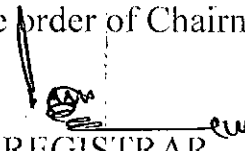


FORM OF ORDER SHEET

Court of _____

Case No. - 538/2023


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/03/2023	<p>The appeal of Mr. Ali Raza resubmitted today by Mr. Qaisar Baig Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Parcha Peshi is given to appellant/counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Ali Raza son of Aurangzeb r/o Mohallah Gulistan Jogan Shah Dabgari Peshawar received today i.e. on 08.03.2023 is incomplete on the following score which is returned to the co Counsel for the appellatant for completion and resubmission within 15 days.

- 1- Memorandum of appeal be signed by the appellatant.
- 2- Certificate be furnished that whether any appeal on the subject matter has earlier been filed in this Tribunal.
- 3- Three more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.


No. 915 /S.T,

Dt. 09/03 /2023


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Qaiser Baig Adv.
High Court at Peshawar.

Resubmitted after doing the needfull


10/3/23.

**BEFORE THE KHYBER PUKHTONKHAWA
SERVICE TRIBUNAL, PESHAWAR.**

Ali Raza.....VS.....Province of KPK

Appeal No # 538/2023
INDEX

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10.	Copy of letter to Director General Health Services dated 27.4.2021	H	19
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Through

Appellant


Qaisar Baig

Advocate High Court,
Peshawar.

(1)

Before the Khyber Pukhtonkhawa Service Tribunal, Peshawar.

In Re Service Appeal No. 538 of 2023

Ali Raza S/O Aurangzeb R/O Mohallah Gulistan, Jogan-shah,
Dabgari, Peshawar.

.....Appellant.

VERSUS

1. Province of KPK through secretary health department civil secretariat, Peshawar.
2. Director General Health (Health Services), KPK, Peshawar.
3. Additional Director General (ADMN) Directorate General Health Services KPK, Peshawar.
4. Director Health Services, Merged Areas, KP Peshawar.
5. Accountant General KPK, Peshawar.
6. Medical Superintendent DHQ Hospital Mohmand.
7. Inamullah Junior Clerk, Office of Medical Superintendent DHQ Hospital Mohmand.

.....Respondents.

Appeal U/S 4 of KPK Service Tribunal Act, 1974 against the impugned order dated 16.6.2020 whereby the respondent No. 7 was illegally promoted against the post of Junior Clerk BPS-11, ignoring the appellant who is the senior most Naib Qasid in the department, while the respondent No.7 who was project employee was given undue benefit and he was regularized into service as Naib Qasid from the date of initial appointment by considering his project period and subsequently promoted as Junior Clerk vide impugned order dated 16.6.2020.

Prayer in appeal.

On acceptance of this appeal it is respectfully prayed that the impugned order dated 16.6.2020 may kindly be set aside being illegal and void, directing the official respondents to consider the appellant for promotion

against the post of Junior Clerk BPS-11 being the senior most incumbent of the cadre of Naib Qasid from the date when the respondent No.7 promoted illegally against the said post with all ancillary consequential benefits.

Respectfully Sheweth,

1. That the appellant was initially appointed as Naib Qasid BPS-1 vide order dated 1.7.2014 and since then he is performing his duties efficiently. (Copy of the appointment order is attached.)
2. That from day one from his initial appointment the appellant is performing his statutory duties with full devotion and dedication and no case or complaint was ever reported against him.
3. That the respondent No.7 was appointed in a project known as "Strengthening of Health Directorate FATA" as project employee for a certain period and subsequently the respondent was brought on regular side by the department and his service was regularized vide order dated 10.4.2018. (Copy of the order dated 10/4/2018 is attached.)
4. That the respondent No. 7 filed a writ petition in the Peshawar High Court Peshawar for his regularization against the post of Naib Qasid and his writ petition No.926-p/2015 decided on 7.12.2016 but the department committed the serious irregularity and misinterpreted the judgement of Hon'ble Peshawar High Court, Peshawar and regularized the service of the respondent No.7 from the dated of his first appointment in the project service, due to this illegal act of the department the appellant badly suffered and the respondent was considered as senior to the appellant, resultantly the department again committed a serious irregularity by promoting the said respondent against the post of Junior Clerk BPS-11 vide impugned order dated 16.6.2020 by considering the respondent as senior to the appellant.
5. That when the appellant came to know regarding the serious irregularity of the department he approached the competent authority through his applications and requested the authority for correction of seniority list and on his request an inquiry committees were constituted to probe the matter but unfortunately till date no final decision has been taken by the department on the subject matter, however after hectic

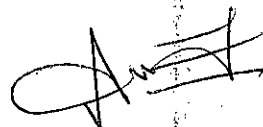
efforts the appellant secured the copy of impugned promotion order dated 16.6.2020 and after the perusal of the impugned order he came to know that the said promoted respondent already been promoted against the post of Junior Clerk on the basis of wrong seniority list.

- 6. That the act of the official respondents i.e. regularizing the respondent No. 7 from the date of his first appointment in the project is against the rule No.8 chapter -II of KP Civil Servant Act 1973 and Appointment, Promotion & Transfer Rules 1989 because it will affect the seniority of those officials who are already in regular service since their appointment and waiting for their promotion since long.
- 7. That the impugned order dated 16.6.2020 is illegal, contrary to law void ab initio and the superior courts of the country have held in various judgments that period of limitation or laches would not come in way of justice. (2011 YLR 2850 Lahore)
- 8. That due to the illegal and impugned act of the respondents the valuable rights of the appellant have been violated and the appellant has not been treated in accordance with law.

It is, therefore, respectfully prayed that on acceptance of this appeal the impugned order dated 16.6.2020 may kindly be set aside being illegal and void, directing the official respondents to consider the appellant for promotion against the post of Junior Clerk BPS-11 being the senior most incumbent of the cadre of Naib Qasid from the date when the respondent No.7 promoted illegally against the said post with all ancillary consequential benefits.


Appellant

Through



Qaisar Baig
Advocate High Court,
Peshawar.

AND



Shezada Irfan Zia
Advocate High Court,
Peshawar.

Before the Khyber Pukhtonkhawa Service Tribunal, Peshawar.

In Re Service Appeal No. _____ of 2023

Ali Raza.....VS.....Province of KPK & others

Application for condonation of delay u/s 5 of Limitation Act, if any.

Respectfully Sheweth,

1. That the applicant/appellant has submitted departmental appeal and thereafter submitted various applications for the disposal of his departmental appeal and the competent authority has also constituted fact finding committee but even then no report has been submitted to the competent authority so far.
2. That the delay in filing present appeal, if any is due to bonafide intention and the applicant/appellant was assured that a decision will be made soon in accordance with law.
3. That the applicant/appellant was waiting for the decision of the fact finding committee but now it has been confirmed that the fact finding committee intentionally, knowingly and maliciously lingering on the decision in order to please their high-up and thereby give undue advantage and benefits to their nearer and dearer illegally.
4. That seniority of the applicant/appellant has been disturbed and decision of the Hon'ble Peshawar High Court, Peshawar dated 7.12.2016 passed in Writ Petition No. 926/2005 under the title of Wakeel Khan & others...VS... ACS FATA & others has been intentionally twisted and molded with malafide intention and thereby regularized the respondent No.7 from the date of his first appointment (initial appointment) illegally and thereafter promoted him to BPS-11 (Junior Clerk).
5. That the despite the repeated requests the fact finding committee has not decided the issue of determination of seniority.

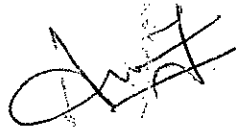
5

6. That the impugned order dated 16.6.2020 is illegal, contrary to law void ab initio and the superior courts of the country have held in various judgments that period of limitation or laches would not come in way of justice. (2011 YLR 2850 Lahore)
7. That any other ground will also be agitated at the time of arguments with the prior permission of this Hon'ble tribunal.

It is, therefore, respectfully prayed that on acceptance of this application the delay if any caused in filling this appeal may kindly be condoned in the largest interest of justice.

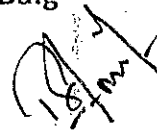
Applicant/appellant

Through



Qaisar Baig

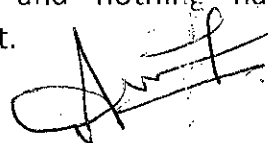
And



**Shazada Irfan Zia
Advocates High Court,
Peshawar.**

Affidavit.

It is stated on oath that as per instructions of my client the contents of this application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble court.



Deponent.

Annex 'A'

DIRECTORATE OF HEALTH SERVICES FATA
FATA SECRETARIAT WARSAK ROAD PESHAWAR.

6

OFFICE ORDER

Mr. Ali Raza S/O Aurangzeb is hereby appointed as Naib Qasid on contract basis in BPS-1 plus usual allowances admissible under the rules against the existing vacant post of Naib Qasid in FATA Health Directorate Peshawar.

His appointment will be subject to the following terms & conditions:

1. He is declared medically fit for the Govt: service.
2. He will not be entitled to any TA/DA for joining his 1st appointment and medical examination.
3. He will be liable to serve anywhere in FATA.
4. He will be governed by such rules and orders as may be issued by the Govt: for such category of Govt: servants.
5. If he wishes to resign any time, he will resign in written by giving a prior notice of one month or one month pay will have to be forfeited.
6. If he accepts the offer on the above terms and conditions, he should report for duty to FATA Health Directorate within 15 days after the receipt of this order.

Sd/-----

Director Health Services
FATA, Peshawar

No. 13266-69/DHS/FATA/Admn

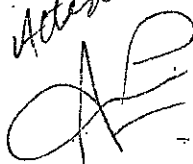
Dated: 1 / 07 / 2014

Copy forwarded to the:

- 1- AGPR Sub Office Peshawar.
- 2- Deputy Director (Admn) DHS FATA.
- 3- Account local office Peshawar.
- 4- Official concerned.



Director Health Services
FATA, Peshawar

Accepted


Annex 'B' - (7)

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

Writ Petition No 926-P/2015

1. Wakeel Khan, Computer Operator, Director Health Services, FATA Secretariat, Peshawar.
2. Muhammad Maaz, Computer Operator, Director Health Services, FATA Secretariat, Peshawar.
3. Muhammad Riaz, Driver, Director Health Services, FATA Secretariat, Peshawar.
4. Naseem Dad, Driver, Director Health Services, FATA Secretariat, Peshawar.
5. Wajidullah, Driver, Director Health Services, FATA Secretariat, Peshawar.
6. Inamullah, Naib Qasid, Director Health Services, FATA Secretariat, Peshawar.
7. Ashiq Khan, Naib Qasid, Director Health Services, FATA Secretariat, Peshawar.

.....Petitioners

Versus

1. Additional Chief Secretary to Government of Khyber Pakhtunkhwa, FATA Secretariat, Warsak Road, Peshawar.
2. Secretary to Government of Pakistan, SAFRON Division, Pakistan Secretariat, Islamabad
3. Secretary Finance, FATA Secretariat, Warsak Road, Peshawar
4. Deputy Secretary Finance, FATA Secretariat, Warsak Road, Peshawar
5. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
6. Director Health Services, FATA, FATA Secretariat, Warsak Road, Peshawar.

....Respondents

FILED TODAY

Deputy Registrar

13 MAR 2015

Writ Petition under Article 199 of The
Constitution of Islamic Republic of Pakistan, 1973

Respectfully Sheweth,

Brief but relevant facts of the case are as follows:

1. That the Petitioners No 1 to 2 were appointed as Computer Operators, Petitioners No 3 to 5 as Drivers and Petitioners No 6 and 7 as Naib Qasid in the respondent Department under the Scheme "Strengthening of Health Directorate FATA" on contract basis by the competent authority in the

Attested
[Signature]

11/10
5786/16

JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
(JUDICIAL DEPARTMENT)

WP No. 926-P/2015

JUDGMENT.

Date of hearing: 7.12.2016

Petitioner: (Wakil Khan) by:- Muhammad Ayub Shiwani

Respondent: by:- Mr. Ahmad Juss A.A.S. Adwalte.

WAOAR AHMAD SETH, J:- Through the instant

Writ Petition, the petitioners have prayed for issuance of an appropriate writ directing the respondents to regularize their service with effect from their appointment by issuing a formal office order with all back benefits.

2. Brief facts of the case are that the petitioners were appointed as Computer Operators, Drivers and Naib Qasid respectively on contract basis under the Scheme of "Strengthening of Health Directorate FATA" after fulfilling all codal formalities and till date, they are performing their duties to the entire satisfaction of their superiors. However, the posts, against which the petitioners were appointed, have been regularized by the SAFRON Division Islamabad in its meeting

Attested
[Signature]


held on 27.3.2013 and the petitioners time and again approached the respondents for regularization of their services but in vain; hence, the instant Writ Petition.

3. Comments were called from respondents No. 3 & 4 which they accordingly furnished and denied the assertion of petitioners by stating that the notification of SAFRON Division Islamabad does not cover the case of petitioners. Moreover, no one has been regularized on the said minutes because the same is not properly converted into notification form.

4. Arguments heard and record perused.

5. Admittedly, petitioners were appointed on the recommendation of Departmental Selection Committee, but on contract basis under ADP Scheme, "TB Control Program FATA" on different dates right from 2004 to 2010 and since their appointment till date they are performing their duties as such. One of the term and condition of their appointment order was appointment on contract for a period of three years or till the life of project which is not disputed by the respondents.

There is nothing on record, adverse to the terms and condition

Attested


of service nor respondents have alleged anything against their performance, efficiency or conduct. In addition to this respondents have not claimed any retrenchment or any order in this respect that the department is curtailing the posts.

6. Learned counsel for petitioners has not placed on record any documents showing that the project against which petitioners were appointed has been converted to regular side nor has contended during the arguments, verbally to this effect. However, he pleaded his case on the analogy of the case of other project employees of FATA, namely Monitoring and Evaluation Cell, Social Action Plan FATA, P&D Department of FATA, wherein petitioners of exactly same proposition had approached this Court in WP No. 2737-P of 2013 and in view of directives of the Governor's Secretariat Khyber Pakhtunkhwa and Federal Cabinet Division Office memorandum dated 29.8.2008, their services were regularized. The reported judgment of this court cited by the petitioner is 2016 PLC-CS-703.

7. We have given our anxious consideration to the said judgment as well as the facts on record which are slight

Attested
A. E.

different because in the earlier judgment of this Court all the petitioners in that writ petition were appointed, before the Cabinet Division decision dated 4.6.2008/29.8.2008 and the posts were of permanent nature, created by the concerned competent authority, whereas in the instant case there is no order of conversion of the project to the regular strength. Since the petitioners of the instant writ petition were appointed till the life of project therefore, they have the right to continue against the said project till its existence, until and unless any misconduct is alleged against them or they are otherwise declared unfit to hold the particular post. The petitioners have not even placed on record any document showing that any of the employee of the particular project in which they are appointed have been regularized, during this time, by the department authorities themselves or through court orders, and as such no case of discrimination is made out.

8. In view of observation made hereinabove, petitioners are deemed to be in the services of the said project till its life or in case during this time the project is converted to

Attested
A. I.

regular side, all the petitioners would be deemed to be regular employee of Health Services FATA.

9. Writ petition is allowed in above terms.

ANNOUNCED.
Dated: 6.12.2016

[Signature]
JUDGE

[Signature]
JUDGE

Nawab Shah

*Official
19/12/16*

*Attested
[Signature]*



DIRECTORATE OF HEALTH SERVICES FATA

FATA SECRETARIAT, WARSAK ROAD, PESHAWAR.

Phone: 091-9210212

FAX: 091-9212110

13

OFFICE ORDER

Ann = "C"

In compliance to Peshawar High Court Peshawar decision Dated: 07.12.2016 in Writ Petition No. 926-P/2015-Wakeel Khan and others Vs ACS FATA and others, the services of the following officials are hereby regularized as civil servants against the vacant posts in Directorate of Health Services, FATA w.e.f. their first appointment.

S#	Name	BPS	Designation
1	Mr. Wakeel Khan S/o Sher Muhammad	16	Computer Operator
2	Mr. Muhammad Riaz S/o Malik Aman Khan	6	Driver
3	Mr. Naseem Dad S/o Karim Dad	6	Driver
4	Mr. Wajidullah S/o Ilayat Khan	6	Driver
5	Mr. Inamullah S/o Fazle Akbar	3	Naib Qasid
6	Mr. Ashiq Khan S/o Dilawar Khan	3	Naib Qasid

-----Sd-----
Additional Chief Secretary
FATA Secretariat Peshawar.

No. 8185-92 /DHS/Admn/FATA Dated: 10/04/2018

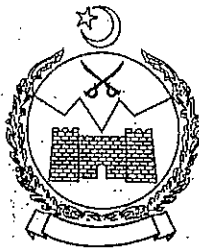
Copy to:

1. Director General Health Services Khyber Pakhtunkhwa Peshawar.
2. AGPR Sub-Office Peshawar
3. Deputy Director (Admn) DHS FATA.
4. PS to Additional Chief Secretary, FATA Secretariat Peshawar.
5. PS to Secretary SSI FATA.
6. PS to Secretary Finance Department FATA.
7. Accountant DHS FATA.
8. Officials concerned.

(Signature)
AZAM IAN
SS (PSC) GHS
FATA

(Signature)
Director Health Services
FATA

(Signature)
A.P.



DIRECTORATE OF HEALTH SERVICES MERGED AREA
SECRETARIAT, WARSAK ROAD PESHAWAR

(14)

Ann = "D"

OFFICE ORDER:-

Reference to the Government of Khyber Pakhtunkhwa Establishment Department (Establishment Wing) Notification No SOE. IV(E&AD)1-35/2014 dated 18-07-2019, the following matriculate Class-IV are hereby promoted to the post of Junior Clerk (BPS-11), against the vacant posts reserved under 33% quota with immediate effect.

S.No	Name of Official	Present Place of Posting
1.	Mr. Inam Ullah (Naib Qasid)	DHS Merged Areas Peshawar
2.	Mr. Anwer Zeb (Naib Qasid)	DHS Merged Areas Peshawar

On their promotion to the post of Junior Clerk (BPS-11), the following officials are hereby posted as below:

S.No	Name of Official	To
1.	Mr. Inam Ullah (Junior Clerk)	Medical Superintendent DHQ Hospital Mohmand
2.	Mr. Anwer Zeb (Junior Clerk)	District Health Office Upper Kurram

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

-----sd-----
Director Health Services
Merged Areas Peshawar

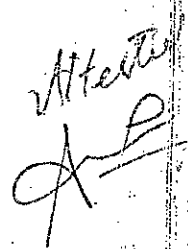
14304-10
No. _____/DHS/MA/Acc

Dated 16 / 6 / 2020

Copy forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Medical Superintendent DHQ Hospital Mohmand.
3. District Health Officer Kurram.
4. District Accounts Officer, Mohmand.
5. District Accounts Officer Kurram.
6. Official Concerned.


Director Health Services
Merged Areas Peshawar



Annex "E" (15)

Approved
[Signature]

S No	Personal No	Name	Father Name	Designation	Date of Birth	Date of Appointment	SSC Session	HSSC Session	Typing Certificate	Remarks
1	90039	Gulab Shah	Sabir Shah	Naib Qasid	1/3/1962	6/8/1980				
2	90673	Muhammad Bilal	Muhammad Iqbal	Naib Qasid	1969	31/3/1998				
3	154190	Fazal Hadi	Abdul Majid	Naib Qasid	14/8/1978	13/6/2002				20/5/1997 as Behisthi
4		Inamullah	Fazali Akbar	Naib Qasid	13/03/1978	1/11/2003	Supplementary 1996			1996 Strengthening of Health Directorate
5	323761	Ashiq Khan	Dilawar Khan	Naib Qasid	1/1/1983	1/11/2003				Strengthening of Health Directorate
6	310491	Akhlaq Ahmad	Bakhtiar Ahmad	Naib Qasid	25/12/1982	17/3/2005				Strengthening of Health Directorate
7	350694	Ijaz Muhammad Chishti	Tilla Muhammad	Naib Qasid	24/8/1982	27/12/2006				
8	350713	Siar Gul	Faqir Gul	Naib Qasid	2/1/1981	28/2/2007				
9	405384	Mehboob	Jehanzeb	Naib Qasid	21/5/1989	1/4/2008				
10	405427	Rab Nawaz	Tamash Khan	Naib Qasid	12/4/1980	1/4/2008				
11	471779	Muhammad Wisal	Tahseenuallah	Naib Qasid	10/2/1982	15/07/2009				Strengthening of Health Directorate
12	492151	Inamullah	Rehmat sher	Naib Qasid	15/4/1984	29/10/2009				
13	550391	Anwar Zeb	Muhammad Zahir	Naib Qasid	8/4/1981	24/9/2010	Annual 1999			
14	556969	Rashid Gul	Waheed Gul	Naib Qasid	1981	18/10/2010				
15	661808	Shahzad Ali	Nishad Ali	Naib Qasid	15/01/1992	22/3/2012	Annual 2014			
16	661805	Muhammad Adil	Noor Said	Naib Qasid	10/5/1991	27/3/2012				Strengthening of Health Directorate
17	50259663	Ali Raza	Aurangzeb	Naib Qasid	19/8/1995	1/7/2014	Annual 2012	Supply 2016		

[Signature]
18/12/2018

To

1. The Director General (Health Services),
Khyber Pakhtunkhwa.
2. The Director Health Services,
Merged Areas, Khyber Pakhtunkhwa.

Ann = "F"

15

Subject: DETERMINATION OF SENIORITY LIST

Dear Sir,

With great admiration & respect the undersigned intends to invite your kind consideration on the following points:

1. That I am serving as Naib Qasid (BS-02) in Directorate of Health Services Merged Area, Khyber Pakhtunkhwa since 01-07-2014 (F/A).
2. That the Directorate issued seniority list of Naib Qasid wherein I was at Serial No.17 (F/B).
3. That the incumbents at Serial No.4,5,6 & 12 of the said seniority list were project employees and Peshawar High Court in its Judgment against writ petition Nos. 926-P & 1378-P/2018 dated 6.12.2016 & 19.12.2018 respectively directed the Directorate that, "petitioners are deemed to be in services of the project till its life or in case during this time the project is converted to regular side, all the petitioners would be deemed to be regular employees of Health Services FATA" (F/C).
4. That after the decision of Peshawar High Court in the above referred two writ petitions this Directorate regularized their services w.e.f. their first appointment (Project appointment) which is not only against the Court Judgment but also the Law/rules (F/D).
5. That besides this irregular regularization & seniority the Directorate also promote these incumbents as Junior Clerks (BS-11) on the Service Rules of Establishment Department which is also violation of rules/policy (F/E).
6. Determination of seniority of these project employees from the date when these project posts were converted to regular side as directed by the Peshawar High Court, instead of the date of first appointment in project.

2. Therefore, it is requested to kindly determine the seniority of Naib Qasids (BS-03) as per directions/judgment of the Peshawar High Court Peshawar, otherwise I have to knock the door of court for justice.

Yours faithfully,

Ali Raza .14 .07 .2020
(Ali Raza)

Naib Qasid (BS-03)
Directorate Health Services,
Merged Areas Khyber
Pakhtunkhwa.

Encl: As Above:

DDA / Lit. Office
2020

Copy to:

1. The Chief Secretary, Khyber Pakhtunkhwa.
2. The Secretary Establishment Department, Khyber Pakhtunkhwa.
3. The Secretary Health Department, Khyber Pakhtunkhwa.

15-07-2020

Accepted
A. F.

Lit. Assistant

Discuss.
15.7.2020

Ann = "G"



DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR

E-Mail Address: info@kpk.gov.pk office Ph# 091-9210269 - Ext: Lang# 091-9210187, 9210196 Fax # 091-9210230
No. 50/2 /Personnel (Promotion) Date: 13 / 11 / 2020

To,

The Secretary to Govt: of Khyber Pakhtunkhwa
Health Department Peshawar

Subject: DETERMINATION OF SENIORITY LIST

With reference to your letter No. so (NMD)/HD/1-1/DHS FATA dated 23.09.2020 on the subject noted above, it is stated that the Government had launched a Project by the name of "Strengthening of Health Directorate FATA" Appointments were made against these posts from 2005 to 2016. The employees of the above project approached the Peshawar High Court Peshawar for regularization of their services.

WP 926-P/2015 decided on 07/12/2016 (Copy attached)

"Petitioners are deemed to be in services of the Project till its life or in case during this time the project is converted to regular side, all the petitioners would be deemed to regular employees of Health Service FATA"

WP No. 1378-P decided on 19/12/2018 (Copy attached)

"In the light of foregoing observation, this court, by following the ratio of the apex court in the aforesaid case and of the earlier judgment of this court dated 07/12/2016 passed in writ petition No. 926-P/2015, allow the instant petitions bearing No. 2355-P/2018 and N. 2427-P/2018. Consequently, petitioners of this petition and of the connected petitions would be deemed to be regular employees of the Health Services FATA."


In the light of Writ Petition No. 926-p/2015, W.P No. 1378-P/2016 the Government regularized the services of the project employees from the date their first appointment vide notification endorsed by the Ex.DHS FATA vide No. 8185-92/DHS/admn:/FATA dated 10/04/2018, No 13323-38/DHS/Merged Areas/Admn: dated 09/08/2019 DHS FATA and Government Notification No.SOE. IV (E & AD) 1-35/2014 dated 18/7/2019(Copies attached). This will adversely affect the seniority of those officials who are already in regular service since their appointment and waiting for their promotions since long. It is pointed out that the Govt has created posts for the project employees on regular side with effect from 07/02/2018 as per notification No. SO.F-III/FD/FA/SNE/Vol-II-2519 dated 07/02/2018 (Copy attached)


Attended
AI

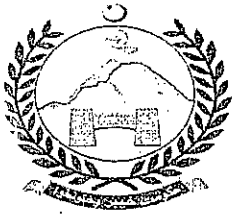
In light of above W.P decision the regularization order of the ex-office Strengthening of Health Services FATA issued by the Government/Ex-DHS FATA, the Government advice is required if their services have been regularized for purpose of pension from the date of their first appointment if so, how the seniority of these officials will be determined as Project period cannot be counted for seniority as per KP Civil Servant Act 1973.= Chapter-II, Rule -8 and APT Rules 1989 clearly indicates that "Explanative-III (2) "Seniority in various cadres of civil servants appointed by initial recruitment vis-a-vis those appointed otherwise shall be determined with reference to the dates of their regular appointment to a post in that cadre provided that if two dates are the same, the person appointed otherwise shall rank senior to the person appointed by initial recruitment"

It is requested to advise this directorate if:-

1. Their seniority may be determined from the date of creation of posts on regular side i.e with effect from 07/02/2018 OR
2. From the date of decision of the court. OR
3. From the date regularization order issued by the Govt:/Ex-DHS FATA.


 12/11/18
 ADDITIONAL DG (ADMN)
 DIRECTORATE GENERAL HEALTH
 SERVICES KPK, PESHAWAR
 11/11/2020

Attested




GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT PESHAWAR

19

Annex "H"

Dated 27.04.2021

NO.SO(NMD)/HD/1-50/DGHS/FATA

To

The Director General Health Services,
Khyber Pakhtunkhwa,
Peshawar

Subject:- **DETERMINATION OF SENIORITY LIST**

I am directed to refer to your letter No. 3012/Personal(Promotion) dated 13.11.2020 on the above noted subject and to state that Peshawar High Court Peshawar judgments dated 07.12.2016 & 19.12.2018; rendered in writ petition No. 926-P/2015&1378-P/2018 respectively provides only for regularization of the petitioners subject to conversion of their project on regular side and no direction with regard to their regularization w.e.f first appointment has been issued. Therefore, their very regularization Order dated 10.04.2018 requires revision in terms of its issuance with "immediate effect" instead of their "first appointment". Therefore, their seniority may be settled in the light of Rules 17 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

I am therefore, directed to request that both regularization and seniority matters of the petitioners may be settled in the above terms and strictly in accordance with the essence of the afore-said judgments.

Section Officer (NMD)

Endst: No. & date even

Copy forwarded for information to the:

1. PS to Secretary Health, Khyber Pakhtunkhwa Peshawar.
2. PA to Deputy Secretary (Admn), Health Department.
3. Master file.

Section Officer (NMD)

Attested
AE



DIRECTORATE GENERAL HEALTH SERVICES KHYBER PAKHTUN KHW PESHAWAR

20

E-Mail Address: nwd@dg.hkhyber.com office Ph# 091-9210265 Exchange# 091-9210187, 9210196 Fax # 091-9210230

OFFICE ORDER

Ann = "I"

The following enquiry Committee is hereby constituted to re-examine the instant case/ seniority of the incumbent and submit their fact finding report as mentioned in the Section Officer (NWD) Govt. of KP Health Department Peshawar vide letter No. SO(NMD)/HD/1-1/DGHS FATA dated 14.09.2021 (copy attached):-

1. Dr. Muhammad Arif Director (EPI) DGHS Office.
2. Mr. Mustaqem Senior Planning Officer Merged Areas Peshawar.


The Enquiry report should submit to this Directorate within 07-days positively.

Sd/xxxxxxxxx
DIRECTOR GENERAL HEALTH
SERVICES, Khyber Pakhtunkhwa,
PESHAWAR.

No. 4511-13 / Personnel Dated 26/10/2021
Copy forwarded to the-

1. Dr. Muhammad Arif Director (EPI) DGHS Office.
2. Mr. Mustaqem Senior Planning Officer Merged Areas Peshawar.
3. Section Officer (NWD) Govt. of KP Health Department Peshawar.

For information and necessary action.


DIRECTOR (ADMN)
DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR.

25/10/2021

Attached




DIRECTORATE GENERAL HEALTH SERVICES KHYBER PAKHTUN KHWA PESHAWAR

E-Mail Address: nwfpdghs@yahoo.com office Ph# 091-9210269 Exchange# 091-9210187, 9210196 Fax # 091-9210230

21

OFFICE ORDER

Ann = "J"

In partial modification of this Directorate Office Order bearing Endst: No. 4511-13/Personnel dated 26.10.2021, the following enquiry Committee is hereby constituted to re-examine the instant case/ seniority of the incumbent and submit their fact finding report as mentioned in the Section Officer (NWD) Govt. of KP Health Department Peshawar vide letter No. SO(NMD)/HD/1-1/DGHS FATA dated 14.09.2021 (copy attached):-

- 1 Dr. Muhammad Arif Director (EPI) DGHS Office.
- 2 Dr. Zafar Ali Dy: Director (HRM) DGHS Office.

The Enquiry report should submit to this Directorate within 07-days positively.

Sd/xxxxxxxxx
DIRECTOR GENERAL HEALTH
SERVICES, Khyber Pakhtunkhwa,
PESHAWAR.

No. 7818-21 / Personnel Dated 8 / 11 / 2021.

Copy forwarded to the-

1. Dr. Muhammad Arif Director (EPI) DGHS Office.
2. Dr. Zafar Ali Dy: Director (HRM) DGHS Office.
3. Mr. Mustaqeem Senior Planning Officer Merged Areas Peshawar.
4. Section Officer (NWD) Govt. of KP Health Department Peshawar.

For information and necessary action.

DIRECTOR (ADMN)
DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR.

05/10/2021

Attended
A.P.

سٹاٹس 4732
17/11/21

گزارش ہے کہ وہ فیکٹری سٹیٹس ٹاکنس کے لئے درخواست
سے دفتر میں Pending ہے اور ایجنسی نے اسے منتہا لے لیا ہے
لیکن اس نے انکوٹری کے لئے سے کسی طرح انکار کیا پتہ میں کیوں

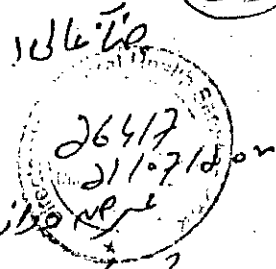
اس سے یہ آپ صاحبان سے گزارش ہے کہ اگر میرے ڈیپارٹمنٹ کے
آفسر انکوٹری میں نہ جاسکتے یا جان لو جو کچھ کر لیتے ہیں یا پتے میں تو
میرے آپ صاحبان سے گزارش ہے کہ میری انکوٹری کا حکم صحت
سکرٹری کے آفسران دفتر پر دیں کہ وہ انکوٹری کریں کیا اسٹیٹس اینڈ
ایڈیشنل ڈیپارٹمنٹ سیکرٹری یا سٹائٹس ڈیپارٹمنٹ سیکرٹری
کے دفتر میں سے نہ پرائیویٹ ایئر ٹیکو کے انکوٹری کر کے
دور رس سے فہم شدہ ایک موجودہ حالات سے آگاہ کرنا ہے اور انکوٹری
پرائیویٹ کوٹری کرنا ہے تاکہ سے میرا حق حل جائے اور ڈیپارٹمنٹ کا وقت بھی
نائل ہو سکے

علی رضا ولد اورنگزیب
ٹائپ نمبر 5645 آئی

الغرض

17/12/2021

Handwritten signature



گزارش عرض ہے کہ دفعہ / سائل کا کیس سنٹر ٹ

مقرر سے دفتر میں Pending پڑا ہے۔ کسی مرتبہ انکوائری آفیسر
مستند کیے گئے۔ لیکن سب آفیسرز نے کسی نہ کسی طرح انکار کیا، بلکہ میں کیوں

اب سائل کے آریب آفیسران سے گزارش ہے کہ سری انکوائری
ڈیپارٹمنٹ کے کسی آفیسر سے نہ کروا کر بلکہ حکومت کے آفیسران
سے کروا کر یا یعنی *Administrative Establishment* ڈیپارٹمنٹ سے

ڈیپارٹمنٹ *Finance Dept* سکریٹریٹ کے کسی آفیسران سے انکوائری
کروائیں۔ سری درفرواستی دینے کا مقصد آریب کو موجودہ حالات

سے آگاہ کرنا ہے۔ اس سے پہلے بھی کئی مرتبہ درفرواستی کی چکاسوں
اس مرتبہ سری درفرواستی پر محدود طور پر سری انکوائری
کے *Process* کو تسلی کیا جاوے۔ تاکہ سائل کو اس کا حق مل
سکے۔ اور ڈیپارٹمنٹ کا وقت جو ضائع نہ ہو۔

سری درفرواستی سری درفرواستی پر محدود طور پر سری
سری سے درفرواستی ڈائری نمبر 47232 کو *Process* کریں۔
17/12/2021

الکاح
21/7/2022
DGHS
مناب عالی

Attended
A.F.

قیمت 50 روپے	58379			
ایڈویکٹ: قیصر بیگ		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل/ایسوسی ایشن نمبر: BC-10-7746				
رابطہ نمبر: 0345-9088099				

24

بعدالت جناب: **خیبر پختونخواہ سروس ٹرائینل پشاور**

منجانب: اپیلرینٹ	دعویٰ: vaisarbg@gmail.com
 علی رضا بنام صنورت بی بی ریغینہ	علت نمبر: 17301-1612212-3
	مورخہ
	جرم
	تھانہ

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ
کیا اور کیلئے قیصر بیگ رینڈ شہزادہ عسکریان صاحب کو وکیل مقرر
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
 زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز
 دائر کرانے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
 کارروائی 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 بااختیارات حاصل ہوں گے اور اس کا سبب پر داخلہ 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 سدر ہے

المقوم: **27/2/2023**
PESHAWAR BAR ASSOCIATION
KHYBER PAKHTUNKHWA

Accepted
 مقام
 علی رضا
 اس وکالت نامہ کی نوکالی ناقابل قبول ہوگی۔