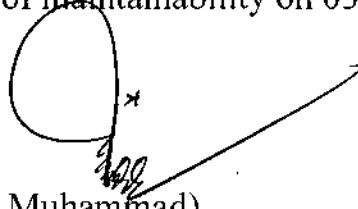


09.01.2023

Learned counsel for the petitioner present. Mr. Ziaullah, Deputy Secretary (Litigation) and Mr. Muhammad Tufail, Section Officer alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Learned Additional Advocate General submitted an application for placing on file copies of the judgments of worthy apex court, which is allowed and the copies of the judgments are placed on file. He further requested that in view of the judgments of worthy apex court so placed on file today, the petition in hand is not maintainable. Confronted with this situation, learned counsel for the petitioner sought time for arguments. Adjourned. To come up for arguments on the point of maintainability on 03.03.2023 before the D.B.

SCANNED
17 JAN 2023
11:21 AM
Present



(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)


10.11.2022


Petitioner alongwith counsel present.

Muhammad Adeel Butt learned Additional Advocate General for the official respondents present.

On 20.06.2022, petitioner was directed to provide correct addresses of private respondents within ^{3 days} who were to be summoned through TCS. He was further directed to deposit TCS expenses within 07 days. The appeal was adjourned to 31.08.2022 for arguments before the D.B but on the date fixed the appeal was simply adjourned on the ground of incomplete bench. The appellant has not provided correct addresses of the respondents nor TCS expenses deposited. Petitioner is once again directed to provide correct addresses of private respondents and to deposit TCS expenses within 07 days. Thereafter, notices be issued to them. To come up for arguments on 09.01.2023 before the D.B.

SCANNED
KPST
Peshawar


(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)

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

12(2) Petition No. 196/2019

SERVICE APPEAL NO. 830 to 839/ 2018

Amir Isbat
Dr. Iqbal Ahmad.....petitioner

Versus

Govt. of Khyber Pakhtunkhwa and others.....**Respondents**

APPLICATION FOR PERMISSION TO FILE JUDGMENTS OF THE APEX COURT

Respectfully Sheweth,

1. That the above mentioned petition is pending before this honourable Tribunal which is fixed for today.
2. That the petitioner in the petition challenged judgment of this honourable Tribunal dated 22-03-2019 in Civil Petition No. 2048 to 2057 /2019 before the Apex Court which was dismissed on 07-11-2019 (**Annexure-I**). The petitioners filed a review petition before the Apex Court however, the same was also dismissed as not pressed by the petitioners vide order dated 23-02-2022 (**Annexure-II**).

It is therefore requested that the respondents may be allowed to place on file the above referred judgment of the Apex Court.

**Secretary to Govt. Of Khyber Pakhtunkhwa
Health Department
(Respondent No. 01 & 02)**

Through

**Additional Advocate General
Service Tribunal Khyber Pakhtunkhwa**

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Syed Mansoor Ali Shah
Mr. Justice Yahya Afridi

Civil Petitions No.2048 to 2057 of 2019

(on appeal against the judgment of Peshawar Service Tribunal, Peshawar dated 22/03/2019, passed in Appeals No.830 to 839 of 2018)

Dr. Muhammad Shoaib & others (in all cases).

...Petitioners

Versus

Government of KPK thr. Chief Secretary, KPK, Peshawar & others
(in all cases).

...Respondents

For the petitioners: Mr. Muhammad Saeed Khan
Shangla, ASC

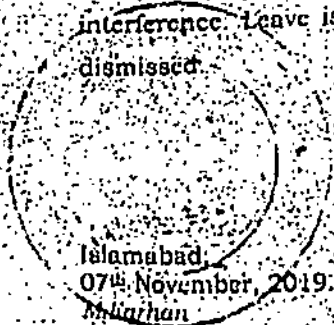
For respondents No.1 & 2: Malik Akhtar Hussain, Asst.A.G.,
KPK
Mr. Noor Ali, DS(J)
Mr. M. Anwar Khan Barvi, SO

For respondent No.3: Qazi Jawad Ehsanullah, ASC
Mr. M.S. Khattak, AOR

Date of hearing: 07/11/2019

ORDER

We have heard the learned counsel for the parties at some length and have gone through the impugned judgment of the Tribunal, the record of the case and the law on the subject. We have not been able to take any exception to the impugned judgment and are of the view that it does not warrant any interference. Leave is, therefore, declined and these petitions are dismissed.



Certified to be True Copy

Senior Counsel Associate
Supreme Court of Pakistan
Islamabad

IN THE SUPREME COURT OF PAKISTAN
(Review Jurisdiction)

Present:

Mr. Justice Umar Ata Bandial, CJ
Mr. Justice Syed Mansoor Ali Shah
Mrs. Justice Ayesha A. Malik

**C.R.P.746/2019 in C.P.2048/2019 to C.R.P.755/2019 in
C.P.2057/2019**

(Against the order of this Court dated 07.11.2019
passed in Civil Petitions No.2048 to 2057 of 2019)

Dr. Muhammad Shoab, etc. (In all cases)

..... Petitioner(s)

Versus.

Government of Khyber Pakhtunkhwa thr. Chief Secretary, Khyber
Pakhtunkhwa, Peshawar, etc. (In all cases)

..... Respondent(s)

Petitioner(s): Dr. Muhammad Shoab (in all cases)
(Attorney of Petitioner Nos. 2 & 3)

For the respondent(s): Qazi Jawad Ehsanullah Qureshi, ASC.
(In all cases) (Video link - Peshawar) For Res. No.3.
Mr. Zahid Yousaf Qureshi, Addl. A.G.
a/w Zia Ullah, Dy. Secy. Health.

Date of hearing: 23.02.2022

ORDER

UMAR ATA BANDIAL, CJ.- Petitioner No.1 (Attorney
of petitioner Nos. 2 & 3 in all petitions) in person states that on
account of subsequent developments, the petitioners do not press
these civil review petitions. Consequently these civil review
petitions are dismissed as not pressed.

11.7.11.11
Sd/-HCJ
Sd/-J
Sd/-J



Not approved for reporting

Certified to be True Copy

Senior Court Associate
Supreme Court of Pakistan
Islamabad

GR No. 4011/22 Civil/Criminal
Date of Presentation 23-2-22
No of Words: 300
No of Follis: 3
Requisition Fee Rs. 500
Copy Fee In: 1.86
Court Fee Stamp: 686
Date of Completion of Copy
Date of Delivery of Copy 5-4-22

20th June, 2022

Counsel for the petitioner present. Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG for the respondents present.

The correct addresses of private respondents as directed on the last order sheet have not been submitted till date. The petitioner is directed to file correct address of the private respondents within 3 days. They are thus directed to be summoned through TCS being belonging out of District. The appellant is directed to deposit TCS expenses within 07 day. To come up for arguments on 31.08.2022 before the D.B.



(Fareeha Paul)
Member(E)




(Kalim Arshad Khan)
Chairman

31.08.2022

Counsel for the petitioner present. Mr. Kabirullah Khattak, Additional Advocate General for official respondents No. 1 to 3 present.

Learned Member (Judicial) Ms. Rozina Rehman is on leave, therefore, arguments could not be heard. Adjourned. To come up for arguments on 10.11.2022 before the D.B.



(Salah-ud-Din)
Member (Judicial)

22.11.2021

Counsel for appellant present.

Muhammad Riaz Khan Paindakheil learned Assistant Advocate General for official respondents present.

On the preceding date, notice was issued to private respondents but the same was not served due to incorrect addresses of private respondents. Learned counsel for appellant is directed to provide correct addresses of private ^{respondents} much before the next date, where-after, they be put on notice for 15.03.2022 for hearing before D.B.



(Atiq ur Rehman Wazir)
Member (E)



(Rozina Rehman)
Member (J)

15.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 20.6.2022 for the same as before.



Reader.

21.04.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 13.08.2021 for the same as before.


Reader

13.08.2021

Appellant present through counsel.

Mr. Kabir Ullah Khattak learned Additional Advocate General present.

The previous date was adjourned due to Reader's note. Besides official respondents, the private respondents are also required to be put on notice. The petitioner is directed to provide copies of memorandum of application under Section-12(2) alongwith copy of the judgment challenged therein for sending to the respondents alongwith notice. Necessary notices after doing the needful by the petitioner be issued for 22.11.2021 before D.B.



(Rozina Rehman)
Member (J)


Chairman

23.04.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 28.08.2020 before D.B.



Reader

28.08.2020

Due to summer vacation, the case is adjourned to 04.11.2020 for the same as before.



Reader

04.11.2020

Junior to counsel for the appellant and Addl. AG alongwith Saleem Javed, Litigation Officer for the respondents present.

The Bar is observing general strike, therefore, the matter is adjourned to 14.01.2021 for hearing before the D.B.



(Mian Muhammad)
Member



Chairman

14.01.2021

Due to COVID-19, the case is adjourned for the same on 21.04.2021 before D.B.




READER

10.12.2019

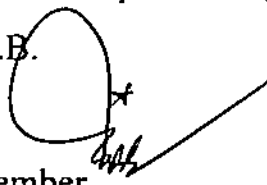
Saleem Javid Litigation Officer representative of the respondent department present and seeks time to furnish reply. Lawyers are on strike on the call of Khyber Pakhtunkhwa Bar Council. Adjourn. To come up for further proceedings/arguments on 13.02.2020 before D.B.


Member


Member

13.02.2020

Petitioner absent. Saleem Javid Litigation Officer representative of respondent department present and seeks adjournment to furnish reply. Adjourned. To come up for further proceedings/arguments on 10.03.2020 before D.B.


Member


Member

10.03.2020


Petitioner absent. Learned counsel for the petitioner absent. Adjourn. To come up on 23.04.2020 before D.B. Petitioner be put to notice for the date fixed.



Member


Member


SCANNED
KFST
Peshawar


16.07.2019 Learned counsel for the petitioner present. Mr. Muhammad Jan learned Deputy District Attorney for the respondents present. Learned counsel for the petitioner requested for adjournment. Adjourned. To come up for arguments on 07.08.2019 before D.B.


(Hussain Shah)
Member



(M. Amin Khan Kundi)
Member

07.08.2019 Junior to counsel for the petitioner present. Mr. Zia Ullah learned DDA present. Notice of the present application be issued to the respondents for reply. Adjourned to 25.09.2019 for reply and arguments before D.B.


Member


Member

25.09.2019 Junior to counsel for the petitioner present. Mr. Zia Ullah Learned Deputy District Attorney for the respondent present. Junior to counsel for the petitioner seeks adjournment as senior counsel for the petitioner is busy before the Hon'ble Peshawar High Court. Adjourned. To come up for reply and arguments on 10.12.2019 before D.B

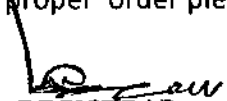




(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

FORM OF ORDER SHEET

Court of _____

12(2) Petition No. 196/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	23/04/2019	<p style="text-align: center;">The application under section 12(2) CPC submitted by Dr. Amir Israr through Mr. Noor Muhammad Khattak Advocate may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;">  REGISTRAR ^{aw} 23/4/19 </p>
2-	30-4-19	<p style="text-align: center;">This application be put up before S. Bench on <u>28-06-19</u></p> <p style="text-align: right;"> DBI  CHAIRMAN </p>
28.06.2019		<p>None for the petitioner present. Addl: AG for respondents present. Notices be issued to the petitioner and his counsel. Case to come up for arguments on 16.07.2019 for arguments before D.B.</p> <p style="text-align: center;">  Member </p> <p style="text-align: right;">  Member </p>

D.B II

22/11/21

15/13/22 ARG

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

Put up to the court with
appeal.

CM.NO. _____ 2021

IN

12(2) Petition NO.196/2019



17/11/22 Dr. Amir Israr

V/S

Health DEPTT:

Correct address of private respondents

Order dated
22/11/2021
be complied
with.

Dr. Shams Ur Rehman S/O Zahir Gul R/o N. STOP officer/MO at the disposal of DHO Khyber.

5.. Dr. Haris Mustafa S/O Ghulam Mustafa R/O USA. ↔

6. Dr. Syed irfan Ali Sha S/O Syed Saeed Shah R/O DD, DGHS /EOC Operation Swabi.

7. Dr. Inayat Ur Rehman S/O Abdur Rauf R/O DHO Kurram (Lower)

8. Dr. Fahad Iqbal S/O Muhammad Iqbal R/O DHIS Coordinator DHO Office Mardan.

9. Dr. Kifayat Ullah S/O Muhammad Ismail R/O N-STOP officer, Swat/DMS THQ Matta Swat.

10..Dr. Attaullah S/O Behram Khan R/O Deputy Chief, HSRU

11.. Dr. Liaqat Ali S/O Hassan Ahmad R/O EPI Coordinator , Swat.

12.. Dr. Hamza Abbas Khan S/O M, Abbas Khan R/O DMS DHQ Mardan.

13. Dr. Mehreen Aziz Awan D/o Abdul Aziz Awan R/O PHSA Peshawar.

Dated: 4/1/22

NOOR MOHAMMAD KHATTAK
Advocate Supreme Court

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

12 (2) Petition No. 196 - /2019

In

APPEAL NO. 830/2018

DR. *Aamir Iqbal*

VS

HEALTH DEPTT:

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APPELLANT

THROUGH: *[Signature]*
**NOOR MOHAMMAD KHATTAK
ADVOCATE**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

12 (2) Petition No. _____ 2019

IN

SERVICE APPEAL NO.830 to 839/2018

Dr. Aamir Israr S/O Israr Muhammad Khan,
Belongs to Health Management Cadre, Health Department,
Khyber Pakhtunkhwa, Peshawar..... **PETITIONERS**

VERSUS

- 1- Government of Khyber Pakhtunkhwa, through, Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary, Health, Khyber Pakhtunkhwa, Peshawar.
- 3- The Secretary Establishment Department, Khyber Pakhtunkhwa, Peshawar.
- 4- Dr. Shams Ur Rehman S/O Zahir Gul,
- 5- Dr. Haris Mustafa S/O Ghulam Mustafa,
- 6- Dr. Syed Irfan Ali Shah S/O Syed Saeed Shah,
- 7- Dr. Inayat Ur Rehman S/O Abdur Rauf,
- 8- Dr. Fahad Iqbal S/O Muhammad Iqbal,
- 9- Dr. Kifayat Ullah S/O Muhammad Isamil,
- 10- Dr. Attaullah S/O Behram Khan,
- 11- Dr. Liaqat Ali S/O Hassan Ahmad,
- 12- Dr. Hamza Abbas Khan S/O Muhammad Abbas Khan,
- 13- Dr. Mehreen Aziz Awan D/O Abdul Aziz Awan,
All Officers of the Health Service Management Cadre, Health Department, Government of Khyber Pakhtunkhwa, Peshawar.

..... **RESPONDENTS**

PETITION UNDER SECTION 12 (2) OF THE
CIVIL PROCEDURE CODE AGAINST THE
JUDGMENT DATED 22-03-2019 PASSED BY
THIS HONOURABLE TRIBUNAL IN APPEALS NO.
830 to 839/2018

R/SHEWETH:

ON FACTS:

- 1- That the respondent No. 3 to 12 challenged the Notification dated 07-05-2018 and 10-05-2017 through service appeals No. 830 to 839/2018 before this august Tribunal. Copies of the memo of appeal are attached as annexure..... **A.**
- 2- That the present petitioners/private respondents in the above mentioned appeals contested the same by submitting their written reply in response to the above mentioned service appeals. Copy of the reply is attached as annexure..... **B.**

- 3- That the appeals were fixed for final hearing on 22.03.2019 and the same have been argued at length and were decided vide consolidated judgment dated 22-03-2019 with a view that the present petitioners who fell into the category of officers having prescribed qualification at the relevant time but failed to opt for their absorption in to the management cadre before the coming in to force of amended Rules on 20.5.2017, were not eligible for the purpose of absorption subsequent to the amendment in the rules. Copies of the judgment is attached as annexure C.
- 4- That some of the facts had been concealed by the appellants in the above mentioned appeals and respondents in the present petition during the arguments from this Honorable Tribunal. That due to which valuable rights of the present petitioners were affected. Hence the petitioner prefers the instant petition on the following grounds inter alia.

GROUND:

- A- That the judgment dated 22-03-2019 is the result of the Misrepresentation on the part of the respondents No. (3 to 12).
- B- That, the respondents the then appellants have taken the shelter of the Notification dated 11.12.2008 which was not Notified in the Government Gazette at that time and the same had been notified in the Government Gazette on 02.11.2016. Copy of the Notification dated 02.11.2016 is attached as annexure.....D.
- C- That respondent No.3 (Dr. Muhammad Saleem) was on deputation when the options for management cadre were asked, despite of that he had given application for induction in the management cadre, after rejoining the department and not finding his name in the management cadre submitted departmental appeal on 29.11.2011 which was properly forwarded to the Government on 16.01.2012. That then after he filed writ petition No. 3645/2012 and then review petition No.42/2014 in writ petition No.3645/2012 before the Peshawar High Court, Peshawar and the Peshawar High Court directed for his inclusion in the management cadre which means that the fact was accepted by the Honorable court that he had applied timely. That the Law Department through a letter addressed to the Health Department dated 03.02.2015 has declared the case unfit for proceedings and even the Establishment Department vide a letter dated 10.06.2015 addressed to the Health Department stated that the complication in the case of Dr. Muhammad Saleem is a result of the delayed implementation of the Court orders on the part of Health Department. Hence the

assertion that he has not opted at the relevant time is misleading on the part of the appellants/respondents. Copies of the above mentioned record regarding petitioner is attached as annexure **E.**

- D-** That respondent No.6 (Dr. Muhammad Mustafa Alam) has obtained Master in Public Health (MPH) on 13.11.2012 and he has at that time not the requisite qualification and the appellants/respondents have misled the Court about his qualification. Copy of the relevant record is attached as annexure **F.**
- E-** That the respondent No.11 (Dr. Firdos Jabeen) who was regularized into the Government Service on the direction of Peshawar High Court, Peshawar through its judgment dated 31.03.2010 in writ petition No. 2758/2009 and after her regularization she opted for the same. Copy of the relevant record is attached as annexure **G.**
- F-** That the respondent No.16 (Dr. Aamir Israr) obtained Mater of Public Health (MPH) in July 2009 and immediately he opted for the cadre vide letter dated 01/09/2009, hence the assertion that he has not opted at the relevant time is misleading. Copy of the record is attached as annexure **H.**
- G-** That respondent No.23 (Dr. Khan Askar) opted for the management well within time and on that reason name of the petitioner/respondents inducted in the management cadre.
- H-** That the respondent No.28 (Dr. Alamgir Khan) applied for induction in the management cadre but his name was not included. That he submitted an appeal for inclusion in the cadre through FATA Health Directorate and later on his name was included in the management cadre. Copy of the record is attached as annexure.....**I.**
- I-** That the respondent No.42 (Dr. Noor Saeed Khan), the seniority list of BPS-19 has been issued by the Health Directorate and placed his name at serial No.78. That the petitioner No.7 stands retired on 04.04.2019. Copy of the record is attached as annexure.....**J.**
- J-** That the respondent No. 44 (Dr. Ghulam Rasool Khan), and respondent No.47 (Dr. Sheikh Muhammad Farooq) have already submitted applications on 15.05.2018 and 05.01.2019 before the Department for seeking withdrawal their names from the management cadre, while the appellants/respondents concealed this fact from the Honorable Service Tribunal during proceedings. Copies of the relevant record are attached as annexure.....**K.**

- K-** That the respondent No. 48 (Dr. Niamatullah Zia) is working in BPS-20 and he is going to be retired from government service on superannuation vide dated 15.05.2019 while the respondents/appellants concealed this fact from this august Tribunal. Copy of the record is attached as annexure.....**L.**
- L-** That the respondent No.83 (Dr. Muhammad Shoaib), the record reveals that his name for inclusion in the cadre was submitted by the then DHO Mardan dated 03.07.2009. That the name of the present petitioner had been included in the list for management cadre and his name was enlisted at serial No. 21, hence the assertion that he has not opted at the relevant time is misleading. Copy of the relevant record is attached as annexure.....**M.**
- M-** That the respondent No. 88 (Dr. Dildar Khan), has obtained Master in Public Health (MPH) on 02.04.2011 which clearly proves that he had not the requisite qualification at the relevant time, hence the assertion that he has not opted at the relevant time is totally misleading and after acquiring the requisite qualification he opted for management cadre. Copy of the relevant record is attached as annexure.....**N.**
- N-** That the respondent No.89 (Dr. Mohsin Ahmad), has submitted Departmental appeal on 21.02.2011. That after issuance of the tentative list of the management cadre he has not found his name, though he has applied within the stipulated time. Copy of the record is attached as annexure.....**O.**
- O-** That assertion of the appellants/respondents that by including the respondents/petitioners in the management cadre will adversely affect the services of the appellants/respondents which has been mentioned in para-3 of the judgment of the august Service Tribunal is also deviation from the factual position. That five of the appellants/respondents have joined their services on 14.02.2014 while the other five appellants/respondents joined their services on 11.04.2016. Furthermore, currently 226 posts of BPS-18 are lying vacant in the management cadre and if all the ten (10) appellants/respondents are promoted to BPS-18 still 216 posts will remain vacant. Copy of the record regarding vacant posts is attached as annexure.....**P.**
- P-** That the Number of sanctioned posts in different grades of the management cadre are 492, in which 277 posts had been filled up by the respondent Department while 215 posts still remain vacant in the said cadre. That if all the appellants/respondents remained included in the management cadre then still ample number of posts will remain vacant.

- Q-** That the appellants/respondents claim that approval from the competent authority has not been taken is also misleading as the Chief Minister, Khyber Pakhtunkhwa being competent authority has given approval on the summary vide dated 04.05.2017. Copy of the summary is attached as annexure.....**Q.**
- R-** That, the judgment dated 22-03-2019 is also a result of the misconception and misrepresentation which has been created by the private respondents the then appellant.
- S-** That the petitioner/applicant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that on acceptance of this 12(2) petition/application the judgment dated 22.03.2019 may kindly be set aside being based on mis-representation and fraud on the part of the private respondents the then appellants and decide the main appeals in light of the available record, law and Rules. Any other remedy which this august Tribunal deems fit that may also be awarded in favour of the petitioner/applicant.

Dated: 22-04-2019

PETITIONER

DR. AAMIR ISRAR

THROUGH:

NOOR MOHAMMAD KHATTAK

&

MUHAMMAD MAAZ MADNI

ADVOCATES,

HIGH COURT, PESHAWAR

36. Kamran Zakria s/o Chulam Zakria Khan
37. Sheikh Mohammad Farooq Azam s/o, Sheikh Mohammad Bashir Gohar
38. Naimat Ullah Zia s/o Amir Shah
39. Muhammad Israr-ul Haq s/o Abdur Rashid Khan
40. Qasim Abbas s/o Saif ur Rehman
41. Muhammad Hayat s/o Haji Akbar Gul
42. Muhammad Ibrahim Khan s/o Abdul Haleem Khan
43. Sheraz Ahmad Khan s/o Muhammad Akram Khan
44. Aduan Khan s/o Muhammad Zahir Shah
45. Syed Ijaz Ali Shah s/o Syed Abdul Qayyum Shah
46. Fazal Majeed s/o Muhammad Aslam
47. Muhammad Bilal Khan s/o Muhammad Daud
48. Majid Saleem s/o Allah Dad Khan
49. Fazal Qayum s/o Abdur Rahman
50. Ali Asghar Khan s/o Abdul Akbar Khan
51. Muhammad Azhar Shah s/o Asrar ul Arifin
52. Saira Jabeen Shah s/o, Amt. Ali Shah
53. Roshan Zada s/o Said Latif
54. Javid Iqbal s/o Amir Bahadar
55. Shaima Malik d/o Dr Fazli Malik Sarim
56. Pirzada s/o Bahadar
57. Shahab Ahmad s/o Abdul Rahman
58. Muhammad Dost Khan s/o Zahir Gul
59. Muhammad Riaz s/o Gohar Khan
60. Kashmir Khan s/o Aslam Khan
61. Tariq Hayat s/o Fazal Hayat Taj
62. Muhammad Sohail Farooqi s/o Muhammad Aqcel Farooqi
63. Abdul Waheed s/o Abdul Hamid
64. Hafizullah Khan s/o Amanullah Khan
65. Zakir Hussain s/o Hakim Khan

(S)

8

16. Amir Israr s/o Israr Mohammad Khan
17. Syed Shaida Hussain Shah Bukhari s/o Syed Fida Hussain Shah Bukhari
18. Muhammad Shafiq s/o Akbar Gul
19. Mohammad Rahim s/o Gul Rahim
20. Mushtaq Ahmad s/o Fazal Khan
21. Shabnum Khawas d/o Lal Khawas Khan
22. Ahmed Tariq s/o Tariq Tanvir
23. Khan Askar s/o Mohammad Askar
24. Faisal Malik s/o Fazli Malik Sarim
25. Bilal Bahrawar Khan s/o Bahrawar Khan
26. Tanveer Inam s/o Inam Ullah
27. Mohammad Saleem Khan s/o Fazali Rahim Khan
28. Alamgir Khan s/o Darvesh Khan
29. Majid Khan s/o Muhammad Hamayun Khan
30. Ihsan Ullah s/o Ghulam Muhammad
31. Aurang Zeb Afridi s/o Ghulam Hussain Afridi
32. Shafiqul Mulk s/o Hazrat Mulk Khan
33. Mohammad Khalil Akhter s/o Mohammad Yousaf Khan
34. Farhad Khan s/o Pordil Khan
35. Muhammad Farid s/o Khaista Azam
36. Amir Rafiq Khattak s/o M. Rafiq Khattak
37. Jahanzeb Khan s/o Ihsan Ullah Khan
38. Ali Jan s/o Amir Jan
39. Makhdoom Safdar s/o Safdar Hussain Afghan
40. Shumaila Malik d/o Malik Farid Khan
41. Mohammad Kamal s/o Mohammad Sharif Khan
42. Noor Saeed Khan s/o Mohammad Saeed Khan
43. Aziz Khan s/o Jafar Khan
44. Ghulam Rasool Khan s/o Shadi Gul Khan
45. Mohammad Iqbal Javed s/o H. Fatch Ullah Khan

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- (9)
- (9)
76. Qazi Sabihuddin s/o Qazi Ghulam Mustafa
 77. Haz Ahmad s/o Bashir Ahmad
 78. Sher Muhammad s/o Shah Muhammad
 79. Wakeel Muhammad s/o Tajul Malook
 80. Saifan Khan s/o Muhammad Tanyeer
 81. Muhammad Nacem s/o Habib Ullah Khan
 82. Ikramullah s/o Amanullah Khan
 83. Muhammad Shoaib s/o Azizur Rehman
 84. Muhammad Riaz Tanoli s/o Said Ozar
 85. Inayatullah Khan s/o Saifullah Khan
 86. Wazir Khan s/o Rookam Khan
 87. Uzma Jaheen d/o Taj Muhammad
 88. Dildar Khan s/o Abdul Ghaffar
 89. Mohsin Ahmad s/o Taj Muhammad Khan
 90. Abbas Khan s/o Ajab Khan

All General Cadre doctors newly inducted into Health Management Cadre, Health Department Khyber Pakhtunkhwa. *Case of D.O. Health Office.*

.....RESPONDENTS

.....

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974

.....

Respectfully sheweth;

1. Appellant herein is a Civil Servant being a members of the Health Services Management Cadre of the Govt. of Khyber Pakhtunkhwa, which is the creation and outcome of Khyber Pakhtunkhwa Health (Management) Services Rules, 2008 promulgated on 11.12.2008. He is serving in BPS-17 and his date of appointment and place of current postings is distinctly mentioned in his appointment letters and posting orders respectively [Annexure-A].

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

C.M No. _____/2019

IN

12(2) PETITION No. _____/2019

DR. AMIR ISRAR

VS

HEALTH DEPTT:

APPLICATION FOR SUSPENSION OF
OPERATION OF THE IMPUGNED JUDGMENT
DATED 22.03.2019 TILL THE DISPOSAL OF THE
ABOVE MENTIONED PETITION

R/SHEWETH:

- 1- That the above mentioned petition along with this application has been filed by the petitioner before this august service Tribunal in which no date has been fixed so far.
- 2- That the petitioner filed the above mentioned petition against the impugned judgment dated 22.03.2019.
- 3- That all the three ingredients necessary for the stay is in favor of the appellant.
- 4- That the impugned judgment dated 22.03.2019 had been passed by this august Tribunal on the mis-representation of the appellant/respondents.

It is therefore, most humbly prayed that on acceptance of this application the respondent Department may kindly be directed not to implement the judgment dated 22.03.2019 till the disposal of the above mentioned petition.

Dated: 22.04.2019

APPLICANT

DR. AMIR ISRAR

THROUGH:

NOOR MOHAMMAD KHATTAK

&

MUHAMMAD MAAZ MADNI
ADVOCATES

(6)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service Appeal No. _____/2018

Dr. Shams Ur Rehman
Son of Zahir Gul
Officers of Health Service Management Cadre (BPS-17)
Government of Khyber Pakhtunkhwa Peshawar

.....APPELLANT

VERSUS

1. Government of Khyber Pakhtunkhwa
Through Chief Secretary
Civil Secretariat Peshawar
2. The Secretary Health
Government of Khyber Pakhtunkhwa
Civil Secretariat Peshawar
- ✓ 3. Muhammad Saleem s/o Inayat ur Rahman
4. Muhammad Ismail s/o Said Muhammad
5. Shahid Mehmood s/o Sardar Muhammad Aslam
6. Muhammad Mustafa Alam s/o Nasrullah Jan
7. Khalil ur Rehman s/o Ali Rehman
8. Mohammad Shuaib s/o Mohammad Ajah
9. Mohammad Munib s/o Mohammad Sher Ali Khan
10. S. Muhammad Taimur Shah s/o Pir Feropz Shah
11. Firdos Jabeen s/o Muhammad Aslam Khan
12. Kalimullah Khan s/o Eid Gul
13. Niaz Mohammad s/o Dost Mohammad
14. Zafarullah Khan s/o Ghulam Sarwar
15. Saeed ur Rahman s/o Haji Fazli Rahman

(8)
(16)

2. Appellant is aggrieved of the Notification issued by the Govt. of Khyber Pakhtunkhwa vide No. SOH(E-V14-20/2018 dated 07.05.2018 [Annexure-'B'], whereby Respondents No. 3-90 have been inducted / absorbed in the Management Cadre of the Health Services by way of permanent transfer from General Cadre of the Health Department of the Govt. of Khyber Pakhtunkhwa. Departmental appeal there against was also filed by the present appellant on 08.05.2018, pursuant to the order of the Supreme Court of Pakistan, while hearing Human Rights cases at Peshawar Registry on the same date whereby it was ordered that the applications filed by the present appellant before the apex court was to be treated as Departmental Appeals / Representations and was to be answered in 10 days by the department. Thus, the Service Appeal / Representation was answered by the official respondents on 25.05.2018 [Annexure-'C'], whereby the genuine plea of the appellant was turned down and was not exceeded to, hence this appeal.

3. To mention the background of the case, it is stated that the Government of Khyber Pakhtunkhwa had, in order to achieve better results for health care services delivery, separated administrative and clinical cadres in the Health Department, thereby constituting a separate Management Cadre by promulgating Khyber Pakhtunkhwa Health (Management) Service Rules, 2008 (hereinafter referred to as 'the Rules') vide Notification No. SOH (EV) 4-20/08 dated 11.12.2008 [Annexure-'D']. Rule 4 thereof read with Schedule II has provided method of recruitment and appointment in the aforesaid Management Cadre. And for those who were then serving in the general cadre of the Health Department, a one-time exercise of appointment by way of permanent transfer was provided in Rule 10 with certain prescribed qualification.

4. This mechanism for induction by way of permanent transfer so prescribed in Rule 10 *ibid* was nevertheless a one-time exercise, and was not to be enjoyed or taken benefit of for all times to come. However, it seems that the way things have gone by, the induction by way of such one-time absorption (by way of permanent transfer) has been made to last and subsist forever. And because this had badly affected the progression, promotion, service carrier and prospects to flourish in their own cadre / track for those who are directly recruited / appointed through Public Service Commission, i.e. the appellant herein, the

(11) (6)

have been agitating their cause with solid and convincing reasons but to no avail so far.

5. Coming back to Rule 10 *ibid.* various Notifications and orders issued by Government of Khyber Pakhtunkhwa since its inception [Annexure-'E'] would show that ideally speaking induction by way of absorption (through permanent transfer) from General to Management Cadre should have been stopped *w. e. f.* 18.10.2010. However, some of the respondents who, at the relevant and crucial time, were employed in other lucrative jobs / various projects of the Health Department, had decided to protract and drag the matter for years. And this object, they had achieved by way of dragging govt. into litigation at various *fora.* At the very outset Writ Petition No. 2382/2009 was filed in the Peshawar High Court, Peshawar, questioning the *vires of the Rules.* Said Writ Petition was dismissed *in limine* on 10.11.2009 [Annexure-'F'] whereby the departmental authorities were directed to decide the departmental representation so filed within a month. Identical orders were passed when august Peshawar High Court, Peshawar was approached by some of the respondents in COC No. 10/2010 in the aforesaid writ Petition, which contempt case was disposed of on 09.02.2010 [Annexure-'G'].
6. Thereafter Service Appeal No. 513/2010 was preferred before this august Tribunal, which was decided on 03.01.2012 [Annexure-'H'] on the following terms;

"Section 10 of the said rules does not provide any cushion period and deny chance to improve qualification, for joining the management cadre to the appellants. The same be modified to the extent that two years cushion period be allowed to all those who wish to improve qualification as per Health (Management) Service Rules, and to join Management Cadre if they succeeded in acquiring the requisite qualification as per the aforementioned Rules. This would however not entitle the appellants and others not having requisite qualifications for posting in the Management Cadre posts but only provide them cushion period and if they acquire the requisite qualification within 2 years from the date of the decision, they may opt and join Management Cadre without effecting their seniority/service".

The aforesaid decision of the Tribunal was assailed in the Supreme Court of Pakistan through Civil Appeals Nos. 320-324 of 2012 and Nos. 126-P to 130-P of 2013, which appeals were decided on 03.11.2016 [Annexure-'I'], whereby the judgment of the Tribunal was maintained, and as to the issue of seniority it was held that it would be counted from the date when respondents join Management Cadre and not from any earlier period. Thereafter, a summary was initiated at the level of provincial government as to how an option of absorption as provided in Rule 10 *ibid* should be dealt with, and at last *the Rules* appeared to have been amended, on 10.05.2017 [Annexure-'J'], albeit not by the competent authority, and now a *proviso* was inserted in Rule 10 *ibid* only for the purposes of providing an opportunity 'to improve qualification' for those in the general cadre who were there in service but did not have the prescribed minimum qualification on the date when Rules were initially promulgated, and then such officials of general cadre were to exercise option for absorption within a period of two years after fulfilling the qualification benchmark as prescribed. Thereafter, through advertisements and publications in various dailies [Annexure-'K'], respondents were asked to submit option for absorption in the Management Cadre, and upon receiving the same impugned order dated 07.05.2018 was issued thereby permanently absorbing the private respondents in the Management Cadre in various pay scales as mentioned therein.

8. It is pertinent to mention that two years cushion period as provided in the judgment dated 03.01.2012 of this august Tribunal as well as given in the *proviso* added in Rule 10 *ibid* was meant only for those who were in the continuous services of the general cadre but did not have the requisite qualification at the relevant time so as to enable them to acquire the prescribed qualification during the cushion period and then to apply for absorption within the given time. This was clearly not meant to serve as a back door entry for those in the general cadre who at the relevant time did possess the requisite qualification at the time when *the Rules* were enforced back in 2008, but they did not, out of their own ulterior motives, opt for absorption when they were called on to do so back in the year 2009-10. This includes respondent no. 3, 4, 11, 16, 23, 28, 42, 44, 47, 48, 83, 88 and 89 who were holding the requisite required qualification when *the Rules* were enforced on 11.12.2008. As to the respondent no. 4, 5, 7, 8, 9, 10, 12, 13, 14, 15, 17, 18, 19, 20, 27, 30, 31, 32:

31, 34, 35, 36, 37, 41, 43, 45, 52, 55, 56, 57, 61, 63, 64, 67, 68, 69, 70, 73, 75, 76, 77, 78, 79, 81, 82, 84, 85, 86, 87 and 90. they were serving in the General Cadre of the Health Department but they had acquired the requisite qualification thereafter have also been inducted in the Management Cadre through the impugned Notification. It is rather more exasperating to note that there are some of the respondents (Respondent No. 21, 22, 24, 25, 26, 29, 38, 39, 40, 46, 49, 50, 51, 53, 54, 58, 59, 60, 62, 65, 66, 71, 72, 74 and 80), who were not even in service and were inducted in General Cadre of Health Department long time after the issue of one time absorption of such general cadre doctors had arisen. These respondents had also been given a back door because they have recently joined the general cadre services as mentioned in the attached sheet [Annexure-'L'] showing their appointment dates, and the back door entry of absorption has been allowed to continue and flourish for all times to come. This particularly was not the intent and object of Rule 10 of the original un-amended Rules and judgment of the August tribunal. And now by making amendment therein vide Notification dated 10.05.2017, the real purpose and intent thereof appears to have been completely distorted and outraged.

9. On this very score the impugned Notification dated 07.05.2018 appears to be misconceived and illegal, because it has actually served as a back door entry for respondent No 3-90, as at the relevant time when the Rules were promulgated, on 11.12.2008, they either had the requisite qualification but not opted to go for the absorption in the Management Cadre, or did not had the qualification and acquired it later but not in the prescribed cushion period for improvement in qualification, or even those who were initially appointed in the general cadre after the Rules were promulgated.

10. More so, the impugned Notification dated 07.05.2018 or any other dispensation in the form of amending Notification No. SOH (E-V) 4-20/2017 dated 10.05.2017 are prima facie illegal and contrary what has been ruled by the august Supreme Court of Pakistan in the matter of 'Contempt Proceeding against Chief Secretary Sindh and others' reported in 2013 SCMR 1752, whereby not only similar inductions / appointments of civil servants from non-cadre posts to a cadre posts were held to be illegal but various legislations and Statutes of Govt. of Sindh allowing and protecting such absorption / induction were held to be ultra vires the Constitution. The

(14)

idea behind such judicial pronouncement was that permanent absorption of non-cadre civil servant to cadre posts would affect promotion prospects, progression and service career of the cadre civil servant. Same is the case here, as most of the respondents from general clinical cadre, who have been absorbed in BPS-18 and above, have blocked all chances of progression and promotion for the present appellant serving in BPS-17 as having been appointed in the Management Cadre by way of initial appointment as prescribed in *the Rules*.

11. It may also be stated at this juncture that in view of Art. 129 of the Constitution for the purposes of exercise of executive authority provincial govt. has been described as one exercised through *Chief Minister and the Cabinet*. Now, in this case Notification No. SOH (E-V) 4-20/2017 dated 10.05.2017 amending *the Rules* has been purportedly issued by the Govt. but without the concurrence of *Chief Minister and the Cabinet* both. The amendment thus brought in *the Rules* through this Notification does not exist in the eye of law and is *coram non judice*.

12. Having said all that, it is more than crystal clear that appellant has not been dealt with in accordance with law. Their departmental appeal too has been wrongly decided and relevant considerations to decide the same have been conveniently ignored. The indulgence of this august Tribunal is therefore all the more necessary and indispensable.

It is, therefore, prayed that on acceptance of this appeal this august Tribunal may be pleased to;

A. *Set-aside* and *quash* Notification No. SOH(E-V)4-20/2018 dated 07.05.2018 by declaring the permanent absorption of Respondents 3-90 in the Management Cadre as illegal and *ultra vires*, and

B. *Declare* that Notification No. SOH (E-V) 4-20/2017 dated 10.05.2017 is *ultra vires* the Constitution of the Islamic Republic of Pakistan, 1973 with particular reference to its Art. 4, 9, 10-A, 25 and has also been issued without jurisdiction and is *coram non judice*, and / or

Grant my other relief considered just and appropriate in the given circumstances of the case.

Sh R
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Appellant

Through

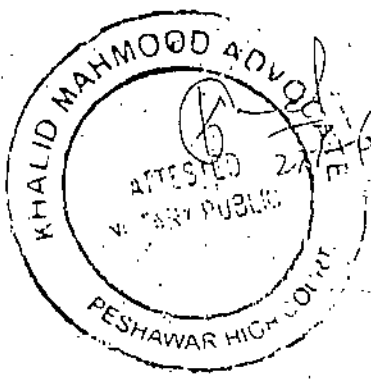
Qazi Jawad Ehsanullah
Qazi Jawad Ehsanullah
Advocate Supreme Court

AFFIDAVIT

I Dr. Shams Ur Rehman Son of Zahir Gul Officer of Health Service Management Cadre (BPS-17) Government of Khyber Pakhtunkhwa Peshawar Affirm and declare on oath that the content of this service appeal is true and correct to the best of my knowledge, information and belief nothing has been cancelled to this Hon'ble Service Tribunal

Sh R
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DEPONENT



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No. 830/2018

B-

Dr. SHAMS-UR-REHMAN

VS

HEALTH DEPT
&
OTHERS

REPLY ON BEHALF OF PRIVATE RESPONDENTS NO.3
TO SO IN RESPONSE TO THE APPEAL SUBMITTED BY
THE APPELLANT

R/SHEWETH:

PRELIMINARY OBJECTIONS:

1. That the appellant has got no cause of action to file the instant appeal.
2. That the appellant has no locus standi to file the instant appeal.
3. That the appellant has not come to this honorable Tribunal with clean hands.
4. That the appellant has concealed material facts from this honorable Tribunal.
5. That the instant appeal is not maintainable in its present form.
6. That the appeal is bad due to Non-Joinder & Mis-Joinder of necessary parties.
7. That the appeal is not maintainable in its present form.
8. That the appeal of the appellant is badly time barred.
9. That the appellant is estopped by his own conduct to file the instant service appeal.

ON FACTS:

1. Incorrect and misconceived. That in the instant Para the appellant concealed the fact that Khyber Pakhtunkhwa Health (Management) Service Rules has been notified in the official Gazette on 11.12.2008 whereas in fact the Rules were framed and properly notified in the official Government Gazette on 02.11.2016. Copy of the Rules is attached as annexure.....R.

2. Incorrect and misconceived. That the Notification dated 7.5.2018 has been issued by the competent authority, whereby the replying respondents have been inducted/absorbed in the management cadre on their option and as such they were assigned seniority in accordance with the Section-8 of the Civil Servant Act, 1973 read with Rule 17 of the Appointment, Promotion and Transfer Rules, 1989. Moreover the appellant failed to annex any documentary proof regarding directions of the Honourable Chief Justice of Pakistan, in fact no such directions have been issued by the Honourable Chief Justice of the Supreme Court of Pakistan. That the appellate authority in his order dated 25.5.2018 had clearly mentioned in the concluding Para that no such order regarding disposal of the Departmental appeal had been issued by the worthy Chief Justice and as such the authority had rightly regretted the Departmental appeal of the appellant vide order/letter dated 25.5.2018. Copy of the Notification dated 7.5.2018 is attached as annexure R1.

3. Incorrect and misconceived. That the said service Rules dated 11.12.2008 were properly been notified in the official gazette vide Notification dated 2.11.2016. That the said Notification dated 2.11.2016 has no retrospective effect rather the same was issued with immediate effect. That in the light of the said Notification dated 2.11.2016 the replying respondents submitted their options for permanent induction/absorption in the management cadre through Departmental appeal and as such the competent authority issued the Notification dated 7.5.2018 whereby the replying respondents have been inducted/absorbed in the management cadre. Moreover according to the judgment of the Sindh High Court passed in C.P No.D-4679/2016 dated 25.11.2016 titled Sohail Ahmad & Others VS Province of Sindh & Others had declared while relying on the judgment of apex Court reported in 2008 SCMR 1148 "Notification not published in the official gazette would be invalid. Notified declaration could take effect from the date of publication in the gazette and not from any prior date. So in light of the above judgments the appellant has no prima facie case and as such the appellant filed the instant appeal with mala fide and arbitrary intentions. Copies of the Departmental appeal and judgment of the Sindh High Court are attached as annexure R2, R3.

4. Incorrect and misconceived. That as stated above in Para No.3 that the said service Rules were properly notified in the official gazette on 2.11.2016, therefore the same will take effect from the date of issuance and not from any back date. Moreover the spirit of the above noted Notification has allowed the replying respondents to tendered their option regarding absorption/induction in the management cadre

and as such they have rightly been inducted in the management cadre by the competent authority vide Notification dated 7.5.2018. That under article 38(e) of the constitution of Pakistan 1973 the replying respondents have equal rights to get benefit from the Notification dated 2.11.2016 by way induction in the management cadre.

- 5. Incorrect and misconceived hence denied.
- 6. Incorrect and misconceived hence denied.
- 7. Incorrect and misconceived. That as explained in Para No.3 and 4 that the said Rules were properly Notified in the official gazette on 2.11.2016 and the replying respondents submitted their Departmental appeal for induction in the management cadre prior to the issuance of the said Notification were considered by the competent authority and were rightly been absorbed/inducted in the management cadre by issuing the Notification dated 7.5.2018.
- 8. Incorrect and misconceived hence denied.
- 9. Incorrect and misconceived. That in the Notifications dated 2.11.2016 and 10.5.2018 there is no mention regarding the stance taken by the appellant in this Para.
- 10. Incorrect and misconceived. That the mentioned case has no relevancy with the present appeal because every case has their own facts and circumstances and as such one case could not be dispose/decide on the basis of other case. Moreover the induction of the appellant in management cadre illegal because at the time of induction there were no rules in vogue for the management cadre and as such the induction of the appellant will take effect from issuance of the Notification dated 2.11.2016.
- 11. Incorrect and misconceived. That the subject Rules has been protected by section 26 of the Civil Servant Act, 1973 and as such the competent authority has issued the Notification dated 7.5.2018 regarding the induction/absorption of the replying respondents in the management cadre who is perfectly competent to issue the same.
- 12. Incorrect and misconceived. That in light of section-4 of the Civil servant Act, 1973 read with Rule -3 of the Civil Servant Appeal Rules, 1986 the appeal in hand is not maintainable and liable to be set aside.

It is therefore, most humbly prayed that on acceptance of this reply the appeal of the appellant may kindly be dismissed with cost.

PRIVATE RESPONDENTS NO.3 TO 90

Dr. Mohammad Saleem

&

87 others

THROUGH:



NOOR MOHAMMAD KHATTAK
ADVOCATE

MOBILE NO.0345-9383141

ATTESTED



EXTRAORDINARY
GOVERNMENT



REGISTERED NO. RIII
GAZETTE

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KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, WEDNESDAY, 2nd NOVEMBER, 2016.

**GOVERNMENT OF THE NORTH-WEST FRONTIER PROVINCE (NWFP)
HEALTH DEPARTMENT**

NOTIFICATION

Dated: 1st December, 2008.

No. SOHE-VIA-20108 In exercise of the powers conferred by section 26 of the North West Frontier Province Civil Servants Act, 1973 (N.W.F.P. Act XVIII of 1973), the Governor of the North-West Frontier Province is pleased to make the following rules, namely:

**THE NORTHWEST FRONTIER PROVINCE HEALTH
(MANAGEMENT) SERVICE RULES, 2008.**

**PART - I
GENERAL**

1. Short title and commencement. -- (1) These rules may be called the North-West Frontier Province Health (Management) Service Rules, 2008. (2) They shall come into force at once.
2. Definitions. -- In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say :--
 - (a) "appointing authority" in relation to a post, means the respective authority specified in para 4 of the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989;
 - (b) "Commission" means the North-West Frontier Province Public Service Commission;
 - (c) "Cadre" means Health Management Cadre;
 - (d) "Government" means the Government of the North-West Frontier Province;
 - (e) "Governor" means the Governor of the North-West Frontier Province;
 - (f) "Initial recruitment" means appointment made otherwise than by promotion or transfer;
 - (g) "Member of Service" means officer belonging to health management cadre as reflected in schedule I, II & III;
 - (h) "PHSA" means Provincial Health Services Academy;

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10. One time exercise. --- (1) Notwithstanding anything contained in the provision of these rules, Government shall, as one-time exercise, fill in posts in the Service described in Schedule-I by way of permanent transfer from amongst the Officers of General Cadre in equivalent basic pay scale who have the qualification of Master of Public Health or Postgraduate Diploma in Public Health or Postgraduate Diploma in Hospital Administration or Health Planning & Management or equivalent Master's Degree / Diploma in Health management or allied disciplines and opt for absorption;

Provided that the option once exercised shall be final.

(2) Where the number of officers opting for absorption in Management Cadre is more than the available positions in respective grade, the selection under one-time exercise shall be done on the basis of seniority-cum-merit only in the respective grade;

Provided that for determining the suitability of the officers, additional relevant qualifications, trainings/courses in the relevant field and managerial experience, as such, shall be taken into consideration.

11. Deletion of posts. --- Posts reflected in the schedule-I shall stand deleted from any other service rules for the time being in force and such rules shall be deemed to have been amended to the above extent.

SECRETARY TO GOVERNMENT OF NWFP
HEALTH DEPARTMENT

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SCHEDULE - I
(Management Cadre)

Members of Service in BPS-20:

S.No.	Nomenclature of post	Number of post
1	Director General Health Services, NWFP, Peshawar	01
2	Director (Admin) DGHS NWFP Peshawar	01
3	Director Health Services DGHS NWFP Peshawar	01
4	Medical Superintendent Govt. LRH/KTH/HMC Peshawar	03
5	Medical Superintendent DIQ.Hospitals Kohat, Bannu, DIKhan, Mardan, Swat, Abbottabad	06
6	Medical Superintendent, Mufti Mehmood Memorial Hospital DIKhan	01
7	Medical Superintendent, Khalifa Gul Nawaz Hospital Bannu	01
8	Medical Superintendent, Govt. City Hospital Kohat Road Peshawar	01
9	Medical Superintendent, Sarhad Hospital for Psychiatric Diseases Peshawar	01
10	Medical Superintendent, Ayub Teaching Hospital Abbottabad	01
11	Executive District Officer (Health) Peshawar	01
12	Executive District Officer (Health) Swat	01
13	Executive District Officer (Health) Mardan	01
14	Executive District Officer (Health) Kohat	01
15	Director Provincial Health Services Academy, Peshawar	01
16	Principal Public Health School Hayatabad Peshawar	01
17	Principal Public Health School Abbottabad	01
18	MS Mardan Medical Complex	01
	TOTAL:	25

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SCHEDULE - I

(Management Cadre)

Members of Service in BPS-18:

S.No.	Nomenclature of post	Number of post
1.	Incharge Civil/THQ.Hospital Ziarat Kaka Sahib Nowshera, Rustam, Lund Khawar Mardan, Topi Swabi, Kalu Khan Swabi, Shakar Darra (Kohat), Thall Hangu, Serai Naurang Lakki Marwat; Balakot Mansehra and Thana Malakand Agency	10
2.	Senior Instructors DHDCs in NWFP (Abbottabad, Swat and DIKhan)	03
3.	Instructors in Public Health School, Hayatabad Peshawar and DIKhan	03
4.	Instructor Public Health School; Nishtarabad Peshawar	01
5.	Epidemiologist Govt. LRI and HMC Peshawar	02
6.	Course Director (MCH & Family Planning) PHSA NWFP	01
7.	Epidemiologist PHSA NWFP	01
8.	DMS Govt. Maternity Hospital Peshawar	01
9.	DMS (Admn) KTH Peshawar	01
10.	District TB Control Officer, Abbottabad, Kohistan, Nowshera, Charsadda, Malakand, Buner, Shangla, Lower Dir, Kohat, Hangu, Karak, Bannu, Lakki Marwat and Tank	14
11.	Deputy Director Admn./Deputy Director Dev.(02), Assistant Director EPI(02), DRS FATA	04
12.	Agency Surgeon Mohmand, Bajaur, Orakzai, Kurram, NW Agency, SW Agency, Khyber, FR Peshawar/ FR Kohat, FR DIKhan, FR Bannu.	10
13.	DMS(Admn), DMS(Stores) DMS (Dispensary) at Ayub Teaching Hospital Abbottabad	03
14.	Assistant Directors in Directorate General Health Services, NWFP, Peshawar	13
15.	ADHO FATA Health	4
	TOTAL:	71

Note: All Program /Project positions & FATA Health positions in: BPS-18 would be filled from amongst Management Cadre.

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SCHEDULE - II

Nomenclature of Post	Qualification for appointment by initial recruitment	Age limit	Method of Appointment
Director, General Health Services (BS-20)		4	By transfer, on the basis of selection on merit, from amongst the ten senior most members of the Service in (BS-20).
Members of Service (BS-20)			<p>Note: Preference will be given to those having additional postgraduate relevant qualifications or specialized courses.</p> <p>(a) By promotion, on the basis of selection on merit, from amongst the Members of Service in (BS-19) with 5 years service as such or 17 years service in (BS-17) and above; and</p> <p>(b) Four months advance in-service training in Management from a recognized institution or PHSA NWFP.</p>
Members of Service (BS-18)	<p>(a) MBBS/BDS or equivalent qualification, from any institute recognized by the PMDC; and</p> <p>(b) (i) Doctorate / M.Phil in Public Health or Health Administration or Health Management or equivalent qualification from any University recognized by the H.E.C or PMDC; or</p> <p>(ii) Master in Public Health/Health Administration/ Health Management, allied discipline or equivalent qualification from any University recognized by H.E.C or PMDC with 5 years residence in the relevant field.</p>	30-40 years	<p>(i) Eighty percent by promotion, on the basis of seniority cum-fitness, from amongst Members of the Service in BS-17 having at least five years service, as such, with two months in service training in Management from a recognized institution or PHSA; and</p> <p>(ii) Twenty percent by initial recruitment.</p>
Members of Service (BS-17)	<p>(a) MBBS/BDS or equivalent medical qualification from any institute recognized by PMDC; and</p> <p>(b) Master in Public Health/Health Administration/ Health Management or equivalent qualification from any institute recognized by H.E.C or PMDC.</p>	25-32 years	By initial recruitment.

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ATTESTED

(HEALTH MANAGEMENT CADRE)

Syllabus and Standard for competitive exam for
initial recruitment in BS-17

1. The Examination shall include General Compulsory and Specialized Compulsory Subjects, and every candidate will take all the compulsory subjects.
2. A candidate shall answer the papers in English unless otherwise directed. However, the paper in Islamiyat may be answered in Urdu or English.
3. The total marks of General Compulsory Subjects are 350 while there should be two Specialized Compulsory Papers of 300 marks each covering 150 marks.
4. Psychological aptitude test 50 Marks
5. Viva Voce 200 Marks
6. The general compulsory and specialized compulsory subjects and maximum marks fixed for each subject shall be as shown in the statement below:

General Compulsory Subjects (350 Marks)		
Serial No.	Subjects	Maximum Marks
1.	English	100
2.	English Essay	50
3.	General Knowledge / Everyday science	50
4.	Current affairs	50
5.	Pakistan Affairs	50
6.	Islamiyat	50

Specialized Compulsory Subjects (400 Marks)

1. Health Planning and Management (Single Paper)	200
Topics: Planning, Planning Cycle, Strategic Planning, Management, Project Management, Hospital Administration, Financial / Stock Management, Human Resource Management, Total Quality Management, Leadership, Decision Making, Organization, Effective Organization and Culture, Organizational Behavior, Human Factor and Motivation, Social Responsibility and Ethics, Management and Society (External Environment), Management of Training and HRD, Communication, Management Information System, etc.	

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SCHEDULE IV

Induction training

Target Group:

The training is designed for newly recruited Medical Officers BS 17 in Health Management cadre.

Objective :

- o To equip the doctors with Official Procedures, Financial & Procurement Rules and Regulations, Rules of Business, and other government functions with a view to help them for working as Health Managers.
- o To develop their skill and knowledge in Planning, management and leadership.
- o To develop skill and Knowledge regarding routine office procedures and management

Training Schedule :

The training is divided into two portions:

- o Theory total duration 2 months
- o Practical total duration 4 months

Theory:

To be imparted in PHSA in collaboration with SII, Audits and accounts training institute, NIMS, IMSciences etc.

Topics:

- ¼ Relationship of Management with Behaviour
- ¼ Principles of Management and planning
- ¼ Leadership
- ¼ Communication and advocacy
- ¼ Motivation
- ¼ Team building
- ¼ Project management
- ¼ Donor coordination
- ¼ Health policies
- ¼ Human resource management
- ¼ Public private partnership.
- ¼ Decentralization.
- ¼ Use of information.
- ¼ Role of Provincial and district government in context of Local Government Ordinance.
- ¼ Medical ethics
- ¼ Healthcare financing
- ¼ Disease surveillance
- ¼ Basics of Epidemiology and epidemic control
- ¼ Monitoring and supervision
- ¼ Primary health care
- ¼ Hospital management
- ¼ Waste disposal
- ¼ Quality Management
- ¼ Vertical programmes and their linkages with in the health system.
- ¼ Health system research

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EXTRAORDINARY
GOVERNMENT



REGISTERED NO. PIII
GAZETTE

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, TUESDAY, 10th May, 2018.

GOVERNMENT OF KHYBER PALHTUNKHWA HEALTH DEPARTMENT

NOTIFICATION

Dated Peshawar, the 07th May, 2018.

No. SOH(E-V)4-20/2018 In pursuance of the Judgment dated 03.01.2012 of the Khyber Pakhtunkhwa Service Tribunal in Service Appeal No.513 of 2010, upheld by the Honorable Supreme Court of Pakistan vide judgment dated 03.11.2016, in C₂As No.320-324 of 2012 and CA No.126-P to 130-P of 2013, and in term of Section-10 of the Health Management Cadre Rules, 2008, the competent authority (Chief Minister Khyber Pakhtunkhwa) is pleased to induct the following doctors of the General Cadre, on their option, into the Health Management Cadre having the requisite qualification.

2. Their inter se seniority will be determined in the new Cadre in terms of Section-8 of the Khyber Pakhtunkhwa Civil Servant Act, 1973 and Rule-17 of the Appointment, Promotion Transfer Rules, 1989.

S.No	NAME OF DOCTOR	FATHER NAME
1.	Dr.Muhammad Saleem BS-19	Inayat-Ur-Rehman
2.	Dr.Muhammad Ismail BS-18	Said Muhammad
3.	Dr.Shahid.Mehmood BS-18	Sardar Muhammad Aslam
4.	Dr.Muhammad Mustafa Alam BS-18	Nasrullah Jan
5.	Dr.Khalilur Rehman BS-18	Ali Rehman
6.	Dr.Muhammad Shuaib, BS-20	Muhammad Ajab
7.	Dr.Muhammad Munib BS-18	Sheer Ali Khan
8.	Dr.S.Muhammad Taimur Shah BS-18	Pir Ferooz Shah
9.	Dr.Firdos Jabeen BS-18	Muhammad Aslam Khan
10.	Dr.Kalimullah Khan BS-19	Eid Gul.
11.	Dr.Niaz Muhammad BS-18	Dost Muhammad
12.	Dr.Zafr Ullah Khan BS-19	Ghulam Sarwar
13.	Dr.Saeed ur Rehman BS-18	Haji Fazli Rehman
14.	Dr.Aamir Israr BS-18	Irsar Muhammad Khan.
15.	Dr.S.Shaida Hussain Shah Bukhari BS-18	S. Fida Hussain Shah Bukhari
16.	Dr.Muhammad Shafiq BS-18	Akbar Gul
17.	Dr.Muhammad Rahim BS-19	Gul Rahim

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18.	Dr. Mushtaq Ahmad BS-18	Fazal Khan
19.	Dr. Shabnum Khawas BS-17	Lal Khawas Khan
20.	Dr. Ahmad Tariq BS-17	Tariq Tanveer
21.	Dr. Khan Askar BS-19	Muhammad Askar
22.	Dr. Faisal Malik BS-17	Fazli Malik Sarim
23.	Dr. Bilal Bahrawar Khan BS-17	Bahrawar Khan
24.	Dr. Tanveer Inam BS-17	Inamullah
25.	Dr. Muhammad Saleem Khan BS-19	Fazal Rahim Khan
26.	Dr. Alamgir Khan BS-18	Darwesh Khan
27.	Dr. Majid Khan BS-17	Muhammad Humayun Khan
28.	Dr. Ihsanullah BS-19	Ghulam Muhammad
29.	Dr. Aurangzeb Afridi BS-18	Ghulam Hussain Afridi
30.	Dr. Shafiq Mulk BS-19	Hazrat Mulk Khan
31.	Dr. Muhammad Khalil Akhtar BS-18	Muhammad Yousaf Khan
32.	Dr. Farhad Khan BS-19	Purdil Khan
33.	Dr. Muhammad Farid BS-17	Khaista Azam
34.	Dr. Aamir Rafiq Khattak BS-18	Muhammad Rafiq Khattak
35.	Dr. Jehanzeb Khan BS-19	Ihsanullah Khan
36.	Dr. Amir Jan BS-18	Amir Jan
37.	Dr. Mahdoom Safdar BS-17	Safdar Hussain Afghan
38.	Dr. Shumaila Malik BS-17	Malik Farid Khan
39.	Dr. Muhammad Kamal BS-18	Muhammad Sharif Khan
40.	Dr. Noor Saeed Khan BS-19	Muhammad Saeed Khan
41.	Dr. Aziz Khan BS-18	Jaffar Khan
42.	Dr. Ghulam Rasool Khan BS-19	Shadi Gul Khan
43.	Dr. Muhammad Iqbal Javed BS-20	Fatehullah Khan
44.	Dr. Kamran Zakria BS-18	Ghulam Zakria Khan
45.	Dr. Sheikh Muhammad Farooq Azam BS-18	Sheikh Muhammad Bashir Gohar
46.	Dr. Naimatullah Zia BS-19	Amir Shah
47.	Dr. Muhammad Israrul Haq BS-17	Abdur Rashid Khan
48.	Dr. Qasim Abbas BS-18	Saifur Rehman
49.	Dr. Muhammad Hayat BS-17	Haji Akbar Gul
50.	Dr. Muhammad Ibrahim Khan BS-18	Abdul Halim Khan
51.	Dr. Sheraz Ahmad Khan BS-17	Muhammad Akram Khan
52.	Dr. Adnan Khan BS-17	Muhammad Zahir Shah
53.	Dr. Syed Ijaz Ali Shah BS-18	Syed Abdul Qayum Shah
54.	Dr. Fazal Majeed BS-18	Muhammad Aslam
55.	Dr. Muhammad Bilal Khan BS-17	Muhammad Daud
56.	Dr. Majid Saleem BS-17	Allah Dad Khan
57.	Dr. Fazal Qayum BS-17	Abdur Rehman
58.	Dr. Ali Asghar Khan BS-18	Abdul Akbar Khan
59.	Dr. Muhammad Azhar Shah BS-17	Israr ul Arifin
60.	Dr. Saira Jabeen Shah BS-17	Amt Ali Shah
61.	Dr. Roshan Zada BS-18	Said Latif
62.	Dr. Javid Iqbal BS-19	Amir Bahadar
63.	Dr. Shaima Malik BS-17	Fazil Malik Sarim

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64.	Dr. Pirzada BS-17	Bahadar
65.	Dr. Shahab Ahmad BS-19	Abdur Rehman
66.	Dr. Muhammad Dost Khan BS-18	Zahir Gul
67.	Dr. Muhammad Riaz BS-18	Gohar Khan
68.	Dr. Kashmir Khan BS-19	Aslam Khan
69.	Dr. Tariq Hayat BS-17	Fazal Hayat Taj
70.	Dr. Muhammad Sohail Farooqi BS-17	Muhammad Aqeel Farooqi
71.	Dr. Abdul Waheed BS-19	Abdul Hameed
72.	Dr. Hafizullah Khan BS-17	Amanullah Khan
73.	Dr. Zakir Hussain BS-18	Hakim Khan
74.	Dr. Gazi Sabihuddin BS-19	Qazi Ghulam Mustafa
75.	Dr. Ijaz Ahmad BS-18	Bashir Ahmad
76.	Dr. Sher Muhammad BS-20	Shah Muhammad
77.	Dr. Wakeel Muhammad BS-20	Taj-ul-Malook
78.	Dr. Sulfian Khan BS-17	Muhammad Tanveer
79.	Dr. Muhammad Naeem BS-18	Habibullah Khan
80.	Dr. Iqbalullah BS-20	Amanullah Khan
81.	Dr. Muhammad Shoaib BS-18	Azizur Rehman
82.	Dr. Muhammad Riaz Tanoli BS-18	Said Ozar
83.	Dr. Inayatullah Khan BS-18	Saifullah Khan
84.	Dr. Wazir Khan BS-18	Rookam Khan
85.	Dr. Uzama Jabeen BS-18	Taj Muhammad
86.	Dr. Dildar Khan BS-18	Abdul Ghaffar
87.	Dr. Mohsin Ahmad BS-18	Taj Muhammad Khan
88.	Dr. Abbas Khan BS-18	Ajab Khan

SECRETARY HEALTH
Govt. of Khyber Pakhtunkhwa

Printed and published by the Manager,
Staty. & Ptg. Deptt., Khyber Pakhtunkhwa, Peshawar

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21504
30-11-2016

Dated: 30 November 2016

To
The Secretary to Government of Khyber Pakhtunkhwa
Health Department, Peshawar

Advance Copy of the Application

Subject: Application for absorption in the Health Management Cadre under the North-West Frontier Province Health (Management) Service Rules published on 2nd November 2016

Sir,

With reference to the subject mentioned above and the notification of the Health department published in the government gazette on 2nd November 2016 regarding the North-West Frontier Province Health (Management) Service Rules (copy of the notification is enclosed); we are pleased to apply for the same under Rule-10(1) of the said rules despite of the fact that most of us have already applied under the earlier unpublished rules.

Sir, all of us are regular employees of the Health department, Govt of Khyber Pakhtunkhwa and have served at different management positions during our career. All of us are qualified, experienced and eligible professionals thus fulfilling all the prerequisites mentioned in the eligibility criteria of the said published notification.

Sir, in view of the above, it is requested that our application for the absorption in the management cadre may be given due consideration in the seniority list of the management cadre in accordance with the rules / inter se-seniority so that our names may be placed at the right place of the said list. We shall be very grateful for your kindness in this regard.

Yours Sincerely,

- 1) DR. SHEER MUHAMMAD S/O MR. SHAH MUHAMMAD,
BPS-19, DHO DISTRICT BUNER
- 2) DR. NAYYAR JAMAL S/O MR. YOUSAF JAMAL
BPS-17, ASSISTANT DIRECTOR, DGHS PESHAWAR
- 3) DR. KALIMULLAH S/O MR. EID GUL
BPS-18, ASSISTANT DIRECTOR, DGHS PESHAWAR
- 4) DR. MUHAMMAD SHONIB KHAN S/O MR. AZIZ-UR-REHMAN
BPS-17, MEDICAL OFFICER, HEALTH DEPARTMENT
- 5) DR. MUHAMMAD FARID S/O MR. KHAISTA AZAM
BPS-17, MEDICAL OFFICER, HEALTH DEPARTMENT
- 6) DR. MUHAMMAD SALEEM S/O MR. INAYAT-UR-REHMAN
BPS-15, SENIOR MEDICAL OFFICER, HEALTH DEPARTMENT
- 7) DR. MUHAMMAD RAHIM KHATTAK S/O MR. GUL RAHIM
BPS-18, ASSISTANT DIRECTOR, DGHS PESHAWAR
- 8) DR. ZAHIR SHAH S/O MR. SAHADAT KHAN
BPS-18, DHO DISTRICT SWAT

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9) DR. SHAUKAT SALIM KHAN S/O SALIM KHAN
BPS-17, D/O DISTRICT SHANGLA *Mayyafatin*

10) DR. WASEEM AHMED S/O BAZI MUHAMMAD SALEEM
BPS-18, SMO DHQ HOSPITAL HARIPUR *W*

11) DR. SHAH FAISAL S/O DR. RONAQ ZAMAN
BPS-19, DDHO ABBOTTABAD *Shah*

12) DR. SHAHNAWAZ KHAN S/O LAL KHAN
BPS-17, LMO - MOULVI AMEER SHAH MEMORIAL HOSPITAL, PESHAWAR *Shahman*

13) DR. KHAN ASKAR S/O MUHAMMAD ASKAR
BPS-18, SMC WOMEN & CHILDREN HOSPITAL, KOHAT *Askar*

14) DR. S.M. TAJMUR SHAH S/O PIR FERAZ SHAH
BPS-17, ASSISTANT DIRECTOR, DGHS PESHAWAR *Tajmura*

15) DR. MUHAMMAD USMAN SHAH S/O M. ZAHIR SHAH
BPS-17, EPI COORDINATOR, ABBOTTABAD *U*

16) DR. SHAHID MEHMOOD S/O SARDAR MUHAMMAD ASLAM
BPS-17, DHS COORDINATOR, ABBOTTABAD *Shahid*

17) DR. LAL BACHA S/O PIR ZAD GUL
BPS-17, EPI COORDINATOR, BUNER *Lal Bacha*

18) DR. MUHAMMAD FAROQ S/O MUHAMMAD RAJIB
BPS-17, LMO, COORDINATOR, BUNER *Farooq*

19) DR. FAISAL MALIK S/O FAZLI MALIK SARIM
BPS-17, MEDICAL OFFICER / DMS STORE, MOULVI JI HOSPITAL, PESHAWAR *Faisal*

20) DR. NIAD MOHAMMAD S/O NOST MOHAMMAD
BPS-17, MEDICAL OFFICER / ADDITIONAL RMO LHM, PESHAWAR *Niad*

21) DR. ACRANG ZEB AFRIDI S/O HAJI GHULAM HUSSAIN
BPS-17, MEDICAL OFFICER, POLICE HOSPITAL, PESHAWAR *Acrang*

22) DR. SHEKAZ AHMAD S/O DR. RASHID AHMAD
BPS-17, MO DHQ SWAT *Shekraz*

23) DR. SAEDA ULLAH KHAN S/O MALAK NOBARAK KHAN
BPS-17, MO, SHIEKH KHALIFA BIN ZAHID HOSPITAL, SWAT *Saeed*

24) DR. KHALIL-UR-REHMAN S/O ALI REHMAN
BPS-17, COORDINATOR PUBLIC HEALTH HARIPUR *Khalil*

25) DR. ZAKIYUDDIN S/O AHSANUL HAQ
BPS-17, LMO COORDINATOR, DIR LOWER *Zakiyuddin*

26) DR. SYED RIAZUDDIN SHAH S/O SYED MIR ZAMAN SHAH
BPS-17, MO, DHQ HOSPITAL, TANK *Riazuddin*

27) DR. MUHAMMAD WAJIB ALI S/O M. ANAM
BPS-17, EPI COORDINATOR, SHANGLA *Wajid*

28) DR. IHSANULLAH S/O GHULAM MUHAMMAD
BPS-18, DDHO TANK *Ihsanullah*

29) DR. MUSHTAQ AHMED S/O FAZAL KHAN
BPS-17, DMS (ADMN) MOULVI JI HOSPITAL, PESHAWAR *Mushtaq*

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30) DR. SHAFIUL MULK S/O HAZRAT MULK KHAN
BPS-18, DHO SHANGLA

31) DR. MUHAMMAD AMIN S/O MIR AZAM KHAN
BPS-18, SMO, MCULVI TI HOSPITAL PESHAWAR

32) DR. WAKEEL MUHAMMAD S/O TAJ-UL-MALOOK
BPS-19, DHO MALAKAND

33) DR. NIAZ ALI S/O NADAR KHAN
BPS-18, SMO, RHC PALO DHARI, MARDAN

34) DR. JAHANZEB KHAN S/O IHSANULLAH KHAN
BPS-18, DEPUTY PROGRAM MANAGER RBM

35) DR. SHAIMA MALIK D/O DR. FAZLE MALIK SARIM
BPS-17, INSTRUCTOR, PUBLIC HEALTH SCHOOL HAYATABAD

36) DR. NOOR-UL-ISLAM S/O DURRANI KHAN
BPS-19, VICE PRINCIPAL DHDC CHITRAL

37) DR. NIAZ MUHAMMAD S/O KHALIL-UR-REHMAN
BPS-19, DHO SWABI


38) DR. PARAZADA S/O SAHADAK
BPS-17, MEDICAL OFFICER, DHO OFFICE KHRISTAN

39) DR. IJAZ AHMAD S/O BASHIR AHMAD
BPS-17, DEPUTY CHIEF HSRU HEALTH DEPARTMENT

40) DR. MOHAMMAD KHALIL AKHTER S/O MOHAMMAD YOUSAF
BPS-17, COORDINATOR HSRU HEALTH DEPARTMENT

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**ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI**

C.P. No.D-4679 of 2016

Date Order with signature of Judge

Present:

Mr. Justice Muhammad Ali Mazhar

Mr. Justice Abdul Maalik Gaddi

Sohail Ahmed & others.....Petitioners

Vs.

Province of Sindh & others.....Respondents

Dates of hearing: 17.10.2016, 24.10.2016, 10.11.2016
& 25.11.2016.

M/s. Abid S. Zuberi, Ayan Mustafa Memon, Muhammad Saad Siddiqui, & Atta H. Khoso, Advocates for the Petitioners.

M/s. Abdul Jalil Zubedi and Abdul Jabbar Qureshi, A.A.G.

Mr. Ghulam Mustafa Memon, Registrar of this court along with Mr. Asif Majeed, Additional Registrar (Research) and Mr. Ashraf Memon, Addl. MIT-I.

.....

Muhammad Ali Mazhar-J: This petition has been brought to encounter the rejection of candidature of petitioners to take part in the competitive selection process for the appointment to the post of "Additional District and Sessions Judge".

2. The evanescent facts of this legal action are that the Sindh High Court Establishment invited applications for the appointment of "Additional District & Sessions Judge" on 10.6.2016 through publication in the newspapers and High Court Website. The petitioners being judicial officers governed under the provisions of Sindh Judicial Service Rules, 1994 after satisfying formal procedure applied for the post before the cutoff date i.e. 15.7.2016. The respondent No.2 issued provisional list of

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excess of jurisdiction nor in disregard of any law. Being judicial officers, the petitioners are not eligible to apply and participate in the Recruitment Process for the post of ADJ.

Judicial Precedents

(1) 1992 SCMR 1652 (Messrs Army Welfare Sugar Mills Ltd. & others vs. Federation of Pakistan & others). It seems to be well-settled proposition of law that a notification which purports to impair an existing or vested right or imposes a new liability or obligation, cannot operate retrospectively in the absence of legal sanction, but, the converse i.e. a notification which confers benefit cannot operate retrospectively, does not seem to be correct proposition of law.

(2) 2008 SCMR 1717 (Chief Administrator Auqaf vs. Mst. Amna Bibi). It has been laid down by the superior Courts that a notification which curtails or extends rights of citizens will take effect from date of its publication in Gazette and not from any prior date. Reference in this context can be made to the cases of Abdul Wajid and others v. Aflab Ahmad Khan, Deputy Registrar and others NLR 1992 CLJ 247 and Muhammad Suleman and others v. Abdul Ghani PLD 1978 SC 190 wherein it has been observed that word "notification" according to section 2(41) of the West Pakistan General Clauses Act (VI of 1956), shall mean a notification published under proper Authority in the official Gazette. Further reliance can be placed on case of Sh. Rahmatullah v. The Deputy Settlement Commissioner PLD 1963 SC 633 and Muhammad Ishaq v. Chief Administrator of Auqaf, Punjab PLD 1977 SC 639 wherein the Honourable Judges of the Supreme Court have laid down that the clause "within 30 days of such notification under section 7 of West Pakistan Waqf Properties Ordinance, 1961", would mean within 30 days time when notification was brought to the notice of general public by normal mode.

(3) 2008 SCMR 1148 (Government Of The Punjab, Food Department through Secretary Food and another Vs. Messrs United Sugar Mills Ltd. and another). West Pakistan Foodstuffs (Control) Act (XX of 1958).S.3(1). West Pakistan General Clauses Act (VI of 1956), S.2(41). Control, Notified order would mean notification through publication in official Gazette and not by passing an order and keeping same in office of department concerned. Notification not published in official Gazette would be invalid. Notified declaration could take effect from date of publication in Gazette and not from any prior date.

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(4) PLD 1978 Supreme Court 190 (Muhammad Suleiman etc. vs. Abdul Ghani). Notifications which curtail or extend rights of the citizens, cannot be retrospective and this is all the more so in such cases when a state of things is to take place by publication of a notification which means from the date of its publication in the Gazette and not from any prior date or to be more precise, not from the date of the notification itself if it is prior to the actual date of the publication in the Gazette, because then it will tantamount to giving that notification a retrospective effect not from its publication but from a date prior thereto which as explained above is not permissible according to the relevant law.

(5) PLD 2011 Supreme Court 347 (Government of Sindh & others vs. Messrs Khan Ginners (Private) Limited & 57 others). The case of Muhammad Saloman and others v. Abdul Ghani PLD 1978 SC 190 throws sufficient light on the legal position that issuance of a Notification is not of any significance or legal importance till it is published in an official Gazette. According to section 2(41) of the General Clauses Act, 1956 a 'Notification' means a Notification published under proper authority in an official Gazette. In this view of the matter before its publication in the official Gazette the Notification relevant to the present appeals could not even be lawfully termed as a Notification. In these peculiar circumstances of this case we have not been able to take any legitimate exception to the declaration made by the learned Division Bench of the High Court of Sindh, Karachi that notices of demand issued against the respondents on 2-10-1998 were without lawful authority and of no legal effect.

(6) 1983 SCMR 785 (Muhammad Siddque vs. The Market Committee, Thandlianwala). Punjab Agricultural Produce Markets Act (V of 1939), S.27. Notification: On the 30th July, 1975 a notification No.SO(S&M)-X-53/72 was issued by the Provincial Government prohibiting the establishment of any market within the market area of any Market Committee unless the site for the same had been approved by the Provincial Government. This notification was published in the official Gazette on the 20th November, 1975. A plain reading of the section will make it clear that the condition of previous publication in the official Gazette is confined to bye-laws only and not to the rules or any notification issued thereunder. In the instant case the mere fact that the publication of notification was delayed until the 20th November, 1975 will not invalidate or otherwise make its operation retrospective from any date prior to the 30th July, 1975 when it was actually signed though not published in the official Gazette.

(7) 2012 SCMR 455 (Dr. Akhtar Hassan Khan & others vs. Federation of Pakistan & others). Art. 184(3). Judicial review of Executive's authority. Scope and limitations. Once the competent authority in the government has taken a decision backed by law, it would not be in consonance with the well-established norms of judicial review to interfere in policy making domain of the executive authority. Grounds upon which an administrative action is subject to control by judicial review, includes, illegality, which means the decision-maker must understand the law correctly that regulates his decision-making power and must give effect to it. Not every wandering from the precise paths of best practice, lend fuel to a claim for judicial review.

(8) 1996 SCMR 1135 (Hameed Akhtar Niazi vs. The Secretary, Establishment Division, Government of Pakistan & others). Sections 8 and 23 of Civil Servants Act, 1973. Seniority---Merger of C.S.P and P.S.P cadres and creation of APUG. In this case the apex court remanded the case to the Tribunal with the direction to re-examine the above case after notice to the affected persons and to decide the same afresh in the light of above observations. We may observe that if the Tribunal or this Court decides a point of law relating to the terms of service of a civil servant which covers not only the case of the civil servant who litigated, but also of other civil servants, who may have not taken any legal proceedings; in such a case, the dictates of justice and rule of good governance demand that the benefit of the above judgment be extended to other civil servants, who may not be parties to the above litigation instead of compelling them to approach the Tribunal or any other legal forum.

7. Heard the arguments. In the beginning, let us first converge that the learned counsel for the petitioner remained self-confined to the solitary vantage point that petitioners applied before the cutoff date so their applications could not be rejected due to the amendment notified on 26th July 2016 and published in the official gazette on 22.9.2016. However, he renounced and part with all other grounds raised in the memo of petition to challenge and or contest the legitimacy or lawfulness of the amendment made in the rules. So in all fairness, at this moment in time the amendment made by the Full Court is.

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

④

C-37



Service Appeal No. 830 /2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1065

Dated 22/06/2018

Dr. Shams Ur Rehman
Son of Zahir Gul
Officers of Health Service Management Cadre (BPS-17)
Government of Khyber Pakhtunkhwa Peshawar

..... APPELLANT

VERSUS

1. Government of Khyber Pakhtunkhwa
Through Chief Secretary
Civil Secretariat Peshawar
2. The Secretary Health
Government of Khyber Pakhtunkhwa
Civil Secretariat Peshawar
3. Muhammad Saleem s/o Inayat ur Rahman
4. Muhammad Ismail s/o Said Muhammad
5. Shahid Mehmood s/o Sardar Muhammad Aslam
6. Muhammad Mustafa Alam s/o Nasrullah Jan

7. Khalil ur Rehman s/o Ali Rehman

8. Mohammad Shuaib s/o Mohammad Ajab

9. Mohammad Muhib s/o Mohammad Sher Ali Khan

10. S. Muhammad Taimur Shah s/o Pir Ferooz Shah

11. Firdos Jabeen s/o Muhammad Ashim Khan

12. Kalimullah Khan s/o Ehl Gul

13. Niaz Muhammad s/o Dust Muhammad

14. Zafarullah Khan s/o Ghulam Sarwar

15. Saeed ur Rahmaan s/o Haji Fazli Rahman

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Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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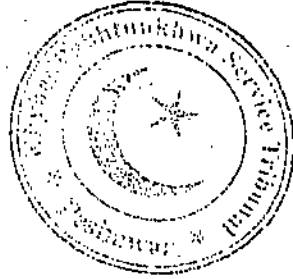
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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No. 830/2018

Date of Institution ... 22.06.2018

Date of Decision ... 22.03.2019



Dr. Shams Ur Rehman son of Zahir Gul, Officers of Health Service Management Cadre (BPS-17) Government of Khyber Pakhtunkhwa Peshawar. ... (Appellant)

VERSUS

The Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and others. ... (Respondents)

Present.

QAZI JAWAD EHSANULLAH,
Advocate.

... For appellant

MR. MUHAMMAD JAN,
Deputy District Attorney

... For official respondent

MR. NOOR MUHAMMAD KHATTAK,
Advocate

... For private respondent
Nos. 3 to 90.

MR. HAMID FAROOQ DURRANI,
MR. AHMAD HASSAN,

CHAIRMAN
MEMBER

JUDGMENT

HAMID FAROOQ DURRANI, CHAIRMAN:-

Instant judgment shall also dispose of the following appeals as common question of law and facts has been raised through all the appeals.

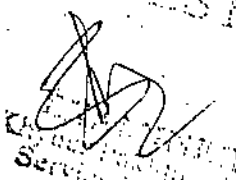
Besides, the grievance of appellants is also similar in nature:-

(Signature)
Khyber Pakhtunkhwa Service Tribunal
Peshawar

- (2) Appeal No. 831/2019 (Dr. Haris Mustaf Vs. Govt. of Khyber Pakhtunkhwa, through Chief Secretary, Peshawar and others.)
- (3) Appeal No. 832/2018 (Dr. S. Irfan Ali Shah Vs. -do-
- (4) Appeal No. 833/2018 (Dr. Inayat Ur Rahman Vs. -do-
- (5) Appeal No. 834/2018 (Dr. Farhad Iqbal Vs. -do-
- (6) Appeal No. 835/2018 (Dr. Kifayat Ullah Vs. -do-
- (7) Appeal No. 836/2018 (Dr. Attaullah Vs. -do-
- (8) Appeal No. 837/2018 (Dr. Liaqat Ali Vs. -do-
- (9) Appeal No. 838/2018 (Dr. Hamza Abbas Khan Vs. -do-
- ED** Appeal No. 839/2018 (Dr. Mehreen Aziz Awan Vs. -do-

2. The averments noted in the memoranda of appeals are to the effect that the appellants are civil servants and members of the Health Services Management Cadre of the Government of Khyber Pakhtunkhwa created under the Khyber Pakhtunkhwa Health (Management) Service Rules, 2008, brought into effect on 11.12.2008. The appellants are aggrieved of the notification issued by Government of Khyber Pakhtunkhwa on 07.05.2018, whereby, respondents No. 3 to 90 have been absorbed in the Management Cadre of the Health Services by way of so many transfers from General Cadre in the Health Department of Government of Khyber Pakhtunkhwa. The appellants submitted departmental appeal against the impugned order/notification which was decided by the official respondents on 25.05.2018. The appeal was considered devoid of merits, therefore, was not acceded to hence the appellants have preferred the appeals in hand.

3. We have heard learned counsel for the appellants, learned counsel for private respondents No. 3 to 90 and learned Deputy District Attorney on behalf of respondents No. 1 and 2. Relevant record was also gone through with the valuable assistance of learned counsel for the parties:

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 Secretary, Peshawar

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It was contended by learned counsel for the appellants that the impugned notification dated 07.05.2018 was not only the result of misconception and illegality, it had also served as the back door entry for respondents No. 3 to 90. The respondents, at the time when the North-West Frontier Province Health (Management) Service Rules, 2008 were promulgated, had the requisite qualification under the rules but did not opt for their absorption in the Management Cadre. Similarly, some of them did not have the requisite qualification and acquired it later but not in the prescribed cushion period provided for the purpose through the amending notification dated 10.05.2017. It was also the argument of learned counsel that the absorption of the said respondents, through notification dated 07.05.2018, had practically and adversely affected the services of appellants in terms of seniority etc. Learned counsel in support of his arguments relied on judgment reported as 2013-SCMR-1752.

Learned counsel for private respondents, while controverting the arguments from other side, raised certain objections. He contended that the issue raised by appellant was not competent in view of Section 11 of CPC as well as Rule 3 of Khyber Pakhtunkhwa Service Tribunal Rules, 1974 as the proposition already stood decided by the court of competent jurisdiction. It was further objected that the departmental appeal was jointly filed by the appellants which was not allowable under Khyber Pakhtunkhwa Civil Servants (Appeal) Rules, 1986. Learned counsel also raised the issue of limitation and stated that the appeals in hand were not preferred within the time prescribed for the purpose. He, however, withdrew from this objection when referred to the date of decision of departmental appeal as 25.5.2018 and filing of appeals in hand on 22.6.2018. It was also the argument of learned counsel for private respondents that the notification regarding promulgation of the North-West Frontier Province Health (Management) Service Rules, 2008

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was published in the official gazette on 02.11.2016, therefore, the provisions of the rules were to be given effect from the said date. In his view the substance contained in Rule 10 thereof, whereby the officers of General Cadre were given option for absorption into Management Cadre, was to be enlarged to a term of two years from the said date in view of the amendments incorporated in the rules on 10.05.2017. The impugned notification dated 07.05.2018 and the amendment in the rules brought about on 10.05.2017 were not exceptionable, it was added.

Learned Deputy District Attorney concurred with the learned counsel for private respondents No. 3 to 90.

4. In order to recapitulate the facts relevant for the purpose of appeals in hand it shall be useful to trace the background of amendment brought about in the Khyber Pakhtunkhwa Health (Management) Service Rules, 2008. The available record suggests that one Dr. Sher Muhammad preferred an appeal before this Tribunal on 22.2.2010, wherein, the notification regarding promulgation of Khyber Pakhtunkhwa Health (Management) Service Rules, 2008 was questioned, inter-alia, on the ground that no chance/time period was provided therein for improvement of qualification of the appellant in order to qualify for absorption to the Management Cadre from General Cadre. His chances of further promotion were, therefore, denied through the rules. Rule 10 of the Rules 2008 originally read as follows:-

"10. One time exercise (1) Notwithstanding anything contained in the provisions of these rules, Government shall, as one time exercise, fill in posts in the Service described in Schedule-I by way of permanent transfer from amongst the Officers of General Cadre in equivalent basic pay scale who have the qualification of Master of Public Health or Postgraduate Diploma in Public Health or Postgraduate Diploma in Hospital Administration or Health Planning and Management or equivalent Master's Degree/Diploma

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in Health Management or allowed disciplines and opt for absorption:

Provided that the option once exercised shall be final:

(2) Where the number of officers opting for absorption in Management Cadre is more than the available positions in respective grade, the selection under one time exercise shall be done on the basis of seniority-cum-merit only in the respective grade:

Provided that for determining the suitability of the officers, additional relevant qualifications, training/courses in the relevant field and managerial experience, as such, shall be taken into consideration."

This Tribunal, while deciding the said appeal, observed that Rule 10 did not provide any cushion period and denied chances to improve qualification for joining the Management Cadre to the appellant. The same be modified to the extent that two years cushion period be allowed to all those who wished to improve qualification as per NWFP Health (Management) Service Rules and to join Management Cadre, if they succeeded in acquiring the requisite qualification. It was further noted that the decision, however, did not entitle the appellant and others not having the requisite qualification for posting in Management Cadre posts but only provided them a cushion period and if they acquired the requisite qualification within two years from the date of the decision they may opt and join Management Cadre without effecting their seniority/service. The notification dated 13.12.2008 was, therefore, modified and the appeal was disposed of. The matter was thereafter, taken before the August Supreme Court of Pakistan in Civil Appeals No. 320 - 334 of 2012 and Civil Appeals No. 126-P to 130-P of 2013. The said appeals were decided on 03.11.2016 and in the order the following was, inter-alia, noted by the apex court:-


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 EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

"As regard the submission of the learned ASC for the appellants in Civil Appeals No. 320 to 324 of 2012, he was unable to explain before us as to how the seniority of the appellants will be effected by the impugned judgment of the Tribunal more so when the respondents claim before the Tribunal itself was not that of granting them seniority but that of allowing them to acquire qualification for opting in management cadre. If the respondents at all join Management Cadre, their seniority will be counted from the date of their joining in the Management Cadre and not from any earlier period which is also established principle that a period joining fresh cadre is relegated to the lowest position of that cadre. Thus, there seems to be hardly any reason muchless justifiable to interfere with the impugned judgment of the Tribunal more so on the ground urged by the learned ASC for the appellants. The Civil Appeals No. 320 to 324 of 2012 are, therefore, dismissed."

5. It appears that in pursuance to the judgments of this Tribunal as well as of the apex court an amendment was made in the rules of 2008, whereby, in sub-rule 2 of Rule 10 a second proviso was added. The amendment reads as follow:-

"Provided further that for a period of two years, from the date of issuance of this amending Notification, the officers of the General Cadre, who are in regular and continuous service and holding posts as such, shall be required to improve their qualification as per the Khyber Pakhtunkhwa Health (Management) Service Rules, 2008 to exercise the option under this rule."

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 EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

The impugned notification dated 07.05.2018 made a reference to modified Rule 10 and also the judgments of this Tribunal and of the apex court noted here-in-above.

6. The grievance of appellants is, inter-alia, in terms that under the garb of amendment to the rules the respondents No. 3, 6, 11, 16, 23, 28, 42, 44, 47, 48, 83,

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88 and 89 were provided back door entry and that they were already in possession of the requisite qualification when the rules were enforced in the year, 2008, however, did not opt for absorption due to reasons best known to them. The said averments in Para-8 of the memoranda of appeals were denied as misconceived through reply by respondents No. 3 to 90. Their denial appears to be evasive as being short of specific counter statement of facts. In essence, the grievance of appellants, as laid in the memoranda of appeals, is against the said respondents.

7. The fore-noted history of matter relevant for decision of appeals in hand suggests that the Health (Management) Service Rules 2008 were never declared ultra-vires by any court of law and duly held the field from date of inception. In pursuance to the rules, the appellants were appointed/absorbed in the Management Service. The issue, on the other hand, seems to have arisen after amendment in Rule 10 in view of judgments of this Tribunal and that of apex court when the same was misinterpreted and misapplied in order to provide cushion period of two years to those officials who were duly qualified for absorption into the Management Cadre under Rule 10 of N.W.F.P Health (Management) Service Rules, 2008 read with Schedule-I thereto. By virtue of amendment dated 10.05.2017, only the officers of the General Cadre who were in regular and continuous service, were provided opportunity to improve their qualification as required by the Rules of 2008 in order to exercise the option under the rules. By no stretch of imagination, the amendment ever meant to include the officers who were qualified enough for their absorption into the Management cadre after the promulgation of the rules in 2008, but did not opt for the purpose. The language of Rule 10 itself suggested that it was a onetime exercise to fill in the posts in the Management Cadre from amongst the officers of General Cadre. Through such provisions the scope of Rule 10 was enlarged to include the officers who could improve their qualification in

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By
 Cyber Paktankhwa
 Service Tribunal,
 Peshawar

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order to match the requirements contained in the rules within a period of two years and not otherwise. In such view of the matter, it can safely be held that the respondents who fell into the category of officers having prescribed qualification at the relevant time but failed to opt for their absorption into the management cadre before the coming into force of amended rules on 20.05.2017, were not eligible for the purpose of absorption subsequent to the amendment in the rules.

8. As a result of the above discussion, the appeals in hand are allowed to the effect noted herein above.


The parties are left to bear their respective costs. File be consigned to the record room.



(AHMAD HASSAN)
MEMBER


(HAMID FAROOQ DURRANI)
CHAIRMAN

ANNOUNCED
22.03.2019

Certified to be true copy

 Director
 Service & Welfare
 Peshawar

Date of Presentation of Application: 02-04-19
 Number of Words: 2200
 Copying Fee: 18
 Urgent: —
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 Date of Completion of Copy: 22-04-19
 Date of Delivery of Copy: 22-04-19



KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, WEDNESDAY, 2nd NOVEMBER, 2016.

GOVERNMENT OF THE NORTH-WEST FRONTIER PROVINCE NWFP HEALTH DEPARTMENT

NOTIFICATION

Dated: 11th December, 2008.

No. SOH(EV)4 - 20 / 08 In exercise of the powers conferred by section 26 of the North West Frontier Province Civil Servants Act, 1973 (N.W.F.P. Act XVIII of 1973), the Governor of the North-West Frontier Province is pleased to make the following rules, namely:

THE NORTH-WEST FRONTIER PROVINCE HEALTH (MANAGEMENT) SERVICE RULES, 2008.

PART - I GENERAL

1. Short title and commencement. --- (1) These rules may be called the North-West Frontier Province Health (Management) Service Rules, 2008. (2)

They shall come into force at once.

2. Definitions --- In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say:

- (a) "appointing authority" in relation to a post, means the respective authority specified in para 4 of the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989;
- (b) "Commission" means the North-West Frontier Province Public Service Commission;
- (c) "Cadre" means Health Management Cadre;
- (d) "Government" means the Government of the North-West Frontier Province;
- (e) "Governor" means the Governor of the North-West Frontier Province;
- (f) "Initial recruitment" means appointment made otherwise than by promotion or transfer;
- (g) "Member of Service" means officer belonging to health management cadre as reflected in schedule I, II & III;
- (h) "PHSA" means Provincial Health Services Academy;

- (i) "Post" means a post specified in the Schedule-I of the rule and such other posts as may, from time to time, be determined by the Government;
- (j) "Schedule" means the schedule appended to these rules; and
- (k) "Service" means the North-West Frontier Province Health (Management) Service.

PART-II
RECRUITMENTS

3. Number and nature of posts---The Service shall comprise the posts specified in the Schedule -I and such other posts as may be determined by Government from time to time.
4. Method of Appointment---Method of appointment, qualifications and other conditions to applicable to a post in the Service shall be such as laid down in the column 3 to 5 of the Schedule - I).
5. Syllabus and examination for appointment by initial recruitment--- Syllabus and standard for competitive examination for appointment by initial recruitment to the post in BS-17 shall be, as laid down in Schedule-III.

PART-III
CONDITIONS OF SERVICE

6. Pre-Service Training & Departmental Examinations--- (1) On appointment to a post borne on the service in BS-17, every officer so appointed shall complete six months mandatory training including attachment as specified in schedule - IV.
- (2) The training shall be followed by departmental examination to be conducted by Provincial Health Services Academy, which will be part of probation period.
7. In-Service Training---Selection for in-service trainings which are linked with promotion shall be done on seniority basis and those at verge of promotion shall be given priority.
8. Private Practice--- (1) No Member of Service shall be allowed private practice, in lieu he shall be entitled to non-practicing allowance, at such rate as may be prescribed by Government.
- (2) In case of default, the Member shall be liable to disciplinary action under the law.
9. General rule--- In all matters not expressly provided for in these rules, Members of Service shall be governed by such rules as have been or may hereafter be prescribed by Government from time to time.
- Provided that in case of a dispute the Government shall have the final authority to decide the matter in any manner it deems fit.

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853 KHYBER PAKHTUNKWHA GOVT: GAZETTE, EXTRAORDINARY, 2nd NOVEMBER, 2016

10. One time exercise, --- (1) Notwithstanding anything contained in the provision of these rules, Government shall, as one-time exercise, fill in posts in the Service described in Schedule-I by way of permanent transfer from amongst the Officers of General Cadre in equivalent basic pay scale who have the qualification of Master of Public Health or Postgraduate Diploma in Public Health or Postgraduate Diploma in Hospital Administration or Health Planning & Management or equivalent Master's Degree / Diploma in Health management or allied disciplines and opt for absorption;

Provided that the option once exercised shall be final.

(2) Where the number of officers opting for absorption in Management Cadre, is more than the available positions in respective grade, the selection under one time exercise shall be done on the basis of seniority-cum- merit only in the respective grade;

Provided that for determining the suitability of the officers, additional relevant qualifications, trainings/courses in the relevant field and managerial experience, as such, shall be taken into consideration.

11. Deletion of posts---Posts reflected in the schedule-I shall stand deleted from any other service rules for the time being in force and such rules shall be deemed to have been amended to the above extent.

SECRETARY TO GOVERNMENT OF NWFP
HEALTH DEPARTMENT

ATTESTED
[Signature]

Dated Peshawar, the 23rd Feb 1961

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The Director General,
Health Services, NWFP,
Peshawar.

SUBJECT DEPUTATION

Dear Sir,

I am directed to refer to the subject noted above and to state that the Provincial Government is pleased to relieve Dr. Muhammad Saleem, Provincial Training Coordinator, NP for FP & PHC, NWFP Peshawar with effect from the date of his relinquishing the charge for joining "JICA" on the following terms and conditions.

The deputation will be for initial period of three years. He/she will be treated to be on Foreign Service with effect from the date he/she handed over charge of his/her parent post. He/She shall revert from Foreign Service on the date he/she takes over charge of his/her post under this Provincial Government. If he/she takes leave before joining his/her post under government, the date of reversion from Foreign Service will be decided by the Govt. of NWFP.

During deputation period, this Provincial Govt. shall not be liable to pay for his/her salary, joining time, pay, allowances and traveling facilities both ways. He/She or where foreign employer is not agreeable to pay pension contribution) he, she as the case may be, shall during the period of foreign service, pay to the Provincial Govt., the pension contribution in accordance with the relevant rules and at the rates prescribed from time to time by the Govt. The remittance shall be made by him/her through his/her parent office in Pakistan with a covering letter showing the relevant head of account. The parent office will send copies of challans and schedules to the Account Officer Concerned for information and necessary action. On delayed payment of these contributions, the provisions of supplementary Rules 307 shall apply. Till such time as the rates of pension, are as certain as intimated by the Audit Officer concerned, he/she shall at the prescribed rate of the mean of minimum and maximum of the pay scale held by him/her at the time emoluments (reckonable for pension) which would have been admissible to him/her and he/she not be deputed on foreign service.

No leave salary contribution is recoverable from the foreign employer but leave/leave salary is to be sanctioned/paid during the period of Foreign Service by the foreign employer that period being not countable for earning leave with the Govt. In view of this, pension contribution will be payable by the foreign employer during the entire period of foreign service including the period of leave availed of by him/her with the foreign employer.

Section Officer-II.

Copy to the:-

1. AG NWFP Peshawar.
2. Provincial Coordinator, National Program for FP & PHC NWFP.
3. Doctor concerned.

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Section Officer-II.



KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, TUESDAY, 10th May, 2018.

GOVERNMENT OF KHYBER PALHTUNKHWA HEALTH DEPARTMENT

NOTIFICATION

Dated Peshawar, the 07th May, 2018.

No.SOH(E-V)4-20/2018 In pursuance of the Judgment dated 03.01.2012 of the Khyber Pakhtunkhwa Service Tribunal in Service Appeal No.513 of 2010, upheld by the Honorable Supreme Court of Pakistan vide judgment dated 03.11.2016, in C.As No.320-324 of 2012 and CA No.126-P to 130-P of 2013, and in term of Section-10 of the Health Management Cadre Rules, 2008, the competent authority (Chief Minister Khyber Pakhtunkhwa) is pleased to induct the following doctors of the General Cadre, on their option, into the Health Management Cadre having the requisite qualification.

2. Their inter se seniority will be determined in the new Cadre in terms of Section-8 of the Khyber Pakhtunkhwa Civil Servant Act, 1973 and Rule-17 of the Appointment, Promotion Transfer Rules, 1989.

S.No	NAME OF DOCTOR	FATHER NAME
1.	Dr.Muhammad Saleem BS-19.	Inayat-Ur-Rehman
2.	Dr.Muhammad Ismail BS-18	Said Muhammad
3.	Dr.Shahid Mehmood BS-18	Sardar Muhammad Aslam
4.	Dr.Muhammad Mustafa Alam BS-18	Nasrullah Jan
5.	Dr.Khalilur Rehman BS-18	Ali Rehman
6.	Dr.Muhammad Shuaib, BS-20	Muhammad Ajab
7.	Dr.Muhammad Munib BS-18	Sher Ali Khan
8.	Dr.S.Muhammad Taimur Shah BS-18	Pir Ferooz Shah
9.	Dr.Firdos Jabeen BS-18	Muhammad Aslam Khan
10.	Dr.Kafimullah Khan BS-19	Eid Gul.
11.	Dr.Niaz Muhammad BS-18	Dost Muhammad
12.	Dr.Zafr Ullah Khan BS-19	Ghulam Sarwar
13.	Dr.Saeed ur Rehman BS-18	Haji Fazli Rehman
14.	Dr.Aamir Israr BS-18	Irsar Muhammad Khan
15.	Dr.S.Shaida Hussain Shah Bukhari BS-18	S. Fida Hussain Shah Bukhari
16.	Dr.Muhammad Shafiq BS-18	Akbar Gul
17.	Dr.Muhammad Rahim BS-19	Gul Rahim

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10/5/18

64.	Dr. Pirzada BS-17	Bahadar
65.	Dr. Shahab Ahmad BS-19	Abdur Rehman
66.	Dr. Muhammad Dost Khan BS-18	Zahir Gul
67.	Dr. Muhammad Riaz BS-18	Gohar Khan
68.	Dr. Kashmir Khan BS-19	Aslam Khan
69.	Dr. Tariq Hayat BS-17	Fazal Hayat Taj
70.	Dr. Muhammad Sohail Farooqi BS-17	Muhammad Aqeel Farooqi
71.	Dr. Abdul Waheed BS-19	Abdul Hameed
72.	Dr. Hafizullah Khan BS-17	Amanullah Khan
73.	Dr. Zakir Hussain BS-18	Hakim Khan
74.	Dr. Qazi Sabihuddin BS-19	Qazi Ghulam Mustafa
75.	Dr. Ijaz Ahmad BS-18	Bashir Ahmad
76.	Dr. Sher Muhammad BS-20	Shah Muhammad
77.	Dr. Wakeel Muhammad BS-20	Taj-ul-Malook
78.	Dr. Suffian Khan BS-17	Muhammad Tanveer
79.	Dr. Muhammad Naeem BS-18	Habibullah Khan
80.	Dr. Ikramullah BS-20	Amanullah Khan
81.	Dr. Muhammad Shoaib BS-18	Azizur Rehman
82.	Dr. Muhammad Riaz Tanoli BS-18	Said Ozar
83.	Dr. Inayatullah Khan BS-18	Saifullah Khan
84.	Dr. Wazir Khan BS-18	Rookam Khan
85.	Dr. Uzama Jabeen BS-18	Taj Muhammad
86.	Dr. Dildar Khan BS-18	Abdul Ghaffar
87.	Dr. Mohsin Ahmad BS-18	Taj Muhammad Khan
88.	Dr. Abbas Khan BS-18	Ajab Khan

SECRETARY HEALTH
Govt. of Khyber Pakhtunkhwa

ATTESTED

GOVERNMENT OF N.W.F.P.
HEALTH DEPARTMENT.
NO.SOH-IV/2-95/2005
Dated Peshawar, 22/11/2005

NOTIFICATION:

NO.SOH-IV/2-95/2005:- The competent authority Government of NWFP is pleased to allow the following terms and conditions of deputation in respect of the doctors concerned in various health institutions of NWFP, who have been selected for scholarship in MASTER IN PUBLIC HEALTH at Liverpool John Moores University, UK under sponsorship of WOMEN HEALTH PROJECT, NWFP, commencing from 21/11/2005 to 31/12/2006.

1. Dr. Mohammad Shafiq	DMS DHQ Hospital, Swabi
2. Dr. Inam ullah Khan	MOT DHDC Swat
3. Dr. Mohammad Afsar Anwar	MO Anaesthesia, LRH, Peshawar
4. Dr. Ejaz Ahmad	Coordinator PHC, EDO(H), Kohat.
5. Dr. Naeem Shah	MO, DHQ Hospital KDA, Kohat.
6. Dr. Muhammad Saleem	MO, Anesthesia, Govt. City Hospital, Kohat road, Peshawar.
7. Dr. S. Jmal Akbar	Coordinator HMIS, EDO(H), Kohat.
8. Dr. Gul-e-Rana	Gynecologist, Women & Children Hospital, Kohat.

- I. During the period of training abroad they will be treated as on duty. They would be entitled to draw pay against their own posts which would have been admissible to them.
- II. They will be allowed pay in foreign exchange in accordance with the instructions contained in Finance department circ. of NWFP, letter NO. SOSR, III(FD)7-79/VOL-III dated 22.10.1986.
- III. They would be entitled to house rent allowance, which have been admissible to them before proceeding abroad.
- IV. They will be allowed to medical facilities on the scale and in the manner provided by the Aid giving agency.
- V. They will be allowed to draw subsistence allowance offered by the host country.
- VI. Their passage both ways will be born by the Aid giving agency.
- VII. Their internal TA (within Pakistan) from the place of duty to the port of embarkation and back will be paid by Govt.
- VIII. They will not be entitled to personal allowance/conveyance allowance during the period of their training abroad.
- IX. They will submit a five year bond, bond to the Health dept.

Secretary Health

End. NO & date even.

Copy forwarded to the Accountant General, NWFP Peshawar.
District Account Officer Swat/Kohat/Swabi, NWFP.

Section Officer (SR III)

Copy to the:-

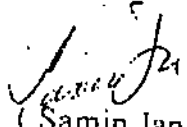
1. Director General Health Services, NWFP.

2. Project Director Women Health Project NWFP.

3. Section Officer (SR-III), Govt of NWFP, Finance Dept with ref- to his letter NO. SOSR, III/FD/7-26/2005 dated 21/11/2005.

4. Section Officer II Health Depart.

5. Doctors concerned.


(Samin Jan)
Section Officer (IV)

57
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DIRECTORATE GENERAL



755

Liverpool John Moores University

This is to certify that

MUHAMMAD SALEEM

has been awarded the

Degree of Master of Science

having followed an approved programme of study in

Public Health (International Health Development)

11th March 2007

Attested
A. S. M. J. M. J. M.
E. P. M. J. M. J. M.

[Signature]

TESTED



[Signature]
Vice-Chancellor

[Signature]
Chairman

54

Dated: 18 March 2009

To
The Director General Health Services,
Government of NWFP, Peshawar.

Subject: Application for inclusion in the Management Cadre of the Health Deptt;

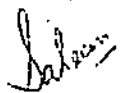
Sir,

With reference to the subject above, it is stated that I am applying to your good office to be included in the Management Cadre of the Health department. I am a regular employee of the Health Department, Govt. of NWFP since 24 March 1999 and presently working on deputation as Project Medical Officer with JICA EPI/Polio Control Project since 1st March 2008.

Sir, I did my MBBS from Khyber Medical College, Peshawar in 1995 and MPH from LJMU Liverpool, UK in 2007 which has been given recognition by the PMDC (copy of degree and registration certificate enclosed).

I shall be grateful for your kindness in this regard.

Yours Obediently,



Dr. Muhammad Saleem,
S/O Mr. Inayat-ur-Rehman
Project Medical Officer
JICA EPI/Polio Control Project

ATTESTED

GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT.

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Dated Peshawar, the 25.2.2011.

NOTIFICATION


No. SO(E)H-II/1-80/2008. Sanction is hereby accorded to the grant of extension in deputation to JICA for a period of two years (4th & 5th year) in favour of Dr. Muhammad Saleem, Medical Officer, Health Department with effect from 1.3.2011. His deputation will not be extended further and on expiry of the extended period he will have to report to DGHS on 1.3.2013 positively for further posting otherwise disciplinary proceedings will be initiated against him.

SECRETARY HEALTH

Endst. No. & date even.


Copy to the:-

1. Director General, Health Services, Peshawar.
2. Chief Advisor, JICA EPI/Polio Control Project, NIH, Chak Shahzad, Islamabad w/r to his letter No. JICA/100/2011, dated 21.1.2011.
3. Computer Section.
4. Doctor concerned.


(Muhammad Hayat Shah)
Section Officer-II.

Copy also available on the website www.healthnwfp.gov.pk

HRD Building, Health Department Govt. of Khyber
Pakhtunkhwa, Khyber Road Peshawar Phone # 091-9210570,
Fax # 091-9210419

ATA


Dated: 23rd August 2011

To
The Director General Health Services
Government of Khyber Pakhtunkhwa
Peshawar

56

Subject: Request for cancellation of deputation with effect from 31 August 2011 (AN).
Arrival report / repatriation back to DGHS Office and further posting at
DGHS Office, Peshawar

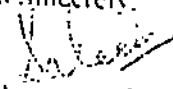
Sr.

With reference to the subject above, it is stated that the JICA EPI/Polio Control Project is ending on 31 August 2011 and also my contract with them is ending on the same date. Therefore, I want to rejoin my parent department that is Health Department, Govt of Khyber Pakhtunkhwa.

Sr. I am a regular employee of the Health Department, Govt of Khyber Pakhtunkhwa since 24/03/1999 and have served at various positions. I have done MPH from Liverpool UK in 2007, which has been recognized and registered by the PMDC and since then have served for one year with I.H.W.s Program and for more than three years with the JICA.

Sr. therefore it is requested that keeping in view my qualification / experience in Public Health, I may kindly be adjusted against some post in the DGHS Office after the cancellation of my deputation. It is further requested that kindly accept this application as my 'Arrival Report' with effect from 31 August 2011 (AN). I shall be really grateful for your kindness in this regard; thanks.

Yours Sincerely,


Dr. Muhammad Saleem
S/o Mr. Inayat-ur-Rehman
Project Medical Officer,
JICA EPI/Polio Control Project,
DG Health Office, Peshawar

A: 

Dated: 29th November 2011

57

The Secretary to Government of Khyber Pakhtunkhwa
 Health Department, Peshawar

Subject: Application against Non-Inclusion in Management Cadre

Through: Proper Channel

Sir

With reference to the subject above, it is stated that:

1. I am a civil servant working in the Health Department, Khyber Pakhtunkhwa as Medical Officer (BPS-17) since 24th March 1999 on regular basis.
2. As a result of sponsorship provided by the Government of Khyber Pakhtunkhwa through Asian Development Bank (ADB) funded Women Health Project, I completed my MSc in Public Health from the Liverpool John Moores University, UK in 2007 along with few other colleagues.
3. In compliance with verbal communication by the Personnel Section of the Health Directorate, I submitted an application along with a copy of my Postgraduate Degree to the said section, opting for inclusion of my name in the Health Management Cadre. Photocopy of the same application dated 18th March 2009 is attached along with its enclosures.
4. I was on deputation with JICA, w.e.f. 1st March 2008 to 31st August 2011 and have joined back the Health Department. I am waiting for further posting since then. I came to know that despite my application, my name has not been included in the Health Management Cadre. The names of my other colleagues who had applied for Health Management Cadres in the manner similar to mine have been included in the said cadre.
5. By omitting my name from the above mentioned list:
 the Health Department has been deprived of the services of a foreign qualified and

757

58



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

E-Mail Address: K.P.H.S@peshawar.gov.pk Office: (091) 920260 Exchange: (091) 920007, 920096 Fax: (091) 920020

No. 1874-75/10-1
Dated the Peshawar 16/01/2012

To,

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

Subject:-

APPLICATION AGAINST NON-INCLUSION IN MANAGEMENT
CADRE

Dear Sir,

I am forwarding herewith an application alongwith its enclosures in respect of Dr. Muhammad Saleem S/O Inyat-Ur-Rahman AD Directorate General Health Services, Khyber Pakhtunkhwa, Peshawar requesting for inclusion of his name in the management cadre, for favour of further necessary action.

The Officer Concerned is serving in the Provincial Health Department since 24-03-1999 on regular basis. He belongs to District Swat (Zone-3). He has qualified MPII exam in 2007 from UK.

It is therefore, requested that his case may be scrutinized by the enquiry committee which has already been proposed by this Directorate.

Yours Faithfully;

DIRECTOR GENERAL HEALTH
SERVICES KHYBER PAKHTUNKHWA PESHAWAR

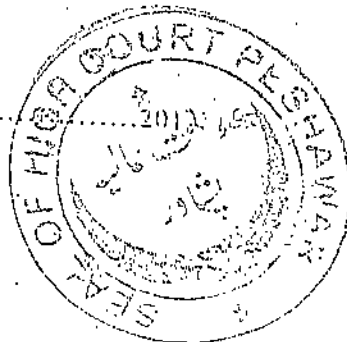
Cc to:-

Superintendent ACR (AE-I) Section DGHS for information & necessary action.

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT PESHAWAR
JUDICIAL DEPARTMENT

60

Writ No. 3648 of 2012



JUDGMENT

Date of hearing: 20-11-2014

Petitioner (s): Dr. Muhammad Saleem, Dr. Amina Rehman, A-10
Khan Saeed, M.P.A., Dr. S. Abdul Wahid, S-10
D.H.S.

NISAR HUSSAIN KHAN, J. - Petitioner

has filed this Constitutional petition with the following prayer:-

"On acceptance of this writ petition, petitioner may please be absorbed / included in the tentative seniority list of members of service (BPS-17) of the Health Department (Management Cadre) as stood on 11, 2012" in the best interest of justice."

2. After arguing the case at some length, learned AAG alongwith D.G. Health

Services, Government of Khyber

ATTORNEY GENERAL
[Signature]

61

Pakhtunkhwa, Peshawar stated at the bar that they are going to accommodate the petitioner in Management Cadre, provided he would not claim seniority in the new Cadre. The offer is candidly accepted by the petitioner and his learned Counsel as well.

3 In this view of the matter, the writ petition is allowed on the above terms.

ORDERED
Date: 23.02.2014

[Handwritten signature]

JUDGE

JUDGE

RECEIVED
GOVT. PESHAWAR
25 FEB 2014

13/35



Date of filing 25-2-14
Date of disposal
Date of judgment
Date of order 25-02-14
Date of execution 25-02-14
Judge's name M. Sultan

[Handwritten signature]

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT PESHAWAR
JUDICIAL DEPARTMENT

Rec. Pet. No. 43 of 2014
W.P. 3645 - P / 2012

JUDGMENT

Date of hearing: 01/10/2014

Petitioner(s): Dr. Akhlaq Saleem by Mr. Amin ur Rehman Advocate

Respondent(s): Court by Qaiser Ali Shah Advocate

NISAR HUSSAIN KHAN, J.- Petitioner

through the instant petition seeks review of judgment of this Court dated 20.2.2014 passed in Writ Petition No.3645-P/2012.

2. Perusal of the judgment under review reveals that it was disposed of with concurrence of both the parties. However, the petitioner contends that his rights to avail other legal remedy before the proper forum has been curtailed.

3. Learned AAG submitted that after admission and concession of petitioner, he may not agitate the same by taking

somersault, as such, this petition is not entertainable.

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4. Perusal of the review petition reveals that petitioner seeks review of judgment of this court dated 20.2.2014 only to the extent of challenging his right of inter-se-seniority amongst his colleagues before the proper forum.

5. It is admitted principle of law that an admission, which is wrong in point of fact or is made in ignorance of legal right, has no binding effect on the person making it. In this regard, reliance may be placed on case titled "Ahmad Khan Versus Rasul Shah and others" reported as PLD 1975 SC 311.

6. Thus, in view of this principle of law, this review petition is allowed in the term that petitioner may approach the proper forum to avail his legal remedy, if any, under the law and rules.

Handwritten notes:
Sd/- Justice Hassan Ali Khan
Sd/- Justice Khalid

Announced.
Dated: 01.10.2014

JUDGE

JUDGE

Office
10/10/14
30

Handwritten signature and stamp:
ATTEST
COPY

BEFORE THE PESHAWAR HIGH COURT PESHAWAR.

Re- View Petition No.42-P/2014.

Dr. Muhammad Saleem S/O Inayat-ur-Rehman

Petitioner.

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Versus.

Government of Khyber Pakhtunkhwa and Others..... Respondents.

Parawise comments on behalf of respondent No.1,2.

Preliminary Objections:-

1. That the petition is incompetent and not maintainable in its present form.
2. That the petitioner has neither cause of action nor locus standi.
3. That the petitioner has filed the petition in non proper form and may be dismissed.
4. That the petitioner has no cause of action.
5. That the petitioner has not come to the Court with clean hands.
6. That the petition is time barred.

ON FACTS

1. No comments.
2. The very purpose of the Petitioner is to get his name included in the seniority list of management cadre, however he has not forgiven his right of claim regarding inter-cadre seniority in accordance with Law & Rules. The Petitioner did not find the judgment dated 20.02.2014 to resolve his motive.
3. Correct.
4. Correct to the extent that if the judgment dated 20.02.2014 is implemented without the desired modification, his junior may come senior to him through the way of promotion to BS-16.
5. Correct.
6. No comments.
7. No comments.
8. This Directorate General Health has already requested the Govt. vide this Directorate letter No. 32672/AE-I, dated 22.11.2013 (Copy attached) including the names of the Petitioners Dr. Muhammad Saleem & Dr. Shoukat Ali may be added in the seniority list of Management Cadre in accordance with the rules
Inter-cadre Seniority

Director General Health Services,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 1)

Secretary to
Government of Khyber Pakhtunkhwa
Health Department, Peshawar
(Respondent No. 2)

RECEIVED
9

Society to
Government of Khyber Pakhtunkhwa
Health Department, Peshawar.
(Respondent No.1)

Director General Health Services
Khyber Pakhtunkhwa, Peshawar

11/12/21

Inter-se-Seniority

without the desired modification, his junior may come senior to him through the way of promotion to SS-13
Order
No comments
No comments
8. This Directorate General Health has already requested the Govt vide this Directorate letter No. 32672/AE-1 dated 22.11.2013 (Copy attached) including the names of the Petitioners Dr. Muhammad Saleem & Dr. Shoukat Ali may be noted in the seniority list of Management Cadre in accordance with the rules Inter-se-Seniority.

17.1.21
V/S/S/K/1
M. J. ALI Khan

18-8-14
M. J. ALI Khan
M. J. ALI Khan
M. J. ALI Khan
M. J. ALI Khan
M. J. ALI Khan

Submittal
18/8/14

REVIEW PETITION NO.42-P/2014 IN THE WRIT PETITION NO.3645/2012 DR. MUHAMMAD SALEEM VS GOVERNMENT OF KHYBER PAKHTUNKHWA AND OTHERS.

A meeting of the Scrutiny Committee on the above titled subject was held on 30.01.2015 under the Chairmanship of Secretary Law Department in order to determine the suitability / Fitness of the subject case for filing of appeal in the upper forum or otherwise.


2. Following attended the meeting:-

1. Mr. Rabnawaz Khan
Additional Advocate General
2. Mr. Bakhtiar Ali
Section Officer (Lit-I)
Health Department
3. Mr. Shakeel Asghar
Deputy Solicitor
Law Department

3. When the case was placed before the S: Committee for discussion, it was pointed out by the Convener of the Committee that on same subject having identical facts a case had already been declared an unfit case by the S: Committee on 28-11-2014 which aspect of the case has been acceded by the representative of Health Department present during the meeting.

4. Hence in view of above it was decided with consensus that subject case was declared an unfit case on the analogy of similarly placed case.


(Shakeel Asghar)
Deputy Solicitor

ATTACHED


67



GOVERNMENT OF KHYBER PAKHTUNKHWA
LAW, PARLIAMENTARY AFFAIRS AND
HUMAN RIGHTS DEPARTMENT

No.S0(Lit)/LD/4-11(1)Health/2015/ 3021-24
Dated Peshawar the 3/2/2015

To

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

Subject:

REVIEW PETITION NO.42-P/2014 IN WRIT PETITION NO.3645/2012
DR. MUHAMMAD SALEEM VS GOVERNMENT OF KHYBER
PAKHTUNKHWA AND OTHERS.

Dear Sir,

I am directed to refer to your letter NO.SOH(Lit-I)12(1)387/2013, dated 26-01-2015 on the subject noted above and to forward herewith minutes of the meeting held on 30-01-2015 under the Chairmanship of Secretary Law Department Khyber Pakhtunkhwa (which are self explanatory) for perusal and further necessary action, please.

Yours faithfully,

[Signature]
(Muhammad Ismail Khalil)
SECTION OFFICER (Lit)

o/l

Encls: No. & Date Even.

- Copy alongwith copy of minutes forwarded to the:
1. PS to Advocate General Khyber Pakhtunkhwa, Peshawar.
 2. PS to Secretary Law Department Khyber Pakhtunkhwa.
 3. PA to Deputy Solicitor Law Department.

[Signature]
SECTION OFFICER (Lit)

o/l

ATTACHED

[Signature]



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

68

NO. SOH(E-V)4-20/2015/Management Cadre
Dated Peshawar, the 31st March, 2015

To

The Director General
Health Services Khyber Pakhtunkhwa
Peshawar.

Subject:

INDUCTION INTO THE HEALTH MANAGEMENT CADRE

I am directed to refer to the subject noted above and to state that as per judgment of the Peshawar High Court, Peshawar in Writ Petition No.3645/2012 dated 20.2.2014 and Writ Petition No.2198/2013 dated 01.10.2014, Dr.Muhammad Saleem (BS-17) and Dr.Shaukat Ali (BS-18), may be included into the list of Health Management Cadre doctors.

SECTION OFFICER-V

Endst No & Date Even.

Copy to the:

1. Section Officer(Litigation-I) Health Department.
2. Section Officer (Litigation-II) Health Department.
3. PS to Secretary Health Department.
4. PS to Special Secretary Health Department.

SECTION OFFICER-V

ATTACHED

SH. D. NO. 2757

14/4/2015

69



DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUN KHWA PESHAWAR

E-Mail Address: nwf-dghs@yahoo.com office Ph# 091-9210269	
Exchange# 091-9210187, 9210196 Fax # 091-9210230	
No. 7050 /AE-I	Dated: 14/4/2015

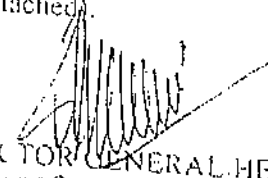
The Secretary to Govt. of KPK,
Health Department,
Peshawar.


Subject: INDUCTION INTO THE HEALTH MANAGEMENT CADRE.

Dear Sir,

I am directed to refer to your department letter No. SOH(E-V)4-20/2015 Management Cadre dt.31-3-2015, on the subject noted above.

In compliance to the above mentioned letter, which was issued in light of the judgment of Peshawar High Court Peshawar, the names of both the doctors i.e Dr. Shaukat Ali SMO BS-18 and Dr. Mohammad Saleem (recently promoted to the post of SMO B-18, vide notification dated. 06-04-2015) have been included in the Seniority List Member of Service BS-18 (Management Cadre) on their due seniority at Serial No. 10 and 42 respectively (copy of Seniority List attached).


DIRECTOR GENERAL HEALTH
SERVICES, KPK PESHAWAR.

RECEIVED




GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMN: DEPARTMENT -
(REGULATION WING)

No. SOR-II (E&AD) 1-20/2008 (Vol-KC)
Dated Peshawar the 10/06/2015

70

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

Dairy No.....
Dated.....
Khyber Pakhtunkhwa
Health Department

SUBJECT: - INDUCTION INTO THE HEALTH MANAGEMENT CADRE.

Dear Sir,

I am directed to refer to Health letter No. SOH(E-V)4-20/2014/
Dr. Muhammad Saleem dated 11th May, 2015 on the subject noted above and to state that
the complication in the case is a result of the delayed implementation of the Court
orders on the part of Health Department. However, the court orders are obvious for
inclusions of the appellant in the Management Cadre.

In view of the above it is advised that: -

- i. Give offer to the concerned officer to be absorbed in the Management
Cadre of Health Deptt: in BS-17 as per orders of the Court. OR
- ii. He may continue in BS-18 in General Cadre.

Yours Faithfully,

(NASIR AMAN)
SECTION OFFICER (R-II)
Phone No.9211785

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JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT

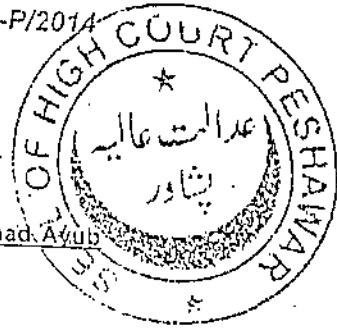
COC No. 386-P/2015 in Review Petition No. 42-P/2014
in Writ Petition No. 3645-P/2012.

JUDGMENT.

Date of hearing: 23.12.2015.

Petitioner: (Dr. Muhammad Saleem) by Mr. Muhammad Ayub
Khan Shinwari, Advocate.

Respondents: (Amjad Ali Khan and others) by



WAQAR AHMAD SETH, J.:- Dr. Muhammad

Saleem, petitioner herein, seeks contempt of Court proceedings against the respondents for not complying with the judgment and order dated 20.2.2014 passed by this Court in Writ Petition No. 3645-P/2012 and judgment and order dated 1.10.2014 passed in Review Petition No. 42-P/2014.

2. Brief facts of the case are that the petitioner, after qualifying MBBS, was appointed as Medical Officer (BPS-17) in the year, 1999 in General Cadre. The

APPROVED
BY
JUDGE
23/12/2015

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Provincial Government, introduced a Health Management Cadre in the respondent-department and framed NWFP (now Khyber Pakhtunkhwa) Health (Management) Service Rules, 2008 and in pursuance thereof, the respondents gave option to officers serving in the respondent-department that whether they want to be absorbed in the newly created Health Management Cadre or want to be retained in their old cadre. The petitioner gave option to be absorbed in the Health Management Cadre but inspite of that, his name was not included in the Health Management Cadre and he had filed Writ Petition No. 3645-P/2012 before this Court, which was disposed of on 20.2.2014 in the terms that respondents are going to accommodate the petitioner in Management Cadre, provided he would not claim seniority in the new cadre. Subsequently, the petitioner filed Review Petition No. 42-P/2014 before this Court

ATTESTER
EXAMINER
Khyber Pakhtunkhwa High Court
12 JAN 2015

73

sought review of judgment and order dated 20.2.2014 to the extent of challenging his right of interse seniority amongst his colleagues before the proper forum, which was allowed on 1.10.2014 in the terms that he may approach the proper forum to avail his legal remedy, if any, under the law and rules. Hence, the instant petition.

3. The respondents were directed to submit their reply which they accordingly submitted wherein they have stated that as per judgment of this Court dated 20.2.2014, the name of petitioner was inducted in the Health Management Cadre in BPS-17 vide letter dated 31.3.2015. They further stated that though the petitioner was promoted to BPS-18 on 6.4.2015 in General Cadre but vide letter dated 1.9.2015, two options were sought from him either to join the Management Cadre in BPS-17 as per judgment of the

ATTESTED

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 EXAMINER
 Rajasthan High Court
 12 JAN 2016

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Court or to avail his promotion in BPS-13 in General Cadre and thereafter, the Director General was advised to resubmit his seniority as per judgment of the Court. Hence, they prayed for dismissal of instant petition.

4. We have heard the learned counsel for the parties and have gone through the record.

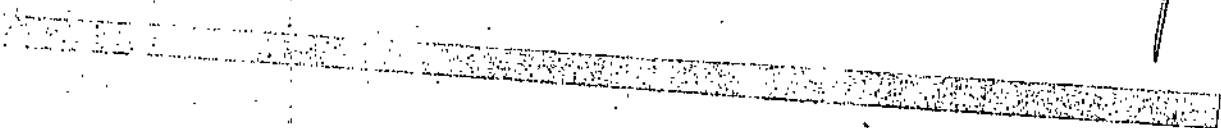
5. Perusal of the record would reveal that writ petition of the petitioner was disposed of in the terms that respondents should accommodate him, in Management Cadre provided he would not claim his seniority in new cadre and vide letter dated 31.3.2015 annexed with the reply, the name of petitioner was inducted in the Health Management Cadre in BPS-17. Grievance of the petitioner is that initially, his name was included in the seniority list of members of services (BPS-17) in the Health Management Cadre along with his colleague Dr. Shaukat Ali at serial No. 10 & 42

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EXAMINER
High Court

ATTESTED

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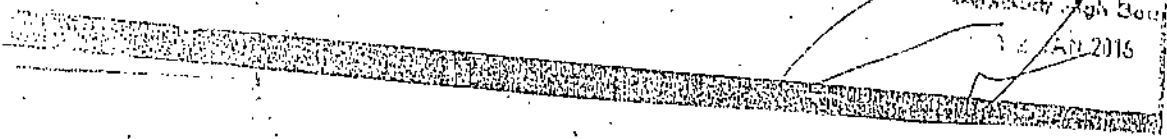
75

respectively but subsequently, the name of Dr. Shaukat Ali was retained in the seniority of Health Management Cadre while his name was removed from the list and vide letter dated 1.9.2015 an option was sought from him either to join Health Management Cadre in BPS-17 or to continue his services in BPS-18 in General Cadre. The respondents in their reply have stated that since Dr. Shaukat Ali was already in BPS-18, therefore, his name was inducted and retained in the Health Management Cadre while the petitioner was promoted to BPS-18 in General Cadre, whose seniority list in BPS-18 was also submitted by the Director General Health Services but subsequently, the Director General was advised to resubmit the seniority of petitioner in BPS-17 in Management Cadre as per judgment of the Court, therefore, the order dated 20.2.2014 has been complied with in letter and spirit. So far as the grievance of

ATTESTED

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ATTESTED
 EXAMINER
 Recruitment High Board
 12 JAN 2016



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petitioner regarding non-implementation of order dated 1.10.2014 passed in review petition No. 42-P/2014 is concerned, it has been clearly mentioned that the petitioner should approach the proper forum for challenging his interse seniority amongst his colleagues, hence, the question of non-implementing the order by the respondents does not arise.

In view of the above, the instant C.O.C. is disposed of. However, the petitioner may approach the proper forum as per order dated 1.10.2014 passed by this Court in Review Petition No. 42-P/2014.

ANNOUNCED
Dated: 23.12.2015

*Justice Nisat Hussain Khan
Justice Waqar Ahmad Sethi*

JUDGE

JUDGE

ATTESTED
[Signature]

13711
Date of Presentation of Nawabi Shah 30-12-15
No. of Pages af
Copying fee _____
Urgent fee _____
Filing fee 12.00
Date of Preparation of Copy 12-01-16
Date Given for Delivery 12-01-16
Date of Delivery of Copy 12-01-16
Received By [Signature]

CERTIFIED TO BE TRUE COPY

Postmaster, High Court, Peshawar
The Government of Punjab, Peshawar
12 JAN 2016



IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

77



Service Appeal No 482 /2016

M.W.P. Provincial
Service Tribunal
Entry No. 454
Dated 06-5-2016


Dr Muhammad Saleem,
R/o House No 19, Street No 4, Sethi Town No 1,
Haji Camp, Peshawar

.....Appellant

Versus

1. Govt of Khyber Pakhtunkhwa through Chief Secretary, Peshawar
 2. Govt of Khyber Pakhtunkhwa through Secretary, Health Department, Peshawar
 3. Govt of Khyber Pakhtunkhwa through Secretary, Establishment Department, Peshawar
 4. Director General Health Services, KPK, Peshawar
-Respondents

ATTESTED


Secretary, Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Service Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 office order dated 11th April, 2016 whereby the Departmental Appeal of the appellant is dismissed.

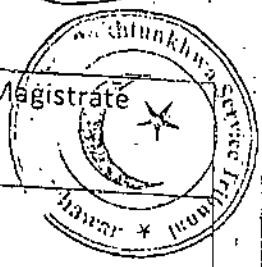
Respectfully Sheweth,

Brief but relevant facts of the case are as follows:

1. That the appellant qualified M.B.B.S from Khyber Medical College (Session 1993) in the year 1995 and was appointed as Medical Officer (BPS-17) in the Health Department, Khyber Pakhtunkhwa vide office order dated 20-03-1999. During service, the appellant has qualified Master's in Public Health from Liverpool John Moores University, U.K in the year 2007 on scholarship awarded by the Government of Khyber Pakhtunkhwa. (Copies of PMDC Registration certificate, appointment order, scholarship letter and M.P.H Degree are attached as Annex-A/1 to A/4 respectively)
2. That the provincial government promulgated Khyber Pakhtunkhwa Health (Management) Service Rules, 2008 vide Notification dated 11-12-2008 whereby Health Department has been divided into Management and General Cadres. (Copy of the rules is attached as Annex-B)



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Sr. No	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
<p>12.01.2018</p> <p><i>Do</i></p>		<p align="center">BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, Appeal No. 482/2016</p> <p>Date of Institution ... 06.05.2016 Date of Decision ... 12.01.2018</p> <p>Dr. Muhammad Saleem, R/o House No.19, Sethi Town No.1 Haji Camp, Peshawar. Appellant</p> <p>1. The Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar. 2. Government of Khyber Pakhtunkhwa through Secretary Health Department, Peshawar. 3. Government of Khyber Pakhtunkhwa through Secretary, Establishment Department, Peshawar. 4. Director General Health Services, Khyber Pakhtunkhwa Peshawar. Respondents</p> <p align="center">JUDGMENT</p> <p>MUHAMMAD HAMID MUGHAL, MEMBER: - Learned counsel for the appellant and Mr. Riaz Paindakheil, Learned Assistant Advocate General on behalf of the respondents present.</p> <p>2. Appellant has filed the present service appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the respondents and made impugned therein the order dated 11.04.2016 whereby the departmental appeal of the appellant for his induction in Health Management Cadre in BS-18 was regretted.</p> <p>3. Learned counsel for the appellant argued that the appellant was appointed as Medical Officer in BS-17 in the year 1999 in General Cadre and timely opted to be absorbed in the Health Management Cadre but his name as not included in the Health Management Cadre.</p>

ATTESTED

[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

TEST
[Signature]

79

and in the tentative seniority list of BS-17 of the Health Management Cadre as stood on dated 01.01.2012, the name of the appellant was not shown, resultantly the appellant filed Writ Petition bearing No.3645/2012 before the Hon'ble Peshawar High Court Peshawar with the prayer that the appellant may be absorbed in the Health Management Cadre in BS-17. Further argued that the Writ Petition was disposed of in the following terms

"Petitioner has filed this Constitutional petition with the following prayer:- On acceptance of this Writ Petition, petitioner may please be absorbed/included in the "tentative Seniority list of members of service (BPS-17) of the Health Management Cadre as stood on 01.01.2012" in the best interest of justice. After arguing the case at some length, learned AAG along with D.G. Health Services Government of Khyber Pakhtunkhwa, Peshawar stated at the bar that they are going to "accommodate" the petitioner in Management Cadre, provided he would not claim seniority in the new Cadre, which offer is candidly accepted by the petitioner and his learned counsel as well. In this view of the matter, this Writ Petition is disposed of in the above terms"

Further argued that against the judgment passed in writ petition the appellant filed Review Petition No.42-P/2014 wherein the appellant sought review of the said judgment to the extent of challenging his right of inter-sc-seniority amongst his colleagues before the proper forum, which review petition was allowed. Further argued that the

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ATTESTED

[Signature]
 EXAMINED
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

[Signature]

respondent department instead of inducting the appellant in Health Management Cadre in BS-18 issued order/letter dated 01.09.2015 and thereby gave option to the appellant either to join Health Management Cadre in BS-17 as per judgment of the Peshawar High Court or continue working in General Cadre in BS-18 as per his recent promotion. Further argued that on the refusal of the respondent department to induct the appellant in Health Management Cadre in BS-18 and against the order/letter dated 01.09.2015 mentioned above the appellant filed COC-bearing No.386-P/2015 in Writ Petition and Review Petition mentioned above, which was disposed of with the permission to the appellant to approach the proper forum for challenging his inter-se-seniority amongst his colleagues. Further argued that thereafter the appellant filed departmental appeal for his induction in Health Management Cadre in BS-18, which departmental appeal was regretted vide order dated 11.04.2016, hence the appellant filed the present service appeal. Further argued that by offering option to the appellant to be absorbed in the Health Management Cadre in BS-17 the respondent department has not treated the appellant in accordance with law. Further argued that it is vested legal right of the appellant to be absorbed in the Health Management Cadre in BS-18 as his colleagues have been serving in Health Management Cadre in BS-18. Further argued that the treatment meted out to the appellant is discriminatory and against the principles of natural justice. Learned counsel for the appellant stressed that the appellant is entitled to be inducted in the Health Management Cadre in the same scale (BS-18) in

ATTESTED


 REGISTRAR
 Peshawar Service Tribunal,
 Peshawar



which his colleagues are already serving.

4. As against that learned Assistant Advocate General argued that the appellant has not submitted timely option for his induction in Health Management Cadre at the proper stage but somehow succeeded in keeping the photocopy of fake document in the file and made himself guilty of forgery, misconduct and attempted to deceive the court. Further argued that the appellant has been challenging the order of one court in the other. Further argued that the respondent department has complied with the judgment dated 20.02.014 of the Peshawar High Court Peshawar but the appellant himself flouted the same and did not join the Health Management Cadre in BS-17. Further argued that the prayer of the appellant in the present service appeal is contrary to the prayer of the appellant in his Writ Petition as well as the dicta of judgment dated 20.02.2014 passed in Writ Petition.

5. Arguments heard. File perused.

6. It may be mentioned that allegedly the appellant filed the representation dated 29 November 2011 wherein he averred that he was serving as Medical Officer in BS-17 and was on deputation with JICA w/e/f 01.03.2008 to 31.08.2011 and he submitted application dated 18.03.2009 for inclusion of his name in Health Management Cadre. On the other hand the appellant has preferred the present service appeal on 06.05.2016 for his induction in Health Management Cadre and that too in BS-18, as such the present service appeal is hopelessly time barred.

7. Astonishingly instead of joining the Health Management Cadre

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 Service Tribunal,
 Peshawar

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in BS-17 on the strength of judgment dated 20.02.2014 of Peshawar High Court Peshawar in Writ Petition No.3645/2012, the appellant accepted his promotion in BS-18 in the General Cadre, made vide promotion order dated 06.04.2015.

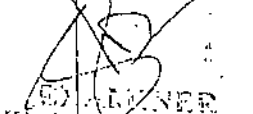
8. By virtue of judgment dated 20.02.2014 passed in the Writ Petition mentioned above the appellant earned his right to be absorbed in Health Management Cadre in BS-17. Similarly on the strength of the judgment passed in review petition No.3645/2012 the appellant was also allowed to challenge inter-se-seniority amongst his colleague in the proper forum.

9. Perusal of the judgment passed in COC No386-P/2015 would show that the respondent department had implemented the judgment dated 20.02.2014 of the Peshawar High Court and included the name of the appellant in the Health Management Cadre in BS-17 vide letter dated 31.03.2015 and from the perusal of record and arguments of the learned counsel for the parties it transpired that it was the appellant who did not honor the judgment of Peshawar High Court, Peshawar dated 20.02.2014 and shied away to join the Health Management Cadre in BS-17 rather accepted his promotion in BS-18 in General Cadre.

10. Had the appellant joined the Health Management Cadre in BS-17 in compliance of the judgment dated 20.02.2014 of Peshawar High Court, he could have availed the remedy of challenging the inter-se-seniority amongst his colleagues serving in the Health Management Cadre on the basis of judgment of Peshawar High Court passed in

Down

ATTESTED


JOINT MEMBER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar



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review petition No.3645/2012.

- 11. Through this service appeal for induction in Health Management Cadre in BS-18 ,the appellant indeed seeks supersession of the judgment dated 20.02-2014 of Peshawar High Court Peshawar to the effect of absorbing the appellant in Health Management Cadre in BS-17.
- 17. Rule 23 of Khyber Pakhtunkhwa Service Tribunal's Rules 1974 specifically debars this Tribunal from entertaining any appeal in which the matter directly and substantially in issue has already been finally decided by a court or a Tribunal of competent jurisdiction.
- 12. It may also be observed that since the appellant instead of joining the Health Management Cadre in BS-17 opted to accept promotion in BS-18 in General Cadre made vide promotion order dated 06.04.2015, hence the respondent department vide order/letter dated 01.09.2015 in the interest of the appellant asked him about his option either to join Health Management Cadre in BS-17 or the General Cadre in BS-18
- 13. In the light of above discussion the present appeal found utterly frivolous and devoid of any substance, hence dismissed. Parties are left to bear their own costs. File be consigned to the record room after its completion.

Announced - *Sd/- M. Hamid Mughal*
Member

12.01.2018

Sd/- Ahmad Hussain
Member

ATTACHED

Certified true copy
 MEMBER
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

Ummulqura University



Number: L. CU 001973

F-24

Respected Vice-Chancellor, Muhammad Husayfa Alam 910 Ausarbakh Face and a student of Faculty Institute of Public Health, Southem University, having met all the requirements under the semester system during the Session 2010-2012 is this day admitted to the Degree of

Master in Public Health

Registration No.

2010-MPHUG-49

Roll No. 07

Special Student on 13/11/2012

Registrar

Vice Chancellor

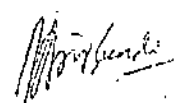
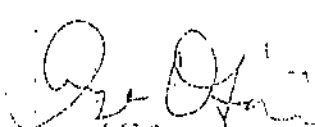



ATTESTED

PESHAWAR HIGH COURT, PESHAWAR

ORDER SHEET

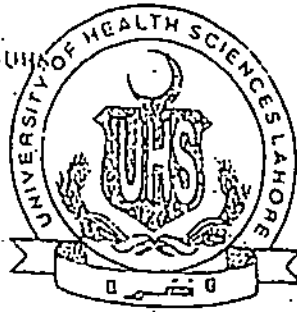
G-85

Date of Order or proceedings	Order or other proceedings with Signature of Judge or that of parties or counsel where necessary.
31.03.2010	<p data-bbox="376 764 627 802"><u>W.P.No.2758/2009</u></p> <p data-bbox="376 815 1144 1057">Present: Mr. Roshul Amin, Advocate for the petitioner. Mr. Fazlur Rehman, AAG for respondents alongwith Muhammad Jamil, Deputy Secretary Health.</p> <p data-bbox="376 1095 1144 1987">Latter produced Notification No. SO(E)H-IL/3-18/2009 dated 8th February, 2010, whereby petitioners Dr. Azam Afridi, (W.P.No.2758/2009); Dr. Azra Sarwar (W.P.No.2889/09); and Dr. Firdos Jabeen and others (C.O.C. No.17/2009) services have been regularized w.e.f. 24.10.2009 under regularization Act, 2009, while the petitioners claim their regularization under the Act 2005, therefore, the Deputy Secretary Health, present in court is directed to modify the notification and issue fresh notification or corrigendum whatever is deemed fit giving the petitioners their due rights under the Act 2005. The said notification be produced on the next date. Adjourned to 07.4.2010.</p> <p data-bbox="925 2025 1097 2165"> JUDGE</p> <p data-bbox="831 2229 1144 2395"> JUDGE</p> <p data-bbox="517 2191 595 2382"></p>

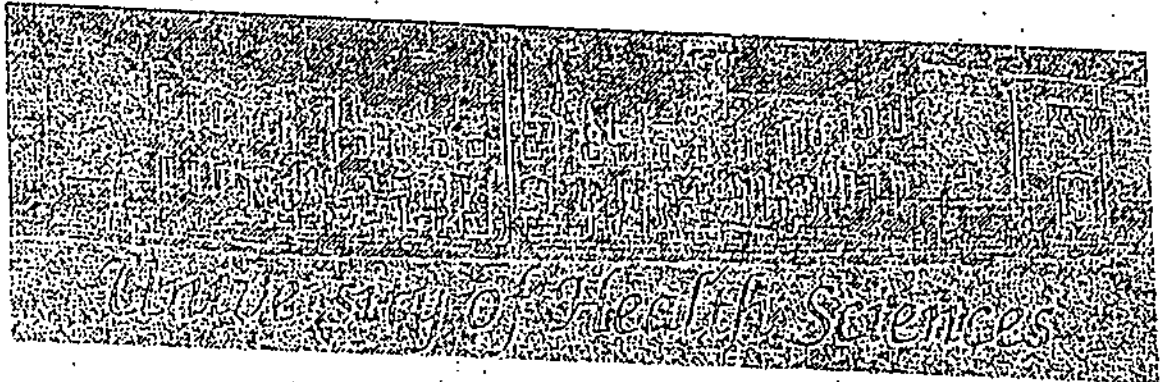
Serial No. 000075

Registration No. 2007-AP/CMI-5008-LHS

Roll No. 1605



H-86



This is to Certify that

Amir Israr

Son/Daughter of *Israr Mohammad Khan*

has successfully pursued and completed a course of studies in the Faculty of Community Medicine and Public Health and has been examined and found qualified. He/She has this day, is conferred the Degree of

Master of Public Health

In the Examination held in July 2009

Attested
Rahmatullah
Medical Officer
H.S. The University
Lahore

[Signature]



[Signature]
Registrar
Lahore, PAKISTAN
The 25th November, 2007.

[Signature]
Vice Chancellor

[Signature]
Controller of Examinations

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OFFICE OF THE MEDICAL SUPERINTENDENT,
BBS TEACHING HOSPITAL, ABBOTTABAD,
No. 3162/A — 01-09/2009

To

The Director General Health Services,
Govt of NWFP Peshawar.

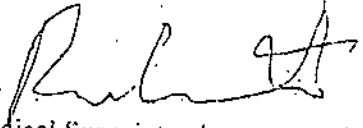
Subject

UPGRADATION OF PERSONAL FILES OF GENERAL CADRE
DOCTORS IN NWFP

Dear Sir,

Reference your letter No. 35421-502/E.I dated 27.08.2009, in the context
please find enclose herewith application of Dr.Aamir Israr MO BBS Teaching hospital
Abbottabad having the requisite qualification i.e MPH for your further necessary action please.

Attested copy of the DMC is attached.


Medical Superintendent
BBS Teaching Hospital,
Abbottabad.



To

I-88

The Secretary Health
Government of Khyber Pakhtunkhwa
Peshawar.

Through: Proper Channel.

Subject: INCLUSION IN ADMINISTRATIVE CADRE.

Respected Sir,

I was appointed as Medical Officer in Health Department in 1995 on contract basis, later on regularized through honourable Peshawar High Court decision.

Presently I am working as Monitoring & Evaluation officer in MNCH Programme FATA under Directorate of Health Services FATA.

Further it is added that I qualified Post Graduate Diploma in Health Planning & Management from Institute of Management Studies University of Peshawar in 2002-03. I also successfully completed my MPH from Provincial Health Services Academy in its first batch during 2003-04.

Sir, I was left over from including my name in administrative cadre. Therefore it is requested that my name may be included in administrative cadre please.

Plut cap
14/12

Dr. Alamgir Khan
M&E Officer
MNCH Programme FATA

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Establishment Section

FATA SECRETARIAT
(COORDINATION & ADMINISTRATION DEPARTMENT)
WARSAK ROAD PESHAWAR

No. FS/E/100-81 (Vol-9)/ 18546-45
Dated 21 /12/2011

Secretary,
Health Department,
Khyber Pakhtunkhwa, Peshawar.

Subject: INCLUSION IN ADMINISTRATIVE CADRE

Dear Sir,

I am directed to enclose herewith a copy of application in respect of Dr. Alamgir Khan M&E Officer, MNCH Program FATA who has requested for inclusion of his name in the seniority list of Management Cadre on the basis of Health Planning & Management Diploma and Master of Public Health from University of Peshawar for further appropriate action under the rules/policy.

Yours faithfully,

Signature

(Muhammad Abbas Khan)
Section Officer (Estab-I)

Encl: (As above)

Copy to:-

• Director Health Services (FATA) for information.

DDA
Signature
25/12

Section Officer (Estab-I)

Signature

Signature

FINAL SENIORITY LIST OF MEMBERS OF SERVICE (BPS-19) OF HEALTH DEPARTMENT 01-01-2019

TOTAL SANCTIONED POSTS = 155

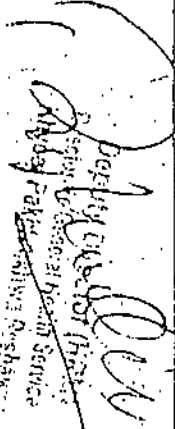
5-90

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Sl. No.	Name of Officer/Official with academic qualification.	Date of Birth and Domicile	Date of 1st entry into Govt. Service	Regular appointment/promotion to the present post - Date	BPS	Method of recruitment/appointment	Present ap pointment with date.
1.	Dr. Iftikhar-ud-Din s/o Shamsud-Din, MBBS, DHPM	7.3.1959/ Bajaur Agy	23.01.1988	1)16.04.2008 ii)06.03.2013	BS-18 BS-19	By Promotion By Promotion	DHO, Chitral.
2.	Dr. Ghulam Subhani s/o Ghulam Nabi Khan, MBBS, DHPM	27.10.1959/ Kurram Agy	23.01.1988	i)16.04.2008 ii)06.03.2013	BS-18 BS-19	By Promotion By Promotion	DHO, Swat
3.	Dr. Muhammad Rahim Khattak s/o Gul Rahim, MBBS, MPH	4.3.1962/ Karak	23.01.1988	24.06.2014 14-04-2017	BS-18 BS-19	By Promotion By Promotion	MS, BBSTH, Abbottabad
4.	Dr. Chanir Rehman s/o Abdul Chani, MBBS, MPH	1.5.1960/ Malakand Agy	23.01.1988	16.04.2008 14-04-2017	BS-18 BS-19	By Promotion By Promotion	DHO, Barchela
5.	Dr. Sardar Aurangzeb s/o Sardar Muhammad Ashraf, MBBS, MPH	17.3.1963/ Abbottabad	23.01.1988	06.04.2015 26.09.2017	BS-18 BS-19	By Promotion By Promotion	DHO, Haripur
6.	Dr. Abdul Wahid s/o Shamsul Qamar, MBBS, MPH	13.03.1960/ Buner	12.04.1989	i)16.04.2008 ii)06.03.2013	BS-18 BS-19	By Promotion By Promotion	Coordinator (PH) DHO, Office, Buner
7.	Dr. Mushaq Ahmad Khan S/O Sher Ali Khan, MBBS/MPH	02.08.1961/ Peshwar.	12.04.1989	i)14.11.2017 ii)04.01.2019	BS-18 BS-19	By Promotion By Promotion	PHSA, Peshawar.
8.	Dr. Fahim Hussain Khan s/o Inayatullah Khan, BDS, DHPM, MPH	22.02.1964/ D.I. Khan	12.04.1989	i)13.06.2009 ii)06.03.2013	BS-18 BS-19	By Promotion By Promotion	Provincial Coordinator National Programme for FP & PHC Pesh
9.	Dr. Haroon Khan s/o Shamsheer Khan, MBBS, MPH	13.2.1963/ Peshawar	06.11.1989	i)10.9.2009 ii)06.03.2013	BS-18 BS-19	By Promotion By Promotion	DD Technical DGHS Office Pesh

Deputy Director (HRM)
Director General Health Services
Hyderabad/Tunkhwa Peshawar

[Signature]

10.	Dr. Obaidur Rehman s/o Khalidur Rehman, MBBS, DHPM	16.5.1963/ Kohat	06.11.1989	010.09.2009 021.10.2013	BS-18 BS-19	By Promotion By Promotion	Principal, PHS, Hayatabad Pesh
11.	Dr. Rehmanullah s/o Rasool Khan, MBBS, MPH	12.12.1960/ Charsadda	11.11.1989	010.9.2009 006.03.2013	BS-18 BS-19	By Promotion By Promotion	MS, BKM, Swabi
12.	Dr. Ghazali Khan s/o Raza Khan, MBBS, MPH, DHPM	25.9.1961/ Peshawar	11.11.1989	010.9.2009 006.03.2013	BS-18 BS-19	By Promotion By Promotion	DHQH, Nowshera Against PMO
13.	Dr. Janbaz Afridi s/o Gulab Sher, MBBS, DHPM, MPH	2.9.1961/ Peshawar	12.11.1989	010.9.2009 006.03.2013	BS-18 BS-19	By Promotion By Promotion	Principal, PGPI, PHSA, Pesh
14.	Dr. Saeed Gul s/o Ziafat Gul, MBBS, MPH	15.02.1963/ Khyber Agy	18.06.1990	010.9.2009 006.03.2013	BS-18 BS-19	By Promotion By Promotion	Director MCHN DGHS Pesh
15.	Dr. Saifullah Khalid s/o Ghulam Rasool, MBBS	28.5.1962/ Manshra	10.09.1990	010.9.2009 006.03.2013	BS-18 BS-19	By Promotion By Promotion	MS, DHQ, Haripur
16.	Dr. Aqeel Jan Bangash s/o Hyder, Gul, MBBS, EMBA Health Management	2.2.1962/ Orakzai Agency	10.09.1990	010.9.2009 006.03.2013	BS-18 BS-19	By Promotion By Promotion	MS, DHQ, Abbottabad.
17.	Dr. Israrullah s/o Amirullah, MBBS, MPH	14.04.959 Chitral	10.09.1990	010.9.2009 006.03.2013	BS-18 BS-19	By Promotion By Promotion	DHO, Chitral.
18.	Dr. Shajeen Afridi D/O Zar Khan, MBBS, MPH	30-07-1966/ Peshawar.	13-05-1991	010.9.2009 006.03.2013	BS-18 BS-19	By Promotion By Promotion	DD(PH) DGHS, (Office, Pesh
19.	Dr. Ghulam Rasool Khan s/o Shadi Gul Khan, MBBS, MPH	3.3.1962/ NW Agency	09.12.1991	10.09.2009 26.09.2017	BS-18 BS-19	By Promotion By Promotion	PMO, KTH, Peshawar
20.	Dr. Kashmir Khan s/o H. Aslam Khan, MBBS, MPH	2.1.1960/ Mohmand Age	09.12.1991	10.09.2009 14.11.2017	BS-18 BS-19	By Promotion By Promotion	MCMC, Mardan
21.	Dr. Ubaid Hussain s/o Ashiq Hussain, MBBS, MPH	7.10.1964/ Peshawar	09.12.1991	010.9.2009 006.03.2013	BS-18 BS-19	By Promotion By Promotion	MS, ESH, Badaber, Peshawar.
22.	Dr. Tariq Mahmood s/o Latif Khan, MBBS, DHPM	12.11.1965 Mohmand Ag	09.12.1991	010.9.2009 006.03.2013	BS-18 BS-19	By Promotion By Promotion	At the disposal of MCMC, Mardan
23.	Dr. Muhammad Aurangzeb s/o Saadullah Khan, MBBS, MPH	15.4.1965/ Mardan	09.12.1991	010.9.2009 21.10.2013	BS-18 BS-19	By Promotion By Promotion	Bacha Khan Medical College Mardan.


 Dr. Ghulam Rasool Khan
 Senior Lecturer in Health Service
 Mardan Medical College, Mardan, Peshawar


 A. P.

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24.	Dr. Muhammad Saeed s/o Wazir Dad Khan, MBBS/MPH	12.4.1960/ Mardan	09.12.1991	D10.9.2009 D22.09.2014	BS-18 BS-19	By promotion By Promotion	DMS, DHO, Mardan
25.	Dr. S. Muhammad Samin s/o S. Muhammad Shafiq, MBBS	8.9.1962/ Kohat	09.12.1991	D10.9.2009 D06.03.2013	BS-18 BS-19	By Promotion By Promotion	DHO, Hangu
26.	Dr. Muhammad Saleem Khan s/o Hakim Khan, MBBS, DHPM, MPH	10.8.1965/ Abbotabad	09.12.1991	D10.09.2009 D21.10.2013	BS-18 BS-19	By Promotion By Promotion	Director Implementation DGHS, Office
27.	Dr. Shahzad Ali Khan s/o Muhammad Farid Swati, MBBS, MPH	10.02.1966 Manshra	09.12.1991	D10.09.2009 D21.10.2013	BS-18 BS-19	By Promotion By Promotion	DHO, Manshra
28.	Dr. Shaikat Ali Khan s/o Gul Nawaz Khan, MBBS/MPH	10/06/1965 Dir	09.12.1991	D10.09.2009 14.11.2017	BS-18 BS-19	By Promotion By Promotion	DHO, L/Dir
29.	Dr. Fakhrudin s/o Asaf Din, MBBS, DHPM, Master of PHC Management	Karak/ 1.1.1965	09.12.1991	D10.9.2009 D06.03.2013	BS-18 BS-19	By Promotion By Promotion	MS, Services Hospital, Peshawar.
30.	Dr. Muhammad Ayub s/o Abdul Jalil MBBS, MIM	1.1.61/ Malakand	09.12.1991	D10.9.2009 D06.03.2013	BS-18 BS-19	By Promotion By Promotion	DMS, SGT, Swat
31.	Dr. Inamullah Khan s/o Insanullah, MD (Kabu), DHPM	2.6.1961/ Swat	09.12.1991	D10.9.2009 D06.03.2013	BS-18 BS-19	By Promotion By Promotion	Coordinator, (PH) DHO, Office, Swat.
32.	Dr. Fakhr Alam s/o Gul Ajab Khan, BDS, MPH	3.4.1965/ Karak	01.10.1991	29.10.2013 31.08.2016	BS-18 BS-19	By Promotion By Promotion	DMS, DHO, Karak.
33.	Dr. Ayaz Imran s/o Syed Imran Shah, MBBS	03.01.1963/ Batagram	09.12.1991	28.02.2017 01.10.2018	BS-18 BS-19	By Promotion By Promotion	DHO, Office, Abbotabad
34.	Dr. Nighat Murad D/O Dr. Murad Ali, MBBS, MPH	11.07.1966/ Peshawar	09.12.1991	10.09.2009 01.10.2018	BS-18 BS-19	By Promotion By Promotion	BKMC Swabi
35.	Dr. Shaikat Sohail s/o Fazil Kariq, MBBS, DHPM, MPH	1.10.1962/ Pesh.	14.04.1992	29.10.2013 31.08.2016	BS-18 BS-19	By Promotion By Promotion	Principal, PMT, Abbotabad.
36.	Dr. Jehanzeb Khan s/o Insanullah Khan, MBBS, MPH	1.1.1965/ Swabi	14.04.1992	06.04.2015 14.11.2017	BS-18 BS-19	By Promotion By Promotion	PMO, RHC Nahqi, Peshawar

Dr. Muhammad Saeed
Wazir Dad Khan
MBBS/MPH
Mardan

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37.	Dr. Magsood Ali S/O Noor Zaman, MBBS/MBA in Health Management, MPH	02.01.1963/ Nowshera	15.04.1992	14.11.2017 04.01.2019	BS-18 BS-19	By Promotion By Promotion	PD/TB Control Programme KP Peshawar.
38.	Dr. Muhammad Hayat s/o Muhammad Amir, MBBS, MPH	24.3.1963/ Mardan	15.04.1992	24.06.2014 14.11.2017	BS-18 BS-19	By Promotion By Promotion	ESH Pabbi, Nowshera.
39.	Dr. Nasreen Akbar D/O Akbar Khan, MBBS, DHPM, MPH	4-4-65/ N.W. Agency	09-09-1993	29.10.2013 31.08.2016	BS-18 BS-19	By Promotion By Promotion	Dy Director DGHS, Office.
40.	Dr. Gulie Rana D/O Sargand Ali Bangash.	18-2-63/ Orakzai Agy	09-09-1993	29.10.2013 31.08.2016	BS-18 BS-19	By Promotion By Promotion	MS, W&C Hosp. Kohat
41.	Dr. Tariq Khan s/o Rasool Khan, MBBS, MPH.	16.10.1964/ Swat	31.07.1993	06.04.2015 26.09.2017	BS-18 BS-19	By Promotion By Promotion	SGTH, Swat
42.	Dr. Qazi Sabih-ud-Din s/o Qazi Chaulam Mustafa, MBBS, MPH	1.1.1965/ Malakand Ag	31.07.1993	24.06.2014 26.09.2017	BS-18 BS-19	By Promotion By Promotion	Attached to DHO, Malakand
43.	Dr. Waseem Ahmad s/o Qazi Muhammad Saleem MBBS, MPH	8.6.1966/ Mansehra	31.07.1993	06.04.2015 26.09.2017	BS-18 BS-19	By Promotion By Promotion	DHO, Haripur
44.	Dr. Abdul Latif s/o Masood Khan MBBS, MPH, DHPM	14.4.1967/ Mardan	10.11.1993	29.10.2013 31.08.2016	BS-18 BS-19	By Promotion By Promotion	MS, DHO, Mardan.
45.	Dr. Basil Saleem s/o Pirzada M Saleem, MBBS, DHPM, MPH	7.3.1966/ Mardan	10.11.1993	29.10.2013 31.08.2016	BS-18 BS-19	By Promotion By Promotion	Coordinator, NP for FP & PHC, Mardan.
46.	Dr. Abid Hussain s/o Iqbal Hussain, MBBS, MPH	25.7.1967/ Swat	10.11.1993	29.10.2013 31.08.2016	BS-18 BS-19	By Promotion By Promotion	MS, DHO, Charsadda.
47.	Dr. Akhtar Ali s/o Dilawar Khan, BDS, MPH	13.12.1963/ Charsadda	21.11.1994	29.10.2013 31.08.2016	BS-18 BS-19	By Promotion By Promotion	MS, DHO, Buner.
48.	Dr. Shahid Yunis s/o Haji Shad Muhammad, MBBS, DHPM, MPH, Masters in Hospital Management	1.12.1965/ Swabi	28.05.1997	29.10.2013 31.08.2016	BS-18 BS-19	By Promotion By Promotion	Chief HSRU Health Department KP

(Signature)
 Director General
 Health Services
 Government of Punjab
 Lahore

(Signature)

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49.	Dr. Sahib Gul S/O Juma Gul, MBBS, DHPM/MBA (HPM)	22.1964/ Kohistan	28.05.1997	29.10.2013 31.08.2016	BS-18 BS-19	By Promotion By Promotion	Provincial Programme Manager ANCH Programme
50.	Dr. Naseem Khan Afridi s/o Aya Khan Afridi, MBBS, M.Sc Epidemiology & Biostatistics	11.6.1966/ F.R.Pesh:	15.09.1997	29.10.2013 31.08.2016	BS-18 BS-19	By Promotion By Promotion	MS, Mental Hospital, Peshawar
51.	Dr. Muhammad Afzar Anwar s/o Muhammad Anwar Khan, MD (Kabul), M.Sc Public Health in International Health Develop	13.12.1963/ Swat	15.09.1997	29.10.2013 31.08.2016	BS-18 BS-19	By Promotion By Promotion	Project Manager Inter Vector Control Prog: KPK.
52.	Dr. Fazal Rabbi s/o Said Qamar, MD, MPH	30.12.1959/ Charsadda	15.09.1997	29.10.2013 31.08.2016	BS-18 BS-19	By Promotion By Promotion	DDHO, Charsadda
53.	Dr. Fazal Maola s/o Abdul Wadood, MBBS, MPH	01.06.1965/ Bajaur	15.09.1997	29.10.2013 31.08.2016	BS-18 BS-19	By Promotion By Promotion	MS, Sifwat Ghayur Memorial Hosp: Pesh: PD Blood Transfusion, Peshawar.
54.	Dr. Shamsur Rehman s/o Gul Rehman Afridi, MBBS, MPH	25.12.1966/ FR Kohat	15.09.1997	29.10.2013 31.08.2016	BS-18 BS-19	By Promotion By Promotion	DHO, Lakki Marwat
55.	Dr. Abdu Gul s/o Abbas Khan, MBBS, MPH	16.01.1967/ S.W.A	15.09.1997	29.10.2013 31.08.2016	BS-18 BS-19	By Promotion By Promotion	Attached to FATA
56.	Dr. Adnan Taj s/o Taj Muhammad, MBBS, DHPM, MPH, Masters in Hospital Management	4.1.1967/ Peshawar	15.09.1997	29.10.2013 31.08.2016	BS-18 BS-19	By Promotion By Promotion	
57.	Dr. Jawad Habib Khan s/o Habibullah Khan, MBBS, MBA in Health Management/MPH	24.11.1963/ Peshawar	15.09.1997	29.10.2013 31.08.2016	BS-18 BS-19	By Promotion By Promotion	DHS, FATA
58.	Dr. Muhammad Fayyaz Ali s/o Abdur Rehman, MD (Kab), MPH	23.3.1962/ Pesh:	15.09.1997	29.10.2013 31.08.2016	BS-18 BS-19	By Promotion By Promotion	DHO, Charsadda.

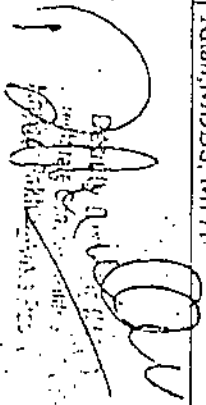
Deputy Director HRM
Director General Health Services
Khyber Pakhtunkhwa Faisalabad

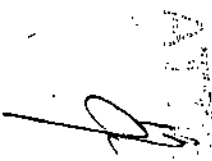
59.	Dr. Malik Niaz Khan s/o M. Sarfaraz Khan, MD/K	20.2.1961/ Bannu	15.09.1997	29.10.2013	BS-18 BS-19	By Promotion By Promotion	MS. CH. Mattani, Peshawar
60.	Dr. Farhad Khan s/o Pordil Khan, MBBS, MPH	1.2.1964/ Charsadda	28.5.1997	06.04.2015	BS-18 BS-19	By Promotion By Promotion	FB Focal Person, Charsadda
61.	Dr. Mian Habibur Rehman s/o Fazlur Rehman, MBBS, MPH	4.4.1966/ Mardan	15.09.1997	06.04.2015	BS-18 BS-19	By Promotion By Promotion	PMO, DHO, Mardan
62.	Dr. Zahir Shah s/o Bahadar Khan, MD, MPH	15.4.1961/ Swat	15.09.1997	06.04.2015	BS-18 BS-19	By Promotion By Promotion	Attached to DHO, Swat
63.	Dr. Abdul Waheed Khan S/O Abdul Hamid Khan, MBBS, MPH	3.11.1968/ FR Tank	15.09.1997	06.04.2015	BS-18 BS-19	By Promotion By Promotion	MS RHC Gara Tajik, Peshawar
64.	Dr. Khan Askar s/o Muhammad Askar, MBBS, MPH	10.4.1965/ Kohat	15.09.1997	06.04.2015	BS-18 BS-19	By Promotion By Promotion	PMO, KGNTH, Bannu
65.	Dr. Shah Faisal s/o Romaz Zaman Khanzada, MBBS, MPH	27.5.1967/ Swabi	15.09.1997	06.04.2015	BS-18 BS-19	By Promotion By Promotion	DHO, Abbottabad
66.	Dr. Kalimullah Khan s/o Eid Gul, MBBS, MPH	27.03.1965/ Karak	15.09.1997	06.04.2015	BS-18 BS-19	By Promotion By Promotion	PC Hepatitis Program, DGHS Office, Pesh
67.	Dr. Muhammad Ishaq Khan s/o Muhd Younas, MBBS	12.10.1961/ FR, Peshawar	15.09.1997	29.10.2013	BS-18 BS-19	By Promotion By Promotion	Attached to Tribal Districts KP.
68.	Dr. Mustaq Ahmad s/o Ali Gohar Khan, MBBS, DHPM/MPH	28.11.1964/ Abbottabad	15.09.1997	29.10.2013	BS-18 BS-19	By Promotion By Promotion	DHO, Haripur.
69.	Dr. Muhammad Tariq s/o Muhammad Junaid, MD/MPH	6.10.1961/ Swabi	15.09.1997	29.10.2013	BS-18 BS-19	By Promotion By Promotion	Coordinator NP for FP & PHC, Swabi.
70.	Dr. Shakirullah s/o Syed Mashaal Bacha, MD (Kabul), DHPM	1.1.1964 / Mardan	27.11.1998	29.10.2013	BS-18 BS-19	By Promotion By Promotion	MS Type-D Hospital, Toru Mardan.
71.	Dr. Khan Bahadar s/o Gul Akbar, MBBS, MPH	02.02.1968/ Kurrum Agy	27.11.1998	06.04.2015	BS-18 BS-19	By Promotion By Promotion	LRH, Peshawar
72.	Dr. Ihsanullah s/o Ghulam Mohammed, MBBS/MPH	20.2.1963/ Tank	27.11.1998	06.04.2015	BS-18 BS-19	By Promotion By Promotion	DHO, Tank

Director General (HRM)
Director General Services
Ministry of Health, Government of Punjab
Peshawar

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73.	Dr. Zafrullah Khan s/o Ghulam Sarwar, MD, MPH	15.4.1959/ Nowshera	27.11.1998	06.04.2015 14.11.2017	BS-18 BS-19	By Promotion By Promotion	DHO, Nowshera
74.	Dr. Saedulillah Khan s/o Mukarram Khan, MD, MPH	20.4.1963/ Swat	27.11.1998	06.04.2015 26.09.2017	BS-18 BS-19	By Promotion By Promotion	SCTH, Swat
75.	Dr. Shahzada Muhammad Haiderul Mulik s/o Shahzada Muhtd Mutajul Mulik, MBBS, MPH	1.4.1968/ Chitral	27.11.1998	06.04.2015 26.09.2017	BS-18 BS-19	By Promotion By Promotion	Attached to DHO, Chitral
76.	Dr. Shahab Ahmad s/o Abdul Rehman, MBBS, MPH	24.4.1968/ Charsadda	27.11.1998	06.04.2015 14.11.2017	BS-18 BS-19	By Promotion By Promotion	KATH, Manishehra
77.	Dr. Javed Iqbal s/o Amir Bahadar, MBBS, MPH	10.1.1963/ Dir	27.11.1998	06.04.2015 26.09.2017	BS-18 BS-19	By Promotion By Promotion	Attached to DHO Dir Lower
78.	Dr. Noor Saeed Khan s/o Muhtd Saeed Khan, MBBS, MPH	4.4.1959/ Bannu	27.11.1998	06.04.2015 14.11.2017	BS-18 BS-19	By Promotion By Promotion	DHO, Bannu
79.	Dr. Shafiqul Mulik s/o Hazrat Mulik, MD, MPH	25.3.1961 /Swat	27.11.1998	06.04.2015 03.01.2018	BS-18 BS-19	By Promotion By Promotion	DHO, Shangla
80.	Dr. Muhammad Ehsan Wahced s/o Muhammad Hussain Khan Wahced, MBBS, MPH	15.11.1965/ DI Khan	27.11.1998	29.10.2013 09.11.2016	BS-18 BS-19	By Promotion By Promotion	Coordinator NO for FP & PHC, DI Khan.
81.	Dr. Fazal Rahim s/o Haslam Khan, MBBS, MPH	15.03.1960/ Peshawar	27.11.1998	22.09.2014 26.09.2017	BS-18 BS-19	By Promotion By Promotion	DDHO, Kohistan
82.	Dr. Shahzad Faisal s/o Asmatullah, MBBS, MPH	16.3.1969/ Peshawar	27.11.1998	28.02.2017 01.10.2018	BS-18 BS-19	By Promotion By Promotion	Deputy Chief HSSRU Health Secretariat, Pesh.
83.	Dr. Syed Nasir Shah S/O, Syed Akhter Shah, MBBS/DHPN	01.10.1964/ Kohat	27.11.1998	14.11.2017 04.01.2019	BS-18 BS-19	By Promotion By Promotion	Coordinator (PI) DHO, Office, Manishehra.
84.	Dr. Muhammad Saleem S/O. Inayat-ur-Rehman, MBBS/MPH	05.06.1970/ Swat	11.03.1999	06.04.2015 26.09.2017	BS-18 BS-19	By Promotion By Promotion	Director (Intp), DGHS Office, Peshawar,
85.	Dr. Syed Jamal Akbar S/O Fazal Akbar, MBBS, MPH	09.07.1972/ Swat	16.08.1999	29.10.2013 26.09.2017	BS-18 BS-19	By Promotion By Promotion	Principal, Public Health School, Pesh


 Dr. Javed Iqbal
 Director (Intp), DGHS
 Office, Peshawar


 Dr. Javed Iqbal
 Director (Intp), DGHS
 Office, Peshawar

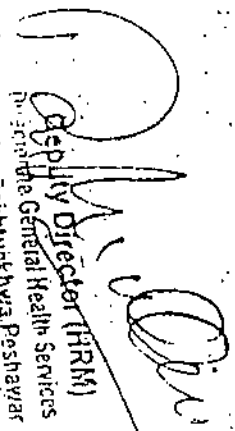
87.	Dr. Muhammad Rehman Afridi S/O Muhammad Younas, MBBS, MPH	23.03.1969/ Khy. Agcy.	16-09-2000	29.10.2013 26.09.2017	BS-18 BS-19	By Promotion By Promotion	PD, Malarna, KP DGHS, Office
88.	Dr. Jamal Abdul Nasir S/O Mukhtiar Ahmad, MD (Kabul), DHPM, MPH	11.11.1965/ Charsadda.	16-09-2000	29.10.2013 26.09.2017	BS-18 BS-19	By Promotion By Promotion	VC, CH, Sha Kardara, Kohat
89.	Dr. Naeem Shah S/O Saeed Shah, MBBS, M.Sc (INT-PH)	05.04.1970/ Kohat.	16-09-2000	29.10.2013 26.09.2017	BS-18 BS-19	By Promotion By Promotion	Attached to IDHO Kohat in Polio Prog
90.	Dr. Muhammad Shuaib Khan S/O Muhammad Saeed, MBBS, MPH	03.11.1969/ Karak	16-09-2000	26.09.2017 29.10.2013	BS-19 BS-18	By Promotion By Promotion	MS, City Hosp, Kohat Road, Peshawar.
91.	Dr. Siraj Muhammad S/O Khaista Muhammad, MBBS, MPH	15.02.1968/ Mardan.	16-09-2000	26.09.2017 29.10.2013	BS-19 BS-18	By Promotion By Promotion	PHSA, Peshawar.
92.	Dr. Abdul Qadus S/O Abdul Karim, DHPM, MPH	15.12.1969/ Khy. Agcy.	16-09-2000	26.09.2017 29.10.2013	BS-19 BS-18	By Promotion By Promotion	DGHS, Office
93.	Dr. Amr Hamid s/o Abdul Hamid MBBS, DHPM /MPH /EMBA(HM)	13.07.1962/ Peshawar	16-09-2000	26.09.2017 28.02.2017	BS-19 BS-18	By Promotion By Promotion	DMS, BBSTH, Abbottabad.
94.	Dr. Ahmad Faisal S/O Muhammad Saifur, MBBS, MPH	16.10.1971/ Abbottabad.	16-09-2000	01.10.2018 29.10.2013	BS-19 BS-18	By Promotion By Promotion	DGHS, Office
95.	Dr. Hafiz Zia ul Habib S/O Noor Habib/ Charisadda, MPH	31.10.1960/ Charsadda	01.07.2001	26.09.2017 29.10.2013	BS-19 BS-18	By Promotion By Promotion	MS Category-D Hosp; Jamal Abad Charsadda
96.	Dr. Syed Muhammad Idrees S/O Syed Bakht Badshah / MBBS, MPH	08.02.1971/ Bajaur Agcy.	01.07.2001	26.09.2017 22.09.2014	BS-19 BS-18	By Promotion By Promotion	PHSA
97.	Dr. Wali Khan S/O Sewai Khan, MBBS, DHPM, MPH	30.03.1966/ Khyber Agcy	01.07.2001	26.09.2017 29.10.2013	BS-19 BS-18	By Promotion By Promotion	Incharge CH, Jannrud, Khyber Agency.
98.	Dr. Muhammad Qasim s/o Agal Khan, MBBS, MPH	20.01.1969/ Khyber Agcy	01.07.2001	26.09.2017 29.10.2013	BS-19 BS-18	By Promotion By Promotion	Deputy Director (Admn.) DHS, FATA,
99.	Dr. Anisa Afridi D/O Muhammad Anwar Afridi, MBBS, MPH/MSc International Health DGO	24.08.1969/ Khyber Agcy	01.07.2001	26.09.2017	BS-19	By Promotion	

Deputy Director
Khyber Pakhtunkhwa
Peshawar

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100.	Dr. Muhammad Naeem Awan S/O Muhammad Bashir, MBS, M.Sc International Health	22.02.1974/ Manshehra	04.07.2002	29.10.2013 26.09.2017	BS-18 BS-19	By Promotion By Promotion	MS, Mental Hospital Dadar, Manshehra
101.	Dr. Muhammad Akram Shah s/o Suleman Shah, MBS, Dip. in Public Health & Hospital Admn.	20.4.1972/ Nowshehra	04.09.2002	29.10.2013 26.09.2017	BS-18 BS-19	By Promotion By Promotion	Director EPI DGHS, Office.
102.	Dr. Sadiq Shah S/O Said Badshah, MBS, MPH,	07.10.1969/ Khyber Agy	23.07.2005	22.09.2014 26.09.2017	BS-18 BS-19	By Promotion By Promotion	DHS, FATA, DHIS,
103.	Dr. Azraullah Khan s/o Nasrullah Khan, MBS, MPH, MBA	26.7.1972/ Peshawar	23.07.2005	29.10.2013 26.09.2017	BS-18 BS-19	By Promotion By Promotion	At the disposal of FATA
104.	Dr. Ikhlas Ali S/O Pto. Ali, Aurakzai Agency, MBS, DHPM, MPH	04.02.1966/ Orakzai Agy	23.07.2005	29.10.2013 26.09.2017	BS-18 BS-19	By Promotion By Promotion	MS, Women & Children Hosp, Charsadda.
105.	Dr. Niaz Muhammad Afridi S/O Shamshad Khan Afridi/ Khyber Agency, MBS, DHPM, MPH	03.04.1967/ Khyber Agy	23.07.2005	29.10.2013 26.09.2017	BS-18 BS-19	By Promotion By Promotion	At the disposal of DHS, FATA.
106.	Dr. Sher Khan Afridi S/O. Muhammad Akram Khan, MBS, MPH.	01.04.1973/ Khyber Agy	23.07.2005	22.09.2014 26.09.2017	BS-18 BS-19	By Promotion By Promotion	Director (HRM) DGHS Office, Pesh
107.	Dr. Ikramullah Khan s/o Hidayatullah Khan, MBS, MPH	20.11.1973/ Peshawar	23.07.2005	22.09.2014 26.09.2017	BS-18 BS-19	By Promotion By Promotion	DDHO, Buner.
108.	Dr. Tariq s/o Fazli Raziq, MPH	20.03.1969/ Swat	23.07.2005	22.09.2014 26.09.2017	BS-18 BS-19	By Promotion By Promotion	DHQA, Mardan.
109.	Dr. Asghar Khan s/o Mohabbat Khan, MBS, DHPM, MPH	14.04.1973/ Swabi	23.07.2005	22.09.2014 26.09.2017	BS-18 BS-19	By Promotion By Promotion	


 Deputy Director (HRM)
 Provincial General Health Services
 Peshawar
 Paktia
 Peshawar


 Deputy Director (HRM)
 Provincial General Health Services
 Peshawar
 Paktia
 Peshawar

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DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUN KHWA PESHAWAR

K-99



Email Address: myind@hs@yahoo.com office Ph# 091-9210209
Exchange# 091-9210187, 9210196 Fax # 091-9210230


No. 13/23 /AE-I Dated: 03/10/2018

The Secretary to Government of
Khyber Pakhtunkhwa Health
Department Peshawar


SUBJECT: REQUEST FOR RETAINING NAME IN THE GENERAL CADRE

I have the honour to state that Dr. Ghulam Rasool PMO Anaesthesia Department MTH KTH had applied for Management cadre. He has been inducted in Management Cadre Vide Govt. Notification No: SOH (E.V) 4-20/2018 dated 7.5.2018.

Now he has requested vide his application dated 15.3.2018 (copy attached) that he may be retained in General cadre on the ground mentioned in his application.


DIRECTOR GENERAL HEALTH
SERVICES, KHYBER PAKHTUNKHWA
PESHAWAR

11/10/18

RECEIVED


**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR**

All communications should be addressed to the Director General Health Services
Peshawar and not to any officials, by name E-Mail Address K.P.K.ghs@yahoo.com
Office # 091-9210269 Exchange # 091-9210187, 9210196 Fax # 091-9210230

NO. ~~548~~ SBE-45-493

Dated: 21 / 3 / 2019

99/A

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

Sd/-
Director


REQUEST FOR INDUCTION BACK IN GENERAL CADRE.


I have the honour to enclose herewith a copy of letter No. 937/ dated 01.01.2019, from Hospital Director MTI DHQ/MMM Teaching Hospital D.I Khan along with application of Dr. Sheikh Mohammad Farooq Azam SMO (BPS-18) DHQ Teaching Hospital D.I Khan stated that he has already requested for induction back in general cadre vide Hospital Director MTI/D.I Khan letter No. 184 dated 05.01.2019 through proper channel, so he cannot join the mandatory training for promotion to BPS-18 at PHSA Peshawar and requested that his name may be excluded from mandatory training list, for favour of further necessary action.

It is stated that Dr. Sheikh Mohammad Farooq Azam SMO (BPS-18) DHQ Teaching Hospital D.I Khan was inducted into Health Management Cadre vide Notification No. SOH (E-V)4-20/2018 dated 07.05.2018 in the light of judgement dated 01.11.2012 of the Khyber Pakhtunkhwa Service Tribunal Peshawar in Service Appeal No. 513 of 2010, upheld by the Honourable Supreme Court of Pakistan vide judgement dated 03.11.2015 in CAs No. 320-324 of 2012 and CA No. 126-P to 130-P of 2012.

It is added that letter No. 184/- dated 05.01.2019 alongwith application of the doctor concerned regarding induction back in General cadre has not been received in this Directorate General Health.

It is therefore requested that necessary order of the Govt. may please be issued in the matter.


ADDL. DIRECTOR GENERAL (HRM)
DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR


Hospital Director MTI/DHQ, MMM Teaching Hospital D.I Khan w/r to his
letter dated above.

PROVISIONAL SENIORITY LIST OF MEMBERS OF SERVICES (BPS-20) OF THE HEALTH DEPARTMENT AS ON 13-02-2019

TOTAL SANCTIONED POSTS = 38

Sl: No.	Name of Officer/Official with academic qualification.	Date of Birth and Domicile	Date of 1st entry into Govt. Service	Regular appointment/promotion to the present post.		BPS	Method of Recruitment/ Appointment	Present appointment With date.
				Date				
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	
1.	Dr. Gul Muhammad s/o Pir Muhammad, MBBS, DHPM	13.11.1959/ Mardan	16.04.1986/BS-17	i) 03.04.1995 ii) 06.12.2008 iii) 22.10.2014		BS-18 BS-19 BS-20	By Promotion By Promotion By Promotion.	DHO, Peshawar.
2.	Dr. Muhammad Sharif s/o Khursheed, MBBS, M.Sc (Public Health in International Health Development)	01.02.1960/ Mardan	16.04.1986/BS-17	i) 03.04.1995 ii) 06.12.2008 iii) 11.10.2016		BS-18 BS-19 BS-20	By Promotion By Promotion By Promotion	MS, DHQ, Swabi.
3.	Dr. Fahir Nadeem Khan s/o Ghulam Rahbani Khan, MBBS/MAHMPP	20.01.1961/ D.I.Khan	16.04.1986/BS-17	i) 03.04.1995 ii) 06.12.2008 iii) 14.10.2016		BS-18 BS-19 BS-20	By Promotion By Promotion By Promotion	Director General, PHSA
4.	Dr. Muhammad Ayub Rose s/o Muhammad Saïd Rose, MBBS, DHPM, MPH	15.06.1960/ Mardan	16.04.1986/BS-17	i) 03.04.1995 ii) 06.12.2008 iii) 30.01.2017		BS-18 BS-19 BS-20	By Promotion By Promotion By Promotion	Director General PHSA, Peshawar.
5.	Dr. Farq Masood s/o Hayatullah Khan, MBBS, MPH	01.08.1959/ D.I.Khan	16.04.1986/BS-17	i) 03.04.1995 ii) 06.12.2008 iii) 10.04.2017		BS-18 BS-19 BS-20	By Promotion By Promotion By Promotion	DHO, D.I.Khan.
6.	Dr. Muhammad Javed s/o Shah Zaman Khan, MBBS, MPH	01.06.1960/ Abbotabad	16.04.1986/BS-17	i) 03.04.1995 ii) 06.12.2008 iii) 26.09.2017		BS-18 BS-19 BS-20	By Promotion By Promotion By Promotion	MS, KATH, Manshera
7.	Dr. Muhammad Javed s/o Umar Gul Khan, MBBS, MPH	23.4.1961/ Mardan	16.04.1986/BS-17	i) 03.04.1995 ii) 21.10.2013 iii) 10.04.2017		BS-18 BS-19 BS-20	By Promotion By Promotion By Promotion	Chief Executive Medical Faculty, Peshawar

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ATTENDED

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8.	Dr. Capri Shad Ali S/O Ahmad Khan MBBS, MPH	01.04.1961/ Swabi	15.12.1986/BS-17	i) 03.04.1995 ii) 06.12.2008 iii) 10.04.2017	BS-18 BS-19 BS-20	By Promotion By Promotion By Promotion	Additional Director General, Khyber Pakhtunkhwa, DGHS, Office, Peshawar
9.	Dr. Abdul Jamil s/o Abdul Aziz, MBBS, MPH	15.09.1960/ Mardan	19.03.1987/B-17	i) 03.04.1995 ii) 06.03.2013 iii) 10.04.2017	BS-18 BS-19 BS-20	By Promotion By Promotion By Promotion	Vice Principal BKMTC, Mardan
10.	Dr. Tahir Bashir-ud-Din s/o G. Daulat Din, MBBS, DHPM	27.09.1959/ Abbottabad	19.03.1987/B-17	i) 03.04.1995 ii) 06.03.2013 iii) 26.09.2017	BS-18 BS-19 BS-20	By Promotion By Promotion By Promotion	Additional Director General, Khyber Pakhtunkhwa, DGHS, Office, Peshawar
11.	Dr. Muhammad Rasool Jan, S/O Sakhi Magjan, MBBS, MPH	20.04.1963 Karak	06.12.1987/B-17	i) 18.09.1997 ii) 06.03.2013 iii) 10.04.2017	BS-18 BS-19 BS-20	By Promotion By Promotion By Promotion	MS, CH, Ruzum, Mardan
12.	Dr. Muhammad Shuaib S/O Muhammad Ajab, MBBS, MPH	20.06.1964 Manshera	6.12.1987/B-17	i) 18.09.1997 ii) 23.09.2014 iii) 26.09.2017	BS-18 BS-19 BS-20	By Promotion By Promotion By Promotion	CNO, DHQI, Manshera
13.	Dr. Fazil Malik s/o Fazil-Khatiq, MBBS, MPH	04.10.1960 Mardan	06.12.1987/B-17	i) 18.09.1997 ii) 06.03.2013 iii) 10.04.2017	BS-18 BS-19 BS-20	By Promotion By Promotion By Promotion	DHO, Mardan
14.	Dr. Zahoor Ahmad s/o Sahibzada Abdul Mujib, MBBS, MPH	15.03.1960 Mardan	06.12.1987/B-17	i) 18.09.1997 ii) 06.03.2013 iii) 10.04.2017	BS-18 BS-19 BS-20	By Promotion By Promotion By Promotion	Vice Principal, DHDC, Mardan
15.	Dr. Arshad Amer S/O Umer Amer, MBBS, Master of Management Sciences in PH	11.09.1961/ Peshawar	06.12.1987/B-17	i) 18.09.1997 ii) 06.03.2013 iii) 10.04.2017	BS-18 BS-19 BS-20	By Promotion By Promotion By Promotion	DHO, Kohistan
16.	Dr. Muhammad Daud s/o Muhd Yaqub, MBBS, MPH	19.10.1959/ Abbottabad	06.12.1987/B-17	i) 21.09.1998 ii) 06.03.2013 iii) 10.04.2017	BS-18 BS-19 BS-20	By Promotion By Promotion By Promotion	Director, PHSA, Peshawar
17.	Dr. Mushtaq s/o Saleem Khan, MBBS, MPH	8.5.1960/ Peshawar	06.12.1987/B-17	i) 21.09.1998 ii) 06.03.2013 iii) 10.04.2017	BS-18 BS-19 BS-20	By Promotion, By Promotion By Promotion	DHO, Kohat

(Signature)

ATP
(Signature)

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18.	Dr. Ahsad Ahmad s/o Abdul Rehman, M.BBS, DHPAL, MPH	Mardan	26.8.1961	06.12.1987/B-17	ii)21.09.1998 iii)06.03.2013 iii)10.04.2017	BS-18 BS-19 BS-20	By Promotion By Promotion By Promotion	Director General Health Services, KP Peshawar.
19.	Dr. Muhammad Iqbal Javed s/o Haji Fatehullah, M.BBS, MPH	DI Khan	30.12.1959	06.12.1987/B-17	ii)12.8.2000 ii)23.09.2014 iii)26.09.2017	BS-18 BS-19 BS-20	By Promotion By Promotion By Promotion	Attached to DHO, DI Khan
20.	Dr. Ikramullah Khan s/o Amanullah Khan, M.BBS, MPH	DI Khan	01-04-1960	06.12.1987/B-17	ii)20.8.2001 ii)13.05.2016 iii)26.09.2018	BS-18 BS-19 BS-20	By Promotion By Promotion By Promotion	CMO, ESIL, Pabbi Nowshera.
21.	Dr. Naimatullah Zia s/o Amir Shah, M.BBS, MPH	F.R. D.I.K	15.05.1959	06.12.1987/B-17	ii)18.09.1997 ii)23.09.2014 iii)22.05.2018	BS-18 BS-19 BS-20	By Promotion By Promotion By Promotion	CMO, DHOH, Tank
22.	Dr. Muhammad Daraz Khan s/o Iftim Shah, M.BBS, MPH	Karak	01.07.1959	06.12.1987/B-17	ii)21.09.1998 iii)06.03.2013 iii)10.04.2017	BS-18 BS-19 BS-20	By Promotion By Promotion By Promotion	DDHO Bannu
23.	Dr. Muhammad Rizaz, s/o Sharifur-Rehman, M.BBS, DHPM, MPH	Peshawar	12.09.1959	06.12.1987/B-17	ii)21.09.1998 iii)06.03.2013 iii)10.04.2017	BS-18 BS-19 BS-20	By Promotion By Promotion By Promotion	Additional Director General, Khyber Pakhtunkhwa, DGHS, Office, Peshawar
24.	Dr. Farooq Shah s/o Zewar Shah, M.BBS, DHPM	Khyber Agy	3.4.1960	06.12.1987/B-17	ii)20.08.2001 iii)06.03.2013 iii)26.09.2017	BS-18 BS-19 BS-20	By Promotion By Promotion By Promotion	MS, KDA, Kohat.
25.	Dr. S. Minhajul Haq s/o S. Sirajul Haq, M.BBS, MPH (Australia)	Manshehra	7.8.1960	06.12.1987/B-17	ii)20.08.2001 iii)06.03.2013 iii)14.11.2017	BS-18 BS-19 BS-20	By Promotion By Promotion By Promotion	DHO, Tor Chah.
26.	Dr. Abder Rehman s/o Siraj-ur-Rahim, M.BBS, MPH	Dir	15.6.1960	23.1.1988/B-17	ii)20.08.2001 iii)06.03.2013 iii)14.11.2017	BS-18 BS-19 BS-20	By Promotion By Promotion By Promotion	DHO, Buner.
27.	Dr. Fazli Hadi s/o Muhammad Sibaib, M.BBS, MPH	Mardan	18.4.1961	23.1.1988/B-17	ii)20.08.2001 iii)06.03.2013 iii)14.11.2017	BS-18 BS-19 BS-20	By Promotion By Promotion By Promotion	DHO, Mardan

(Handwritten Signature)

ATTESTED

(Handwritten Signature)

28.	Dr. Nick Nawaz s/o Aleemta/ Khan, MBBS, DHPM	3.8.1960/ Bannu	23.1.1988/BS-17	020.08.2001 0906.03.2013 0014.11.2017	BS-18 BS-19 BS-20	By Promotion By Promotion By Promotion	Chief Executive Medical Faculty, Peshawar
29.	Dr. Muhammad Ali s/o Mudil Ullah, MBBS, MPTI	20.9.1960/ Peshawar	23.1.1988/BS-17	020.08.2001 0006.03.2013 0014.11.2017	BS-18 BS-19 BS-20	By Promotion By Promotion By Promotion	IDD, Qazi Hussain Ahmad Medical Complex, Nowshera.
30.	Dr. Muhammad Asif s/o Muhammad Yousof EDCI, MBBS, DHPM, MPH.	2.2.1960/ Peshawar	23.1.1988/BS-17	016.04.2008 0006.03.2013 0014.11.2017	BS-18 BS-19 BS-20	By Promotion By Promotion By Promotion	ADCHS(HR), DGHS Office.
31.	Dr. Aurangzeb S/O Muhammad Ambar, MBBS/MPH/DHPM	20.01.1960/ Mardan	23.01.1988	20.08.2001 31.08.2016 01.10.2018	BS-18 BS-19 BS-20	By Promotion By Promotion By Promotion	MS, THQ Hosp, Takht Bhai, Mardan
32.	Dr. Muhammad Taus Khan s/o Rangin Khan, MBBS, DHPM	3.2.1960/ DI Khan	23.01.1988	20.08.2001 31.08.2016 01.10.2018	BS-18 BS-19 BS-20	By Promotion By Promotion By Promotion	DHO, Larki
33.	Dr. Nadeem Ahmad s/o Nazir Ahmad, MBBS, MPH	13.3.1961/ Mardan	23.01.1988	16.04.2008 31.08.2016 01.10.2018	BS-18 BS-19 BS-20	By Promotion By Promotion By Promotion	ADGI(M&E) DGHS Office, Peshawar
34.	Dr. Fikhar Ahmad s/o Inayatullah Khan, MBBS, MPH	2.1.1961/ Peshawar	23.1.1988	016.04.2008 0006.03.2013 0014.11.2017	BS-18 BS-19 BS-20	By Promotion By Promotion By Promotion	DHO U/Di
35.	Dr. Muhammad Khan s/o Khan Mudh, MBBS, MPH	3.5.1959/ Khyber Agy	23.1.1988	016.04.2008 0006.03.2013 0014.11.2017	BS-18 BS-19 BS-20	By Promotion By Promotion By Promotion	DHO, Baitagram.
36.	Dr. Wahid Gul s/o Parinda Gul, MBBS, DHPM, MPH	1.4.1961/ Mardan	23.1.1988	016.04.2008 0006.03.2013 0014.11.2017	BS-18 BS-19 BS-20	By Promotion By Promotion By Promotion	MS, DHQ, Baktiela.

Signature

Signature

OFFICE OF THE EXECUTIVE DISTRICT OFFICER, (HEALTH) MARDAN

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

18/12

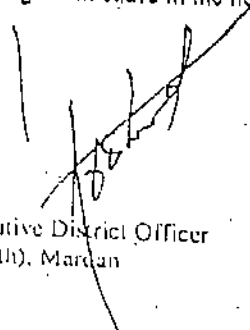
No. 9727 (EDO/11) dated Mardan (DC) 03/07/2009

M-104

The Director General Health Services
NWFP

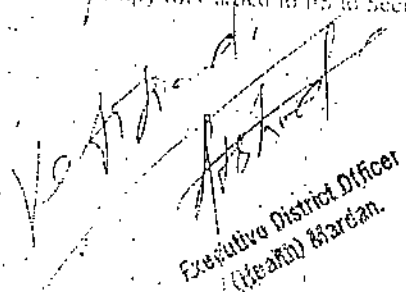
Subject: FORMATION OF MANAGEMENT CADRE IN HEALTH DEPARTMENT
Dear Sir,

Reference your letter no: 21413-523/E-1 Dated 30/06/2009 with the subject captioned above attached please herewith find the list of doctors opting to join Management cadre in the health department, for your further kind considerations.



Executive District Officer
(Health), Mardan

No. 9728 (EDO/11)

Copy forwarded to DG Secretary Health NWFP. For information please.


Executive District Officer
(Health) Mardan.

Executive District Officer
(Health), Mardan

 ATTESTED

105

Annex-2

Distt. Mardan List page 1 of 3

2009

S. #	Name of Doctors	Domicile	Date of Birth	Date of Entry into Register Service	RPS	Basic Qualification (MBBS/BS/MD) Year	Post graduate Qualification Degree/Diploma in Management Discipline year	Institution	University
1	Dr Arshad Ahmed Mr. S/O Mr. Abdul Rahman	Mardan	1961	1987	18	MBBS	DPM MPH	IMS ICMS	Peshawar University Gandahara University
2	Dr Sayed Muniram Shah, S/O Sayed Mahmood Shah.	Mardan	1957	1985	19	MBBS	Diploma in Health Education and Promotion Fellowship Hospital Administration	Leeds Metropolitan University, UK. Royal Society of Health UK National Institute of Public Administration, Peshawar	Peshawar University
3	Dr Abdul Jamil S/O Mr. Abdul Aziz	Mardan	1960	1985	18	MBBS	MS Community Health and Nutrition MPH	AIOU PHSA	AIOU Islamabad Peshawar University
4	Dr Abdul Latif S/O Mr. Masood Khan	Mardan	1967	28/12/1993	17	MBBS	DPM MPH	IMS PHSA	Peshawar University Peshawar University

Executive Officer
Health Services
Mardan

RECEIVED

Annex-2

Page 2 of 3

Dr. H. Mardani, 1st 2009

Annex 10

Faculty of Health Sciences
Peshawar University

Dr. H. Mardani

S. No.	Name of Doctors	Domicile	Date of Birth	Date of Entry into Register Service	BPS	Basic Qualifications (MBBS/BS/MD) Year	Post graduate Qualification Degree/Diploma Discipline year	Institution	University
5	Dr Sardar Ahmad	Mardan	1945	21/06/1987	18	MBBS	MPH Management Discipline year	PHSA	Peshawar University
6	Dr Basit Saleem S/O Mr. Pir Zaka Mohammad Saleem	Mardan	1968	28/12/1993	17	MBBS	DHPM	INIS	Peshawar University
7	Dr Hidayat S/O Hidayat Ghahman	Dir	1955	1996	17	MBBS	MPH	PHSA	Peshawar University
8	Dr Tariq Mahmood S/O Mr. Abdul Latif	Mardan	1965	1991	17	MBBS	DHPM	INIS	Peshawar University
9	Dr Aurangzeb	Mardan	1960	1987	18	MBBS	MPH	ICMS	Gandhara University
10	Dr. Zahoor Bacha	Mardan	1960	1987	18	MBBS	MPH	Peshawar University PHSA	Peshawar University
11	Dr Aurangzeb	Mardan	1965	1991	17	MBBS	MPH	PHSA	Peshawar University
12	Dr Abid Hussain	Swat	1967	28/12/1993	17	MBBS	MPH	INIS	Peshawar University
13	Dr Saleh Shah	Mardan	1953	1990	19	MBBS	DHPM MPH	INIS PHSA	Peshawar University Peshawar University

Dr. G. M. Azad Khan

Page 3 of 3

S. #	Name of Doctor	District	Date of Birth	Date of Entry into Register Service	WPS	Basic Qualifications (MBBS/MS/MD) Year	Post Graduate Qualification Degree/Diploma in	Institution	University
	Dr. Maz Muhammad S/O Mr. Mushtaq Khan	Mardan	1955	2004	17	MD	Marazmal Jangalain year	IMS	Peshawar University
	Dr. Fazle Hadi	Mardan	1955	1987	13	MBBS	MS	PHSA	Peshawar University
16	Dr. Shaktirullah Bacha	Mardan	1954	1998	17	MD	DEEM	IMS	Peshawar University
	Dr. Sabahat Sadaf	Mardan	1972	2002	17	MBBS	MS	ICMS	Gandahara University
18	Dr. Mian Habib	Mardan	1965	1997	17	MBBS	MS	IMS	Peshawar University
19	Dr. Fazle Malik S/O Mr. Fazle Khalig	Swabi	1960	1987	18	MBBS	MS	PHSA	Peshawar University
20	Dr. Mohammad Saeed S/O Mr. Wazir Dad	Mardan	1960	1991	17	MBBS	DCP MPH	PHSA	Peshawar University
21	Dr. Mohammad Shoaib S/O Aziz ur Rahman	Nowshera	1967	1991	17	MBBS	DEEM	IMS	Peshawar University

Executive District Officer
General Mardan

[Signature]

Annex-2



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, 091-9210187, 091-9210196 Fax (091-9210230)

No. 4887 /E-I

Dated: 4/3/2014

To,

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

Subject: - APPLICATION / APPEAL FOR INCLUSION IN
MANAGEMENT CADRE HEALTH DEPARTMENT

Dear Sir,

With reference to your letter No. SOH(E-V) 4-20/2014/Dr. Shoaib dated 21.01.2014 on the above cited subject and to state that Dr. Mohammad Shoaib is working in the Provincial Health Department as MO (B-17) since 28.11.1995/01.11.2000 on contract/regular basis respectively. He belongs to Distt: Nowshera Zone-II.

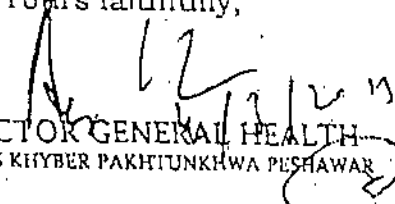
In response to this Directorate circular letter No. 21413-513/E.I dated 30.06.2009, he had applied for inclusion of his name in the management cadre 1st through DHO Mardan vide his letter No. 9727/EDO (H) dated 03.07.2009. His name fall at S.No. 21 of the list, received through DHO Mardan. However his name was not considered by the committee for inclusion in the seniority list of management cadre.

It is further added that one Dr. Aurangzeb has recently approached the High Court Peshawar which issued order Sheet, directing the respondent to include his name in the seniority list (order attached).

The name of Dr. Aurangzeb fall at S. No. 9 of the list which was sent to DGHS office by DHO Mardan vide his letter number & date referred to in PARA-2 above.

In the light of above it is requested that the instant case may please be decided in the light of precedence of Dr. Aurangzeb SMO.

Yours faithfully,


DIRECTOR GENERAL HEALTH
SERVICES KHYBER PAKHTUNKHWA PESHAWAR

26/2

Registration No. SUIT-89-02-86003

Serial No. 067026

N 108



SARHAD UNIVERSITY OF SCIENCE & INFORMATION TECHNOLOGY

This is to certify that DILKHA KHAN

son/daughter of Abdul Gaffar

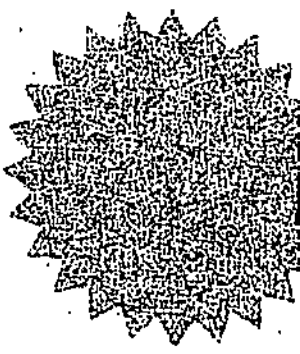
Having passed the requisite examination, is hereby awarded the degree of

Master of Public Health

With all the rights and privileges appertaining thereto.

Given at Peshawar (PAKISTAN) on the Tenth Day of April Two Thousand Eleven.

[Handwritten Signature]
ACCEPTED



To

The Director General
Health Services
Khyber Pakhtun Khwa

February 21, 2011

Respected Sir,

Subject: Inclusion of name in Management Cadre

We had applied for Management cadre, but now we have come to know that our names are not included in the tentative list of management cadre BPS 17.

You are therefore requested to please include our names in the list, as we fulfill all the required criteria of management cadre. Copies of our MPH degrees are attached for your ready reference.

We shall be thankful to you.

Yours truly,

1. Dr. Mohsin Ahmad
NEO, NP for FP&PHC
Khyber Pakhtun Khwa

2. Dr. Aamir Rafiq Khattak
PTC, NP for FP&PHC
Khyber Pakhtun Khwa

REGISTERED

P-110

Details of Filled / Vacant Positions in the Health Management Cadre

S #	BPS	Sanctioned	Filled	Vacant
1	20	38	36	02
2	19	159	106	53
3	18	295	69	160
4	17		66 (to be added with BPS-18 total filled posts)	
Total		492	277	215

W/STED





HEALTH DEPARTMENT

Dated Peshawar the 14th February, 2014

NOTIFICATION

No. SOH(EV)4-20/2013

The Competent Authority, on the recommendation of the Khyber Pakhtunkhwa Public Service Commission is pleased to order the appointments of the following officers of Management Cadre (BS-17) on regular basis with immediate effect.

S#	Name of Officer/Doctor	Father Name	Domicile
1.	Dr. Syed Irfan Ali Shah	Syed Saeed Shah	Peshawar.
2.	Dr. Shams ur Rehman	Zahir Gul	Khyber Agency
3.	Dr. Haris Mustafa	Ghulam Mustafa	Peshawar
4.	Dr. Altaullah	Bahram Khan	Dir (Upper)
5.	Dr. Muhammad Imran	Muhammad Akram	Lakki Marwat
6.	Dr. Fayyaz Ahmad	Said Azam	Bajaur Agency
7.	Dr. Mehreen Aziz Awan	Abdul Aziz Awan	Peshawar.

2. Consequent upon the above, the following posting/ transfers are hereby ordered:-

S#	Name of Doctors	Proposed	Remarks
2.	Dr. Syed Irfan Ali Shah	Assistant Director DGHS Office, Peshawar	Against the vacant post of (BS-17).
2.	Dr. Shams ur Rehman	At the disposal of Director Health Services FATA	Against the vacant post of (BS-17).
3.	Dr. Haris Mustafa	DMS Molvi Ameer Shah Memorial Hospital, Peshawar.	Against the vacant post of (BS-16) in his own pay and scale.
4.	Dr. Altaullah	Assistant Director DGHS Office, Peshawar	Against the vacant post of (BS-17)
5.	Dr. Muhammad Imran	Instructor Provincial Health Services Academy, Peshawar.	Against the vacant post of (BS-17)
6.	Dr. Fayyaz Ahmad	At the disposal of Director Health Services FATA	Against the vacant post of (BS-17)
7.	Dr. Mehreen Aziz Awan	M&E Officer Provincial Health Services Academy, Peshawar	Against the vacant post of (BS-17)

TERMS AND CONDITIONS.

- They shall be governed by the Khyber Pakhtunkhwa Civil Servant Act, 1973 and the rules made there-under.
- They shall, initially, be on probation for a period of one year extendable for further one year.

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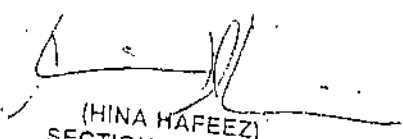
- c. Their services shall be liable to termination at any time without assigning any reason before the expiry of the period of probation/extended period of probation. If their performance during this period is not found satisfactory, in such an event, they will be given one month prior notice of termination from service or one month pay in lieu thereof. In case they wish to resign at any time, one month prior notice shall be necessary or in lieu thereof, one month's pay shall be forfeited.
- d. They will not be entitled to any TA/DA on their first appointment as Management Cadre (BS-17) officers


SECRETARY HEALTH
Govt of Khyber Pakhtunkhwa

Endst. of even No. & Date.

Copy forwarded to :-

1. The Accountant General Khyber Pakhtunkhwa.
2. The PSO to Chief Secretary Khyber Pakhtunkhwa.
3. The Director General Health Services, Khyber Pakhtunkhwa.
4. The Director Health Services FATA, Peshawar.
5. The Director Provincial Health Services Academy, Peshawar.
6. The MS Molvi Ameer Shah Memorial Hospital, Peshawar.
7. PS to Minister for Health.
8. PS to Secretary Health.
9. All the Section Officers in Health Department.
10. Computer Programmer Health Department.
11. Doctors/officers concerned.


(HINA HAFEEZ)
SECTION OFFICER(EV)

ATTESTED




Amuerr

GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated Peshawar the 11th April, 2016

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NOTIFICATION

No. SOH(EV)J-20/2016

The Competent Authority, on the recommendation of the Khyber Pakhtunkhwa Public Service Commission is pleased to order the appointments of the following officers of Management Cadre (BS-17) on regular basis with immediate effect.

S#	Name of Officer/Doctor	Father Name	Domicile
1	Dr. Kifayatullah		
2	Dr. Fahad Iqbal	Muhammad Ismail	Swat
3	Dr. Liaqat Ali	Muhammad Iqbal	Mardan
4	Dr. Inayatullah Rehman	Hassan Ahmad	Swat
5	Dr. Hamza Abbas Khan	Abdul Rauf	Bajaur Agency Mardan

Consequent upon the above, the following posting/transfers are hereby ordered.

S.No	Name	From	TO
1	Dr. Kifayatullah (BS-17)	On arrival from Public Service Commission	DHIS Coordinator DHO Office Swat against the vacant post of (BS-17) in the Management Cadre.
2	Dr. Fahad Iqbal (BS-17)	On arrival from Public Service Commission	DHIS Coordinator DHO Office Mardan against the vacant post of (BS-17) in the Management Cadre.
3	Dr. Liaqat Ali (BS-17)	On arrival from Public Service Commission	DHIS Coordinator DHO Office Malakanad against the vacant post of (BS-17) in the Management Cadre.
4	Dr. Inayatullah Rehman (BS-17)	On arrival from Public Service Commission	Services placed at the disposal of Director Health Services FATA for further posting against the vacant post of (BS-17) in the Management Cadre.
5	Dr. Hamza Abbas Khan (BS-17)	On arrival from Public Service Commission	EPI Coordinator DHO Office Mardan against the vacant post of (BS-17) in the Management Cadre.

58/ DHO Swat
10-4-16
A.P.O.S

TERMS AND CONDITIONS.

- 12
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- They shall be governed by the Khyber Pakhtunkhwa Civil Servant Act, 1973 and the rules made there-under.
 - They shall, initially, be on probation for a period of one year extendable for further one year.
 - Their services shall be liable to termination at any time without assigning any reason before the expiry of the period of probation/extended period of probation, if their performance during this period is not found satisfactory. In such an event, they will be given one month prior notice of termination from service or one month pay in lieu thereof. In case they wish to resign at any time, one month prior notice shall be necessary or in lieu thereof, one month's pay shall be forfeited.
 - They will not be entitled to any TA/DA on their first appointment as Management Cadre (BS-17) officers.

SECRETARY HEALTH
Govt of Khyber Pakhtunkhwa.

Endst. of even No. & Date.

Copy forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa.
2. PSO to Chief Secretary Khyber Pakhtunkhwa.
3. Director General Health Services, Khyber Pakhtunkhwa.
4. Director Health Services FATA, Peshawar.
5. District Health Officer Swat/Mardan.
6. District Accounts Officer Swat/Mardan.
7. Agency Accounts Officer Bajaur Agency.
8. PS to Minister for Health Khyber Pakhtunkhwa.
9. PS to Secretary Health Department.
10. All the Section Officers in Health Department.
11. Computer Programmer Health Department.
12. Doctors/officers concerned.

WASEEM AHMAD KHAN
SECTION OFFICER(EV)

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Details & Status of the Appellants in Service Appeals No. 830/2018 to 839/2018

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S#	Appellant Name	Service Appeal No	Date of 1 st Entry in Government Service	Date of Entry in to Management Cadre (On the basis of Unpublished Rules-2008)	Basic Pay Scale at the time of joining of Management Cadre	Date of Promotion to BPS-18 & Length of Service in Management Cadre (Required 5 years Service)	Date of Promotion to BPS-19 & Length of Service in Management Cadre (Required 12 years Service)	Remarks
01	Dr. Shams Ur Rehman S/o Zahir Gul	830/2018	14/02/2014	14/02/2014	17	Have not yet been given 06-Months Induction Training as per Schedule-IV of the Health Management Cadre Rules but have been given 02-months mandatory promotion training from BPS-17 to BPS-18	Have not yet been given 06-Months Induction Training as per Schedule-IV of the Health Management Cadre Rules but have been given 02-months mandatory promotion training from BPS-17 to BPS-18	Eligibility for BPS-18 on 14/2/2019 for BPS-19 on 14/2/2026 for BPS-20 on 14/2/2031
02	Dr. Haris Mustafa S/o Ghulam Mustafa	831/2018	14/02/2014	14/02/2014	17	Have not yet been given 06-Months Induction Training as per Schedule-IV of the Health Management Cadre Rules but have been given 02-months mandatory promotion training from BPS-17 to BPS-18	Have not yet been given 06-Months Induction Training as per Schedule-IV of the Health Management Cadre Rules but have been given 02-months mandatory promotion training from BPS-17 to BPS-18	Eligibility for BPS-18 on 14/2/2019 for BPS-19 on 14/2/2026 for BPS-20 on 14/2/2031
03	Dr. Syed Irfan Ali Shah S/o Syed Saeed Shah	832/2018	14/02/2014	14/02/2014	17	Have not yet been given 06-Months Induction Training as per Schedule-IV of the Health Management Cadre Rules but have been given 02-months mandatory promotion training from BPS-17 to BPS-18	Have not yet been given 06-Months Induction Training as per Schedule-IV of the Health Management Cadre Rules but have been given 02-months mandatory promotion training from BPS-17 to BPS-18	Eligibility for BPS-18 on 14/2/2019 for BPS-19 on 14/2/2026 for BPS-20 on 14/2/2031
04	Dr. Inayat Ur Rehman S/o Abdur Rauf	833/2018	11/04/2016	11/04/2016	17	Have not yet been given 06-Months Induction Training as per Schedule-IV of the Health	Have not yet been given 06-Months Induction Training as per Schedule-IV of the Health	Eligibility for BPS-18 on 11/4/2021

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				Service Commission			Management Cadre Rules but have been given 02-months mandatory promotion training from BPS-17 to BPS-18	for BPS-19 on 11/4/2028 for BPS-20 on 11/4/2035
05	Dr. Falaah Iqbal S/o Muhammad Iqbal	834/2018	11/04/2016	11/04/2016 by Initial Recruitment through Public Service Commission	17	Have not yet been given 06-Months Induction Training as per Schedule-IV of the Health Management Cadre Rules but have been given 02-months mandatory promotion training from BPS-17 to BPS-18	Eligibility for BPS-18 on 11/4/2021 for BPS-19 on 11/4/2028 for BPS-20 on 11/4/2035	
06	Dr. Kifayat Ullah S/o Muhrummad Ismail	835/2018	11/04/2016	11/04/2016 by Initial Recruitment through Public Service Commission	17	Have not yet been given 06-Months Induction Training as per Schedule-IV of the Health Management Cadre Rules but have been given 02-months mandatory promotion training from BPS-17 to BPS-18	Eligibility for BPS-18 on 11/4/2021 for BPS-19 on 11/4/2028 for BPS-20 on 11/4/2035	
07	Dr. Ata Ullah S/o Behram Khan	836/2018	14/02/2014	14/02/2014 by Initial Recruitment through Public Service Commission	17	Have not yet been given 06-Months Induction Training as per Schedule-IV of the Health Management Cadre Rules but have been given 02-months mandatory promotion training from BPS-17 to BPS-18	Eligibility for BPS-18 on 14/2/2019 for BPS-19 on 14/2/2026 for BPS-20 on 14/2/2031	
08	Dr. Liaqat Ali S/o Hassan Ahmad	837/2018	11/04/2016	11/04/2016 by Initial Recruitment through Public Service Commission	17	Have not yet been given 06-Months Induction Training as per Schedule-IV of the Health Management Cadre Rules but have been given 02-months mandatory promotion training from BPS-17 to BPS-18	Eligibility for BPS-18 on 11/4/2021 for BPS-19 on 11/4/2028 for BPS-20 on 11/4/2035	
09	Dr. Hamza Abbas Khan S/o Muhammad	838/2018	11/04/2016	11/04/2016 by Initial Recruitment through Public	17	Have not yet been given 06-Months Induction Training as per Schedule-IV of the Health	Eligibility for BPS-18 on 11/4/2021	

ATTES

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Abbas Khan			Service Commission		Management Cadre Rules but have been given 02-months mandatory promotion training from BPS-17 to BPS-18	for BPS-19 on 11/4/2028 for BPS-20 on 11/4/2033
10 Dr. Mehreen Aziz Khan D/o Abdul Aziz Awan	839/2018	14/02/2014	14/02/2014 by Initial Recruitment through Public Service Commission	17	Have not yet been given 06-Months Induction Training as per Schedule-IV of the Health Management Cadre Rules but have been given 02-months mandatory promotion training from BPS-17 to BPS-18	Eligibility for BPS-18 on 14/2/2019 for BPS-19 on 14/2/2026 for BPS-20 on 14/2/2031

ATTESTED

Q - 118



GOVT. OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

SUMMARY FOR CHIEF MINISTER KHYBER PAKHTUNKHWA.

Subject:- CIVIL APPEAL NO.320-324 OF 2012 AND CIVIL APPEAL NO. 126-P TO 130-P OF 2013- GOVT OF KHYBER PAKHTUNKHWA HEALTH DEPARTMENT VERSUS DR SHER MUHAMMAD AND OTHERS.

The Khyber Pakhtunkhwa Health (Management) Service Rules, 2008 were notified on 11.12.2008 and subsequently published on 02.11.2016 in the official gazette of the Province (Annex: I). Rule 10 of the Rules ibid provides that:-

"Notwithstanding anything contained in the provision of these rules, Govt shall, as one-time exercise, fill in posts in the service described in Schedule-I by way of permanent transfer from amongst the officers of General Cadre in equivalent basic pay scale who have the qualification of Master of Public Health or Postgraduate Diploma in Public Health or Postgraduate Diploma in Hospital Administration or Health Planning & Management or equivalent Master Degree/Diploma in Health Management or allied disciplines and opt for absorption provided that the option once exercised shall be final."

2. In terms of the above provisions, the Director General Health Services, Khyber Pakhtunkhwa, on 30.06.2009 issued a circular letter, giving a time frame of one week, with regard to induction/absorption of eligible doctors of the General Cadre into Health Management Cadre (Annex: II) and the said cadre came into being in the year 2009. Their seniority inter se was determined in Management Cadre on the basis of their appointment in the respective grades in the General Cadre. However, some of them were not inducted, presumably either due to short time-frame or misinformed.

3. One Dr. Sher Muhammad an officer of the General Cadre and others filed an appeal in Service Tribunal for induction into Health Management Cadre. The Tribunal on 03.1.2012, ordered that (Annex: III):-

"The Tribunal observes that Section-10 of the said Rules does not provide any cushion period and denying chance to improve qualification for joining the management cadre to the appellants. The same be modified to the extent that two years cushion period may be allowed to all those who wish to improve qualification as per Health (Management) Service Rules and to join Management Cadre if they succeeded in acquiring the requisite qualification for posting in the Management Cadre posts but only provide them a cushion period and and others not having requisite qualifications for posting in the Management Cadre posts but only provide them a cushion period and if they acquire the requisite qualification within two years from the date of decision, they may opt and join management cadre without effecting the seniority/service.

4. The Department & others filed appeal in the apex court against the judgment of the Service Tribunal. However, the Judgment of the Service Tribunal was upheld by the Supreme Court of Pakistan vide judgment dated 03.11.2016 (Annex-IV). It is worth to mention that the Judgment of the Service Tribunal remained suspended (Annex: V) till final decision of the Hon'ble Supreme Court of Pakistan in the above referred civil appeals.

5. In view of the above judgments, the Health Department is of the view that the following measures need to be taken:

- (i) Amending Rule 10 to provide, with immediate effect, 2 years period to all in-service doctors to improve their qualifications/obtain qualifications provided for lateral induction in Management cadre and, on expiry to 2 years period in 2019 give notice, through wide publicity as a one-time exercise for such doctors to give their options to join the Management Cadre in accordance with Rule-10;
- (ii) Give notice through wide, publicity, for exercise of option by all such doctors who have, as of today, obtained qualifications provided for lateral induction in Management Cadre to join the Management Cadre and consequently induct them under Rule 10 as one-time exercise with immediate effect;

ATD

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Subsequent to completion of such exercise, the Rules of 2008 ibid may be amended to the extent of deletion of Rule-10 ibid, alongwith with other amendment, if considered necessary to attain finality..

6. The Law Department may add views in route.

7. The Chief Minister, Khyber Pakhtunkhwa is requested to approve the proposal contained in para 5 above.

Muhammad Abid Majeed
12 Jan, 17

(Muhammad Abid Majeed)
Secretary Health

Muhammad Health (A. Majeed)

Secretary Law
Govt. of Khyber Pakhtunkhwa

Chief Secretary
Khyber Pakhtunkhwa

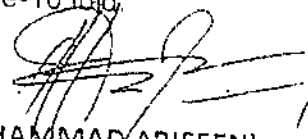
Chief Minister
Khyber Pakhtunkhwa

M. J.

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Reference Para- 06 of the Summary.


08. Law Department endorses para-5(i) & (ii) of the Summary, whereas, with regard to para-5(iii); it is proposed that after completion of such exercise, a fresh Summary may be submitted for deletion of Rule-10 ibid.



(MUHAMMAD ARIFEEN)
Secretary to Govt. of Khyber Pakhtunkhwa,
Law Parliamentary Affairs &
Human Rights Department

16/1/20

Chief Secretary,
Khyber Pakhtunkhwa

ATTEST


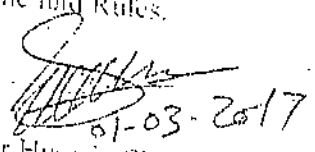
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Summary for Chief Minister Khyber Pakhtunkhwa moved by the Health Department regarding civil appeal No.320-324 of 2012 and civil appeal No. 126-P to 130-P of 2013 Government of Khyber Pakhtunkhwa Health Department versus Dr. Sher Muhammad and others has been examined.

In light of the judgment of Supreme Court of Pakistan Health Department has proposed that amendment in Rule-10 of Khyber Pakhtunkhwa Health Management Service Rules, 2008 may kindly be made in order to bring harmony in the service rules. Law Department vide Para-8 of the summary has also endorsed the proposal of Health Department.

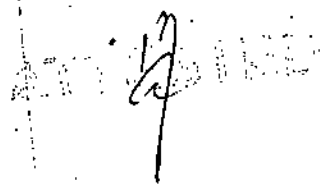
Establishment Department is of the view that amendments in Rule-10 of the Khyber Pakhtunkhwa Health Management Service Rules, 2008 would be in line with the decision of Tribunal dated 03-01-2012 and in case of deviation from the spirit of the judgment, it would result in reaching complications in future. Moreover, decision of the Tribunal is specific in case of those appellants who approached the Tribunal for redressal of grievances.

It would be appropriate that the instant case may first be placed before the SSRC, for submitting recommendation with regard to amendments in Rule-10 of the ibid Rules.


01-03-2017

(Dr. Syed Akhtar Hussain Shah)
Secretary Establishment

Secretary Health



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GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

SUMMARY FOR CHIEF MINISTER KHYBER PAKHTUNKHWA

Subject: CIVIL APPEAL NO 320-324 OF 2012 AND CIVIL APPEAL NO 126-P TO 130-P OF 2013 GOVT OF KHYBER PAKHTUNKHWA HEALTH DEPARTMENT VERSUS DR. SHER MUHAMMAD AND OTHERS.

Refer Para-1 to 12/Summary.

13. A meeting of SSRC was held under the Chairmanship of Secretary Health Department, Khyber Pakhtunkhwa on 10.03.2017 on the captioned subject. The meeting was attended by the representative of Finance, Establishment Department, wherein the following addition in rule 10 was agreed upon unanimously (Annex-VI) along with further amendments in the Schedule-III appended to the Health Management Service Rules, 2008.

"Provided further that for a period of two years from the date of this Notification the officers of the General Cadre who are in regular and continuous service on the said date shall be entitled to improve their qualification as per these rules to exercise the option" (Draft Notification is Annex-VII).

14. The Chief Minister Khyber Pakhtunkhwa being competent authority is requested to approve the proposed amendments mentioned at Para-13 of the Summary. please

APPROVED

(Muhammad Abid Majeed)
Secretary Health.

15 March, 17


Secretary Establishment
Khyber Pakhtunkhwa.

Chief Secretary
Khyber Pakhtunkhwa.

15. Summary for Chief Minister Khyber Pakhtunkhwa moved by the Health Department regarding civil appeal No.320-324 of 2012 and civil appeal No. 126-P to 130-P of 2013 Government of Khyber Pakhtunkhwa Health Department versus Dr. Sher Muhammad and others was earlier examined vide Paras 9-12 of the summary and returned to Health Department.

16. Now, the Health Department has responded vide Paras 13-14 and submitted the proposed amendment in Rule-10 of Health Management Service Rules, 2008 in light of the decision of SSRC. Establishment Department is of the view that the Administrative Department may take up the case with Law Department for vetting of proposed amendment.

17. Summary is, therefore, returned to Health Department for doing the needful.


 (M. Iqbal Ahmad)
 Special Secretary (Regulation)
 March 28 2017

Secretary Health

ATTEST

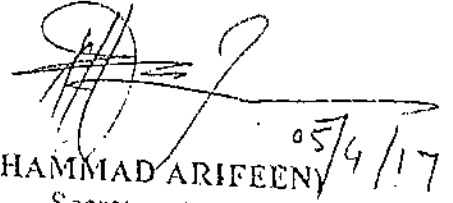




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SUBJECT: CIVIL APPEAL NO. 320-324 OF 2012 AND CIVIL APPEAL NO. 126-P TO 130-P OF 2013-GOVT OF KHYBER PAKHTUNKHWA HEALTH DEPARTMENT VERSUS DR. SHER MUHAMMAD AND OTHERS.

18. The instant case has been re-examined in the Law Department. However, the draft Notification at Annex: "VII" needs clarification of the Administrative Department. Accordingly, a meeting has been scheduled for 12.4.2017 at 10:00 AM, in the office of the Legal Drafter, Law Department. An officer may be deputed to clarify the proposal of the Department.



(MUHAMMAD ARIFEEN) 05/4/17

Secretary to
Government of the Khyber Pakhtunkhwa,
Law, Parliamentary Affairs and
Human Rights Department.

SECRETARY,
HEALTH DEPARTMENT.



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SUBJECT: CIVIL APPEAL NO. 320-324 OF 2012 AND CIVIL APPEAL NO. 126-P TO 130-P OF 2013 GOVERNMENT OF KHYBER PAKHTUNKHWA HEALTH DEPARTMENT VERSUS DR. SHER MUHAMMAD AND OTHERS.

19. The draft Notification at Annex: "VII" has been vetted by Law Department and fair copy thereof is placed at Annex: "VIII".

20. The Chief Minister is requested to approve the draft Notification at Annex: "VIII".

(MUHAMMAD ARIFEEN)

Secretary to

Government of the Khyber Pakhtunkhwa,
Law, Parliamentary Affairs and
Human Rights Department.

24/4/17

CHIEF SECRETARY.

Chief Minister

Ali Meed

25/4/17

SECRETARY HEALTH

Ali Meed

04.5.2017

VAKALATNAMA

*Before the Khyber Pakhtunkhwa Service Tribunal
Peshawar*

No. _____/2019

Dr. Amir Israr

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Health Department

(RESPONDENT)
(DEFENDANT)

I/We Dr. Amir Israr

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ____/____/2019

Dr. Amir Israr
CLIENT *Dr. Amir Israr*
s/o Israr Khan

ACCEPTED

NOOR MOHAMMAD KHATTAK

SHAHZULLAH KHAN YOUSAFZAI

&

**MIR ZAMAN SAFI
ADVOCATES**

OFFICE:

Room No.1, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.
Phone: 091-2211391
Mobile No.0345-9383141

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

C.M No. _____/2019

IN

12(2) PETITION No. _____/2019

DR. AMIR ISRAR

VS

HEALTH DEPTT:

APPLICATION FOR SUSPENSION OF
OPERATION OF THE IMPUGNED JUDGMENT
DATED 22.03.2019 TILL THE DISPOSAL OF THE
ABOVE MENTIONED PETITION

R/SHEWETH:

- 1- That the above mentioned petition along with this application has been filed by the petitioner before this august service Tribunal in which no date has been fixed so far.
- 2- That the petitioner filed the above mentioned petition against the impugned judgment dated 22.03.2019.
- 3- That all the three ingredients necessary for the stay is in favor of the appellant.
- 4- That the impugned judgment dated 22.03.2019 had been passed by this august Tribunal on the mis-representation of the appellant/respondents.

It is therefore, most humbly prayed that on acceptance of this application the respondent Department may kindly be directed not to implement the judgment dated 22.03.2019 till the disposal of the above mentioned petition.

Dated: 22.04.2019

APPLICANT

DR. AMIR ISRAR

THROUGH:

NOOR MOHAMMAD KHATTAK

&

MUHAMMAD MAAZ MADNI
ADVOCATES

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

12 (2) Petition No. _____ 2019

IN

SERVICE APPEAL NO.830 to 839/2018

Dr. Aamir Israr S/O Israr Muhammad Khan,
Belongs to Health Management Cadre, Health Department,
Khyber Pakhtunkhwa, Peshawar..... **PETITIONERS**

VERSUS

- 1- Government of Khyber Pakhtunkhwa, through, Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary, Health, Khyber Pakhtunkhwa, Peshawar.
- 3- The Secretary Establishment Department, Khyber Pakhtunkhwa, Peshawar.
- 4- Dr. Shams Ur Rehman S/O Zahir Gul,
- 5- Dr. Haris Mustafa S/O Ghulam Mustafa,
- 6- Dr. Syed Irfan Ali Shah S/O Syed Saeed Shah,
- 7- Dr. Inayat Ur Rehman S/O Abdur Rauf,
- 8- Dr. Fahad Iqbal S/O Muhammad Iqbal,
- 9- Dr. Kifayat Ullah S/O Muhammad Isamil,
- 10- Dr. Attaullah S/O Behram Khan,
- 11- Dr. Liaqat Ali S/O Hassan Ahmad,
- 12- Dr. Hamza Abbas Khan S/O Muhammad Abbas Khan,
- 13- Dr. Mehreen Aziz Awan D/O Abdul Aziz Awan,
All Officers of the Health Service Management Cadre, Health Department, Government of Khyber Pakhtunkhwa, Peshawar.
..... **RESPONDENTS**

PETITION UNDER SECTION 12 (2) OF THE
CIVIL PROCEDURE CODE AGAINST THE
JUDGMENT DATED 22-03-2019 PASSED BY
THIS HONOURABLE TRIBUNAL IN APPEALS NO.
830 to 839/2018

R/SHEWETH:

ON FACTS:

- 1- That the respondent No. 3 to 12 challenged the Notification dated 07-05-2018 and 10-05-2017 through service appeals No. 830 to 839/2018 before this august Tribunal. Copies of the memo of appeal are attached as annexure..... **A.**
- 2- That the present petitioners/private respondents in the above mentioned appeals contested the same by submitting their written reply in response to the above mentioned service appeals. Copy of the reply is attached as annexure..... **B.**

- 3- That the appeals were fixed for final hearing on 22.03.2019 and the same have been argued at length and were decided vide consolidated judgment dated 22-03-2019 with a view that the present petitioners who fell into the category of officers having prescribed qualification at the relevant time but failed to opt for their absorption in to the management cadre before the coming in to force of amended Rules on 20.5.2017, were not eligible for the purpose of absorption subsequent to the amendment in the rules. Copies of the judgment is attached as annexure **C.**
- 4- That some of the facts had been concealed by the appellants in the above mentioned appeals and respondents in the present petition during the arguments from this Honorable Tribunal. That due to which valuable rights of the present petitioners were affected. Hence the petitioner prefers the instant petition on the following grounds inter alia.

GROUND:

- A-** That the judgment dated 22-03-2019 is the result of the Misrepresentation on the part of the respondents No. (3 to 12).
- B-** That, the respondents the then appellants have taken the shelter of the Notification dated 11.12.2008 which was not Notified in the Government Gazette at that time and the same had been notified in the Government Gazette on 02.11.2016. Copy of the Notification dated 02.11.2016 is attached as annexure.....**D.**
- C-** That respondent No.3 (Dr. Muhammad Saleem) was on deputation when the options for management cadre were asked, despite of that he had given application for induction in the management cadre, after rejoining the department and not finding his name in the management cadre submitted departmental appeal on 29.11.2011 which was properly forwarded to the Government on 16.01.2012. That then after he filed writ petition No. 3645/2012 and then review petition No.42/2014 in writ petition No.3645/2012 before the Peshawar High Court, Peshawar and the Peshawar High Court directed for his inclusion in the management cadre which means that the fact was accepted by the Honorable court that he had applied timely. That the Law Department through a letter addressed to the Health Department dated 03.02.2015 has declared the case unfit for proceedings and even the Establishment Department vide a letter dated 10.06.2015 addressed to the Health Department stated that the complication in the case of Dr. Muhammad Saleem is a result of the delayed implementation of the Court orders on the part of Health Department. Hence the

assertion that he has not opted at the relevant time is misleading on the part of the appellants/respondents. Copies of the above mentioned record regarding petitioner is attached as annexure **E.**

- D-** That respondent No.6 (Dr. Muhammad Mustafa Alam) has obtained Master in Public Health (MPH) on 13.11.2012 and he has at that time not the requisite qualification and the appellants/respondents have misled the Court about his qualification. Copy of the relevant record is attached as annexure **F.**
- E-** That the respondent No.11 (Dr. Firdos Jabeen) who was regularized into the Government Service on the direction of Peshawar High Court, Peshawar through its judgment dated 31.03.2010 in writ petition No. 2758/2009 and after her regularization she opted for the same. Copy of the relevant record is attached as annexure **G.**
- F-** That the respondent No.16 (Dr. Aamir Israr) obtained Mater of Public Health (MPH) in July 2009 and immediately he opted for the cadre vide letter dated 01/09/2009, hence the assertion that he has not opted at the relevant time is misleading. Copy of the record is attached as annexure **H.**
- G-** That respondent No.23 (Dr. Khan Askar) opted for the management well within time and on that reason name of the petitioner/respondents inducted in the management cadre.
- H-** That the respondent No.28 (Dr. Alamgir Khan) applied for induction in the management cadre but his name was not included. That he submitted an appeal for inclusion in the cadre through FATA Health Directorate and later on his name was included in the management cadre. Copy of the record is attached as annexure.....**I.**
- I-** That the respondent No.42 (Dr. Noor Saeed Khan), the seniority list of BPS-19 has been issued by the Health Directorate and placed his name at serial No.78. That the petitioner No.7 stands retired on 04.04.2019. Copy of the record is attached as annexure.....**J.**
- J-** That the respondent No. 44 (Dr. Ghulam Rasool Khan), and respondent No.47 (Dr. Sheikh Muhammad Farooq) have already submitted applications on 15.05.2018 and 05.01.2019 before the Department for seeking withdrawal their names from the management cadre, while the appellants/respondents concealed this fact from the Honorable Service Tribunal during proceedings. Copies of the relevant record are attached as annexure.....**K.**

- K-** That the respondent No. 48 (Dr. Niamatullah Zia) is working in BPS-20 and he is going to be retired from government service on superannuation vide dated 15.05.2019 while the respondents/appellants concealed this fact from this august Tribunal. Copy of the record is attached as annexure.....**L.**
- L-** That the respondent No.83 (Dr. Muhammad Shoaib), the record reveals that his name for inclusion in the cadre was submitted by the then DHO Mardan dated 03.07.2009. That the name of the present petitioner had been included in the list for management cadre and his name was enlisted at serial No. 21, hence the assertion that he has not opted at the relevant time is misleading. Copy of the relevant record is attached as annexure.....**M.**
- M-** That the respondent No. 88 (Dr. Dildar Khan), has obtained Master in Public Health (MPH) on 02.04.2011 which clearly proves that he had not the requisite qualification at the relevant time, hence the assertion that he has not opted at the relevant time is totally misleading and after acquiring the requisite qualification he opted for management cadre. Copy of the relevant record is attached as annexure.....**N.**
- N-** That the respondent No.89 (Dr. Mohsin Ahmad), has submitted Departmental appeal on 21.02.2011. That after issuance of the tentative list of the management cadre he has not found his name, though he has applied within the stipulated time. Copy of the record is attached as annexure.....**O.**
- O-** That assertion of the appellants/respondents that by including the respondents/petitioners in the management cadre will adversely affect the services of the appellants/respondents which has been mentioned in para-3 of the judgment of the august Service Tribunal is also deviation from the factual position. That five of the appellants/respondents have joined their services on 14.02.2014 while the other five appellants/respondents joined their services on 11.04.2016. Furthermore, currently 226 posts of BPS-18 are lying vacant in the management cadre and if all the ten (10) appellants/respondents are promoted to BPS-18 still 216 posts will remain vacant. Copy of the record regarding vacant posts is attached as annexure.....**P.**
- P-** That the Number of sanctioned posts in different grades of the management cadre are 492, in which 277 posts had been filled up by the respondent Department while 215 posts still remain vacant in the said cadre. That if all the appellants/respondents remained included in the management cadre then still ample number of posts will remain vacant.

- Q-** That the appellants/respondents claim that approval from the competent authority has not been taken is also misleading as the Chief Minister, Khyber Pakhtunkhwa being competent authority has given approval on the summary vide dated 04.05.2017. Copy of the summary is attached as annexure.....**Q.**
- R-** That, the judgment dated 22-03-2019 is also a result of the misconception and misrepresentation which has been created by the private respondents the then appellant.
- S-** That the petitioner/applicant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that on acceptance of this 12(2) petition/application the judgment dated 22.03.2019 may kindly be set aside being based on mis-representation and fraud on the part of the private respondents the then appellants and decide the main appeals in light of the available record, law and Rules. Any other remedy which this august Tribunal deems fit that may also be awarded in favour of the petitioner/applicant.

Dated: 22-04-2019

PETITIONER

DR. AAMIR ISRAR

THROUGH:

NOOR MOHAMMAD KHATTAK

&

MUHAMMAD MAAZ MADNI

ADVOCATES,

HIGH COURT, PESHAWAR

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

C.M No. _____/2019
IN
12(2) PETITION No. _____/2019

DR. AMIR ISRAR VS HEALTH DEPTT:

APPLICATION FOR SUSPENSION OF
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- 3- That all the three ingredients necessary for the stay is in favor of the appellant.
- 4- That the impugned judgment dated 22.03.2019 had been passed by this august Tribunal on the mis-representation of the appellant/respondents.

It is therefore, most humbly prayed that on acceptance of this application the respondent Department may kindly be directed not to implement the judgment dated 22.03.2019 till the disposal of the above mentioned petition.

Dated: 22.04.2019

APPLICANT

DR. AMIR ISRAR
THROUGH:

NOOR MOHAMMAD KHATTAK
&

MUHAMMAD MAAZ MADNI
ADVOCATES

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

12 (2) Petition No. _____ 2019

IN

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- C-** That respondent No.3 (Dr. Muhammad Saleem) was on deputation when the options for management cadre were asked, despite of that he had given application for induction in the management cadre, after rejoining the department and not finding his name in the management cadre submitted departmental appeal on 29.11.2011 which was properly forwarded to the Government on 16.01.2012. That then after he filed writ petition No. 3645/2012 and then review petition No.42/2014 in writ petition No.3645/2012 before the Peshawar High Court, Peshawar and the Peshawar High Court directed for his inclusion in the management cadre which means that the fact was accepted by the Honorable court that he had applied timely. That the Law Department through a letter addressed to the Health Department dated 03.02.2015 has declared the case unfit for proceedings and even the Establishment Department vide a letter dated 10.06.2015 addressed to the Health Department stated that the complication in the case of Dr. Muhammad Saleem is a result of the delayed implementation of the Court orders on the part of Health Department. Hence the

assertion that he has not opted at the relevant time is misleading on the part of the appellants/respondents. Copies of the above mentioned record regarding petitioner is attached as annexure **E.**

- D-** That respondent No.6 (Dr. Muhammad Mustafa Alam) has obtained Master in Public Health (MPH) on 13.11.2012 and he has at that time not the requisite qualification and the appellants/respondents have mislead the Court about his qualification. Copy of the relevant record is attached as annexure **F.**
- E-** That the respondent No.11 (Dr. Firdos Jabeen) who was regularized into the Government Service on the direction of Peshawar High Court, Peshawar through its judgment dated 31.03.2010 in writ petition No. 2758/2009 and after her regularization she opted for the same. Copy of the relevant record is attached as annexure **G.**
- F-** That the respondent No.16 (Dr. Aamir Israr) obtained Mater of Public Health (MPH) in July 2009 and immediately he opted for the cadre vide letter dated 01/09/2009, hence the assertion that he has not opted at the relevant time is misleading. Copy of the record is attached as annexure **H.**
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- H-** That the respondent No.28 (Dr. Alamgir Khan) applied for induction in the management cadre but his name was not included. That he submitted an appeal for inclusion in the cadre through FATA Health Directorate and later on his name was included in the management cadre. Copy of the record is attached as annexure.....**I.**
- I-** That the respondent No.42 (Dr. Noor Saeed Khan), the seniority list of BPS-19 has been issued by the Health Directorate and placed his name at serial No.78. That the petitioner No.7 stands retired on 04.04.2019. Copy of the record is attached as annexure.....**J.**
- J-** That the respondent No. 44 (Dr. Ghulam Rasool Khan), and respondent No.47 (Dr. Sheikh Muhammad Farooq) have already submitted applications on 15.05.2018 and 05.01.2019 before the Department for seeking withdrawal their names from the management cadre, while the appellants/respondents concealed this fact from the Honorable Service Tribunal during proceedings. Copies of the relevant record are attached as annexure.....**K.**

- K-** That the respondent No. 48 (Dr. Niamatullah Zia) is working in BPS-20 and he is going to be retired from government service on superannuation vide dated 15.05.2019 while the respondents/appellants concealed this fact from this august Tribunal. Copy of the record is attached as annexure.....**L.**
- L-** That the respondent No.83 (Dr. Muhammad Shoaib), the record reveals that his name for inclusion in the cadre was submitted by the then DHO Mardan dated 03.07.2009. That the name of the present petitioner had been included in the list for management cadre and his name was enlisted at serial No. 21, hence the assertion that he has not opted at the relevant time is misleading. Copy of the relevant record is attached as annexure.....**M.**
- M-** That the respondent No. 88 (Dr. Dildar Khan), has obtained Master in Public Health (MPH) on 02.04.2011 which clearly proves that he had not the requisite qualification at the relevant time, hence the assertion that he has not opted at the relevant time is totally misleading and after acquiring the requisite qualification he opted for management cadre. Copy of the relevant record is attached as annexure.....**N.**
- N-** That the respondent No.89 (Dr. Mohsin Ahmad), has submitted Departmental appeal on 21.02.2011. That after issuance of the tentative list of the management cadre he has not found his name, though he has applied within the stipulated time. Copy of the record is attached as annexure.....**O.**
- O-** That assertion of the appellants/respondents that by including the respondents/petitioners in the management cadre will adversely affect the services of the appellants/respondents which has been mentioned in para-3 of the judgment of, the august Service Tribunal is also deviation from the factual position. That five of the appellants/respondents have joined their services on 14.02.2014 while the other five appellants/respondents joined their services on 11.04.2016. Furthermore, currently 226 posts of BPS-18 are lying vacant in the management cadre and if all the ten (10) appellants/respondents are promoted to BPS-18 still 216 posts will remain vacant. Copy of the record regarding vacant posts is attached as annexure.....**P.**
- P-** That the Number of sanctioned posts in different grades of the management cadre are 492, in which 277 posts had been filled up by the respondent Department while 215 posts still remain vacant in the said cadre. That if all the appellants/respondents remained included in the management cadre then still ample number of posts will remain vacant.

- Q-** That the appellants/respondents claim that approval from the competent authority has not been taken is also misleading as the Chief Minister, Khyber Pakhtunkhwa being competent authority has given approval on the summary vide dated 04.05.2017. Copy of the summary is attached as annexure.....**Q.**
- R-** That, the judgment dated 22-03-2019 is also a result of the misconception and misrepresentation which has been created by the private respondents the then appellant.
- S-** That the petitioner/applicant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that on acceptance of this 12(2) petition/application the judgment dated 22.03.2019 may kindly be set aside being based on mis-representation and fraud on the part of the private respondents the then appellants and decide the main appeals in light of the available record, law and Rules. Any other remedy which this august Tribunal deems fit that may also be awarded in favour of the petitioner/applicant.

Dated: 22-04-2019

PETITIONER

DR. AAMIR ISRAR

THROUGH:

NOOR MOHAMMAD KHATTAK

&

MUHAMMAD MAAZ MADNI

ADVOCATES,

HIGH COURT, PESHAWAR