

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

**SERVICE APPEAL NO. 667/2014**

Date of institution ... 12.05.2014  
Date of judgment ... 01.06.2018

Fazli Akbar (Ex-Senior Clerk DHQ Hospital Mardan)  
R/O Mohallah Wali Muhammad Khan Garhi Daulat Zai,  
Post office Garhi Kapura Tehsil and District Mardan.

... (Appellant)

VERSUS

1. Province of KPK through Director General Health Services, Directorate  
General Health Services, Khyber Pakhtunkhwa, Peshawar and two others.  
... (Respondents)

APPEAL UNDER SECTION-4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 (ACT I  
OF 1974) DIRECTED AGAINST THE ORDER DATED  
10.03.2014 PASSED BY RESPONDENT NO. 1.

Mr. Sanaullah Khan, Advocate. .. For appellant.  
Mr. Riaz Ahmad Paindakheil, Assistant Advocate General .. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI .. MEMBER (JUDICIAL)  
MR. MUHAMMAD HAMID MUGHAL .. MEMBER (JUDICIAL)

JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER: - Learned counsel

for the appellant present. Mr. Riaz Ahmad Paindakheil, Assistant Advocate  
General for the respondents also present. Arguments heard and record perused.

2. Brief facts of the case as per present service appeal is that the appellant  
was serving in Health Department as Senior Clerk in District Headquarter  
Hospital Mardan. That the respondent-department upon the approval of

*M. Amin*  
*1-6-2018*

Department Promotion Committee held on 07.10.2013 made an office order dated 25.11.2013 and promoted nine Senior Clerks (BPS-9) to the post of Office Assistants (BPS-14) and ignored the appellant despite the fact that he was senior to all the aforesaid nine senior clerks. The appellant filed departmental appeal on 17.01.2014 which was turned down on 10.03.2014 hence, the present service appeal.

3. Learned counsel for the appellant argued that the appellant was serving in Health Department as Senior Clerk. It was further contended that the appellant was promoted from Junior Clerk to the post of Senior Clerk on 25.08.2001 and was performing his duty as senior clerk. It was further contended that the respondent-department upon the approval of Departmental Promotion Committee held on 07.10.2013 made an office order dated 25.11.2013 and promoted nine Senior Clerk (BPS-09) to the post of Office Assistants (BPS-14) ignoring the appellant despite the fact that the appellant was senior to all the aforesaid nine Senior Clerks. It was further contended that the appellant filed departmental appeal but the same was also turned down. It was further contended that the respondent-department has not shown any reason for ignoring the appellant from promotion. It was further contended that since the appellant has been retired from service therefore, the appellant is entitled for profarma promotion/notional promotion.

4. On the other hand, learned Assistant Advocate General for the respondents opposed the contention of learned counsel for the appellant and contended that the present service appeal is not maintainable in the present form. It was further contended that the appellant has no locus standi and also stopped by his own conduct to file the appeal. IT was further contended that the appellant was asked to produce his original service book for perusal and

*MC Amin*  
1.6.2018

consideration which he failed to do so. It was further contended that the appellant has been retired from service on 07.03.2014 therefore, he is not entitled for promotion and prayed for dismissal of appeal.

5. Perusal of the record reveals that the respondent-department promoted nine Senior Clerks (BPS-09) to the post of Office Assistants (BPS-14) vide order dated 25.11.2013 on the recommendation of Departmental Promotion Committee held on 07.10.2013. The record further reveals that as per senior list of Senior Clerks dated 30.07.2001 the appellant was promoted from the post of Junior Clerk (BPS-07) to the post of Senior Clerk (BPS-09) on 25.08.2001. The record further reveals that the respondent-department had promoted nine Senior Clerks to the post of Office Assistants including Sher Muhammad, Shah Hussain, Asmatullah and Amanullah. The final seniority list of the aforesaid Senior Clerks shows that Sher Muhammad was promoted from the post of Junior Clerk to the post of Senior Clerk on 01.09.2001 Shah Hussain was promoted from the post of Junior Clerk to the post of Senior Clerk on 24.01.2002, Asmatullah was promoted from the post of Junior Clerk to the post of Senior Clerk on 10.02.2004 while Amanullah was also promoted from the post of Junior Clerk to the post of Senior Clerk on 10.02.2004 meaning thereby that the aforesaid incumbent/promotee are junior to the appellant but the respondent-department have promoted nine Senior Clerks to the post of Office Assistants vide order dated 25.11.2013 and ignored the appellant despite the fact that the appellant was senior to the aforesaid promotee and the respondent-department has not shown any valid reason for ignoring the appellant from promotion. Since the appellant has now been retired from service therefore, the appeal is accepted in terms that the respondents are directed to consider the appellant for profarma/notional promotion to the post of Office Assistant (BPS-

*M. Amin  
1.6.2018*

14) from the due date. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
01.06.2018

*Hamid*

(MUHAMMAD HAMID MUGHAL)  
MEMBER

*Muhammad Amin*

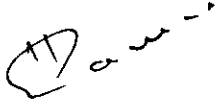
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

01.06.2018

Counsel for the appellant present. Mr. Riaz Ahmad Paindakheil, Assistant Advocate General for the respondents also present. Arguments heard and record perused.

Vide our detailed judgment of today consisting of four pages placed on file, since the appellant has now been retired from service therefore, the appeal is accepted in terms that the respondents are directed to consider the appellant for profarma/notional promotion to the post of Office Assistant (BPS-14) from the due date. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
01.06.2018



(MUHAMMAD HAMID MUGHAL)  
MEMBER



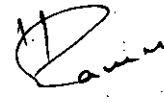
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

Service Appeal No. 667/2014

23.04.2018

Appellant in person and Mr. Riaz Ahmed Painsa Kheil, Assistant AG alongwith Mr. Ajmad Ali, Assistant Litigation for the respondents present. Order could not be announced due to non-availability of proper D.B. To come up for order on 10.05.2018 before D.B.

  
(Ahmad Hassan)  
Member

  
(M. Hamid Mughal)  
Member

10.05.2018

The Tribunal is defunct due to retirement of Hon'ble Chairman. Therefore, the case is adjourned. To come up on 29.05.2018.

  
READER

29.05.2018


Learned counsel for the appellant and Mr. Riaz Painsakheil, learned Assistant Advocate General present. Due to rush of other judicial work, further proceedings in the case in hand could be conducted. Adjourned. To come up for further proceedings/order on 01.06.2018 before D.B


  
(Muhammad Amin)  
Member

  
(Muhammad Hamid Mughal)  
Member

18.01.2018

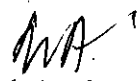
Counsel for the appellant present. Mr. Zia Ullah, DDA alongwith Noor Ali Khan, Deputy Director (Legal) for the respondents present. Counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 22.03.2018 before D.B.

  
(Gul Zeb Khan)  
Member (E)

  
(Muhammad Hamid Mughal)  
Member (J)

22.03.2018

Learned counsel for the appellant present. Mr. Riaz Paindakheil, learned Additional Advocate General alongwith Dr. Muhammad Asif Medical Officer and Amjid Assistant for the respondents present. Arguments heard. To come up for order on 16.04.2018 before D.B

  
(Muhammad Amin Kundi)  
Member

  
(Muhammad Hamid Mughal)  
Member


16.04.2018

Appellant in person and Asst: AG alongwith Mr. Amjad Ali, Assistant Litigation for respondents present. Order could not be announced due to non-availability of proper D.B. To come up for order on 23.04.2018 before D.B.

  
(M. Amin Khan Kundi)  
Member

26.05.2017

Counsel for appellant present. Mr. Muhammad Asif, Litigation Officer and Dr. Abdul Latif, Superintendent alongwith Mr. Muhammad Adeel Butt, Additional AG for respondents also present. Learned counsel for appellant submitted rejoinder and requested for adjournment. Adjourned. To come up for arguments on 19.09.2017 before D.B.


  
(GUL ZEB KHAN)  
MEMBER.

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER.

19.09.2017

Learned counsel for the appellant present. Learned Assistant Advocate General on behalf of respondents present. During the course of arguments learned Assistant Advocate General seeks adjournment to produce complete record as it also needs to be determined that whether the services of the appellant pertains to Sub Cadre Posts or the post of Directorate General <sup>Health</sup> Services Government of Khyber Pakhtunkhwa, Peshawar. Adjourned. To come up for arguments on 27.10.2017 before D.B.

  
Member  
(Executive)

  
Member  
(Judicial)

27.10.2017

Junior to counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Seeks adjournment as learned counsel for the appellant is not in attendance. To come up for arguments on 18.01.2018 before the D.B.

  
Member

  
Chairman



19.5.2016

Appellant in person and Mr. Said Ahmad, (Litigation) Officer alongwith Mr. Muhammad Jan, GP for respondents present. Arguments could not be heard due to general strike of the bar. To come up for arguments on 06.10.2016

Member

Member

06.10.2016

Appellant with counsel and Mr. Syed Ahmed, Litigation Officer for respondent No. 2 alongwith Mr. Ziaullah, GP for all respondents present. Written reply on behalf of respondent No. 2 submitted, copy whereof also handed over to learned counsel for the appellant. To come up for rejoinder and arguments on 6-1-17 before D.B.

(MUHAMMAD AAMIR NAZIR)  
MEMBER

(PIR BAKHSH SHAH)  
MEMBER

06.01.2017

Counsel for the appellant and Dr. Muhammad Asif, Litigation Officer alongwith Mr. Ziaullah, GP for the respondents present. Learned counsel for the appellant seeks adjournment to file rejoinder. Request accepted. To come up for filing of rejoinder and arguments on 26.05.2017 before D.B.

(ASHFAQUE TAJ)  
MEMBER

(MUHAMMAD AAMIR NAZIR)  
MEMBER

10 12.06.2015 Counsel for the appellant, M/S Yar Gul, Senior Clerk and Abdul Latif, DMS alongwith Addl: A.G for respondents present. Requested for adjournment. To come up for written reply/comments on 28.8.2015 before S.B.

  
Chairman

11 28.08.2015 Appellant in person, M/S Yar Gul, Senior Clerk and Abdul Latif, DMS alongwith Assistant A.G for respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 12.10.2015 before S. B.

  
Chairman

12.10.2015 Appellant with counsel, M/S Yar Gul, Senior Clerk and Qibaz Khan, SO alongwith Addl: A.G for respondents present. Para-wise comments submitted. The appeal is assigned to D.B for rejoinder and final hearing for 28.1.2016.

  
Chairman

28.01.2016 Counsel for the appellant and Mr. Amjad Ali, Supdt: alongwith Mr. Muhammad Jan, GP for respondents present. Counsel for the appellant requested for adjournment. To come up for arguments on 19.5.2016,

  
MEMBER

  
MEMBER

8

19.02.2015

Counsel for the appellant present, and requested for adjournment. Request accepted. To come up for preliminary hearing on 25.03.2015.

  
Member

9

25.03.2015


Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was initially appointed as Junior Clerk in the year 1979 and promoted to Senior Clerk in the year 2001 and had retired from service on 14.03.2014. That vide impugned order dated 25.11.2013 officials junior to appellant were promoted while appellant ignored despite senior and fit. That the appellant preferred departmental appeal on 18.01.2014 which was rejected on 10.03.2014 communicated to the appellant on 14.04.2014 i.e 4 days prior of retirement of the appellant from service and hence the present service appeal on 12.05.2014.

Appellant Deposited  
Security & Process Fee



Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 12.06.2015 before S.B.

  
Chairman



3.

06.06.2014

No one is present on behalf of the appellant. Notices be issued to the appellant/counsel for the appellant. To come up for preliminary hearing on 14.07.2014.

Member

4.

14.07.2014

Appellant alongwith his counsel present and requested for adjournment. Request accepted. To come up for preliminary hearing on 09.09.2014.

Member

5.

09.09.2014

Counsel for the appellant present, and requested for adjournment. Request accepted. To come up for preliminary hearing on 29.10.2014.

Member

6.

29.10.2014

Clerk of counsel for the appellant present and requested for adjournment due to general strike of the Bar. To come up for preliminary hearing on 08.01.2015.

Member

7.

Reader Note:

08.01.2015



No one is present on behalf of the appellant. Since the Tribunal is incomplete, therefore, case is adjourned 19.02.2015 for the same.

Reader

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 667/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	12/05/2014	<p>The appeal of Mr. Fazli Akbar presented today by Mr. Sanaullah Khan 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>
2	14-5-2014.	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <del>6-6-2014.</del></p> <p style="text-align: right;"> CHAIRMAN</p>

IN THE SERVICE TRIBUNAL N.W.F.P, PESHAWAR

Appeal no. 667/2014

Fazli Akbar (Ex-Senior Clerk DHQ Hospital Mardan) R/o Mohallah Wali Muhammad Khan Garhi Daulat Zai, Post Office: Garhi kapura Tehsil and District Mardan.

.....Appellant

Versus

1. Province of KPK through Director General Health Services, Directorate General Health Services, Khyber Pakhtunkhwa, Peshawar.
2. Medical Superintendent, D.H.Q Hospital, Mardan.
3. Departmental Promotion Committee through Director General Health Services, Directorate General Health Services, Khyber Pakhtunkhwa, Peshawar.

..... Respondents

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2.	C.M Application with affidavit	-	
3.	Affidavit	-	
4.	Addresses of Parties	-	
5.	Copy of Notification dated 27-12-2012	A	
6.	Copy of Seniority list dated 30-01-2012	B	
7.	Copy of letter dated 01-04-2013	C	
8.	copy of letter dated 18-05-2013	D	
9.	Copy of the latter dated 22.8.2013	E	
10.	Copy of the Office Order No32970-95, dated 25-11-2013	F	
11.	Copy of appeal	G	
12.	Copy of reminder	H	
13.	Copy of letter dated 10-03-2014	I	
14.	Copy of letter dated 04-03-2014	J	
15.	Copy of letter dated 04-03-2014 to C.M	K	
13.	Wakalatnama	L	

Petitioner

Through

Sanaullah Khan  
&  
Taimur Khan  
Advocates, Peshawar.

Dated:- 09.05.2014

①

IN THE SERVICE TRIBUNAL N.W.F.P, PESHAWAR

Service Appeal No. 667 of 2014

N.W.F.P. Tribunal  
691  
12-5-2014

Fazli Akbar (Ex-Senior Clerk DHQ Hospital Mardan) R/o Mohallah Wali Muhammad Khan Garhi Daulat Zai, Post Office: Garhi kapura Tehsil and District Mardan.

.....Appellant

Versus

1. Province of KPK through Director General Health Services, Directorate General Health Services, Khyber Pakhtunkhwa, Peshawar.
2. Medical Superintendent, D.H.Q Hospital, Mardan.
3. Departmental Promotion Committee through Director General Health Services, Directorate General Health Services, Khyber Pakhtunkhwa, Peshawar.

..... Respondents

APPEAL U/S 4 OF NWFP SERVICE TRIBUNAL ACT 1974 (ACT I OF 1974) DIRECTED AGAINST THE ORDER DATED 10/3/2014 PASSED BY RESPONDENT No.1.

PRAYER IN APPEAL

By accepting the instant appeal the impugned order dated 10.3.2014 and 25-11-2013 passed by respondent No.1 may please be declared null and void and the appellant be promoted as Office Assistant (BPS-14), with effect from 25-11-2013 and all the benefits attached may be extended to the appellant.

12/5/14

*Respectfully Sheweth,*

The appellant humbly submits as under:

(2)

1. That the appellant was appointed as junior clerk on 06-01-1979 and promoted to the position of senior clerk on 25-08-2001 thereafter up to retirement on 14-03-2014, was serving the respondent department for sufficient long time.
2. That during his service the appellant has performed his duties to the entire satisfaction of his superiors and never has any complaint ever risen against him from any quarter.
3. That the notification of Government of Khyber Pakhtunkhwa Establishment & Administration Department is dated 27-12-2012.

**(Copy of Notification dated 27-12-2012 is annexure "A").**

4. That the seniority list issued by office of the executive district officer health Mardan, vide letter no.1642-45/EDO, (Health) Mardan, Dated 30-01-2012, the appellant name is listed.

**(Copy of Seniority list dated 30-01-2012 is annexure "B").**

5. That the office of the Medical superintendent, District Head Quarter Hospital Mardan, vide letter No.3680, dated 18/05/2013, furnished the information regarding ministerial/establishment staff, to Director General Health Services K.P.K with reference to memo No.1565-626/ Personnel dated 01-04-2013. The said letter contained the name of the appellant.

**(Copy of letter dated 01-04-2013 is annexure "C", while the copy of letter dated 18-05-2013 is annexure "D").**

6. That the appellant including other four (04) were not included into the seniority list issued by directorate general health services Khyber Pakhtunkhwa Peshawar vide Letter No.5130-89/ personnel (Promotion) dated 22-8-2013. It is important to mention that the said list was not circulated within department.

**(Copy of the latter dated 22.8.2013 is annexure "E").**



7. That the department upon the approval of departmental promotion committee held on 07-10-20<sup>2013</sup>~~08~~ made an office order dated 25-11-2013 and promoted 09 senior clerks (BPS-09) to the post of office assistants (BPS-14), ignoring the appellant, who is senior amongst all the 09 those were promoted. It is noteworthy that the seniority list on which the promotion of the 09 is based is itself not correct and is illegal, hence challenged.

**(Copy of the Office Order No32970-95, dated 25-11-2013 is attached as annexure "F").**

8. That on 17-01-2014, the appellant filed departmental appeal, which was forwarded by Medical Superintendent DHQ: Hospital Mardan to The Director General Health Services Khyber Pakhtunkhwa, Peshawar, vide letter No.2332/C-18, dated 18-01-2014.

**(Copy of appeal is annexure "G").**

9. That on 7-02-2014, the appellant filed a reminder regarding the departmental appeal, which was forwarded by Medical Superintendent DHQ: Hospital Mardan to The Director General Health Services Khyber Pakhtunkhwa, Peshawar, vide letter No. 2868, dated 7-02-2014.

**(Copy of reminder is annexure "H").**

10. That on 10-03-2014, the departmental appeal of the appellant was turned down vide letter No.1649/Personal Selection, dated 10-03-2014 and forwarded to the concerned officials, vide letter No.4416, dated 14-04-2014.

**(Copy of letter dated 10-03-2014 is annexure "I").**

11. That the appellant being aggrieved filed a complaint before the Secretary Health Department, Govt. of Khyber Pakhtunkhwa, Peshawar, vide letter No. So(C&RC)/CMS/1-3/2013/APP, dated 04-03-2014, through section officer-1 (C&RC). But no positive

response was accorded. (4)

**(Copy of letter dated 04-03-2014 is annexure "J").**

12. That the appellant has also filed a complaint regarding the ignorance of promotion of senior clerks to the posts of assistants BPS-14 of health employees in DHQ hospital Mardan to the chief minister, Khyber Paktun Khwa, Peshawar. But this also remains fruitless and no response was accorded to the appellant.

**(Copy of letter dated 04-03-2014 is annexure "K").**

13. That the appellant being mortally aggrieved of the orders dated 10-3-2014 and 25-01-2014 assails the same on the following amongst other grounds:-

**GROUNDS:-**


- a. That the impugned order dated 10-3-2014 is in utter disregard of law, rules, policy of the service and for that matter the Govt, hence the same is liable to be set aside.
- b. That the respondent No.2 in response of the letter No.1565-626/Personnel, dated 01-04-2013m issued by respondent No.1 has well in time communicated to respondent No.1 regarding the seniority of the appellant in letter No.3680, dated 18-05-2013, the departmental promotion committee has with malafide intention not included the name of appellant for promotion.
- c. That the names listed from serial No.7 to 12 on the so called final seniority list, are those candidates who are far more junior then the appellant and they have been irregularly promoted. It is important to mention that the letter No.5130-89/Personnel (Promotion), dated

22-08-2013 was not circulated in the department and the actual seniority of the personnel was concealed from the departmental promotion committee, hence on this score alone, the order dated 25-11-2013 is liable to be set aside.

- d. That the order dated 25-11-2013 is the result of concealment of facts and favoritism hence is liable to be set aside.
- e. That the appellant being devoted staff, has served the department of long time and his retirement was due on 14-03-2014, the promotion due on to him, would have benefited him, in monetary terms but by depriving the appellant from his duly rightful promotion is an irreparable loss to the appellant.
- d. That under the law and rules the promotion committee has select the senior candidate but this rule was completely ignored, moreover the appellant was about to retire on 14-03-2014, which makes him a strong candidate for promotion when he fulfills the entire criteria for promotion, hence the order dated 25-11-2013 being devoid of merit is liable to be struck down.
- e. That the impugned order dated 25-11-2013 is motivated by misleading/baseless and meritless final seniority list of 22-08-2013, and is meant to hide the actual position and therefore against law, natural justice and for the matter the constitution.
- f. That the appellant has not been treated in accordance with law and the impugned order, excluding him from seniority being based on favoritism, nepotism and result of highhandedness is liable to be reversed.
- h. That the appellant seeks permission to address other grounds too at the time of hearing.

6

It is, therefore, humbly prayed that by accepting the instant appeal the order dated 10-03-2014 and impugned office order dated 25-11-2013 passed by respondent No.1 may please be brushed aside and appellant be promoted as Office Assistant (BPS-14), with effect from 25-11-2013 and all the benefits attached may be extended to the appellant. Any other relief which the Tribunal deems fit may also be granted.


  
Appellant

Dated. 09.05.2014

Through

  
Sanauallah Khan

&

Taimur Khan   
Advocate, Peshawar.

⑦  
IN THE SERVICE TRIBUNAL N.W.F.P, PESHAWAR

Fazli Akbar (Ex-Senior Clerk DHQ Hospital Mardan) R/o Mohallah Wali  
Muhammad Khan Garhi Daulat Zai, Post Office: Garhi kapura Tehsil and  
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.....*Appellant*

Versus

1. Province of KPK through Director General Health Services,  
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2. Medical Superintendent, D.H.Q Hospital, Mardan.
3. Departmental Promotion Committee through Director General  
Health Services, Directorate General Health Services, Khyber  
Pakhtunkhwa, Peshawar.

.....*Respondents*

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**APPLICATION FOR SUSPENSION OF  
OPERATION OF IMPUGNED ORDER  
DATED 10-03-2014 and 25-11-2013 TILL  
THE FINAL DISPOSAL OF THE  
APPEAL.**

---

*Respectfully Sheweth,*

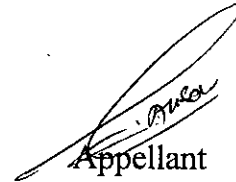
The applicant humbly submits as under:-

1. That the accompanying appeal is being filed today in which no date  
of hearing is fixed as yet.
2. That the grounds raised in the memo of appeal abundantly makes it  
clear that the applicant has got an excellent prima facie case and is  
therefore, quite sanguine about its success.


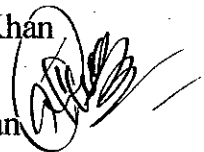
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3. That the applicant was illegally dismissed from service arbitrarily, in case the impugned order is not suspended, it will cause irreparable loss to the applicant.
4. That balance of convenience also lies in favour of the applicant.

It is, therefore, prayed that by way of interim relief the operation of impugned order dated 10-03-2014 and 25-11-2013 may kindly be suspended till final disposal of appeal.

  
Appellant

Through


  
Sanaullah Khan  
&  
Taimur Khan   
Advocates, Peshawar.

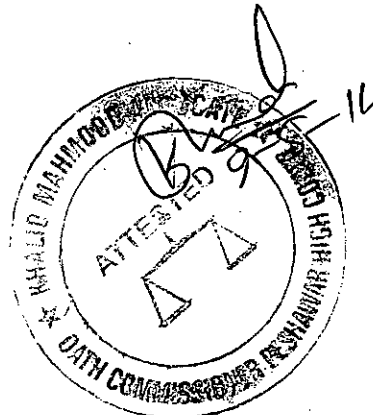
Dated. 09.05.2014


### AFFIDAVIT

I, Fazai Akbar do hereby solemnly affirm and declare on Oath that the contents of the application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

Identified by:

  
Sanaullah Khan  
Advocate, Peshawar.



  
Deponent

IN THE SERVICE TRIBUNAL N.W.F.P, PESHAWAR

9

Fazli Akbar (Ex-Senior Clerk DHQ Hospital Mardan) R/o Mohallah Wali  
Muhammad Khan Garhi Daulat Zai, Post Office: Garhi kapura Tehsil and  
District Mardan.

.....Appellant

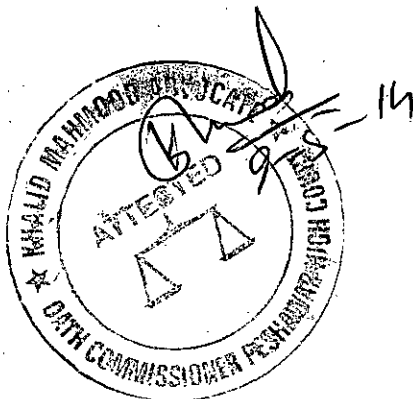
Versus


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2. Medical Superintendent, D.H.Q Hospital, Mardan.
3. Departmental Promotion Committee through Director General  
Health Services, Directorate General Health Services, Khyber  
Pakhtunkhwa, Peshawar.

..... Respondents

AFFIDAVIT

I, <sup>Fazli Akbar</sup> , do hereby solemnly affirm and declare on Oath that  
the contents of the accompanying appeal are true and correct to the best of  
my knowledge and belief and nothing has been concealed from this  
Honorable Court.



  
Deponent

IN THE SERVICE TRIBUNAL N.W.F.P, PESHAWAR

10

Fazli Akbar (Ex-Senior Clerk DHQ Hospital Mardan) R/o Mohallah Wali Muhammad khan Garhi Daulat Zai, Post Office: Garhi kapura Tehsil and District Mardan.

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3. Departmental Promotion Committee through Director General Health Services, Directorate General Health Services, Khyber Pakhtunkhwa, Peshawar.

..... Respondents

ADDRESSES OF PARTIES

Appellant:

Fazli Akbar (Ex-Senior Clerk DHQ Hospital Mardan) R/o Mohallah Wali Muhammad khan Garhi Daulat Zai, Post Office: Garhi kapura Tehsil and District Mardan.

Respondents:

1. Province of KPK through Director General Health Services, Directorate General Health Services, Khyber Pakhtunkhwa, Peshawar.
2. Medical Superintendent, D.H.Q Hospital, Mardan.
3. Departmental Promotion Committee through Director General Health Services, Directorate General Health Services, Khyber Pakhtunkhwa, Peshawar.

  
Appellant

Through

Dated.08-05-2014

  
Sanaullah Khan

&

Taimur Khan

Advocates, Peshawar.

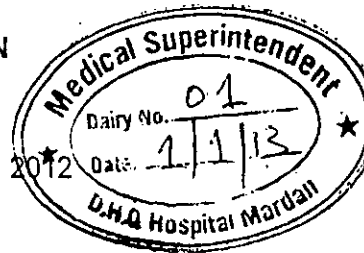






GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT & ADMINISTRATION  
DEPARTMENT

Dated Peshawar, December 27, 2012



NOTIFICATION

NO. SO(E-I)E&AD/4-49/2012: In pursuance of the Khyber Pakhtunkhwa Local Government Act, 2012 (Khyber Pakhtunkhwa Act No. VIII of 2012), hereinafter referred to as the Act, the Government of Khyber Pakhtunkhwa is pleased to make the following consequential administrative arrangements to take effect from January 01, 2013, namely:

- i) the district setup of Government Departments shall stand segregated from Local Government Institutions established under the Khyber Pakhtunkhwa Local Government Ordinance, 2001 (Khyber Pakhtunkhwa Act No. XIV of 2001) and shall realign with their Administrative Departments at provincial level under the Act;
- ii) the functions of erstwhile District Coordination Officer and District Officer (Revenue & Estate) are integrated in the office of Deputy Commissioner with the provision of Additional Deputy Commissioner in each district. The sub-divisional setup of Deputy District Officers (Revenue) and Deputy District Officers (Judicial) is replaced with Assistant Commissioners and Additional Assistant Commissioners. The Board of Revenue will process relocating the functions of Collector and Assistant Collector in the office of Deputy Commissioners and Assistant Commissioner in accordance with the new administrative setup;
- iii) each district shall be provided a District Officer (Finance and Planning), a Planning Officer, a Finance Officer and a Secretary District Public Safety Commission. The positions of Assistant Coordination Officer, Human Resource Development Officer and Deputy District Officer (Finance) shall stand abolished.
- iv) the positions of Executive District Officer at district level shall stand abolished;
- v) Local Government Elections and Rural Development Department shall notify constitution of each Local Council and make transitional interim arrangement/management in pursuance of section 224 of the Act;
- vi) the Agriculture Department at district level shall be re-organized as under:-
  - a. Agriculture (Extension) shall be manned by District Director, Subject Matter Specialists, Agriculture Officers, Plant Protection Officers, Assistant Horticulture Officers and Assistant Agronomists.
  - b. Livestock & Dairy Development (Extension) shall have District Director, Senior Veterinary Officers and Veterinary Officers.
  - c. On Farm Water Management shall have District Directors, District Officers and Water Management Officers.
  - d. Soil Conservation shall have District Officers Soil Conservation and Soil Conservation Assistants.
- vii) Elementary and Secondary Education Department at district level shall be re-organized under District Education Officers separately for Male and Female assisted by Deputy District Education Officers (Male and Female) and Sub Divisional Education Officers;

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ATTESTED

- viii) Health Department at district level shall be re-organized under District Health Officers assisted by Deputy District Health Officers and Coordinators;
- ix) the Public Health Engineering Department and Communication and Works Department will continue with their existing organizational hierarchy at the sub-divisional, district and regional level;
- x) Account-IV modality for transfer of funds to districts shall remain operational with Deputy Commissioners as Principal Accounting Officer for Account-IV and Chairman of the District Development Committee (DDC) of their respective districts. In addition to oversight of the accounting aspects of the reorganization, the Finance Department shall notify the deletion of existing posts and creation of replacements as per requirements of Government Departments; and
- xi) the Commissioner shall oversee, transition, facilitate Government Departments, coordinate relocation of functions and ensure continuation of services in their respective divisions.

CHIEF SECRETARY  
GOVERNMENT OF KHYBER PAKHTUNKHWA

Endst. No. of even and date.

Copy forwarded to the:-

1. Chief Secretary, Government of the Punjab, Sindh, Balochistan and Gilgit Baltistan.
2. Additional Chief Secretary, P&D, Khyber Pakhtunkhwa.
3. Senior Member Board of Revenue, Khyber Pakhtunkhwa.
4. Additional Chief Secretary, FATA Secretariat.
5. Secretary to Governor, Khyber Pakhtunkhwa.
6. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
7. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
8. All Divisional Commissioners in Khyber Pakhtunkhwa.
9. Provincial Police Officer, Khyber Pakhtunkhwa.
10. Accountant General, Khyber Pakhtunkhwa.
11. All District Coordination Officers in Khyber Pakhtunkhwa.
12. All Political Agents in FATA.
13. Director, Information, Khyber Pakhtunkhwa.
14. Manager, Govt. Printing Press Peshawar.

  
(MUHAMMAD JAVED SIDDIQI)  
SECTION OFFICER (ESTT. I)

12

OFFICE OF THE EXECUTIVE DISTRICT OFFICER, (HEALTH) MARDAN

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

NO. 1662-457 EDO, (Health) Mardan

Dated: 30 / 1 / 2012.

11

SENIORITY LIST OF SENIOR CLERK WORKING IN DISTRICT HEALTH DEPARTMENT DISTRICT CADRE MARDAN.

SNO	Name	Date of 1 <sup>st</sup> appointment in Health Deptt/Other Department as Junior Clerk	Date of promotion as Senior Clerk	Place of duty	Domicile	Date of birth	Date of retirement
1	Mr. Wasif Shah	11.04.1982	26.09.1994	EDO(H) office Mardan	Mardan	20.08.1952	19.08.2012
2	Mr. Mohammad Amin	15.08.1982	08.11.1994	M.S. DHQ Hosp; Mardan	Mardan	01.09.1953	31.08.2013
3	Mr. Bakht Rasid	04.12.1982	30.10.1994	EDO(H) office Mardan	Mardan	11.01.1961	10.01.2021
4	Mr. Lal Mir Khan	05.08.1984	30.06.2000	M.S. DHQ Hosp; Mardan	Mardan	10.10.1961	09.10.2021
5	Mr. Fazli Akbar	06.01.1979	25.08.2001	M.S. DHQ Hosp; Mardan	Mardan	15.03.1954	14.03.2014
6	Mr. Shaukat Khan	10.09.1985	25.08.2001	M.S. DHQ Hosp; Mardan	Mardan	03.04.1962	02.04.2022
7	Mr. Wazir Zada	04.01.1986	24.01.2002	EDO(H) office Mardan	Mardan	25.12.1965	24.12.2025
8	Mr. Khalid Khan	19.12.1982	10.02.2004	M.S. DHQ Hosp; Mardan	Mardan	20.04.1962	19.04.2022
9	Mr. Ghulam Sarwar	14.05.1984	10.02.2004	EDO(H) Office Mardan	Mardan	05.06.1964	04.06.2024

ATTESTED

Executive District Officer  
Health Mardan.

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**BIO DATA OF MINISTERIAL STAFF OF DHQ HOSPITAL MARDAN.**

S. No.	Name/Father	Desig: BPS	Date of Birth	Date of Ist Appointment	Date of Retirement	Domicil	Detail Posting	Posting orig/ against	Signature
1	Ijaz Ahmad S/O Muhammad Ishaq	Office Asstt: BPS-14	30-04-1954	01-05-1976	29-04-2014	Mardan District	Junior Clerk from 01-05-1976 to 29-08-1989 Senior Clerk from 29-08-1989 to 25-08-2001 Asstt: 25-08-2011 to date	Original Post	
2	Anwar Khan S/O Mukaram Khan	Office Asstt: Bps -14	25-12-1957	08-05-1976	24-12-2017	Mardan District	Junior Clerk from 08-05-1976 to 29-08-1989 Senior Clerk from 29-08-1989 to 25-08-2001 Asstt: 25-08-2001 to date 6-1-77	Original Post	
3	Fazli Akbar S/O Fazli rabi	Senior Clerk Bps-9	15-03-1954	24-05-1973	14-03-2014	Mardan District	Junior Clerk from <del>24-05-1973</del> to 01-09-2001 Senior Clerk from <del>01-09-2001</del> to date 25-8-2011	Against vacant P.Boiler Eng:	
4	M Amin S/O Ghulam Haider	Senior Clerk Bps-9	01-09-1953	15-08-1982	31-08-2013	Mardan District	Junior Clerk from 15-08-1982 to 26-09-1994 Senior Clerk from 26-09-1994 to date	Original Post	
5	Khalid Khan S/O Mian Gul	Senior Clerk Bps-9	20-04-1962	19-12-1982	19-04-2022	Mardan District	Junior Clerk from 19-12-1982 to 10-02-2004 Senior Clerk from 10-02-2004 to date	Against vacant Post FMT	
6	Lal Mir Khan S/O Mir Zaman Khan	Senior Clerk Bps-9	10-10-1961	05-08-1984	09-10-2021	Mardan District	Junior Clerk from 05-08-1984 to 25-07-2000 Senior Clerk from 25-07-2000 to date	Original Post	
7	Shaukat Khan S/O Khan Mahmood	Senior Clerk Bps-9	03-04-1962	10-09-1985	02-04-2022	Mardan District	Junior Clerk from 10-09-1985 to 25-08-2001 Senior Clerk from 25-08-2001 to date	Original Post	
8	Anwar Shah S/O Kiram Shah	Junior Clerk Bps-7	06-08-1963	19-12-1982	05-08-2013	Mardan District	Junior Clerk from 19-12-1982 to date	Original Post	
9	Amjad Aji S/O Abdur Rasheed	Junior Clerk Bps-7	04-10-1968	21-12-1986	03-10-2028	Mardan District	Junior Clerk from 21-12-1986 to date	Original Post	
10	Zahid Ali S/O Abas Ali	Junior Clerk Bps-7	01-05-1970	18-11-1993	01-05-2030	Mardan District	Junior Clerk from 18-11-1993 to date	Original Post	
11	Fzali Akbar S/O Muhammad fayyaz	Junior Clerk Bps-7	11-05-1969	30-07-1995	10-05-2029	Mardan District	Junior Clerk from 30-07-1995 to date	Original Post	
12	Asad Shah S/O Zarien Shah	Junior Clerk Bps-7	04-02-1989	20-12-2008	03-02-2049	Mardan District	Junior Clerk from 20-12-2008 to date	Original Post	
13	Muhammad Abbas Khan S/O Najeeb Ullah Khan	Junior Clerk Bps-7	18-12-1988	22-06-2009	17-12-2048	Mardan District	Junior Clerk from 22-06-2009 to date	Original Post	

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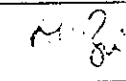
ACCEPTED


A. J. Khan


(17)

(5)

**BIO DATA OF MINISTERIAL STAFF OF DHQ HOSPITAL MARDAN.**

S.#	Name/Father	Desig: BPS	Date of Birth	Date of Ist Appointmen	Date of Retirement	Domical	Detail Posting	Posting orig/ against	Signatur
1	Sher Ali S/O Jamshed Khan	Store Keeper Bps-05	03-01-1990	23-01-2012	22-01-2050	Mardan District	Junior Clerk from 23-01-2012 to date	Original Post	
2	Muhammd Bilal S/O Noorul Basar	Store Keeper Bps-05	24-12-1982	14-02-2012	23-12-2042	Mardan District	Junior Clerk from 14-02-2012 to date	Original Post	

  
Medical Superintendent  
DHQ Hospital Mardan.

  
**ATTESTED**



Fax

DIRECTORATE GENERAL HEALTH  
SERVICES, GOVT: OF KHYBER  
PUKHTUNKHWA, PESHAWAR.  
NO 1565-626 /PERSONNEL  
DATED 01/05/2013.

15

To,

1. The All Chief Executives / MSs in Khyber Pakhtunkhwa.
2. The All DHOs Khyber Pakhtunkhwa,

Subject:

**VACANT POSITION FROM BPS-07 TO BPS-16 REGARDING  
MINISTERIAL / ESTABLISHMENT.**

Dear Sir,

I am directed to refer to the subject noted above, this Directorate wants to establish / collect basic line data regarding Ministerial Establishment to initiate a process and organized Human Resources on scientific in light of current Budget Book position of Ministerial staff along-with incumbent grounds bio data and names of staff on the following pattern:-

Name of Designation	BPS	Place of posting	Sanctioned	Filled	Vacant	Remarks
Admn: officer superintendent BS-16						
Assistant BS-14						
Senior Clerk BS-09						
Junior Clerk BS-07						
Jr: Scale Stenographer BS-14						
Sr: Scale Stenographer BS-16						
Computer Operators						

A meeting has been scheduled as per attached list under the chairmanship of DGHS. Please attend in person alongwith all the relevant records / personal files of the staff concerned and budget book, both in hard/soft copies.

ASSISTANT DIRECTOR (P-II)  
DGHS, Govt: of Khyber  
Pukhtunkhwa Peshawar

/Personnel

Copy forwarded to the:-

1. DGHS, Khyber Pakhtunkhwa Peshawar for information
2. ~~Superintendent~~ Superintendent Accounts DGHS, Khyber Pakhtunkhwa Peshawar for information and similarly necessary action.
3. DHS (FATA) Peshawar with the request to provide the above cited information on the prescribed proforma of all sub: offices under the Admn: control.

NO: 2626-27 dt 05/4/13

In Compliance

ASSISTANT DIRECTOR (P-II)  
DGHS, Govt: of Khyber  
Pukhtunkhwa Peshawar

ATTESTED

M/S M Ali Shah

M/S M Ali Shah

**OFFICE OF THE MEDICAL SUPERINTENDENT**

DISTRICT HEAD QUARTER HOSPITAL MARDAN.

Ph: 0937-9230145 Fax 9230226

No. 3680 /

Dated 18/5/2013.

To,

The Directorate General Health  
Services Khyber Pukhtunkhwa  
Peshawar.

Subject:

**VACANT POSITION FROM BPS-07 TO BPS-16 REGARDING  
MINISTERIAL/ ESTABLISHMENT.**

Memo:-

Reference your memo No 1565-626/Personnel Dated 01-04-2013,

I have the honour to submit here with the requisite information on the prescribed

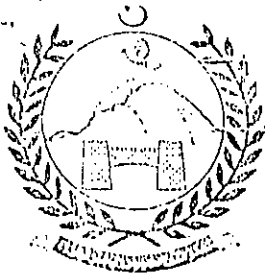
Proforma as desired please.

In a addition as above two S/Clerk Bps-9 are working against post which  
my very kindly be adjusted on their original post some where else,

S.#	Name of Designnation	BPS	Place of Posting	Sancti oned	Filled	Vacant	Name
1	Admn: Officer	-	-	-	-	-	-
2	Supd:	16	-	-	-	-	-
3	Office Asstt:	14	DHQ (H) Mardan	2	2	-	1. Jjaz Ahmad asstt: 2. Anwar Khan.asstt:
4	Senior Clerk	09	DHQ (H) Mardan.	3	3	-	1. M. Amin S/Clerk 2. Lal Mir Khan S/C 3. Shaukat Khan S/C <u>Surplus S/Clerk-2</u> 1. Fazli Akbar S/C 2. Khalid Khan S/C
6	Junior Clerk	07	DHQ (H) Mardan	6	6	-	1. Anwar Shah J/C 2. Amjad Khan J/C 4. Fazli Akbar J/C 5. Asad shah J/C 6. M. Abbas Khan J/C
7	Jr. Scale Stenographer	14	-	-	-	-	-
8	Sr: Scale Stenographer	16	-	-	-	-	-
9	Computer Operator	-	-	-	-	1	Mr. Kamran Khan Computer Operator working under the control of DHQ Mardan has requested for his transfer/adjust in DHQ Mardan against the vacant post.

ATTESTED

Medical Superintendent  
/ DHO Hospital Mardan.



ANNEX E

(16)

(17)

DIRECTORATE GENERAL  
HEALTH SERVICES KHYBER  
PAKHTUNKHWA PESHAWAR.  
No. 5130-89 / Personnel (Promotion)  
Dated. 22/8/2013.


To,

1. All Principals/ Chief Executives Health Institutions, Khyber Pakhtunkhwa Peshawar.
2. All Medical Superintendent of Teaching Hospital Khyber Pakhtunkhwa Peshawar.
3. DHS (FATA) Khyber Pakhtunkhwa Peshawar.
4. All Agency Surgeons, Khyber Pakhtunkhwa.
5. All Agency Surgeon FRs.
6. All Medical Superintendent AHQ Hospitals.

Subject: FINAL SENIORITY LIST OF SENIOR CLERKS OF PROVINCIAL  
SUB-CADRE OF HEALTH KHYBER PAKHTUNKHWA.


Memo:


A Final seniority list of Senior Clerks (BPS-09) of the Provincial Sub-Cadre Khyber Pakhtunkhwa prepared by this Directorate is sent herewith for their information.

  
DIRECTOR GENERAL HEALTH SERVICES  
KHYBER PAKHTUNKHWA, PESHAWAR.

No. 5190 / Personnel (Promotion).

Copy forwarded to the Secretary Health Government of Khyber Pakhtunkhwa Peshawar for information please.

  
DIRECTOR GENERAL HEALTH SERVICES  
KHYBER PAKHTUNKHWA, PESHAWAR.

  
ATTESTED



**FINAL SENIORITY LIST OF SENIOR CLERKS (BPS-09) OF  
SUB-CADRE OF HEALTH SERVICES IN KHYBER PAKHTUNKHWA.**

18

S.NO	Name of Official	Nomenclature of the Post	Date of Apptt./ Promotion	Place of posting	Date of Birth /Domicile	Date of Retirement:	Remarks
1.	Ilyas Masch	a) Jr. Clerk b) Sr. Clerk	17.03.1981 22.11.1992	ID Children Hospital Peshawar	19.06.1961 Peshawar	10.06.2021	
2.	Muhammad Nawaz	a) Jr. Clerk b) Sr. Clerk	13.12.1981 22.11.1992	A.S Bajawar Agency	08.07.1957 Bajawar Agency	07.07.2017	Forgone his promotion.
3.	Manzoor Hussain Khan S/O Mirza Khan	a) Jr. Clerk b) Sr. Clerk	30.10.1982 25.09.1994	MMMT Hospital DI Khan	15.05.1958 DI Khan	14.05.2018	
4.	Shabir Ahmad S/O Khair ur Rehman	a) Jr. Clerk b) Sr. Clerk	24.08.1983 24.01.2002	KTH Peshawar	03.01.1962 Bannu	02.01.2022	
5.	Muhammad Qurash	a) Jr. Clerk b) Sr. Clerk	18.03.1985 30.06.2000	Khyber Agency	01.01.1966 Mardan	31.12.2025	
6.	Zamarud Shah S/O Said Azam	a) Jr. Clerk b) Sr. Clerk	10.09.1985 01.07.2000	DHO Swabi	02.01.1962/ Swabi	01.01.2022	
7.	Nisar Ahmad	a) Jr. Clerk b) Sr. Clerk	01.10.1985 25.08.2001	A.S, Mohmand Agency	09.10.1964 Peshawar	08.10.2024	
8.	Arshad Ali S/O Khan Baz	a) Jr. Clerk b) Sr. Clerk	09.10.1985 25.08.2001	LRH, Peshawar	15.04.1965 Peshawar	14.04.2025	
9.	Sher Muhammad S/O Zewar Shah	a) Jr. Clerk b) Sr. Clerk	10.09.1985 01.09.2001	DHO Swabi	01.01.1964/ Swabi	31.12.2023	
10.	Shah Hussain S/O Gul Haider	a) Jr. Clerk b) Sr. Clerk	01.10.1985 24.01.2002	PMI Swat	03.06.1963/ Swat.	02.06.2023	
11.	Asmatullah S/O Ghulam Qadir	a) Jr. Clerk b) Sr. Clerk	15.03.1986 10.02.2004	EDO (H) DI Khan	25.02.1966/ DI Khan	24.02.2026	
12.	Ammanullah S/O Sabz Ali Khan	a) Jr. Clerk b) Sr. Clerk	20.09.1986 10.02.2004	LRH, Peshawar.	05.01.1966 Peshawar	04.01.2026	
13.	Said Nazim	a) Jr. Clerk b) Sr. Clerk	17.04.1979 22.09.2006	A. S Kuram Agency	08.12.1958 I Agency	07.12.2018	
14.	Riaz Anwar S/O Saifullah Khan	a) Jr. Clerk b) Sr. Clerk	01.03.1986 22.09.2006	EDO (H) Tank	13.01.1963/ Tank	12.01.2023	
15.	Burhan ud din	a) Jr. Clerk b) Sr. Clerk	19.10.1986 22.09.2006	KGMC, Peshawar	15.02.1965 Peshawar	14.02.2025	
16.	Muhammad Musa Khan S/O Sultan Muhammad	a) Jr. Clerk b) Sr. Clerk	17.12.1986 22.09.2006	LRII, Peshawar	11.12.1968 Peshawar	10.12.2028	
17.	Inayat Ali	a) Jr. Clerk b) Sr. Clerk	27.12.1986 22.09.2006	Drug Testing Lab, Peshawar.	06.12.1965 Peshawar	05.12.2025	
18.	Ashfaqullah	a) Jr. Clerk b) Sr. Clerk	02.04.1987 22.09.2006	AS Mohmand.	02.04.1966 Charsadda	01.04.2026	

**ATTESTED**

19.	Zafar Ali Khan S/O Muhammad Aslam	a) Jr. Clerk b) Sr. Clerk	01.04.1987 07.02.2007	PGMI Peshawar	19.10.1964 /Mardan	18.10.2024	19
20.	Nasem ul Haq S/O Zia ul Haq	a) Jr. Clerk b) Sr. Clerk	12.04.1987 07.02.2007	STH, Swat	30.10.1969/ Swat	29.10.2029	
21.	Muhammad Ali S/O Khaparay Mia.	a) Jr. Clerk b) Sr. Clerk	21.06.1987 07.02.2007	STH, Swat	01.01.1963/ Swat	01.01.2023	
22.	Muhammad Amir S/O Muhammad Sharif	a) Jr. Clerk b) Sr. Clerk	03.08.1987 07.02.2007	HMC, Peshawar	29.02.1968 Peshawar	28.02.2028	
23.	Mushtaq Hussain	a) Jr. Clerk b) Sr. Clerk	08.07.1987 16.02.2007	AS FR DI Khan	06.01.1966 DI Khan	05.01.2026	
24.	Chiragh Shah S/O Dilawar Shah	a) Jr. Clerk b) Sr. Clerk	11.02.1980 31.12.2009	KTH, Peshawar	05.05.1955/ Peshawar	04.05.2015	
25.	Riffat Khan	a) Jr. Clerk b) Sr. Clerk	04.04.1983 31.12.2009	DHQ Hospital, Abbottabad	04.04.1960/ Abbottabad	03.04.2020	
26.	Fida Muhammad S/O Shad Muhammad	a) Jr. Clerk b) Sr. Clerk	21.11.1984 31.12.2009	MMC Mardan	01.04.1959/ Mardan	31.03.2019	
27.	Ihsanullah S/O Sher Zaman	a) Jr. Clerk b) Sr. Clerk	16.11.1985 31.12.2009	KTH, Peshawar.	05.04.1962/ Peshawar.	04.04.2022	
28.	Qayyum Nawaz S/O Haq Nawaz	a) Jr. Clerk b) Sr. Clerk	12.02.1986 31.12.2009	GMC, DI Khan	04.04.1963/ D I Khan	03.04.2023	
29.	Sami ud din S/O Khan Din	a) Jr. Clerk b) Sr. Clerk	06.05.1987 31.12.2009	KCD, Peshawar.	01.02.1960/ Peshawar	31.01.2020	
30.	Fazle Ahad S/O Abdul Sattar	a) Jr. Clerk b) Sr. Clerk	21.10.1987 31.12.2009	LRH, Peshawar	26.02.1964/ Nowshera	25.02.2024	
31.	Habib ur-Rehman	a) Jr. Clerk b) Sr. Clerk	22.10.1987 31.12.2009	BMC, Bannu	05.12.1962/ D I Khan	04.12.2022	
32.	Nasar Khan S/O Hassan Khan	a) Jr. Clerk b) Sr. Clerk	12.12.1987 31.12.2009	MMC, Mardan	25.03.1965/ Nowshera	24.03.2025	
33.	Kiramattullah S/O Abdur Rauf	a) Jr. Clerk b) Sr. Clerk	10.02.1988 31.12.2009	KMC, Peshawar	08.09.1969/ Peshawar	07.09.2029	
34.	Abdul Hadi S/O Qasim Khan	a) Jr. Clerk b) Sr. Clerk	13.03.1988 31.12.2009	Khalifa Gul Nawaz Teaching Hospital, Bannu.	06.03.1964/ Bannu.	05.03.2024.	ATTESTED
35.	Saeed ullah	a) Jr. Clerk b) Sr. Clerk	28.03.1988 31.12.2009	AS Miranshah	16.04.1971/ NWA	15.04.2031	
36.	Zarghun Shah S/O I Shah	a) Jr. Clerk b) Sr. Clerk	01.06.1988 31.12.2009	KTH, Peshawar	06.01.1959/ Peshawar	05.01.2019	
37.	Israr Khan	a) Jr. Clerk b) Sr. Clerk	30.09.1988 31.12.2009	Food Lab, Peshawar	06.02.1969/ Peshawar.	05.02.2029	
38.	Johar Shah S/O Abdul Ahad	a) Jr. Clerk b) Sr. Clerk	05.11.1988 31.12.2009	LRII, Peshawar.	04.04.1963/ Peshawar.	03.04.2023	
39.	Jamil Akhtar S/O	a) Jr. Clerk	05.11.1988	LRH, Peshawar.		13.06.2024	

	Awal Sher	b) Sr. Clerk	31.12.2009		Peshawar	
40.	Rehmatullah	a) Jr. Clerk b) Sr. Clerk	01.07.1989 31.12.2009	Services Hospital Peshawar.	16.01.1967/ Bannu.	15.01.2027
41.	Yaqoob Khan	a) Jr. Clerk b) Sr. Clerk	01.07.189 31.12.2009	DHS(FATA)	12.04.70/ Peshawar	11.04.2030
42.	Bashir Ahmad S/O Allah Diwaya	a) Jr. Clerk b) Sr. Clerk	19.09.1989 31.12.2009	MMM Teaching, D I Khan	15.11.1967/ D I Khan	14.11.2025
43.	Ghafoor Qaiser S/O Haji Badar ud Din	a) Jr. Clerk b) Sr. Clerk	05.10.1989 31.12.2009	GMC, D I Khan	12.09.1970/ D I Khan	11.09.2030
44.	Muhammad Shakeel S/O Muhammad Bakhsh	a) Jr. Clerk b) Sr. Clerk	11.10.1989 31.12.2009	DHQ Teaching Hosp: D I Khan	13.03.1971/ D I Khan.	12.03.2031
45.	Ajmal Khan S/O Zaman Khan	a) Jr. Clerk b) Sr. Clerk	12.10.1989 31.12.2009	DHQ T H Bannu	13.03.1969/ Bannu	12.03.2029
46.	Aziz ullah Khan Wazir S/O Haji Abdul Khanan	a) Jr. Clerk b) Sr. Clerk	11.11.1989 31.12.2009	Khalifa Gul Nawaz Teaching Hospital, Bannu.	01.01.1969/ Bannu	31.12.2028
47.	Parvez Khan S/O Mahar Gul	a) Jr. Clerk b) Sr. Clerk	13.11.1989 31.12.2009	HMC, Peshawar	13.03.1969/ Peshawar	12.03.2029
48.	Israr Ahmad S/O Syed Ahmad Shah	a) Jr. Clerk b) Sr. Clerk	14.11.1989 31.12.2009	DGHS Office	23.02.1963/ Peshawar	22.02.2023
49.	Irfan Majid	a) Jr. Clerk b) Sr. Clerk	14.11.1989 31.12.2009	Sarhad Hospital for Psychiatry Diseases Peshawar	18.12.1969/ Peshawar.	17.12.2029
50.	Inayatullah S/O Zeb Ullah	a) Jr. Clerk b) Sr. Clerk	20.11.1989 07.02.2007	STH, Swat	30.04.1968/ Swat	29.04.2028
51.	Abdul Qadir S/O Muhammad Sadiq	a) Jr. Clerk b) Sr. Clerk	01.12.1989 31.12.2009	Govt Mental &General Hospital, Dadar	24.04.1969/ Mansehra.	23.04.2029
52.	Imtiaz Khan S/O Abdul Wahid	a) Jr. Clerk b) Sr. Clerk	28.01.1990 31.12.2009	KMC, Peshawar.	13.09.1966/ Peshawar.	12.09.2026
53.	Zahid Khan	a) Jr. Clerk b) Sr. Clerk	31.01.1990 31.12.2009	PGMI/HMC, Peshawar	13.10.1968/ Peshawar.	12.10.2028
54.	Bashir Ahmad.	a) Jr. Clerk b) Sr. Clerk	07.02.1990 31.12.2009	PGMI/HMC, Peshawar.	01.06.1965/ Peshawar.	31.05.2025
55.	Mutabar Khan	a) Jr. Clerk b) Sr. Clerk	13.02.1990 31.12.2009	AHQ Miranshah	03.02.1967/ NWA	02.02.2027
56.	Mustafa Kamal S/O Muhammad Nawaz	a) Jr. Clerk b) Sr. Clerk	07.03.1990 31.12.2009	KCD, Peshawar	25.04.1970/ Peshawar.	24.04.2030
57.	Zewar Shah S/O Musannif Shah	a) Jr. Clerk b) Sr. Clerk	17.06.1990 31.12.2009	LRH, Peshawar.	05.12.1972/ Peshawar	04.12.2032
58.	Muslim Khan S/O Wisal Khan	a) Jr. Clerk b) Sr. Clerk	01.07.1990 31.12.2009	HMC, Peshawar.	01.03.1968/ Peshawar	28.02.2028

3  
ATTESTED

## OFFICE ORDER

DIRECTORATE GENERAL HEALTH SERVICES  
KHYBER PAKHTUNKHWA PESHAWAR

Consequent upon approval accorded by the Departmental Promotion Committee held on 07.10.2012, the following Senior Clerk (BPS-09) are hereby promoted as Office Assistant (BPS-14) from the date noted against each:-

S.NO	NAME OF OFFICAL	PRESENT POSTING	PLACE OF POSTING	REMARKS
01	Mr. Manzoor Hussain	M.M.M.T	Hospital	with immediate effect
02	Mr. Nowsher Khan	AS. Mohmand.		with immediate effect
03	Mr. Zarnarud Shah	DHO Swabi.		with immediate effect
04	Mr. Sher Muhammad	DHO Swabi.		with immediate effect
05	Mr. Shabir Ahmad	KTH Peshawar.		Clear from retrospective date their erstwhile juniors were promoted i.e. 30.05.2011. (without arrears).
06	Mr. Shah Husain	TMI Swabi		Clear from retrospective date their erstwhile juniors were promoted i.e. 30.05.2011. (without arrears).
07	Mr. Fazal Rahim	SGTH Swat.		with immediate effect
08	Mr. Asmatullah	DHO D.T.Klaun		Clear from retrospective date their erstwhile juniors were promoted i.e. 30.05.2011. (without arrears).
09	Mr. Amanullah	LRH Peshawar.		with immediate effect

On their promotion as office Assistant (BPS-14) the following posting/transfer are by order with immediate effect.

A/c  
26/11/13  
7A  
ATTESTED

DIRECTORATE GENERAL HEALTH SERVICES  
KHYBER PAKHTUNKHWA PESHAWAR

## OFFICE ORDER

Consequent upon approval accorded by the Departmental Promotion Committee held on 07.10.2012, the following Senior Clerk (BPS-09) are hereby promoted as Office Assistant (BPS-14) from the date noted against each:-

S.NO	NAME OF OFFICAL	PRESENT POSTING	PLACE OF POSTING	REMARKS
01	Mr. Manzoor Hussain	M.M.M.T	Hospital	with immediate effect
02	Mr. Nowsher Khan	AS. Mohmand.		with immediate effect
03	Mr. Zarnamud Shah	DHO Swabi.		with immediate effect.
04	Mr. Sher Muhammad	DHO Swabi.		with immediate effect
05	Mr. Shabir Ahmad	KTH Peshawar.		Clear from retrospective date their erstwhile juniors were promoted i.e. 30.05.2011. (without arrears).
06	Mr. Shah Hussain	PMI Swabi		Clear from retrospective date their erstwhile juniors were promoted i.e. 30.05.2011. (without arrears).
07	Mr. Fazal Rahim	SGTH Swat.		with immediate effect
08	Mr. Asmatullah	DHO D.I.Khan		Clear from retrospective date their erstwhile juniors were promoted i.e. 30.05.2011. (without arrears).
09	Mr. Amanullah	LRH Peshawar		with immediate effect

On their promotion as office Assistant (BPS-14) the following posting/transfer are by order with immediate effect.

A/c for n-3  
Temp  
26/11/13

7A  
ATTESTED

12  
10  
23

05	Mr. Shahir Ahmad	KTH Peshawar.	Zulfiqar Ali Batto Medical College Peshawar.	
06	Mr. Shah Hussain	PMI Swat.	BMC Bannu.	
07	Mr. Fazal Rahim	SGTH Swat.	BMC Bannu.	-do-
08	Mr. Asmatullah	DHO D.I.Khan	M.M.M.T Hospital D.I.Khan.	
09	Mr. Amanullah	LRH Peshawar.	Zulfiqar Ali Batto Medical College Peshawar.	-do-

N.B Arrival / Departure should be submitted to this Directorate.

Sd/xxxxxxxx  
DIRECTOR GENERAL HEALTH  
SERVICES KPK, PESHAWAR.

No. 2970-95 /AE-VII, Dated Peshawar the 25 /11/2013

Copy forwarded to the:

1. Director Health Services FATA, Peshawar.
2. Principal Zulfiqar Ali Batto Medical College, Peshawar.
3. Principal Bannu Medical College, Bannu.
4. Principal Paramedical Institute Swat.
5. Medical Superintendent LRH, Peshawar.
6. Medical Superintendent KTH, Peshawar.
7. Medical Superintendent SGTH, Swat.
8. Medical Superintendent MMT Hospital, D.I.Khan.
9. District Health Officer D.I.Khan.
10. District Health Officer Swabi.
11. District Account Officer
13. D.O.
14. Agency Acco. Officer Mohmand.
15. Agency Surgeon Mohmand.
16. Account General KPK, Peshawar.
17. Official Concerned.

For information and necessary action.

*Asmatullah*  
25.11  
DIRECTOR GENERAL HEALTH  
SERVICES KPK, PESHAWAR.

*25/11/13*

*Ju*  
ATTESTED

OFFICE OF THE MEDICAL SUPERINTENDENT  
DISTRICT HEADQUARTERS HOSPITAL MARDAN  
Ph # 0937-9230145 Fax # 9230226

No. 2332 /C-18 Dated 18/11/2014.

(24)

To:

The Director General Health  
Services Khyber Pakhtunkhwa  
Peshawar.

SUBJECT:- APPEALS.

Memo:

Enclosed please find herewith appeals in R/O the following Senior Clerks  
of this hospital against the promotion order of your good office vide No. 32970-95/AE-VII dated  
25.11.2013 for favourable consideration.

1. Mr. Fazli Akbar Senior Clerk.
2. Mr. Lal Mir Khan Senior Clerk.
3. Mr. Shaukat Khan Senior Clerk.
4. Mr. Khalid Khan Senior Clerk.

*[Signature]*  
 Medical Superintendent  
 DHQ: Hospital Mardan.  
 SA  
 17/11/2014

Receipt.

Received Letter no. 2332/C-18. Dated 18/11/2014  
 alongwith its enclosures from M.S. DHQ Hospital,  
 Mardan through special messenger MR: Khalid Khan, slabs  
 today on 20/11/2014. Diary no. 1605, Dated 20/11/2014  
 DGHS, KP, Peshawar.

*[Signature]*  
 20/11/14

*[Signature]*  
 ATTESTED

The Director General Health  
Services Khyber Pakhtunkhwa  
Peshawar.

DEPARTMENTAL APPEAL FOR INCLUSION MY NAME IN  
SENIORITY LIST AN IGNORANCE OF PROMOTION CASE.

Most respectfully I beg to submit that I am working as Senior Clerk in BPS-09 in the office of the Medical Superintendent DHQ: Hospital Mardan since 25.8.2001. According to the seniority list of Senior Clerks prepared/issued by your office vide No. 5130-89/Personal (Promotion) dated 22.8.2013, without circulating the same list in M.S. DHQ: Hospital Mardan/DHO Office Mardan. After perusal of Seniority list my name has <sup>not</sup> been included in the seniority list, <sup>said</sup> vide the detail list of ministerial staff of this hospital has already been submitted to your office for the purpose through special messenger vide No. 3680/MS dated 18.5.2013 (copy attached for ready reference).

The following Senior Clerks are promoted from the post of Senior Clerk BPS-09 to the post of Assistant BPS-14:-


S.No.	S.No. as per seniority list	Name & Father Name
1.	07	Mr. Nisar Ahmad S/O
2.	08	Mr. Arshad Ali S/O Khan Baz
3.	09	Mr. Sher Muhammad S/O Zaiwar Shah
4.	10	Mr. Shah Hussain S/O Gul Haider
5.	11	Mr. Asmatullah S/O Ghulam Qadir
6.	12	Mr. Amanullah S/O Sabzali Khan


I am the senior most of the above promoted Senior Clerks as per my Bio-data as under :-

Name	F/Name	D/Birth	D/First Appointment	Domecile	D/Retirement
Mr. Fazli Akbar	Fazli Rabi	15.3.1954	06.1.1979 as Junior clerk & as Senior clerk 25.8.2001	Mardan	14.3.2014

It is therefore requested to kindly consider my application for promotion from post of Senior Clerk BPS-09 to the post of Assistant BPS-14, please.

Yours Obediently

  
Mr. Fazli Akbar  
Senior Clerk  
DHQ: Hospital Mardan

  
**ATTESTED**



	Abdur Rashid	b) Sr. Clerk	31.12.2009				(21)
60.	Ghafoor Khan S/O Marwat	a) Jr. Clerk b) Sr. Clerk	01.10.1990 31.12.2009	MMM Teaching, D I Khan	07.10.1972/ Peshawar	06.10.2032	
	Gul Noor S/O Ajab Noor	a) Jr. Clerk b) Sr. Clerk	04.10.1990 31.12.2009	GMC D I Khan	08.10.1972/ D I Khan	07.10.2032	
62.	Ayub Jan S/O Fateh Khan	a) Jr. Clerk b) Sr. Clerk	15.10.1990 31.12.2009	KMC, Peshawar.	16.07.1969/ Charsadda	15.06.2028	
63.	Nisar Muhammad S/O Fazal Muhammad	a) Jr. Clerk b) Sr. Clerk	05.01.1991 31.12.2009	DGHS, Peshawar	14.09.1967/ Charsadda	13.09.2027	
64.	Muhammad Haider Ali Khan	a) Jr. Clerk b) Sr. Clerk	15.01.1991 31.12.2009	AS Miranshah	01.04.1971/ Nowshera	31.03.2031	
65.	Sabir Hussain S/O Muhammad Amin	a) Jr. Clerk b) Sr. Clerk	28.01.1991 31.12.2009	KGMC, Peshawar	15.9.1957/ Peshawar	14.09.2017	
66.	Muneer Khan	a) Jr. Clerk b) Sr. Clerk	26.03.1991 31.12.2009	LRH, Peshawar	11.04.1965/ Dir	10.04.2025	
67.	Ihsanullah S/O Salih Jan	a) Jr. Clerk b) Sr. Clerk	31.08.1991 31.12.2009	HMC, Peshawar	25.3.1966/ Karak	24.03.2026	
68.	Jamil ur Rehman	a) Jr. Clerk b) Sr. Clerk	01.10.1991 31.12.2009	AS Mohmand	03.03.1971/ Peshawar	02.03.2031	
69.	Ihsan ul Haq S/O Noor Ahmad Shah	a) Jr. Clerk b) Sr. Clerk	22.11.1988 31.12.2009	STH, Swat	01.06.1967/ Swat	31.05.2027	
70.	Ihsanullah S/O Fazli Masood	a) Jr. Clerk b) Sr. Clerk	13.06.1991 31.12.2009	STH, Swat.	26.05.1968/ Swat.	25.05.2028	
71.	Fazeelat Khan S/O Abdul Ghafoor Khan	a) Jr. Clerk b) Sr. Clerk	01.07.1992 28.06.2012	DHO Swabi	15.12.1968	14.12.2028	

DIRECTOR GENERAL HEALTH SERVICES  
KHYBER PUKHTUNKHWA, PESHAWAR.

205/13/13

TR  
ATTESTED

26



*Registered*

OFFICE OF THE MEDICAL SUPERINTENDENT  
DISTRICT HEADQUARTERS HOSPITAL MARDAN  
Ph # 0937-9230145 Fax # 9230226

No. 28681

Dated 7/2 /2014

To

The Director General Health  
Services Khyber Pakhtunkhwa  
Peshawar.

SUBJECT:-  
Memo:

APPEALS.

Enclosed please find herewith the applications regarding promotion to the post of Assistant BPS-14 in respect of the following Senior Clerk for further necessary action.

1. Mr. Fazli Akbar.
2. Mr. Lal Mir Khan.
3. Mr. Shaukat Khan
4. Mr. Khalid Khan.

*[Signature]*  
Medical Superintendent  
D.H.Q. Hospital Mardan

*[Signature]*  
ATTESTED



DIRECTORATE GENERAL HEALTH SERVICES  
KHYBER PAKHTUNKHWA PESHAWAR

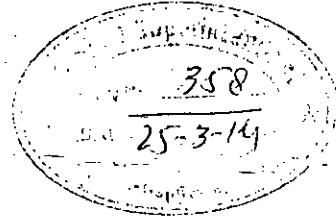
No. 1649 / PERSONEL SECTION

Dated 18/3 /2014.

28

To

The Medical Superintendent,  
DHQ Hospital,  
Mardan.



SUBJECT: APPEAL

I am directed to refer to your letter No. 2332/C-18 dated 18.01.2014 on the subject noted above and to state that the name of the applicants have been included in the Seniority List of Senior Clerks (Sub Cadre) and will be promoted on their turn.

*Office  
for records  
[Signature]  
3/4/14*

*[Signature]*  
ASSISTANT DIRECTOR (P-II)  
DIRECTORATE GENERAL HEALTH  
SERVICES KPK, PESHAWAR.

*[Signature]*  
26/3/14

*No. 4416 /ms dt: 14/04/2014*

*Copy forwarded to all concerned officials  
for information + action. Please.*

*[Signature]*  
[Illegible text]

*[Signature]*  
**ATTESTED**

To

The Director General Health  
Services Khyber Pakhtunkhwa  
Peshawar.

27

SUBJECT:- APPEAL  
R/Sir,

Kindly refer to my appeal addressed to your good self vide M.S. Office  
No. 2332/C-18 dated 18.1.2014.

In this connection it is humbly stated that no action/response from  
your good office is received till now.

It is once again requested to kindly consider the matter sympathically  
for promotion to the post of Assistant BPS-14 from the date mentioned in the office order  
issued vide DGHS No. 32970-95/AE-VII dated 25.11.2013.

In case of no response, I will be compelled to knock the door of law &  
justice.

Thanking you sir,

Yours Obediently

*F. Akbar*  
07/14

Mr. Fazli Akbar  
Senior Clerk  
DHQ: Hospital  
Mardan.

*TH*  
**ATTESTED**



**(CHIEF MINISTER'S COMPLAINT & REDRESSAL CELL)**  
**Chief Minister's Secretariat, Khyber Pakhtunkhwa**

Phone No.091-9222460--64  
Fax No. 091-9212237  
E.mail Cms KPK@yahoo.com  
Address: S.A Qayyum Road, Peshawar

29

No. SO(C&RC)/CMS/1-3/2013/App  
Dated Peshawar the 04.03.2014

To

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

Subject: - COMPLAINT REGARDING IGNORANCE OF PROMOTION OF SENIOR CLERKS OF THE POST OF ASSISTANTS OF DHO HOSPITAL MARDAN

Dear Sir,

I am directed to enclose herewith a self explanatory complaint received in the Complaint and Redressal Cell of this Secretariat from Mr. Fazli Akbar, Senior Clerk and others, DHO Hospital Mardan on the subject noted above.

I am therefore directed to request that necessary action in the matter may be taken as per law/rules and furnish report to this Secretariat for perusal of the competent authority.

Yours faithfully,

*SLC*

SECTION OFFICER-I (C&RC)

Encl: As above.

Ends.No. & date even.

Copy forwarded to:-

1. PS to Principal Secretary to Chief Minister Khyber Pakhtunkhwa.
2. PS to Chairman C&R Cell, Chief Minister's Secretariat, Khyber Pakhtunkhwa.

*SLC*

SECTION OFFICER-I (C&RC)

*th*  
**ATTESTED**

30

To,

The Honourable Chief Minister  
Khyber Pakhtun Khwa,  
Peshawar.

SUR:- IGNORANCE OF PROMOTION OF SENIOR CLERKS TO THE  
POSTS OF ASSISTANTS BPS-14 OF HEALTH EMPLOYEES IN  
DHQ HOSPITAL MARDAN.

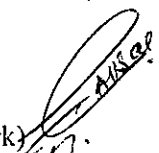

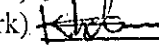

R/Sir,

Most respectfully we beg to draw your kind attention, that we the following senior clerks BPS-9 of DHQ Hospital Mardan have totally been ignored from promotion to the Posts of Assistants BPS-14 by the Director General Health Services Khyber Pakhtunkhwa and junior most senior clerks have been promoted to the post of Assistants BPS-14 from us, vide Directorate General Health Services Khyber Pakhtunkhwa Peshawar Vide promotion order issued under No.32970-95/AE-VII , dt: 25/11/2013.

In this regard we have submitted an appeal to the Directorate general Health Services Khyber Pakhtunkhwa Peshawar Vide No.2332/C-18 , dt: 18/1/2014 subsequent reminder No. 2868 , dt: 7/2/2014 but still no reply/response received so far.

It is therefore requested to kindly look into the matter personally regarding our promotion to the posts of Assistant BPS-14.

Yours Obediently

- 1. Fazli Akbar (Senior Clerk) 
- 2. Lal Mir Khan (Senior Clerk) 
- 3. Shaukat Khan (Senior Clerk) 
- 4. Khalid Khan (Senior Clerk) 

DHQ Hospital Mardan.

No: \_\_\_\_\_

Dated : 4 / 3 / 2014

Copy Forwarded to;

- 1. Honourable Health Minister Khyber Pakhtun Khwa
- 2. Secretary Health Khyber Pakhtun Khwa Peshwar.
- 3. Director General Health Services Khyber Pakhtun Khwa Peshawar.

  
ATTESTED

## وکالت نامہ

SERVICE TRIBUNAL

بعدالت

Fazli Akbar نام D.G. Health and others

SERVICE MATTER دعویٰ یا جرم FAZLI AKBAR منجانب

تھانہ: ایف آئی آر تاریخ 9/5/2014

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی بمقام Peshawar کیلئے

ثناء اللہ خان، تیمور خان ایڈووکیٹس ہائی کورٹ و فیڈرل شریعت کورٹ

آف پاکستان کو بدیں شرط وکیل مقرر کیا ہے میں ہر پیشی پر خود یا بذریعہ مختار خاص روبرو عدالت حاضر ہوتا رہوں گا اور بروقت پکارے جانے مقدمہ جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا، اگر پیشی پر من مظہر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے، نیز وکیل صاحب موصوف صدر مقام پکھری سے کسی اور جگہ یا پکھری کے مقررہ اوقات سے پہلے پانچ بجے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے، اگر مقدمہ علاوہ صدر پکھری کے کسی اور جگہ سماعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر من مظہر کو کوئی نقصان پہنچے تو اس کی ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار ہوں گے، مجھ کو کل ساختہ پرداخت صاحب موصوف مثل کردہ ذات خود منظور و قبول ہوگا اور صاحب موصوف کو عرضی دعویٰ و جواب دعویٰ اور درخواست اجراء ڈگری و نظر ثانی اپیل و نگرانی ہر قسم کی درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرانے اور ہر قسم کارروائی وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور سپرد وراثی و راضی نامہ کو فیصلہ پر خلاف کرنے، اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت اپیل برآمدگی مقدمہ یا منسوخی ڈگری یا طرفہ درخواست حکم امتناعی یا قرتی یا گرفتاری قبل از اجراء ڈگری بھی موصوف کو بشرط ادائیگی علیحدہ مختار نامہ پیروی کا اختیار ہوگا اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا، یا مقدمہ مذکورہ یا اس کے کسی جزو کی کارروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے کسی دوسرے وکیل یا ایئر سٹر کو بجائے اپنے یا پانے ہمراہ مقرر کریں اور ایسے مشیر قانون کو ہر امر میں وہی اور ایسے ہی اختیارات حاصل ہوں گے جیسے کہ صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جاتہ التواء پڑے گا وہ صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ بھی صاحب موصوف کے برخلاف نہیں ہوگا، لہذا یہ مختار نامہ لکھ دیا تاکہ سند رہے۔

مورخہ 9/5/2014 مضمون مختار نامہ سن لیا ہے، اور اچھی طرح سمجھ لیا ہے، اور منظور ہے۔

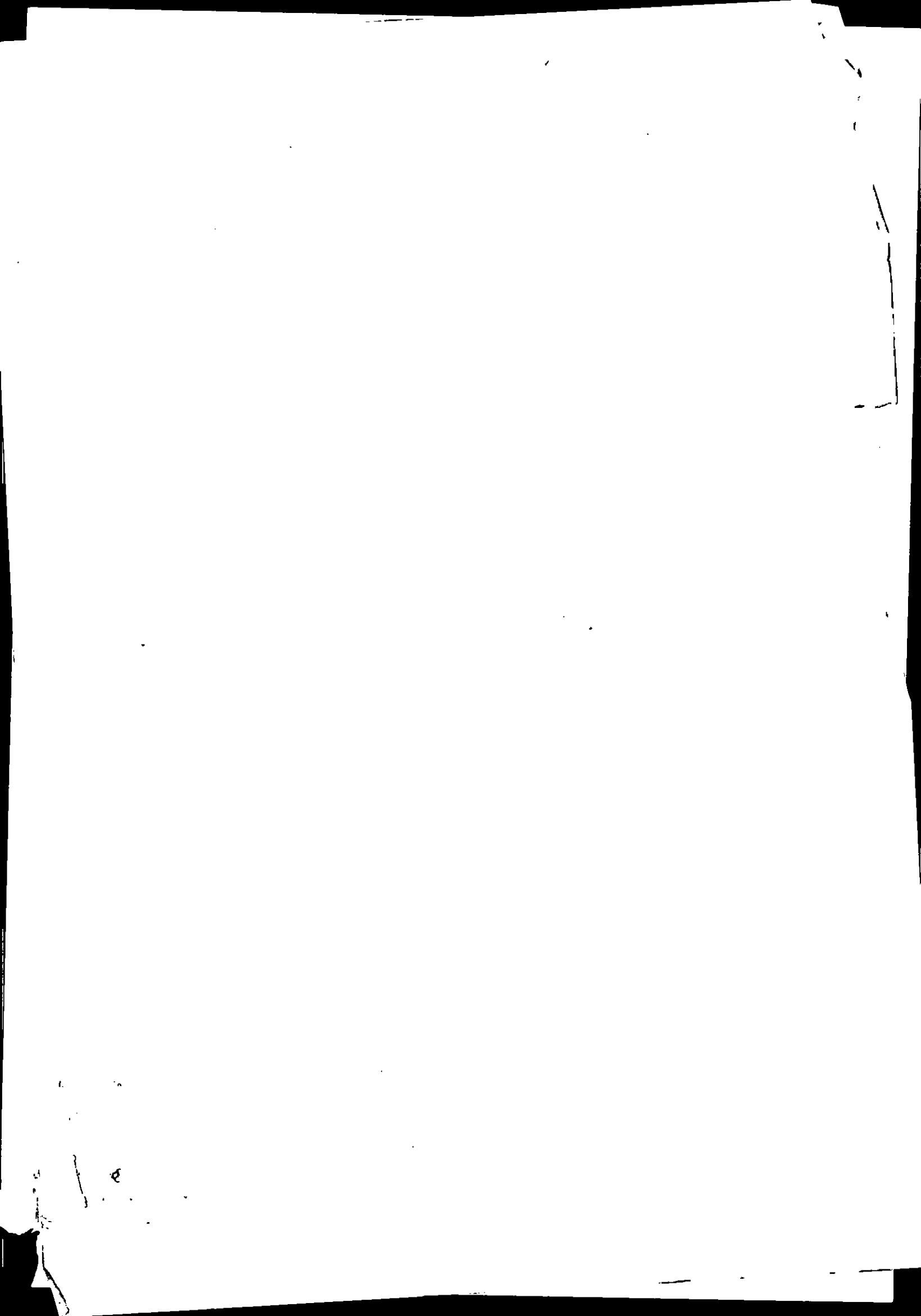
Accepted  
Advocate High  
Court Peshawar

Accepted  
Shawar Khan  
9/5/2014

31

مظہر لکھ دیا گیا

NIC No. 16101-1229155-1







**OFFICE OF THE MEDICAL SUPERINTENDENT**  
**DISTRICT HEADQUARTER HOSPITAL MARDAN**  
Ph # 0937-9230145 Fax # 9230226

No. \_\_\_\_\_/MS

Dated Mardan the \_\_\_\_/08/2015

**OFFICE ORDER.**

I, Dr Riaz Muhammad Medical Superintendent, DHQ Hospital Mardan has authorized Dr. Abdul Latif, Deputy Medical Superintendent, Mr. Khalid Khan & Mr. Amjid Ali Court Dealing Assistant to attend the Honourable Court of Services Tribunal Khyber Pakhtun khwa, Peshawar in case of Mr. Fazli Akbar, Ex-Senior Clerk V/S Director General Health Services, Khyber Pakhtun khwa Peshawar and Medical Superintendent, DHQ Hospital Mardan on 28.8.2015.

Medical Superintendent,  
DHQ Hospital Mardan.

No. 6471-76

Dated: 15/8 /2015

Copy forwarded to the;

1. Registrar Khyber Pakhtun khwa Services Tribunal Peshawar.
2. Director General Health Services, Khyber Pakhtun Khwa, Peshawar.
3. Dr. Abdul Latif DMS, DHQ Hospital Mardan.
4. Mr. Khalid Khan, Accountant, DHQ Hospital Mardan.
5. Mr. Amjid Ali, Court Dealing Assistant, DHQ Hospital Mardan.
6. Head Driver, DHQ Hospital Mardan.

For information and necessary action please.

Medical Superintendent,  
DHQ Hospital Mardan.

**BEFORE SERVICE TRIBUNAL PESHAWAR.**

**Appeal No. 667/2014.**

Fazle Akhbar.....Appellant.

**Versus.**

Government of Khyber Pakhtunkhwa & Others.....Respondents.

**PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS. 1 & 3.**

**Preliminary Objections:-**

1. That the appellant has no cause of action.
2. That the appeal is not maintainable in its present form and also time barred.
3. That the appeal is bad for mis joinder of necessary and non joinder of unnecessary parties.
4. That the appellant has no locus standi and also estopped by his own conduct to file the appeal.
1. That the appellant has not come to the Tribunal with the clean hands.

**FACTS:-**

1. Pertain to his Service Record.
2. Pertain to his Service Record.
3. Correct.
4. Relates to DHO Mardan.
5. Correct.
6. Incorrect. Provisional Seniority list of the Senior Clerks was circulated amongst all the concerned for preliminary objection, if any, which was not responded accordingly by the appellant. Thereafter final seniority list was also issued on 22.08.2013 for information of all concerned.
7. Incorrect. The appellant was asked to produce his original Service Book for perusal and consideration vide letter No. 8651/Personnel / Promotion dated 17.10.2011. **(Annexure-I)** which he failed to do so.
8. The Medical Superintendent DHQ Hospital Mardan had submitted appeal of the following Senior Clerks for inclusion of their names in the seniority list:-

01.	Mr. Fazli Akbar	Senior Clerk.
02.	Mr. Lal Mir Senior Clerk	Senior Clerk.
03.	Mr. Shaukat Khan	Senior Clerk.
04.	Mr. Khalid Khan	Senior Clerk.

The names of the Civil Servant at Serial No. 02 to 40 had been included in the seniority list of Senior Clerks on 10.03.2014 while the name of the appellant was not included in the seniority because his retirement order was issued on 04.03.2014 **(Annexure-II).**

9. The appellant could not be included in the seniority list because of his retirement on 04.03.2014.
10. As in Para-08 above.

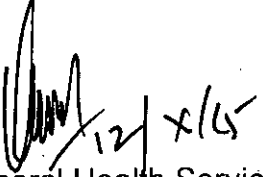
11. Since the appellant was retired from service the Secretary Health was informed accordingly vide letter No. 4428/ Personnel / Promotion dated 13.06.2014 (Annexure-III).

12. As in Para-11 above.

**GROUND:-**

- A. The appellant plea is incorrect because the order dated 10.03.2014 is correctly issued according to the rules.
- B. Incorrect. That the appellant did not provided requisite information.
- C. Incorrect the facts explained vide Para-06 above.
- D. As in Para 06 above.
- E. Explained as in Para-06 above.
- F. As in Para-06 above.
- G. As in Para-06 above.
- H. As in Para-06 above.
- I. As in Para-06 above.

It is therefore requested that in view of the above foregoing Paras, the appeal in hand may be dismissed with cost.

  
Director General Health Services,  
Khyber Pakhtunkhwa, Peshawar.  
(Respondent No.01 & 03)

*Bar*  
12/10/15



DIRECTORATE GENERAL HEALTH SERVICES,  
KHYBER PAKHTUNKHWA PESHAWAR

No 8651 /Personnel (Promotion)

Dated 17 /10/2011.


To,

The Medical Superintendent,  
DHQ Hospital Mardan.

Subject: PROVISIONAL SENIORITY LIST OF SENIOR CLERK  
BPS-09 OF PROVINCIAL SUB-CADERE KHYBER  
PAKHTUNKHWA.

Dear Sir,

I am directed to refer to your letter No. 8629/MS dated 06.10.2011, on the subject noted above and to furnish original service book in respect of Mr. Fazle Akbar Senior Clerk (BPS-09) to this Directorate so as to proceed further.

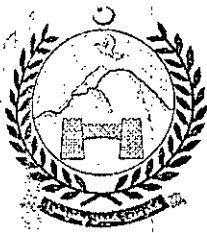
  
18/10/11

Assistant Director (P-II)  
DGHS, Khyber Pakhtunkhwa Peshawar

SL

  
14/11/11

323



**DIRECTORATE GENERAL HEALTH  
SERVICES GOVT: OF KHYBER  
PUKHTUNKHWA PESHAWAR**

**OFFICE ORDER**

Under the Powers delegated to me vide Govt: of K.P.K Finance Department Peshawar Notification No.FD-SO (SR-IV)/5-54/Vol.III dated 20-11-1986, amended vide Notification No. SO(FR)FD 5-92/2005/Vol-V dated 13.12.2012, sanction to the encashment of 365 days pay in lieu of LPR is hereby accorded in favour of Mr. Fazli Akbar Senior Clerk attached to DHQ Hospital Mardan.

He will stand retired from service w.e.f. 14.03.2014.

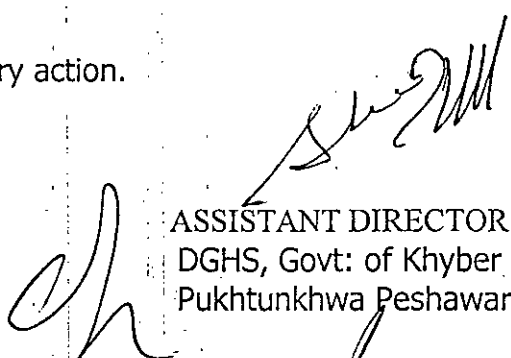
Sd/xxxxxxxx  
DIRECTOR GENERAL HEALTH  
SERVICES, K.P.K, PESHAWAR.  
Dated:04/03/2014.

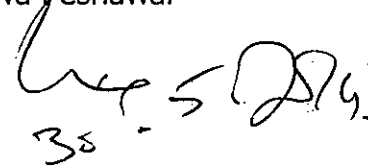
**No.1469-71 /Personnel.**

Copy forwarded to the:-

1. M.S-DHQ Hospital Mardan w/r to his letter No. 2640/MS dated 28.01.2014.
2. DAO Mardan.
3. Official Concerned.

For information and necessary action.

  
ASSISTANT DIRECTOR (P-II)  
DGHS, Govt: of Khyber  
Pukhtunkhwa Peshawar

  
38



DIRECTORATE GENERAL HEALTH SERVICES  
KHYBER PAKHTUNKHWA PESHAWAR

No. 4428 /Personnel (Promotion)

Dated 13/6 /2014.

325  
/

To

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

SUBJECT: IGNORANCE OF PROMOTION OF SENIOR CLERKS TO THE POST OF ASSISTANT OF HEALTH EMPLOYEES IN DHQ HOSPITAL.

Dear Sir,

Kindly refer to your letter No. SO(Secret)/HD/5-5/2014/April dated 29.04.2014, on the subject noted above and to state that the names of the following Senior Clerks have been included in the joint provincial seniority list of senior clerk (sub-cadre) and will be promoted to the post of office Assistant on their turns, while Mr. Fazli Akbar, Senior Clerk has since been retired from Govt: service on 14.03.2014.

1. Mr. Lal Mir Khan.
2. Mr. Shaukat Khan.
3. Mr. Khalid Khan.

Your faithfully,

*10.6*  
DIRECTOR GENERAL HEALTH.  
SERVICES KPK, PESHAWAR.

*9/6/14*

In The Court of Service Tribunal Peshawar.

Fazle Akbar

Vs

DG health.

Subject: Application for Adjournment.

Respectfully Sheweth,

- 1- That the above case is fixed for hearing today on 28<sup>1</sup>/<sub>2016</sub>.
  - 2- That I have injured to my knee last week.
  - 3- That its not possible for me to walk and appear <sup>before</sup> your lordship today.
  - 4- That kindly adjourn <sup>the</sup> case today and I will be <sup>available</sup> next ~~day~~ week for appearance.
- I will be grateful to you for your this kindness.

Yours sincerely,

28<sup>1</sup>/<sub>2016</sub>.

Sanaullah  
Advocate  
Peshawar.



**OFFICE OF THE MEDICAL SUPERINTENDENT**

**District Headquarter Hospital Mardan**

**Ph # 0937-9230145 Fax # 9230226**

**dhqmardan09379230145@gmail.com**

**IN THE COURT OF SERVICES TRIBUNAL K.P.K. PESHAWAR.**

1. Mr. Fazli Akbar (Ex-Senior Clerk DHQ: Hospital Mardan) R/O Mohallah Wali Muhammad Khan Garhi Daulat Zai Post Office Garhi Kapura Tehsil and District Mardan.....Appellant.

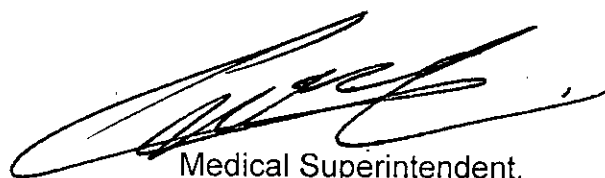
**Versus**

1. Province of KPK through Director General Health Services, Directorate General Health Services, Khyber Pakhtunkhwa Peshawar.
2. Medical Superintendent, D.H.Q. Hospital, Mardan.
3. Departmental Promotion Committee through Director General Health Services, Directorate General Health Services, Khyber Pakhtunkhwa Peshawar.  
..... Respondents.

The Para-wise comments are as under:-

1. Correct.
2. Correct.
3. Correct
4. Correct.
5. Correct.
6. Correct.
7. Correct.
8. Yes.
9. Yes.
10. No comments.
11. No comments.
12. No comments.
13. Correct.

It is further stated that the appeal of appellant is genuine and may kindly be considered sympathetically.

  
Medical Superintendent,  
DHQ Hospital, Mardan.



# BEFORE SERVICE TRIBUNAL PESHAWAR

Appeal NO.667/2014.

Fazle Akbar.....Appellant.

VERSUS

Government of Khyber Pakhtunkhwa & Others.....Respondents.

## Rejoinder to the para-wise comments of respondents. 1& 3.

1. Para no.1 of the appeal has been accepted by the respondent No.2 (DHQ) in their para-wise comments and is correct.
2. Para no.2 of the appeal has been accepted by the respondent No.2 (DHQ) in their para-wise comments and is correct.
3. Para no.3 of the appeal has been accepted by the respondent No.2 (DHQ) in their para-wise comments and respondent No.1 &3 in their comments and is correct.
4. Para no.4 of the appeal has been accepted by the respondent No.2 (DHQ) in their para-wise comments and is correct.
5. Para no.5 of the appeal has been accepted by the respondent No.2 (DHQ) in their para-wise comments and respondent No.1 &3 in their comments and is correct.
6. Para no.6 of the appeal has been accepted by the respondent No.2 (DHQ) in their para-wise comments and is correct. Respondents No. 1&3 are miss-stating before this honorable court.
7. Para no.7 of the appeal has been accepted by the respondent No.2 (DHQ) in their para-wise comments and is correct. Respondents No. 1&3 are miss-stating before this honorable court. Furthermore the service book is never in the custody of the appellant and is an official document.
8. Para no.8 of the appeal has been accepted by the respondent No.2 (DHQ) in their para-wise comments and is correct. Respondents No. 1&3 are mis-stating before this honorable court. On 10-3-2014 the departmental appeal of the appellant was decided, whereas the seniority order was issued on 25-11-2013 and at that time the appellant was still serving and the most senior staff member.

9. Para No.9 of the appeal has been accepted by the respondent No.2 (DHQ) in their para-wise comments and is correct. Respondents No. 1&3 are mis-stating before this honorable court. As already above stated that On 10-3-2014 the departmental appeal of the appellant was decided, whereas the seniority order was issued on 25-11-2013 and at that time the appellant was still serving and the most senior staff member.

10. Para No.10 as in para No.8 and 9 above.

11. Para No.11 as in para No.9 above.

12. Para No.12 as in para No.11 above.

13. Para No.9 of the appeal has been accepted by the respondent No.2 (DHQ) in their para-wise comments and is correct.

It is therefore requested that in view of the above foregoing Paras re-joinder, the appeal in hand may be accepted with cost.

Appellant

Through

  
Sanaullah Khan

&

Taimur Khan.  
Avocates  
High Court Peshawar.



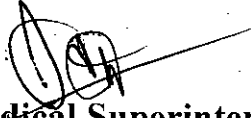
OFFICE OF THE MEDICAL SUPERINTENDENT  
DISTRICT HEADQUARTERS HOSPITAL MARDAN  
Ph.# 0937-9230145 Fax # 9230226  
Email. Dhqmardan09379230145@Gmail.com

No. 4406 /MS

Dated Mardan the 26/4/2016

**AUTHORITY LETTER.**

I, Dr. Abdul Latif Medical Superintendent, DHQ Hospital Mardan has authorized Dr. Muhammad Asif Litigation Officer, Mr. Amjad Ali Court Dealing Assistant to attend the Honorable Court of Service Tribunal Khyber Pakhtunkhwa, Peshawar in case of Mr. Fazli Akbar Ex -- Senior Clerk V/S, Director General Health Services Khyber Pakhtunkhwa Peshawar & Medical Superintendent, DHQ Hospital Mardan on 26-05-2017.


  
**Medical Superintendent,  
DHQ Hospital Mardan.**

No. \_\_\_\_\_/MS Dated \_\_\_\_\_/2017.

Copy forwarded to:

01. Additional Advocate General, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
02. Registrar Khyber Pakhtunkhwa Services Tribunal Peshawar.
03. Director General Health Services Khyber Pakhtunkhwa, Peshawar.
04. Dr. Muhammad Asif Litigation Officer, DHQ Hospital Mardan.
05. Mr. Amjad Ali Court Dealing Assistant, DHQ Hospital Mardan.
06. Accountant, DHQ Hospital Mardan.
07. Head Driver, DHQ Hospital Mardan.

For information and necessary action please.

  
**Medical Superintendent,  
DHQ Hospital Mardan.**



**OFFICE OF THE MEDICAL SUPERINTENDENT  
DISTRICT HEADQUARTERS HOSPITAL MARDAN**

Ph # 0937-9230145 Fax # 9230226


Email. Dhqmardan09379230145@Gmail.com

No. 12428 /MS

Dated Mardan the 19/12 2016

**AUTHORITY LETTER.**

I, Dr. Abdul Latif Medical Superintendent, DHQ Hospital Mardan has authorized Dr. Muhammad Asif Litigation Officer, Mr. Amjad Ali Court Dealing Assistant to attend the Honorable Court of Service Tribunal Khyber Pakhtunkhwa, Peshawar in case of Mr. Fazli Akbar Ex – Senior Clerk V/S, Director General Health Services Khyber Pakhtunkhwa Peshawar & Medical Superintendent, DHQ Hospital Mardan on 06-01-2017.

  
**Medical Superintendent,  
DHQ Hospital Mardan.**


No. \_\_\_\_\_ /MS

Dated \_\_\_\_\_ /2016..

Copy forwarded to:

01. Registrar Khyber Pakhtunkhwa Services Tribunal Peshawar.
02. Director General Health Services Khyber Pakhtunkhwa, Peshawar.
03. Dr. Muhammad Asif Litigation Officer, DHQ Hospital Mardan.
04. Mr. Amjad Ali Court Dealing Assistant, DHQ Hospital Mardan.

For information and necessary action please.

  
**Medical Superintendent,  
DHQ Hospital Mardan.**



**OFFICE OF THE MEDICAL SUPERINTENDENT**  
**DISTRICT HEADQUARTERS HOSPITAL MARDAN**  
Ph.#0937-9230145 Fax # 9230226  
Email.Dhqmardan09379230145@Gmail.com

No. \_\_\_\_\_/MS

Dated Mardan the \_\_\_\_\_

**AUTHORITY LETTER.**

I, Dr. Riaz Muhammad Medical Superintendent, DHQ Hospital Mardan has authorized Dr. Sayyed Ahmad Litigation Officer, Mr. Amjad Ali Court Dealing Assistant to attend the Honorable Court of Service Tribunal Khyber Pakhtunkhwa, Peshawar in case of Mr. Fazli Akbar, Ex – Senior Clerk V/S Director General Health Khyber Pakhtunkhwa, Peshawar & Medical Superintendent, DHQ Hospital Mardan on 06-10-2016.

No. 8680-83 /MS

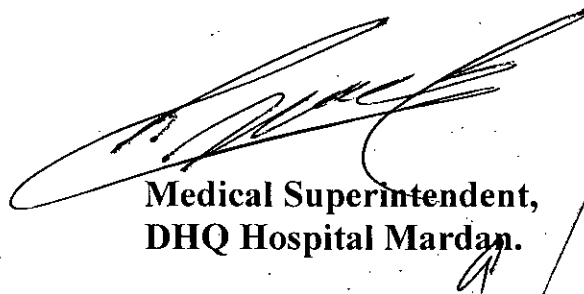
Dated 29/08/2016.

**Medical Superintendent,  
DHQ Hospital Mardan.**

Copy forwarded to:

01. Registrar Khyber Pakhtunkhwa Services Tribunal Peshawar.
02. Director General Health Services Khyber Pakhtunkhwa, Peshawar.
03. Dr. Sayyed Ahmed ,Litigation Officer , DHQ Hospital Mardan.
04. Mr. Amjad Ali Court Dealing Assistant, DHQ Hospital Mardan.

For information and necessary action please.

  
**Medical Superintendent,  
DHQ Hospital Mardan.**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

No 1230 /ST

Dated 19 /06/2018


To

The Director General Health Services,  
Govt: of Khyber Pakhtunkhwa,  
Peshawar.

Subject: **ORDER/JUDGEMENT IN APPEAL NO. 667/2014, MR. FAZLI AKBAR.**

I am directed to forward herewith a certified copy of Judgment/Order dated 01/06/2018 passed by this Tribunal on the above subject for strict compliance.

**Encl: As above**

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.

*ok*