

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.7241/2020

Date of Institution ... 10.07.2020

Date of Decision ... 09.10.2020

Dr. Muhammad Noor (Tamgha-i-Imtiaz) Chief District Specialist
Surgery (BS-20) DHQ Hospital, Khar, Merged District Bajaur.

... (Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Health to Government of Khyber Pakhtunkhwa, Health Department, Civil Secretariat Peshawar and 12 others.

... (Respondents)

Mr. Qaiser Ali,
Advocate

... For appellant.

Mr. Muhammad Jan,
Deputy District Attorney

... For Official respondents.

Mr. Zartaj Anwar,
Advocate

... For respondent #.6.

MRS. ROZINA REHMAN

... MEMBER (J)

MR. ATIQ-UR-REHMAN WAZIR

... MEMBER (E)

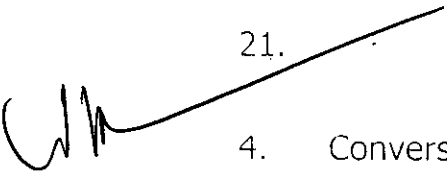
JUDGMENT

ATIQ-UR-REHMAN WAZIR, MEMBER : The captioned appeal has been filed against the promotion notification No. SOH-I/HD/3-5/2018 dated

09.10.2018 vide which eight Senior District Specialist Surgery were promoted to the post of Chief District Specialist Surgery.

2. Brief facts of the case are that the appellant was appointed as Medical Officer on 02.11.1989 on regular basis and worked against the vacant post of Surgeon (BS-17) from 12.10.1998 to 29.08.2002. He then appointed as District Surgeon (BS-18) on contract since 30.08.2002 to 07.10.2007 and his this post was regularized by the Khyber Pakhtunkhwa Public Service Commission on 08.10.2007. His contract service as District Surgeon (BS-18) from 30.08.2002 to 07.10.2007 was regularized through notification dated 30.01.2018. Despite repeated requests, he was promoted to BS-19 on 02.01.2018 instead of promotion in the year 2009. On the application of appellant, an inquiry committee was constituted and as per findings, appellant was entitled to promotion in the year 2012. That on the strength of fabricated seniority list, eight doctors were promoted as Chief District Specialist Surgery in BS-20 amongst whom seven were junior to the appellant but even then, appellant was not promoted well within time and after the inquiry report, the appellant was promoted later on as Chief District Specialist Surgery on 07.01.2019 and now the appellant is the only fit candidate for promotion from BS-20 to BS-21 on the basis of meritorious services and that Dr. Khalid Khan has been wrongly recommended for BS-21 who is too junior and has no meritorious services at his credit because the appellant has been awarded Tamgha-I-Imtiaz for rendering of meritorious services. He, therefore, requested that the proposal of Dr. Khalid Khan for promotion to BS-21 on the meritorious services may be declared as illegal and instead the name of the appellant may be considered for promotion to BS-21 on the basis of meritorious services.

3. It was submitted by the learned counsel for appellant that the appellant is Chief District Specialist Surgery (BS-20) and has been performing his duty in DHQ Hospital Khar Bajaur since long. He contended that according to promotion policy and report of the inquiry committee, appellant is entitled to promotion to BS-19 in the year 2009 and for BS-20 in 2014 but he was promoted to BS-19 late on 02.01.2018 on the basis of malafide, fraud and fabricated seniority list put up before the Provincial Selection Board by showing the seniority of the appellant at Serial #.11 while according to actual seniority list, appellant was at Serial #.3. He submitted that the appellant is senior most in BS-20 but his seniority has been dragged down on the basis of fraud and now DG Health had wrongly recommended Dr. Khalid Khan Chief District Dermatologist (BS-20) Naseer Ullah Babar Hospital who is actually junior to appellant and has no meritorious services at his credit and is not qualifying for the post of BPS-21.

 4. Conversely, learned DDA contended that the appellant's services were regularized w.e.f the date of his contract appointment i.e. 30.01.2002 in BPS-18 and that promotion from BS-18 to BS-19 is always made under the rules which is based on seniority-cum-fitness subject to availability of post and that duration of service is not the sole factor for promotion. He submitted that the appellant did not challenge any such order of promotion of any incumbent and that as per KP Promotion Policy, 2009, the promotion shall be made with immediate effect. He submitted that notification of promotion to BS-19 was issued on 02.01.2018 whereas the departmental appeal was filed on 03.04.2020 which is badly time barred and lastly, he contended that conduct of appellant is such that on repeated occasions, when cause of action had accrued in his favor he kept sleeping over rights

and did not agitate the matter before the relevant fora at the appropriate time and that his approach to the Service Tribunal is now barred by time.

5. Learned counsel for respondent No.6 further argued that the appellant is junior to respondent No.6 Dr. Khalid Khan as the respondent No.6 was appointed in the year 1987 while the appellant was appointed in 1989. He submitted that respondent No.6 was promoted to BPS-18 in 1996 whereas appellant was promoted to BPS-18 in 2002. The respondent NO.6 was then promoted to BS-19 in 2007 while the appellant in the year 2018. He contended that respondent No.6 was further promoted to BS-20 in 2016 while the appellant was promoted in 2019 and these facts were concealed from the Tribunal by the appellant. He argued that the appellant has no standing with the respondent No.6 in seniority and according to seniority list of BPS-20, respondent No.6 stands at Serial #.1 while the present appellant at Serial #.24 which clearly shows that there is not seniority conflict and that promotion to BPS-21 on the basis of meritorious services according to Estacode will be in order of seniority of minimum of three years active service in BPS-20.

6. Arguments of the parties and record available before us transpires that services of the appellant were regularized w.e.f 08.10.2007, whereafter he remained silent for ten years. The issue of his promotion came to surface in 2017, when respondents asked the appellant to submit his ACR for the period from 2008 to 2016 vide letter dated 13.12.2016 and in response the appellant alongwith ACRs, submitted a complaint dated 20.11.2017 and pointed out some elements in the office of the respondents who allegedly were making hurdles in his promotion. Upon his complaint, the respondent immediately asked his subordinate to submit working paper

for his promotion and after observing formalities, the appellant was promoted to Grade-19 on 02.01.2018 as well as remaining portion of his contract appointment w.e.f 30.08.2002 to 07.10.2007 was also regularized by the respondents on 30.01.2018. On his another application, the respondents constituted a committee dated 24.10.2018 to look into his grievances and the inquiry committee in its conclusion and recommendations, inter-alia pointed out that if his contract portion was regularized earlier by the respondents, he would have been entitled for promotion to BPS-19 in 2012. The inquiry committee submitted its report on 08.02.2019, but in the meanwhile, the appellant promoted to BPS-20 on 07.01.2019 after exact one year and five days of his earlier promotion to BPS-19. After his promotion to BPS-20, the appellant preferred an appeal to the respondents on 28.10.2019 for antedate promotion to BPS-19 w.e.f 2012 or 2014 and to BPS-20 w.e.f October 2018, in the light of recommendations of the inquiry committee. The respondents again initiated action on his appeal and forwarded his appeal to Establishment Department dated 30.01.2020 seeking guidance as to whether the request of the appellant could be entertained at this stage or otherwise. In the meanwhile, the appellant preferred another appeal to the Chief Secretary dated 03.04.2020 repeating the same ante date promotions to BPS-19 & 20 as well as an additional demand of his promotion to BPS-21 on the ground of meritorious services. The appellant in his appeal has shown reply of the Establishment Department as on Page-18, but the same page is torn out amongst the annexures, which means that the reply of Establishment Department was not in his favor. Based on this appeal, the appellant preferred the instant service appeal with the grounds that he is the senior most amongst the available lot and deserved to be promoted to Grade-21

on the ground of meritorious services. To this effect he also impleaded respondent No.6, whose case for promotion to BPS-21 is already in process and who is at Serial #.1 of the seniority list of BPS-20, whereas the appellant is at Serial #.24 of the list.

7. In view of the situation, we are of the considered view that the appellant very lately realized that his promotion to Grade-19 was delayed, that his regularization was pending since 2002, that his promotions were required from 2012 and 2014 to BPS-19 and 20 respectively. The fact remains that inspite delay on part of the appellant, the respondents always promptly responded to every request of the appellant and the appellant already appreciates positive response of the respondents in correspondence placed on record. The respondents went to the extent that appellant promoted to BPS-19 and again to BPS-20 in a period of one year, which shows that the appellant was not left unattended at any stage. The appellant in his final effort preferred the instant appeal with no cause of action and with prayers that he being the senior most amongst the officers and holding Tamgha-e-Imtiaz deserve to be promoted to Grade-21 on the basis of meritorious services. The only cause presented was recommendation of respondent No.6 by respondent No.3 for promotion to Grade-21; who is not yet promoted. The appellant proved neither his seniority nor eligibility for further promotion based on meritorious services.

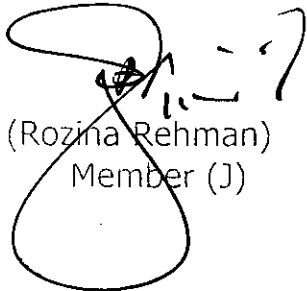
8. It was on 03.04.2020 when departmental appeal was filed after about Eighteen months of passing of the impugned order which is badly time barred. As per Rule-3 of Khyber Pakhtunkhwa Civil Servants (Appeal) Rules, 1986, a civil servant aggrieved by an order passed or penalty imposed by the competent authority relating to the terms & conditions of

his service may, within 30 days from the date of communication of the order to him, prefer an appeal to the appellate authority. It is well-entrenched legal proposition that wherein appeal before departmental authority is time barred, the appeal before Service Tribunal would be incompetent. In this regard reference can be made to cases titled Anwarul Haq v. Federation of Pakistan 1995 SCMR 1505, Chairman, PIAC v. Nasim Malik PLD 1990 SC 951 and State Bank of Pakistan v. Khyber Zaman & others 2004 SCMR 1426.

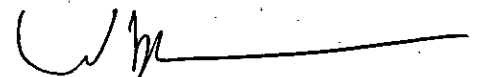
9. In the facts and circumstances noted above, the instant appeal stands dismissed with no orders as to costs. File be consigned to the record room.

ANNOUNCED.

09.10.2020



(Rozina Rehman)
Member (J)



(Attiq ur Rehman Wazir)
Member (E)

28.09.2020

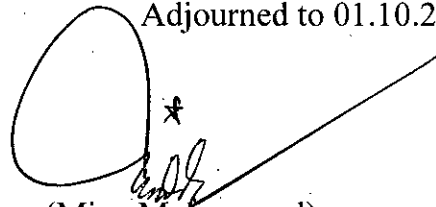
Appellant alongwith his counsel present.

Mr. Muhammad Jan, Deputy District Attorney alongwith Saleem Javed, Superintendant for official respondent No. 5, Learned counsel for private respondent No.10 and private respondent No.6 in person present. No one is present on behalf of private respondents No.7,9 and 13.

Private respondent No.6 seeks adjournment as his learned counsel is busy before the Hon'able High Court, Peshawar of Pakistan.

Adjourned to 01.10.2020 for arguments before D.B.

01.10.2020



(Mian Muhammad)

Member (E)



(Rozina Rehman)

Member (J)

Counsel for the appellant and Mr. Muhammad Riaz Paindakhel, Asstt. AG alongwith Saleem Javed, Litigation Officer for official respondents and counsel for private respondents 6 and 10 present. Due to paucity of time, the matter is adjourned to 05.10.2020 for hearing before the D.B.



(Mian Muhammad)
Member (Executive)



Chairman

05.10.2020

Appellant with counsel present.

Mr. Muhammad Jan learned Deputy District Attorney alongwith Hazrat Shah Section Officer for official respondents present. Counsel for private respondents present. Private respondents No.6, 10 & 13 also present in person.

Partial arguments heard. To come up for full arguments/order on 09.10.2020 before D.B.



(Atiq ur Rehman Wazir)
Member (E)



(Rozina Rehman)
Member (J)


09.10.2020

Appellant with counsel present.

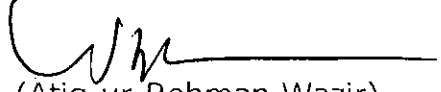

Mr. Muhammad Jan learned Deputy District Attorney alongwith Hazrat Shah Section Officer for official respondents present. Counsel for private respondent #.6 present. Private respondents #.6, 10 & 13 present.

Vide detailed judgment of today of this Tribunal placed on file, the instant appeal stands dismissed with no orders as to costs. File be consigned to record room.

ANNOUNCED.
09.10.2020



(Rozina Rehman)
Member (J)



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

24.08.2020

Due to public holiday on account of 1st Moharram, the case is adjourned to ~~31~~ 08.2020 for the same as before.

Reader

31.08.2020

Appellant in person and Mr. Kabirullah Khattak Addl. AG for official respondent No. 1 to 5 present. Private respondent No.6 in person present. None present on behalf of private respondent No. 7 to 13.

Learned AAG seeks time to contact the respondents and furnish the reply/comments. Notice be issued to the private respondent No. 7 to 13 for submission of written reply/comments on 09.09.2020 before S.B

Member (E)

09.09.2020

Appellant in person, Addl. AG alongwith Saleem Assistant for official respondents, respondent No. 6 in person, Mr. Said Khan Advocate has submitted Wakalatnama on behalf of respondents No. 7 and 10 present.

Request for further time is made to submit reply/comments on behalf of the enumerated respondents. Nemo on behalf of respondents No. 8, 11 and 12 despite proper service, hence proceeded against ex-parte.

Adjourned to 15.09.2020 on which date requisite reply/comments shall positively be furnished.

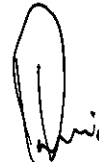
Chairman

15.09.2020

Appellant alongwith counsel, Hazrat Shah Superintendent on behalf of respondents No. 3 & 5, Sultan Shah, Superintendent on behalf of respondent No. 4 alongwith Addl. AG for the official respondents present. Counsel for private respondent No. 6, counsel for private respondent No. 7 & 10 present.. Private respondents No. 9 & 13 in person present. M/S Muhammad Ijaz Sabi, Advocate on behalf of appellant and Hidayatullah Khattak, Advocate for respondent No. 10 have furnished their respective Wakalatnamas, which are placed on record

Representative of respondents No. 3 & 5 has furnished comments on behalf of the said respondent. Placed on record. Representative of respondent No. 4 relies on the comments of respondents No. 3 & 5.

Last opportunity is granted to respondents No. 6, 7, 9, 10 and 13 for submission of requisite reply on 21.09.2020 before S.B.



Chairman

21.09.2020

Appellant alongwith counsel and Addl. AG for official respondents, ~~present.~~ ~~respondent No. 3, 4, 5, 6, 7, 9, 10 and private respondent No. 13 in person present.~~ ~~(Khan, Counsel for respondent No. 6, 7, 9, 10 and private respondent No. 13 in person present.~~

Counsel for respondent No. 6 and private respondent No. 13 have furnished their respective replies, which are made part of the record. Counsel for respondents No. 7, 9, 10 and 13 rely on the comments of official respondents. The matter is assigned to D.B for arguments on 28.09.2020. The appellant may furnish rejoinder, within five days, if so desires.

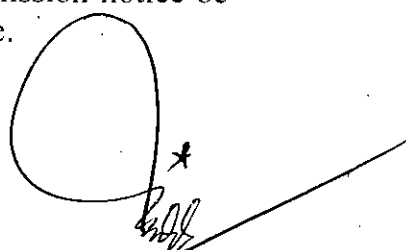


Chairman

17.07.2020

Appellant with counsel present. Preliminary arguments to some extent heard. Learned counsel for the appellant argued that the appellant is a senior Doctor and his name is appearing at serial No. 3 of the seniority list of Senior District Specialist Surgeons (BPS-19) as stood on 01.01.2018. However, his juniors to him appearing on the same seniority list were promoted to BPS-20 as Chief District Specialist Surgery vide notification dated 09.10.2018. The legal rights of the appellant were denied because a fake and forged seniority list of (Senior District Specialist Surgery BPS-19 dated 01.01.2018) was presented to the Provincial Selection Board, whereof the appellant was shown at serial No. 11 instead of serial No.3. He further contended that the appellant's contract service in BS-18 (Ex-District Specialist Surgery) had been regularized w.e.f 30.08.2002 and accordingly he was placed at serial No.3 of the seniority list vide Health Department letter dated 31.07.2018. An enquiry on the application of appellant was also conducted by the department to look into the promotion case of the appellant. The enquiry committee in its report concluded that the appellant had been deprived of his promotion to BS-20 and based on the fake/forged seniority, the appellant became junior to his junior colleagues. That the appellant was promoted, subsequently, to the post of Chief District Specialist Surgeon (BPS-20) on regular basis "with immediate effect". He preferred departmental appeal for promotion to BPS-19 and BPS-20 on the basis of enquiry report, on 03.04.2020. During pendency of departmental appeal the department moved a summary for the promotion of Dr. Khalid Khan, Chief Dermatologist (BS-20) for rendering meritorious services, in BPS-21. The learned counsel for the appellant vehemently argued and contended that the appellant being senior and decorated Doctor with Tamgha-I-Imtiaz deserves to be promoted in BPS-21 on the basis of meritorious service whereas Dr. Khalid Khan has no meritorious service to his credit. Let pre-admission notice be issued to the learned AAG for legal assistance.

Adjourned to 04.08.2020 before S.B.


(Mian Muhammad)
Member(E)

04.08.2020

Appellant alongwith his counsel present. Mr. Muhammad Jan, Deputy District Attorney on behalf of official respondents No. 1 to 5 and counsel for private respondent No. 6 are also present.

Learned counsel for the appellant argued on the same lines and points as recorded in the order sheet dated 17.07.2019. On the other hand, learned Deputy District Attorney contended that the appellant has admittedly accepted the seniority on the basis of which he has been promoted up to the level of BS-20. So, the seniority was not disputed at all up till now. Astonishingly, he availed promotion in BS-20 on the same seniority list and did not challenge it at any stage. If he is to challenge the promotion of private respondent No. 6 to 13 he would require to first make a cause of action and make a departmental appeal. The appellant has also admittedly accepted when his contract period in BS-18 was regularized with effect from 30.08.2002 vide notification dated 30th January 2018. When he did not challenge the seniority at appropriate time how can he now challenge it when working paper of BS-20 Doctors has been prepared for consideration of the Provincial Selection Board to promotion in BS-21 on the basis of meritorious services. Moreover, it was contended that there are specific conditions prescribed in the Provincial ESTA CODE for promotion in BS-21 on the basis of meritorious services. On the application for grant of status-quo/stay order, the learned Deputy District Attorney argued that the appellant has no case of prima-facie, for stay, therefore, grant of status-quo/stay order, to withhold the process of Provincial Selection Board to consider the working paper of respondent-department for promotion of BS-20 officials to BS-21 on the basis of meritorious services, is not justified.

The appeal is admitted for regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notice be issued to official respondents No. 1 to 5 as well as private respondents No. 6 to 13 for written reply/comments. File to come up for written reply/comments on 21.08.2020 before S.B.


(MIAN MUHAMMAD)
MEMBER (E)

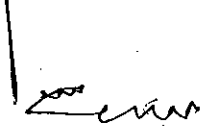

Appellant Deposited
Security & Process Fee

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7241 /2020

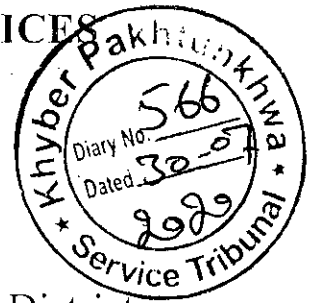
1S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/07/2020	<p>The appeal of Dr. Muhammad Noor presented today by Mr. Qaisar Ali Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>17/07/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

BEFORE THE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL, PESHAWAR.

C.M. _____/2020

in

Service Appeal No. 7241 of 2020



Dr. Muhammad Noor, (TAMGHA-I-IMTIAZ) Chief District
Specialist Surgery (B.S. 20), DHQ Hospital, Khar, Merged
District Bajaur

.....Appellant

VERSUS

*Put up to the court with
relevant appeal on the date
fixed.*

1. The Government of Khyber Pakhtunkhwa, through
Secretary Health to Government of Khyber Pakhtunkhwa
and Others.

.....Respondents

30/7/2020

STAY APPLICATION IN APPEAL NO. 7241 FOR GRANT
OF STAY/INTERIM RELIEF TILL THE FINAL
DISPOSAL OF THE MAIN CASE. NEXT DATE 04-08-2020

Respectfully Sheweth:

1. That it has been submitted in detail in the aforementioned memo of Service Appeal No. 7241/2020 that in spite of spotless service career, Seniority, no adverse Report, Outstanding performance, experience, required qualification and vacant posts on the basis of total high handedness malafide, throughout, on the basis of fraud my promotions from B.S. 18 to 19 and B.S. 19 to 20 were intentionally inordinately delayed.
2. That after Graduation (M.B.B.S), joined Government Services (B.S: 17) on 02.11.1989; did Post-Graduation in 1997, and then posted against the vacant post of surgeon (B.S:17) on 05.09.1998 and then appointed as District Specialist Surgery (B.S:18) on 30.08.2002, served 16 to 20 years in B.S:18 But Required service in B.S:18 is only 7 years for Promotion to B.S:19.
3. That I was delayed for promotion to B.S:19 and was promoted to B.S.: 19 on 02.01.2018. Served for 16 to 20 years in B.S: 18 for Promotion to B.S:19.

Readw

4. That in accordance to the Government Notified Seniority List of District Specialist Surgeons (B.S:19) as stood on 01.01.2018, the Appellant was at serial No. 03 in the Seniority List. (**Annexure A**)
5. But on the basis of malafide and total fraud, some staff of the ACR section replaced the actual seniority list with a cooked/coined Seniority list as on 01.01.2018 (**Annexure B**) before the Provincial Selection Board (PSB), in which my seniority has been forged at Serial No. 11 instead of actual Serial No. 3.
6. That in consequence of above noted fraud and forgery the PSB did not promote the Appellant and Government of Khyber Pakhtunkhwa issued Notification No. SOH-1/HD/3-5/2018 dated 09 October **2018 (Annexure: C)** in which my seven juniors were promoted to B.S:20 and I became junior to my 7 juniors.
7. That after the above illegal promotion notification, on the Application of the Appellant an Enquiry Committee was Constituted by the D.G Health and Enquiry Committee vide Enquiry Report dated 08.02.2019 (**Annexure: D**) confirmed.
 - i. Promotion of the Appellant to B.S: 20 was ignored because of fake and forged seniority list. In the actual notified seniority list vide Health Department Notification No. SOH-1/HD/3-5/2018 dated 23 April 2018 Dr. Muhammad Noor is at Serial No. 3.
 - ii. Through the forged seniority list put up before the PSB, the seniority of Dr. Muhammad Noor was wrongly shown at serial No. 11 instead of serial No. 3 as a result he was not promoted.
 - iii. Dr. Muhammad Noor was entitled for promotion in B.S:19 in the year 2012 and Dr. Muhammad Noor was entitled for B.S: 20 in the years 2014 as the post of B.S:20 was vacant after the retirement of Dr. Khalil-ur-Rehman on 22 May 2014. (**Annexure E**)
8. That the above Enquiry Report dated 08.02.2019 was vehemently confirmed and accepted, without any objection of the Khyber Pakhtunkhwa Health Department.

9. That on the Appeal of the Appellant, when the said fraud was proved, later on the Appellant was promoted as Chief District Specialist (Surgery) (B.S:20) on 07.01.2019 vide Notification No. SOH-1/HD/3-5/2018 (**Annexure: F**) but the Appellant has lost his seniority on the basis of aforementioned fraud and continuous abinitio admitted frauds and high handedness as a result the Appellant was not promoted to B.S:19 and 20 in the year 2012 and 2014 respectively as concluded in the Enquiry Report dated 08.02.2019.
10. That in the aforementioned Enquiry Report Dated 08.02.2019, Enquiry Committee has very clearly mentioned the Promotion of the Appellant to B.S. 19 has been ignored and late due to malafide of the some Staff of the ACR section in Health Department and then on the basis of Fake Seniority List. In the Enquiry Report it is recommended that Promotion to B.S. 19 on Regular Basis of the Appellant may be made since 2012 and as a result the Appellant is also entitled for Promotion to B.S. 20 since June 2014 because the post of B.S: 20 was vacant after the retirement of Dr. Khalil ur Rehman on 22 May 2014.
11. That the Appellant has filed Departmental Appeal for claim of above Seniority in B.S. 19 and B.S. 20, as ignored on the basis of malafide and Fraud Committed by some staff of ACR section in Health Department as Confirmed by the Enquiry Report Dated 08.02.2019 and this Enquiry Report has been accepted by the Health Department of Khyber Pakhtunkhwa.
12. That during the Pendency of this Appeal, the Health Department has moved Summary of the Promotion of Dr. Khalid Khan Chief District Dermatologist (B.S. 20), Naseerullah Babar Hospital, for Promotion to B.S 21 Seat for rendering of Meritorious Services, as allegedly he is the Senior most. The Meritorious Services promotion to B.S:21 is never on the basis of Seniority, rather it is for the Civil Servant who had actually rendered extra ordinary recognized Meritorious Services.
13. That Dr. Khalid Khan has no Meritorious Service at his credit. The Seat is for Meritorious Services Rendered and not for the senior most. Moreover the Appellant is 7 year Senior to Dr. Khalid Khan as the date of entry of the

Appellant in to Government Service is on 02.11.1989 and the date of entry in to Government Service of Dr. Khalid is 09.06.1996. The Appellant promotion to B.S: 19 and 20 has been delayed on the basis of malafide.

14. That as mentioned above, the Appellant came to know about Continuous fraud in my promotions from B.PS: 18 to 19 and from B.S: 19 to 20, committed by some staff of the ACR section in Health Department and after the Enquiry Report dated 08.02.2019, which has never been denied but accepted. There is no limitation in fraud cases, as mentioned in Section 12 (2) of the CPC, Section 17 and 18 of the Contract Act and Section 18 of the Limitation Act. This has also been Ordered in many Judgments of the Apex Courts
15. That the Appellant is the only Doctor having Recognized Meritorious Service in recognition of Services Rendered during War against Terrorism, as in the Frontline in the War center (Khar, Bajaur), he treated and operated and cured thousands of War wounded civilians and Armed Forces peoples.(Annexure: G, H & I), in recognition of it he has also been decorated with Tamgha-I-Imtiaz by the President of Pakistan.(Annexure J)
16. That the Applicant has a good prima facie case and is very much sanguine of its success.
17. That in case the Stay Order is not granted the Applicant/ Appellant will suffer irreparable/irretrievable loss.
18. That Balance of Convenience also lies in favour of the Applicant/Appellant.

Request for Interim Relief/ Stay Order:

This Hon'ble Services Tribunal is requested and prayed with all Salutations to kindly grant Stay Order as the following:

- a. For illegally considering the name of Dr. Khalid Khan Chief District Dermatologist B.S. 20, for his promotion to B.S. 21 against the Seat only Reserved for Rendering Meritorious Services and not on the basis of Seniority-cum-Fitness may please be stayed.

- b. The Notification of promotion to B.S. 20 Vide No. SOH-1/HD/3-5/2018 dated 9th October 2018, based on cooked and forged Seniority List, put up before the PSB, instead of actual notified Seniority List, may kindly be stayed till the Decision of this Appeal.

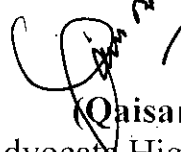
Dated ____/08/2020

Yours Obediently,
Appellant



Dr. Muhammad Noor

Through



(Qaisar Ali)

Advocate High Court,
Flats No. 7 & 8 Tasnim Plaza,
6-Saddar Road, Near Jan's Bakers,
Peshawar Cantt
Phones: 0333-9122244

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

C.M _____/2020

in

Service Appeal No. 7241 of 2020

Dr. Muhammad Noor, (TAMGHA-I-IMTIAZ) Chief District
Specialist Surgery (B.S 20), DHQ Hospital, Khar, Merged
District Bajaur.....**Appellant**

VERSUS

The Government of Khyber Pakhtunkhwa, through Secretary
Health to Government of Khyber Pakhtunkhwa and Others
.....**Respondents**

AFFIDAVIT

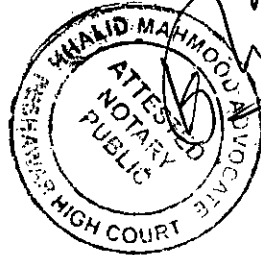
I, Dr. Muhammad Noor, (TAMGHA-I-IMTIAZ) Chief District
Specialist Surgery (B.S. 20) DHQ Hospital, Khar, Merged
District Bajaur do hereby affirm on oath that the contents of this
Appeals are true and correct as per information and belief nothing
therein is false.

Dated: __/07/2020

[Handwritten Signature]

DEPONENT

Subscribed for
Attended
[Handwritten Signature]
20-7-20

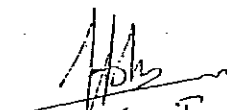


FINAL SENIORITY LIST OF SENIOR DISTRICT SPECIALIST SURGEONS (BPS-19) AS STOOD ON 01.01.2018

SL. NO.	NAME OF OFFICER WITH ACADEMIC QUALIFICATION.	DATE OF BIRTH AND DOMICILE	DATE OF IST. ENTRY INTO GOVT. SERVICE.	REGULAR APPOINTMENT/ PROMOTION TO PRESENT POST.			PRESENT POSTING.
				DATE	BPS	METHOF OF RECRUITMENT	
1.	Dr. Saifur-Rehman, MBBS/MCPS.	13.04.1962/ Mardan	11.04.1996/B-18	a) 11.04.1996 b) 07.05.2010	18 19	PSC By Promotion	SGTH, Swat
2.	Dr. Sultan Sikandar Bacha, MBBS/FRCS.	30.06.1962/ Swat	12.02.2000/B-18	a) 12.02.2000 b) 28.06.2010	18 19	PSC By promotion	DHQH: Haripur
3.	Dr. Muhammad Noor S/O Gul Hassan,	12.10.1960/ Bajaur	30.08.2002/B-18	a) 30.8.2002 b) 02.01.2018	18 19	PSC By Promotion	AHQH, Bajaur.
4. ✓	Dr. Ajmal Shah, MBBS/MS Surgery.	24.02.1958/ Bannu	17.03.2005/B-18	a) 17.03.2005 b) 03.02.2014	18 19	PSC By Promotion	KGnth, Bannu
5. ✓	Dr. Bakht Sarwar, MBBS/FCPS	01.08.1965/ Dir	17.03.2005/B-18	a) 17.03.2005 b) 03.02.2014	18 19	PSC By Promotion	DHQ Hospital, Timergara.
6. ✓	Dr. Muhammad Nasir, MBBS/FCPS.	10.04.1970/ Kohat	17.03.2005/B-18	a) 17.03.2005 b) 03.02.2014	18 19	PSC By Promotion	DHQ Hospital, Kohat.
7. ✓	Dr. Muhammad Ismail Khan, MBBS /FCPS	13.05.1959/ Swat	17.03.2005/B-18	a) 17.03.2005 b) 03.02.2014	18 19	PSC By Promotion	SGTH, Swat.
8. ✓	Dr. Rizwan Ahmad, MBBS/FCPS.	04.04.1971/ Karak	17.03.2005/B-18	a) 17.03.2005 b) 03.02.2014	18 19	PSC By Promotion	DHQ Hospital, Karak.
9. ✓	Dr. Mian Tauseef Uddin, MBBS/FCPS	22.03.1967/ Mardan	17.03.2005/B-18	a) 17.03.2005 b) 03.02.2014	18 19	PSC By Promotion	DHQH, Mardan
10. ✓	Dr. Noor Alam, MBBS/FCPS.	01.09.1965/ Charsadda	17.03.2005/B-18	a) 17.03.2005 b) 03.02.2014	18 19	PSC By Promotion	ESH, Pabbi (working against the post of PMO(BS-19))
11. ✓	Dr. Muhammad Shafiq, MBBS/FCPS.	12.11.1969/ Swabi	17.03.2005/B-18	a) 17.03.2005 b) 03.02.2014	18 19	PSC By Promotion	DHQH, Swabi.
12.	Dr. Ghulam Rasool, MBBS/MCPS.	18.01.1964/ Mardan	17.03.2005/B-18	a) 17.03.2005 b) 02.01.2018	18 19	PSC By Promotion	Naseerullah Khan Babar hosp; Pesh.
13.	Dr. Hayat Shahzad S/O Khan Shahzada, MBBS	01.04.1971/ Dir	25.10.2007/B-18	a) 25.10.2007 b) 02.01.2018	18 19	PSC By Promotion	DHQH, Batkhela.

23
 These were vacant posts B.S.9 in these 2014

7
 Retiree Annex A


 Co-I

ATTENDED



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

No.SOH-I/HD/3-5/2017

Dated Pesh: the 31st July 2018

To

The Director General,
Health Services,
Khyber Pakhtunkhwa Peshawar.

SUBJECT: SENIORITY OF DR. MUHAMMAD NOOR SENIOR DISTT. SPECIALIST
SURGERY BS-19 AHQH BAJAUR

I am directed to refer to this department Notification of even No dated 30th January 2018 and to state that contract services of Dr. Muhammad Noor, ex-Distt. Specialist Surgery (BS-18) now Senior Distt. Specialist Surgery (BS-19) have been regularized w.e.f 30/8/2002 and accordingly he has been awarded seniority w.e.f the date of regularization of his contract services (i.e S.No.3) as per attached seniority list.

S/c Section Officer-I

ATTESTED

9
GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

DATED PESH: THE 23RD APRIL 2018

NOTIFICATION

No.SOH-I/HD/3-5/2018 In pursuance of sub-section(5) of Section 8 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 and Establishment Department's circular letter No.SOR-VI(E&AD)-1-16/2008/Vol:VI dated 26th July 2010, the Competent

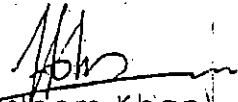
~~Authority is pleased to notify the seniority list of District Specialists all specialties as stood on 17/1/2018 for information of all the concerned.~~


SECRETARY HEALTH

Encls No and date even

C.C

1. Director General, Health Services, Khyber Pakhtunkhwa, Peshawar with the remarks, to circulate the same to all concerned and also furnish a copy of the seniority list to this department on urgent basis.
2. All DHOs in Khyber Pakhtunkhwa.
3. Director Health Services, FATA, Khyber Pakhtunkhwa, Peshawar.
4. Hospital Director KTH/LRH/HMC, Peshawar/ATH, Abbottabad.
5. Medical Director KTH/LRH/HMC, Peshawar/ATH, Abbottabad.
6. Chief Executive/Principal SGTH/SMC, Swat/DHQTH/MMMTH/GMC DIKhan
7. Dean PGMI/HMC, Peshawar.
8. Dean KMC/KCD, Peshawar/BKMC, Mardan/Gajju Khan Medical College Swabi/Nowshera Medical College, Nowshera/BMC Bannu.
9. All DHOs in the Health Department, Khyber Pakhtunkhwa.
10. All Medical Supdts DHQs/AHQs in Khyber Pakhtunkhwa.
11. PS to Secretary Health Department.
12. PS to Special Secretary Health Department.
13. PA to Addl. Secretary (Estt) Department.
14. Doctors concerned.


(Fasteem Khan)
Section Officer-I


ATTESTED P. T. O

FINAL SENIORITY LIST OF SENIOR DISTRICT SPECIALIST SURGONS (BPS-19) AS STOOD UP TO 01.01.2018

SL. NO.	NAME OF OFFICER WITH ACADEMIC QUALIFICATION.	DATE OF BIRTH AND DOMICILE	DATE OF 1ST ENTRY INTO GOVT. SERVICE.	REGULAR APPOINTMENT/ PROMOTION TO PRESENT POST.			PRESENT POSTING.
				DATE	BPS	METHOF OF RECRUITMENT	
1.	Dr. Saifur Rehman, MBBS/MCPS.	13.04.1962/ Mardan	11.04.1996/B-18	a) 11.04.1996 b) 07.05.2010	18 19	PSC By Promotion	GH, Swat
2.	Dr. Sultan Sikandar Bacha, MBBS/FRCS.	30.06.1962/ Swat	12.02.2000/B-18	a) 12.02.2000 b) 28.06.2010	18 19	PSC By promotion	GHQ:
3.	Dr. Bakht Sarwar, MBBS/FCPS	01.08.1965/ Dir	17.03.2005/B-18	a) 17.03.2005 b) 03.02.2014	18 19	PSC By Promotion	DHQ Hospital, Timergara.
4.	Dr. Muhammad Nasir, MBBS/FCPS.	10.04.1970/ Kohat	17.03.2005/B-18	a) 17.03.2005 b) 03.02.2014	18 19	PSC By Promotion	DHQ Hospital, Kohat.
5.	Dr. Muhammad Ismail Khan, MBBS /FCPS	13.05.1959/ Swat	17.03.2005/B-18	a) 17.03.2005 b) 03.02.2014	18 19	PSC By Promotion	GH, Swat.
6.	Dr. Rizwan Ahmad, MBBS/FCPS.	04.04.1971/ Karak	17.03.2005/B-18	a) 17.03.2005 b) 03.02.2014	18 19	PSC By Promotion	DHQ Hospital, Karak.
7.	Dr. Mian Tauseef Uddin, MBBS/FCPS	22.03.1967/ Mardan	17.03.2005/B-18	a) 17.03.2005 b) 03.02.2014	18 19	PSC By Promotion	DHQH, Mardan
8.	Dr. Noor Alam, MBBS/FCPS.	01.09.1965/ Charsadda	17.03.2005/B-18	a) 17.03.2005 b) 03.02.2014	18 19	PSC By Promotion	PSH, Pabbi Newsheera
9.	Dr. Muhammad Shafiq, MBBS/FCPS.	12.11.1969/ Swabi	17.03.2005/B-18	a) 17.03.2005 b) 03.02.2014	18 19	PSC By Promotion	DHQH, Swabi.
10.	Dr. Ghulam Rasool, MBBS/MCPS.	18.01.1964/ Mardan	17.03.2005/B-18	a) 17.03.2005 b) 02.01.2018	18 19	PSC By Promotion	Naseerullah Khan Balar hosp; Pesh.
11.	Dr. Muhammad Noor S/O Gul Hassan.	12.10.1960/ Bajaur	08.10.2007/B-18	a) 08.10.2007 b) 02.01.2018	18 19	PSC By Promotion	AHQH, Bajaur.
12.	Dr. Hayat Shalvzad S/O Khan Shalvzad. MBBS	01.04.1971/ Dir	25.10.2007/B-18	a) 25.10.2007 b) 02.01.2018	18 19	PSC By Promotion	DHQH, Balchela.

Incorrect/False Seniority list for PSB

Forged Seniority list put up before PSB on 13.7.2018

3 Annex B

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ATTACHED



2011
Annex: C
9
GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated Pesh: the 09th October, 2018

NOTIFICATION:

No. SOH-I/HD/3-5/2018: On the recommendations of Provincial Selection Board, Competent Authority (Chief Minister Khyber Pakhtunkhwa) is pleased to promote following Senior District Specialist Surgery (BS-19) to the post of Chief District Specialist Surgery (BS-20) on regular basis with immediate effect.

- Junior ←
1. Dr. Saif ur Rehman, SGTH Swat
 2. Dr. Bakht Sarwar, DHQ Hospital Timergara
 3. Dr. Muhammad Nasir, DHQ Hospital Kohat
 4. Dr. Muhammad Ismail Khan, SGTH Swat
 5. Dr. Rizwan Ahmad, DHQ Hospital Karak
 6. Dr. Mian Tauseef ud Din, DHQ Hospital Mardan
 7. Dr. Noor Alam, ESH Pabbi Nowshera
 8. Dr. Muhammad Shafiq, DHQ Hospital Swabi

2- The doctors on promotion will remain on probation for a period of one year in terms of Section-6(2) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

3- Posting / transfer Notifications in respect of the above doctors will be issued later on.

SECRETARY HEALTH DEPARTMENT

Endst: No. & date even

Cc:

1. Accountant General Khyber Pakhtunkhwa.
2. Director General Health Services Khyber Pakhtunkhwa.
3. Medical Superintendents of the concerned Hospitals.
4. Director Information, Khyber Pakhtunkhwa.
5. Coordinator HSRU Health Department.
6. PS to Secretary Health Khyber Pakhtunkhwa.
7. Doctors concerned.
8. Personal file of the doctors concerned.

Secretary Health Department

ACCOUNTANT GENERAL

12 ~~15~~ \ Annex: ~~D~~ D B
DIRECTORATE GENERAL SERVICES
KHYBER PAKHTUNKHWA PESHAWAR

All communications should be addressed to the Director General
Health Services Peshawar and not to any official by name.
Office Ph: (091) 9210269 Exchange: 091-9210277, Fax: 091-9210279

OFFICE ORDER

An enquiry committee consisting of the following officers is hereby constituted to conduct inquiry into the promotion case of Dr. Muhammad Noor Senior District Surgeon (ES-19) DHQ Hospital Bajaur.

1. Dr. Ikramullah Director (HRM) DGHS, KP Peshawar.
2. Dr. Rizwanullah Khan Deputy Director (HRM) DGHS, KP Peshawar.

The enquiry committee should probe and investigate into the matter and submit a fact finding report alongwith recommendations within 07-days positively.

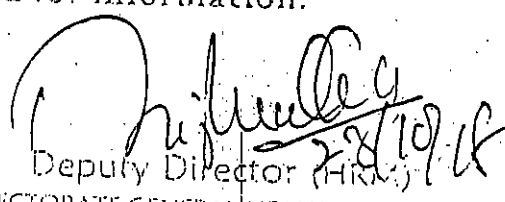
Sd/1000000
Director General Health,
Services Khyber Pakhtunkhwa

No. 16382-85 /EJ

Dated: 24/10/2018.

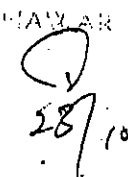
Copy forwarded to the:-

1. Secretary to Govt: of Khyber Pakhtunkhwa Health Department for information w/r to his letter No. SOH-1/HD/3-5/2018 dated 10.10.2018.
 2. Dr. Ikramullah Director (HRM) DGHS, KP Peshawar.
 3. Dr. Rizwanullah Khan Deputy Director (HRM) DGHS, KP Peshawar.
- A copy of Govt: letter number & date quoted above is attached for perusal please.
4. AE-II DGHS Khyber Pakhtunkhwa for information.


Deputy Director (HRM)
DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR

ATTESTED

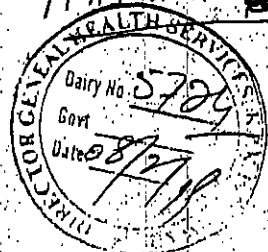
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28/10

13 B

Annex D

The Director General Health Service
Khyber Pakhtunkhwa Peshawar.



Subject: **ENQUIRY REPORT.** (Total 53 Pages)

INTRODUCTION:

The following members of enquiry committee were constituted vide DGHS Office Order No. 16382-85/E-I dated: 24.10.2018 to probe the complaint of Dr. Muhammad Noor Medical Superintendent Bajaur against Mr. Muhammad Alam Senior Scale Stenographer and Mr. Haleem Senior Clerk of ACR Section of DGHS Office.

1. Dr. Ikramullah Khan, Director (HRM) DGHS Office.
2. Dr. Rizwanullah Khan, Deputy Director (HRM) DGHS Office.

+ Annex H

PROCEDURES AND FINDINGS:

Dr. Muhammad Noor (BPS-19) presently serving as Chief District Surgeon / Medical Superintendent DHQ Hospital Bajaur. He recorded his statements / cross questions answers along with his application. He was appointed as Medical Officer (BPS-17) in Health Department on 02.11.1989 on regular basis.

He stated that he was selected as District Surgeon on contract basis w.e.f 30.08.2002. He qualified PSC as District Surgeon on 08.10.2007 and regularized w.e.f 30.08.2002 vide Notification dated: 30.01.2018 under Act-IX of 2005. He was promoted in (BPS-19) on 02.01.2018 after the length of service more than 17-years while the post of (BPS-19) was vacant since 01.08.2015. He said that he intentionally was promoted late due to delaying tactics of Mr. Alam and Mr. Haleem. The seniority list which was issued by Health Department he was at serial No. 3. But the working paper which was prepared by the officials for the promotion of (BPS-19) to (BPS-20) on dated: 13.07.2018 the seniority list enclosed by them he was wrongly placed at Serial # 11 due to which the 1st eight Doctors were promoted to (BPS-20) as Chief District Surgeon and out of these doctors seven are junior to me.

Moreover, at Serial No. 2 of Seniority List doctor did not submit ACRs, thus I was more near in promotion Zone as number 2 to be promoted. He further requested that the anomaly may be corrected as Secretary Health has already accepted my appeal.

Attested
[Signature]
Director (HRM)
Director General Health Services
Khyber Pakhtunkhwa Peshawar

[Signature] *[Signature]*

14

"D"

He further stated that "I am also suffered in my previous promotion from (BPS-18) to (BPS-19) because the post to against which I have been promoted was vacant in 2015 after the retirement of Dr. Jafar Iqbal and another post was also vacant since 2014 after the retirement of Dr. Sadiq Khan Khattak. Similarly other post were also vacant. But Mr. Alam and Mr. Haleem always used delaying tactics in preparing working paper for promotion etc. I have also requested to exempt my short period of probation to include my name in working paper for my promotion in (BPS-20) as Chief District Surgeon on account of discrimination done with me in past".

Mr. Alam Supt: and Mr. Haleem Senior Clerk ACR Section submitted their join statement and stated that "Dr. Muhammad Noor was asked by this Directorate to submit his ACRs for the period from 2008 to 2015 vide this Directorate letter No. 19454-58/AE-I dated: 13.12.2016 and doctor submitted his ACR on 30.03.2017. His case for promotion (BPS-19) was submitted to Government on 19.10.2017 but it was not submitted to PSB by Government. On 04.12.2017 his case was again submitted to Government for promotion to (BPS-19) and ultimately he was promoted in (BPS-19) on 02.01.2018. The Health Department has been regularized his service w.e.f 30.08.2002 vide Notification dated: 30.01.2018".

"They further stated that upon promotion of Senior District Surgeon (BPS-19) to Chief District Surgeon (BPS-20) the seniority of doctor may be placed at Serial No. 3. The Health Department upon recommendation of PSB promoted the Senior District Surgeons (BPS-19) to Chief District Surgeons (BPS-20) in 9th October 2018 and doctor was due for promotion he was supposed to submit ACRs in 2014 which he has not done and in PSB held on October 2018 he was not considered for promotion due to his period to probation".

They also requested that, how the photocopies produced by Dr. Muhammad Noor about the retirement orders of other Doctors without applying for these copies under RTI Act 2013. Who is providing him copies of the personal files of the other doctors which is grade negligence on the part of the staff and reveals that no secrecy is maintained.

The Section Officer-I dealing the promotion of Specialist cadre provided attested copy of working paper prepared by the officials concerned of Directorate General Health Services Khyber Pakhtunkhwa on 13.07.2018 in which they enclosed the seniority list in which Dr. Muhammad Noor was placed at Serial No. 11.

Attested

Rashidullah
Deputy Director (HRM)
Directorate General Health Services
Khyber Pakhtunkhwa Peshawar

≡

15 0

CONCLUSION AND RECOMMENDATION:

- A. Mr. Tasleem Section Officer-I of Health Department verified the claim of Dr. Muhammad Noor by providing attested copy of working paper submitted on 13.07.2018 in which Dr. Muhammad Noor was placed at Serial # 11 of seniority list of District Surgeon (BPS-19) for the year 2018 inspite of the fact that the services of Dr. Muhammad Noor was regularized w.e.f 30.08.2002 vide Notification dated: 30.01.2018 and the seniority list which was notified by Health Department on 23.04.2018 in which Dr. Muhammad Noor was placed at Serial No. 3. v.g.
- B. Dr. Muhammad Noor was initially appointed as Medical Officer on 02.11.1989 on regular basis and as District Surgeon on contract basis on 29.08.2002. He qualified Public Service Commission on 08.10.2007 on regular basis. He was entitled for promotion on acting charge basis in 2012 and if his contract service would has been considered then he was entitled for promotion on regular basis in 2012 subject to availability of vacant post. Recently many District Specialists have been promoted on acting charge basis. His regularization Notification dated: 30.01.2018 under Act-IX of 2005 was issued very late in his service. v.g.
- C. According to various Judgments of Supreme Court of Pakistan the contract / adhoc service followed by regularization is countable for promotion, graded pay and pension purpose etc (2002 SCMR 574) but unfortunately the Judgment of Supreme Court of Pakistan was not implemented by Finance Establishment and Law Departments of Khyber Pakhtunkhwa so far. amp
- D. The ACR Section of DGHS Office is very sensitive section and deal the promotion cases of Doctors, Pharmacists and other gazetted Officers need careful attention to expedited their cases in smooth line under the Law and instructions of Govt. of Khyber Pakhtunkhwa Establishment Department letter dated 11.12.2017, which require posting of competent, regular full time and dedicated staff in this section instead of posting on additional charge basis.
- E. All promotion cases should be prepared on merit, against clear vacancies in time after promulgation of final seniority lists in time as per law.
- F. All Controlling Officers should be directed to submit ACRs of their subordinate Officers in time to expedite their promotions.

Accepted
DM
Deputy Director (HRM)
Directorate General Health
Services Khyber Pakhtunkhwa Peshawar
Dated: 8/02/2019

amp
Director (HRM)
Directorate General Health
Services Khyber Pakhtunkhwa Peshawar
Dated: 10/2/2019

53- Pages

amp
ATTESTED
DM



16
Annexure "E"
GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

DATED PESH: THE 18TH AUG; 2014

NOTIFICATION

No.SOH-I/HD/3-5/06 Sanction is hereby accorded to the grant of three hundred and sixty five (365) days leave encashment in lieu of LPR in favour of Dr. Khalil-ur-Rehman, Chief Distt: Specialist Surgery (BPS-20), DHQTH D.I.Khan.

2. The Distt: Accounts Officer, D.I.Khan has certified that the doctor concerned is entitled for 365 days leave encashment in lieu of LPR under Revised Leave Rules, 1981.
3. He stands retired from Govt. service w.e.f 22/5/2014 (A.N)

SECRETARY HEALTH

Endst No and date even

- C.C
1. Chief Executive, DHQTH/MMMTH D.I.Khan.
 2. Director General Health Services Khyber Pakhtunkhwa, Peshawar.
 3. Medical Supdt; DHQTH, D.I.Khan.
 4. Distt: Accounts Officer, D.I.Khan.
 5. Doctor concerned.
 6. Personal file of the doctor concerned.


(Muhammad Jamil)
Section Officer-I



17
f. Amexwa F
Amexwa F
GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated Pesh: the 07th January, 2019

NOTIFICATION:

No. SOH-II/HD/3-5/2018: On the recommendations of Provincial Selection Board, the Competent Authority is pleased to promote Dr. Muhammad Noor, Senior District Specialist Surgery (BS-19) to the post of Chief District Specialist Surgery (BS-20) on regular basis with immediate effect.

2- The doctor on promotion will remain on probation for a period of one year in terms of Section-6(2) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.

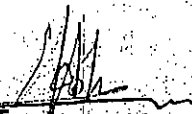
3- Posting / transfer Notifications in respect of the above doctor will be issued later on.

SECRETARY HEALTH DEPARTMENT

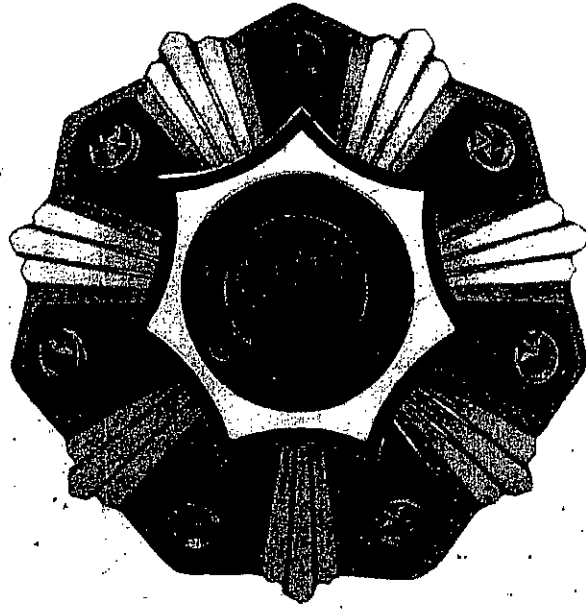
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Cc:

1. Accountant General Khyber Pakhtunkhwa.
2. Director General Health Services Khyber Pakhtunkhwa.
3. Director Health Services FATA, Peshawar.
4. Medical Superintendent DHQH Bajaur.
5. Director Information, Khyber Pakhtunkhwa.
6. Distt. Accounts Officer Bajaur.
7. Coordinator HSRU Health Department.
8. PS to Secretary Health Khyber Pakhtunkhwa.
9. Doctor concerned.
10. Personal file of the doctors concerned.


(Tasfeem Khan)
Section Officer (E-I)


M
ATTESTED



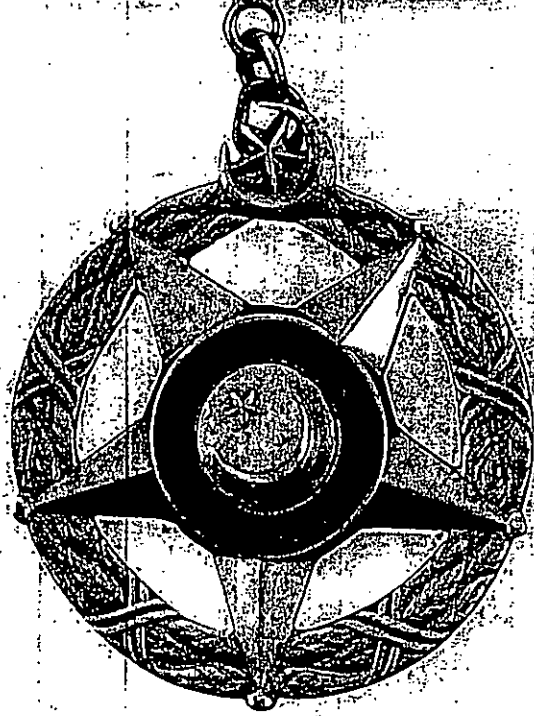
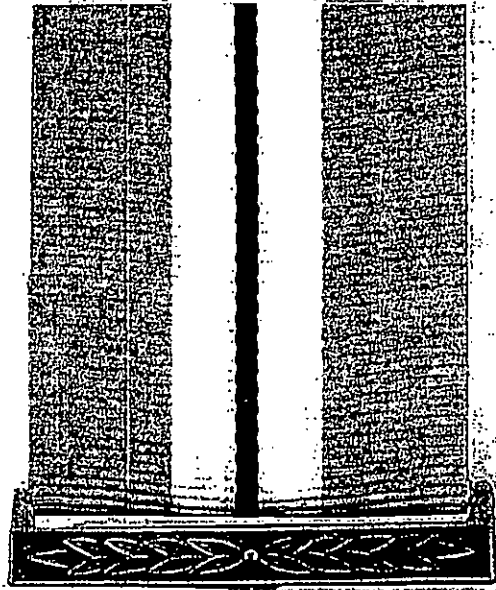
PAKISTAN
NATIONAL AWARDS
(CIVIL)

Investiture Ceremony

Islamabad, 23rd March, 2012

[Signature]
ATTESTED

30 19



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ATTESTED

TAMGHA-I-IMTIAZ

[Arabic calligraphy]

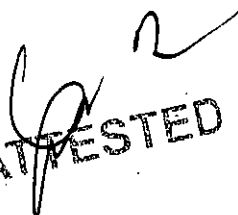
~~31~~ 20
DR. MOHAMMAD NOOR

Award : Tamgha-i-Imtiaz

Field : Public Services

It was prior to the start of operation "SHERDIL" in August 2008 that the situation in Bajaur had gone critical and the writ of the Govt had virtually confined to Khar Fort and Civil Colony. Most of the officer / officials had fled away, leaving behind few elements that had confined themselves within the Fortress of PA Colony. At that critical juncture Dr. Muhammad Noor, the Surgeon & Incharge of Surgical Unit Agency Headquarter Hospital Khar, remained undeterred and kept performing his duties without any fear. The AHQ Hospital Khar remained functional through his dedicated and courageous efforts, complete medical cover was provided to the people of Bajaur & security forces during the military operation. Hundreds of lives of Bajur (both security forces & civilian) were saved due to timely medical cover.

In recognition of his meritorious services in the field of Public Service (Medical), the President of the Islamic Republic of Pakistan has been pleased to confer on Dr. Mohammad Noor, the award of 'Tamgha-i-Imtiaz'.


ATTESTED

ڈاکٹر محمد نور

اعزاز : تمغہ امتیاز

شعبہ : خدمات عامہ

اگست 2008ء میں ”شیردل“ آپریشن شروع ہونے سے قبل باجوڑ ایجنسی کی صورت حال

انتہائی خراب تھی اور یہاں حکومت کی عملداری صرف کھرنورٹ اور سول کالونی تک محدود ہو کر رہ گئی تھی۔ زیادہ تر افسران اہل کار یہ علاقہ چھوڑ کر جا چکے تھے اور باقی بچ جانے والے لوگوں نے اپنے آپ کو پناہ کے کالونی میں محصور کر لیا تھا۔ اس خطرناک صورت حال میں صرف ڈاکٹر محمد نور سرجن انچارج سرجیکل یونٹ، ایجنسی ہیڈ کوارٹرز ہسپتال کھرتے جنھوں نے ان تمام خطرات سے بے خوف ہو کر اپنے فرائض منصبی انجام دیے۔ ڈاکٹر محمد علی دلیران کو نشتروں کی وجہ سے AHO ہسپتال کھراپے معمول کے کام کرتا رہا۔ اس ہسپتال نے صرف باجوڑ کے لوگوں کو صحت کی سہولیات فراہم کی گئیں بلکہ ملٹری آپریشن کے دوران سیکورٹی فورسز کو بھی طبی خدمات فراہم کی گئیں۔ آپ کے بروقت طبی امداد کے باعث ہزاروں لوگوں (سول اور فوجی) کی جان بچ گئی۔

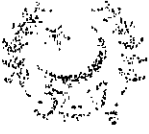
خدمات عامہ کے شعبے میں آپ کی شاندار خدمات کے اعتراف میں صدر، اسلامی جمہوریہ پاکستان نے ڈاکٹر محمد نور کو ”تمغہ امتیاز“ کا اعزاز عطا کیا ہے۔



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بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ



ڈاکٹر محمد نور

اعزاز : تمغہ امتیاز

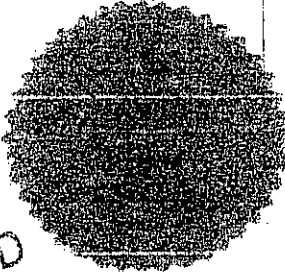
شعبہ : خدمات عامہ

اگست 2008ء میں ”شیر دل“ آپریشن شروع ہونے سے قبل باجوڑ ایجنسی کی صورت حال انتہائی خراب تھی اور یہاں حکومت کی عملداری صرف کھر فورٹ اور سول کالونی تک محدود ہو کر رہ گئی تھی۔ زیادہ تر افسران/اہل کار یہ علاقہ چھوڑ کر جا چکے تھے اور باقی بچ جانے والے لوگوں نے اپنے آپ کو پناہ کالونی میں محصور کر لیا تھا۔ اس خطرناک صورت حال میں صرف ڈاکٹر محمد نور سرجن انچارج سر جیکل یونٹ، ایجنسی ہیڈ کوارٹرز ہسپتال کھر تھے جنہوں نے ان تمام خطرات سے بے خوف ہو کر اپنے فرائض منصبی انجام دیئے۔ ڈاکٹر نور محض دو دیرانہ کوششوں کی وجہ سے AHQ ہسپتال کھر اپنے معمول کے کام کرتا رہا۔ اس ہسپتال نے صرف باجوڑ کے لوگوں کو صحت کی سہولیات فراہم کی گئیں بلکہ ملٹری آپریشن کے دوران سیکورٹی فورسز کو بھی طبی خدمات فراہم کی گئیں۔ آپ کے بروقت طبی امداد کے باعث ہزاروں لوگوں (سول اور فوجی) کی جان بچ گئی۔

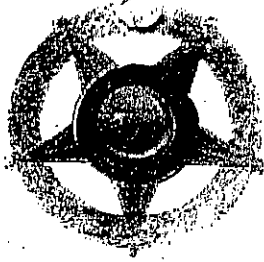
خدمات عامہ کے شعبے میں آپ کی شاندار خدمات کے اعتراف میں صدر، اسلامی جمہوریہ پاکستان نے ڈاکٹر محمد نور کو ”تمغہ امتیاز“ کا اعزاز عطا کیا ہے۔

مقام : اسلام آباد

تاریخ : 23 مارچ، 2012ء



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میں بحیثیت صدر اسلامی جمہوریہ پاکستان

ڈاکٹر محمد نور

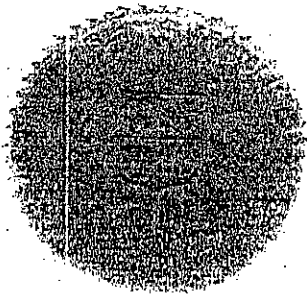
کو خدمات عامہ (طب) کے شعبہ میں امتیازی مرتبہ حاصل کرنے پر

تمغہ امتیاز

کا اعزاز عطا کرتا ہوں۔

(آصف علی زرداری)

صدر



مقام: اسلام آباد

تاریخ: ۲۳ مارچ ۲۰۱۲ء

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Handwritten notes in Urdu at the top right.

Annex: H

Efficiency / progress report of surgical unit-A
Fist January 2004 to 31^{Augest} 2016(12years & 8 Months)

Incharge Surgeon Dr. Muhammad Noor
Tamgha-i-Imtiaz

A.H.Q Hospital Khar, Bajaur Agency, K.P.K, Pakistan.

Year	Total patients treated in OPD	Total Admission	Major Operations	Minor Operations	Total Major & Minor Operations		
2004	4251	1553	1088	581	1669		
2005	4742	1578	1265	638	1903		
2006	3913	1754	832	709	1541		
2007	5160	2154	1750	723	2473		
2008	4646	1575	1007	808	1815		
2009	10479	2518	1654	1483	3137		
2010	6560	1919	1238	815	2053		
2011	8000	2042	1401	1213	2614		
2012	7640	2287	1617	1204	2821		
2013 1 st 5 Months	3128	955	748	445	1193		
June 2013	654	Total OPD in 2013=7908	244	198	114	312	Total operations in 2013=3098
July 2013	683		225	178	121	299	
Aug 2013	687	270	194	93	287		
Sept 2013	756	250	192	98	290		
October 2013	649	214	167	141	308		
Nov & Decem 2013	1351	305	241	168	409		
2014	9015	2588	1483	1296	2779		
Jan to March 2015	2414	514	361	352	713		
April 2015	785	252	155	107	262		
May to Dec 2015	5601	1872	943	993	1936		
Jan to March 2016	2487	543	302	331	633		
April 2016	974	268	145	155	300		
MAY 2016	902	277	139	156	295		
Jun to july 2016	1518	511	194	274	468		
Aug 2016	1123	374	201	210	411		
2004 to Aug 2016	87333	26,790	17,538	13,121	30,659		

NOT; In the last month(Aug 2016) my total OPD is 1123, Major operations 201, Minor operations 210, total operations 411 & admissions 374, which is on the top in all tribal arias & can be compare with LRH&HSTH, Peshawar because I am the only surgeon in the ward.

Medical Superintendent
A H Q Hospital Khar Bajaur Agency

Dr. Muhammad Noor
Tamgha-i-Imtiaz
Surgeon & Incharge Surgical Unit
A H Q H Khar, Bajaur Agency, K.P.K.,
Pakistan, Mob .No 0300 9503244.

Dated 05/09/16

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Annexure 9

Headquarters 26 Brigade
Operational Area
26 / Health / A

25 April 2011

To: Doctor Jahanzeb (Agency Surgeon)
Doctor Muhammad Noor (Surgeon and incharge Surgical Unit) ✓
Doctor Zia -U- Rehman (Surgical Specialist)

Subject: Recognition of Excellent Performance

Photocopy of following letters are enclosed herewith for your information, please:-

- a. Our letter number 26/Health/A dated 20 April 2011.
- b. Headquarters 11 Corps letter number 0103/03/IS/Bajaur/GS (Operations) dated 22 April 2011.

[Signature]
Major
Far Commander
(Farweer Hussain)

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[Signature]
RESTRICTED

RESTD

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HQ 26 Bde
Op Area
26 / Health / A

20 Apr 2011

To: HQ FC KPK

Info: HQ 11 Corps

Subj: Recognition of Excellent Performance

1. In Aug 08, before the start of op "SHERDIL", sit in Bajaur Agency was extremely dangerous and writ of the govt was confined to Khar Fort and Civ Cty. Pol Adm was almost non-existent. Most of their emp fled away, leaving behind few elements who self-exiled themselves within the fortress of PA Cty. Out of these few, only ltd no of indls stood to the precarious sit and performed their duties with out any fear. Amongst these, Doctor Jahanzeb (Agency Surgeon), Doctor Muhammad Noor (Surgeon and incharge Surgical Unit) and Doctor Zia -U- Rehman (Surgical Specialist) are the ones who remained undeterred and showed excellent performance during the critical sit.

2. The AHQ Hosp Khar remained func only through their dedicated and courageous efforts. Complete med cover was provided to the people of Bajaur and SFs during the hardships of msct actions and mil op. Lives of many critically injured pers (both SFs and civ) were saved due to timely med cover provided by these surgeons irrespective of time of incident and gravity of sit. No of free med camps were org in the remote areas and campaigns like Polio, Malaria and Hepatitis 'B' vaccination were run in different parts of the agency, successfully. These doctors faced lot of difficulties during the critical stages of "OP SHERDIL" but they did not loose their heart and performed their duties on regular basis. The a/n doctors deserve appreciation and are recommended for "Certificate of Excellence" from IGFC and Corps Comd.

RESTD

Maj
Sgt Comd
(Tanveer Hussain)

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~~SECRET~~

IMMEDIATE / BY FAX

Headquarters 11 Corps
Peshawar Cantonment
Telephone : 091 - 201 - 32143
0103/03/IS/ Bajaur /GS (Operations)

22 April 2011

To: Additional Chief Secretary
FATA Secretariat
Warsak Road Peshawar

Information: Headquarters Frontier Corps, KPK
Headquarters 26 Brigade

Subject: Recognition of Excellent Performance

1. In August 2008, before the start of operation "SHERDIL", situation in Bajaur Agency was critical and writ of the government was confined to Khar Fort and PA Colony. Political Administration was almost non-existent. Most of their employees fled away, leaving behind few elements who self-exiled themselves within the fortress of PA Colony. At that critical time only Doctor Jahanzeb (Agency Surgeon) and Doctor Muhammad Noor (Surgeon and incharge Surgical Unit) and Doctor Zia-U-Rehman (Surgical Specialist) are the ones who remained undeterred and performed their duties without any fear.

2. The Khar hospital remained functional only through their dedicated and courageous efforts. Complete medical cover was provided to the people of Bajaur and security forces during the military operation. Lives of hundreds of individuals (both security forces and civilian) were saved due to timely medical treatment provided by these doctors. Numbers of free medical camps were organised in remote areas and campaigns like Polio, Malaria and Hepatitis "B" vaccination were run in different parts of the Agency, successfully. These doctors faced many difficulties during the critical stages of Operation "SHERDIL" but they did not let their heart and performed their duties on regular basis. The above named doctors

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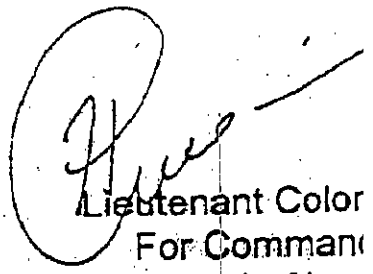
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deserve appreciation and are recommended for Civil Award on 14 August 2011.

3: Forwarded for information / necessary action, please.



Lieutenant Colonel
For Command
(Hussain Ahm)

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Annexure J

ACHIVEMENTS

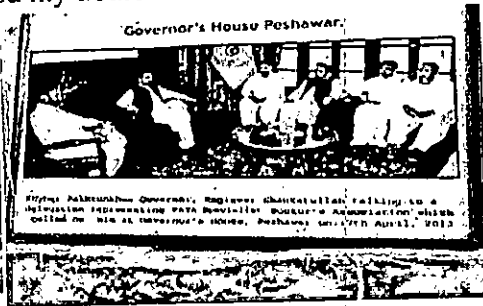
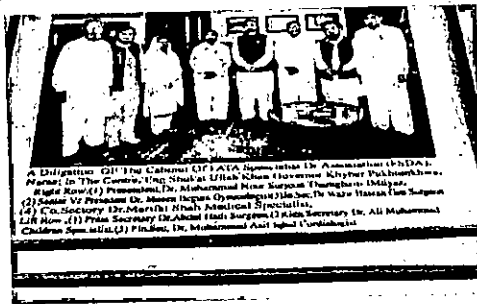
I am Chief District Specialist surgery (BPS-20) in DHQ, Hospital, Khar merged District Bajaur.

1. **THAMGHA-I-IMTIAZ:** During the long war against terrorism, especially in Bajaur prior to the start of Operation "SHER DIL" in August 2008, the situation in Bajaur had gone critical and the writ of the Govt. had virtually confined to the Khar fort and civil colony. Most of the Officers / Officials had fled away, leaving behind few elements that had conferred themselves within the fortress of PA Colony. At that critical time I (Dr. Muhammad Noor) the surgeon and incharge surgical unit DHQ, Hospital khar remained undeterred and kept performing my duties without any fear. The DHQ, Hospital khar remained functional through my dedicated and courageous efforts, complete medical cover was provided to the people of Bajaur and the Security Forces during the military operation. Thousands of people of Bajaur (both security forces and civilians) were saved due to timely medical cover by me. In recognition of these meritorious services in the field of public service (medical), the president of Islamic Republic of Pakistan awarded me the award of **TAMGHA-I-IMTIAZ** on 23 March 2012.



2. **As incharge Surgical Unit, during the operation against the militants.** I was attending all emergency cases day and night and cold cases on alternate day. All the Bomb Blast injuries (BBI), Missile injuries, FAI cases, RTA cases and acute abdominal cases were done day and night.

3. The Governor KPK invited me for a meeting & appreciated my dedicated efforts in Governor House.



4. MEDICAL

SUPRENTENDENT:

remained MS & senior District surgeon BPS-19 in DHQ, Hospital khar from 31st jan 2018 to 4th March 2019. when promoted from BPS-19 to BPS-20 as chief District surgeon, then I handed over the charge of



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- patients there were four type of injectable antibiotic and for OPD patients there were four types of oral antibiotic. The lists of medicines given to the hospital store and all the Doctors in OPD.
7. The undersigned improved Health receipt from Rs. 498,026 in January to Rs. 822500/- in May 2018.
 8. To ensure availability of 24 hours supply of water to the Hospital, tube well of the Hospital was solarized.
 9. The patients were facing problems due to heavy rush on OPD. The under signed opened second OPD counter to provide easy and better services to the patients.
 10. The under signed is also senior District surgeon and is the incharge of surgical Unit-A attending OPD and OT on alternate days. My total operations are 236 in the month of May and 210 in the month of April, as shown in the monthly progress report, which are in the top in the hospital.
 11. Hold meetings with political administration, local community / influential, Doctors and other health staff in order to improve health services delivery to the masses. The staff members are strictly directed to ensure their presence. In case of negligence drastic action will be taken against the defaulters.
 12. Appointments of 23 sweepers were made for the cleanness of the hospital. The sweepers are directed to ensure the cleanness of the hospital around the clock.
 13. Installation of two OT ceiling lights in Operation Theater.
 14. Installation of two Hematology analyzer machine in laboratory unit.
 15. We are intending to open Ultrasound in evening shift labor room to provide better services to the patients.
 16. Nomination of DMS,s in each shift for provision of easy services to the patients.
 17. Opening of Trauma center.
 18. Make an easy way to the specialist OPD by removing the old useless wall.
 19. Establishment of information desk with chairs & solarization.
 20. Establishment of women waiting site with chairs & solarization.
 21. Sign boards were made for wards & Installment of water coolers in hospital for public.
 22. Due to complaints on labor room and OT, awareness boards were made for public and they were informed not to give extra money to the staff except Govt. charges ie. Rs 20/in labor room & Rs. 100/ in OT.
 23. The undersigned installed five hot and cold split air conditions in casualty.
 24. Establishment of waiting shed in front of labor room for patient's attendants.
 25. Starting of incinerator machine for wastage of sharp objectives.
 26. **The total Hospital Health receipts (income of Hospital) during my period as MS, of the year 2018 (From 1st January to 31 December) is Rs1,00,77,131 (one crore Seventy seven thousand one hundred & thirty one rupees) which is the 1st record income in DHQ Hospital Bajaur.**

In the circumstances narrated above, the Hospital is improving day by day. It is quite astonishing to do such achievements in short period. The initiatives / achievements made by the undersigned for the improvements of the Hospital within a short spin of time are in front of public.

Thanks

Dated 01/07/2020

Dr. Muhammad Noor
Tamgha-i-Imtiaz
EX- Medical Superintendent
Chief District surgeon & Incharge Surgical Unit
DHQ, Hospital Khar Bajaur

**APPEAL UNDER SECTION 4 OF THE K.P SERVICE
TRIBUNAL ACT 1974 BEFORE THE HON'BLE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. 7241/2020

TITLE:

Dr. Muhammad Noor, (TAMGHA-I-IMTIAZ) Chief District Specialist Surgery (B.S. 20), DHQ Hospital, Khar, Merged District Bajaur.

.....Appellant

VERSUS

1. The Government of Khyber Pakhtunkhwa, through Secretary Health to Government of Khyber Pakhtunkhwa, Health Department, Civil Secretariat, Peshawar.
2. The Chief Secretary to the Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. The Secretary to the Government of Khyber Pakhtunkhwa, Health Department, Civil Secretariat, Peshawar.
4. The Secretary to the Government of Khyber Pakhtunkhwa Establishment Department, Civil Secretariat, Peshawar.
5. DG Health, Government of Khyber Pakhtunkhwa Near District Courts, Peshawar.
6. Dr. Khalid Khan, Chief, District Dermatologist Government Naseerullah Babar Hospital, kohat Road, Peshawar.
7. Dr. Bakht Sarwar, DHQ Hospital Timergara.
8. Dr. Muhammad Nasir, DHQ Hospital Kohat.
9. Dr. Muhammad Ismail Khan, SGTH Swat.
10. Dr. Rizwan Ahmad, DHQ Hospital Karak.
11. Dr. Mian Tauseef ud Din, DHQ Hospital Mardan.
12. Dr. Noor Alam, ESH Pabbi Nowshera.
13. Dr. Muhammad Shafiq, DHQ Hospital Swabi.

.....Respondents

(Qaisar Ali)

Advocate High Court,
Flats No. 7 & 8 Tasnim Plaza
6-Saddar Road, Near Jan's Bakers,
Peshawar Cantt
Phones: 0333-9122244

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

Service Appeal No. 7241 of 2020

Dr. Muhammad Noor, (TAMGHA-I-IMTIAZ) Chief District Specialist Surgery (B.S. 20), DHQ Hospital, Khar, Merged District Bajaur.....Appellant

VERSUS

1. The Government of Khyber Pakhtunkhwa, through Secretary Health to Government of Khyber Pakhtunkhwa, Health Department, Civil Secretariat, Peshawar.
2. The Chief Secretary to the Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. The Secretary to the Government of Khyber Pakhtunkhwa, Health Department, Civil Secretariat, Peshawar.
4. The Secretary to the Government of Khyber Pakhtunkhwa Establishment Department, Civil Secretariat, Peshawar.
5. DG Health, Government of Khyber Pakhtunkhwa Near District Courts, Peshawar.
6. Dr. Khalid Khan, Chief District Dermatologist Government Naseerullah Babar Hospital, kohat Road, Peshawar.
7. Dr. Bakht Sarwar, DHQ Hospital Timergara.
8. Dr. Muhammad Nasir, DHQ Hospital Kohat.
9. Dr. Muhammad Ismail Khan, SGTH Swat.
10. Dr. Rizwan Ahmad, DHQ Hospital Karak.
11. Dr. Mian Tauseef ud Din, DHQ Hospital Mardan.
12. Dr. Noor Alam, ESH Pabbi Nowshera.
13. Dr. Muhammad Shafiq, DHQ Hospital Swabi.

.....Respondents

**REQUEST/PRAAYER FOR OUT OF TURN HEARING OF
THE TITLED CASE AS APPELLANT DEPRIVED FROM
PROMOTION IN B.S. 19 AND SUBSEQUENTLY B.S. 20
ON THE BASIS OF FORGED/COINED SENIORITY LIST
BEFORE THE PSB.**

Respectfully Sheweth:

1. That Dr. Muhammad Noor (TAMGHA-I-IMTIAZ) , is presently serving as Specialist, Surgery (B.S. 20) in DHQ Hospital, Khar, Merged District Bajaur.

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2. That in accordance to the Seniority List Vide Government of Khyber Pakhtunkhwa, Health Department Notification No. SOH-I/HD/3-5/2018. Dated 23.04.2018 (Annexure F, Pages 22 of the Appeal) the Seniority of the Appellant was at Serial No. 3.
3. That illegally based on malafide and Fraud a fake/coined Seniority List of the Senior District Specialist Surgeons (B.S. 19) was placed in the working papers before the Provincial Selection Board (Annexure E, page 20 of the Appeal) and Seniority of the Appellant was shown at Serial No. 11 instead of Serial No. 3 Fake/Forged Seniority List in which, the Seniority of the Appellant was wrongly shown at Serial No. 11 instead of Serial No. 3.
4. That on the basis of above Fake/Forged Seniority list in which, the Seniority of the Appellant was wrongly shown at Serial No. 11 instead of Serial No. 03, Appellant was ignored from Promotion to B.S. 20 and became Junior to his 7 Junior, vide Notification No. SOH-I/HD/3-5/2018 Dated 09.10.2018 (Annexure G- Page 24 of the Appeal).
5. That later on the request of the Appellant, an Enquiry was conducted by the Constituted Committee and vide Enquiry Report dated 08.02.2019 it was vehemently confirmed that the promotion of the Appellant to B.S. 20 was ignored because of the Fake/ Coined Seniority List (Enquiry Order and Report of the Enquiry Committee dated 08.02.2019 is Annexure: B & C from page 15-18 of the Appeal)
6. That in the aforementioned Enquiry Report Dated 08.02.2019, Enquiry Committee further recommended that as Promotion of the Appellant to B.S. 19 has been ignored and late due to malafide of the Staff of the Health Department and then on the basis of Fake Seniority List. In the Enquiry Report it is recommended that Promotion to B.S. 19 on Regular Basis of the Appellant may be made since 2012 and as a result the Appellant also entitled for Promotion to B.S. 20 since ~~January 2014~~ ⁹.
7. That the Appellant has filed Departmental Appeal for claim of above Seniority in B.S. 19 and B.S. 20, ignored on the basis of malafide and Fraud Committed by Health Department Staff as Confirmed by the Enquiry Report Dated 08.02.2019.

P. T. O

8. That during the Pendency of above Appeal, the Health Department has moved Summary of the Promotion of Dr. Khalid Khan Chief District Dermatologist (B.S. 20), Naseerullah Babar Hospital, for Promotion to B.S 21 Seat, for rendering of Meritorious Services, as allegedly be is the Senior most.
9. That Dr. Khalid Khan, has no Meritorious Service at credit. The Seat is for Meritorious Service Rendered and not for the senior most. Moreover the Appellant is 7 year Senior to Dr. Khalid Khan moreover I am the only Doctor having Recognized Meritorious Service in recognition of Services Rendered during War against Terrorism, as in the Frontline in the War center (Khar, Bajaur) I treated and operated and cured thousands of War wounded civilians and Armed Forces personal.(Annexure: L, M & N)

It is respectfully prayed with all Venerations and Salutations that keeping in view of the above facts, discussion and evidence the Appeal of the Appellant may kindly be heard urgently and out of turn.

Dated 8 /07/2020

Yours Obediently,
Appellant


Dr. Muhammad Noor

Through



(Qaisar Ali)

Advocate High Court,
Flats No. 7 & 8 Tasnim Plaza,
6-Saddar Road, Near Jan's Bakers,
Peshawar Cantt
Phones: 0333-9122244

P.T.O

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

Service Appeal No. _____ of 2020

1829
Date: 10/1/2020

Dr. Muhammad Noor (TAMGHA-I-MITIAS) Chief District Specialist
Surgery (B.S. 20), DHQ Hospital, Khar, Merged District
Bajaur.....Appellant

VERSUS

1. The Government of Khyber Pakhtunkhwa, through Secretary Health to Government of Khyber Pakhtunkhwa Health Department, Civil Secretariat, Peshawar.
2. The Chief Secretary to the Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. The Secretary to the Government of Khyber Pakhtunkhwa Health Department, Civil Secretariat, Peshawar.
4. The Secretary to the Government of Khyber Pakhtunkhwa Establishment Department, Civil Secretariat, Peshawar.
5. DG Health, Government of Khyber Pakhtunkhwa Near District Courts, Peshawar.
6. Dr. Khalid Khan, Chief District Dermatologist Government Nasserullah Babar Hospital, Kohat Road, Peshawar.
7. Dr. Bakht Sarwar, DHQ Hospital Timergara.
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9. Dr. Muhammad Ismail Khan, SGTI Swat.
10. Dr. Rizwan Ahmad, DHQ Hospital Karak.
11. Dr. Mian Tauseef ud Din, DHQ Hospital Mardan.
12. Dr. Noor Alam, ESH Pabbi Nowshera.
13. Dr. Muhammad Shafiq, DHQ Hospital Swabi.

.....Respondents

**APPEAL UNDER SECTION 4 OF THE K.P. SERVICE TRIBUNAL
ACT 1974, AGAINST THE FRAUDULENT PROMOTION
NOTIFICATION NO. SOH-IND-3-2018 DATED 09.10.2018 AND
CLAIM OF DUE IN TIME SENIORITY IN B.S. 19 & 20 AND CLAIM
OF B.S. 21 ON THE BASIS OF MERITORIOUS SERVICE.**

Respectfully Sheweth:

The Appellant with all Salutations and Venerations submits and prays as follows:

1. That the Appellant is Chief District Specialist Surgery (B.S. 20) in DHQ Hospital, Khar, Merged District Bajaur, after Promotion.
2. That the Appellant did his Graduation (MBS) in 1984 and Post - Graduation in 1997 and was appointed as Medical

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

Service Appeal No. _____ of 2020

Title:

Dr. Muhammad Noor, (TAMGHA-I-IMTIAZ) Chief District
Specialist Surgery (B.S. 20) DHQ Hospital, Khar, District Bajour.
.....Appellant

VERSUS

The Government of Khyber Pakhtunkhwa, through Secretary to
the Government of Khyber Pakhtunkhwa, Helth Department and
others
.....Respondents

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Dated: 8/07/2020

Appellant

Dr. Muhammad Noor

Through


(Qasir Ali)

Advocate High Court
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Peshawar Cantt
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BEFORE THE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL, PESHAWAR.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 6839

Service Appeal No. _____ of 2020

Dated 10/7/2020

Dr. Muhammad Noor, (TAMGHA-I-IMTIAZ) Chief District Specialist
Surgery (B.S. 20), DHQ Hospital, Khar, Merged District
Bajaur.....Appellant

VERSUS

1. The Government of Khyber Pakhtunkhwa, through Secretary Health to Government of Khyber Pakhtunkhwa, Health Department, Civil Secretariat, Peshawar.
2. The Chief Secretary to the Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. ✓ The Secretary to the Government of Khyber Pakhtunkhwa, Health Department, Civil Secretariat, Peshawar.
- Retired 5/10/2019 4. ✓ The Secretary to the Government of Khyber Pakhtunkhwa Establishment Department, Civil Secretariat, Peshawar.
5. ✓ DG Health, Government of Khyber Pakhtunkhwa Near District Courts, Peshawar.
6. Dr. Khalid Khan, Chief District Dermatologist Government Naseerullah Babar Hospital, Kohat Road, Peshawar.
7. Dr. Bakht Sarwar, DHQ Hospital Timergara.
8. Dr. Muhammad Nasir, DHQ Hospital Kohat.
9. Dr. Muhammad Ismail Khan, SGTTH Swat.
10. Dr. Rizwan Ahmad, DHQ Hospital Karak.
11. Dr. Mian Tauseef ud Din, DHQ Hospital Mardan.
12. Dr. Noor Alam, ESH Pabbi Nowshera.
13. Dr. Muhammad Shafiq, DHQ Hospital Swabi.

Filed to-day

.....Respondents

Registrar 10/7/2020

APPEAL UNDER SECTION 4 OF THE K.P. SERVICE TRIBUNAL
ACT 1974, AGAINST THE FRAUDULENT PROMOTION
NOTIFICATION NO. SOH-I/HD/3-5/2018 DATED 09.10.2018 AND
CLAIM OF DUE IN TIME SENIORITY IN B.S. 19 & 20 AND CLAIM
OF B.S. 21 ON THE BASIS OF MERITORIOUS SERVICE.

Respectfully Sheweth:

The Appellant with all Salutations and Venerations submits and prays as follows:

1. That the Appellant is Chief District Specialist Surgery (B.S. 20) in DHQ Hospital, Khar, Merged District Bajaur, after Promotion.
2. That the Appellant did his Graduation (MBBS) in 1984 and Post - Graduation in 1997 and was appointed as Medical

officer, Khyber Pakhtunkhwa Health Department on 02.11.1989 on regular basis. Appellant worked against the vacant Post of Surgeon (B.S. 17) from 12.10.1998 to 29.08.2002; he was then appointed as District Surgeon (B.S. 18) on contract base since 30.08.2002 to 07.10.2007 and his this Post was regularized by Public Service Commission on 08.10.2007.

3. That the above mentioned contract service of the Appellant as District Surgeon (B.S. 18) from 30.08.2002 to 07.10.2007 was also regularized (Although very late due to Red-Tapeism) through Notification No. SOH-I/HD/3-5/2017 dated 30.01.2018 since date of contract appointment i.e 30.08.2002 (Annexure: A).
4. That the Appellant worked as District Surgeon (B.S. 18) for a long period of 21 years, Although 7 years services in B.P.S. 18 is required as per rules for Promotion to B.S. 19, as Senior District Surgeon but I was promoted to (B.S. 19) on 02.01.2018 (Nine years late). All it was based on inordinate long delay, malafide and high handedness of the Respondents especially their Subordinates i.e unruly and reckless clerical staff, inspite of many verbal and written requests but in vain.
5. That after many written and verbal requests of the Appellant Mr. Abid Majeed, the then Secretary health and Mr. Zubair Khan the then Additional Secretary health warned the Superintendent and senior clerk of ACR section with threat of suspension, to put up working paper for promotion of the Appellant and the Appellant was promoted to B.S. 19 on 02.01.2018 instead of year 2009 i.e Nine Years late. *(Page 23 & 28) age of Appellant*
6. That the Appellant served for 21 years in B.S. 18 instead of 07 years for promotion to B.S. 19 although many posts were vacant at that time.
7. That on the application of the Appellant an Enquiry Committee was Constituted to investigate the delayed promotions to the Appellant in B.S 19 and 20, vide DG No. 16382-85/EI dated 24.10.2018. The Enquiry Committee after detailed investigation and probe concluded in the Enquiry Report dated 08.02.2019 (Annexures: B & C);

- i. That according to actual seniority list notified by the Health Department Notification No. SOH-I/HD/3-5/2017 dated 31.07.2018 (Annexure: F) Dr. Muhammad Noor is at serial No. 03.
 - ii. But the seniority list (Cooked/Fake) put up with the working paper to the P.S.B, the seniority of Dr. Muhammad Noor was wrongly shown at serial No. 11 instead of 3 as a result he was not promoted to B.S. 20 on 09.10.2008.

“He was entitled for promotion on Acting Charge Basis in 2012 and if his contract service would has been considered (which was regularized) he was entitled for Promotions on regular basis in 2012 Subject, to availability of vacant posts” (Many Posts were vacant).
 - iii. The Enquiry Committee further mentioned in Para C. According to various judgments of Supreme Court of Pakistan the contract/ Adhoc service followed by regularization is Countable for promotion, graded pay and pension purposes etc (2002 SCMR 574), but unfortunately the judgment of the Supreme Court of Pakistan was not implemented by Finance, Establishment and Law Departments of Khyber Pakhtunkhwa so for.
8. That even the Secretary Health to the Government of Khyber Pakhtunkhwa vide Notification No. SOH/-/HD/3-5/2017- dated / 31st July 2018 has clearly mentioned that seniority of the Appellant as per List is at serial No. 3 as per attached seniority list. **(Annexure: D)**
 9. The above Enquiry Report dated 08.02.2019 and the letter of the Health Secretary dated 31st July 2018 clearly and vehemently speaks that in PSB for promotion to B.S. 20 a fake and cooked seniority list **(Annexure: E)** was put up with the working paper wrongly showing Appellants seniority at serial No. 11 instead of serial No. 3 as in actual seniority list **(Annexure: F)**.
 10. That on the basis of above mentioned visible and clear fraudulent and fabricated seniority list **(Annexure: E)** put up before the Provincial Selection Board and promoted

Eight (8) Doctors as Chief District Specialist Surgery in B.S. 20 (**Annexure: G**). In the promoted Doctors 07 Doctors at Serial No. 02. To 8 were junior to me and the Appellant was not promoted.

11. That as clearly proved from the Enquiry Report dated 08.02.2019, that the Appellant has been deprived from promotion to B.S 20 on the basis of clear Fraud based on Concocted and coined fake seniority list, put up before the PSB.
12. That after Enquiry Report dated 08.02.2019, as the Fraud was proved therefore, the Appellant was promoted later on as Chief District Specialist Surgeon (B.S. 20) on 07.01.2019 vide Notification No. SOH-I/HD/3-5/2018 (**Annexure: H**), but the Appellant lost his Seniority and on the basis of malafide and conspiracy, the Appellant became junior to his 7 juniors.
13. That in accordance to the provisions of Section 12(2) of the CPC 1908; Section 17 & 18 of the Contract Act 1872; Sections 3 & 18 of the Limitation Act, the Order based on fraud may be challenged any time and No Limitation will Apply. There are plethora of Orders/ Judgment of the Superior Courts (PLD 1975 Lahore 780) that it is established principle of Law, "that fraud vitiates all solemn transactions and such order is without lawful authority, without jurisdiction against the Principle of Natural Justice are void, nullity in the eyes of Law and Confer no rights in whose favour they are made".
14. That Constitutional Fundamental Rights of the Appellant has also been grossly violated and abrogated under Articles 4, 9, 10, 10A (Doctrine of Due-Process as defined by the Superior Courts), 18 & 25 of the Constitution of Islamic Republic of Pakistan. The Appellant has been discriminated, based on total malafide, as proved in the Enquiry Report dated 08.02.2019 (**Annexures: C**). The Appellant was ignored and deprived from his promotion to B.S. 20 vide Notification No. SOH-I/HD/3-5/2018 dated 09.10.2018 (**Annexure: G**) and from serial No. 2 to 8 his seven juniors were promoted and Appellant became junior to them as not promoted to B.S. 20 on the basis of coined and fraudulent Seniority List.

15. That as mentioned and proved in the Enquiry Report that on the basis of fake Seniority List (Annexure: E) the Appellant was shown at serial No. 11 of the said list, instead of serial No. 3 of the Actual declared, notified list (Annexure: F) and was not promoted vide Notification dated 09.10.2018. Later, on the basis of Application of the Appellant to dig out the fraud an Enquiry was Ordered by the DG. Health vide No. 16382-84/E-I dated 24.10.2018. The Enquiry Committee vide Enquiry Report Dated 08.02.2019 (Annexure: C), Confirmed the putting of coined seniority list, before the PSB, which was a clear fraud, high handedness and against the Principle of Natural Justice and total malafide.
16. That on the basis of cooked/coined seniority list, confirmed by the mentioned Enquiry Report of the Two Senior Officers, Appellant was later on promoted through PSB vide No. SOH-I/HD/3-5/ 2018 dated 07.01.2019 (Annexure: H). I was promoted to B.S. 20, but lost the seniority. The Enquiry Committee has also clearly mentioned in the Enquiry Report dated 08.02.2019 (Annexure: C) that the Appellant is Entitled for promotion on Regular basis in B.S. 19 in the year 2012, as many vacancies also existed at that time.
17. That as the Appellant has further been ignored for due promotion to B.S. 20 vide Notification Dated 09th October 2018 and was later on promoted to B.S. 20 vide Notification No, SOH-I/HD/3-5/2018 dated 7th Jan 2019 i.e late and Appellant became Junior to his Juniors for no fault of him.
18. That as the Appellant have been made Junior to many on the basis of Fake Seniority List as mentioned in the Enquiry Report Dated 08.02.2019 and the Enquiry Committee recommended my promotion to B.S. 19 on regular basis, since 2012 therefore, the Appellant is also entitled for promotion to B.S. 20 since June 2012
19. That in accordance to Government Notification No. SHO-I/HD/3-100/86 Peshawar dated 25.07.2013 the required minimum service for promotion to B.S. 20 is 17 Years' Service in BPS 18 and above and 7 years service in B.S. 18 is required for promotion to B.S. 19. The seats of B.S. 19 were also vacant from 2012 to 2014 and many seats of B.S 20 were also vacant in the years 2014-2016. Two Posts of

Senior District Surgeon B.S. 19 were also vacant due to retirement of Dr. Jaffar Iqbal and Dr. Sidique Khattak (**Annexures: I & J**) and 8 Posts in B.S 19 were further vacant during the year 2014-2015, but I was ignored (**Annexure: F**)

20. That according to the Khyber Pakhtunkhwa Civil Servant Promotion Policy 2009 & 2018, Civil Servants on Regular Basis, required Length of service for promotion is the following.

Basic Scale 18: 5 Years Service in B.S. 17
 Basic Scale 19: 12 Years Service in B.S.17 & above.
 Basic Scale 20: 17 Years Service in B.S.17 & above

And in accordance to Government Notification No. SHO-I/HD/3-100/86 dated 25.07.2013 method of Recruitment/Promotion for the post of Senior District Surgeon (B.S. 19) and Chief District Surgeon (B.S. 20) are as follow:

S. No	Nomenclature of the Post	Method of Recruitment/Promotion
1.	Chief District Specialist (B.S. 20)	By promotion on the basis of seniority-cum-fitness, from amongst the senior District Specialist in B.S. 19, having a minimum of 12 years' in B.S. 18 and above.
2.	Senior District Specialist (B.P.S. 19)	By promotion on the basis of seniority -cum- fitness, from amongst the District Specialists in B.P.S. 18, having minimum of 07 years' service in B.P.S. 18.

21. That in accordance to the above Promotion Policy and the Enquiry Report of the Enquiry Committee dated 08.02.2019 (**Annexure: C**) the Appellant was entitled for B.S. 19 in 2009 (Enquiry Committee recommended B.S. 19 for Appellant since 2012 and therefore according to the formula, was also entitled for B.S. 20 in 2014). But Promoted to B.S. 19 very late on 02.01.2018, all on the basis of malafide fraud and coined seniority list (**Annexure: E**) put up before the PSB; wrongly fraudulently showing seniority of the Appellant at serial No. 11, which accordance to actual seniority list Notified vide No. SOH-I/HD/3-5/2018 dated 23.04.2018 (**Annexure: F**), seniority

of the Appellant is at serial No. 3 (S. No. 2 was dropped due to incomplete AGRs/PERs).

22. That the above Seniority of the Appellant at serial No. 3 has also been confirmed by Health Department vide No. SOH-1/HD/3-5/2017 dated 31 July 2018. But the Appellant lost his due legal seniority on the basis of coined, fraudulent Seniority List, dragging down Appellant seniority to Serial No. 11, (**Annexure: E**) put up for to the PSB instead of actual seniority list circulated by the Health Department (**Annexure: F**) in which the Appellant is at serial No. 3.
23. That Apart from above damage given to the Appellant, now during the pendency of Departmental Appeal before the Chief Secretary for allowing the due seniority in B.S. 19 since 2012 and in B.S. 20 for the Appellant since 2014. But now the Health Department is preparing working paper for the senior Chief District Specialist (B.S. 20) for promotion to B.S. 21 on the Basis of Meritorious Services but has ignored the Appellant. As Appellant entry into Government Service is since 02.11.1989, but Dr. Khalid Khan entered into service since 09.06.1996 i.e Appellant is 7 years Senior to him.
24. That actually the Appellant is the senior most in B.S. 20, but his seniority has been dragged down on the basis of fraud and his Departmental Appeal is pending in this respect, but the DG. Health vide No. 7259/AE-1 dated 02.06.2020 (**Annexure: K**) had illegally and wrongly based on malafide recommended Dr. Khalid Khan, Chief District Dermatologist B.S. 20, Naseerullah Khan Babar Memorial Hospital Kohat road, Peshawar, who is actually too junior and has no, meritorious services at his credit and is not qualifying for the post of BB.S. 21 on the basis of Meritorious Services. The post on the basis of Meritorious Services is reserved for the Doctors in B.S. 20 who have Meritorious Services at ~~his~~ credit and not on the basis of Seniority. The usual promotion is on the Seniority-cum-fitness basis and Meritorious Services post is on the basis of Meritorious Services.
25. That the Appellant is the only fit candidate for Promotion from B.S. 20 to 21 on the basis of Meritorious Services.

26. That the Appellant has been awarded TAMGHA-I-IMTIAZ (**Annexure: L**) for rendering of Gallantry and Meritorious Services. During war of Terrorism in the Year 2008, and onwards when operation Sher Dil started, at that time the Government in the whole Bajaur shranked to Khaar Fort and Civil colony of the Government Servants. Majority of the civil officers and their families had already left the city. In that dreadful situation Dr. Muhammad Noor, Surgeon the Appellant was the only person and Doctor who served and operated the war wounded civilians and the Uniform Personal in the Agency Hospital Khar. He was round the clock available and provided medical coverage to Wounded Army persons and saved life of thousands of Army and civilians. On the recognition of the said Meritorious Services the Appellant (Dr. Muhammad Noor) was awarded and Honoured by the President of Pakistan TAMGHA-I-IMTIAZ on 23.03.2012, which is the best proof of Meritorious Services rendered.
27. That the detail year wise admission of patients, surgical operations have been shown in the Table (**Annexure: M & N**) which is self-speaking detail of the further outstanding services rendered by the Appellant.
28. That the Corps Commander Peshawar and Army Head Quarters at Bajaur Agency has also brought on record the Outstanding Meritorious Services performed by the Appellant during the war on terror and onwards (**Annexure: N**).
29. That from the above it is crystal clear that amongst the Doctors, the Appellant (Dr. Muhammad Noor) is the only deserving for promotion to B.S. 21 on the basis of Meritorious Services. But on the basis of fraud, malafide, conspiracy against the Patriotic, actual frontline Doctor, who treated and cured, successfully operated thousands of Military and Civilians Wounded for a long time in the war zone but have been deprived of his due promotions in B.S. 19 & B.S. 20, in time and lost his seniority on the basis of fake seniority list, put up on the basis of malafide before the PSB, illegally and wrongly showing his seniority at serial

No. 11 instead of serial No. 3 as proved by the Government Enquiry Report of the Enquiry Committee (**Annexure: C**).

30. That the Departmental Appeal on the above points have already been filed before the Chief Secretary Khyber Pakhtunkhwa but ^{no} rejected. (**Annexure: O & P**)/*not replied.* 9

PRAYER:

- A. It is respectfully prayed with all veneration and salutations before this Esteemed Service Tribunal that keeping in view, the proved fraud and malafide in Promotions vide Notification No. SOH-1/HD/3-5/2018 dated 09.10.2018 (**Annexure: G**) through fake and fabricated illegal seniority list (**Annexure: E**) instead of Actual Seniority List. (**Annexure: F**) put up before the Provincial Selection Board has been confirmed by the Enquiry Committee Report dated 08.02.2019 (**Annexure: C**) and through letter dated 31.07.2018 (**Annexure: D**) Notification No. SOH-1/HD/3-5/2018 dated 09.10.2018 may please be declared as illegal and Null and void.
- B. Kindly order for promotion of the Appellant in B.S. 19 from 2012 as recommended by the Enquiry Committee on the basis of this Enquiry Report (**Annexure: C**) and promotion to B.S. 20 since 2014 in accordance to Notification No. SOH-1/HD/3/100/86 dated 25.07.2013, which is at Para No. 20 of this memo of Appeal.
- C. There is a vacant post of B.S. 21 on the basis of Meritorious Services and not on the basis of Seniority.

The Appellant is the only Doctor in B.S. 20, qualifying for the Seat of B.S. 21 on the basis of Meritorious Services rendered during the war ^{against} terrorism ^{in S.M.P.} which have been recognized by the Government of Pakistan by Awarding **TAMGHA-I-IMTIAZ** (**Annexure: L**) and also the Meritorious Services certified by the Army and Civil record. But the Health Department is illegally without any base is forwarding the name of Dr. Khalid Khan, District Dermatologist (B.S. 20), Government Naseemullah Khan Babar

Hospital, Kohat Road, Peshawar, who has got no Meritorious Services on record, as the Appellant have. Dr. Khalid Khan may be promoted on the general seat but legally not deserving Meritorious Services seat for promotion. The said proposal of Dr. Khaild Khan for promotion to B.S. 21 on the Meritorious may be declared as illegal and abinitio void and instead the name of the Appellant may be considered for promotion to B.S. 21 on the basis of Meritorious Services actually rendered and recognized.

Or in addition any other relief may also be granted deems fit by this Hon'ble Tribunal.

Request for Interim Relief/ Stay Order:

This Hon'ble Services Tribunal is requested and prayed with all Salutations to grant Stay Order as the following:

- a. For illegally considering the name of Dr. Khalid Khan Chief District Dermatologist B.S. 20, for his promotion to B.S. 21 against the Seat only Reserved for Rendering Meritorious Services and not on the basis of Seniority-cum-Fitness may please be stayed.
- b. The Notification of promotion to B.S. 20 Vide No. SOH-1/HD/3-5/2018 dated 9th October 2018, based on cooked and forged Seniority List, put up before the PSB, instead of actual notified Seniority List, may kindly be stayed till the Decision of this Appeal.

Dated: 8/07/2020

Appellant

Dr. Muhammad Noor

Through

(Qaisar Ali)

Advocate High Court,
Flats No. 7 & 8 Tasnim Plaza,
6-Saddar Road, Near Jan's Bakers,
Peshawar Cantt
Phones: 0333-9122244

08 JUL 2020



11

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

Service Appeal No. _____ of 2020

Dr. Muhammad Noor, (TAMGHA-I-IMTIAZ) Chief District
Specialist Surgery (B.S 20), DHQ Hospital, Khar, District
Merged Bajaur.....Appellant

VERSUS

The Government of Khyber Pakhtunkhwa, through Secretary
Health to Government of Khyber Pakhtunkhwa and Others
.....Respondents

AFFIDAVIT

I, Dr. Muhammad Noor, (TAMGHA-I-IMTIAZ) Chief District
Specialist Surgery (B.S. 20) DHQ Hospital, Khar, Merged
District Bajaur do hereby affirm on oath that the contents of this
Appeals are true and correct as per information and belief nothing
therein is false.

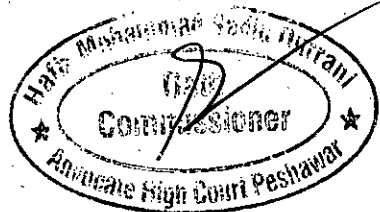
Dated: 8/07/2020



DEPONENT

08 JUL 2020

ATTESTED



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

Service Appeal No. _____ of 2020

Dr. Muhammad Noor, (TAMGHA-I-IMTIAZ) Chief District Specialist Surgery (B.S. 20), DHQ Hospital, Khar, Merged District Bajaur.....**Appellant.**

VERSUS

The Government of Khyber Pakhtunkhwa, through Secretary Health to Government of Khyber Pakhtunkhwa
.....**Respondents**

ADDRESSES OF THE PARTIES

S#	Name/ Designation	Address
----	-------------------	---------

APPELLANT'S ADDRESS

1.	Dr. Muhammad Noor, (TAMGHA-I-IMTIAZ) Chief District Specialist Surgery (B.S. 20), DHQ Hospital	Chief District Specialist DHQ Hospital, Khar, District Bajaur.
----	--	---

ADDRESSES OF THE RESPONDENTS

1.	The Government of Khyber Pakhtunkhwa, through Secretary Health to Government of Khyber Pakhtunkhwa,	The Government of Khyber Pakhtunkhwa, through Secretary Health to Government of Khyber Pakhtunkhwa, Health Department, Civil Secretariat, Peshawar.
2.	The Chief Secretary to the Government of Khyber Pakhtunkhwa,	The Chief Secretary to the Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3.	The Secretary to the Government of K.P Health Department	The Secretary to the Government of Khyber Pakhtunkhwa, Health Department, Civil Secretariat, Peshawar.
4.	The Secretary to the Government of Khyber Pakhtunkhwa Establishment Department	The Secretary to the Government of Khyber Pakhtunkhwa Establishment Department, Civil Secretariat, Peshawar.

5.	DG Health, Government of Khyber Pakhtunkhwa.	DG Health, Government of Khyber Pakhtunkhwa Near District Courts, Peshawar.
6.	Dr. Khalid Khan, Chief Dermatologist	Dr. Khalid Khan, Chief District Dermatologist Government Naseerullah Babar Hospital, kohat Road, Peshawar.
7.	Dr. Bakht Sarwar	Dr. Bakht Sarwar, DHQ Hospital Timergara.
8.	Dr. Muhammad Nasir	Dr. Muhammad Nasir, DHQ Hospital Kohat.
9.	Dr. Muhammad Ismail Khan	Dr. Muhammad Ismail Khan, SGTH Swat.
10.	Dr. Rizwan Ahmad	Dr. Rizwan Ahmad, DHQ Hospital Karak.
11.	Dr. Mian Tauseef ud Din	Dr. Mian Tauseef ud Din, DHQ Hospital Mardan.
12.	Dr. Noor Alam	Dr. Noor Alam, ESH Pabbi Nowshera.
13.	Dr. Muhammad Shafiq	Dr. Muhammad Shafiq, DHQ Hospital Swabi

Dated ___/07/2020

Through

Appellant

(Qaisar Ali)

Advocate High Court

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6-Saddar Road, Near Jan's Bakers,

Peshawar Cantt

Phones: 0333-9122244

091-5272213



14

Annex: A!

1377
08/02/18

GOVERNMENT OF THE KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

DATED PESHAWAR THE 30TH JANUARY 2018

NOTIFICATION

No. SOH-I/HD/3-5/2017 In pursuance of Section 19 of Khyber Pakhtunkhwa Civil Servants Act as amended vide Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2013, the Competent Authority is pleased to regularize the contract services of Dr. Mohammad Noor, ex-District Specialist Surgery (BS-18) (now Senior District Specialist Surgery BS-19), AHQH Bajaur with effect from the date of his contract appointment i.e. 30/08/2002.

SECRETARY HEALTH

Endst No and date even

c.c

1. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
2. Director Health Services, FATA Peshawar.
3. Medical Supdt, AHQH Bajaur.
4. Agency Accounts Officer, Bajaur.
5. Doctor concerned.
6. Personal file of the doctor concerned.

(Taslem Khan)
Section Officer-I

Endst is added pl

DDCHS) [Signature]
15/2/18

7
15/2/18

ATTESTED
[Signature]

15

Annex: B

B

DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR

All communications should be addressed to The Director General
Health Services Peshawar and not to any official by name.
Office Ph: (091) 9210269 Exchange: (091) 9210282, Fax: (091) 9210279

OFFICE ORDER

An enquiry committee consisting of the following officers is hereby constituted to conduct inquiry into the promotion case of Dr. Muhammad Noor Senior District Surgeon (ES-19) DHQ Hospital Bajaur.

1. Dr. Ikramullah Director (HRM) DGHS, KP Peshawar.
2. Dr. Rizwanullah Khan Deputy Director (HRM) DGHS, KP Peshawar.

The enquiry committee should probe and investigate into the matter and submit a fact finding report alongwith recommendations within 07-days positively.

Sd/XXXXXXXX
Director General Health,
Services Khyber Pakhtunkhwa

No. 16382-85 /EJ

Dated: 24/10/2018.

Copy forwarded to the:-

1. Secretary to Govt: of Khyber Pakhtunkhwa Health Department for information w/r to his letter No. SOH-1/HD/3-5/2018 dated 10.10.2018.
2. Dr. Ikramullah Director (HRM) DGHS, KP Peshawar.
3. Dr. Rizwanullah Khan Deputy Director (HRM) DGHS, KP Peshawar.

A copy of Govt: letter number & date quoted above is attached for perusal please.

4. AE-II DGHS Khyber Pakhtunkhwa for information.

Rizwanullah Khan
Deputy Director (HRM)

DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR

ATTESTED
Attested

Q. m.

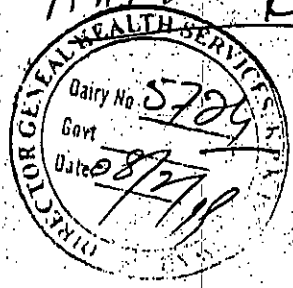
28/10

16

Annex C

Annex C

The Director General Health Service
Khyber Pakhtunkhwa Peshawar.



Subject: - **ENQUIRY REPORT.** (Total 53 Pages).

INTRODUCTION:

The following members of enquiry committee were constituted vide DGHS Office Order No. 16382-85/E-I dated: 24.10.2018 to probe the complaint of Dr. Muhammad Noor Medical Superintendent Bajaur against Mr. Muhammad Alam Senior Scale Stenographer and Mr. Haleem Senior Clerk of ACR Section of DGHS Office.

1. Dr. Ikramullah Khan, Director (HRM) DGHS Office.
2. Dr. Rizwanullah Khan, Deputy Director (HRM) DGHS Office.

PROCEDURES AND FINDINGS:

Dr. Muhammad Noor (BPS-19) presently serving as Chief District Surgeon / Medical Superintendent DHQ Hospital Bajaur. He recorded has statements / cross questions answers along with his application. He was appointed as Medical Officer (BPS-17) in Health Department on 02.11.1989 on regular basis.

He stated that he was selected as District Surgeon on contract basis w.e.f 30.08.2002. He qualified PSC as District Surgeon on 08.10.2007 and regularized w.e.f 30.08.2002 vide Notification dated: 30.01.2018 under Act-IX of 2005. He was promoted in (PBS-19) on 02.01.2018 after the length of service more then 17-years while the post of (BPS-19) was vacant since 01.08.2015. He said that he intentionally was promoted late due to delaying tactics of Mr. Alam and Mr. Haleem. The seniority list which was issued by Health Department he was at serial No. 3. But the working paper which was prepared by the officials for the promotion of (BPS-19) to (BPS-20) on dated: 13.07.2018 the seniority list enclosed by them he was wrongly placed at Serial # 11 due to which the 1st eight Doctors were promoted to (BPS-20) as Chief District Surgeon and out of these doctors seven are junior to me.

Moreover, at Serial No. 2 of Seniority List doctor did not submit ACRs, thus I was more near in promotion Zone as number 2 to be promoted. He further requested that the anomaly may be corrected as Secretary Health has already accepted my appeal.

Attested
[Signature]
Director (HRM)
Director General Health Services
Khyber Pakhtunkhwa Peshawar

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[Handwritten signature]

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He further stated that "I am also suffered in my previous promotion from (BPS-18) to (BPS-19) because the post to against which I have been promoted was vacant in 2015 after the retirement of Dr. Jafar Iqbal and another post was also vacant since 2014 after the retirement of Dr. Sadiq Khan Khattak. Similarly other post were also vacant. But Mr. Alam and Mr. Haleem always used delaying tactics in preparing working paper for promotion etc. I have also requested to exempt my short period of probation to include my name in working paper for my promotion in (BPS-20) as Chief District Surgeon on account of discrimination done with me in past".

Mr. Alam Supt: and Mr. Haleem Senior Clerk ACR Section submitted their join statement and stated that "Dr. Muhammad Noor was asked by this Directorate to submit his ACRs for the period from 2008 to 2015 vide this Directorate letter No. 19454-58/AE-I dated: 13.12.2016 and doctor submitted his ACR on 30.03.2017. His case for promotion (BPS-19) was submitted to Government on 19.10.2017 but it was not submitted to PSB by Government. On 04.12.2017 his case was again submitted to Government for promotion to (BPS-19) and ultimately he was promoted in (BPS-19) on 02.01.2018. The Health Department has been regularized his service w.e.f 30.08.2002 vide Notification dated: 30.01.2018".

"They further stated that upon promotion of Senior District Surgeon (BPS-19) to Chief District Surgeon (BPS-20) the seniority of doctor may be placed at Serial No. 3. The Health Department upon recommendation of PSB promoted the Senior District Surgeons (BPS-19) to Chief District Surgeons (BPS-20) in 9th October 2018 and doctor was due for promotion he was supposed to submit ACRs in 2014 which he has not done and in PSB held on October 2018 he was not considered for promotion due to his period to probation".

They also requested that, how the photocopies produced by Dr. Muhammad Noor about the retirement orders of other Doctors without applying for these copies under RTI Act 2013. Who is providing him copies of the personal files of the other doctors which is grade negligence on the part of the staff and reveals that no secrecy is maintained.

The Section Officer-I dealing the promotion of Specialist cadre provided attested copy of working paper prepared by the officials concerned of Directorate General Health Services Khyber Pakhtunkhwa on 13.07.2018 in which they enclosed the seniority list in which Dr. Muhammad Noor was placed at Serial No. 11.

Attested
 Deputy Director (HRM)
 Directorate General Health Services
 Khyber Pakhtunkhwa Peshawar

E

3

CONCLUSION AND RECOMMENDATION:

- A. Mr. Tasleem Section Officer-I of Health Department verified the claim of Dr. Muhammad Noor by providing attested copy of working paper submitted on 13.07.2018 in which Dr. Muhammad Noor was placed at Serial # 11 of seniority list of District Surgeon (BPS-19) for the year 2018 inspite of the fact that the services of Dr. Muhammad Noor was regularized w.e.f 30.08.2002 vide Notification dated: 30.01.2018 and the seniority list which was notified by Health Department on 23.04.2018 in which Dr. Muhammad Noor was placed at Serial No. 3.
- B. Dr. Muhammad Noor was initially appointed as Medical Officer on 02.11.1989 on regular basis and as District Surgeon on contract basis on 29.08.2002. He qualified Public Service Commission on 08.10.2007 on regular basis. He was entitled for promotion on acting charge basis in 2012 and if his contract service would has been considered then he was entitled for promotion on regular basis in 2012 subject to availability of vacant post. Recently many District Specialists have been promoted on acting charge basis. His regularization Notification dated: 30.01.2018 under Act-IX of 2005 was issued very late in his service.
- C. According to various Judgments of Supreme Court of Pakistan the contract / adhoc service followed by regularization is countable for promotion, graded pay and pension purpose etc (2002 SCMR 574) but unfortunately the Judgment of Supreme Court of Pakistan was not implemented by Finance Establishment and Law Departments of Khyber Pakhtunkhwa so far
- D. The ACR Section of DGHS Office is very sensitive section and deal the promotion cases of Doctors, Pharmacists and other gazetted Officers need careful attention to expedited their cases in smooth line under the Law and instructions of Govt. of Khyber Pakhtunkhwa Establishment Department letter dated 11.12.2017, which require posting of competent, regular full time and dedicated staff in this section instead of posting on additional charge basis.
- E. All promotion cases should be prepared on merit, against clear vacancies in time after promulgation of final seniority lists in time as per law.
- F. All Controlling Officers should be directed to submit ACRs of their subordinate Officers in time to expedite their promotions.

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Approved
Deputy Director (HRM)
Directorate General Health Services

[Signature]
 Deputy Director (HRM)
 Directorate General Health
 Services Khyber Pakhtunkhwa Peshawar
 Dated: 8/02/2019

[Signature]
 Director (HRM)
 Directorate General Health
 Services Khyber Pakhtunkhwa Peshawar
 Dated: 10/02/2019

53- Pages

ATTESTED

19

Annex: D "D"



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

No.SOH-I/HD/3-5/2017

Dated Pesh: the 31st July 2018

To

The Director General,
Health Services,
Khyber Pakhtunkhwa Peshawar.

SUBJECT:- SENIORITY OF DR. MUHAMMAD NOOR - SENIOR - DISTT. SPECIALIST SURGERY BS-19 AHQH BAJAUR

I am directed to refer to this department Notification of even No dated 30th January 2018 and to state that contract services of Dr. Muhammad Noor, ex-Distt: Specialist Surgery (BS-18) now Senior Distt: Specialist Surgery (BS-19) have been regularized w.e.f 30/8/2002 and accordingly he has been awarded seniority w.e.f the date of regularization of his contract services (i.e S.No.3) as per attached seniority list.

S/c 
Section Officer-I


ATTESTED

Seniority list attached
Seniority list S. No. 3

*Incorrect/Fake
Seniority list
for
PSB*

FINAL SENIORITY LIST OF SENIOR DISTRICT SPECIALIST SURGONS (BPS-19) AS STOOD ON 01.01.2018

SL. NO.	NAME OF OFFICER WITH ACADEMIC QUALIFICATION.	DATE OF BIRTH AND DOMICILE	DATE OF IST. ENTRY INTO GOVT. SERVICE.	REGULAR APPOINTMENT/ PROMOTION TO PRESENT POST.			PRESENT POSTING.
				DATE	BPS	METHOF OF RECRUITMENT	
1.	Dr.Saifur Rehman, MBBS/MCPS.	13.04.1962/ Mardan	11.04.1996/B-18	a) 11.04.1996 b) 07.05.2010	18 19	PSC By Promotion	DH, Swat
2.	Dr.Sultan Sikandar Bacha, MBBS/FRCS.	30.06.1962/ Swat	12.02.2000/B-18	a) 12.02.2000 b) 28.06.2010	18 19	PSC By promotion	DHQH
3.	Dr.Bakht Sarwar, MBBS/FCPS	01.08.1965/ Dir	17.03.2005/B-18	a) 17.03.2005 b) 03.02.2014	18 19	PSC By Promotion	DHO Hospital, Timergara.
4.	Dr.Muhammad Nasir, MBBS/FCPS.	10.04.1970/ Kohat	17.03.2005/B-18	a) 17.03.2005 b) 03.02.2014	18 19	PSC By Promotion	DHO Hospital, Paktia.
5.	Dr.Muhammad Ismail Khan, MBBS /FCPS	13.05.1959/ Swat	17.03.2005/B-18	a) 17.03.2005 b) 03.02.2014	18 19	PSC By Promotion	DH, Swat.
6.	Dr.Rizwan Ahmad, MBBS/FCPS.	04.04.1971/ Karak	17.03.2005/B-18	a) 17.03.2005 b) 03.02.2014	18 19	PSC By Promotion	DHO Hospital, Karak.
7.	Dr.Mian Tauseef Uddin, MBBS/FCPS	22.03.1967/ Mardan	17.03.2005/B-18	a) 17.03.2005 b) 03.02.2014	18 19	PSC By Promotion	DHQH, Mardan
8.	Dr.Noor Alam, MBBS/FCPS.	01.09.1965/ Charsadda	17.03.2005/B-18	a) 17.03.2005 b) 03.02.2014	18 19	PSC By Promotion	DH, Pabbi Nowshera
9.	Dr.Muhammad Shafiq, MBBS/FCPS.	12.11.1969/ Swabi	17.03.2005/B-18	a) 17.03.2005 b) 03.02.2014	18 19	PSC By Promotion	DHQH, Swabi.
10.	Dr.Ghulam Rasool, MBBS/MEPS.	18.01.1964/ Mardan	17.03.2005/B-18	a) 17.03.2005 b) 02.01.2018	18 19	PSC By Promotion	Naseerullah Khan Babar hosp; Pesh.
11.	Dr.Muhammad Noor S/O Gul Hassan.	12.10.1960/ Bajaur	08.10.2007/B-18	a) 08.10.2007 b) 02.01.2018	18 19	PSC By Promotion	AHQH, Bajaur.
12.	Dr.Hayat Shahzad S/O Khan Shahzada, MBBS	01.04.1971/ Dir	25.10.2007/B-18	a) 25.10.2007 b) 02.01.2018	18 19	PSC By Promotion	DHQH, Battikela.

Handwritten notes and signatures on the left margin, including 'Annex: E' and 'DD'.

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ATTACHED

21

Annex: F



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

No.SOH-I/HD/3-5/2017

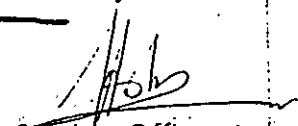
Dated Pesh: the 31st July 2018

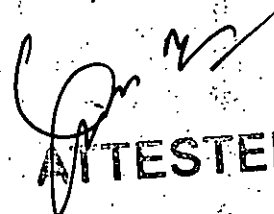
To

The Director General,
Health Services,
Khyber Pakhtunkhwa Peshawar.

SUBJECT: SENIORITY OF DR. MUHAMMAD NOOR SENIOR DISTT. SPECIALIST
SURGERY BS-19 AHQH BAJAUR

I am directed to refer to this department Notification of even No dated 30th January 2018 and to state that contract services of Dr. Muhammad Noor, ex-Distt. Specialist Surgery (BS-18) now Senior Distt. Specialist Surgery (BS-19) have been regularized w.e.f 30/8/2002 and accordingly he has been awarded seniority w.e.f the date of regularization of his contract services (i.e S.No.3) as per attached seniority list.

S/c 
Section Officer-I


ATTESTED

22
GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

F

DATED PESH: THE 23RD APRIL 2018

NOTIFICATION

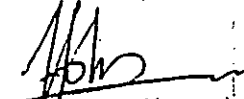
No.SOH-I/HD/3-5/2018 In pursuance of sub-section(5) of Section 8 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 and Establishment Department's circular letter No.SOR-VI(E&AD)1-16/2008/Vol.VI dated 26th July 2010, the Competent Authority is pleased to notify joint seniority list of District Specialists all specialities as stood on 1/1/2018 for information of all the concerned.

SECRETARY HEALTH

Encls No and date even

C.C

1. Director General, Health Services, Khyber Pakhtunkhwa, Peshawar with the remarks to circulate the same to all concerned and also furnish a copy of the seniority list to this department on urgent basis.
2. All DHOs in Khyber Pakhtunkhwa.
3. Director Health Services, FATA, Khyber Pakhtunkhwa, Peshawar.
4. Hospital Director KTH/LRH/HMC, Peshawar/ATH, Abbottabad.
5. Medical Director KTH/LRH/HMC, Peshawar/ATH, Abbottabad.
6. Chief Executive/Principal SGTH/SMC, Swat/ DHQTH/MMMTH/GMC DIKhan
7. Dean PGMI/HMC, Peshawar.
8. Dean KMC/KCD, Peshawar/BKMC, Mardan/Gajju Khan Medical College Swabi/Nowshera Medical College, Nowshera/BMC Bannu.
9. All DHOs in the Health Department, Khyber Pakhtunkhwa.
10. All Medical Supdts DHQHS/AHQHS in Khyber Pakhtunkhwa.
11. PS to Secretary Health Department.
12. PS to Special Secretary Health Department.
13. PA to Addl. Secretary (Estt) Department.
14. Doctors concerned.



(Haslem Khan)
Section Officer-I


ATTESTED P. T. O

FINAL SENIORITY LIST OF SENIOR DISTRICT SPECIALIST SURGEONS (BPS-19). AS STOOD ON 01.01.2018

SL. NO.	NAME OF OFFICER WITH ACADEMIC QUALIFICATION.	DATE OF BIRTH AND DOMICILE	DATE OF IST. ENTRY INTO GOVT. SERVICE.	REGULAR APPOINTMENT/ PROMOTION TO PRESENT POST.			PRESENT POSTING.
				DATE	BPS	METHOF OF RECRUITMENT.	
1.	Dr.Saifur Rehman, MBBS/MCPS.	13.04.1962/ Mardan	11.04.1996/B-18	a) 11.04.1996 b) 07.05.2010	18 19	PSC By Promotion	SGTH, Swat
2.	Dr.Sultan Sikandar Bacha, MBBS/FRCS.	30.06.1962/ Swat	12.02.2000/B-18	a) 12.02.2000 b) 28.06.2010	18 19	PSC By promotion	DHQH: Haripur
3.	Dr.Muhammad Noor S/O Gul Hassan,	12.10.1960/ Bajaur	30.08.2002/B-18	a) 30.8.2002 b) 02.01.2018	18 19	PSC By Promotion	AHQH, Bajaur.
4.	Dr.Ajmal Shah, MBBS/MS Surgery.	24.02.1958/ Bannu	17.03.2005/B-18	a) 17.03.2005 b) 03.02.2014	18 19	PSC By Promotion	KGNTH, BANNU
5.	Dr.Bakht Sarwar, MBBS/FCPS	01.08.1965/ Dir	17.03.2005/B-18	a) 17.03.2005 b) 03.02.2014	18 19	PSC By Promotion	DHQ Hospital, Timergara.
6.	Dr.Muhammad Nasir, MBBS/FCPS.	10.04.1970/ Kohat	17.03.2005/B-18	a) 17.03.2005 b) 03.02.2014	18 19	PSC By Promotion	DHQ Hospital, Kohat.
7.	Dr.Muhammad Ismail Khan, MBBS /FCPS	13.05.1959/ Swat	17.03.2005/B-18	a) 17.03.2005 b) 03.02.2014	18 19	PSC By Promotion	SGTH, Swat.
8.	Dr.Rizwan Ahmad, MBBS/FCPS.	04.04.1971/ Karak.	17.03.2005/B-18	a) 17.03.2005 b) 03.02.2014	18 19	PSC By Promotion	DHQ Hospital, Karak.
9.	Dr.Mian Tauseef Uddin, MBBS/FCPS	22.03.1967/ Mardan	17.03.2005/B-18	a) 17.03.2005 b) 03.02.2014	18 19	PSC By Promotion	DHQH, Mardan
10.	Dr.Noor Alam, MBBS/FCPS.	01.09.1965/ Charsadda	17.03.2005/B-18	a) 17.03.2005 b) 03.02.2014	18 19	PSC By Promotion	ESH, Pabbi (working against the post of PMO(BS-19))
11.	Dr.Muhammad Shafiq, MBBS/FCPS.	12.11.1969/ Swabi	17.03.2005/B-18	a) 17.03.2005 b) 03.02.2014	18 19	PSC By Promotion	DHQH, Swabi.
12.	Dr.Ghulam Rasool, MBBS/MCPS.	18.01.1964/ Mardan	17.03.2005/B-18	a) 17.03.2005 b) 02.01.2018	18 19	PSC By Promotion	Naseerullah Khan Babar hosp; Pesh.
13.	Dr.Hayat Shahzad S/O Khan Shahzada, MBBS	01.04.1971/ Dir	25.10.2007/B-18	a) 25.10.2007 b) 02.01.2018	18 19	PSC By Promotion	DHQH, Batkhela.

The appelland promoted in 2018
 three juniors promoted or 03.02.2014


 SO-I

ATTESTED



24
Annex: 4 4
GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated Pesh: the 09th October, 2018

NOTIFICATION:

No. SOH-I/HD/3-5/2018: On the recommendations of Provincial Selection Board, Competent Authority (Chief Minister Khyber Pakhtunkhwa) is pleased to promote following Senior District Specialist Surgery (BS-19) to the post of Chief District Specialist Surgery (BS-20) on regular basis with immediate effect.

- Junior* ←
1. Dr. Saif ur Rehman, SGTH Swat
 2. Dr. Bakht Sarwar, DHQ Hospital Timergara
 3. Dr. Muhammad Nasir, DHQ Hospital Kohat
 4. Dr. Muhammad Ismail Khan, SGTH Swat
 5. Dr. Rizwan Ahmad, DHQ Hospital Karak
 6. Dr. Mian Tauseef ud Din, DHQ Hospital Mardan
 7. Dr. Noor Alam, ESH Pabbi Nowshera
 8. Dr. Muhammad Shafiq, DHQ Hospital Swabi

2- The doctors on promotion will remain on probation for a period of one year in terms of Section-6(2) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.

3- Posting / transfer Notifications in respect of the above doctors will be issued later on.

SECRETARY HEALTH DEPARTMENT

Endst: No & date even

Cc:

1. Accountant General Khyber Pakhtunkhwa.
2. Director General Health Services Khyber Pakhtunkhwa.
3. Medical Superintendents of the concerned Hospitals.
4. Director Information, Khyber Pakhtunkhwa.
5. Coordinator HSRU Health Department.
6. PS to Secretary Health Khyber Pakhtunkhwa.
7. Doctors concerned.
8. Personal file of the doctors concerned.

ATTESTED

Section Officer



25
Annex: H H
GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated Pesh: the 07th January, 2019

NOTIFICATION:

No. SOH-I/HD/3-5/2018: On the recommendations of Provincial Selection Board, the Competent Authority is pleased to promote Dr. Muhammad Noor, Senior District Specialist Surgery (BS-19) to the post of Chief District Specialist Surgery (BS-20) on regular basis with immediate effect.

2- The doctor on promotion will remain on probation for a period of one year in terms of Section-6(2) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.

3- Posting / transfer Notifications in respect of the above doctor will be issued later on.

SECRETARY HEALTH DEPARTMENT

Endst: No & date even

Cc:

1. Accountant General Khyber Pakhtunkhwa.
2. Director General Health Services Khyber Pakhtunkhwa.
3. Director Health Services, FATA, Peshawar.
4. Medical Superintendent DHQH Bajaur.
5. Director Information, Khyber Pakhtunkhwa.
6. Distt: Accounts Officer Bajaur.
7. Coordinator HSRU Health Department.
8. PS to Secretary Health Khyber Pakhtunkhwa.
9. Doctor concerned.
10. Personal file of the doctors concerned.


(Tasfeem Khan)
Section Officer (E-I)


M
ATTESTED

26 Annex: 4-4
DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR

All communications Should be Addressed to The Director General Health Services
Peshawar And not to any official by name.

Office Ph (091) - 9210269 Exchange, (091) - 9210137, (091) - 9210196 Fax (091) - 9210230

No. 116/01-02/E-1

Dated the Pesh: 22/09/2015

To,

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

Subject: - APPLICATION FOR PREMATURE RETIREMENT.

Dear Sir,

I am forwarding herewith a copy of MS DHQ Hospital Lakki Marwat letter No. 2102/PE dated 15-09-2015 alongwith application/leave admissibility duly verified by the audit office report in respect of Dr. Jaffar Iqbal S/O Rab Nawaz District Surgical Specialist (BS-19) attached to DHQ Hospital Lakki Marwat, requesting for premature retirement from Govt. service w.e.f. 01-08-2015 (A.N.)/grant of 365-days leave encashment in lieu of LPR for favour of further necessary action. Imp.

The doctor concerned is serving in the Health Department since 24/04/1989 on regular basis. He belongs to District Kohat (Zone-4) and according to the record of this Directorate his date of birth is 04/04/1964.

In the light of above it is requested that necessary notification of premature retirement/grant of 365-days leave encashment in respect of the officer concerned may please be issued at the earliest.

Detail of Enclosures is enclosed.


DIRECTOR GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR

Cc to:-

Medical Superintendent DHQ Hospital Lakki Marwat for information.


ATTESTED

Attestation
Signature Section.

27

T-28

GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

2220/15
Annex: J

DATED PESH: THE 2ND DEC; 2014

NOTIFICATION

No. SOH-17/HD/3-548/04. Sanction is hereby accorded to the grant of three hundred and sixty five (365) days LPR w.e.f 7/1/2015 in favour of Dr. Siddique Khan, Medical Officer Senior Grade, Government Hospital (DP-2) Mian Rashid Hussain Memorial Hospital, Pabbi Dist. Nowshera.

2. The Dist. Accounts Officer, Nowshera has certified that the doctor concerned is entitled for 365 days LPR under Revised Leave Rules, 1981.

3. He will stand retired from Govt. service w.e.f 6/2/2015 (A.N)

SECRETARY HEALTH

Ends No and note even

1. Director General Health Services, Khyber Pakhtunkhwa Peshawar.
2. Medical Supdt. Mian Rashid Hussain Memorial Hospital Pabbi, Nowshera.
3. Dist. Accounts Officer, Nowshera.
4. Doctor concerned.
5. Personal file of the doctor concerned.

(Muhammad Jamil)
Section Officer-I

OFFICE OF THE DIRECTORATE GENERAL HEALTH SERVICES KHYBER PAKHTUNKHWA PESHAWAR

No. 663-166/E-1

Dated: 12/01/2014

Copy of the above is forwarded to the:-

1. MS Mian Rashid Hussain Shaheed Memorial Hospital Pabbi
2. DHO Nowshera
3. AE-II DGHS office Peshawar
4. Doctor Concerned

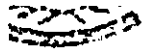
For information and necessary action

Retiree
Post Vacant, but
I was not promoted
3/17/15
29/11/15

ATTESTED

28

Annex: K



CHIEF SECRETARY'S OFFICE PESHAWAR (91-9210187, 9210196) Fax: (91-9210187)

NO. 1257 /AE-I

Dated: 12 / 12 / 2020

5952
S.K. Khan
Secretary Health

The Secretary to Government of
Khyber Pakhtunkhwa Health
Department Peshawar.

Secretary Health

REF: |

GRANT OF BPS 21 ON MERITORIOUS SERVICES TO MOST SENIOR
CHIEF DISTRICT SPECIALIST BPS 20.

With reference to your letter No SOH-I HD.3-50/2020 dated 12/02/2020, on the subject noted above, I have the honour to submit herewith the promotion from BS-20 to BS-21 on meritorious service in respect of Dr Khalid Khan, Chief District Dermatologist BS 20 Government Naveerullah Khan Bahar Memorial Hospital 1 Road, Peshawar as desired please.

It is stated that the above named officer is serving the Provincial Department since 09/06/1996. He is on the top of Seniority List of All Chief District Specialist BS 20.

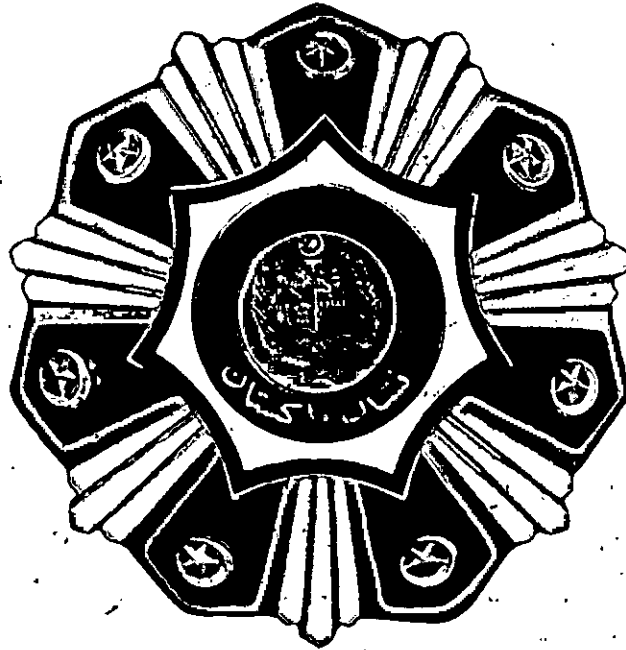
DIRECTOR GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR

ASE
509

[Signature]

29

Annex: L

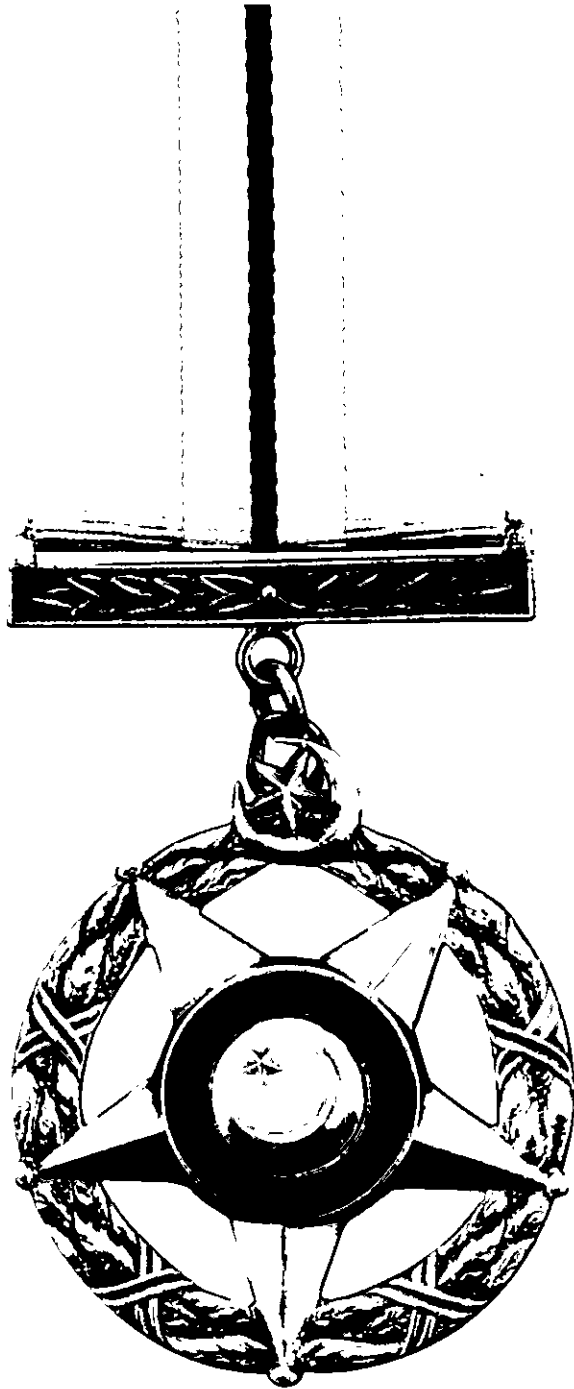


PAKISTAN
NATIONAL AWARDS
(CIVIL)

Investiture Ceremony

Islamabad, 23rd March, 2012

ATTESTED



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31

DR. MOHAMMAD NOOR

Award : Tamgha-i-Imtiaz

Field : Public Services

It was prior to the start of operation "SHERDIL" in August 2008 that the situation in Bajaur had gone critical and the writ of the Govt had virtually confined to Khar Fort and Civil Colony. Most of the officer / officials had fled away, leaving behind few elements that had confined themselves within the Fortress of PA Colony. At that critical juncture Dr. Muhammad Noor, the Surgeon & Incharge of Surgical Unit Agency Headquarter Hospital Khar, remained undeterred and kept performing his duties without any fear. The AHQ Hospital Khar remained functional through his dedicated and courageous efforts, complete medical cover was provided to the people of Bajaur & security forces during the military operation. Hundreds of lives of Bajur (both security forces & civilian) were saved due to timely medical cover.

In recognition of his meritorious services in the field of Public Service (Mediacal), the President of the Islamic Republic of Pakistan has been pleased to confer on Dr. Mohammad Noor, the award of 'Tamgha-i-Imtiaz'.


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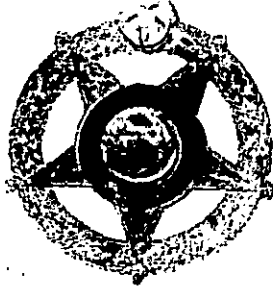
ڈاکٹر محمد نور

اعزاز : تمغہ امتیاز
شعبہ : خدمات عامہ

اگست 2008ء میں ”شیردل“ آپریشن شروع ہونے سے قبل باجوڑ ایجنسی کی صورت حال انتہائی خراب تھی اور یہاں حکومت کی عملداری صرف کھر فورٹ اور سول کالونی تک محدود ہو کر رہ گئی تھی۔ زیادہ تر افسران/اہل کار یہ علاقہ چھوڑ کر جا چکے تھے اور باقی بچ جانے والے لوگوں نے اپنے آپ کو پی اے کالونی میں محصور کر لیا تھا۔ اس خطرناک صورت حال میں صرف ڈاکٹر محمد نور سرجن انچارج سرجیکل یونٹ، ایجنسی ہیڈ کوارٹرز ہسپتال کھر تھے جنہوں نے ان تمام خطرات سے بے خوف ہو کر اپنے فرائض منصبی انجام دیئے۔ ڈاکٹر نور محمد کی دلیرانہ کوششوں کی وجہ سے AHQ ہسپتال کھر اپنے معمول کے کام کرتا رہا۔ اس ہسپتال نے صرف باجوڑ کے لوگوں کو صحت کی سہولیات فراہم کی گئیں بلکہ ملٹری آپریشن کے دوران سیکورٹی فورسز کو بھی طبی خدمات فراہم کی گئیں۔ آپ کے بروقت طبی امداد کے باعث ہزاروں لوگوں (سول اور فوجی) کی جان بچ گئی۔

خدمات عامہ کے شعبے میں آپ کی شاندار خدمات کے اعتراف میں صدر، اسلامی جمہوریہ پاکستان نے ڈاکٹر محمد نور کو ”تمغہ امتیاز“ کا اعزاز عطا کیا ہے۔


ATTESTED



میں بحیثیت صدرِ اسلامی جمہوریہ پاکستان

ڈاکٹر محمد نور

کو خدماتِ عامہ (طب) کے شعبہ میں امتیازی مرتبہ حاصل کرنے پر

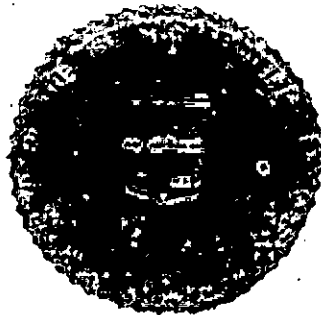
تمغہ امتیاز

کا اعزاز عطا کرتا ہوں۔

مقام: اسلام آباد

(آصف علی زرداری)

صدر



تاریخ: ۲۳ مارچ ۲۰۱۲ء

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Annex: M

Efficiency / progress report of surgical unit-A**Fist January 2004 to 31^{Augest} 2016(12years & 8 Months)****Incharge Surgeon Dr. Muhammad Noor****Tamgha-i-Imtiaz****A.H.Q Hospital Khar, Bajaur Agency, K.P.K, Pakistan.**

Year	Total patients treated in OPD	Total Admission	Major Operations	Minor Operations	Total Major& Minor Operations		
2004	4251	1553	1088	581	1669		
2005	4742	1578	1265	638	1903		
2006	3913	1754	832	709	1541		
2007	5160	2154	1750	723	2473		
2008	4646	1575	1007	808	1815		
2009	10479	2518	1654	1483	3137		
2010	6560	1919	1238	815	2053		
2011	8000	2042	1401	1213	2614		
2012	7640	2287	1617	1204	2821		
2013 1 st 5 Months	3128	955	748	445	1193		
June 2013	654	Total OPD in 2013=7908	244	198	114	312	Total operations in 2013=3098
July 2013	683		225	178	121		
Aug 2013	687		270	194	93		287
Sept 2013	756		250	192	98		290
October 2013	649		214	167	141		308
Nov & Decem 2013	1351		305	241	168		409
2014	9015		2588	1483	1296		2779
Jan to March 2015	2414		514	361	352		713
April 2015	785		252	155	107		262
May to Dec 2015	5601		1872	943	993		1936
Jan to March 2016	2487		543	302	331		633
April 2016	974		268	145	155		300
MAY 2016	902		277	139	156		295
Jun to july 2016	1518		511	194	274		468
Aug 2016	1123		374	201	210		411
2004 to Aug 2016	87333		26,790	17,538	13,121		30,659

NOT; In the last month(Aug 2016) my total OPD is 1123, Major operations 201, Minor operations 210, total operations 411 & admissions 374, which is on the top in all tribal arias & can be compare with LRH&HSTH, Peshawar because I am the only surgeon in the ward.

Medical Superintendent

A H Q Hospital Khar Bajaur Agency

Dated 05/09/16

Dr .Muhammad Noor**Tamgha-i-Imtiaz**

Surgeon & Incharge Surgical Unit

A H Q H Khar, Bajaur Agency, K.P.K.,

Pakistan, Mob .No 0300 9503244.

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Efficiency / progress report of Surgical unit-A
from Jan 2004 to June 2020 (16 years & 6 months)

incharge Surgeon Dr. Muhammad Noor

Tamgha-i-imtiaz

DHQ, Hospital khar Tribale District Bajaur, khyberpukhtunkhwa

<u>Year</u>	<u>Total Patients Treated In OPD</u>	<u>Total Admissions</u>	<u>Major Operations</u>	<u>Minor Operations</u>	<u>Total Major & Minor Operations</u>
1 st jan 2004 to Aug 2016	87333	26790	17538	13121	30659
1 st Sep 2016 to 31 st Dec 2016	15344	2969	486	598	1084
1 st jan 2017 to 31 st Dec 2017	7484	1730	884	842	1726
1 st jan 2018 to 31 st Dec 2018	10908	2267	1131	1085	2216
1 st jan 2019 to 31 st Dec 2019	12215	2063	775	859	1634
1 st jan 2020 to 31 st June 2020	4300	787	204	397	601
Total from 2004 to May 2020	<u>137,584</u>	<u>36,606</u>	<u>21,018</u>	<u>16,902</u>	<u>37,920</u>



Dr. Muhammad Noor 07/07/2020

Tamgha-i-imtiaz

Surgeon & incharge surgical unit

DHQ, Hospital khar Bajaur

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Amna: N N: N

Headquarters 26 Brigade
Operational Area
26 / Health / A

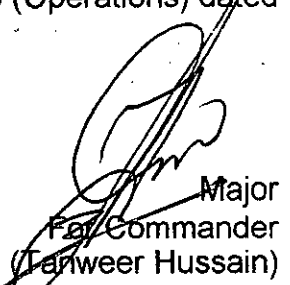
25 April 2011

To: Doctor Jahanzeb (Agency Surgeon)
Doctor Muhammad Noor (Surgeon and incharge Surgical Unit) ✓
Doctor Zia -U- Rehman (Surgical Specialist)

Subject: Recognition of Excellent Performance

Photocopy of following letters are enclosed herewith for your information, please:-

- a. Our letter number 26/Health/A dated 20 April 2011.
- b. Headquarters 11 Corps letter number 0103/03/IS/Bajaur/GS (Operations) dated 22 April 2011.


Major
Far Commander
(Farweer Hussain)

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RESTD

HQ 26 Bde
Op Area
26 / Health / / A

20 Apr 2011

To: HQ FC KPK

Info: HQ 11 Corps

Subj: Recognition of Excellent Performance

1. In Aug 08, before the start of op "SHERDIL", sit in Bajaur Agency was extremely dangerous and writ of the govt was confined to Khar Fort and Civ Cty. Pol Adm was almost non-existent. Most of their emp fled away, leaving behind few elements who self-exiled themselves within the fortress of PA Cty. Out of these few, only lid no of indls stood to the precarious sit and performed their duties with out any fear. Amongst these, Doctor Jahanzeb (Agency Surgeon), Doctor Muhammad Noor (Surgeon and incharge Surgical Unit) and Doctor Zia-U-Rehman (Surgical Specialist) are the ones who remained undeterred and showed excellent performance during the critical sit.

2. The AHQ Hosp Khar remained func only through their dedicated and courageous efforts. Complete med cover was provided to the people of Bajaur and SFs during the hardships of msct actions and mil op. Lives of many critically injured pers (both SFs and civ) were saved due to timely med cover provided by these surgeons irrespective of time of incident and gravity of sit. No of free med camps were org in the remote areas and campaigns like Polio, Malaria and Hepatitis B vaccination were run in different parts of the agency, successfully. These doctors faced lot of difficulties during the critical stages of "OP SHERDIL" but they did not loose their heart and performed their duties on regular basis. The a/n doctors deserve appreciation and are recommended for "Certificate of Excellence" from IGFC and Corps Comd.

RESTD

Maj
FC Comd
(Tanweer Hussain)

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IMMEDIATE / BY FAX

Headquarters 11 Corps
Peshawar Cantonment
Telephone : 091 - 201 - 32143
0103/03/IS/ Bajaur /GS (Operations)

22 April 2011

To: Additional Chief Secretary
FATA Secretariat
Warsak Road Peshawar

Information: Headquarters Frontier Corps, KPK
Headquarters 26 Brigade

Subject: Recognition of Excellent Performance

1. In August 2008, before the start of operation "SHERDIL", situation in Bajaur Agency was critical and writ of the government was confined to Khar Fort and PA Colony. Political Administration was almost non-existent. Most of their employees fled away, leaving behind few elements who self-exiled themselves within the fortress of PA Colony. At that critical time only Doctor Jahanzeb (Agency Surgeon) and Doctor Muhammad Noor (Surgeon and incharge Surgical Unit) and Doctor Zia-U-Rehman (Surgical Specialist) are the ones who remained undeterred and performed their duties without any fear.

2. The Khar hospital remained functional only through their dedicated and courageous efforts. Complete medical cover was provided to the people of Bajaur and security forces during the military operation. Lives of hundreds of individuals (both security forces and civilian) were saved due to timely medical treatment provided by these doctors. Numbers of free medical camps were organised in remote areas and campaigns like Polio, Malaria and Hepatitis "B" vaccination were run in different parts of the Agency, successfully. These doctors faced many difficulties during the critical stages of Operation "SHERDIL" but they did not let their heart and performed their duties on regular basis. The above named do

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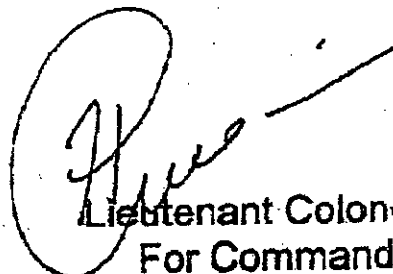
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deserve appreciation and are recommended for Civil Award on 14 August 2011.

3: Forwarded for information / necessary action, please.



Lieutenant Colonel
For Command
(Hussain Ahme)

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ACHIVEMENTS

I am Chief District Specialist surgery (BPS-20) in DHQ, Hospital, Khar merged District Bajaur.

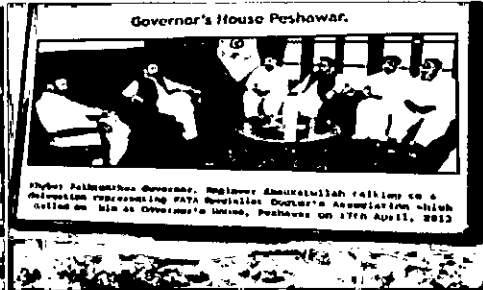
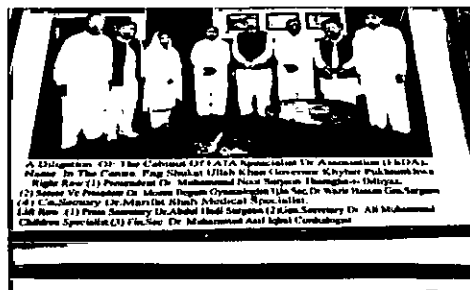
1. **THAMGHA-I-IMTIAZ**: During the long war against terrorism, especially in Bajaur prior to the start of Operation "SHER DIL" in August 2008, the situation in Bajaur had gone critical and the writ of the Govt. had virtually confined to the Khar forts and civil colony. Most of the Officers / Officials had fled away, leaving behind few elements that had conferred themselves within the fortress of PA Colony. At that critical time I (Dr. Muhammad Noor) the surgeon and incharge surgical unit DHQ, Hospital khar remained undeterred and kept performing my duties without any fear. The DHQ, Hospital khar remained functional through my dedicated and courageous efforts, complete medical cover was provided to the people of Bajaur and the Security Forces during the military operation. Thousands of people of Bajaur (both security forces and civilians) were saved due to timely medical cover by me. In recognition of these meritorious services in the field of public service (medical), the president of Islamic Republic of Pakistan awarded me the award of **TAMGHA-I-IMTIAZ** on 23 March 2012.



2. **As incharge Surgical Unit, during the operation against the militants.** I was attending all emergency cases day and night and cold cases on alternate day. All the Bomb Blast injuries (BBI), Missile injuries, FAI cases, RTA cases and acute abdominal cases were done day and night.



3. The Governor KPK invited me for a meeting & appreciated my dedicated efforts in Governor House.

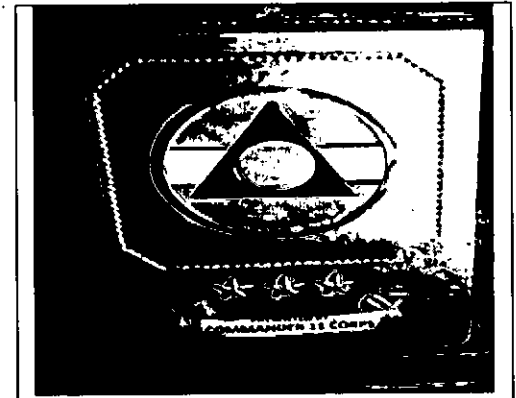


4. **MEDICAL SUPRENTENDENT**: I remained MS & senior District surgeon BPS-19 in DHQ, Hospital khar from 31st jan 2018 to 4th March 2019. when promoted from BPS-19 to BPS-20 as chief District surgeon, then I handed over the charge of

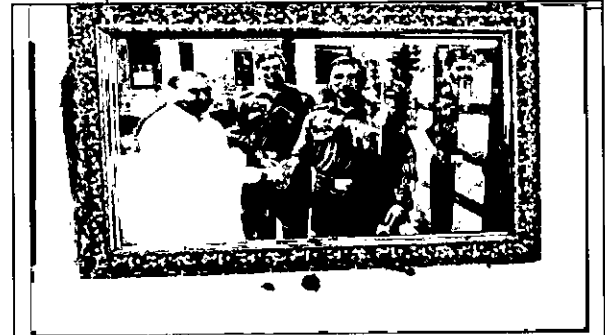
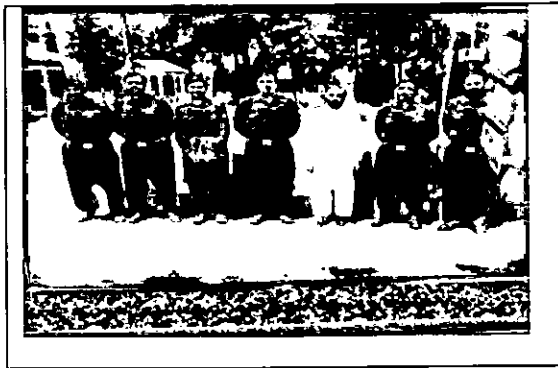


MS on 4th March 2019, because the post of MS was of BPS-19. The Honorable Ex- Health minister Dr. Hisham Inamullah khan appreciated my performance during his visit to DHQ Hospital khar.

During my period of medical superintendent, the corp, commander Peshawar invited me to the corp, commander office and appreciated my work and granted me shields.



The Honorable corp, commander Peshawar also granted me donation of Medicine for DHQ, Hospital khar through commandant Bajaur scouts. The Honorable IGFC also invited me to his office for a lunch and appreciated my performance.



5. The Honorable Major General Khalid*- in khwaza kheela Malakand Division granted us a cheque of Rs. 500000/ (five lacs) for the purchase of medicine of poor patients.



6. **Free treatment.** The undersigned is trying to provide 100% free treatment to the patients as per following instructions. Prescribing medicine from Zakat fund for poor patients (for indoor patients upto Rs 2000/ and for outdoor patients upto Rs 1000 / from 1st February 2018 till 08/05/2018 we have spent Rs. 1929150 (Nineteen lac Twenty Nine thousand one hundred and fifty). Now we are spending Rs. 2575022/- (twenty five lac seventy five thousand and twenty two). Prescribing medicine from Hospital store to the other patients as per attached list. For admitted



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patients there were four type of injectable antibiotic and for OPD patients there were four types of oral antibiotic. The lists of medicines given to the hospital store and all the Doctors in OPD.

7. The undersigned improved Health receipt from Rs. 498,026 in January to Rs. 822500/- in May 2018.
8. To ensure availability of 24 hours supply of water to the Hospital, tube well of the Hospital was solarized.
9. The patients were facing problems due to heavy rush on OPD. The under signed opened second OPD counter to provide easy and better services to the patients.
10. The under signed is also senior District surgeon and is the incharge of surgical Unit-A attending OPD and OT on alternate days. My total operations are 236 in the month of May and 210 in the month of April, as shown in the monthly progress report, which are in the top in the hospital.
11. Hold meetings with political administration, local community / influential, Doctors and other health staff in order to improve health services delivery to the masses. The staff members are strictly directed to ensure their presence. In case of negligence drastic action will be taken against the defaulters.
12. Appointments of 23 sweepers were made for the cleanness of the hospital. The sweepers are directed to ensure the cleanness of the hospital around the clock.
13. Installation of two OT ceiling lights in Operation Theater.
14. Installation of two Hematology analyzer machine in laboratory unit.
15. We are intending to open Ultrtrasound in evening shift labor room to provide better services to the patients.
16. Nomination of DMS,s in each shift for provision of easy services to the patients.
17. Opening of Trauma center.
18. Make and easy way to the specialist OPD by removing the old useless wall.
19. Establishment of information desk with chairs & solarization.
20. Establishment of women waiting site with chairs & solarization.
21. Sign boards were made for wards & Installment of water coolers in hospital for public.
22. Due to complaints on labor room and OT, awareness boards were made for public and they were informed not to give extra money to the staff except Govt. charges ie. Rs 20/in labor room & Rs. 100/ in OT.
23. The undersigned installed five hot and cold split air conditions in casualty.
24. Establishment of waiting shed in front of labor room for patient's attendants.
25. Starting of incinerator machine for wastage of sharp objectives.
26. **The total Hospital Health receipts (income of Hospital) during my period as MS, of the year 2018 (From 1st January to 31 December) is Rs1,00,77,131 (one crore Seventy seven thousand one hundred & thirty one rupees) which is the 1st record income in DHQ Hospital Bajaur.**

In the circumstances narrated above, the Hospital is improving day by day. It is quite astonishing to do such achievements in short period. The initiatives / achievements made by the undersigned for the improvements of the Hospital within a short spin of time are in front of public.

Thanks

Dated 01/07/2020


Dr. Muhammad Noor
Tamgha-i-Imtiaz
EX- Medical Superintendent
Chief District surgeon & Incharge Surgical Unit
DHQ, Hospital Khar Bajaur

TO

41
Honorable Chief Secretary,
K.P.K Peshawar.

Annex: 0

Subject: APPEAL FOR PROMOTION TO BPS-19 & -20 ON THE BASIS OF INQUIRY REPORT BY THE DG HEALTH

Respected Sir,

With great respect I approach your kind honor & present the following appeal to your honor.

I belong to a respectable family of merged Dist. Bajaur and working as Chief District specialist surgery (BPS-20) in DHQ Hospital khar merged district Bajaur. I did graduation (MBBS) in 1984 and post graduation in 1997 and have been appointed as Medical Officer in Health Department on 02/11/1989 & as Dist. Surgeon on 30/8/2002 on regular basis. **I have been awarded THAMGHA-i-IMTIAZ** by the president of Pakistan on 23 March 2012 (Copy attached as p 1).

I have been promoted to the post of chief District Specialist Surgery(BPS-20) on 07/01/2019 (copy attached as p2) while 8 senior District surgeons have been promoted to the post of Chief District Specialist surgery(BPS-20) on 9th October 2018 in-which 7 were junior to me (copy attached as p-3). It is due to the cruel behavior of some staff of ACR section who placed me wrongly in seniority list of senior District surgeons on serial no 11 for PSB(copy attached as p-4), while in the seniority list issued by the Health department, I was on serial no 3 (copy attached as p-5 to 8) but the serial no 2 has not submitted the ACR, so he left from promotion and i came to serial no 2.

I requested to DG Health for inquiry. The inquiry report by the DG Health **verified my complain** that I was intentionally placed at serial no 11 in the seniority list of senior District surgeons for PSB in spite of the fact that the seniority list which was notified by the health department on 23/04/2018, I was placed at serial no 3(copy of seniority list p 5 to 8 & inquiry report p9 to p13 attached).

Then I give an application to the secretary Health (copy attaché p-14). The secretary Health wrote a letter to DG Health for comments (copy attached as p-15). The comments of DG Health are on page no 16. Then the Secretary Health wrote a letter for guidance to secretary Establishment (copy attached as p-17) & as a whole the Health Dept. favors me. The reply of secretary Establishment is on page 18.

Regarding "THE CIVIL SERVANTS RULES KP GOVERNMENT EMPLOYEES 2018 PAGE NO 34"the promotion policy is as under. This policy will apply to promotion of all civil servants holding appointment on regular basis and will come to effect immediately. Minimum length of service for promotion to post in various basic scales will be as under.

Basic scale 18:	5 years service in BS-17
Basic scale 19:	12 year's service in BS-17 and above
Basic scale 20:	17 year's service in BS-17 and above


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According to Govt. Notification No SOH-1/HD/3-100/86 dated 25th July 2013 the method of recruitment / promotion for the post of Senior District surgeon BPS-19 and chief District surgeon BPS-20 are as follow (copy of Notification attached as p19 & 20).

S.no	Nomenclature of the post	Method of recruitment / promotion
1	Chief District specialist BPS-20	By promotion on the basis of seniority- cum- fitness, from amongst the senior District specialist in BPS-19, having a minimum of 12 years service in BPS-18 and above.
2	Senior District specialist BPS-19	By promotion on the basis of seniority- cum- fitness, from amongst the District specialist in BPS-18, having a minimum of 07 years service in BPS-18

The minimum service for promotion to BPS-20 is 12 years in BPS-18 and above, and 7 years' service in BPS-18 for promotion to BPS-19 (copy attached as p 19, 20 & 21). **So the require length of services is 12 years' for promotion to BPS 20 as per service rules.**

According to the above promotion policy of KPK Gov. I was entitle for promotion to BPS-19 in 2009 but the inquiry committee recommended from 2012, while I have promoted in 2018 & I was entitle for promotion to BPS-20 in 2014, while I have promoted in 2019.

Therefore the Honorable Chief Secretary is requested to kindly order for my promotion as follow.

1. Order for promotion to BPS-19 in 2012 as per recommendation of inquiry committee.
2. Order for promotion to BPS-20 in 2014, according to Notification No. SOH.1/HD/3/100/86 dated 25th July, 2013 (p 19 & 20).
3. There is a vacant post of BPS-21 for District Surgeons of meritorious service and i have meritorious service. I have been awarded Thamgha-i-Imtiaz from the president of Pakistan (copy attached as p1), so kindly sir, Order for my working papers for BPS-21 on the vacant post of meritorious service.

I shall be very thankful to your good self.

Yours obediently



Dr Muhammad Noor
Thamgha I Imtiaz
Chief Dist. Specialist Surgery
DHQ Hospital Khar,
Merged Dist. Bajaur.

Dated 03/04/2020


ATTESTED



43
GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Annex: P

No. SOH-I/HD/3-548/04
DATED PESH: THE 30TH JANUARY, 2020

To

Secretary to the Govt. of Khyber Pakhtunkhwa,
Establishment Department,
Peshawar.

Subject:- **GUIDANCE REGARDING PROMOTION OF DR. MUHAMMAD NOOR, BPS-19 & 20 ON THE BASIS OF INQUIRY REPORT BY THE DGHS.KP.**

Dear Sir,

I am directed to refer to the subject cited above and to enclose herewith a copy of application alongwith its enclosure submitted by Dr. Muhammad Noor, Chief District Specialist Surgery (BS-20) and a copy of Inquiry Report conducted by Directorate of Health Services Khyber Pakhtunkhwa on the request of the doctor concerned for perusal.

2- It is worth-mentioning here that Dr. Muhammad Noor, on the recommendations of PSB was promoted to the post of Chief District Surgeon (BS-20) on 07-01-2019 (copy enclosed). However, he has now requested for the following benefits as per the recommendations of the Inquiry Committee:-

- a) He may be given promotion in BS-20 with effect from 09-10-2019 in which his juniors were promoted.
- b) He may also be given promotion in BS-19 with effect from 2009 or at least as per the recommendations of the Inquiry Committee (i.e.) 2012 or from 1st January-2014 after the retirement of Dr. Sadiq Khan Khattak, Senior Surgeon (BS-19).

2- Foregoing in view, it is requested that this Department may kindly be guided whether request of the doctor concerned could be entertained at this stage or otherwise, please.

Encls: As above

Yours faithfully,

20/1/2020
Section Officer (Estab-I)

Endst: of even No & date

Cc to the:-

- ✓ PS to Secretary Health Department, Khyber Pakhtunkhwa.

ATTESTED

20/1/2020
Section Officer (Estab-I)

To

- ✓1. The Government of Khyber Pakhtunkhwa, through Secretary Health to Government of Khyber Pakhtunkhwa, Health Department, Civil Secretariat, Peshawar.
- ✓2. The Chief Secretary to the Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- ✓3. The Secretary to the Government of Khyber Pakhtunkhwa, Health Department, Civil Secretariat, Peshawar.
- ✓4. The Secretary to the Government of Khyber Pakhtunkhwa Establishment Department, Civil Secretariat, Peshawar.
- ✓5. DG Health, Government of Khyber Pakhtunkhwa Near District Courts, Peshawar.
- ✓6. Dr. Khalid Khan, Chief Dermatologist Government Naseerullah Babar Hospital, kohat Road, Peshawar.
- ✓7. Dr. Bakht Sarwar, DHQ Hospital Timergara.
- ✓8. Dr. Muhammad Nasir, DHQ Hospital Kohat.
- ✓9. Dr. Muhammad Ismail Khan, SGTH Swat.
- ✓10. Dr. Rizwan Ahmad, DHQ Hospital Karak.
- ✓11. Dr. Mian Tauseef ud Din, DHQ Hospital Mardan.
- ✓12. Dr. Noor Alam, ESH Pabbi Nowshera.
- ✓13. Dr. Muhammad Shafiq, DHQ Hospital Swabi.

Subject: INTIMATION REGARDING FILING OF APPEAL FOR PROMOTION IN KHYBER PAKHTUNKHWA SERVICES TRIBUNAL.

Sir,

Please refer to the above. I Dr. Muhammad Noor, Chief District Specialist Surgery (B.S.20), DHQ Hospital Khar, Merged District Bajaur intend to file Appeal, before the Hon'ble Services Tribunal Khyber Pakhtunkhwa, contesting my seniority in B.S. 19 & 20 and promotion to B.S. 21 on Meritorious Services.

Dated __/07.2020

Yours Obediently,


 Dr. Muhammad Noor

Through


 (Qaisar Ali)

Advocate High Court,
 Flats No. 7 & 8 Tasnim Plaza
 6-Saddar Road, Near Jan's Bakers,
 Peshawar Cantt
 Phones: 0333-9122244

50 روپے	6160			
ایڈوکیٹ: QAI SAR ALI		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل ایسوسی ایشن نمبر: BC-10-3993				
رابطہ نمبر: 0333-9199244				

بعدالت جناب:

مخانب: Dr. Muhammad Noor	دعویٰ:
Dr. Muhammad Noor	علت نمبر:
بنام In-charge of K.P. through Chief Secretary Secretary Head in Secretary Establishment D.G. Head Mr. Dr. (Khabul and others)	مورخہ:
	جرم:
	تھانہ:

بابت تحریر آنکہ

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

آن مقام ^{K.P.} ~~تسمین پلے~~ ^{K.P. Sawira Tribunal} Advanta ^{K.P.} QAI SAR ALI 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 بر حلف 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 با اختیارات 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 یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المقوم: ڈاکٹر محمد نور

العواہد العواہد

مقام: K.P. Sawira Tribunal Peshawar کے لیے منظور ہے۔

منظور ہوا ہے

نوٹ: اس وکالت نامہ کی فونو کاپی ناقابل قبول ہوگی۔

(QAI SAR ALI)

Advanta High Court,
Tasnim Plaza, 6-Sidda Rd,
Peshawar Cantt (0333-9199244)

(Dr. Muhammad Noor)