


04.08.2022

Petitioner present in person. Mr. Kabir Ullah Khattak.
Additional Advocate General present.

Implementation report not submitted. Let Director
General Health Services, Khyber Pakhtunkhwa, Peshawar and
District Health Officer, District Dir Lower be put on notice to
appear in person alongwith implementation report. To come up
for implementation report on 06.09.2022 before S.B.

**SCANNED
KPST
Peshawar**


(Fareeha Paul)
Member (E)

31.05.2022

Counsel for the petitioner present. Mr. Muhammad Adeel Butt Addl. AG for the respondents present.

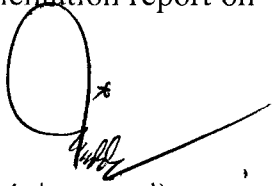
Judgment of this Tribunal has not been implemented so far. The respondents are directed to implement the judgment of this Tribunal and submit implementation report on the next date. To come up for implementation report on 21.06.2022 before S.B.

Chairman

21.06.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Safiullah Focal Person for the respondents present.

It is pathetic to observe that the Service Tribunal delivered judgement on 13.12.2018 in service appeal No. 639/2017, has not been implemented so far. This Bench has no option except to initiate punitive action against the respondents at fault. As a result thereof, salary of the respondents is attached. Registrar of the Tribunal is directed to communicate copy of the order sheet to Accountant General Khyber Pakhtunkhwa, Peshawar as well as District Accounts Officer, District Dir Lower for immediate action thereon. Adjourned. To come up for implementation report on 04.08.2022 before S.B.


(Mian Muhammad)
Member (E)

13.01.2022

Petitioner present through counsel.

Muhammad Adeel Butt, learned Additional Advocate General alongwith Dr. Muhammad Kamal DMS, Dr. Shaukat Additional DG and Safi Ullah F.P for respondents present.

File to come up alongwith connected Execution Petition No.311/2019 titled Lutfi Hakim Vs. Government of Khyber Pakhtunkhwa on 14.01.2022 before S.B.



(Rozina Rehman)
Member (J)

14.01.2022

Petitioner present through counsel.

Muhammad Adeel Butt, learned Additional Advocate General alongwith Dr. Irshad Ali Khan DHO and Dr. Daud Khan Medical Superintendent present.

File to come up alongwith connected Execution Petition No.311/2019 titled Lutfi Hakim Vs. Government of Khyber Pakhtunkhwa on 04.02.2022 before S.B.



(Rozina Rehman)
Member (J)

04.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 04.03.2022 for the same as before.



Reader

4.3.2022

Due to retirement of the Honorable Chairman the case is adjourned to come up for the same as before on 31-5-2022

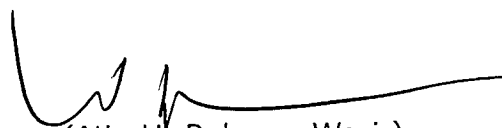


Reader

01.11.2021

Counsel for the appellant present. Mr. Saleem-Ur-Rehman DMS. alongwith Mr. Riaz Khan Paindakheil, Assistant Advocate General for the respondents present.

Representative of the respondents submitted copy of Minutes of the Meeting regarding SNE for the year 2020-21 dated 02.03.2021, which is placed on file. Representative of the respondents requested for time to submit implementation report; granted by way of last chance. To come up for implementation report before the S.B on 07.12.2021 at Camp Court Swat.



(Atiq-Ur-Rehman Wazir)
Member (Executive)
Camp Court, Swat

07.12.2021

Mr. Hameed-Ur-Rehman, special attorney present on behalf of the petitioner.

Mr. Riaz Khan Paindkaheil, Assistant Advocate General alongwith Mr. Saleem-ur-Rehman DMS for respondents present.

File to come up for alongwith connected Execution Petition No. 311/2019 on 13.01.2022 before S.B at Principal Seat Peshawar.



(Atiq Ur Rehman Wazir)
Member (E)
Camp Court, Swat

17.11.2020

Counsel for the petitioner and Addl. AG alongwith Saleemur Rahman, DMS for the respondents present.

The D.M.S DHQ Hospital Timergara has provided copy of memo. dated 23.10.2020, whereby, the creation of new posts of 16 Ward Attendants BPS-04 is sought. He states that the matter has been further forwarded to Finance Department and the outcome would take some more time.

It is appropriate in the circumstances to allow more time to the respondents. Adjourned to 05.01.2021 before S.B.


Chairman

05.01.2021

Counsel for the petitioner and Mr. Noor Zaman, DDA alongwith Saleem Javed, Litigation Officer for the respondents present.

The representative of respondents states that the case has been completed and sent to the Secretary, Health Department, Government of Khyber Pakhtunkhwa Peshawar for onward proceedings at the Finance Department.

On the previous date request for adjournment was made on similar ground, therefore, learned counsel for the petitioner strongly objects to the request.

It is in the interest of justice to have the judgment under implementation executed in letter & spirit. Another opportunity for the purpose is, therefore, granted to the respondents. Adjourned to 17.02.2021 before S.B. On the adjourned date the needful shall be positively done by the respondents, failing which action in accordance with law will be initiated against the delinquent official(s).

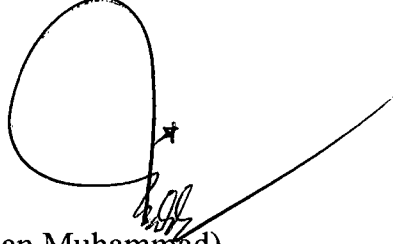

Chairman

25.09.2020

Mr. Noor Muhammad Khattak, Advocate, learned counsel for the appellant is present. Mr. Kabirullah Khattak, Addl: Advocate General alongwith Dr. Saleem Ur Rehman, DMS for respondent No.4, Dr. Iqtidar, Medical Officer for respondent No.3 and Mr. Ahmad Jan, Junior Clerk for respondents present as per directions recorded in order sheet dated 20.08.2020.

Representative of respondent No.4 produced letter bearing No. 7219 dated 23.09.2020 indicating therein that their cases are being followed vigorously for creation of the posts through SNEs. On the other hand learned AAG requested for reasonable adjournment so as to have time to implement the judgement of Services Tribunal. Learned counsel for the petitioner did not object. Moreover, DMS Timergara having been posted for the last five years and mainly related to the instant execution petition, would make it sure to get the required Class-IV posts sanctioned from the concerned department/quarter. For that reason he is nominated by name to make the implementation of the instant execution petition and come up with conclusive and final implementation report on next date.

The case is adjourned to 17.11.2020 for Implementation report before S.B.

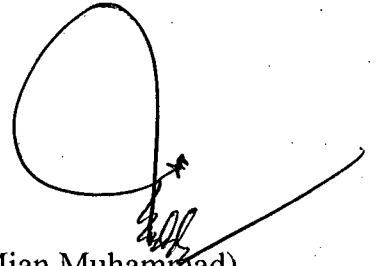

(Mian Muhammad)
Member (E)

20.08.2020

Counsel for the appellant present. Addl: AG alongwith Mr. Saleem, Javaid, Assistant Litigation for respondents present.

Implementation report not submitted. Record reveals that the instant execution petition is pending adjudication since 2019 but till date no implementation report has been submitted by the respondents. Respondents have time and again sought so many adjournments which clearly manifests that they are not interested to implement the judgment of this Tribunal. Respondents No. 2,3 and 4 are directed to attend this Tribunal personally with implementation report positively on the next date failing which the law will take its own course.

Adjourned to 25.09.2020 before S.B.

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line extending to the right.

(Mian Muhammad)
Member(E)

20.07.2020

Mr. Shahzullah, Advocate learned counsel for the appellant is present. Mr. Kabirullah Khattak, Additional AG for the respondents is also present.

Learned counsel for the petitioner invited attention of the Bench to the proceedings recorded in this execution petition in the previous order sheet and submitted that respondents are not taking any serious interest in the implementation and giving effect to the judgment of this hon'ble Tribunal. In this regard he further submitted that the execution petition/proceeding pertains only to Director General Health Services Department, Khyber Pakhtunkhwa, and Medical Superintendent DHQ Hospital, Timergara, to whom notice be issued to appear in person for explaining the real position of the instant execution petition. Learned Additional AG opposed the contention raised by the learned counsel for the petitioner and submitted letter No. SOH(Lit-II)13-4153/2020 dated 14.07.2020 whereby the department concerned has directed all the officials including Director General Health Services, Khyber Pakhtunkhwa, for giving effect to the judgment of this Tribunal and in the last remarked that being a court matter it may be treated as most urgent. Let the respondent-department be provided fair opportunity of giving effect to the judgment of this Service Tribunal, therefore, instead of appearing of the officers at this stage respondents are directed to implement the judgment of this Tribunal in its letter and spirit simultaneously fully complying the directions contained in the previous order sheet. To come up for meaningful execution on 20.08.2020 before S.B.

(MUHAMMAD JAMAL KHAN)
MEMBER

18.03.2020 Counsel for the petitioner present. Mr. Kabirullah Khattak learned Addl. AG alongwith M/S Ahmed Jan Junior Clerk for respondent No.3 and Saleem DMS for respondent No.4 present. Counsel for the petitioner submitted detail of vacant post at DHO Dir (Lower) office and M.S DHQ Timergara which is placed on file. Respondents are directed to produce the record of appointment made against the vacant post/posts available to adjust the appellant after the judgment. Moreover may also produce before the Tribunal the correspondence made between the district level offices and the higher authority regarding creation of new posts and the outcome of such correspondence. Adjourned. To come up for further proceedings on 16.04.2020 before S.B.


(Hussain Shah)
Member

27.04.2020 Due to COVID19, the case is adjourned to 20.07.2020 for the same as before.


Reader

18.12.2019

Counsel for the petitioner and Addl. AG alongwith Saleemur Rahman, DMS for the respondents present.

Learned counsel referred to implementation report wherein it is also noted that 9 sanctioned posts of Class-IV were available under administrative control of DHO while at present there is no vacancy with the Medical Superintendent administration. He, therefore, states that the stance of respondent No. 3 is essential for proper implementation.

The DHO Dir Lower/respondent No. 3 shall be sent notice to appear on 04.02.2020 and submit a reply regarding the availability of requisite vacancies under his administration.


Chairman

04.02.2020

Petitioner in person present. Addl: AG alongwith Mr. Saleem ur Rehman, DMS, Timergara and Dr. Sikandar Hayat, Coordinator, DHO, Dir Lower for respondents present. Representative of the respondents submitted reply with is placed on file. Adjourned. To come up for further proceedings on 18.03.2020 before S.B.


Member

16.10.2019

Counsel for the petitioner and Addl. AG alongwith Saleemur Rahman, DMS for the respondents present.

The representative of respondents requests for further time to submit the implementation report. The respondents shall do so on next date of hearing *positively*.

Adjourned to 18.11.2019 before S.B.


Chairman

18.11.2019

Counsel for the petitioner and Addl. AG alongwith Saleemur Rahman, DMS for the respondents present.

Representative of respondents has provided implementation report signed by Medical Superintendent and Deputy Medical Superintendent, DHQ Hospital Timergara. The same is made part of the record. A copy thereof has been handed over to learned counsel for the petitioner.

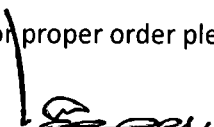

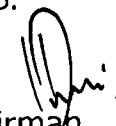
To come up for further proceedings on 18.12.2019 before S.B.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Execution Petition No. 317/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	27.08.2019	<p>The execution petition of Mr. Shah Khaled submitted today by Mr. Noor Muhammad Khattak Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>2-</p> <p>This execution petition be put up before S. Bench on <u>20/09/19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>20.09.2019</p> <p>Petitioner alongwith counsel present.</p> <p>Notices be issued to the respondents for submission of implementation report on 16.10.2019 before S.B.</p> <p style="text-align: right;"> Chairman</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Implementation petition No. ³¹⁷~~317~~ /2019

In appeal No. 731/2017

SCANNED
KPST
Peshawar

SHAH KHALID

VS

HEALTH DEPTT:

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of petition	1- 2.
2.	Affidavit	3.
4.	Judgment	A	4-7.
5.	Application & record	B	8-9.
6.	Wakalat nama	10.

PETITIONER

THROUGH:

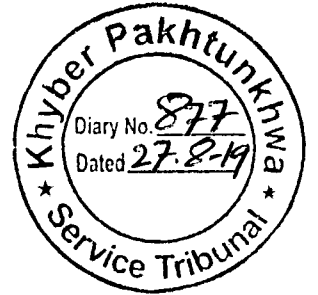

NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Implementation petition No. 317 /2019

In appeal No. 731/2017

Mr. Shah Khalid, Muslim Sweeper (BPS-1),
DHQ Hospital, Taimergara, District Dir Lower.



.....Petitioner

VERSUS

- 1- The Secretary Health Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director General Health Services Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Health Officer, District Dir Lower.
- 4- The Medical Superintendent DHQ Hospital Taimergara, District Dir Lower.

IMPLEMENTATION PETITION FOR DIRECTING THE
RESPONDENT DEPARTMENT TO IMPLEMENT THE
JUDGMENT DATED 13.12.2018 IN APPEAL
NO.639/2017 IN LETTER AND SPIRIT

R/SHEWETH:

- 1- That the above mentioned appeal has been decided by this august Service Tribunal vide judgment dated 13-12-2018 in favor of the Petitioner. Copy of the judgment is attached as annexure.....**A.**
- 2- That the Petitioner filed the above mentioned appeal against the impugned Notification dated 16.02.2017 whereby the petitioner has been ignored/excluded from promotion/adjustment against any other class-iv post.
- 3-That after final arguments this august Service Tribunal decided the appeal in favor of the Petitioner with the directions that:-

"impugned order dated 16.02.2017 has the effect of depriving the appellant from his adjustment against other class-iv post just for the reason that he was appointed as muslim sweeper after 12.7.2006. This Tribunal is therefore, of the opinion that discriminatory treatment was met out to the appellant. Resultantly this Tribunal holds that the cut off date i.e. 12.07.2006 as mentioned in the impugned order dated

16.02.2017 shall be treated as expunged. The present service appeal alongwith connected service appeals as mentioned in Para-2 of this judgment are accepted in the above terms".

4- That Petitioner after obtaining attested copy of the judgment 13.12.2018 submitted before the respondents alongwith application which was properly forwarded vide letter dated 29.03.2019 but the respondents are not willing to implement the judgment passed by this august Service Tribunal. Copy of the application alongwith other record are attached as annexure.....**B.**

It is therefore, most humbly prayed that on acceptance of this implementation petition the respondents may be directed to implement the above mentioned judgment passed by this august Service Tribunal in letter and spirit.

Dated: 25.06.2019.

PETITIONER

Shah Khalid

SHAH KHALID

THROUGH:

NOOR MOHAMMAD KHATTAK

&

**MIR ZAMAN SAFI
ADVOCATES**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Implementation petition No. _____/2019

In appeal No. 731/2017

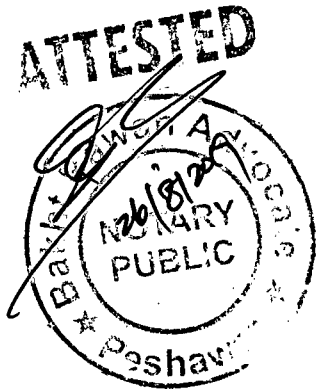
SHAH KHALID

VS

HEALTH DEPTT:

AFFIDAVIT

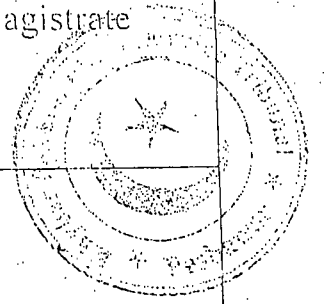
I Noor Mohammad Khattak Advocate on the instruction and on behalf of my client do hereby solemnly affirm that the contents of this **implementation petition** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.




NOOR MOHAMMAD KHATTAK
ADVOCATE

A - (4)

6 - (10)



Sr. No	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	13.12.2018	<p><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u> Service Appeal No. 639/2017</p> <p>Date of Institution 16.06.2017 Date of Decision 13.12.2018</p> <p>Mr. Luft-E-Hakeem, Muslim Sweeper (BPS-01) DHQ Hospital timer Garra, District Dir Lower. Appellant</p> <p>Versus</p> <p>1. The Secretary Government of Khyber Pakhtunkhwa through Secretary Health Department Khyber Pakhtunkhwa Peshawar. 2. Director General Health Department Khyber Pakhtunkhwa Peshawar. 3. The District Health Officer, District Dir Lower. 4. The Medical Superintendent DHQ Hospital Timergara, District Dir Lower. Respondents</p> <p>Mr. Muhammad Hamid Mughal-----Member (J) Mr. Ahmad Hassan-----Member (E)</p> <p><u>JUDGMENT</u></p> <p><u>MUHAMMAD HAMID MUGHAL, MEMBER:</u> - Mr. Noor Muhammad, learned counsel for appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General for the respondents present.</p> <p>2. This single judgment in the above captioned appeal, shall also dispose of appeals (1). bearing No.640/2017 filed by Rab Nawaz</p>

RECEIVED

Khyber Pakhtunkhwa Service Tribunal, Peshawar

(2). bearing No.641/2017 filed by Sahib Ullah (3). bearing No. 642/2017 filed by Akhtar Rasool (4). bearing No.643/2017 filed by Dilawar Khan (5). bearing No. 644/2017 filed by Hamid ur Rehman (6). bearing No.645/2017 filed by Khyal Muhammad (7). bearing No.646/2017 filed by Siraj ud Din (8). bearing No.647/2017 filed by Bakht Shah Zeb (9). bearing No. 648/2017 filed by Bakhtiar Khan (10). bearing No.649/2017 filed by Gul Saeed Khan (11). bearing No.650/2017 filed by Kifayat Ullah (12). bearing No.651/2017 filed by Sadiq Muhammad (13). bearing No. 652/2017 filed by Said Rehman (14). bearing No.653/2017 filed by Shams ul Islam (15). bearing No.654/2017 filed by Aftab ud Din (16). bearing No. 655/2017 filed by Muhammad Haq (17). bearing No.656/2017 filed by Abdur Rehman (18). bearing No. 724/2017 filed by Ismail Shah (19). bearing No.725/2017 filed by Rehmat Ali Shah (20). bearing No. 726/2017 filed by Gohar Rehman (21). bearing No.727/2017 filed by Miraj ud Din (22). bearing No. 728/2017 filed by Habib Ullah (23). bearing No.729/2017 filed by Umar Hakim (24). bearing No.730/2017 filed by Shahid Hussain (25). bearing No.731/2017 filed by Shah Khalid being identical in nature, having arisen from the same law, facts and circumstances.

3. The appellant, who was appointed as Sweeper (Muslim) at DHQ Hospital Timergra District Dir Lower in the year 2009 has filed the present service appeal u/s 4 of Khyber Pakhtunkhwa Service Tribunal Act 1974, against the order dated 16.02.2017 of the respondent No.1 whereby the respondent department accepted the



right of Muslim Sweepers appointed before 12.07.2006 for their adjustment against the post of Ward Orderly, Chowkidar, Mali, Dai, Aya and other Class-IV posts on seniority basis and thereby deprived the Muslim Sweepers appointed after 12.07.2006 to be adjusted as such. Learned counsel for the appellant mainly argued that the impugned order is a sheer example of discriminatory treatment to Muslim Sweepers appointed as such after 12.07.2006.

4. On the other hand learned Additional Advocate General defended the impugned order on the ground that the appellant himself was appointed as Muslim Sweeper in violation of policy decision dated 12.07.2006.

5. Arguments heard. File perused.

6. The respondent department vide its policy decision dated 12.07.2006 decided that all the Health Institutions should promote the Muslim Sweepers against the existing vacancies of Ward Orderly, Chowkidar, Mali, Dai, Aya and other Class-IV posts, on seniority basis and not to appoint Muslim Sweeper against the post of Sweeper in future.

7. It was due to the violation of policy decision dated 12.07.2006 that many Muslim Sweepers had to knock the door of Hon'ble Peshawar High Court. The violation of policy decision led the respondent department to the issuance of fresh order dated 16.02.2017 made partially impugned in the present service appeal.

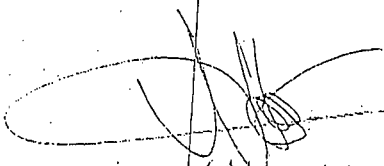
8. Upon the examination of the impugned order dated 16.02.2017, this Tribunal came to the conclusion that the same is

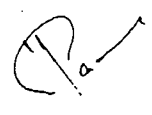
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also in violation of policy decision dated 12.07.2006 in as much as according to the policy decision dated 12.07.2006 gradually all the Muslim Sweepers would have to be adjusted against other Class-IV posts.

9. Impugned order dated 16.02.2017 has the effect of depriving the appellant from his adjustment against other Class-IV post just for the reason that he was appointed as Muslim Sweeper after 12.07.2006. This Tribunal is therefore of the considered opinion that discriminatory treatment was met out to the appellant.

10. Resultantly this Tribunal holds that the cut off date i.e. 12.07.2006 as mentioned in the impugned order dated 16.02.2017 shall be treated as expunged. The present service appeal alongwith connected service appeals as mentioned in para-2 of this judgment are accepted in the above terms. The respondent department is directed to take strict disciplinary action against those responsible for inducting Muslim Sweepers in violation of the policy decision dated 12.07.2006. Parties are left to bear their own costs. File be consigned to the record room.


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

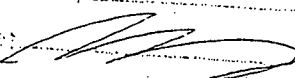
ANNOUNCED Date of Announcement 31-1-19

13.12.2018 Number of Pages 1600

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Total 12

Name of Copyist 

Date of Submission of Copy 31-1-19

Date of Delivery of Copy 31-1-19

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13.12.2018

حضرت صاحب ڈی ایچ ایچ - ایچ - ایچ ہسپتال تھریڈ سپریم کورٹ

2009
26/3/19
جناب عالی

سوال :- مسلم سپریم کورٹ کا عدالتی فیصلہ کلاس فور
ڈوسٹوں پر ایڈجسٹ کرنا -

Dr. Shukri
Dit to
me
Report
26/3/19

خود با نڈ گزاش ہے ڈی ایچ ایچ ہسپتال تھریڈ ایچ مسلم سپریم کورٹ نے سال
2014 میں پشاور کی کورٹ پر ایچ ڈی ایچ ہسپتال تھریڈ ایچ کے عدالتی فیصلے کو سنا لیا۔
آخر کار 13¹² / 27/8 کو سپریم کورٹ میں ٹیپرل میں مسلم سپریم کورٹ کے حق میں فیصلہ ہو گیا۔
یہ فیصلہ سپریم کورٹ کے عدالتی فیصلے کے خلاف کلاس فور ڈوسٹوں پر ایڈجسٹ کرنا ہے۔
ایڈجسٹ کرنا کی طرف سے جب کوئی ایڈجسٹ کرنا ہے تو عدالت میں پیش ہوتا ہے۔ تو

وہ عدالت کو یہ جواب دینا ہے - تم یہاں پاس خالی آسامیاں جو خود ہیں۔
ڈاؤن لوڈ کرو اور ٹرانسفر کرنا ہے۔ اہم ایس ڈی ایچ ہسپتال
تھریڈ ایچ کے تھریڈ ایچ حکومت کی پوسٹنگ اور ٹرانسفر پر مبنی ہے یا ڈوسٹوں کے قانونی ہوتے ہیں۔
ہی ایچ ایچ کے غیر قانونی افراد کے خلاف ایڈجسٹ کرنا ہے اس سلسلے
تو عدالت کو یہ جواب دینا ہے - ایچ ایچ ایچ کے غیر قانونی افراد کے خلاف ایڈجسٹ کرنا ہے اس سلسلے
تو عدالت کو یہ جواب دینا ہے - ایچ ایچ ایچ کے غیر قانونی افراد کے خلاف ایڈجسٹ کرنا ہے اس سلسلے

There are no vacant posts of
class IV -
) will follow Court decision - and
Muslim sweepers to be
by the time these posts
are become available

دستور
P.T.O
13¹² / 27/8

مسلم سپریم کورٹ کے فیصلے کو سنا لیا۔



(9)

DIRECTORATE GENERAL HEALTH SERVICES KHYBER PAKHTUN KHWA PESHAWAR

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

OFFICE ORDER

Dr. Shoukat DHO Dir Lower is hereby nominated as Enquiry Officer to conduct the enquiry and submit the detailed report as mentioned in the joint application of Muslim Sweepers attached to DHQ Hospital Timergara.

The enquiry report must be submitted within 07-days positively.

Sd/xxxxxxxxx
DIRECTOR GENERAL HEALTH
SERVICES, Khyber Pakhtunkhwa,
PESHAWAR.

No. 3151-52 /Personnel

Dated 29 /03/2019.

Copy forwarded to the:-

1. Dr. Shoukat DHO Dir Lower.
2. P.A to DGHS KP Peshawar.

For information and necessary action.

DIRECTOR (HRM)
DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR

(-) for S.No.01

[Handwritten initials]
29/03/19

VAKALATNAMA

Before the KP Service Tribunal, Peshawar

OF 2019

Shah Khalid

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Health Department

(RESPONDENT)
(DEFENDANT)

I/We Shah Khalid

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ____/____/2019



CLIENT



ACCEPTED

NOOR MOHAMMAD KHATTAK

SHAHZULLAH YOUSAFZAI

**MIR ZAMAN SAFI
ADVOCATES**

OFFICE:
Flat No.3, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.
Mobile No.0345-9383141

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
MR. *Shah Rashed* SWEEPER BPS-1 DHQ HOSPITAL TIMERGARA DIR
LOWER.

VERSUS.


- 1/- The Secretary Health Department Khyber Pakhtunkhwa Peshawar.
- 2/- The Director General Health Services Khyber Pakhtunkhwa Peshawar.
- 3/- The District Health Officer Dir Lower.
- 4/- The Medical Superintendent DHQ Hospital Timergara Dir Lower.

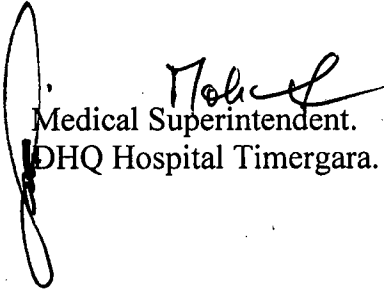
IMPLEMENTATION REPORT.

In pursuance of the Judgment honourable Service Tribunal Peshawar, in this regard it is stated that at present total sanctioned posts of Class-IV are 235 according to Budget 2018-2019 & 2019-2020 (Budget copy attached) which is already filled (copy attached).

Furthermore the undersigned has no authority to create the post of Class-IV (BPS-4) for the adjustment of Muslim Sweepers, in this regard the undersigned has already requested to high ups for the creation of other Class-IV posts in BPS-4, vide this office letter No. 6658 dated 9/8/2019, (copy attached for ready reference), out of 25 petitioners 16 are under Medical Superintendent Administration, while the remaining 9 are under DHO Administration

Moreover this office is not in position to promote/adjust the Muslim Sweeper due to the non availability of vacant position of Class-IV, this office will implement the honourable court decision in letter & spirit as and when vacant position are available.


Deputy Medical Superintendent.
(Lit) DHQ Hospital Timergara.


Medical Superintendent.
DHQ Hospital Timergara.

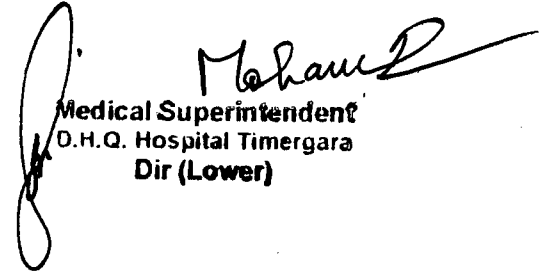

18/11/19

**NC21017 (013)
HEALTH**

073102 DISTRICT HEADQUARTER HOSPITALS

FUNCTIONAL CUM OBJECT CLASSIFICATION AND PARTICULARS OF THE SCHEME			NUMBER OF POSTS 2019-2020	BUDGET ESTIMATES 2019-2020	RELEASED 2019-2020
			Rs	Rs	Rs
07	HEALTH				
073	HOSPITAL SERVICES				
0731	GENERAL HOSPITAL SERVICES				
073102	DISTRICT HEADQUARTER HOSPITALS				
DA4328	MS District Head Quarter Hospital Dir Lower				
D112	Driver	(BPS-06)	4	777,000	777,000
G013	Generator Operator	(BPS-06)	1	164,000	164,000
N018	Nurse Dai	(BPS-06)	1	164,000	164,000
B033	Blood Bank Attendant	(BPS-04)	1	235,000	235,000
D007	Dai	(BPS-04)	10	1,735,000	1,735,000
L002	Laboratory Attendant	(BPS-04)	3	533,000	533,000
O012	Operation Theatre Attendant	(BPS-04)	3	675,000	675,000
T049	Tubewell Operator	(BPS-04)	1	205,000	205,000
W003	Ward Aya	(BPS-04)	8	1,143,000	1,143,000
W004	Ward Orderli	(BPS-04)	43	7,764,000	7,764,000
W039	Ward Attendant	(BPS-04)	18	3,017,000	3,017,000
X001	X-Ray Attendant	(BPS-04)	2	371,000	371,000
B006	Behishti	(BPS-03)	2	308,000	308,000
B019	Beldar	(BPS-03)	2	373,000	373,000
C057	Chowkidar	(BPS-03)	20	2,640,000	2,640,000
D060	Dhobi	(BPS-03)	6	814,000	814,000
M010	Mali	(BPS-03)	10	1,766,000	1,766,000
N005	Naib Qasid	(BPS-03)	2	404,000	404,000
S162	Sweeper	(BPS-03)	47	6,057,000	6,057,000
T049	Tubewell Operator	(BPS-03)	1	143,000	143,000
W004	Ward Orderli	(BPS-03)	49	6,316,000	6,316,000
W039	Ward Attendant	(BPS-03)	7	1,062,000	1,062,000
A01152	Personal pay			46,000	46,000
A012	TOTAL ALLOWANCES			<u>335,706,000</u>	<u>335,705,000</u>
A012-1	TOTAL REGULAR ALLOWANCES			<u>332,414,000</u>	<u>332,414,000</u>

Sr. No	Description	BPS	Sanctioned Post	Filled Post	Vacant Post
1	Blood Bank Attendant	4	1	1	0
2	Dai	4	10		Dying Cader
3	Lab oratory Attendant	4	3	3	0
4	OT Attendant	4	3	3	0
5	Tubewell Operator	4	1	1	0
6	Ward Aya	4	8	8	0
7	Ward Orderly	4	43	43	0
8	Ward Attendant	4	18	18	0
9	X-Ray Attendant	4	2	2	<i>Dying cader</i> 0
10	Behishti	3	2	2	0
11	Beldar	3	2	2	0
12	Chowkidar	3	20	20	0
13	Dhobi	3	6	6	0
14	Mali	3	10	10	0
15	Naib Qasid	3	2	2	0
16	Sweeper	3	47	47	0
17	Tubewell Operator	3	1	1	0
18	Ward Orderly	3	49	49	0
19	Ward Attendant	3	7	7	0
	Total		235	225	0


Medical Superintendent
D.H.Q. Hospital Timergara
Dir (Lower)



Court

OFFICE OF THE MEDICAL SUPERINTENDENT
DHQ HOSPITAL TIMERGARA
Phone # 09459250099
Fax # 09459250174
No. 6658
Dated 09/08/2019

To:-

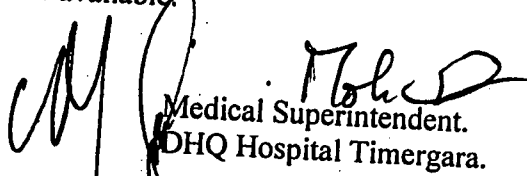
The Director General Health,
Services Khyber Pakhtunkhwa,
Peshawar.

Subject:-
Memo:-

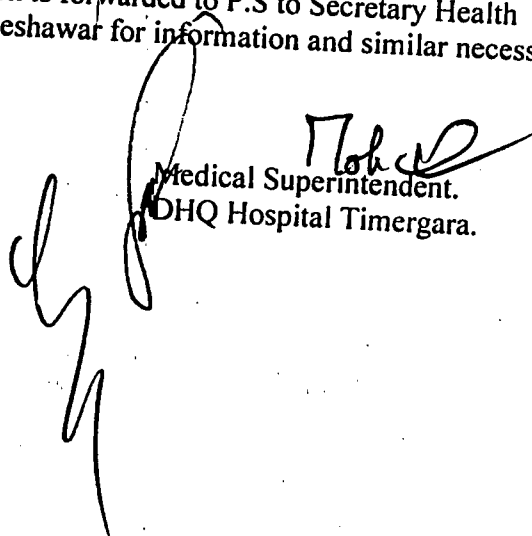
COURT DECISION.

I would like to bring it into your kind notice that the Honourable Service Tribunal Peshawar decided the case in favour of "Lutfi Hakim v/s Government of Khyber Pakhtunkhwa Health Department" (Copy of decision is attached herewith) wherein the court directed Health Department to adjust the Muslim Sweepers of DHQ Hospital Timergara Dir Lower against other posts of Class-IV, but this Hospital has already been saturated having surplus Class-IV and at present no post of Class-IV is available in any category to accommodate these Muslim sweepers.

It is therefore, submitted for your kind information to take notice of the said case to avoid complications regarding contempt of court etc. This office will adjust as and when vacant position became available.


Medical Superintendent,
DHQ Hospital Timergara.

Copy along with a copy of court decision is forwarded to P.S to Secretary Health Government of Khyber Pakhtunkhwa Peshawar for information and similar necessary action please.


Medical Superintendent,
DHQ Hospital Timergara.