BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
CAMP COURT D.I.KHAN.

Appeal No. 1315/2013

Date of Institution ... 23.08.2013

Date of Decision ... 26.03.2019

Muhammad Riaz S/o Allah Bakhsh NQ/Chowkidar of Public Health School, D.I.Khan. ... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa, through Secretary Health, Peshawar and four others. ... (Respondents)

MR. SAREE-UL-EHSAN BALOCH, Advocate --- For appellant.

MR. FARHAJ SIKANDAR, District Attorney --- For respondents

MR. MUHAMMAD ABDULLAH BALOCH, Advocate --- For respondent no.5

MR. AHMAD HASSAN, --- MEMBER(Executive)
MR. HAMID FAROOQ DURRANI --- CHAIRMAN

JUDGMENT

AHMAD HASSAN, MEMBER.- Arguments of the learned counsel for the parties heard and record perused.

ARGUMENTS

2. Learned counsel for the appellant argued that he was appointed as Chowkidar/Naib Qasid (BPS-01) in the respondent-department on 06.10.1990. He passed F.A examination in 1989. On the other hand private respondent no.5 joined government service on 28.06.1994. Respondent no.3 vide impugned order dated 09.05.2013 promoted private respondents to the post of Junior Clerk, despite being junior to the appellant. To safeguard his service interests, he filed departmental appeal, which remained unanswered, hence, the present service appeal. He further

added that in the seniority list circulated by the respondents in 2011 his name was reflected at sr. no.3. Action on the part of the respondents patently illegal and unlawful. The appellant is at the last leg of his career and deserved to be promoted as Junior Clerk.

3. Learned counsel for private respondent no.5 argued that the appellant failed to challenge the seniority list of Naib Qasids issued by the respondents in 2007. Promotion of his client was made on the directions of Peshawar High Court, Peshawar. Despite knowledge he failed to join the proceedings before the Peshawar High Court, Peshawar. Moreover, he was transferred to District T.B Control Office, D.I.Khan vide order dated 21.05.1997 and remained there till March, 2000. He was absorbed in the T.B Control Program. As such he was not entitled for promotion to the post of Junior Clerk.

4. Learned Deputy District Attorney relied on arguments advanced by the learned counsel for private respondent no.5.

CONCLUSION.

5. In the present service appeal, it is not disputed that he was appointed as Chowkidar/Naib Qasid on 06.10.1990 and cleared F.A in 1989. In the seniority list notified in 2011 and 2017 his name was reflected at sr. no.3. On the other hand official respondents promoted private respondent no.5 vide impugned order dated 09.05.2013, despite being junior to the appellant. In the interest of justice and fair play, it is pertinent to point out that the private respondent joined service on 21.06.1999 and was matric. The respondents are taking shelter under a judgment of Peshawar High Court Peshawar passed in writ petition no. 1713/2011 and

3751/2010 decided on 16.05.2013. It is quite strange that the appellant was not made a party in the litigation referred to above. Therefore, no adverse order could be passed against him. Stance taken by the respondents about his transfer to the District T.B Control Program vide order dated 21.05.1997 was also flimsy and irrational. He was simply transferred to the said office and again joined his parent department in March, 2000. Had he been absorbed in the T.B Control Program then was there any justification to allow him to join their parent organization? The present case clearly manifests that promotion as Junior Clerk was denied to the appellant despite his eligibility. Having rendered eighteen years service, he is running from the pillar to post to get one step promotion. It speaks of high handedness, arbitrary decision making on the part of respondents and bypassing rules to favour their blue eyed employees. Discriminatory treatment received by the appellant at the hands of respondents is sheer violation of Article-25 of the Constitution.

6. Foregoing in view, the appeal is accepted, impugned order dated 09.05.2013 is set aside. The respondents are directed to give promotion to the appellant from the due date. Parties are left to bear their own costs. File be consigned to the record room.

(AHMAD HASSAN)
MEMBER
CAMP COURT D.I.KHAN

(HAMID FAROOQ DURRANI)
CHAIRMAN

ANNOUNCED
26.03.2019

25.02.2019 Appellant in person and Mr. Farhaj Sikandar learned District Attorney for official respondents present. Private respondent No.5 in person present. Appellant submitted rejoinder on reply of private respondent No.5 which is placed on file. Learned counsel for the parties not available. Adjournment requested. Adjourn. To come up for arguments on 26.03.2019 before D. B at Camp Court D.I.Khan.

Member

Member
Camp Court D.I.Khan

Order

26.03.2019 Counsel for the appellant present. Mr. Farhaj Sikandar, Deputy District Attorney for official respondents and counsel for private respondent no.5 present. Arguments heard and record perused.

Vide our detailed judgment of today of this Tribunal placed on file, the appeal is accepted, impugned order dated 09.05.2013 is set aside. The respondents are directed to give promotion to the appellant from the due date. Parties are left to bear their own cost. File be consigned to the record room.

Announced:
26.03.2019

(Ahmad Hassan)
Member
Camp Court D.I.Khan

(Hamid Farooq Durrani)
Chairman

Service Appeal No. 1315/2013

26.11.2018 Counsel for the appellant present. Mr. Usman Ghani, District Attorney alongwith Mr. Adnan Turabi, Litigation Assistant on behalf of official respondents No. 1 to 4 and private respondent No. 5 in person present. None present on behalf of private respondents No. 6 to 9 despite issuance of notice therefore, private respondents No. 6 to 9 are proceeded ex-parte. Written reply on behalf of official respondents 1 to 4 and private respondent No. 5 already submitted. Adjourned. To come up for rejoinder and arguments on 21.01.2019 before D.B at Camp Court D.I.Khan.

(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan

21.01.2019 Appellant in person and Mr. Farkhaj Sikandar, District Attorney for official respondents and private respondent no.5 in person present.

Due to general strike on the call of Khyber Pakhtunkhwa Bar Council. the matter is adjourned to 25.02.2019 for arguments before D.B at camp court, D.I.Khan.

Member

Chairman
Camp Court, D.I.Khan

28.06.2018 Tour is hereby cancelled, Therefore the case is adjourned for the same on 30.08.2018 before S.B.

Reader
Camp Court D.I Khan

30.08.2018 Appellant present in person. Private respondent No. 5 also present. Tour is hereby cancelled. Therefore the Case is adjourned for the same on 10.09.2018 before S.B.

Reader
Camp Court D.I Khan

10.09.2018 Appellant with counsel present. Mr. Ziaullah, Deputy District Attorney alongwith Mr. Adnan Turabi, Assistant Litigation Officer for official respondents No. 1 to 4 and private respondent No. 5 in person present. Representative of official respondents stated at the bar that he rely on the written reply already submitted before amended appeal by the official respondents. Written reply on behalf of private respondent No. 5 submitted today. None present on behalf of remaining private respondents No. 6 to 9 therefore, fresh notice be issued to them for attendance and filing of written reply. Adjourned. To come up for written reply/comments on behalf of private respondents No. 6 to 9 on 26.11.2018 before S.B at Camp Court D.I.Khan.

(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan

Service Appeal No. 1315/2013

22.01.2018 Counsel for the appellant present. Mr. Usman Ghani, District Attorney for official respondents No. 1 to 4 and counsel for private respondent No. 5 also present. Learned counsel for the appellant submitted amended appeal alongwith spare copies. Copy of amended appeal also handed over to learned counsel for private respondent No. 5. Notice of amended appeal be also issued to official respondents No. 1 to 4 as well as private respondents No. 6 to 9 for written reply/comments. Adjourned. To come up for written reply/comments on amended appeal on 15.03.2018 before S.B at Camp Court D.I.Khan.

(Ahmad Hassan)
Member
Camp Court D.I.Khan

(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan

15.03.2018 Appellant in person, Mr. Ziaullah, DDA for official respondents and private respondent no. 5 in person present. Written reply not submitted. Request for adjournment. Adjourned. To come up for written reply of private respondents on 28.06.2018 before S.B at camp court D.I.Khan.

(Ahmad Hassan)
Member
Camp Court D.I.Khan

28.11.2017 Counsel for the appellant present. Mr. Farhaj Sikandar, District Attorney alongwith Mr. Faiz Muhammad (Litigation Officer) for official respondent and junior counsel for private respondent No. 5 also present. Junior counsel for private respondent requested for adjournment on the ground that learned senior counsel for the appellant is not available today. Adjourned. To come up for arguments on 27.12.2017 before D.B at Camp Court D.I.Khan.

(Gul Zeb Khan)
Member

(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan

28.12.2017 Appellant present. Mr. Farhaj Sikander, Learned District Attorney for the respondents present. In the present appeal the appellant has made impugned the promotion order dated 09.5.2016 whereby five Naib Qasids were promoted as Junior Clerks. Plea of the appellant is that he was ignored from promotion despite being senior. The appellant has arrayed as respondent only one official promoted as Junior Clerk vide impugned order instead of impleading all the five Naib Qasids. In the given circumstances the appellant is directed to implead all the officials who were promoted vide impugned order being necessary parties. Adjourned. To come up for amended appeal/further proceedings on 22.01.2018 at Camp Court D.I.Khan.

(Muhammad Amin Khan Kundi)
Member
Camp Court D.I. Khan

(Muhammad Hamid Mughal)
Member
Camp Court D.I.Khan

21.08.2017 Counsel for the appellant present. Mr. Hashim Ali, Assistant alongwith Mr. Farhaj Sikandar, District Attorney for official respondents and junior to counsel for private respondent no.5 also present. Counsel for private respondent no.5 requested for adjournment. Adjourned. To come up for arguments on 26.09.2017 before D.B at Camp Court D.I.Khan.

(Ahmad Hassan)
Member

(Muhammad Amin Khan Kundi)
Member
Camp Court D.I. Khan

26.09.2017 Counsel for the appellant and Mr. Farhaj Sikandar, District Attorney alongwith Mr. Faiz Muhammad, SO (Litigation) for the respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 24/10/2017 before DB at Camp Court D.I.Khan.

Member
(Executive)

Member
(Judicial)
Camp Court D.I.Khan

24.10.2017 Appellant in person and Mr. Farkhaj Sikandar, District Attorney Mr. Hashim Ali, Assistant for respondents present. Appellant seeks adjournment as his counsel is not available. Adjourned. To come up for arguments on 28.11.2017 before D.B at camp Court D.I.Khan.

Member
(Executive)

Member
(Judicial)
Camp Court D.I.Khan

1315/2013

25.10.2016 Counsel for the appellant, Mr. Farhaj Sikandar, Government Pleader for official respondents No. 1 to 4 and counsel for private respondent No. 5 present. Rejoinder not submitted. Learned counsel for the appellant requested for further time for filing of rejoinder. Request accepted. To come up for rejoinder on 21.02.2017 before S.B at Camp Court D.I.Khan.

Member
Camp Court D.I.Khan

22.02.2017 Clerk counsel for appellant, Mr. Hashim Ali, Assistant alongwith Mr. Farhaj Sikandar, Government Pleader for official respondents No. 1 to 4 and private respondent No. 5 in person present. Clerk counsel for appellant submitted rejoinder which is placed on file. To come up for arguments on 24.04.2017 before D.B at Camp Court D.I.Khan.

(ASHFAQUE TAJ)
MEMBER
Camp Court D.I.Khan

24.04.2017 Since tour is hereby cancelled, therefore, the case is adjourned for the same on 22.08.2017.

Reader

1315/13

26.10.2015 Appellant with counsel, Mr. Farhaj Sikandar, GP and private respondent 5 with counsel (Mr. Muhammad Abdullah Balouch Advocate) present. The learned GP requested for time to contact the official respondents and counsel for private respondent No. 5 also requested for time. To come up for written reply positively at camp court, D.I.Khan on 28-12-15

MEMBER
Camp court, D.I.Khan

23.2.2016 Appellant with counsel, . Mr. Farhaj Sikandar, GP and private respondent No. 5 with counsel present. Written reply of official respondents received, which is placed on file. Copy handed over to counsel for the appellant. To come up for written reply of private respondent No. 5 by way of last chance on 24.5.16 at Camp Court D.I.Khan.

MEMBER
Camp Court, D.I.Khan

24.05.2016 Counsel for the appellant, Mr. Farkhaj Sikandar, GP for official respondents and counsel for private respondent No.5 in person present.. To come up for rejoinder on 25.10.2016 at camp court D.I. Khan.

Member
Camp Court D.I.Khan

D.F.A

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
CAMP COURT D.I.KHAN.

Appeal No. 1315/2013

Date of Institution ... 23.08.2013

Date of Decision ... 26.03.2019

Muhammad Riaz S/o Allah Bakhsh NQ/Chowkidar of Public Health School, D.I.Khan. ... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa, through Secretary Health, Peshawar and four others. ... (Respondents)

MR. SAREE-UL-EHSAN BALOCH, Advocate --- For appellant.

MR. FARHAJ SIKANDAR, District Attorney --- For respondents

MR. MUHAMMAD ABDULLAH BALOCH, Advocate --- For respondent no.5

MR. AHMAD HASSAN, --- MEMBER(Executive)
MR. HAMID FAROOQ DURRANI --- CHAIRMAN

JUDGMENT

AHMAD HASSAN, MEMBER.- Arguments of the learned counsel for the parties heard and record perused.

ARGUMENTS

2. Learned counsel for the appellant argued that he was appointed as Chowkidar/Naib Qasid (BPS-01) in the respondent-department on 06.10.1990. He passed F.A examination in 1989. On the other hand private respondent no.5 joined government the service on 28.06.1994. Respondent no.3 vide impugned order dated 09.05.2013 promoted private respondents to the post of Junior Clerk, despite ~~the fact~~ being junior to the appellant. To safeguard his services interests ~~instead~~, he filed departmental appeal, which remained unanswered, hence, the present service appeal. He further

the learned counsel to the appellant to back his assertions with the help of relevant rules but to no avail. It is presumed that there is no provision for grant of lien in Police Rules, therefore time and again reliance was made by ~~various~~ the respondents on the instructions relating to lien issued by the Provincial government. As police is being governed by a special law so applicability of Policy/rules of the provincial government is a remote possibility. In these circumstances it can be safely extrapolated that th~~ere is no force in the~~ present service appeal, lacks substance/justification.

8. As a sequel to above the appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room.

(AHMAD HASSAN)
MEMBER
CAMP COURT D.I.KHAN

(HAMID FAROOQ DURRANI)
CHAIRMAN

ANNOUNCED
26.03.2019

added that in the seniority list circulated by the respondents in 2011 his name was reflected at sr. no.3. Action on the part of the respondents patently illegal and unlawful. The appellant is at the last leg of his career service and deserve d to be promoted as Junior Clerk.

3. Learned counsel for private respondent no.5 argued that the appellant failed to challenge the seniority list of Naib Qasids issued by the respondents in 2007. Promotion of his client was made on the directions of Peshawar High Court, Peshawar. Despite knowledge he failed to joined the proceedings before the Peshawar High Court, Peshawar. Moreover, he was transferred to District T.B Control Office, D.I.Khan vide order dated 21.05.1997 and remained there till March, 2000. He was absorbed in the T.B Control Program. As such he was not entitled for promotion to the post of Junior Clerk.

4. Learned Deputy District Attorney relied on arguments advanced by the learned counsel for private respondent no.5.

despite being junior to the appellant.

CONCLUSION.

5. In the present service appeal, it is not disputed that he was appointed as Chowkidar/Naib Qasid on 6.10.1990 & He cleared F.A in 1989. In the seniority list notified in 2011 and 2017 his name was reflected at sr. no.3. On the other hand official respondents promoted private respondent no.5 vide impugned order dated 09.05.2013. In the interest of justice and fair play, it is pertinent to point out that the Private respondent joining service on 21.06.1999 and was a metric. The respondents are taking shelter under a judgment of Peshawar High Court Peshawar passed in writ petition no. 1713/2011 and 3751/2010 decided on 16.05.2013. It is quite strange that the appellant was not

for recruitment of PST, the appellant at his sweet will got NOC from the Police Department and applied for the said post through proper channel vide application dated 19.05.2014. Upon selection, he made a request on 19.5.2014 to be relieved from the Police Department to join new assignment, alongwith retention of lien. His request was honored by respondent no.4 and relieved on 21.5.1014 vide order dated 26.5.2014. However, nothing was mentioned in that order with regard to grant of lien. Furthermore, he was still working in the Education Department. Onus lies on the appellant to have properly evaluated the pros and cons of the new assignment before joining. Amateurish approach on his part depicts, indecisiveness and inconsistency which cannot be tolerated. One thing is established beyond doubt that Police Department facilitated the appellant at every step and any element of malafide was not noticed in the entire episode.

6. For redressal of his grievances, he submitted an application dated 13.11.2016, wherein he claimed to have been granted two years lien and made request for further extension of one year. His request was not acceded by the respondents. Thereafter, he made a request for permission to join his parent department on 23.07.2016. The matter was referred to the Provincial Police Department vide order dated 7.09.2016 and finally regretted vide order dated 16.11.2016. He also filed review petition before PPO on 07.02.2017, which remained un-responded. It is pertinent to point out that in the letter dated 16.11.16 referred to above, it was explicitly mentioned that no specific order regarding retention of lien in Police Department was passed, hence, the same could not be retained.

7. We have thread barely examined the service appeal of the appellant but could not find any rule/ policy of the police Department with regard to the maintenance of lien of outgoing officials. Repeated opportunities were afforded to

made a party in the litigation referred to above. ~~and as such was condemned unheard~~. Therefore, no adverse order could be passed against him. Stance taken by the respondents about his transfer to the District T.B Control Program vide order dated 21.05.1997 ~~is~~ was also flimsy and irrational. He was simply transferred to the said office ~~joining~~ and again joined his parent department in March, 2000. Had he been absorbed in the T.B Control Program then was there any justification to allow him to join their parent organization? The present case clearly manifests that promotion as Junior Clerk was denied to the appellant despite his eligibility. It speaks of high handedness, and arbitrary decision making on the part of respondents and bypassing rules to favour their blue eyed employees. Discriminatory treatment received by the appellant at the hands of respondents is sheer violation of Article-25 of the Constitution.

6. Foregoing in view, the appeal is accepted, impugned order dated 09.05.2013 is set aside. The respondents are directed to give promotion to the appellant from the due date. Parties are left to bear their own costs. ~~File~~ be consigned to the record room.

(AHMAD HASSAN)
MEMBER
CAMP COURT D.I.KHAN

(HAMID FAROOQ DURRANI)
CHAIRMAN

ANNOUNCED
26.03.2019

Having rendered eighteen years service, he is running from the pillar to post to get one step promotion.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
CAMP COURT D.I.KHAN.

Appeal No. 1187/2014

Date of Institution ... 23.09.2014

Date of Decision ... 26.03.2019

Minhaj Sikander Yar Khan (OSI no. 88/D) S/O Sikander Yar Khan. Cast Baloch, R/o Yar House, Yar Street, Bannu Road, Dera Ismail Khan City.
... (Appellant)

VERSUS

Inspector General Of Police, Khyber Pakhtunkhwa, Peshawar and twenty three others. ... (Respondents)

MR. ABDULLAH BALOCH, Advocate	---	For appellant.
MR. TARIQ AZIZ, District Attorney	---	For official respondents.
MR. IHSANUL HAQ, Advocate	---	For Private respondents no.12 & 13.
MR. SADIQUE ULLAH, Advocate	---	For Private respondent no.19.
MR. AHMAD HASSAN,	---	MEMBER(Executive)
MR. HAMID FAROOQ DURRANI	---	CHAIRMAN

JUDGMENT

AHMAD HASSAN, MEMBER:- Arguments of the learned counsel for the parties heard and record perused.

ARGUMENTS

2. Learned counsel for the appellant argued that on the recommendations of Khyber Pakhtunkhwa, Public Service Commission, he joined the Police Department

30.3.2015 Appellant in person and Mr Farhaj Sikander, GP for the official respondents and private respondent no 5 with counsel present. To come up for written reply on 25.5.15. at Camp Court D.I.Khan.

MEMBER
Camp Court, D.I.Khan

25.05.2015 Appellant in person, Mr. FarhaJ Sikandar, GP and private respondent No. 5 present. Written reply of the respondents not received. Last opportunity is given to the respondents for submission of written reply on 27.7.2015 at camp court, D.I.Khan. However, notices be issued to official respondents through registered post for the date fixed.

MEMBER
Camp Court, D.I.Khan.

27.07.2015 Clerk of counsel for the appellant present. None is available on behalf of the respondents. Fresh notices be issued to them through registered post. Case to come up for written reply at camp court, D.I.Khan on 26-10-2015.

MEMBER
Camp Court, D.I.Khan

24.6.2014 Appellant present with his counsel and heard. The learned Counsel contended that appellant has impugned order dated 9.5.2013 vide which Respondent No. 5 was promoted as Junior Clerk and appellant was ignored from promotion despite the fact that the appellant was senior to him. He filed departmental appeal on 23.5.2013 which was not responded within statutory period of 90 days. Hence this appeal on 23.8.2013. The appellant has not been treated in accordance with law. Points raised at the bar need consideration. The appeal is admitted to regular hearing subject to all just legal objections. Process fee and security be deposited within 10 days. Thereafter, notices be issued to the respondents for submission of written reply on 30.9.2014 at camp court D.I. Khan.

Appellant Deposited Security & Process Fee Rs 2201/- Bank Receipt is Attached with File

Member
Camp Court, D.I.khan

30-9-14. Appellant with Counsel, G.P. for respondents No. 1 to 4 and Muhd Dabail, Advocate for R. No. 5 present. Mr. Sarwat ul Ahsan Advocate filed wakalat-nama on behalf of appellant. Muhd Abdullah Baloch/ Muhd Abid, Advocates also filed wakalatnama on behalf of R. No 5. Case adjourned to 28-10-2014 for written reply at Camp Court, D.I.K.

Registrar
Camp Court, D.I.K.

28-10-14. Present as before on 30-9-2014. Reply not received. To come up for written reply on 26-1-15 at Camp Court, D.I.K.

Registrar
Camp Court, D.I.K.

26-1-15 Appellant with counsel present. G.P. for official respondents No. 1 to 4 and counsel for private respondent No. 5 present. Reply not received. To come up for reply on 30-3-15 at Camp Court, D.I.K.

Member
Camp Court, D.I.K

25.11.2013 Tour to Camp Court D.I.Khan has been discontinued vide order dated 31.10.2013. Therefore, notices be issued to appellant/counsel for preliminary hearing on 15-1-2014 before Primary Bench at Peshawar.

Registrar

15.01.2014 No one is present on behalf of the appellant. Last chance is given to the appellant to attend the Tribunal for preliminary hearing, otherwise the case will be decided on the available record. Notices be issued to the appellant/counsel for the appellant for preliminary hearing on 27.01.2014 at camp court D.I Khan.

Member

27-1-2014. Counsel for the appellant present and heard. The L/counsel contended that appellant has been deprived from promotion and respondent No.5 junior to appellant has been promoted as Junior Clerk. Pre-admission notices be issued to respondents for further preliminary hearing on 25-3-2014 at Camp Court, D.I.Khan.

Member
Camp Court, D.I.Khan.

25-3-2014. No one present on behalf of appellant. G.P. for respondents present. To come up for further preliminary hearing on 23-6-2014 at Camp Court, D.I.K.

Member
Camp Court. D.I.K.

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 1315 /2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	09/09/2013	The appeal of Mr. Muhammad Riaz resubmitted today by Mr. Muhammad Waheed Anjum Advocate may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing. REGISTRAR
2	3-10-2013	This case is entrusted to Touring Bench D.I.Khan for preliminary hearing to be put up there on 28-10-2013. CHAIRMAN
3	28-10-2013	Appellant in person present and requested for adjournment. Case adjourned to 25-11-2013 for preliminary hearing at Camp court, D.I.Khan. Member Camp Court, D.I.K.

The appeal of Mr. Muhammad Riaz son of Allah Bakhsh received today i.e. on 23/08/2013 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1- Appeal may be got signed by the counsel.
2- Annexures of the appeal may be attested.
3- Appeal may be page marked according to the index of the appeal.
4- The law under which the appeal is filed is not mentioned.
5- Appointment order mentioned in the memo of appeal (Annexure-I) is not attached with the appeal which may be placed on it.
6- one copy/set of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1178 /S.T,
Dt. 23/8 /2013.

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Muhammad Waheed Anjum Adv.
High Court Dera Ismail Khan.

To
The Registrar
Service Tribunal, K.P.K,
Peshawar.

Subject: Re-submission of Appeal.

1. Appeal is duly signed by counsel.
2. All the annexures are attested.
3. Appeal is duly marked according to index
4. The law under which the appeal is preferred is mentioned.
5. Copy of appointment order is attached now.
6. one set/copy of appeal along with annexures submitted.

Thus, all the objections are removed.

Dated: 5-9-2013

Muhammad Waheed Anjum
Advocate High Court

To

[illegible] Registrar
Services Tribunal, N.W.F.P.
Peshawar.

Subject: Re-submission of Appeal.

1. Appeal is duly signed by counsel.
2. All the annexures are attested.
3. Appeal is duly marked according to index.
4. Total number [illegible] the appeal is pagination is mentioned.
5. Copy of appointment order is attached [illegible].
6. One set/copy of appeal along with annexures submitted.

Hence, all the objections are removed.

Dated: 3-9-2013

Muhammad Jamshed Anjum
Advocate High Court.

BEFORE THE HONOURABLE K.P.K. SERVICE TRIBUNAL, PESHAWAR.

STA NO. 1315 /2013.

Muhammad Riaz. Appellant. VERSUS. Govt: of KPK Etc. Respondents.

INDEX.

Dated:21.8.2013.

Appellant.

Through Counsel

Muhammad Waheed Anjum
Advocate High Court.

BEFORE THE HONOURABLE (K.P.K)SERVICE TRIBUNAL,PESHAWAR.

STA No. 1315 /2013.

[redacted] 1274
[redacted] 23/8/13

Muhammad Riaz son of Allah Bakhsh
NQ/Chowkidar of Public Health School,
D.I.Khan. Mob 03367502279 APPELLANT.

VERSUS.

1-Govt: of Khyber Pakhtoonkhawa through
the Secretary Health, Peshawar.

2-Director General Health. Peshawar

3-Director, ~~Principal~~ Provincial Health Services
Academy Budhni Road, Peshawar.

4-The Principal Public Health School,DIKhan.

5-Yasir Habib, Junior Clerk(BPS-7)
(Under Objection)Public Health School,
D.I.Khan. RESPONDENTS.

Appeal U/s 4 of KPK Service Tribunal Act,
(Further)Representation against the Order
Dated 09-05-2013 bearing No.F28PHSA/Admn/
Promotion 2012-13-3010-28 of the Respondent
No.3 vide which the Respondent No.5 has been
unduly favoured with Promotion from the
Post of Naib Qasid BPS(1) to the post of
Junior Clerk BPS(07), thereby giving undue
benefit to Respondent No.5 and co extensive
representation against the act of omission of
the Respondent No.3 by withholding the first
representation and non-transmission of the same
vide his Memo No:3664 dated 10-06-2013.

[redacted] 23/8/13

[redacted] and filed.
[redacted] 9/9/13

PRAYER:- On acceptance of the Appeal, the impugned Order dated 09-05-2013 of the Respondent No.3 may be set aside and under the Rule of Seniority-cum-fitness, the Appellant being eligible for the Promotion may kindly be favoured with Promotion to the rank of Junior Clerk BPS(07) with attendent benefits.

The Appellant; amongst other grounds respectfully submits as under:-

1- The Appellant was appointed as Naib Qasid(BPS-01) since 6-10-1990. copy of the appointment order is enclosed as Annexure-I.

2- The Appellant has a clean Service record.

3- The Appellant is F.A. since 1989. copy of the Certificate is enclosed as Annexure-II.

4- The Respondent was appondent was appointed since 28-6-1994.

5- The Respondent No.3 made Order of Promotion of the Junior NaibkQasid BPS(01) Respondent No.5 on 09-05-2013 and the Seniority list is undisputed. Copy of the Impugned Order is Annexure-IV, Seniority list is Annexure-III.

6- The Respondent No.5 has been unduly pushed ahead and such act of the Respondents No.3 & 4 has caused grievance to the Appellant, hence the instant Appeal;which is competent in it present form,Copy of Departmental Appeal is Annexure-V.

GROUNDS:

i) The Rule of Seniority-cum-fitness has been disregarded.

ii) There is no complaint of unsatisfactory performance of the Appellant.

iii) The Seniority in service coupled with higher qualification (FA) of the Appellant has been overlooked.

iv) The Respondent No.5 is Matric and his lower qualification had escaped the notice of the Respondent No.3 & 4 which omission is an act of undue favouristism to the Respondent No.5.

v) The Appellant's counsel may be permitted to add further grounds afterwards.

It is therefore PRAYED that the instant Appeal may be accepted.

YOUR HUMBLE APPELLANT,

Dated: 21-8-2013

(MUHAMMAD RIAZ).
Through Counsel

M. Waheed Anjum Advocate

VERIFICATION.

It is solemnly affirmed that the contents of the Appeal are true and correct to the best of my knowledge and belief, and the Appeal is within time since the date of nondispatching of the Departmental Appeal on 10.6.2013.

APPELLANT.

Attested

Annex-I

P(4)

DIVISIONAL HEALTH DIRECTORATE, DERA ISMAIL KHAN.

OFFICE ORDER.

As desired by the Minister for Health, SW & PW Department, NWFP, in his D.O.letter ~~Extd~~ No.21(SE)NO dated 4.10.1990, & ~~Correspondence~~ the approval accorded by the Departmental Selection Committee Mr.Muhammad Riaz S/O Allah Bakhsh Moh: Wangrigaran wala, D.I.Khan city is hereby appointed as Chawkidar in BPS No. 1 ,plus usual allowances as admissible under the rules, sanctioned by the Govt: from time to time, for the post offered to him.

His appointment will be subject to the following terms and conditions:-

1. The post which is offered to him is sanction-ed on temporary basis but is likely to continue on year to year basis.

2. His appointment is purely on temporary basis and is liable to be terminated at any time without any reason being assigned.

3. That he is domiciled in D.I.Khan Division./ N.W.F.P.

4. If he wishes to resign at any time, he will resign in writing by giving a prior notice of one month and will continue to serve the Govt: till the resignation is accepted by the competent authority and communicated to him in writing.

5. He will be governed by such rules and orders relating to Pay, T.A., Leave Rules and Medl: Attendance Rules etc as are issued by the Govt: for the category of Govt: servants he belongs.

6. His appointment will be subject to the Medl: fitness, Satisfactory Character report and production of Domicile Certificate of N.W.F. Province.

If he accept the offer on the above mentioned terms and conditions, he should report for duty to the:- The Principal, F.H.Tech: School, D.I.Khan against newly created post, within one week, from the date of receipt of this offer, failing which the offer will be considered as cancelled.

Sd/-

Divl: Dy: Director Health Services,
D.I.Khan Division, D.I.Khan.

No. 14507-10/E-6, Dated D.I.Khan the 06/X/1990.

Copy forwarded to the:-

1. Mr.Muhammad Riaz S/O Allah Bakhsh, Moh: Wangrigaran Wala, D.I.Khan,
2. Principal, F.H.T. School, D.I.Khan,
3. Private Secretary to Minister for Health, SW & PW Deptt: NWFP, Peshawar,
4. Account Section, Divisional Health Directorate, Dera Ismail Khan,

for information and necessary action.

Divl: Dy: Director Health Services,
D.I.Khan Division, D.I.Khan.

A.R.Qureshi

Attested

NOMINATION FORM **ANNEXURE 'A'**

I, Mr. Mohammad Riaz Son of Allah Bakhsh

of HEALTH Department the Govt. of N.W.F.P

hereby nominate the person (s) mentioned below, who is / are member(s) of my Family as defined in the West Pakistan Employees Welfare Fund Ordinance, 1969 to receive the assurd sum under the Group Insurance Scheme, in the event of my death.

Name & Address of Nominee	Relation-ship	Whether residing with & wholy dependent upon the applicant of this nomination	Proporation of the amount to be paid	If the Nominee Minor, Name to whome payment to be made on his/hers behalf
MST Amiran Bibi	Mother	Residing with his son.		
	IV DM/DIK/2432/ESS			

To be attested by a Gazetted Class I Officer

Signature

& His S

Attested by

(Designation & Seal)

Two Witnesses to Signature & Address

1. Mr. Maqbool Ellahi Jatoi

2. Mr. Akram Ali, Peon

Attested

P (6)

APPLICATION FOR ADMISSION TO THE GENERAL PROVIDENT FUND

(TO BE SUBMITTED IN DUPLICATE)

1. Account No. to be allotted by the Audit Officer: DI Jail/DIK/2432/CSS
2. Name of Subscriber: Mr. Mohammad Riaz
3. Father's Name: Allah Bakhsh
4. Whether European Anglo/Pakistan or Pakistan National: Pakistani
5. Official Designation: "Chowkidar"
6. Office to which attached: Female Health Tech. School D.I.Khan
7. Whether post is permanent or Temporary or whether applicant is on Probation to a permanent post: Temp.
8. If Temporary whether it will lost at least, for 3 years?: yes
9. Rate of Salary P.M. (Per month): Rs 600/- P.M
10. Rate of Subscription per month (Rule 7) G.P.F. Rules: Rs-25/- P.M
11. Whether compulsory or optional subscriber:
12. Date of Birth: 15-1-1966
13. If subscriber fund tacname of such fund:
14. Date of 1st Appointment: 06/10/1990

M Riaz

Station, D. I. Khan. Sign: of Applicant

Signature of the Head of Office
Designation

Office of the

No. Dated

Returned with Account No. allotted. This No. should be quoted in all correspondance connected. A form of declaration is sent herewith which should be returned duly filled in, as soon as possible.

Signature

Designation

18/10

№ 226590

بسم الله الرحمن الرحيم

Roll No. 97688

Annex-II

P (7)

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION

Peshawar N.W.F.P. Pakistan

INTERMEDIATE EXAMINATION

Humanities Group

SESSION 1989 (ANNUAL)

THIS IS TO CERTIFY THAT Mohammad Rias

Son/Daughter of Allah Bakhsh

and a resident of D.I..Khan District.

Registered No. _____ has passed the *Intermediate Examination* of the Board of Intermediate & Secondary Education, Peshawar held in July/Aug 1989 as a *Private candidate*. He/She obtained 479 Marks out of and has been placed in *Grade* D Representing Fair

The Examination was taken as a whole/in parts.

Asstt. Secretary

Medical Superintendent
Mufti Mehmood Memorial
Teaching Hospital D.I.Khan

Secretary

Attested

Board of Intermediate & Secondary Education
PESHAWAR

48688

DETAILED MARKS CERTIFICATE

Intermediate Examination (Humanities Group)

Session 19 89. (Annual) S. No.

P(8)

Attested

Name Muhammad Riaz

Father's Name Allah Bakhsh Roll No. 97688

SUBJECT	Total Number of marks alloted	*F	MARKS OBTAINED In Figures	MARKS OBTAINED In words
1 English	200		71	
2 Urdu	200		97	
3 Civ	200		81	
4 95	200		83	
5 U/A	200		91	
6 Islamic Education	50		56	479
7 Pakistan Studies	50		479	
Total	1100		Four Hundred and Seventy nine	

Note: Errors/ommissions excepted

*F: Failed in the paper(s)

Date _____ 19 _____

Controller of Examination
Board of Intermediate & Secondary Education
PESHAWAR

Prepared by _____ Checked by _____

Medical Superintendent
Muftí Mehmood Memorial
Teaching Hospital D.

S. No. 0459615 Roll No. 1206 2

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION

Peshawar N.W.F.P. Pakistan

Secondary School Certificate Examination

SESSION 1984 (ANNUAL)

THIS IS TO CERTIFY THAT Muhammad Riaz

Son/Daughter of Allah Bakhsh

and a student of Govt. High School No. 5, D.I. Khan

has passed the *Secondary School Certificate Examination*

of the Board of Intermediate and Secondary Education, Peshawar held in April 1984

as a *Regular candidate*. He/She obtained 350 Marks out of 850

and has been placed in *Grade* D Representing Fair

The Candidate passed in the following subjects:

1. English
2. Urdu
3. Islamiyat
4. Physics.
5. Pak Studies.
6. Biology.
7. Mathematics.
8. Nil.

He/She has been awarded *Grade* C on the basis of internal assessment by the Institution concerned.

Date of birth according to admission form is Fifteenth January one thousand nine hundred and Sixty Six (15-1-1966)

Asstt. Secretary

9th August 1984

Secretary

This certificate is issued without alteration or erasure.

Medical Superintendent
Mufti Mehmood Memorial
Teaching Hospital D.I.Khan

Attested (10)

S.No. 057823

Roll No.

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION

Duplicate

Peshawar N.W.F.P. Pakistan
PROVISIONAL CERTIFICATE

SECONDARY SCHOOL CERTIFICATE EXAMINATION

Session 19 85 ~~Annual~~/Supplementary

THIS IS TO CERTIFY THAT Muhammad Raj

Son/Daughter of Allah Dawar

and a candidate of [illegible]

has passed the Secondary School Certificate Examination of the Board of Intermediate & Secondary Education, Peshawar held in [illegible] 19 85 as a Regular/Private candidate. He/She obtained [illegible] Marks out of 850 and has been placed in Grade (_____) Representing [illegible]

The candidate passed in the following subjects:

1. English 2. Urdu 3. Islamiyat 4.

5. 6. 7. 8.

Internal assessment Grade awarded by the institution concerned is (____)

Date of Birth according to admission form is _____

One thousand nine hundred and _____

Prepared by _____

Checked by _____

Date of Issue 6/2/89

Assistant Secretary (Certificates)

Medical Superintendent
Multi Medical Memorial
Teaching Hospital D.I.Khan

Attested

(11)

School Adm No.....

Government High School No. 5 D. I. Khan.

Character Certificate

I Certify that Mr Muhammad Riaz

Son of Allah Bakhsh

Resident of City/~~Village~~ Qureshi Street ~~D. I. Khan~~ Distt D. I. Khan

remained on roll of this School, in Class 10th

w e f 1-4-83 to 16-4-84

During his stay in this School he bore a GOOD MORAL CHARACTER

He took part in Game Basket Ball. Foot Ball. Athletics

Actinity in which he Participated (1) Shooting. Athletics

(2) NIL

He left the school on 16-4-84

Prepared by A.H. Babar

Dated 13-8-84

Headmaster,
Govt; High School, No. 5,
D.I.Khan.

Roll No ((26)) /BTI/ 90

Date 16..09..1992.

Bhatty Typewriter Institute

Dera Ismail Khan

CERTIFICATE

(For Practical Training in Typewriting)

Certified that Mr: Mohammad Riaz .....

Son of Mr: Allah Bakhsh.....

and a resident of Mohallah Wingrigran Wala Tehsil and District Dera Ismail Khan.

Has successfully completed the Practical Training in Typewriting From this Institute

w.e.f. 01--03--1990. to 31--05--1990

He acquired the speed of (((THIRTY/30)) NIGHT SHIFT, words per minute

Signature of Trainee

Note:- The stability of speed is subject to continuous practice in Typewriting

M A Bhatti
Principal

P (13)

Attested

بسم اللہ الرحمٰن الرحیم

رجسٹریشن نمبر 94-این ڈی این-0221

نمبر شمار 94706

رول نمبر 6691744 سی

علامہ اقبال اوپن یونیورسٹی اسلام آباد

سمسٹر خزاں 1997ء

تصدیق کی جاتی ہے کہ محمد ریاض بن/بنت اللہ بخش

ساکن صوبہ سرحد نے **پرائمری ٹیچر سرٹیفکٹ** مندرجہ ذیل کورسز پاس کر کے حاصل کیا ہے۔

کوڈ	کورس	حاصل کردہ نمبرز	کوڈ	کورس	حاصل کردہ نمبرز
611	ورکشاپ و تدریسی مشق	38	617	تدریس اردو	70
613	اصول تعلیم	70	618	تدریس ریاضی	64
614	تعلیمی نفسیات	55	619	تدریس سائنس و جسمانی تعلیم	56
615	تنظیم مدرسہ	72	620	تدریس اسلامیات و معاشرتی علوم	56
616	سکول کمیونٹی اور عملی فنون	56			900/587

طالب علم نے مجموعی طور پر پی ٹی سی پروگرام میں 65 فیصد نمبر اور سی گریڈ میں کامیابی حاصل کی۔

اسلام آباد

مورخہ 25 اگست 1998ء

کنٹرولر امتحانات

(یہ سند بغیر کسی نشان و تنسیخ کے جاری کی گئی)

DOMICILE CERTIFICATE

P (14)

Son / Daughter

hereby declare that I was born of parents who are permanently domiciled in North-West Frontier Province having been born / settled* in this Province.

I was born at Village / Mohallah _____ Khalid city

Tehsil D. I. Kha District Dera Ismail Khan

Attested

Muhammad Riaz
Signature of the applicant
Dated :- 2-9-84

Pursuance to the declaration dated 2-9-84 filed by Mr/Miss Muhammad Riaz Son/Daughter Allah Bakhsh domiciled in North-West Frontier Province it is hereby certified that the said Muhammad Riaz [illegible] born of parents who are permanent residents of the North-West Frontier [illegible] having been born / settled* within it.

I have satisfied myself from [illegible] knowledge / verification* that the above declaration is true and I certify accordingly.

This 2nd day of Sept 19 84

Done

MAGISTRATE Ist CLASS

Seal

COUNTERSIGNED

DISTRICT MAGISTRATE
Dera Ismail Khan.

Seal

I have varified the contents personally and attested
21/8/84
Chairman,
Municipal Committee
D.I KHAN

NO: 10995/HC
dt: 15/9/84

*Strike out which ever is not applicable

I know Mohammad Riaz S/o Allah Bakhsh personally. He is permanently resident of D.I. Khan.
Azam Aziz
Advocate
29/8/84.

PRINTED AT NEWS D. I. KHAN

Attested

Annex-VI

P(15)

FINAL SENIORITY LIST OF CLASS-IV STAFF WORKING IN PHSA & HS NETWORK 2011

S.No.	NAME	FATHER NAME	BPS.	DESIG.	DATE OF BIRTH	DOMICILE	DATE OF APPOINT.	DATE OF ARRIVAL IN PHSA.	QUALIF.	PRESENT POSTING	REMARKS
1	Mr. Fazal Akbar	Mian Hilal	02	Chowk	06/01/1960	Swat	01/07/1980	27/03/2000	Matric	SON Swat	
2	Mr. Alam Khan	Hakim Shah	02	N/Qasid	06/01/1963	Karak	30/01/1981	25/08/2000	Matric	DHDC Bannu	
3	Muhammad Riaz	Allah Bakhsh	02	Cook.	15/01/1966	DIKhan	06/10/1990	07/10/1990	F.A.	PHS DIK.	
4	Ali Rehman	Faza Gul	02	N/Qasid	13/01/1971	Swat	26/01/1991	10/03/2000	Matric	DHDC Swat	
5	Mr. Javed Khan	Niqab Khan	02	N/Qasid	06/10/1971	Peshawar	02/05/1992	03/05/1992	Matric	PGCN B/Abad	
6	Mr. Sahib Jamal.	Gul Rehman.	02	N/Qasid	21/10/1971	Peshawar.	01/06/1994	01/06/1994	Matric	PGCN B/Abad	
7	Mr. Yasir Habib.	Habib Ullah Malik	02	N/Qasid	05/04/1976	D.I.Khan.	28/06/1994	28/06/1994	Matric	PHS DIKhan	
8	Shahid Waseem.	M. Salman.	01	Sweeper.	05/03/1971	Abbottbad	25/09/1994	25/09/1994	Matric	PHS ATD.	
9	Haji Mohammad	Tawab Khan.	02	Cook.	23/12/1969	Peshawar.	30/08/1997	27/09/2003	Matric	PGPI, LRH.	
10	Mohammad Sultan.	Malik Aman.	03	Ward Boy.	23/10/1975	Mansehra.	26/09/1998	24/09/2011	Matric	PIMT ATD	
11	Naeem Ullah Jan.	Nazir Jan.	02	N/Qasid	01/05/1974	Peshawar.	26/03/1999	26/03/1999	Matric	SON, HMC	
12	Mr. Qadir Khan.	Bader Khan.	02	N/Qasid	04/02/1978	Peshawar.	26/03/1999	26/03/1999	Matric	PHSA.	
13	Khan Bahader.	Abdul Hanan.	02	N/Qasid	02/04/1963	Nowshera	21/06/1999	21/06/1999	Matric	PHSA.	
14	Mulazim Hussain.	Shah Nawaz	02	N/Qasid	01/07/1971	DIKhan.	23/11/1999	23/11/1999	Matric	PIMT DIKhan	
15	Kishan Chand.	Chand.	01	Sweeper	15/12/1980	Swat.	01/01/2000	01/01/2000	Matric	DHDC Swat	
16	Shahid Mehmood.	Alla Wa aya.	02	Bearer.	24/04/1984	DIKhan.	12.05/2004	27/12/2005	Matric	PIMT D.I.Khan	
17	Mr. Fayaz Gul.	Gul Hayat.	01	M.sweeper	14/08/1977	Peshawar.	01/07/2004	01/07/2004	F.A.	PHS.A.	
18	Mohammad Tariq	Misri Khan	02	N/Qasid	28/08/1981	Peshawar	09/03/2005	09/03/2005	Matric	PHSA	
19	Munsif Ali.	Farzand Ali.	01	N/Qasid.	10/04/1985	Mardan.	09/04/2007	09/04/2007	Matric	DHDC Mardan	
20	Hasham Ali.	Sharif Ullah.	01	Bearer.	15/02/1988	Mardan	25/06/2007	26/06/2007	Matric	SON Mardan	
21	Shaukat Ali.	Mohd Akbar	01	Chowkidar	01/12/1983	Swat.	21/08/2007	21/08/2007	Matric	SON Swat	
22	Hafeez-ur-Rehman.	Ubaid Khan.	01	Chowkidar.	02/03/1978	Chitral.	28/06/2008	28/06/2008	Matric	DHDC Chitral	
23	Shah Faisal.	Wasa Khan.	01	Sweeper.	12/04/1988	Mardan.	21/06/2008	25/06/2008	Matric	DHDC Mardan	
24	Hameed Hussain.	Gul Zamir.	01	Chowkidar.	14/04/1987	Mardan.	21/06/2008	27/06/2008	Matric	SON Mardan	
25	Riaz Khan.	Janas Khan.	01	Mali.	04/04/1989	Peshawar.	21/06/2008	21/06/2008	F.A.	PHS N/Abad	
26	Massaud-ur-Rehman	Shahab-ud-din.	01	Chowkidar.	12/10/1988	DIKhan.	01/07/2008	01/07/2008	Matric	SON DIKhan	
27	Mohammad Ali.	Gulab Shah.	01	Chowkidar.	08/03/1982	Swat	03/11/2008	03/11/2008	Matric	SON Swat	
28	Mohd Farooq.	Said Khan	01	Chowkidar.	20/04/1968	Peshawar	06/06/2009	06/06/2009	M.A Arabic	PHS N/Abad	
29	Shahid Ali	Shoukat Ali	01	Chowkidar.	05-01-1975	Peshawar	13/10/2009	14/10/2009	Matric	PGCN	
30	Ismail Khan	Shahbaz Khan	01	Mali.	02/01/1976	Peshawar.	13/10/2009	14/10/2009	Matric	PGCN	
31	Rohul Amin.	Mohd Amin.	01	Bearer.	16/03/1983	Peshawar.	13/10/2009	14/10/2009	Matric	PGCN	
32	Yasir Ali.	Ayaz Khan.	01	Cook.	03/06/1984	Peshawar.	13/10/2009	14/10/2009	Matric	PGCN	
33	Waseem Bhatti.	Mushtaq Bhatti.	01	Chowkidar.	27/09/1983	DIKhan.	23/10/2009	23/10/2009	Matric	PIMT DIKhan	
34	Mohammad Usman	Mohd Nawaz	01	Chowkidar.	29/03/1973	Mardan.	24/03/2010	24/03/2010	Matric	DHDC Swat	
35	Ghafoor Ahmed.	Musharaf Khan.	01	Sweeper.	06/04/1979	Chitral.	01/04/2010	01/04/2010	Matric	DHDC Chitral	
36	Murtaza Ali	Shafiq Hussain.	01	Chowkidar.	01/10/1984	Kohat.	24/04/2010	06/05/2010	B.A.	SON Kohat	
37	Humayun Khan.	Fazal Khaliq	01	N/Qasid	02/01/1967	Peshawar	16/03/2011	16/03/2011	Matric	PHS N/Abad	
38	Mohammad Jehan.	Sultan Mohd.	01	Sweeper	02/03/1969	Mardan.	21/03/2011	24/03/2011	F.A.	SON Kohat	
39	Ihsan Khan.	Agha Jan	01	Chowkidar.	02/03/1978	Peshawar.	21/03/2011	21/03/2010	Matric	PHSA.	
40	Sultan Ali	Umar Khan.	01	N/Qasid.	03/04/1985	Nowshera	11/07/2011	11/07/2011	Matric	PHSA	

DIRECTOR
Health Services Academy
Department of Health
Peshawar Pakhtunkhwa

Attested

P (16)

SENIORITY LIST OF CLASS-IV STAFF WORKING IN PHSA AND ITS ALLIED NETWORK

S. NO	NAME	FATHER'S NAME	BPS	DESIGNATION	DATE OF BIRTH	DOMICILE	DATE OF APPOINT-MENT	DATE OF ARRIVAL IN PHSA	QUALIFI-CATION	PRESENT POSTING	STRENGTH
1	Mr. Muhammad Riaz	Allah Bakhsh	2	Cook	15/1/1966	DIKhan	6/10/1990	7/10/1990	Matric F.A.	PHS DIKhan	1
2.	Mr. Yasir Habib	Habibullah	2	Naib Qasid	5/4/1976	DIKhan	28/6/1994	30/6/1994	Matric	PHS DIKhan	

PRINCIPAL
PUBLIC HEALTH SCHOOL
DERA ISMAIL KHAN

Attested

OFFICE OF THE PRINCIPAL
PUBLIC HEALTH SCHOOL
SHEIKH YOUSAF ROAD DIKHAN.

NO. 155 /PP

Dated DIK the 07/5/2004.

To. The Director
Provincial Health Services Academy
N.W.F.P. Peshawar.

Subject: PROMOTION.

Memo: Ref: your letter No.221P-32/M-30/Estt:/PHSA dated 17-4-2004.

It, is for your kind information that there are only two grade IV Servants in Public Health School D.I.Khan who have qualified differnt Examination. They are :-

1. Mr: Muhammad Riaz (Chowkidar)
2. Mr: Yasir Habib (Naib Qasis)

(1) Muhammad Riaz is working as Chowkidar since 10.10.1990

He has passed.

1. Matric. (2) F.A. (3) P.T.C. (Primary Teacher Certificate) Science
4) Typewriting Certificate.

(2) Mr: Yasir Habib is working as Naib Qasid from 28.6.1994

He has passed.

1. Matric (2) Technical Training Certificate (3) Typewriting Certificate.

Photo copies of the above Certificats of both Class IV Servants are attached for your kind consideration.

PRINCIPAL
PUBLIC HEALTH SCHOOL
D.I.KHAN.

Provincial Health Services Academy
Department of Health
Government of Khyber Pakhtunkhwa
Budhni Road Duranpur Peshawar
☎ 0912650861 / 2264718; Fax: 0912261249 / 2264717
E-mail: info@phsa.edu.pk
Website: www.phsa.edu.pk

Attested

(18)

Annex - IV

OFFICE ORDER.

Consequent upon the recommendation of Departmental Promotion Committee held on 09/05/2013 under the Chairmanship of Director PHSA Health Deptt: Khyber Pakhtunkhwa Peshawar, the following Class-IV staff (Naib Qasid) (BPS-01) are hereby promoted to Junior Clerk (BPS-07) with immediate effect in the best interest of public services and posted as mentioned against each.

S.#.	NAME OF OFFICIALS.	FROM.	TO.	REMARKS.
1.	Mr. Sahib Jamal	PGCN Hayatabad.	PHSA Peshawar.	Adjusted against vacant post.
2.	Mr. Yasir Habib.	PHS D.I.Khan.	PHS D.I.Khan	Adjusted against vacant post.
3.	Mr. Qader Khan.	PHSA	School of Nursing KTH Peshawar.	Adjusted against vacant post.
4.	Mr. Naeem Ullah Jan.	PHSA.	PGCN Hayatabad.	Adjusted against vacant post subject to the withdrawal of the case or decision of court.
5.	Mr. Khan Bahader.	PHSA.	School of Nursing, LRH Peshawar.	

Note: Mr. Kashif Khan Junior Clerk (BPS-07) School of Nursing KTH Peshawar is hereby repatriated to Director General Health Services Khyber Pakhtunkhwa.

Sd/-
DIRECTOR,
PHSA, PESHAWAR.

No.F-28/PHSA/Admn:/Promotion/2012-13/ 3010-28. Dated 09 /05/2013.

Copy forwarded to:

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director General Health Services Khyber Pakhtunkhwa.
3. Deputy Director, (M) PHSA Peshawar.
4. Deputy Director, (HRD) PHSA Peshawar.
5. Course Director, PHSA Peshawar.
6. Principal, Public Health School DIKhan.
7. Principal, Post Graduate College of Nursing, Hayatabad Peshawa
8. Vice Principal, School of Nursing, LRH, KTH, Peshawar.
9. Accounts Officer, PHSA Peshawar.
10. District Comptroller of Accounts DIKhan.
11. P.S to Secretary Health Khyber Pakhtunkhwa Peshawar.
12. Administrative Officer, PHSA Peshawar.
13. All concerned officials.

9/5/2013

DIRECTOR

Attested

بخدمت جناب سیکرٹری صاحب ہیلتھ سروسز خیبر پختونخوا پشاور

بذریعہ جناب پرنسپل صاحب پبلک ہیلتھ سکول ڈیرہ اسمٰعیل خان

عنوان Representation / دیباد ٹمنٹل اپیل

Annex-V
P (19)

جناب عالی!

گذارش ہے کہ سائل پبلک ہیلتھ سکول میں بحیثیت کک
درجہ 1990-91 سے تعینات ہوا اور تاحال کک کی ڈیوٹی سر
انجام دے رہا ہے

یہ کہ سائل سینئر آدمی ہے اور سینیارٹی لسٹ میں سائل کا نام
سیریل نمبر 3 پر درج ہے جبکہ جونیئر آدمیوں کو جنکا سیریل نمبر
دیگر ہے کو ترقیاں دی گئی ہیں جبکہ ان کی تعلیم میٹرک اور
سائل کی تعلیم F.A ہے جبکہ غیر قانونی اور ناانصافی ہے

یہ کہ پیرامیڈیکل ٹریننگ سکول میں جونیئر کلرک کی اسامیاں خالی ہیں
برائے کرم سائل کو اپنی پوسٹوں پر ترقی دی جائے۔

گستاخانہ عرض ہے کہ سینیارٹی لسٹ کو مدنظر رکھتے ہوئے
سائل کی ترقی کے احکامات صادر فرما کر ممنون فرمائی جائے

ڈیرہ اسمٰعیل خان پبلک ہیلتھ سکول ڈیرہ اسمٰعیل خان

OFFICE OF THE PRINCIPAL PUBLIC HEALTH SCHOOL, DERA ISMAIL KHAN.

No. 159 / Dated 23-5-13

Forwarded in original and recommended the application of the applicant to your goodself for favour of necessary action please.

PRINCIPAL,
PUBLIC HEALTH SCHOOL,
D.I.KHAN.

Principal
Public Health School
Dera Ismail Khan

Copy of the above is forwarded to Secretary Health Services KPK Peshawar for necessary action please.

Attested

Annex-VI

P(20)

Provincial Health Services Academy

Department of Health
Government of Khyber Pakhtunkhwa
Budhni Road Duranpur Peshawar
☎ 0912650861 / 2264718; Fax: 0912261249 / 2264717
E-mail: info@phsa.edu.pk
Website: www.phsa.edu.pk

No.F-129/Admn:/SON DIK/2011-12/3664

Dated 10/ 06/2013.

To

The Vice Principal
Public Health School DIKhan.

Sub: APPLICATION AS JONIER CLARK.

Memo,

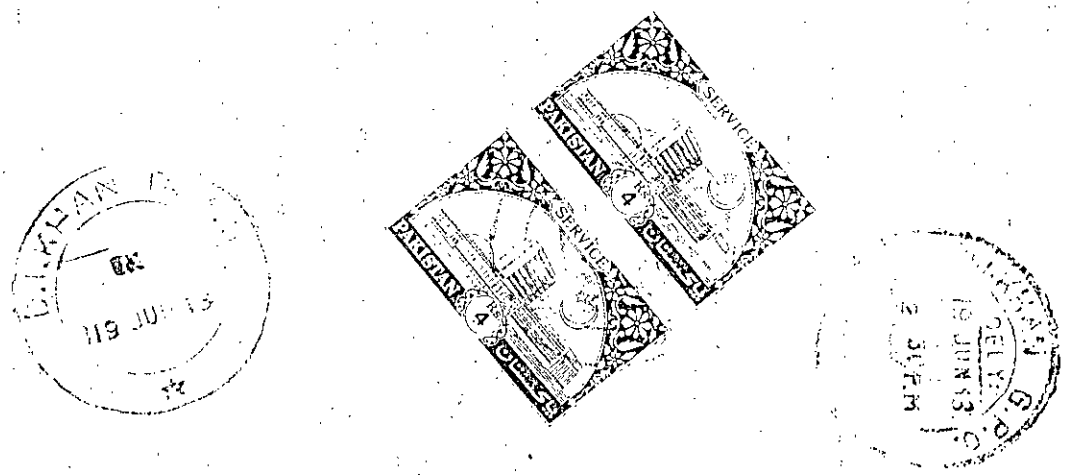
With reference your letter No.152/PHS DIK dated.17-05-2013 on the above noted subject.

You are hereby directed that inform the official concerned that the old seniority list of Class-IV employees were subjudiced in Peshawar High Court Peshawar. The seniority list of Class-IV employees of PHSA and its net work will be issued and circulated to all sub offices/PHSA net work for information.

DEPUTY DIRECTOR (M)
PHSA, PESHAWAR.

O.P.C.

Vice Principal,
School of Nursing.
Dera Town Ship D.I.Khan.



وکالت نامہ

P (21)

کورٹ فیس

قیمت ایک روپیہ

بعدالت جناب سروسز ٹریبونل کے پشاور

منجانب

بنام محمد ریاض گورنمنٹ ہیڈ فتوا ایگزیکٹو ہائیر

دعویٰ یا جرم

تفصیل دعویٰ یا جرم سروسز ٹریبونل

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے پیروی و جواب دہی برائے پیشی یا تصفیہ مقدمہ بمقام ڈیرہ اسماعیل خان کیلئے

محمد صدیق ایڈووکیٹ ڈیرہ اسماعیل خان

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے، کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص روبرو عدالت حاضر ہوتا رہوں گا۔ اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کروں گا، اگر پیشی پر مظہر حاضر نہ ہوا۔ اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا۔ تو صاحب موصوف اسکے کسی طرح ذمہ دار نہ ہوں گے، نیز وکیل صاحب موصوف صدر مقام کچہری کے علاوہ کسی جگہ یا کچہری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام کچہری کے علاوہ کسی جگہ یا کچہری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے۔ اور مقدمہ صدر کچہری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا کچہری کے اوقات کے آگے پیچھے پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اُس کے ذمہ دار یا اُس کے واسطے کسی معاوضہ کے ادا کرنے یا ہرجانہ واپس کرنے کے بھی موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پرداختہ صاحب موصوف مثل کردہ ذات خود منظور و قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ، یا جواب دعویٰ یا درخواست اجرائے ڈگری و نظر ثانی اپیل نگرانی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کرانے اور ہر قسم کا روپیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور اُس پر ثالثی یا راضی نامہ و فیصلہ بر حلف کرنے، اقبال دعویٰ کا بھی اختیار ہوگا۔ اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مذکورہ بیرون از کچہری صدر پیروی مقدمہ مذکورہ نظر ثانی و اپیل و نگرانی و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ یا درخواست حکم امتناعی یا قرقی یا گرفتاری قبل از فیصلہ اجرائے ڈگری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ محنتانہ پیروی کا اختیار ہوگا اور تمام ساختہ پرداختہ صاحب موصوف مثل کردہ ذات خود منظور و قبول ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اسکے کسی جزو کی کاروائی یا بصورت درخواست نظر ثانی اپیل یا نگرانی یا دیگر معاملہ مقدمہ مذکورہ کسی دوسرے وکیل یا بیرسٹر کو اپنے بجائے یا اپنے ہمراہ مقرر کریں۔ اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے، جیسے صاحب موصوف کو حاصل ہیں، اور دوران مقدمہ میں جو کچھ ہرجانہ التواء پڑیگا، وہ صاحب موصوف کا حق ہوگا۔ مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

لہذا وکالت نامہ لکھدیا ہے۔ تاکہ سند رہے

مورخہ 21 ماہ اگست 2013ء

مضمون وکالت نامہ سُن لیا ہے۔ اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

العبد العبد العبد

محمد ریاض

قریشی فوٹوسٹیٹ ضلع کچہری ڈیرہ اسماعیل خان

وکالت نامہ

قیمتی ایک روپیہ

کورٹ فیس

Before Honourable K.P.K Services Tribunal Pesh.

Appellant منجانب

Mohammad Riaz بنام Govt of K.P.K etc

دعوی یا جرم

Service Tribunal Appeal تفصیل دعوی یا جرم

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے پیروی وجواب دہی برائے پیشی یا تصفیہ مقدمہ بنام P.I. Khan کیلئے

MR. Saree ul Ehsan Adv/ Dil Awaiz Baloch Adv

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا بذریعہ رو برو عدالت حاضر ہوتا رہوں گا اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام کچہری کے علاوہ یا کچہری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر کچہری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا کچہری کے اوقات کے آگے یا پیچھے پیش ہونے پر مظہر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا محنت نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے مجھ کو کل ساختہ پرداختہ صاحب موصوف مثل کردہ ذات خود منظور وقبول ہو گا اور صاحب موصوف کو عرض دعوی یا جواب دعوی یا درخواست اجراء اسمائے ڈگری نظر ثانی اپیل نگرانی و ہر قسم درخواست ہر قسم کے بیان دینے اور پر ثالثی یا راضی نامہ و فیصلہ برحلف کرنے اقبال دعوی کا بھی اختیار ہو گا اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مزکور بیرون از کچہری صدر پیروی مقدمہ مزکور نظر ثانی اپیل ونگرانی و برآمدگی مقدمہ یا منسوخی ڈگری یک طرفہ یا درخواست حکم امتناعی یا قرقی یا گرفتاری قبل از فیصلہ اجرائے ڈگری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ محنانہ پیروی کا اختیار ہو گا اور تمام ساختہ پرداختہ صاحب موصوف مثل کردہ از خود منظور و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو کہ مقدمہ مزکورہ یا اس کے کسی جزو کی کاروائی یا بصورت درخواست نظر ثانی اپیل نگرانی یا دیگر معاملہ و قدمہ مذکورہ کسی دوسرے وکیل یا بیرسٹر کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا وہ صاحب موصوف کا حق ہو گا مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی پروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

لہٰذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے

مورخہ 30 ماہ Sept. 2014

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے

العبد العبد العبد

Accepted by

Saree Ul Ehsan Baloch Advocate Distt: Bar, D.I.Khan

Accepted by

Dil Awaiz Ehsan Baloch Advocate Distt: Bar, D.I.Khan

Adv.

M. Riaz (Appellant)

وکالت نامہ

قیمتی ایک روپیہ

کورٹ فیس

Before The Honourable (KPK) Service Tribunal Peshawar Camp D.I.Khan

Respt: No. 5 (Yasir Habib)

Muhammad Riaz Vs Govt: of KPK etc

دعوی یا جرم

Service Appeal

تفصیل دعوی یا جرم

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے پیروی و جواب دہی برائے پیشی یا تصفیہ مقدمہ بنام D.I.Khan کیلئے

Muhammad Abdullah Baloch AHC/Muhammad Yasir Zakria Baloch AHC/Muhammad Abid AHC

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ روبرو عدالت حاضر ہوتا رہوں گا اور وقت پکارے جانے مقدمہ کے وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام کچہری کے علاوہ یا کچہری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر کچہری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا کچہری کے اوقات کے آگے یا پیچھے پیش ہونے پر مظہر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا ہرجانہ نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے مجھ کو کل ساختہ پرداختہ صاحب موصوف مثل کردہ ذات خود منظور و قبول ہو گا اور صاحب موصوف کو عرض دعوی یا جواب دعوی یا درخواست اجراء اسمائے ڈگری نظر ثانی اپیل نگرانی و ہر قسم درخواست ہر قسم کے بیان دینے اور پر ثالثی یا راضی نامہ و فیصلہ برحلف کرنے اقبال دعوی کا بھی اختیار ہو گا اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مزکور بیرون از کچہری صدر پیروی مقدمہ مزکور نظر ثانی اپیل و نگرانی و برآمدگی مقدمہ یا منسوخی ڈگری یک طرفہ یا درخواست حکم امتناعی یا قرقی یا گرفتاری قبل از فیصلہ اجرائے ڈگری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ محنتانہ پیروی کا اختیار ہو گا اور تمام ساختہ پرداختہ صاحب موصوف مثل کردہ از خود منظور و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو کہ مقدمہ مزکورہ یا اس کے کسی جزو کی کارروائی یا بصورت درخواست نظر ثانی اپیل نگرانی یا دیگر معاملہ مقدمہ مذکورہ کسی دوسرے وکیل یا بیرسٹر کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہرجانہ التواء پڑے گا وہ صاحب موصوف کا حق ہو گا مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی پروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

لہٰذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے

مورخہ 30 ماہ Sept: 2014

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے

العبد

یاسر حبیب — مسئول علیہ 5

Yasir

Accepted

Advocate

Accepted

حسین کا پیر سنٹر اندرون سپن زر مارکیٹ بالمقابل جانز ہوٹل ڈیرہ اسماعیل خان فون: 714812

KPK SERVICE TRIBUNAL PESHAWAR,

BEFO

DIKHAN CAMP.

In STA No. 1315/2013

Muhammad Riaz VERSUS Govt. of KPK etc

INDEX

S.No.	Description of document	Annexure	Pages
1.	Parawise reply		1-6
2.	Copy of computer certificate	A	7
3.	Copy of Notification No. GAD/2-68/99 dated 31.08.1999.	B	8-10
4.	Copy of Organgram	C	11
5.	Copy of Writ petition No.1713/2011 and other documents	D	12-24
6.	Copy of seniority lists.	E	25-26
7.	Copy of Move over order of appellant		27

Advocate

26.10.2015 Counsel for respondents No. 5

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR,

DIKHAN CAMP.

In STA No. 1315/2013

Muhammad Riaz VERSUS **Govt. of KPK etc**

WRITTEN REPLY ON BEHALF OF RESPONDENTS NO. 5 (YASIR HABIB).

Respectfully Sir;

Parawise comments/reply on behalf of respondents 5 are as under:-

PRELIMINARY OBJECTIONS

a. That appellant has got no cause of action and locus standi in the matter.

b. That appeal is time barred. Appeal is silent as when appellant made departmental representation and when to file present appeal. Appeal is not supported by any application for condonation of delay. Appeal is not compitent in form as drafted.

c. That the appeal is time barred as the appellant has not challenged the seniority list of 2007.

d. That appellant is estopped by alleged representation as neither promotion nor promotion order has been impugned/challenged in the said representation. The appellant is under bar to raise such controversy is his appeal.

e. That appeal is bad for misjoinder and non-joinder of parties.

f. That appellant is overage.

g. That appeal is not supported by any affidavit and appellant has not affixed court fee with the appeal. Appeal is liable to be dismissed.

h. That appellant has not come to the court with clean hands. Appellant has neither challenged any seniority list previously nor the present lists which were submitted before Honourable Peshawar High Court and promotion order of respondent No.5 is based on the decision of Worthy High Court.

i. That after getting knowledge that the seniority lists and promotion matters of class-IV employees of PHSA are pending before worthy Peshawar High Court, Peshawar, the appellant should have join the proceedings in HC. He has been slept over since long and now challenged the seniority list. On this score also the instant appeal is liable to be dismissed.

REPLY ON FACTS

1. The Para is not related to answering respondent.
2. That Para No. 2 relates to record. However, burdon lies upon appellant.
3. That Para No.3 relates to record. However, burdon lies upon appellant.

4. Correct. The answering respondent was eligible, fit and compitent for promotion as he is S.S.C and possesses computer skill. Copy whereof is Annexed as **"Annexure-A"**

5. That appellant has concealed true facts. The PHSA is attached department with the provincial Health department. PHSA was declared as attached department vide Notification No. SO (O and M)s and GAD/2-68/99 dated 31.08.1999. (Annexure-B). As attached department, a separate directorate was established for PHSA headed by its own director amending the rules of business 1985 dated 31 August, 1999. PHSA as an attached department pertains the affairs and conduct of 05 DHDC, 09 Nursing schools, 03 Paramedical institutes (PIMT), 04 Public health schools, 01 PGPI, 01 PGCN.(Copy of organogram is annexed as Annexure-C). The appellant was transferred to Distt: TB control office D. I.Khan vide DDHS No. &075-81/E-11 dated 21.05.1997. According to rules his service book was also sent to TB control office which is not attached office of PHSA. Appellant was also granted move over From BPS-01 to 02 in TB control office in 1998. Till March 2000, the appellant remained there and could not be considered an employee of PHSA as after receiving moveover, he had been absorbed in TB control office. During this period list of staff of PHSA of D.I.Khan was sent to PHSA. In the year 2011, some servants of PHSA knocked the door of Honourable Peshawar High court in writ petition No. 1713/2011 and 3751/2010 wherein some of the final senioroty lists were presented and to resolve the controversy once for all, the PHSA departmental committee issued various promotions order and promotion order No.3010-28 dated 09.05.2013 was one of those. Consequently writ petitions were disposed off accordingly. Copies of writ petitions and final seniority lists are attached.

6. Incorrect in Toto. Hence denied. Detailed reply has been given in Para No. 4. Moreso, appeal is not compitent in its present form as is badly time barred.

GROUND-WISE REPLY

1. Incorrect. Appellant is overage and due to his absence from PHSA, his name was not included in list.
2. Incorrect. Not related to answering respondent.
3. Incorrect in Toto, hence not admitted. Higher qualification is not the rule of preference.
4. Incorrect, hence denied. Detailed reply above may please be reiterated. The petitioner has approached the wrong forum as the matter relates to factual controversy.
5. Need no reply.

It is, therefore, humbly requested that appeal of the appellant may kindly be dismissed with caste.

Your humble

Yasir Habib
Respondent No.5

Through Counsel

Advocate

Muhammad Abdullah
Baloch Advocate
High Court

VERIFICATION

Verified that all the contents of the reply are true and correct to the best of my knowledge and belief.

26.10.2015

respondent No.5

Annexure- A (7)

HAMD GROUP OF EDUCATION SYSTEM

Registered with

SKILL DEVELOPMENT COUNCIL

(National Training Board) Peshawar

Education Department NWFP

Pakistan Software Export Board Islamabad

S. No. 004761

Reg No. HGES/SDC-5632

CERTIFICATE

This is to certify that

Mr/Mrs/Miss YASIR HABIB

Son/daughter of HABIB ULLAH

of DISTT: D.I.KHAN

successfully completed special training course IT ADVANCE DIPLOMA (BASIC)

held at NATIONAL ISLAMIC COMPUTER CENTER D.I.KHAN

from 01/06/2013 *to* 31/08/2013

Marks obtained 147/300 (SUPPLY)

In recognition thereof this certificate of issued

On 22nd *day of* NOVEMBER-2013

DIRECTOR

HAMD GROUP OF EDUCATION SYSTEM SEAL

CHAIRMAN
HAMD Group

Attested copy

"Annex-B"

8

GOVERNMENT OF N.W.F.P.
SERVICES & GENERAL ADMIN. DEPARTMENT
(GAD WING)

NOTIFICATION

Dated Peshawar, the 31st August, 1999.

NO.SO(O&M)SGAD/2-60/99:- Notwithstanding with the recommendations of the Committee constituted for review of the NWFP Government, Rules of Business 1985, the Competent Authority is pleased to make the following amendment in the NWFP Government, Rules of Business 1985, namely:-

AMENDMENT

In Schedule-I, the following new entries below Column 3 & 4 shall be inserted, after the existing entries against S.No.6:-

1.	Provincial Health Services Academy.	Director Provincial Health Services Academy.

CHIEF SECRETARY
GOVERNMENT OF N.W.F.P.

Endst No.SO(O&M)SGAD/2-60/99. Dated 31st August, 1999.

Copy to:-

1. All Administrative Secretaries to Govt. of NWFP.
2. Secretary to Governor, NWFP.
3. Secretary to Chief Minister, NWFP.
4. All Commissioners in NWFP.
5. All Heads of Attached Departments in NWFP.
6. Registrar, Peshawar High Court, Peshawar.
7. Registrar, Services Tribunal, NWFP, Peshawar.
8. Secretary, NWFP Public Service Commission, Peshawar.
9. Director, Anti-Corruption Establishment, NWFP, Peshawar.
10. Secretary, Provincial Inspection Team, NWFP, Peshawar.
11. Secretary, Provincial Assembly, NWFP, Peshawar.
12. Special Judge, Anti-Corruption, NWFP, Peshawar.
13. Private Secretary to Chief Minister.
14. All Deputy Commissioners/Political Agents, NWFP.
15. Private Secretaries to Provincial Ministers.
16. Private Secretary to Chief Secretary, NWFP.

No. 3667
Date 08-9-99

Contd....P/2

Attested to be True

Attested

ATTESTED

17. Private Secretary to Secretary S&GAD, NWFP.
18. Additional Secretaries/All Deputy Secretaries in S&GAD.
19. All Section Officers/Estate Officer in S&GAD.
20. Computer Programmer, S&GAD.
21. Librarian, S&GAD.
22. Manager, Government Printing Press, Peshawar for publication in the next official Gazette. 50 copies of the Gazette notification when published may kindly be sent to this Department.

(ABDUL JABBAR)
SECTION OFFICER (O&M).

Attested to be True

ATTESTED

59

10

GOVERNMENT OF NWFP
SERVICES AND GENERAL ADMN.DEPARTMENT

NOTIFICATION

Dated Peshawar 31st August, 1999

NO.SO (O AND M) S AND GAD/2-68/99. Notwithstanding with the recommendations of the Committee constituted for review of the NWFP Government, Rules of Business 1985, the competent authority is pleased to make the following amendment in the NWFP Government, Rules of Business 1985 namely.

AMENDMENT

In schedule-I the following new entries below column 3 and 4 shall be inserted, after the existing entries against S.NO.8

Provincial Health Services Academy	Director Provincial Health Services Academy

CHIEF SECRETARY
Government of NWFP

Endst. No. SO (O and M) S and GAD/2-68/99 Dated 31 August, 1999

Copy to.

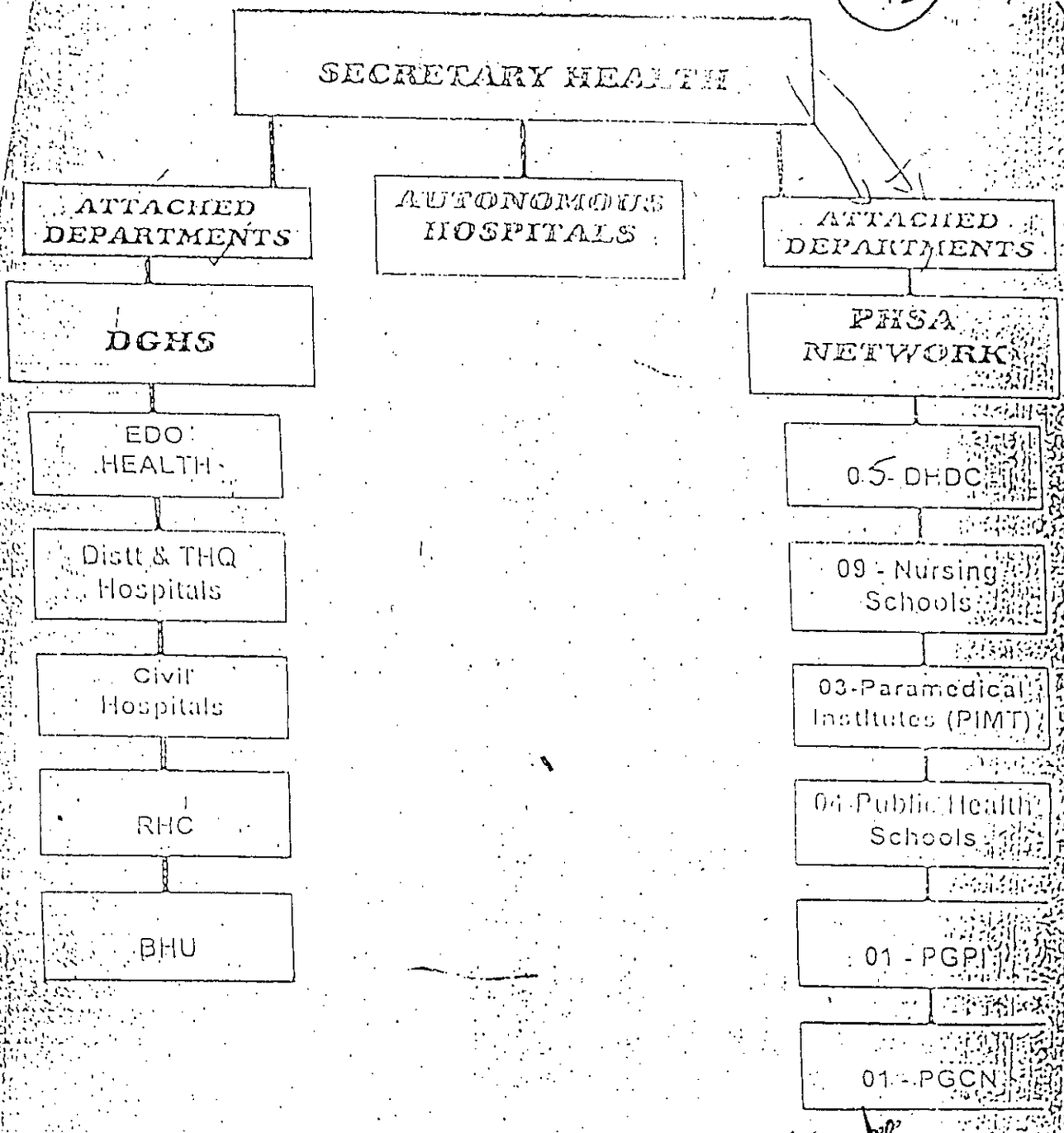
1. All Administrative secretaries to Govt. of NWFP
2. Secretary to Governor, NWFP
3. Secretary to Chief Minister, NWFP
4. All Commissioners in NWFP
5. All Head of Attached Departments of NWFP
6. Registrar Peshawar High Court, Peshawar
7. Registrar, Services Tribunal, NWFP, Peshawar
8. Secretary, NWFP Public Service Commission
9. Director, Anti Corruption Establishment, NWFP Peshawar
10. Secretary, Provincial Inspection Team, NWFP, Peshawar
11. Secretary, Provincial Assembly, NWFP Peshawar
12. Special Judge, Anti Corruption, NWFP, Peshawar
13. Private Secretary to Chief Minister
14. All Deputy Commissioner/Political Agents NWFP
15. Private Secretaries to Provincial Ministers
16. Private Secretary to Chief Secretary, NWFP
17. Private Secretary to Secretary S AND GAD, NWFP
18. Additional Secretaries/All Deputy Secretaries in S and GAD
19. All section Officers/Estate Officers in S AND GAD
20. Computer Programmers, S AND GAD
21. Librarian, S AND GAD
22. Manager, Government Printing press, Peshawar for publication in the next official Gazette. 50 copies of the gazette to notification when published may kindly be sent to this department

Better copy

ATTESTED

Annex "C"

ORGANOGRAM



Attested to be true copy

ATTESTED

Annexure- D

BEFORE PESHAWAR HIGH COURT, PESHAWAR

W.P 1713 /2011

1. Khan Bahadar S/O Abdul Hanan
   R/O Kush Maqam
   Tehsil and District
   Nowshera

2. Naeem Ullah Jan S/O Nazeer Jan
   R/O Village Ghuseya lala
   Tarnab Farm
   Peshawar

3. Fayaz Gul S/O Gul Hayat
   R/O Manzoor Abad
   P.O Hargonee,Wadpaga
   Peshawar

4. Javed Khan S/O Niqab Gul Phase V, Block no 2, Near Public Service Commission
   PGCN Hayatabad, Peshawar .....**PETITIONERS**

Versus

1. Secretary Health
   Government of Khyber Pukhtoon Khawa
   Peshawar

2. Director
   Provincial Health Services Academy
   Budhni Road Duran Pur, Peshawar.....**RESPONDENTS**

FILED TODAY
Deputy Registrar
01 JUN 2011

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN

Respectfully Sheweth:

Peshawar High Court
26 FEB 2014

1. That petitioners are the employees of the Provincial Health Services Academy, which is an attached department of Health Department. PHSA was declared

PESHAWAR HIGH COURT, PESHAWAR.

FORM 'A'
FORM OF ORDER SHEET.

Date of Order	Order or other proceedings with signature of the Judge
1	2
16.5.2013	I.R.(N) with W.P. No.1713/2011. Present: Mr.Rehman Ullah Shah, Advocate, for the petitioners. Mr.Obaid Razzak Khan, AAG, alongwith Dr.Fakhr-ud-Din, Deputy Director, Management (BPS-19) Provincial Health Services Academy, Peshawar. *** **WAQAR AHMAD SETH, J.-** The latter produced the promotion orders of the petitioners which are placed on file and in view of which, this writ petition has become infructuous and disposed of accordingly. Announced 16.5.2013. JUDGE JUDGE Sd/- Waqar Ahmad Seth. J Sd/- Malik Manzoor Hussain. J

CERTIFIED TO BE TRUE COPY
Examiner
Peshawar High Court, Peshawar
Authorised Under Article 87 of
The Qanun-e-Shahadat Order 1984
26 FEB 2014

No. 13274
Date of Presentation of Application 26-02-14
No of Pages 2P
Copying fee /
Urgent Fee
Total 4.00
Date of Preparation of Copy 26-02-14
Date Given For Delivery 26-02-14
Date of Delivery of Copy 26-02-14
Received 16/5/13 17/5/13 Waqar

BEFORE PESHAWAR HIGH COURT, PESHAWAR

W.P No.....1713...../2011

Khan Bahadar S/O Abdul Hanan and Others .....PETITIONERS

Versus

Secretary Health and another..... **RESPONDENTS**

S.NO	Documents	Annexure	Pages
1	Writ and Interim Relief		01 – 04
2	Affidavit		05
3	Addresses of the parties		06
4	Notification dated 31 August 1999 with better copy	A	07 – 09
5	Rules	B	10 – 13
6	Organogram	C	14
7	Promotion Orders	D, D1	15 – 16
8	Order Sheet	E	17 – 19
9	Promotion Committee	F	20
10	Promotion order	G	21 – 22
11	Cancellation Order	H	23 – 24
10	Court fee		
11	Wakalatnama		

FILED TODAY
Deputy Registrar
04 JUN 2011

Petitioners

Through:

M. Ikram Khan
LL.M (UK)

& Rehman Ullah Shah
MA, LL.M

Advocates

FILED TODAY
Deputy Registrar
01 JUN 2011

RE-FILED TODAY
Deputy Registrar
03 JUN 2011

Ibn e Abdullah Law Associates
11 Azam Tower University Road
Peshawar 091-5702021
www.ibneabdullah.com

as an attach department of health through Notification No. SO(O AND M) S AND GAD/2-68/99 DATED 31-08-1999) A copy of notification is annexed herewith marked as **A**)

2. That as an attached department, a separate directorate was established for Provincial Health Services Academy headed by it own director amending the rules of business 1985 dated 31 August, 1999.

3. That the Government of Khyber Pakhtoonkhawa previously known as NWFP through notification dated 24/03/2009 has laid down the method of recruitment, qualification and other conditions applicable to the posts in Provincial Health Services Academy. It clearly mentions that in case of any posts in PHSA, these are to be filled through transfer/deputation from existing staff of Health, if not available than initial recruitment.(a copy of the notification is annexed herewith marked as **B**)

4. That Provincial Health Services Academy as an attached department looks/keep an eye over the affairs and conduct of 05 DHDC.09 Nursing Schools,03 paramedical Institutes(PIMT) 04 Public Health Schools, 01 PGPI AND 01 PGCN(A copy of the organ gram is annexed herewith marked as **C**)

5. That the respondents advertised various posts in Provincial Health Services Academy, while on other hand rules clearly mentions that vacant positions are to be filled from among the employees within the Health Department. Petitioner along with others filed a writ petition by taking the plea that initial recruitment cannot to be carried out as being the employees of PHSA; they are to be considered for promotion. This Hon'ble court was pleased to grant interim relief to the petitioners with a direction not to carry out initial recruitment.

6. That during the pendencey of the writ petition respondents promoted Mr. InamUllah, Jan Alam and Mr. Bashir Ahmad to BPS-7, Mr. Salat Khan, while the remaining now petitioner No.1 and 2 were not promoted to BPS-7.(A copy of the promotion orders are annexed herewith marked as annexure D & D-1)

7. That during the proceedings respondents were asked regarding the status of petitioners and why are they not promoted while other were promoted,

respondents requested for some time to see what can be done regarding the remaining two respondents namely, Khan Bahadar and Naeem Ullah.(Copies of the order sheets are annexed here with marked as E- E-2)

8. That a Departmental/Internal Promotion Committee was constituted for the promotion of the Class (IV) for BPS-01/02 to BPS-07 with immediate effect. The committee had the following members (a) Director Provincial Health Services Academy (b) Course Director (PHSA) (C) Account Officer (PHSA) AND Admin Officer.(A copy of the Order is annexed herewith marked as F)

9. That the Departmental Promotion Committee promoted Petitioners from BPS-02 to BPS-07 against the existing vacant posts within Provincial Health Services Academy. A copy of the office order dated 13th May 2011 annexed herewith marked as G)

10. The petitioners took charge in their respective positions, almost worked for at least two weeks when a order was received from respondent No.1 Dated 28th May 2011 canceling the promotions of the petitioners with immediate effect by quoting " Being subjudice in Peshawar High Court and also not in accordance with prescribed manner" the order are cancelled.(A copy of the order is annexed herewith marked as H)

11. That feeling aggrieved from the said order and no other alternate remedy, the petitioners prefers this instant appeal, inter alias, on the following grounds.

Grounds:

a. That three other employees of the Provincial Health Service Academy were also promoted during the pendency of Writ Petition, and they are still working on their promoted positions while the petitioners order was cancelled while the rules clearly makes it mandatory upon the respondents to transfer/depute employees from among health department keeping in view their seniority list available before them. Unfortunately this principle was not followed in the instant case.

b. That the action so undertaken by the respondents No.1 to 2 is highly illegal and without any legal, plausible and cogent reasons. Such actions are always discouraged by the superior courts.

c. That respondents No.1 had not authority to cancel the said promotion orders in case the orders were not in accordance with the rules, such orders were to be send back to the departmental promotion committee with reservations regarding the said promotions.

d. That the respondents are following the principle of nepotism and favoritism which is clear violation of Article 25 of the Constitution of Islamic republic of Pakistan.

e. That respondent was bound by rules so framed by the Government but rather rules were not followed in the case with sole intention to recruit their own people.

PRAYER

It is, therefore, most humbly prayed that impugned order dated 28th May 2011 may kindly be set aside and Order dated 13th May 2011 along with order dated 14th May 2011 may kindly be restored.

Any other remedy deemed proper may also be allowed.

INTERIM RELIEF

THAT Order dated 28th May 2011 of respondent No.1 may kindly be suspended till the final disposal of the instant writ petition.

Certificate

Certified that no such petition on the subject has earlier been filed by the petitioner before the Hon'ble Court

Law Books:

1. Constitution of Islamic Republic of Pakistan,1973
2. Civil Servants Act,1973
3. Any other relevant Books

FILED TODAY
Deputy Registrar
01 JUN 2011

Petitioners

Through: M. Ikram Khan & Rehman Ullah Shah
LL.M (UK) MA, LL.M
Advocates

BEFORE PESHAWAR HIGH COURT, PESHAWAR

W.P No.....1713...../2011

Khan Bahadar S/O Abdul Hanan.....PETITIONERS

Versus

Secretary Health and another.....RESPONDENTS

AFFIDAVIT

I, Khan Bahadar S/O Abdul Hanan do hereby solemnly affirm and declare on oath that the contents of the accompanying ~~[illegible]~~ are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Hon'ble Court.

Deponent

17201-5363862-7

Identified by:

M. Usman Khan

Advocate

No:...12652.....
Certified that the above was verified on solemn affirmation before me in office, this.....31st day of.....May..... 2011 by.....Khan Bahadar s/o.....Abdul Hanan r/o.....Nowshera who was identified by.....Muhammad Usman.....Adv. Who is personally known to me:

31/5/11

Oath Commissioner
Peshawar High Court, Peshawar.

FILED TODAY
Deputy Registrar
01 JUN 2011

18

BEFORE PESHAWAR HIGH COURT, PESHAWAR

W.P No.....1713...../2011

Khan Bahadar S/O Abdul Hanan and Others..... **PETITIONERS**

Versus

Secretary Health and Another.....**RESPONDENTS**

MEMO OF ADDRESSES

PETITIONERS

1 Khan Bahadar S/O Abdul Hanan
R/O Kush Maqam
Tehsil and District
Nowshera

2. Naeem Ullah Jan S/O Nazeer Jan
R/O Village Ghuseya lala
Tarnab Farm
Peshawar

3. Fayaz Gul S/O Gul Hayat
R/O Manzoor Abad
P.O Hargonee,Wadpaga
Peshawar

4. Javed Khan S/O Niqab Gul
PGCN Hayatabad
Peshawar

RESPONDENTS

Secretary Health
Government of Khyber Pukhtoon Khawa
Peshawar

Director
Provincial Health Services Academy, Peshawar
Budhni Road Dawood pur, Peshawar

Petitioners

Through

Advocates

GOVERNMENT OF N.-W.F.P.
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT
(ESTABLISHMENT WING)

OFFICE OF THE C.C. W.F.P.
NWFP PESHAWAR
RECEIPT NO: 202
DATE: 02/2/09

NOTIFICATION

Peshawar, dated the 04th February, 2009.

NO. SOE-II(E&AD)1-8/2008. - In pursuance of the provisions contained in sub-rule [illegible] of Rule 3 of the North-West Frontier Province Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, the Establishment and Administration Department, in consultation with the Finance Department, hereby directs that in this Department's Notification No. SOR II(S&GAD)4-2/[illegible] dated 8th June, 1988, the following further amendments shall [illegible], namely :

AMENDMENTS

In the Appendix, for the existing entries in columns No. 3, 4 and 5 against serial No. 7, the following shall be substituted in the respective columns, namely:

3	4	5
Secondary School Certificate or equivalent qualification from a recognized Board; and	18 – 30 years	a) Thirty-three per cent by promotion, from amongst Daftaries and Naib Qasids or other equivalent posts with two years service as such, who have passed Secondary School Certificate Examination; and
speed of 30 words per minute in typing.		b) Sixty-seven per cent by initial recruitment.

Note: For the purpose of promotion there shall be maintained a common seniority list of Daftaries and Naib Qasids etc. with reference to the dates of their acquiring the Secondary School Certificate.

Provided that:

i) if two or more officials have acquired the Secondary School Certificate in the same session, the official having longer service shall rank senior to other officials; and

ii) where a senior official does not possess the requisite experience at the time of filling up a vacancy, the official next junior to him possessing the requisite experience shall be promoted in preference of the senior official or officials.

SECRETARY TO GOVERNMENT OF THE
North-West Frontier Province
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT

.....page-2

Attested to be True Copy

Endst: No. SOE[illegible]D)1-8/2008 Peshawar, dated the 04th February, 2009

Copy forwarded to:

1. The Additional Chief Secretary, NWFP.
2. The Additional Chief Secretary FATA, Peshawar.
3. The Senior Member, Board of Revenue, N.-W.F.P.
4. All the Administrative Secretaries to Government of N.-W.F.P.
5. The Advocate General, NWFP, Peshawar.
6. The Registrar, Peshawar High Court, Peshawar.
7. The Secretary to Governor, N.-W.F.P.
8. The Principal Secretary to Chief Minister, N.-W.F.P.
9. All the Commissioners in NWFP.
10. All the Coordination Officers in N.-W.F.P.
11. All the Heads of Attached Departments in N.-W.F.P.
12. The Secretary, NWFP Public Service Commission, Peshawar.
13. The Director, Anti-Corruption Establishment, N.-W.F.P., Peshawar.
14. The Registrar, NWFP Service Tribunal, Peshawar.

(Syeda Tanzeela Sadafat)
Section Officer (E-III)

Endst: No. SOE[illegible]D)1-8/2008 Peshawar, dated the 04th February, 2009

Copy forwarded to:

1. The Secretary (Regulations), Establishment Department, GoNWFP.
2. The Staff Training Institute, E&A Department, Peshawar.
3. All the Secretaries in E&A Department, GoNWFP.
4. The Coordinator, Establishment Department.
5. All the Secretaries in E&A Department, GoNWFP.
6. All the Officers in E&A Department, GoNWFP.
7. The Secretary to Chief Secretary N.-W.F.P.
8. The Secretary to Secretary, Establishment Department, GoNWFP.
9. All the E&A Department.

(Syeda Tanzeela Sadafat)
Section Officer (E-III)

BETTER COPY

GOVERNMENT OF N.W.F.P.
ESTABLISHMENT & ADMINISTRATION DEPARTMENT
(ESTABLISHMENT WING)

NOTIFICATION

Peshawar, dated the 4th February 2009

No. SOE-II(S&GAD)1-8/2008 in pursuance of the provisions contained in sub-rule ___ of Rule 3 of the North-West Frontier Province Civil Servants (Appointment, Promotion & Transfer) Rules 1989, the Establishment and Administration Department, in consultation with the Finance Department, hereby directs that in this Departments Notification No. SOR-I(S&GAD)4-2/___ dated 8th June, 1988, the following further amendments shall make namely;

AMENDMENTS

In the Appendix, for the existing entries in columns No.3, 4 and 5 against serial No.7 the following shall be substituted in the respective columns, namely:

3	4	5
(i) Secondary School Certificate or equivalent qualification from a recognized Board; and (ii) A speed of 30 words per minute in typing	18-30 years	a) Thirty-three percent by promotion, from amongst Daftaries and Naib Qasids or other equivalent posts with two years service as such, who have passed Secondary School Certificate Examination; and b) Sixty-seven percent by annual recruitment.

Note: For the purpose of promotion, there shall be maintained a common seniority list of Daftaries and Naib Qasids etc with reference to the dates of their acquiring the Secondary School Certificate.

Provided that:

1) if two or more, officials have acquired the Secondary School Certificate in the same session the official having longer service shall rank senior to other officials; and

2) where a senior official does not possess the requisite experience at the time of filling up a vacancy, the official next junior to him possessing the requisite experience shall be promoted in preference of the senior official or officials.

SECRETARY TO GOVERNMENT OF THE
North-West Frontier Province
ESTABLISHMENT & ADMINISTRATION DEPARTMENT

(12)

BETTER COPY

Endst No.SOE-II(S&GAD)1-8/2008 Peshawar dated the 4th February 2009

Copy forwarded to:

1. The Additional Chief Secretary NWFP.
2. The Additional Chief Secretary FATA, Peshawar.
3. The Senior Member, Board of Revenue, NWFP.
4. Administrative Secretaries to Government of NWFP.
5. The Accountant General, NWFP Peshawar.
6. The Registrar, Peshawar High Court, Peshawar.
7. The Secretary to Governor, NWFP.
8. The Principal Secretary to Chief Minister, NWFP.
9. All Additional Commissioners in NWFP.
10. All District Coordination Officers in NWFP.
11. All _____ of Attached Departments in NWFP.
12. The Secretary, NWFP Pubic Service Commission, Peshawar.
13. The Director, Anti-Corruption Establishment, NWFP, Peshawar.
14. The Registrar, NWFP Service Tribunal, Peshawar.

Sd/-
(Syeda Tanzeela Sabahat)
Section Officer (E-III)

Endst:No.SOE-II(S&GAD)1-8/2008 Peshawar dated the 4th February 2009

Copy forwarded to:

1. The General Secretary (Regulations), Establishment Department, GoNWFP.
2. The Director, Staff Training Institute E&A Department, Peshawar.
3. The Additional Secretaries in E&A Department, GoNWFP.
4. The District Coordinator, Establishment Department.
5. All the Secretaries in E&A Department, GoNWFP.
6. All the Officers in E&A Department, GoNWFP.
7. P.S to Secretary to Chief Secretary NWFP.
8. P.S to Secretary to Secretary Establishment Department, GoNWFP.
9. _____ E&A Department.

Sd/-
(Syeda Tanzeela Sabahat)
Section Officer (E-III)

Attested to be True copy
Advocate
20-10-15

GOVERNMENT OF THE NORTH-WEST FRONTIER PROVINCE
HEALTH DEPARTMENT

NOTIFICATION

PESHAWAR, Dated the 24/03/2009

No.SO(V)4-20/09. In pursuance of the provisions contained in sub-rule(2) of rule 3 of the North West Frontier Province Civil Servants(Appointments, Promotion and Transfer)Rules 1989 and super session of all previous notifications issues in this behalf, the Health Department, in consultation with the Establishment Department and the Finance Department, hereby lays down the method of recruitment, qualification and other conditions specified in column 3 to 5 of the Appendix to this notification which shall be applicable to the post of Provincial Health Services Academy Network in the Health Department specified in column 2 of the said Appendix.

-APPENDIX

PROVINCIAL HEALTH SERVICES ACADEMY (PHSA)

S#	Nomenclature of Post	Qualification for appointment by intial recruitment	Age Limit	Method of Recruitment
1	Principal(BS-19)			By promotion on the basis of seniority cum fitness from vice principal of Nursing Schools and nursing Tutor/Sister tutor(BPS-18) of Public Health School and Post Graduate College of Nursing with at least seven years service as such
2	Vice Principal(BS-18)			By transfer from amongst the holders of the post of Nursing tutor/sister tutor(BPS-18) with at least three years of service as such
3	Nursing tutor/sister Tutor(BP-18)			By promotion, on basis of seniority cum fitness from amongst the holders of the post of sister Tutor/Nursing Superintendent/Instructor/Clinical Instructor/Assistant Tutor/Instructor Program Training officer with at least five

Better copy

ATTESTED

				years service as such
		Council/Female Health Technician		If not available than initial recruitment
4	Computer Operator(BS-8)	i.FA/F.Sc from recognized Board. And ii. Diploma in Computer	18-30	(a) By transfer/deputation from existing staff of Health department or other Institution (b) If not available then initial recruitment
5	Sanitarian(BS-8)			
6	Senior Clerk/Accountant(BS-7)	i.FA/FSC/D.Com or Equivalent ii. Two years of relevant experience	18-30	(a)By transfer/deputation from existing staff of Health department or other institution b. if not available than initial recruitment
7.	House keeper(BS-6)	FA/FSC from a recognized board	18-30	a. By transfer/deputation from existing staff of health department or other institution b. if not available than initial recruitment
8	Store Keeper/Junior Clerk(BS-5)	i. SSC ii. 30 WPM speed iii. Preferably computer knowledge	18-30	a. by transfer/deputation from existing staff of health department or other institution b. if not available than initial recruitment
9.	Plumber(04)	Preferably literate	18-45	a. By transfer/deputation from existing staff of Health department or other institutions b. if not available than initial recruitment
10	Driver(04)	Preferably literate Possessing a valid HTV/LTV Driving License	18-30	a. by transfer/deputation from existing staff of Health department or other institutions b. if not available than initial recruitment
11	Tube well operator(3)	Two years experience in operating tube well preferably literate	18-45	a. By transfer/deputation from existing staff of Health department or other institutions b. if not available than initial recruitment
12.	Laboratory attendant(2)	Preferably literate	18-45	a. By transfer/deputation from existing staff of health department or other institution b. if not available than initial recruitment

Better copy

ATTESTED

FINAL SENIORITY LIST OF CLASS IV EMPLOYEES IN PHSA AND ITS ALLIED INSTITUTES

S.No	Name of employee	BPS	Date of Appointment	Qualification	Place of Duty	Signature	Thumb Impression	Remarks
1	Mr. Sahib jamal	01	01/06/1994	Metric	PHSA			-
2	Mr. Yasir Habib	01	28/06/1994	F.A	Public Health School D.I Khan			
3	Mr. Naeemullah	01	01/04/1999	F.A	PHSA			
4	Mr. Qadir Khan	01	01/04/1999	Metric	PHSA			
5	Mr. Khan Bahadar	01	01/07/1999	Metric	PHSA	22/3/13		
6	Mr. Mulazim Hussain	01	23/11/1999	Metric	PIMT D.I Khan	12101-5968398-9		

Date for DPC
25/3/2013

Attested to be true copy. Advocate

FINAL SENIORITY LIST OF CLASS-IV OF PHSA EMPLOYEES

S#	Name	BPS	Date of Appointment	Qualification	Designation	Cadre	Place of duty	Remarks
01	Mr. Inam Ullah	01	01/08/1991	Matric	N/Qasid	PHSA	PHSA	
02	Mr.Bashir Ahmad	01	22/8/1991	FA	N/Qasid	PHSA	PHSA	
03	Mr. Jan Alam	01	1/10/1987	FA	Waiter	DGHS	SON Kohat	
04	Mr. Javid Khan	01	3/05/1992	Matric	N/Qasid	DGHS	PGCN	
05	Mr. Sahib Jamal	01	01/06/1994	Matric	N/Qasid	DGHS	PGCN	
06	Mr. Yasir Habib	01	28/06/1994	Matric	N/Qasid	DGHS	PHS DI Khan	
07	Mr. Muhammad Perviz	01	01/10/1998	Matric	N/Qasid	DGHS	DHDC Abbottabad	
08	Mr. Salat Khan	01	16/02/1999	Matric	Cook	DGHS	PHSA	
09	Mr. Naeem ullah	01	01/04/1999	Matric	N/Qasid	DGHS	PHS Nishtarabad	
10	Mr. Qadir Khan	01	01/04/1999	Matric	N/Qasid	DGHS	PGPI LRH	
11	Mr. Khan Bahadur	01	01/07/1999	Matric	N/Qasid	DGHS	PGPI LRH	
12	Mr. Mulazim Hussain 12101-5968396-9	01	23/11/1999	Matric	N/Qasid	DGHS	PIMT DI Khan	
13	Mr. Sayyab Ali	01	01/07/2004	FA/DIT	N/Swaper	PHSA	PHSA	

Director
Public Health Services Academy
Department.
Khyber Pukhtoonkhowah

Director
PHSA NWFP Peshawar

OFFICE OF THE DISTRICT TB CONTROL OFFICER, DERA ISMAIL KHAN.

OFFICE ORDER/SANCTIONED.

Sanction is hereby accorded for the grant of move Over from BPS-No.I to BPS-No.2 in respect of Mr.Muhammad Raiz S/O Allah Bakhsh Chowkidaras he reached the meximum of his Scale No.I on 1/12/1997.

(DR. HUSSAIN)
DISTRICT TB CONTROL OFFICER,
DERA ISMAIL KHAN.

No. 808-09 /PF, Dated DIKhan The, 10/12/19

Copy is forwarded to the :-

1- District Accounts Officer, D.I.Khan, for information & necessary action please.

2- Office Clerk for Compliance.

DISTRICT TB CONTROL OFFICER,
DERA ISMAIL KHAN.

BEFORE THE SERVICE TRIBUNAL, PESHAWAR

Service appeal No. 1315/2013

Mr. Muhammad Riaz S/o Mr. Allah Bakhsh ..... Appellant.

Versus

1. Secretary to Govt. of Khyber Pakhutnkhwa, Health Department, Peshawar.
2. DG Health Service, Peshawar.
3. Director Provincial Health Service Academy, Peshawar.
4. Principal, Public Health School, D.I.Khan.
5. YasirHabib, Junior Clerk BPS-07, Public Health School, D.I.Khan

.....Respondents

Respectfully Submitted:

PARA WISE COMMENTS BY THE RESPONDENTS NO. 01, 03 AND 04

Preliminary Objection:

1. The applicant has no cause of action &Locusstandi to file the instant appeal.
2. The appellant has not come to this court with clean hands.
3. The present service appeal incompetent and is not maintainable in its present forms.
4. The appeal is time barred to the extent that the appellant has not challenged seniority list of 2007.
5. That the appeal is bad for non-joinders and misjoinder of necessary parties.
6. That the plaintiff is estopped by this own conduct to file this appeal.
7. That the plaintiff has concealed material facts from the tribunal.

FACTS

1. Incorrect the appellant was appointed as chowkidar.
2. Incorrect need no comments as not related the respondents.
3. Needs no comments as respondent are not concerned.
4. Needs no comments as pertains to record.
5. Incorrect to the extent that subject order was made on the basis of seniority list of 2007, where appellants name was not listed. Seniority list of 2007 is attached as annexure **"A"**.
6. The appellant misguide this court by mere leveling accusation and concealing facts. To remove appellant's grievance he was informed about factual position as per letter at annexed **"B"**.

ON GROUND

i. The impugned order is legal, just and in accordance with rules.

ii. No. Comments.

iii. Incorrect the promotion was made strictly in accordance with rules in light of the seniority list. In fact the appellant was transferred to the Distract TB control officer DIKhan vide DDHS Office Order No. 7075-81/E-11(KC) dated 21-05-1997. Annexure **"C"**. The appellant also got move over from BS-1 to BS-2 from the aforesaid office annexure **"D"**. He was not part of this office that is why was not included in the seniority list, as he had been absorbed in District TB Control Office D.I.Khan.

iv. No prejudice has been practiced by promoting respondent No.5 as his name was on seniority list of 2007 and the basic criteria to be on list is having Secondary School Certificate (SSC).

PRAYED:

In light of preliminary objections and factual position it is prayed that the instant appeal may please be dismissed.

(Respondent No.1)
Secretary to Govt. of Khyber Pakhtuknhwa
Health Department, Peshawar.

(Respondent No.3)
Director
Provincial Health Service Academy, Peshawar.

(Respondent No.4)
Principal
Public Health School
Dera Ismail Khan

Vetted

Govt. Pleader
KPK Services Tribunal
Camp Court D.I.Khan

BEFORE THE SERVICE TRIBUNAL, PESHAWAR

Service appeal No. 1315/2013

Mr. Muhammad Riaz s/o Mr. Allah Bakhsh ..... APPELLANT.

Versus

1. Secretary to Govt. of Khyber Pakhtunkhwa, Health Department, Peshawar
2. DG Health Services, Peshawar
3. Director Provincial Health Services Academy, Peshawar
4. Principal, Public Health, D. I Khan
5. Yasin Habib, Junior Clerk BPS-07, Public Health School, D.I Khan

..... Respondents.

AFFIDAVIT

I, Mr. Tofeequllah, Administrative/Litigation Officer Provincial Health Services Academy (PHSA), Health Department, and Khyber Pakhtunkhwa Peshawar do hereby solemnly affirm and declare on oath that all the content of para-wise comments submitted by respondent No. 01, 03 and 04 in response to service Appeal No. 1314/2013 are true and correct to the best of my knowledge and belief that nothing has been concealed from this Honorable court.

Identified by

DEPINENT

17201-2250671-3

Peshawar.

Annex-A

PROVINCIAL HEALTH SERVICES ACADEMY
Dept: of Health Govt. of N.W.F.P,
Budhni Road Duran Pur Peshawar,
☎ # 091-2650861, 2650858, Fax# 091- 2261249
E-mail: phsa_peshawar@yahoo.com
Affiliated with University of Peshawar

No. No.29/PHSA/Admn/Seniority list-IV/2006-07/13496-13518. Dated 13 /08/2007

To

All Allied Institute,
Working Under Control of PHSA Network.

Subject: - **FINAL SENIORITY LIST OF CLASS-IV.**

Memo:

In Continuation of this office letter No.29/PHSA/Admn/Seniority list-IV/2006-07/10502-25 Dated:23/06/2007 .

No representation has been received to this office within the stipulated time. Hence the attached seniority list of class – IV is treated as final.

Director
PHSA NWFP Peshawar

C.C.
1. Deputy Director Management, PHSA, Peshawar.

E/C

E:\QH\Account Files\seniority list of C-4.doc 31-Jul-07

FINAL SENIORITY LIST OF CLASS-IV OF PHSA EMPLOYEES.

S#	Name	BPS	Date of Appointment	Qualification	Designation	Cadre	Place of duty	Remarks
01	Mr. Inam Ullah	01	01/08/1991	Matric	N/Qasid	PHSA	PHSA	
02	Mr.Bashir Ahmad	01	22/8/1991	FA	N/Qasid	PHSA	PHSA	
03	Mr. Jan Alam	01	1/10/1987	FA	Waiter	DGHS	SON Kohat	
04	Mr. Javid Khan	01	3/05/1992	Matric	N/Qasid	DGHS	PGCN	
05	Mr. Sahib Jamal	01	01/06/1994	Matric	N/Qasid	DGHS	PGCN	
06	Mr. Yasir Habib	01	28/06/1994	Matric	N/Qasid	DGHS	PHS DI Khan	
07	Mr. Muhammad Perviz	01	01/10/1998	Matric	N/Qasid	DGHS	DHDC Abbottabad	
08	Mr. Salat Khan	01	16/02/1999	Matric	Cook	DGHS	PHSA	
09	Mr. Naeem ullah	01	01/04/1999	Matric	N/Qasid	DGHS	PHS Nishterabad	
10	Mr. Qadir Khan	01	01/04/1999	Matric	N/Qasid	DGHS	PGPI LRH	
11	Mr. Khan Bahadur	01	01/07/1999	Matric	N/Qasid	DGHS	PGPI LRH	
12	Mr. Mulazim Hussain	01	23/11/1999	Matric	N/Qasid	DGHS	PIMT D I Khan	
13	Mr. Fayyaz Gul,	01	01/07/2004	FA/DIT	N/Sweeper	PHSA	PHSA Peshawar	

Director
PHSA NWFP Peshawar

Director
Provincial Health Services Academy
Health Department
Government of Khyber Pakhtoonkhowah
Peshawar

Annex-B

7

FINAL SENIORITY LIST OF CLASS-IV STAFF WORKING IN PHSA & ITS NETWORK 2011

S#.	NAME.	FATHER NAME.	BPS.	DISGN:	DATE OF BIRTH.	DOMICLE.	DATE OF APPOINT:	DATE OF ARRIVAL IN PHSA.	QUALIFI	PRESENT POSTING.	REMARKS.
1.	Mr. Fazal Akbar.	Mian Hilal.	02	Chowk.	06/04/1960	Swat.	01/07/1980	29/03/2000	Matric	S.O.N Swat.	Overage.
2.	Mr. Alam Khan.	Hakim Shah.	02	N/Qasid	06/04/1963	Karak.	30/01/1984	25/08/2000	Matric	DHDC Bannu.	Overage.
3.	Muhammad Riaz.	Allah Bakhsh.	02	Cook.	15/01/1966	DIKhan.	06/10/1990	07/10/1990	F.A.	PHS DIK.	do
4.	Ali Rehman	Taza Gul	02	N/Qasid	13/04/1971	Swat.	26/01/1991	10/03/2000	Matric	DHDC Swat	-
5.	Mr. Javed Khan.	Niqab Khan.	02	N/Qasid	06/10/1974	Peshawar.	03/05/1992	03/05/1992	Matric	PGCN H/Abad	Case in court.
6.	Mr. Sahib Jamal.	Gul Rehman.	02	N/Qasid	21/10/1977	Peshawar.	01/06/1994	01/06/1994	Matric	PGCN H/Abad	-
7.	Mr. Yasir Habib.	Habib Ullah Malik.	02	N/Qasid	05/04/1976	D.I.Khan.	28/06/1994	28/06/1994	Matric	PHS DIKhan	-
8.	Shahid Waseem.	M. Saliman.	01	Sweeper.	05/03/1971	Abbothad.	25/09/1994	25/09/1994	Matric	PHS ATD.	-
9.	Haji Mohammad.	Tawab Khan.	02	Cook.	23/12/1969	Peshawar.	30/08/1997	27/09/2003	Matric	PGPI, LRH.	-
10.	Mohammad Sultan.	Malik Aman.	03	Ward Boy.	23/10/1975	Mansehra.	26/09/1998	24/09/2011	Matric	PIMT ATD.	-
11.	Naeem Ullah Jan.	Nazir Jan.	02	N/Qasid	01/05/1974	Peshawar.	26/03/1999	26/03/1999	Matric	SON. HMC.	Case in court.
12.	Mr. Qadir Khan.	Bader Khan.	02	N/Qasid	04/02/1978	Peshawar.	26/03/1999	26/03/1999	Matric	PHSA.	-
13.	Khan Bahader.	Abdul Hanan.	02	N/Qasid	02/04/1963	Nowshera	21/06/1999	21/06/1999	Matric	PHSA.	Case in court/overage.
14.	Mulazim Hussain.	Shah Nawaz.	02	N/Qasid	01/07/1971	DIKhan.	23/11/1999	23/11/1999	Matric	PIMT DIKhan.	-
15.	Kishan Chand.	Chand.	01	Sweeper	15/12/1980	Swat.	01/01/2000	01/01/2000	Matric	DHDC Swat.	-
16.	Shahid Mehmood.	Alla Wasaya.	02	Bearer.	24/04/1984	DIKhan.	12/05/2004	27/12/2005	Matric	PIMT DIKhan.	-
17.	Mr. Fayaz Gul.	Gul Hayat.	01	M.sweeper	14/08/1977	Peshawar.	01/07/2004	01/07/2004	FA.	PHS.A.	Case in Court.
18.	Mohammad Tariq	Misri Khan	02	N/Qasid	28/08/1981	Peshawar	09/03/2005	09/03/2005	Matric	PHSA	-
19.	Munsif Ali.	Farzand Ali.	01	N/Qasid.	10/04/1985	Mardan.	09/04/2007	09/04/2007	Matric	DHDC Mardan	-
20.	Hasham Ali.	Sharif Ullah.	01	Bearer.	15/02/1988	Mardan.	25/06/2007	26/06/2007	Matric	SON Mardan.	-
21	Shaukat Ali.	Mohd Akbar	01	Chowkidar	01/12/1983	Swat.	21/08/2007	21/08/2007	Matric	SON Swat.	-
22.	Hafeez-ur-Rehman.	Ubaid Khan.	01	Chowkidar.	02/03/1978	Chitral.	28/06/2008	28/06/2008	Matric	DHDC Chitral.	-
23	Shah Faisal.	Wasal Khan.	01	Sweeper.	12/04/1988	Mardan.	21/06/2008	25/06/2008	Matric	DHDC Mardan.	-
24.	Hameed Hussain.	Gul Zamir.	01	Chowkidar.	14/04/1987	Mardan.	21/06/2008	27/06/2008	Matric	SON Mardan.	-
25.	Riaz Khan.	Janas Khan.	01	Mali.	04/04/1989	Peshawar.	21/06/2008	21/06/2008	F.A.	PHS N/Abad.	-
26.	Massaud-ur-Rehman.	Shahab-ud-din.	01	Chowkidar.	12/10/1988	DIKhan.	01/07/2008	01/07/2008	Matric	SON DIKhan.	-
27.	Mohammad Ali.	Gulab Shah.	01	Chowkidar.	08/03/1982	Swat.	03/11/2008	03/11/2008	Matric	SON Swat.	-
28.	Mohd Farooq.	Said Khan.	01	Chowkidar.	20/04/1968	Peshawar.	06/06/2009	06/06/2009	M.A Arabi.	PHS N/Abad.	-
29.	Shahid Ali	Shoukat Ali	01	Chowkidar.	05-01-1975	Peshawar	13/10/2009	14/10/2009	Matric	PGCN	-
30.	Ismail Khan	Shahbaz Khan	01	Mali.	02/01/1976	Peshawar.	13/10/2009	14/10/2009	Matric	PGCN.	-
31.	Rohul Amin.	Mohd Amin.	01	Bearer.	16/03/1983	Peshawar.	13/10/2009	14/10/2009	Matric	PGCN.	-
32.	Yasir Ali.	Ayaz Khan.	01	Cook.	03/06/1984	Peshawar.	13/10/2009	14/10/2009	Matric	PGCN.	-
33.	Waseem Bhatti.	Mushtaq Bhatti.	01	Chowkidar.	27/09/1983	DIKhan.	23/10/2009	23/10/2009	Matric	PIMT DIKhan.	-
34.	Mohammad Usman	Mohd Nawaz	01	Chowkidar.	29/03/1973	Mardan.	24/03/2010	24/03/2010	Matric	DHDC Swat.	-
35.	Ghafoor Ahmed.	Musharaf Khan.	01	Sweeper.	06/04/1979	Chitral.	01/04/2010	01/04/2010	Matric	DHDC Chitral.	-
36.	Murtaza Ali	Shafiq Hussain.	01	Chowkidar.	01/10/1984	Kohat.	24/04/2010	06/05/2010	B.A.	SON Kohat.	-
37.	Hamayun Khan.	Fazal Khaliq	01	N/Qasid	02/01/1967	Peshawar	16/03/2011	16/03/2011	Matric	PHS N/Abad.	-
38.	Mohammad Jehan.	Sultan Mohd.	01	Sweeper	02/03/1969	Mardan.	21/03/2011	24/03/2011	F.A.	SON Kohat	-
39.	Noor Khan.	Agha Jan	01	Chowkidar.	02/03/1978	Peshawar.	21/03/2011	21/03/2010	Matric	PHSA.	-
40.	Sirtaj Ali	Umar Khan.	01	N/Qasid.	03/04/1985	Nowshera	11/07/2011	11/07/2011	Matric.	PHSA.	-

12/11/11

DIRECTOR
Public Health Services Academy
Department of Health
Govt. of Khyber Pakhtunkhwa

Annex-C

8

Provincial Health Services Academy

Department of Health
Government of Khyber Pakhtunkhwa
Budhni Road Duranpur Peshawar
☎ 0912650861 / 2264718; Fax: 0912261249 / 2264717
E-mail: info@phsa.edu.pk
Website: www.phsa.edu.pk

No F-128/Admn:/SON DIK/2011-12/3664 Dated 10 / 06/2013.

To

The Vice Principal
Public Health School DIKhan.

Sub: **APPLICATION AS JONIER CLERK.**

Memo,

With reference your letter No.152/PHS DIK dated.17-05-2013 on the above noted subject.

You are hereby directed that inform the official concerned that the old seniority list of Class-IV employees were subjudiced in Peshawar High Court Peshawar. The seniority list of Class-IV employees of PHSA and its net work will be issued and circulated to all sub offices/PHSA net work for information.

DEPUTY DIRECTOR (M)
PHSA, PESHAWAR.

Annex:D

9

BEFORE PESHAWAR HIGH COURT, PESHAWAR

W.P 3751/2010

1 Bashir Ahmad S/O Qalandar Khan
R/O Street No.D-5
Gul Abad No.1
Dalazak road
Peshawar

2 Jan Alam S/O Lauf Shah
R/O House No.5
Shahi Mehman Khana
Peshawar

3 Khan Bahadar S/O Abdul Hanan
R/O Kush Maqam
Tehsil and District
Nowshera

4. Naeem Ullah Jan S/O Nazeer Jan
R/O Village Ghuseya lala
Tarnab Farm
Peshawar

5 InamUllah S/O Roshan Khan
R/O Street No.6 House No.776
Faqir Abad No 2 District
Peshawar .....PETITIONERS

Versus

1 Secretary Health
Government of Khyber Pukhtoon Khawa
Peshawar

2. Director
Provincial Health Services Academy
Budhni Road Duran Pur
Peshawar.....RESPONDENTS

ATTESTED
EXAMINER
Peshawar High Court

Urgent

Annex-E

PESHAWAR HIGH COURT, PESHAWAR

FORM OF ORDER SHEET

Court of.....

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

Date of Order of Proceedings	Order of other Proceedings with Signature of Judge.
1	2
28.10.2010.	***W.P.No. 3751/2010.*** Present: Mr. Muhammad Ikram Khan, Advocate, for the petitioners. *** Let respondents No. 1 & 2 shall file their comments, so as to reach this Court within a fortnight. ***Interim Relief.*** Notice. In the meanwhile, status-quo be maintained till next date. Sd/- Mughees Alam Khan (J) Sd/- Yahya Afridi (J) CERTIFIED TO BE TRUE COPY Peshawar Authorized Under Section 75 Qanun-e-Shahadat Order 30-10-10 No: 5510 Date of Presentation 30-10-10 No of Pages 4 pages Copying Fee Urgent Fee Total 8-00 Date of Preparation 30-10-10 Date of Delivery 30-10-10 Received By

/*Saif*/

W.P 1713 /2011

1. Khan Bahadar S/O Abdul Hanan
   R/O Kush Maqam
   Tehsil and District
   Nowshera

2. Naeem Ullah Jan S/O Nazeer Jan
   R/O Village Ghuseya lala
   Tarnab Farm
   Peshawar

3. Fayaz Gul S/O Gul Hayat
   R/O Manzoor Abad
   P.O Hargonec,Wadpaga
   Peshawar

4. Javed Khan S/O Niqab Gul, Phase V, Block no 2, Near Public Serv Commission
   PGCN Hayatabad, Peshawar .....PETITIONERS

Versus

1. Secretary Health
   Government of Khyber Pukhtoon Khawa
   Peshawar

ATTESTED
EXAMINER
Peshawar High Court

2. Director
   Provincial Health Services Academy
   Budhni Road Duran Pur, Peshawar.....RESPONDENTS

FILED TODAY
Deputy Registrar
01 JUN 201

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN

Respectfully Sheweth:

1. That petitioners are the employees of the Provincial Health Services Academy, which is an attached department of Health Department. PHSA was declared

ORDER SHEET.

Date of Order or Proceedings	Order or other Proceedings with Signature of Judge.
1	2
11/07/2011.	**C.M.No.629/2011 in W.P.No.1713/2011.**

Present: Mr.Abdullah Qazi, Advocate for the petitioners.

=-=-=-=

On 14/06/2011 comments have been called for from the respondents to be filed within a month but the same have not yet been furnished. The office is directed to fix the writ petition after a lapse of time given for filing of parawise comments and in the meantime statuesque be maintained. This C.M. is disposed of in the above terms.

sd/ Shah Jehan Khan J

CERTIFIED TO BE TRUE COPY
Examiner 12/7/11
Peshawar High Court Peshawar
Authorised Under Section 76 Acts Order

523
Date of Presentation of Application 11/7/11
No of Pages 4
Copying fee 1
Urgent Fee
Total 8
Date of Preparation of Copy 12/7/11
Date Given For Delivery 12/7/11
Date of Delivery of Copy 12/7/11
Received By

Office
12/7

12

FORM OF ORDER SHEET

Court of.....

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

Serial No. of Order or Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
	8.2.2011	W.P.No.3751/2010 Present, Dr. Muhammad Hamid Khan, Advocate, for the petitioners. Mr. Zahid Yousaf Qureshi, AAG, for the respondents. **** The latter wants time to see what can be done on the part of the respondents vis-à-vis the grievances of the petitioners. Allowed. Adjourn to a date in office. C.O.C. No.51/2010 Learned counsel for the petitioners does not want to press this petition. Dismissed as such. Sd/ Ejaz Afzal Khan CJ Sd/ Mushir Alam Khan J

CERTIFIED TO BE TRUE COPY

Peshawar High Court Peshawar
Authorised Under Section 75 Qanun Order

30/5/11

No. of Presentation of Application	1752
No. of Pages	30/5/11
Copying fee	8
Urgent Fee	1
Total	16
Date of Preparation of Copy	30/5/11
Date Given For Delivery	30/5/11
Date Copy Delivered	30/5/11

"Annexure - F"

D.I.Khan

10	11	12	13			14	15
Date of termination or appointment تاریخ انقطاع ملازمت	Reason of termination (such as promotion, transfer dismissal etc) وجوہات انقطاع ملازمت ترقی، تبادلہ یا برطرفی	Signature of the Head of the office of other Attesting Officer دستخط افسر مجاز	چھٹی LEAVE Nature and duration of leave taken رخصت کی نوعیت و معیاد	Allocation of periods of leave on average pay upto four months (or earned leave not exceeding 120 days) to which leave salary is debitable to another Government چار ماہ تک کی رخصت کیلئے اوسط تنخواہ کا تعین Period عرصہ	Govt. to which debitable گورنمنٹ جسے رقم ادا ہوگی	Signature of the head of the office or other Attesting officer دستخط افسر مجاز	Reference to any recorded punishment, or censure or reward or praised of the Government servant سزا یا جزا یا غیر مناسب کارکردگی کا ریکارڈ
30/11/96 AN		Annual Increment Allowed			Service verified w.e. from ... from the office copies of the pay bills and other available relevant record		01/12/95 30/11/96
31/5/97 (AN)		Transferred to office of the ~~Addl~~ Distt. TB Control officer, DIKhan vide DDHS O.O. No. 7075-81/E-11 (RC) dated 21-5-97.					01/12/96 31/5/97
30/11/97		Annual Increment Allowed			Service verified w.e. from 01-12-96 to 30-11-97 from the office copies of the pay bills & other available relevant record. District T.B. Control Officer D.I. Khan		

"Annexure-G"

OFFICE OF THE DISTRICT TB CONTROL OFFICER, DERA ISMAIL KHAN.

OFFICE ORDER/SANCTIONED.

Sanction is hereby accorded for the grant of move Over from BPS-No.I to BPS-No.2 in respect of Mr.Muhammad Raiz S/O Allah Bakhsh Chowkidaras he reached the meximum of his Scale No.I on 1/12/1997.

(DR. HUSSAIN)
DISTRICT TB CONTROL OFFICER,
DERA ISMAIL KHAN.

No. 808-09 /PF, Dated DIKhan The, 10/12/1998

Copy is forwarded to the :-

1- District Accounts Officer, D.I.Khan, for information & necessary action please.

2- Office Clerk for Compliance.

DISTRICT TB CONTROL OFFICER,
DERA ISMAIL KHAN.

Hafi
Sabir

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

In Service Appeal No. 1315 of 2013

Muhammad Riaz
VS.
Govt. of KPK etc.

REJOINDER ON BEHALF OF APPELLANT IN RESPECT OF WRITTEN REPLY SUBMITTED BY RESPONDENT NO. 5.

Para-wise reply on behalf of appellant are as under:

PRELIMINARY OBJECTIONS:

a. That the para no. a is incorrect, the appellant has got the cause of action and locus standi.
b. That the para no. b is incorrect, the appeal of the appellant is well within time.
c. That the para no. c is incorrect, the appeal of the appellant is well within time.
d. That the para no. d is incorrect, the departmental record and previous seniority list clearly shows that the appellant is senior than the respondent No. 5.
e. That the para no. e is incorrect.
f. That the para no. f is incorrect and misconceived.
g. That the para no. g is incorrect.
h. That the para no. h is incorrect.
i. That the para no. i is misconceived and not related to appellant.

PARAWISE REPLY TO THE FACTS:

1. That the para no. 1 needs no reply.
2. That the para no. 1 needs no reply.
3. That the para no. 1 needs no reply.

4. That the respondent No. 5 was not entitled for promotion before the appellant. The record clearly suggested that the appellant is senior than the respondent No. 5 and also possessed higher qualification than the respondent No. 5. Hence, the promotion order of the respondent No. 5 is liable to be cancelled. Therefore, the para No. 4 of reply is not correct.
5. That the para No. 5 of reply is totally misconceived. In the year 2011, Final Seniority List of Class-IV in PHSA & its network was issued, wherein, the appellant placed at serial No. 3 while the respondent No. 5 was placed at serial No. 7. Thus, it is very much clear that the appellant was placed senior than the respondent No. 5 in the final seniority list of the year 2011. But later-on the official respondents ignored the same and wrongly promoted the respondent No. 5 instead of appellant.
6. That the para No. 6 is not correct and misconcieved, hence denied.

PARAWISE REPLY TO THE GROUNDS:

1. That the para no. 1 is incorrect, hence denied. The final seniority list of 2011 supported the appellant's version.
2. That the para no. 2 needs no reply.
3. That the para No. 3 is not correct.
4. That the para No. 4 is not correct. The appellant approached the proper forum.
5. That the para No. 5 needs no reply.

It is therefore, humbly prayed that the appeal of the appellant may kindly be accepted as prayed for.

Your Humble Appellant

Muhammad Riaz
Through Counsel

Dated. 21/2/2017

Muhammad Waheed Anjum
Advocate Supreme Court.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

In Service Appeal No. 1315 of 2013

Muhammad Riaz
VS.
Govt. of KPK etc.

AFFIDAVIT

I, the appellant, do hereby solemnly affirm and declare on Oath that all the para-wise contents of rejoinder are true and correct to the best of my knowledge and belief; and that nothing has been deliberately concealed or kept secret from this Honourable Court.

Deponent

Akhtar Saleem Advocate
R.D & A.C
ATTESTED
No.
Date
Lic. No.
R.D. 29-11-2014
to 29-11-2017
Oath Commissioner D.I.Khan

21/2/17

SENIORITY LIST OF CLASS-IV STAFF WORKING IN PHSA AND ITS ALLIED NETWORK

S. NO	NAME	FATHER'S NAME	BPS	DESIGNATION	DATE OF BIRTH	DOMICILE	DATE OF APPOINT-MENT	DATE OF ARRIVAL IN PHSA	QUALIFI-CATION	PRESENT POSTING	STRENGTH
1.	Mr. Muhammad Riaz	Allah Bakhsh	2	Cook	15/1/1966	DIKhan	6/10/1990	7/10/1990	Matric F.A.	PHS DIKhan	
2.	Mr. Yasir Habib	Habibullah	2	Naib Qasid	5/4/1978	DIKhan	28/6/1994	30/6/1994	Matric	PHS DIKhan	

PRINCIPAL
PUBLIC HEALTH SCHOOL
DERA ISMAIL KHAN

OFFICE OF THE PRINCIPAL
PUBLIC HEALTH SCHOOL
SHEIKH YOUSAF ROAD DIKHAN.

NO. 155 /PP

Dated DIK the 07/5/2004

To. The Director
Provincial Health Services Academy
N.W.F.P. Peshawar.

Subject: PROMOTION.

Memo: Ref: your letter No.221P-32/M-30/Estt:/PHSA dated 17-4-2004.

It, is for your kind information that there are only two grade IV Servants in Public Health School D.I.Khan who have qualified differnt Examination. They are :-

1. Mr: Muhammad Riaz (Chowkidar)
2. Mr: Yasir Habib (Naib Qasis)

(1) Muhammad Riaz is working as Chowkidar since 10.10.1990

He has passed.

1. Matric. (2) F.A. (3) P.T.C. (Primary Teacher Certificate)
4) Typewriting Certificate.

(2) Mr: Yasir Habib is working as Naib Qasid from 28.6.1994

He has passed.

1. Matric (2) Technical Training Certificate (3) Typewriting Certificate.

Photo copies of the above Certificats of both Class IV Servants are attached for your kind consideration.

PRINCIPAL
PUBLIC HEALTH SCHOOL
D.I.KHAN.

FINAL SENIORITY LIST OF CLASS-IV STAFF WORKING IN PHSA & ITS NETWORK 2011

NAME	FATHER NAME	PES	DISCIPLINE	DATE OF BIRTH	DOMICILE	DATE OF APPOINT.	DATE OF ARRIVAL IN PHSA	QUALIFI.	PRESENT POSTING
[illegible]	[illegible]	02	Khawas	[illegible] 1960	Swat	[illegible] 1986	29.03.2004	Matric	SON Swat
[illegible]	Hakim Nazar	02	N/Qasid	[illegible] 1963	Karak	30.01.1984	25.06.2000	Matric	DHDC Bannu
[illegible]	Mar Baghat	02	Cook	[illegible] 1966	DiKhan	06.10.1990	07.10.1990	F.A	PHS DIK
Muhammad Rafi	[illegible]	02	N/Qasid	[illegible] 1973	Swat	26/01/1991	19/03/2010	Matric	DHDC Swat
[illegible]	Tarar Gul	02	N/Qasid	[illegible] 1973	Peshawar	03/05/1992	03/05/1992	Matric	PGCN H. Abad
Mr. Javed Khan	Neka Khan	02	N/Qasid	21.10.1973	Peshawar	01/06/1993	01/06/1993	Matric	PGCN H. Abad
Mr. Sanib Jamal	Gul Rehman	02	N/Qasid	05.11.1976	D.I.Khan	28.06.1993	28/06/1993	Matric	PHS DIKhan
Mr. Yasir Habib	Habib Ullah Malik	01	Sweeper	05.03.1971	Abbottabad	25/09/1994	25/09/1994	Matric	PHS ATD
Shahid Waseem	M. Suleman	01	Sweeper	23.12.1969	Peshawar	30/08/1997	27/09/2003	Matric	PGPL LRH
Hari Muhammad	Tawab Khan	02	Cook	[illegible] 1975	Mansehra	26/09/1998	24/09/2011	Matric	PIMT ATD
Muhammad Sultan	Ma'K Aman	03	Ward Boy	[illegible] 1974	Peshawar	26/03/1999	26/03/1999	Matric	SON, HMC
Naeem Ullah Jan	Nazir Jan	02	N/Qasid	[illegible] 1976	Peshawar	26/03/1999	26/03/1999	Matric	PHSA
Mr. Qadir Khan	Bacem Khan	02	N/Qasid	[illegible] 1963	Nowshera	21/06/1999	21/06/1999	Matric	PHSA
Khan Bahadar	Abdul Hadar	02	N/Qasid	[illegible] 1973	DiKhan	23/11/1999	23/11/1999	Matric	PIMT DiKhan
Muazim Hussain	Aman Nawaz	01	Sweeper	[illegible] 1983	Swat	01/01/2000	01/01/2000	Matric	DHDC Swat
Kishar Chand	Chand	02	Bearer	[illegible] 1982	DiKhan	12/05/2004	22.12.2005	Matric	PIMT D.Khan
Shamic Mahmood	Alla Wa'aya	01	M/sweeper	[illegible] 1977	Peshawar	01/07/2004	01/07/2004	F.A	PHS A
Mr. Fayaz Gul	Gul Hayat	02	N/Qasid	[illegible] 1983	Peshawar	09/03/2005	09/03/2005	Matric	PHSA
Mohammad Tariq	Mian Khan	01	N/Qasid	10.04.1965	Mardan	09/04/2007	09/04/2007	Matric	DHDC Mardan
Munsif Ali	Farzand Ali	01	Bearer	15.02.1958	Mardan	25/06/2007	26/06/2007	Matric	SON Mardan
Hasham Ali	Sharif Ullah	01	Chowkidar	01.12.1958	Swat	21/08/2007	21/08/2007	Matric	SON Swat
Shaukat Ali	Mohd Akbar	01	Chowkidar.	02.03.1978	Chitral	28/06/2008	28/06/2008	Matric	DHDC Chitral
Hafeez-ur-Rehman	Ubaid Khan	01	Sweeper.	12.04.1988	Mardan	21/06/2008	25/06/2008	Matric	DHDC Mardan
Shah Faisal	Wasa. Khan	01	Chowkidar.	14.04.1987	Mardan	21/06/2008	27/06/2008	Matric	SON Mardan
Hameed Hussain	Gul Zamir	01	Mali.	04/04/1986	Peshawar	21/06/2008	21/06/2008	F.A	PHS Nowshera
Riaz Khan.	Janas Khan	01	Chowkidar.	12/10/1988	DiKhan	01/07/2008	01/07/2008	Matric	SON DIKhan
Massood-ur-Rehman	Shahab-ud-din.	01	Chowkidar.	08/03/1982	Swat	03/11/2008	03/11/2008	Matric	SON Swat
Mohammad Ali	Gulab Shah	01	Chowkidar.	20/04/1968	Peshawar.	06/06/2009	06/06/2009	M.A Ambi.	PHS Nowshera
Mohd Fareed.	Said Khan.	01	Chowkidar.	05-01-1975	Peshawar	13/10/2009	14/10/2009	Matric	PGCN
Shahid Ali	Shoukat Ali	01	Mali	02/01/1976	Peshawar	13/10/2009	14/10/2009	Matric	PGCN
Faisal Khan	Shahbaz Khan.	01	Bearer.	16/03/1985	Peshawar	13/10/2009	14/10/2009	Matric	PGCN
Rahat Aman	Mohd Amin	01	Cook.	03/06/1984	Peshawar	13/10/2009	14/10/2009	Matric	PGCN
Nasir Ali	Ayaz Khan.	01	Chowkidar	27/04/1983	DiKhan	23/10/2009	23/10/2009	Matric	PIMT DIKhan
Waseem Bhatti.	Mushtaq Bhatti.	01	Chowkidar.	29/03/1973	Mardan	24/03/2010	24/03/2010	Matric	DHDC Swat
Mohammad Usman	Mohd Nawaz	01	Sweeper.	06/04/1979	Chitral	01/04/2010	01/04/2010	Matric	DHDC Chitral
Shahzad Ahmed	Mushtaq Khan.	01	Chowkidar	01/10/1984	Kohat.	24/04/2010	06/05/2010	B.A	SON Kohat
Mumtaz Ali	Shafid Hussain	01	N/Qasid	02.03/1967	Peshawar	16/03/2011	16/03/2011	Matric	PHS N'Abad
Humayun Khan	Faqal Khaliq	01	Sweeper	02.03.1969	Mardan	21.03.2011	24/03/2011	F.A	SON Kohat
[illegible] Ishan	Sultan Mohd.	01	Chowkidar	02.03.1978	Peshawar	21/03/2011	21/03/2010	Matric	PHSA
[illegible]	Agha Jan	01	N/Qasid	03.02.1983	Nowshera	11/07/2011	11.07.2011	Matric	PHSA
[illegible]	Umar Jamil								

Public Health
Dera Ismail Khan