

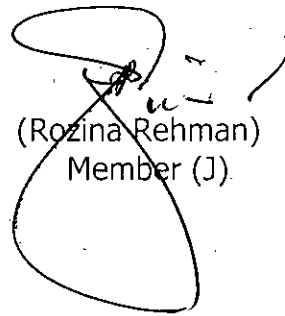
20.01.2021

Nemo for appellant.

This case was called time and again but neither the appellant nor his counsel appeared before the Tribunal.

As such, the appeal stands dismissed in default for non-prosecution. No order as to costs. File be consigned to the record room.

Announced.
20.01.2021



(Rozina Rehman)
Member (J)

29.09.2020

Counsel for the appellant present.


Learned counsel referred to the rules relating to the staff in District Judiciary and stated that Sweeper was included therein for promotion to Junior Clerk. On the other hand, the notification dated 06.12.2012 applicable to the appellant did not provide for promotion of Sweeper. The impugned notification is not only discriminatory but also exceptionable, it was added.

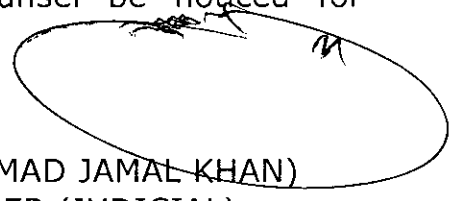
In view of arguments of learned counsel and the available record, instant appeal is admitted to regular hearing subject to all just objections, more particularly, regarding the delay as the impugned rules/notification was issued on 06.12.2012 while the appeal in hand was submitted on 12.07.2019. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 30.11.2020 before S.B.


Chairman

30.11.2020

Neither appellant nor anyone else representing him has appeared despite having been called time and again nor security and process fee have been deposited by the appellant, therefore, appellant as well as his respective counsel be noticed for 20.01.2021 before S.B.

Noted 
all


(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

19.03.2020

Nemo for the appellant. Lawyers community is on strike on the call of Khyber Pakhtunkhwa Bar Council. Adjourn. To come up for preliminary hearing on 23.04.2020 before S.B.



Member

20.04.2020

Due to COVID19, the case is adjourned to 20.07.2020 for the same as before.



Reader

20.07.2020

Neither petitioner nor his counsel was present at the time 02:56 P.M. The instant appeal was adjourned due to COVID-19, therefore, notice be issued to the petitioner as well as his counsel. File to come up for preliminary hearing on 29.09.2020 before S.B.



(MUHAMMAD JAMAL KHAN)
MEMBER

08.10.2019

Mr. Mir Zaman Safi Advocate on behalf of learned counsel for the appellant present and requests for adjournment as learned counsel is engaged today before the Honourable Federal Service Tribunal at Islamabad.

Adjourned to 19.11.2019 before S.B.


Chairman

19.11.2019

Counsel for the appellant present.

Learned counsel seeks adjournment due to engagement before the Honourable High Court today in many cases. Adjourned to 19.12.2019 before S.B.


Chairman

19.12.2019

Junior to counsel for the appellant present.

Requests for adjournment due to general strike of the Bar. Adjourned to 30.01.2020 before S.B.


Chairman

30.01.2020

Due to general strike of the bar on the call of Khyber Pakhtunkhwa Bar Council, the case is adjourned. To come up for preliminary hearing on 19.03.2020 before S.B.


Member

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

SERVICE APPEAL NO. 921 /2019

NAEEM MASIH

V/S

**HEALTH DEPARTMENT
& OTHERS**

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
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4.	Impugned Service Rules	C	14 - 17
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6.	Judicial Esta Code	E	23
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8.	Letter of Health Deptt: dt: 22-11-2017	G	25
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10.	Wakalat Nama	27

APPELLANT

Through:


MUHAMMAD MAAZ MADNI
ADVOCATE 12/07/19.

ROOM NO. 1, UPPER FLOOR,
NEW ISLAMIA CLUB BUILDING,
KHYBER BAZAR, PESHAWAR CITY

0345-9090737, 0314-9965666

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. 921 /2019

Khyber Pakhtunkhwa
Service Tribunal

MR. NAEEM MASIH, Sweeper (BPS-03),
District Headquarter Hospital, Charsadda.

Diary No. 958

Dated 12-07-2019

.....APPELLANT

VERSUS

1. THE GOVT. OF KHYBER PAKHTUNKHWA
through Secretary Health Department,
Civil Secretariat Khyber Pakhtunkhwa, Peshawar.
2. THE SECRETARY ESTABLISHMENT DEPARTMENT,
Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. THE SECRETARY FINANCE DEPARTMENT,
Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
4. THE DIRECTOR GENERAL HEALTH SERVICES,
Khyber Pakhtunkhwa, Peshawar.
5. THE MEDICAL SUPERINTENDENT,
District Headquarter Hospital, District Charsadda.

..... RESPONDENTS

Filed to May
12/7/19
Registrar

SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE INACTION OF THE RESPONDENTS BY NOT INCLUDING THE NAME OF THE APPELLANT UNDER 33% QUOTA OF CLASS-IV FOR PROMOTION AGAINST THE POST OF JUNIOR CLERK (BPS-11) AND AGAINST THE IMPUGNED CLERICAL SERVICE RULES 2012 OF THE RESPONDENT DEPARTMENT NOTIFIED VIDE DATED 06-12-2012 WHEREBY NO PROMOTION QUOTA HAS BEEN ALLOCATED IN THE RULES FOR THE SWEEPERS/APPELLANT OF THE RESPONDENT DEPARTMENT AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL DATED 18.03.2019 OF APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS

PRAYER:

That on acceptance of the instant service appeal the respondents may very kindly be directed to amend the Service Rule of 2012 Notified vide dated 06.12.2012 to the extent of including the sweeper/appellant in the seniority list maintain for the purpose of promotion of 33% Class-IV employee to the post Junior Clerk (BPS-11) having SSC qualification.

Any other remedy which this august Tribunal deems fit that may also be awarded in favour of the appellant.

Respectfully Sheweth:

FACTS:

Brief facts which give rise to the instant appeal are as under:-

1. That appellant is the employee of the Health Department and was appointed as Sweeper (BPS-01) now (BPS-03) after fulfilling all the codal formalities required for the post vide order dated 18-10-2010.
Copy of the service book is attached as **ANNEXURE..... A.**
2. That the appellant is serving the respondents Department since taking over the charge of the post as per their job description and before inducting into the service with that of the respondent Department the appellant has successfully completed his SSC in 2003 from Board of Intermediate & Secondary Education Peshawar.
Copy of Educational Testimonials is attached as **ANNEXURE B.**
3. That appellant inspite of having requisite educational qualification for the post of Junior Clerk (BPS-11) have no prospects of promotion in any field. That for the purpose of promotion the appellant and other colleagues of the appellant who have requisite qualification time and again requested for including sweepers in 33% Quota of Class-IV employees against the post of Junior Clerk (BPS-11) but of no avail.
4. That according to the impugned Service Rules 2012 Notified vide dated 06-12-2012 no promotion quota has been allocated for the Sweepers of the respondent Department including the appellant who have acquired the requisite qualification and that is why the appellant and other colleagues employees have continuously been

deprived from promotion to the next higher post of Junior Clerk (BPS-11).

Copy of the impugned service Rules are attached as **ANNEXURE** **C.**

5. That, the said Service Rule of 2012 have already been adopted by almost all the Provincial Departments and are promoting their Class-IV employees working under their control to the next higher post of Junior Clerk (BPS-11) and as such the Health Department have also adopted the same but unfortunately the name of the Sweepers/Appellant have not been including in the seniority list maintained for the purpose of promotion to the next higher grade of Junior Clerk (BPS-11) and the sweepers of Health Department are completely been deprived of from promotion.

Copy of the Seniority List of Social Welfare Department is attached as **ANNEXURE** **D.**

6. That, the Judiciary of Khyber Pakhtunkhwa has also adopted the same Service Rule for promotion of Class-IV employee to the next higher grade of Junior Clerk (BPS-11) while making rules for the ministerial staff of Judiciary in 2011.

Copy of the Relevant Page of Judicial Esta Code is attached as **ANNEXURE** **E.**

7. That, the E&SE Department of Khyber Pakhtunkhwa have also issued instruction vide notification dated 02-08-2017 regarding the observant of Quota and accordingly, the Health Department have also issued instruction to all the concerned quarters working under His administrative control for observance of the Quota reserved for filling up of vacant position including 33% Quota vide letter dated 22-11-2017.

Copy of notification & letter is attached as **ANNEXURE** **F&G.**

8. That appellant being similarly placed employee of the respondent Department also requested the respondents for including of his name in seniority list maintained/prepared for promotion under 33% Quota filed Departmental Appeal ~~18~~ 03-2019 before the competent authority but no reply has been received so for.

Copy of the Departmental appeal is attached as **ANNEXURE** **H.**

9. That the appellant having no other efficacious, adequate and alternate remedy but to approach this Honourable Tribunal on the following grounds amongst others.

GRUNDS:-

- A. That Column No. 5 (a) of the notification dated 06-12-2012 is Ultra Vires by not including the sweeper/appellant in the seniority list maintain for the purpose of promotion of Class-IV employee to the post Junior Clerk (BPS-11) against the Law, Facts, norms of natural justice and materials available hence not tenable in the eye of Law and needs to be modified accordingly.
- B. That the appellant has not been treated by the respondents in accordance with law and rules on the subject noted above and as such the respondents are clearly violating Article 4 and 25 of the constitution of Islamic Republic of Pakistan 1973.
- C. That the respondents have not acted in accordance with law and the rules governing on the subject matter by not including the sweeper/appellant in the seniority list maintain for the purpose of promotion of Class-IV employee to the post Junior Clerk (BPS-11) for which he is fully eligible and entitled.
- D. That according to the notification dated 06.12.2012 already issued by the respondents the Sweepers/appellant is fully eligible and entitled to be included in the seniority list maintain for the purpose of promotion of Class-IV employee to the post Junior Clerk (BPS-11).
- E. That, the petitioner is fully entitled to be benefited from the Notification dated 06-12-2012 in the light of various judgments passed by the Apex Supreme Court of Pakistan especially reported in **2009 SCMR page 01**.
- F. That the appellant has served the Department for a long period with unblemished service record, therefore, they have the right to be included in the seniority list maintain for the purpose of promotion of Class-IV employee to the post Junior Clerk (BPS-11) according to his qualification.
- G. That the inaction of the respondent by not included in the seniority list maintain for the purpose of promotion of Class-IV employee to the post Junior Clerk (BPS-11) according to his qualification and not allocating proper promotion quota in the impugned Service Rules of 2012 dated 06-12-2012 is against Article-38 (e) of the constitution of

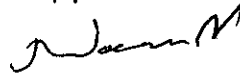
Pakistan which enshrines as: “that the state shall reduce disparity in the income and earnings of the individual including persons in the service of Pakistan”.

- H. That any other grounds will be raised at the time of arguments with prior permission of this Honourable Tribunal.

It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

12/07/2019

Appellant



NAEEM MASIH

Through

MUHAMMAD MAAZ MADNI

Advocate,
High Court, Peshawar.



12/07/19

Notes on this page should be renewed or re-attested at least every five years and the Signature to lines 9 and 10 should be dated.

Name: Naeem Masih (6)

Race: Christian Amexure - A

Residence: DHO Hospital Charwad

Father's name and residence: Salim Masih

Date of birth by Christian era as nearly as can be ascertained: 01-02-1982

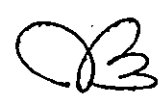
Exact height by measurement:

Personal marks for identification:

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

Little Finger:

Ring Finger:



Middle Finger:

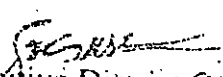
Fore Finger:

ATTESTED

Thumb:

Signature of Government Servant:

Signature and designation of the Head of the office, or other Attesting


Executive District Officer

7

4

1	2	3	4	5	6	7	8
Name of Post	Substantive Whether substan- tive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) Whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional pay for officiating	Other emolument falling under the term "pay"	Date of Appointment	Signature of Government servant
BPS-01 4800-150-9300 Sweepers			Pay 2970/PM				
			Pay 4800/PM			1-7-11	
			Pay 4950/PM			OR	ATTESTED 2011

Appointed as Surgeon at

(8)

RHC Jamalabad vide EDO(H)

order no. 5399-5404/EDO CH IR-10-2010

~~Signature~~
Executive District Officer
(Health) Charsadda

30-6
2011

Pay fixed as per revised
pay scale on 1-7-2011

~~Signature~~
Executive District Officer
(Health) Charsadda

~~Signature~~
Executive District Officer
(Health) Charsadda

30-11
2011

Annual increment
Allowed

Service verified
upto 30-11-11

~~Signature~~
Executive District Officer
(Health) Charsadda

~~Signature~~
Executive District Officer
(Health) Charsadda

~~Signature~~
Executive District Officer
(Health) Charsadda

Transfer to DHO Hospital Charsadda
vide EDO(H) Charsadda order

No-1435-43/EDDHC Charsadda dt. 13-4-12

~~Signature~~
Executive District Officer
(Health) Charsadda

OB

ATTESTED

9

6

1	2	3	4	5	6	7	8
Name of Post	Whether substan- tive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) Whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional pay for officiating	Other emolument falling under the term "pay"	Date of Appointment	Signature Government
BPS-01 4800-150-9300 Sweepw			B	5700/pm		1 ¹² / ₁₃ PM	
"			B	5250/pm		1 ¹² / ₁₃ PM	
9			B	5400/pm		1 ⁷ / ₁₄ PM	
4					OR		
BPS-01 4800-150-9300 Sweepw			B	5550/pm		1 ¹² / ₁₃ PM	

			Government	Government	Government
			Period	to Which debit	Servent
					(10)
30 ¹⁸ / ₁₂	Annual Interest Allowed	Medical Superintendent D.H.O Hospital Charadria	Medical Superintendent D.H.O Hospital Charadria	Medical Superintendent D.H.O Hospital Charadria	Summ verifed upto 30 ¹¹ / ₁₂
30 ¹¹ / ₁₃	Annual Interest Allowed	Medical Superintendent D.H.O Hospital Charadria	Medical Superintendent D.H.O Hospital Charadria	Medical Superintendent D.H.O Hospital Charadria	Summ verifed upto 30 ¹¹ / ₁₃
30 ⁰⁶ / ₁₄	Govt of Punjab Patkhankhwa Finance Deptt Notification no. FD(SAR-1)2-122/2014 dt 14 ² / ₁₄	Medical Superintendent D.H.O Hospital Charadria	Medical Superintendent D.H.O Hospital Charadria	Medical Superintendent D.H.O Hospital Charadria	
30 ¹¹ / ₁₄	Annual Interest Allowed	Medical Superintendent D.H.O Hospital Charadria	Medical Superintendent D.H.O Hospital Charadria	Medical Superintendent D.H.O Hospital Charadria	Summ verifed upto 30 ¹¹ / ₁₄

OB

ATTACHED

(11)

1	2	3	4	5	6	7	8
Name of Post	Whether substantive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) Whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional pay for officiating	Other emolument falling under the term "pay"	Date of Appointment	Signature Government
1-1(6210-195-12060)							
Subpoena		Pay	As	7185/-		17/15	
3-3(6535-260-14335)							
"		Pay	As	7575/-		17/15	
1(6210-195-12060)		Pay	As	7380/-		17/15	
3(6535-260-14335)		Pay	As	7835/-		17/15	ABTEJ

(12)

Pay fixed as per Revised Pay Scale 2015

Mohau

Medical Superintendent
D.H.O Hospital
Charsada

12/15

Upgraded from BPS-1 to BPS-3 as per Govt of KPIC Finance Deptt. notification No. FD/50(FR)7-20/2015 dated 30-6-15

Mohau

Medical Superintendent
D.H.O Hospital
Charsada

30/11/15

AN Annual increment allowed

Service Verified upto and for 30/11/15

Mohau
Medical Superintendent
D.H.O Hospital
Charsada

Mohau

Mohau

Medical Superintendent
D.H.O Hospital
Charsada

Pay fixed in BPS-3

TR 1086
17/03/2016

Dr. 103648/-

of 01/09 BPS-3

Mohau
Medical Superintendent
D.H.O Hospital
Charsada

May 15 to 29 2016

7855 7380

[Handwritten signature]

[Handwritten signature]

S.No. 6297

Roll No. 139488



Board of Intermediate and Secondary Education
Peshawar N.W.F. Pakistan
Secondary School Certificate Examination
SESSION 1999 - ANNUAL
(Humanities Group)



RECEIVED

13

Annexure - B

This is to Certify that Naeem Masih Son / Daughter of Saleem Masih
and a student of Govt. High School Garhi Hamid Gul, Charsadda has passed the Secondary School Certificate
Examination of the Board of Intermediate and Secondary Education, Peshawar held in May/June 1999 as a Regular
candidate. He / She obtained 381 Marks out of 850 and has been placed in Grade D Representing Fair

The Candidate passed in the following subjects:

- | | | | |
|------------|---------------------|--------------------|------------------|
| 1. English | 3. Islamiyat | 5. Mathematics | 7. Islamic Study |
| 2. Urdu | 4. Pakistan Studies | 6. General Science | 8. Pashto |

He / She has been awarded Grade D on the basis of internal assessment by the Institution concerned.

Date of birth according to admission form February 1, 1982

Khan
Asst. Secretary

Secretary
Secretary

13



GOVERNMENT OF THE KHYBER PAKHTUNKHWA
ESTABLISHMENT AND ADMINISTRATION DEPARTMENT
(ESTABLISHMENT WING)

NOTIFICATION

Peshawar, dated the 6th December 2012.

[Signature]
ATTESTED

No SOE.IV(E&AD)/1-35/2012:- In pursuance of the provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, and in supersession of all previous rules, issued in this behalf, the Establishment and Administration Department, in consultation with the Finance Department, hereby lays down the method of recruitment, qualifications and other conditions specified in column 3 to 5 of the Appendix to this Notification, which shall be applicable to posts in the Khyber Pakhtunkhwa Civil Secretariat, specified in column 2 of the said Appendix.

APPENDIX

S.No.	Nomenclature of posts.	Minimum qualification for appointment by initial recruitment.	Age limit.	Method of recruitment.
1.	2.	3.	4.	5.
1.	Superintendent.	-	-	By promotion, on the basis of seniority-cum-fitness, from amongst the holders of the post of Assistant with atleast five years service as such.

14


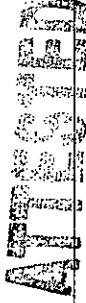
Annexure - C

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51

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S.No.	Nomenclature of posts.	Minimum qualification for appointment by initial recruitment.	Age limit.	Method of recruitment.
1.	2.	3.	4.	5.
2.	Assistant.	Second Class Bachelor's Degree from a recognized University.	20 to 27 years.	(a) Seventy-five per cent by promotion, on the basis of seniority-cum-fitness, from amongst Senior Clerks with atleast five years service as Junior and Senior Clerk. (b) twenty-five per cent by initial recruitment.
3.	Senior Clerk.			By promotion, on the basis of seniority-cum-fitness, from amongst the Junior Clerk with atleast two years service as such.
4.	Junior Clerk.	(i) Matriculation with second division or equivalent qualification from a recognized Board; and (ii) a speed of 30 words per minute in typing.	18 to 30 years	(a) Thirty-three per cent by promotion, on the basis of seniority-cum-fitness, from amongst Daftaris, Gestetner Operators, Qasids and Naib Qasids including holders of other equivalent posts in the Secretariat with two years service as such, who have passed S.S.C Examination; and (b) sixty-seven per cent by initial recruitment. <u>Note:</u> For the purpose of promotion, there shall be maintained a common seniority list of Daftaries, Gestetner Operators, Qasids, Naib Qasids etc., with reference to the dates of their acquiring the Secondary School Certificate.

S.No.	Nomenclature of posts.	Minimum qualification for appointment by initial recruitment.	Age limit.	Method of recruitment.
1.	2.	3.	4.	5.
				<p>Provided that-</p> <p>(a) if two or more officials have acquired the Secondary School Certificate in the same session, the inter se seniority in the lower post shall be maintained for the purpose of determining seniority in the higher post;</p> <p>(b) where a senior official does not possess the requisite qualification at the time of filling up a vacancy, the official next junior to him possessing the requisite qualification shall be promoted in preference to the senior official or officials.</p>

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA.

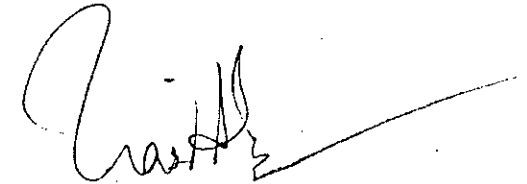
Endst: No. SOE-IV(E&AD)/1-35/2012. dated 6th December, 2012

Copy forwarded for information and necessary action to: -

1. All Administrative Secretaries to Government of Khyber Pakhtunkhwa. Civil Secretariat, Khyber Pakhtunkhwa, Peshawar.
2. The Addl: Chief Secretary (FATA), Khyber Pakhtunkhwa.
3. The Chairman, Khyber Pakhtunkhwa Public Service Commission.
4. The Senior Member of Board of Revenue.
5. Secretary to Governor, Governor's Secretariat, Khyber Pakhtunkhwa.
6. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
7. The Secretary Provincial Assembly, Khyber Pakhtunkhwa.
8. The Chairman to Khyber Pakhtunkhwa Service Tribunal Peshawar.
9. The Private Secretary to Chief Secretary Khyber Pakhtunkhwa.
10. The Private Secretary to Secretary Establishment Department,
11. The P.A to Special Secretary (Estt), Establishment Department.
12. The P.A. to Addl: Secretary (Estt/ Reg), Establishment Department.
13. The PA to Addl: Secretary (HRD Wing) Establishment Department.
14. All the Deputy Secretaries in Establishment Department.
15. All Section Officers, Establishment Department, Khyber Pakhtunkhwa Peshawar.
16. The Manager Government Printing Press for publication in the Extra Ordinary Gazette.



ATTESTED



(NASIR AMAN)
SECTION OFFICER (E.IV)



091-9224253
ORDER.

Amman

GOVERNMENT OF KHYBER PAKHTUNKHWA
DIRECTORATE OF SOCIAL WELFARE, SPL: EDU: &
WOMEN EMPOWERMENT, JAMRUD ROAD PESHAWAR

Dated Peshawar the 16/01/2019

ATTESTED

No. E-17/17/DSW/Vol-6/ 4625-28 In pursuance of Section 8 (1) & (5) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule 17 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfers) Rules 1989, Tentative Seniority List of J/c. (BPS-11), Social Welfare, Special Education & Women Empowerment Department, Khyber Pakhtunkhwa as stood on 31.12.2018 is hereby circulated for the information of all concerned.

S. #	Name	F/Name	D.O.B	Domicile	Qualification	Date of 1 st Entry into Govt: Service	Date of appointment/promotion to the present post	Place of present posting	Remarks
1	2	3	4	5	6	7	8	9	
1	Sardar Bahadar	Dildar Khan	3-03-1966	Haripur	BA	09-10-1988	09-10-1988	DO SW Haripur	The DPC decided that the official may be differed for four years vide Notification No. SOR-VI(E&AD)1-3/2009/Vol-III, dated 22.10.2011
2	Akbar Ali	Dilawar	1-05-1966	Mardan	MA	14-05-1991	14-05-1991	G I B Mardan	
3	Muhammad Ismail	Ghulam Mursaleen	18-12-62	Chitral	SSC	18-05-1991	18-05-1991	M R Centre Chitral	
4	Taqweem UI Haq	Muhammad Sherin	15-4-1971	Dir (L)	FA	18-05-1991	18-05-1991	DO SW Dir (L)	
5	Muhammad Altaf	Mumtaz Khan	9-08-1970	Mansehra	BA	25-05-1991	25-05-1991	DO SW Mansehra	
6	Hamayun Khan	Qasim Jan	1-03-1966	Peshawar	BA	01-10-1991	01-10-1991	M R Centre Peshawar	
7	Sajid Rashid	Muhammad Rashid	3-10-1969	Kohat	SSC	29-10-1987 (Chowkidar)	03-02-1992 (As J/C)	Deaf Centre Kohat	
8	Saeed Ijaz	Ghulam Nabi	14-4-1962	Swabi	SSC	08-02-1992	08-02-1992	DO SW Swabi	
9	Nadeem Ashraf	Muhammad Ashraf	22-12-1968	Abbottabad	SSC	23-2-1992	23-02-1992	DO SW Abbottabad	
10	Ghani Ur Rahman	Said Ur Rahman	1-04-1971	Dir (L)	BA	01-04-1992	01-04-1992	DO SW Dir (L)	
11	Zahir Shah	Ahmad Gul	11-3-1970	Mardan	SSC	20-04-1992	20-04-1992	S.E.C Mardan	
12	Aslam Khan	Abdul Rahman	1-06-1969	Peshawar	MA	16-06-1992	16-06-1992	GIB (F) Peshawar	

13	Akbar Khan	Wazir Khan	15-4-1972	Swat	FA	04-07-1993	04-07-1993	DO SW Swat	
14	Baber Sadiq	Muhammad Sadiq	16-3-1965	Mansehra	SSC	31-08-1986 (J/Clerk)	14-11-2001 (Adjusted from surplus)	Sp Edu Centre Mansehra	
15	Jehanzeb	Mahibullah	2-04-1966	Dir (L)	SSC	06-04-1988 (N/Qasid)	01-03-2002 (Promoted)	DO Malakand	
16	Muhammad Arif	Najaf Khan	15-3-1968	Abbottabad	FA	01-06-1989 (N/Qasid)	24-02-2002 (Promoted)	DO SW Abbottabad	
17	Abdul Wadood	Abdul Manan	15-6-1966	Mardan	SSC	01-07-1989 (Chowkidar)	02-05-2002 (Promoted)	G I B Abbottabad	
18	Amir Muhammad Khan	Mirza Ali Khan	22-12-1971	Kohat	FA	22-12-1991 (Forest Guard)	30-06-2002 (Adjusted from surplus)	DO SW Hangu	
19	AmanUllah Shah	Noor Zali Shah	24-3-1969	Bannu	SSC	07-10-2003	07-10-2003	M R Centre Bannu	
20	Abdul Ghaffar	Haji Shah Jehan	2-04-1977	D I Khan	M. Com	28-04-2004	28-04-2004	G I B D I Khan	
21	Mashal Khan	Muqarab Khan		Bannu	BA	01-07-2004	01-07-2004	DO SW Bannu	
22	Zia Ur Rahman	Mehar Dad	24-3-1969	Bannu	BA	26-8-1996	03-05-2006 (Adjusted from surplus)	Deaf Centre Bannu	
23	Saifullah Khan	Raiyatullah Khan	5-03-1976	Kohat	BA	01-07-2006	01-07-2006	RCDA Kohat	
24	S. Kamal Khan	Inayat Khan	15-4-1977	D I Khan	D. Com	01-07-2006	01-07-2006	SW UCD Project D I Khan	
25	Amir Mahmood	Fazal Mabood	6-04-1982	Swat	FA	01-07-2006	01-07-2006	G I B Centre Swat	
26	Farhad Jamil	Abdul Sattar	17-4-1959	Peshawar	FA	11-10-1992 (Chowkidar)	06-01-2007 (Promoted)	G I B Male Peshawar	
27	S Zakir Ali Shah	S Atteullah Shah	12-10-1975	Kohat	BA	04-05-1995 (Chowkidar)	30-05-2007 (Promoted)	DO SW Kohat	
28	Fazle Rabi	Abdul Ghani	1-12-1975	Swabi	SSC	15-06-1993 (N/Qasid)	01-06-2007 Promoted	G I B Swabi	
29	Arshad Saleem	Dost Muhammad	8-09-1973	Charsadda	SSC	19-05-1994 (Chowkidar)	01-06-2007 (Promoted)	DO SW Charsadda	
30	Muhammad Islam	Abdul Hasib	5-04-1980	Mardan	MA	01-07-2007	01-07-2007	DarulKafala Male beggars Pesh	
31	Muhammad Nawaz Ali Jan.	Jan Ali	01-09-1981	Charsadda	MA, B.Ed	01.07.2007	01.07.2007	MRPH, Peshawar	
32	Shoukat Hayat	Gulzar Khan	2-01-1977	Batagram	SSC	06-10-2007	06-10-2007	DO SW Battagram	

19

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28.

3

First appointment

33	NaikBadshah	Saif Ur Rahim	3-04-1979	Dir (L)	M.Com	01-07-2008	01-07-2008	R C D A Dir. (L)	
34	MuslahUd Din	Umer Din	8-02-1980	Malakand	FA	01-07-2008	01-07-2008	GSDC Malakand	
35	Halim Gul	Hameed Gul	13-4-1982	Dir (L)	MA	01-07-2008	01-07-2008	DO AdinZai Dir (L)	
36	Irfan Ullah	Ikramullah	N.A	Mardan	N.A	21-10-2008	21-10-2008	D.O SW, Mardan	
37	Irshad Ahmad	Massu Khan	4-02-1976	Abbottabad	BA	07-11-2008	07-11-2008	W.H Abottabad	
38	Wajid Ali	BakhtRawan	1-01-1985	Swat	BA	21-02-2009	21-02-2009	DO SW Swat	
39	Noor Said	Shah Said	3-03-1969	Peshawar	SSC	15-08-1993 (Mali)	05-01-2010 (Promoted)	Sarkari SaraiPeshawar	
40	Fazal Habib	Zardad	5-06-1975	Shangla	FA	01-07-2008 (Chowkidar)	04-02-2010 (As J/Clerk)	DO SW Shangla	J. Clerk
41	Muhammad Saleem	Muhammad Faqir	15-6-1978	Dir (L)	MA	13-02-2010	13-02-2010	SW Centre Jandul at SamarBagh	
42	Taus Khan	Bashir Ullah Khan	8-04-1982	Bannu	BA	13-03-2010	13-03-2010	D O Bannu	
43	Muhammad Yousaf	Muhammad Aslam	15-4-1976	Peshawar	F.A	09-05-2010	09-05-2010	DO SW Charsadda	
44	Khan Sher	Wali Muhammad	1-01-1962	Peshawar	SSC	01-06-1981 (Lino operator)	30-09-2010 (Adjusted from surplus)	DO SW Peshawar	
45	Nasrullah	Muhammad Ayaz Khan	2-05-1968	North Waziristan	SSC	21-07-1993 (Store Keeper)	15-01-2011 [Adjusted against J/Clerk]	SW UCD Project D I. Khan	
46	Adnan	HazratUllah	28-3-1986	Swabi	M.SC	30-06-2011	30-06-2011	DO SW Swabi	
47	Naveed Ijaz	AfsarulMulk	12-9-1977	Nowshera	FA	01-07-2011	01-07-2011	DO SW Nowshera	
48	Sohail Khan	Dywar Khan	15-2-1986	Peshawar	B.Sc	01-07-2011 /	01-07-2011	DO SW Nowshera	
49	Muhammad Ali	Kaki Jan	29-12-1979	Mardan	FA	25-2-2008 (N/Qasid)	20-08-2011 Promoted	DSW Peshawar	J. Clerk
50	Sajid Ali Shah	S. Ghani Shah	5-02-1982	Peshawar	SSC	29-2-2008 (N/Qasid)	20-08-2011 Promoted	DSW Peshawar	J. Clerk
51	Abdul Hamid	Ajram Khan	14-3-1973	Malakand	SSC	14-03-2008 (Chowkidar)	20-08-2011 Promoted	DSW Peshawar	J. Clerk
52	Faisal Akbar	Raza Akbar	15-3-1987	Swabi	BA	28-10-2011	28-10-2011	DSW Peshawar	
53	Daylat Khan	Khushrang Khan	2-01-1984	Peshawar	FA	31-10-2011	31-10-2011	DSW Peshawar	
54	Waqas Ali Khan	Zafar Ali	17-5-1992	Peshawar	FA	31-10-2011	31-10-2011	DSW Peshawar	

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55	Umer Shafiq	Ulas Khan	10-10-1983	Peshawar	BA	01-11-2011	01-11-2011	DSW Peshawar	
56	Qazi Fazli Khuda	Qazi Ali Akbar	13-1-1988	Peshawar	FA	28-10-2011	28-10-2011	DSW Peshawar	
57	Waqar Ul Mulik Khan	Abdul Malik Khan	2-02-1986	Peshawar	FA	31-10-2011	31-10-2011	DSW Peshawar	(304)
58	Junaid Khan	Fazal Hussain	20-4-1992	Mardan	F.Sc.	31-10-2011	31-10-2011	DO SW Mardan	
59	Muhammad Nasir	Muhammad Aslam	12-12-1991	Peshawar	BBA (Hon)	16-11-2011	16-11-2011	DO SW Peshawar	
60	Jamil Ahmad	Sultan Khan	27-9-1977	Mardan	DAE	26-12-2011	26-12-2011	Darul Kafala Mardan	
61	Bait Ullah	Taj Muhammad	12-8-1971	Karak	FA	21-03-13	21-03-2013	DSW Peshawar	
62	Muhammad Nazir	Aurang Zeb	21-7-1981	Swat		01-04-2014	01-04-2014	Darul Kafala Swat	
63	Jawad Amin	Amin-ul-Haq	17-4-1989	Charsadda	BA	05-05-2014	05-05-2014	DO SW Charsadda	
64	Abdur Rehman	Afzal Khan	5-3-1991	Swat		5-5-2014	5-5-2014	RCDA Swat	
65	Kifayatullah	Mosam Din	08-04-1986	Lakki Marwat	MBA/PTC	12-11-2014	12-11-2014	DO SW Lakki Marwat	
66	Hamid Jan	Muhammadi Gul	11-3-1989	Charsadda	MA	12-11-2014	12-11-2014	DO SW Charsadda	
67	Waleed Bin Saleem	Muhammad Saleem	02-5-1991	Haripur	MA (Spl Edu)	02-3-2015	02-3-2015	School for Deaf Haripur	
68	Shahriyar Khan	Amanullah Khan	12-01-1966	Dir Lower	SSC	07-04-1988 (Sweeper)	01-07-2015 (Promoted)	DO Chitral	
69	Hazrat Hussain	Abdul Manan	01-01-1974	Buner	FA	22-02-1992 (Chowkidar)	30-06-2015 (promoted)	D.O, Social Welfare, Buner	
70	Muhammad Yasin	Waris Khan	04-02-1975	Karak	SSC	01-03-1996 Chowkidar 10-03-1999 as N.Q	30-06-2015 promoted	D.O, Social Welfare, Karak	
71	Muhammad Iqbal	Ghulam Muhammad	01-04-1970	Peshawar	SSC	02-04-1988 (N.Q)	30-06-2015 Promoted	Supdt: GIB (G) Peshawar	
72	Akhtar Mehmood	Sarwar Khan	10-01-1974	Haripur	SSC	01-07-2004 (Sweeper)	01-7-2015 Promoted	D.O, Social Welfare, Kohistan	Jun 2015
73	Zahid Khan	Muzafar Khan	13-04-1977	Peshawar	SSC	01-07-2007 (N.Q)	01-07-2015 promoted	D.O, Social Welfare, Abbottabad	Jun 2015
74	Fazli Qadir	Rehmat Gul	16-06-1972	Mardan	B.A.	03-03-2008 (N.Q)	01-07-2015 Promoted	GSDC Takht Bhai Mardan	Jun 2015
75	Mr. Sher Dil Khan	Ayub Khan	25-02-1992	Peshawar	B.sc	11-07-2017	11-07-2017	DSW	
76	Mr. Bilawal Khan	Muhammad Umar	20-03-1992	Charsadda	B.Sc	10-09-2018			
77	Mr. Asif Khan	Qadeem Khan		Charsadda		19-09-2018			

(9)

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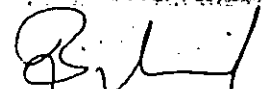
25

Copy forwarded to:

- 1- The Section Officer ^{Personel} SW, SE&WE, Khyber Pakhtunkhwa.
- 2- The Assistant Director (Admn) Directorate of SW, SE&WE Khyber Pakhtunkhwa.
- 3- All the District Officer, Social Welfare in Khyber Pakhtunkhwa.

4- The officers at S.No. 2 & 3 above are requested to circulate the above Tentative seniority list amongst the incumbents and submit any objection / correction / addition within 15 days of the receipt of this letter.



Assistant Director (Estab)


Assistant Director (Estab)



ATTACHED

	<p><u>Ann - E</u></p>	<p>(23)</p>		<p>possess the requisite experience at the time of filling up a vacancy, the official next junior to him possessing the requisite experience shall be promoted in preference to the senior official.</p>
<p>17</p>	<p>Junior Clerk/Muharrir/Reader BPS-5</p>	<p>i. Secondary School Certificate Examination or equivalent qualification from a. recognized Board; and ii. a speed of 30 words per minute in typing.</p>	<p>18 - 30 years</p>	<p>i. Not less than 70 percent by initial recruitment; and ii. not more than 30 percent by promotion, from amongst the holders of the posts of Daftari and Record Lifter with Matric and three years service as such; and in case no suitable candidate from amongst holders of the posts of Daftari and Record Lifter is available, then from amongst holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier who have passed Secondary School Certificate Examination and have at least five years service as such. <u>Note.</u> For the purpose of promotion, separate common seniority lists of (i) the holders of the posts of Daftari and Record Lifter; and (ii) the holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier shall be maintained with reference to the date of their acquiring the Secondary School Certificate: Provided that: a. if two or more officials have acquired the Secondary School Certificate in the same session, the official having longer service shall rank senior to other officials; and b. where a senior official does not possess the requisite experience at the time of filling up a vacancy, the official next junior to him possessing the requisite experience shall be promoted in preference to the senior official.</p>


ATTESTED

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

NOTIFICATION

Peshawar, dated the August 2, 2017.

No. SO(PE)4-10/SSRC/Ministerial Staff/2013:- In pursuance of the provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Elementary and Secondary Education Department in consultation with the Establishment Department and the Finance Department, hereby directs that in this Department's Notification No. SO(PF)4-10/SSRC/Ministerial Staff/2013 dated 28.01.2013, the following amendments shall be made; namely.

AMENDMENTS

In the Appendix:

1- Against Sr. No-9, in column No. 5(a), for the existing entry, the following entry in column 5 (a) shall be substituted.

a) Thirty three percent by promotion on the basis of Seniority-Cum-Fitness from amongst the Daftares, G. Operators, Qasids and Naib Qasids including other equivalent posts in the attached department/offices/institutions with two years service as such having SSC qualification.

SECRETARY

Endst. No. & Date as above.



Attested

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

NOTIFICATION

Am - E

Peshawar, dated the August 2, 2017

No. SO(PE)4-10/SSRC/Ministerial Staff/2013 In pursuance of the provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Elementary and Secondary Education Department, in consultation with the Establishment Department and the Finance Department, hereby directs that in this Department's Notification No. SO(PE)4-10/SSRC/Ministerial Staff/2013 dated 28.01.2013, the following amendments shall be made, namely:

AMENDMENTS

In the Appendix:

(i) Against Sr. No. 9, in column No. 1(a), for the existing entry, the following entry in column 5 (a) shall be substituted:

- a) Thirty three percent by promotion on the basis of Seniority-Cum-Fitness from amongst the Dattars, G Operators, Qasids and Naib Qasids including other equivalent posts in the attached department/offices/institutions with two year service as such having SSC qualification

condition of 2nd division has been omitted.

SECRETARY

Encls. No. & Date as above.

Copy forwarded to:-

1. The Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department,
2. The Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department,
3. The Secretary to Govt. of Khyber Pakhtunkhwa, Law Department,
4. The Secretary to Govt. of Khyber Pakhtunkhwa, Public Service Commission Peshawar,
5. The Accountant General, Khyber Pakhtunkhwa Peshawar,
6. The Director (SSC) Khyber Pakhtunkhwa Peshawar,
7. The Director Education (E&SE) Khyber Pakhtunkhwa, Peshawar,
8. The Director Curriculum & Teachers Education Abbottabad,
9. The Director (PH) Khyber Pakhtunkhwa Peshawar,
10. The Director (SRU) Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar,
11. The Deputy Director (EMSE/ESSE) Department,
12. All Deputy Commissioners in Khyber Pakhtunkhwa,
13. All District Education Officers, Elementary & Secondary Education Khyber Pakhtunkhwa,
14. All District Accounts Officers, Khyber Pakhtunkhwa, Agency Accounts Officers,
15. All Agency Education Officers,
16. P.S to Governor, Khyber Pakhtunkhwa,
17. P.S to Chief Minister, Khyber Pakhtunkhwa,
18. P.S to Chief Secretary, Khyber Pakhtunkhwa,
19. P.S to Minister E&SE Khyber Pakhtunkhwa Peshawar,
20. P.S to Secretary E&SE Department,
21. Mr. Akbar Khan Mohmand, Provincial President Class-IV Association, Khyber Pakhtunkhwa,
22. Master File.

ATTESTED

[Signature]

ATTESTED

(NAIK MUHAMMAD)
SECTION OFFICER (PRIMARY)

DIRECTORATE GENERAL HEALTH SERVICES

KHYBER PAKHTUN KHWA PESHAWAR

E-Mail Address: dg@khyber.gov.pk Office Ph# 091-9210269 Exchange# 091-9210187, 9210196 Fax# 091-9210230
No. 15625-9 Personnel Dated: 22/11/2017



To,

Amexur - G

1. The All Hospital Directors MTIs in Khyber Pakhtunkhwa.
2. The All DHOs in Khyber Pakhtunkhwa.
3. The All MSs in DHQ/Teaching Hospital in Khyber Pakhtunkhwa.

Subject: OBSERVANCE OF QUOTA'S.
Memo,

I am directed to refer to the subject noted above and to convey the judgment of Peshawar High Court Peshawar in Writ Petition No. 2334-P/2014 announced on 08.12.2015 in case of Mr. Niaz Muhammad Ward Orderly v/s. Chief Executive LRH & 05 others regarding his promotion under 33% quota.

"The Hon'able Court has declared null & void and are set aside the respondent No.1 and 2 and other over helms of affairs are directed to reconstitute the Selection and Promotion Committee afresh, who shall made approval for promotion strictly in accordance with the seniority list. The promotion would be deemed w.e.f. 17.05.2013 and petitioner will be entitled for back benefits also from the said date. It is further directed that the judgment of this Court be implemented within one month according to law".

It is further clarified that the following quota should be observed in accordance with laid down rules/ policy of the Government:-

1. Observance of 100% quota for deceased/permanantly incapacitated on medical board.
2. 25% quota for Class-IV employees who retired on the age of superannuation, who retired on sixty years of age according to matriculate seniority list.
- ✓ 3. 33% quota for promotion of Class-IV to Ministerial cadre only.

The Muslim Sweepers should be converted into Ward orderly or other Class-IV posts in accordance with two separate judgments of Peshawar High Court Peshawar in W.P 293-P/13 dated 2009 SCMR-I as well as Govt. of Khyber Pakhtunkhwa Health Department letter No. SOH-(Lit-I) 1-1/2017(Gen:Misc) dated 16.02.2017.

You are requested to please implement the above mentioned quota's in letter and spirit to avoid further complications faced by the above mentioned employees including MTIs.

ATTESTED

[Handwritten signature]

ADDITIONAL DG (HRM)
DIRECTORATE GENERAL HEALTH
SERVICES, K.P PESHAWAR.

[Handwritten signature]
22/11/17

C.C

1. Mr. Khawaja Abdul Qayoum Chairman Provincial Paramedical Association Class-IV Khyber Pakhtunkhwa.
2. Mr. Nabi Amin President Provincial Paramedical Association Class-IV Khyber Pakhtunkhwa.

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ATTESTED

بخدمت جناب ڈائریکٹر جنرل ہیلتھ سروسز خیبر پختونخوا، پشاور

درخواست: برآمد شامل کرنے سوپیر 33% پروموشن کے کوٹہ میں

Annexure - H

جناب عالی!

مؤدبانہ گزارش کی جاتی ہے۔ کی سائل آپ حضور والا کے زیر سایہ چارسدہ کے ہسپتال میں بطور سوپیر (Class-IV) کام کر رہا ہوں۔ سائل اپنی ڈیوٹی ملازمت ملنے کی دن سے ہی انتہائی خوش اسلوبی، ایمانداری اور دل و جان سے ادا کر رہا ہے۔ سائل نے میٹرک کا امتحان بھی پاس کیا ہے اور دیگر دفتری امور کا بھی علم رکھتا ہے۔ سائل نے کافی عرصہ آپ حضور والا کے زیر سایہ بطور سوپیر اپنی ڈیوٹی انجام دی ہے۔ لیکن سائل کو کچھ عرصہ پہلے یہ معلوم ہوا کہ کلرک ملازمین کیلئے جو سروس کے قوانین بنائے گئے ہیں اس میں سوپیر Class-IV ملازمین کیلئے کوئی بھی کوٹہ مختص نہیں کیا گیا ہے تاکہ سوپیر Class-IV ملازمین بھی ترقی پر دوسرے ملازمین کی طرح جاسکے۔ حالانکہ دوسرے Class-IV ملازمین کیلئے ان قوانین میں 33% کوٹہ مختص کیا گیا ہے اس میں سوپیر کو بھی شامل کی جائے۔ اسلئے آپ صاحبان سے التجاء کی جاتی ہے۔ سائل کے کیڈر کو بھی ترقی کے دائرہ میں لایا جائے تاکہ سوپیر بھی ان قوانین کے تحت 33% میں ترقی کے حقدار بن سکے۔ سائل عمر بھر آپ کا مشکور و ممنون رہے گا۔

العارض

المرقوم: 18/03/2019

آپ کا تابعدار: نعیم صبح

ATTESTED

V A K A L A T N A M A

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. _____ OF 2019

NAEEM MASIH (APPELLANT)

VERSUS

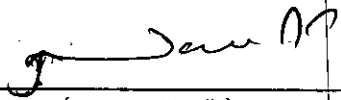
HEALTH DEPTT: & other (RESPONDENTS)

I/We NAEEM MASIH

do hereby appoint and constitute **MUHAMMAD MAAZ MADNI, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

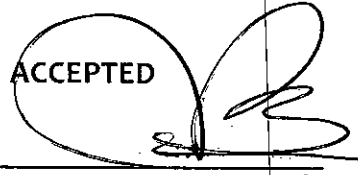
Dated. 11 /07/ 2019

CLIENT:



(Naeem Masih)

ACCEPTED



MUHAMMAD MAAZ MADNI 12/07/19
Advocate
High Court, Peshawar
(BC-11-1460)

OFFICE:

Flat No.3, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.
Phone: 091-2211391
Mobile No.0345-9090737, 0333-9313113