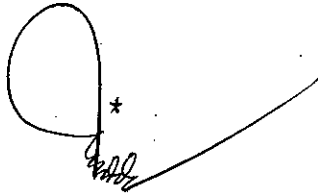


07.09.2022

Appellant in person present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for official respondents No. 1 to 3 present.

File to come up alongwith connected Service Appeal bearing No. 1062/2019 titled "Shamsher Ali Versus Government of Khyber Pakhtunkhwa through Secretary Health Khyber Pakhtunkhwa at Civil Secretariat Peshawar and others", on 06.10.2022 before the D.B at Camp Court Swat.



(Mian Muhammad)
Member (Executive)
Camp Court Swat



(Salah-Ud-Din)
Member (Judicial)
Camp Court Swat

06.10.2022

Appellant alongwith his counsel present. Mr. Riaz Ahmed Paindakhel, Assistant Advocate General for official respondents present.

To come up alongwith connected Service Appeal bearing No. 1062/2019 titled "Shamsher Ali Versus Government of Khyber Pakhtunkhwa through Secretary Health - Khyber Pakhtunkhwa at Civil Secretariat Peshawar and others" on 10.11.2022 before the D.B at Camp Court Swat.



(Rezina Rehman)
Member (J)
Camp Court Swat



(Salah-Ud-Din)
Member (J)
Camp Court Swat

8th June, 2022

Appellant in person present. Mr. Kabirullah Khattak, Addl: AG for official respondents No. 1 to 3 present. Private respondents No. 4 to 59 are not present.

Written reply/comments on behalf of private respondents No. 4 to 59 not submitted despite numerous opportunities, therefore, their right for submission of written reply/comments is struck off. To come up for arguments on 05.07.2022 before the D.B at camp court Swat.



(Kalim Arshad Khan)
Chairman
Camp Court Swat

05.07.2022

Appellant present through counsel.

Noor Zaman Khattak, learned District Attorney for respondents present.

File to come up alongwith connected Service Appeal No.1062/2019 titled "Shamsher Ali Vs. Government of Khyber Pakhtunkhwa" on 03.08.2022 before D.B at Camp Court, Swat.



(Fareeha Paul)
Member (E)
Camp Court, Swat



(Rozina Rehman)
Member (J)
Camp Court, Swat

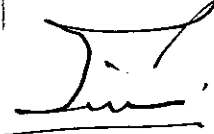
3.8.22

Case to be summarised & the case is adjourned to 7-9-22 for the same.



04.04.2022

Appellant present. Mr. Riaz Ahmed Paindakhel, Assistant Advocate General for official respondents No. 1 to 3 present. None present on behalf of private respondents No. 4 to 59. Previous date was changed on Reader Note, therefore, private respondents be summoned through registered post to submit comments on 10.05.2022 before the S.B at Camp Court Swat.



(Salah-Ud-Din)
Member (J)
Camp Court Swat

10.05.2022

Clerk of learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for official respondents No. 1 to 3 present. None present on behalf of private respondents No. 4 to 59.

Vide previous order sheet, it was ordered that private respondents be summoned through registered post, however on perusal of the record, it transpired that the same have not been sent to the private respondents, therefore, in this respect explanation be called from the Muharrar. Private respondents No. 4 to 59 be summoned through registered post for submission of written reply/comments on 08.06.2022 before the S.B at Camp Court Swat.

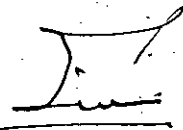


(Salah-Ud-Din)
Member (J)
Camp Court Swat

06.01.2022

Appellant alongwith clerk of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for official respondents No. 1 to 3 present. None present on behalf of private respondents No. 4 to 59. Written reply on behalf of official respondents No. 1 to 3 has already been submitted.

Vide previous order dated 05.11.2021, the appellant was directed to deposit publication fee within 07 days regarding summoning the private respondents through publication in newspaper daily "Mashriq" but the said fee has not been deposited by the appellant so far, therefore, the appellant is once again directed to deposit the requisite publication fee within 03 working days. Thereafter, private respondents be summoned through ordinary process as well as publication in daily "Mashriq" and to come up for written reply/comments on behalf of private respondents No. 4 to 72 on 07.02.2022 before the S.B at Camp Court Swat.



(Salah-Ud-Din)
Member (J)
Camp Court Swat

07.02.2022

Tour is hereby canceled. Therefore, the case is adjourned to 04.04.2022 for the same as before at Camp Court Swat.



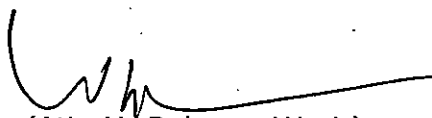
Reader

05.10.2021

Shamsher Ali appellant in connected service appeal, present on behalf of appellant.

Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Case to come up alongwith connected Service Appeal No.1062/2019 on 05.11.2021 before D.B at Camp Court Swat.



(Atiq-Ur-Rehman Wazir)
Member (E)
Camp Court, Swat



(Rozina Rehman)
Member (J)
Camp Court, Swat

05.11.2021

Mr. Muhammad Javed Khan, Advocate, for the appellant present. Mr. Safiullah, Section Officer (II) alongwith Mr. Riaz Ahmed Paindakhel, Assistant Advocate General for official respondents No. 1 to 3 present. Reply/comments on behalf of official respondents have already been submitted.

Learned counsel for the appellant submitted an application that in view of large number of private respondents, they be summoned through publication in newspaper. The application is allowed. Private respondents be summoned through ordinary process as well as publication in daily "Mashriq". Appellant is directed to deposit publication fee within 07 days. Adjourned. To come up for attendance as well as submission of reply/comments on behalf of private respondents and arguments before the D.B on 06.01.2022 at Camp Court Swat.



(Atiq-Ur-Rehman Wazir)
Member (E)
Camp Court Swat

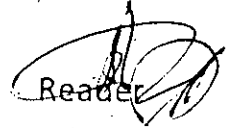


(Salah-Ud-Din)
Member (J)
Camp Court Swat

4-1.2020

Due to COVID19, the case is adjourned to

01/03/2020 for the same as before.

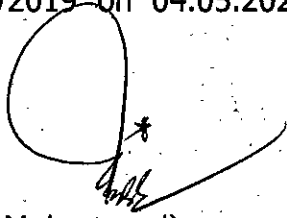

Reader

01.03.2021

Shamsher Ali appellant in connected service appeal, present on behalf of appellant.

Riaz Khan Paindakheil learned Assistant Advocate General for respondents present.

Case to come up alongwith connected Service Appeal No.1062/2019 on 04.05.2021 before D.B at Camp Court, Swat.

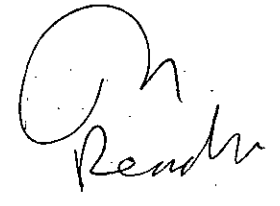


(Mian Muhammad)
Member (E)
Camp Court, Swat

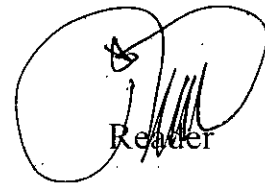


(Rozina Rehman)
Member (J)
Camp Court, Swat

*Due to COVID 19 therefore to
come up for the same on 5/10/21*


Reader

02.06.2020 Due to COVID-19, the case is adjourned. To come up for the same on 06.08.2020, at camp court Swat.



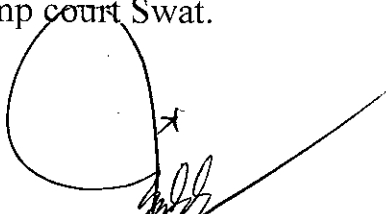
Reatler

06.10.2020

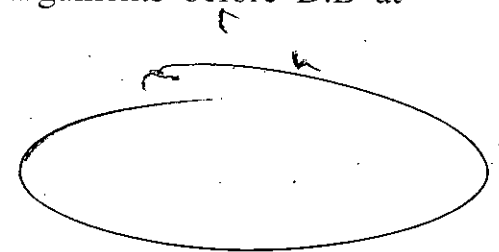
Appellant is present in person. Mr. Usman Ghani, District Attorney alongwith Mr. Jafar Ali, Assistant and Mr. Amjad Ali, Assistant for respondents present.

Arguments could not be heard due to strike of the District Bar Association, Swat.

Adjourned to 02.11.2020 for arguments before D.B at camp court Swat.



(Mian Muhammad)
Member(E)




(Muhammad Jamal)
Member
Camp Court Swat

02.11.2020


Appellant in person present.

Riaz Khan Paindakheil learned Assistant Advocate General alongwith Jaffar Ali Assistant for respondents present.

Lawyers are on general strike, therefore, case is adjourned to 04.01.2021 for arguments, before D.B at Camp Court, Swat.



(Atiq ur Rehman Wazir)
Member(E)
Camp Court, Swat



(Rozina Rehman)
Member (J)
Camp Court, Swat

03.02.2020 Appellant with counsel present. Mr. Muhammad Jan learned Deputy District Attorney alongwith Dr. Younas Faisal Medical Officer present. Representative submitted written reply/comments. Learned counsel for the appellant seeks adjournment for arguments. Adjourn. To come up for preliminary arguments on 04.03.2020 before S.B at Camp Court Swat. Restraint order shall continue till the next date fixed.



Member
Camp Court, Swat.

04.03.2020 Appellant with counsel present. Mr. Usman Ghani learned District Attorney present. Written reply/parawise comments have already been submitted on behalf of respondents. Parties stated that since parawise reply/comments have been submitted by the respondents therefore the present service appeal may be posted for arguments before D.B. Consequently the present service appeal is admitted for regular hearing and posted for rejoinder, if any, and arguments before D.B on 07.04.2020 at Camp Court Swat. Dr. Faisal Younas representative of respondent department be put to notice for the date fixed.



Member
Camp Court, Swat.


*Due to corona virus tour to
camp court swat has been cancelled.
To come up for the same on .02-06-20*

Reader

Service Appeal No. 1062/2019

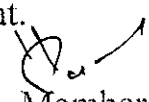
07.11.2019

Appellant alongwith his counsel present. None present on behalf of the respondents therefore, notices be issued to the respondents with the direction to direct the representative to attend the court and submit reply on the next date positively. Case to come up for reply and preliminary hearing on 04.12.2019 before S.B at Camp Court Swat. The restraint order shall continue till the next date.


(Muhammad Amin Khan Kundi)
Member
Camp Court Swat

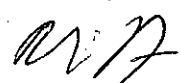
04.12.2019

Appellant in person present. Written reply not submitted. Zia-ul-Haq, Computer Operator representative of respondent department present and seeks time to furnish written reply/comments. Granted. To come up for written reply/comments on 06.01.2020, before S.B at Camp Court, Swat.


Member
Camp Court, Swat

06.01.2020

Appellant in person and Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present. Neither written reply on behalf of respondents submitted nor representative of the department is present, therefore, notices be issued to the respondents with the direction to direct the representative to attend the court and submit written reply on the next date positively. Adjourned to 03.02.2020 for written reply/comments before S.B at Camp Court Swat. The restraint order shall continue till the next date.


(Muhammad Amin Khan Kundi)
Member
Camp Court Swat

04.09.2019

A. No. 1063/2019
Fazal Subhan vs Govt

Learned counsel for the appellant present. Heard.

The appellant (Office Assistant) has filed the present service appeal against the provisional seniority list of Office Assistant (BS-16) in the Health Department Khyber Pakhtunkhwa for the year 2019. Learned counsel for the appellant contended inter-alia that the impugned Provisional seniority list is incorrect and that the respondent department is bent upon making promotions on the strength of the said Provisional seniority list instead of Final Seniority list.

Let pre-admission notice be issued to the respondents for reply. Adjourn. To come up for reply of the respondents and preliminary hearing before S.B on 09.10.2019 at Camp Court, Swat.

In the meanwhile respondent department is directed to refrain from doing promotions on the strength of impugned Provisional seniority list till the next date fixed.



Member
Camp Court, Swat

09.10.2019

Appellant in person present. Respondents are not present nor notices were issued to them despite the fact that in the previous order sheet it was ordered that pre-admission notice be issued to the respondents for reply, therefore, fresh notices be issued to all the respondents for reply. Case to come up for reply and preliminary hearing on 07.11.2019 before S.B at Camp Court Swat. In the meanwhile restraint order dated 04.09.2019 shall continue till the next date.

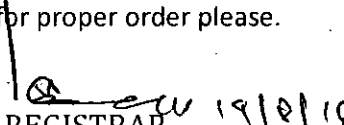



(Muhammad Amin Khan Kundi)
Member
Camp Court Swat

Form- A
FORM OF ORDER SHEET

Court of _____

Case No.- _____ 1063 /2019 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	19/08/2019	<p>The appeal of Mr. Fazal Subhan resubmitted today by Mr. Muhammad Javed Khan 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 19/08/19</p>
2-	26-08-2019	<p>This case is entrusted to touring S. Bench at Swat for preliminary hearing to be put up there on <u>04-09-2019</u></p> <p style="text-align: right;"> CHAIRMAN</p>


This is an appeal filed by Mr. Fazal Subhan today on 09/08/2019 against the seniority list dated 17.4.2019 against which he preferred/made departmental appeal/ representation on 18.05.2019 the period of ninety days is not yet lapsed as per section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, which is premature as laid down in an authority reported as 2005-SCMR-890.

As such the instant appeal is returned in original to the appellant/Counsel. The appellant would be at liberty to resubmit fresh appeal after maturity of cause of action and also removing the following deficiencies.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Annexures of the appeal may be attested.
- 3- Annexures of the appeal may be flagged.
- 4- Sub rule-4 of rule-6 of the Khyber Pakhtunkhwa Service Tribunal rules 1974 requires that every civil servant to whom the relief claimed may affect shall also be shown as respondent.
- ⑤ Three copies/sets of the appeal along annexures i.e. complete in all respect for Tribunal and one for each respondent may also be submitted with the appeal.

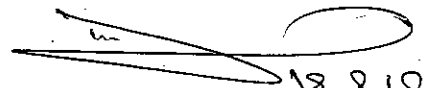
No. 1389/ST,

Dt. 09/8 /2019


REGISTRAR —
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

M. Javid Khan Adv. Swat.

Note.. Objection are removed
and resubmitted to deff


18.8.19
M. Javid Khan
A.S.C.

**BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, AT CAMP COURT SWAT**

Service Appeal No. 1063 /2019

Fazal Subhan

Vs


Govt. of KPK through Secretary Health and others

INDEX

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3.	Addresses of the Parties		14-18
4	Copy of application for the suspension of the impugned seniority list		19-21
8	Copy of the letter dated 17/04/2019	"A"	22-34
9.	Copy of the departmental appeal dated 11/05/2019	"B"	35-36
10.	Copy of the letter dated 05/05/2014	"C"	37
11.	Wakalat Nama		38

Appellant

Through Counsel


Muhammad Javaid Khan
Advocate, Supreme Court of
Pakistan

Office: Near Allah-o-Akbar
Masjid, College Colony, Saidu
Sharif, swat

Cell: 0343-9607492

(1)

**BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, AT CAMP COURT SWAT**

Service Appeal No. 1063 /2019

Fazal Subhan S/o Fateh Sher R/o Dir Khas, District Dir Upper

.....Appellant

VERSUS

- 1) Govt. of Khyber Pakhtunkhwa through Secretary Health Khyber Pakhtunkhwa at Civil Secretariat Peshawar
- 2) Director General Health Services Khyber Pakhtunkhwa at Peshawar
- 3) Medical Superintendent DHQ Hospital Dir Upper at Dir
- 4) Sabir Hussain S/o Abdur Rauf Director General Health Service (Office Assistant)
- 5) Imtiaz Hussain S/o Muhammad Hussain Director General Health Service (Office Assistant)
- 6) Ghafoor Ur Rahman S/o Fazal Karim Director General Health Service (Office Assistant)
- 7) Wahid Shah S/o Said Shah Director General Health Service (Office Assistant)
- 8) Faizullah Khan S/o Raza Khan Director General Health Service Peshawar (Office Assistant)
- 9) Subhanullah Khber Agency (Office Assistant)

- 10) Irshad Khaliq PGMI/HMC Peshawar (Office Assistant)
- 11) Gulab Khan PGMI / HMC Peshawar (Office Assistant)
- 12) Nasrullah PGMI / HMC Peshawar (Office Assistant)
- 13) Muhammad Parvaiz PGMI / HMC Peshawar (Office Assistant)
- 14) Ibrar Ahmad SHPD Peshawar (Office Assistant)
- 15) Khaliq Dad DHQ Hospital Bannu (Office Assistant)
- 16) Bakhtawar Shah DHO Charsadda (Office Assistant)
- 17) Safi Ur Rahman S/o Aziz Ur Rehman DHO Lakki (Office Assistant)
- 18) Wali Khan S/o Tahmas Khan KCD Peshawar (Office Assistant)
- 19) Miskeen Khan S/o Ashraf Khan Director General Health Service Peshawar (Office Assistant)
- 20) Muhammad Haroon Sher Ahmad BBS Teaching Hospital Abbottabad (Office Assistant)
- 21) Muhammad Gul S/o Readi Gull Director General Health Service, Office (Office Assistant)
- 22) Shah Jehan S/o Bakht Rozi DHQ Hospital Charsada (Office Assistant)
- 23) Ijaz Ahmad Director General Health Service, Office (Office Assistant)
- 24) Aftab Ali Shah LRH Peshawar (Office Assistant)
- 25) Bahadar Khan MMC Mardan (Office Assistant)

- 26) Mir Wali Khan KGMC, Peshawar (Office Assistant)
- 27) Ikram Ullah KTH Peshawar (Office Assistant)
- 28) Khitab Jan S/o Nasrullah Shinwari DHQ Hospital Landi Kotal (Office Assistant)
- 29) Muhammad Ali S/o Bakht Mand STH, Swat (Office Assistant)
- 30) Hashmat Ali HMC, Peshawar (Office Assistant)
- 31) Asif Jan S/o Muhammad Yousaf KCD, Peshawar (Office Assistant)
- 32) Murad Ali S/o Hazrat Muhammad LRH, Peshawar (Office Assistant)
- 33) Aminullah Jan DT Lab, Peshawar (Office Assistant)
- 34) Bakht Biland S/o Malazai DHQ Dir Lower (Office Assistant)
- 35) Mukhtiar Ali S/o Abdur Razaq Sifwat Ghayur Memorial Hospital Peshawar (Office Assistant)
- 36) Sher Muhammad Jan AS Khyber Agency (Office Assistant)
- 37) Muhammad Ayub SMC Swat (Office Assistant)
- 38) Niaz Ali KMC, Peshawar (Office Assistant)
- 39) Zia Ullah Khan S/o Shokat Khan Food Lab Peshawar (Office Assistant)
- 40) Syed Amjad Ali Shah S/o Syed Munawar Shah DGHS, Office, Peshawar (Office Assistant)
- 41) Ali Haider S/o Aziz Ur Rahman MCC, Peshawar (Office Assistant)

- 42) Syed Sharif Hussain S/o Syed Qadam Hussain AS Kurram /
DHS FATA (Office Assistant)
- 43) Muhammad Ullah AS Khyber Agency (Office Assistant)
- 44) Abdul Qudus S/o Muhammad Rauf DHO Office D.I.Khan
(Office Assistant)
- 45) Firdos Khan S/o F.Hadi DHO Charsada (Office Assistant)
- 46) Shabir Ahmad S/o Khair Ur Rehman KTH Peshawar (Office
Assistant)
- 47) Shah Hussain S/o Gul Haider PMI Swat (Office Assistant)
- 48) Daud Jan KTH Peshawar (Office Assistant)
- 49) Asmatullah S/o Ghulam Qadir DHS FATA (Office
Assistant)
- 50) Sami Ullah SMC Swat (Office Assistant)
- 51) Muhammad Rauf BMC Bannu (Office Assistant)
- 52) Muhammad Salim LRH Peshawar (Office Assistant)
- 53) Muhammad Alam Director General Health Service Office
Peshawar (Office Assistant)
- 54) Muhammad Ayaz S/o Muhammad Din Director General
Health Office Peshawar (Office Assistant)
- 55) Kifayat Ur Rehman S/o Malik Zada Director General Health
Service Office (Office Assistant)
- 56) Roidar Khan S/o Sardar Khan Director General Health
Service Office (Office Assistant)

5

- 57) Sifatullah S/o Hidayatullah Director General Health Service Office (Office Assistant)
- 58) Muhammad Shafiq S/o Muhammad Younas Director General Health Service Peshawar (Office Assistant)
- 59) Jamal Ud Din S/o Guil Muhammad DHO Chitral (Office Assistant)

.....Respondents

Service Appeal Under Section 4 of Service Tribunal Act read with other relevant provisions against the Provisional Seniority List of Office Assistant (BS-16) in the Health Department Khyber Pakhtunkhwa for the year 2019, which was communicated to the appellant vide letter No. 4053-148/Personnel dated 17/04/2019, vide which the appellant has been placed at serial No. 81 illegally, unlawfully and unconstitutionally instead of serial No. 25 in accordance with the date of promotion / arrival dated 26/06/2008.

PRAYER:

On acceptance of this service appeal;

6

Firstly: The impugned placement of the appellant at serial No. 81 instead of serial No. 25 in the seniority list may be declared as illegal, unlawful and unconstitutional and the respondents may be directed to place the name of the appellant at Serial No. 25 and then place the name / case of the appellant before the first available meeting of the Provincial Selection Committee / Board for promotion to the post of Superintendent (BS-17) accordingly.

Secondly:

The respondents may be directed to grant promotion to the appellant from the date of eligibility along with all service back benefits.

Any other relief, deemed fit and necessary in the given circumstances of the case may also be awarded in favor of appellant against respondents.

Respectfully Sheweth:

7

The appellant submits as under;

1. That the appellant was appointed as Junior Clerk in the Health Department on 12/02/1995.
2. That later on the appellant was promoted to the post of Senior Clerk vide office order dated 03/03/2005.
3. That the appellant was then promoted to the post of Office Assistant (BS-16) vide office order dated 26/08/2008.
4. That the respondent No. 2 communicated to the appellant impugned Provisional Seniority List vide letter dated 17/04/2019.
(Copy of the letter dated 17/04/2019 is attached herewith as annexure "A")
5. That the appellant then filed department appeal before respondent No. 1 against the

8

impugned seniority list on 11 /05/2019.

(Copy of the departmental appeal dated 11 /05/2019 is attached herewith as annexure "B")

6. That being aggrieved from the illegal, unlawful and unconstitutional placement of the name of the appellant at Serial No. 81 of the seniority list instead of Serial No. 25, the appellant requests for placement of the name of the appellant at serial No. 25 of the seniority list inter alia on the following grounds amongst others.

GROUND:

- i) That the placement of the name of the appellant at Serial No. 81 instead of serial No. 25 in the Seniority List is illegal, unlawful, unconstitutional.
- ii) That if we go by the seniority list of the year 2019 in term of date of

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promotions then it is very much clear that the name of the appellant should have been placed at Serial No. 25 instead of serial No. 81 for the following reasons.

- a. The impugned Seniority List is correct to the extent of Serial Nos. 1 to 20 in term of date of promotion in respect to the stance of the appellant.
- b. Serial No. 21 to 76 are Junior to the appellant in term of their date of promotion as is evident from the impugned seniority list.
- iii) That previously appellant was considered senior and eligible for promotion by the respondent No.3 vide letter dated 05/05/2014. (Copy of the letter dated 05/05/2014 is attached herewith as annexure "C")

iv) That the impugned seniority list has been prepared in violation of section 8 of Civil Servant Act, 1973.

v) That the impugned seniority list has been issued in violation Article 4,10(a), 25 and 38(e) of the Constitution of the Islamic Republic of Pakistan, 1973.

vi) That the impugned seniority list has been issued in violation of the judgments of the superior courts of the country.

vii) That other grounds not specifically raised will be argued with the permission of this Honorable Tribunal at the time of arguments.

7. That respondents Nos. 4 to 59 being necessary party are included in the list of respondents as per Rule 6(4) of the Khyber Pakhtunkhwa Service Tribunal Rules, 1974,

(11)

because the relief claim will affect their seniority.

8. That this appeal is being filed against the impugned seniority list dated 17/04/2019, against which a departmental appeal was filed on 13/05/2019, which has not been decided as yet hence this appeal is within time and this Honorable Tribunal has got jurisdiction.

It, is therefore, humbly prayed that on on acceptance of this service appeal:

Firstly: the impugned placement of the appellant at serial No. 81 instead of serial No. 25 may be declared as illegal, unlawful and unconstitutional and the respondents may be directed to place the name of the appellant at Serial No. 25 and then place the name / case of the appellant before the first available meeting of the Provincial Selection Committee/ Board for promotion to the post of Superintendent (BS-17) accordingly.

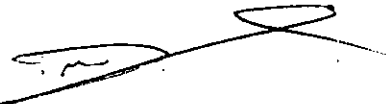
12

Secondly: The respondents may be directed to grant promotion to the appellant from the date of eligibility along with all service back benefits.

Any other remedy which is just, appropriate and efficacious may also be awarded in favor of the appellant please.


Appellant

Through Counsel


Muhammad Javaid Khan
Advocate, Supreme Court of
Pakistan

Dated: 19/08/2019

13

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, AT CAMP COURT SWAT

Service Appeal No. _____/2019

Fazal Subhan

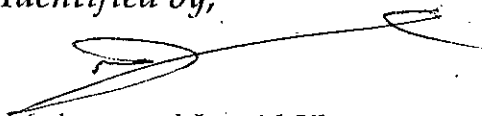
Vs

Govt. of KPK through Secretary Health and others

AFFIDAVIT

I, Fazal Subhan S/o Fateh Sher R/o, Dir Khas, District Dir Upper do hereby solemnly affirm and declare on oath that all the contents of this Service Appeal are true and correct to the best of my knowledge and belief, and nothing has been concealed from this Honorable Court.

Identified by,


Muhammad Javaid Khan
Advocate, Supreme Court of Pakistan

DEPONENT


Fazal Subhan

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BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, AT CAMP COURT SWAT

Service Appeal No. _____/2019

Fazal Subhan
Vs
Govt. of Khyber Pakhtunkhwa and others

Memo of Addresses

Address of Appellant:

Fazal Subhan S/o Fateh Sher R/o Dir Khas, District Dir Upper
CNIC:- 15701-74684143 Mob:- 0344- 9721343

Addresses of the Respondents:

- 1) Govt. of Khyber Pakhtunkhwa through Secretary Health
Khyber Pakhtunkhwa at Civil Secretariat Peshawar
- 2) Director General Health Services Khyber Pakhtunkhwa at
Peshawar
- 3) Medical Superintendent DHQ Hospital Dir Upper at Dir
- 4) Sabir Hussain S/o Abdur Rauf Director General Health
Service (Office Assistant)
- 5) Imtiaz Hussain S/o Muhammad Hussain Director General
Health Service (Office Assistant)
- 6) Ghafoor Ur Rahman S/o Fazal Karim Director General
Health Service (Office Assistant)
- 7) Wahid Shah S/o Said Shah Director General Health Service
(Office Assistant)

- 8) Faizullah Khan S/o Raza Khan Director General Health Service Peshawar (Office Assistant)
- 9) Subhanullah Khber Agency (Office Assistant)
- 10) Irshad Khaliq PGMI/HMC Peshawar (Office Assistant)
- 11) Gulab Khan PGMI / HMC Peshawar (Office Assistant)
- 12) Nasrullah PGMI / HMC Peshawar (Office Assistant)
- 13) Muhammad Parvaiz PGMI / HMC Peshawar (Office Assistant)
- 14) Ibrar Ahmad SHPD Peshawar (Office Assistant)
- 15) Khaliq Dad DHQ Hospital Bannu (Office Assistant)
- 16) Bakhtawar Shah DHO Charsadda (Office Assistant)
- 17) Safi Ur Rahman S/o Aziz Ur Rehman DHO Lakki (Office Assistant)
- 18) Wali Khan S/o Tahmas Khan KCD Peshawar (Office Assistant)
- 19) Miskeen Khan S/o Ashraf Khan Director General Health Service Peshawar (Office Assistant)
- 20) Muhammad Haroon Sher Ahmad BBS Teaching Hospital Abbottabad (Office Assistant)
- 21) Muhammad Gul S/o Readi Gull Director General Health Service, Office (Office Assistant)
- 22) Shah Jehan S/o Bakht Rozi DHQ Hospital Charsada (Office Assistant)

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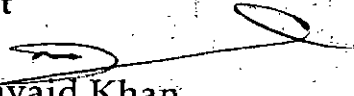
- 23) Ijaz Ahmad Director General Health Service, Office (Office Assistant)
- 24) Aftab Ali Shah LRH Peshawar (Office Assistant)
- 25) Bahadar Khan MMC Mardan (Office Assistant)
- 26) Mir Wali Khan KGMC, Peshawar (Office Assistant)
- 27) Ikram Ullah KTH Peshawar (Office Assistant)
- 28) Khitab Jan S/o Nasrullah Shinwari DHQ Hospital Landi Kotal (Office Assistant)
- 29) Muhammad Ali S/o Bakht Mand STH, Swat (Office Assistant)
- 30) Hashmat Ali HMC, Peshawar (Office Assistant)
- 31) Asif Jan S/o Muhammad Yousaf KCD, Peshawar (Office Assistant)
- 32) Murad Ali S/o Hazrat Muhammad LRH, Peshawar (Office Assistant)
- 33) Aminullah Jan DT Lab, Peshawar (Office Assistant)
- 34) Bakht Biland S/o Malazai DHQ Dir Lower (Office Assistant)
- 35) Mukhtiar Ali S/o Abdur Razaq Sifwat Ghayur Memorial Hospital Peshawar (Office Assistant)
- 36) Sher Muhammad Jan AS Khyber Agency (Office Assistant)
- 37) Muhammad Ayub SMC Swat (Office Assistant)
- 38) Niaz Ali KMC, Peshawar (Office Assistant)
- 39) Zia Ullah Khan S/o Shokat Khan Food Lab Peshawar (Office Assistant)

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- 40) Syed Amjad Ali Shah S/o Syed Munawar Shah DGHS, Office, Peshawar (Office Assistant)
- 41) Ali Haider S/o Aziz Ur Rahman MCC, Peshawar (Office Assistant)
- 42) Syed Sharif Hussain S/o Syed Qadam Hussain AS Kurram / DHS FATA (Office Assistant)
- 43) Muhammad Ullah AS Khyber Agency (Office Assistant)
- 44) Abdul Qudus S/o Muhammad Rauf DHO Office D.I.Khan (Office Assistant)
- 45) Firdos Khan S/o F.Hadi DHO Charsada (Office Assistant)
- 46) Shabir Ahmad S/o Khair Ur Rehman KTH Peshawar (Office Assistant)
- 47) Shah Hussain S/o Gul Haider PMI Swat (Office Assistant)
- 48) Daud Jan KTH Peshawar (Office Assistant)
- 49) Asmatullah S/o Ghulam Qadir DHS FATA (Office Assistant)
- 50) Sami Ullah SMC Swat (Office Assistant)
- 51) Muhammad Rauf BMC Bannu (Office Assistant)
- 52) Muhammad Salim LRH Peshawar (Office Assistant)
- 53) Muhammad Alam Director General Health Service Office Peshawar (Office Assistant)
- 54) Muhammad Ayaz S/o Muhammad Din Director General Health Office Peshawar (Office Assistant)

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- 55) Kifayat Ur Rehman S/o Malik Zada Director General Health Service Office (Office Assistant)
- 56) Roidar Khan S/o Sardar Khan Director General Health Service Office (Office Assistant)
- 57) Sifatullah S/o Hidayatullah Director General Health Service Office (Office Assistant)
- 58) Muhammad Shafiq S/o Muhammad Younas Director General Health Service Peshawar (Office Assistant)
- 59) Jamal Ud Din S/o Guil Muhammad DHO Chitral (Office Assistant)

Appellant
Through Counsel 
Muhammad Javaid Khan
Advocate, Supreme Court of
Pakistan

(19)

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, AT CAMP COURT SWAT

C.M No. _____ of 2019

In

Service Appeal No. _____/2019

Fazal Subhan

Vs

Govt. of KPK through Secretary Health and others

Application for suspension of the impugned seniority list and restraining the respondents from initiating any sort of proceedings for promotion to the post of Superintendents (BS-17) on the strength of the impugned Seniority List.

Respectfully Sheweth:

The applicant / appellant submits as under:

1. That the above mentioned service appeal has been filed before this Honorable Tribunal, in which no date of hearing has yet been fixed.
2. That the contents of the above mentioned service appeal along with the contents of the annexed documents may be considered as an integral part of this application.

3. That there is a good prima facie case in favor of the applicant / appellant and balance of convenience is also in favor of grant of the order prayed for.

4. That there will an irreparable loss to the applicant / appellant in the shape of multiplicity of proceedings if the order prayed is not issued.

It is therefore, humbly prayed that on acceptance this application, an order prayed for may be passed, please.

Any other remedy which is just, appropriate and efficacious may also be awarded in favor of the appellant please.

Applicant / Appellant
Through Counsel

Muhammad Javaid Khan
Advocate, Supreme Court of
Pakistan

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BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, AT CAMP COURT SWAT

C.N No. _____ of 2019

IN

Service Appeal No. _____/2019

Fazal Subhan

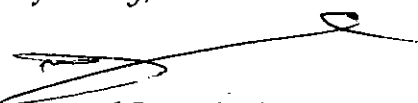
Vs

Govt. of KPK through Secretary Health and others

AFFIDAVIT

I, Fazal Subhan S/o Fateh Sher R/o, Dir Khas, District Dir Upper do hereby solemnly affirm and declare on oath that all the contents of this Service Appeal are true and correct to the best of my knowledge and belief, and nothing has been concealed from this Honorable Court.

Identified by,


Muhammad Javaid Khan
Advocate, Supreme Court of Pakistan

DEPONENT


Fazal Subhan

Annex "A"

(B)
(22)

**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR**

All communications should be addressed to The Director General
Health Services Peshawar and not to any official by name
Office Ph: 1091 - 9210234 Fax: 1091 - 9210237, 9210238

No 4053-148 /Personnel

Dated: 17/04/2019

- 362
26/4/19
1. Director General PHSA, Khyber Pakhtunkhwa.
 2. Director Health Services Tribal District Khyber Pakhtunkhwa, Pesh.
 3. All Principals, Medical Colleges in Khyber Pakhtunkhwa.
 4. All District Health Officers in Khyber Pakhtunkhwa.
 5. All Medical Superintendents DHQ Hospitals in Khyber Pakhtunkhwa.
 6. All Hospital Directors, MTI, in Khyber Pakhtunkhwa.
 7. M.S Services Hospital/MASMH Peshawar/SGSMH Peshawar/GNKB Memorial Hospital Kohat Road Peshawar/Maternity Hospital Peshawar.
 8. In-charge Food Testing Lab. Khyber Pakhtunkhwa.
 9. In-charge Drug Testing Lab. Khyber Pakhtunkhwa.

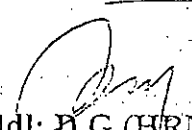
SUBJECT: PROVISIONAL SENIORITY LIST OF OFFICE ASSISTANT (BS-16) IN THE HEALTH DEPARTMENT KHYBER PAKHTUNKHWA FOR THE YEAR 2019.

Memo,

Provisional Seniority lists of Office Assistant BPS-16 serving in the Provincial Health Department Khyber Pakhtunkhwa, prepared by this Directorate is enclosed herewith with the remarks to circulate the same amongst all concerned working under your control for their information and confirmation about accuracy of the list.

Moreover the seniority list is also uploaded on website www.dghskp.gov.pk and can visit over there.

In case of any objection with regard to the contents of the seniority list, the same may please be communicated to this Directorate for correction and rectification within one month positively after the receipt of this communication.


Add: D.G (HRM)
Directorate General Health Services
Khyber Pakhtunkhwa, Peshawar

Cc:-

- ① Director DHIS, DGHS, Office Khyber Pakhtunkhwa for information with the request to upload the attached seniority list of Office Assistants (BS-16) Health services Khyber Pakhtunkhwa on the website mentioned above.

② All In-charge of Section DGHS

Attested by



**FINAL SENIORITY LIST OF OFFICE ASSISTANT/AUDITORS/STENOGRAPHERS IN HEALTH
DEPARTMENT KHYBER PAKHTUNKHWA**

S.NO.	NAME OF OFFICIAL	NOMENCLATURE	DATE OF APPOINTMENT AS a)JR.CLERK b) SR.CLERK c)ASSISTANT d)STENO TYPIST e)Sr. Steno GRAPHER	PLACE OF POSTING	DATE OF BIRTH/ DOMICILE	DATE OF RETIREMENT	REMARKS
1.	Amanullah S/O Inayatullah	a. Junior clerk b. Senior clerk c. Office Assistant	a.23.04.1979 b.02.01.1990 c.31.03.2003	DHO Peshawar	04.08.1959 Peshawar	03.08.2019	
2.	Faiz Ul-Haq S/O Noor Ul Haq	c. Office Assistant	c.16-06-2003	DHS FATA.	02-09-1972 Charsadda	01-09-2032	
3.	Muhammad Sadiq S/O Muhammad Afzal	c. Office Assistant	C. 07-01-2004	GMC D.I Khan	06-04-1967 D.I Khan	05-04-2027	
4.	Akbar Khan S/O Gul Akber	a. Junior clerk b. Senior clerk c. Office Assistant	a.13.12.1978 b.12.05.1990 c.10.02.2004	KGCN, Peshawar	15.04.1960/ Peshawar	14.04.2020	
5.	Fazal Rahim S/O Amir	a. Junior clerk b. Senior clerk c. Office Assistant	a.01.07.1981 b.01.08.1990 c.16.02.2004	SGTH, Swat	03.02.1960/ Swat	02.02.2020	
6.	Adeel Ahmad S/O Zaharullah	c. Office Assistant	c) 04.11.2004	AHQ, Hospital Ghallanai	10.04.1978/ Charsadda	09.04.2038	
7.	Sher Asghar Khan S/O Ajab Gul	c. Office Assistant	c) 04.11.2004	DGHS Office	01.01.1972/ Khyber District	31.12.2031	
8.	Ghani ur Rahman	a. junior clerk b. Senior clerk c. Office Assistant	a. 19.06.1978 b.02.01.1990 c.23.09.2005	DHO Mardan	01.04.1960/ Mardan	31.03.2020	
9.	Ihsanullah S/O Awal Khan	a. Junior clerk b. Senior clerk c. Office Assistant	a.13.12.1978 b.23.01.1991 c.23.09.2005	KMC Peshawar	12.08.1960 Peshawar	11.08.2020	
10.	Hamidullah	a. Junior clerk b. Senior clerk c. Office Assistant	a. 15.03.1980 b. 25.04.1991 c. 23.09.2005	W/Children Hospital, Bannu	08.06.1959/ Bannu	07.06.2019	
11.	Abdur Rahim S/O Abdul Qayyum	a. Junior clerk b. Senior clerk c. Office Assistant	a.03.04.1980 b.25.04.1991 c.23.09.2005	DHQ, Mardan	02.02.1963/ Mardan	01.02.2023	

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(Signature)

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2.	Ghulam Muhammad	a. Junior clerk b. Senior clerk c. Office Assistant	a. 15.05.1980 b. 22.01.1992 c. 23.09.2009	DHQ Hospital Bajour	05.02.1960/ Bajour	04.02.2020
3.	Abdul Manan S/O Luqman	b. Steno typist c. Sr.S. Stenographer	b. 07.07.1987 c. 22.09.2006	MMM Teaching Hospital DI Khan	10.03.1960/ DI Khan	09.03.2020
4.	Latif Ahmad S/O Muhammad Khan	b. Steno typist c. Sr.S. Stenographer	b. 13.07.1987 c. 22.09.2006	STH Swat	22.05.1964/ Swat	21.05.2024
5.	Noor Sitarul Mulk	a. Junior clerk b. Senior clerk c. Office Assistant	a. 29.06.1980 b. 22.11.1992 c. 22.09.2006	DHO Chitral	15.01.1962/ Chitral	14.01.2022
6.	Muhammad Javed	a. Junior clerk b. Senior clerk c. Office Assistant	a. 18.09.1980 b. 22.11.1992 c. 22.09.2006	BBS Abbottabad	11.08.1962/ Abbottabad	10.08.2022
7.	Zauq Akhtar	a. Junior clerk b. Senior clerk c. Office Assistant	a. 01.10.1980 b. 22.11.1992 c. 22.09.2006	DHO Mansehra	02.02.1962/ Mansehra	01.02.2022
8.	Muhammad Waris	a. Junior clerk b. Senior clerk c. Office Assistant	a. 21.12.1980 b. 22.11.1992 c. 22.09.2006	LRH Peshawar	15.04.1962/ Peshawar	14.04.2022
9.	Ijaz Hussain S/O Ghulam Abbas Qureshi	a. Junior clerk b. Senior clerk c. Office Assistant	a. 01.07.1981 b. 22.11.1992 c. 22.09.2006	DHQ H: DI Khan	15.06.1962/ DI Khan	14.06.2022
10.	Muhammad Khaliq S/O Fazal Khaliq	c. Office Assistant	c. 01.01.2008	NBM Peshawar	24.02.1972 Malakand	23.02.2032
11.	Sabir Hussain S/O Abdur Rauf	a. Junior clerk b. Senior clerk c. Office Assistant	a. 05.03.1983 b. 27.05.1991 c. 10.02.2009	DGHS Office	12.04.1960/ Peshawar	11.04.2020
12.	Imtiaz Hussain S/O Muhammad Hussain	a. Junior clerk b. Senior clerk c. Office Assistant	a. 01.02.1984 b. 20.09.1992 c. 10.02.2009	DGHS Office	19.04.1964/ Peshawar	18.04.2024
13.	Ghafoor ur Rahman S/O Fazal Karim	a. Junior clerk b. Senior clerk c. Office Assistant	a. 13.05.1984 b. 20.03.1994 c. 10.02.2009	-do-	05.03.1960/ Peshawar	04.03.2020
14.	Wahid Shah S/O Said Shah	a. Junior clerk b. Senior clerk c. Office Assistant	a. 13.05.1984 b. 20.03.1994 c. 10.02.2009	-do-	13.03.1964/ Peshawar	12.03.2024
15.	Faizullah Khan S/O Raza Khan	a. Junior clerk b. Senior clerk c. Office Assistant	a. 16.01.1982 b. 22.11.1992 c. 15.04.2009	DGHS Peshawar	12.12.1962/ Peshawar	11.12.2022

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26.	Subhanullah	a. Junior clerk b. Senior clerk c. Office Assistant	a. 08.02.1982 b. 22.11.192 c. 15.04.2009	Khyber Agency	18.04.1960/ Khyber Agency	17.04.2020	
27.	Irshad Khaliq	a. Junior clerk b. Senior clerk c. Office Assistant	a. 06.02.1985 b. 22.11.1992 c. 15.04.2009	PGMI/HMC Peshawar	10.06.1963/ Peshawar	09.06.2023	
28.	Gulab Khan	a. Junior clerk b. Senior clerk c. Office Assistant	a. 02.01.1979 b. 26.09.1994 c. 15.04.2009	-do-	29.05.1959/ Lakki Marwat	28.05.2019	
29.	Nasrullah	a. Junior clerk b. Senior clerk c. Office Assistant	a. 04.12.1981 b. 26.09.1994 c. 15.04.2009	-do-	13.03.1961/ Peshawar	12.03.2021	
30.	Muhammad Parvaiz	a. Junior clerk b. Senior clerk c. Office Assistant	a. 27.01.1982 b. 26.09.1994 c. 15.04.2009	-do-	20.04.1960/ Peshawar	19.04.2020	
31.	Ibrar Ahmad	a. Junior clerk b. Senior clerk c. Office Assistant	a. 01.03.1982 b. 26.09.1994 c. 15.04.2009	SHPD Peshawar	05.02.1963/ Peshawar	04.02.2023	
32.	Khaliq dad	a. Junior clerk b. Senior clerk c. Office Assistant	a. 11.10.1982 b. 26.09.1994 c. 15.04.2009	DHQ Hospital Bannu.	01.03.1962/ Bannu.	28.02.2022	
33.	Bakhtawar Shah	a. Junior clerk b. Senior clerk c. Office Assistant	a. 30.11.1982 b. 26.09.1994 c. 15.04.2009	DHO: Charsadda	07.02.1964/ Mohmand Agency	06.02.2024	
34.	Safi-ur-Rahman S/O Aziz ur Rehman	a. Junior clerk b. Senior clerk c. Office Assistant	a. 09.03.1983 b. 26.09.1994 c. 15.04.2009	DHO Lakki	05.01.1962/ Lakki Marwat	04.01.2022	
35.	Wali Khan S/O Tahmas Khan	a. Junior clerk b. Senior clerk c. Office Assistant	a. 15.04.1984 b. 02.03.1994 c. 01.05.2009	KCD Peshawar	08.02.1961/ Peshawar	07.02.2021	
36.	Miskeen Khan S/O Ashraf Khan	a. Junior clerk b. Senior clerk c. Office Assistant	a. 15.05.1984 b. 02.03.1994 c. 11.05.2009	DGHS Peshawar	24.02.1965/ Peshawar	23.02.2025	
37.	Muhammad Haroon Sher Ahmad	c. Office Assistant (PSC)	c. 18.05.2009	BBS Teaching Hospital Abbottabad	01.01.1982/ Abbottabad	31.12.2042	
38.	Muhammad Gul S/O Readi Gull	a. Junior clerk b. Senior clerk c. Office Assistant	a. 17.05.1984 b. 03.02.1994 c. 10.09.2009	DGHS, Office	20.04.1965/ Peshawar	19.04.2025	

Attested by

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39.	Shah Jehan S/O Bakht Rozi	a. Junior clerk b. Senior clerk c. Office Assistant	a. 22.11.1984 b. 03.02.1994 c. 10.09.2009	DHQ Hospital Charsadda	16.02.1961/ Peshawar	15.12.2021	
40.	Ijaz Ahmad	a. Junior clerk b. Senior clerk c. Office Assistant	a. 22.11.1984 b. 09.02.1995 c. 10.09.2009	DGHS, Office	02.05.1964/ Peshawar	01.05.2024	
41.	Aftab Ali Shah	a. Junior clerk b. Senior clerk c. Office Assistant	a. 02.05.1981 b. 26.09.1994 c. 03.11.2009	LRH Peshawar	12.10.1960/ Peshawar	11.10.2020	
42.	Bahadar Khan	a. Junior clerk b. Senior clerk c. Office Assistant	a. 16.03.1982 b. 26.09.1994 c. 03.11.2009	MMC Mardan	20.06.1961/ Mardan	19.06.2021	
43.	Mir Wali Khan	a. Junior clerk b. Senior clerk c. Office Assistant	a. 16.04.1983 b. 30.06.2000 c. 03.11.2009	KGMC, Peshawar	01.01.1961 /Charsadda	05.07.2019	
44.	Ikram Ullah	a. Junior clerk b. Senior clerk c. Office Assistant	a. 25.08.1983 b. 30.06.2000 c. 03.11.2009	KTH Peshawar	22.09.1962/ Peshawar	21.09.2022	
45.	Khitab Jan S/O Nasrullah Shinwari	a. Junior clerk b. Senior clerk c. Office Assistant	a. 10.10.1983 b. 30.06.2000 c. 03.11.2009	DHQ Hospital Landi Kotal	07.10.1964/ Khyber Agency	06.10.2024	
46.	Muhammad Ali S/O Bakht Mand	a. Junior clerk b. Senior clerk c. Office Assistant	a. 01.04.1983 b. 30.06.2000 c. 03.11.2009	STH, Swat	01.01.1961/ Swat	31.12.2021	
47.	Hashmat Ali	a. Junior clerk b. Senior clerk c. Office Assistant	a. 01.01.1984 b. 30.06.2000 c. 03.11.2009	HMC, Peshawar	01.10.1962/ Peshawar	30.09.2022	
48.	Asif Jan S/O Muhammad Yousaf	a. Junior clerk b. Senior clerk c. Office Assistant	a. 28.03.1984 b. 30.06.2000 c. 03.11.2009	KCD, Peshawar	01.04.1965/ Peshawar	31.03.2025	
49.	Murad Ali S/O Hazar Muhammad	a. Junior clerk b. Senior clerk c. Office Assistant	a. 09.05.1984 b. 30.06.2000 c. 03.11.2009	LRH, Peshawar	24.12.1962/ Swabi	23.12.2022	
50.	Aminullah Jan	a. Junior clerk b. Senior clerk c. Office Assistant	a. 13.05.1984 b. 30.06.2000 c. 03.11.2009	DT Lab., Peshawar	02.01.1962/ Peshawar	01.01.2022	
51.	Bakht Biland S/O Malazai	a. Junior clerk b. Senior clerk c. Office Assistant	a. 01.06.1984 b. 30.06.2000 c. 03.11.2009	DHO Dir Lower	10.01.1965/ Swat	09.01.2025	

52.	Mukhtiar Ali S/O Abdur Razaq	a. Junior clerk b. Senior clerk c. Office Assistant	a. 17.11.1984 b. 30.06.2000 c. 30.05.2011	Sifat Ghayur Memorial Hospital Peshawar	11.08.1964/ Peshawar.	10.08.2024	
53.	Sher Muhammad Jan	a. Junior clerk b. Senior clerk c. Office Assistant	a. 01.12.1984 b. 30.06.2000 c. 03.11.2009	AS Khyber Agency	05.05.1961/ NWA	04.05.2021	
54.	Muhammad Ayub	a. Junior clerk b. Senior clerk c. Office Assistant	a. 10.02.1985 b. 30.06.2000 c. 03.11.2009	SMC Swat	10.03.1966/ Swat	09.03.2026	
55.	Niaz Ali	a. Junior clerk b. Senior clerk c. Office Assistant	a. 03.03.1985 b. 30.06.2000 c. 03.11.2009	KMC, Peshawar	15.02.1963/ Peshawar	14.02.2023	
56.	Zia ullah Khan S/O Shokat Khan	a) Jr. Clerk. b) Sr. Clerk c) Office Assistant	04.12.1982 30-06-2000 03.11.2009	Food Lab Peshawar	01.04.1964/ Peshawar	31-04-2024	
57.	Syed Amjad Ali Shah S/O Syed Munawar Shah	a. Junior clerk b. Senior clerk c. Office Assistant	a. 07.05.1985 b. 30.06.2000 c. 03.11.2009	DGHS, Office, Peshawar	30.03.1966/ Charsadda	29.03.2026	
58.	Ali Haider S/O Aziz ur Rahman	a. Junior clerk b. Senior clerk c. Office Assistant	a. 08.06.1985 b. 30.06.2000 c. 03.11.2009	MCC, Peshawar	10.10.1965/ Peshawar	09.10.2025	
59.	Syed Sharif Hussain S/O Syed Qadam Hussain	a. Junior clerk b. Senior clerk c. Office Assistant	a. 17.06.1985 b. 30.06.2000 c. 03.11.2009	AS Kurram / DHS FATA	02.04.1964/ Kurram	01.04.2024	
60.	Muhammad Ullah	a. Junior clerk b. Senior clerk c. Office Assistant	a. 01.09.1985 b. 30.06.2000 c. 03.11.2009	AS Khyber Agency	18.05.1966/ Khyber Agency	17.05.2026	
61.	Abdul Qudus S/O Muhammad Rauf	a. Junior clerk b. Senior clerk c. Office Assistant	a. 01.11.1985 b. 25.08.2001 c. 30.05.2011	DHO Office D.I.Khan	05.06.1966/ DI Khan	04.06.2026	
62.	Firdos Khan S/O F. Hadi	a. Junior clerk b. Senior clerk c. Office Assistant	a. 16.12.1985 b. 25.08.2001 c. 30.05.2011	DHO Charsadda.	01.04.1966/ Peshawar	31.03.2026	
63.	Shabir Ahmad S/O Khair-ur- Rehman	a. Junior clerk b. Senior clerk c. Office Assistant	a. 24.08.1983 b. 24.01.2002 c. 30.05.2011	KTH Peshawar	03.01.1962 Bannu	02.01.2022	
64.	Shah Hussain S/O Gul Haider	a. Junior clerk b. Senior clerk c. Office Assistant	a. 01.09.1985 b. 24.01.2002 c. 30.05.2011	PMI Swat	03.06.1963/ Swat	02.06.2023	

Attested by




78.	Khan Bahader S/O Amir Haider	a. Junior Clerk b. Senior Clerk c. Assistant	a. 21.08.1984 b. 25.08.2001 c. 24.01.2008	DHQ Hospital Daggar Buner	12.03.1961 Buner	11.03.2021	
79.	Farid Iqbal	a. Junior clerk b. Senior clerk c. Office Assistant	a) 27.07.1983 b) 30.05.1993 c) 30.05.2008	W&C Hospital Kohat	01.04.1965/ Karak	31.03.2025	
80.	Khan Bahadar S/O Ali Khan	a. Junior clerk b. Senior clerk c. Office Assistant	a. 03.09.1984 b. 01.07.2000 c. 25.10.2008	DHO Kohat	10.01.1961/ Karak	09.01.2021	
81.	Fazal Subhan S/O Fateh Sher	a. Junior Clerk b. Senior Clerk c. Assistant	a. 12.02.1995 b. 03.03.2005 c. 26.08.2008	DHQ Hospital Upper Dir	24.04.1960	23.04.2020	
82.	Taimor Wali Khan	a. Junior Clerk b. Senior Clerk c. Office Assistant	b) 10.11.1990 c) 26.08.2008	DHO Upper Dir	07.03.1965/ Chitral	06.03.2025	
83.	Abdar Khan S/O Muhammad Azam Khan	c. Office Assistant	c. 26.08.2008	DHO Upper Dir	01.04.1971/ Upper Dir	31.03.2031	
84.	Hazrat Hayat S/O Mian Amroon	a. Junior clerk b. Senior clerk c. Office Assistant	a. 02.03.1986 b. 10.06.2005 c. 31.12.2008	DHO Shangla	01.03.1967 /Shangla	28.02.2027	
85.	Maroof Shah	a. Junior clerk b. Senior clerk c. Office Assistant	a. 20.09.1987 b. 10.06.2005 c. 31.12.2008	DHO Shangla	01.01.1964/ Shangla	31.12.2023	
86.	Shamsher Ali S/O Gul Sher	c. Junior clerk d. Senior clerk c. Office Assistant	a. 01-08-1982 b. 26-09-1994 c. 01-01-2009	DHO Swat	05-06-1964	04-06-2024	
87.	Muhammad Nabi	a. Junior clerk b. Senior clerk c. Office Assistant	a. 01.12.1985 b. 01.08.2001 c. 10.06.2009	DHO Lower Dir.	15.08.1967/ Dir Lower	14.08.2027	
88.	Said Rahim Shah	a. Junior Clerk b. Senior Clerk c. Assistant	a. 16.06.1991 b. 17.03.2008 c. 27.02.2009	DHO Office Buner	05.02.1969	04.02.2029	
89.	Sohrab Khan S/O Abdul Salam	a. Junior Clerk b. Senior Clerk c. Assistant	26.11.1984 09.02.1995 05.10.2009	Mian Rashid Hussain Hosp Pabbi Nowshera			
90.	Muhammad Sabir S/O Qazi M. Akram	a. Junior clerk b. Senior clerk c. Office Assistant	a. 12.03.1983 b. 01.07.2000 c. 19.12.2009	Metal Hosp. Dadar Manselhra	15.03.1965	14.03.2025	

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91.	Abdul Hakim S/O Abdul Qadim	a. Junior clerk b. Senior clerk c. Office Assistant	a. 29.01.1984 b. 30.06.2000 c. 20.02.2010	DHO Hangu	30.04.1960/ Kohat	29.04.2020	
92.	Asghar Khan S/O Muhammad Dawood.	a. Junior clerk b. Senior clerk c. Office Assistant	a. 15.07.1987 b. 07.02.2007 c. 21.05.2010	STH, Swat	27.05.1968/ Swat	26.05.2028	
93.	Mahboob Ali Khan S/O Muhammad Akram	a. Junior clerk b. Senior clerk c. Office Assistant	a. 30.04.1984 b. 30.06.2000 c. 13.07.2010	MASM Peshawar	15.11.1961 Peshawar	14.11.2021	
94.	Muhammad Saleem S/O Kalu Khan	a. Junior clerk b. Senior clerk c. Office Assistant	a. 03.05.1982 b. 26.09.1994 c. 14.10.2010	DHO Abbottabad	06.04.1962/ Abbottabad	05.04.2022	
95.	Munawar Khan S/O Nazar Gul	a. Junior clerk b. Senior clerk c. Office Assistant	a. 03.09.1984 b. 03.06.2000 c. 15.11.2010	DHQ (H) Lakki Marwat	31.07.1963 Lakki Marwat	30-07-2023	
96.	Amal Sardar S/O Gul Haider Khan	a. Junior clerk b. Senior clerk c. Office Assistant	a. 22.10.1984 b. 30-06-2000 c. 08.12.2010	DHO Karak	15.01.1963/ Karak	14.01.2023	
97.	Fazal Dad S/O Mir dad Khan	a. Junior clerk b. Senior clerk c. Office Assistant	a. ????????? b. 29.09.2001 c. 27.01.2011	DHO Karak	02.01.1967 Karak	01.01.2027	
98.	Zafar Ali S/O Abdul Qayyum	a. Junior clerk b. Senior clerk c. Office Assistant	a. 16.12.1985 b. 24.01.2002 c. 21.11.2011	DHO Charsadda	03.01.1964/ Charsadda	02.01.2024	
99.	Sher Azam Khan S/O Saeed Muhammad	a. Junior clerk b. Senior clerk c. Office Assistant	a. 19.08.1996 b. 08.09.2008 c. 05.01.2012	DHQ Hospital Upper Dir	01.04.1974/ Upper Dir	31.03.2034	
100.	Nowsher Khan S/O Fazle Rahim	a. Junior clerk b. Senior clerk c. Office Assistant	a. 03.06.1985 b. 30.06.2000 c. 25.11.2013	DHO Mardan	20.06.1963/ Charsadda	19.06.2023	
101.	Zamarud Shah S/O Said Azam	a. Junior clerk b. Senior clerk c. Office Assistant	a. 10.09.1985 b. 01.07.2000 c. 25.11.2013	DHQ Hosp Swabi	02.01.1962/ Swabi	01.01.2022	
102.	Inyatullah S/O Habibullah	a. Steno Typist b. Sr. S Stenographer	a. 01.09.1987 b. 09-10-2015	DGHS KPK, Peshawar	20.01.1967/ Peshawar	19.01.2027	
103.	Khurshid Anwar	a. Steno Typist b. Sr. S Stenographer	a. 08.12.1988 b. 09-10-2015	SMC Swat	02.02.1962/ Peshawar	01.02.2022	
104.	Sultan Ali S/O Tehmat Khan	a. Steno Typist b. Sr. S Stenographer	a. 23.08.1989 b. 09-10-2015	LRH Peshawar	02.06.1969/ Karak	01.06.2029	

105.	Fazli Raziq S/O Khan Raziq	a. Steno Typist b. Sr. S Stenographer	a. 04.10.1989 b. 09-10-2015	KTH Peshawar	15.01.1970/ Charsadda	14.01.2030
106.	Mohammad Rafiq	a. Steno Typist b. Sr. S Stenographer	a. 23.08.1989 b. 09-10-2015	KMC Peshawar	27.03.1961/ Peshawar	26.03.2021
107.	Muhammad Manzoor S/O Abdul Rahim	a. Steno Typist b. Sr. S Stenographer	a. 23.08.1989 b. 09-10-2015	ATH Abbottabad	15.10.1963/ Abbottabad	14.10.2023
108.	Alangir Khan	a. Steno Typist b. Sr. S Stenographer	a. 23.08.1989 b. 09-10-2015	MMC Mardan	01.04.1967/ Mardan	31.03.2027
109.	Shoukat Ali	a. Steno Typist b. Sr. S Stenographer	a. 23.08.1989 b. 09-10-2015	KMC Peshawar	30.11.1961/ Peshawar	29.11.2021
110.	Waheed-uz- Zaman	a. Steno Typist b. Sr. S Stenographer	a. 23.08.1989 b. 09-10-2015	KMC Peshawar	20.09.1974/ Peshawar	19.09.2034
111.	Sikandar Hayat S/O Fazal Rahim	a. Steno Typist b. Sr. S Stenographer	a. 23.08.1989 b. 09-10-2015	SGTH Swat	08.03.1984/ Swat	07.03.2044
112.	Naseem Khan	a. Junior Clerk b. Senior Clerk c. Office Assistant	a. 23-11-1986 b. 02-12-2000 c. 28.03-2017	DHS FATA Peshawar	12-09-1965 Peshawar	11-09-2025
113.	Zafar Iqbal S/O Dad Khan	a. Junior Clerk b. Senior Clerk c. Office Assistant	a. 01-12-1986 b. 02-12-2000 c. 28-03-2017	DHS FATA Peshawar	11-11-1968 Peshawar	10-11-2028
114.	Inayat Shah	a. Junior Clerk b. Senior Clerk c. Office Assistant	a. 27-12-1986 b. 02-12-2000 c. 28-03-2017	DGHS KPK	05-10-1962 Peshawar	04-10-2022
115.	Ilyas Masih	a) Jr. Clerk b) Sr. Clerk	17.03.1981 22.11.1992	DGHS Office Peshawar	19.06.1961 Peshawar	18.06.2021
116.	Muhammad Asif S/O Ghulam Sarwar	a. Junior Clerk b. Senior Clerk c. Office Assistant	a.04.10.1981 b.09.12.1992 c.04.01.2018	District Health Officer, Mansehra,	01.01.1963/ Mansehra	31.12.2022
117.	Muhammad Rafiq S/O Muhammad Farid	a. Junior Clerk b. Senior Clerk c. Office Assistant	21-01-1982 22-11-1992 04.01.2018	DHQ, Hosp: Haripur.	14-03-1962 Abbottabad.	13-03-2022
118.	Muhammad Ayub S/O Nadir Khan	a) Jr. Clerk b) Sr. Clerk	01.12.1982 26.09.1994	DHO Chitral	01.03.1963/ Chitral	28.02.2023
119.	Bakht Rashid S/O Khan Mahmoot	a) Jr. Clerk b) Sr. Clerk	04.12.1982 26.09.1994 04.01.2018	DHO Mardan	11.01.1961/ Mardan	10.01.2021
120.	Muhammad Jahangir S/O Khan Bahadar	a) Jr. Clerk b) Sr. Clerk	09.03.1983 26.09.1994	BBT Hosp Abbottabad	20.01.1961/ Abbottabad	19.01.2021

Approved by

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121.	Shahid Hussain S/O Guham Serwar	a) Jr. Clerk b) Sr. Clerk	01.06.1981 30.06.2000 04.01.2018	DHO Abbottabad	03.04.1962/ Abbottabad	02.04.2022
122.	Zul Qarnain S/O Malik Khan Muhammad	a) Jr. Clerk b) Sr. Clerk	01.10.1983 30.06.2000 04.01.2018	DHO Tank	01.10.1960 Dera ismail Khan	30.09.2020
123.	Muhammad Nawaz	a) Jr. Clerk b) Sr. Clerk c) Office Assistant	13.10.1983 30.06.2000 04.01.2018	MS Landi Kotal	18.10.1965 Khyber Agency	17.10.2025
124.	Sadaqat Khan S/O Mastan Khan	a) Jr. Clerk b) Sr. Clerk c) Office Assistant	30.04.1984 30.06.2000 04.01.2018 04.01.2018	DHO Peshawar	22.12.1965/ Peshawar	21.12.2025
125.	Lal Mir Khan S/O Mir Zaman Khan	a) Jr. Clerk b) Sr. Clerk c) Office Assistant	05.08.1984 30.06.2000 04.01.2018	DHQ Hosp: Mardan	10.10.1961/ Mardan	09.10.2021
126.	Sajjad Ali S/O Saadullah	a) Jr. Clerk b) Sr. Clerk c) Office Assistant	25.09.1984 30.06.2000 04.01.2018	DHO Abbottabad	25.12.1963/ Abbottabad	24.12.2023
127.	Muhammad Qurash	a) Jr. Clerk b) Sr. Clerk c) Office Assistant	18.03.1985 30.06.2000 04.01.2018	As Khyber Agency	01.01.1966/ Mardan	31.12.2025
128.	Muhammad Feroz S/O Dil Feroz	a) Jr. Clerk b) Sr. Clerk c) Office Assistant	01.01.1984 01.07.2000 04.01.2018	DHO Swat	01.01.1963/ Swat	31.12.2023
129.	Muhammad Rafiq S/O Durrany	a) Jr. Clerk b) Sr. Clerk c) Office Assistant	12.01.1985 01.07.2000 04.01.2018	DHQ Hosp: Haripur	16.04.1966/ Swat.	15.04.2026
130.	Qazi Fayaz ud Din S/O Qazi Jalal ud Din	a) Jr. Clerk b) Sr. Clerk c) Office Assistant	17-02.1985 01.09.2001 04.01.2018	DHO Kohat	23.04.1963 / Kohat	22.04.2023
131.	Shaukat Khan S/O Khan Mahmood	a) Jr. Clerk b) Sr. Clerk c) Office Assistant	10.09.1985 01-09-2001 04.01.2018	DHQ hosp: Mardan	03.04.1962/ Mardan	02.04.2022
132.	Farid ul Haq S/O Nadir ul Haq	a) Jr. Clerk b) Sr. Clerk c) Office Assistant	20.10.1985 01-09-2001 04.01.2018	DHO Karak	10.02.1967/	09.02.2027

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133.	Mohammad Rafiq S/O Ghulam Mustafa	a) Jr. Clerk b) Sr. Clerk c) Office Assistant	20.10.1985 01.09.2001 04.01.2018	DHO Kohat	01.03.1961 Karak	28.02.2021	
134.	Saeed Akhter S/O Banat Shah	a) Jr. Clerk b) Sr. Clerk c) Office Assistant	22.10.1985 01-09.2001 04.01.2018	DHO Hangu	12.02.1965/ Karak	1.02.2025	
135.	Mohammad Din S/O Bahar ud Din	a) Jr. Clerk b) Sr. Clerk c) Office Assistant	26.10.1985 01.09.2001 04.01.2018	DHQ Hosp Kohat	14.08.1965 Karak	13.08.2025	
136.	Muhammad Naem S/O Muhammad Azem	a) Jr. Clerk b) Sr. Clerk c) Office Assistant	01-01-2002 04.01.2018 04.01.2018	DHS FATA	01-11-1970 D.I Khan	31-10-2030	
137.	Malik Zaheer S/O Abdul Jalil	a) Jr. Clerk b) Sr. Clerk c) Office Assistant	23-10-1983 24-01-2002 04.01.2018	TB Control Mansehra.	20-01-1984	19-01-2044	
138.	Noor Elahi S/O Malik Aman	a) Jr. Clerk b) Sr. Clerk c) Office Assistant	16.12.1985 01.02.2002 04.01.2018	KAT Hosp: Mansehra.	04.02.1967/ Mansehra	03.02.2027	
139.	Muhammad Ibrahim Khan S/O Buzurg Khan	a) Jr. Clerk. b) Sr. Clerk c) Office Assistant	23.12.1985 24.01.2002 04.01.2018	DHO Chitral	16.02.1967/ Chitral	15.02.2027	
140.	Doctor Khan S/O Mir Shahbaz Khan	a) Jr. Clerk. b) Sr. Clerk c) Office Assistant	15.01.1986 24.01.2002 04.01.2018	DHO Karak	10.03.1964/ Karak	09.03.2024	
141.	Syed Sardar Ali shah S/O Syed Sher Badshah	a. Jr. Clerk b. Sr. Clerk c) Office Assistant	22.01.1986 24.01.2002 04.01.2018	Govt: Maternity Hospital Pesh.	26.04.1967 Charsadda	25.04.2027.	
142.	Khalid Khan S/O Mian Gul	a) Jr. Clerk b) Sr. Clerk c) Office Assistant	19.12.1982 10.02.2004 04.01.2018	DHQ Hosp: Mardan	20.04.1962/ Mardan	19.04.2022	
143.	Ghulam Sarwar S/O Ghulam Sadeeq	a) Jr. Clerk b) Sr. Clerk c) Office Assistant	14.05.1984 10.02.2004 04.01.2018	DHO Mardan	15.03.1964/ Mardan	14.03.2024	
144.	Kamran S/O Muhammad Younis	a) Jr. Clerk b) Sr. Clerk c) Office Assistant	30.04.1986 10.02.2004 04.01.2018	KAT Hosp: Mansehra	31.12.1964/ Mansehra	30.12.2024.	

Attested by

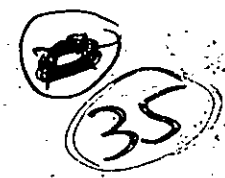
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145.	Ahmad Nawaz Khan S/O Muhammad Khalil Khan	a) Jr. Clerk b) Sr. Clerk c) Office Assistant	03.05.1986 10.02.2004 04.01.2018	DHQ Hosp Battagram	01.11.1960/ Mansehra	31.10.2020	
146.	Riaz Muhammad S/O Nisar Muhammad	a) Jr. Clerk b) Sr. Clerk c) Office Assistant	01.07.1986 10.02.2004 04.01.2018	DHO Charsadda	20.03.1967/	19.03.2027	
147.	Khizar Hayat S/O Gulistan	a) Jr. Clerk b) Sr. Clerk c) Office Assistant	01.05.1981 16.02.2004 04.01.2018	DHQ Hospital Swabi	18.03.1963/ Swabi	17.03.2023	

ALL-2023-17

Dr. J. J.
DIRECTOR GENERAL HEALTH, SERVICES
KHYBER PAKHTUNKHWA PESHAWAR

Annex B^s 



Office: 0944881012
Fax: 0944881455

OFFICE OF THE MEDICAL SUPERINTENDENT
DHQ, HOSPITAL DIR UPPER

No. 237 / MS/DHQH Dir dated 11/11/19 2019

To:

The Director General Health Services
Khyber Pakhtunkhwa Peshawar

Subject: - APPEAL AGAINST PROVISIONAL SENIORITY LIST OF OFFICE ASSISTANT
BPS-16 ISSUED

R/Sir,

I have the honour to submit herewith an appeal against the subject seniority list submitted by Mr. Fozle Subhan office assistant of this office for favorable consideration and further forwarding to the honorable Secretary Govt of Khyber Pakhtunkhwa and Health Department Peshawar.


Medical Superintendent
DHQ Hospital Dir Upper

Attested by





The Secretary Govt of Khyber Pakhtunkhwa,
Health Department Peshawar

(26)

Through

PROPER CHANNEL (MEDICAL SUPERINTENDENT DIR UPPER
DIRECTOR GENERAL HEALTH SERVICES, KHYBER PAKHTUNKHWA
PESHAWAR)

Subject:

APPEAL AGAINST PROVISIONAL SENIORITY LIST OF OFFICE
ASSISTANT BPS-16

On 17/04/2019

Respected Sir,

Reference Director General Health Services Khyber
Pakhtunkhwa covering letter no 4053-148/personal dated 17/04/2019.

Pleas

01. That I was promoted as Office Assistant by a committee represented by DGHS member, under the District cadre policy on 10/06/2005 by District Coordination Officer Dir Upper, a copy endorsed to Director General Health Services Khyber Pakhtunkhwa Peshawar
 - a. Personal promotion dated 03-03-2005
 - b. personal promotion dated 26-08-2008
02. In 2014, Mr. Taimar and Abdur Khan Office Assistants both of my batch names had been included while my name was not included in the provincial seniority list by the Deptt concerned
03. That my Annual Performance Evaluation reports/ACRs have already been submitted for my promotion at the office of Director General Health Services, Khyber Pakhtunkhwa Peshawar.

it is, therefore, you are requested that please accept and consider my case sympathetically for which I will remain thankful to you.

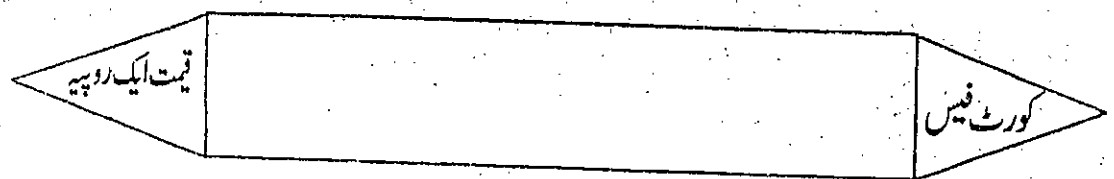
Attested by

Yours Obediently

Mr. Fazle Subhan

Office Assistant DHQH Dir Upper

بعد التخبیر و نحو اس پر و لیسویں سیمپل کورٹ بنام گل کدہ ضلع سوات ۲۸



مورخہ 8 آگست ۱۹۶۲ء منجانب ایڈووکیٹ
مقدمہ فضل سبحان بنام حکومت و غیرہ
دعویٰ سندروس ایپل

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام سیمپل کورٹ سوات کے جج صاحبان نے فیصلہ کیا کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے کے جواب دی اور اقبال دعویٰ اور درخواست ہر قسم کی تصدیق زر اور اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری ایک طرف یا اپیل کی برآمد ہوگی اور منسوخ مذکور کے نسل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقررہ شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اس کا ساختہ برواختہ منظور و قبول ہوگا۔ اور دوران مقدمہ میں جو خرچہ و ہرجانہ التوا یہ مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ ہر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا کہ سند ہے

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المرقوم ۸
ماہ آگست ۱۹۶۲
واہ شہدہ العبد

۸۱۵۱۱۵
فضل سبحان ولد علی محمد بن سید
سلطنتی در خواہن صلح دیرا پیر
بمقام سیمپل کورٹ سوات کے لئے منظور ہے
Attested & Accepted by
M. Javaid Khem
A.S.C
0343 9607492

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

SERVICE APPEALS NO. 1062, 1063 & 1064 OF 2019

1. Shamsher Ali (Junior Clerk, presently Office Assistant),
2. Fazal Subhan (Junior Clerk, presently Office Assistant),
3. Mian Irshad (Junior Clerk, presently Office Assistant)..... **Appellants**

Versus

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

Respectfully Sheweth:

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS

Preliminary Objections:-

1. That the Appellants have got neither cause of action nor locus standi to file the instant Appeals.
2. That the Appellants have filed the instant Appeals just to pressurize the Respondents.
3. That the instant Appeals are against the prevailing Law and Rules.
4. That the Appeals are not maintainable in its present form and also in the present circumstances of the issue.
5. That the Appellants have filed the instant Appeal with mala-fide intention hence liable to be dismissed.
6. That the Appellants have not come to the Tribunal with clean hands.
7. That the Appeals are time barred.
8. That the Honorable Tribunal has no Jurisdiction to adjudicate upon the matter.
9. That the instant Appeals are bad for mis-joinder and non-joinder of the necessary parties.

ON FACTS:

1. Para No. 1 pertains to record.
2. Para No. 2 Pertains to record.
3. Para No. 3 is correct to the extent that the Appellants were promoted as Office Assistants BPS-16 by the District Coordination Officer Swat under District Cadre/Policy without obtaining NOC and by passing the Health Department Khyber Pakhtunkhwa.
4. Para No. 4 is correct to the extent that the Provisional Seniority List is issued by the Directorate General Health Services Khyber Pakhtunkhwa.
5. Para No. 5 is correct to the extent that 2nd Appeal against the Seniority List filed by the Appellants which were forwarded by District Health Officer Swat on 13/05/2019 to DGHS office. Previously to these Appeals, the Appellants also submitted a similar 1st Appeal on 4 & 10/01/2018 (Annex-A & B) which were discussed in the Scrutiny Committee Meeting held on 26/02/2018 during which it was decided to submit a self-contained case to the Govt. for advice (Annex-C). Accordingly a detailed case was sent to the Govt. of Khyber Pakhtunkhwa Health Department vide this Directorate letter No. 3023/Personnel (Promotion) dated 04/04/2018 for advice (Annex-D) but they never approached Honorable Khyber Pakhtunkhwa Service Tribunal, Peshawar within stipulated times of 90-days after filing their 1st Appeal on 4 & 10/01/2018 hence on score of this single point their 2nd appeal is not maintainable.
6. Para No. 6 no comments being formal.

ON GROUNDS

- i. Para-i is incorrect. The Appellants were parts and parcel of Health Department but by introducing Local Govt. Act, 2001 by the Govt. Khyber Pakhtunkhwa, they become the parts of District Govt. headed by District Coordination Officer. The District Govt. promoted them as Office Assistant in spite of the fact that they were most junior in the Provincial Cadre. According to Govt. Notification dated 15/01/2002, the Provincial Cadre posts of BPS-15 and below of the Provincial Health Department were converted into District cadre, so they were promoted as Office Assistant in District cadre and not in Provincial cadre. According to Civil Service Act, 1973, fixation of Seniority Para-6 an employee from one cadre to other cadre will be adjusted in seniority in the bottom, so on repealing the act and abolishing of District Cadre the promotes of District Cadre. Health Department have been incorporated in the seniority list of Provincial Cadre from the date of repealing of the Act, i.e. w.e.f. 15/05/2012.
- ii. in reply to Para-ii it is submitted that:
 - a. The officials from Serial No. 1 to 75 were promoted on provincial level Seniority lists to the post of Office Assistant on the basis of seniority while the Appellants were promoted by District Govt. on 10/06/2005,

26/08/2008, 01/01/2009 and became the part of District Cadre, so they were excluded from the provincial cadre seniority list at that time which they never challenged. They were included again in the Seniority list after repealing of the Local Govt. Act, i.e. 15/05/2012 and correctly placed their name in seniority list of Health Department.


- b. Incorrect. The Appellants were promoted in District Cadre in spite of the fact that they were most junior in the Provincial Seniority list of Senior Clerk of sub-cadre of Health Department.
 - c. The officials at S#-77 to 85 were promoted by the District Govt. prior to the Appellants, so they were shown correctly senior than Appellants in the seniority list.
-
- iii. Para-iii pertains to record.
 - iv. Para-iv is incorrect. The seniority list has been prepared strictly in accordance under section (8) of KP the Civil Servant Act, 1973 and Rule (17) of KP APT Rules 1989.
 - v. Para-v is incorrect. The seniority list was issued according to Section (8) of KP Civil Servant Act 1973 and Rule 17 of KP APT Rules 1989, there is no question arises regarding violation of Constitution of 1973 of Islamic Republic of Pakistan. Initially the Appellants were in the sub-cadre of Health Department and after promulgation of Local Govt. System in Pakistan under the Constitution of 1973 of Islamic Republic of Pakistan in the year 2000, they avail their promotion in the District Govt. Cadre by Quitting themselves from Health Department due to which their names were excluded from the seniority list of Sub-Cadre of Health Department. After repealing Local Govt. Act, in the 2012 under constitutional provision after which the Appellants again applied to join the Sub-Cadre of Health Department KP and after acceptance of their application they were placed rightly according to Section (8) of KP Civil Servant Act, 1973 read with Rule-17 of KP APT Rules 1989.
 - vi. Para-vi is incorrect. The seniority list has been prepared strictly in accordance under Section (8) of KP the Civil Servant Act, 1973 and Rule (17) of KP APT Rules 1989 hence no violation of judgment of Superior Courts of Pakistan.
 - vii. Para-vii is no comments being formal.
 7. No comments formal.
 8. No comments. Pertains to record.

PRAYER:

It is therefore humbly prayed that on acceptance of the comments, the instant Appeal may very graciously be dismissed with cost.



Secretary Health, Khyber Pakhtunkhwa.
Respondent No. 01



Director General Health Services,
Khyber Pakhtunkhwa.
Respondent No. 02

To, ✓

The Director General Health
Services Khyber Pakhtunkhwa
Peshawar.

Ames - A



Subject:- APPEAL REGARDING ISSUANCE OF SENIORITY LIST OF OFFICE ASSISTANT ON DATED 01-01-2018.

R/Sir,

With reference to letter No. 05-85/Personal (Promotion) dated, 01-01-2018 and issuance of Seniority list of Office Assistant on dated, 01-01-2018.

It is humbly requested that:-

1. That the Office Assistant (appellants) namely, Mr. Abdar Khan, Mr. Taimur Wali, Mr. Fazli Subhan and Mr. Sher Azam Khan were promoted to Office Assistant on 26-08-2008 vide District Coordination Officer Upper Dir order No. 7983-89 dated, 26-08-2008 (Copy of Order is attached as Annexure-"A"). The Representative of Provincial Government had been nominated his representative to attend the process of Promotion of Office Assistant, the representative of Secretary Health Khyber Pakhtunkhwa attended the DPC meeting as member of the Provincial Government, the meeting held in the office of District Coordination Officer Upper Dir.
2. In the seniority list previously issued by your kind office in the year 2011 our names are reflected at S.No. 87 and 88, (Seniority list as Attached as Annexure-"B"). In second seniority list issued on 31-05-2017 our names are mentioned at S.No. 32 and 33 (seniority list is attached as Annexure-"C"). It is important to mention here that in recently issued seniority list vide letter No, refer above our name are reflected at S. No. 97, 98 and 99 instead of 32 & 33, which is against the prevailing policy and to deprived the deserving officials from their legal rights.
3. The appeal regarding District Cadre promotions the Service Tribunal Peshawar accepted the appeal of Mr. Khalil-Ur-Rehman in appeal NO. 988/2006 (Decision of Service Trabunil is attached as Annexure-"D").
4. The employees promoted in the year 2009 by Provincial Government are mentioned in recent seniority list before us, it is pertinent to mentioned here that we have been promoted to office Assistant in the year 2008.

Therefore, you kind honour is requested to please considered our seniority with effect from 26-08-2008 instead of 15-05-2012 as we are promoted to office Assistant in the year 2008. The appeal is submitted for your kind information and further necessary action.

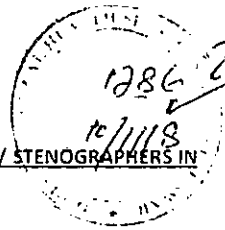
Dated, 04-01-2018.

Mr. Fazli Subhan
Office Assistant

Mr. Taimur Wali Khan
Office Assistant

The Director General Health Services,
Khyber Pakhtunkhwa, Peshawar.

For P.C.



Annex - B

Subject:

PROVISIONAL SENIORITY LIST OF OFFICE ASSISTANTS/AUDITORS/ STENOGRAPHERS IN
HEALTH DEPARTMENT, KHYBER PAKHTUNKHWA

Kindly refer to your covering letter No. 5-/85/Personnel (Promotions) dated 01-01-2018
subject noted above.

We have the honour to submit the following few lines for your kind consideration,

1. Mr Mian Irshad and others were promoted by the then DCO Shangla after observing all codal formalities vide his office order No. 2960-66/DCO(SH) dated 09-06-2005.
2. Later on the DCO Shangla withdrawn the said promotion order vide his office order No. 4954-55/DCO(SH) dated 05-10-2005.
3. Feeling aggrieved the affected Govt. Servants filed a case against the impugned withdrawal order in Service Tribunal Khyber Pakhtunkhwa
4. The Service Tribunal decided the cases in favour of the affected employees vide decision dated 12-09-2007 (copy attached).
5. The DCO Shangla and Directorate General Health Services Khyber Pakhtunkhwa Peshawar endorsed and implemented the decision by issuing the restoration order and inclusion of names in the seniority list of the category concerned accordingly
6. The issue once settled was being followed by the other District Governments also
7. By the passage of time, our names came closer to the top of the seniority list of office assistants.
8. Now all of a sudden our names have been shuffled to the bottom of the seniority list on the reason that our seniority will be counted w.e.f 15/05/2012 i.e. the date of adjustment from Surplus pool.
9. Sir after studying the surplus pool policy, we are astonished that the devolution in no meanings comes under the said policy (photocopy enclosed for reference).
10. It is to point out that Mr Murad Ali of District Buner being party in the same case and serving under the devolved status has rightly been promoted to the post of Chief PHC Technician BPS-16 and to the post of Technologist BPS-17 on 28-04-2010 and 11-05-2012 respectively, without going through such bottlenecks.
11. With due respect and honour it is stated that at this stage considering the devolution policy as surplus pool policy tantamount to a sort of legislation while the scrutiny committee being part and parcel of the implementing entity has got no authority concern and responsibility of legislation. As per surplus pool policy there must be proper abolition of surplus post by the finance department and during surplus pool period there is no mechanism of promotion at all.

is therefore very humbly requested that our original seniority positions w.e.f the actual date of promotions may kindly be restored so as the court decision is implemented in letter & spirit full rather than pick and choose

Yours Obediently,

1. Mian Irshad, Office Assistant, DHO Hospital Balthal
2. Hazrat Hayat, Office Assistant, THQ Hospital Beshant.
3. Maroof Shah, Office Assistant, DHO Office Shangla.
4. Shamsher Ali, Office Assistant, DHO Office Swat.
5. Asghar Khan, Office Assistant, MS Office, SGTH Swat.

[Handwritten signature of Mian Irshad]

[Handwritten signature of Hazrat Hayat]

[Handwritten signature of Maroof Shah]

[Handwritten signature of Shamsher Ali]

[Handwritten signature of Asghar Khan]

[Handwritten note: 22/11/18]

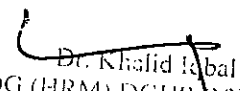
Annex - A

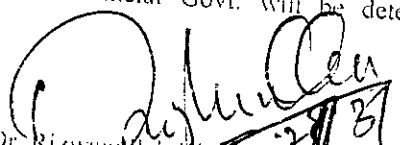
Minutes of the Scrutiny Committee meeting held on 26-02-2018 11:00 AM in the Office of ADG (Admn) of DGHS Office Peshawar.

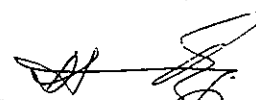
A complaint was received from the Office Assistants of Provincial Health Department regarding seniority of those Office Assistants, who were promoted by the District Government during the period from 2001 to 2012 by giving them the seniority from the date of their promotion in the District Local Government.


This issue was discussed in the Scrutiny Committee meeting held on 12-12-2017 and it was decided that the Office Assistants promoted by the District Local Government be placed in the seniority list of Provincial Health Department from date of repealing of the Local Government Act 2001 w.e.f 15-05-2012, in the light of 'fixation' of seniority of Civil Servants Act 1973 para-6, so accordingly their names were incorporated in the seniority list of Provincial Health Department from the date of dissolution of Local Government Act 2001 w.e.f 15-05-2012 and circulated the provisional seniority list, on which the Office Assistants who were promoted by District Government have made a representation requesting for their seniority from the date of their promotion in the District Government.

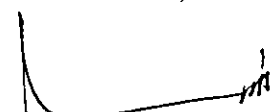
This point was again discussed in the Scrutiny Committee meeting held on 26-02-2018 and decided that a self contained case may be prepared and submitted to the Government for advice in the matter is to how the inter-see seniority of the officials promoted by District Local Government and Provincial Govt. will be determined according to Rules.

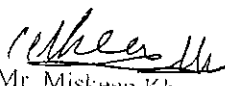

Dr. Khalid Rabal
ADG (HRM) DGHS Office Peshawar
(Member)

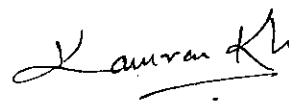

Dr. Rizwanullah Khan DD (HRM)
DGHS Office Peshawar
(Member)

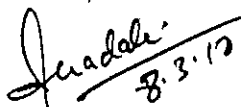

Dr. Ikramullah Khan
Dir (HRM) DGHS Office
(Member)


Dr. Mohammad Saleem
Dir (Implementation) DGHS Office
(Member)


Mr. Amir Abdulllah
Superintendent (EPI)
DGHS Office Peshawar
(Member)


Mr. Miskeen Khan
Office Assistant
DGHS Office Peshawar
(Member)


Mr. Kamran Khan
AD (ADMN)
DGHS Office Peshawar
(Member)


Dr. Capt. Shad Ali
ADG (ADMIN)
DGHS Office Peshawar
(Chairman)

DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUN KHWA PESHAWAR

Annex B



2023

/Personnel (promotion) Dated 04/06/2018

To,

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

Subject: - ADVICE REGARDING SENIORITY LIST OF OFFICE ASSISTANT (BS-16) HEALTH DEPARTMENT.

Dear Sir,

I have the honour to state that in 2001 the Government of Khyber Pakhtunkhwa had promulgated the Local Govt: Act and converted the posts in BPS-15 and below of Provincial Health Department into the District Cadres vide Govt: of N.W.F.P. Establishment/Admin Department notification bearing No. SOR-II/(E&AD)1(20)/98-Vol.III dated 15.01.2002 (Copy attached Annexure-A):

The District Govt: had promoted senior clerks to the post of Office Assistant in the District Cadre during the period from 2001 to 2012.

The said Act was repealed through Khyber Pakhtunkhwa Local Govt: Act 2012 w.e.f. 15.05.2012 (copy attached at Annexure B) and all local Government created under the said law stand dissolved.

This Directorate vide letter No.2035/Admn: dated 28/02/2005 (Copy Attached at annex C) wherein, it was clearly mentioned at Para IV, that no proper procedure i.e. circulating of Provisional/Final Seniority List etc: adopted by DCOs. Rather in some of the districts employees having very low Seniority position have been promoted in preference to the senior most employees of the joint Seniority list issued by the DGHS Office which is in violation of Appointment/Promotion Rules, as a result thereof Health Department can face litigation in the court of Law.

The case was taken up with the Establishment Department vide Health Department vide No. SOH-III/10-4/2005 dated 31/5/2005 (copy attached at Annex D). Reply of the said letter received from the Establishment Department letter No. SOR-II(E&AD)1(20)2004 dated 23/06/2005 (copy attached for ready reference at Annex E) wherein, it was clearly mentioned that Health Department may follow the provision of Local Government system with letter and spirit.

The case was again taken up to your good honor vide this Directorate letter No. 6405/Admn dated 06/08/2005 (copy attached at Annex F) and explained our view points again in detail but no fruitful result is received till to date.

The said district cadre policy was circulated vide this Directorate letter No. 7060-83/Admn/Personnel dated 14/09/2005 (copy attached at Annex G) for ready reference).

The Seniority of those office Assistants who were promoted in District cadre was incorporated in the Provincial Seniority list from the date of their promotion in the respective Districts on which objection was raised by the Office Assistants of Provincial Cadre Health Department on which a Scrutiny committee was constituted at Directorate level.

In their 1st meeting held on 12.12.2017 the committee has unanimously decided that the office assistant promoted by the District Govt: be given seniority from the date of repealing/dissolution of Local Govt: Act 2001 i.e. 15.05.2012. Accordingly it was done and the Provisional Seniority list of office assistants was circulated vide letter No.5-85/Personnel (promotion) dated 01.01.2018 (Copy attached at Annex H).

On circulation of Provisional Seniority list the office Assistants promoted by the District Govt: raised objection on it and requested for seniority from the date of their promotion rather from the date of repealing/dissolution of the Act 2001 on the plea they were rightly been promoted by the District Govt: as per decision of Service Tribunal (Copy attached at Annex I).

This case was again discussed in the 2nd Scrutiny committee meeting held on 26.02.2018 and it was decided to seek advice of the Govt: on the following points.

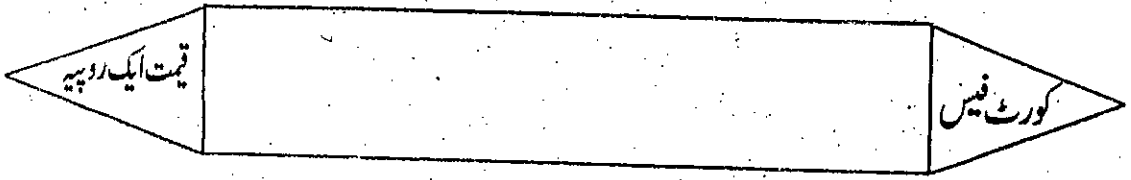
1. That what will be the status of the officials who have been promoted by the District Govt: after dissolution of the District Govt: in the light of Establishment/Admin Department letter dated 15.01.2002 (Copy attached as Annex. A).
2. The Office Assistants of Provincial Health Department Cadre objected on the seniority of Office Assistants promoted by the District Govt: the main plea of the Office Assistants of Health Department is that when the District Govt. dissolved i.e 15/05/2012 their seniority may be counted from the date of dissolution of District Govt. and not from the date of their promotion as the seniority may be fixed as and when they are redundant/dissolution of District Govt. which seems to be genuine. As the same points has already been raised by the Health Department which needs further considerations.

It is requested that advice of the Govt may kindly be conveyed as to whether the seniority of the officials promoted by the District Govt: is determined from the date of their promotion or from the date of dissolution of the Act, 2001 w.e.f. 15.05.2012 i.e on the analogy of surplus pool policy which is already been in vogue

ADDITIONAL DIRECTOR GENERAL (HRM)
DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR.

9/2/18

بعد الت خبير خطو خواء سرول ريبونل سبب كورٹ بتمام قلم ندره ضلع سوات



مورخہ 8 آگست 19۱۶ء منجانب ابدل انڈس
مقدمہ فضل سبحان بنام موصوف و غیرہ
دعویٰ سرورس اپیل

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام بھیب کورٹ سوات کیلئے محمد جاوید خان ایڈووکیٹ کو مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے جواب دی اور اقبال دعویٰ اور درخواست ہر قسم کی تصدیق زرا اور اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری ایک طرف یا اپیل کی برآمد ہوگی اور منسوخ مذکور کے نسل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقررہ شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اس کا ساختہ برواختہ منظور و قبول ہوگا۔ اور دوران مقدمہ میں جو خرچہ و ہرجانہ التوا ایسے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ ہر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا کہ سند رہے

المرقوم 8
ماہ آگست 19۱۶ء

واہ شدہ العبد

فضل سبحان وکیل
مقام سوات

بتمام کورٹ سوات کے لئے منظور ہے

Attested & Accepted by

M. Javid Khan
A.S.C
0343 9607492

"B"

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

TB

In Name

Appeal No. 1063 of 209

Fazal Subhan Appellant/Petitioner

Versus

Surgeon Genl. Health (Dr. Peshi) Respondent

Respondent No. 3

File-100

Notice to: Medical Superintendent DHQ,
Hospital Div Upper at Div

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 22/01/2020 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

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

Given under my hand and the seal of this Court, at Peshawar this 16/1/20
of Jan 2020

at Camp Court Swat

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"B"

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

No.

TB

Pre-admission Notice

Appeal No. 1063 of 2019
Fozal Subhan

Appellant/Petitioner

Through Secy. Health Pesh.
Versus
Govt. of K.P.K. through Secy. Health Peshawar.

Respondent

Respondent No. 1

Notice to: —

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

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

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

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

Day of.....Jan.....2020

at Camp Court Sweet

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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

