

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 899/2019

Date of Institution ... 05.07.2019

Date of Decision ... 11.07.2019

Mr. Zawar Khan, Sweeper (BPS-01) Category "D" Hospital Katlang, District Mardan.

... (Appellant)

VERSUS

The Director General Health Services, Khyber Pakhtunkhwa Peshawar and others.

... (Respondents)

Mr. Mir Zaman Safi,
Advocate.

... For appellant

MR. HAMID FAROOQ DURRANI,

... CHAIRMAN

JUDGMENTHAMID FAROOQ DURRANI, CHAIRMAN:-

1. The prayer of instant appeal is essentially to the effect that the respondents shall consider the appellant for promotion/adjustment against any other Class-IV post while at present the appellant is serving as Sweeper (Muslim) in BPS-01. The appellant has relied on the minutes of meeting dated 12.07.2006 regarding problems of Class-IV Paramedic employees. Inter-alia, the decision was taken in the meeting to promote the Muslim Sweepers against the existing vacancies of Ward Orderly, Chowkidar, Mali, Dai, Aya and other Class-IV posts on seniority basis and not to appoint the Muslim Sweepers against the posts of Sweeper in future. Reliance is also placed on order issued by the Secretary to Government of Khyber Pakhtunkhwa Health Department on 16.02.2017. In the order it is noted that those who were



appointed as Muslim Sweepers before 12.07.2006 were entitled for adjustment against the aforementioned posts without disturbing the quota reserved under the rules for appointment of Class-IV Government Servants etc. It was, however, provided in the order that those who were appointed as Muslim Sweepers after 12.07.2006 were not covered under the policy.

2. This Tribunal decided a number of appeals through judgment dated 13.12.2018 handed down in Appeal No. 639/2017 (Lutf-E- Hakeem Vs. the Secretary Government of Khyber Pakhtunkhwa Health Department and others) in terms that the cut-off date mentioned in the order dated 16.02.2017 and 12.07.2006 shall be treated as expunged. In the said manner the benefit of decision made on 12.07.2006 as well as order dated 16.02.2017 was to be extended to the Muslim Sweepers appointed after 12.07.2006. The issue having been settled once by this Tribunal entails the extension of benefits to employees placed similar to those whose appeals were decided, in affirmative, on 13.12.2018.

3. Learned counsel after arguing the case at some length stated that the appellant would be satisfied at present in case he is considered for promotion to a Class-IV post other than that of Sweeper by the respondents in accordance with law.

4. As the issue of promotion of Muslim Sweeper having been appointed before and after 12.07.2006 has been repeatedly settled by this Tribunal as well as the Honourable Peshawar High Court, the respondents shall consider the appellant for requisite promotion in the order of seniority and his otherwise eligibility under the rules. The respondents are also expected to observe the quota for promotion when making initial appointment to the posts of Class-IV as indicated through letter dated 13.06.2019, addressed by

DHO Mardan to the Director General Health Services Khyber Pakhtunkhwa
Peshawar.

5. The appeal is accordingly disposed of. File be consigned to the record
room.



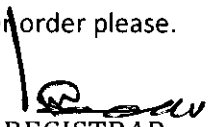
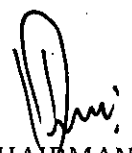
(HAMID FAROOQ DURRANI)
CHAIRMAN

ANNOUNCED
11.07.2019

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. - 899/2019


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	09/07/2019	<p>The appeal of Mr. Zawar Khan resubmitted today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 9/7/19</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>11/07/19</u></p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

The appeal of Mr. Zawar Khan Sweeper Category "D" Hospital Katlong Mardan received today i.e. on 05.07.2019 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

1- Annexure-B of the appeal is illegible which may be replaced by legible/better one.

No. 1184 /S.T,

Dt. 9-7- /2019.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Noor Muhammad Khattak Adv. Pesh.

Note:

Sir,

*All objections have been removed
hence re-submitted today dated 9/7/2019.*

9/7/2019.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. 899 / 2019

ZAWAR KHAN

VS

HEALTH DEPARTMENT

INDEX

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6	Notification dated 16.2.2017	D	19.
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APPELLANT

THROUGH:

NOOR MOHAMMAD KHATTAK,
ADVOCATE

Flat No. 3, Upper Floor,
Islamia Club Building,
Khyber Bazar, Peshawar
0345-9383141

OBEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

APPEAL NO. 899 /2019

Diary No. 927

Dated 05/7/2019

Mr. Zawar Khan, Sweeper (BPS-01),
Category "D" Hospital Katlang, District Mardan**APPELLANT**

VERSUS

- 1- The Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
- 2- The District Health Officer, District Mardan.
- 3- The Medical Officer Category "D" Hospital Katlan, District Mardan.
- 4- The District Account Officer, District Mardan.

.....**RESPONDENTS**

SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE INACTION OF THE RESPONDENTS BY NOT PROMOTING/ADJUSTING THE APPELLANT AGAINST ANY OTHER CLASS-IV POST AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS

PRAYER:

That on acceptance of this appeal the appellant may very kindly be considered for promotion/adjustment against any other Class-IV post in light of the policy dated 25-07-2006 from the date when his other colleagues were promoted/adjusted. Any other remedy which this Honorable Tribunal deems appropriate that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

- 1- That appellant is the employee of the respondent Department and is serving as Sweeper (Muslim) for quite considerable time efficiently and upto the entire satisfaction of his superiors. Copy of the pay roll is attached as annexure **A.**
- 2- That vide Notification dated 25.7.2006 the respondent Department including autonomous institutions have unanimously decided that all the Health Institutions should promote the Muslim Sweepers against the existing vacancies of Ward Orderly, Chowkidar, Mali, Dayi, Aya and other Class-IV posts on seniority basis and not to appoint Muslim Sweepers against the post of sweeper in future. Copy of the policy is attached as annexure **B.**

Filed to-day
Registrar

5/7/19

Re-submitted to-day
and filed.

Registrar
9/7/19

- 3- That appellant in light of the above mentioned Notification dated 25.7.2006 applied for his adjustment/promotion against the class-IV post other than sweeper but no reply was received from the respondent Department.
- 4- That other colleagues of the appellant were filed writ petition No.181-M/2013 before the Honorable Peshawar High Court Mingora Bench and the Honorable High Court converted the said writ petition into representation with the direction to Secretary Health Department to decide the said Departmental appeal/representation in light of the above mentioned Policy. Copy of the Judgment is attached as annexure.....**C.**
- 5- That in response to the above mentioned Judgment the respondent Department issued the impugned Notification dated 16.2.2017 where in the Secretary Health i.e. respondent No.1 issued directions to the concerned authorities to promote/adjust those Muslim Sweepers who were appointed before the issuance of policy dated 25.07.2006. That feeling aggrieved from the impugned Notification dated 16.2.2017 the said colleagues of the appellant filed connected Service appeals before this august Tribunal with title " Lutf-e-Hakim & others vs Secretary Health & others" and the same have been allowed by this august Tribunal vide judgment dated 13.12.2018. Copies of the Notification dated 16.2.2017 and judgment are attached as annexure **D & E.**
- 6- That appellant filed Departmental appeal before the appellate authority for promotion/adjustment against the said class-iv post in light of the policy dated 25.07.2006 but no reply has been received so far. That during the pendency of Departmental appeal of the appellant so many class-iv posts are lying vacant in various hospitals/institution at District Mardan but the respondent Department instead of adjustment of the appellant against the said class-iv post called interview on 15/07/2019 for initial recruitment. Copies of the Departmental appeal and interview call letter are attached as annexure.....**F & G.**
- 7- That appellant feeling aggrieved and having no other remedy but to filed the instant service appeal on the grounds amongst the others.

GROUND:

- A- That the impugned Notification dated 16.02.2017 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be modified.
- B- That appellant has not been treated in accordance with law and rules by the respondent Department on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic republic of Pakistan 1973.

- C- That appellant has been discriminated by the respondents on the subject noted above and as such the respondents violated the Rules regulations of the Provincial Government.
- D- That the Notification dated 16.2.2017 of the respondent Department is based on favoritism and nepotism, therefore not tenable and liable to be modified.
- E- That the impugned Notification is violative of Article 38(e) of the Constitution of Pakistan 1973.
- F- That the respondents acted in arbitrary and malafide manner by ignoring the appellant from promotion /adjustment on any Class-IV post in light of the policy dated 25.7.2006.
- G- That the appellant is also entitle for the same relief under the principle of consistency which was granted to other colleagues of the appellant.
- H- That the impugned Notification dated 16.2.2017 has been issued by the respondents in utter disregard of law and Rules.
- I- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

Dated: 02.7.2019

APPELLANT



ZAWAR KHAN

THROUGH:



NOOR MOHAMMAD KHATTAK

&



MIR ZAMAN SAFI
ADVOCATES

BEFORE THE KHYBER PAKHTUNKHEWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2019

ZAWAR KHAN

VS

HEALTH DEPARTMENT

APPLICATION FOR RESTRAINING THE
RESPONDENTS THAT NOT TO FILL UP THE
OTHER CLASS-IV VACANT POSTS TILL THE
DISPOSAL OF THIS APPEAL

R/SHEWETH:

- 1- That the appellant filed above mentioned appeal along with this application before this august service Tribunal in which no date has been fixed so for.
- 2- That applicant filed service appeal for promotion/adjustment against the vacant class-iv post.
- 3- That all the three ingredients necessary for the stay is in favor of the appellant.
- 4- That call letter for interview against the post of class-iv has been issued by the respondents in utter violation of law and Rules.
- 5- That the grounds of main appeal is also be considered as integral part of this application.

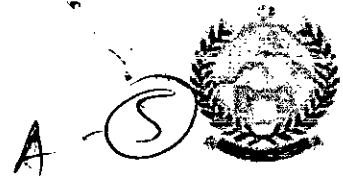
It is therefore, most humbly prayed that on acceptance of this application the respondents may be restrained that not to fill up the other class-iv posts i.e. Mali, ward orderly, Chowkidar, Dai and aya till the disposal of the above mentioned appeal.

APPELLANT

THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE

**Dist. Govt. NWFP-Provincial
District Accounts Office Mardan
Monthly Salary Statement (May-2019)**



Personal Information of Mr ZAWAR KHAN d/w/s of JUMA GUL

Personnel Number: 00132091 CNIC: 0012979844007 NTN: 0
Date of Birth: 01/06/1979 Entry into Govt. Service: 15/04/1999 Length of Service: 20 Years 01 Months 018 Days

Employment Category: Active Temporary

Designation: SWEEPER 80814319-DISTRICT GOVERNMENT KHYBE

DDO Code: MR6464-EDO HEALTH (BHU) MARDAN

Payroll Section: 002 GPF Section: 014 Cash Center: 0

GPF A/C No: Interest Applied: Yes GPF Balance: 52,283.00

Vendor Number: -

Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 04 Pay Stage: 16

Wage type		Amount	Wage type		Amount
0001	Basic Pay	16,940.00	1000	House Rent Allowance	1,458.00
1210	Convey Allowance 2005	1,785.00	1300	Medical Allowance	1,500.00
1516	Dress/ Uniform Allowance	150.00	1567	Washing Allowance	150.00
2148	15% Adhoc Relief All-2013	390.00	2199	Adhoc Relief Allow @10%	266.00
2211	Adhoc Relief All 2016 10%	1,346.00	2224	Adhoc Relief All 2017 10%	1,694.00
2247	Adhoc Relief All 2018 10%	1,694.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3004	GPF Subscription - Rs 830	-830.00	3501	Benevolent Fund	-300.00
4004	R. Benefits & Death Comp:	-451.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 0.00 Recovered till MAY-2019: 0.00 Exempted: 0.00 Recoverable: 0.00

Gross Pay (Rs.): 27,373.00 Deductions: (Rs.): -1,581.00 Net Pay: (Rs.): 25,792.00

Payee Name: ZAWAR KHAN

Account Number: 12877-9

Bank Details: NATIONAL BANK OF PAKISTAN, 230365 MARDAN MAIN BRCH MARDAN MAIN BRCH, MARDAN

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: MARDAN

City: MARDAN

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: zawarmrd@gmail.com

ATTESTED

BETTER COPY OF PAGE-6

GOVERNMENT OF NWFP
HEALTH DEPARTMENT

No. SOH-III/1-179/06 (Class-IV),
Dated 25th July, 2006

- 1)- The Director General health Services, NWFP, Peshawar.
- 2)- The Chief Executives, LRH/KTH/HMC, Peshawar and ATH Abbottabad.
- 3)- Dr. Muhammad Rahim Jan, Director Admn Directorate General Health Services, NWFP, Peshawar.
- 4)- Dr. Abdus Sabooh Bacha, Medical Supdt, Hayatabad Medical Complex, Peshawar.
- 5)- Dr. Iftikhar Ahamd, Deputy Medical Supdt, Ayub Teaching Hospital, Abbottabad.
- 6)- Dr. Farman Ali, RMO, Khyber Teaching Hospital, Peshawar.
- 7)- Mr. Javed Khan, President Provl, Paramedical Association, Calss-IV Employees, NWFP, Peshawar.

Subject: **MINUTES OF MEETING REGARDING PROBLEMS OF CLASS-IV PARAMEDICS EMPLOYEES**

I am directed to refer to the subject and to enclose herewith a copy of minutes of subject meeting held on 12.07.2006, at 10:00 hours, under the chairmanship of Secretary health, duly signed by all the participants for further necessary action please.

For

Section Officer-III

Subject: MINUTES OF MEETING REGRADING PROBLEMS OF CLASS-IV PARAMEDICS EMPLOYEES

A meeting on the subject was held under the chairmanship of Secretary Health Department Committee Room of Health Deptt: on 12/07/2006 at 10:00 AM.

2- The Following attended the meeting:

- 1- The Director General health Services, NWFP, Peshawar.
- 2)- The Chief Executives, LRH/KTH/HMC, Peshawar and ATH Abbottabad.
- 3)- Dr. Muhammad Rahim Jan, Director Admn Directorate General Health Services, NWFP, Peshawar.
- 4)- Dr. Abdus Sabooh Bacha, Medical Supdt, Hayatabad Medical Complex, Peshawar.
- 5)- Dr. Iftikhar Ahamd, Deputy Medical Supdt, Ayub Teaching Hospital, Abbottabad.
- 6)- Dr. Farman Ali, RMO, Khyber Teaching Hospital, Peshawar.
- 7)- Mr. Javed Khan, President Provl, Paramedical Association, Calss-IV Employees, NWFP, Peshawar.
- 8)- Mr. Naseer Khan, General Secretary, Provl, Paramedical Association, Calss-IV Employees, NWFP, Peshawar.
- 9)- Mr. Hakim Jan, General Secretary, Provl, Paramedical Association, Calss-IV Employees, Hayat Abad Medical Complex, Peshawar.

3- The meeting started with recitation of the Holy Quran.

4- The Chair welcomed the participants.

5- The demands presented by the Provl, Paramedical Association, Calss-IV Employees, were discussed in detail and the following decision were taken.

- i. The Association demanded that service structure for Class-IV employees, Paramedical employees, may also be framed.

Decision

It was decided that the Director General Health Services NWFP will come up with a self contain case with full justification. The demand will be recommended and will be forwarded to Finance Department.

- ii. The Association demanded that Contract Policy may be implemented in Teaching and all other Health institution of the Province.

Decision

It was decided that the Director General Health Services and all the Chief Executives of Health Institutions may be directed to implement the Contract Policy of the Provincial Government and all other relevant instructions in letter and spirit.

- iii. The Association demanded that children of retired Class-IV paramedics employees may be given preference when appointments are made against the vacant posts in Health Institutions.

Decision

It was decided that instructions circulated by the Health Department vide letter No. SOHIII/7-350/95-I dated 01.11.1997, may be followed strictly. The Medical Supdt. Khyber Teaching Hospital, should submit a report within fortnight in this regard.

- iv. The Association demanded advance increments on the basis of higher qualifications for Class-IV paramedical employees.

Decision

It was decided that instructions of Finance Department, in this regard will be implemented strictly in all Health Institutions.

- v. The Association demanded relaxation of science subjects for admission in different health technology courses, for Class-IV paramedical employees.

Decision

It was decided that if any Class-IV paramedical employee has completed the required qualification for admission in different health technology courses, according to the prescribed criteria, may be allowed to participate in the examination of different health technologies, conducted by NWFP, Medical Faculty, after completion of all codal formalities.

- vi. The Association demanded that all Class-IV employees may be promoted to Class-III posts, existing in different Health Institutions.

Decision

It was decided that Class-IV employees may be given preference while filling the posts of promotion quota for 33% Selection Grade for Class-IV paramedical employees.

- viii. The Association demanded Dress/Washing Allowance for all Class-IV Paramedical employees.

Decision

It was decided that the Director General Health Services, and all Chief Executives should submit a self contained case with total strength of Class-IV paramedical employees and propose Dress/Washing Allowance for Class-IV paramedical employees required to be considered with full justification.

- ix. The Association demanded that the Muslim Sweeper in each Health Institution may be promoted to the post of Ward Orderly, Chowkidar, Mali, Dai, Aya and other Class-IV posts on seniority basis in future; only sweepers may be appointed against the posts of sweeper.

Decision

It was decided that all the Health Institutions should promote the Muslim Sweeper against the existing vacancy of Ward Orderly, Chowkidar, mali, Dai, Aya and other Class-IV posts, on seniority basis and not to appoint Muslim Sweeper against the post of Sweeper in future.

- x. The Association demanded that 8 hours duty may be taken from Class-IV paramedical employees as per rules and they may be granted leave according to rules.

Decision

It was decided that instructions of Government regarding duty hours should be implemented in letter and spirit and requests of Class-iv employees for grant of leave should also be considered on merit and according to rules. However, Heads of all the Health Institutions are advised to keep a vigilant eye on the performance of Class-IV paramedical employees.

- 6- The meeting ended with a vote of thanks by the Chair

GOVERNMENT OF NWFP
HEALTH DEPARTMENT

No. SCH-III/1-179/06 (Class-IV)
Dated: 25th July 2006

B-6

25-7-2006

- 1) The Director General Health Services, NWFP, Peshawar.
- 2) The Chief Execulives, LRH/KTH/HMC, Peshawar and ATH, Abbottabad.
- 3) Dr. Muhammad Rahim Jan Afridi, Director Admn. Directorate General Health Services, NWFP, Peshawar.
- 4) Dr. Abdus Sabooh Bacha, Medical Supdt., Hayatabad Medical Complex, Peshawar.
- 5) Dr. Iftikhar Ahmad, Deputy Medical Supdt., Ayub Teaching Hospital, Abbottabad.
- 6) Dr. Farman Ali, RMO, Khyber Teaching Hospital, Peshawar.
- 7) Mr. Javed Khan, President, Provl. Paramedical Association, Class-IV Employees, NWFP, Peshawar.

Subject: MINUTES OF MEETING REGARDING PROBLEMS OF CLASS-IV PARAMEDICS EMPLOYEES.

I am directed to refer to the subject and to enclose herewith a copy of minutes of subject meeting held on 12.07.2006, at 10:00 hours, under the chairmanship of Secretary Health, duly signed by all the participants, for further necessary action please.

for

[Signature]
Section Officer-III

Encl: No. & Date Even.

Copy to PS to Secretary Health.

for

[Signature]
Section Officer-III

ATTESTED
[Signature]

ATTESTED
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[Signature]

Subject:

MINUTES OF MEETING REGARDING PROBLEMS
OF CLASS-IV PARAMEDICS EMPLOYEES.

7

A meeting on the subject was held under the chairmanship of Secretary Health Department in Committee Room of Health Deptt on 12/07/2006 at 10:00 AM.

2- The following attended the meeting:

- 1) Mr. Abdus Samad Khan, Secretary to Govt. of NWFP, Health Deptt.
- 2) Prof. Abdus Samad Khan, Chief Executive, Govt. Lady Reading Hospital, Peshawar.
- 3) Dr. Muhammad Rahim Jan Afridi, Director Admn., Directorate General Health Services, NWFP, Peshawar.
- 4) Dr. Abdus Saboon Bacha, Medical Supdt., Hayatabad Medical Complex, Peshawar.
- 5) Dr. Iftikhar Ahmad, Deputy Medical Supdt., Ayub Teaching Hospital, Abbottabad.
- 6) Dr. Farman Ali, RMO, Khyber Teaching Hospital, Peshawar.
- 7) Mr. Javed Khan, President, Provl. Paramedical Association Class-IV Employees, NWFP, Peshawar.
- 8) Mr. Naseer Khan, General Secretary, Provl. Paramedical Association Class-IV Employees, NWFP, Peshawar.
- 9) Mr. Hakim Jan, General Secretary, Provl. Paramedical Association Class-IV Employees, Hayatabad Medical Complex, Peshawar.

3- The meeting started with recitation of the Holy Quran.

4- The Chair welcomed the participants.

5- The demands presented by the Provl. Paramedical Association Class-IV Employees, were discussed in detail and the following decision were taken

- i) The Association demanded that service structure for Class-IV paramedical employees, may also be framed.

Decision

It was decided that the Director General Health Services NWFP will come up with a self-contained case with full justification. The demand will be recommended and will be forwarded to Finance Department.

- ii) The Association demanded that Contract Policy may be implemented in Teaching and all other Health Institution of the Province.

Decision

It was decided that the Director General Health Services, and all the Chief Executives of Health Institutions may be directed to implement the Contract Policy of the provincial Government and all other relevant instructions in letter and spirit.

12/7/06

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iii) The Association demanded that children of retired Class-IV paramedical employees may be given preference when appointments are made against the vacant posts in Health Institutions

Decision

It was decided that instructions circulated by the Health Department vide letter No. SOH/III/7-350/95-I dated 01.11.1997, may be followed strictly. The Medical Supdt., Khyber Teaching Hospital, should submit a report within fortnight in this regard.

iv) The Association demanded advance increments on the basis of higher qualifications, for Class-IV paramedical employees.

Decision

It was decided that instructions of Finance Department, in this regard will be implemented strictly, in all Health Institutions.

v) The Association demanded relaxation of science subjects for admission in different health technology courses, for Class-IV paramedical employees.

Decision

It was decided that if any Class-IV paramedical employee has completed the required qualification for admission in different health technology courses, according to the prescribed criteria, may be allowed to participate in the examination of different health technologies, conducted by NWFP, Medical Faculty, after completion of all codal formalities.

vi) The Association demanded that all Class-IV employees may be promoted to Class-III posts, existing in different Health Institutions.

Decision

It was decided that Class-IV employees may be given preference while filling the posts of promotion quota as per rules.

vii) The Association demanded for 33% Selection Grade for Class-IV paramedical employees.

Decision

It was decided that the demand of 33% Selection Grade will be included in revised service structure of Class-IV paramedical employees.

viii) The Association demanded Dress/Washing Allowance for all Class-IV paramedical employees.

ATTESTED ATTESTED

[Signature]

[Signature]

ATTESTED

[Signature]

AM
13/11/97

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Decision

It was decided that the Director General Health Services, and all Chief Executive, should submit a self contained case with total strength of Class-IV paramedical employees and propose Dress/Washing Allowance for Class-IV paramedical employees required to be considered, with full justification.

ix) The Association demanded that the Muslim Sweeper in each Health Institution may be promoted to the post of Ward Orderly, Chowkidar, Mahi Dai, Aya and other Class-IV posts, on seniority basis. In future, only sweeper may be appointed against the posts of sweeper.

Decision


It was decided that all the Health Institutions should promote the Muslim Sweeper against the existing vacancy of Ward Orderly, Chowkidar, Mahi Dai, Aya and other Class-IV posts, on seniority basis, and not appoint Muslim Sweeper against the post of Sweeper in future.

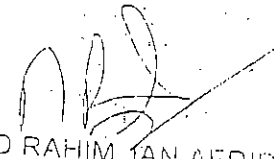
x) The Association demanded that 8 hours duty may be taken from Class-IV paramedical employees as per rules and they may be granted leave according to rules.

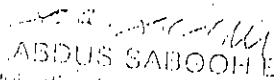
Decision

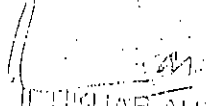
It was decided that Instructions of Government regarding duty hours should be implemented in letter and spirit and requests of Class-IV employees for grant of leave should also be considered on merit and according to rules. However, Heads of all the Health Institutions are advised to keep a vigilant eye on the performance of Class-IV paramedical employees.

6- The meeting ended with a vote of thanks by the Chair.


(PROF. ABDUS SAMAD KHAN)
Chief Executive,
Govt. Lady Reading Hospital,
Peshawar


(DR. MUHAMMAD RAHIM JAN AFRIDI)
Director-Adm.,
Directorate General Health Services,
NWFP, Peshawar

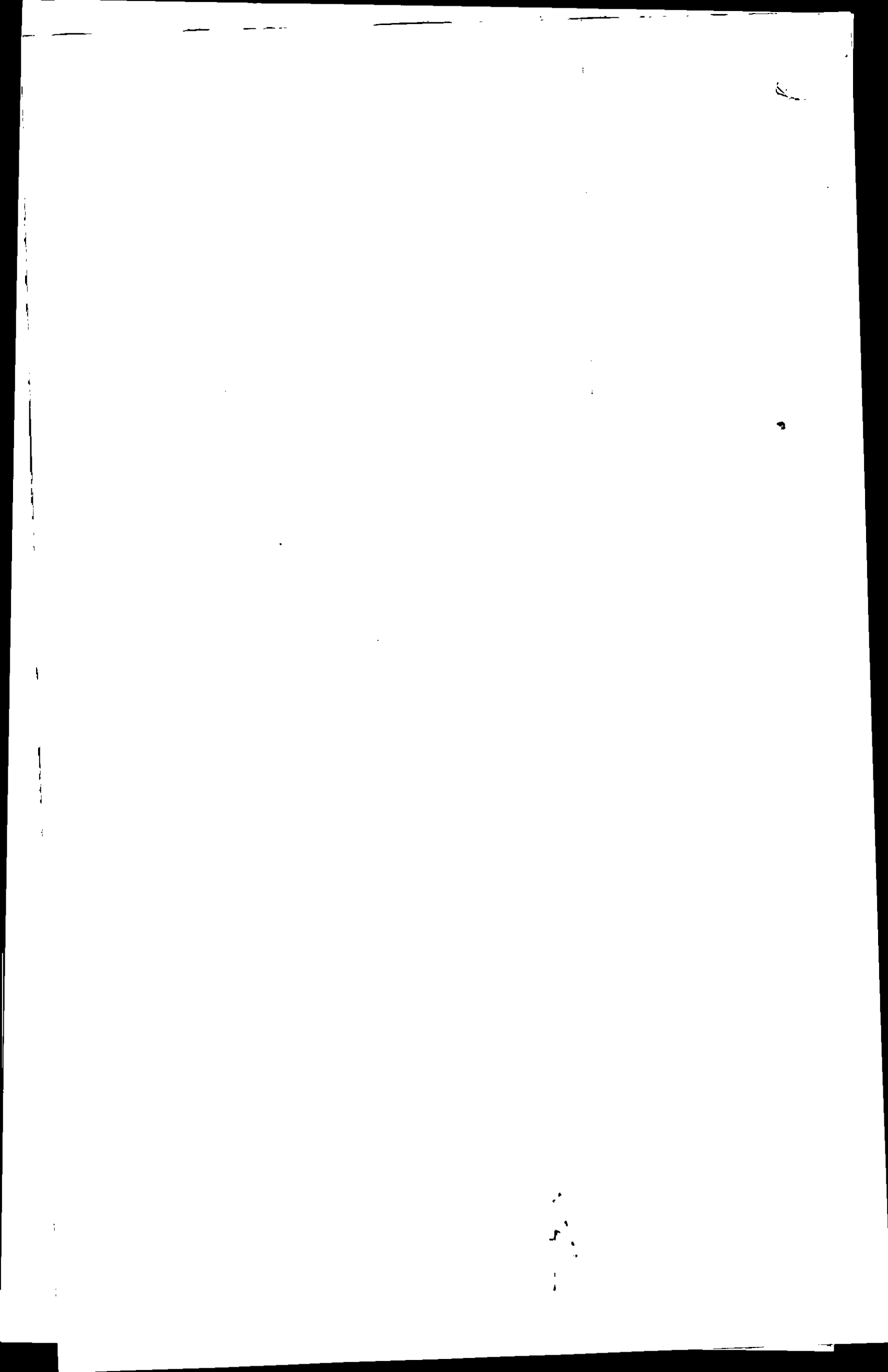

(DR. ABDUS SABOOQ BACHA)
Medical Superintendent,
Hayatabad Medical Complex,
Peshawar


(DR. IFTIKHAR AHMAD)
Deputy Medical Superd,
Ayub Teaching Hospital,
Abbottabad

ATTESTED

ATTESTED





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F.A. Ali
(DR. FARMAN ALI)
Resident Medical Officer,
Khyber Teaching Hospital,
Peshawar ✓

Javed Khan
(MR. JAVED KHAN)
President, ✓

Prov. Paramedical Association
Class-IV Employees,
NWFP, Peshawar ✓

Naseer Khan
(MR. NASEER KHAN)
General Secretary,
Prov. Paramedical Association
Class-IV Employees,
NWFP, Peshawar ✓

Hakim Jan
(MR. HAKIM JAN)
General Secretary,
Prov. Paramedical Association
Class-IV Employees,
Hayatabad Medical Complex, Peshawar ✓

13

Abdus Samad Khan
(MR. ABDUS SAMAD KHAN)
Secretary to Govt. of NWFP,
Health Department ✓

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BEFORE THE PESHAWAR HIGH COURT CIRCUIT BENCH AT
SWAT

WRIT PETITION NO. (81-M) /2013

- 1- Mr. Aminullah, Sweeper (Muslim) (BPS-1),
Agency Headquarter Hospita, Bajaur Agency.
- 2- Mr. Mohammad Khan, Sweeper (Muslim) (BPS-1),
Agency Headquarter Hospita, Bajaur Agency.
- 3- Mr. Shah Nawaz Khan, Sweeper (Muslim) (BPS-1),
Agency Headquarter Hospita, Bajaur Agency.
- 4- Mr. Fazal Rehman, Sweeper (Muslim) (BPS-1),
Agency Headquarter Hospita, Bajaur Agency.
- 5- Mr. Saleem Akbar, Sweeper (Muslim) (BPS-1),
Agency Headquarter Hospita, Bajaur Agency.
- 6- Mr. Izzat Ullah, Sweeper (Muslim) (BPS-1),
Agency Headquarter Hospita, Bajaur Agency.
- 7- Mr. Toor Khan, Sweeper (Muslim) (BPS-1),
Agency Headquarter Hospita, Bajaur Agency.
- 8- Mr. Khalil-Ur-Rehman, Sweeper (Muslim) (BPS-1),
Agency Headquarter Hospita, Bajaur Agency.
- 9- Mr. Wilayat Zada, Sweeper (Muslim) (BPS-1),
Agency Headquarter Hospita, Bajaur Agency.
- 10- Mr. Mashooq, Sweeper (Muslim) (BPS-1),
Agency Headquarter Hospita, Bajaur Agency.
- 11- Mr. Bodal, Sweeper (Muslim) (BPS-1),
Agency Headquarter Hospita, Bajaur Agency.
- 12- Mr. Zarawar Khan, Sweeper (Muslim) (BPS-1),
Agency Headquarter Hospita, Bajaur Agency.
- 13- Mr. Sabz Ali Khan, Sweeper (Muslim) (BPS-1),
Agency Headquarter Hospita, Bajaur Agency.
- 14- Mr. Hayat Khan, Sweeper (Muslim) (BPS-1),
Agency Headquarter Hospita, Bajaur Agency.
- 15- Mr. Bakht Bacha, Sweeper (Muslim) (BPS-1),
Agency Headquarter Hospita, Bajaur Agency.
- 16- Mr. Mohammad Habib, Sweeper (Muslim) (BPS-1),
Agency Headquarter Hospita, Bajaur Agency.

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Additional Registrar

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- 17- Agency Headquarter Hospita, Bajaur Agency.
Mr. Sher Wali Khan, Sweeper (Muslim) (BPS-1),
Agency Headquarter Hospita, Bajaur Agency.
- 18- Mr. Umar Hakim, Sweeper (Muslim) (BPS-1),
Agency Headquarter Hospita, Bajaur Agency.
- 19- Mr. Gohar Rehman, Sweeper (Muslim) (BPS-1),
Agency Headquarter Hospita, Bajaur Agency.
- 20- Mr. Rehmat Ali Shah, Sweeper (Muslim) (BPS-1),
Agency Headquarter Hospita, Bajaur Agency.
- 21- Mr. Habib Ullah, Sweeper (Muslim) (BPS-1),
Agency Headquarter Hospita, Bajaur Agency.
- 22- Mr. Miraj-Ud-Din, Sweeper (Muslim) (BPS-1),
Agency Headquarter Hospita, Bajaur Agency.
- 23- Mr. Ismail Khan, Sweeper (Muslim) (BPS-1),
Agency Headquarter Hospita, Bajaur Agency.
- 24- Mr. Mohammad Sultan, Sweeper (Muslim) (BPS-1),
Agency Headquarter Hospita, Bajaur Agency.
- 25- Mr. Shahid Hussain, Sweeper (Muslim) (BPS-1),
Agency Headquarter Hospita, Bajaur Agency.
- 26- Mr. Hazrat Yousaf, Sweeper (Muslim) (BPS-1),
Agency Headquarter Hospita, Bajaur Agency.
- 27- Mr. Buzarg Rehman, Sweeper (Muslim) (BPS-1),
Agency Headquarter Hospita, Bajaur Agency.
- 28- Mr. Fazal Rehman, Sweeper (Muslim) (BPS-1),
Agency Headquarter Hospita, Bajaur Agency.
- 29- Mr. Nowsher Khan, Sweeper (Muslim) (BPS-1),
Agency Headquarter Hospita, Bajaur Agency.

12

HIGH COURT
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..... PETITIONERS
CNIC-21103-2294617-7 Mobile No.0313-8700097

VERSUS

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- 1- The Additional Chief Secretary FATA, FATA Secretariat, Warsak Road Peshawar.
- 2- The Director General Health Services FATA, FATA Secretariat, Warsak Road, Peshawar.
- 3- The Agency Surgeon, Bajaur Agency.
- 4- The Political Agent Bajaur, Bajaur Agency.
- 5- The Medical Superintendent, Agency Headquarter Hospital,

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Khar, Bajaur Agency.

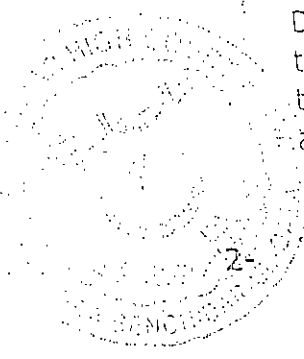
RESPONDENTS

13

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973 AS AMENDED UP TO DATE

R.SHEWETH:

1- That petitioners are the bonafide resident of Bajaur Agency and were appointed as Sweeper (BPS-01) in the respondent Department vide order dated 20-8-2003, after following all the codal formalities and after proper recommendation of the Departmental Selection Committee. Copies of the CNIC's and appointment orders are attached as annexure A and B.



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2- That since from appointment till date petitioners have served the respondent Department quite efficiently and up to the entire satisfaction of their superiors. That it is very pertinent to mention that petitioners have higher qualification and are eligible for promotion to higher post. That recently 28 posts of ward Orderly have become vacant under the control of appointing authority i.e. respondent No.3 and 5. Copy of the Notification is attached as annexure C.

3- That petitioners time and again requested the concerned authorities for thier adjustment/promotion to the post of Ward orderly as having 28 posts are vacant as mentioned in the above notification dated 16.1.2013 but the concerned authorities regretted the request of petitioners on the pretext that there is no vacant post of Ward orderly on which the petitioners have to be adjusted.

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Additional Registrar

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4- That it is also very pertinent to mention that recently the Health Department conducted meeting regarding problems of class-iv paramedics employees in which it was decided that the Muslim sweeper in each Health institution may be promoted to the post ward Orderly, chowkidar, mali, Dai, aya and other class-iv posts on seniority basis. So in the light of the above recommendation petitioners are entitled to be promoted to the post of Ward Orderly or other class-iv posts. Copy of the Mirutes of the meeting is attached as annexure D.

5- That feeling aggrieved petitioners filed Departmental appeal before the respondent No.2 for promotion to the post of ward Orderly (BPS-2) but no reply has been received so far.

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JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT,
MINGORA BENCH (DAR-UL-QAZA), SWAT
(Judicial Department)

14

W.P.No. 181-M/2013

JUDGMENT

Date of hearing: 24.01.2017

Petitioners: (Aminullah and others) by
Mr. Noor Muhammad Khattak, Advocate.

Respondents: (Additional Chief Secretary FATA etc) by
Mr. Sabir Shah, A.A.G.

MUSARRAT HILALI, J. Through this single judgment, we intend to dispose of the instant writ petition as well as the connected W.P No. 510-M/2014, W.P No. 450-M/2015 and W.P No. 551-M/2015 as all the matters involve common questions of law and facts.

2. Grievance of the present writ petitioners is that they were appointed as Sweepers (BPS-1) in Health Department, Bajaur Agency vide order dated 20.08.2003 and since then they are looking for their promotion to higher posts of Class-IV despite they moved a departmental appeal to the high ups in this regard. They have prayed this Court that, being eligible and qualified, they be promoted to the 28 posts of Ward Orderly (BPS-2) recently advertised by the Health Department on seniority basis.

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Petitioners Muhammad Haq and 11 others in their petition bearing W.P No. 551-M/2015 have averred that they were appointed as Muslim Sweepers in DHQ Hospital Timergara, Dir Lower and according to Government Policy of Health Department, all the Muslim Sweepers in Health

Government policy. Petitioners Muhammad Haq and 11 others in their petition bearing W.P No. 551-M/2015 have averred that they were appointed as Muslim Sweepers in Saidi Teaching Hospital, Saidu Sharif Swat but despite clear cut policy of the Government of Khyber Pakhtunkhwa Health Department notified vide No. SOH-III/1-179/06 dated 25.07.2006, they are not given a chance of promotion to 54 vacant posts of Ward Orderly, Chowkidar, Mali, Dal, Aya etc. Petitioners have prayed for their promotion to the mentioned vacant posts on the basis of their seniority as per

Petitioners in W.P No. 510-M/2014 were also appointed as Sweepers in DHQ Hospital Timergara, Dir Lower in 2009 and now they are seeking their promotion to the 12 posts of Ward Orderly/Attendants (BFS-2) recently created by the Health Department vide notification bearing No. BVI/ED/4/38/2010-11/VCL-III dated 10.04.2014. Similarly, petitioners in W.P No. 450-M/2015 have asserted that they were appointed as Muslim Sweepers in Saidi Teaching Hospital, Saidu Sharif Swat but despite clear cut policy of the Government of Khyber Pakhtunkhwa Health Department notified vide No. SOH-III/1-179/06 dated 25.07.2006, they are not given a chance of promotion to 54 vacant posts of Ward Orderly, Chowkidar, Mali, Dal, Aya etc. Petitioners have prayed for their promotion to the mentioned vacant posts on the basis of their seniority as per

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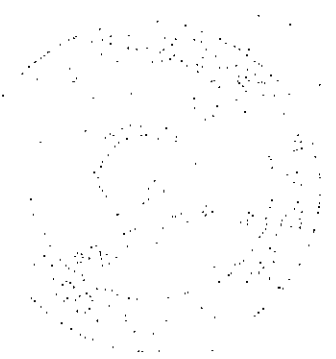
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Department shall be promoted to the vacant posts of Ward Orderly, Chowkidar, Mali and other Class-IV employees on seniority basis and no Muslim shall be appointed against the post of sweeper in future. Petitioners have further asserted that the Health Department, in derogation of the policy, advertised 28 posts of Class-IV and while ignoring the petitioners, respondents No. 7 to 14 were appointed which is illegal. Petitioners have prayed for their promotion on seniority basis in accordance with law and policy of the Provincial Government.

3. Learned counsel for the petitioners wholly argued the case and, inter alia, submitted that there is a proper policy of the Provincial Government regarding promotion of the existing Muslim Sweepers which heads to be acted upon by the Health Department in letter and spirit.

4. Learned A.V.G. and learned counsel appearing for private respondents, contended that actually there is no policy regarding promotion of Muslim Sweepers in the field and the one referred to by the petitioners is in fact minutes of a meeting. Further contended that petitioners are civil servants and their claim for promotion falls within the terms



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from the date of receipt of this judgment under reasons positively within a period of one month Pakhtunkhwa for deciding the matters in writing with Secretary Health, Government of Khyber directed to send the original petitions to the 2015 are converted into representations. Office is 2014, W.P. No. 450-M/2015 and W.P. No. 551-M/ petition as well as the connected W.P. No. 510-M/ 7. In view of the above, the instant writ the competent authority for consideration.

petitions into representations and send the same to 2011, this Court deems it proper to convert all these rendered by this Court in an identical W.P. No. 102/ of the present cases and judgment dated 13.10.2011 however, keeping in view the peculiar circumstances, Article 212 of the Constitution in the like matters, jurisdiction of this Court is clearly barred under the terms and conditions of civil service and policy per their stance. Since, promotion is one of other higher posts on the strength of a Government of promotion from their existing posts (sweepers) to 6. In essence, case of the petitioners is that Arguments heard and record perused.

and conditions of their service, therefore, these writ petitions are not maintainable before this Court.

(17)
(15)

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intimation to the Additional Registrar of this Court.
 Office is further directed to retain copies of the writ
 petitions for record. The writ petitions are disposed
 of accordingly.

18

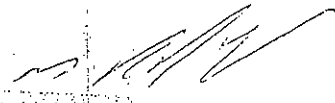
Sd. Musarat Hilal-J
 Sd. Mahamud Ibrahim Khan-J

Announced
Di: 24.01.2017

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Office
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Certified to be true copy



31/1/17

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No. SOH-(Lit-I)1-1/207 (Gen: Misc)
Dated Peshawar the 16th February, 2017

ORDER

Whereas attention is invited to the minutes of the meeting dated 12.7.2006 held under the Chairmanship of Secretary Health Khyber Pakhtunkhwa circulated vide Govt: of Khyber Pakhtunkhwa Health Department letter no. SOH-III/1-179/06 (Class-IV) dated 25.07.2006 Extract of the decision taken in the meeting is reproduced below:-

Decision:

It was decided that all the Health institutions should promote the Muslim Sweepers against existing vacancies of Ward Orderly, Chowkidar, Mali, Dai, Aya and other Class-IV posts on seniority basis and not to appoint Muslim Sweepers against the post of Sweeper in future.

2. AND WHEREAS the above decision was also affirmed by the Hon'ble Peshawar High Court vide judgment dated 27.09.2013 in Writ Petition No. 293/2013 "Titled Noor Ul Qamar S/O Shams ul Qamar Muslim Sweeper THQ Hospital Shabqadar District Charsadda & 9 others versus Govt: of Khyber Pakhtunkhwa Health Department & others.

3. NOW THEREFORE in pursuance of the above decision taken/judgment of the Hon'ble Court, it is sufficiently clear that those who were appointed as Muslim Sweepers before 12.07.2006 are entitled for adjustment against the aforementioned posts without disturbing the quotas reserved under the Rules for appointment of Class-iv Govt: Servants etc. However those who were appointed as Muslim Sweeper after 12.07.2006 in violation of the above decision/judgment are not covered under the policy.

SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT.

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ORDER.

No. SOH-(Lit-I) 1-17/2017 (Gen: Misc)
Dated Peshawar the 16th February, 2017

D - (19)

1. WHEREAS attention is invited to the minutes of the meeting dated 12.07.2006 held under the Chairmanship of Secretary Health Khyber Pakhtunkhwa circulated vide Govt of Khyber Pakhtunkhwa Health Department letter No. SOH-III/1-17/06 (Class-IV) dated 25.07.2006 Extract of the decision taken in the meeting is reproduced below:-

Decision:-

It was decided that all the Health Institutions should promote the Muslim Sweepers against existing vacancies of Ward Orderly, Chowkidar, Mali, Dai, Aya and other Class-IV posts, on seniority basis and not to appoint Muslim Sweepers against the post of Sweepers in future.

2. AND WHEREAS the above decision was also affirmed by the Hon'ble Peshawar High Court Peshawar vide judgment dated 27.09.2013 in Writ Petition No.293-2013 - Titled "Noor ul Qamar S/O Shams ul Qamar Muslim Sweeper THH Hospital Shabqadar, District Charsadda & 9 others versus Govt of Khyber Pakhtunkhwa Health Department & others.

3. NOW THEREFORE in pursuance of the above decision taken/judgment of the Hon'ble Court, it is sufficiently clear that those who were appointed as Muslim Sweepers before 12.07.2006 are entitled for adjustment against the aforementioned posts without disturbing the quotas reserved under the Rules for appointment of Class-IV Govt. Servants and children of Retiring/Incapacitated/deceased civil servants etc. However those who were appointed as Muslim Sweeper after 12.07.2006 in violation of the above decision/judgment are not covered under the policy.

SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Encls No. & Date even.

Copy of the above is forwarded to the:-

1. The Director General Health Services, Khyber Pakhtunkhwa Peshawar
2. The Director Health Services, FATA.
3. All District Health Officers in Khyber Pakhtunkhwa
4. All Medical Superintendent of Hospitals in Khyber Pakhtunkhwa
5. All Medical Directors/Hospital Directors of MTIs in Khyber Pakhtunkhwa
6. PS to Senior Minister Health Khyber Pakhtunkhwa
7. PS to Secretary Health Khyber Pakhtunkhwa
8. Provincial President Paramedical Class-IV Employees Association LRH Peshawar

(Bakhtiar Ali)
Section Officer (Lit I)

ATTACHED

E-20

Sr. No	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
Service Appeal No. 639/2017

Date of Institution 16.06.2017
Date of Decision 13.12.2018

Mr. Luft-E-Hakeem, Muslim Sweeper (BPS-01) DHQ Hospital timer Garra, District Dir Lower.

Appellant

Versus

1. The Secretary Government of Khyber Pakhtunkhwa through Secretary Health Department Khyber Pakhtunkhwa Peshawar.
2. Director General Health Department Khyber Pakhtunkhwa Peshawar.
3. The District Health Officer, District Dir Lower.
4. The Medical Superintendent DHQ Hospital Timergara, District Dir Lower.

Respondents

13.12.2018

Mr. Muhammad Hamid Mughal-----Member (J)
Mr. Ahmad Hassan-----Member (E)

JUDGMENT

MUHAMMAD HAMID MUGHAL, MEMBER: - Mr. Noor Muhammad, learned counsel for appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General for the respondents present.

2. This single judgment in the above captioned appeal, shall also dispose of appeals (1). bearing No.640/2017 filed by Rab Nawaz

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Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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(2). bearing No.641/2017 filed by Sahib Ullah (3). bearing No. 642/2017 filed by Akhtar Rasool (4). bearing No.643/2017 filed by Dilawar Khan (5). bearing No. 644/2017 filed by Hamid ur Rehman (6). bearing No.645/2017 filed by Khyal Muhammad (7). bearing No.646/2017 filed by Siraj ud Din (8). bearing No.647/2017 filed by Bakht Shah Zeb (9). bearing No. 648/2017 filed by Bakhtiar Khan (10). bearing No.649/2017 filed by Gul Saeed Khan (11). bearing No.650/2017 filed by Kifayat Ullah (12). bearing No.651/2017 filed by Sadiq Muhammad (13). bearing No. 652/2017 filed by Said Rehman (14). bearing No.653/2017 filed by Shams ul Islam (15). bearing No.654/2017 filed by Aftab ud Din (16). bearing No. 655/2017 filed by Muhammad Haq (17). bearing No.656/2017 filed by Abdur Rehman (18). bearing No. 724/2017 filed by Ismail Shah (19). bearing No.725/2017 filed by Rehmat Ali Shah (20). bearing No. 726/2017 filed by Gohar Rehman (21). bearing No.727/2017 filed by Miraj ud Din (22). bearing No. 728/2017 filed by Habib Ullah (23). bearing No.729/2017 filed by Umar Hakim (24). bearing No.730/2017 filed by Shahid Hussain (25). bearing No.731/2017 filed by Shah Khalid being identical in nature, having arisen from the same law, facts and circumstances

3. The appellant, who was appointed as Sweeper (Muslim) at DHQ Hospital Timergra District Dir Lower in the year 2009 has filed the present service appeal u/s 4 of Khyber Pakhtunkhwa Service Tribunal Act 1974, against the order dated 16.02.2017 of the respondent No.1 whereby the respondent department accepted the

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Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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right of Muslim Sweepers appointed before 12.07.2006 for their adjustment against the post of Ward Orderly, Chowkidar, Mali, Dai, Aya and other Class-IV posts on seniority basis and thereby deprived the Muslim Sweepers appointed after 12.07.2006 to be adjusted as such. Learned counsel for the appellant mainly argued that the impugned order is a sheer example of discriminatory treatment to Muslim Sweepers appointed as such after 12.07.2006.

4. On the other hand learned Additional Advocate General defended the impugned order on the ground that the appellant himself was appointed as Muslim Sweeper in violation of policy decision dated 12.07.2006.

5. Arguments heard. File perused.

6. The respondent department vide its policy decision dated 12.07.2006 decided that all the Health Institutions should promote the Muslim Sweepers against the existing vacancies of Ward Orderly, Chowkidar, Mali, Dai, Aya and other Class-IV posts, on seniority basis and not to appoint Muslim Sweeper against the post of Sweeper in future.

7. It was due to the violation of policy decision dated 12.07.2006 that many Muslim Sweepers had to knock the door of Hon'ble Peshawar High Court. The violation of policy decision led the respondent department to the issuance of fresh order dated 16.02.2017 made partially impugned in the present service appeal.

8. Upon the examination of the impugned order dated 16.02.2017, this Tribunal came to the conclusion that the same is

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EXAMINED
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar



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also in violation of policy decision dated 12.07.2006 in as much as according to the policy decision dated 12.07.2006 gradually all the Muslim Sweepers would have to be adjusted against other Class-IV posts.

9. Impugned order dated 16.02.2017 has the effect of depriving the appellant from his adjustment against other Class-IV post just for the reason that he was appointed as Muslim Sweeper after 12.07.2006. This Tribunal is therefore of the considered opinion that discriminatory treatment was met out to the appellant.

10. Resultantly this Tribunal holds that the cut off date i.e. 12.07.2006 as mentioned in the impugned order dated 16.02.2017 shall be treated as expunged. The present service appeal alongwith connected service appeals as mentioned in para-2 of this judgment are accepted in the above terms. The respondent department is directed to take strict disciplinary action against those responsible for inducting Muslim Sweepers in violation of the policy decision dated 12.07.2006. Parties are left to bear their own costs. File be consigned to the record room.


(Ahmad Hassan)
Member

ATTENDED
 
(Muhammad Hamid Mughal)
Member

Date of Presentation of Application 04-07-18

ANNOUNCED Number of Words 1600

13.12.2018 Copying Fee 10.00

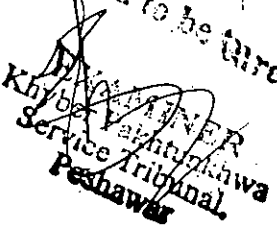
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Date of Completion of Copy 04-07-18

Date of Delivery of Copy 04-07-18

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal
Peshawar

F-26

To,
The Director General Health Services,
Khyber Pakhtunkhwa, Peshawar.

Subject: DEPARTMENTAL APPEAL FOR ADJUSTMENT AGAINST
ANY OTHER CLASS-IV POST

Respected Sir,

It is most humbly stated that I am serving as Sweeper (Muslim) before your good self department quite efficiently and upto the entire satisfaction of my superiors. During my so many colleagues were adjusted against other class-iv posts on the directions of the Honorable Peshawar High Court, and the august Khyber Pakhtunkhwa Service Tribunal, Peshawar. Respected Sir I am the similar employee and I am also entitle for adjustment against any other class-iv post under the principle of consistency, therefore, I may also be similarly treated by adjusting against the said other class-iv post.

It is therefore, most humbly prayed that on acceptance of this Departmental appeal I may very kindly be adjusted against any other class-iv post i.e. ward orderly, chowkidar and Mali. Any other remedy which your good self deems fit that may also be awarded in favor of me.

Dated: 20.03.2019.

APPLICANT
Zawar Khan
ZAWAR KHAN, (Sweeper)
Mardan



حکومت خیبر پختونخوا

**DISTRICT HEALTH OFFICER
MARDAN (Khyber Pakhtunkhwa)**

Ph: # (0937) 9230030 Fax: # (0937) 9230283

Email: mardandho@gmail.com

No. 8429 /DHO

Dated: 13/6/2019

G-25

All communications should be addressed to the District Health Officer Mardan and not to any official by name

To

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

Subject: INTERVIEW FOR FRESH CLASS-IV RECRUITMENT - DISTRICT MARDAN

R/Sir,

I have the honour to state that this office is in the process of filling Class-IV posts lying vacant in various hospitals / institutions at district Mardan in the best interest of public and the institutions.

You are requested to depute one of your nominee as a member for the selection of Class-IV interview, which is scheduled as below.

Date: 15/07/2019

Time: 10:00 AM

Venue: DHO Office Mardan.

ATTESTED

District Health Officer
Mardan

VAKALATNAMA

Before the RP Service Tribunal, Peshawar

No. _____ /2019

Zawar Khan

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Health Department

(RESPONDENT)
(DEFENDANT)

I/We *Zawar Khan*

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated: _____ / _____ /2019

Zawe

CLIENT

[Signature]
ACCEPTED

NOOR MOHAMMAD KHATTAK

SHAHZULLAH KHAN YOUSAFZAI

&

[Signature]
MIR ZAMAN SAFI
ADVOCATES

OFFICE:

Room No. 1, Paper Floor,
Islamic Cuo Building, Khyber Bazar,
Peshawar City.
Phone: 301-2111301

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1427/ST

Dated 16 / 8 / 2019

To


The District Health Officer,
Government of Khyber Pakhtunkhwa,
Mardan.

Subject: -

JUDGMENT IN APPEAL NO. 899/2019, MR. ZAWAR KHAN.

I am directed to forward herewith a certified copy of Judgement dated 11.07.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.