11.11.2020

Nemo for the appellant. Mr. Saleem Altaf, Superintendent, on behalf of respondent No. 3 alongwith Mr. Kabirullah Khattak, Additional Advocate General present.

a the second water and it

Representative of respondent No. 3 submitted para-wise comments on behalf of respondent No. 3 while written reply on behalf of remaining respondents not submitted. Learned Additional Advocate General seeks time to contact the remaining respondents and procure written reply/comments. Adjourned to 31.12.2020, on which date the requisite reply/comments shall positively be furnished.

(MUHAMMAD JAMAL KHAN) MEMBER (JUDICIAL)

31.12.2020

Appellant in person present. Mr. Noor Zaman Khattak, District Attorney alongwith Saleem Altaf, Supdt for respondents present.

Appellant requested for withdrawal of the instant appeal. In this respect his signature also obtained in the margin of the order sheet. Request accepted and the appeal in hand is therefore, dismissed as withdrawn . File be consigned to the record room.

Announced: 31.12.2020

(Mian Muhammad)

Member(E)

10.06.2020

Counsel for the appellant present.

Whether the respondent No. 3 was competent to demote the appellant through the impugned office order dated 11.02.2020, especially when he was upgraded through notification dated 08.10.2019 issued by the respondent No. 1 and the same was acted upon/implemented in letter & spirit, is a question which requires to be resolved through instant appeal.

The appeal is, therefore, admitted to regular hearing subject to all just exceptions. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 28.07.2020 before S.B.

Chairman

28.07.2020

Appellant in person and Ghausullah Jan Senior Auditor for respondent No. 5 alongwith Addl. AG for the respondents present.

Request for adjournment is made on behalf of the respondents for submission of reply/comments. Adjourned to 22.09.2020 on which date the requisite reply/comments shall positively be furnished.

Chairman

22.09.2020

Appellant in person and Saleem Altaf, Superintendent for the respondent No. 3 alongwith Addl. AG for the respondents present.

Request for further time is made on behalf of the respondents for submission of reply/comments. Adjourned to 11.11.2020 on which date the respondents shall furnish requisite reply/comments without fail.

Chairm

Form- A

FORM OF ORDER SHEET

Court of_

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	20/05/2020	The appeal of Mr. Sardar Muhammad resubmitted today is 20.05.2020 by Mr. Abdullah Qazi Advocate may be entered in the
		Institution Register and put up to the Worthy Chairman for proper order
2-		please. REGISTRAR 2/5
		This case is entrusted to S. Bench for preliminary hearing to be
		put up on 10/06/2020.
		CHAIRMAN'7
	-	
		;

The appeal of Mr. Sardar Muhammad received today i.e. 12.05.2020 by Abdullah Qazu, Advocate is incomplete on the following score which is returned to his counsel for completion and resubmission within 15 days.

> 1- Annexure-A page7 and annexure-B page 10 are illegible which may be replaced by legible/better one.

NO. 1132___/S.T. U-05 /2020

REGISTRAR SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

PESHAWAR.

Abdullah Qazi Adv, Peshawar.

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO. 4677 / 2020

Mr. Sardar Muhammad,

.....APPELLANT

VERSUS

The Government of Khyber Pakhtunkhwa through Secretary Health and others

RESPONDENTS

INDEX

CNIC			
S.No	Description of Documents	Annex	Pages
1.	Grounds of Appeal		1-5
2.	Affidavit		6
3.	Copy of appointment Order dated	A	7-9
	23.05.2009, arrival report and		
	posting order		1
4.	Copy of the Notification dated	B	10-11
	08.10.2019	_	
5.	Copy of Certificate of Transfer of	C	12
	Charge dated 23.10.2019	-	
6.	Copy of Order dt 05.06.2015 of PHC		13-16
	Copy of Order dated 26.12.2019	D	17
8.	Copies of various orders and minutes		18-25
	of the meeting etc.		
9.	Copy of the Payroll and Service Book	E&F	26-39
10.	Copy of Order dated 11.02.2020	G	40
	Copy of Departmental Appeal	H	41-45
12.	Wakalat Nama		46

THROUGH:

(APPELLANT) Sandar Muhammad

Abdullah Qazi Advocate High Court.

Dated: 12.05.2020

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO. 467/ /2020

Nhyber Pakhtukhwa Service Tribunal
Diary No. 3593
Dated 12-05-20

APPELLANT

Mr. **Sardar Muhammad**, Store Keeper (BPS-16), Principal / Chief Executive, Gajju Khan Medical College / Bacha Khan Medical Complex, Swabi.

Prmitted to -day

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Secretary Health, Health Department, Khyber Road, Peshawar.
- 2- Director General Health Services, Khyber Pakhtunkhwa, Ex-FATA Secretariat, Warsak Road, Peshawar.
- 3- Principal / Chief Executive Gajju Khan Medical College / Bacha Khan Medical Complex, Swabi.

Registrar Teshil Lahor Swabi.

5- District Account Officer at Shah Mansoor, District Swabi.

6- Medical Superintendent / Account Officer, Gajju Khan Medical χ College / Bacha Khan Medical Complex, Swabi.

_.....RESPONDENTS

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 R/W RULE 19 OF E&D RULES 2011 AGAINST THE IMPUGNED ORDER BEARING NO. 7-6/2020-ADMIN/GKMCS4469-75 DATED 11.02.2020 PASSED BY RESPONDENT NO. 3 WHEREBY THE APPELLANT WAS DEMOTED TO HIS ORIGINAL SCALE I.E. STORE KEEPER BPS-7 WITH A FURTHER ORDER OF RECOVERY OF THE ALLEGED OVER PAYMENT FOR THE CONCERNED PERIOD

PRAYER:

ON ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDER BEARING NO. 7-6/2020-ADMIN/GKMCS4469-75 DATED 11.02.2020 PASSED BY RESPONDENT NO. 3 MAY PLEASE BE SET ASIDE / CANCELLED / VARIED AND THE APPELLANT MAY BE ORDERED TO BE REINSTATED ON HIS UPGRADED POST AS CHIEF STORE KEEPER BPS-16 WITH ALL BACK BENEFITS.

<u>Respectfully Sheweth:</u>

<u>ON FACTS:</u>

- 1- That the appellant was appointed as Storekeeper BPS-5 vide order bearing No. 2965-70/SS/EDO(H) dated 23.05.2009. (Copy of Order is attached as Annexure "A").
- 2- That the appellant has been performing his duties regularly and honestly and having a clear transparent and unblemished service record.
- 3- That in light of the judgment of Hon'ble High Court Peshawar, the process of up-gradation of the Storekeepers of various capacities were taken up and vide Notification dated 18.10.2019, the posts of Storekeepers were upgraded. (Copy of the Notification dated 08.10.2019 is attached as Annexure "B").

ő.

4- That the appellant took charge of his upgraded post on 23.10.2019 in reference to the Order of the Khyber Pakhtunkhwa Government NO. SO/FR/7-3/2018-17408 Storekeeper dated 22.10.2019. (Copy of Certificate of Transfer of Charge dated 23.10.2019 is attached as Annexure "C").

- 5- That vide Order bearing No. 76-2019-Admin/GKMCS dated 26.12.2019, the appellant was posted at main Store Bacha Khan Medical Complex Swabi. (Copy of Order dated 26.12.2019 is attached as Annexure "D").
- 6- That the up-gradation order was further acted upon and necessary entries in the service book of the appellant were made besides the amendments in the Payroll System with the remarks that the salary of the appellant be fixed as per BPS-16. (Copy of the Payroll and Service Book are attached as Annexure "E" & "F").
- 7- That the appellant was performing his duties that all of sudden vide the order bearing No. 7-6/2020-Admin/GKMCS4469-75 dated 11.02.2020 (impugned herein) the appellant was demoted to Storekeeper BPS-7 with a further orders of recovery of the alleged over payment for the period the appellant served as Chief Storekeeper in BPS-16. (Copy of Order dated 11.02.2020 is attached as Annexure "G").
- 8- That the appellant filed a Departmental Appeal against the impugned Order of demotion but to no avail and now after

completion of the statutory period, the appellant approaches this Hon'ble Tribunal on the following grounds amongst others:

GROUNDS:

5

- A- That the impugned order dated 11.02.2020 is illegal, against the law, facts, rules and regulation pertaining to the matter and baseless rather based on malafide as no proper procedure has been adopted in issuance of the impugned order.
- B- That no proper inquiry has been conducted and the order of my demotion dated 11.02.2020 has been made / issued in hurry, meaning thereby that some vested hands were bent upon to get demoted the appellant.
- C- That the impugned order dated 11.02.2020 has been made / issued in sheer violation of rules and regulations, without observing the codal formalities and therefore, liable to be reviewed/ modified and the appellant may please be retained on my upgraded post.
- D-That the appellant has an unblemished service record / career of about 11 years and there is no a single adverse entry / remarks in the service career of the appellant.
- E- That no charge sheet or statement of allegations / final show cause notice whatsoever was served upon the appellant, besides no chance of personal hearing was provided to the appellant, therefore, the appellant has been condemned unheard.

- F- That the appellant has not been treated by the respondents Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the constitution of Islamic Republic of Pakistan 1973.
- G-That the action of the respondents is without any legal authority, discriminatory and in clear violation of fundamental rights duly conferred by the Constitution and is liable to be declared as null and void.
- H-That the petitioner seeks permission of this Honorable Tribunal to raise any other grounds available at the time of arguments.

It is therefore, most humbly prayed that on acceptance of this appeal, the impugned order bearing NO. 7-6/2020-ADMIN/GKMCS4469-75 dated 11.02.2020 passed by respondent no. 3 may please be set aside / cancelled / varied and the appellant may be ordered to be reinstated on his upgraded post as Chief Store Keeper BPS-16 with all back benefits.

(APPELLANT)

Sardar Muhammad

THROUGH:

Abdullah Oazi Advocate High Court.

Dated: 12.05.2020

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO.____/2020

Mr. Sardar Muhammad,

......APPELLANT

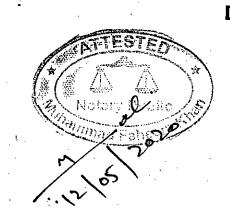
VERSUS

The Government of Khyber Pakhtunkhwa through Secretary Health and others

<u>AFFIDAVIT</u>

I, **Sardar Muhammad** Chief Storekeeper (BPS-16), Principal / Chief Executive, Gajju Khan Medical College / Bacha Khan Medical Complex, Swabi, do hereby solemnly affirm and declare on Oath that the contents of the Appeal are true and correct and nothing has been concealed from this Hon'ble Tribunal.

DEPONENT



OFFICE THE EXECUTIVE DISTT: OFFICIER (HEALTH) SWAB

Onethin F

10)

OFFICE ORDER

Consequent upon the recommendation of the District selection committee in its meeting held on 26.1.2009, 27.1.2009 and 29 (2009 to 30-1-2009 at E D.O (H) office Swabi, Mr. Sardar Muhammad S/O Dost Muhammad V/P.O Adina Tehsil and District Swabi is hereby appointed as store keeper BPS 05 (Rs. 3340-160-8140) plus usual allowances as admissible to him under the rules.

- His appointment will be subject to the following terms and conditions: 10. That he will be allowed minimum of the pay scala.
- 11. That he will be on usual probation for a period of (02) two years.
- 12. That his services can be dispensed with without any notice during the probation period, if his work and conduct found not satisfactory. 13. That as laid down vide Govt of NWFP Establishment & Administration
 - Department Notification No E&A (1-13)-2005 dated 10-8-2005, he will not be entitled to pension or gratuity however in lieu thereof, he will be entitled to receive such amount contributed by him towards the contributory provident fund along with the contributions made by the Govt to his account in the said fund.
- 14. That his appointment will be subject to production of medical fitness cartificate from Medical Superintendent DHQ Hospital Swabi and verification of his
- 15. That he will be governed by such rules and orders as may be issued by the Government of NWFP from time to time for the category of Govt servants to
- 18. That if he wish to resign at any time, he will resign to written with 30 days notice or forfeit one month pay in lieu thereof and will continue to serve
- Government till the acceptance of his resignation by the competent as thority. 17. That he will not be entitled to claim any TA / DA for the medical examination and joining of his 1st appointment.
- 18. That he may be posted any where in District Swabi.

If he accepts the post on above terms and conditions, he should report to EDO (In Office Swabi within 15 days after the issuance of this order failing which the order will be considered as withdrawn and cancelled.

No 2985-70

- /EDO (H) Dated Swabil the Copy forwarded to:-
- 1 Director General Health Services NWEP Peshawar 2 - District Nazim Swabi
- 3- District Coordination Officer Swabi
- 4- District Accounts Officer Swabi
- For information
- 5- Accounts Section EDO (H) office Swabi
- 6- Mr. 🏍 Sardar Muhammad S/C Dost Muhammad V Adina Tehsil and District Swabi
 - For information & n/action

TIVE DISTT. OFFICER (HE VLTH) SWABI

UTIVE DISTT: OFFICER (HEALTH) SWABL

/05/2009



OFFICE OF THE EXECUTIVE DISTT: OFFICER (HEALTH)SWABI

Annen - A

OFFICE ORDER

Consequent upon the Recommendation of the District selection committee meeting held on 26.01 2009, 27.01.2009 to 30-01-2009 at EDO (H) Office Swabi, Mr. Sardar Mohammad S/O Dost Mohammad V/P.O Adina Tehsil and district Swabi is hereby appointed as store keeper BPS 05(Rs 3340-160-8140) plus usual allowances as admissible to him under the rules.

His appointment will be subject to the following terms and conditions:

- 10. That he will be allowed minimum of the pay scale.
- 11. That he will be on usual probation for a period of (02) two years.
- 12. That his services can be dispensed with without any notice during the probation period, if his work and conduct found not satisfactory.
- That as laid down vide Govt of NWFP Establishment & Administration Department 13. Notification No E&A (1-13) -2005 dated 10-8-2005, he will not be entitled to pension or gratuity however in lieu thereof, he will be entitled to receive such amount contributed by him towards the contributory provident fund along with the contributions made by the Govt to his account in the said fund.
- 14. That his appointment will be subject to production of medical fitness certificate from Medical Superintendent DHQ Hospital Swabi and verification of his documents.
- That he will be governed by such rules and orders as may be issued by the Government of 15. NWFP from time to time for the category of Govt servants to which he belongs.
- 16. That if he wish to resign at any time he will resign in written with 30 days notice or forfeit one month pay in lieu thereof and will continue to serve the Govt till the acceptance of his Resignation by the competent authority.
- That he will not be entitled to TA/DA for medical examination and joining of his 1st 17. appointment.
- 18. That he may be posted anywhere in District Swabi.

If he accepts the post on above terms and conditions, he should report to EDO(H) Office Swabi within 15 days after the issuance of this order failing which the order will be considered as withdrawn and cancelled.

2965-70/.9 /EDO(H) No

Dated Swabi the **23** /05/2009

Copy forwarded to:-

- 1. Director General Health Services NWFP Peshawar
- 2. District Nazim Swabi
- 3. District Coordination Officer Swabi
- 4. District Account Officer Swabi For Information
- 5. Accounts Section EDO (H) office Swabi
- 6. Mr. Sardar Muhammad S/O Dost Muhammad V/P O Tehsil and District Swabi For Information & n/action

Allester

EXECUTIVE DIST OFFICER (HEALTH) SWABI

-----Sd/-----**EXECUTIVE DISTT: OFFICER**

(HEALTH)SWABI

he Executive	District	Office
Health Swahi.		

Subject: <u>Arrival Report</u>

. <u>†</u>.

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (HEALTH) SWABI

OFFICE ORDER

R/Sir,

I compliance with the order of Executive District (H) Officer Swabi Order No 2965-70/G.S Date 23.05.009 Mr. Sardar Muhammad S/O Dost Muhammad as Store Keeper.

BPS 05 at /EDO(H) Office Swabi Dated 23-05 2009

I submit my arrival report today on $\overline{200}$ - $\overline{100}$

Please accept my arrival report

Your obediently Mr. Sardar S/O Dost. M Store Keeper

ATTESTED to Eg Advocade Advocate

to perture coby

FICE OF THE EXECUTIVE DISTRICT OFFICER(HEALTH) SWABL.

OFFICE ORDER.

Store Keeper on 23.05.2009, in compliance of this office order 2965-70/EDO(H) dated 23.05.2009, he is hereby posted to D.H.Q Hospital Swabi in thex public interest.

> Executive District Officer, (Health) Swabi

> > -6

_/200;

Dated Swabi the 💋

EDO(H)

6.0

Copy forwarded to :_

Medical Superintendent D.H.Q Hospital, Swabi.
Account Section E.D.O(Health) Office, Swabi.
Official concerned.

For information and necessary action

Executive District Of-ficer, (Health) Swabi

ATTES Advokate

Oated: 06-10-2019

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NOTIFICATION

i

 F_1

No. 308-11/HD/J-1/06H5: In pursuance of the Finance Department latter to 50 (FR)/J-3/2016/17/03/Store Keeper dated 02-04-2019, senation of the Govt of Khyber Pakhtunichtra Health Department II hureby accorded to the up-gradation of the 44 posts of Store Keeper from (85-35, 07 s. 07) to (85-11), 22 posts to Senior Store Keeper (83-14) and 08 posts to Chief Store Keeper (85-14), under Investing formula:-

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Amit -B

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ATT opy to be Advodate

Notification

Dated:08/10/2019

Annea - B

No.SOB-II/HD/1-1/DGHS: In pursuance of Finance Department letter No. SO [FR]/7-3/2018/17408/store keeper dated 02-04-2019sanction of the Govt.of Khyber Pakhtukhwa Health Department is hereby accorded to the up-gradation of the 44 posts of Store keeper from [BS-05, 07 &09] to [BS-11] 22 posts to senior store keepers[BS14] and08 Posts to Chief Store Keeper [BS-16] under three tier formula:-

UPGRADATION OF POSTS OF STORE KEEPER FROM [BS-05,07&09]TO[BPS-11][44POSTS]

#	DDO CODE	Nomenclature of Posts	From	То
1.	PW- 6580	Store Keeper RHC Peshawar	07	11
2.	PW -6580	Store Keeper RHC Peshawar	07	11
3.	CA -4296	Store Keeper DHQ Hospital Charsadda	07	[]
4.	CA -4296	Store Keeper DHQ Hospital Charsadda	07	11
5.	CL-6185	Store Keeper TBC Chitral	07	[]
6.	D1-4131	Store Keeper MMM D.I.Khan	07	11
7.	7. DI- 4131 Store Keeper MMM D.I.Khan			
8.	D1- 6370	Store Keeper DHQ Hospital Paharpur D.I.Khan	07	11
9.	LK- 4229	Store Keeper DHQ Lakki	07	11
10.	DA -6286	Store Keeper Other Health Facilities Dir Lower	07	11
11.	BU -6060	Store Keeper [BHU]DHQ Bannu	07	п
12.	HR-6222	Store KeeperType-D Hospital Khanpur Haripur	07	11
13.	PR-4334	Store Keeper NCBM Hospital Peshawar	07	11
14.	SW-4523	Store Keeper SGTH Swat	07	П
15.	SW-4523	Store Keeper SGTH Swat	07	11
16.	DA- 4328	Store Keeper DHQ Timergara	07	11
١7.	DA -6131	Store Keeper DHQ Dir Lower	07	11
18.	KK- 8936	Store Keeper Type C Hospital Karak	07	11
19.	MR-6170	Store Keeper Other Hospitals Mardan	07	11
20.	MR- 6468	Store Keeper DHQ Mardan	07	[]
21.	MR- 6170	Store Keeper Other Hospitals Mardan	07	11
22.	MR- 6173	Store Keeper Other Health Facilities Mardan	07	11
23.	LK-6076	Store Keeper City Hospital Lakki Mawat	07	11
24.	LK-6076	Store Keeper City Hospital Lakki Mawat	07	11
25.	LK- 6107	Store Keeper Type C Hospital Sara Naurang Lakki Mawat	07	11
26.	LK -4229	Store Keeper DHQ Lakki Mawat	07	11
27.	KT-4433	Store Keeper DHQ Kohat	07	11
28.	PW- 6580	Store Keeper RHC Peshawar	07	П
29.	DA-4328	Store Keeper DHQ Timergara Lower Dir	07	11
30.	PR-5492	Store Keeper Maulvi Gee Peshawar	07	11
. 31.	CA-4293	Store Keeper W&CHospital Charsadda	07	11
32.	AD-6269	Store Keeper [Malaria Program] DHQ Abbotabad	07	II
33.	PR-4336	Store Keeper LRH Peshawar	07	11
34.	KK-6912	Store Keeper W&C Hospital Karak	07	11
35.	DA-6131	Store Keeper Other Hospital Dir Lower	07	11
36.	KK-4264	Store Keeper DHQ Karak	07	11
37.	SW- 4523	Store Keeper 3GIH Swat	07	11
38.	CA-6226	Store Keeper Type C Hospital Shabqadar Charsadda	07	
39.	CA-6226	Store Keeper Type C Hospital Shabqadar Charsadda	07	
40.	SW- 4523	Store Keeper SGM Swat	07	11
41.	SW-6202	Store Keeper Other Hospital Swat	07	11
42.	DP-4217	Store Keeper DHQ Dir Upper	07	11
		Store Keeper Other Hospital Swat		

STS OF STORE KEEP 107 志 100

<u> </u>	*	(BPS-14) (22 POSTS)		· 1	Contraction in the local data	
S#	DDO Code	Nomonclolure of Ports		From	To	1
1. 2	AD 6242	Store Keepar. Cul-D Hospital Havellari	Abbollabod .	07 :	14	
2	NR-6195	Store Keeper, Mion Roshid Hurgin Shoh	had Nowshera	07	14	
3.	CA-6269	Store Keeper, THO Hospital Tanal Chars	bdðá	07	4	
A	KT-6354	Store Keeper, (Malarla Program) DHO K	ohot .	07	14	
5	MD-4232	Store Keepor, M&R Workshop Molakon	6	07	14	
6.	514-6068	Store Keeper, DHO (Admn) Shoneta		07	14	
7,	PR-4165	Staro Kaepar, PGMI, HMC Pashawar	; .	07	14	
Ð.	CL-6183	Store Keeper, Molice DHO Chilicel		07	14	
9.	DA-6344	Store Keeper, 1HQ Dir Lower		0.6	14	F.
10.	HG-4180	Store Keeper, Faild Khan/DHQ Hespital	Honnu	07	<u>. 4</u>	
	SH-4200	Store Keeper, DHG Hespilet, Shongto		07	14	-
11.	PR-4336	Store Keeper, LRH Peshawar		07	14	-
13	DI-6368	Stard Keeper, IHQ Haspital Kulach D.LK	han	07	14	
11	PR4335	Stora Knoper, HMC Poshowar		07	<u> </u>	£:
15.	CA-6115	Bein Konner RHC Charsaddo	-		14	-
16.	SW-4073	Store Knepet, Soldu Medical Collego,	wal		14	
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<u>18,</u>		Store Koeper, Type-D Elgipitor Lachi Ko	01	<u></u>	14	-
19.	and the second s	Store Kooper, THO Hospilat Shonelo		07	14	"
20.	and a second sec	Stora Koeper, TBC Swol		07	14	1
21.	and the second s	Store Keeper, BKMC Swebl		<u>_</u>		11. ²¹

07 A 09) TO CHIEF STORE KEEPER UPGRADATION OF POSTS OF STORE KEEPER FROM

	(BPS-16) (08 POSIS)
	From To
SH DDO Code	Nomenclature of Posts
1. PR-4338	
2. MA-4362	
3. PR-1328	
A. 198-4334	
5. PR-4335	
in the second se	
6. CA-4276	Store Keeper, Bocho Khon Medical Coluplex, Swahl 07 10 Store Keeper, Bocho Khon Medical Coluplex, Swahl 07 16
	Store Keeper, Bacho Khon Moulder Calmaning hospital 07 16
8. All=4352	agrinu

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA

HEALTH DEPARTMENT

dolad: No. 50 (FR)/7-3/2018/17408/Slore Keeper Copy forwarded to the Accountant General Knyber Pakhlunkhwa. Peshawar.

SECTION OFFICER (PR) FINANCE DEPARTMENT

-10

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ENDST. NO. & DATE EVEN.

Copy for Information to the:

1. Secretary to Govt. of knyber Pakhlunkhwa, Finance Department.

- 2. Director General Health Services. Knyber Pakhlunkhwa.
- 3. Diractor General Health, PHSA, Peshawar. 4. All Chief Executives, Teaching Hospital, Khyber Pakhlunkhwa.
- 5. All MSs DHQ Hospital, Knyber Pakhlunkhwa.
- 6. All DHOS, Khyter Pakhiunkhwa. 7. All District Comptiollers of Accounts /Senior Accounts Officer/Accounts Officer.
- Khyber Pakhlunkhwa. 8. PS to Minister for Health Khyber Fakhlunkhwa.
- 9. PS to Secretary Hea th Department, Khyber Pokhlunkhwa, IC. Budget Officer-VI. Finance Dept": Govi. of Khyber Pakhtunkhwa, Pashawar

to F

Section Officer (Budgel-II)

Seannort by (

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6.5 2012 - (6) - Dhis Charge F GOVERNMENT OF KHYBER PÅKHTUNKHWA CERTIFICATE OF TRANSFER OF CHARGE Certified that I, Sardar Muhammad. . . . have this day before noon Taken over charge of the office BKMC Swall after relinquished Cheif Store Keeper (B-16) with reference to the Order of the Khyber Pakhtunkhwa Governme No. SO/(FR)/7-3/2018/17408/Store Keeper Dated 22-10-2019 Transferring Mr. to ···· 2. Particulars of Cash and Important/ Secret/ Confidential documents handed over/ taken over are no Station BKMC, Swater Signature of relieved Government Servant Designation Signature of Government Dated 23/10/2019(FN) Servant receiving charge Sardon Muhammad Designation Chef Store Reoper (B-16 Endst. No.Dated and the second To Secretary to Govt: of KPK, Health Deptt: Peshawar 1. The Director General Health Services, KPK Peshawar 2. 3. The District Accounts Officer, Swabi Accounts Section BMC Swabi 4. 5. Doctor concerned DHIS, BKMC Swabi 6. The charge of the Office of was transferred from Mr. To Mr. On the noon of the fore After Signature Medical Superinxentitien.... BKMC Swabi Designation to be 20vb2

PESHAWAR HIGH COURT, PESHAWAR.

FORM OF ORDER SHEET

Order or other proceedings with the order is the Judge

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1 7 JUN-2015

Dala al utility.

W.P. 1111-P of 2014.

Present: Mt Muhammad Isa Khan, advocate for petitioners.

> Mr. Rubinsonz Khun, udvocute for respondents.

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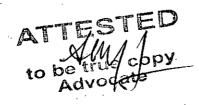
ť)

MUSARRAM MILACI, J.- The petitioners are working in their : organizations as Store Keepers. As per averments in the petition, their services were governed and regulated under the Rules notified by Government of Khyber Pakhtunkhwa, Social Welfare Department vide Health and Notification dated 26.3.201983. It is stated that under the said Rules, Junior Clerk and Store Keeper were categorized in one cadre and given BPS-5. In their hierarchy, they were entitled for promotion to the post of Senior Clerk/Store Keeper BPS-6 on the basis of seniority-cum-fitness and further as Assistant/Senior Store Keeper BPS-11 and so on. It is asserted that Khyber Teaching Hospital has already issued a corrigendum on 25.1.2011 vide which the post of Store Keeper was re-designated Senior Clerk-cum-Store Keeper. The above noted Rules were replaced by those of 1987 vide Notification dated 26.3.1987, wherein, considerable change was introduced with regard to the post of Store Reeper. Vide Notification dated 28.7.2007, the Government . of



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Khyber Pakhtunkhwa, Finance Department has accorded sanction to the up-gradation of certain posts throughout the Province including the posts of Junior Clerk and Senior Clerk, which were up-graded from BPS-5 to BPS-7 and BPS-6 to BPS-9. respectively. However, the post of Store Keeper was left out from up-gradation despite the fact that under the Rules the post of Junior Clerk and Store Keeper and similarly those of Senior Clerk and Store Keeper were placed in the same category. Vide letter dated 7.8.2012, respectively sought information from respondent No.2 in respect of the post of Store Keeper for the purpose of up-gradation from BPS-6 to BPS-9, which was responded vide letter dated 17.9.2012. It was emphasized that the Finance Department has already accorded sanction for up-gradation to the post of Store Keeper from BPS-6 to BPS-9 in the Directorate General of Technical Education & Manpower Training, NWFP (now Notification Pakhtunkhwa) vide Khyber dated 15.8.2009. It is also claimed that in the case of petitioner No.10, the Medical Superintendent, Police/Services Hospital, Perhawar had made a request the Government vide letter to dated 23.11.2009 for giving aim equal treatment by up-grading his post to BPS-9 but with no fruitful result. The petitioners agitated their grievance repeatedly, which led to correspondence between respondent No.2 and respondent No.7 vide letters dated 29.11.2011 and 27.11.2012 but till today no tangible output has surfaced, lignce this petition. Comments asked from respondents 1 and 2 3.



have been received, which are placed on file.

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Court

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3 At the very initset, learned counsel for the parties 4. ngreed to the proposition that let this petition be treated as Representation and sent to respondent No.7 b for redressal of grievance of the petitioners, if their cases are at par with other similarly placed persons as indicated in the Notification dated 15.8.2009. The same be decided within a month but in accordance with law and rol is no the subject. Petition disposed of in the above terms, Ed Drehad Daiser - 5 and Musarrat Hidali - 5 WDGE JUDGE 214 87 01 Wiley Wal 17 JUN 2015 1.1216 ÷ U D- 3.3 No of Pages1. Copying fee 24-Urgent Fee Tatal. ł pute of Preparation of Copy .. STED opy to be

BEFORE THE PESHAWAR HIGH COURT, PESH

W.P. No. 1111-P 12014

1. Badri Zaman S/o Sarwar Shah, Store Keeper (BPS-06) appointed on 27.12.1982, KTH, Peshawar

'NR

Petitioner

2. Nafees-ud-Din S/o Aftab-ud-Din Store Keeper (BPS-06) appointed on 01.08.1986, KTH, Peshawar

 Asit S/o Abdul Mutalib, Store Keeper (BPS-06) appointed on 12.05.2010, KTH, Peshawar

4. Ikram Ullah S/o Taj Muhammad, BPS-05 appointed on 21.08.1997 Hayat Abad Medical Complex, Peshawar.

 Jamshaid S/o Khaista Gul, Store Keeper (BPS-05) appointed on 21.08.1997, Hayat Abad, Medical Complex, Peshawar

6. Zahir Ullah S/o Ikram Ullah, Store Keeper, BPS-05 appointed on 25.06.2007 HMC, Peshawar.

7. Kamran S/o Aurangzeb, BPS-06, Store Keeper, appointed on

21.05.2010.

wate

8. Imran Ullah S/o Feroz Khan appointed on

copy

UPFREE UP THE PHINCIPAL / CHIEF EXECUTIVE BACHA KHAN MEDICAL COMPLEX/ GAJJU SHAN MEDICAL COLLEGE SWADI

(Khyber Pakhtunkhwa)

Phone# +92-938-280421 Fax # +92-938-280221 Email: <u>28mt. Swabh@p.mui</u>.com

DATE-26-DEC-19

F.No. 7-6 2019 Almin Gilmes 3878-84 OFFICE ORDER:

In compliance to the Govt; of Khyber Pakhtunkhwa Health Department Peshawar letter No. E&A /Health/4-86/2019 dated 19-12-2019 and directives of Secretary to Govt; of Khyber Pakhtunkhwa Health Department Peshawar in the meeting held on 04-12-2019, shuffling of the following staff of GKMC / BKMC Swabi is hereby made with immediate effect till further orders.

<u>Sr #</u>	Name	Designation	Previous assignment	New assignment
l.	Mr. Bilal Khan 🔺	Superintendent BPS- 17	Accounts Officer BKMC Swabi	Admin Officer BKMC Swabi
2.	Mr. Farooq Azam	Computer Operator BPS-16 (Red AD IT)	PS to Chief Executive GKMC/BKMC Swabi	Admin Officer GKMC Swabi
3.	Mr. Bilal Amin	Computer Operator BPS-16	Account Section BKMC Swabi	Account Section GKMC Swabi / C&W and Land Record
	Mr. Abdul Hadi	Senior Clerk BPS-14	Accounts Section BKMC Swabi	Record Section BKMC Swabi
5.	Mr. Muhammad Waqas	Junior Clerk BPS-11	Accounts Section GKMC Swabi	Accounts Section EEMC Swabi
6.	Mr. Haroon Shah	Junior Clerk BPS-11	Physiology Deptt GKMC Swabi	Receipt Counter BKMC Swabi
7.	Mr. Alam Zeb	Projectionist BPS-09	Administration GKMC Swabi	College Projectionist
8.	Mr. Muhammad Iqbal	Projectionist BPS-09	College Projectionist	Cardiology OPD (from Monday to Saturday)
<u>(°.)</u>	Mr. Sardar Muhammad	C. Store Keeper BPS-16	Main Store BKMC Swabi	Store GKMC Swabi
<u> </u>	Mr. Bilal Mustafa	Store Keeper BPS-07	Store GKMC Swabi	Main Store BKMC Swahi
12,	Mr. Zahoor Elahi Mr. Ahmad Hussain	Store Keeper BPS-07 Sweeper BPS-03	Store GKMC Swabi Record Section BKMC Swabi	Main Store BKMC Swabi Main Store BKMC Swabi
13.	Mr. Muhammd Imran	Naib Qasid BPS-03	SAS Section GKM Swabi	Accounts Section BKMC Swabi.
14.	Mr. Abid Khan	CT Dental BPS-12	Dental OPD BKMC Swabi	Report for duty to GKMC Swabi
15.	Mr. Farooq Ali	CT Dental BPS-12	Dental OPD BKMC Swabi	Report for duty to GKMC Swabi
16.	Mr. Babar Rehman	CT Dental BPS-12	Dental OPD BKMC Swabi	Report for duty to GKMC Swabi



(PRINCIPAL / CITIEF EXECUTIVE) Gajju khan Medical College/Bacha Khan Medical Complex Swabi

Endst; No & Date Even:

Copy forwarded for information and necessary action to the:

- 1. Secretary to Govt; of Khyber Pakhtunkhwa Health Department Peshawar.
- 2. Special Secretary Health, Govt; of Khyber Pakhtunkhwa Health Department Peshawar.
- 3. Director General Health Services Khyber Pakhtunkhwa, Peshawar.
- 4. VP Admin / Clinical / Academics GKMC Swabi.
- 5. Acting Medical Superintendent BKMC Swabi.
- 6. All Concerned staff of GKMC / BKMC Swabi.
- 7. Master File.





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OFFICE OF THE PRINCIPAL / CHIEF EXECUTIVI BACHA KHAN MEDICAL COMPLEX/ GAJJU KHAN MEDICAL COLLEGE S

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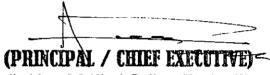
(Khyber Pakhtunkhwa) Phone# +92-938-280421 Fax # +92-938-280221 Email: <u>gkmc.swabl@gmnil.com</u> website: www.gkmcs.edu.pk

-50

F.No. 7-6 2020-Ad OFFICE ORDER:

DATE-14-JAN-20

With reference to this office order No. 7-6/2019-Admin/GKMCS dated 3878-84 date 26-12-2019, all concerned staff of GKMC / BKMC Swabi are directed to assume charge at the places assigned to them in the aforesaid order till 22-01-2020 & in case of non-compliance strict disciplinary action will be initiated under the Rules.



Gajju khan Mehlical College/Bacha Khan Mehlical Complex Swabi

Endst; No & Date Even:

Copy forwarded for information and necessary action to the:

- 1. Secretary to Govt; of Khyber Pakhtunkhwa Health Department Peshawar.
- 2. Special Secretary Health, Govt; of Khyber Pakhtunkhwa Health Department Peshawar.
- 3. Director General Health Services Khyber Pakhtunkhwa, Peshawar.
- 4. VP Admin / Clinical / Academics GKMC Swabi.
- 5. Acting Medical Superintendent BKMC Swabi.
- 6. PA to Minister for Health Khyber Pakhtunkhwa Peshawar.
- 7. All Concerned staff of GKMC / BKMC Swabi for strict compliance.
- 8. Master File.

(PRINCIPAL / CHIEF



OFFICE OF THE PRINCIPAL GAJJU KHAN MEDICAL COLLEGE & CHIEF EXECUTIVE BACHA KHAN MEDICAL COMPLEX SWABL

(Khyber Pakhtunkhwa)

Phone# +92-938-280421 Fax # +92-938-280221 Email: <u>gkmc.swabi@gmail.com</u>

website: <u>www.gkmcs.edu.pk</u> F.No. 7-6/2019-Admin/GKMcs 3271-75 Da

Date: 06/11/2019

13

OFFICE ORDER:

Mr. Sardar Muhammad C/Store Keeper Bacha Khan Medical Complex Swabi is hereby assigned additional duties as In-charge of Store Gajju Khan Medical College Swabi with immediate effect till further orders.

(PRINCIPAL / CHIEF EXECUTIVE)

Gajju khan Medical College/Bacha Khan Medical Complex Swapi

(PRINCIPAI

Endst: No. & Date Even:

Copy forwarded for information & necessary action to the:-

- 1. Vice Principal Admin / Clinical GKMC Swabi.
- 2. Acting Medical Superintendent BKMC Swabi.
- 3. Store Keepers GKMC Swabi.
- 4. Mr. Sardar Muhammad C/Store Keeper BKMC Swabi.
- 5. Master File.

UTES OF THE UPGRADATION COMMITTEE MEETING HELD ON 19-02-2019 AT 2:00 P.M UNDER THE CHAIRMANSHIP OF SPECIAL SECRETARY FINANCE DEPARTMENT IN THE COMMITTEE ROOM OF FINANCE DEPARTMENT

A meeting of the Upgradation Committee was held on 19-02-2019 At 2:00 P.M under the Chairmanship of Special Secretary Finance in the Committee Room of Finance Department in order to discuss the upgradation cases of various Departments. The following attended the meeting:-

1

- 1. Mr. Masood Younas, Special Secretary Finance
- Mr. Musharraf Khan, Additional Secretary (Reg) Finance Department
- 3. Mr. Yousaf Khan, Deputy Secretary (Reg.III) Establishment Department
- 4. Mr. Hidayat Ullah Khan Section Officer (FR) Finance Department
- 5. Representatives of the concerned Departments

2. The meeting started with the recitation from the Holy Quran. After that the chair welcomed the participants and asked to table the agenda. Subsequently various agenda items were discussed one by one and after threadbare deliberations recommendations were made accordingly which are illustrated below:-

AGENDA ITEM NO. 01 CHIEF MINISTER'S SECRETARIAT

Subject: UPGRADATION OF THE POST OF CARETAKER CHIEF MINISTER'S SECRETARIAT FROM BPS-16 TO EPS-17 AS PER PERSONAL TO MR. ABDUL WAHID

The case regarding Personal Up-Gradation of the post of Caretaker in favour of Mr. Abdul Wahid from BS-16 to BS- 17 was discussed in detail by the Up-Gradation Committee. After thorough discussion it was observed that the incumbent has already availed the benefit of Personal Up-Gradation from BPS-11 to BPS-16 on 25/10/2007. The Committee regretted the proposal of Administrative Department as consecutive upgradation is not covered under the Policy.

AGENDA ITEM NO. 02 HEALTH DEPARTMENT

UPGRADATION OF GAVI PROJECT EMPLOYEES OF HEALTH Subject: DEPARTMENT.

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In chair

MINUTES OF THE UPGRADATION COMMITTEE MEETING HELD CH 19-02-2019 At 2:00 P.M UNDER THE CHAIRMANSHIP OF SPECIAL SECRETARY FINANCE DEPARTMENT IN THE COMMITTEE ROOM OF FINANCE DEPARTMENT

M.Yousał Khan, Deputy Secretary (Reg-III) Establishment Department

Amir Khawas Khan, Deputy Secretary Forestry, Envt & Wildlife Deptt

Pir Muhammad Deputy Sepretary (Admin) Population Welfare Deptt

Tufail Mohammad, Deputy Secretary Health Department

Mr. Akmal Khattak Deputy Secretary Home Department

Mr. Masbod Comis Special Secretary Finance Deptt

Manzoor Ahmad, Section Officer (Admin) CM Secretariat

'asarAli

Deputy Secretary Agriculture Department

Muhammad Hamouyun Addl; Secretary (C&W) Deptt

Mr. Khuda Bakitsh Additional Secretary (HED)

Mr. Muhammad Idrees Khan Secretary Social Welfare Deptt

Mr-Musharraf Khan Addl: Secretary Finance Deptt

Shakeel Qadir Khan Secretary Finance Department (*Chairman*)

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7¹⁰/_{restructuring} of the cadre as approved by the competent authority (Chief Ministér, Wher Pakhtuckhwa) (Annex-VIII).

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TOTAL STRENGTH OF EMPLOYEES OF STOREKEEPER IN BS-05, 85-05 BS-07 & BS-09 (Existing Scales) = 74 Sr. No. Existing Existing^{*} Proposed pay Scale and ratio distribution Proposed nomenclature of post Pay Scale nomenclature of Post. Scale Percentage No of Posts 1. Store Keeper Store Keeper 85-05, BS-85-11 60% 47 Ì 06, '85-07 & 8S-09 30% 22 2. 85-14 Senior Store Keeper • • 3. Chief Store Keeper BS-16 10% 68 ł. 74 Total

MAN) DEPUTY SECRETARY-II

HEALTH DEPARTMENT

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Naveed in Rehman ____ DHO Lacki epgraded u (55) M. Asif DHO Lacki up graded " (E-)) Awad shah ____ DHO Laki uppradeel " 57. Mahammad Aucis >> DHO Kohat approdul 11 58 (g) $(f \circ)$ (f)Fryag Klum -> DHO Swat (1-2) Basir Machanned >> DHO Abottabaid upgraded to 14/11. (F3) Riaz Ahmend -> LRH, Peshawar upgraded to II. (GG) Shull Ali Khutlak -> Kize Karak. upprached toll. ES (bb) Ash fug Ahard DHO Lower Div Younces Marriel DHQ Karaki upgraded to !! M. Maaz > SGTH Swed upgraded to !! (FF) (ED) M. Mikaile >> DHO. Charsadal. uppraded to 11 (ED) Tufail Ahmad >> DHO Charsadah upprached ton (\overline{O}) Alkholav Hussain ->>> SCITH Swat -pyreded to 11 $(\overline{1})$ Haider Ali -> DHO Sweet upgraded to " (72) 2 ia ur Rehman -> DHO Swat upprached to II. (13) Shafiq Rehman -> DHO Swat. (j.)

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Advocate of

Note:-The entries in this page should be renewed or re-attested at least every five years and the signature to lines 9 and 10 should be dated. SARDAR Llusamman Name Anon Museim "J-Race 2 VILL & Plo: ADINA TEM & DISTT: SumPS Residence 3. DOST MUHAMMAD Father's name and residence 1 13. 4. 1978 Date of birth by Christian era as 5 nearly as can be ascertained 5-8 6. Exact height by measurement make on CHEST 7. Personal marks for identification ... Left hand thumb and Finger impres-sion of (non-gazetted) officer Little Finger. Ring Finger Middle Finger. Fore Finger Thumb. Signature of Government servant. Q. Signature and designation of the Head of the Office, or other Attesting 'I0 eterinent Officer O.H.Q. Hospital Swabi

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OFFICE OF THE PHINCIPAL/CHIEF EXECUTIVE GAJJU KHAN MEDICAL COLLEGE/BACHA KHAN MEDICAL COMPLEX WAR

(Khyber Pakhtunkhwa)

Phone# +92-938-280421 Fax # +92-938-280221 Email: <u>gkmc.swabi@gmail.com</u>

website: www.gkmcs.edu.pk F.No. 7-6/2020-Admin/GKMCS 4469-75 Date: 11 102/2020

OFFICE ORDER:

As per recommendation of the committee Bacha Khan Medical Complex Swabi dated 10-02-2020, the services of Mr. Sardar Muhammad are hereby demoted to his original scale i.e. Store Keeper BPS-07 Bacha Khan Medical Complex Swabi with immediate effect. Necessary entry be made in the service book of the official concerned with recovery of overpayment for the concerned period.

(PRINCIPAL/CHIEF EXECUTIVE) Gajju khan Medical College/Bacha Khan Medical Complex Swabi

Endst: No. & Date Even:

Copy forwarded for information and necessary action to the:-

- 1. Medical Superintendent BKMC Swabi.
- 2. District Accounts Officer Swabi.
- 3. Concerned Committee Members BKMC Swabi.
- 4. All DMS BKMC Swabi.
- 5. Account Officer BKMC Swabi for necessary action.
- 6. Official Concerned.
- 7. Personal File Official Concerned.

(PAL/CHIEF EXECUTIVE) 10/02/2020

The Chief Executive GKMC / BKMC Swabi

Subject

REQUEST FOR RECONSIDERATION OF OFFICE ORDER NO.7-6/2020-ADMIN/GKMCS 4469-75 DATED. 11.02,2020

Respected Sir,

Refer to your good self office order No. 7-6/2020-Admin/GKMCS 4469-75 Dated 11.02.2020,

I have the honor to request you that I was up-graded from BPS-07 to BPS-14 and BPS-16, in light of Govt of Health Department endorsement No SO (FR)7-3/2018/17408/Store keeper Dated 22.10.2019 (Copy attached for ready reference please) on analogy of other up-gradation policy for Civil Servant.

It is requested to your good self for reconsideration of your good office order No. 4469-75 dated 11.02.2020 and submit my up-gradation case to Director General Health Services Khyber Pakhtunkhwa Peshawar, for advice/ guidance to avoid any further complication in my up-gradation case.

Your Obedient

Mr. Sardar Muhammad Store Keeper BKMC Swabi Dated 13.02.2020

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The Director General Health Services Khyber Pakhtunkhwa, Peshawar.

Through proper charmed REPRESENTATION REVIEW Subject: AGAINST **DEPARTMENTAL** APPEAL THE ORDER DATED 11/02/2020.

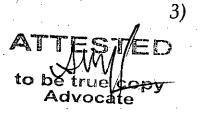
Annex="H'

Respected Sir,

With great reverence and humble submission, it is stated: -

 That I was appointed as Storekeeper BPS-5 vide order bearing No.2965-70/SS/EDO(H) dated 23/05/2019. (Copy of the order is annexed herewith)

2) That I have been performing my duties regularly and honestly and having a clear transparent and unblemished service record.



That in light of the judgment of Hon'ble High Court Peshawar the process of up-gradation of the storekeepers of various capacities were taken up and vide notification dated 18/10/2019 the posts of storekeepers were upgraded. (Copy of the notification is annexed herewith).

4) That in accordance with the above mentioned notification I was also upgraded according to the

(A3)

seniority list vide order dated 26/12/2019. (Copy annexed herewith).

- That vide order dated 06/11/2019 additional duties as Incharge of Store Gaju Khan Medical College was assigned to me. (Copy annexed herewith).
- 6) That I took charge of my assignment on 23/10/2019 (FN).
 - That the up-gradation order was further acted upon and Payroll System was amended, with the remarks that my salary may be fixed as PBS-16. (Copy of Payroll is annexed herewith).

That I was performing my duties, that all of a sudden, vide order bearing No.7-6/2020-Admin/GKMCS4469-75 dated 11/02/2020 I was demoted to Storekeeper BPS-7 with a further orders of recovery of the alleged over payment for the period I served as Storekeeper in upper grade. (Copy is annexed herewith).

That the order of demotion dated 11/02/2020 is unjust, against the law rules and regulation vide ab-initio and based on malafide as no proper procedure has been adopted in issuance of the above order.

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5)

7)

8)

10) That no charge sheet or statement of allegation etc

was served upon

11) That I have an unblemished service record / career of about 11 years, and there not a single adverse entry /remarks in my service career.

12) That no inquiry has been conducted, and the order of my demotion dated 11/02/2020 has been made/ issued in hurry, meaning thereby that some vested hands were bent upon to get me demoted.

That no final show cause notice whatsoever was served upon me and therefore, I have been condemned unheard.



13)

That the impugned order dated 11/02/2020 has been made /issued in sheer violation of rules and regulations, without observing the codal formalities and therefore, liable to be reviewed/ modified and I may please be retained on my upgraded post.



15) That I may please be provided a chance of personal.

hearing, so that I could be able to explain my position/case.

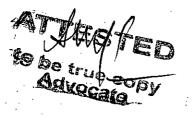
It is, therefore, humbly prayed that on acceptance of this review /representation/ departmental appeal, the order of demotion issued vide order dated 11/02/2020 may kindly be reviewed / modified and cancelled and I may be retained /reinstated on my upgraded/previous post.

Dated 12/02/2020

Appellant

Sardar Muhammad

Saraar Muhammad Storekeeper Bacha Khan Medical Complex Swabi



400 × 5 3 0 - 11 م 202 متجاب المل بنام مدهد ج مقارم دعونى 7. بإعث تحريريآ نكه مقدمه مندرجه عنوان بالامين ابن طرف داسط بيروى دجواب دى وكل كاردائي متعلق مقرر کرے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاردائی کا کامل اختیار ، وگا۔ نیز د کیل صاحب کورامنی نامد کرنے دنقر رثالت ہ فیصلہ برحلف دیتے جواب دہی ادرا قبال دعو کا ادر بسورت ذكرى كرفي اجراءا درصولى جيك درويد ارعرضى دعوى اور درخواست برتم كى تقدريق زراي برد سخط كراف عديار موكا - نيز صورت عدم بروى يا د كرى يكطرونه يا ابل كى برايد كى ادرمنسونى نیز دائر کرنے اپیل تکرانی دنظر ثانی دبیروی کرنے کا اختیار ہوگا۔از بصورت ضردرت مقد مہذکور کے کل پا جزوی کاردائی کے داسط اوروکیل یا مختار قانونی کوامیت ہمراہ پا اینے بجائے تقرر کا اختیار موكا ادرصا حب مقرر شده كوبهى داى جمله مذكوره بااختيارات حاصل مول محادراس كاساخته رمرداختد منظور قبول موكارددران مقدمه يس جوخر جدد مرجانه التواسيخ مقدمه سي سبب س دموكار کوئی تاریخ بیشی مقام دورہ پر ہویا حدیہ باہر ہوتو دکیل صاحب پابند ہوں گے۔ کہ بیردی مكوركري - لمدادكالت نام كصديا كمستدر -المرتوم ----,20).0 3 No your and an <u> کے لئے منظور ہے۔</u> atterter



OFFICE OF THE PRINCIPAL/CHIEF EXECUTIVE GAJJU KHAN MEDICAL COLLEGE SWABI/BACHA KHAN MEDICAL COMPLEX



(Khyher Pakhtunkhwa) Phone# +92-938-280421 Fax # +92-938-280221 Email: <u>gkmc.swabi@gmail.com</u> F.NO &- 22020-Admin/GKMC

10-57

Date: 28/12/2020

POWER OF ATTORNEY

Mr.Saleem.Altaf Superintendent BPS-17 Gajju Khan Medical College Swabi is hereby

authorized to attend the Khyber Pakhtunkhwa Service Tribunal Peshawar in APPEAL No

4677/2020 Sardar Muhammad Store Keeper BKMC Swabi VS Government of Khyber

Pakhtunkhwa & others on behalf of the undersigned fixed for hearing on 31-12-2020.

(Prof. Dr. Fasseh-uz-Zaman) (PRINCIPAL/CHÍEF EXECUTIVE) GKMC/BKMC SWABI

Endst No: Date Even:

Copy forwarded for information to the:

- 1. Advocate General Khyber Pakhtunkhwa Peshawar.
- .2. Account Section GKMC Swabi.
- 3. Master file.
- 4. Official concerned.

(Prof. Dr. Fasseh-uzzlaman) (PRINCIPAL/CHIEF EXECUTIVE) GKMC⁾BKMC SWABI

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No.4677/2020.

ر 🗘

Sardar Muhammad Appellant

Versus

Govt: of Khyber Pakhtunkhwa & others Respondents

JOINT PARA-WISE COMMENTS ON BEHALF OF RESPONDENT NO. 02 & 03.

Respectfully Sheweth:

PRELIMINARY OBJECTIONS:

- i. That the petitioner has neither cause of action nor locus standi.
- ii. That the petition is not maintainable in its present form.
- iii. That the petitioner has not come to the Court with clean hands.
- iv. That the petitioner is bad due to non-joinder and mis-joinder of necessary parties.
- v. That the petition is barred by Law & Rules.

ON FACTS:

- 1. It pertains to record, hence no comments.
- 2. Incorrect. The appellant has bad service record and has recently been charged with misappropriation of Personal Protective Equipment (PPE) in the recent COVID-19 pandemic by providing the hospital PPEs to the outsiders and an inquiry was conducted on the directions of Additional Director General Health Services Khyber Pakhtunkhwa vide Office Order No. 2812-14/Personnel, dated 04-06-2020 (Copy attached as Annex A & A1) and meanwhile a letter of displeasure was issued to Medical Superintendent BKMC Swabi, wherein he was directed to relieve the appellant on administrative grounds vide letter No.1592-951/Admn, dated 07-05-2020 (Copy attached as Annex-B) and, thereafter, relieved from the Bacha Khan Medical Complex, Swabi on the directives of Health Minister and Additional Secretary Health vide No.3386/PF-6/BLMC, Swabi dated 02-06-2020 (Copy attached as Annex C).
- 3. Correct to extent of Notification. It is pertinent to point out here that posts were up-graded but not with the incumbents serving against those positions.
- 4. Incorrect. Departmental Promotion Committee had promoted not promoted the Store Keepers. Hence, the promotion of the appellant was unjust and he used fraudulent tactics and promoted himself by getting the signatures of the head of institute rather from the competent authority, which is Director General Health Services. It is pertinent to mention here that the seats were upgraded without the

incumbents serving against those positions as the junior storekeepers were also serving against the upgraded posts. The Accountant abetted him in getting promotion through fraud. **(Copy of inquiry attached as Annex – D)**.

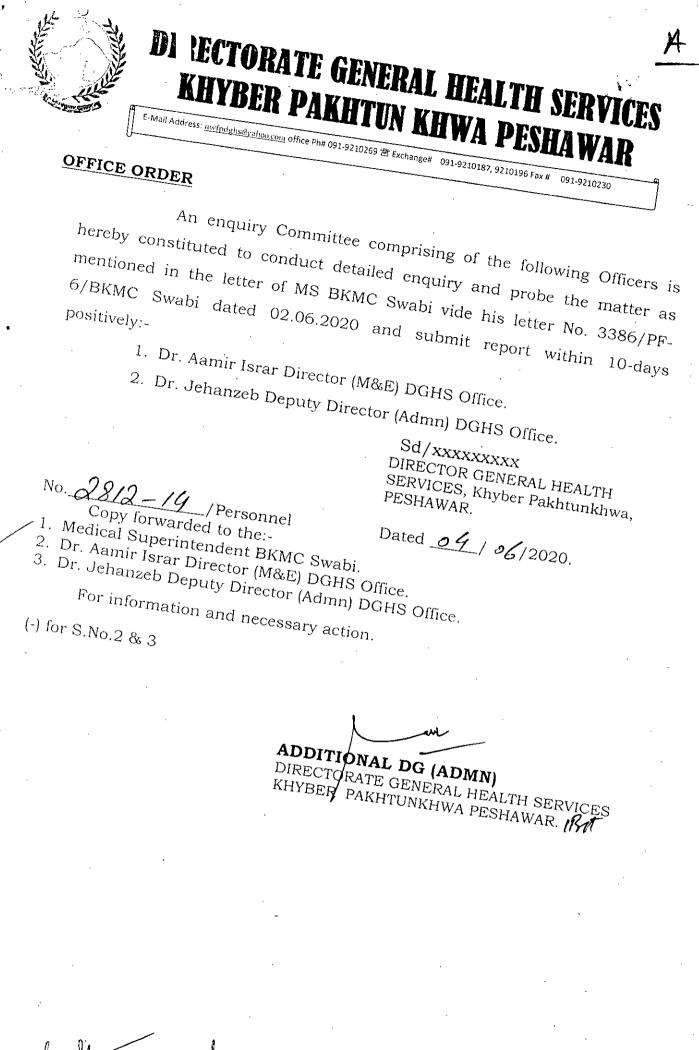
- 5. It was a routine reshuffling of staff order and does not confer anything about the promotion.
- 6. Pertains to record.
- 7. The deduction and reversion to original grade/scale was made after the enquiry proceedings, wherein it is clearly stated that the upgraded positions of store keepers has no implications on the incumbents serving against these positions. It is recommended in the enquiry that the appellant be demoted to original position as order was not in accordance with the Rules. So, no sudden demotion order was imposed rather the appellant was given full freedom to defend his case. The plea taken is nothing but an attempt to misguide the Honourable Court in his favour.(Copy Enquiry attached as Annex D).
- 8. The appeal was set aside because of the recommendation of the enquiry committee as reflected above.
- 9. GROUNDS:
- A) The impugned order was issued in accordance with the rules after conduction of enquiry into the case, as deliberated upon in the above paras.
- B) Incorrect. (Copy of Enquiry already attached at Annex E)
- C) Incorrect. No departmental promotion to the appellant to BS-16 is notified by the competent authority, i.e., Director General Health Services and, hence, the plea forwarded by appellant is invalid and void.
- D) Incorrect. Multiple enquiries conducted against the appellant and recently transferred to D.G Health Services on administrative grounds already annexed at Annex-B.
- E) Incorrect. The appellant appear before the enquiry committee and was provided ample opportunity to clarify his stance but he failed to justify his promotion in question. So, it is incorrect that the appellant in unheard in the case.
- F) Incorrect. All the procedures were adopted in accordance with the rules.
- G) Incorrect. Proper departmental procedure was adopted rather the appellant got promotion through fraudulent practice by deceiving the authority.
- H) No comments.

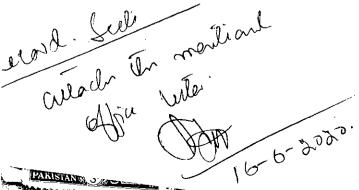
PRAYER:

It is humbly prayed that the instant appeal being devoid of merit, may be dismissed with cost.

Director General Health Services Khyber Pakhtunkhwa, Peshawar. (Respondent No. 02)

Principal/Chief Executive, Gajju Khan Medical College, Swabi. (Respondent No. 03)







OFFICE OF THE MEDICAL SUPERINTENDENT BACHA KHAN MEDICAL COMPLEX SWABI

Office Ph (+92-938 - 280215 Fax (0938 - 280215 Email: bkmc.swabl@gmail.com Dated: <u>2</u> 106/2020

BKMC Swabi .6 3386

No.

To

Mr. Sardar Muhammad Store Keeper BKMC Swabi

ISSUE OF PPE TO OUT SIDERS

SUBJECT:

Reference meeting held under the Chairmanship of Health Minister and participated by Additional Secretary Health and DGHS on 01.06.2020, I am directed to relieve you to the DGHS Office

Peshawar for further posting on account of giving PPE to outsiders and non-concerned staff of BKMC

Swabi.

Medical Superintendent **BKMC** Swabi

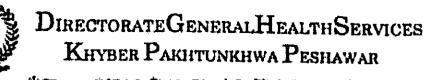
Dated: <u>~2/06/2020</u>

No. 3387. 90 / BKMC Swabi

1. Additional Secretary Health Khyber Pakhtunkhwa, Peshawar Copy forwarded to: -2. Director General Health Services Khyber Pakhtunkhwa

- Chief Executive GKMC/BKMC Swabi
- Accountant BKMC Swabi with the direction to take charge from the Mr. Sardar Muhammad Store
- - Keeper.

perintendent Med sad. **BKMC** Swabi



To

The Medical Superintendant, Sacha Khàn Medical Complex, Swabi

Subject

RREGULARITIES / POOR GOVERNANCE AT BACHA KHAN MEDICAL

The Compotent authority has taken sorious notice of issue of oxygen supply in spile of fact that huge amount of public exchaquer has been spent on installation of central oxygen system and purchuse of other equipments for BKMC Swebi during last 02 years

The treating physicians have informed administration regarding issue of axygen supply one week before and concerned specialist also called you and DMS to help him regarding issue of oxygen supply but you did not responded which is an example of bad Governance.

There are also reports that PPEs which are supplied by Directorate and NDMA through army are not rationally utilized, reportedly your store keeper distributed PPE items to local account office and Bank office for his personal relations/gains. The matter was reported to DG and you were directed to relieve him on administrative grounds but you did not relieve him which reflected melafide intention on your part.

You are hereby directed to improve your performance and Governance otherwise pirict disciplinary action taken against you.

1

DIRECTOR GENERAL HEALTH SERVICES KIYBER PARITUNKHWA PESHAWAR

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- Secretary Health, Kryber Pakhtunkhwa
- 2. Additional Director General Health Services (Admin), DGHS, Khyber Pakhtunkhwa.
- Chief Executive BKMC with direction that you being chief executive and responsible for all the managerial issues should look into the matter and rectify them.

OFFICE OF THE MEDICAL SUPERINTENDENT BACHA KHAN MEDICAL COMPLEX SWABI Office Ph 1 +92-938 - 280215 Fax # 0938 - 280215 Email: bkmc.swabi@gmail.com Dated: <u>e2_/06/2020</u> ~6___BKMC Swabi No. 3386 PE Mr. Sardar Muhammad Store Keeper To **BKMC** Swabi **ISSUE OF PPE TO OUT SIDERS** SUBJECT: Reference meeting held under the Chairmanship of Health Minister and participated by Additional Secretary Health and DGHS on 01.06.2020, I am directed to relieve you to the DGHS Office Peshawar for further posting on account of giving PPE to outsiders and non-concerned staff of BKMC Swabi. cal Superintendent Me **BKMC** Swabi Dated: <u>2</u>/06/2020 No. 3387-90 / Cafy /BKMC Swabi 1. Additional Secretary Health Khyber Pakhtunkhwa, Peshawar Copy forwarded to: -2. Director General Health Services Khyber Pakhtunkhwa 4. Accountant BKMC Swabi with the direction to take charge from the Mr. Sardar Muhammad Store 3. Chief Executive GKMC/BKMC Swabi Keeper. eperintendent Med **BKMC** Swabi

Note Sheet Enquiry Report :

- A) Refer to the complaint NO. KP010220-6617700 Dated 06.02.2020 lodged on citizen Portal about promotion of store keeper Mr. Sardar Muhammad of BKMC, Swabi .
 - 1) Notification No.SOB-I1/HD/1-1/DGHS dated 08.10.2019.(Annexure- A) , in which store keepers posts were upgraded according to four tier formula.(Annexure-B)
 - 2) Two posts were upgraded in BKMC, Swabi. One to BPS-14 and another one to BPS-16.(Annexure-A)
- B) <u>Only posts were upgraded and not the incumbent has been upgraded</u> but Sardar Muhammad ,store Keeper, BKMC, Swabi has submitted chain proforma to DAO,Swabi through MS ,BKMC, Swabi (Annexure-C) and stated drawing his pay on BPS-16 (Annexure-D)
 - C) When notification of officials who are promoted to various scale are issued then the situation about the store keeper under consideration will become clear, tell that time he should be barred not to draw pay on BPS -16 and be demoted to his original scale on which he was drawing his pay before submission of chain proforma of BPS-16 to DAO, swabi and overpayment must be recovered from him.

Dr. aul Mahammad CMO (CIC)

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Reincipal/Chief Executive: A Svecard use The PCWa (

Introduction:

The undersigned were nominated as Enquiry Officers to probe into the fraudulent attempt through which signatures were taken from the competent authority for illegal promotion of one Mr. Sardar Muhammad – Storekeeper, from BPS-7 to BPS – 16 vide Office Order No. 8-9/2020/GKMC/D/Admn, 6610-13, dated 16-08-2020 (Copy attached as Exhibit – A).

Core Issue:

Illegal attempt of promotion of Storekeeper from BPS-07 to BPS-16 by deceiving the competent authority.

Findings/Observations:

All the available record was examined and statements of the concerned staff members were recorded and the following facts were revealed:

- That the Finance department, government of Khyber Pakhtunkhwa issued a Notification of Up gradation of posts of Storekeepers vide No. SO I-II/HD/1-1/DGHS, dated 05-10-2019, which was by then not endorsed by the Health department (Copy attached as Annex – B).
- 2. That the said Notification was received and marked to the Establishment/Account Section by the Chief Executive BKMC.
- 3. That the up gradation of posts were not made with the up gradation of incumbents serving against these posts, rather would have been filled in through Selection Board via seniority cum fitness but it was argued on the file that the existing incumbents were also promoted to the higher scale with the up gradation of seats/positions. Two of the positions of storekeepers at Bacha Khan Medical Complex were up gradedone to BPS-14 and other to BPS-16.
- 4. That a file, as per statement of Chief Executive, was put up to him with a plea that that the incumbents were also promoted with the post, which was later on confirmed that the incumbents are not promoted rather their seniority list shall be notified by the Health department and consequent promotions thereupon.

- That the competent authority agreed for promotion on file subject to clarity in the matter. The Account Officer didn't wait for clarity and executed Source II to District Account Officer with promotion of Mr. Sardar Muhammad to BPS – 16 from BPS – 07.
- 6. That when the Account Officer was asked about the file upon which promotion was agreed, he showed ignorance about the said file. The record section was asked but in vain. The file has been misplaced and it is stated by the Account Officer that no such file is moved to cover the hidden file. If such approval on file was not accorded then how the case of promotion was executed?
- 7. That the certificate of Transfer of Charge was filled in and signed by the storekeeper Mr. Sardar Muhammad and the then Medical Superintendent.
- 8. That the Certificate of Transfer of Charge does not bear any endorsement number and date and surprisingly, upon which Source II was prepared by the Account Section without considering the missing endorsement number and date. The incumbent in question was promoted, salary against BPS-16 started and till finding of the enquiry the document was neither endorsed nor any date placed on it.
- 9. That further to the astonishment, the conditional approval was granted on the Notification of Finance department dated 05-10-2019, whereas another letter reference is quoted in the Charge report as vide No.SO/(FR)/7-3/2018/17408/storekeeper, dated 22-10-2019. This also amounts to forgery committed by the Establishment Superintendent cum Account Officer(Copy of Charge Report attached as Annex C).
- 10. That it is confirmed from the preceding para that conditional approval was taken on one Notification and reflected another in the Charge Report, upon which Source – II was prepared and processed by the Account Section.
- 11. That an enquiry committee was constituted to probe into the up gradation/promotion of the storekeeper and report submitted on February 11, 2020, wherein the enquiry committee declared the promotion of the storekeeper illegal against the up graded posts and recommended the

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reversion of the promoted incumbent to the original scale with further recommendation of deduction from salary for over payment (Copy of enquiry report attached as Annex – D).

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- 12. That an Order in the light of recommendation of the enquiry committee was made by the competent authority, wherein the illegal promotion on fraudulent act was reversed and the incumbent was demoted to original grade/scale of BPS-07 with recovery of over payment vide Office Order No. 7-6/2020-Admin/GKMC 4469-75, dated 11-02-2020(Copy attached as Annex E).
- 13. That reversion to original scale and deduction was ordered on 11-02-2020 but the Account Section failed to send the corrected Source – II to the District Account Officerand resultantly neither reversion to original scale nor deduction of over payment was made even after a lapse of 7 months.
- 14. That the Medical Superintendent BKMC showed laxity and negligence in the matter and after eight (08) months wrote a letter to DAO for deduction on 22-09-2020 on the repeated verbal reminders of the Chief Executive (Copy attached as Annex – F).
- 15. That questionnaires were served upon Mr. Sardar Muhammad Store Keeper and Mr. Muhammad Bilal - Account Officer to respond the queries but none replied to the questions asked but submitted irrelevant replies and the account Officer sent irrelevant reply through WhatsAppafter a month after reminders and didn't appear before the enquiry committee (Copies of Questionnaires & replies attached as Annex – G,H.I &J).
- 16. That the payrolls of the storekeeper were examined and it was revealed that no deduction and reversion to original post was made till August 2020. The Payroll of August revealed that the incumbent is placed on the same scale of BPS-16 and deduction is made against BPS – 16 salary and no reversion is made.
- 17. That it was claimed that proper reversion and deduction shall be carried out from September 2020.

18. That the Account Officer – Mr. Bilal and Store Keeper – Mr. Sardar Muhammad failed to defend themselves from the charges of committing fraudulent act by deceiving not only the competent authority at the time of promotion but even afterwards for disobedience in compliance of the orders.

Conclusion:

The file for promotion of store keeper was moved by the Account Office, upon which promotion was agreed upon and the same file is missing from record to hide the factual status. The salary deduction for over payment and reversion to original scale was delayed for eight (08) months without cogent reason or reasons by the Account Officer, BKMC Swabi to benefit the storekeeper. Mala-fide intentions cannot be ruled out. The record strongly advocates and affirms the fraudulent act on the part of account Officer and Storekeeper.

Recommendation:

- 1. Another enquiry may be made to dig out the missing file.
- 2. The Medical Superintendent BKMC be directed to materialize the orders.
- 3. Both the Account Officer and Storekeeper be reported to Secretary Health Khyber Pakhtunkhwa for disciplinary action under E&D Rules 2011.

Concluded

Dr. CharaghHussain. (Enquiry Officer)(Enquiry Officer)

