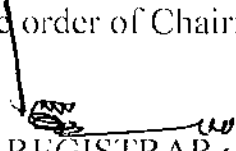


FORM OF ORDER SHEET

Court of _____

Case No. - 291/2023

S No	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	08/02/2023	<p>The appeal of Dr. Asadullah Khan resubmitted today by Mr. Noor Muhammad Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on <u>10-2-23</u>. Parcha Peshi is given to appellant/counsel.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

The appeal of Dr. Asadullah Khan Director D.G Health Peshawar received today i.e. on 20.01.2023 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Index of the appeal may be prepared according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 2- Check list is not attached with the appeal.
- 3- Appeal has not been flagged/marked with annexures marks.
- 4- Annexures of the appeal may be attested.
- 5- Copies of service structures mention in the para-3 of the memo of appeal is not attached with the appeal which may be placed on it.
- 6- Annexures of the appeal are illegible which may be replaced by legible/better one.
- 7- Seven more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No 315 /S.T,

Dt 24/1 /2023


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Moor Muhammad Khattak Adv.
High Court at Peshawar.

obj²⁵: The Service Structure mentioned in para 3 is attached
annexure P page no. 13 to 15 of the appeal.

obj: 1: Index attached.

obj: 2: Attached.

obj: 3: Flagged.

" 4: Attested

" 6: Better Copies attached.

" 7: attached.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

APPEAL NO. 291 /2023

DR ASAD ULLAH KHAN VS HEALTH DEPTT:

INDEX

S. NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of Appeal with Affidavit	1-4
2.	Notification dated 17.05.2007 & 03.03.2008	A & B	5-7
3.	Copies of Act 2014 & Notification dated 22.10.2014	C & D	8-11
4.	Copies of the Rules, 2008 & Services Structure	E & F	12-15
5.	Schedule-I	G	16-19
6.	Departmental Appeal & forwarding letter	H	20-21
7.	Vakalatnama		22

APPELLANT

THROUGH:


NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT OF PAKISTAN

- 1 -

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No. _____ /2023

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 3109

Dr. Asadullah Khan, Assistant Director (Homeo) (BPS-17),
Directorate General Health Services, Khyber Pakhtunkhwa, Peshawar.

Date: 25/01/2023

..... **APPELLANT**

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Health Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.
- 4- The Secretary Establishment Department, Khyber Pakhtunkhwa, Peshawar.
- 5- The Director General Health Services Khyber Pakhtunkhwa, Peshawar.

..... **RESPONDENTS**

SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED INACTION OF THE RESPONDENTS BY NOT INCLUDING THE POST OF THE APPELLANT IN THE SCHEDULE-I (MANAGEMENT CADRE) BPS-18 AND ONWARD, AND NOT ISSUING JOINT SENIORITY OF THE MANAGEMENT CADRE AND AGAINST THE INACTION OF THE RESPONDENTS BY NOT DECIDING THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:-

That on acceptance of the instant service appeal the respondents may please be directed to include the post of the appellant in schedule-I (Management Cadre (BPS-18) and onward and to issue joint seniority list of the management cadre for the purpose of promotion with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favour of the appellant.

Respectfully Sheweth:

- 2-
1. That initially the appellant was appointed as Assistant Director (BPS-17) (Homeo) in the Directorate General Health Services on contract basis vide notification dated 17.05.2007 and later on vide notification dated 03.03.2008 the same was extended till the completion of the project. Copies of the appointment notification dated 17.05.2007 and notification dated 03.03.2008 are attached as Annexure**A&B.**
 2. That while performing his duties the Government of Khyber Pakhtunkhwa promulgated the Khyber Pakhtunkhwa Tibb and Homeopathic Employees (Regularization of Services) Act, 2014 vide which the services of the appellant was regularized and later on in pursuance of the Act ibid the services of the appellant was regularized vide notification dated 22.10.2014 w-e-f 17.05.2007. Copies of the Act, 2014 and notification dated 22.10.2014 are attached as Annexure**C&D.**
 3. That it is pertinent to mention here that the vide notification dated 11.12.2008 the Khyber Pakhtunkhwa Health (Management) Services Rules, 2008 were notified and similarly the service structure for the purpose of promotion was also framed. That according to the schedule-I of the members of services in BPS-17 the post of the appellant is reflecting at serial No. 2. Copies of the Rules, 2008 and services structure and with schedule-I for BPs-17 are attached as annexure**E&F.**
 4. That surprisingly the post of the appellant is not reflecting in the schedule-I of the members of services in BPS-18 and onward which is effecting the prospect of promotion of the appellant to the post of BPS-18 and onward to BPS-19 and BPS-20. Copies of schedule-I of BPS-18 and BPS-19 are attached as Annexure**G.**
 5. That feeling aggrieved from the inaction of the respondents by not including the post of the appellant in the management cadre of BPS-18 and onward and not issuing joint seniority list of the management cadre for the purpose of promotion, preferred department appeal on 21.09.2022 and the same was forwarded on 25.10.2022. Copies of departmental appeal and forwarding letter are attached as Annexure**H.**
 6. That by not deciding the departmental appeal with in the statutory period of ninety days and having no other remedy file the instant service appeal on the grounds inter alia.

GROUND:

- A-** That the impugned inaction of the respondents by not including the post of the appellant in the schedule-I (management cadre) BPS-18 and onward, and not issuing joint seniority of the management cadre for the purpose of promotion are against the law, facts, norms of natural justice and materials on the record.

- B-** That the 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 inaction of the respondents is arbitrary and malafide as the same is violating Section 8 of the Khyber Pakhtunkhwa Service Act 1973, read with Rule 17 of the Khyber Pakhtunkhwa (Appointment, Promotion & Transfer) Rules 1989.
- D-** That according to Article 38 (e) of the Constitution of Islamic Republic of Pakistan, 1973 the state is bound to reduce disparity in the income and earning of individuals including persons in the services of the federation, therefore in light of the said Article the appellant is fully entitled for the intended relief.
- E-** That the appellant has been discriminated on the subject noted above and as such the respondents violated the principle of natural justice.
- F-** That by not allowing/ granting the intended relief is amounting of violation of Section 9 of the Khyber Pakhtunkhwa Service Act 1973, read with Rule 7 of the Khyber Pakhtunkhwa (Appointment, Promotion & Transfer) Rules 1989.
- G-** That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore most humbly prayed that the instant service appeal may kindly be accepted as prayed for.


APPELLANT
ASADULLAH KHAN

Through:


NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT


KAMRAN KHAN


WALEED ADNAN


UMAR FAROOQ


MUHAMMAD AYUB


KHANZAD GUL
ADVOCATE

AFFIDAVIT

-4-

I, ASADULLAH KHAN, Assistant Director (Homeo) (BPS-17), Directorate General Health Services, Khyber Pakhtunkhwa, do hereby solemnly affirm and declare on oath that the contents of this **Service Appeal** are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble tribunal.



DEPONENT

Personal

3130
21/05/07

23/05/07
90/15

GOVERNMENT OF NWFP
Health Department

Dated May 17, 2007

-5-

NOTIFICATION

No. SOH-III/10-4/2005/(Hameo/Tibb): Consequent upon the recommendations of Departmental Selection Committee, the Competent Authority is pleased to appoint on contract basis the following candidates as Assistant Directors (BS-17) in the Directorate General Health Services against the posts mentioned against their names for a period of six (06) months or till the project period, whichever ever is earlier.

S. No.	Name, Father's Name & Address	Posting
1.	.Abdul Waheed S/O Abdul Hameed, Distt: DI Khan	Assistant Director (Tibb)
2.	.Asadullah Khan S/O Mubarak Shah, Distt: Dir Lower	Assitant Director (Homeo)

Their appointment is subject to the following terms and conditions:

- (1) The employee shall execute an agreement with the Govt: before taking over charge, to be signed by Director General Health Services on behalf of the Provincial Government.
- (2) The employee shall be entitled to receive pay minimum of BS-17. The pay of the employee shall commence from the date of his assumption of charge of the post and cease on the date of termination of the agreement or on termination of his services for any reason, whichever may be earlier.
- (3) Their appointment shall be non-transferable.
- (4) They shall not exert any type of influence or political pressure for transfer to a place other than their initial place of posting.
- (5) They shall not be entitled to long duration inland training, Study Leave for higher education or Extra Ordinary Leave /Leave Ex-Pakistan.
- (6) They shall however be entitled to avail leave on full pay which they will earn @ four days for every calendar month of the period of duty rendered. Except this leave they shall not be entitled to claim / avail any kind of earned leave.
- (7) During their contract appointment, they shall be regulated under the NWFP Govt Servants (Conduct) Rules, 1987 for the purpose of discipline exclusively.
- (8) Any conduct of the employee violative of the provisions of the NWFP Govt Servants (Conduct) Rules, 1987, and their terms of appointment shall amount to misconduct on the part of the employee and shall make him liable to termination from service without any notice.

59

-6-

07

The employee shall, in addition to the pay, be entitled to conveyance allowance; house rent allowance and any other allowance which is admissible to civil servants of the same status or grade..

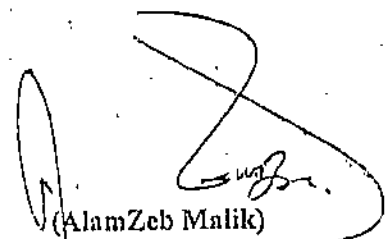
- (10) The employee shall not be entitled to any pension or gratuity for the services rendered by him.
- (11) If the terms and conditions read with clauses of the Agreement are acceptable, arrival may be given to the place of posting within a period of 15 days after clearance by the Director General Health Service. However the Director General Health Services would complete the whole process within 30 days.

SECRETARY HEALTH

Endst: No. & Date Even.

Copy forwarded to the:

- 1. Director General Health Services, NWFP Peshawar for endorsements to all concerned and confirmation to arrival reports within 15 days of this notification..
- 2. Officers concerned.
- 3. PS to Chief Secretary NWFP.
- 4. PS to Minister for health NWFP.
- 5. PS to Secretary Health NWFP.


(AlamZeb Malik)
Section Officer (III)

LEGIBLE COPY

- 9) The employee shall, in addition to pay, be entitled to conveyance, house rent allowance and any other allowance which is admissible to civil servants of the same status or grade.
- 10) The employee shall not be entitled to any pension or gratuity for the services rendered by him.
- 11) If the terms and conditions read with clauses of the Agreement are acceptable, arrival may be given to the place of posting within a period of 15 days after clearance by the Director General Health Services would complete the whole process within 30 days.

SECRETARY HEALTH

Endst No. & Date even.

Copy forwarded to the:

1. Director General Health Services, NWFP Peshawar for endorsements to all concerned and confirmation to arrival reports within 15 days of this Notification.
2. Officers concerned.
3. PS to Chief Secretary NWFP.
4. PS to Minister for Health NWFP
5. PS to Secretary Health NWFP.

Alamzeb Malik

Section Officer (HI)

GOVERNMENT OF NWFP
HEALTH DEPARTMENT

Dated 3rd March, 2008

NOTIFICATION

1303 B
05/3/08
-7-1130
-07/4

NO.SOH-N/10-4/2005/(Homeo/Tibb) In partial modification of this Department's Notification of even No. dated 17-05-2007, the Competent Authority is pleased to appoint the following candidates as Assistant Directors (BS-17) in the DGHS Office w.e.f 17.05.2007 on contract basis till completion of the project/scheme titled "Establishment of Homeopathic / Tibb-e-Islami Dispensaries in NWFP."

1. Mr. Abdul Waheed S/O Abdul Hameed Assistant Director (Tibb).
2. Mr. Asadullah Khan S/O Mubarak-Shah Assistant Director (Homeo).

2. The terms and conditions of service of the above officers specified in this Department's Notification of even No. Dated 17.05.2007 will remain intact.

SECRETARY HEALTH

Endst No. & Date Even.

Copy forwarded to:

1. The Director General Health Services, NWFP, Peshawar.
2. Officers Concerned.
3. P.S to Chief Secretary NWFP.
4. P.S to Minister for Health NWFP.
5. The P.S to Secretary Health.

(Handwritten signature)
11/3/08

(SARDAR ALI)
SECTION OFFICER-III

OFFICE OF THE DE HEALTH SERVICES NWFP, PESHAWAR.

NO. 8471-75 /B-I, dated Peshawar the, 20.03.2008.

Copy forwarded to the...

1. DGHS, Peshawar.
2. Officers concerned.
3. Section Officer (Gen.) DGHS, NWFP, Peshawar.
4. PA to DGHS, NWFP, Peshawar.
5. PA to S.O, DGHS, NWFP, Peshawar.

For information.

FOR DIRECTOR GENERAL HEALTH
SERVICES NWFP, PESHAWAR.

(Handwritten signature)
17/3

AN
ACT

to provide for the regularization of services of employees of Tibb and Homeopathic, appointed on contract and adhoc basis.

-8-

Preamble. —WHEREAS it is expedient to provide for regularization of the services of employees of Tibb and Homeopathic, appointed on contract or ad-hoc basis, in the public interest, for the purposes hereinafter appearing;

It is hereby enacted as follows:

1. **Short title and commencement.**—(1) This Act may be called the Khyber Pakhtunkhwa Tibb and Homeopathic Employees (Regularization of Services) Act, 2014.

(2) It shall come into force at once.

2. **Definitions.**—(1) In this Act, unless the context otherwise requires:-

(a) "Commission" means the Khyber Pakhtunkhwa Public Service Commission;

(b) "contract appointment" means appointment of a duly qualified person made otherwise than in accordance with the prescribed method of recruitment;

(c) "Government" means the Government of Khyber Pakhtunkhwa;

(d) "Health Department" means Health department constituted under rule 3 of the Khyber Pakhtunkhwa Government Rules of Business, 1985;

(e) "law" or rule" means the law or rule for the time being in force governing the selection and appointment of civil servants or employees of health institution;

(f) "post" means a post under Government or in connection with the affairs of Government or health institution constituted under the respective law or rule of the health institution and to be filed in on the recommendation of the Commission or a Management Council or Management Committee, as the case may be; and

(g) "Tibb and Homeopathic employees" mean those employees of Tibb and Homeopathic whose posts were converted to regular budget in 2010.

(2) The expressions "adhoc and contract appointment" shall have the same meaning as respectively assigned to them in the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973).

3. **Regularization of services of Health employees.**— All employees of Tibb and Homeopathic appointed on contract or adhoc basis and holding posts on 30th June, 2010, or till the commencement of this Act, shall be deemed to have validly been appointed on regular basis having the same qualification and experience for a regular post.

4. Determination of seniority.- (1) The employees of Tibb and Homeopathic, whose services are regularized under this Act or in the process of attaining service at the commencement of this Act shall rank junior to all civil servants belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of this Act, and shall also rank junior to such other persons, if any, who, in pursuance of the recommendation of the Commission or the Management Council or the Management Committee made before the commencement of this Act, are to be appointed to the respective service or cadre, irrespective of their actual date of appointment.

(2) The seniority interse of the employees of Tibb and Homeopathic, whose services are regularized under this Act within the same service or cadre, shall be determined on the basis of their continuous officiation in such service or cadre:

Provided that if the date of continuous officiation in the case of two or more employees of Tibb and Homeopathic, is the same, the employee older in age shall rank senior to the younger one.

5. Overriding effect.- Notwithstanding any thing to the contrary contained in any other law or rule for the time being in force, the provisions of this Act shall have an overriding effect and the provisions of any such law or rule to the extent of inconsistency to this Act shall cease to have effect.

BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA

(AMANULLAH)
Secretary
Provincial Assembly of Khyber Pakhtunkhwa



GOVT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

D

-10-

Dated Peshawar the 22nd October, 2014

NOTIFICATION

No. SOH-III/10-4/2005/HOMEO. In pursuance of the Khyber Pakhtunkhwa Tibb and Homeopathic Employees (Regularization of Services) Act, 2014, the Competent Authority is pleased to regularize the services of Dr. Asadullah Khan S/o. Mubarak Shah, Assistant Director (Homeo) (BS-17), Directorate General, Health Services, Khyber Pakhtunkhwa, Peshawar w.e.f 17-05-2007 against the post of Assistant Director (Homeo) (BS-17).

Terms & Conditions are given as under:-

- i) All employees of Tibb and Homeopathic appointed on contract or adhoc basis and holding posts on 30th June, 2010, or till the commencement of this Act, shall be deemed to have validly been appointed on regular basis having the same qualification and experience for a regular post.
- ii) The employees of Tibb and Homeopathic whose services are regularized under this Act or in the process of attaining service at the commencement of this Act shall rank junior to all civil servants belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of this Act, and shall also rank junior to such other persons, if any, who in pursuance of the recommendation of the Commission or the Management Council or the Management Committee made before the commencement of this Act, are to be appointed to the respective service or cadre, irrespective of their actual date of appointment.
- iii) The seniority interse of the employees of Tibb and Homeopathic, whose services are regularized under this Act within the same service or cadre, shall be determined on the basis of their continuous officiation in such service or cadre.

Provided that if the date of continuous officiation in the case of two or more employees of Tibb and Homeopathic, the employee older in age shall rank senior to the younger one.

SECRETARY HEALTH

Endst even No & date.

Copy forwarded to:-

-11-

1. The Secretary, Provincial Assembly of Khyber Pakhtunkhwa.
2. PSO to Chief Secretary, Khyber Pakhtunkhwa.
3. The Director General Health Services Khyber Pakhtunkhwa.
4. All DHOs, Khyber Pakhtunkhwa.
5. All DCs, Khyber Pakhtunkhwa.
6. All Medical Superintendent, Khyber Pakhtunkhwa.
7. DAOs, Khyber Pakhtunkhwa.
8. Deputy Director (I.T) Health, Khyber Pakhtunkhwa.
9. PS to Minister Health Khyber Pakhtunkhwa.
10. PS to Secretary Health, Khyber Pakhtunkhwa.
11. PA to Special Secretary Health, Khyber Pakhtunkhwa.
12. PA to Additional Secretary (E) Health Khyber Pakhtunkhwa.
13. Officer concerned.
- 14.



SECTION OFFICER-III

E - 12 -

GOVERNMENT OF THE NORTH-WEST FRONTIER PROVINCE NWFP
HEALTH DEPARTMENT

NOTIFICATION

Peshawar, dated the 11th DECEMBER, 2008

No. SOH(EY)4 - 20/08 In exercise of the powers conferred by section 26 of the North West Frontier Province Civil Servants Act, 1973 (N.-W.F.P. Act XVII of 1973), the Governor of the North-West Frontier Province is pleased to make the following rules, namely:

THE NORTH-WEST FRONTIER PROVINCE
HEALTH (MANAGEMENT) SERVICE RULES, 2008.

PART - I
GENERAL

1. Short title and commencement. - (1) These rules may be called the North-West Frontier Province Health (Management) Service Rules, 2008.

(2) They shall come into force at once.

2. Definitions. - In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say:

- (a) "appointing authority" in relation to a post, means the respective authority specified in para 4 of the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.
- (b) "Commission" means the North-West Frontier Province Public Service Commission.
- (c) "Cadre" means Health Management Cadre.
- (d) "Government" means the Government of the North-West Frontier Province.
- (e) "Governor" means the Governor of the North-West Frontier Province.
- (f) "Initial recruitment" means appointment made otherwise than by promotion or transfer.
- (g) "Member of Service" means officer belonging to health management cadre as reflected in schedule I, II & III.
- (h) "PHSA" means Provincial Health Services Academy.

VITAMIN
Diamoycan MR60
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GP

Legend
D. H. P. Khan
M. S. D. Khan
M. S. D. Khan
M. S. D. Khan

5

ایم میں گروانے کا پابندی
 ح نامہ کے مندرجات میں کسی قسم کی تبدیلی
 سے لائسنس کی تجدید کرنا بصورت ظاہر

1	2	3	4	5
1	Members of Service (GS-18)	(a) MBBS/BDS or equivalent qualification from any Institute recognized by the PMDC and (b) (i) Bachelor / M.Phil in Public Health or Health Administration or Health Management or equivalent qualification from any University recognized by the HEC or PMDC or (ii) Master in Public Health/Health Administration/ Health Management allied discipline or equivalent qualification from any University recognized by HEC or PMDC with 5 years experience in the relevant field.	30-10 years	(i) Eighty percent by providing the basis of scientific competence amongst Members of the Section GS-17, having at least five years service as such, with two months service training in Management in a recognized institution or (ii) Twenty percent by fulfilling Additional requirements
	Members of Service (GS-17)	(a) MBBS/BDS or equivalent qualification from any Institute recognized by the PMDC and (b) (i) Bachelor / M.Phil in Public Health or Health Administration or Health Management or equivalent qualification from any University recognized by the HEC or PMDC or (ii) Master in Public Health/Health Administration/ Health Management allied discipline or equivalent qualification from any University recognized by HEC or PMDC with 5 years experience in the relevant field.	30-10 years	(i) Eighty percent by providing the basis of scientific competence amongst Members of the Section GS-17, having at least five years service as such, with two months service training in Management in a recognized institution or (ii) Twenty percent by fulfilling Additional requirements

11/19

-14-

SCHEDULE - II

S. No.	Nomenclature of Post.	Qualification for appointment by lateral recruitment	Age limit	Method of Appointment
1	Director General Health Services (BS-20)			By transfer on the basis of selection on merit, from amongst the less senior most Members of the Service in (BS-20).
2	Members of Service (BS-20)			<p>(a) Preference will be given to those having additional, postgraduate, technical, qualifications or specialized courses.</p> <p>(b) By promotion, on the basis of selection on merit, from amongst the Members of Service in (BS-19) with 5 years service as such or 17 years service in (BS-17) and above; and</p> <p>(b) Four months advance in-service training in Management from a recognized institution or PHSA NITTP.</p>

(57)

- 15 -

SCHEDULE - 1
(Management Cadre)

Members of Service in BPS-17:

S.No.	Nomenclature of post	Number of post
1.	Health Educator Directorate General Health Services, NWFP Peshawar	01
2.	Assistant Director (Home Based) AD-Personnel, AD-Administration Directorate General Health Services, NWFP Peshawar	04
3.	MO Trainer DHDC (02 each) in Mardan, Kohat, Bannu, D.I.Khan, Abbottabad, Swat and Chitral	04
4.	Instructors in PHSA, NWFP	03
5.	Evaluation Officer PHSA, NWFP	01
6.	Instructors Public Health School, Hayatabad Peshawar and Abbottabad	03
7.	Secretary Medical Faculty, NWFP Peshawar	01
8.	DMS Maintenance HMC Peshawar	01
9.	DMS Stores HMC Peshawar	01
10.	DMS Casualty, OPD and OTs HMC Peshawar	01
11.	Coordinator EDO(H) Offices in NWFP	01
	TOTAL:	101

Note: All Program /Project positions in BPS-17 & FATA Health positions would be filled from amongst Management Cadre.

-16- 'G'

SCHEDULE - I
(Management Cadre)

Members of Service in BPS-18:

S.No.	Nomenclature of post	Number of post
1.	Incharge Civil/THQ.Hospital Ziarat Kaka Sahib Nowshera, Rustam, Lund Khawar Mardan, Topi Swabi, Kalu Khan Swabi, Shakar Darra (Kohat), Thali Hangu, Serai Naurang, Lakki Marwat, Balakot, Mansehra and Thana Malakand Agency	10
2.	Senior Instructors DHDCs in NWFP (Abbottabad, Swat and DIKhan)	03
3.	Instructors in Public Health School, Hayatabad Peshawar and DIKhan	03
4.	Instructor Public Health School, Nishtarabad Peshawar	01
5.	Epidemiologist Govt. LRH and HMC Peshawar	02
6.	Course Director (MCH & Family Planning) PHSA NWFP	01
7.	Epidemiologist PHSA NWFP	01
8.	DMS Govt. Maternity Hospital Peshawar	01
9.	DMS (Admn) KTH Peshawar	01
10.	District TB Control Officer, Abbottabad, Kohistan, Nowshera, Charsadda, Malakand, Buner, Shangla, Lower Dir, Kohat, Hangu, Karak, Bannu, Lakki Marwat and Tank	14
11.	Deputy Director Admn./Deputy Director Dev.(02), Assistant Director EPI(02), DHS FATA	04
12.	Agency Surgeon Mohmand, Bajaur, Orakzai, Kurrani, NW Agency, SW Agency, Khyber, FR Peshawar/ FR Kohat, FR DIKhan, FR Bannu.	10
13.	DMS(Admn), DMS(Stores) DMS (Dispensary) at Ayub Teaching Hospital Abbottabad	03
14.	Assistant Directors in Directorate General Health Services, NWFP, Peshawar	13
15.	ADHO FATA Health	4
	TOTAL:	71

Note: All Program /Project positions & FATA Health positions in BPS-18 would be filled from amongst Management Cadre.

SCHEDULE - I
(Management Cadre)

- 17 -

Members of Service in BPS-19:

S.No.	Nomenclature of post	Number of post
1.	Executive District Officers (Health) in NWFP	20
2.	DDHOs/Coordinators EDO(H) Offices in NWFP	31
3.	Medical Superintendent DHQ.Hospitals in NWFP	17
4.	Medical Superintendent Govt. ID Children Hospital Peshawar	01
5.	Medical Superintendent Police/Services Hospital Peshawar	01
6.	Medical Superintendent Mental & General Hospital Dadar Mansehra	01
7.	Medical Superintendent, City Hospital LakkilMarwat	01
8.	DMS Women and Children Hospital DIKhan.	01
9.	DMS in DHQ. Hospital, Mardan, Swat, Nowshera, Haripur, Abbottabad and DIKhan	06
10.	District TB Control Officer, Peshawar, Mardan, Swabi, DIKhan, Haripur, Battagram, Mansehra, Swat, Chitral, Upper Dir	10
11.	Deputy Administrator Mardan Medical Complex Mardan	01
12.	MS/Incharge Civil/THQ.Hospital Tangi, Shabqaddar, Dargal, Pabbi, Matta, Darosh (Chitral), Rehana, Kulachi	08
13.	SMO I/C Women & Children Hospital Bannu	01
14.	Vice Principal Paramedical Institute, Abbottabad, DIKhan Swat	01
15.	SMO (Health) Municipal Corporation Peshawar	01
16.	Deputy Directors in DGHS NWFP Peshawar	05
17.	DMS (Stores) Govt. LRH/KTH Peshawar	02
18.	Principal Postgraduate Paramedical Institute, Peshawar	01
19.	Deputy Director (HRD) PHSA NWFP	01
20.	Deputy Director(Monitoring and Research) PHSA NWFP	01
21.	Deputy Director(Management) PHSA NWFP Peshawar.	01
22.	Course Directors (PH/CDC and Management, Trg.& Development) PHSA NWFP	02
23.	OD-HRD / Vice Principals DHDC Bannu, Chitral, Mardan, Abbottabad and Swat	05
24.	DMS, Khalifa Gul-Nawaz Hospital Bannu	01

25.	DMS Ayub Teaching Hospital Abbottabad		01
26.	Director Health Services FATA Peshawar		01
27.	MS AHQ Hospital Parnchinar, Ghallanai, Wana, Bajaur		04
	TOTAL:		128

Note: All Program Manager/Provincial Coordinators of Vertical Programs/ Projects & FATA Health positions would be filled from amongst Management Cadre.

Singh

SCHEDULE - I
(Management Cadre)

-19-

Members of Service in BPS-20:

S.No.	Nomenclature of post	Number of post
1	Director General Health Services, NWFP, Peshawar	01
2	Director (Admn) DGHS NWFP Peshawar	01
3	Director Health Services DGHS NWFP Peshawar	01
4	Medical Superintendent, Govt. LRH/KTH/HMC Peshawar	03
5	Medical Superintendent DHQ Hospitals Kohat, Bannu, DIKhan, Mardan, Swat, Abbottabad	06
6	Medical Superintendent, Mufti Mehmood Memorial Hospital DIKhan	01
7	Medical Superintendent, Khalifa Gul Nawaz Hospital Bannu	01
8	Medical Superintendent, Govt. City Hospital Kohat Road Peshawar	01
9	Medical Superintendent, Sarhad Hospital for Psychiatric Diseases Peshawar	01
10	Medical Superintendent, Ayub Teaching Hospital Abbottabad	01
11	Executive District Officer (Health) Peshawar	01
12	Executive District Officer (Health) Swat	01
13	Executive District Officer (Health) Mardan	01
14	Executive District Officer (Health) Kohat	01
15	Director Provincial Health Services Academy, Peshawar	01
16	Principal Public Health School Hayatabad Peshawar	01
17	Principal Public Health School Abbottabad	01
18	MS Mardan Medical Complex	01
	TOTAL:	25

4H^o

-20-

To

The Secretary Govt of Khyber Pakhtunkhwa
Health Department, Peshawar

(Through Proper Channel)

Subject: DEPARTMENTAL APPEAL FOR INCLUSION OF MY NAME IN THE MANAGEMENT CADRE SENIORITY LIST.

Sir,

Most respectfully, it is stated that i am the employee of your esteem Department and was initially appointed as Assistant Director (Homeo) in the year 2007 on contract basis according to service rules Notification NO. SOME/IV/2-24/05 dated 02.04.2005 (copy attached) and performing duty quite professionally. In the year 2014 Homeo and Tibb act was passed by the KP Assembly and according to the act my service has been regularized from the date of my first appointment w.e.f 17/05/2007. It is pertinent to mention here that the post of Assistant Director on which i am still serving is properly attracted in the list of management cadre in Schedule-I of Management Cadre rules Notified dated: 11/12/2008.

Furthermore, i am serving in the Health Department from the date of my first appointment till date in the office of Directorate General Health Services, KP, Peshawar quite efficiently and upto the entire satisfaction of my superiors.

Therefore, according to the rules laid down for the Management Cadre NWFP (Now KP), Health Management Service Rules 2008, I am not appointed initially and adjusted accordingly to on the post of AD(Homeo) that purely falls in the Schedule-I Management Cadre, which is properly and categorically defined in sub section/sub clause (G) of the rules (copy attached).

As the stated above, I am properly regularized on the post of AD (Homeo) after the circulation of the regularization Act 2014 and had served the Department from the date of my first appointment in the Directorate General Health Services Office and also my practical training also completed here which is also mentioned in the said Management Cadre.

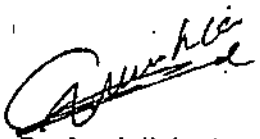
Therefore, in the view of the above, it is most humbly requested that my name/post may kindly be included in the Management Cadre list and I may be also be enlisted in the seniority list of Management Cadre for the purpose of promotion to the next higher scale and oblige.

Dated 21/19/2022

Yours Sincerely

Main Diary No. 36565 / Homeo
Date 21/09/22 Tibb
Director of Health Services
Khyber Pakhtunkhwa

oll


Dr. Asadullah Khan
Assistant Director (Homeo)
DGHS, KP Peshawar

BETTER COPY

**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUKHWA PESHAWAR.**

No. 15/171/Personnel

Dated: 25/10/2022

To,

The Secretary to Govt of Khyber Pakhtunkhwa
Health Department Peshawar.

Subject: DEPARTMENTAL APPEAL FOR INCLUSION OF MY NAME IN THE
MANAGEMENT CADRE SENIORITY LIST.

Sir,

Enclosed please find herewith a copy of an application alongwith its enclosure submitted by Dr. Asadullah Assistant Director (Homeo/Tibb) attached to DGHS office Peshawar wherein he has requested for inclusion of his name in the seniority list of management cadre on the grounds mentioned in his application for necessary action.

Moreover, copy of Service*rules of Management Cadre are also enclosed where required qualification mentioned in the Management Cadre.

-SD-

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

- 23 -

VAKALATNAMA
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

APPEAL NO: _____ OF 2023

Dr. Asadullah Khan

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Health Dept.

(RESPONDENT)
(DEFENDANT)


I/We Appellant

Do hereby appoint and constitute **Noor Mohammad Khattak Advocate Supreme Court** 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. ____/____/2022


CLIENT

ACCEPTED


NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT
(BC-10-0853)
(15401-0705985-5)


UMAR FAROOQ MOHMAND

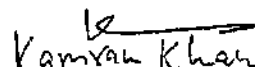

WALEED ADNAN

&


MUHAMMAD AYUB
ADVOCATES

OFFICE:

Flat No. (TF) 291-292 3rd Floor,
Deans Trade Centre, Peshawar Cantt.
(0311-9314232)


Kamran Khan
Adv.