

22.02.2021

The learned Member Judicial Mr. Muhammad Jamal Khan is under transfer, therefore, the case is adjourned. To come up for the same before S.B on 20.04.2021.



Reader

20.04.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 14.06.2021 for the same as before.



Reader

14.06.2021

Counsel for the petitioner and Mr. Muhammad Adeel Butt, Addl. AG alongwith Habibullah, S.O (Litigation) for the respondents present.

Representative of the respondents has produced copy of office order dated 12.08.2017, whereby the petitioner was granted BPS-05 from the date of taking over charge. In view of the above, the petition in hand is filed having been duly executed. File be consigned to the record room.



Chairman

19.11.2020

Petitioner with counsel and Addl; AG alongwith Saleem Javed, Litigation Officer for respondents present.

A copy of communication dated 06.10.2020 address^d to Secretary Government of Khyber Pakhtunkhwa, Health Department Peshawar, has been provided which is made part of the record. The representative of respondents states that the matter of implementation is in the pipe-line and would take more time for finalization. He, however, requests for adjournment

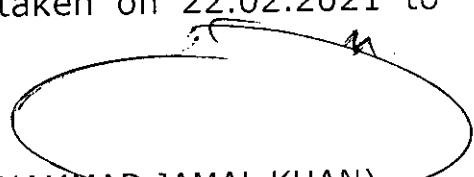
Adjourned to 07.01.2021 before S.B.


Chairman

07.01.2021

Petitioner in person alongwith Mr. Amin Ayub, Advocate, is present. Mr. Noor Zaman Khattak, District Attorney and Mr. Nisar Ahmad, Assistant, for the respondents are also present.

Learned counsel for petitioner invited attention of the bench to the judgment of this Tribunal dated 20.04.2017 which has not been implemented so far. He further submitted that the offices of respondents remained dormant till 17.09.2020 when the process for implementation of the judgment was initiated. He further submitted for early implementation of the order. The learned District Attorney submitted that the process for giving effect to the judgment of this Tribunal is in progress there are complications but they are going to resolve the matter as early as possible. Respondents are directed to put in efforts for giving effect to the judgment by its implementation in its letter and spirit communicating positive steps so taken on 22.02.2021 to the S.B.


(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

12.08.2020

Counsel for the petitioner and Addl. AG alongwith Amjad Ali, Senior Clerk for the respondents present.

The representative of the respondents states that the matter of implementation of judgment has been initiated though not completed as yet. He therefore, requests for time to submit implementation report.

To come up for implementation report on 29.09.2020 before S.B.


Chairman

29.09.2020

Petitioner with counsel and Addl. AG alongwith Hazrat Shah, Superintendent, Saleem Javed, Litigation Officer and Amjad Ali, Senior Clerk for the respondents present.

The representative of respondent No. 2 has provided copy of memo. dated 17.09.2020, whereby, the Medical Superintendent, District Headquarter Hospital Mardan has requested the Director General Health Services, Khyber Pakhtunkhwa Peshawar to take up the case for implementation with Secretary Health Khyber Pakhtunkhwa who will, in turn, approach the Finance Department for upgradation of post of Carpenter from BPS-01 to BPS-05.

He states that the matter of implementation will be finalized within a reasonable period.

Adjourned to 19.11.2020 on which date the implementation report shall be submitted without fail.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____
Execution Petition No. 74 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	11.03.2020	<p>The execution petition of Mr. Abdul Sattar submitted today by Mr. Khaled Rehman Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR 11/3/2020</p>
2-	13/03/20	<p>This execution petition be put up before S. Bench on <u>03/04/2020</u>.</p> <p style="text-align: right;"><i>[Signature]</i> MEMBER</p>
	03.04.2020	<p>Due to public holiday on account of COVID-19, the case is adjourned for the same on 26.06.2020 before S.B.</p> <p style="text-align: right;"><i>[Signature]</i> Reader</p>
	26.06.2020	<p>None for the petitioner present. Addl: AG for respondents present.</p> <p>On the last date of hearing the case was adjourned through Reader note. The office shall, therefore, issue notices to the parties for next date of hearing.</p> <p>Adjourned to 12.08.2020 before S.B.</p> <p style="text-align: right;"><i>[Signature]</i> MEMBER</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Execution Petition No. 74 /2020
IN
Service Appeal No. 1239 /2014

Abdul Sattar Petitioner

Versus

The Secretary Health, KPK and others..... Respondents

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S.No.	Description of Documents	Date	Annexure	Pages
1.	Execution Petition with Affidavit			1-2
2.	Judgment of this Hon'ble in Appeal No. 1239/2014	20.04.2017	A	3-5
3.	Wakalat Nama			- 6

Through

Petitioner


Khaled Rahman
Advocate,
Supreme Court of Pakistan

&


Muhammad Amin Ayub
Advocate, High Court
4-B, Haroon Mansion
Khyber Bazar, Peshawar
Off: Tel: 091-2592458
Cell # 0345-9337312

Dated: 10 /03/2020

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Execution Petition No. 74 /2020

IN

Service Appeal No. 1239 /2014

Abdul Sattar S/o Haji Gul Faraz,
R/o Muhallah Serai Barichum,
Hoti, Mardan

(Carpenter DHQ Hospital, Mardan)..... Petitioner

Versus

1. **The Govt. of Khyber Pakhtunkhwa**
through Secretary Health Department,
Civil Secretariat. Peshawar
2. **The Medical Superintendent,**
DHQ Hospital, Mardan.
3. **The Director General Health Services,**
Khyber Pakhtunkhwa, Peshawar.
4. **The Secretary**
Govt. of Khyber Pakhtunkhwa
Finance Department,
Civil Secretariat, Peshawar. Respondents

Execution Petition for directing the Respondents to implement the Judgment of this Hon'ble Tribunal dated 20.04.2017 passed in Service Appeal No.1239/2014.

Respectfully Sheweth,

1. That petitioner had filed Service Appeal No.1239/2014 which was allowed by the Hon'ble Tribunal vide Judgment dated 20.04.2017 (*Annex:-A*) in the following terms:

"In view of the foregoing, the appeal is accepted and the respondents are directed to grant BPS-5 with immediate effect."

2. That after obtaining attested copy of the order, petitioner submitted the same to the Departments through application for implementation in accordance with law but the Department failed to implement the same as per the directions of the Hon'ble Tribunal. It is pertinent to mention here that the Judgment under execution dated 20.04.2017 has not been called in question before the Apex Court.
3. That moreover, at the time of announcement of judgment, the representatives of the Respondents were available and they were fully in the knowledge of the judgment but inspite of the same they failed to honour the above captioned judgment of this Hon'ble Tribunal which amounts to: the violation of the lawful order.

It is, therefore, humbly prayed that Execution proceedings may kindly be initiated against the Respondents for implementation of the judgment of the Hon'ble Tribunal.

Through **Petitioner**

Khaled Ralfman
Advocate,
Supreme Court of Pakistan

&

Muhammad Amin Ayub
Advocate, High Court

Dated: 12/03/2020

Affidavit

I, Abdul Sattar (Carpenter DHQ Hospital, Mardan) S/o Haji Gul Faraz, R/o Muhallah Serai Barichum, Hoti, Mardan, do hereby affirm and declare on oath that the contents of this Petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Deponent

KHALID MAHQOUB
ATTESTED
NOTARY PUBLIC
PESHAWAR HIGH COURT

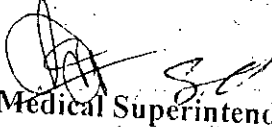


Anexure - A

OFFICE OF THE MEDICAL SUPERINTENDENT
DISTRICT HEADQUARTERS HOSPITAL MARDAN
Ph # 0937-9230145 Fax # 9230226
msdhq09379230145@gmail.com

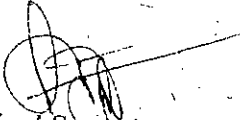
No. _____ / MS Dated 12/11/2017.

Office Order. In compliance of service tribunal decision service appeal No. 1239-2014, dated 20-04-2017 Mr. Abdul Sattar Carpenter DHQ Hospital Mardan is hereby granted BPS - 05 from the date of taking over charge i.e. 20-07-1995.


Medical Superintendent
DHQ Hospital Mardan.

No. 0303-05 / MS Dated _____
Copy forwarded to: -

01. District Comptroller of Accounts Mardan.
02. Bill Section, for information.
03. Official Concerned. For information.


Medical Superintendent,
DHQ Hospital Mardan.



REMINDER-2

**OFFICE OF THE MEDICAL SUPERINTENDENT
DISTRICT HEADQUARTERS HOSPITAL MARDAN
Ph # 0937-9230145 Fax # 9230226**

To,

The Director General Health Services
Khyber Pakhtunkhwa, Peshawar.

Subject: UP-GRADATION OF THE POST OF CARPENTER FROM BPS-01 TO BPS-05
R/Sir,

The case file regarding the subject matter in respect of Mr. Abdul Sattar Carpenter was sent to your office vide this office letter No. 7752/MS, Dated. 17.09.2020, which was further forwarded to the Secretary Health, Government of Khyber Pakhtunkhwa, Peshawar vide your office letter No. 2208/Personal, dated 06.10.2020 for consideration as per decision of the Honorable Service Tribunal.

In this regard it is to inform you that the action on the part of Department of Health is still awaited and further requested to approach the Secretary Health Government of Khyber Pakhtunkhwa Peshawar for necessary action as the said being court matter. The reply has to be submitted to the Honorable Service Tribunal Peshawar before 14/06/2021.

Medical Superintendent
DHQ: Hospital Mardan

No. 3934-37/MS Dated 25-5/2021

Copy forwarded to:

1. Secretary to Govt: of Khyber Pakhtunkhwa, Health Department Peshawar.
2. Advocated General, Service Tribunal Khyber Pakhtunkhwa Peshawar.
3. Registrar Peshawar Service Tribunal Khyber Pakhtunkhwa Peshawar.
4. Section Officer (Lit-II) Health Department Khyber Pakhtunkhwa Peshawar.

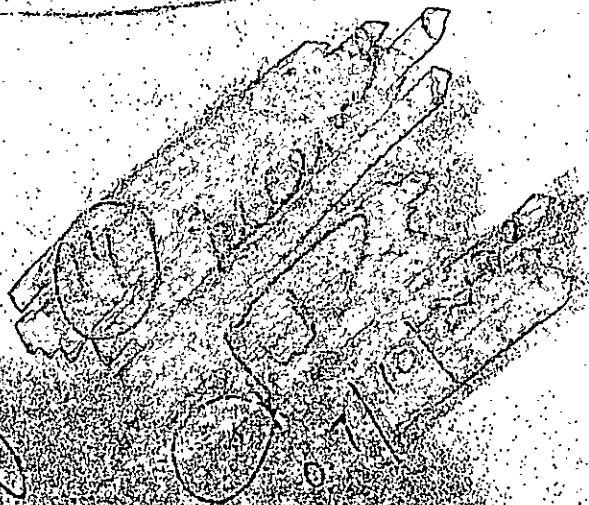
For information and necessary action please.

Medical Superintendent
DHQ: Hospital Mardan

EDG Health LP
peer Bible

17480-

17773-74





DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR

E-Mail Address: nwfpdchs@yahoo.com office Ph# 091-9210269 Exchange# 091-9210187, 9210196 Fax # 091-9210230
No. 422/28 /Personnel Dated: 31/12/2020

REMINDER

To,

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

Subject: **UP-GRADATION OF THE POST OF CARPENTER FROM BPS-01 TO BPS-05.**

Sir

Kindly refer to this Directorate letter No. 2208/Personnel dated 06-10-2020 on the subject noted above.

You are once again requested to consider the case in light of Service Tribunal decision.

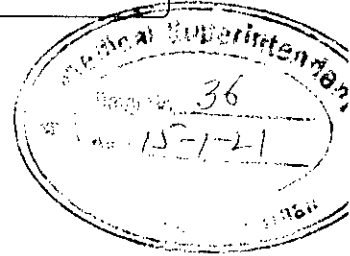
wf
Fahim
29/12
ADDITIONAL DG (ADMN)
DIRECTORATE GENERAL HEALTH
SERVICES, K.P.K PESHAWAR.

c.c

MS DHQ Hospital Mardan w/r to his letter No. 10775/MS dated 07.12.2020.

RK
Scan & file please

MS
15/11



Annex A

3

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

SERVICE APPEAL NO. 1239/2014

Date of institution ... 26.09.2014
Date of judgment ... 20.04.2017



Abdul Sattar S/o Haji Gulfaraz,
R/o Muhallah Serai Barichum, Hoti Mardan
(Carpenter DHQ Hospital Mardan)

... (Appellant)

VERSUS

1. The Secretary, Health Services Department, KPK, Peshawar.
2. The Medical Superintendent, DHQ Hospital, Mardan.
3. The Director General Health Services Department, KPK, Peshawar.
4. The Secretary, Finance Department, KPK, Peshawar.

(Respondents)

APPEAL UNDER SECTION-4 OF THE SERVICE TRIBUNAL ACT,
1974 AGAINST THE WRONG FIXATION OF THE PAY IN BPS-1
INSTEAD OF BPS-5.

Mr. Muhammad Adam Khan, Advocate. .. For appellant.
Mr. Muhammad Adeel Butt, Additional Advocate General .. For respondents.

MR. MUHAMMAD AMIN KHAN KUNDI .. MEMBER (JUDICIAL)
MR. AHMAD HASSAN .. MEMBER (EXECUTIVE)

JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER: This appeal has been directed by appellant Abdul Sattar Carpenter in DHQ Hospital Mardan for fixation of the pay of BPS-5 instead of BPS-1.

2. Facts of the case are that appellant was appointed as Carpenter in BPS-1 by Medical Superintendent (Respondent No. 2) vide letter No. 4957 dated 30.07.1995.

That it came to the knowledge of the appellant on 30.05.2014 that the Carpenters

ATTESTED

MEMBER (JUDICIAL)
Khyber Pakhtunkhwa
Service Tribunal.

ATTESTED

working in other hospitals of the province are getting benefits of BPS-5, therefore filed departmental appeal on 30.05.2014 for grant of BPS-5 but the same was not decided within statutory period hence the instant service appeal.

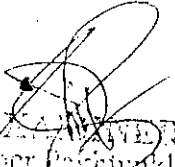
3. Learned counsel for the appellant contended that the appellant was appointed as Carpenter in BPS-1 by the competent authority vide order dated 30.07.1995. It was also contended that the carpenters working in other hospitals of the province were placed in BPS-5. He further stated that all the citizens of Pakistan are equal before the law but the appellant has been discriminated. It was prayed that the respondents may be directed to grant BPS-5 on the analogy of carpenters working in other hospitals of Health Department of the province with back benefits.

4. -On the other hand learned Additional Advocate General for the respondents opposed the contention of learned counsel for the appellant and contended that the appellant was appointed at the post of carpenter as BPS-1 and post of the carpenter in Mardan hospital has been sanctioned as BPS-1 therefore it was vehemently contended that the appellant is not entitled for the fixation of his pay from BPS-1 to BPS-5 and prayed for dismissal of appeal.

5. We have heard the arguments on both sides and gone through the record.

✓ 6. Perusal of the record revealed that the appellant was appointed as Carpenter in BPS-1 by the Medical Superintendent (Respondent No. 2) vide letter No. 4957 dated 30.07.1995 and was performing duty regularly to the entire satisfaction of the superiors. Carpenters employed in the other hospitals of the province were placed in BPS-5. It is also well settled law that all the citizens of Pakistan are equal before the law but the appellant is being treated in a discriminatory manner in violation of Article-25 of the Constitution of Islamic Republic of Pakistan. Therefore the appellant is also entitled to be given BPS-5 like as carpenters working in various hospitals of the Health Department. In view of the foregoing, the appeal is accepted and the

ATTESTED


 DEPUTY CLERK
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

ATTESTED
 H. Q. S.

-5

respondents are directed to grant BPS-5 with immediate effect. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
20.04.2017

M. P. 11
Sd/- M. Amin Khan Kundi
Member

Certified to be true copy
EX-111111
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Sd/- Ahmad Hassan,
Member

Date of Presentation of Application 20-6-17
Number of Pages 1200
Copying Fee 8-
Urgent 2-
Total 10-
Name of Copy AMM
Date of Compl. 20-6-17
Date of Delivery of Copy 20-6-17

ATTESTED
At [Signature]

WAKALAT NAMA

IN THE COURT OF KPK Service Tribunal Peshawar

Abdul Sattar

Petitioners

The Govt and others

VERSUS

Respondents

Execution Petition

NO 74/2020

I/We Petitioner do hereby appoint Mr. Khaled Rehman, Advocate Supreme Court of Pakistan in the above mentioned case, to do all or any of the following acts, deeds and things.

1. To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
2. To sign, verify and file or withdraw all proceedings, petitions, appeals, affidavits and applications for compromise or withdrawal or for submission to arbitration of the said case, or any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defence of the said case at all its stages.
3. To receive payment of, and issue receipts for, all moneys that may be or become due and payable to us during the course of proceedings.

AND hereby agree:-

- a. That the Advocate(s) shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remains unpaid.

In witness whereof I/We have signed this Wakalat Nama hereunder, the contents of which have been read/explained to me/us and fully understood by me/us this

Attested & Accepted by

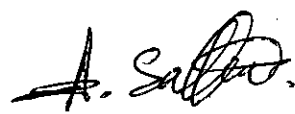

Khaled Rehman,
Advocate,
Supreme Court of Pakistan

3-D, Haroon Mansion
Khyber Bazar, Peshawar
Off: Tel: 091-2592458

NIC 16101-4888813-3
BC No. 1048

M. Ghazanfar Ali
Advocate




Signature of Executants



OFFICE OF THE MEDICAL SUPERINTENDENT
DISTRICT HEADQUARTERS HOSPITAL MARDAN

Ph # 0937-9230145 Fax # 9230226

msdhq09379230145@gmail.com

No. _____ / MS

Dated 17/9 /2020.

COURT MATTER

To,

The Director General, Health Services,
Khyber Pakhtunkhwa Peshawar.

Subject: - UP GRADATION OF THE POST OF CARPANTER FROM BPS-01 TO BPS-05.

R/Sir,

Mr. Abdul Sattar S/o Gul Faraz was appointed as Carpenter in BPS-01, vide Medical Superintendent DHQ Hospital Mardan office order No. 4957/MS, dated 19-07-1995.

On 30-05-2014, the above official has submitted an application to the Medical Superintendent DHQ Hospital Mardan stating therein that he may please BPS-05 instead of BPS-01 as granted to the Carpenters appointed in other Health institution.

On 28-09-2014 he submitted an appeal in Service Tribunal Khyber Pakhtunkhwa Peshawar for grant of BPS-05 instead of BPS-01.

The Service Tribunal Court Peshawar has accepted his appeal & decided on 20-04-2017 in his favour with the directions to grant him BPS-05 instead of BPS-01. (Copy attached).

In compliance of the decision of Honorable Court of Service Tribunal Peshawar, the Medical Superintendent DHQ Hospital Mardan has granted BPS-05 vide office order No. 8303-05/MS, dated 12-08-2017 from the date of taking over the charge. (Copy attached).

When the arrear bill has been submitted to the District Comptroller of Account, Mardan for free audit, the District Comptroller Account, Mardan has sent a letter to the Medical Superintendent DHQ Hospital Mardan stating therein that the Finance Department Khyber Pakhtunkhwa Peshawar may be approached to issue necessary sanction from BPS-01 to BPS-05 in favour of the above official. (Copy attached).

In light of above it is requested that kindly forwarded the case to Secretary, Health Khyber Pakhtunkhwa Peshawar to approach to Finance Department Khyber Pakhtunkhwa Peshawar to issue necessary sanction for up gradation of the post of Carpenter from BPS-01 to BPS-05.

**Medical Superintendent,
DHQ Hospital Mardan.**

No. 775358 /MS

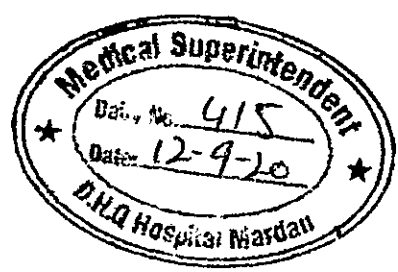
Copy forwarded to the;

01. Secretary, Government of Khyber Pakhtunkhwa, Health Department Peshawar.
 02. Accountant General, Khyber Pakhtunkhwa, Peshawar.
 03. Additional Account General, Khyber Pakhtunkhwa, Peshawar.
 04. Registrar, Khyber Pakhtunkhwa, Service Tribunal Peshawar.
 05. District Comptroller of Accounts, Mardan with reference to his letter No. DCA(MR) PR-1/1467, dated 11-09-2020.
 06. Mr. Abdul Sattar, Carpenter, DHQ Hospital Mardan.
- For information and n/action please.

**Medical Superintendent,
DHQ Hospital Mardan.**

No. DCA(MR) PR-1/467 11-9-2020
To

The Medical Supdt:
DHO Hospital Mardan



Subject: Abdul Sattar Carpenter V/S Govt. Of KPK
Execution Petition NO: 74/2020 in Service Appeal
NO: 1279/2014

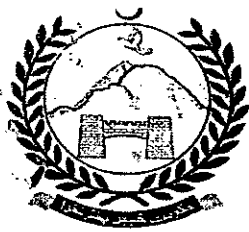
Memo-

Refer your memo bearing NO: 6845 /MS dt: 20⁸/₂₀₂₀
on the subject cited above.

In this regard it is submitted that the case may please
be taken up with the finance Deptt: to upgrade the
post of Carpenter from B.S No: I to B.S 5 from the date
ie 20-7-1995. Thru D.G. Health Services KPK Peshawar

~~Dr~~ Accountant
15/9

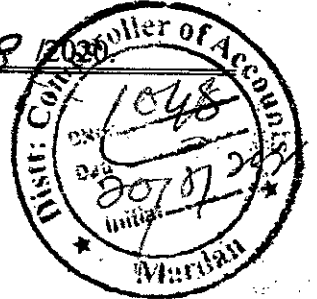
Amir
15/9



OFFICE OF THE MEDICAL SUPERINTENDENT
DISTRICT HEADQUARTERS HOSPITAL MARDAN
Ph # 0937-9230145 Fax # 9230226
msdhq09379230145@gmail.com

No. 6845 / MS

Dated 29/8/2020



(COURT MATTER)

To, The District Comptroller of Accounts,
Mardan.

Subject: - **ABDUL SATTAR CARPENTER V/S GOVERNMENT OF KHYBER
PAKHTUNKHWA PESHAWAR EXECUTION PETITION NO. 74/2020 IN
SERVICE APPEAL NO. 1239/2014.**

Memo:

Mr. Abdul Sattar Carpenter of this hospital has submitted appeal in Service Tribunal, Khyber Pakhtunkhwa Peshawar with the request to grant him BPS-05 instead of BPS-01 from the date of his appointment as granted to other Carpenters in other Health Institutions. The service Tribunal Khyber Pakhtunkhwa Peshawar has decided the appeal in favour of the above employees on 20-04-2017. (Copy attached).

In compliance of the above Judgment, the Medical Superintendent DHQ Hospital Mardan has issued office order and granted him BPS - 05 from the date of his appointment vide No. 8303-05/MS dated 12-08-2017. (Copy attached), but due to non-implementation the above official has submitted execution Petition against Government of Khyber Pakhtunkhwa Peshawar. (Copy attached).

Now this office has prepared the arrear bill alongwith Service book and submitted to your office for further necessary action. Next date is fixed for execution Petition on 29-09-2020. Which is required to decide before 29-09-2020.

[Handwritten signatures and initials]

Medical Superintendent
DHQ Hospital Mardan

No. _____ /MS

Dated _____ /2020

Copy forwarded to:

01. Account General, Khyber Pakhtunkhwa, Peshawar.
02. Secretary to Govt: of Khyber Pakhtunkhwa, Health Department Peshawar.
03. Secretary Finance, Khyber Pakhtunkhwa, Peshawar.
04. Director General Health Services Khyber Pakhtunkhwa, Peshawar.
05. Additional Advocate General, Khyber Pakhtunkhwa, Service Tribunal, Peshawar.
06. Registrar Khyber Pakhtunkhwa, Service Tribunal, Peshawar.
07. Accountant DHQ Hospital Mardan.
08. Mr. Abdul Sattar Carpenter, DHQ Hospital Mardan.

For information and necessary action please.

[Handwritten signature]

Medical Superintendent
DHQ Hospital Mardan.



OFFICE OF THE MEDICAL SUPERINTENDENT
 DISTRICT HEADQUARTERS HOSPITAL MARDAN
 Pk # 0937-9230142 Fax # 9230226
 msdhp09379230142@gmail.com



No. _____ Date _____

(COURT MATTER)

The District Comptroller of Accounts
 Mardan

ABDUL SATTAH CARPENTER VS GOVERNMENT OF KHYPHER
PAKHTUNKHWA PESHAWAR EXECUTION PETITION NO. 12302017
SERVICE APPEAL NO. 12302017

Subject -

Memor:

Mr. Abdul Satta (Carpenter of the hospital) has submitted appeal in service Tribunal, Khayber Pakhtunkhwa Peshawar with the request to grant him BPS-05 instead of BPS-01 from the date of his appointment as granted. Other Carpenter in other Health Institutions The service Tribunal Khayber Pakhtunkhwa Peshawar has decided the appeal in favour of the above employees on 20-04-2017. (Copy attached)

In compliance of the above judgment, the Medical Superintendent DHO Hospital Mardan issued order and granted him BPS-05 from the date of his appointment vide No. 2303-02MS/2017 dated 12-08-2017. (Copy attached) but due to non-implementation the above official has submitted execution petition against Government of Khayber Pakhtunkhwa Peshawar. (Copy attached)

Now this office has prepared the return fill alongwith service book and submitted to your office for further necessary action. Next date is fixed for execution petition on 20-09-2020. Which is required to decide before 20-09-2020.

Medical Superintendent
 DHO Hospital Mardan

[Handwritten signature and stamp]

No. _____ Date _____

Copy forwarded to:

- 01 Account General, Khayber Pakhtunkhwa Peshawar
 - 02 Secretary to Govt. of Khayber Pakhtunkhwa Health Department Peshawar
 - 03 Secretary Finance, Khayber Pakhtunkhwa Peshawar
 - 04 Director General Health Services Khayber Pakhtunkhwa Peshawar
 - 05 Additional Advocate General, Khayber Pakhtunkhwa Service Tribunal Peshawar
 - 06 Registrar Khayber Pakhtunkhwa Service Tribunal Peshawar
 - 07 Accountant DHO Hospital Mardan
 - 08 Mr. Abdul Satta Carpenter DHO Hospital Mardan
- For information and necessary action please

Medical Superintendent
 DHO Hospital Mardan

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

2

Appeal No.1239/14,
Execution No, 74/20.

Appellant

Versus

Respondents

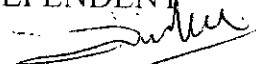
Mr.Abdul Sattar
Carpenter
DHQ Hospital Mardan

Secretary Health
Govt Khyber pakhtun khwa
Peshawar & other-

AFFIDAVIT

It is Certified That Dr.Zia ur Rehman Litigation Officer & Declared that Contents of Solemnly affairs in the Appeal No1239/14 Execution No 74/20 Abdul Sattar Carpenter DHQ Hospital Mardan are true & Correct to the best of my knowledge & nothing has been Concealed from the honorable Court .

DEPENDENT


Dr.Zia Ur Rehman
Litigation Officer
DHQ Hospital Mardan
CNIC No-16202-5718179-9



**OFFICE OF THE MEDICAL SUPERINTENDENT
DISTRICT HEADQUARTERS HOSPITAL MARDAN**

Ph.# 0937-9230145 Fax # 9230226
Email. Dhqmardan09379230145@Gmail.com

3

No. 5600 /MS

Dated Mardan the 7/7/2020

AUTHORITY LETTER.

Dr. Zia Ur Rehman BPS – 17 Litigation Officer and Mr. Amjad Ali Court Dealing Assistant to attend the Honorable Court of Service Tribunal Khyber Pakhtunkhwa, Peshawar in case of Mr. Abdul Sattar Carpenter DHQ Hospital Mardan V/S Secretary Health Khyber Pakhtunkhwa, Peshawar, Director General Health Services, Khyber Pakhtunkhwa, Peshawar, Medical Superintendent, DHQ Hospital Mardan and Secretary Finance Department Khyber Pakhtunkhwa, Peshawar on 12-08-2020. Appeal No. 1239/14 & Execution Petition No. 74/20.


**Medical Superintendent,
DHQ Hospital Mardan**

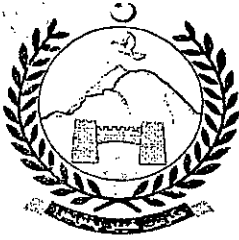
No. _____ /MS Dated _____ /2020.

Copy forwarded to:

01. Additional Advocate General, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
02. Secretary to Govt: of Khyber Pakhtunkhwa, Health Department Peshawar.
03. Director General Health Services Khyber Pakhtunkhwa, Peshawar.
04. Section Officer Litigation – II Health Department, Khyber Pakhtunkhwa, Peshawar.
05. Registrar Khyber Pakhtunkhwa Services Tribunal Peshawar.
06. Dr. Zia Ur Rehman Litigation Officer, DHQ Hospital Mardan.
07. Mr. Amjad Ali Court Dealing Assistant, DHQ Hospital Mardan.
08. Head Driver, DHQ Hospital Mardan.

For information and necessary action please.


**Medical Superintendent,
DHQ Hospital Mardan.**




Anexure - A

4

OFFICE OF THE MEDICAL SUPERINTENDENT
DISTRICT HEADQUARTERS HOSPITAL MARDAN
Ph # 0937-9230145 Fax # 9230226
msdhq09379230145@gmail.com


No. _____ / MS Dated 12/10 /2017.

Office Order. In compliance of service tribunal decision service appeal No. 1239-2014, dated 20-04-2017 Mr. Abdul Sattar Carpenter DHQ Hospital Mardan is hereby granted BPS - 05 from the date of taking over charge i.e. 20-07-1995.


Medical Superintendent
DHQ Hospital Mardan.

No. 0303-05 /MS Dated _____
Copy forwarded to: -

01. District Comptroller of Accounts Mardan.
02. Bill Section, for information.
03. Official Concerned. For information.


Medical Superintendent,
DHQ Hospital Mardan.

EF

Annexure-B 15



**PAYROLL SYSTEM
AMENDMENT FORM
MULTIPLE EMPLOYEE ENTRY**

OFFICE OF THE ³

DHQ Hospital Mardan

Date

FOR THE MONTH OF ⁴

08 / 2020

Page No ²

DDO Code ⁵
(Cost Center)

MR4740

Description ⁶

Confenter

BS-07

EMPLOYEE DETAILS					GENERAL DATA CHANGE ¹¹			CHANGE IN PAYMENTS/DEDUCTIONS ¹⁴				Stop Sal. ¹⁸	Effective Date ¹⁹	Remarks ²⁰		
Employees Number ⁷					Employee Name ⁸	NIC Number ⁹	Info Type ¹⁰	Field ID ¹²	New Contents ¹³	Wage Type ¹⁵	Amount					
											Rupees ¹⁶				Paisa	Adj ¹⁷
00	11	6855			Abdul Sattar. Confenter.					112	BS-07				Arrear of pay	
										0001	23800/-				due to award	
									Bfy-	5801	434453/-				of BS-05 from	
									GR 013	5309	91760/-				the date of taking	
									GR 2014	5950	11229/-				over charge,	
									GR 2015	5964	4443/-					
									GR 2016	5975	4465/-					
									GR 2017	5990	22070/-					
									GR 2018	5322	12376/-					
									GR 2019	5336	6545/-					

Medical Superintendent
DHQ Hospital Mardan

Prepared By ²¹


Audited/Checked By ²²

²³ Entered/Verified By

DHQ HOSPITAL MARDAN

Name of section of post Mr. Abdul Sattar Carpenter
DHQ Hospital Mardan

Name of section of post	Month	2017			2018			2019		
		P/duc	Drwan	Total	P/duc	Drwan	Total	P/duc	Drwan	Total
01-08-2017 TO 30-11-2017	4	21970	17380	18360	2197	1738	1836	0	0	0
01-12-2017 TO 30-06-2018	7	22580	17820	23320	2258	1782	2332	0	0	0
01-07-2018 TO 30-11-2018	5	22580	17820	23800	2258	1782	2380	0	0	0
01/12/2018 TO 30-06-2019	7	23190	18260	34510	2319	1826	3451	0	0	0
01-07-2019 TO 30-11-2019	5	23190	18260	24650	2319	1826	2465	0	0	0
01-12-2019 TO 31-07-2020	8	23800	18700	40800	2380	1870	4080	0	0	0
Total				175440			17544			312376
										6545
										21190


 Medical Superintendent
 DHQ Hospital Mardan

District Hospital Mardan

Admitted Rs.			end of service chargeable													Item s			Net charge for each section										
Name of section/name of post Abdus Sattar Carpenter DHO Mardan	Mr	Pay & act allowa (sep) for Govt servant duty of				Leave salary claimed (sep) for absentees			Compensatory allowance		Pay act allowa are leave salary for		Pay act allowa are leave salary for further pay																
			Month	P/due	Drawn	Total	AR	Drawn	Total	SAR	Drawn	Total	DA	Draw	Total	AR 09	Drawn	Total	AA 10	Drawn	Total	AR	Dra	Total	AR	Draw	Total	AR 13	
20-31/7/95	0.39	1400	1315	32.895																									
12/95 to 11/96	12	1400	1315	1020																									
12/96 to 11/97	12	1466	1350	1392																									
12/97 to 11/98	12	1532	1385	1764																									
12/98 to 11/97	12	1598	1420	2136																									
12/99 to 11/2X	12	1664	1455	2508																									
12/2X to 11/01	12	1730	1490	2880				0			0			0		0	0												
12/01 to 11/02	12	2700	2310	4680				0			0			0		0	0												
12/02 to 06/03	7	2800	2365	3045				0			0			0		0	0												
07/03 to 11/03	5	2800	2365	2175	420	354.8	326.3				0			0		0	0												
12/03 to 06/04	7	2900	2420	3360	435	363	504				0			0		0	0												
07/04 to 11/04	5	2900	2420	2400	435	363	360	435	363	360				0		0	0												
12/04 to 06/05	7	3000	2475	3675	450	371.3	551.3	450	371.3	551.3				0		0	0												
07/05 to 11/05	5	3450	2865	2925	450	371.3	393.8	450	371.3	393.8				0		0	0												
12/05 to 06/06	7	3565	2930	4445	450	371.3	551.3	450	371.3	551.3				0		0	0												
07/06 to 11/06	5	3565	2930	3175	450	371.3	393.8	450	371.3	393.8	713	586	635			0	0												
12/06 to 06/07	7	3680	2995	4795	450	371.3	551.3	450	371.3	551.3	736	599	959			0	0												
07/07 to 8/07	2	4265	3465	1600	450	371.3	157.5	450	371.3	157.5	736	599	274			0	0												
9/07 to 11/07	3	4265	3550	2145	450	371.3	236.3	450	371.3	236.3	736	599	411			0	0												
12/07 to 06/08	7	4400	3635	5355	450	371.3	551.3	450	371.3	551.3	736	599	959			0	0												
07/08 to 11/08	5	5260	4335	4625	450	371.3	393.8	450	371.3	393.8	736	599	685			0	0												
12/08 to 6/09	7	5420	4435	6895	450	371.3	551.3	450	371.3	551.3	736	599	959			0	0												
07/09 to 11/09	5	5420	4435	4925	450	371.3	393.8	450	371.3	393.8	736	599	685	1084	887	985													
12/09 to 06/10	1	5580	4535	1045	450	371.3	78.75	450	371.3	78.75	736	599	137	1116	907	209													
07/10 to 11/10	5	5580	4535	5225	450	371.3	393.8	450	371.3	393.8	736	599	685	1116	907	1045	2790	2268	2612.5										
12/10 to 6/11	7	5740	4635	7735	450	371.3	551.3	450	371.3	551.3	736	599	959	1148	927	1547	2870	2318	3867.5										
07/11 to 11/11	5	9300	7620	8400												0	0	2870	2318	3867.5	861	695	828.75						
12/11 to 6/12	7	9560	7790	12390												0	0	2870	2318	3867.5	861	695	1160.3						
07/12 to 11/12	5	9560	7790	8850												0	0	2870	2318	3867.5	861	695	1160.3	1964	1592	2604			
12/12 to 6/13	7	9820	7960	13020												0	0	2870	2318	3867.5	861	695	828.75	1964	1592	1860	1473		
07/13 to 11/13	5	9820	7960	9300												0	0	2870	2318	3867.5	861	695	1160.3	2016	1626	2730	1512		
12/13 to 6/14	7	10080	8130	13650												0	0	2870	2318	3867.5	861	695	828.75	2016	1660	1780	1512		
07/14 to 11/14	5	10080	8300	8900												0	0	2870	2318	3867.5	861	695	1160.3	2068	1694	2618	1551		
12/14 to 6/15	7	10340	8470	13090												0	0	2870	2318	2762.5							0	1551	
07/15 to 11/15	5	14130	11230	14500												0	0	2870	2318	3867.5							0	1551	
12/15 to 6/16	7	14545	11530	21105												0	0	2870	2318	2762.5							0	517	
07/16 to 11/16	5	17890	14200	18450												0	0	2870	2318	3867.5							0	517	
12/16 to 6/17	7	18400	14570	26810												0	0	0	0	0							0		
1-31/7/17	1	21970	17380	4590																									
Grand Total				259013			6939			6109			7348			3786			3786					46260			7956		13362

Other funds & misalliances recoveries

Total	AR 14	Drawn	Total	AR 15	DRAWN	TOTAL	AR 16	DRAW	TOTAL	AR 17	Drawn	Total	HRA	Drawn	Total	Net
													310	276	13.158	46.053
													310	276	408	1428
													310	276	408	1800
													310	276	408	2172
													310	276	408	2544
													310	276	408	2916
													310	276	408	3288
													310	276	408	5088
													310	276	238	3283
													310	276	170	2671.25
													310	276	238	4102
													310	276	170	3290
													310	276	238	5015.5
													725	645	400	4112.5
													725	645	560	6107.5
													725	645	400	4997.5
													725	645	560	7416.5
													834	742	184	2373
													834	742	276	3304.5
													1002	911	637	8053.5
													1002	911	455	6552.5
													1002	911	637	9593.5
													1002	911	455	7837.5
													1002	911	91	1639.5
													1002	911	455	10810
													1002	911	637	15848
													1002	911	455	12446.25
													1002	911	637	18054.75
0													1002	911	455	14666.25
0													1002	911	637	21288.75
1395													1002	911	455	16601.25
2047.5													1002	911	637	24092.25
1335	1008	830	890										1002	911	455	16951.25
1963.5	1034	847	1309										1002	911	637	24645.25
1402.5	1034	847	935	1413	1123	1450							1059	972	435	21485
1963.5	1034	847	1309	1455	1153	2110.5							1059	972	609	30964.5
467.5			0	364	288	376.88	1789	1420	1845				1059	972	435	24336.88
654.5			0	364	288	527.63	1840	1457	2681				1059	972	609	35149.63
			0	364	288	75.375	1840	1457	383	2197	1738	460	1059	972	87	5595.375
11229			4443			4465			4526			460			16213	392567

Medical Superintendent
DHO Hospital Mandan

91760
1-2989

Annexure-C 3

35/-

عبد الستار، لاجپائی گل فرزان

SERVICE BOOK

NAC No. 128-63-116646

Personal No. 00116855

01-5-1963
60

30-4-2023

MR 20/7/1995

MR/MR/1771/SS
JM MR-9 page 110

Name عبد الستار

Father's Name لاجپائی گل فرزان، والد

Qualification تربیان قابلیت

Designation د

Department مکر DHO Hospital Mandan

Permanent Address Hou Mandan

The entries in this page should be renewed or re-attested at least every five years and the signature to line 9 and 10 should be dated.

Name: Abdul Sattar

Race: Afghan (Islam)

Residence: Serai Bari Cham Mardan.



Father's name and residence: Gul Faraz
- as above -


Date of birth by Christian era as nearly as can be ascertained: (01-05-1963)
1st May NH Sixty Three


Exact height by measurement: 5' 6"

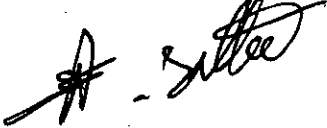
Personal marks for identification: A black mole on the back of Rt ear.

Left hand thumb and Finger impression of (Non-Gazetted) officer:


Little Finger:  Ring Finger: 

Middle Finger:  Fore Finger: 

Thumb: 

Signature of Government Servant: 

Signature and designation of the Head of the Office, or other Attesting Officer: 

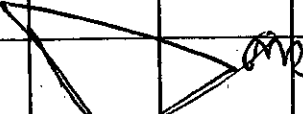
1	2	3	4	5	6	7	8	9
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R	Pay in substantive post	Additional Pay for Officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant	Signature of Head of Department and attestations
Revised B-5 @	(Rs. 5400-2600-13200)		Rs. 9300/PN			1.7.11		
			Rs. 9560/PN			1.12.11		
			Rs. 9820/PN			1.12.12		
			Rs. 10080/PN			1.12.13		
			Rs. 10340/PN			1.12.14		
Revised B-5 @	(Rs. 6985-3400-17185)		Rs. 13445/PN			1.7.15		
Post two step upgraded to B-7 @	(Rs. 17480-415-19940)	+Paramed	Rs. 14130/PN			1.7.15		
			Rs. 14540/PN			1.12.15		
Revised B-7 @	(Rs. 9220-510-24500)		Rs. 17990/PN			1.7.16		
			Rs. 18400/PN			1.12.16		
Revised B-7 @	(Rs. 10990-610-29290)		Rs. 21970/PN			1.7.17		
 Medical Superintendent D.H.Q. Hospital Mardan								
Awarded BPS No. 05 in light of the decision of Service Tribunal Peshawar								
			BPS No. 05 @ (Rs. 8590-420-21190)					
			Rs. 14890/PN			20.4.07		
			Revised B-5 @ (Rs. 10260-500-25260)					
			Rs. 17760/PN			1.7.17		

	2	3	4	5	6	7	8	9
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art, 371 C.S.R	Pay in substantive post	Additional Pay for Officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant	Signature and Design of Head of the office attesting of attestation of Annex 1 to 8
<p>Re. (9900-440-23100) BS-04. Comptroller DHO (H) Murdum</p>								
						01-07 (FN) 2017		
						01-12 (FN) 2017		

Me
DE

13

1	2	3	4	5	6	7	8	9
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art, 371 C.S.R	Pay in substantive post	Additional Pay for Officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant	Signature and name of the head of office in attestation columns
Revised	B/S-07	[2.10.97] - 31.12.2017						
		Rs 22580/PM			1-12-2017	FN		
		Rs 23190/PM			1-12-2018	FN		
		Rs 23800/PM			1-12-2019	FN		


 Medical Superintendent
 D.H.Q Hospital
 Wazirpur



OFFICE OF THE MEDICAL SUPERINTENDENT
DISTRICT HEADQUARTERS HOSPITAL MARDAN,
Ph # 0937-9230145 Fax # 9230226
msdhq09379230145@gmail.com

14

No. 6845 /MS Dated 20/8 /2020.

(COURT MATTER)

To,
The District Comptroller of Accounts,
Mardan.

Subject: - **ABDUL SATTAR CARPENTER V/S GOVERNMENT OF KHYBER
PAKHTUNKHWA PESHAWAR EXECUTION PETITION NO. 74/2020 IN
SERVICE APPEAL NO. 1239/2014.**

Memo:

Mr. Abdul Sattar Carpenter of this hospital has submitted appeal in Service Tribunal, Khyber Pakhtunkhwa Peshawar with the request to grant him BPS-05 instead of BPS-01 from the date of his appointment as granted to other Carpenter in other Health Institutions. The service Tribunal Khyber Pakhtunkhwa Peshawar has decided the appeal in favour of the above employees on 20-04-2017. (Copy attached).

In compliance of the above Judgment, the Medical Superintendent DHQ Hospital Mardan has issued office order and granted him BPS - 05 from the date of his appointment vide No. 8303-05/MS, dated 12-08-2017. (Copy attached), but due to non-implementation the above official has submitted execution Petition against Government of Khyber Pakhtunkhwa Peshawar. (Copy attached).

Now this office has prepared the arrear bill alongwith Service book and submitted to your office for further necessary action. Next date is fixed for execution Petition on 29-09-2020. Which is required to decide before 29-09-2020.

No. 6846-53/MS

Dated 20/8 /2020
Copy forwarded to:

Medical Superintendent
DHQ Hospital Mardan,

01. Account General, Khyber Pakhtunkhwa, Peshawar.
02. Secretary to Govt: of Khyber Pakhtunkhwa, Health Department Peshawar.
03. Secretary Finance, Khyber Pakhtunkhwa, Peshawar.
04. Director General Health Services Khyber Pakhtunkhwa, Peshawar.
05. Additional Advocate General, Khyber Pakhtunkhwa, Service Tribunal, Peshawar.
06. Registrar Khyber Pakhtunkhwa, Service Tribunal, Peshawar.
07. Accountant DHQ Hospital Mardan.
08. Mr. Abdul Sattar Carpenter, DHQ Hospital Mardan.

For information and necessary action please.

Medical Superintendent
DHQ Hospital Mardan,



**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR**

E-Mail Address: mgfdgkhs@yahoo.com office Ph# 091-9210269 Exchange# 091-9210187, 9210196 Fax # 091-9210230
No. 2208 /Personnel/ Dated 06/10/2020

To,

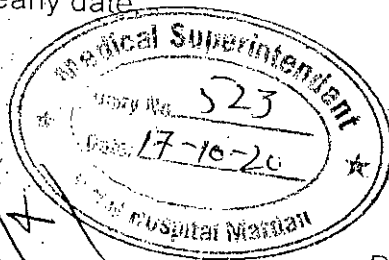
The Secretary to Govt: of
Khyber Pakhtunkhwa
Health Department, Peshawar

Subject: UP -GRADATION OF THE POST OF CARPENTER FROM BPS-01 TO BPS-05

I have the honour to forward herewith a copy of letter No.7752/MS dated 17/9/2020 along with its enclosures received from Medical Superintendent DHQ Hospital, Mardan for further necessary action.

Mr. Abdul Sattar S/O Gul Faraz Carpenter BPS-01, working in DHQ Hospital Mardan, has approached the Service Tribunal for up-gradation / grant of BPS-05, on analogy of other health Institution. The Khyber Pakhtunkhwa Service Tribunal accepted his appeal for granting him BPS-05.

In view of the above, it is requested to consider the case in light of Service Tribunal decision at an early date.



RA
Secy in pvt. pl
17/10

**ADDITIONAL DG (ADMN)
DIRECTORATE GENERAL HEALTH
SERVICES KPK, PESHAWAR**

Dated 06/10 /20120.

No. 2209 /Personnel

Copy forwarded to the Medical Superintendent DHQ Hospital Mardan for information with reference to his letter referred to above.

Salim
**ADDITIONAL DG (ADMN)
DIRECTORATE GENERAL HEALTH**



Registered
**OFFICE OF THE MEDICAL SUPERINTENDENT
DISTRICT HEADQUARTERS HOSPITAL MARDAN**

Ph # 0937-9230145 Fax # 9230226

msdhq09379230145@gmail.com

No. 10775 / MS Dated 7/12 /2020.

To,

The Director General Health Services,
Khyber Pakhtunkhwa, Peshawar.

Subject: - **UP – GRADATION OF THE POST OF CARPENTER FROM BPS-01 TO BPS – 05.**

R/Sir,

The case file regarding the subject matter in respect of Mr. Abdul Sattar Carpenter was sent to your office vide this office letter No. 7752/MS, dated 17-09-2020, which was further forwarded to the Secretary Health, Government of Khyber Pakhtunkhwa, Peshawar vide your office letter (No.) 2208/Personal, dated 06-10-2020 for consideration as per decision of the Honorable Service Tribunal.

In this regard it is to inform you that the action on the part of Department of Health is still awaited and further requested to approach the Secretary Health Government of Khyber Pakhtunkhwa Peshawar for necessary action as the said being court matter. The reply has to be submitted to the Honorable Service Tribunal Peshawar before 07-01-2021.

No. 10776 /MS Dated 7/12 /2020.

Copy forwarded to, Secretary Government of Khyber Pakhtunkhwa, Health Department Peshawar.
For information and necessary action please.

[Signature]
Medical Superintendent
DHQ Hospital Mardan.

[Signature]
Medical Superintendent
DHQ Hospital Mardan.

12480-
~~12223-241~~

(11) *[unclear]*
[unclear]

[unclear]
04/10/2000

12145-10-
12108-10-
3596-
2260-
1214-16-
3643-
3724-
618-
3637-
1283375-
12858-50-
22085