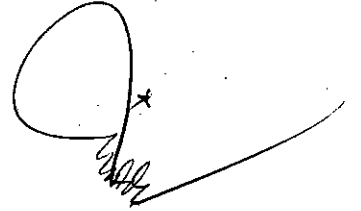


18.04.2022

Nemo for the appellant present.

As the case was previously adjourned on the strength of Reader note, therefore, fresh notice be issued to the appellant and his counsel. Adjourned. To come up for preliminary hearing on 05.07.2022 before S.B.



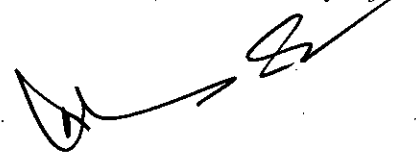
(MIAN MUHAMMAD)
MEMBER(E).

5th July, 2022

Learned Counsel for the appellant present.

Learned counsel for the appellant has at the very outset submitted that the matter pertains to the MTI Tribunal and he wants to seek redressal of the grievances of the appellant from there. As regard this appeal he does not press it. It is thus dismissed accordingly. Consign.

Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal on this 05th day of July, 2022.






(Kalim Arshad Khan)
Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7853/2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	09/12/2021	<p>The appeal of Dr. Muhammad Akram presented today by Mr. Muhammad Saeed Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>07/02/22</u>.</p> <p> CHAIRMAN</p>
	07.02.2022	<p>Due to retirement of the Hon'able Chairman, the case is adjourned to 18.04.2022 before S.B for the same.</p> <p> Reader</p>

KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

CHECK LIST

Versus

..... Appellant

..... Respondents

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

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

Name:- Muhammad Saad Khattak

Signature:- [Signature]

Dated:- 09.12.2021

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

Service Appeal No. 7853 2021

Dr. Muhammad Akram (Appellant)

VERSUS

Government of KPK through Secretary Health & others. (Respondents)

INDEX

S.No	Description of Documents	Annex	Pages
1.	Memo of Service Appeal		1-4
2.	Copies of the orders	"A" & "B"	5-6
3.	Copy of the notification dated 24/01/2020	"C"	7
4.	Copy of the notification dated 22/08/2017	"D"	8
5.	Copy of the notification dated 12/03/2018 is a	"E"	9
6.	Copy of the notification dated 14/03/2019	"F"	10
7.	Copy of the notification dated 24/01/2020	"G"	11
8.	Copy of the letter dated 31-05-2021	"H"	12
9.	Copy of the notification dated 16/06/2021	"I"	13
10.	Copy of the letter dated 28/06/2021	"J"	14
11.	Copy of the departmental appeal	"K"	15
12.	Copy of the order/judgment dated 06/07/2017	"L"	16-19
13.	Wakalatnama		20

Dr. Muhammad Akram
Appellant

Through:

Muhammad Saeed Khattak
Muhammad Saeed Khattak
Advocate High Court, Peshawar.

Dated: 29/12/2021

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

Service Appeal No. 7853-2021

Dr. Muhammad Akram, Associate Professor Community Medicine, BMC, Bannu.

..... (Appellant) ^{akhtakhwa}
Service Tribunal

VERSUS

Diary No. 2011

Dated 09/12/2021

1. Government of KPK through Secretary Health.
2. The chairman Board of Governor (BOG), Medical Teaching Institute KhalifaGulNawaz (KGN), Teaching Hospital Bannu.
3. The Medical Director KGN, Teaching Hospital Bannu.
4. Dean Bannu Medical College Bannu..... (Respondents)

SERVICE APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT, 1974. AGAINST THE ANACTION OF THE RESPONDENTS IN SHAPE OF NOT PROCESSING THE PROMOTION PROCESS OF THE APPELLANT ALONG WITH SO MANY OTHERS INSPITE OF THE DIRECTIONS/ INSTRUCTIONS ISSUED BY THE AUTHORITIES.

PRAYER-IN-APPEAL

ON ACCEPTANCE OF THE INSTANT APPEAL THE RESPONDENTS CONCERNED MAY VERY GRACIOUSLY BE DIRECTED TO EXPEDITE THE PROMOTION CASE OF THE APPELLANT BEING ELIGIBLE FOR THE SAME IN ALL RESPECTS. ANY OTHER RELIEF WHICH HAS NOT BEEN SPECIFICALLY ASKED FOR AND DEEMS FIT IN THE CIRCUMSTANCES OF THE CASE MAY ALSO BE AWARDED TO THE APPELLANT.

Respectfully Sheweth.

1. That the appellant being bonafideresident of Khyber Pakhtunkhawa Province who is serving as Associate Professor (BPS-19) HOD Community Medicine BMC.
2. That the appellant was initially appointed as assistant Professor in BPS-18 through departmental selection committee vide order No: SOH-1/HD/1-45/BMC/09 dated 21st March 2009. Later on his services were regularized through Public Service Commission vide notification No. SOH-1/HD/1-45/2014 dated 20thFeb, 2014. (Copies of the orders are attached as Annexure "A" & "B").
3. That later on vide notification No. MTI (BXU) BOG/Notification/Promotion/752-2019 dated 24/01/2020 the appellant was promoted from the post of assistant Professor to the post of Associate Professor

Filed to-day

Registrar

09/12/21

2-

(BPS-19), and he is serving on the same till date. (Copy of the notification dated 24/01/2020 is attached as annexure "C")

4. That secretary health issued a notification No. SOH-1/HD/1-45/2017/MTI Dated 22nd August 2017, which state as under;

"The Government of Khyber Pakhtunkhwa is pleased to authorize the concerned boards of governors to process and consider the promotion of eligible teaching faculty appointed and serving as civil servants in their respective Medical teaching institutions in terms of criteria as envisaged in regulation 16 of the Khyber Pakhtunkhwa Province. Medical teaching institutions regulation 2015. (Copy of the notification dated 22/08/2017 is attached as annexure "D")

5. That the Board of Governor (Respondent No.2) issued another notification No. MTI (BXU) BOG/Notification /2018/(15)/844) dated 12/03/2018 regarding the promotion of civil servants from Assistant Professor to Associate Professors and from Senior Registrar to Assistant Professor vide the above mentioned notification. Copy of the notification dated 12/03/2018 is attached as annexure "E")

6. That respondent No.2 issued third Notification No.MTI (BXU) BOG/Notification-15/(Promotion)188-2019 dated 14/03/2019 regarding the promotion of Civil Servants from Associate Professors to professor and from the post of Assistant Professor to the post of Associate Professor. Copy of the notification dated 14/03/2019 is attached as annexure "F")

7. That respondent No.2 issued fourth Notification No. MTI (BXU) BOG /Notification/ Promotion/752-2019 dated 24-01-2020 regarding promotion of Civil Servants from Associate Professors to professor and from the post of Assistant Professor to the post of Associate Professor, whereby the appellant was promoted from the post of assistant Professor (BPS-18) to Associate Professor (BPS-19). Copy of the notification dated 24/01/2020 is attached as annexure "G")

8. That respondent No.1 issued a letter to respondent No.4 bearing No. SOH-1/HD/7-53/2021 dated 31-05-2021 in response to Dr. Muhammad Shoaib Khan Assistant Professor General Surgery, who requested from promotion to upper grade, whereby he was asked to process the promotion case at their own level. (Copy of the letter dated 31-05-2021 is attached as annexure "H")

9. That in pursuance to the respondent No.1 notification dated 22/08/2017 and letter dated 31-05-2021 of respondent No.4, the respondent No. 4 initiate the promotion process and constituted a committee bearing circular No.520/Estb/BMC/021 dated 16/06/2021 vide this notification a scrutiny

committee was constituted to process the promotion of Civil Servants. Copy of the notification dated 16/06/2021 is attached as annexure "I")

10. That reference to the circular of respondent No.4, the administrative officer issued a letter No.582/Estb/HOD/BMC/021 dated 25/06/2021 asking the eligible civil servants faculty members to submit their documents before 29/06/2021 in the concerned office, (Copy of the letter dated 25/06/2021 is attached as annexure "J")
11. That the appellant along with his other collogued was worried on the delay of process, so he submitted his request in the shape of departmental appeal before the good office of respondent No.2 the reason mentioned therein on 27/08/2021, which has not been replied during the statutory period. (Copy of the departmental appeal is attached as Annexure "K")
12. That being aggrieved of the same and dissatisfied with the aforesaid conduct of the respondents concerned, the appellant prefers the instant appeal on the following amongst others;

Grounds

- A. That the appellant has not been treated in accordance with law nor has equal protection of law been extended to him, which is the violation of Articles 4 and 25 of the Constitution of Islamic Republic of Pakistan.
- B. That the appellant is eligible for the post of Professor in all respect fulfils all its criteria. The criteria is mentioned as under,
 - i) Five years' Experience as Assistant Professor,
 - ii) three years' Experience as Associate Professor,
 - iii) Or nine years' Experience as a whole as assistant and Associate Professor.
- C. That act/ omission on the part of the respondents in delaying the promotion process of the appellant along with his other colleagues is best fitted in the light of the maxim, "Justice delayed, Justice denied".
- D. That it is quite astonishing at this stage that on one hand the government is committed to improve the health care and Promoting the doctors and nurses, while on the other hand delaying the due vested right of the appellant without any justifying reason,
- E. That as per case law reported as NLR 2009 Service 1 the action of departmental authorities in with holding promotion of civil servant from the date of his eligibility and occurrence of the vacancy in quota would be unlawful and violation of the all norms of justice. Such civil servant would be

entitled to have his entitlement to promotion determined fairly, justly and without extraneous consideration.

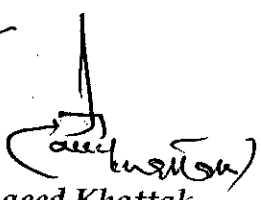
- F. That the Hon'ble Supreme Court of Pakistan in a case law reported as 1998 SCMR 208, held that Civil Servant holding Qualification and fulfilling other conditions prescribed for promotion to certain post would have the right to be considered for promotion.
- G. That according to a case law reported as 2000 SCMR 1514, the Hon'ble Supreme Court is of the view that material on record indicate that main question in the case was inextricably linked with availability or otherwise of vacancies in the promotee's quota with a view to resolving the controversy of the entitlement of the Civil Servant to claim his promotion there from the relevant dates Service tribunal could issue appropriate process to the parties, after obtaining requisite information from the Civil Servant or the department.
- H. That Hon'ble Peshawar High Court Peshawar in Writ Petition No. 2016-9 /2017 has already granted such relief to other similar placed civil servants of the Gomal Medical College, D.I. Khan vide order/judgment dated 06/07/2017. (Copy of the order/judgment dated 06/07/2017 is attached as annexure "L")
- I. That any other ground can also be taken during the arguments with permission of this Hon'ble Tribunal.

It is therefore most humbly prayed that on the instant service appeal may kindly be allowed as per prayer.

Any other relief which has not been specifically asked for and deem fit in the circumstances of the case may also be granted to the appellant.


Appellant

Through:


Muhammad Saeed Khattak
Advocate High Court, Peshawar.

GOVERNMENT OF NWFP
HEALTH DEPARTMENT

Dated Peshawar the 21st March 2009

Annex (A)

NOTIFICATION

No. SOH-I/(HD)1-45/BMC/09. The Competent authority, on the recommendations of Departmental Selection committee is pleased to order the appointment of the following doctors against the posts noted against their names at Bannu Medical College Bannu on contract basis for a period of one year or till the availability of selectees of Public Service Commission which ever is earlier with immediate effect:-

S. No.	Name of Candidate	Present place of posting	Selected as	Remarks
1.	Dr. Muhammad Humayun	Assistant Professor Forensic Medicine Gomal Medical College, Dikhan	Associate Professor Forensic Medicine (BS-19)	
2.	Dr. Imron-ud-Din	Assistant Professor Haematology Saidu Medical College Swat.	Associate Professor Haematology (BS-19)	
3.	Dr. Muhammad Bashir, House No 714/C Mlad Park Bannu City.	Retired	Assistant Professor Physiology on fixed pay at Rs.80,000/- PM	
4.	Dr. Muhammad Sajjad	MO AHQ Miranshah	Assistant Professor Histopathology (BS-18)	Subject to provision of NOC from DHS FATA
5.	Dr. Rab Nawaz	Asstt. Director (Personnel) Directorate General Health Services, NWFP, Peshawar	Assistant Professor Community Medicine (BS-18)	
6.	Dr. Asghar Khan	Field Program Officer C/O Directorate General Health Services, NWFP	Assistant Professor Community Medicine (BS-18)	
7.	Dr. Muhammad Akram	Deputy Medical Supdt. HMC, Peshawar.	Assistant Professor Community Medicine (BS-18)	
8.	Dr. Hamidullah	Medical Officer BHU Miranshah North Waziristan Agency FATA	Assistant Professor Radiology (BS-18)	Subject to provision of NOC from DHS FATA

SECRETARY HEALTH, NWFP

Endst No and date even

C.C

1. Principal Bannu Medical College, Bannu.
2. Principal Saidu Medical College, Swat.
3. Principal Gomal Medical College Dikhan.
4. Chief Executive Khalifa Gul Nawaz Teaching Hospital/DHQH Bannu
5. Director General Health Services, NWFP, Peshawar.
6. Director Health Services, FATA, Peshawar.
7. Medical Supdt; DHQH/AHQH concerned.
8. Accountant General, NWFP, Peshawar.
9. Distt./Agency Accounts Officer concerned.
10. P S to Minister Health NWFP
11. P.S to Secretary Health, NWFP.
12. P.As to Addl. Secretary/Deputy Secretary Health Deptt.
13. Doctors concerned.
14. Personal files of the doctors concerned.

OTC

Signature of Samin Jan
(SAMIN JAN)
SECTION OFFICER-I

Handwritten notes: "AD", "DHS", "P(E)", "order"

Registered

5



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

No.SOH-I/HD/1-45/2014
Dated Pesh: the 20th Feb; 2014

Annex (B)

To

1. Dr. Nargis Noman,
House No.1611/C,
Hayatullah Khan Street,
D.I.Khan.
2. Dr. Sartaj Khan,
House No.233 St. No.01, Sector F-7,
Phase-6, Hayatabad, Peshawar.
3. Dr. Muhammad Akram,
Village & P.O Chokara,
Tehsil Takht-e-Nasrati,
Distt. Karak.

SUBJECT:- RECRUITMENT OF THREE POST OF ASSISTANT PROFESSOR
COMMUNITY MEDICINE BPS-18, IN BACHA KHAN MEDICAL
COLLEGE, MARDAN

I am directed to refer to the subject noted above and to state that the Public Service Commission, Khyber Pakhtunkhwa has recommended you for appointment as Assistant Professor Community Medicine (BS-18) for Bannu Medical College, Bannu subject to medical fitness, and verification of your documents by the Health Department.

You are therefore advised to kindly verify your documents from the concerned Educational Institutions and furnish to this department at the earliest. You may also submit surety bond on judicial stamp paper that in case your documents are found fake, you will be liable to be proceeded against under the relevant rules.

(Muhammed Jamil)
Section Officer

Encls No and date even

C.C

1. Director General Health Services, Khyber Pakhtunkhwa Peshawar with the request to furnish PERs of the above named doctors for onward submission to the Commission.

OFFICE OF THE CHAIRMAN
BOARD OF GOVERNORS
MEDICAL TEACHING INSTITUTION BANNU
Khyber Pakhtunkhwa, Pakistan

Dated: 24/01/2020

NOTIFICATION

NO.MTI(BXU)BOG/Notification/Promotion/752-2019 Consequent upon the recommendation of Promotion Committee of MTI/BMC Bannu, in its meeting, held on 26.07.2019, the Board of Governors is pleased to accord approval for promotion of the following faculty members (Civil Servants) of Bannu Medical College Bannu with immediate effect.

S.N #	Name of Doctor	Promoted from	Promoted to
1	Dr. Abdur Razzaq	Associate Professor of medicines (B-19)	Professor of medicines (B-20)
2	Dr. Muhammad Ashraf	Associate Professor of Pharmacology (B-19)	Professor of Pharmacology (B-20)
3	Dr. Sanaullah	Associate Professor of Ophthalmology (B-19)	Prof. of Ophthalmology (B-20)
4	Dr. Rafat Ullah	Associate Professor of Physiology (B-19)	Professor of Physiology (B-20)
5	Dr. Muhammad Akram	Assistant Professor of Community Medicine (B-18)	Associate Professor of Community Medicine (B-19)
6	Dr. Nargis Noman	Assistant Professor of Community Medicine (B-18)	Associate Professor of Community Medicine (B-19)
7	Dr. Fazli Maula	Assistant Professor of Pulmonology (B-18)	Associate Professor of Pulmonology (B-19)
8	Dr. Alamzeb	Assistant Professor of Orthopedic (B-18)	Associate Professor of Orthopedics (B-19)
9	Dr. Hidayat Ullah Mehsud	Assistant Professor of Ophthalmology (B-18)	Associate Professor of Ophthalmology (B-19)
10	Dr. Anwar Shah	Assistant Professor of Neurosurgery (B-18)	Associate Professor of Neurosurgery (B-19)

They will be on probation for a period of one year.

Sd/XX
(Dr. Farid Anwar)
Chairman
Board of Governors
Medical Teaching Institution Bannu

Endst No. & Date as above

Copy forwarded for information & necessary action to:

1. Secretary to Govt. of Khyber Pakhtunkhwa, Health Department, Peshawar.
2. The Chairman, Policy Board, MTIs Khyber Pakhtunkhwa, Peshawar.
3. All members, Board of Governors, MTI Bannu.
4. All members of the above Promotion Committee, BMC Bannu.
5. Dean, Bannu Medical College Bannu.
6. Hospital Director/ Medical Director, MTI Bannu.
7. Additional Hospital Director(s), KGNTN/DHQTH/ W&CTH MTI Bannu.
8. Director Finance, MTI Bannu.
9. PS to Minister Health, Govt. of Khyber Pakhtunkhwa, Peshawar.
10. Doctors Concerned.

(Dr. Farid Anwar)
Chairman
Board of Governors



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

DATED PESHAWAR THE 22ND AUG; 2017

NOTIFICATION

No. SOH-I/HD/1-45/2017/MTI. In exercise of powers conferred by Section-22 of the Khyber Pakhtunkhwa Medical Teaching Institutions Reform Act, 2015 (Khyber Pakhtunkhwa Act No IV, 2015), the Government of Khyber Pakhtunkhwa is pleased to authorize the concerned Board of Governors to process and consider the promotion of eligible teaching faculty appointed and serving as Civil Servants in their respective Medical Teaching Institutions in terms of the criteria as envisaged in Regulation 16 of the Khyber Pakhtunkhwa Province Medical Teaching Institutions Regulations, 2015.

SECRETARY HEALTH

Endst No and date even

Copy to:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar
2. Chairman Board of Governors of all MTIs in Khyber Pakhtunkhwa.
3. Medical/Hospital Director of all MTIs in Khyber Pakhtunkhwa.
4. Dean KMC/KGMC Peshawar, BMC Bannu, NMC Nowshera, BKMC Mardan, GMC DI Khan and AMC Abbottabad.
5. Director Finance all MTIs in Khyber Pakhtunkhwa.
6. Distt. Accounts Officers concerned
7. PS to Senior Minister for Health Khyber Pakhtunkhwa.
8. PS to Secretary Health.

(Tasleem Khan)
Section Officer-I

CTC
24-8-17

e/c

BOARD OF GOVERNORS FOR MTI, BANNU

Ph: 0928-9270343, Fax: 0928-9270358, Exchange: 0928-9270342

No. MTI(Bxu)/BOG/Notification/2018/(15)/864

Dated: 12/03/2018

NOTIFICATION

In pursuance of Health Department Notification No. SOH-I/HD/1-45/2017/MTI dated 22/08/2017 and subsequent to the recommendations of Selection /Promotion Committee for KGN / BMC MTI Bannu in a meeting held on 10/02/2018, the Board in its 9th meeting held under the Chairmanship of Col.(R)Waheedullah Khan on 10/03/2018, accorded approval for the promotion of the following Teaching cadre (civil servants) of Bannu Medical College Bannu on regular basis with immediate effect as detailed below:

S#	Name of doctor and specialty	From	To
1	Dr. Rafatullah (Physiology)	Assistant Professor (BS-18)	Associate Professor (BS-19)
2	Dr. Muhammad Ashraf (Pharmacology)	Assistant Professor (BS-18)	Associate Professor (BS-19)
3	Dr. Dost Muhammad (Anatomy)	Assistant Professor (BS-18)	Associate Professor (BS-19)
4	Dr. Anwar Shah (Neurosurgery)	Senior Registrar (BS-18)	Assistant Professor (BS-18)

They will be on probation for a period of one year.

This is issued with the approval of Chairman BoG.


Sdxxxxx
SECRETARY
Board of Governors
Medical Teaching Institutions Bannu

Even No. & date

Copy to:

1. Chairman BoG MTIs Bannu
2. Secretary to Govt. of Khyber Pakhtunkhwa Health Department Peshawar
3. Dean BMC Bannu
4. Medical Director MTI Bannu
5. Hospital Director KGN MTI Bannu
6. Additional Hospital Director(s) DHQ/W&CTH Bannu
7. District Accounts Officer Bannu
8. Director Finance MTI Bannu
9. Section Officer (Health-I) Health Department Peshawar
10. PS to Minister Health Khyber Pakhtunkhwa Peshawar
11. Doctors concerned
12. Office copy

For information and necessary action.


[LAIQ DARAZ QURESHI]
SECRETARY
Board of Governors
Medical Teaching Institutions Bannu

10

Amr-e-F

OFFICE OF THE CHAIRMAN
BOARD OF GOVERNORS
MEDICAL TEACHING INSTITUTION BANNU
Khyber Pakhtunkhwa, Pakistan

Dated: 14/03/2019

NOTIFICATION

NO.MTI(BXU)BOG/Notification-15/(Promotion)/188-2019 Consequent upon the recommendation of Promotion Committee of MTI/BMC Bannu in a meeting held on 01.03.2019, the Board of Governors, in its 15th meeting held on 12.03.2019 under the Chairmanship of Dr. Muhammad Azeem Wazir, accorded approval for promotion of the following faculty members (Civil Servants) of Bannu Medical College Bannu on regular basis with immediate effect.

S.No	Name of Doctor	From	Promoted to
1	Dr. Asad Ullah	Associate Professor (BS-19) (Forensic Medicine)	Professor (BS-20) (Forensic Medicine)
2	Dr. Muhammad Sajjad	Assistant Professor(BS-18) (Pathology)	Associate Professor(BS-19) (Pathology)
3	Dr. Abdul Ghafoor	Assistant Professor(BS-18) (General Surgery)	Associate Professor(BS-19) (General Surgery)

They will be on probation for a period of one year.

Sd/XXX
(Dr. Muhammad Azeem Wazir)
Chairman
Board of Governors
Medical Teaching Institution Bannu

Endst No. & Date as above

Copy forwarded for information & necessary action to:

1. Secretary to Govt. of Khyber Pakhtunkhwa, Health Department, Peshawar.
2. All members, Board of Governors, MTI Bannu.
3. Dean, Bannu Medical College Bannu.
4. Hospital Director, MTI Bannu.
5. Medical Director, MTI Bannu.
6. Additional Hospital Director(s), DHQTH/W&CTH MTI Bannu.
7. Prof.Dr. Jehanzeb Khan, HoD, Forensic Department, GMC D.I.Khan.
8. Prof.Dr. Javed Hussain, Pathology Department, GMC, D.I.Khan.
9. Prof.Dr.Arshad Ali HoD, Surgery, GMC, D.I.Khan.
10. Mr. Tasleem Khan, SO-I, Health Department, Peshawar.
11. Mr. Kashif Iqbal, DS(R-I), Establishment Department, Peshawar.
12. Director Finance, MTI Bannu.
13. PS to Minister Health, Govt. of Khyber Pakhtunkhwa, Peshawar.
14. Doctors Concerned.

CFC

CFC

M. Layy
Secretary
Board of Governors
Medical Teaching Institution Bannu

11

Annex - C

OFFICE OF THE CHAIRMAN
BOARD OF GOVERNORS
MEDICAL TEACHING INSTITUTION BANNU
Khyber Pakhtunkhwa, Pakistan

Dated: 24/01/2020

NOTIFICATION

NO.MTI(BXU)BOG/Notification/Promotion/752-2019 Consequent upon the recommendation of Promotion Committee of MTI/BMC Bannu, in its meeting, held on 26.07.2019, the Board of Governors is pleased to accord approval for promotion of the following faculty members (Civil Servants) of Bannu Medical College Bannu with immediate effect.

S.N #	Name of Doctor	Promoted from	Promoted to
1	Dr. Abdur Razzaq	Associate Professor of medicines (B-19)	Professor of medicines (B-20)
2	Dr. Muhammad Ashraf	Associate Professor of Pharmacology (B-19)	Professor of Pharmacology (B-20)
3	Dr. Sanaulah	Associate Professor of Ophthalmology (B-19)	Prof. of Ophthalmology (B-20)
4	Dr. Rafat Ullah	Associate Professor of Physiology (B-19)	Professor of Physiology (B-20)
5	Dr. Muhammad Akram	Assistant Professor of Community Medicine (B-18)	Associate Professor of Community Medicine (B-19)
6	Dr. Nargis Noman	Assistant Professor of Community Medicine (B-18)	Associate Professor of Community Medicine (B-19)
7	Dr. Fazli Maula	Assistant Professor of Pulmonology (B-18)	Associate Professor of Pulmonology (B-19)
8	Dr. Alamzeb	Assistant Professor of Orthopedic (B-18)	Associate Professor of Orthopedics (B-19)
9	Dr. Hidayat Ullah Mehsud	Assistant Professor of Ophthalmology (B-18)	Associate Professor of Ophthalmology (B-19)
10	Dr. Anwar Shah	Assistant Professor of Neurosurgery (B-18)	Associate Professor of Neurosurgery (B-19)

They will be on probation for a period of one year.

Sd/XX
(Dr. Farid Anwar)
Chairman
Board of Governors
Medical Teaching Institution Bannu

Endst No. & Date as above

Copy forwarded for information & necessary action to:

1. Secretary to Govt. of Khyber Pakhtunkhwa, Health Department, Peshawar.
2. The Chairman, Policy Board, MTIs Khyber Pakhtunkhwa, Peshawar.
3. All members, Board of Governors, MTI Bannu.
4. All members of the above Promotion Committee, BMC Bannu.
5. Dean, Bannu Medical College Bannu.
6. Hospital Director/ Medical Director, MTI Bannu.
7. Additional Hospital Director(s), KGNTH/DHQTH/ W&CTH MTI Bannu.
8. Director Finance, MTI Bannu.
9. PS to Minister Health, Govt. of Khyber Pakhtunkhwa, Peshawar.
10. Doctors Concerned.

(Dr. Farid Anwar)
Chairman
Board of Governors



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

12

No. SOH-I/HD/7-53/2021
Dated Pesh; the 31st May, 2021

Annex H

To

The Dean/Chief Executive,
Bannu Medical College,
Bannu.

Subject:-

PROMOTION FROM ASSISTANT PROFESSOR (BS-18) TO
ASSOCIATE PROFESSOR (BS-19) GENERAL SURGERY
BMC, BANNU THROUGH PROVINCIAL SELECTION BOARD
KHYBER PAKHTUNKHWA.

I am directed to refer to your letter No. 97/Estb/Sec-Health/BMC/021 dated 01/02/2021 on the subject noted above and to returned herewith working papers (in original) in respect of Dr. Muhammad Shoaib Khan Assistant Professor General Surgery (BS-18) to the post of Associate Professor Surgery (BS-19) with the request that promotion case may kindly be process at your own level as per instructions of this department (copy enclosed)

Encl: As Above

Section Officer (E-I)

Endst: of even No. & date

Copy forwarded to:-

1. PS to the Secretary Health Khyber Pakhtunkhwa.
2. Master file.

AO
C/M

Seen
Shahid

Section Officer (E-I)

etc.
J



**OFFICE OF THE DEAN/CHIEF EXECUTIVE
BANNU MEDICAL COLLEGE, BANNU**

Phone: 0928-9270356

Fax: 0928-9270358

13

Circular:

Annex-I

Subject: **PROMOTION PROCESS OF THE FACULTY (CIVIL SERVANTS) BMC,
MTI, BANNU**

Reference to the Health Department Govt: of Khyber Pakhtunkhwa Notification No. SOH-I/HD/1-45/2017/MTI dated 22/08/2017 and letter No. SOH-I/HD/7-53/2021 dated 31/05/2021, the undersigned has intend to initiate promotion process of the Faculty (Civil Servants) of BMC, MTI, Bannu with immediate effect.

1. The Administrative Officer will collect application and required documents.
2. These documents will be handed over to Scrutiny Committee.
 - Prof: Dr. Muhammad Shoaib Khan, Head Deptt: of Biochemistry, BMC, Bannu
 - Dr. Shabir Hussain, Associate Dean, BMC, Bannu
3. Scrutiny will be conducted in presence of candidates and will be followed PM&DC criteria.
4. Dean, BMC, Bannu will prepare recommendations, based on Scrutiny Committee report and will send to BoGs, MTI, Bannu to may approve and notify.

The process is initiated with immediate effect.

Dean/Chief Executive
Bannu Medical College
Bannu

End: No. 520 /Estb/BMC/021

Copy forwarded to:

- Chairperson, BoG, MTI, Bannu
- Prof: Dr. Muhammad Shoaib Khan, Head Department of Biochemistry, BMC, Bannu.
- Associate Dean BMC, Bannu
- All Faculty members civil servant.

Dated: 16 /06/2021

Dean/Chief Executive
Bannu Medical College
Bannu



Ammer J, 14

**OFFICE OF THE ADMINISTRATIVE OFFICER
BANNU MEDICAL COLLEGE, BANNU**

Phone: 0928-9270356, Fax: 0928-9270358

No. 582/Estb/HoD/BMC/021

Dated: 25/06/2021

To

1. Dr. Anwar Shah, Associate Professor Neurosurgery, BMC, Bannu
2. Dr. Alam Zeb, Associate Professor Orthopedics, BMC, Bannu.
3. Dr. Abdul Ghafoor, Associate Professor Surgery, BMC, Bannu.
4. Dr. Dost Muhammad, Associate Professor Anatomy, BMC, Bannu
5. Dr. Muhammad Sajjad, Associate Professor Pathology, BMC, Bannu
6. Dr. Muhammad Akram, Associate Professor Community Med., BMC, Bannu
7. Dr. Nargis Noman, Associate Professor Community Med., BMC, Bannu
8. Dr. Hidayat Ullah Mehsood, Associate Professor Eye, BMC, Bannu
9. Dr. Muhammad Shoaib, Assistant Professor Surgery, BMC, Bannu
10. Dr. Naimat Ullah, Assistant Professor Dermatology, BMC, Bannu

Subject: **PROMOTION PROCESS OF THE FACULTY (CIVIL SERVANTS) BMC,
MTI, BANNU**

Reference to the office of the Dean/Chief Executive Circular Ends. No. 520/Estb/BMC/021 dated 16/06/2021 on the subject cited above.

I am directed to request you to submit your documents on or before Tuesday dated 29/06/2021 by 10:00 AM at the office of the undersigned positively.

Further requested to make sure your presence before the scrutiny committee on the same day and date at 11:00AM at the office of the Associate Dean.


Administrative Officer
Bannu Medical College
Bannu

Even No. & Date:

Copy forwarded to:

1. PA to Dean/Chief Executive, BMC, Bannu
2. Associate Dean BMC, Bannu

Administrative Officer
Bannu Medical College
Bannu

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To

The Chairperson,
BOG (MTI) Bannu.

Annex K

18

Subject: **REQUEST FOR PROMOTION OF CIVIL SERVANTS TO THE UPPER POST (PROFESSOR BPS-20)**

R/Madam.

It is stated with honor that we the civil servants working in MTI Bannu are the pioneer of Bannu Medical College. We were appointed some twelve (12) years back with the responsibility to start the college at the time when nobody was willing to come from Peshawar or elsewhere. Now we all are eligible for promotion to the upper grade.

At this stage when Government is committed to improve health care system and promoting the doctors and paramedics as well, we also request you Madam for our due right. We fulfill all the required qualifications and experience as per the Government of KPK rules.

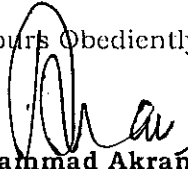
The Promotion Criteria for the post of Professor is:

1. Five years teaching experience as Assistant Professor
2. Three years teaching experience as Associate Professor.
3. Or Nine years (09) teaching experience as a whole as Assistant and Associate Professor
4. Five publications in approved Journal

It is to be mentioned here that Secretary Health to Government of Khyber Pakhtunkhwa has allowed all the Boards to promote the civil servants through letter no. SOH-1/HD/1-45/2017/MTI Dated 22nd August 2017 and also through letter NO 97/Estb/Sec Health/BMC/021 Dated 01/02/2021, (Copies attached)

So you are requested to please help us and expedite our promotion case i.e. promotion of civil servants. We will be thankful to you for this act of kindness.

Yours Obediently,



1. **Dr Mohammad Akram Associate Prof**
HoD Community Medicine BMC, Bannu



2. **Dr Mohammad Sajjad Associate Prof**
HoD Pathology BMC, Bannu

Dated
27th Aug 2021

Copy to.

1. Dean BMC Bannu to allow the promotion of civil servants as per the directives of Secretary Health
2. Secretary Health to Government of Khyber Pakhtunkhwa Peshawar.
3. Chief Secretary to Government of KPK

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Republic of Pakistan, 1973 on the ground that the act of advertising the Faculty Positions (in some instances already occupied by the petitioners) is in direct conflict of Health Department Government of Khyber Pakhtunkhwa (Teaching Cadre) Recruitment Rules, 2015.

- B. To declare the act of filling vacant Faculty Positions and by placing the reserve statutory quota of the petitioners at the disposal of MTI, Dera Ismail Khan by respondents No.1, 2 and 4 especially through Stopgap Dean/ Principal is void, ab initio, patently illegal because it amounts to usurpation of reserve statutory quota of the petitioners in the light of Health Department Recruitment Rules, 2015.
- C. To permanently restrain the respondents from filling vacant Faculty Positions in Medical Teaching Institutions because these positions are specially meant for promotion of the petitioners and also to struck down the illegal appointment of respondent No.7 as Stopgap Dean/ Principal, Gomal Medical College, Dera Ismail Khan through BOG decision taken in 7th Meeting and through circular No.6050-55 dated 25.10.2016.
- D. To declare the Notification dated 09.07.2016 in the shape of Regulation of Medical Teaching Institutions, Dera Ismail Khan, 2016, as without lawful authority, non-est, void ab initio, patently illegal, being framed in contrast of mandatory requirements of section 24(2) of the Khyber

ATTESTED
EXAMINER
Peshawar High Court
13 JUL 2017

Pakhtunkhwa Medical Teaching Institutions Reforms Act, 2015.

E. Any other relief ex debito justitiae may please be granted in favour of the petitioners."

2. In fact, the grievance of the petitioners is that the entire promotion process adopted by the respondent-Institution is alien to the law which is violative of their legitimate expectation of being not considered for promotion.

3. The worthy Professor Dr.Akhtar Munir, Dean/Principal and Mr.Rehmat Ali, Secretary BOG, MTI, D.I.Khan duly represented by the learned counsel placed on record (Brief) regarding Faculty Positions at MTI Gomal Medical College, D.I.Khan, which reads;

"Gomal Medical College has the following 113 sanctioned faulty posts:-

<i>Name of Post</i>	<i>Sanctioned</i>	<i>Filled</i>	<i>Vacant</i>
<i>Professors</i>	<i>19</i>	<i>07</i>	<i>12</i>
<i>Associate Professors</i>	<i>20</i>	<i>04</i>	<i>16</i>
<i>Assistant Professors</i>	<i>43</i>	<i>19</i>	<i>24</i>
<i>Senior Registrars</i>	<i>31</i>	<i>12</i>	<i>19</i>
<i>Total</i>	<i>113</i>	<i>42</i>	<i>71</i>

4. They further made a statement at the bar that all the petitioners, if they are eligible for

ATTESTED
EXAMINER
Pakhtunkhwa High Court
13 JUL 2017

19

promotion to the higher post, if vacant, shall be first filled through promotion and not through direct recruitment.

5. In the light of above response of the respondents, it would not be appropriate to further proceed with the matter, however, the respondents are directed to expeditiously proceed with the promotion of the petitioners against the posts, if lying vacant in their respective disciplines, provided they are eligible for the same. Similarly, initial recruitment be also expedited because it is the need of the hour.

Accordingly, this writ petition is disposed of, in the above terms alongwith the C.Ms.



Announced.
06.07.2017.

SPW Yaqub Afzal

CHIEF JUSTICE

Dr. Abdul Shakoor

JUDGE

(Ayub)

NO. 774

Date of Presentation of Application 08/7/17

No of Pages 52

Copying fee

Urgent Fee

Total 20-9

Date of Preparation of Copy 13/7/17

Date of Delivery For Delivery 13/7/17

Date of Delivery of Copy 13/7/17

Received By [Signature]

CERTIFIED TO BE TRUE COPY

13 JUL 2017

[Signature]

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قیمتی

وکالت نامہ

قیمتی

بعدالت عالیہ پشاور ہائی کورٹ جنوں بیچ بیچوں کے لئے
 خیر حیوانا لخواہ سید ابراہیم شاہ
 نام: حکمہ و منسہ

ڈاکٹر شہزاد احمد
 ایڈووکیٹ

عنوان مقدمہ: رٹ پٹیشن انوجداری ایپل ایپل / مشرق CM

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا ہم اپنی طرف سے واسطے پیروی و جوابدہی اور دیگر کل کارروائی کیلئے برائے

مقام: اسلام آباد ایڈووکیٹ شہزاد احمد

وکیل مقرر کر کے اختیار دیتے ہیں کہ میری / ہماری جناب سے مقدمہ مذکور کی پیروی و جوابدہی کرے۔ راضی نامہ کرے، فیصلہ ثالثی کرانے کے فیصلہ کرانے پر حلف منظور کرے ہر قسم کا بیان دیوے، ہر قسم کے سوال و جواب کرے، عرضی دعویٰ کرے جواب دعویٰ، ایپل جواب الجواب، عذرات، نگرانی، نظر ثانی، درخواست بائے مشرق اور دیگر ہر قسم کے دستاویزات تحریر و تصدیق کر کے داخل کرے، واپس لیوے، دست برداری کرے، ترمیم کرے، ہر قسم ہر قوم مقدمہ، جرمانہ، ہرجانہ داخل اور وصول کرے، ہر قسم دستاویز جو بعدم پیروی ذمہ سے سربراہ کرے۔ کارروائی، ڈگری، کیٹرفر منسوخ کرے۔ اجراء ڈگری کرے۔ زرڈگری وصول کرے۔ قبضہ جائیداد لیوے دیوے۔ اپنے ہمراہ ایڈووکیٹ ہر سز یا مختار قانون برائے جزوی یا کل کارروائی مقرر کرے علیحدہ کرے۔ دوران مقدمہ اگر جرمانہ، ہرجانہ فریق مخالف سے وصول ہو، وہ حق وکیل صاحب کا ہوگا۔ اگر پیشی ایسے مقام پر ہو جو صدر مقام سے دور ہو تو وکیل صاحب پیروی کے ذمہ دار نہ ہونگے۔ اس سلسلے میں جملہ ساختہ و برداشت وکیل صاحب موصوف منظور و قبول ہوگا۔ لہذا وکالت نامہ ہذا لکھد یا کہ سندر ہے۔ نیز وکیل موصوف کو میری جانب سے مقدمہ فوجداری و مال میں بھی مکمل کارروائی کرنے کا مکمل اختیار با مضمون بالا حاصل ہوگا۔

Attested:

مورخہ: 08 دسمبر 2021

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

Attested & Accepted

عبد العبد العبد