


FORM OF ORDER SHEET

Court of _____

Case No. - 137/2023


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	16/1/2023	<p>The appeal of Dr. Farced Ullah resubmitted today by Mr. S.M.Ilyas Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____, Parcha Peshi is given to appellant/counsel.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

The appeal of Dr. Fareed Ullah Shah s/o Abdurrahman associate Professor Periodontology Bacha Khan Medical and Dental College Mardan received today i.e. on 21.12.2022 is incomplete on the following score which is returned to the counsel for the appellants for completion and resubmission within 15 days.

- 1- Copy of departmental appeal mention in para 12 of memo of appeal is not attached with the appeal which may be placed on it.
- 2- Annexures C and E of the appeal are illegible which may be replaced by legible/better one.


No. 3687 /S.T,

DL. 22/12 2022


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. S.M Ilyas Adv.

Sir Re-submitted for completion pl.


S.M. Ilyas Adv.
16-01-2023

Before the Khyber Pakhtunkhwa Service Tribunal

Peshawar

Appeal No. 137 of 2022 2023

Dr. Fareed ullah Vs Secretary Health etc.

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Dated: 21/12/2022

Appellant,
Through Counsel,
S.M Ilyas Advocate

Before the Khyber Pakhtunkhwa Service Tribunal

Peshawar

Appeal No. 137 of 2022. 2023

Dr. Fareed ullah Shah S/o Abdurrahman associate
Professor Periodontology Bacha Khan Medical and
Dental Collage Mardan. (Appellant)

Versus

1. Secretary to government KPK, Health department
Peshawar.
2. Director General Health, Health Department
Peshawar.
3. Dean of BKMC/ MMC Mardan.
4. Principle Bacha Khan Collage of Dentistry Mardan.
5. Chairman Board of Governor MTI, BKMC/MMC
Mardan.
6. Medical Director MTI MMC/BKMC Mardan.
7. Director Finance MTI MMC/BKMC Mardan.
8. District Comptroller of accounts Mardan.
9. Account officer MTI MMC/BKMC Mardan.
(Respondents)

**APPEAL UNDER SECTION 4 OF KHYBER
PUKHTONKHWA SERVICE TRIBUNAL ACT
1974**

Respectfully Sheweth.

FACTS OF THE CASE

1. That appellant is a civil servant, served Bacha Khan
Medical College Mardan Medical Teaching
Institution (BKMC MTI) since 1/02/2016 as
Assistant professor Periodontology. Petitioner prior
to MTI served in the health department wherein he
was placed at serial No. 7 on regular basis vide office
order No. 483-522 Dated 28/03/1988 (Copy of
office order dated ~~13~~28/03/1988 is attach as annexure
A)
2. That the competent authority respondent No. 1 on
the recommendation of KPK public service
commission appointed the appellant as Assistant

professor Periodontology in Bacha Khan Medical and Dental Collage (BKMC) Mardan in BPS 18 on regular basis vide notification (No.SOH-1/HD/1-777/2015/BKMC Dated 1/02/2016. *(Copy of the notification Dated 1/02/2016 is attach as annexure B).*

3. That vide notification dated 22/08/2017 government of KPK through respondent No.1 in exercise of power under MTI Reform Act 2016 authorize the concern Board of Governor to process and consider the promotion of eligible teaching faculty appointed and serving as civil servants in their respective MTI's. *(Copy of Notification dated 22/08/2017 is attached as annexure C)*

4. That the respondent No. 1 issued a letter to respondent No. 2 regarding the promotion case other Assistant professor (Civil Servant) at BKMC to promote a teaching cadre Civil Servants within their own institution by placing him in the next higher grade and designation to avail the opportunity of promotion of Civil Service in their respective MTI instruction/policy vide letter No. SOH-1/HD/1-45/2017 Dated 6/10/2017 *(Copy of letter dated 06/10/2017 is attached as annex D)*

5. That respondent No. 1 referred the application for promotion of the petitioner to respondent No.2 vide letter No. SOH-1/HD/3-5/2018 dated 28/06/2019 that the promotion case of the petitioner to the post of Assistant professor at BPS 19 be processed *(Copy of application. Dated 28/06/2019 is attached as Annexure E).*

6. That decision taken on 25th BOG meeting held on 06/07/2019 vide agenda point No. 15 vide application Dr. Mushtaq Ahmad cardiologist and BOG MTI approved the position Dr. Mushataq as professor cardiology BKMC BPS 20 vide notification No. 4971/MTI/MMC Dated 24/07/2019. *(Copy of the notification 24/07/2019 is attached as annexure F)*

7. That vide Notification No. 2781/ MTI/BKMC dated 26/08/2019 the respondent No.2 approved the promotion of the petitioner to the post of Associate professor Periodontology in BPS 19. *(Copy of notification dated 26/08/2019 is attached as annexure G)*
8. That the application of the appellant for the promotion for professor periodontology was forwarded by the respondent No. 2 to the respondent No. 1 vide application No. 680/BKMC. Dated 26/08/2022. *(Copy of Application dated 26/08/2022 is attached as annexure H).*
9. That minute of the meeting dated 03/09/2022 of the departmental promotion comity BKCD vide letter No. 052/BKCD Dated 05/09/2022 issued by respondent No. 3, wherein after scrutiny of the petitioner promotion case, it was held that the petitioner concern is a Civil servant and fulfill the required experience and publication of promotion to professor according to the regulation for the appointment of the demonstrators/ lecturer Assistant professor, associate professor and the Professor in the Dental Collage/ Institution of KPK in 1987 and the documents were forwarded to respondent No. 1 *(Copy of Minute of the meeting vide letter Dated 05/09/2022 is attached as annexure I).*
10. That the minutes of the meeting of institutional promotional committee was held on 08/09/2022 vide order office No. 5195/MMC Dated 13/09/2022 held that the promotion case of petitioner was discussed wherein vide notification No. SOH/HD/1-45/2017/MTI Dated 28/08/2017 the government of Khyber Pakhtunkhwa authorized the concern board of governor to process and consider the promotion of allegeable teaching faculty appointed and serving as Civil servant in the medical teaching institution in terms of the criteria as envisaged in regulation No.16 of the Khyber

4

Pakhtoon khwa medical teaching institution regulation 2015. Thereafter the committee forwarded the petitioner case to board of governor for approval. *(Copy of office letter No. 5195/MMC dated 13/09/2022 is attached as J)*

11. That appellants were entitled for promotion under the law, while respondents avoiding the promotion of the petitioner in BPS 20 and issued LPR Office Order No. SOH-1/HD/1-777/2015 dated 26/08/22 of the petitioner in BPS 19 unlawfully he has been deprived of his legal rights. *(Copy of LPR Office Order No. SOH-1/HD/1-777/2015 dated 26/08/22 is attached as annexure K)*

12. That appellants moved the application vide office No. 748/MTI/BKMC Dated 15/09/2022 through proper channel to the respondent No. 1 regarding the promotion as professor in periodontology BPS 20, which was refer for further necessary measures. Hence no response from the respondent didn't decided the appeal after lapse of 90 days, hence the instant appeal. Appellants were entitled for promotion under the law, while respondents avoiding the promotion of the petitioner in BPS 20 the steps and the actions of the respondents are tainted with ulterior motives as such are unsustainable, against law and facts and the petitioner having no other adequate remedy available now but to approaches this Honorable Court for the redressal of his grievance on the following grounds. *(Copy of appeal dated 15/09/2022 which is attached as annexure L)*

Grounds.

- a) That appellants has fulfilled the qualifying service, eligibility threshold, qualifications, relevance of experience, quality and output of work and integrity, variety of experience, training and Top Management Potential consequently entitled for promotion under the law.
-


- b) That the Supreme Court of Pakistan has allowed proforma promotion of civil servant after retirement whose promotion is not considered due to any administrative slip-up or delay.
- c) That if the employee lost his promotion on account of any administrative oversight or delay in the meeting of DPC or Selection Board despite having fitness, eligibility and seniority, then in all fairness, he has a legitimate expectation for proforma promotion with consequential benefits.
- d) That the provision for proforma promotion is not alien or unfamiliar to the civil servant service structure but it is already embedded in Fundamental Rule 17, wherein it is lucidly enumerated that the appointing authority may, if satisfied that a civil servant who was entitled to be promoted from a particular date was, for no fault of his own, wrongfully prevented from rendering service to the Federation in the higher post, direct that such civil servant shall be paid the arrears of pay and allowances of such higher post through proforma promotion or up gradation, arising from the antedated fixation of his seniority.
- e) That it would be in the fitness of things that the competent authority should fix a timeline for the designated committees of proforma promotions in order to ensure rational decisions on the matters expeditiously with its swift implementation, rather than dragging or procrastinating all such issues inordinately or without any rhyme or reasons, compelling retired employees to knock the doors of courts of law.
- f) That respondent No.1 had categorically issued Notification and empowered the MTI to decide the promotion cases of the civil servants in accordance to the MTI Act and Regulation but respondent No.2 ignored the directions of the government in which is illegal and misapplication of law has all together has

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ignored the principle of natural justice. The petitioner is hanging between two departments' i.e Health Department and MTI, Thus the petitioner receive irreparable losses.

- g) That a retired Government employee who is considered for promotion from the date of promotion of his next junior after opening of the sealed cover would also be entitled to fixation of pension on the basis of such pay on his promotion. Selection Board should give due consideration to the nature of duties, duration and location of posts previously held by the officer, an officer possessing well rounded experience should normally be preferred particularly. While respondents have not considered the same, which is illegal against the law and facts

So, it is therefore humbly prayed that on acceptance of this appeal, appellant has fulfilled the qualifying service, eligibility threshold, qualifications, relevance of experience, quality and output of work and integrity, variety of experience, training and Top Management Potential consequently entitled for promotion in BPS-20 as professor under the law, respondent may please be directed to considered the appellant promotion in BPS-20 as professor with effect from the date of regular promotion of his juniors for the purpose of fixation of pay and payment of arrears as may be prescribed. Any other relief deemed fit may also be graciously granted in favour of the appellant.

Dated: 21/12/2022


Appellant,
Through
S.M Ilyas Advocate

CERTIFICATE

Certified that there is no appeal on the same subject matter was filed are pending in this Honorable Court except the instant one.


Advocate

Before the Khyber Pakhtunkhwa Service Tribunal
Peshawar

Appeal No. _____ of 2022

Dr. Fareed ullah Vs Secretary Health etc.


Affidavit

I Dr. Fareed Ullah appellant solemnly affirm that the contents of this appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.

Dated 21/12/2022.


Deponent

Dr. Fareed Ullah (Appellant)

*Identified by
S.M. Khan A.S.*


Before the Khyber Pakhtunkhwa Service Tribunal
Peshawar

Appeal No. _____ of 2022

Dr. Fareed ullah Vs Secretary Health.

Memo of Addresses

Petitioner:

Dr. Fareed ullah Shah S/o Abdurrahman associate Professor
Periodontology Bacha Khan Medical and Dental Collage
Mardan

Respondents:

1. Secretary to government KPK, Health department
Peshawar.
2. DG Health, Health Department Peshawar.
3. Dean of BKMC/ MMC Mardan.
4. Principle Bacha Khan Collage of Dentistry Mardan.
5. Chairman Board of Governor MTI, BKMC/MMC Mardan.
6. Medical Director MTI MMC/BKMC Mardan.
7. Director Finance MTI MMC/BKMC Mardan.
8. District Comptroller of accounts Mardan.
9. Account officer MTI MMC/BKMC Mardan.

Dated: 21/12/2022

Petitioners
Through,
S.M Ilyas Advocate

OFFICE OF THE
No. 564-S4
and necessary
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|-----|----|---|-----------------|
| 17. | 17 | Dr. Mohammad Farooq S/O Asmatullah Khan. | F.R. Bannu. |
| 18. | 18 | Dr. Iftikhar Ahmed S/O Mir Shah Ali. | Karak. |
| 19. | 19 | Dr. Waheed Murad S/O Sher Zada. | Malakand. |
| 20. | 20 | Dr. Syed Waqar Haidar S/O Syed Nazar Hussain. | Abbottabad. |
| 21. | 21 | Dr. Mohammad Afzal S/O Lt. Col. Rtd M. Yaqub. | Mohmand Agency. |
| 22. | 22 | Dr. Mohammad Tahir S/O Abdul Aziz. | D.I. Khan. |
| 23. | 23 | Dr. Mohammad Haroon S/O M. Hamayun Shah. | Peshawar. |
| 24. | 24 | Dr. Qazi Amjad Qudus S/O Qazi Abdul Qudus. | Abbottabad. |
| 25. | 25 | Dr. Sanauallah Khan S/O Baluch Khan. ✓ | D.I. Khan. |
| 26. | 26 | Dr. Syed Mohammad Arif Bukhari S/O S. Amjad Sher Bukhari. | Kohat. |
| 27. | 27 | Dr. Mohammad Naeem Ahmed S/O M. Saleem. ✓ | Peshawar. |
| 28. | 28 | Dr. Naghullah Jan S/O | F.R. Bannu |
| 29. | 29 | Dr. Ayub Khan S/O Achari Khan. | Kohat. |
| 30. | 30 | Dr. Mufarrah Shah S/O S. Muzammil Shah. | Mohmand Agency |
| 31. | 31 | Dr. Akhtar Nawaz Khan S/O Mohammad Din Awan. | Abbottabad. |
| 32. | 32 | Dr. Taj Nawaz Khan S/O Gul Jaman. | Bannu. |
| 33. | 33 | Dr. Mohammad Azhar S/O Sher Zada. | Mohmand Agency. |

Alkhalid
[Signature]
SUPERINTENDENT
Directorate General Health Services
Khyber Pakhtunkhwa, Peshawar

DR. ALI SHER KHAN,
SECRETARY HEALTH.

Endst No. SOHIV/1-72/72 dated Peshawar the 13th March, 1988.
Copy forwarded for information and necessary action to
1. The Director Health Services, NWFP, Peshawar.
2. The Secretary, NWFP, Public Service Commission, Peshawar.
3. The Accountant General NWFP, Peshawar.
4. The Manager, Government Printing Press, Peshawar.
5. The PS to Secretary Health.

SD/-

F. R. Bannu

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.....3.....

OFFICE OF THE DIRECTOR HEALTH SERVICES, NWFP, PESHAWAR.

No. 564-94 /DD(D), Dated Peshawar the 30 /3/1988.

Copy forwarded for information and necessary action to the :-

- 1-5. All Divisional Deputy Director Health Services in N.W.F.P.
6. Dean, Post Graduate Medical Institute/Lady Reading Hospital Peshawa
7. District Health Officer, Peshawar.
8. Agency Surgeon North Waz: Miranshah.
9. Agency Surgeon Kurram at Parachinar.
10. Agency Surgeon, Mochama at Chaltanay.
11. Agency Surgeon, South Waz: Wana.
12. District Health Officer, Abbottabad.
13. District Health Officer, Chitral.
14. District Health Officer, Karak.
15. District Health Officer, Mansehra.
16. District Health Officer, D.I.Khan.
17. District Health Officer, Mardan.
18. District Health Officer, Bannu.
19. Accountant General NWFP, Peshawar.
20. Agency Accounts Officer, Miranshah.
21. Agency Accounts Officer, Kurram at Parachinar.
22. Agency Accounts Officer, Mochama at Chaltanay.
23. Agency Accounts Officer, South Waz: Wana at Tank.
24. District Accounts Officer, Abbottabad.
25. District Accounts Officer, Chitral.
26. District Accounts Officer, Karak.
27. District Accounts Officer, Mansehra.
28. District Accounts Officer, D.I.Khan.
29. District Accounts Officer, Mardan.
30. District Accounts Officer, Bannu.

Attest

SUPERINTENDENT
 Directorate General Health Services
 Khyber Pakhtunkhwa, Peshawar

RECORDED HAS
30-03-1988.

for Director Health Service
N.W.F. Province, Peshawar

Government of Khyber Pakhtun Khwa

Health Department

NOTIFICATION

In exercise of provision conferred by section 22 of KPK for medical teaching institution Reform Act 2015, the Government of KPK is please to authorized the concern Board of the Governor to presses and consider the promotion of all teaching faculty appointed and civil Servant to their respective medical teaching institution in terms of the criteria is invisible in regulation 10 of the KPK province medical teaching institution regulation 2015

Ends.t No and Copy to,

1. Account general KPK Peshawar
2. Chairman Board of governor all MTI KPK
3. Medical hospital director of all MTI KPK
4. Deen KMC KGMC Peshawar
5. District account officer concerned
- 6 PS to senior minister for health APK
- 7 PS to secretary health

SECTION OFFICER

(15)

Annex V

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Government of Khyber Pakhtunkhwa
Health Department

No. SOH-I/HD/1-45/2017
Dated Pesh: the 6th Oct; 2017

*Reference letter of
promotion
810/10/17*

To

The Dean,
Bacha Khan Medical College,
Mardan.

SUBJECT:- PROMOTION CASE OF DR. MUSHTAQ AHMAD ASSISTANT PROFESSOR
CARDIOLOGY (CIVIL SERVANT) BACHA KHAN MEDICAL COLLEGE, MARDAN

I am directed to refer to your letter No.703/BKMC dated 26/9/2017 on the above subject and to state that the Board of Governors of MTIs have been authorized to promote a teaching cadre (Civil servants) within their own institution by placing him/her in the next higher grade and designation.

To avail the opportunity of promotion by Civil Servants in their respective Medical Teaching Institutions, instructions/policy duly approved by the Chief Minister Khyber Pakhtunkhwa have been notified and circulated to all concerned accordingly (copy enclosed).

In view of provision contained in the above referred policy, you are requested that promotion case of the above named doctor may be finalized at the earliest.

[Signature]
Section Officer-I

Encl. No and date even

C.C

1. Secretary to Chairman BoG, MTI, BKMC, MMC, Mardan.
2. Medical Director MTI, MMC, Mardan
3. PS to Secretary Health Department.

[Signature]
Section Officer-I

*MR
10-10-17*



Government of Khyber Pakhtun Khwa

Health Department

NOTIFICATION

In exercise of provision conferred by section 22 of KPK for medical teaching institution Reform Act 2015 the Government of KPK is please to authorized the concern Board of the Governor to presses and consider the promotion of all teaching faculty appointed and civil Servant to their respective medical teaching institution in terms of the criteria is invisible in regulation 10 of the KPK province medical teaching institution regulation 2015

Ends.t No and Copy to,

1. Account general KPK Peshawar
2. Chairman Board of governor all MTI KPK
3. Medical hospital director of all MTI KPK
4. Deen KMC KGMC Peshawar
5. District account officer concerned
- 6 PS to senior minister for health APK
- 7 PS to secretary health

SECTION OFFICER



Mardan Medical Teaching Institution



No 4971/MTI/MMC

date: 24/7 /2019

NOTIFICATION

In pursuance of the decision taken at 25th BoG meeting held on 06-07-2019, vide Agenda Point No. 15 (Application of Dr. Mushtaq Ahmad—Cardiologist) it is notified that the Board of Governors Mardan MTI has approved the following:

1. The creation of the following positions
 - a. Professor Cardiology BKMC—BPS-20
 - b. Associate Professor Periodontology BKMC BPS-19


Secretary
Board of Governors
Mardan MTI

1. Dean MTI BKMC
2. Finance Director Mardan MTI
For necessary action.


Secretary
Board of Governors
Mardan MTI

Medical Teaching Institution BACHA KHAN MEDICAL COLLEGE MARDAN

Dr. Muhammad Abbas
Dean / CEO



No. 680 / 2022
Date: 26/8/22

To

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

L.No. 7422
Date: 26/8/22
Secretary Health

**SUBJECT: APPLICATION OF DR. FARIDULLAH SHAH ASSOCIATE
PROFESSOR PERIODONTOLOGY BKCD (Civil Servant) BACHA
KHAN MEDICAL COLLEGE MARDAN**

Dear Sir,

Enclosed please find herewith a self explanatory application in respect of
Dr. Faridullah Shah Associate Professor Periodontology BKCD (Civil Servant),
Bacha Khan Medical College Mardan for further necessary action.

Dean / CEO

COI

26/08/22

- SSH (E&A)
- AS - ESTT
- AS - MTI
- DS - Admin

Better copy Ameri H

19/A

Medical Teaching Institution
BACHA KHAN MEDICAL COLLEGE
MARDAN

Dr. Muhammad Abbas
Dean / CEO



No. 690
Date: 21/7/2022

To

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

File No. 7422
Date: 26/8/22

**SUBJECT: APPLICATION OF DR. FARIDULLAH SHAH ASSOCIATE
PROFESSOR PERIODONTOLOGY BKCD (Civil Servant) BACHA
KHAN MEDICAL COLLEGE MARDAN**

Dear Sir,

Enclosed please find herewith a self explanatory application in respect of
Dr. Faridullah Shah Associate Professor Periodontology BKCD (Civil Servant),
Bacha Khan Medical College Mardan for further necessary action.

[Signature]
Dean / CEO

SOI

Put up

26/8

[Signature]
26/08/22

SSM (SEA)
AS - ESTE
AS - III
OI - Admin

(20)

The Secretary to Govt. of Khyber Pakhtunkhwa
Health Department Peshawar

Sub: Appeal
(for the Promotion from Associate Professor
to the post of Professor (Civil Servant))

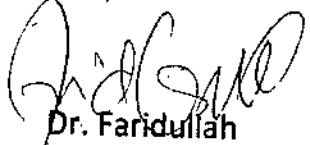
Sir

With due regard it is stated that I am working in Health Department since 1988. Later on I was selected on the recommendation of Public Service Commission as Assistant Professor via Health Department Notification No. SOH-7/HD/1-777/2015 in Bacha Khan Medical College Mardan (copy attached).

In 2019 in light of Health Department Notification No. SOH-I/HD/1-45/2017/MTI dated 24.7.2019 (copy enclosed) promoted to the post of Associate Professor in Dental Section Bacha Khan Medical College Mardan. The Board of Governors of MTI MMC Mardan has been authorized to promote a teaching cadre (civil servant) at their own institution by placing him in the next higher grade and designation in light of health department notification No. SOH-I/HD/1-45/2017 (copy enclosed).

In reference of KPK civil servant rules via notification No. SO-I (H)6/22/83-III I am eligible from Associate Professor to the post of Professor. Now Policy Board revised rules 12.3.2020, the civil servant will be consider as on deputation, therefore they refused my promotion and advised me to report to health department KPK for promotion.

Sir, I am going to be retired on 05.10.2022, therefore, I humbly request you to promote me in my parent department keeping in view my genuine reason for promotion please.


Dr. Faridullah
Assoc. Professor
BKMC/BKCD Mardan
15.9.22

No: 0521- /BKCD

Dated: - 05/09/2022

Amnet

To

The Dean

BKMC Mardan

Subject: - MINUTES OF THE MEETING OF DEPARTMENTAL PROMOTION
COMMITTEE BKCD.

Respected Sir,

Enclosed find here minutes of the meeting of Departmental Promotion Committee in respect of Dr. Faridullah Shah Associate Professor (BPS-19 Civil Servant) BKCD Mardan for further necessary process please.

Faridullah Shah

Principal

BKCD, Mardan

Forwarded to I.P.C
[Signature]



Prof. Ahmad Khan
Principal BKCD

No. 050/- /BKCD
Date: 03/09/2022

Minutes of the Meeting Departmental Promotion Committee BKCD

A meeting of Departmental Promotion Committee was held on 02/09/2022 under the Chairmanship Prof. Ahmad Khan, the following attended the meeting.

1. Prof. Sartaj Khan Member
2. Dr. M Naecm Member
3. Dr. Waqar un Nisa Member
4. Dr. M Asim Member

1. The documents of Dr Faridullah Shah Associate Professor (Civil Servant) Periodontology was scrutinized thoroughly by all the committee members. The doctor concerned is civil servant & fulfill the required experience and publication for promotion to professor, according to the Regulations for the Appointment of the Demonstrators/Lecturer Assistant Professor, Associate Professor & Professors in Dental College/Institutions of Khyber Pakhtun Khwa 1987.

The meeting ended with the vote of thanks from the Chair.

All the documents of the concerned Teaching Faculty is forwarded to Dean for further process.

Ahmad Khan



Prof Imad
MEDICAL DIRECTOR

Medical Teaching Institution
MARDAN MEDICAL COMPLEX
MARDAN

No. 5195/MMC Date: 13/9/22

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Annex 1

Minutes of the Meeting of Institutional Promotion Committee

A meeting of the Institutional Promotion Committee was held under the Chairmanship of Prof. Imad Medical Director MMC Mardan on 08.9.2022.

The following attended the meeting;

1. Prof. Muhammad Hussain
2. Prof. Rahman ud Din
3. Prof. Haziq Dad
4. Prof. Amjad Ali
5. Prof. Ahmad Khan

Prof. Siyar could not attend the meeting. Chairman welcomed the participants and informed the members that we have received letters from Dean BKMC Mardan vide No. 665/BKMC dated 17.8.22 and No 698/BKMC dated 30.8.2022, wherein it is stated that eligibility of individual cases shall be provided both on erstwhile PMDC and Policy Board.

In response to these letters a meeting was called and the Committee unanimously is of the opinion that before processing the cases the committee still lack approved promotion criteria/guidelines from Board or any other authority.



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated Peshawar, the 26th August, 2022

NOTIFICATION

SOH-I/HD/1-777/2015: In terms of provisions of Rule-20 of the Khyber Pakhtunkhwa Civil Servants Revised Rules, 1981 and instructions issued there-under from time to time, the Competent Authority is pleased to accord sanction to the grant of three hundred and sixty five (365) days leave encashment in lieu of LPR in favour of Dr. Farid Ullah Shah, Associate Professor Periodontology (BPS-19) (civil servant) attached to MTI- Bacha Khan Medical College, Mardan.

2: Consequently, the doctor concerned shall stand retired from Govt. service w.e.f. 05.10.2022 (A.N).

Secretary to Govt. of Khyber Pakhtunkhwa
Health Department

Endst: of even No. & date:-

Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa.
2. Director General Health Services, Khyber Pakhtunkhwa.
3. Dean, MTI- Bacha Khan Medical College, Mardan
4. District Health Officer, Mardan.
5. District Accounts Officer, Mardan.
6. Deputy Director (IT) to upload this Notification on official website.
7. PS to the Secretary Health Govt. of Khyber Pakhtunkhwa, Peshawar.
8. PS to the Special Secretary (E&A), Health Department, Govt. of Khyber Pakhtunkhwa, Peshawar.
9. PS to the Additional Secretary (E&A), Health Department, Govt. of Khyber Pakhtunkhwa, Peshawar.
10. Doctor concerned.

(BREKHNA HABIB)
Section Officer (Estab-I)

The Secretary to Govt. of Khyber Pakhtunkhwa
Health Department Peshawar

Annex 2. 21/1

Sub: Appeal
(for the Promotion from Associate Professor
to the post of Professor (Civil Servant))

Sir

With due regard it is stated that I am working in Health Department since 1988. Later on I was selected on the recommendation of Public Service Commission as Assistant Professor via Health Department Notification No. SOH-7/HD/1-777/2015 in Bacha Khan Medical College Mardan (copy attached).

In 2019 in light of Health Department Notification No. SOH-I/HD/1-45/2017/MTI dated 24.7.2019 (copy enclosed) promoted to the post of Associate Professor in Dental Section Bacha Khan Medical College Mardan. The Board of Governors of MTI MMC Mardan has been authorized to promote a teaching cadre (civil servant) at their own institution by placing him in the next higher grade and designation in light of health department notification No. SOH-I/HD/1-45/2017 (copy enclosed).

In reference of KPK civil servant rules via notification No. SO-I(H)6/22/83-III I am eligible from Associate Professor to the post of Professor. Now Policy Board revised rules 12.3.2020, the civil servant will be consider as on deputation, therefore they refused my promotion and advised me to report to health department KPK for promotion.

Sir, I am going to be retired on 05.10.2022, therefore, I humbly request you to promote me in my parent department keeping in view my genuine reason for promotion please.

Activity
S.M. up Ad
[Signature]

[Signature]

Dr. Faridullah
Assoc. Professor
BKMC/BKCD Mardan
15.9.22

ATTESTED

Plaz./

- 18. The Secretary Pakistan Medical & Dental Council, Islamabad.
- 17. The IA to Deputy Secretary Health, NWFP, Peshawar.
- 16. The PS to Additional Secretary Health, NWFP, Peshawar.
- 15. The PS to Secretary Health, NWFP, Peshawar.
- 14. The Manager, Govt. Printing Press, NWFP, Peshawar for publication in the next government Gazette.
- 13. The Secretary NWFP Public Service Commission, Peshawar.
- 12. All Section Officer in Health & S Welfare Department.
- 11. The Section Officer (SR-II) Finance Department, Peshawar.
- 10. The Section Officer (Regulation-I) S.G.A.D, Peshawar. (with ten spare copies)
- 9. The Section Officer (Legis) Government of NWFP, Law Deptt: 85 dated 19-3-1987.
- 8. The Section Officer (R-II) S.G.A.D, Peshawar (with ten spare copies) with reference to his letter No. SORII(SGAD)2(51)/
- 7. The Medical Superintendent, D.H.G Hospital, Abbottabad.
- 6. The Accountant General, NWFP, Peshawar.
- 5. The Administrator, Khyber Hospital, Peshawar.
- 4. The Director Health Services, NWFP, Peshawar.
- 3. The Principal, Ayub Medical College, Peshawar.
- 2. The Principal, Khyber Medical College, Peshawar.
- 1. The Deap, Postgraduate Medical Institute, IAH, Peshawar.

Copy forwarded for information and n/action to:-
 Dated Peshawar the 5-4-1987.
 Encl No. SOI(H)/6-22/83-III
 Secretary Health
 Dr Ali Sher Khan

Appendix.
 North-West Frontier Province specified in column 2 of the said
 be applicable to teaching posts in the dental colleges in the
 in columns 3 to 6 of the Appendix to this notification which shall
 method of recruitment, qualification and other conditions, specified
 the Pakistan Medical and Dental Council, hereby lays down the
 in view the minimum qualification and experience prescribed by
 Administration Department and the Finance Department and keeping
 the Health Department, in consultation with the Governor and General
 supersession of all previous rules on the subject in this behalf,
 Government (Appointment, Promotion and Transfer) Rules, 1975 and to
 sub-rule (2) of rule 3 of the North West Frontier Province Civil
 NO. SOI(H)/6-22/83-III. In pursuance of the provisions contained in

Dated Peshawar the 5-4-1987

Government of N.W.F. Province
 Health & S Welfare Department

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23/1

Section Officer Health-I
 (Shir Khan) (Health)

Estt
 2/2
 2/14
 NWFP

APPENDIX

REGULATIONS FOR THE APPOINTMENT OF DEMONSTRATORS/LECTURERS ASSISTANT PROFESSORS, ASSOCIATE PROFESSORS AND PROFESSORS IN DENTAL COLLEGE/INSTITUTIONS OF N.W.F. PROVINCE.

S No. Nomenclature of Posts.	Minimum qualification and experience for appointment by initial recruitment, promotion or transfer.	Age limit for initial recruitment.	Method of Recruitment.
1. Lecturer/Demonstrator.	B. D.S(Pak) or equivalent qualifications recognised by the Pakistan Medical and Dental Council, here in after referred to as: the Council.	22-35 years..	By initial recruitment or by transfer.
2. Assistant Professor.	(a) MDS(Pak)/M.Phil or equivalent Postgraduate qualification recognised by the Council in the respective basic subjects or MDS(Pak)/M.Phil (in allied clinical subjects); or (b) Postgraduate Minor Diploma in the respective subject recognised by the Council with three years teaching experience as Lecturer/Demonstrator in the Dental Teaching Institution before or after Postgraduate qualification; or (c) MDS(Pak) or equivalent qualification with seven years teaching experience in the relevant basic dental subjects	27-45 years.	By initial recruitment. Candidates without Postgraduate qualification shall be eligible only when persons with higher qualification are not available.

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1.	2.	3.	4.	5.	6.
		... ten years teaching experience as such in clinical and dental subjects.			

Handwritten notes in a circle: "Handwritten" and "Date"

3. Associate Professor.
 Dental Materials and Laboratory Techniques/
 Oral Anatomy/Oral Physiology/Oral Pathology/Preventive and Public Health Dentistry.
 (a) MDS(Pak) or M.Phil or equivalent Postgraduate qualifications recognised by the Council with five years teaching experience as Assistant Professor with at least three papers on research work of original nature, published in a standard Medical/Dental Journal.
 35-45 years. 1/3 by initial recruitment and 2/3 by Promotion.
 Minor Diploma holders shall be considered only when persons with higher qualifications like MDS(Pak), M.Phil with required experience are not available.

OR

(b) Postgraduate Minor Diploma in the respective subjects recognised/registered by the Council with seven years teaching experience as Assistant Professor in the relevant subjects with at least five research papers in a standard medical/dental Journal.

4. Professor.

Dental Materials and Laboratory Techniques/
 Oral Anatomy/Oral Physiology/Oral Pathology/Preventive and Public Health Dentistry (i) Three years teaching experience as an Associate Professor in the respective subject provided total experience as Assistant and Associate Professor is not less than 10 years.
 (a) MDS(Pak) or M.Phil or equivalent Postgraduate qualifications recognised by the Council. 40-50 years. 90% by Promotion and 10% by initial recruitment.
 (ii) EXPERIENCE.

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1.	2.	3.	4.	5.	6.
Associate Professor	(a) MBS (Pak) or equivalent Postgraduate qualifications recognised by the Council with three years experience as an Assistant Professor in the relevant subject with at least three research papers in five years be published in standard dental/medical Journal.	35-45 Years	1/3 by initial recruitment and 2/3 by promotion.	Diploma holders shall be considered when persons with higher qualification with required experience indicated in these regulations are not available.	
Professor	(a) MBS (Pak) or equivalent Postgraduate qualifications recognised by the Council with three years teaching experience as an Associate Professor in the respective subject provided total experience as Assistant and Associate Professor is not less than eight years or nine years teaching experience as an Assistant Professor in the respective subject. At least publication of two research papers in three years in a standard dental/medical Journal shall be necessary for promotion as Professors.	40-50 Years	90% by promotion and 10% by initial recruitment.		
	(b) Postgraduate diploma in the respective subject with seven years experience in the respective subject as an Assistant Professor with at least five papers on research in standard dental/medical Journal.				

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2. 3. 4. 5. 6.

less than eight years or nine years teaching experience as an Assistant Professor in the respective subject.

(if) At least two research papers in standard/Dental Medical Journal before promotion as Professor.

Assistant Professor

Oral Surgery/Operative Dentistry/Prosthetics/Craniofacial/Peri-odontia/Oral Medicine (Clinical Subjects).

(a) S(Pak) or equivalent Postgraduate qualification recognized by the Council in the respective subject. Preference will be given to persons having teaching experience in a recognised Medical Institution.

OR

(b) Postgraduate Minor Dip. in the respective subject recognised by the Council with three years teaching experience as a Lecturer/Demonstrator.

OR

(c) BDS (Pak) with 10 years teaching experience as Lecturer/Demonstrator in the relevant subjects in a recognised Medical/Dental Institution.

No condition

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بعدالت KPK سروس ٹرانسپورٹ کمپنی

کورٹ فیس

سورجہ: 2022-12-21 2022 منجانب Appellant

مقدمہ: ڈاکٹر عزیز الدین نام: کمری صلیہ

دعویٰ: Appellat

جرم:

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام ٹرانسپورٹ کمپنی کے لئے سید محمد سعید اور سید محمد اسحاق مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرانے اجراء اور وصولی چیک روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق ذراں پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یک طرفہ یا اپیل کی برآمد ہوگی اور منسوخ دائر کرنے کی اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مذکور کے عمل یا جزیی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اسکا ساختہ برداشت منظور و قبول ہوگا اور دوران مقدمہ میں جو خرچہ ہر جان التوائے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا ادکالت نامہ لکھ دیا کہ سند ہے۔

الرقوم 21 ماہ 2022ء

العبد گواہ شدہ العبد

بمقام: ۴۵۵ شارع سروس ٹرانسپورٹ کمپنی کے لئے منظور ہے۔

محمد عزیز الدین

S.M. Iqbal

Rehman - Ghaffar