) BS-16 to the post of Clinical Technologist (Surgical) BS-17

1.	Habib Akbar S/O Ahmad Shah	MIMC Peshawar	KTH Peshawar	Against the vacant post
2.	Nisar Ahmad S/O Muhammad Ashraf	KGM Teaching Hospital Bannu	KGM Teaching Hospital Bannu	...do...
3.	Ajmal Khan S/O Sarfaraz	KTH Peshawar	KTH Peshawar	...do...

S.No Chief Clinical Technician (Pathology) BS-16 to the post of Clinical Technologist (Pathology) BS-17

1.	Habib Khan	DHO Hosp. Nowshera	KGM Teaching Hospital Bannu	Against the vacant post
2.	Shah Jehan	LRH Peshawar	LRH Peshawar	...do...
3.	Rahat Ullah	KTH Peshawar	KTH Peshawar	...do...
4.	Irshad Ali	KTH Peshawar	KTH Peshawar	...do...
5.	Yusuf Khan	DHO Hosp. Mardan	KTH Peshawar	...do...
6.	Khushdil Khan	DHO Hosp. Charsaoda	LRH Peshawar	...do...

They will be on probation for a period of one year.

SECRETARY HEALTH
GOVT. OF KHYBER PAKHTUNKHWA

Under Even No and Date.

Copy forwarded to:-

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Director General, Health Services, Khyber Pakhtunkhwa.
3. The Director General, Provincial Health Services Academy, Peshawar.
4. The Director, Health Services, FATA.
5. Hospital Directors, MTIs, Khyber Pakhtunkhwa concerned.
6. Medical Superintendents, DHO Teaching Hospital, Khyber Pakhtunkhwa concerned.
7. Health Officer, DHO, Peshawar.
8. Senior Health Officers, Khyber Pakhtunkhwa concerned.
9. District Health Officers, Khyber Pakhtunkhwa concerned.
10. The Deputy Director IT, Health Department.
11. PSO to Chief Secretary, Khyber Pakhtunkhwa.
12. PS to Senior Minister Health, Khyber Pakhtunkhwa.
13. PS Secretary Health, Khyber Pakhtunkhwa.
14. Officers concerned.

SECTION OFFICER-III

DIRECTORATE GENERAL HEALTH SERVICES, KHYBER
PAKHTUNKHWA PESHAWAR.

12

All communications should be addressed to the Director General,
Health Services Peshawar and not to any official by name.
Exchange Ph: 091-9210187 - Fax: 091-9210130 Web: www.healthkp.gov.pk



No. 11263-393 /AE-VII

Dated 23 /08 /2017

COPY OF ABOVE AS FORWARDED TO THE.

1. The Accountant General Khyber Pakhtunkhwa Peshawar.
2. The Director General Health Service Khyber Pakhtunkhwa.
3. The Director General Provincial Health Service Academy Peshawar.
4. The Director Health Service FATA.
5. All Hospitals Director MTIs, Khyber Pakhtunkhwa Concerned.
6. All Medical Superintendents DHQ Teaching Hospital Khyber Pakhtunkhwa Concerned.
7. Principals/Deans, KMC/KCD/PGPI, Peshawar.
8. All DHO, District Health Officers Khyber Pakhtunkhwa Concerned.
9. All District Accounts Officers, Khyber Pakhtunkhwa Concerned.
10. The Deputy Director IT, Health Department.
11. PSO to Chief Secretary, Khyber Pakhtunkhwa.
12. PS to Senior Minister Health Khyber Pakhtunkhwa.
13. PS Secretary Health Khyber Pakhtunkhwa.
14. PA DGHS KP, Peshawar.
15. Officers Concerned.

Sir
ASSISTANT DIRECTOR (Paramedics)
DIRECTORATE GENERAL HEALTH
SERVICES KP, PESHAWAR

23/8/17

C 13

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 1474 OF 2019

Syed Abid Iqbal.....Appellant

Versus

Govt. of Khyber Pakhtunkhwa and others.....Respondents

Respectfully Sheweth:

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS

Preliminary Objections:-

1. That the Honorable Tribunal has no Jurisdiction to adjudicate upon the matter.
2. That the instant Appeal is bad for mis-joinder and non-joinder of the necessary parties.
3. That the Appellant has got neither cause of action nor locus standi to file the instant Appeal.
4. That the Appellant has filed the instant appeal just to pressurize the respondents.
5. That the instant Appeal is against the prevailing Law and Rules.
6. That the Appeal is not maintainable in its present form and also in the present circumstances of the issue.
7. That the Appellant has filed the instant Appeal with mala-fide intention hence liable to be dismissed.
8. That the Appellant has not come to the Tribunal with clean hands.
9. That the Appeal is time barred.

ON FACTS:

1. Para No. 1 is incorrect to the extent that the Appellant was appointed as MT on 23/02/1982.
2. In reply to Para No. 2 it is submitted that according to the available posts, the promotion of Paramedics was made according to the seniority list.
3. Para No. 3 as already explained in preceding para.
4. Para No. 4 is correct.
5. Para No. 5 is correct to the extent that the Appellant has already been promoted as PHC Technician (MP) BPS-17 vide Office Order No. SOH-III/8-60/2017 dated 21/07/2017 (Annex-A).
6. Para No. 6 as in preceding para.

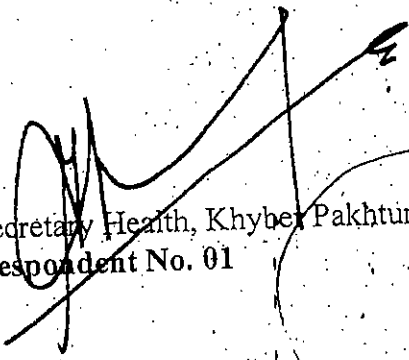
- (19)
7. Para No. 7 as already explained in Para No. 6 above.
 8. Para No. 8 is incorrect to the extent that the appeal of the Appellant was considered according to the rules. He has already been upgraded as Chief PHC Technician (BPS-16) and later on promoted PHC Technologist MP (BPS-17) and recently his case has already submitted to the Govt. for promotion to the post Senior PHC Technologist MP (BPS-18). ✓ ✓

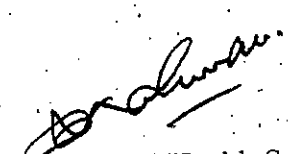
ON GROUNDS:

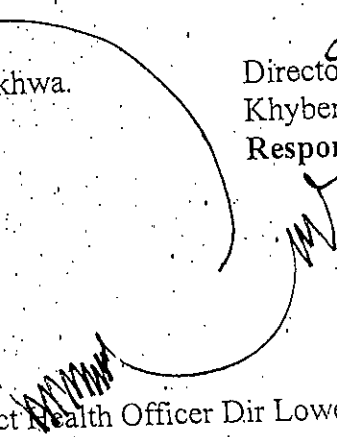
- i. Para-i as already explained in Para No. 2 & 5 of Facts.
- ii. Para-ii is incorrect, as Department has already awarded him his rights according to the rules.
- iii. Para-iii as per Para-i above.
- iv. Para-iv as in Para No. 5 above.
- v. Para-v is incorrect. His fundamental right has been awarded to the Petitioner according to the rules.
- vi. Para-vi no comments.

PRAYER:

It is therefore humbly prayed that on acceptance of the comments, the instant Appeal may very graciously be dismissed with cost.


Secretary Health, Khyber Pakhtunkhwa.
Respondent No. 01


Director General Health Services,
Khyber Pakhtunkhwa.
Respondent No. 03


District Health Officer Dir Lower.
Respondent No. 05

D / (15)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1474/2018

Date of Institution ... 12.11.2018

Date of Decision ... 22.03.2021

Syed Abid Iqbal S/o Kachkool Bacha, Resident of Gulabad, Dir Lower (PHC Technologist (MP)(BPS-17). ... (Appellant)

VERSUS

Secretary to Government of Khyber Pakhtunkhwa Health Department, Khyber Pakhtunkhwa at Peshawar and five others. ... (Respondents)

Present:

MR. SAJID ALI,
Advocate

--- For Appellant.

MR. M. RIAZ KHAN PAINDAKHEL,
Assistant Advocate General

--- For respondents.

MIAN MUHAMMAD
ROZINA REHMAN

--- MEMBER(Executive)
--- MEMBER(Judicial)

JUDGEMENT.

MIAN MUHAMMAD, MEMBER(E):- The appellant has approached the Service Tribunal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 seeking direction to the respondents to consider promotion of the appellant from BPS-09 to BPS-12 from the year 2009 to 2012 and afterward his up-gradation from BPS-12 to BPS-17 from the year 2012 to 2017 alongwith all back benefits.

FACTS.

02. Brief facts of the case, as per memorandum of appeal, are that the appellant was initially appointed as Chief Primary Health Care Technician in Health Department vide appointment order dated 23.02.1982. It was in the year 1999 that

ten (10) vacancies for promotion to the post of Senior Medical Technician were available and accordingly these vacancies were filled vide order dated 12.10.1999 while the appellant then remained on waiting list at serial No.11. However, one of the promotee namely Wali Muhammad did not want to be promoted to the post of Senior Medical Technician and he was allowed to forgo his promotion vide order dated 27.12.1999. Consequently, the appellant got entitled for promotion to the post of Senior Medical Technician against the post vacated by Mr. Wali Muhammad. The appellant though made all out efforts for his due right of promotion as Senior Medical Technician but his case was not properly considered. Appellant filed departmental appeal which was also turned down, hence, the present service appeal.

03. We have heard arguments of the learned counsels for the parties and thoroughly gone through the available case file and related additional documents including case laws produced during course of the respective arguments.

ARGUMENTS.

04. Learned counsel for the appellant vehemently contended that the appellant on forgoing promotion right by Mr. Wali Muhammad became eligible to be promoted against the available resultant vacancy of Senior Medical Technician. It was not fault of the appellant that having being eligible for the said post, was not provided his due right of promotion. He argued that when the vacancy of Senior Medical Technician was available and the appellant duly approached the respondents seeking his due right of promotion, then he was legally entitled to have been promoted to the post from the date when vacancy fell available for him. In support of his arguments, he placed reliance on 1995 PLC (C.S) 489, 2009 SCMR 117, 2012 PLC (C.S) 326 and 1998 PLC (C.S) 980.

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05. Quite contrary to the arguments of learned counsel for the appellant, the learned Assistant Advocate General while referring to Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 argued that there is no original or appellate order to have been passed by the respondents and as such the service appeal is not maintainable for adjudication. In support of his arguments, he placed reliance on 2005 SCMR 442, 2006 SCMR 1630 and judgement of this service Tribunal dated 15.12.2017 in service appeal No. 19/2011 titled Abdul Waheed, SET-vs-EDO (E&SE) Abbottabad and others. It was further contended that the appellant has been given his due right of promotion as his case had been duly considered at appropriate time under the rules. He has been upgraded to the post of Chief Primary Health Care Technician (BS-16) and then promoted as Primary Health Care Technologist (Multi Purpose) (BS-17). His case has recently been processed and submitted for promotion to the post of Senior Primary Health Care Technologist (Multi Purpose) (BS-18).

CONCLUSION.

06. Learned counsel for the appellant was confronted with the question where and what is the impugned order to have been passed by the respondents due to which the appellant is aggrieved? He could not produce any order in black and white and pleaded that a clear vacancy was available in 1999 and he was entitled to have been promoted against the same at that time. We are of the considered view that the question of maintainability of a service appeal stands linked to the issuance of an original or appellate order which naturally would have aggrieved a civil servant where-after an appeal would lie to Service Tribunal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal 1974. It is crystal clear that there is no

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impugned order of the respondents; either original or appellate to have aggrieved the appellant and against which he would have approached to the Service Tribunal for remedy and redressal.

07. As a sequel to the above, since there is no original or appellate order(s) to have been issued by the competent authority or appellate authority which would have affected and aggrieved the appellant, the instant service appeal is therefore hit by Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 and dismissed. Parties shall, however, bear their respective costs. File be consigned to the record room.

ANNOUNCED
22.03.2021


(ROZINA REHMAN)
MEMBER(J)


(MIAN MUHAMMAD)
MEMBER(E)

19 جدت حساب ڈاٹ پیپر سٹریٹ صاحبہ پانچ سروسز KPR ایسٹ ہاؤس

No - 6075/E9

17/2/2021

عنوان: درخواست فراہم عطیہ ملی BPS 18
(BPS 18 کی سٹیپنڈیٹ ایسٹ میں میرا تمام شامل کرنا)

صاحب عالی

خود نام لکڑا رہے ہیں۔ ہم میں بھیت PHC ٹیکنالوجی BPS 17
میں اپنا فریضہ ادا کر رہے ہیں میرا کو الٹنٹیشن (H) BSC ہیڈ
میں ہے۔ بتایا کہ رقم 8481-16/2020 BPS 18 لکڑا کاغذ
جوڑے ہیں۔ لیکن MTI سٹیپنڈیٹ والے ٹیکنالوجی
بھارت سہ ماہی سٹیپنڈیٹ ایسٹ میں شامل تھے جس کی وجہ سے
پروموشن نہیں ہوا۔

میں 18 BPS لکڑا سٹیپنڈیٹ ایسٹ لکڑا 19/2021 جو 11/3/2021
میں لکڑا جائے۔ کہ یہ میرا قانونی حق ہے۔
درخواست ایسٹ 13 عدد متعلقہ فرم کاغذات منسلک ہیں۔

حوالہ نمبر 6/5/20 اور درخواستی اخبار مذکورہ ٹیکنالوجی شامل
ایسٹ سے جدا لکڑا کر کے جس کے بعد میں مقدار لکڑا کر پروموشن
کیا جائے۔ اور میرا BPS 18 لکڑا ایسٹ میں بھی لکڑا تھا۔
حوالہ چھٹی فرم para 8/1474/2019

بھارتی اسمبلی ACT 2019 XXX 2019 اور 23 اور 2019
کے فیصلے کی مطابقت میں ابھی تک حافز سروسز میں اور BPS 18
لکڑا میرا نام ایسٹ میں شامل کیا جائے جو میرا بنیادی حق ہے۔
حکومت کو داخل شدہ سینیئر PHC ٹیکنالوجی
کو میرا پروموشن کا حق جو میرا حق بنتا ہے، مجھے دیا جائے
حوالہ نمبر 1474/2019 S.A No

آپ کا مالدار سید عابد اقبال
PHC کلینکل ٹیکنالوجی
PHC سہ ماہی BSC (Honour)
رہائش: آباد ٹورڈیر

Syed Akmal BSC (Hon)
Health
Technologist PHC www.road Dir (g)
(MP)

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. P.III

GAZETTE

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, TUESDAY, 10TH MAY, 2016

GOVERNMENT OF THE KHYBER PAKHTUNKHWA

HEALTH DEPARTMENT

NOTIFICATION

Peshawar dated the 10th May 2016.

No.SOH-III/HD/3-5/2014 -In pursuance of the provision contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, and in supersession of all Notifications issued in this behalf by the Health Department, in consultation with the Establishment Department and the Finance Department, hereby lays down the method of recruitment, qualification and other conditions specified in column 3 to 5 of the Appendix to the posts of Paramedical Staff in the Health Department specified in column 2 of the said Appendix.

APPENDIX

S. No.	Nomenclature of the post.	Qualification for appointment by initial recruitment.	Age limits.	Method of recruitment.
1	2	3	4	5
1	Principal Technologist (i) Principal Clinical Technologist Dental; (ii) Principal Clinical Technologist Pharmacy; (iii) Principal Clinical Technologist Radiology; (iv) Principal Clinical Technologist Pathology;			By promotion, on the basis of seniority-cum-fitness, from amongst the Chief Technologists and Chief PHC Technologists with five years service in BS-19 or seventeen years service in BS-17 and above as such in the relevant technology.

ATTACHED

	<ul style="list-style-type: none"> (v) Principal Clinical Technologist Anesthesia; (vi) Principal Clinical Technologist Cardiology; (vii) Principal Clinical Technologist Surgical; (viii) Principal Clinical Technologist Dialysis; (ix) Principal Clinical Technologist Physiotherapy; (x) Principal Clinical Technologist Pulmonology; (xi) Principal Clinical Technologist Gastroenterology; and (xii) Principal Clinical Technologist Ophthalmology / otorhinolaryngology; and <p>Principle PHC Technologist</p>			
	<ul style="list-style-type: none"> (i) Principal PHC Technologist (Multi Purpose); and (ii) Principal PHC Technologist (MCH). 			
<p>2</p> <p>BPS</p> <p>17</p>	<p>Chief Technologist:</p> <ul style="list-style-type: none"> (i) Chief Clinical Technologist Dental; (ii) Chief Clinical Technologist Pharmacy; (iii) Chief Clinical Technologist Radiology; (iv) Chief Clinical Technologist Pathology; (v) Chief Clinical Technologist Anesthesia; (vi) Chief Clinical Technologist Cardiology; (vii) Chief Clinical Technologist Surgical; (viii) Chief Clinical Technologist Dialysis; (ix) Chief Clinical Technologist Physiotherapy; (x) Chief Clinical Technologist Pulmonology; (xi) Chief Clinical Technologist Gastroenterology; and (xii) Chief Clinical Technologist Ophthalmology/ Otorhinolaryngology; and 			<p>By promotion, on the basis of seniority-cum-fitness, from amongst Senior Technologists and Senior PHC Technologists with seven years service in BPS-18 or twelve years service in BPS-17 and above as such in the relevant technology.</p>

AT-11/16

	<p>Chief PHC Technologist</p> <p>(i) Chief PHC Technologist (Multi-Purpose); and (ii) Chief PHC Technologist (MCH).</p>			
3	<p>Senior Technologist</p> <p>(i) Senior Clinical Technologist Dental; (ii) Senior Clinical Technologist Pharmacy; (iii) Senior Clinical Technologist Radiology; (iv) Senior Clinical Technologist Pathology; (v) Senior Clinical Technologist Anesthesia; (vi) SGT Senior Clinical Technologist Cardiology; (vii) Senior Clinical Technologist Surgical; (viii) Senior Clinical Technologist Dialysis; (ix) Senior Clinical Technologist Physiotherapy; (x) Senior Clinical Technologist Pulmonology; (xi) Senior Clinical Technologist Gastroenterology; and (xii) Senior Clinical Technologist Ophthalmology/Otorhinolaryngology; and</p> <p>Senior PHC Technologist</p> <p>(i) Senior PHC Technologist (Multi-Purpose); and (ii) Senior PHC Technologist (MCH).</p>	<p>At least Second Class Master's Degree or B.SC Honours/ BS (04-years) in the relevant technology or equivalent qualification from a recognized University / Institution.</p>	<p>20-35 years</p>	<p>(a) Fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Technologists and PHC Technologists with five years service as such in the relevant technology; and (b) fifty percent by initial recruitment.</p>
	<p>Technologist</p> <p>(i) Clinical Technologist Dental; (ii) Clinical Technologist Pharmacy; (iii) Clinical Technologist Radiology; (iv) Clinical Technologist Pathology; (v) Clinical Technologist Anesthesia;</p>	<p>At least Second Class Bachelor's Degree in the relevant Technology from a recognized University / Institution.</p>	<p>18-32 years</p>	<p>(a) Forty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Chief Technicians and Chief PHC Technicians with three years service as such in the relevant technology;</p>

ATTACHED

	<p>(vi) Clinical Technologist Cardiology; (vii) Clinical Technologist Surgical; (viii) Clinical Technologist Dialysis; (ix) Clinical Technologist Physiotherapy; (x) Clinical Technologist Pulmonology; (xi) Clinical Technologist Gastroenterology; and (xii) Clinical Technologist Ophthalmology / Otorhinolaryngology); and</p> <p>PHC Technologist</p> <p>(i) PHC Technologist (Multi-Purpose); and (ii) PHC Technologist (MCH).</p>			<p>(b) twenty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Chief Technicians, Senior Technicians and Technicians having qualification prescribed for initial recruitment with three years service as such in the relevant technology.</p> <p>Note: For the purpose of promotion, there shall be maintained a joint seniority list of Chief Technicians, Senior Technicians and Technicians with reference to the dates of their acquiring qualification prescribed for initial recruitment as in column No. 3:</p>
				<p>Provided that if two or more officials acquired the qualification prescribed for initial recruitment in the same session, then the official who obtains the highest marks or grade in the examination shall be deemed to be senior to the other officials; and</p> <p>(c) forty percent by initial recruitment.</p>
<p>5</p>	<p>Chief Technician</p> <p>(i) Chief Clinical Technician Dental; (ii) Chief Clinical Technician Pharmacy; (iii) Chief Clinical Technician Radiology; (iv) Chief Clinical Technician Pathology; (v) Chief Clinical Technician Anesthesia; (vi) Chief Clinical Technician Cardiology; (vii) Chief Clinical Technician Surgical; (viii) Chief Clinical Technician Dialysis; (ix) Chief Clinical Technician Physiotherapy; (x) Chief Clinical Technician Pulmonology; (xi) Chief Clinical Technician Gastroenterology; and</p>			<p>By promotion, on the basis of seniority-cum-fitness, from amongst the Senior Technicians and Senior PHC Technicians with at least two years service as such in the relevant technology.</p> <p style="text-align: center;">ATTACHED</p>

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	(xii) Chief Clinical Technician Ophthalmology, (Otorhinolaryngology); and Chief PHC Technician (i) Chief PHC Technician (Multi-Purpose); and (ii) Chief PHC Technician (MCH).				
6	Senior Technician (i) Senior Clinical Technician Dental; (ii) Senior Clinical Technician Pharmacy; (iii) Senior Clinical Technician Radiology; (iv) Senior Clinical Technician Pathology; (v) Senior Clinical Technician Anesthesia; (vi) Senior Clinical Technician Cardiology; (vii) Senior Clinical Technician Surgical; (viii) Senior Clinical Technician Dialysis; (ix) Senior Clinical Technician Physiotherapy; (x) Senior Clinical Technician Pulmonology; (xi) Senior Clinical Technician Gastroenterology; and (xii) Senior Clinical Technician Ophthalmology/ Otorhinolaryngology); and Senior PHC Technician (i) Senior PHC Technician (Multi-Purpose); and (ii) Senior PHC Technician (MCH).				By promotion, on the basis of seniority-cum-fitness, from amongst the Technicians and PHC Technicians with at least two years service as such in the relevant technology.
7	Technician (i) Clinical Technician Dental; (ii) Clinical Technician Pharmacy; (iii) Clinical Technician Radiology; (iv) Clinical Technician Pathology; (v) Clinical Technician Anesthesia; (vi) Clinical Technician Cardiology; (vii) Clinical Technician Surgical; (viii) Clinical Technician Dialysis; (ix) Clinical Technician Physiotherapy; (x) Clinical Technician Pulmonology; (xi) Clinical Technician Gastroenterology; and	(i) Technician/PHC Technician : At least Second Division Secondary School Certificate with Science from a recognized Board with Diploma in the relevant Paramedical Technology from Khyber Pakhtunkhwa Medical Faculty or Diploma in the relevant Paramedical technology from any recognized institution; provided that the same is registered with the Medical Faculty Khyber Pakhtunkhwa Peshawar; and	18-30 years	By initial recruitment	ATTACHED

VAKALATNAMA

NO. _____/20

IN THE COURT OF KP SERVICE TRIBUNAL PESHAWAR

----- Abid Tabal -----

Appellant
Petitioner
Plaintiff

VERSUS

Grant of KP

Respondent (s)
Defendants (s)

I/WE Abid Tabal (Appellant)

do hereby appoint and constitute the **SYED NOMAN ALI BUKHARI Advocate High Court** for the aforesaid Appellant(s), Petitioner(S), Plaintiff(s) / Respondent(s), Defendant(s), Opposite Party to commence and prosecute / to appear and defend this action / appeal / petition / reference on my / our behalf and al proceedings that may be taken in respect of any application connected with the same including proceeding in taxation and application for review, to draw and deposit money, to file and take documents, to accept the process of the court, to appoint and instruct council, to represent the aforesaid Appellant, Petitioner(S), Plaintiff(s) / Respondent(s), Defendant(s), Opposite Party agree(s) ratify all the acts done by the aforesaid.

DATE _____/20



(CLIENT)

ACCEPTED


SYED NOMAN ALI BUKHARI
ADVOCATE HIGH COURT

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

S.B

No.

Appeal No.....7036..... of 20 . 21

.....Mr. Abid Iqbal..... Appellant/Petitioner

Versus

.....Through Chief Secy Pesh..... Respondent

Respondent No.....1.....

Notice to: —

Govt, of KPK Through Chief Secretary
Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....20/6/2022.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....19.11.....

Day of.....Apr 20.....

(For Reply)

[Handwritten Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

- Note:
1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR. S.B

No.

Appeal No.....7036..... of 2021

Abid Iqbal.....Appellant/Petitioner

Versus

Through Chief Secy Pesh......Respondent

Respondent No.....2.....

Notice to: - Secretary to Govt Health Deptt: KPK
Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....20/6/2022.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you via this office~~ Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....19.15.....

Day of.....April 2022.....

(For Reply)

10/05/2022



Registrar,

Khyber Pakhtunkhwa Service Tribunal,
 Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While making any correspondence.

"B"

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.**

No.

S.B

Appeal No. 7036 of 2021.

Abid Iqbal Appellant/Petitioner

Versus

Through Chief Secy KP Respondent

Respondent No. 3

Notice to:

Director General Health Services, KPK
Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 20/6/2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this
office Notice No. dated

Given under my hand and the seal of this Court, at Peshawar this 19.11

Day of April 20

(For Reply)

Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

- Note:
1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While making any correspondence.