Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 874/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	02/06/2022	The appeal of Mr. Muhammad Ilyas resubmitted today by Mr. Muhammad Siddiq Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please. REGISTRAR 2/6/2022
2-	14.6.22 Noted 16/06/2022	This case is entrusted to Single Bench at Peshawar for preliminary hearing to be put there on 21.6.22. Notices be issued to appellant and his counsel for the date fixed. CHAIRMAN
	21.06.2022	Learned counsel for the appellant present and requested for adjournment on the ground that he has not gone through the record. Adjourned. To come up for preliminary hearing on 09.08.2022 before S.B. (Mian Muhammad) Member (E)
	9.8.2022	Due to The Public Holiday the case is Adjourned to 29-9-22 Reader

Befor the KPK Services Tribunal Peshawar

R/S

so many objection was raised by The competent Authority which has been removed by counsel of the Appellant as under.

1- Check list has been attached with Appeal

2- Appeal has been flaged/Marked with annexture mark.

3- Addresses of the Respondent 3-5 has been completed according KPK Service Tribunal Rule ~~1974~~ 1974.

4- Memorandum of Appeal also got sign by the Applent.

5- Annex of Appeal also Attested

6- copy of Appointment order is also Attached with the Appeal.

7- Amend order has not been handed over to the Appellant.

8. copy of departmental Appeal has also been Attached.

9.

Sir It is most humbally prayed that the appeal be submitted be the honable Tribunal KPK peshawar

2/6/2022

Counsel
M. Saddiq
Advocate

The appeal of Mr. Muhammad Ilyas son of Haji Firdous Khan r/o Doctor Abad Koza Banda Tehsil and District Battagram received today i.e. on 16.05.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1. Check list is not attached with the appeal.
2. Appeal has not been flagged/marked with annexures marks.
3. Addresses of respondent no. 3 to 5 are incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
4. Memorandum of appeal may be got signed by the appellant.
5- Annexures of the appeal may be attested.
6. Copy of appointment order mentioned in para-2 of the memo of appeal is not attached with the appeal which may be placed on it.
7. Copy of impugned order is not attached with the appeal.
8- Copy of departmental appeal is not attached with the appeal.

No. 1068 /S.T,

Dt. 18-05 /2022

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Muhammad Siddiq Adv.
High Court Peshawar.

Sir, all of the objection has been raised has been removed

Ahmad
1/6/022.

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

CASE TITLE: M - Ilyas V/S Director General health

S#	CONTENTS	YES	NO
1	This Appeal has been presented by:	✓	
2	Whether Counsel/Appellant/Respondent/Deponents have signed the requisite documents?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
8	Whether appeal/annexures are properly paged?	✓	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	×	✓
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/clear?	✓	
13	Whether copy of appeal is delivered to AG/DAG?	✓	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15	Whether numbers of referred cases given are correct?	✓	
16	Whether appeal contains cutting/overwriting?	×	✓
17	Whether list of books has been provided at the end of the appeal?	✓	
18	Whether case relate to this court?	✓	
19	Whether requisite number of spare copies attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
24	Whether Security and Process Fee deposited? On _____		
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On _____		
26	Whether copies of comments/reply/rejoinder submitted? On _____		
27	Whether copies of comments/reply/rejoinder provided to opposite party? On _____		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: M. Sadiq Adv.

Signature: _____

Dated: 2/6/022

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

Appeal no-874/2022

Muhammad Ilyas Vs Director General Health KPK etc

S No.	Documents	Annexure	Page
1	Appeal		1-3
2	Copy of CNIC	A	4
3	Copy of Department Appeal Dated 06-07-2021	B	5
4	Copy of relevant laws	C	6-9
5	Wakalat Nama		10

Petitioner

Though

Mmad V.

MUHAMMAD SADDIQ
Advocate High Court Peshawar

(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

Appeal No: 671 /2022

MUHAMMAD ILYAS SON HAJI FIRDOUS KHAN R/O DOCTOR ABAD KOZA BANDA DIST AND TAHSIL BATAGRAM

(Appellant)

Versus

1. Director General Health Khyber Pakhtunkhwa
2. The Secretary Health Khyber Pakhtunkhwa Provincial Health Service Authority Duran Pura.
3. The Director General PHSA Provincial Health Service Authority Duran Pura.
4. Assistant Director Administration PHSA Provincial Health Service Authority Duran Pura.
5. Superintendent PHSA Provincial Health Service Authority Duran Pura.
6. District Health Officer Batagram Khyber Pukhtunkhwa.

(Respondents)

APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT 1974 FOR CONSIDERING THE FOUR YEARS DIPLOMA FOR PROMOTION IN RESPECT OF PHARMACY TECHNICIAN.

PRAYER IN APPEAL:

ON ACCEPTANCE OF THE INSTANT APPEAL DIRECTIONS MAY KINDLY BE ISSUED TO RESPONDENTS TO PROMOTE THE PETITIONER ON THE POST OF PBS -17.

RESPECTFULLY SHEWETH:-

1. *That the appellant is a bonafide and law abiding citizen and regularly on duty at PHSA.* (A)

2. *That the appellant has been appointed as pharmacy technician.* (B)

3. *That the appellant got admission in health technology in which the appellant passed it and received concerned Diploma in this field.*

4. *That the appellant submitted application for the grant of promotion on the basis of pharmacy technician diploma to next post but with no fruitful result and the defendant may not be taking any action on the said application (Copy of the application to the secretary are attached as annexure "D").*

5. *That the appellant is illegible to be promoted to the post prayed for.*

6. *That now the appellant comes to this august court on the following grounds amongst others:-*

GROUNDS:-

1. *That the respondents not taking any action on the departmental appeal of the appellant are against the law, facts, norms of justice and material available on record.*

2. That the appellant is legible to be promoted to the post of high than BPS-17 on the basis of experience and pharmacy technician diploma.

3. That the appellant requested to promote the petitioner and the respondent not answering.

4. That the appellant is well qualified person among other officer and also entitled for the promotion on the grade.

5. That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal of the appellant be accepted as prayed for in the heading.

Dated: 10/05/2022

Appellant

Through

Muhammad Saddiq Advocate
Peshawar.

AFFIDAVIT

I, Muhammad Ilyas Son Haji Firdous Khan R/O Doctor Abad Koza Banda Distt and Tahsil Batagram, do hereby solemnly affirm and declare on oath that all the contents of appeal are true and correct to the best of my knowledge and belief and nothing has been concealed.

Deponent

بحضور جناب ڈسٹرکٹ ایجوکیشن آفیسر بھکر

خیر مقدم خواہ

جناب عالی، سائل عرض رساں ہے

1۔ کہ سائل سٹیٹ بارڈر سیکیورٹی فورس کا گریڈ چودہ میں تعینات ہوا ہیں۔

2۔ کہ سائل نے چار سالہ ڈگری حاصل کی ہے جبکہ ایجوکیشن سٹیکیشن کثیر مقاصد کیلئے سپیشل ایجوکیشن سے حاصل کی ہے۔

3۔ کہ سائل سٹیٹ سٹیکیشن ہونے کے ساتھ ساتھ ایک با اخلاق اور مخلص شخص ہے اور اپنے فرائض کی خدمت کرتا ہے۔

4۔ کہ میں سائل نے اس دوران اپنے سٹیٹس کو کبھی شکایت کا موقع نہیں دیا ہے۔

لہذا استدعا درخواست ہذا استدعا ہے کہ میں سائل کا ڈگری پر دو سٹیشن کیلئے منظور فرمائیں۔

سائل تمام عمر دعا گو رہے گا۔

سائل: محمد الیاس ولد حاجی فرد کھوسہ خان

شناختی کارڈ نمبر 13202-9778663

Rasool Khan
6/7/021

6/7/021

(5)

OFFICE OF THE

DISTRICT HEALTH OFFICER

Battagram (Khyber Pakhtunkhwa)
Phone & Fax: # (0997) 310507

No. 1255 / Dated 06 / 07 /2021

To,

The Secretary Health,
Khyber Pakhtunkhwa
Peshawar

Subject: - **REQUEST FOR CONSIDERING HEALTH TECHNOLOGY DEGREE FOR PROMOTION IN RESPECT OF PHARMACY TECHNICIAN**

Dear Sir, It is submitted in your honor that Mr. Ilyas Khan, Senior Pharmacy Technician, BPS-14, holds a four years degree in Health technology (Multipurpose) from university of Peshawar. As the official concerned applied through proper channel for in-service candidates, which is evident from the T&Cs of the then prospectus (copy attached) for that degree announced by PHSA Peshawar.

It is requested that, his degree may be considered for his promotion please.

The undersigned looks forward for necessary favour in this regard.

District Health Officer
Battagram

EXTRAORDINARY

GOVERNMENT

REGISTERED NO. P.III

GAZETTE

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, FRIDAY, 6TH NOVEMBER, 2020.

GOVERNMENT OF THE KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

NOTIFICATION

Peshawar dated the 04th November, 2020

No. SOH-III/8-60/2020/Paramedics/SSRC/1440-82:- In pursuance of the provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Health Department, in consultation with the Establishment Department and the Finance Department, hereby directs that in this Department's Notification No. SOH-III HD/1-5-2014, dated 10-05-2016, the following amendments shall be made, namely -

AMENDMENTS

In the Appendix,-

(a) against Serial No. 1, in Columns No. 2 and 5, for the existing entries, the following shall be substituted, namely,-

2	5
"Principal Technologist	"By promotion, on the basis of seniority-cum-fitness, from amongst the Chief Technologists and Chief PHC Technologists with five years service in BPS-19 or seventeen years service in BPS-17 and above as such. Note: A joint seniority of Chief Technologists and Chief PHC Technologists shall be maintained for the purpose of promotion";

(b) against Serial No. 2, in Columns No. 2 and 5, for the existing entries, the following shall be substituted, namely,-

2	5
"Chief Technologist/ Chief PHC Technologist.	"By promotion, on the basis of seniority-cum-fitness, from amongst the Senior Clinical Technologists and Senior PHC Technologists with seven years service in BPS-18 or twelve years service in BPS-17 and above as such Note: A joint seniority of Senior Clinical Technologists and Senior PHC Technologists shall be maintained for the purpose of promotion";

(c) against Serial No. 3, in Columns No. 2, 3, 4 and 5, for the existing entries, the following shall be substituted, namely,-

2	3	4	5
"Senior Technologist/ Senior PHC Technologist. (i) Senior Clinical Technologist Dental (ii) Senior Clinical Technologist Pharmacy (iii) Senior Clinical Technologist Radiology. (iv) Senior Clinical Technologist Pathology. (v) Senior Clinical Technologist Anaesthesia. (vi) Senior Clinical Technologist Cardiology. (vii) Senior Clinical Technologist Surgical (viii) Senior Clinical Technologist Dialysis (ix) Senior Clinical Technologist Physiotherapy. (x) Senior Clinical Technologist Pulmonology. (xi) Senior Clinical Technologist	At least MS/ M phil in the relevant technologies from a recognized University.	23-40 Years	(a) Seventy percent (70%) by promotion, on the basis of seniority-cum-fitness, from amongst the Clinical Technologists and PHC Technologists with five years service in the relevant technologies as such In case the required length of service is less than five years then half of the service in BS-16 and one fourth service in below BPS-16 shall be counted as service in BPS-17 in the relevant technology; **Note:** A joint seniority list of Clinical Technologists and PHC Technologists shall be maintained for the purpose of promotion, and (b) thirty percent (30%) by initial recruitment".

	Gastroenterology.			
	(vii) Senior Clinical Technologist Ophthalmology Otolaryngology			
	(viii) Senior PHC Technologist (Multi Purpose)			
	(ix) Senior PHC Technologist (MCH)			

(b) against Serial No. 4,-

(i) in Column No. 3, for the existing entries, the following shall be substituted, namely

"At least Second Class BS (Sc (04-years) (Honors) Master Degree in the relevant technologies from a recognized University

Note: For the purpose of clause (b), in Colum No. 5, apart from the enhanced qualification, BSc two years Degree from a recognized University shall be applicable up to seven (07) years from the commencement of this amending notification".

(ii) in Column No. 4, for the existing entries, the following shall be substituted, namely,

"22-35 Years", and

(iii) in Column No. 5, in clause (b), after the proviso, the following shall be inserted, namely

"**Note:** Master in Public Health Degree from a recognized University shall be considered for promotion only for those categories where Degree in the relevant technologies does not exist. In case of non availability of MPH or relevant degree in their relevant categories, vacant posts shall be considered for promotion on the basis of seniority-cum-fitness, from amongst the Chief Clinical Technicians and Chief PHC Technicians in their relevant Technologies with at least three years service as such".

(c) against Serial No. 5, in Column No. 5, for the existing entries, the following shall be substituted, namely

"By promotion on the basis of Seniority-cum-fitness, from amongst the Senior Clinical Technicians (BS-14) and Senior PHC Technicians (BS-14) with two years service in the relevant Technology as such. In case the required length of service is less than two years then one fourth service in lower basic scales shall be counted as service in BPS-14

Note: (i) The counting of one fourth service in lower basic scales as service in BS-14 shall be one time exercise in order to remove the anomaly created in the Paramedics service structure after the up gradation of posts in (BS-12) without upgrading the incumbents to higher grades vide Finance Department Notification of even No. dated 15-05-2018. Upon promotion of the existing incumbents this relaxation shall be discontinued

(iii) A separate seniority list of Senior Clinical Technicians and Senior PHC Technicians of relevant technology shall be maintained for the purpose of promotion."

(f) against Serial No. 6, in Column No. 5, for the existing entries, the following shall be substituted, namely,

"By promotion, on the basis of Seniority-cum-fitness, from amongst the Technicians and PHC Technicians with two years service as such in the relevant Technology." And

Note: A separate seniority list of Technicians and PHC Technicians shall be maintained in the relevant technology for the purpose of promotion", and

(g) against Serial No. 7, in Columns No. 3 and 4, for the existing entries, the following shall be substituted, namely

3	4
"(i) **Technician/ PHC Technician:** At least Second Division Secondary School Certificate in science from a recognized Board and two years Diploma in the relevant Paramedical Technology from recognized Medical Faculty or I Sc Medical Technology in the relevant Technology from a recognized Board (ii) **PHC Technician (MCH):** At least Second Division Secondary School Certificate in science from a recognized Board and Diplomas of LHV and Midwifery from recognized a Nursing Examination Board and having valid registration with Pakistan Nursing Council as LHV.	18-32 Years"

SECRETARY TO
GOVERNMENT OF THE KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Printed and published by the Manager,
Govt. Pig Deptt., Khyber Pakhtunkhwa, Peshawar

بسم الله الرحمن الرحيم

University of Peshawar
Pakistan

This certifies that

Mohammad Ilyas son of **Firdous Khan**

having fulfilled all the requirements is hereby admitted to the degree of

Bachelor of Science (Honours) in Paramedical Sciences

and is entitled to all the rights, honours and privileges thereunto appertaining.

Given this 2nd day of August, 2017.

Roll No: 1084

Session: Annual 2014

Reg. No: 2006-PGPI-111

138606

Registrar

Vice Chancellor

قیمت 50 روپے

123815

ایڈوکیٹ: محمد صدیق ایڈوکیٹ

بار کونسل/ایسوسی ایشن نمبر: 59-765

رابطہ نمبر: 0332-9313291

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: خیبر پختون سروس ٹریبونل پشاور

دعویٰ: سروس اپیل

علت نمبر:

مورخہ

جرم:

تھانہ

منجانب: اپیلانٹ

محمد صدیق ایڈوکیٹ

بنام

ڈائریکٹر ایجوکیشن خیبر پختونخواہ

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی وجواب دہی کاروائی متعلقہ

آن مقام پشاور کیلئے محمد صدیق ایڈوکیٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے وتقرر ثالث وفیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی ونظر ثانی وپیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور وقبول ہوگا دوران مقدمہ میں جو خرچہ ہرجانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہٰذا وکالت نامہ لکھ دیا تا کہ سند رہے

المرقوم: 18/5/2022

گواہ شد

العبد العبد

مقام پشاور کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔