


10.06.2015

Counsel for the appellant present. Security and process fee have not been deposited within the specified period as such the appeal is dismissed under the provisions of Rule 10 of Khyber Pakhtunkhwa Service Tribunal Rules, 1974. File be consigned to the record.

ANNOUNCED
10.6.2015

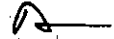

Chairman
10.06.15

Appeal No. 192/2014
Mr. Muhammad Asghar

7.

07.11.2014


Clerk of counsel for the appellant present, and requested for adjournment. Request accepted. To come up for preliminary hearing on 29.01.2015.


Member

8.

29.01.2015

Clerk of counsel for the appellant present, and requested for adjournment. Request accepted. To come up for preliminary hearing on 26.03.2015.


Member

9.

26.03.2015

Counsel for the appellant present. Learned counsel for the appellant argued that appellant was serving in BPS-6 and, during the course of his service, new paramedics service structure introduced in the year 2006 vide which the Radiographer serving in BPS-6 and X-Ray Technician serving in BPS-9 were placed in the same seniority list due to amalgamation of the service structure of both the organizations. That the appellant has joined service prior to that of private respondents and was, therefore, entitled to be placed senior in the seniority list vis-à-vis private respondents as according to the judgment of the august Peshawar High Court dated 12.12.2012 passed in writ petition No. 2525/2010 and followed by notifications of the respondents from time to time.


Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 10.06.2015 before S.B.


Chairman

3.

08.04.2014

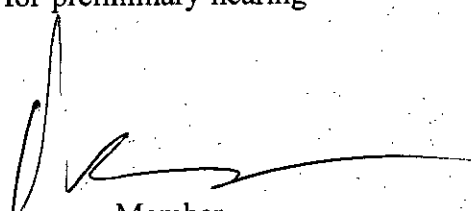
No one is present on behalf of the appellant. To come up for preliminary hearing on 28.05.2014.


Member

4.

28.05.2014

Clerk of counsel for the appellant present and requested for adjournment as his counsel was busy in the Peshawar High Court Peshawar. Request accepted. To come up for preliminary hearing on 18.07.2014.


Member

5.

18.07.2014

Clerk of counsel for the appellant present and requested for adjournment. Request accepted. To come up for preliminary hearing on 08.09.2014.

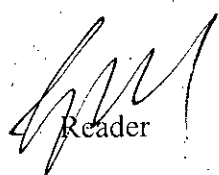


6.

Reader Note:

08.09.2014


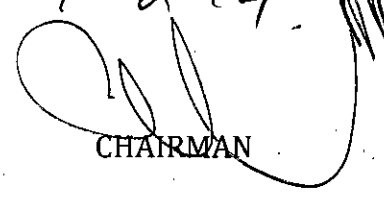
Counsel for the appellant present. Preliminary arguments could not be heard due to learned Member is on leave. To come up for preliminary hearing on 07.11.2014.


Reader

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 192/2014

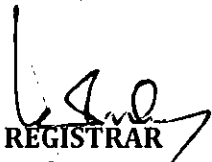
S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	17/02/2014	<p>The appeal of Mr. Muhammad Arshad resubmitted today by Mr. Khaled Rahman Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	19-2-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>8-4-2014</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Arshad Khan Chief Radiographer received today i.e. on 07.02.2014 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Copies of impugned order dated 19.8.2013 and 20.7.2013 mentioned in the heading of the appeal are not attached with the appeal which may be placed on it.
- 3- Annexures-A to J are not attached with the appeal which may be placed on it.
- 4- Copy of departmental appeal against the impugned order is not attached with the appeal which may be placed on it.
- 5- Wakalat Nama in favour of appellant be placed on file.
- 6- 12 more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

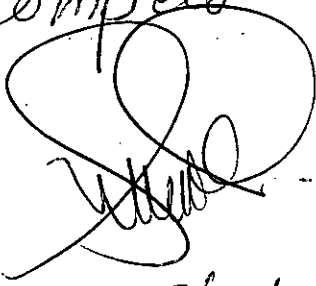
No. 209 /S.T,

Dt. 07/2 /2014.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Khaled Rehman Adv. Pesh.

In

*Requested also
complete

17/2/14*

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 192 /2014

Mohammad Arshid
.....Appellant

Versus

The Govt. and others
.....Respondents

INDEX

S.No.	Description of Documents	Date	Annexure	Pages
1.	Memo of Service Appeal			1-6
2.	Extracts from the Service Book		A	7-17
3.	New Paramedics Structure	2006	B	18-20
4.	Writ petition No.2525/2010		C	21-27
5.	Order of this Hon'ble High Court in W.P. No.2525/2010	12.12.2012	D	28-29
6.	Correspondence letters	18.01.2012 26.12.2012	E	30-31
7.	Impugned Notification	19.08.2013	F	32-33
8.	Departmental Representation		G	34-35
9.	Seniority List of other Departments		H	36-37
10.	Letter of upgradation of posts of X-Ray Technicians and Radiographers to BPS-9 by Federal Government.	01.03.1988	I	38
11.	Correspondence letter	03.01.1996 16.11.1995 15.01.1995 15.11.1994	J	39-42
12.	Wakalat Nama			43

Through

Mohammad Arshid
Appellant

Khaleed Rahman
Advocate, Peshawar
3-D, Haroon Mansion
Khyber Bazar, Peshawar
Cell # 0345-9337312

Dated: _____ / 01/2014

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 192 /2014~~155~~ Muhammad Arshid

Chief Radiographer

Lady Reading Hospital, Peshawar.....Appellant

Versus

1. The Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
2. The Secretary to Govt. of Khyber Pakhtunkhwa Health Department, Civil Secretariat, Peshawar.
3. The Director General, Health Services, Khyber Pakhtunkhwa, Peshawar.
4. Mr. Afzal-ur-Rahman, Clinical Technologist (Radiology), Lady Reading Hospital, Peshawar.
5. Mr. Gul Sher Khalil, Clinical Technologist (Radiology), Hayatabad Medical Complex, Peshawar.
6. Mr. Razim Khan, Clinical Technologist (Radiology), Lady Reading Hospital, Peshawar.
7. Mr. Jamil Khan, Clinical Technologist (Radiology), Khyber Teaching Hospital, Peshawar.
8. Mr. Muhammad Alam, Clinical Technologist (Radiology), Saidu Teaching Hospital, Swat.
9. Abdur Rahman, Clinical Technologist (Radiology), Khalifa Gul Nawaz Hospital, D.I. Khan.

155
07/2/14

155
7/2/14

re-submitted to-~~155~~
and filed.

155
7/2/14

10. Syed Hasnain,
Clinical Technologist (Radiology),
DHQ Hospital, Haripur..... Respondents
-

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED NOTIFICATION DATED 19.08.2013 VIDE WHICH RESPONDENT NO.4 TO 10 WERE GRANTED UP-GRADATION TO BPS-17 IN VIOLATION OF THE LAW AGAINST WHICH APPELLANT PREFERRED DEPARTMENTAL REPRESENTATION BUT THE SAME WAS NOT DISPOSED OF WITHIN THE STATUTORY PERIOD OF 90 DAYS.

PRAYER:

On acceptance of the instant appeal, the impugned Notification dated 19.08.2013 vide which Respondent No.4 to 10 were granted up-gradation to BPS-17 may graciously be set aside and appellant be granted up-gradation to BPS-17 w.e.f. 19.08.2013 with all consequential back benefits.

Respectfully Sheweth,

Facts giving rise to the present appeal are as under:-

1. That appellant was initially appointed as Radiographer (BPS-6) the way back in the year 1978 after observing all the codal formalities. At the moment appellant has at his credit 37 years service and is serving as Chief Clinical Technician (Radiology) at LRH, Peshawar (Extracts from the Service Book *Annex:-A*).

2. That in the year 2006, new Paramedics Structure (*Annex:-B*) was formulated wherein the post of Radiographer and X-Ray Technician were amalgamated, placed in BPS-9 and re-designated as Junior Clinical Technician (Radiography), however, the then X-Ray Technicians were unlawfully considered as seniors to the then Radiographers including the appellant.
3. That appellant alongwith other colleagues/ Radiographers challenged the decision before the Hon'ble Peshawar High Court, Peshawar in Writ petition No.2525/2010 (*Annex:-C*) which was finally disposed of vide order dated 12.12.2012 (*Annex:-D*) with the direction to the Department to update the Seniority List of JCTs (Radiology) of both previous X-Ray Technicians and Radiographers according to the original record but so far the order has not been implemented ispite of correspondence vide letters dated 18.01.2012 and 26.12.2012 (*Annex:-E*).
4. That the non-implementation of the order of the Hon'ble Peshawar High Court, Peshawar apart, vide the impugned Notification dated 19.08.2013 (*Annex:-F*) Respondent No.4 to 10 juniors (former X-Ray Technicians) were upgraded to BPS-17 while appellant and others (former Radiographers) were unlawfully ignored in violation of the law and rules of seniority.
5. That the seniority dispute of previous Radiographers including the appellant and X-Ray

Technicians has not yet been resolved therefore, the impugned Notification is/was highly illegal, pre-mature, therefore, appellant challenged the same through departmental Representation (*Annex:-G*) before the appellate authority but the same was not disposed of within the statutory period of 90 days, hence this appeal inter-alia on the following grounds:-

Grounds:

- A. That Respondents have not treated appellant in accordance with law, rules and policy on subject and acted in violation of Article 4 of the Constitution of Islamic Republic of Pakistan, 1973 and unlawfully issued the impugned Notification, which is unjust, unfair and hence not sustainable in the eye of law.
- B. That the Hon'ble Peshawar High Court, Peshawar has clearly mandated the formulation of the seniority as per the original record but inspite of the same, the seniority was not framed as per the original record by means of which appellant was senior to Respondent No.4 to 10 and on the basis of a wrong seniority, Respondent No.4 to 10 were further upgraded to BPS-17 illegally which has resulted in miscarriage of justice.
- C. That the impugned Notification is malafide, discriminatory because appellant and others being seniors have been deprived of their legal rights while at their expense, juniors to them were

unlawfully benefited in deviation of the law and rules on the subject.

- D. That the unification of various grades/pay scales of employees as occurred in various other Departments (*Annex:-H*) too wherein the seniority position has not been disturbed after the combination of various pay scales but misfortunately in the Health Department the strange formula was illegally adopted whereby seniors were made juniors to their juniors which has resulted in serious miscarriage of justice.
- E. That the Federal Government had upgraded the posts of X-Ray Technicians as well as Radiographers to BPS-9 vide letter dated 01.03.1988 (*Annex:-I*) but the Govt of Khyber Pakhtunkhwa only upgraded the posts of X-Ray Technicians ignoring the Radiographers. The matter was agitated time and again which was processed to some extent as is evident from the letters dated 03.01.1996, 16.11.1995, 15.01.1995 and 15.11.1994 (*Annex:-J*) but then the matter was thrown at the backburners without any progress.
- F. That appellant would like to offer some other grounds during the course of arguments.

It is, therefore, humbly prayed that the instant appeal may graciously be accepted as prayed for above.

Any other relief as deemed appropriate in the circumstances of case not specifically asked for, may also be granted to appellant.

Through

Mohd Asghar
Appellant
Khaled Rahman,
Advocate, Peshawar.

Dated: 7 / 01/ 2014

(For use in Police Department only).

10/11

7

Heirs,

- 1.
- 2.
- 3.

Army A²

Note:— The entries in this should be dated.

1. Name: Mr.

2. Race: _____

3. Residence: Hull

Punjab Poles


4. Father's name and _____


5. Date of birth by C. nearly as can be as _____

6. Exact height by me _____

7. Personal marks for _____

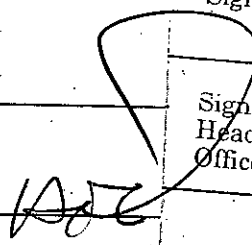
8. Left hand thumb and of (Non-Gazetted) off _____

Little Finger: 

Middle Finger: 

Thumb: 

Signature of Gover _____

Signature and de Head of the Office, Officer. 

Verification Roll No. _____ dated _____ received back _____

Left Thumb Impression _____

Qualification	Date	Qualification	Date
English		Matric passed	
Pushto		First Arts F.A. passed in 3rd Div.	
Urdu		B.L. or B.A.	
Plan-drawing		Pleadership examination	
Finger Print		Training School Final examination	
Drill Instructing		Other qualifications—	
Court Duties		Qualified Radiographer.	
Reserve Duties			

N.B.— Line to be drawn under the qualification possessed.

8

Note: The entries in this page should be renewed or re-attested at least every five years and the Signature to lines 9 and 10 should be dated.

1. Name: Mr. Muhammad Arshad

2. Race: Pakistani Islam

3. Residence: House No. T-3298 Mahallah Bajdaran Stage Tuhangiri
Pusa Peshawar City

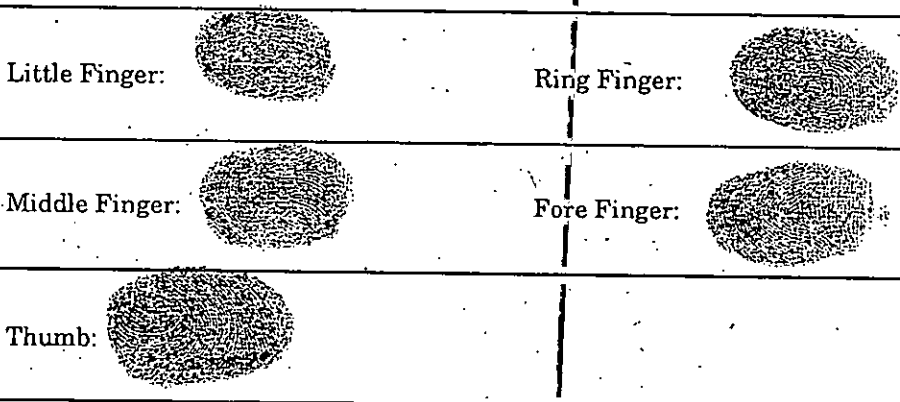
4. Father's name and residence: Mr. Ghulam Rasool

5. Date of birth by Christian era as nearly as can be ascertained: 15-9-1958 15th September one thousand nine hundred and fifty eight.

6. Exact height by measurement: 5-8

7. Personal marks for identification: A scar mark on right leg.

8. Left hand thumb and Finger impression of (Non-Gazetted) officer:



Signature of Government Servant: Muhammad Arshad

Signature and designation of the Head of the Office, or other Attesting Officer:
By: Medical Supdt: (Admn)
Govt: Lady Reading Hospital
Peshawar. 26/11/05

9

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant
2100-110-5460 (BPS-6) Radiographer							
Govt. L.R.H. Peshawar			pay Rs. 5460/-			12/2004	Mohammad Akmal
2485-125-6235 (BPS-6)							
			pay Rs. 6235/- P.M.			7/2005	Mohammad Akmal
5137/6							
6235/605							
7555/9							
B-9							
2720-165-7720 Junior Clinician Tech. (Radiology)							
			pay Rs. 6400/-			25/8/2006	Mohammad Akmal

9	10
Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of appointment
Annual Increment	
Dy. Medical Officer Govt. Lab., Peshawar	
Pay Fixation on 1-7-05. Vide Govt. Notification Dated: 9	
ABUSE	
Dy. Medical Officer Govt. Lab., Peshawar	
Re-designated Rs. 6400/pm Health Dept. dt: 25/8/2006	

OFFICE OF THE ACCOUNTANT GENERAL
M.W.F.P. PESHAWAR.
PAY FIXED IN THE REVISED BASIC PAY SCALES 2001
OF RS. 2100-110-5460/-
AT RS. 5300/- P.M.W.F.P.
With Next increment on: 1-12-2001
1-12-2002

OFFICE OF THE ACCOUNTANT GENERAL
M.W.F.P. PESHAWAR.
PAY FIXED IN THE REVISED BASIC PAY SCALES 2001
OF RS. 2100-125-6235/-
AT RS. 6235/- P.M.W.F.P.
With Next increment on: 1-07-2005
1-12-2005

Accounts Officer
Pay Fixation Party M.W.F.P. Peshawar

Accounts Officer
Pay Fixation Party M.W.F.P. Peshawar

10

9 Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination or appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting officer.	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure, or reward or praise of the Government Servant
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
				Period	Government to which debitable		
Annual Increment Allowed				Service Verified upto 30-11-2005 AN			
Dy: Medical Supdt: (Admn) Govt. Lady Reading Hospital Peshawar				Dy: Medical Supdt: (Admn) Govt. Lady Reading Hospital Peshawar			
Pay Fixed @ Rs. 6235/- on 1-7-05 in BPS... Vide Govt. of NWFP Finance Deptt Notification No. FD (PRC) 1-1/2005 Dated: 9-7-2005							
Dy: Medical Supdt: (Admn) Govt. Lady Reading Hospital Peshawar							
Annual Increment Allowed				Service Verified upto 30-11-2005 AN			
Dy: Medical Supdt: (Admn) Govt. Lady Reading Hospital Peshawar				Dy: Medical Supdt: (Admn) Govt. Lady Reading Hospital Peshawar			
Re-designated as Junior clinical Techs (Radiology) and Revised Pay Rs. 6100/m in BPS-9 w.e.f. 25-8-2006 in light of Health Deptt notification dt. 25/8/2006.							
Dy: Medical Supdt: (Admn) Govt. Lady Reading Hospital Peshawar							

OFFICE OF THE ACCOUNTANT GENERAL
 NWFP
 PAY FIXTURE IN THE REVISED BASIS
 AT RS. 7557/-
 With Next Increment by 01/12/2007

17-07-2007
 12-2007

Accounts Officer
 Pension Party No.

Handwritten signature

11

1 Name of post	2 Whether substantive or officiating and whether permanent or temporary	3 If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of Appointment	8 Signature of Government Servant	9 Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment
<p><i>Revised Entries for the purpose of P. Pay allowed in light of FD notification No. FD(PRC)-1/2006 dt 26.3.07</i></p>									
<i>dec</i>			<i>Pay @ Rs. 6235/-</i>	<i>+ 1289/-</i>		<i>12/2005</i>		<i>Head of Post</i>	
<i>do</i>			<i>Pay @ Rs. 6235/-</i>	<i>+ 2507/-</i>		<i>12/2006</i>		<i>Head of Post</i>	
<i>B-9</i>									
<i>2770-165-7720</i> <i>JCT (Radiology)</i>			<i>Pay @ Rs. 6565/-</i>			<i>2/2006</i>		<i>Head of Post</i>	<i>Re. Part in (Clas)</i>
<i>Revised B-9</i>									
<i>3185-190-8885</i> <i>JCT (Radiology)</i>			<i>Pay @ Rs. 7555/-</i>			<i>7/2007</i>		<i>Head of Post</i>	<i>Pay Fixed @ light of Fin. FD (PRC)</i>
<i>11</i>			<i>Pay @ Rs. 7745/-</i>			<i>12/07</i>		<i>Head of Post</i>	<i>Govt. Inco</i>

for Dy. M. Govt. Y R

121

9	10	11	12	13		14	15
Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer.	Nature and duration of leave taken	Leave Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		Reference to any recorded punishment or censure, or reward or praise of the Government Servant
					Period	Government to which debitable	

Service Verified upto
and for 30-11-2005 AN

[Signature]
Dy. Medical Supdt. (Admin)
Govt. Lady Reading Hospital
Peshawar.

Re-fixation of Pay w. e. f. 01-12-2005
in light of order exercised in Terms
of FD Notification No. FD (PRC)
1-1/86-VI dt 05-06-12

Service Verified upto
and for 30-11-2006 AN
[Signature]
Dy. Medical Supdt. (Admin)
Govt. Lady Reading Hospital
Peshawar.

[Signature]
Dy. Medical Supdt. (Admin)
Govt. Lady Reading Hospital
Peshawar.

Re-designated as Jr. Clinical Technician (Radiology) and
Period pay Rs 6565/PM in SPS-9 w.e.f. 25-8-2006
in light of Health Deptt. notification No. (SOH-11/8-6065)
(Paramedics) dt. 25-8-2006.

Dy. Medical Supdt. (Admin)
Govt. Lady Reading Hospital
Peshawar.

Pay Fixed @ Rs 7555 PM.
in 1-7-2007 in SPS 9
in light of Finance Deptt. Notification
No. FD (PRC) 1-1-2007 dt 23-7-2007

Wise 9 by B: 83107,
7/8/07

[Signature]
Asst. Officer
Govt. Lady Reading Hospital
Peshawar.

Abuse. Increment Allowes

Service Verified upto
and for 30-11-2007 AN

[Signature]
Dy. Medical Supdt. (Admin)
Govt. Lady Reading Hospital
Peshawar.

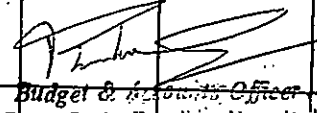
[Signature]
Dy. Medical Supdt. (Admin)
Govt. Lady Reading Hospital
Peshawar.

13

1	2	3	4	5	6	7	8	9	10
Name of post	Whether substantive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant	Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination or appointment
Jet Radiology B-09									
3820-230-10720			Rs. 9340/- PM			7/108	[Signature]		
			Rs. 9570/-			12/108	[Signature]		Annual
			Rs. 9800/- PM			12/109	[Signature]		Annual
Clinical Technician Radiology BPS-12									
4355-310-13655			Rs. 9935/-			264/200	[Signature]		
		T.P.M	310/-						
			Rs. 10245/-						
						13/5/10			
		2008							
		OFFICE OF THE ACCOUNTANT GENERAL NEW DELHI							
		PAY FIXED IN THE REVISED BASIC PAY SCALES							
		OF RS 3820-230-10720 (9)							
		AT RS 9340/- PM W.E.F. 1-07-2008							
		With Next Increment on 1-12-2008							
		[Signature]							
		Pay Station Party N.V.F.P. Peshawar							
		2006							

[Handwritten signature]

14

9	10	11	12	13		14	15	
				Leave				
Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer.	Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitale to another Government		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
					Period	Government to which debitale		
		Annual Increment Allowed			Service Verified upto 30-11-08			
					<input checked="" type="checkbox"/> Major Superintendent Govt. Lady Reading Hospital, Peshawar.			
					Service Verified upto 30-11-09			
					<input checked="" type="checkbox"/> Major Superintendent Govt. Lady Reading Hospital, Peshawar.			
					<p align="center">Office order.</p> <p align="center">Promoted as a Clinical Technician Radiology BPS-17 with immediate effect vide D.G.H.S./NWP Peshawar office order No-9893-35/AE dt: 20/4/2010 Adjusted in LRH Against the vacant post Arrival on 6-4-2010 vide S order No-10931-36/LRH dt: 4/5/2010.</p>			
					<p align="center">  Budget & Accounts Officer Govt; Lady Reading Hospital Peshawar. </p>			

[Handwritten signature/initials]

15

1	2	3	4	5	6	7	8	9
Name of post	Whether substantive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant	Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8
B-12								
4355-310-13655			Rs=10555/-			1 ¹² / ₁₀	[Signature]	
7000-500-22000			Rs=17000/-			1 ⁷ / ₁₁	[Signature]	
—			Rs=17500/-			1 ¹² / ₁₁	[Signature]	Ann Med Gov Pesh
—			Rs=18000/-			1 ¹² / ₁₂	[Signature]	Annua Med Govt. L Peshaw
								[Signature]

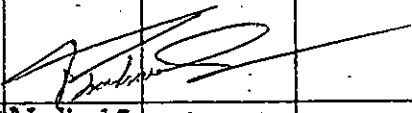
16

9	10	11	12	13		14	15
				Leave			
Signature and Designation of the head of the office or other attesting officer in columns 1 to 8	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer.	Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
				Period	Government to which debitable		
		Annual Increment Allowed			Service Verified upto 30/11/10		
		Med. Superintendent Govt. Lady Teaching Hospital, Peshawar.			Med. Superintendent Govt. Lady Teaching Hospital, Peshawar.		
		Pay Fixed @ Rs. 17000/- On 01.07.2011 Revised in 2011					
		In light of Finance Department No. FD(Proc)1-1/2011 Dated 30.09.2011					
		Annual Increment Allowed			Service Verified upto 30/11/11		
		Med. Superintendent Govt. Lady Teaching Hospital, Peshawar.			Med. Superintendent Govt. Lady Teaching Hospital, Peshawar.		
		Annual Increment Allowed			Service Verified upto 30/11/12		
		Med. Superintendent Govt. Lady Teaching Hospital, Peshawar.			Med. Superintendent Govt. Lady Teaching Hospital, Peshawar.		

[Signature]
 Audit Officer
 LRH, Peshawar.

[Handwritten Signature]

171

9	10	11	12	13		14	15
Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8				Leave		Signature of the head of the office or other attesting officer	
				Nature and duration of leave taken	Allocation of period of leave on average pay upto 12 months for which leave salary is debitable to another Government		
				<u>office order</u>			
				Upgraded to the post of			
				Chief Clinical Technician Radiology			
				B-16 in light of Govt. of KPK			
				Health Deptt. Notification			
				No-SO4-VI/8-60/2006 Paramedics			
				Dated 9/5/2012			
				and D.G.H.S. KPK Endpost			
				No-18104-204/AE-VII Dated			
				24-7-2013			
				Adjusted in CRH against the			
				vacant post with immediate effect			
				vide CRH Endo No -			
				 Medical Superintendent Govt. Lady Reading Hospital, Peshawar.			

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Ammy B

(18)

Government of N.W.F.P.

Health Department

DATED PESHAWAR THE 10TH MAY 2006

Notification :

No. SOH-III /8-60/05(Paramedics)

**EIGHT STAGE PARAMEDICS
SERVICE STRUCTURE
OF N.W.F.P.**



افسر فان
HMC

1/3

B

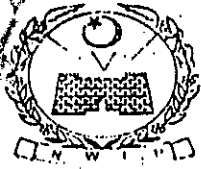
BPS	%	NO. OF POSTS
Post in BPS-9	80%	7172
Post in BPS-12	12%	1076
Post in BPS-14	3.5%	314
Post in BPS-16	2.5%	224
Post in BPS-17	1.86%	167
Post in BPS-18	0.09%	8
Post in BPS-19	0.04%	3
Post in BPS-20	0.01%	1

18

However additional posts shall be created for any of the left over personals of paramedics cadre (if any). Moreover, subsequent creation of posts in any of the 14 paramedics cadres in any scale shall also be included in the aforesaid proportionate ratio of posts in the 8 tiers formula. The proportionate ratios of posts in BPS-12 and above shall be modified accordingly as and when new creation of posts are made in BPS-9 in each of the 14 cadres subsequently.

4. Seniority of the incumbents of the posts in the 14 cadres so merged shall be caused on the basis of scale wise seniority as well as date of regular appointment in the pay scale. (e.g. in joint seniority list of BPS-12, the official already in BPS-12 will be placed on the top of the list and the officials in the lower pay scale shall be accordingly placed step by step in the list, invariably keeping intact the inter-Se-seniority of the incumbents in the same pay scales).
5. In the first instance, the higher posts in the re-structured 14 paramedics cadres as per annexure "C" shall be filled in by way of promotion, as one time exercise, where-after the service rules duly prescribed as at annexure D shall be followed in subsequent promotion/ initial recruitment.
6. Promotions in the post in BPS-18, 19 and BPS 20 shall be made on the basis of joint seniority list. The Joint seniority list of all the 14 cadres shall be caused at BPS-17 level keeping in view the principles laid down in section 8 of the NWFP civil servants (ACT), 1973 read with Rule-17 of the NWFP civil servants (appointment, promotion and transfer) rules, 1989.
7. The afore-said paramedics service structure into 14 cadres shall also be applicable mutatis-mutandis to the paramedics working in FATA and employees working in Districts, all autonomous, semi autonomous and corporate bodies.
8. There shall be a council of paramedics to be notified separately.
9. The approved implementation committee and anomaly committee shall also be notified separately.
10. This eight stage paramedics service structure will replace all existing categories, cadres, structures and nomenclatures and will cancel all such cadres /categories rules and regulations etc which are in contravention to the approved paramedics service structure. New posts in all type of Health Delivery System will be created in

[Handwritten signature]



GOVERNMENT OF NWFP
HEALTH DEPARTMENT

Dated the Peshawar 17th January, 2009.

20

NOTIFICATION.

No. SOH-III/8-60/2009 (Paramedics). The Competent Authority has been pleased to approve that this Department's Notification No. SOH-III/8-60/2006 (Paramedics) dated 25.08.2006 shall be back dated to 01.01.2002 for the purpose of implementation of the paramedics service structure subject to the following conditions:-

- i. Promotion cases of Paramedics under this service structure shall be deemed to have effect from the date prior to 15.01.2002 on the basis of seniority but without any arrears/increments.
- ii. For the purpose of pay fixation such promotion shall have effect from the date of issuance of promotion order.
- iii. The measures/action in sub-Para-(ii) shall be a special/one time concession only in this particular case and shall not be quoted as precedent in any other case.

SECRETARY HEALTH

Enclst No. of even No and Date.

Copy forwarded for information to:

1. The Secretary, to Govt. of NWFP, Finance Department Peshawar.
2. The Accountant General, NWFP.
3. All Chief Executives of Teaching Hospitals in NWFP.
4. Director General Health Services NWFP, Peshawar.
5. Director Health Services (DATA), NWFP Peshawar.
6. All EDOs (H), in NWFP.
7. All Medical Superintendents in NWFP.
8. Computer Programmer, Health Department, NWFP.
9. PS to Minister Health, NWFP, Peshawar.
10. PS to Secretary Health, NWFP, Peshawar.

WFP

Section Officer-(H-III)

Annex C^{IN 3}

(21)

IN THE PESHAWAR HIGH COURT, PESHAWAR.

Writ Petition No. 2525, 2010

Muhammad Arshad and others..... Petitioners

Versus

Province of Khyber Pukhtoonkhwa
and others Respondents.

I N D E X

S.No.	Description of documents	Pages
1.	Writ petition	1 - 4
2.	Affidavit	0 - 5
3.	Addresses of the parties	0 - 6
4.	Merger of X-Ray Technician and Radiographer.	"A" 0 - 7
5.	Service Rules	"B" 8 - 9
6.	References of Departmental authorities.	"C" 10 - 11
7.	Reference of Finance Deptt	"D" 0 - 12
8.	Federal Government Notification.	"E" 0 - 13
9.	Representation of the petitioners.	"F" 14 - 17
10.	Court fee	
11.	Vakalat Nama	

As per
Muhammad Arshad

Petitioners

through

Shah
(Shahzada Shahpur Jan)
Advocate,
13-C, Haroon Mansion,
Khyber Bazar, Peshawar
Phone No. 2566126

15736

FILED TODAY

Deputy Registrar

2.1 JUN 2010

2.1 JUN 2010

IN THE PESHAWAR HIGH COURT, PESHAWAR.

Writ

22

Writ Petition No. 2525, 2010

1. Muhammad Arshad, Radiographer,
Lady Reading Hospital, Peshawar.
 2. Zard Ali, Radiographer,
Lady Reading Hospital, Peshawar.
 3. Afsar Khan, Radiographer,
Hayat Abad Medical Complex, Peshawar.
- Petitioners

Versus

1. Province of Khyber Pukhtoonkhwa through
Chief Secretary, Civil Secretariat,
Peshawar.
 2. Secretary to Government of Khyber Pukhtoonkhwa
Health Department, Peshawar.
 3. Director General of Khyber Pukhtoonkhwa
Health Department, Peshawar.
 4. Secretary to Government of Khyber Pukhtoonkhwa
Finance Department, Peshawar
- Respondents.

WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN, 1973.

Respectfully sheweth:

ATC

1. That the petitioners are regular members of the Provincial service of Health Department holding the post of Radiographers in BPS-6 and serving in different Institutions of Health Department.

FILED TODAY

21 JUN 2010

21 JUN 2010

2. That on promulgation of the N.W.F.P. Civil Services, Pay Revision Rules, 1978, the post of Radiographers and X-Ray Technician were placed in BPS-6 subsequently in the year 1983 the post of X-Ray Technician was upgraded to BPS-9. (Annexure "A").
3. That as per Service Rules, the prescribed academic and professional *qualification*, training period for the post of Radiographers and X-Ray Technician are equivalent and they are performing the same functions as per their job discretion. (Annexure "B").
4. That the anomaly in pay scale was seriously realized by the Head of the Institutions and they referred the matter to the respondent No.3 for removal of disparity among the employees performing similar functions. It was also suggested that X-Ray Technician and Radiographers be treated at par in pay and other prospectus of service. (Annexure "C").
5. That the Administrative Department referred the matter to the Finance Department for advice and decision on 15-01-1995. The respondent No.4 made observations and certain information regarding qualification of the Radiographers was sought which was accordingly provided by the Administrative Department. Ever since the matter is lying pending in the office of the respondent No.4 without any tangible result (Annex "D") The respondent No.4 however promptly pursuing the case but to utter dismay of the petitioners that respondent No.4 made no move to finalize the issue. Now it is beyond the reach of the petitioners to awake the respondent from his deep slumber.

FILED TODAY

Deputy Registrar

21 JUN 2010

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6. That it is pertinent to mention that Government of Pakistan Ministry of Health, Social Education allowed (B.P.S-9) to the X-Ray Technician and Radiographers with 1/3rd posts in selection grade (BPS-11) w.e.f. 26-01-1988. Thus both category of employees are treated at par with the approval of the Finance Department while the same benefit is being denied to the petitioners. (Annexure "E").
7. That since the respondents have confirmed in their references that Radiographers and X-Ray Technicians are the same, their basic qualification, training tenure, examination and job descriptions are identical, therefore, the authorities left with no other option to consider the case of the petitioners with sympathetic out look as most of them were at the verge of retirement.
8. That the respondents bitterly ignored the provisions of Article 3 of the Constitution wherein it is envisaged that the state shall ensure the elimination of all forms of exploitation and the gradual fulfilment of the fundamental principle, from each according to his ability to each according to his work.
9. That the petitioners with series of representations (Annexure "F") constantly and vigorously pursued their case with the concerned authorities. The case remained in process between the respondents right from 2005 to date but there was no end to the continuous observations raised by the respondent No.4 from time to time without any positive result. As the petitioners are drawing near

21 JUN 2010

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to their retirement and they are victim of discrimination, therefore, they respectfully approaches this Hon'ble Court and hope court would be gracious enough to remove the disparity among the employees of the same category following the principle of policy of the Constitution Article 38(a)(e)

10. That the petitioners have not been treated according to Article 4 and 25 of the Constitution. They have been deprived of the pay and status due to lethargic attitude of the respondents for which they were legally entitled.

In view of the facts and circumstances of the case, it is humbly prayed that in the interest of justice, equity and good conscience the respondents may kindly be directed to finalize the upgradation case of the petitioners in order to bring them at par with the X-Ray Technicians on priority basis.

Any other relief which this Hon'ble Court deems appropriate in the circumstances of the case may also be granted to the petitioners.

Shahzada Shahpur Jan
Petitioners

through

Jan

(Shahzada Shahpur Jan)
Advocate,
13-C, Haroon Mansion,
Khyber Bazar, Peshawar
Cell No. 2566126

PESHAWAR
12-06-2010

Jan

CERTIFICATE

Certified that no such like W.P. has earlier been filed in this Hon'ble Court as per instructions of my client.

LIST OF BOOKS.

1. Constitution of Pakistan, 1973
2. Case law according to need

Jan
Advocate

ISSUED TODAY
12/6/10
21 JUN 2010

9

IN THE PESHAWAR HIGH COURT, PESHAWAR.

26

Writ Petition No. _____ / 2010

Muhammad Arshad and others Petitioners

Versus

Province of Khyber Pukhtoonkhwa
and others Respondents.

A F F I D A V I T

I, Muhammad Arshad, Radiographer, Lady Reading Hospital Peshawar do hereby solemnly affirm and declare on oath that the contents of the accompanying writ petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

Muhammad Arshad
Deponent

Identified by:

[Signature]
(Shahzada Shahpur Jan)
Advocate, Peshawar.

[Signature]

No. 20872
Certified that the above deponent has affirmed on solemn affirmation before me in office on this 15th day of June 2010 at Peshawar who was identified by Shahzada Shahpur Jan Adv who is personally known to me:
15/6/2010
Oath Commissioner

DAY
12/4
21 JUN 2010

[Signature]

IN THE PESHAWAR HIGH COURT, PESHAWAR

27

Writ Petition No. _____ / 2010

Muhammad Arshad and others Petitioners

Versus

Province of Khyber Pukhtoonkhwa
and others Respondents.

ADDRESSES OF THE PARTIES

Petitioners

1. Muhammad Arshad, Radiographer,
Lady Reading Hospital, Peshawar.
2. Zard Ali, Radiographer,
Lady Reading Hospital, Peshawar.
3. Afsar Khan, Radiographer,
Hayat Abad Medical Complex, Peshawar

W/O

Respondents

1. Province of Khyber Pukhtoonkhwa
through Chief Secretary, Civil
Secretariat, Peshawar.
2. Secretary to Government of Khyber
Pukhtoonkhwa Health Department,
Peshawar.
3. Director General of Khyber Pukhtoonkhwa
Health Department, Peshawar.
4. Secretary to Government of Khyber
Pukhtoonkhwa Finance Department, Peshawar

Muhammad Arshad
Petitioners

through

Shahzada Shahpur Jan

(Shahzada Shahpur Jan)
Advocate, Peshawar.

FILED TODAY

Deputy Registrar

21 JUN 2010

Q

IN THE PESHAWAR HIGH COURT, PESHAWAR

Writ Petition No. 2595, 2010



1. Muhammad Arshad, Radiographer,
Lady Reading Hospital, Peshawar.
2. Zard Ali, Radiographer,
Lady Reading Hospital, Peshawar.
3. Afsar Khan, Radiographer,
Hayat Abad Medical Complex, Peshawar
..... Petitioners

Versus

1. Province of Khyber Pukhtoonkhwa through
Chief Secretary, Civil Secretariat,
Peshawar.
2. Secretary to Government of Khyber Pukhtoonkhwa
Health Department, Peshawar.
3. Director General of Khyber Pukhtoonkhwa
Health Department, Peshawar.
4. Secretary to Government of Khyber Pukhtoonkhwa
Finance Department, Peshawar
..... Respondents.

WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN, 1973.

ATTESTED
May
EXAMINER
Peshawar High Court.

Respectfully sheweth:

1. That the petitioners are regular members of the
Provincial service of Health Department holding the
post of Radiographers in BPS-6 and serving in different
Institutions of Health Department.

FILED TODAY

21 JUN 2010

DGHS 2035 D NO

Seal Health

No 7559-18/9/12

PESHAWAR HIGH COURT, PESHAWAR

FORM OF ORDER SHEET

Date of Order or Proceedings 1	Order of other Proceedings with Signature of Judge. 2
12.12.2012	<p><u>WP No.2525/2010.</u></p> <p><i>Present: Mr. Shah Nawaz Khan, Advocate for the petitioners.</i></p> <p><i>Mr. Daris Khan, Advocate for private respondents,</i></p> <p><i>Mr. Lal Jan Khattak, AAG for official respondents.</i></p> <p>*****</p> <p><u>DOST MUHAMMAD KHAN, CJ.</u> The respondent No.4 in his comments has squarely stated that the petitioners have been upgraded to BPS-9 thus, the petitioners' grievance of upgradation/ promotion has been redressed in view of the clear admission of the said respondent, hence, this petition has served out its purpose and is disposed of, however, the respondents are directed to update the seniority list according to their original record.</p> <p style="text-align: right;"><i>(Signature)</i></p>

28



MOST IMMEDIATE.
COURT MATTER.

GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

NO. SOH (Lit-1)12-1139/2012
Dated Pesh: the, 18th Jan, 2012

30

To

The Director General,
Health Services Khyber Pakhtunkhwa,
Peshawar.

Amx E

Subject:- WRIT PETITION NO. 2525/2010- MUHAMMAD ARSHAD & OTHER
VERSUS GOVERNMENT OF KHYBER PAKHTUNKHWA & OTHERS.

I am directed to refer to this office letter of even No. dated 26-12-2012 and to forward herewith a copy of a representation made to Secretary Health by All J/Clinical Technician Radiographer Senior Most Radiographer wherein they have presented the decision of the Hon'ble Peshawar High Court Peshawar for necessary compliance regarding upgradation as per length of services/First date of appointment of the requisite seniority list as order by the Hon'ble Court.

It is therefore, directed that as and when the working paper for seniority is preparing, ensure the above court order to avoid unnecessary litigation.

Being Court matter may please be treated as Most Urgent

Encl. a.a.

(Signature)
(DILAWAR KHAN)
SECTION OFFICER (LIT-1)
Phone No.091-9210872

Endst. No. and date a.,a.

Copy forwarded to :-

1. The Addl; Registrar Peshawar High Court Peshawar with reference to the above for information.
2. P.S to Secretary Health, for information please.
3. P.A to Deputy Secretary-II Health, Department for information please.

(Signature)
SECTION OFFICER (LIT. 1)

31



MOST IMMEDIATE
COURT MATTER.

GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT
NO. SOH (Lit-I)12-1139/2012
Dated Pesh: the, 26th 12th 2012

To

The Director General,
Health Services Khyber Pakhtunkhwa,
Peshawar.

Subject:-

WRIT PETITION NO. 2525/2010- MUHAMMAD ARSHAD & OTHERS
VERSUS GOVERNMENT OF KHYBER PAKHTUNKHWA & OTHERS.

I am directed to refer to the subject noted above and to forward herewith copy of Addl. Registrar, Peshawar High Court Peshawar letter No.20080 Dated 17/12/2012 along with self-explanatory orders dated 12-12-2012 of the Hon'ble Peshawar High Court Peshawar for necessary compliance regarding upgradation as per length of services/First date of appointment of the requisite seniority list as order by the Hon'ble Court.

Being Court matter may please be treated as Most Urgent

Encl. a.a.

27/12/12

Dilawar Khan
(DILAWAR KHAN)
SECTION OFFICER (LIT-I)
Phone No.091-9210872

Endst. No. and date a.a.

Copy forwarded to:-

1. The Addl. Registrar Peshawar High Court Peshawar with reference to the above for information.
2. P.S to Secretary Health, for information please.
3. P.A to Deputy Secretary-II Health, Department for information please.

(Signature)

Dilawar Khan
SECTION OFFICER (LIT. I)

DE

BPS-17

32

Amx F



GOVT. OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT
No. SOH-III/8-60/2005(Paramedics)
Dated the Peshawar 19th August, 2013

NOTIFICATION

No. SOH-III/8-60/2005(Paramedics). The Competent authority is pleased to upgrade the following Clinical Technician (Radiology) BS-12 to the post of Clinical Technologist (Radiology) BS-17 with immediate effect:-

S/No	Name/F. Name	Designation With BS	Place of Present Posting
1	Afzal ur Rehman	Clinical Technician (Radiology) BS-12	DHQH Swabi
2	Gul Sher Khalil	-do-	KTH Peshawar
3	Razceem Khan	-do-	LRH Peshawar
4	Jamil Khan S/O Muhammad Amir Khan	-do-	KTH Peshawar
5	Muhammad Alam S/O Habibur Rehman	-do-	STH Swat.
6	Abdur Rahman S/O Gul Hassan Badshah	-do-	DHQH KDA Kohat
7	Syed Hasnain S/O Syed Muhammad Sibtain	-do-	AHQH Parachinar

On their Upgradation to the post of Clinical Technologist (Radiology) BS-17, the following posting/transfer are hereby ordered in the interest of public service with immediate effect:-

S/No	Name/ F. Name	From	To	Remarks
1	Afzal ur Rehman	DHQH Swabi	LRH Peshawar	Against the vacant post
2	Gul Sher Khalil	KTH Peshawar	HMC Peshawar	-do-
3	Razceem Khan	LRH Peshawar	LRH Peshawar	-do-
4	Jamil Khan S/O Muhammad Amir Khan	KTH Peshawar	KTH Peshawar	-do-
5	Muhammad Alam S/O	STH Swat.	AHQ, Hospital Khar	-do-

	Habibur Rehman		Bajaur	
6	Abdur Rahman S/O Gul Hassan Badshah	DHQH KDA Kohat	DHQ Hospital, Bannu	-do-
7	Syed Hasnain S/O Syed Muhammad Sibtain	AHQH Parachinar	DHQ, Haripur	-do-

Secretary Health, Govt. of Khyber Pakhtunkhwa

Copy forwarded to:-

1. PS to Secretary Health Department, Khyber Pakhtunkhwa.
2. The Director General Health Services Khyber Pakhtunkhwa Peshawar w/r to his letter No. 9031/AE. VII dated; 04-04-2013.
3. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
4. The Director Health Services FATA, Khyber Pakhtunkhwa.
5. All the Chief Executives, of Teaching Hospitals in Khyber Pakhtunkhwa.
6. All the Medical Superintendents, of DHQ Hospital in Khyber Pakhtunkhwa.
7. The Deputy Director (Information Technology) Health Department Peshawar.
- ✓8. Officer Concerned.

(Kashif Iqbal Jilani)
Section Officer E-III

To

The worthy Chief Secretary,
Government of Khyber Pakhtunkhwa,
Civil Secretariat, Peshawar.

A m x 9
34

Through Proper Channel

Subject: Departmental Representation against the impugned Notification dated 19.08.2013, Office Orders dated 24.07.2013 by means of which juniors to the appellant were granted upgradation to BPS-17, BPS-16 and BPS-14 in violation of the law and seniority.

Respected Sir,

With due respect I have the honour to submit this departmental representation for your kind consideration and favourable action on the following facts and grounds:

1. That appellant was initially appointed as Radiographer (BPS-6) the way back in the year 1978 after observing all the codal formalities. At the moment appellant has at his credit 37 years service and serving as Chief Clinical Techni (P) at L.R.H. Peshawar
2. That in the year 2006, new Paramedics structure was formulated wherein the post of Radiographer and X-Ray Technician were amalgamated, placed in BPS-9 and re-designated as Junior Clinical Technician (Radiography), however, the then X-Ray Technicians were unlawfully considered as seniors to the then Radiographers including the appellant.
3. That the Radiographers challenged the decision before the Hon'ble Peshawar High Court, Peshawar in Writ petition No.2525/2010 which was finally disposed of vide order dated 12.12.2010 with the direction to the Department to update the Seniority List of JCTs (Radiology) of both previous X-Ray Technicians and Radiographers according to the original record but so far the order has not been implemented.
4. That the non implementation of the order apart, now the Department has issued the impugned Notification dated 19.08.2013 whereby juniors (former X-Ray Technicians) were upgradation to BPS-17 while appellant and others (former Radiographers) were unlawfully ignored in violation of the law

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and rules of seniority (Copy of Notification is attached).

5. That the impugned Notification dated 19.08.2013, Office Orders dated 24.07.2013 those juniors (former X-Ray Technicians) were granted upgradation to BPS-17, BPS-16 and BPS-14 in violation of the law and seniority which are illegal, unlawful, against the rules and therefore, the same are not sustainable in the eye of law and liable to be set aside. *(copies attached)*.
6. That the seniority dispute of the previous Radiographers including appellant and X-Ray Technicians now combinedly re-designated as JCT (Radiology) has not yet been resolved, therefore, the issuance of the impugned Notification and orders are highly illegal and premature.
7. That the Judgment of the Hon'ble High Court, has clearly dictated the formulation of seniority as per the original record but inspite of the same the seniority was not framed as per the original record by means of which appellant was the senior to those who have been upgraded.
8. That the impugned Notification and orders are malafide, discriminatory because appellant and others have been deprived of their legal rights while those juniors to the appellant were unlawfully benefited.
9. That the phenomenon of unification of the various grades/pay scales of employees has occurred in other Departments too wherein the seniority position has not been disturbed after the combination of various pay scales but unfortunately in the Health Department a unique formula was illegally adopted whereby seniors were made juniors to their juniors which has resulted in serious miscarriage of justice.

It is, therefore, humbly requested that on acceptance of this departmental Representation, the impugned Notification dated 19.08.2013, Office Orders dated 24.07.2013 may graciously be set aside while appellant being senior may graciously be allowed upgradation as per his seniority position.

19.1.1978

Arshad Khan

Yours faithfully

Arshad Khan
Chief Radiographer

[Signature]

L.R.H. Peshawar

Dated: _____/09/2013



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

Dated Peshawar the March 7, 2012

NOTIFICATION

NO. SOE-V(E&AD)5-11/2010: In pursuance of Section 8(1) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule 17 Civil Servants (Appointment, Promotion & Transfer) Rules 1989, the Competent Authority is pleased to notify/circulate Final Seniority list of Computer Operator (BS-12), Provincial I.T Group, Civil Secretariat Khyber Pakhtunkhwa (As it stood on 7.3.2012) for general information

FINAL SENIORITY LIST OF COMPUTER OPERATOR (BS-12) OF PROVINCIAL I.T GROUP OF CIVIL SECRETARIAT KHYBER PAKHTUNKHWA (AS IT STOOD ON 7.3.2012)

Sl. No.	Name of official	academic qualification	Date of birth	Domicile	Date of 1st entry into Govt service	BPS	Date of Regular appointment to present post	Department	Remarks
1	Shakeel Ahmad	B.A	12/11/1970	Peshawar	17/5/1989 (B-10)	12	17/5/1989	Finance	Initial rec. by the Finance Deptt.
2	Khalid Rehman	B.A Economics	11/5/1967	Battagram	17/5/1989 (B-10)	12	17/5/1989	Finance	Initial rec. by the Finance Deptt.
3	Hanif-Ur-Rehman	B.A	4/1/1966	Nowshera	17/5/1989 (B-10)	12	17/5/1989	Finance	Initial rec. by the Finance Deptt.
4	Jamil Khan Durrani	Matric	1/1/1963	Peshawar	17/5/1989 (B-10)	12	17/5/1989	Finance	Initial rec. by the Finance Deptt.
5	Syed Mahmood Shah	B.Sc	2/3/1963	Peshawar	23/11/1989 (BS-11)	12	23/11/1989	P & D Deptt	Initial Recruitment by P&D deptt.
6	Javed Iqbal	B.A	17/02/1968	Charsadda	12/8/1990 (B-11)	12	12/8/1990	P & D Deptt	Adjusted in P&D from Agriculture Extension Deptt.
7	Muhammad Fayaz Khan	B.A Economics	3/2/1968	Battagram	13/8/1990 (B-10)	12	13/8/1990	Finance	Initial Rec. by Finance deptt
8	Khalid Mehmood	F.A	23/4/1968	Peshawar	13/8/1990 (B-10)	12	13/08/1990	Finance	Initial Rec. by Finance deptt
9	Muhammad Rafiq	B.A	6/10/1968	Bannu	02/9/1990 (B-10)	12	2/9/1990	P & D Deptt	Initial Rec. by P&D Deptt.
10	Khan Mohammad	M.A	11/2/1965	Peshawar	19/09/1990 (B-11)	12	19/09/1990	P & D Deptt	Initial Rec. by P&D Deptt.

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11	Shahida Anjum	B.A + DIT	18/2/1965	Peshawar	22/10/1990	12	22/10/1990	Works & Services	By Initial Rec
12	Abdul ghani	F A	12/4/1969	Peshawar	7/3/1988 (B-5)	12	4/12/1990	Chief Minister Secretariat	Initial Rec. by S&GAD
13	Najam Saqib Noor	MCS	1/8/1968	Peshawar	31/12/1990 (B-10)	12	31/12/1990	Chief Minister Secretariat	Initial Rec. by S&GAD
14	Syed Mehr Ali Shah	M.A. One year Diploma in Computer Science	1/12/1962	Mohmand Agency	16/11/1992 (B-11)	12	16/11/1992	Works & Services	Initial Rec. W&S dept
15	Syed Habibullah	M.A	23/03/1969	Mohmand Agency	1/2/1993 (B-11)	12	1/2/1993	IP & D Deptt	Initial Recruitment by P&D deptt.
16	Nizam-ud-Din	M.Sc MS (IT)	12/1/1968	Swat	15/12/1994 (B-11)	12	15/12/1994	Works & Services	Initial Rec. by W&S Deptt
17	Syed Basharat Hussain	B.Sc, LL.B and one year diploma in computer software.	25/9/1973	Peshawar	24/03/1996 (B-10)	12	24/03/1996	Law Parliamentary Affairs	Initial Rec. by Law Deptt
18	Muhammad Athar	M.Sc and one year diploma in computer software	13/1/1973	Charsadda	24/03/1996 (B-10)	12	24/03/1996	AST & IT	Initial Rec. by Law Deptt
19	Ashrafuddin	BA, MCSE, Diploma in Chemical Engi	20/5/1976	Peshawar	15/4/1999 (B-10)	12	15/4/1999	Administration	Initial Rec. by S&GAD
20	Muhammad Hanif	MCS B.A Diploma in Computer Program.	3/4/1971	Peshawar	4/5/2000 (B-10)	12	4/5/2000	Home & Tribal Affairs	Initial Rec. by Home & T As deptt
21	Imran Ahmad	B.A	28/5/1974	Peshawar	4/5/2000 (B-10)	12	4/5/2000	Home & Tribal Affairs	Initial Rec. by Home & T.As deptt
22	Habib Jamal	F.Sc	11/9/1975	Mardan	15/1/2001 (B-12)	12	15/1/2001	Excise & Taxation	Initial Rec. by Excise & Taxation
23	Shaheen Yousaf	B.A	24/12/1961	Peshawar	22/12/1987 (B-11)	12	18/6/2002	P & D Deptt	change cadre adjusted from Surplus pool as Computer Operator
24	Shams-ud-Din	B.A	20/04/1974	Karak	29/04/2003 (B-11)	12	29/04/2003	Finance	Initial Recruitment through PSC by P&D deptt
25	Muhammad Imran Afridi	B.A	1/1/1960	Khyber Agency	29/04/2003 (B-11)	12	29/04/2003	P & D Deptt	Initial Recruitment through PSC by P&D deptt
26	Muhammad Iltaf Khan	B.Sc	15/04/1975	Nowshera	29/04/2003 (B-11)	12	29/04/2003	P & D Deptt	Initial Recruitment through PSC by P&D deptt
27	Shafi ur Rehman	M.A	1/2/1973	Mohmand Agency	29/04/2003 (B-11)	12	29/04/2003	P & D Deptt	Initial Recruitment through PSC by P&D deptt
28	Syed Saadat Ali Shah	M.Com	13/1/1981	Abbottabad	28/6/2003	12	28/06/2003	Finance	Initial Recruitment through PSC by P&D deptt

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(1) (Annex E) 10
No. F. 4-73/85-MF-II
Government of Pakistan
Ministry of Health, Special Education
and Social Welfare,
(HEALTH DIVISION)

Islamabad, the 1st March, 1988

- (38)
1. The Director,
Jinnah Postgraduate
Medical Centre,
KARACHI.
 2. The Medical Superintendent,
Federal Government Services
Hospital,
ISLAMABAD.
 3. The Executive Director,
Pakistan Institute of
Medical Sciences,
ISLAMABAD.
 4. The Director,
Central Health Establishment,
Block-47, Pak. Secretariat,
KARACHI.
 5. The Executive Director,
National Institute of Cardiovascular
Diseases, Staff Quarters (N.J.) Shaheed Road,
KARACHI.

Subject: - X-RAY TECHNICIAN/RADIOGRAPHER'S SCALE OF
PAY - REMOVAL OF ANOMALY.

Sir,

I am directed to convey the sanction of the
President to the placement of the post of X-Ray Technicians
and Radiographers in BPS-9 with 1/3rd posts in selection
grade (BPS-11) with effect from the 26th January, 1988.

2. This issues with the approval of The Finance
Division (Regulations Wing) obtained vide their U.O. No.
D.63-R1/88, dated 25-1-1988.

Your obedient servant,

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From pre-page:

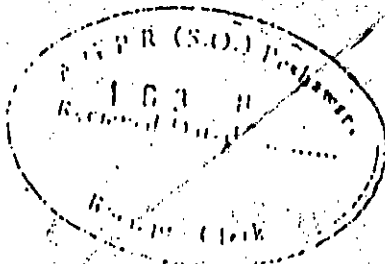
Copy with spare copies forwarded to the Ministry of Finance for Counter Signature and communication to Accountant General Pakistan Revenues, Islamabad, Lahore, Karachi, Hyderabad, Quetta and Peshawar.

SECTION OFFICER (MF-II)
GOVERNMENT OF PAKISTAN

No. F. 1(1)-RI/88-D272/83
Government of Pakistan
Ministry of Finance
(REGULATION WING)

Islamabad, the 6th March, 1988

Forwarded to the Accountant General Pakistan Revenues, Islamabad, Karachi, Lahore, Quetta, Peshawar and Hyderabad.



MUHAMMAD ISHAQUE
SECTION OFFICER

Original No. 198

TR/P

ms

Subject:-

AMALGAMATION OF X-RAY TECHNICIAN AND RADIOGRAPHER
OF NHTH PESHAWAR.

Amc *J*
(39)

Reference your Endst: No. 32675/H.I., dated 13.12.1995, on
the subject noted above.

Originally the post of Radiographer and X-Ray Tech: were
allowed BPS-6 in the NWFP, Civil Services, Pay Revision Rules 1975 by the
Finance Department vide Notification No. FD/S.O. (PRC) 1-2/77 dated 31.3.1978.
Later on the post of C.T. Tech: B.C.G. Tech: Dental Tech: Lab: Tech:
Blood Bank Tech: and Medical Tech: except X-Ray Tech: were allowed in
BPS-9 vide Finance Department letter No. FD(SR-I) 1-67/82 dated 24.8.1983.
In the meantime the post of X-ray Tech: in BPS-9 has been created by the
F/Dept: vide letter No. BXTN/FD/2-28/94 dated 10.5.1994 for NHC Shergac
on the directive of Chief Minister NWFP, Peshawar vide his letter No. SO.II
/C-11/NWFP/2-6/Vol-VII/40-25 dated 10.5.1994.

✓ Superintendent (Stab):
DG Health Services, NWFP, Pesh:

Dr. M. A. Khan
Project Director (BHSO)
DG Health Services, NWFP, Pesh:

U.O. No. 121 /BHSO(SNE),

Dated Pesh: the 3 /01/1996.

Amc

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Radiology Department
Post Graduate Medical Institute/Lady
Reading Hospital Peshawar.

No. 950 /X.Ray LRH

Dated. 16 /11/1995.

To

The Administrator
Govt: Lady Reading Hospital
Peshawar.

Subject: AMALGAMATION OF RADIOGRAPHER & X.RAY TECHNICIAN.

Sir,

Ref: Endost: No. SOH-III/7-317/04 dated 15.2.1995.

From the SO-III, Health Deptt; Addressed to the DGHS, NWFP, Peshawar.

Reply regarding para(C) of the letter referred to
above is as under.

Basically radiographers & X-Ray Technicians are the
same regarding their basic qualifications, training, tenure,
examination and job descriptions. For all the practical purposes,
X-Ray technicians and radiographers should be treated at par.

Prof: Dr. Mohammad Nawaz
Head of the Radiology Department
Lady Reading Hospital
Peshawar.

PROF. DR. MOHAMMAD NAWAZ
Head of the Deptt. of Radiology
Postgraduate Medical Institute,
Govt. Lady Reading Hospital Peshawar

SOH 111/7-317/84 Oct 15/11/85

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To

The Administrator,
Hayat Shaheed Teaching Hospital,
Peshawar.

SUBJECT:

DIFF: IN NOMINCLATURE AND GRADE OF
RADIOGRAPHERS AND X-RAY TECHNICIAN.

Memo:-

Basically Radiographers and X-ray Technicians are the same, their basic qualification, training tenure, examinations and job discription are the same.

Post at Hayat Shaheed Teaching Hospital were created around 1975-76, when this hospital had seperate cadre for Para Medics. At that time Nominclature and grades were same as that of P.H.S.

Latte P.H.S. revised grades and nominclature as this Institution had seperate cadre, so the benefits were not transferred.

For all practical purposes, X-ray Technicians/Radiographers are treated at par.

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DR. REHMATULLAH
PROFESSOR OF RADIOLOGY
HSTH, PESHAWAR.

HAYAT SHAHEED TEACHING HOSPITAL, PESHAWAR.

No. 22745 /HSTH/E. Dt: 15-11-1994.

Secretary Health,
Government of N.W.F.P.
Peshawar.

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SUBJECT: AMALGAMATION OF X-RAY TECHNICIAN & RADIOGRAPHERS.,
OF HAYAT SHAHEED TEACHING HOSPITAL, PESHAWAR.

Sir,

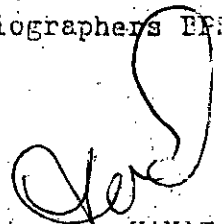
Reference your letter No. SO(H)III/7-317/94
Dated 15/11/1994.

An application of Radiographers of this Institution was sent to your office vide this Office No.22306, dated 17/11/1994 which is self explanatory.

1. The Radiographers working in this Institution are drawing pay in BPS-6, while the X-ray Technicians are drawing pay in BPS-9, but the recruitment rules for both the categories are equal i.e. Matric with Science subject and qualified Radiographer from NWFP, Medical Faculty.

2. This anomaly has also been removed by the Ministry of Health Islamabad vide notification No.F.4-78/85 MF II Health Division dated 1/3/1988 and Ministry of Finance Islamabad notification No. F 1(1) - RI/88-D272/88, Ministry Finance regulations wing and all the Radiographers and X-ray Technicians are placed in BPS-9 with 1/3rd in BPS-11 selection grade.

In view of the above facts it is requested that the posts of Radiographers and X-ray Technicians in Hayat Shaheed Teaching Hospital, Peshawar may please be amalgamated and the same may be read as X-ray Technicians/Radiographers BPS-9 with 1/3rd Selection grade in BPS-11.


ADMINISTRATOR
HAYAT SHAHEED TEACHING HOSPITAL
PESHAWAR. 15/11/94

NO _____ /HSTH(E) dated _____ /1994.

Copy to:-

The Professor & Head Department of Radiology Department, HSTH, Peshawar.

ADMINISTRATOR
HAYAT SHAHEED TEACHING HOSPITAL
PESHAWAR.

بعدالت سرورس لٹریچر

2014ء پنجاب ایسٹرن
تھارٹھ بنام کھوسہ وکیل

مورخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی مستحق
آن مقام کیلئے حاصل کی گئی ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ سینا
مقرر کر کے اقرار کیا جاتا ہے۔ وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا ایبل کی برآمدگی
اور منسوخی نیز دائر کرنے ایبل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت
مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے
اور اس کا ساختہ پر داختم منظور قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے
سبب سے وہ ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں
گے۔ کہ پیروی مذکور ہوگی۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

Muhammad Durrani

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المرقوم

العہدہ العہدہ العہدہ
کے لئے منظور ہے۔

عدالت سٹیٹسٹری مارٹ
چوک مشگری بازار سٹون 2220193
Mob: 0345-9223239

Mosier
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Seepu

مقام
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