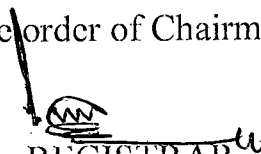


Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1470/2022


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	12/10/2022	<p>The appeal of Mr. Muhammad Razaq resubmitted today by Mr. Noor Muhammad Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Muhammad Razaq Clinical Technical Pathology at DHO Mardan received today i.e. on 29.09.2022 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Index of the appeal may be prepared according to the rules.
- 2- Appeal has not been flagged/marked with annexures marks.
- 3- Affidavit may be got attested by the Oath Commissioner.
- 4- Annexures of the appeal may be attested.
- 5- Annexures-A&B of the appeal are illegible which may be replaced by legible/better one.
- 6- Twelve more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 2707 /S.T,

Dt. 30/9 /2022


REGISTRAR *AW*
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Noor Muhammad Khattak Adv. Pesh.

R/Sir,

Resubmitted after necessary
completion



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL No. 1470 /2022

MUHAMMAD RAZZAQ

VS


HEALTH DEPTT

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of appeal with affidavit	1-4
2.	Appointment order	A	5
3.	Notification dated 11.08.2015 and pay slip	B & C	6-7
4.	Degree	D	8
5.	Seniority List and Impugned notification dated 31.05.2022	E & F	9-12
6.	Departmental Appeal & appellate order	G & H	13-20
7.	Vakalatnama		21


APPELLANT

Through:


NOOR MOHAMMAD KHATTAK
ADVOCATE
SUPREME COURT OF PAKISTAN

-1-

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. 1470/2022

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1468

Muhammad Razaq, Clinical Technician Pathology (BPS -12),
at District Health Officer Mardan.

Dated 29-9-2022

..... **APPELLANT**

VERSUS

- 1- The Secretary Health, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Health Officer, District Mardan.
- 4- Mr. Hidayatullah, Technologist, Bannu Medical College Bannu.
- 5- **Mr. Anwar Ul Haq**, Technologist, King Abdullah Teaching Hospital Mansehra.
- 6- Mr. Dilawar Khan, Technologist, DHQ Hospital Timergara, Dir Lower.
- 7- Mr. Fida Muhammad, Technologist, DHO Shangla.
- 8- **Mr. Ihsan ul Haq**, Technologist, DHQ Hospital Dir Lower
- 9- Mr. Israrullah, Technologist, Bannu Medical College, Bannu.
- 10- Mr. Zahir Ud Din, Technologist, O/O DHO Dir Lower.

..... **RESPONDENTS**

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED NOTIFICATION DATED 31.05.2022 WHEREBY THE APPELLANT HAS BEEN IGNORED FROM PROMOTION FROM TO THE POST OF CLINICAL TECHNOLOGIST PATHOLOGY BPS-17 WHILE PRIVATE RESPONDENTS BEING JUNIOR TO APPELLANT HAS BEEN PROMOTED AND AGAINST THE APPELLATE ORDER 29.08.2022 WHEREBY DEPARTMENTAL APPEAL OF THE APPELLANT WAS REJECTED ON GOOD GROUNDS.

PRAYER:

That on acceptance of this service appeal the respondents may kindly be directed to correct the seniority list prepared for the cadre of Clinical Technician Pathology (BPS-16) as per Section-8 of the civil Servant Act, 1973 read with Rule 17 of the APT Rules, 1989 and the impugned notification dated 31.05.2022 may kindly be rectified/modified to the extent of the appellant and private respondents and the appellant may kindly be considered for promotion the post of clinical technologist pathology BPS-17 w.e.f. 31.5.2022 with all back benefits including seniority. Any other remedy which this

Filed to-day
Registrar
29/9/2022

August Tribunal deems fit that may also be awarded in favour of the appellant.

R/SHEWETH:
ON FACTS:

The appellant submits as under:

- 1- That the appellant was initially appointed as Blood Bank Technician (BPS-9) in the respondent department vide order dated 28.10.2006. Copy of the appointment order is attached as annexure **A.**
- 2- That through notification dated 11.08.2022 the post of the appellant has been upgraded from BPS-09 to BPS-12 and receiving their salary against regular post of clinical technician pathology BPS-12. Copies of the notification dated 11.08.2015 and pay slip are attached as Annexure **B & C.**
- 3- That the appellant performing his duty quite efficiently and to the entire satisfaction of his superiors and during the service the appellant completed his BS Honor Degree in Paramedical Science from University of Peshawar. Copy of the Degree is attached as annexure **D.**
- 4- That the respondents on the basis disputed tentative seniority list issued the impugned notification dated 31.5.2022 whereby junior colleagues of the appellant i.e. private respondents were promoted to the post of Clinical Technologist Pathology BPS-17 by ignoring the appellant despite the fact that appellant is the senior most employee of the respondent Department. Copies of the seniority list and Impugned notification dated 31.05.2022 is attached as annexure **E & F.**
- 5- That the appellant feeling aggrieved from the seniority list and impugned notification dated 31.05.2022 filed departmental appeal which was rejected by the appellate authority vide impugned appellate order 29.08.2022 on no good grounds. Copies of Departmental Appeal and Appellate Order are attached as Annexure **G & H.**
- 6- That appellant feeling aggrieved from the inaction of the respondents and having no other remedy the appellant preferred the instant appeal on following grounds inter alia.

GROUND:

A- That the impugned notification dated 31.05.2022 by not promoting the appellant to the post of clinical technologist pathology (BPS-17) is against law, facts, norms of natural justice and material on record hence liable to be rectified/ modified to the extent of appellant and respondents.

- B-** That appellant has not been treated by the respondent department in accordance with law and rules on the subjected noted above and as such respondents violated the Article 4 and 25 of the Constitution of Islamic Republic of Pakistan.
- C-** That the appellant has been discriminated by the respondents while issuing the impugned notification dated 31.05.2022 and by not promoting the appellant to the post of clinical technologist pathology (BPS-17).
- D-** That by issuing the impugned notification dated 31.05.2022 and not promoting the appellant to the post of clinical technologist pathology (BPS-17) the respondents have violated section-8 and section- 9 of the Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rule-7 and Rule-17 of the Khyber Pakhtunkhwa (APT) Rules, 1989.
- E-** That the respondents acted in arbitrary and mala fide manner while issuing the impugned seniority.
- F-** That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

Dated: 27.9.2022

APPELLANT



MUHAMMAD RAZAQ

THROUGH:



NOOR MOHAMMAD KHATTAK



WALEED ADNAN



UMAR FAROOQ MOMAND



MUHAMMAD AYUB

&
KHANZAD GUL

ADVOCATES

AFFIDAVIT

I **Muhammad Razaq**, Clinical Technician Pathology (BPS-12), at District Health Officer Mardan do hereby solemnly affirm that the contents of this Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.


Deponent



OFFICE OF THE EXECUTIVE DISTRICT OFFICER HEALTH MARDAN.APPOINTMENT ORDER.

As a result of test and interview held on 20/9/2006 & on the recommendation of the Departmental Selection Committee, Mr. M. Razaq S/O Niamat Gul Village Babozai Tehsil & District Mardan is hereby appointed as Blood Bank Technician (BPS-9) plus usual allowances as admissible under the NWFP Civil Servant 2002 contract policy & Amendment Act 2005 vide his letter No. SO-6(E&AD) 1-13 dated 10/8/2005 and posted in the DHQ Hospital Mardan on the following terms and conditions, furthermore his arrival will be accepted after the proper verification of his academic and Professional documents:-

Terms & Condition

1. His appointment is purely on contract basis for a period of one year and is liable to termination at any time without assigning any notice or reason.
2. He will not be entitled to any TA/DA for his medical examination.
3. He is declared medically fit for Govt; Service.
4. He is liable to serve any where in the District as well as in NWFP.
5. He will be governed by such Service rules and order as framed by the Government from time to time for the category of government servants to which he belongs.
6. If he intends to resign his services, he will give two months notice in advance or deposit one-month salary in lieu thereof to Government and will continue to serve the Govt; till the acceptance of your resignation by the competency authority.
7. His contract period can be renewed after one year if his performance is found Satisfactory.
8. He is not allowed to report for duty if his age is less than 18 years or more than 30 years or having no age relaxation NOC from the competent authority.

If he accepts the above-mentioned terms and conditions, he should report to the MS DHQ Hospital Mardan for duty on his own expenses within seven days after the receipts of this letter otherwise his appointment order will be considered as cancelled.
N.B:- You will have no legal right to challenge your termination in case if your Academic & Professional documents have been found fake.

Executive District Officer
Health Mardan.

No. 1135-20 /EDO (II) Mardan Dated The 28 /10/2006.

A copy is forwarded to the :-

1. District Coordination Officer Mardan
2. District Account Officer Mardan.
3. Medical Superintendent DHQ Hospital Mardan.
4. Deputy District Health Officer Mardan.
5. Accountant EDO(II) Office Mardan
6. Mr. M. Razaq S/O Niamat Gul Village Babozai Tehsil & District Mardan

for information and n/action.


Executive District Officer
Health Mardan

BETTER COPY A-5
OFFICE OF THE EXECUTIVE DISTRICT OFFICER HEALTH MARDAN.

APPOINTMENT ORDER

As a result of test and interview held on 20/9/2006 & on the recommendation of the Departmental Selection Committee, Mr. M Razaq S/O Niamat Gul Village Babozai Tehsil & District Mardan is hereby appointed as Blood Bank Technician (BPS-09) plus usual allowances as admissible under the NWFP Civil Servants 2002 contract policy & Amendment Act 2005 vide his letter No.SO-6(E&AD) 1-13 dated 10/8/2005 and posted in the DHQ Hospital Mardan on the following terms and condition, furthermore his arrival will be accepted after the proper verification of his academic and Professional documents:-

TERMS & CONDITIONS

1. His appointment is purely on contract basis for a period of one year and is liable to termination at any time without assigning any notice or reason.
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3. He is declared medically fit for Government Service.
4. He is liable to serve anywhere in the District as well as in NWFP.
5. He will be governed by such Services rules and order as framed by the Government from time to time for the category of government servants to which he belongs.
6. If he intends to resign his services, he will give two months notice in advance or deposit one-month salary in lieu thereof to Government and will continue to serve the Government till the acceptance of your resignation by the competency authority.
7. His contract period can be renewed after one year if his performance is found Satisfactory.
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If he accepts the above-mentioned terms and conditions, he should report to the MS DHQ Hospital Mardan for duty on his own expenses within seven days after the receipts of this letter otherwise his appointment order will be considered as cancelled.
N.B:- You will have to legal right to challenge your termination in case if your Academic & Professional documents have been found fake.

**Executive District Officer
Health Mardan**

No.16815-20 /EDO (H) Mardan

Dated the 28/10/2006



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

Dated Peshawar, the 11-08-2015

NOTIFICATION

NO. SO(FR)/FD/7-3/2015/Paramedics. The competent authority has been pleased to upgrade all the Paramedics Staff appointed under Khyber Pakhtunkhwa Civil Servants Act 1973, with immediate effect.

- I. All the incumbents Paramedics in BS-09 are upgraded to BS-12. In future the initial recruitment will be made in BS-12 instead of BS-09 and the Administrative Department shall immediately amend the service rules through SSRC accordingly.
- II. The incumbents presently serving in BS-12 & BS-14 are allowed 02 steps upgradation respectively with relaxation of condition of 10 years service in the same grade stipulated in the existing upgradation policy.
- III. The Paramedics presently serving in BS-16 and BS-17, having 05 years service in the respective pay scales, are allowed an allowance at the rate of fixation of pay in next grade.
- IV. The Administrative Department shall further streamline the service structure of BPS-16 and above through the mechanism of SSRC.
- V. Pay of existing incumbents of the posts shall be fixed in higher pay scales at a stage next above the pay in the lower pay scale.
- VI. This department notification bearing No. SO(FR)/FD/10-22/2015 dated 30-06-2015 will have no effect on the above employees.

SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

Endst. No. & Date even.

Copy of the above is forwarded for information and necessary action to the:

1. PS to Additional Chief Secretary, FATA.
2. All Administrative Secretaries Government of Khyber Pakhtunkhwa
3. Senior Member, Board of Revenue, Khyber Pakhtunkhwa Peshawar.
4. Accountant General, Khyber Pakhtunkhwa, Peshawar.
5. Secretary to Governor, Khyber Pakhtunkhwa, Peshawar
6. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
7. Secretary Provincial Assembly, Khyber Pakhtunkhwa.
8. All Heads of Attached Departments in Khyber Pakhtunkhwa.
9. Registrar, Peshawar High Court, Peshawar.
10. All Deputy Commissioners, Political Agents, District & Sessions Judges / Executive District Officers in Khyber Pakhtunkhwa.

BETTER COPY B-6

GOVERNEMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

Dated Peshawar, the 11.08.2015

NOTIFICATION

NO.SO(FR)FD/7-3/2015/Paramedics:- The competent authority has been pleased to upgrade all the Paramedics staff appointed under Khyber Pakhtunkhwa Civil Servants Act 1973, with immediate effect.

- I. All the incumbents Paramedics in BS-09 are upgraded to BS-12 in future the initial recruitment will be made in BPS-12 instead of BS-09 and the Administrative Department shall immediately amend the rules through SSRC accordingly.
- II. The incumbents presently serving in BS-12 & BS-14 allowed 02 steps upgradation respectively with relaxation of condition of 10 years of service to the same grade stipulated in the existing up-gradation policy.
- III. The Paramedics presently serving in BS-16 and BS-17, having 05 years of service in the respective pay scales, are allowed an allowance at the rate of fixation of pay in next grade.
- IV. The Administrative Department shall further streamline the service structure of BPS-16 and above through the mechanism of SSRC.
- V. Pay of existing incumbents of the posts shall be fixed in higher pay scales at a stage next above the pay in the lower pay scale.
- VI. This department notification bearing No.SO(FR)/FD/10-22/2015 dated 30-06-2015 will have no affect on the above employees.

SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

Dist. Govt. KP-Provincial
District Accounts Office Mardan
Monthly Salary Statement (May-2022)

"C"
-7-



Personal Information of Mr MUHAMMAD RAZAQ d/w/s of NAIMAT GUL
Personnel Number: 00341370 CNIC: 1610171702387
Date of Birth: 16.08.1982 Entry into Govt. Service: 31.10.2006

NTN:
Length of Service: 15 Years 07 Months 002 Days

Employment Category: Active Temporary

80003395-DISTRICT GOVERNMENT KHYBE

Designation: CLINICAL TECHNICIAN (PATH)

DDO Code: MR61 70-E.D.O HEALTH (HOSPITAL) MARDAN

Payroll Section: 002

GPF Section: 001

Cash Center:

GPF Balance:

383,208.00 (provisional)

GPF A/C No: 341370

GPF Interest applied

Vendor Number: -

Pay scale: BPS For - 2017

Pay Scale Type: Civil BPS: 12

Pay Stage: 13

Pay and Allowances:

Wage type		Amount	Wage type		Amount
0001	Basic Pay	25,800.00	1001	House Rent Allowance 45%	2,940.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
1985	Health Professional Allow	15,000.00	2148	15% Adhoc Relief All-2013	462.00
2199	Adhoc Relief Allow @10%	324.00	2211	Adhoc Relief All 2016 10%	1,674.00
2224	Adhoc Relief All 2017 10%	2,580.00	2247	Adhoc Relief All 2018 10%	2,580.00
2264	Adhoc Relief All 2019 10%	2,580.00	2309	Adhoc Relief All 2021 10%	2,580.00
2341	Dispr. Red All 15% 2022KP	3,870.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3012	GPF Subscription	-2,220.00	3501	Benevolent Fund	-1,200.00
3609	Income Tax	-805.00	4004	R. Benefits & Death Comp:	-600.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 7,012.55 Recovered till MAY-2022: 6,208.00 Exempted: 0.23- Recoverable: 804.78

Gross Pay (Rs.): 64,746.00 Deductions: (Rs.): -4,825.00 Net Pay: (Rs.): 59,921.00

Payee Name: MUHAMMAD RAZAQ

Account Number: 02197900080103

Bank Details: HABIB BANK LIMITED, 220219 BANK ROAD, MARDAN. BANK ROAD, MARDAN., MARDAN

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address:

City: VILL BABOZAI TEH MARDAN Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: mrzaq361@gmail.com

University of Peshawar
Pakistan

"D" - 8-

This certifies that

Muhammad Razaq son of Syed Niawat Gul

having fulfilled all the requirements is hereby admitted to the degree of
Bachelor of Science (Honours) in Paramedical Sciences

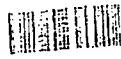
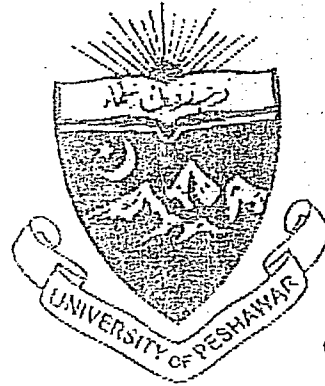
and is entitled to all the rights, honours and privileges thereunto appertaining.

Given this 2nd day of August, 2014.

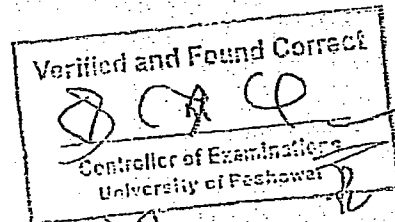
Roll No: 1124

Session: Annual 2014

Reg. No: 2006-PC-7957



134593



Registrar

Vice Chancellor

"E"-9-

Provisional Seniority List of Qualified Paramedics Pathology. As on 17-01-2019

S. No.	Name & Father Name	Date of 1st appointment	Current BPS	Type of Degree/Statas	Date of Passing Degree	Total/Obtained Marks & Division.	age%	Board/University/Institution	Present Posting	Date of Birth & Domicile	Date of Retirement	Degree verification
1.	Fazal Manan S/O Abdul Manan	4/3/1999	BS-16	BSc. MLT	Jul-97	1452/2300	63.13043	UNI of Punjab	District Swat	1/4/1971 Swat	31/03/2017	verified
2.	Hidayat Ullah Khan S/O Mir Faraz Khan	13.04.2011	BS-12	BSc MLT	Jun-01	1540/2300	66.95652	University of Punjab	Bannu Medical College Bannu	07.03.1977 Bannu	06.03.2037	verified
3.	Niamatullah S/O Liaqat Ali Khan	08.04.2004	BS-12	BSc MLT	2002	1452/2400	60.5	Baqai Medical Univ. Karachi	GMC D.I Khan	09.08.1979 D.I Khan	08.08.2039	verified
4.	Jamil Ahmad S/O Muhammad Khan	09.07.1999	BS-14	BSc. MLT	March.2003	1399/2300	60.82	University of Punjab	SGT Hosp: Swat	10.05.1977 Swat	9/5/2037	Verification req.
5.	Anwar ul Haq S/O Nisar Ahmad	01.03.2008	12	BSc (MLT)	Mar-03	1329/2300	57.78261	University of Punjab	King Abdullah Teaching Hosp: Mansehra	13.11.1978 Mansehra	12.11.2038	verified.
6.	Hakeem ullah S/O Aman Ullah Khan	12/05/1991	BS-16	BSc. (MLT)	May-04	1537/2300	66.82609	University of Punjab	DHQ Hosp: Bannu	2/1/1969 Bannu	01/01/2029	HEC verified
7.	Sardar Ali Khan S/O Haji Jahan Daraz Khan	11.08.2003	BS-12	BSc. MLT	May-04	1457/2300	63.34783	University of Punjab	Agency Surgeon Miranshah	22.03.1979 NWA	21.03.2039	Verification req.
8.	Syed Hashim S/O Syed Hussain Jan	01.09.2003	BS-12	BSC MLT	2004	1321/2300	57.43478	University of Punjab	A.S Kurram at Parachinar	05.04.1978 Kuram	4/4/2038	verified.
9.	Dilawar Khan S/O Ajar Khan	09.03.2012	BS-12	BSc (MLT)	Dec-04	1005/1500	67	Baqai Medical Univ. Karachi	DHO Dir Lower	22-06-1978 Dir-Lower	21.06.2038	HEC verified

on serial 4
 M. Syfan Ahmad s/o Nazir Ahmad
 attestation

P 10.	Asadullah S/O Sakhi Jan	10.10.2006	BS-12	BSc MLT	Apr-05	1594/2300	69.30435	University of Punjab	DHO Swat	01.03.1981 Swat	28-02-2041	HEC verified.
D 11.	Rahimullah S/O Lal Badshah	20.03.2012	BS-12	Pathology. BSc MLT	April.2005	2000/1113	55.65	Baqai Medical Univ. Karachi	DHO Dir Lower	10/3/1982 Dir Lower	9/3/2042	DMC & verification Required
P 12.	Ihsan ul Haq S/O Din Muhammad	30.06.2009	BS-16	MSc MLT	Mar-06	990/1700	58.23529	Baqai Medical Univ. Karachi	DHO Dir Lower	03.03.1977 Dir Lower	02.03.2037	verified
13.	Nazir Ahmad S/O Bashir Ahmad	23/05/1987	BS-14	BSc (MLT)	Feb-07	598/1000	59.8	Baqai Medical Univ. Karachi	DHOH Mardan	17.03.1967 Charsadda.	16.03.2027	Verified
P 14.	Fida Muhammad S/O Muhammad Fayaz	08.01.2013 11.08.2015	BS-12	BSc (MLT)	24-09-2007	1516/2300	59.8	University of Punjab	DHO Shangla	02.01.1981 Shangla	1/1/2041	Verified
15.	Farhad Ali S/O Wali Zar Khan	12.02.2014	BS-12	BS Microbiology	Oct.2007	2828/3600	78.55556	Hazara UNI	DHO Karak	13.08.1982 Karak	12/8/2042	verification Required
16.	Zia ur Rehman S/O Hubab Khan	21.11.2013	BS-12	BSc (H) Microbiology	16-10-2008	3810/2530	66.4042	Hazara University	DHO Swat	28-02-1986 Swat	27-02-2046	verified.
D 17.	Zahir-ud-din S/O Siraj-ud-Din	09.03.2012	BS-12	BScMLT	Oct-08	1492/2300	64.86957	University of Punjab	DHO Lower Dir	15-04-1970 Lower Dir	14.4.2030	HEC Verified.
18.	Muhammad Tauseef S/O Muhammad Yousaf	09.03.2012	BS-12	BSc (H) Microbiology	Dec-08	1985/2800	70.89286	Federal Urdu University Karachi	DHO Dir Lower	20.04.1986 Dir Lower	19-04-2046	HEC Verified.
P 19.	Israr Ullah S/O Muhammad Qasim	19.03.2009	BS-12	BSc (MLT)	Apr.2009	1565/2300	68.04348	University of Punjab	Bannu Medical College Bannu	01.03.1989 Bannu.	28.02.2049	Verified
20.	Shafiq ur Rahman s/o Muhammad Rahman	02.02.2009	BS-12	BSc (MLT)	Nov.2009	1525/2300	66.30435	University of Punjab	DHO Shangla	01.03.1986 Shangla	28.02.2046	verified
21.	Hafizullah Khan S/O Mir Sada Khan	04.12.2010	BS-12	BSc (MLT)	Nov.2009	1592/2300	56.17	University of Punjab	BMC Bannu	23.12.1986 Bannu.	22-12-2046	verified
22.	Siraj ud Din S/O Said Ha-keem	10.03.2012	BS-12	MSc (MLT)	19-02-2010	1082/2000	54.1	Baqai Medical Univ. Karachi	DHO Dir Lower	15.03.1983 Dir Lower	14.03.2046	verified

-11-

23.	Saif ud Din S/O Muhammad Darim Khan	29.01.2010	BS-12	MSc Hematology	30-11-2010	GPA 3.38	73	Gomal UNI	KGNTN Bannu	10.10.1983 NWA	09.10.2043	verified
24.	Faisal Burhan s/o Falzul-Iah	01.04.2011	BS-12	BSc MLT	20-10-2010	1395/2300	60.65217	University of Punjab	GMC DI Khan	06.09.1989 Tank	05.09.2049	Verification req.
25.	Saleem Muhammad S/O Nazir Muhammad	01.04.2009	BS-12	BSc MLT	Oct-10	1356/ 2300 DMC Required	58.95652	University of Punjab	DHO Dir Upper	16.02.1979 Dir Upper	15.02.2039	verification req.
26.	Humayun S/O Muhammad Ghaus	24/01/1990	BS-16	BSc. MLT MSC. MLT	Jan-11	1279 /2200	58.13636	Baqai Medical Univ; Karachi	LRH Peshawar	11/12/1967 Charsadda	10/12/2027	verified
27.	Izhar Ullah S/O Muhammad Sharif	31/12/1994	BS-16	MSc Microbiol-ogy.	13-04-2011	2.88	2.88	Abasyn University Peshawar	NKB Peshawar	5/12/1972	4/12/2032	verification req
28.	Riaz Ahmad s/o Aziz Ahmad	12/3/2012	BS-12	BSc MLT Session	Jan-12	1592/1900	83.78947	Hazara University	DHO. Chitral	13-06-1984 Chitral	12-06-2044	verified.
29.	Salma Afroz D/O Zia ul Islam	19.03.2011	BS-12	BS (H) Microbi-ology	Jan-12	2611/4200	62.16667	Kohat University of Science and Technology	DHQ Hosp: Karak	23.12.1986 Karak	22.12.2046	verification req.
30.	Muhammad Ilyas Khan S/O Mazhar Ali	30.11.2010	BS-12	MSc Microbiol-ogy	13-02-2012	3.42	0.42	Abasyn university	KGNT Hosp: Bannu	20.04.1988 Bannu	19-04-2048	Verified
31.	Sher Akbar Khan S/O Bahramand Khan	19.02.2007	BS-12	BSc. MLT	Apr-12	538/1000	53.8	Baqai Medical Univ; Karachi	DHO Buner	25.01.1984 Buner	24.01.2044	HEC Verified
32.	Mustafa Khan S/O Mir Afzal	05.01.2005	BS-12	BSc (MLT)	5/4/2012	1352/2200	61.45455	Baqai Medical Univ; Karachi	AS FR Kohat	05.09.1979 AS FR Kohat	04.09.2039	Verified
33.	Ikram Ullah s/o Qavi Jan	1/10/1996	BS-16	BSc. (H)	09/7/2012	3381/5000	67.62	University of Peshawar	HMC Peshawar	15-04-1966 Charsadda	14-04-2026	HEC verified

-12-

81.	Roshan Gul S/O Niaz Wali	22.12.2004	BS-12	BSc (H) MLT	23-04-2015	2921 / 5000	58.42	University of Peshawar	AHQ Hosp Miran Shah	?	01.01.1982/	31.12.2042	verification req.
82.	Aamir Khan S/O Amanullah Khan	08.11.2013	BS-12	BSc (H) MLT	7/5/2015	3550/2439	68.70423	Gandhara University Peshawar	BKMC Swabi	swabi	01.03.1991/	28-02-2051	verified
83.	Taj Nabi Gul S/O Akbar Khan	16-11-2009	BS-12	BS (H) MLT	9/5/2015	2483/3550	69.94366	Khyber Medical University	NKB Memorial Pesh	Pesh.	20-03-1985	19-03-2045	original verified copy req.
84.	Lihaz Gul S/O Alif Gul	09.03.2002	BS-12	BS (H) MLT	9/5/2015	3550/2479	69.83099	KMU Peshawar	HMC Peshawar	Peshawar	1/3/1979	31-02-2029	SSc 1996
85.	Waseem Iqbal S/O Muzafer Iqbal	09.10.2009	BS-12	BSc. (H) MLT	9/5/2015	2406/3550	67.77465	KMU	MMCTH Mardan	Mardan	26.09.1986	25.09.2046	verified
86.	Abdul Zahoor S/O Abdul Shakoor	12.6.11.2013	BS-12	BS (H) (MLT)	9/5/2015	3550/2391	67.35211	KMU	Swat	DHO Swat	10.04.1982 Swat	09.04.2042	verified
87.	Atta ur Rehman S/O Gul Rahim	4/5/2013	BS-12	BS (H) MLT	9/5/2015	3550/2697	75.97183	KMU Peshawar	DHO Haripur	Malakand	20-07-1990	19-07-2050	HEC Verified
88.	Hazir Muhammad S/O Wazir Muhammad	04.11.2006	BS-12	MSc Microbiology	9/5/2015	3.13 CGPA	73.84%	Abasyn UNI	DHQH Balthela	Malakand	01.04.1972	31.03.2032	verified
89.	Siraj Khan S/O Maqbal Khan	16.02.1999	BS-12	BSc MLT	April 2015	1182/1900	62.21053	Hazara University	HMC Peshawar	Peshawar	20.01.1971	19-01-2031	HEC Verified
90.	Azeem Ullah S/O Qavi Khan	29.03.2005	BS-12	BSc MLT	June.2015	1900/1165	61.32	Hazara University	DHO Swat	Swat	12.01.1982	11/1/2042	HEC verification required
91.	Ikram Ullah s/o Qavi Khan	1/10/1996	Chief-16	BSc (H)	June.2015	1900/1160	61.05	Hazara University	NSK Hosp. Swat.	Swat	15-04-1966	14-04-2026	HEC verification req
92.	Farhad Ali S/O Mehtab Ud Din	1/10/1989	BS-16	BSc. (H)	9/7/2015	2901/5000	58.02	University of Peshawar	KTH Peshawar	Peshawar	16-05-1960	17/05/2020	Degree & DMC Original Verified copy required
93.	Muhammad Razaq S/O Syed Niaz Gul	31.10.2006	BS-12	BS(H)	2/8/2015	3296/5000	65.92	University of Peshawar	DHO Mardan	Mardan	16-08-1982	15-08-2042	verified

Bacha Sails
 CT, Pathology (12)
 (17)



ANNEXURE - C
GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Date: Peshawar, the 31st May, 2022

"F"
-13-

NOTIFICATION

SOH-III/B-60/2021 (Different Categories of Paramedics BS-17): The Competent Authority, on the recommendations of Departmental Promotion Committee (DPC), in its meeting held on 20-12-2021, is pleased to promote the following Clinical Technicians BS-12, Sr. Clinical Technicians BS-14 & Chief Clinical Technicians (BS-16) to the posts of Clinical Technologists (BS-17) on regular basis, with immediate effect.

Item No. 1. Chief Clinical Technicians (Pharmacy) BS-16 to the post of Clinical Technologist (Pharmacy) BPS-17.

S.NO	Name/F, Name of Officials	Designation	Current Place of posting.
1.	Massadiq Yasin S/O Ghulam Yasin	Chief Clinical Technicians Pharmacy BPS-16	DHQ Hosp: Karak
2.	Zafar Ali S/O Mir Saleem	Chief Clinical Technicians Pharmacy BPS-16	KGN Hosp: /MTI Bannu.

Item No. 2. Chief Clinical Technicians (Cardiology) (BS-16) to the post of Clinical Technologist (Cardiology) (BPS-17).

S.NO	Name/F, Name of Officials	Designation	Place of posting.
1.	Muhammad Saeed S/O Ajab Gul	Chief Clinical Technician Cardiology BPS-16	DHQ Hosp: Swabi.
2.	Maqsood Ahmad S/O Gul Zaman	Chief Clinical Technician Cardiology BPS-16	KGNT Bannu
3.	Hukam Khan S/O Sabir Khan	Chief Clinical Technician Cardiology BPS-16	LRH Peshawar
4.	Murad Ali S/O Ajmal Khan	Chief Clinical Technician Cardiology BPS-16	DHQ Hosp: Karak.
5.	Bakht Sardar S/O Mohib Shah	Chief Clinical Technician Cardiology BPS-16	DHQ Hosp: Daggar, Buner
6.	Nisar Muhammad S/O Pir Muhammad	Chief Clinical Technician Cardiology BPS-16	LRH Peshawar.
7.	Muhammad Qasim S/O Noor Muhammad	Chief Clinical Technician Cardiology BPS-16	LRH Peshawar
8.	Muhammad Asim S/O Muhammadi Gul	Chief Clinical Technician Cardiology BPS-16	MASM Hosp: Peshawar

Item No. 3 Chief Clinical Technicians Radiology BS-16 to the post of Clinical Technologist Radiology BPS-17.

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S.NO	Name/F. Name of Officials	Designation	Place of posting.
1	Munir Hussain S/O Latif Hussain	Chief Clinical Technician Radiology BPS-16	DHO Kurram at Sadda
2	Iqbal Hussain S/O Hussain Asghar	Chief Clinical Technician Radiology BPS-16	DHQ paraclinar
3	Syed Hamid Noor S/O Syed Mansour	Chief Clinical Technician Radiology BPS-16	DHQ Hosp. Miranshah
4	Mohiuddin S/O Saeed Ahmad	Chief Clinical Technician Radiology BPS-16	DHQ Hosp: Karak
5	Khureshid S/O Rehmatullah.	Chief Clinical Technician Radiology BPS-16	DHQ Hosp: Haripur
6	Faheem Ullah S/O Habibullah Khan	Chief Clinical Technician Radiology BPS-16	DHQ Hosp: Bannu
7	Rizwan Ullah S/O Mehar Gul Khan	Chief Clinical Technician Radiology BPS-16	KGNT Hosp: MTI Bannu
8	Rashid Muhammad S/O Gul Muhammad	Chief Clinical Technician Radiology BPS-16	DHO Lakki Marwat
9	Zaitullah Khan S/O Ajah Khan	Chief Clinical Technician Radiology BPS-16	DHQ Hosp: Buner
10	Muhammad Akram Khan S/O Gul Ahmad Khan	Chief Clinical Technician Radiology BPS-16	KAT Hosp: Mansehra
11	Muhammad Shafi S/O Amir Khisro	Chief Clinical Technician Radiology BPS-16	MASM Hosp: Peshawar
12	Muhammad Ishaq S/O Didar Gul	Chief Clinical Technician Radiology BPS-16	KTH/MTI Peshawar
13	Fazli Elahi S/O Nawrozuddin	Chief Clinical Technician Radiology BPS-16	DHQ Hosp: Chitral
14	Javed Sultan S/O Muhammad Din	Chief Clinical Technician Radiology BPS-16	KAT Hosp: Mansehra
15	Ghulam Sarwar S/O Muhammad Sardar	Chief Clinical Technician Radiology BPS-16	SGT Hosp: swat
16	Zakir Ali S/O Ghulam Rehmani	Chief Clinical Technician Radiology BPS-16	Services Hosp: Peshawar
17	Muhammad Waisal S/O Asif Khan	Chief Clinical Technician Radiology BPS-16	MMC/MTI Mardan
18	Behramand S/O Amir Nawaz	Chief Clinical Technician Radiology BPS-16	KTH/MTI Peshawar

Item No. 4 Qualified Chief Clinical Technicians Cardiology BS-16, Sr. Clinical Technicians Cardiology BS-14 & Clinical Technicians Cardiology BS-12 to the post of Clinical Technologist Cardiology BS-17

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S.NO	Name/F, Name of Officials	Designation	Place of posting
1.	Niaz Bar Khan S/O Abdul Ghafar Khan	Clinical Technician Cardiology BPS-12	DHQ Hosp: Taimergara
2.	Raham Bacha S/O Khaista	Sr. Clinical Technician Cardiology BPS-14	SGT Hosp: Saidu Sharif Swat
3.	Asmat Ara Begim S/O Zar Bat Khan	Clinical Technician Cardiology BPS-12	DHQ Hosp: Karak
4.	Muhammad Younas S/O Zain Khan	Chief Clinical Technician Cardiology BPS-16	LRH/MTI Peshawar
5.	Nabi Rahmat S/O Abdul Wali Khan	Sr. Clinical Technician Cardiology BPS-14	DHO Chitral

Item No. 5 Qualified Clinical Technician Physiotherapy (BS-12) to the post of Clinical Technologist Physiotherapy BS-17

S.NO	Name/F, Name of Officials	Designation	Place of posting
1	Abdullah S/O Said Bashir	Clinical Technician Physiotherapy BS-12	DHQ Hosp: Shangla

Item No. 6 Qualified Chief Clinical Technicians Pathology BS-16, Sr. Clinical Technicians Pathology BS-14 & Clinical Technicians Pathology BS-12 to the post of Clinical Technologist Pathology BS-17

S.NO	Name/F, Name of Officials	Designation	Place of posting
1.	Fazal Manan S/O Abdul Manan	Chief Clinical Technician Pathology BS-16	NSK Hosp: Swat
2.	Hidayat Ullah Khan S/O Mir Faraz Khan	Clinical Technician Pathology BS-12	Bannu Medical College Bannu
3.	Niamatullah S/O Liaqat Ali Khan	Sr. Clinical Technician Pathology BS-14	GMC D I Khan
4.	Muhammad Irfan Ahmad S/O Nazir Ahmad	Clinical Technician Pathology BS-12	DHO Mardan
5.	Jamil Ahmad S/O Muhammad Khan	Chief Clinical Technician Pathology BS-16	SMC Hosp: Swat
6.	Anwar ul Haq S/O Nisar Ahmad	Clinical Technician Pathology BS-12	King Abdullah Teaching Hosp: Manshera
7.	Sardar Ali Khan S/O Haji Jahan Daraz Khan	Sr. Clinical Technician Pathology BS-14	Agency Surgeon Miranshan
8.	Dilawar Khan S/O Afdar Khan	Clinical Technician Pathology BS-12	DHQ Hosp: Taimergara
9.	Rahimullah S/O Lal Badshah	Clinical Technician Pathology BS-12	DHO Dir Lower
10.	Asadullah S/O Sakht Jan	Clinical Technician Pathology BS-12	DHO Swat

Fida Muhammad S/O
Muhammad Fayaz

Clinical Technician
Pathology BS-12

DHO Shangla

-16-

12.	Ihsan ulHaq S/O Din Muhammad	Clinical Technician Pathology BS-12	DHQ Hosp. Dir Lower
13.	Israr Ullah S/O Muhammad Qasim	Clinical Technician Pathology BS-12	Bannu Medical College Bannu
14.	Zahir-ud-din S/O Siraj-ud- Din	Clinical Technician Pathology BS-12	DHO Lower Dir

2. The officers on promotion will remain on probation for a period of one year in terms of Section 6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-15(1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

3. Posting/Transfer Notifications in respect of above mentioned officers will be issued later on.

Secretary to Govt. of Khyber Pakhtunkhwa
Health Department

Endst of even No and Date.

Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director General, Health Services, Khyber Pakhtunkhwa, Peshawar with the request to furnish proposal regarding posting of the above mentioned officers to this Department, at the earliest, to proceed further in the matter.
3. Director General, Provincial Health Services Academy, Khyber Pakhtunkhwa, Peshawar.
4. District Health Officer, concerned.
5. Hospital Director, MTI concerned.
6. Medical Superintendent, DHQ Hospital, concerned.
7. District Accounts Officer, concerned.
8. The Deputy Director (I.T) Health Department.
9. PS to Secretary Health, Khyber Pakhtunkhwa.
10. PS to Special Secretary (E&A) Health, Khyber Pakhtunkhwa.
11. PA to Additional Secretary (Estab) Health, Khyber Pakhtunkhwa.
12. PA to Deputy Secretary (Admn) Health Department.
13. Officers concerned.

(Naseer Ahmad)
SECTION OFFICER-III

BETTER COPY 16

11	Fida Muhammad s/o Muhammad Fayaz	Clinical Technician Pathology BS-12	DHO Shangla
12	Ihsan ul Haq S/o Din Muhammad	Clinical Technician Pathology BS-12	DHQ Hospital Dir Lower
13	Israr Ullah S/O Muhammad Qasim	Clinical Technician Pathology BS-12	Bannu Medical College Bannu
14	Zahir-ud-din S/O Siraj-ud-Din	Clinical Technician Pathology BS-12	DHQ Lower Dir

2. The officers on promotion will remain on probation for a period of one year in terms of Section 6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-15(1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

3. Posting/Transfer Notifications in respect of above mentioned officers will be issued later on.

**Secretary to Govt. of Khyber Pakhtunkhwa
Health Department**

1190 - 17-

Before Director General Health Services Khyber Pakhtunkhwa

Subject; Departmental Appeal against notification dated 31st May 2022

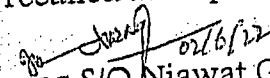
Respectfully submitted as Through proper channel

- That the appellant as was initially appointed Blood Bank technician (BPS-09) vide order dated 31.10.2006 in health department Khyber Pakhtunkhwa in prescribed manner (annexure - A)
- That the Appellant is promoted to CT Pathology BS-12 in 2015 vide one time departmental promotion for all paramedics.
- That the appellant is still working against the subject post without any service break as having regular service of more than 16 years at his credit .
- That the appellant has completed his BS (Honor) degree vide in year 2014 .
- That the Appellant is being senior from most of the CT pathology BS-12 promoted to the post of Clinical Technologists Pathology BS-17. (annexure- B)
- That the appellant has completed his qualifying services for promotion to the post of technologist being senior most in the CT Pathology promoted, but still have not been promoted.
- That Appellant has been denied his right of promotion vide impugned notification 31st May 2022 whereby junior most official / CT Pathology have been promoted vide at serial no 1 to 14 and serial no 17, and 18 of the provisional seniority list (B) copy of notification attached as annexure (C) on the mere pretext of their degree date being prior to that of the appellant which is against justice and norms beside they are most juniors than the appellant.

- That it is the valuable and legal right of the appellant to be promoted to the post of technologist being qualified and most senior CT pathology than the promoted one, as the impugned notification is against the spirit of law and justice also against the service rules, where seniority is the sole provision of law for promotion and not the prior date of awarding degree.
- That the impugned notification needs to be revised and considered the plea of the appellant as per established service rules being issued without any legal substance.
- That appellant has been discriminated by ignoring his seniority and services and by promoting the junior most CT Pathology than the appellant is clear violation of law and justice.

Pray.

In light of the facts it is requested that the appeal of the appellant may accepted and the impugned notification may be recalled as required.


Muhammad Razaq S/O Niawat Gul,

Clinical Technician Pathology,

TDH katlang Mardan.

Dated : June 02, 2022.



-19-

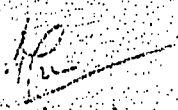
OFFICE OF THE DEUTY DISTRICT HEALTH OFFICER TEHSIL KATLANG
Phone no. 0937-575345

No. 550 /TDH KATLANG
Dated: 3 /16 /2022

The District Health Office
District Mardan

SUBJECT: DEPARTMENTAL APPEAL AGAINST NOTIFICATION DATED
31st MY 2022

Enclosed please find herewith an appeal in original subject cited above, in respect of Mr Muhammad Razaq CT Pathology TDH Katlang, is forwarded for further necessary action please.


Medical Superintendent
Type D Hospital Katlang



DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA, PESHAWAR.

"H" - 20 -

Office Ph# 091 - 9210269 Exchange# 091 - 9210187, 091 - 9210196, Fax #091 - 921023

All communications should be addressed to the Director General Health Services Peshawar official by name.
No. 12301 Promotion Cell dated: 27/08/2022

To,

The District Health Officer
Mardan.

Subject: DEPARTMENTAL APPEAL AGAINST NOTIFICATION DATED 31 MAY 2022.

Kindly refer to your letter No. 9801/DHO dated 06-06-2022, on the subject noted above and to state that the Seniority list of qualified degree holders is prepared as per approved Service Rules from the date of acquiring degree and not on Service Seniority basis. Therefore the request of the appellant is not covered under the Rules.

Please inform the applicant accordingly.

ADDI: DIRECTOR GENERAL (HRM)
DIRECTORATE GENERAL HEALTH SERVICES,
KHYBER PAKHTUNKHWA PESHAWAR.

OLU

23/8/22

VAKALATNAMA
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO: _____ OF 2022

M. Razaq

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Secretary Health etc

(RESPONDENT)
(DEFENDANT)

I/We (Appellant)

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Supreme Court** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ____/____/202

[Signature]
CLIENT

ACCEPTED
NOOR MOHAMMAD KHATTAK
(BC-10-0853)
15401-0705985-5

[Signature]
UMAR FAROOQ

[Signature]
WALEED ADNAN

&

[Signature]
M. AYUB
ADVOCATES

OFFICE:
Flat No.(TF) 291-292 3rd floor
Deans trade centre Peshawar cantt:
Mobile No. 0334-5277323