

10.11.2022


Junior to counsel for the appellant present.

Muhammad Adeel Butt learned Additional Advocate General for the respondents present.

Former requested for adjournment due to engagement of learned senior counsel for the appellant in Hon'ble Peshawar High Court Peshawar. 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

Bench is incomplete, therefore, case is adjourned to 10.11.2022 for the same as before.

  
Reader

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.

  
Reader

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.* Adjournal. To come up for arguments on 31.01.2020 before D.B.

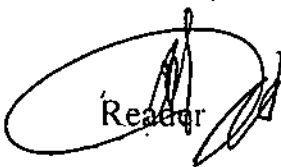
  
Member

  
Member

31.01.2020 Learned Members on tour at Camp Court, D.I.Khan, therefore the case is adjourned to 27.03.2020 for the same.

  
Reader

27.03.2020 Due to COVID-19, the case is adjourned to 04.08.2020 for the same.

  
Reader

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 17.03.2012 in BPS-01 instead of BPS-02; that the appellant has filed the present service appeal being aggrieved against his appointment 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. 17.03.2012.

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



Member

10.05.2019

Junior to counsel for the appellant present. Written reply not submitted. Saleem Ur Rehman DMS representative of the 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  
KPST  
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. 304/2019

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. Nowsher Khan 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><i>Raeem</i> 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><i>[Signature]</i> CHAIRMAN</p>



The appeal of Mr. Nowsher Khan 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. 308 /S.T,

Dt. 20/2 /2019

 20/2/19  
REGISTRAR

SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Noor Muhammad Khattak Adv.

PTU

Note:

Sir,

That appellant was recommended/Appointed on the  
Proper recommendations of Departmental Selection  
Committee but minutes of DSC is not available  
with the appellant. Hence the present appeal may  
kindly be put up before the bench.

Yours faithfully,

9/21/19

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

**Service Appeal No.304/2019**

**Mr. Nowsher Khan  
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.
- 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.

**SECRETARY TO GOVERNMENT OF  
KHYBER PAKHTUNKHWA FINANCE DEPARTMENT  
(RESPONDENT NO.02)**

Govt of Khyber Pakhtunkhwa

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

**Service Appeal No.304/2019**

**Mr. Nowsher Khan**

**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.
- 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.

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

(4)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. 304 /2019

Mr. Noshes Khan, 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 Srvices  
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/FD/12-1/2005  
Dated Peshawar, the 27/02/2013

91  
19/2/2013

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/subscriptions 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 G.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 these Provincial Civil servants posted in FATA/PATA on deputation basis.

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

141

SUBSTITUTED FOR FINANCE DEPARTMENT'S LETTER OF EVEN NO DATED 6/12/2011



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT

No.B.O./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-I CP FUND SCHEME.

Dear Sir,  
I am directed to refer to your Office letter No.E&A(AD)3(22)MO/2012-13 dated 1/10/2012 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-I with effect from 01-07-2008 vide this Department's circular letter bearing No.B.O./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

President PDA Class IV,  
Lower Dir



(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 ✓	Mali (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

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

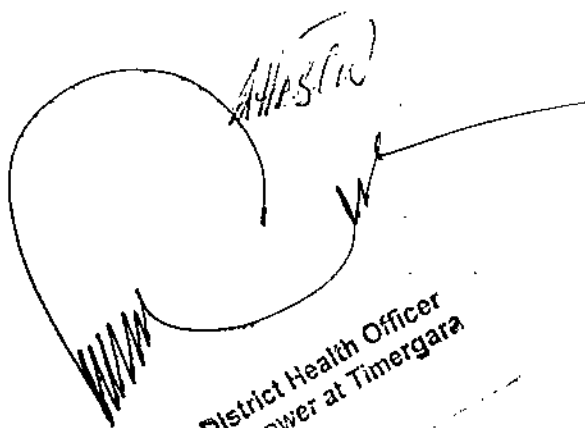
A meeting of Departmental Selection Committee was held on 27/09/2008, under the Chairmanship of the undersigned at EDO (Health) Office Dir Lower. The following Officers (Committee Members) attend the meeting.

- |   |          |
|---|----------|
| 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

*(Signature)*  
  
 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

*Ali*

Member

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. 304 /2019

*Newsheet Khan*

VS

HEALTH DEPARTMENT

**INDEX**

S. NO.	DOCUMENTS	ANNEXURE	PAGE
1	Memo of appeal	.....	1- 3.
2	Advertisement	A	4.
3	Minutes	B	5- 6.
4	CNIC	C	7.
5	Appointment order	D	8.
6	Record	E	9- 14.
7	Departmental appeal	F	15.
8	Vakalat nama	.....	16.

**APPELLANT**

THROUGH:

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

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

**APPEAL NO. \_\_\_\_\_/2019**

Mr. Nowsher Khan, Ward Attendant (BPS-1),  
DHQ Hospital, Taimer Garra, District Dir Lower.....**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.17.3.2012 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.**

- 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 17.3.2012 but unfortunately in the said appointment order dated 17.3.2012 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**



**NOWSHER KHAN**

**THROUGH:**

**NOOR MOHAMMAD KHATTAK**

**&**

**MIR ZAMAN SAFI  
ADVOCATES**

**فرسٹ ایئر میں داخلہ سے محروم طلباء کا مستقبل تاریک ہو گیا**  
**گورنمنٹ ہسٹریکریٹک کالج کراچی میں لائسنس دینے والی جاتیوں کو ان کی تعلیمی طلباء**  
 ایسٹ (ایف، آئی، اے) گورنمنٹ ہسٹریکریٹک کالج بندوبست کرنے میں تاخیر کا اظہار اسٹیٹ ہیومنٹ طلباء  
 کراچی میں گورنمنٹ ہسٹریکریٹک کالج بندوبست کی بنا پر جس سال انڈسٹری طلباء کراچی کے کالجوں میں داخلہ سے ایک ماہ میں کیا گیا ہے  
 فرسٹ ایئر میں داخلہ سے محروم ہونے کی وجہ سے کئی طلباء نے کراچی کے کالجوں میں داخلہ سے ایک ماہ میں کیا گیا ہے  
 طلباء کے مستقبل کو تباہ ہونے سے بچانے کیلئے مطالبہ کیا گیا ہے کہ ایسٹ ایئر میں داخلہ سے محروم طلباء کو ایسٹ ایئر میں داخلہ سے محروم نہ کیا جائے۔

گورنمنٹ ہسٹریکریٹک کالج کراچی میں داخلہ سے محروم طلباء کا مستقبل تاریک ہو گیا  
 ایسٹ (ایف، آئی، اے) گورنمنٹ ہسٹریکریٹک کالج بندوبست کرنے میں تاخیر کا اظہار اسٹیٹ ہیومنٹ طلباء  
 کراچی میں گورنمنٹ ہسٹریکریٹک کالج بندوبست کی بنا پر جس سال انڈسٹری طلباء کراچی کے کالجوں میں داخلہ سے ایک ماہ میں کیا گیا ہے  
 فرسٹ ایئر میں داخلہ سے محروم ہونے کی وجہ سے کئی طلباء نے کراچی کے کالجوں میں داخلہ سے ایک ماہ میں کیا گیا ہے  
 طلباء کے مستقبل کو تباہ ہونے سے بچانے کیلئے مطالبہ کیا گیا ہے کہ ایسٹ ایئر میں داخلہ سے محروم طلباء کو ایسٹ ایئر میں داخلہ سے محروم نہ کیا جائے۔

# آسامیاں خالی ہیں

آسامیاں خالی ہیں۔ ذیل آسامیوں کی فراہمی کے لیے طلباء کو اپنی آسامیوں کے ناموں سے درخواستیں جمع کروانی ہیں۔

آسامی نمبر	آسامی نام	آسامی کی فراہمی	آسامی کی فراہمی	آسامی کی فراہمی	آسامی کی فراہمی
01	OHQ ہسپتال کراچی	01	30r 18	Recognized	8.9.2008
02	OHQ ہسپتال کراچی	01	30r 18	Recognized	8.9.2008
03	OHQ ہسپتال کراچی	01	30r 18	Recognized	8.9.2008
04	OHQ ہسپتال کراچی	01	30r 18	Recognized	8.9.2008
05	OHQ ہسپتال کراچی	01	30r 18	Recognized	8.9.2008
06	OHQ ہسپتال کراچی	01	30r 18	Recognized	8.9.2008
07	OHQ ہسپتال کراچی	01	30r 18	Recognized	8.9.2008
08	OHQ ہسپتال کراچی	01	30r 18	Recognized	8.9.2008
09	OHQ ہسپتال کراچی	01	30r 18	Recognized	8.9.2008
10	OHQ ہسپتال کراچی	01	30r 18	Recognized	8.9.2008
11	OHQ ہسپتال کراچی	01	30r 18	Recognized	8.9.2008
12	OHQ ہسپتال کراچی	01	30r 18	Recognized	8.9.2008
13	OHQ ہسپتال کراچی	01	30r 18	Recognized	8.9.2008
14	OHQ ہسپتال کراچی	01	30r 18	Recognized	8.9.2008
15	OHQ ہسپتال کراچی	01	30r 18	Recognized	8.9.2008
16	OHQ ہسپتال کراچی	01	30r 18	Recognized	8.9.2008
17	OHQ ہسپتال کراچی	01	30r 18	Recognized	8.9.2008
18	OHQ ہسپتال کراچی	01	30r 18	Recognized	8.9.2008
19	OHQ ہسپتال کراچی	01	30r 18	Recognized	8.9.2008
20	OHQ ہسپتال کراچی	01	30r 18	Recognized	8.9.2008
21	OHQ ہسپتال کراچی	01	30r 18	Recognized	8.9.2008
22	OHQ ہسپتال کراچی	01	30r 18	Recognized	8.9.2008
23	OHQ ہسپتال کراچی	01	30r 18	Recognized	8.9.2008
24	OHQ ہسپتال کراچی	01	30r 18	Recognized	8.9.2008
25	OHQ ہسپتال کراچی	01	30r 18	Recognized	8.9.2008
26	OHQ ہسپتال کراچی	01	30r 18	Recognized	8.9.2008
27	OHQ ہسپتال کراچی	01	30r 18	Recognized	8.9.2008
28	OHQ ہسپتال کراچی	01	30r 18	Recognized	8.9.2008
29	OHQ ہسپتال کراچی	01	30r 18	Recognized	8.9.2008
30	OHQ ہسپتال کراچی	01	30r 18	Recognized	8.9.2008

ATTESTED

*(Handwritten signature)*



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 Dir Lower. The following officers (Committee Members) attended the meeting.

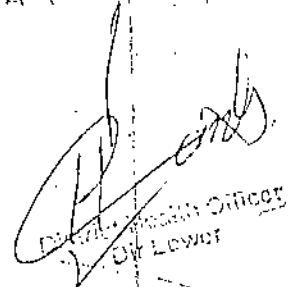
1. Dr. Sher Mohammad, EDO (Health) Chairman.
2. Mr. Mohammad Jamil Assistant Director, Member.  
Directorate Health Services NWFP, Peshawar.
3. Dr. Shoukat Ali, Dy. EDO (Health) Dir Lower. Member.
4. Mr. Muhammad Ilyas District Officer Finance. Member.  
(Representative of DCO)

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. 35 were selected in employment quota and the candidate at serial No. 45 were selected in 02% disable quota (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. Muhammad Asif S/O Hazrat Muhammad.
3. Mr. Bahar ur Rahman S/O Sher Rahman.
4. Mr. Usaid Ullah S/O Abbas Khan.
5. Mr. Mirad S/O Saeedullah.
6. Mr. Muhammad Simfi S/O (Muhammad Shafiq).
7. Mr. Muhammad Qayum S/O Sher Bakht Zaman Khan.
8. Mr. Bakar Ali S/O Sultan Zarin.
9. Mr. Umar Hayat S/O Sardar Hayat.
10. Mr. Imran S/O Jehanullah.
11. Mr. Javed S/O Dosti 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 Jan.

Attested

  
DISTRICT OFFICER  
DIR LOWER

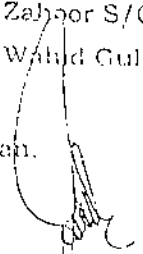
ATTESTED



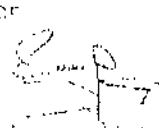
6

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 Ali <sup>ghal</sup> <sup>cut</sup> S/O Muhammad Abdul Azim.
25. Mr. Rahman Wali S/O Rahmat Wali.
26. Mr. Abdur Rahman S/O Ghafoor Rahman.
27. Mr. Mokamin Khan S/O Muhammad Soliha.
28. Mr. Sajjad Ahmad S/O Hazrat Wali.
29. Mr. Naveed <sup>ghal</sup> <sup>cut</sup> Gul S/O Akbar Khan.
30. Mr. Khalid <sup>ghal</sup> <sup>cut</sup> Mahmood S/O Muhammad Sadiq.
31. Mr. Manzoor <sup>ghal</sup> <sup>cut</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 Zigarwar 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 Hawaldar.
44. Mr. Zahoor S/O Naqeeb Ahmad.
45. Mr. Wahid Gul S/O Muhammad Ayub.

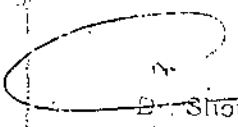
Chairman.

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

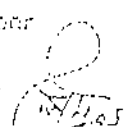
Member

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

Member

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

Member

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

ATTESTED



حکومت پاکستان

قومی شناختی کارڈ

13306-8143233-5

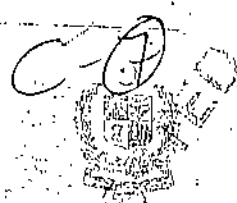
نام: محمد سعید خان

پتو: سرور نام خان

قومی شناختی کارڈ نمبر: 18/02/1984

تعمیر شدہ: 18/02/1984

دستخط: محمد سعید خان



Handwritten signature

قومی شناختی کارڈ نمبر: 152106-8143233-5

نام: محمد سعید خان

دستخط: محمد سعید خان

تعمیر شدہ: 10/02/2015

تاریخ: 10/02/2025

قومی شناختی کارڈ نمبر: 18/02/1984



152106-8143233-5

D-2

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

No. 1466 / Dated. 17/3/2012.

Phone No. 0945-9250098.

To,

Mr. Nowsher Khan S/O Sardar Alam Khan,  
Village Qazi Abad PO & Tehsil Timergara,  
District Dir Lower.

Subject: **APPOINTMENT**  
Memo:-

Reference your application for the post of Ward Attendant.

You are hereby offered a post of Ward Attendant BPS-01 (Rs. 4800-150-93000) 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 within 15 days, otherwise offer will be considered automatically as cancelled.

No. 1467-68 /

Copy forwarded to:-

1. The District Accounts Officer Dir Lower.
  2. The Medical Superintendent DHQ Hospital Timergara.
- For information and necessary action please.

**ATTENDED**  
Executive District Officer,  
(Health) Dir Lower.

Executive District Officer,  
(Health) Dir Lower.



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

*[Signature]*  
22/12/14

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

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]*  
(LAL SAEED KHATTAK)  
Budget Officer-VI

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

No. 145-46/Budget/SNE.

Dated 16/12/2015 (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)

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



10

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.

2342  
11/02/2012

SUBJECT:- CREATION OF POSTS FOR RHCs KHALL, BIDYAR, 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 دیئر

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	Mali B-1	1
14	Beheshti B-1	1
Total		15

ASE  
M  
DS-111  
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

4-13  
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 entire*

Yours faithfully,

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

- c.c. ✓
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 FMLU, Finance Department.
  7. Budget Officer (PFC-II) Finance Department.
  8. Master File.

*Zikria Khan*  
BUDGET OFFICER-VI

ATTACHED



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT

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

12

DHO  
91-6-1-43

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-13	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
	Total	40

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	

ATTESTED

*[Signature]*

NC21017 (013)  
HEALTH

*Handwritten signature*

073101 GENERAL HOSPITAL SERVICES

FUNCTIONAL, CUM OBJECT CLASSIFICATION AND PARTICULARS OF THE SERVICE			NUMBER OF POSTS 2010-2011	BUDGET ESTIMATES 2010-2011	RELEASED 2010-2011
			Rs.	Rs.	Rs.
07	HEALTH				
073	HOSPITAL SERVICES				
0731	GENERAL HOSPITAL SERVICES				
073101	GENERAL HOSPITAL SERVICES				
M107010 : M.S. Agency Headquarter Hospital Bakheh Malakand					
1069	Junior Clinical Technician (Cardiology)	(BPS-09)	2	1,027,000	1,027,000
1070	Junior Clinical Technician (Surgical)	(BPS-09)	18	810,000	810,000
1071	Junior Clinical Technician (Dental)	(BPS-09)	4	423,000	423,000
1073	Junior Clinical Technician (Pharmacy)	(BPS-09)	25	3,079,000	3,079,000
1076	Jr. Clinical Tech (Ophthalmology/Otorhinology)	(BPS-09)	4	365,000	365,000
1077	Junior Clinical Technician (Physiotherapy)	(BPS-09)	2	145,000	145,000
1078	Junior Clinical Technician (Radiology)	(BPS-09)	8	906,000	906,000
1079	Jr. PIC Technician (NICU)	(BPS-09)	1	123,000	123,000
2019	Electrician	(BPS-06)	3	82,000	187,000
2014	Receptionist	(BPS-05)	1	73,000	73,000
3127	Suice Keeper	(BPS-05)	2	145,000	145,000
1019	Telephone Operator	(BPS-05)	2	145,000	145,000
6152	Carpenter/Plumber	(BPS-04)	3	250,000	250,000
D112	Driver	(BPS-04)	5	423,000	423,000
G013	Generator Operator	(BPS-03)	1	187,000	187,000
O012	Operating Theatre Attendant	(BPS-02)	3	73,000	73,000
T049	Tubewell Operator	(BPS-03)	2	187,000	187,000
B033	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 Ordeli	(BPS-02)	1	145,000	145,000
L002	Laboratory Attendant	(BPS-02)	3	381,000	381,000
W004	Ward Orderly	(BPS-02)	30	2,420,000	2,420,000
W039	Ward Attendant	(BPS-02)	35	3,865,000	3,865,000

*Handwritten signature*  
BUDGET OFFICER VI  
Govt. of Khyber Pakhtunkhwa  
Finance Deptt.

ATTESTED  
*Handwritten signature*



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 Balambal  
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 accept 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

ATTESTED

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

بخدمت جناب ڈائریکٹر جنرل ہیلتھ سروسز خیبر پختونخواہ پشاور

جناب ایڈمنسٹریٹو سپرنٹنڈنٹ صاحب ڈی ایچ کیو ہسپتال خیبرگرہ ضلع ویراواتیر

محبت

درخواست دربارہ دارذائیدنت 2-BPS

جناب عالی

مذکورہ گزارش ہے کہ 2008-2009 میں ضلع ویراواتیر میں کچھ نئے دارذائیدنت کی آسامیاں منظور ہو چکی تھیں۔ اس میں دو چھتر کے بھی آسامیاں منظور ہوئے تھے۔

یہ کہ آسامیاں کی تقرری آؤر میں سے اس طرح بنیادی ہے کیلیں بی بی ایس۔ 1 اور بی بی ایس۔ 2 کی حالت۔ اخباری اشتہار میں آسامیاں بی بی ایس۔ 2 میں کی گئی تھیں۔ (اخباری اشتہار لٹ ہے)

یہ کہ ان حالات میں جو آسامیاں کے لئے تشکیل دی گئیں وہیں ہی آسامیاں پیدا ہونے کا احتمال ہے۔ لہذا اس مرض کے کہ آسامیاں کے تشکیل میں تصحیح فرمایا جائے۔ آسامیاں کی تشکیل کے لئے اس وقت کے حکامات صادر کرنا تقریباً آٹھ ماہ قبل ہے۔ جیسا کہ اس وقت ماکڈا بجیٹی اور ضلع ویراواتیر میں آسامیاں اپنے حکامات میں بی بی ایس۔ 2 کے تحت تقرریاں کی ہیں۔ لیکن محض (DHC) ہسپتال خیبرگرہ میں تقریر شدہ افراد کے آؤر میں بی بی ایس۔ 1 لکھا گیا ہے۔ جس کی دو ٹی اڈریس امر ہے۔

پس عرض ہے درخواست ملنا حسب اسٹند فارم صحیح طور پر فرمایا جائے۔

Res/ce/No. 29/16/45

آپ بھائی صاحب،  
ڈائریکٹر جنرل ہیلتھ سروسز  
خیبر پختونخواہ

ATTESTED

[Signature]

15/A

Office of the Medical Superintendent  
DHQ Hospital Timergara Dir Lower

No. dated 29/10  
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;

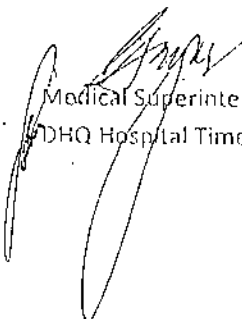
Enclosed please find herewith an application and resolution passed by the Class IV Union DHQ Hospital Timergara (which are selves-explanatory) for information and favour of further necessary action.

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. 44391

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

  
Medical Superintendent  
DHQ Hospital Timergara.

ATTESTED



**VAKALATNAMA**

*Before the KP Service Tribunal, Peshawar*

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

*Nowsher Khan*

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

*Health Department*

(RESPONDENT)  
(DEFENDANT)

I/We *Nowsher Khan*

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

*Nowsher Khan*

CLIENT

ACCEPTED

**NOOR MOHAMMAD KHATTAK**

**ADVOCATE**

**15401-0705985-5**

**(BC-08-0853)**

&

*Shahzadeh Khan Yousafzai*  
**SHAHZADEH KHAN YOUSAFZAI**

**ADVOCATES**

OFFICE:-

Flat No.3, Upper Floor,  
Islamia Club Building, Khyber Bazar,  
Peshawar City.

Phone: 091-2211391

Mobile No. 0345-0383141

*Mir Zaman Qasbi*  
**MIR ZAMAN QASBI**  
**ADVOCATE**

**"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

Director of Health Services, Peshawar Respondent

Respondent No. 1

Notice to: Director of Health Services, 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 12-5-2019 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 10th .....

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. 304 of 20 19

M. A. Khan Appellant/Petitioner

Versus

Govt. of NWFP Respondent

Respondent No. 5

Notice to:

Medical Officer Health Services  
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 17.5.2019 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.....

Day of April 20 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..... 324 ..... of 20 19

..... Appellant/Petitioner  
Versus

..... Respondent  
Respondent No..... 7 .....

Notice to: - *[Handwritten signature]*

**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..... 13-5-19..... 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..... 17/5/19.....

Day of..... 17/5/19..... 20 19

*[Handwritten 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. 305 of 2019

Muhammad Amir Khan Appellant/Petitioner

Versus

Director General Health Services Respondent

Respondent No. 2

Notice to: Director General Health Services, Peshawar  
15/11/19

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 appellants/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 15/11/19 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.