

10.11.2022


Junior to counsel for the appellant present.

Mr. Naseerud Din Shah, Assistant Advocate General for the respondents present.

Former made a request for adjournment that he has not prepared the brief. Adjourned. To come up for arguments on 10.01.2023 before the D.B.

SCANNED  
KPST  
Peshawar

  
(Fareeha Paul)  
Member (E)

  
(Rozina Rehman)  
Member (J)

10.01.2023

Junior to counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel; Assistant Advocate General for the respondents present.

SCANNED  
KPST  
Peshawar

Learned Member Executive (Miss Fareeha Paul) left the court at 11.00 A.M in order to attend a meeting in the Law Department, Government of Khyber Pakhtunkhwa, therefore, this case is adjourned to 07.04.2023 for arguments before the D.B.

  
(Rozina Rehman)  
Member(J)

17.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 10.06.2022 for the same as before.


  
Reader

10.06.2022

Clerk of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today due to strike of lawyers. Adjourned. To come up for arguments on 01.09.2022 before the D.B.


  
(Fareeha Paul)  
Member (E)

  
(Salah-ud-Din)  
Member (J)

01.09.2022

Learned counsel for the appellant present. Mr. Ahmad Jan, J.C alongwith Mr. Muhammad Adeel Butt, learned Additional Advocate General for the respondents present.

Learned Member (Judicial) Mrs. Rozina Rehman is on leave, therefore, arguments could not be heard. Adjourned. To come up for arguments on 10.11.2022 before the D.B.

  
(Salah-Ud-Din)  
Member(J)

16.06.2021

Junior to counsel for appellant present.

Muhammad Adeel Butt learned Additional Advocate General alongwith Naseem Khan S.O for respondents present.

File to come up alongwith connected appeal No.230/2019 titled Khalid Mehmood Vs. Health Department on 27.09.2021 before D.B.



(Rozina Rehman)  
Member(J)



Chairman

26.01.2022

Junior of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Junior of learned counsel for the appellant sought adjournment on the ground that learned counsel for the appellant is out of station today. Adjourned. To come up for arguments on 17.02.2022 before the D.B.



(Rozina Rehman)  
Member (J)



(Salah-ud-Din)  
Member (J)

03.12.2020

Due to pandemic of Covid-19, the case is adjourned to 25.02.2021 for the same as before.

  
Reader

25.02.2021

Due to Pandemic of Covid-19, the case is adjourned to 03.06.2021 for the same as before.




03.06.2021

Appellant present through counsel.

Muhammad Adeel Butt learned Additional Advocate General alongwith Nisar Ahmad Assistant for respondents present.

File to come up alongwith connected appeal No.230/2019 titled Khalid Mehmood Vs. Health Department, on 16.06.2021 before D.B.

  
(Rozina Rehman)  
Member (J)

  
Chairman

23.12.2019 Junior to counsel for the appellant present. Mr. Muhammad Jan learned Deputy District Attorney alongwith Ahmad J.C present. *Adjournment requested*. Adjourn: To come up for arguments on 31.01.2020 before D.B.

  
Member

  
Member

31-1-2020 Learned Members on Test of case court D.1. ~~where~~ The case is adjourned to 27-3-2020 for the same.

27-3-2020 Due to COVID 19, the case is adjourned to 18-8-2020 for the same as before.

04.08.2020 Due to summer vacation, the case is adjourned. To come up for the same on 03.12.2020 before D.B.

  
Reader

22.08.2019

Junior to counsel for the appellant and Mr. Kabirullah Khattak learned Additional Advocate General alongwith M/S Sajid Superintendent (for respondent No.2) Saleem Javid Litigation Officer (for respondent No.3) Mr. Sikandar Hayat Coordinator EP-II and Ahmed Jan Junior Clerk (for respondents No. 4 & 5 present. Written reply no submitted. Representative of the respondents seeks further time to furnish written reply/comments. Granted. To come up for written reply/comments on 20.09.2019 before S.B.

  
(Hussain Shah)  
Member

20.09.2019

Junior to counsel for the appellant and Addl. AG alongwith Ahmad Jan, Junior Clerk, Mushtaq Shah, Senior Clerk Hazrat Shah, Superintendent for the respondents present.

Representatives of the respondents seek further time. Last opportunity is granted to the respondents. To come up for requisite reply/comments on 17.10.2019 before S.B.

  
Chairman

17.10.2019

Junior to counsel for the appellant and Addl. AG alongwith Saleemur Rahman, DMS, Sher Baz Khan, SO, Saleem Javed, Litigation Officer and Shafique, Senior Clerk for the respondents present.

Respondents have not furnished their respective reply/comments despite last opportunity. The appeal is, therefore, posted to D.B for arguments on 23.12.2019.

  
Chairman

29.03.2019

Learned counsel for the appellant present. Preliminary arguments heard.

Main plea of the Learned counsel for the appellant is that the respondents advertised various posts including the post of Ward Attendant in the newspaper in the year 2008 and the post of Ward Attendant was advertised in BPS-02; that the appellant applied for the post of Ward Attendant BPS-02 and declared successful however the appellant was appointed as Ward Attendant vide order dated 17.08.2012 in BPS-01 instead of BPS-02; that prayer of the appellant is for the grant of pay scale BPS-02 instead of BPS-01 w.e.f the date of his appointment i.e. 17.08.2012.

Points urged need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 13.05.2019 before S.B

Appellant Deposited  
Security & Process Fee

  
Member

13.05.2019

Junior to counsel for the appellant present. Saleem ur Rehman DMS, representative of respondent department present and seeks time to furnish written reply/comments. Granted. To come up for written reply/comments on 27.06.2019 before S.B

SCANNED  
IPST  
Peshawar

  
Member

27.06.2019

Junior to counsel for the appellant present. Written reply not submitted. M/S Hazrat Shah Superintendent (for respondent No.1 & 3) Sajid Superintendent (for respondent No.2), Salim ur Rehmant DMS (for respondents No.4 & 5) present and requested for time to furnish written reply/comments. Granted. To come up for written reply/comments on 22.08.2019 before S.B.



  
Member

Form- A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 301/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	28/2/2019	<p>The appeal of Mr. Noor Muhammad resubmitted today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR 28/2/19</p>
2-	11/03/19.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>29/03/19.</u></p> <p> CHAIRMAN</p>

Delivered & Proceeded  
11/03/19

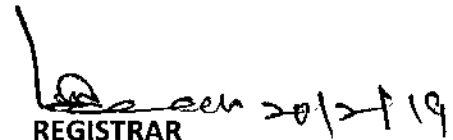


The appeal of Mr. Noor Muhammad Ward Attendant DHQ Hospital Dir Lower received today by i.e. on 19/02.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Copy of DSC recommendation for appointment in favour of appellant mentioned in para-2 of the memo of appeal (Annexure-B) is not attached with the appeal which may be placed on it.

No. 309 /S.T,

Dt. 20/2 /2019

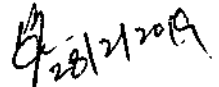
  
REGISTRAR

SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Noor Muhammad Khattak Adv.

Sir,

That appellant was appointed on the proper recommendations of Departmental Selection Committee, but minutes of DPC is not available with the appellant. Hence the present appeal may kindly be put up before the bench.

  
20/2/2019

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

Service Appeal No. 301/2019

Mr. Noor Muhammad

Health Department

.....Appellant

VS

1. The Government of Khyber Pakhtunkhwa through Secretary Health Department, Peshawar.
2. The Secretary, Finance Department, Khyber Pakhtunkhwa, Peshawar
3. The Director General Health Services, Khyber Pakhtunkhwa, Peshawar
4. The District Health officer, District Dir Lower.
5. The Medical Superintendent DHQ Hospital Taimergara, Dir Lower.

----- Respondents

**PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO.2**

**Respectfully Sheweth:-**

**Preliminary Objections.**

- 1) That the Appellant has no cause of action and locus standi.
- 2) That the Appeal in hand is not maintainable in its present form.
- 3) That the Appellant has not come to this court with clean hands.
- 4) That the Hon'ble Tribunal has no jurisdiction to adjudicate the matter.

**FACTS**

1. Pertains to record, hence needs no comments.
2. Incorrect. Departmental Selection Committee has never allotted any Basic Pay Scale.
3. Incorrect to the extent that EDO, Health (Dir Lower) has issued appointment orders in BPS-1 while fixed pay employee are not entitled for Basic Pay Scale.
4. Pertains to record, detail reply has been given in Para-3.
5. Needs no comments.

**GROUNDS**

- A. Incorrect. Finance Department created posts as Fixed Pay Basis on the demand of Health Department. Hence fixed pay post has no Basic Pay Scale.
- B. Incorrect action of the replying respondent is under law and rules.
- C. Incorrect. As explain above.
- D. As explain in Para-A of grounds mentioned above
- E. Incorrect. As explain above.
- F. Incorrect. As explain above.
- G. Incorrect. As explain above.
- H. Incorrect. The appellants are fixed pay employees while Civil Servant Act, 1973 is not applicable to fixed pay employee.
- I. The respondents also seek permission to raise additional grounds at te time of hearing.

**Prayer:-**

It is therefore most humbly prayed that in view of the above explanation/narration the instant Service Appeal being devoid of merit may graciously be dismissed.

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

Service Appeal No. 301/2019

Mr. Noor Muhammad

Health Department

.....Appellant

VS

1. The Government of Khyber Pakhtunkhwa through Secretary Health Department, Peshawar.
2. The Secretary, Finance Department, Khyber Pakhtunkhwa, Peshawar
3. The Director General Health Services, Khyber Pakhtunkhwa, Peshawar
4. The District Health officer, District Dir Lower.
5. The Medical Superintendent DHQ Hospital Taimergara, Dir Lower.

----- Respondents

**PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO.2**

**Respectfully Sheweth:-**

**Preliminary Objections.**

- 1) That the Appellant has no cause of action and locus standi.
- 2) That the Appeal in hand is not maintainable in its present form.
- 3) That the Appellant has not come to this court with clean hands.
- 4) That the Hon'ble Tribunal has no jurisdiction to adjudicate the matter.

**FACTS**

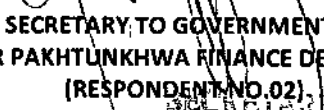
1. Pertains to record, hence needs no comments.
2. Incorrect. Departmental Selection Committee has never allotted any Basic Pay Scale.
3. Incorrect to the extent that EDO, Health (Dir Lower) has issued appointment orders in BPS-1 while fixed pay employee are not entitled for Basic Pay Scale.
4. Pertains to record, detail reply has been given in Para-3.
5. Needs no comments.

**GROUND**

- A. Incorrect. Finance Department created posts as Fixed Pay Basis on the demand of Health Department. Hence fixed pay post has no Basic Pay Scale.
- B. Incorrect action of the replying respondent is under law and rules.
- C. Incorrect. As explain above.
- D. As explain in Para-A of grounds mentioned above
- E. Incorrect. As explain above.
- F. Incorrect. As explain above.
- G. Incorrect. As explain above.
- H. Incorrect. The appellants are fixed pay employees while Civil Servant Act, 1973 is not applicable to fixed pay employee.
- J. The respondents also seek permission to raise additional grounds at te time of hearing.

**Prayer:-**

It is therefore most humbly prayed that in view of the above explanation/narration the instant Service Appeal being devoid of merit may graciously be dismissed.

  
SECRETARY TO GOVERNMENT OF  
KHYBER PAKHTUNKHWA FINANCE DEPARTMENT  
(RESPONDENT NO.02)  
Govt. of Khyber Pakhtunkhwa  
Finance Deptt.

(41)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. 301-311 /2019

Mr. Noor Muhammad, Ward Attendants (BPS-01),  
DHQ Hospital Timergara \_\_\_\_\_ APPELLANT

**Versus**

Govt: of Khyber Pakhtunkhwa and others \_\_\_\_\_ Respondents

**PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 1,3,4 & 5.**

**Preliminary Objections.**

1. That the appellant has got no cause of action to file the instant appeal.
2. That the appeal is based on malafide intention, hence liable to be dismissed.
3. That the appeal is badly time barred.
4. That the appellant has not come to court with clean hands
5. The vacancy is filled according to the sanctioned posts, rules and regulation.

**FACTS**


1. Correct to the extent that the post of Ward Attendant was sanctioned on fixed pay as appearing on Sr. No. 8 of sanction granted by the Finance Department Govt: of NWFP vide letter No. BOVI/FD/4-38/2006-07/Vol.II, dated 26<sup>th</sup> September, 2007. (Copy enclosed).
2. Correct to the extent that he was appointed as Ward Attendant but the Departmental Selection Committee has never declared him to be posted as in BPS-02. (Copy of the minutes of the meeting is enclosed)
3. Correct to the extent that he was appointed as Ward Attendant with even no and dated, but no discrimination has been happened to him and he was appointed in BPS-01 as according to the post sanctioned by the Finance Department NWFP.
4. Proper response has been given to each to his request in this regard instead of no response as claimed by the appellant. Moreover, it is pertinent to mentioned that the SNE of Finance Department, he is referring to, and attached with his appeal, are of 2014, 2012 and 2011 as attached with his appeal on page No. 9, 10 11 and 12.
5. The appeal is based on malafide intention and baseless assumption instead of any cogent justification and hence no inaction of the Department is involved.


**GROUNDS.**


- A. **Incorrect.** All the appointments for the post of Ward Attendant have been made as according to the sanctioned post of Finance Department NWFP in accordance to the law, facts and norms of natural justice.
- B. **Incorrect** the process has always been in accordance to the merit and in no way violating Article 4 and 25 of the Constitution of Islamic republic of Pakistan 1973.
- C. **Incorrect.** Indeed all the proceeding have been carried out in accordance to the prevailing rules and regulations of the Provincial Govt with no intent or act of any discrimination
- D. **Incorrect.** No inaction has been expressed and everything has been in accordance to the law and Finance Department.
- E. **Incorrect.** As responded in Para-A and D.
- F. **Incorrect.** Indeed the intentions of the appellant are malafide and is striving to mold the law as according to his wish and desire.
- G. **Incorrect.** As responded in Para-A and D.
- H. **Incorrect.** No violation of any law has been intended or acted upon.
- I. The respondents also seek permission to raise additional grounds at the time of arguments.

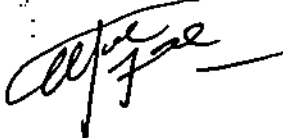
**PRAY:**

In view of the aforementioned facts and grounds, it is therefore humbly prayed that the instant appeal, being made on merit and the appeal being moved for attainment of personal benefit and not tenable, may kindly be dismissed, please.

  
Medical Superintendent  
DHQ Hospital Timergara  
(Respondent No. 5)

  
District Health Officer  
Dir Lower at Timergara  
(Respondent No. 4)

  
Director General Health Svices  
Pakhtunkwa, Peshawar  
(Respondent No. 3)

  
Secretary to Govt: of Khyber Khyber  
Pakhtunkhwa, Peshawar  
(Respondent No. 1)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(REGULATION WING)

No. SOSR-III/FO/12-1/2005  
Dated Peshawar, the 27/02/2013

91  
36

1. All the Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
2. The Senior Member Board of Revenue, Khyber Pakhtunkhwa.
3. The Secretary to Governor Khyber Pakhtunkhwa.
4. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. The Secretary, Provincial Assembly, Khyber Pakhtunkhwa.
6. All the Divisional Commissioners in Khyber Pakhtunkhwa.
7. All the Head of attached Departments in Khyber Pakhtunkhwa.
8. The Registrar, Khyber Pakhtunkhwa, Public Service Commission.
9. The Registrar, Khyber Pakhtunkhwa, Service Tribunal, Peshawar.
10. The Registrar, Peshawar High Court Peshawar.
11. All the Deputy Commissioners/Political Agents/District and Session Judges in Khyber Pakhtunkhwa.

Subject: DEDUCTION OF GENERAL PROVIDENT FUND FROM THE PROVINCIAL CIVIL SERVANTS REGULARIZED UNDER KHYBER PAKHTUNKHWA CIVIL SERVANTS (AMENDMENT) ACT-2013.

Dear Sir,

The Khyber Pakhtunkhwa Civil Servants (Amendment) Bill 2013 - passed by the Provincial Assembly on 15<sup>th</sup> January 2013 and assented to by the Governor of Khyber Pakhtunkhwa on 17<sup>th</sup> January 2013 - has been published as an Act of the Provincial Assembly of Khyber Pakhtunkhwa. Under the said Act, all Civil Servants appointed to a service or post on or after 1<sup>st</sup> July 2001 shall be deemed to have been appointed on regular basis and will be eligible for pension/ deduction of G.P.Fund. Accordingly the following instructions/ guidelines are issued for compliance of all concerned Departments/Organizations.

- a) Deductions on account of General Provident Fund at prescribed rates from all the Civil Servants, who have become eligible for pension under the Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2013 should be started forthwith.
- b) All deductions/subscription in respect of Contributory Provident Fund made before the commencement of Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2013 from such Civil Servants, excluding Government counterpart share, shall immediately be transferred to their respective General Provident Fund Accounts. However, such Civil Servants will be entitled to markup on so declared G.P.Fund as announced on yearly basis from the date the C.P.Fund deductions / subscriptions were made.
- c) Markup on prescribed rates, as notified by the Provincial Government from time to time, may be added to the General Provident Fund Accounts of concerned Civil Servants/Subscribers in per prescribed mechanism for maintenance of such accounts.
- d) CNIC/Personal Numbers allotted to the subscribers will be used as General Provident Fund Account Numbers for such subscribers.
- e) Similar action / treatment may be afforded to all those Provincial Civil servants posted in FATA/PATA on deputation basis.

Umar Parvez Wardag  
PRESIDENT - PMA (Class IV)  
Lower Pir

141  
SUBSTITUTED FOR FINANCE DEPARTMENT'S LETTER OF EVEN NO DATED 6/12/2012



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT

No. BO. I/ FD/ 1-22/ 2012-13  
Dated Peshawar, the 3/1/2013

To

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

Subject:

CLARIFICATION REGARDING CONVERSION OF FIXED PAY  
CLASS IV IN TO REGULAR BPS-1 CP FUND SCHEME.

Dear Sir,

I am directed to refer to your Office letter No. E&A(AD)3(22)MO/2012-13 dated 17/10/2012 on the subject noted above and to state that the facility of one step move up for Class IV employees allowed vide Finance Department's circular letter No. FD/SO(FR)/7-2/2007 dated 28/7/2007 is admissible to those Class-IV employees on presumptive basis, whose services were regularized in BPS-1 with effect from 01-07-2008 vide this Department's circular letter bearing No. BO. I/1-22/2007-08/FD dated 29/1/2008. However, they shall not be entitled for arrears of pay and allowances prior to 1<sup>st</sup> July 2008.

Yours faithfully,

*(Signature)*  
(NAEEM KHAN)  
BUDGET OFFICER-I

(41) (20)

GOVERNMENT OF NWFP  
FINANCE DEPARTMENT

NO. BOVI/FD/4-38/2006-07/Vol. II  
Dated Peshawar the 26<sup>th</sup> Sept: 2007.

To,

The Secretary to Govt. of NWFP  
Health Department, Peshawar

Subject: CREATION OF POSTS IN VARIOUS HEALTH UNITS OF DISTRICT DIR LOWER.

Dear Sir,

I am directed to refer to your letter No. SOB/H/1-1/2006-07, dated 17.4.2007 on the subject noted above and meeting held under the chairmanship of Finance Minister on 20<sup>th</sup> August 2007 and to convey the concurrence of this Department for creation of 77 numbers of posts of various categories in Type-A DHQ Hospital Timergarra Dir Lower, as per following break up:-

S.No.	Nomenclature of the post & BPS	No. of posts.
1	Medical Specialist B-18	1
2	Gynecologist B-18	1
3	Pediatrician B-18	1
4 ✓	EEG Technician B-9	1
5 ✓	Referactionist B-9 ✓	1
6 ✓	Physiotherapy Technician B-9 ✓	1
7 ✓	Driver B-4 ✓	1
8 ✓	Ward Attendant (fixed pay) ✓	45 ✓
9 ✓	Sweeper (fixed pay) ✓	15 ✓
10 ✓	Maid (fixed pay) ✓	2
11 ✓	Chowkidar (fixed pay) ✓	4
12 ✓	Laundry / Dhobi (fixed pay) ✓	4
	Total	77

2- The expenditure on account of above creation of posts will be met out through Account-IV of the District concerned.

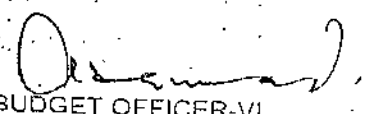
3- Audit copy for the financial implication may please be furnished for authentication of this Department.

Yours faithfully,

(ABDUS SAMAD)  
BUDGET OFFICER-VI

C.C.

1. District Coordination Officer, Dir Lower.
2. District Accounts Officer, Dir Lower.
3. EDO (Health) Dir Lower.
4. Section Officer (PFC-II), Finance Department, NWFP.

  
BUDGET OFFICER-VI



(4)

**(Better Copy)**  
**Minutes of the Meeting**

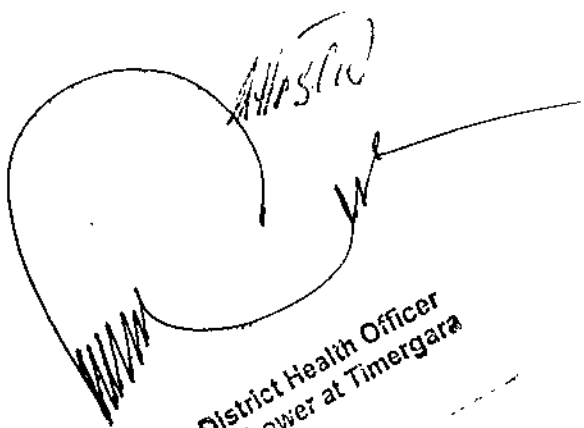
A meeting of Departmental Selection Committee was held on 27/09/2008, under the Chairmanship of the undersigned at EDO (Health) Office Dir Lower. The following Officers (Committee Members) attend the meeting.

- |   |          |
|---|----------|
| 1. Dr. Sher Muhammad, EDO Health  | Chairman |
| 2. Mr. Mohammad Jamil, Assistant Director<br>Directorate Health Services NWFP, Peshawar | Member   |
| 3. Dr. Shaukat Ali, Dy. EDO (Health) Dir Lower  | Member   |
| 4. Mr. Muhammad Ilyas, District Officer Finance<br>(Representative of DCO)              | Member   |

695 candidates (527) from Tehsil Timergara and 168 from Tehsil Balambat appeared in the Interview of Ward Attendant for DHQ Hospital Timergara. In which the following 45 candidates were selected for appointment and the candidate at serial No. 28 were selected in employee sons quota and the candidate at serial No. 28 were selected in 02% disable quota (being disable) against the post of Ward Attendant (Newly created) at DHQ Hospital Timergara.

**S.No Name of Candidates.**

1. Mr. Muhammad Islam S/O Sadozai
2. Mr. Muhammad Asif S/O Hazrat Muhammad
3. Mr. Hafiz Ur Rahman S/O Sher Rahman
4. Mr. Hamid Ullah S/O Abbas Khan
5. Mr. Murad S/O Saeed Ullah
6. Mr. Muhammad Shafi S/O Muhammad Shafiq
7. Mr. Muahmmad Qayoum S/O Sher Bakht Zamin Khan
8. Mr. Zafar Ali S/O Sultan Zarin
9. Mr. Umar Hayat S/O Sardar Hayat
10. Mr. Imran S/O Jehan Ullah
11. Mr. Javed S/O Dost Rahman
12. Mr. Habib Ullah S/O Awal Khan
13. Mr. Imran Akbar S/O Ghulam Akbar
- ← 14. Mr. Majeed Ullah S/O Fatih Habib
15. Mr. Abdul Hanan S/O Amir Muhammad
16. Mr. Hanif Ur Rahman S/O Ghani Muhammad
17. Mr. Kamran S/O Muhammad Rahim Khan
18. Mr. Farman Ullah S/O Muhammad Munair
19. Mr. Umar Sadiq S/O Qabil Jan

  
District Health Officer  
Dir Lower at Timergara

- 20. Mr. Aurang Zeb S/O Muhammad Ayoub
- 21. Mr. Abdullah S/O Wazir Khan
- 22. Mr. Wazir Muhammad S/O Hazrat Muhammad
- 23. Mr. Imtiaz Ur Rahman S/O Fatih Rahman
- 24. Mr. Muhammad Alamgir S/O Muhammad Abdul Azim
- 25. Mr. Rahman Wali S/O Rahmat Wali
- 26. Mr. Abdul Rahman S/O Ghafoor Rahman
- 27. Mr. Mokamin Khan S/O Muhammad Sultan
- 28. Mr. Sajjad Ahmad S/O Hazrat Wali
- 29. Mr. Naveed Iqbal S/O Akbar Khan
- ← 30. Mr. Khalid Mahmood S/O Muhammad Sadiq
- 31. Mr. Manzoor Ullah Khan S/O Aziz Ullah
- 32. Mr. Javed S/O Abdul Razzaq
- 33. Mr. Wasif Jan S/O Saeed Jan
- ← 34. Mr. Pir Zada S/O Umar Zada
- 35. Mr. Haseen Ullah S/O Muhammad Raees
- 36. Mr. Muheeb Ur Rahman S/O Muhammad Amin
- 37. Mr. Anwar Ullah S/O Muhammad Ghafoor
- 38. Mr. Zia Ul Haq S/O Qasim Jan
- 39. Mr. Hanif Ullah S/O Zigravar Khan
- 40. Mr. Gul Badshah S/O Behram Said
- 41. Mr. Hayat S/O Muhammad Saeed
- 42. Mr. Sajjad S/O Fazal Qadar
- 43. Mr. Badshah Hussain S/O Hwaldar
- 44. Mr. Zahoor S/O Nageen Ahmad
- 45. Mr. Wahid Gul S/O Muhammad Ayoub

Chairman

Dr. Sher Muhammad  
Executive District Officer  
(Health) Dir Lower

Member

Dr. Shaukat Ali  
Dy. EDO (Health) Dir Lower

Member

*Attest*

District Health Officer  
Dir Lower of Peshawar

Mr. Muhammad Jamil  
Assistant Director,  
Directorate Health Services  
NWFP, Peshawar (Rep; of  
Admn Deptt;

Member

Mr. Muhammad Ilyas  
District Officer Finance  
(Representative of DCO)

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

APPEAL NO. 301 /2019

*Noor Mohammad* VS

**HEALTH DEPARTMENT**

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**APPELLANT**

THROUGH:

  
**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE**

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

Khyber Pakhtunkhwa  
Service Tribunal

APPEAL NO. 301 /2019

Diary No. 227

Mr. Noor Muhammad Khan, Ward Attendant (BPS-1),  
DHQ Hospital, Taimer Garra, District Dir Lower.....

Dated 19/2/2019

**APPELLANT**

**VERSUS**

- 1- The Government of Khyber Pakhtunkhwa through Secretary Health Department, Khyber Pakhtunkhwa, Peshawar.
  - 2- The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.
  - 3- The Director General Health Services Department, Khyber Pakhtunkhwa, Peshawar.
  - 4- The District Health Officer, District Dir Lower.
  - 5- The Medical Superintendent DHQ Hospital Taimergara, District Dir Lower.....
- RESPONDENTS**

**SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974, AGAINST THE INACTION OF THE RESPONDENTS BY NOT ALLOWING / GRANTING ORIGINAL PAY SCALE OF BPS-2 AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS**

**PRAYER:**

That on acceptance of this appeal the respondents may kindly be directed to allow/ grant original pay scale of BPS-02 instead of BPS-01 to the appellant with effect from the date of appointment i.e.17.8.2012 with all consequential back benefits. Any other remedy which this Honorable Tribunal deems appropriate that may also be awarded in favor of the appellant.

**R/SHEWETH:**

**ON FACTS:**

- 1- That the respondents advertised various posts including the post of Ward Attendant (BPS-02) in the year 2008. That the appellant having the requisite qualifications applied for the post of Ward Attendant (BPS-02). Copy of the advertisement is attached as annexure ..... **A.**
- 2- That appellant after participated in the written test and interview conducted by the respondents, the appellant was declared successful and as such on 27.9.2008 the appellant was recommended by the Departmental selection committee for the post of Ward Attendant (BPS-02). Copy of the minutes is attached as annexure ..... **B.**

Filed to-day  
Registrar  
19/2/19

- 3- That in light of the said recommendation of the Departmental selection committee the appellant was appointed as appointed as Ward Attendant vide order dated 17.8.2012 but unfortunately in the said appointment order dated 17.8.2012 the scale of the appellant has wrongly been mentioned as BPS-1 instead of BPS-02. Copies of the CNIC and appointment order are attached as annexure ..... **C & D.**
- 4- That after appointment the appellant time and again requested the concerned authorities for correction of his scale but no response was received. That it is pertinent to mention that in the advertisement the scale of the appellant has been mentioned as BPS-2. Moreover according to the SNE's of the Finance Department the post of the ward attendant is BPS-2 instead of BPS-1. Copies of the record are attached as annexure ..... **E.**
- 5- That appellant feeling aggrieved from the inaction of the respondents by not allowing/ granting original scale to the appellant filed Departmental appeal on 29.10.2018 but till date the same has not been replied. Hence the instant appeal on the following grounds amongst the others. Copies of the covering letter and Departmental appeal are attached as annexure ..... **F.**

**GROUND:**

- A- That the inaction of the respondents by not allowing/ granting original/basic pay scale i.e. BPS-02 to the appellant is against the law, facts and norms of natural justice.
- B- That appellant has not been treated in accordance with law and rules by the respondent Department on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic republic of Pakistan 1973.
- C- That appellant has been discriminated by the respondents on the subject noted above and as such the respondents violated the Rules regulations of the Provincial Government.
- D- That the inaction of the respondents by not allowing/ granting original/basic pay scale i.e. BPS-02 to the appellant is based on nepotism.
- E- That the inaction of the respondents by not allowing/ granting original/basic pay scale i.e. BPS-02 to the appellant is violative of Article 38(e) of the Constitution of Pakistan 1973.
- F- That respondents acted in arbitrary and malafide manner by not allowing/ granting original/basic pay scale i.e. BPS-02 to the appellant.

G- That the inaction of the respondents by not allowing/ granting original/basic pay scale i.e. BPS-02 to the appellant is amounts to the utter disregard of law and Rules.

H- That the inaction of the respondents by not allowing/ granting original/basic pay scale i.e. BPS-02 to the appellant is violative of Civil servant Act, 1973 as well as violative of Appointment, promotion and transfer Rules, 1989.

I- That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

Dated: 11.2.2019

**APPELLANT**

  
**NOOR MUHAMMAD KHAN**

**THROUGH:**

  
**NOOR MOHAMMAD KHATTAK**

**&**

  
**MIR ZAMAN SAFI  
ADVOCATES**

**فرسٹ ایئر میں داخلہ سے محروم طلباء کا مستقبل تاریک ہو گیا**  
**گورنمنٹ ہسٹری کالج کراچی میں امتحان میں ناکامی کے بعد طلباء کا مستقبل تاریک ہو گیا**  
 ایسٹ (فائنڈ آج) گورنمنٹ ہسٹری کالج کراچی میں داخلہ سے محروم طلباء کا مستقبل تاریک ہو گیا۔ ایسٹ (فائنڈ آج) گورنمنٹ ہسٹری کالج کراچی میں داخلہ سے محروم طلباء کا مستقبل تاریک ہو گیا۔ ایسٹ (فائنڈ آج) گورنمنٹ ہسٹری کالج کراچی میں داخلہ سے محروم طلباء کا مستقبل تاریک ہو گیا۔

ایسٹ (فائنڈ آج) گورنمنٹ ہسٹری کالج کراچی میں داخلہ سے محروم طلباء کا مستقبل تاریک ہو گیا۔ ایسٹ (فائنڈ آج) گورنمنٹ ہسٹری کالج کراچی میں داخلہ سے محروم طلباء کا مستقبل تاریک ہو گیا۔ ایسٹ (فائنڈ آج) گورنمنٹ ہسٹری کالج کراچی میں داخلہ سے محروم طلباء کا مستقبل تاریک ہو گیا۔

# آساجیاں خالی ہیں

تاریخ	اسٹیٹس	اسٹیٹس	اسٹیٹس	اسٹیٹس	اسٹیٹس
8.9.2008	Recognized	30x18	01	DHO	B-09
10.9.2008			01		B-09
10.9.2008			01		B-09
10.9.2008			01		B-09
13.9.2008			01		B-09
8.9.2008			01		B-09
20.9.2008			01		B-09
15.9.2008			15		B-09
17.9.2008			01		B-05
17.9.2008		35x18	01		B-04
27.9.2008		45x18	47		B-02
29.9.2008			21		B-01
29.9.2008			07		B-01
29.9.2008			03		B-01
30.9.2008			05		B-01
8.9.2008	Recognized	30x18	02	THO	B-09
20.9.2008			01		B-09
13.9.2008			01		B-09
13.9.2008			02		B-09
20.9.2008			01		B-09
10.9.2008			01		B-09
8.9.2008			01		B-09
15.9.2008			05		B-09
17.9.2008			01		B-07
25.9.2008			01		B-06
17.9.2008			01		B-05
25.9.2008		45x18	01		B-04
27.9.2008			04		B-02
27.9.2008			03		B-02
29.9.2008			04		B-01
29.9.2008			02		B-01
29.9.2008			01		B-01
29.9.2008			01		B-01
8.9.2008	Recognized Board	30x18	02	THO	B-09
20.9.2008			02		B-09
13.9.2008			02		B-09
20.9.2008			02		B-09
23.9.2008			02		B-09
10.9.2008			02		B-09
13.9.2008			02		B-09
08.9.2008			02		B-09
25.9.2008			02		B-08
17.9.2008			01		B-05
27.9.2008		45x18	02		B-04
27.9.2008			12		B-02
29.9.2008			05		B-01
29.9.2008			01		B-01
29.9.2008			04		B-01
29.9.2008			02		B-01
8.9.2008	Recognized	30x18	02	RHC	B-09

ATTACHED

24/4/2009

B-5

Minutes of the meeting.

2. A meeting of Departmental Selection Committee was held on 27/09/2008 under the chairmanship of the undersigned at EDO (Health) office Mr Lower. The following officers (Committee Members) attended the meeting.

1. Dr. Sher Mohammad, EDO (Health). Chairman.
2. Mr. Mohammad Jamil Assistant Director, Directorate Health Services NWFP, Peshawar. Member.
3. Dr. Shoukat Ali, Dy. EDO (Health) Mr Lower. Member.
4. Mr. Muhammad Ilyas District Officer Finance. Member.  
(Representative of DCO)

695 candidates (527 from Tehsil Timergara and 168 from Tehsil Balambal) appeared in the interview of Ward Attendant for DHQ Hospital Timergara, in which the following 45 candidates were selected for appointment and the candidate at serial No. 28 were selected in employment quota and the candidate at serial No. 45 were selected in 02% (being disabled) against the post of Ward Attendant (newly created) at DHQ Hospital Timergara.

S.No. Name of Candidates.

1. Mr. Muhammad Islam S/O Sadozai.
2. Mr. Subaramad Asif S/O Harrat Muhammad.
3. Mr. Rafiq ur Rahman S/O Sher-Rahman.
4. Mr. Hammad Ullah S/O Abbas Khan.
5. Mr. Murad S/O Saeedullah.
6. Mr. Muhammad Shahi S/O Muhammad Shafiq.
7. Mr. Muhammad Qayum S/O Sher Bakht Zaman Khan.
8. Mr. Zafar Ali S/O Sultan Zarin.
9. Mr. Umar Hayat S/O Sardar Hayat.
10. Mr. Imran S/O Jehanullah.
11. Mr. Javed S/O Desti Rahman.
12. Mr. Habib Ullah S/O Awal Khan.
13. Mr. Imran Akbar S/O Ghulam Akbar.
14. Mr. Majid Ullah S/O Fatch Habib.
15. Mr. Abdul Hanan S/O Amir Muhammad.
16. Mr. Hanif ur Rahman S/O Ghani Muhammad.
17. Mr. Kamran S/O Muhammad Rahim Khan.
18. Mr. Farman Ullah S/O Muhammad Munir.
19. Mr. Umar Sadiq S/O Qabil Khan.

Attested  
  
District Health Officer  
Mr Lower

ATTESTED



6

- 20. Mr. Aurang Zeb S/O Muhammad Ayub.
- 21. Mr. Abdullah S/O Wazir Khan.
- 22. Mr. Nazir Muhammad S/O Hazrat Muhammad.
- 23. Mr. Imtiaz ur Rahman S/O Fatch Rahman.
- 24. Mr. Muhammad Ale <sup>gib</sup> <sup>ali</sup> S/O Muhammad Abdul Aziz.
- 25. Mr. Rahman Wali S/O Rahmat Wali.
- 26. Mr. Abdur Rahman S/O Ghafoor Rahman.
- 27. Mr. Mokamin Khan S/O Muhammad Sultan.
- 28. Mr. Sajjad Ahmad S/O Hazrat Wali.
- 29. Mr. Naveed <sup>gib</sup> <sup>ali</sup> S/O Akbar Khan.
- 30. Mr. Khalid Mehmood S/O Muhammad Sadiq.
- 31. Mr. Manzoor <sup>ullah</sup> Khan S/O Azizullah.
- 32. Mr. Javed S/O Abdur Pazaq.
- 33. Mr. Wasif Jan S/O Saeed Jan.
- 34. Mr. Pir Zada S/O Umar Zada.
- 35. Mr. Haseen Ullah S/O Muhammad Raees.
- 36. Mr. Mohibur Rahman S/O Muhammad Aman.
- 37. Mr. Anwar Ullah S/O Muhammad Ghafoor.
- 38. Mr. Ziaul Haq S/O Qasim Jan.
- 39. Mr. Hanif Ullah S/O Zigrwar Khan.
- 40. Mr. Gul Badshah S/O Bahram Said.
- 41. Mr. Hayat S/O Muhammad Saeed.
- 42. Mr. Sajjad S/O Fazal Qader.
- 43. Mr. Badshah Hussain S/O Hawaldat.
- 44. Mr. Zahoor S/O Naqeeb Ahmad.
- 45. Mr. Wahid Gul S/O Muhammad Ayub.

Chairman.

Dr. Suer Mohammiad,  
Executive District Officer,  
(Health) Dir Lower.

Member

Dr. Shoukat Ali,  
Dy EDO (Health) Dir Lower.

Member

Mr. Muhammad Jamil,  
Assistant Director,  
Directorate Health Services,  
NWFP, Peshawar. (Rep. of  
Admn Deptt)

Member

Mr. Muhammad Pyas,  
District Officer Finance  
(Representative of DCO)

*Attested*  
*[Signature]*  
Health Officer  
Dir Lower

**ATTESTED**

*[Signature]*

C-7



حکومت پاکستان  
قومی شناختی کارڈ  
15306-7996926-5



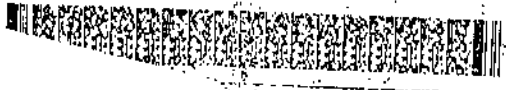
محمد شہزاد  
03/05/1969  
علی احمد سلیم  
شمارہ شناختی کارڈ: 15306-7996926-5



قومی شناختی کارڈ نمبر: 15306-7996926-5  
V3L4FP



تاریخ اجراء: 26/05/2009  
تاریخ منقذ: 30/04/2019



D-8

**OFFICE OF THE  
EXECUTIVE DISTRICT OFFICER (HEALTH)  
DIR LOWER**

No. 3689 Dated. 17/8 /2012.

Phone No. 0945-9250098.

To,

Mr. Noor Mohammad S/O Taj Mohammad Khan,  
Village Kandaro Chargorai Tehsil Balambat,  
District Dir Lower.

Subject:  
Memo:-

**APPOINTMENT**

Reference your application for the post of Ward Attendant.

You are hereby offered a post of Ward Attendant BPS-01 (Rs. 4800-150-9300) plus usual allowances as admissible under the rules on regular contract basis against the vacant post of Ward Attendant at DHQ Hospital Timergara Dir Lower on the following terms & conditions.

**TERMS & CONDITIONS.**

1. Your appointment will be on regular contract basis.
2. You will not be entitled for pension and gratuity benefits.
3. You will not contribute to GP Fund.
4. You will avail the benefit of Contributory Provident Fund (CPF) through 10% contribution of minimum of her pay and 10% contribution to be made by the Government.
5. Your appointment will take place subject to provision of Health & age certificate from the Medical Superintendent DHQ Hospital Timergara.
6. If you accepts offer for appointment as Ward Attendant with the above terms and conditions, you should report to the Medical Supdt: DHQ Hospital Timergara Dir Lower within 15 days, otherwise offer will be considered automatically as cancelled.

Executive District Officer,  
(Health) Dir Lower.

No. 3690-92

Copy forwarded to:-

1. The District Accounts Officer Dir Lower.
2. The Medical Supdt: DHQ Hospital Timergara.
3. The Accounts Clerk of this office.

For information and necessary action please.

Executive District Officer,  
(Health) Dir Lower.

**ATTESTED**  
4



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT

E-9

NO. BVI/ED/4-38/2010-11/VOL-III  
DATED PESHAWAR, THE 17-12-2014.

2780  
22/12/14

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

*[Signature]*  
22/12/14

D. No. 1087  
Date 29/12/14  
Section Budget  
DGHS Office, KPK

Subject: CREATION OF SUPERNUMERARY POSTS IN HEALTH DEPARTMENT  
DIR LOWER

Dear Sir,

I am directed to refer to your letter No. SOH(Lit-1)/12-1300/2011 dated 27-11-2014 on the subject noted above and to intimate that in pursuance of Court decision, Finance Department agrees to the creation of the following 09 No. supernumerary posts in THQ Hospital Dir Lower during current financial year 2014-15 w.e.f 01-06-2012 to 30-06-2014 for the purpose of drawal of pay, subject to the observance of all codal/legal formalities by the Administrative Department before incurrence of the expenditure:-

S.No	Name of Post & BPS	No. of Post
1	Driver BPS-04	01
2	Ward Orderly BPS-02	08
Total:-		09

2- The expenditure involved is debitable to function/object classification 07-Health-073-Hospital Services-0731-General Hospital Services-0731 01-General Hospital Services-DA-7009-THQ Hospital Dir Lower and will be met out within the sanctioned budget grant of current financial year 2014-15.

3- Financial implications may kindly be worked out and an audit copy may be sent for the authentication of this Department.

Yours faithfully,

ATTESTED

*[Signature]*

*[Signature]*  
(LAL SAEED KHATTAK)  
Budget Officer-VI

OFFICE OF THE DIRECTOR GENERAL HEALTH SERVICES, KPK, PESHAWAR.

No. 145-46 /Budget/SNE. Dated 16 /01 /2015 (Supernumerary Posts)

Copy of the above is forwarded to the:-

1. District Health Officer, Dir Lower at Timergara for information and further necessary action.
2. Budget Officer-VI, Govt. of KPK, Finance Department, Peshawar for information.

*[Signature]*  
Assistant Director (Accounts)  
15/1/15



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT

NO.8VVFD/4-39/2010-11  
Dated Peshawar the 06/02/2012

10

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

8342  
7/7/09 7/02

SUBJECT:- CREATION OF POSTS FOR RHCs KHALL, BIBYAR, TARPATAR AND SHARINGAL.

Dear Sir,

I am directed to refer to your Department's letter No.SOB/HD/3-1/DIR UPPER, dated 25<sup>th</sup> January 2012 on the subject noted above and to intimate that Finance Department agrees to the creation of 18 number posts in following health units of District Dir Upper subject to the observance of all codal/legal formalities before making appointment / filling of the said posts during CFY 2011-12:-

1. RHC TARPATAR

ایر ڈیر

S.No.	Nomenclature of the post & BPS	No. of posts
1	Medical Officer B-17	1
2	Women Medical Officer B-17	1
3	Dental Surgeon B-17	1
4	JCT Dental B-9	1
5	JCT Radiology B-9	2
6	JCT Surgical B-9	1
7	JCT Pathology B-9	1
8	Jr. PHC Technician (MCH) B-9	1
9	Jr. PHC Technician (Multipurpose) B-9	1
10	Driver B-4	1
✓11	X-Ray Attendant B-2	1
✓12	Dental Attendant B-2	1
13	Mail B-1	1
14	Beheshti B-1	1
Total		15

ASE  
M  
DS-III  
13/2

2. BHU Shahi Kot

S.No.	Nomenclature of the post & BPS	No. of posts
1	Medical Officer B-17	1
2	Jr.PHC Technician (MCH) B-9	1
3 ✓	Ward Orderly B-2	1
Total		3

Sp/B  
15/02  
14/02

2- The expenditure involved therein will be met out through Account-IV of the District concerned during current financial year 2011-12.

*The Controller*

Yours faithfully,

*Zikria Khan*  
(ZIKRIA KHAN)  
BUDGET OFFICER-VI

- cc ✓
1. Accountant General, Khyber Pakhtunkhwa Peshawar.
  2. District Coordination Officer, Dir Upper.
  3. District Accounts Officer, Dir Upper.
  4. EDO Finance & Planning, Dir Upper.
  5. EDO (Health), Dir Upper.
  6. Director FMIU, Finance Department.
  7. Budget Officer (PFC-II) Finance Department.
  8. Master File.

*Zikria Khan*  
BUDGET OFFICER-VI

APPROVED  
*[Signature]*



Handwritten notes in the top left corner.

Handwritten number 11 in a circle.

4-39

GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT

NO.BVI/FD/4-39/2010-11  
Dated Peshawar the 06/02/2012

To

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

Handwritten numbers: 7348, 9/10/2012

SUBJECT:- CREATION OF POSTS FOR RHCs KHALL, BIBYAR, TARPATAR AND SHARINGAL.

Dear Sir,

I am directed to refer to your Department's letter No.SOB/HD/3-1/DIR UPPER, dated 25<sup>th</sup> January 2012 on the subject noted above and-to intimate that Finance Department agrees to the creation of 18 number posts in following health units of District Dir Upper subject to the observance of all codal/legal formalities before making appointment / filling of the said posts during CFY 2011-12:-

1. RHC TARPATAR

S.No.	Nomenclature of the post & BPS	No. of posts
1	Medical Officer B-17	1
2	Women Medical Officer B-17	1
3	Dental Surgeon B-17	1
4	JCT Dental B-9	1
5	JCT Radiology B-9	1
6	JCT Surgical B-9	2
7	JCT Pathology B-9	1
8	Jr. PHC Technician (MCH) B-9	1
9	Jr. PHC Technician (Multipurpose) B-9	1
10	Driver B-4	1
✓11	X-Ray Attendant B-2	1
✓12	Dental Attendant B-2	1
13	Mali B-1	1
14	Beheshli B-1	1
Total		15

Handwritten notes: ASE, M, DS-III, 13/2

2. BHU Shahi Kot

S.No.	Nomenclature of the post & BPS	No. of posts
1	Medical Officer B-17	1
2	Jr.PHC Technician (MCH) B-9	1
3 ✓	Ward Orderly B-2	1
Total		3

Handwritten notes: So-B, 14/02

2- The expenditure involved therein will be met out through Account-IV of the District concerned during current financial year 2011-12.

Handwritten signature: The Controller

Yours faithfully,

(ZIKRIA KHAN)  
BUDGET OFFICER-VI

ATTACHED

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. District Coordination Officer, Dir Upper.
3. District Accounts Officer, Dir Upper.
4. EDO Finance & Planning, Dir Upper.
5. EDO (Health), Dir Upper.
6. Director FMIU, Finance Department.
7. Budget Officer (PFC-II) Finance Department.
8. Master File.

BUDGET OFFICER-VI  
SECRET



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT

NO. BOVI/FD/ 4-38 /2010-11  
DATED PESHAWAR THE 1<sup>ST</sup> JULY 2011

12

DHO  
- - -  
91-6-1-85

To

The Secretary to Govt of Khyber Pakhtunkhwa,  
Health Department.

Subject: CREATION OF POSTS THROUGH SNE (FRESH) 2011-12 UNDER  
GRANT NO. 13 "HEALTH".

Dear Sir,

I am directed to refer to the subject noted above and to state that Finance Department agrees to the creation of 127 posts in following health units of District Dir Lower through SNE (Fresh) 2011-12 i.e. with effect from 1<sup>st</sup> July 2011, subject to observance of all codal/legal formalities before filling of the posts:-

1. Category-D Hospital Ziarat Talash, District Dir Lower.

S.No.	Nomenclature of the post & BPS	No. of posts.
1	Medical Specialist-B-18	1
2	Surgical Specialist B-18	1
3	Gynecologist B-18	1
4	Children Specialist B-18	1
5	Medical Officer B-17	4
6	Charge Nurse B-16	6
7	JCT Radiology B-9	2
8	JCT Cardiology B-9	2
9	JCT Surgical B-9	3
10	JCT Anesthesia B-9	2
11	JCT Pathology B-9	2
12	Computer Operator B-12	1
13	Electrician B-6	1
14	Store Keeper B-5	1
15	Driver B-4	1
16	Ward Attendant B-2	7
17	Chowkidar B-1	2
18	Sweeper B-1	1
19	Mali B-1	1
	<b>Total</b>	<b>40</b>

2. DHQ Hospital Timergarra, District Dir Lower.

S.No.	Name of post & BPS	No. of posts.
1	Paedritician B-18	1
2	Neuro Physician B-18	1
3	Medical Officer B-17	10
4	Charge Nurse B-16	18
5	Computer Operator B-12	3
6	JCT Anesthesia B-9	10
7	JCT Surgical B-9	10
8	JCT Pathology B-9	
9	JCT Radiology B-9	
10	Jr. PHC Technician (Multipurpose) B-9	
11	JCT Cardiology B-9	
12	JCT (Pharmacy) B-9	1

ATTESTED

*[Handwritten signature]*

NC21017 (013)  
HEALTH

13

تیسویں

## 073101 GENERAL HOSPITAL SERVICES

FUNCTIONAL CUM OBJECT CLASSIFICATION AND PARTICULARS OF THE SCHEME			NUMBER OF	BUDGET	RELEASED
			POSTS	ESTIMATES	
			2014-2015	2014-2015	2014-2015
			Rs	Rs	Rs
07	HEALTH				
073	HOSPITAL SERVICES				
0731	GENERAL HOSPITAL SERVICES				
073101	GENERAL HOSPITAL SERVICES				
MD7010 : M.S Agency Headquarter Hospital Dakkhela Malakand					
J069	Junior Clinical Technician (Cardiology)	(BPS-09)	2	1,022,000	1,022,000
J070	Junior Clinical Technician (Surgical)	(BPS-09)	18	810,000	810,000
J071	Junior Clinical Technician (Dental)	(BPS-09)	4	423,000	423,000
J073	Junior Clinical Technician (Pharmacy)	(BPS-09)	25	3,079,000	3,079,000
J076	Jr. Clinical Tech. (Ophthalmology/Otorhinology)	(BPS-09)	4	185,000	185,000
J077	Junior Clinical Technician (Physiotherapy)	(BPS-09)	2	145,000	145,000
J078	Junior Clinical Technician (Radiology)	(BPS-09)	8	906,000	906,000
J079	Jr. PNC Technician (NCH)	(BPS-09)	3	123,000	123,000
E019	Electrician	(BPS-06)	3	182,000	182,000
R014	Receptionist	(BPS-05)	1	73,000	73,000
S127	Store Keeper	(BPS-05)	2	145,000	145,000
T019	Telephone Operator	(BPS-05)	2	145,000	145,000
C152	Carpenter/Plumber	(BPS-04)	1	250,000	250,000
D112	Driver	(BPS-04)	5	423,000	423,000
G013	Generator Operator	(BPS-03)	1	182,000	182,000
O012	Operation Theatre Attendant	(BPS-03)	3	73,000	73,000
T049	Tubewell Operator	(BPS-03)	2	182,000	182,000
D033	Blood Bank Attendant	(BPS-02)	2	145,000	145,000
D007	Dai	(BPS-02)	8	665,000	665,000
D016	Dental Attendant	(BPS-02)	1	73,000	73,000
F045	Female Ordeh	(BPS-02)	1	145,000	145,000
L002	Laboratory Attendant	(BPS-02)	3	381,000	381,000
W004	Ward Ordeh	(BPS-02)	36	2,470,000	2,470,000
W039	Ward Attendant	(BPS-02)	35	1,865,000	1,865,000

BUDGET OFFICER VI  
Govt. of Khyber Pakhtunkhwa  
Finance Deptt.

ATTESTED



OFFICE OF THE  
EXECUTIVE DISTRICT OFFICER (HEALTH)  
DIR LOWER

14

No. 1388 /Dated 9 / 03 /2012.

Phone NO. 0945-9250098.

To,

Mr. Zubair Shah S/O Habib Mohammad,  
Village Malakand Bala Tehsil Balambat  
Dir Lower.

Subject: APPOINTMENT.

Memo:

Reference your application for the post of Ward Orderly.

You are hereby offered a post of Ward Orderly BPS-02 (Rs:4900-170-10000) plus usual allowances as admissible under the rules on regular contract basis against the vacant post of Ward Orderly at DHQ Hospital Timergara Dir Lower on the following terms & conditions.

TERMS & CONDITIONS.

1. Your appointment will be on regular contract basis.
2. You will not be entitled for pension and gratuity benefits.
3. You will not contribute to GP Fund.
4. You will avail the benefit of Contributory Provident Fund (CPF) through 10% contribution of minimum of her pay and 10% contribution to be made by the Government.
5. Your appointment will take place subject to provision of Health & age certificate from the Medical Superintendent DHQ Hospital Timergara and verification of your documents from the concerned Institution.
6. If you accepts offer for appointment as Ward Orderly with the above terms and conditions, you should report to the DHQ Hospital Timergara within 15 days, otherwise offer will be considered automatically as cancelled.

Executive District Officer,  
(Health) Dir Lower.

No. \_\_\_\_\_

Copy forwarded to:-

1. The District Accounts Officer Dir Lower.
2. The MS DHQ Hospital Timergara.
3. The Accounts Clerk of this office.

For information and necessary action please.

Executive District Officer,  
(Health) Dir Lower.

ATTACHED

بخدمت جناب ڈائریکٹر جنرل ہیلتھ سروسز خیبر پختونخواہ پشاور

جناب میڈیکل سپرنٹنڈنٹ صاحب ڈی ایچ کیو ہسپتال تیمرگرہ ضلع در لوئیئر

برصاوت

درخواست دربارہ وارڈ اینڈمنٹ 2-BPS

جناب مال

مذکورہ گزارش ہے کہ 2008-2009 میں ضلع در لوئیئر اور دربارہ میں کچھ نئے وارڈ اینڈمنٹ کی کامیابی منظور ہو چکی تھی۔ اس میں درج ذیل چیزوں کے بھی کامیابی منظور ہوئے تھے۔

یہ کہ ماسٹران کی تقریبی آمد میں سبب و طور بنیادی ہے سکالری بی بی ایس۔ اورج کیا گیا ہے حالانکہ اخباری اشتہار میں ماسٹران بی بی ایس۔ کی تیاریاں ہوئے تھے۔ (اخباری اشتہار لگے تھے)

یہ کہ 1000 ماسٹران کے لئے منتقل میں پیچیدگیاں پیدا ہونے کا احتمال ہے۔ لہذا اس مرض ہے کہ ماسٹران کے سکالری میں تصحیح فرمایا جائے۔ ماسٹران کو سکالری۔ اس سکالری میں پروڈکشن کرنے کے امکانات صادر فرماتے ہیں انصاف ہے۔ جیسا کہ اس وقت آگے بچھری اور سکالری میں آگے اور 1000 ماسٹران اپنے 1000 ماسٹران بی بی ایس۔ کے تحت تقریباً کی ہیں۔ لیکن محض 1000 ہسپتال تیمرگرہ میں تقریباً شدہ افراد کے تقریباً 1000 ماسٹران بی بی ایس۔ آگے کیا ہے۔ جس کی درج ذیل آگے ہے۔

جس گزارش ہے درخواست ختم جسب استہ عارض صدر منظور فرمایا جائے۔

Handwritten signature and date: 29/10/15

آپنا فرمانبردار  
نور محمد  
ڈائریکٹر جنرل ہیلتھ سروسز

ATTESTED  
Handwritten signature

15/A

Office of the Medical Superintendent  
DHQ Hospital Timergara Dir Lower.

No. dated 2.9/10  
Ph;0945-9250099 Fax 0945-9250174

To

The Director General Health  
Services, KPK Peshawar.

Subject:- Request for conversion of Basic Pay Scale from 1 to BPS 2 in respect of Ward Attendants

Memo;

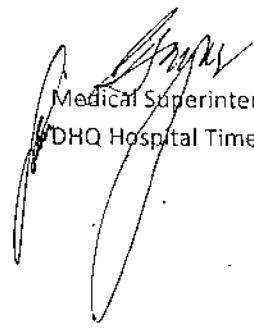
Enclosed please find herewith an application and resolution passed by the Class IV Union DHQ Hospital Timergara (which are selves-explanatory) for information and favour of further necessary action.


In this regard it is stated that most of the post of ward attendants in various hospitals as well as in this hospital created in BPS-2 while 56 post of ward attendants were created in BPS-1 at DHQ Hospital Timergara . In this respect the ward attendants BPS-1 are requesting to upgrade these posts to BPS-2.

Medical Superintendent  
DHQ Hospital Timergara.

No. 44891

Copy forwarded to Mr. Pir Zada G.S. Class IV Union DHQ Hospital Timergara for information.

  
Medical Superintendent  
DHQ Hospital Timergara.

ATTESTED  


*Before the KP Service Tribunal, Peshawar*

Writ Petition No. \_\_\_\_\_/2019

*Noor Mohammad* (APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

*Health Department* (RESPONDENT)  
(DEFENDANT)

I/We *Noor Mohammad*  
Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, 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.    /    / 2019

*[Signature]*  
CLIENT

*[Signature]*  
**ACCEPTED**  
**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE**  
**15401-0705985-5**  
**(BC-08-0853)**

*[Signature]* &  
**SHAHZULEAH KHAN YOUSAFZAI**  
**ADVOCATES**

*[Signature]*  
**MIR ZAMRAT SAFI**  
**ADVOCATE**

**OFFICE:**  
Flat No.3, Upper Floor,  
Islâmia Club Building, Khyber Bazar,  
Peshawar City.  
Phone: 091-2211391  
Mobile No 0345-0383141

**"B"**

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

No.

Appeal No. 301 of 20/9.

Mr. Muzammas Ahmad Appellant/Petitioner

Versus

Director of Health Services, District Dir Lower Respondent

Respondent No. 4

Notice to: Distt Health Officer, Distt Dir Lower

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 13-5-2019 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. .... dated .....

Given under my hand and the seal of this Court, at Peshawar this 13th Day of April 19.

[Signature]  
Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.

**"B"**

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

No.

Appeal No. 301 of 20 19.

M. Noor Muhammad  
Appellant/Petitioner

Versus

Director of Health Services  
Respondent

Respondent No. 5

Notice to: Medical Superintendent DHQ Hospital  
Tinwari, District Dir Lower

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 13-5-2019 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. .... dated .....

Given under my hand and the seal of this Court, at Peshawar this 12/4 .....

Day of April 2019.

[Signature]  
Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.

**"B"**

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

No.

Appeal No. 301 of 2019

Mr. Noor Muhammad Khan,  
Appellant/Petitioner

Versus

Govt of KP, through Secretary Health, etc.  
Respondent

Respondent No. 1

Notice to:

Govt of KP, through Secretary Health,  
Deptt KPK Peshawar

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 13-5-2019 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. .... dated.....

Given under my hand and the seal of this Court, at Peshawar this 13th.....

Day of April.....2019.

15/4

[Signature]  
Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.

**"B"**

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

No.

Appeal No. 301 of 2019

M. Noor Muhammad Appellant/Petitioner

Versus

Director General Health Services Respondent

Respondent No. 3


Notice to: Director General Health Services  
Depts/16/16, Peshawar

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 13-5-2019 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No. .... dated .....~~

Given under my hand and the seal of this Court, at Peshawar this 13th Day of April, 2019,

  
Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.



**"B"**

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

No.

Appeal No. 301 of 20 19

M. A. Khan Appellant/Petitioner

Versus

Govt of KP, Secy, Secy, etc Respondent

Respondent No. 2

Notice to:

Secretary Finance Deptt KP  
Peshawar

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on: 13-5-2019 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No. .... dated .....~~

Given under my hand and the seal of this Court, at Peshawar this 12th Day of April, 2019

[Signature]  
Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.