

12.11.2021

Mr. Kamran Khan. Advocate, junior of learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is unable to appear before the Tribunal today due to illness. Adjourned. To come up for arguments before the D.B on 06.12.2021. In the meanwhile, the operation of the impugned order shall remain suspended, if not acted upon earlier.



(Atiq Ur Rehman Wazir)
Member (E)



(Salah-ud-Din)
Member (J)

06.12.2021

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG alongwith Ibrahim Khan, Deputy Secretary, Ziaullah Deputy Secretary and Safiullah, Focal Person for the respondents present.

Vide our detailed judgment of today in connected Service Appeal No. 16578/2021, titled "Manzoor Ahmad Vs. The Chief Secretary, Khyber Pakhtunkhwa Peshawar and others", this appeal is accepted as prayed for. Consequently, the impugned order is set aside and respondents are directed not to transfer the appellants from the post of Drug Inspector. Parties are left to bear their own costs. File be consigned to record room after completion.



(Salah-ud-Din)
Member(J)




Chairman


ANNOUNCED
06.12.2021

10.09.2021

Clerk of counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Clerk of counsel for the appellant stated that learned counsel for the appellant is unable to attend the Tribunal today due to strike of Lawyers. Adjourned To come up for arguments before the D.B. on 15.10.2021. In the meanwhile, the operation of the impugned order shall remain suspended, if not acted upon earlier.


(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

15.10.2021

Appellant present through counsel.

Muhammad Riaz Khan Paindakheil learned Assistant Advocate General for respondents present.

Request for adjournment was made on behalf of learned A.A.G; granted by way of last chance. To come up for arguments on 12.11.2021 before D.B.


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


(Rozina Rehman)
Member (J)

~~Shahid Khan~~
~~(Appellant)~~

~~Asif Masood Khan~~
~~(Respondent)~~

~~the operation of the impugned order shall remain suspended, if not acted
upon for arguments before the D.B. on 06-12-2021. In the meantime,
the appeal before the Tribunal shall stand adjourned to the
appointment of the ground that learned counsel for the appellant is
sick and of learned counsel for the appellant requested for~~


~~the respondents present.~~

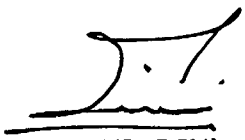
~~Appellant present, Mr. Asif Masood Khan, Deputy District Attorney for
Mr. Kamran Khan, Advocate, Junior of learned counsel for the~~

~~12-11-2021~~

29.07.2021

Mr. Noor Muhammad Khattak, Advocate, for the appellant present. Mr. Zia Ullah Deputy Secretary (Litigation) and Mr. Safiullah Jan Focal Person alongwith Mr. Muhammad Rasheed, Deputy District Attorney for the respondents present and submitted Parawise comments on behalf of the respondents No. 2 & 3, copy of which handed over to learned counsel for the appellant. Learned counsel for the appellant sought time for submission of rejoinder. Adjourned. To come up for rejoinder as well as arguments before the D.B on 26.08.2021. In the meanwhile, the operation of the impugned order shall remain suspended, if not acted upon earlier.

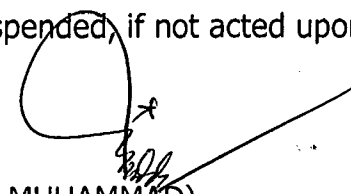

(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)

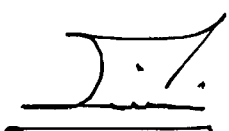

(SALAH-UD-DIN)
MEMBER (JUDICIAL)

26.08 .2021

Mr. Noor Muhammad Khattak, Advocate, learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Ziaullah, Deputy Secretary (Litigation) for respondents present.

Learned counsel for the appellant submitted rejoinder, copy of which handed over to the learned AAG. Learned counsel for the appellant sought time for arguments. Adjourned. Last opportunity is given. To come up for arguments before the D.B on 10.09.2021. In the meanwhile, the operation of the impugned order shall remain suspended, if not acted upon earlier.


(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

24.06.2021

Appellant present through counsel.

Asif Masood Ali Shah learned D.D.A for respondents present.

Former requested that similar nature case is fixed on 02.07.2021 before this Tribunal, therefore, the instant case may also be fixed on 02.07.2021. Request is accorded. To come up for arguments on 02.07.2021 before D.B. In the meanwhile, the operation of impugned order shall remain suspended, if not acted upon earlier.


(Rozina Rehman)
Member(J)


Chairman

02.07.2021

Appellant present through counsel.

Muhammad Adeel Butt learned Additional Advocate General for respondents present.

File to come up alongwith Service Appeal No:1559/2021 on ~~29.07~~ 02.07.2021 before D.B.


(Rozina Rehman)
Member(J)


Chairman

02.06.2021

Counsel for the appellant present. Preliminary arguments heard.

Points raised need consideration. The appeal is admitted to regular hearing. 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 of the receipt of notices positively. If the written reply/comments are not submitted within the stipulated time, the office is directed to submit the file with a report of non-compliance. File to come up for arguments on 24.06.2021 before the D.B.

Stipulated time passed reply has not been filed

Appellant Deposited
Security & Process Fee
[Signature]
26/6/21

Alongwith the appeal there is an application for interim relief. Notice of the application be also issued to the respondents. In the meanwhile the operation of impugned order shall remain suspended, if not acted upon already.



[Signature]
Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 5187 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	07/05/2021	<p>The appeal of Mr. Gohar Ali presented today by Mr. Noor Muhammad Khattak 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>
2-	27/05/21	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>02/06/21</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. _____/2021

Mr. GOUHAR ALI

VS

HEALTH DEPTT:

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	Vakalat nama	13

APPELLANT

THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCAT

FLATE NO. 04, 2ND FLOOR,
JUMA KHAN PLAZA, NEAR FATA
SECRETARIAT,
WARSAK ROAD, PESHAWAR
0345-9383141

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

APPEAL NO. 5187/2021

Diary No. 5235

Dated 07/5/2021

Mr. Gouhar Ali, Drug Inspector (BPS-17),
District Swabi, under transfer to the post of Pharmacist (BS-17),
Bacha Khan Medical Complex, Swabi. **APPELLANT**

VERSUS

- 1- The Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Health Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Director General Drug Control & Pharmacy Services, Khyber Pakhtunkhwa, Peshawar.

..... **RESPONDENTS**

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED NOTIFICATION DATED 11.01.2021 WHEREBY THE APPELLANT HAS BEEN TRANSFERRED FROM THE POST OF DRUG INSPECTOR (BPS-17), DISTRICT SWABI TO THE POST OF PHARMACIST (BS-17), BACHA KHAN MEDICAL COMPLEX, SWABI IN UTTER VIOLATION OF TRANSFER/POSTING POLICY AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS

PRAYER:

That on acceptance of this appeal the impugned Notification dated 11.01.2021 may very kindly be set aside to the extent of appellant and the respondents may kindly be directed not transfer the appellant from the post of Drug Inspector (BS-17), District Swabi. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

Brief facts giving rise to the present appeal are as under:-

- 1- That appellant is the employee of respondent Department and is appointed as Drug Inspector (BPS-17) through proper

Filed to-day
Registrar
7/5/2021

recommendations of the Khyber Pakhtunkhwa Public Service Commission vide order dated 28-05-2014 and since then till date the appellant is performing his duty quite efficiently and up to the entire satisfaction of his superiors. Copy of the appointment order is attached as annexure **A.**

2- That lastly the appellant was posted/transferred as Drug Inspector (BPS-17) at Swabi vide Notification dated ~~01.12.2018~~ after serving different stations i.e. hard terrain & far flung hilly areas of the province but unfortunately before completion of his normal tenure the respondents vide impugned Notification dated 11.01.2021 transferred/posted the appellant against the cross/wrong post of Pharmacist (BPS-17) at Bacha Khan Medical Complex, Swabi. Copies of the Notification and impugned Notification are attached as annexure..... **B & C.**

3- That appellant feeling aggrieved from the impugned notification dated 11.01.2021 preferred departmental appeal to the appellate authority which has not been replied so far. Copy of the departmental appeal is attached as annexure..... **D.**

4- That it is pertinent to mention here that the appellant has its own Service Rules framed by the respondent Department vide dated 02.06.2009 whereby the cadre of the appellant is completely different from that of Service Rules assigned for Pharmacist. Copy of the service rules is attached as annexure..... **E.**

5- That the appellant feeling aggrieved and having no other remedy but to file this appeal on the following grounds amongst others.

GROUND:

A- That the impugned Notification dated 11.01.2021 is against the law, facts, norms of natural justice and materials on the record, hence not tenable and liable to be set aside to the extent of appellant and private respondent.

B- That the appellant has not been treated by the respondents in accordance with law and rules on the subject noted above and as such the respondents violated Article-4 and 25 of the Constitution of Islamic Republic of Pakistan, 1973.

C- That the impugned Notification dated 11.01.2021 has been issued by the respondent No.2 in arbitrary and malafide manner, hence not tenable and liable to be set aside to the extent of appellant.

D- That the impugned Notification dated 11.01.2021 is based on discrimination, favoritism and nepotism, hence not tenable in the eye of law.

E- That the impugned Notification dated 11.01.2021 has neither been in the best interest of public service nor in exigencies of service, hence not tenable and liable to be set aside.

F- That vide impugned Notification dated 11.01.2021 the appellant has been transferred against the wrong cadre/ post of Pharmacist (BPS-17), therefore the same is not tenable and liable to be set aside.

G- That the impugned notification dated 11.01.2021 is violative of Clause-I and IV of the transfer/posting policy of the Government of Khyber Pakhtunkhwa. Copy of the transfer/posting policy is attached as annexure **F.**

H- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

APPELLANT


GOUHAR ALI

THROUGH:

NOOR MOHAMMAD KHATTAK

&


KAMRAN KHAN
ADVOCATES

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

SERVICE APPEAL No. _____/2021

GOUHAR ALI

VS

HEALTH DEPARTMENT

**APPLICATION FOR SUSPENSION OF OPERATION OF
THE IMPUGNED NOTIFICATION DATED 11.1.2021 TO
THE EXTENT OF THE APPLICANT TILL THE DISPOSAL OF
THE ABOVE MENTIONED APPEAL**

R/SHEWETH:

- 1- That the above mentioned appeal along with this application has been filed the appellant before this august service Tribunal in which no date has been fixed so far.
- 2- That appellant filed the above mentioned appeal against the impugned notification dated 11.1.2021 whereby the appellant has been transferred from the post Of drug inspector (BPS-17) Swabi to the post of Hospital Pharmacist BPS-17 Bacha Khan Medical Complex, Swabi.
- 3- That all the three ingredients necessary for the stay is in favor of the appellant.
- 4- That the impugned order dated 11.1.2021 had been issued by the respondents in utter disregard of law and prevailing Rules.

It is therefore, most humbly prayed that on acceptance of this application the operation of the impugned Notification dated 11.1.2021 to the extent of appellant may very kindly be suspended till the disposal of the above mentioned service appeal.

Dated: 3.5.2021

APPLICANT

GOUHAR ALI

THROUGH:

**NOOR MOHAMMAD KHATTAK
ADVOCATE**

GOVERNEMENT OF KHYBER PAKHTUNKHWA HEALTH DEPARTMENT

Dated the Peshawar 28th May 2014

NOTIFICATION

No. SOH-III/7-262/2014, On the recommendation of Khyber Pakhtunkhwa Public Service Commission, the Competent Authority is Pleased to appoint the following Drug Inspectors (BPS-17) in Health Department Khyber pakhtunkhwa on regular basis with immediate effect.

S.NO	NAME WITH FATHER NAME	DOMICILE/ZONE
01	Gouhar Ali S/O Musafar Khan	Mohmand Agency /1
02	Imran Khan Burki S/O Haibat Khan Burki	S.W Agency /1
03	Saif Ullah S/O Sahib Zada Gran	Charsadda /2
04	Haider Ali S/O Akhtar Ali	Swat /3

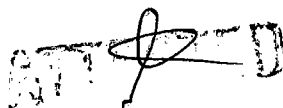
2. They will be on probation for a period of one year extendable by another year
3. Consequent upon the above, they are hereby posted, transferred against the vacant posts of Drug Inspector (BPS-17) which are mention below.

S.NO	NAME WITH FATHER NAME	PLACE OF POSTING
01	Gouhar Ali S/O Musafar Khan	DHO office Mardan
02	Imran Khan Burki S/O Haibat Khan Burki	DHO office D.I Khan
03	Saif Ullah S/O Sahib Zada Gran	DHO office Nowshera
04	Haider Ali S/O Akhtar Ali	DHO office Buner

4. Their services will be governed under Khyber pakhtunkhwa Civil Servants Act 1973 as amended vide Civil Servants (Amendment) Act 2005 and rules made there under and other relevant laws and rules.
5. They are directed to assume charge within 30 days after the issuance of this notification failing which his appointment shall be treated As cancelled.

SECRETARY HEALTH

GOVT, OF KHYBER PAKHTUNKHWA





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ANNXXURE * B * PAGE 06

GOVERNEMENT OF KHYBER PAKHTUNKHWA HEALTH DEPARTMENT

Dated the Peshawar 01st December 2018

NOTIFICATION

No. SOH-III/7-262/2018. The Competent Authority has been pleased to order following Posting/Transfer of Drug Inspector BS-17 as mentioned against their names with immediate effect in the public interest.

S.No	Name	From	To
1	Mr. Ziaullah Drug Inspector (BS-17)	District Chitral	District Dir Lower
2	Mr. Gouhar Ali Drug Inspector (BS-17)	District Tank	District Swabi
3	Mr. Shahzad Mustafa Drug Inspector (BS-17)	District Kohat	District Mardan
4	Mr. Rehmat Gul Drug Inspector (BS-17)	District Mardan	District Tank, vice Serial No.02
5	Mr. Muhammad Irfan Wazir, Drug Inspector (BS-17)	District Karak	District Kohat vice Serial No. 03
6	Mr. Waheen Murad Drug Inspector (BS-17)	District Dir Lower	District Swat
7	Mr. Muhammad Shakeel Drug Inspector (BS-17)	District Haripur	District Abbottabad
8	Mr. Aqib Ali Shah Drug Inspector (BS-17)	District Abbottabad	District Haripur

2. Consequent upon above, Mr. Ziaullah Drug Inspector (BS-17) District Dir. Lower is authorized to hold the additional –charge of the post of drug inspector district chitral till further orders

SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Annxure C

7



GOVT. OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated the Peshawar 11th January, 2021

NOTIFICATION

No. SOH-III/10-4/2020. The Competent Authority is pleased to order following postings/transfers of Officers with immediate effect in the public interest.

S.No	Name & Designation	From	To
1.	Mr. Tariq Ali, Drug Inspector (BS-17).	District Shangla.	Drug Inspector (BS-17) District Chitral against the vacant post.
2.	Mr. Gohar Ali, Drug Inspector (BS-17).	District Swabi.	Pharmacist (BS-17), Bacha Khan Medical Complex, Swabi.

Secretary to Govt. of Khyber Pakhtunkhwa
Health Department

End of even No and Date.

Copy forwarded to the:-

1. Director General, Drug Control & Pharmacy Services, Khyber Pakhtunkhwa, Peshawar.
2. The Hospital Director, Bacha Khan Medical Complex, Swabi.
3. District Health Officers, Swabi, Shangla & Chitral.
4. District Accounts Officers, Swabi, Shangla & Chitral.
5. The Deputy Director (I.T) Health Department.
6. PS to Minister Health, Khyber Pakhtunkhwa.
7. PS to Secretary Health, Khyber Pakhtunkhwa.
8. PA to Deputy Secretary (Drugs) Health Department.
9. Officers concerned.


SECTION OFFICER-III

To,

The Worthy Chief Secretary,
Khyber Pakhtunkhwa Peshawar.

THROUGH PROPER CHANNEL.

Subject: APPEAL FOR CANCELLATION OF POSTING/TRANSFER
ORDER OF MR. GOUHAR ALI DRUG INSPECTOR SWABI
TO THE CROSS CADRE POST AS A HOSPITAL PHARMACIST

Annexure

8
D

Respected Sir,

Consequent upon to the fresh appointment of the undersigned as a Provincial Drug Inspector (BPS-17) (Contract 1st MARCH 2013) and on regular basis by Health Department (on the recommendation of Public Service Commission Khyber Pakhtunkhwa) since 28th May 2014, and subsequently to the subject cited above.

- 1) That the Health Department Khyber Pakhtunkhwa merged the different cadres' posts of Drug Inspectors, Hospital Pharmacists and Government analyst based on possessing same qualification vide Notification No. SOH(III)/HD/10-4/2017/DCPS on 08th September (**Copy of Merger Notification attached as Annexure "A"**).
 - 2) That having been aggrieved from the aforementioned notification, the main Stake Holders of the merged cadres' i.e Drug Inspectors filed a Writ Petition No.4378-P/2017, before the Honorable High Court Peshawar.
 - 3) That the said notification was declared impugned and was set aside/dismissed by Honorable Court Peshawar on 11th March 2020.
 - 4) That according to the Judgment of Honorable High Court Peshawar, the purpose of Posting/ Transfer in to the different cadres of the Officers through impugned notification does not exist being dismissed and is against the judgment in the matter concerned. (**Copy of Judgment attached as Annexure "B"**).
 - 5) That the undersigned has served in the different stations, hard terrain & far flung hilly areas of the province in the limited resources.
 - 6) That the sudden/unexpected Posting/ Transfer vide Notification No.SOH-III/10-4/2020 dated 11th January 2021 (received on 18th January 2021 at night via Whatsapp and no hard copy) without any justified reasons to the cross cadre is quietly discouraging and against the Principals of natural justice as well as also hits the judgment of the Honorable High Court Peshawar. (**Copy of Notification attached as Annexure "C"**)
- Keeping in view entire of the above, it is therefore humbly requested the aforesaid Posting/ Transfer in respect of undersigned might have been issued in the ignorance of the Honorable High Court Peshawar and may kindly be cancelled/withdrawn in the interest of natural justice to oblige please.

GOUHAR ALI
Provincial Drug Inspector,
District SWABI.

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Anxxure "E"

9

Government of NWFP
Health Department
Dated the Peshawar 2nd June, 2009

B/copy

NOTIFICATION SOH-III/10-4/06(DA)/06. In pursuance of the provisions contained in sub-rule (2) of the Rule 3 of the NWFP Civil Servants (Appointment, Promotion and Transfer Rules, 1989 in suppression of all Notifications issued in this behalf, the Health Department in consultation with Establishment Department and the Finance Department, hereby lays down the method of recruitment, qualifications and other conditions specified in column 3 to 5 of the Appendix to this Notification, which shall be applicable to the posts specified in column 3 to 5 of the said Appendix.

APPENDIX

No	Nomenclature	Minimum qualification for appointment by initial recruitment	Age limit	Method of recruitment
1	Senior Drug Analyst			By promotion on the basis of seniority cum-fitness amongst the Drug Analysis living twelve years experience in B-17 and above with at least three years service as Drug Analyst in BPS-18.
2	Drug Analyst			By promotion on the basis of seniority-cum-fitness, from amongst Chemist with at least five years service in BPS 17
3	Chemist	I. M. Pharmacy or: II. B. Pharmacy from a recognized university with at least one-year experience in manufacturing, testing or analysis of drugs in the drugs control administration	25-35 years	By promotion on the basis of seniority cum-fitness from amongst Assistant Chemist with at least two years service as such, or if no suitable candidate is available for promotion, then by initial recruitment,
4	Assistant Chemist	B. Pharmacy from a recognized university.	21-32 years	By initial recruitment

Secretary to Govt. of NWFP,
Health Department.

Endst: of even No & date.

Copy forwarded to:

- 1) Secretary to Government of NWFP, Establishment Department,
- 2) Secretary to Government of NWFP, Finance Department.
- 3) Secretary to Government of NWFP, Law Department:
- 4) Director General Health Services, NWFP:
- 5) Senior Government Analyst, Drug Testing Laboratory Peshawar.
- 6) Secretary NWFP Public Service Commission
- 7) Manager, Govt. Printing Press, Peshawar with the request to notify the Service Rules in the next issue of official Gazette and 20 copies of the Gazette in which the Notification is published inay kindly be supplied to this

ATTESTED

[Signature]

[Signature]



SERVICES Rules

Annexure E

9

NOTIFICATION

No. SOH-III/10-4/06(DA)/06. In pursuance of the provisions contained in sub-rule (2) of the rule-3 of the NWFP Civil Servants (Appointment, Promotion and Transfer Rules, 1989 and in supersession of all Notifications issued in this behalf, the Health Department in consultation with Establishment Department and the Finance Department, hereby lays down the method of recruitment, qualifications and other conditions specified in column 3 to 5 of the Appendix to this Notification, which shall be applicable to the posts specified in column 2 of the said Appendix.

APPENDIX

S.No.	Nomenclature	Minimum qualification for appointment by initial recruitment.	Age limit	Method of recruitment
1	Senior Drug Analyst			By promotion on the basis of seniority cum-fitness amongst the Drug Analysts having twelve years experience in B-17 and above with at least three years service as Drug Analyst in BPS-18.
2	Drug Analyst			By promotion on the basis of seniority-cum-fitness, from amongst Chemist with at least five years service in BPS-17
3	Chemist	i. M. Pharmacy or; ii. B. Pharmacy from a recognized university with at least one-year experience in manufacturing, testing or analysis of drugs in the drugs control administration.	25-35 years	By promotion on the basis of seniority cum-fitness, from amongst Assistant Chemist with at least two years service as such, or if no suitable candidate is available for promotion, then by initial recruitment.
4	Assistant Chemist	B. Pharmacy from a recognized university.	21-32 years	By initial recruitment

Secretary to Govt. of NWFP,
Health Department.

Ends: of even No & date.

Copy forwarded to:

- Secretary to Government of NWFP, Establishment Department.
- Secretary to Government of NWFP, Finance Department.
- Secretary to Government of NWFP, Law Department.
- Director General Health Services, NWFP.
- Senior Government Analyst, Drug Testing Laboratory Peshawar.
- Secretary NWFP Public Service Commission.
- Manager, Govt. Printing Press, Peshawar with the request to notify the Service Rules in the next issue of official Gazette and 20 copies of the Gazette in which the Notification is published may kindly be supplied to this

ATTESTED

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10

Annexure F



GOVERNMENT OF NWFP
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT
(Regulation Wing)

POSTING / TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT.

- i) All the posting/transfers shall be strictly in public interest and shall not be abused/misused to victimize the Government servants
- ii) All Government servants are prohibited to exert political, Administrative or any other pressures upon the posting/transfer authorities for seeking posing/transfers of their choice and against the public interest.
- iii) All contract Government employees appointed against specific posts, can not be posted against any other post.
- iv) The normal tenure of posting shall be three years subject to the condition that for the officers/officials posted in unattractive areas the tenure shall be two years and for the hard areas the tenure shall be one year. The unattractive and hard areas will be notified by the Government.
- v) { }
- vi) While making postings/transfer from settled areas to FATA and vice-versa, specific approval of Governor, NWFP needs to be obtained

While making postings/transfers of officers/officials up to BS-17, from settled areas to FATA and vice-versa approval of the Chief Secretary NWFP needs to be obtained. Whereas, in case of posting/transfer of officers in BS-18 and above, from settled areas to FATA and vice versa, specific approval of the Governor NWFP shall be obtained.
- vi (a) All Officers/officials selected against Zone-I/FATA quota in the Provincial Services should compulsorily serve in FATA for atleast eighteen months in each grade. This should start from senior most scales/grades downwards in each scale/grade of each cadre.
- vii) Officers may be posted on executive/administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and DPOs/Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thaana) of his area/residence is situated.
- viii) No posting/transfers of the officer's/officials on detailment basis shall be made.
- ix) Regarding the posting of husband/wife, both in Provincial services, efforts where possible would be made to post such persons at one station subject to the public interest.
- x) All the posting/transferring authorities may facilitate the posting/transfer of the unmarried female government Servants at the station of the residence of their parents.

Para-1(v) regarding months of March and July for posting/transfer and authorities for relaxation of ban deleted vide letter No. SOR-VI (E&AD) 1-4/2008/Vol-VI, dated 3-6-2008. Consequently authorities competent under the NWFP Government Rules of Business, 1985, District Government Rules of Business 2001, Posting/Transfer Policy and other rules for the time being in force, allowed to make posting/transfer subject to observance of the policy and rules. Added vide Urdu circular letter No. SOR-VI(E&AD)1-4/2003, dated 21-09-2004

2

- xi) Officers/officials except DCOs and DPOs/SPs who are due to retire within one year may be posted on their option on posts in the Districts of their domicile and be allowed to serve there till the retirement.
DCOs and DPOs who are due to retire in the near future may also be posted in the District of their domicile subject to the condition that such posting would be against non-administrative posts of equivalent scales;
- xii) In terms of Rule-17(1) and (2) read with Schedule-III of the NWFP Government Rules of Business 1985, transfer of officers shown in column 1 of the following table shall be made by the authorities shown against each officer in column 2 thereof:

Outside the Secretariat		
1.	Officers of the all Pakistan Unified Group i.e. DMG, PSP including Provincial Police Officers in BPS-18 and above.	Chief Secretary in consultation with Establishment Department and Department concerned with the approval of the Chief Minister.
2.	Other officers in BPS-17 and above to be posted against scheduled posts, or posts normally held by the APUG, PCS(EG) and PCS(SG).	-do-
3.	Heads of Attached Departments and other Officers in B-19 & above in all the Departments.	-do-
In the Secretariat		
1.	Secretaries	Chief Secretary with the approval of the Chief Minister.
2.	Other Officers of and above the rank of Section Officers: a) Within the Same Department b) Within the Secretariat from one Department to another.	Secretary of the Department concerned. Chief secretary/Secretary Establishment.
3.	Officials up to the rank of Superintendent: a) Within the same Department b) To and from an Attached Department c) Within the Secretariat from one Department to another.	Secretary of the Department concerned. Secretary of the Dept in consultation with Head of Attached Department concerned. Secretary (Establishment)

- xiii) While considering posting/transfer proposals all the concerned authorities shall keep in mind the following:

- a) To ensure the posting of proper persons on proper posts, the Performance Evaluation Report/annual confidential reports, past and present record of service, performance on post held presently and in the past and general reputation with focus on the integrity of the concerned officers/officials be considered.
- b) Tenure on present post shall also be taken into consideration and the posting/transfers shall be in the best public interest.

xiv) Government servants including District Govt. employees feeling aggrieved due to the orders of posting/transfer authorities may seek remedy from the next higher authority / the appointing authority as the case may be through an appeal to be submitted within seven days of the receipt of such orders. Such appeal shall be disposed of within fifteen days. The option of appeal against posting/ transfer orders could be exercised only in the following cases:

- i) Pre-mature posing/transfer or posting transfer in violation of the provisions of this policy.
- ii) Serious and grave personal (humanitarian) grounds.

2. To streamline the postings/transfers in the District Government and to remove any irritant/confusions in this regard the provision of Rule 25 of the North West Frontier Province District Government Rules of Business 2001 read with schedule - IV thereof is referred. As per schedule-IV the posting/transferring authorities for the officers/officials shown against each are as under:-

S. No.	Officers	Authority
1.	Posting of District Coordination Officer and Executive District Officer in a District.	Provincial Government.
2.	Posting of District Police Officer.	Provincial Government
3.	Other Officers in BPS-17 and above posted in the District.	Provincial Government
4.	Official in BPS-16 and below	Executive District Officer in consultation with District Coordination Officer.

3. As per Rule 25(2) of the Rules mentioned above the District Coordination Department shall consult the Government if it is proposed to:

- a) Transfer the holder of a tenure post before the completion of his tenure or extend the period of his tenure.
- b) Require an officer to hold charge of more than one post for a period exceeding two months.

4. I am further directed to request that the above noted policy may be strictly observed /implemented.

All concerned are requested to ensure that tenures of the concerned officers/officials are invariably mentioned in summaries submitted to the Competent Authorities for Posting/Transfer.
{Authority: Letter No: SOR-VI/E&AD/1-4/2003 dated 24-6-2003}.

It has been decided by the Provincial Government that posting/transfer orders of all the officers up to BS-19 except Heads of Attached Departments irrespective of grades will be notified by the concerned Administrative Departments with prior approval of the Competent Authority obtained on the Summary. The Notifications/orders should be issued as per specimen given below for guidance.

All posting/transfer orders of BS-20 and above and Heads of Attached Departments (HAD) shall be issued by the Establishment Department and the Administrative Departments shall send approved Summaries to E&A Department for issuance of Notifications.

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

_____ OF 2021

Mr. GOUHAR ALI

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Health Department.

(RESPONDENT)
(DEFENDANT)

I/We Gouhar Ali

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

Dated. ____/____/2021



CLIENT(S)

ACCEPTED
NOOR MOHAMMAD KHATTAK
15401-0705985-5
BC-08-0853

&
KAMRAN KHAN
AFRASIAB KHAN WAZIR
HAIDER ALI
ADVOCATES

OFFICE:
Flat No.4, Upper Floor,
Juma khan plaza near (FATA) Secretariat
Warsak road Peshawar.
Mobile No. **0345-9383141**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 5187/2021

Mr. Gohar Ali Drug Inspector (BPS-17) District Swabi

VERUS

Chief Secretary Khyber Pakhtunkhwa and OTHERS

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5	Notification dated 08/09/2017	Annexure-IV	12
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DEPONENT

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. 5187 /2021

Mr. Gohar Ali, Drug Inspector (BPS-17), District Swabi, under transfer to the
post of Pharmacist (BPS-17), Bacha Khan Medical Complex, Swabi
..... Appellant

Versus

1. The Chief Secretary, Khyber Pakhtunkhwa, Peshawar
2. The Secretary Health Department, Khyber Pakhtunkhwa, Peshawar
3. The Director General Drug Control & Pharmacy Services, Khyber
Pakhtunkhwa, Peshawar
..... Respondent

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS

RESPECTFULLY SHEWETH

PRELIMINARY OBJECTIONS:-

1. That the Appellant has got neither cause of action nor locus standi to file the instant Appeal.
2. That the Appellant has filed the instant appeal just to pressurize the respondents.
3. That the instant Appeal is against the prevailing Law and Rules.
4. That the Appeal is not maintainable in its present form.
5. That the Appellant has filed the instant Appeal with mala-fide intention hence liable to be dismissed.
6. That the Appeal is badly time barred.
7. That the Honorable Tribunal has no Jurisdiction to adjudicate upon the matter.
8. That the instant appeal is bad for mis-joinder of unnecessary and non-joinder of necessary parties.
9. The impugned transfer Notification has been issued in accordance with Section 10 of the Civil Servant Act 1973.

ON FACTS:

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1. Correct to the extent that the appellant is an employee of Health Department selected through Khyber Pakhtunkhwa Public Service Commission but the performance is questioned on the basis of his monthly progress report compiled on the basis of set indicators, besides facing inquiries.
2. Incorrect the appellant has already completed his normal tenure of two years as he was posted vide notification dated 01/12/2018 and the impugned notification has been issued on dated 11/01/2021 even otherwise as per Section 10 of the Khyber Pakhtunkhwa Civil Servant Act 1973, it is upon the discretion of competent authority to transfer a civil servant at anytime even outside of the province.
3. Incorrect. The appellant has been transferred within the same directorate under section 10 of Khyber Pakhtunkhwa Civil Servants Act 1973. Even if he would have been transferred in ex-cadre, the same is also covered under the second proviso of the Act ibid which provides as under;
"A civil servant may be posted even outside his service or cadre provided terms and conditions of his services would not be affected".
No terms and conditions of his services have been violated as per dictum laid down by Supreme Court of Pakistan in judgment reported as 2017 SCMR 798. It has clearly mentioned that the competent authority may transfer any civil servant anywhere in exigency of services.
4. The Service Rules does not carry any kind of assignment to a cadre but it specifies the method of recruitment and promotion prospects which is otherwise protected after the merging of cadre. Although transfer is not a punishment but to make

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such like people punctual, subservient to the public and to overcome the deficiency of efficient of hardworking officer to post right person on right place, the three cadres i.e hospital pharmacist, drug inspector and analyst having same basic qualification as required for induction through Public Service Commission, were merged to obviate the stagnancy in the cadre. By doing so any drug inspector or an analyst at DTL (who are the cadre of the 04 to 05 persons) can be transferred making them liable to work in hospital under the close supervision of hospital administration and vice versa. Those who are transferred from hospital to work in the field as drug inspector are tremendously working, removing the bottlenecks and highlighting a lot of mal-practices previously done by their predecessor who have been sacked from field duty. In other similar cases, the drug inspectors who are sacked are under probe at Provincial Inspection Team and other fora.

With the notification of merger cadre which is questioned only on the basis of proxy membership of Section Officers/Deputy Secretaries of attending SSRC instead its notified members is now a base for the instant appeal by the appellant but he has concealed that a CoC on similar ground has been dismissed by a bench headed by Honorable Chief Justice Peshawar High Court, Peshawar (**Annex-I**) directing that there is no such bar on posting/transfer imposed in the earlier judgment which is now based for this appeal. Besides, a lot of work has been done thereafter issuing the merger notification by Health Department to carry forward the idea of merger of cadre resulted in the establishment of separate Directorate duly approved by Provincial Cabinet(**Annex-II**) bringing the three sister cadre under one Directorate and accordingly amendment in the KP Rules of business, 1985(**Annex-III**) made specifying the Directorate of Drug Control and Pharmacy Services as separate attached department of

Health Department under the Director General who will be an officer of the joint cadre. (4)

The Notification (**Annex-IV**) on the basis of which appeal is filed, was issued way back in 2017 where after in the last three years a lot of work has been done on the basis of merged cadre and posting transfer ordered significantly in Drug Testing Lab to issue a test report after testing sample for prosecution purpose and that report has a legal mandate and it is apprehended if these transfer are reversed, hundreds of drug cases which are under trial in Drug Court will be in fructuous on the basis of test report issued by the one transferred to DTL from other sister cadre.

5. No comments.

Grounds:

A. Incorrect. The impugned Notification is based on law Rules principles of Natural Justice and in accordance with dictum laid by Supreme court in various judgment. As per 2020 PLCCS 1207 Supreme Court,

Place of ServicePrerogatives of employer...Government servant was required to serve any where his employer wanted him to serve; it was not a choice or prerogative of the employee to claim a right to serve at a place that he chose to serve.

Similarly in another judgment reported as 2004 PLC (CS) 705S.C. It has been laid down that civil servant could not claim posting at a particular station or at the place of his choice. Competent authority, under S 9 of the Punjab civil servant Act 1974, was empowered to transfer any civil servant from one place to other at any time in exigencies of service or on administrative ground.

B. Explain in Para-A.

C. Incorrect .there is no mala fide on the part of respondents towards the appellant. The appellant issued the transfer Notification in accordance with law in the public interest.

D. Explained Para-C.

E. It is in the fitness of things to post a right person at a right place to achieve good governance and enhance public service delivery whereas the appellant drastically failed to work efficiently in the filed duty as drug inspector in curbing the menace of spurious drugs, action against illegal pharmacy, data of drug sale licensing and other contravention as reported by the directorate of drugs therefore he has been sacked from filed duty to put in place in hospital to work under close supervision of hospital administration. It is not a novel practice but the same is being practiced in the province of Punjab also. A Notification of Govt. of Punjab carrying such transfer is also attached (**Annex-V**).

F. Incorrect. The appellant has been transferred within his cadre within the same directorate under section 10 of Khyber Pakhtunkhwa Civil Servants Act 1973. Even if he would have been transferred in ex-cadre, the same is also covered under the second proviso of the ibidi Act which provides as under;

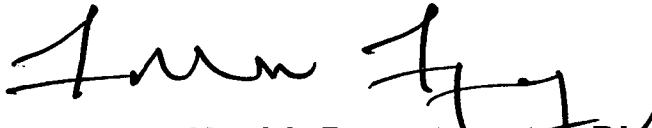
“A civil servant may be posted even outside his service or cadre provided terms and conditions of his services would not be affected”.


G. Already explained in preceding paras.

H. Incorrect. The Notification issued on observance of all relevant rules/policy while the term prematurely transfer used by the appellant is clarified by the judgment reported as 2004 PLC (CS) 705S.C. It has been laid down that civil servant could not claim posting at a particular station or at the place of his choice. Competent Authority was empowered to transfer any civil servant from one place to other at anytime in exigencies of service or on administrative ground.

6

It is therefore requested that the Appeal of the Appellant may kindly be dismissed with cost to enhance the service delivery and to safeguard the public interest at large.


Secretary Health Department
Khyber Pakhtunkhwa
Respondent No-2


Director General Drug Control
& Pharmacy Services,
Khyber Pakhtunkhwa
Respondent No-3

IN THE PESHAWAR HIGH COURT,
PESHAWAR,
JUDICIAL DEPARTMENT

COC No. 276-P/2020 in W.P No. 4378-P/2017.

SM Asad Halimi..... Petitioner.

Versus.

Syed Imtiaz Hussain Respondents.

For petitioner:- Mr. Asad Jan Durani
Advocate.

For respondents:- Mr. Muhammad Riaz Khan. AAG.

Date of hearing: 16.06.2020



Area 1 (7)

JUDGMENT

MUHAMMAD NAEEM ANWAR, J.- Through the instant petition the petitioner has asked for initiating contempt of court proceedings against the respondents for non-compliance of direction of this court issued in the judgment rendered in W.P No. 4378/2017 on 11.03.2020.

2 Learned counsel for the petitioner submitted that this court in the judgment rendered in writ petition No. 4378-P/2017 has declared the notification bearing No. SOH (III)/HD/10-4/2017/DCPS dated 08.09.2017 as void *ab initio*, against the law and illegal, however, the respondents without considering the specific direction of this court has issued notification bearing No. SOH-III/7-262/2020 dated 30.04.2020, as such, they are liable to be proceeded under the Contempt of Court Act, 2003.

REGISTERED
EXAMINED
Peshawar High Court

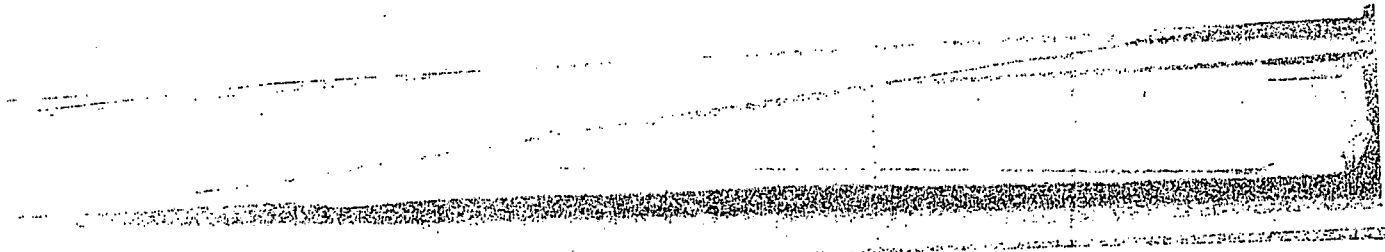
⑧

3. We have heard learned counsel for the petitioner and perused the record.

4. Perusal of the record would reveal that in the writ petition No. 4378-P/2017, notification dated 29.01.2005 was challenged as the same was issued against the Standing Services Rules Committee (SSRC). The operative part of the judgment is reproduced as under:-

“ Admittedly, the impugned notification of merger of three cadres of Drug Inspectors, Pharmacists and Chemists and Drug Analysts have been issued on the recommendation of Standing Service Rules Committee (SSRC) but while perusing minutes of the Committee, so constituted, the persons, who had attended the meeting, are not in accordance with the notification NO. SOR. VI(E & AD) 2-69/2003 dated 29th January, 2005 produced by the learned counsel for the petitioners during the course of hearing, placed on file, vide which, the Committee would comprising of Administrative Secretary concerned (Chairman), Additional Secretary (Regulation) E & A Department, Additional Secretary (Regulation) Finance Department, Additional Secretary Law Department, Head of the attached Department concerned and Deputy Secretary (Admn) of the Department concerned (Members); so, keeping in view the above fact, the impugned notification

[Signature]
BANKIM K. P. SHAWAR
B. Shewar High Court



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issued by the respondents is illegal, void ab initio and the same is, thus, liable to be set aside.

Whereas after decision of the said writ petition, the respondents have issued notification dated 30.04.2020, whereby the petitioner No.1 was transferred and posted against the vacant post as Chief Pharmacist (BFS-19) at DHQ hospital, KDA Kohat, petitioner No.2 as Chief Pharmacist (BS-19) at Govt Naseerullah Khan Babar Memorial Hospital, Peshawar, and petitioner No. 3 as Chief Pharmacist (PS-19) at Services hospital, Peshawar, regarding which no such direction has ever been issued by this court, insofar as the matter regarding notification dated 29.01.2005 is concerned, the same has already been declared as void ab initio. The petitioners may challenge the notification vide which certain posting and transfers were made through separate petition before appropriate forum, if they so desired.

5. In this view of the matter, this petition is dismissed being not maintainable.

Announced
16.06.2020.
'M.Zafar PS'

CHIEF JUSTICE

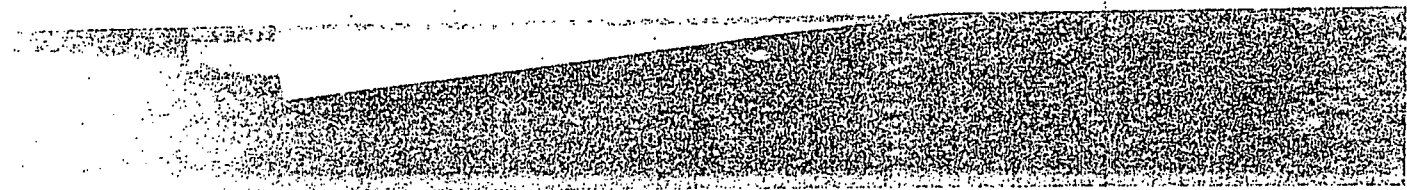
JUDGE

(DB: Hon'able Mr. Justice Waqar Ahmad Seth, H CJ & Hon'able Mr. Justice Muhammad Naeem Anwar)

32201

No. _____
Date of Presentation of Application 16/6/20
No of Pages _____
Copying fee _____
Date of Preparation of Copy 23/6/20
Date of Delivery of copy 23/6/20
Received by _____

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23 JUN 2020





GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT AND ADMN: DEPARTMENT

(CABINET WING)

No.SOC(E&AD)9-2/2018

Dated Peshawar the 1st October, 2018.

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Area II
10

To,

The Secretary to Govt. of Khyber Pakhtunkhwa,
Health Department

SUBJECT: DECISION OF MEETING OF THE PROVINCIAL CABINET DATED 27.09.2018.

Dear Sir,

I am directed to forward herewith the following decision of the meeting of Provincial Cabinet held on 27.09.2018 under the chairmanship of Chief Minister, Khyber Pakhtunkhwa for implementation.

**ITEM NO. 01
ESTABLISHMENT OF DIRECTORATE OF DRUG CONTROL & PHARMACY SERVICES, HEALTH DEPARTMENT**

Decision of the Cabinet:

Acting Secretary Health Department briefed the Cabinet about the salient features of the item. During the course of discussion the Hon'able Chief Minister referred to the observations made by Finance Department as well as Establishment Department as reflected in the summary on the subject.

The Secretary Finance, while supporting the proposal pointed out that the Establishment of Directorate of Drug Control only involves creation of one post, having no financial implications. Minister Health also spoke on the occasion. After detailed discussion, the Cabinet approved the item.

Implementing Department: Health Department

2. I am to request that an implementation report of the Cabinet decision as required under Rule 25 (2) of the Khyber Pakhtunkhwa Government Rules of Business, 1985 may kindly be furnished on top priority basis to the Cabinet Section, Administration Department.

Yours faithfully,

Imran Khan
SECTION OFFICER (CABINET)

GOVT. OF KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMIN. DEPARTMENT
(REGULATION WING)

Dated Peshawar, the 26th November, 2018

Amr 011

(10)

11

NOTIFICATION

No. 30 (OEM)/L&AD/2-19/2018 In exercise of the powers conferred by Article 139 of the Constitution of the Islamic Republic of Pakistan, the Government of Khyber Pakhtunkhwa is pleased to direct that in the Khyber Pakhtunkhwa Government Rules of 1985, the following further amendments shall be made, namely:

AMENDMENTS

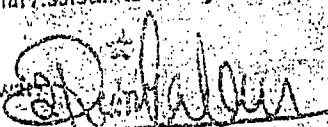
1. In Schedule-I, against serial No. 3, in Columns 3 and 4, the existing entries shall be renumbered as clause (a) and thereafter the following new entries shall be added, namely:

1.	2.	3.	4.
10	Health Department	(a) Directorate General Health Services. (b) Directorate General of Drugs Control and Pharmacy Services.	(a) Director General Health Services. (b) Director General, Drugs Control and Pharmacy Services.

CHIEF SECRETARY,
GOVT. OF KHYBER PAKHTUNKHWA

Endst: No. & Date Even

1. All Administrative Secretaries, Khyber Pakhtunkhwa.
2. Principal Secretary to Governor, Khyber Pakhtunkhwa.
3. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
4. All Heads of Attached Departments, Khyber Pakhtunkhwa.
5. Director Information, Khyber Pakhtunkhwa.
6. All Divisional Commissioners/Deputy Commissioners in Khyber Pakhtunkhwa.
7. Accountant General, Khyber Pakhtunkhwa.
8. Registrar Peshawar High Court, Peshawar.
9. Registrar Service Tribunal, Khyber Pakhtunkhwa, Peshawar.
10. Secretary Public Service Commission, Khyber Pakhtunkhwa, Peshawar.
11. All PSs to Provincial Ministers/Advisors/Special Assistants in Khyber Pakhtunkhwa.
12. PS to Chief Secretary, Khyber Pakhtunkhwa.
13. Controller, Government Printing Press Peshawar.


(Dr. Irum Shateen)
SECTION OFFICER (OEM)



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated Peshawar the 9th September 2017

NOTIFICATION:

No. SOH (III)/HD/10-9/2017/DCPS: Consequent to the recommendations of the SSRC and to improve the human resource management, the Chief Minister Khyber Pakhtunkhwa is pleased to approve the following arrangements for Pharmacists, Drug Inspectors, Chemists & Drug Analysts cadres of Health Department Khyber Pakhtunkhwa.

- 1) These cadres are declared dying cadres with the existing incumbents to continue under the existing service rules, seniority and promotion prospects which shall stand protected for each cadre within their own lines of hierarchy till last incumbent is in service.
- 2) For the new recruitment at the initial stage, since basic qualifications of the above mentioned cadres are the same, therefore all the three cadres are hereby merged into a single cadre for which rules shall be framed as per procedures.
- 3) All the three cadres are hereby declared as pool posts for posing/transfer only

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

OFFICE OF THE DG HEALTH SERVICES KHYBER PAKHTUNKHWA PESHAWAR

No. 19574-33/E-I

Dated Peshawar the 29/09/2017.

Copy of the above is forwarded to the:

1. All District Health Officers in Khyber Pakhtunkhwa.
2. All Medical Superintendents DHQ Hospitals in Khyber Pakhtunkhwa.
3. All Medical Superintendents Teaching Hospitals in Khyber Pakhtunkhwa.
4. All Hospital Directors M.T.I. in Khyber Pakhtunkhwa.
5. Senior Govt. Analyst Provincial Drug Testing Laboratory Phase-V, Hayatabad Peshawar.
6. Govt. Analyst Food Testing Laboratory Peshawar.
7. DHS FATA Peshawar.
8. Chief Drug Inspector DGHS, Khyber Pakhtunkhwa Peshawar

For information and necessary action.

No. 13696 Date 13/10/2017
Copy forwarded to
Sr. Drug Inspector OHG office
Mardan for information

DEPUTY DIRECTOR (HRM)
DGHS, KPK PESHAWAR

Principal Health Officer
Mardan

GOVERNMENT OF THE PUNJAB
PRIMARY & SECONDARY HEALTHCARE
DEPARTMENT

Dated Lahore, the 18th, February 2021

12

Ames V

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ORDER

No. SO/Pharmacy/Promotion/DDC/17-18/2021. In pursuance of this Department's Notification No. SO/Cent-112-1/2019 dated 03.02.2021 and upon their promotion to the rank of Deputy Drugs Controller / Secretary, District Quality Control Board (BS-18) the following officers are hereby transferred and posted against the posts mentioned against their names in order:-

Sr	Name & Father Name	Current place of posting	New place of posting, upon promotion
1	Mr. Ghayur Abbas s/o Muhammad Saqib	Pharmacist (BS-17), old Chol Drugs Controller, Punjab, Lahore.	As Deputy Drug Controller (BS-18), s/o Chief Drugs Controller, Punjab, Lahore vice Mr. Rabia Sultana, transferred.
2	Mr. Muhammad Jawad Bhatti s/o Dastgir Ahmad Bhatti	Pharmacist (BS-17), Jinnah Hospital, Lahore.	As Deputy Drugs Controller (BS-19), DHQ Hospital Okara city, against a vacant post.
3	Mr. Muhammad Shanzad Saleem s/o Muhammad Saleem Bhatti.	Pharmacist (BS-17), THQ Hospital, Shahpur, District, Sargodha.	As Deputy Drugs Controller (BS-18), DHQ Hospital, Khushab, against a vacant post.
4	Mr. Ijaz Ahmed s/o Ali Ahmad	Pharmacist (BS-17), Allied Hospital, Faisalabad.	As Deputy Drug Controller (BS-18), Tehsil Shorkot, District Jhang, against a vacant post.
5	Mrs. Roohi Fazal s/o Masir Fazal Hussain	Pharmacist (BS-17), Jinnah Hospital, Lahore.	As Deputy Drug Controller (BS-18) in Provincial Quality Control Board, Lahore, vice Mrs. Gulraiz Tahir, DDC (BS-18/QPS), transferred.
6	Mrs. Saba Nazir s/o Nazir Ahmad	Pharmacist (BS-17), Mayo Hospital, Lahore.	Her services are placed at the disposal of SHC&ME Department for further posting against a vacant post of DDC (BS-18).
7	Mrs. Mona Aslam s/o Muhammad Aslam	Pharmacist (BS-17), Mayo Hospital, Lahore.	Her services are placed at the disposal of SHC&ME Department for further posting against a vacant post of DDC (BS-18).
8	Mrs. Rubina Akhtar s/o Anwar Hussain Randhawa	Pharmacist (BS-17), Allied Hospital, Faisalabad.	As Secretary, District Quality Control Board (BS-18), Faisalabad vice Mrs. Sohresh Kurryza, transferred.
9	Mrs. Karwal Javed s/o Javed Iqbal	Pharmacist (BS-17), Mayo Hospital, Lahore.	Deputy Drugs Controller (BS-18) in District Headquarter Hospital, Kasur, vice Mr.

10	Mrs. Amine Qureshi d/o Ghulam Nabi	Pharmacist (BS-17) Children Hospital, Lahore	Her services are placed at the disposal of SHC&ME Department for further posting against a vacant post of DDC (BS-18).
11	Mrs. Muhammad Faris d/o Ghulam Rasool	Pharmacist (BS-17), Aziz Bilal Shahid Teaching Hospital, Gujranwala	Deputy Drug Controller (BS-18), Taseer Mallar Sargodha, District Gujranwala, against a vacant post.
12	Mrs. Sadia Arshad d/o Rana Asghar Ali Khan	Pharmacist (BS-17), Mayo Hospital, Lahore	Her services are placed at the disposal of SHC&ME Department for further posting against a vacant post of DDC (BS-18).
13	Mrs. Samina Ejaz d/o Jaz Fazal	Pharmacist (BS-17), Punjab Institute of Cardiology, Lahore	Her services are placed at the disposal of SHC&ME Department for further posting against a vacant post of DDC (BS-18).
14	Mr. Anjum Farooq d/o Maroof Hussain	Pharmacist (BS-17), Sheikh Zayed Hospital, Rahim Yar Khan	His services are placed at the disposal of SHC&ME Department for further posting against a vacant post of DDC (BS-18).
15	Mrs. Nida Saleem d/o Muhammad Saleem	Pharmacist (BS-17), Mayo Hospital, Lahore	Her services are placed at the disposal of SHC&ME Department for further posting against a vacant post of DDC (BS-18).
16	Mrs. Rabia Hamid Ullah Khan d/o Hamid Ullah Khan	Pharmacist (BS-17), Mayo Hospital, Lahore	Her services are placed at the disposal of SHC&ME Department for further posting against a vacant post of DDC (BS-18).
17	Mrs. Komal Khalid Khan d/o Dr. Khalid Saif Ullah Khan	Pharmacist (BS-17), Jinnah Hospital, Lahore	As Deputy Drugs Controller (BS-18) in Provincial Quality Control Board, Lahore vice Mr. Ali Iqbal, DDC (BS-18/CPS), transferred.
18	Mrs. Sadia Shakil d/o Shakil Ahmad	Pharmacist (BS-17), Jinnah Hospital, Lahore	Her services are placed at the disposal of SHC&ME Department for further posting against a vacant post of DDC (BS-18).
19	Mr. Muhammad Tasyar d/o Basim Ahmad	Punjab Institute of Mental Health, Lahore	His services are placed at the disposal of SHC&ME Department for further posting against a vacant post of DDC (BS-18).
20	Mr. Saleem Ali d/o Mirza Din	Deputy Drug Controller (BS-18/CPS), Anoop Tawil, Gujranwala	He is allowed to continue against the post of Deputy Drug Controller (BS-18), Anoop Tawil, Gujranwala already occupied by him.
21	Muhammad Farukh Saleem d/o M. Anwar Jaz	Pharmacist (BS-17), S.M.H. Sakarwalpur	His services are placed at the disposal of SHC&ME Department for further posting against a vacant post of DDC (BS-18).

35	Mr. Tomy Joseph	Secretary, District Quilty	in partial medication of this department's order No. 501 (Pharmacy) promotion
36	Mr. Sajid Ishaq	Deputy Drugs Controller (BS-1700FS), Tehsil Chanderpur, District R. Khan	in partial medication of this department's order No. 501 (Pharmacy) promotion DDC 2021 dated 09.02.2021 (SR No. 1), he is transferred and posted as Deputy Drugs Controller (BS-18), Tehsil Hattian, District Bahawalpur, against a vacant post with effect 09.02.2021.
37	Mr. Muhammad Shafiq	Pharmacist (BS-17), Services Hospital, Lahore	His services are placed at the disposal of SHCZME Department for further posting against a vacant post of DDC (BS-18).
38	Mr. Ahsan ul Ahsan	Deputy Drugs Controller Hospital, Lahore	His services are placed at the disposal of SHCZME Department for further posting against a vacant post of DDC (BS-18).
39	Mr. Nadeem Iqbal	Pharmacist (BS-17), Mayo Hospital, Lahore	His services are placed at the disposal of SHCZME Department for further posting against a vacant post of DDC (BS-18).
40	Mr. Zeeshan Akhtar	Deputy Drugs Controller (BS-17), District Hospital, District Chanderpur	As Deputy Drugs Controller (BS-17), District Hospital, District Chanderpur against a vacant post.
41	Mr. Ahsan Iqbal	Pharmacist (BS-17), DHO Hospital, District Faisalabad	His services are placed at the disposal of SHCZME Department for further posting against a vacant post of DDC (BS-18).
42	Mr. Ahsan Iqbal	Pharmacist (BS-17), Mayo Hospital, Lahore	As Deputy Drugs Controller (BS-17), District Hospital, District Chanderpur against a vacant post.
43	Mr. Ahsan Iqbal	Deputy Drugs Controller (BS-17), District Hospital, District Faisalabad	His services are placed at the disposal of SHCZME Department for further posting against a vacant post of DDC (BS-18).
44	Mr. Ahsan Iqbal	Deputy Drugs Controller (BS-17), District Hospital, District Faisalabad	His services are placed at the disposal of SHCZME Department for further posting against a vacant post of DDC (BS-18).
45	Mr. Ahsan Iqbal	Deputy Drugs Controller (BS-17), District Hospital, District Faisalabad	His services are placed at the disposal of SHCZME Department for further posting against a vacant post of DDC (BS-18).
46	Mr. Ahsan Iqbal	Deputy Drugs Controller (BS-17), District Hospital, District Faisalabad	His services are placed at the disposal of SHCZME Department for further posting against a vacant post of DDC (BS-18).
47	Mr. Ahsan Iqbal	Deputy Drugs Controller (BS-17), District Hospital, District Faisalabad	His services are placed at the disposal of SHCZME Department for further posting against a vacant post of DDC (BS-18).
48	Mr. Ahsan Iqbal	Deputy Drugs Controller (BS-17), District Hospital, District Faisalabad	His services are placed at the disposal of SHCZME Department for further posting against a vacant post of DDC (BS-18).
49	Mr. Ahsan Iqbal	Deputy Drugs Controller (BS-17), District Hospital, District Faisalabad	His services are placed at the disposal of SHCZME Department for further posting against a vacant post of DDC (BS-18).
50	Mr. Ahsan Iqbal	Deputy Drugs Controller (BS-17), District Hospital, District Faisalabad	His services are placed at the disposal of SHCZME Department for further posting against a vacant post of DDC (BS-18).

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17

Sl. No.	Name with actual designation	Current place of posting	New place of posting, upon recommendation
1	Mrs. Rabba (Sulama, Pharmacist) Drug Inspector (BS-17)	Deputy Drug Controller (BS-18/OPS), Old Chief Drugs Controller, Punjab, Lahore vice As Pharmacist (BS-17), old Chief Drugs Controller, Punjab, Lahore vice Mr. Ghayyan Abbas, transferred.	Her services are placed at the disposal of SHOAME Department for further posting.
2	Mrs. Gulnaz Tahir (Pharmacist / Drug Inspector (BS-17))	Deputy Drug Controller (BS-18/OPS) in Provincial Quality Control Board, Lahore	Her services are placed at the disposal of SHOAME Department for further posting.
3	Mrs. Zaki (Pharmacist) Drug Inspector (BS-17)	Deputy Drug Controller (BS-18/OPS), PCCB, Lahore.	Her services are placed at the disposal of SHOAME Department for further posting.
4	Mrs. Aiz ul Husain (Pharmacist) Drug Inspector (BS-17)	Secretary, District Quality Control Board (BS-18/OPS), M.B.O.M	Deputy Drugs Controller (BS- 18/OPS), QMC Hospital, Multanabad, agains's vacant.
5	Mrs. Aftab Arshad, (Pharmacist (BS-17))	Deputy Drugs Controller (BS-18/OPS) in Provincial Quality Control Board, Lahore.	Drug Inspector (BS-17), Tehsil Lajan, District Chiniot, vice Mr. Zeehan Haider Kazmi transferred.
6	Mrs. Moinunnisa Tahir (BS-17)	Deputy Drug Controller (BS-18), QMC Hospital, Kasur	He is directed to report back to his department i.e. PASH Department, for further orders.
7	Mrs. Maryam Razaque (Pharmacist) (BS-17)	Deputy Drug Controller (BS-18/OPS), QMC Hospital, Sheikhupura	Her services are placed at the disposal of SHOAME Department for further posting.
8	Mrs. Saadia Imtiaz, (Pharmacist (BS-17))	Secretary, District Quality Control Board (BS-18/OPS), M.B.O.M	Her services are placed at the disposal of SHOAME Department for further posting.

The following Pharmacist / Drug Inspectors (BS-17) / Deputy Drug Controllers (BS-18) are hereby transferred on administrative grounds and posted as under, with immediate effect:

Sl. No.	Name with actual designation	Current place of posting	New place of posting, upon recommendation
1	Mrs. Syed Ahmed Haseer Ghani (Said Sajid) Nurson Ghani	Deputy Drug Controller (BS- 18/OPS), Muzaffargarh, Punjab, Lahore vice Mr. Lahora	As Deputy Drug Controller / Deputy Director (Pharmacist), old Director General Health Services, Punjab, Lahore, vice Mr. Khalid Ali, transferred.
2	Mrs. Muhammad Awar Yousaf (Said) Chashmi	Pharmacist (BS-17), Aziz Bhatti Shauheed Teaching Hospital, Gujrat	This services are placed at the disposal of SHOAME Department for further posting against a vacant post of DDC (BS-19).

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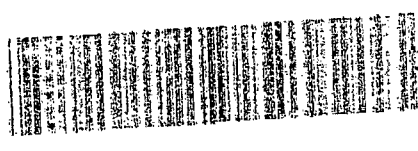
3/2/2021

18

	Mr. Mohsin Ali (Pharmacist/BS-17)	Deputy Drugs Controller (BS-18/OPS) aka Director General, Health Services, Punjab, Lahore.	At the disposal of SHC&ME Department for further equipment against a vacant post of Pharmacist (BS-17).
10.	Malik Muhammad Irfan Mustafa, Pharmacist (BS-17)	Pharmacist, THQ Hospital, Kharro Parca, District Lodhran	At the disposal of Director General Health Services, Punjab, Lahore for further equipment.

4. All the above named officers who have been promoted to BS-18 are hereby directed to join their new place of posting within fifteen (15) days of issuance of these orders, failing which it shall be presumed that they have refused to accept their promotion and on such refusal they shall stand superseded, as per Promotion Policy, 2010. The effect of such a supersession shall be for three years and they shall be considered for promotion after three years under the Policy itself.

SECRETARY
 PRIMARY & SECONDARY HEALTHCARE
 DEPARTMENT



ESR-217509

Number & Date Even

A copy is forwarded for information and necessary action to the:

1. Accountant General, Punjab, Lahore.
2. Secretary, SHC&ME Department.
3. Director General, Health Services, Punjab, Lahore.
4. Chief Drugs Controller, Punjab, Lahore.
5. Secretary, Provincial Quality Control Board, Lahore.
6. All Directors of DTLs in Punjab.
7. CEOs of the DHAs, concerned.
8. District Accounts Officers concerned.
9. Medical Superintendents of the Hospital concerned.
10. Section Officer (AMP-I), Specialized Healthcare & Medical Education Department.
11. Section Officer (Confidential-I), P&SHD.
12. PS to Secretary, P&SH Department.
13. PS to Special Secretary/Additional Secretary (Admin), P&SH Department.
14. PA to Deputy Secretary (General), P&SH Department.
15. Project Director (HISDU), P&SH Department.
16. Officer concerned.
17. Personal File

3
 17/02/21
 Muhammad Sajjad Haider
 SECTION OFFICER (PHARMACY)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 5187 /2021

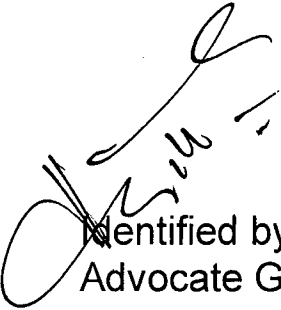
Mr. Gohar Ali, Drug Inspector (BS-17), District Swabi

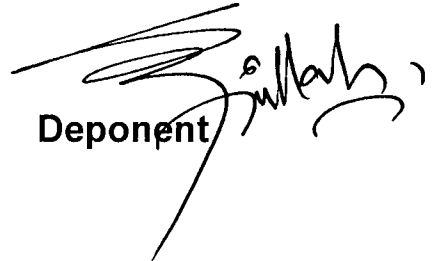
VERSUS

1. The Chief Secretary, Khyber Pakhtunkhwa, Peshawar
 2. The Secretary Health Department, Khyber Pakhtunkhwa, Peshawar
 3. The Director General Drug Control & Pharmacy Services, Khyber Pakhtunkhwa, Peshawar
- Respondent

AFFIDAVIT/ VERIFICATION

I Safiullah Focal Person Directorate General Drug Control & Pharmacy Services, Khyber Pakhtunkhwa, under the direction/ instruction of competent authority DG DC&PS, do hereby solemnly affirm that the contents of the signed para wise comments on behalf of respondents are true & correct to the best of my knowledge & belief & nothing has been deliberately concealed from this honorable court/ tribunal.


Identified by
Advocate General office
Additional Advocate General
Khyber Pakhtunkhwa
Service Tribunal Peshawar


Deponent

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. 5187/2021

GOHAR ALI

VERSUS

GOVT. OF KP & OTHERS

REJOINDER ON BEHALF OF THE APPELLANT IN
RESPONSE TO THE REPLY OF THE RESPONDENTS

R/SHEWETH:

Preliminary Objections from 1 to 9:

All the preliminary objections raised by the respondents are incorrect, baseless and not in accordance with law & Rules rather the respondents are stopped due to their own conduct to raise any objection at this stage of the appeal.

ON FACTS:

- 1- Incorrect and not replied accordingly. That the appellant is a competent and committed employee of the respondent Department. That right from appointment till date he is serving the respondent Department quite efficiently and up to the entire satisfaction of his superiors. So for the allegation of poor performance and unwilling worker is concern in this regard the appellant did not received any show cause notice nor explanation from the competent authority the appellant committed any illegality or irregularity during his entire service.
- 2- Incorrect and not replied accordingly. In fact the impugned transfer Notification dated 6.10.2020 was issued by the respondents in light of the merger Notification dated 8.9.2017 which was declared by the august Peshawar High Court as Void ab anitio/illegal from the very beginning through judgment dated 11.3.2020, therefore in light of the ibid scenario the impugned transfer Notification dated 6.10.2020 is having no legal force. Copies of the Notification dated 8.9.2017 and Judgment of the PHC are attached as annexure
..... **R and R1.**
- 3- Incorrect and not replied accordingly. That section-10 of the Civil servant Act, 1973 has been further regulated by the Transfer/posting policy of the Provincial Government where in clause it has been specifically elaborated that **"all the**

posting/transfers shall be strictly in the public interest and shall not be abused/misused to victimize the Government Servants” as per clause XIII “ considering posting/transfer proposals all the concern authorities shall keep in mind the following **(a) to ensure the posting of proper persons on proper posts the PER’s/ACR’s, past and present record of service performance on post held presently and in the past and general reputation with focus on the integrity of the concerned officers/officials be considered**”, therefore in light of the ibid clauses of the transfer/posting policy the impugned Notification dated 6.10.2020 is not tenable and liable to be set aside. Copies of the record are attached as annexure **R2.**

4- That on the similar question of law an appeal No. 8490/2020 titled “Mst. Nighat Sultan vs Govt. of KP” vide judgment dated 27-07-2021 has already been allowed. Copy of the judgment dated 27-07-2021 is attached as annexure**R3.**

5- Incorrect and not replied accordingly hence denied.

6- Incorrect and not replied accordingly hence denied.

ON GROUNDS:

From A to H:

All the grounds of main appeal of the appellant are correct and in accordance with law and rules and that of the respondents are incorrect and baseless and having no force of law. That the appellant is serving the respondent Department quite efficiently and up to the entire satisfaction of his superiors. Moreover the transfer/posting Notification issued by the respondents in pursuance of the annulled Notification dated 8.9.2017 is not in accordance with law and rules, therefore the same is not tenable and liable to be set aside. That the impugned Notification dated 6.10.2020 is issued by the respondents on malafide and arbitrary basis therefore the same is not tenable and liable to be set aside. That the said Notification is also violative of clauses I and XIII of the transfer/posting policy of the provincial Government.

It is therefore most humbly prayed that on acceptance of this rejoinder the appeal of the appellant may please be accepted as prayed for.

APPELLANT

GOHAR ALI



THROUGH:

**NOOR MOHAMMAD KHATTAK
ADVOCATE**





GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated Peshawar the 8th September, 2017

NOTIFICATION:

No: SOH (III)/HD/10-4/2017/DCPS: Consequent to the recommendations of the SSRC and to improve the human resource management, the Chief Minister Khyber Pakhtunkhwa is pleased to approve the following arrangements for Pharmacists, Drug Inspectors, Chemists & Drug Analysts cadres of Health Department Khyber Pakhtunkhwa.

- 1) These cadres are declared dying cadres with the existing incumbents to continue under the existing service rules, seniority and promotion prospects which shall stand protected for each cadre within their own lines of hierarchy till last incumbent is in service.
- 2) For the new recruitment at the initial stage, since basic qualifications of the above mentioned cadres are the same, therefore all the three cadres are hereby merged into a single cadre for which rules shall be framed as per procedures.
- 3) All the three cadres are hereby declared as pool posts for posting/transfer only.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Endst. of ovon number & date:

Copy forwarded for information to:

1. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
2. PSO to Chief Secretary, Khyber Pakhtunkhwa.
3. Secretary Public Service Commission, Khyber Pakhtunkhwa.
4. Manager Govt. Printing Press, Khyber Pakhtunkhwa with the request to publish in the official Gazette.
5. Director General Health Services, Khyber Pakhtunkhwa.
6. All DHOs in Khyber Pakhtunkhwa
7. Incharge MMC, DGHS, Khyber Pakhtunkhwa, Peshawar.
8. PS to Secretary Establishment, Khyber Pakhtunkhwa.
9. PS to Secretary Law, Khyber Pakhtunkhwa.
10. PS to Secretary Health, Khyber Pakhtunkhwa.
11. PA to Deputy Secretary (Drugs), Health Department

SECTION OFFICER (E-III)

BEFORE THE HON'BLE PESHAWAR HIGH COURT PESHAWAR



Writ Petition No. _____ -P/ 2017
(Against merging of cadres)

ANNEXURE R/1

1. S. M. Assad Halimi S/O Syed Tanzeemul Haq Halimi.
 2. Rehmat Gul S/O Sher Ahmad.
 3. Akbar Jan S/O Muzafar.
 4. Dil Naweaz S/O Sarfaraz Khan.
 5. S. Wilayat Shah S/O S. Kiramat Shah.
 6. Muhammad Yunus Khattak S/O Fakhr-uz- Zaman.
 7. Muhammad Tayyab Abbas S/O Faqir Muhammad.
 8. Aurangzeb Khan S/O Sher Bahadar.
 9. Imran Ullah Khan S/O Hakim Shah.
 10. Mehtab Afsar S/O Khan Afsar.
 11. Abdul Hafeez S/O Waliullah.
 12. Zakir Shah S/O Haji Husain Muhammad.
 13. Nazir Ahmad S/O Fazal Ghani.
 14. Toseef Muhammad S/O Pir Muhammad.
 15. Aminul Haq S/O Abdul Haq.
 16. Zial Ul Haq S/O Abdul Hai.
 17. Ibrar Khan S/O Dil Nawaz.
 18. Muhammad Zeeshan S/O Muhammad Aslam.
 19. Ziaullah S/O Zamin Gul.
 20. Ameer Zeb S/O Jehanzeb.
 21. S.Aqib Ali S/O S. Shujaat Hussain Shah.
 22. Gohar Ali S/O Musafar Khan.
 23. Saif Ullah S/O Sahib Zada Gran.
 24. Imran Khan Barki S/O Haibat Khan Barki.
 25. Haider Ali S/O Akhtar Ali.
 - ~~26.~~ Waheed Murad S/O Shan Ul Mulk.
 27. Muhammad Irfan Wazir S/O Matiullah.
 28. Naeem Khan S/O Nisar Khan.
 29. Tariq Ali S/O Muhammad.
 30. Shehzada Mustafa Anwar S/O Mukamil Shah
- All are Drug Inspectors Health Department, KPK.

..... Petitioners

VERSUS

1. Chief Secretary to the Government of Khyber Pakhtunkhwa
Civil Secretariat, Peshawar
2. Chairman,
Khyber Pakhtunkhwa, Public Service Commission
Peshawar.

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3. Secretary to Government of Khyber Pakhtunkhwa,
Health Department, Civil Secretariat, Peshawar. (2)
4. Secretary to Govt. of Khyber Pakhtunkhwa,
Establishment Department, Civil Secretariat, Peshawar.
5. Secretary to Government of Khyber Pakhtunkhwa,
Finance Department, Civil Secretariat, Peshawar.
6. Principal Secretary to Chief Minister,
Khyber Pakhtunkhwa, Chief Minister House, Peshawar.
7. Secretary to Govt. of Khyber Pakhtunkhwa,
Law Department, Civil Secretariat, Peshawar.
8. Director General,
Health Department, Civil Secretariat, Khyber Road, Peshawar.

..... Respondents.

WRIT PETITION UNDER ARTICLE-199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN,
1973 AGAINST THE NOTIFICATION NO.SOH-(III)/HD/10-
4/2017DCPS DATED 8.9.2017 THEREBY MERGING
THREE CADRES OF DRUG INSPECTORS, PHAMACISTS
AND DRUG ANALYST OF HEALTH DEPARTMENT.

Respectfully Shweth:-

- 1) That the petitioners have been inducted in service of the Health Department through Khyber Pakhtunkhwa Public Service Commission as Drug Inspectors (B-17) on the dates noted against each.
- 2) That four amongst the petitioners were firstly promoted ^{posts} of Senior Drug Inspectors (B-18); and then to the posts of Chief Drug Inspectors (B-19); on the dates given against their names, whereas three amongst them were promoted to the ranks of Senior Drug Inspectors (B-18) on the mentioned dates in annexure "A" against their names and still in B-18 and 24 petitioners are in B-17.
- 3) That in the health department of Khyber Pakhtunkhwa, the Drug Inspectors, Pharmacists and Chemists and Drug Analysts are working in separate cadres having the same basic qualifications (Bachelor in Pharmacy) with different job descriptions as well as expertise in accordance to their respective fields and duties for initial recruitment. The

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employees of one cadre does not possess the requisite experience required for the other cadre. The cadre wise details of Post were given in Table No. 1. ③

- 4) That the provincial government under the agenda to improve the human resources management and to minimizing the transfer and posting problems faced by the Health department in other sub-cadres having minimum choice, proposed the merging of three cadres of Drug Inspectors, Pharmacists and Chemists and Drug Analysts; and for this purpose, constituted a six members - " **Standing Service Rules Committee**" (hereinafter to be called as "SSRC"), comprising of one of the stake-holder (In-charge Drug Testing Laboratory namely Mr. Abid Hayat) from the merging Cadre (Pharmacists). The SSRC committee composition is clear from the minutes of the meeting held on 26.12.2016.
- 5) That the Health department proposed to combine the three cadres into one as per structure given in para (ii) of the minutes of meeting held 26.12.2016 under the Chairmanship of Secretary Health (Muhammad Abid Majeed); and SSRC inter-alia raised certain observations in para (iii) to (v), which were as under:-
- iii) *It is important to note that there are employees in these cadres who have stakes in the respective cadres as far as their career progression is concerned in terms of their length of services, seniority etc. Therefore, unification of cadre in Toto will affect the seniority of employees. To resolve this, these cadres may be declared as dying cadres with protection to initial structure till the last employee of each cadre passes out.*
- iv) *The Health Department may administratively take approval of the competent authority for declaring the three cadres post as pool post for the purpose of posting/transfer.*
- v) *Health Department may also obtain views/concurrence of Khyber Pakhtunkhwa Public Service Commission in accordance with the laid down rules/policy.*
- vi) *The Administrative department may also obtain views of Finance Department preferably through a summary en-route to competent authority.*
- 6) That the Cadres wise strength of the posts in the Pharmacists Cadre is 24 have 4 posts in B-20, 4 posts in B-19, 4 posts in B-18 and 12 posts in B-17, while the Analysts of Drug Testing Laboratory have total 7 cadre posts amongst which in B-20 one, B-19 one, B-18 two and only three in B-17.

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7)

That the comparative position of posts gradation in these three cadres are summed up as under:-

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Table-1

S #	Name of cadre	B-20	B-19	B-18	B-17	Total
1.	Drug Analysts in Drug Testing Laboratory	1	1	2	3	7
2.	Pharmacists.	4	4	4	12	24
3.	Drug Inspectors.	-	8	8	22	31

As may be perused from the above comparative position of posts hierarchy, the cadre of the petitioners i.e. Drug Inspectors have been subjected to step motherly attitude in that in the ratio of posts on the basis of total strength three cadres are entitled for the posts in different grades as under:-

Table-2

S #	Name of cadre	B-20	B-19	B-18	B-17	Total
1.	Drug Analysts in Drug Testing Laboratory	1	1	2	3	7
2.	Pharmacists.	4	4	4	12	24
3.	Drug Inspectors.	6	8	8	22	44

8)

That the Respondents without removing the observations raised by the SSRC and observing codal formalities issued the impugned Notification No. SOH(III)HD/10-4/2017/DCPS dated: 08.09.2017 of merger of three cadres. The petitioners having no other efficacious remedy to get redressal of their grievance, comes to this Hon'ble Court under its constitutional jurisdiction to impugn the acts of respondents on the following grounds amongst others:-

GROUND S

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- A. That the impugned notification is based on the minutes of SSRC which is a Coram non judice in cases of merger of service cadres, therefore the proceedings and recommendations of the SSRC have no binding force and can be made basis for the merger of cadres.
- B. That the proper Coram for the impugned issue is the Provincial Cabinet which would consider the case after proper examination of the matter by the Health Department, Establishment Department, Finance Department and Law Department at secretariat level in

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consultation with the Director General Health Services and without taking into confidence the actual stakeholders of the merging cadres was an exercise without jurisdiction and against the principles of justice.

- C. That no new name/nomenclature has been proposed for the merged cadres. If at all the three cadres so merged will be the dying cadres, than what would be the name of the cadre remained alive after the funeral ceremony of the dying cadres? It is a big sign of interrogation which has not been answered in the impugned notification or by the so called SSRC.
- D. That the job description of the three cadres are quite distinct from each other despite the fact that the basic qualification is the same, but experience and field of functioning are distinct according to their specific field, experience in a specific filed and specific training. No other justification except sameness of basic qualification has been given; Basic qualification of lecturers, PCS/PMS officers/ and many other posts are Master degree but their functions and job descriptions are quite different from each other which cannot justify for merger. Similar is the case of instant three cadres which have been merged together.
- E. That all the three cadres of Drug Inspectors, Pharmacists and Drug Analysts have their distinct job descriptions and specialized task with specific experience, therefore, the merger of the three cadres is void ab intio, not practically possible and implementable. Therefore, the recommendations of SSRC and the impugned Notification are against the principles of merger regarding different cadres.
- F. That all the above three cadres have their separate notified rules (Annexure-B) and hierarchal ladders for upward elevation and most of them have selected their respective cadres opting for distinct life/service career of their choice according to their aptitude, inclination and family circumstances and by merging of cadres into one will open way for posting/transfer horizontally which will adversely affect their entire life edifice built for their household/children career, for example, the Drug Analyst would have selected this career due to being a local post without botheration of posting/transfer from one station to others and as such shifting of residences, educational institutions of children and so on which must naturally inflict a negative impact on his planned and dreamed life style for himself and his family members. He would have missed many good chances of higher position outside the locality of his choice whereas under para-3 of the

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impugned notification, he would be subjected to be posted outside even to a far flung area which will be detrimental to his life career and futuristic plan of his children up-liftment. Thus a clear violation of Article 2A, 9, 38 of the Constitution.

- G. That in the impugned notification, the merger has been made in a very unfamiliar, naval and somewhat illegal way in that in merger of two or three cadres, no cadre so integrated is declared as dying cadre as the cadres so integrated are always restructured with a new name with settled hierarchical ladder and the incumbents of the posts in the cadres so merged are placed in common/joint seniority list with reference to their respective dates of appointment/promotion to the posts in their previous cadres.
- H. That the approving authority of merger/integration of certain service cadres or disintegration of a cadre into different sub-cadres is the CABINET not the SSRC. The Standing Service Rules Committee (SSRC) is only meant for framing of recruitment rules for posts to the prescribe qualifications, experience, age limit and method of appointment only in terms of rule 3(2) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Posting and Transfer) Rules, 1989 (Annexure-C).
- I. The SSRC is too lower forum particularly in the instant case, which was also not properly constituted (Annexure-D). The Finance Department have a very important role, and Finance Department was represented by a Superintendent who is not competent to participate in SSRC as a member. Similarly the Establishment Department has also been represented by a Section Officer (B-17) and no representation from the Law Department (as required under the Rule 5 & 12 of the Government Rules of Business 1972 & 1985). The Administrative Department has been represented by Deputy Secretary (Drugs) who is a Pharmacist and Mr. Abid Hayat who is also a pharmacist. Both these officers are the stakeholders being members of one cadre amongst the three merging cadres. Their participation in SSRC is highly objectionable in absence of the members of other two other cadres. Besides this whole process has been carried out for adjustment of some favorites against some lucrative posts.

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J.

That the respondent failed to get concurrence of Khyber Pakhtunkhwa Public Service Commission. It appears that either concurrence of the Public Service Commission has not been obtained in the matter as proposed by the so called SSRC in clause-V of its minutes; or that

(10) (7)

commission, if concurred; the Commission has also not examined/scrutinized the case in the clearest perspective. It appears that the entire episode was two men play and used their personal influence, and therefore the matter has not been scrutinized and perused not according to the laid down norms/procedural formalities required for such like cases, thus all recommendation and orders, notifications made were colorful exercise of jurisdiction not so vested.

- K. That prior to merger of the three cadres into one; the Administrative Department had not work out modalities with regard to issue of seniority of different employees, nor has assigned any Nomenclature to the new cadre nor been proposed. The last employee in the cadre of Drug Inspector will be retired in 2049, and till then the new merger policy shall not affect their applicable service rules as per recommendations and impugned notification, which made redundant the application of policy in near future except the transfer and posting of the employee intra cadre, thus the new merger policy will not be fruitful as proposed by the respondent/health department, but disturb the already applicable rules and seniority, and affect the performance of the employees only.
- L. That the respondents with mala fide intentions, ignored the observations and summary was moved without rectification of these observations. The summary was again turned down with the same observations (Annexure E") but it was got approved from the Authority without fulfilling all the stipulated conditions for merging of cadres.
- M. That the summary submitted enrooted gone through the Finance Department as required under sub para-VI of the minutes whereon that Department had furnished their no objection as there are no financial implications involved in the matter, therefore that Department has no role to play. This gesture of the Finance Department is absolutely wrong in that the posts of Assistant Drug Controller (B-17), Deputy Drug Controller (B-18), Additional Drug Controller (B-19) and Drug controller (B-20) are non-existed and these posts as proposed in the minutes of the SSRC in column-2 of the table wherein the posts of the three cadres have been tagged will require creation and these will have huge financial implications. As such that Department stopped by their own conduct.
- N. That the petitioner may kindly be allowed to raised any other ground during the course of arguments in circumstances of the case.

ATTESTED
EXAMINER
Peshawar High Court

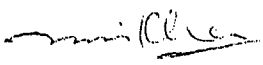
(11) (3)

In view of the aforesaid submissions, it is humbly prayed that an appropriate writ may kindly be issued in favour of the petitioners in the following terms:-

- i. Declare that the impugned notification No. SOH(III)/HD/10-4/2017/DCPS is void ab initio, therefore the respondents may kindly be directed to withdraw the impugned notification as well as the posting/transfers orders made in pursuant to the impugned notification may kindly be withdrawn;
- ii. To reconsider the matter in light of the logic, rationale and requirements of the rules/relevant law in the matter.
- iii. The proportionate ratio of higher posts of B-18, B-19 and B-20 in the Drug Inspector cadre may be equated to that of Drug Analysts and Pharmacists cadres as indicated in para-5 (table-2) above of the petition.
- iv. Direction be issued to respondents that in case the merger is required to be carried out, it be done in a rationale manner as per the prevailing procedure and renamed the so merged cadre with a new name and joint seniority of the employees of the so merged cadres be caused with reference to their respective dates of appointment or promotion to a particular post /grade. No cadre so merged should be dying cadre as this method is not applicable in the instant case.
- v. Grant any other relief which is deemed appropriate by this Hon'ble Court in the circumstances of the case.

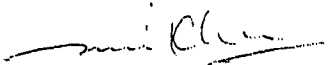
Interim Relief:-

The Notification No. SOH(III)/HD/10-4/2017/DCPS dated: 08.09.2017 regarding the merger of the cadres may kindly be suspended till the decision of the instant writ petition.

Petitioner's
Through 
Counsel(s)

List of Books:-

- i. Constitution of Pakistan, 1973
- ii. Government Rules of Business, 1972 & 1985
- iii. Any other book according to need.


Counsel

NOTE:-

- i. That no other writ petition is filed on the subject matter by the petitioners in this Hon'ble Court.

ATTESTED
EXAMINER
Peshawar High Court 
Counsel

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JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
(JUDICIAL DEPARTMENT)

WP No. 4378-PI/2017

S.M. Assad Halimi and others

Vs

Chief Secretary to Govt. of KP and others



JUDGMENT.

Date of hearing: 11.03.2020

Petitioner (s): G. M/s Abdul Latif Afridi - Advocates & Counsel
1-Chair Peshawar

Respondent (s): G. Mr. F. H. Di Khan D.D.

WAQAR AHMAD SETH, CJ:- Petitioners,

through the instant Writ Petition, seeks issuance of an

appropriate writ with the following prayer:-

"In view of the aforesaid submissions, it is humbly prayed that an appropriate writ may kindly be issued in favour of the petitioners in the following terms:-

- i. Declare that the impugned notification No. SOH(III)/HD/10-4/2017/DCPS is void ab initio, therefore the respondents may kindly be directed to withdraw the impugned notification as well as the posting/transfers orders made in pursuant to the impugned notification may kindly be withdrawn.
- ii. To reconsider the matter in light of the logic, rationale and requirements of the rules/relevant law in the matter.
- iii. The proportionate ratio of higher posts of B-18, B-19 and B-20 in the Drug Inspector cadre may be

ATTESTED

EXAMINER
Peshawar High Court

equated to that of Drug Analysts and Pharmacists cadres as indicated in para-5 (table-2) above of the petitioner.

- iv. *Direction be issued to respondents that in case the merger is required to be carried out, it be done in a rationale manner as per the prevailing procedure and renamed the so merged cadre with a new name and joint seniority of the employees of the so merged cadres be caused with reference to their respective dates of appointment or promotion to a particular post/grade. No cadre so merged should be dying cadre as this method is not applicable in the instant case.*
- v. *Grant any other relief which is deemed appropriate by this Hon'ble Court in the circumstances of the case".*

2. Brief facts of the case are that the petitioners have been inducted in service of the Health Department through Khyber Pakhtunkhwa Public Service Commission as Drug Inspectors (BPS-17). According to the petitioners, Drug Inspectors, Pharmacists and Chemists and Drug Analysts are working in the Health Department Government of Khyber Pakhtunkhwa in separate cadres having same basic qualifications but with different job descriptions. The Provincial Government under the Agenda to improve the human resources management and to

ATTESTED

EXAMINER
Peshawar High Court

minimizing the transfer and posting problems face by the Health Department in other sub-cadres having minimum choice, proposed the merging of three cadres of Drug Inspectors, Pharmacists and Chemists and Drug Analysts and for this purpose, a meeting of "Standing Service Rules Committee" was held on 26.12.2016 wherein it was proposed to combine the three cadres into one as per structure given in para-ii of the minutes of the meeting and as such, the respondents have issued the impugned Notification No. SOH(III)/HD/10-4/2017/DCPS dated 08.09.2017, which reads as under:-

"Consequent to the recommendations of the SSRC and to improve the human resource management, the Chief Minister Khyber Pakhtunkhwa is pleased to approve the following arrangements for Pharmacists, Drug Inspectors, Chemists & Drug Analysts cadres of Health Department Khyber Pakhtunkhwa.

- 1) *These cadres are declared dying cadres with the existing incumbents to continue under the existing service rules, seniority and promotion prospects which shall stand protected for each cadre within their own lines of hierarchy till last incumbent is in service.*
- 2) *For the new recruitment at the initial stage, since basic qualifications of the above mentioned cadres are the same, therefore, all the three cadres are*

ATTESTED

EXAMINER
Peshawar High Court

hereby merged into a single cadre for which rules shall be framed as per procedures.

3) *All the three cadres are hereby declared as pool posts for posting/transfer only".*

3. Aggrieved from the aforesaid Notification, the petitioners have filed the instant Writ Petition.

4. Respondents have furnished their comments and opposed the writ of petitioners.

5. Arguments heard and record perused.

6. Admittedly, the impugned notification of merger of three cadres of Drug Inspectors, Pharmacists and Chemists and Drug Analysts have been issued on the recommendation of Standing Service Rules Committee ("SSRC") but while perusing minutes of the Committee, so constituted, the persons, who had attended the meeting, are not in accordance with the Notification No. SOR.VI(E&AD)2-69/2003 dated 29th January, 2005 produced by the learned counsel for the petitioners during the course of hearing, placed on file; vide which, the Committee would comprising of Administrative Secretary concerned (Chairman),

ATTESTED

EXAMINER
Peshawar High Court

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Additional Secretary (Regulation) E&A Department,
 Additional Secretary (Regulation) Finance Department,
 Additional Secretary Law Department, Head of the
 attached Department concerned and Deputy Secretary
 (Admn) of the Department concerned (Members); so,
 keeping in view the above fact, the impugned
 notification issued by the respondents is illegal, void ab-
 initio and the same, is, thus, liable to be set aside.

7. In view of the above, the Writ Petition is
 allowed and the impugned Notification No.
 SOH(III)/HD/10-4/2017/DCPS dated 08.09.2017, is set
 aside.

ANNOUNCED.
 Dated: 11.03.2020

Chief Justice

Judge

No. 14364
 Date of Presentation of Application 27/10/2020
 No of Pages 127
 Copying fee 50
 Total 50
 Date of Preparation of Copy 27/10/2020
 Date of Delivery of Copy 27/10/2020
 Received By [Signature]

CERTIFIED TO BE TRUE COPY

EXAMINER
 Peshawar High Court, Peshawar
 Authorised Under Article 87 of
 the Constitution of Pakistan

27 OCT 2020

Read para-30 of this judgment of SHC
CPA attached on this judgment. (17)

IN THE HIGH COURT OF SINDH AT KARACHI.

CP D-No. 2206 /2013

Presented on

1-5-2013

Deputy Registrar (Writ)

Zakir Hussain S/o Muhammad Hashim Samoo
R/o A-16, Al-Mustafa Phase-II, Qasimabad,
Hyderabad.....Petitioner

VERSUS

1. Province of Sindh
through Chief Secretary Sindh
at Karachi,
2. Secretary Health,
Government of Sindh,
at Karachi
3. Mrs. Sahar Afshan,
Divisional Drug Inspector, presently posted
at Hyderabad. Respondents

**CONSTITUTION PETITION UNDER ARTICLE 199
OF THE CONSTITUTION OF ISLAMIC REPUBLIC
OF PAKISTAN 1973**

That petitioner above named respectfully submits as under:-

1. That the petitioner is law abiding citizen of Pakistan.
2. That the petitioner is a Drug Inspector and is working as District Drug Inspector at District Tando Allahyar.

*Copy of the Notification dated 23/7/2013
is enclosed herewith and marked as
annexure A.*

That prior to the notification dated 23-07-2013 the petitioner was posted at Provisional Drug Inspector at District Hyderabad, vide Notification dated 7/12/2012.

*Copy of the Notification dated 07/12/2012 is
enclosed herewith and marked as annexure B.*

That the respondent No.3 was initially appointed as Pharmacists in BPS-17 as the post of Pharmacists was upgraded/re-designated to post of Senior Pharmacists in BPS-18 vide notification dated 24/2/2011, as



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(18)

such the respondent No.3 was promoted to the post of BS-18 Senior Pharmacists.

Copy of notification dated 24/2/2011 is attached herewith and marked as annexure C

5. That the respondent No.2 vide notification dated 24/1/1984 specified criteria for method of appointment/qualification/age and other conditions for the post of Drug Inspector and Junior Pharmacists and other course in the Health Department.

Copy of notification dated 24/1/1984 is enclosed herewith and marked as annexure-D

6. That the Health department issued/communicated letter to the Medical Superintendents wherein specified the job description of Pharmacists working in the Civil Hospitals and other major Hospitals in Sindh, whereby the Pharmacists were assigned their job descriptions.

Copy of Job description of Pharmacists are attached and marked as annexure-E

7. That on 15-03-2013 the respondent No.2 in utter disregard of the judgment of the Honourable Supreme Court issued Notification bearing No.NO SOCI(H)S-32/2007, whereby the respondent No.3 was/is absorbed/inducted as Drug Inspector BS-18 with immediate effect, which is not only against the judgment of the Honourable Supreme Court of Pakistan but also is against the fundamental rights guaranteed by Constitution.

Copy of the notification dated 15/3/2013 is attached herewith and marked as annexure-F

Hence this petition with the following prayers:

P R A Y E R:

It is therefore prayed that this Honourable Court may be pleased to:

- a). Declare that the notification dated 15-03-2013 is illegal, void ab initio and has no legal force.

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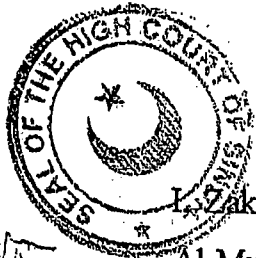
- b). Direct the respondent No.1 and 2 to withdraw the notification dated 15-03-2013 whereby the respondent No.3 was/is absorbed/inducted as Drug Inspector BS-18.
- c). Declare that the holding of office by respondent No.3 as Drug Inspector is without legal justification and is against the provisions of law and the fundamental rights guaranteed by the Constitution.
- d). Suspend the operation of notification dated 15-03-2013 whereby the respondent No.3 has been absorbed/inducted as Drug Inspector till the final disposal of the instant petition.
- e). Any other relief this Honourable Court may deem fit and proper in the circumstances of the case.

Karachi
Dated 31-07-2013

[Signature]
Petitioner

[Signature]

ADVOCATE FOR THE PETITIONER



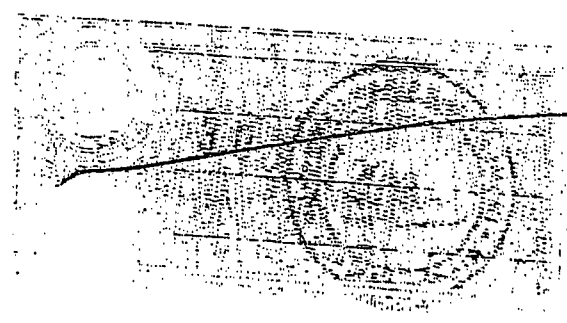
VERIFICATION

I, Zakir Hussain S/o Muhammad Hashim Samoo Muslim, adult R/o A-16, Al-Mustafa Phase-II, Qasimabad, Hyderabad, do hereby state on oath that whatever stated above is true and correct to the best of my knowledge and belief.

[Signature]

ASSISTANT REGISTRAR-IV
AFFIDAVIT & IDENTITY BRANCH
HIGH COURT OF SINDH

[Signature]
DEPONENT



To be attached with Affidavit as last Page

7 (20)

IN THE HIGH COURT OF SINDH AT KARACHI

Const. P. No: D- of 2013

Zakir Hussain	-----	PETITIONER
	VERSUS	
Pro. of Sindh & ors	-----	RESPONDENT

AFFIDAVIT IN SUPPORT OF VERIFICATION OF PETITION

Mr. Zakir Hussain Son of Muhammad Hashim Samoo, resident of House No.A-16 Al Mustafa Phase II Qasimabad Hyderabad., affirmed on oath before me at Karachi on this 31-JUL-2013 in the 'Identity Section' of this court.

Photograph of Deponent



Signature of Deponent

Zakir Hussain

CNIC: 41306-7067092-9

Cell No. 0300-3028075



Sh

ASSISTANT REGISTRAR-IV
AFFIDAVIT & IDENTITY BRANCH
HIGH COURT OF SINDH

COMMISSIONER FOR TAKING AFFIDAVIT

Tag ID: 31071339475

No. of Affidavit : 1/4

Cost received : Rs. 30

Printed on: 31-JUL-2013 at 12:13 pm

Original CNIC verified by Bar Code Reader

Photo taken at I.S.

Biometric Attendance done at I.S.

Video recording done at I.S.

CNIC verified through NADRA

Finger Prints verified through NADRA



Electronic Finger Print taken at I.S.

21

IN THE HIGH COURT OF SINDH AT KARACHI.

CP No.D- 3206 /2013

Zakir HussainPetitioner

VERSUS

Province of Sindh & othersRespondents

AFFIDAVIT

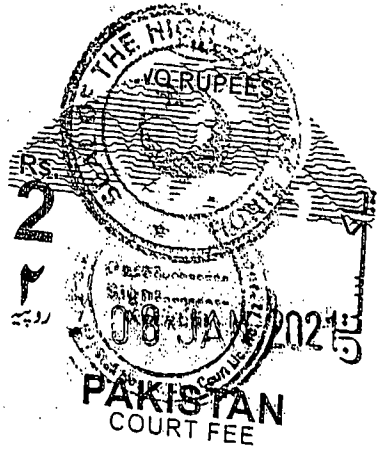
I, Zakir Hussain S/o Muhammad Hashim Samoo Muslim, adult R/o A-16, Al-Mustafa Phase-II, Qasimabad, Hyderabad, do hereby state on oath do hereby state on oath as under;

1. That I am deponent of this affidavit hence fully conversant with the facts of the case.
2. That accompanying petition has been drafted and filed under my specific instruction the contents thereof have been read over to me which are true and correct and the same may be treated as part and parcel of this affidavit for the sake of brevity.
3. That unless the accompanying petition is granted I shall seriously prejudiced and shall suffer irreparable loss.
4. That whatever stated above is true and correct to the best of my knowledge and belief.

Karachi
Dated 31/07/2013

[Signature]
DEPONENT
[Signature]
ADVOCATE

[Signature]
ASSISTANT REGISTRAR-IV
AFFIDAVIT & IDENTITY BRANCH
HIGH COURT OF SINDH



To be attached with Affidavit as last Page

22

IN THE HIGH COURT OF SINDH AT KARACHI

Const. P. No: D- of 2013

Zakir Hussain ----- PETITIONER

VERSUS

Pro. of Sindh & ors ----- RESPONDENT

AFFIDAVIT IN SUPPORT OF AFFIDAVIT IN SUPPORT OF PETITION

Mr. Zakir Hussain Son of Muhammad Hashim Samoo, resident of House No.A-16 Al Mustafa Phase II Qasimabad Hyderabad., affirmed on oath before me at Karachi on this 31-JUL-2013 in the 'Identity Section' of this court.

Photograph of Deponer



Signature of Deponer

Zakir Hussain

CNIC: 41306-7067092-

Cell No. 0300-3028075



[Signature]
ASSISTANT REGISTRAR-IV
AFFIDAVIT & IDENTITY BRANCH
HIGH COURT OF SINDH

Original CNIC verified by Bar Code Reader

Photo taken at I.S.

Biometric Attendance done at I.S.

Video recording done at I.S.

CNIC verified through NADRA

Finger Prints verified through NADRA



Electronic Finger Print taken at I.S.

COMMISSIONER FOR TAKING AFFIDAVIT

Tag ID: 31071339475

No. of Affidavit : 2/4

Cost received : Rs. 30

Printed on: 31-JUL-2013 at 12:13 pm

23

IN THE HIGH COURT OF SINDH AT KARACHI.

CP D-No. 3206 /2013

Presented on

1-5-2013



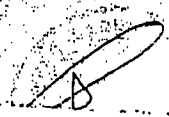
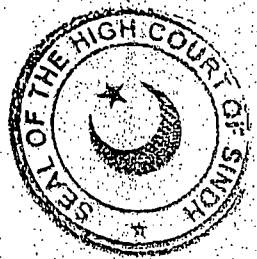
Deputy Registrar (V)

Zakir Hussain S/o Muhammad Hashim Samoo
R/o A-16, Al-Mustafa Phase-II, Qasimabad,
Hyderabad.....Petitioner

VERSUS

1. Province of Sindh
through Chief Secretary Sindh
at Karachi;
2. Secretary Health,
Government of Sindh,
at Karachi
3. Mrs. Sahar Afshan,
Divisional Drug Inspector, presently posted
at Hyderabad. Respondents

CONSTITUTION PETITION UNDER ARTICLE 199
OF THE CONSTITUTION OF ISLAMIC REPUBLIC
OF PAKISTAN 1973



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IN THE HIGH COURT OF SINDH, KARACHI
CP No.D-3206 of 2013

Date _____ Order with Signature of Judge _____

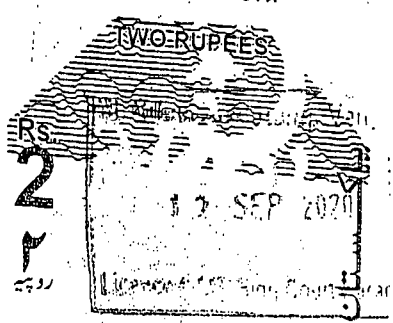
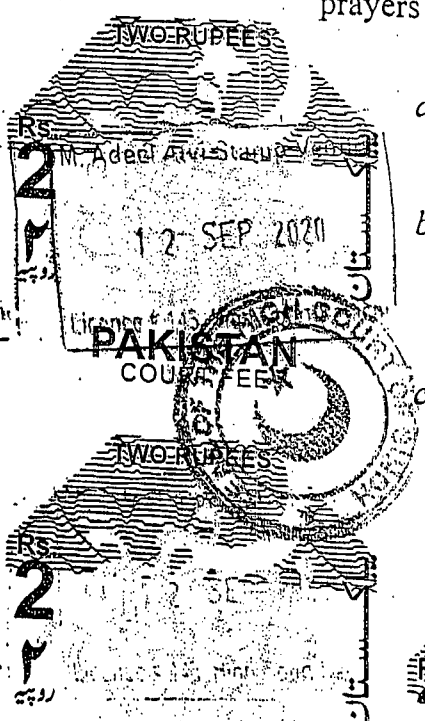
[Zakir Hussain v. Province of Sindh & Ors]

For Petitioner : Mr. Wazir Hussain Khoso
For Respondent No.1&2 : Mr. Abdul Jalil Zubedi,
AAG
For Respondent No.3 : Mr. Ghulam Sarwar Thebo,
Advocate
Date of hearing : 11.08.2014

JUDGMENT

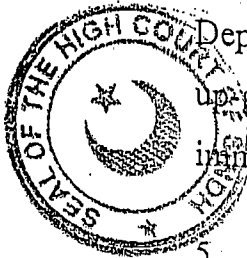
AZIZ-UR-REHMAN, J-- Through the instant Constitution Petition filed on 01.08.2013 under Article 199 of the Constitution of Islamic Republic of Pakistan 1973, the Petitioner has questioned the Notification dated 15.03.2013 [Annexure 'F' to the MoP] issued by Respondent No.2 whereby the Respondent No.3 viz Mrs. Sahar Afshan Memon, Senior Pharmacists [BPS-18] posted as Divisional Drug Inspector [BPS-18] at Hyderabad, was absorbed/inducted as Drug Inspector [BPS-18] with immediate effect. The prayers sought in the above petition reads as follows:-

- a. declare that the notification dated 15.03.2013 is illegal, void ab initio and has no legal force.
- b. direct the Respondents No.1&2 to withdraw the notification dated 15.03.2013 whereby the Respondent No.3 was/is absorbed/inducted as Drug Inspector BS-18.
- c. declare that the holding of office by Respondent No.3 as Drug Inspector is without legal justification and is against the provision of law and the fundamental rights guaranteed by the Constitution.



PAKISTAN COURT FEE

- d. *Suspend the operation of notification dated 15.03.2013 whereby the Respondent No.3 has been absorbed/inducted as Drug Inspector till the final disposal of the instant petition.*
- e. *Any other relief this Honourable Court may deem fit and proper in the circumstances of the case.*
2. The brief facts requisite for the disposal of this petition are :-
3. The Petitioner is a Drug Inspector [BPS- 17] and posted as Provincial Drug Inspector at Hyderabad vide Notification dated 07.12.2012. [Annexure 'B' to the MoP]. Subsequently, however, vide Notification dated 23.07.2013 [Annexure 'A' to the MoP] issued by Respondent No.2, the Petitioner was transferred with immediate effect & posted as Drug Inspector [BPS-17], District Tando Allahyar until further orders.
4. Initially, the Respondent No.3 was appointed as Pharmacist [BPS-16], however, the post of Respondent No.3 was up-graded/re-designated as Sr. Pharmacist in BPS-18 vide Notification No.SO [PM-1] Seniority [Pharmacists]/09 dated 24.02.2011. In terms of the aforementioned Notification [Annexure 'C' to the MoP] issued by Secretary Health, Health Department, Government of Sindh, the Respondent No.3 was promoted to the up-graded/re-designated post of Pharmacist [PBS-18] on regular basis with immediate effect till further orders.
5. Per assertions, under the Notification dated 24.01.1984 [Annexure 'D' to the MoP], the method of appointment and qualification/experience/age etc. for the post of Drug Inspector [BPS-17] and Pharmacist [BPS-16] amongst others in the Health Department have been fully specified.
6. Per Petitioner `s stand, Respondent No.2, *inter alia* in utter disregard of the judgment of the Hon`ble Supreme Court of Pakistan, issued on 15.03.2013 a Notification bearing No.SOCI(H)S-32/2007 [Annexure 'F' to the MoP], whereunder the Respondent No.3, was absorbed/inducted as Drug Inspector in BPS-18 with immediate effect. Such Notification of absorption/induction, according to the Petitioner, is not only un-lawful but also against the



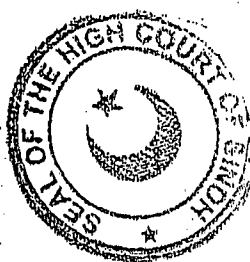


fundamental rights of the Drug Inspectors having been guaranteed under the Constitution of Islamic Republic of Pakistan, 1973, Act 1973 [Act XIV of 1973] and rules framed thereunder.

7. Upon service of notice, comments on behalf of Respondents No.2&3 have been filed on 28.10.2013 and 19.11.2013 respectively. In the comments so filed it has been averred that there exit no distinction in the job description and criteria for appointment of 'Drug Inspectors' and 'Pharmacists'. According to the Respondents' contention the Drug Inspector requires only one year experience in Drug Control Administration or in a Hospital of pharmacy. Respondent No.3, however, is a senior Pharmacist in BPS-18 having 18 years' experience as 'Pharmacist' as such in view of this position, she was absorbed/inducted by the competent authority/Chief Minister after observing all codal formalities. Such absorption/induction is in accordance with Paragraph 16 of the job description of Pharmacist.

8. Moreover, the performance of Respondent No.3 is also satisfactory as such was found entitled for the post of Drug Inspector [PBS-18]. The impugned Notification bearing No. SOCI(H)S-32/2007 dated 15.03.2013 [Annexure 'F' to the MoP], per Respondents' contention, besides being lawful has been validly issued by the competent authority/Chief Minister, Sindh, that is to say, in accordance with law and rules. Respondent No.3, is a qualified person, therefore, in terms of paragraph 16 of the job description [Annexure 'E' to MoP] she was absorbed/inducted as Drug Inspector [BPS-18]. The Petitioner, according to the Respondent No.3, is not a qualified person for the post of Drug Inspector [PBS-18] as per Rule 4 of the Sindh Drug Rules, 1979. The Notification No. SOCI(H)S-32/2007 dated 15.03.2013, according to respondent No.3's belief is lawful. In view of this position, the Petitioner is not entitled for any relief as claimed in the present Petition.

9. On 11.8.2014, when the above petition came-up before us we heard Mr. Wazeer Hussain Khoso, learned counsel for the Petitioner, Mr. Ghulam Serwar Thebo learned counsel for respondent No.3 and Mr. Abdul Jalil



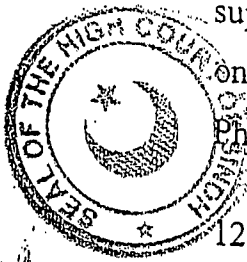


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Zubedi learned A.A.G. and with their valuable assistance also scanned the available record before us.

10. Per learned counsel for the petitioner, Respondent No.3 was initially appointed as Pharmacist, however, she amongst other pharmacists was promoted to the post of Sr. Pharmacists [BPS-18] on regular basis vide Notification dated 24.02.2011. [Annexure 'E' to the MoP]. Notwithstanding such promotion, Respondent No.3, however, does not deserve and/or entitle to be absorbed/inducted as Drug Inspector [PBS-18]. Learned counsel for the Petitioner thus vehemently contended that the impugned Notification No. SOCI(H)S-32/2007 dated 15.03.2013 [Annexure 'F' to the MoP] whereby the Respondent No.3 was absorbed/inducted as Drug Inspector [BPS-18] is not only illegal but also against the spirit of law and judgment passed by the Honourable Supreme Court of Pakistan in the case of contempt proceedings against the Chief Secretary and others [2014 PLC (C.S.) 82]. The impugned Notification, is thus liable to be declared as illegal, void ab initio and of no legal effect.

11. Conversely, Mr. Ghulam Serwar Thebo, learned counsel for Respondent No.3 and Mr. Abdul Jalil Zubedi, learned AAG forcefully supported the aforesaid Notification No. SOCI(H)S-32/2007 dated 15.03.2013 on the basis and strength of *Paragraph 16* of the job description of Jr. Pharmacists i.e. working in Civil Hospitals and other hospitals in Sindh.



12. Heard.

13. For better understanding at this juncture, it would be advantageous to reproduce herein THE 'JOB DESCRIPTION OF JR. PHARMACISTS [BPS-16] WORKING IN THE CIVIL HOSPITALS AND OTHER MAJOR HOSPITALS IN SIND' as follows :-

1. He shall be responsible to the Civil Surgeon/Medical Superintendent of the Hospital.
2. He shall be Incharge of the Pharmaceutical Stores and Dispensing Section of the Hospital and shall be responsible for maintenance of their record and Book Keeping.



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3. He shall supervise the working of all those dealing with/handling the Pharmaceuticals such as Nursing Staff and Dispensers and shall be responsible for maintenance and supply of the Pharmaceuticals to all the Services.
4. He shall supervise the dispensing of Drugs, Chemicals and all pharmaceutical preparations.
5. He shall supervise the filling and labeling of all Drug Containers, issued to services from which medications are to be administered.
6. He shall carry out inspection of all pharmaceutical supplies to all Hospital Services.
7. He shall be responsible for maintenance of approved stocks of antidotes and other emergent and life saving drugs.
8. He shall be responsible for dispensing of all narcotic drugs and maintenance of their perpetual inventory.
9. He shall prepare and submit Annual requirement of Drugs and medicines from the approved Hospital formulary, keeping budgetary allocation in view from time to time to the Administration of the Hospital.
10. He shall assist the Administration in preparation of specifications as to quality and source for purchase of all the Pharmaceuticals.
11. He shall be responsible for production of the requisite record to the auditors of Health Directorate and of the office of Accountant General for the purpose of audit, whenever conducted.
12. He shall assist the administration in teaching the paramedics and others as and when required.
13. He shall prepare the periodical reports required by the Hospital and higher ups and submit to the Administrator of the Hospital.
14. He shall maintain Hospital formulary and up-date from time to time.
15. He shall report to the Administrator regarding fast moving, slow moving drugs and drugs nearing expiry date.



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16. He shall perform any other duty relevant to his job and when assigned by the Health administration. [Underlining is ours].

14. From bare perusal of the 'Job Description' reproduced hereinabove, it is crystal clear that even *Paragraph No.16* does not permit Respondents No.1&2 to change the cadre of the Respondent No.3 and absorb/induct her as Divisional Drug Inspector [PBS-18]. Divisional Drug Inspectors [PBS-18] are appointed by promotion from amongst Drug Inspectors having at least 5 years' service in PBS-17 or length of service as prescribed by government from time to time. In view of this position paragraph 16 besides being irrelevant does not protect the alleged stand taken by the Respondents.

15. To appreciate the contention of the learned counsel for the parties we would like to reproduce herein the impugned Notification No. SOCI(H)S-32/2007 dated 15.03.2013 as under :-



"GOVERNMENT OF SINDH
HEALTH DEPARTMENT
Karachi dated 15th March 2013



NOTIFICATION

No.SOCI(H)S-32/2007:- With the approval of Competent Authority i.e. Chief Minister, Sindh, Mrs. Saher Afshan Memon, Senior Pharmacist (BS-18) presently posted as Divisional Drug Inspector (BS-18), Hyderabad is hereby absorbed/inducted as Drug Inspector (BS-18) with immediate effect. [Underlining is ours].

II

She is allowed to continue to work as Divisional Drug Inspector, Hyderabad till further orders.

SECRETARY TO GOVT. OF SINDH

NO.SOCI(H) S-32/2007

Karachi dated the 15th March 2013

16. Moreover, the Notification No.SOVIII/8-614/83 dated 24.01.1984 issued by Secretary Health, Health Department, Government of Sindh [Annexure 'D' to the MoP] specifies the method/qualification and other requisite conditions for the appointment to the various posts in Health Department including Drug Inspectors [BPS-17] and Junior Pharmacists/Pharmaceutical chemist [BPS-16]. In terms of the Notification herein below the Drug Inspector as well as Junior Pharmacist/Chemical Chemist are appointed by initial recruitment. The relevant Notification dated 24.01.1984 and requisite specifications therefrom for the post of 'Drug Inspector' and 'Junior Pharmacists/ Pharmaceutical Chemist' therefrom reads as follows :-

**"GOVERNMENT OF SINDH
HEALTH DEPARTMENT**

NOTIFICATION

NO.SOVIII/8-614/83: In pursuance of sub-Rule(2) of Rule 3 of Sind Civil Servants (Appointment, Promotion and Transfer) Rules 1974, and with the concurrence of the Services and General Administration Department and Sind Public Service Commission, the method/qualification and other conditions for appointment to the various posts in Health Department, shall be specified as below :-



S.No	Name of the Post and Basic Pay Scale	Method of Appointment	Minimum Academic Qualification/ Experience necessary for appointment to the post.	Age Limit For Appointment- By initial Recruitment Min:Max.
1.	...	...	...	...
2.	...	...	...	...
3.	...	...	...	...
4.	...	...	...	...
5.	Drug Inspector BPS-17	By initial Recruitment	B. Pharmacy with one year's experience in the manufacture, sale, testing or analysis of drugs/or in Drug Control Administration or in Hospital Pharmacy.	21 : 30
6.	Junior Pharmacist / Pharmaceutical Chemist BPS-16	By initial Recruitment	B. Pharmacy	21 : 30

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DR. M. ARSHAD MALIK
SECRETARY HEALTH

NO.SO.VIII/8-614/83 Pt.I

Karachi, dated the 24 Jan., 1984

17. Per the aforesaid Notification dated 24.1.1984 the minimum academic qualification/necessary experience for the initial appointment to the post of Drug Inspectors [BPS-17] is B. Pharmacy with one year's experience in manufacture, sale, testing or analysis of Drugs Control Administration or in Hospital Pharmacy. As far as the qualification for the initial appointment to the post of Jr. Pharmacists/ Pharmaceutical Chemist [BPS-16] is concerned, it is B-Pharmacy without any requisite experience.

18. As far as the appointments to the post of Divisional Drug Inspectors [BPS-18] is concerned, it is worth to note that the Secretary Health, Health Department, Government of Sindh has issued a Notification dated 16.12.1984 [Page 23 of the Court file] whereunder the appointment of Divisional Drug Inspector [BPS-18] is to be made by promotion from amongst Drug Inspectors with atleast of five years' service in BPS-17 or length of service as prescribed by Government of Sindh from time to time. The relevant part of the aforesaid Notification dated 16.12.1984 is reproduced as below:-

"NOTIFICATION"

Civil Servants (Appointment, Promotion and Transfer) Rules, 1974 and with the concurrence of the Services & General Administration Department and Sind Public Service Commission, the method/qualification and other conditions for appointment to the post of Divisional Drug Inspector, BPS-18 in the Health Department, are hereby specified as below:-

Sr. No.	Name of the post & pay scale	Method of Appointment	Minimum Academic Qualification/ Experience for appointment to the post	Age limit for appointment by initial recruitment Min : Max
1.	Divisional Drug Inspector	<u>By Promotion from amongst Drug Inspector having</u>	-	-

	BPS-18	<u>atleast 5 years service as such in BPS-17 or length of service as prescribed by the Government from time to time [Underlining is ours].</u>		
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PROF: M. SALEH A. MEMON
SECRETARY HEALTH

NO.S.O.VIII/8—787/84

Karachi, dated, the 16 Dec, 1984

19. Notwithstanding the above, in the Summary placed before the worthy Chief Minister a request for the change of cadre of the Respondent No.3 from the post of Sr. Pharmacists [BPS-18] to Divisional Drug Inspector was made and thereafter, approved by the Chief Minister, Sindh on 13.3.2013. The summary for the Chief Minister reads as follows:-



"GOVERNMENT OF SINDH
HEALTH DEPARTMENT

SUMMARY FOR CHIEF MINISTER SINDH

SUBJECT:- REQUEST FOR CHANGE OF CADRE FROM SENIOR PHARMACIST INTO DIVISIONAL DRUG INSPECTOR

On an application submitted by Mrs. Saher Afshan Memon, Senior Pharmacist (BS-18), Health Department, presently posted as Divisional Drug Inspector, Hyderabad for change of cadre from Senior Pharmacist (BS-18) to Divisional Drug Inspector, the Honourable Chief Minister, Sindh has been pleased to pass the following orders (Annexure-I):-

"If there is no distinction in the job description,
The request may be allowed"

Sd/-

13.03.2013

Chief Minister, Sindh

2. In her application Mrs. Saher Afshan Memon has submitted that she has eight years experience of working in the Drug Inspectorate, Health Department. She has further submitted that the qualification and nature of job for the post of Drug Inspector and Pharmacist are same. Besides, at present, she is posted as Divisional Drug Inspector, Hyderabad. [Underlining is ours].

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3. It is submitted that there is no distinction in the job description of the post of Drug Inspector (BS-18) and Senior Pharmacist (BS-18) in Health Department, Government of Sindh. Beside, for both the posts the requisite qualification is B-Pharmacy. Thus, Mrs. Saher Afshan Memon, fully qualifies for the post of Drug Inspector (BS-18).

4. In view of the above position, Mrs. Saher Afshan Memon, Senior Pharmacist (BS-18) presently posted as Divisional Drug Inspector, Hyderabad may be absorbed/inducted as Drug Inspector (BS-18) and she may be allowed to continue against the post of Divisional Drug Inspector, Hyderabad.

5. The Chief Minister Sindh is requested to approve the proposal para-4 above.

Sd/- 14/03/13
(DR. SURESH KUMAR)
SECRETARY HEALTH

CHIEF SECRETARY, SINDH

Para 4 may be approved
Sd/- 14/3/13

CHIEF MINISTER, SINDH

C.S.

Sd/-

SECY (S)

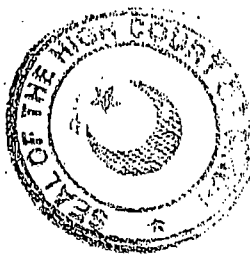
Sd/-14/3"

20. Consequently, the cadre of Respondent No.3 viz. Mrs. Sahar Afshan Memon was changed from Senior Pharmacist [BPS-18] to Drug Inspector [PBS-18] evidently in violation of Summary and Notification dated 16th December, 1984 reproduced hereinabove.

21. So also Rule 4 of the Sindh Drugs Rules, 1979 does not cover the case of Respondent No.3. Rather it supports the stand taken by the Petitioner. Being relevant Rule 4 of the Sindh Drugs Rules, 1979 [Annexure 'A' to the Comments/Written reply of Respondent No.3] is reproduced here-in-below :-

"[4. Qualification of Inspectors and Analyst.—(1) No person shall be appointed as Inspector unless he possesses a degree in Pharmacy from a Pakistani University or any other institution recognized by the pharmacy Council of Pakistan and has at least one year's experience in the manufacture, sale, testing or analysis of drugs or has worked at least for the same period in the drug control administration or a hospital or Pharmacy.

(2) No person shall be appointed an Analyst he possesses a degree in Pharmacy from a Pakistan University or any other institution





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recognized by the pharmacy Council of Pakistan and has at least five year's experience in the manufacture, testing and analysis of drugs or has worked at least for the same period in the drug control administration;

Provided that if a person of the above qualification is not available, a person possessing a degree in Medicine or possessing Master's degree in Pharmaceutical Chemistry or Microbiology or Pharmacology with five year's experience in testing of drugs and medicine may be appointed as inspector or Analyst;

Provided further that the person holding the posts of Inspector or Analyst immediately before the coming into force of these rules shall, notwithstanding the above qualifications or experience continue to hold such posts.]”

22. Manifestly, the above rule speaks about Inspector and Analyst and does nothing with Divisional Drug Inspectors and/or Drug Inspectors [BPS-18]. It is significant to note that the Sindh Civil Servant Act, 1973 [Act XIV of 1973], under Section 5 thereof provides mode of appointments. In order to carry out the purpose of the Act 1973, Rules have also been framed under Section 26 of the said Act of 1973 [Act XIV of 1973] by Sindh Government. The Rules so framed are called Sindh Civil Servants [Appointment, Promotion and Transfer] Rules, 1974. The procedure provided for appointments of civil servants under the Rules so framed are:-

“(i) Recruitment by initial appointment, (ii) Appointment by promotion and (iii) Appointment by transfer. 'Absorption' itself is an appointment by transfer and could only be made under Rule 9A of the Rules of 1974.”



23. No doubt 'absorption' by itself is an appointment by transfer under Rule 9-A of Sindh Civil Servant [Appointment, Promotion & Transfer] Rules, 1974, however, subject to certain conditions i.e. if a person, who has been rendered surplus on account of abolition of his post in any office or Department of the government or autonomous body and or on account of permanently taking over of the administration of such autonomous body wholly or partially by the Government, can be appointed by transfer to any post in a Department or office in the Government subject to (i) he possesses such qualifications as laid down under Rule 3(2) for appointment to such post, (ii) he shall be appointed to a post of equivalent or comparable scale and in case, if such post is not available then to a post of lower scale and (iii) his seniority shall be reckoned from the date of appointment in that cadre with a

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further rider that his previous service, if not pensionable, shall not be counted for pension and gratuity.

24. Bare perusal of the above would show that absorption of respondent No.3 vide Notification No. No. SOCI(H)S-32/2007 dated 15.03.2013 [Annexure 'F' to the MoP] does not fall within the specified criteria. Manifestly, it is not the case of Respondent No.3 that either she has been rendered surplus or otherwise, she possesses the requisite qualification.

25. Moreover in terms of Notification No.SOVIII/8-614/83 dated 24.01.1984 [Annexure 'D' to the MoP] Junior Pharmacist/Pharmaceutical Chemist [BPS-16] is required to be made by initial recruitment. The requisite 'academic qualification' is B-Pharmacy only. The 'minimum' age limit is 21 years and maximum age limit is 30 years. Likewise, Drug Inspector [BPS-17] is also appointed by initial recruitment. The requisite academic qualification for Drug Inspector is B-Pharmacy with one years' experience in the manufacture, sale, testing or analysis of drug in drug control administration or in hospital pharmacy. Evidently, under the aforesaid Notification dated 24th January, 1984, for the initial appointment of Drug Inspector BPS-17 one year's experience is also necessary. However, such experience in the case of Pharmacist/Pharmaceutical Chemist is not necessary. In view of this position, even the criteria for the appointment of Drug Inspector and Pharmacist is different.



The Civil Servants as being citizen of Islamic Republic of Pakistan manifestly under the mandate of the Constitution of the Islamic Republic of Pakistan, 1973 have been guaranteed their fundamental rights. Per Article 4 of the Constitution of Pakistan mandates that no person could be prevented from or be hindered in doing that which is not prohibited by law. All citizens of Pakistan are not only entitled to enjoy equal of protection of law but also to be treated in accordance with law which of course, is their in-alienable right. The Sindh Civil Servant Act [Act XIV of 1973] under the command of Articles 240 and 242 of the Constitution of the Islamic Republic of Pakistan, 1973 and the rules framed pursuant to Section 26 of the said Act also provide and ensure the full protection to all civil servants viz-a-viz their rights.

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27. Besides, any law passed by the Parliament, Provincial Assemblies and/or Notifications/Circulars having been issued by any authority is subject to the Constitution of Pakistan, 1973. The phrase "subject to Constitution" having been used as pre-fix to Article 240 is of great importance. In fact such phrase "subject to Constitution" imports the idea that the Assemblies cannot legislate law much-less against the service structure as provided in Part XII of Chapter I of the Constitution of Islamic Republic of Pakistan, 1973. Moreover, as being citizen of Pakistan a civil servant is also fully protected under Article 9 of the Constitution of Pakistan, 1973. Of course, a citizen cannot be deprived of his 'right of reputation' and 'status'. The term 'life' and 'liberty' as used in Article 9 of the Constitution of Pakistan, 1973 is of very significance and covers all facets of human existence. No doubt, the term 'life' also includes 'reputation', 'status' and all other ancillary privileges.

28. The 'absorption'/'induction' of Respondent No.3 by changing her cadre as Drug Inspector [BPS-17] has not only deprived the other civil servants including the Petitioner of their seniority and progression of career. If such kind of meritless absorption of an employee from 'non-cadre' post to 'cadre' post is allowed then practically it would cease differentiations that being existed between various cadre posts and services. The Civil Servant Act [XIV of 1973] and Rules framed thereunder which provide transparency in the process of in appointments, no doubt, would also disappear, if such meritless practice of promotions/absorption is allowed. A civil servant on 'non-cadre' post could not be transferred and absorbed to a 'cadre' post without fulfilling and honestly observing the pre-requisites of the competitive process provided under the law and rules. Indeed, such kind of practice, if allowed, would encourage corrupt culture of like, dis-like and bad governance. The prestige, honour, status, reputation and integrity of a civil servant ought to be maintained by observing the law and rules in its' letter and spirit. On this aspect of the matter I would like to refer to the case of Syed Mehmood Akhtar Naqvi and others v. Federal of Pakistan and others [PLD 2013 SC 195] wherein the Hon'ble Supreme court of Pakistan has observed as follows:-



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"10. It is worth noting that the Constitution of 1956 and 1962 contained chapters outlining certain safeguards for the civil services. In the 1973 Constitution, the framers omitted a similar chapter from the Constitution and shifted the onus to ordinary legislation. The Law Minister at the time, who was steering the Constitution Bill informed the Constituent Assembly that in the past, constitutional protection for civil servants had been granted "because those who served came from outside and they needed these protections in respect of service". However, since now "this country [was] being run by the leaders of the people" such protections were no more deemed necessary. The purpose of this change therefore, was to "[break] away from the past colonial traditions" and to emphasize the point that civil servants were not entitled to "any superior or higher status" compared to other citizens. Another reason the Law Minister gave was that the "Constitution is the basic document providing the fundamentals and this matter was not so fundamental as to be provided in the Constitution." (Parliamentary Debates, 31st December, 1972 and 19th February, 1973). It was therefore decided that, as stated in Articles 240, 241 and 242 of the Constitution, the matter would be dealt with through statutes. Such statutes were subsequently passed and include the Civil Servants Act, 1973. It may be emphasized that whatever else the intent behind these changes may have been, it could not have been meant to subjugate of civil servants to constantly changing political imperatives. The intent of the Constitution cannot but be a fuller realization of the goal set out in the speech of the country's founding father quoted earlier: " fearlessly, maintaining [the] high reputation, prestige, honour and the integrity of [the civil] service." [Underlining is ours].

29. Needless to say no action can be taken which adversely affects the terms and conditions of a civil servant i.e. the tenure of their employment; the pay and grade earned by them through years of labour and hard work; the right to promotion including the legitimate expectancy of future advancement in their respective careers; the retirement benefits such as pension, the graduity and provident funds etc. and all other relevant terms and conditions provided under the Act, 1973 and rules/regulations framed thereunder. A civil servant is fully protected under Article 9 of the Constitution of Islamic Republic of Pakistan, 1973 thus in no event can be deprived of his fundamental rights in violation of law and rules.

30. The gist of the above discussion is that the absorption/induction of the Respondent No.3 as Drug Inspector [BPS-18] and her posting as Divisional Drug Inspector [BPS-18] by changing her cadre from Pharmacist to Drug



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Inspector [BPS-18] vide Notification No.SOCI(H)S-32/2007 [Annexure 'F' to the MoP] besides illegal, unlawful, void ab initio is against the fundamental rights of the Drug Inspectors including the Petitioner. Accordingly the same is declared as illegal and of no legal force.

31. The petition stands disposed of and the office objections stand over-ruled.

Karachi
Dated: 25.08.2014

Sdr Aziz-ur-Rahman
Judge
Sdr Syed Hasan Azhar Rizvi
Judge



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SP No. 3546/2021

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

MR. JUSTICE AMIR HANI MUSLIM
MR. JUSTICE QAZI FAEZ ISA

CIVIL PETITION NO. 327-K OF 2014

(On appeal from the judgment/order dated 25.08.2014 in CP No. D-3206/2013 passed by the High Court of Sindh, Karachi).

Mrs. Sahar Afshan

.... Petitioner

Versus

Province of Sindh through Chief Secretary & others

.... Respondents

For the Petitioner

Mrs. Abida Perveen Channer, ASC
Mr. Ghulam Qadir Jatoy, AOR

For the Respondents

Mr. M. Sarwar Khan, Addl. A.G.
Mr. Sohail Qureshi, Addl. Secretary.

Date of Hearing

4th February 2015

ORDER

AMIR HANI MUSLIM, J.- During hearing of the matter

a notification dated 3rd February 2015 has been placed before us in which the Secretary Health has ordered repatriation of the petitioner, who is Senior Pharmacist in BS-18 and was working as Drug Inspector in Hyderabad, to his parent wing.

2. The background of this case is that this Court by its judgment dated 12th June 2013 in the case of Contempt Proceedings against the Chief Secretary, Sindh and others (2013 SCMR 1752) has

ordered that all those civil servants who were absorbed in the different wings and/or departments against the recruitments rules, shall be repatriated and absorption of the nature was declared violative of the Constitutional provisions. Three weeks time was granted to the Sindh Government to comply with the judgment. The

ATTESTED

Senior Court Associate
Supreme Court of Pakistan
Karachi.


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Sindh Government sought extension of time for compliance of judgment for a few police officers. In the said application it was stated that the judgment in letter and spirit has been complied with by the Sindh Government. Since I was Member of the Bench I recalled that thirty days time was granted. A review was filed by the Sindh Government which too was dismissed by the judgment of this Court on 5th January 2015. In the intervening period, the petitioner who was absorbed against the recruitment rules as Drug Inspector continued to hold that office.

3. On 1st August 2013 a Constitution Petition was filed before the Sindh High Court challenging the office of the petitioner as Drug Inspector on the ground that she was a Pharmacist and initially recruited as such and cannot hold the office of the Drug Inspector. This petition was heard and by the impugned judgment dated 25th August 2014 the Petitioner was ordered to be repatriated to Health Wing as Pharmacist. The Petitioner preferred this Civil Petition for Leave to Appeal before this Court. The judgment of the High Court also holds the field, but the petitioner continued as Drug Inspector. On 3rd February 2015 this Court had ordered repatriation of the petitioner and today a Notification of 3rd February 2015 has been placed before us where the Petitioner has been ordered to join her parent Wing as Senior Pharmacist.

ATTESTED


Senior Court Associate
Supreme Court of Pakistan
Karachi.

4. We enquired from the Additional Secretary as to how the petitioner continued to be retained as Drug Inspector. We have been informed that on 2nd September 2014 the Petitioner was repatriated, but on 23rd December 2014 she was reposted as Drug Inspector Hyderabad under the orders of Secretary Health Alamuddin Bullo and continued in that office. We take serious exception that in spite of the judgment of this Court and thereafter

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the judgment of the High Court, the petitioner continued in the office as Drug Inspector and the then Secretary Health Alamuddin Bullo in willful defiance has posted her. Prima-facie a case of contempt is made out, therefore issue show cause notice to Alamuddin Bullo, the then Secretary Health calling upon him to submit his explanation as to why he willfully defied the judgment of this Court dated 12th June 2013 and dated 5th January 2015 by reposting the Petitioner after her repatriation as Drug Inspector Hyderabad. Office is directed to make a separate file as Criminal Original Petition and fix the proposed contempt proceedings against Mr. Alamuddin Bullo the then Secretary Health in the Next Session.

5. As far as the present petition is concerned, the absorption has already been decided in the case of Contempt Proceedings against the Chief Secretary, Sindh and others (2013 SCMR 1752), therefore, this petition has no merit which is dismissed and leave to appeal is declined.



Karachi
4.2.2015
(Zulfiqar)
[Signature]

Not Approved for Reporting

S/L Amir Hani Muzar-O
S/L Dr. Saeed Saeed D

CERTIFICATE TO BE TRUE COPY
[Signature]
Senior Court Associate
Supreme Court of Pakistan
Karachi

Case No. CP-327-11-2014
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Date of completion of copy 04.3.2015
Date of delivery of copy 16.3.2015
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Received by [Signature]

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GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated, Peshawar, the 15-10-2012.

NOTIFICATION.

No.SO(D)Health/3-8/2012/Duties/Pharmacists. The Provincial Government of Khyber Pakhtunkhwa, in substitution of duties of Hospital Pharmacists assigned earlier vide letter No. even, dated 27-03-2001, is pleased to re-assign the duties/job description to Hospital Pharmacists at different levels in Health Department of the Province as under and with immediate effect.

A). PRINCIPAL PHARMACIST (BPS-20)

i) Administrative duties and responsibilities.

The Principal Pharmacist shall possess overall administrative control of the Pharmacy Department of the Hospital and shall be answerable to the Head of the Hospital/Institution regarding pharmacy services. He shall ensure performance of assigned duties of all pharmacists working in different disciplines/areas of the Teaching Hospitals. The following shall be his/her administrative duties/responsibilities.

01. The Principal Pharmacist shall;
 - a) Have principal/directive role.
 - b) Conduct developmental programs to strengthen the pharmacy/pharmaceutical services.
 - c) Allocate the duties/responsibilities/assignments to the staff working in pharmacy department.
 - d) Generate the progress report of pharmacy department and communicate it to the Head of Institution as well as to the Health Department on Provincial level.

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e) Have all official correspondence with the Health Department.

02. He/She shall attend, where required, meetings with administration of the institution and govt. /other departments at Federal/Provincial level outside the institution.
03. He/She shall be responsible to plan and organize the implementation of the policy/procedure in accordance with the established policies of the hospital/government for the procurement, receiving, storage and distribution of drugs and maintenance of inventory.
04. As a member of the Senior Management Team, he/she shall be responsible for delivering integrated, safe, legal and high quality pharmaceutical services within the hospital.
05. He/She shall provide positive and inspirational leadership to the team of pharmacists, technicians/supporting staff and shall deliver expert advices on pharmaceutical matters to ensure that safe and modern medicine management services are provided to the patients.
06. He/She shall be the secretary/member of the "Pharmacy and Therapeutic Committee" of the hospital. He shall manage/convene meetings of the Committee with approval of the Chairman of the Committee, shall record minutes and implement the decisions of the meetings.
07. He/She shall make a round with head of the institution (Chief Executive/Medical Superintendent) to check the dispensing of required drugs as per policy and rationality of the prescription.
08. He/she shall also evolve the professional mechanism and policy for the drugs procurement/dispensing and distribution to the admitted and ambulatory patients.
09. He/She shall coordinate with the administration of the hospital in the implementation of entry card policy of the government for

Basir Ahmad

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medical representatives in order to rationalize drugs marketing in the hospital.

10. He/She shall assign any special duty to the subordinate pharmacists and other staff working in pharmacy in the best interest of the department and patients.
11. He/She shall establish the Satellite Pharmacy Chain System in the hospital's setting to facilitate the safe drugs use.

ii) Professional duties and responsibilities.

01. Principal Pharmacist shall prepare and maintain the hospital formulary/approved drugs list and recommend timely addition/deletion of drugs after consultation with different consultants of the hospital.
02. He/She shall be responsible for rational procurement of drugs/disposables from the hospital approved budget in different heads of accounts and shall make a demand of funds as and when required.
03. He/She shall prepare written guidelines/SOPs for safe drugs use within the hospital, prepare drugs bulletins and implement hospital regulation.
04. He/She shall be responsible for all the matters pertaining to drugs selection, procurement, distribution, etc and shall establish clinical pharmacy services at ward level through a team of Pharmacists/Senior Pharmacists.
05. He/she shall ensure procurement of quality drugs and shall send samples for test/analysis to the Drugs Testing Laboratory through the Drug Inspector concerned to ascertain legal actions against manufacturers of spurious/substandard drugs or any other contravention of the Drugs Act, 1976.
06. He/She shall prepare and facilitate a rational and economic drugs

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therapy to the patients during selection, procurement and distribution of drugs.

07. He/She shall establish Drug & Poison Control Center and Drugs Information Center in the hospital with internet/online facility for the provision of informations on adverse drug reactions, drug interactions etc to the public and medical professionals; round the clock.

iii) Teaching & Research Duties

01. Principal Pharmacist shall facilitate teaching and training activity of pharmacy (Pharm-D/B. Pharm) students, pharmacy internees and other staff, related to pharmacy services.
02. He/She shall keep a liaison with physicians, nurses and other health care professionals to ensure the delivery of safe, effective and economic drugs to the patients.
03. He/She shall brief the clinicians, chief executive/medical superintendent on setting up the clinical trials and evaluation of new drugs/medications for safety and efficacy, for the individual patient's need.
04. He/She shall be responsible for teaching, holding seminars and symposiums for Continuous Medical Education of the Pharmacists.
05. He/She shall perform any other duty, assigned by the Competent Authority.

Note:- The ACR of Principal Pharmacist shall be initiated by the Chief Executive of the institution and countersigned by the Secretary Health, Govt. of Khyber Pakhtunkhwa.

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B). CHIEF PHARMACIST (BPS-19)

i) Administrative duties and responsibilities

01. Chief Pharmacist shall be answerable to the Principal Pharmacist towards his/her duties for smooth running of the Pharmacy Department. He/She shall assist the Principal Pharmacist in administrative affairs of the Pharmacy Department as and when assigned by the Principal Pharmacist.
02. He/She shall be responsible for all the duties and responsibilities of the Principal Pharmacist when he/she is on leave or if the post of the Principal Pharmacist does not exist in the institution.
03. He/She shall consult the Principal Pharmacist on matters of the Main Pharmacy i.e. drugs storage, distribution and record keeping etc and shall execute all the relative policies and guidelines in this regard, passed by the Principal Pharmacist.

ii) Professional duties and responsibilities

01. Chief Pharmacist shall supervise/coordinate the working of all the professionals such as registrars, nursing staff and dispensers etc who deal with the drugs & other pharmaceuticals and shall be responsible for smooth maintenance of the supply of medicines & pharmaceuticals to all services areas of the hospital.
02. He/She shall be responsible for matters pertaining to the Main Pharmacy i.e. drugs storage, distribution and record keeping etc.
03. He/She shall assist the Principal Pharmacist in proceedings of the Pharmacy and Therapeutic Committee of the hospital.
04. He/She shall consolidate and prepare a demand of drugs/surgical disposables and all other pharmaceuticals needed for the institution in consultation with the consultants and head of the units and shall monitor the utilization and distribution of drugs

- and submit a detailed report to the Principal Pharmacist.
05. He/She shall manage within the institution, the execution of approved relative policy and be responsible for the provision of drugs/surgical disposables to the Bait-ul-Mal/Zakat patients and will look after the Prime Minister's Program or any other special program launched time to time by the Govt. for the control of different diseases as per laid down policy and procedure.
 06. He/She shall verify all the supplies received and forward all the bills/invoices to the Principal Pharmacist for onward submission to the Medical Superintendent/Finance Director/DDO of the hospital for payment.
 07. He/She shall manage the drugs recall system for those drugs which are declared un-satisfactory or sub-standard by the drug testing laboratory and shall be responsible for monitoring the ADRs/interactions etc.
 08. He/She shall conduct a periodical physical verification of the drugs in the main pharmacy/sub-pharmacies and wards of the hospital and shall also supervise proper entries of the delivered drugs at these levels and shall implement an efficient drugs distribution system.
 09. He/She shall ensure that the supplied stocks of medicines are properly labeled as per Drugs Act, 1976 and all other conditions of the contract and Govt. policy are necessarily observed. Verification shall be carried out on the warranty to ascertain that the Rules of the Govt. are not contravened.
 10. He/She shall be responsible for the control and maintenance of approved stocks of Narcotics, their dispensing and proper record keeping.
 11. He/She shall observe and maintain a policy to carry out a proper check system at every stage of drugs dispensing processes.

Muhammad Ahsan

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iii) Teaching & Research.

01. Chief Pharmacist shall be an important pillar in the clinical pharmacy practice and medicine information services/poison control services.
02. He/She shall assist the Principal Pharmacist to brief the clinicians, on setting up the clinical trials and evaluation of new drugs/medications for safety and efficacy, for the individual patient's need.
03. He/She shall perform any other duty, assigned by the hospital administration.

Note:- The ACR of Chief Pharmacist shall be initiated by the Principal Pharmacist and countersigned by the Chief Executive of the institution. In institution where the post of Principal Pharmacist does not exist, the ACR of Chief Pharmacist shall be initiated by the Medical Superintendent & countersigned by the Chief Executive of the institution/Director General Health Services, Khyber Pakhtunkhwa.

C). SENIOR PHARMACIST (BPS-18)

01. Senior Pharmacist shall be responsible for all the duties and responsibilities of the Principal Pharmacist/Chief Pharmacist in health care facility where the post of Principal Pharmacist/Chief Pharmacist does not exist.
02. He/She shall report to Chief Pharmacist in performance of the professional duties in Teaching Hospitals.
03. He/She shall supervise the satellite pharmacies in his/her respective area i.e. medical and allied units or surgical and allied units or operation theatre satellite pharmacy or outdoor satellite pharmacy in the hospital's setting.

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04. All the Pharmacists shall report to the Senior Pharmacist of their respective area in terms of duties as per standing SOPs of the Pharmacy Department.
05. He/She shall ensure the maintenance and proper issuance of drugs, surgical disposables and suturing materials etc to the patients from the respective satellite pharmacies and shall also supervise and ensure their inventory/record.
06. He/She shall be responsible for floor stock checking of medicines/surgical disposables and shall submit a report to the Principal Pharmacist through Chief Pharmacist.
07. He/She shall ensure the proper issuance of drugs or available drugs of the same formula to the OPD patients as per SOPs on proper prescription of a doctor, in outdoor satellite pharmacy.
08. He/She shall scrutinize the demand for LP from his/her work area, submitted by the Pharmacist and shall forward to the Chief Pharmacist for further sanction/approval by the Principal Pharmacist/Medical Superintendent.
09. He/She shall be involved in monitoring and reporting of ADRs/interactions and shall prepare clinical efficacy report of different drugs in coordination with the area Pharmacist and ward consultant for record.
10. He/She shall establish and run the clinical pharmacy service and shall be involved in preparation and monitoring of TPN Program in wards/units.
11. He/She shall check and supervise the stocks received in the satellite pharmacy and/or main pharmacy and shall ensure that their expense is properly carried out.
12. Senior Pharmacist shall perform any other duty, assigned by the hospital administration.

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Note:- The ACR of Senior Pharmacist shall be initiated by the Chief Pharmacist and countersigned by the Principal Pharmacist of the institution. In case of unavailability of Principal Pharmacist, the ACR of Senior Pharmacist, initiated by the Chief Pharmacist shall be countersigned by the Chief Executive



of institution and in case of unavailability of the Chief Pharmacist, the ACR of Senior Pharmacist shall be initiated by the Principal Pharmacist and countersigned by the Chief Executive of the institution. In institution where both the Principal Pharmacist & Chief Pharmacist are not available, the ACR of Senior Pharmacist shall be initiated by the Medical Superintendent and countersigned by the Chief Executive of the institution/ Director General Health Services, Khyber Pakhtunkhwa.

D). PHARMACIST (BPS-17)

Pharmacist is the integral part of the Pharmacy Department and shall perform duties under the supervisory control of Head of the Pharmacy Department. Pharmacist shall work as an incharge of different satellite pharmacies, wards/units, main pharmacy, outpatient department or accident & emergency services department pharmacies in the hospital's setting for better drugs delivery to the patients. He/She shall perform the following duties.

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01. At district/tehsil level hospital where the higher grade posts of the pharmacist cadre do not exist, Pharmacist shall be the overall incharge of the Pharmacy and shall perform all such duties of Principal/Chief/Senior Pharmacists, where applicable. He shall be answerable to the Head of the Hospital regarding pharmacy matters.
02. In the secondary and tertiary/teaching health care facilities, the Pharmacist shall be responsible for the availability of drugs/surgical disposables in wards/units of his/her area and shall supervise their distribution and dispensing to the inpatients/outpatients.
03. He/She shall provide advice/counseling on medicines to the individual patients, particularly those who require complex drugs therapy.
04. He/She shall ensure that the drugs received at pharmacy on daily

LP basis/regular basis, meet all the specifications i.e. required brand etc and check that these are properly stamped/labeled under the law and entered in the LP book/receipt book. He/She shall ensure that the batch numbers, expiry dates of such drugs and signature of the receiving authorized person are properly recorded in the LP book/receipt book.

- 05. He/She shall ensure appropriate and secure storage of medicines as per specifications/SOPs at ward/unit satellite pharmacy and/or main pharmacy.
- 06. He/She shall be involved in clinical pharmacy practice at ward/unit and outpatients department and shall work in close collaboration with clinical staff in the hospital.
- 07. He/She shall make necessary substitution in the prescription in consultation with the prescribing doctor through Senior Pharmacist as and when required, keeping in view the available stocks in the hospital.
- 08. He/She shall check and prepare "Emergency Tray" in his/her respective ward/unit with the help of registrar and charge nurse and shall check its proper utilization with record.
- 09. He/She shall supervise the work of less experienced and less qualified staff working in pharmacy or dealing in pharmaceuticals at any level in the hospital.
- 10. He/She shall check the expiry date of each drug/related items in the main and satellite pharmacies and shall inform the Chief Pharmacist for early replacement as per policy.
- 11. He/She shall be responsible for production of the requisite record etc of his/her relevant satellite pharmacies to the audit party for the purpose of audit, whenever required.
- 12. He/She shall send the samples through the Drug Inspector concerned, of drugs received at Main Pharmacy, to the Drug Testing Laboratory at random, for the purpose of test/analysis and maintain their record. The Drug Inspector shall take legal action if the sample is declared spurious/sub-standard etc.

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13. He/She shall run the online drug information service and poison control center in the hospital's setting, under supervision of the Head of Pharmacy Department.
14. Pharmacist shall perform any other duty, assigned by the hospital administration.

Note:- The ACR of Pharmacist shall be initiated by the Senior Pharmacist and countersigned by the Chief/Principal Pharmacist in Teaching/Tertiary Care Hospitals and if the posts of Chief/Principal Pharmacists do not exist, the ACR of the Pharmacist shall be countersigned by the Medical Superintendent of the Hospital. In hospitals where the posts of Senior/Chief/Principal Pharmacists do not exist, the ACR of the Pharmacist shall be initiated by the Medical Superintendent of the institution and countersigned by the Director General Health Services, Khyber Pakhtunkhwa.


Pharmacist shall initiate the ACR of the supporting staff working under his/her control and countersigned by the Senior Pharmacist where available. In case of unavailability of the Senior Pharmacist, the ACR of supporting staff shall be countersigned by the Medical Superintendent of the hospital.

-sd-
SECRETARY HEALTH.

Endst: NO. & Date Even.

Copy forwarded to:-

- 01-The Director General Health Services, Khyber Pakhtunkhwa, Peshawar for information & implementation please.
- 02-All Chief Executives of the Teaching Hospitals in Khyber Pakhtunkhwa.
- 03-All Medical Superintendents of the DHQ Hospitals in Khyber Pakhtunkhwa.
- 04-The Officers concerned.
- 05-PS to Minister for Health, Khyber Pakhtunkhwa.
- 06-PS to Secretary Health, Govt. of Khyber Pakhtunkhwa.
- 07-PA to Additional Secretary (E & A) Health Department.
- 08-PA to Deputy Secretary (Drugs) Health Department.


15/10
(Naseer Ahmad)
Section Officer (Drugs)

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DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR.
NO. 1273-632/CDI/DGHS.
Dated Peshawar the 10/07/2011


To

1. All Executive District Officers (Health) in Khyber Pakhtunkhwa.
2. All Drug Inspectors in Khyber Pakhtunkhwa.

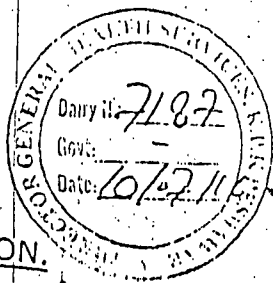
Subject:
Memo:

DUTIES / JOB DESCRIPTION NOTIFICATION BY THE GOVERNMENT.

I am directed to refer to the subject noted above and to enclose herewith Job description / Duties of Chief Drug Inspector Khyber Pakhtunkhwa, Chief Drug Inspectors Regional, Senior Drug Inspectors and Drug Inspectors for favour of information and strict compliance please.


(SABIR ALI)
Chief Drugs Inspector.

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GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated, Peshawar, the 05-07-2012.

NOTIFICATION.

No.SO(D)H/2-80/2012/Duties.

The Provincial Government of Khyber Pakhtunkhwa is pleased to assign the following duties/job description to the Drug Inspectors of different levels in Health Department, Khyber Pakhtunkhwa, with immediate effect.

(A) DUTIES/JOB DESCRIPTION OF CHIEF DRUG INSPECTOR BPS-19 AT DIRECTOR GENERAL HEALTH SERVICES OFFICE IN KHYBER PAKHTUNKHWA.

The Chief Drug Inspector at Directorate General Health Services, (BPS-19) shall:-

- 01 Ensure implementation of the Drugs Act, 1976 and the rules framed there-under through the field force i.e. Chief Drug Inspector (Regional) BPS-19, Senior Drug Inspector BPS-18 and Drug Inspector BPS-17 in the province.
- 02 Exercise powers of Drug Inspector under section 18 of the Drugs Act, 1976 and Khyber Pakhtunkhwa Drugs Sale Rules, 1982 there-under.
- 03 Monitor, guide and supervise the field Officers (Drug Inspectors) for enforcement of Drugs Laws more effectively.
- 04 Evaluate working and performance of Drug Inspectors in the province.
- 05 Compile data on the working/actions of the Drug Inspectors in the Province and also of the Drug Court.
- 06 Submit progress report of the Drug Inspectors to the Director General Health Services, Secretary Health and anywhere else when required.
- 07 Be the Principal Staff Officer to the Director General Health Services Khyber Pakhtunkhwa, for the implementation of the Drugs Act, 1976 and rules framed there-under. The existing section related to Drug Control/Pre-Qualification and Registration etc at Directorate General Health Service will be under his supervision and control.
- 08 Ensure implementation of Government policies, decisions and directives through field formation.
- 09 Technically supervise all matters pertaining to drugs on behalf of Directorate General Health Services Khyber Pakhtunkhwa/Provincial Government, and ensure availability of quality drugs to the general public at/below the approved prices.
- 10 Coordinate with the Provincial Quality Control Board/Provincial Government and shall suggest ways and means to ensure availability of quality drugs in the province. He shall also be the member of the Provincial Quality Control Board.

R. Awan
10/07/12
CDI

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- 11 Act as liaison officer between different law enforcement agencies and Provincial and Federal Government on the matters of Quality Control of drugs.
- 12 Coordinate with the Drug Court of the Province on different legal/technical issues.
- 13 Act as Departmental Prosecuting Officer in the Drug Court.
- 14 Ensure pursuance of cases in the Drug Court by the Drug Inspectors.
- 15 Keep a ready reckoning record with regard to drug control and quality control of drugs and medicines in the province.
- 16 Keep up-to-date list of Drugs Sale Licenses issued in the Province with name and address of the Qualified Person Incharge and the Proprietor.
- 17 Be provided with transport facility by the Government/DG Health Services, for ensuring effective control on the quality of drugs through supervision of the Provincial Drugs Inspectors Network.
- 18 Perform such other duties as may be entrusted.
- 19 Be the DDO for the budget allocated under the relevant head of account Drug Control Administration at DG Health Services Office.

Note:- His ACR will be initiated by the Director General Health Services, Khyber Pakhtunkhwa and countersigned by the Secretary Health, Khyber Pakhtunkhwa.

(B) DUTIES/JOB DESCRIPTION OF CHIEF DRUG INSPECTOR BPS-19 (REGIONAL) AT EDO (H) OFFICE IN KHYBER PAKHTUNKHWA.

The Chief Drug Inspector (BPS-19) at EDO (H) office shall be Regional Drug Inspector within the meaning of Action Plan of the Government approved by the august Supreme Court of Pakistan. He shall:-

- 01 Ensure implementation of the Drugs Act, 1976 and the rules framed there-under through the field force i.e. Senior Drug Inspectors BPS-18 and Drug Inspectors BPS-17 in districts to be termed as regions to be notified by Provincial Government in Health Department under section 17 of the Drugs Act, 1976.
- 02 Exercise powers of Drug Inspector under section 18 of the Drugs Act, 1976 and Khyber Pakhtunkhwa Drug Sale Rules, 1982 there-under.
- 03 Monitor, guide and supervise the field officers (Drug Inspectors) for enforcement of Drug Laws more effectively.
- 04 Evaluate working and performance of Drug Inspectors in the Region.
- 05 Compile data on the working/actions of the Drug Inspectors of the Region.
- 06 Submit progress report of the Drug Inspectors in the Region to the Chief Drug Inspector, DG Health Office, Khyber Pakhtunkhwa.

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- 07 Be the Principal Staff Officer to the EDO (Health) Services, for the implementation of the Drugs Act, 1976 and rules framed there-under.
 - 08 Attend meetings with District Administration in the District of his posting with regard to Drug Control activities.
 - 09 Ensure implementation of Government policies, decisions and directives through field formation.
 - 10 Technically supervise all matters pertaining to drugs in the area of jurisdiction and ensure availability of quality drugs to the general public at/below the approved prices.
 - 11 Coordinate with the District Administration and shall suggest ways and means to ensure availability of quality drugs in the Region.
 - 12 Coordinate with different law enforcement agencies on the matters of Quality Control of drugs.
 - 13 Ensure pursuance of cases of the Drug Inspectors of the Region referred to the Quality Control Board/Drug Court.
 - 14 Keep a ready reckoning record with regard to drug control and quality control of drugs and medicines in the Region.
 - 15 Sign drugs sale licenses on form "10" in his area of jurisdiction after obtaining report from the Drug Inspector concerned.
 - 16 Keep up-to-date list of Drugs Sale Licenses issued in the Region with the name and address of the Qualified Person Incharge and the Proprietor.
 - 17 Be provided with transport facility by the District Administration concerned, for ensuring effective control on the quality of drugs through supervision of the Drug Inspectors in the Region.
 - 18 Perform such other duties as may be entrusted.
 - 19 Be the DDO for the budget allocated under the relevant head of account Drug Control Administration in the District of his posting.
- Note:- His ACR will be initiated by the Chief Drug Inspector Khyber Pakhtunkhwa at DGHS Office and countersigned by the Director General Health Services, Khyber Pakhtunkhwa.

(C) DUTIES/JOB DESCRIPTION OF SENIOR DRUG INSPECTOR
BPS-18 AT EDO (H) OFFICE IN KHYBER PAKHTUNKHWA.

The Senior Drug Inspector (BPS-18) at EDO (H) office shall:-

- 01 Ensure implementation of the Drugs Act, 1976 and the rules framed there-under by performing duties as Drug Inspector under the Drugs Act and through the field force [Drug Inspector(s) BPS-17] in the District.
- 02 Exercise powers of Drug Inspector under section 18 of the Drugs Act, 1976 and Khyber Pakhtunkhwa Drugs Sale Rules, 1982 there-under.

(57)

- 03 Ensure that the conditions of the licenses are being observed in his area of jurisdiction.
- 04 Take samples of the drugs, send for test or analysis and may seize the drug or any other article or equipment where he has reasons to believe that a drug is being manufactured, sold, stocked or exhibited for sale in contravention of a provision of the Act or the Rules. He shall submit report immediately, not later than 48 hours excluding public holidays in this behalf to the licensing authority/Provincial Quality Control Board.
- 05 Investigate any complaint made to him in writing against a person and submit a report of his investigation to the Licensing Authority or Provincial Quality Control Board.
- 06 Initiate prosecution on the direction of the Provincial Quality Control Board and to pursue cases in the Court.
- 07 Maintain record of actions taken by him in the performance of his duties, including taking of the samples and seizure of drugs or equipments etc, and submit reports of such record to the Provincial Quality Control Board and the Licensing Authority immediately not later than 48 hours excluding public holidays.
- 08 Attend meetings with District Administration in the District of his posting with regard to Drug Control/related activities where Chief Drug Inspector (Regional is not available).
- 09 Ensure implementation of Government policies, decisions and directives through field formation.
- 10 Technically supervise all matters pertaining to drugs in the area of his jurisdiction and ensure availability of quality drugs to the general public at/below the approved prices.
- 11 Coordinate with the District Administration and shall suggest ways and means to ensure availability of quality drugs in the District where Chief Drug Inspector (Regional is not available).
- 12 Coordinate with different law enforcement agencies on the matters of Quality Control of drugs.
- 13 Ensure pursuance of cases of the Drug Inspectors of the District referred to the Quality Control Board/Drug Court.
- 14 Keep a ready reckoning record with regard to drug control and quality control of drugs and medicines in the District.
- 15 Sign drugs sale licenses on form "09" in his area of jurisdictions after obtaining report from the Drug Inspector concerned.
- 16 Keep up-to-date list of Drugs Sale Licenses issued in the District with the name and address of the Qualified Person Incharge and the Proprietor.
- 17 Be provided with transport facility by the District Administration concerned, for ensuring effective control on the quality of drugs through supervision of the Drug Inspectors in the District.
- 18 Perform such other duties as may be entrusted.

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19 Be the DDO for the budget allocated under the relevant head of account Drug Control Administration in the District where Chief Drug Inspector (Regional) BPS-19 is not available.

Note:- His ACR will be initiated by the Chief Drug Inspector (Regional), countersigned by the Chief Drug Inspector (Provincial) at Directorate General Health Services, Khyber Pakhtunkhwa and in case of non availability of Chief Drug Inspector (Regional), his ACR will be initiated by the Chief Drug Inspector (Provincial) and countersigned by the Director General Health Services, Khyber Pakhtunkhwa.

(D) DUTIES/JOB DESCRIPTION OF DRUG INSPECTOR BPS-17 AT EDO (H) OFFICE IN KHYBER PAKHTUNKHWA.

The Drug Inspector (BPS-17) at EDO (H) office shall:-

- 01 Ensure implementation of the Drugs Act, 1976 and the rules framed there-under in the district/area of jurisdiction.
- 02 Exercise powers of Drug Inspector under section 18 of the Drugs Act, 1976 and the Khyber Pakhtunkhwa Drugs Sale Rules, 1982 there-under.
- 03 Ensure that the conditions of the licenses are being observed in his area of jurisdiction.
- 04 Take samples of the drugs, send for test or analysis and may seize the drug or any other article or equipment where he has reasons to believe that a drug is being manufactured, sold, stocked or exhibited for sale in contravention of a provision of the Act or the Rules. He shall submit report immediately, not later than 48 hours excluding public holidays in this behalf to the licensing authority/Provincial Quality Control Board.
- 05 Investigate any complaint made to him in writing against a person and submit a report of his investigation to the Licensing Authority or Provincial Quality Control Board.
- 06 Initiate prosecution on the direction of the Provincial Quality Control Board and to pursue cases in the Court.
- 07 Maintain record of actions taken by him in the performance of his duties, including taking of the samples and seizure of drugs or equipments etc, and submit reports of such record to the Provincial Quality Control Board and the Licensing Authority immediately not later than 48 hours, excluding holidays.
- 08 Stop manufacture or sale of drugs being carried out in contravention of the Act and the rules framed there-under.
- 09 Compile data on the working/actions taken by him.
- 10 Submit monthly progress report in the District to the Senior Drug Inspector of the District/Provincial Quality Control Board.

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- 11 Attend meetings with District Administration in the District of his posting with regard to Drug Control/related activities.
- 12 Ensure implementation of Government Policies, decisions and directives through field formation.
- 13 Coordinate with the District Administration and shall suggest ways and means to ensure availability of quality drugs in the District where Senior Drug Inspector BPS-18 is not available.
- 14 Coordinate with different law enforcement agencies on the matters of Quality Control of drugs.
- 15 Keep a ready reckoning record with regard to drug control and quality control of drugs and medicines in the district/area of his jurisdiction.
- 16 Sign drugs sale licenses on form "09" in his area of jurisdictions in case of unavailability of Senior Drug Inspector BPS-18.
- 17 Keep up-to-date list of Drugs Sale Licenses issued in the District with the name and address of the Qualified Person Incharge and the Proprietor.
- ✓ 18 Be provided with transport facility by the District Administration concerned, for ensuring effective control on the quality of drugs in the District.
- 19 Perform such other duties as may be entrusted.
- 20 Be the DDO for the budget allocated under the relevant head of account Drug Control Administration where Senior Drug Inspector BPS-18 and Chief Drug Inspector BPS-19 (Regional) are not available.

Note:- His ACR will be initiated by the Senior Drug Inspector BPS-18 and countersigned by the Chief Drug Inspector (Regional). In case of non availability of Senior Drug Inspector, his ACR will be initiated by the Chief Drug Inspector (Regional) and countersigned by the Chief Drug Inspector (Provincial) at DGHS Office.

— Sol —
SECRETARY HEALTH.

Endst: NO. & Date even.

Copy forwarded to:-

- 01 The Accountant General, Khyber Pakhtunkhwa.
- ✓ 02 The Director General Health Services, Khyber Pakhtunkhwa, Peshawar for information implementation please.
- 03 The Deputy Secretary (Budget), Health Department for information & with the request to process the case for necessary notification with regard to DDO powers of the Drug Inspectors please.
- 04 All Executive District Officers (H).
- 05 All District Accounts Officers.
- 06 The Officers Concerned.
- 07 PS to Secretary Health.
- 08 PA to Additional Secretary (E&A) Health Department
- 09 PA to Additional Secretary (Dev) Health Department.
- 10 PA to Deputy Secretary (Drugs)/Secretary PQCB.

(Naseer Ahmad)
Section Officer (Drugs)

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2018 PLC (C.S) 657

Office No. 123 Metro Plaza, Multan Cantt



Seat No. 84 New Blocks District Courts, DGKHAN



nawaz.lawyer



Adv.nawazkhosa@gmail.com

NWFP PUBLIC SERVICE COMMISSION

2- Fort Road Peshawar Cantt:

Website: www.nwfppsc.gov.pk

Tele: Nos. 091-9214131, 9213563, 9213750, 9212897

Dated: 26.02.20

A ADVERTISEMENT No. 02 / 2010

Applications, on prescribed form, are invited for the following posts from Pakistani citizens having domicile of N.W.F.P / F.A.T.A by 27-03-2010 (candidates applying from abroad by 10-04-2010). Incomplete applications and applications without supporting documents required to prove the claim of the candidates shall be rejected without intimation to the candidates.

1.	<p style="text-align: center;">BOARD OF REVENUE</p> <p>ONE (01) POST OF COMPUTER OPERATOR</p> <p>QUALIFICATION: 2ND Class Bachelor Degree in Computer Science from a recognized University/ Institution.</p> <p>AGE LIMIT: 18 to 32 years. PAY SCALE: BPS-12 ELIGIBILITY: Male.</p> <p>ALLOCATION: Zone-2.</p>
2.	<p style="text-align: center;">CIVIL SECRETARIAT/ E & A DEPARTMENT</p> <p>THREE (03) POSTS OF FEMALE COMPUTER OPERATOR/ DEO</p> <p>QUALIFICATION: 2ND Class Bachelor Degree in Computer Science from a recognized University/ Institution.</p> <p>AGE LIMIT: 18 to 32 years. PAY SCALE: BPS-12 ELIGIBILITY: Female.</p> <p>ALLOCATION: Open Merit.</p>
3.	<p>ONE (01) POST OF COMPUTER OPERATOR/ DEO (DISABLED QUOTA)</p> <p>QUALIFICATION: 2ND Class Bachelor Degree in Computer Science from a recognized University/ Institution.</p> <p>AGE LIMIT: 18 to 32 years. PAY SCALE: BPS-12 ELIGIBILITY: Both Sexes.</p> <p>ALLOCATION: Merit.</p>
4.	<p style="text-align: center;">HEALTH DEPARTMENT</p> <p>TWELVE (12) POSTS OF PROFESSOR TWO (02) EACH IN ANATOMY, PHYSIOLOGY, & BIOCHEMISTRY AND ONE (01) EACH IN MICROBIOLOGY, CHEMICAL PATHOLOGY, HEMATOLOGY, PHARMACOLOGY, FORENSIC MEDICINE & COMMUNITY MEDICINE IN BANNU MEDICAL COLLEGE BANNU</p> <p>QUALIFICATION: (a) MBBS or equivalent medical qualification recognized by the Council & (b) D.Sc/Ph.D/FCPS/MS/MD/M.Phil (Pak) in the respective basic subject OR FCPS/MD/MS in the related clinical subject or equivalent qualification recognized/registered by the Council with at least two papers on research work of original nature published in a standard Medical Journal within three years before appointment.</p> <p>EXPERIENCE:- (a) Three years teaching experience as an Associate Professor in the respective subject and a total teaching experience of eight years as an Assistant Professor and Associate Professor OR (b) Nine years teaching experience as an</p>

(C). Registration of Pakistan Medical and Dental Council (PM&DC) for post graduate qualification.

NOTE: candidates with the qualification at (b) shall be considered only when no suitable candidate with the qualification at (a) above is available.

AGE LIMIT: 22 to 40 years

PAY SCALE: BPS-18

ELIGIBILITY: Both Sexes.

19. **ONE (01) POST OF WORKSHOP ENGINEER.**

QUALIFICATION: B.Sc. Engineering in Electronic/ Electrical or Mechanical Engineering from a recognized University

AGE LIMIT: 21 to 32 years. **PAY SCALE:** BPS-17 **ELIGIBILITY:** Male.

ALLOCATION: Merit.

20. **SIX (06) POSTS OF DRUG INSPECTORS.**

QUALIFICATION: (i) Degree in Pharmacy from a recognized University. (ii) One year experience in the manufacturing, sales testing or analysis of drug or in the drug Administration or in hospital or pharmacy.

AGE LIMIT: 21 to 35 years. **PAY SCALE:** BPS-17 **ELIGIBILITY:** Both Sexes.

ALLOCATION: One each to Merit, Zone-1, 2, 3, 4 & 5.

21. **ONE (01) POST OF LIBRARIAN FOR SAIDU MEDICAL COLLEGE**

QUALIFICATION: Diploma in Library Science from a recognized University.

AGE LIMIT: 21 to 30 years. **PAY SCALE:** BPS-16 **ELIGIBILITY:** Both Sexes.

ALLOCATION: Zone-2.

HOME & TRIBLE AFFAIRS DEPARTMENT

22. **ONE (01) POST OF FEMALE PAYROLL / PROBATION OFFICER (BPS-16) IN DIRECTOR OF RECLATION & PROBATION**

QUALIFICATION: 2ND Class Master Degree in Social Work/ Sociology or equivalent qualification.

AGE LIMIT: 21 to 30 years. **PAY SCALE:** BPS-16 **ELIGIBILITY:** Female.

ALLOCATION: Zone-1.

LAW & PRLIAMENTARY AFFAIRS DEPTT:

23. **ONE (01) POST OF ASSISTANT LEGAL DRAFTER**

QUALIFICATION: 2ND Class Bachelor Degree in Law (LLB) from a recognized University with three years experience as Practicing Lawyer.

AGE LIMIT: 25 to 32 years. **PAY SCALE:** BPS-17 **ELIGIBILITY:** Both Sexes.

ALLOCATION: Zone-2.

24. **ONE (01) POST OF FEMALE ADDITIONAL GOVT PLEADER**

QUALIFICATION: Degree in Law from any recognized University and five years standing at the Bar preferably on Civil Side.

AGE LIMIT: 28 to 35 years. **PAY SCALE:** BPS-17 **ELIGIBILITY:** Female.

ALLOCATION: Merit.

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	<p>QUALIFICATION: FA. / F.Sc. and One year diploma in Computer Science from Board of Technical Education.</p> <p>AGE LIMIT: 18 to 32 years. PAY SCALE: BPS-11 ELIGIBILITY: Male.</p> <p>ALLOCATION: One each to Zone-2, 3 and 4.</p>
SCIENCE AND TECHNOLOGY AND I.T. DEPARTMENT	
27.	<p>ONE (01) POST OF ASSISTANT</p> <p>QUALIFICATION: Graduate (B.A./ B.Sc), skill in writing/ drafting and well versed with Govt up to date Rules and regulations.</p> <p>AGE LIMIT: 25 to 35 years. PAY SCALE: BPS-14 ELIGIBILITY: Both Sexes.</p> <p>ALLOCATION: Zone-1.</p>
28.	<p>ONE (01) POST OF COMPUTER OPERATOR</p> <p>QUALIFICATION: FA/ F.Sc. from recognized Board with one year Computer Course DIT-Diploma from Govt: Technical Board or recognized Institution. One year past qualification experience. Well versed with MS Office, MS Excel, Tools, Coral Draw Scanning, Windows Installation with 30 words per minute speed in typing.</p> <p>AGE LIMIT: 25 to 30 years. PAY SCALE: BPS-11 ELIGIBILITY: Both Sexes.</p> <p>ALLOCATION: Zone-4.</p>
WORKS AND SERVICES DEPARTMENT	
29.	<p>SIXTY (60) POSTS OF ASSISTANT ENGINEER (CIVIL) IN C&W DEPARTMENT</p> <p>QUALIFICATION: Degree in Engineering (Civil) from a recognized University.</p> <p>AGE LIMIT: 21 to 32 years. PAY SCALE: BPS-17 ELIGIBILITY: Both Sexes.</p> <p>ALLOCATION: 15 to Merit, 10 each to Zone-1,2 and 3, 08 to Zone-4 and 07 to Zone-5.</p>
30.	<p>SEVEN (07) POSTS OF ASSISTANT ENGINEER CIVIL (WOMEN QUOTA) IN C&W DEPARTMENT</p> <p>QUALIFICATION: Degree in Engineering (Civil) from a recognized University.</p> <p>AGE LIMIT: 21 to 32 years. PAY SCALE: BPS-17 ELIGIBILITY: Female.</p> <p>ALLOCATION: Merit.</p>
31.	<p>ONE (01) POST OF ASSISTANT ENGINEER (CIVIL) (DISABLED QUOTA) IN C&W DEPARTMENT</p> <p>QUALIFICATION: Degree in Engineering (Civil) from a recognized University.</p> <p>AGE LIMIT: 21 to 32 years. PAY SCALE: BPS-17 ELIGIBILITY: Both Sexes.</p> <p>ALLOCATION: Merit.</p>

GENERAL CONDITIONS

The posts of Assistant Professor Physiology Advertised in this Commission Advertisement No.01/ 2010 at S.No.19 may be read as one instead of two posts.

GENERAL CONDITIONS

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candidates from backward areas, in addition to automatic relaxation of three years shall be entitled to one of the relaxations available to Govt Servants, general or disabled candidates, whichever is relevant and applicable to them.

- (ii) Degrees / Diploma / Experience Certificates / Testimonials of unrecognized Institution are not accepted. Only original Degrees / Certificates are accepted. However, the candidates can apply on provisional certificate signed by the Controller of Examination of the respective Institution but candidates shall produce original degrees / certificates before their selection. Detail Marks Certificates for all the examinations shall necessarily be required and these should be attached with the application forms.
- (iii) Ex-armed Forces Personnel must send copy of Discharge Certificate with their applications. Govt. / Semi Govt. / Autonomous / Semi Autonomous Bodies employees may apply direct but their Departmental Permission Certificates should reach within 30 days of the closing date.
- (iv) Applications should be on the prescribed application form obtainable from the listed below branches of the NATIONAL BANK OF PAKISTAN. Application Fee is Rs.285/- (Rupees Two Hundred Eighty Five only) for all the candidates. In addition to the application fee, the candidates will have to pay Rs.15/- (rupees fifteen only) on account of Bank Charges. Separate application form will be required for each advertised category of posts. Application forms obtained other than the specified branches of the National Bank will be considered invalid and such applications will not be entertained. The applications on plain paper or Photostat shall not be accepted. Incomplete and late applications shall also be ignored.
- (v) Applications must be submitted within time as no extra time is allowed for postal transit. The applications if submitted on the last date for receipt of applications must reach the Commission's office by the closing hours.
- (vi) Applicants married to Foreigners are considered only on production of the Govt: Relaxation Orders.
- (vii) No applicant shall be considered in absentia on paper qualifications unless, he/she possesses exceptionally higher qualifications than the minimum prescribed qualification for a particular post(s).
- (viii) Govt. reserves the right not to fill any or fill more or less than the advertised post(s).
- (ix) Candidates who have already availed three chances by physical appearance before the Commission and have failed for the post(s) having one and the same qualifications and scale of pay shall be ineligible.
- (x) Experience wherever prescribed shall be counted after the minimum qualifications for the post(s), if not specifically provided otherwise against the advertised post(s).
- (xi) In case the number of applications of candidates is disproportionately higher than the number of posts, short listing will be made in anyone of the following manner: -
 - (a) Written Test in the Subject.
 - (b) General Knowledge or Psychological General Ability Test.
 - (c) Academic and/or Professional record as the Commission may decide.

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SPECIFIED BRANCHES OF THE NATIONAL BANK OF PAKISTAN.**Main Branches of:**

- (i) Parachinar, Mardan, Swabi, Malakand, Shangla, Chitral, Timargara, Daggar, D.I.Khan, Bannu, Karak, Kohat, Hangu, Lakki Marwat, Abbottabad, Haripur, and Mansehra.
- (ii) Saddar Road Branch, Tehkal Payan Branch, and G.T Road (Nishtar Abad) Branch Peshawar.
- (iii) Tehsil Bazar Branch Charsadda, Nowshera Cantt: Branch, Bank Square Branch Mingora and city Branch Tank.

Note: - The candidate who apply for the post(s) are advised to make sure that they are eligible for the post in all respects because eligibility of the candidate will be determined strictly according to the rules after conduct of all essential tests.

(ATTA-UR-REHMAN)
Secretary
NWFP Public Service Commission
Peshawar

**KHYBER PAKHTUNKHWA PUBLIC SERVICE
COMMISSION**

2- Fort Road Peshawar Cantt:

Website: www.kppsc.gov.pk

Tele: Nos. 091-9214131, 9213563, 9213750, 9212897

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S.No - 28-29

Dated: 16.06.2016

ADVERTISEMENT No. 03 / 2016.

Applications, on prescribed form, are invited for the following posts from Pakistani citizens having domicile of Khyber Pakhtunkhwa / F.A.T.A by **15.07.2016**. Incomplete applications and applications without supporting documents required to prove the claim of the candidates shall be rejected.

AGRICULTURE LIVESTOCK & COOPERATIVE DEPTT:	
1.	<p>ONE (01) POST OF ASSISTANT FODDER BOTANIST IN LIVESTOCK & DAIRY DEVELOPMENT DEPARTMENT (RESEARCH)</p> <p>QUALIFICATION: M.Sc Agriculture preferably in Agronomy or equivalent qualification from a recognized University.</p> <p>AGE LIMIT: 25 to 32 years. PAY SCALE: BPS-17 ELIGIBILITY: Both Sexes.</p> <p>ALLOCATION: Zone-1.</p>
2.	<p>TWO (02) POSTS OF VETERINARY OFFICER (HEALTH) (WOMEN QUOTA) IN DIRECTORATE OF LIVESTOCK & DAIRY DEVELOPMENT (EXTENSION).</p> <p>QUALIFICATION: Doctor of Veterinary Medicine (DVM) or equivalent qualification in Veterinary Science from recognized University and registered with Pakistan Veterinary Medical Council (PVMC).</p> <p>AGE LIMIT: 22 to 35 years. PAY SCALE: BPS-17 ELIGIBILITY: Female.</p> <p>ALLOCATION: Merit.</p>
3.	<p>FOUR (04) POSTS OF MALE LIVESTOCK PRODUCTION OFFICER (HEALTH) IN LIVESTOCK & DAIRY DEVELOPMENT DEPARTMENT (EXTENSION).</p> <p>QUALIFICATION: (i) B.Sc (Hons) Animal Husbandry from a recognized University; Or (ii) Doctor of Veterinary Medicine (DVM) or equivalent qualification in Veterinary Science from a recognized University and registered with Pakistan Veterinary Medical Council (PVMC).</p> <p>AGE LIMIT: 22 to 35 years. PAY SCALE: BPS-17 ELIGIBILITY: Male.</p> <p>ALLOCATION: One each to Merit Zone-1, 2 and 3.</p>
COMMUNICATION & WORKS DEPARTMENT	
4.	<p>FOUR (04) POSTS OF ASSISTANT ENGINEER CIVIL IN C&W DEPARTMENT.</p> <p>QUALIFICATION: Degree in B.E/B.Sc Engineering (Civil) from a recognized University.</p> <p>AGE LIMIT: 21 to 32 years. PAY SCALE: BPS-17 ELIGIBILITY: Both Sexes.</p> <p>ALLOCATION: One each to Merit, Zone-1, 2 & 5.</p>

- (68)
24. TWENTY ONE (21) POSTS OF MEDICAL OFFICER (DISABLED QUOTA) IN HEALTH DEPARTMENT.
- QUALIFICATION: (a) MBBS or equivalent qualification from a recognized University and (b) Completion of House Job Training.
- AGE LIMIT: 22 to 35 years. PAY SCALE: BPS-17 ELIGIBILITY: Both Sexes.
- ALLOCATION: Merit.
25. THIRTY TWO (32) POSTS OF MEDICAL OFFICER (MINORITY QUOTA) IN HEALTH DEPARTMENT.
- QUALIFICATION: (a) MBBS or equivalent qualification from a recognized University and (b) Completion of House Job Training.
- AGE LIMIT: 22 to 35 years. PAY SCALE: BPS-17 ELIGIBILITY: Both Sexes.
- ALLOCATION: Merit.
26. TWENTY (20) POSTS OF DENTAL SURGEON FOR HEALTH DEPARTMENT.
- QUALIFICATION: (a) BDS or equivalent qualification from a recognized University. (b) Completion of House Job Training.
- AGE LIMIT: 22 to 35 years. PAY SCALE: BPS-17 ELIGIBILITY: Both Sexes.
- ALLOCATION: 05 to Merit, 03 each to Zone 1, 2, 3, 4 & 5.
27. TWO (02) POSTS OF DENTAL SURGEON (FEMALE QUOTA) FOR HEALTH DEPARTMENT.
- QUALIFICATION: (a) BDS or equivalent qualification from a recognized University. (b) Completion of House Job Training.
- AGE LIMIT: 22 to 35 years. PAY SCALE: BPS-17 ELIGIBILITY: Female.
- ALLOCATION: Merit.
28. TWENTY EIGHT (28) POSTS OF PHARMACISTS IN HEALTH DEPARTMENT.
- QUALIFICATION: (i) Pharm-D from a recognized university and registered with the Pharmacy Council under the Pharmacy Act, 1967; or (ii) B-Pharmacy from a recognized University with one year experience in the relevant field and registered with Pharmacy Council under the Pharmacy Act, 1967.
- AGE LIMIT: 21 to 32 years. PAY SCALE: BPS-17 ELIGIBILITY: Both Sexes.
- ALLOCATION: 07 to Merit, 04 each to Zone-1, 2, 4 & 5 and 05 to Zone 3.
29. THREE (03) POSTS OF PHARMACISTS (WOMEN QUOTA) IN HEALTH DEPARTMENT.
- QUALIFICATION: (i) Pharm-D from a recognized university and registered with the Pharmacy Council under Pharmacy Act, 1967; or (ii) B-Pharmacy from a recognized University with one year experience in the relevant field and registered with Pharmacy Council under the Pharmacy Act, 1967.
- AGE LIMIT: 21 to 32 years. PAY SCALE: BPS-17 ELIGIBILITY: Female.
- ALLOCATION: Merit.
30. TWO (02) LEFTOVER POSTS OF HEAD NURSE IN HEALTH DEPARTMENT.
- QUALIFICATION: (a) Registered "A" grade Nurse. (b) Registered Midwife, or in the case of Male Nurse, training in specialized post

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64.	<p>ONE (01) POST OF COMPUTER OPERATOR (MINORITY QUOTA) IN TRANSPORT DEPARTMENT</p> <p>QUALIFICATION: (a) At least 2nd class Bachelor's Degree in Computer / Information Technology (BCS-/ BIT Four years) from recognized university. Or (b) At least 2nd class Bachelor's from recognized University with one year Diploma in information Technology from a recognized Board of Technical Education.</p> <p>AGE LIMIT: 18 to 30 years. PAY SCALE: BPS-12. ELIGIBILITY: Both Sexes. ALLOCATION: Merit.</p>
65.	<p>ONE (01) LEFT OVER POST OF MOTOR VEHICLE EXAMINATION (WOMEN QUOTA) IN TRANSPORT DEPARTMENT.</p> <p>QUALIFICATION: Diploma of Associate Engineer in Automobile Technology (DAE) from recognized College of Technology (Three Years Diploma)</p> <p>AGE LIMIT: 20 to 32 years. PAY SCALE: BPS-11 ELIGIBILITY: Female. ALLOCATION: Merit.</p>

CORRIGENDUM

It is for information for all concerned that the 103 posts of Pharmacist (B-17) of General Quota, 11 posts of Pharmacist (B-17) of Women Quota, 03 posts of Pharmacist (B-17) of Disabled Quota and 02 posts of Pharmacist (B-17) of Minority Quota in Health Department advertised in this Commission's Advt: No.06/2015, Sr. No.25, 26, 27 & 28 respectively stand withdrawn upon the request of the Department through the Establishment Department.

GENERAL CONDITIONS

- (i) Age shall be reckoned on 15.07.2016. Maximum age limit as prescribed in the recruitment rules shall be relaxed upto 10 years for Disabled persons and Govt Servants who have completed 2 years continuous service and upto 3 years for candidates belonging to backward areas specified in the appendix attached to the Khyber Pakhtunkhwa Initial Appointment to Civil Posts (Relaxation of Upper Age Limit) Rules, 2008. However, a candidate shall be allowed relaxation in age in one of the above categories provided that the candidates from backward areas, in addition to automatic relaxation of three years shall be entitled to one of the relaxations available to Govt Servants, general or disabled candidates, whichever is relevant and applicable to them. Employees or ex-employees of development projects of the Government of Khyber Pakhtunkhwa and employees or ex-employees of development projects of the Federal Government under the administrative control of the Government of Khyber Pakhtunkhwa shall also be entitled to age relation equal to the period served in the projects, subject to a maximum limit of ten years provided that this age relaxation shall not be available in conjunction with any other provisions of the age relaxation rules.
- (ii) Only the qualification possessed on the closing date of the advertisement fixed for the incountry candidates shall be taken into consideration.
- (iii) Degrees / Diploma / Experience Certificates / Testimonials of unrecognized Institution are not accepted. Only original Degrees / Certificates are accepted, however, the candidates can apply on provisional certificate signed by the Controller of Examination of the respective institution. The candidates shall produce original degrees / certificates before their selection. Detail Marks Certificates for all the examinations shall necessarily be required and these should be attached with the application forms.
- (iv) Candidates applying against disabled posts must attach with their application forms a disability certificate from the Provincial Council for Rehabilitation of Disabled Persons as well as disability certificate from the respective Medical Superintendent/ Medical Board showing therein the specific disability.

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- (v) Govt. / Semi Govt. / Autonomous / Semi Autonomous Bodies employees may apply direct but their Departmental Permission Certificates should reach within 30 days of the closing date.
- (vi) Applications should be on the prescribed application form obtainable from the listed below branches of the NATIONAL BANK OF PAKISTAN. Application Fee is Rs.285/- (Rupees Two Hundred Eighty Five only) for all the candidates. In addition to the application fee, the candidates will have to pay Rs.15/- (rupees fifteen only) on account of Bank Charges. Separate application form will be required for each advertised category of posts. Application forms obtained other than the specified branches of the National Bank will be considered invalid and such applications will not be entertained. The applications on plain paper or Photostat shall not be accepted. Incomplete and late applications shall not be accepted which shall be rejected. Candidates can also apply online through the Commission's website (www.kpppsc.gov.pk). However the application fee needs to be deposited in State Banks of Pakistan or a National Bank of Pakistan Branch under head of account No. C02101- Organs of State-Examination Fee of KP PSC through Challan on or before the closing date. The same alongwith attested copies of all the documents need to be submitted to the Commission within 10 days.
- (vii) Applications must be submitted within time as no extra time is allowed for postal transit. The applications if submitted on the last date for receipt of applications must reach the Commission's office by the closing hours.
- (viii) Applicants married to Foreigners are considered only on production of the Govt: Relaxation Orders.
- (ix) No applicant shall be considered in absentia on paper qualifications unless, he/she possesses exceptionally higher qualifications than the minimum prescribed qualification for a particular post(s).
- (x) Govt. reserves the right not to fill any or fill more or less than the advertised post(s).
- (xi) Candidates who have already availed three chances by physical appearance before the Commission and have failed for the post(s) having one and the same qualifications and scale of pay shall be ineligible.
- (xii) Experience wherever prescribed shall be counted after the minimum qualifications for the post(s), if not specifically provided otherwise against the advertised post(s).
- (xiii) The candidates applying for posts requiring experience are advised to fill in the requisite proforma and provide the experience certificate available on the Commission's website and submit it alongwith the application form. The application form without this proforma and certificate shall not be accepted/ processed.
- (xiv) In case the number of applications of candidates is disproportionately higher than the number of posts, short listing will be made in anyone of the following manner: -
 (a) Written Test in the Subject.
 (b) General Knowledge or Psychological General Ability Test.
 (c) Academic and/or Professional record as the Commission may decide.

SPECIFIED BRANCHES OF THE NATIONAL BANK OF PAKISTAN.

- (1) Main Branches of:
 Parachinar, Mardan, Swabi, Malakand, Shangla, Chitral, Timargara, Daggar, D.I.Khan, Bannu, Karak, Kohat, Hangu, Lakki Marwat, Abbottabad, Haripur, and Mansehra
- (2) Saddar Road Branch, Tehkal Payan Branch, G.T Road (Nishtar Abad) Branch and University Campus Branch Peshawar.
- (3) Tehsil Bazar Branch Charsadda, Nowshera Cantt: Branch, Bank Square Branch Mingora and City Branch Tank

Note: -The candidate who apply for the post(s) are advised to make sure that they are eligible for the post in all respects because eligibility of the candidate will be determined strictly according to the rules after conduct of all essential tests.

(Sharif Hussain)
 Secretary
 Khyber Pakhtunkhwa
 Public Service Commission
 Peshawar

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(71)

**KHYBER PAKHTUNKHWA PUBLIC SERVICE
COMMISSION**

2- Fort Road Peshawar Cantt:

Website: www.kppsc.gov.pk

Tele: Nos. 091-9214131, 9213563, 9213750, 9212897

ADVERTISEMENT No. 04 / 2016.

Dated: 02.09.2016

Applications, on prescribed form, are invited for the following posts from Pakistani citizens having domicile of Khyber Pakhtunkhwa / F.A.T.A by 30.09.2016. Incomplete applications and applications without supporting documents required to prove the claim of the candidates shall be rejected.

AGRICULTURE LIVESTOCK & COOPERATIVE DEPTT:	
1.	<p>TWO (02) POSTS OF SENIOR RESEARCH OFFICER/SENIOR BIOCHEMIST IN LIVESTOCK & DAIRY DEVELOPMENT DEPARTMENT (RESEARCH).</p> <p>QUALIFICATION: (a) Ph.D in Veterinary/Animal Sciences/Bio-Chemistry, after basic degree of D.V.M or equivalent qualification recognized by PVMC, OR (b) M.Sc (Honss) / M/Phil / M.S in Veterinary/Animal Sciences / Bio-Chemistry, after basic degree of DVM or equivalent qualification recognized by PVMC having two years research Experience with at least two research Publications, OR (c) Doctor of Veterinary Medicine or equivalent qualification in Veterinary Sciences recognized by PVM having five years experience in the relevant field (Research) with at least two Research Publications.</p> <p>AGE LIMIT: 28 to 45 years. PAY SCALE: BPS-18 ELIGIBILITY: Both Sexes. ALLOCATION: Merit.</p>
2.	<p>ONE (01) (LEFTOVER) POST OF VETERINARY OFFICER (HEALTH) (MINORITY QUOTA) IN LIVESTOCK & DAIRY DEVELOPMENT DEPARTMENT (EXTENSION).</p> <p>QUALIFICATION: Doctor of Veterinary Medicine (DVM) or equivalent qualification in Veterinary Sciences from a recognized university and registered with Pakistan Veterinary Medical Council (PVMC).</p> <p>AGE LIMIT: 22 to 35 years. PAY SCALE: BPS-17 ELIGIBILITY: Both Sexes. ALLOCATION: Merit.</p>
3.	<p>ONE (01) POST OF ASSISTANT IN AGRICULTURAL ENGINEERING WING.</p> <p>QUALIFICATION: Degree from a recognized University.</p> <p>AGE LIMIT: 18 to 32 years. PAY SCALE: BPS-16 ELIGIBILITY: Both Sexes. ALLOCATION: Merit.</p>
4.	<p>ONE (01) POST OF OFFICE ASSISTANT IN ON FARM WATER MANAGEMENT, AGRICULTURE DEPARTMENT.</p> <p>QUALIFICATION: At least 2nd class Bachelor's Degree from a recognized University.</p> <p>AGE LIMIT: 20 to 30 years. PAY SCALE: BPS-16 ELIGIBILITY: Both Sexes. ALLOCATION: Merit.</p>

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- 24. SIXTY FOUR (64) POSTS OF MEDICAL OFFICER (DISABLED QUOTA) IN HEALTH DEPARTMENT.**
- QUALIFICATION:** (a) MBBS or equivalent qualification from recognized university and (b) Completion of House Job Training.
- AGE LIMIT:** 22 to 35 years. **PAY SCALE:** BPS-17 **ELIGIBILITY:** Both Sexes.
ALLOCATION: Merit.
- Note:** - (21) posts of Medical Officer (Disabled Quota) advertised vide Advt. No.03/2016 S.No. 24 have been merged in the above 64 posts. Candidates who have applied earlier for the said 21 posts need NOT apply again.
- 25. SEVENTY THREE (73) POSTS OF DENTAL SURGEON IN HEALTH DEPARTMENT.**
- QUALIFICATION:** (a) BDS or equivalent qualification from recognized university. (b) Completion of House Job Training.
- AGE LIMIT:** 22 to 35 years. **PAY SCALE:** BPS-17 **ELIGIBILITY:** Both Sexes.
ALLOCATION: 19 to Merit, 12 each to Zone-1, 2 & 3, 09 each to Zone-4 & 5.
- Note:** - Twenty (20) posts of Dental Surgeon (General Quota) advertised vide Advt. No.03/2016 S.No. 26 have been merged in the above 73 posts. Candidates who have applied earlier for the said 20 posts need NOT apply again.
- 26. EIGHT (08) POSTS OF DENTAL SURGEON (WOMEN QUOTA) IN HEALTH DEPARTMENT.**
- QUALIFICATION:** (a) BDS or equivalent qualification from recognized university. (b) Completion of House Job Training.
- AGE LIMIT:** 22 to 35 years. **PAY SCALE:** BPS-17 **ELIGIBILITY:** Female.
ALLOCATION: Merit
- Note:** - Two (02) posts of Dental Surgeon (Women Quota) advertised vide Advt. No.03/2016 S.No. 27 have been merged in the above (08) posts. Candidates who have applied earlier for the said (02) posts need NOT apply again.
- 27. TWO (02) POSTS OF DENTAL SURGEON (MINORITY QUOTA) IN HEALTH DEPARTMENT.**
- QUALIFICATION:** (a) BDS or equivalent qualification from recognized university and (b) Completion of House Job Training.
- AGE LIMIT:** 22 to 35 years. **PAY SCALE:** BPS-17 **ELIGIBILITY:** Both Sexes.
ALLOCATION: Merit.
- 28. ONE (01) POST OF DENTAL SURGEON (DISABLED QUOTA) IN HEALTH DEPARTMENT.**
- QUALIFICATION:** (a) BDS or equivalent qualification from recognized university. (b) Completion of House Job Training.
- AGE LIMIT:** 22 to 35 years. **PAY SCALE:** BPS-17 **ELIGIBILITY:** Both Sexes.
ALLOCATION: Merit.
- 29. FIFTEEN (15) POSTS OF DRUG INSPECTOR IN HEALTH DEPARTMENT.**
- QUALIFICATION:** (1) Degree in Pharmacy from a recognized University and; (2) One year experience in manufacturing, sale, testing or analysis of Drugs, or in the Drug Administration or in a hospital or Pharmacy.
- AGE LIMIT:** 21 to 35 years. **PAY SCALE:** BPS-17 **ELIGIBILITY:** Both Sexes.
ALLOCATION: 04 to Merit, 02 each to Zone-1, 2, 3 & 5 and 03 to Zone-4.

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30.	<p>ONE (01) POST OF DRUG INSPECTORS (WOMEN QUOTA) IN HEALTH DEPARTMENT.</p> <p>QUALIFICATION: (1) Degree in Pharmacy from a recognized University and; (2) One year experience in manufacturing, sale, testing or analysis of Drugs, or in the Drug Administration or in a hospital or Pharmacy.</p> <p>AGE LIMIT: 21 to 35 years. PAY SCALE: BPS-17 ELIGIBILITY: Female.</p> <p>ALLOCATION: Merit.</p>
31.	<p>ONE (01) (LEFTOVER) POST OF CHEMIST IN HEALTH DEPARTMENT.</p> <p>QUALIFICATION: (i) M-Pharmacy; OR (b) B-Pharmacy from a recognized university with at least one year's experience in the manufacturing, testing or analysis of drugs or in drug control administration.</p> <p>AGE LIMIT: 22 to 35 years. PAY SCALE: BPS-17 ELIGIBILITY: Both Sexes.</p> <p>ALLOCATION: Merit.</p>
32.	<p>ONE (01) (LEFTOVER) POST OF SISTER TUTOR IN HEALTH DEPARTMENT.</p> <p>QUALIFICATION: (a) Registered "A" Grade Nurse. (b) Registered Midwife. (c) Qualified Sister Tutor from recognized Institute; OR (d) Five years experience as Head Nurse or Public Health Supervisor or Midwifery Supervisor excluding training period, or in case of charge nurse / male nurse, eight years experience as charge nurse or male nurse excluding training period.</p> <p>AGE LIMIT: 25 to 40 years. PAY SCALE: BPS-17 ELIGIBILITY: Both Sexes.</p> <p>ALLOCATION: Zone1.</p>
33.	<p>ONE (01) (LEFTOVER) POST OF NURSING SUPERINTENDENT IN HEALTH DEPARTMENT.</p> <p>QUALIFICATION: (a) Registered "A" Grade Nurse. (b) Registered Midwife or in case of male nurse Training in specialist post basic course in lieu of Midwifery training. (c) Certificate or Diploma in Ward Administration or Sister Tutor Course from a recognized Institute. (d) Five years experience as Head Nurse or Public Health Supervisor or Midwifery excluding training period.</p> <p>AGE LIMIT: 25 to 40 years. PAY SCALE: BPS-17 ELIGIBILITY: Both Sexes.</p> <p>ALLOCATION: Zone1.</p>
HIGHER EDUCATION, ARCHIVES & LIBRARIES DEPTT	
34.	<p>FIVE (05) (LEFTOVER) POSTS OF MALE ASSISTANT PROFESSORS, ONE (01) EACH IN BIOLOGY, GEOGRAPHY & ENGLISH AND TWO (02) IN LAW IN HIGHER EDUCATION DEPARTMENT.</p> <p>QUALIFICATION: 1. Ph.D in the relevant subject from a recognized University with two years Teaching / Research experience in a recognized College / University; OR 2. M.Phil in the relevant subject from a recognized University with five years Teaching / Research experience in a College / University; OR 3. Second Class Master Degree in the relevant subject from recognized University with seven (07) years Teaching experience in College / University or in Education Administration Management.</p> <p>AGE LIMIT: 25 to 40 years. PAY SCALE: BPS-18 ELIGIBILITY: Male.</p> <p>ALLOCATION: Merit.</p>

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SERVICE TRIBUNAL	
47.	<p>TWO (02) POSTS OF JUNIOR SCALE STENOGRAPHER IN KHYBER PAKHTUNKHWA SERVICE TRIBUNAL.</p> <p>QUALIFICATION: (i) Intermediate from a recognized Board and. (ii) Speed of 50 word per minute in English Shorthand and 35 words per minute in Typing with knowledge of Computer in using MS Word and MS Excel.</p> <p>AGE LIMIT: 18 to 25 years. PAY SCALE: BPS-12 ELIGIBILITY: Both Sexes. ALLOCATION: One each to Zone- 2 & 3.</p>
ZAKAT, USHER, SOCIAL WELFARE & WOMEN DEV: DEPARTMENT	
48.	<p>ONE (01) POST OF GENDER ANALYST IN ZAKAT & USHER DEPARTMENT</p> <p>QUALIFICATION: (i) 2nd Class Master's Degree in Gender Studies OR (ii) Master's Degree in Social Work/Sociology / Anthropology / Social Sciences with at least three (03) years experience in relevant field.</p> <p>AGE LIMIT: 22 to 32 years. PAY SCALE: BPS-17 ELIGIBILITY: Both Sexes. ALLOCATION: Zone-1.</p>

GENERAL CONDITIONS

- (i) Age shall be reckoned on 30.09.2016. Maximum age limit as prescribed in the recruitment rules shall be relaxed upto 10 years for Disabled persons and Govt: Servants who have completed 2 years continuous service and upto 3 years for candidates belonging to backward areas specified in the appendix attached to the Khyber Pakhtunkhwa Initial Appointment to Civil Posts (Relaxation of Upper Age Limit) Rules, 2008. However, a candidate shall be allowed relaxation in age in one of the above categories provided that the candidates from backward areas, in addition to automatic relaxation of three years shall be entitled to one of the relaxations available to Govt: Servants, general or disabled candidates, whichever is relevant and applicable to them. Employees or ex-employees of development projects of the Government of Khyber Pakhtunkhwa and employees or ex-employees of development projects of the Federal Government under the administrative control of the Government of Khyber Pakhtunkhwa shall also be entitled to age relation equal to the period served in the projects, subject to a maximum limit of ten years provided that this age relaxation shall not be available in conjunction with any other provisions of the age relaxation rules.
- (ii) Only the qualification possessed on the closing date of the advertisement fixed for the incountry candidates shall be taken into consideration.
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- (iv) Candidates applying against disabled posts must attach with their application forms a disability certificate from the Provincial Council for Rehabilitation of Disabled Persons as well as disability certificate from the respective Medical Superintendent/ Medical Board showing therein the specific disability.
- (v) Govt. / Semi Govt. / Autonomous / Semi Autonomous Bodies employees may apply direct but their Departmental Permission Certificates should reach within 30 days of the closing date.
- (vi) Applications should be on the prescribed application form obtainable from the listed below branches of the NATIONAL BANK OF PAKISTAN. Application Fee is Rs.285/- (Rupees Two Hundred Eighty Five only) for all the candidates. In addition to the application fee, the candidates will have to pay Rs.15/- (rupees fifteen only) on account of Bank Charges. Separate application form will be required for each advertised category of posts. Application forms obtained other than the specified branches of the National Bank will be considered invalid and such applications will

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- not be entertained. The applications on plain paper or Photostat shall not be accepted. Incomplete and late applications shall not be accepted which shall be rejected. Candidates can also apply online through the Commission's website (www.kpppsc.gov.pk). However the application fee needs to be deposited in State Banks of Pakistan or a National Bank of Pakistan Branch under head of account No. C02101- Organs of State Examination Fee of KP PSC through Challan on or before the closing date. The same alongwith attested copies of all the documents need to be submitted to the Commission within 10 days.
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- (x) Govt. reserves the right not to fill any or fill more or less than the advertised post(s).
- (xi) Candidates who have already availed three chances by physical appearance before the Commission and have failed for the post(s) having one and the same qualifications and scale of pay shall be ineligible.
- (xii) Experience wherever prescribed shall be counted after the minimum qualifications for the post(s), if not specifically provided otherwise against the advertised post(s).
- (xiii) The candidates applying for posts requiring experience are advised to fill in the requisite proforma and provide the experience certificate available on the Commission's website and submit it alongwith the application form. The application form without this proforma and certificate shall not be accepted/ processed.
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Parachinar, Mardan, Swabi, Malakand, Shangla, Chitral, Timargara, Daggar, D.I.Khan, Bannu, Karak, Kohat, Hangu, Lakki Marwat, Abbottabad, Haripur, and Mansehra
- (2) Saddar Road Branch, Tehkal Payan Branch, G.T Road (Nishtar Abad) Branch and University Campus Branch Peshawar.
- (3) Tehsil Bazar Branch Charsadda, Nowshera Cantt: Branch, Bank Square Branch Mingora and City Branch Tank

Note: -The candidate who apply for the post(s) are advised to make sure that they are eligible for the post in all respects because eligibility of the candidate will be determined strictly according to the rules after conduct of all essential tests.

(Akbar Ali Khan)
Secretary
Khyber Pakhtunkhwa
Public Service Commission
Peshawar

Before the Judgment of 1/03/2020
KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION

2- Fort Road Peshawar Cantt:

Website: www.kppsc.gov.pk

Tele: Nos. 091-9214131, 9213563, 9213750, 9212897

Dated: 16.03.2020

S.No-1213

ADVERTISEMENT No. 02/2020

Online applications are invited for the following posts from Pakistani citizens having domicile of Khyber Pakhtunkhwa by **03.04.2020**.

- Applications other than online will not be accepted. To apply, visit any Jazz Cash & Easy Paisa Agent, deposit application fee of RS.500/- excluding service charges up to official timing of the closing date (05:00 PM) and get transaction I.D through SMS. Visit PSC website www.kppsc.gov.pk and apply online.
- Candidates are advised to fill in all the columns carefully as change(s) will not be allowed after submission. Unclaimed qualification, experience etc will not be accepted later on.
- Incomplete applications will be summarily rejected.
- Only one application is required for one serial, however the candidates applying for various quotas should mention serial number of (1)a, (1)b or (1)c in the application form specifically.
- Documents are not required at the time of submission of application; candidates who qualify the test will have to submit their documents within one week time after announcement of the result, however in experience involved posts, all documents are required to be submitted immediately after apply.

AGRICULTURE, LIVESTOCK & COOPERATIVE DEPARTMENT

1. ONE (01) (LEFTOVER) POST OF RESEARCH OFFICER (AGRICULTURE CHEMISTRY/ SOIL SCIENCE (MINORITY QUOTA) IN AGRICULTURE, LIVESTOCK & COOPERATIVE DEPARTMENT (RESEARCH WING).
QUALIFICATION: 2nd Class M.Sc/ B.Sc (hons) Degree in Agriculture from a recognized University, Under Research Programme in the subject relating to the subject groups as specified in schedule (appended to this notification) to which the vacancy occurs.
AGE LIMIT: 21 to 32 years **PAY SCALE:** BPS-17 **ELIGIBILITY:** Both Sexes
ALLOCATION: Merit

ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

2. THREE (03) LEFTOVER POSTS OF FEMALE SUBJECT SPECIALIST PHYSICS IN ELEMENTARY & SECONDARY EDUCATION DEPARTMENT.
QUALIFICATION: At least 2nd Class Master's Degree or Four Years BS Degree in the relevant subject with Bachelor of Education or M.Ed or Master of Education (Industrial Arts or Business Education) or M.A Education or Equivalent Qualification from recognized University.
AGE LIMIT: 23 to 35 years **PAY SCALE:** BPS-17 **ELIGIBILITY:** Female
ALLOCATION: Zone-1

3. ONE (01) LEFTOVER POST OF FEMALE SUBJECT SPECIALIST PHYSICS (DISABLE QUOTA) IN ELEMENTARY & SECONDARY EDUCATION DEPARTMENT.
QUALIFICATION: At least 2nd Class Master's Degree or Four Years BS Degree in the relevant subject with Bachelor of Education or M.Ed or Master of Education (Industrial Arts or Business Education) or M.A Education or Equivalent Qualification from recognized University.
AGE LIMIT: 23 to 35 years **PAY SCALE:** BPS-17 **ELIGIBILITY:** Female
ALLOCATION: Merit

4. ONE (01) LEFTOVER POST OF FEMALE LIBRARIAN (MINORITY QUOTA)
QUALIFICATION: Master's degree in Library & Information Science from a recognized University.
AGE LIMIT: 21 to 35 years **PAY SCALE:** BPS-17 **ELIGIBILITY:** Female
ALLOCATION: Merit

FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT

5. TWO (02) POSTS OF MONITORING INSPECTOR (FEMALE & MINORITY QUOTA) IN ENVIRONMENT PROTECTION AGENCY (FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT).
QUALIFICATION: (a) At least second Class Bachelor's of Science Degree with Chemistry, Botany, Agriculture, Forestry and Physics as one of the subjects or equivalent qualification from a recognized University with one year experience in data collection or laboratory work in Government or Semi Government Organizations; OR
(b) At least second class Master's Degree in Environmental Sciences or Environmental Planning and Management or Bachelor of Studies (four years) in Environmental Sciences.
AGE LIMIT: 21 to 35 years **PAY SCALE:** BPS-14 **ELIGIBILITY:** Minority Quota(Both Sexes)
ALLOCATION: Female Quota (Only Female)
(a) One (01) post for Female Quota to Merit.
(b) One (01) post for Minority Quota to Merit.

HEALTH DEPARTMENT

6.	<p>ONE HUNDRED & FORTY EIGHT (148) LEFTOVER POSTS OF MEDICAL OFFICERS (ONE HUNDRED (100) TO MINORITY QUOTA & FORTY EIGHT (48) TO DISABLE QUOTA) IN HEALTH DEPARTMENT. QUALIFICATION: (a) MBBS or equivalent qualification from recognized university and (b) Completion of House Job Training. AGE LIMIT: 22 to 35 years PAY SCALE: BPS-17 ELIGIBILITY: Both Sexes ALLOCATION: 1. One Hundred (100) posts for Minority Quota to Merit 2. Forty Eight (48) posts for Disable Quota to Merit.</p>	
7.	<p>NINETY FOUR (94) (LEFTOVER) POSTS OF CHARGE NURSE (EIGHTY (80) TO GENERAL, SIX (06) TO FEMALE, AND FOUR (04) EACH TO MINORITY & DISABLE QUOTA). QUALIFICATION: (i) B.Sc Nursing four years Degree; OR Diploma in General Nursing and one year specialized post basic Diploma; AND (ii) Equal for both male and female candidates duly registered with Pakistan Nursing Council. AGE LIMIT: 21 to 35 years PAY SCALE: BPS-16 ELIGIBILITY: Both Sexes ALLOCATION: (a) Eighty (80) posts for General Quota; forty four (44) to Zone-1, four (04) to Zone-2, nineteen (19) to Zone-4 and thirteen (13) to Zone-5. (b) Six (06) posts for Female Quota to Merit. (c) Four (04) posts for Minority Quota to Merit. (d) Four (04) posts for Disable Quota to Merit.</p>	
8.	<p>FORTY ONE (41) POSTS OF MEDICAL ENTOMOLOGISTS IN HEALTH DEPARTMENT. QUALIFICATION: (i) At least Second Division Bachelor of Science in Biology, Zoology, Microbiology, Molecular Biology, Environmental Health Agriculture (Entomology), Pharmacy, Medical Technology or Biotechnology from a recognized university and Post Graduate qualification in Medical Entomology and Disease Vector Control. Note: Working in Dengue surveillance field entomology may be preferred; (ii) If no one is available with the above qualification, then at least Second Class Master of Science in Zoology, Bachelor of Science in Agriculture entomology or Bachelor of Science (Hons;) in Zoology subject to the condition to acquire the postgraduate qualification in Medical Entomology and Disease Vector Control within three years of the appointment. AGE LIMIT: 25 to 32 years PAY SCALE: BPS-17 ELIGIBILITY: Both Sexes ALLOCATION: (a) Thirty Five (35) posts for general quota; Nine (09) to Merit, Six (06) each to Zone-1, Zone-2, Zone-3 and Four (04) each to Zone-4 & Zone-5. (b) Four (04) posts for Female Quota to Merit. (c) One (01) post for Minority Quota to Merit. (d) One (01) post for Disable Quota to Merit. Note: Those candidates who have applied against previous advertisement 05.2018 Sr. 43 are not eligible, need not apply afresh.</p>	
9.	<p>SIX (06) POSTS OF DISTRICT SPECIALIST (TWO (02) EACH FOR NEURO SURGERY, SURGERY & ORTHOPEDIC SURGERY) IN DHQ HOSPITAL PARACHINAR TRIBAL DISTRICT KURRAM. QUALIFICATION: (a) Postgraduate degree/Fellowship in the specialty from a recognized University/Institute; OR (b) Diploma in the specialty from a recognized Institute with at least one year service after diploma in the relevant specialty. Note: Candidates with the qualification at (b) shall be considered only when no suitable candidate with the qualification at (a) above is available. AGE LIMIT: 22 to 40 years PAY SCALE: BPS-18 ELIGIBILITY: Both Sexes ALLOCATION: <table border="1" style="display: inline-table; vertical-align: middle;"><tr><td>Merit</td></tr></table></p>	Merit
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10.	<p>FOUR (04) POSTS OF SENIOR REGISTRARS (ONE (01) EACH FOR MEDICINE, ENT, SURGERY AND PAEDIATRICS) IN SAIDU MEDICAL COLLEGE SAIDU SHARIF, SWAT. QUALIFICATION: (i) MBBS (duration of 5 or 6 years) or equivalent medical qualification recognized by the PM&DC AND, (ii) FCPS/MS/MD (duration of 4 years) or qualification with other nomenclatures in the respective clinic science subject or equivalent qualification recognized by PM&DC. AGE LIMIT: 25 to 45 years PAY SCALE: BPS-18 ELIGIBILITY: Both Sexes ALLOCATION: <table border="1" style="display: inline-table; vertical-align: middle;"><tr><td>Merit</td></tr></table></p>	Merit
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11.	<p>TEN (10) POSTS OF SENIOR REGISTRARS, (TWO (02) FOR PEDIATRIC SURGERY, ONE (01) EACH FOR PLASTIC SURGERY, NEURO SURGERY, ANESTHESIA, CARDIAC SURGERY, NEPHROLOGY, ONCOLOGY, DENTISTRY AND NEUROLOGY) IN GAJJU KHAN MEDICAL COLLEGE, SWABI. QUALIFICATION: (i) MBBS (duration of 5 or 6 years) or equivalent medical qualification recognized by the PM&DC AND, (ii) FCPS/MS/MD (duration of 4 years) or qualification with other nomenclatures in the respective clinic science subject or equivalent qualification recognized by PM&DC. AGE LIMIT: 25 to 45 years PAY SCALE: BPS-18 ELIGIBILITY: Both Sexes ALLOCATION: <table border="1" style="display: inline-table; vertical-align: middle;"><tr><td>Merit</td></tr></table></p>	Merit
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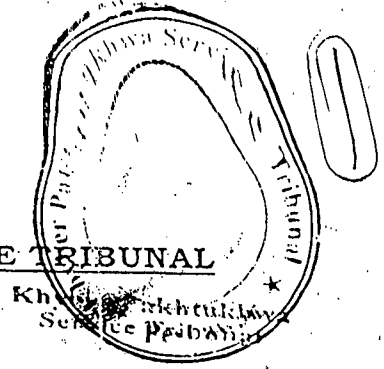
HEALTH DEPARTMENT

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12.	<p>TEN (10) POSTS OF DRUG INSPECTOR (NINE (09) TO GENERAL AND ONE (01) TO FEMALE QUOTA). QUALIFICATION: (i) Degree in Pharmacy from a recognized university and (ii) One year experience in manufacturing, sale, testing or analysis of drugs, or in the drug administration, or in a hospital or pharmacy. AGE LIMIT: 21 to 35 years. PAY SCALE: BPS-17 ELIGIBILITY: Both Sexes. ALLOCATION: (a). Nine (09) Posts for General Quota; Two (02) each to Merit, Zone-1, Zone-2 & Zone-3 and One (01) to Zone-5. (b). One (01) Post for Female Quota to Merit.</p>	
13.	<p>TWENTY ONE (21) POSTS OF PHARMACIST (EIGHTEEN (18) TO GENERAL, TWO (02) TO FEMALE, AND ONE (01) TO MINORITY QUOTA). QUALIFICATION: (i) Pharm-D from a recognized university registered with the Pharmacy Council under the Pharmacy Act, 1967; OR (ii) B-Pharmacy from recognized university with 01 year experience in relevant field and registered with the Pharmacy Council under the Pharmacy Act, 1967. AGE LIMIT: 21 to 32 years. PAY SCALE: BPS-17 ELIGIBILITY: Both Sexes. ALLOCATION: (a). Eighteen (18) Posts for General Quota; four (04) each to Merit & Zone-1, Three (03) each to Zone-2 & Zone-3 and Two (02) each to Zone-4 & Zone-5. (b). Two (02) Posts for Female Quota to Merit. (c). One (01) Post for Minority Quota to Merit.</p>	
14.	<p>TWO (02) (LEFTOVER) POSTS OF PROFESSORS ONE (01) EACH FOR PSYCHIATRY AND ANESTHESIOLOGY IN SAIDU MEDICAL COLLEGE SWAT. QUALIFICATION: (a) MBBS (duration of 5 or 6 years) or equivalent medical qualification recognized by the Pakistan Medical & Dental Council; and (b) FCPS/MS/MD (duration of 4 years) or qualification with other nomenclatures, in the respective clinical science subject or equivalent qualification recognized by Pakistan Medical & Dental Council; (ii) EXPERIENCE:- Three years teaching experience as an Associate Professor in the respective subject is essential provided that total experience as Assistant Professor and Associate Professor is not less than eight years or nine years teaching experience as an Assistant Professor and Associate Professor in the respective subject calculated as per Pakistan Medical & Dental Council Regulations duly certified by Pakistan Medical & Dental Council in case of experience gained in private sector medical colleges; and (iii) RESEARCH PUBLICATIONS:- A total of five Research Publications out of which at least two as Principal author in the relevant specialty are required. Only an original article published in a medical journal approved by the Pakistan Medical & Dental Council shall be acceptable. AGE LIMIT: 40 to 50 years PAY SCALE: BPS-20 ELIGIBILITY: Both Sexes ALLOCATION: <table border="1" style="display: inline-table; vertical-align: middle;"><tr><td>Merit</td></tr></table></p>	Merit
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15.	<p>ONE (01) POST OF ASSISTANT PROFESSOR PHYSIOLOGY IN SAIDU MEDICAL COLLEGE SWAT. QUALIFICATION: (i) MBBS (duration of 5 or 6 years) or equivalent medical qualification recognized by the Pakistan Medical & Dental Council; and (ii) FCPS/Ph.D (duration of 4 years) or qualification with other nomenclatures, in respective basic science subject or equivalent qualification recognized by Pakistan Medical & Dental Council; or (iii) M.Phil (duration of 2 years) or qualification with other nomenclature, in respective basic science subject or equivalent qualification in the respective basic science subject recognized by Pakistan Medical & Dental Council having two years teaching experience as Lecturer / Demonstrator in respective basic science subject (i.e M.Phil or qualification with other nomenclature recognized by Pakistan Medical & Dental Council). In case of private sector medical colleges, the experience is duly certified by Pakistan Medical & Dental Council. (iv) FCPS/MS/MD or qualification with other nomenclature (duration of 4 year) in related clinical subjects (duration of 4 years). AGE LIMIT: 27 to 45 years. PAY SCALE: BPS-18 ELIGIBILITY: Both Sexes. ALLOCATION: <table border="1" style="display: inline-table; vertical-align: middle;"><tr><td>Merit</td></tr></table></p>	Merit
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16.	<p>ONE (01) POST OF ASSISTANT PROFESSOR ENT IN SAIDU MEDICAL COLLEGE SWAT. QUALIFICATION: (i) MBBS (duration of 5 or 6 years) or equivalent medical qualification recognized by the Pakistan Medical & Dental Council; and (ii) FCPS/MS/MD (duration of 4 years) or qualification with other nomenclatures, in the respective clinical science subject or equivalent qualification recognized by Pakistan Medical & Dental Council having three years teaching experience after Post Graduation in the following order of preference: 1. Teaching experience; and 2. Practical experience. In case of private sector medical colleges, the experience is duly certified by Pakistan Medical & Dental Council. AGE LIMIT: 28 to 45 years. PAY SCALE: BPS-18 ELIGIBILITY: Both Sexes. ALLOCATION: <table border="1" style="display: inline-table; vertical-align: middle;"><tr><td>Merit</td></tr></table></p>	Merit
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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR



Diary No. 7781
Dated 22/7/2020

Appeal No. 8490 /2020

Mst. Nighat Sultana (Government Public Analyst, BPS 18) w/o Sabir Hayat r/o Hayatabad
Peshawar.

Petitioner...

VERSUS

1. The Government of Khyber Pakhtunkhwa through chief Secretary, Khyber Pakhtunkhwa, Peshawar
2. The Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
3. Secretary Health Department, Government of Khyber Pakhtunkhwa, Peshawar.

Respondents...

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED NOTIFICATION NO. SOH-III/10-4/2017 DATED 30/03/2020 AND IMPUGNED OFFICE ORDER NO. 6799-805/E-I DATED 18/05/2020 OF THE RESPONDENTS BY ILLEGALLY AND UNLAWFULLY RELIEVING THE PETITIONER FROM FOOD TESTING LABORATORY PESHAWAR AND TRANSFERRING HER TO DHQ HOSPITAL KDA KOHAT AS DISTRICT SPECIALIST PATHOLOGY

PRAYER IN PETITION:

On acceptance of the instant Appeal, this Honorable Tribunal may kindly be pleased to issue direction to the Respondents:

a. Not to relieve the Petitioner from performing her duties as Government Public Analyst (BPS-18) at Food Testing Laboratory Peshawar.

b. Declare the Notification number SOH-IH/10-4/2017 dated 30th March 2020 as illegal, without any force of law, void ab initio hence liable to be set aside.

c. Declare office order no. 6799-805/E-I dated 18/05/2020 issued by respondent no. 2 as illegal, void ab-initio, without any force of law and hence liable to be set aside at once.

d. Declare Office Order No. 855/E-I Dated 19/06/2020 illegal void ab-initio

e. Any other relief not specifically prayed for but this August Tribunal deems fit may also be granted in favor of the Appellant.

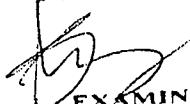
The Petitioner humbly submits:

Facts:

1. That the Petitioner applied for the post of Microbiologist at Food Analyzer Laboratory Peshawar which advertised in the newspaper "Daily Mashriq" on 19 December 1991.

(A Copy of the said advertisement is attached as Annex-A)

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Re-submitted to -day
said filed.

Registrar
22/7/2020

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 8490/2020

Date of Institution ... 22.07.2020

Date of Decision ... 27.07.2021



Mst. Nighat Sultana (Government Public Analyst, BPS-18) W/o Sabir Hayat R/o Hayatabad Peshawar. ... (Appellant)

VERSUS

The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar and two others. ... (Respondents)

MR. ABDULLAH SHAH
Advocate

... For Appellant

MR. MUHAMMAD ADEEL BUTT
Additional Advocate General

... For Respondents

MR. SALAH-UD-DIN ...
MR. ATIQ-UR-REHMAN WAZIR ...

MEMBER (JUDICIAL)
MEMBER (EXECUTIVE)

JUDGMENT

ATIQ-UR-REHMAN WAZIR MEMBER (E):- Brief facts of the case are that the appellant was appointed as Microbiologist (BPS-17) by recommendation of public service commission vide order dated 29-06-1992 and was posted as Microbiologist at the public analysis Lab Peshawar. Upon intervention of the honorable Peshawar High Court vide its judgment dated 29-03-2007, service rules for recruitment/ promotions in respect of employees of the Public Analysis Lab were issued vide Notification dated 15-11-2007 and in light of the said notification, the appellant was promoted to the post of Government Public Analyst (BPS-18) vide order dated 01-02-2009. During the course of her service, she was relieved of her services by respondent No. 3 and her services were placed at the disposal of DG Health Services vide order dated

ATTESTED

EXAMINER

30-03-2020 and the DG Health Services vide order dated 18-05-2020 posted her against the vacant post of District Specialist Pathology (BPS-18) at DHQ Hospital Kohat. Feeling aggrieved, the appellant filed departmental appeal, which was rejected vide order dated 19-05-2020, hence the instant service appeal with prayers that impugned orders dated 30-03-2020, 18-05-2020 and 19-06-2020 may be set aside and the appellant may be allowed to perform her duty as Government Public Analyst(BPS-18) at Food Testing Laboratory Peshawar.

02. Written reply/comments were submitted by respondents.

03. Learned counsel for the appellant has contended that the appellant has specifically been recruited for Food Testing Lab as a microbiologist and was promoted in that lab to the post of Government Public Analyst and she cannot be posted out of the cadre. He further contended that such transfer was made in utter violation of proviso of Section 10 of Civil Servant Act, 1973 and is illegal, against law and principles of natural justice. Learned counsel for the appellant argued that the appellant was promoted and posted on the post in compliance of the judgment of the honorable Peshawar High Court and such transfer would amount to contempt of the orders of the court. He further argued that the job description of Microbiologist and Pathologist are altogether different in nature, whereas the appellant is having decades of experience in her field has been transferred to a post that is completely different from what her real expertise and qualifications are. Learned counsel for the appellant explained that the impugned transfer orders does not explain as to what had necessitated such outrageous action taken by the respondents; that the transfer order was not made in the public interest, rather it was based on malafide, which is illegal and against all canons of justice. He further explained that the appellant had been selected for a specific job and she was not supposed to be transferred anywhere else. Learned counsel for the appellant prayed that on acceptance of the instant appeal, the impugned orders may be set aside and the appellant may be allowed to be posted as Government Public Analyst at Food Testing Lab Peshawar.

TESTED

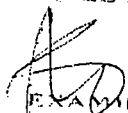
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

04. Learned Additional Advocate General appearing on behalf of respondent has contended that the impugned notification was issued in accordance with law and rule, as the competent authority was authorized under section 10 of the Khyber Pakhtunkhwa Civil Servant Act, 1973 to transfer a civil servant against any post even outside his/her cadre. He further contended that the appellant was posted against a related post as a stop-gap arrangement, however her terms and conditions would remain the same. Learned Additional Advocate General argued that the appellant is a qualified microbiologist which is very much related to pathology. Learned Additional Advocate General prayed that the instant appeal being devoid of any force, may be dismissed. Reliance was placed on 2017 SCMR 798.

05. We have heard learned counsel for the parties and have perused the record :

06. A perusal of record would reveal that the appellant was initially appointed as Microbiologist (BPS-17) in Food Testing Lab Peshawar. It was on 31-01-2007 when a complaint was lodged to the Chief Justice Peshawar High Court for taking notice of wide spread adulteration of food items and the Worthy Chief Justice had taken notice of it in a Writ Petition No. 229/2007. The subject writ petition was disposed of vide judgment dated 29-03-2007, as Secretary Health present in the court stated at the Bar that Mst. Nighat Sultana has been given the charge of Govt. Public Analyst in Food Testing Lab, Peshawar as a stop-gap arrangement, as no officer in BPS-17 in Food Testing Lab is available to be promoted against the post of Govt. Public Analyst. The Secretary Health committed before the court that Health Department is making necessary amendments in the existing service rules for the post of Govt. Public Analyst and the requisite amendments shall be done within a period of two months. It was noted that the Health Department in pursuance of their commitments, brought amendments in rules vide Notification dated 15-11-2007 and in pursuance of that rules, the appellant was promoted to the post of Govt. Public Analyst (BPS-18).

ATTESTED

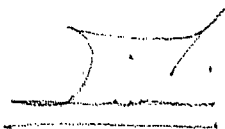

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar


07. Record reveals that microbiology was introduced in Food Testing Lab in the year 1992 by induction of the appellant specifically for the purpose of food testing, by virtue of which the appellant could not be transferred elsewhere, hence the impugned transfer order is against the proviso of section 10 of Civil Servant Act, 1973, which states that nothing contained in this section shall apply to a civil servant recruited specifically to serve in a particular area or region. Moreover there is a lot of difference between the job description of a Microbiologist and pathologist, as microbiology is the study of microscopic organisms, which may be unicellular, multi-cellular or a-cellular, whereas pathology is the branch of medical sciences that deals with the examination of organs, tissues and body fluids for the diagnosis of disease, so in view of the situation, the transfer of appellant from her own position to that of pathology is illogical and it would not be possible for the appellant to do justice with her job.

08. We are of the considered opinion that the impugned transfer order was made in violation of proviso of Section 10 of Civil Servant Act, 1973 as well as the said order was not made in the public interest. The appellant was specifically recruited for the said post at Food Testing Lab, who is not supposed to be transferred elsewhere.


09. In view of the foregoing discussion, the instant appeal is accepted and the impugned orders dated 30-03-2020, 18-05-2020 and 19-06-2020 are set aside. The appellant is restored to her original post of Government Public Analyst. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
27.07.2021


(SALAH-U-DIN)
MEMBER (JUDICIAL)


(ATIQ UR REHMAN WAZIR)
MEMBER (EXECUTIVE)

Certified to be true copy


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar