

BEFORE THE SERVICE TRIBUNAL PESHAWAR.

Appeal no # 137/2023

Dr Farid Ullah Shah (Appellant).

Versus

1. Secretary to Government Kp-Health Department Peshawar.
2. Director General Health Department Peshawar.
3. The Dean Bacha Khan Medical College Mardan.
4. Principal Bacha Khan College Of Dentistry Mardan.
5. Medical Director MTI MMC/BKMC Mardan.
6. Chairman Board of Governor MTI MMC/BKMC Mardan.
7. Director finance MTI Bacha Khan Medical College Mardan.
8. Distract Comptroller of Account Mardan.
9. Account Officer MTI MMC/BKMC Mardan.

(Respondent)

Khyber Pakhtukhwa
Service Tribunal

Diary No. 7203

Dated 28/8/2023

Subject: para wise comments on the behalf of respondents no 03 to 07.


Respectfully sheweth;

Preliminary objection:

1. That from para 1 to 11 is correct the appellant is a civil servant in BKMC Mardan.
2. That in MTI Act 2015 the Board of governor is power to promote the civil servant in the light of Sectary Health Notification dated 22 August 2017.
3. The Honorable Chief Minister kpk issued a letter they have delegated power of promotion to the Board of The Governor in the light of this letter the Board of Governor also promoted the eligible candidates.
4. In 2020 the MTI act 2015 amended and it is notified that the civil servants are in deputation in all MTI institutions.
5. Borrow authority cannot do promotion of the deputationers, His parent can do it.
6. In this case his parent Department is Health Department. And we have no issue if they have promoted him.

It is therefore most humbly prayed by accepting the written reply/comments of asking respondents, the appeal of the appellant may kindly be dismissed with cost throughout any other relief which the court may deem fit may graciously be granted.

Dean Bacha Khan Medical College through their Board of Governor respondent no 03 to 07 through representative.


DEAN / CEO

Through Council

Dated: 28/08/2023.

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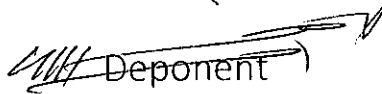
Dr Farid Ullah Shah (Appellant).

Versus

1. The Dean Bacha Khan Medical College Mardan.
(Respondent).

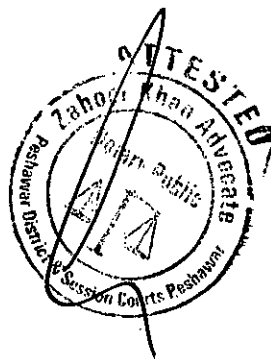
AFFIDAVIT

I Prof. Dr Amjad Ali, DEAN/CEO BKMC, Mardan do hereby solemnly affirm and declare that the contents of the reply submitted on the behalf of respondents no 03 to 07 through representative is true and correct to the best of my knowledge, belief and that nothing has been concealed from this Honorable Court.

 Deponent

Mardan Medical Complex, MTI Mardan through their Board of Governor respondent no 03 to 07 through representative.

It is further stated on order that in this appeal the answering respondents have neither been pleaded ex-Parte nor their defense has been struck off. / Cost



**MEDICAL TEACHING INSTITUTION
BACHA KHAN MEDICAL COLLEGE
MARDAN**



Prof. Amjad Ali
Dean/CEO

No. 499 /BKMC
Date: 28/08/2023

AUTHORITY LETTER

Mr. Kamran Ud Din Litigation Officer, Bacha Khan Medical College Mardan is hereby authorized to attend MTI Tribunal on behalf of Dean MTI Bacha Khan Medical College, Mardan in the case of Dean Vs Dr. Farid Ullah Shah.


DEAN/CEO

Dean
Bacha Khan Medical College
Mardan