

15th Nov, 2022

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

Learned counsel for the appellant seeks adjournment being not prepared for arguments today. To come up for arguments on 15.12.2022 before the D.B at Camp Court Abbottabad.

14



(Salah Ud Din)
Member (Judicial)
Camp Court Abbottabad




(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad


16.06.2022

Nemo for parties.

Noor Zaman Khattak learned Distric Attorney present.

Notice be issued to appellant/counsel and respondents for 17.08.2022 for arguments before D.B at Camp Court Abbottabad.



(Fareeha Paul)
Member (E)
Camp Court A/bad


(Rozina Rehman)
Member (J)
Camp Court A/bad

19th Oct., 2022

Nemo for the appellant. Mr. Kabirullah Khattak, Addl. AG for the respondents present.

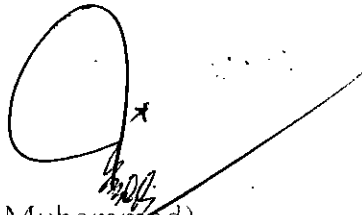
This case pertains to Abbottabad and because of cancellation of tour the matter was fixed for arguments on 19.10.2022 at the Principal Seat. Because of cancellation of tour, the parties and their learned counsel might not have appeared. Notice be issued to appellant and his counsel for the next date. To come up for arguments on 15.11.2022, ~~before the D.B at Camp Court, Abbottabad.~~


(Fareeha Paul)
Member (E)


(Kalim Arshad Khan)
Chairman

23.12.2021 Counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Asst: AG for respondents present

Learned counsel for the appellant again sought adjournment on the ground that he has not made preparation for arguments. Last opportunity given. Adjourned. To come for arguments before D.B on 16.02.2022 at camp court Abbottabad.



(Mian Muhammad)
Member(E)



(Salah Ud Din)
Member(J)
Camp Court Abbottabad

16.02.2022 Due to retirement of the Hon'ble Chairman, the Tribunal is defunct, therefore, the case is adjourned for the same on 16.05.2022.



16.05.2022 Counsel for the appellant present. Mr. Muhammad Riaz Khan, Assistant Advocate General for respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not prepared the brief. Adjourned. To come up for arguments before D.B on 16.06.2022 at camp court Abbottabad.



(Fareeha Paul)
Member(E)



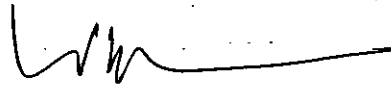
(Kaleem Arshad Khan)
Chairman
Camp Court Abbottabad

21.10.2020

Appellant present through representative.

Usman Ghani learned District Attorney present.

Lawyers are on general strike, therefore, case is adjourned to 16.12.2020 for arguments before D.B.



(Atiq-Ur-Rehman Wazir)
Member (E)
Camp Court, A/Abad



(Rozina Rehman)
Member (J)
Camp Court, A/Abad

*Due to COVID-19 case is
adjourned to 17-06-2021*



17.06.2021

Due to cancellation of tour, Bench is not available. Therefore, case to come up for the same as before on 01.10.2021.



Reader

01.10.2021

Counsel for the appellant and Mr. Muhammad Rasheed, DDA for the respondents present.

Learned counsel for the appellant seeks adjournment in order to prepare the brief and properly assist the Tribunal. Request is accorded. To come up for arguments on 23.12.2021 before the D.B at Camp court, Abbottabad



(Rozina Rehman)
Member(Judicial)
Camp Court, A/Abad



Chairman
Camp Court, A/Abad

Due to covid ,19 case to come up for the same on / /
at camp court abbottabad.

Reader

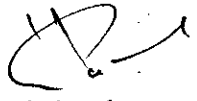
Due to summer vacation case to come up for the same on / 21
10 / 20 at camp court abbottabad.


Reader

18.11.2019

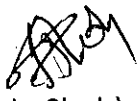
Counsel for the appellant present. Mr. Usman Ghani, District Attorney alongwith Mr. Malik Zaheer, Assistant for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 17.12.2019 before D.B at Camp Court, Abbottabad.



Member


Member
Camp Court Abbottabad

17.12.2019

Counsel for the appellant present. Mr. Ziaullah, Deputy District Attorney alongwith M/S. Amjid Ali, Assistant and Malik Zaheer, Assistant for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 23.01.2020 for arguments before D.B at Camp Court Abbottabad.



(Hussain Shah)
Member
Camp Court Abbottabad


(M. Amin Khan Kundi)
Member
Camp Court Abbottabad

23.01.2020

None for the appellant present. Mr. Muhammad Jan, DDA alongwith Mr. Malik Zaheer, Assistant and Mr. Amjid Ali, Assistant for the respondents present. Due to general strike of the bar on the call of Khyber Pakhtunkhwa Bar Council, the case is adjourned. To come up for further proceedings on 18.02.2020 before D.B at camp court Abbottabad. Appellant be put on notice for the date fixed.


Member



Member
Camp Court A/Abad

17.06.2019

Counsel for the appellant and Mr. Bilal Ahmad, DDA alongwith Saleem Javed, Litigation Assistant and Malak Zaheer, Asstt. for the respondents present.


Learned counsel for the appellant requests for time to furnish rejoinder and also to address arguments on next date of hearing. Adjourned to 08.07.2019 before the D.B at camp court, Abbottabad on which date the arguments shall be heard irrespective of submission of rejoinder by the appellant.



Member


Chairman
Camp court, A/Abad

08.07.2019

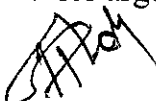
Counsel for the appellant and Mr. Muhammad Bilal, Deputy District Attorney alongwith Mr. Amjid Ali, Assistant for the respondents present. Learned counsel for the appellant submitted rejoinder and requested for adjournment for arguments. Adjourned to 16.09.2019 for arguments before D.B at Camp Court Abbottabad.



(Hussain Shah)
Member
Camp Court Abbottabad


(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

16.09.2019

Counsel for the appellant and Mr. Muhammad Bilal Khan, Deputy District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 18.11.2019 for arguments before D.B at Camp Court Abbottabad.



(Hussain Shah)
Member
Camp Court Abbottabad


(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

Service Appeal No. 610/2018


18.02.2019

None present on behalf of the appellant. M/S Amjid Ali, Assistant, Jaffar Shah, Assistant and Muhammad Rasid, Male Nurse alongwith Mr. Muhammad Bilal Khan, Deputy District Attorney for the respondents present. Written reply on behalf of respondents not submitted. Learned Deputy District Attorney requested for further adjournment. Adjourned to 15.04.2019 for written reply/comments before S.B at Camp Court Abbottabad.


(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

15.04.2019

None for the appellant present. Mr. Muhammad Bilal, DDA alongwith Mr. Jafar Ali, Assistant for respondents present. Written reply on behalf of respondents submitted which is placed on file. Case to come up for rejoinder and arguments on 17.06.2019 before DB at camp court Abbottabad.


(Ahmad Hassan)
Member
Camp Court A/Abad.

18.09.2018 Learned counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant argued that initially vide order dated 17.05.2007 the appellant was appointed as Homeopathic Doctor on contract basis and later on vide order dated 27.05.2014, the services of the appellant were regularized w.e.f 17.05.2007. Through the present service appeal the appellant seeks salaries/financial benefits w.e.f July 2010 to June 2014.

Learned counsel for the appellant stated that since the issue of monetary/financial benefits of the appellant is involved in the present service appeal, as such the issue of limitation would not have any significance.

Points raised need consideration. The present service appeal is admitted for regular hearing subject to all the legal objections including the issue of limitation. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 17.12.2018 before S.B at Camp Court A/Abad.

Appellant Deposited
Security & Process Fee



Member
Camp Court A/Abad

17.12.2018

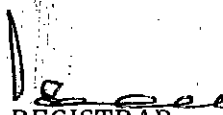


Counsel for the appellant present. M/S Tauseef Ullah, SO and Amjad Ali, Assistant alongwith Mr. Usman Ghani, District Attorney for respondents present. Written reply not submitted. Requested for adjournment. Granted. Case to come up for written reply/comments on 18.02.2019 before S.B at camp court A/Abad.



(Ahmad Hassan)
Member
Camp Court A/Abad.

Form-A
FORM OF ORDERSHEET

Court of _____
Case No. 610/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	07/05/2018	<p>The appeal of Dr. Muhammad Irshad received today by post through Mr. Hamayun 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</p> <p>2-</p> <p>This case is entrusted to Touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>20.7.2018</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>20.07.2018</p> <p>Mr. Hamayun Khan, Advocate, counsel for the appellant present and heard on preliminary.</p> <p>When the query regarding the point of limitation put to the learned counsel for the appellant, he requested for some time to assist the court on that very point. Granted. To come up for preliminary hearing on the question of limitation on 18.09.2018 before before S.B at camp court, Abbottabad.</p> <p style="text-align: right;"> Chairman Camp Court, A/Abad</p>

7

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Appeal No. 610 /2018

Dr. Muhammad Irshad S/o Abdul Sadiq Homeo Medical Officer, DHQ
Hospital Battagram.

...APPELLANT

VERSUS

Govt. of KPK through Secretary Health Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

INDEX

S.#	Description	Page No.	Annexure
1.	Memo of Appeal	1 to 6	
2.	Copy of appointed order	7 to 10	"A"
3.	Copy of notification dated 27/05/2014	11 - 13	"B"
4.	Copy of departmental appeal	14 - 15	"C"
5.	Wakalatanama	16	


...APPELLANT

Dated: 30/4/2018

Through


(HAMAYUN KHAN)

&


(FAZLULLAH KHAN)

Advocates High Court, Abbottabad

1

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Appeal No. 610 /2018

Dr. Muhammad Irshad S/o Abdul Sadiq Homeo Medical Officer, DHQ
Hospital Battagram.

...APPELLANT

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 667

Dated 07-5-2018

VERSUS

1. Govt. of KPK-through Secretary Health Peshawar.
2. Director General Health Service KPK, Peshawar.
3. District Health Officer, Battagram.
4. Medical Superintendent DHQ, Battagram.

...RESPONDENTS

SERVICE APPEAL UNDER SECTION 4 OF
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
ACT, 1974, AGAINST THE ORDER DATED
27/05/2014 PASSED BY RESPONDENT NO. 1,
SOLICITING INDULGENCE OF THIS AUGUST
TRIBUNAL TO THE EFFECT THAT THE
RESPONDENTS MAY KINDLY BE DIRECTED TO
PAY THE SALARY OF APPELLANT W.E.F JULY
2010 TO JUNE 2014, (WHICH IS TILL DATE

Filed to-day

Registrar

7/5/18

UNPAID) AND THE RESPONDENT MAY KINDLY BE DIRECTED TO PLACE THE APPELLANT AT THIS PROPER SERIAL NUMBER IN THE LADDER OF SENIORITY LIST.

PRAYER: ON ACCEPTANCE OF THE INSTANT APPEAL, THE RESPONDENT MAY KINDLY BE DIRECTED TO PAY THE UNPAID SALARY OF APPELLANT W.E.F JULY 2010 TO JUNE 2014 & THE RESPONDENTS MAY KINDLY BE DIRECTED TO MAKE A PROPER SENIORITY LIST AND PLACE THE APPELLANT AT HIS PROPER PLACE IN THE LADDER OF SENIORITY.

Respectfully Sheweth;-

May it please your lordship, the brief facts of the instant appeal are as under;-

1. That, the appellant was initially appointed on contract basis as Homeopathic Doctor in DHQ Hospital Battagram vice order 972-1067/ Homeo/ Tibb dated 17/05/2007. In proof copy of appointed order is enclosed as Annexure "A".

2. That the appellant performed his duties upto the satisfaction of his high-ups, till date.
3. That, by operation of law (i.e KKP Tibb & Homeopathic Employees (Regularization of service act 2014) the appellant becomes permanent w.e.f 17/05/2007 (i.e the date of appointment) vice notification NO. SOH-111/ 10-4/ 2005/ Homeo dated 27/05/2014. But not issued order/ notification outstanding salaries from July, 2010 to June, 2014. In proof copy of notification dated 27/05/2014 is enclosed as Annexure "B".
4. That, after appointed the appellant had regularly performed his duties, but the respondent/ Department had not paid him salary from July 2010 till June 2014, which is till outstaying.
5. That, apart from the said unpaid salary the department also acted in derogation of law vide the said notification dated 27/05/2014, by placing the appellant junior and by not preparing seniority list, which was also asked but to not avail.

6. That, feeling aggrieved from the above said situation the appellant filed department appeal, but not responded to. In proof copy of departmental appeal is enclosed as Annexure "C".
7. That with not other remedy the appellant is before this August Court Tribunal, inter-alia on the following amongst other grounds;-

GROUNDS:-

- a. That, the appellant had rendered his duties, hence could not be deprived of his salary on any pretext whatsoever.
- b. That order of respondent No. 1 against the law and policy on the subject of extent of seniority and salary, hence liable to be modified.
- c. That the appellant had served the department for a sufficient long time and thus a right has been accrued to the appellant to be treated in accordance with law.

- d. That the appellant served the people and the department with devotion and dedication and depriving the appellant from his seniority and salary for long four years would be highly unjust, unfair, unwarranted and uncalled for.
- e. That since, his appointment, no complaint whatsoever has been filed against the appellant, which suggests the devotion of appellant towards performance of his duties.
- f. That, vide notification ibid dated 27/05/2014 the respondent/ department had illegally, without authority and in violation of law had denied the seniority of appellant & others, moreover had not prepared the proper seniority list till date.
- g. That act of the respondents is against the principle of natural justice.
- h. That the other points shall be urged at the time of arguments with the kind permission of this Honourable Tribunal.

It is, therefore, humbly prayed that on acceptance of the instant appeal, the respondent may kindly be directed to pay the unpaid salary of appellant w.e.f July 2010 to June 2014 & the respondents may kindly be directed to make a proper seniority list and place the appellant at his proper place in the ladder of seniority.


...APPELLANT

Dated: 30/4 /2018

Through


(HAMAYUN KHAN)

&


(FAZLULLAH KHAN)

Advocates High Court, Abbottabad

VERIFICATION:-

Verified on oath that the contents of forgoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.


...APPELLANT

Annexure A

DIRECTORATE GENERAL HEALTH
SERVICES, N.W.F.P. PESHAWAR

OFFICE ORDER

Handwritten signature

Consequent upon approval of the Departmental Selection Committee, the following are hereby appointed as Homeo Doctors BPS-16 i.e. (3805-295-12655) with usual allowances as admissible under the Rules as per terms and conditions mentioned below:-

S #	Name	F/Name	Place /Station of Posting
1	Humayun Yaqoob	Muhammad Yaqoob	DHQ Hospital Abbottabad
2	Muhammad Irshad	Abdul Sadiq	DHQ Hospital Battagram
3	Rahim Khan	Rasool Khan	DHQ: Hospital dagger Buner
4	Zain-ur-Rehman	Amanullah	DHQ: Hospital Chitral
5	Sarfaraz	Karim Dad	DHQ: Hospital Haripur
6	Muhammad Mazahar Shah	Muhammad Shah	Faizullah AHQ: Hospital at Batkhele Malakand
7	Sami-ul-Haq	Abdur Rauf	DHQ: Hospital Mansehra
8	Najeebullah	Janat Gul	DHQ: Hospital Mardan
9	Syed Altaf Hussain Shah	Syed Abdul Qayyum	Civil Hospital Alpuri Shangla
10	Rani	Yar Qand	DHQ: Hospital Swabi
11	Ajab Khan	Nazar Khan	Saidu Group of Hospital Swat
12	Aziz-ud-Din	Abdul Wasaiq	Civil Hospital at Dassu Kohistan
13	Khaliq Noor	Mohammad Noor	DHQ: Hospital Barinu
14	Syed Noor Umar	Syed Saadat Noor Shah	DHQ: Hospital

Handwritten signature
A/S...
Peshawar

8

	Shah		Charsadda
15	Iftikhar Elahi	Mehboob Elahi	DHQ: Hospital D.I.Khan
16	Muhammad Fahim Khan	Abdul Khaliq	DHQ: Hospital Timergara Dir Lower
17	Sahibzada Najeeb Alam	Sahibzada Alam	Qutib-e- DHQ: Hospital Dir Upper
18	Siraj Ali	Babu Bahadur Ali	DHQ: Hospital Hangu
19	Ahtesham-ul-Haq	Noor Shah Gul	DHQ: Hospital Karak
20	Abdur Rabi	Muhammad Saleem	DHQ: Hospital Kohat
21	Muhammad Iqbal Khan	Races Khan	DHQ: Hospital Lakki Marwat
22	Shah Zaman	Mian Shah Jehan	DHQ: Hospital Nowshera
23	Dawood Iqbal	Abdul Qadus	City Hospital Peshawar
24	Khalil-ur-Rahman	Malik Zangbar Khan	DHQ: Hospital Tank

- 1: Their appointments will be purely on Contract basis for Three Years renewable on yearly basis till project life and subject to satisfactory performance of the officials
- 2: Their services will be liable to termination at any time without assigning any reason or giving any notice during the incumbency of the contract period.
- 3: If any official/officials wish to quit his services he will have to submit resignation on prior notice in writing at least one month earlier, failing which one month pay will be forfeited and till such time he will continue to serve the Health Department.

Attested
A J M

- 4: On the expiry of contract period, they will not claim any right of pension or gratuity.
- 7: Their appointments will be subject to fitness certificate from Medical board
- 8: If the above conditions are accepted, they will have to join the project within 10 days of the issuance of this order on his own expenses.
- 9: The candidate will execute agreement Deed (specimen attached) within 10 days on judicial stamp paper.

SD/
DIRECTOR GENERAL HEALTH
SERVICES, NWFP PESHAWAR

No. ~~172~~⁹⁷²-1067/Homeo/Tibb, Dated Peshawar the 7/05/2007

Copy forwarded to: -

1. P.S. to Secretary Health NWFP.
2. PS to Ministry Health.
3. Accountant General, NWFP Peshawar
4. All District Coordination officers in NWFP.
5. All District Account Officers in NWFP
6. All Executive District Officers (Health) in NWFP
7. All Medical Superintendent DHQ Hospitals in NWFP
8. Assistant Director (Accounts) DGHS NWFP Peshawar.
9. P.A. to Director General Health Services, NWFP.
10. Official concerned.

Rahman
DIRECTOR GENERAL HEALTH
SERVICES, NWFP PESHAWAR

SD
16/05/07

M. H. Khan
H. Khan

10

No. 117 /Homeo/Tibb Dated Battagram the, 21/5/ /2007.

From; Medical Superintendent
DHQ Hospital Battagram

GAD
Sher Kumar S.

To, The Director General Health Services
NWFP Peshawar.

21/5/07

Subject: CHARGE ASSUMPTION REPORT IN RESPECT OF
DR MUHAMMAD IRSHAD HOMEO/TIBB DOCTOR BPS-16
DHQ HOSPITAL BATTAGRAM.

Sir,

Reference Director General Health Services NWFP Peshawar
letter No, 972-1067/Homeo/Tobb dated 17.05.2007.

Enclosed please find herewith a charge assumption report in
respect of Dr Muhammad Irshad Homeo/Tibb Doctor BPS-16 DHQ Hospital Battagram
resume the charge of the post Homeo/Tibb Doctor BPS-16 DHQ hospital Battagram on
18th May 2007 (FN). Report is submitted for information and necessary action .

Enclosed (2)

59
Medical Superintendent
DHQ hospital Battagram

No& Date even above.

Copy forwarded to the :-

- 1-DCO Battagram
- 2-EDO(Health) Battagram .
- ✓ 3-DAO Battagram.
- 4-Doctor Concerned.

Alteded
[Signature]

Diary No. *471*
Dated *21/5/2007*
DHQ Battagram

[Signature]
Medical Superintendent
DHQ hospital Battagram

*Returned in original with the remarks that post of Homeo/Tibb
not available as per record of this office. If the post has
why been created, copy of that creation may also be
vided with the charge report. Copy of allocation for the same
if allocated may also be provided.*

21/5/07
[Signature]
DHQ Battagram

*MS DHQ Hospital
Battagram*

Annexure B

11



GOVT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated Peshawar the 27th May, 2014

NOTIFICATION

No. SOH-III/10-4/2005/HOMEO. In pursuance to the Khyber Pakhtunkhwa Tibb and Homeopathic Employees (Regularization of Services) Act, 2014, the Competent Authority is pleased to regularize the services of the following Homeo Doctors and Tabeebs w.e. from 17-05-2007 against the posts which they are holding:-

S.NO	NAME /FATHER NAME	PLACE OF POSTING	DESIGNATION/BPS
1.	Dr. Hamayun Yaqoob S/o Muhammad Yaqoob	DHQ Hospital Abbottabad	Homeo Doctor (BS-16)
2.	Hakeem Mustafa Khan S/o Mohd Anwar	DHQ Hospital Abbottabad	Hakeem BS-16
3.	Dr. Muhammad Irshad S/o Abdul Sadig	DHQ Hospital Battagram	Homeo Doctor BS-16
4.	Hakeem Shah Ibrahim S/o Mohd Fazak Shah	DHQ Hospital Battagram	Hakeem BS-16
5.	Dr. Rahim Khan S/o Rasool Khan	DHQ Hospital Dagar Buner	Homeo Doctor BS-16
6.	Hakeem Syed Muhammad Noorul Islam S/o Umar Said	-do-	Hakeem BS-16
7.	Dr. Zain ur Rehman S/o Amanullah	DHQ Hospital Chitral	Homeo Doctor BS-16
8.	Hakeem Abdul Rehman S/o Muhammad Nazir	-do-	Hakeem BS-16
9.	Dr. Sarfaraz S/o Karim Dad	DHQ Hospital Haripur	Homeo Doctor BS-16
10.	Hakeem Sohail Razaq S/o Abdul Razaq	-do-	Hakeem BS-16
11.	Hakeem Muhammad Nasir Rafiq S/o Abdul Majeed	DHQ Hospital Malakand	Hakeem BS-16
12.	Dr. Samiul Haq S/o Abdur Rauf	DHQ Hospital Mansehra	Homeo Doctor BS-16
13.	Hakeem Muhammad Saleem S/o Qazi Habib ur Rehman	-do-	Hakeem BS-16
14.	Dr. Najeebullah S/o Janat Gul	DHQ Hospital Mardan	Homeo Doctor BS-16
15.	Hakeem Muhammad Noor Akbar S/o Akbar Khan	-do-	Hakeem BS-16
16.	Dr. Syed Altaf Hussain Shah S/o Syed Abdul Qayum	DHQ Hospital Shangla	Homeo Doctor BS-16
17.	Dr. Rani yar Qand D/o Yar Qand	DHQ Hospital Swabi	Homeo Doctor BS-16
18.	Hakeem Ihsanul Haq S/o Sahib ul Haq	DHQ Hospital Swabi	Hakeem BS-16
19.	Dr. Ajab Khan S/o Nazar Khan	SGTH Swat	Homeo Doctor BS-16
20.	Hakeem Muhammad Rahim Ghori S/o Mohd Shoaib	SGTH Swat	Hakeem BS-16

Attested
H. J. Khan

21	Dr. Khaliq Noor S/o Muhammad Noor	DHQ Teaching Hospital Bannu	Homeo Doctor BS-16
22.	Hakeem Sahib ur Rehman S/o, Abdur Rehman	-do-	Hakeem BS-16
23.	Dr. Syed Noor Umar Shah S/o Syed Saadat Noor Shah	DHQ Hospital Charsadda	Homeo Doctor BS-16
24.	Hakeem Asad Jan S/o Lachi Gul	-do-	Hakeem BS-16
25.	Dr. Iftikhar Elahi S/o Mehboob Elahi	DHQ Hospital D.I Khan	Homeo Doctor BS-16
26.	Hakeem Abdullah Zafri S/o Sanaullah Khan Zafri	-do-	Hakeem BS-16
27.	Dr. Mohd Faheem Khan S/o Abdul Khaliq	DHQ Hospital Lower Dir	Homeo Doctor BS-16
28.	Hakeem Fazal Rabi S/o Fazal Mohd	-do-	Hakeem BS-16
29.	Dr. Sahib Zada Najib Alam S/o Sahib Zada Qutibe Alam	DHQ Hospital Upper Dir	Homeo Doctor BS-16
30.	Hakeem Khanzada S/o Jafar Khan	-do-	Hakeem BS-16
31.	Dr. Siraj Ali S/o Babo Bahadir Ali	DHQ Hospital Mangu	Homeo Doctor BS-16
32.	Hakeem Falak Naz S/o Mir Nawaz Khan	-do-	Hakeem BS-16
33.	Dr. Ihteshamul Haq S/o Noor Shah Gul	DHQ Hospital karak	Homeo Doctor BS-16
34.	Hakeem Sultan Mohd Shah S/o Noor Mohd Shah	-do-	Hakeem BS-16
35.	Dr. Rafiullah Khan S/o Daraz Khan	DHQ Hospital Kohat	Homeo Doctor BS-16
36.	Dr. Mohd Iqbal Khan S/o Raees Khan	DHQ Hospital Lakki Marwat	Homeo Doctor BS-16
37.	Hakeem Habibur Rehman S/o Eid Akbar Khan	-do-	Hakeem BS-16
38.	Hakeem Wahid ud Din Anwar S/o Ahmad Rafiud Din	DHQ Hospital Nowshera	Hakeem BS-16
39.	Dr. Dawood Iqbal S/o Abdul Qudoos	City Hospital Peshawar	Homeo Doctor BS-16
40.	Hakeem Mohd Younas Faheem S/o Mohd Yousaf Aleem	City Hospital Peshawar	Hakeem BS-16
41.	Dr. Khalil ur Rehman S/o Malik Zangbar Khan	DHQ Hospital Tank	Homeo Doctor BS-16
42.	Hakeem Hafiz Mohd Asad S/o Yar Muhammad	-do-	Hakeem BS-16
43.	Dr. Azizud Din S/o Abdul Wasig	DHQ Hospital Kohistan	Homeo Doctor BS-16
44.	Hakeem Syed Nizam Ali Shah S/o Syed Abas Ali Shah	-do-	Hakeem BS-16

Terms & Conditions are given as under:-

- i) All employees of Tibb and Homeopathic appointed on contract or adhoc basis and holding posts on 30th June, 2010, or till the commencement of this Act, shall be deemed to have validly been

Attested
H. R. A.

appointed on regular basis having the same qualification and experience for a regular post.

ii) The employees of Tibb and Homeopathic whose services are regularized under this Act or in the process of attaining service at the commencement of this Act shall rank junior to all civil servants belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of this Act, and shall also rank junior to such other persons, if any, who in pursuance of the recommendation of the Commission or the Management Council or the Management Committee made before the commencement of this Act, are to be appointed to the respective service or cadre, irrespective of their actual date of appointment.

iii) The seniority interse of the employees of Tibb and Homeopathic, whose services are regularized under this Act within the same service or cadre, shall be determined on the basis of their continuous officiation in such service or cadre.

Provided that if the date of continuous officiation in the case of two or more employees of Tibb and Homeopathic, the employee older in age shall rank senior to the younger one.

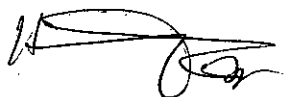
SECRETARY HEALTH

Endst even No. & date.

Copy forwarded to:-

1. The Accountant General, Khyber Pakhtunkhwa Peshawar.
2. The Secretary, Provincial Assembly of Khyber Pakhtunkhwa.
3. The Director General Health Services Khyber Pakhtunkhwa. w/r to his letter No.3703/Personnel dated: 21-05-2014.
4. All DHO's, Khyber Pakhtunkhwa.
5. All Chief Executive, Khyber Pakhtunkhwa.
6. All Medical Superintendent, Khyber Pakhtunkhwa.
7. All District Accounts Officer, Khyber Pakhtunkhwa.
8. PS to Minister Health Khyber Pakhtunkhwa.
9. PS to Secretary Health, Khyber Pakhtunkhwa.
10. PA to Special Secretary Health, Khyber Pakhtunkhwa.
11. PA to Additional Secretary (E) Health Khyber Pakhtunkhwa.
12. All Homeo Doctors/Hakeem's concerned.

(WAJID ALI KHAN)
SECTION OFFICER-III

Alleged


Health
Secretary,
Government of Khyber Pakhtunkhwa,
Peshawar.

Annexure C

14

Subject: DEPARTMENTAL APPEAL AGAINST THE ORDER DATED 27T
MAY, 2014 PASSED BY THE SECRETARY HEALTH DEPARTMENT
KHYBER PAKHTUNKHWA, TO THE EXTENT OF SENIORITY AND
PAST PAY/ARREARS

Respected Sir,

The appellant takes honour to refer to the subject noted above and to submit that:-

1. The appellant was appointed as Homeopathic Doctor in DHQ Hospital Battagram in the year 2007 in BPS-16 on contract basis. The appellant took over the charge and remained performing his duties as such till May 2014.
2. That on 27th May, 2014, the services of appellant was regularized and till date, the appellant is performing his duties on regular basis. However, neither the seniority was given to the appellant nor the salary from July 2010 to June, 2014.
3. That the appellant requested many a time to the quarter concerned for his legal and fundamental right but to no avail.
4. That now, the appellant is preferring the instant departmental appeal against the order dated 27/05/2014 of the Secretary Health, KPK, Peshawar, on the following grounds:-


GROUND

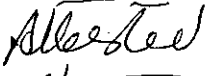

Attested
H. J. O.

- a. That the order of Honourable Secretary Health is against the law and the policy on the subject to the extent of seniority and salary. Hence, liable to be modified.
- b. That the appellant had served the department for a sufficient long time and thus a right has been accrued to the appellant to be treated in accordance with law.
- c. That the appellant served the people and the department with devotion and dedication and depriving the appellant from his seniority and salary for long four years would be highly unjust, unfair, unwarranted and uncalled for.
- d. That since, his appointment, no complaint whatsoever has been filed against the appellant, which suggests the devotion of appellant towards performance of his duties.

It is, therefore, humbly requested that on acceptance of the instant appeal, the impugned order may graciously be ordered to be modified to the extent of seniority and the salary of four years i.e. with effect from June 2010 to May 2014.

Dated 22/01 /2018


APPELLANT
Dr. Muhammad Irshad
Homeo Medical Officer,
DHQ Hospital, Battagram.

وکالت نامہ

کورٹ فیس

بعدالت Before The RPK Senior Tribunal

عنوان: Dr. M. IRSHAD نام Court & Co

منجانب: Appellant

نوعیت مقدمہ: Senior Appeal
باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کارروائی متعلقہ آن مقام

Hameed Khan & Fazlullah Khan

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا نیز وکیل صاحب موصوف کو کرنے راضی نامہ و تقررات فیصلہ بر طرف دینے اقبال دعویٰ اور بصورت دیگر ذکر کرانے اجراء وصولی چیک روپیہ دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کی کل یا کسی جزوی کارروائی کے لئے کسی اور وکیل یا محامی صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پر داختم مجھ کو منظور قبول ہوگا۔ دوران مقدمہ جو فرچہ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔ نیز بتایا تم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر محامی مقرر کردہ میں کوئی جزو دہایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست براد استجارت ناشر بیخہ منطقی کے دائرہ کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

المقوم:

Accepted
M. Irshad

بمقام: Abobattusul

Accepted
M. Irshad

Appellant

Dr. M. IRSHAD

“B”

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

No.

Appeal No..... of 20

610

12

Dr. Muhammad Ishaq Appellant/Petitioner
Versus

Read

through Say Health Peshawar Respondent
Respondent No..... 3

Notice to: —

Distt. Health Office, Baitagram

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.....

26/10

Day of.....20

October 18

act camp court (seal) A. A. Bad.

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.