

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.



(Fareeha Paul)
Member (E)

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 default. 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)

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.


(Fareeha Paul)
Member (E)

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

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

13.01.2022

Petitioner with counsel present.

Muhammad Adeel Butt, learned Additional Advocate General alongwith Dr. Shaukat Khan Additional Director General, Dr. Muhammad Kamal Deputy Medical Superintendent and Safi Ullah Focal person for respondents present.

Learned AAG requested for adjournment till tomorrow for the presence of respondents N.3 & 4. Opportunity is granted. To come up for further proceedings by tomorrow i.e. on 14.01.2022 before S.B.



(Rozina Rehman)
Member (J)


14.01.2022

Petitioner with counsel present.

Muhammad Adeel Butt, learned Additional Advocate General present. Respondents No. 3 & 4 in person present.

From the record it is evident that the Medical Superintendent had assured that he will hotly pursue the SNE for creation of fresh posts. He was required to get the same managed within 45 days positively in consultation with respondents No.1 & 2 but again no progress report was submitted till today. In view of the order sheet dated 24.08.2021, last chance is given to respondent No.4 as he has now assumed the charge of the post. So far as case to the extent of respondent No.3 is concerned, he apprised the Tribunal that three petitioners namely Gul Saeed Khan, Saeed ur Rehman and Shamsul Haq belonging to the Establishment of DHO Dir Lower have been temporarily assigned the work of Ward Attendant in the hospitals and that by the affidavit annexed with the report, three petitioners have expressed their willingness to the said interim implementation report. The execution petitions to the extent of above three petitioners have not been consigned being fully satisfied rather the same was kept pending but inactive until requirement of further direction for proper implementation report and as per order sheet dated 24.04.2021, DHO was required to do his best to solve the issue as soon as possible.

In view of the previous directions of this Tribunal respondents No.3 & 4 are required to submit proper implementation report on or before 04.02.2022 before S.B.



(Rozina Rehman)
Member (J)

07.12.2021

Petitioner in person present.

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

Perusal of the record shows that the judgment of this Tribunal passed in service appeal No. 639/2019 titled Lutf-e-Hakeem, the respondents were directed "to take strict disciplinary action against those responsible for inducting Muslim Sweeper in violation of policy decision dated 12.07.2006." The representative of the respondents stated at the bar at that time the responsible officer was Dr. Shoukat which was working against the post of (Executive District Health Officer) and now working as Regional Director Malakand Region, but record is silent about any disciplinary action against him.

In view of the above, the Secretary Health and D.G Health is directed to appear in person and explain that why any action shall not be taken against you.

On 24.08.2021, the respondent department was required to get the implementation done within 45 days positively, but today, representative of respondents submitted letter addressed to Secretary Health from Budget Officer-IV Finance department and representative stated that SNE would be reconsidered.

Petitioner submitted application for transfer of the Execution Petition to Principle Seat Peshawar because it is not financially viable for them, as his counsel belongs to Peshawar. On the other hand Mr. Saleem-ur-Rehman DMS did not object to the application, hence Execution Petition be fixed at Principle Seat Peshawar. To come up for finalization the process of SNE and personal appearance of the respondents No. 1 & 2 on 13.01.2022 before S.B at Principal Seat Peshawar.



(Atiq Ur Rehman Wazir)

Member (E)
Camp Court, Swat

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

Rehman and three others alongwith fresh Power of Attorney executed in the name of Sahib Ullah, Dilawar Khan and Abdur Rehman Sudais with cancellation of previous power of attorney executed in the name of Lutfе Hakeem. The application alongwith fresh Power of Attorney has been placed on file. The M.S personally in attendance has stated that for the time being, two posts of Class-IV employees are available but they are not clear as to who among the petitioners should be appointed against the said two posts. The majority of petitioners through newly executed attorney namely Abdur Rehman Sudais have opted that the said two posts may be kept vacant till other posts are created in pursuance of SNE so that all the petitioners, could be accommodated at one and the same time. Keeping in view the said option of the majority of petitioners it is directed that no fresh appointment shall be made on the two vacant seats and they shall be kept reserved for adjustment of the petitioners after creation of new posts in pursuance to the SNE. The M.S has assured that they will hotly pursue the SNE for creation of fresh posts and hopefully the matter will be soon resolved. Let the respondent No. 4 to proceed in efforts but within a target time. He is required to get the same managed within 45 days positively in consultation with respondents No. 1 and 2. Case to come up 01.11.2021 before S.B at camp court, Swat.


Chairman
Camp Court, Swat

In respect of three petitioners namely Gul Saeed Khan, Saeed-ur-Rahman and Shamsul Islam belonging to establishment of DHO Dir Lower, the latter has furnished an interim implementation report alongwith affidavit of the afore-named three petitioners. Accordingly, they have been temporarily assigned the work of Ward Attendant in the hospitals mentioned against their names. By the affidavit annexed with the report, the three petitioners named before have expressed their willingness to the said interim implementation report. However, they have stated before the Tribunal today that they reserve the right to disown the said arrangement if concrete steps are not taken for their regular adjustment against the post of Ward Attendant. With this position, the Execution Petitions to the extent of petitioners namely Gul Saeed Khan and two others shall remain pending but inactive until requirement of further direction for proper implementation report. The DHO shall do his best to solve the issue as soon as possible.

As far as the cases of the 16 petitioners belonging to Establishment of DHQ Hospital Dir Lower at Timergara are concerned, Medical Superintendent present before the Court has clarified that the appointments so far made against the Class-IV posts in DHQ Hospital date back to the year, 2017 prior in time to the judgment of this Tribunal; and no appointment against the Class-IV post, meant to be assigned to the petitioners, has been made after passing of the judgment by this Tribunal. He furnished the copies of the relevant record which have been placed on file. An application has been submitted by the petitioner Hameedur

EP 311/19

11.08.2021

Counsel for the petitioner and Dr. Irshad Ali, DHO (respondent No.3) and Saleemur Rehman, DMS for respondent No. 4 alongwith Mr. Kabirullah Khattak, Addl. AG for the respondents present.

The respondents No. 2 and 3 are not in possession of the information required by order dated 15.07.2021 which is indicative of their wriggling attitude towards compliance of a judicial order, obviously entailing the consequences. If they fail to furnish the information sought vide order dated 15.07.2021, it shall be deemed that they have made all 14 appointment orders so as to defeat the judgment of this Tribunal. Let them come up relevant information in light of the previous order as a matter of last opportunity. Case to come up on 24.08.2021 before S.B at camp court Swat as the matter relates to territorial limits of Malakand Division.


Chairman

24.08.2021

Counsel for the petitioner and Mr. Muhammad Riaz Khan Paindakhel, Asstt. A.G alongwith Dr. Irshad Ali, DHO and Dr. Shaukat Ali, M.S for the respondents present.

15.07.2021

Counsel for the petitioner and Ahmad Jan, Junior Clerk for respondent No. 3 alongwith Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

Representative of the respondent No. 3 has furnished the copy of letter dated 13.07.2021 addressed to the Registrar of this Tribunal alongwith statement of information regarding recruitment of Class-IV employees. The copy of the said letter and statement are placed on file. According to the statement of recruitment annexed with the latter dated 13.07.2021, 14 appointments are shown to have been made against the employees son quota. The said quota is provided under policy of the Government which is 25% of the posts in BPS- 1 to 4. It is not clear from information so furnished that how the said quota was worked out for making 14 appointments against employees son quota, and all after the date when the judgment dated 13.12.2018 of this Tribunal was in field, awaiting implementation. Let respondents No. 3 & 4 appear in person alongwith statement showing the strength of Class-IV posts in both components of Health Department i.e in the office of DHO Dir Lower and M.S Dir Lower and showing particulars of their incumbents including date of appointment. Case to come up on 11.08.2021 before S.B.


Chairman


EP No. 311/2019 Lutf-e-Hakim

07.07.2021

Counsel for the petitioner, Dr. Iqtidar as representative of respondent No. 3 with Mr. Muhammad Adeel Butt, Addl. AG for all the respondents present.

According to spirit of the judgment, the petitioners were to be adjusted against vacant posts of Ward Orderly and Naib Qasids from their present incumbency as Sweeper. Obviously, the judgment is pending for implementation from the date it was passed, which is 13.12.2018. It is reflected in the previous order dated 30.03.2021 that the department furnished the copies of correspondence for creation of new posts to make the adjustment of the petitioner possible in light of the judgment of this Tribunal. If there was no vacancy in the establishment of respondents in between 13.12.2018 till 30.03.2021 to enable the adjustment of petitioner in compliance with the judgment of this Tribunal, then it make sense that creation of new posts will enable the adjustment of the petitioner. However, if the vacant positions were available during the said period and direct recruitments were made instead of adjustment of the petitioners against them, the respondents should have to account for violation of the judgment. The minutes of meeting sent vide letter dated 16.03.2021 to the Secretary Health Department, copy thereof produced for this file, there is conclusion among others in end of minutes in style of a query that adjusting these sweepers against class-IV posts will have huge financial implications, why Health Department did not consider the same before doing unnecessary recruitment. A safe inference is possible from the said conclusion in the referred minutes of meeting that recruitment were made by the departmental authority against vacant class-IV posts after passing of the judgment at credit of the petitioner. The respondent No. 3 through Dr. Iqtidar present today on his behalf and other respondents through learned AAG are directed to furnish the details of recruitment made on vacant posts in the establishment respectively relating to the petitioner, after 13.12.2018 till date.

Adjourned to 15.07.2021 for proper implementation report before S.B.


Chairman

*Connected execution
petitions are misplaced,*

17.02.2021

The learned Member Judicial Mr. Muhammad Jamal Khan is under transfer, therefore, the case is adjourned. To come up for the same before S.B on 30.03.2021.



Reader

30.03.2021

Counsel for petitioner and Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Implementation report submitted and case for creation of post has already been submitted to the Finance Department. To come up for fully implementation report on 07.07.2021 before S.B.

*connected
execution petitions
are misplaced.*


(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)

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).

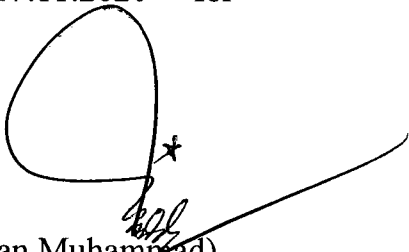

Chairman

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.

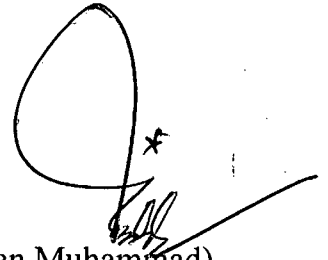

(Mian Muhammad)
Member (E)

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 and a small asterisk-like mark.

(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 ~~27~~ 30.04.2020 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.

NOTED
For 04-02-2020

S.B.
18-12-15
04.02.2020

Petitioner in person present. Addl: AG alongwith Mr. Saleem ur Rehman, DMS, Timergara and Dr. Sikander Hayat, Coordinator, DHO, Dir Lower for respondents present. Representative of the respondents submitted reply which 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.

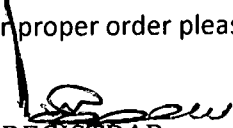


To come up for further proceedings on 18.12.2019 before S.B.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Execution Petition No. 311/2019

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. Lutf-e-Hakim 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> REGISTRAR</p>
2-	28/08/19.	<p>This execution petition be put up before S. Bench on <u>20/09/19</u>.</p> <p> CHAIRMAN</p>
	20.09.2019	<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> Chairman</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Implementation petition No. 311 /2019

In appeal No. 639/2017

LUTF-E-HAKIM

VS

HEALTH DEPTT:

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

PETITIONER

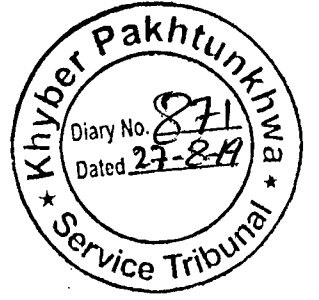
THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Implementation petition No. 311 /2019

In appeal No. 639/2017



Mr. Lutf-E-Hakim, 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: 2.08.2019.

PETITIONER



LUTF-E-HAKIM

THROUGH:

NOOR MOHAMMAD KHATTAK

&

**MIR ZAMAN SAFI
ADVOCATES**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Implementation petition No. _____/2019

In appeal No. 639/2017

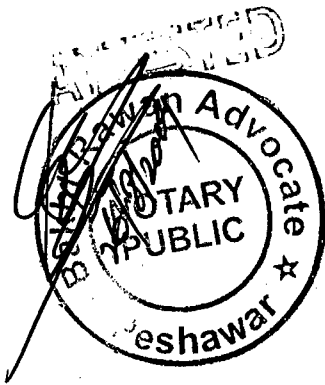
LUTF-E-HAKIM

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.

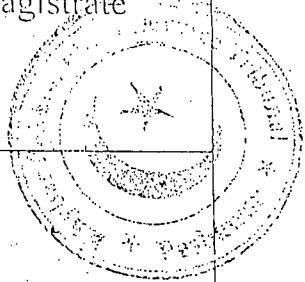



NOOR MOHAMMAD KHATTAK
ADVOCATE

A - (4)

6 - (5)

Sr. No	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
Service Appeal No. 639/2017

Date of Institution 16.06.2017
Date of Decision 13.12.2018

Mr. Luft-E-Hakeem, Muslim Sweeper (BPS-01) DHQ Hospital timer Garra, District Dir Lower.

Appellant

Versus

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

13.12.2018

Mr. Muhammad Hamid Mughal-----Member (J)
Mr. Ahmad Hassan-----Member (E)

JUDGMENT

MUHAMMAD HAMID MUGHAL, MEMBER: - Mr. Noor

Muhammad, learned counsel for appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General for the respondents present.

2. This single judgment in the above captioned appeal, shall also dispose of appeals (1) bearing No.640/2017 filed by Rab Nawaz

(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

SECRETARY
PESHAWAR
PESHAWAR


(S)


(7)

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 Presentation of Copy _____ 31-1-19

13.12.2018 Number of Copies _____ 1600

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Name of Copyist _____

Date of Copying of Copy _____ 31-1-19

Date of Delivery of Copy _____ 31-1-19

Copy of the above copy
to be submitted to the
Secretary, Government
of Punjab, Lahore

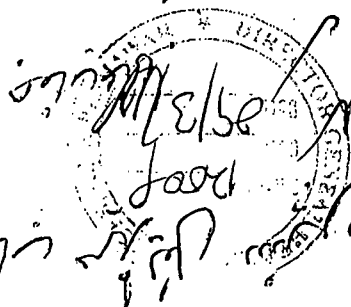
MEMORANDUM FOR THE RECORD
DATE: 12/13/19
BY: [Signature]

There are no vacant beds of any kind in the hospital. The only beds that are available are the beds in the intensive care unit. These beds are currently occupied by patients who are being treated for COVID-19. The hospital is currently at capacity and is unable to accept any more patients.

12/13/19
[Signature]

12/13/19
[Signature]

Dr. Charles
Dr. [Signature]
Dr. [Signature]
Dr. [Signature]



(8)

(10) (9)



DIRECTORATE GENERAL HEALTH SERVICES KHYBER PAKHTUN KHWA PESHAWAR

E-Mail Address: nwfpdghs@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

29/03/19

VAKALATNAMA

Before the KP Service Tribunal, Peshawar

OF 2019

Lutf-E-Hakim

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Health Department

(RESPONDENT)
(DEFENDANT)

I/We Lutf-E-Hakim

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

Lutf

CLIENT

He

ACCEPTED

NOOR MOHAMMAD KHATTAK

SHAHZULLAH YOUSAFZAI

**MIR ZAMAN SAEI
ADVOCATES**

OFFICE:

Flat No.3, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.

Mobile No.0345-9383141

"B"

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

No. *1.311/19 to 329/19* *639*
Appeal No. of 20 *17*
M. L. Khan & Co. Advocates
Appellant/Petitioner

2. M. L. Khan & Co. Advocates
Respondent

Respondent No.

Notice to: *1. M. L. Khan & Co. Advocates*
2. M. L. Khan & Co. Advocates

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on *10.10.2019* at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. dated

Given under my hand and the seal of this Court, at Peshawar this *30th* Day of *Sept* *2019*.

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

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

No.

Appeal No. of 20 17

Appellant/Petitioner

Versus

Respondent

Respondent No.

Notice to: —

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on..... at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....

Day of.....20 17.

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making appearance.

"B"

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

No. *311/19 to 329/19 in*
F/petitioner Appeal No..... *639* of 20 *17*
the undersigned Appellant/Petitioner
Versus
Secretary, Peshawar Respondent
Respondent No..... *1*

Notice to: - *Secretary, Peshawar*
Secretary, Peshawar

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on..... *16/10/19* at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

F/petitioner
Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No..... dated.....

Given under my hand and the seal of this Court, at Peshawar this..... *30/11*

Day of..... *30/11* 20 *19*

governor's committee report

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.



OFFICE OF THE DISTRICT HEALTH OFFICER

Dir Lower at Timergara

DHODIRLOWER
Ph: 0945-9250098

Fax: 0945-9250176

@DHODIRLOWER
Email: dhodirl@gmail.com

No. 4634 /Court Dated. 13 / 07 / 2021

To,

The Registrar
Service Tribunal Khyber Pakhtunkhwa Peshawar

**Subject: APPOINTMENT OF CLASS-IV AFTER 13-12-2018
(EP NO. 311/2019 LUTF-E-HAKIM & OTHERS)**

Memo:

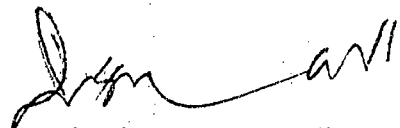
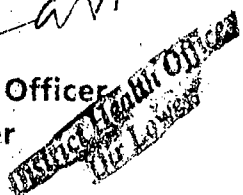
In light of the Honourable Service Tribunal Khyber Pakhtunkhwa Peshawar Implementation Petition No. 311/2019 in appeal No. 639/2017 of Mr. Lutf-E-Hakim, Muslim Sweeper V/S Govt: of Khyber Pakhtunkhwa Health Department & others.

Respectfully, it is stated that after 13-12-2018, No Class-IV has been recruited under the newly sanctioned posts of Class-IV by the Finance Department Khyber Pakhtunkhwa, in Health Department Dir Lower under the control of this office.

However, Class-IV mentioned in the attached list have been recruited in Health Department Dir Lower under the Quota, reserved for Retired Employee Son under the rules.

It is pertinent to mention that the undersigned posted as DHO Dir Lower on dated 06-04-2021 and no recruitment/appointment made till date.



The aforementioned is submitted for your kind information and further perusal, please.


District Health Officer
Dir Lower


No. 4635-36 /

Copy to:


1. Secretary to Govt: of Khyber Pakhtunkhwa Health Department Peshawar.
2. Director General Health Services Khyber Pakhtunkhwa Peshawar.


District Health Officer
Dir Lower


INFORMATION REGARDING HEALTH EMPLOYEES/CLASS-IV, RECRUITED/APPOINTED IN HEALTH DEPARTMENT DIR LOWER AFTER 13-12-2018, UNDER THE QUOTA RESERVED FOR RETIRED EMPLOYEE SON.

S.#	Name	Father Name	Designation	Place of posting	BPS	DOA	Remarks
1	Rehan Ullah	Hamid ur Rahman	Behishti	BHU Damtal	02	03-01-2019	Employee Son
2	Ziauddin	Muhammad Afzal	Behishti	CD Siawaghat	02	16-09-2019	Employee Son
3	Asad Ullah	Zikrawar Khan	Behishti	CD Bagh	03	16-09-2019	Employee Son
4	Nicor Islam	Muhammad Islam	Behishti	BHU Osakai	03	05-08-2020	Employee Son
5	Abdul Nasir	Nawshad Khan	Ward Orderly	THQ Samarbagh	04	16-07-2019	Employee Son
6	Muhammad Nasir	Ali Muhammad	Ward Orderly	Cat-D Mayar	04	31-07-2020	Employee Son
7	Muhammad Shaoib	Muhammad Zamin	Ward Orderly	BHU Shagai	04	05-08-2020	Employee Son
8	Shahi Rehman	Sarwar Khan	Sweeper	THQ Samarbagh	03	04-02-2019	Employee Son
9	Gulzar	Haq Nawaz	Sweeper	MCH Badwan	03	02-06-2020	Employee Son
10	Sirajul Haq	Umar Muhammad	Chowkidar	BHU Lajbook	03	29-07-2019	Employee Son
11	Shah Faisal	Sher Zaman	Chowkidar	CD Peto	03	29-10-2019	Employee Son
12	Rahat Ullah	Muhammad Khan	Chowkidar	MCH Munda	03	11-12-2019	Employee Son
13	Samandar Khan	Umar Jalal	Driver	THQ Chakdara	06	14-07-2020	Employee Son
14	Adil Ahmad	Khalilur Rahman	Mali	Cat-D Talash	03	06-09-2019	Employee Son

Note: The undersigned posted as DHO Dir Lower on dated 06-04-2021 and no recruitment/appointment made till date.


District Health Officer
 Dir Lower
District Health Officer
 Dir Lower

Dir at Timargar

S#: 1

P Sec:001 Month:July 2021
DA6131 -OTHER HOSPITALS IN DIR LOW
DISTRICT HEALTH OFFICER(O

Pers #: 00929706 Buckle:
Name: ADIL AHMAD
MALI
CNIC No.1530236730733
GPF Interest Applied
03 Active Permanent

NTN:
GPF #: 929706
Old #:

DA6131 -

EARN AND ALLOWANCES:

0001-Basic Pay	10,000.00
1001-House Rent Allowance 45%	2,120.00
1210 Convey Allowance 2005	1,785.00
1300-Medical Allowance	1,500.00
1923-OAA-OTHER 20% (1-15)	1,000.00
2211-Adhoc Relief All 2016 10%	804.00
2224-Adhoc Relief All 2017 10%	1,000.00
2247-Adhoc Relief All 2018 10%	1,000.00
2264-Adhoc Relief All 2019 10%	1,000.00
Gross Pay and Allowances	21,916.00

DEDUCTIONS:

GPF Balance 17,372.00
3501-Benevolent Fund
3534-k. Ben & Death Comp Fresh

Subrc: 770.00
600.00
300.00

Total Deductions

1,670.00

20,246.00

D.O.B 01.03.1997
01 Years 10 Months 026 Days

LFP Quota:
NATIONAL BANK OF PAKAMLOOK DARA TALASH D
4163488675

Dir at Timargar

S#: 2

P Sec:001 Month:July 2021
DA6131 -OTHER HOSPITALS IN DIR LOW
DISTRICT HEALTH OFFICER(O

Pers #: 00929706 Buckle:
Name: ADIL AHMAD
MALI
CNIC No.1530236730733
GPF Interest Applied
03 Active Permanent

NTN:
GPF #: 929706
Old #:

DA6131 -

EARN AND ALLOWANCES:

2309-Adhoc Relief All 2021 10%	1,000.00
5002-Adjustment House Rent	707.00

Gross Pay and Allowances
DEDUCTIONS:

21,916.00

GPF Balance 17,972.00

Subrc:

Total Deductions

1,670.00

20,246.00

D.O.B 01.03.1997
01 Years 10 Months 026 Days

LFP Quota:
NATIONAL BANK OF PAKAMLOOK DARA TALASH D
4163488675

2018 سال کی فصل کے بعد کوئی شہہ افراد جو، Son اور دیگر افراد سے

Dir at Timargar

S#: 1

P Sec:001 Month:July 2021
DA6131 -OTHER HOSPITALS IN DIR LOW
DISTRICT HEALTH OFFICER(O

Pers #: 00932673 Buckle:
Name: MUHAMMAD FARMAN ULLAH
WARD ATTENDANT
CNIC No.1530274512441
GPF Interest Applied
04 Active Temporary

NTN:
GPF #: 932673
Old #:

DA6131 -

PAYS AND ALLOWANCES:

0001-Basic Pay	10,340.00
1001-House Rent Allowance 45%	2,187.00
1210-Convey Allowance 2005	1,785.00
1300-Medical Allowance	1,500.00
1923-OAA-OTHER 20%(1-15)	1,000.00
2211-Adhoc Relief All 2016 10%	828.00
2224-Adhoc Relief All 2017 10%	1,034.00
2247-Adhoc Relief All 2018 10%	1,034.00
2264-Adhoc Relief All 2019 10%	1,034.00
Gross Pay and Allowances	22,505.00

DEDUCTIONS:

GPF Balance 16,808.00	Subrc:	830.00
3501-Benevolent Fund		600.00
4004-R. Benefits & Death Comp:		300.00

Total Deductions	1,730.00
	20,775.00

D.O.B	LFP Quota:
08.05.1992	UNITED BANK LIMITED UBL TALASH DISST DIR
01 Years 07 Months 026 Days	264631178

Dir at Timargar

S#: 2

P Sec:001 Month:July 2021
DA6131 -OTHER HOSPITALS IN DIR LOW
DISTRICT HEALTH OFFICER(O

Pers #: 00932673 Buckle:
Name: MUHAMMAD FARMAN ULLAH
WARD ATTENDANT
CNIC No.1530274512441
GPF Interest Applied
04 Active Temporary

NTN:
GPF #: 932673
Old #:

DA6131 -

PAYS AND ALLOWANCES:

2309-Adhoc Relief All 2021 10%	1,034.00
5002-Adjustment House Rent	725.00

Gross Pay and Allowances
DEDUCTIONS:

GPF Balance 16,808.00	Subrc:	22,505.00
-----------------------	--------	-----------

Total Deductions	1,730.00
	20,775.00

D.O.B	LFP Quota:
08.05.1992	UNITED BANK LIMITED UBL TALASH DISST DIR
01 Years 07 Months 026 Days	264631178

S#: 1 Dir at Timargar

Pers #: 00934017 Buckle:
Name: MOHSIN ALI DRIVER
CNIC No.1530296602037
GPF Interest Free
06 Active Temporary

P Sec:001 Month:July 2021
DA6131 -OTHER HOSPITALS IN DIR-LOW
DISTRICT HEALTH OFFICER(O

NTN:
GPF #:
Old #:

PAYS AND ALLOWANCES:		DA6131	-
0001-Basic Pay		11,180.00	
1001-House Rent Allowance 45%		2,316.00	
1210-Convey Allowance 2005		1,932.00	
1300-Medical Allowance		1,500.00	
1923-UAA-OTHER 20%(1-15)		1,000.00	
2211-Adhoc Relief All 2016 10%		890.00	
2224-Adhoc Relief All 2017 10%		1,118.00	
2247-Adhoc Relief All 2018 10%		1,118.00	
2264-Adhoc Relief All 2019 10%		1,118.00	
Gross Pay and Allowances		29,112.00	
DEDUCTIONS:			

GPF Balance	19,000.00	Subrc:	950.00
3501-Renevolent Fund			1,200.00
4004-R. Benefits & Death Comp:			450.00

Total Deductions 2,600.00
26,512.00

D.O.B 15.09.1991 LFP Quota:
01 Years 08 Months 003 Days UNITED BANK LIMITED UBL TALASH DISST DIR
263350285

S#: 2 Dir at Timargar

Pers #: 00934017 Buckle:
Name: MOHSIN ALI DRIVER
CNIC No.1530296602037
GPF Interest Free
06 Active Temporary

P Sec:001 Month:July 2021
DA6131 -OTHER HOSPITALS IN DIR LOW
DISTRICT HEALTH OFFICER(O

NTN:
GPF #:
Old #:

PAYS AND ALLOWANCES:		DA6131	-
2309-Adhoc Relief All 2021 10%		1,118.00	
2311-Dress Allowance - 2021		1,000.00	
2312-Washing Allowance 2021		1,000.00	
2313-Integrated Allowance 2021		600.00	
5002-Adjustment House Rent		772.00	
5026-Adj Dress/Uniform Allowan		1,000.00	
5070-Adj Washing Allowance		850.00	
5288-Adj Integrated All 2005		600.00	
Gross Pay and Allowances		29,112.00	
DEDUCTIONS:			

GPF Balance	19,000.00	Subrc:	
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Total Deductions 2,600.00
26,512.00

D.O.B 15.09.1991 LFP Quota:
01 Years 08 Months 003 Days UNITED BANK LIMITED UBL TALASH DISST DIR
263350285



OFFICE OF THE MEDICAL SUPERINTENDENT
DHQ HOSPITAL TIMERGARA DIR LOWER.
Phone # 0945-9250099.

NO, 3996 / Dated 12/07/2021

To,

The Registrar
Service Tribunal Khyber Pakhtunkhwa
Peshawar.

SUBJECT :-
R/SIR,

APPOINTMENT OF CLASS-IV AFTER 13/12/2018.

As per honourable service tribunal Khyber Pakhtunkhwa Peshawar order dated 07/07/2021, regarding the appointment, in appeal No. 639/2017 Mr. Lutfi Hakeem Muslim Sweeper V/S Government of Khyber Pakhtunkhwa Health Department.

It is stated that after 12/12/2018 no any Class-IV has been recruited as we did not receive any sanctioned Class-IV posts from the Finance Department. However two Class-IV have been appointed after the retirement of Fathers under employees son quota. (Detail Attached).

Medical Superintendent
DHQ Hospital Timergara.

No. _____

Copy forwarded to :-

1. PS to Secretary to Government of Khyber Pakhtunkhwa Health Department Peshawar.
2. Director General Health Services Khyber Pakhtunkhwa Peshawar.

For information please.

Put up to the court with
relevant appeal.

[Signature]
15/7/2021

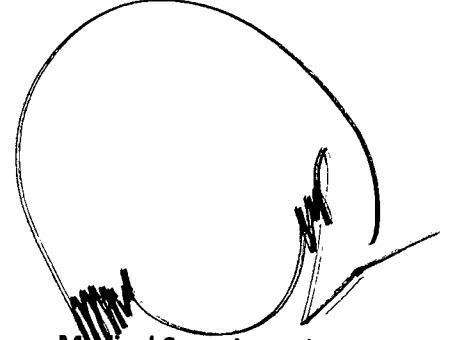
[Signature]

Medical Superintendent
DHQ Hospital Timergara.

INFORMATION REGARDING HEALTH EMPLOYEES/CLASS-IV STAFF, WHO HAVE RECRUITED/APPOINTED AFTER 13/12/2018 AT DHQ HOSPITAL TIMERGARA DIR LOWER.

S. #	Name	Fathers Name	Designation	BPS	D/O Appointment	Remarks
1	Mr. Saeed Khan	Bakhtawar Said	Ward Orderly	04	24/01/2019	Employee Son Quota.
2	Mr. Kamran Khan	Muhammad Nazir	Ward Attendant	04	03/03/2019	Employee Son Quota.

Note :- The undersigned posted at DHQ Hospital Timergara on dated 28/03/2020 and no recruitment/appointment done till date.



**Medical Superintendent
DHQ Hospital Timergara.**



**GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT**

No.SOB-II/HD/3-1/SNE/Dir Lower

Dated Peshawar the 21st October, 2021

To

The Secretary to Govt. of Khyber Pakhtunkhwa,
Finance Département, Peshawar

**Subject: MINUTES OF THE MEETING REGARDING SNE FOR THE YEAR 2020-21
ON 02.03.2021 AT 03:00 PM**

Dear Sir,

I am directed to refer to your letter B.VI/FD/4-38/2014-15/Vol-IV dated 16.03.2021 on the subject noted above and to enclose herewith a copy of the letter No.4884 dated 09.09.2021 alongwith it enclosure received from Medical Superintendent, DHQ Hospital, Timergara Dir Lower and to request that the requisite (16) posts of Ward Orderly/Attendant (BPS-04) may be created as the COC hearing in the case has been fixed on 01.11.2021, please

Yours faithfully,


(Muhammad Israr)

SECTION OFFICER (BUDGET-II)

Endst: of even No. & Date

Copy forwarded to PS to Secretary Health, Khyber Pakhtunkhwa.


SECTION OFFICER (BUDGET-II)

OFFICE OF THE MEDICAL SUPERINTENDENT
DHQ HOSPITAL TIMERGARA DIR LOWER.

Phone # 0945-9250099.

NO, 4884 / Dated 9 / 09 / 2021

TO,

The Secretary
Khyber Pakhtunkhwa
Health Government Peshawar. ✓

SUBJECT :-
Memo :-

SNE FOR THE YEAR, 2020-2021.

In continuation of this office letter No. 7680/SNE Dated 23/10/2020 on the subject noted above.

I have the honour to state that the SNE for Muslim Sweepers to be adjusted against other Ward Attendant/Class-IV posts has been sent to your office.

1). Since the case of Muslims Sweepers Mr. Lutfe Hakim V/S Government of Khyber Pakhtunkhwa, has been decided by the honorable service Tribunal in the year, 2018, but due to non availability of vacant Class-IV posts the execution is still pending.

2), Since on 24/08/2021 the Chairman service Tribunal has directed the department to adjust the muslim Sweepers within 45 days.

So, it is once again requested to approach to the Government of Khyber Pakhtunkhwa Finance Department to sanctioned/create 16 numbers Ward Attendants/Class-IV posts for Muslims Sweepers to be adjusted and to full fill the court decision please.

Medical Superintendent
DHQ Hospital Timergara.

No. _____

Copy for information & necessary action to :-

1. Registrar, Khyber Pakhtunkhwa Service Tribunal Peshawar.
2. Advocate General, Khyber Pakhtunkhwa Service Tribunal Peshawar.
3. Secretary Finance Department Khyber Pakhtunkhwa Peshawar.
4. Director General Health Services Khyber Pakhtunkhwa Peshawar.
5. SO-VI (Health) Finance Department Khyber Pakhtunkhwa Peshawar.

Medical Superintendent
DHQ Hospital Timergara.

OFFICE OF THE MEDICAL SUPERINTENDENT
DHQ HOSPITAL TIMERGARA DIR LOWER.
Phone # 0945-9250099.

NO. 4084 / Dated 09/09/2021

TO,

The Director General Health,
Services Khyber Pakhtunkhwa
Peshawar.

SUBJECT :- SNE FOR THE YEAR, 2020-2021.
Memo :-

In continuation of this office letter No. 7670/SNE Dated 23/10/2020 on the subject noted above.

I have the honour to state that the SNE for Muslim Sweepers to be adjusted against other Ward Attendant/Class-IV posts has been sent to your office.

1). Since the case of Muslims Sweepers Mr. Lutfе Hakim V/S Government of Khyber Pakhtunkhwa, has been decided by the honorable service Tribunal in the year, 2018, but due to non availability of vacant Class-IV posts the execution is still pending.

2), Since on 24/08/2021 the Chairman service Tribunal has directed the department to adjust the muslim Sweepers within 45 days.

So, it is once again requested to approach to the Government of Khyber Pakhtunkhwa Finance Department to sanctioned/create 16 numbers Ward Attendants/Class-IV posts for Muslims Sweepers to be adjusted and to full fill the court decision please.

Medical Superintendent
DHQ Hospital Timergara.

No. _____/

Copy for information & necessary action to :-

1. Registrar, Khyber Pakhtunkhwa Service Tribunal Peshawar.
2. Advocate General, Khyber Pakhtunkhwa Service Tribunal Peshawar.
3. Secretary to Government of Khyber Pakhtunkhwa Health Department Peshawar.
4. Secretary Finance Department Khyber Pakhtunkhwa Peshawar.
5. SO-VI (Health) Finance Department Khyber Pakhtunkhwa Peshawar.

Medical Superintendent
DHQ Hospital Timergara



**OFFICE OF THE MEDICAL SUPERINTENDENT
DHQ: TEACHING HOSPITAL Dir Lower at Timergara**

No. 7690 /SNE,

dated.

23/10/2020

To,

The Director General Health Services
Khyber Pakhtunkhwa Peshawar

Subject: **SNE FOR THE YEAR 2020-21**

Memo:-

With reference to the subject cited above and in continuation of this office letter No. Dated.

I have the honour to submit herewith 5 set of SNE (Creation of New post of 16 Ward Attendant BS-04) in accordance with the decision of the Honorable Court Service Tribunal Peshawar on the prescribed formate as under for favour of further necessary action.

S.No	DDO Code	Current Nomenclature of the post	BPS	Demand	Existing Position according to Budget Book	Approved/notified Criteria	DDO-Wise Financial Implication	Detail Justification
1	DA-4328	Nil	04	16	234	--	Rs. 4335800/-	To adjust the 16 Muslim Sweepers against the Class-IV / Ward Attendant and submit the compliance report the August Service Tribunal Khyber Pakhtunkhwa Peshawar before 17-11-2020


Medical Superintendent
DHQ: Teaching Hospital Timergara

No. 7691-85

Copy for information to:

1. Registrar, Khyber Pakhtunkhwa Service Tribunal Peshawar.
2. Advocate General, Khyber Pakhtunkhwa Service Tribunal Peshawar.
3. Secretary to Govt: of Khyber Pakhtunkhwa Health Deptt: Peshawar.
4. Secretary Finance Department Khyber Pukhton khwah Peshawar.
5. SO VI (Health) Finance Department Khyber Pukhtonkhwah Pesjhawar.


Medical Superintendent
DHQ: Teaching Hospital Timergara

SNE Template

Annexure I

- Purpose of the demand SNEs? (How crucial is the creation of this post and what problems will the creation of this post solve).
- With Compliance to the decision was made by the Honorable Services Tribunal Khyber Pakhtunkhwa Peshawar on 25-09-2020 in Services Appeal No. 311/2019/ No. 639/2017 dated 25-09-2018, where-in the Honorable Service Tribunal directed this office to adjust these officials on Class-IV posts and submit compliance report before 17-11-2020 (copy of court decision is attached herewith).
- At present, there is no vacant post of Ward Attendant or other class-IV available to adjust these Muslim Sweepers. Being court matter, it is of urgent and utmost important in order to avoid any Contempt of Court proceedings against the Department. Hence, the posts are demanded through SNE.
- Therefore the demanded posts in the SNE may kindly be created to adjust these Muslim Sweepers and comply with the order of the Court.

Annexure II

Department Budgetary Status and Cushion.

Department Budgetary Status and Cushion for the year 2020-21

Department	Area	Salary	Non-salary	Total Current	Dev: local	Dev: FPA	Dev: AIP	Lump sum budget of the disposal of Finance	Lump sum budget of the disposal of Department	Total 2020-21
Health/ DHQ: Hospital Timergara Dir lower	Provincial (N)	2376000	788400	4335800	--	-	-	-	-	4335800


Medical Superintendent
DHQ: Teaching Hospital Timergara

Annexure V

Organ gram of the Department after recruitment

(Instructions;- Please identify the areas where the new SNE position will be added in the current organogram;-

The said posts are not demanding for a new scheme to identify the area. They will be adjusted at DHQ Hospital Timergara.

The post of Ward Attendants BPS-4 are demanded to adjust the already on service Muslim sweepers at DHQ Hospital Timergara according to the Honorable Service Tribunal Court Peshawar as explained in Anx-i.

Annexure VI

Recruitment Plan.

Please Identify the recruitment plan of the position demanded also mentioned in the current year Financial implication.

The demand of new posts of Ward Attendants BPS-4 is in accordance with the decision of Service tribunal Peshawar as explained in Anx-i. After creation of these posts of Ward Attendants, the already on service 16 Muslim sweepers will be adjusted against the new post of ward attendants. No fresh recruitment shall be done against these posts.


Medical Superintendent
DHQ: Teaching Hospital Timergara

LOWE CASE

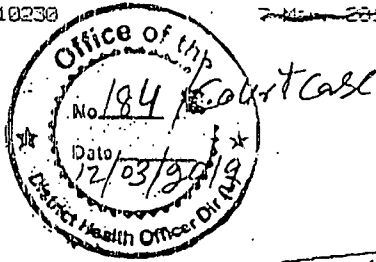
4

FAK NO. : 9210230

7-12-2018 18:52PM P1

26

Dr. Wad
Ahmad
Dilwan



Sr. No	Date of order/proceeding	Order or other proceedings with signature of Judge or Member
1	2	3



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
 Service Appeal No. 639/2017

Date of Institution 16.06.2017
 Date of Decision 13.12.2018

Mr. Luft-E-Hakeem, Muslim Sweeper (BPS-01) DHQ Hospital timer Garra, District Dir Lower.

Appellant

Versus

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

13.12.2018 Mr. Muhammad Hamid Mughal-----Member (J)
 Mr. Ahmad Hassan-----Member (E)

JUDGMENT

MUHAMMAD HAMID MUGHAL, MEMBER: - Mr. Noor

Muhammad, learned counsel for appellant and Mr. Kabir Ullah

Khattak learned Additional Advocate General for the respondents

ATTESTED

EXAMINER
 Khyber Pakhtunkhwa

(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 Timergara 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

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

CHIEF EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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

Medical Superintendent
DHQ: Teaching Hospital Timergara

right of Muslim Sweepers appointed before 12.07.2006 for 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

ATTESTED



Attesting Officer
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar


27
DHC

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.

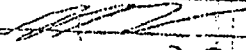
9. Impugned order dated 16.02.2017 has the effect of depriving the appellant from his adjustment against other Class-IV post just for the reason that he was appointed as Muslim Sweeper after 12.07.2006. This Tribunal is therefore of the considered opinion that discriminatory treatment was met out to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

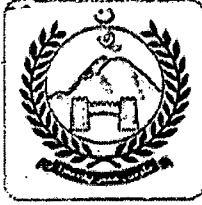
10. Resultantly this Tribunal holds that the cut off date i.e. 12.07.2006 as mentioned in the impugned order dated 16.02.2017 shall be treated as expunged. The present service appeal alongwith connected service appeals as mentioned in para-2 of this judgment are accepted in the above terms. The respondent 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.


(Ashad Hassan)
Member


(Muhammad Hamid Mughal)
Member

Certified to be true copy
of the original
Peshawar

ANNOUNCED	Date of Presentation of Appeal	24-12-18
13.12.2018	Number of Pages	1600
	Copying Fee	10.00
	Urgent	
	Total	10.00
	Name of Copyist	
	Date of Completion of Copy	22-2-19
	Date of Delivery of Copy	22-2-19



**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

No. 2505-6 /ST

Dated: 16/12 /2021

All communications should be
addressed to the Registrar KPK Service
Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262


To

1. The Secretary Health Department,
Government of Khyber Pakhtunkhwa,
Peshawar.
2. Director General Health Services,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: ORDER IN EXECUTION PETITION NO. 311/2019, MR. Lutf-E-HAKIM & OTHERS.

I am directed to forward herewith a certified copy of order dated
07.12.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR



**GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT**

NO.SOB-II/HD/3-1/SNE/DIR LOWER
Dated Peshawar, the 16th November, 2021

To

The Medical Superintendent,
DHQ Hospital, Timergara.

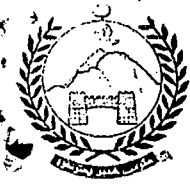
Subject: - **MINUTES OF THE MEETING REGARDING SNE FOR THE YEAR 2020-21 ON
02.03.2021 AT 03:00 PM.**

I am directed to refer to your letters No. 4884 dated 09.09.2021 on the subject noted above and to enclose herewith a copy of letter No. BOVI/FD/4-38/2015-16/VOL-II dated 09.11.2021 received from Budget Officer-VI Govt: of Khyber Pakhtunkhwa Finance Department for further necessary action at your end, please.

Encls: as above.

(MUHAMMAD ISRAR)
SECTION OFFICER (BUDGET-II)

371 / Court case
9/12/2021 Saleem DMS
Mr. Saleem - Mr. Rehman
for MA



GOVERNMENT OF KHYBER PAKHTUNKHWA FINANCE DEPARTMENT

Finance Department Civil Secretariat Peshawar

<http://www.finance.gkp.pk>

facebook.com/GoKFPD

twitter.com/GoKFPD

NO.BVI/FD/4-38/2015-16/VOL-II

Dated Peshawar the 09-11-2021

To,

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

L.No. 8843
Date 12.11.21
Secretary Health

Subject: MINUTES OF THE MEETING REGARDING SNE FOR THE YEAR 2020-21 ON 02-03-2021 AT 03:00 PM

Dear Sir,

I am directed to refer to your department's letter No. SOB-II/HD/3-1/SNE/Dir Lower dated 21-10-2021 on the subject noted above and to state that the case may be reconsidered in light of minutes of the meeting held on 02-03-2021 under the Chairmanship of Deputy Secretary (B-IV), Finance Department (copy attached for ready reference) and then take-up the subject case with this department accordingly.

Yours faithfully

Budget Officer-VI

Encl. as above

Copy forwarded to Project Director, Timergara Medical College Dir Lower.

Budget Officer-VI

PL convey ✓
 Amt ✓
 11/3/21
 11/3/21
 11/4/21
 SO- (I) ✓
 AS- (D.V) ✓
 AS- III ✓
 AS- (D.I) ✓
 CFO ✓
 AS- (I) ✓
 DS- Drugs ✓
 SO- BI ✓
 SO- B-II ✓



GOVERNMENT OF KHYBER PAKHTUNKHWA FINANCE DEPARTMENT

Finance Department Civil Secretariat Peshawar

<http://www.finance.gkp.pk>

[facebook.com/GoKPFD](https://www.facebook.com/GoKPFD)

twitter.com/GoKPFD

NO. B.VI/FD/4-38/2014-15/Vol-IV

Dated Peshawar the 16-03-2021

To,

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

Subject:-

MINUTES OF THE MEETING REGARDING SNE FOR THE YEAR 2020-21 ON
02-03-2021 AT 03:00 PM

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith a copy of minutes of the meeting held on 02-03-2021 at 03:00 PM under the Chairmanship of Secretary, Finance Department Khyber Pakhtunkhwa in his office for compliance and further necessary action please.

Yours faithfully,

ENCL. AS ABOVE

21/3/21

Tahab Thakur
Budget Officer-VI

2/12

Subject: MINUTES OF THE MEETING REGARDING SNE FOR THE YEAR 2020-21 ON 02-03-2021 AT 03:00 PM

A meeting on the subject cited above was held under the Chairmanship of Deputy Secretary (B-IV), Finance Department Govt. of Khyber Pakhtunkhwa on 02-03-2021 at 03:00PM in his office. List of participants is attached.

2

At the outset, the Chair welcomed the participants and asked the Medical Superintendent District Health Officer Dir Lower to apprise the forum about the issue involved in the instant case. The MS DHO Dir Lower informed that Health department had issued a notification on 12-07-2006 containing that all the Muslim sweepers appointed before 2006 may be adjusted against the posts of Ward Orderly, Chowkidar, Mali, Dai, Aya and other Class-IV posts on seniority basis and no fresh appointment of Muslims will be made on the post of sweeper thereafter. The MS Dir Lower further informed the forum that during 2009 some Class-IV were appointed against the posts of sweeper. Ideally, these posts were required to be filled by the minority as envisaged by the Health Department policy letter circulated in 2006. But due to the Non-Availability of minority populace in Malakand Division, these posts were filled from Muslims of the area.

3

On 16-02-2017 Health Department issued a fresh notification containing lines about the adjustment of Muslim sweepers appointed before 2006 against the Class-IV posts depriving the Sweepers appointed after 2006. This notification created a sense of discrimination among the sweepers appointed after 2006 and they approached Service Tribunal for adjustment against the vacant class-IV posts. The Service Tribunal ordered Health Department to adjust appellants against the posts of Class-IV and also take strict disciplinary action against those responsible for violating Health Department policy.

4

The chair asked the representative of Health department that whether any disciplinary action being taken against the defaulters for violating the standing policy of Health Department? The representative had no solid answer for this. The chair concluded that Health Department should address the following points to proceed further in the matter:-

- i) Why Health Department has not taken any disciplinary action /criminal proceedings against those responsible for appointing Muslim sweepers in violation of the policy decision dated 12-07-2006.
- ii) Why Health Department didn't file appeal in the High Court against the decision of Service Tribunal dated 13-12-2018.
- iii) Adjusting these sweepers against Class-IV posts will have huge financial implications so why Health Department did not consider the same before doing unnecessary recruitment.

Meeting ended with the vote of thanks from and to the chair.

لبرالت ضابیح صاحبہ / پروفیسر صاحبہ کورٹ میں

مہر لکھنؤ عبدالرحمان سردیس و غیرہ نام سیدہ شریفا حفیظہ

اپریل 2017ء 839/2017

Supreme Court of Pakistan
Room No. 1170
F-0
Islamabad

درخواست پر یہ درخواست گزاروں کے قبضہ میں
کوئی دلائل پیش نہیں کیے گئے۔ مقدمہ ایسی جگہ لبرالت
پروفیسر صاحبہ سردیس ٹریبیونل لیا گیا اور ملک کورٹ
سنبھلی ٹریبیونل کے حکم صادر ہوا ہے۔

ضابطہ عالی،
مہاراج صاحبہ زینت علیہا

یہ مقدمہ اصل جگہ لبرالت لکھنؤ میں قائم کیا گیا ہے
کیونکہ اس کی تفریح و تفریح کے لیے

2. یہ درخواست گزاروں کو تفریح سے قطعاً روکنا یا روکنا ہی ہے اس لیے
میں زیادہ دیکھو اور اس کی تفریح کو روکو۔
لیا گیا ہے وہاں ملک لبرالت میں داخل ملک تفریح
کے ساتھ طلب کیا گیا ہے۔

3. یہ مہاراج کو لبرالت میں تفریح کرنے سے روکنا ہے

لبرالت میں تفریح کے لیے
مہاراج کے قبضہ میں لبرالت کو روکو
تفریح کے لیے ایسی جگہ لبرالت میں تفریح کو روکو
سنبھلی ٹریبیونل کے حکم صادر ہوا ہے۔

Transcript
to
Deshawari

1. عبدالرحمان سردیس 2. صاحبہ لبرالت 3. عبدالرحمان
داور رحمان 21/05/17



OFFICE OF THE DISTRICT HEALTH OFFICER
Dir Lower at Timergara

DHODIRLOWER
Ph: 0945-9250098

Fax: 0945-9250176

@DHODIRLOWER
Email: dhodirl@gmail.com

No. 7550 /SNE, dated. 02/10/2020.

To,

The Director General Health Services
Khyber Pakhtunkhwa Peshawar

Subject: **SNE FOR THE YEAR 2020-21**
Memo:-

With reference to the subject cited above.

The case regarding SNE (Creation of post of Ward Attendant BS-04) in light of the decision of the Honorable Court Darul Qaza Mingora Swat is sent herewith on the prescribed formate as under:

S.No	DDO Code	Current Nomenclature of the post	BPS	Demand	Existing Position according to Budget Book	Approved/notified Criteria	DDO-Wise Financial Implication	Detail Justification
1	DA-6131	Nil	04	03	06	--	Rs. 593958/-	To adjust the 03 Muslim Sweepers against the Class-IV / Ward Attendant and submit the compliance report the August Service Tribunal Khyber Pakhtunkhwa Peshawar before 17-11-2020

The aforementioned is submitted for your kind information and further perusal, please.

[Signature]
District Health Officer,
Dir Lower.

No. 7551-53 /

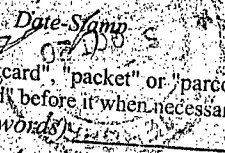
Copy for information to:

1. Registrar, Khyber Pakhtunkhwa Service Tribunal Peshawar.
2. Advocate General, Khyber Pakhtunkhwa Service Tribunal Peshawar.
3. Secretary to Govt: of Khyber Pakhtunkhwa Health Deptt: Peshawar.

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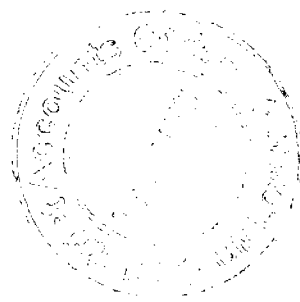
[Signature]
District Health Officer,
Dir Lower.

مكتب التعمير في مدينة كركوك - كركوك

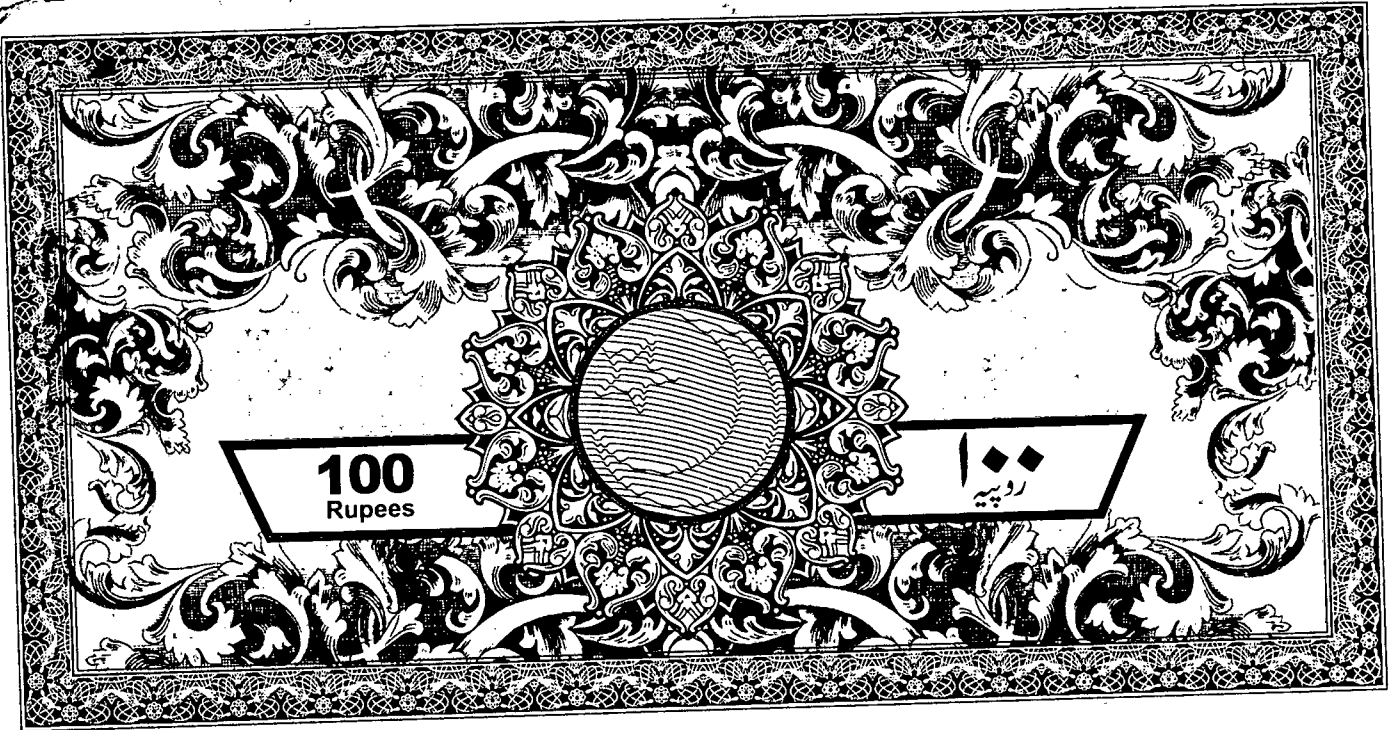
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م. كركوك



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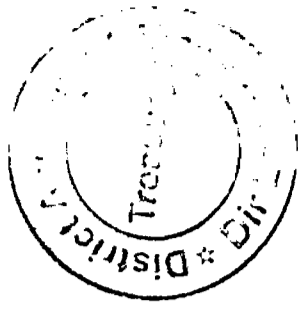
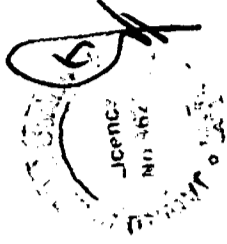


(عراق کے)

وہاں سے لے کر پورے ملک میں
- 1953/54

1953/54

وہاں سے لے کر پورے ملک میں





**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

No: 2265 /ST Dated: 28/07 /2022

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

To,

- 1 The Accountant General,
Government of Khyber Pakhtunkhwa, Peshawar.
- 2 District Accounts Officer, Dir Lower.

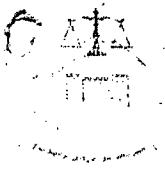
**Subject: SALARY ATTACHMENT OF THE SECRETARY HEALTH DEPARTMENT
KHYBER PAKHTUNKHWA PESHAWAR, DIRECTOR GENERAL HEALTH SERVICES
DEPARTMENT KHYBER PAKHTUNKHWA PESHAWAR, DISTRICT HELTH OFFICER
DISTRICT DIR LOWER, AND MEDICAL SUPERINTENDENT DHQ HOSPITAL
TIMERGARA, DISTRICT DIR LOWER.**

I am directed to forward herewith a certified copy of Order dated 21.06.2022 passed by this Tribunal on the above subject for strict compliance.

Encl: As Above.


(WASEEMAKHTAR)

REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR



KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

No: 2492 /ST Dated: 31/08 /2022

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.


Ph:- 091-9212281
Fax:- 091-9213262

To

1. The Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
2. District Health Officer, Dir Lower

Subject: PERSONAL APPEARANCE IN CASE TITLE LUTF E HAKIM VS HEALTH DEPARTMENT IN EXECUTION PETITION NO. 311 TO 329/2019

I am directed to forward herewith a certified copy of order dated 04.08.2022 passed by this Tribunal on the subjected for strict compliance.


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
MR. LUTF-E-HAKIM 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.

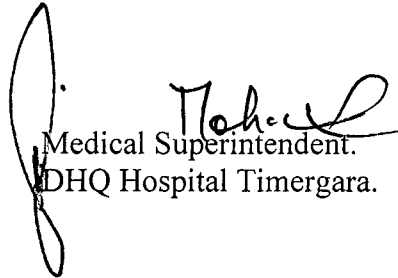
IMPLEMENTATION REPORT.

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 & sprite as and when vacant position are available.


Deputy Medical Superintendent.
(Lit) DHQ Hospital Timergara.


Medical Superintendent.
DHQ Hospital Timergara.

**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	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:-

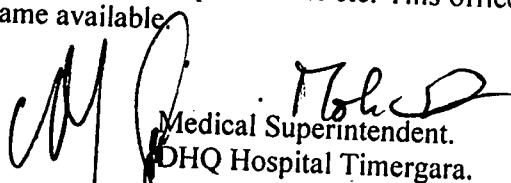
The Director General Health.
Services Khyber Pakhtunkhwa.
Peshawar.

Subject:-
Memo:-

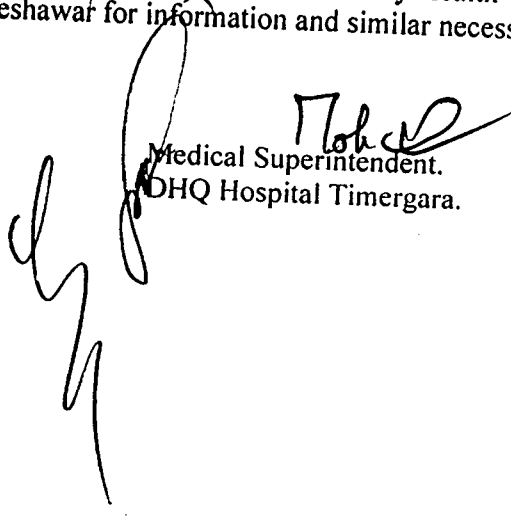
COURT DECISION.

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.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Implementation Petition No 311/2019

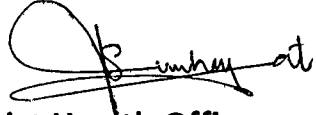
In Appeal No 639/2017

Mr. Lutf-E-Hakim, Muslim Sweeper (BPS-1)
DHQ Hospital, Taimergara District Dir Lower.

..... Petitioner.

Implementation Report:

In pursuance of order sheet dated 18/12/2019, It is stated that at present there is no vacant position available under DHO Administration. In the said petition 03 Muslim sweepers are on DHO strength, They will be adjusted against other class four post as and when vacant posts are available.

For 
District Health Officer
Dir lower at Taimergara
Respondent No 03

BEFORE KHYBERPAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR (4)

S.A NO. 313/2019 in 639-656 /2017

Mr. Gul Saeed Khan & Others

**MR. GUL SAEED KHAN & 2 OTHERS SWEEPER BPS-03 CATEGORY D HOSIPTAL
ZIARAT TALASH DIR LOWER**

VERSUS.

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

IMPLEMENTATION REPORT

In the pursuance of the judgment honorable Service Tribunal Peshawar, it is submitted that 03 appellants are working under the control of office of the undersigned and the undersigned has no authority to create the post of Class-IV (BPS-04), for the adjustment of Muslim sweepers.

As this office is unable to entertain the instant appeal due to non-availability of vacant position of Class-IV, It is therefore requested that the decision of the honorable court will be implemented, as soon as posts are created by the Department, for which request has already been sent to the quarter concerned.

All enclosure attached.


**District Health Officer
Dir Lower.**



OFFICE OF THE
DISTRICT HEALTH OFFICER
DIR LOWER.

REGISTERED

No. 2558/C-Gen / Dated. 18/04/2019.

Phone No. 0945-9250098.

(4)

To,
The Director General Health Services
Khyber Pakhtunkhwa Peshawar

Subject: SERVICE APPEAL NO. 639 TO 656/2017 – LUTF E HAKIM AND 17
OTHERS VERSUS GOVT. OF KHYBER PAKHTUNKHWA AND
OTHERS.

Memo:-

With reference to your office letter No. 909-14/AD (Lit) dated 27-02-2019, received in this office on 21-03-2019 on the subject cited above, and in continuation to this office letter No. 1992, dated 28-03-2019 submitted to your good vide Dairy No. 12750/Lit dated 03-04-2019.

- Respectfully, it is submitted for your kind information that the petitioner Mr. Lutf e Hakim Muslim Sweeper BS-01 etc/DHQ Hospital Timergara Dir Lower approached the Khyber Pakhtunkhwa Service Tribunal Peshawar via appeal No. 639-656 of 2017 with the plea that vide Notification dated 25-07-2006 the Health Department including autonomous institutions have unanimously decided that all the Health Institutions should promote the Muslim Sweepers against the existing vacancies of Ward Orderly, Chowkidar, Mali, Dai, Aya.
- The appellant also challenge the Department office order No. SO (Litigation-1)/1-1/2017 (Gen: Misc) dated 16-02-2016, which is stating that those Sweeper who were appointed as Muslim Sweeper before 12-07-2006 are entitled for adjustment against the aforementioned posts without disturbing the quota reserved under the rules for appointment of Class-IV Govt: Servants and children of retiring/incapacitated/deceased civil servant etc. They took the plea that this impugned Notification is violative of the article 38 (e) of the constitution of Pakistan 1973.
- The Services Tribunal vide its judgment announced on 13-12-2018 expressed that "this tribunal holds that the cutoff date i.e. 12-07-2006 as mentioned in the impugned order dated 16-02-2017 shall be treated as expunged.
- The appellant are 17 in number of whom 3 belongs to the DHO prerogative and others are under the control of MS DHQ Hospital Timergara. Since there are no vacant posts of Class-IV available for adjustment of these Sweepers so these will bear a magnificent financial implication to the Govt: of Khyber Pakhtunkhwa.

It is therefore, requested that the said appeal may be taken up to Supreme Court of Pakistan to fix the issue.

In case of otherwise, this office may kindly be advised to process the SNE for the said posts to adjust them accordingly, please.

Encl: All the relevant record attached.

[Signature]
District Health Officer,
Dir Lower.

No. 2558-61

Copy for information to:-

1. Secretary to Govt: of Khyber Pakhtunkhwa Health Department Peshawar.
2. Additional Advocate General Khyber Pakhtunkhwa Service Tribunal Peshawar
3. Additional Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.

[Signature]
District Health Officer,
Dir Lower



OFFICE OF THE
DISTRICT HEALTH OFFICER
DIR LOWER.

Submitted

No. 1992 / Dated. 28/03/2019.

Phone No. 0945-9250098.

12750/42

03/4/19

12750/42
03/4/19

To, The Director General Health Services
Khyber Pakhtunkhwa Peshawar

Subject: SERVICE APPEAL NO. 639 TO 656/2017 - LUTF E HAKIM AND 17
OTHERS VERSUS GOVT. OF KHYBER PAKHTUNKHWA AND
OTHERS.

Memo:-

With reference to your office letter No. 909-14/AD (Lit) dated 27-02-2019, received in this office on 21-03-2019 on the subject cited above.

Respectfully, it is submitted for your kind information that before the subject cited appeal, the Petitioners filed Writ Petition No. 510/14 before the Peshawar High Court Bench Darul Qaza Swat, where-in the Petitioners taken the plea that they were belonging to Muslims and have been appointed as Sweeper in Health Department, and are entitled to be promoted to the next cadre post i.e. Ward Orderly, Chowkidar, Mali, Aya and other equaillant posts in light of the instant Writ Petition. This Writ Petition was referred to your office for appropriate necessary action. The office of Health Department vide his letter No. SOH-(Lit) 12 (1) 1289/2017 dated 7th March, 2017, decided as under:

"It was decided that all the Health Institutions should promote the Muslim Sweepers against 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 Sweepers in future" (Attached as Annex-1)

However vide Para-6, it was decided that these Muslim Sweepers who had been appointed before 12-07-2006 are entitled for adjustment against the aforementioned posts and as such who were appointed after 12-07-2006 are not entitled. Aggrieved from the said Notification, the appellant filed appeal No. 639-656/17 before the Honourable Service Tribunal Peshawar in the concluding Para. The Honourable Court has declared the said Notification Null and void.

It is further clarified that either an appeal should be filed against the said judgment or should be complied in letter in spirit.

The same is forwarded to your advice please.

Dist. Health Officer,
Dir Lower.

No. 1993 - 95 / Litigation
Copy for information to:-

1. Secretary to Govt. of Khyber Pakhtunkhwa Health Department Peshawar.
2. Additional Advocate General Khyber Pakhtunkhwa Service Tribunal Peshawar.
3. Additional Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.

Dist. Health Officer.

GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT.

SO/SOII (LI-I) 1-1/2017 (Gen. Misc)
Dated Peshawar the 16th February, 2017

ANNEXURE D - 19

4

ORDER.

1. WHEREAS attention is invited to the minutes of the meeting dated 12.07.2006 held under the Chairmanship of Secretary Health Khyber Pakhtunkhwa circulated vide Govt of Khyber Pakhtunkhwa Health Department letter No. SOII-III/1-179/06 (Class. IV) dated 25.07.2006. Extract of the decision taken in the meeting is reproduced below:-

Decision:

It was decided that all the Health Institutions should promote the Muslim Sweepers against existing vacancies of Ward Orderly, Chowkidar, Mali, Dai, Aya and other Class-IV posts, on seniority basis and not to appoint Muslim Sweepers against the post of Sweepers in future.

2. AND WHEREAS the above decision was also affirmed by the Hon'ble Peshawar High Court Peshawar vide judgment dated 27.09.2013 in Writ Petition No.293-1/2013 titled "Nour ul Qamar S/O Shams-ul Qamar Muslim, Sweeper THQ Hospital Ghahqada, District Charsadda & 9 others versus Govt of Khyber Pakhtunkhwa Health Department & others.

NOW THEREFORE in pursuance of the above decision taken/judgment of the Hon'ble Court, it is officially clear that those who were appointed as Muslim Sweepers before 12.07.2006 are entitled for adjustment against the aforementioned posts without disturbing the quotas reserved under the Rules for appointment of Class-IV Govt. Servants and children of Retiring/Incapacitated/Deceased civil servants etc. However, those who were appointed as Muslim Sweeper after 12.07.2006 in violation of the above decision/judgment are not covered under the policy.

SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT.

Encl. No. & Date given.
Copy of the above is forwarded to the:-

1. The Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
2. The Director Health Services, FATA
3. All District Health Officers in Khyber Pakhtunkhwa.
4. All Medical Superintendents of Hospitals in Khyber Pakhtunkhwa.
5. All Medical Directors/Hospital Directors of MFIs in Khyber Pakhtunkhwa.
6. PS to Senior Minister Health, Khyber Pakhtunkhwa.
7. PS to Secretary Health, Khyber Pakhtunkhwa.
8. Provincial President Paramedical Class-IV Employees Association, LRH Peshawar.

(Shahzad Ali)
Section Officer (L&D)

DIRECTOR ATE OF HEALTH SERVICES FATA, PESHAWAR
No. 61565-86 /DHS/FATA/Admn Date: 28/3/2017

Copy is forwarded to the:-

1. All Agency Surgeons in FATA/FRs.
 2. All Medical Superintendents in FATA.
- For information and further necessary action.

ATTESTED


Director Health Services
FATA Peshawar.

BEFORE KHYBERPAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

4

S.A NO. 313/2019 in 639-656 /2017

Mr. Gul Saeed Khan & Others

**MR. GUL SAEED KHAN & 2 OTHERS SWEEPER BPS-03 CATEGORY D HOSIPTAL
ZIARAT TALASH DIR LOWER**

VERSUS.

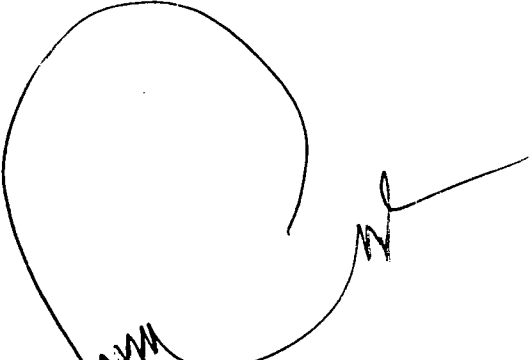
1. Secretary Health Department Khyber Pakhtunkhwa Peshawar.
2. Director General Health services Khyber Pakhtunkhwa Peshawar.
3. District Health Officer Dir Lower.
4. Medical Superintendent DHQ Hospital Timergara Dir Lower.

IMPLEMENTATION REPORT

In the pursuance of the judgment honorable Service Tribunal Peshawar, it is submitted that 03 appellants are working under the control of office of the undersigned and the undersigned has no authority to create the post of Class-IV (BPS-04), for the adjustment of Muslim sweepers.

As this office is unable to entertain the instant appeal due to non-availability of vacant position of Class-IV, It is therefore requested that the decision of the honorable court will be implemented, as soon as posts are created by the Department, for which request has already been sent to the quarter concerned.

All enclosure attached.


**District Health Officer
Dir Lower.**



OFFICE OF THE
DISTRICT HEALTH OFFICER
DIR LOWER.

REGISTERED

No. 2558/C-Case / Dated. 18/04/2019.

Phone No. 0945-9250098.

(4)

To,
The Director General Health Services
Khyber Pakhtunkhwa Peshawar

-Subject: SERVICE APPEAL NO. 639 TO 656/2017 – LUTF E HAKIM AND 17 OTHERS VERSUS GOVT. OF KHYBER PAKHTUNKHWA AND OTHERS.

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- Respectfully, it is submitted for your kind information that the petitioner Mr. Lutf e Hakim Muslim Sweeper BS-01 etc/DHQ Hospital Timergara Dir Lower approached the Khyber Pakhtunkhwa Service Tribunal Peshawar via appeal No. 639-656 of 2017 with the plea that vide Notification dated 25-07-2006 the Health Department including autonomous institutions have unanimously decided that all the Health Institutions should promote the Muslim Sweepers against the existing vacancies of Ward Orderly, Chowkidar, Mali, Dai, Aya.
- The appellant also challenge the Department office order No. SO (Litigation-1)/1-1/2017 (Gen: Misc) dated 16-02-2016, which is stating that those Sweeper who were appointed as Muslim Sweeper before 12-07-2006 are entitled for adjustment against the aforementioned posts without disturbing the quota reserved under the rules for appointment of Class-IV Govt: Servants and children of retiring/incapacitated/deceased civil servant etc. They took the plea that this impugned Notification is violative of the article 38 (e) of the constitution of Pakistan 1973.
- The Services Tribunal vide its judgment announced on 13-12-2018 expressed that "this tribunal holds that the cutoff date i.e. 12-07-2006 as mentioned in the impugned order dated 16-02-2017 shall be treated as expunged.
- The appellant are 17 in number of whom 3 belongs to the DHO prerogative and others are under the control of MS DHQ Hospital Timergara. Since there are no vacant posts of Class-IV available for adjustment of these Sweepers so these will bear a magnificent financial implication to the Govt: of Khyber Pakhtunkhwa.

It is therefore, requested that the said appeal may be taken up to Supreme Court of Pakistan to fix the issue.

In case of otherwise, this office may kindly be advised to process the SNE for the said posts to adjust them accordingly, please.

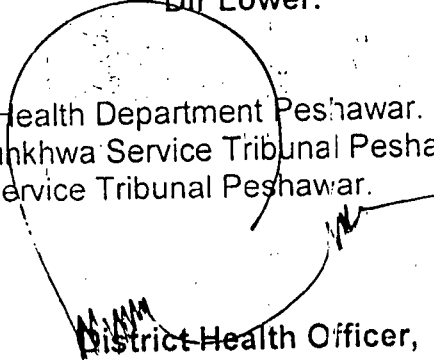
Encl: All the relevant record attached.


District Health Officer,
Dir Lower.

No. 2558-61 /

Copy for information to:-

1. Secretary to Govt: of Khyber Pakhtunkhwa Health Department Peshawar.
2. Additional Advocate General Khyber Pakhtunkhwa Service Tribunal Peshawar
3. Additional Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.


District Health Officer,
Dir Lower



OFFICE OF THE
DISTRICT HEALTH OFFICER
DIR LOWER.

Submitted

No. 1992 / Dated. 28/03/2019.

Phone No. 0945-9250098.

12780/42

03/4/19

Signature
03/4/19

To,

The Director General Health Services
Khyber Pakhtunkhwa Peshawar

Subject:

SERVICE APPEAL NO. 639 TO 656/2017 – LUTF E HAKIM AND 17
OTHERS VERSUS GOVT. OF KHYBER PAKHTUNKHWA AND
OTHERS.

Memo:-

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Respectfully, it is submitted for your kind information that before the subject cited appeal; the Petitioners filed Writ Petition No. 510/14 before the Peshawar High Court Bench Darul Qaza Swat, where-in the Petitioners taken the plea that they were belonging to Muslims and have been appointed as Sweeper in Health Department, and are entitled to be promoted to the next cadre post i.e. Ward Orderly, Chowkidar, Mali, Aya and other equillant posts in light of the instant Writ Petition. This Writ Petition was referred to your office for appropriate necessary action. The office of Health Department vide his letter No. SOH-(Lit) 12 (1) 1289/2017 dated 7th March, 2017, decided as under:

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The same is forwarded to your advice please.

Signature
District Health Officer,
Dir Lower.

No. 1993 - 95 / Litigation
Copy for information to:-

1. Secretary to Govt. of Khyber Pakhtunkhwa Health Department Peshawar.
2. Additional Advocate General Khyber Pakhtunkhwa Service Tribunal Peshawar.
3. Additional Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.

Signature
District Health Officer.

GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT.

SO/SH(LH-4) 1-1/2017 (Gen. Misc)
Dated Peshawar the 16th February, 2017

ANNEXURE D - 19

4

ORDER.

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2. AND WHEREAS the above decision was also affirmed by the Hon'ble Peshawar High Court Peshawar vide judgment dated 27.09.2013 in Writ Petition No.293-172013 titled "Noor ul Qamar S/O Shams-ul Qamar Muslim Sweeper THQ Hospital Shabqadar, District Charsadda & 9 others versus Govt of Khyber Pakhtunkhwa Health Department & others.

NOW THEREFORE in pursuance of the above decision taken/judgment of the Hon'ble Court, it is sufficiently clear that those who were appointed as Muslim Sweepers before 12.07.2006 are entitled for adjustment against the aforementioned posts without disturbing the quotas reserved under the Rules for appointment of Class-IV Govt. Servants and children of Retiring/Incapacitated/Deceased civil servants etc. However, those who were appointed as Muslim Sweeper after 12.07.2006 in violation of the above decision/judgment are not covered under the policy.

SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT.

Encl. By & Date: 22/2/17

Copy of the above is forwarded to the:-

1. The Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
2. The Director Health Services, FATA
3. All District Health Officers in Khyber Pakhtunkhwa.
4. All Medical Superintendent of Hospitals in Khyber Pakhtunkhwa.
5. All Medical Director/Hospital Directors of MTIs in Khyber Pakhtunkhwa.
6. To Hon'ble Minister Health, Khyber Pakhtunkhwa.
7. To Secretary Health, Khyber Pakhtunkhwa.
8. Provincial President Paramedical Class-IV Employees Association, LRH Peshawar.

(Rakhtar Ali)
Section Officer (LH-4)

DIRECTOR ATE OF HEALTH SERVICES FATA, PESHAWAR
No. 6/525-86 /DHS/FATA/Admn
Date: 22/3/2017

Copy is forwarded to the:-

ATTESTED

1. All Agency Surgeons in FATA/FRs.
 2. All Medical Superintendents in FATA.
- For information and further necessary action.


Director Health Services
FATA Peshawar.

BEFORE KHYBERPAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

(4)

S.A NO. 313/2019 in 639-656 /2017

Mr. Gul Saeed Khan & Others

**MR. GUL SAEED KHAN & 2 OTHERS SWEEPER BPS-03 CATEGORY D HOSIPTAL
ZIARAT TALASH DIR LOWER**

VERSUS.

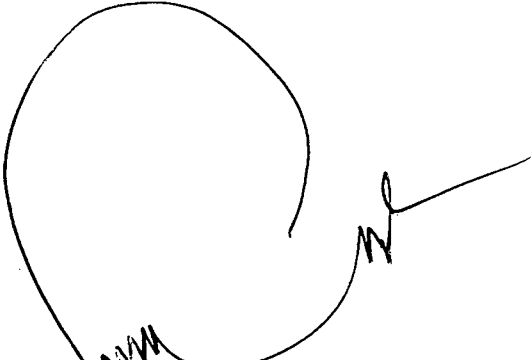
1. Secretary Health Department Khyber Pakhtunkhwa Peshawar.
2. Director General Health services Khyber Pakhtunkhwa Peshawar.
3. District Health Officer Dir Lower.
4. Medical Superintendent DHQ Hospital Timergara Dir Lower.

IMPLEMENTATION REPORT

In the pursuance of the judgment honorable Service Tribunal Peshawar, it is submitted that 03 appellants are working under the control of office of the undersigned and the undersigned has no authority to create the post of Class-IV (BPS-04), for the adjustment of Muslim sweepers.

As this office is unable to entertain the instant appeal due to non-availability of vacant position of Class-IV, It is therefore requested that the decision of the honorable court will be implemented, as soon as posts are created by the Department, for which request has already been sent to the quarter concerned.

All enclosure attached.


**District Health Officer
Dir Lower.**



OFFICE OF THE
DISTRICT HEALTH OFFICER
DIR LOWER.

REGISTERED

No. 2558/C-Case / Dated. 19/04/2019.
Phone No. 0945-9250098.

(4)

To,
The Director General Health Services
Khyber Pakhtunkhwa Peshawar

Subject: SERVICE APPEAL NO. 639 TO 656/2017 - LUTF E HAKIM AND 17 OTHERS VERSUS GOVT. OF KHYBER PAKHTUNKHWA AND OTHERS.

Memo:-

With reference to your office letter No. 909-14/AD (Lit) dated 27-02-2019, received in this office on 21-03-2019 on the subject cited above, and in continuation to this office letter No. 1992, dated 28-03-2019 submitted to your good vide Dairy No. 12750/Lit dated 03-04-2019.

- Respectfully, it is submitted for your kind information that the petitioner Mr. Lutf e Hakim Muslim Sweeper BS-01 etc/DHQ Hospital Timergara Dir Lower approached the Khyber Pakhtunkhwa Service Tribunal Peshawar via appeal No. 639-656 of 2017 with the plea that vide Notification dated 25-07-2006 the Health Department including autonomous institutions have unanimously decided that all the Health Institutions should promote the Muslim Sweepers against the existing vacancies of Ward Orderly, Chowkidar, Mali, Dai, Aya.
- The appellant also challenge the Department office order No. SO (Litigation-1)/1-1/2017 (Gen: Misc) dated 16-02-2016, which is stating that those Sweeper who were appointed as Muslim Sweeper before 12-07-2006 are entitled for adjustment against the aforementioned posts without disturbing the quota reserved under the rules for appointment of Class-IV Govt: Servants and children of retiring/incapacitated/deceased civil servant etc. They took the plea that this impugned Notification is violative of the article 38 (e) of the constitution of Pakistan 1973.
- The Services Tribunal vide its judgment announced on 13-12-2018 expressed that "this tribunal holds that the cutoff date i.e. 12-07-2006 as mentioned in the impugned order dated 16-02-2017 shall be treated as expunged.
- The appellant are 17 in number of whom 3 belongs to the DHO prerogative and others are under the control of MS DHQ Hospital Timergara. Since there are no vacant posts of Class-IV available for adjustment of these Sweepers so these will bear a magnificent financial implication to the Govt: of Khyber Pakhtunkhwa.

It is therefore, requested that the said appeal may be taken up to Supreme Court of Pakistan to fix the issue.

In case of otherwise, this office may kindly be advised to process the SNE for the said posts to adjust them accordingly, please.

Encl: All the relevant record attached.


District Health Officer,
Dir Lower.

No. 2558-61
Copy for information to:-

1. Secretary to Govt: of Khyber Pakhtunkhwa Health Department Peshawar.
2. Additional Advocate General Khyber Pakhtunkhwa Service Tribunal Peshawar
3. Additional Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.


District Health Officer,
Dir Lower



OFFICE OF THE
DISTRICT HEALTH OFFICER
DIR LOWER.

Submitted

No. 1993 / Dated. 28/03/2019.

Phone No. 0945-9250098.

12750/42

03/4/19

12750/42
03/4/19

To,

The Director General Health Services
Khyber Pakhtunkhwa Peshawar

Subject:

SERVICE APPEAL NO. 639 TO 656/2017 – LUTF E HAKIM AND 17
OTHERS VERSUS GOVT. OF KHYBER PAKHTUNKHWA AND
OTHERS.

Memo:-

With reference to your office letter No. 909-14/AD (Lit) dated 27-02-2019, received in this office on 21-03-2019 on the subject cited above.

Respectfully, it is submitted for your kind information that before the subject cited appeal, the Petitioners filed Writ Petition No. 510/14 before the Peshawar High Court Bench Darul Qaza Swat, where-in the Petitioners taken the plea that they were belonging to Muslims and have been appointed as Sweeper in Health Department, and are entitled to be promoted to the next cadre post i.e. Ward Orderly, Chowkidar, Mali, Aya and other equaillant posts in light of the instant Writ Petition. This Writ Petition was referred to your office for appropriate necessary action. The office of Health Department vide his letter No. SOH-(Lit) 12 (1) 1289/2017 dated 7th March, 2017, decided as under:

"It was decided that all the Health Institutions should promote the Muslim Sweepers against 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 Sweepers in future" (Attached as Annex-I)

However vide Para-6, it was decided that these Muslim Sweepers who had been appointed before 12-07-2006 are entitled for adjustment against the aforementioned posts and as such who were appointed after 12-07-2006 are not entitled. Aggrieved from the said Notification, the appellant filed appeal No. 639-656/17 before the Honourable Service Tribunal Peshawar in the concluding Para. The Honourable Court has declared the said Notification Null and void.

It is further clarified that either an appeal should be filed against the said judgment or should be complied in letter in spirit.

The same is forwarded to your advice please.

District Health Officer,
Dir Lower.

No. 1993 - 95 / Litigation
Copy for information to:-

1. Secretary to Govt: of Khyber Pakhtunkhwa Health Department Peshawar.
2. Additional Advocate General Khyber Pakhtunkhwa Service Tribunal Peshawar.
3. Additional Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.

District Health Officer.

GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

RO/SOH (LH-3) 1-1/2017 (Gen. Misc)
Dated Peshawar the 16th February, 2017

ANNEXURE D - 19

4

G.R.D.E.R.

1. WHEREAS attention is invited to the minutes of the meeting dated 12.07.2006 held under the Chairmanship of Secretary Health Khyber Pakhtunkhwa circulated vide Govt of Khyber Pakhtunkhwa Health Department letter No. SOH-III/1-179/06 (Class-IV) dated 25.07.2006. Extract of the decision taken in the meeting is reproduced below:-

Decision:

It was decided that all the Health Institutions should promote the Muslim Sweepers against existing vacancies of Ward Orderly, Chowkidar, Mali, Dui, Aya and other Class-IV posts, on seniority basis and not to appoint Muslim Sweepers against the post of Sweepers in future.

2. AND WHEREAS the above decision was also affirmed by the Hon'ble Peshawar High Court Peshawar vide judgment dated 27.09.2013 in Writ Petition No.293-172013 titled "Noor ul Qamar S/O Shams-ul Qamar Muslim Sweeper THQ Hospital Shabqadar, District Charsadda & 9 others versus Govt of Khyber Pakhtunkhwa Health Department & others.

NOW THEREFORE in pursuance of the above decision taken/judgment of the Hon'ble Court, it is officially clear that those who were appointed as Muslim Sweepers before 12.07.2006 are entitled for adjustment against the aforementioned posts without disturbing the quotas reserved under the Rules for appointment of Class-IV Govt. Servants and children of Retiring/Incapacitated/Deceased civil servants etc. However, those who were appointed as Muslim Sweeper after 12.07.2006 in violation of the above decision/judgment are not covered under the policy.

SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT.

Order No. & Date given

Copy of the above is forwarded to the:-

1. The Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
2. The Director Health Services, FATA
3. All District Health Officers in Khyber Pakhtunkhwa.
4. All Medical Superintendents of Hospitals in Khyber Pakhtunkhwa.
5. All Medical Directors/Hospital Directors of MFIs in Khyber Pakhtunkhwa.
6. To Gen. Secy Health, Khyber Pakhtunkhwa.
7. To Secretary Health, Khyber Pakhtunkhwa.
8. Provincial President Paramedical Class-IV Employees Association, LRH Peshawar

(Makhdoor Ali)
Section Officer (L.H.)

DIRECTOR ATE OF HEALTH SERVICES FATA, PESHAWAR
No. C/565-86/DHS/FATA/Admn
Date: 28/13/2017

Copy is forwarded to the:-

ATTESTED

1. All Agency Surgeons in FATA/FRS.
 2. All Medical Superintendents in FATA.
- For information and further necessary action.

Director Health Services
FATA Peshawar.

BEFORE KHYBERPAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

S.A NO. 313/2019 in 639-656 /2017

Mr. Gul Saeed Khan & Others

**MR. GUL SAEED KHAN & 2 OTHERS SWEEPER BPS-03 CATEGORY D HOSIPTAL
ZIARAT TALASH DIR LOWER**

VERSUS.

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

IMPLEMENTATION REPORT

In the pursuance of the judgment honorable Service Tribunal Peshawar, it is submitted that 03 appellants are working under the control of office of the undersigned and the undersigned has no authority to create the post of Class-IV (BPS-04), for the adjustment of Muslim sweepers.

As this office is unable to entertain the instant appeal due to non-availability of vacant position of Class-IV, It is therefore requested that the decision of the honorable court will be implemented, as soon as posts are created by the Department, for which request has already been sent to the quarter concerned.

All enclosure attached.


**District Health Officer
Dir Lower.**



OFFICE OF THE
DISTRICT HEALTH OFFICER
DIR LOWER.

REGISTERED

(4)

No. 2558/1 / Dated. 18/04/2019.
Phone No. 0945-9250098.

To,
The Director General Health Services
Khyber Pakhtunkhwa Peshawar

Subject: SERVICE APPEAL NO. 639 TO 656/2017 – LUTF E HAKIM AND 17
OTHERS VERSUS GOVT. OF KHYBER PAKHTUNKHWA AND
OTHERS.

Memo:-

With reference to your office letter No. 909-14/AD (Lit) dated 27-02-2019, received in this office on 21-03-2019 on the subject cited above, and in continuation to this office letter No. 1992, dated 28-03-2019 submitted to your good vide Dairy No. 12750/Lit dated 03-04-2019.

- Respectfully, it is submitted for your kind information that the petitioner Mr. Lutf e Hakim Muslim Sweeper BS-01 etc/DHQ Hospital Timergara Dir Lower approached the Khyber Pakhtunkhwa Service Tribunal Peshawar via appeal No. 639-656 of 2017 with the plea that vide Notification dated 25-07-2006 the Health Department including autonomous institutions have unanimously decided that all the Health Institutions should promote the Muslim Sweepers against the existing vacancies of Ward Orderly, Chowkidar, Mali, Dai, Aya.
- The appellant also challenge the Department office order No. SO (Litigation-1)/1-1/2017 (Gen: Misc) dated 16-02-2016, which is stating that those Sweeper who were appointed as Muslim Sweeper before 12-07-2006 are entitled for adjustment against the aforementioned posts without disturbing the quota reserved under the rules for appointment of Class-IV Govt: Servants and children of retiring/incapacitated/deceased civil servant etc. They took the plea that this impugned Notification is violative of the article 38 (e) of the constitution of Pakistan 1973.
- The Services Tribunal vide its judgment announced on 13-12-2018 expressed that "this tribunal holds that the cutoff date i.e. 12-07-2006 as mentioned in the impugned order dated 16-02-2017 shall be treated as expunged.
- The appellant are 17 in number of whom 3 belongs to the DHO prerogative and others are under the control of MS DHQ Hospital Timergara. Since there are no vacant posts of Class-IV available for adjustment of these Sweepers so these will bear a magnificent financial implication to the Govt: of Khyber Pakhtunkhwa.

It is therefore, requested that the said appeal may be taken up to Supreme Court of Pakistan to fix the issue.

In case of otherwise, this office may kindly be advised to process the SNE for the said posts to adjust them accordingly, please.

Encl: All the relevant record attached.


District Health Officer,
Dir Lower.

No. 2558-61 / 1

Copy for information to:-

1. Secretary to Govt: of Khyber Pakhtunkhwa Health Department Peshawar.
2. Additional Advocate General Khyber Pakhtunkhwa Service Tribunal Peshawar
3. Additional Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.


District Health Officer,
Dir Lower



OFFICE OF THE
DISTRICT HEALTH OFFICER
DIR LOWER.

Submitted

No. 1992 / Dated. 28/03/2019.

Phone No. 0945-9250098.

12730/19

03/4/19

12730/19
03/4/19

To, The Director General Health Services
Khyber Pakhtunkhwa Peshawar

Subject: SERVICE APPEAL NO. 639 TO 656/2017 - LUTF E HAKIM AND 17
OTHERS VERSUS GOVT. OF KHYBER PAKHTUNKHWA AND
OTHERS.

Memo:-

With reference to your office letter No. 909-14/AD (Lit) dated 27-02-2019, received in this office on 21-03-2019 on the subject cited above,.

Respectfully, it is submitted for your kind information that before the subject cited appeal, the Petitioners filed Writ Petition No. 510/14 before the Peshawar High Court Bench Darul Qaza Swat, where-in the Petitioners taken the plea that they were belonging to Muslims and have been appointed as Sweeper in Health Department, and are entitled to be promoted to the next cadre post i.e. Ward Orderly, Chowkidar, Mali, Aya and other equaillant posts in light of the instant Writ Petition. This Writ Petition was referred to your office for appropriate necessary action. The office of Health Department vide his letter No. SOH-(Lit) 12 (1) 1289/2017 dated 7th March, 2017, decided as under:

"It was decided that all the Health Institutions should promote the Muslim Sweepers against 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 Sweepers in future" (Attached as Annex-1)

However vide Para-6, it was decided that these Muslim Sweepers who had been appointed before 12-07-2006 are entitled for adjustment against the aforementioned posts and as such who were appointed after 12-07-2006 are not entitled. Aggrieved from the said Notification, the appellant filed appeal No. 639-656/17 before the Honourable Service Tribunal Peshawar in the concluding Para. The Honourable Court has declared the said Notification Null and void.

It is further clarified that either an appeal should be filed against the said judgment or should be complied in letter in spirit.

The same is forwarded to your advice please.

District Health Officer,
Dir Lower.

No. 1993 - 95 / Litigation
Copy for information to:-

1. Secretary to Govt: of Khyber Pakhtunkhwa Health Department Peshawar.
2. Additional Advocate General Khyber Pakhtunkhwa Service Tribunal Peshawar.
3. Additional Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.

District Health Officer.

GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT.

RO/SOH (LI-4) 1-4/2017 (Gen. Misc)
Dated Peshawar the 16th February, 2017

ANNEXURE D - 19

4

ORDER.

WHEREAS attention is invited to the minutes of the meeting dated 12.07.2006 held under the Chairmanship of Secretary Health, Khyber Pakhtunkhwa circulated vide Govt of Khyber Pakhtunkhwa Health Department letter No. SOH-III/1-179/06 (Class-IV) dated 25.07.2006. Extract of the decision taken in the meeting is reproduced below:-

Decision:

It was decided that all the Health Institutions should promote the Muslim Sweepers against existing vacancies of Ward Orderly, Chowkidar, Mali, Dai, Aya and other Class-IV posts, on seniority basis and not to appoint Muslim Sweepers against the post of Sweepers in future.

AND WHEREAS the above decision was also affirmed by the Hon'ble Peshawar High Court Peshawar vide judgment dated 27.09.2013 in Writ Petition No.293-172013 titled "Noor ul Qamar S/O Shams-ul Qamar Muslim Sweeper THQ Hospital Shahpoddar, District Charsadda & 9 others versus Govt of Khyber Pakhtunkhwa Health Department & others.

NOW THEREFORE in pursuance of the above decision taken/judgment of the Hon'ble Court, it is sufficiently clear that those who were appointed as Muslim Sweepers before 12.07.2006 are entitled for adjustment against the aforementioned posts without disturbing the quotas reserved under the Rules for appointment of Class-IV Govt. Servants and children of Retiring/Incapacitated/Deceased civil servants etc. However, those who were appointed as Muslim Sweeper after 12.07.2006 in violation of the above decision/judgment are not covered under the policy.

SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT.

Encl. No. & Date given.

Copy of the above is forwarded to the:-

1. The Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
2. The Director Health Services, FATA.
3. All District Health Officers in Khyber Pakhtunkhwa.
4. All Medical Superintendent of Hospitals in Khyber Pakhtunkhwa.
5. All Medical Directors/Hospital Directors of MTIs in Khyber Pakhtunkhwa.
6. To Senior Minister Health, Khyber Pakhtunkhwa.
7. To Secretary Health, Khyber Pakhtunkhwa.
8. Provincial President Paramedical Class-IV Employees Association, LRH Peshawar.

(Signature)
Section Officer (LI-4)

DIRECTOR ATE OF HEALTH SERVICES FATA, PESHAWAR
No. C/565-86 /DHS/FATA/Admn Date: 28/13/2017

Copy is forwarded to the:-

ATTESTED

1. All Agency Surgeons in FATA/FRs.
 2. All Medical Superintendents in FATA.
- For information and further necessary action.

(Signature)
Director Health Services
FATA Peshawar.

by agt
18/03/19

① vacant post at the disposal of D.H.O
Dir (L) → 4 post.

person appointed against these post after
Judgment of this honorable court -

Date of appointment - 29/11/19

- ① Formandlah S/o ibrahim Amin
- ② Adid S/o Kalikurawan
- ③ Mulsin S/o Janshid lan
- ④ Fayaz S/o Abdul hamid.

② vacant posts at the disposal
of M.S D.H.O Timurgara.

there are total six vacant post
of class iv at disposal of M.S.
these posts became vacant due
to promotion of following employees.

- ① Malik Ghulam Nabi
- ② Nawid Khan
- ③ Amjad Ali
- ④ Alhtay Ali
- ⑤ Asif Khan
- ⑥ class-iv



MOST IMMEDIATE.
COURT MATTER.

GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

SOH(Lit-II)13-4153/2020

Dated Peshawar, the 14/07/2020 ✓

To

- ✓ 1. The Director General, Health Services,
Khyber Pakhtunkhwa, Peshawar.
- ✓ 2. The Director Health Services,
Merged Areas, Warsak Road, Peshawar.
- 32 3. All the District Health Officer,
In Khyber Pakhtunkhwa.
- 30 4. All Medical Superintendent,
In Khyber Pakhtunkhwa.
- 2 5. The Chief Executives/Principal,
Saidu Medical College, Swat & Gaju Khan Medical College,
Swabi.
- 8 6. All the Hospital/ Medical Directors (MTIs)
In Khyber Pakhtunkhwa.

Subject:- **SERVICE APPEAL NO. 639/2017 – MR. LUTF-E-HAKEEM, AND**
SERVICE APPEAL NO. 640 TO 656, SERVICE APPEAL NO. 724-731 &
OTHERS VERSUS GOVT. OF KHYBER PAKHTUNKHWA HEALTH
DEPARTMENT AND OTHERS.

I am directed to refer to the subject noted above and to state that Honorable Khyber Pakhtunkhwa Service Tribunal, Peshawar vide judgment dated 13.12.2018 in Service Appeal No. 639/2017 and connected appeals has decided that all the Muslim Sweepers who were appointed as Muslim Sweepers before this department minutes dated: 12.07.2006 circulated vide letter No. SOH-III/1-179/06 (Class-IV), dated 25.07.2006 and after are entitled for adjustment/promotion against the existing vacancies of Ward Orderly, Chowkidar, Mali, Dai, Aya and other Class-IV post, on seniority basis without disturbing the quotas reserved under the rules for appointment of Class-IV Govt. Servants and Children of retiring/incapacitated/deceased Civil Servant etc and not to appointment Muslim sweepers against the post of sweeper in future and the Notification No. SO(lit-I)1-1/2017(Gen: Misc) dated 08.12.2017 already issued (copy endorsed) may be followed in letter and spirit, please.

It is, therefore, directed that the decision of the Service Tribunal may be implemented with its true letter and spirit.

Being court matter, hence may please be treated as **MOST URGENT.**

Encl: As Above

SECTION OFFICER (LIT-II)

Endst: of even No & date:-

Copy forwarded to:-

1. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
2. PS to the Secretary Health Govt. of Khyber Pakhtunkhwa.
3. PA to the Special Secretary Health Deptt.
4. PA to the Addl: Secretary (Dev).
5. PA to the Deputy Secretary (lit) Health Deptt.
6. All Section Officer of Health Deptt.

SECTION OFFICER (LIT-II)

M
16-7-2020
Time-12:00

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 2628-30/ST

Dated 08/09 2020

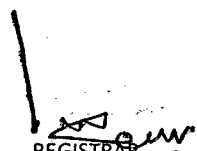
To

1. The Director General Health Services,
Government of Khyber Pakhtunkhwa,
Peshawar.
2. District Health Officer,
Government of Khyber Pakhtunkhwa,
Dir Lower.
3. Medical Superintendent DHL Hospital Timergara,
Government of Khyber Pakhtunkhwa,
Dir Lower.

SUBJECT: - ORDER IN APPEAL NO. 311/2019, MR. LUTF E HAKIM & OTHERS.

I am directed to forward herewith a certified copy of order dated 20.08.2020 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

OFFICE OF THE MEDICAL SUPERINTENDENT DHQ HOSITAL TIMERGARA

No. 7219 / 1 Dated Timergara the 28/09 /2020

To

The Director General Health Services
Khyber Pakhtunkhwa Peshawar

Subject: - **IMPLEMENTATION OF PETITION NO 311/2019 IN APPEAL NO 639/2017**

Memo:

The Honorable Service Tribunal has processed to implement the orders in favor of the appellants in the above mentioned petition Lutfi Hakeem and others V/S Government of KPK.

Owing to some unavoidable circumstances (non availability of vacant postions) the office of Medical Superintendent DHQ Hospital Timergara is unable to comply the orders in letter and spirit.

As your good self is well aware of the fact that DHQ Hospital TimergaraDir Lower has been upgraded/converted in to teaching hospital and will certainly need more officials. The SNE for the said is under process and I undertake that all the 16 muslim sweepers of this hospital in the said petition will be adjusted against the new posts of Class-IV on seniority basis.


**Medical Superintendent
Timergara Teaching Hospital
Dir Lower**



**GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT**

Finance Department Civil Secretariat Peshawar

<http://www.finance.gkp.pk>

[facebook.com/GoKPF](https://www.facebook.com/GoKPF) [youtube.com/GoKPF](https://www.youtube.com/GoKPF)

NO. B.VI/FD/4-38/2014-15/Vol-IV

Dated Peshawar the 16-03-2021

To,

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

Subject:-

**MINUTES OF THE MEETING REGARDING SNE FOR THE YEAR 2020-21 ON
02-03-2021 AT 03:00 PM**

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith a copy of minutes of the meeting held on 02-03-2021 at 03:00 PM under the Chairmanship of Secretary, Finance Department Khyber Pakhtunkhwa in his office for compliance of the same necessary action please.

Yours faithfully,

ENCL. AS ABOVE


Officer-VI

Subject: MINUTES OF THE MEETING REGARDING SNE FOR THE YEAR 2020-21 ON 02-03-2021 AT 03:00 PM

A meeting on the subject cited above was held under the Chairmanship of Deputy Secretary (B-IV), Finance Department Govt. of Khyber Pakhtunkhwa on 02-03-2021 at 03:00PM in his office. List of participants is attached.

At the outset, the Chair welcomed the participants and asked the Medical Superintendent District Health Officer Dir Lower to apprise the forum about the issue involved in the instant case. The MS DHO Dir Lower informed that Health department had issued a notification on 12-07-2006 containing that all the Muslim sweepers appointed before 2006 may be adjusted against the posts of Ward Orderly, Chowkidar, Mali, Dai, Aya and other Class-IV posts on seniority basis and no fresh appointment of Muslims will be made on the post of sweeper thereafter. The MS Dir Lower further informed the forum that during 2009 some Class-IV were appointed against the posts of sweeper. Ideally, these posts were required to be filled by the minority as envisaged by the Health Department policy letter circulated in 2006. But due to the Non-Availability of minority populace in Malakand Division, these posts were filled from Muslims of the area.

On 16-02-2017 Health Department issued a fresh notification containing lines about the adjustment of Muslim sweepers appointed before 2006 against the Class-IV posts depriving the Sweepers appointed after 2006. This notification created a sense of discrimination among the sweepers appointed after 2006 and they approached Service Tribunal for adjustment against the vacant class-IV posts. The Service Tribunal ordered Health Department to adjust appellants against the posts of Class-IV and also take strict disciplinary action against those responsible for violating Health Department policy.

The chair asked the representative of Health department that whether any disciplinary action being taken against the defaulters for violating the standing policy of Health Department? The representative had no solid answer for this. The chair concluded that Health Department should address the following points to proceed further in the matter:-

- i) Why Health Department has not taken any disciplinary action /criminal proceedings against those responsible for appointing Muslim sweepers in violation of the policy decision dated 12-07-2006.
- ii) Why Health Department didn't file appeal in the High Court against the decision of Service Tribunal dated 13-12-2018.
- iii) Adjusting these sweepers against Class-IV posts will have huge financial implications so why Health Department did not consider the same before doing unnecessary recruitment.

Meeting ended with the vote of thanks from and to the chair.



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

No. SOB II/HQ/R-1/SNE/Dir Lower
Dated Peshawar the 26th January, 2021

To

The Secretary to Govt of Khyber Pakhtunkhwa
Finance Department, Peshawar

Subject: SNE FOR THE YEAR 2020-21

Dear Sir,

I am directed to forward herewith a copy of the Medical Superintendent, DHQ Hospital, Dir Lower letter No 7680/SNE dated 23.10.2020 alongwith SNE for creation of 16 posts of Ward Attendant (BPS-04) for adjustment of 16 Muslim Sweepers in light of the Service Tribunal Judgment (copy enclosed) for further necessary action, please.

Yours faithfully,

(Muhammad Israr)

SECTION OFFICER (BUDGET-II)

Encl: as above

Endst: of even No. & Date

Copy forwarded to PS to Secretary Health, Khyber Pakhtunkhwa

SECTION OFFICER (BUDGET-II)

BO-VI
20/11/21