

10.08.2022

Counsel for the appellant present. Mr. Kabir Ullah Khattak, Additional Advocate General alongwith Furqan, Junior Clerk for respondents present.

Written reply on behalf of respondents not submitted. Learned AAG sought time for submission for written reply. Adjourned. To come up for written reply/comments on 20.10.2022 before S.B.

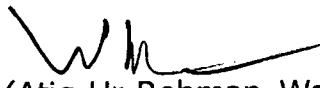


(Fareeha Paul)
Member (E)

25.01.2022

Nemo for the appellant.

Notice be issue to the appellant and his counsel for attendance on 24.03.2022 before S.B.


(Atiq-Ur-Rehman Wazir)
Member (E)

24.03.2022

None for the appellant present.

Security and process fee not deposited. Notices be issued to the appellant and his counsel for submission of security and process fee within 10 days. Adjourned. To come up for further proceedings on 22.06.2022 before S.B.


(MIAN MUHAMMAD)
MEMBER(E)

22nd June, 2022

Counsel for the appellant present and seeks permission to deposit security and process fee. Appellant is directed to deposit security and process fee today. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 10.08.2022 before S.B.


(Kalim Arshad Khan)
Chairman

Rs-500/-
Appellant Deposited
Security & Process Fee

A. J. 22/6/22

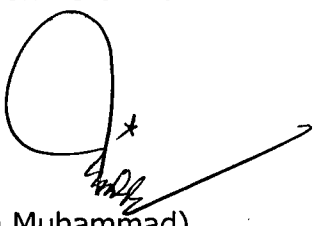
Hidayat Ullah Khan 5785/2021

08.09.2021 Mr. Noman Mohib Kakakhel, Advocate counsel for the appellant present and submitted fresh Wakalatnama. Preliminary arguments heard.

Learned counsel for the appellant argued that his client is presently working as Clinical Technician (Pathology) BS-12 at Bannu Medical College who is being ignored for promotion to the post of Clinical Technologist (Pathology) BS-17 despite the fact that under threefold criterion for promotion, 20% of the posts are reserved for BS-12, BS-14 and BS-16 Technician who have acquired Degree. Presently, there are two vacant posts of clinical Technologist (BS-17) falling to 20 % reserved for pathology cadre and the appellant stands at serial No.2 of the seniority list. He is however, not being considered by the respondent No.1 since 01.02.2018. Thereafter, the appellant preferred departmental appeal on 28.01.2020 which was not responded or decided within the stipulated statutory period, hence, the instant service appeal filed in this Service Tribunal on 16.06.2020.

Learned counsel for the appellant was confronted with the question as to where is the original or appellate order to have been impugned as per provisions of Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974. Moreover, there is no application for condonation with the service appeal. In support of his arguments learned counsel for appellant contended that it is a recurring cause of action and no limitation runs against it, he placed reliance on 2012 SCMR 1700 AND 2020 PLC (CS) 668.

Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections including limitation. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time or extension of time is not sought, the office shall submit the file with a report of non-compliance. File to come up for arguments on 25.01.2022 before the D.B.


(Mian Muhammad)
Member(E)

5785/2020

04.02.2021

M/s. Zeenat Muhib Kakakhel, Advocate on behalf of counsel for the appellant present.

Requests for adjournment as learned senior counsel for the appellant is engaged today in various cases before the Hon'ble High Court.

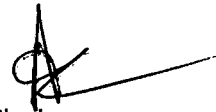
The record suggests that on a number of occasions instant matter was adjourned on behalf of appellant/counsel, therefore, request is acceded to but as last chance. Adjourned to 26.05.2021 for hearing before S.B.



Chairman

26.05.2021

Counsel for the appellant present and requests for adjournment in order to further prepare the brief. To come up for preliminary hearing on 08.09.2021 before S.B.



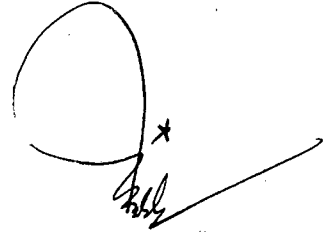
Chairman

13.07.2020

Clerk to counsel for the appellant present.

Former requests for adjournment as learned counsel for the appellant is indisposed today.

Adjourned to 15.09.2020 before S.B.



(Mian Muhammad)
Member(E)

15.09.2020

Miss Mehwish Muhib Kakakhel, Advocate for appellant present.

Requests for adjournment as learned senior counsel for appellant is engaged today before the Honourable High Court in various cases. Adjourned to 18.11.2020 before S.B.



Chairman

18.11.2020

Mr. Nouman Mohib Kakakhel, Advocate on behalf of counsel for appellant present.

Requests for adjournment as learned counsel for appellant is indisposed due to Malaria fever.

Adjourned to 04.02.2021 before S.B.






Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 5785 /2020

1S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	16/06/2020	<p>The appeal of Mr. Hidayatullah presented today by Mr. Saifullah Muhib Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>30/06/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>30.06.2020</p> <p>Counsel for the appellant present.</p> <p>In the light of preliminary arguments of learned counsel, let pre-admission notice be issued to learned AAG for 13.07.2020 before S.B.</p> <p style="text-align: right;"> Member (J)</p>

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA

Service Appeal No. **5785** of 2020

Hidayat Ullah Khan

.....Appellant

V E R S U S

D.G Health, Directorate of Health Services Khyber Pakhtunkhwa & Others.

..... Respondents

I N D E X


S.No.	Description of Documents	Annex	Pages
1.	Service Appeal		1-6
2.	Affidavit		7
3.	Application for Interim Relief		8-9
4.	Affidavit		10
5.	Application for Condonation of Delay		11-12
6.	Affidavit		13
7.	Addresses of the parties		14
8.	Copy of appointment order dated: 04.04.2011	A	15
9.	Copy of Certificate of Honour	B	16
10.	Copy of method of recruitment, qualification and other conditions published vide notification dated: 10.05.2016	C	17-22
11.	Copy of the Notification No. SOH-III/8-60/2018 dated: 01.02.2018	D	23-24
12.	Copy of letter dated: 14.05.2019 to RTI, showing vacancy of posts by Directorate General Health Service	E	25
13.	Copy of Seniority list dated 24.10.2019 showing seniority as on 23.05.2019	F	26-28
14.	Copies of Departmental Appeal dated: 28.01.2020 and covering letter of Dean, BMCB dated: 29.01.2020	G & G-1	29-30
15.	Copy of Reply to Fazal Manan dated: 01.03.2019	H	31
16.	Copy of advertisement dated 18.02.2019	I	32 / 33A
17.	Copy of notification of promotion of	J	33-34

	paramedics on 40% Seniority cum Fitness criteria dated 21.07.2017		
18.	Copies of Seniority List of BPS-17, showing the position of Asif Mehmood and appointment Notification of Irfan Ullah Khan dated: 03.01.2020	K & K- 1	35-36
19.	Wakalat Nama		

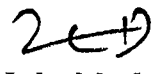


Appellant

Through




Saifullah Muhib Kakakhel
Advocate High Court (LL.M)
Cell: 0334-4440744

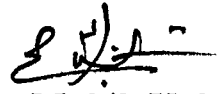


Zeenat Muhib Kakakhel
Advocate High Court.

Dated: 16 /06/2020



Mehwish Muhib Kakakhel
Advocate High Court
BSCS, LL.M (Cyber Crimes)



Kainat Muhib Kakakhel
Advocate Peshawar.

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA.

Service Appeal No. **5785** of 2020

(1)

Hidayat Ullah Khan S/o Mir Faraz Khan

R/o House No. 233/B, Mohallah Rab Nawaz Wakeel, Bannu City.

.....Appellant

Khyber Pakhtunkhwa
Service Tribunal

Diary No. **50621**

Dated **16/6/2020**

V E R S U S

1. Director General Health, Directorate of Health Services,
Khyber Pakhtunkhwa , Civil secretariat, Peshawar.

2. Secretary Health, Khyber Pakhtunkhwa,
Civil Secretariat, Peshawar.

3. Government of Khyber Pakhtunkhwa through Chief Secretary,
Civil Secretariat, Peshawar.

..... Respondents

**SERVICE APPEAL UNDER SECTION 04 OF KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974
AGAINST THE ILLEGAL ACT OF RESPONDENT NO.
01 FOR NOT PROMOTING THE APPELLANT TO THE
POST OF CLINICAL TECHNOLOGIST (PATHOLOGY)
BPS-17 FROM HIS CURRENT POST AGAINST WHICH
HE SUBMITTED DEPARTMENTAL APPEAL ON
28.01.2020 THROUGH PROPER CHANNEL WHICH
WAS FILED AND NOT ANSWERED.**

Filed to-day

Registrar

16/6/2020

Respectfully Sheweth:

1. That appellant was appointed as Junior Clinical Technician
(Pathology) (BPS-09) by respondent No. 01 vide

office/appointment order dated: 04.04.2011 and is currently serving in Bannu Medical College, Bannu as Clinical Technician (Pathology) (BPS-12).

(Copy of appointment order dated: 04.04.2011 is attached as Annexure "A").

2. That the appellant has an outstanding educational record with a Bronze Medal (3rd position) in B.SC MLT (Pathology) from National Institute of Health, Islamabad.

(Copy of Certificate of Honour is attached as Annexure "B").

3. That there is a threefold criterion for promotion of Paramedical Staff in the Health Department, published vide notification dated: 10.05.2016 which is explained herein below:

i. **40% Initial Recruitment** through Khyber Pakhtunkhwa Public Service Commission.

ii. **40% by promotion through Seniority cum fitness** from amongst Chief Technicians and Chief PHC Technicians (BPS-16).

(iii) **20% through seniority on date of acquiring degree eligible for BPS-17** posts amongst in service BPS-12, BPS-14 & BPS-16 Technicians.

(Copy of method of recruitment, qualification and other conditions published vide notification dated: 10.05.2016 is attached as Annexure "C").

4. That 23 Paramedics were promoted to BPS-17 in 20% Criteria through Health Department Notification No. SOH-III/8-60/2018 dated: 01.02.2018, except Pathology Cadre.

(Copy of the Notification No. SOH-III/8-60/2018 dated: 01.02.2018 is attached as Annexure "D").

5. That there were two vacant posts of Clinical Technologists (Pathology) BPS-17 in Health Department on 01.02.2018, which were to be filled by the 20% criteria, which is seniority cum fitness from amongst the Chief Technicians, Senior Technicians and Technicians as aforementioned.

(Copy of letter dated: 14.05.2019 to RTI, showing vacancy of posts by Directorate General Health Service is attached as Annexure "E").

6. That to fulfill the vacancies in Paramedical staff, in 20% Criteria, seniority lists of Qualified Degree Holder Paramedics, were made, whereby appellant was at serial No. 02 of the seniority list of Qualified Paramedics Pathology. The appellant is still on serial No.2 of the Seniority list prepared on 23.05.2019.

(Copy of Seniority list dated 24.10.2019 showing seniority as on 23.05.2019 is attached as Annexure "F").

7. That the herein before mentioned vacancy and seniority lists were not complied with and delayed till date due to conflict between Degree Holders in Microbiology and Medical Laboratory Technology (MLT)/Pathology, which has nothing to do whatsoever with Pathology, which was not disputed.

8. That appellant finally submitted Department Appeal on 28.01.2020 for his Promotion from the date the vacancy was lying vacant/ Back Date, which was sent through proper channel i.e. through Dean Bannu Medical College, Bannu on 29.01.2020, but was not answered hence filed.

(Copies of Departmental Appeal dated: 28.01.2020 and covering letter of Dean, BMCB dated: 29.01.2020 are attached as Annexures "G" & "G-1").

9. That a similar appeal was made by Fazal Manan, the candidate who is on serial No. 01 in the Seniority List of Qualified Paramedics Pathology, was answered by respondent No.01 stating

(4)

that *“The case of promotion of Degree Holders (Pathology) was not processed on 01.01.2018 due to conflict between Degree Holders in Micro Biology and Medical Laboratory Technology”* which has no concern with Pathology yet affecting the valuable right of appellant.

(Copy of Reply to Fazal Manan dated: 01.03.2019 is attached as Annexure “H”).

10. That 40 percent criteria through initial recruitment is complied with by the respondents.

(Copy of advertisement dated: 18.02.2019 is attached as annexure “I”).

11. That 40% criteria through promotion on basis of seniority cum fitness have also been processed and complied with, whereas 56 Paramedics, including those of pathology are promoted vide notification dated 21.07.2017.

(Copy of notification of promotion of paramedics on 40% Seniority cum Fitness criteria dated 21.07.2017 is attached as Annexure “J”).

12. That two of the mentioned criteria in the rules/method laid down for the promotion/ appointment of Paramedics to BPS-17 have been executed, however, the 20% criteria **in Pathology Cadre** is not being processed, which makes the seniority of appellant suffer in the Joint seniority list of BPS-17, all due to nefarious designs and high handedness of respondent No.01.

13. That respondent No.01 had not made any objection to **“Asif Mehmood” Clinical Technologist (Pathology) BPS-17, at S. No. 55** in the Joint Seniority List of Paramedics in BPS-17 who was regularized on 11.04.2017, and **“Irfan Ullah Khan”**, who has been recently appointed as **Lab Technologist or Clinical Technologist (Pathology) BPS-17**, vide notification dated 03.01.2020, even though Asif Mehmood has irrelevant Degree in

B.S. (H) Microbiology and Degree of Mr. Irfan Ullah Khan is absolutely irrelevant.

5

(Copies of Seniority List of BPS-17, showing the position of Asif Mehmood and appointment Notification of Irfan Ullah Khan dated: 03.01.2020 are attached as Annexures "K" & "K-1").

14. That the appellant is still at Serial No.02 of seniority list of Qualified Degree Holder Paramedics Pathology which is undisputed and final, yet he is not being promoted nor given back benefits, which makes his seniority suffer in further promotion.
15. That the 20% criteria for promotion on basis of date of acquiring qualification for Clinical Technologists (Pathology) BPS-17 is not being processed not complied with.
16. That the appellant is not being treated in accordance with law and rules/ method for promotion as laid down by the government and is being discriminated against.
17. That the appellant feeling aggrieved of his non-promotion and continuous cause of action of suffering seniority, kneels before this Hon'ble Court for grant of justice.
18. That there is no other and efficacious remedy than to approach this Hon'ble Court through this appeal.

It is therefore respectfully prayed, that this Hon'ble Court may graciously:


- i. **Declare** the appellant eligible for promotion with all back benefits from the date the post of Clinical Technologist, Pathology (BPS-17) were lying vacant and he was ignored while similarly placed employees were promoted vide order dated: 01.02.2018 ignoring the 20% quota for the cadre of pathology.

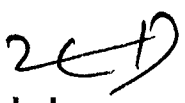
- ii. **Declare** the non-promotion of appellant as illegal, discriminatory, outcome of cherry picking, against the reserved quota for Qualified Degree Paramedics i.e. 20% and against the constitutional rights of the appellant.
- iii. **Direct** the respondents to promote appellant with all back benefits from the date the post of Clinical Technologist, Pathology (BPS-17) were lying vacant as per the quota mentioned in "Method of recruitment, qualification and other conditions published vide notification dated 10.05.2016" without any interference and hurdles, in the best interest of justice.
- iv. Any other order deemed appropriate in the circumstances may also be passed. Any other document / argument will be raised at the time of the hearing with the permission of this Honourable Court.

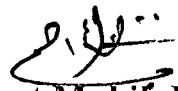

Appellant

Through


Saifullah Muhib Kakakhel
Advocate High Court (LL.M)
Cell: 0334-4440744


Mehwish Muhib Kakakhel
Advocate High Court
BSCS, LL.M (Cyber Crimes)


Zeenat Muhib Kakakhel
Advocate High Court.


Kainat Muhib Kakakhel
Advocate Peshawar.

Dated: 16 /06/2020

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA.

Service Appeal No. _____ of 2020

(7)

Hidayat Ullah Khan

.....Appellant

VERSUS

D.G Health, Directorate of Health Services Khyber Pakhtunkhwa & Others.

..... Respondents

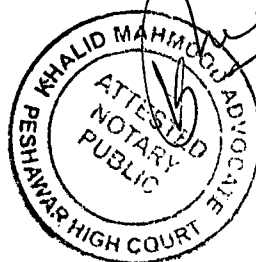
AFFIDAVIT

I, **Hidayat Ullah Khan** S/o Mir Faraz Khan R/o House No. 233/B, Mohallah Rab Nawaz Wakeel, Bannu City, do hereby solemnly affirm and declare on oath that the contents of accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.

Identified by:

Saifullah Muhib Kakakhel
Saifullah Muhib Kakakhel
Advocate High Court (LL.M)

AK
DEPONENT
CNIC# 11101-1474433-5
Cell # 0333-9244119



BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA.

8

C.M No. _____ 2020

IN RE:

Service Appeal No. _____ of 2020

Hidayat Ullah Khan

.....Appellant / Applicant

V E R S U S

D.G Health, Directorate of Health Services Khyber Pakhtunkhwa & Others.

..... Respondents

**APPLICATION FOR AND ON BEHALF OF APPELANT /
APPLICANT FOR INTERIM RELIEF BY WAY OF
DIRECTING THE RESPONDENTS NOT TO TAKE ANY
ADVERSE ACTION AGAINST THE APPELANT /
APPLICANT AND KEEP ONE POST OF CLINICAL
TECHNOLOGIST, PATHOLOGY (BPS-17)TILL FINAL
DISPOSAL OF SERVICE APPEAL.**

Respectfully Sheweth:

1. That the above mentioned appeal has been filed today in which no date of hearing has yet been fixed.
2. That the applicant / appellant has not been promoted to the post of Clinical Technologist (Pathology), BPS-17 even though he is eligible, fit and on the top of seniority list.
3. That the applicant / appellant has good prima facie case and is hopeful of its success.

- 4. That the balance of convenience lies in favour of the applicant / appellant.
- 5. That the applicant / appellant will suffer irreparable loss, if the interim relief sought is not granted in his favour.
- 6. That the contents of the service appeal may kindly be read as integral part of this application.

It is, respectfully prayed that pending disposal of the Service Appeal, the respondents may be directed not to take any adverse action against the applicant / appellant and keep one post of Clinical Technologist, Pathology (BPS-17).



Through

Saifullah Muhib Kakakhel
 Advocate High Court (LL.M)
 Cell: 0334-4440744



Zeenat Muhib Kakakhel
 Advocate High Court.

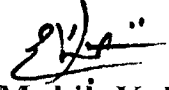
Dated: 16/06/2020



Appellant / Applicant



Mehwish Muhib Kakakhel
 Advocate High Court
 BSCS, LL.M (Cyber Crimes)



Kainat Muhib Kakakhel
 Advocate Peshawar.

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA.

10

C.M No. _____ 2020

IN RE:

Service Appeal No. _____ of 2020

Hidayat Ullah KhanAppellant / Applicant

V E R S U S

D.G Health, Directorate of Health Services Khyber Pakhtunkhwa & Others.
..... Respondents

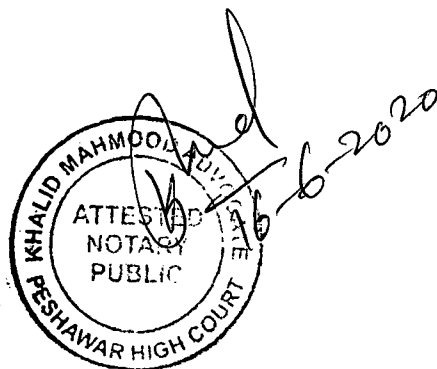
AFFIDAVIT

I, **Hidayat Ullah Khan** S/o Mir Faraz Khan R/o House No. 233/B, Mohallah Rab Nawaz Wakeel, Bannu City, do hereby solemnly affirm and declare on oath that the contents of accompanying **Application for Interim Relief** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.

Identified by:

Saifullah Muhib Kakakhel
Saifullah Muhib Kakakhel
Advocate High Court (LL.M)

[Signature]
DEPONENT
CNIC# 11101-1474433-5
Cell # 0333-9244119



BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA.

C.M No. _____ 2020

(11)

IN RE:

Service Appeal No. _____ of 2020

Hidayat Ullah Khan

.....Appellant / Applicant

V E R S U S

D.G Health, Directorate of Health Services Khyber Pakhtunkhwa & Others.

..... Respondents

APPLICATION FOR CONDONATION OF DELAY

Respectfully Sheweth:

1. That the above mentioned appeal has been filed today in which no date of hearing has yet been fixed.
2. That the applicant / appellant has not been promoted to the post of Clinical Technologist (Pathology), BPS-17 even though he is eligible, fit and on the top of seniority list.
3. That the applicant / appellant belongs to Bannu and due to lockdown all the public transport was not available, hence if any delay caused due to the restriction of the government on the right to movement may kindly be condoned.
4. That the applicant / appellant is a front line warrior and is also performing duties in the pandemic of Covid-19.

5. That the contents of the service appeal may kindly be read as integral part of this application.

It is therefore respectfully prayed that on acceptance of this application, the relief as prayed for in the heading of the application may kindly be granted in favour of the applicant / appellant, in the best interest of justice.



Appellant / Applicant



Through

Saifullah Muhib Kakakhel
Advocate High Court (LL.M)
Cell: 0334-4440744



Zeenat Muhib Kakakhel
Advocate High Court.



Mehwish Muhib Kakakhel
Advocate High Court
BSCS, LL.M (Cyber Crimes)



Kainat Muhib Kakakhel
Advocate Peshawar.

Dated: 16 /06/2020

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA.

C.M No. _____ 2020

(13)

IN RE:

Service Appeal No. _____ of 2020

Hidayat Ullah Khan

.....Appellant / Applicant

V E R S U S

D.G Health, Directorate of Health Services Khyber Pakhtunkhwa & Others.

..... Respondents

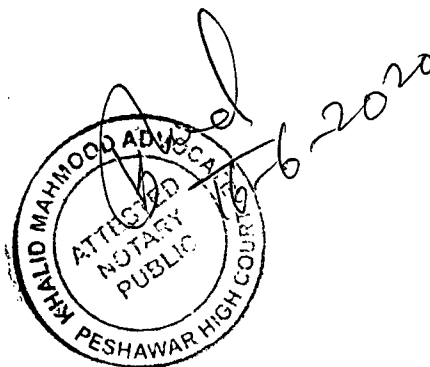
AFFIDAVIT

I, **Hidayat Ullah Khan** S/o Mir Faraz Khan R/o House No. 233/B, Mohallah Rab Nawaz Wakeel, Bannu City, do hereby solemnly affirm and declare on oath that the contents of accompanying **Application for Condonation of Delay** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.

Identified by:

Saifullah Muhib Kakakhel
Saifullah Muhib Kakakhel
Advocate High Court (LL.M)

[Signature]
DEPONENT
CNIC# 11101-1474433-5
Cell # 0333-9244119



BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA

(19)

Service Appeal No. _____ of 2020

Hidayat Ullah Khan

.....Appellant

V E R S U S

D.G Health, Directorate of Health Services Khyber Pakhtunkhwa & Others.

..... Respondents

ADDRESSES OF PARTIES

APPELLANT:

Hidayatullah Khan S/o Mir Faraz Khan


R/o House No. 233/B, Mohalla Rab Nawaz Wakeel, Bannu City.

RESPONDENTS:


1. Director General Health, Directorate of Health Services,
Khyber Pakhtunkhwa , Civil secretariat, Peshawar.
2. Secretary Health, Khyber Pakhtunkhwa,
Civil Secretariat, Peshawar.
3. Government of Khyber Pakhtunkhwa through Chief Secretary,
Civil Secretariat, Peshawar.



Saifullah Muhib Kakakhel
Advocate High Court (LL.M)
Cell: 0334-4440744

Through


Zeenat Muhib Kakakhel
Advocate High Court.


Appellant


Mehwish Muhib Kakakhel
Advocate High Court
BSCS, LL.M (Cyber Crimes)


Kainat Muhib Kakakhel
Advocate Peshawar.

Dated: 16 /06/2020



BANNU MEDICAL COLLEGE, BANNU

(15)

OFFICE ORDER:

Consequent upon the recommendation of the Departmental Selection Committee in its meeting held on 26.03.2011 Mr. Hidayatullah S/O Mr. Mir Faraz Khan is hereby appointed as Junior Clinical Technician, Pathology (BPS-09) in Bannu Medical College Bannu in the pay scale Rs.3820-230-10720 plus usual allowances as admissible under the rule.

His appointment in Bannu Medical College Bannu will be subject to the following terms & conditions -

1. He will be on probation initially for a period of one year extendable for another period of second year if no specific order of termination of probation is issued.
2. His services can be dispensed with during the probation period if his work and conduct found unsatisfactory or any error found in official record.
3. His appointment will be subject to medical fitness and verification of character and antecedents/ Educational qualification etc.
4. He will not be entitled to any TADA for medical examination and joining the first appointment.
5. He will be governed by such Rules and orders as may be issued by the Government for the category of Government servant to which he belongs.
6. As laid down vide Govt. of NWFP, Establishment and Administration Department Notification No. E&A (1-13)/2005 dated 10/08/2005, he will not be entitled to pension or gratuity however in lieu thereof, he will be entitled to receive such amount contributed by him towards the Contributory Provident Fund along with the contributions made by the Government to his account in the said Fund.
7. If he wishes to resign from service he will have to submit resignation in writing one month in advance OR deposit one month's pay in the Government Treasury. However, he will continue to serve the Government till his resignation is accepted by the competent authority.
8. He will submit an undertaking on judicial stamp paper to Principal Bannu Medical College Bannu that the documents submitted are correct and to the best of his knowledge he has not been dismissed from any service by any Govt. or semi Govt. organization.

If the offer of appointment on the above terms and conditions is accepted, he should report to Bannu Medical College Bannu within the time specified in the receipt of this order.

[Faint signature and stamp area]

h
ATTESTED



BANNU MEDICAL COLLEGE, BANNU

Annex 'A'

Better Copy

OFFICE ORDER:

Consequent upon the recommendation of the Departmental Selection Committee in its meeting held on 26.03.2011 **Mr. Hidayatullah S/O Mr. Mir Faraz Khan** is hereby appointed as **Junior Clinical Technician, Pathology (BPS-09)** in Bannu Medical College Bannu in the pay scale Rs.3820-230-10720 plus usual allowances as admissible under the rule.

His appointment in Bannu Medical College Bannu will be subject to the following terms & conditions:-

1. He will be on probation initially for a period of one year extendable for another period of second year, if no specific order of termination of probation is issued.
2. His services can be dispensed with during the probation period, if his work and conduct found unsatisfactory or any error found in official record.
3. His appointment will be subject to medical fitness and verification of character and antecedents/ Educational qualification etc.
4. He will not be entitled to any TA/DA for medical examination and joining the first appointment.
5. He will be governed by such Rules and orders as may be issued by the Government for the category of Government servant to which he belongs.
6. As laid down vide Govt. of NWFP, Establishment and Administration Department Notification No. E&A (1-13)/2005 dated 10/08/2005, he will not be entitled to pension or gratuity however in lieu thereof, he will be entitled to receive such amount contributed by him towards the Contributory Provident Fund along with the contributions made by the Government to his account in the said fund.
7. If he wishes to resign from service he will have to submit resignation in writing one month in advance OR deposit one month's pay in the Government Treasury. However, he will continue to serve the Government till his resignation is accepted by the competent authority.
8. He will submit an undertaking on judicial stamp paper to Principal Bannu Medical College Bannu that the documents submitted are correct and not fake. Moreover he has not been dismissed from any service by any Govt. or semi Govt. organization.

If the offer of appointment on the above terms and condition is acceptable to him, he should report to Bannu Medical College, Bannu within fourteen (14) days of the date of receipt of this order.

Principal, BMC/CHIEF EXECUTIVE
Group of Teaching Hospital Bannu

Endst No. 1656-62/EST/BMC/010,
Copy is forwarded to:-

Dated: 04/04/2011.

1. Director General Health Services Khyber Pakhtunkhwa Peshawar
2. Chief Executive Group of Teaching Hospital Bannu
3. District Accounts Officer, Bannu.
4. Accounts Officer, BMC Bannu.
5. Mr. Hidayat Ullah S/O Mir Faraz Khan House No. 233/B Muhalla Rab Nawaz Wakeel Bannu City.
6. Personal file.
7. Office order file.

Principal, BMC/CHIEF EXECUTIVE
Group of Teaching Hospital Bannu



In The Name of Allah The Most Merciful And Beneficent

Annex "B"

(16)



NATIONAL INSTITUTE OF HEALTH ISLAMABAD

College of Medical Laboratory Technology

CERTIFICATE OF HONOUR

It is certified with pleasure that Mr./Miss MISS HADIYAT ULLAH KHAN

S/O MR. MIR FARAZ KHAN of B Sc. MLT Batch No. 08

has been awarded BRONZE Medal for securing 3rd position in the final examination

of B Sc. MLT held in JUNE 2001 by the University of the Punjab Lahore, Pakistan

PRINCIPAL
College of Medical Lab. Technology
NIH Islamabad

ATTESTED

EXECUTIVE DIRECTOR
National Institute of Health
Islamabad

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. P.III
GAZETTE

Annex — "C"

(17)

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, TUESDAY, 10TH MAY, 2016

GOVERNMENT OF THE KHYBER PAKHTUNKHWA HEALTH DEPARTMENT

NOTIFICATION

Peshawar dated the 10th May, 2016.

No.SOH-III/HD/3-5/2014 -In pursuance of the provision contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, and in supersession of all Notifications issued in this behalf by the Health Department, in consultation with the Establishment Department and the Finance Department, hereby lays down the method of recruitment, qualification and other conditions specified in column 3 to 5 of the Appendix to the posts of Paramedical Staff in the Health Department specified in column 2 of the said Appendix:

APPENDIX

S. No.	Nomenclature of the post.	Qualification for appointment by initial recruitment.	Age limits.	Method of recruitment.
1	2	3	4	5
1	<u>Principal Technologist</u> (i) Principal Clinical Technologist Dental; (ii) Principal Clinical Technologist Pharmacy; (iii) Principal Clinical Technologist Radiology; (iv) Principal Clinical Technologist Pathology;			By promotion, on the basis of seniority-cum-fitness, from amongst the Chief Technologists and Chief PHC Technologists with five years service in BS-19 or seventeen years service in BS-17 and above as such in the relevant technology..

ATTACHED

18

	<p>(v) Principal Clinical Technologist Anesthesia; (vi) Principal Clinical Technologist Cardiology; (vii) Principal Clinical Technologist Surgical; (viii) Principal Clinical Technologist Dialysis; (ix) Principal Clinical Technologist; Physiotherapy; (x) Principal Clinical Technologist Pulmonology; (xi) Principal Clinical Technologist Gastroenterology; and (xii) Principal Clinical Technologist; Ophthalmology / otorhinolaryngology; and</p> <p><u>Principle PHC Technologist:</u></p> <p>(i) Principal PHC Technologist (Multi Purpose); and (ii) Principal PHC Technologist (MCIT).</p>			
<p>2</p>	<p><u>Chief Technologist</u></p> <p>(i) Chief Clinical Technologist Dental; (ii) Chief Clinical Technologist Pharmacy; (iii) Chief Clinical Technologist Radiology; (iv) Chief Clinical Technologist Pathology; (v) Chief Clinical Technologist Anesthesia; (vi) Chief Clinical Technologist Cardiology; (vii) Chief Clinical Technologist Surgical; (viii) Chief Clinical Technologist Dialysis; (ix) Chief Clinical Technologist Physiotherapy; (x) Chief Clinical Technologist Pulmonology; (xi) Chief Clinical Technologist Gastroenterology; and (xii) Chief Clinical Technologist Ophthalmology/ Otorhinolaryngology; and,</p>			<p>By promotion, on the basis of seniority-cum-fitness, from amongst Senior Technologists and Senior PHC Technologists with seven years service in BPS-18 or twelve years service in BPS-17 and above as such in the relevant technology.</p>

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(19)

	<p>Chief PHC Technologist</p> <p>(i) Chief PHC Technologist (Multi-Purpose); and (ii) Chief PHC Technologist (MCH).</p>			
3	<p>Senior Technologist</p> <p>(i) Senior Clinical Technologist Dental; (ii) Senior Clinical Technologist Pharmacy; (iii) Senior Clinical Technologist Radiology; (iv) Senior Clinical Technologist Pathology; (v) Senior Clinical Technologist Anesthesia; (vi) SCT Senior Clinical Technologist Cardiology; (vii) Senior Clinical Technologist Surgical; (viii) Senior Clinical Technologist Dialysis; (ix) Senior Clinical Technologist Physiotherapy; (x) Senior Clinical Technologist Pulmonology; (xi) Senior Clinical Technologist Gastroenterology; and (xii) Senior Clinical Technologist Ophthalmology/Otorhinolaryngology; and</p> <p>Senior PHC Technologist</p> <p>(i) Senior PHC Technologist (Multi-Purpose); and (ii) Senior PHC Technologist (MCH).</p>	<p>At least Second Class Master's Degree or B.SC Honours/ BS (04-years) in the relevant technology or equivalent qualification from a recognized University/ Institution.</p>	<p>20-35 years</p>	<p>(a) Fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Technologists and PHC Technologists with five years service as such in the relevant technology; and (b) fifty percent by initial recruitment.</p>
4	<p>Technologist</p> <p>(i) Clinical Technologist Dental; (ii) Clinical Technologist Pharmacy; (iii) Clinical Technologist Radiology; (iv) Clinical Technologist Pathology; (v) Clinical Technologist Anesthesia;</p>	<p>At least Second Class Bachelor's Degree in the relevant Technology from a recognized University/ Institution.</p>	<p>18-32years</p>	<p>(a) Forty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Chief Technicians and Chief PHC Technicians with three years service as such in the relevant technology;</p>

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	<p>(vi) Clinical Technologist Cardiology; (vii) Clinical Technologist Surgical; (viii) Clinical Technologist Dialysis; (ix) Clinical Technologist Physiotherapy; (x) Clinical Technologist Pulmonology; (xi) Clinical Technologist Gastroenterology; and (xii) Clinical Technologist Ophthalmology / Otorhinolaryngology); and</p> <p><u>PHC Technologist</u></p> <p>(i) PHC Technologist (Multi-Purpose); and (ii) PHC Technologist (MCH).</p>			<p>(b) twenty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Chief Technicians, Senior Technicians and Technicians having qualification prescribed for initial recruitment with three years service as such in the relevant technology.</p> <p><u>Note:</u> For the purpose of promotion, there shall be maintained a joint seniority list of Chief Technicians, Senior Technicians and Technicians with reference to the dates of their acquiring qualification prescribed for initial recruitment as in column No. 3:</p> <p>Provided that if two or more officials acquired the qualification prescribed for initial recruitment in the same session, then the official who obtains the highest marks or grade in the examination shall be deemed to be senior to the other officials; and</p> <p>(c) <u>forty percent by initial recruitment.</u></p>
5	<p><u>Chief Technician</u></p> <p>(i) Chief Clinical Technician Dental; (ii) Chief Clinical Technician Pharmacy; (iii) Chief Clinical Technician Radiology; (iv) Chief Clinical Technician Pathology; (v) Chief Clinical Technician Anesthesia; (vi) Chief Clinical Technician Cardiology; (vii) Chief Clinical Technician Surgical; (viii) Chief Clinical Technician Dialysis; (ix) Chief Clinical Technician Physiotherapy; (x) Chief Clinical Technician Pulmonology; (xi) Chief Clinical Technician Gastroenterology; and</p>			<p>By promotion, on the basis of seniority-cum-fitness, from amongst the Senior Technicians and Senior PHC Technicians with at least two years service as such in the relevant technology.</p> <p>TESTED</p>

(21)

	<p>(xii) Chief Clinical Technician Ophthalmology, (Otorhinolaryngology); and</p> <p>Chief PHC Technician</p> <p>(i) Chief PHC Technician (Multi-Purpose); and (ii) Chief PHC Technician (MCH).</p>			
6	<p>Senior Technician</p> <p>(i) Senior Clinical Technician Dental; (ii) Senior Clinical Technician Pharmacy; (iii) Senior Clinical Technician Radiology; (iv) Senior Clinical Technician Pathology; (v) Senior Clinical Technician Anesthesia; (vi) Senior Clinical Technician Cardiology; (vii) Senior Clinical Technician Surgical; (viii) Senior Clinical Technician Dialysis; (ix) Senior Clinical Technician Physiotherapy; (x) Senior Clinical Technician Pulmonology; (xi) Senior Clinical Technician Gastroenterology; and (xii) Senior Clinical Technician Ophthalmology/ Otorhinolaryngology); and</p> <p>Senior PHC Technician</p> <p>(i) Senior PHC Technician (Multi-Purpose); and (ii) Senior PHC Technician (MCH).</p>			By promotion, on the basis of seniority-cum-fitness, from amongst the Technicians and PHC Technicians with at least two years service as such in the relevant technology.
7	<p>Technician</p> <p>(i) Clinical Technician Dental; (ii) Clinical Technician Pharmacy; (iii) Clinical Technician Radiology; (iv) Clinical Technician Pathology; (v) Clinical Technician Anesthesia; (vi) Clinical Technician Cardiology; (vii) Clinical Technician Surgical; (viii) Clinical Technician Dialysis; (ix) Clinical Technician Physiotherapy; (x) Clinical Technician Pulmonology; (xi) Clinical Technician Gastroenterology; and</p>	(i) Technician/PHC Technician : At least Second Division Secondary School Certificate with Science from a recognized Board with Diploma in the relevant Paramedical Technology from Khyber Pakhtunkhwa Medical Faculty or Diploma in the relevant Paramedical technology from any recognized institution; provided that the same is registered with the Medical Faculty Khyber Pakhtunkhwa Peshawar; and	18-30 years	By initial recruitment

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	<p><u>PHC Technician</u></p> <p>(i) PHC Technician (Multi-Purpose); and (ii) PHC Technician (MCH).</p>	<p>(ii) <u>PHC Technician (MCH):</u> Secondary School Certificate with at least Second Division in Science from a recognized board and Diplomas of LHV and Midwifery from recognized Nursing Examination Board.</p>		
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SECRETARY TO

GOVERNMENT OF THE KHYBER PAKHTUNKHWA,
HEALTH DEPARTMENT.

Printed and published by the Manager,
Staty. & Ptg. Deptt., Khyber Pakhtunkhwa, Peshawar

h.
ATTESTED

On 1st Feb. ~~2020~~ 2018

there were lying vacant

02 - Posts of
Clinical Technologist

(Pathology)

BPS-17

پہلے سے دستیاب شدہ / موجود ہیں ①

نئے / HMC ②



GOVT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated the Peshawar 1st February, 2018

Anned 'D'
(93)

NOTIFICATION.

No. SOH-III/8-60/2018. Upon recommendations of the Departmental Promotion Committee, the following Paramedics (Relevant Degree Holders) are hereby promoted to the post of Technologists (BS-17) in different categories/specialties in Health Department with immediate effect in the public interest.

1. Chief Technician (Anesthesia) BS-16, Senior Technicians (Anesthesia) BS-14 & Technicians (Anesthesia) BS-12 to Clinical Technologist (Anesthesia) BS-17.

S.NO	Name	Place of Present posting.	Remarks.
1.	Arbab Sikandar S/O Mir Ahmad Khan	MTI, KTH Peshawar	Promoted.

2. Chief Technician (Dental) BS-16, Senior Technicians (Dental) BS-14 & Technicians (Dental) BS-12 to Clinical Technologist (Dental) BS-17.

S.NO	Name	Place of Present posting.	Remarks.
1.	Fazle Anis S/O Fazle Maula	MTI, LRH Peshawar	Promoted.

3. Chief PHC Technician (MCH) BS-16, Senior PHC Technicians (MCH) BS-14 & PHC Technicians (MCH) BS-12 to PHC Technologist (MCH) BS-17.

S.NO	Name	Place of Present posting.	Remarks.
1.	Ulfat Begum D/O Fazal Ahmad	DHO, Charsadda	Promoted.
2.	Arcela Kumari D/O Mir Chand	Services Hospital Peshawar	Promoted
3.	Bibi Benazir D/O Mubarak Khan	DHO Chitral BHU Shughora Chitral.	Promoted

4. Chief Clinical Technician (Ophthalmology) BS-16, Senior Clinical Technician (Ophthalmology) BS-14, Technicians (Ophthalmology) BS-12 to Clinical Technologist (Ophthalmology) BS-17.

S.NO	Name	Place of Present posting	Remarks.
1.	Walied Ullah Khan S/O Muhammad Karim	KGH Hospital/MTI Bannu	Promoted
2.	Malik Irfanullah Khan S/O Malik Aizal Khan	DHO Hosp. KDA Kohat	Promoted
3.	Abdul Wahid S/O Gul Muhammad Khan	NDMH Kohat Road Peshawar.	Promoted

5. Chief PHC Technician (M.P) BS-16, Senior PHC Technicians (M.P) BS-14 & PHC Technicians (M.P) BS-12 to PHC Technologist (M.P) BS-17.

S.NO	Name	Place of Present posting	Remarks.
1.	Khalid Khan S/O Durrani Khan	DHO Peshawar.	Promoted
2.	Khair-ur-Rehman S/O Anwar-ul-Haq	DHO Shangla.	Promoted

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3.	Abdul Razzaq S/O Muhammad Yousaf	DHO Haripur.	Promoted
4.	Fazal Hadi S/O Lajbar	PMIT Swat.	Promoted
5.	Muhammad Iqbal S/O Karim Gul	DHO Peshawar.	Promoted
6.	Syed Maqsood Anwar S/O Syed Muhammad Shahid	DHO Abbottabad RHC Kund.	Promoted
7.	Zafnool Abidin S/O Izat Khan	DHO Charsadda	Promoted
8.	Jan Muhammad S/O Noorshad Khan	DHO Dir Lower	Promoted
9.	Amir Khan S/O Khan Bazar	DHO Peshawar.	Promoted
10.	Bashir ul Haq S/O Habibul Haq	DHO Charsadda	Promoted
11.	Muhammad Hashim S/O Gul Zafin	Agency Surgeon Bajitor	Promoted
12.	Muhammad Usman S/O Muhammad Haroon	DHO Mardan	Promoted
13.	Jahaz Khan S/O Amin Khan	DHO Kohat.	Promoted
14.	Qaisar Khan S/O Muhammad Hanif	DHO Kohat.	Promoted
15.	Aziz ur Rehman S/O Bahadar Khan	DHO Lower Dir.	Promoted

24

6. They will be on probation for a period of one year.
7. Posting/transfer Notification in favor of above mentioned officers will be issued later on.

**SECRETARY HEALTH
GOVT. OF KHYBER PAKHTUNKHWA.**

Ends: Even No and Date.

Copy forwarded to:-

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Director General, Health Services, Khyber Pakhtunkhwa.
3. The Director General, Provincial Health Services Academy, Peshawar.
4. The Director, Health Services, FATA.
5. Hospital Directors, MTIs, Khyber Pakhtunkhwa concerned.
6. Medical Superintendents, DHQ Teaching Hospital, Khyber Pakhtunkhwa concerned.
7. Principals/Deans, KMC/KCD/PGPI, Peshawar.
8. District Health Officers, Khyber Pakhtunkhwa concerned.
9. District Accounts Officers, Khyber Pakhtunkhwa concerned.
10. The Deputy Director, I.T, Health Department.
11. PS to Senior Minister Health, Khyber Pakhtunkhwa.
12. PS Secretary Health, Khyber Pakhtunkhwa.
13. PA to Additional Secretary (Establishment) Health, Khyber Pakhtunkhwa.
14. PA to Deputy Secretary (Admin) Health, Khyber Pakhtunkhwa.
15. Officers concerned.

Amir Khan
12.2.2018
SECTION OFFICER-III

TESTED



**DIRECTORATE GENERAL
HEALTH SERVICES
KHYBER PAKHTUNKHWA**

No. 2476 / 14-05-2019

Dated: 14/05/2019

To

The Public Information Officer
DGHS Office, KP Peshawar.

Annex B

Annex — "E"

QS

**Subject: RTI REQUEST TOTAL NUMBER OF VACANT POSTS OF
CLINICAL TECHNOLOGIST (PATHOLOGY) BPS-17 IN HEALTH DEPARTMENT
ON 1ST FEBRUARY, 2018.**

I am directed to refer to your letter No. 45-47/RTI, Dated 02/04/2019 on the subject noted above and to state that 11 posts were vacant and according to approved Service Rules, forty percent (4.4) Post by promotion on the basis of seniority-cum-fitness, from among Chief Technicians with three years service as such in the relevant technology.

Twenty percent by promotion (2.2) post, on the basis seniority-cum-fitness, from the amongst the Chief Technicians, Senior Technicians and Technician having qualification prescribed for Initial recruitment with three years of service as such in the relevant technology.

Forty percent (4.4) post will be filled by initial recruitment.

Director (ARM)

Directorate General Health Services
Khyber Pakhtunkhwa, Peshawar

ATTESTED

04
1st Feb. 2013
02 - Post of
19th Feb 2013
BPS
Chemical Technology
were 20% Quota
17

REQUESTED

Handwritten notes:
DHO
Director
Director of Health Services

29/10/2019
5758

DIRECTOR GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA, PESHAWAR.

24-10-2019

18096-115

Copy forwarded to the
Director General Health Services, Khyber Pakhtunkhwa, Peshawar.

Dated 24/10/2019

DIRECTOR GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA, PESHAWAR.

Note- Final Seniority List has also been downloaded from the official website
of Directorate General Health Services, Khyber Pakhtunkhwa, Peshawar.
www.dgls.dgk.gov.pk

Enclosed please find final Seniority List of qualified (Degree Holders)
Clinical Technicians Pathology (BS-12) / Sr. Clinical Technicians Pathology (BS-14) / Chief Clinical Technicians Pathology (BS-16) as per approved service rules of
Health Department, Khyber Pakhtunkhwa for information and circulation amongst all the
concerned.

**FINAL SENIORITY LIST OF (DEGREE HOLDERS) CLINICAL
TECHNICIANS PATHOLOGY / SR. TECHNICIANS PATHOLOGY /
CHIEF CLINICAL TECHNICIANS PATHOLOGY (AS PER APPROVED
SERVICE RULES) OF HEALTH DEPARTMENT,
KHYBER PAKHTUNKHWA.**

- The DC PSHA Peshawar.
- The Director Health Services, Khyber Pakhtunkhwa, Peshawar.
- All Sanatoriums of Health Services in Khyber Pakhtunkhwa.
- All District Hospitals of Medical Colleges in Khyber Pakhtunkhwa.
- All District Hospitals (DHO) in Khyber Pakhtunkhwa.

Amex -
26

DIRECTOR GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA, PESHAWAR.

Seniority List of
Pathology Degree Holders
20 % Quota

Better Copy (Annexure F)

To

1. The D.G PHSA Peshawar.
2. The Director Health Services, Merged Districts, Peshawar.
3. All Sub-Offices of Health Services in Khyber Pakhtunkhwa/Merged Districts.
4. All Deans/Principals of Medical Colleges in Khyber Pakhtunkhwa.
5. All Hospital Directors (MTIs) in Khyber Pakhtunkhwa.

Subject: **FINAL SENIORITY LIST OF (DEGREE HOLDERS) CLINICAL TECHNICIANS PATHOLOGY / SR. C. TECHNICIANS PATHOLOGY / CHIEF CLINICAL TECHNICIANS PATHOLOGY (AS PER APPROVED SERVICE RULES) OF HEALTH DEPARTMENT, KHYBER PAKHTUNKHWA.**

Memo,

Enclosed please find final Seniority List of Qualified (Degree Holders) Clinical Technicians Pathology (BPS-12) / Sr. Clinical Technicians Pathology (BS-14) / Chief Clinical Technician Pathology (BPS-16) as per approved Service Rules of Health Department, Khyber Pakhtunkhwa for information and circulation amongst all the concerned.

Note: *Final Seniority List has also can be downloaded from the official website of Director General Health Services KP, Peshawar.*

-sd-

Director General Health Services
Khyber Pakhtunkhwa, Peshawar.

No. _____/AE-VII

Dated: 04.10.2019

Copy Forwarded to the:

1. PS to Secretary, Government of Khyber Pakhtunkhwa, Health Department, Peshawar.

-sd-

Director General Health Services
Khyber Pakhtunkhwa, Peshawar.

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Provisional Seniority List of Qualified Paramedics Pathology. As on 23.05.2019

S. No.	Name & Father Name	Date of 1st appointment	Current BPS	Type of Degree/Status	Date of Passing Degree	Total/Obtained Marks & Division.	%	Board/University/Institution	Present Posting	Date of Birth & Domicile	Date of Retirement
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	31/03/2031
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
3.	Niamatullah S/O Liaqat Ali Khan	08.04.2004	BS-12	BSc MLT	03.06.2002	1452 /2400	60.5	Baqai Medical Univ; Karachi	GMC D I Khan	09.08.1979 D.I Khan	08.08.2039
4.	Muhamma Irfan Ahmad S/O Nazir Ahmad	02.01.2012	BS-12	BSc MLT	19.08.2002	1393/2300	60.56	UNI of Punjab	DHO Mardan	09.12.1974 Mardan	08.12.2034
5.	Jamil Ahmad S/O Muhammad Khan	09.07.1999	BS-14	BSc. MLT	28-10-2003	1399/2300	60.82	University of Punjab	SGT Hosp: Swat	10.05.1977 Swat	9/5/2037
6.	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
7.	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
8.	Sardar Ali Khan S/O Haji Jahan Daraz Khan	11.08.2003	BS-12	BSc. MLT/BS(H) MLT	May-04	1457/2300	63.34783	University of Punjab	Agency Surgeon Miranshah	22.03.1979 NWA	21.03.2039
9.	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
10.	Dilawar Khan S/O Ajar Khan	09.03.2012	BS-12	BSc (MLT)	Dec-04	1005/1500	67	Baqai Medical Univ; Karachi	DHQ Hosp: Taimergara.	22-06-1978 Dir Lower	21.06.2038

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28

11.	Asadullah S/O Sakhi Jan	10.10.2006	BS-12	BSc MLT	Apr-05	1594/2300	69.30435	University of Punjab	DHO Swat	01.03.1982 Swat	28-02-2041
12.	Rahimullah S/O Laf Badshah	20.03.2012	BS-12	BSc MLT	04-08-2005	2000/1113	55.65	Baqai Medical Univ; Karachi	DHO Dir Lower	10/3/1982 Dir Lower	9/3/2042
13.	Ihsan ul Haq S/O Din Muhammad	30.06.2009	BS-12	MSc MLT	Mar-06	990/1700	58.23529	Baqai Medical Univ; Karachi	DHQ Hosp: Dir Lower	03.03.1977 Dir Lower	02.03.2037
14.	Nazir Ahmad S/O Bashir Ahmad	23/05/1987	BS-16	BSc (MLT)	Feb-07	598/1000	59.8	Baqai Medical Univ; Karachi	DHQH Mardan	17.03.1967 Charsadda.	16.03.2027
15.	Fida Muhammad S/O Muhammad Fayaz	08.01.2013 11.08.2015	BS-12	BSc (MLT)	26-07-2006	1516/2300	59.8	University of Punjab	DHO Shangla	02.01.1981 Shangla	1/1/2041
16.	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
17.	Israr Ullah S/O Muhammad Qasim	19.03.2009	BS-12	BSc (MLT)	01-Apr.2009	1565/2300	68.04348	University of Punjab	Bannu Medical College Bannu	01.03.1989 Bannu.	28.02.2049
18.	Hafizullah Khan S/O Mir Sada Khan	04.12.2010	BS-12	BSc (MLT)	26.04.2010	1592/2300	69.21	University of Punjab	BMC Bannu	23.12.1986 Bannu.	22-12-2046
19.	Shafiq ur Rahman s/o Muhammad Rahman	02.02.2009	BS-12	BSc (MLT)	26.04.2010	1525/2300	66.30435	University of Punjab	DHO Shangla	01.03.1986 Shangla	28.02.2046
20.	Siraj ud Din S/O Said Ha-keem	10.03.2012	BS-12	MSc (MLT)	Dec. 2009	1082/2000	54.1	Baqai Medical Univ; Karachi	DHQ Hosp: Dir Lower	15.03.1983 Dir Lower	14.03.2046
21.	Faisal Burhan s/o Faisalullah	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
22.	Saleem Muhammad S/O Nazir Muhammad	01.04.2009	BS-12	BSc MLT/BS H	26-04-2010	1356/ 2300	58.95652	University of Punjab	DHQ Hosp: Dir Upper	16.02.1979 Dir Upper	15.02.2039
23.	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 Peshawar	10/12/2027



ATTENDED

Annex - 6
99

To

Director General,
Health Services,
Government of KP,
Peshawar.

Thr: Proper Channel

Subject: Appeal for Promotion in Back Date

R/sir,

I came to know that, 23 Paramedics were promoted to the posts of Clinical Technologist, BPS-17, in 20% Quota for Degree Holder paramedics, vide Health Department Notification No. SOH-III/8-60/2018, Dated: 1st February, 2018.
(Annex "A1 & A2")

On 1st February, 2018, there were lying vacant 02 post of Clinical Technologist (Pathology), BPS-17, in 20% Quota, as is evident from the Letter No. 8470/AE-VII Dated: 14/05/2019
(Annex "B")

Existing Services Rules of Paramedics, 2016, requires that promotion from 20% Degree Holder Quota (depending on the availability of vacant posts in any cadre) must be on the same day as Seniority List of BPS-17 is Joint Seniority List.

At present there are 13 Technologist from Pathology Cadre in BPS-17, while 04 vacant posts of Clinical Technologists (pathology) BPS-17, have already been advertised by KP Public Service Commission, through Advertisement No. Advertisement No. 02/2019 Dated: 18/02/2019, and promotion from 20% Quota for Degree Holder Paramedics in Pathology Cadre is still awaited.

(Annex "C1 & C2")

I was, and still I am at Serial No. 02 in the Seniority List of Pathology Degree Holder.

It is, therefore, requested that I may kindly be promoted to the post of Clinical Technologist (Pathology) BPS-17, in back date, from 1st February, 2018, in accordance with the approved service rules of 2016.

Dated: 28/01/2020

yours obediently,

Hidayat Ullah Khan,
s/o Mir Faraz Khan,
CT (Pathology),
BPS-12,
Bannu Medical College.

W.
ATTENDED



OFFICE OF THE DEAN,
BANNU MEDICAL COLLEGE, BANNU

Phone: 0928-9270356

Fax: 0928-9270358

No. 170 /Estb/DG-H-Ltr/BMC/020

Dated: 29 /01/2020

Annex - 1
6-1
30

To

The Director General,
Health Services, Khyber Pakhtunkhwa,
Peshawar.

Subject: APPEAL FOR PROMOTION IN BACK DATE.

Enclosed please find herewith a self-explanatory application in respect of Mr. Hidayat Ullah Khan S/O Mir Faraz Khan, Clinical Technician (Pathology) attached to Community Medicine Department, Bannu Medical College, Bannu for further necessary action.

Dean
Bannu Medical College,
Bannu

Even No. & date

Copy forwarded to Mr. Hidayat Ullah, JCT Pathology, Community Medicine Department Bannu Medical College, Bannu for information w/r to his application dated 28/1/2020.

Dean
Bannu Medical College,
Bannu

ATTACHED



**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR**

All communications should be addressed to the Director General Health Services
Peshawar and not to any official by name. E-Mail Address: dg@kpk.gov.pk
Office: 011-2210209, Exchange: 011-9210187, 9210196 Fax: 011-9210130

Amir Khan

31

No. *227-1400* /AE-VII Dated *17/03/2019*

To,

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

Subject: APPEAL FOR PROMOTION FROM FEBRUARY 1, 2018.

Kindly refer to this Directorate letter No. 21549/AE-VII dated 26.11.2019 and to send an application in/r/o Mr. Fazal Mannan Chief Clinical Technician Pathology attached to Nawaz Sharif Kidney Hospital Swat which is self explanatory for further necessary action as per Rules with the remarks that the case of promotion of Degree holders (Pathology) was not processed on 01.01.2018 due to conflict between Degree holders in Microbiology and Medical Laboratory Technology (MLT) and after receiving instructions from the Government, the Seniority list prepared and the promotion case has been sent to the Government, vide above quoted letter.

[Signature]
DIRECTOR GENERAL HEALTH
Services, Khyber Pakhtunkhwa,
Peshawar

CC:-

Medical Superintendent Nawaz Sharif Kidney Hospital Swat for information w/r to his letter No. 193/PE dated 01.02.2020.

Estb.
For *MS*
17/03/2020

[Signature]
ATTESTED



HEALTH DEPARTMENT

Dated the Peshawar 21st July, 2017

Annex

33

NOTIFICATION

No. SOH-III/8-00/2017, The Competent Authority is pleased to order the promotion of the following Paramedics from BS-16 to the post of BS-17 in different categories/Departments in Health Department with immediate effect in the public interest.

S.No	Name & Designation with U.P's	Present Place of Posting
	PHC Technicians (M.P) BS-16 to PHC Technologist (M.P) BS-17	
1	Jamil ur Rahman	DHO Karak
2	Wa' Muhammad	DHO Karak
3	Hidayatullah	DHO Karak
4	Rafiqullah	DHO Karak
5	Shahzad Noani	DHO Karak
6	Muhammad	DHO Karak
7	Abdul Qadir	DHO Karak
8	Ghulam Haseeb	DHO Dir Lower
9	Shaukat Ali	DHO Karak
10	Hameedullah	DHO Haripur
11	Zarfar Khan	DHO Nowshera
12	Zarid Hussain Khan	DHO Dir Lower
13	Basha Ahmad	DHO Shangla
14	Anwar Saeed	DHO Mardan
15	Fazal Ahmad	DHO Ullahval
16	Muhammad Basha	DHO Haripur
17	Nageena Ahmad	DHO Peshawar
18	Sitir Zoya	DHO Peshawar
19	Rashida Akmal	DHO Peshawar
	S.No Clinical Technician (Pharmacy) BS-16 to Clinical Technologist (Pharmacy) BS-17.	
1	Basha Ahmad	SHPO Peshawar
2	Muhammad Aslam	District Tank
3	Murtaza Khan	IDC Hospital Peshawar
4	Ahmed Nawaz	DHCH D I Khan
5	Shahjahan	LRH Peshawar
6	Abdul Malik	KTH Peshawar
7	Abdul Latif	DHO Bannu
8	M. Javed	District Nowshera
9	Shahzad Rehman	DHO Hosp Karak
	S.No Clinical Technician (Anesthesia) BS-16 to the post of Clinical Technologist (Anesthesia) BS-17.	
1	Sher Dil	KTH Peshawar
2	Tahir Gul	KTH Peshawar
3	Mamun	KMC Peshawar
	S.No Clinical Technician (Cardiology) BS-16 to the post of Clinical Technologist (Cardiology) BS-17.	
1	Faiz Muhammad	LRH Peshawar
2	Waseel Muhammad	LRH Peshawar
	S.No Clinical Technician (Dental) BS-16 to the post of Clinical Technologist (Dental) BS-17.	
1	Muhammad Iqbal	DHO Hospital Mardan
2	Amranga Ullah	LRH Hospital Peshawar
	S.No Clinical Technician (Dialysis) BS-16 to the post of Clinical Technologist (Dialysis) BS-17	

ATTESTED

1	Muhammad Ishaq	
2	Muhammad Ishaq	KTH Peshawar
S.No	Chief PHC Technician (MCH) BS-16 to the post of Chief PHC Technologist (MCH) BS-17	LRH, Peshawar
1	Yasmin Raheel	
2	Rukhshaj	DHO Mardan
3	Sakina Bibi	DHO Khashtara
4	Hasmah Niaz	DHO Danna
5	Fariha Nadeem	DHO Chitral
		DHO Peshawar
S.No	Chief Clinical Technician (Ophthalmology/Otorhinolaryngology) BS-16 to the post of Clinical Technologist (Ophthalmology/Otorhinolaryngology) BS-17	
1.	Mahzab Khan	LRH Peshawar
2.	Mahar Ahmad	KTH Peshawar
3	Muhammad Saleem	DHO Hosp. Ofkhan
4	Qudratullah	DHO Nowshera
5	Tariq Saadat	LRH Peshawar
S.No	Chief Clinical Technician (Surgical) BS-16 to the post of Clinical Technologist (Surgical) BS-17	
1	Mahzab Khan S/O Ahmad Shah	KTH Peshawar
2.	M. Sar Ahmad S/O Muhammad Ahmad	KGI Teaching Hospital Danna
3	Ayaz Khan S/O Saifullah	KTH Peshawar
S.No	Chief Clinical Technician (Pathology) BS-16 to the post of Clinical Technologist (Pathology) BS-17	
1.	Mabb Khan	DHO Hosp. Kohat
2	Shah Jehan	LRH Peshawar
3	Rahat Ullah	KTH Peshawar
4	Ishad Ali	KTH Peshawar
5	Muhammad Jan	DHO Hosp. Mardan
6	Khusbaji Khan	DHO Hosp. Charsadda

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

SECRETARY HEALTH

Encl. Even No and Date.

Copy forwarded to:-

- 1 The Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 2 The Director General, Health Services, Khyber Pakhtunkhwa
- 3 The Director General, Provincial Health Services Academy, Peshawar
- 4 The Director, Health Services, FATA
- 5 Hospital Directors, MTIs, Khyber Pakhtunkhwa concerned
- 6 Medical Superintendents, DHO, Teaching Hospital Khyber Pakhtunkhwa concerned.
- 7 Principals/Deans, KIAC/KCO/PCGI, Peshawar
- 8 District Health Officers, Khyber Pakhtunkhwa concerned
- 9 District Accounts Officers, Khyber Pakhtunkhwa concerned
- 10 The Deputy Director of Health Department
- 11 PEO to Chief Secretary, Khyber Pakhtunkhwa
- 12 PO to General Manager Health, Khyber Pakhtunkhwa
- 13 PO Secretary Health, Khyber Pakhtunkhwa
- 14 Officers concerned

ATTESTED
ALLIED

Joint Seniority List, BPS-17

Ammer

35

54.	Farman Ullah	BS (vision sciences)	10-03-1979	Regularized on 11-04-2017	b. Clinical Technologist (Ophthalmology)	BS-17	By initial	KGN/MTI Bannu.
55.	Asif Mehmood S/O Noor Khan	Bsc (Hon) Microbiology	02-08-1985	Regularized on 11-04-2017	c. Clinical Technologist (Pathology)	BS-17	By initial	KGN/MTI Bannu.
56.	Sher Dil	Matric/Certificate	15.09.1959	06.08.1977 02.10.1986 26.05.1992 21-07-2017	a. Ans Asst: b. Ans Tech: c. Ch; Anaesth; d. Clinical Technologist (Anesthesia)	BS-06 BS-09 BS-16 BS-17	By initial By promotion By promotion By promotion	KTH/MTI Peshawar
57.	Tahir Gul	Matric/Certificate	11.11.1959	07.01.1978 22.12.1987 12.08.1998 21-07-2017	a. Ans Asst: b. Ans Tech: c. Ch; Anaesth; d. Clinical Technologist (Anesthesia)	BS-06 BS-09 BS-16 BS-17	By initial By promotion By promotion By promotion	KTH/MTI Peshawar
58.	Habib Khan S/O Hashim Khan	Matric/Diploma	18.06.1961	20.05.1984 05.10.1985 31.12.2005 21-07-2017	a. Lab Asst: b. Lab Tech: c. Chief Lab Tech d. Clinical Technologist (Pathology)	BS-05 BS-09 BS-16 BS-17	By initial By promotion By promotion By promotion	KGN Bannu
59.	Jamil ur Rahman S/O Gultaj	Matric/ Diploma	12.04.1959	25.07.1979 01.12.1993 08.01.2001 10.05.2006 11-05-2012 21-07-2017	a. S/ Inspector b. TSI c. DSI d. PHC Tech: e. Chief PHC Tech: f. PHC Technologist (MP)	BS-06 BS-09 BS-10 BS-12 BS-16 BS-17	By initial By promotion By promotion By promotion By promotion By promotion	DHO Kohat

TESTED

Mic. Biol. Lab.
S.S. (H)
10/10/10

Dr.

order copy

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

Annex - "11"

36

No. MTI(BXU)BoG/Lab.Tech/BMC/7/5-2020

Dated: 03/01/2020

NOTIFICATION

Consequent upon the recommendation of Selection Committee Bannu Medical College Bannu, the Board of Governors is pleased to appoint Irfan Ullah Khan S/O Ahmad Jan as Lab Technologist (BS-17) (30370-2300-76370) plus usual allowances as admissible under MTI Reforms Act 2015, at Bannu Medical College, Bannu against the vacant post on regular basis on the terms & conditions as under:

DMC

Master of Science in Chemistry

Final

Annual Examination 2014

Institute of Chemical Sciences, University of Peshawar



Regular

Name: IRFAN ULLAH KHAN

Gender/Male

Roll No: 4261

Father's Name: AHMAD JAN

Registration No. 2011-U-13841

Division: 1st

Papers	Max/Marks	Marks Obtained	
		In Figures	In Words
Environmental Chemistry	75	45	Forty Five
Polymer Chemistry (Applied)	100	61	Sixty One
Metallurgy (Applied)	100	75	Seventy Five
Unit Operation (Applied)	100	55	Fifty Five
Environmental Chemistry Practicals	25	20	Twenty Only
Instrumental Methods of Chemical Analysis (Practical)	100	77	Seventy Seven
Advanced Applied Chemistry Laboratory	100	81	Eighty One

University of Peshawar
Pakistan

degree

ATTESTED

This certifies that

Irfan Ullah Khan son of Ahmad Jan

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

Master of Science in Chemistry

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

Given this 11th day of March, 2015.

1921

for

1921

1921

No. 62

1921

VAKALATNAMA

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA

Service Appeal No. _____ of 2020

Hidayat Ullah Khan

.....Appellant

V E R S U S

D.G Health, Directorate of Health Services Khyber Pakhtunkhwa & Others.

..... Respondents

I, do hereby appoint and constitute **Saifullah Muhib Kakakhel, Mehwish Muhib Kakakhel & Zeenat Muhib Kakakhel**, Advocates High Court, and **Kainat Muhib Kakakhel**, Advocate Peshawar to appear and act as my Counsels in the above matter.

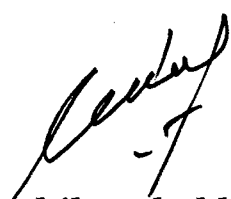
1. **To** act, appear and plead in the above-mentioned matter and to withdraw or compromise the said matter or submit to arbitration any differences or dispute that shall arise touching or in any manner relating to the said matter and to receive money and grant receipts therefore and to do all other acts and things which may be necessary to be done for the progress and the course of the prosecution of the said matter.
2. **To** draft and sign files at necessary pleadings, applications, objections, affidavits or other documents as shall be deemed necessary and advisable for the prosecution of the said matter at all its stages.
3. **To** employ any other Legal Practitioner, authorizing him to exercise the power as conferred on the undersigned Advocate, wherever he may think fit to do so.


AND I hereby agree to ratify whatever the Advocate or his substitute shall do in the above matter. I also hereby agree not to hold the Advocate or his substitute responsible for the result of the said matter in consequence of his absence from the Court when the said matter is called up for hearing. I further hereby agree that in the event for the whole or any part of the fee to be paid to the Advocate remaining unpaid, he shall be entitled to withdraw from the above matter. Received by me on 15th June, 2020.


ACCEPTED BY:



Appellant

Through


Saifullah Muhib Kakakhel
Advocate High Court (LL.M)
Cell: 0334-4440744


Mehwish Muhib Kakakhel
Advocate High Court
BSCS, LL.M (Cyber Crimes)


Zeenat Muhib Kakakhel
Advocate High Court.


Kainat Muhib Kakakhel
Advocate Peshawar.



KAKAKHEL LAW ASSOCIATES
ADVOCATES AND LEGAL CONSULTANTS

KAKAKHEL LAW ASSOCIATES (ADVOCATES & LEGAL CONSULTANTS) 36-C, 2ND FLOOR, CANTONMENT PLAZA, SADDAR ROAD, PESHAWAR CANTT, KHYBER PAKHTUNKHWA, PESHAWAR.
PH: 091-5250412, CELL: 0333-9167424 EMAIL: INFO@KAKAKHELLAW.COM

"B"

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

S.B

No.

Appeal No. **5785** of 20 **20**

Hidayatullah Khan Appellant/Petitioner

Versus

D-G, Health Peshawar Respondent

Respondent No. _____

Notice to: —

*Additional Advocate General
Service Tribunal 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 **13/7/2020** 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.

Extra Admission Notice
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 **6th** _____

Day of **July** 20 **20**

[Signature]
7/7/2020

[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.

قیمت
50 روپے

97006



ایڈووکیٹ نومان مہدیہ کاکھل

بار کونسل / ایسوسی ایشن نمبر: 2246-20-20

رابطہ نمبر: 03344440844

پشاور بار ایسوسی ایشن، خیبر پختونخوا

Service Tribunal KP

بعدالت جناب:

مخائب: <u>پروایس اللہ</u>	دعویٰ: <u>Service Appeal</u>
	علت نمبر: _____
	مورخہ: <u>25-06-2021</u>
	جرم: _____
	تھانہ: _____

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ آن مقام سب ڈسٹرکٹ ہسپتال کے ایکٹو کوویل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز کوویل صاحب کو راضی نامہ کرنے و تقریر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زیریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یا طرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور کوویل یا مختار قانونی، کو اپنے ہمراہ یا اپنے بھائی کے سرکار کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ با اختیار حاصل ہوں گے اور ان کا ساختہ پر داخلہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو کوویل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المقوم:

بد _____ بد _____

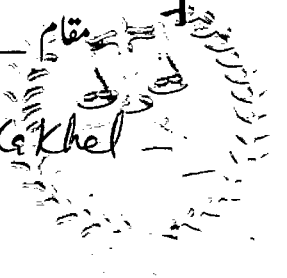
Peshawar

کے لیے منظور ہے۔

Noman Muhib Kakhel
Advocate

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

Hidayat
Ullah Khan



"A"

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

No.

5785

20 ^{SB}

APPEAL No..... of 20

Hidayat ulah Khan

Appellant/Petitioner

Versus

general Health, Directorate of Health Services,

KPK & CIVIL secretariat Peshawar

RESPONDENT(S)

Respondent (3)

Court of KPk through chief

Notice to Appellant/Petitioner

Sec. Civil secretariat Peshawar

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 10/08/2022 at 10:30 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.

For Reply

Copy already sent

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

[Signature]
02-8-22

ISSUED BY
Clerk
Court of Khyber Pakhtunkhwa Service Tribunal
Peshawar

"A"

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

No.

APPEAL No.....5785..... of 2022 SB

Hidayat Ullah Khan

Appellant/Petitioner

Versus

General Health, Directorate of health services,
KPK, civil secretariat Peshawar. **RESPONDENT(S)**

Respondent (2)
Notice to Appellant/Petitioner: Secy health, KPK,
civil secretariat Peshawar

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 10/08/2022 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.

for Reply
Appeal already sent

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Please intimate The date of notice when the appeal was sent by your card
Selfe Pufis
3/8/2022

2020 P L C (C.S.) 668**[Peshawar High Court]****Before Lal Jan Khattak and Ahmad Ali, JJ****TAJ MUHAMMAD KHAN and others****Versus****GOVERNMENT OF PAKISTAN and others**

Writ Petition No.2308-P of 2018, decided on 24th September, 2019.

(a) Civil service---

---Non-Management Trainee Officers of a Bank statutory body, sought equal pay and perks which had been allowed to the Management Trainee Officers of the Bank---Discrimination---Effect---National Bank of Pakistan enhanced salary package for Management Trainee Officers---Earlier employees of the Bank filed constitutional petition seeking same salary package having been allowed to the Management Trainee Officers, which petition was allowed---Contention of petitioners was that there was no difference in the nature of job of both, the Management Trainee Officers and non-Management Trainee Officers, and they were entitled for equal pay and perks---Validity---Non-Management Trainee Officers and Management Trainee Officers possessed the contemporary qualification, performed same duties and could be transferred and posted vice each other and they had similar grade---National Bank of Pakistan being a statutory body could not be allowed to create artificial distinction or classification between Management Trainee Officers and non-Management Trainee Officers merely to discriminate them in terms of salary package---Non-Management Trainee Officers were to be treated like Management Trainee Officers, in circumstances---Authorities were directed to treat the petitioners at par with Management Trainee Officers---Constitutional petition was allowed, in circumstances.

PLD 1990 SC 686; Tara Chand and others v. Karachi Water and Sewerage Board Karachi and others 2005 SCMR 499; State Bank of Pakistan and others v. Mst. Mumtaz Sultana and others 2010 SCMR 421; Government of Punjab, through Secretary Education, Civil Secretariat, Lahore, and others v. Sameena Parveen and others 2009 SCMR 01 and Hameed Akhtar Niazi v. The Secretary, Establishment Division, Government of Pakistan and others 1996 SCMR 1185 rel.

(b) Constitution of Pakistan---

---Art. 199---Constitutional petition---Laches, doctrine of---Applicability---Bar of laches did not apply in cases where the relief claimed was based on recurring cause of action.

(c) "Judgment in rem" and "Judgment in personam"---

---Distinction and scope.

The terms 'in rem' and 'in personam' are of Roman Law used in connection with actio, that is, actio in rem and actio in personam to denote the nature of actions, and with the disappearance of the Roman forms of procedure, each of the two terms 'in rem' and 'in personam' got tagged with the word judgments to denote 'the end products of actions in rem and actions in personam. Thus, according to the civil law an action in which a claim of ownership was made against all other persons' was as action in rem and the judgment pronounced in such action was a judgment in rein and binding upon all persons whom the Court was competent to bind, but if the claim was made against a particular person or persons, it was an action in personam and the decree was a decree in personam and binding only upon the particular person or persons against whom the claim was preferred or persons who were privies to them.

The point adjudicated upon in a judgment in rem is always as to the status of the res and is conclusive against the world as to that status, whereas in a judgment in personam the point, whatever it may be, which is adjudicated upon, it not being as to the status of the res, is conclusive only between parties or privies. A decision in rem not merely declares the status of the person or thing, but ipso facto renders it such as it is declared.

Judgments in rem are an exception to the rule of law that no man should be bound by the decision of

a Court of Justice unless he or those under whom he claims were parties to the proceedings in which it was given. This rule of law is referable to the maxims of Roman Law namely, 'Res inter alio judicata nullum ter alias prejudicium facit', or 'Res inter alio acta alteri nocere non debet'. Such exception of the judgment in rem in the Roman Law was the foundation of the exception in English Law.

Principles and Digest of the Law of Evidence rel.

Muhammad Naveed Akhtar for Petitioners.

Muhammad Asghar Khan Kundi, D.A.G. for Respondents.

Date of hearing: 24th September, 2019.

JUDGMENT

AHMAD ALI, J.---Through this single judgment, we intend to decide the following cases, having identical facts and law point involved therein:

1. Writ Petition No.2308-P/2018
Taj Muhammad and others v. Government of Pakistan and others
2. Writ Petition No.4364-P/2017
Muhammad Abdul Haseeb Sadiq v. National Bank of Pakistan and others
3. Writ Petition No.3155-P/2018
Waqar Ahmad and others v. Government of Pakistan and others
2. In Writ Petitions No.2308-P/2018 and No.3155-P/2018, petitioners have prayed for the following relief: -

"In the circumstances, therefore, it is most respectfully prayed that the instant petition may kindly be accepted with costs and the respondents be directed to follow the dictums of Hon'ble Supreme Court and affect equal Pay and Perks to petitioners as envisaged towards MTOs from date held by the August Apex Court in Judgment dated 21.09.2016 in C.A. No.1644/2013, with all consequential benefits, to meet the ends of justice.

Any other relief, which this Hon'ble Court within given circumstance deems fit and appropriate also very graciously awarded to petitioners".

3. While in Writ Petition No.4364-P/2017, petitioners have made the following prayer: -

"It is, therefore, humbly prayed that this Honourable Court may please be declared the act of the respondents to discriminate the petitioner in respect of remuneration with other employee having same grade, nature of jobs and qualification is illegal and unwarranted and against the principles of equality.

Any other remedy which deems fit by this Honourable Court may also be granted in favour of petitioner".

4. The common facts in all the cases are that the petitioners are employees of the National Bank of Pakistan and have been serving in the Bank in various cadres for more than a decade. Most of the petitioners are Master and Bachelor degree holders serving on the posts of Officers Grade-I and Officers Grade-II while some of them have been reached to the posts of AVP and VP. The NBP vide Circular No.37/99 dated June 16, 1999, revised pay structure of its Officers/Executives. Nevertheless, the Bank introduced a new class of employees within the cadre of Officer Grade-II called 'Management Trainee Officers' (MTOs) with enhanced salary package but with the same description of duties as of other Officers Grade-II. Discontented with this discriminatory treatment, some employees of the NBP Sukkur, filed Writ Petition No.D-417/2010 before the learned High Court of Sindh, Bench at Sukkur, which was allowed vide Judgment dated 13.03.2013 and was upheld by the august Supreme Court of Pakistan vide Judgment dated 21.09.2016 in Civil Appeal No.1644 of 2013. The Civil Review Petition No.501 of 2016 was also dismissed by the august Supreme Court of Pakistan vide order dated 14.04.2017. Similarly, the learned Lahore High Court, Lahore, also expressed its view in favour of the employees of NBP vide Judgments dated 30.03.2018 in Writ Petitions Nos.110507/2017 and 130801/2018. Now petitioners in all the three writ petitions are seeking the same relief under the umbrella of Judgment dated 21.09.2016 in C.A.

No.1644/2013.

5. Learned counsel for the petitioners argued that there is no difference in the nature of the job of petitioners and that of MTOs. Non-Management Trainee Officers and Management Trainee Officers perform the same kind of duties and they can be transferred on the posts of each other without any difference in duties. The only difference between MTO and non-MTO is the difference in pay which is highly unjust and discriminatory. The august Supreme Court of Pakistan has already expressed the view vide Judgment dated 21.09.2016 and the learned Lahore High Court, Lahore has also adopted the said judgment. Petitioners being the same class of employees in the same organization are entitled to similar relief as awarded by the august Supreme Court of Pakistan.

6. Learned counsel for respondents vehemently contested the arguments from the side of petitioners and argued that all the writ petitions are suffering from laches as the MTOs scheme is a past and closed transaction which cannot be agitated after 15 years. He maintained that the judgment of the august Supreme Court of Pakistan is not a judgment in rem but is a judgment in personam and as such the same is not automatically applicable in the case of petitioners. He maintained that the Board of Directors of NBP is competent to frame policies and criteria for recruitment, fixing of pay, etc and to engage officers or staff on the terms and conditions determined by it and thus it is a policy matter which cannot be interfered with. Thus, all the writ petitions are liable to be dismissed.

7. We have heard the arguments and have gone through the record with the valuable assistance of learned counsel for the parties.

8. While taking the first objection of the learned counsel for respondents i.e. laches. In this regard, we may observe that although the Management Trainee Officers' Scheme was introduced in the past, but the same, for the first time was challenged before the High Court of Sindh in Writ Petition No.D-417/2010 which was allowed vide Judgment dated 13.03.2013. The Civil Appeal filed by the Bank before august Supreme Court of Pakistan was dismissed vide Judgment dated 21.09.2016 and then the Review Petition was also dismissed vide order dated 14.04.2017 of the august Supreme Court of Pakistan. Besides a similar matter was also decided by the learned Lahore High Court Lahore vide judgment dated 30.03.2018 thus, the cause of action is being reviewed with the passage of time owing to the ibid judgments of august Supreme Court of Pakistan and that of the Lahore High Court, Lahore. Present writ petitions were filed in the years 2017 and 2018 i.e. after the decision by august Supreme Court of Pakistan in supra Review Petition. The bar of laches cannot be overemphasized in the cases where the relief claimed is based on the recurring cause of action.

9. Now advertent to the issue as to whether the judgment of august Supreme Court of Pakistan is a judgment in rem or is a judgment in personam. The terms 'in rem' and 'in personam' are of Roman Law used in connection with actio, that is, actio in rem and actio in personam to denote the nature of actions, and with the disappearance of the Roman forms of procedure, each of the two terms 'in rem' and 'in personam' got tagged with the word judgments to denote 'the end products of actions in rem and actions in personam. Thus, according to the civil law an action in which a claim of ownership was made against all other persons was as action in rem and the judgment pronounced in such action was a judgment in rem and binding upon all persons whom the Court was competent to bind, but if the claim was made against a particular person or persons, it was an action in personam and the decree was a decree in personam and binding only upon the particular person or persons against whom the claim was preferred or persons who were privies to them.

Monir in his 'Principles and Digest of the Law of Evidence' at page 563, gives the import of these terms as under:--

'The point adjudicated upon in a judgment in rem is always as to the status of the res and is conclusive against the world as to that status, whereas in a judgment in personam the point, whatever it may be, which is adjudicated upon, it not being as to the status of the res, is conclusive only between parties or privies. A decision in rem not merely declares the status of the person or thing, but ipso facto renders it such as it is declared. Section 41 of the Evidence Act does not use the term 'judgment in rem', but it incorporates the law on the subject of judgments in rem, and makes them relevant not only against strangers but also conclusive of certain matters such as whether a person was entitled to a legal character or to any specific thing not as against any specified person but absolutely.

Judgments in rem are an exception to the rule of law that no man should be bound by the decision of a Court of Justice unless he or those under whom he claims were parties to the proceedings in which it was given. This rule of law is referable to the maxims of Roman Law namely, 'Res inter alios judicata nullum

inter alius prejudicium facit', or 'Res inter alius acta alteri nocere non debet'. Such exception of the judgment in rem in the Roman Law was the foundation of the exception in English Law. Section 41 of the Evidence Act is the foundation for the exception of judgment in rem in our corpus juris. However, nothing could be established to debar the petitioners from claiming the benefits of Judgment dated 21.09.2016. In Para-8 of the ibid Judgment the august Supreme Court, in unequivocal terms, has held both the category of officers i.e. non-MTO and MTO possesses the contemporary qualification, perform the same nature of duties, transferred and posted vice each other and occupy similar grade. NBP, a statutory body, cannot be allowed to create artificial distinction or classification between the MTO and non-MTO officers working the same grade merely to discriminate them in terms of salary package, NBP is equally bound to obey the Constitution and law. This verdict of the Apex Court confers a right to all the non-MTO officers of the NBP to be treated alike and as such the case of petitioners cannot be distinguished or differentiated from the cases already decided. Thus, the Judgment of the august Supreme Court of Pakistan is a judgment in rem in view of Section 41 of the Evidence Act. Reliance is placed on PLD 1990 Supreme Court 686 and Tara Chand and others v. Karachi Water and Sewerage Board, Karachi and others (2005 SCMR 499).

10. The third stance of the learned counsel for the petitioner that the issue is a policy matter of the NBP and its Board of Directors is competent to frame policy and fix pay is also holds no water as the august Supreme Court in the supra judgment dated 21.09.2016 has already expressed its view that the NBP being a statutory body cannot be allowed to create such kind of artificial distinctions or classification between the two MTO and non-MTO officers.

11. There is no cavil to the fact that petitioners are the non-MTO staff of the National Bank of Pakistan therefore, no distinction can be drawn between them and those who were respondents in the C.A. No.1644/2013 and their case is covered under Article 25 of the Constitution of Islamic Republic of Pakistan, 1973. The petitioner had not approached the court previously but some non-MTO staff of the NBP Sukkur knocked the door of the court and subsequently succeeded in getting the relief. There is also no denial of the fact that similarly writ petitions by the same class of employees were also filed before the learned Lahore High Court, Lahore, which were allowed vide Judgment dated 30.03.2018. Thus, petitioners being not availed the legal remedy at that time, are equally entitled to the relief as granted to the employees of NBP by the learned High Court of Sindh, maintained by the august Supreme Court and further adopted by the learned Lahore High Court, Lahore. The NBP was a party to earlier litigation, thus, it was obliged to implement these judgments in letter and spirit and apply to all those falling within the same class of employees. Reliance is placed on State Bank of Pakistan and others v. Mst. Mumtaz Sultana and others (2010 SCMR 421), Government of Punjab, through Secretary Education, Civil Secretariat, Lahore, and others v. Sameena Parveen and others (2009 SCMR 01), Hameed Akhtar Niazi v. The Secretary, Establishment Division, Government of Pakistan and others (1996 SCMR 1185).

12. In view of the foregoing submissions, all the three writ petitions are allowed and respondents are directed to treat petitioners at par with those who were respondents in C.A. No.1644/2013 and as such, the relief granted in the Judgment dated 21.09.2016 by the august Supreme Court of Pakistan is also extended to petitioners in all the three writ petitions. The cost shall follow the events.

ZC/84/P

Petitions allowed.

2012 S C M R 1700

[Supreme Court of Pakistan]

Present: Tassaduq Hussain Jilani, Tariq Parvez and Mian Saqib Nisar, JJ

Ch. LIAQUAT ALI and another—Appellants

Versus

PROVINCE OF PUNJAB and others—Respondents

Civil Appeals Nos. 1288 and 1289 of 2008, decided on 10th July, 2012.

(On appeal from the judgment dated 7-4-2008 passed by Punjab Service Tribunal, Lahore in Appeals Nos. 2931, 2932 and 2933 of 2006).

Punjab Civil Servants Act (VIII of 1974)---

---Ss. 7(1) & 2(i)(b)--- Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974, R. 8---Inter se seniority---Appellants (civil servants) and respondents (civil servants) were appointed in BS-17 on temporary posts---Respondents were appointed on 'development' projects which were foreign funded and on closure of said project, they were adjusted against permanent posts on the basis of their length of service under the temporary projects, where after the respondents were placed senior to the appellants in the seniority list---Contentions of appellants were that respondents were working on 'development' projects of temporary nature and their salaries were paid from foreign monetary assistance, therefore, they were not civil servants in view of S.2(i)(b) of Punjab Civil Servants Act, 1974; that person appointed on a project post on year to year basis could not be assigned seniority vis-a-vis appointees on regular basis against permanent posts or against 'non-development' posts; that Service Tribunal was incorrect in finding that mere switching over of posts from 'development' to 'non-development' side did not alter the regular nature of appointments, terms and conditions of service or nature of functional unit/cadre and seniority of parties, and that delay in challenging seniority list could not be a basis for non-suiting the appellants as relegation of seniority was violative of law and was a recurring cause of action and could be challenged at any time---Validity---Relevant recruitment rules for the project created no distinction between 'development' and 'non-development' side---Contention of appellants that since the respondents were appointed against certain projects, which were abolished and were adjusted against certain posts after abolition of the earlier posts which they held and therefore, their seniority should be reckoned from the date of adjustment was neither borne out from the nature of the posts on which respondents were initially appointed nor it was so provided in the criterion of adjustment issued by the competent authority in the Provincial Government after abolition of said posts---Contention of appellants that since the respondents were initially appointed on a project, which was funded by a foreign donor, therefore, they could not be classified as appellants had no substance---Appellants had not referred to any order of the competent authority in the Provincial Government, which could warrant an interference that the appointment of respondents were against specific posts and on the completion of projects, their services could not be continued or which provided that the seniority of such officers would reckon from their adjustment---Initial appointments of respondents in BS-17 and their subsequent promotions in BS-18, were of earlier dates as against the appellants and both the parties were in the same functional unit---Departmental Promotion Committee or Provincial Selection Board had not varied the seniority of the appellants at any stage nor were they superseded---Seniority list published from time to time remained unchallenged by the appellants and in all such lists they were placed junior to the respondents and in such circumstances it was late in the day for appellants to challenge the seniority list after almost 15 years---No reference had been made by appellants to any rule or statutory provision which had been violated or contravened in upholding the impugned seniority list, wherein appellants had been placed junior to the respondents---Judgment of Service Tribunal was unexceptionable---Appeals were dismissed.

Sabir Zamir Siddiqui v. Abdul Malik PLD 1991 SC 226; Ahsanullah A. Memon v. Government of Sindh 1993 SCMR 982; Abdul Rashid Khan v. Muhammad Saleem Akhtar 1996 SCMR 1163; Muhammad Younas Jaffar v. Government of Pakistan PLD 1996 SC 86 and Din Muhammad v. Director-General Pakistan Post Office 2003

SCMR 333 ref.

Wazir Khan v. Government of N.-W.F.P. 2002 SCMR 889; Rashida Asif v. Aasia Gondal 2010 SCMR 450 and Ahmed Khan v. Secretary to Government 1997 SCMR 1477 rel.

Hafiz S.A. Rehman, Senior Advocate Supreme Court for Appellants.

Jawad Hassan, Additional A.-G. for Respondents Nos.1 to 3.

Shoaib Shaheen, Advocate Supreme Court for Respondents Nos.4 to 7.

Date of hearing: 10th July, 2012.

JUDGMENT

TASSADUQ HUSSAIN JILLANI, J.---This judgment shall dispose of Civil Appeal No.1288 of 2008 filed by Ch. Liaquat Ali and Civil Appeal No.1289 of 2008 filed by Amjad Saleem as they are directed against the same judgment dated 7-4-2008 vide which the learned Tribunal dismissed three appeals including those of the appellants. The appellants in those appeals had assailed the order of the Appellate Authority/Chief Secretary, Punjab dated 24-10-2006 vide which their service appeals against the final seniority list of BS-18 officers of Water Management Wing of Agriculture Department (dated 30-9-2003), were dismissed.

2. Facts giving rise to these appeals briefly stated are that in Civil Appeal No.1288 of 2008, appellant Chaudhry Liaquat Ali was recruited as Agricultural Economist on temporary basis and he joined service on 19-8-1987 on the recommendation of the Punjab Public Service Commission. The Department issued and circulated a provisional seniority list dated 30-9-2003 where he was placed at serial No.22 (circulated on 12-1-2004). Appellant filed objections which were turned down on 1-10-2004; his representation dated 27-10-2004 remained un-responded; he filed appeal before the Service Tribunal (Appeal No.429 of 2005) which was disposed of on 24-5-2005 and the case was remanded to the Chief Secretary to decide the matter in his capacity as Appellate Authority. The Chief Secretary dismissed the appeal on 24-10-2006 vide a consolidated order wherein he also dismissed similar appeal against the same seniority list filed by appellant in the connected Civil Appeal No.1289 of 2008. This order was challenged by both the appellants before the learned Punjab Service Tribunal, which stands dismissed vide the impugned judgment.

3. In Civil Appeal No.1289 of 2008 appellant Amjad Saleem was appointed as Assistant Agriculture Engineer (BS-17) vide the order dated 23-7-1981; he was promoted in BS-18 on 5-10-1992 as Project Director (Engineering) under Second Barani Area Development Project and was placed at Sr. No.40 of the seniority list of respective cadre. After closure of this Project on 30-6-1997, the post he was holding was abolished and he was adjusted against an equivalent cadre post. On the issuance of final seniority list of Grade-18 officers of Water Management Wing of Agriculture Department as corrected up to 30-9-2004, appellant raised certain objections and his representation having remained abortive, he also, like appellant in Civil Appeal No.1288 of 2008, filed appeal before the Service Tribunal, which was disposed of in terms of the afore-mentioned remand order and the Chief Secretary was directed to decide the issue and the Chief Secretary dismissed his appeal along with the appeal of the appellant in the connected appeal, which order was assailed before the Tribunal and his appeal was also dismissed vide the judgment dated 7-4-2008.

4. Learned counsel for the appellants Hafiz S. A. Rehman made following submissions as the issues raised in both these appeals are similar:--

(i) that neither the Departmental Appellate Authority nor the Service Tribunal has adverted to the substantive issues raised in the appeals and therefore, the orders passed are not sustainable in law;

(ii) that the Departmental Appellate Authority as also the learned Service Tribunal have not appreciated that in the Water Management Wing of the Agriculture Department, Government of Punjab, 'development side' meant that there were certain Water Management Projects of temporary nature which were launched on 1-7-1981 and those were named as On-Farm Water Management Projects, which were of temporary nature and were for a fixed period. The employees appointed on those temporary projects including the private respondents

were recruited against temporary posts and their salaries/emoluments were paid from contingency/foreign monetary assistance and not from the Government of Punjab as such all those employees were neither civil servants in view of section 2(i)(b) of the Punjab Civil Servants Act, 1974 nor they could claim seniority or confirmation against temporary project posts. In support of the submission, learned counsel relied on sections 6 and 7 of the Civil Servants Act read with Rule 7(i) of the Punjab Civil Servant (Appointment and Conditions of Service) Rules, 1974;

(iii) that the On-Farm Water Management Projects were closed in the year 1999-2000 and 444 permanent personnel were ordered to be adjusted against permanent posts on the basis of their length of service under the temporary projects which is reflected from letter dated 12-4-2000 issued by Director-General Agriculture (Water Management) Punjab, Lahore. Those employees were accordingly adjusted but there is nothing on record to indicate that those were adjusted against permanent posts and therefore, they could not be placed senior to the appellants in the seniority list;

(iv) that the observation/finding of the Tribunal to the effect that mere switching over of posts from 'development' to 'non-development' side did not alter the regular nature of appointments, terms and conditions of service or nature of Functional Unit/cadre and seniority of parties underpins a miscomprehension of law. The finding to the effect that the terms 'non-development' and 'development' only indicate the budgetary procedure and source from which the civil servants draw their pays but would not control or govern the seniority of the employees, is not sustainable in law;

(v) that the learned Service Tribunal did not appreciate that delay in challenging the seniority list could not have non-suited the appellants as the relegation of their seniority position being violative of law and the rules was a recurring cause of action and could be challenged at any time;

(vi) that the learned Service Tribunal fell in error in not appreciating that any person who is appointed against a project post on year to year basis and for a specific assignment/project cannot be assigned seniority vis-a-vis the appointees on regular basis against permanent posts or against 'non-development' posts, which otherwise are permanent in nature and that it is well settled law that even an ad hoc employee who is appointed against a permanent post cannot have his ad hoc service counted towards seniority as laid down by this Court Sabir Zamir Siddiqui v. Abdul Malik (PLD 1991 SC 226), Ahsanullah A. Memon v. Government of Sindh (1993 SCMR 982) and Abdul Rashid Khan v. Muhammad Saleem Akhtar (1996 SCMR 1163);

(vii) that the learned Tribunal has not examined as to whether respondents were in the regular cadre of Agriculture Department or whether they were regular appointees in the Project and what was the effect of abolition of posts, their merger and adjustment in the regular cadre.

5. In support of the submissions made, learned counsel relied on Muhammad Younas Jaffar v. Govt. of Pakistan (PLD 1996 SC 86) and Din Muhammad v. Director-General Pakistan Post Office (2003 SCMR 33 at page 338).

5. Learned counsel for the private respondents Mr. Shoaib Shaheen defended the impugned judgment and made following submissions:--

(i) that the appellant in Civil Appeal No.1288 of 2008 was appointed against a temporary vacant post sanctioned for On-Farm Water Management Development Project; he joined on 19-8-1987 and that a bare reading of his order of appointment dated 14-7-1987 would indicate that his appointment was on temporary basis and he had accepted the post on terms and conditions stipulated in the said order. Prior to his appointment against the afore-referred post, he was offered and appointed Water Management Specialist in the "On Farm Water Management Development Project" in NPS-17 vide the order dated 5-2-1981. This appointment was made under the special rules titled as 'On-Farm Water Management Development Project Service Rules, 1977' read with Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974 and all such posts were temporary. In terms of the afore-referred Rules, he added, all the appointments were to be made through Punjab Public Service Commission and those, which were to be filled by promotion were filled on the recommendation of the appropriate Departmental Promotion Committee. Since the appellant is beneficiary of those rules, he cannot turn around and challenge their vires.

(ii) that respondent No. 4 in both the appeals (Muhammad Ashraf) was directly recruited as Assistant Agriculture Engineer (BS-17) on 1-4-1980; that on his selection by the Punjab Public Service Commission, he was also offered temporary post of Water Management Coordinator in BPS-18 vide letter dated 17-4-1985 which he accepted and joined on 8-5-1985 and since then he is in service. Thus his date of appointment is earlier to that of the appellants and he has correctly been placed as senior to the appellants;

(iii) that appellant in Civil Appeal No.1289 of 2008 namely Amjad Saleem was also directly recruited as Assistant Agricultural Engineer (BS-17) against temporary post and he joined as such on 23-7-1981. The appellant's contention that it was a permanent post is absolutely incorrect, which is evident from the appointment order bearing No.SO(Mech) Estt.14(8)/79 dated 23-7-1981. This appointment like that of appellant in the connected appeal was made under On Farm Water Management Development Project Service Rules, 1977, as amended in terms of notification dated 19-9-1992 and it was in consequence of those amended rules that this appellant was promoted as a Project Director (Engineering) in BS-18 with effect from 5-10-1992 on regular basis against a temporary post.

(iv) that seniority list of BS-18 had been issued from time to time by the Department wherein the respondents had always been shown senior to the appellants and the appellants never objected to the same and it is rather late in the day for them to challenge it now.

6. Learned Additional Advocate-General Mr. Jawwad Hassan while defending the impugned judgment submitted as follows:--

(i) that ever-since the appointment of appellants in the Department, 9 lists were published by the Department on various dates prior to the one which is subject matter of these appeals and those were never challenged by them. This, according to him, reflects acquiescence and they cannot now raise any objection to the final seniority list issued on 30-9-2003. Appellants have made grievance against the seniority list after a lapse of 15 years which besides reflecting contumacious conduct is indicative of the fact that they accepted the list as correct.

Learned Law Officer has placed on record a breakup of seniority lists of the BS-18 officers of Water Management Wing of Agriculture Department circulated/finalized and issued from 30-5-1985 to 30-9-2004 which are being placed on record as Annex. 'A' and relied on Wazir Khan v. Government of N.-W.F.P. (2002 SCMR 889) and Rashida Asif v. Aasia Gondal (2010 SCMR 450).

7. We have considered the submissions made by learned counsel for the parties as also learned Law Officer and have also gone through the precedent case-law to which reference has been made at the bar.

8. The issue raised in these appeals would require examination of the terms and conditions of initial appointments of both the parties, the effect of abolition of certain posts after the completion of projects in the Water Management Wing of the Agricultural Department and the criteria of adjustment of the incumbents on the posts so abolished (which included the respondents) and its effect on inter se seniority. A comparative study of the terms and conditions stipulated in the offer of initial appointment in BS-17 of appellants Ch. Liaquat Ali (In C.A. 1288 of 2008) and Amjad Saleem (In C.A. 1289 of 2008) and respondent No.4 in both the appeals would indicate that notwithstanding the difference in nomenclature of the posts, appointment of both the parties were in BS-17, both were temporary, both were appointed pursuant to the recommendations of the Punjab Public Service Commission and against sanctioned posts. The same is reproduced hereunder:--

Ch. Liaquat Ali Appellant in Civil Appeal No.1288 of 2008

"REGISTERED

No. SO (Mech) Estt. 14(2)/79

GOVERNMENT OF THE PUNJAB

AGRICULTURE DEPARTMENT.

Dated Lahore, the 1-1-81

To

Mr. Liaqat Ali son of Ghulam Rasool,

Chak No. 519/GB, Post Office same

Toba Tek Singh, District, Faisalabad.

Subject: RECRUITMENT TO THE POST OF WATER MANAGEMENT SPECIALIST IN ON FARM WATER MANAGEMENT DEVELOPMENT PROJECT

On the recommendation of the Punjab Public Service Commission, you are offered the post of Water Management Specialist in the On Farm Water Management Development Project in NPS-17 i.e. Rs.900-50-1150/60-1750 plus Rs.150 Special Pay and such other allowances as may be sanctioned by the Government from time to time for this post, on the following terms and conditions:--

- (i) The post which is being offered to you has been sanctioned by Government on temporary basis but is likely to continue.
- (ii) Your employment will be temporary and your services may be terminated at any time without any reason being assigned, irrespective of the fact that you may be holding a post other than this. In case you want to resign at any time, one month's notice will be necessary or in lieu thereof one month's pay may be forfeited.

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Sd/-
UNDER SECRETARY
(MECH)

for Secretary to Government of the Punjab, Agriculture Department." Ch. Muhammad Ashraf Respondent No. 4 in both the appeals

"REGISTERED

No. SO (Mech) Estt. 12(7)/79 GOVERNMENT OF THE PUNJAB AGRICULTURE DEPARTMENT

Dated Lahore, the 12th January, 1980

To

Ch. Mohammad Ashraf,
son of Ch. Nisar Hussain,
House No. 1239/7, Street No. 92,
Bengali Mohallah, Sadar, Lahore.

Subject: RECRUITMENT TO THE POST OF AGRICULTURAL ENGINEER IN ON FARM WATER MANAGEMENT DEVELOPMENT PROJECT

On the recommendation of the Punjab Public Service Commission, Lahore, you are offered the post of Assistant Agricultural Engineer in the Agriculture Department in NPS-17 i.e. Rs.900-50-1150/60-1750 plus

such other allowances as may be sanctioned by the Government from time to time on the following terms and conditions:--

(i) The post which is being offered to you has been sanctioned by Government on temporary basis but is likely to be extended further;

(ii) Your employment will be temporary and your services may be terminated at any time irrespective of the fact that you may be holding a post other than the one to which you were originally recruited. In case you want to resign at any time, one month's notice will be necessary or in lieu thereof one month's pay may be forfeited.

.....
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Sd/-
UNDER SECRETARY
(MECH)
For Secretary Agriculture."

Amjad Saleem Appellant in Civil Appeal No.1289 of 2008

"REGISTERED

No. SO (Mech) Estt. 14(8)/79 GOVERNMENT OF THE PUNJAB AGRICULTURE DEPARTMENT,

Dated Lahore, the 23-7-1981

To

Mr. Amjad Saleem

House No. 9, Street No. 6,

New Dharampura (Mustafabad), Lahore.

Subject: RECRUITMENT TO THE POST OF ASSISTANT AGRICULTURAL ENGINEER GRADE-17

On the recommendation of the Punjab Public Service Commission, you are offered the post of Assistant Agricultural Engineer in the scale of Rs.900-50-1150/60-1750-Certified that there is no audit/advance/printed para against the officer-2250 @ Rs.900 p.m. plus such other allowances as may be sanctioned by the Government from time to time for this post, on the following terms and conditions:--

(i) The post which is being offered to you has been sanctioned by Government on temporary basis up to 31-5-1982.

(ii) Your employment will be temporary and will stand automatically terminated on 31-5-1982 irrespective of the fact that you may be holding a post other than this. In case you want to resign at any time, one month's notice will be necessary or in the lieu thereof one month's pay may be forfeited.

.....
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Sd/-

UNDER SECRETARY (MECH) for SECRETARY AGRICULTURE, PUNJAB"

9. Even subsequent appointment of appellant Ch. Liaquat Ali (in C.A. No.1288 of 2008) as Agricultural Economist in BS-18 was against a temporary post and on the same terms and conditions as reflected in his initial appointment. In the first seniority list issued after his appointment in BPS-18 (circulated on 30-6-1988), he was placed at Sr. No.22 and shown junior to the respondents.

10. As mentioned earlier, appellant in Civil Appeal No.1289 of 2008 (Amjad Saleem) was initially appointed as Assistant Agricultural Engineer in terms of the order bearing No. SO(Mech) Estt. 14(8)/79 dated 23-7-1981 and subsequently promoted to BS-18. In the comments submitted by the Secretary Agriculture in his appeal before the Service Tribunal, while explaining how he was promoted and against which post, it was averred that "factually, he was promoted in BS-18 on 5-10-1992 as Project Director (Engg.) under "Second Barani Area Development Project (Water Lifting Devices Component) and was placed at S. No.40 of seniority list of the respective cadre. After closure of this project/scheme on 30-6-1997, the said post was abolished and the appellant had been adjusted against equivalent cadre post." It is not denied that in the first seniority list issued after that i.e. on 30-4-1993 he was placed at Sr. No.40. Another periodical inter se seniority list was issued on 10-8-1997 wherein he was placed at Sr. No.39. Both these lists were never challenged and it was only the list issued on 30-9-2004, which was made subject of dispute.

11. The argument of the appellants' learned counsel that since the respondents were appointed against certain projects, which were abolished and were adjusted against certain posts after abolition of the earlier posts which they held and therefore, their seniority should be reckoned from the date of adjustment is neither borne out from the nature of posts on which respondents were initially appointed nor it was so provided in the criterion of adjustment issued by the competent authority in the Provincial Government after abolition of posts. The said criteria is given in the letter placed on record by the appellants from the office of Director General to Secretary Agriculture (in Civil Appeal No.1288 of 2008 at page 144), which reads as follows:--

"No. 4776/DGA/WM/5-2-II/Estt: DIRECTORATE GENERAL AGRICULTURE (WATER MANAGEMENT) PUNJAB, LAHORE.

Dated Lahore, the 26-2-2004.

To

The Secretary

Government of the Punjab,

Agriculture Department, Lahore.

SUBJECT: RE-DESIGNATION OF POSTS UNDER WATER MANAGEMENT WING OF AGRICULTURE DEPARTMENT.

Kindly refer to Government of the Punjab, Agriculture Department letter No. S.O.A(B)1/420/2000 dated 17-1-2004 on the subject noted above.

Annotated reply of information asked vide above mentioned letter is submitted for perusal and further necessary action.

S. No.	Documents required	Reply
1.	Copy of orders wherein the posts were abolished	On promulgation of Local Government Ordinance 2001, the Directorates (Field), Lahore and Multan functioning under Water Management Wing of Agriculture Department were closed and posts of Directors (BS-19) and Technical Officers (BS-18) were abolished vide Government of the Punjab, Agriculture Department notification No.SOA (B)1(420)/2000 dated 3-9-2001 (Annexure "A") with effect from 1-9-2001

In addition, posts with following nomenclature were discontinued on the completion of different OFWM projects:--

1. Project Director in BS-18
2. Deputy Director (Irrigation Agronomy) in BS-18
3. Deputy Director (Engineering) in BS-18
4. Assistant Director (Liaison) in BS-17
5. Assistant Director (Engineering) in BS-17
6. Assistant Director (Monitoring and Evaluation) in BS-17
7. Agricultural Officer in BS-17

As advised by the Government vide order No.SO(A-III)3-1/2000 dated 30-11-2001 (Annexure "B"), the incumbents appointed/promoted against the above-mentioned posts have been adjusted as per given criteria.

(a) In the light of the notified seniority lists officials/officers in WM Wing, the senior most officials/ officers would be adjusted against budgeted posts as on 1-1-2002 corresponding to the basic scale qualifications as explained below:

(i) The posts comprise of various categories like Water Management Coordinator/District Officers OFWM, Agricultural Economist etc. for filling of which, prescribed set of qualifications have been laid down under Punjab Agriculture Department, OFWM Development Project Recruitment Rules, 1977. Adjustment against these posts would be made from senior most officers/officials who qualify for the same. Where the post would not be available in the higher scale, the officer/official would be adjusted in the lower scale against the post from which he was promoted.

(ii) Those recruited directly in the higher scale would not be reverted to a lower scale/post. They would be adjusted against the post corresponding to their qualification. If no such post will be available, they would be placed on redundant staff list, which are to be laid off: (Emphasis is supplied)

(b) The adjustment as per a(i) would be made against 1,372 posts available on the non-development side and other project posts, which shall continue after 1-1-2002.

(c) The names of the officers/officials reflected in the notified seniority list, who have since expired, retired or dismissed from service, would be deleted.

No. of posts for each category sanctioned on permanent side and strength of officers for each are indicated below

Sr.No. BS Post Sanctioned Officers Available 1. 18 43 41 2. 17+sp 134 127 3. 17 88 222(*)

Perusal of above would indicate that all available officers selected/recruited in BS-18 and BS-17+sp can be adjusted against the available vacancies. Their posts are, however, required to be redesignated according to the new recruitment rules framed by the government for Water Management wing of the Agriculture Department as requested vide this office letter No.15931/DGA/OFWM/5-2-II/Estt: dated 19-7-2003.

(*) There are 222 regular Water Management Officers and Agricultural Officers working in SNE and different projects. The post of Agricultural Officer is going to abolish on the closure of NDP Project on 30-6-2004. Only post of Water Management Officer will exist in SNE and newly

		commissioned projects from 1-7-2004. The Agricultural Officers have same qualifications as those of Water Management Officer. They can, however, be adjusted against these posts after their redesignation. This requires re-designation of post of Agricultural Officer also as Water Management Officer.		
2.	Copy of orders wherein the posts of Water Management Coordinator and Water Management Specialist were re-designated.	The posts of Water Management Coordinator and Water Management Specialist were re-designated by the Finance Department and conveyed vide Government of the Punjab, Agriculture No.SO(A-III)I(4)/98 dated 18-9-2001 (Annexure "C") and No.SO(A-III)I(4)/98 dated 18-9-2001 (Annexure "D") respectively.		
3.	Copy of order wherein the posts were adjusted against SNEs post.	The incumbents were appointed/recruited on regular basis by the Punjab Public Service Commission / Provincial Selection Board/Departmental Promotion Committee etc. As posts of the same nomenclature were not sanctioned under SNE, their incumbents were adjusted against the available posts having same qualifications as already explained in Sr. No.1.		
4.	Reasons as to why these post were adjusted against SNEs post.	As explained in para-1 above.		
5.	Total number of posts.	Total number of posts are given below.		
		Sr. No.	Nomenclature of post with BS	No. of Posts
		1.	Project Director in BS-18	4
		2.	Technical Officer in BS-18	4
		3.	Deputy Director (Irrigation Agronomy) in BS-18	3
		4.	Deputy Director (Engineering) in BS-18	2
		5.	Assistant Director (Liaison) in BS-17	3
		6.	Assistant Director (Engineering) in BS-17	2
		7.	Assistant Director (Monitoring and Evaluation) in BS-17	1
		8.	Agricultural Officer in BS-17	80
6.	Self-contained reference with full justifications	Self contained note is enclosed at Annexure "E"		
7.	Intimate as to whether all these posts were of project or not and if so the tenure of project for which these were sanctioned may also be indicated along with sanctioned of the Finance Department for continuation of these posts.	All OFWM staff were appointed/recruited on regular basis by the Punjab Public Service Commission/Provincial Selection Board/Departmental Promotion Committee etc., as per "On-Farm Water Management Development Project Recruitment Rules, 1977". On closure of various projects, their staff/assets were utilized in the subsequently commenced schemes. Now on provision of different posts under SNE at district and provincial levels the incumbents recruited/promoted against these posts have been posted/adjusted against the available vacancies as per criteria mentioned in para 1 above. (Emphasis is supplied)"		

12. The afore-quoted letter is a report on the implementation of the criteria (for appointment of incumbents of posts which stood abolished) prescribed by the competent authority in the Provincial Government in terms of which the incumbents of the project posts (which were abolished) were duly adjusted. The report broadly spells out the following:--

(i) On promulgation of Local Government Ordinance, 2001, the Directorates (Field), Lahore and Multan

functioning under Water Management Wing of Agriculture Department were closed and posts of Directors (BS-19) and Technical Officers (BS-18) were abolished with effect from the notification referred to above dated 1-9-2001 and the incumbents appointed/promoted against the posts, which were abolished were adjusted in terms of the criteria.

(ii) In the light of the notified seniority lists, officials/officers in Water Management Wing, the senior most officials/officers would be adjusted against budgeted posts as on 1-1-2002 corresponding to their qualifications.

(iii) Those recruited in the higher scale would not be reverted to a lower scale/post. They would be adjusted against the posts corresponding to their qualification.

(iv) All Water Management Staff was appointed/recruited on regular basis by the Punjab Public Service Commission/Provincial Selection Board Departmental Promotion Committee as per "On farm Water Management Development Project Recruitment Rules, 1977". Now on the provision of different posts under SNE on district and provincial level, the incumbents recruited/promoted against those posts have been posted/adjusted against the available vacancies as per the above criteria.

13. The Chief Secretary, Government of Punjab had rightly dismissed appellants' appeals on 24-4-2006 on the ground as under:--

"the rule does not distinguish between the persons appointed on development side from those appointed on (non development side). In fact their seniority starts even before their appointment in accordance with the merit assigned by the PPSC. This seniority cannot be changed even on promotion unless a person has been considered by the DPC/PSB and categorically superseded."

14. Learned counsel for the appellants has not referred to any order of the competent authority in the Provincial Government, which could warrant an inference that the appointments of the respondents were against project specific posts and on the completion of those projects, their services could not be continued or which provides that the seniority of such officers would reckon from their adjustment. He has not referred to any rule or statutory provision which has been violated or contravened in upholding the impugned seniority list wherein appellants have been placed junior to the respondents. At this stage a reference to section 7(1) of the Punjab Civil Servants Act, 1974 (VIII of 1974) would be in order, which provides that "Seniority on initial appointment to a service, cadre or post shall be determined in the prescribed manner." Rule 8 of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974 relates to the inter se seniority of persons appointed to posts in the same grade in a Functional Unit, which reads as follows:--

"8.(1) the seniority inter se of persons appointed to posts in the same grade in a Functional Unit shall be determined:

(a) In the case of persons appointed by initial recruitment in accordance with the order of merit, assigned by the selection authority:

Provided that, persons selected for appointment to the grade in an earlier selection shall rank senior to the persons selected in a later selection; and

(b) In the case of persons appointed otherwise, with reference to the dates of their continuous appointment in the grade: (Emphasis is supplied)

Provided that, if the date of continuous appointment in the case of two or more persons appointed to the grade is the same, the older if not junior to the younger in the next below grade, shall rank senior to the younger person:"

15. Admittedly both the initial appointments in BS-17 and the subsequent promotion in BS-18 of the respondents are of earlier dates as against the appellants and both the parties are in the same Functional Unit. It is further not denied that at no stage, the Departmental Promotion Committee or Provincial Selection Board varied their seniority nor were they superseded. In *Din Muhammad v. Director General, Pakistan Post Officer* (2003 SCMR 333), the seniority of an official in the transferee department was directed to be reckoned from the

date of his initial induction and the Court allowed the appeal by holding at page 337 as follows:--

"The appellant being on deputation was retained as permanent employee of the Office of Post Master General, Northern Circle, Rawalpindi and he has been performing his functions to the entire satisfaction of his superiors, therefore, upon permanent absorption in the Office of Post Master General, Northern circle, Rawalpindi, obviously he would become regular employee in the said department with effect from the date of initial induction as envisaged under rule 4 of ibid rules and not from any subsequent date. We find that the Service Tribunal has not considered the case of appellant in the light of the rule relating to the determination of seniority of civil servant in such circumstances.

For the foregoing reasons, we hold that the seniority of appellant would be reckoned from the date of his induction as UDC in the Office of Post Master General, Northern Circle, Rawalpindi though transfer on 4-8-1978."

16. Admittedly the seniority lists published from time to time which remained unchallenged and in all those lists, appellants were placed junior to the respondents. The periodical issuance of lists and appellants having not challenged those lists is significant in the context of the instant case for three reasons. Firstly, in terms of the departmental construction of 1977 Rules, there was no distinction between 'development' and 'non development' side. Secondly, both the appellants and respondents besides being in the same cadre were in the same Functional Unit and thirdly, the appellants accepted the afore-referred departmental construction and the seniority lists which reflected acquiescence to their inter se seniority in the department. Having accepted the inter se seniority position, it is rather late in the day for the appellants to have challenged it after almost more than 15 years. In a similar case reported at Wazir Khan v. Government of N.-W.F.P. (2002 SCMR 889), the Court had dismissed the appeal, repelled the argument of a continuous wrong and upheld the judgment of the Service Tribunal by inter alia holding that "the appellant having accepted the junior position assigned to him in the revised seniority list published in 1981, would be estopped to re-open the same and agitate it at the belated stage in 1997 and resultantly the appeal preferred by him before the Service Tribunal was rightly dismissed as hopelessly barred by time." A similar view was taken in Rashida Asif v. Aasia Gondal (2010 SCMR 450) where the acquiescence and contumacious conduct of the petitioner was inter alia found to be a ground to dismiss the petition. The Court observed at page 454 as under:--

"The petitioner got up from a deep slumber after so many years for the reasons best known to her. It is too late in the day to reverse the existing seniority position which was determined in 1995. It is not a discretion of the Competent Authority to change the seniority position assigned to a Government employee without and lawful justification. It is to be noted that "every officer in a graded service has a vested right to a proper place in the seniority list. That is of the highest importance to the officer, as well as to the maintenance of proper discipline and order within the service and consequentially to the public interest which is deeply involved in the maintenance of a proper spirit of order and discipline within the service."

17. The argument that since the respondents' earlier appointment was on a project, which was being funded by a foreign donor, they could not be classified as civil servants has no substance. A similar argument was raised in Ahmed Khan v. Secretary to Government (1997 SCMR 1477) and that too by a Law Officer of the Federal Government. The precise objection taken was as follows:--

"The learned Deputy Attorney-General for Pakistan, raised a preliminary objection, to the effect, that, the appellant and other employees of the Afghan Refugees Organization were not Government servants as their salaries were not paid from the annual Federal Budget. Elaborating his submission he pointed out that even if their salaries and allowances are reflected in the Annual Budget of the Government of Pakistan, the net expenditure incurred, is later on reimbursed by the United Nations High Commission for Refugees."

The Court repelled this argument by holding as follows:--

"Precisely the same objection was raised in Civil Appeal No.22(P) of 1988, Commissioner, Afghan Refugees, N.-W.F.P. and others v. Fazli Hakim, and this Court vide judgment dated 3-12-1990, held as under:--

"Another ground which was raised during the course of the hearing of the appeal but not noted in the leave granting order was that the respondent could not be treated as a Federal Government employee and had to be

dealt with under the Provincial Law being for all purposes governed by the Civil Servants Act of the Province of N.-W.F.P. We find at page 21 of the Service Tribunal's record a determination of the Government of Pakistan, States and Frontier Regions Division, dated 21st March, 1982, wherein it was made clear that the posts were civil in nature, were connected with the affairs of the Federation and were to be paid from the Federal Budget and the employees were to be 'Federal Government employees, and governed by rules applicable to the Federal Government employees'."

The Federal Service Tribunal itself in Appeal No. 123(R) of 1991 Messrs Muhammad Iqbal and Mr. Minollah, held, the employees of the Afghan Refugees Organization as civil servants within the meaning of Civil Servants Act, 1973."

18. For what has been discussed above, the impugned judgment of the learned Punjab Service Tribunal is unexceptionable. Finding no merit, these appeals are dismissed with no order as to costs.

MWA/L-3/SC

Appeals dismissed.

“A”

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

No.

APPEAL No.....5785..... of 20 20 SR

Hidayat ulah Khan

Appellant/Petitioner

Versus

General health, directorate of Health services,
KPK civil secretariat, Peshawar. **RESPONDENT(S)**

Postulant (D) Director general Health,
Directorate of health services, KPK,
civil secretariat Peshawar

Take notice that your appeal has been fixed for Preliminary hearing,
~~replication, affidavit/counter affidavit/record/arguments/order~~ before this Tribunal
on 10/08/2022 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.

For Reply

Copy already
Sent

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.