

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

**PESHAWAR**

Khyber Pakhtunkhwa  
Service Tribunal

Service appeal No.1855/2022

Entry No.

5209  
9/5/22

**Muhammad Ihtisham**

-----dated-----**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.**

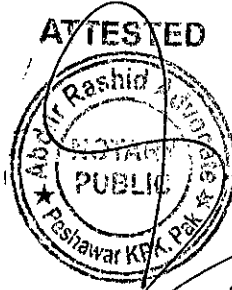
**Haroon ur Raheed &Others Vs Govt: of KP (Health ) -----Petitioner**

**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. 1855/2022.*

Muhammad Ihtisham

-----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.

**GROUNDS:-**

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)

(4)

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

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 Haider	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

51	Ahmed Khan	Zaka Ullah	17301-0416153-5	27/10/2020	Ward Orderly	FSc
52	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



**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.1855/2022 titled Muhammad Ihtisham Vs Govt of KP in  
Service Tribunal ,Peshawar.

~~District Health Officer,  
Peshawar~~  
District Health Officer  
Peshawar