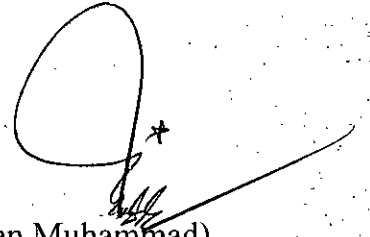


18.08.2020

None for the appellant present.

Fresh notices be issued to the appellant and his counsel

Adjourned to 09.10.2020 before S.B.



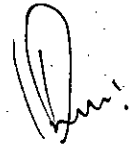
(Mian Muhammad)  
Member(E)

09.10.2020

Nemo for the appellant.

On the last date of hearing fresh notices to the appellant and counsel were ordered. The record shows that the requisite notices have been duly issued. It is 12.10 P.M on a Friday and despite repeated calls no one is in appearance on behalf of the appellant.

Dismissed for non-prosecution. File be consigned to the record.



Chairman

ANNOUNCED

09.10.2020

06.02.2020

Appellant in person present and requested for adjournment on the ground that his counsel has gone to august Supreme Court of Pakistan at Islamabad. Adjourned to 25.03.2020 for preliminary hearing before S.B.

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

9/11/20

25.03.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 17.06.2020 before S.B.

  
Reader

17.06.2020

None for the appellant present. Notices be issued to the appellant and his counsel for preliminary hearing on 18.08.2020 before S.B.

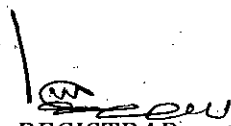


  
MEMBER

Form- A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- 1603/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	28/11/2019	<p>The appeal of Mr. Ijaz Khan presented today by Mr. Amjid Ali Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR 28/11/19</p>
2-	02/01/20.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>02/01/20.</u></p> <p> CHAIRMAN</p>
	02.01.2020	<p>Appellant in person present.</p> <p>Requests for adjournment due to indisposition of his learned counsel. Adjourned to 06.02.2020 before S.B.</p> <p>Chairman </p>

1/5

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

Service Appeal No. 1603 /2019

Ijaz han .....Appellant

**VERSUS**


Govt. of Khyber Pakhtunkhwa through  
Secretary Health and others.....Respondents

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S.No.	Description of documents.	Annexure	Page
1.	Memo of appeal with affidavit.		1-5
2.	Addresses of parties		8
3.	Copy of appointment order dated 29.11.2013 as Sweeper	A	7
4.	Copy of notification dated 16.02.2017	B	8
5.	Copy of application dated 10.10.2017	C	9
6.	Copy of conversion order of appellant dated 07.05.2018	D	10
7.	Copy of arrival report dated 01.06.2018	E	11
8.	Copy of conversion order of Akram dated 04.01.2016	F	12
9.	Copy of pay-slip	G	13
10.	Copy of vacant post	H	14
11.	Copy of application dated 04.02.2019	I	15
12.	Copy of departmental appeal dated 03.08.2019 and order dt 25/10/19	J-K	16-18
13.	Wakalatnama		19

Appellant 

Through

  
Amjad Ali (Mardan)

Advocate

Supreme Court of Pakistan

Cell: 0321-9882434

①

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

Service Appeal No. 1603/2019

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1690

Dated 28/11/2019

Ijaz Khan S/o Pir Fazal Rehman  
R/o Mohallah Hospital Shergarh,  
Takht Bhai, District Mardan.....Appellant

**VERSUS**

1. Govt. of Khyber Pakhtunkhwa through Secretary Health, Civil Secretariat, Peshawar.
2. Director General Health, Khyber Pakhtunkhwa, Peshawar.
3. District Health Officer, Mardan

....Respondents

**SERVICE APPEAL U/S 4 OF SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORAL ORDER OF RESPONDENT NO.3, WHEREIN, WRITTEN CONVERSION ORDER DATED 07.05.2018 HAS BEEN TREATED AS CANCELLED AFTER GIVING IT EFFECT AFTER PROPER ARRIVAL REPORT, AND DEPARTMENTAL APPEAL DATED 03.08.2019 REMAINED UN-RESPONDED EVEN AFTER 90 DAYS, WHICH IS ILLEGAL, AGAINST LAW AND FACTS**

Filed to-day

Registrar

28/11/19

**PRAYER**

(2)

**ON ACCEPTANCE OF THIS APPEAL,  
ORAL CANCELLATION ORDER OF  
RESPONDENT NO.3 REGARDING  
CONVERSION ORDER DATED 07.05.2018  
MAY PLEASE BE SET-ASIDE AND  
PETITIONER MAY PLEASE BE  
PERMITTED TO CONTINUE AS NAIB  
QASID IN RHC SHERGARH AS PER  
WRITTEN ORDER DATED 07.05.2018**

**OR**

**APPELLANT MAY PLEASE BE  
CONVERTED FROM SWEEPER TO NAIB  
QASID AS PER NOTIFICATION DATED  
16.02.2017 BASED ON JUDGMENT OF  
HON'BLE HIGH COURT AND ORDER  
DATED 04.01.2016 AND 25.10.2019.**

**Respectfully Sheweth:-**

- 1) That appellant has been appointed as Sweeper vide Order dated 29.11.2013 in RHC Shergarh. (Copy of appointment order dated 29.11.2013 as Sweeper is Annex "A")
- 2) That respondent No.1 issued notification dated 16.02.2017 on the basis of<sup>n</sup> judgment of Hon'ble Peshawar High Court, that those who are appointed as Muslim Sweepers before 12.07.2016 are entitled for adjustment against the aforementioned post without

disturbing the quota reserved under the rules for appointment of Clause-IV Govt. Servants. **(Copy of notification dated 16.02.2017 is Annex "B")**

- 3) That appellant is a Muslim.
- 4) That appellant filed an application dated 10.10.2017, duly forwarded/ recommended by Principal Medical Incharge/ Officer category "D" Hospital Shergarh, District Mardan, for conversion from Sweeper to Naib Qasid as per notification already annexed as Annex "A". **(Copy of application dated 10.10.2017 is Annex "C")**
- 5) That in consequence of the said application, notification based on judgment of Hon'ble Peshawar High Court, Peshawar, appellant is converted/ adjusted from Muslim Sweeper to Naib Qasid vide order dated 07.05.2018. **(Copy of conversion order of appellant dated 07.05.2018 is Annex "D")**
- 6) That appellant submitted arrival report dated 01.06.2018 and started working. **(Copy of arrival report dated 01.06.2018 is Annex "E")**
- 7) That vide order dated 04.01.2016, similarly placed Mr. Akram Khan has been converted to Naib Qasid from Muslim Sweeper. **(Copy of conversion order of Akram dated 04.01.2016 is Annex "F")**
- 8) That vide verbal order, appellant's written order of adjustment dated 07.05.2018 is cancelled by respondent No.3, which is illegal, against law and facts as legally no oral order is maintainable.

- (4)
- 9) That applicant is still shown as a Sweeper in the pay-scale. **(Copy of pay-slip is Annex "G")**
  - 10) That vacant posts of Mali, Naib Qasid are available. **(Copy of vacant post is Annex "H")**
  - 11) That appellant filed application dated 04.02.2019 for desired relief before respondent No.3, duly forwarded vide Dairy No.90 dated 04.02.2019, but in vain. **(Copy of application dated 04.02.2019 is Annex "I")**
  - 12) That appellant filed departmental appeal dated 03.08.2019 before respondent No.2 for implementation of order dated 07.05.2018 or conversion currently from Sweeper to Naib Qasid, but no response even after lapse of 90 days. **(Copy of departmental appeal dated 03.08.2019 is Annex "J")**
  - 13) That impugned oral orders are illegal, against law and facts on the following grounds:-

**GROUND.**

- A. Because as per notification dated 16.02.2017, appellant is entitled for conversion from Muslim Sweeper to Naib Qasid.
- B. Because appellant is entitled for similar treatment as given to others vide order dated 04.01.2016 and 25.10.2019. **(Copy of order dated 25.10.2019 is Annex "K")**
- C. Because written order can't be cancelled through oral order and oral order is void.
- D. Because there is no limitation against oral orders.



- (5)
- E. Because appellant is not treated in accordance with law, violated Article 4 of the Constitution.
- F. Because appellant has been disseminated qua other similarly placed.

It is therefore, humbly prayed that on acceptance of this appeal, oral cancellation order of respondent No.3 regarding conversion order dated 07.05.2018 may please be set-aside and petitioner may please be permitted to continue as Naib Qasid in RHC Shergarh as per written order dated 07.05.2018

**OR**

Appellant may please be converted from sweeper to Naib Qasid as per notification dated 16.02.2017 based on judgment of Hon'ble High Court and order dated 04.01.2016 and 25.10.2019.

Dated:

Appellant 

Through

  
Amjad Ali (Madan)

Advocate

Supreme Court of Pakistan

**AFFIDAVIT**

I, do hereby affirm and declare on oath that the contents of the appeal are true and correct to the best of my knowledge and belief and nothing material has been concealed from this hon'ble Tribunal.

  
Deponent

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

(6)

Service Appeal No. \_\_\_\_\_/2019

Ijaz Khan .....Appellant

**VERSUS**

Govt. of Khyber Pakhtunkhwa through  
Secretary Health and others.....Respondents

**ADDRESSES OF PARTIES**

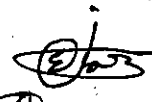
**APPELLANT**

Ijaz Khan S/o Pir Fazal Rehman  
R/o Mohallah Hospital Shergarh,  
Takht Bhai, District Mardan

**RESPONDENTS**

1. Govt. of Khyber Pakhtunkhwa through Secretary Health, Civil Secretariat, Peshawar.
2. Director General Health, Khyber Pakhtunkhwa, Peshawar.
3. District Health Officer, Mardan

Appellant



Through

  
**Amjad Ali (Mardan)**

Advocate

Supreme Court of Pakistan

(7)

Prd A

**OFFICE OF THE DISTRICT HEALTH OFFICER MARDAN**

Ph: # (0937) 9230037 Fax: # (0937) 9230349 Email: edohmr@yahoo.com

No. 13160-63 /DHO (P&D)

Dated:

29/11/2013

**OFFICE ORDER**

As per recommendation of departmental Selection Committee, Mr Ijaz Khan S/O Fazli Rehman Mohalla Hospital Shergarh Tehsil Takht Bhai District Mardan is hereby appointed as Sweeper) BPS-1 plus usual allowances as admissible under the rules and posted against the available vacant in RHC Shergarh on the following terms and condition.

**TERMS & CONDITION**

1. He is Domicile in District Mardan.
2. His appointment is purely on temporary basis and liable to termination at any time without assigning any notice or reason.
3. He will not be entitled to any TA/DA for his medical examination.
4. He is declared medically fit for Govt. Services.
5. He liable to serve anywhere in the District as well as in Khyber Pakhtunkhwa.
6. He will be governed by such Services rules and orders as framed by the Government from time to time for the Category of Government Servants to which he belongs.
7. He will be carrying out such duties, function in relation to his duties as the Govt. may from time to time assign to him.
8. He will be entitle to claim his pay and allowances which is admissible to Civil Servant of the same status and grade from the date of appointment.
9. If he intends to resign his services, he will give two months notice in advance in written or deposit One month salary in lieu thereof to Government till the acceptance of resignation by the competent authorities.

If he accepts the above mentioned terms and conditions he should report to the Senior Medical RHC Shergarh for duty on his own expense within seven days after receipts of this letter otherwise his appointment order will be considered as cancelled.

N.B:- You will have no legal rights to challenge your termination in case if you're academic and other documents have been found fake.

District Health officer:  
Mardan.

Copy forwarded to the following for information and necessary action .

1. Director General Health Services Khyber Pakhtunkhwa Peshawar.
2. District Comptroller of Accounts, Mardan.
3. Senior Medical Officer Incharge RHC Shergarh
4. Mr Ijaz Khan S/O Fazli Rehman Mohalla Hospital Shergarh Tehsil Takht Bhai District Mardan

District Health officer:  
Mardan.



## ORDER.

HEALTH DEPARTMENT.

No.SOH-(Lit-I) 1-1/2017 (Gen: Misc)  
Dated Peshawar the 16<sup>th</sup> February, 2017

1. WHEREAS attention is invited to the minutes of the meeting dated 12.07.2006 held under the Chairmanship of Secretary Health Khyber Pakhtunkhwa circulated vide Govt of Khyber Pakhtunkhwa Health Department letter No. SOH-III/1-179/06 (Class-IV) dated 25.07.2006. Extract of the decision taken in the meeting is reproduced below:-

Decision:-

"It was decided that all the Health Institutions should promote the Muslim Sweepers against existing vacancies of Ward Orderly, Chowkidar, Mali, Dai, Aya and other Class-IV posts, on **seniority basis** and not to appoint Muslim Sweepers against the post of Sweepers in future.

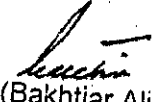
2. AND WHEREAS the above decision was also affirmed by the Hon'ble Peshawar High Court Peshawar vide judgment dated 27.09.2013 in Writ Petition No.293-P/2013 - Titled "Noor ul Qamar S/O Shams ul Qamar Muslim Sweeper THQ Hospital Shabqadar, District Charsadda & 9 others versus Govt of Khyber Pakhtunkhwa Health Department & others.
3. NOW THEREFORE in pursuance of the above decision taken/judgment of the Hon'ble Court, it is sufficiently clear that those who were appointed as Muslim Sweepers before 12.07.2006 are entitled for adjustment against the aforementioned posts without disturbing the quotas reserved under the Rules for appointment of Class-IV Govt. Servants and children of Retiring/Incapacitated/deceased civil servants etc. However, those who were appointed as Muslim Sweeper after 12.07.2006 in violation of the above decision/judgment are not covered under the policy.

SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT.

Endst No. & Date even.

Copy of the above is forwarded to the:-

1. The Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
2. The Director Health Services, FATA.
3. All District Health Officers in Khyber Pakhtunkhwa.
4. All Medical Superintendent of Hospitals in Khyber Pakhtunkhwa.
5. All Medical Directors/Hospital Directors of MTIs in Khyber Pakhtunkhwa.
6. PS to Senior Minister Health, Khyber Pakhtunkhwa.
7. PS to Secretary Health, Khyber Pakhtunkhwa.
8. Provincial President Paramedical Class-IV Employees Association, LRH Peshawar.

  
(Bakhtiar Ali)  
Section Officer (Lit.I)

(9)

To,

The District Health Officer,  
Mardan.

Aw C

Subject: APPLICATION FOR CONVERT SWEEPER TO WARD ARDALI.

It is stated that I am working as a Sweeper in Type-D Hospital Lund Khwar. Sweeper post is nominated for non Muslim and I am Muslim. Kindly convert my cadre from Sweeper to Naib Qasid or Ward Ardali as per rule/ policy of the department.

It is therefore, requested to keep a vigilant consideration on my application

I shall be very much thankful to you.

*2/10 Mardan*  
*Fazal per*  
*W/O P*  
*Shah*

Yours Obediently,

Ijaz Khan S/O Pir Fazal Rahman  
Designation: Sweeper  
Mohallah Hospital Sher Garh  
Tehsil Takht Bhai District Mardan  
0301-8369534

DAIRY CLERK  
DHO OFFICE MARDAN  
NO 13  
DATE 10/07/17

21  
~~21/11/17~~  
~~21/11/17~~  
~~21/11/17~~  
~~21/11/17~~  
~~21/11/17~~



**DISTRICT HEALTH OFFICER  
Mardan (Khyber Pakhtunkhwa)**

Ph: # (0937) 9230030 Fax: # (0937) 9230349  
Email: [mardandho@gmail.com](mailto:mardandho@gmail.com)

(10)

Anad

**OFFICE ORDER:**

As recommended by Incharge Type-D Hospital Lund Khwar, the in-service Sweeper (BPS-3) Mr. Ijaz Khan s/o Pir Fazal Rehman R/o Moh: Hospital Shergarh Takht Bhai District Mardan is hereby adjusted against the vacant post of Naib Qasid (BPS-3) at Type-D Hospital Lund Khwar with immediate effect in the interest of public.

Arrival / Departure report should be submitted to the undersigned for record.

District Health Officer  
Mardan

No. 9461-66 DHO dated Mardan the 07/05 /2018

Copy to the:

1. District Comptroller of Accounts Mardan.
2. SMO/MS Type-D Hospital Lund Khwar.
3. Accountant DHO Office Mardan.
4. DIIS Cell, DHO Office Mardan.
5. Record Section, DHO Office Mardan.
6. Official concerned.

District Health Officer  
Mardan

1-1  
106-18

To

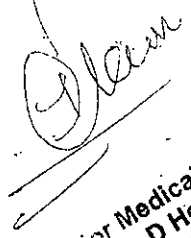
Ans E

The DHO  
Mardan (11)

Subject: Arrival report  
Sir,

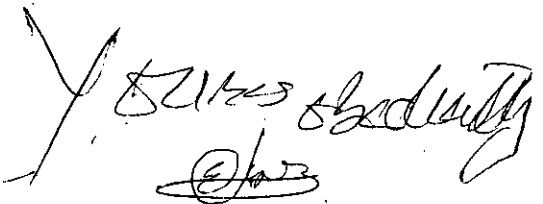
Referen order no: 8461-66 DHO dated  
mardan the 07/5/2018, I have the  
honor to submit my arrival report  
at DHA. Lund Khwar on the post of  
Naib Qasid on 1-6-2018 in before you  
for your information and record  
please.

Forwarded to  
DHO Mardan  
for further Necessary Action



Senior Medical Officer  
Type-D Hospital  
Lund Khwar

Date  
01/06/2018

  
Jaz Khan  
Naib Qasid  
T.D.H Lund Khwar



District Health Department - Mardan  
DISTRICT HEALTH OFFICER  
Mardan (Khyber Pakhtunkhwa)

Ph: # (0937) 9230030 Fax: # (0937) 9230349  
Email: [mardandho@gmail.com](mailto:mardandho@gmail.com)

(12)

Auth F

Office Order

As per decision of Peshawar High Court Peshawar vide write petition No. 430-P/ 2015, COC No. 14-P/2016(N) dated 22.12.2016, the post of Mr. Akram Khan S/O Fazli Karim (Late) working as Sweeper at THQ Hospital Takht Bhai, is hereby converted to the post of Chowkidar and posted against the vacant post of Chowkidar at MCH Centre Lund Khwar with immediate effect.

NB: Departure/Arrival report should be submitted in due course of time.

District Health Officer,  
Mardan

101-9

No. /DHO dated Mardan the 04/01/2017  
Copy forwarded to the:

1. Additional Registrar (J) Peshawar High Court Peshawar.
2. Secretary to the Govt. of Khyber Pakhtunkhwa Health Department Peshawar.
3. Director General Health Services Khyber Pakhtunkhwa Peshawar w/r to his letter No. 4937-38/Personnel dated 20.07.2016.
4. Medical Superintendent, THQ Hospital Takht Bhai.
5. District Comptroller of Accounts Mardan.
6. Coordinator DHHS DHO office Mardan
7. Incharge MCH Centre Lund Khwar
8. Accountant EDO (H) office Mardan.
9. Official concerned.

for information and necessary action.

District Health Officer,  
Mardan



Accounts Office Mardan  
PAYROLL REGISTER  
For the month of July, 2018

Page : 456  
Date : 08.08.2018

Payroll Section : 002 Payroll 2

DDO : MR6170 E. D. D HEALTH (HOSPITAL) MARDAN  
Position: Non Gazetted  
2199 Adhoc Relief Allow @ 176.00  
2211 Adhoc Relief All 201 982.00  
2224 Adhoc Relief All 201 1,117.00  
2247 Adhoc Relief All 201 1,117.00

PAYMENTS 19,727.00  
Branch Code: 231352 RUSTAN BAZAR

DEDUCTIONS 1,521.00-  
NATIONAL BANK OF PAKISTAN RUSTAN BAZAR

NET PAY 18,206.00 01.07.2018 31.07.2018  
Acct. No: 3352-4

00709603 IJAZ KHAN  
P A Y M E N T S

CRIC: 1610269268533  
A M B U N T

Desig: SWEEPER  
D E D U C T I O N S

A M B U N T

(00212619) Grade: 03 NTN:  
LBA/FUND

Bookle No.:  
PRINCIPAL

Gazetted/Non-Gazetted: N  
REPAID BALANCE

0001 Basic Pay 11,170.00  
1000 House Rent Allowance 1,413.00  
1210 Convey Allowance 20 1,785.00  
1300 Medical Allowance 1,500.00  
1567 Washing Allowance 150.00  
2140 15% Adhoc Relief All 247.00  
2199 Adhoc Relief Allow @ 176.00  
2211 Adhoc Relief All 201 982.00  
2224 Adhoc Relief All 201 1,117.00  
2247 Adhoc Relief All 201 1,117.00

3003 GPF Subscription - Rs 770.00-  
3501 Benevolent Fund 300.00-  
4004 R. Benefits & Death C 451.00-

GPF#:

22,060.00

PAYMENTS 19,529.00  
Branch Code: 220825 SHER GARN

DEDUCTIONS 1,521.00-  
HABIB BANK LIMITED SHER GARN

NET PAY 18,008.00 01.07.2018 31.07.2018  
Acct. No: 7900261703

00712378 UNAIR FARAZ  
P A Y M E N T S

CRIC: 1610107294541  
A M B U N T

Desig: HALL  
D E D U C T I O N S

A M B U N T

(00212621) Grade: 03 NTN:  
LBA/FUND

Bookle No.:  
PRINCIPAL

Gazetted/Non-Gazetted: N  
REPAID BALANCE

0001 Basic Pay 11,170.00  
1000 House Rent Allowance 1,413.00  
1210 Convey Allowance 20 1,785.00  
1300 Medical Allowance 1,500.00  
1516 Dress/ Uniform Allow 150.00  
1567 Washing Allowance 150.00  
2140 15% Adhoc Relief All 247.00  
2199 Adhoc Relief Allow @ 176.00  
2211 Adhoc Relief All 201 982.00  
2224 Adhoc Relief All 201 1,117.00  
2247 Adhoc Relief All 201 1,117.00

3003 GPF Subscription - Rs 770.00-  
3501 Benevolent Fund 300.00-  
4004 R. Benefits & Death C 451.00-

GPF#:

27,915.00

PAYMENTS 19,727.00  
Branch Code: 250611 DALA GARNI

DEDUCTIONS 1,521.00-  
ALLIED BANK LIMITED DALA GARNI

NET PAY 18,206.00 01.07.2018 31.07.2018  
Acct. No: 0010030575920018

00714243 MUBER KHAN  
P A Y M E N T S

CRIC: 1610264476017  
A M B U N T

Desig: CLINICAL TECHNICIAN (00212622)  
D E D U C T I O N S

A M B U N T

Grade: 12 NTN:  
LBA/FUND

Bookle No.:  
PRINCIPAL

Gazetted/Non-Gazetted: N  
REPAID BALANCE

0001 Basic Pay 16,200.00  
1000 House Rent Allowance 1,941.00  
1210 Convey Allowance 20 2,053.00  
1300 Medical Allowance 1,500.00  
1985 Health Professional 10,000.00  
2140 15% Adhoc Relief All 329.00

3012 GPF Subscription - Rs 2,220.00-  
6505 GPF Loan Principal In 2,000.00-  
3501 Benevolent Fund 600.00-  
4004 R. Benefits & Death C 1,052.00-  
3609 Income Tax 34.00-

GPF Temp. Advance

GPF#:  
INCOME TAX 999.96 84.00  
0368 35,000.00 22,000.00

67,718.00

916.63

13,000.00

*Handwritten initials: H*

15	J071	Junior Clinical Technician (Dental)	12	1	1	0	3. Haseebullah	00790637
16	J073	Junior Clinical Technician (Pharmacy)	12	7	7	0	1. Muhammad Ashfaq	03469360291
(14)							1. Muhammad Amin	03469362813
							2. Muhammad Ayub	00122619
							3. Muhammad Haroon	00124036
							4. Altaf Hussan	00122337
							5. Tariq Aziz	03469325636
							6. Zia ullah	295153
							7. Muhammad Arif	891563
17	J078	Clinical Tech: (Radiology)	12	3	2	1	1. Danish Jamal	879411
							2. Masaud Khan	00890621
							3. Vacant	-
18	S127	Store Keeper	7	1	1	0	Noor ul Azeem	00686491
19	O112	Driver	6	2	2	0	1. Ishraq Ali	00705784
							2. Niaz Muhammad	00447815
20	D007	Dai	4	3	2	0	1. Rukhsana PPHI	00862585
							2. Subhana PPHI	03109574067
							01 vacant	
21	T049	Tube Well Operator	4	1	1	0	1. Irfan Ahmad	
22	W004	Ward Orderly	4	11	3	11	1. Shams ul Tabraz	00122746
							2. Haya Khan	00365657
							3. Fazilat	894144
							8 posts are Vacant	
23	X001	X-Ray Attendant	4	1	0	1	Vacant	
24	C057	Chowkidar	3	4	3	1	1. Sultan Muhammad	
							2. Aseer Jan	00124848
							3. Muhammad Naeem	
							01 post is Vacant	
25	M010	Mali	3	03	0	03	3 posts are Vacant	
26	S162	Sweeper	3	9	3	6	1. Ijaz Khan	03109717033
							2. Said Umar	03469321058
							3. Muhammad Ayub Khan	00369847

Scanned by CamScanner

*Handwritten signatures and stamps:*  
  
*Signature*  
*Signature*

Deputy DHO Tehsil Takht Bhai /MS  
 THQ Hospital Takht Bhai

DIN - 4-22 (15)  
4-2-19

To

The DHO Health District Mardan

Subject : Adjustment Ion Post Of Naib Qasid

*Ans I.*

As already received order of naib qasid thru official letter .

Respected sir ,

With due respect it is stated that I am working as Muslim sweeper from last 08 months on permanent basis. Sir during the present time period I applied for post of Naib Qasid

DHO health mardan D.r Fazal Malik issued my order of Naib Qasid order no 9461-66 dated 07/05/19 DHO health mardan adjusted me on Naib Qasid post in type D hospital lund khwar wher I was working as Muslim sweeper, and a was told that I will be adjusted against vacant post any where under DHO health mardan respected sir, I visited your officer twice and personally met u sir, during the meeting I was told, that my previous order of Naib Qasid is considered as cancel that I shall apply for the same post in the coming advertisement subject to availability . It is requested to honorable DHO health mardan that I shall be given my right in light of my previous order I shall be very thankful.

*Forwarded to  
DHO*

Principal Medical Officer  
**INCHARGE**  
Category "D" Hospital  
Lundkhwar Distt: Mardan

Your sincerely  
*[Signature]*  
Ijaz Khan

Type D hospital lund khwar

DAIRY CLERK  
DHO OFFICE MARDAN  
NO 90  
DATE 4-2-2019

To,

Director General Health,  
Khyber Pakhtunkhwa, Peshawar.

Ann-J

(16)

**Subject: Departmental appeal AGAINST THE ORAL ORDER OF District Health Officer, Mardan whereby, WRITTEN CONVERSION ORDER DATED 07.05.2018 HAS BEEN TREATED AS CANCELLED AFTER GIVING IT EFFECT AFTER PROPER ARRIVAL REPORT.**

Respected Sir,

- 1) That appellant has been appointed as Sweeper vide Order dated 29.11.2013 in RHC Shergarh.
- 2) That Secretary Health, Govt. of KP issued notification dated 16.02.2017 on the basis of judgment of Hon'ble Peshawar High Court, that those who are appointed as Muslim Sweepers before 12.07.2016 are entitled for adjustment against the aforementioned post without disturbing the quota reserved under the rules for appointment of Clause-IV Govt. Servants.
- 3) That appellant is a Muslim.
- 4) That appellant filed an application dated 10.10.2017, duly forwarded/ recommended by Principal Medical Incharge/ Officer category "D" Hospital Shergarh, District Mardan, for conversion from Sweeper to Naib Qasid as per notification already annexed as Annex "A".
- 5) That in consequence of the said application, notification based on judgment of Hon'ble Peshawar High Court, Peshawar, appellant is converted/ adjusted from Muslim Sweeper to Naib Qasid vide order dated 07.05.2018.
- 6) That appellant submitted arrival report dated 01.06.2018 and started working.
- 7) That vide order dated 04.01.2016, similarly placed Mr. Akram Khan has been converted to Naib Qasid from Muslim Sweeper.
- 8) That vide verbal order, appellant's written order of adjustment dated 07.05.2018 is cancelled by District Health Officer, Mardan, which is illegal, against law and facts as legally no oral order is maintainable.
- 9) That applicant is still shown as a Sweeper in the pay-scale.

- (17)
- 10) That vacant posts of Mali, Naib Qasid are available.
  - 11) That appellant filed application dated 04.02.2019 for desired relief before District Health Officer, Mardan, duly forwarded vide Dairy No.90 dated 04.02.2019, but in vian.
  - 12) That impugned oral orders are illegal, against law and facts on the following grounds:-

**GROUND.**


- A. That as per notification dated 16.02.2017, appellant is entitled for conversion from Muslim Sweeper to Naib Qasid.
- B. That appellant is entitled for similar treatment as given to others vide order dated 04.01.2016 and 25.10.2019.
- C. That written order can't be cancelled through oral order and oral order is void.
- D. That there is no limitation against oral orders.
- E. That appellant is not treated in accordance with law, violated Article 4 of the Constitution.
- F. That appellant has been disseminated qua other similarly placed.

It is therefore, humbly prayed that on acceptance of this appeal, oral cancellation order of District Health Officer, Mardan regarding conversion order dated 07.05.2018 may please be set-aside and petitioner may please be permitted to continue as Naib Qasid in RHC Shergarh as per written order dated 07.05.2018

**OR**

Appellant may please be converted from sweeper to Naib Qasid as per notification dated 16.02.2017 based on judgment of Hon'ble High Court and order dated 04.01.2016 and 25.10.2019.

Dated: 3/8/2019

Appellant   
Through  
Ijaz Khan  
S/o Pir Fazal Rehman  
R/o Mohallah Hospital  
Shergarh, Takht Bhai,  
District Mardan



**DISTRICT HEALTH OFFICER  
Mardan (Khyber Pakhtunkhwa)**

Ph: # (0937) 9230030 Fax: # (0937) 9230349  
Email: [edohmr@yahoo.com](mailto:edohmr@yahoo.com)

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*Ana K*

**OFFICE ORDER**

Mr. Muhammad Ibrahim Khan chowkidar attached to BHU Hathian is hereby adjusted at the post of Dental attendant transferred and posted at Type D Hospital Lund Khwar with immediate effect in the best public interest.

Note: Arrival/Departure report should be submitted to this office for record.

District Health Officer,  
Mardan

*epss*

NO 15841-46 DHO 25/10/2019 dated Mardan the

1. District Comptroller of Accounts Mardan
2. MS Type-D Hospital Lund Khwar
3. MO I/C BHU Hathian
4. DHIS Cell DHO Office Mardan
5. Accounts section DHO Office Mardan
6. Official concerned

For information and necessary action

District Health Officer,  
Mardan

(19)

# بجالات ماہ کوئی ٹریبونل

2019ء منجانب اسلام آباد

28/11/19

مورخہ:  
مقدمہ:  
دعویٰ:  
جرم:

گورنٹ

بنام:

انجائز صلا

سوس اسیل

باجت نہر بر آفد

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

این مقام کے لئے امجد علی ایڈووکیٹ، سپریم کورٹ آف پاکستان ایڈووکیٹ

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا مکمل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے باہر و وصولی چیک دروپہ عارضی دعویٰ اور درخواست ہر قسم کی تصدیق زاریں پر دستخط کرانے 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 اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختیار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور و قبول ہوگا دوران مقرر شدہ جس جو خرچہ و جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سنڈ رہے۔

2019ء

نمبر

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المرقوم:

العبد

گواہ

العبد

بمقام لکھنؤ کے لیے منظور ہے۔

Attested & Accepted  
Amjad Ali Advocate  
Murder  
Be No 105506

امجد علی ایڈووکیٹ سپریم کورٹ آف پاکستان، ڈسٹرکٹ کورٹس، مردان

0321-9882434 0321-9870175