

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 1231/2022


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	18/08/2022	<p>The appeal of Mr. Amjid Khan resubmitted today by Mr. Bilal Ahmad Kakaizai Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p style="text-align: right;">By the order of Chairman</p> <p style="text-align: right;">REGISTRAR</p>

The appeal of Dr. Muhammad Khalil Akhtar, Director, PHSA Peshawar received today i.e. on 11.08.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

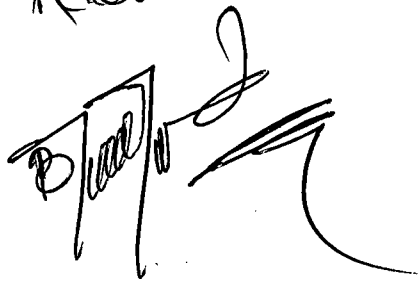
1. Appeal has not been flagged/marked with annexure marks.
2. Annexures of the appeal may be attested.
3. Certificate be given to the effect that appellant has not been filed any service appeal earlier on the subject matter before this Tribunal.
4. Copies of annexures B, G, H and K attached with the appeal are illegible which may be replaced by legible/better one.
5. Forty Seven more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 2390 /S.T,

Dt. 11/8 /2022


ASSISTANT REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Bilal Ahmad Kakazai Adv. Pesh.

Resubmitted


KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Case Title: ^{CHECK LIST} Dr. Muhammad Khalid Akhtar N/S Govt. of K.P. etc

S#	CONTENTS	YES	NO
1	This Appeal has been presented by: <u>Bilal-A-Kakar</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:

Signature:

Dated:

16.8.2022

Bilal-A-Kakar

BEFORE HONOURABLE SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 1231 / 2022.

DR. MUHAMMAD KHALIL AKHTAR

vs

Government of KPK etc.

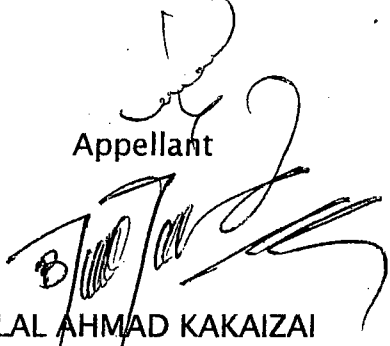
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Wakalat Nama		

Through:

Appellant


BILAL AHMAD KAKAIZAI
 (Advocate, Peshawar)
 213, Sunehri Masjid Road,
 Peshawar Cantt.
 0300-9020098

BEFORE HONOURABLE SERVICE TRIBUNAL

PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Case No. 979

11/08/2022

Service Appeal No. 1231 / 2022.

DR. MUHAMMAD KHALIL AKHTAR,
Director
Provincial Health Service Academy (PHSA)
Peshawar.

APPELLANT

Versus

1. **GOVERNMENT OF KHYBER PAKHTUNKHWA**
Through Chief Secretary, Civil Secretariat,
Peshawar.
2. **SECRETARY HEALTH**
Government of Khyber Pakhtunkhwa,
Health Department, Civil Secretariat, Peshawar.
3. **DIRECTOR GENERAL HEALTH SERVICES**
Government of Khyber Pakhtunkhwa,
Peshawar.
4. **SECRETARY ESTABLISHMENT,**
Government of Khyber Pakhtunkhwa,
Establishment Department, Civil Secretariat, Peshawar.
5. **DR. MUSHTAQ AHMAD KHAN,** Director M & E, DGHS, Peshawar.
6. **DR. MAQSOOD ALI,** Chairman HCC, Khyber Pakhtunkhwa,
Peshawar.
7. **DR. AYAZ IMRAN,** Deputy Director, DHDC, Abbottabad.
8. **DR. NIGHAT MURAD,** On Deputation to Federal Government.

Handwritten mark: a checkmark and the text "m/ 11/08/22"

BEFORE HONOURABLE SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 1231 / 2022.

DR. MUHAMMAD KHALIL AKHTAR,
Health Service Academy,
Director General Health Services, Peshawar.

..... **APPELLANT**

Versus

1. **GOVERNMENT OF KHYBER PAKHTUNKHWA**
Through Chief Secretary, Civil Secretariat,
Peshawar.
2. **SECRETARY HEALTH**
Government of Khyber Pakhtunkhwa,
Health Department, Civil Secretariat, Peshawar.
3. **DIRECTOR GENERAL HEALTH SERVICES**
Government of Khyber Pakhtunkhwa,
Peshawar.
4. **SECRETARY ESTABLISHMENT,**
Government of Khyber Pakhtunkhwa,
Establishment Department, Civil Secretariat, Peshawar.
5. **DR. SAFIA,** Principal Public Health School, Peshawar.
6. **DR. MUHAMMAD REHMAN AFRIDI,** PD, Malaria Control Program,
Khyber Pakhtunkhwa.
7. **DR. JAMAL ABDUL NASIR,** Director Admin, DGHS, Peshawar.
8. **DR. NAEEM SHAH,** DHQ Hospital Kohat.

9. DR. MUHAMMAD SHUAIB KHAN, attached to DHO Kohat in Polio Program.
10. DR. SIRAJ MUHAMMAD, MS ID, Children Hospital, Peshawar.
11. DR. ABDUL QUDDUS, MS DHQ Hospital, Parachinar.
12. DR. AHMAD FAISAL, MS Mental Hospital, Dadar, Mansehra.
13. DR. SYED MUHAMMAD IDREES, DHO Charsadda.
14. DR. WALI KHAN, Director Technical Health Foundation, Peshawar.
15. DR. MUHAMMAD QASIM, I/C PDSRU, Khyber Pakhtunkhwa.
16. DR. ANISA AFRIDI, Provincial Coordinator, MNCH Program, NMD.
17. DR. MUHAMMAD NAEEM AWAN, MS Saidu Group of Hospitals, Swat.
18. DR. MUHAMMAD AKRAM SHAH, Chief HSRU, Health Secretariat, Peshawar.
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22. DR. NIAZ MUHAMMAD AFRIDI, Khyber Agency.
23. DR. SHER KHAN AFRIDI, Director HRM, DGHS Office, Peshawar.
24. DR. IKRAMULLAH KHAN, Director Public Health DGHS Office, Peshawar.
25. DR. TARIQ, DHO Bunir.
26. DR. ASGHAR KHAN, Chief HSRU.
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30. DR. KALIMULLAH KHAN, DHO Hangu.
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32. DR. IHSANULLAH, DHO Betani.
33. DR. SHAHAB AHMAD, Principal Medical Officer, Abbottabad.
34. DR. MUHAMMAD HAYAT.
35. DR. TARIQ KHAN, Principal Medical Officer Swat.
36. DR. WASEEM AHMAD.

- 37. DR. MIAN HABIB-UR-REHMAN.
- 38. DR. SHAH FAISAL, DHO Abbottabad.
- 39. DR. SAEEDULLAH KHAN, Director Regional Blood Centre, Swat.
- 40. DR. KHAN BAHADUR, MS DHQ Hospital Hangu.
- 41. DR. SHAHZADA MUHAMMAD HAIDER-UL-MULK, MS Chitral.

..... RESPONDENTS

APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST IMPUGNED SENIORITY LIST NOTIFIED ON 17.03.2022 AGAINST WHICH DEPARTMENT APPEAL / REPRESENTATION WAS SUBMITTED ON 13.04.2022 HOWEVER THE SAME REMAINED UNDECIDED.

Prayer: That on acceptance of this Service Appeal the Impugned Seniority List be corrected / modified to the extent of Appellant and he may be relegated Serial No. 41 instead of Serial No. 81, with all back wages and benefits of Promotion etc as being granted to other / junior incumbents, with such other relief as may deem fit in the circumstances of the case may also be granted.

Respectfully Sheweth;

Short facts, giving rise to present Service Appeal, are as under:

- 1. That, Appellant is performing duties in Management Cadre, in different institutions, projects, Hospitals in Khyber Pakhtunkhwa and is presently posted in Health Services Academy, Government of Khyber Pakhtunkhwa.
- 2. That, initially the Rules for Health Management Cadre were framed by the Government of Khyber Pakhtunkhwa on 11.12.2008,

whereby Management Cadre was introduced by the Respondent No. 2 Department in BPS-17 to BPS-20 from amongst the holders of the posts in General Cadre with one of the following qualifications:

1. Master of Public Health,
2. Post Graduate Diploma in Public Health,
3. Post Graduate Diploma in Public Administration,
4. Post Graduate Diploma in Planning and Development or equal Master's Degree / Diploma in Health Management or allied Disciplines.

It is important to mention here that as per Rule 10 of Khyber Pakhtunkhwa Health (Management) Service Rules, 2008, the transfer and exercise of option of General Cadre Employee to Management Cadre Employee is declared as one time exercise, copy of the Khyber Pakhtunkhwa Health (Management) Service Rules, 2008 are attached as Annexure A. It merits mentioning here that although the Khyber Pakhtunkhwa Health (Management) Service Rules, 2008 were framed in the year 2008 but notified in official gazette on 02.11.2016.

3. That, in the 1st instance almost 63 Doctors were transferred to Management Cadre from General Cadre in the year 2009. It merits mentioning here that no proper procedure of induction into Management Cadre or Absorption in Management Cadre was carried on by the Respondents neither any formal summary was put up to the Competent Authority nor Gazette Notification in this respect was ever issued by the Respondents in which the names of the incumbents who were transferred from General Cadre to Management Cadre were mentioned.
4. That, the vires of the Khyber Pakhtunkhwa Health (Management) Service Rules, 2008 were challenged by one Dr. Sher Muhammad in Service Appeal No. 513 / 2010 before the Honorable Service Tribunal, Peshawar which was decided on 03.01.2012 by Division Bench of the Tribunal with the observation that Rule 10 of the Khyber Pakhtunkhwa Health (Management) Service Rules, 2008 does not provide any cushion period hence same may be modified and cushion period of two years be provided to all those who wish to improve qualification for joining the Management Cadre, without

affecting their seniority, copy of the Order dated 03.01.2012 in Service Appeal No. 513 / 2010 is attached as Annexure B.

5. That, the Judgment of the Tribunal dated 03.01.2012 in Service Appeal No. 513 / 2010 was challenged before the Honorable Supreme Court of Pakistan which was dismissed on 03.11.2016; copy of the Order / Judgment of Honorable Supreme Court of Pakistan dated 03.11.2016 is attached as Annexure C.
6. That, it is important to mention here that Khyber Pakhtunkhwa Health (Management) Service Rules, 2008 were notified in the Official Gazette of Khyber Pakhtunkhwa one day before the pronouncement of Judgment dated 03.11.2016 of Honorable Supreme Court of Pakistan.
7. That, on 10.05.2017, the Cushion Period of two years was inserted in the Khyber Pakhtunkhwa Health (Management) Service Rules, 2008 by way of amendment in Rule 10, copy of Amendment Notification dated 10.05.2017 in the Khyber Pakhtunkhwa Health (Management) Service Rules, 2008 is attached as Annexure D.
8. That, in pursuance of Amendment in Rule 10 of Khyber Pakhtunkhwa Health (Management) Service Rules, 2008, 1st proper Notification of induction from General Cadre to Management Cadre was issued on 07.05.2018 followed by Notification dated 10.09.2018 whereby 147 Doctors were inducted by the Respondents / Government through proper channel, copies of the Notifications dated 07.05.2018 and 10.09.2018 are attached as Annexure E & F.
9. That, against the induction Notification dated 07.05.2018, Dr. Sahib Gul Khan & others (irregularly absorbed Management Cadre Doctors) approached the then Honorable Chief Justice of Pakistan in Peshawar Registry in shape of an Application. The said Application was converted into Departmental Appeal on verbal instructions of the Honorable the then Chief Justice of Pakistan on 09.05.2018. It is worth to mention here that the Departmental Appeal of Dr. Sahib Gul & others was dismissed on 25.05.2018 by the Respondent No. 2 Department, copy of the Order dated 25.05.2018 is attached as Annexure G.

10. That, once again Service Appeal No. 830 / 2018 was filed before the Honorable Service Tribunal, Peshawar against the Appellate Order dated 25.05.2018, which was decided by the Honorable Tribunal on 22.03.2019 whereby those Doctors who were qualified but did not opt for absorption, in the year 2008 or 2009, were declared disqualified, copies of the Judgment dated 22.03.2019 in Service Appeal No. 830 / 2018 followed by Exclusion / Disqualification Notification dated 26.12.2019 are attached as Annexure H & J.
11. That, Judgment dated 22.03.2019 was further challenged in Honorable Supreme Court of Pakistan however the same was dismissed on 07.11.2019, copy of the Order / Judgment dated 07.11.2019 of Honorable Supreme Court of Pakistan is attached as Annexure K.
12. That, on 05.10.2020 the Respondent No. 2 Department requested to provide certain information for the purpose of issuance of Seniority List, however the same being not available was not provided. It is important to mention here that no proper Notification of induction or Seniority List was issued in the year 2008 moreover first ever Notification of induction was issued in 2018 which was properly issued and notified, copy of the Letter dated 05.10.2020 and its response dated 12.10.2020 issued by the Respondent No. 3 is attached as Annexure L & M.
13. That, once again on 25.05.2021, the Worthy Chief Secretary returned the matter of issuance of Seniority List to the Respondent No. 2 & 4 Departments due to objections dated 19.05.2021, copies of the Objection dated 19.05.2021 and Letter dated 25.05.2021 are attached as Annexure N.
14. That, again on 05.07.2021, the worthy Chief Secretary examined and did not issued the Seniority List of Management Cadre Doctors due to observations contained in the Note Sheet, copy of the Note of the Worthy Chief Secretary dated 05.07.2021 is attached as Annexure O.

15. That, without deciding the controversy of issuance of Seniority List of Management Cadre Employees, Notifications dated 14.06.2021, 25.06.2021 and 06.07.2021 were issued whereby more than 50 disputed and irregularly inducted doctors of Management Cadre were nominated / relieved from their duties for a period of 4 months for the purpose of attending the mandatory promotional training at Provincial Health Services Academy, Peshawar, copies of Notifications dated 14.06.2021, 25.06.2021 & 06.07.2021 are attached as Annexure P, Q & R.
16. That, against the issuance of Notifications dated 14.06.2021, 25.06.2021 & 06.07.2021, the Appellant along with his other colleagues approached the Honorable Peshawar High Court, Peshawar in Writ Petition No. 2868 / 2021, which was decided on 22.09.2021, copy of the Order dated 22.09.2021 in Writ Petition No. 2868 / 2021 is attached as Annexure S.
17. That, finally on 17.03.2021 the Respondents Department issued the controversial and illegal Seniority List in which the Appellant was assigned Serial No. 81 instead of his due seniority at Serial No. 41, copy of the Impugned Seniority List is attached as Annexure T.
18. That, Appellant, while considering himself aggrieved from the Impugned Seniority List preferred Departmental Appeal / Representation on 13.04.2022 which remained undecided for more than 90 days, copy of the Departmental Appeal / Representation dated 13.04.2022 is attached as Annexure U, hence this Appeal for indulgence and enforcement of rights *inter alia* on the following grounds:

GROUND:

- A. That, actions of the Respondents, are illegal, unlawful, void and ineffective.
- B. That, same are against the principles of Natural Justice, also.
- C. That, without issuance of proper and undisputed Seniority List by the Department, the blue eyed incumbents have been accommodated in shape of promotion.

- D. That, the selected lot of Doctors who have been assigned the Seniority, over the Appellant, are in fact juniors to the Appellant in service.
- E. That, the Department / Respondents have failed to understand Rule 10 of Khyber Pakhtunkhwa Health (Management) Service Rules, 2008 whereby it is held that the induction of doctors from General Cadre to Management Cadre is one time exercise, hence all the doctors who were inducted into the Management Cadre are considered / deem as one time induction hence the issue of Seniority is also dependent upon instant one time exercise.
- F. That, the Private Respondents / doctors are reportedly junior in service from the Appellant moreover Impugned Notification is based on Tentative Assessment, which cannot determine the service rights of the Appellant.
- G. That, some of the Private Respondents / Doctors of Management Cadre, also availed the chance of promotion in General Cadre after their induction in Management Cadre, copy of one such Notification dated 10.09.2009 is attached as Annexure V.
- H. That, the Government / Respondents Department failed to understand the basic idea behind the promulgation of Rule 10 of Khyber Pakhtunkhwa Health (Management) Service Rules, 2008.
- I. That, even otherwise it is general principal of service law, that where no Seniority List is issued or the Seniority itself is in-dispute, no process of promotion could be started. In the instant case the Private Respondents have been accommodated and blessed with promotion.
- J. That, the fundamental, legal and constitutional rights of the Appellant are being violated by the Respondents.
- K. That, the Respondents Department, being public office, cannot be allowed to exercise its powers, in sheer violation of law nor are they allowed to promote nepotism and favoritism.
- L. That, the Departments are also not allowed to damage the honour and prestige of seniority, moreover the action of the Department is without any just and legal ground.

- M. That, it seems that in order to favor selected and blue eyed incumbents, the whole process has been vanished, moreover the official Respondents have proceeded in violation of transparency and merit.
- N. That, the Respondents have violated Articles 4, 9, 10-A, 25, 27 and 37 of the Constitution of the Islamic Republic of Pakistan, 1973. The indulgence of this august Tribunal is, therefore, necessary and indispensable in order to save the ends of justice and to prevent the abuse of the process of law.
- O. That, the Departmental Appeal / Representation or any other Application submitted by the Appellant in respect of his due right of Seniority may please be treated as integral part of this Service Appeal.
- P. The Appellant seeks permission to raise any other additional legal grounds at the time of hearing of this writ petition.

It is, therefore, prayed that Appeal be accepted as prayed for.

Appellant

Through,

BILAL AHMAD KAKAIZAI
(Advocate, Peshawar)

CERTIFICATE:

Certified that no other Service Appeal on the same issue has earlier been filed by the Appellant.

Appellant

Through,

BILAL AHMAD KAKAIZAI
(Advocate, Peshawar)

BEFORE HONOURABLE SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____ / 2022.

DR. MUHAMMAD KHALIL AKHTAR

Vs

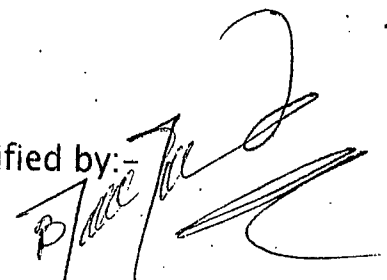
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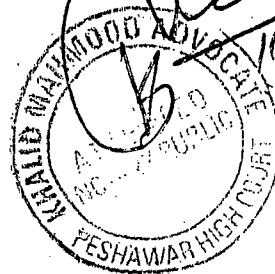
AFFIDAVIT

I, DR. MUHAMMAD KHALIL AKHTAR, Appellant, R/o H No: 46, Street 10, Sector D-3, Phase 01, Hayatabad, do hereby on oath affirm and declare that the contents of the Writ Petition are true and correct and nothing has been kept secret from this Honourable Court.


Deponent

Identified by:-


BILAL AHMAD KAKAIZAI
(Advocate, Peshawar)



BEFORE HONOURABLE SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____ / 2022.

DR. MUHAMMAD KHALIL AKHTAR vs Government of KPK etc.

ADDRESSES OF PARTIES.

APPELLANT:

DR. MUHAMMAD KHALIL AKHTAR, Health Service Academy, Director
General Health Services, Peshawar.

RESPONDENTS

1. Government of Khyber Pakhtunkhwa, Through Chief Secretary, Civil Secretariat, Peshawar.
2. Secretary Health, Government of Khyber Pakhtunkhwa, Health Department, Civil Secretariat, Peshawar.
3. Director General Health Services, Government of Khyber Pakhtunkhwa, Peshawar.
4. Secretary Establishment, Government of Khyber Pakhtunkhwa, Establishment Department, Civil Secretariat, Peshawar.
5. DR. SAFIA, Principal Public Health School, Peshawar.
6. DR. MUHAMMAD REHMAN AFRIDI, PD, Malaria Control Program, Khyber Pakhtunkhwa.
7. DR. JAMAL ABDUL NASIR, Director Admin, DGHS, Peshawar.
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21. DR. IFTIKHAR ALI, MS Moulvi Ameer Shah Hospital, Peshawar.

22. DR. NIAZ MUHAMMAD AFRIDI, Khyber Agency.
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41. DR. SHAHZADA MUHAMMAD HAIDER-UL-MULK, MS Chitral.

Through,

Appellant


BILAL AHMAD KAKAIZAI

(Advocate, Peshawar)

213, Sunehri Masjid Road,
Peshawar Cantt. 0300-9020098



KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, WEDNESDAY, 2nd NOVEMBER, 2016.

**GOVERNMENT OF THE NORTH-WEST FRONTIER PROVINCE NWFP
HEALTH DEPARTMENT**

NOTIFICATION

Dated: 11th December, 2008.

No. SOH(EV)4 - 20 / 08: In exercise of the powers conferred by section 26 of the North West Frontier Province Civil Servants Act, 1973 (N.W.F.P. Act XVIII of 1973), the Governor of the North-West Frontier Province is pleased to make the following rules, namely:

**THE NORTH-WEST FRONTIER PROVINCE HEALTH
(MANAGEMENT) SERVICE RULES, 2008.**

**PART - I
GENERAL**

1. **Short title and commencement.**—(1) These rules may be called the North-West Frontier Province Health (Management) Service Rules, 2008. (2) They shall come into force at once.
2. **Definitions.**— In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say -
 - (a) "appointing authority" in relation to a post, means the respective authority specified in para 4 of the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989;
 - (b) "Commission" means the North-West Frontier Province Public Service Commission;
 - (c) "Cadre" means Health Management Cadre;
 - (d) "Government" means the Government of the North-West Frontier Province;
 - (e) "Governor" means the Governor of the North-West Frontier Province;
 - (f) "Initial recruitment" means appointment made otherwise than by promotion or transfer;
 - (g) "Member of Service" means officer belonging to health management cadre as reflected in schedule I, II & III;
 - (h) "PHSA" means Provincial Health Services Academy;

- (i) "Post" means a post specified in the Schedule-I of the rule and such other posts as may, from time to time, be determined by the Government;
- (j) "Schedule" means the schedule appended to these rules; and
- (k) "Service" means the North-West Frontier Province Health (Management) Service.

PART-II
RECRUITMENTS

3. Number and nature of posts.—The Service shall comprise the posts specified in the Schedule -I and such other posts as may be determined by Government from time to time.
4. Method of Appointment.—Method of appointment, qualifications and other conditions applicable to a post in the Service shall be such as laid down in the column 3 to 5 of the Schedule - II.
5. Syllabus and examination for appointment by initial recruitment.—Syllabus and standard for competitive examination for appointment by initial recruitment to the post in BS-17 shall be, as laid down in Schedule-III.

PART-III
CONDITIONS OF SERVICE

6. Pre-Service Training & Departmental Examinations.— (1) On appointment to a post borne on the service in BS-17, every officer so appointed shall complete six months mandatory training including attachment as specified in schedule IV.
- (2) The training shall be followed by departmental examination to be conducted by Provincial Health Services Academy, which will be part of probation period.
7. In-Service Training.—Selection for in-service trainings which are linked with promotion shall be done on seniority basis and those at verge of promotion shall be given priority.
8. Private Practice.— (1) No Member of Service shall be allowed private practice, in lieu he shall be entitled to non-practising allowance, at such rate as may be prescribed by Government.
- (2) In case of default, the Member shall be liable to disciplinary action under the law.
9. General rule.— In all matters not expressly provided for in these rules, Members of Service shall be governed by such rules as have been or may hereafter be prescribed by Government from time to time.
- Provided that in case of a dispute the Government shall have the final authority to decide the matter in any manner it deems fit.

10. One time exercise. — (1) Notwithstanding anything contained in the provision of these rules, Government shall, as one-time exercise, fill in posts in the Service described in Schedule-I by way of permanent transfer from amongst the Officers of General Cadre in equivalent basic pay scale who have the qualification of Master of Public Health or Postgraduate Diploma in Public Health or Postgraduate Diploma in Hospital Administration or Health Planning & Management or equivalent Master's Degree / Diploma in Health management or allied disciplines and opt for absorption;

Provided that the option once exercised shall be final.

(2) Where the number of officers opting for absorption in Management Cadre is more than the available positions in respective grade, the selection under one time exercise shall be done on the basis of seniority-cum-merit only in the respective grade;

Provided that for determining the suitability of the officers, additional relevant qualifications, trainings/courses in the relevant field and managerial experience, as such, shall be taken into consideration.

11. Deletion of posts.—Posts reflected in the schedule-I shall stand deleted from any other service rules for the time being in force and such rules shall be deemed to have been amended to the above extent.

SECRETARY TO GOVERNMENT OF NWFP
HEALTH DEPARTMENT

19

SCHEDULE - I
(Management Cadre)

Members of Service in BPS-20:

S.No.	Nomenclature of post	Number of post
1	Director General Health Services, NWFP, Peshawar	01
2	Director (Admin) DGHS NWFP Peshawar	01
3	Director Health Services DGHS NWFP Peshawar	01
4	Medical Superintendent Govt. LRI/KTH/HMC Peshawar	03
5	Medical Superintendent DHQ Hospitals Kohat, Bannu, DIKhan, Mardan, Swat, Abbottabad	06
6	Medical Superintendent, Mufti Mehmood Memorial Hospital DIKhan	01
7	Medical Superintendent, Khalifa Gul Nawaz Hospital Bannu	01
8	Medical Superintendent, Govt. City Hospital Kohat Road Peshawar	01
9	Medical Superintendent, Sarhad Hospital for Psychiatric Diseases Peshawar	01
10	Medical Superintendent, Ayub Teaching Hospital Abbottabad	01
11	Executive District Officer (Health) Peshawar	01
12	Executive District Officer (Health) Swat	01
13	Executive District Officer (Health) Mardan	01
14	Executive District Officer (Health) Kohat	01
15	Director Provincial Health Services Academy, Peshawar	01
16	Principal Public Health School Hayatabad Peshawar	01
17	Principal Public Health School Abbottabad	01
18	MS Mardan Medical Complex	01
	TOTAL:	25

SCHEDULE - I
(Management Cadre)

Members of Service in BPS-19:

S.No.	Nomenclature of post	Number of post
1.	Executive District Officers (Health) in NWFP	20
2.	DDHOs/Coordinators EDO(H) Offices in NWFP	31
3.	Medical Superintendent DHQ.Hospitals in NWFP	17
4.	Medical Superintendent Govt. ID Children Hospital Peshawar	01
5.	Medical Superintendent Police/Services Hospital Peshawar	01
6.	Medical Superintendent Mental & General Hospital Dadar Mansehra	01
7.	Medical Superintendent, City Hospital Lakki Marwat	01
8.	DMS Women and Children Hospital DIKhan,	01
9.	DMS in DHQ. Hospital, Mardan, Swat, Nowshera, Haripur, Abbottabad and DIKhan	06
10.	District TB Control Officer, Peshawar, Mardan, Swabi, DIKhan, Haripur, Battagram, Manshra, Swat, Chitral, Upper Dir	10
11.	Deputy Administrator Mardan Medical Complex Mardan	01
12.	MS/Incharge Civil/THQ,Hospital Tangi, Shabqaddar, Dargai, Pabbi, Matta, Darosh (Chitral), Rehana, Kulachi	08
13.	SMO I/C Women & Children Hospital Bannu	01
14.	Vice Principal Paramedical Institute, Abbottabad, DIKhan, Swat	03
15.	SMO (Health) Municipal Corporation Peshawar	01
16.	Deputy Directors in DGHS NWFP Peshawar	05
17.	DMS (Stores) Govt. LRF/KTH Peshawar	02
18.	Principal Postgraduate Paramedical Institute Peshawar	01
19.	Deputy Director (HRD) PHSA NWFP	01
20.	Deputy Director(Monitoring and Research) PHSA NWFP	01
21.	Deputy Director(Management) PHSA NWFP Peshawar	01
22.	Course Directors (PH/CDC and Management, Trg.& Development) PHSA NWFP	02
23.	DD HRD / Vice Principals DHDC Bannu, Chitral, Mardan, Abbottabad and Swat	05
24.	DMS, Khalifa Gul Nawaz Hospital Bannu	01
25.	DMS Ayub Teaching Hospital Abbottabad	01
26.	Director Health Services FATA Peshawar	01
27.	MS AHQ Hospital Parachinar, Ghallanai, Wana, Bajaur	04
	TOTAL:	128

Note: All Program Manager/Provincial Coordinators of Vertical Programs/Projects & FATA Health positions would be filled from amongst Management Cadre.

SCHEDULE - I
(Management Cadre)

Members of Service in BPS-18:

S.No.	Nomenclature of post	Number of post
1.	Incharge Civil/THQ Hospital Ziarat Kaka Sahib Nowshera, Rustam, Lund Khawar Mardan, Topi Swabi, Kalu Khan Swabi, Shakar Darra (Kohat), Thall Hangu, Serai Naurang Lakki Marwat, Balakot Mansehra and Thana Malakand Agency	10
2.	Senior Instructors DHDCs in NWFP (Abbottabad, Swat and DIKhan)	03
3.	Instructors in Public Health School, Hayatabad Peshawar and DIKhan	03
4.	Instructor Public Health School, Nishtarabad Peshawar	01
5.	Epidemiologist Govt. LRH and HMC Peshawar	02
6.	Course Director (MCH & Family Planning) PHSA NWFP	01
7.	Epidemiologist PHSA NWFP	01
8.	DMS Govt Maternity Hospital Peshawar	01
9.	DMS (Admin) KTH Peshawar	01
10.	District TB Control Officer, Abbottabad, Kohistan, Nowshera, Charsadda, Malakand, Buner, Shangla, Lower Dir, Kohat, Hangu, Karak, Bannu, Lakki Marwat and Tank	14
11.	Deputy Director Admn./Deputy Director Dev.(02), Assistant Director EPI(02), DHS FATA	04
12.	Agency Surgeon Mohmand, Bajaur, Orakzai, Kurram, NW Agency, SW Agency, Khyber, FR Peshawar/ FR Kohat, FR DIKhan, FR Bannu,	10
13.	DMS(Admin), DMS(Stores) DMS (Dispensary) at Ayub Teaching Hospital Abbottabad	03
14.	Assistant Directors in Directorate General Health Services, NWFP, Peshawar	13
15.	ADHO FATA Health	4
	TOTAL	71

Note: All Program/Project positions & FATA Health positions in BPS-18 would be filled from amongst Management Cadre.

(22)

SCHEDULE - I
(Management Cadre)

Members of Service in BPS-17:

S.No.	Nomenclature of post	Number of post
1.	Health Educator Directorate General Health Services, NWFP Peshawar	01
2.	Assistant Director (Homeo & Tibb) AD Personnel, AD Administration Directorate General Health Services, NWFP, Peshawar	04
3.	MO Trainer DHDC (02 each) in Mardan, Kohat, Bannu, DIKhan, Abbottabad, Swat and Chitral	14
4.	Instructors in PHSA, NWFP	03
5.	Evaluation Officer PHSA, NWFP	01
6.	Instructors Public Health School, Hayatabad Peshawar and Abbottabad	03
7.	Secretary Medical Faculty, NWFP Peshawar	01
8.	DMS Maintenance HMC Peshawar	01
9.	DMS Stores HMC Peshawar	01
10.	DMS Casualty, OPD and OTs HMC Peshawar	01
11.	Coordinator EDO(H) Offices in NWFP	01
	TOTAL:	71
		101

Note: All Program /Project positions in BPS-17 & FATA Health positions would be filled from amongst Management Cadre.

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SCHEDULE - III

(HEALTH MANAGEMENT CADRE)

Syllabus and Standard for competitive exam for
initial recruitment in BS-17

1. The Examination shall include General Compulsory and Specialized Compulsory Subjects, and every candidate will take all the compulsory subjects.
2. A candidate shall answer the papers in English unless otherwise directed. However, the paper in Islamiyat may be answered in Urdu or English.
3. The total marks of General Compulsory Subjects are 350 while there should be two Specialized Compulsory Papers of 300 marks each covering 150 marks.
4. Psychological aptitude test. 50 Marks
5. Viva Voce 200 Marks
6. The general compulsory and specialized compulsory subjects and maximum marks fixed for each subject shall be as shown in the statement below:

General Compulsory Subjects (350 Marks)		
Serial No.	Subjects	Maximum Marks
1.	English	100
2.	English Essay	50
3.	General Knowledge / Everyday science	50
4.	Current affairs	50
5.	Pakistan affairs	50
6.	Islamiyat	50

Specialized Compulsory Subjects (400 Marks)

1. Health Planning and Management (Single Paper)	200
Topics: Planning, Planning Cycle, Strategic Planning, Management, Project Management, Hospital Administration, Financial / Stock Management, Human Resource Management, Total Quality Management, Leadership, Decision Making, Organization, Effective Organization and Culture, Organizational Behavior, Human Factor and Motivation, Social Responsibility and Ethics, Management and Society (External Environment), Management of Training and HRD, Communication, Management Information System, etc.	

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2. Epidemiology, Health System Research, Public Health and Disease Control (Single Paper)	100
Topics: Epidemiology, Research Methodology and Biostatistics, Health Systems, Surveillance and Disease Control, Monitoring & Evaluation, Infectious Diseases, Epidemiology and preventive methods, Reproductive Health, Occupational Health, Environmental Hazards and Sanitation, Nutrition with related disorders and prevention.	

7. In case of non-Muslim, the paper of Pakistan Studies and Current Affairs will be each of 75 marks instead of Islamiyat.
8. No candidate will be called for Psychological Aptitude Test unless he has obtained 40% marks in individual subject with aggregate of 50%.
9. The passing marks in Psychological Aptitude Test are 40%. Those failed will not be called for the interview.
10. The passing marks for Viva Voce are 40%. The candidate failing in interview or remained absent will not be included in the merit.
11. The selection of selected candidates will be purely on merit as per Zonal Allocation Formula notified by the Establishment Department.
12. In case of a tie, the order of merit will be determined in accordance with the total number of combined marks achieved in Psychological Aptitude Test and interview. In case of tie in this case even, the decision will be on the basis of marks obtained in compulsory subjects. Even still if there is a tie, the order of merit will be on the basis of age.

(26)

SCHEDULE IV

Induction training

Target Group:

The training is designed for newly recruited Medical Officers BS 17 in Health Management cadre.

Objective :

- o To equip the doctors with Official Procedures, Financial & Procurement Rules and Regulations, Rules of Business, and other government functions with a view to benefit them for working as Health Managers.
- o To develop their skill and knowledge in Planning, management and leadership.
- o To develop skill and Knowledge regarding routine office procedures and management

Training Schedule :

The training is divided into two portions:

- o Theory total duration 2 months
- o Practical total duration 4 months

Theory:

To be imparted in PHSA in collaboration with STI, Audits and accounts training institute, NIMS, IMSciences etc.

Topics:

- ¼ Relationship of Management with Behaviour
- ¼ Principles of Management and planning
- ¼ Leadership
- ¼ Communication and advocacy
- ¼ Motivation.
- ¼ Team building
- ¼ Project management
- ¼ Donor coordination
- ¼ Health policies
- ¼ Human resource management
- ¼ Public private partnership.
- ¼ Decentralization.
- ¼ Use of information.
- ¼ Role of Provincial and district government in context of Local Government Ordinance.
- ¼ Medical ethics
- ¼ Healthcare financing
- ¼ Disease surveillance
- ¼ Basics of Epidemiology and epidemic control
- ¼ Monitoring and supervision
- ¼ Primary health care
- ¼ Hospital management
- ¼ Waste disposal
- ¼ Quality Management
- ¼ Vertical programmes and their linkages with in the health system.
- ¼ Health system research

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KHYBER PAKHTUNKWHA GOVT. GAZETTE, EXTRAORDINARY, 2nd NOVEMBER, 2016 862

- ✓/ Rules of business
- ✓/ Auditing & Accounting
- ✓/ General Financial rules
- ✓/ Estab code etc.

Practical Training (Attachment): Duration 4 months

During this period the under trained health managers will be attached with different sections and institutions of DOH to gain supervised Practical experience which will help in developing the needed skills.

Break up of Practical Training is as follows :

- | | |
|---|---------|
| 1. Health Directorate including Vertical Programmes | 1 Month |
| 2. Health Secretariat | 1 Month |
| 3. EDO/HA Office | 1 Month |
| 4. Hospital | 1 Month |

The Time table and other details of the theory part as well as practical training will be developed by PHSA and to be approved by academic committee of PHSA and DOH.

Printed and published by the Manager,
State, Prg. Deptt., Khyber Pakhtunkhwa, Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 513/2010

Date of Institution .. 22.2.2010
Date of Decision .. 03.1.2012

Dr. Sher Muhammad S/O Shah Muhammad,
Provincial Manager, Aids Control Programme,
Peshawar.

(Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa, through Secretary Health Khyber Pakhtunkhwa, Peshawar.
2. Secretary, Department, Govt. of Khyber Pakhtunkhwa, Health Department, Peshawar.
3. Director General, Health Services, Khyber Pakhtunkhwa, Peshawar.
4. Chairman, Public Service Commission, Khyber Pakhtunkhwa, Peshawar.
5. Chief Secretary, Govt. of Khyber Pakhtunkhwa, Peshawar.
6. Secretary Law Department, Government of Khyber Pakhtunkhwa, Peshawar.
7. Secretary, Finance Department, Khyber Pakhtunkhwa, Peshawar.
8. Dr. Ali Ahmad (BPS-19) Programme Manager, DHIS, Khyber Pakhtunkhwa, Peshawar and 22 others. ... (Respondents)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT R/W RELEVANT SERVICE RULES AGAINST THE IMPUGNED NOTIFICATION ISSUED BY RESPONDENT NO.1 U/S- 26 OF THE KHYBER PAKHTUNKHWA CIVIL SERVANTS ACT, 1973 WHEREBY NOTIFICATION DATED 11.12.2008 KNOWN AS KHYBER PAKHTUNKHWA HEALTH (MANAGEMENT) SERVICE RULES, 2008, VIDE WHICH SERVICE STRUTURE WAS CHANGED AND "MANAGEMENT CADRE" WAS INTRODUCED IN HEALTH DEPARTMENT.

MR. AMINUR RAHMAN,
Advocate

... For appellant.

MR. SHERAFGAN KHATTAK,
Addl. Government Pleader

... For official respondents.

MR. BILAL AHMAD KAKAIZAI,
Advocate,

... For respondents.

SYED MANZOOR ALI SHAH,
MR. KHALID HUSSAIN,

... MEMBER.
... MEMBER.

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JUDGMENT

SYED MANZOOR ALI SHAH, MEMBER. - This appeal has been filed by Dr. Sher Muhammad, appellant under Section 4 of the Khyber Pakhtunkhwa, Service Tribunal Act, 1974, against the notification 11.12.2008 known as Khyber Pakhtunkhwa Health (Management) Service Rules, 2008 vide which service structure was changed and "Management Cadre" was introduced in the Health Department. It has been prayed that on acceptance of the appeal, the impugned notification may be declared as illegal, unlawful, void-abinitio and of no legal effect, being coram non-judice.

2. Brief facts of the case as averred in the memo: of appeal are that the appellant being MBBS Graduate, entered into government service, Health Department, Government of Khyber Pakhtunkhwa in the year, 1985. Respondent No.1, in exercise of the powers conferred by Section 26 of the North West Frontier Province Civil Servants Act, 1973 vide notification dated 11.12.2008 made Rules known as Khyber Pakhtunkhwa Health (Management) Service Rules, 2008, vide which Service Structure was changed and "Management Cadre" was introduced in Health Department. Feeling aggrieved, the appellant filed Writ Petition No. 2382/2009 before the Hon'ble Peshawar High Court, Peshawar which was disposed off in limine on 10.11.2009, with direction to the departmental authority, to decide the representations of the appellant pending before them within one month positively in accordance with the law. The respondents did not comply with the direction of the Hon'ble Peshawar High Court, Peshawar, therefore, the appellant filed contempt of court petition No. 10/2010, for implementation of order dated 10.11.2009, which was disposed off on 9.2.2010, with observation that the appellant could file appeal before the Service Tribunal after the expiry of ninety days, hence this appeal.

3. After admission of the appeal, notices were issued to the respondents. Respondents No. 1,2,3,5 and 7 have filed their joint written reply. Respondent No.4 was not a necessary party; hence his name was deleted from the list of respondents vide order dated 19.8.2010. Private respondents have filed written reply through their counsel and contested the appeal.

4. Arguments heard and record perused.

The learned AAG at the very outset pointed out that Khyber Pakhtunkhwa Health (Management) Service Rules, 2008 have been formulated by the Governor of the province in exercise of powers conferred by Section 26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973, according to which the Governor or any

persons authorized by him in this behalf, may make such rules as appear to him to be necessary or expedient for carrying out the purpose of this Act i.e. Civil Servant Act, 1973; Section 2(b) which is a general statute i.e. rules can be framed for Civil Servants Act, 1973 and under it rules for any particular cadre cannot be made, delegatory legislation for Health Department can not be performed under this Section. Any rules for a particular cadre can be done only through Act of parliament and the Section 2(b) does not confer inherited power for further legislation for any specific cadre. He further argued that this Tribunal has no jurisdiction to entertain the present appeal as the validity of the notification/rules should have been challenged and that the present appeal is time-barred.

4. On the point of jurisdiction, the learned counsel for the appellant argued that through the impugned notification/rules, terms and conditions of service of the appellant have been affected, which can be challenged before this Tribunal, having vast power to confirm, set aside, vary or modified the order challenged before it. The Service Tribunal has vast jurisdiction to redress the grievances of the persons before it. The learned counsel for the appellant relied on PLD 2003-Supreme Court-724(d). Regarding limitation, the counsel for the appellant stated that the appellant had been diligently pursuing his remedy before the Hon'ble Peshawar High Court and the period spent before the wrong forum can be condoned by the Service Tribunal in view of the august Supreme Court judgment reported in 2004-SCMR-1419.

5. The learned counsel for the appellant stated that the appellant is mainly aggrieved from Rule 10 of Khyber Pakhtunkhwa Health (Management) Service Rules, 2008, wherein it has been stated that notwithstanding anything contained in the provision of those Rules, Government shall, as one-time exercise, fill in posts in the Service described in Schedule-I by way of permanent transfer from amongst the Officers of General Cadre in equivalent basic pay scale who have the qualification of Master of Public Health or Postgraduate Diploma in Public Health or Postgraduate Diploma in Hospital Administration or Health Planning and Management or equivalent Master's Degree/Diploma in Health management or allied disciplines and opt for absorption. It shows that no chance/time period has been given to the appellant to improve his qualification required and has been confined to General Cadre and is to be carried out as one time exercise, whereby denying him chances of further promotion which is highly discriminatory. In this respect, he referred to Provincial Management Service Rules notified on 11.5.2007. In para-7 of the said rules the cushion period of seven years has been provided. The General Headquarters MS. Branch, Rawalpindi issued MS Branch Policy Compendium 2003, Amendment No.2/2010, wherein two

years cushion period has been provided to enable max GDMOs to acquire LPG, the Med Directorate was directed to ensure that equal opportunity is afforded to all GDMOs to acquire LPG, and that modalities may also be evolved to get LPG, through evening programme/distant learning approved from PM&DC.

7. The learned counsel for private respondents argued that the government felt to achieve better results for which Administrative and Professional Cadres were separated and introduced "Management Cadre" & "General Cadre" through the Health (Management) Service Rules, 2008. Since the appellant basically belongs to General Cadre and had not acquired the requisite qualification for Management Cadre, therefore, his name has been brought on the strength of General Cadre. He further argued that on formation of Management Cadre, no financial loss occurred to the appellant nor his seniority has been disturbed. He requested that the appeal may be dismissed.

8. The Tribunal observes that Section 10 of the said rules does not provide any cushion period and denying chance to improve qualification for joining the management cadre to the appellants. The same be modified to the extent that two years cushion period be allowed to all those who wish to improve qualification as per Health (Management) Service Rules, and to join Management cadre if they succeeded in acquiring the requisite qualification as per the aforementioned Rules. This would however, not entitle the appellants and others not having requisite qualifications for posting in the Management Cadre posts but only provide them a cushion period and if they acquire the requisite qualification within 2 years from the date of the decision, they may opt and join Management Cadre without effecting their seniority/service.

9. With the above variation/modification in the impugned notification dated 11.12.2008, the present appeal is disposed of accordingly. Parties are left to bear their own costs. File be consigned to the record.

10. This order will also dispose of the following connected appeals No. 514/2010, Dr. Gul Akbar, No. 515/2010, Dr. Wakeel Muhammad, No. 516/2010, Dr. Shaukat Ali, and No. 517/2010, Dr. Syed Mujahid Hussain, in the same manner.

ANNOUNCED

3.1.2012

sd/- Syed Manzoor Ali Shah, Member

sd/- Khalid Hussain, Member

SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

30

C

Present:
Mr. Justice Gulzar Ahmed
Mr. Justice Umar Ata Bandial

C.As.No.320-324 of 2012

AND

C.As.No.126-P to 130-P of 2013

(On appeal against common judgment dated 03.01.2012
passed by the Khyber Pakhtunkhwa Service Tribunal,
Peshawar, in Appeals No.513-517 of 2010)

Dr. Muhammad Saleem & others,
Government of KPK through Secretary
Health Department, Peshawar and others.

(In C.As.No.320-324)
(In C.As.No.126-130-P)
Appellant (s)

VERSUS

Dr. Sher Muhammad & others.
Gul Akbar & others.
Dr. Wakil Muhammad & others.
Dr. Shaukat Ali & others.
Dr. Syed Mujahid Hussain & others.

(In C.As.No.320 & 126-P)
(In C.Ad.No.321 & 127-P)
(In C.As.No.322 & 128-P)
(In C.As.No.323 & 129-P)
(In C.As.No.324 & 130-P)
Respondent (s)

For the Appellant (s)
(In C.As.No.320-324)

: Mr. Ijaz Anwar, ASC

For the Appellant (s)
(In C.As.No.126-130-P) & for Government
Respondents in C.As.No.320-324)

: Mr. Waqar Ahmad Khan,
Addl. A.G.KPK

For Respondent No.1
(In C.As.No.320-321)

: Mian Munibullah Kakakhei, ASC

For Respondent No.1
(In C.As.No.126-130-P)

: Mr. Isaac Ali Qazi, ASC


Date of Hearing

: 03.11.2016

ORDER

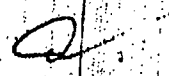
GULZAR AHMED, J.— Civil Appeals No.320 to 324 of 2012 have been filed by Dr. Muhammad Saleem & others while Civil Appeals No.126-P to 130-P of 2013 have been filed by the Government of KPK against one and single judgment dated 03.01.2012 of the Khyber Pakhtunkhwa Service Tribunal, Peshawar. Learned ASC for the

ATTESTED


Court Associate
Supreme Court of Pakistan
Islamabad

appellants in Civil Appeals No. 320 to 324 of 2012 has contended that if the judgment of the KPK Service Tribunal (Tribunal) is allowed to prevail, the appellants' seniority is likely to be effected. On the other hand, learned Additional Advocate General, KPK appearing for the appellants in Civil Appeals No. 126-P to 130-P of 2013 has contended that the Tribunal has exceeded its jurisdiction by enlarging the scope of Rule 10 of Khyber Pakhtunkhwa Health (Management) Service Rules, 2008 (Rules) as it did not make provision for providing cushion period for acquiring requisite qualification within two years for joining management cadre. It was noted that the Civil Appeals filed by the Government of Khyber Pakhtunkhwa (CA No. 126-P for 196 days while CA Nos. 127-P to 130-P for 203 days) were time barred and in the applications for condonation of delay common ground has been taken that filing of the appeals against the impugned judgment was delayed due to process of rendering opinion by the committee constituted in law department. It is obvious that this ground for condonation of delay in filing of a petition or appeal before this Court has never been accepted and the learned Additional Advocate General, KPK himself was quite at pains to substantiate the ground of condonation of delay as pleaded in the application. The rule for condonation of delay is well established and there has to be sufficient ground with explanation of each day's delay. In the present case before us neither any sufficient ground is urged nor each day's delay has been explained. We are not persuaded to allow the applications for condonation of delay filed by the Government of KPK; therefore, all these applications are dismissed. Resultantly, Civil Appeals No. 126-P to 130-P of 2013 are dismissed as time barred.

ATTESTED


Court Associate
Supreme Court of Pakistan
Islamabad

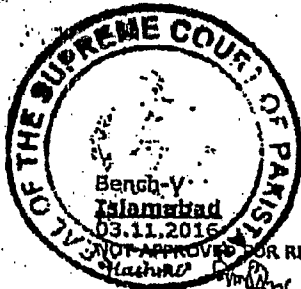
34

CA 132-134 of 2012

2. As regard the submission of the learned ASC for the appellants in Civil Appeals No.320 to 324 of 2012 he was unable to explain before us as to how the seniority of the appellants will be effected by the Impugned judgment of the Tribunal more so when the respondents claim before the Tribunal itself was not that of granting them seniority but that of allowing them to acquire qualification for opting in management cadre. If the respondents at all join Management Cadre, their seniority will be counted from the date of their joining in the Management Cadre and not from any earlier period which is also established principle that a person joining fresh cadre is relegated to the lowest position of that cadre. Thus, there seems to be hardly any reason muchless justifiable to interfere with the Impugned judgment of the Tribunal more so on the ground urged by the learned ASC for the appellants. The Civil Appeals No.320 to 324 of 2012 are, therefore, dismissed.

Sd/- Gulzar Ahmed, J
 Sd/- Umar Ata Bandial, J

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NOT APPROVED FOR REPORTING

[Handwritten Signature]
 15/11/16
 Court Associate
 Supreme Court of Pakistan
 Islamabad



KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, MONDAY, 29th May, 2017.

GOVERNMENT OF KHYBER PAKHTUNKHWA HEALTH DEPARTMENT

NOTIFICATION

Dated: 10th May, 2017.

NO.SOH(E-V)4-20/2017 In exercise of the powers conferred by Section 26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No.XVII of 1973), the Chief Minister of the Khyber Pakhtunkhwa is pleased to direct that in the Khyber Pakhtunkhwa Health (Management) Service Rules, 2008, the following amendments shall be made, namely:

AMENDMENTS.

1. In rule 10, in sub-rule (2), the full stop appearing at the end of the first proviso shall be replaced by colon and thereafter, the following second proviso shall be added, namely:

"Provided further that for a period of two years, from the date of issuance of this amending Notification, the officers of the General Cadre, who are in regular and continuous service and holding posts as such, shall be required to improve their qualification as per the Khyber Pakhtunkhwa Health (Management) Service Rules, 2008 to exercise the option under this rule".

2. In Schedule III,-

- (a) at serial No.3, for the figures "350", "300" and "150", the figures "250", "200" and "100" shall respectively be substituted;
- (b) serial No.4, shall be deleted; and
- (c) under the heading "General Compulsory subject" (350 marks), in the table, for serial No.5 and 6, the following shall be substituted, namely:

"5.	"Pakistan Affairs and Islamiyat".	100"
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3. In schedule-IV, in heading "Topics" for the existing entries, the following shall, respectively, be substituted, namely:

"Topics"

- Communication and advocacy in Health.
- Existing Health Policies;
- Health system in Pakistan and its Challenges;
- DHIS Roles and responsibilities of Secretariat, Director General and DHO/MS;
- Role of Government and district government's in context of Local Government Act;

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818 KHYBER PAKHTUNKHWA GOVT: GAZETTE, EXTRAORDINARY, 29th May, 2017

- Monitoring and supervision;
- Primary and Healthcare, Hospital Management, Waste disposal quality Management.
- Vertical programs and their linkages within the Health System.
- Rules of Business.
- Auditing and Accountant, General Financial Rules, ESTA Code etc; and
- The Khyber Pakhtunkhwa Civil Servant Act, 1973 "Fundamental rules and supplementary rules".

**SECRETARY TO
GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT.**

Printed and published by the Manager,
State, Ptg. Dept., Khyber Pakhtunkhwa, Peshawar.

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. PIII
GAZETTE

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, TUESDAY, 10th May, 2018.

GOVERNMENT OF KHYBER PALHTUNKHWA HEALTH DEPARTMENT

NOTIFICATION

Dated Peshawar, the 07th May, 2018.

No.SOH(E-V)4-20/2018 In pursuance of the Judgment dated 03.01.2012 of the Khyber Pakhtunkhwa Service Tribunal in Service Appeal No.513 of 2010, upheld by the Honorable Supreme Court of Pakistan vide judgment dated 03.11.2016, in C.As No.320-324 of 2012 and CA No.126-P to 130-P of 2013, and in term of Section-10 of the Health Management Cadre Rules, 2008, the competent authority (Chief Minister Khyber Pakhtunkhwa) is pleased to induct the following doctors of the General Cadre, on their option into the Health Management Cadre having the requisite qualification.

2. Their inter se seniority will be determined in the new Cadre in terms of Section-8 of the Khyber Pakhtunkhwa Civil Servant Act, 1973 and Rule-17 of the Appointment, Promotion Transfer Rules, 1989.

S.No	NAME OF DOCTOR	FATHER NAME
1.	Dr.Muhammad Saleem BS-19	Inayat-Ur-Rehman
2.	Dr.Muhammad Ismail BS-18	Said Muhammad
3.	Dr.Shahid Mehmood BS-18	Sardar Muhammad Aslam
4.	Dr.Muhammad Mustafa Alam BS-18	Nasrullah Jan
5.	Dr.Khalilur Rehman BS-18	Ali Rehman
6.	Dr.Muhammad Shuaib, BS-20	Muhammad Ajab
7.	Dr.Muhammad Munib BS-18	Sher Ali Khan
8.	Dr.S.Muhammad Taimur Shah BS-18	Pir Ferooz Shah
9.	Dr.Firdos Jabeen BS-18	Muhammad Aslam Khan
10.	Dr.Kalimullah Khan BS-19	Eid Gul
11.	Dr.Niaz Muhammad BS-18	Dost Muhammad
12.	Dr.Zafr Ullah Khan BS-19	Ghulam Sarwar
13.	Dr.Saeed ur Rehman BS-18	Haji Fazli Rehman
14.	Dr.Aamir Israr BS-18	Irsar Muhammad Khan
15.	Dr.S.Shaida Hussain Shah Bukhari BS-18	S. Fida Hussain Shah Bukhari
16.	Dr.Muhammad Shafiq BS-18	Akbar Gul
17.	Dr.Muhammad Rahim BS-19	Gul Rahim

18.	Dr. Mushtaq Ahmad BS-18	Fazal Khan
19.	Dr. Shabnum Khawas BS-17	Lal Khawas Khan
20.	Dr. Ahmad Tariq BS-17	Tariq Tanveer
21.	Dr. Khan Askar BS-19	Muhammad Askar
22.	Dr. Faisal Malik BS-17	Fazli Malik Sarim
23.	Dr. Bilal Bahrawar Khan BS-17	Bahrawar Khan
24.	Dr. Tanveer Inam BS-17	Inamullah
25.	Dr. Muhammad Saleem Khan BS-19	Fazal Rahim Khan
26.	Dr. Alamgir Khan BS-18	Darwesh Khan
27.	Dr. Majid Khan BS-17	Muhammad Humayun Khan
28.	Dr. Ihsanullah BS-19	Ghulam Muhammad
29.	Dr. Aurangzeb Afridi BS-18	Ghulam Hussain Afridi
30.	Dr. Shafiqul Mulk BS-19	Hazrat Mulk Khan
31.	Dr. Muhammad Khalil Akhtar BS-18	Muhammad Yousaf Khan
32.	Dr. Farhad Khan BS-19	Purdil Khan
33.	Dr. Muhammad Farid BS-17	Khalista Azam
34.	Dr. Aamir Rafiq Khattak BS-18	Muhammad Rafiq Khattak
35.	Dr. Jehanzeb Khan BS-19	Ihsanullah Khan
36.	Dr. Alif Jan BS-18	Amir Jan
37.	Dr. Makhdoom Safdar BS-17	Safdar Hussain Afghan
38.	Dr. Shumaila Malik BS-17	Malik Farid Khan
39.	Dr. Muhammad Kamal BS-18	Muhammad Sharif Khan
40.	Dr. Noor Saeed Khan BS-19	Muhammad Saeed Khan
41.	Dr. Aziz Khan BS-18	Jaffar Khan
42.	Dr. Ghulam Rasool Khan BS-19	Shadi Gul Khan
43.	Dr. Muhammad Iqbal Javed BS-20	Fatehullah Khan
44.	Dr. Kamran Zakria BS-18	Ghulam Zakria Khan
45.	Dr. Sheikh Muhammad Farooq Azam BS-18	Sheikh Muhammad Bashir Gohar
46.	Dr. Naimatullah Zia BS-19	Amir Shah
47.	Dr. Muhammad Israrul Haq BS-17	Abdur Rashid Khan
48.	Dr. Qasim Abbas BS-18	Saifur Rehman
49.	Dr. Muhammad Hayat BS-17	Haji Akbar Gul
50.	Dr. Muhammad Ibrahim Khan BS-18	Abdul Halim Khan
51.	Dr. Sheraz Ahmad Khan BS-17	Muhammad Akram Khan
52.	Dr. Adnan Khan BS-17	Muhammad Zahir Shah
53.	Dr. Syed Ijaz Ali Shah BS-18	Syed Abdul Qayum Shah
54.	Dr. Fazal Majeed BS-18	Muhammad Aslam
55.	Dr. Muhammad Bilal Khan BS-17	Muhammad Daud
56.	Dr. Majid Saleem BS-17	Allah Dad Khan
57.	Dr. Fazal Qayum BS-17	Abdur Rehman
58.	Dr. Ali Asghar Khan BS-18	Abdul Akbar Khan
59.	Dr. Muhammad Azhar Shah BS-17	Israr ul Arifin
60.	Dr. Saira Jabeen Shah BS-17	Amt Ali Shah
61.	Dr. Roshan Zada BS-18	Said Latif
62.	Dr. Javid Iqbal BS-19	Amir Bahadar
63.	Dr. Shaima Malik BS-17	Fazli Malik Sarim

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64.	Dr.Pirzada BS-17	Bahadar
65.	Dr.Shahab Ahmad BS-19	Abdur Rehman
66.	Dr.Muhammad Dost Khan BS-18	Zahir Gul
67.	Dr.Muhammad Riaz BS-18	Gohar Khan
68.	Dr.Kashmir Khan BS-19	Aslam Khan
69.	Dr.Tariq Hayat BS-17	Fazal Hayat Taj
70.	Dr.Muhammad Sohail Farooqi BS-17	Muhammad Aqeel Farooqi
71.	Dr.Abdul Waheed BS-19	Abdul Hameed
72.	Dr.Hafizullah Khan BS-17	Amanullah Khan
73.	Dr.Zakir Hussain BS-18	Hakim Khan
74.	Dr.Qazi Sabihuddin BS-19	Qazi Ghulam Mustafa
75.	Dr.Ijaz Ahmad BS-18	Bashir Ahmad
76.	Dr.Sher Muhammad BS-20	Shah Muhammad
77.	Dr.Wakeel Muhammad BS-20	Taj-ul-Malook
78.	Dr. Suffian Khan BS-17	Muhammad Tanveer
79.	Dr.Muhammad Naeem BS-18	Habibullah Khan
80.	Dr.Ikramullah BS-20	Amanullah Khan
81.	Dr.Muhammad Shoaib BS-18	Azizur Rehman
82.	Dr.Muhammad Riaz Tanoli BS-18	Said Ozar
83.	Dr.Inayatullah Khan BS-18	Saifullah Khan
84.	Dr.Wazir Khan BS-18	Rookam Khan
85.	Dr.Uzama Jabeen BS-18	Taj Muhammad
86.	Dr.Dildar Khan BS-18	Abdul Ghaffar
87.	Dr.Mohsin Ahmad BS-18	Taj Muhammad Khan
88.	Dr.Abbas Khan BS-18	Ajab Khan

SECRETARY HEALTH
Govt. of Khyber Pakhtunkhwa

Printed and published by the Manager,
Staty. & Ptg. Deptt., Khyber Pakhtunkhwa, Peshawar

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. PIII
GAZETTE

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F

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, MONDAY, 01st OCTOBER, 2018.

GOVERNMENT OF KHYBER PAKHTUNKHWA HEALTH DEPARTMENT

NOTIFICATION

Dated Peshawar, the 10th September, 2018.

No.SOH(E-V)4-20/2018 In Continuation of this Department Notification of even number dated 07th May, 2018, the competent authority (Chief Minister Khyber Pakhtunkhwa) is pleased to induct the following doctors of the General Cadre, on their option, into the Health Management Cadre having the requisite qualification.

2. Their inter se seniority will be determined in the new Cadre in terms of Section-8 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 and Rule-17 of the Appointment, Promotion Transfer Rules, 1989

S.#	NAME OF DOCTOR	FATHER NAME
1	Dr.Khan Bahadar BS-19	Gul Akbar
2	Dr.Muhammad Usman Shah BS-18	Muhammad Zahir Shah
3	Dr.Shiraz Ahmad BS-18	Rashid Ahmad
4	Dr.Shaqatullah BS-17	Amir Hamza
5	Dr.Fayaz Ali Roomi BS-17	Humayon Roomi
6	Dr.Muhammad Javed Khan BS-20	Shah Zaman Khan
7	Dr Syed Gul Hussain Syed BS-18	Syed Shah Jehan
8	Dr Wasullah BS-18	Shakirullah
9	Dr Jamil Ahmad BS-18	Abdullah
10	Dr. Farman Ali BS-18	Muhammad Naseem
11	Dr Waseem Ahmad BS-19	Qazi Muhammad Saleem
12	Dr.Irfanuddin BS-17	Habibul Mukhtar
13	Dr Shaukat Saleem Khan BS-18	Saleem Khan
14	Dr Sardar Aurangzeb BS-19	Sardar Muhammad Ashraf
15	Dr Shah Faisal BS-19	Ronaq Zaman
16	Dr Zahir Shah BS-19	Bahadar Khan
17	Dr.Irshad Ali BS-17	Muhammad Razaq
18	Dr Muhammad Farooq Gul BS-18	Gul Muhammad
19	Dr.Muhammad Alamgir BS-17	Nisar Muhammad
20	Dr Bakht Belanad BS-17	Fazal Rehman
21	Dr Khalid Khan BS-17	Shah Muhammad Khan
22	Dr Jamaluddin BS-18	Muhammad Din
23	Dr.Sherrin Muhammad BS-17	Bacha Muhammad
24	Dr Saeedullah Khan BS-19	Mukarram Khan
25	Dr Erum Qayum BS-18	Syed Qayum
26	Dr Nazar Muhammad BS-18	Bakht Sar
27	Dr.Zeeshan BS-17	Said Ali Khan
28	Dr.Fakhr-e-Alam BS-17	Sultan Room
29	Dr Hammad BS-18	Said Badshah

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S.#	NAME OF DOCTOR	FATHER NAME
30.	Dr.Muhammad Arif Khan BS-18	Amir Nawaz Khan
31.	Dr.Waqar Ahmad BS-17	Mehboob Ali
32.	Dr.Sageer Ahmad BS-18	Noor Ellahi
33.	Dr.Ikramullah BS-17	Yar Jan
34.	Dr.Muhammad Siddiqu BS-18	Muhammad Anis
35.	Dr.Humera Semab BS-17	Malik Khan Muhammad
36.	Dr.Kamran Yousaf BS-18	Muhammad Yousaf
37.	Dr.Muhammad Wajid Ali BS-17	Muhammad Anam
38.	Dr.Naseeb Gul BS-17	Haseeb Gul
39.	Dr.Muhammad Mudasser Iqbal Khan BS-17	Muhammad Iqbal Khan
40.	Dr.Naik Muhammad BS-18	Khawaja Muhammad
41.	Dr.Sohrab Ali BS-17	Azizullah Khan
42.	Dr.Noor Islam BS-17	Sheraz Gul
43.	Dr.Saeeda Bibi BS-18	Daud Khan
44.	Dr.Muhammad Hayat BS-19	Muhammad Amir
45.	Dr.Muhammad Sajjad BS-17	Muhammad Saeed
46.	Dr.Muhammad Arif Khan BS-18	Gulbar Khan
47.	Dr.Ataullah BS-17	Khair Muhammad
48.	Dr.Khizar Hayat BS-18	Pir Muhammad Khan
49.	Dr.Jamshed Saeed BS-18	Saeed Ahmad
50.	Dr.Saleem Khan BS-17	Muhammad Akbar Khan
51.	Dr.Tariq Khan BS-19	Rasool Khan
52.	Dr.Muhammad Tahir Khan BS-18	Faz Muhammad Khan
53.	Dr.Muhammad Umar BS-18	Gul Muhammad Khan
54.	Dr.Ghani-ur Rehman BS-19	Abdul Ghani
55.	Dr.Mian Habib-ur-Rehman BS-19	Mian Fazlur Rehman
56.	Dr.Syed Rahmat Ali BS-17	Mian Gul Zada
57.	Dr.Muhammad Kashif Shahid Khan BS-17	Jamandos Khan
58.	Dr.Shahzada Muhammad Haider-ul-Mulk BS-19	Shahzada Muta-ul-Mulk
59.	Dr.Daud Khan BS-18	Muhammad Rahim Khan

SECRETARY HEALTH
Govt. of Khyber Pakhtunkhwa

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GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

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No.SOH(E.V)4-20/2018
Dated Peshawar the, 25.05.2018

Dr Sahib Gul Khan & others
(Members of Service of Health Management Cadre)
Through Director General Health Services,
Khyber Pakhtunkhwa,
Peshawar.

Subject: DEPARTMENTAL APPEAL AGAINST NOTIFICATION NO.SOH(E.V)4-20/2018, DATED 07.05.2018.

Dear Sir,

I am directed to refer to the subject noted above to state that the Khyber Pakhtunkhwa Health (Management) Service Rules, 2008 were notified on 11.12.2008 and the same were published in the official gazette of the Province on 02.11.2016 within the meaning of "Notification" in accordance with law.

2. Thereafter, Dr. Sher Muhammad etc, doctors of the General Cadre filed service appeals in the Khyber Pakhtunkhwa Service Tribunal for induction into Health Management Cadre. The Tribunal vide its judgment dated 03.01.2012 passed the following order:-

"The Tribunal observes that Section-10 of the said Rules does not provided any cushion period and deny chance to improve qualification for joining the management cadre to the appellants. The same be modified to the extent that two years cushion period be allowed to all those who wish to improve qualification as per Health (Management) Service Rules and to join Management Cadre if they succeeded in acquiring the requisite qualification as per the aforementioned rules. This would however, not entitle the appellants and others not having requisite qualifications for posting in the management cadre posts but only provide them a cushion period and if they acquire the requisite qualification within two years from the date of the decision, they may opt and join management cadre without effecting their seniority/service.

(43)

With the above variation/modification in the impugned Notification dated 11.12.2008, the present appeals are disposed of accordingly."

3. The Health Department as well as the Members of Service of Health Management Cadre filed appeals in the h'ble Supreme Court of Pakistan. The h'ble Supreme Court of Pakistan, vide its final judgment in the case dated 3.11.2016 passed the following order:-

"Thus, there seems to be hardly any reason much less justifiable to interfere with the impugned judgment of the Tribunal more so on the ground urged by the learned ASC for the appellants. The civil appeals No.320 to 324 of 2012 are, therefore, dismissed."

4. To implement the judgments [the Judgment of the Khyber Pakhtunkhwa Services Tribunal so upheld by the h'ble Supreme Court of Pakistan, as above], the Health Department proposed the following actions, which, after due endorsement of the regulatory Departments of Law & Establishment and approval of the Chief Minister Khyber Pakhtunkhwa, were implemented:-

- (i) Amending Rule 10 of the Management Cadre Rules to provide, with immediate effect, 2-years period to all in-service doctors to improve their qualifications/obtain qualifications provided for lateral induction in Management Cadre and, on expiry of 2 years period in 2019 give notice, through wide publicity as a one-time exercise for such doctors to give their option to join the Management Cadre in accordance with Rule 10; In this regard a meeting of SSRC was held under the Chairmanship of Secretary Health Department Khyber Pakhtunkhwa on 10.03.2017 on the captioned subject. The meeting was attended by the representative of Finance, Establishment Department, wherein the following addition in rule 10 was agreed upon unanimously along with further amendments in the Schedule-III appended to the Health Management Service Rules, 2008 and notified in official gazette after due approval of the competent authority:

"Provided further that for a period of two years from the date of this Notification the officers of the General Cadre who are in regular and continuous service on the said date shall be entitled to improve their qualification as per these rules to exercise the option"

- (ii) Give notice vide publicity, for exercise of option by all such doctors who have, as of that day, obtained qualifications provided for lateral induction in Management Cadre to join the Management Cadre and consequently induct them under Rule-10 as one-time exercise with immediate effect; Notice was published in newspapers too.

(44)

(iii) Subsequent to completion of such exercise, the Rules of 2008 *ibid* may be amended to the extent of deletion of Rule-10 *ibid* alongwith other amendment, if considered necessary to attain finality.

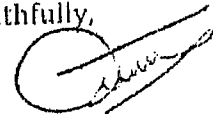
5. The judgment of the Tribunal would have attained finality on 02.01.2014, if its operation had not been suspended by the apex court till its decision arrived on 03.11.2014. The Departmental action regarding implementing the judgments attained finality on 29.5.2017. In other words, one time exercise of induction took place from 11.12.2008 and will end on 28.05.2019 which will cover legally all inductions started from 2008-09 and onward.

6. The Members of Health Management Cadre were also appellant as mentioned in the judgment dated 3.11.2016 of the Hon'ble Supreme Court of Pakistan. If aggrieved, remedy was available to them under the law to file review against the judgment *ibid*. However, the Members of Health Management Cadre have also exhausted the same.

7. In view of the above legal position, the appeal of the Members of Health Management Cadre submitted to the Hon'ble Chief Justice of Pakistan during the proceedings at Peshawar Registry on May 9, 2018, converted into department appeal by verbal order of his Lordship, being devoid of merit, cannot be acceded to.

8. This issues with the express approval of Secretary Health, Khyber Pakhtunkhwa.

Yours faithfully,



SECTION OFFICER (E.V)

Copy to:

1. Director General Health Services.
2. PSO to CS for information of the Chief Secretary Khyber Pakhtunkhwa

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL



Service Appeal No. 830 /2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1065

Dated 22/06/2018

Dr. Shams Ur Rehman
Son of Zahir Gul
Officers of Health Service Management Cadre (BPS-17)
Government of Khyber Pakhtunkhwa Peshawar

.....APPELLANT

VERSUS

1. Government of Khyber Pakhtunkhwa
Through Chief Secretary
Civil Secretariat Peshawar
2. The Secretary Health
Government of Khyber Pakhtunkhwa
Civil Secretariat Peshawar
3. Muhammad Saleem s/o Inayat ur Rahman
4. Muhammad Ismail s/o Said Muhammad
5. Shahid Mehmood s/o Sardar Muhammad Aslam
6. Muhammad Mustafa Alam s/o Nasrullah Jan

Filed to-day by Khalil ur Rehman s/o Ali Rehman

Registered - Mohammad Shuaib s/o Mohammad Ajab

→ 16/6/18 9. Mohammad Munib s/o Mohammad Sher Ali Khan

10. S. Muhammad Taimur Shah s/o Pir Ferooz Shah

11. Firdos Jabeen s/o Muhammad Aslam Khan

12. Kalimullah Khan s/o Eld Gul

13. Naz Mohammad s/o Dost Mohammad

14. Zafullah Khan s/o Ghulam Sarwar

15. Saeed ur Rahman s/o Haji Fazl Rahman

Re-submitted to-day
and filed.
Registrar
Peshawar

ATTESTED

EXAMINED
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

(46)

Appeal No. 830/2018

Date of Institution ... 22.06.2018

Date of Decision ... 22.03.2019



Dr. Shams Ur Rehman son of Zahir Gul, Officers of Health Service
Management Cadre (BPS-17) Government of Khyber Pakhtunkhwa
Peshawar. ... (Appellant)

VERSUS

The Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar
and others. ... (Respondents)

Present.

QAZI JAWAD EHSANULLAH,
Advocate. ... For appellant

MR. MUHAMMAD JAN,
Deputy District Attorney ... For official respondents.

MR. NOOR MUHAMMAD KHATTAK,
Advocate. ... For private respondents
Nos. 3 to 90.

MR. HAMID FAROOQ DURRANI, ... CHAIRMAN
MR. AHMAD HASSAN, ... MEMBER

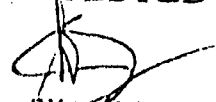
JUDGMENT

HAMID FAROOQ DURRANI, CHAIRMAN:-

1. Instant judgment shall also dispose of the following appeals as
common question of law and facts has been raised through all the appeals.

Besides, the grievance of appellants is also similar in nature:-

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

- | | | |
|---|-----|---|
| (2) Appeal No. 831/2019 (Dr. Haris Mustaf | Vs. | Govt. of Khyber Pakhtunkhwa, through Chief Secretary, Peshawar and others.) |
| (3) Appeal No.832/2018 (Dr. S. Irfan Ali Shah | Vs. | -do- |
| (4) Appeal No. 833/2018 (Dr. Inayat Ur Rahman | Vs. | -do- |
| (5) Appeal No. 834/2018 (Dr. Farhad Iqbal | Vs. | -do- |
| (6) Appeal No. 835/2018 (Dr. Kifayat Ullah | Vs. | -do- |
| (7) Appeal No. 836/2018 (Dr. Attaullah | Vs. | -do- |
| (8) Appeal No. 837/2018 (Dr. Liaqat Ali | Vs. | -do- |
| (9) Appeal No. 838/2018 (Dr. Hamza Abbas Khan | Vs. | -do- |
| (10) Appeal No. 839/2018 (Dr. Mehreen Aziz Awan | Vs. | -do- |

2. The averments noted in the memoranda of appeals are to the effect that the appellants are civil servants and members of the Health Services Management Cadre of the Government of Khyber Pakhtunkhwa created under the Khyber Pakhtunkhwa Health (Management) Service Rules, 2008, brought into effect on 11.12.2008. The appellants are aggrieved of the notification issued by Government of Khyber Pakhtunkhwa on 07.05.2018, whereby, respondents No. 3 to 90 have been absorbed in the Management Cadre of the Health Services by way of so many transfers from General Cadre in the Health Department of Government of Khyber Pakhtunkhwa. The appellants submitted departmental appeal against the impugned order/notification which was decided by the official respondents on 25.05.2018. The appeal was considered devoid of merits, therefore, was not acceded to hence the appellants have preferred the appeals in hand.

3. We have heard learned counsel for the appellants, learned counsel for private respondents No. 3 to 90 and learned Deputy District Attorney on behalf of respondents No. 1 and 2. Relevant record was also gone through with the valuable assistance of learned counsel for the parties.

ATTESTED

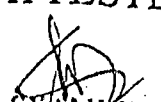

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal

(48)

It was contended by learned counsel for the appellants that the impugned notification dated 07.05.2018 was not only the result of misconception and illegality, it had also served as the back door entry for respondents No. 3 to 90. The respondents, at the time when the North-West Frontier Province Health (Management) Service Rules, 2008 were promulgated, had the requisite qualification under the rules but did not opt for their absorption in the Management Cadre. Similarly, some of them did not have the requisite qualification and acquired it later but not in the prescribed cushion period provided for the purpose through the amending notification dated 10.05.2017. It was also the argument of learned counsel that the absorption of the said respondents, through notification dated 07.05.2018, had practically and adversely affected the services of appellants in terms of seniority etc. Learned counsel in support of his arguments relied on judgment reported as 2013-SCMR-1752.

Learned counsel for private respondents, while controverting the arguments from other side, raised certain objections. He contended that the issue raised by appellant was not competent in view of Section 11 of CPC as well as Rule 3 of Khyber Pakhtunkhwa Service Tribunal Rules, 1974 as the proposition already stood decided by the court of competent jurisdiction. It was further objected that the departmental appeal was jointly filed by the appellants which was not allowable under Khyber Pakhtunkhwa Civil Servants (Appeal) Rules, 1986. Learned counsel also raised the issue of limitation and stated that the appeals in hand were not preferred within the time prescribed for the purpose. He, however, withdrew from this objection when referred to the date of decision of departmental appeal as 25.5.2018 and filing of appeals in hand on 22.6.2018. It was also the argument of learned counsel for private respondents that the notification regarding promulgation of the North-West Frontier Province Health (Management) Service Rules, 2008

ATTESTED


 EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar



(49)

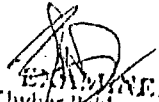
was published in the official gazette on 02.11.2016, therefore, the provisions of the rules were to be given effect from the said date. In his view the substance contained in Rule 10 thereof, whereby the officers of General Cadre were given option for absorption into Management Cadre, was to be enlarged to a term of two years from the said date in view of the amendments incorporated in the rules on 10.05.2017. The impugned notification dated 07.05.2018 and the amendment in the rules brought about on 10.05.2017 were not exceptionable, it was added.

Learned Deputy District Attorney concurred with the learned counsel for private respondents No. 3 to 90.

4. In order to recapitulate the facts relevant for the purpose of appeals in hand it shall be useful to trace the background of amendment brought about in the Khyber Pakhtunkhwa Health (Management) Service Rules, 2008. The available record suggests that one Dr. Sher Muhammad preferred an appeal before this Tribunal on 22.2.2010, wherein, the notification regarding promulgation of Khyber Pakhtunkhwa Health (Management) Service Rules, 2008 was questioned, inter-alia, on the ground that no chance/time period was provided therein for improvement of qualification of the appellant in order to qualify for absorption to the Management Cadre from General Cadre. His chances of further promotion were, therefore, denied through the rules. Rule 10 of the Rules 2008 originally read as follows:-

"10. One time exercise. (1) Notwithstanding anything contained in the provisions of these rules, Government shall, as one time exercise, fill in posts in the Service described in Schedule-1 by way of permanent transfer from amongst the Officers of General Cadre in equivalent basic pay scale who have the qualification of Master of Public Health or Postgraduate Diploma in Public Health or Postgraduate Diploma in Hospital Administration or Health Planning and Management or equivalent Master's Degree/Diploma

ATTESTED


 EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

in Health Management or allowed disciplines and opt for absorption:


Provided that the option once exercised shall be final:

(2) Where the number of officers opting for absorption in Management Cadre is more than the available positions in respective grade, the selection under one time exercise shall be done on the basis of seniority-cum-merit only in the respective grade:

Provided that for determining the suitability of the officers, additional relevant qualifications, training/courses in the relevant field and managerial experience, as such, shall be taken into consideration."

This Tribunal, while deciding the said appeal, observed that Rule 10 did not provide any cushion period and denied chances to improve qualification for joining the Management Cadre to the appellant. The same be modified to the extent that two years cushion period be allowed to all those who wished to improve qualification as per NWFP Health (Management) Service Rules and to join Management Cadre, if they succeeded in acquiring the requisite qualification. It was further noted that the decision, however, did not entitle the appellant and others not having the requisite qualification for posting in Management Cadre posts but only provided them a cushion period and if they acquired the requisite qualification within two years from the date of the decision they may opt and join Management Cadre without effecting their seniority/service. The notification dated 13.12.2008 was, therefore, modified and the appeal was disposed of. The matter was thereafter, taken before the August Supreme Court of Pakistan in Civil Appeals No. 320 - 334 of 2012 and Civil Appeals No. 126-P to 130-P of 2013. The said appeals were decided on 03.11.2016 and in the order the following was, inter-alia, noted by the apex court:-

ATTESTED


EXAMINER
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Service Tribunal

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"As regard the submission of the learned ASC for the appellants in Civil Appeals No. 320 to 324 of 2012 he was unable to explain before us as to how the seniority of the appellants will be effected by the impugned judgment of the Tribunal more so when the respondents claim before the Tribunal itself was not that of granting them seniority but that of allowing them to acquire qualification for opting in management cadre. If the respondents at all join Management Cadre, their seniority will be counted from the date of their joining in the Management Cadre and not from any earlier period which is also established principle that a period joining fresh cadre is relegated to the lowest position of that cadre. Thus, there seems to be hardly any reason muchless justifiable to interfere with the impugned judgment of the Tribunal more so on the ground urged by the learned ASC for the appellants. The Civil Appeals No. 320 to 324 of 2012 are, therefore, dismissed."

5. It appears that in pursuance to the judgments of this Tribunal as well as of the apex court an amendment was made in the rules of 2008, whereby, in sub-rule 2 of Rule 10 a second proviso was added. The amendment reads as follow:-

"Provided further that for a period of two years, from the date of issuance of this amending Notification, the officers of the General Cadre, who are in regular and continuous service and holding posts as such, shall be required to improve their qualification as per the Khyber Pakhtunkhwa Health (Management) Service Rules, 2008 to exercise the option under this rule."

ATTESTED


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Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

The impugned notification dated 07.05.2018 made a reference to modified Rule 10 and also the judgments of this Tribunal and of the apex court noted here-in-above.

6. The grievance of appellants is, inter-alia, in terms that under the garb of amendment to the rules the respondents No. 3, 6, 11, 16, 23, 28, 42, 44, 47, 48, 83,

(52)

88 and 89 were provided back door entry and that they were already in possession of the requisite qualification when the rules were enforced in the year, 2008, however, did not opt for absorption due to reasons best known to them. The said averments in Para-8 of the memoranda of appeals were denied as misconceived through reply by respondents No. 3 to 90. Their denial appears to be evasive as being short of specific counter statement of facts. In essence, the grievance of appellants, as laid in the memoranda of appeals, is against the said respondents.

7. The fore-noted history of matter relevant for decision of appeals in hand suggests that the Health (Management) Service Rules 2008 were never declared ultra-vires by any court of law and duly held the field from date of inception. In pursuance to the rules, the appellants were appointed/absorbed in the Management Service. The issue, on the other hand, seems to have arisen after amendment in Rule 10 in view of judgments of this Tribunal and that of apex court when the same was misinterpreted and misapplied in order to provide cushion period of two years to those officials who were duly qualified for absorption into the Management Cadre under Rule 10 of N.W.F.P Health (Management) Service Rules, 2008 read with Schedule-I thereto. By virtue of amendment dated 10.05.2017, only the officers of the General Cadre who were in regular and continuous service, were provided opportunity to improve their qualification as required by the Rules of 2008 in order to exercise the option under the rules. By no stretch of imagination,

ATTESTED the amendment ever meant to include the officers who were qualified enough for their absorption into the Management cadre after the promulgation of the rules in 2008 but did not opt for the purpose. The language of Rule 10 itself suggested that it was a onetime exercise to fill in the posts in the Management Cadre from amongst the officers of General Cadre. Through such provisions the scope of Rule 10 was enlarged to include the officers who could improve their qualification in


 GEN. M. N. P.
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

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order to match the requirements contained in the rules within a period of two years and not otherwise. In such view of the matter, it can safely be held that the respondents who fell into the category of officers having prescribed qualification at the relevant time but failed to opt for their absorption into the management cadre before the coming into force of amended rules on 20.05.2017, were not eligible for the purpose of absorption subsequent to the amendment in the rules.

8. As a result of the above discussion, the appeals in hand are allowed to the effect noted herein above.

The parties are left to bear their respective costs. File be consigned to the record room.

sdf
(AHMAD HASSAN)
MEMBER

sdf
(HAMID FAROOQ DURRANI)
CHAIRMAN

ANNOUNCED
22.03.2019

Certified to be true copy
[Signature]
MEMBER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application	<u>05-04-19</u>
Number of Words	<u>3600</u>
Copying Fee	<u>20.00</u>
Urgent	<u>2.00</u>
Total	<u>22.00</u>
Name of C. A.	<u>[Signature]</u>
Date of Completion of Copy	<u>05-04-19</u>
Date of Delivery of Copy	<u>05-04-19</u>



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

NO. SOH(E-V)4-4/2019/Management Cadre
Dated Peshawar the 26th December, 2019

To,

The Director General,
Health Services Khyber Pakhtunkhwa,
Peshawar.

(54) U

SUBJECT: C.P 2048 TO 2057/2019-DR. MUHAMMAD SHOAB ETC-V/S GOVT. OF KHYBER PAKHTUNKHWA.


I am directed to refer to the subject noted above and to state that the judgment of Khyber Pakhtunkhwa, Service Tribunal, Peshawar dated 22-03-2019 was challenged in the August Supreme Court of Pakistan in Civil Petition No. 2048 to 2057 of 2019 and the Supreme Court in judgment dated 07-11-2019 upheld the decision of Khyber Pakhtunkhwa, Service Tribunal (Copies enclosed).

It is added that the following doctors inducted into Management Cadre vide this Notification No. SOH (E-V)4-20/2018, dated 10-05-2018 may be excluded from the seniority list of Management Cadre:-

S.NO	NAME OF DOCTORS	F/D. NAME	SCALE
1.	Dr. Muhammad Saleem	Inayat ur Rehman	BS-19
2.	Dr. Muhammad Mustafa Alam	Nasrullah Jan	BS-18
3.	Dr. Firdous Jabeen	Muhammad Aslam Khan	BS-18
4.	Dr. Aamir Israr	Israr Muhammad Khan	BS-18
5.	Dr. Khan Askar	Muhammad Askar	BS-19
6.	Dr. Alangir Khan	Darwesh Khan	BS-18
7.	Dr. Noor Saeed Khan	Muhammad Saeed Khan	BS-19
8.	Dr. Ghulam Rasool Khan	Shadi Gul Khan	BS-19
9.	Dr. Sheikh Muhammad Farooq Azam	Sheikh Muhammad Bashir Gohar	BS-18
10.	Dr. Naimatullah Zia	Amir Shah	BS-19
11.	Dr. Muhammad Shoab	Aziz ur Rehman	BS-18
12.	Dr. Dildar Khan	Abdul Ghaffar	BS-18
13.	Dr. Mohsin Ahmad	Taj Muhammad Khan	BS-18

I am therefore, directed to state that to prepare revised seniority list in light of Service Tribunal judgment upheld by Supreme Court of Pakistan, submit the same after circulation amongst all concerned give a certificate that the same is circulated, final & now up-disputed. Furthermore, working paper of Management Cadre may also be furnished to this department for placement before Provincial Selection Board (PSB) at the earliest, please.

Encl: As above.


(MUHAMMAD IRFAN USMANI)
SECTION OFFICER (E-V)

Amended
(SS) K

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Syed Mansoor Ali Shah
Mr. Justice Yahya Afridi

Civil Petitions No.2048 to 2057 of 2019

(on appeal against the judgment of Peshawar Service Tribunal, Peshawar dated 22.03.2019, passed in Appeals No.830 to 839 of 2018)

Dr. Muhammad Shoaib & others (in all cases)

...Petitioners

Versus

Government of KPK thr. Chief Secretary, KPK, Peshawar & others
(in all cases)

...Respondents

For the petitioners:

Mr. Muhammad Saeed Khan
Shangla, ASC

For respondents No.1 & 2:

Malik Akhtar Hussain, Asst.A.G.
KPK
Mr. Noor Ali, DS(J)
Mr. M. Anwar Khan Banvi, SO

For respondent No.3:

Qazi Jawad Ehsanullah, ASC
Mr. M.S. Khattak, AOR

Date of hearing:

07.11.2019

ORDER

We have heard the learned counsel for the parties at some length and have gone through the impugned judgment of the Tribunal, the record of the case and the law on the subject. We have not been able to take any exception to the impugned judgment and are of the view that it does not warrant any interference. Leave is, therefore, declined and these petitions are dismissed.

Islamabad
07th November, 2019
M. Farhan
One

sd/- J
sd/- J
Certified to be true copy

Senior Civil Associate
Supreme Court of Pakistan
Islamabad



**GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT**

56

No. SOH(E-V)2-2/2020/Management Cadre
Dated Peshawar the 5th October, 2020

To

The Director General
Health Services, Khyber Pakhtunkhwa

Subject:- **SENIORITY LIST / WORKING PAPER FOR PROMOTION**

Dear Sir;

I am directed to this department's letter No. dated 13/08/2020 on the above captioned subject and to state that time and again Establishment Department has been referring to para-2 of Supreme Court of Pakistan Judgment dated 03/11/2016 to ascertain whether or not the seniority after induction in 2018 has been maintained in light of the aforementioned judgment.

This particular point has resulted in non-clearance of seniority list from Establishment Department and approval by the competent authority for official notification resultantly the promotion in management cadre based upon the general principal of seniority-cum-fitness could not have been considered by the Provincial Selection Board and every now and then returned by Establishment Department with observation.

As health department has a strong conviction to resolve all such pending issues therefore the following documents may kindly be provided to proceed further in the matter:-

- i. First Induction Notification of the Incumbents (BS-19) Member of Service i.e when in 2008 Management Cadre Rules were notified and their first induction notification.
- ii. Seniority Lists of 2008 inductee into management cadre alongwith promotion notifications, i.e first seniority list issued after their induction notification in BS-17, their promotion notification into BS-18 and notified seniority list and promotion into BS-19 and seniority list (last notified).
- iii. Total inductees now of 2008 now serving in BS-19 and direct inductee of 2018 in BS-19
- iv. Complete total sanctioned strength in BS-19 (Management Cadre)

I am therefore directed to request the above information may reach to this department complete in all respect (seniority list in soft form as well) on or before 7th Oct. 2020.

Yours faithfully
(Signature)
(MUIZ BAKHT) IRFAN USMAN
SECTION OFFICER (EV)
HEALTH DEPARTMENT

Copy of the above is forwarded to the PS to Secretary Health Department.

(Signature)
SECTION OFFICER (EV)
HEALTH DEPARTMENT

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**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.Kidhs@yahoo.com
Office # 091-9210269 Exchange # 091-9210187, 9210196 Fax # 091-9210230

NO. 18 Q45 /AE-I

Dated: 12/10/2020

To

The Secretary to Government of
Khyber Pakhtunkhwa Health
Department Peshawar.

SUBJECT:-
Sir,

SENIORITY LIST/WORKING PAPER FOR PROMOTION.

With reference to your letter No.SOH (E-V) 2-2/2020/Management
Cadre, dated 05.10.2020 on the subject noted above I have the honour to forward herewith
the requisite information as under:-

- 1) The 1st induction notification of the incumbents BS-19 member of service
in 2008 is not traceable in the record of this Directorate.
- 2) First Seniority List issued offer induction notification in BS-17 Annex-A,
their promotion notifications into BS-18 Annex-B&C and their promotion
notification into BS-19 Annex-D&E.
- 3) Total inductee of 2008 now serving in BS-19 Annex-F and direct inductee
of 2018 in BS-19 Annex-G.
- 4) Complete total sanctioned strength in BS-19 Annex-H.


DIRECTOR GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR.





GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

No. SOH(E-V)4-4/2021/Seniority List
Dated Peshawar the 25th May, 2021

To
The Director General Health Services,
Khyber Pakhtunkhwa,
Peshawar.

Subject: **FINAL SENIORITY LIST OF MEMBER OF SERVICE PRINCIPAL
(BS-19) MANAGEMENT CADRE IN THE HEALTH DEPARTMENT
KHYBER PAKHTUNKHWA FOR THE YEAR 2021.**

Dear Sir,

I am directed to refer to the subject noted above and to state that
Note for Chief Secretary regarding approval of seniority list of Senior Management
Cadre (BS-19) has been returned by the Establishment Department, Khyber
Pakhtunkhwa with some observations. Copy of the same is enclosed for
necessary and clarification, please.

Yours faithfully

(LATIF UR REHMAN)
SECTION OFFICER (E-V)

Endst. No. & Date Even

Copy to the:-

1. PS to Secretary Health Department, Khyber Pakhtunkhwa.
2. Personal File of the Doctor Concerned.

SECTION OFFICER (E-V)

4. Note for Chief Secretary, Khyber Pakhtunkhwa moved by Health Department regarding approval of final seniority list of Member of Service BS-19 (Management Cadre) for the year 2021.

5. Health Department vide Para-2 of the Note has submitted that the seniority list has been circulated and there is no objection on the instant seniority list from the members of service (Annex-II). However, perusal of the record shows that Health Department has submitted a case of one Dr. Shaukat Ali, Management Cadre BS-19 for correction of seniority of Management Cadre BS-19 (Annex-III). Furthermore, another application submitted by Dr Muhammad Khalil Akhtar and others is also in process for right placement in the Management Cadre BS-19 and same is already forwarded to Health Department for their views/comment (Annex-IV).

6. Foregoing in view, the Note is returned to the Administrative Department for addressing the above issues on the seniority list and after re-examination a fair seniority list may be resubmitted for approval of the competent authority to avoid unnecessary litigation.

(MUTAHER ZEB)
Secretary Establishment
May 19, 2021

Secretary, Health Depa

*Please address the
discrepancies.*

21/5/2021

24/5/21

24/5/21

24/5/21

24/5/21

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HEALTH SERVICES

10. Note for Chief Secretary, Khyber Pakhtunkhwa moved by Health Department regarding approval of final seniority list of Members of Service BS-19 (Management Cadre) for the year 2021 was earlier examined vide Para-5 of the Note and returned to the Administrative Department with the observations mentioned therein.

11. Now, the Administrative Department has submitted its response vide Para-7 to 9 of the Note, which is inadequate. The response of Administrative Department alongwith seniority list is re-examined and following observations are submitted:-

I. The plea of Dr. Shaukat Ali and Dr. Maqsood Ali have been accepted and they have been placed at their desked position in the seniority list vide Para-2 of the Note read with (Annex-I). However Health Department vide Para-8(B) has only responded to the observation of Dr. Muhammed Khalil Akhtar, Management Cadre (BS-19) and has ignored the plea of other sixteen (16) incumbents (Annex-VI).

II. Moreover, as per Establishment Department Instructions dated 10.03.2020 (Annex-V), the following information being pre-requisite have not been annexed with the case:-


a. As per Para-2(i) (ii) sanctioned strength of the cadre/posts as well as copies of budget book of the current financial year duly attested by the Administrative Department has not been provided.

b. Seniority list is not attested by the Administrative Department.

The revised seniority list needs to be circulated again to receive objection/comments so that the matter could be decided once for all.

Another case on seniority position of Management Cadre (BS-19) not specifically this one is under process and response of Law Department is still awaited. The case needs to be settled once for all (Annex-VII).

Therefore, the case may be returned to Administrative Department to address the deficiencies and respond to all the queries/nominations involved in order to avoid any


(Mujahid Zeb)
Secretary Establishment

Please address the

05-7-2021

HEALTH SERVICE

10. Note for Chief Secretary, Khyber Pakhtunkhwa moved by Health Department regarding approval of final seniority list of members of Service BS-19 (Managing Cadre) for the year 2021 was earlier examined vide Para-5 of the Note and returned to the Administrative Department with the observations mentioned herein.

11. Now, the Administrative Department has submitted its response vide Para-7 to 9 of the Note, which is inadequate. The response of Administrative Department alongwith seniority list is re-examined and following observations are submitted.

- i. The plea of Dr. Shaukat Ali and Dr. Maqsood Ali have been accepted and they have been placed at their desired position in the seniority list vide Para-8 of the Note read with (Annex-I). However Health Department vide Para-8(iii) has only responded to the observation of Dr. Muhammad Khalil Akhtar , Management Cadre (BS-19) and has ignored the plea of other sixteen (16), incumbents (Annex-VI).
- ii. Moreover, as per Establishment Department instructions dated 10.03.2020 (Annex-V), the following information being pre-requisite have not been annexed with the case.
 - a. As per Para-2(i) (ii) sanctioned strength of the cadre/posts as well as copies of budget book of the current financial year duly attested by the Administrative Department has not been provided.
 - b. Seniority list is not attested by the Administrative Department.
- iii. The revised seniority list needs to be circulated again to receive objection/comments so that the matter could be decided one for all.
- iv. Another case on seniority position of Management Cadre (BS-19) not specifically this one is under process and response of Law Department is still awaited. The case needs to be settled once for all (Annex-VII).

12. Therefore, the case may be returned to Administrative Department to address the discrepacies/deficiencies and respond to all the queries/anomalies involved in order to avoid any further litigation.

Sd/-
(Mutaher Zeb)
Secretary Establishment

Chief Secretary/Khyber Pakhtunkhwa

05.07.2021



DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR.

NO. 8556-72 /AE.I.

DATED 14/16/2021

TO BE SUBSTITUE BEARING THE SAME NO. AND DATE

MOST IMMEDIATE.

To,

1. Director General, PHSA, Peshawar
2. Hospital Director, MMC, Mardan.
3. Medical Superintendent, NKBMH, Peshawar.
4. Medical Superintendent, KATH Mansehra.
5. Medical Superintendent, Govt. Maternity Hospital, Peshawar.
6. Medical Superintendent, W&C Hosp. Kohat.
7. Medical Superintendent, BKMC Swabi.
8. Medical Superintendents, DHQH Mardan, Timergara.
9. Director DHIS, DGHS Office, Peshawar.
10. Director MNCH DGHS Office, Peshawar.
11. CEO Medical Faculty KP Peshawar.
12. Principal BKMC Mardan.
13. Menaging Director Health Foundation KP Peshawar.
14. District Health Officers, Kohat, Peshawar & Charsadda.
15. Dr. Shahid Yunis, Worl Bank DGHS Office, Peshawar.

SUBJECT: - PROMOTION OF MEMBERs OF SERVICE (BS-19) TO THE POST OF MEMBERs OF SERVICE (BS-20) IN THE HEALTH DEPARTMENT

Memo,

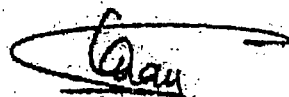
The promotion case of Management Cadre doctors from BPS-19 to BPS-20 is under active consideration of the Government for which updated PERs/ACRs, No. Departmental/Anti-Corruption Certificate (two copies), Twelve (12) fresh passport size photographs, and a copy of Manadatory in-service training Certificate and an affidavit regarding no private medical practice is doing by the individual on stamp paper are required.

Please furnish the above documents in respect of the following Members of Service (BPS-19) working under control, to this Directorate within a week positively:-

S.NO.	NAME OF OFFIGERS	PLACE OF POSTING	MISSING PERs.
1.	Dr. Mushtaq Ahmad Khan S/O Sher Ali Khan, MBBS/MPH	Diracor M&E DGHS Office.	2020
2.	Dr. Maqsood Ali S/O Noor Zaman, MBBS/MBA in Health Management, MPH	Chairman .HCC, KP Peshawar	-----
3.	Dr. Aqeel Jan Bangash s/o Hyder Gul, MBBS, EMBA Health Management	MS Cat; D Hospital Mattani Peshwar	-----
4.	Dr. Shaheen Afridi D/O Zar Khan, MBBS, MPH	MD Health Foundation	2020
5.	Dr. Fakhre Alam s/o Gul Ajab Khan, BDS, MPH	PMO, DHQH, Karak.	-----
6.	Dr. Ubaid Hussain s/o Ashiq Hussain, MBBS, MPH	MS Cat; D Hospital Nuhaji, Peshawar.	2020

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7.	Dr. Tariq Mehmood s/o Latif Khan, MBBS, DHPM	At the disposal of MMC, Mardan	2020
8.	Dr. Muhammad Aurangzeb s/o Saadullah Khan, MBBS, MPH	Bacha Khan Medical College Mardan.	2020
9.	Dr. S. Muhammad Samin s/o S. Muhammad Shafiq, MBBS	DHO Kohat	2020
10.	Dr. Shaukat Ali Khan s/o Gul Nawaz Khan, MBBS/MPH	MS, DHQH, Timergara.	2020
11.	Dr. Muhammad Saleem Khan s/o Hakim Khan, MBBS, DHPM, MPH	CEO Medical Faculty KP Peshawar	2020
12.	Dr. Shahzad Ali Khan s/o Muhammad Farid Swati, MBBS, MPH	MS KATH, Mansehra,	2020
13.	Dr. Fakhruddin s/o Asaj Din, MBBS, DHPM, Master of PHC Management	MS, NKBMH Peshawar	-----
14.	Dr. Ayaz Imran s/o Syed Imran Shah, MBBS	Deputy Director DHDC Abbottabad	2020
15.	Dr. Nighat Murad D/O Dr. Murad Ali, MBBS, MPH	On Deputation to Federal Government of Health Deptt	2020
16.	Dr. Shaukat Sohail s/o Fazli Karim, MBBS, DHPM, MPH	Principal, PIMT, Abbottabad.	-----
17.	Dr. Nasreen Akbar D/O Akbar Khan, MBBS, DHPM, MPH	MS Maternity Hospital Pesh	2020
18.	Dr. Gule Rana D/O Sargand Ali Bangash	MS, W&C Hosp: Kohat	2020
19.	Dr. Abdul Latif s/o Masood Khan MBBS, MPH, DHPM	DGHS Office	2020
20.	Dr. Basit Saleem s/o Pirzada M. Saleem, MBBS, DHPM, MPH	MS DHQ Mardan	2020
21.	Dr. Abid Hussain s/o Iqbal Hussain, MBBS, MPH	Director DHIS DGHS office	-----
22.	Dr. Akhtar Ali s/o Dilawar Khan, BDS, MPH	MS, THQH Shabqadar Charsadda.	-----
23.	Dr. Shahid Yunis s/o Haji Shad Muhammad, MBBS, DHPM, MPH, Masters in Hospital Management	On deputation	2020
24.	Dr. Sahib Gul S/O Juma Gul, MBBS, DHPM/MBA (HPM)	Director MNCH DGHS Office Peshawar	2020


DIRECTOR (HRM)
 Directorate General Health Services,
 Khyber Pakhtunkhwa, Peshawar



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

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OFFICE ORDER.

The following Members of Service BS-19 of Health Management Cadre are hereby nominated/relieved of their duties w.e.from 05/07/2021 for a period of Four (04) months to join the mandatory promotional training at Provincial Health Services Academy, Peshawar:-

S.NO.	NAME OF OFFICER	PRESENT PLACE OF POSTING.
PRINCIPAL CANDIDATES		
1	Dr. Mushtaq Ahmad Khan S/O Sher Ali Khan, MBBS/MPH	DGHS Office
2	Dr. Maqsood Ali S/O Noor Zaman, MBBS/MBA in Health Management, MPH	Chairman HCC
3	Dr. Ayaz Imran s/o Syed Imran Shah, MBBS	Deputy Director DHDC Abbottabad
4	Dr. Nighat Murad D/O Dr. Murad Ali, MBBS, MPH	On Deputation to Federal Government of Health Deptt.
5	Dr. Naseem Khan Afridi s/o Aya Khan Afridi, MBBS, M.Sc. Epidemiology & Biostatistics	MS Cat. D Hospital Badaber Peshawar
6	Dr. Muhammad Afsar Anwar s/o Muhammad Anwar Khan, MD (Kabul), M.Sc Public Health in International Health Develop.	Director PHSA
7	Dr. Fazal Maula s/o Abdul Wadood, MBBS, MPH	MS Mental Hospital, Peshawar.
8	Dr. Shamsur Rehman s/o Gul Rehman Afridi, MBBS, MPH	PD Blood Transfusion, Peshawar.
9	Dr. Abdul Gul s/o Abbas Khan, MBBS, MPH	DHO, Lakki Marwat
10	Dr. Adnan Taj s/o Taj Muhammad, MBBS, DHPM, MPH, Masters in Hospital Management	Director Curative DG Health Office.
11	Dr. Jawad Habib Khan s/o Habibullah Khan, MBBS, MBA in Health Managem/MPH	Chief Executive Blood Transfusion Authority KP
12	Dr. Muhammad Fayyaz Ali s/o Abdur Rehman, MD (Kab), MPH	DGHS, Office Peshawar
13	Dr. Muhammad Ishaq Khan s/o Muhd Younas, MBBS	Attached to DHO Peshawar
14	Dr. Mushtaq Ahmad s/o Ali Gohar Khan, MBBS, DHPM/MPH	DHO, Manshra.
15	Dr. Muhammad Tariq s/o Muhammad Junaid, MD/MPH	Attached to DHO Swabi
16	Dr. Shakirullah s/o Syed Mashal Bacha, MD (Kabul), DHPM	MS Type-D Hospital, Torn Mardan.
17	Dr. Muhammad Ehsan Waheed s/o Muhammad Hussain Khan Waheed, MBBS, MPH	Principal PMIT DI Khan
18	Dr. Shahzad Faisal s/o Asmatullah, MBBS, MPH	Hospital Director HMC, Peshawar
19	Dr. Syed Nasir Shah S/O Syed Akhtar Shah, MBBS/DHPM/MPH	MS DHQ Battagram Hospital
20	Dr. Syed Jamal Akbar S/O Fazal Akbar, MBBS, MPH	Principal Public Health School Nishtar Abad.

21	Dr. Safia D/O Sultan Hussain Khan, MBBS, MPH	Principal, Public Health School, Pesh
22	Dr. Muhammad Rehman Afridi S/O Muhammad Younas, MBBS, MPH	PD Malaria Control Programme KP
23	Dr. Jamal Abdul Nasir S/O Mukhtiar Ahmad, MD (Kabul), DHPM, MPH	Director Admin DGHS, Office
24	Dr. Naeem Shah S/O Saeed Shah, MBBS, M.Sc (INT-PH)	DHQH Kohat
25	Dr. Muhammad Shuaib Khan S/O Muhammad Saeed, MBBS, MPH	Attached to DHO Kohat in Polio Prog
ALTERNATE CANDIDATES		
26	Dr. Siraj Muhammad S/O Khaista Muhammad, MBBS, MPH	MS, ID Children Hospital, Peshawar.
27	Dr. Abdul Qaddus S/O Abdul Karim, DHPM, MPH	MS DHQH Parachinar
28	Dr. Ahmad Faisal S/O Muhammad Safdar, MBBS, MPH	MS Mental Hospital Dadar Mansehra
29	Dr. Syed Muhammad Idrees S/O Syed Bakht Badshah / MBBS, MPH	DHO Charsadda
30	Dr. Wali Khan S/O Sewal Khan, MBBS, DHPM, MPH	Director Technical Health Foundation Peshawar

(34)

Sd/*****
DIRECTOR GENERAL HEALTH
SERVICES, KP, PESHAWAR.

No. 9278-303 A.E.I, Dated Peshawar the 25 / 06 / 2021

Copy forwarded to the:-

1. Secretary to Govt. of Khyber Pakhtunkhwa, Health Department for Inf.
2. Director General, PHSA, Peshawar.
3. Executive Director Pakistan Health Research Council NIH, Islamabad.
4. Chairman Health Care Commission, KP
5. Hospital Director, HMC/MTI Peshawar.
6. Project Director (Malaria) KP Peshawar.
7. Director (Admin.) DGHS Office, Peshawar.
8. Medical Superintendents DHQH, Battagram, Kohat, Parachinar,
9. Medical Superintendent, SGTH Swat,
10. Medical Superintendents Mental Hospital, Peshawar and Dadar Mansehra.
11. Medical Superintendent, ID Children Hospital, Peshawar.
12. Medical Superintendent Molyi Jee Hospital, Peshawar.
13. District Health Officers, Peshawar, Lakki Marwat, U/Dir, Mansehra, Mardan, Kohat,
Charsadda & Malakand.
14. Project Director, Blood Transfusion Authority KP Peshawar.
15. Additional Director General (PH) DGHS Office, Peshawar.
16. All above named officers with the direction to report to the PHSA on the above
mentioned date at 8.30 AM Sharp and in case of any query they may contact on Phone
No.091-2614223, 2614225

DIRECTOR GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR

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10	Dr. King's of Madhav K. m.	Dr. King's of Madhav K. m.
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2	Dr. King's of Madhav K. m.	Dr. King's of Madhav K. m.
1	Dr. King's of Madhav K. m.	Dr. King's of Madhav K. m.

OFFICE ORDER
 The following members of the
 Management Cadre are hereby appointed to the
 posts of the following posts in the
 Management Cadre as follows:
 1. Mr. King's of Madhav K. m.
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**DIRECTOR GENERAL HEALTH SERVICE
KHYBER PAKHTUNKHWA, PESHAWAR**

OFFICE ORDER

The following Members of Service BS-19 of Health Management cadre are hereby nominated/relieved of their duties w.e.from 06.07.2021 for a period of Four (04) months to Join the mandatory promotional training at Provincial Health Service Academy, Peshawar

S.No.	Name of officer	Present Place of posting
1.	Dr. Muhammad Qasim Aqal Khan, BMMS MPH	IC/ PDSRU KP
2.	Dr. Amsa Afridi Muhammad Anwar Afridi, MBBS MPH/MSc Intem, Health DGO	Provincial Coordinator M NCH program NMD
3.	Mr. M. Naeem Anwar Muhammad Bashir, MBBS, MSc International Health	Ms Saidu Group of H Swat
4.	Dr. Sadiq Shah S/o Said Badshah, MBBS, MPH	DHO Malakand
5.	Dr. Azmatullah Khan S/o Nasrullah Khan, MBBS, MPH, MBA	DHO Peshawar
6.	Dr. Ikhtiar Ali S/o Pir Ali Aurakzai Agency, MBBS, DHPM, MPH	M/S Moulvi Amin Hospital Peshawar
7.	Dr. Niaz Muhammad Afridi S/o Shamshad Khan Afridi Khyber Agency MBBS, DHPM, MPH	DD DHDC Swat
8.	Dr. Sher Khan Afridi S/o Muhammad Akram Kha, MBBS, MPH.	Director/HRM DGHS Office
9.	Dr. Ikramullah Khan S/o Hidayatullah Khan, MBBS MPH	Director PH.H DGHS Office Pesh
10.	Dr. Janu S/o Fazli Raziq, MPH	DHO Bunir
11.	Dr. Asghar Khan S/o Mohabat Khan, MBBS, DHPM, MPH	Chief HSRU

Sd/-

Director General Health
Services, KP Peshawar

No.5612-18

AEI, dated Peshawar the 06/07/2021

Copy forwarded to the:

1. Secretary to Govt. of Khyber Pakhtunkhwa Health Department for info.
2. Director General, PHSA, Peshawar
3. ADGHS (Admn) DGHS Office Peshawar
4. District Health Officer, Peshawar, Malakand, Bunir
5. Medical Superintendent, SGTW Swat
6. Medical Superintendent, Molvi Jee Hospital, Peshawar
7. All above named officers with the direction to report to the PHSA on the above mentioned date at 8.30AM sharp and in case of any _____
No.091-2614223, 2614225

01.01.2021, wherein, though, the names of the petitioners figured, however, according to the petitioners, such list has not seen the light of the day nor it was ever communicated. It was also admitted by the official respondents that the list has not yet been circulated. It was, however, asserted that the issue of seniority/nomination of the private respondents for mandatory promotional training is now before the Committee headed by the worthy Chief Secretary of the Province and it will shortly be settled.

6. We understand that our hands are tied in respect of the matters pertaining to terms and conditions of service; similarly, the seniority is also a foremost terms and conditions of service; however, before this Court, only the nomination of the private respondents for mandatory promotional training before finalizing the seniority position is questioned. As such, the constitutional bar as contained in Article 212 of the Constitution of Islamic Republic of Pakistan, 1973 is not applicable to the case in hand; however, the issue between the parties is not limited to the extent of nomination of the private respondents for mandatory promotional training rather the main issue appears to be the question of their seniority as well.

7. In the instant matter, the private respondents having opted for inclusion in the Management Cadre are enjoying the seniority since the year, 2010, while petitioners were inducted in the Management Cadre after the decisions


of the Hon'ble Service Tribunal and as well the august Apex Court. Thus, it is also to be seen that their seniority is to be counted from the date of induction or from the initial stage when the one time option was so notified. We, however, expect that this issue will be tackled by the competent Authority at its own end.

8. The only apprehension of the petitioners is that by the dent of the referred mandatory promotional training, private respondents would become eligible for further promotion in violation of their rights. On expressing such apprehension, the learned AAG assisted by learned counsel for the private respondents gave a verbal assurance that let private respondents be allowed to undergo their training and that the case of their promotion may be put on hold till the circulation of the final seniority list.

9. In view of the assurance given by the respondents, we find that since the main issue between the parties pertains to the terms and conditions of service and which is before the competent Authority; as such, we dispose of this writ petition and leave this matter to the official respondents to decide it in accordance with law by meeting the objections of the petitioners on seniority list and also allowing the private respondents to complete their mandatory promotional training. However, in view of the assurance given by the respondents, we also direct the respondent/Department that no promotion shall be made till

the circulation of the final seniority list of the Members of
Service (BPS-19) of the Health Department.

Announced
Dt:22.09.2021



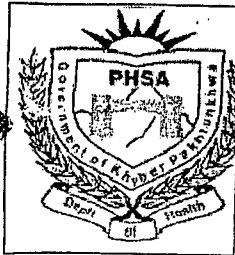
Chief Justice



Judge

(DB) Hon'ble Mr. Justice Oaiser Rashid Khan, CJ and Hon'ble Mr. Justice Ijaz Anwar

Muhammaddullah



Professional Health Services Academy
Department of Health, Government of Khyber Pakhtunkhwa
Road Duran, Peshawar
50861 / 2264717
0912261249 / 2264717
info@phsa.gov.pk
www.phsa.gov.pk

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No: *RF* /PHSA/Adm/2022-23/ *408*

Peshawar Dated: 14-04-2022

To

The Secretary to Govt. of Khyber Pakhtunkhwa,
Health Department

Subject: **REPRESENTATION FOR BRINGING THE NAME OF APPLICANT AT
CORRECT PLACE IN THE SENIORITY LIST OF DOCTORS OF
MANGENET CADER NOTIFIED ON 17TH MARCH, 2022**

Dear Sir,

Please find enclosed an application/representation regarding the subject matter in respect of Dr. Mohammad Khalil Akhter, Director PHSA for further processing to the quarters concerned.

Yours Faithfully,

Dr. Faheem Hussain
Director General
PHSA
Health Department
Khyber Pakhtunkhwa

Peshawar dated: 13-04-2022

To

The Chief Minister,
Government of Khyber Pakhtunkhwa.

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Through: Proper Channel,

Subject: **REPRESENTATION FOR BRINGING THE NAME OF APPLICANT AT
CORRECT PLACE IN THE SENIORITY LIST OF DOCTORS OF
MANGENET CADER NOTIFIED ON 17TH MARCH, 2022**

Dear Sir,

The applicant respectfully submits as under:

- 1- That on the recommendations of Public Service Commission, the applicant along with other batch mate Doctors was appointed as Medical Officer in the Health Department in the Year 1998.
- 2- That the Khyber Pakhtunkhwa Health (Management) Service Rules 2008 were purportedly issued vide Notification No. SOH (EV) 4-20/08 Peshawar dated 11th December 2008 but not Published and Notified in the Official Gazette as per mandatory provisions of the General Clauses Acts.
- 3- That realizing the statutory mistake, committed by the Department and to give it a legal status, the Health Department vide letter No: E&A/Health/2-65/KPK/Health/MSR/2016 dated Peshawar, the 21.10.2016 requested the Manager Stationery & Printing Press to publish the said Rules of 2008 in Official Gazette and the same were officially published in the Gazette of Khyber Pakhtunkhwa vide Gazette Notification Peshawar, Wednesday 2nd November, 2016 at pages 851-862. Hence as per provisions contained in the General Clauses Acts and Judgments of the Hon'ble Supreme Court of Pakistan the said Rules will take effect from the date, the Notification is published in the Official Gazette and not from the date of its issuance (Copies of Letter, Gazette Rules and Judgments are Annexed as Annexure A,B and C respectively).
- 4- That the Health Department under the said Gazette Rules has, now for the first time, notified the seniority list of the Doctors of Management Service Vide Notification dated Peshawar the 17th March,2022 (Copy attach as Annexure D) of which the applicant is aggrieved inter-alia on the following grounds:
 - A- That the name of the applicant is shown at serial No 81 of the impugned seniority list while the names of his batch mates at serial No.37 to 40 which is not in accordance with law on the subject.
 - B- That in pursuance of the said Rules, all the Doctors were called upon to exercise one time option for induction in Management Service and the choice of the said option remained in force till 28-5-2019 as per reasons recorded

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and specifically explained in Para 5 of the Health Department letter No: SOH (E.V) 4-20/2018 dated Peshawar the 25-5-2018 (Copy attached as Annexure E).

- C- That it is an undeniable fact, that the issue of establishment of Management Service remained disputed because of the non publication of Rules in the Official Gazette and also that it was challenged at various judicial forums, therefore the matter of option remained pending and was finally resolved in the year 2019. Therefore, the exercise of option of one time shall be deemed to have been completed on 28-5-2019.
- D- That as per section 8 of the Civil Servant Act 1973 read with Rule 18 of the Civil Servants (Appointment, Promotion and Seniority) Rules 1989, the seniority of the civil servant shall be reckoned in relation to other civil servants belonging to the same service or cadre according to batch, therefore the applicant deserve to be placed in seniority list along with the batch mates who are reflected at serial No 37 to 40. As per contentions and reasons given in earlier Para's, The right of option remained alive till the Rules were officially notified in the official Gazette and the same was exercised in the time span of one time option.
- E- That as per provisions of law ibid in Para D the inter-se-seniority of the Civil Servants appointed otherwise shall be reckoned according to the date of their regular appointment in the Service.
- F- That the law for determination of seniority of the Management Service which is otherwise appointment shall be on the basis of batch wise and not according to the date of option and that too when the case of one time option remained legally alive for a long time (2009-2019).
- G- That keeping in view the factual and legal aspect of the matter, the seniority list requires to be corrected and the applicant deserve to be brought at serial No 41 of the Seniority List.

It is, therefore, humbly requested that, the request of the applicant may very graciously be entertained and be brought at serial No 41 of the seniority list so as to avoid further complications and litigation in the matter. The applicant will be highly obliged and thankful for this legal and justified decision of your Honor in his favor.

Thanks in anticipation

Yours Faithfully

13-04-2022

Dr. Mohammad Khalil akhter
Member of Service BPS-19
Health Department
Khyber Pakhtunkhwa

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GOVERNMENT OF NWFP
HEALTH DEPARTMENT

Dated Peshawar the 10th September
2009

NOTIFICATION.

SOH(EV) 4-13/08: On the recommendations of Provincial Selection Board, the competent authority is pleased to promote the following Medical Officer EPS-17 to the post of Senior Medical Officer EPS-18 with immediate effect. On promotion they will be on probation for a period of one year. The Doctors at Serial No. 1-5 will retain their inter-se-seniority from the date their erstwhile juniors were promoted.

S.No. Name of doctor.

01. Dr. Muhammad Khan S/O Khan Muhammad/Khyber Agency.
02. Dr. Bakht Munir S/O Khachan/Bajaur Agency.
03. Dr. Muhammad Fayyaz Khan S/O Abdul Khaliq/Charsadda.
04. Dr. Abdul Qayyum S/O Bahadar Khan NW Agency.
05. Dr. Fazal Rehman S/O Ali Zaman/Kurram Agency.
06. Dr. Ghulam Farooq S/O Shahzad Gul/Dir.
07. Dr. Muhammad Ali Shah S/O Pir Inayat Shah/NW Agency.
08. Dr. Syed Yousaf Haroon S/O Syed Abdul Jalal/Chitral.
09. Dr. Naqib Ahmad S/O Muhammad/Swat.
10. Dr. Aminul Haq S/O Zainullah/Dir.
11. Dr. Syed Shah S/O Syed Hukumud Din/Mohmand Agency.
12. Dr. Qazi Nasim Ahmad S/O Qazi Zahiruddin/Malokand Agency.
13. Dr. Jehanzeb S/O Shah Baroz Khan/NW Agency.
14. Dr. Zahirullah Khan S/O Nawab Khan/Mohmand Agency.
15. Dr. Jamilur Rehman S/O Noor Sada Khan/NW Agency.
16. Dr. Ibrahim Khan S/O Murad Khan/Chitral.
17. Dr. Shah Nadir Khan S/O Taqdeer Khan/Chitral.
18. Dr. Abdul Khaliq S/O Saad Khan/Malokand.
19. Dr. Badiq Ahmad S/O Saif Ahmad/Buner.
20. Dr. Muhammad Yaqoob Khan S/O Muhammad Ishaq/Chitral.
21. Dr. Jane Alaw S/O Muhammad Khan/Kohat.
22. Dr. Syed Mujtaba S/O Syed Murtaza/Orakzai Agency.
23. Dr. Abdul Battar S/O Khan Sherin/Karak.
24. Dr. Sheikh Sirajul Munir S/O Hafiz Muhammad Saddiq/Peshawar.
25. Dr. Masoodur Rehman S/O Gul Rehman/Peshawar.
26. Dr. Ghulam Mustafa S/O Ghulam Murtoza/Peshawar.
27. Dr. Nejeabullah S/O Habibullah/Swat.
28. Dr. Howid Azam Khan S/O Muhammad Azam Khan/Abbottabad.
29. Dr. Haroon Khan S/O Shamsher Khan/Peshawar.

30. Dr. Izatullah /O Saifullah/DI Khan.
31. Dr. Rehmanullah /O Rasool Khan/Charsadda.
32. Dr. Ghazali Khan S/O Raza Khan/Peshawar.
33. Dr. Jacob Afridi S/O Gulab Sher/Peshawar.
34. Dr. Ashraf Ali S/O Imdadullah/Swat.
35. Dr. Shahryar S/O Muhammad Sayyid/Charsadda.
36. Dr. Noseer Ahmad b/O Badshah Gul/Mohmand Agency.
37. Dr. Zariya Gulab/Kurram Agency.
38. Dr. Syed Muhammad Zahir Shah S/O Syed Abbas Ali Shah/Charsadda.
39. Dr. Muhammad Nawaz Khan S/O Musharof Shah/Peshawar.
40. Dr. Asadullah S/O Muhammad Jalil/Malakand.
42. Dr. Muhammad Zaffar Afridi S/O Ghazi Khan/FR Kohat.
42. Dr. Bahre Karim S/O Mir Mad Khan/Bhangle.
43. Dr. Abdul Wasi S/O Abdur Rahman/Swat.
44. Dr. Mubashir Ahmad b/O Arjumand Khan/Dir.
45. Dr. Muhammad Rehman S/O Jalad Khan/Bajaur Agency.
46. Dr. Muhammad Noor S/O Mazullah Khan/Kohat.
47. Dr. Muhammad Ishaq S/O Khan Baz Khan/Abbottabad.
48. Dr. Nasir Idrees S/O Ghulam Idrees/Peshawar.
49. Dr. Habibur Rehman S/O Umera Khan/Swat.
50. Dr. Saifur Rehman S/O Gul Muhammad/Dir.
51. Dr. Amanullah b/O Faqir Muhammad/Swat.
52. Dr. Saifullah Khalid /O Ghulam Rasool/Mansehra.
53. Dr. Umar Islam S/O Muhammad Ali/Bajaur Agency.
54. Dr. Aqeel Jan Bangash S/O Hyder Gul/Orakzai Agency.
55. Dr. Rehmat Aman S/O Abdul Wahid/Chitral.
56. Dr. Samin Khan S/O Mamir Khan/Khyber Agency.
57. Dr. Islam Gul Afridi S/O Iqbal Gul/FR Peshawar.
58. Dr. Israrullah S/O Amirullah/Chitral.
59. Dr. Fazal Rabbani /O Rabi Aman/Chitral.
60. Dr. Jans Alam S/O Mehtab Khan/Malakand Agency.
61. Dr. Nazir Hussain Shah S/O Mehrab Jee/Chitral.
62. Dr. Boshir Ahmad S/O Muhammad Layer/Mansehra.
63. Dr. Muhammad Wali Qureshi S/O Malik Mayoore/Kohistan.
64. Dr. Muhammad Samiullah /O Ahmad Wali/Chitral.
65. Dr. Sajjad Ahmad Khan S/O Akbar Jan Khan/Mansehra.
66. Dr. Samina Qadir D/O Ghulam Qadir/DI Khan.
67. Dr. Mahmooda Sani S/O Wali Muhammad Khan/Charsadda.
68. Dr. Tahira Bibi D/O Mubad Sub Khan/Mansehra.
69. Dr. Naila Anjum D/O Muhammad Ashraf/Peshawar.
70. Dr. Noreen Shah D/O Syed Chirogh Shah/Peshawar.

71. Dr. Samia Firdous D/O Mohammad Hanif/DI Khan.
72. Dr. Seema Dilowaz D/O Mohboobur Rehman, MBS.
73. Dr. Rukhsana Parveen D/O Malik Shah Zaman/Orakzai Agency.
74. Dr. Kausar Inayat D/O Inayatullah/Peshawar.
75. Dr. Naila Farranum U/O Mufti Mohboobur Rehman/Manshera.
76. Dr. Humaira Khan Afridi D/O Dar Wali Khan/FR Kohat.
77. Dr. Samina Tabassum D/O Ghulam Sarwar/Kohat.
78. Dr. Nabeela Sher Mohammad D/O Sher Mohammad Peshawar.
79. Dr. Shaheen Afridi U/O Zaf Khan/Peshawar.
80. Dr. Nargis Ara D/O Sultan Ali Khan/Swat.
81. Dr. Hameeda Pano U/O Muhammad Ayub Khan/Dir.
82. Dr. Nasreen Bahadar D/O Bahadar Khan/Mohammad Agency.
83. Dr. Shaheen Ibrahim D/O Muhammad Ibrahim Shah/Swat.
84. Dr. Gul-e-Hina D/O A. Baharwar Saeed/Dir.
85. Dr. Bakhtawar Shah S/O Sher Muhammad/Mohammad Agency.
86. Dr. Rahil Amir Malik S/O Ijaz Ahmad Malik/Peshawar.
87. Dr. Muhammad Jehangir Gandapur S/O Muhammad Alamgir Gandapur/DI Khan.
88. Dr. Motasir Billah U/O Maulvi Inayatullah/Swabi.
89. Dr. Mohibullah Jan U/O Mir Abdullah Jan/Kurram Agency.
90. Dr. Abdul Hameed Khan U/O Shehdi Khan/Bannu.
91. Dr. Ubaid Hussain S/O Zehiq Hussain/Peshawar.
92. Dr. Wali Muhammad Khan S/O Haji Amir Jan Khan/SW Agency.
93. Dr. Muhammad Abdul Qadir S/O Ghulam Qadir/FR Peshawar.
94. Dr. Sohail Aslam S/O Muhammad Aslam Khan/Mushera.
95. Dr. Altafur Rehman S/O Ubaidur Rehman/Charsadda.
96. Dr. Jamil Khan S/O Daulat Khan/Peshawar.
97. Dr. Taj Muhammad Khan S/O Sher Muhammad Khan/Lakki Marwat.
98. Dr. Shauket Ali S/O Bahadar Sher/Charsadda.
99. Dr. Farmanullah U/O Haji Hidayatullah/Mardan.
100. Dr. Shabir Ahmad U/O Haji Muhammad/DI Khan.
101. Dr. Niamatullah S/O Ghulam Nabi Khan/Kurram Agency.
102. Dr. Bakht Jehan S/O Firdos Khan/Peshawar.
103. Dr. Qaisar Khan S/O Dawar Khan/Peshawar.
104. Dr. Jehanzeb Khan S/O Syed Amir Khan/SW Agency.
105. Dr. Alamgir Khan S/O Aman Gul/Mardan.
106. Dr. Kurengzeb S/O Abdul Hakim/Bannu.
107. Dr. Shah Nawaz Ali S/O Mohib Ali Achunzada/Peshawar.
108. Dr. Samiullah Jan S/O Saig Mahmood Jan/Bajaur Agency.
109. Dr. Muhammad Hameed Akhtar S/O Ahmad Yar Khan/DI Khan.
110. Dr. Tariq Mahmood S/O Latif Khan/Mohammad Agency.

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111. Dr. Ayaz Ayub S/O Muhammad Ayub/Swabi.
 112. Dr. Ghulam Rasool Khan S/O Shodi Gul Khan/NW Agency.
 113. Dr. Muhammad Habib S/O Muhammad Yaseen/Kohat.
 114. Dr. Faali Subhani S/O Shamsul Arifin/Swat.
 115. Dr. Abdul Malik S/O Ghulam Haji/Nowshera.
 116. Dr. Sartog Khan S/O Shahbaz Khan/Mardan.
 117. Dr. Murtaz Ali S/O Bahadar Sher/Charsadda.
 118. Dr. Muhammad Saeed S/O Wazir Dad/Mardan.
 119. Dr. Ayub Nawaz Khan S/O Banda Nawaz Khan/Bannu.
 120. Dr. Gul Muhammad S/O Kotai/Bajaur Agency.
 121. Dr. Sardar Khan S/O Habibullah Khan/Mohmand Agency.
 122. Dr. Shakeel S/O Hewah Khan / Khyber.
 123. Dr. Muhammad Nawaz S/O Fazal Azim/Dir.
 124. Dr. Ismail Iqbal S/O Saleh Khan/Bannu.
 125. Dr. Muhammad Jehangir Khan S/O Jone Alam Khan/Bajaur Agency.
 126. Dr. Muhammad Iqbal S/O Mukhtiar Ahmad /Swat.
 127. Dr. Bazar Shah S/O Noor Ahmad Shah/Mardan.
 128. Dr. Anwarul Haq S/O Ghulam Sarwar/Abbottabad.
 129. Dr. Shaukat Ali Khan S/O Gul Nawaz Khan/Dir.
 130. Dr. Muhammad Zahid S/O Muhd Zakir Khan /Chitral.
 131. Dr. Khan Saeed S/O Khaista Khan/Bajaur Agency.
 132. Dr. Fakhruddin S/O Asal Dir/ Karak
 133. Dr. Ihsanullah S/O Ahmad Jan/Bajaur Agency.
 134. Dr. Muhammad Ayub S/O Abdul Jalil/Malakand.
 135. Dr. Akbar Shah S/O Iqbal Shah/Chitral.
 136. Dr. Fazali Rasool S/O Habib Rasool/Bajaur Agency.
 137. Dr. Masood Ahmad S/O Malik Abdur Rehman/Peshawar.
 138. Dr. Muhammad Faraz Khan S/O Haji Sakhi Sardar/NW Agency.
 139. Dr. Waqar Ali S/O Muhd Keram Khan/Swat.
 140. Dr. Insaullah Khan S/O Ihsanullah/Swat.
 141. Dr. Muhammad Rafique S/O Umar Khan /Haripur.
 142. Dr. Kashmir Khan S/O Haji Aslam Khan/Mohmand Agency.
 143. Dr. Naila Hamid D/O Abdul Hamid Khan/Peshawar.
 144. Dr. Nighat Murad D/O Dr. Murad Ali /Peshawar.
 145. Dr. Tabassum Naheed Kausar D/O Muhammad Pohrullah Khan/Peshawar.
 146. Dr. Saema Akhtar D/O Abdul Salam, Peshawar.
 147. Dr. Alia Qazi D/O Qazi Muqaddasullah, Peshawar.
 148. Dr. Ikrampillah Khalil S/O Muhammad Sharif/Peshawar.
 149. Dr. Gul Manshah S/O Banab Gul, Nowshera.

2. Consequent upon their promotion, the following postings/transfers are hereby ordered with immediate effect in the public interest :-

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بعدالت خیبر پختونخواہ سروس ٹریبونل، پشاور

Appellant

منجانب

2021

مورخہ

Govt. of KPK etc.

بنام

Dr. Muhammad Khalil
Akhtar

مقدمہ

دعویٰ

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام پشاور کے لیے،

بلال احمد کے زنی ایڈووکیٹ مقرر کر کے اقرار کیا جاتا ہے۔ کہ وکیل موصوف کو مقدمہ کی کل کاروائی کا کامل

اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے، جواب دہی اور اقبال دعویٰ اور

بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط

کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و

نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی

کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں

گے۔ اور اس کا ساختہ پرواختہ منظور و قبول ہوگا۔ دوران مقدمہ میں جو خرچہ و ہر جائز التوائے مقدمہ کے سبب سے ہوگا یا

کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے کہ پیروی مذکور کریں۔ لہذا وکالت نامہ

لکھ دیا کہ سندر ہے۔

2021

ماہ

المرقوم

کے لیے منظور ہوا۔

بمقام

Attested &
Accepted

Dr. Mohammad Khalil Akhtar