


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

SCANNED
KPST
Peshawar

Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

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.

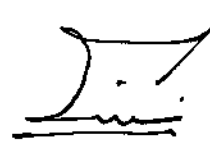

Reader

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. A copy.* Adjourn. To come up for ~~the~~ arguments on 31.01.2020 before D.B.

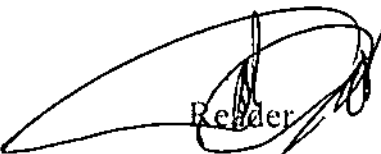

Member


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~~ 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 16.03.2012 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. 16.03.2012.

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.


Member

SCANNED
KPST
Peshawar

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. 311/2019

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. Farooq Ali Shah 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 style="text-align: right;"> 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 style="text-align: right;"> CHAIRMAN</p> <p style="text-align: right;">REGISTERED NO. 23301</p>

The appeal of Mr. Farooq Ali Shah 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. 300 /S.T,

Dt. 20/2 /2019

Mr. Noor Muhammad Khattak Adv.

20/2/19
REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

PTO

Note:

Sir,

That appellant was appointed on 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.

A.
12/21/2019.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No.311/2019

Mr. Farooq Ali Shah

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

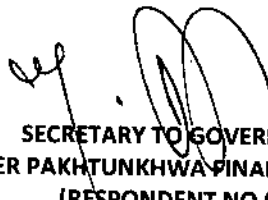
1. Pertains to record, hence needs no comments.
2. Incorrect. Departmental Selection Committee has never allotted any Basic Pay Scale.
3. Incorrect to the extent that EDO, Health (Dir Lower) has issued appointment orders in BPS-1 while fixed pay employee are not entitled for Basic Pay Scale.
4. Pertains 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.
- The respondents also seek permission to raise additional grounds at ^{the} 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)
SECRETARY
Govt. of Khyber Pakhtunkhwa
Finance Deptt.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No.311/2019

Mr. Farooq Ali Shah

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)
SECRETARY
Govt. of Khyber Pakhtunkhwa
Finance Depart

GROUND.

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.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 311 /2019

Mr. Farooq Ali, 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. BOV/II/FD/4-38/2006-07/Vol.II, dated 26th 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.



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

No. SOSR-III/FD/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 15th January 2013 and assented to by the Governor of Khyber Pakhtunkhwa on 17th 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 1st 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 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-FMA (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.1/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. BO.1/1-22/2007-08/FD dated 29/1/2008. However, they shall not be entitled for arrears of pay and allowances prior to 1st 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 26th 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 20th 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.

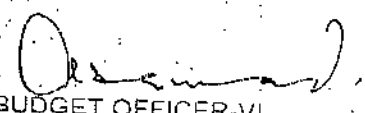
3- Audit copy for the financial implication may please be furnished for authentication of this Department.

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

(41)

(Batter Copy)
Minutes of the Meeting

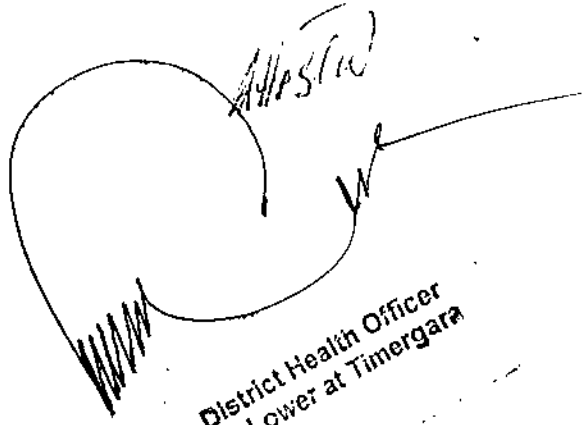
A meeting of Departmental Selection Committee was held on 27/09/2008, under the Chairmanship of the undersigned at EDO (Health) Office Dir Lower. The following Officers (Committee Members) attend the meeting.

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

Attest

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 Saced 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 Zigrawar Khan
- 40. Mr. Gul Badshah S/O Behram Said
- 41. Mr. Hayat S/O Muhammad Saced
- 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

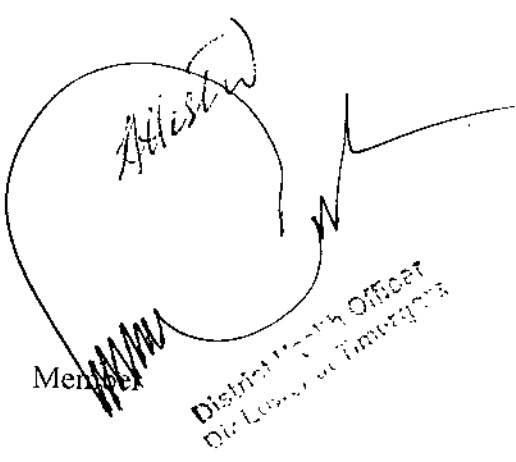
Chairman

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

Member

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

Attest



Member
District Health Officer
Dir. Lower Dir. 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. 311 /2019

FAROOQ ALI SHAH VS HEALTH DEPARTMENT

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APPELLANT

THROUGH: 
NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2019

Mr. Farooq Ali Shah, 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^{PKT} 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.16.3.2012 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 16.3.2012 but unfortunately in the said appointment order dated 16.3.2012 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



FAROOQ ALI SHAH

THROUGH:

NOOR MOHAMMAD KHATTAK

&

**MIR ZAMAN SAFI
ADVOCATES**

فرسٹ ایئر میں داخلہ سے محروم طلباء کا مستقبل تاریک ہو گیا

لاہور (سٹی) - محکمہ تعلیم نے فرسٹ ایئر میں داخلہ سے محروم طلباء کے مستقبل تاریک کر دیا ہے۔ محکمہ تعلیم نے ان طلباء کو دہرائی اور دوبارہ امتحان دینے کا حکم دیا ہے۔

محکمہ تعلیم نے فرسٹ ایئر میں داخلہ سے محروم طلباء کے مستقبل تاریک کر دیا ہے۔ محکمہ تعلیم نے ان طلباء کو دہرائی اور دوبارہ امتحان دینے کا حکم دیا ہے۔

فرسٹ ایئر میں داخلہ سے محروم طلباء کا مستقبل تاریک ہو گیا

لاہور (سٹی) - محکمہ تعلیم نے فرسٹ ایئر میں داخلہ سے محروم طلباء کے مستقبل تاریک کر دیا ہے۔ محکمہ تعلیم نے ان طلباء کو دہرائی اور دوبارہ امتحان دینے کا حکم دیا ہے۔

محکمہ تعلیم نے فرسٹ ایئر میں داخلہ سے محروم طلباء کے مستقبل تاریک کر دیا ہے۔ محکمہ تعلیم نے ان طلباء کو دہرائی اور دوبارہ امتحان دینے کا حکم دیا ہے۔

اسامیاں خالی ہیں

تاریخ امتحان	اسامیوں کی تعداد	اسامیاں خالی ہیں	بہتر اسکول	بہتر اسکول	بہتر اسکول
8.9.2008	30F18	01	01	01	01
10.9.2008		01	01	01	01
10.9.2008		01	01	01	01
10.9.2008		01	01	01	01
13.9.2008		01	01	01	01
8.9.2008		01	01	01	01
20.9.2008		01	01	01	01
15.9.2008		15	15	15	15
17.9.2008		01	01	01	01
17.9.2008	35F18	01	01	01	01
27.9.2008	45F18	47	47	47	47
29.9.2008		21	21	21	21
29.9.2008		07	07	07	07
29.9.2008		03	03	03	03
29.9.2008		05	05	05	05
8.9.2008	30F18	02	02	02	02
20.9.2008		01	01	01	01
13.9.2008		01	01	01	01
13.9.2008		02	02	02	02
20.9.2008		01	01	01	01
10.9.2008		01	01	01	01
8.9.2008		01	01	01	01
15.9.2008		05	05	05	05
17.9.2008		01	01	01	01
25.9.2008		01	01	01	01
17.9.2008		01	01	01	01
25.9.2008	45F18	01	01	01	01
27.9.2008		04	04	04	04
27.9.2008		03	03	03	03
29.9.2008		04	04	04	04
29.9.2008		02	02	02	02
29.9.2008		01	01	01	01
29.9.2008		01	01	01	01
8.9.2008	30F18	02	02	02	02
20.9.2008		02	02	02	02
13.9.2008		02	02	02	02
20.9.2008		02	02	02	02
23.9.2008		02	02	02	02
10.9.2008		02	02	02	02
13.9.2008		02	02	02	02
08.9.2008		02	02	02	02
25.9.2008		01	01	01	01
17.9.2008		01	01	01	01
27.9.2008	45F18	02	02	02	02
27.9.2008		12	12	12	12
29.9.2008		05	05	05	05
29.9.2008		01	01	01	01
29.9.2008		04	04	04	04
29.9.2008		02	02	02	02
8.9.2008	30F18	02	02	02	02

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 Balamir) 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 employer and 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. Hafiz ur Rahman S/O Sher Rahman.
4. Mr. Usaid Ullah S/O Abbas Khan.
5. Mr. Murad S/O Saeedullah.
6. Mr. Muhammad Shafi 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 Jchanullah.
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. Malik Ullah S/O Fatch Habib.
15. Mr. Asif Hanan S/O Amir Muhammad.
16. Mr. Hanif ur Rahman S/O Ghani Muhammad.
17. Mr. Karren S/O Muhammad Rahim Khan.
18. Mr. Farman Ullah S/O Muhammad Munir.
19. Mr. Umar Sadiq S/O Qabil Jan.

Attested

[Signature]
District Health Officer
Dir Lower

ATTESTED

[Signature]

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 S/O Muhammad Ali Azim.
- 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 Gul S/O Akbar Khan.
- 30. Mr. Khalid Mehmood S/O Muhammad Saeed.
- 31. Mr. Manzoor Khan S/O Azizullah.
- 32. Mr. Javed S/O Abdur Paq.
- 33. Mr. Wasif Jan S/O Saeed Jan.
- 34. Mr. Pir Zada S/O Umar Zada.
- 35. Mr. Haseen Ullah S/O Muhammad Raza.
- 36. Mr. Mohibur Rahman S/O Muhammad Amin.
- 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. Sher Mohammad,
Executive District Officer,
(Health) Dir Lower.

Member

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

Member

D. Shoukat Ali,
By EDO (Health) Dir Lower.

Member

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

Muhammad
Director Health Officer
Dir Lower

ATTESTED



حکومت پاکستان

کمیونٹی سروس
15302-0902595-5

پروفیشنل ایسوسی ایشن
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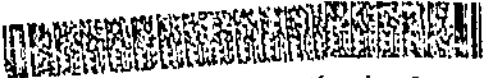
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GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

E-9

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

2780
22/12/14

22/12/14

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

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]

[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)



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

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

10

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

342
11/02/12

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 25th 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	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	Beheshli B-1	1
Total		15

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DS-III 13/2
Sp-B 14/02

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

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

Yours faithfully,

(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 FMIU, Finance Department.
 7. Budget Officer (PFC-II) Finance Department.
 8. Master File

ATTESTED

BUDGET OFFICER-VI



3

(11) 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.

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 25th 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	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	Beheshli B-1	1
Total		15

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

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

Yours faithfully,

(ZIKRIA KHAN)
BUDGET OFFICER-VI

ATTESTED

BUDGET OFFICER-VI

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- 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 FMIU, Finance Department.
 7. Budget Officer (PFC-II) Finance Department.
 8. Master File.



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

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

12

DHO
1-6-11-11

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 1st 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	Chowkdar 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	
8	JCT Pathology B-9	
9	JCT Radiology B-9	
10	Jr. PHC Technician (Mullipurpose) B-9	
11	JCT Cardiology B-9	
12	JCT (Pharmacy) B-9	1

ATTESTED
[Signature]

13

NC21017 (013)
HEALTH

تیسویں

073101 GENERAL HOSPITAL SERVICES

FUNCTIONAL CUM OBJECT CLASSIFICATION AND PARTICULARS OF THE SCHEME			NUMBER OF POSTS 2014-2015	BUDGET ESTIMATES 2014-2015	RELEASED 2014-2015
			Rs	Rs	Rs
07	HEALTH				
073	HOSPITAL SERVICES				
0731	GENERAL HOSPITAL SERVICES				
073101	GENERAL HOSPITAL SERVICES				
MID7010 : M.S Agency Headquarter Hospital Bathinda Jharkhand					
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	385,000	385,000
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 PHC Technician (MICU)	(BPS-09)	1	133,000	133,000
1079	Jr PHC Technician (MICU)	(BPS-09)	3	182,000	182,000
1019	Electrician	(BPS-06)	1	73,000	73,000
1014	Receptionist	(BPS-05)	1	145,000	145,000
1127	Store Keeper	(BPS-05)	2	145,000	145,000
1019	Telephone Operator	(BPS-05)	2	145,000	145,000
1152	Carpenter/Plumber	(BPS-04)	3	254,000	254,000
1112	Driver	(BPS-04)	5	473,000	473,000
1013	Generator Operator	(BPS-03)	1	182,000	182,000
1012	Operation Theatre Attendant	(BPS-02)	3	73,000	73,000
1012	Operation Theatre Attendant	(BPS-02)	2	182,000	182,000
1012	Operation Theatre Attendant	(BPS-02)	2	145,000	145,000
1012	Operation Theatre Attendant	(BPS-02)	2	145,000	145,000
1012	Operation Theatre Attendant	(BPS-02)	8	665,000	665,000
1007	Nai	(BPS-02)	1	73,000	73,000
1016	Dental Attendant	(BPS-02)	1	145,000	145,000
1015	Female Orderli	(BPS-02)	1	281,000	281,000
1002	Laboratory Attendant	(BPS-02)	3	381,000	381,000
1001	Ward Orderli	(BPS-02)	36	2,470,000	2,470,000
1030	Ward Attendant	(BPS-02)	33	1,865,000	1,865,000

BUDGET OFFICER VI
Govt. of Khyber Pakhtunkhwa
Finance Deptt.

ATTESTED

[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 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.

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.

Office of the Medical Superintendent
DHQ Hospital Timergara Dir Lower.

No. dated 29/10
Ph:0945-9250099 Fax 0945-9250174

15/A

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

Appeal

~~Writ~~ Petition No. _____ /2019

Farooq Ali Shah

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Health Department

(RESPONDENT)
(DEFENDANT)

I/We Farooq Ali Shah

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

Farooq Ali Shah
CLIENT

Noor Mohammad Khattak
ACCEPTED
NOOR MOHAMMAD KHATTAK
ADVOCATE
15401-0705985-5
(BC-08-0853)

Shahzullah Khan Yousafzai
&
SHAHZULLAH 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 Safi
MIR ZAMAN SAFI
ADVOCATE

"B"

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

No.

Appeal No. 311 of 2019.

M. A. Khan Appellant/Petitioner

Versus

Government of Khyber Pakhtunkhwa Respondent

Respondent No. 1

Notice to: M. A. Khan
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 17/11/19 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 15/11/19

Day of April 2019

15/11

[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..... 311 of 20 19

[Handwritten Name] Appellant/Petitioner
Versus

[Handwritten Name] Respondent
Respondent No..... 3

Notice to: - Director General Health Services
Deptt. P.K. 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..... 12.5.1919 at 8.00 A.M. If you wish to urge anything against the appellent/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. 311 of 2019,

M. A. Khan Appellant/Petitioner

Versus

Director Health Services Respondent

Respondent No.

Notice to: - Director Health Services, Dist 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 2-5-2019 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 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. 311 of 20 19.

Mr. Farooq Ali Shah Appellant/Petitioner

Versus

Chief of PHC through Secretary Health, etc. Respondent

Respondent No. 5

Notice to: - Medical Deptt D.H.S Hospital Trawangan
District 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 13-5-80/19 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 13/5/80

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. 311 of 20 19

Mr. Farooq Khan Appellant/Petitioner

Versus

Secretary, Government of Punjab 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..... 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 the 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.