

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Service appeal No.1836/2022

Diary No. 5232
Dated 9/5/2023

Imran Khan

-----Petitioner

Versus

Govt of Khyber Pakhtunkhwa & Others

-----Respondents

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Deponent

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No.1819 to1859 /2022.

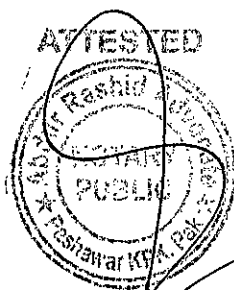
Haroon ur Raheed &Others Vs Govt: of KP (Health) -----Petitioner

AFFIDAVIT

I Dr, Mubarak Zeb khan S/O Mr, Alam Zeb Khan DHIS Coordinator, Office of DHO Peshawar, do hereby solemnly affirm and declare on oath that content of the instant replay are true and correct to the best of my knowledge & belief and nothing has been concealed from this honorable Court.
Furthermore it is added that all the 41 service Appeals having same nature & having same stance /materials.

DEPONENT

Dr, Mubark Zeb
DHIS Coordinator
Office of DHO Peshawar
NIC No: 17101-6493994-5



4/5/2023

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 1836/2022.

Imran Khan

-----Appellant

Versus

- 1: Government of Khyber Pakhtunkhwa through Chief Secretary Civil Secretariat Peshawar.
- 2: Secretary Health, Govt of Khyber Pakhtunkhwa Peshawar
- 3: Director General Health Services Khyber Pakhtunkhwa Peshawar .
- 4: District Health Officer, Peshawar.

-----Respondents

PARAWISE REPLY ON BEHALF OF RESPONDENTS No. 01 to 04.

Respectfully Sheweth:

Preliminary Objections:-

1. That the appellant has got neither cause of action nor did locus standi to file the instant appeal.
2. That the appellant has filed the instant appeal just to pressurize the respondents.
3. That the instant appeal is against the prevailing Law and Rules.
4. That the appeal is not maintainable in its present form and also in the present circumstances of the issue.
5. That the appellant has filed the instant appeal with mala-fide intention hence liable to be dismissed.
6. That the appellant has not come to this Honorable Tribunal with clean hands.
7. That the appeal is barred by law and limitation.
8. That the Honorable Tribunal has no Jurisdiction to adjudicate upon the matter.
9. That the instant appeal is bad for mis- joinder of unnecessary and non-joinder of necessary parties.
10. That there is no original or appellate order which is pre requisites of section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 hence under 2006 SCMR 1630 the honorable Tribunal has no jurisdiction to adjudicate the matter.

FACTS


1. Pertains to record.
2. Incorrect , Needless to mention that as the appellant is working at District level, his Seniority list is maintained in Respondent No.4 office and is attached as **Annexure-A**.
3. Correct to the extent of promotion of class-iv employees to the post of junior clerk on the basis of 33% reserved quota in accordance with the rules.

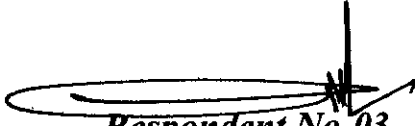
4. Incorrect. There is no vacant post available where the appellant may be promoted as junior clerk. It is worth to mention that no post of junior clerk has been advertised, nor did anyone recruited against the same.
5. Already explained in para-04.
6. Incorrect. Already replied in para 04 above. It is worth to mention that a joint departmental appeal has been filed in violation of the appeal rules therefore, the instant appeal is badly time barred.
7. No comments.

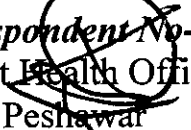
GROUND:-

- A: - Incorrect, as there is not a single vacant post of junior clerk (BPS-11) in the office of Respondent Department to which the appellant may be promoted.
- B: - Incorrect, the appellant is not entitled for promotion to the post of junior clerk as there is no vacant post of junior clerk in their share under 33% reserved quota.
- C: - Incorrect. The appellant has been placed at his proper place in the seniority list
- D: - The Respondents have already acted in accordance with law and rules.
- E: - Incorrect, already explained in above paras.
- F: - The respondents seek leave to raise additional grounds at the time of arguments.

It is therefore requested that on acceptance of the instant parawise comments the appeal of the appellant may kindly be dismissed.


Respondent No-01&2
Chief Secretary *through*
Secretary Health Khyber Pakhtunkhwa
Peshawar


Respondent No-03
Director General Health Services
Peshawar


Respondent No-04
District Health Officer
Peshawar

Annexure A

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Seniority List Of Class IV Employees Working Under DHO Peshawar

| O | Name | Father Name | NIC Number | Date of Entry in Job | Designation | Qualification |
|----|-------------------|---------------------|-----------------|----------------------|-----------------|------------------------|
| 1 | Zaffar Ali | Najaf Ali Shah | 17301-1698582-3 | 7/5/1988 | Naib Qasid | Matric |
| 2 | Tahir Shah | Amir Zada | 17301-8905148-5 | 2/1/1992 | Chowkidar | Matric |
| 3 | Muhammad Riaz | Nasar Ullah | 17301-1675304-7 | 16/03/1995 | Ward Orderly | Matric |
| 4 | Hamad | Shahid Hamid | 17301-5090803-1 | 6/4/1997 | Ward Orderly | BA |
| 5 | Ashfaq Ahmad | Sulaiman Khan | 17301-1814298-7 | 5/1/1999 | Chowkidar | Matric |
| 6 | Ahmad Jan | Ghazi Khan | 17301-1274726-3 | 30/04/1999 | Naib Qasid | FA |
| 7 | Salman Shah | Fazle Qadar | 17301-7456183-7 | 9/1/2003 | Ward Orderly | FA |
| 8 | Muhammad Zubair | Ibrahim | 17301-8067632-3 | 22/11/2003 | Naib Qasid | FA |
| 9 | Fazal Rabi | Sahar Gul | 17301-9586454-7 | 11/8/2006 | Ward Orderly | Matric |
| 10 | Sahibzada Aamir | Mukhtiar Ahmad | 17301-05982459 | 12/8/2006 | Ward Orderly | BA. Health Diploma |
| 11 | Muhammad Ishfaq | Mir Akbar | 17301-9823680-1 | 28-11-2006 | Ward Orderly | Mphil Microbiology+DIT |
| 12 | Sohail Ashiq | Muhammad Ashiq | 17301-4002508-5 | 12/1/2009 | Sanitary Petrol | BA |
| 13 | Ghulam Mujtaba | Ghulam Mustafa | 17301-7148125-9 | 26/12/2009 | Ward Orderly | BA |
| 14 | Ijaz Ahmad | Taza Gul | 17301-5419523-7 | 31-12-2009 | Chowkidar | FA |
| 15 | Munir Hussain | Faqir hussain | 17301-1311673-1 | 23/02/2010 | Naib Qasid | Matric |
| 16 | Naveed Khan | Muhammad Nawaz Kham | 17301-6584400-1 | 3/3/2010 | Naib Qasid | BA |
| 17 | Muhammad Ibrar | Gul Mast Khan | 17301-4408732-9 | 4/3/2010 | Behishti | SSC |
| 18 | Muhammad Sulaiman | Musafar | 17301-6117689-7 | 24-05-2010 | Behishti | BA |
| 19 | Sajjad Ahmad | Liaqat Ali Khan | 17301-8599458-3 | 13-06-2011 | Behishti | FA |
| 20 | Torgat Auzal | Javid Akhtar | 16101-7487588-9 | 19-10-2011 | Chowkidar | FA |
| 21 | Syed Kifayat Shah | Naurooz Shah | 17301-1458161-3 | 31/12/2011 | X-ray Attendent | MA+ Health Diploma |
| 22 | Saad Ullah Khan | Sahib Zada | 17301-16557279 | 21/12/2011 | Chowkidar | BA |
| 23 | Abdul Shahab | Abdul Jabbar | 17301-7776929-5 | 27/12/2012 | Behishti | MSC Economics |
| 24 | Muhammad Imran | Qaleem Ullah | 17301-3090264-1 | 29/12/2012 | Chowkidar | MA |
| 25 | Asif Naveed | Naveed Ahmad | 17301-5904442-3 | 31/12/2012 | X-ray Attendent | FA |

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|----|---------------------|------------------|-----------------|------------|--------------|------------------------|
| 26 | Muhammad Altaf | Subhan ullah | 17301-5887445-5 | 29-04-2013 | Behishti | DAE |
| 27 | Shahid Islam | Faqir Gul | 17301-3550466-9 | 4/2/2014 | Ward Orderly | FSC+ Surgical Diploma |
| 28 | Asfandyar Khan | Musharaf Khan | 17301-6996238-7 | 4/2/2014 | Ward Orderly | BA |
| 29 | Shams Ul Athhar | Shams Ul Qamar | 17301-8058948-7 | 27-03-2015 | Behishti | SSC |
| 30 | Zia-ul-islam | Muhammad Qayum | 17301-5067106-3 | 30/03/2015 | Ward Orderly | MA+ Health Diploma |
| 31 | Salman Misbah | Misbah Ud din | 17101-4426272-5 | 7/4/2015 | Behishti | BA |
| 32 | Shahid Islam | Faqir Gul | | 16-1-2016 | Ward Orderly | Surgical Diploma |
| 33 | Muhammad Sulaiman | Qabil Khan | 17301-8449980-3 | 3/8/2016 | Ward Orderly | FSC |
| 34 | Murshid Ali | Gohar Khan | 17301-4164590-9 | 3/8/2016 | Naib Qasid | BSc |
| 35 | Nadeem Khan | Sher Zaman | 17301-8762303-1 | 12/8/2016 | Behishti | FA |
| 36 | Fareed Ullah | Afridi Khan Safi | 17301-4505337-1 | 3/8/2016 | Naib Qasid | BA |
| 37 | Umair Khan | Pervaiz Khan | 17301-8066889-5 | 29/05/2017 | Naib Qasid | FA |
| 38 | Sabir Shah | Zaiban Shah | 17201-6576098-3 | 19/01/2018 | Chowkidar | Matric+ Health Diploma |
| 39 | Waqar Younis | Shafaras Khan | 17301-9197840-5 | 19/01/2018 | Ward Orderly | FSC |
| 40 | Syed Ghous Ali Shah | Syed Abid Shah | 17301-1800560-9 | 19/01/2018 | Ward Orderly | MA |
| 41 | Muhammad Arif | Faiz Muhammad | 17301-2618886-7 | 19/01/2018 | Ward Orderly | BSc |
| 42 | Muhammad Ihtisham | Dilshad Khan | 17301-2621626-3 | 19/01/2018 | Ward Orderly | M.COM |
| 43 | Zeeshan Ahmad | Fareed Khan | 17301-5237207-1 | 20/02/2018 | Ward Orderly | BA |
| 44 | Faisal Ahmad | Habib ur Rehman | 17301-6599340-5 | 3/10/2018 | Chowkidar | FA |
| 45 | Muhammad Saboor | Manzoor Khan | 17301-9784416-5 | 3/10/2018 | Chowkidar | FA+ Health Diploma |
| 46 | Farooq Haidar | Khan Bahadur | | 3/10/2018 | Ward Orderly | FA |
| 47 | Imran Khan | Izzat Khan | 17101-1892366-1 | 30/10/2018 | Chowkidar | FA+Electric Diploma |
| 48 | Rahim Shah | Sardar Khan | 17301-8692584-1 | 27/10/2020 | Ward Orderly | DAE+ DIT |
| 49 | Shehryar Khan | Faqir hussain | 17301-2332817-7 | 27/10/2020 | Ward Orderly | MA+DIT Diploma |
| 50 | Jehan Ullah | Ihsan Ullah | 17301-1797449-1 | 27/10/2020 | Ward Orderly | FA |

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|----|---------------------|-----------------|------------------|------------|--------------|----------------------|
| 51 | Amir Khan | Zaka Ullah | 17301-0416153-5 | 27/10/2020 | Ward Orderly | FSc |
| 52 | M. Muhammad Nouman | Noor Muhammad | 17301-3280446-5 | 27/10/2020 | Ward Orderly | BA |
| 53 | Muhammad Arif | Usman Khan | 17301-86494820-9 | 27/10/2020 | Ward Orderly | BA |
| 54 | Mueen Qasmi | Muhammad Hanif | 17301-6540441-7 | 27/10/2020 | Ward Orderly | MBA |
| 55 | Imran Khan | Abdul Sattar | 17301-6952992-5 | 27/10/2020 | Chowkidar | Matric |
| 56 | Shahid Ahmad | Habib ur Rehman | 17301-6701436-9 | 27/10/2020 | Ward Orderly | FA |
| 57 | Haroon Ur Rashid | Muhammad Dawood | 17301-8767271-3 | 27/10/2020 | Chowkidar | BA |
| 58 | Aqib Zahoor | Zahoor Ud Din | 17301-5569170-9 | 27-10-2020 | Chowkidar | Matric |
| 59 | Tahir Hafeez | Abdul Hafeez | 17301-5242528-1 | 27-10-2020 | Ward Orderly | B.COM |
| 60 | Hamza Shah | Jalal Shah | 17301-6527188-7 | 27-10-2020 | Ward Orderly | FA |
| 61 | Muhammad Tayyab | Masood Ahmad | 17301-1955764-1 | 27-10-2020 | Ward Orderly | FSc+Health Diploma |
| 62 | Shehryar Hussain | Nighah hussain | 17301-6255930-7 | 27-10-2020 | Ward Orderly | BSC Computer Science |
| 63 | Momin Khan | Johar Ali | 17301-7058253-5 | 27-10-2020 | Ward Orderly | SSC |
| 64 | Imran Shah | Sabir Shah | 17301-3206617-7 | 8/12/2020 | Ward Orderly | FSC |
| 65 | Anwar ul Haq | Zia Ul Haq | 17301-5541278-7 | 2/3/2021 | Behishti | FA |
| 66 | Salman Khan | Dilawar Khan | 17301-3443294-5 | | Ward Orderly | Matric |
| 67 | Muhammad Aftab udin | Shahab u din | 17301-4947979-7 | 27-10-2020 | Chowkidar | Matric |
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**OFFICE OF THE DISTRICT HEALTH OFFICER
PESHAWAR
Phone No. 091-9225387**

AUTHORITY LETTER

Syed Mastan Ali Shah Litigation Assistant ,Office of DHO Peshawar,
NIC No: 17101-0365818-9 is authorized to submit parawise comments reply in the
case Service appeal NO.1836/2022 titled Imran Khan Vs Govt of KP in Service
Tribunal ,Peshawar.

*District Health Officer,
Peshawar*

**District Health Officer
Peshawar**