

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

**APPEAL NO. 1283/2022**

**MUHAMMAD TAYYYAB ABBAS**

**VERSUS**

**GOVT. OF KP & OTHERS**

**I N D E X**

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**APPELLANT**

Through:

  
**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE SUPREME COURT**

①

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

**APPEAL NO. 1283/2022**

**MUHAMMAD TAYYAB ABBAS**

**VERSUS**

**GOVT. OF KP & OTHERS**

Khyber Pakhtunkhwa  
Service Tribunal

Case No. 8577

Dated 24-10-23

**REJOINDER ON BEHALF OF THE APPELLANT IN RESPONSE**  
**TO THE REPLY OF THE RESPONDENTS**

**R/SHEWETH:**

**Preliminary Objections from 1 to 9:**

All the preliminary objections raised by the respondents are incorrect, baseless and not in accordance with law & Rules rather the respondents are stopped due to their own conduct to raise any objection at this stage of the appeal.

**ON FACTS:**

- 1- Incorrect and not replied accordingly, hence denied.
- 2- Incorrect and not replied accordingly, hence denied.
- 3- Incorrect and not replied accordingly, hence denied.
- 4- Incorrect and not replied accordingly, hence denied.
- 5- Incorrect and not replied accordingly, hence denied.
- 6- Incorrect and not replied accordingly, hence denied.
- 7- The respondents are incompetent to maintain the office record.
- 8- The respondents have not issued any instruction regarding the submission of PER,s, while in the instant case no receiving from the appellant through registered post has been made as a evidence of Token receipt.
- 9- Vague & Observed. The appeal of appellant has not been responded till date which shows the inaction of Public Functionaries while under the golden maxim it is stated that "no one should be penalized by inaction of public functionaries.

- 10- The respondents are incompetent to reply.
- 11- The respondents are incompetent to reply the matter properly.
- 12- The respondents proceeded unilaterally while not taking in loop the appellant, which shows their mala fide.
- 13- The appeal was the extent to provide the Seniority, so as the appellant may also be able to be promoted but the same was not responded satisfactory so far till date.
- 14- Vague & absurd.

**ON GROUNDS:**  
**From A to O:**

All the facts & grounds of main appeal of the appellant are correct and in accordance with law and rules and that of the respondents are incorrect and baseless and having no force of law. That the appellant is serving the respondent Department quite efficiently and up to the entire satisfaction of his superiors. Moreover the appellant was deliberately posted/transferred to the Ex-Cadre i.e to the post of Hospital Pharmacist, due to which he was unable to earn PER,s in the relevant cadre and was kept deliberately deprived from promotion. Moreover, the respondents have issued the promotion notifications of some of the fellows while working in the Ex-Cadre in violation of earning PER,s in te relevant Cadre which shows the malafide of the respondents to the extent of the appellant, hence the same is not tenable and liable to be set aside. Copies of promotion orders attached as R, R1 & R2.

It is therefore most humbly prayed that on acceptance of this rejoinder the appeal of the appellant may please be accepted as prayed for.

*M. Abbas*

**APPELLANT**  
**MUHAMMAD TAYYYAB ABBAS**

**THROUGH:**

*N. Khattak*

**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE SUPREME COURT**

**AFFIDAVIT**

**Muhammad Tayyab Abbass**, do hereby solemnly affirm that the contents of this **rejoinder** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

*M. Abbas*

**Deponent**





**NOTIFICATION.**

3 "R"  
GOVT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

Dated the Peshawar 09th March, 2023

No. SOH-III/7-262/2022. In continuation of this Department's Notification of even No, dated 15-12-2022, the Competent Authority (Chief Secretary, Khyber Pakhtunkhwa) has been pleased to order posting of Mr. Abdur Rashid Khan as Chief Drug Inspector (BS-19) at District Kohat against the vacant, with immediate effect, in the public interest.

Secretary to Govt. of Khyber Pakhtunkhwa  
Health Department

Index of even No and Date.

Copy forwarded to:-

1. The Director General, Drug Control & Pharmacy Services, Khyber Pakhtunkhwa.
2. The District Accounts Officer, Kohat & D.I. Khan.
3. PS to Secretary Health Khyber Pakhtunkhwa.
4. PS to Deputy Secretary (Drugs) Health Department.
5. Deputy Director (I.T) Health Department..
6. Officer concerned.

  
(Naeer Ahmad)  
Section Officer (E-III)



GOVT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

Dated the Peshawar 15<sup>th</sup> December, 2022

"R/I"

(4)

**NOTIFICATION.**

No.SQH-III/7-262/2022, On the recommendation of the Provincial Selection Board, in its meeting held on 18-11-2022, the Competent Authority (the Hon'ble Chief Minister, Khyber Pakhtunkhwa) has been pleased to promote the following Senior Pharmacists (BS-18) to the post of Chief Pharmacists (BS-19) in Health Department, on regular basis with immediate effect.

S.No.	Name of Officer
1.	Mr. Naseer Ahmad
2.	Muhammad Ibrahim
3.	Mr. Abdur Rashid Khan

2. The officers will remain on probation for a period of one year in terms of Section 8(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-15(1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

3. Posting/Transfer Notifications in respect of above mentioned officers will be issued later on.

Secretary to Govt. of Khyber Pakhtunkhwa  
Health Department

End of even No and Date.

Copy forwarded to:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Director General, Drug Control & Pharmacy Services, Khyber Pakhtunkhwa.
3. PS to Chief Minister, Khyber Pakhtunkhwa.
4. PSO to Chief Secretary, Khyber Pakhtunkhwa.
5. PS to Secretary Health Khyber Pakhtunkhwa.
6. PS to Special Secretary Health, Khyber Pakhtunkhwa.
7. PS to Deputy Secretary (Drugs) Health Department, Khyber Pakhtunkhwa.
8. Deputy Director (I.T) Health, Khyber Pakhtunkhwa.
9. Officers concerned.

(Naseer Ahmad)  
Section Officer-III



4 R/24

5

**GOVT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT**

Dated the Peshawar 15<sup>th</sup> December, 2022

**NOTIFICATION.**

**No.SOH-III/7-262/2022.** On the recommendation of the Provincial Selection Board, in its meeting held on 18-11-2022, the Competent Authority (the Hon'ble Chief Minister, Khyber Pakhtunkhwa) has been pleased to promote Mr. Mehtab Afsar, Senior Drug Inspectors (BS-18) to the post of Chief Drug Inspectors (BS-19) in Health Department, on regular basis with immediate effect.

2. The officer will remain on probation for a period of one year in terms of Section 6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-15(1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

3. Posting/Transfer Notifications in respect of above mentioned officer will be issued later on.

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

**Endst of even No and Date.**

Copy forwarded to:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Director General, Drug Control & Pharmacy Services, Khyber Pakhtunkhwa.
3. PS to Chief Minister, Khyber Pakhtunkhwa.
4. PSO to Chief Secretary, Khyber Pakhtunkhwa.
5. PS to Secretary Health Khyber Pakhtunkhwa.
6. PS to Special Secretary Health, Khyber Pakhtunkhwa.
7. PS to Deputy Secretary (Drugs) Health Department, Khyber Pakhtunkhwa.
8. Deputy Director (I.T) Health, Khyber Pakhtunkhwa.
9. Officer concerned.

  
(Naseer Ahmad)  
Section Officer-III