

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR.

Service Appeal No. 707/2019

Date of Institution ... 28.05.2019

Date of Decision ... 20.10.2021

Aman Ullah, Office Assistant, DHO Office Peshawar.

... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Health
Department Peshawar and three other.

... (Respondents)

MR. HASNAIN TARIQ,
Advocate

--- For appellant.

MR. RIAZ AHMED PAINDAKHEL,
Assistant Advocate General

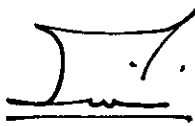
--- For respondents.

MR. SALAH-UD-DIN
MR. ATIQ-UR-REHMAN WAZIR

--- MEMBER (JUDICIAL)
--- MEMBER (EXECUTIVE)

JUDGMENT:

SALAH-UD-DIN, MEMBER:-


Precise facts as alleged by the appellant in his service appeal are that the appellant was serving as Office Assistant BPS-16 in Health Department Government of Khyber Pakhtunkhwa Peshawar; that in the year 2015, process for promotion of Office Assistant to the post of Superintendent was initiated and the appellant was at that time posted in the office of DHO Police Services Hospital Peshawar, however the letter for provision of his PERs was sent to the office of DHO Peshawar. In the meanwhile, meeting of Departmental Promotion Committee for promotion to the post of Superintendent

BPS-17 was held on 01.04.2015, wherein promotion of the appellant was deferred due to non-availability of his PERs; that the appellant was eligible for promotion, however his promotion was deferred due to non-availability of his PERs, which was not fault of the appellant; that the appellant is entitled to be promoted to BPS-17 with effect from 25.06.2015 with all back benefits.

2. Notices were issued to the respondents, who submitted their joint reply/comments, wherein they refuted the stance taken by the appellant in his appeal.

3. Learned counsel for the appellant has contended that the appellant was eligible for promotion, however he was wrongly and illegally deprived of his promotion on the basis of non-availability of his PERs, which was not at all fault of the appellant; that correspondence regarding the provision of the PERs of the appellant was made with the office of DHO Peshawar, while the appellant at that time was posted as Office Assistant in Police Services Hospital Khyber Pakhtunkhwa Peshawar; that impugned recommendations of the Departmental Promotion Committee dated 01.04.2015 as well as the impugned notification of promotion dated 25.06.2015 are liable to be declared as null and void and the appellant is entitled to be promoted with all back benefits.

4. On the other hand, learned Assistant Advocate General for the respondents has contended that the appellant was well aware of the process of promotion, however it was laxity on the part of the appellant that he could not submit his PERs within time, therefore, his promotion was deferred by the Departmental Promotion Committee; that the promotions were made in the year 2015, whereas the appellant filed departmental appeal on 29.01.2019, which was badly time barred, therefore, his service appeal is not competent and is liable to be dismissed on this score alone.

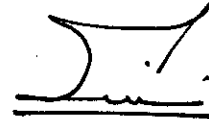
5. Arguments heard and record perused.

6. A perusal of the record would show that the promotion of the appellant was deferred in the meeting of Departmental Promotion Committee held on 01.04.2015 due to non-availability of his PERs. Timely submission of PERs to the Authority concerned is the duty of

civil servant. The appellant has though alleged that he was unaware of the initiation of process of promotion, however the respondents have annexed copy of appeal submitted by the appellant to the Director General Health, Services Khyber Pakhtunkhwa Peshawar, wherein the appellant has stated that the time was short and the PERs of the appellant from the year 2005 to 2014 were missing/pending. The appellant had filed the aforementioned departmental appeal on 15.05.2015, where-after he kept mum and after reaching at the verge of age of superannuation, the appellant filed another departmental appeal to the Secretary Health Services Government of Khyber Pakhtunkhwa Peshawar on 06.02.2019, wherein the appellant has mentioned that he was going to retire in August 2019. The appellant after a lapse of about four years has sought setting aside of the recommendations of the Departmental Promotion Committee dated 01.04.2015 as well as notification dated 25.06.2015 issued regarding promotions being made to the post of Superintendent BPS-17, which shows lethargic attitude and it is well settled that law favours the diligent and not the indolent.

7. In light of the above discussion, the appeal in hand being devoid of merit stands dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
20.10.2021



(SALAH-UD-DIN)
MEMBER (JUDICIAL)



(ATIQU-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)

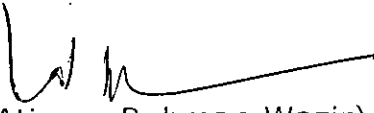
Service Appeal No. 707/2019

ORDER
20.10.2021

Appellant alongwith his counsel Mr. Hasnain Tariq, Advocate, present. Mr. Riaz Ahmed Paindakhel, Assistant Advocate General for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the appeal in hand being devoid of merit stands dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
20.10.2021


(Atiq-ur-Rehman Wazir)
Member (Judicial)


(Salah-ud-Din)
Member (Judicial)

14.10.2021

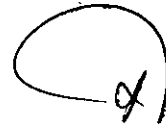
Counsel for the appellant present.

Mr. Riaz Khan Paindakheil, Assistant Advocate General
alongwith Mr. Usman Junior Clerk for respondents present.

Partial arguments were heard by a bench comprising
Hon'ble Member Judicial (Mr. Salah-Ud-Din) and Hon'ble Member
Executive (Mr. Atiq-Ur-Rehman Wazir) therefore, a request was
made for adjournment with a request to fix the case before the
concerned bench for further arguments. Request is acceded to and
case is adjourned to 20.10.2021 for arguments before the
concerned D.B.



(Atiq-Ur-Rehman Wazir)
Member (E)



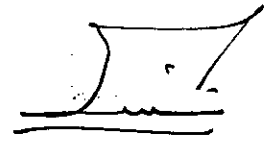
(Rozina Rehman)
Member (J)

01.06.2021

Mr. Hasnain Tariq, Advocate, for the appellant present. Mr. Jaffar Ali, Assistant alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present and produced comments/reply on behalf of respondents No. 1 to 3, which are placed on file and copy of the same handed over to learned counsel for the appellant. Learned counsel for the appellant request that as the comments/reply has been submitted today, therefore, adjournment may be granted to him. Adjourned. To come up for arguments before the D.B on 15.09.2021.



(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

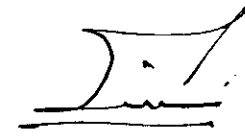
15.09.2021

Mr. Hasnain Tariq, Advocate for the appellant present. Mr. Riaz Ahmed Paindakheil, Assistant Advocate General for the respondents present.

Partial arguments heard. To come up for remaining arguments before the D.B on 14.10.2021.



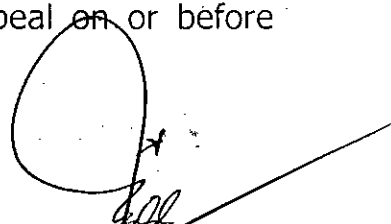
(ATIQ UR REHMAN WAZIR)
MEMBER (EXECUTIVE)



(SALAH UD DIN)
MEMBER (JUDICIAL)

02.10.2020

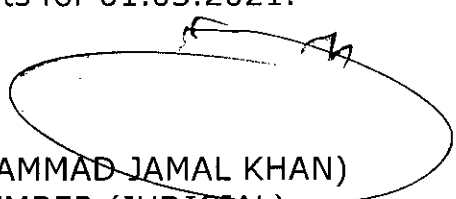
None present on behalf of appellant. Mr. Kabir Ullah Khattak learned Additional Advocate General for respondents present. Written reply is still awaited. Notice be issued to respondents with direction to make sure submitting of replies in the instant appeal on or before 25.11.2020 before S.B.


(Mian Muhammad)
Member (E)

25.11.2020

Junior counsel for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Ibrar Ahmad, Assistant, for the respondents are also present.

Representative of the department is seeking further time for submission of written reply/comments. Record shows that last chance was given to the respondents for submission of written reply/comments in order sheet dated 22.01.2020 and again opportunity was given on the cost of Rs. 2000/- vide order sheet dated 30.06.2020 but despite that written reply/comments on behalf of respondents have not been submitted so far. Hence, the appeal is posted to D.B for arguments for 01.03.2021.


(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

01.03.2021

Due to COVID-19, the case is adjourned for the same on 01.06.2021 before D.B


READER

07.04.2020

Due to public holiday on account of COVID-19, the case is adjourned to 30.06.2020 for the same. To come up for the same as before S.B.



Reader

30.06.2020

Counsel for the appellant present.

Mr. Kabir Ullah Khattak learned Additional Advocate General for the respondents for the respondents present.

Learned AAG requested for time to furnish written reply/comments. Record shows that several opportunities were given to the respondents but to no avail, therefore, opportunity is given but on cost of Rs.2000/-. To come up for written reply/comments on 20.08.2020 before S.B.

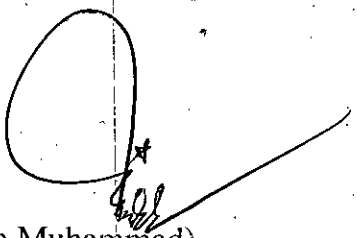

Member'(J)

20.08.2020

Counsel for the appellant present. Addl: AG for respondents present. Representative of the respondents are absent.

Written reply on behalf ^{of} respondents not submitted. Notices be issued to the respondents for submission of written reply/comments.

Adjourned to 02.10.2020 before S.B.


(Mian Muhammad)
Member(E)

11.12.2019

Appellant in person and Addl. AG alongwith Ibrar Assistant for the respondents present.

Representative of the respondents seeks further time. Adjourned to 22.01.2020 on which date the requisite reply/comments shall positively be submitted.

Chairman

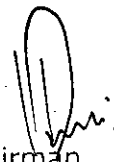


22.01.2020

Junior to counsel for the appellant present. Addl. AG for the respondents present. No authorized representative of the respondents is in attendance today.

Fresh notices be issued to the respondents for submission of reply/comments on 27.02.2020 by way of last chance.

Chairman




27.02.2020

Counsel for the petitioner present. Mr. Kabirullah Khattak, Addl. AG alongwith M/S Saleem Javed. Litigation for respondent No. 2 and Ibrar, Assistant for respondent No.4 present.

Representative of the respondents seeks time to furnish written reply/comments. Another last opportunity is granted. To come up for reply/comments on 07.04.2020 before S.B. \

(Hussain Shah)
Member



02.09.2019

Counsel for the appellant present.

Contends that in the meeting of DPC held on 01.04.2015 for promotion of Assistants/Stenographers/Auditors to the post of Superintendent BPS-17 the appellant was deferred due to non-availability of P.E.Rs. The reason for such deferment was not attributable to the appellant and was only on account of miscommunication between the two offices of the respondents.

In view of available record and arguments of learned counsel instant appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 04.11.2019 before S.B.

Appellate Deposited
Security & Process Fee

11/9/19


Chairman

04.11.2019

Counsel for the appellant and Addl. AG alongwith Ibrar, Assistant for the respondents present.

Representative of respondents seeks time for submission of comments. Adjourned to 11.12.2019 on which date the requisite reply/comments shall positively be submitted.





Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 707/2019

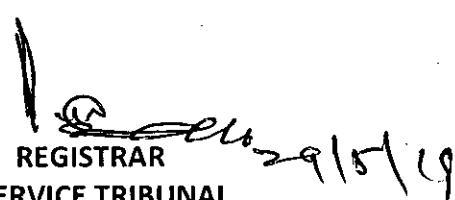
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	29/05/2019	<p>The appeal of Mr. Amanullah resubmitted today by Mr. Hassnain Tariq Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 29/5/19</p>
2-	30/05/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>02/07/19</u></p> <p style="text-align: right;"> CHAIRMAN</p>
02.07.2019		<p>Due to general strike on the call of Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Adjourned to 02.09.2019 for preliminary hearing before S.B.</p> <p style="text-align: center;"> (MUHAMMAD AMIN KHAN KUNDI) MEMBER</p>

The appeal of Mr. Aman Ullah office Assistant DHO Office Peshawar received today i.e. on 28.05.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1029 /S.T,

Dt. 29-5- /2019.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Hassnain Tariq Adv. Pesh.

Re- Submitted after ~~and~~ complying the para 1 and 2

Hassnain
29.5.19

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR.**

Appeal No. 707 /2019

Aman Ullah, Office Assistant, DHO Office Peshawar:

**Khyber Pakhtunkhwa Appellant
Service Tribunal**

Vs.

Diary No. 812

Dated 28/5/2019

1. Government of Khyber Pakhtunkhwa through Secretary Health Department Peshawar.
2. Director General Health Services, Peshawar.
3. Assistant Director (P-II), Director General Health Services, Khyber Pakhtunkhwa Peshawar.
4. M.S Police & Service Hospital Peshawar

.....Respondents.

SERVICE APPEAL UNDER SECTION 4 KPK SERVICES TRIBUNAL ACT 1974 AGAINST THE RECOMMENDATIONS OF DEPARTMENTAL PROMOTION COMMITTEE DATED 01.04.2015 AND NOTIFICATION DATED 25.06.2015 WHEREBY THE RESPONDENT NO.1, ILLEGALLY DEFERRED THE APPELLANT FOR PROMOTION TO BPS-17 WITHOUT ANY REASONS AND IN SHEER VIOLATION OF RULES AND LAW DESPITE BEING ELIGIBLE FOR PROMOTION AT THE TIME OF ISSUANCE OF IMPUGNED NOTIFICATION.

PRAYER IN APPEAL

ON ACCEPTANCE OF INSTANT APPEAL THE IMPUGNED RECOMMENDATIONS OF DEPARTMENTAL PROMOTION COMMITTEE HEADED BY RESPONDENT NO.1 AND NOTIFICATION DATED 25.06.2015, MAY KINDLY BE DECLARED NULL & VOID AND APPELLANT BE PROMOTED TO BPS-17 FROM THE DATE OF NOTIFICATION DATED 25.06.2015 ALONGWITH ALL BACK BENEFITS, ANY OTHER RELIEF WHICH THIS HON'BLE TRIBUNAL DEEMS PROPER IN THE CASE MAY ALSO BE GRANTED.

RESPECTFULLY SHWETH:

1. That the Appellant was appointed as Junior Clerk in Health Department NWFP (now Government of Khyber Pakhtunkhwa) on 30.04.1979.
2. That the appellant in the month of January 1990 was promoted to the post of Senior Clerk and then in the month of March 2003 was promoted to the post of Office Assistant, the appellant is still performing his duties as Office Assistant (BPS-16).

Filed to-day
Registrar
28/5/19

3. That the appellant, vide order dated 07.05.2014 issued by Respondent No.2 was transferred from the office of DHO to Police Services Hospital Peshawar. (Copies attached Annexure-A).
4. That the process of promotion of Office Assistant BPS-16 to the post of Superintendent BPS-17 was initiated in the year 2015 by Respondent No.1 & 2.
5. That in this regard letters were issued by the Respondent No.3 to different offices of Health Department for provision of PERs of the Office Assistants vide initial letter dated 12.11.2014 by mentioning the names of **Office Assistant / placed of posting / documents required** of as many as 25 in number Office Assistants. (Copy of letter is attached as Annexure-B).
6. That consequent upon the above referred letter another letter dated 15.01.2015 was again circulated for submission / provision of PER's of the Office Assistant mentioned in earlier letters, however, the number of Office Assistant were increased in subsequent letters / list from 25 to 29. (Copy of letter dated 15.01.2015 is Annexure-C).
7. That here it is pertinent to mention that in both the letters dated 12.01.2014 and 15.01.2015 the place of posting of the Appellant is shown as "DHO Peshawar", while it is clearly manifest from the record as well as Office Order dated 07.05.2014 issued by Respondent No.2 that the Appellant during the said period of promotions was serving in Police Services Hospital Peshawar (Copy of letter dated 07.05.2014 is already attached as Annexure-A), while the appellant was transferred to DHO Peshawar in the year 2018 again.
8. That it is manifest from the minutes of meeting of Departmental Promotion Committee of BPS-17 dated 01.04.2015 headed by Respondent No.1, the appellant was deferred for promotion to BPS-17 "due to non-availability of PER's" only. (Copy of minutes of meeting are attached as Annexure-D) and resultantly vide notification dated 25.06.2015 as many as 21 officials were promoted from BPS-16 to BPS-17, excluding the appellant (Copy of Notification dated 25.06.2015 is attached as Annexure-E).
9. That the appellant filed departmental appeal before Respondent No.1 but till date neither any order is passed nor any response is given by the Respondent No.1, hence the present appeal is being filed on the following grounds. (Copy of Departmental Appeal is attached as Annexure-F).

GROUND:-

- a. That impugned act of Respondents No.1 & 2 and notification dated 25.06.2015 by not considering the appellant for promotion in PBS-17 despite fulfilling all the required criteria is against the law and fact hence liable to be set-aside.
- b. That the name of the appellant appearing at S.No.22 of the list prepared by Departmental Promotion Committee showing the place of posting as services hospital Peshawar, however, the PERs of the appellant were requisitioned vide letters dated 12.11.2014 and 15.01.2015 from the office of DHO Peshawar, here it is worth to mention that at the relevant time the appellant was serving in the office of Respondent No.4 as Office Assistant and the correspondence for submission of PER's of the

Appellant was made by Respondent No.3 with the Offices where at the relevant time the appellant was not posted and the whole drama was staged in order to deprive / defer the appellant from promotion. The malafide of Respondent No.1 to 3 is also reflecting from the minutes of meeting dated 01.04.2015 (Annexure-D) whereby the correct place of posting i.e. service hospital Peshawar is mentioned, meaning thereby that the place of posting of the appellant was known to the respondents despite this the documents requisitioned by Respondent No.3 vide letters dated 12.11.2014 (Annexure-B) and letter dated 15.01.2015 (Annexure-C), from the office of DHO Peshawar.

- c. That the Respondents while issuing the minutes of meeting and deferring the appellant for promotion ignored all the basic principal of legal as well as natural justice.
- d. That the Respondents while in league with each other malafidely deferred the appellant from promotion in order to achieve their illegal desire by promoting their favourable / blue eyed candidates.
- e. That the act of Respondent is clearly in sheer violation of law and rules framed for the purpose of dealing the cases of promotions, similarly despite fulfilling required qualification the so-called non-availability of PER was made basis for deferring the Appellant, that too with the malafide intention the letters were addressed to the offices where at the relevant time the appellant was not posted.

It is, therefore, respectfully prayed that by accepting the instant appeal impugned orders dated 25.06.2015 vide which the Appellant was deferred from promotion on flimsy and planted grounds, may kindly be set-aside and consequently the case of Appellant may kindly be reconsidered as the PER's are available with the concerned Department and the appellant may kindly be promoted to BPS-17 from 25.06.2015 with all back benefits.

Dated: 27/ 5 /2019

Through
Hasnain Tariq

...APPELLANT

Hasnain Tariq

(HASNAIN TARIQ)

Advocate High Court, Peshawar

VERIFICATION:

Verified on oath that the contents of forgoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Hon'ble Court.

ATTESTED



S/O
R

Hasnain Tariq

...APPELLANT

4

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR.**

Appeal No. _____ /2019

AMAN ULLAH, OFFICE ASSISTANT, DHO OFFICE PESHAWAR.

VERSUS

**GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH
SECRETARY HEALTH DEPARTMENT PESHAWAR & OTHERS.**

**APPLICATION FOR CONDONATION OF DELAY, IF ANY IN FILING OF INSTANT
APPEAL**

RESPECTFULLY SHEWETH:

1. That the instant appeal is being filed today wherein no date of hearing yet has been fixed.
2. That the cause of action accrued to the appellant / Petitioner is re-occurring cause of action, hence the instant appeal well within the time.
3. That the appellant has got prima facie case and is hopeful of its success.
4. That the appellant served the Government of Pakhtukhwa for decades with unblemished service record and the appellant is going to be retired in near future, hence entitle for leniency in treating the instant application by this Hon'ble Tribunal.

It is, therefore, respectfully prayed that delay (if any) in filing of instant appeal may kindly be condoned.

Dated:- 27 / 5 / 2019

Through:-

Hasnain Tariq

Appellant

Hasnain Tariq,
Advocate High Court,
Peshawar.



DIRECTORATE GENERAL HEALTH SERVICES GOVT. OF KHYBER PUKHTUNKHWA PESHAWAR

(5)

A

OFFICE ORDER

Mr. Hussain Ali Statistical Assistant working against the ex-cadre post of office Assistant in Police and Services Hospital Peshawar stands adjusted on his original post of Statistical Assistant in DGHS office (Complaint Cell) against his original post.

Subsequently Mr. Amanullah office Assistant working against the ex-cadre post of Statistical Assistant DHO office Peshawar stands adjusted against his original post of office Assistant in Police and Services Hospital Peshawar

(16)

Arrival/ departure report should be submitted to this Directorate for record.

S/xxxxxxxx
DIRECTOR GENERAL HEALTH SERVICES, K.P.K PESHAWAR.
Dated: 2/05/2014

No 3402-08 /Personnel.

Copy forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. M.S Police and Services Hospital Peshawar w/r to his letter No. 1964/MS/Admn/2013-14 dated 10.04.2014.
3. DHO Peshawar w/r to his letter No. 2991/DHO dated 11.04.2014.
4. Assistant Director (Accounts) DGHS, KPK Peshawar.
5. PA to DGHS, Khyber Pakhtunkhwa Peshawar.
6. Mr. Hussain Ali Statistical Assistant. He is hereby directed to report to the Incharge Compliant Cell DGHS office Peshawar.
7. Mr. Amanullah office Assistant DHO office Peshawar.

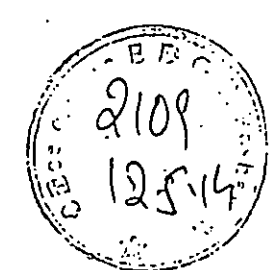
For information and necessary action.

ASSISTANT DIRECTOR (P-1)
DGHS, Govt: of Khyber Pukhtunkhwa Peshawar

Attested
Hasmain Tariq
Advocate High Court

Hafz S.M Ali Shah

Hussain Ali
Statistical Assistant
Police and Services Hospital





**DIRECTORATE GENERAL
HEALTH SERVICES KHYBER**

PAKHTUNKHWA PESHAWAR,
No. 9264-62/Personnel (Promotion)

Dated 12/11/2013

To,

1. The Principal KMC, Peshawar.
2. Principal BMC, Bannu.
3. The Director General Health Services, KPK, Peshawar.
4. The Director DHS FATA, Peshawar.
5. Medical Supdt: LRH, Peshawar.
6. Medical Supdt: HMC, Peshawar.
7. The Medical Supdt: DHQ Hospital Abbottabad.
8. The Medical Supdt: DHQ Hospital KDA Kohat.
9. The Medical Supdt: Maulvi Ameer Shah Memorial Hospital Peshawar
10. Medical Supdt: DHQ Hospital Mardan.
11. The Principal, PGCN Hayatabad Peshawar.
12. The District Health Officer, Lower Dir.
13. The District Health Officers, Bannu,
14. The District Health Officer Malakand,
15. The District Health Officer Abbottabad.
16. The District Health Officer Karak
17. The District Health Officer, Mardan.
18. The District Health Officer, Peshawar.
19. The District Health Officer, Chitral.

B

Assessed
Hasnain Tariq
Advocate

Subject:
Memo,

PERFORMANCE EVALUATION REPORT.

I am directed to refer to the subject noted above with the request to please submit PER of the following Office Assistant working under your control for the period noted against each within 03 days of the issuance of this letter positively so as to process the promotion case of Office Assistant (BPS-16) to the post of Office Superintendent (BPS-17).

S.No	Name of Office Assistant	Place of Posting	Documents required
01.	Mr. Manzoor Ahmad	DHQ Hospital Abbottabad.	NQC/Biodata/PER for the year 2013.
02.	Mr. Anwar Khan	DHQ Hospital Mardan.	NOC/Biodata PER for 7 months of 2013.
03.	Mr. Faqir Hussain	DHO, Lower Dir.	NOC/Biodata/PER for the year 2013.
04.	Mr. Nisar Ahmad	DHO, Bannu	NOC/Biodata/PER for the year 2013.
05.	Mr. Maqsood Akhtar	DHO Mardan	NOC/Biodata/PER for the year of 2013.
06.	Mr. Mukhtiar Ali	DHO, Peshawar.	NOC/Biodata/PER for the year 2001 to 2013.
07.	Mr. Rahmat Din	KMC, Peshawar.	NOC/Biodata/PER for the year 2011 to 2013.
08.	Mr. Waqar Ali	Govt: LRH, Peshawar.	NOC/Biodata/PER for the year 2011 to 2013.

Handwritten signatures and initials

4396
17/11/13

5/3

7

09.	Syed Jabir Hussain	HMC, Peshawar	NOC/Biodata/PER for the year 2011 to 2013.
10.	Syed Mehfooz Badshah	DGHSD Office Peshawar	NOC/Biodata/PER for the year 2010 to 2013.
11.	Mr. Irshad Ahmad	Govt: LRH, Peshawar	NOC/Biodata/PER for the year 2004 to 2013.
12.	Syed Fazli Mabood Shah	HMC Peshawar.	NOC/Biodata/PER for the year 2006 to 2013.
13.	Mr. Siraj-Ud-Din	DHO Chitral	NOC/Biodata and full Service PER
14.	Mr. Taj Ali Khan	BMC, Bannu	NOC/Biodata/PER for the Year 2010 to 2013.
15.	Mr. Abdul Tawab	Govt: LRH Peshawar	NOC/Biodata/PER for the year 2011 to 2013.
16	Mr. Ihsan Ullah	DHO Malakand	Bio data, N.O.C/PER(2001 to 2013) Not Completed
17	Mr. Amir Abdullah	DGHS Office	Bio data, N.O.C/PER(2009 to 2013) Not Completed
18.	Muhammad Ali	DHQ Hosp: KDA Kohat	Bio data, N.O.C/PER(2008 to 2013) Not Completed
19	Mr. Ghaus Ali Shah	Molvi Amir Shah Memorial Hosp: Peshawar	Bio data, N.O.C/PER(2007 to 2013) Not Completed
20	Mr. Shah Rehman	DHO Abbottabad	Bio data, N.O.C,(2003 to 2013) Not Completed
21	Mr. Muzaffar Khan	DHQ H Karak	Bio data, N.O.C/PER(2003 to 2013) Not Completed
22	Mr. Anan Ullah	DHO Peshawar	Bio data, N.O.C,(2005 to 2013) Not Completed
23	Mr. Rahat Ullah	PGCN Hayatabad	Bio data, N.O.C/PER(2008 to 2013) Not Completed
24	Mr. Noor Ali Shah	KMC Peshawar	Bio data, N.O.C/PER(2004 to 2013) Not Completed
25	Mr. Faiz ul Haq	DHS Fata	Full Services PER/ N.O.C and Bio Data Not Completed

Accepted
Hasmain Tariq
 Advocate High Courts

Hasmain

Arach

Assistant Director (P-I) 13/11/14
 Directorate General Health Services,
 Khyber Pakhtunkhwa Peshawar

[Signature]

[Signature]
 13/11/14

**Most immediate/Top priority
Out today**



**DIRECTORATE GENERAL
HEALTH SERVICES KHYBER
PAKHTUNKHWA PESHAWAR.**
No. 589-624 Personnel/ Promotion
Dated: 15/1/2015.

To,

1. The Chief Exe./Principal/ MS ERH/ KTH/KMC/HMC/BMC/ Peshawar/ Women Children Health Bannu/ STHS Swat/Kind Abdullah Teaching (II) Mansehra/ KGCN Peshawar/PGMI Peshawar/DHS Fata.
2. The MS DHQ/ D I Khan/Abbottabad/KDA Kohat/Karak/Dir Upper/ Molvi Am Shah (H) Peshawar.
3. The DHO Peshawar/Malakand/Abbottabad/Shangla/Swabi/Mardan.
4. The Agency Surgeon Bajaur Agency/Agency Surgeon Mohmand.

Subject: **PERFORMANCE EVALUATION REPORT.**

I am directed to refer to the subject noted above with the request to please submit PER the following Office Assistant working under your control for the period noted against each within 42 days of the issuance of this letter positively so as to process the promotion case of Office Assistant (BS-16) to the Post of Office Superintendent (BS-17).

S.No	Name of Office Assistant	Place of Posting	Documents required
1.	Mr. Manzoor Ahmad	DHQ/ Abbottabad	One Year PER 2014
2.	Mr. Mukhtiar Ali	DHO Peshawar	One Year PER 2014
3.	Mr. Rahmat Din	KMC Peshawar	One Year PER 2014
4.	Syed Mehfooz Badshah	DGHS Peshawar	One Year PER 2014
5.	Mr. Irshad Ahmad	LP Peshawar	One Year PER 2014
6.	Syed Fazli Mabood Shah	HMC Peshawar	One Year PER 2014
7.	Mr. Taj Ali Khan	BMC Bannu	One Year PER 2014
8.	Mr. Ihsan Ullah	DHO Malakand	One Year PER 2014
9.	Muhammad Ali	DHO/ KDA Kohat	Bio Data/NOC/(2008 to 2014 PER)
10.	Mr. Ghaus Ali Shah	Molvi Am Shah Memorial (H) Peshawar	One Year PER 2014
11.	Mr. Shah Rehman	DHO/ Abbottabad	Bio Data/NOC/(2003 to 2014 PER)
12.	Mr. Muzaffar Khan	DHO/ Karak	Bio Data/NOC/(2003 to 2014 PER)
13.	Mr. Aman Ullah	DHO Peshawar	Bio Data/NOC/(2003 to 2014 PER)
14.	Mr. Noor Ali Shah	KMC Peshawar	(2012 to 2014 PER)
15.	Mr. Faiz Ul Haq	DHS Fata	One Year PER 2014
16.	Mr. Akbar Khan	KGCN Peshawar	Bio Data/NOC/(2008 to 2014 PER)
17.	Mr. Zahir Shah	KTH Peshawar	Bio Data/NOC/(2004 to 2014 PER)
18.	Mr. Fazal Rahim	DHS Swat	Bio Data/NOC/(2008 to 2014 PER)
19.	Mr. Hamid Ud din	Dir Upper	Bio Data/NOC/(Full Services PER)
20.	Mr. Sher Asghar Khan	DHS Office	Bio Data/NOC/(2011 to 2014 PER)
21.	Mr. Adeel Ahmad	Agency Surgeon Mohmand	Bio Data/NOC/(2008 to 2014 PER)
22.	Mr. Mian Irshad	DHO Shangla	Bio Data/NOC/(2005 to 2014 PER)
23.	Syed Maqbool Shah	PGMI/ KMC Peshawar	Bio Data/NOC/(2005 to 2014 PER)
24.	Mr. Ghani ur Rahman	DHS Mardan	Bio Data/NOC/(2001 to 2014 PER)
25.	Mr. Ihsanullah	KMC Peshawar	Bio Data/NOC/(2005 to 2014 PER)
26.	Mr. Hamidullah	W/Children Hospital, Bannu	Bio Data/NOC/(2011 to 2014 PER)
27.	Mr. Abdur Rahim	DHS Swabi	Bio Data/NOC/(2005 to 2014 PER)
28.	Muhammad Bashir	Kind Abdullah Teaching Hospital Mansehra	Bio Data/NOC/(2005 to 2014 PER)
29.	Mr. Ghulam Muhammad	Agency	Bio Data/NOC/(2001 to 2014 PER)

Assistant Director (P-II)
Director General Health Services,
Khyber Pakhtunkhwa Peshawar

Attested
Husnain Luqman
Advocate High Courts

Ramnes
15/1/15

MINUTES OF THE MEETING.

A meeting of the Departmental Promotion Committee was held on 01.04.2015 at 11:00 (AM) under the Chairmanship of the Secretary Health to consider the promotion of Assistants/ Auditors/ Stenographers to the post of Superintendent (BS-17).

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02. The following Officers attended the meeting:-

1. Mr. Muhammad Mushtaq Jadoon, Chairman
Secretary Health Govt. of Khyber Pakhtunkhwa.
2. Dr. Pervez Kamal, Member
Director General Health Services,
Khyber Pakhtunkhwa Peshawar.
3. Mr. Asfandyar Member
Deputy Secretary-II
Health Department.
4. Mr. Nasir Aman, Member
Section Officer (R-II),
Establishment Department,
5. Humira Mehmood Member
Section Officer (R-III),
Finance Department.
6. Muhammad Tariq Member
Section Officer-III
Health Department.

D

3. The Meeting started with recitation from Holy Quran. The Deputy Secretary-II, Health Department Khyber Pakhtunkhwa, presented working papers for promotion of Assistants/ Stenographers/ Auditor to the post of Superintendents (BS-17).

4. It was explained before the Committee that there are 71 sanctioned posts of Superintendents (BS-17) in Health Department out of which 25 posts are lying vacant due to retirement/creation which are required to be filled as per Services Rules:-

"By promotion on the basis of seniority cum fitness from amongst:-

- a. Assistants/ Auditors/ Stenographers of the Health Directorate, and
- b. Head Clerk and Stenographers of the offices sub-ordinate to Health Directorate with at least five years service as such.

5. The Committee thoroughly examined/ checked the documents, Services Rules, seniority positions and original PERs of the incumbents in the panel. After threadbare deliberation, the committee made the following recommendations unanimously:-

S.No	Name	Place of Posting	Remarks
1.	Manzoor Ahmed (Assistant)	DHQ (H) Abbottabad	Cleared & recommended for promotion as Superintendent (BS-17) with immediate effect. He will be on probation for a period of one year extendable to another one year.
2.	Anwar Khan (Assistant)	DHQ: Mardan	-do-
3.	Faqir Hussain (Assistant)	DHO Lower Dir.	-do-
4.	Nisar Ahmad (Assistant)	DHO Bannu	-do-
5.	Maqsood Akhtar (Assistant)	DHO Mardan	-do-
6.	Mukhtiar Ali (Assistant)	DHO Peshawar	-do-
7.	Rahmat Din (Assistant)	KMC Peshawar	-do-

Attested
Advocate High Court
Khan

[Handwritten Signature]

8.	Waqar Ali (Assistant)	Govt. LRH Peshawar	
9.	Syed Jabir Hussain	HMC Peshawar	-do-
10.	Syed Mehfooz Badshah (Assistant)	DGHS Office Peshawar	-do-
11.	Irshad Ahmed (Stenographer)	LRH Peshawar	-do-
12.	Syed Fazle Mabood Shah (Assistant)	HMC Peshawar	-do-
13.	Siraj-ud-Din (Assistant)	DHO Chitral	-do-
14.	Taj Ali Khan(Assistant)	BMC Bannu	-do-
15.	Abdul Tawab(Assistant)	LRH Peshawar	-do-
16.	Ihsanullah (Assistant)	DHO Malakand	-do-
17.	Amir Abdullah (Stenographer)	DGHS Office	-do-
18.	Muhammad Ali (Assistant)	DHQ Hosp: KDA Kohat	-do-
19.	Ghaus Ali Shah (Assistant)	Molvi Amir Shah Memorial Hospital Peshawar.	Promoted/ Cleared Subject to the Clearance inspection report of Molvi Amir Shah Hospital Peshawar.
20.	Shah Rahman (Assistant)	DHO Abbottabad	Deferred due to non availability of PERs.
21.	Muzaffar Khan (Assistant)	DHQB: Karak	Cleared & recommended for promotion as Superintendent (BS-17) with immediate effect. He will be on probation for a period of one year extendable to another one year.
22.	Amanullah (Assistant)	Services Hosp: Peshawar	Deferred due to non availability of PERs.
23.	Rahatullah (Assistant)	PGCN, Hayatabad	Cleared & recommended for promotion as Superintendent (BS-17) with immediate effect. He will be on probation for a period of one year extendable to another one year
24.	Noor Ali Shah (Assistant)	KMC Peshawar	-do-
25.	Faiz Ul Haq S/O Noor Ul Haq (Assistant)	DHS FATA	Deferred due to non availability of PERs.

The meeting ended with vote of thanks for the chair.

Mr. Asfandyar
Deputy Secretary-II
Health Department
DGHS KPK Peshawar.

Section Officer (R-III),
Govt: of KPK Finance Department

Muhammad
Section Officer-II
Govt: of KPK Health Department

Dr. Pervez Kamal Khan
Director General Health Services,
Khyber Pakhtunkhwa Peshawar

Mr. Nasir Aman,
Section Officer (R-II)
Govt: of KPK Establishment Department.

Muhammad Mushtaq Jadoon
Secretary Health
(Chairman)

Attested
Hasnain Faruq
Advocate High Courts
Peshawar

174
10



GOVT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated the Peshawar 25th June, 2015

11

NOTIFICATION.

No.SOH-III/10-4/2015. On the recommendation of the Departmental Promotion Committee, the Competent Authority has been pleased to promote the following Assistants/ Stenographers/Auditors (BS-16) to the post of Superintendents (BS-17) on regular basis with immediate effect. They will be on probation for a period of one year extendable by another period.

S.No.	Name of Officer
1.	Manzoor Ahmed (Assistant)
2.	Anwar Khan (Assistant)
3.	Faqir Hussain (Assistant)
4.	Nisar Ahmad (Assistant)
5.	Maqsood Akhtar (Assistant)
6.	Mukhtiar Ali (Assistant)
7.	Rahmat Din (Assistant)
8.	Waqar Ali (Assistant)
9.	Syed Jabir Hussain (Assistant)
10.	Syed Mehfooz Badshah (Assistant)
11.	Irshad Ahmed (Stenographer)
12.	Syed Fazle Mabood Shah (Assistant)
13.	Siraj-ud-Din (Assistant)
14.	Taj Ali (Assistant)
15.	Abdul Tawab (Assistant)
16.	Ihsanullah (Assistant)
17.	Amir Abdullah (Stenographer)
18.	Muhammad Ali (Assistant)
19.	Rahatullah (Assistant)
20.	Muzaffar Khan (Assistant)
21.	Noor Ali Shah (Assistant)

Arrested
Hasnain Tariq
Advocate Peshawar Court

2. Consequent upon their promotion to the post of Superintendents (BS-17) the following posting/transfer are hereby ordered with immediate effect in the Public Interest.

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S.#.	Name of Officer	From	To	Remarks
1.	Manzoor Ahmed	DHQ (H) Abbottabad	Bacha Khan Medical College Mardan.	Against the vacant post
2.	Anwar Khan	DHQH: Mardan	Gajju Khan Medical College Swabi	-do-
3.	Faqir Hussain	DHO Lower Dir.	Saidu Teaching Hospital Swat	-do-
4.	Nisar Ahmad	Khalifa Gul Nawaz Teaching Hospital Bannu	Khalifa Gul Nawaz Teaching Hospital Bannu	-do-
5.	Maqsood Akhtar	DHO Mardan	Bacha Khan Medical College Mardan	-do-
6.	Mukhtiar Ali	DHO Peshawar	KGMC Peshawar	-do-
7.	Rahmat Din	NMC Nowshera	Nowshera Medical College Nowshera	-do-
8.	Waqar Ali	Govt. LRH Peshawar	Lady Reading Hospital Peshawar	-do-
9.	Syed Jabir Hussain	HMC Peshawar	AHQ Hospital Parachinar	-do-
10.	Syed Mehfooz Badshah	DGHS Office Peshawar	DHS FATA Peshawar	-do-
11.	Irshad Ahmed	LRH Peshawar	Lady Reading Hospital Peshawar	-do-
12.	Syed Fazle Mabood Shah	HMC Peshawar	Hayatabad Medical Complex Peshawar	-do-
13.	Siraj-ud-Din	DHO Chitral	Gajju Khan Medical College Swabi	-do-
14.	Taj Ali	BMC Bannu	Bannu Medical College Bannu	-do-
15.	Abdul Tawab	LRH Peshawar	Lady Reading Hospital Peshawar	-do-
16.	Ihsanullah	DHO Malakand	Nawaz Sharif Kidney Center Swat	-do-
17.	Amir Abdullah	DGHS Peshawar	DGHS Peshawar	-do-
18.	Muhammad Ali	DHQ Hosp: KDA Kohat	GMC D.I Khan	-do-
19.	Rahatullah	PGCN, Hayatabad Peshawar	BMC Bannu	-do-
20.	Muzaffar Khan	DHQH: Karak	KTH Peshawar	-do-
21.	Noor Ali Shah	KMC Peshawar	Khyber College for Dentistry Peshawar	-do-

Attested
 H. M. M. M. M.
 Against High Court
 M. M. M.

[Handwritten Signature]

Secretary to Govt. of Khyber Pakhtunkhwa
 Health Department

Endst of even No and Date.

13

Copy forwarded to:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
3. Director Health Services, FATA Peshawar.
4. The Principals, BMC Bannu, GKMC, Swabi, KGMC Peshawar, KCD Peshawar, PGCN Hayatabad Peshawar, BKMC Mardan & NMC Nowshera & GMC D.I Khan.
5. District Health Officers, Peshawar, Malakand & Dir lower.
6. Medical Directors/Hospital Directors, LRH, KTH & HMC, Peshawar.
7. Medical Superintendent, Nawaz Sharif Kidney Centre Swat.
8. Medical Superintendent, DHQ Teaching Hospital, Karak.
9. Medical Superintendent, DHQ Teaching Hospital Abbottabad.
10. Medical Director/Hospital Director, Khalifa Gul Nawaz Teaching Hospital Bannu.
11. Medical Superintendent, DHQ Hospital, KDA, Kohat.
12. Medical Superintendent, Mardan Medical Complex Mardan.
13. Medical Superintendent, KDA, Kohat.
14. Medical Superintendent, Saidu Teaching Hospital Swat.
15. Medical Superintendent, AHQ Hospital, Parachinar.
16. All District Accounts Officers, Khyber Pakhtunkhwa, Peshawar.
17. The Agency Accounts Officer, Parachinar.
18. Deputy Director (I.T) Health, Khyber Pakhtunkhwa.
19. PS to Senior Minister Health, Khyber Pakhtunkhwa.
20. PS to Secretary Health, Khyber Pakhtunkhwa.
21. PS to Special Secretary Health, Khyber Pakhtunkhwa.
22. Master File.
23. Officers concerned.

M.KASHIF KHAN/STENOGRAPHER

Attested
Hassan Tariq
Advocate High Court
Hassan

(Signature)
(MUHAMMAD TARIQ)
Section Officer-III

(Signature)

TO,

The Honorable Secretary,
Health Services
Govt of Khyber Pakhtunkhwa Peshawar.

~~Dear Sir~~
~~Secretary~~
~~2019~~
~~6/2/19~~

14

SUBJECT: DEPARTMENTAL APPEAL

Respectfully sheweth:

With all humilities and foremost veneration this is to appeal as under:

That the applicant joined services in this Department as Junior Clerk with effect from April 1979. That I was promoted to the post of Senior Clerk on Jan 1990. That I was further given promotion to the position of Office Assistant on March 2003.

Dear Sir:

That in the year 2015 some Assistants were being promoted but unfortunately, my name was dropped from the promotion list due to missing of 3, A.C.Rs and resultantly, my junior have been promoted accordingly. That no any coddle formality was implemented in this case. That unfortunately, I was neighters given any information nor any corresponsance with me to this effect has been communicated to me. That is why I was set aside from promotion.

It is worth mentioning that the criteria laid down for promotion is subject only to seniority / fitness.

Dear Sir:

That I have been languishing on the post of Office Assistant since 2003, and junior to me have been promoted to the position of OFFICE SUPERINTENDENT from time to time.

As, I am being retired from services with effect from August, 2019. It is worth mentioning that I have served the Department with zeal, zestr, dedication and honestly and devotion for approximately 40 years which may very kindly be considered in my CREDIT.

In expediency of the situation as explained above, it is therefore, appealed that my case may very kindly be considered favorably and that I may very kindly be promoted to the post of OFFICE SUPERINTENDENT with effect from the date on which my name was ousted from promotion list due to the 3, A.C.Rs which will bring home solace and satisfaction.

Attested
Advocate High Courts
Humam
1st Application

Your Obediently Servant

Dated: 29/01/2019

M.R. AMAN ULLAH S/O INAYAT ULLAH
OFFICE ASSISTANT
DISTRICT HEALTH OFFICE, PESHAWAR.

Cc:

The Honorable Director General Health Services Pak, Peshawar.

[Handwritten signatures and initials]
4380
20/01/2019
DGH

قیمت
50 روپے

16315



ایڈوکیٹ: حسن طارق

بار کونسل / ایسوسی ایشن نمبر: 11-523

رابطہ نمبر: 0333 29 222 08

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: سرور ڈاٹ ایسوسی ایشن

منجانب:

دعویٰ: Service appeal

علت نمبر:

مورخہ:

جرم:

تھانہ:

اصان اللہ
بنام
گورنمنٹ آف
کراچی

باعث تحریر آئیکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ

آن مقام پشاور کیلئے حسن طارق ریڈیو اسٹیشن کو وکیل مقرر

کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو

راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق

زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز

دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی

کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب

مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا

دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ

باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 27/5/19

الع بد گواہ شد الع

مقام کے لیے لکھ دیا تاکہ سند رہے

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 707 OF 2019

Aman Ullah.....Appellant

Versus

Govt. of Khyber Pakhtunkhwa and others.....Respondents

Respectfully Sheweth:

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS

Preliminary Objections:-

P.O.F.
Jin
01/06/21

1. That the Appellant has got neither cause of action nor locus standi to file the instant Appeal.
2. That the Appellant has filed the instant appeal just to pressurize the respondents.
3. That the instant Appeal is against the prevailing Law and Rules.
4. That the Appeal is not maintainable in its present form and also in the present circumstances of the issue.
5. That the Appellant has filed the instant Appeal with mala-fide intention hence liable to be dismissed.
6. That the Appellant has not come to the Tribunal with clean hands.
7. That the Appeal is time barred.
8. That the Honorable Tribunal has no Jurisdiction to adjudicate upon the matter.
9. That the instant Appeal is bad for mis-joinder and non-joinder of the necessary parties.

ON FACTS:

1. Para No. 1 pertains to record.
2. Para No. 2 pertains to record.
3. Para No. 3 pertains to record.
4. Para No. 4 is correct.
5. In reply to Para No. 5 it is submitted that previously, he was working with the DHO Peshawar in 2014, therefore DHO Peshawar was asked to submit the PERs, Bio Data and NOC etc of the Appellant. The Appellant was also informed through phone to submit the above documents but he failed to do so.
6. Para No. 6 is correct.
7. Para No. 7 as already explained in Para No. 5.

PERs, Bio Data and NOC etc of the Appellant. The Appellant was also informed through phone to submit the above documents but he failed to do so.

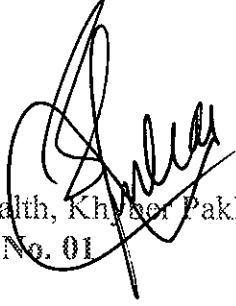
6. Para No. 6 is correct.
7. Para No. 7 as already explained in Para No. 5.
8. In reply to Para No. 8 it is submitted that the PERs, Bio Data and NOC etc are requirement of promotion to judge the Officials / Officers work and conduct. In the absence of the above documents, the promotion of the Appellant was differed for the time being.
9. Para No. 9 pertains to record, hence no comments.

ON GROUNDS:

- a. Para-a is incorrect. The promotion case of Office Assistants for the post of Superintendents was prepared in accordance with Rule-7 of the APT Rules 1989 and Rule -9 of Civil Servant Act 1973 in which the name of Appellant was also included but due to non production of PERS, Bio Data and NOC etc, the Departmental Promotion Committee deferred his promotion.
- b. In reply to Para-b it is submitted that the official concerned was fully aware of his promotion process in time as evident from his Application/Appeal (Annexure-A), addressed to DGHS received through Medical Superintendent Services Hospital Peshawar KP vide letter No.3195-97/MS/Adv/PF/2014-15 dated 15/05/2015 wherein the Appellant stated that "As the time was very short and his ACRs from 2005 to 2014 was missing /pending. He tried best but not completed his ACRs well in time and at least ACRs was completed on 09/04/2015 and on the same day, he submitted his ACRs of DGHS Peshawar vide Medical Superintendent Services Hospital Peshawar Khyber Pakhtunkhwa letter No.1731/MS/Adv/PF/2014-15 dated 09/04/2015. The Medical Superintendent Services Hospital Peshawar Khyber Pakhtunkhwa was informed well in time telephonically by this Directorate to submit ACRs of the Appellant but he submitted his ACRs on 09/04/2015 by giving reference of telephonic message from DGHS Office as (Annexure-B). It is pertinent to mentioned here that the Appellant completed his ACRs on 09/04/2015, while Departmental Promotion Committee meeting took place on 01/04/2015 as per minutes of the meeting (Annexure-C) so his promotion was deferred.
- c. Para-c is incorrect. The promotion case was processed in the light of Government Rules & Policy as already explained in para-a above.
- d. Para-d is incorrect. The promotion case was prepared by including the name of the Appellant which was deferred on the grounds that the PERs for the years from 2005 to 2014 were not provided which shows that he was not interested in promotion at that time.
- e. Para-e is incorrect as already explained in preceding paras.

PRAYER:

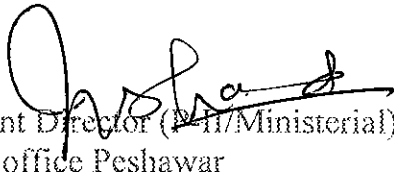
It is therefore humbly prayed that on acceptance of the comments, the instant Appeal may very graciously be dismissed with cost.



Secretary Health, Khyber Pakhtunkhwa.
Respondent No. 01



Director General Health Services,
Khyber Pakhtunkhwa.
Respondent No. 02



Assistant Director (P-II/Ministerial).
DGHS office Peshawar
DGHS Respondent No. 03



OFFICE OF THE
MEDICAL SUPERINTENDANT
SERVICES HOSPITAL, PESHAWAR

Phone: (Off) 091 9210509 (Exch) 091 9223472 Fax: 091 9210543

No. 3145-97 /MS/Admn/PF/2014-15


Dated: 15/05/2015

Director General Health Services
Khyber Pakhtunkhwa
Peshawar.

Subject: - APPEAL.

Respected Sir,

I have the honor to enclosed here with a self explanatory appeal in original in respect of Mr. Aman Ullah Office Assistant (BPS-16) attached to Services Hospital Peshawar for favour of further sympathetic action please.


Medical Superintendent
Services Hospital,
Peshawar

Copy to:

1. SO-III Government of Khyber Pakhtunkhwa Health Department for information and similar sympathetic action please.
2. Mr. Aman Ullah Office Assistant (BPS-16) for information.

Annex B

OFFICE OF THE
MEDICAL SUPERINTENDANT
SERVICES HOSPITAL, PESHAWAR

Phone: (Off) 091 9210509 (Exch) 091 9210472 Fax: 091 9210543

1731

/MS/Admn/PF/2014-15

Dated: 09/04/2015

The Director General Health,
Services Khyber Pakhtunkhwa
Peshawar.

Attention: Ameer Abdullah
Incharge ACR Section

Subject: - ANNUAL CONFIDENTIAL REPORT.

Memo: As per your telephonic message.

Enclosed please find herewith the annual confidential report (in duplicated) in respect of Mr. Aman Ullah Office Assistant (BPS-16) attached to Services Hospital Peshawar for the period from 01-01-2005 to 31-12-2014 for further necessary action.

A. Amin
09/04/2015
Medical Superintendent
Services Hospital,
Peshawar

[Signature]
09/04/15

MINUTES OF THE MEETING

A meeting of the Departmental Promotion Committee was held on 01.04.2015 at 11:00 (AM) under the Chairmanship of the Secretary Health to consider the promotion of Assistants/ Auditors/ Stenographers to the post of Superintendent (BS-17).

Annex-C

02. The following Officers attended the meeting:

- | | | |
|----|----------------------------------------------------------------------------------------|----------|
| 1. | Mr. Muhammad Mushtaq Jadoon,
Secretary Health Govt. of Khyber Pakhtunkhwa. | Chairman |
| 2. | Dr. Pervez Kamal,
Director General Health Services,
Khyber Pakhtunkhwa Peshawar. | Member |
| 3. | Mr. Asfandyar
Deputy Secretary-II
Health Department. | Member |
| 4. | Mr. Nasir Aman,
Section Officer (R-II),
Establishment Department, | Member |
| 5. | Humira Mehmood
Section Officer (R-III),
Finance Department. | Member |
| 6. | Muhammad Tariq
Section Officer-III
Health Department. | Member |

3. The Meeting started with recitation from Holy Quran. The Deputy Secretary-II, Health Department Khyber Pakhtunkhwa, presented working papers for promotion of Assistants/ Stenographers/ Auditor to the post of Superintendents (BS-17).

4. It was explained before the Committee that there are 71 sanctioned posts of Superintendents (BS-17) in Health Department out of which 25 posts are lying vacant due to retirement/creation which are required to be filled as per Services Rules:-

"By promotion on the basis of seniority cum fitness from amongst:-

- Assistants/ Auditors/ Stenographers of the Health Directorate, and
- Head-Clerk and Stenographers of the offices sub-ordinate to Health Directorate with at least five years service as such.

5. The Committee thoroughly examined/ checked the Documents, Services Rules, seniority positions and original PERs of the incumbents in the panel. After threadbare deliberation, the committee made the following recommendations unanimously:-

S.No	Name	Place of Posting	Remarks
1.	Manzoor Ahmed (Assistant)	DHQ (H) Abbottabad	Cleared & recommended for promotion as Superintendent (BS-17) with immediate effect. He will be on probation for a period of one year extendable to another one year.
2.	Anwar Khan (Assistant)	DHQ: Mardan	-do-
3.	Faqir Hussain (Assistant)	DHO Lower Dir.	-do-
4.	Bisar Ahmad (Assistant)	DHO Bannu	-do-
5.	Masood Akhtar (Assistant)	DHO Jhelum	-do-
6.	Mubtahir Ali (Assistant)	DHO Peshawar	-do-
7.	Bahman Din (Assistant)	KMC Peshawar	-do-

	Waqar Ali (Assistant)	Govt. LRH Peshawar	
9.	Syed Jabir Hussain	HMC Peshawar	-do-
10.	Syed Mehfooz Badshah (Assistant)	DGHS Office Peshawar	-do-
11.	Irshad Ahmed (Stenographer)	LRH Peshawar	-do-
12.	Syed Fazle Mabood Shah (Assistant)	HMC Peshawar	-do-
13.	Siraj-ud-Din (Assistant)	DHO Chitral	-do-
14.	Taj Ali Khan(Assistant)	BMC Bannu	-do-
15.	Abdul Tawab(Assistant)	LRH Peshawar	-do-
16.	Ihsanullah (Assistant)	DHO Malakand	-do-
17.	Amir Abdullah (Stenographer)	DGHS Office	-do-
18.	Muhammad Ali (Assistant)	DHQ Hosp: KDA Kohat	-do-
19.	Ghaus Ali Shah (Assistant)	Molvi Amir Shah Memorial Hospital Peshawar.	Promoted/ Cleared Subject to the Clearance inspection report of Molvi Amir Shah Hospital Peshawar.
20.	Shah Rahman (Assistant)	DHO Abbottabad	Deferred due to non availability of PERs.
21.	Muzaffar Khan (Assistant)	DHOH: Karak	Cleared & recommended for promotion as Superintendent (BS-17) with immediate effect. He will be on probation for a period of one year extendable to another one year.
22.	Amanullah (Assistant)	Services Hosp: Peshawar	Deferred due to non availability of PERs.
23.	Rahatullah (Assistant)	PGCN, Hayatabad	Cleared & recommended for promotion as Superintendent (BS-17) with immediate effect. He will be on probation for a period of one year extendable to another one year.
24.	Noor Ali Shah (Assistant)	KMC Peshawar	-do-
25.	Faiz Ul Haq/S/O Noor Ul Haq (Assistant)	DHS FATA	Deferred due to non availability of PERs.

The meeting ended with vote of thanks for the chair.

Mr. Asfandyar
Deputy Secretary-II
Health Department
DGHS KPK Peshawar.

Section Officer (R-III),
Govt. of KPK Finance Department

Muhammad Tahir
Section Officer-II
Govt. of KPK Health Department

Dr. Pervez Kamal
Director General Health Services,
Khyber Pakhtunkhwa Peshawar

Mr. Nasir Aman,
Section Officer (R-II)
Govt. of KPK Establishment Department.

Muhammad Mushtaq Jadoon
Secretary Health
(Chairman)

174

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44/5/2022

COMPLIES

10/11/2022

Signature

497

The Director General Health,
Services Khyber Pakhtunkhwa
Peshawar.

Through: The Medical Superintendent
Services Hospital Peshawar.

Subject: - APPEAL.

Respected Sir,

I have the honor to state that I am working as Office Assistant (BPS-16) in the Services Hospital Peshawar since June, 2014.


Sir, I was promoted as Office Assistant in March 2003 and now the working paper, Seniority list and all other documents of Senior Office Assistants (BPS-16) has been submitted to the honorable Secretary to Government of Khyber Pakhtunkhwa Health Department Peshawar for their promotion as Office Superintendent (BPS-17), but my name was deferred from the promotion due to my incomplete ACRs.

Sir the time was very short and my ACRs from 2005 to 2014 were missing/pending, I was tried my best but not completed well in time and at least my ACRs were completed on 09-04-2015 and on the same day I submitted my ACRs to your kind office through Medical Superintendent Services Hospital Peshawar under covering letter No. 1731/MS/Admin/ PF/2014-15 dated 09-04-2015 (Copy attached).

So you are therefore, very kindly and humbly requested that my name along with ACRs may very kindly be sent to the honorable Secretary to Government of Khyber Pakhtunkhwa Health Department Peshawar to include my name in the promotion list as I am waiting for this opportunity since 2003.

I shall be very thankful for your greatness.

Yours Sincerely and
most obedient servant


Mr. Aman Ullah
Office Assistant (BPS-16)
Services Hospital Peshawar

497

The Director General Health,
Services Khyber Pakhtunkhwa
Peshawar.

Through: The Medical Superintendent
Services Hospital Peshawar.

Subject: - APPEAL.

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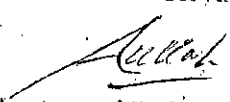
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most obedient servant


Mr. Aman Ullah
Office Assistant (BPS-16)
Services Hospital Peshawar