

S.No	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
	30.05.2016	<p style="text-align: center;"><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,</u> <u>PESHAWAR.</u></p> <p style="text-align: center;">APPEAL NO.262/2014</p> <p style="text-align: center;">(Dr. Jamshed Alam-vs-Govt: of Khyber Pakhtunkhwa through the Chief Secretary Khyber Pakhtunkhwa and others).</p> <p><u>JUDGMENT</u></p> <p><u>PIR BAKHSH SHAH , MEMBER:</u></p> <p>Appellant with counsel (Mr. Muhammad Asif Yousafzai, Advocate) and Mr. Usman Ghani, Sr.GPfor respondents present.</p> <p>2. This appeal of Dr. Jamshed Alam, Assistant Professor (Surgery) under Section -4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 is for the following; That:-</p> <p style="padding-left: 40px;"><u>“On acceptance of this appeal the respondents may be directed to consider the appellant for antedated promotion to BPS-18(Asstt: Professor Surgery) from the date of availability of post(18.02.2011) instead of with immediate effect with all back and consequential benefits. Any other remedy which this august Tribunal deems appropriate and not specifically prayed for that may also be awarded in favour of appellant”.</u></p> <p>His service history is given in the memo of appeal as under:-</p> <p style="padding-left: 40px;">“the appellant joined the Health Department on regular basis as Medical Officer (BPS-17) on 19.03.2005. The appellant remained as M.O (Surgical Unit) KTH Peshawar w.e.f</p>

06.01.2006 to 30.12.2009, Senior Registrar (Surgical Department) KGMC/HMS, Hayatabad Peshawar w.e.f 31.12.2009 to 12.09.2013. It is also worth to mention here that the appellant has also qualified his FCPS in the year 2007.”

He has further pleaded:-

“that according to the seniority list the appellant is the only available candidate of Sr. Registrar (Surgery) and as per rules the post of asst: Professor (Surgery) is to be filled in as 50% by initial recruitment and 50% by promotion on seniority basis form amongst Sr. Registrar with qualification; MBBS or equivalent qualification & FCPS/MS/MD in respective subjects or equivalent qualification in the specialty and the experience mentioned as ~~thre~~ in order of preferences as;(i) Teaching experience, (ii) practical experience after post graduation, (iii) practical experience before graduation and the appellant being attached with the surgery field since 2006 is having the required qualifications since 2009.”

He has contended that the post of Assistant Professor became available due to promotion of Dr. Zahid Aman vide order dated 17.02.2011 on which score he filed an appeal for antedation of his promotion but the same has not yet been decided.

3. There is no written reply from the respondents as they seem to be not interested to contest this appeal and despite providing a number of opportunities for their para-wise reply/comments and their continuous failure the worthy Chairman of the Service Tribunal vide his order dated 01.07.2015 refused to grant further opportunity to the respondents and assigned the appeal to this bench for final hearing.

4. Arguments heard and record perused.

5. Main contention of learned counsel for the appellant is that the post of the Assistant Professor (BPS-18) was available since 17.02.2011 due to promotion of Dr. Zahid Aman and the appellant was wrongly promoted as Assistant Professor with immediate effect vide order dated 13.09.2013. According to appellant he is the only candidate in the cadre of Senior Registrar Surgery at the time of promotion to the post of Assistant Professor Surgery. He also submitted that the appellant otherwise on the basis of qualification and experience is entitled for antedation of his promotion.

6. The Tribunal is of the considered view that promotion to higher post is not solely dependent on availability of vacancy. However as there is no written reply on behalf of the respondents, and also appeal of the appellant was not responded, therefore, the case is remitted to the respondents with the direction to examine the same and to decide appeal of the appellant strictly on merits accordance to the rules within a period of one month after receipt of this judgment. The appeal is disposed of accordingly. Parties are left to bear their own cost. File be consigned to the record room.



(ABDUL LATIF)  
MEMBER



(PIR BAKHSH SHAH)  
MEMBER

ANNOUNCED  
30.05.2016

21.04.2016

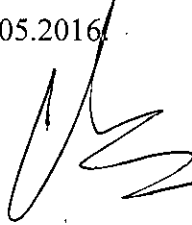
Appellant with counsel (Mr. Asif Yousafzai, Advocate) and Mr. Usman Ghani, Senior Government Pleader for respondents present. Arguments heard. To come up for order on 2-5-16


  
MEMBER

  
MEMBER

02.05.2016

Counsel for the appellant and Mr. Usman Ghani, Sr.GP for respondents present. Order could not be announced due to learned Member (Executive) is on official tour to camp court Swat. To come up for order on 26.05.2016.

  
Member

  
Member

26.05.2016

Appellant in person and Mr. Usman Ghani, Sr.GP for respondents present. Order could not be announced due to paucity of time. To come up for order on 30.05.2016 before D.B.

  
Member

  
Member

9.

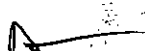
01.07.2015

Counsel for the appellant and Addl: A.G for respondents present. Written reply not submitted despite repeated opportunities including last opportunities. No further adjournment could be allowed to respondents for submission of written statement. The appeal is assigned to D.B for final hearing for 24.11.2015.

  
Chairman

24.11.2015

Counsel for the appellant and Mr. Ziaullah, GP for respondents present. Arguments could not be heard due to learned Member (Judicial) is on official tour to D.I. Khan. Therefore, the case is adjourned to 31/3/16 for arguments.

  
Member

31.03.2016

Appellant with counsel and Addl: AG for respondents present. Counsel for the appellant requested for adjournment. To come up for arguments on 21.04.2016.

  
MEMBER

  
MEMBER

6. 29.10.2014

Clerk of counsel for the appellant and Mr. Sheharyar, Assistant for respondents No. 1 and 2 with Mr. Muhammad Adeel Butt, AAG for the respondents present. Written reply and reply to application for condonation of delay have not been received, and request for further time made on behalf of the respondents. Another chance is given for written reply and reply to application for condonation of delay on behalf of respondents, positively, on 23.02.2015.

  
Chairman

7 23.02.2015

Counsel for the appellant and Mr. Sabir Khan, Supdt. alongwith Addl: A.G for respondents present. Written reply not submitted. Last opportunity granted for written reply/comments and reply to application for condonation of delay for 26.5.2015.

  
Chairman

8 26.05.2015

Agent of counsel for the appellant and Mr. Sabir Khan, SO alongwith Addl: A.G for respondents present. Written reply not submitted despite last opportunity. Requested for further adjournment. Last opportunity extended for submission of written reply/comments and reply to application for condonation of delay for 1.7.2015 before S.B.

  
Chairman

Appeal No. 262/2014.

Dr. Jamshed Alam

3. 15.04.2014

Counsel for the appellant present. Preliminary arguments heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. Against the impugned order dated 13.09.2013, he filed departmental appeal on 10.10.2013, which has not been responded within the statutory period of 90 days, hence the present appeal on 25.02.2014. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notices be issued to the respondents. To come up for written reply/comments on 01.07.2014.

Appellant Deposited  
Security & Process Fee  
Rs. 240/- Bank  
Receipt is Attached with File.

Member

4. 15.04.2014

This case be put before the Final Bench I for further proceedings.

Chairman

5. 01.7.2014

Clerk of counsel for the appellant, M/S Sheharyar Khan, Assistant for respondents No. 1 to 3, 5&6 and Irshad Muhammad, Supdt. for respondent No. 4 with Mr. Usman Ghani, Sr. GP present. Written reply has not been received, and request for further time made on behalf of the respondents. To come up for written reply/comments as well as reply to application for condonation of delay on behalf of the respondents on 29.10.2014.


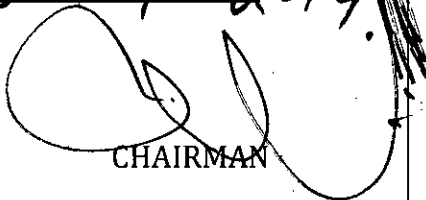
Chairman

Form- A

FORM OF ORDER SHEET

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

Case No. 262/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	25/02/2014	<p>The appeal of Dr. Jamshed Alam presented today by Mr. M. Asif Yousafzai Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	3-3-20/4	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>15-4-20/4</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>



**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.**

APPEAL NO. 969 /2014.

Dr.Jamshed Alam.

VS

Health Deptt: & Others.

**INDEX.**

S.NO	DOCUMENTS	ANNEXURE	PAGE
1-	Memo of appeal.	---	1 - 5
2-	Application.	---	6 - 7
3-	Service certificate.	A	8
4-	Degree	B	9
5-	Seniority list.	C	10
6-	Rules.	D	11 - 19
7-	Order dt. 29.12.2009	E	20
8-	Order dt. 13.9.2013	F	21
9-	Order dt. 17.2.2011 (Zahid)	G	22
10-	Departmental appeal.	H	23
11-	Vakalat nama	---	24.

Through:

Appellant

Counsel.

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.**APPEAL NO. 262 /2014.

Dr. Jamshed Alam,

Asstt: Professor (surgery),

KGMC/HMC, Hayatabad Peshawar.....Appellant.

281  
25/2/2014

**VERSUS**

- 1- The Govt: of KPK Through The Chief Secretary KPK Peshawar.
- 2- The Secretary Health Deptt: KPK Peshawar.
- 3- The D.G Health Services KPK Peshawar.
- 4- The Secretary Finance Deptt: KPK Peshawar.
- 5- The Chief Executive HMC, Hayatabad Peshawar.
- 6- The Principal KGMC, Hayatabad Peshawar.

.....Respondents.

**APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT FOR DIRECTING THE RESPONDENTS TO ANTEDATE THE PROMOTION OF APPELLANT IN BPS-18 AND AGAINST NOT TAKING ANY ACTION ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN STATUTORY PERIOD OF NINETY DAYS.**

25/2/14.

**PRAYER:**

*That on acceptance of this appeal the respondents may be directed to consider the appellant for antedated promotion to BPS-18( Asstt: Professor Surgery) from the date of availability of post ( 18.2.2011) instead of with immediate effect with*

*all back and consequential benefits. Any other remedy which this august Tribunal deems appropriate and not specifically prayed for that may also be awarded in favour of appellant.*

**R.SHEWETH.**

- 1- That the appellant joined the Health Deptt; on regular basis as Medical Officer ( BPS-17) on 19.3.2005. The appellant remained as M.O DDHQ Hospital Karak w.e.from 19.3.2005 to 5.1.2006, M.O (Surgical Unit) KTH Peshawar w.e.from 6.1.2006 to 30.12.2009, Senior Registrar (Surgical Deptt:) KGMC/HMC, Hayatabad Peshawar w.e.from 31.12.2009 to 12.9.2013. It is also worth to mention here that the appellant has also qualified his FCPS in the year 2007. Copies of service certificate and degree of FCPS are attached as Annexure – A & B.
  
- 2- That according to the seniority list the appellant is the only available candidate of sr. Registrar(Surgery) and as per rules the post of Asstt: Professor ( Surgery) is to be filled in as 50% by initial recruitment and 50% by promotion on seniority basis from amongst Sr. Registrar with qualification ; MBBS or equivalent qualification & FCPS/MS/MD in respective subjects or equivalent qualification in the specialty. The experience mentioned as three years in order of preferences as;(i) Teaching experience, (ii) practical experience after post graduation, (iii) practical experience before graduation. The appellant being attached with the surgery field since

2006 is having the required qualifications since 2009. Copies of seniority list and rules are attached as Annexure – C & D.

- 3- That the appellant was firstly appointed as M.O in BPS-17 in the year 2005 and then in BPS-18 as Sr. Registrar (Surgery) in Dec: 2009. The appellant was further promoted as Asstt: Professor (Surgery) on 13.9.2013 but with immediate effect. Copies of orders are attached as Annexure – E & F.
- 4- That as the post of Asstt: Professor was vacated due to promotion of Dr. Zahid Aman vide order dt. 17.2.2011, therefore the appellant filed an appeal for antedating his promotion from the date of availability of post on 10.10.2013, but the said appeal has not been decided so far nor the appellant has been communicated with the result of the appeal till date. Copies of order and appeal are attached as Annexure – G & H.
- 5- That now the appellant comes to this august Tribunal on the following grounds amongst the others:

**GROUND:**

- A- That not considering the appellant for ante dated promotion from the date of availability of post and not deciding the appeal within statutory period of ninety days is against the norms of justice, material on record and also the violation of the various judgments of the Hon'able Supreme Court of Pakistan.


- B- That the post of Asstt: Professor was available from 18.2.2011 and as the appellant was having the requisite qualifications and experience is legally entitled to the same benefits from the date of availability of post instead of with immediate effect.
- C- That as the antedated promotion involved only benefits of seniority because it was a promotion from BPS-18 to BPS-18, therefore there is no financial hardships for the Govt: as well as Institution.
- D- That in various judgments, the Hon'able Supreme Court of Pakistan has held that the promotion is always to made from the date of availability of post because the officials cannot be deprived from the benefits of promotion due to delay process of promotion by the Deptts:
- E- That the appellant claim is genuine and he is legally entitled fro antedated promotion as Asstt: Professor as per rules from the date of availability of post ( 18.2.2011).
- F- That the appellant has not been treated according to the norms of justice, Supreme Court's judgments and has been deprived from the benefits of promotion from a specific date which is legally not permissible.
- G- That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

  
APPELLANT

DR. JAMSHED ALAM

THROUGH;

  
M.ASIF YOUSAFZAI

ADVOCATE

&

  
TAIMUR ALI KHAN

ADVOCATE.

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.**

APPEAL NO. \_\_\_\_\_/2014.

Dr. Jamshed Alam.

VS

Health Deptt: & Others.

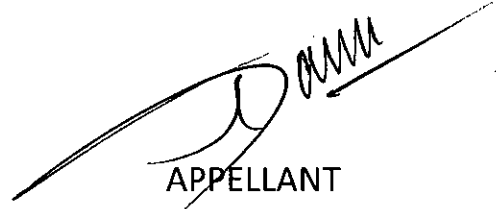
**APPLICATION FOR CONDONATION OF DELAY.**

**R. SHEWETH.**

- 1- That the appellant has filed an appeal with this application in which no date has been fixed so far.
- 2- That the appellant filed departmental appeal in time on 10.10.2013 and was hopeful for its response from the Deptt; and due to that waiting, appeal has become barred by about 13/14 days which was not intentional but due to in good faith for waiting of response to avoid litigation with the Deptt:
- 3- That the Hon'able Supreme Court of Pakistan has also held that decisions should be made on merit instead of knocking out on the basis of technicalities including limitation. ( PLD 2003(SC)-724.
- 4- That the appellant has a very genuine case and also requests for decision on merit to avoid unnecessary legal complications.

It is therefore most humbly prayed that keeping in view the genuine case of appellant, Supreme Court's verdicts and best interest of justice, the delay occurred in filing appeal

before the august Tribunal may be condoned and the appeal of the appellant may very graciously be decided on merit.



APPELLANT

DR. JAMSHED ALAM

THROUGH;



M.ASIF YOUSAFZAI

ADVOCATE

&



TAIMUR ALI KHAN

ADVOCATE.

**AFFIDAVIT.**

It is affirmed that the contents of this application are true and correct.

DEPONENT



DR. JAMSHED ALAM.





**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: 091-9210269 Exchange Ph: 091-9210187, 091-9210196 Fax: 091-9210230

No. 21338 /E-I  
Dated 24 /08/2011

A

(2)  
(8)

**EXPERIENCE CERTIFICATE**

Certified that Dr. Jamshid Alam S/O Mehar Amin has joined the Provincial Health Department as Medical Officer (BS-17) on 19/03/2005 on regular basis.

His history of service is as under.

S. NO.	Appointment Held	From	To
1.	MO DHQ: Hospital Karak	19/03/2005	05/01/2006
2.	MO (Surgical Unit) Khyber Teaching Hospital Peshawar.	06/01/2006	30/12/2009 FCBS (2009).
3.	He has been selected as Senior Registrar (Surgical Deptt) KGMC/HMC Peshawar.	31/12/2009 2-2011.	

*u. Jaludin*  
*24/8/2011*


ASSISTANT DIRECTOR (P-I)  
DIRECTORATE GENERAL HEALTH  
SERVICES KHYBER PAKHTUNKHWA PESHAWAR

*24/08/11*

**ATTESTED**

*[Signature]*

B 9

**COLLEGE OF**  
**PHYSICIANS**  **SURGEONS**  
**PAKISTAN**

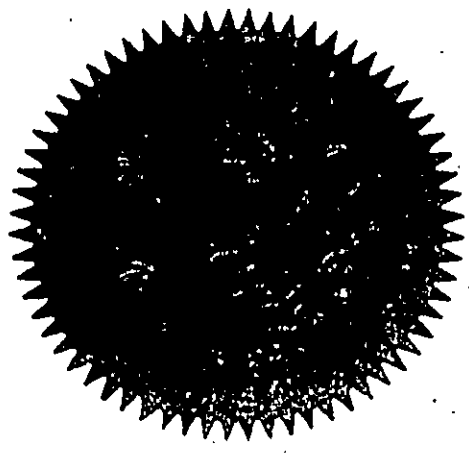
*Know all men by these Presents, that we, the  
President and Council of the College of Physicians  
and Surgeons Pakistan admit*

*Dr. Jamshed Alam*

*a Fellow of the College*

*in the subject of Surgery*

*In witness thereof, we have subscribed our names  
and caused the seal of the College to be hereunto  
affixed this 18th day of June 2007*



*J. Pranchal President  
\_\_\_\_\_ Member  
\_\_\_\_\_ Executive Committee  
\_\_\_\_\_ Registrar  
\_\_\_\_\_ of the College*

**ATTESTED**

*\_\_\_\_\_*

SENIORITY LIST

S No	Name of officer with academic qualifications	Date of birth and domicile	Date of 1 <sup>st</sup> entry into Gov. service	Regular appointment/ Promotion to present posts			Present appointment	Remarks
				Date	BPS	Method of recruitment		
1.	Dr. Jamshed Alam MBBS, FCPS	01.02.1974 Karak (KPK)	19-03-2005	29.12.2009	18	initial	Senior Registrar, BPS-18, Surgery	The Only one candidate no alternate candidate is available

Certificate: Certified that the seniority list is final, notified, undisputed and attested.

*Chahid Saif*  
Section Officer-1,  
Government of Khyber Pakhtunkhwa,  
Health Department.

*G. M. Saeed*  
PRINCIPAL/DEAN  
Khyber Girls Medical College  
Peshawar.

GOVERNMENT OF THE NORTH WEST  
HEALTH DEPARTMENT

NOTIFICATION

Peshawar, dated the 5<sup>th</sup> April, 2007

No. SOH-I/HD/8-76/07 In exercise of the powers conferred by sub-rule (2) of rule 3 of the North-West Frontier Province (Appointment, Promotion and Transfer) Rules, 1989, and in supersession of this Department's Notification No. SOH/8-2 October, 1984, the Health Department, in consultation with the Establishment Department and the Finance Department, hereby the method of recruitment, qualifications and other conditions specified in column 3 to 6 of the Appendix to this Notification be applicable to the posts in Medical Colleges/Institutions in the North-West Frontier Province specified in column 2 of the said

SECRETARY TO GOVERNMENT OF THE NORTH-WEST FRONTIER PROVINCE  
HEALTH DEPARTMENT

Endst. No and date even

1. C.C
2. The Vice Chancellor Khyber Medical University NWFP Peshawar.
3. The Chief Executive, KTH/LRH/HMC, Peshawar/AMI, Abbottabad/SMC, Swat/GMC, Dikhan/BMC, Bannu.
4. The Dean, PGM/HMC, Peshawar.
5. The Principal, KMC/KOMC/KCD, Peshawar/AMC, Abbottabad/SMC Swat/GMC Dikhan/BMC, Bannu.
6. The Director Recruitment NWFP, Public Service Commission Scouts Building, Phase-IV, Hayatabad, Peshawar
7. The Director General, Health Services, NWFP, Peshawar.
8. The Accountant General, NWFP, Peshawar.
9. Assistant Legal Drafter-III (with 10 printed copies) with reference to his letter No LD/REC:1(4) 81/ 1793-94 dated 3-3-2007
10. The Section Officer (Reg-II), Establishment Department, NWFP.
11. The Section Officer (SR-14), Govt. of NWFP, Finance Department.
12. The Manager Govt. Printing Press, Peshawar.
13. The Secretary Pakistan Medical and Dental Council, Islamabad.
14. P.S to Secretary Health.
15. PAs to Addl. Secretaries Health Department, NWFP  
PAs to Deputy Secretaries, Health Department, NWFP

(RASHID KHAN PAINDAKH)  
DEPUTY SECRETARY-I

APPENDIX

S. #	Nomenclature	Minimum qualification & Experience for appointment by initial Recruitment, Promotion or Transfer	Age limit for apptt. By initial recruitment	Method of apptt.	Rem
1	2	3	4	5	a.
1	<p><b>Assistant Professor</b> Anatomy, Physiology, Biochemistry, Pharmacology Community Medicine, Forensic Medicine, Toxicology, Pathology, Microbiology, Chemical Pathology, Haematology, Histo pathology</p>	<p>a. MBBS or equivalent medical qualification recognized by the Council; and</p> <p>b. DSC/PhD/FCPS/MS/MD/M.Phil(Pak), in the respective basic subject or FCPS/MD/MS in the related clinical subject or equivalent qualification recognized/ registered by the council; or</p> <p>c. Postgraduate Minor Diploma in the respective subject recognized/ registered by the council; provided that preference shall be given to original research work published in standard Medical Journal.</p> <p><u>Experience</u> Teaching experience in the case of qualification at (b) above shall be preferred, while three years teaching experience as Demonstrator/ Lecturer, in the case of qualification at (c) above, before or after post graduation shall be essential.</p>	27 to 45 years	By initial recruitment.	<p>b.</p> <p>c.</p> <p>d.</p> <p>e.</p> <p>f.</p>

1	2	3	4	5	6
2.	<p><b>Associate Professor</b> Anatomy, Physiology, Biochemistry, Pharmacology, Community Medicine, Forensic Medicine, Toxicology, Pathology, Microbiology, Chemical Pathology, Haematology, Histopathology</p>	<p><b>Qualification</b></p> <p>a. MBBS or equivalent Medical qualification recognized by the Council; and</p> <p>b. D.Sc/Ph.D/FCPS/MS/MD/M.Phil (Pak) in the respective basic subject or FCPS/MD/MS in the related clinical subjects or equivalent qualification recognized/registered by the Council with at least three papers on research work of original nature published in a Standard Medical Journal; or</p> <p>c. Postgraduate Minor Diploma in the respective subject recognized/registered by the Council, with at least five papers on research work of original nature published in a standard Medical Journal</p> <p><b>Experience-</b> Five years teaching experience as Assistant Professor in the relevant subject in case of qualification at (b) above and seven years teaching experience as Assistant Professor in the relevant subjects, in the case of qualification at (c) above shall be essential.</p>	35 to 45 years	By promotion from amongst Assistant Professor; provided that where suitable candidates with prescribed qualification and experience is not available the post shall be filled by initial recruitment	<p>i. FCPS, MD or MS subjects preference for initial appointment subjects.</p> <p>ii. Minor diploma in purpose of in shall be considered persons of higher are not available.</p>

Note

For the purpose of counting experience prescribed above.

- a. The experience gained as lecturer/Demonstrator by person who obtained postgraduate qualification in basic science subjects at a later stage shall be added in the ratio of 4:1 to the experience as Assistant Professor, i.e. four years experience as lecturer/Demonstrator shall be equivalent to one year experience as Assistant Professor.
- b. Experience gained as lecturer/Demonstrator in basic science subjects with the requisite Postgraduate qualification like M.Phil/Ph.D etc. shall be added in the ratio of 2:1 to the experience as Assistant Professor i.e. two years teaching experience as lecturer/Demonstrator with the requisite Postgraduate qualification shall be equivalent to one year teaching experience as Assistant Professor.

1	2	3	4	5	6
3.	<p><b>Professor</b> Anatomy Physiology, Bio-chemistry, Pharmacology Community Medicine, Toxicology, Pathology, Microbiology, Chemical Pathology, Haematology, Histopathology, Forensic Medicine</p>	<p><b>Qualification</b></p> <p>a. MBBS or equivalent Medical qualification recognized by the Council; and</p> <p>b. D.Sc/Ph.D/FCPS/MS/MD/M.Phil (Pak) in the respective basic subjects or FCPS/MD/MS in the related clinical subjects or equivalent qualification recognized/registered by the Council with at least two papers on research work of original nature published in a Standard Medical Journal within three years before appointment.</p> <p><b>Experience</b></p> <p>a. Three years teaching experience as an Associate Professor in the respective subject and a total teaching experience of eight years as Assistant professor and Associate Professor; OR</p> <p>b. Nine years teaching experience as Assistant Professor and Associate Professor in the respective subject.</p>	40 to 50 years	By promotion from amongst Associate Professor; provided that where suitable candidates with prescribed qualification and experience is not available the post shall be filled by initial recruitment.	FCPS, MD or MS in related field shall have last preference for initial appointment in the post.



1	2	3	4	5
4.	Senior Registrars (All Specialities)	a) MBBS or equivalent qualification recognized by the Council. and (b). FCPS/MS/MD in the respective subject or equivalent qualification in the speciality recognized by the Council.	25 to 45 years	By initial recruitment
5.	Assistant Professor  Medicine, General Surgery, Eye, Gynaecology, ENT and Paediatrics and all other specialities..	a.. MBBS or equivalent medical qualification recognised by the Council; and b.. FCPS/MS/MD in the respective subject or equivalent qualification in the speciality recognized by the Council. <u>Experience</u> Three years experience in the respective subject in the following order of preference:- i. Teaching experience; ii. Practical experience after postgraduation; iii. Practical experience before post graduation	28 to 45 years	a. 50 % by initial recruitment; and b. 50% by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Registrars possessing the qualification and experience prescribed for initial recruitment.

18

1	2	3	4	5	6
6	Associate Professor (All Specialities)	a. MBBS or equivalent medical qualification recognized by the Council; and b. FCPS/MS/MD in the respective subject or equivalent qualification in the speciality recognized by the Council, with three papers on Research Work of which at least two shall be as Principal Author in the capacity of Assistant Professor in the relevant speciality published in a standard Medical Journal.  b. <u>Experience</u> Five years teaching experience as Assistant Professor in the relevant subject.	35 to 45 years	By promotion from amongst Assistant Professors; provided that where suitable candidates with the prescribed qualification and experience is not available, the post shall be filled by initial recruitment.	
7	Professor (All Specialities)	a. MBBS or equivalent medical qualification recognised by the Council, and b. FCPS/MS/MD in the respective subject or equivalent qualification in the speciality recognised by the Council with at least two papers on research work in the relevant speciality published in a Standard Medical Journal as Principal Author in the capacity of Associate Professor.	40 to 55 years	By promotion, on the basis of seniority-cum fitness from amongst Associate Professors who possess the qualification and experience prescribed for initial recruitment, provided that where suitable candidate with the requisite qualifications and experience is not available, the post shall be filled by initial recruitment.	

19

<u>Experience</u>				
a.	Three years teaching experience as an Associate Professor in the respective subject and a total teaching experience of eight years as Assistant professor and Associate Professor; OR			
b.	Nine years teaching experience as Assistant Professor and Associate Professor in the respective subject.			

Note:- In this Appendix the word "Council" where used shall mean the Pakistan Medical and Dental Council.

SECRETARY TO GOVERNMENT OF THE NORTH-WEST FRONTIER PROVINCE  
HEALTH DEPARTMENT

GOVERNMENT OF NWFP  
HEALTH DEPARTMENT

Dated Peshawar the 29<sup>th</sup> Dec; 2009

**NOTIFICATION**


No.SOH-I/HD/1-558/09 The Competent Authority, on the recommendations of NWFP Public Service Commission, is pleased to order the appointment of Dr. Jamshed Alam S/O Mehr Amin Medical Officer (BS-17) KTH, Peshawar as Senior Registrar Surgery (BS-18) at Khyber Girls Medical College Peshawar on regular basis with immediate effect.

2. His service will be governed under NWFP Civil Servants Act 1973 as amended vide Civil Servants (Amendment) Act 2005 and rules made there under and other relevant laws and rules.
3. He is directed to assume charge within **30 days** after the issuance of this notification failing which his appointment shall be treated as cancelled.


**SECRETARY HEALTH, NWFP**

Endst No and date even

- C.C
1. Chief Executive, HMC, Peshawar.
  2. Chief Executive, KTH, Peshawar.
  3. Principal Khyber Girls Medical College, Peshawar.
  4. Medical Supdt; KTH, Peshawar.
  5. Accountant General, NWFP, Peshawar.
  6. Director Recruitment, NWFP, Public Service Commission, Forte Road, Peshawar.
  7. Director Information NWFP, Peshawar.
  8. Computer Programmer Health Department, NWFP.
  9. P.S to Minister Health, NWFP.
  10. P.S to Secretary Health, NWFP.
  11. P.S to Special Secretary Health, NWFP
  12. P.As to Addl. Secretaries/Deputy Secretaries, Health Deptt.
  - ✓ 13. Doctor concerned.
  14. Personal file of the doctor concerned.

  
(SAMIN JAN)  
SECTION OFFICER-I

Copy available on website [www.healthnwfp.gov.pk](http://www.healthnwfp.gov.pk)

**ATTESTED**  




**GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT**

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Dated Pesh: the 13<sup>th</sup> Sept, 2013 ✓

**NOTIFICATION**

No.SOH-I/HD/1-558/09 The Competent Authority on the recommendations of Provincial Selection Board is pleased to order the promotion of Dr. Jamshed Alam, Senior Registrar Surgery (BS-18) Khyber Girls Medical College, Peshawar to the post of Assistant Professor Surgery (BS-18) on regular basis with immediate effect.

2. Consequent upon his promotion, Dr. Jamshed Alam is hereby posted as Assistant Professor Surgery (BS-18) at Khyber Girls Medical College, Peshawar. ✓

3. He will be on probation for a period of one year, extendable for further one year.

**SECRETARY HEALTH  
KHYBER PAKHTUNKHWA**

**Endst No and date even**

1. Chief Executive, HMC, Peshawar.
2. Principal Khyber Girls Medical College, Peshawar.
3. Accountant General Khyber Pakhtunkhwa Peshawar.
4. Director Information Khyber Pakhtunkhwa, Peshawar.
5. Director Finance HMC/KGMC, Peshawar.
6. Computer Programmer Health Department.
7. Doctor concerned.
8. Personal file of the doctor concerned.

*(Muhammad Jamil)*  
(Muhammad Jamil)  
Section Officer-I

Copy available on website [www.healthkpk.gov.pk](http://www.healthkpk.gov.pk)

**ATTESTED**

*(Signature)*

HAYATABAD MEDICAL COMPLEX PESHAWAR

NOTIFICATION

In exercise of the Power vested vide Govt of Khyber Pakhtunkhwa Health Department Notification No. SOH (II) 3-10/2001, dated 26/06/2001, (KPK Medical Institution Rules 2001, Rule 9, Sub-Rule 1 - (II)), on the recommendation of the Selection and Promotion Commission, the Management Council HMC/KGMC, is pleased to appoint Dr. Zahid Aman S/o Malik Amin as Associate Professor Surgery (BPS-19) in KGMC/HMC, Peshawar with immediate effect.

- i. He shall resume his duty within two weeks from the date of issuance of this order failing which the appointment order will be withdrawn.
- ii. Pay protection will be given in case of already in regular Govt. Service.
- iii. He will be on probation for a period of two years.
- iv. On joining of Autonomous Institution he will resign from the Govt. Service as per laid down policy.

CHIEF EXECUTIVE  
HAYATABAD MEDICAL COMPLEX  
PESHAWAR

No. 2737/96 /HMC/Admin/Interview/E-I

Dated: 17/07/2014

Copy forwarded for information and reaction to the:-

1. Secretary to Govt. of Khyber Pakhtunkhwa Health Deptt: Peshawar.
2. Accountant General Khyber Pakhtunkhwa Peshawar.
3. Chief Executive KTH, LRH Peshawar.
4. Dean PGMI HMC, Peshawar.
5. Medical Superintendent HMC, Peshawar.
6. Principal KGMC HMC, Peshawar.
7. Director General Health Services Khyber Pakhtunkhwa, Peshawar.
8. Director Finance HMC, Peshawar.
9. Account Officer HMC, Peshawar.
10. Dr. Zahid Aman S/o Malik Amin Assistant Professor Surgery KGMC/HMC, Peshawar.

*Ali Nawaz*  
CHIEF EXECUTIVE  
HAYATABAD MEDICAL COMPLEX,  
PESHAWAR.

A.C.  
A.G. (Admins)

ATTESTED

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To

The Chief Secretary,  
Government of Khyber Pakhtunkhwa.

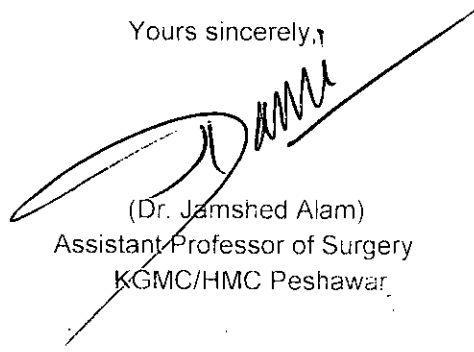
**Subject:- PRESENTATION AGAINST NOTIFICATION DATED 13-09-2013 VIDE WHICH THE APPLICANT WAS PROMOTED AS ASSISTANT PROFESSOR OF SURGERY (BPS-18) KHYBER GIRLS MEDICAL COLLEGE /HAYAT ABAD MEDICAL COMPLEX WITH EFFECT FROM 13-09-2013 INSTEAD OF 18-02-2011.**

Dear Sir,

The undersigned submits:-

1. That the applicant was selected as Senior Registrar Surgery on 31-12-2009 in KGMC /HMC-and remained on the post till 13-09-2013 (**Annex-I**).
2. That the applicant was promoted as Assistant Professor Surgery (BPS-18) KGMC/HMC on 13-09-2013 (**Annex-II**). It is pertinent to mention that, both the posts i.e Senior Registrar and Assistant Professor carry same grade i.e (BPS-18).
3. That as per service rules (**Annex-III**) notified on 5<sup>th</sup> April 2007, 50 percent quota is allocated for promotion to Assistant Professor from amongst the Senior Registrar possessing the required qualification and experience.
4. That on 18-02-2011, when the post of Assistant Professor became vacant due to the promotion of Dr. Zahid Aman to the post of Associate Professor (**Annex-IV**), the applicant became eligible in all respects to be promoted as Assistant Professor on the basis of seniority com fitness. As per seniority list the applicant was senior most but the concerned Administration did not process the promotion case of the applicant for the reasons better known to them.
5. It is pertinent to mention that on 14-06-2011, another post of Assistant Professor became vacant due to the promotion of Dr. Shehzad Akbar to the post of Associate Professor (**Annex-V**) and the concerned Administration again failed to process the promotion case of the applicant.
6. The promotion of the applicant with immediate effect instead of availability of the vacant post of Assistant Professor i.e on 18-02-2011 or 14-06-2011 is against the rules and norms of justice, which badly affected the rights of the applicant.
7. On the availability of post of Assistant Professor in the promotion quota the concerned administration was duty bound to promote the applicant in this regard.
8. The administration (Principal KGMC/HMC) intimated the applicant on 23-08-2011 for provision of relevant documents required for processing the case of applicant for promotion to the post of Assistant Professor (**Annex-VI**), which was subsequently turned down by the administration without any cogent reason.
9. Keeping in view of the above, it is therefore requested that the notification dated 13-09-2013 may kindly be modified partially and the applicant may be promoted from the date when the post of Assistant Professor had fallen vacant i.e 18-02-2011 instead of promoting the applicant with immediate effect i.e 13-09-2013, as the applicant has fulfilled all the pre-requisite before the above date (**Annex-VII**).

Yours sincerely,

  
(Dr. Jamshed Alam)  
Assistant Professor of Surgery  
KGMC/HMC Peshawar.

7-1-14  
9-2-14  
7-2-14

Dated: - 09-10-2013

D.No  
11097  
dt: 10.10.13.

24

**VAKALAT NAMA**

NO. \_\_\_\_\_/20

IN THE COURT OF Service Tribunal Peshawar.

Dr. Jamshed Alam (Appellant)  
(Petitioner)  
(Plaintiff)

VERSUS

Health Dept. (Respondent)  
(Defendant)

I/We, Jamshed Alam (Appellant) & Taimur Ali Khan adv

Do hereby appoint and constitute **M. Asif Yousafzai, Advocate, Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated \_\_\_\_\_/20

Jamshed Alam  
(CLIENT)

ACCEPTED

M. Asif Yousafzai  
**M. ASIF YOUSAFZAI**  
Advocate.

Taimur Ali Khan  
**TAIMUR ALI KHAN**  
Advocate

**OFFICE:**

Room # FR-8, 4<sup>th</sup> Floor,  
Bilour Plaza, Peshawar,  
Cantt: Peshawar  
Cell: (0333-9103240)



**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

No. 1040 /ST

Dated 16/6/2016

To

The Secretary Health,  
Peshawar.

Subject: -

**JUDGMENT**

I am directed to forward herewith a certified copy of Judgement dated 30.5.2016 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

*to* Registrar  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.