


FORM OF ORDER SHEET

Court of _____

Appeal No. 2268/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	2
1-	31/10/2023	<p>The appeal of Dr. Ghazi Khan received today by registered post through Mr. Muhammad Abdullah Baloch Advocate. It is fixed for preliminary hearing before touring Single Bench at D.I.Khan on</p> <p style="text-align: right;">By the order of Chairman  REGISTRAR</p>

The appeal of Dr. Ghazi Khan Professor Urology DHO Hospital M.D. D.I. Khan received today i.e. on 16.10.2023 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Check list is not attached with the appeal.
- 2- Annexures-A, B & C of the appeal are illegible.
- 3- Annexures of the appeal are unattested.
- 4- Nine more copies/sets of the appeal along annexures i.e. complete in all respect may also be submitted with the appeal.

No. 3419 /S.T.

Dt. 17/10/2023.



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.


M. Abdullah Baloch Adv.
High Court D.I. Khan.

R/Sr,

All the deficiencies has been removed. Objections from 1-4 has also been removed. The instant file is, now, complete in all respect.

Re-submitted. please.

30-10-2023.


30/10
Muhammad Abdullah
Baloch BSC
D. I. Khan.

Registrar
Service Tribunal
KPK
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR CAMP DIKHAN.

In service Appeal No. 2268 /2023

Dr. Ghazi Khan
(Appellant)

VERSUS

Govt. Of KPK etc
(Respondents)

I N D E X

S.No.	Description of documents	Annexure	Pages
1.	Memorandum of Appeal and affidavit along with CM	--	1-8
2.	Copy of notification no. SO-1/HD/7-53/2016	A	9
3.	Copies of Seniority list	B	10-12
4.	Copy of and Notification No. SOH(E-1)7-53/17	C	13-14
5.	Copies of the Service Tribunal and order of Service Tribunal	D & E	15-23
6.	Copy of the impugned Notification	F	24
7.	Copy of departmental appeal with postal receipts	G & H	25-29
8.	Copy of application dated 07/12/2017	I	30
9.	Vakalatnama	--	

Dated; 14/10/2023

Your humble appellant

Dr. Ghazi Khan

Through counsel

Muhammad Abdullah Baloch
 Advocate Supreme Court

(C)
①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR, CAMP DERA ISMAIL KHAN.

Service Appeal No. 2268 /2023

Dr. Ghazi Khan, Professor Urology (BS-20), presently posted, at DHQ,
Hospital MTI, Dera Ismail Khan.

Khyber Pakhtunkhwa
Services Tribunal

(Appellant) File No. 8335

Date 16-10-2023

VERSUS

1. **Govt. Of Khyber Pakhtunkhwa** through Chief Secretary, Civil Secretariat, Peshawar.
2. **Secretary Health Department,** Govt. Of Khyber Pakhtunkhwa, Peshawar.
3. **Dean/Chief Executive,** Gomal Medical College, Medical Teaching Institutions, Dera Ismail Khan.
4. **Director General Health Department,** Govt. Of Khyber Pakhtunkhwa, Peshawar.
5. **Chairman Board of Governors (BOG),** Medical Teaching Institutions, Dera Ismail Khan.
6. **Hospital Director DHQ,** Teaching hospital MTI, DIKhan.
7. **Medical Director DHQ,** Teaching hospital MTI, DIKhan.

..... **(RESPONDENTS)**

Chy

APPEAL UNDER SECTION 4 OF THE KPK SERVICES TRIBUNAL ACT, 1974, AGAINST THE IMPUGNED NOTIFICATION NO. 5016-26/MTI/GMC/Estt; DATED 04/10/2019, whereby APPELLANT HAS BEEN PROMOTED AS ASSOCIATE PROFESSOR UROLOGY (BPS-19) BUT WITH IMMEDIATE EFFECT AND SERVICE APPEAL AGAINST INDECISION OF THE APPELLATE AUTHORITY ON THE DEPARTMENTAL APPEAL.

Note: Addresses given above shall suffice the object of service. All necessary and proper parties have been arrayed in the panel of respondents.

Respectfully Sheweth;

Appellant humbly submits as under:

1. That the appellant was inducted in Health Department by KPK public service Commission as Assistant Professor in Urology and since 15/10/2009, he is the appellant who founded the Urology at DHQ Teaching Hospital Dera Ismail Khan. The appellant had also been teaching the students of Gomal Medical College 4th and final years via lectures, OPD, OT and on bed site in Urology Unit.
2. That service of the appellant is governed, primarily by the provision of KPK Civil Servant Act, XVIII of 1973 and KPK Civil Servants (Appointment, Promotion and Transfer) Rules 1989. It is a matter of record that service of the appellant belongs to teaching cadre of health Department of Khyber Pakhtun Khwa. The Govt: of Khyber Pakhtunkhwa inducted KPK Medical Teaching Reforms Act-IV of 2015, on 19/11/2015 and in pursuance of Act, IV of 2015, the board of Governors MTI Dera Ismail Khan, framed regulations in 2016. However, after the promulgation of Act-IV of 2015, the teaching staff of Gomal Medical College were given an option of 90 days either to opt for MTI service or to remain a civil service but the appellant did not opt for MTI service.
3. That the present appellant including some other doctors filed a Writ Petition No. 2016-p/2017 wherein, the Worthy Peshawar High Court vide its judgment dated 06/07/2017 directed the respondents (in Writ Petition No. 2016-p/2017) to proceed with the promotion matter of the petitioner.
4. That Govt. of KPK Health Department vide its notification no. SO-1/HD/7-53/2016 dated 20th October, 2017, constituted the selection and promotion committee for considering the promotion cases of eligible faculty (Civil Servant) of Gomal Medical College Dera Ismail Khan. Copy of notification is annexed as **Annexure "A"**.

3

5. That, without considering the seniority list of Assistant Professor working in Gomal Medical Collage DIKhan, the Govt. of Khyber Pakhtunkhwa Health Department vide its Notification no. SOH(E-1)7-53/17 dated 13/11/2017 promoted different teaching cadres of Gomal Medical College (MTI) Dera Ismail Khan to next higher scale, wherein some juniors to the present appellant were also promoted from Assistant Professor BS-18 to Associate Professor BS-19. Copies of Seniority list and Notification No. SOH(E-1)7-53/17 dated 13/11/2017 are annexed as Annexure "B & C".
6. That after exhausting the forum of departmental appeal, the present appellant filed a service appeal No. 592/2018 before the Honourable KP Service Tribunal. During pendency of the service appeal the impugned no. **5016-26/MTI/GMC/Estt; dated 04/10/2019 was issued whereby, appellant** was given promotion as Associate Professor (BPS-19) but with immediate effect. The service appeal of the appellant has been disposed of vide order dated 05/05/2023 as the same has become infructuous however, the present appellant was set at liberty to make an appeal/representation requesting for anti-dation of his promotion from the date on which juniors had been promoted. Copies of the Service Appeal No. 592/2018, order of Honourable KP Service Tribunal Dated 05/05/2023 and impugned notification are annexed Annexure "D, E & F".
7. That the present appellant, preferred a departmental appeal on 06/06/2023 to Appellate authority. However, to dismay of the appellant, the appeal/representation of the appellant remained undecided. Copy of departmental appeal and postal receipts are annexed as Annexure "G & H".
8. That after the lapse of statutory period and having no alternate remedy available, the appellant approaches this honourable Tribunal to redress his grievance as prayed for hereinafter on inter alia on the following grounds;

GROUND S

- a. That the impugned Notification No. **5016-26/MTI/GMC/Estt; dated 04/10/2019** is patently illegal, coram non judice, void ab initio, against law and rules, based on favoritism and nepotism, discriminatory and is ineffective upon the promotion rights of the appellant.
- b. That it is matter of record that private respondent no. 07 to 17 (In service appeal No. 592/2018) were junior to the appellant but despite the fact that they had been promoted to Associate Professor BS-19.
- c. That the previously impugned promotion notification No. **SOH(E-1)7-53/17 dated 13/11/2017** was based on mala-fide, nepotism and favouritism which is clearly evident from the fact that Govt. Of KPK Health Department vide its notification dated 20th October, 2017 constituted Selection/Promotion Committee wherein Dr. Akhtar Munir (respondent no. 13) was member and he himself was being promoted at serial no. 13 of the impugned notification of promotion from Assistant Professor to the post of Associate Professor BS-19 which is illegal and sheer violation of the doctrine that no one should be the judge of his own cause.
- d. That right of appellant was infringed when his juniors were promoted while the appellant was appointed vide impugned notification but with immediate effect. The appellant ought to be promoted anti-dated w.e.f the date when his juniors were promoted.
- e. That Department has committed error while not promoting the appellant from his due date and this error even continued till the issuance of next promotion order to BPS-20. Let it not be mention here that those juniors to the appellant who were promoted earlier, has now been promoted to BPS-20 and this time too the appellant has not been given substantive

Chaudhary

promotion to BPS-20. However, a separate representation has also been made qua subject controversy.

- f. That mala-fidely on the part of respondent is also evident from the fact that during the previous round of litigations, the appellant had several time requested the respondents for the provision of seniority list of 2016-17 but the same was not provided to the appellant, in this respect an application was moved by the appellant on 07/12/2017. Copy is annexed as **Annexure-“I”**.
- g. That respondents, by promoting the juniors of the appellant, committed discrimination towards the appellant and even one of the junior (Dr. Akhtar Munir) was also junior from the appellant from the seniority list of the year 2011.
- h. That discriminatory conduct of the respondents towards the appellant needs judicial scrutiny by this worthy tribunal.
- i. That counsel for the appellant may graciously be allowed to add to the grounds, on facts and on law as well, during the course of arguments, if needed be.

In wake of the submissions made above, it is requested that on acceptance of the instant appeal the impugned Notification no. 5016-26/MTI/GMC/Estt; dated 04/10/2019, may kindly be modified and the appellant's promotion to BPS-19 may kindly be given retrospective effect and be promoted from the date his juniors were promoted i.e 13/11/2017 with all back benefits.

Consequently, after promotion from the due date, the appellant may kindly be given seniority as per principal of retention of inter-se seniority.

Handwritten signature/initials

6

Any other relief deemed appropriate in circumstances of the case may also be allowed in favour of appellant in the large interest of justice.

Dated: 14/10/2023

Your humble appellant

Dr. Ghazi Khan

Through counsel

Muhammad Abdullah Baloch
Advocate Supreme Court

CERTIFICATE

Certified that appellant have not filed an appeal regarding the subject controversy, earlier in this august Tribunal.

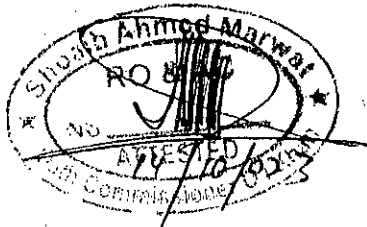
Dated 14/10/2023

Appellant

AFFIDAVIT

I, **Dr. Ghazi Khan**, appellant herein, do hereby solemnly affirm on oath that all para-wise contents of the appeal are true and correct to the best of my knowledge and belief and nothing has been deliberately concealed from this Honourable Court, nor anything contained therein, based on exaggeration or distortion of facts.

Dated: 14/10/2023



DEPONENT

7

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR, CAMP DERA ISMAIL KHAN.

C.M No _____/2023

In service Appeal No. _____/2023

Dr. Ghazi Khan
(Appellant)

VERSUS

Govt. of KPK etc
(Respondents)

SERVICE APPEAL

APPLICATION FOR CONDONATION OF DELAY

Respectfully Sheweth;-

1. That the above titled service appeal is being filed today and contents of the main appeal may kindly be considered as integral part of the instant application.
2. That the present appellant filed a service appeal No. 592/2018 before the Honourable KP Service Tribunal. During pendency of the service appeal the impugned order no. 5016-26/MTI/GMC/ Estt; dated 04/10/2019 was issued whereby, appellant was given promotion as Associate Professor (BPS-19) but with immediate effect. The service appeal of the appellant was disposed of vide order dated 15/05/2023, with the observations that appellant may make an appeal/representation for anti-dation of his promotion. Attested copy of order of the Honourable service Tribunal dated 15.05.2023 was received on 14.06.2023 and departmental appeal was submitted on 16.06.2023, which is well within time after the order of Worthy Service Tribunal. After lapse of statutory period service appeal is being filed and the same filled appeal is well within time.
3. That instant appeal is being filed today which is well within time but if in any way the departmental or service appeal of the appellant becomes time barred, it may graciously be condoned in the light of circumstances mentioned above.
4. That Hon'able court has ample power to accept the application.

In view of above circumstances it is respectfully prayed that the delay if found any, in filing of instant service appeal may kindly be condone in the interest of justice and the case in hand may kindly be decided on merits.

Your humble applicant

Dr. Ghazi Khan

Through counsel

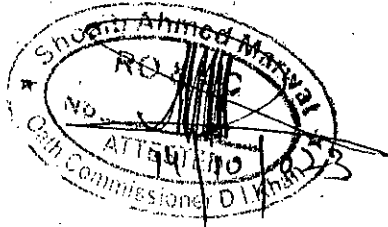
Muhammad Abdullah Baloch

Advocate Supreme Court

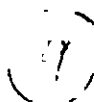
AFFIDAVIT

I, Dr Ghazi Khan, appellant, do hereby solemnly affirms and declare on OATH That all the contents of application are true and correct to the best of my knowledge and belief and that nothing has been concealed from this honorable Service Tribunal.

Dated; 14/10/2023



DEPONANT



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Annex A

Dated Pesh. the 20th AUG 2017

NOTIFICATION

No SOH-4/HD/45/2017/MTI In pursuance of this department Notification No SOH-4/HD/45/2017/MTI dated 24th Aug 2017 and exercise of powers conferred vide this department letter No SOH-4/HD/BOG/C (Khan) dated 2/7/2017, a selection and promotion committee comprising of the following Professors for considering the promotion cases of eligible faculty (Civil Servants) of Gomal Medical College, D.I. Khan is hereby constituted:-

- | | | | |
|----|---|---|----------------------|
| 1. | Col. A. Dr. Abdu. Qadeer Khan
Medical Director, MTI D.Khan | - | Chairman |
| 2. | Dr. Ashraf Malik
Dean, G.M.C, D.I.Khan | - | Secretary/
Member |
| 3. | Dr. Shaukat Ali, Prof. of Physiology | - | Member |
| 4. | Dr. Ihsanullah Mehsood, Prof. of Medicine | - | Member |
| 5. | Dr. Amin Jan, Prof. of Pathology | - | Member |
| 6. | Dr. Fazi. Rehman Prof. of Paeds | - | Member |

TERMS

The committee after full consideration of prescribed procedures/legal requirements for promotion will scrutinize applications, evaluation of Research Papers and preparing working papers will make its recommendations for promotion of eligible faculty to next higher scale to Health Department within 15 days positively.

SECRETARY HEALTH/
Chairman BOG MTI DIK

Findst No and date even

- C.C
1. Medical Director, DHC (M), MTI D.I.Khan
 2. Dean, Gomal Medical College, MTI, D.I.Khan.
 3. Dr. Shaukat Ali, Prof. of Physiology, Gomal Medical College, MTI, D.I.Khan.
 4. Dr. Ihsanullah Mehsood, Prof. of Medicine Gomal Medical College, D.I.Khan.
 5. Dr. Amin Jan, Prof. of Pathology, Gomal Medical College, D.I.Khan.
 6. Dr. Fazi. Rehman, Prof. of Paeds, Gomal Medical College, D.I.Khan.
 7. OS to Secretary Health Department
 8. PA to Addl. Secretary (M) Health Department.

All should be taken care of
Dr. Fazi Rehman
20/8/17

Approved to be done
OS to Secy Health Dept
20/8/17

Jaseem Khan
Section Officer-1

leke
QA
Better Copy

**GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT.**

Dated Pesh; the 20th Oct 2017

NOTIFICATION

No. SOH-I/HD/7-53/2016 In pursuance of this department Notification No. SOH-I/HD/1-45/2017/MTI dated 22th Aug; 2017 and exercised of powers conferred vide this department letter No. SOH-I/HD/BOG/DIKhan dated 2/7/2017, a selection and promotion committee comprising of the following professors for considering the promotion case of eligible faculty (Civil Servant) of Gomal Medical Collage D.I.Khan is hereby constituted:-

1. Col[®] Dr. Abdul Qadeer Khan - Chairman
Medical Director, MTI DIKhan.
2. Dr. Akhtar Munir, - Secretary/
Dean, GMC, DIKhan. Member
3. Dr. Shaukat Ali, Prof. of Physiology - Member
4. Dr. Ihsanullah Mehsood, Prof. of Medicine - Medicine
5. Dr. Amin Jan, Prof. of Pathology - Member
6. Dr. Fazil Rehman, Prof. of Paeds - Member

TORs

The committee after fulfillment of all prescribed procedures/legal requirements for promotion i.e. scrutinizing documents evaluation of Research Papers and preparing working papers will make its recommendations for promotion of eligible faculty to next higher scale to Health Department within 15 days positively.

SECRETARY HEALTH/
Chairman BoG MTI DIK

Endst No and date even

C.C

1. Medical Director, DHQTH, MTI, DIKhan.
2. Dean Gomal Medical Collage, MTI, DIKhan.
3. Dr. Shukat Ali, Prof. of Physiology, Gomal Medical Collage, DIKhan.
4. Dr. Amin Jan, Prof. of Pathology, Gomal Medical Collage, DIKhan.
5. Dr. Fazil Rehman, Prof. of Paeds, Gomal Medical Collage, DIKhan.
6. P.S to Secretary, Health Department.
7. PA to Addl; Secretary (Estt) Health Department.

(Tasleem Khan)

10

AMM 8

OFFICE OF THE PRINCIPAL GOMUL MEDICAL COLLEGE
DERA ISMAIL KHAN



No. 1000, 25/5-1 Dera Dikhan the 27/11/2011
Tel: Phone No. 9250338-39-41 Fax# 9250330 Email: gmc.principal@yahoo.com

To

1. All Professors
2. All Associate Professor
3. All Assistant Professor

Subject:

SENIORITY LIST OF TEACHING STAFF

A copy of provisional Seniority List prepared by this office is enclosed herewith for filling of blanks column with proof and after correction return to this office for preparation of final seniority list within 03 days after the receipt of this letter.

*All staff to be
have copy
Adv. Zou
Khan*

for info
Principal
Gomul Medical College
Dera Ismail Khan

10A

Section Officer-I

Better Copy

OFFICE OF PRINCIPAL, GOMAL MEDICAL COLLEGE

DERA ISMAIL KHAN

No.2-5 /Estt/E-I Dated DIkhan 29/11/2011

Tel; Phone No. 9280338-39-41 Fax# 9280340 Email gmc.principal@gamil.com

To,

1. All Professor
2. All Associate Professors
3. All Assistant Professors

Subject: **SENIORITY LIST OF TEACHING STAFF**

A copy of provisional Seniority List prepared by this office is enclosed herewith for filling of blanks column with proof and after correction return to this office for preparation of final seniority list within 03 days after the receipt of this letter.

Principal
Gomal Medical College
Dera Ismail Khan.

Seniority List of Assistant Professor working in Gomal Medical College Dikhan

S.N	Name of Officer/ Academic qualification	Designation	Date of Birth and Domicile	Date of entry in service/ BPS	BPS	Date of Posting as Assistant Professor	Place of posting/ Department
1	Dr. Sardar Bahadur	Assistant Professor	01/08/1956/FR Dikhan		18	10/3/2003	GMC Dikhan / Eye Department
2	Dr. Abdul Munem	Assistant Professor			18	8/10/2005	GMC Dikhan / Dentistry Department
3	Dr. Javed Hussain	Assistant Professor	27/10/1960/Lakki Marwat		18	9/7/2009	GMC Dikhan / Pathology Department
4	Dr. Ghazala Bashir	Assistant Professor		31/04/2004	18	10/9/2009	GMC Dikhan / Gynae Department
5	Dr. Rehman-ud-Din	Assistant Professor			18	26/09/2008	GMC Dikhan / Gastroenterology Department
6	Dr. Amir Amanullah	Assistant Professor			18	27/08/2009	GMC Dikhan / Anatomy Department
7	Dr. Nowshad Khan	Assistant Professor	29/11/1964/ Bajaur Agency		18	12/10/2009	GMC Dikhan / Medicine Department
8	Dr. Ghazi Khan	Assistant Professor			18	15-10-2009	GMC Dikhan / Urology Department
9	Dr. Sadaf Rashid	Assistant Professor	7/8/1977/ Dikhan	31/01/2006	18	24-10-2009	GMC Dikhan / Anatomy Department
10	Dr. Sara Arif	Assistant Professor			18	24-10-2009	GMC Dikhan / Pathology Department
11	Dr. Ifikhar Ahmad	Assistant Professor		12/4/2003	18	14-12-2009	GMC Dikhan / Community Medicine Department
12	Dr. Kamran Iqbal	Assistant Professor	18/12/1963		18	14-12-2009	GMC Dikhan / ENT Department
	Dr. Ashraf Ali	Assistant Professor	01/09/1969/ Lakki Marwat		18	15-12-2009	GMC Dikhan / Surgery Department

Medical to be
 and copy
 W. Z. Z. Z.
 Kamran

(11) (2)

	Dr. Abd-ur-Rehman	Assistant Professor	11/01/1954/ DIKhan		18	30-12-2009	GMC DIKhan / Orthopedic Department
15	Dr. Akhtar Munir	Assistant Professor	10/05/1959/ DIKhan NWFP		18	5-1-2010	GMC DIKhan / Surgery Department
16	Dr. Jahanzeb Khan	Assistant Professor	24/04/1954/ DIKhan	27/11/2001	18	22-1-2010	GMC DIKhan / Forensic Medicine Department
17	Dr. Sajjad Ahmad	Assistant Professor			18	13-2-2010	GMC DIKhan / Pathology Department
18	Dr. Farmanullah	Assistant Professor			18	12/10/2010	GMC DIKhan / Paeds Department
19	Dr. Taj Muhammad	Assistant Professor			18	23-10-2010	GMC DIKhan / Medicine Department
20	Dr. Fouzia Anbreen	Assistant Professor			18	1/4/2011	GMC DIKhan / Gynae Department
21	Dr. Aftab Ahmad	Assistant Professor			18	26-8-2011	GMC DIKhan / Radiology Department
22	Dr. Amir Rehman	Assistant Professor			18	25/05/2011	GMC DIKhan / Physiology Department

Attested to
be true copy
Ahsan Zain
Kandian

11/11

BETTER COPY

Seniority List of Assistant Professor working in Gomal Medical College DIKhan.

S.No	Name of Officer/ Academic Qualification	Designation	Date of Birth And Domicile	Date of entry In Service/ BPS	BPS	Date of Posting as Assistant Professor	Place of Posting/ Department
1.	Dr. SardarBahadur	Assistant Professor	01/08/1956/FR DIKhan		18	10/03/2003	GMC DIKhan/ Eye Department
2.	Dr. AdulMuneem	Assistant Professor			18	08/10/2005	GMC DIKhan/ Dentistry Department
3.	Dr. JavedHussain	Assistant Professor	27/10/1960/LakkiMarwat		18	09/07/2009	GMC DIKhan/ Pathology Department
4.	Dr. Ghazzala Bashir	Assistant Professor		31/04/2004	18	10/09/2009	GMC DIKhan/ Gynee Department
5.	Dr. Rahman-ud-din	Assistant Professor			18	25/09/2008	GMC DIKhan/ Gastroenterology Department
6.	Dr. Amir Amanullah	Assistant Professor			18	27/08/2009	GMC DIKhan/ Anatomy Department
7.	Dr. Nowshad Khan	Assistant Professor	29/11/1964/ Bajaur Agency		18	12/10/2009	GMC DIKhan/ Medicine Department
8.	Dr. Ghazi Khan	Assistant Professor			18	15-10-2009	GMC DIKhan/ Urology Department
9.	Dr. Sadaf Rashid	Assistant Professor	07/08/1977/DIKhan	31/01/2006	18	24-10-2009	GMC DIKhan/ Anatomy Department
10.	Dr. SaraAsif	Assistant Professor			18	24-10-2009	GMC DIKhan/ Pathology Department
11.	Dr. Iftakhar Ahmad	Assistant Professor		12/04/2003	18	14-12-2009	GMC DIKhan/ Community Medicine Department
12.	Dr. Kamran Iqbal	Assistant Professor	18/12/1963		18	14-12-2009	GMC DIKhan/ HM Department
13.	Dr. Arshad Ali	Assistant Professor	01/09/1969/ LakkiMarwat		18	24-12-2009	GMC DIKhan/ Surgery Department

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14.	Dr. AbdurRahman	Assistant Professor	11/01/1964/ DIKhan		18	30/12/2009	GMC DIKhan/ Orthopedic Department
15.	Dr. AkhtarMunir	Assistant Professor	10/05/1959/ DIKhan NWFP		18	5/01/2010	GMC DIKhan/ Surgery Department
16.	Dr. Jahanzeb Khan	Assistant Professor	24/04/1964/ DIKhan	27/11/2009	18	22/01/2010	GMC DIKhan/ Forensic Medicine Department
17.	Dr. Sajjad Ahmad	Assistant Professor			18	13/02/2010	GMC DIKhan/ Pathology Department
18.	Dr. Farmanullah	Assistant Professor			18	12/10/2010	GMC DIKhan/ paed Department
19.	Dr. Taj Muhammad	Assistant Professor			18	22/10/2010	GMC DIKhan/ Medicine Department
20.	Dr. FouziaAmbreen	Assistant Professor			18	1/04/2011	GMC DIKhan/ Gynee Department
21.	Dr. Afta Ahmad	Assistant Professor			18	26-08-2011	GMC DIKhan/ Radiology Department
22.	Dr. AmirRahman	Assistant Professor			18	25-05-2011	GMC DIKhan/ Physiology Department

13

Annex-C



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated Peshawar the 13th November, 2017

NOTIFICATION

NO. SOH(E-1)7-53/17: On the recommendations of Promotion and Selection Committee and in exercise of powers conferred under Section 22 of Khyber Pakhtunkhwa Medical Teaching Institution Reform Act (amended) 2015 read with Regulations No. 10 of Khyber Pakhtunkhwa Medical Teaching Institutions Regulations, 2015 dated 16th May, 2015 and this Department letter No. SOH-I/HD/BOG/DIKhan dated 02/07/2017, the following Teaching Cadre (Civil Servants) of Gomal Medical College (MTI), D.I.Khan are hereby promoted to next higher scale on regular basis with immediate effect:

Handwritten marks and arrows on the left margin of the table, pointing to rows 6 through 16.

S.#	NAME OF DOCTOR AND SPECIALTY	FROM	TO
1.	Dr. Javaid Hussain (Pathology)	Associate Professor (BS-19)	Professor of Pathology (BS-20)
2.	Dr. Amir Amanullah (Anatomy)	Associate Professor (BS-19)	Professor of Anatomy (BS-20)
3.	Dr. Kamran Iqbal (ENT)	Associate Professor (BS-19)	Professor of ENT (BS-20)
4.	Dr. Muhammad Ali Shah (Orthopedic)	Associate Professor (BS-19)	Professor of Orthopedic (BS-20)
5.	Dr. Naseem Saba (Gynecology)	Associate Professor (BS-19)	Professor of Gynecology (BS-20)
6.	Dr. Jahanzeb Khan (Forensic Medicine)	Assistant Professor (BS-18)	Associate Professor Forensic Medicine (BS-19)
7.	Dr. Sher Zameer (Physiology)	Assistant Professor (BS-18)	Associate Professor Physiology (BS-19)
8.	Dr. Sarah Arif (Pathology)	Assistant Professor (BS-18)	Associate Professor Pathology (BS-19)
9.	Dr. Ifitikhar Ahmad (Community Medicine)	Assistant Professor (BS-18)	Associate Professor Community Medicine (BS-19)
10.	Dr. Shahjehan (Biochemistry)	Assistant Professor (BS-18)	Associate Professor Biochemistry (BS-19)
11.	Dr. Fouzia Ambreen (Gynecology)	Assistant Professor (BS-18)	Associate Professor Gynecology (BS-19)
12.	Dr. Arshad Ali (Surgery)	Assistant Professor (BS-18)	Associate Professor Surgery (BS-19)
13.	Dr. Akhtar Munir (Surgery)	Assistant Professor (BS-18)	Associate Professor Surgery (BS-19)
14.	Dr. Taj Muhammad Khan (Medicine)	Assistant Professor (BS-18)	Associate Professor Medicine (BS-19)
15.	Dr. Sajjad Ahmad (Pathology)	Assistant Professor (BS-18)	Associate Professor Pathology (BS-19)
16.	Dr. Sadaf Rasheed (Anatomy)	Assistant Professor (BS-18)	Associate Professor Anatomy (BS-19)

Approved to
Exec Copy
Adviser
Khan

14

14

17	Dr. Muhammad Ismail (ENT)	Assistant Professor (BS-18)	Associate Professor ENT (BS-19)
18	Dr. Ali Khan (ENT)	Senior Registrar (BS-18)	Assistant Professor ENT (BS-18)
19	Dr. Salman Khan (Medicine)	Senior Registrar (BS-18)	Assistant Professor Medicine (BS-18)
20	Dr. Shakeel Ahmad (Orthopedic)	Senior Registrar (BS-18)	Assistant Professor Orthopedic (BS-18)
21	Dr. Muhammad Kamran Khalid (Ophthalmology)	Senior Registrar (BS-18)	Assistant Professor Ophthalmology (BS-18)
22	Dr. Amjad Abrar (Cardiology)	Senior Registrar (BS-18)	Assistant Professor Cardiology (BS-18)
23	Dr. Irum Batool (Gynecology)	Senior Registrar (BS-18)	Assistant Professor Gynecology (BS-18)
24	Dr. Hina Ayub (Gynecology)	Senior Registrar (BS-18)	Assistant Professor Gynecology (BS-18)
25	Dr. Muhammad Shaukat (Nephrology)	Senior Registrar (BS-18)	Assistant Professor Nephrology (BS-18)
26	Dr. Dastageer Waheed (Surgery)	Senior Registrar (BS-18)	Assistant Professor Surgery (BS-18)
27	Dr. Qais Falah (Surgery)	Senior Registrar (BS-18)	Assistant Professor Surgery (BS-18)
28	Dr. Taj Muhammad (Peads)	Senior Registrar (BS-18)	Assistant Professor Peads (BS-18)

**SECRETARY HEALTH
Govt. of Khyber
Pakhtunkhwa**

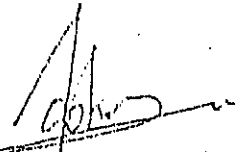
Endst. No. & Date Even

Copy to the:-

1. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
2. Principal Secretary to Governor, Khyber Pakhtunkhwa.
3. Director General Health Services, Khyber Pakhtunkhwa.
4. Accountant General, Khyber Pakhtunkhwa.
5. PSO to Chief Secretary, Khyber Pakhtunkhwa.
6. Dean, MMM Teaching Hospital (MTI), D.I.Khan.
7. Hospital/Medical Director, MMM Teaching Hospital (MTI), D.I.Khan.
8. Director Finance, MMM Teaching Hospital (MTI), D.I.Khan.
9. All Head of Departments in MMM Teaching Hospital (MTI), D.I.Khan.
10. District Account Officer, D.I.Khan.
11. Officers concerned.
12. PS to Minister Health, Khyber Pakhtunkhwa, Peshawar
13. PS Secretary Health, Khyber Pakhtunkhwa, Peshawar

*Attached to be
true copy
to be sent to
D.I.Khan*

*Attached to be
true copy.*


(Tasleem Khan)
SECTION OFFICER (E-I)

Anna

13A

BETTER COPY

**GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT**

Dated Peshawar the 13th November, 2017

NOTIFICATION

NO. SOH(E-I)7-53/17: On the recommendation of Promotion and Selection Committee and in exercise of powers conferred under Section 22 of Khyber Pakhtunkhwa Medical Teaching Institution Reforms Act (amended) 2015 read with Regulations No.16 of Khyber Pakhtunkhwa Medical Teaching Institution Regulations, 2015 dated 16th May, 2015 and this department letter No. SOH-I/HD/BOG/DIKhan dated 02/07/2017, the following Teaching Cadre (Civil Servants) of Gomal Medical College (MTI) , D.I.Khan are hereby promoted to next higher scale on regular basis with immediate effect .

S.#	NAME OF DOCTOR AND SPECIALITY	FROM	TO
1.	Dr.JavedHussain (Pathology)	Associate Professor (BS-19)	Professor of Pathology (BS-20)
2.	Dr. Amir Amanullah (Anatomy)	Associate Professor (BS-19)	Professor of Anatomy (BS-20)
3.	Dr. Kamran Iqbal (ENT)	Associate Professor (BS-19)	Professor of ENT (BS-20)
4.	Dr.Muhammad Ali Shah (Orthopedic)	Associate Professor (BS-19)	Professor of Orthopedic (BS-20)
5.	Dr.NaseemSaba (Gynecology)	Associate Professor (BS-19)	Professor of Gynecology (BS-20)
6.	Dr.Jahanzeb Khan (Forensic Medicine)	Assistant Professor (BS-18)	Associate Professor Forensic Medicine (BS-19)
7.	Dr.SherZameer, (Physiology)	Assistant Professor (BS-18)	Associate Professor Physiology (BS-19)
8.	Dr. Sarah Arif (Pathology)	Assistant Professor (BS-18)	Associate Professor Pathology (BS-19)
9.	Dr.Iftikhar Ahmad (Community Medicine)	Assistant Professor (BS-18)	Associate Professor Community Medicine (BS-19)
10.	Dr.Shahjehan (Biochemistry)	Assistant Professor (BS-18)	Associate Professor Biochemistry (BS-19)
11.	Dr.FouziaAmbreen (Gynecology)	Assistant Professor (BS-18)	Associate Professor Gynecology(BS-19)
12.	Dr.Arshad Ali (Surgery)	Assistant Professor (BS-18)	Associate Professor Surgery (BS-19)
13.	Dr.AkhtarMunir (Surgery)	Assistant Professor (BS-18)	Associate Professor Surgery (BS-19)
14.	Dr.Taj Muhammad Khan)	Assistant Professor (BS-18)	Associate Professor Medicine (BS-19)
15.	Dr.Sajjad Ahmad (Pathology)	Assistant Professor (BS-18)	Associate Professor Pathology (BS-19).
16.	Dr.SadafRasheed	Assistant Professor	Associate Professor

14A

	(Anatomy)	(BS-18)	Anatomy (BS-19)
17.	Dr. Muhammad Ismail (ENT)	Assistant Professor (BS-18)	Associate Professor ENT (BS-19)
18.	Dr. Ali Khan (ENT)	Senior Registrar (BS-18)	Assistant Professor ENT (BS-18)
19.	Dr. Salman Khan (Medicine)	Senior Registrar (BS-18)	Assistant Professor Medicine (BS-18)
20.	Dr. Shakeel Ahmad (Orthopedic)	Senior Registrar (BS-18)	Assistant Professor Orthopedic (BS-18)
21.	Dr. Muhammad Kamran Khalid (Ophthalmology)	Senior Registrar (BS-18)	Assistant Professor Ophthalmology (BS-18)
22.	Dr. Amjad Abrar (Cardiology)	Senior Registrar (BS-18)	Assistant Professor Cardiology (BS-18)
23.	Dr. Irum Batool (Gynecology)	Senior Registrar (BS-18)	Assistant Professor Gynecology (BS-18)
24.	Dr. Hina Ayub (Gynecology)	Senior Registrar (BS-18)	Assistant Professor Gynecology (BS-18)
25.	Dr. Muhammad Shaukat (Nephrology)	Senior Registrar (BS-18)	Assistant Professor Nephrology (BS-18)
26.	Dr. Dastageer Waheed (Surgery)	Senior Registrar (BS-18)	Assistant Professor Surgery (BS-18)
27.	Dr. Qais Falah (Surgery)	Senior Registrar (BS-18)	Assistant Professor Surgery (BS-18)
28.	Dr. Taj Muhammad (Peads)	Senior Registrar (BS-18)	Assistant Professor Peads (BS-18)

SECRETARY HEALTH
Govt. of Khyber
Pakhtunkhwa

Endst. No & Date Even

Copy to the:-

1. Principal Secretary of Chief Minister, Khyber Pakhtunkhwa.
2. Principal Secretary to Governor, Khyber Pakhtunkhwa.
3. Director General Health Services, Khyber Pakhtunkhwa.
4. Accountant General, Khyber Pakhtunkhwa.
5. PSO to Chief Secretary, Khyber Pakhtunkhwa.
6. Dean, MMM Teaching Hospital (MTI), D.I.Khan.
7. Hospital/ Medical Director, MMM Teaching Hospital (MTI), D.I.Khan.
8. Director Finance, MMM Teaching Hospital (MTI), D.I.Khan.
9. All Head of Departments in MMM Teaching Hospital (MTI), D.I.Khan.
10. District Account Officer, D.I.Khan.
11. Officers Concerned.
12. PS to Minister Health, Khyber Pakhtunkhwa, Peshawar.
13. PS Secretary Health, Khyber Pakhtunkhwa, Peshawar.

(Tasleem Khan)
SECTION OFFICER (E-I)



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 592 /2018

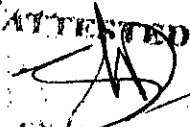
Dr. Ghazi Khan, Assistant Professor Urology (BS-18), presently posted at Gomal Medical College, Dera Ismail Khan.

(Appellant)

VERSUS

1. Govt. Of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
2. Secretary Health Department, Govt. Of Khyber Pakhtunkhwa, Peshawar.
3. Director General Health Department, Govt. Of Khyber Pakhtunkhwa, Peshawar.
4. Search and Nomination Council, through its Chairman, Medical Teaching Institutions, Peshawar.
5. Board of Governors, Medical Teaching Institutions, Dera Ismail Khan.
6. Dean/Principal, Gomal Medical College, Medical Teaching Institutions, Dera Ismail Khan.
7. Dr. Jahanzeb Khan, Forensic Medicine, Associate Professor Gomal Medical College Dera Ismail Khan.
8. Dr. Sara Arif, Pathology, Associate Professor, Gomal Medical College Dera Ismail Khan.
9. Dr. Iftikhar Ahmad, Community Medicine, Associate Professor, Gomal Medical College Dera Ismail Khan.
10. Dr. Shah Jahan, Bio Chemistry Associate Professor, Gomal Medical College Dera Ismail Khan.
11. Dr. Fozia Ambreen, Gynaecology Associate Professor, Gomal Medical College Dera Ismail Khan.
12. Dr. Arshad Ali, Surgery Associate Professor, Gomal Medical College Dera Ismail Khan.

ATTESTED


ATTORNEY
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Ch. Arshad Ali
←
M. A. R. K.

16

- 13. Dr. Akhtar Munir, Surgery, Associate Professor, Gomal Medical College Dera Ismail Khan.
- 14. Dr. Taj Muhammad Khan Medicine, Associate Professor, Gomal Medical College Dera Ismail Khan.
- 15. Dr. Sajjad Ahmad (Pathology), Associate Professor, Gomal Medical College Dera Ismail Khan.
- 16. Dr. Sadaf Rasheed, Anatomy, Associate Professor, Gomal Medical College Dera Ismail Khan.
- 17. Dr. Muhammad Ismail (ENT), Associate Professor, Gomal Medical College Dera Ismail Khan.

(not in list)

..... (RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KPK SERVICES TRIBUNAL ACT, 1974, AGAINST THE IMPUGNED NOTIFICATION NO. SOH(E-1)7-53/17 DATED 13/11/2017 WHEREBY RESPONDENT NO. 07 TO RESPONDENT NO. 17, BEING JUNIOR TO THE APPELLANT WERE PROMOTED FROM THE POST OF ASSISTANT PROFESSOR BS-18 TO THE POST OF ASSOCIATE PROFESSOR BS-19 AND SERVICE APPEAL AGAINST INDECISION OF THE RESPONDENTS ON THE DEPARTMENTAL APPEAL SUBMITTED BY THE APPELLANT.

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Note: Addresses given above shall suffice the object of service. All necessary and proper parties have been arrayed in the panel of respondents.

Respectfully Sheweth;

Appellant humbly submits as under:

- 1. That the appellant was inducted in Health Department by KPK public service Commission as Assistant Professor in Urology and since 15/10/2009, he is the appellant who founded the Urology at DHQ Teaching Hospital Dera Ismail Khan. The appellant has

D-107

ATTESTED

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Kashmiri Panchayat Service Tribunal


also been teaching the students of Gomal Medical College 4th and final years via lectures, OPD, OT and on bed site in Urology Unit.

2. That service of the appellant is governed, primarily by the provision of KPK Civil Servant Act, XVIII of 1973 and KPK Civil Servants (Appointment, Promotion and Transfer) Rules 1989. It is a matter of record that service of the appellant belongs to teaching cadre of Health Department of Khyber Pakhtunkhwa. The Govt. of Khyber Pakhtukhwa introduced KPK Medical Teaching Reforms Act, IV, 2015 on 19/01/2015 and in pursuance of Act, IV of 2015, the Board of Governors MTI Dera Ismail Khan, framed regulations, in 2016. However, after the promulgation of Act-IV of 2015, the teaching staff of the Gomal Medical College were given an option of 90 days either to opt for MTI service or to remain as civil service but the appellant did not opt for MTI service.

3. That after the promulgation of Medical Teaching Institution reforms Act, IV of 2015; a dispute arises regarding the promotions and initial recruitment of different posts. Consequently writ petition No. 2016-P/2017 titled "Dr. Shaukat Ali etc Vs. Govt. of KPK etc" was instituted jointly by the present appellant with others before the honourable Peshawar High Court Peshawar, which was decided vide Judgment and order dated 06/07/2017. The concluding para is reproduced as under for ready reference, "In the light of above response of the respondents, it would not be appropriate to further proceed with the matter, however, the respondents are directed to expeditiously proceed with the promotion of petitioners against the post, if lying vacant in their respective disciplines, provided they are eligible for the same. Similarly, initial recruitment be also expedited because it is the need of the hour". Copy of the writ petition and judgment is annexed as Annexure-A.

4. That Govt. of Khyber Pakhtunkhwa vide its notification no. SOH-I/HD/BOG/D.I.Khan dated 16th June, 2017, authorized Health

Dr. Shaukat Ali


ATTESTED


18

Department KPK to act as Board of Governors (BOG) for MTI Dera Ismail Khan till finalization of new BOG. Copy of the notification is annexed as **Annexure-B**.

5. That Govt. of KPK Health Department vide its notification no. SO-1/HD/7-53/2016 dated 20th October, 2017, constituted the selection and promotion committee for considering the promotion cases of eligible faculty (Civil Servant) of Gomal Medical College Dera Ismail Khan. Copy of the notification dated 20th October, 2017 is enclosed as **Annexure-C**.
6. That Govt. of Khyber Pakhtunkhwa Health Department vide its impugned Notification no. SOH(E-1)7-53/17 dated 13/11/2017 promoted different teaching cadres of Gomal Medical College (MTI) Dera Ismail Khan to next higher scale, wherein private respondent No. 07 to 17 were also promoted from Assistant Professor BS-18 to Associate Professor BS-19 who were junior to the present appellant. Copy of impugned letter dated 13/11/2017 is annexed as **Annexure-D**.
7. That the appellant also moved an application for promotion as Associate Professor Urology BS-19 at Gomal Medical College Dera Ismail Khan which was duly forwarded by Medical Director MTI, DHQ, MMMTH Dera Ismail Khan, which was received by the Chairman BOG on 30/11/2017. Copy of covering letter is annexed as **Annexure-E**.
8. That the present appellant, in order to obtain the list of promotion of employees, moved an application to medical director MTI, DHQ/MMMTH Dera Ismail Khan on 05/12/2017 and after receiving the copy of impugned promotion order, preferred a departmental appeal on 09/12/2017 to Chief Secretary KPK and also moved departmental appeal to the Chairman Board of Governors (MTI) Gomal Medical College Dera Ismail Khan. However, to dismay of the appellant, the representation of the appellant remained undecided. Copy of departmental appeal and postal receipts are annexed as **Annexure-F, G & H**.

Recd
12/12/2017


CHIEF SECRETARY
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

9. That having no alternate remedy available, the appellant approaches this honourable Tribunal to redress his grievance as prayed for hereinafter on inter alia on the following grounds,

GRUNDS

- a. That the impugned promotion Notification no. SOH(E-1)7-53/17 dated 13/11/2017 is patently illegal, coram non-judice, void ab initio, against law and rules, based on favoritism and nepotism, discriminatory and is ineffective upon the promotion rights of the appellant.
- b. That it is matter of record that private respondent no. 07 to 17 are junior to the appellant despite the fact that they have been promoted to Associate Professor BS-19.
- c. That the impugned promotion notification is based on mala-fide, nepotism and favouritism which is clearly evident from the fact that Govt. Of KPK Health Department vide its notification dated 20 October, 2017 (Annexure-C) constituted Selection/Promotion Committee wherein Dr. Akhtar Munir (respondent no. 13) was a member and he himself is being promoted at serial no. 13 of the impugned notification of promotion from Assistant Professor to the post of Associate Professor BS-19 which is illegal and sheer violation of the doctrine that no one should be the judge of his own cause.
- d. That malafidely on the part of respondent is also evident from the fact that the appellant has several time requested the respondents for the provision of seniority list of 2016-17 but till yet respondents has not provided the same to the appellant, In this respect an application moved by the appellant on 07/12/2017 is annexed as Annexure-I.

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ATTESTED
 [Signature]
 Chairman
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

23

Annexure

- e. That respondents, by promoting the juniors of the appellant, committed discrimination towards the appellant and even the respondent no. 13 (Dr. Akhtar Munir) is also junior from the appellant from the seniority list of the year 2011. Copy of the seniority list of 2011 is annexed as **Annexure-J**.
- f. That discriminatory conduct of the respondents towards the appellant needs judicial scrutiny by this worthy tribunal.
- g. That counsel for the appellant may graciously be allowed to add to the grounds, on facts and on law as well, during the course of arguments, if needed be.

In wake of the submissions made above, it is requested that by setting aside the impugned Notification no. SOH(E-1)7-53/17 dated 13/11/2017, declaring same as ultra virus, nullity in law and of no consequence on the rights of the appellant, to kindly direct the respondents to promote appellant to the post of Associate Professor BS-19.

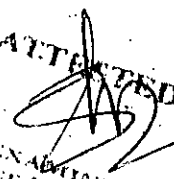
Any other relief deemed appropriate in circumstances of the case may also be allowed in favour of appellant in the large interest of justice.

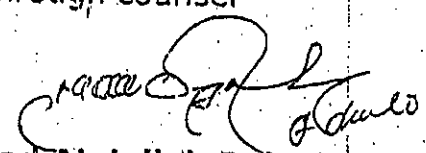
4/04/2018

Your humble appellant


Dr. Ghazi Khan

Through counsel


ATTORNEY
Khush Bakht
Service Tribunal
Dera Ismail Khan


Muhammad Abdullah Baloch
Advocate High Court
Dera Ismail Khan

Annexure
21

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

In service Appeal No. _____/2018

**Dr. Ghazi Khan
(Appellant)**

VERSUS

**Govt. Of KPK etc
(Respondents)**

CERTIFICATE

Certified that appellant have not filed an appeal regarding the subject controversy, earlier in this august Tribunal.

Dated 4/04/2018

[Signature]
Appellant

NOTE

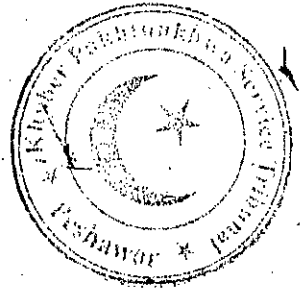
Appeal with annexure along-with required sets thereof are being presented in separate file covers.

4/04/2018

[Signature]
Appellant's counsel

[Signature]
**EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar**

23



S.A 592/2018

15th May, 2023

01. Counsel for the appellant present. Mr. Fazal Shah Mohmand, Addl. Advocate General for the respondents present.

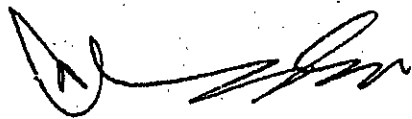
02. Learned counsel for the appellant has very fairly stated that during the pendency of this appeal, the appellant was promoted to BPS-19, however, the promotion was given immediate effect whereas that ought to have been from the date of his entitlement i.e. the date when his juniors were promoted.

03. In view of promotion of the appellant, instant appeal has become fruitless, however, the appellant may make an appeal/representation to the competent authority requesting for antedation of his promotion from the date on which his junior are alleged to have been promoted. Disposed of in the above terms. Consign.

04. *Pronounced in open Court at Camp Court, D.I.Khan and given under our hands and the seal of the Tribunal on this 15th of May, 2023.*

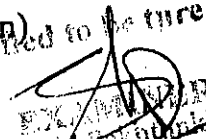

(Fareeha Paul)

Member(E)
(Camp Court, D.I.Khan)



(Kalim Arshad Khan)
Chairman
(Camp Court, D.I.Khan)

Fazle Subhan, P.S

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar
16/23

Date of Presentation of Application 26/10/2023
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24

OFFICE OF THE DEAN/CHIEF EXECUTIVE GOMAL MEDICAL COLLEGE (MTI) DERA ISMAIL KHAN.

Office # 0966-747373

gohar.official@derail.com


NOTIFICATION

In continuation of this office letter No. 5650-59/MTI/GMC/Estt: Dated: 11-12-2018 and HOG, MTI, D.I.Khan accorded approval for conversion of the posts in its 26th Meeting held on 30-04-2019 at agenda item No.29 (3) Dr. Ghazi Khan (Civil Servant) is promoted to Associate Professor Urology (BPS-19) on regular basis against original post with immediate effect.

SD/-
Dean/Chief Executive
Gomal Medical College MTI
Dera Ismail Khan.
Dated: 04/10/2019.

No. 5650-59 /MTI/GMC/Estt:

Copy forwarded to the
Director, Peshawar.
Finance Department, Peshawar.
Khyber Pakhtunkhwa
Teaching Hospital, MTI, D.I.Khan.
Teaching Hospital, MTI, D.I.Khan.
Department GMC.


Dean/Chief Executive
Gomal Medical College MTI
Dera Ismail Khan

To,

The Chief Secretary,
Govt; of Khyber Pakhtun Khwa
Peshawar.

28

Annex 'G'

Through Via registered post:

**Subject: DEPARTMENTAL APPEAL/REPRESENTATION
AGAINST THE IMPUGNED NOTIF No. 5016-
26/MTI/GMC/Estt; DATED 04/10/2019, whereby
APPELLANT HAS BEEN PROMOTED AS ASSOCIATE
PROFESSOR UROLOGY (BPS-19) BUT WITH IMMEDIATE
EFFECT.**

Respected Sir;

Appellant humbly submitted as under:-

1. That the appellant was inducted in Health Department by KPK public service Commission as Assistant Professor in Urology and since 15/10/2009, he is the appellant who founded the Urology at DHQ Teaching Hospital Dera Ismail Khan. The appellant has also been teaching the students of Gomal Medical College 4th and final years via lectures, OPD, OT and on bed site In Urology Unit.
2. That the present appellant including some other doctors filed a writ petition No. 2016-p/2017 wherein, the Worthy Peshawar High Court vide its judgment dated 06/07/2017 directed the respondents to proceed with the promotion matter of the petitioner.
3. That Govt. of KPK Health Department vide its notification no. SO-1/HD/7-53/2016 dated 20th October,

2017, constituted the selection and promotion committee for considering the promotion cases of eligible faculty (Civil Servant) of Gomal Medical College Dera Ismail Khan.

4. That Govt. of Khyber Pakhtunkhwa Health Department vide its Notification no. SOH(E-1)7-53/17 dated 13/11/2017 promoted different teaching cadres of Gomal Medical College (MTI) Dera Ismail Khan to next higher scale, wherein some juniors to the present appellant were also promoted from Assistant Professor BS-18 to Associate Professor BS-19.
5. That after exhausting the forum of departmental appeal, the present appellant filed a service appeal No. 592/2018 before the Honourable KP Service Tribunal. During pendency of the service appeal the impugned no. 5016-26/MTI/GMC/Estt; dated 04/10/2019 was issued whereby, appellant was given promotion as Associate Professor (BPS-19) but with immediate effect. The service appeal of the appellant has been disposed of vide order dated 05/05/2023 as the same has become infructuous however, the present appellant was set at liberty to make an appeal/representation requesting for anti-dation of his promotion from the date on which juniors had been promoted. Copy of the order of Honourable KP Service Tribunal Dated 05/05/2023 is annexed.
6. That the impugned Notification No. 5016-26/MTI/GMC/Estt; dated 04/10/2019 is patently illegal, coram non iudice, void ab initio, against law and rules, based on favoritism and nepotism, discriminatory and is ineffective upon the promotion rights of the appellant.
7. That it is matter of record that private respondent no. 07 to 17 (In service appeal No. 592/2018) were junior

to the appellant despite the fact that they have been promoted to Associate Professor BS-19.

8. That the previously impugned promotion notification No. **SOH(E-1)7-53/17 dated 13/11/2017** was based on mala-fide, nepotism and favouritism which is clearly evident from the fact that Govt. Of KPK Health Department vide its notification dated 20 October, 2017 constituted Selection/Promotion Committee wherein Dr. Akhtar Munir (respondent no. 13) was a member and he himself is being promoted at serial no. 13 of the impugned notification of promotion from Assistant Professor to the post of Associate Professor BS-19 which is illegal and sheer violation of the doctrine that no one should be the judge of his own cause.
9. That right of appellant was infringed when his juniors were promoted while the appellant was appointed vide impugned notification but with immediate effect. The appellant ought to be promoted anti-dated w.e.f the date when his juniors were promoted.
10. That Department has committed error while not promoting the appellant from his due date and this error even continued till the issuance of next promotion order to BPS-20. Let it not be mention here that those juniors to the appellant who were promoted earlier, has now been promoted to BPS-20 and this time too the appellant has not been given **substantive promotion** to BPS-20. However, a separate representation has also been made qua subject controversy.

It is, therefore, requested that on acceptance of this representation/departamental appeal, the impugned Notification No. 5016-26/MTI/GMC/Estt; dated 04/10/2019, may kindly be modified and the appellant's promotion to BPS-19 may kindly be given

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retrospective effect and be promoted from the date his juniors were promoted i.e 13/11/2017 with all back benefits.

Dated: 16/06/2023

Your humble appellant,



Dr. Ghazi Khan,
Professor Urology

(BS-20), presently posted at

DHQ, MTI,

Dera Ismail Khan.

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of sender

16/6/23

698

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To

The Principal/Dean,
Gomal medical college,
Dera Ismail Khan.

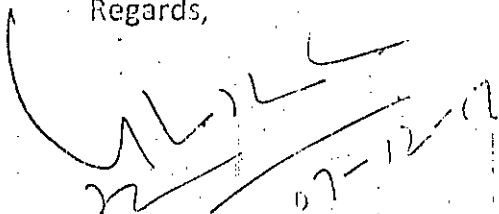
SUBJECT: PROVISION OF SENIORITY LIST OF ASSISTANT PROFESSORS (2016/2017)
USED FOR RECENT PROMOTIONS (NOV 2017) UNDER "RIGHT TO
INFORMATION ACT 2015"

Respected Sir,

You are requested to kindly provide me with seniority list of assistant professors at Gomal Medical College, used for recent promotions in NOV 2017. Your cooperation in this regard will be highly appreciated.

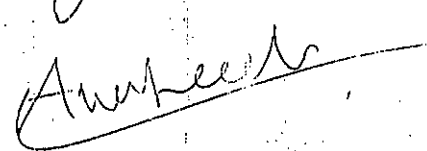
Dated 7/12/2017

Regards,



DR. GHAZI KHAN
Assistant Professor,
Urology Department,
MTI DHQth, D.I. Khan

Received by





MUHAMMAD ABDULLAH
Advocate Supreme Court of Pakistan
12101-0988149-7

LIFE MEMBER

ABID SHAHID ZUBERI
President

MA QUTEDRAN KHAN SHABBI
Secretary



وکالت نامہ

کورٹ
فیس

Before the Hyderabad/Tunkhwa Service Tribunal Registered
Office

Appellant

Dr. Ghazi Khan

Govt. of KP/etc

Service Appeal

پہنچنے پر آئندہ

Muhammad Abdullah Advocate Supreme Court

مختار صاحب نے اپنی درخواست میں لکھا ہے کہ وہ ایک ایسی ہیڈ کوارٹرز میں ملازم رہا ہے جہاں پر اس کی خدمات انجام دی گئی ہیں۔ وہ اس کے دوران میں مختلف عہدوں پر فائز رہا ہے اور اس کے ساتھ ساتھ اس کی تنخواہ اور دیگر سہولتیں بھی بہتر بنائی گئی ہیں۔ تاہم اس کے ساتھ ساتھ اس کی خدمات کو تسلیم کرنے اور اس کے ساتھ ساتھ اس کی تنخواہ اور دیگر سہولتیں بھی بہتر بنائی گئی ہیں۔ تاہم اس کے ساتھ ساتھ اس کی خدمات کو تسلیم کرنے اور اس کے ساتھ ساتھ اس کی تنخواہ اور دیگر سہولتیں بھی بہتر بنائی گئی ہیں۔

14 اکتوبر 2023

Accepted
13/10/2023
03146932557

Dr. Ghazi Khan