
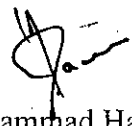


14.11.2018


Counsel for the appellant present. Mr. Zia-Ullah,
Deputy District Attorney for the respondents present.
Counsel for the appellant seeks adjournment. Adjourn. To
come up for arguments on 03.01.2018 before D.B.



(Gul Zeb Khan)
Member (E)


(Muhammad Hamid Mughal)
Member (J)

03.01.2018


Counsel for the appellant present. Mr. Muhammad Jan,
Deputy District Attorney for official respondents also present.
Learned counsel for the appellant requested for adjournment.
Adjourned. To come up for arguments on 29.01.2018 before D.B.


(Ahmad Hassan)
Member(E)


(M.Amin Khan Kundi)
Member (J)

29.01.2018


Learned counsel for the appellant present. Mr. Riaz
Painda Kheil, learned Assistant Advocate General for the respondents
present. Vide our separate judgment of this Tribunal of today placed on
file of appeal No.1662/2013 filed by Muhammad Waseem, the present
service appeal is hopelessly time barred and consequently the same is
dismissed as such. Parties are left to bear their own costs. File be
consigned to the record room after its completion.


(Muhammad Amin Kundi)
MEMBER


(Muhammad Hamid Mughal)
MEMBER

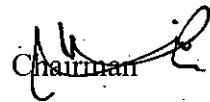
07/09/2017

Due to general strike of the bar and bench is incomplete, the case is adjourned for arguments on 25/09/2017 before DB.


MUHAMMAD HAMID MUGHAL
MEMBER


25.09.2017


Clerk to counsel for the appellant and Addl: AG for respondents present. Since learned Member (Mr. Ahmad Hassan) is on leave, therefore, arguments could not be heard. To come up for arguments on 31.10..2017 before D.B.


Chairman

31.10.2017

Clerk of the counsel for appellant present. Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Clerk of the counsel for appellant seeks adjournment. Adjourn. Last opportunity was granted as the present case is attached ~~at~~ ^{of} the year 2013. To come up for arguments on 14.11.2017 before D.B.


(Gul Zeb Khan)
Member (E)


(Muhammad Hamid Mughal)
Member (J)

14.06.2017

Agent to counsel for the appellant and Mr. Hashim Ali, Assistant alongwith Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Agent to counsel for the appellant requested for adjournment. Adjourned. To come up for rejoinder and arguments on 20.07.2017 before D.B. Status-quo be maintained.

MA

(Muhammad Amin Khan Kundi)
Member

[Signature]
(Gul Zeb Khan)
Member

20.07.2017

Counsel for the appellant present. Mr. Hashim Ali, Assistant alongwith Mr. Muhammad Jan, Deputy District Attorney for the respondents also present. Learned counsel for the appellant submitted rejoinder and requested for adjournment. Adjourned. To come up for arguments on 24.08.2017 before D.B. Status-quo be maintained.

[Signature]
(Gul Zeb Khan)
Member

MA

(Muhammad Amin Khan Kundi)
Member

24.08.2017

Counsel for the appellant and Mr. Muhammad Jan, DDA for official respondents and counsel for private respondents no. 4 to 8 present. Counsel for private respondents no.4 to 8 seeks adjourned. Adjourned. To come up for arguments on 07.09.2017 before D.B. Status-quo be maintained.

[Signature]
(Gul Zeb Khan)
Member

[Signature]

(Ahmad Hassan)
Member

21.03.2017


Junior to counsel for the appellant, Mr. Ziaullah, GP alongwith Mr. Hashim, Assistant for official respondents and clerk to counsel for private respondents present. Arguments could not be heard due to incomplete bench. Adjourned. To come up for arguments on 04.05.2017 before D.B. The order of status-quo shall continue till next date.


(AHMAD HASSAN)
MEMBER

04.05.2017

Counsel for the appellant and Mr. Muhammad Jan, Government Pleader for the respondents and counsel for private respondents also present. Written reply on behalf of private respondent No. 4 to 8 submitted which is placed on file. To come up for rejoinder and arguments on 14.06.2017 before D.B. Status quo be maintained.

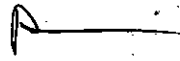

(Gul Zeb Khan)
Member


(Ahmad Hassan)
Member

1637/2013

18.11.2016

Appellant with counsel, Additional AG for official respondents No. 1 to 3 and counsel for private respondents No. 4 to 8 present. Learned counsel for private respondents No. 4 to 8 requested for more time to submit written reply/comments. Appellant has got no objection for adjournment. Adjournment granted. To come up for written reply/comments on behalf of private respondents No. 4 to 8 on 4-1-17 before D.B. The order of status-quo shall continue till next date.



(ABDUL LATIF)
MEMBER



(PIR BAKHSH SHAH)
MEMBER

04.01.2017

Junior to counsel to the appellant and Mr. Ziaullah, GP for official respondents and counsel for private respondents also present. Written reply not submitted. Requested for adjournment. Request accepted. Last opportunity granted. To come up for written reply/comments on behalf of private respondents on 17-2-17. The order of status-quo shall continue till next dated.



(ASHFAQUE TAJ)
MEMBER



(MUHAMMAD AAMIR NAZIR)
MEMBER

17.02.2017

Counsel for appellant and Mr. Muhammad Jan, GP for official respondents No. 1 to 3 present. Learned Member (Judicial) Mr. Ishfaque Taj is on leave therefore, bench is incomplete. To come up for arguments on 21.03.2017 before D.B. The order of status-quo shall continue till next date.



(AHMAD HASSAN)
MEMBER

01.09.2016

Counsel for the appellant and Mr. Ziaullah, GP for official respondents and counsel for applicants present. Application of Qadar Khan etc to become a party in this appeal as private respondents argued. His reply is also available on record.

It was argued that in this appeal the appellant is claiming for absorption as Junior Clerk in the cadre. On the other hand, the applicants Qadar Khan etc are already junior clerks in the same department. Though they have already been promoted but there is apprehension that at the time of the final disposal of this appeal, the question of seniority may arise which may affect rights of the applicants Qadar Khan etc. As such their application is allowed. Their names be reflected in the memo of appeal. To come up for their replies on 5-10-16. The order of status-quo shall continue till next dated.



Member



Member

05.10.2016

Junior to counsel for the appellant, Asst: AG for official respondents and counsel for private respondents No. 4 to 8 present. Counsel for private respondents requested for time to file written reply. Time granted. To come up for written reply/comments of private respondents No.4 to 8 on 18.11.2016. The order of status-quo shall continue till next date.



(M. AAMIR NAZIR)
(MEMBER)

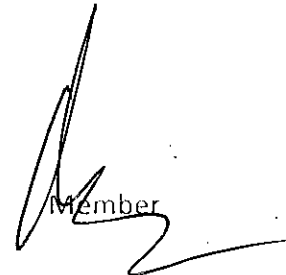


(PIR BAKHASH SHAH)
MEMBER

3.6.2016

Counsel for the appellant and Assistant AG for respondents present. Mr. Atiq ur Rehman advocate for the petitioner present and submitted before the court that similar nature case has been fixed before D.B-1 today. In order to avoid conflicting judgment in this appeal may also be heard by the same bench. This case be put up before worthy Chairman for appropriate order.


Member


Member

order

Assignment to OBI for hearing

03.06.2016

Counsel for the appellant and Mr. Usman Ghani, Sr.GP for respondents present. Learned counsel for the appellant submitted reply on application for impleadment. To come up for arguments on application as well as on main appeal on 26-7-16. Till then status-quo is extended.

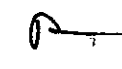

MEMBER


MEMBER

26.07.2016

Clerk to counsel for the appellant and Mr. Amjad Ali, Assistant alongwith Mr. Muhammad Jan, GP for respondents present. Clerk to counsel for the appellant requested for adjournment. To come up for arguments on 01.09.2016. Till then status-quo is extended.


Member


Member

10.02.2016

Junior to counsel for the appellant and Mr. Ihsan, Naib Qasid alongwith Asst: AG for respondents present. Junior to counsel for the appellant requested for adjournment. To come up for arguments on 24.3.16 Till then status-quo is extended.


MEMBER


MEMBER

24.03.2016

Junior to counsel for the appellant and Mr. Fayaz Gul, Assistant alongwith Mr. Muhammad Jan, GP for respondents present. Junior to counsel for the appellant requested for adjournment. To come up for arguments on 21.04.2016 Till then status-quo is extended.


Member


Member

21.04.2016

Counsel for the appellant and Mr. Hashim Ali, Senior Clerk alongwith Addl: AG for respondents present. Counsel for the applicant namely Khan Bahadar etc submitted an application for impleadment, which is placed on file. Copy of the same provided to learned counsel for the appellant. To come up for reply and arguments on the said application on 3-6-16 Till then status-quo is extended.


MEMBER


MEMBER

27.03.2015

Appellant in person and Addl: A.G for respondents present. Written reply not submitted. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 22.5.2015. Till then status-quo be maintained.


Chairman

22.05.2015

Clerk of counsel for the appellant and Addl: A.G for respondents present. Written reply not submitted despite last opportunity. Requested for further adjournment. Last opportunity is extended for submission of written reply to 11.8.2015. Till then status-quo be maintained.

01.08.2015

Member for

11.08.2015

Counsel for the appellant Assistant A.G for respondents present. Written reply not submitted despite last opportunities. Requested for adjournment. Last opportunity extended subject to payment of cost of Rs. 2000/- which shall be borne by the respondents from their own pockets and shall be paid to the appellant on the next date of hearing. To come up for written reply/comments and cost on 26.10.2015 before S.B.

06.10.2015


Chairman

26.10.2015

Counsel for the appellant, M/S Yar Gul, Senior Clerk and Fayaz Gul, Assistant alongwith Assistant AG for respondents present. Para-wise comments submitted. Cost paid and receipt thereof obtained from the learned counsel for the appellant. The appeal is assigned to D.B for rejoinder and final hearing for 10.02.2016.


Chairman

1637/13

23.10.2014

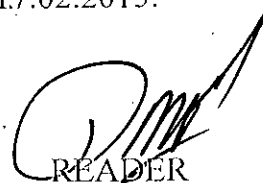
Appellant with counsel and Mr. Muhammad Adeel Butt, AAG with Sheryar, Assistant and Yar Gul, Assistant for the respondents present and requested for further time. To come up for written reply on main appeal as well as reply/arguments on stay application on 19.12.2014. Till then status quo is extended.



MEMBER

19.12.2014

Clerk to counsel for the appellant and Mr. Kabeerullah Khattak, Asstt. A.G with Dr. Fayaz, Deputy Director PHSA and Yar Gul, Assistant for the respondents present. The Tribunal is incomplete. To come up for the same on 17.02.2015.



READER

17.2.2015

Counsel for the appellant and Mr. Muhammad Jan, GP with Sabir Khan, SO for the respondents present. Respondents need further time to be granted for submission of written reply. To come up for the same on 27.3.2015. Till then status quo is extended.



MEMBER

9.4.2014.

Appellant in person and AAG present. Fresh notices be issued to the respondents. To come up for written reply/comments on 13.5.2014. Till then status quo is extended.

MEMBER

MEMBER

13.5.2014.

Counsel for the appellant and Mr. Muhammad Jan, GP with Sheryar, Assistant for the respondents present and requested for time. To come up for written reply on 11.6.2014. Till then status quo is extended.

MEMBER

MEMBER

11.6.2014

Counsel for the appellant (Mr. Sajid Amin, Advocate) and Mr. Muhammad Jan, GP with Sheryar, Assistant and Yar Gul, Assistant for the respondents present and requested for adjournment. To come up for written reply on main appeal as well as reply/arguments on stay application on 20.8.2014. Till then status quo is extended.

MEMBER

MEMBER

20.08.2014

Appellant with junior counsel and Mr. Muhammad Jan, GP with Mr. Sheryar, and Yar Gul, Assistants for the respondents present. The learned Member is on official tour to Abbottabad. To come up for the same on 23.10.2014.

READER

Appeal No. 1637/2013.
Mr. Qudus Khan.

6. 06.03.2014

Counsel for the appellant and Mr. Faiz Muhammad, Litigation Officer for respondent No.3 with Mr. Zia Ullah, GP for the respondents present. Preliminary arguments heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. The appellant was initially appointed as Junior Clerk in the Director^{-ate} General Health Services, Khyber Pakhtunkhwa, Peshawar. The Director Provincial Health Services Academy (PHSA) circulated Proforma regarding option by those who want to be retained in PHSA vide order dated 22.01.2003. The appellant opted for willing to be placed on the PHSA Network. A seniority list of ministerial staff inter-alia Junior Clerk was circulated on 02.08.2008 for confirmation or otherwise. The appellant name was at S.No 14. This was for the substantiated vide order dated 03.12.2013, the appellant was shown at S.No. 23 of the list annexed therewith. The appellant was relieved of his duty at Public Health School Nishterabad, Peshawar and directed to report to the Director General Health Services, Khyber Pakhtunkhwa, Peshawar vide order dated 20.11.2012. Feeling aggrieved he filed departmental appeal which was forwarded to the Secretary KPK, Health Department on 29.11.2012, which has not been responded. The instant appeal has been filed on 23.12.2013. Counsel for the appellant further contended that some of the other employees i.e Mr. Dildar Hussain, Junior Scale Stenographer, Mr. Khurshid Ali, Junior Clerk, Mr. Faridullah, Junior Clerk and Mr. Fazal Ali, Junior Clerk have been retained and absorbed in the PHSA Cadre vide order dated 10.01.2013 and 21.01.2013. The appellant has a similar case as those mentioned above and prayed that the instant appeal may be admitted for regular hearing.

The learned Government Pleader while assisting the Court was of the view that the appellant has not cause of action, moreover, the instant appeal is time barred.

Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notices be issued to the respondents for submission of written reply/comments on 09.04.2014. In the meantime Status-quo be maintained.

This case be put before the Final Bench for further proceedings.

Member

Chairman

7. 06.03.2014

Appellant deposited
Process fee & Security
of Rs. 1800/- Dmt. Receipt
attached with file.

Appeal No. 1637/2013
Mr. Qudus Khan

3
14.01.2014

Public Holiday has been declared by Government on account of Eid Miladun-Nabi. The case is adjourned to 20.01.2014.


Reader

4
20.01.2014

Counsel for the appellant present. Pre-admission notices be issued to the respondents as well as GP to assist the Tribunal. To come up for further preliminary hearing on 19.02.2014.


Member

5
19.02.2014


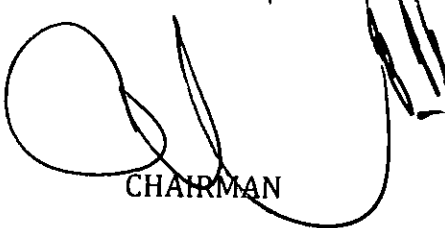
Appellant with counsel and Mr. Zia Ullah, GP for the respondents present. Preliminary arguments to some extent heard. During the course of arguments the learned Government Pleader requested for time to contact the respondents. To come up for further preliminary hearing on 06.03.2014, however in the meanwhile status-quo will be maintained.


Member

Form-A
FORM OF ORDER SHEET

Court of _____

Case No. 1637/2013

S.No	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	12	3
1 2	23/12/2013 30-12-2013	<p>The appeal of Mr. Qadeem Khan presented today by Mr. Ijaz Anwar Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>14-1-2014</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Appeal No. 1637/2013

Qadeem Khan, Junior Clerk, Provincial Health Service Academy
(PHSA), Peshawar.

(Appellant)

VERSUS

Govt of Khyber Pakhtunkhwa, through Secretary Health, Civil
Secretariat, Khyber Pakhtunkhwa, Peshawar and other.

(Respondents)

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<i>S.No</i>	<i>Description of Documents</i>	<i>Annexure</i>	<i>Page No</i>
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2.	Stay Application & Affidavit	20.11.2012	5
3.	Order dated 26.01.2003	A	6
4.	Letters dated 22.01.2003 & 24.05.2007	B & C	7-8
5.	Option Proforma, letter dated 02.08.2008 & letter dated 26.03.2009	D, E & F	9-14
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Appellant

Through



IJAZ ANWAR
Advocate, Peshawar



SAJID AMIN
Advocate, Peshawar

- 4. ~~Umar~~ ~~Behadar~~, Junior clerk
 - 5. ~~Qadir~~ ~~Umar~~, "
 - 6. ~~Nareem~~ ~~Ullah~~ ~~Qasbi~~, "
 - 7. ~~Javed~~ ~~Umar~~, "
 - 8. ~~Sahib~~ ~~Jamal~~, "
- Respondents

13/11/13

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Handwritten signature

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Appeal No. 1637/2013

S.W.F. Prov. ...
1672
23/12/13

Qadeem Khan, Junior Clerk, Provincial Health Service Academy (PHSA), Peshawar.

(Appellant)

VERSUS

1. Govt of Khyber Pakhtunkhwa, through Secretary Health, Civil Secretariat, Khyber Pakhtunkhwa, Peshawar.
2. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
3. Director, Provincial Health Services Academy, Health Department, Budhni Road Duranpur, Khyber Pakhtunkhwa, Peshawar.

*4 to 8 Implicated as respondents
vide order dated 1-9-16* (Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the Office Order dated 20.11.2012 whereby the appellant has been repatriated to the Office of Director General Health Services against which the Departmental Appeal dated 29.11.2012 has not been responded despite the lapse of 90 days.

Prayer in Appeal

On acceptance of this appeal vide order dated 20.11.2012 may please be set aside and the appellant may please be declared as the permanent employee of PHSA, Peshawar for all intent and purposes.

23/12/13
Respectfully Submitted:

1. That the appellant was initially appointed as Junior Clerk in the office of the Director General Health Services and posted under the control of Director Health Services FATA, vide order dated 15.03.1999.
2. That while serving in the said capacity the appellant was adjusted against the vacant post of Junior Clerk at Nursing School, Hayatabad, Peshawar (PHSA Network) vide order dated 26.01.2002. *(Copy of the Order dated 26.01.2002 is attached as Annexure A).*

3. That in the year 2001, under the Chairmanship of Secretary Health, a meeting was held on 19.4.2001 wherein it was decided that ***"The Present Staff on the strength of directorate of Health N.W.F.P working in the PHSA (Network) shall be given option for absorption against the posts in PHSA"***. The same decision was circulated to all the Heads of the Attached Institutes of PHSA Network in Khyber Pakhtunkhwa (then N.W.F.P) with direction to get options from the concerned staff vide letter dated 22.01.2003. ***(Copies of the letters dated 22.01.2003 & 24.05.2007 are attached as Annexure B & C).***
4. That the appellant was also given option for absorption in PHSA, he duly exercised his option vide option proforma circulated vide letter dated 26.01.2007, on his option in the PHSA (Network) the name of the appellant was brought on the Seniority List of the Junior Clerks of PHSA (Network) circulated vide letter dated 02.08.2008. ***(Copies of the Option Proforma, letter dated 02.08.2008 & letter dated 26.03.2009 are attached as Annexure D, E & F).***
5. That though the appellant had exercised his option for absorption in PHSA, and his name was also brought on the Seniority List of the PHSA, Staff, yet vide a surprise move the appellant along with 17 other employees of PHSA (Network) were repatriated to the office of DG, Health Services for further adjustment vide letter dated 20.11.2012. ***(Copy of the Letter dated 20.11.2012 is attached as Annexure G).***
6. That the appellant filed his Departmental Appeal on 29.11.2012, against his repatriation. Thereafter the appellant filed a Civil Suit before the Honourable Senior Judge Peshawar, initially the appellant was granted Stay order and the letter dated 20.11.2012 was suspended by the Honourable Civil Judge Peshawar, later the suit of the plaintiff was returned under order 7 rule 10 being without Jurisdiction vide order dated 18.06.2013. The appellant also filed appeal before the Honourable District Judge, however the same was also dismissed vide order dated 07.12.2013 on the point of jurisdiction. ***(Copies of the Departmental Appeal, Judgment & Order dated 18.06.2013 & 07.12.2013 are attached as Annexure H , I & J).***
7. That it is Pertinent to mention that some Similarly Placed employees who were also repatriated to the DG, health services vide the same letter dated 21.11.2012, also filed Suits before the Learned Civil Judge, Swat, however during pendency of their cases in Civil Court, the Respondents ordered their permanent absorption in PHSA (Network) vide order dated 10.01.2013 and 21.01.2013. ***(Copies of Orders dated 10.01.2013 & 21.01.2013 are attached as Annexure K & L).***

8. That the appellant prays for acceptance of the appeal inter alia on the following grounds:-

GROUND OF APPEAL

- A. That the appellant has not been treated in accordance with law hence his rights secured and guaranteed under the law are badly violated.
- B. That the appellant was adjusted in the PHSA, he was given option for absorption which he duly exercised and on the bases of the same seniority list was prepared, thus the appellant was permanently absorbed in PHSA and there arise no question of his repatriations.
- C. That while repatriating the appellant to his parent department, no right of hearing is given to the appellant thus he has been condemned unheard.
- D. That similarly placed employees of Swat District were allowed absorption and adjustment in the PHSA, however the same relief has been denied to the appellant.
- E. That the appellant has not been treated in accordance with law and hence his rights secured and guaranteed by law were badly violated.
- F. That the appellant having lawfully being absorbed, the order has taken its effect and was acted upon, cannot be withdrawn or rescinded.
- G. That the order impugned is against the principle of natural justices, no right of hearing was provided to the appellant before ordering his repatriation.
- H. That once the appellant was permanently absorbed in the PHSA the respondents were having left no right to withdraw or rescind the absorption order.
- I. That appellant was adjusted in PHSA in the year 2003, he duly took charge of his post and started performing. He has served in PHSA for more than 10 years and have also given his option for absorption, thus on no ground he be repatriated.
- J. That the appellant seeks the permission of this Honourable Tribunal to rely on additional ground at the time of hearing of this appeal.


It is, therefore, prayed that on acceptance of this appeal vide order dated 20.11.2012 may please be set aside and the appellant may please be declared as the permanent employee of PHSA, Peshawar for all intent and purposes.


Appellant

Through



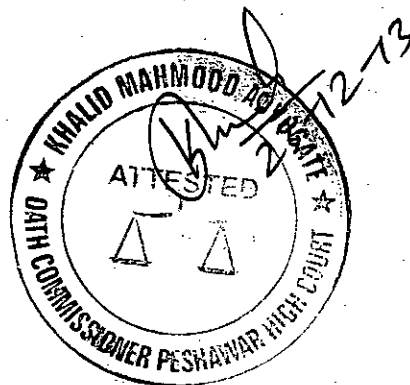
IJAZ ANWAR
Advocate Peshawar


SAJID AMIN
Advocate Peshawar

AFFIDAVIT

I, *Qadeem Khan, Junior Clerk, Provincial Health Service Academy (PHSA), Peshawar*, do hereby solemnly affirm and declare on oath that the contents of the above Appeal as well as application are true and correct to best of my knowledge and believe and that nothing has been kept back or concealed from this Honourable Tribunal.


DEPONENT



**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Appeal No. _____/2013

Qadeem Khan, Junior Clerk, Provincial Health Service Academy
(PHSA), Peshawar.

(Appellant)

VERSUS

Govt of Khyber Pakhtunkhwa, through Secretary Health, Civil
Secretariat, Khyber Pakhtunkhwa, Peshawar and other.

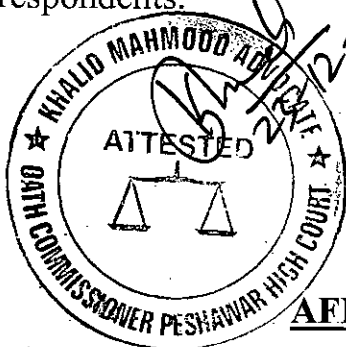
(Respondents)

**Application for the grant of temporary injunction
restraining the Respondents from taking any action
detrimental to the service career of the Applicant and
to suspend the Office Order dated 20.11.2012 till the
decision of this appeal**

Respectfully Submitted:

1. That the applicant has filed the above noted appeal in this Honourable Court in which no date of hearing has been fixed so far.
2. That the facts and ground mentioned in the accompanied appeal may be read as integral part of this application.
3. That the applicant has got a good prima facie case and there is likelihood of it success.
4. That the applicant would be exposed to great hard ship and inconvenience in case the above letter is acted upon.

It is, therefore, prayed that on acceptance of this application the injunction as prayed for may be granted in favour of the applicant and against the respondents.



Through

Applicant

IJAZ ANWAR
Advocate Peshawar

AFFIDAVIT

I do hereby solemnly affirm and declare on oath that the contents of the above application are true and correct and that nothing has been kept back or concealed from this Honourable Court.

Deponent

Better copy

**DIRECTORATE GENERAL HEALTH
SERVICES NWFP PESHAWAR**

OFFICE ORDER

The following Junior Clerk working against other posts at Directorate Health Services, FATA NWFP, Peshawar are hereby adjusted against the vacant posts of Junior Clerks at the places noted against their names with immediate effect:-

<u>S No</u>	<u>Name of Junior Clerks</u>	<u>Remarks</u>
1.	Mr. Rizwanullah	Adjusted against the vacant post of junior Clerk at DTBC, Peshawar.
2.	Mr. Qadeem Khan	Adjusted against the vacant post of Junior Clerk at Nursing School Hayatabad, Peshawar.

N.B:- Arrival / Departure report should be furnished to this Directorate afor record.

Sd/x x x x x x
DIRECTOR GENERAL HEALTH
SERVICES, NWFP, PESHAWAR

No. 15138-40 / Admin, dated 26 / 01 / 2002

Copy forwarded to the:-

1. Director Health Services, FATA, NWFP, Peshawar w/r to his letter No 24109, dated 10.12.2001.
2. District TSC Officer, Peshawar.
3. Vice Principal, Nursing School Hayatabad, Peshawar

For information and necessary action.



Sd/x x x x x x
For DIRECTOR GENERAL HEALTH
SERVICES, NWFP, PESHAWAR

7

ANNEX: B

Provincial Health Services Academy
Dept. of Health Govt. of NWFP
Tele # 091-2650862-2650875
Fax # 091-261249

NO. SOS-21/M.S/EST. PH
(Date: 22-01-2003)

To: ✓
All
The Heads of the Attached Institutions of *Print - sent.*
PHSA Network in N.W.F.P

SUBJECT: SERVICES RULES OF PROVINCIAL HEALTH SERVICES ACADEMY
DEPARTMENT OF HEALTH N.W.F.P

Please find enclosed herewith the copy of the notification of Services Rules of the Provincial Health Services Academy department of health N.W.F.P bearing NO:SO(Reg)8-96/2002/Vol-IV dated 10/01/2003.

Reference minutes of the meeting on the Subject: "*Minutes of The Meeting Held Under the Chairmanship of the Secretary Health N.W.F.P. On 19th April, 2001. In his office Regarding the Issues of PHSA*" circulated vide Health Department NO:2-112/SPO/P&D/Health/2001 dated 16/5/2001.

The decision taken on the Agenda Item NO:4 reproduced as under:

Agenda Item NO.4
Status of PHSA Versus Directorate of Health

25
25-1-2003

Decision: 1
Sub Para 3:

The Present Staff on the strength of directorate of health N.W.F.P working in PHSA (Network) shall be given option for absorption against the posts in PHSA

You are directed to please get the enclosed (OPTION PROFORMA) completed by all the staff of the Directorate of Health working in your institution (including yourself). The said option proforma duly completed in each respect must reach this office by 15th February 2003.

In case of non receipt of Option Proforma from your end it will be presumed that you and your staff are not willing to join the cadre.

ack
[Signature]
DIRECTOR

PROVINCIAL HEALTH SERVICES ACADEMY

*2 copies of rule to
a/c of 2 copies of
[Signature]
cc:*

1. Secretary to Government of N.W.F.P Department of Health
 2. Director General Health Services N.W.F.P
- (Relevant page of the copy of the minutes of the meeting under reference are attached)

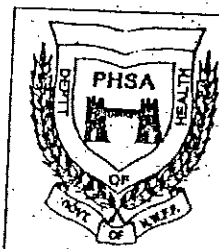
ATTESTED

Deputy Director Management PHSA for similar action at PHSA

[Signature]

8

Approved: C



PROVINCIAL HEALTH SERVICES ACADEMY
Dept. of Health Govt. of N.W.F.P.
Budhni Road Duran Pur Peshawar,
091-2650861, 2650858, Fax # 091- 2261249
E-mail: phsa_peshawar@yahoo.com
Affiliated with University of Peshawar

No: 29/PHSA/Adm./Peshawar/2006-07/9736-54

Date: 24/05/07

To

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

Subject:-

NOTIFICATION OF PHSA AS FINANCIAL AND ADMINISTRATIVE CONTROL AUTHORITY.

Sir,

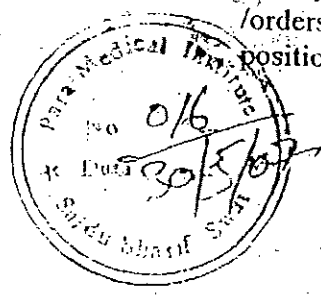
Please find herewith enclosed a copy of EDO (Health) Kohat letter No.2006-09, dated: 22-05-2007 on the subject noted above.

The concerned quarter may be informed that revised Paramedic Service Structure and management cadre notification has no concern with the status of PHSA as attached department and if there is any such implication on PHSA status, it is not according to the Rules of Business.

PHSA has exercised option for the staff of DGHS working in PHSA and its allied institutions and is in the process of finalizing seniority list and submission of cases of staff below BPS-17 to departmental promotion/selection committee at PHSA level and above BPS-16 at relevant levels.

The DGHS staff who has not opted to stay at PHSA will be sent back to DGHS where and when their services are not required.

Kindly direct the DGHS and his line officers to abstain from the transfer/orders/recommendation/action on the PHSA and allied institutions position in the best interest of PHSA.



[Signature]
Director
PHSA NWFP Peshawar
23/05

C.C.

1. Deputy Director Management, PHSA, Peshawar.
2. All allied institutions. *Pict-Swat*

File
Approved
APPROVED

Establishment

Read the line between the lines

(9)

(3)

ANNEX: D/c

OPTION PROFORMA

Name: QADEEM KHAN

Father Name: ZAMAN KHAN

Date of Birth: 14-04-1976

Date of Entry in to Service: 16-03-1999

Present Position Held: JUNIOR CLERK

Date of Present Posting: January 2002

Qualification: (Please Attach Copy of the Degree/Diploma) M.A.

Experience: 10 years

It is solemnly declared that I am WILLING / ~~NOT WILLING~~ willing to continue to work at with PHSA network.

DATE:

Qadeem
SIGNATURE

ATTESTED
[Signature]

9 A

PHSA, NWFP
Liaison Office, NWFP
Attn: Head Office, Peshawar
E # 091-1351091, 262079, Fx # 091-131219
E-mail: phsa_peshawar@yahoo.com

No. 180... HSA/HRD/data-base phsa employees: 12006-2007 / 6733-521
dated 24/01/2007

All the Heads of PHSA, s allied Institutions
in NWFP. *San Hmtc, P.H.S. NWFP*

Subject: DATA BASE OF PHSA'S EMPLOYEES

BAKHT ZADA
Civil Judge XVII

Enclosed please find herewith a copy of data base
Pro forma with the directives to furnish the requisite
information within one week, enabling us to proceed
further in the matter.

[Signature]
24/01/07
Dr. Mahmood Alam
Director,
PHSA, NWFP, Peshawar

No. _____ date: _____
Copy forwarded to all PHSA, s staff for similar action.

*Diry to C-24
PHSA, NWFP
31/01/07*

*Shahid
to r.k.
[Signature]*

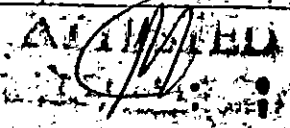
24

~~ATTACHED~~

(11)

Seniority List of Superintendent in PHSA & Allied Institution

Name of Official	Father Name	BPS	Designation	Name of Institute	Date of Birth	Date of first Appointment	Date of Arrival in PHSA Network	Qualification	Remarks
1 Muhammad Ishaq	Irfanullah	15	Sr. Steno Graph	PGCN Hayatabad	28/07/1952	01/01/1971	01/08/2002	Matric	
2 Said-ul-Abrar	Shah Jehan	16	Superintendent	PGCN Hayatabad	14/06/1953	29/09/1976	01/10/2004	B.Sc	
3 Rahatullah	Abdul Hakim	14	Assistant	PGCN Hayatabad	07/03/1956	13/12/1978	28/06/2003	M.A	
✓ 4 Didar Ali	Ali Asghar	15	Stenographer	PIMT Swat	03/01/1963	01/02/1986	26/10/1999	B.A.	
5 Sikandar Shah	Zahir Shah	12	Steno Typist	PGPI LRH	02/04/1982	21/7/06	26/07/2006	D.Com.	
6 Muhammad Jan	?	14	Assistant	PHSA	?	?	?	?	



DIRECTOR

Seniority List of Superintendent in PHSA & Allied Institution

Name of Official	Father Name	BPS	Designation	Name of Institute	Date of Birth	Date of first Appoinment	Date of Arrival in PHSA Network	Qualification	Remarks
1 Muhammad Ishaq	Irfanullah	15	Sr. Steno Graph	PGCN Hayatabad	28/07/1952	01/01/1971	01/08/2002	Matric	
2 Said-ul-Abrar	Shah Jehan	16	Superintendent	PGCN Hayatabad	14/06/1953	29/09/1976	01/10/2004	B.Sc	
3 Rahatullah	Abdul Hakim	14	Assistant	PGCN Hayatabad	07/03/1956	13/12/1978	28/06/2003	M.A	
✓ 4 Didar Ali	Ali Asghar	15	Stenographer	PiMT Swat	03/01/1963	01/02/1986	26/10/1999	B.A.	
5 Sikandar Shah	Zahir Shah	12	Steno Typist	PGPI LRH	02/04/1982	21/706	26/07/2006	D.Com	
6 Muhammad Jan		14	Assistant	PHSA	?	?	?	?	

(Handwritten marks)

Seniority List of Junior Clerk in PHSA & Allied Institution

13

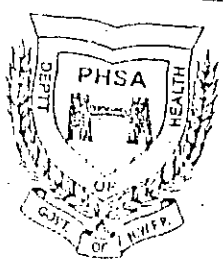
Name of Official	Father Name	BPS	Designation	Name of Institute	Date of Birth	Date of First Appointment	Date of Arrival in PHSA Network	Qualification	Remarks
1 Khurshid Ali	Firdoos		9 Junior Clerk	PIMT Swat	01/06/1963	24/02/1981	01/01/1991	Matric	
2 Riffat Khan	Zareen Khan		7 Junior Clerk	PHS Abbottabad	04/04/1960	04/04/1983	01/01/1998	F.A	
3 Qayyum Nawaz	Haq Nawaz		7 Junior Clerk	PHS D I Khan	04/04/1963	12/02/1983	01/01/1999	Matric	
4 Alam Zeb	Gul Muhammad		7 Junior Clerk	SON Swat	01/04/1957	09/03/1983	10/03/2004	F.A	
5 Aurang Zeb Qureshi	Abdul Sahar		7 Junior Clerk	SON Kohat	20/03/1965	31/05/1988	21/03/2007	F.A	
6 Asmat Ali	Fazli Karzem		7 Junior Clerk	PGCN Hayatabad	15/08/1951	07/09/1988	22/03/1993	Matric	
7 Ghafiq Khan	Allah Noor		7 Junior Clerk	SON DI Khan	01/01/1973	01/10/1990	01/04/2000	Matric	
8 Fazal Ali	Mohammad Razan		7 Junior Clerk	PIMT Swat	01/04/1979	26/03/1991	26/10/1999	Matric	
9 Farrukhan	Khajitun Rouman		7 Junior Clerk	PIMT Swat	04/03/1970	06/04/1991	28/10/1999	F.A	
10 Iqbal Shah	Syed Sher Badshah		7 Junior Clerk	SON HMC	05/07/1960	27/07/1991	27/07/1991	Matric	
11 Miran Gul Ishtar Shah	Miran Gul Bahar Sami		7 Junior Clerk	SON Bannu	10/04/1962	15/03/1995	16/03/2005	Matric	
12 Nadeemullah	Abdul Latif		7 Junior Clerk	SON Mardan	09/01/1972	17/09/1996	19/04/2000	Matric	
13 Muhammad Waseem	Muhammad Nadeem Khan		7 Junior Clerk	PHS Mardan	01/08/1972	16/02/1999	27/07/2003	F.A	
14 Qasim Khan	Zaman Khan		7 Junior Clerk	SON HMC	14/04/1975	15/03/1993	01/02/2000	M.A	

APPROVED
 [Handwritten signature]

14

2

ANNEX - F



Provincial Health Services Academy

Official Institution for Public Health & Allied Sciences
(Affiliated with University of Peshawar,
Dept. of Health Govt. of N.W.F.P.,
Budhni Road Duran Pur Peshawar,
Ph # (092)-091-2650861, 2650858; Fax # 091-2261249
E-mail: phsa_peshawar@yahoo.com

No: ²⁹⁹ /PHSA/Admn/^{option} Circular/2008-09/ 1501-20 dated 26/03 /2009.

1. All officer/Officials of PHSA
2. Principal PGCN Hayatabad Peshawar.
3. Principal PIMT, Swat, DIK, Abbottabad
4. Principal PGPI/LRH, Peshawar.
5. Principal Public Health school DIK, Abbottabad, Hayatabad, Nishterabad
6. Vice Principal DHDC, Mardan, Abbottabad, Swat, Bannu, Chitral.
7. Vice Principal school of Nursing Mardan, Bannu, Kohat, DIK Swat, *HMC Peshawar, KTH & LRH Abbottabad*

Subject:- OPTION PROFORMA
Memo;

The enclosed is option proforma to be given to every employee of your institution and to be returned immediately. The proforma may be filled carefully to avoid any complication. The proforma will result into formulation of seniority list of all type of employee

ATTACHED

[Signature]
DIRECTOR
26/3/09
25/3

15

ANNEX: G



Provincial Health Services Academy (PHSA)

Health Department, Government of Khyber Pakhtunkhwa
Budhni Road Duranpur, Peshawar.

☎ # 091-2650861 2650858 Fax #: 091- 2261249.

E-mail: phsa_peshawar@yahoo.com

No.F-03/PHSA/Admn/P&T-III/2011-12/8077

Date: 11/1/2012

To
The Director General,
Health Services, Khyber Pakhtunkhwa.

Sub: **REPATRIATION OF DGHS EMPLOYEES.**

Sir,
In continuation of this office letter No.F-03/PHSA/Admn/P&T-III/2011-12/7738-56 date.06 /11/2012. The following ministerial staff of Director General Health Services Khyber Pakhtunkhwa is hereby relieved to report to Director General Health Services Khyber Pakhtunkhwa Peshawar for further adjustment in DGHS cadre. The writ petition No.2561/2010 is already in Peshawar High Court Peshawar in this respect.

S.#.	NAME OF OFFICIALS.	DESIGANTION	PLACE OF POSTING.	REMARKS.
1.	Said-ul-Abbar.	Office Supdt.	PGCN H/ABAD.	DGHS Employee
2.	Mr. Rahat Ullah.	Office Assistant.	PGCN Hayatabad.	DGHS Employee
3.	Mr. Shah Hussain	Senior Clerk.	PIMT Swat.	DGHS Employee
4.	Faisal Mir.	Senior Clerk.	PIMT Abbottabad.	DGHS Employee
5.	Mr. Tariq Ali.	Lab. Asstt.	SON ATI Abbotabad	DGHS Employee
6.	Mr. Raja Wajid Ali.	Junior Clerk.	PIMT Abbottabad.	DGHS Employee
7.	Mr. Asif Khan.	Junior Clerk.	PIMT Abbottabad.	DGHS Employee
8.	Mr. Nadeem Ullah.	Junior Clerk.	SON Mardan.	DGHS Employee
9.	Mohammad Wasim.	Junior Clerk.	SON HMC.	DGHS Employee
10.	Qadeem Khan.	Junior Clerk.	PHS Nishterabad.	DGHS Employee
11.	Mr. Israr Ahmed.	Junior Clerk.	SON Bannu.	DGHS Employee
12.	Mr. Alan Zeb.	Junior Clerk.	SON Swat.	DGHS Employee
13.	Mr. Khurshid Ali.	Junior Clerk.	PIMT Swat.	DGHS Employee
14.	Mr. Fazal Ali.	Junior Clerk.	PIMT Swat.	DGHS Employee
15.	Mr. Farid Ullah.	Junior Clerk.	PIMT Swat.	DGHS Employee
16.	Mr. Kashiif.	Junior Clerk.	SON KTH.	DGHS Employee
17.	Mr. Sohail Khan.	Junior Clerk.	SON ATI Abbottabad.	DGHS Employee
18.	Mr. Farman Ullah Khan	Computer Operator	DHDC Bannu	DGHS Employee

DIRECTOR,
PHSA Peshawar.

ATTESTED

33

Appeal No. 1

(16)

ANNEX: H

(H)

OFFICE OF THE PRINCIPAL, PUBLIC HEALTH SCHOOL,
NISTERABAD PESHAWAR.

Phone No. 091-2216274

FAX No. 091-2570281

No. /PHS/ 432-33

Dated. 29/11/2012

To

The Secretary,
Govt of Khyber Pakhtunkhwa Health Department.

Subject:

DEPARTMENTAL APPEAL IN RESPECT OF MR. QADEEM KHAN,
JUNIOR CLERK.

Dear Sir,

Kindly, enclosed herewith a Departmental Appeal in respect of Mr. Qadeem Khan, Junior Clerk working at Public Health School Nishterabad Peshawar for further necessary action please.

M. Qadeem
Principal

Public Health School
Nishterabad Peshawar.

C.C.

The Director, PHSA for information please.

SH office

D.No. 9420

Dated. 30/11/2012

ATTACHED
[Signature]

17

12

To

The Secretary:
Govt of Khyber Pakhtunkhwa Health Department.

Subject: DEPARTMENTAL APPEAL.

Dear Sir,

I have the honor to request and inform your good office that I am working as Junior Clerk at Public Health School Nishterabad Peshawar and have been adjusted by the Director General, Health Services Khyber Pakhtunkhwa at School of Nursing, HMC Peshawar against the vacant post of Junior Clerk vide office order No. 15138-40/Admn; dated Peshawar the 26-01-2002 (flag-A).

Recently, the Director, Provincial Health Services Academy (PHSA) relieved the applicant along with other 17 ministerial staff to the office of Director General, Health Services KPK in the light of Writ Petition No. 2561/2010 to promote other staff and for fresh appointment (flag-B).

Facts.

1. I have been adjusted by the DGHS at School of Nursing HMC against vacant post that means my absorption in PHSA Network but the Director, PHSA did not recognize it and relieved me.
2. I have performed my duty sincerely in PHSA Net work for more than 10 years but not given me its reward and relieved me to the office of DGHS, KPK.
3. During my service at PHSA the Director, PHSA find out/asked from all employees (including me) their options & willing on different occasions for absorption in PHSA (flag-C).
4. On the basis of option with PHSA, its issued seniority list of all ministerial staff (flag-D).

TESTED

- 5. I also appealed (flag-E) to Director, PHSA for my absorption & promotion but the applicant was informed that a Writ Petition No. 2561/2010 in the Peshawar High Court Peshawar has registered and heard against DGHS's employees; but in fact there is nothing in the decision of honorable Court on the basis of which to relieve me (flag-F).

- 6. Mr. Salat Khan Waiter transferred from HMC Peshawar has promoted on the post of Multi Media Operator. Another named Mr. Dost Muhammad transferred from HMC was changed his designation from Sweeper to Bearer (on the record with PHSA).

Dear Sir,

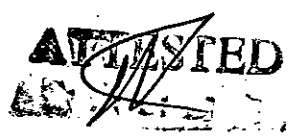
It is favoritism & discrimination to promote some one and abandon & relieved the other.

Therefore, it is sympathetically requested to consider my appeal/request for my absorption at Provincial Health Services Academy (PHSA) for the best of my future shall be grateful to you.

Yours Obediently,



Qadeem Khan
J/Clerk, PHS Nishiterabad
Peshawar.

ATTESTED


(19)

Annex-I

15/6/13
12/6/13

فائل نمبر (10) کی تاریخ 18/6/13
دستخط

BAKHT ZADA
Civil Judge VIII,
Peshawar

ORDER - 16
18/06/2013

Plaintiff in person present. Defendants through director provincial health services academy present. Arguments on the application for grant of temporary injunction already heard.

Brief facts necessary for the disposal of instant application are that the plaintiffs are employees of health department and performing their duties in PHSA since recruitment. The plaintiff No.1 was adjusted on the vacant post of junior clerk vide office order No.15138-40/Admn dated 26/1/2002 similarly defendant No 2 was transferred to PHSA vide office order No 7838-411 Admn dated 8/7/2003. According to the plaintiffs defendant No 3 asked for option for absorption in PHSA in 2007 and the plaintiff's shows their willingness for absorption in affirmative and defendant No 3 issued seniority list of the employees of PHSA including the names of plaintiffs, but later on defendant No 3 through an illegal order relieved the plaintiffs and issue advertisement for recruitment of employees and also to promote employees of their own choice which is against law and facts and ineffective upon the rights of the plaintiffs. The plaintiffs further alleged that defendant No 3 without

Page 2.
18.6.13

ATTESTED

ATTESTED
13/6/13
District Court Peshawar

any reason and authority appointed defendant No 4 at the post of plaintiff No 1, which is against law and defendant No 3 was asked again and again to accept the plaintiffs as employees of PHSA and promote them according to the seniority list but they refused and hence the instant suit.

The plaintiff/petitioner in their application for grant of temporary injunction to the effect that defendant No 3 be restrained from any order against the plaintiffs. Defendant No. 1 and 3 submitted their written statement and reply to the application for grant of temporary injunctions wherein they raised some legal and factual objections and alleged that suit of the plaintiff is barred by law.

During argument counsel for the plaintiff/petitioner stated that defendant initially asked for option from the petitioner for absorption in PHSA and the petitioners shows their willingness for absorption in PHSA, where after defendant No.3 issued seniority list including the names of plaintiffs/petitioners. He argued that the petitioners are serving for more than 10 years in PHSA and at this stage issuance of relieve order of the petitioners by defendant No 3 is illegal and against the rights of the plaintiffs. He pointed out that defendant No 3 has already ordered the absorption of some DGHS employees in PHSA and refusal of defendant No 3 from absorption of the petitioner is based on discrimination. He argued that petitioners have good prima facie case after selecting option of absorption in PHSA and their relieve order after more than 10 years of service in PHSA will cause an irreparable loss to the petitioners and balance of inconvenience will ultimately tilt in favor of the petitioners.

On the other hand learned government pleader for defendants argued that although defendant No 3 has asked for

Page 2
18.6.13

ATTESTED
[Signature]

ATTESTED
[Signature]
18-6-13

asked
and

15

21

option from petitioners for absorption, but due to some technical issues the process of absorption could not be completed. He further argued that present plaintiffs are the employees of DGHS and they were recruited even before the establishment of PHSA. He referred to the seniority list of DGHS wherein the names of the present plaintiffs/petitioner are clearly shown according to their seniority and which suggest that they are still employees of DGHS. Learned government pleader argued that the suit of the plaintiff is barred by law and the controversy involved in the instant suit comes under the definition of terms and conditions of service which is the sole jurisdiction of services tribunal.

After hearing arguments of the learned counsel for the parties. Available record perused which shows that plaintiff No.1 was adjusted against the vacant post of junior clerk at nursing school Hayatabad Peshawar vide office order No.15138-40/admn dated 26/1/2002. The plaintiff was initially recruited by DGHS and is still employee of DGHS, because after asking for option the absorption process could not be completed, despite of the fact that defendant No.3 has issued their seniority list. But the perusal of seniority list of DGHS employees clearly shows the name of the plaintiffs at the same time. It is an admitted fact that the plaintiffs/petitioners were initially recruited by DGHS even before the establishment of PHSA. No notification regarding absorption of the plaintiffs/DGHS employees in PHSA, has been issued by DGHS or PHSA except the seniority list issued by PHSA which shows the name of the plaintiffs as PHSA employees, but at the same time the names the plaintiffs/petitioners are also shown in the seniority list of DGHS employees. Furthermore the minutes of meeting on issue of staff working in PHSA network dated 18th December 2012, clearly shows that secretary health KPK being

Take 2.
18-6-13

ACCEPTED

ACCEPTED
18-6-13
Secretary Health
KPK Peshawar

Chairman, Mahmood Alam Director PHSA and Dr. Sharif Ahma Khan Director DGHS KPK decided that staff in the seniority list of DGHS will be adjusted by DGHS/concerned authority and PHSA will advertised their positions and fill it accordingly. It is further decided that PHSA employees in DGHS will be repatriated to PHSA. All these observations and facts shows good prima facie cases in favour of the defendants as compared to the plaintiffs. The balance of inconvenience will tilt in favour of the PHSA employees because they will ultimately be the effectees in terms of their seniority which will further result in irreparable loss to the employees of PHSA.

The perusal of case file further shows that the question of seniority of the employees of DGHS and PHSA comes under the definition of terms and conditions of their services which is the sole jurisdiction of the services tribunal, I therefore dismiss the instant application in the right of my above observations as well as order to return the plaint under order 7 rule 10 CPC being without jurisdiction. Moharrar is directed to do the needful. Case file be consigned to record room after necessary completion and compilation.

Zaker
18.6.13

Announced
18/06/2013

Bakht Zada Khan

Civil Judge XVII,

Peshawar.

BAKHT ZADA

Civil Judge XVII.

Peshawar

11486
29/6/13
2013
2013
2013

CERTIFIED TO BE TRUE COPY

Copied by *[Signature]*
Court

ATTACHED

23

ANNEX - J

Order 07/12/2013

Counsel for the parties present.
Remaining arguments heard and file perused.

Vide my detailed judgment of today, consisting of 03 pages separately placed on file, the appeal in hand being devoid of merits is hereby dismissed. Cost to follow the event.

Record be returned, along with copy of this judgment. File of this court be consigned to Record Room after necessary completion and compilation.

ANNOUNCED
07/12/2013



FEROZ BIBI
ADDITIONAL DISTRICT JUDGE-XII,
PESHAWAR

ATTESTED

(EXCISE)
SESSIONS COURT PESHAWAR
27/12/13

**IN THE COURT OF PHOOL BIBI, ADDITIONAL
DISTRICT JUDGE-XII, PESHAWAR**

Civil Appeal No.62/13 of 2013
Date of Institution29/06/2013
Date of Decision07/12/2013

Qadeem Khan, Junior Clerk, Provincial Health Service Academy
(PHSA), Peshawar and one other.
..... (Appellants)

V E R S U S

Govt. of Khyber Pakhtunkhwa, through Secretary Health, Civil
Secretariat, Khyber Pakhtunkhwa, Peshawar and 03 others.
..... (Respondents)

J U D G M E N T

1) The present appeal was brought by the appellants against
the order and judgment dated 18/06/2013 passed by
learned Civil Judge-XVII, Peshawar in suit No.220/1 of
2012 whereby the plaint was returned u/o VII Rule 10
CPC for want of jurisdiction. It is prayed that by
acceptance of instant appeal the stated order and
judgment be set aside and the case be remanded to the
learned trial court for decision on merits.

2) Brief facts culminating into filing of this appeal are that
plaintiffs instituted Civil Suit No.220/1 on 28/11/2012 in
the Civil Court, Peshawar for perpetual injunction to the
effect that they after their absorption have become the
permanent employees of Provincial Health Services
Academy (PHSA), Peshawar and the order dated

07/12/13

ATTESTED

[Signature]
07/12/13

20/11/2012 whereby the appellants were relieved and repatriated to the office of Director General Health Services illegal, unlawful and without unlawful authority. They also sought seniority, promotion and cancellation of the seniority list prepared by respondent No.3. Alongwith the plaint, they also filed an application for issuance of temporary injunction to the same effect.

3) Defendants were summoned, who appeared and contested the suit on various legal and factual grounds by filing written statement and replication. The learned trial court after hearing arguments on the application for issuance of temporary injunction, dismissed the application and also returned the plaint under order VII Rule 10 CPC for want of jurisdiction. Feeling aggrieved with the stated order and judgment, the present appeal has been preferred.

4) I have heard arguments on behalf of both the parties and gone through the record.

5) It is observed that admittedly the appellants are civil servants and working as Junior Clerk in Health Department and question of their absorption as well as the seniority list of the employees of PHSA and DGHS comes within the purview of terms and conditions of service. So, civil court takes jurisdiction to entertain the suit because any change in the seniority list would definitely effect the terms & conditions of the service and for such matter special tribunal has been established. As

~~27/12/13~~

ATTESTED


(Exhibitor)
Session Judge

such the learned trial court has rightly returned the
plaint for want of jurisdiction.

6) For the reasons stated, this court has come to the
conclusion that the learned trial court passed the
impugned order on the bases of correct application of law
to the correctly appreciated facts and circumstances of
the case. No illegality, irregularity or any other infirmity
could be pointed out in the impugned order so as to
warrant interference by this court, hence the same is
upheld and the appeal in hand being devoid of merits is
hereby dismissed. Cost to follow the event.


7) Record be returned along with copy of this judgment. File
of this court be consigned to Record Room after necessary
completion and compilation.

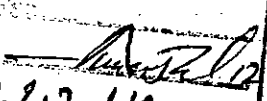
ANNOUNCED
07/12/2013


PHOOL BIBI
ADDITIONAL DISTRICT JUDGE-XII,
PESHAWAR


CERTIFICATE

Certified that this judgment consist of **three (03)** pages, and each
page has been read, checked, corrected and signed by me where
necessary.


PHOOL BIBI
ADDITIONAL DISTRICT JUDGE-XII,
PESHAWAR

No:	9893
Dated of Application:	12-12-12
Name of Applicant:	U B Bibi
Word:	3200
Fee:	Urgent/Exp
Signature of Copyist & Date:	 12/12
Dated of Preparation:	12/12/13
Date of Delivery:	12/12/13

CERTIFIED TO BE TRUE COPY

Copying Agency

Court
12/12/13

27

Approved: 10

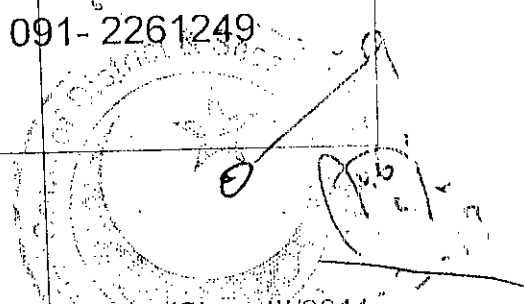
23



Provincial Health Services Academy (PHSA)

Health Department, Government of Khyber Pakhtunkhwa
Budhni Road Duranpur, Peshawar

091-2650861, 2650858; Fax # 091- 2261249
E-mail: phsa_peshawar@yahoo.com



OFFICE ORDER.

In continuation of this office letter No.03/PHSA/Admn/Class-III/2011-12/8077 & No.03/PHSA/Admn/Class-III/2011-12/2012-13 dated 20/12/2012 & dated.02/01/2013. The following officials working in P.I.M.T Swat is hereby retain in the said Institute as per their service record and being employees of PHSA cadre.

درا. علی
ذیل کے افسران کی اول
سات

S.NO.	NAME OF OFFICIALS.	DESIGNATION.	REMARKS.
1.	Mr. Didar Hussain.	Jr. Scale Stenographer.	PHSA employee.
2.	Mr. Khurshid Ali.	Junior Clerk.	PHSA employee.

---sd/---
DIRECTOR,
PHSA Peshawar.

Dated 10/01/2013.

No.03/PHSA/Admn/P&T-Class-III/2012-13/311-20,

C.C.

1. Director General Health Services Khyber Pakhtunkhwa Peshawar with reference to the minutes of the meeting held on 18/12/2012.
2. Deputy Director (Management) PHSA Peshawar.
3. Deputy Director (HRD) PHSA Peshawar.
4. Principal, PIMT Swat.
5. District Comptroller of Accounts Swat.
6. P.S to Minister for Health Khyber Pakhtunkhwa.
7. P.S to Secretary Health Khyber Pakhtunkhwa.
8. Administrative Officer, PHSA Peshawar.
9. Official concerned.

[Signature]
DIRECTOR
10/1/2013

APPROVED
[Signature]

28

Amir L



Provincial Health Services Academy (PHSA)

Health Department, Government of Khyber Pakhtunkhwa
Budhni Road Duranpur, Peshawar.
☎ # 091-2650861, 2650858; Fax # 091- 2261249
E-mail: phsa_peshawar@yahoo.com

OFFICE ORDER.

In continuation of this office letter No.03/PHSA/Admn/Class-III/2011-12/8077 & No.03/PHSA/Admn/Class-III/2011-12/2012-13 dated. 20/12/2012 & dated.02/01/2013. As well as with reference to Divisional Director Health Serices Malakand Division Saidu Sharif Swat letter Nos. 5279-82/Admn No.8653-55/Admn dated. 11/08/1992 – 02/11/1992 in which the following officials were permanently adjusted in P.I.M.T Swat. As well as the case is under trail in the Honorable court Civil Judge – I/ Illaqa Qazi District Swat. These officials are hereby retained in PIMT Swat and absorbed in PHSA cadre in the best interest of public serices.

S.NO.	NAME OF OFFICIALS.	DESIGNATION.	REMARKS.
1.	Mr. Farid Ullah.	Junior Clerk (BPS-07).	PHSA employee.
2.	Mr. Fazal Ali.	Junior Clerk (BPS-07).	PHSA employee.

--sd/--
DIRECTOR,
PHSA Peshawar.
Dated 21/01/2013.

No.03/PHSA/Admn/P&T-Class-III/2012-13/554-62.

C.C.

1. Mr. Akbar Ali Khan Civil Judge-I / Illaqa Qazi District Swat for necessary action please.
2. Director General Health Services Khyber Pakhtunkhwa Peshawar with reference to the minutes of the meeting held on 18/12/2012 under the Chairmanship of Secretary Health Govt. of Khyber Pakhtunkhwa Peshawar.
3. Deputy Director (Management) PHSA Peshawar.
4. Deputy Director (HRD) PHSA Peshawar.
5. Principal, PIMT Swat.
6. District Comptroller of Accounts Swat.
7. P.S to Minister for Health Khyber Pakhtunkhwa.
8. P.S to Secretary Health Khyber Pakhtunkhwa.
9. Administrative Officer, PHSA Peshawar.
10. Official concerned.

[Signature]
21/1/2013
DIRECTOR
PHSA Peshawar.

ATTACHED

29

**DIRECORATE GENERAL HEALTH SERVICES,
KHYBER PAKHTOONKHWA, PESHAWAR**

No. 4009-100 Personnel

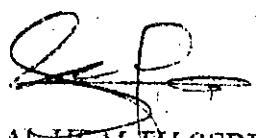
Date: 25/4/2011

To: All Heads/ M.Ss/ Principals / Agency Surgeons of Health
Institutions/Hospitals/Medical Colleges/ Agencies /Sub Offices of
Provincial Health Services, Khyber Pakhtunkhwa.

Subject: FINAL SENIORITY LIST OF JUNIOR CLEKS OF PROVINCIAL
HEALTH INSTITUTIONS/HOSPITAL/MEDICAL COLLEGES/SUB
OFFICES (SUB CARD), KPK.

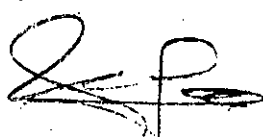
Memo:

A Final seniority list of Junior Clerks of the Provincial Health
Institutions/Hospitals/Medical Colleges/Sub Offices (Sub Cadre) serving under
your control is sent herewith for their information.

 23/4/11
DIRECTOR GENERAL HEALTH SERVICES,
KHYBER PAKHTUNKHWA, PESHAWAR.

NO. 4101 Personnel

Copy forwarded to the Director Health FATA Khyber Pakhtunkhwa for similar
necessary action.

 23/4/11
DIRECTOR GENERAL HEALTH SERVICES,
KHYBER PAKHTUNKHWA, PESHAWAR.



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SENIORITY LIST OF JUNIOR CLERKS OF SUB-CAHRE OF HEALTH SERVICES IN K.P.K.
(CORRECTED UP TO 31.12.2010)

S.No	NAME OF OFFICIAL	DATE OF APPOINTMENT	PLACE OF POSTING	DATE OF BIRTH/DOMICILE	DATE OF RETIREMENT	REMARKS
1.	Habibullah ✓	24.5.1981	LRH Peshawar	12.1.55/Pesh	11.2.2015	Forgone ✓
2.	Zaffar Ali ✓	4.12.1982	-do-	16.3.55/Bannu	15.3.2025	-do-
3.	Zia ullah	4.9.1984	KMC Peshawar	1.4.64/Pesh	31.3.2025	Forgone ✓
4.	Khurshid Ali	1.3.86	PMI Swat	1.5.63/Swat	30.4.2023	
X 5.	Alamzeb	9.3.1980	TBC Swat	1.4.57/Swat	31.3.2017	
6.	Mohd. Iqbal ✓	1.4.1987	LRH Peshawar	24.11.64/Pesh.	23.11.2024	Forgone ✓
7.	Amanullah	18.9.1987	KTH Peshawar	10.1.52/Pesh.	9.1.2012	
8.	Shakirullah	12.09.87	KTH Peshawar	01.03.1967/Peshawar	28.02.2027	
9.	Mujeebur Rahman	26.4.88	GMC DI Khan	1.10.67/DIK	9.10.2027	
X 10.	Aurangzeb Qureshi	31.5.1988	N/School, Kohat EDO Kohat	20.3.65/Swat	19.3.2025	
X 11.	Asmat Ali	7.9.1988	PGCN Peshawar	25.8.51/Pesh	24.8.2011	
X 12.	Fazal Karim	22.11.88	SGH Swat	22.4.67/Swat	21.4.2027	Resign ✓
13.	Sana Ullah Jan	27.9.89	W/C Children H: Bannu	14.5.67/Bannu	13.5.2027	
14.	Abdul Hamid Khan	1.10.1980	DHQ Teaching Hosp, DI Khan.	8.1.1967/D I Khan	07.1.2027	
15.	Khan Muhammad	16.10.89	AIHQ Teaching H: Miranshah	20.12.69/NWA	19.12.2029	
16.	Abdur Rahim	14.1.90	KMC Peshawar	20.4.67/Mardan	19.4.2027	
17.	Saqib Khan	10.3.90	Govt. LRH Peshawar	1.5.65/Mardan	30.4.2025	Forgone ✓
18.	S. Waheed Hussain	3.5.1990	G/M H: Dadar	7.1.70/Mans.	6.1.2030	
19.	Aslam Noor	22.5.90	A/S Kurram Agy.	3.1.60/K. Agy.	2.1.2020	
20.	Nazeer Hussain	22.5.90	-do-	13.4.69	12.4.2029	
21.	Alam Zeb	1.7.90	Govt LRH Pesh	15.4.65/Pesh	14.4.2025	
22.	Hozrat Rahim	2.7.90	Govt. LRH Peshawar	24.3.62/Chars	23.3.2022	
23.	Asfandyar	2.7.1990	Govt LRH Peshawar.	4.5.1972/Chars	3.5.2032	
24.	Pervez Akhtar Afridi	18.7.1990	Women & Children Hospital, Peshawar			
25.	Zahidullah	17.9.1970	MVIC Mardan	9.11.65/Mdn	8.11.2020	
26.	Amanullah	24.9.1990	AS Wana	11.3.70/NWA	10.3.2030	
27.	Sher Wali	29.9.1990	City Hosp. Peshawar	15.8.72/Pesh.	14.8.2030	
28.	Rashid Ali	1.10.1990	SMC, Swat.	3.3.63/Dhr	2.3.2023	
29.	Asad Parvaiz	13.2.1991	LRH Peshawar	15.9.65/Peshawar	24.1.2025	
30.	Fazal Ali	26.3.1991	P.M. I Swat	1.4.76/Swat	31.3.2030	
31.	Muhammad Aslam	6.4.1991	SGTH Swat	18.4.68/Swat	17.4.2023	Board at ✓
X 32.	Faridullah	6.4.1991	P.M.I Swat	14.4.70/Swat	13.4.2030	
33.	Gohar Ali	14.4.1991	SGTH Swat	5.11.73/Swat	4.11.2033	
34.	Laeequllah	30.5.1991	LRH Peshawar	2.5.71/Peshawar	1.5.2051	

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35.	Iqbal Shah	27.7.1999	SAN HMC Peshawar	23.70/Peshawar	1.3.2030	*
36.	Nawaz Ahmad	31.9.1991	-do-	21.4.71/Peshawar	20.4.2031	*
37.	Liaqat Ali	22.12.1991	SMC Swat	1.1.70/Swat	31.12.2029	
38.	Riaz Khan	1.5.1992	LRH Peshawar	15.12.70/Peshawar	14.12.2030	
39.	Abdul Karim	14.5.1992	SGTH Swat	1.3.71/Swat	28.2.2031	
40.	Imran Sohail	1.8.1992	PGMI Peshawar	2.1.75/Peshawar	2.1.2035	*
41.	Nawab Khan	2.8.1992	LRH Peshawar	25.4.52/Peshawar	24.4.2032	
42.	Mohd. Shoab	29.8.1992	A/S Bajour. Agency.	1.1.68/Bajour Agency	31.12.2027	
43.	Mohd. Istaq	14.1.1992	LRH Peshawar	1.2.71/Charsadda	31.1.2031	
44.	Nisar Muhammad	01.10.1992	DGHS Office			
45.	Mian Amjad Ali	18.10.1992	KTH Peshawar	3.3.68/Charsadda	2.3.2028	
46.	Said Ahmad	3.12.1992	A/S Bajour Agy	6.2.68/Peshawar	05.8.2028	
47.	M. Yousaf Jamal	6.12.1992	LRH Peshawar	15.8.71/Peshawar	14.8.2031	
48.	Rahmat Ali	16.12.1992	SGT Swat	2.3.73/Swabi	1.3.2033	ded.
49.	Raza Khan	24.1.1993	KTH Peshawar	14.1.71/Peshawar	13.1.2031	
50.	Khan Don	1.3.1993	A/S Landi Kotal	30.4.70/Ky. Agy	29.4.2030	- Khana Danyal connected
51.	Wali Khan	6.3.1993	A/S Aurakzai	3.12.69/Orakzai	2.12.2029	
52.	Munawar Khan	6.3.1963	-do-	7.11.74	6.11.2034	
53.	Nazar Ali	8.3.1993	AHQH: Parachinar	1.4.70/Pesh.	31.3.2031	
54.	Fazil Rabbi	21.4.1993	AS Mohmand	15.2.73/M. Agy.	14.2.2033	
55.	Muhammad Ayaz	2.5.1993	DGHS Office	22.1.69/DIK	21.1.2029	
56.	Muhammad Niaz	4.7.1993	LRH Peshawar	1.4.71/Pesh.	31.3.2031	
57.	Asmat Ali Khan	22.8.1993	N/College, Pesh.	25.8.61/Pesh.	24.8.2021	?*
58.	Tariq Nasim	26.8.1993	LRH Peshawar	1.3.71/Pesh	28.2.2031	
59.	Fayaz Ahmad	23.1.1993	PGMI Peshawar	14.9.72/Pesh.	13.9.2032	*
60.	Javed Masch	29.11.1993	-do-	23.4.61	22.4.2021	*
61.	Sami-ud-Din	14.5.1994	HMC Peshawar			
62.	Akram Khan	12.6.1994	A/S Aurakzai	15.2.76/Orak.	14.2.2035	
63.	Nooran Zaib	15.9.1994	TBC Bajour	25.10.60/Baj	24.10.203	
64.	Nazeerul Haque	22.9.1994	KMVS Peshawar	20.10.70/Pesh.	19.10.2030	
65.	Bakht Rasheed	12.10.1994	SMC Swat			
66.	Mohd Irfan	12.10.1994	AHQH: Batkhels	20.1.71/M. Agency	19.1.2031	
67.	Shabir Ahmad	23.10.1994	AS Khy: Agency	1.1.66/K. Agy	31.12.2026	
68.	Shaukat Hussain	22.11.1994	TBC Ky: Agency	25.3.73/K. Agy	24.3.2033	
69.	M. Avaz Khan	30.11.1994	AS Mohnd: Agy	7.7.72/M. Agy	6.7.2032	
70.	Abdul Jamil	1.12.1994	N/School, Pesh.	1.4.68/FR. Bannu	31.3.2023	*
71.	Salom Iqbal	4.12.1994	PGMI Peshawar	17.3.67/Pesh.	16.3.2027	*
72.	Niaz Mohad	5.12.1994	PGMI Peshawar	24.9.71/Karak	23.9.2031	*
73.	Mohd Ilyas	24.12.1994	AHQH: Miranshah	1.4.62/NWA	31.3.2022	
74.	Javed Hussain	28.10.1994	AHQH: Parachinar	3.12.69/Kuram	2.12.2029	
75.	S. Hamid Hussain	31.12.1994	-do-	14.3.75/Kuram	15.3.2033	
76.	Inamullah	1.2.1995	KTH Peshawar	20.11.72/Charsadda	19.11.2032	

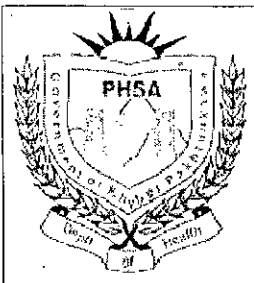
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77.	Abdul Ali	11.2.1995	AHQH: Miranshah	10.12.73/NWA	9.12.2033	
78.	Daud Jan	14.2.1995	KTH Peshawar	13.8.68/Pesh	12.8.2028	
79.	Saifur Rahman	15.2.1995	-do-	17.3.67/Orakzai	16.3.2027	
80.	Mohd. Ali	15.2.1995	-do-	11.2.74/Chars	10.2.2034	
81.	Amjad Ali	27.2.1995	AS Orakzai	9.9.72/Orakzai	8.9.2032	
82.	Mohd. Arif	28.2.1995	AS Orakzai	20.11.65/NWA	1.11.2025	
83.	Gul Banaf Shah	15.3.1995	S/N Bannu	16.4.62/Bannu	11.12.2022	*
84.	Abed Shah	27.3.1995	AS Khyber Agy.	10.2.62/K. Agy.	9.2.2022	
85.	Bakhtiar Ahmad	27.3.1995	PGMI/HMC Pesh	20.9.74/Pesh	19.9.2034	*
86.	Hazrat Yousaf	20.4.1995	AS Bajour Agy	1.7.65/Baj. Agy	30.6.2025	
87.	Abdul Wadood	20.4.1995	AS Mohmand Agency	1.4.69/M. Agy	31.3.2029	
88.	Gulab Khan	30.4.1995	AS Wana Agency	14.4.68/SWA	13.4.2023	
89.	Umar Badshah	2.5.1995	LRH Peshawar	1.2.71/Peshawar	31.12.2031	
90.	S. Nijat Hussain	18.5.1995	AHQH: Peshawar	26.3.75/Kurram	25.3.2035	
91.	Hasinur Rahman	1.7.1995	LRH Peshawar	15.3.71/Peshawar	14.3.2031	
92.	Abdul Waheed	1.7.1995	KTH Peshawar	1.9.71/Karak	31.8.2031	
93.	Wajid Ali	1.7.1995	AS Kurram Agy	13.2.73/Kurram	12.2.2033	
94.	Mohammad Raiz	28.02.1995	DHS FATA	14.03.1967/Khyber	13.03.2027	
95.	Umar Gul Jan	27.7.1995	KTH Peshawar	15.2.69/Nowshera	14.2.2029	
96.	Amin Gul	16.8.1995	SGTH: Swat	5.5.74/Swat	4.5.2034	
97.	Naib Zaman	10.12.1995	PGMI Peshawar	17.1.71/Peshawar	16.1.2031	*
98.	Saeed Badshah	14.12.1995	-do-	15.9.70/Karak	14.9.2030	*
99.	Ikramullah	7.1.1996	DGHS, Office	20.12.74/Chahrsadda	19.10.2034	*
100.	Ihsanullah	1.2.1996	KMC Peshawar	2.2.75/Peshawar	1.2.2035	
101.	Ghulam Abbas	8.4.1996	GMC D. I Khan	20.8.70/D. I Khan	19.8.2030	
102.	Rashidullah	8.5.1996	S.M.C Swat	1.3.74/Swat	28.2.2034	
103.	Nadeemullah	7.9.1996	S/N Mardan	9.1.72/Mardan	8.1.2032	*
104.	Mohd Yaqub	1.1.1997	AS Bajour Agy	10.6.64/Bajour	9.6.2024	
105.	Mohd Rizq	31.3.1997	DHQ TH: D. TK	9.9.72/D. I Khan	8.9.2032	
106.	Mohd Farq	20.6.1998	AS Wana Agy	12.4.67/D. I Khan	11.2027	
107.	Mohd. Arshad	16.2.1999	HMC Peshawar	6.11.69/Pesh.	5.11.2029	
108.	Mohd Wasim	16.2.1999	PHS Hayatabad	1.8.72/Peshawar	31.7.2032	
109.	Qadeem Khan	15.3.1999	N/S HMC Pesh	14.4.76/Peshawar	13.4.2036	*
110.	Abdul Wajid	15.10.1999	DRQHT Hospital Bannu	16.7.70/Bannu	15.7.2030	
111.	Nabi Khan	20.10.2003	KMC Peshawar			

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Provincial Health Services Academy

Department of Health
Government of Khyber Pakhtunkhwa
Budhni Road Duranpur Peshawar
☎ 0912650861 / 2264718; Fax: 0912261249 / 2264717
E-mail: info@phsa.edu.pk
Website: www.phsa.edu.pk

No. 404/PHSA/Admn./Seniority/2013-14/2013-46

Dated: 20/11/2013.

To

- 1-4. Principal Public Health School, Nishterabad, Hayatabad Peshawar, D.I.Khan & Abbottabad.
- 5-14. Vice Principal School of Nursing LRH, KTH, HMC, Peshawar, Kohat, Bannu, DIKhan, Swat, AMI & B.B.S.T Hospital Abbottabad & Mardan.
- 15. Principal PGPI at LRH Peshawar.
- 16. Principal, PGCN Hayatabad Peshawar.
- 17-20. Principal, PIMTs Swat, Abbottabad & DIKhan.
- 21-25. Vice Principal, DHDC Mardan, Swat, Chitral, Abbottabad & Bannu.

Subject: - **PROVISION OF BASIC INFORMATION REGARDING ALL CADRES OF EMPLOYEES FOR THEIR SENIORITY LIST.**

Memo:

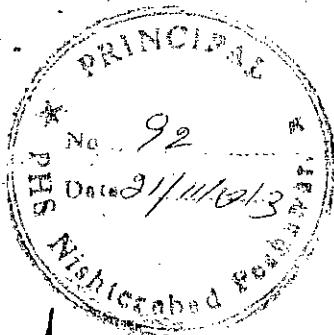
You are hereby directed to submit the following information of all cadres employees working under your control as per proforma given below for favour of further necessary action: -

S #	Name	F/ Name	Qualification	Date of Birth/ Domicile	Regular appointment/ promotion to present post					Option: whether the officials/ officers want to stay at PHSA Network or not
					Date of Entry into Govt. Service	BPS	Method of Recruitment	Arrival date into PHSA Network	Present posting	

Cc:

- 1. Deputy Director (M) PHSA Peshawar.
- 2. Administrative Officer, PHSA Peshawar.

DIRECTOR
PHSA, PESHAWAR.



Handwritten signature

Handwritten signature and date: 21/11/2013

34

OFFICE OF THE PRINCIPAL PUBIC HEALTH SCHOOL NISHTERABAD PESHAWAR

Phone No.091-2216274

FAX No.091-2570281

No.9/PHS/Admn/448

Dated. 03 11 2013

To


The Director,
Provincial Health Services Academy
Deptt of Health Govt of KPK Peshawar..

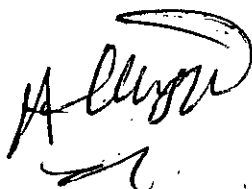
Sub: PROVISION OF BASIC INFORMATION REGARDING ALL CADRES OF EMPLOYEES FOR THEIR SENIORITY LIST.

R/Sir,

Please reference your letter NO. 404/PHSA/Admn/Seniority/2013-14/9019-46 dated 20-11-2013 on the subject cited above;

Enclosed find here with the required information on the prescribed proforma for favor of further necessary action please.


Principal
PHS Nishterabad
Peshawar



35

S N O	Name	H/F/Name	Designation	Qualification	Date of Birth	Regular appointment/promotion to present post					
						date of Entry into Govt Service	BPS	Method of Recruitment	Arrival date into PHSA Network	Present Posting	Option: whether the official/officers want to stay at PHSA Network or not
1	Dr. Saeeda Saeed	Gul Afzal Khan Afridi	Principal	MBBS	1/10/1954	9/3/1985	19	Promotion	15/11/2002	PHS Nishterabad	PHSA
2	Dr. Gul-e-Hina	Khnazada Behrawar	SWMO	MBBS	12/2/1958	29/5/1991	18	Promotion	Nov-09	PHS Nishterabad	PHSA
3	Mrs. Taj Munawar	Fida Muhammad	Sister Tutor	BSC Nursing	5/4/1954	Dec-80	17	Promotion		PHS Nishterabad	PHSA
4	Mrs. Shagufta Naheed	Muhammad Ashraf	Sister Tutor	BSC Nursing	1/4/1959	1980	17	Promotion	23/7/2010	PHS Nishterabad	PHSA
5	Mrs. Anwar Taj	Taj Rahat Khan	Sister Tutor	BSC Nursing/M PH	6/6/1955	7/9/1977	17	Promotion	25/11/2000	PHS Nishterabad	PHSA
6	Mrs. Rehana Noreen	K. Lall	Sister Tutor	BSC Nursing	12/6/1954	1/5/1978	17	Promotion	1990	PHS Nishterabad	PHSA
7			English Teacher							Vacant	Vacant
8	Ms. Rukhsana Noor	Noor Muhammad	Charge Nurse	BSC Nursing	2/6/1966	1/1/1988	16	Regular appoint..	1/7/2010	PHS Nishterabad	PHSA
9	Mrs. Fozia Yasmeen	Ghulam Mustafa	Charge Nurse/Mid Supervisor	BSC Nursing	29/12/1976	9/7/2002	16	Regular appoint..	30/9/2008	PHS Nishterabad	PHSA
10	Imran Javed	Ghulam Jaffar	Computer Op.	FSc	26/9/1984	21/3/2013	12	Contract	21/3/2013	Post at PHS working at PHSA	PHSA
11	Mrs. Zakia Bibi	Ahmad Khan	LHV	Metric	1/6/1960	28/3/1981	9	Regular appoint	1/12/1999	PHS Nishterabad	PHSA
12	Nurgis Taj	Taj Ali	LHV	M.A	15/4/1965	1/6/1986	9	Regular appoint..	1/12/1998	PHSA	PHSA
13	Basmeen	Gul Badshah	LHV	B.A	14/4/1975	1996	9	Regular appoint..	Sep-03	PHS Nishterabad	PHSA
14	Firasat	Karim Ullah	LHV	B.A	31/1/1966	7/4/1985	9	Regular appoint.	1/12/1999	Post at PHSA working at PHS	PHSA
15	Samia Naz	Muhamma Yaqoob	LHV	F.A	15/12/1969	30/5/2001	9	Regular appoint..	22/12/2011	Post at PHSA working at PHS	PHSA
16	Roqia Begum	Faridullah	LHV	Metric	1/1/1975	23/9/1998	9	Regular appoint	1/10/2010	PHS Nishterabad	PHSA
17	Imrum Batool	Muhammad Ali	LHV	F.A	2/2/1976	2/9/1998	9	Regular appoint..	2008	PHS Nishterabad	PHSA

Ali

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18	Saeeda Begum	Mian Muhammad	Midwife	Metric	15/10/1964	29/10/1990	9	Regular appoint.	1999	PHS Nishterabad	PHSA
19	Banita Ilean	Javan Das Israel	Midwife	Metric	7/10/1954	17/3/1984	9	Regular appoint.	16/3/1984	PHS Nishterabad	PHSA
20	Mehtab	Khalid Khan	Hostel Suptd.	M.A	2/4/1984	6/6/2006	11	Promotion	6/6/2006	Post at Mardan working at PHS	PHSA
21	Riffat Shaheen	Ghilam Nabi	House Keeper	B.A	5/6/1957	22/8/1979	9	Regular appoint..	30/11/2004	PHS Nishterabad	PHSA
22	Muhammad Naeen	Izzat Khan	Dispensor-cum-Storekeeper	Metric	18/4/1971	30/5/1995	9	Regular appoint..	1/6/1995	PHS Nishterabad	PHSA
23	Qadeem Khan	Zaman Khan	J/Clerk	M.A	14/4/1976	15/3/1999	7	Regular appoint..	Feb-02	PHS Nishterabad	PHSA
24	Naeem Ullah	Nazir Jan	J/Clerk	Metric	1/5/1974	1/4/1999	7	Promotion	1/4/1999	PHS Nishterabad	PHSA
25	Muhammad Wasim Khan	Muhammad Naeem	J/Clerk	F.A	1/8/1972	16/2/1999	7	Regular appoint..	27/3/2003	Post at SN HMC working at PHS	PHSA
26	Aman Ullah	M.Yousaf Khan	Driver	Metric	31/8/1961	12/3/1981	7	Regular appoint..	12/3/1981	PHS Nishterabad	PHSA
27	Shah Zullah	Mir Dad Khan	Driver	Nil	6/5/1956	23/5/1981	7	Regular appoint..	28/2/2012	PHS Nishterabad	PHSA
28	Naveed Ahmad	Abdul Waheed	Driver	F.A	11/4/1975	27/8/1995	5	Regular appoint..	27/8/1995	PHS Nishterabad	PHSA
29	Bakhtiar ud Din	Jalal-ud-Din	Driver	Nil	1/7/1962	18/8/1994	4	Regular appoint..	18/8/1994	PHS Nishterabad	PHSA
30	Muhammad Tariq	Misri Khan	Niab Qasid	Metric	28/8/1986	9/3/2005	2	Regular appoint..	9/3/2005	PHS Nishterabad	PHSA
31	Fouzia Bibi	Fazal Subhan	Niab Qasid	Nil	1/1/1987	4/7/2010	1	Regular appoint..	4/7/2010	PHS Nishterabad	PHSA
32	Hamayoun	Fazal Khaliq	Niab Qasid	Metric	2/1/1967	16/3/2011	1	Regular appoint..	16/3/2011	PHS Nishterabad	PHSA
33	Zarif Khan	Yaqoot Sher	Niab Qasid	Nil	1/7/1971	25/2/2012	1	Regular appoint..	25/2/2012	PHS Nishterabad	PHSA
34	Nasim Akhtar	Hazrat Gul	Dai	Nil	7/9/1973	7/9/1998	2	Regular appoint..	7/9/1998	PHS Nishterabad	PHSA
35	Shams-ul-Nihar	Misal Khan	Dai	Nil	15/7/1972	14/7/1996	3	Regular appoint..	14/7/1996	PHS Nishterabad	PHSA
36	Riaz Khan	Janas Khan	Mali	Metric	4/4/1989	21/6/2008	1	Regular appoint.	21/6/2008	Post at PHS working at PHSA	PHSA
37	Bakhtiar Khan	Tawas Khan	Behshiti	Nil	4/1/1970	2/1/1995	2	Regular appoint.	2/1/1995	PHS Nishterabad	PHSA
38	Rahmat Sher	Bahadar Sher	Behshiti	Nil	1/11/1955	29/10/1981	2	Regular appoint..	29/10/1981	PHS Nishterabad	PHSA

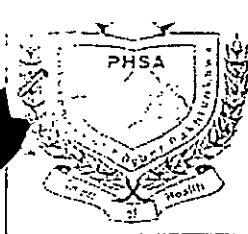
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39	Nehar-ud-Din	Khatab-ud-Din	Masalchi	Nil	7/2/1966	6/2/1996	2	Regular appoint..	6/2/1996	PHS Nishterabad	PHSA
40	Sajida Parveen	Muhammad Jehan Zeb	Utensile Cleaner	Nil	20/11/1971	9/5/2011	1	Regular appoint..	9/5/2011	PHS Nishterabad	PHSA
41	Dost Muhammad	Abdullah	Cook	Nil	1/7/1969	11/4/1998	2	Regular appoint..	4/4/2005	PHS Nishterabad	PHSA
42	Balqees Bibi	Gul Bacha	Cook	Nil	1/12/1965	29/5/1986	2	Regular appoint..	29/5/1986	PHS Nishterabad	PHSA
43	Kamran	Zaman Khan	Cook	Nil	10/3/1985	10/1/2013	1	Regular appoint..	10/1/2013	PHS Nishterabad	PHSA
44	Nargis Bibi	Saeed Muhammad	Aya	Nil	1969	1/1/2009	1	Regular appoint..	1/1/2009	PHS Nishterabad	PHSA
45	Tamash Khan	Noor Jamal	Chowkidar	Nil	1964	29/5/1986	2	Regular appoint..	29/5/1986	PHS Nishterabad	PHSA
46	Yaqoob Khan	Sirajuddin	Chowkidar	Nil	3/5/1974	26/3/1999	2	Regular appoint..	26/3/1999	PHS Nishterabad	PHSA
47	Tariq Rauf	Abdul Rauf	Chowkidar	Nil	1/7/1986	20/3/2013	1	Regular appoint..	20/3/2013	PHS Nishterabad	PHSA
48	Sikandar Saeed Jilani	Ghulam Jilani Asif	Chowkidar	F.A	11/5/1985	12/11/2013	1	Regular appoint..	12/11/2013	PHS Nishterabad	PHSA
49	Younis Masih	Nawab masih	Sweeper	Nil	1971	9/4/1990	2	Regular appoint..	9/4/1990	PHS Nishterabad	PHSA
50	Gul Zar Khan	Hanif Khan	Sweeper	Nil	1/7/1975	6/11/2004	2	Regular appoint..	6/11/2004	PHS Nishterabad	PHSA
51	Raheela	Muhammad Yaqoob	Sweeper	Nil	1/7/1968	21/6/2008	1	Regular appoint..	21/6/2008	PHS Nishterabad	PHSA
52	Yousaf Khan	Masam Khan	Sweeper	Nil	1/7/1982	21/4/2011	1	Regular appoint..	21/4/2011	PHS Nishterabad	PHSA
53	Ejaz Ali Khan	Mehar Gul	Sweeper	Nil	19/3/1976	15/6/2012	1	Regular appoint..	15/6/2012	PHS Nishterabad	PHSA

Allyan

M. Saeed
Principal
PHS Nishterabad
Peshawar.

**PROVINCIAL HEALTH SERVICES AGENCY**

Department of Health
 Government of Khyber Pakhtunkhwa
 Budhni Road Duranpur Peshawar
 ☎ 0912650861 / 2264718; Fax: 0912261249 / 2264717
 E-mail: info@phsa.edu.pk
 Website: www.phsa.edu.pk

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OFFICE ORDER.

Consequent upon the recommendation of Departmental Promotion Committee held on 09/05/2013 under the Chairmanship of Director PHSA Health Deptt: Khyber Pakhtunkhwa Peshawar, the following Junior Clerks (BPS-07) are hereby promoted to Senior Clerk (BPS-09) on regular and acting charge basis with immediate effect and posted as mentioned against each.

S.#.	NAME OF OFFICIALS.	FROM.	TO.	REMARKS.
1.	Mr. Khurshid Khan J/Clerk (BPS-07)	PIMT Swat.	School of Nursing Swat.	Against vacant post of Senior Clerk (BPS-09).
2.	Mr. Fazal Ali J/Clerk (BPS-07)	PIMT Swat.	School of Nursing Mardan.	Against vacant post of Senior Clerk (BPS-09).
3.	Mr. Farid Ullah J/Clerk (BPS-07)	PIMT Swat.	PIMT Swat.	Against vacant post of Senior Clerk (BPS-09).
4.	Mr. Main Gul Banaf Shah J/Clerk (BPS-07)	SON Bannu.	School of Nursing Bannu.	Against vacant post of Senior Clerk (BPS-09).
5.	Mr. Jan Alam J/Clerk (BPS-07)	SON DIK.	School of Nursing D.I.Khan.	Against vacant post of Senior Clerk (BPS-09). On acting charge basis
6.	Mr. Inam Ullah J/Clerk (BPS-07)	PGCN Peshawar.	PHS Nishtarabad Peshawar.	Against vacant post of Senior Clerk (BPS-09). On acting charge basis. He will submitted his arrival in PH N/Abad and continue to work in PGCN Hayatabad Peshawar.
7.	Mr. Bashir Ahmad J/Clerk (BPS-07)	PHSA Peshawar.	PGPI at LRH Peshawar.	Against vacant post of Senior Clerk (BPS-09). On acting charge basis

Note: Mr. Shah Hussain Senior Clerk (BPS-9) PIMT Swat is hereby relieved to DGHS.

DIRECTOR,

PHSA, PESHAWAR.

No.F-28/PHSA/Admn./Promotion/2012-13/ 2971-95.

Dated. 9 /05/2013

Copy forwarded to:

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Deputy Director, (M) PHSA Peshawar.
3. Deputy Director, (HRD) PHSA Peshawar.
4. Course Director, PHSA Peshawar.
5. Vice Principal, PIMT Swat.
6. Principal, PGPI at LRH Peshawar.
7. Principal, Public Health School Nishtarabad Peshawar.
8. Accounts Officer, PHSA Peshawar.
9. Vice Principal School of Nursing Swat, D.I.Khan, Bannu & Mardan.
10. District Comptroller of Accounts Swat, D.I.Khan, Bannu & Mardan.
11. P.S to Secretary Health Khyber Pakhtunkhwa Peshawar.
12. DGHS Khyber Pakhtunkhwa Peshawar.
13. Administrative Officer, PHSA Peshawar.
14. All concerned officials.

DIRECTOR

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Provincial Health Services Academy (PHSA).

Health Department, Government of Khyber Pakhtunkhwa
Budhni Road Duranpur, Peshawar.

091-2650861 2650858 Fax #.091- 2261249.

E-mail: phsa_peshawar@yahoo.com

No.F-03/PHSA/Admn/P&T-III/2011-12/

Date. 9 /07/2013

To

1. The Principal,
Public Health School Nishterabad Peshawar.
2. Vice Principal,
School of Nursing, HMC Peshawar.

Sub: REPATRIATION OF MINISTERIAL STAFF.

Memo,

Consequent upon the dismissal of case filed by Mr. Qadeem Khan & Mohammad Waseem Khan J/Clerks in civil court. They were relieved from PHSA net work vide this office letter No. 03/PHSA/Admn/P&T-III/2011-12/8078-93 dated. 20/11/2012 and subsequent as per minutes of the meeting held on 18/12/2012 under the chairman ship of Secretary Health Govt. of Khyber Pakhtunkhwa Health Department.

You are hereby directed to stop the pay of above J/Clerks immediately through source in Accountant General Office Khyber Pakhtunkhwa with intimation to this office. The said officials may be directed to report to their place of posting already directed by Director General Health Services Khyber Pakhtunkhwa Peshawar vide their office order No.7707-93/Personnel dated. 28/12/2012. Copy attached.

Sol
DIRECTOR,
PHSA Peshawar.
Date. 9 /07/2013.

No.F-03/PHSA/Admn/P&T-III/2011-12/4474-89
C.C.

- Accountant General Office Khyber Pakhtunkhwa with the request to stop the pay of above officials with immediate effect.
- Director General Health Services, Khyber Pakhtunkhwa Peshawar with the request to direct their subordinate staff to compliance the order.
- Deputy Director (Management) PHSA Peshawar.
- P.S to Secretary Health Khyber Pakhtunkhwa.
- Official concerned for compliance immediately:-

to M. N. Waseem. J/C

[Signature]
DIRECTOR

[Signature]
[Signature]

POWER OF ATTORNEY

In the Court of KPK session Tribunal Rawalpindi

Qadeem Khan

} For
} Plaintiff
} Appellant
} Petitioner
} Complainant

VERSUS

Govt of KPK and others

} Defendant
} Respondent
} Accused.

Appeal/Revision/Suit/Application/Petition/Case No. _____ of _____
Fixed for _____

I/We, the undersigned, do hereby nominate and appoint

IJAZ ANWAR ADVOCATE, SUPREME COURT OF PAKISTAN

Qadeem Khan my true and lawful attorney, for me in my name and on my behalf to appear at KPK to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions, an appeal, statements, accounts, exhibits, Companies or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc. and to apply for and issue summons and other writs or subpoenas and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have hereto signed at _____
the _____ day to Qadeem the year _____
Executant/Executants _____
Accepted subject to the terms regarding fee _____

Ijaz Anwar

Advocate High Courts & Supreme Court of Pakistan

ADVOCATES, LEGAL ADVISORS, SERVICE & LABOR LAW CONSULTANTS
190-1, Raah-e-Jinnah, Dilmun Plaza, Saddar Road, Peshawar Cantt
Ph: 091-5272154 Mobile: 0333-9107225

Handwritten notes and signatures in the bottom left corner, including 'Qadeem Khan' and other illegible marks.

BEFORE SERVICE TRIBUNAL PESHAWAR.

Appeal No. 1637/2013.

Qadeem Khan Junior Clerk.....**Appellant.**

Versus.

1. Secretary to Government of Khyber Pakhtunkhwa, Health Department, Peshawar.
2. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.

Respondents.

Parawise comments on behalf of respondent No.1.2.

Preliminary Objections:-

1. That the appellant has no cause of action nor locus standi.
2. That the appeal is not maintainable in its present form.
3. That the appellant has not come to the Tribunal with clean hands and hit by laches.
4. That the appeal is bad due to non joinder and mis-joinder of necessary parties.
5. That the appeal is time barred.


ON FACTS.

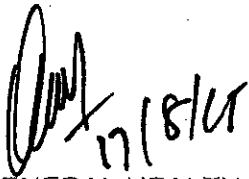
1. Pertains to Record.
2. Pertains to Record.
3. No comments pertain to PHSA.
4. No comments pertain to PHSA. Although absorption of such employees was required to be notified by the competent authority i.e. DGHS / Secretary Health.
5. As explained at Para-4.
6. Since the appellant has himself admitted that his appeal was dismissed by the Hon'Court, he has got no right at this belated stage.
7. Again the action of Director PHSA with regard to absorption of staff of the Health Department is violation of Law as this order was required to be notified by the competent authority viz: DGHS / Secretary Health amendment in the service rules of PHSA notified in 2009 clearly provide that certain employees including clerks of PHSA Net work will be filled in by way of transfer from the employees working under the control of Health Directorate (copy of service Rules attached for ready reference). It is interesting to note that all the other categories including Director PHSA, Deputy Director PHSA and other Doctors working under the Net work of PHSA are born on the joint cadre of Health Department and have got promotion accordingly therefore, promotion of any categories of Paramedic / Ministerial cadre etc: if made by Director PHSA is clear violation of the latest service Rules notified 2009.

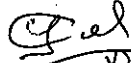
GROUND:-

- A. Incorrect. The appellant has been treated according to law.
- B. Adjustment of the appellant if made by Director PHSA is violation of the approved service Rules such permanent adjustment can be made by the employer i.e. DGHS.
- C. He has been transferred with in his own cadre.
- D. No such absorption has been made by the competent authority.
- E. The appellant has very much been treated with the approved service Rules.
- F. The appellant had never been absorbed by the competent authority.
- G. The appellant was at liberty to lodge appeal which he did but was dismissed by the Hon'Court.
- H. As explained at Para-f
- I. The appellant was simply transferred to PHSA and no permanent absorption order issued by the competent authority.
- J. No comments.

In view of the factual position narrated above, it humbly prayed that the appeal in hand may please be dismissed and at the same time Director PHSA is asked to withdraw all such orders issued in violation of approved service Rules.


SECRETARY TO
GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT, PESHAWAR.
(Respondent No.1.)


DIRECTOR GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR.
(Respondent No.2.)


17/8/14
19/8/15

GOVERNMENT OF NORTH WEST FRONTIER PROVINCE
 HEALTH DEPARTMENT

NOTIFICATION
 No. 1062
 Dated the 24/03/2009

In pursuance of the provisions contained in sub-rule (2) of rule 3 of the North-West Frontier Province Civil Service (Promotion, Transfer) Rules, 1989, and supersession of all rules and orders issued in this behalf, the Health Department, in pursuance of the provisions of the said Rules, hereby lays down the conditions of recruitment, qualification and other conditions specified in column 2 of the Appendix to this Notification which shall be applicable to the post of Principal of the Provincial Services Academy Net Work in the Health Department.

APPENDIX
 PROVINCIAL HEALTH SERVICES ACADEMY (PHSA)

S.No.	Nomenclature of Post	Qualification for appointment by Initial Examination	Age Limit	Method of Recruitment
1	Principal (BS-19)		4	
2	Vice Principal (BS-18)			
3	Nursing Tutor / Sister Tutor (BS-18)			

By Promotion, on the basis of seniority, from Vice Principal (BS-19) of Provincial Health Services Academy and Nursing Tutor/Sister Tutor (BS-18) of Provincial Health Services Academy Post Graduate (BS-19) with at least seven years service as such.

By transfer from a post (BS-19) of the post of Nursing Tutor/Sister Tutor (BS-18) with at least three years service as such.

By promotion on the basis of seniority from amongst the posts of Sister Tutor/Nursing Tutor (BS-18) of Provincial Health Services Academy, Instructor/Assistant Lecturer (BS-18) of Provincial Health Services Academy, and Lecturer (BS-18) of Provincial Health Services Academy.

Sl. No.	Nomenclature of Post	Qualification for appointment by initial recruitment	Age Limit	Method of Recruitment
4	Tutor (BS-11)			By transfer / deputation from existing cadre of Health Directorate or other institutions
5	Instructor / Clinical Instructor / Assistant Tutor / Instructor / Program Training Officer (BS-17) NB: For Nursing / Public Health School and PGCN.	(i) Registered L.T.V. or (ii) Registered Nurse, or (iii) Registered Midwife, or (iv) Diploma in teaching / ward administration (registered with PNC); or (v) Diploma in primary health care, education program (PEP) (preferable); preferably with three years experience in Public Health Schools / Nursing Schools.	25-35 years	(a) By transfer from amongst Staff Tutor/Nursing Superintendent/Instructor in BPS-17 from Health Department, or (b) If no suitable person is available, then by initial recruitment.
6	Chief Tutor / District Midwife Supervisor / Public Health Supervisor (BS-16)	(i) Registered A grade Nurse; and (ii) Registered midwife (iii) Diploma in Teaching and ward administration	25-30 years	(a) 50% by initial recruitment; and (b) 50% by promotion, on the basis of seniority-cum-fitness amongst the others having Diploma in teaching and ward administration with at least five years service.
7	Librarian (BS-17)	M.Sc Library Science from recognized University or Institute.	21-35 years	By Transfer/deputation from existing staff of Health Department or other institute (a) If not available then initial recruitment.
8	Accounts Officer (BS-17)	(i) MBA/M.Com or equivalent; or (ii) SAS qualified accountants with at least two years experience in audit and accounts.	25-35 years	By Transfer/deputation from existing staff of Health Department or other institutions (a) If not available then initial recruitment.
9	Computer Programmer (BS-17)	(i) M.Sc Computer Science from recognized University or Institute; and (ii) Preferably one year experience as computer programmer.	25-35 years	(a) By Transfer/deputation from existing staff of Health Department or other institutions (b) If not available then initial recruitment.
10	Administrative Officer (BS-16)	(i) MBA / MPA or equivalent (ii) Two years relevant experience.	21-30 years	(a) By Transfer/deputation from existing staff of Health Department or other institutions (b) If not available then initial recruitment.
11	Superintendent (BS-16)	(i) BA or equivalent (ii) Two years relevant experience.	21-30 years	(a) By Transfer/deputation from existing staff of Health Department or other institutions

S. No.	Nomenclature of Post	Qualification for appointment by initial recruitment	Age Limit	Method of Recruitment.
12	Stenographer (BS-12)	FA/F.Sc or equivalent qualification from recognized Board with eighty WPM speed in English shorthand and forty WPM speed in typing	18-30 years	(b) If not available then initial recruitment (a) By Transfer/deputation from existing staff of Health Department or other institutions (b) If not available then initial recruitment
13	Library Assistant (BS-11)	(i). Graduate; and (ii). Diploma in Library Science	18-30 years	(a) By Transfer/deputation from existing staff of Health Department or other institutions (b) If not available then initial recruitment
	Assistant (BS-11)	Bachelor Degree from a recognized University	18-30 years	(a) By Transfer/deputation from existing staff of Health Department or other institutions (a) If not available then initial recruitment
14	Computer Operator (BS-10)	(i). Bachelor Degree from a recognized University; and (ii). Diploma in Computer with three years experience	18-30 years	(a) By Transfer/deputation from existing staff of Health Department or other institutions (b) If not available then initial recruitment
15	Laboratory Technician (BS-9)			By transfer from Technician working under Health Directorate
16	X-ray Technician (BS-9)			By transfer from Technician working under Health Directorate
17	Operation Theatre Technician (BS-9)			By transfer from Technician working under Health Directorate
18	ECG Technician (BS-9)			By transfer from Technician working under Health Directorate
19	Dental Technician (BS-9)			By transfer from Technician working under Health Directorate
20	Anaesthesia Technician (BS-9)			By transfer from Technician working under Health Directorate
21	House Keeper (BS-9)	BA/B.Sc from a recognized University	18-30 years	(a) By Transfer/deputation from existing staff of Health Department or other institutions (b) If not available then initial recruitment
22	Lady Health Visitor / Health Technician (BS-9)	(i). SSC from a recognized Board, and (ii). Qualified L.H.V registered with Nursing	18-30 years	(a) By Transfer/deputation from existing staff of Health Department or other institutions

No 2190-74 /Personnel.

Dated /03/2012. V

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No.	Nomenclature of Post	Qualification for appointment by initial recruitment	Age Limit	Method of Recruitment
		Council/Female Health Technician		(b). If not available then initial recruitment
	Computer Operator (BS-8)	(i). FA/F.Sc from a recognized Board; and (ii). Diploma in Computer	18-30 years	(a). By Transfer/deputation from existing staff of Health Department or other institutions (b). If not available then initial recruitment
	Sanitarian (BS-7)	FA/FSc from recognized Board	18-30 years	(a). By Transfer/deputation from existing staff of Health Department or other institutions (b). If not available then initial recruitment
	Senior Clerk cum Accountant (BS-7)	(i). F/A / F.Sc / D.Com or equivalent (ii). Two years of relevant experience.	18 - 30 years	(a). By Transfer/deputation from existing staff of Health Department or other institutions (b). If not available then initial recruitment
	House Keeper (BS-6)	FA/F.Sc from a recognized Board	18-30 years	(a). By Transfer/deputation from existing staff of Health Department or other institutions (b). If not available then initial recruitment
	Dispenser cum Store Keeper (BS-6)	(i). SSC and (ii). A certificate of Dispenser from Medical Faculty	18-30 years	(a). By Transfer/deputation from existing staff of Health Department or other institutions (b). If not available then initial recruitment
	Store Keeper / Junior Clerk (BS-5)	(i). SSC; and (ii). 30 WPM speed; and (iii). Preferably computer knowledge	18-30 years	(a). By Transfer/deputation from existing staff of Health Department or other institutions (b). If not available then initial recruitment
	Plumber (BS-4)	Preferably literate.	18-45 years	(a). By Transfer/deputation from existing staff of Health Department or other institutions (b). If not available then initial recruitment
	Driver (BS-4)	(i). Preferably literate (ii). Possessing a valid HTV/LIV Driving License.	18 - 30 years	(a). By Transfer/deputation from existing staff of Health Department or other institutions (b). If not available then initial recruitment
32	Tube Well Operator (BS-5)	Two years experience in operating tube well preferably literate	18-45 years	(a). By Transfer/deputation from existing staff of Health Department or other institutions (b). If not available then initial recruitment
33	Laboratory Attendant (BS-2)	Preferably literate	18-45 years	(a). By Transfer/deputation from existing staff of Health Department or other institutions (b). If not available then initial recruitment
34	Dai (BS-2)	Preferably literate / training experience in the	18-45 years	(a). By Transfer/deputation from existing staff of Health Department or other institutions (b). If not available then initial recruitment

No 2190-77 /Personnel.

Dated 10/05/2012.

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General Service Division

S.No.	Nomenclature of Post	Qualification for appointment by initial recruitment	Age Limit	Method of Recruitment.
		relevant job	years	Department or other institutions (b) If not available then initial recruitment
35	Sweeper (BS-1)	Preferably literate	18-45 years	(a) By transfer/deputation from existing staff of Health Department or other institutions (b) If not available then initial recruitment
36	Wala (BS-1)	Preferably literate	18-45 years	(a) By transfer/deputation from existing staff of Health Department or other institutions (b) If not available then initial recruitment
37	Miscellaneous Utensil cleaner (BS-1)	Preferably literate	18-45 years	(a) By transfer/deputation from existing staff of Health Department or other institutions (b) If not available then initial recruitment
38	Parikhi (BS-1)	Preferably literate	18-45 years	(a) By transfer/deputation from existing staff of Health Department or other institutions (b) If not available then initial recruitment
39	Malk (BS-1)	Preferably literate with experience in plantation / gardening	18-45 years	(a) By transfer/deputation from existing staff of Health Department or other institutions (b) If not available then initial recruitment
40	Chowkidar / Gate Keeper (BS-1)	Preferably literate; Preference shall be given to ex-service men (Armed Force)	18-45 years	(a) By transfer/deputation from existing staff of Health Department or other institutions (b) If not available then initial recruitment
41	Rearer (BS-1)	Preferably literate	18-45 years	(a) By transfer/deputation from existing staff of Health Department or other institutions (b) If not available then initial recruitment
42	Cook (BS-1)	Preferably literate with experience in cooking	18-45 years	(a) By transfer/deputation from existing staff of Health Department or other institutions (b) If not available then initial recruitment
43	Maid-Cass (BS-1)	Preferably literate	18-45 years	(a) By transfer/deputation from existing staff of Health Department or other institutions (b) If not available then initial recruitment

No. 2190/77 /Personnel.

Date 10/05/2012

Copy forwarded to the:-

No. 2190/77 /Personnel

No.	Nomenclature of Post	Qualification for appointment by initial recruitment relevant job	Age Limit	Method of Recruitment
35	Sweeper (BS-1)	Preferably literate	years	(a) Department or other institutions (b) If not available then initial recruitment
36	Wala (BS-1)	Preferably literate	18-45 years	(a) By Transfer/deputation from existing staff of Head Department or other institutions (b) If not available then initial recruitment
37	Mishalchi / Utensil Cleaner (BS-1)	Preferably literate	18-45 years	(a) By Transfer/deputation from existing staff of Head Department or other institutions (b) If not available then initial recruitment
38	Dahishi (BS-1)	Preferably literate	18-45 years	(a) By Transfer/deputation from existing staff of Head Department or other institutions (b) If not available then initial recruitment
39	Malik (BS-1)	Preferably literate with experience in plantation / gardening	18-45 years	(a) By Transfer/deputation from existing staff of Head Department or other institutions (b) If not available then initial recruitment
40	Chowkidar / Gate Keeper (BS-1)	Preferably literate; Preference shall be given to ex-service men (Armed Force)	18-45 years	(a) By Transfer/deputation from existing staff of Head Department or other institutions (b) If not available then initial recruitment
41	Inspector (BS-1)	Preferably literate	18-45 years	(a) By Transfer/deputation from existing staff of Head Department or other institutions (b) If not available then initial recruitment
42	Cook (BS-1)	Preferably literate with experience in cooking	18-45 years	(a) By Transfer/deputation from existing staff of Head Department or other institutions (b) If not available then initial recruitment
43	Naib Qasid (BS-1)	Preferably literate	18-45 years	(a) By Transfer/deputation from existing staff of Head Department or other institutions (b) If not available then initial recruitment

No. 2190-77 /Personnel. Date 10/03/2012

Copy forwarded to the:-
 1. Director (Admn) DGHS, KPK Peshawar.
 No. 2712-13 /A.D(Lit).

They are directed to

Sd/-
SECRETARY TO GOVERNMENT OF NWFP
HEALTH DEPARTMENT

Endst. of even No. & Date.

Copy to:

1. The Chairman, Public Service Commission, NWFP, Peshawar.
2. Director General Health Services, NWFP.
3. The Accountant General, NWFP, Peshawar.
4. The Chief HSRU Peshawar.
5. The Director PHSA Peshawar.
6. PS to Minister for Health.
7. PS to Chief Secretary, NWFP.
8. PS to Secretary E&A Department.
9. PS to Secretary Law Department.
10. PS to Secretary Finance Department.
11. PS to Secretary Health.
12. PS to Special Secretary Health.
13. Computer Programmer, Health Department.

Saeed
(ADIL SAEB SAFI)
SECTION OFFICER-V

Dated / /

No 217077 / Personnel.

Copy forwarded to the:-

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

APPEAL NO.1637/2013

Qadeem Khan, Junior Clerk-----Appellant

Vs

1-Secretary Health Khyber Pakhtunkhwa

2-D.G.Health Khyber Pakhtunkhwa

3-Director provincial Health Services Academy, Peshawar-----Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO.1&3

Preliminary Objection:

- 1- That the appellant has no cause of action
- 2- That the appeal is not maintainable in its present form
- 3- That the appellant has not come to Service Tribunal with clean hands
- 4- That the appeal is bad due to non joinder and mis-joinder of necessary parties
- 5- That the appeal is time barred

ON FACTS

- 1- Correct
- 2- In correct, the Nursing School Hayat Abad became a part of PHSA in **24th May 2011. (Flag-A)**
- 3- Correct
- 4- Incorrect, because the case of Mohammad Jan is witness to this case, who was "DGHS employee" and opted for being absorbed in PHSA set up in 2007 but was refused by DGHS of that time.**(Flag 'B')** If seniority list of Junior Clerks of PHSA and DGHS for the year 2011 is critically observed it is evident that Mr Qadeem is on **104th** position in DGHS list issued in **25th September 2011,(Flag-C)** while the one issued from the office of Director PHSA on **9th June 2011** his position is on **8th.(Flag-D)**
But the Seniority list of Senior as well as Junior clerks was rejected because it was containing names of the clerks of DGHS, and Qadeem is one of them
Another Seniority List was issued by the office of the Director PHSA on **26th July 2011**, which is not containing the name of Qadeem etc in it **(Flag -E)** To stop the employees of DGHS from occupying vacant posts in PHSA set up, the employees of PHSA went to High Court in 2010.**the Writ Petition No.3751/2010**
- 5- Incorrect, a meeting was held under the chairmanship of Secretary Health on 18th December 2010 and the participants were DGHS Khyber Pakhtunkhwa and Director PHSA. It was clearly agreed that the DGHS staff and PHSA staff shall be repatriated to their respective departments.**(Attachment at Flag-F)**

204

- 6- Correct to the extent of departmental appeal, the appellant must learn from the judgment of two courts that he is at wrong footing
- 7- No comments

GROUND

- A. Absolutely correct, he has been treated according to law and moreover he is creating a wrong example and wasting his time
- B. Need no comments already discussed in Para-4
- C- Incorrect, the order has been passed by competent authority after observing all codal formalities
- D- No comments
- E- Incorrect. He has been treated according to law
- F- Incorrect, he was not absorbed in PHSA setup
- G- No comments
- H- No comments
- I- This para is subject to proof
- J- No comments

PRAYERS

It is therefore requested that the appeal may kindly be dismissed with cost.

[Signature]
Director 8/9/14

Provincial Health Services Academy

Peshawar *[Signature]*

[Signature]

Secretary
Health for Government of Khyber Pakhtunkhwa
Peshawar.

BEFORE THE KHYBER PAKHTUNKWA
SERVICE TRIBUNAL PESHAWAR

In the matter of
Appeal No. 1637/2013

Qadeem Khan, Junior Clerk PHSA, Peshawar.

(Applicant)

VERSUS

Govt. of Khyber Pakhtunkhwa through Secretary Health Khyber
Pakhtunkhwa Peshawar and others

(Respondents)

Reply to the application for impleadment

Preliminary Objections:

- A. That application in hand is false, frivolous, and vexatious, designed to delay the matter, filed with ulterior motives hence the same is liable to be dismissed with compensatory costs.
- B. That the applicants have got no cause of action and locus standi to file the instant application for impleadment in the titled appeal.
- C. That the appellant has not claimed any relief against the applicants seeking impleadment, nor any of their rights are going to effect by the fate of the titled appeal, hence they are not necessary parties within the meaning of law and cannot be allowed impleadment.
- D. That the application in hand is not maintainable in its present form and under present circumstances of the case.
- E. That the application is not tenable at this stage of the proceedings.
- F. That the applicants are estopped by their conduct to file the instant application.
- G. That the filing of application at this stage is malafide, and calculated to further delay the matter.
- H. That the application in hand is barred by law and limitation.

ON FACTS:

1. Contents need no comments, however the case is fixed today for the reply on the application, moreover the appellant is also the Permanent employee of PHSA.
2. Contents incorrect and misleading, the appellant name has already existed in the seniority list of the PHSA Employees, since he has illegally been repatriated from PHSA, therefore he has challenged his illegal repatriation order in the titled appeal. It is also pertinent to mention here that the appellant is serving in PHSA as Junior Clerk since long, while the applicants were serving as Class-IV employees and were only promoted to the Post of Junior Clerk vide order dated 09.05.2013, thus non of their right is likely to effect by the fate of the titled appeal.
3. Contents incorrect and misleading, the appellant has not claimed any relief against the applicants seeking impleadment, nor any of their rights are going to effect by the fate of the titled appeal, moreover, hence they are not necessary parties within the meaning of law and cannot be allowed impleadment. Rather their impleadment would prejudice the case of the appellant and would further delay the matter.
4. Contents incorrect and misleading, the applicants are not necessary parties to the present appeal, therefore they cannot be impleaded in the instant appeal.

It is therefore prayed that on acceptance of this reply the application in hand may kindly be dismissed with costs.

Through

Applicant

IJAZ ANWAR

Advocate Peshawar.

&

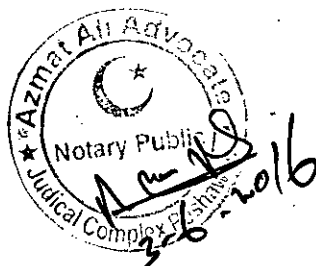
SAJIB AMIN

Advocate Peshawar.

Affidavit

I, do hereby solemnly affirm and declare on oath that the contents of the above reply to the application are true and correct to the best of my knowledge and belief and that nothing has been kept back or concealed from this Honourable Tribunal.

ATTESTED



Deponent

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

In Re: CM _____

Appeal No. 1637 /2013

Qadeem Khan, Junior Clerk, PHSA Peshawar

APPELLANT


VERSES

Govt of KPK, through Secretary Health & others

RESPONDENTS

"APPLICATION FOR IMPLEADMENT"

S.No	Description	Annexure	Pages
1.	Impleadment Application		01 - 02
	Wakalat Nama		


Applicants

Through:


Atiq Ur Rehman & Rehman Ullah Shah

M.A. LL.M

Advocates

Ibn e Abdullah Law Associates

11 Azam Tower University Road, Peshawar, Pakistan

Phone & Fax # 091- 570 2021

www.ibneabdullah.com

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

In Re: CM _____

Appeal No. 1637 /2013

Qadeem Khan, Junior Clerk, PHSA Peshawar

_____ APPELLANT

VERSES

Govt of KPK, through Secretary Health & others

_____ RESPONDENTS

"APPLICATION FOR IMPLEADMENT OF I. KHAN BAHADAR JUNIOR CLERK, II. QADIR KHAN JUNIOR CLERK, III. NAEEM ULLAH JAN JUNIOR CLERK, IV. JAVED KHAN JUNIOR CLERK, V. SAHIB JAMAL JUNIOR CLERK AS PRIVATE RESPONDENTS IN THE ABOVE TITLED CASE"

Respectfully Submitted as;

1. That the above title case is pending before this Hon'ble Tribunal, and is fixed for dated 21-04-2016. Whereas applicants are regular employees of the PHSA working at various institutes within the umbrella of the Directorate of PHSA, having its own Rules.
2. That after the enquiry the applicants have come to know that the present appellant has file an appeal for their seniority in PHSA which would adversely affect the valuable rights of present applicants.
3. That if applicants are not impleaded as Respondents in the above noted case, then great prejudice will be caused to the applicants, as serious interest of the applicants mentioned above are involved. And in case they are not afforded with the opportunity of being heard, gross mis-carriage of justice would result.

4. That impleading of applicants as necessary party is necessary for proper adjudication of the case, and applicant would secure their interest in the best manner and under the law, they may be given opportunity to be heard.

It is, therefore, prayed that on acceptance of the instant application, applicants namely, I. KHAN BAHADAR, JUNIOR CLERK, II. QADIR KHAN JUNIOR CLERK, III. NAEEM ULLAH JAN JUNIOR CLERK, IV. JAVED KHAN JUNIOR CLERK, V. SAHIB JAMAL JUNIOR CLERK may kindly be impleaded as Respondents in the present appeal in the interest of justice.

Applicants

Through

Through.



Atiq Ur Rehman & Rehman Ullah Shah

M.A. LL.M

Advocates

Ibn e Abdullah Law Associates

11 Azam Tower University Road, Peshawar, Pakistan

Phone & Fax # 091- 570 2021

www.ibneabdullah.com

AFFIDAVIT

I KHAN BAHADAR, JUNIOR CLERK SCHOOL OF NURSING, LRH PESHAWAR

do hereby solemnly declare and affirm that the contents of this application are true and correct to the best of my knowledge and belief and nothing material has been concealed therein.



Deponent

WAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL

PESHAWAR

C.M in _____ S. Appeal No. 1637/2013

Qadeem Khan Junior Clerk, PHSA Peshawar

APPELLANT

VERSUS

GOVT OF KPK THROUGH SECRETARY HEALTH & OTHERS

RESPONDENTS

I, i. Khan Bahadar, Junior Clerk, ii. Qadir Khan Junior Clerk, iii. Naeem Ullah Jan Junior Clerk, iv. Javed Khan Junior Clerk, v. Sahib Jamal Junior Clerk, do hereby appoint Rehman Ullah Shah, and Ibrahim Shah Advocates in the above mentioned case, to do all or any of the following acts, deeds and things.

1. To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
2. To sign, verify and file or withdraw all proceedings, petitions, appeals, affidavits and applications for compromise or withdrawal or for submission to arbitration of the said case, or any other documents, as may be deemed necessary or advisable by them for the conduct prosecution or defence of the said case at all its stages.
3. To receive payment of and issue receipts for, all moneys that may be or become due and payable to us during the course of proceedings.

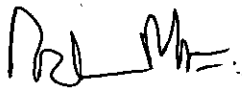
And hereby agree: -

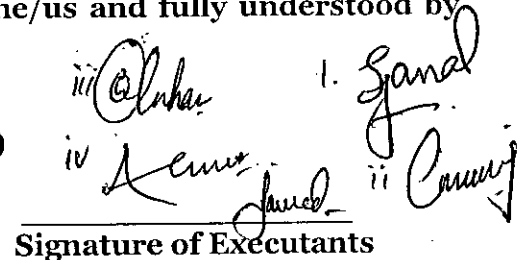
- a) That the advocate shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remains unpaid.

In witness whereof I/We have signed this Wakalat Nama hereunder, the contents of which have been read/explained to me/us and fully understood by me/us this March 13, 2016

Attested & Accepted by:

(Subject to the term regarding payment of fee)




Signature of Executants

Rehman Ullah Shah
M.A, LL.M

Atiq Ur Rehman

Advocates, Peshawar

**BEFORE THE KHYBER PAKHTUNKWA
SERVICE TRIBUNAL PESHAWAR**

In the matter of
Appeal No. 1637/2013

Qadeem Khan, Junior Clerk PHSA, Peshawar. (Applicant)

VERSUS

Govt. of Khyber Pakhtunkhwa through Secretary Health Khyber
Pakhtunkhwa Peshawar and others

(Respondents)

Reply to the application for impleadment

Preliminary Objections:

- A. That application in hand is false, frivolous, and vexatious, designed to delay the matter, filed with ulterior motives hence the same is liable to be dismissed with compensatory costs.
- B. That the applicants have got no cause of action and locus standi to file the instant application for impleadment in the titled appeal.
- C. That the appellant has not claimed any relief against the applicants seeking impleadment, nor any of their rights are going to effect by the fate of the titled appeal, hence they are not necessary parties within the meaning of law and cannot be allowed impleadment.
- D. That the application in hand is not maintainable in its present form and under present circumstances of the case.
- E. That the application is not tenable at this stage of the proceedings.
- F. That the applicants are estopped by their conduct to file the instant application.
- G. That the filing of application at this stage is malafide, and calculated to further delay the matter.
- H. That the application in hand is barred by law and limitation.

ON FACTS:

1. Contents need no comments, however the case is fixed today for the reply on the application, moreover the appellant is also the Permanent employee of PHSA.
2. Contents incorrect and misleading, the appellant name has already existed in the seniority list of the PHSA Employees, since he has illegally been repatriated from PHSA, therefore he has challenged his illegal repatriation order in the titled appeal. It is also pertinent to mention here that the appellant is serving in PHSA as Junior Clerk since long, while the applicants were serving as Class-IV employees and were only promoted to the Post of Junior Clerk vide order dated 09.05.2013, thus non of their right is likely to effect by the fate of the titled appeal.
3. Contents incorrect and misleading, the appellant has not claimed any relief against the applicants seeking impleadment, nor any of their rights are going to effect by the fate of the titled appeal, moreover, hence they are not necessary parties within the meaning of law and cannot be allowed^r impleadment. Rather their impleadment would prejudice the case of the appellant and would further delay the matter.
4. Contents incorrect and misleading, the applicants are not necessary parties to the present appeal, therefore they cannot be impleaded in the instant appeal.

It is therefore prayed that on acceptance of this reply the application in hand may kindly be dismissed with costs.

Through

Applicant

IJAZ ANWAR

Advocate Peshawar.

&

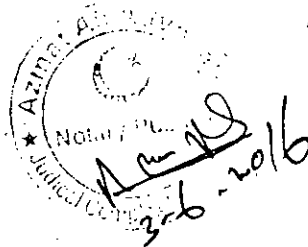
SAJIB AMIN

Advocate Peshawar.

Affidavit

I, do hereby solemnly affirm and declare on oath that the contents of the above reply to the application are true and correct to the best of my knowledge and belief and that nothing has been kept back or concealed from this Honourable Tribunal.

Deponent



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. 1637/2013

Qadeem Khan Appellant

VERSUS

Secretary Health and others Respondents

REJOINDER ON BEHALF OF APPELLANT.

Respectfully Sheweth:

Preliminary Objections:-

1. Contents incorrect & misleading, the appellant has been illegally repatriated to the office of Director General Health Services, hence he being an aggrieved Civil servant has cause of action to file the instant appeal.
2. Contents incorrect & misleading, the appeal is well in accordance with law, hence fully maintainable in the present form and shape.
3. Contents incorrect & misleading, the appellant to this Hon'ble Tribunal with clean hands.
4. Contents incorrect & misleading, all the necessary parties are arrayed in the instant appeal.

5. Contents incorrect & misleading, the appeal is filed within stipulated period of limitation.

ON FACTS:-

1. Contents needs no comments.
2. Contents needs no comments, however Para 2 of the appeal are true and correct.
3. Contents needs no comments.
4. Contents of Para 4 of the reply is incorrect and misleading. Contents of Para 4 of appeal are true and correct.
5. Contents incorrect. Contents of Para 5 of the appeal is true and correct.
6. Contents needs no comments, however, contents of Para 6 of the appeal are true and correct.
7. Contents needs no comments, however, contents of Para 7 of the appeal are true and correct.

GROUND:-


Grounds taken in the appeal are correct from (A to J) and will be sustained at the time of argument.

It is therefore, prayed that on acceptance of this rejoinder the appeal may kindly be allowed as prayed for.

Appellant

Through

Dated: 20.07.2017


YASIR SALEEM
Advocate, High Court
Peshawar

AFFIDAVIT:-

It is stated on oath that the contents of the instant rejoinder are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Hon'ble Court.


DEPONENT

