

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

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,
MR. AHMAD HASSAN,

... CHAIRMAN
... 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:-

- (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.

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

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-I by way of permanent transfer from amongst the Officers of General Cadre in equivalent basic pay scale whole 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 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 dispose 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:-


"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 justinable 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."

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.

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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,

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.



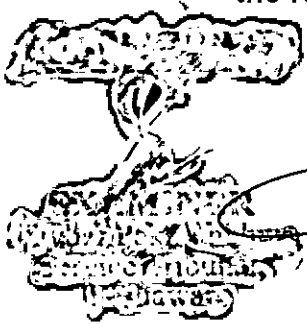
7. The fore-noted history of matter relevant for decision of appeals in hand suggests that the Health (Management) Service Rules 2008 were never declared ultra-vires by any court of law and duly held the field from date of inception. In pursuance to the rules, the appellants were appointed/absorbed in 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, 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



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.

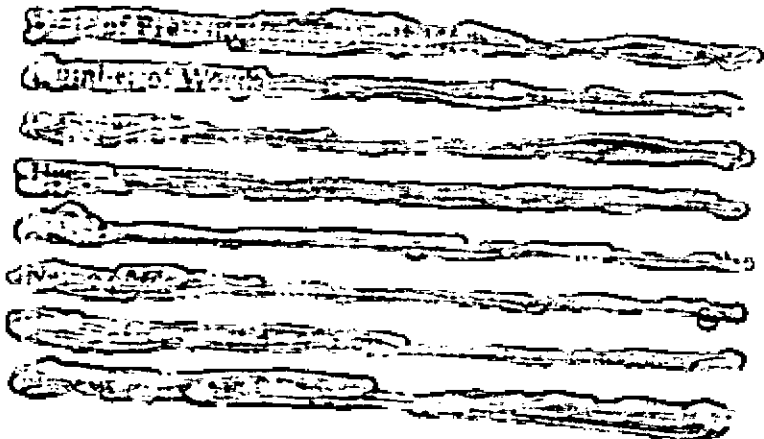
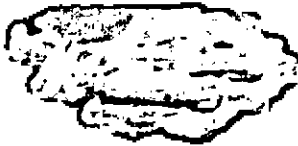


(Handwritten signature)
(AHMAD HASSAN)
MEMBER

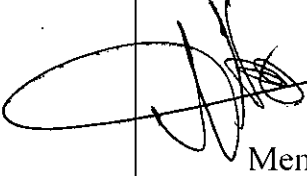



(HAMID FAROOQ DURRANI)
CHAIRMAN

ANNOUNCED
22.03.2019



830/2018

S.No.	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	22.03.2019	<p><u>Present.</u></p> <p>Qazi Jawad Ehsanullah, .. For appellant Advocate</p> <p>Mr. Muhammad Jan, ... For respondents Deputy District Attorney. No. 1 & 2.</p> <p>Mr. Noor Muhammad Khattak, ... For respondents Advocate No. 3 to 90.</p> <p>Vide our detailed judgment of today, the appeal in hand is allowed to the effect noted in Para 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000</p> <p>Parties are left to bear their respective costs. File be consigned to the record room.</p> <p> Member</p> <p> Chairman</p> <p><u>ANNOUNCED</u> 22.03.2019</p>

Service Appeal No. 838/2018

31.12.2018

Appellant in person present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Hazrat Shah, Superintendent for official respondents No. 1 & 2 and counsel for private respondents No. 3 to 90 present. Written reply on behalf of official respondents No. 1 & 2 submitted today, while written reply on behalf of private respondents No. 3 to 90 have already been submitted. The appeal is assigned to D.B-II for rejoinder and arguments for 15.02.2019.


Muhammad Amin Khan Kundi
Member

15.02.2019

Learned counsel for the appellant and Mr. Kabirullah Khattak learned Additional Advocate General for the official respondents present. Learned counsel for private respondents No. 3 to 90 present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 22.03.2019 before D.B

(Hussain Shah)
Member

(Muhammad Amin Khan Kundi)
Member

19.02.2019

Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney alongwith Hazrat Shah Superintendent for official respondents present. Learned counsel for private respondents (respondents No.3 to 90) also present. Learned counsel for private respondents states that due to late return from Abbottabad last night, he could not prepare the brief, therefore, requests for adjournment. Adjourned to 22.03.2019 before D.B.


Member


Chairman

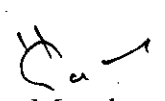
14.11.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 18.12.2018. Written reply not received. Mr. Amjid Ali Assistant representative of respondents absent.


READER


18.12.2018

Learned counsel for the appellant present. Mr. Hazrat Shah Superintendent representative of the respondents present. Written reply not submitted. Representative of the respondents seeks time to furnish written reply/comments. Granted. To come up for written reply/comments on 21.12.2018 before S.B


Member


21.12.2018

Learned counsel for the appellant present. Hazrat Shah Superintendent representative for official respondents present. Learned counsel for private respondents also present. Written reply submitted on behalf of private respondents. Representative of official respondents seeks time to furnish written reply/comments. Granted. To come up for written reply on behalf of official respondents on 26.12.2018 before S.B.


Member


26.12.2018

Learned counsel for the appellant present. Mr. Amjid Ali Assistant representative of official respondents present and seeks time to furnish written reply. Granted. To come up for written reply/comments on behalf of official respondents on 31.12.2018 before S.B.


Member

17.09.2018

Appellant with counsel present. Mr. Kabirullah Khattak, Addl. AG for respondents present. Counsel for the appellant submitted an application for grant of restraining order against respondent no.1 and 2 and for suspension of impugned notifications. Written reply on main appeal not submitted. Learned AAG sought some time to submit the same. Granted. Case to come up for written reply/comments on 28.09.2018 before S.B. Notice of application be also issued to the respondents for the date fixe.


(Ahmad Hassan)
Member

28.09.2018

Counsel for the appellant Qazi Jawad Ehsanullah, Advocate present. Mr. Kabirullah Khattak, Addl. AG for official respondents No. 1 & 2 present. Mr. Noor Muhammad Khattak, Advocate, counsel for private respondents No. 3 to 90 present and Wakalatnama submitted. Learned Addl. AG and counsel for private respondents requested for time to submit written reply. Request is accepted. To come up for written reply on main appeal as well as reply/arguments on application on 14.11.2018 before S.B.


Chairman

18.10.2018

Learned counsel for the appellant present, requested for fixation of early date of hearing and submitted application to that effect placed on file of appeal No. 830/2018 filed by Dr. Shams Ur Rehman. Case now to come up on 30.10.2018 subject to the issuance of notice to the respondents of the date fixed as 30.10.2018


Member

30-10-18

Due To Retirement of Honorable
Chairman the Tribunal is non functional
therefore the case is adjourned to come up
for the same on 14-12-18
Reddy

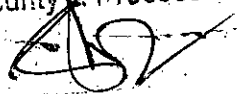
23.07.2018

Learned counsel for the appellant present.
Preliminary arguments heard.

The appellant has filed the present service appeal with the prayer to set aside the order dated 07.05.2018 whereby private respondents/Doctors of General Cadre were inducted into the Health Management Cadre and with the further prayer of declaring the Notification bearing No.SOH.(E-V)4-20/2017 dated 10.05.2017 vis a vis amendment in the Khyber Pakhtunkhwa Health (Management) Service Rules 2008, as *ultra vires* of the constitution.


Points raised need consideration. The present appeal is admitted for regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 28.08.2018 before S.B.

Appellant Deposited
Security & Process Fee


Member

28.08.2018

Counsel for the appellant and Mr. Kabirullah Khattak, AAG alongwith Mr. Ilyas Superintendent for the respondents. Written reply not submitted on behalf of the respondents. Requested for adjournment. Adjourned. To come up for written reply/comments on 29.10.2018 before S.B.


(Muhammad Amin Kundi)
Member

Form- A
FORM OF ORDER SHEET

Court of _____
Case No. 830/2018

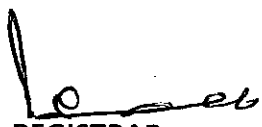
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	28/06/2018	<p style="text-align: center;">The appeal of Dr. Shams-ur-Rehman resubmitted today by Qazi Jawad Ehsanullah Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR 28/6/18</p>
2-		<p style="text-align: center;">This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>23/7/18</u>.</p> <p style="text-align: right;"><i>[Signature]</i> MEMBER</p>

The appeal of Dr. Shams-ur-Rehman son of Zahir Gul Health Services Management Cadre Peshawar received today i.e. on 22.06.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Addresses of appellant and respondents no. 3 to 90 are incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974
- 2- Copy of departmental appeal in respect of appellant is not attached with the appeal which may be placed on it.
- 3- Annexures of the appeal may be attested.
- 4- Annexures of the appeal may be flagged.
- 5- 88 more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1274 /S.T,

Dt. 25/06 /2018.


REGISTRAR -
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Qazi Jawad Ehsanullah Adv. Pesh.

Objection Removed and file re-submitted on dated 28.06.2018.


Objection No 1. The names of parties are written on the memo of parties and ~~not~~ they are employ of D.G. Health office.

Objection No 2. Copy of departmental appeal are attached.

Objection No 3. All annexure are properly be attested.

Objection No 4. All annexure are properly flagged.

Objection No 5. 24 copies/sets are properly be attached the remaining should be provided on the time of execution of this appeal.


Qazi Jawad Ehsanullah
Advocate (P.T.C)

Resubmitted 28.06.2018

BEFORE THE KHYBER, PAKHTUNKHWA SERVICE TRIBUNAL

Service Appeal No. 830 /2018

Dr. Shams Ur Rehman

VERSUS

Government of Khyber Pakhtunkhwa and others

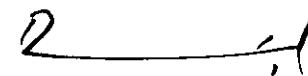
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	inception of Health Management Cadre		
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Appellant

Through


Qazi Jawad Ehsanullah
Advocate Supreme Court

11

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**
7. **Khalil ur Rehman s/o Ali Rehman**
8. **Mohammad Shuaib s/o Mohammad Ajab**
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 Eid Gul**
13. **Niaz Mohammad s/o Dost Mohammad**
14. **Zafrullah Khan s/o Ghulam Sarwar**
15. **Saeed ur Rahman s/o Haji Fazli Rahman**

Filed to-day

Registrar

22/6/18

Re-submitted to-day
and filed.

Registrar
22/6/18

16. Aamir Israr s/o Israr Mohammad Khan
17. Syed Shaida Hussain Shah Bukhari s/o Syed Fida Hussain Shah Bukhari
18. Muhammad Shafiq s/o Akbar Gul
19. Mohammad Rahim s/o Gul Rahim
20. Mushtaq Ahmad s/o Fazal Khan
21. Shabnum Khawas d/o Lal Khawas Khan
22. Ahmed Tariq s/o Tariq Tanvir
23. Khan Askar s/o Mohammad Askar
24. Faisal Malik s/o Fazli Malik Sarim
25. Bilal Bahrawar Khan s/o Bahrawar Khan
26. Tanveer Inam s/o Inam Ullah
27. Mohammad Saleem Khan s/o Fazali Rahim Khan
28. Alamgir Khan s/o Darwesh Khan
29. Majid Khan s/o Muhammad Hamayun Khan
30. Ihsan Ullah s/o Ghulam Muhammad
31. Aurang Zeb Afridi s/o Ghulam Hussain Afridi
32. Shafiul Mulk s/o Hazrat Mulk Khan
33. Mohammad Khalil Akhter s/o Mohammad Yousaf Khan
34. Farhad Khan s/o Pordil Khan
35. Muhammad Farid s/o Khaista Azam
36. Amir Rafiq Khattak s/o M. Rafiq Khattak
37. Jahanzeb Khan s/o Ihsan Ullah Khan
38. Alif Jan s/o Amir Jan
39. Makhdoom Safdar s/o Safdar Hussain Afghan
40. Shumaila Malik d/o Malik Farid Khan
41. Mohammad Kamal s/o Mohammad Sharif Khan
42. Noor Saeed Khan s/o Mohammad Saeed Khan
43. Aziz Khan s/o Jafar Khan
44. Ghulam Rasool Khan s/o Shadi Gul Khan
45. Mohammad Iqbal Javed s/o H. Fateh Ullah Khan

46. Kamran Zakria s/o Ghulam Zakria Khan
47. Sheikh Mohammad Farooq Azam s/o Shaikh Mohammad Bashir Gohar
48. Naimat Ullah Zia s/o Amir Shah
49. Muhammad Israr ul Haq s/o Abdur Rashid Khan
50. Qasim Abbas s/o Saif ur Rehman
51. Mohammad Hayat s/o Haji Akbar Gul
52. Muhammad Ibrahim Khan s/o Abdul Haleem Khan
53. Sheraz Ahmad Khan s/o Muhammad Akram Khan
54. Adnan Khan s/o Muhammad Zahir Shah
55. Syed Ijaz Ali Shah s/o Syed Abdul Qayyum Shah
56. Fazal Majeed s/o Muhammad Aslam
57. Muhammad Bilal Khan s/o Muhammad Daud
58. Majid Saleem s/o Allah Dad Khan
59. Fazal Qayum s/o Abdur Rahman
60. Ali Asghar Khan s/o Abdul Akbar Khan
61. Muhammad Azhar Shah s/o Asrar ul Arifin
62. Saira Jabeen Shah s/o Amt Ali Shah
63. Roshan Zada s/o Said Latif
64. Javid Iqbal s/o Amir Bahadar
65. Shaima Malik d/o Dr Fazli Malik Sarim
66. Pirzada s/o Bahadar
67. Shahab Ahmad s/o Abdul Rahman
68. Muhammad Dost Khan s/o Zahir Gul
69. Muhammad Riaz s/o Gohar Khan
70. Kashmir Khan s/o Aslam Khan
71. Tariq Hayat s/o Fazal Hayat Taj
72. Muhammad Sohail Farooqi s/o Muhammad Aqeel Farooqi
73. Abdul Waheed s/o Abdul Hamid
74. Hafizullah Khan s/o Amanullah Khan
75. Zakir Hussain s/o Hakim Khan

(4)

76. Qazi Sabihuddin s/o Qazi Ghulam Mustafa
77. Ijaz Ahmad s/o Bashir Ahmad
78. Sher Muhammad s/o Shah Muhammad
79. Wakeel Muhammad s/o Tajul Malook
80. Suffian Khan s/o Muhammad Tanveer
81. Muhammad Naeem s/o Habib Ullah Khan
82. Ikramullah s/o Amanullah Khan
83. Muhammad Shoaib s/o Azizur Rehman
84. Muhammad Riaz Tanoli s/o Said Ozar
85. Inayatullah Khan s/o Saifullah Khan
86. Wazir Khan s/o Rookam Khan
87. Uzma Jabeen d/o Taj Muhammad
88. Dildar Khan s/o Abdul Ghaffar
89. Mohsin Ahmad s/o Taj Muhammad Khan
90. Abbas Khan s/o Ajab Khan

All General Cadre doctors newly inducted into Health Management Cadre, Health Department Khyber Pakhtunkhwa *Cone 67 D.G Health Office.*

.....RESPONDENTS

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974**

Respectfully sheweth;

1. Appellant herein is a Civil Servant being a members of the Health Services Management Cadre of the Govt. of Khyber Pakhtunkhwa, which is the creation and outcome of Khyber Pakhtunkhwa Health (Management) Services Rules, 2008 promulgated on 11.12.2008. He is serving in BPS-17 and his date of appointment and place of current postings is distinctly mentioned in his appointment letters and posting orders respectively [Annexure-'A'].

2. Appellant is aggrieved of the Notification issued by the Govt. of Khyber Pakhtunkhwa *vide* No. SOH(E-V14-20/2018 dated 07.05.2018 [Annexure- 'B'], whereby Respondents No. 3-90 have been inducted / absorbed in the Management Cadre of the Health Services by *way of permanent transfer* from General Cadre of the Health Department of the Govt. of Khyber Pakhtunkhwa. Departmental appeal there against was also filed by the present appellant on 08.05.2018, pursuant to the order of the Supreme Court of Pakistan while hearing Human Rights cases at Peshawar Registry on the same date whereby it was ordered that the applications filed by the present appellant before the apex court was to be treated as Departmental Appeals / Representations and was to be answered in 10 days by the department. Thus, the Service Appeal / Representation was answered by the official respondents on 25.05.2018 [Annexure- 'C'], whereby the genuine plea of the appellant was turned down and was not exceeded to, hence this appeal.
3. To mention the background of the case, it is stated that the Government of Khyber Pakhtunkhwa had, in order to achieve better results for health care services delivery, separated administrative and clinical cadres in the Health Department, thereby constituting a separate Management Cadre by promulgating Khyber Pakhtunkhwa Health (Management) Service Rules, 2008 (hereinafter referred to as '*the Rules*') *vide* Notification No. SOH (EV) 4-20/08 dated 11.12.2008 [Annexure- 'D']. Rule 4 thereof read with Schedule II has provided method of recruitment and appointment in the aforesaid Management Cadre. And for those who were then serving in the general cadre of the Health Department, a one-time exercise of appointment by way of *permanent transfer* was provided in Rule 10 with certain prescribed qualification.
4. This mechanism for induction by way of permanent transfer so prescribed in Rule 10 *ibid* was nevertheless a one-time exercise, and was not to be enjoyed or taken benefit of for all times to come. However, it seems that the way things have gone by, the induction by way of such one-time absorption (by way of permanent transfer) has been made to last and subsist forever. And because this had badly affected the progression, promotion, service carrier and prospects to flourish in their own cadre / track for those who are directly recruited / appointed through Public Service Commission, i.e. the appellant herein, they

have been agitating their cause with solid and convincing reasons but to no avail so far.

5. Coming back to Rule 10 *ibid*, various Notifications and orders issued by Government of Khyber Pakhtunkhwa since its inception [Annexure-‘E’] would show that ideally speaking induction by way of absorption (through permanent transfer) from General to Management Cadre should have been stopped *w. e. f.* 18.10.2010. However, some of the respondents who, at the relevant and crucial time, were employed in other lucrative jobs / various projects of the Health Department, had decided to protract and drag the matter for years. And this object, they had achieved by way of dragging govt. into litigation at various *fora*. At the very outset Writ Petition No. 2382/2009 was filed in the Peshawar High Court, Peshawar, questioning the *vires* of **the Rules**. Said Writ Petition was dismissed in *limini* on 10.11.2009 [Annexure-‘F’], whereby the departmental authorities were directed to decide the departmental representation so filed within a month. Identical orders were passed when august Peshawar High Court, Peshawar was approached by some of the respondents in COC No. 10/2010 in the aforesaid writ Petition, which contempt case was disposed of on 09.02.2010 [Annexure-‘G’].

6. Thereafter Service Appeal No. 513/2010 was preferred before this august Tribunal, which was decided on 03.01.2012 [Annexure-‘H’] on the following terms;

“Section 10 of the said rules does not provide 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 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”.

7. The aforesaid decision of the Tribunal was assailed in the Supreme Court of Pakistan through Civil Appeals Nos. 320-324 of 2012 and Nos. 126-P to 130-P of 2013, which appeals were decided on 03.11.2016 [Annexure-‘I’], whereby the judgment of the Tribunal was maintained, and as to the issue of seniority it was held that it would be counted from the date when respondents join Management Cadre and not from any earlier period. Thereafter, a summary was initiated at the level of provincial government as to how an option of absorption as provided in Rule 10 *ibid* should be dealt with, and at last *the Rules* appeared to have been amended, on 10.05.2017 [Annexure-‘J’], albeit not by the competent authority, and now a *proviso* was inserted in Rule 10 *ibid* only for the purposes of providing an opportunity ‘*to improve qualification*’ for those in the general cadre who were there in service but did not have the prescribed minimum qualification on the date when Rules were initially promulgated, and then such officials of general cadre were to exercise option for absorption within a period of two years after fulfilling the qualification benchmark as prescribed. Thereafter, through advertisements and publications in various dailies [Annexure-‘K’], respondents were asked to submit option for absorption in the Management Cadre, and upon receiving the same impugned order dated 07.05.2018 was issued thereby permanently absorbing the private respondents in the Management Cadre in various pay scales as mentioned therein.

8. It is pertinent to mention that two years cushion period as provided in the judgment dated 03.01.2012 of this august Tribunal as well as given in the *proviso* added in Rule 10 *ibid* was meant only for those who were in the continuous services of the general cadre but did not have the requisite qualification at the relevant time so as to enable them to acquire the prescribed qualification during the cushion period and then to apply for absorption within the given time. This was clearly not meant to serve as a back door entry for those in the general cadre who at the relevant time did possess the requisite qualification at the time when *the Rules* were enforced back in 2008, but they did not, out of their own ulterior motives, opt for absorption when they were called on to do so back in the year 2009-10. This includes respondent no. 3, 6, 11, 16, 23, 28, 42, 44, 47, 48, 83, 88 and 89 who were holding the requisite required qualification when *the Rules* were enforced on 11.12.2008. As to the respondent no. 4, 5, 7, 8, 9, 10, 12, 13, 14, 15, 17, 18, 19, 20, 27, 30, 31, 32,

33, 34, 35, 36, 37, 41, 43, 45, 52, 55, 56, 57, 61, 63, 64, 67, 68, 69, 70, 73, 75, 76, 77, 78, 79, 81, 82, 84, 85, 86, 87 and 90, they were serving in the General Cadre of the Health Department but they had acquired the requisite qualification thereafter have also been inducted in the Management Cadre through the impugned Notification. It is rather more exasperating to note that there are some of the respondents (Respondent No. 21, 22, 24, 25, 26, 29, 38, 39, 40, 46, 49, 50, 51, 53, 54, 58, 59, 60, 62, 65, 66, 71, 72, 74 and 80), who were not even in service and were inducted in General Cadre of Health Department long time after the issue of one time absorption of such general cadre doctors had arisen. These respondents had also been given a back door because they have recently joined the general cadre services as mentioned in the attached sheet [Annexure-'L'] showing their appointment dates, and the back door entry of absorption has been allowed to continue and flourish for all times to come. This particularly was not the intent and object of *Rule 10* of the original un-amended *Rules* and judgment of the August tribunal. And now by making amendment therein *vide* Notification dated 10.05.2017, the real purpose and intent thereof appears to have been completely distorted and outraged.

9. On this very score the impugned Notification dated 07.05.2018 appears to be misconceived and illegal, because it has actually served as a back door entry for respondent No 3-90, as at the relevant time when *the Rules* were promulgated, on 11.12.2008, they either had the requisite qualification but not opted to go for the absorption in the Management Cadre, or did not had the qualification and acquired it later but not in the prescribed cushion period for improvement in qualification, or even those who were initially appointed in the general cadre after *the Rules* were promulgated.
10. More so, the impugned Notification dated 07.05.2018 or any other dispensation in the form of amending Notification No. SOH (E-V) 4-20/2017 dated 10.05.2017 are *prima facie* are illegal and contrary what has been ruled by the august Supreme Court of Pakistan in the matter of '*Contempt Proceeding against Chief Secretary Sindh and others*' reported in 2013 SCMR 1752, whereby not only similar inductions / appointments of civil servants from non-cadre posts to a cadre posts were held to be illegal but various legislations and Statutes of Govt. of Sindh allowing and protecting such absorption / induction were held to be *ultra vires* the Constitution. T

idea behind such judicial pronouncement was that permanent absorption of non-cadre civil servant to cadre posts would affect promotion prospects, progression and service carrier of the cadre civil servant. Same is the case here, as most of the respondents from general clinical cadre, who have been absorbed in BPS-18 and above, have blocked all chances of progression and promotion for the present appellant serving in BPS-17 as having been appointed in the Management Cadre by way of initial appointment as prescribed in *the Rules*.

11. It may also be stated at this juncture that in view of Art. 129 of the Constitution for the purposes of exercise of executive authority provincial govt. has been described as one exercised through *Chief Minister and the Cabinet*. Now, in this case Notification No. SOH (E-V) 4-20/2017 dated 10.05.2017 amending *the Rules* has been purportedly issued by the Govt. but without the concurrence of *Chief Minister and the Cabinet* both. The amendment thus brought in *the Rules* through this Notification does not exist in the eye of law and is *coram non judice*.

12. Having said all that, it is more than crystal clear that appellant has not been dealt with in accordance with law. Their departmental appeal too has been wrongly decided and relevant considerations to decide the same have been conveniently ignored. The indulgence of this august Tribunal is therefore all the more necessary and indispensable.

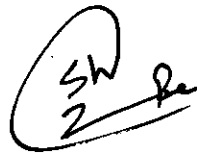
It is, therefore, prayed that on acceptance of this appeal this august Tribunal may be pleased to;

A. *Set-aside* and *quash* Notification No. SOH(E-V)14-20/2018 dated 07.05.2018 by declaring the permanent absorption of Respondents 3-90 in the Management Cadre as illegal and *ultra vires*, and

B. *Declare* that Notification No. SOH (E-V) 4-20/2017 dated 10.05.2017 is *ultra vires* the Constitution of the Islamic Republic of Pakistan, 1973 with particular reference to its Art. 4, 9, 10-A, 25 and has also been issued without jurisdiction and is *coram non judice*, and / or

already decided

C. *Grant* any other relief considered just and appropriate in the given circumstances of the case.



Appellant

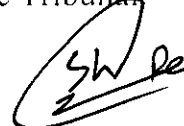
Through



Qazi Jawad Ehsanullah
Advocate Supreme Court

AFFIDAVIT

I **Dr. Shams Ur Rehman** Son of Zahir Gul Officer of Health Service Management Cadre (BPS-17) Government of Khyber Pakhtunkhwa Peshawar Affirm and declare on oath that the content of this service appeal is true and correct to the best of my knowledge, information and belief nothing has been cancelled to this Hon'ble Service Tribunal



DEPONENT



(10-A)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service Appeal No. _____/2018

MEMO OF PARTIES

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**
7. **Khalil ur Rehman s/o Ali Rehman**
8. **Mohammad Shuaib s/o Mohammad Ajab**
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 Eid Gul**
13. **Niaz Mohammad s/o Dost Mohammad**

10-B

14. Zafrullah Khan s/o Ghulam Sarwar
15. Saeed ur Rahman s/o Haji Fazli Rahman
16. Aamir Israr s/o Israr Mohammad Khan
17. Syed Shaida Hussain Shah Bukhari s/o Syed Fida Hussain Shah Bukhari
18. Muhammad Shafiq s/o Akbar Gul
19. Mohammad Rahim s/o Gul Rahim
20. Mushtaq Ahmad s/o Fazal Khan
21. Shabnum Khawas d/o Lal Khawas Khan
22. Ahmed Tariq s/o Tariq Tanvir
23. Khan Askar s/o Mohammad Askar
24. Faisal Malik s/o Fazli Malik Sarim
25. Bilal Bahrawar Khan s/o Bahrawar Khan
26. Tanveer Inam s/o Inam Ullah
27. Mohammad Saleem Khan s/o Fazali Rahim Khan
28. Alamgir Khan s/o Darwesh Khan
29. Majid Khan s/o Muhammad Hamayun Khan
30. Ihsan Ullah s/o Ghulam Muhammad
31. Aurang Zeb Afridi s/o Ghulam Hussain Afridi
32. Shafiul Mulk s/o Hazrat Mulk Khan
33. Mohammad Khalil Akhter s/o Mohammad Yousaf Khan
34. Farhad Khan s/o Pordil Khan
35. Muhammad Farid s/o Khaista Azam
36. Amir Rafiq Khattak s/o M. Rafiq Khattak
37. Jahanzeb Khan s/o Ihsan Ullah Khan
38. Alif Jan s/o Amir Jan
39. Makhdoom Safdar s/o Safdar Hussain Afghan
40. Shumaila Malik d/o Malik Farid Khan
41. Mohammad Kamal s/o Mohammad Sharif Khan
42. Noor Saeed Khan s/o Mohammad Saeed Khan
43. Aziz Khan s/o Jafar Khan

(10-C)

44. Ghulam Rasool Khan s/o Shadi Gul Khan
45. Mohammad Iqbal Javed s/o H. Fatch Ullah Khan
46. Kamran Zakria s/o Ghulam Zakria Khan
47. Sheikh Mohammad Farooq Azam s/o Shaikh Mohammad Bashir Gohar
48. Naimat Ullah Zia s/o Amir Shah
49. Muhammad Israr ul Haq s/o Abdur Rashid Khan
50. Qasim Abbas s/o Saif ur Rehman
51. Mohammad Hayat s/o Haji Akbar Gul
52. Muhammad Ibrahim Khan s/o Abdul Haleem Khan
53. Sheraz Ahmad Khan s/o Muhammad Akram Khan
54. Adnan Khan s/o Muhammad Zahir Shah
55. Syed Ijaz Ali Shah s/o Syed Abdul Qayyum Shah
56. Fazal Majeed s/o Muhammad Aslam
57. Muhammad Bilal Khan s/o Muhammad Daud
58. Majid Saleem s/o Allah Dad Khan
59. Fazal Qayum s/o Abdur Rahman
60. Ali Asghar Khan s/o Abdul Akbar Khan
61. Muhammad Azhar Shah s/o Asrar ul Arifin
62. Saira Jabeen Shah s/o Amt Ali Shah
63. Roshan Zada s/o Said Latif
64. Javid Iqbal s/o Amir Bahadar
65. Shaima Malik d/o Dr Fazli Malik Sarim
66. Pirzada s/o Bahadar
67. Shahab Ahmad s/o Abdul Rahman
68. Muhammad Dost Khan s/o Zahir Gul
69. Muhammad Riaz s/o Gohar Khan
70. Kashmir Khan s/o Aslam Khan
71. Tariq Hayat s/o Fazal Hayat Taj
72. Muhammad Sohail Farooqi s/o Muhammad Aqeel Farooqi
73. Abdul Waheed s/o Abdul Hamid

10-D

74. Hafizullah Khan s/o Amanullah Khan
75. Zakir Hussain s/o Hakim Khan
76. Qazi Sabihuddin s/o Qazi Ghulam Mustafa
77. Ijaz Ahmad s/o Bashir Ahmad
78. Sher Muhammad s/o Shah Muhammad
79. Wakeel Muhammad s/o Tajul Malook
80. Suffian Khan s/o Muhammad Tanveer
81. Muhammad Naeem s/o Habib Ullah Khan
82. Ikramullah s/o Amanullah Khan
83. Muhammad Shoaib s/o Azizur Rehman
84. Muhammad Riaz Tanoli s/o Said Ozar
85. Inayatullah Khan s/o Saifullah Khan
86. Wazir Khan s/o Rookam Khan
87. Uzma Jabeen d/o Taj Muhammad
88. Dildar Khan s/o Abdul Ghaffar
89. Mohsin Ahmad s/o Taj Muhammad Khan
90. Abbas Khan s/o Ajab Khan

All General Cadre doctors newly inducted into Health Management Cadre, Health Department Khyber Pakhtunkhwa *Case of D.G Health Office.*

.....RESPONDENTS

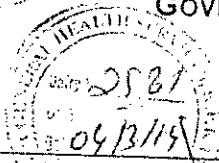
SW
2

Appellant

Through

2
Qazi Jawad Ehsanullah
Advocate Supreme Court

Annexure A (11)



GOVERNMENT OF KHYBER PAKHTUNKHWA

HEALTH DEPARTMENT

Dated Peshawar the 14th February, 2014

NOTIFICATION

No. SOH(EV)4-20/2013 The Competent Authority, on the recommendation of the Khyber Pakhtunkhwa Public Service Commission is pleased to order the appointments of the following officers of Management Cadre (BS-17) on regular basis with immediate effect.

S#	Name of Officer/Doctor	Father Name	Domicile
1.	Dr. Syed Irfan Ali Shah	Syed Saeed Shah	Peshawar.
2.	Dr. Shams ur Rehman	Zahir Gul	Khyber Agency
3.	Dr. Haris Mustafa	Ghulam Mustafa	Peshawar
4.	Dr. Attaullah	Bahram Khan	Dir (Upper)
5.	Dr. Muhammad Imran	Muhammad Akram	Lakki Marwat
6.	Dr. Fayyaz Ahmad	Said Azam	Bajaur Agency
7.	Dr. Mehreen Aziz Awan	Abdul Aziz Awan	Peshawar.

2. Consequent upon the above, the following posting/ transfers are hereby ordered:-

S#	Name of Doctors	Proposed	Remarks
2.	Dr. Syed Irfan Ali Shah	Assistant Director DGHS Office, Peshawar.	Against the vacant post of (BS-17).
2.	Dr. Shams ur Rehman	At the disposal of Director Health Services FATA.	Against the vacant post of (BS-17)
3.	Dr. Haris Mustafa	DMS Molvi Ameer Shah Memorial Hospital, Peshawar.	Against the vacant post of (BS-18) in his own pay and scale.
4.	Dr. Attaullah	Assistant Director DGHS Office, Peshawar.	Against the vacant post of (BS-17)
5.	Dr. Muhammad Imran	Instructor Provincial Health Services Academy, Peshawar.	Against the vacant post of (BS-17)
6.	Dr. Fayyaz Ahmad	At the disposal of Director Health Services FATA.	Against the vacant post of (BS-17)
7.	Dr. Mehreen Aziz Awan	M&E Officer Provincial Health Services Academy, Peshawar.	Against the vacant post of (BS-17)

TERMS AND CONDITIONS.

- They shall be governed by the Khyber Pakhtunkhwa Civil Servant Act, 1973 and the rules made there-under.
- They shall, initially, be on probation for a period of one year extendable for further one year.

ATTESTED

(12)


- c. Their services shall be liable to termination at any time without assigning any reason before the expiry of the period of probation/extended period of probation, if their performance during this period is not found satisfactory. In such an event, they will be given one month prior notice of termination from service or one month pay in lieu thereof. In case they wish to resign at any time, one month prior notice shall be necessary or in lieu thereof, one month's pay shall be forfeited.
- d. They will not be entitled to any TA/DA on their first appointment as Management Cadre (BS-17) officers.

SECRETARY HEALTH
Govt of Khyber Pakhtunkhwa.

Endst. of even No. & Date.

Copy forwarded to :-

1. The Accountant General Khyber Pakhtunkhwa..
2. The PSO to Chief Secretary Khyber Pakhtunkhwa.
3. The Director General Health Services, Khyber Pakhtunkhwa.
4. The Director Health Services FATA, Peshawar..
5. The Director Provincial Health Services Academy, Peshawar.
6. The MS Molvi Ameer Shah Memorial Hospital, Peshawar.
7. PS to Minister for Health.
8. PS to Secretary Health.
9. All the Section Officers in Health Department.
10. Computer Programmer Health Department.
11. Doctors/officers concerned.


(HINA HAFEEZ)
SECTION OFFICER(EV)


ATTESTED

(13) & (14)

OFFICE OF THE AGENCY SURGEON KHYBER AT JAMRUD.

OFFICE ORDER.

Reference to the Secretary Social Sector FATA order NO.FS/SO/(H)SSD/1-1-Vol-II/2014/699 .704 dated: 14.03.2014 and Director Health Services, FATA Endorsement letter NO.4556-58/DHS/FATA/Admn dated: 18.3.2014.

Dr. Shams-ur-Rehman Medical Officer is hereby posted as a Medical Officer in TBC Unit Jamrud and in addition he will work as IVM Monitor in Khyber Agency.


Agency Surgeon Khyber,
at Jamrud.

NO 1668-72 /AS-Khy

Dated 26/3/2014.

Copy forwarded to the :-

1. Director Health Services FATA Peshawar.
2. Programme Manager, IVM Director Health Services FATA Peshawar.
3. Agency Account Officer Khyber at Jamrud.
4. Incharge TBC Unit at Jamrud Khyber Agency.
5. Doctor Concerned.


Agency Surgeon Khyber,
at Jamrud.


ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated Peshawar the 7th May, 2018

NOTIFICATION

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 Irsar 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

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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	Khaista 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 Awan
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
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


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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-10	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

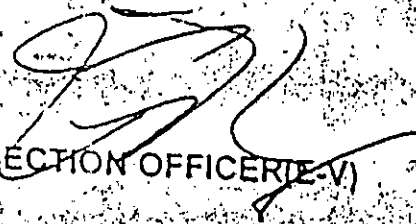
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SECRETARY HEALTH
Govt. of Khyber Pakhtunkhwa

Endst. of Even No. & Date.

Copy to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar
2. PSO to Chief Minister Khyber Pakhtunkhwa Peshawar
3. PSO to Chief Secretary Khyber Pakhtunkhwa
4. Director General Health Services, Khyber Pakhtunkhwa
5. Director General Provincial Health Services Academy Peshawar
6. Director Health Services FATA, Peshawar.
7. All Medical/Hospital Directors of MTIs in Khyber Pakhtunkhwa
8. All District Health Officers in Khyber Pakhtunkhwa
9. All Medical Superintendents in DHQ Hospitals Khyber Pakhtunkhwa
10. All District Accounts Officers in Khyber Pakhtunkhwa
11. PS to Minister Health Khyber Pakhtunkhwa
12. PS to Secretary Health Department
13. PS to Special Secretary, Health Department.
14. Manager Govt Printing Press Khyber Pakhtunkhwa
for publishing in the official gazette
15. Computer Programmer Health Department
16. Doctor concerned.


SECTION OFFICER (V)


ATTESTED

Annexure (C) (18-A)

LN 7078
Date 9/5
Secretary Health
Date: 08.05.2018

(Departmental Appeal)

To,
The Secretary
Health Department Khyber Pakhtunkhwa

[Signature]
2/5/18

Subject: Departmental Appeal against notification No. SOH(E-V)4-20/2018 dated 07.05.2018

The Government of Khyber Pakhtunkhwa to achieve better results for healthcare service delivery separated Administrative and Clinical cadres and constituted the Khyber Pakhtunkhwa Health (Management) Services Rules 2008 vide notification no. SOH(EV)4-20/08 dated 11.12.2008 (**Annex-I**). The method of appointment, qualification and other conditions applicable to a post in the service were mentioned in the rules. As a new cadre of service was introduced then by the Health Department, therefore as a one-time exercise, under the rule-10 of Khyber Pakhtunkhwa Health (Management) Services Rules 2008 posts in the service were filled by way of permanent transfer from amongst the officers of General Cadre in equivalent basic pay scale having the requisite qualification as prescribed in the rules.

Steps Taken In The Light Of Rule-10 for One Time Exercise:

Following steps were taken in the light of Rule-10 of Khyber Pakhtunkhwa Health (Management) Services Rules 2008:

- i. Government of Khyber Pakhtunkhwa Health Department vide letter dated 20.06.2009 (**Annex-II**) passed directions to Directorate General Health Services that opinion may be sought from doctors having required qualification for absorption in management cadre under the rule-10 of Khyber Pakhtunkhwa Health (Management) Services Rules 2008.
- ii. Directorate General Health Services vide letter dated 30.06.2009 (**Annex-III**) requested all sub offices of Health Department including projects, teaching institutions and medical colleges, to furnish written options of doctors opting for Management Cadre.
- iii. After receipts of options, Directorate General Health Services vide letter dated 14.07.2009 (**Annex-IV**) submitted the same final list of options to the Health Department.
- iv. In response thereof the Health Department vide letter dated 19.08.2009 (**Annex-V**) stated that tentative seniority lists of doctors of management cadre and general cadre in all scales may be prepared separately and circulated amongst all the officers for their information and objections if any, and the appeals pertaining to the objections may be decided in accordance with rules and regulations.
- v. The Directorate General Health Services vide letter dated 27.08.2009 (**Annex-VI**) circulated the tentative seniority lists of doctors of Management and General Cadre for information of all concerned, with the direction that in case of any objection, the same may be submitted for rectification.

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- vi. In response thereof some doctors submitted degrees of qualifications and some raised observations against Management Cadre. The Directorate General Health Services vide letter dated 08.10.2009 (**Annex-VII**) requested the Health Department to constitute a committee to resolve the matter, which was created by the Government notification dated 13.10.2009. The committee had a meeting on 13.11.2009 and presented recommendations (**Annex-VIII**).
- vii. The Health Department vide notification, circulated the final seniority lists of BPS 19 and BPS 20 of Management Cadre on 11.05.2010 (**Annex-IX**) and BPS 17 and BPS 18 of Management Cadre on 23.07.2010 (**Annex-X**).
- viii. After circulation of the final seniority lists of management cadre, some doctors submitted their representations along with their qualifications for inclusion in management cadre. The Health Department vide order dated 14.09.2010 constituted a committee which held its meeting on 18.10.2010 and submitted the minutes to government, recommending 14 officers who had qualifications required for management cadre under rule-10 for inclusion in management cadre (**Annex-XI**).
- ix. One time exercise of Health Management Cadre was considered as stopped with effect from 18.10.2010 as it was a time bound activity and cannot be further extended. If any doctor wish to apply for inclusion in the management cadre, which can only takes place through Public Service Commission as per Khyber Pakhtunkhwa Health (Management) Services Rules 2008. This was communicated to the Health Department from Directorate General Health Services letter vide 06.12.2010 (**Annex-XII**).

Further to the one-time exercise as mentioned, the process of initial recruitments into the cadre by competitive examination were also held over the years (**Annex-XIII**). Although the process of selection being very stringent, proved to be the cornerstone of development of the cadre on sustainable basis.

Litigations upon the actions taken under Rule-10:

Agonizingly specific group of people who were not inducted in the cadre as a one-time exercise mentioned above either due to complacency in not applying on time or be employed in donor/partner agencies with lucrative salaries, were involved in litigating the proviso of induction rules of the cadre over the years. This resulted in not only slow development of the cadre but also wasted the time of Health Department that could have been utilized for better policy making and service delivery. The snapshot of events is hereby produced for perusal:

- i. Dr Sher Muhammad and others filed **Writ Petition No. 2382/2009** in the honorable High Court Peshawar and questioned the vires of the rules promulgated by the Provincial Government vide Notification bearing No. SOH(EV)4-20/08 dated 11.12.2008. The honorable High Court Peshawar gave a judgment dated 10.11.2009 (**Annex-XIV**) that as the case pertains to change the terms and conditions of service therefore it may be questioned before the Service Tribunal, and was not inclined to admit the petition, therefore dismissed it in limine. However as the petitioners of the case had already filed representations before administrative department; therefore the

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honorable High Court Peshawar ordered that representations may be decided within a month.

- ii. The Same petitioners filed **COC No. 10/2010 in W.P.No. 2382/2009** which was disposed of by the honorable High Court Peshawar on 09.02.2010 with remarks that petitioners can file an appeal before the Service Tribunal (**Annex-XV**).
- iii. Dr Sher Muhammad. filed an appeal in the Khyber Pakhtunkhwa Services Tribunal vide **appeal no. 513/2010** dated 22.02.2010 upon which the tribunal gave judgment regarding the section 10 of the cadre rules dated 03.01.2012 that "section 10 of the said rules does not provide 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 other 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." (**Annex-XVI**)
- iv. Feeling aggrieved by the decision of the Service Tribunal, some doctors of Management Cadre filed **Civil appeals No. 320 to 324 of 2012** in the August Supreme Court of Pakistan. Whereas **Civil Appeals No. 126-P to 130-P of 2013** were filled by the Government of Khyber Pakhtunkhwa against the above mentioned judgment dated 03.01.2012 of the Khyber Pakhtunkhwa Service Tribunal; civil appeals No. 126-P to 130-P of 2013 were dismissed as time barred. However with regards to the Civil Appeals No. 320 to 324 of 2012, it was categorically mentioned in the judgment order that "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 for granting 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 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" (**Annex-XVII**).

Summary for the Chief Minister regarding Civil Appeal No. 320-324 of 2012 and Civil Appeal No. 126-P to 130-P of 2013 in the August Supreme Court of Pakistan:

In the aftermath of the judgment of honorable Supreme Court as mentioned above, the Health Department initiated a summary for Chief Minister Khyber Pakhtunkhwa with following three proposed measures: (i) Amending Rule 10 to provide with immediate effect, 2 years period to all in-service doctors to improve qualifications/obtain qualifications provided for lateral induction in the Management cadre and, on expiry to 2 years period in 2019 give notice, through wide publicity as a one-time exercise for such doctors to give their options to

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join the Management Cadre in accordance with Rule-10; (ii) Give notice through vide publicity, for exercise of option by all such doctors who have, as of today, obtained qualification 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; (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.

After obtaining necessary approvals the Health Department vide Notification No. SOH(E-V)4-20/2017 dated 10th May, 2017 notified the amendments in section 10 of Khyber Pakhtunkhwa Health (Management) Service Rules 2008 by addition of the proviso that "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" (Annex-XVIII).

Directorate General Health Service upon the instructions of Health Department through vide publicity as a one-time exercise, informed all general cadre doctors who possess the required qualification for lateral induction into the Management Cadre, to submit the applications to the Directorate within a period of one month in August 2017, after which further applications will not be entertained (Annex-XIX).

Consequently the Health Department submitted the list of proposed General Cadre doctors for their inclusion into the Management Cadre in the same summary for approval. The summary was approved by the Chief Minister Khyber Pakhtunkhwa, in the light of which Health Department inducted 88 doctors of General Cadre into Health Management Cadre vide notification No. SOH(E-V)4-20/2018 dated 07.05.2018 (Annex-XX).

The purpose of reproducing these events were to appraise your good self regarding the factual situation and to provide substantive basis for the fore coming arguments that may augment the stance of declaration of this notification being illegal, unlawful and void ab initio.

Preliminary Objections to the Notification No. SOH(E-V)4-20/2018 dated 07.05.2018:

1. Whether the decision of the Service Tribunal as mentioned above is specific in case of those petitioners who approached the Tribunal for redressal of grievances, or may include others similarly placed i.e. those doctors of general cadre in service on the day of Tribunal judgment dated 31.01.2012. ***The issue thus is who is to benefit from this decision - the petitioner and similarly placed, or even doctors who joined the service after the decision.***
2. Furthermore the advertisement as mentioned above is in sharp contrast to the amendment in Rule-10, as ***the latter allows 2 years period for improvement in qualification from the date of amendment, while the advertisement stipulates one month space for submitting options with required qualification.***
3. Moreover the decision of the Service Tribunal was to provide 2 year cushion period to the petitioners, for improving qualification and to join Management Cadre, if they succeeded in acquiring the requisite qualification as per rules of the cadre. Therefore one-time exercise

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of this induction in Management Cadre in the summary mentioned above, is beyond the scope of understanding and can only be because of absorption of blue-eyed persons which speaks volume of malafide on the part of Health Department. ***If one-time exercise of lateral induction in the Management Cadre is to be done at all, it may be done in 2019 after completion of the 2 year cushion period and for only those petitioners who approached the Tribunal for redressal of grievances, or may include others similarly placed i.e. those doctors of general cadre in service on the day of Tribunal judgment dated 31.01.2012; and who acquired the qualification within that cushion period and not any other time earlier.***

4. The August Supreme Court of Pakistan in the judgment mentioned above has categorically mentioned that on joining the Management Cadre, their seniority will be counted from the date of joining in the Management Cadre and not from any period earlier date, which is also an established principle that a person joining fresh cadre is relegated to the lowest position of that cadre. Therefore ***any genuine case of induction via one-time exercise will be placed at the bottom of the cadre*** i.e. at the bottom of BPS-17, in the light of judgment of August Supreme Court of Pakistan dated 03.11.2016.

5. It is pertinent to mention that over the years in various objections that has been registered in various courts of law against the original one-time exercise were not proved, and hence no lacuna were observed. Therefore those who possessed relevant qualification and applied well in time for induction into Health Management Cadre were inducted; and even those who submitted representation/appeals in response to initial seniority lists circulated. ***The process of one-time exercise which began in 30.06.2009 ended on 18.10.2010; therefore those who had the degrees but did not applied in time, either in complacency or were enjoying lucrative salaries in donor/partner agencies, cannot be inducted for now.*** The option is only to improve qualification and thus stand a chance for induction for rightful candidates into the Management Cadre; and not open to liars and chronic litigants who have been deceiving courts and pressurizing Health Department through ill motives and designs.

6. It is interesting to note that in an ongoing case in the honorable High Court Peshawar filled by the same doctors who have been inducted through the alleged Notification No. SOH(E-V)4-20/2018 dated 07.05.2018, the court has already granted status quo vide order dated 06.12.2016 (Annex-XXI). That ***despite the status quo order, the Health Department have inducted these doctors which has practically nullified the order of this honorable court dated 06.12.2016.***

7. In a nut shell, as an after effect of doctors inducted via Notification No. SOH(E-V)4-20/2018 dated 07.05.2018, ***the seniority of existing member of service in Health Management Cadre will be disturbed*** to an extent that a member of service who has more than 4 or 8 years of service in Health Management Cadre will be junior in cadre to the one who has only 01 day of service in Health Management Cadre. Furthermore by induction of these doctors by alleged Notification No. SOH(E-V)4-20/2018 dated 07.05.2018 the ***prospects of promotion of the existing member of service of Health Management Cadre***

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will also be seriously disturbed, this is in sharp contrast to the decision of August Supreme Court of Pakistan dated 03.11.2016 in similar case.

8. Furthermore it has been known through credible sources that a notification of similar nature is also in pipeline in which more than a hundred alleged inductees from General Cadre to Management Cadre are proposed. This is a classic example of height of injustice and destruction of merit, that already a process of induction into Health Management Cadre through Public Service Commission is chalked out in rules, however taking this devious route is an easy way to induct in a service where the existing members have taken pains to be inducted in a rightful manner.

9. Moreover a number of doctors have been inducted in BPS-17 vide alleged Notification No. SOH(E-V)4-20/2018 dated 07.05.2018, whereas Finance Department has already upgraded the posts of BPS-17 to BPS-18 in Health Management Cadre Finance Department letter No. BOVI/FD/4-1/2014-15/Vol-VII dated 09-09-2016 and NO.KC/FD/SO(FR)/7-3/2016-17 dated 17-10-2016 (Annex-XXII).

Request for Scrutiny of Doctors Inducted via notification No. SOH(E-V)4-20/2018 dated 07.05.2018:

It is shocking to see that list of doctors who have been inducted via Notification No. SOH(E-V)4-20/2018 dated 07.05.2018 includes those who (i) were in service at the time of decision dated 03.01.2012 having requisite qualification, but did not applied in time for the original one-time exercise, (ii) doctors who were not even in service at the time of decision i.e. joined in service in year 2012 onwards, at the time when initial induction in Health Management Cadre through Public Service Commission was already in process, for which they did not apply, (iii) those who were not able to successfully pass the entrance exam for the initial induction in Health Management Cadre through Public Service Commission, but inducted from general cadre through the notification. Therefore detailed scrutiny of every single case in the light of judgment of Service Tribunal and August Supreme Court of Pakistan may be made on immediate basis to secure justice. Case of two doctors who have been inducted in the Health Management Cadre vide Notification No. SOH(E-V)4-20/2018 dated 07.05.2018 is explained here just to substantiate the stance of detailed scrutiny of every single case:

Case No. 1: It is pertinent to mention that the litigations as mentioned above are not the only that has taken place for inclusion of names of aggrieved doctors into the Management cadre, but when the case was already under proceeding in the August Supreme Court of Pakistan, one Dr Muhammad Saleem s/o Inayat-ur-Rehman, filled the subject **Writ Petition No. 3928/2016** in the honorable High Court Peshawar dated 10.10.2016.

The same Dr Muhammad Saleem filed **Writ Petition No. 3645/2012** dated 27.12.2012 in the honorable High Court Peshawar with the same prayer for absorption/inclusion into the health management cadre. The court passed decision dated 20.02.2014 that the petitioner may be absorbed in the tentative seniority list of the Health Management Cadre, provided he would not claim seniority in the new cadre (Annex-XXIII). He then filled Review Petition No.

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PSC M D No 811
11/5/18

PS/O.S Khyber Pakhtunkhwa
Diary No. 5737 W/E
Date 11-5-2018

Po / Secy (E) E & AD
Diary No. 8898 W/E
Dated 11-5-18

42-P/2014 dated 12.03.2014 to the extent of challenging his right of inter-se-seniority; which was allowed before the proper forum (Annex-XXIV).

The same Dr Muhammad Saleem filled **Appeal No. 482/2016** before the Khyber Pakhtunkhwa Service Tribunal on 06.05.2016 which gave a detailed judgment on 12.01.2018 and dismissed the appeal with comments that the appeal was found to utterly frivolous and devoid of any substance (Annex-XXV). It is worth mentioning that comments submitted by the Chief Secretary Khyber Pakhtunkhwa, Secretary Establishment Khyber Pakhtunkhwa, Secretary Health Khyber Pakhtunkhwa and Director General Health Services in the same case are to be read with the subject case in which it was categorically mentioned that, the appellant has made himself guilty of forgery, perjury, misconduct and above all attempted to deceive the Honorable Tribunal apart from wastage of public time and resources of the government and the courts on this case (Annex-XXVI). It is astonishing that the same doctor regarding whom Health Department has submitted such harsh remarks in the Service Tribunal in the same case, has been inducted into the Health Management Cadre at Serial No. 1 vide notification No. SOH(E-V)4-20/2018 dated 07.05.2018; **instead of being charged under the Efficiency & Disciplinary Rules 2011.**

Case No. 2: Another Dr. Pirzada s/o Bahadar who has been inducted in the Health Management Cadre at Serial No. 64 vide notification No. SOH(E-V)4-20/2018 dated 07.05.2018, has failed in the initial recruitment process of BPS-17 in Health Management Cadre through Public Service Commission in 2016. However taking benefit of this backdoor channel of lateral induction into the Health Management, he has been inducted into the Health Management Cadre vide Notification No. SOH(E-V)4-20/2018 dated 07.05.2018.

Prayer:

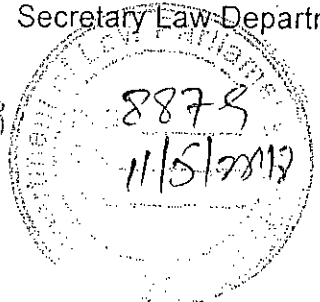
It is therefore prayed on acceptance of this appeal that the notification No. SOH(E-V)4-20/2018 dated 07.05.2018 for induction of the doctors of General Cadre into Health Management Cadre be withdrawn on immediate basis and consider it void ab initio. Furthermore the Health Department may only fill posts of Health-Management Cadre in Health Department by absorption from doctors of General Cadre in connection to the decision of August Supreme Court of Pakistan dated 03.11.2016.

Copy to:
11/5/18

1. Chief Minister Khyber Pakhtunkhwa, Peshawar.
2. Chief Secretary Khyber Pakhtunkhwa, Peshawar.
3. Secretary Establishment Department Khyber Pakhtunkhwa, Peshawar.
4. Secretary Law Department Khyber Pakhtunkhwa, Peshawar.

ATTESTED

11/5/18
11/5/2018



Dr. Bahis Gul Khan

~~Sm~~
~~Fahim~~

Dr. M. Saleem

Dr. Haroon Khan

~~See~~
Fahim

Dr. Fakhruddin

Dr. Abdul Latif

~~AM~~

Dr. Basit Saleem

~~Sm~~

Dr. Shaheen Afendi

Shaheen Afendi

Dr. Uolawud AGUS

~~Sm~~

Dr. Fakur-e-Akbar

~~Fahim~~

Dr. Wasim Akbar

~~Wan~~

Dr. Im-e-Rana

~~Sm~~

Dr. Shauket

~~Sm~~

Dr. Anwaruzul

~~Sm~~

Dr. Nadeem Khan

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Name

Signature

Dr. Nighat Muneed
 Dr. Mushtaq Ahmad Khan
 Dr. Ahmed Faisal
 Dr. Ayaz Imran Shah
 Dr. Atta Ullah
 Dr. Farhat Ishtiaq
 Dr. Hamza
 Dr. Liaquat A.C.
 Dr. Kifayat
 Dr. Naveed Farh
 Dr. Mehreen Aziz Awan
 Dr. Inayat ur Rehman
 Dr. SYED IRFAN AHI SHAH
 DR. HARIIS MUSTAFA
 Dr. Shams-ur-Rehman

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 Farhat
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 Liaquat
 Kifayat
~~Naveed~~
 Mehreen
~~Inayat~~
 Irfan
 Haris
 Shams

la
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Annexure (C)

18

GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

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

To

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.

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ATTESTED

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With the above variation/modification in the impugned Notification dated 11.12.2008, the present appeals as 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 vide 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.

ATTESTED

(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 03.11.2016. 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 29.05.2019 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

ATTESTED

1

2

GOVERNMENT OF THE NORTH-WEST FRONTIER PROVINCE
HEALTH DEPARTMENT.

NOTIFICATION

Annexure

(D)

(21)

Peshawar, dated the 11. 10. 2008.

No. SOH(FV) 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) "PIISA" means Provincial Health Services Academy;

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- (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 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 and 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 shall be the 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-practicing 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.

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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-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:

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.

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

Encls. of even No. & Date.

Copy to:-

1. The Chairman, Public Service Commission, NWFP, Peshawar.
2. PS to Minister for Health, NWFP.
3. PS to Chief Secretary, NWFP.
4. PS to Additional Chief Secretary, NWFP.
5. PS to Secretary E&A Department.
6. PS to Secretary Law Department, NWFP.
7. PS to Secretary Finance Department, NWFP.
8. PS to Secretary Health.
9. PA to DGHS NWFP.
10. Computer Programmer, Health Department.

(ADIL SAEB SAFI)
SECTION OFFICER-V

ATTESTED

SCHEDULE - I
(Management Cadre)

24

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. LRH/KTH/HMC Peshawar.	03
5.	Medical Superintendent DHQ.Hospitals Kohat, Bannu, DIKhan, Mardan, Swat, Abbottabad.	06
6.	Medical Superintendent, Mufi 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

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SCHEDULE - I
(Management Cadre)

Members of Service in BPS-19: 1

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, Mansehra. 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

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15.	SMO (Health) Municipal Corporation Peshawar.	01
16.	Deputy Directors in DGHS NWFP Peshawar.	05
17.	DMS (Stores) Govt. LRH/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

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

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SCHEDULE - I
(Management Cadre)

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Members of Service in BPS-18:

S.No.	Nomenclature of post.	Number of post.
1.	Incharge Civil/TIIC Hospital Ziarat Kaka Sahib Nowshera, Rustam, Lund Khawar Mardan, Topi Swabi. Kalu Khan Swabi, Shakar Darra (Kohat). Thall Hangu. Serai Naurang Lakki Marwat. Balakot Manshara and Thana Malakand Agency.	10
2.	Senior Instructors DHDCs in NWFP (Abbottabad. Swat and D.I. Khan).	03
3.	Instructors in Public Health School. Hayatabad Peshawar and D.I. Khan.	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 (Admn) 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(Admn). 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.

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[Signature]

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(II) Offices in NWFP.	71
	Total:	101

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

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4.	Members of Service (BS-18).	(a) MBBS/BDS or equivalent qualification, from any institute recognized by the PMDC; and (b) (i) Doctorate/M.Phil in Public Health or Health Administration or Health Management or equivalent qualification from any University recognized by the H.E.C or PMDC; or (ii) Master in Public Health/Health Administration/Health Management, allied discipline or equivalent qualification from any University recognized by H.E.C or PMDC with 5 years experience in the relevant field.	30-40 years	(i) Eighty percent by promotion, on the basis of seniority cum-fitness, from amongst Members of the Service in BS-17 having at least five years service as such, with two months in service training in Management from a recognized institution or PHSA; and (ii) twenty percent by initial recruitment.
5.	Members of Service (BS-17).	(a) MBBS/BDS or equivalent medical qualification from any institute recognized by PMDC; and (b) Master in Public Health/Health Administration/Health Management or equivalent qualification from any institute recognized by H.E.C or PMDC.	25-32 years	By initial recruitment.

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SCHEDULE - II

S. No	Nomenclature of post.	Qualification for appointment by initial recruitment.	Age limit.	Method of Appointment.
1	Director General Health Services (BS-20).		4	By transfer, on the basis of selection on merit, from amongst the ten senior most Members of the Service in (BS-20). Note: Preference will be given to those having additional postgraduate relevant qualifications or specialized courses.
2	Members of Service (BS-20).			(a) By promotion, on the basis of selection on merit, from amongst the Members of Service in (BS-19) with 5 years service as such or 17 years service in (BS-17) and above; and (b) four months advance in-service training in Management from a recognized institution or PHSA NWFP.
3.	Members of Service (BS-19).	PhD/M.Phil in Health Management, Hospital Administration, Health Planning Policy Formulation or allied disciplines with Eight years experience in management field. OR Master's Degree in Public Health or Hospital Administration or Health Planning Management or Health Planning Policy Formulation or equivalent, with twelve years experience in the relevant field.	35-50 years	(i) (a) Eighty-five percent by promotion, on the basis of seniority-cum-fitness, from amongst Members of the Service (BS-18) with 7 years service, as such or twelve years service in (BS-17) and above; (b) three months prescribed in-service training in Management from a recognized institution or PHSA; and (ii) fifteen percent by initial recruitment.

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83/6/09

HEALTH DEPARTMENT
NO.SOH(EV)4-20/08
Dated Peshawar the 20.6.09

(11)

To: The Director General Health Services, NWFP, Peshawar.

Annexure (E)

SUBJECT: FORMATION OF MANAGEMENT CADRE IN THE HEALTH DEPARTMENT.

(31)

I am directed to refer to the subject noted above and to state that option may be sought from the doctors having the required qualification for absorption in the Management Cadre through vide circulation amongst all as required under the Rules-10 of NWFP Health (Management) Services Rules-2008.

It is clarified that the option exercised, confer no right for in the said cadre. Attention is invited to Rules-10 of the rules referred above.

It is therefore requested that the list of qualified doctors opting for management cadre in accordance with their respective grades may be furnished to this department within a period of one month positively.

Muhammad Qasim
(MUSHAMMAD QASIM)
SECTION OFFICER-V

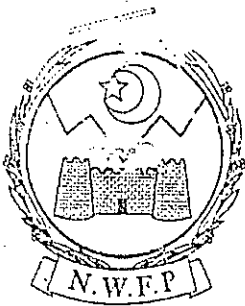
Copy to:
PS to Secretary Health.

[Signature]
SECTION OFFICER-V

Personel-I
[Signature]
25/6/09

BSEP
[Signature]
26/6

[Signature]
ATTESTED



DIRECTORATE GENERAL HEALTH SERVICES
GOVERNMENT OF N.W.F-P PESHAWAR.

Office Ph# 091-9210269
Exchange# 091-9210187
091-9210196
Fax # 091-9210230
No: 2143532 /
Dated: 30/1/2009

32

To,

1. The Principal,
Gomal Medical College D.I.Khan, Bannu Medical College Bannu,
KMC/ KCD/ KGMC Peshawar, SMC Swat, AMC Abbottabad.
2. The Chief Executive,
KTH/ LRH/ MMC Peshawar/ ATH Abbottabad
3. The Director.PHSA, Peshawar
4. The Director Health Services FATA, Peshawar
5. All EDOs (Health) in NWFP.
6. All Agency Surgeons, NWFP FATA.
6. The Deputy Director (Personnel) DGHS NWFP, Peshawar
7. All Medical Superintendents of Hospitals in NWFP
8. All Provincial Programme Managers/ Provincial Coordinators/
Project Directors in the Health Department.
9. Chief HSRU Health Secretariat NWFP Peshawar

Subject: - **FORMATION OF MANAGEMENT CADRE IN THE HEALTH DEPARTMENT**


Memo,

As the formation of Management Cadre in the Health Department is going to be implemented very soon and the Govt. of NWFP Health Department has directed to get option from the doctors who fulfill the qualification under the rules-10 of the NWFP Health Management Services rules-2008 notified on 11.12.2008.

According to rules-10 of Health Management Cadre, the doctors having the following qualification can opt.

01. Master of Public Health (MPH)
02. Postgraduate Diploma in Public Health (DPH)
03. Postgraduate Diploma in Hospital Administration (DHA)
04. Postgraduate Diploma in Health Planning & Management (DHPM)
05. Or Equivalent Master's Degree/ Diploma in Health Management or allied disciplines.

You are requested to furnish the written option of the doctors opting for Management Cadre alongwith their respective grade within a week's time positively through Fax No. 091-9210230.


DIRECTOR ADMINISTRATION
DIRECTORATE GENERAL HEALTH
SERVICES NWFP, PESHAWAR

Cc:

The Secretary to Govt. of NWFP Health Department Peshawar for information with reference to their letter No.SOH(EV)4-20/08 dated 20.06.2009.

ATTESTED

DIRECTORATE GENERAL HEALTH SERVICES
GOVERNMENT OF N.W.F-P PESHAWAR.

Office Ph# 091-9210269

Exchange# 091-9210187

091-9210196

Fax # 091-9210230

No: 22738/E-1

Dated: 14/07/2009

[Handwritten signatures and initials]

33

To

The Secretary to Government of NWFP,
Health Department Peshawar.

Subject:

FORMATION OF MANAGEMENT CADRE IN HEALTH
DEPARTMENT

Dear Sir,

Reference your office letter NO. SOH (E) 4-20/08 dated 20.06.2009
It is to inform you that all general cadre doctors were informed about the
formation of Management cadre in Health Department through their heads of
institutions by this office letter NO- 21413-532/E- dated 30.06.2009 through
registered letters, faxes, telephones and mobile phones. Copy of the same letter
has already been sent to your good office.

The options as well as necessary required documents in respect
above mentioned cadre under Rule-10 of Health Management Services
Rules-2008, have been received by this Directorate from MOs, SMOs, Dental
Surgeons and the final list of options is submitted to your kind honour according
to existing seniority of GDMOs and Dental Surgeons as Annexure A, B, C, D & E
for the needful at your end please.

[Signature]
DIRECTOR GENERAL HEALTH
SERVICIES NWFP, PESHAWAR

14/07

[Signature]
ATTESTED



GOVERNMENT OF NWFP
HEALTH DEPARTMENT

NO.SOH(EV)4-20/07
Dated Peshawar the 19.08.2009

To

The Director General,
Health Services, NWFP,
Peshawar.

8721
20/08

34

SUBJECT: FORMATION OF MANAGEMENT CADRE IN HEALTH DEPARTMENT.

I am directed to refer to your letter No. 22738/E.I dated 14.07.2009 on the subject noted above and to say that the tentative seniority of SMOs of Management Cadre as well as General Cadre from bottom to top may be prepared separately and circulate amongst the officers for their information and objection, if any. The appeals pertaining to the objection on the seniority if received may be decided in accordance with the rules/regulation and thereafter a final/undisputed seniority may be notified for information concerned.

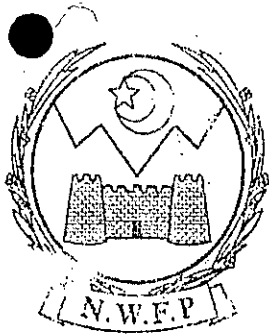
2. After completion of the whole process the case of promotion of SMOs may be furnished to this department for further processing/consideration of PSB.

3. The case may please be given priority.

AZC (M)
20/8/09

(MUNAMMAD QASIM)
SECTION OFFICER-V

ATTESTED



(vi)

27/8

**DIRECTORATE GENERAL HEALTH SERVICES
GOVERNMENT OF N.W.F-P PESHAWAR.**

Office Ph# 091-9210269
Exchange# 091-9210187
091-9210196
Fax # 091-9210230

(35)

No. 35421-502/E-I

Dated Peshawar the 27 /08/2009

To,

1. All Chief Executives of Teaching Hospitals in NWFP
2. All Principal of Medical Colleges in NWFP
3. The Director PHSA NWFP Peshawar
4. The Director Health Services, FATA, Peshawar
5. The Chief HSRU Health Department, NWFP, Peshawar
6. All Provincial Programme Managers/ Provincial Coordinators/ Project Directors in Health Department, NWFP
7. All Executive District Officers (Health) in NWFP
8. All Medical Superintendents of Hospitals in NWFP

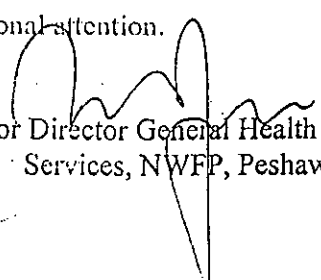
SUBJECT:- FORMATION OF MANAGEMENT CADRE IN THE HEALTH DEPARTMENT.

Memo:

As approved by the Govt. of NWFP Health Department vide letter No.SOH (EV) 4-20/07 dated 19.08.2009 on the subject noted above, enclosed are tentative seniority lists of doctors of Management as well as General Cadre from top to bottom for your information and circulation amongst all the concerned doctors for their information and objections, if any.

In case of any objection/query, the same may be submitted to this Directorate within a period of one month after the issuance of this communication, which will be decided in accordance with the rules/regulations and thereafter a final seniority list will be notified.

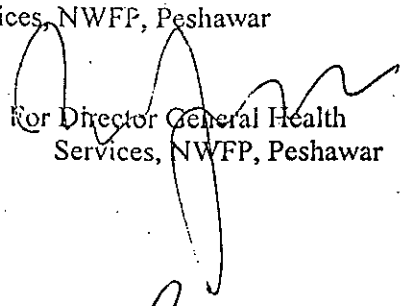
Matter most urgent and requires your personal attention.



For Director General Health
Services, NWFP, Peshawar

No. 35503-04/E-I

Copy forwarded to the:-

1. Secretary to Govt. of NWFP Health Department Peshawar for information with reference to their letter quoted above.
2. PA to Director General Health Services, NWFP, Peshawar


For Director General Health
Services, NWFP, Peshawar


ATTESTED

vii)



**DIRECTORATE
GENERAL HEALTH SERVICES
N.W.F.P PESHAWAR**

All communications should be addressed to the Secretary General, Health Services Peshawar and not to any official by name.

E-Mail Address: nwfgdghs@yahoo.com
Office Ph# 091-9210269
Exchange# 091-9210187, 9210196
Fax # 091-9210230

No: 40188 / E-I
Date 28/8 / 2009

The Secretary to Govt. of NWFP,
Health Department, Peshawar

36

am To, -

8/8/09

SUBJECT:- FORMATION OF MANAGEMENT CADRE IN HEALTH DEPARTMENT.

3-40 Dear Sir,

With reference to your letter No.SOH(EV)4-20/07 dated 19.08.2009 on the subject noted above, I have the honour to state that tentative seniority lists of Doctors of Management Cadre as well as General Cadre were circulated amongst all the concerned for information and objections if any vide this Directorate letter No.35421-502/E-I dated 27.08.2009.

In response thereof some doctors have submitted their degree of qualifications and some have raised observations against the formation of the subject cadre. Separate files containing applications/presentations of those doctors whose names are not included in the management cadre and have requested after due date for inclusion of their names having the requisite qualifications and those who have raised observations on the Management Cadre while those whose qualifications are not in line with Rules-10 of Management Cadre and disputed, are enclosed at Annexure-A, B & C respectively.

The following committee is proposed to scrutinize the observations and qualifications of the doctors in light of rules notified in the Management Cadre:

- | | |
|---|-----------|
| 1. Secretary to Govt. of NWFP Health Department | Chairman |
| 2. Director General Health NWFP | Secretary |
| 3. Chief HSRU Health Department | Member |
| 4. EDO(H) Peshawar | Member |
| 5. EDO(H) Chitral | Member |
| 6. EDO(H) DIKhan | Member |
| 7. Representative from PMDC | Member |
| 8. Director PHSA NWFP | Member |

It is therefore, requested to please constitute a committee and convene a meeting for scrutiny/consideration of the appeals/observations at the earliest.

Yours Faithfully,

Dr.Fazal Mehmood
Director General Health
Services, NWFP, Peshawar

28/8/09

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ATTESTED



**GOVERNMENT OF NWFP
HEALTH DEPARTMENT**

Dated Peshawar the 13.10.2009

NOTIFICATION.

NO.SOH(EV)4-20/2008. The Competent Authority has been pleased to constitute a committee of the following officers to scrutinize all the applications/appeals of the doctors for induction into Management Cadre covered under Rules-10 of Health (Management) Service Rules, 2008:-

- | | |
|---|-----------|
| 1. Additional Secretary Health (Estab:)
Govt. of NWFP Health Department. | Chairman |
| 2. Director General Health Services, NWFP | Secretary |
| 3. Director, PHSA NWFP, Peshawar. | Member |
| 4. Chief HSRU, Health Department. | Member |
| 5. EDO (Health) Peshawar. | Member |
| 6. Representative of PMDC. | Member |

SECRETARY HEALTH

Endst. of even No. & Date.

Copy to:

1. The Director General Health Services, NWFP.
2. The Director, PHSA Peshawar.
3. The Chief HSRU, Peshawar.
4. The Secretary, PMDC Islamabad.
5. The EDO (Health) Peshawar.
6. The PS to Secretary Health.
7. The PS to Special Secretary Health.
8. PA to Additional Secretary Health.

(MUHAMMAD QASIM)
SECTION OFFICER-V

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ATTESTED

viii)

**GOVERNMENT OF NWFP
HEALTH DEPARTMENT**

No.SOH(EV)4-20/08/M.Cadre
Dated Peshawar the 17.11.2009

To:

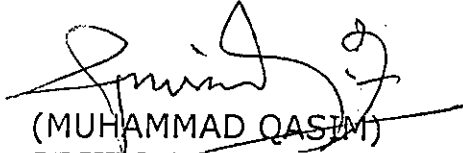
1. The Director General Health Services, NWFP Peshawar.
2. The Director, Higher Education Commission, NWFP.
3. Secretary, Pakistan Medical & Dental Council, Islamabad.

(38)

12535
19/11/09

SUBJECT: MINUTES OF THE MEETING REGARDING FORMATION OF MANAGEMENT CADRE IN HEALTH DEPARTMENT.

I am directed to forward herewith Minutes of the Meeting regarding Formation of Management Cadre in Health Department held on 13-11-2009 at 10.00 AM under the chairmanship of Additional Secretary Health in his office for information and further necessary action.


(MUHAMMAD QASIM)
SECTION OFFICER-V

Endst. of even No. & Date.

Copy to:

1. The PS to Secretary Health.
2. The PA to Additional Secretary Health.

SECTION OFFICER-V


ATTESTED

DD. B. ...
These minutes are being
all heads of institutions to
staff.
1/11/09

39 ix

GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated Peshawar the 11.05.2010

NOTIFICATION.


NO.SOH(EV)4-20/2007. In terms of Section-8 of the Khyber Pakhtunkhwa Act:1973 read with Establishment & Administration Department circular letter No.SOR-I(E&AD)3-15/88(Vol.I) dated 9-5-2002, the final seniority list of the Member of the Service (BS-20 & BS-19) of Health Management Cadre as stood on 1-1-2010 is hereby notified for the information of all concerned.

SECRETARY HEALTH

Endst. of even No. & Date:

Copy to:

1. The Director General Health Services, Khyber Pakhtunkhwa.
2. The Accountant General, Khyber Pakhtunkhwa.
3. The Chief Executive/MS LRH, KTH, HMC, Peshawar/ATH Abbottabad, STH Swat.
4. All the the EDOs (Health) in Khyber Pakhtunkhwa.
5. All the MS DHQ Hospitals in Khyber Pakhtunkhwa.
6. The Director Health Services, FATA.
7. All the District Account Officers, in Khyber Pakhtunkhwa.
8. PS to Secretary to Govt. of Khyber Pakhtunkhwa Establishment Deptt.
9. PS to Secretary to Govt. of Khyber Pakhtunkhwa, Finance Deptt.
10. The PS to Minister for Health.
11. The PS to Secretary Health.
12. Computer Programmer Health Department.
13. Doctor concerned.


(AKBAR KHAN)
SECTION OFFICER-V


ATTESTED

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**GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT**

Dated Peshawar the 23.07.2010

NOTIFICATION.

NO.SOH(EV)4-20/2007. In terms of Section-8 of the Khyber Pakhtunkhwa Act:1973 read with Establishment & Administration Department circular letter No.SOR-I(E&AD)3-15/88(Vol.I) dated 9-5-2002, the final seniority list of the Member of the Service (BS-17 & BS-18) of Health Management Cadre as stood on 1-1-2010 is hereby notified for the information of all concerned.

SECRETARY HEALTH

Endst. of even No. & Date.

Copy to:

1. The Director General Health Services, Khyber Pakhtunkhwa.
2. The Accountant General, Khyber Pakhtunkhwa.
3. The Chief Executive/MS LRH, KTH, HMC, Peshawar/ATH Abbottabad, STH Swat.
4. All the the EDOs (Health) in Khyber Pakhtunkhwa.
5. All the MS DHQ Hospitals in Khyber Pakhtunkhwa.
6. The Director Health Services, FATA.
7. All the District Account Officers, in Khyber Pakhtunkhwa.
8. The Section Officer-I,II and Litigation Health Deptt.
9. PS to Secretary to Govt. of Khyber Pakhtunkhwa Establishment Deptt.
10. PS to Secretary to Govt. of Khyber Pakhtunkhwa, Finance Deptt.
11. The PS to Minister for Health.
12. The PS to Secretary Health.
13. Computer Programmer Health Department.
14. Doctor concerned.

Akbar Khan
23/7/10
(AKBAR KHAN)

la
ATTESTED



DIRECTORATE GENERAL HEALTH
SERVICES, KHYBER PAKHTUNKHWA
PESHAWAR

No: 25981 /E-I
Date 26/10 /2010.

All communications should be addressed to the Director General Health Services Peshawar and not to any official by name.

E-Mail Address: nwfdghs@yahoo.com
Office Ph# 091-9210269
Exchange# 091-9210187, 9210196
Fax # 091-9210230

To,

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

SUBJECT:- MINUTES OF THE MEETING-ORDER.

Dear Sir,

With reference to your Office Order bearing No.SOH(EV)4-20/2008 dated 14.09.2010 wherein a committee was constituted to examine all the representations of doctors for the induction of their names in the seniority lists of Management Cadre, I have the honour to submit herewith minutes of the meeting of the committee held under the Chairmanship of the undersigned on 18.10.2010 at 11.00 AM, for favour of further necessary action.

Yours Faithfully,

Director General Health Services,
Khyber Pakhtunkhwa, Peshawar

[Signature]
ATTESTED

(41)

MINUTES OF THE MEETING

A meeting of the committee notified vide Govt. of Khyber Pakhtunkhwa Health Department vide Office Order No.SOH(EV)4-20/ 2008 dated 14.09.2010 was held on 18.10.2010 at 11.00 AM under the Chairmanship of the Director General Health Services Khyber Pakhtunkhwa Peshawar to examine all the representations submitted for inclusion of the names in the seniority lists of Management Cadre.

The following attended the meeting:

1. Dr.Sajid Shaheen
Director General Health Services,
Khyber Pakhtunkhwa Peshawar
2. Dr.Anees Akhtar
Deputy Director(Personnel) DGHS KPK Peshawar
3. Mr.Akbar Khan
Section Officer(EV) Health Department
Govt. of Khyber Pakhtunkhwa Peshawar

(In Chair)

The committee examined the appeals in light of Rule-10 of the Management Cadre. Applications provided by the government and pending in this Directorate were examined by the committee and recommended as under:

S.No.	Name of Applicant with BPS and place of posting	Qualification with year of passing	Name of Institution	Recommendations of the committee
1.	Dr.Bakht Jamal BPS-19 EDO(H) Swat	MCPS(Pak) Leadership Development in International Health/ 1993- 94 equivalent to MPH (Pak) by PMDC	Health Services Academy Islamabad	To be included in the seniority list
2.	Dr.Jamshed Ahmad BPS-19 SMO I/C ESC Nahaqi Peshawar	DHPM- 2002- 03	IMS- University of Peshawar	To be included in the seniority list
3.	Dr.Muhammad Idrees BPS-19 EDO(H) Haripur	-MPH-2007 -MPH (Undergoing 3 rd semester)	-University of Sindh -Frontier Institute of Medical Sciences Islamabad	The committee unanimously recommended that before entering his name in the seniority list, his degree may be verified from the concerned university, hence regretted at this stage
4.	Dr.Syed Ahmad BPS-19 TMO Pathology HMC Peshawar	-DHPM-1997- 98 -MPH-2003- 04	-IMS University of Peshawar -PHSA- University of Peshawar	To be included in the seniority list
5.	Dr.Tariq Masood BPS-19 PMO DHQH: DIKhan	MPH-2006-07	Gomal University DIKhan	To be included in the seniority list

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6.	Dr. Muhammad Saeed BPS-18 SMO MMC Mardan	MPH-2005-06	PHSA- University of Peshawar	To be included in the seniority list
7.	Dr. Muhammad Wali Qureshi BPS-18 DDHO Kohistan	MPH-2005-06	PHSA- University of Peshawar	To be included in the seniority list
8.	Dr. Muhammad Khan BPS-18 SMO HMC Peshawar	-Diploma in Tropical Medicine- 1998 -Diploma in International Health (MPH- Pak)- 1998	Ireland	To be included in the seniority list
9.	Dr. Abdur Rehman BPS-18 Assistant Director (Admn) DGHS Peshawar	MPH-2007	PHSA- University of Peshawar	To be included in the seniority list
10.	Dr. Nascir Khan BPS-17 MNCH Coordinator Mohmand Agency	DHPM-1997- 98	IMS- University of Peshawar	To be included in the seniority list
11.	Dr. Malik Niaz Khan BPS-17 Coordinator EPI EDO(H) Bannu	MPH-2007	Gandhara University Peshawar	To be included in the seniority list
12.	Dr. Fakhr-e-Alam Dental Surgeon BPS-17 DHQH, Karak	MPH-2006-07	PHSA- University of Peshawar	To be included in the seniority list
13.	Dr. Adnan Khattak BPS-17 Dental Surgeon Assistant Director (PH) DGHS KPK Peshawar	MPH-2009-10	Gandhara University Peshawar	To be included in the seniority list
14.	Dr. Fazal Rabbi BPS-17 DMS (Stores) IKD HMC Peshawar	MPH-2009-10	Gandhara Unviersity Peshawar	To be included in the seniority list

The committee recommended that revised seniority lists may be issued by the government after observing all other required formalities.

The meeting ended with vote of thanks.

Akbar Khan

Akbar Khan
Section Officer(V)
Govt. of Khyber Pakhtunkhwa
Health Department
(Member)

Dr. Anees Akhtar

Dr. Anees Akhtar
Deputy Director(Personnel)
Directorate General Health Services
Khyber Pakhtunkhwa, Peshawar
(Member)

Dr. Sajid Shaheen
Director General Health Services,
Khyber Pakhtunkhwa, Peshawar
(Chairman)

la
ATTESTED



**DIRECTORATE
GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR.**
No. 2933/1
Dated: 6/12/2010

XII,
All communications should be addressed to the Director General Health Services Peshawar and not to any official by name.

E-Mail Address: nwfdgsh@yahoo.com
Office Ph# 091-9210269
Exchange# 091-9210187, 9210186
Fax # 091-9210230

(44)

To,

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

Subject: **ISSUANCE OF FINAL SENIORITY LIST OF HEALTH MANAGEMENT CADRE DOCTORS AFTER FINALIZATION OF PENDING APPEALS.**

Sir,

It is submitted to your kind honour that the seniority list of members of the service (BS-20 and BS-19) of Health Management Cadre was notified by the Govt: on 11/05/2010 while the final seniority list of the members of the services (BS-17 and BS-18) of Health Management Cadre was notified on 23/07/2010.

Certain appeals were pending with the Government for inclusion in the Health Management Cadre. A committee was constituted for the finalization of the appeals under the chairmanship of Director General Health Services KPK Peshawar. The appeals were decided under rule 10 of the Health Management Cadre on October 18, 2010. The minutes were conveyed to the Government for information. Now final seniority list has been prepared after inclusion of the names of the appellants and submitted to the Government for notification and circulation among all for their information. The list is final and undisputed.

Moreover one time exercise of Health Management Cadre may be considered as stopped with effect from 18 October, 2010. Now if any doctor wishes to apply for inclusion in the Health management cadre it will be only processed through public service commission as per Health Management cadre rules December 11, 2008.

W. 2011/47
**DIRECTOR GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA, PESHAWAR.**

No. 29332-33/1
Copy forwarded to the:

Dated: 6/12/2010

- 1) Dr. Faheem Hussain, Assistant Director (P-I) DGHS Office, Peshawar.
- 2) PA to Director Administration, DGHS Office, Peshawar.

o/c
**DIRECTOR GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA, PESHAWAR.**

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ATTESTED

PESHAWAR HIGH COURT, PESHAWAR

FORM OF ORDER SHEET

Court of.....
Case No.....of.....

Annexure (F)

(45)

Serial No. of Order of Proceedings	Date of Order of Proceedings	Order or other Proceedings with Signature of Judge.
1	2	3
	<p><u>ORDER</u> 10.11.2009</p>	<p><u>Writ Petition No. 2382/2009 with Interim Relief.</u></p> <p>Present: Mr. Aminur Rehman, Advocate, for Dr. Sher Muhammad etc., petitioners.</p> <p>*****</p> <p><u>EJAZ AFZAL KHAN, C.J.</u> - Petitioners</p> <p>through the instant petition have questioned the vires of the rules promulgated by the Provincial Government vide Notification bearing No. SOH(EV)4-20/08, dated 11.12.2008.</p> <p>2. The learned counsel appearing on behalf of the petitioners contended that the rules mentioned above have seriously marred the prospects of the petitioners for being promoted, as such, they being <u>discriminatory</u> are liable to be struck down.</p> <p>3. We have gone through the available record carefully and considered the submissions made by the learned counsel for the petitioners.</p>

Attested to be True Copy

(Signature)

ATTESTED

EXAMINER
Peshawar High Court

(Signature)
ATTESTED

PESHAWAR HIGH COURT, PESHAWAR

FORM OF ORDER SHEET Annexure

Court of.....
Case No..... of..... (G) (47)

Serial No. of Order of Proceedings	Date of Order of Proceedings	Order or other Proceedings with Signature of Judge.
1	2	3
	<p><u>ORDER</u> 09.02.2010</p>	<p><u>Cr. Misc (COC) No. 10/2010 in W.P. No. 2382/2009</u></p> <p>Present: Mr. Aminur Rehman, Advocate, for Dr. Sher Muhammad etc.; petitioners.</p> <p>*****</p> <p><u>EJAZ AFZAL KHAN, C.J.</u>-As the petitioner after the expiration of ninety days from the date of filing of his representation can file an appeal before the Service Tribunal, it would be just an exercise in futility to issue a direction to respondents for deciding his representation. This petition is disposed of accordingly.</p> <p><u>Announced.</u> 09. 02. 2010</p> <p><i>Ejaz Afzal Khan C.J.</i> <i>Sher Muhammad Khan etc.</i></p> <p>CERTIFIED TO BE TRUE COPY</p> <p><i>[Signature]</i></p> <p>Peshawar High Court Authorized Under Section 75 A of the Order</p> <p>8890 12-2-10</p>

Office
11/2

Enjaz)

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[Signature]

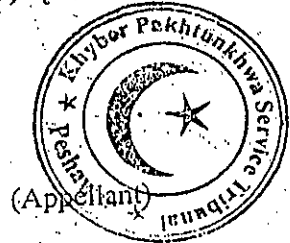
ATTESTED
[Signature]

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.




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.

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

MR. AMINUR RAHMAN,
Advocate

... For appellant.

MR. SERAFGAN KHATTAK,
Addl. Government Pleader

... For official respondents.

MR. BILAL AHMAD KAKAIZAI,
Advocate,

... For respondents.

SYED MANZOOR ALI SHAH,
MR. KHALID HUSSAIN,

... MEMBER
... MEMBER.


ATTESTED

(49)

JUDGMENTSYED 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.

ATTESTED

4. Arguments heard and record perused.


EXAMINED
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

5. 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


ATTESTED

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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.

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


ATTESTED

ATTESTED

EXAMINER

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.

(KHALID HUSSAIN)
MEMBER

(SYED MANZOOR ALI SHAH)
MEMBER

ATTESTED

Verified to be true copy
E. J. Khan
Secretary
Service Tribunal
Peshawar

52

Date of Presentation of Application 04-04-78
Number of Words 1600
Copying Fee 10-
Urgent 2-
Total 12-
Name of Copyright [Signature]
Date of Completion of Copy 04-04-78
Date of Delivery of Copy 04-04-78

APPELLATE JURISDICTION
SUPREME COURT OF PAKISTAN

XVII

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

Annexure

(I)

(53)

C.A.No.320-324 of 2012

AND

C.A.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 Ahmed Khan,
Addl. A.G.KPK

For Respondent No.1
(In C.As.No.320-324)

: Mian Muhibullah Kakakhel, ASC

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

: Mr. Ismat 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

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Court Associate
Supreme Court of Pakistan
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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 (C.A.No.126-P for 196 days while C.A.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.

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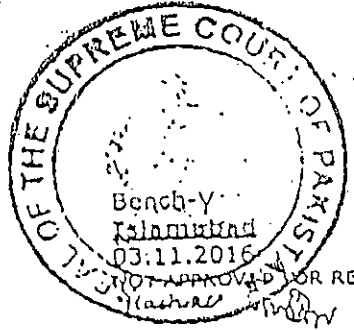
2. As regard the submission of the learned ASC for the appellants in Civil Appeals No.320 to 324 of 2012, he was unable to explain before us as to how the seniority of the appellants will be effected by the impugned judgment of the Tribunal more so when the respondents claim before the Tribunal itself 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.

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

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 Court Associate
 Supreme Court of Pakistan
 Islamabad
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Annexure

(J)

(56)

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. PIII
GAZETTE

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.XVIII 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,
Staty. Ptg. Deptt., Khyber Pakhtunkhwa, Peshawar.

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اطلاع عام

ان تمام ڈاکٹرز کو اطلاع دی جاتی ہے جو کہ محکمہ صحت میں جنرل کیڈر سے مینجمنٹ کیڈر میں آنا چاہتے ہیں اور مینجمنٹ کیڈر کے قواعد/تعلیمی قابلیت پر پورا اترتے ہیں اپنی درخواست کے ساتھ متعلقہ تصدیق شدہ تعلیمی اسناد (فوٹو کاپی) لفٹ کر کے اس اشتہار کے شائع ہونے کی تاریخ سے ایک ماہ کے اندر مندرجہ ذیل پتہ پر ارسال کریں ورنہ اس کے بعد موصول ہونے والے درخواستوں پر غور نہیں کیا جائے گا۔

INF(P)3803



ڈائریکٹر جنرل ہیلتھ سروسز خیبر پختونخوا ایشاور
فون نمبر:- 091-9214155, 091-9210269

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Details of Doctors Inducted from General Cadre to Management Cadre

Annexure (L) (59)

Respondent No	Name of Doctor	Father Name	Date of Joining Service on Regular Basis	BPS	Degree Title	Degree Awarding Institution	Date
3	Muhammad Saleem	Inayat ur Rahman	11/03/1999	19	Master of Science in Public Health	Liverpool John Moores University	11/03/2007
4	Muhammad Ismail	Said Muhammad	07/09/2007	18	Master of Medical Science with a major in Public Health Science	Karolinska Institutet Sweden	19/04/2011
5	Shahid Mehmood	Sardar Muhammad Aslam	07/09/2007	18	MPH	University of Peshawar	01/06/2011
6	Muhammad Mustafa Alam	Nasrullah Jan	23/07/2005	18	MPH	Gandhara University Peshawar	01/01/2007
7	Khalil ur Rehman	Ali Rehman	23/07/2005	18	MSc in Public Health	Quaid-e-Azam University	02/09/2009
8	Mohammad Shuaib	Mohammad Ajab	30/12/1987	20	Diploma in Health Care Systems Management	CPSP Pakistan	12/05/2011
9	Mohammad Muniob	Mohammad Sher Ali Khan	23/07/2005	18	MPH	University of Peshawar	21/01/2011
10	S. Muhammad Taimur Shah	Pir Ferooz Shah	23/07/2005	18	MPH	Abdul Wali Khan University Mardan	03/09/2013
11	Firdos Jabeen	Muhammad Aslam Khan	23/07/2005	18	MPH	University of Peshawar	12/12/2006
12	Kaaimullah Khan	Eid Gul	15/09/1997	19	MPH	Gandahara University Peshawar	05/05/2011
13	Niez Mohammad	Dost Mohammad	23/07/2005	18	MPH	Gandahara University Peshawar	07/07/2010
14	Zafrullah Khan	Ghulam Sarwar	15/09/1997	19	MPH	Khyber Medical University	04/04/2013
15	Saeed ur Rahman	Haji Fazli Rahman	23/07/2005	18	MPH	Khyber Medical University	10/04/2012
16	Aamir Israr	Israr Mohammad Khan	16/09/2000	18	MPH	University Health Sciences Lahore	25/11/2007
17	Syed Shaida Hussain Shah Bukhari	Syed Fida Hussain Shah Bukhari	23/07/2005	18	MPH	Khyber Medical University	11/03/2013
18	Muhammad Shafiq	Akbar Gul	23/07/2005	18	MPH	Sarhad University of Science & Information Technology	10/12/2013
19	Mohammad Raheem	Gul Rahim	23/01/1988	19	MPH	Gandahara University Peshawar	05/05/2011
20	Mushtaq Ahmed	Fazal Khan	07/09/2007	18	MPH	Gandahara University Peshawar	21/09/2011
21	Shabnam Khawas	Lal Khawas Khan	04/09/2012	17	MPH	University of Peshawar	01/06/2011

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Details of Doctors Inducted from General Cadre to Management Cadre

(60)

Respondent No	Name of Doctor	Father Name	Date of Joining Service on Regular Basis	BPS	Degree Title	Degree Awarding Institution	Date
22	Ahmed Tariq	Tariq Tanvir	03/06/2016	17	MPH	IMSciences Peshawar	17/07/2013
23	Khan Asker	Mohammad Asker	15/09/1997	19	MPH	University of Peshawar	09/12/2005
24	Faisal Malik	Fazli Malik Sarim	20/03/2015	17	MPH	Gandahara University Peshawar	07/06/2011
25	Bilal Bahrawar Khan	Bahrawar Khan	03/06/2016	17	MPH	University of Peshawar	23/12/2016
26	Tanveer Inam	Inam Ullah	03/06/2016	17	MPH	Abdul Wali Khan University	29/04/2015
27	Mohammad Saleem Khan	Fazali Rahim Khan	23/01/1988	19	MPH	IMSciences Peshawar	07/07/2011
28	Alamgir Khan	Darwesh Khan	23/07/2005	18	MPH	University of Peshawar	12/04/2005
29	Majid Khan	Muhammad Hamayun Khan	03/06/2016	17	MPH	Khyber Medical University	07/03/2017
30	Ihsan Ullah	Ghulam Muhammad	27/11/1988	19	MPH	Gomal University Dikhan	19/02/2014
31	Aurang Zeb Afridi	Ghulam Hussain Afridi	23/07/2005	18	MPH	Gandahara University Peshawar	30/12/2011
32	Shafiul Mulk	Hazrat Mulk Khan	27/11/1998	19	MPH	Abdul Wali Khan University	27/08/2012
33	Mohammad Khalil Akhter	Mohammad Yousaf Khan	15/09/1997	18	MPH	Quaid-e-Azam University	01/12/2009
34	Farhad Khan	Pordii Khan	28/05/1997	19	MPH	University of Peshawar	27/10/2010
35	Mohammad Farid	Khaista Azam	23/07/2005	17	MPH	Gandahara University Peshawar	28/07/2011
36	Amir Rafiq Khattak	M. Rafiq Khattak	23/07/2005	18	MPH	University of Peshawar	10/10/2010
37	Jahan Zeb Khan	Ihsan Ullah Khan	14/04/1992	19	MPH	Gandahara University Peshawar	02/03/2010
38	Alif Jan	Amir Jan	24/10/2009	18	MPH	Gandahara University Peshawar	25/08/2008
39	Makhdoom Safdar	Safdar Hussain Afghan	03/06/2016	17	MPH	Gandahara University Peshawar	22/02/2014
40	Shumaila Malik	Malik Farid Khan	20/03/2015	17	MPH	Khyber Medical University	10/04/2012

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Details of Doctors Inducted from General Cadre to Management Cadre

(61)

Respondent No	Name of Doctor	Father Name	Date of Joining Service on Regular Basis	BPS	Degree Title	Degree Awarding Institution	Date
41	Mohammad Kamal	Mohammad Sharif Khan	23/07/2005	18	MPH	University of Peshawar	21/01/2011
42	Noor Saeed Khan	Mohammad Saeed Khan	27/11/1998	19	Post graduate Diploma in Health Planning & Management	University of Peshawar	06/02/1997
43	Aziz Khan	Jafar Khan	23/07/2005	18	MPH	University of Peshawar	19/02/2009
44	Ghulam Rasool Khan	Shadi Gul Khan	09/12/1991	19	Post graduate Diploma in Health Planning & Management	University of Peshawar	21/04/1999
45	Mohammad Iqbal Javed	H. Fateh Ullah Khan	06/12/1987	20	MPH	Gomal University DIKhan	18/02/2011
46	Kamran Zakria	Ghulam Zakria Khan	28/10/2011	18	MPH	Gomal University DIKhan	31/05/2008
47	Sheikh Mohammad Farooq Azam	Shaikh Mohammad Bashir Gohar	23/07/2005	18	MPH	Gomal University DIKhan	25/11/2006
48	Naimat Ullah Zia	Amir Shah	06/12/1987	19	MPH	Gomal University DIKhan	25/11/2006
49	Mohammad Israr ul Haq	Abdur Rashid Khan	08/06/2017	17	MPH	Gandahara University Peshawar	21/09/2011
50	Qasim Abbas	Saif ur Rehman	24/10/2009	18	MPH	Gandahara University Peshawar	21/09/2011
51	Mohammad Hayat	Haji Akbar Gul	20/03/2015	17	MPH	Gandahara University Peshawar	03/07/1905
52	Muhammad Ibrahim Khan	Abdul Haleem Khan	07/09/2007	18	MPH	Gandahara University Peshawar	05/05/2011
53	Sheraz Ahmad Khan	Muhammad Akram Khan	09/05/2017	17	MPH	Khyber Medical University	09/02/2017
54	Adnan Khan	Muhammad Zahir Shah	12/08/2016	17	MPH	Khyber Medical University	04/04/2013
55	Syed Ijaz Ali Shah	Syed Abdul Qayyum Shah	16/09/2000	18	MPH	Sarhad University of Science & Information Technology	15/04/2013
56	Fazal Majeed	Muhammad Aslam	01/02/2005	18	MPH	Sarhad University of Science & Information Technology	20/05/2012
57	Muhammad Bilal Khan	Muhammad Daud	23/07/2005	17	MSPH	Quaid-e-Azam University	12-2010-
58	Majid Salim	Allah Dad Khan	09/09/2016	17	MSPH	Quaid-e-Azam University	01/12/2013
59	Fazal Qayoum	Abdur Rahman	20/03/2015	17	MPH	University of Health Sciences Lahore	24/11/2014

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Details of Doctors Inducted from General Cadre to Management Cadre

(62)

Respondent No	Name of Doctor	Father Name	Date of Joining Service on Regular Basis	BPS	Degree Title	Degree Awarding Institution	Date
60	Ali Asghar Khan	Abdul Akbar Khan	24/10/2009	18	MPH	Khyber Medical University	11/03/2013
61	Mohammad Azhar Shah	Asrar ul Arifin	23/07/2005	17	MPH	Khyber Medical University	10/04/2012
62	Saira Jabeen Shah	Amt Ali Shah	04/09/2012	17	MPH	Gandahara University Peshawar	16/08/2012
63	Roshan Zada	Said Latif	07/09/2007	18	MPH	Khyber Medical University	11/03/2013
64	Javid Iqbal	Amir Bahadar	27/11/1998	19	MPH	Khyber Medical University	10/04/2012
65	Shaima Malik	Dr Fazli Malik Sarim	27/10/2011	17	Master of Management Sciences in Public Health	Abasyn University Peshawar	10/02/2012
66	Pirzada	Bahadar	20/03/2015	17	MPH	Sarhad University of Science & Information Technology	20/04/2012
67	Shahab Ahmad	Abdul Rahman	27/11/1998	19	MPH	University of Peshawar	01/06/2011
68	Muhammad Dost Khan	Zahir Gul	23/07/2005	18	MPH	Sarhad University of Science & Information Technology	20/10/2014
69	Mohammad Riaz	Gohar Khan	23/07/2005	18	MPH	Abdul Wali Khan University	01/02/2014
70	Kashmir Khan	Aslam Khan	09/12/1991	19	MPH	Abdul Wali Khan University	15/03/2011
71	Tariq Hayat	Fazal Hayat Taj	03/06/2016	17	MPH	IMSciences Peshawar	27/02/2015
72	Muhammad Sohail Farooqi	Muhammad Aqeel Farooqi	20/03/2015	17	MPH	Abdul Wali Khan University	03/04/2013
73	Abdul Waheed	Abdul Hamid	15/09/1997	19	MPH	Gomal University DIKhan	22/02/2011
74	Hafizullah Khan	Amanullah Khan	04/09/2012	17	MPH	Gomal University DIKhan	13/06/2017
75	Zakir Hussain	Hakim Khan	23/07/2005	18	Master of Management Science in Public Health	Abasyn University	06/12/2013
76	Qazi Sabihuddin	Qazi Ghulam Mustafa	31/07/1993	19	MPH	Khyber Medical University	10/04/2012
77	Ijaz Ahmad	Bashir Ahmad	23/07/2005	19	MPH	Abasyn University Peshawar	10/02/2009
78	Sher Muhammad	Shah Muhammad	19/03/1987	20	MPH	Sarhad University of Science & Information Technology	31/12/2013

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Details of Doctors Inducted from General Cadre to Management Cadre

(63)

Respondent No	Name of Doctor	Father Name	Date of Joining Service on Regular Basis	BPS	Degree Title	Degree Awarding Institution	Date
79	Wakeel Muhammad	Tajul Malook	19/03/1987	20	MPH	Abdul Wali Khan University	05/04/2012
80	Suffian Khan	Muhammad Tanveer	26/05/2017	17	Master of Science in Public Health	University of Bedfordshire UK	02/11/2012
81	Muhammad Naeem	Habib Ullah Khan	07/09/2007	18	MPH	Khyber Medical University	16/05/2016
82	Ikramullah	Amanullah Khan	14/03/1987	20	MPH	Khyber Medical University	22/07/2016
83	Muhammad Shoaib	Azizur Rehman	16/09/2000	18	Post Graduate Diploma in Health Planning and Management	Institute of Management Studies, UOP	00-00-2003
84	Muhammad Riaz Tanoli	Said Ozar	23/10/2000	18	MPH	IMSciences	07/07/2011
85	Inayatullah Khan	Saifullah Khan	07/09/2007	18	MPH	Gomal University DIKhan	30/12/2016
86	Wazir Khan	Rookam Khan	07/09/2007	18	EMBA (Health Management)	Gandahara University	08/08/2012
87	Uzma Jabeen	Taj Muhammad	23/07/2005	18	Master of Management Science in Public Health	Abasyn University	02/04/2015
88	Dildar Khan	Abdul Ghaffar	14/02/2005	18	MPH		01/01/2007
89	Mohsin Ahmad	Taj Muhammad Khan	26/11/1995	18	MPH	University of Peshawar	12/12/2006
90	Abbas Khan	Ajab Khan	00-00-2005	18	MPH	Gomal University DIKhan	18/02/2011

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