

16.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 08.06.2022 for the same as before.



Reader.

08.06.2022

Nemo for appellant. Lawyers are on strike.

Security and process fee has not been deposited. Notice be issued to appellant/counsel to deposit the same within 3 days of the receipt of notice. Thereafter, notices be issued to respondents for submission of reply/comments. To come up for reply/comments on 28.07.2022 before S.B.



(Rozina Rehman)  
Member (J)

DS  
Security and Process Fee  
16/6

15.10.2021

Appellant present through counsel. Preliminary arguments heard. Record perused.

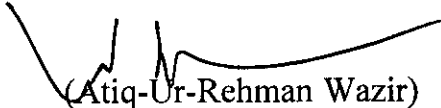
Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notice be issued to respondents for submission of written reply/comments in office within 10 days of the receipt of notices, positively. If the reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 13.01.2022 before D.B.

  
(Rozina Rehman)  
Member (J)

13.01.2022

Nemo for the appellant.

Security & process fee not deposit, therefore, notice be issued to appellant and his counsel for 16/03/2022 before S.B



  
(Atiq-Ur-Rehman Wazir)  
Member (E)

Form- A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- 7302 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	20/08/2021	<p>The appeal of Dr. Syed Sarwar Shah resubmitted today by Mr. Habib Anwar 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> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>15/10/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

The appeal of Dr. Syed Sarwar Shah Principal Dental Surgeon Gara Tajik Peshawar received today i.e. on 11.08.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- In the memo of appeal some texts are missing.
- 2- Check list is not attached with the appeal.
- 3- Copy of impugned deduction order of HPA mentioned in the memo of appeal is not attached with the appeal which may be placed on it.

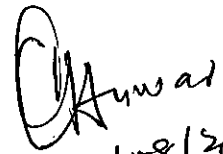
No. 1618 /S.T,

Dt. 12/08 /2021

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Habib Anwar Adv. Pesh.

file Re-submitted after removing objections  
For the objection No.3, the requisite document  
is already available at Page-26.

  
20/08/2021.

**KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR**

**CHECK LIST**

Dr. Syed Sorwar Sheh **Versus**  
 ..... Appellant

Govt of KPK  
 ..... Respondents

S NO	CONTENTS	YES	NO
1.	This petition has been presented by: <u>Habib Anwar Advocate High Court</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 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?	*	
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:- Habib Anwar

Signature:- [Signature]

Dated:- 20/8/2021

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

In Re: Service Appeal No. 7303 /2021.

Dr. Syed Sarwar Shah

Vs.

Government of KPK etc.

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Wakalatnama.

HABIB ANWAR

Advocate High Court, Peshawar.

0336-9987282

## IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

In Re: Service Appeal No. \_\_\_\_\_/2021.

**Dr. Syed Sarwar Shah**, Principal Dental Surgeon (BPS-19) at Type D Hospital  
GaraTajak, Peshawar.

.....Appellant.

### VERSUS

1. **Government of Khyber Pakhtunkhwa**,  
Through Chief Secretary, Civil Secretariat, Peshawar.
2. **Government of Khyber Pakhtunkhwa**,  
Through Secretary Health Department, Civil Secretariat, Peshawar.
3. **Government of Khyber Pakhtunkhwa**,  
Through Secretary Finance Department, Civil Secretariat, Peshawar.
4. **Government of Khyber Pakhtunkhwa**,  
Through Secretary Establishment Department, Civil Secretariat, Peshawar.
5. **Director General Health Services**, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
6. **Accountant General Khyber Pakhtunkhwa**, Peshawar.

.....Respondents

### Service Appeal Under Section 4 of KP Service Tribunal Act.

Respectfully Sheweth,

#### Brief but relevant facts warranting this Appeal:

1. That the appellants herein are the regular employee of Health Department who is now posted at the positions duly mentioned in the heading of this appeal. Ever since appointment, the appellant is performing his duties to his zeal and zest and has never been complained of regarding his duties which the appellant is performing since entering into service.
2. Ever since 2011 the appellants along with other similarly placed employees of the province are getting Health Professional Allowance (herein-after referred to as HPA) which was enhanced in 2016 at various rates for various categories keeping in view the

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category of hospitals and its locality. (*Copy of Notification Dated. 07.01/2016 is Annex-A*).

3. Prior to promulgation of the Medical Teaching Institutions Reforms Act of 2015 (hereinafter referred to as MTI Act), most of the sanctioned posts of health department were created in these MTIs which are available in all these MTIs even today, however, section 16 of the Act *ibid* granted them the status of deputationists and provide the MTIs to treat such civil servants in manner as provided under 11A of the Civil Servants Act 1973, for their future posting.
4. It is pertinent to mentioned here that the respondents have no any such *Surplus Pool Policy* in health department for handling such anomalies. Similarly, the concept of OSD is alien in health department. Thus, the treatment so inflicted upon the appellant, i.e. relieving health employees to Respondent No. 5 without sending the post back to the health department and thus keeping such employees without any further posting, that too, to the detriment of the appellant, in the form of deducting his HPA, is against all the principles of interpretation of a statute. This practice of relieving employees of health department without sending the incumbent post, is now seriously jeopardizing the smooth running of the respondent qua posting of its employees.
5. In the above backdrop, the appellant was relieved from MTI/ Lady Reading Hospital, Peshawar and vide **Order dated. 26.07.2019**, his services were placed at the disposal of Respondent No. 5/ DGHS for further posting (*Annex-B*). In response, the appellant immediately submitted his arrival report (*Annex-C*) along with his Last Pay Certificate. It is however due to above anomalous situations; the respondents were unable to find any vacant slot for the appellant. Thus, the appellant being so transferred, keep on knocking the doors of respondent No. 5 for his further posting but of no avail.
6. Consequent to the above, Respondent No. 5 **vide letter dated. 02.08.2019** (*Annex-D*) forwarded his request for posting to Respondent No. 2 for his further posting against the provided posts. despite above request, Respondent No. 2, being competent authority, after a delay of more than 4 months, **vide Notification dated. 13.12.2019** (*Annex-E*), posted the annellant against the sanctioned/ vacant post of Principal Dental Surgeon (BPS-19)



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District Headquarter Hospital Battagram. And thus, his services were regularized for pay purpose, against the said post ever since **26.07.2019, i.e. from the date of his relieving from LRH.** It is pertinent to mention here that the ibid notification clearly mentioned here that the posting order is in the best public purpose for drawl of pay along with the pay and allowances for their period of waiting as admissible under 8 (1) of Khyber Pakhtunkhwa Delegation of Powers Rules 2018.

7. Subsequent thereto, Respondent No. 2 vide **another Notification dated. 31.12.2019** further posted him against the vacant/ sanctioned post of Principal Dental Surgeon at Category D Hospital Ghari Tajik, Peshawar where he is still serving. However, till 31.12.2019, respondents dishonestly and in clear defiance of earlier notification of 13.12.2019, illegal denied the payment of HPA to the appellant. *(Copy of Notification dated. 31.12.2019 & Last Pay Certificate issued by DHQ Battagram is Annex-F)*
8. Although the appellant obeyed all his transfer and posting orders right from relieving order on 26.07.2019 till his posting against the sanctioned post on 31.12.2019 and left no stone un-turned till his posting at his current place of posting, by showing complete respect to all the orders of his competent authorities but, to his utmost dismay, **the respondents deducted his HPA in clear violation of his posting order dated 13.12.2019 whereby he was authorized to drawl of pay along with allowances.** It is pertinent to mention here that the respondents are flagrantly violating the explicit orders of respondent no. 2 and now burdened the appellant due to their own inability as delay in posting is the sole liability of respondents.
9. The appellant requested the respondents that as his gap period has been regularized against the sanctioned/ vacant posts and as the appellant is now deemed to be in continuous service against the said sanctioned post even in gap period, thus, his HPA also be granted for their services against the said sanctioned post from period between 26.07.2019 till 31.12.2019 but the respondents are now illegally denying the same in violation of Notification dated. 13.12.2019.
10. Thus, the appellant was constrained to file **Writ Petition No. 3218-P/2020 (Annex-G)** before the Hon'ble Peshawar High Court, Peshawar. However, the Hon'ble Court **vide**

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Order dated. 21.04.2021 (Annex-H) disposed of the matter, treated the petition as departmental appeal and sent the same to Respondent No. 5 for decision. Now after lapse of more than 3 months, as the respondents failed to respond his departmental appeal therefore, the appellant has now left with no other option except to approach this hon'ble tribunal on the grounds inter alia;

**Ground:**

- a. **Because** the Respondent. No. 5 vide Order dated 13.12.2019, regularized the gap-period of the appellant against a sanction vacant post for the purpose of drawl of pay and allowances for their period of waiting, thus, denying HPA from 26<sup>th</sup> July till 31<sup>st</sup> December 2019 is illegal, unlawful, without lawful authority and of no legal effect.
- b. **Because** the respondents regularized the services of similarly placed employees, who were relieved in the like manner and further posted after certain gap-period. One such case is of Dr. Naik Dad, to whom HPA was allowed thus, denial of similar treatment to the appellant amounts to discrimination and as such violation of Article 4 & 25 of the Constitution of Islamic Republic of Pakistan.
- c. **Because** the appellant obeyed all orders quo his relieving/ transfer/ posting, made by respondents although belatedly thus, the appellant cannot be penalized for the fault of Respondents by delaying his posting order.
- d. **Because** the appellant never agitated for his relieving/ posting nor so relieved/ transferred as a result of any fault on his part, rather it is the petitioner who time and again requested respondent no. 5 for his posting which was never listened to.
- e. **Because** the Notification dated 07.01.2016, on the very face of it, is a beneficial/ remedial instrument, admissible to the appellant at a rate commensurable to the hospital where he is posted and the area where the said hospital is located and as the services of the appellant is regularized against the named hospital, thus, he is entitled to HPA as per rate applicable and admissible to other employees placed/ posted in such hospitals.

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- f. **Because** regularizing the gap-period against the sanctioned vacant post at a given place, entitled the appellant for grant of HPA during the regularized period of his services, which has not been so intended to denied with vide the notification of 07<sup>th</sup> January 2016, thus, denying the same to the appellant, being front-liner in the global pandemic of Covid 19, is against any rhyme, reason and logic.
- g. **Because** the posting of the appellant is the prerogative of health department and thus, as the respondents made default/ delay in posting his employee, therefore, employees/ appellant cannot be punished for the same.
- h. **Because** any office memo, circular or order so issued to the detriment of Notification of 7<sup>th</sup> January 2016, cannot restrict or put an embargo on the interpretation of ibid notification which is curative instrument in its very form and substance. Thus, the appellant is allowed to HPA as allowed to one Dr. Naik Dad Khan dealt with as such, a month prior from the appellant.
- i. **Because** the appellant is entitled to HPA as per Notification of 7<sup>th</sup> January 2016 for the period between his relieving order and regularization of his service against a sanctioned/ vacant post. Thus, denial of HPA to appellant during such period is unlawful, illegal and wrong and thus, cannot be allowed to remain in the field anymore.
- j. **Because** the Appellant seek leave to furnish further grounds at the main hearing of the instant Service Appeal.

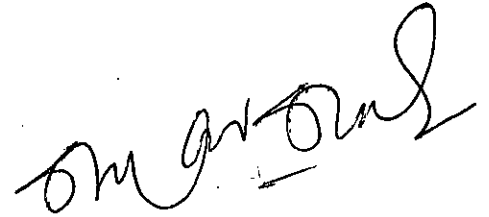
**In view of the aforesaid submissions, it is very humbly prayed that on acceptance of this Appeal, this Hon'ble Tribunal may graciously be pleased to:**

*To allow the departmental Appeal of the Appellant as prayed and thus direct the respondents to allow HPA during the period between 26/07/2019 till 31/12/2019; and*

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*Grant: Any other relief, not specifically prayed, may also graciously be granted, if appears just, necessary and appropriate.*

**Cost throughout**



APPELLANT x

Through



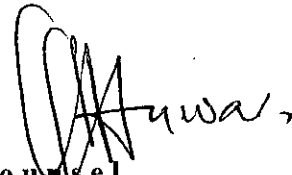
**HABIB ANWAR**

**Advocate High Court, Peshawar.**

**CERTIFICATE**

It is certified that no such Appeal has earlier been filed by the petitioner on this subject matter before this or any other Hon'ble Court.

Take note that the Writ Petition so filed before the hon'ble Peshawar High Court Peshawar, on same subject-matter, has already been disposed of while treating the petition as departmental appeal



**Counsel**

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**IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**

In Re: Service Appeal No. \_\_\_\_\_/2021.

**Dr. Syed Sarwar Shah**

**Vs.**

**Government of KPK etc.**

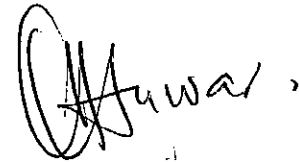
**Addresses of the Parties:**

**A. Appellant:**

**Dr. Syed Sarwar Shah**, Principal Dental Surgeon (BPS-19) at Type D Hospital Gara Tajak, Peshawar.

**B. Respondents:**

- 1. Government of Khyber Pakhtunkhwa,**  
Through Chief Secretary, Civil Secretariat, Peshawar.
- 2. Government of Khyber Pakhtunkhwa,**  
Through Secretary Health Department, Civil Secretariat, Peshawar.
- 3. Government of Khyber Pakhtunkhwa,**  
Through Secretary Finance Department, Civil Secretariat, Peshawar.
- 4. Government of Khyber Pakhtunkhwa,**  
Through Secretary Establishment Department, Civil Secretariat, Peshawar.
- 5. Director General Health Services, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.**
- 6. Accountant General Khyber Pakhtunkhwa, Peshawar.**



**HABIB ANWAR**

**Advocate High Court, Peshawar.**

**0336-9987282**



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(REGULATION WING)

Dated Peshawar the 07/01/2016

**NOTIFICATION**

**No.FD(SOSR-II)8-18/2016.** In continuation of this Department Notification of even number dated 06/08/2011, the Provincial Cabinet of Khyber Pakhtunkhwa has been pleased to accord approval to the incentive for doctor (All the following cadres) excluding those working in MTIs on the basis of territory (Districts declared as Category A, B & C) / unattractive / attractive specialties and enhanced the Health Professional Allowance as under to ensure presence of doctors at all levels of health facilities, which is mandatory for the provision of minimum health services to the people of Khyber Pakhtunkhwa w.e.f. 01/01/2016:-

Cadre	Existing rates of HPA	Districts					
		Category-A		Category-B		Category-C	
Districts Specialists, Non-attractive specialties (radiology, Pathology, Anaesthesia)	Rs.10,000/-	Rs.80,000/-		Rs.100,000/-		Rs.140,000/-	
Districts Specialists, Attractive specialties	Rs.10,000/-	Rs.60,000/-		Rs.80,000/-		Rs.100,000/-	
Health Managers	Rs.15,000/- (BPS-17) Rs.10,000/- (BPS-18 & above)	Rs.56,000/-		Rs.76,000/-		Rs.96,000/-	
Medical officer / Dental surgeon	Rs.15,000/- (BPS-17) Rs.10,000/- (BPS-18 & above)	Urban 42,000	Rural 52,000	Urban 62,000	Rural 72,000	Urban 82,000	Rural 92,000

The categorization of districts on the basis of hard to reach area, geographic terrain, security situation and lack of development and infrastructure shall be as under:-

**Districts Category-A**

1. Peshawar
2. Abbottabad

**Districts Category-B**

3. Nowshera
4. Swat
5. Kohat
6. Mardan
7. Bannu
8. Charsadda
9. Dera Ismail Khan
10. Dir Lower
11. Haripur
12. Mansehra
13. Malakand
14. Swabi

**Districts Category-C**

15. Buner
16. Battagram
17. Chitral
18. Dir Upper
19. Hangu
20. Karak
21. Kohistan
22. Lakki Marwat
23. Shangla
24. Tank
25. Torghar

The districts are internally further segregated into urban and rural settings for awarding incentives to ensure health services delivery in far flung and hard areas within districts.

The above enhanced Health Professional Allowance will be admissible subject to the following conditions:


- i. The existing allowances for doctors (Anaesthesia allowance in district hospital hard & hardest. Special package / Incentives at Civil Hospital garf Habibullah Manshra, incentives allowance to Gynaecologist and lady doctors at Districts Batagram, Kohistan, Hangu, Tank, Buner, Dir Upper, Dir Lower, Shangla and Chitral) shall be discontinued except Non-practicing Allowance.
- ii. Will be admissible only during their period of posting against the sanctioned posts at Health Department.
- iii. Will not be admissible during earned leave, study leave & extra ordinary leave except casual leave.
- iv. Shall not be treated as part of emoluments for the purpose of calculation of pension and recovery of House Rent etc.
- v. Shall not be admissible to the employees posted/deputed outside the Health Department.

SECRETARY TO GOVERNMENT  
OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT

Endst: No. & date even.

Copy for information and necessary action is forwarded to the:-

1. Secretary to Government of Khyber Pakhtunkhwa, Health Department.
2. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. Director FMIU, Finance Department.
4. The Director, Treasuries and Accounts, Khyber Pakhtunkhwa, Peshawar.
5. The District Comptroller of Accounts, Peshawar, Mardan, Kohat, Bannu, Abbottabad, Swat and D.I. Khan.
6. The All the District Accounts Officers in Khyber Pakhtunkhwa.
7. The Treasury Officer, Peshawar.
8. Budget Officer-VI, Finance Department.

  
(WAZIR MUHAMMAD AFGAR)  
SECTION OFFICER (SR.II)



LADY READING HOSPITAL  
MEDICAL TEACHING INSTITUTION, PESHAWAR

11 Noted - 381  
B

OFFICE ORDER

Reference Govt. of Khyber Pakhtunkhwa, Health Department Notification No. SOH-I/HD/3-5/2019, dated. 02-06-2019.

As per directives of the competent authority, Dr. Syed Sarwar Shah, Principal Dental Surgeon (BPS-19) of this hospital is hereby repatriated to Government of Khyber Pakhtunkhwa, Health Department, Peshawar with immediate effect.

Sd/-xxxx  
Medical Director  
Lady Reading Hospital-MTI,  
Peshawar

Dated 26/07/2019

No. 188401 /HR/LRH

Copy forwarded to the:-

1. Secretary to Govt. of Khyber Pakhtunkhwa Health Department, Peshawar.
  2. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
  3. Director Human Resources, LRH.
  4. Director Finance, LRH.
  5. HR MIS, LRH.
  6. P.A to Medical Director, LRH.
- For information & n/a.

Medical Director  
Lady Reading Hospital-MTI,  
Peshawar

Human Resources Department, LRH-MTI, Peshawar  
Tel. 091-9212218 Fax. 9111430-04 Ext. 1200, 1201, 1221



**LADY READING HOSPITAL-MTI, PESHAWAR**

19


No. 19240-41 /HR/LRH,

Dated. 30/07/2019

Copy forwarded to:

1. Head Department of Dentistry, LRH.
2. Dr. Syed Sarwar Shah, Principal Dental Surgeon (BPS-19),  
Dentistry Department, LRH.  
For information & n/a.

  
**Director Human Resources**  
Lady Reading Hospital-MTI,  
Peshawar

  
29-07-19

30  
Dental

Physically appeared  
to  
E.I

(13)

(2)

463

Director General Health Services,  
KPK Peshawar.

Subject: - ARRIVAL REPORT.



01/8/19

Dear Sir,

I have been relieved by the Medical Director MTI/LRH Peshawar vide office order bearing No.18840-45/HR/LRH dated 26.07.2019 I am submitting my arrival today on 01.08.2019 (FN).

Please accept my arrival and I may please be posted in Distt: Peshawar against the vacant post of Principal Dental Surgeon (BS-19).

Thanks

Yours Obediently,

Dr. Syed Sarwar Shah  
Principal Dental Surgeon (BS-19)  
Health Department.

Dated: - 01/08/2019.

DIRECTORATE GENERAL HEALTH SERVICES  
KHYBER PAKHTUNKHWA PESHAWAR

All communications Should be Addressed to The Director General  
Health Services Peshawar and not to any official by name  
Office Ph (091) - 2210269 Exchange - 091 - 9210187. Fax (091) - 2210230



14

D

No. /6080

/E.I

Dated: 2/08/2019

To,

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

E.No. 13041  
Date 11-08-2019  
Secretary Health

Subject: - ARRIVAL REPORT SUBMITTED BY DR. SYED SARWAR SHAH PRINCIPAL DENTAL SURGEON (BS-19) RELIEVED BY THE MTI, LRH PESHAWAR

Dear Sir,

I am forwarding herewith a copy of arrival report dated 01.08.2019 alongwith its enclosure in respect of Dr. Syed Sarwar Shah Principal Dental Surgeon (BS-19) LRH/MTI Peshawar who has requested for his posting in District Peshawar for favour of further necessary action.

The officer concerned joined the Provincial Health Department as Dental Surgeon on 27.12.1995/01.07.2001 on contract/regular basis respectively. He belongs to Mianmand District (merged area of Tribal Districts). Ager record of this Directorate there is no vacant post of Principal Dental Surgeon (BS-19) in Merged Area of Tribal Districts Khyber Pakhtunkhwa.

In this regard it is stated that Dr. Syed Sarwar Shah has been relieved by the Medical Director MTI, LRH Peshawar and he was directed to report to his parent Department.

There is no vacant post of Principal Dental Surgeon (BS-19) in Peshawar however the present position of Principal Dental Surgeon (BS-19) in Peshawar is as under:-

1. Dr. Muhammad Naeem Ahmad, Principal Dental Surgeon (BS-19) attached to Cat-D Hospital Ghara Tajik Peshawar. He is on top in the Seniority list of (BS-19) and promotion case of Principal Dental Surgeon BS-19 to the post of Chief Dental Surgeon BS-20 is under process at Govt. Level and meeting of PSE will be held in the last week of August 2019.
2. Dr. Qazi Hanif ur Rehman, Principal Dental Surgeon (BS-19) attached to Cat-D Hospital Bedsher Peshawar. His case for retirement w.e.f. 31.08.2019 has been sent to Govt. and decision is awaited.

In the light of foregoing it is requested that further orders of the competent authority may please be conveyed.

  
DIRECTOR GENERAL HEALTH SERVICES  
KHYBER PAKHTUNKHWA PESHAWAR



**GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT**

(15) (B)

Dated Peshawar the 13<sup>th</sup> Dec, 2019

**NOTIFICATION**

**No.SOH(HD)/E-V/3-3/2019:-** The competent authority has been pleased to order posting / adjustment of the following Principal Dental Surgeons (BS-19) in the best of public interest for the purpose of drawl of pay alongwith the pay & allowances for their period of waiting as admissible under Rule 8 (i) of Khyber Pakhtunkhwa Delegation of Power Rules-2018:-

Sr.#	Name of Dr.	From	To
1.	Dr. Tahir Farooq Nawaz	Waiting for posting	Principal Dental Surgeon (BS-19) DHQ Hospital, Tank against the vacant post. He is authorized to draw salary w.e.f 01/09/2019.
2.	Dr. Syed Sarwar Shah	Waiting for posting	Principal Dental Surgeon (BS-19) DHQ Hospital, Battagram against the vacant post. He is authorized to draw salary w.e.f 26/07/2019.

**SD/-  
SECRETARY HEALTH**

Copy of the above is forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director General, Health Services, Khyber Pakhtunkhwa, Peshawar.
3. Medical Superintendents, DHQ Hospitals(Tank & Battagram)
4. District Account Officers, Tank & Battagram.
5. Dr. concerned for information and necessary action.
6. Deputy Director (IT) for uploading on official website.
7. PS to Secretary Health.

*(Signature)*  
**(MUHAMMAD IRFAN USMAN)**  
SECTION OFFICER (E-V)  
HEALTH DEPARTMENT



**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
**HEALTH DEPARTMENT**

Dated Peshawar the 31<sup>st</sup> Dec, 2019

(16)

(F)

**NOTIFICATION**

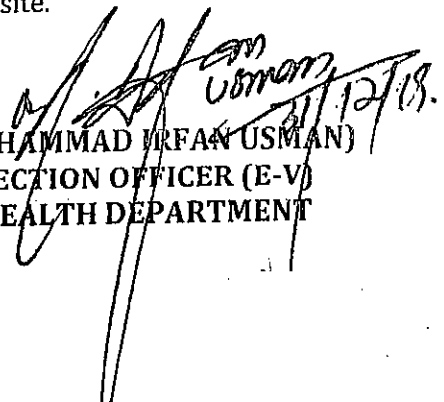
No.SOH(HD)/E-V/4-20/2019:- The competent authority has been pleased to order posting / transfer of the following Principal Dental Surgeons (BS-19) in the best of public interest & with immediate effect:-

Sr.#	Name of Dr.	From	To
1.	Dr. Tahir Farooq Nawaz	Waiting for posting	Principal Dental Surgeon (BS-19), Cat: D Hospital Badabar, Peshawar against vacant post.
2.	Dr. Syed Sarwar Shah	Waiting for posting	Principal Dental Surgeon (BS-19), Cat-D Hospital, Gara Tajik against vacant post.
3.	Dr. Attar Ud Din	Principal Dental Surgeon (BS-19), Khanispur, Ayubia, Abbottabad.	Principal Dental Surgeon, Cat: D Hospital, Lora Abbottabad against vacant post.

SD/-  
**SECRETARY HEALTH**

Copy of the above is forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director General, Health Services, Khyber Pakhtunkhwa, Peshawar.
3. District Health Officers District (Peshawar & Abbottabad) for information & necessary action.
4. Medical Superintendents, DHQ Hospitals (Tank & Battagram) for information & necessary action.
5. Medical Superintendents (Cat-D Hospital Badabar, Gara Tajik & Lora Abbottabad) for information & necessary action.
6. District Account Officers, Tank, Battagram & Abbottabad.
7. Dr. concerned for information and necessary action.
8. Deputy Director (IT) for uploading on official website.
9. PS to Secretary Health.

  
(MUHAMMAD IRFAN USMAN)  
SECTION OFFICER (E-V)  
HEALTH DEPARTMENT

**IN THE PESHAWAR HIGH COURT PESHAWAR**

Writ Petition No 3218/P 2020

CRH employees

QHAMEC

CRH

KMC

FILED TODAY  
Deputy Registrar  
13 JUL. 2020

- 1. Dr. Jalal Mohyuddin, Senior Medical Officer (BPS-18), at the disposal of Director General Health Services, Health Directorate, Khyber Pakhtunkhwa, Khyber Road Peshawar.
- 2. Dr. Syed Sarwar Shah, Principal Dental Surgeon (BPS-19), Type D Hospital Gara Tajak Peshawar.
- ✓ 3. Dr. Wali Khan, Senior Medical Officer (BPS-18), Police Services Hospital Peshawar.
- ✓ 4. Dr. Muhammad Sohail Khattak, Senior Medical Officer (BPS-18), at Director Health Services Merged Districts, Peshawar.
- ⇐ 5. Dr. Muhammad Shakeel, Senior Medical Officer (BPS-18), Instructor, Post Graduate Paramedics Institute, Dauranpur Peshawar.
- ✓ 6. Dr. Adnan Taj, Director Curative (BPS-19), at Director General Health Services, Health Directorate, Khyber Pakhtunkhwa, Khyber Road Peshawar.
- ✓ 7. Dr. Dost Muhammad, Medical Officer (BPS-17), District Headquarter Hospital Charsadda
- ✓ 8. Dr. Arif Jamal, Medical Officer (BPS-17) at THQ, Banda Daud Shah, Distt. Karak.....**Petitioners**

**VERSUS**

- 1. Govt. of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
- 2. Govt. of Khyber Pakhtunkhwa through Secretary, Finance Department Peshawar.
- 3. Govt. of Khyber Pakhtunkhwa through Secretary, Health Department Peshawar.
- 4. Director General, Health Services Khyber Pakhtunkhwa Peshawar.
- 5. Govt. of Khyber Pakhtunkhwa through Secretary, Establishment Department Peshawar.
- 6. Accountant General, Khyber Pakhtunkhwa, Peshawar.  
.....**Respondents**

**WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973 AS AMENDED UP TO DATE.**

18

Prayer In Writ Petition:-

On acceptance of this writ petition, an appropriate writ may please be issued declaring the impugned Office Orders dated 20-01-2020, 20-12-2019, 07-10-2019, 10-02-2020 and other orders issued in respect of petitioners to the extent of regularizing the gap/waiting for posting period of the petitioners without Health Professional Allowance, as illegal, unlawful, without lawful authority, discriminatory and of no legal effect, thereby setting aside the same and directing respondents to regularize the gap/waiting for posting period of the petitioners with Health Professional Allowance thereby allowing them Health Professional Allowance of the gap/waiting for posting period.

Any other remedy not specifically asked for and deemed appropriate in the circumstances case may also be granted in favor of the petitioners.

**Respectfully Submitted:-**

1. That the petitioners are the regular employees of the Health Department, Khyber Pakhtunkhwa who are serving on various positions in BPS-17 and above, duly mentioned in the heading of the petition. Since appointment petitioners have performed their duties with honesty and full devotion and to the entire satisfaction of their high ups.

2. That since 2011 the petitioners along with other employees of the Federal and provincial Govt. are granted Health Professional Allowance (herein after referred to as HPA) on fixed rate which was enhanced vide Notification dated 07-01-2016 at various rates for various categories of hospitals and areas. **(Copy of Notification dated 07-01-2016 is enclosed as Annexure A).**

FILED TODAY  
Deputy Registrar  
13 JUL 2020

3. That petitioner No 1 while posted at LRH (MTI) Peshawar, as SMO (BPS-18) was placed at the disposal of Director General Health Services Khyber Pakhtunkhwa Peshawar for further posting, petitioner No 2 while posted at LRH (MTI) as Principal Dental Surgeon (BPS-19) was transferred and his services were placed at the disposal of Director General Health Services Khyber Pakhtunkhwa Peshawar for further posting, petitioner No 3 while posted at LRH (MTI) Peshawar as Senior Medical Officer (BPS-18) was transferred and his services were placed at the disposal of Director General Health Services Khyber Pakhtunkhwa Peshawar for further posting, petitioner No 4 while posted at LRH (MTI) Peshawar as Senior Medical Officer (BPS-18) was transferred and his services were placed at the disposal of Director General Health Services Khyber

19

Pakhtunkhwa Peshawar for further posting, petitioner No 5 while posted at Nowshera Medical College MTI as Senior Medical Officer (BPS-18) was transferred and his services were placed at the disposal of Director General Health Services Khyber Pakhtunkhwa Peshawar for further posting, petitioner No 6 while posted as Chief Health Sector Reforms Unit at Directorate of Health Services, erstwhile FATA was transferred and his services were placed at the disposal of Director General Health Services Khyber Pakhtunkhwa Peshawar for further posting, while petitioner No. 7 posted at LRH (MTI) Peshawar was transferred and his services were placed at the disposal of Director General Health Services Khyber Pakhtunkhwa Peshawar, while petitioner No 8 Dr. Arif Jamal (BPS-17) was posted as Demonstrator Khyber Medical College, Peshawar and was transferred and his services were placed at disposal of Director General Health Services Khyber Pakhtunkhwa Peshawar.

4. That it is pertinent to mention here that there is no concept of OSD posts in the Health Department but even then services of the petitioners were placed at the disposal of Director General Health Services in violation of law and rules on the subject.
5. That the petitioners time and again approached respondents through written applications for their further posting but to no avail. **(Copies of Applications are enclosed as Annexure B).**
6. That the petitioners were at last transferred and posted at various positions after various time period from the DGHS KP Peshawar.
7. That after being posted, the gap/waiting for posting period of the petitioners was regularized for the purpose of pay but without Health Professional Allowance vide various Office Orders against sanction positions of the health department. **(Copies of Office Orders are enclosed as Annexure C).**
8. That the petitioners requested respondents through written applications for revision of the impugned Office Orders thereby regularizing their gape/waiting for posting period with Health Professional Allowance but they were denied the same. **(Copies of Applications are enclosed as Annexure D).**

FILED TODAY  
Deputy Registrar  
13 JUL 2020



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9. That the impugned Office Orders are illegal, unlawful, without lawful authority and of no legal effect and the petitioners having no other efficacious and alternate remedy, approach this honorable Court by invoking its Constitutional Jurisdiction on the following, amongst other grounds:-

**GROUND:**

- A. That the impugned Office Orders to the extent of regularizing the gap/waiting for posting period of the petitioners without Health Professional Allowance are illegal, unlawful, without lawful authority and of no legal effect, hence needs the interference of this honorable Court.
- B. That the petitioners are denied treatment in accordance with law in violation of Article 4 of the Constitution and law of the land.
- C. That there is no omission or commission on part of the petitioners and they cannot be punished for the fault of others if any.
- D. That petitioners never requested for their transfer nor they were transferred in consequent to any fault on their part rather they time and again approached respondents for their further posting but they were not listened to.
- E. Those even otherwise respondents misinterpreted the Notification dated 07-01-2016, as petitioners even then were posted in Health Department and were awaiting their further posting.
- F. That for reasons other than fair and legal, the said Notification dated 07-01-2016 was misinterpreted by another impugned Notification bearing No: SOB-1/HD/5-7/Allowances/vol-VII; dated: 19-09-2019 by the Health Secretariat to the DGHS KP Peshawar.
- G. That the action of respondents and the impugned letter dated 19-08-2019 is discriminatory as prior to the said letter the HPA was admissible to the all employees for the gape/waiting for posting period. Even about a month prior to this letter dated: 19-09-2019 the HPA was allowed to DR Nek dad Khan BPS-18 for the gape/waiting for posting period vide Letter dated 27-08-

FILED TODAY  
Deputy Registrar  
13 JUL 2020

21

2019. (Copy of Letter dated 27-08-2019 is enclosed as Annexure E)

H. That posting is the prerogative of the Health Department and the employee(s) could not be punished for the same.

I. It is pertinent to mention that HPA was not deducted for gap/waiting for posting period from all other doctors and employees before 19-09-2019 since issuance of original notification of HPA from Finance Department KP dated 07-01-2016.

J. That the petitioners seek the permission of this honorable Court for additional grounds at the time of arguments.

It is therefore prayed that writ petition of the petitioners may kindly be accepted as prayed for.

Any other relief deemed appropriate in circumstances of the case and not specifically asked for may also be granted in favor of the petitioners.

Dated:-20-06-2020

Petitioners  
Through  
*[Signature]*  
Fazal Shah Mohmand  
Advocate Supreme Court

**LIST OF BOOKS**

- 1. Constitution 1973.
- 2. Other Books as per need

**Certificate**

Certified that as per instructions of my clients, no Writ petition on the same subject and between the same parties has been filed previously or concurrently before this honorable Court.

*[Signature]*  
**ADVOCATE**

FILED TODAY  
*[Signature]*  
Deputy Registrar  
13 JUL 2020

**PESHAWAR HIGH COURT, PESHAWAR**  
**FORM OF ORDER SHEET**

Date of Order of Proceedings	Order of other Proceedings with Signature of Judge.
1	2
21.04.2021	<p><b>WP No. 3218-P of 2020</b></p> <p><b>Present:</b> Mr. Fazal Shah Mohmand, advocate, for the petitioners.</p> <p>Mr. Shumail Ahmad Butt, AG and Syed Sikandar Hayat Shah, AAG, for the respondents.</p> <p style="text-align: center;">*****</p> <p><b><u>QAISER RASHID KHAN, CJ.</u></b>- The petitioners Dr. Jalal Mohyuddin and four others have prayed as under;</p> <p style="text-align: center;">“On acceptance of this writ petition, an appropriate writ may please be issued declaring the impugned office orders dated 20.1.2020, 20.12.2019, 07.10.2019, 10.02.2020 and other orders issued in respect of petitioners to the extent of regularizing the gap/waiting for posting period of the petitioners without Health Professional allowance as illegal, unlawful, without lawful authority, discriminatory and of no legal effect, thereby setting aside the same and directing respondents to regularize the gap/waiting for posting period of the petitioners with Health Professional Allowance thereby allowing them Health Professional</p>

"younas"

(DB) Hon'ble Mr. Justice Qaiser Rashid Khan, CJ  
Hon'ble Mr. Justice S.M. Attique Shah, J

(H)  
22

Allowance of the gap/waiting for posting period".

2. On the previous date of hearing, comments were sought from the respondents but the same have not been submitted. Accordingly, the learned Advocate General present in the court in some other matters when put on notice about the failure of the respondents to do the needful, raised a preliminary objection viz the maintainability of the present petition and states the relief sought by the petitioners squarely falls within the terms and conditions of their service.

3. Such being the position, in view of the explicit bar contained in Article 212(2) of the Constitution of the Islamic Republic of Pakistan, 1973, this court lacks jurisdiction to adjudicate upon the matter in hand. However, in view of the request made by the learned counsel for the petitioners, this writ petition is treated as a departmental appeal and sent to the Director General Health Services, Government of Khyber Pakhtunkhwa to decide the same within a month after the receipt of the judgment of this court and thereafter the petitioners may have recourse to the

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proper remedy available to them under the law. The office is directed to send this petition to the aforesaid authority by retaining a copy thereof for record. This petition stands disposed of in the above terms.

Announced  
21.04.2021

  
CHIEF JUSTICE

  
JUDGE

"younas"

(DB) Hon'ble Mr. Justice Qaiser Rashid Khan ,CJ  
Hon'ble Mr. Justice S.M Attique Shah,J



**DIRECTORATE GENERAL HEALTH SERVICES**  
**KHYBER PAKHTUNKHWA PESHAWAR**

All communications should be addressed to the Director General Health Services, Peshawar and not to any official by name E-Mail Address K.P.K. Office # 091-9210269 Exchange # 091-9210187, 9210196 Fax #  
NO. 10565 /E-I Dated: 2 /2020

To

The Secretary to Government of  
Khyber Pakhtunkhwa Health Department,  
Peshawar.

Subject:- **NOTIFICATION.**  
Dear Sir,

I have the honour to state that Dr. Capt. Shad Ali BPS-20 (Management Cadre) was working as Addl. D.G (Admn) DGHS, office Peshawar. He has been transferred and directed to report to DGHS, KP Peshawar vide Notification No. SOH(HD)E-V/PT(MANGT/GEN/2020 dated 17.01.2020, and since that he is waiting for posting.

It is added that this Directorate General Health has already submitted his proposal for posting against the vacant post of CMO (BPS-20) Category "C" Hospital Lahor (Swabi) vide this Directorate General Health letter No. 6866/E-I dated 28.05.2020 (copya attched).

It is therefore requested to either post Dr. Capt. Shad Ali BPS-20 (Management Cadre) against the vacant post of CMO (BPS-20) Category "C" Hospital Lahor (Swabi) or adjust his pay against the vacant post of BPS-20 to release his family from financial pressure.

  
**DIRECTOR GENERAL HEALTH**  
SERVICES KHYER PAKHTUNKHWA PESHAWAR

16/7/2020



**DIRECTORATE GENERAL HEALTH SERVICES  
KHYBER PAKHTUNKHWA PESHAWAR**

All communications should be addressed to the Director General Health Services  
Peshawar and not to any official by name E-Mail Address [K.P.Kdghs@yahoo.com](mailto:K.P.Kdghs@yahoo.com)  
Office # 091-9210269 Exchange # 091-9210187, 9210196 Fax # 091-9210230

26

**OFFICE ORDER**

The waiting period for posting w.e from 01.04.2020 to 03.11.2020 in respect of Dr. Capt: Shad Ali (Management Cadre BPS-20) working against the post of CMO (BPS-20) THQ Hospital Lahor (District Swabi) is hereby regularized against his existing post for the purpose of drawal of pay without HPA.

Sd/xxxx  
Director General Health Services  
Khyber Pakhtunkhwa, Peshawar

No. \_\_\_\_\_/E-I,

Dated Peshawar the: \_\_\_\_/\_\_\_\_/2020

Copy is forwarded to the:

1. District Health Officer, Swabi.
2. District Account Officer, Swabi.
3. Doctor concerned.

For information and necessary action.

16/11/2020  
Additional Director General (HRM)  
Directorate General Health Services  
Khyber Pakhtunkhwa

16/11/2020



GOVERNMENT OF KHYBER PAKHTUNKHWA

HEALTH DEPARTMENT

Dated Peshawar the 17<sup>th</sup> December, 2020

NOTIFICATION

NO. SOH(E-V)4-4/2020

The Competent Authority has been pleased to adjust salary (waiting for posting period) in respect of Dr. Shad Ali (Management Cadre BS-20) at Cat-C Hospital Chota Lahore District Swabi against the vacant post of CMO (BS-20) at the same hospital w.e.f 18.01.2020 to 03.11.2020 for the purpose of drawl of pay & allowances admissible during waiting for posting period.

SECRETARY HEALTH  
Govt. of Khyber Pakhtunkhwa

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, Swabi,
4. District Accounts Officer, Swabi.
5. Deputy Director (IT), Health Department for uploading on official website.
6. PS to Secretary Health, Government of Khyber Pakhtunkhwa.
7. Doctor concerned.

(Latif Ur Rehman)  
SECTION OFFICER (E-V)

17-12-20

E-1

Handwritten signature/initials

27



28

I

# D.H.Q. HOSPITAL BATTAGRAM



## CERTIFICATE OF TRANSFER OF CHARGE

1- Certified that I have on the formation of this day respectively hand over the charge of the office of Principal Dental Surgeon (DS-19) against the vacant post at DHQ Hospital Battagram for pay purpose vide No. 26.07.2019 vide Health Department, KPK Peshawar Notification No. SOH (HD)E-V/4-20/2019 dated 11.12.2019.

2- Particular of cash and important secret and confidential documents handed over are noted on the reverse:-

Signature of relieved  
Government servant  
Designation

Dr. Syed Sarwar Shah  
Principal Dental Surgeon B-21  
DHQ Hospital Battagram

Station DHQ Hospital Battagram  
Date: 01.01.2019 (FN)

Signature of relieving  
Governmental servant  
Designation

Medical Superintendent  
DHQ Hospital Battagram

### OFFICE OF THE MEDICAL SUPERINTENDENT DHQ HOSPITAL BATTAGRAM

No. \_\_\_\_\_ / Doctor Dated Battagram the \_\_\_\_\_ / 2020

Copy forwarded to the:-

1. Director General Health Services Khyber Pakhtunkhwa Peshawar.
2. District Health Officer, Peshawar
3. District Account Officer Battagram
4. PS to Secretary Health Dept of Khyber Pakhtunkhwa Peshawar.
5. Postage Pay branch for information.
6. Doctor concerned.

Medical Superintendent  
DHQ Hospital Battagram

DA

NO. 100/2019-2020

The Accountant General

Rajasthan

1. Name: Dr Sarwat Shah

Designation: PDS B-12

P. NO. 0050152

D/O The IAS DMO, Jaipur

2. Proceeding on: Transfer

Hand over charge: 01.01.2020

Paid by DD - 17 upto and for 31.12.2019

Pay	Q/PAN	JSA	CA	UAA	C/ALL	AMNT	MA	AR10	AR11	AR12	AR13	AR14	AR15	AR16	AR17	AR18	AR19	Total
53,618		855A	5000				107%			1180	1,061	9437	2,361	2,361	2,361	2,361	2,361	21,710

Deductions

CPI	S	P	Income Tax										Total						
			15% Deduction	P/TAX	II	I-III	III	CPI	ROP										

- 3. The amount of income tax recovered from the beginning of the financial year (pdia)
- 4. Any arrear of pay taken into / to be taken into account for calculation of income tax
- 5. Entitled to joining time of \_\_\_\_\_ days Service verified: 17.12.2019 to 31.12.2019

Service Statement

Station	Date	Pay	HR	Q/PAN	C/ALL	Mod-1	CA	JAA	MA	AR10	AR11	AR12	AR13	AR14	AR15	AR16	AR17	AR18	AR19	Total	
Bhatnagar	11.12.2019	85610	8530				5000		107%				1010	1061	9437	2361	2361	2361	2361	21710	
Bhatnagar																					
Bhatnagar																					
Bhatnagar																					
Bhatnagar																					
Bhatnagar																					
Bhatnagar																					
Bhatnagar																					

Accountant General  
Rajasthan  
Jaipur

SAP

P Seq:001 Month:December 2019  
BM4176 -MS District Head Quarter H  
MS District Head Quarter

NTN:  
GPF #:  
Old #:

80,560.00  
8,856.00  
5,000.00  
2,000.00  
3,095.00  
1,580.00  
1,061.00  
5,439.00  
8,056.00  
654,347.00

0.00 TAX: (3609) 7,440.00

Batagram

BUCKET: 0

DR. SARWAR SHAH

PRINCIPAL DENTAL SURGEON

GENIC NO: 99901016954

GPF Interest Free

19 Active Temporary

PAYS AND ALLOWANCES:

0001-Basic Pay

1000-House Rent Allowance

1210-CONVEY Allowance 2005

1925-DRA-OTHER 20%(17-22)

1947-Medical Allow 15% (16-22)

0148-15% Adhoc Relief All-2013

2199-Adhoc Relief Allow 610%

0075-Adhoc Relief All 2016 10%

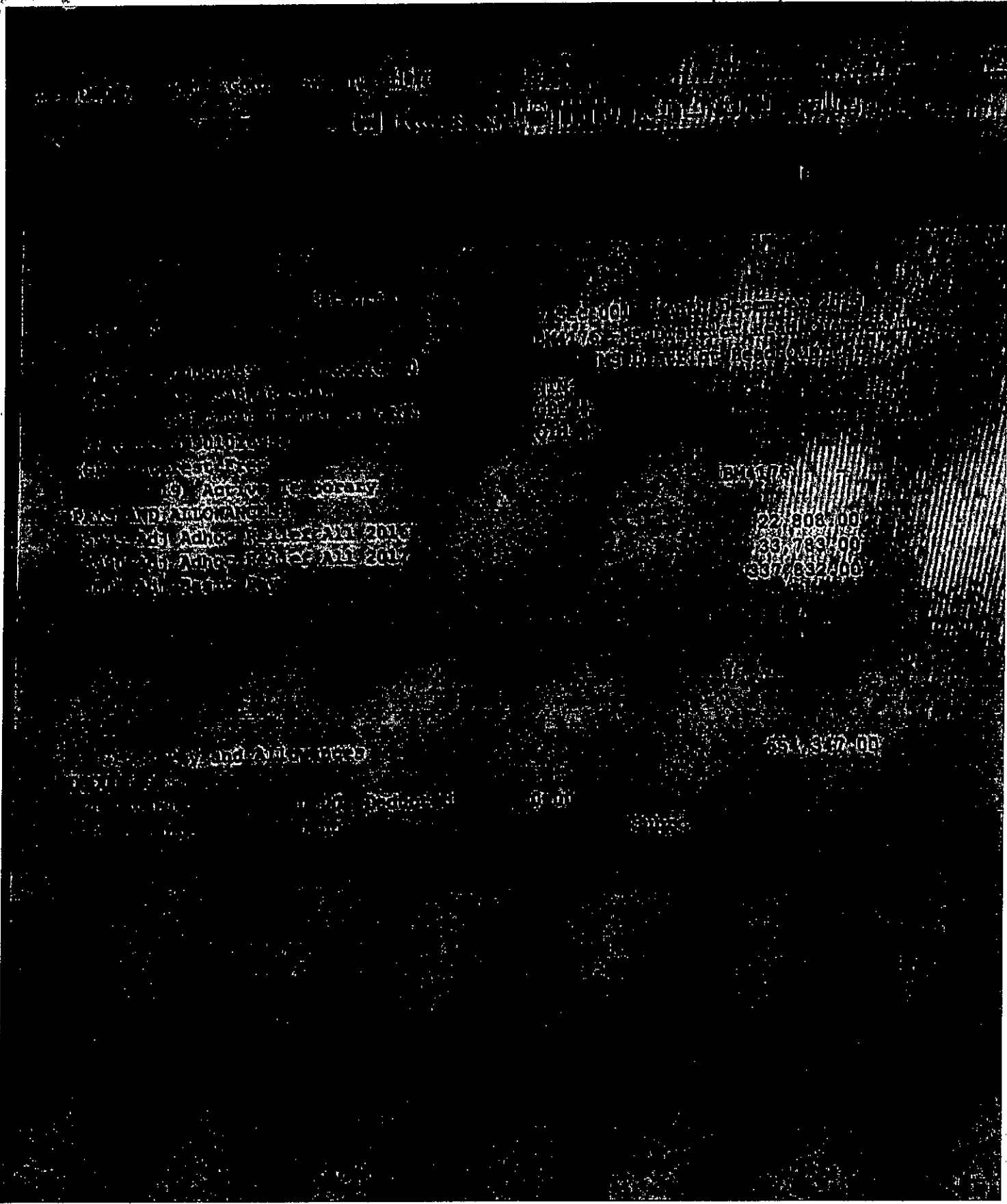
0274-Adhoc Relief All 2017 10%

Gross Pay and Allowances

DEDUCTIONS:  
Payable

0.00 Deducted

31



APPROVED BY: [Illegible]  
DATE: [Illegible]

22,808.00  
23,789.00  
33,783.00

55,517.00

"A"

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

(Reg)  
No.

APPEAL No. 7303 ~~to 7307~~ of 2021.

Dr. Syed Sarwar Shah & others

Appellant/Petitioner

Versus

The Chief Secy: Civil Secretariat Peshawar  
RESPONDENT(S)

Notice to Appellant/Petitioner Dr. Syed Sarwar Shah, Principal  
Dental Surgeon (BPS-19) at Type D  
Hospital Gara Tajak, Peshawar

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 16/3/2022 at 9:00 AM.

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

(For Security & Process Fee)



Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

"A"

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR. <sup>SB</sup>

No.

7303 to 7307

12

APPEAL No.....

Dr. Syed Sarwar Shah & (4) others

of 20

Appellant/Petitioner

Versus

Through Chief Secy Govt of KPK

RESPONDENT(S)

Counsel ✓ Hobib Anwar Advocate

Notice to Appellant/Petitioner

High Court Peshawar

Contact No. # 0338-9987282

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 28/07/2022 at 9:00 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

Notice for fees  
Security Process

*[Signature]*

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Received on 16/6/2022

*[Signature]*

**"B"**

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

No.

Appeal No. 7303 to 7307 of 20 21

Dr. Syed Sarwar Shah & Others Appellant/Petitioner

Versus

Govt. of K.P. Chief Secy. Respondent

Respondent No. 1

Notice to: —

Govt. of K.P. 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 28/7/2022 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 16 th

Day of June 20 22

for Reply

ISSUE BRANCH  
CHIEF SECRETARY  
Govt. of Khyber Pakhtunkhwa  
Peshawar  
27-6-22

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, S.B  
PESHAWAR.**

No.

Appeal No. 7303 to 7307 of 2021  
Dr. Syed Farwar Shah & (4) others Appellant/Petitioner  
 Versus  
Govt. of KPK Chief Secy: Respondent  
 2

Notice to: —

Respondent No. \_\_\_\_\_  
Govt. of KPK through Secretary Finance  
Deptt. 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 28/7/2022 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 \_\_\_\_\_  
 Day of \_\_\_\_\_ June 22 2022

for Reply

Seal of Registrar KPK  
 Dairy No. \_\_\_\_\_  
 Date \_\_\_\_\_

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 S.B  
PESHAWAR.

No.

Appeal No. 7303 to 7307 of 2021

Dr. Syad Sarwar Shah & (4) others Appellant/Petitioner

Versus

Govt. of KPK Chief Secy. Respondent

Respondent No. 3

Notice to: —

Govt. of KPK through Secretary Finance  
Deptt. 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.....28/7/2022.....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.

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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 16<sup>th</sup>.....

Day of.....June 20 22

for Reply

[Signature]  
Secy. Finance KPK  
Duty No.....  
Date.....

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. 7303 to 7307 of 20 21

Dr. Syed Sarwar Shah & (4) others Appellant/Petitioner

Versus

Govt. of KPK Chief Secy Respondent

Respondent No. 4

Notice to: Govt. of KPK through Secretary Establishment  
Deptt. 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.....28/7/2022.....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.

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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.....18/7.....

Day of.....June.....20 22

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.

**“B”**

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

No.

Appeal No. 7303 to 7307 of 2021

Dr. Syed Sarwar Shah & (4) others Appellant/Petitioner

Versus

Govt. of K.P. Chief Secy. Respondent

Respondent No. 5

Notice to: — Director General Service; K.P.K. Peshawar.

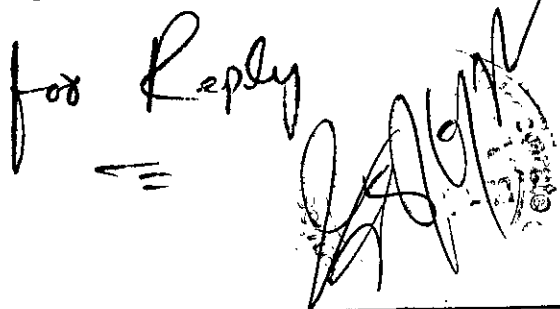
WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 28/7/2022 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.

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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 16<sup>th</sup>

Day of June 2022

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.  
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**"B"**

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

No.

Appeal No. 7303 to 7307 of 2022.

Dr. Syed Saqib Shah & (4) others Appellant/Petitioner

Versus

Govt. of KP Chief Secy. Respondent

Respondent No 6

Notice to:

Accountant General KP 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 28/7/2022 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.

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Given under my hand and the seal of this Court, at Peshawar this 16<sup>th</sup>

Day of June 2022

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.  
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