

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

SERVICE APPEAL NO. 518/2023

Munir Ahmad.....Appellant

Versus

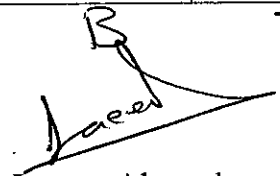
Government of Khyber Pakhtunkhwa & othersRespondents

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Laeeq Ahmad,
Focal Person (Litigation)
office of DGHS, Khyber
Pakhtunkhwa, Peshawar

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA

SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 518 OF 2023

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 8580

Dated 24-10-23

Munir Ahmad.....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 by the appellant hence, the instant appeal has been filed in violation of section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 and dictum laid down by the Apex Court in 2006 SCMR 1630.

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ON FACTS:

1. Pertains to record.
2. Pertains to record.
3. Pertains to record. However, it is worth to mention that for promotion as clinical technologist pharmacy(BPS-17) under the existing rules 4th November 2020 at Sr. No. 4 (i) column No. 3“at least 2nd class BS / BSc (4 years) (Honors) / Master Degree in the relevant technologies from a recognized university” similarly at 4 (iii)in column No. 5, in clause (b) after the proviso

Note: Master in Public Health Degree from a recognized university shall be considered for promotion only for those categories where degree in the relevant technologies does not exist. In case of non-availability of MPH or relevant degree in their relevant categories, vacant posts shall be considered for promotion on the basis of seniority-cum-fitness, from amongst the Chief Clinical Technicians and Chief PHC Technicians in their relevant technologies with at least three years' service as such” so far as case of the appellant is concerned he acquired Pharmacy Pharm-D which does not come within the purview of the relevant technologies which is essential for the post of technologist in pharmacy.

4. Already replied in para 03 above.
5. Incorrect. The appellant obtained degree in Doctor of Pharmacy which is not relevant with Paramedical Sciences and the degree in Doctor Pharmacy belongs to a separate Cadre i.e. Pharmacist. As per approved Service Rules where the degree in relevant Technology does not exist, the MPH degree shall be considered for promotion. Twenty Two (22) MPH degree holders have already been promoted to the post of Clinical Technologist Pharmacy BPS-17 as per amended Service Rules notified by the Govt.
6. Incorrect. The request of the appellant is not acceded to being not covered under the rules. It is further to clarify that there is no second departmental appeal or representation allowed under the law.
7. Already replied in Para No. 5 & 6.
8. Incorrect. The promotions are made as per approved Service Rules. More so, the Registrar Khyber Medical University Peshawar is not competent to issue relevancy certificate. It is further to clarify that the letter of HEC Islamabad dated 22-06-2022 has clearly mentioned that for further education and determination of suitability in relation to job requirement rests with the concern university and

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employing agency respectively and the commission has no role in such issues.

(Copy of the letter dated 22-06-2022 is annexure-A)


9. Incorrect. As in preceding para.
10. Incorrect. As in Para No. 8.
11. Incorrect, as in Para No. 8.
12. Needs no comments being formal. However, no vested right of the appellant has been violated by the replying respondents hence the appellant is not an aggrieved person.


ON GROUNDS:

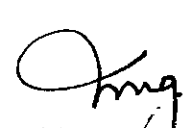
- A. Incorrect. The replying respondents acted as per law, rules and principle of natural justice hence denied.
- B. Incorrect, as explained in Para No. A above.
- C. Incorrect, as explained in Para No. 5&8 of the Facts.
- D. Incorrect, as explained in Para No. 5&8 of the Facts.
- E. Incorrect, as per Para A of the grounds.
- F. Incorrect. Already Replied In The Preceding Paras.
- G. Incorrect, as explained in the preceding paras.
- H. Incorrect, as explained in the preceding paras.
- I. The replying respondents also seek prior permission of this Honorable Tribunal to adduce other grounds during final hearing of the case.

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 Peshawar
(Respondent No. 02)

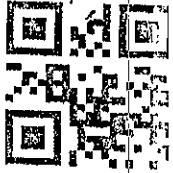

District Health Officer Lakki Marwat
(Respondent No. 03)
District Health Officer
Lakki Marwat



Higher Education Commission

Sector H-9, Islamabad (Pakistan) UAN: 111-119-432

0334-1119432 : <http://onlinehelp.hec.gov.pk/>



Assistant Director
(Student Affairs Division)

File No: HEC/SAD/DES/2021/494

Dated : 22-Jun-2022

Name: Muneer Ahmad Khan

Father's Name: Muhammad Hanif Khan

CNIC: 1120104211169

Subject: Equivalence of Doctor of Pharmacy degree awarded by Kohat University of Science and Technology, Kohat

Dear Applicant,

With reference to your application No 494 dated 23/11/2021 on the subject cited above, it is informed that Kohat University of Science and Technology, Kohat is a chartered degree awarding institution of Pakistan. The Higher Education Commission recognizes Doctor of Pharmacy degree held by you from Kohat University of Science and Technology, Kohat as equivalent to corresponding Master degree in general stream involving 16-year of schooling.

It may also be noted that admission in a university for further education and determination of suitability in relation to job requirement rest with the concerned university and employing agency, respectively and this Commission has no role in such issues.

Yours faithfully,

(Fizza Noor)

Attested

Received



19/10/2023

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. 518/2023

Munir Ahmad.....Appellant

Versus

Government of Khyber Pakhtunkhwa & othersRespondents.

Affidavit

I, Laeeq Ahmad, Focal Person (Litigation) office of the Director General Health Services, Khyber Pakhtunkhwa, Peshawar, under the directions of the Competent Authority, do hereby solemnly affirm that the contents of the parawise Comments on behalf of Respondent are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'able Court. It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense has been struck off / costs.

Laeeq
Deponent

ATTESTED
Abdur Rashid Advocate
NOTARY PUBLIC
Peshawar, P.K. Pak
24/10/2023



DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR

*All communications should be addressed to the Director General Health Services
Peshawar and not to any official by name
Office # 091-9210269 Fax # 091-9210230*

AUTHORITY LETTER

Mr. Laeeq Ahmad Focal Person (Litigation) Directorate General Health Services, Khyber Pakhtunkhwa, is hereby authorized to submit parawise comments in Service Appeal No. 518/2023 titled Munir Ahmad VS Govt. of Khyber Pakhtunkhwa & others on behalf of the undersigned.

Director General Health Services
Khyber Pakhtunkhwa, Peshawar.

LEGIBLE COPY

**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA, PESHAWAR
NOTIFICATION**

No. SOH-II(E&AD)/6-25/2021: In pursuance of Section 8 (1) of Khyber Pakhtunkhwa Civil Servant Act 1973 read with Rule-17 of Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion & Transfer) Rules 1989 & Services Rules vide Notification No. SOH-III/HD/5/2014 dated 10.05.2016 & Notification No. DOH-III/8-60/2020/Paramedics/SSRC/1440-82 dated 04.11.2020.

**PROVISIONAL JOINT SENIORITY OF CLINICAL / PHC TECHNOLOGISTS BPS-17 (PARAMEDICS) HEALTH
DEPARTMENT KP. AS STOOD ON OCTOBER 2022.**

S.No	Name & father name	Qualification / academic qualification	Date of birth & domicile	Date of 1 st entry into Govt Service as paramedic	Regular Appointment / Promotion to present post			Present posting
					Date	BPS	Method of recruitment	
1.	Asghar Khan S/o Asal Jan	BSc (MLT)	13.05.1974 Bannu	Regularized under Act on 11.04.2017	11.04.2017	Clinical Technologist (Pathology)	By initial	KGN/MTI Bannu
2.	Farman Ullah S/o	BS (vision Sciences)	10.03.1979 Bannu	Regularized under Act on 11.04.2017	11.04.2017	Clinical Technologist (Ophthalmology)	By initial	KGN/MTI Bannu
3.	Asif Mehmood S/o Noor Khari	BSc (hon) Microbiology	02.08.1985 Bannu	Regularized under Act on 11.04.2017	11.04.2017	Clinical Technician (Pathology)	By initial	KGN/MTI Bannu
4.	Areeta Kumari D/o Mu Chand	BS (H) Mother & child	12.10.1986 Buner	02.01.2014 11.08.2015 23.02.2018	23.02.2018	JPHC Tech (MCH) BS-9 JPHC Tech (MCH) BS-12 JPHC Tech (MCH) BS-17	By initial By promotion By promotion	PHS Peshawar
5.	Muhammad Khalid S/o Muhammad Sharif Khan	BSc MLT / MSc Homology	08.09.1975 Tan	Regularized under Act on 26.02.2018	26.02.2018	Clinical Technology Pathology BS-17	By initial reg through Act 26.02.2018	KBC Hayatabad Peshawar
6.	Iqbal Muhammad S/o Mumtaz Hussain	BSc MLT/MSc Micro / M.Phil Micro	15.04.1980 Shangla	Regularized under Act on 26.02.2018	26.02.2018	Clinical Technologist Pathology BS-17	By initial reg through Act 26.02.2018	KBC Hayatabad Peshawar

Attested
[Signature]

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**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA, PESHAWAR.**

Notification

Annexure 1 (34)

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In pursuance of section 114 of Khyber Pakhtunkhwa Civil Servant Act 1971 read with Rule-17 of Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion & Transfer) Rules 1980 & Services Rules and Notification NO SOH/HD/3/2019 dated 10/03/2019 & Notification No. SOH/HD/8-60/2020/Paramedics/SSRC/1440-82 dated 04-11-2020.

**PROVISIONAL JOINT SENIORITY LIST OF CLINICAL/PHC TECHNOLOGISTS BPS-17
(PARAMEDICS) HEALTH DEPARTMENT KP.AS Stood on October 2022.**

S.No.	Name & Father Name	Qualification /Academic Qualification	Date of birth & Domicile.	Date of 1st Entry into Govt. Service as Paramedic	Regular Appointment/Promotion to Present Post.		Present Posting	
					Date	BPS		
1.	Asghar Khan S/O Asaf Jan	BSc (MLT)	13-05-1974 Bannu	Regularized under Act no. 11-04-2017	11-04-2017	Clinical Technologist (Pathology)	By merit	KGNMII Bannu
2.	Fatman Ullah S/O	BS (Vision Sciences)	10-05-1979 Bannu	Regularized under Act no. 11-04-2017	11-04-2017	Clinical Technologist (Ophthalmology)	By merit	KGNMII Bannu
3.	Asif Mahmood S/O Nour Khan	BSc (Hon) Microbiology	02-08-1985 Bannu	Regularized under Act no. 11-04-2017	11-04-2017	Clinical Technologist (Pathology)	By merit	KGNMII Bannu
4.	Arceeta Kumari D/O Moin Chand	BS (H) Mother & Child	12-10-1989 Buner	02-01-2014 11-09-2015 23-02-2015	23-02-2018	PHC Technologist BS-9 PHC Technologist BS-17 PHC Technologist BS-17	By merit By promotion By promotion By promotion	PHC Technologist
5.	Muhammad Khaid S/O Muhammad shahid Khan	BSc MLT /MSc Hematology	08-07-1975 Tams	Regularized under Act no. 26-02-2018	26-02-2018	Clinical Technologist Pathology BS-17	By merit Reg. through Act 26-02-18	PHC Technologist
6.	Tabal Muhammad S/O Momin Hussain	BSc MLT /MSc Microbiology Ather	15-04-1989 Shangis	Regularized under Act no. 26-02-2018	26-02-2018	Clinical Technologist Pathology BS-17	By merit Reg. through Act 26-02-18	PHC Technologist

Director General Health Services
 Peshawar, Khyber Pakhtunkhwa

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64	Hanif Khan Ubaid Ullah S/O Waheed Ullah	BS (H)	20.03.1994 Dir Lower	13.09.2021	13.09.2021	PHC Technologist: (MP) BS-17	By initial	DHO Dir Lower
65	Ashfaq Ullah S/O Inam Ullah	BS (H)	18.03.1995 Charsadda	13.09.2021	13.09.2021	PHC Technologist: (MP) BS-17	By initial	DHO Charsadda
66	Farman Ullah Khan S/O Atta Ullah Khan	BS (H)	23.03.1997 Lakki Marwat	13.09.2021	13.09.2021	PHC Technologist: (MP) BS-17	By initial	DHO Lakki
67	Hidayat Ullah S/O Shabi Khel	BS (H)	04.08.1994 Khyber	13.09.2021	13.09.2021	PHC Technologist: (MP) BS-17	By initial	DHO Peshawar
68	Khudija Shah D/O Syed Ahmad Shah	BS (H)	10.01.1995 Charsadda	13.09.2021	13.09.2021	PHC Technologist: (MP) BS-17	By initial	DHO Charsadda
69	Saeed Ahmad S/O Almas Khan	BS (H)	11.01.1986 Peshawar	07.10.2021	07.10.2021	C. Technologist Pathology BS-17	By initial	RBC Peshawar
70	Anees Muhammud S/O Raees Khan	BS (H)	13.08.1983 Peshawar	07.10.2021	07.10.2021	C. Technologist Pathology BS-17	By initial	NKB Peshawar
71	Shehryar Ahmad S/O Riaz Ahmad	BS (H)	26.11.1996 Peshawar	07.10.2021	07.10.2021	C. Technologist Pathology BS-17	By initial	Services Hosp. Peshawar
72	Kaleem Ullah S/O Said Habib	BS (H)	08.01.1995 Dir Lower	07.10.2021	07.10.2021	C. Technologist Pathology BS-17	By initial	DHO Hosp. Tamergha
73	Muhammad Ibrahim S/O Muhammad A	Pharm-D	19.05.1992 Swabi	29.10.2021	29.10.2021	C. Technologist Pharmacy BS-17	By initial	DHO Swabi
74	Abdur Razaq S/O Hakeem Khan	Pharm-D	04.08.1990 Khyber	29.10.2021	29.10.2021	C. Technologist Pharmacy BS-17	By initial	SIIPD Peshawar
75	Farhat Ullah Jan S/O Habibullah	Pharm-D	03.01.1990 Mardan	29.10.2021	29.10.2021	C. Technologist Pharmacy BS-17	By initial	DHO Mardan
76	Saeed Ullah S/O Hussain Ahmad	Pharm-D	26.03.1989 Baitagram	29.10.2021	29.10.2021	C. Technologist Pharmacy BS-17	By initial	BBST Hosp. Abbottabad
77	Muaz Habib Khan Sadozai S/O Khalid Habib Khan Sadozai	Pharm-D	30.03.1993 D.I Khan	29.10.2021	29.10.2021	C. Technologist Pharmacy BS-17	By initial	DHO D.I Khan
78	Zakia Rabique D/O	Pharm-D	07.01.1999	29.10.2021	29.10.2021	C. Technologist Pharmacy BS-17	By initial	M & G Hosp

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79	Muhammad Rafique Fawad Ahmad S/O Mushtaq Ahmad	Pharm-D	Mansehra 02.08.1990 F.R. Bannu	29.10.2021	29.10.2021	C. Technologist Pharmacy BS-17	By initial	Dadar DHO Karak
80	Sana D/O shamshad Khan	Pharm-D	Charsadda 17.09.1994 Charsadda	29.10.2021	29.10.2021	C. Technologist Pharmacy BS-17	By initial	SGSM Hosp: Peshawar
81	Shumail Zahid D/O Zahid Khan	Pharm-D	Charsadda 11.08.1988 Peshawar	29.10.2021	29.10.2021	C. Technologist Pharmacy BS-17	By initial	DHO Peshawar
82	Hakeem Ullah Khan S/O Amanullah Khan	BSc	Bannu 2/11/1969	12/05/1991 08.04.2010 02.08.2012 05.11.2021	05.11.2021	Lab Tech: BS-03 Clinical Tech: B-12 Chief Tech: BS-16 C. Techno: Pathology BS-17	By initial By promotion By promotion By promotion	W & C Hosp: Banmnu
83	Zaffar Islam S/O M Sardar Jan	Matric	NWA 25/04/1968	14/05/1991 08.04.2010 02.08.2012 05.11.2021	05.11.2021	Lab Tech: BS-05 Clinical Tech: B-12 Chief Tech: BS-16 C. Techno: Pathology BS-17	By initial By promotion By promotion By promotion	DHO Hosp: Nowshera
84	Bazeed Khan S/O Shali Khan	Matric	SWA 6/11/1966	11/11/1991 08.04.2010 02.08.2012 05.11.2021	05.11.2021	BBT BS-09 Clinical Tech: B-12 Chief Tech: BS-16 C. Techno: Pathology BS-17	By initial By promotion By promotion By promotion	DHO Hosp: Wanna
85	Ihsanul Haq S/O Fazal Rahman	Matric	Dir 20.03.1965	18/03/1992 08.04.2010 02.09.2012 05.11.2021	05.11.2021	BBT BS-09 Clinical Tech: B-12 Chief Tech: BS-16 C. Techno: Pathology BS-17	By initial By promotion By promotion By promotion	DHO Dir Lower
86	Kam Ullah S/O Saad Ullah	BSc (H)	Charsadda 24/05/1965	23/07/1985 18/07/1992 08.04.2010 02.08.2012 05.11.2021	05.11.2021	Lab Ass: BS-05 BBT BS-09 Clinical Tech: B-12 Chief Tech: BS-16 C. Techno: Pathology BS-17	By initial By promotion By promotion By promotion	MASM Hosp: Peshawar
87	Zafar Ullah S/O Zewar Din	Matric	Charsadda 10/9/1969	25/04/1988 18/07/1992 08.04.2010 02.08.2012 05.11.2021	05.11.2021	Lab Ass: BS-05 BBT BS-09 Clinical Tech: B-12 Chief Tech: BS-16 C. Techno: Pathology BS-17	By initial By promotion By promotion By promotion	SHPD Peshawar
88	Qazi Liaqat Hussain S/O Qazi Muhammad Akram	Matric	Mansehra 25/04/1966	03/12/1989 02/08/1992 08.04.2010 02.08.2012 11-08-2015	05.11.2021	Lab Ass: BS-05 Lab Tech: BS-03 Clinical Tech: B-12 Chief Tech: BS-16 C. Techno: Pathology BS-17	By initial By promotion By promotion By promotion	KAT Hosp: Mansehra

Signature

Attested
Signature