

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

APPEAL NO. 497/2019

**NISAR AHMAD**

**VS**

**HEALTH DEPTT.**

**INDEX**

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**APPELLANT**

**THROUGH:**

  
**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE**

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

SERVICE APPEAL NO. 497 /2019

Mr. NISAR AHMAD, Ward Orderly (BPS-2),  
District Headquarter Hospital, District Bajaur at Khar

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 616

Dated 12/4/2019

..... APPELLANT

**VERSUS**

1. The Govt. of Khyber Pakhtunkhwa through Secretary Health Department, Civil Secretariat Khyber Pakhtunkhwa, Peshawar.
2. The Secretary Establishment Department, Khyber Pakhtunkhwa, Peshawar.
3. The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.
4. The Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
5. The Director Health Services Merged Area, Warsak Road, Peshawar.
6. The District Surgeon/Health officer, District Bajaur at Khar.
7. The Medical Superintendent, District Headquarter Hospital, Bajaur.

..... RESPONDENTS

**SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE INACTION OF THE RESPONDENTS BY NOT ADJUSTING THE APPELLANT AGAINST THE POST OF CLINICAL TECHNICIAN (BPS-12) AND AGAINST THE IMPUGNED PARAMEDICS SERVICE RULES OF THE RESPONDENT DEPARTMENT NOTIFIED VIDE DATED 10.5.2016 WHEREBY NO PROMOTION QUOTA HAS BEEN ALLOCATED FOR THE IN SERVICE CLASS-IV EMPLOYEES/APPELLANT OF THE RESPONDENT DEPARTMENT AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS**

Filed to-day

Registrar

**PRAYER:**

That on acceptance of this Service appeal the respondents may kindly be directed to amend the paramedics service structure Notified on 10.5.2016 to the extent of allocation of proper promotion quota for those class-iv employees including appellant who have the requisite qualifications for the post of Clinical Technician (BPS-12) OR the respondents may kindly be directed to adjusted the appellant against the post of Clinical Technician (BPS-12) in light of the Judgment of Honorable Peshawar High Court passed in W.P No.102/2011 and in light of the Notification dated 28.2.2012 issued by the respondent Department with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favour of the appellant.

**R/SHEWETH:**

**FACTS:**

***Brief facts which give rise to the instant appeal is as under:-***

1. That appellant is the employee of the Health Department and was appointed as Ward Orderly (BPS-2) vide order dated 20.08.2003. Copy of the appointment order is attached as annexure ..... **A.**
2. That the appellant is serving the respondents Department since 2003 as per their job description and during the course of his service the appellant acquired the diploma in Health Technology along with Bachelor of Art from University of Malakand. Copy of Educational Testimonials is attached as annexure ..... **B.**
3. That appellant inspite of having higher educational qualification as well as professional qualification of Diploma in Health Technician from medical faculty of Khyber Pakhtunkhwa have no prospects of promotion in the field of paramedics. That for the purpose of promotion the appellant and other colleagues of the appellant who have diploma in the relevant fields time and again requested for their promotion/adjustment against the post of Clinical Technician (BPS-12) but of no avail.
4. That according to the impugned paramedics service Notified on 10.5.2016 no promotion quota has been allocated for those class-iv employees including the appellant who have acquired the requisite diploma from medical faculty of Khyber Pakhtunkhwa and that is why the appellant and other class-iv employees have continuously been deprived from promotion. Copy of the impugned service Rules are attached as annexure ..... **C.**
5. That colleagues of the appellant finally knocked the door of august Peshawar High Court Dar Ul Qaza Bench in writ petition No.102/2011 titled Aziz Ur Rehman VS Govt: of Khyber Pakhtunkhwa. That vide judgment dated 13.10.2011 the august High Court Dar Ul Qaza Bench directed the respondents to redress the grievance within a period of one month. That where after those employees filed COC petition and during the pendency of the said COC petition the respondents adjusted the class-IV employees against the posts of Clinical Technician (BPS-12) vide Notification dated 28.2.2012. Copies of the judgment and memo of COC petition and Notification/letter are attached as annexure ..... **D, E and F.**
6. That appellant being similarly placed person/employee of the respondent Department also requested the respondents for his adjustment/promotion but no reply has been received so far. That feeling aggrieved the appellant filed Departmental against the Rules notified vide dated 10.5.2016 and against the inaction of the respondents by not adjusting the appellant against the post of

Clinical Technician (BPS-12) in light of the august Peshawar High Court judgment and Notification of the respondent department. Copy of the Departmental appeal is attached as annexure ..... **G**

7. That the appellant having no other efficacious, adequate and alternate remedy, approach this Honourable Tribunal on the following grounds amongst others.

**GROUND:-**

- A. That by not adjusting the appellant on the relevant post of clinical Technician (BPS-12) in light of the notification dated 28.2.2012 is against the Law, Facts, norms of natural justice and materials available.
- B. That the appellant has not been treated by the respondents in accordance with law and rules on the subject noted above and as such the respondents are clearly violating Article 4 and 25 of the constitution of Islamic Republic of Pakistan 1973.
- C. That the respondents have not acted in accordance with law and the rules governing on the subject by not adjusting/promoting the appellant to his respective paramedic post for which he is fully eligible and entitle.
- D. That according to the notification dated 28.2.2012 already issued by the respondents the appellant is fully eligible and entitled to be adjusted/ promoted on the post of Clinical Technician (BPS-12).
- E. That, the petitioner is fully entitled to be benefited from the Notification dated 28.2.2012 in the light of various judgments passed by the Apex Supreme Court of Pakistan especially reported in **2009 SCMR page 01**.
- F. That the appellant has served the Department for a long period with unblemished service record, therefore, they have the right to be adjusted according to his qualification.
- G.** That the inaction of the respondent by not adjusting the appellant according to his qualification and not allocating proper promotion quota in the impugned service Rules dated 10.5.2016 is against Article-38 (e) of the constitution of Pakistan which enshrines **" that the state shall reduce disparity in the income and earnings of the individual including persons in the service of Pakistan"**.

H. That any other grounds will be raised at the time of arguments with prior permission of this Honourable Tribunal.

It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

Dated: 5.4.2019

Appellant



**NISAR AHMAD**

Through



**NOOR MOHAMMAD KHATTAK**



**MUHAMMAD MAAZ MADNI**

**&**

**SHAH ZULLAH KHAN**

Advocates High Court,  
Peshawar.

**BEFORE THE KHYBER PAKHTUNKHEWA SERVICE TRIBUNAL**  
**PESHAWAR**

C.M. NO. \_\_\_\_\_/2019

IN

APPEAL NO. \_\_\_\_\_/2019

**NISAR AHMAD**

**VS**

**HEALTH DEPTT:**

**APPLICATION FOR RESTRAINING THE**  
**RESPONDENTS FROM APPOINTMENT ON THE**  
**POSTS OF CLINICAL TECHNICIAN (BPS-12) TILL**  
**THE DISPOSAL OF THIS APPEAL**

**R/SHEWETH:**

- 1- That the appellant filed above mentioned appeal before this august service Tribunal in which no date is fixed till now.
- 2- That appellant has filed the above mentioned appeal for adjustment against the post of Clinical Technician (BPS-12).
- 3- That the respondent Department advertised the said post in daily newspaper "Aaj" vide dated 09.04.2019 in violation of law and rules.
- 4- That all the three ingredients necessary for the stay is in favor of the petitioner.
- 5- That the grounds of main appeal is also be considered as integral part of this application.

It is therefore, humbly prayed that on acceptance of this application the respondents may very kindly be restrained from appointment against the post of Clinical Technician (BPS-12) till the disposal of this appeal.

**APPELLANT**

  
**NISAR AHMAD**

**THROUGH:**

  
**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE**



A-6

**OFFICE OF THE AGENCY SURGEON BAJAUR  
AT KHAR**

Appointment letter

Consequent upon the approval of Departmental Selection Committee held on 7/7/2003 and 8/7/2003:-

Mr./Miss. **Nisar Ahmad S/O Kaynoor**  
Resident of **Village Dag Qala Tehsil Khar Bajaur Agency**  
Is hereby appointed as **Ward Orderly BPS No. 02** plus usual allowances as admissible under the rules.

His/ Her appointment will be subject to the following terms and conditions:-

1. That your appointment is on contract basis for period of three years and your services are liable to be terminated at any time without any notice or resign being assigned.
2. That you are declared medically fit for Govt. service.
3. The post is not transferable and you must serve for three years on the said post.
4. That you will be governed by such and orders as may be issued by the government of NWFP, from time to time for the category of the Government servant to which he/she belong.
5. That if you wish to resign at any time, you will resign in written within 30 days notice or you will be forfeit one month pay in lieu thereof and will continue to serve the government till the acceptance of your resignation by the competent authority.
6. That you will be posted any where in Bajaur agency.
7. That you will not be entitled to any TA/DA for Medical examination and joining the first appointment.
8. The offer is subject to the availability of vacant post.
9. If you accept the post on above terms and conditions you should report to the Office of Agency Surgeon Bajaur at Khar Within 15 days. The offer will be cancelled if you fail to report for duty.

Sd/-----  
AGENCY SURGEON  
BAJAUR AT KHAR

No. 3032-36 /C-5/BJR

*[Signature]*  
Surgical Specialist  
A.H.Q Hospital  
Khar Bajaur  
Dated. 20 /8/2003

Copy forwarded to the:-

1. Political Agent Bajaur Chairman Departmental Selection Committee.
2. Deputy Director (Admin) Directorate Health Services FATA NWFP Peshawar
3. DMS AHQ Hospital Khar.
4. Agency Account Officer Bajaur at Khar.
5. Official Concerned.

For information please

*[Stamp]*

*[Signature]*  
AGENCY SURGEON  
BAJAUR AT KHAR



S.No. 3959

Roll No. 4410

B-7

# Khyber Pakhtunkhwa Medical Faculty Peshawar (Pakistan)

2011 to 2014

Session \_\_\_\_\_



This is to Certify that

NISAR AHMAD

KANOON KHAN

and a student of

JINNAH INSTITUTE OF MEDICAL SCIENCES PESHAWAR

Bearing Reg. No.

2011/MF/JIMS/PEW/HT/SS/11

DECEMBER, 2014

having passed the prescribed examination held in \_\_\_\_\_

Is this day admitted by the Khyber Pakhtunkhwa Medical Faculty Peshawar. To the Diploma

HEALTH

Technology

In the \_\_\_\_\_ Grade.

Checked By \_\_\_\_\_

Verified By \_\_\_\_\_

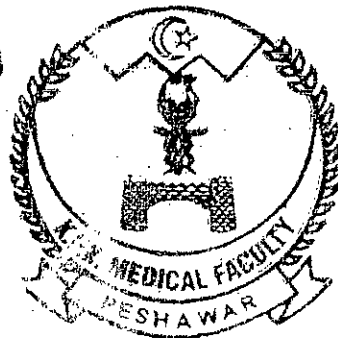
27-February-2015

Result Declaration Date \_\_\_\_\_

13-October-2013 11:53:49AM

Print Date and Time \_\_\_\_\_

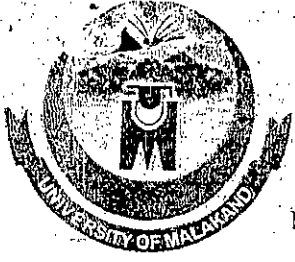
ATTENDED



Surgical Specialist  
A.H.Q Hospital  
Khar Bajaur

Secretary  
Khyber Pakhtunkhwa  
Medical Faculty

Note:- Error(s) & omissions(s) excepted. Any mistake in above particulars must be intimated within 30 days of the issuance of this certificate



# University of Malakand Pakistan

## DETAILED MARKS CERTIFICATE

Serial No. 02246

Name: NISAR AHMAD  
Father's Name: KANOOR KHAN  
Registration No: 2011670242  
College/District: Private Candidate Bajaur Agency  
Address: Dag Qila Khar Bajaur

### Bachelor of Arts

Examination	Roll No.	Held Date	Result Date
B.A PART-I ANNUAL EXAMINATION 2012	19993	May-Jun, 2012	03-Sep-2012
B.A PART-II SUPPLEMENTARY EXAMINATION 2013	3138	Nov-Dec, 2013	06-Jan-2014

Subject Name	Maximum Marks	Obtained in Part-I	Obtained in Part-II	Obtained Total
URDU	150	33	34	67
SOCIOLOGY	150	37	25	62
ENGLISH(C)	150	24	28	52
ISLAMIYAT (C)	60	41		41
PAK. STUDY	40		25	25
	550	135	112	247

Result Status: Passed 2nd Division



The examination was taken in Parts

Errors and Omissions are subject to subsequent rectification.

Issuance Date: 14-May-2014

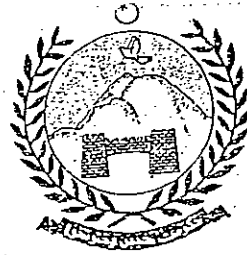
Prepared by: Amjad Shahzad

Checked by:

Surgical Specialist  
A.H.Q Hospital  
Khar Bajaur

Controller of Examinations  
University of Malakand

EXTRAORDINARY  
GOVERNMENT



REGISTERED NO. PIII  
GAZETTE

C-9

# KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, TUESDAY, 10TH MAY, 2016

GOVERNMENT OF THE KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

## NOTIFICATION

Peshawar dated the 10<sup>th</sup> May, 2016.

No. SOH-III/HD/3-5/2014 - In pursuance of the provision contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, and in supersession of all Notifications issued in this behalf by the Health Department, in consultation with the Establishment Department and the Finance Department, hereby lays down the method of recruitment, qualification and other conditions specified in column 3 to 5 of the Appendix to the posts of Paramedical Staff in the Health Department specified in column 2 of the said Appendix.

### APPENDIX

S. No.	Nomenclature of the post.	Qualification for appointment by initial recruitment.	Age limits.	Method of recruitment.
	2	3	4	5
1	Principal Technologist (BS-20) (i) Principal Clinical Technologist Dental; (ii) Principal Clinical Technologist Pharmacy; (iii) Principal Clinical Technologist Radiology; (iv) Principal Clinical Technologist Pathology;			By promotion, on the basis of seniority-cum-fitness, from amongst the Chief Technologists and Chief PFC Technologists with five years service in ES-19 or seventeen years service in BS-17 and above as such in the relevant technology.

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	<p>(v) Principal Clinical Technologist Anesthesia;                  (vi) Principal Clinical Technologist Cardiology;                  (vii) Principal Clinical Technologist Surgical;                  (viii) Principal Clinical Technologist Dialysis;                  (ix) Principal Clinical Technologist                  Physiotherapy;                  (x) Principal Clinical Technologist                  Pulmonology;                  (xi) Principal Clinical Technologist  <del>Gastroenterology; and</del>                  (xii) Principal Clinical Technologist                  Ophthalmology / otorhinolaryngology; and</p> <p><u>Principle PHC Technologist</u></p> <p>(i) Principal PHC Technologist (Multi                  Purpose); and                  (ii) Principal PHC Technologist (MCH).</p>			
<p>2</p>	<p><u>Chief Technologist</u> <i>CB-18</i></p> <p>(i) Chief Clinical Technologist Dental;                  (ii) Chief Clinical Technologist Pharmacy;                  (iii) Chief Clinical Technologist Radiology;                  (iv) Chief Clinical Technologist Pathology;                  (v) Chief Clinical Technologist Anesthesia;                  (vi) Chief Clinical Technologist Cardiology;                  (vii) Chief Clinical Technologist Surgical;                  (viii) Chief Clinical Technologist Dialysis;                  (ix) Chief Clinical Technologist Physiotherapy;                  (x) Chief Clinical Technologist Pulmonology;                  (xi) Chief Clinical Technologist                  Gastroenterology; and                  (xii) Chief Clinical Technologist Ophthalmology/                  Otorhinolaryngology; and</p>			<p>By promotion, on the basis of seniority-cum-fitness,                  from amongst Senior Technologists and Senior PHC                  Technologists with seven years service in BPS-18 or                  twelve years service in BPS-17 and above as such in the                  relevant technology.</p>

ATTACHED

*[Signature]*

	<p><u>Chief PHC Technologist</u></p> <p>(i) Chief PHC Technologist (Multi-Purpose); and (ii) Chief PHC Technologist (MCH).</p>			
3	<p><u>Senior Technologist (BS-18)</u></p> <p>(i) Senior Clinical Technologist Dental; (ii) Senior Clinical Technologist Pharmacy; (iii) Senior Clinical Technologist Radiology; (iv) Senior Clinical Technologist Pathology; (v) Senior Clinical Technologist Anesthesia; (vi) SCT Senior Clinical Technologist Cardiology; (vii) Senior Clinical Technologist Surgical; (viii) Senior Clinical Technologist Dialysis; (ix) Senior Clinical Technologist Physiotherapy; (x) Senior Clinical Technologist Pulmonology; (xi) Senior Clinical Technologist Gastroenterology; and (xii) Senior Clinical Technologist Ophthalmology/Otorhinolaryngology; and</p> <p><u>Senior PHC Technologist</u></p> <p>(i) Senior PHC Technologist (Multi-Purpose); and (ii) Senior PHC Technologist (MCH).</p>	<p>At least Second Class Master's Degree or B.SC Honours/ BS (04-years) in the relevant technology or equivalent qualification from a recognized University / Institution.</p>	<p>20-35 years</p>	<p>(a) Fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Technologists and PHC Technologists with five years service as such in the relevant technology; and (b) fifty percent by initial recruitment.</p>
4	<p><u>Technologist (BS-15)</u></p> <p>(i) Clinical Technologist Dental; (ii) Clinical Technologist Pharmacy; (iii) Clinical Technologist Radiology; (iv) Clinical Technologist Pathology; (v) Clinical Technologist Anesthesia;</p>	<p>At least Second Class Bachelor's Degree in the relevant Technology from a recognized University/ Institution.</p>	<p>18-32 years</p>	<p>(a) Forty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Chief Technicians and Chief PHC Technicians with three years service as such in the relevant technology;</p>

<ul style="list-style-type: none"> <li>(vi) Clinical Technologist Cardiology;</li> <li>(vii) Clinical Technologist Surgical;</li> <li>(viii) Clinical Technologist Dialysis;</li> <li>(ix) Clinical Technologist Physiotherapy;</li> <li>(x) Clinical Technologist Pulmonology;</li> <li>(xi) Clinical Technologist Gastroenterology; and</li> <li>(xii) Clinical Technologist Ophthalmology / Otorhinolaryngology); and</li> </ul> <p><u>PHC Technologist</u></p> <ul style="list-style-type: none"> <li>(i) PHC Technologist (Multi-Purpose), and</li> <li>(ii) PHC Technologist (MCH).</li> </ul>		<p>(b) twenty percent by promotion, on the basis of <del>seniority-cum-fitness, from amongst the Chief Technicians, Senior Technicians and Technicians</del> having qualification prescribed for initial recruitment with three years service as such in the relevant technology.</p> <p><u>Note:</u> For the purpose of promotion, there shall be maintained a joint seniority list of Chief Technicians, Senior Technicians and Technicians with reference to the dates of their acquiring qualification prescribed for initial recruitment as in column No. 3:</p> <p>Provided that if two or more officials acquired the qualification prescribed for initial recruitment in the same session, then the official who obtains the highest marks or grade in the examination shall be deemed to be senior to the other officials; and</p> <p>(c) forty percent by initial recruitment.</p>
<p>5 <u>Chief Technician CBS-16</u></p> <ul style="list-style-type: none"> <li>(i) Chief Clinical Technician Dental;</li> <li>(ii) Chief Clinical Technician Pharmacy;</li> <li>(iii) Chief Clinical Technician Radiology;</li> <li>(iv) Chief Clinical Technician Pathology;</li> <li>(v) Chief Clinical Technician Anesthesia;</li> <li>(vi) Chief Clinical Technician Cardiology;</li> <li>(vii) Chief Clinical Technician Surgical;</li> <li>(viii) Chief Clinical Technician Dialysis;</li> <li>(ix) Chief Clinical Technician Physiotherapy;</li> <li>(x) Chief Clinical Technician Pulmonology;</li> <li>(xi) Chief Clinical Technician Gastroenterology; and</li> </ul>	<p style="text-align: center;">APPROVED</p> <p style="text-align: center;">[Signature]</p> <p style="text-align: center;">[Signature]</p>	<p>By promotion, on the basis of seniority-cum-fitness, from amongst the Senior Technicians and Senior PHC Technicians with at least two years service as such in the relevant technology.</p>

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	(xii) Chief Clinical Technician Ophthalmology, (Otorhinolaryngology); and <b>Chief PHC Technician</b>			
	(i) Chief PHC Technician (Multi-Purpose); and (ii) Chief PHC Technician (MCH)			
6	<b>Senior Technician (BS-14)</b> (i) Senior Clinical Technician Dental; (ii) Senior Clinical Technician Pharmacy; (iii) Senior Clinical Technician Radiology; (iv) Senior Clinical Technician Pathology; (v) Senior Clinical Technician Anesthesia; (vi) Senior Clinical Technician Cardiology; (vii) Senior Clinical Technician Surgical; (viii) Senior Clinical Technician Dialysis; (ix) Senior Clinical Technician Physiotherapy; (x) Senior Clinical Technician Pulmonology; (xi) Senior Clinical Technician Gastroenterology; and (xii) Senior Clinical Technician Ophthalmology/Otorhinolaryngology); and <b>Senior PHC Technician</b> (i) Senior PHC Technician (Multi-Purpose); and (ii) Senior PHC Technician (MCH).			By promotion, on the basis of seniority-cum-fitness, from amongst the Technicians and PHC Technicians with at least two years service as such in the relevant technology.
7	<b>Technician (BS-12)</b> (i) Clinical Technician Dental; (ii) Clinical Technician Pharmacy; (iii) Clinical Technician Radiology; (iv) Clinical Technician Pathology; (v) Clinical Technician Anesthesia; (vi) Clinical Technician Cardiology; (vii) Clinical Technician Surgical; (viii) Clinical Technician Dialysis; (ix) Clinical Technician Physiotherapy; (x) Clinical Technician Pulmonology; (xi) Clinical Technician Gastroenterology; and	(i) <b>Technician/PHC Technician</b> : At least Second Division Secondary School Certificate with Science from a recognized Board with Diploma in the relevant Paramedical Technology from Khyber Pakhtunkhwa Medical Faculty or Diploma in the relevant Paramedical technology from any recognized institution; provided that the same is registered with the Medical Faculty Khyber Pakhtunkhwa Peshawar; and	18-30 years	By initial recruitment

ATY 10 10 16  
[Handwritten signatures]

952 KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 10<sup>th</sup> MAY, 2016

<p><u>PHC Technician</u></p> <ul style="list-style-type: none"> <li>(i) PHC Technician(Multi-Purpose); and</li> <li>(ii) PHC Technician (MCH).</li> </ul>	<p>(ii) <u>PHC Technician (MCH):</u>          Secondary School Certificate with at least Second Division in Science from a recognized board and Diplomas of LHV and Midwifery from recognized Nursing Examination Board.</p>		
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SECRETARY TO  
GOVERNMENT OF THE KHYBER PAKHTUNKHWA,  
HEALTH DEPARTMENT.

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

APPROVED  
4 4





16



GOVT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

Dated the Peshawar 15<sup>th</sup> May, 2018

**NOTIFICATION.**

**No. SOH-III/8-60/2018.** The competent authority has been pleased to approve the proposal to enhance the ratio/restructuring of Paramedics staff of Health Department in the higher grades for availing promotion due to anomalous allocation in different scales as per following tables.

Scale wise Existing ratio of posts of Paramedical Staff			Scale wise Proposed ratio of posts of Paramedical Staff			Number of Posts
S.No.	BPS	Percentage	S.No.	BPS	Percentage	
1.	Posts in BPS-12	80%	1.	Posts in BPS-12	40%	5818
2.	Posts in BPS-14	12%	2.	Posts in BPS-14	30%	4362
3.	Posts in BPS-16	3.5%	4.	Posts in BPS-16	20%	2908
4.	Posts in BPS-17	2.5%	5.	Posts in BPS-17	8.0%	1164
5.	Posts in BPS-18	1.85%	6.	Posts in BPS-18	1.95%	284
6.	Posts in BPS-19	0.09%	7.	Posts in BPS-19	0.04%	05
7.	Posts in BPS-20	0.04%	8.	Posts in BPS-20	0.01%	01
100%			Total:		100%	14542

13700/-  
300  
340  
177  
12

2. The expenditure involved shall be debatable to function cum object classification 07-Health-076-Health-Administration-0761-Administration-076101-Administration current Financial Year 2017-18.

3. The Administrative Department will amend service rules through SSRC accordingly.

Secretary to Govt. of Khyber Pakhtunkhwa  
Health Department

Endst: No. SO(FR)FD/7-3/2018/17401/H

Dated: 11-05-2018

Copy forwarded to Accountant General, Khyber Pakhtunkhwa Peshawar for information & necessary action.

ATTACHED

Section Officer (FR)  
Finance Department

**No. SOH-III/8-60/2018.**

Dated: 15-05-2018

Copy forwarded to:-

1. The Additional Chief Secretary (FATA) Khyber Pakhtunkhwa.
2. The Secretary to Governor, Khyber Pakhtunkhwa.
3. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
4. The Secretary FATA, Governor's Secretariat Peshawar.

BEFORE THE PESHAWAR HIGH COURT, BENCH  
AT MINGORA/DARUL QAZA SWAT

D-17

W.P.No. 109/2011

- 1) Aziz Ur Rahman Sweeper D.H.Q Hospital Timergara, Dir Lower.
- 2) Muhammad Khan Sweeper D.H.Q Hospital Timergara, Dir Lower.
- 3) Bakht Munir Sweeper D.H.Q-Hospital Timergara, Dir Lower.
- 4) Taj Muhammad Sweeper D.H.Q Hospital Timergara, Dir Lower.
- 5) Bakht Said Sweeper D.H.Q Hospital Timergara, Dir Lower.
- 6) Anjad Ali Khan Mali D.H.Q Hospital Timergara, Dir Lower.
- 7) Javed Khan Ward Attendant D.H.Q Hospital Timergara, Dir Lower.
- 8) Umar Sadiq Ward Attendant D.H.Q Hospital Timergara, Dir Lower.
- 9) Munawar Said Ward Attendant D.H.Q Hospital Timergara, Dir Lower.
- 10) Noor Khitab Ward Attendant D.H.Q Hospital Timergara, Dir Lower.

...Petitioners

VERSUS

- 1) The Govt. of Khyber Pukhtoonkhwa through Secretary Health Civil Secretariat, Peshawar.
- 2) Director General Health Services, Khyber Pukhtoonkhwa, Peshawar.
- 3) Executive District Officer (Health) Dir Lower.
- 4) District Account Officer Dir Lower.
- 5) Medical Superintendent DHQ Hospital Timergara Dir Lower.
- 6) Nasir Ali S/o Nadar Khan R/o Village Sajawro, P.O Tehsil Timergara, District Dir Lower.
- 7) Zubair Ali S/o Muhammad Rasool Khan R/o Village Danwa, Tehsil Timergara, District Dir Lower.

.....Respondents

ATTESTED TO BE TRUE COPY

ATTESTED

*[Handwritten Signature]*

731  
TODAY

2011

①

18

Judgment Sheet

PESHAWAR HIGH COURT, MINGORA BENCH (DAR-UL-QAZA),  
SWAT.

JUDICIAL DEPARTMENT

W.P. No. 102 of 2011

JUDGMENT

Date of hearing 13-10-2011

Appellant/Petitioner: (Azizur Rehman & others) by Mr. Sultan Muhammad Ullah  
Respondent: (Govt. of Pk) by Mr. Ghousul Haq Khan Advocate  
MC

YAHYA AFRIDI, J.: Azizur Rehman

alongwith his nine other petitioners have sought the constitutional jurisdiction of this Court seeking that;

"for the aforementioned reasons, it is, therefore, respectfully prayed that on acceptance of this writ petition this august may graciously be pleased to declare the acts and actions of the respondents and the impugned appointment order dated 28.7.2011 and 9.7.2011 as without lawful authority and hence of no legal effect and this august Court may further pleased to set aside the same and direct respondents No.1 to 5 to act in the matter in accordance with law and to adjust petitioners against posts announced."

2. The petitioners may be categorized in two groups; petitioner No.1 to petitioner No.6, who are presently serving as sweepers (BPS-1) at DHQ Hospital Timergara, Dir Lower ("Group-1") and petitioner No.7 to petitioner No.10, who are serving as

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Ward Attendance (BPS-2) at (BPS-1) at DHQ Hospital Timergara, Dir Lower ("Group-2").

3. The grievance of the petitioners in Group-1 is that the policy decision determined by the Government in its high powered meeting dated 12.7.2006 to resolve the problems of paramedic employees of the province have not been complied with and thus adversely affected the petitioners prospects of promotion to 'Ward Orderlies', 'Chokidar', 'Malis' and other class-IV posts. It is further asserted that eight persons had been appointed on the said posts without even fulfilling the essential cordial formalities provided under the law. Thus they have a two fold grievance;

Firstly, the petitioners be appointed to the upgraded post on seniority basis and

Secondly, the illegal appointments made to the said posts be set aside.

4. Now moving on to the petitioners in Group-2; their grievance is that they have not been promoted to the post of Junior Clerk (BPS-7) on seniority basis on the 33% quota determined under Rule 3 of the N.W.F.P. Civil Servants (Appointment, Promotion

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~~19/6~~

and Transfer) Rules, 1989 ("Rules") as amended vide notification dated 4.2.2009. These petitioners further urged that other Naib Qasids and Sweepers, similarly placed as the petitioners, have been promoted to the post of Junior Clerk (BPS-7), while the petitioners have been discriminated against. In addition there to, they further urged that the government has recently advertised fresh appointments to the post of Junior Clerks in complete violation of the Rules.

5. Lest this Court passes any findings on the merits of the present case so as to prejudice the case of the parties, suffice to it to state that the petitioners are aggrieved of being not considered for promotion to the higher grade and their grievance needs to be first, considered, addressed and resolved by the government.

6. As far as the jurisdiction of this constitutional Court to entertain matters seeking to be considered for promotion of a civil servant, we are afraid Article 212 of the Constitution bars our jurisdiction to entertain the said matter and the same exclusively falls within the domain of the Services Tribunal. Guidance is

ATTORNEY GENERAL



(4)

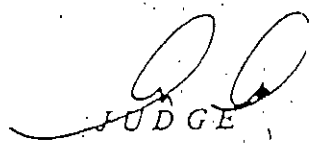
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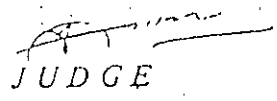
sought from the judgment of the Apex Court in

Muhammad Anees's case (PLD 2006 SC 539).

6. In the peculiar circumstances of the present case where the grave grievances of the petitioners require urgent redressal, we instead of dismissing the present petition, treat the same as a representation before the departmental authority and direct the office to send this case to the Secretary Health, Government of Khyber Pukhtoon Khwa for decision in writing rendering valid reasons thereof to be made within a period of one month, if not earlier, from the receipt of this judgment. It is further directed that the decision so made should be sent to the Additional Registrar PESHAWAR HIGH COURT, MINGORA BENCH (DAR-UL-QAZA), SWAT.

7. This petition is disposed of in the above terms.

  
JUDGE

  
JUDGE

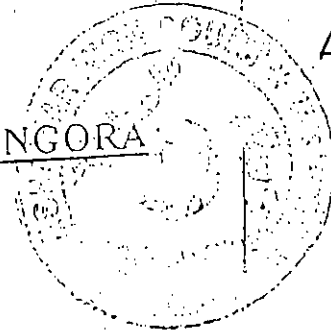
Announced.  
Dt. 13/10/2011.

APPROVED



Office  
1/10/11

BEFORE THE PESHAWAR HIGH COURT MINGORA  
BENCH AT MINGORA SWAT



E-(22)

- 1) Aziz-Ur-Rehman Sweeper D.H.Q Hospital Timergara, Dir Lower.
  - 2) Muhammad Khan Sweeper D.H.Q Hospital Timergara, Dir Lower.
  - 3) Bakht Munr Sweeper D.H.Q Hospital Timergara, Dir Lower.
  - 4) Taj Muhammad Sweeper D.H.Q Hospital Timergara, Dir Lower.
  - 5) Bakht Said Sweeper D.H.Q Hospital Timergara, Dir Lower.
  - 6) Anjad Ali Khan Mali D.H.Q Hospital Timergara, Dir Lower.
  - 7) Javed Khan Ward Attendant D.H.Q Hospital Timergara, Dir Lower.
  - 8) Umar Sadiq Ward Attendant D.H.Q Hospital Timergara, Dir Lower.
  - 9) Munawar Said Ward Attendant D.H.Q Hospital Timergara, Dir Lower.
  - 10) Noor Khatib Ward Attendant D.H.Q Hospital Timergara, Dir Lower.
- ..... Petitioners

ATTESTED  
[Signature]  
Registrar, Peshawar Bench

VERSUS

1. Secretary Health, Govt of Khyber-Pukhtoonkhwa, Civil Secretariat, Peshawar.
  2. Director General Health services Khyber Pakhtoonkhwa.
  3. District Coordination Officer Dir Lower at Timergara.
  4. Executive District Officer (Health) Dir Lower.
  5. Medical Superintendent D.H.Q Hospital Timergara, Dir Lower.
- ..... Respondents

Application Under Article 204 Constitution  
Of the Islamic Republic of Pakistan, 1973

ATTESTED  
[Signature]

Respectfully Sheweth!

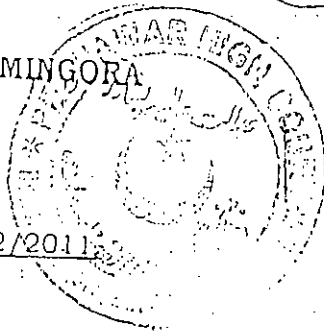
S-2011/721

- 1) That a Writ Petition No. 102 of 2011 was decided by this Honorable Court vide order dated 13-10-2011 wherein it was held "in the peculiar"



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JUDGMENT SHEET  
IN THE PESHAWAR HIGH COURT, MINGORA  
BENCH  
(DAR-UL-QAZA), SWAT  
(Judicial Department)



C.O.C. No.01/2012 in W.P. No.102/2011

JUDGMENT

Date of hearing: 11.01.2012.

Appellant-Petitioner (Azzur Rehman and others) by Mr. Asghar Ali Abbasi

Respondent (Secretary Health and others) by Mr. Ghousullah Khan A.A.G.

MAZHAR ALAM KHAN MIANKHEL, J.- The petitioners through instant petition seek implementation of the judgment dated 13.10.2011 of this Court by initiating contempt proceedings against the respondents.

2. The learned counsel for the petitioners was heard and record of the case was perused.

3. The learned A.A.G, present in the Court in some other case, accepted the notice of this petition and thereafter sought some time to inquire about the matter involved in this petition from the concerned authorities. Later on, the learned A.A.G. informed the court that the appeal of the present petitioner is under consideration before the competent authority

ATTESTED

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CLERK OF THE COURT  
PESHAWAR HIGH COURT  
MINGORA BENCH  
DAR-UL-QAZA, SWAT

RECORDED

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and within a short span of time, the same would be decided. He also produced Photostat copy of a letter dated 29.12.2011. When this, being the situation, we once again would direct the respondents to do the needful at their earliest, but not later than one month.

This C.O.C. is thus disposed of in above terms.

Announced  
Di: 11.01.2012.

*Sd/-  
Judge*

S.No.	207	_____
Name of		Katim Bateh
Date of		14.1.12
Date of		19.1.12
Rs.	3 P	_____
Ex. Chg.	6/-	_____
Date of		19.1.12

*office  
16.1.12*

Certified to be true copy

*[Signature]*  
 19/01/12  
 District High Court, Srinagar, Jammu & Kashmir

ATTESTED

*[Signature]*



MOST IMMEDIATE  
COURT MATTER.

GOVERNMENT OF KHYBER PAKHTUNKHWA.

HEALTH DEPARTMENT.

No. SOH(LIT.I)12(1)-47/2011

Dated Peshawar the 29<sup>th</sup> December. 2011

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To

1. The Director General,  
Health Services, Khyber Pakhtunkhwa,  
Peshawar.
2. The Executive District Officer-Health,  
Dir Lower.

Subject: ORDER/JUDGMENT DATED 13/10/2011 PASSED BY THE PESHAWAR HIGH COURT MINGORA BENCH(DARUL QAZA) SWAT IN WRIT PETITION NO. 102/201 MR. AZIZ UR REHMAN ETC VERSUS GOVERNMENT OF KHYBER PAKHTUNKHWA AND OTHERS.

I am directed to refer to this Department letter of even number dated 28/11/2011 and your letter 10788, dated 22/12/2011 and letter No. 10521/EDO-Health Dir. Lower, dated 01/12/2011, on the subject noted above and to state that your comments/report do not cover the requirements as per promotion, posting/transfer rules, 1989, therefore you are once again requested to prepare report as per rules/policy so that the issue could be placed before the Hon' able Secretary Health Khyber Pakhtunkhwa for necessary decision. Meanwhile no action be taken/initiate and do not disturb the petitioners till the final decision of the Secretary Health in the matter/final decision of the Peshawar High Court Mingora Bench Swat, otherwise, any adverse orders passed by the Peshawar High Court Mingora Bench Swat your office will be held responsible.

SECTION OFFICER (LIT.I)

Endst. No. and date a.a.

Copy forwarded to:-

1. The Section Officer-III, Govt. of Khyber Pakhtunkhwa, Health Department, Peshawar with the request to direct the Executive District Officer-Health, Dir Lower to submit report as per rules /policy and placed before the Hon' able Secretary Health to decide the case on merit.
2. The Addl. Advocate General, Peshawar High Court Mingora Bench Swat.
3. The P.S to Secretary Health, Khyber Pakhtunkhwa, Peshawar.

ATTACHED

SECTION OFFICER (LIT.I) 12



Government of Khyber Pakhtunkhwa  
Health Department

F-26

No.SOH(Lit.I)12(1)-47/2011.

Dated Peshawar, the 25<sup>th</sup> February, 2012.

To

1. The Director General,  
Health Services, Khyber Pakhtunkhwa,  
Peshawar
2. The Executive District Officer-Health,  
Dir Lower

*SO 11*  
*Compliance of Courts*  
*Order in 2*

Subject:-

COMPLIANCE OF PESHAWAR HIGH COURT'S ORDERS IN WP  
NO.102/11 & PROCEEDINGS IN CONTEMPT PETITION NO.01/12

I am directed to refer to the Peshawar High Court's orders passed in WP No.102/11 titled, Azizar Rehman etc. Versus Government of Khyber Pakhtunkhwa Health Secretary and others dated 13/10/11 and subsequent orders of the apex court in contempt petition No. 01/2012 dated 11/01/2012 wherein the apex court has directed the Provincial Government, Health Department to resolve the issue within a period of one month positively. Copies of the aforesaid orders are enclosed.

12/3

To comply the superior court's orders in letter and spirit, the competent authority has been pleased to approve the adjustment of petitioners as under:-

S.No.	S.No., name & designation of petitioners in WP No.102/11.	Required adjustment against the posts	Remarks/Justification
1.	Petitioners at S.No.1 to 5 (excluding S.No.2) are Muslim Sweepers in BPS-01	Ward Attendant (BPS-02)	Adjustment/appointment to be made on the basis of Establishment & Adm:Deptt. Notification No.SOIV/4(4)89/Vol.II dated 13/5/90. Copy enclosed for ready reference.
2.	Petitioner at S.No.2 also a Muslim Sweeper in BPS-01.	Driver (BPS-04)	Petitioner is in possession of a valid driving licence plus experience/ commendation certificate awarded by MS DHQ Hospital Dir Lower and also working as Driver for the last one year.
3.	Petitioner at S.No.6 Anjid Ali Khan Mali(BPS-01)	Junior Clerk (BPS-07)	Petitioner is in possession of FA certificate plus experience certificate awarded by MS DHQ Hospital Dir Lower and also working as Junior Clerk for the last one year.
4.	Petitioner at S.No.7(Javed Khan) is Ward Attendant (BPS-02)	Dental Technician (BPS-09)	Petitioner is in possession of diploma in the relevant field awarded by the KPK Medical Faculty plus experience/commendation certificate awarded by MS DHQ Hospital Dir Lower and also working as Dental Technician for the last 03 years.
5.	Petitioner at S.No.8 Umar Sadiq Ward Attendant (BPS-02)	Laboratory Technician (BPS-09)	Petitioner is in possession of diploma in the relevant field awarded by the KPK Medical Faculty plus experience/commendation certificate awarded by MS DHQ Hospital Dir Lower and also working as such for the last one year.
6.	Petitioner at S.No.9 Munawar Saeed Ward Attendant (BPS-02).	Anesthesia Technician (BPS-09)	Petitioner is in possession of diploma in the relevant field awarded by the KPK Medical Faculty plus experience/commendation certificate awarded by MS DHQ Hospital Dir Lower and also working as Anesthesia Technician for the last two years.
7.	Petitioner at S.No.10 Noor Khirab Ward Attendant (BPS-02)	Health Technician (BPS-09)	Petitioner is in possession of diploma in the relevant field awarded by the KPK Medical Faculty plus experience/commendation certificate awarded by MS DHQ Hospital Dir Lower and also working as Health Technician for the last one year.

*[Signature]*

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The competent authority desires to adjust/appoint the aforesaid petitioners against the posts mentioned in Col. 05 of the table above under intimation to this department enabling us to apprise the Hon'ble Peshawar High Court Mingora Bench (Darul Quza), Swat without further loss of time.

*[Signature]*  
SECTION OFFICER (LIT.) - 2/02/02

Enlist No. & Date: EVEN

- Copy forwarded to the:
- 1. Additional Registrar, Peshawar High Court, Mingora Bench Swat with reference to his letter No. 910/Judl
- 2. Additional Advocate General, Peshawar High Court Mingora Bench, Swat.
- 3. PIS to Secretary Health, Khyber Pakhtunkhwa Peshawar.
- 4. Deputy Secretary-II, Health Department, Peshawar.

SECTION OFFICER (LIT.)

ATTESTED

*[Signature]*

پشاور ایبٹ آباد اور اسلام آباد سے ایک وقت شائع ہونیوالا کثیر الاشاعت قومی روزنامہ

روشن کل کی ضمانت، آج کا نصب العین

روزنامہ

ایڈیٹر  
عبدالواحد یوسفی

پشاور  
پاکستان

12 صفحات

جلد 30 منگل 9 اپریل 2019 3 شعبان المعظم 1440۔ قیمت 20 روپے۔ بولے ہی انڈیا شماره 92

27/A

## آسامیاں خالی ہیں

حکومت ہماچل کے مختلف جہتاوں میں ذیل آسامیاں خالی ہیں جن کو پر کرنے کیلئے خواہشمند حضرات سے درخواستیں مطلوب ہیں درخواست سادہ کاغذ پر ہمدتدین شدہ اسناد نمبر 25 کو 25 اپریل 2019 تک پہنچ جانی چاہئیں۔

نمبر شمار	نام آسامی	سیل	تعلیمی قابلیت	عمر
1	اسٹور یا انٹینشن	12	میڈیکل فیکلٹی خیبر پختونخوا سے متعلقہ شعبہ میں 2 سالہ ڈپلومہ	18 سال سے 33 سال
2	سر جیکل فیکلٹی	12	میڈیکل فیکلٹی خیبر پختونخوا سے متعلقہ شعبہ میں 2 سالہ ڈپلومہ	18 سال سے 33 سال
3	پیتھالوجی فیکلٹی	12	میڈیکل فیکلٹی خیبر پختونخوا سے متعلقہ شعبہ میں 2 سالہ ڈپلومہ	18 سال سے 33 سال
4	ریڈیالوجی فیکلٹی	12	میڈیکل فیکلٹی خیبر پختونخوا سے متعلقہ شعبہ میں 2 سالہ ڈپلومہ	18 سال سے 33 سال
5	(بی ایچ سی) ای سی پی آئی فیکلٹی	12	میڈیکل فیکلٹی خیبر پختونخوا سے متعلقہ شعبہ میں 2 سالہ ڈپلومہ	18 سال سے 33 سال
6	سٹور کیپر	12	میڈیکل فیکلٹی خیبر پختونخوا سے متعلقہ شعبہ میں 2 سالہ ڈپلومہ	18 سال سے 33 سال
7	لیڈی ہیلتھ ڈیزیز	12	میڈیکل فیکلٹی خیبر پختونخوا سے متعلقہ شعبہ میں 2 سالہ ڈپلومہ	18 سال سے 33 سال
8	دائی	04	دائی کورس	18 سال سے 40 سال

۱۔ شارٹ لسٹ امیدواروں کو انٹرویو کیلئے بلایا جائیگا۔

۲۔ لوکل امیدواروں کو ترجیح دی جائیگی۔

۳۔ ہر امیدوار کو اپنا سہ ماہی نمبر ویا ضروری ہوگا۔

ڈاکٹر وزیر صافی ڈسٹرکٹ ہیلتھ آفیسر (باجوڑ ٹراپبل ڈسٹرکٹ)

AT

Handwritten signature



**VAKALATNAMA**

*Before the KP Service Tribunal, Peshawar*

No. \_\_\_\_\_/2019

*Nisar Ahmad*

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

*Health Deptt.*

(RESPONDENT)  
(DEFENDANT)

I/We *Nisar Ahmad*

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

*Nisar Ahmad*  
*Shahzullah Khan*  
CLIENT

*Nisar Ahmad*  
ACCEPTED  
NOOR MOHAMMAD KHATTAK

SHAHZULLAH KHAN YOUSAFZAI

&  
*Mir Zaman Saki*  
MIR ZAMAN SAKI  
ADVOCATES

OFFICE:

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



# **BEFORE THE SERVICES TRIBUNAL**

**KHYBER PAKHTUNKHWA, PESHAWAR**

**APPEAL NO. 497 / 2019**

Mr. Nisar Ahmad Ward Orderly (BPS-2)  
DHQ Hospital, Bajaur at Khar----- Appellant

**VERSES**

Govt of Khyber Pakhtunkhwa, and others----- Respondents

Reply / comments on behalf of the Respondents No. 1, 4, 5, 6, 7

Respected Sheweth

## **Preliminary objections**

1. That the appellant has not yet submitted his appeal in the department.
2. That the appellant has concealed the facts that he has no experience in the field of Health Technology.
3. That the appellant has concealed the fact that he has applied for two posts (i) EPI Technician (ii) Store Keeper, advertised in the daily newspaper.
4. That inspite of the above facts, the appellant has got no locus standi to file the instant appeal.
5. That the appellant has not come to this Honorable Court with clean hands.
6. That the appellant has got no cause of action to file the instant appeal.
7. That, the appellant is not an "AGGRIEVED" person within the meaning of Article 199 of the Constitution of Pakistan.

## **FACTS**

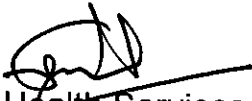
1. Correct.
2. Correct to the extent of appointment as Ward Orderly (BPS-2) in DHQ Hospital Khar Bajaur. As far as acquiring of diploma in Health Technology is concerned, so it is stated that the Department does not know that how the appellant got a diploma as a regular student despite of regular duties in the District Headquarter Hospital Khar as per job description.

3. Incorrect, the Govt: has promulgated the rules of promotion of Class-IV employees to the post of Junior Clerk on seniority basis but there are no such rules of promotion of Class-IV employees in the field of Health Technology having pay scale BPS-12. Any one will apply and contest when the post is advertised. As far as acquiring of Diploma in Health Technology is concerned, so it is stated that the appellant has got it without NOC of the Department. Furthermore, the appellant has not yet submitted departmental appeal in this regards.
4. Correct. But it is stated that the impugned service structure dated 10.05.2016 was approved and notified by the higher authorities wherein, qualification and appointment in BPS-12 on initial basis, has been mentioned very clearly. As far as acquiring of diploma is concerned, so it is stated that the petitioner has got diploma without NOC of the department.  
Furthermore, despite of the instant appeal, the appellant has applied for two positions (i) EPI Technician (ii) Store Keeper, advertised by the Agency Surgeon District Bajaur.
5. Correct to the extent of court order dated 13.10.2011 and adjustment of some Ward Attendants upon the posts of Technicians BPS-12 by the Health Department Khyber Pakhtunkhwa vide Notification dated 28.02.2012. But as per remarks of the said Notification, the concerned Ward Attendants had got diplomas and they were already working on the posts of Technicians for the last one or two years and due to the said experience, the petitioners were adjusted against the posts of Technicians, As far as the plea of the appellant to be adjusted against the post of BPS-12 being a Ward Orderly is not justified because he has no experience in the field of Health Technology, therefore, the appeal of the appellant is not maintainable. Furthermore, it is pertinent to mention here that the Service Structure of Paramedics dated 10.05.2016 has superseded the Notification of Health Department dated 28.02.2012.
6. Incorrect, the appellant has not yet submitted his departmental appeal.
7. Incorrect, the appellant before submission of his departmental appeal preferred to file the instant appeal, hence, the appeal is not maintainable.

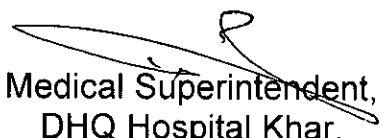
## GROUNDS

- A- Incorrect. The demand of the appellant to be adjusted against the post of BPS-12 is not justified because he has no experience in the field of Health Technology. Furthermore, the appellant has already applied for two post (i) EPI Technician (ii) Store Keeper, already advertised by the Agency Surgeon Bajaur in the daily newspapers. Hence, the appellant is not coming in the ambit of Notification dated 28.02.2012.
- B- Incorrect as stated above.
- C- Incorrect, as stated in Para 1 to 7 above.
- D- Incorrect, as stated in Para -A above.
- E- Incorrect, as stated in Para-A, above.
- F- Correct to the extent of serving as Ward Orderly in DHQ Hospital Khar Bajaur since 2003 but there are no such rules / regulation regarding promotion of a Ward Orderly of BPS-2 / Class-IV to the post of Technicians BPS-12 without clinical experience.
- G- Correct to the extent of Article-38 ( e ) of the constitution of Pakistan but there are no such rules / regulation regarding promotion of a Ward Orderly of BPS-2 / Class-IV to the post of Technicians BPS-12 without clinical experience.
- H- The Department will also raise other grounds at the time of arguments.

In light of the above, it is humbly prayed that the appeal has no legal footing; therefore, it may please be dismissed.

  
Director Health Services,  
Merged Areas Peshawar

Respondent No. 5

  
Medical Superintendent,  
DHQ Hospital Khar,  
District Bajaur

For Respondent No. 6 & 7.

  
Director General Health Services,  
Khyber Pakhtunkhwa Peshawar

Respondents No. 4