

Before The Chairman Service Tribunal.

Khyber Pakhtunkhwa.
COC No. 63/2019

In Service Appeal No. - 813/2014.

Dr. Noor ul Mahood v/s Chief Suster & Other

ADJOURNMENT APPLICATION.

Respectfully Shereeth

1) That the above mentioned Execution /
COC is pending adjudication against
the Judgment dated 28/10/2016.

PDF
07/11/22

2) That time and again, as per directions
of Tribunal was sent to
PSB and the minutes of the
respective meetings regarding
Promotion (ante-dated) were shared
accordingly (already placed on
file).

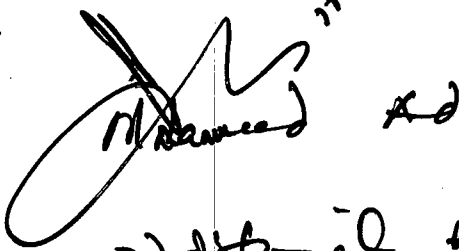
3) That the working papers to
PSB has been again sent,
too as the PSB takes
place, the Respondents will
act accordingly, however,

in order to assist this Honorable
Tribunal, the AG Office of
Service Tribunal would
in consultation with AD,
furnish a detail Reply on
the next date of hearing.

It is, therefore, very humbly prayed
to kindly accept and allow this
Application under the circumstances

through

Applicant


Mansur Adul Bn
Additional Advocate
General, IAFK

~~SK~~ 7.10.22.

6th Oct, 2022

Petitioner alongwith his counsel present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Nadir Nazar, SO for respondents present.

Representative of the respondents submits that the implementation under execution is under process and will be finalized soon. Despite repeated directions including attachment of salary, respondents are using delaying tactics to implement the judgment. Respondents are directed to appear in person alongwith implementation report failing which further coercive measure would be taken against them. To come up on 07.10.2022 before S.B.



(Kalim Arshad Khan)
Chairman

7th Oct, 2022

Petitioner in person present. Mr. Kabirullah Khattak, Addl: AG alongwith Safiullah, Focal Person for respondents present.

Representative of the respondents submitted application for adjournment wherein he stated that the implementation under execution is under process and will be submitted on the next date. Application is placed on file. Last chance is given to the respondents to submit progress report/compliance report on the next date. To come up for implementation report on 14.10.2022 before S.B.



(Kalim Arshad Khan)
Chairman

22.09.2022

Petitioner alongwith his counsel present. Mr. Atta-ur-Rehman Khalil, Special Secretary Health and Mr. Safiullah, Focal Person alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Vide previous order, directions were issued for personal appearance of Secretary Health, however he is stated to have proceeded to august Peshawar High Court, Peshawar for appearance in a case. Special Secretary Health submitted in writing that the order dated 20.10.2021, passed in the instant execution petition has been challenged through filing of CPLA before worthy Apex court, however summery for conditional implementation of the directions given in order dated 20.10.2021 shall be submitted to the competent Authority.

The execution petition in hand is pending adjudication since the year 2017, therefore, respondents shall positively submit implementation report on 06.10.2022 before the S.B.


(Salah-Ud-Din)
Member (J)

25th July, 2022

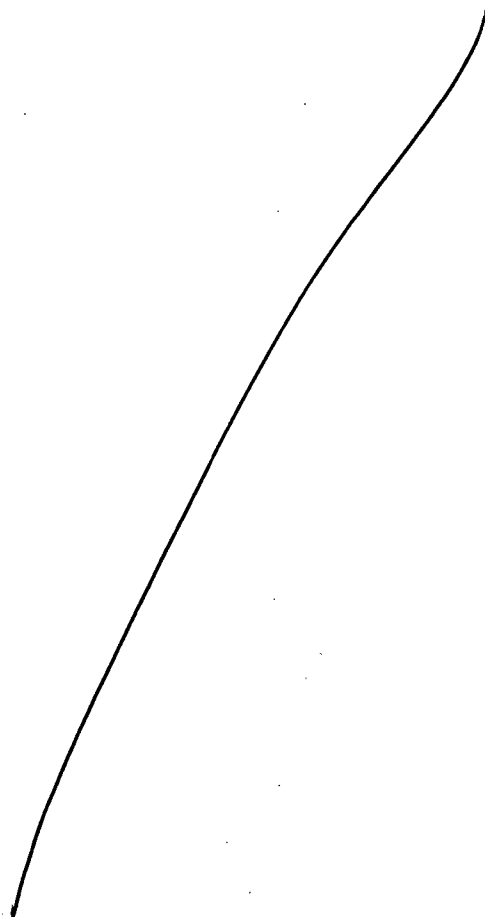
Learned counsel for the petitioner present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Tufail Khan, SO for respondents present.

The Focal Person, Safiullah present on the previous date who had assured implementation of the judgment of the Tribunal within a month is present before the Court nor any implementation report has been produced, therefore, let the salaries of the judgment debtors are attached and Secretary Health be directed to appear in person alongwith implementation report on the next date. The Accountant General Khyber Pakhtunkhwa is directed to attach the salaries of the respondents not to release the same till further order by this Tribunal.

Last chance is given to the respondents to implement the judgment and submit compliance report on 22.09.2022 before S.B.



(Kalim Arshad Khan)
Chairman

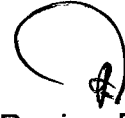


10.05.2022

Nemo for parties.

Muhammad Adeel Butt, learned Additional Advocate General present.

Notice be issued to both the parties for 23.06.2022 for implementation report, before S.B.



(Rozina Rehman)
Member (J)

23rd June, 2022

Petitioner with counsel present. Mr. Muhammad Riaz Khan Paindakhel, Asst: AG alongwith Mr. Safiullah, Focal Person for respondents present.

Implementation report has not submitted. Representative of the respondent assured that the implementation report will be submitted within one month. To come up for implementation report on 25.07.2022 before S.B



(Kalim Arshad Khan)
Chairman

EP 63/2017

01.02.2022 Petitioner in person and Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

Learned AAG is seeks further time to take the respondents on board to implement the judgment and submit compliance report on next date. Respondents are directed to implement the judgment at credit of the petitioner in the light of order dated 20.10.2021 and submit compliance report on 02.02.2022 before S.B.



Chairman

02.02.2022 Petitioner in person and Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

The respondents have failed to submit the compliance report despite repeated directions. Let them afford with an opportunity failing which coercive measures will be taken against the respondents. Case to come up for implementation report on 23.02.2022 before the S.B.


Chairman

~~24~~ 02.2022 Due to retirement of the Hon'able Chairman, the case is adjourned to ~~10.05~~ 2022 for the same before D.B.


Reader

26.01.2022

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

Learned AAG states that compliance of the order dated 20.10.2021 is in progress and requested for short adjournment. He is required to take the respondents on board for compliance of the order dated 20.10.2021 on the next date without fail. Case to come up on 31.01.2022 before S.B.


Chairman

31.01.2022

Petitioner in person and Mr. Muhammad Adeel Butt, Addl. AG alongwith Muhammad Tufail, SO (Litigation) for the respondents present.

Due to paucity of time, the matter is adjourned to 01.02.2022 before S.B.


Chairman

E.P No. 63/2017

18.11.2021

Petitioner in person present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present and sought some time for submission of implementation report. Adjourned. To come up for submission of implementation report before the S.B on 07.01.2022.


(Salah-Ud-Din)
Member (J)

17.12.2021

Petitioner alongwith his counsel present. Mr. Muhammad Adeel Butt, Addl: AG for respondent No.2 present.

Learned AAG requested for a short adjournment and stated at the bar that the department is working on implementation of the judgement and implementation report will be submitted on the next date. Adjourned. To come up for further proceedings on 12.01.2022 before S.B.


(MIAN MUHAMMAD)
MEMBER (E)

12.01.2022

Counsel for the petitioner present. Mr. Safiullah, Focal Person alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present and sought further time for submission of Implementation report. Adjourned. To come up for submission of implementation report on 28.03.2022 before the S.B.


(Salah-Ud-Din)
Member (J)

EP 63/17

20.10.2021. Petitioner in person and Mr. Muhammad Adeel Butt,
Addl. AG for the respondents present.

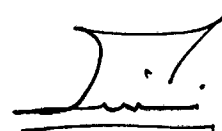
It is a matter of fact that the petitioner was one among the panelist officers who were considered in PSB meeting held on 14.12.2012 and the PSB had recommended his supersession. However, in a subsequent meeting of PSB held on 07.08.2013, the petitioner was again included in the panelist officers for consideration and he was considered and recommended for promotion to BPS-19 on regular basis; and vide notification dated 21.10.2013, he was promoted with immediate effect. The petitioner challenged his supersession recommended by the PSB in its meeting held on 14.12.2012 and his service appeal No. 813/2014 was yet filed before the Tribunal which later on was filed and accepted vide judgment dated 28.10.2016 presently under implementation. According to the spirit of the judgment, the supersession of the petitioner was converted into deferment on the basis of precedent of the case of Dr. Muhammad Ali Chohan decided on 26.12.2012. The implementation of the judgment at credit of the petitioner is so far awaited mainly for the reason of miscomprehension of the operative part of judgment. Therefore, it is clarified that the judgment under implementation is meant to undo the

recommendations of supersession of the petitioner by PSB in its meeting held on 14.12.2012 and it operates for conversion of the recommendation from supersession into deferment of promotion. Accordingly, the petitioner is deemed to be deferred for promotion on 14.12.2012. When the petitioner was promoted in view of the recommendations of PSB made on 06.03.2013, the present judgment was not in field and this judgment has been passed on 28.10.2016 for conversion of the supersession of the petitioner for promotion into deferment of his promotion, therefore, there is need for issuance of corrigendum of the order dated 21.10.2013 to antedate the promotion of the petitioner from 14.12.2012. The respondents are directed to issue the necessary corrigendum in the light of given observations without further delay. Copy of this order be sent to the respondents. Learned AAG shall also take the respondents on board for compliance of this order. Case to come up 18.11.2021 before S.B.


Chairman

25.08.2021

Petitioner in person present. Mr. Ziaullah, Deputy Secretary (Litigation) alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present and submitted implementation report. To come up for objection on the implementation report, if any, and arguments before the S.B on 14.09.2021.



(SALAH-UD-DIN)
MEMBER (J)

14.09.2021

Petitioner in person and Mr. Muhammad Adeel Butt, Addl. AG alongwith Jafar Ali, Assistant for the respondents present.

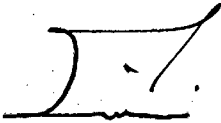
Petitioner requests for time to furnish objection on the implementation report. Request is accepted. Case to come up on 20.10.2021 before S.B.



Chairman

22.03.2021

Mr. Afrasiyab Khan Wazir, Advocate, junior of learned counsel for petitioner present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Latif-ur-Rehman, Section Officer for the respondents present and produced a copy of letter No. SOH(E-V)9-9/2020/Dr. Noor Ul Mabood dated Peshawar the January 08,2021 and stated that the implementation is in progress. Adjourned. To come up for implementation report before the S.B on 02.06.2021.


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

02.06.2021

None present on behalf of the petitioner. Mr. Muhammad Adeel Butt, Addl. AG alongwith Jaffar Ali, Asstt. and Nisar Ahmad, Monitoring Assistant for the respondents present.

Representatives of the respondents seek further time to submit implementation report. Respondents are directed to implement the judgment under execution in letter & spirit and submit compliance report on 12.07.2021 before S.B.


Chairman

12.07.2021

Nemo for the petitioner. Mr. Muhammad Riaz Khan Paindahel, Asstt. AG for the respondents present.

Learned AAG seeks time to contact the respondents and submit implementation report. He is required to contact the respondents to implement the judgment under execution in letter and spirit and submit implementation report on 25.08.2021 before S.B.


Chairman

E.P. No. 63/2017
Dr. Noor-ul-Mabood VS Govt

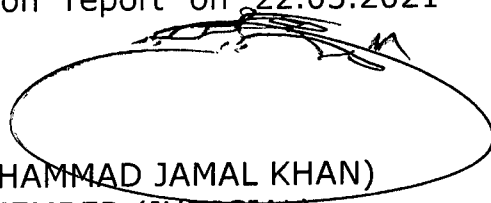
25.01.2021

None for the petitioner has forth come despite having been called time and again and the last call was made at 03:00 P.M. Mr. Kabirullah Khattak, Additional Advocate General for the respondents, is also present.

Notices to respondents No. 1 to 3 have been dispatched but neither respondents are present in person nor their representatives have forth come. The execution petition is pending satisfaction since 14.04.2017 and so far the judgment dated 28.10.2016 passed by this Tribunal, has not been given effect. It appears that respondents are not taking any interest in implementation of the judgment, therefore, notice be issued to the respondents as to why not their salaries are attached by issuance of warrant of attachment, simultaneously directing them to give effect to the judgment of this Tribunal in its letter and spirit by submitting implementation report.

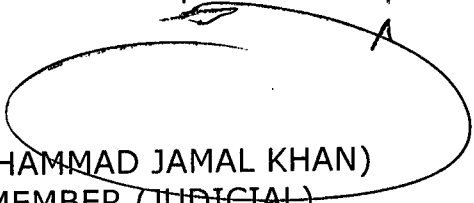
Learned Additional Advocate General submitted a letter bearing no. SOH(E-V)9-9/2020/Dr. Noor Ul Mabood dated 08.01.2021 to the effect that working papers in respect of petitioner had already been processed and sent to the PSB Section of Establishment Department. The latter is placed on file.

File to come up implementation report on 22.03.2021 before S.B.


(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

Post Script
25.01.2021

Later on Mr. Nisar Ahmad, Assistant, representative of the department appeared and requested for his attendance in the instant execution petition on behalf of the respondents.


(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

01.09.2020

Nemo for the petitioner. Addl. AG alongwith Hazrat Shah, Superintendent and Saleem Javed Litigation Officer for the respondents present.

Representatives of the respondents seek time to furnish implementation report. Notices be issued to petitioner/counsel for the next date of hearing. To come up for implementation report on 05.10.2020 before S.B.

05.10.2020

Nemo for petitioner. Addl. AG alongwith Hazrat Shah, Superintendent for the respondents present.


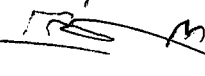
The representative of respondents states that the process of implementation of the judgment will take some more time, therefore, requests for adjournment.

Adjourned to 30.11.2020 before S.B.

30.11.2020

Mr. Abdul Hameed, Advocate, is present and submitted that he was contacted by Mr. Rizwanullah learned counsel for petitioner that he is indisposed of today and cannot attend the Tribunal and requested for adjournment.

Respondents are not present. They be put on notice by directing them to submit implementation report on 25.01.2021 before S.B.


Chairman

(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

04.03.2020

Petitioner in person present. Addl: AG for respondents present. Representative of the respondents are not present. Notice be issued to the respondents to directed their representative to attend the Tribunal and submit proper implementation report positively on the next date of hearing. To come up for further proceedings on 13.04.2020 before S.B.


Member

13.04.2020

Due to public holiday on account of COVID-19, the case is adjourned to 07.07.2020 for the same. To come up for the same as before S.B.


Reader

07.07.2020

Counsel for the petitioner present.

Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Hazrat Shah Superintendent, for the respondents present.

Implementation report was not submitted. Learned AAG requested for adjournment in order to furnish implementation report. Last chance is given. To come up for implementation report on 01.09.2020 before S.B.



Member (J)

12.11.2019

Petitioner alongwith counsel and Addl. AG alongwith Sher Baz Khan, S.O for the respondents present.

The representative of respondents requests for further time for submission of implementation report as working paper for promotion of petitioner has already been prepared and sent to the Secretary P.S.B/Establishment Department Government of Khyber Pakhtunkhwa.

The working paper alongwith copies of judgment under implementation as well as that of order dated 17.12.2018 shall be placed before the P.S.B in its next meeting. Adjourned to 20.01.2020 for submission of implementation report.


Chairman

20.01.2020

Nemo for petitioner. Addl. AG for the respondents present.

Adjourned to 04.03.2020 due to general strike of the Bar. The respondents shall apprise the Tribunal regarding outcome of PSB meeting on next date of hearing.


Chairman

21.08.2019 Counsel for the petitioner present. Mr. Kabirullah Khattak, Additional AG for the respondents. Neither representative of the department is present nor implementation report has been submitted by the respondents therefore, notice be issued to the respondents with the direction to strictly direct the representative to attend the court and submit implementation report on the next date positively. Adjourned to 18.09.2019 for implementation report before S.B.

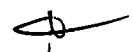

(Muhammad Amin Khan Kundi)
Member

18.09.2019 Counsel for the petitioner and Addl. AG alongwith Hazrat Shah, Superintendent for the respondents present.

The representative of respondents states that the working paper for PSB meeting to be held on 23.09.2019 will be prepared in the light of order dated 27.06.2019. Adjourned to 14.10.2019 to avail the outcome of proposed PSB meeting.

Chairman 

14.10.2019 Counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present. Required record as per order sheet dated 18.09.2019 was not produced by the respondents. Last opportunity is provided to the respondents to make available the same on or before the next date of hearing. To come up for further proceedings on 12.11.2019 before S.B.


Member

27.06.2019

Petitioner with counsel present. Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Hazrat Shah Superintendent present.

Representative of respondent department submitted working paper dated 13.05.2019. Petitioner submitted that he seeks antidation of his promotion in BS-19, however astonishingly the working paper submitted by the representative today reflects that his case has been moved for promotion from BS-19 to BS-20.

During the course of arguments it was brought into notice of this Tribunal that due to inefficiency of Mr. Fazal-e-Ali SO-V, working paper could not be prepared in the proper manner.

Respondent No.3 is directed to personally go through the judgment dated 28.03.2016 in Service Appeal No.813/2014 filed by the petitioner and needful be done for proper implementation of the said judgment at the earliest as the matter regarding implementation of judgment about is lingering on since 20.07.2016.

Adjourn. To come up for implementation report on 21.08.2019 before S.B.

Section Officer concerned be also put to notice to furnish progress report on the date fixed. Copy of this order be also sent to respondent No.3 and SO-V for compliance.


Member

E.P. No. 63/2017
Dr. Noor-ul-Mabood vs Govt

19.04.2019

Petitioner with counsel and Mr. Kabir Ullah Khattak learned Additional Advocate General present.

M/S Hazrat Shah Superintendent and Amjid Ali Assistant, representatives of the respondents absent.

The judgment dated 28.10.2016 of this Tribunal, not implemented until yet. Notice of attachment of salary be issued to the Secretary Health Khyber Pakhtunkhwa (respondent No.3). Notice of attachment of salary be also issued to the absent representatives. Respondent department is strictly directed to furnish implementation report on the next date fixed as 13.05.2019. To come up for further proceedings/implementation report on the date fixed before S.B.

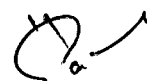


Member

13.05.2019

Petitioner with counsel and Mr. Usman Ghani learned District Attorney present. Hazrat Shah Superintendent and Amjid Ali Assistant representatives of the respondent department still absent.

The present execution petition pertaining to the implementation of judgment dated 28.10.2016 of this Tribunal was instituted on 24.04.2017 however the respondent department has yet to implement the judgment. Today, no one present on behalf of respondent department. Consequently respondent No.3 is directed to furnish implementation report till the next date, else attend this Tribunal personally to offer explanation. Adjourn. To come up for further proceedings/implementation report on 27.06.2019 before S.B.



Member

07.03.2019

Petitioner in person present. Mr. Kabirullah Khattak learned Additional Advocate General alongwith Mr. Hazrat Shah Superintendent for the respondents present. Representative of the respondents seeks time to file implementation report. Last opportunity is granted. Adjourned. To come up for further proceeding/Implementation report on 27.03.2019 before S.B

MA

(Muhammad Amin Khan Kundi
Member

27.03.2019

Petitioner with counsel and Mr. Usman Ghani learned District Attorney alongwith Hazrat Shah Superintendent present. learned District Attorney seeks adjournment for doing the needful. Again adjourned by way of last chance. To come up for further proceedings on 19.04.2019 before S.B

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Member

17.12.2018

Petitioner with counsel and Mr. Kabirullah Khattak learned Additional Advocate General present.

During the course of arguments, it came to surface that the PSB in its meeting held on 31.01.2017 has altogether ignored the findings in judgment dated 28.10.2016 under implementation and declined the antedated promotion to the appellant simply on the notion that promotion is always notified with immediate effect. Consequently the respondent department is directed to remit the case of the petitioner again to the PSB and the PSB is directed to consider the case of petitioner for antedated promotion strictly in accordance with the findings in the judgment dated 28.10.2016 of this Tribunal passed in service appeal No.813/2014 filed by the petitioner. Adjourn. To come up for implementation report on 06.02.2019 before S.B.


Member

06.2.2019

Petitioner in person and Addl. AG for the respondents present.

Learned Addl. AG requests for more time for submission of implementation report. Adjourned to 21.02.2019 before S.B.


Chairman

21.02.2019

Petitioner in person and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Adjournment requested. Adjourn. To come up for further proceedings/implementation report on 07.03.2019 before S.B. Notice be issued to respondent department.


Member

17.12.2018

Petitioner with counsel and Mr. Kabir Ullah Khattak learned Additional Advocate General present.

during the course of arguments it came to surface that the PSB in its meeting held on 31.01.2017, without adhering to the merits of the case of the petitioner as discussed in the judgment dated 28.10.2016 declined the antedated promotion of the petitioner merely by referring to the promotion policy 2009.

In view of the above respondent department is directed to remit the case of the petitioner again to the PSB for consideration of his case for antedated promotion in accordance with the merits/finding of judgment dated 28.10.2016 of this Tribunal passed in service appeal No.813/2014 filed by the petitioner.

Member

25.09.2018

Miss Sophia Noreen Advocate, counsel for the petitioner present. Mr. Kabirullah Khattak, Addl. AG for the respondents present.


The learned counsel for the petitioner requested that strict action against the respondents may be taken for not implementing the judgment of this Tribunal whereas the learned Addl. AG opposed the said contentions by arguing that the judgment of this Tribunal has already been implemented as case of the petitioner for promotion was placed before the PSB but he was not found fit for promotion.

This controversy needs full arguments of the parties, therefore, case is adjourned to 30.10.2018 for arguments before S.B.


Chairman

30.10.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned.

 To come up on ~~17~~ 17.12.2018.


Reader

25.04.2018 The Tribunal is non functional due to retirement of the Honorable Chairman. Therefore, the case is adjourned. To come up for the same on 18.07.2018 before S.B.



Reader

18.07.2018 Junior to learned counsel for the petitioner present. Learned Additional Advocate General present. Learned counsel for the petitioner is not available. Adjourn. Respondent department is again directed to produce minutes of meeting of PSB as mentioned in order sheet dated 29.03.2018 on or before the next date fixed as 16.08.2018 before S.B



Member

16.08.2018 Miss. Sofia Noreen, Advocate counsel for the petitioner present. Mr. Hazrat Shah, Supdt alongwith Mr. Kabirullah Khattak, Addl: AG for respondents present and submitted copy of the minutes of the PSB held on 30.01.2017, hence case is adjourned to 25.09.2018 before S.B as similar cases already fixed for the date fixed.



Chairman


7.2.2018

Petitioner with counsel Addl. A.G alongwith Muhammad Arshad, S.O for respondents present. Seeks adjournment. To come up for further proceedings on 27.2.2018 before S.B.


Chairman

27.02.2018

Clerk to counsel for the petitioner and Addl: AG for respondents present. Clerk to counsel for the petitioner seeks adjournment as counsel for the petitioner is not in attendance. Adjourned. To come up for further proceedings on 29.03.2018 before S.B,


(Ahmad Hassan)
Member (E)

29.03.2018

Counsel for the petitioner and Addl. AG alongwith Hazrat Shah, Superintendent for the respondents present. Learned counsel for the petitioner argued that the PSB in its minutes dated 30.1.2017 decided against the judgment of this Tribunal regarding antedated promotion. Minutes of the meeting of PSB dated 30.1.2017 are not on file. The department is directed to produce minutes of meeting of PSB dated 30.1.2017 on 25.4.2018 before the S.B.


Chairman


20.12.2017

Petitioner in person present. Mr. Muhammad Jan, Learned Deputy District Attorney along with Noor Ali, Legal Officer for the respondents present. Petitioner requested for adjournment. Adjourned. To come up for further proceedings on 02.01.2018 before S.B


(Muhammad Hamid Mughal)
MEMBER

02.01.2018

Counsel for the petitioner present and Mr. Usman Ghani, District Attorney for the respondents present. Requested for adjournment. Adjourned. To come up for further proceedings on 09.02.2018 before S.B.


(Gul Zeb Khan)
Member (E)

09.01.2018

Counsel for the petitioner present. Mr. Usman Ghani, District Attorney alongwith Mr. Muhammad Arshed, Section Officer for the respondents also present. Learned counsel for the petitioner requested for adjournment. Adjourned. To come up for further proceedings on 07.02.2018 before S.B.


(Muhammad Amin Khan Kundi)
Member

E.P No. 63/2017

27.10.2017

Petitioner with counsel present. Mr. Kabirullah Khattak, Additional AG for the respondents also present. Implementation report not submitted. Learned Additional AG requested for further adjournment. Last opportunity granted. Adjourned. To come up for implementation report on 24.11.2017 before S.B.


(Muhammad Amin Khan Kundi)
Member


24.11.2017

Petitioner with counsel present. Mr. Usman Ghani, District Attorney for the respondents also present. Adjourned. To come up for implementation report on 12.12.2017 before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

12.12.2017

Petitioner in person and Addl. AG for the respondents present. Representative of the department is not present before the court. The learned Addl. AG seeks adjournment. Last opportunity is granted. In case of failure to submit implementation report coercive processes shall be issued against the respondents To come up for implementation report on ²⁰⁻¹²⁻¹⁷ ~~18.01.2018~~ before S.B.


Chairman

26.05.2017

Counsel for the petitioner and Asst:AG for respondents present. Notices be issued to the respondents for submission of proper implementation report. To come up for implementation report on 21.07.2017 before S.B.


(Ahmad Hassan)
Member


21.07.2017

Counsel for the petitioner and Asst: AG for respondents present. Learned Asst: AG apprised ~~to~~ the Tribunal that comments would be submitted positively on the next date of hearing. Last opportunity granted. . To come up for further proceedings on 08-09-20172017 before S.B.


(Ahmad Hassan)
Member

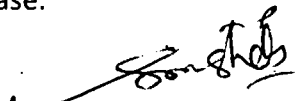


08.09.2017

Counsel for the petitioner present. Learned Additional Advocate General for respondent department present. Counsel for the petitioner seeks adjournment. Adjourned. To come up for implementation report on 27.10.2017 before S.B.


Member (Judicial)

FORM OF ORDER SHEET

Execution Petition No. 63/2017

S.No	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	14.04.2017	<p>The Execution Petition of Dr. Noor-ul-Mabood submitted today by Sophia Noreen Advocate may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	18-04-2017	<p>This Execution Petition be put up before S. Bench on - <u>24-04-2017</u></p> <p style="text-align: right;"> MEMBER</p>
	24.04.2017	<p>Counsel for the petitioner present. Notice be issued to the respondents. To come up for implementation report on 26.05.2017 before S.B.</p> <p style="text-align: right;"> (Ahmad Hassan) Member</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR

Implementation Petition 63 /2017
In service Appeal No. 813/2014
Decided on 28/10/2016

Dr. Noor-Ul-Mabood

VERSUS

The Government of Khyber Pakhtunkhwa etc

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Petitioner

Through

Counsel 
SOPHIA NOREEN,

Advocate, High Court Peshawar

Dated 14/4/2017

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL

PESHAWAR

Implementation Petition 63 /2017

In service Appeal No. 813/2014

Decided on 28/10/2016

Khyber Pakhtunkhwa
Sec

Dist. 290

Date 14-4-17

Dr. Noor-Ul-Mabood, Deputy Dean, PGMI, Peshawar.

... APPELLANT

VERSUS

1. The Government of Khyber Pakhtunkhwa, through Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar.
2. The Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar.
3. The Secretary Health Services, Government of Khyber Pakhtunkhwa, Peshawar.

... RESPONDENTS

APPLICATION FOR IMPLEMENTATION OF THE
ORDER AND JUDGMENT DATED 28/10/2016 OF
THIS HONORUABLE TRIBUNAL ACCORDING TO
ITS TRUE LETTER AND SPIRIT

Respectfully Sheweth,

1. That the above noted services appeal was pending for adjudication before this Honourable Tribunal, which was

decided on 28/10/2016. (Copy of the order and judgment dated 28/10/2016 is attached as annexure A).

2. That vide the order and judgment dated 28/10/2016 this Honorable Tribunal accepted the appeal of the petitioner with the direction to the respondents as followings: -

“the learned counsel of the appellant relied on judgment of this Tribunal in Service Appeal No.531/12 of Dr. Mohammad Ali Chohan decided on 26/12/2012 and submitted that in identical circumstances, this Tribunal converted his supersession into deferment and granted him promotion as prayed for. We in the stated circumstances, decide that the case of the appellant be remitted to the respondents for consideration of case of the appellant attenuation for which purpose it may be placed before PSB in the near future. Appeal decided accordingly”

(Copy of the order and judgment dated 26/12/2012 is attached as annexure B).

3. That the case of the appellant was placed before the PSB in its meeting held on 30/01/2017, however regretted to consider the case of the appellant for the following reasons: -

“The Board thoroughly discussed the working paper and observed that according to the promotion policy 2009, promotion is always notified with immediate effect.

Hence the Board did not accede to the antedated promotion of the doctor concerned (Dr. Noorul Mabood).

(Copy of the letter No.SOH(E-V)1-132/2007/Dr. Noorul Mabood, dated Peshawar the 9th March 2017 is attached as annexure C).

4. That the appellant time and again visited the office of respondent's department for implementation of the order and judgment of this Honourable Tribunal according to its true letter and spirit, however they are reluctant to implement the order and judgment.
5. That the provincial selection board considered many officers for promotion in past, however the case of the petitioner was discriminated and was never considered for antedation according to the order and judgment of this Honourable Tribunal.
6. That the respondents are legally bound to implement the order and judgment dated 28/10/2016 of this Honourable Tribunal with its true letter and spirit.
7. That no appeal has been filed against the judgment and order dated 28/10/2016 of this Honourable Tribunal by the respondents, thus the same has attended finality.
8. That there is no legal impediment in the implementation of judgment / order of this Honourable Tribunal dated 28/10/2016.

(4)

9. That any other grounds would be raised at the time of arguments with prior permission of this Honourable Court.

It is, therefore, most humbly prayed that on acceptance of this implementation petition the order and judgment dated 28/10/2016 of this Honourable Tribunal may kindly be implemented according to its true letter and spirit.

Petitioner



Through

Counsel



SOPHIA NOREEN,

Advocate, High Court Peshawar

Dated 14/4/2017

CERTIFICATE:

Certified that no such like petition has earlier been filed.


Advocate

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL

PESHAWAR

Implementation Petition _____/2017

In service Appeal No. 813/2014

Decided on 28/10/2016

Dr. Noor-Ul-Mabood

VERSUS

The Government of Khyber Pakhtunkhwa etc

AFFIDAVIT

Dr. Noor-Ul-Mabood, Deputy Dean, PGMI, Peshawar, do hereby solemnly affirm and declare on oath that the contents of the instant implementation petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.

Dr. Noor-Ul-Mabood
Deponent

Identified by
S/
Sophia Noreen
Adv

ATTESTED
MEHAR GUL Advocate
Genl. Commissioner
Peshawar
28/10/16
813/14

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BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR

Implementation Petition _____/2017
In service Appeal No. 813/2014
Decided on 28/10/2016

Dr. Noor-Ul-Mabood

VERSUS

The Government of Khyber Pakhtunkhwa etc

ADDRESSES OF PARTIES

Address of petitioner: -

Dr. Noor-Ul-Mabood, Deputy Dean, PGMI, Peshawar.

Addresses of respondents: -

1. The Government of Khyber Pakhtunkhwa, through Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar.
2. The Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar.
3. The Secretary Health Services, Government of Khyber Pakhtunkhwa, Peshawar.

Petitioner

Through

Counsel

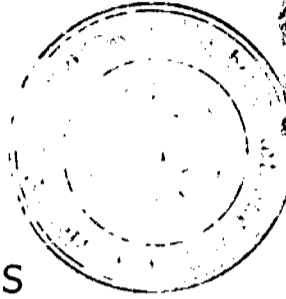

SOPHIA NOREEN,

Advocate, High Court Peshawar

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.**

Appeal No. 813 /2014

Dr. Noor-ul-Mabood, Deputy Dean,
PGMI, Peshawar.



754
23/5/2014

APPELLANT

VERSUS

1. The Government of Khyber Pakhtunkhwa through Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar.
2. The Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar.
3. The Secretary, Health Department, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
4. The Director Health Services, Khyber Pakhtunkhwa, Peshawar.

RESPONDENTS

.....
APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 9.4.2014 COMMUNICATED TO THE APPELLANT ON 29.4.2014 WHEREBY THE APPEAL FOR ANTEDATED PROMOTION HAS BEEN REJECTED FOR NO GOOD GROUNDS.
.....

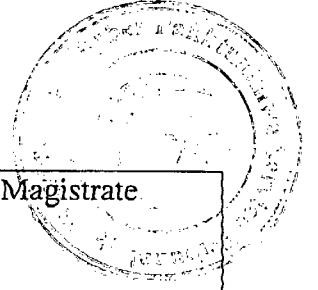
PRAYER:

THAT ON ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 9.4.2014 COMMUNICATED TO THE APPELLANT ON 29.4.2014 MAY BE SET ASIDE WITH FURTHER DIRECTION TO THE RESPONDENTS TO MODIFY THE ORDER DATED

23/5/14

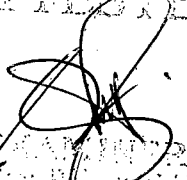
As-submitted to
and filed.

9/6/14



S.No	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
	28.10.2016	<p style="text-align: center;"><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,</u> <u>PESHAWAR.</u></p> <p style="text-align: center;">APPEAL NO. 813/2014 (Dr. Noor-ul-Mabood-vs- Govt: of Khyber Pakhtunkhwa through Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar, and others).</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>PIR BAKHSH SHAH, MEMBER:</u></p> <p>Appellant with counsel (Mr. Mohammad Asif Yousafzai, Advocate) and Mr. Kabirullah Khattak, Assistant A.G for respondents present.</p> <p>2. Appointed as Medical Officer in BPS-17 in the year 1987 and promoted to BPS-18 on 03.09.1995, it is not disputed by the respondents that in the cadre of BPS-18 Officers, the appellant was at S.No.4 of the seniority list. For his promotion to BPS-19 his case was placed before PSB meeting held on 14.12.2012 who was superseded on the ground of low efficiency index and on poor performance in the eyes of the Secretary Health. In the next PSB meeting held on 06.03.2013 the appellant was duly promoted to BPS-19 on regular basis vide notification dated 21.10.2013. Aggrieved with the decision of the previous meeting dated 14.12.2012, the appellant lodged departmental appeal for antedation promotion which was rejected vide order dated 09.04.2014 communicated to the appellant on 29.04.2014, hence this appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 with the following prayer:-</p>

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Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

“That on acceptance of this appeal, the order dated 09.04.2014 communicated to the appellant on 29.04.2014 may be set aside with further direction to the respondents to modify the order dated 21.10.2013 by antedating the promotion of the appellant to BPS-19 from the dated when his juniors were promoted with all back and consequential benefits. Any other remedy, which this Tribunal deems fit and appropriate that may also be awarded in favour of appellant.”

3. Arguments heard and record perused.

4. Learned counsel for the appellant submitted that one Dr. Tahir Bashir-ud-Din was recommended for promotion in the same meeting with lower efficiency index of 49.03 then the appellant who had efficiency index score of 50.87 but Dr. Tahir Bashir-Ud-Din was promoted and appellant ignored. He urged that the allegations of low efficiency index against the appellant is totally false. He further argued that so for dissatisfaction of the Secretary Health on the performance of the appellant was concerned so the same dissatisfaction was not communicated to appellant in black & white and only verbal or telephone expression of Secretary Health on performance of the appellant is a nullity in the eyes of law and the appellant should not suffer for this reason. He submitted that since juniors of the appellant were promoted and on no score the appellant should have been superseded, therefore his subsequent promotion notification dated 21.10.2013 which makes the appellant promoted to BPS-19 with immediate effect may be antedated to 06.03.2013 on which his juniors were promoted. He also referred to judgment of this Tribunal dated 26.12.2012 in appeal No. 531 of 2012 titled Dr. Mohammad Ali Chuhan

ATTENDED

MEMBER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

and urged that this appeal is identical with the said appeal for Dr. Mohammad Ali Chohan.

5. This appeal was resisted by Learned Assistant AG on the ground that case of the appellant for promotion was duly considered who was superseded for the above reasons. He also resisted that promotion of the appellant in BPS-19 can be antedated as prayed for.

6. From perusal of minutes of meeting of PSB held on 14.12.2012 it is evident that the Board recommended supersession of the appellant on the following two reasons...(i) that efficiency index of the appellant is below the threshold. In this regard learned counsel for the appellant stated that efficiency index of the appellant is 50.87 which is higher than the efficiency index of one Dr. Tahir Bashir-Ud-Din which is 49.03. Dr. Tahir Bashir-Ud-Din was stated to have been recommended for promotion in the same meeting of PSB despite the fact that his efficiency index was lower than that of the appellant. If the said situation is also supported from the record of the respondent-department so it is evident that the ground of low efficiency index is no more available with the respondent-department and this wise contention of the appellant is correct...(ii) Second reason for supersession of the appellant is dissatisfaction of the Secretary Health on the performance of the appellant. It is the contention of the appellant that there is nothing on record about this dissatisfaction of the Secretary Health. The Tribunal is of the view that the said dissatisfaction should have been duly reduced into writing and duly conveyed to the appellant because his performance up to 2011 according to record does not show any dissatisfaction about his performance and secondly that in the succeeding PSB meeting he was recommended for promotion in the succeeding PSB after few months which would not have been possible if an year prior, his

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Khyber Pakhtunkhwa
Service Tribunal
Peshawar

performance was poor. This may be as it is, the learned counsel for the appellant relied on judgment of this Tribunal in Service Appeal No.531/12 of Dr. Mohammad Ali Chohan decided on 26.12.2012 and submitted that in identical circumstances, this Tribunal converted his supersession into deferment and granted him promotion as prayed for. We in the stated circumstances, decide that the case of the appellant be remitted to the respondents for consideration of case of the appellant antedation for which purpose it may be placed before PSB in the near future. Appeal decided accordingly. Parties are left to bear their own costs. File be consigned to the record room.

Announced *Self - Pir Bakhtish Shah,*
 28.10.2016 *Member*

Handwritten signature
 ORIGINAL COPY
 14/4/2017

Self - Abdul Latif,
Member

Date of Presentation: *14-4-2017*
 Number of Words: *2050*
 Copying Fee: *12/-*
 Urgency: *2/-*
 Total: *14/-*
 Name of Copyist: *[Signature]*
 Date of Completion of Copy: *14-4-2017*
 Date of Delivery of Copy: *14-4-2017*

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR



Appeal No: 531/2012

Dr. Muhammad Ali Chohan Medical Superintendent, Maulvi Ameer Shah Memorial Hospital, Khyber Pakhtunkhwa Peshawar.

(Appellant)

VERSUS

1. Govt of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
2. Secretary to Govt of Khyber Pakhtunkhwa, Health Department Peshawar.

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the Notification No. SO (E-1) E&AD / 9-133-2012 dated 11-02-2012, whereby promotions were made of doctors of Health Department (Health Management Cadre) from BPS-19 to BPS-20 on regular basis to the extent of ignoring and superseding the appellant and not promoting him to BPS-20 is illegal; unlawful, without lawful authority and of no legal effect against which the department appeal dated 16.2.2012 was regretted on 17.4.2012 however copy was not conveyed to the appellant.

Prayer in Appeal:

On acceptance of this appeal both the notification dated 11.2.2012 & rejection order (not conveyed) may please be set aside and the appellant being eligible and fit for promotion to BPS-20, has every right to be promoted w.e.f 11-02-2012, be promoted accordingly with all back benefits & arrears, or any other remedy deem proper may also be allowed.

RESPECTFULLY SUBMITTED:

1. That the appellant initially joined the Health Department as Medical Officer BPS-17 on 13-11-1983, pursuant to the recommendation of Public Service Commission.

Attested to
be
copy

14/4/2012

(5) (13)



26.12.2012

Appellant with counsel and Mr. Zahir Shah, Assistant of bench, the respondents with Mr. Arshad Alam, Govt. Pleader present. Arguments heard and record perused.

Vide detailed judgment of today, placed on connected Appeal No. 530/2012 titled 'Dr. Bilal Ahmad Siddique-vs- Govt. of KPK through Chief Secretary etc.' on the partial acceptance of the appeal, the concerned authorities-respondents are directed to place case of the appellant before the Provincial Selection Board to consider recommendations of the Health Department for conversion of supersession into deferment and his promotion from BS-19 to BS-20 with effect from 11.2.2012. as prayed for in the appeal. Needless to say that the appellant would be at liberty to seek remedy available to him under the law if he is not satisfied with the final order of the departmental authority on reconsideration of his case. There shall, however, be no order as to costs.

ANNOUNCED
26.12.2012.

Member

Chairman

Certified to be a true copy
Khayva Service Tribunal
Peshawar

Date of Presentation of Application	2-1-2013
Number of Books	2
Copying Fee	2
Urgent	
Total	2-1-2013
No. of Copies	2
No. of Copies of Copy	2-1-2013
No. of Copies of Copy	2-1-2013

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

SERVICE APPEAL NO. 530/2012

Date of institution ... 10.05.2012

Date of Judgment ... 26.12.2012



Dr. Bilal Ahmad Siddiqui S/o Mian Mir Ahmad,
R/O Shami Road, Peshawar (presently as Deputy Director Management
PTISA, Peshawar). ... (Appellant)

VERSUS

1. Govt. of Khyber Pakhtunkhwa through Chief Secretary,
Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. Secretary to Govt. of Khyber Pakhtunkhwa, Health Department,
Civil Secretariat, Peshawar.
3. Director General, Health Services, Civil Secretariat,
Khyber Pakhtunkhwa, Peshawar. ... (Respondents)

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar
Anwar

Appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunals Act, 1974 against
the Notification No. SO(E-1) F.&AD/9-133-2012 dated 11.02.2012, whereby
promotions were made of doctors of Health Department (Health Management
Cadre) from BPS-19 to BPS-20 on regular basis to the extent of ignoring and
superseding the appellant and not promoting him to BPS-20 is illegal, unlawful,
without lawful authority and of no legal effect against which the departmental
appeal dated 11.2.2012 has not been responded so far.

Mr. Ijaz Anwar, Advocate
Mr. Arshad Alam, Govt. Pleader

For appellant
For respondents

Mr. Qalandar Ali Khan
Mr. Noor Ali Khan

Chairman
Member

JUDGMENT

QALANDAR ALI KHAN, CHAIRMAN:-

This appeal by Dr. Bilal-
Ahmad Siddiqui, Appeal No. 531/2012 by Dr. Muhammad Ali Chohan and
Appeal No. 532/2012 by Dr. Abdul Wahced Shah relate to the same issue of
supersession and denial of promotion to the appellants, therefore, the judgment in
this appeal shall also dispose of the said Appeals No: 531/12 and 532/12.

2. The facts of the case, as gleaned from the appeals, are that all the three
appellants were serving in the Management Cadre of the Health Department in
BPS-19 and their names were recommended for regular promotion to BPS-20 by
the department when certain vacancies became available; but the Provincial
Selection Board (PSB) recommended their supersession on account of having

efficiency index below the threshold required for promotion to BS-20. The appellants preferred departmental appeals/representations against their supersession, but notification on the basis of the recommendations of the PSB was issued on 11.2.2012. The appellants have alleged, in their appeals, that their departmental appeals/representations were filed by the competent authority on 17.4.2012, but they were not conveyed copy of the regret letter. They, therefore, approached the Peshawar High Court, and vide order dated 8.5.2012 of an Hon'ble Bench of the High Court, all the three Writ Petitions were sent to this Tribunal "for taking direct cognizance of the same".

3. The appeals have been lodged on the grounds that the appellants have not been treated in accordance with law, as the PSB has not followed the law and rules governing promotion; that the appellants being senior in seniority list of Management Cadre in BS-19 had preferential right for consideration for promotion; that the appellants had secured good marking in training reports and were having good service record but despite that they were superseded on the ground of below in the efficiency index; that decision of the PSB was arbitrary, whimsical and not on account of performance of the appellants and based on considerations other than merit; that with-holding of discretionary marks by PSB was the result of personal like and dislike; that there was no adverse material before the PSB to form opinion of unfitness of the appellants for promotion; and that the PSB conveyed no reason for supersession of the appellants, therefore, the supersession order was violative of section 24-A (2) of the General Clauses Act, 1897.

4. The appeals were resisted by the respondents on several legal and factual grounds, including, that the PSB recommended supersession of the appellants on account of their efficiency index which was below the threshold required for promotion to BS-20.

5. The appellants also filed their rejoinders/replications to the written replies/comments of the respondents wherein they reiterated their case; whereafter arguments of the learned counsel for the appellants and learned Government Pleader heard, and record perused.

6. It may be pointed out at the very outset that two of the appellants, namely, Dr. Abdul Waheed Shah and Dr. Muhammad Ali Chohan have been promoted from BS-19 to BS-20 on regular basis, but with immediate effect, in the

EXAMINER
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Service Tribunal

meantime, vide notification dated 02.11.2012; while case of the appellant in this appeal, Dr. Bilal Ahmad, was not considered, apparently due to the fact that he retired in the meantime. Therefore, in the former two cases of Dr. Muhammad Ali Chohan and Dr. Abdul Waheed Shah, the question remaining for determination is their promotion with effect from 11.2.2012, as they have been promoted with immediate effect; and in the latter case of Dr. Bilal Ahmad, the question which needs to be resolved is whether he would still be entitled to proforma promotion, notwithstanding his retirement in the meantime, if right to promotion had accrued in his favour during service.

7. The arguments of the learned counsel for the appellants, mainly, focused on the following points:-

(i) the relevant service rules prescribed the following criteria:

"By promotion on the basis of selection on merit, from amongst the member of service in BPS-19 with 05 years service as such or 17 years service in BPS-17 and above and four months advance inservice Training in Management from a recognized Institution or PHSA."

Since the appellants fulfilled the required criteria, the department recommended their names for consideration for promotion to the PSB, as is evident from the working paper and panel proforma for Provincial Selection Board, also showing efficiency index of the appellants;

(ii) the PSB, however, recommended supersession of the appellants on the ground that their efficiency index was below the threshold required for promotion to BS-20; but, at the same time, recommended other members of Health Management Cadre for promotion from BS-19 to BS-20 whose efficiency index was even below the threshold attained by the appellants;

(iii) the PSB failed to properly evaluate merit of the appellants, particularly with reference to meeting the training requirement with credit; and granted the remaining thirty discretionary marks on personal likes and dislikes;

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Khyber Pakhtunkhwa
Service Tribunal,
Peshawar.

(iv) the Peshawar High Court, in its judgment/order dated 8.5.2012 in W.P No.934-P/2012, clearly declared that the Departmental Selection/Promotion Committee had deliberately misinterpreted the facts, stretching it unnecessarily in favour of those respondents who have been granted promotion; and that the Establishment Department also landed in the field of illegalities by giving adverse comments to the competent authority i.e. Chief Minister, with whom the departmental appeals/representations of the petitioners were pending disposal and were ultimately dismissed on that ground;

(v) after the impugned notification dated 11.2.2012, the Health Department once again recommended, vide working paper dated 29.5.2012; promotion of all the three appellants, including appellant in this appeal, Dr.Bilal Ahmad, with further recommendation that earlier decision of the PSB with regard to their supersession may be converted into deferment. It was observed in the working paper that the Provincial Selection Board in its meeting held on 23.11.2011 superseded the officers without giving any cogent reason. However, in the subsequent working paper dated 12.9.2012, not only name of Dr. Bilal Ahmad was omitted but the above remarks with regard to supersession of the officers without giving any cogent reason were also not mentioned and simply the fact of supersession by the PSB in its meeting held on 23.11.2011 was noted;

(vi) the PSB, in its meeting held on 04.10.2012, recommended appellants, Dr.Abdul Waheed Shah and Dr.Muhammad Ali Chohan

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Kyber Pakhtunkhwa
Service Tribunal,

for promotion to BS-20 while holding that their service record upto 2011 was generally good:

(vii) in the minutes of the PSB, it was simply recorded that the Board in its meeting held on 23.11.2011 recommended their supersession as their efficiency index was below the threshold required for promotion to BS-20;

(viii) on the recommendations of the PSB, both the said appellants alongwith others were promoted in the Health Management Cadre from BS-19 to BS-20, on regular basis, but with immediate effect; while no order/notification was issued in respect of the appellant, Dr.Bilal Ahmad, apparently for the reason that he retired in the meantime.

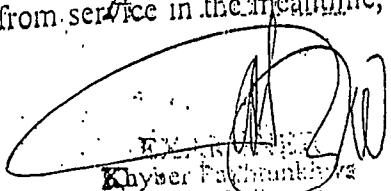
EXAMINER
KHYBER PAKHTUNKHWA
Service Tribunal
ATTESTED

8. The learned Government Pleader, on the other hand, stressed that appeals were not maintainable under section 4(b)(i) of the NWFP (Khyber Pakhtunkhwa) Service Tribunals Act, 1974, as the appellants were found not fit for promotion by the competent departmental authority i.e. Provincial Selection Board. The learned Govt. Pleader further contended that since Dr.Bilal Ahmad, appellant, retired from service, in the meantime, his name was not recommended for promotion, as he was no longer in service so as to qualify for promotion. The learned Govt. Pleader maintained that the appellants were earlier superseded for not meeting the efficiency index threshold required for promotion to BS-20 and that promotion is always with immediate effect and not from a back date, under the established Government policy.

9. It is, indeed, noteworthy that in these cases the issue involved is not 'determination of fitness' but the real issue is 'eligibility for promotion', and when question of 'eligibility for promotion' is involved, the Service Tribunal

certainly has the jurisdiction in view of judgment of the august Supreme Court of Pakistan reported as 2012 SCMR 971(Supreme Court of Pakistan). The record would show that the appellants were earlier superseded on the only ground of having efficiency index below the threshold required for promotion to BS-20, but two of the appellants, namely, Dr. Abdul Waheed Shah and Dr. Muhammad Ali Chohan, have now been recommended for promotion by the PSB after holding their service record upto 2011 as generally good. It is pertinent to mention here that the department concerned i.e. Health Department not only once declared the supersession without any cogent reason in its working paper dated 29.5.2012, but also twice recommended conversion of supersession into deferment; but it seems that the PSB did not take into consideration these remarks and recommendations of the concerned department; and, therefore, the appellants were promoted with immediate effect. Moreover, the allegation of 'grant of discretionary marks to those who were even below the appellants in the efficiency index threshold, and their consequent promotion; and supersession of the appellants though having nothing adverse against them so as to dis-entitle them for promotion, would naturally make their cases falling within the category of 'eligibility for promotion', and thus within the jurisdiction of the Tribunal, in the light of above referred judgment of the august Supreme Court of Pakistan. In short, the PSB failed to take into consideration the above facts and consistent recommendation of the concerned department, resulting in the promotion of the two appellants with immediate effect, and not from the date when they were superseded.'

10. In view of the above discussion/findings, the case of Dr. Bilal Ahmad also needs reconsideration, notwithstanding his retirement in the meantime, as rights, if any, accrued to him during service, could not be denied simply because he retired from service in the meantime, in the light of judgments reported as 2008


 Khayber Pakhtunkhwa
 Service Tribunal

PLC(C.S) 1260 (Lahore High Court), 2008 PLC (C.S) 421 (Federal Service Tribunal) and 2012 SCMR 126 (Supreme Court of Pakistan).

11. As a sequel to the foregoing discussion, on the partial acceptance of all the three appeals, the concerned authorities-respondents are directed to place cases of the appellants, of course, including the case of appellant, Dr. Bilal Ahmad, since retired from service, before the Provincial Selection Board to consider recommendations of the Health Department for conversion of supersession into deferment and their promotion from BS-19 to BS-20 with effect from 11.2.2012, as prayed for in the appeals. Needless to say that the appellants would be at liberty to seek remedy available to them under the law if they are not satisfied with the final order of the departmental authority on reconsideration of their cases. There shall, however, be no order as to costs.

*Sd/- Dalamber Ali Khan
Chairman
Sd/- Noor Ali Khan
Member*

ANNOUNCE
26.12.2012

Certified to be true copy
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application	2-1-2013
Number of Words	2500
Copying Fee	16
Urgent	
Total	2
Number of Copies	18
Date of Completion of Copy	2-1-2013
Date of Delivery of Copy	2-1-2013

(21)



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

PESHAWAR

NO. SOH(E-V)1-132/2007/Dr.Noorul Mabood
Dated Peshawar the 9th March, 2017

To

The Section Officer (Litigation-II)
Health Department.

★
15/3/17

Subject:

SERVICE APPEAL NO 813/2014 DR.NOORUL MABOOD VS GOVT OF
KHYBER PAKHTUNKHWA HEALTH DEPARTMENT

I am directed to refer to the subject noted and to state that Health Department placed the promotion case of Dr.Noorul Mabood (BS-19) before the Provincial Selection Board. The Board in its meeting held on 30.01.2017 has decided that "The Board thoroughly discussed the working paper and observed that according to promotion policy 2009, promotion is always notified with immediate effect. Hence the Board did not accede to the antedated promotion of the doctor concerned (Dr.Noorul Mabood). Copy of the minutes of the meeting is attached.

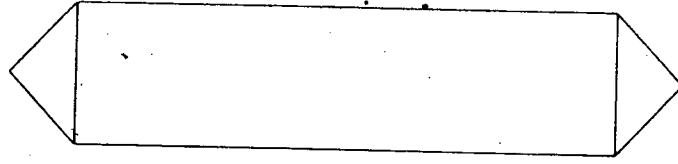
In view of the above it is therefore, requested that the above facts along with minutes of the Provincial Selection Board meeting held on 30.01.2017 may kindly be placed before the honorable Service Tribunal.

(MUHAMMAD ARSHID)
SECTION OFFICER (E-VI)

Endst No & Date Even.

- Copy to the PS to Secretary Health Department.

SECTION OFFICER (E-V)



ڈائریٹیوئل لہستان

Deputy Dea 2017
EGMI Peshawar

مقدمہ 14
April 2017

گورنمنٹ آف
پشاور

دعویٰ
جم
Implementation
Petition

باعث تحریر آنک

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

المرقوم 14 ماہ April 2017

سید

دگ واہ الع

کے لئے منظور ہے۔

Peshawar
Academy

CONFIDENTIAL
IMMEDIATE



GOVERNMENT OF KHYBER PAKHTUKHWA
ESTABLISHMENT DEPARTMENT

No. SO(PSB)ED/1-8/2017/P-545
Dated Peshawar, the 10.02.2017

To

The Secretary to
Government of Khyber Pakhtukhwa,
HEALTH DEPARTMENT

SUBJECT: - **MINUTES OF THE MEETING OF PROVINCIAL SELECTION BOARD
HELD ON 30.01.2017.**

**SERVICE APPEAL NO. 813/2014 DR. NOORUL MABOOD VS GOVT
OF KHYBER PAKHTUNKHWA HEALTH DEPARTMENT**

Dear Sir,

I am directed to refer to Health Department letter No No. SOH (E-V) 4-20/Promotion/Dr. Noorul Mabood dated 03.01.2017 on the subject and to forward herewith an extract of **Additional item No (8)** of the minutes/recommendations of the meeting of Provincial Selection Board held on **30.01.2017** for further necessary action/ obtaining approval of the competent authority.

Yours faithfully


(MUHAMMAD NAEEM KHAN)
SECTION OFFICER (PSB)

Encl: As Above
Endst. of even No. & date.

A copy is forwarded to the Section Officer (E-V), Govt of Khyber Pakhtukhwa, Health Department. He is requested to depute his representative to collect working papers from this office immediately.

SECTION OFFICER (PSB)

ADDITIONAL ITEM NO (8)

HEALTH DEPARTMENT

(Meeting of PSB held on 30.01.2017)

SUBJECT: - **SERVICE APPEAL NO. 813/2014 DR. NOORUL MABOOD VS GOVT OF KHYBER PAKHTUNKHWA HEALTH DEPARTMENT**

Secretary Health apprised the Board that the PSB in its meeting held on 14.12.2012 recommended Dr. Noor ul Mabood of Health Management Cadre for supersession as he could not get the required threshold for promotion to BS-19. The Board in its subsequent meeting held on 07.08.2013 recommended him for promotion to BS-19. However he filed an appeal in Service Tribunal for antedated promotion. The Tribunal in its judgment dated 28.10.2016 directed to resubmit the case of the appellant for consideration of his antedated promotion against the post of BS-19 w.e.f. 14.12.2012 the date on which the former PSB meeting was held. The Law department advised the department to place the case of the doctor to PSB.

The Board thoroughly discussed the working paper and observed that according to promotion policy, 2009, promotion is always notified with immediate effect. Hence the Board did not accede to the antedated promotion of the doctor concerned.



Govt of Khyber Pakhtunkhwa
Health Department



1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR



Implementation No. 57 /2014
In Appeal No. 531/2012
Decided on. 26.12.2012

883
22-10-14

Dr. Muhammad Ali Chohan Medical Superintendent, Maulvi Ameer Shah Memorial Hospital, Khyber Pakhtunkhwa Peshawar presently KTH Peshawar.

(Applicant)

VERSUS

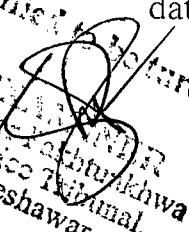
1. Govt of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
2. Secretary to Govt of Khyber Pakhtunkhwa, Health Department Peshawar.
3. Director General Health Services, Civil Secretariat, Khyber Pakhtunkhwa Peshawar.

(Respondents)

Application For Implementation Of The
Judgment And Order Dated 26.12.2012 Of
This Honorable Tribunal.

RESPECTFULLY SUBMITTED:

1. That the above noted service appeal was pending adjudication in this honorable Tribunal and was decided vide judgment and order dated 26.12.2012.
2. That vide the judgment and order dated 26.12.2012 this honorable Tribunal while accepting the appeal of the appellants held as under: " The concerned authorities-respondents are directed to place cases of the appellants, of course, including the case of appellant. Dr. Bilal Ahmad, since retired from service, before the Provincial Selection Board to consider recommendations of the Health Department for conversion of supersession into deferment and their promotion from BPS-19 to BPS-20 w.e.f 11.2.2012 as prayed for in the appeals. (Copies of the judgment and order dated 26.12.2012 is attached).

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Dr. Muhammad Ali Chohan

Execution Petition No. 57/2014



16.06.2017

Petitioner alongwith learned counsel present. Mr. Muhammad Adeel Butt, Additional Advocate General representing the respondents along with Mr. Asif Khan, Naib Qasid present. Learned counsel for the petitioner referred to the order sheet dated 05.05.2017 of this Tribunal wherein the learned Additional AG requested the Tribunal for discussing the matter with Secretary Health to ensure the implementation of this Tribunal. Today learned Additional Advocate General submitted before the court that due to some unavoidable circumstances he could not discuss the matter with Secretary Health, however, learned Additional Advocate General while assisting the Tribunal referred to minutes of the meeting of PSB dated 30.01.2017 by submitting that the PSB could not implement the order of this Tribunal for two main reasons recorded in the minutes of the meeting. One reason is that under the rules and policy of government supersession cannot be converted in deferment as ordered by this Tribunal and secondly that promotion to petitioner could not be made effective from the back date.

After hearing the arguments of the learned counsel for the parties and going through the judgment of this Tribunal dated 26.12.2012, this Tribunal reaches the findings that the observations made by the PSB in the minutes referred ^{to} above by the learned Additional Advocate General suffered from the following defects. That this Tribunal being proper forum has already decided that supersession should be converted into deferment then no executive authority can interpret the rules and policy otherwise and especially when no right of appeal has been availed by the respondents against the order of the Tribunal. Regarding the promotion from the back date there are plethora of judgments on the point that back date promotion can be granted and back benefits can also be granted ^{to} from the back date. The respondents as well as PSB is directed to ignore the above observations referred to in the said minutes and consider the case of the petitioner on merits for promotion. To come up for implementation report on 04.08.2017 before S.B.

Certified to be true copy

EMR
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Signature

Date of Presentation of ~~19-6-12~~ 19-6-12
Number of Words ~~6800~~ 6800
Copying Fee ~~25~~ 25
Urgent ~~✓~~
Total ~~✓~~
Name of Copyist ~~M. D.~~
Date of Completion ~~19-6-12~~
Date of Delivery of Copy ~~19-6-12~~



**GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT**

NO. SOH(E-V)1-132/2007/Dr.Noorul Mabood
Dated Peshawar the 7th February, 2018

To

The Section Officer (Litigation-II)
Health Department.

Subject: SERVICE APPEAL NO 813/2014 DR.NOORUL MABOOD VS GOVT OF
KHYBER PAKHTUNKHWA HEALTH DEPARTMENT

I am directed to refer to your letter No.SOH(Lit-II)13-2022/2014 dated 18.12.2017 on the subject noted above and to state that latest position of the case has already been intimated to your Section vide letter dated 09.03.2017 (Copy enclosed).


(Muhammad Irfanuddin)
SECTION OFFICER (E-VI)

Endst No & Date Even.

Copy to the PS to Secretary Health Department.


SECTION OFFICER (E-V)



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

NO. SOH(E-V)1-132/2007/Dr.Noorul Mabood
Dated Peshawar the 9th March, 2017

To
The Section Officer (Litigation-II)
Health Department.

AZ
15/3/17

Subject: SERVICE APPEAL NO 813/2014 DR.NOORUL MABOOD VS GOVT OF KHYBER PAKHTUNKHWA HEALTH DEPARTMENT

I am directed to refer to the subject noted and to state that Health Department placed the promotion case of Dr.Noorul Mabood (BS-19) before the Provincial Selection Board. The Board in its meeting held on 30.01.2017 has decided that " The Board thoroughly discussed the working paper and observed that according to promotion policy 2009, promotion is always notified with immediate effect. Hence the Board did not accede to the antedated promotion of the doctor concerned (Dr.Noorul Mabood). Copy of the minutes of the meeting is attached.

In view of the above it is therefore, requested that the above facts along with minutes of the Provincial Selection Board meeting held on 30.01.2017 may kindly be placed before the honorable Service Tribunal.

(MUHAMMAD ARSHID)
SECTION OFFICER (E-VI)

Endst No & Date Even.

Copy to the PS to Secretary Health Department.

SECTION OFFICER (E-V)

CONFIDENTIAL
IMMEDIATE



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

No. SO(PSB)ED/1-8/2017/P-545
Dated Peshawar, the 10.02.2017

To

The Secretary to
Government of Khyber Pakhtunkhwa,
HEALTH DEPARTMENT

SUBJECT: - **MINUTES OF THE MEETING OF PROVINCIAL SELECTION BOARD
HELD ON 30.01.2017.**

**SERVICE APPEAL NO. 813/2014 DR. NOORUL MABOOD VS GOVT
OF KHYBER PAKHTUNKHWA HEALTH DEPARTMENT**

Dear Sir,

I am directed to refer to Health Department letter No No. SOH (E-V) +-
20/Promotion/Dr. Noorul Mabood dated 03.01.2017 on the subject and to forward
herewith an extract of **Additional item No (8)** of the minutes/recommendations of
the meeting of Provincial Selection Board held on **30.01.2017** for further
necessary action/ obtaining approval of the competent authority.

Yours faithfully


(MUHAMMAD NAEEM KHAN)
SECTION OFFICER (PSB)

Encl: As Above
Endst. of even.No. & date.

A copy is forwarded to the Section Officer (E-V), Govt of Khyber
Pakhtunkhwa, Health Department. He is requested to depute his representative to
collect working papers from this office immediately.

SECTION OFFICER (PSB)

ADDITIONAL ITEM NO (8)

HEALTH DEPARTMENT

(Meeting of PSB held on 30.01.2017)

SUBJECT: -SERVICE APPEAL NO. 813/2014 DR. NOORUL MABOOD VS GOVT OF
KHYBER PAKHTUNKHWA HEALTH DEPARTMENT

Secretary Health apprised the Board that the PSB in its meeting held on 14.12.2012 recommended Dr. Noor ul Mabood of Health Management Cadre for supersession as he could not get the required threshold for promotion to BS-19. The Board in its subsequent meeting held on 07.08.2013 recommended him for promotion to BS-19. However he filed an appeal in Service Tribunal for antedated promotion. The Tribunal in its judgment dated 28.10.2016 directed to resubmit the case of the appellant for consideration of his antedated promotion against the post of BS-19 w.e.f. 14.12.2012 the date on which the former PSB meeting was held. The Law department advised the department to place the case of the doctor to PSB.

The Board thoroughly discussed the working paper and observed that according to promotion policy, 2009, promotion is always notified with immediate effect. Hence the Board did not accede to the antedated promotion of the doctor concerned.



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BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Implementation No. 57 /2014
In Appeal No. 531/2012
Decided on. 26.12.2012

883
27-10-14

Dr. Muhammad Ali Chohan Medical Superintendent, Maulvi Ameer Shah Memorial Hospital, Khyber Pakhtunkhwa Peshawar presently KTH Peshawar.

(Applicant)

VERSUS

1. Govt of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
2. Secretary to Govt of Khyber Pakhtunkhwa, Health Department Peshawar.
3. Director General Health Services, Civil Secretariat, Khyber Pakhtunkhwa Peshawar.

(Respondents)

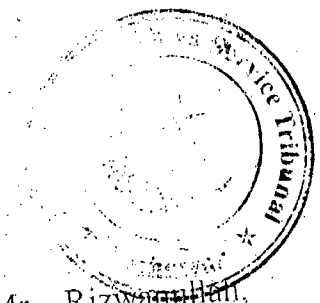
Application For Implementation Of The
Judgment And Order Dated 26.12.2012 Of
This Honorable Tribunal.

RESPECTFULLY SUBMITTED:

1. That the above noted service appeal was pending adjudication in this honorable Tribunal and was decided vide judgment and order dated 26.12.2012.
2. That vide the judgment and order dated 26.12.2012 this honorable Tribunal while accepting the appeal of the appellant held as under: " The concerned authorities-respondents are directed to place cases of the appellants, of course, including the case of appellant. Dr. Bilal Ahmad, since retired from service, before the Provincial Selection Board to consider recommendations of the Health Department for conversion of supersession into deferment and their promotion from BPS-19 to BPS-20 w.e.f 11.2.2012 as prayed for in the appeals. (Copies of the judgment and order dated 26.12.2012 is attached).

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar



25.09.2018

Counsel for the petitioner Mr. Rizwanullah,
Advocate present. Mr. Kabirullah Khattak, Addl. AG for the
respondents present.

The learned counsel for the petitioner stated at the
bar that grievance of the petitioner has been redressed vide
notification dated 28.08.2018 and so there is no need to
pursue the present execution petition further. Copy of
notification placed in connected E.P No. 68/2013.

For the above reason, the present execution petition
stands disposed off accordingly.

Before parting with the order, the learned counsel
for the petitioner made a request that the respondents be
directed to process the case of the petitioner for the
realization of arrears after his promotion to BPS-20. Hence,
the respondents should consider the above request on
humanitarian ground as the appellant has already retired
from service. File be consigned to the record room.

Date of Presentation of Petition	17-12-18
Number of Words	832
Copying Fee	2
Urgent	2
Total	2
Name of Counsel	Mr. Rizwanullah
Date of Copying	17-12-18
Name of Officer	17-12-18

Certified to be true copy
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Chairman 25.9

ANNOUNCED
25.09.2018

PESHAWAR

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

COC No.63/2019
in Service Appeal No.813/2014

Dr. Noorul Mabood.....Appellant

Versus

1. Chief Secretary to Govt of Khyber Pakhtunkhwa
2. Secretary Health Department
3. Director General Health Services Khyber Pakhtunkhwa.....Respondents.

REPLY TO THE COC ON BEHALF OF RESPONDENT NO.1,2 and 3.

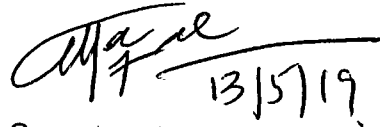
Health Department upon the direction/order dated 28.10.2016 of the Khyber Pakhtunkhwa Service Tribunal submitted working paper with regard to the promotion of Dr.Noorul Mabood Management Cadre BS-19 to BS-20 to the Provincial Selection Board for its consideration.

2. The Provincial Selection Board in its meeting held on 30.01.2017 decided the promotion case of Dr.Noorul Mabood Management Cadre BS-19 with the following orders that The Board thoroughly discussed the working paper and observed that according to promotion policy, 2009, Promotion is always notified with immediate effect. Hence the Board did not accede to the antedated promotion of the doctor concerned (**Annex-I**).

3. It is further added here that Health Department will submit the working paper to the Provincial Selection Board in respect of Dr.Noorul Mabood Management Cadre BS-19 to BS-20 for its consideration being the competent forum (**Annex-II**).

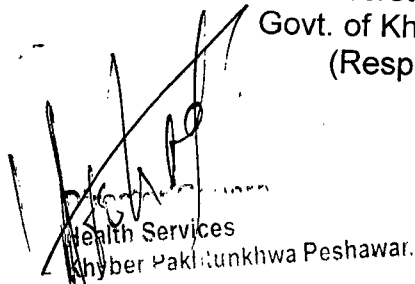
4. We, being a Government Department, obey all the orders of the honorable Tribunal and we can never even think of violating the honorable Khyber Pakhtunkhwa Service Tribunal orders. All the action taken so far were in the public interest. .

5. It is therefore, prayed that the COC No.63/20188 in Service Appeal No.813/2014 of the appellant may kindly be dismissed with cost.


13/5/19

Secretary Health
Govt. of Khyber Pakhtunkhwa
(Respondent No. **2/2**).

Chief Secretary
Khyber Pakhtunkhwa
(Respondent No.1).


Health Services
Khyber Pakhtunkhwa Peshawar.

Director General
Health Services Khyber Pakhtunkhwa
(Respondent No.03)

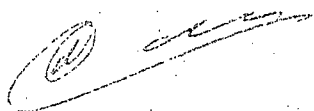
ADDITIONAL ITEM NO (8)

HEALTH DEPARTMENT
(Meeting of PSB held on 30.01.2017)

SUBJECT: - SERVICE APPEAL NO. : 13/2014 DR. NOORUL MABOOD VS GOVT. OF
KHYBER PAKHTUNKHWA HEALTH DEPARTMENT

Secretary Health apprised the Board that the PSB in its meeting held on 14.12.2012 recommended Dr. Noor ul Mabood of Health Management Cadre for supersession as he could not get the required threshold for promotion to BS-19. The Board in its subsequent meeting held on 07.03.2013 recommended him for promotion to BS-19. However he filed an appeal in Service Tribunal for antedated promotion. The Tribunal in its judgment dated 23.10.2016 directed to resubmit the case of the appellant for consideration of his antedated promotion against the post of BS-19 with 14.12.2012 the date on which the former PSB meeting was held. The Law department advised the department to place the case of the doctor to PSB.

The Board thoroughly discussed the working paper and decided that according to promotion policy, 2009, promotion is always notified with effect. Hence the Board did not accede to the antedated promotion of the doctor concerned.



Amir

GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT.

WORKING PAPER.

SUBJECT: COC NO.63/2019 IN SERVICE APPEAL NO 813/2014
DR.NOORUL MABOOD VS GOVT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT.

Health Department placed working paper before the Provincial Selection Board regarding promotion of Health Management Cadre doctors from BS-18 to BS-19 wherein Dr.Noorul Mabood is at S.No.4. **(Annex-I)**. The Provincial Selection Board in its meeting held on 14.12.2012 superseded the promotion of Dr.Noorul Mabood **(Annex-II)**.

2. Dr. Noorul Mabood (BS-19) aggrieved with the decision of the Provincial Selection Board made on 14.12.2012 and there upon the promotion Notification dated 06.3.2013 **(Annex-III)** approached to the Khyber Pakhtunkhwa Service Tribunal and filed Service Appeal No.813/2014 **(Annex-IV)**.

3. The Khyber Pakhtunkhwa Service Tribunal in its judgment dated 28.10.2016 directed the Health Department to resubmit the case of the appellant for reconsideration of his promotion against the post of (BS-19) with effect from 14.12.2012**(Annex-V)**. However, it is pertinent to mention here that the Provincial Selection Board in its meeting held on 7.8.2013 recommended the doctor concerned for promotion to BS-19 and subsequently Health Department has notified the promotion of Dr.Noorul Mabood from BS-18 to BS-19 in the Management Cadre vide Health Department Notification dated 21.10.2013 **(Annex-VI)**.

4. Health Department approached the Law Department with regard to the filing of CPLA before the Supreme Court of Pakistan in the instant case on 05.12.2016 **(Annex-VII)**.

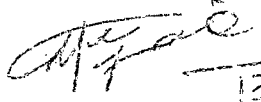
5. The Scrutiny Committee of Law Department in its meeting held on 9.12.2016 has decided that the subject case is an unfit Case for filing of CPLA in the upper forum. The Law Department has advised Health Department that the promotion case of Dr.Noorul Mabood (BS-19) may be placed before the Provincial Selection Board for its consideration in the upcoming Provincial Selection Board meeting **(Annex-VIII)**.

6. It is pertinent to mention here that Health Department submitted working paper with regard to the promotion of Dr.Noorul Mabood Management Cadre from BS-19 to BS-20 to the Provincial Selection Board for its consideration. The Provincial

" The Board thoroughly discussed the working paper and observed that according to the promotion Policy, 2009 promotion is always notified with immediate effect. Hence the Board did not accede to the antedated promotion of the doctor concerned (Annex-IX).

7. Health Department submitted the subject minutes before the Khyber Pakhtunkhwa Service Tribunal vide Health Department letter dated 09.03.2017 (Annex-X). However it is pertinent to mention here that in the meanwhile Dr.Noorul Mabood Ex-Management Cadre BS-19 filed COC No.63/2019 before the honorable Tribunal against Health Department (Annex-XI).

8. In view of the above Health Department proposes that the promotion case of Dr.Noorul Mabood Management Cadre from BS-19 to BS-20 may kindly be placed before the Provincial Selection Board for its consideration, please.


13/5/19
(Dr. Syed Farooq Jamil)
Secretary Health.



File in file
27.9.2018

GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated Peshawar the 28th August, 2018

NOTIFICATION

NO.SOH(E-V)4-20/2018 In pursuance of Khyber Pakhtunkhwa Service Tribunal judgment dated 26.12.2012 in Service Appeal No.530/2012, the competent authority (Chief Minister Khyber Pakhtunkhwa) is pleased to promote Dr.Bilal Ahmad Ex-Deputy Director Provincial Health Services Academy Peshawar from BS-19 to BS-20 (retired from Service on 09.09.2012) on notional basis with effect from 11.02.2012, from the date of his erstwhile juniors promoted.

SECRETARY HEALTH
Govt. of Khyber akhtunkhwa

Endst. No. & Date even.

Copy to:-

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar
3. Director General Health Services, Khyber Pakhtunkhwa.
4. Director General Provincial Health Services Academy
5. PS to Secretary Establishment Department.
6. PS to Secretary Health Department.
7. PS to Special Secretary Health Department.
8. Computer Programmer Health Department.
9. Doctor concerned.


SECTION OFFICER (E-V)

“B”

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

No.

Appelation Appeal No. *813* of 20 *14*
in *Noor ul Majeed* Appellant/Petitioner
Versus
Govt of KPK through Chief Secretary Respondent
Respondent No. *1*

Notice to:

*Govt of KPK through Chief Secretary
Judicial Complex Peshawar*

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

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

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

Given under my hand and the seal of this Court, at Peshawar this.....*26*th

Day of.....*April*.....20 *17*.

for implementation report

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

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

“B”

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

No.

63/1714

Appeal No.....

813

of 2017

Dr. Ahsan ul-Mujahid Appellant/Petitioner

Versus

Govt of KPK, through Chief Secretary Respondent

Respondent No.....

Notice to:

Chief Secretary, Govt of KPK, Peshawar

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....*26-5-2017*.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

Copy of appeal is attached. Copy of appeal has already been sent to you vide this

office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....*26/5/17*.....

Day of.....*April*.....2017.

govt plan - in judicial report

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

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

"B"

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

No.

E/p No. 813
Appeal No. *813* of 20 *11*,
Do *Dr. A. M. Khan* Appellant/Petitioner
Versus
Secretary Health Services, Peshawar Respondent
Respondent No. *3*

Notice to:

*Secretary Health Services,
Judicial Complex Peshawar*

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on *8.01.17* at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing **4 copies** of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

E/p No. 813
Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this~~

office Notice No. dated

Given under my hand and the seal of this Court, at Peshawar this *26th*

Day of *April* 20 *17*.

for your information report

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

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

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1167-68 /ST

Dated 4-7- / 2019

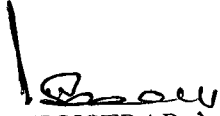
To

1. The Secretary Health Department,
Government of Khyber Pakhtunkhwa,
Peshawar.
2. The Section Officer-V,
Health Services Department,
Government of Khyber Pakhtunkhwa,
Peshawar.

SUBJECT: - ORDER IN EXECUTION PETITION NO. 63/2017, DR. NOOR UL MABOOD.

I am directed to forward herewith a certified copy of order dated 27.06.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

"B"

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

No.

Appeal No. 63/1760
Appeal No. *273* of 20*11*
Do. *Govt. Health Services* Appellant/Petitioner
Versus
Govt. of K.P.K. Peshawar Respondent
Respondent No. *2*

Notice to:

*Secretary Health Services
Govt of K.P.K. Peshawar*

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on *21-7-2017* at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

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

Given under my hand and the seal of this Court, at Peshawar this *28*.....

Day of *June* 20*17*.

Yusuf Khan

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

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

“B”

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

No.

63/11/11
Appeal No..... of 20, 11

Dr. Muzammar Ali Khan Appellant/Petitioner

Versus

Muzammar Ali Khan Respondent

Respondent No.....

Notice to:

Muzammar Ali Khan
Muzammar Ali Khan

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on *21-7-2017* at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

✓ *Exemption*

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

Given under my hand and the seal of this Court, at Peshawar this *1st*.....

Day of..... *July*..... 20 *17*

Yousaf Ali Khan

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

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

"B"

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

No. *11/11/17*
Appeal No. *813* of 20*17*
Dr. ... Appellant/Petitioner
Versus *...* Respondent
Respondent No. *2*

Notice to: *...*

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on *18-9-2017* at **8.00 A.M.** If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing **4 copies** of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

Epetition
Copy of appeal is attached; Copy of appeal has already been sent to you vide this

office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this *19/9/17*.....

Day of.....*19/9/17*.....20*17*.

Appellant's solicitor's report

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

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

"B"

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

No.

Appeal No. 813 of 2014
Dr. Nazimullah Khan Appellant/Petitioner
Versus
Government of Khyber Pakhtunkhwa Respondent
Respondent No. *3*

Notice to: *Secretary Health Services, Govt of K.P. Peshawar*

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

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

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

Given under my hand and the seal of this Court, at Peshawar this.....*29th*.....

Day of.....*Asst*.....20

your pen-entiation report

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

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



XX

**GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT**

NO. SOH(E-V)1-332/2017/Dr. Noor ul Mabood
Dated Peshawar the November 08, 2019

To

The Secretary to Govt of Khyber Pakhtunkhwa
Establishment Department Peshawar.

Subject:

**WORKING PAPER FOR PROMOTION IN RESPECT OF
DR. NOOR-UL-MABOOD EX-MANAGEMENT CADRE DOCTOR (COURT
MATTER)**

Dear Sir

I am directed to refer your letter No. SO(PSB)ED/1-8/2019/P-699 dated 30/07/2019 and to state that in light of August Service Tribunal Judgment dated 28/10/2016 Health Department had already placed the case of Dr. Noor-ul-Mabood for consideration of his antedated promotion against the post of (BS-19) with effect from 14/12/2012 the date on which the former PSB was held. The PSB in its meeting held on 30/01/2017 regretted that ante dated promotion in light of the promotion policy that the promotion is always with immediate effect.

In view thereof, the case is resubmitted for consideration of the Provincial Selection Board in light of the August Service Tribunal Judgment dated 28/10/2016 in service appeal 813/2014 (copy attached for ready reference).

Yours faithfully,

(Muhammad Irfan Usman)
SECTION OFFICER (E-V).

Endst No & Date Even.

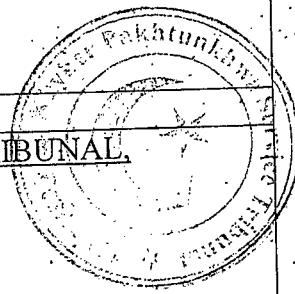
- PS to Secretary Health Khyber Pakhtunkhwa
- SO (litigation-II) Health Department

M. Irfan Usman
8/11/19.
SECTION OFFICER (E-V).

S.No	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate.
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1	2	3
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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.



APPEAL NO. 813/2014

(Dr. Noor-ul-Mabood-vs- Govt: of Khyber Pakhtunkhwa through Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar, and others).

28.10.2016

JUDGMENT

PIR BAKHSH SHAH, MEMBER:

Appellant with counsel (Mr. Mohammad Asif Yousafzai, Advocate) and Mr. Kabirullah Khattak, Assistant A.G for respondents present.

2. Appointed as Medical Officer in BPS-17 in the year 1987 and promoted to BPS-18 on 03.09.1995, it is not disputed by the respondents that in the cadre of BPS-18 Officers, the appellant was at S.No.4 of the seniority list. For his promotion to BPS-19 his case was placed before PSB meeting held on 14.12.2012 who was superseded on the ground of low efficiency index and on poor performance in the eyes of the Secretary Health. In the next PSB meeting held on 06.03.2013 the appellant was duly promoted to BPS-19 on regular basis vide notification dated 21.10.2013. Aggrieved with the decision of the previous meeting dated 14.12.2012, the appellant lodged departmental appeal for antedation promotion which was rejected vide order dated 09.04.2014 communicated to the appellant on 20.04.2014 hence this appeal under Section-4 of the Khyber Pakhtunkhwa

ATTESTED

SECRETARY
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL,
PESHAWAR

"That on acceptance of this appeal, the order dated 09.04.2014 communicated to the appellant on 29.04.2014 may be set aside with further direction to the respondents to modify the order dated 21.10.2013 by antedating the promotion of the appellant to BPS-19 from the dated when his juniors were promoted with all back and consequential benefits. Any other remedy, which this Tribunal deems fit and appropriate that may also be awarded in favour of appellant."

3. Arguments heard and record perused.

4. Learned counsel for the appellant submitted that one Dr. Tahir Bashir-ud-Din was recommended for promotion in the same meeting with lower efficiency index of 49.03 than the appellant who had efficiency index score of 50.87 but Dr. Tahir Bashir-Ud-Din was promoted and appellant ignored. He urged that the allegations of low efficiency index against the appellant is totally false. He further argued that so for dissatisfaction of the Secretary Health on the performance of the appellant was concerned so the same dissatisfaction was not communicated to appellant in black & white and only verbal or telephone expression of Secretary Health on performance of the appellant is a nullity in the eyes of law and the appellant should not suffer for this reason. He submitted that since juniors of the appellant were promoted and on no score the appellant should have been superseded, therefore his subsequent promotion notification dated 21.10.2013 which makes the appellant promoted to BPS-19 with immediate effect may be antedated to 06.03.2013 on which his juniors were promoted. He also referred to judgment of this Tribunal dated

ATTENDED

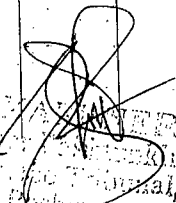
Sc. [Signature]

and urged that this appeal is identical with the said appeal for Dr. Mohammad Ali Chohan.

5. This appeal was resisted by Learned Assistant AG on the ground that case of the appellant for promotion was duly considered who was superseded for the above reasons. He also resisted that promotion of the appellant in BPS-19 can be antedated as prayed for.

6. From perusal of minutes of meeting of PSB held on 14.12.2012 it is evident that the Board recommended supersession of the appellant on the following two reasons... (i) that efficiency index of the appellant is below the threshold. In this regard learned counsel for the appellant stated that efficiency index of the appellant is 50.87 which is higher than the efficiency index of one Dr. Tahir Bashir-Ud-Din which is 49.03. Dr. Tahir Bashir-Ud-Din was stated to have been recommended for promotion in the same meeting of PSB despite the fact that his efficiency index was lower than that of the appellant. If the said situation is also supported from the record of the respondent-department so it is evident that the ground of low efficiency index is no more available with the respondent-department and this wise contention of the appellant is correct... (ii) Second reason for supersession of the appellant is dissatisfaction of the Secretary Health on the performance of the appellant. It is the contention of the appellant that there is nothing on record about this dissatisfaction of the Secretary Health. The Tribunal is of the view that the said dissatisfaction should have been duly reduced into writing and duly conveyed to the appellant because his performance up to 2011 according to record does not show any dissatisfaction about his performance and secondly that in the succeeding PSB meeting he was recommended for promotion in the succeeding PSB

ATTESTED


 (Signature)
 (Name)
 (Designation)

performance was poor. This may be as it is, the learned counsel for the appellant relied on judgment of this Tribunal in Service Appeal No.531/12 of Dr. Mohammad Ali Chohan decided on 26.12.2012 and submitted that in identical circumstances, this Tribunal converted his supersession into deferment and granted him promotion as prayed for. We in the stated circumstances, decide that the case of the appellant be remitted to the respondents for consideration of case of the appellant antedation for which purpose it may be placed before PSB in the near future. Appeal decided accordingly. Parties are left to bear their own costs. File be consigned to the record room.

Mr. P. Bakhsh Shah, Member
Mr. Abdul Latif, Member

Certified to be true copy

EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

ANNOUNCED
 28.10.2016,

Date of Presentation 09-11-2016
 Number of Vols 2000
 Copying Fee 12-00
 Urgent —
 Total 12-00
 Name of [Signature]
 Date 11-11-2016
 Date 11-11-2016

"B"

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

No.

S.B

Execution Petition 63 of 20 17
Appeal No......

Dr. Haseeb ul Mabeed Appellant/Petitioner

Versus

through Chief Secy Peshawar Respondent
Respondent No. 3.....

Notice to: — The Secretary Health Peshawar

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....13/4/2020.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

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

Given under my hand and the seal of this Court, at Peshawar this.....18/4.....

Day of.....March.....20 20

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

NO. SOH(E-V)1-332/2017/Dr. Noor Ul Mabood
Dated Peshawar the March 02, 2020

To,

The Secretary to Government of Khyber Pakhtunkhwa,
Establishment Department,
Peshawar

Attention: SECTION OFFICER (PSB)

Subject: WORKING PAPER FOR PROMOTION IN RESPECT OF DR. NOOR UL
MABOOD EX-MANAGEMENT CADRE DOCTOR (COURT MATTER)

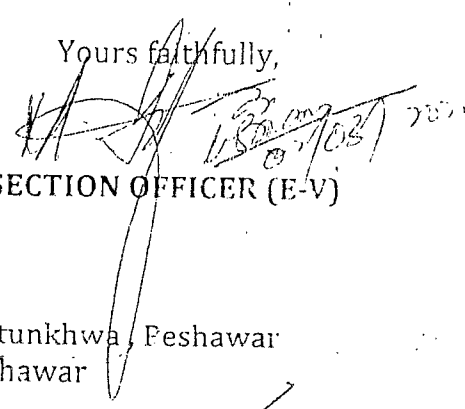
Dear Sir,

I am directed to refer to your letter No. SO(PSB)ED/1-8/2019/KC/P-699 dated 21.02.2020 on the above captioned subject and to state that the stance of Establishment Department conveyed vide letter dated 30.07.2019 had been placed before the Services Tribunal and Services Tribunal vide its order dated 17.12.2018 directed to remit the case again to the PSB and the PSB is directed to consider the case for antedated promotion strictly in accordance with the findings in the judgment dated 28.10.2016.

In light of Hon'ble Services Tribunal judgment dated 28.10.2016 in service appeal dated 08.03.2014 and in a recent order dated 12.11.2019, the Services Tribunal ordered to place the working papers alongwith judgment under implementation as well order dated 17.12.2018 before the PSB in the next meeting (copy enclosed).

In view of the above, working papers as well as judgment under implementation dated 28.10.2016 and order dated 17.12.2018 is re-submitted for consideration of PSB to implement the case, please.

Yours faithfully,


SECTION OFFICER (E-V)

Encl. As Above

Endst. No. & Date Even

Copy to the:-

1. Director General Health Services, Khyber Pakhtunkhwa, Peshawar
2. Section Officer (Lit-II), Health Department, Peshawar
3. P.S to Secretary Health.

SECTION OFFICER (E-V)

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

58

No.

Execution Petition 63 of 20 17
APPEAL No.....of 20 17

Dr. Noor-ul-Mabood

Appellant/Petitioner

Page

Versus

The Court: CT KPK etc

RESPONDENT(S)

Notice to Appellant/Petitioner

Dr. Noor-ul-Mabood
Deputy Dean, PGMI
Peshawar

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 5/10/2023 at 9:am

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

Registrar

) Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"B"

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

SB

No.

E/P No. 63/2017

in Appeal No. 813 of 2014.

Dr. Noor-ul-Mabood Appellant/Petitioner

Through chief Secy Pesh. Respondent

Respondent No. 2

Notice to:

The chief Secretary Govt. of KPK
Peshawar.

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 25/01/2014 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

E/P ✓

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

Given under my hand and the seal of this Court, at Peshawar this 10th

Day of Dec 2014

(Implementation report)

14/12/2014

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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

“B”

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

SB

No.

E/P No. 63/2017

Appeal No. 8/5 of 2014

Dr. Noor-ul-Mabood Appellant/Petitioner
Versus

through chief Secy Pesh. Respondent
Respondent No. 1

Notice to: The Govt. of KP, Through chief Secretary
Govt. of KP Peshawar.

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented, registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 25/01/2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

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

Given under my hand and the seal of this Court, at Peshawar this 10th

Day of Dec 20 20

Implementation report

CHIEF SECRETARY
Govt. of Khyber Pakhtunkhwa
Peshawar

M. I. Khan
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR. 8/3

No.

E/P No. 63/2017

in Appeal No. 8/3 of 2014.

Dr. Noor-ul-Mabood Appellant/Petitioner

Through chief Secy Pesh Respondent

Respondent No. 3

Notice to:

The Secretary Health Services, Govt of KP, Peshawar.

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 25/01/2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

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

Given under my hand and the seal of this Court, at Peshawar this 10th

Day of Dec 20 2020
(Implementation report)

14/12/2020

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

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

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 273-74/ST

Dated 03 / 02 / 2021


To

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

SUBJECT: - **ORDER IN EXECUTION PETITION NO. 63/2017 DR. NOOR UL MABOOD.**

I am directed to forward herewith a certified copy of order dated 25.01.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

NO. SOH(E-V)9-9/2020/ Dr. Noor Ul Mabood
Dated Peshawar the January 08, 2021

To,

The Section Officer (Litigation-II),
Health Department

Dr. Noor Ul Mabood

Subject: EXECUTION PETITION NO. 63/ 2018 IN SERVICE APPEAL NO. 813/ 2014 - DR. NOOR UL MABOOD VERSUS GOVERNMENT OF KHYBER PAKHTUNKHWA HEALTH DEPARTMENT & OTHERS

Dear Sir,

I am directed to refer to the above captioned subject and in continuation of this section letter of even No. dated 20.03.2020 (copy enclosed) and to state that the working papers in respect of Dr. Noor Ul Mabood had already been processed and sent to the PSB Section of Establishment Department vide this Section letter No. SOH(E-V)1-332/2017/ Dr. Noor Ul Mabood dated 02.03.2020 (copy attached).

I am, therefore directed to state that, the same may be presented in the Hon'ble Khyber Pakhtunkhwa, Services Tribunal, Peshawar, please.

Yours faithfully,

08/1/21
SECTION OFFICER (E-V)

Endst. No. & Date Even

Copy to the:-

1. P.S to Secretary Health, Khyber Pakhtunkhwa.

08/1/21
SECTION OFFICER (E-V)

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Implementation petition No 63/2017

SERVICE APPEAL NO. 813 OF 2014

Dr. Noorul Mabood.....petitioner

Versus

Govt. of Khyber Pakhtunkhwa and others.....Respondents

Implementation Report on behalf of Respondents

Respectfully Shewth,

1. Correct.
2. Correct to the extent that the honourable court vide its judgment dated 28/10/2016 remitted the case the respondents for placing his case before the next PSB for promotion from BPS 19 to BPS 20 which was placed before the PSB meeting held on 30/01/2017 however the PSB regretted his case thus respondents already implemented the judgment of this honourable Tribunal.
3. Correct as already replied in preceding Para his case was placed before PSB as per direction of this honourable Tribunal and his case was considered for promotion from BPS 19 to BPs 20 thus judgment of the tribunal was implemented.
4. Incorrect the honourable tribunal judgment was already implemented by the replying respondents by placing his case before the PSB which was duly considered and regretted however the honourable tribunal directed for placing his case again before PSB for consideration his promotion to BPS 20 w.e.f 14.12.2012 therefore the replying respondent once again forwarded his case for placing before the PSB as per direction of the service tribunal by Respondent No. 3 vide letter dated 20-04-2021 to Establishment Department copy is placed at (Annexure-A). However, the Establishment Department vide letter dated 31-05-2021 informed the Department that the case has already

been considered for promotion in the PSB meeting held on 30-01-2017 thus judgment of the Hon'ble Tribunal has already been implemented. Copy of the letter is placed at (Annexure-B).

5. Incorrect. As mentioned in Paras above case of the petitioner has been forwarded to PSB as per judgment of this Hon'ble tribunal which was placed before the PSB held on 30-01-2017 and after consideration the PSB regretted his case for promotion. Thus judgment of the Hon'ble tribunal has been implemented in its true letter and spirits.
6. As per Paras above.
7. Correct. However, the replying respondents implemented judgment of this Hon'ble Tribunal.
8. Incorrect. Detail reply has been given in Paras above.
9. Legal. However, the respondents seek permission of this Hon'ble tribunal to adduce other grounds during final hearing of the petition.

It is therefore requested that the petition may kindly be rejected with cost.



Secretary to Govt. of Khyber Pakhtunkhwa
Health Department
(Respondent No.3)

other.

It is requested that the official respondents may be directed to convert supersession of the appellant into deferment and grant him promotion as in the case of Muhammad Ali Chohan. Kindly issue order to the official respondents to treat the appellant in the same way as Muhammad Ali Chohan was treated.

Date: 20-10-2021

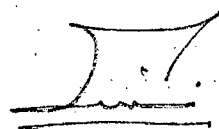
Petitioner



DR. NOORUL MABOOD

25.08.2021

Petitioner in person present. Mr. Ziaullah, Deputy Secretary (Litigation) alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present and submitted implementation report. To come up for objection on the implementation report, if any, and arguments before the S.B on 14.09.2021.



(SALAH-UD-DIN)
MEMBER (J)

14.09.2021

Petitioner in person and Mr. Muhammad Adeel Butt, Addl. AG alongwith Jafar Ali, Assistant for the respondents present.

Petitioner requests for time to furnish objection on the implementation report. Request is accepted. Case to come up on 20.10.2021 before S.B.



Chairman

04.03.2020

Petitioner in person present. Addl: AG for respondents present. Representative of the respondents are not present. Notice be issued to the respondents to directed their representative to attend the Tribunal and submit proper implementation report positively on the next date of hearing. To come up for further proceedings on 13.04.2020 before S.B.


Member

13.04.2020

Due to public holiday on account of COVID-19, the case is adjourned to 07.07.2020 for the same. To come up for the same as before S.B.

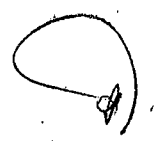

Reader

07.07.2020

Counsel for the petitioner present.

Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Hazrat Shah Superintendent, for the respondents present.

Implementation report was not submitted. Learned AAG requested for adjournment in order to furnish implementation report. Last chance is given. To come up for implementation report on 01.09.2020 before S.B.


Member (J)

"A"

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

No. E/P No. 63 17

Recd

APPEAL No..... of 20

Dr. Noor-ul-Mabood,

Appellant/Petitioner

Versus

Through chief Secy Pesh.

RESPONDENT(S)

Notice to Appellant/Petitioner

Dr. Noor-ul-Mabood,
Deputy Dean PGMI
Peshawar.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 17/12/2021 at 9:00 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

M. P. J.
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

“B”

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR. 8-B

No. E/P No. 63 / 2017
Appeal No. of 20 ..

Dr. Noor-ul-Mabood Appellant/Petitioner

Through chief ^{Versus} Secy Pesh. Respondent

Respondent No. 1

Notice to: —

The Govt. of KPK Through chief Secretary Govt. of KPK Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 17/12/2017 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

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

1374

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

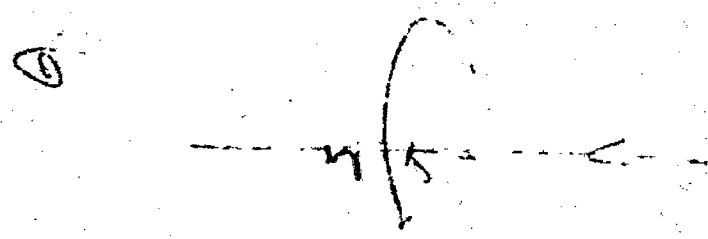
Dec 21

Day of 20 ..

[Signature]
13/12

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

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



D.O.C. 9.

13 JV

1/1/1/1/1

Handwritten text in Hindi, likely a signature or a note. The text is written in a cursive style and appears to be a name or a title, possibly related to the 'D.O.C.' mentioned above.

Handwritten text at the bottom, possibly a date or a reference number, including the characters '1/1/1/1/1'.

28

"B"

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

S.B

No.

Appeal No. P. No. 63 of 2021.

Dr. Noor ul Mabood Appellant/Petitioner

Versus

through chief Secy Pesh. Respondent

Respondent No. 2

Notice to:

The chief Secretary Govt, of KPK Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 17/12/2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

~~Copy of appeal is attached.~~ Copy of appeal has already been sent to you vide this

office Notice No. dated

Given under my hand and the seal of this Court, at Peshawar this 13th

Day of Dec 20

13/12/21

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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

"B"

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

No. SB
Appeal No. E.P.No. 63 of 20 17
Noor-ul-Mabood Appellant/Petitioner
Versus
Through Chief Secy Govt of KPK Peshawar Respondent
Respondent No. 137

Notice to: — The Secy Health Services Govt of KPK Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 23/05/2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

Copy of appeal is attached. Copy of appeal ^{E.P. ✓} has already been sent to you vide this office Notice No. _____ dated _____

Given under my hand and the seal of this Court, at Peshawar this 13/5/22

Day of _____ May 20 22

(For Impl-ment-ation Report)
[Signature] 20/5/22

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

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

Am
(for July-1954)

55

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Ed

FI

55



KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

No. 2517-18/ST Dated 06/09/2022

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

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


To:

The Secretary Health Services,
Government of Khyber Pakhtunkhwa,
Peshawar.

SUBJECT:- ORDER REGARDING PERSONAL APPEARANCE IN EXECUTION PETITION NO. 63/2017, TITLED DR. NOOR UL MABOOD -VS- THE GOVERNMENT OF KHYBER PAKHTUKHWA THROUGH CHIEF SECRETARY, PESHAWAR AND OTHERS.

I am directed to forward herewith a certified copy of order dated 25.07.2022, passed by this Tribunal in the above mentioned execution petition for strict compliance.

Encl. As above.


(AAMIR FAROOQ)
ASSISTANT REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL,
PESHAWAR.



KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

No. 2517-18/ST Dated 06/09 /2022

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

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


To:

The Accountant General
Khyber Pakhtunkhwa,
Peshawar.

SUBJECT:- **ORDER REGARDING ATTACHMENT OF SALARIES IN EXECUTION PETITION NO. 63/2017, TITLED DR. NOOR UL MABOOD -VS- THE GOVERNMENT OF KHYBER PAKHTUKHWA THROUGH CHIEF SECRETARY, PESHAWAR AND OTHERS.**

I am directed to forward herewith a certified copy of order dated 25.07.2022, passed by this Tribunal in the above mentioned execution petition for strict compliance.

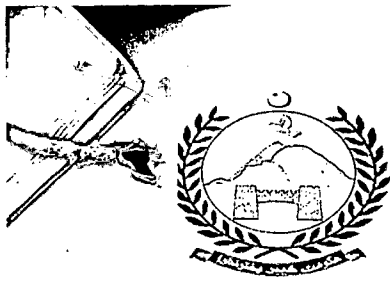
Encl. As above.


(AMIR FAROOQ)
ASSISTANT REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL,
PESHAWAR.

It is hereby stated at Bar that
he undersigned, in order to implement
the Order Judgment dated 20/10/2021,
a Summary to the competent
Authority i.e. The Chief Minister
of Road & Highways Pakhtun Khwa,
for conditional implementation
of the Order / Judgment dated
20/10/2021, ^{will be sent,} as the matter is pending
adjudication before the August
Supreme Court.

As the worthy Secretary
Health is engaged in Peshawar
High Court, he undersigned is
submitting the instant app's statement

22/09/22



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

L.No. 7573
Date 2/9/22
Secretary Health

No. SO (PSB) ED/1-4/2019/KC/P-699
Dated Peshawar, the August 26, 2022

To

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

SUBJECT: PROMOTION IN RESPECT OF DR. NOOR UL MABOOD EX-MANAGEMENT CADRE BS-19.

Dear Sir,

I am directed to refer to Health Department letter No. SOH(E-V)/4-4/2022/Dr. Noor Ul Mabood dated 11.08.2022 on the subject and to say that the case has been examined in Regulation wing and observed that seven sets of working paper complete in all respects with Court judgements/orders may be forwarded to this department at the earliest being a Court matter for placement before the PSB.

Yours faithfully,

SECTION OFFICER (PSB) 26/8/22

Encl: As above.

ENDST. EVEN NO. & DATE.

A copy is forwarded to the Section Officer (R-II) Establishment Department.

/
SECTION OFFICER (PSB)

SSH (E&A)
AS - EST 02/9/22
AS - MTI
DS - Admin
DS - Legal
DS - ESTT

SO-V



GOVERNMENT OF KHYBER PAKHTUNKHWA HEALTH DEPARTMENT

No. SOH(E-V)4-4/2022/ Dr. Noor Ul Mabood
Dated Peshawar the 05.09.2022

**MOST IMMEDIATE
COURT MATTER/ OUT-TODAY**

To

The Director General Health Services,
Khyber Pakhtunkhwa,
Peshawar

05/09/22

Subject:

**PROMOTION IN RESPECT OF DR. NOOR UL MABOOD, EX-
MANAGEMENT CADRE BS-19**

Dear Sir,

I am directed to refer to the above captioned subject and to convey that the Government of Khyber Pakhtunkhwa, Establishment Department (PSB Section) has desired to submit working paper complete in all respect with Court judgments/ orders in respect of Dr. Noor Ul Mabood, Ex-Management Cadre (BS-19) to this department to proceed further for placement before the PSB at the earliest.

Being Court matter may be treated as Most Urgent

06-09-22
SECTION OFFICER (E-V)

Endst. No. & Date Even

Copies to the:-

1. Deputy Secretary (Litigation), Health Department.
2. PS to Secretary Health Department, Khyber Pakhtunkhwa.

06-09-22
SECTION OFFICER (E-V)