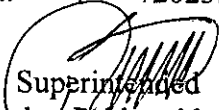


Cost of Rs. 3000/ received in Service Appeal No. 539/2022,

Titled Syed Labal Shah vs. Heath

in the office of Superintended, Vide Order 22-6-2023 Dated: 26/10/2023.

  
Superintended  
Khyber Pakhtunkhwa  
Service Tribunal  
Khyber Pakhtunkhwa  
Peshawar  
Service Tribunal  
Peshawar

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

**SERVICE APPEAL NO. 539/2022**

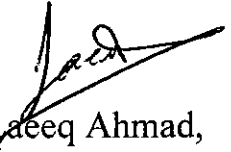
Syed Iqbal Shah.....Appellant

Versus

Government of Khyber Pakhtunkhwa & others .....Respondents

Index

S. No.	Description	Annexure	Pages No.
1	Comments		1-2
2	Appointment Order dated 03/01/1990	A	3
3	Retirement Order dated 13/04/2022	B	4
4	Affidavit		5
5	Authority letter		6

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

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA**

**SERVICE TRIBUNAL PESHAWAR**

**SERVICE APPEAL NO. 539 OF 2022**

Syed Iqbal Shah ..... Appellant

Versus

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

**PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 01 TO 04**

**Respectfully Sheweth:**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 8632

Dated 26-10-23

**Preliminary Objections:-**

1. That the appellant has got neither cause of action nor 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 Honorable Tribunal has no Jurisdiction to adjudicate upon the matter.
9. That the instant appeal is bad for mis-joinder of unnecessary and non-joinder of necessary parties.

**ON FACTS:**

1. Incorrect. the appellant was appointed as Medical Technician BPS-09 on 03/01/1990 and not on 28/12/1979 (Annex-A) and the post of Medical Technician was Re-nomenclatured as Junior PHC Technician (Multipurpose) BPS-09 vide Govt. Notification dated 10/05/2006.
2. Incorrect. The post of Medical Technician BPS-09 was only re-designated / re-nomenclatured as Jr. PHC Technician (MP) BPS-09 and not upgraded. However,

all the posts of Paramedics have been upgraded from BPS-09 to BPS-12 on 11/08/2015. 2

3. Correct. He was promoted from BPS-12 to BPS-14 on seniority basis as per approved service rules.
4. Incorrect. The appellant has already been retired from service on 02/02/2022 on attaining the age of superannuation. His retirement order issued by District Health Officer Mansehra on 13/04/2022 (Annex-B).
5. Incorrect. His appeal for promotion to the post of Chief PHC Technician BPS-16 was not considered, as he has been retired from service w.e.f. 02/02/2022.

**ON GROUNDS:**

- a) Incorrect. The impugned order of the respondents is in accordance with law and rules.
- b) Incorrect as explained in the preceding para, he already availed promotion from BPS-12 to BPS-14.
- c) Incorrect as explained in preceding para.
- d) Incorrect as explained in Para-a.
- e) Incorrect as explained in Para No. 1 of the Facts. The appellant was promoted as Sr. PHC Technician (MP) BPS-14 on seniority basis as per approved Service Rules.
- f) Incorrect as explained in Para-b.
- g) Incorrect as explained in Para-a.
- h) Incorrect as explained in the preceding paras.

**PRAYER:**

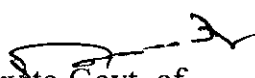
It is therefore humbly prayed that on acceptance of the comments, the instant appeal of the appellant may very graciously be dismissed with costs.



Director General Health Services  
Khyber Pakhtunkhwa  
Respondent No. 01



District Health Officer Mansehra  
Respondent No. 02



Secretary to Govt. of  
Khyber Pakhtunkhwa Health Department  
Respondent No. 03



Secretary to Govt. of  
Khyber Pakhtunkhwa Finance Department  
Respondent No. 04

HEALTH DIRECTORATE, NWFP, PESHAWAR.

OFFICE ORDER.

12(Two ve)Medical Techns:/Female Medical Techns; who have passed the (SS) Examination from the Medical Faculty NWFP, Peshawar held in Sep:1989, are hereby placed at the disposal of Divisional Deputy Director Health Services as indicated below. These Medical Techns:/Female Medical Techns: may be posted to various BHUs/RHCs under their control under intimation to this Directorate:-

- 1) DIVISIONAL DEPUTY DIRECTOR HEALTH SERVICES, KOHAT.
  1. Mr. Qasim JAN S/O Ghatta Mir.
  2. " Alam Khan S/O Nikam Khan.
  3. " Khial Hussain S/O Nazir Hussain.
- 2) DIVISIONAL DEPUTY DIRECTOR HEALTH SERVICES, DIKHAN.
  1. Miss: Abida Tehseen D/O Allah Wasaya.
- 3) DIVISIONAL DEPUTY DIRECTOR HEALTH SERVICES, HAZARA ABBOTTABAD.
  1. Mr. Mohammad Ali S/O Altaf Hussain.
  2. Mr. Mohammad Siddique S/O Abdul Qayum.
  3. Mr. Iqbal Shah S/O Syed Mir Mohammad Shah.
  4. Mr. Shakeel Ahmad S/O Mohammad Yaqoob Khan.
- 4) DIVISIONAL DEPUTY DIRECTOR HEALTH SERVICES, MALAKAND.
  1. Mr. Naeemul HAQ S/O Lal Sahib.
  2. Mr. Wajeedullah S/O Farid Khan.
  3. Mr. Fazli Subhan S/O Dost Mohammad.
  4. Miss: Nasim Akhtar D/O Sher Hassan.

NB:- Arrival/Departure report should be intimated to this Directorate.

SD/- (Dr. Nadir Khan)

Deputy Director (Admn:)

for Director Health Services, NWFP, Pesh:

NO: 256-59

/E.III, Dated. Peshawar the 3/1/1990.

Copy forwarded to All the Divisional Deputy Director Health Services in NWFP (Except DDDHS Pesh/) for necessary action.

sd/-  
Deputy Director (Admn:)  
for Director Health Services,  
NWFP, Peshawar.

NO: 260-71

/E.III.

Copy forwarded to the:-

1. Mr. Mohd Ali S/O Altaf Hussain H/NO. 188/1 Moh: Kehal, A. Abad.
2. Mr. Mohd Siddique S/O Abdul Qayum H/NO. 1820, oop. T.T.C. Sector No. 4 Kelabat Township Haripur Hazara.
3. Mr. Qasim Jan S/O Ghatta Mir C/O Dr. Shah Nawaz Asstt: Director Animal Husbandary, S.W. Agency Tank.
4. Mr. Shakeel Ahmad S/O Mohad: Yaqoob Tolkar Road, Pandak HARIPUR, A. Abad.
5. Mr. Alam Khan S/O Nikam Khan Vill: & PO Tatar Khel Khattak, Distt: Karak.
6. Mr. Khial Hussain S/O Nazir Hussain PO & Teh: Kalaya Orakzei Ag: (Kohat).
7. Iqbal Shah S/O Syed Mir Mohd Shah Vill: & PO Tarappi Teh: Mansehra.
8. Miss: Abida Tehseen D/O Allah Wasaya, Basti Kanchkian Wali Town Hall DIKHAN.
9. Mr. Naeemul HAQ S/O Lal Sahib Vill: & PO Dheri Sikan Khan Teh: Charsadda.
10. Mr. Wajeedullah S/O Farid Khan Vill: Mathra PO Shabqadar Distt: Chadda.
11. Mr. Fazli Subhan S/O Dost Mohd: Chail Syed Abad, PO Lundkhar Teh: Takht Shai Distt: Marzen.
12. Miss. Nasim Akhtar D/O Sher Hassan Vill: & PO Tani Nasratzai Teh: & Distt: Charsadda.

They are hereby directed to contact the concerned Divl: Deputy Director Health Services immediately for further posting under their control.

Attest  
.....

Deputy Director (Admn:)  
for Director Health Services,  
NWFP, Peshawar.

3/1/90

B 4

**OFFICE OF THE DISTRICT HEALTH OFFICER MANSEHRA.**

**OFFICE ORDER.**

Mr. Iqbal Shah S/O Syed Mir Muhammad Shah Senior PHCT (MP) BPS-14 attached to BHU: Mohar stand retired from Government Service with effect from 02-02-2022 on attaining age of superannuation (i.e. 60 Years) , as his date of birth is 03-02-1962. Sanction is hereby accorded to the grant of 365 days encashment of leave in lieu of LPR in favour of the official concerned.



**District Health Officer,  
Mansehra.**

No. 3101-5 / Dated Mansehra. the, 13 / 4 / 2022.

Copy forwarded for information to the: -

1. Incharge BHU: Mohar
2. District Accounts Officer Mansehra.
3. Official concerned w/r to his application dated 22.3.2022.
4. Account Section undersigned office.
5. Service Book Section undersigned office.

**District Health Officer,  
Mansehra.**



District Health Officer  
Mansehra

Attested  


5

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

**SERVICE APPEAL NO. 539/2022**

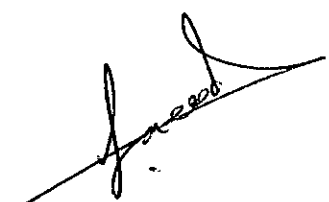
Syed Iqbal Shah.....Appellant

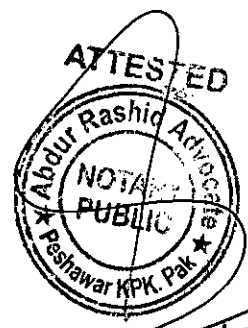
Versus

Government of Khyber Pakhtunkhwa & others .....Respondents.

**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.

  
Deponent



26/10/2023



**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. 539/2022 titled Syed Iqbal Shah VS Govt. of Khyber Pakhtunkhwa & others on behalf of the undersigned.

**Director General Health Services  
Khyber Pakhtunkhwa, Peshawar.**