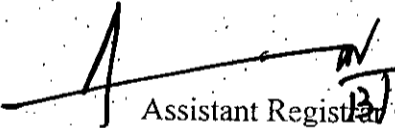


Cost of Rs. 3000/- received in Service Appeal No. 159/23

Titled Dr Mukib Ullah vs. Health

in the office of Assistant Registrar, Vide Order 5/9/23, submitted Dated: 13 / 10 / 2023.


Assistant Registrar
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 159/2023

Dr. Muhibullah(Appellant)

Versus

Government of Khyber Pakhtunkhwa and others.....Respondents

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Section officer (Lit-II)
Govt: of Khyber Pakhtunkhwa
Health Department
Section Officer (Lit-II)
Health Department
Khyber Pakhtunkhwa

3/11/23

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA

SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO.159 OF 2023

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 8286

Dated 13-10-23

Mohib Ullah.....Appellant

Versus

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

PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 01 TO 03

Respectfully Sheweth:

Preliminary Objections:-

1. That the appellant has got no cause of action or locus standi to file the instant appeal.
2. That the appellant has filed the instant appeal just to pressurize the respondents.
3. That the instant appeal is against the prevailing Law and Rules.
4. That the appeal is not maintainable in its present form and also in the present circumstances of the issue.
5. That the appellant has filed the instant appeal with mala-fide intention hence liable to be dismissed.
6. That the appellant has not come to this Honorable Tribunal with clean hands.
7. That the appeal is barred by law and limitation.
8. That the instant appeal is bad for mis-joinder of unnecessary and non-joinder of necessary parties.
9. That there is no final order (original or appellate) against which the instant appeal has been filed which is pre requisite of section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 hence, the instant appeal is not maintainable. Reliance is placed on 2006 SCMR 1630.

ON FACTS:

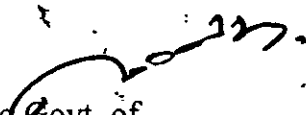
1. Correct to the extent of appointment of the appellant as MO (BS-17) vide Notification dated 12.04.2022 on the recommendation of Public Service Commission vide letter dated 31.01.2022. (copy of the recommendation is Annexure-A)
2. Pertains to record.
3. Incorrect. The appellant did not annexed even a signal document in support of his claim even the appellant did not challenged any such order in the instant appeal wherein his services have been counted in violation of Civil Servant Act or the Khyber Pakhtunkhwa (Appointment, Promotion and Transfer) Rules 1989. The inter-se- seniority of the appellant along with other recommendees of public Service Commission may be determine in accordance with para 4 of the recommendation letter dated 31.01.2022 of the Public Service Commission and in accordance with Rule 17(1)(a) of the Khyber Pakhtunkhwa (Appointment, Promotion and Transfer) Rules 1989.
4. Incorrect. The appellant is not an aggrieved person as no vested right of the appellant has been violated by the replying respondents however, reply on the grounds is as under:

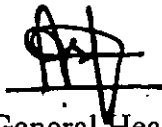
ON GROUNDS:

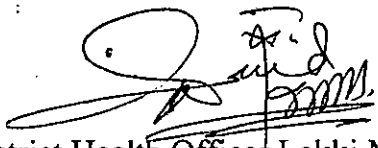
- a. Incorrect. The replying respondents have acted in accordance with law and rules. The Notification dated 14.06.2022 is in fact a posting Notification of the MOs appointed vide Notification dated 12.04.2022 in which there is nothing which may prove that their services would be counted w.e.f 14.06.2022.
- b. Incorrect. Already replied in para 03 of the facts.
- c. Incorrect. Already replied in para 03 of the facts and para "a" of the grounds.
- d. Incorrect. Already replied in para 03 of the facts.
- e. Incorrect. Already replied in para 03 of the facts.
- f. Incorrect. Already replied in para 03 of the facts.
- g. Answering respondents also seek prior permission of this Honorable Tribunal to adduce additional grounds at the time of final arguments.

PRAYER:

It is therefore humbly prayed that on acceptance of the comments, the instant appeal of the appellant may very graciously be dismissed with costs.


Secretary to Govt. of
Khyber Pakhtunkhwa Health Department
(Respondent No. 01)


Director General Health Services
Khyber Pakhtunkhwa
(Respondent No. 02)


District Health Officer Lakki Marwat

(Respondent No. 03)
District Health Officer
Lakki Marwat 



PUBLIC SERVICE COMMISSION
2-Fort Road, Peshawar Cantt.

No. PSC/SR-VI/ 019212

Dated: 31-01-2022

To,

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

840
No. 31-01-2022
rc. Secretary Health

Subject: **RECRUITMENT TO NINETY SIX (96) LEFTOVER POSTS OF MEDICAL OFFICERS (BPS-17) (EIGHTY SIX (86) TO MINORITY QUOTA & TEN (10) TO DISABLE QUOTA) IN HEALTH DEPARTMENT (Advertisement No. 09/2021 S.No. 17).**

Dear Sir,

I am directed to refer to your letter No. PSC/SR-VI/016303 dated 16.12.2021 on the subject noted above and to state that the Commission recommends following to the Government for appointment against Disabled and Minority Quota.

Disabled Quota (10 Posts)

Merit Oder No	Name with Father's Name	District / Zone
1	Waqar Ahmed S/O Umer Tiaz Khan	Bannu / 4
2	Mohib Ullah S/O Khan Zada	FR Bannu / 1
3	Naveed Liaqat S/O Liaqat Ali	Peshawar / 2
4	Ayman Jadoon D/O Shakeel Mansoor	Abbottabad / 5
5	Muhammad Salman S/O Muhammad Idrees	Charsadda / 2
6	Gulzar Hussain S/O Muhay Uddin	Shangla / 3
7	Yaseen Ghaffar S/O Fazli Ghaffar	Malakand / 3
8	Zulfigar Khattak S/O Mushtaq Khattak	Nowshera / 2
9	Nadia Khan D/O Muhammad Shafi	Mardan / 2
10	Rozi Akbar S/O Gul Bar Khan	Buner / 3

Minority Quota (86 Posts)

Merit Oder No	Name with Father's Name	District / Zone
1	Simran James D/O James Iqbal	Peshawar / 2
2	Sarab Jeet Singh S/O Jagdees Singh	Buner / 3
3	Ansa Anam D/O Arshad Jan	Peshawar / 2
4	Rida Kumari D/O Lal Kumar	Swat / 3
5	Nouman Anthony S/O Naveed Asif	Peshawar / 2
6	Aimen James D/O James Iqbal	Peshawar / 2

2. Recommendation in favour of the recommendees is provisional subject to their medical fitness and verification of all essential documents by the department before appointment.

3. Eighty (80) leftover posts of Minority Quota will be re-advertised.

Section Officer (Lit-II)
Health Department
Khyber Pakhtunkhwa

840
31-01-2022
rc. Secretary Health

SGH/SCAJ

(80-11)
handy up
12/2/22
D/C (Lit-II)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 159/2023

Dr. Muhibullah(Appellant)

Versus

Government of Khyber Pakhtunkhwa and othersRespondents

AFFIDAVIT

I Muhammad Tufail Section Officer (Lit-II) govt. of Khyber Pakhtunkhwa Health Department do hereby solemnly affirm and declare that the joint parawise comments in Service Appeal No. 159/2023 is submitted on behalf of respondents is true and correct to the best of my knowledge, belief and that nothing has been concealed from this Hon'ble Court. It is further stated on oath that in this appeal the answering respondent have neither been placed ex-party nor their defense have been struck-off or any cost imposed.



Section officer (Lit-II)
Govt: of Khyber Pakhtunkhwa
Health Department

3/16/23

By the undersigned
Subscribed and sworn to



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

AUTHORITY LITTEr

Mr. Safi Ullah, Focal Person (Litigation-II), Health Department, Civil Secretariat is hereby authorized to attend/defend the Court Cases and file comments on behalf of Secretary Health Government of Khyber Pakhtunkhwa before the Service Tribunal and lower Courts.

Attested

(MAHMOOD AGLAM)

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

9/15/23

Safi Ullah

Focal Person (Lit-II)
Health Department
Khyber Pakhtunkhwa