

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

SERVICE APPEAL NO. 1718/2023

Mr. Pir Fazal ShahAppellant

Versus

Government of Khyber Pakhtunkhwa & othersRespondents

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BEFORE THE HONORABLE KHYBER PAKHTUNKHWA

SERVICE TRIBUNAL PESHAWAR Khyber Pakhtunkhwa
Service Tribunal

SERVICE APPEAL NO. 1718 OF 2023

Diary No. 11257

Dated 20-02-2024

Pir Fazal Shah.....Appellant

Versus

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

PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 01 TO 04

Respectfully Sheweth:

Preliminary Objections:-

1. That the appellant has got no cause of action or locus standi to file the instant appeal.
2. That the appellant has filed the instant appeal just to pressurize the respondents.
3. That the instant appeal is against the prevailing Law and Rules.
4. That the appeal is not maintainable in its present form and also in the present circumstances of the issue.
5. That the appellant has filed the instant appeal with mala-fide intention hence liable to be dismissed.
6. That the appellant has not come to this Honorable Tribunal with clean hands.
7. That the appeal is barred by law and limitation.
8. That the instant appeal is bad for mis-joinder of unnecessary and non-joinder of necessary parties.

ON FACTS:

1. The appellant was appointed as Junior Clerk (BPS-05) in Bacha Khan Medical College Mardan on 11.02.2010. (*Annex-A*)
2. Incorrect. This Directorate have already been promoted 167 Junior Clerks (BPS-11) to the post of Sr. Clerk (BPS-14) from both the cadres on seniority cum fitness basis while the appellant did not come in the promotion zone being Junior therefore not considered for promotion. (*Annex-B&C*).
3. Incorrect. The cadres have been notified by the Government of Khyber Pakhtunkhwa Health Department vide Notification No. SO (H) IV-4-13/75Pt.II dated 29-03-1982 and Notification No. SO (H)1/4-6/83 dated 22-06-1983. (*Annex-D & E*).

4. Incorrect. The incumbents of the cadres are promoted in their cadres on availability of vacant positions as evident from the attached promotion notification of both the cadres. (*Annex-F & G*).
5. Incorrect. As explained in para-03 above.
6. Incorrect. For amendment in the Service Rules, this Directorate has already submitted the case titled “**Draft proposed Service Rules of Ministerial Staff of Health Department in Khyber Pakhtunkhwa**” to the Government of Khyber Pakhtunkhwa Health Department vide letter No. 3260-61 dated 13-10-2022 on which some observation was made by the Government and the same will be submitted shortly after removing the discrepancies. (*Annex-H*).
7. As explained in para-06 above.
8. Incorrect. As explained in para-03 above.
9. Pertain to record.
10. Incorrect.

GROUNDS

- A. Incorrect. The Service Rules for both the cadres were issued by the Govt: of Khyber Pakhtunkhwa Health Department therefore the same cannot be treated as unlawful/against the law.
- B. Incorrect. The appellant did not come in the promotion zone therefore not considered for promotion being junior.
- C. Incorrect. The Seniority list of both the cadres have been prepared as per approved Service Rules as notified on 29-03-1982 (DG Health Cadre Rules. From Class-IV to Superintendent and Administrative Officer) & 22-06-1983. (Sub Cadre Rules. From Class-IV to Superintendent and Accountant BPS-16).
It is pertinent to mention here that Separate Seniority lists of Junior Clerks (BPS-11) and Senior Clerks (BPS-14) are being prepared for both the cadres whereas Joint Seniority list of Office Assistants (BPS-16) and Superintendents (BPS-17) for both the cadres are being maintained as Senior Clerks (BPS-14) of both the cadres are being jointly promoted to the post of Office Assistant (BPS-16) at provincial level so the seniority lists of Assistants (BPS-16) and Superintendents (BPS-17) becomes joint at provincial level.
- D. As explained in preceding paras.
- E. Incorrect. As explained in para-A above.
- F. Incorrect. The official of sub cadres are also given chances of promotion in accordance with service rules and they have not been deprived from their right as explained in the aforesaid paras.
- G. Incorrect. The employees of both the cadres are getting their right of promotion as prescribed in Service Rules and on availability of vacancies.
- H. Incorrect. As explained in para-A above.
- I. Incorrect. Promotion of employees of both the cadres are in operation since Service Rules notified on 29-03-1982 & 22-06-1983 and a large number of employees are promoted/promoting in light of above Service Rules.

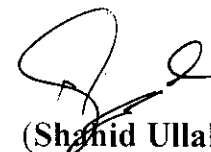
J. That the respondents also seek permission to raise further points at the time of arguments.


PRAYER:

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


(Mehmood Aslam)

Secretary to Govt. of
Khyber Pakhtunkhwa Health Department
(Respondent No. 01 & 3)


for (Shahid Ullah)
Secretary Establishment Department
Khyber Pakhtunkhwa Peshawar
(Respondent No. 02)


(Dr. Shoukat Ali)

Director General Health Department
Khyber Pakhtunkhwa Peshawar
(Respondent No. 04)

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRINBUNAL, PESHAWAER**

SERVICE APPEAL NO. 1718/2023

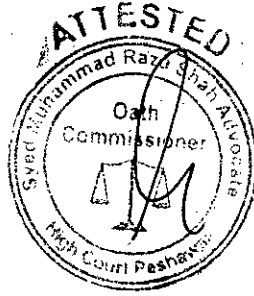
Pir Fazal Shah.....Appellant


VERSUS

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

Affidavit

I, **Dr. Shoukat Ali**, DGHS, under the direction of the Competent Authority, do hereby solemnly affirm and declare that the contents of the Comments on behalf of Respondent are true and correct to the best of my knowledge, belief and that nothing has been concealed from this Hon'ble Tribunal. It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense has been struck off / costs.




Deponent



**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR**

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

AUTHORITY LETTER

Muhammad Yousaf Jamal Focal Person (Litigation) Directorate General Health Services, Khyber Pakhtunkhwa, is hereby authorized to submit parawise comments in Service Appeal No. 1718/2023 titled Mr. Pir Fazal Shah VS Govt. of Khyber Pakhtunkhwa & others on behalf of the undersigned at Khyber Pakhtunkhwa Service Tribunal, Peshawar.

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

ADVISORY

MEMORANDUM FOR THE DIRECTOR

Subject: [illegible]

To: [illegible] /199

[illegible] in this institution against
the use of [illegible]

Dr. [illegible] on probation for one year.
[illegible] sanctioned
disciplinary action on basis. Your employment is therefore
terminated. [illegible]
[illegible] at any time in respect of
the fact that you are holding a post [illegible] the
[illegible] [illegible] [illegible] [illegible] [illegible] days
[illegible] [illegible].

[illegible] at any time on prior notice
[illegible] to serve the post:
[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] such orders relating
to leave, [illegible] medical attendance, pay, etc, as may be issued
[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] subject to your Medical
[illegible].

[illegible] on the above terms and
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]

[Handwritten Signature]

WARD 30, WEST BUCKINGHAM HOSPITAL,
[illegible]

2792 [illegible] Date: 14-2-1995

[illegible] [illegible] [illegible] [illegible]
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[illegible] [illegible] [illegible] [illegible]

MEMORANDUM FOR [illegible]

Amex B



**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR**

Mail Address: gwhs@peshawar.gov.pk office Ph# 091-9210209 Exchange# 091-9210102, 9210196 Fax # 091-9210230

NOTIFICATION.

On the recommendation of Departmental Promotion Committee (DPC) in its meeting held on 04.08.2023, the following Junior Clerks (BPS-11) of Sub- Cadre are hereby promoted to the post of Senior Clerk (BPS-14) with immediate effect.

S No.	Name of Official	Place of Posting
1	Faizan Ali S/O Khamis Ullah	DHO Mardan
2	David Khan S/O Muhammad Akbar Khan	DHO Khyber
3	Khan Muhammad	DHO II: Miran Shah
4	Kamal Amar Baig S/O Uz Baig	DHO Abbottabad
5	Fahim Ali S/O Khair Din	DHO Abbottabad
6	Manzoor Hussain S/O Mir Alzal	ATH, Abbottabad
7	Iqbal-ud-Din S/O Abdul Ghani	DHO Dir Lower
8	Zakir Hussain S/O Khan Gul	LRII Peshawar
9	Altal Qadir S/O Haji Gul Bahadar	MAM Hosp: Peshawar
10	Noor Zaman S/O Khan Zaman	DHO Charsadda
11	Salam Javeed S/O Kalo Khan	MMM Teaching Hospital D.I.Khan
12	Iltis Arun S/O Mubeen Khan	DHO Hospital Nowshera
13	Wahid Sher S/O Muhammad Sher	DHO, Swabi
14	Abdul Khaliq S/O Akram Khan	DHO Abbottabad
15	Nawab Khan	LRII Peshawar
16	Muhammad Aman S/O Abdul Wahid	DHO Hospital, Kohat
17	Muhammad Raza	DHO Abbottabad
18	Muhammad Younas Shah S/O Syed Muhammad Ismail	MHC Mardan
19	Bakht Moin S/O Bakht Karam	SMC Swat
20	Imad Hussain S/O Gulab Hussain	DHO, Parachinar
21	Suhail Iqbal Khan S/O Muhammad Iqbal Khan	DHO, D.I Khan
22	Sayed Hamid Hussain S/O Syed Ali Hussain	DHO, Parachinar
23	Ashiq Hussain S/O Sabir Hussain	ATH II: Parachinar
24	Said Hamid Hussain S/O Sardar Hussain	DHO, Korrain
25	Muhammad Fayaz S/O Muhammad Yaqoob	KMC Peshawar
26	Bakhtiar Ahmad S/O Fida Muhammad	PGMI/HMC, Peshawar
27	Imamullah S/O Abdur Rabbi	DHO Hospital, Charsadda
28	Gohar Ali S/O Naik Zada Bacha	DHO, Swat
29	Sair ur Rahman S/O Faraz Mehmood	KTH Peshawar
30	Amjad Ali S/O Muhammad Sher	Agency Surgeon Orakzai
31	Muhammad Riaz S/O Jamsh Khan	DHS Merged Area
32	Ian Zarif S/O Amal Zarif	DHO, Charsadda
33	Javed Khan S/O Mehar Dil Khan	Maternity Hosp: Peshawar.
34	Faj Ali Khan S/O Sardar Ali Khan	DHO, Jalki Marwat
35	Atalul Wadood S/O	Agency Surgeon Mohmand Agency
36	Qamar Badshah S/O Tal Bacha	DHO, Malakand
37	Sayed Nijat Hussain S/O Gulab Hussain	ATH II: Parachinar
38	Syed Fayaz Ali Shah	Services Hospital Peshawar
39	Sar Anjum Khan S/O Sher Khan	DHO Peshawar
40	Ashiq Ali	DGH, Peshawar
41	Haseen ur Rehman S/O Inayat ur Rehman	DHO, Charsadda
42	Wajid Ali S/O Muhammad Ali	ATH II: Parachinar

43	Saif Ullah S/o Malik Gul Jan	GMC DI Khan
44	Fazle Qadir S/O Muhammad Karim	DHO, Peshawar
45	Mushtaq Khan S/O Muhammad Yousaf	DHO, Mardan
46	Anin Gul S/O Muhim Gul	DHO, Swat
47	Zally Khan S/O Ayub Khan	DHO, Hospital, Tank
48	Syed Nasim Abbas Shah S/O Syed Sadiq Hussain	DHO D.I Khan
49	Anwar Ali S/O Ali Akbar	DHO Swat
50	Sadiqullah S/O Attaullah Khan	MS DHO, Karak
51	Muhammad Shabir S/O Abdul Jalil	DHO Haripur
52	Javed Iqbal S/O Sher Azam Khan	DHO Chitral
53	Said Muhammad S/O Mir Zaman	Agency Surgeon NWA
54	Asif Rehman S/O Nek Muhammad	DHO Karak
55	Ghulam Abass S/O Malik Gamo	DHO D.I.Khan
56	Taslim Bad Shah S/O Rang Bad Shah	DHO Hosp: Karak
57	Zahoor ul Islam S/O Islam Murad	DHO, Malakand
58	Saifullah Khan S/O Lal Bad Shah	DHO Tank
59	Muhammad Ayub S/O Muhammad Yousaf	DHO, Malakand
60	Mr.Waheed Akhtar S/O Inamud Din	Mian Rashid Hussain Hospital, Pabbi
61	Muhammad Yar S/O Asra Ali Khan	DHO Hospital Bajaur
62	Muhammad Riaz	DHO Hospital DI Khan
63	Syed Tahir Hussain S/O Syed Yayah Hussain	DHO Parhachinar
64	Syed Farooq Shah S/O Gul Badshah	DHO Mansehra
65	Qaisar Khan S/O Kabir Khan	Dental College Swat.
66	Rafi Ullah S/O Muhammad Sadiq	DHO, Lakki
67	Muhammad Tariq	Agency Surgeon Wana
68	Ifukhar Ahmad Shah S/O Nazir Ahmad Shah	Agency Surgeon Wana
69	Azmat Ali Shah S/O Rehmat Ali Shah	DHO Peshawar
70	Qasim Jan S/O Feroz Shah	DHS FATA
71	Ali Akber S/O Afzal Khan	DHO Charsadda
72	Muhammad Arshad s/o m. zaman	BKMC MARDAN
73	Khalil ur Rehman S/o Abdur Rehman	SHPI Peshawar
74	Abdul Wajid S/O Abdul Wadood	DHO Hospital Bannu
75	Syed Majid S/O Syed Nisar Ahmad	LRH Peshawar
76	Muhammad Imran S/O Adam Khan	DHO Lakki Marwat
77	Asmatullah S/O Fazal Rehman	DHO Lakki Marwat
78	Anwar Ullah	DHO Charsadda
79	Javed Akhter S/O Shah Jehan	DHO Khyber
80	Arshad Ali S/O Ehsar Ahmad Khan	LRH Peshawar
81	Ghulam Qadir S/O Sardar Muhammad Zardad.	DHO Abbottabad
82	Mehmood Khan S/O Sharaf Din	SHPD Peshawar
83	Rahatullah S/O Mumtaz Khan	DHO Dir Lower
84	Mr.Rizwanullah S/O Sahar Gul	DHO Peshawar
85	Shahid Hussain S/O Afridi Khan	DHO Dir Lower
86	Abdul Qavi Khan S/O Abdul Mutalib Khan	STH Swat
87	Rehman Ali S/O Abdul Hakim	DHO Swat
88	Muhammad Muzafar S/O Muhammad Abdullah	DHO D.I.Khan
89	Iouqeer Tahir Awan S/O Haji Aman Ullah	DHO D.I Khan
90	Abdul Majeed S/O Islam Gul	DHO, Jamrud
91	Sami-ud-Din S/O Shams uddin	DHO Peshawar
92	Mahar Gul S/O Said Pachai	DHO, Bajaur
93	Habibullah S/O Abdul Halim	DHO Bajour
94	Saeed Ur Razaq S/O Abdur Razaq	DHO Bajour
95	Ibrahim S/O Yar Muhammad	DHO Bajour
96	Abdul Salam S/O Gul Rahman	DHO Bajour
97	Hidayat Ur Rahman S/O Lutfur Rehman	DHO Bajour
98	Bahadar Hussain S/O Gul Zamin	DHO Bajour
99	Nabi Khan	KMC Peshawar
100	Shah Nawaz Khan S/O Gula Din	DHO, Jamrud

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101	Muhammad Asif Rasheed	DHO, D.I Khan
102	Qaisar Khan S/O Muhammad Iqbal	Food Laboratory, Peshawar
103	Nobat Khan S/O Azeem Khan	DHO Sawabi
104	Munir Khan S/O Allah Jan	DHO Tank
105	Rehmatullah S/O Saifullah	DHO Laska Murwal
106	Ghazanfar Hussain S/O Ghulam Saddat	GMC D.I Khan
107	Muhammad Usman S/O Muhammad Sadiq	GMC D.I Khan
108	Shah Jahan S/O Abdul Muftib	GMC D.I Khan
109	Muhammad Nooman S/O Muhammad Iqbal	GMC D.I Khan
110	Muhammad Arshad S/O Gul Muhammad Khan	DHO Bosp: Battagram
111	Zia-ur Rehman S/O Malik Samdu	DHO Kohistan
112	Waheedullah Khan S/O Nazir Ali Buz	KGMC Peshawar
113	Changaz Khan S/O Yousaf Khan	KGMC Peshawar
114	Jawad Ullah S/O Sana	KGMC Peshawar
115	Abdullah Khan S/O Ghulam Rasool	KGMC Peshawar
116	Syed Mujahid Shah S/O Syed Gulab Shah	DGHIS, Peshawar
117	Uhaad Ullah S/O Bakhtai Shah	KGMC Peshawar
118	Asif Rauf S/O Abdul Rauf	KGMC Peshawar
119	Abdul Razaq S/O Haq Nawaz	D. I Khan
120	Bashir Ahmad S/O Aziz Ullah Khan	DHS FATA
121	Ikrumullah S/O Muhammad Ramzan	GMC D.I Khan
122	Mubashir Farooq S/O Muhammad Farooq	Agency Surgeon Orakzai Hangu
123	Mehrab Habibai S/O Mir Habib	Agency Surgeon Orakzai Hangu
124	Wali ullah S/O Hussain Ahmad	DHO Office Orakzai Hangu
125	Mehmood Ali S/O Keyal Mir Ali	Agency Surgeon Orakzai Hangu
126	Tahsin Ullah S/O Faiz Ullah Khan	DHO Bannu
127	Fidat Ullah S/O Ghulam Daud Khan	Women and Children Hospital Bannu
128	Shuja Ur Rehman S/O Muhammad Sharif	DHO Hospital KDA Kohat
129	Kamal Khan S/O Noor Haider	HMC Peshawar
130	Zakir Rehman	DHO Battagram
131	Asad Ali Khan S/O Muneed Ahmad Khan	MIMI D.I Khan
132	Muhammad Ifan Baloch S/O Shah Jehan	MIM Teaching Hospital D.I Khan
133	Muhammad Saifullah S/O Ubaidullah	MMM Teaching Hospital D.I Khan
134	Akhtar Hussain S/O Gul Farosh	SMC Swat
135	Samiullah S/O Selati	SMC Swat

The Officials on promotion will remain on probation for a period of one year in term of Section 6 (2) of Khyber Pakhtunkhwa Civil Servant Act 1973 read with rule -15 (I) of Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion & Transfer) Rules, 1989.

NB: Arrival/departure report should be submitted to this Directorate for record.

Sd-xxxxxxxxxxxx

Director General Health Services
Khyber Pakhtunkhwa Peshawar.

Dated 16/08/2023

No. 4273-24 / Ministerial

Copy forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Deputy Director (Accounts) DGHS Office Peshawar.
3. PA to DGHS Khyber Pakhtunkhwa Peshawar.
4. Officials Concerned

Director General Health Services
Khyber Pakhtunkhwa Peshawar.

Annex-B1

**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR**

E-Mail Address: dgsh@peshawar.gov.pk Office Ph# 091-9210269 Ext Exchange# 091-9210187, 9210196 Fax # 091-9210230

NOTIFICATION.

On the recommendation of Departmental Promotion Committee (DPC) in its meeting held on 04.08.2023, the following Junior Clerks (BPS-11) of Directorate Cadre are hereby promoted to the post of Senior Clerk (BPS-14) with immediate effect.

S No.	Name of Official	Place of Posting
1	Mr. Ali Akbar S/O Muhammad Qaisar	DGHS Office
2	Tahir Naqash S/O Abdul Qayum Khan	DGHS Office
3	Waqar Ali S/O Sardar Ali	DGHS Office
4	Ali Raza S/O Abdul Khaliqb	DGHS Office
5	Dilawar Taj S/O Sartaj ali	DGHS Office
6	Asfandyar S/O Gul Afzal	DGHS Office
7	Mr. Shakeel Ahmad S/O Gulab Khan	DGHS Office
8	Noor uddin S/O Muhammad Jehangir	DGHS Office
9	Muhammad Shahzaib Iqbal S/O Muhammad Iqbal	DGHS Office
10	Muhammad Adil S/O Muhammad Iqbal	DGHS Office
11	Izhar Ullah S/O Muhammad Irshad	DGHS Office
12	Numan Qadir S/O Abdul Qadir	DGHS Office
13	Shehzad Ahmad S/O Mumtaz Ahmad Gul	DGHS Office
14	Muhammad Anwar S/O Fazli Rahim	DGHS Office

The Officials on promotion will remain on probation for a period of one year in term of Section 6 (2) of Khyber Pakhtunkhwa Civil Servant Act 1973 read with rule -15 (I) of Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion & Transfer) Rules, 1989.

NB: Arrival/departure report should be submitted to this Directorate for record.

Sd-xxx

Director General Health Services
Khyber Pakhtunkhwa Peshawar.

Dated 16/08/2023

No. 1268-71 Ministerial

Copy forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Deputy Director (Accounts) DGHS Office Peshawar.
3. PA to DGHS Khyber Pakhtunkhwa Peshawar.
4. Officials Concerned

Director General Health Services
Khyber Pakhtunkhwa Peshawar.

Amended

GOVERNMENT OF N.W.F.P.
HEALTH & S. WELFARE DEPARTMENT.

NOTIFICATION

Dated Peshawar the 29th March, 1982.

No. SO(H) IV-4-13/75.Pt.II. — In pursuance of the provisions contained in sub-rule (2) of rule 3 of the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1975, and in consultation with the Services and General Administration Department and the Finance Department, the Health Department hereby lays down the method of recruitment, qualification and other condition specified in columns 3 to 6 of the Appendix to this Notification, which shall be applicable to posts in the Health Directorate specified in column 2 of the said Appendix.

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APPENDIX

Sl. No.	Nomenclature of Post	Minimum qualification for appointment by initial recruitment or by transfer	Minimum qualification prescribed for appointment by promotion.	Age limit for initial recruitment	Method of Recruitment
1	2	3	4	5	6
1.	Administrative Officer.	By selection on merit, with due regard to seniority, from amongst Superintendents.
2.	Superintendent	By promotion, on the basis of seniority-cum-fitness, from amongst: a. Statistical Assistants/Assistants/Auditors/ Stenographers of the Health Directorate, and b. Head Clerk and Stenographers of the offices Sub-ordinate to Health Directorate with at least 5 years service as such. Note:- A common seniority list of eligible officials shall be maintained for the purposes of Superintendents.
3.	Statistical Assistant.	Degree from a recognized University with Mathematics/Statistics as one of the subjects.	...	20 years to 25 years	By initial recruitment.
4.	Assistant.	<u>Degree from a recognized University.</u>	...	20 years to 25 years	i) 75% by promotion on the basis of seniority-cum-fitness from amongst Senior Clerk,

By promotion on the basis of seniority-cum-fitness amongst Junior Clerks with at least 2 years service.
18 to 25 years

1	2	3	4	5	6
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5	Auditor.	with at least 3 years service as such; and
6	Senior Clerks.	ii) 25% by initial recruitment. By selection from amongst Assistants.
7	Junior Clerks.	a) Matriculation or equivalent qualification from a recognized Board; and b) A speed of 25 words per minute in typing.	...	18 years to 25 years	By initial recruitment.
8	Stenographers.	a) Matriculation or equivalent qualification from a recognized Board; and b) A speed of 100 words per minute in shorthand in English and 40 words per minute in typing.	...	18 years to 25 years	i) By promotion, on the basis of seniority-cum-fitness, from amongst Stenotypists with at least 3 years as such; Or ii) If no suitable Stenotypist is available for promotion, then by initial recruitment.
9	Stenotypist.	a) Matriculation or equivalent qualification from a recognized Board; and b) A speed of 80 words per minute in shorthand in English and 35 words per minute in typing.	...	18 years to 25 years	By initial recruitment.

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1	2	3	4	5	6
10.	Restorer	Preferably literate.	...	18 years to 45 years	By initial recruitment.
11.	Machine Operator.	Preferably literate.	...	18 years to 45 years	By initial recruitment.
12.	Naib Qasid.	Preferably literate.	...	18 years to 45 years	By initial recruitment.
13.	Chowkidar.	Preferably ex-Serviceman	...	18 years to 45 years	By initial recruitment.
14.	Bhishu/Sweeper/Mali.	Preferably literate.	...	18 years to 45 years	By initial recruitment.



Amendment: made vide S&GAD Notification No. SOR-II (S&GAD)5-2/80, DATED 27-10-1931. 10 per cent vacancies to be filled by initial recruitment is to be reserved for ex-serviceman.


12.02.2017
 learned
 Attorney on
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 Appella.
 Clerk on 12.06.1994 L.
 ices Kohat has filed
 pakhtunkhwa Se-
 nce

GOVERNMENT OF N.W.F.P.
HEALTH & SOCIAL WELFARE DEPARTMENT.

NOTIFICATION

Dated Peshawar the 22nd June, 1983.


No. SO(H)1/4-6/83. — In pursuance of the provisions contained in sub-rule (2) of rule 3 of the North West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1953, the Health and Social Welfare Department, in consultation with the Services & General Administration Department and Finance Department, hereby lays down the method of recruitment, qualifications and other conditions specified in column 3 to 5 of the Appendix to this Notification which shall be applicable to the posts of Ministerial Service (Sub-Cadre) in the Health Department specified in column 2 of the said Appendix.



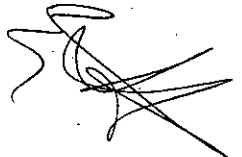
Annex D
⑤

In all cases of initial recruitment for posts of the posts, where practicable, shall be reserved for ex-officio members.

Sl. No.	Nomenclature of the post with Grade	Minimum qualifications for initial recruitment	Age limit for initial recruitment	Method of Recruitment
1	2	3	4	5

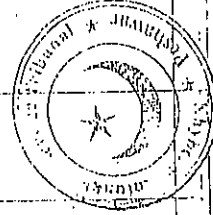
1. Accountant (Grade-16) Graduate from a recognized University with at least 5 years experience in Accounts or qualified S.A.S. 21 to 35 years By initial recruitment or by transfer.
2. Superintendent (Grade-16)  By promotion on the basis of seniority-cum-merit amongst Statistical Assistants/Assistants/Asst. Graphers of Health Directorate and Assistants/Senior Store Keepers Grade-11 of offices of the Health Directorate with at least service as such. Note: A common seniority list of a eligible of Superintendent. By promotion from amongst Senior Clerks/Sr. Grade-6 with at least three years service as such.
3. Assistant/Senior Store Keeper (Grade-11). Degree from a recognized University with mathematics or statistics as one of the subject. 20 to 25 years By initial recruitment.
4. Statistical Assistant (Grade-11). 20 to 25 years By promotion on the basis of seniority-cum-merit amongst Junior Clerk/Store Keeper (Grade-5) with at least 2 years service as such.
5. Senior Clerk/Store Keeper (Grade-6). 18 to 25 years By initial recruitment.
6. Junior Clerk/Store Keeper (Grade-5)
 - a) Matriculation from recognized Board; and
 - b) A speed of 25 words per minute in typing.

1	2	3	4	5
7.	Stenographer (Grade-12)	a) Matriculation from a recognized Board; and b) A speed of 100 words per minute in shorthand in English and 40 words per minute in typing.	18 to 25 years	By promotion on the basis of seniority-cum-fitness amongst stenotypists with at least three years service such, or if no suitable stenotypist is available promotion then by initial recruitment.
8.	Stenotypist (Grade-8)	a) Matriculation from a recognized Board; and b) A speed of 80 words per minute in shorthand in English and 35 words per minute in typing.	18 to 25 years	By initial recruitment.
9.	Restorer (Grade-2) —	Middle pass.	18 to 25 years	By initial recruitment.
10.	Naib Qasid (Grade-1) —	Preferably literate.	18 to 45 years	By initial recruitment.



Annex B

Order or other proceedings with signature of Judge or Magistrate



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Appeal No. 1455/2013

Date of Institution ... 11.10.2013
Date of Decision ... 07.07.2017

Akram Khan, Junior Clerk,
Agency Surgeon Office, Orakzai at Tehsil and District Hangu.

Versus

1. The Government of Khyber Pakhtunkhwa through Chief
Secretary Khyber Pakhtunkhwa, Peshawar and others

JUDGMENT

07.07.2017

MUHAMMAD HAMID MUGHAL, MEMBER: Appellant,
learned counsel for the appellant and Mr. Usman Ghani, District
Attorney on behalf of the respondents present.

ATTESTED

EXAMINED
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

2. Appellant Akram Khan, who was appointed as Junior
Clerk on 12.06.1994 in the office of Divisional Directorate Health
Services Kohat has filed the present appeal under section-4 of the
Khyber Pakhtunkhwa Service Tribunal wherein he has challenged
the maintenance of separate seniority lists in respect of the
Ministerial staff of the Directorate, General Health Services
(DGHS) Office Khyber Pakhtunkhwa, Peshawar and in respect of
Ministerial staff/Junior Clerks of Sub-Cadre/Sub Ordinate Offices

For information and necessary action.

of Health Service in Khyber Pakhtunkhwa. The appellant has prayed for the maintenance of joint seniority list of all the employees working in the Health Department and for the cancellation of order dated 22.05.2013 of Director General Health Services Khyber Pakhtunkhwa, Peshawar whereby the junior clerks, whose names were mentioned in the separate seniority list of Junior Clerks of the DGHS Office Khyber Pakhtunkhwa, Peshawar, were promoted to the post of Senior Clerks.

3. The appellant has also annexed application for condonation of delay with the memo^{of} present appeal on the ground that the appellant belongs to very sensitive locality i.e. Hangu and due to Curfew, and Blocked of roads due to law & order situation timely filing of present appeal was beyond his control. To meet the ends of justice and for the reasons mentioned in the application, the application for condonation of delay is accepted and as such delay in filing the present appeal his condoned.

4. Argument heard. File perused.

5. Learned counsel for appellant stated that the act of maintenance of separate seniority lists is illegal, discriminatory and as such the impugned promotion order has deprived senior employees of Sub Cadre/Sub Ordinate Departments from their vested right of promotion

Officials concerned.
For information and necessary action.

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RECEIVED
 HEALTH DEPARTMENT
 PESHAWAR

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6. Conversely learned District Attorney opposed the contentions raised by learned counsel for the appellant mainly on the ground that separate methods have been notified for the recruitment, promotion and other conditions of service for the ministerial staff of the Health Directorate Peshawar and for the ministerial staff of Sub Cadre/Sub Ordinate Departments and therefore separate seniority lists have been maintained. Learned District Attorney has also stated that notification dated Peshawar the 29th, March, 1982 governing the method of recruitment, qualification and other conditions of service applicable to the posts in the Health Directorate Peshawar and the notification dated Peshawar the 22nd, June, 1983 governing the method of recruitment, qualification and other conditions of service applicable to the posts of Ministerial service (Sub-Cadre) in the Health Department, are appended with the wise comments of the official respondents.

7. The learned counsel for the appellant has not denied the existence of separate methods of recruitment, promotion and other conditions of service for the posts applicable to Health Directorate Peshawar and for the posts applicable to Ministerial Service (Sub-Cadre) in the Health Department and when confronted with the separate methods, remained unable to justify the prayers sought in the present appeal.

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8. As a sequel to above, the present appeal is devoid of any substance and as such the same is hereby dismissed. Parties are left to bear their own costs. File be consigned to the record room after its completion.

M. Hamid Mughal
Member

Abdul Qadir Khan
Member

Certified to be true copy
MEMBER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar



Annex-F

**DIRECTORATE GENERAL HEALTH
SERVICES GOVT: OF KHYBER
PUKHTUNKHWA PESHAWAR**

OFFICE ORDER

The Competent Authority, on the recommendation of Departmental Promotion Committee (DPC) in its meeting held on 22.05.2023, under the Chairmanship of DGHS Khyber Pakhtunkhwa Peshawar, the following senior most Senior Clerks (BPS-14) of DGHS cadre are hereby promoted to the post of Office Assistant (BPS-16) with immediate effect.

S.#	Name Of Official	Designation	Place of Posting
1.	Abdul Aleem	Senior Clerk	DGHS Office
2.	Syed Farman Shah	Senior Clerk	DGHS Office
3.	Kamran Javed	Senior Clerk	DGHS Office
4.	Mukhtiar Ali	Senior Clerk	DGHS Office
5.	Mubarak Shah	Senior Clerk	DGHS Office
6.	Hashmat Ullah	Senior Clerk	DGHS Office
7.	Nasruminallah	Senior Clerk	DGHS Office
8.	Muhammad Ishaq	Senior Clerk	DGHS Office
9.	Umar Daraz	Senior Clerk	Waiting for posting
10.	Masam Khan	Senior Clerk	DGHS Office
11.	Jehanzeb Khan	Senior Clerk	DGHS Office
12.	Muhammad Zahir	Senior Clerk	DGHS Office
13.	Ikramullah	Senior Clerk	DGHS Office
14.	Muhammad Shahid Amin	Senior Clerk	DGHS Office
15.	Wajid Shah	Senior Clerk	DGHS Office

2. The officials on promotion will remain on probation for a period of one year in terms of Section 6(2) of Khyber Pakhtunkhwa Civil Servant Act, 1973 read with rule-15(l) of Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion & Transfer) Rules, 1989.

3. Consequent upon their promotion to the post of Office Assistant BS-16, they are hereby posted as under:

S#	Name of official	Designation	To	Remarks
1.	Abdul Aleem	Office Assistant (BS-16)	DGHS Office	Against the vacant post
2.	Syed Farman Shah	Office Assistant (BS-16)	DGHS Office	-do-
3.	Kamran Javed	Office Assistant (BS-16)	DGHS Office	-do-
4.	Mukhtiar Ali	Office Assistant (BS-16)	DGHS Office	-do-
5.	Mubarak Shah	Office Assistant (BS-16)	DGHS Office	-do-
6.	Hashmat Ullah	Office Assistant (BS-16)	DGHS Office	-do-
7.	Nasruminallah	Office Assistant (BS-16)	DGHS Office	-do-
8.	Muhammad Ishaq	Office Assistant (BS-16)	DGHS Office	-do-
9.	Umar Daraz	Office Assistant (BS-16)	DGHS Office	-do-
10.	Masam Khan	Office Assistant (BS-16)	DGHS Office	-do-
11.	Jehanzeb Khan	Office Assistant (BS-16)	DGHS Office	-do-
12.	Muhammad Zahir	Office Assistant (BS-16)	DGHS Office	-do-
13.	Ikramullah	Office Assistant (BS-16)	DGHS Office	-do-
14.	Muhammad Shahid Amin	Office Assistant (BS-16)	DGHS Office	-do-
15.	Wajid Shah	Office Assistant (BS-16)	DGHS Office	-do-

NB: Arrival/ departure report should be submitted to this Directorate for record.

Sd/xxxxxxxx

DIRECTOR GENERAL HEALTH
SERVICES, K.P.K, PESHAWAR.

No. 3398-3401/Personnel

Dated 26/05/2023.

Copy forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Deputy Director (Accounts) DGHS Office Peshawar.
3. PA to DGHS, Khyber Pakhtunkhwa Peshawar.
4. Officials concerned.

For information and necessary action.

DIRECTOR GENERAL HEALTH
SERVICES, K.P PESHAWAR

26/05/2023



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated Peshawar, the 12th April, 2023

NOTIFICATION

SOHC(VI)/HD/4-4/2022/23 (MINISTERIAL STAFF) The Competent Authority, on the recommendations of Departmental Promotion Committee (DPC), in its meeting held on 23-12-2022, is pleased to promote the following Assistant/Senior Scale Stenographer (BS-16) to the posts of Superintendents (BS-17) on regular basis, with immediate effect.

S. No	Name/F, Name of Officers	Designations	Current Place of Posting
1.	Faiz Ul Haq S/o Noor Ul Haq	Office Assistant BS-16	DGHS Office
2.	Muhammad Sadq S/o Muhammad Afzal	Office Assistant BS-16	GMC D.I, Khan
3.	Adeel Ahmad S/o Zaharullah	Office Assistant BS-16	DHQ Hospital Chalanal
4.	Sher Asghar Khan S/o Ajab Gul	Office Assistant BS-16	DGHS Office
5.	Latif Ahmad S/o Muhammad Khan	Sr. Scale Stenographer BS-16	STH Swat
6.	Farid Iqbal S/o Muhammad Jalil	Office Assistant BS-16	W&C Kohat
7.	Taimor Wali Khan S/o Sher Wali Khan	Office Assistant BS-16	DHO Uppar Dir
8.	Abdar Khan S/o Muhammad Azam Khan	Office Assistant BS-16	DHO Uppar Dir
9.	Hazrat Hayat S/o Mian Amroon	Office Assistant BS-16	DHO Shangla
10.	Maroof Shah S/o Faiz Muhammad Khan	Office Assistant BS-16	SMCD Saidu Sharif Swat
11.	Muhammad Khaliq S/o Fazle Khaliq	Office Assistant BS-16	MS DHQ Bathikla
12.	Muhammad Ullah S/o Khitab Shah	Office Assistant BS-16	DHO Khyber
13.	Shamsher Ali S/o Gul Sher	Office Assistant BS-16	DHO Swat
14.	Imtiaz Hussain S/o Muhammad Hussain	Office Assistant BS-16	DGHS Office
15.	Sajid Rahim Shah S/o Qhoor Shah	Office Assistant BS-16	DHO Bunner
16.	Irshad Khaliq S/o Abdur Raziq	Office Assistant BS-16	PGMI Peshawar
17.	Bakhtawar shah s/o Bunfir Khan	Office Assistant BS-16	DHO, Charsadda
18.	Miskeen Khan S/o Ashraf Khan	Office Assistant BS-16	DGHS Office
19.	Muhammad Nabl S/o Ghulam akbar	Office Assistant BS-16	DHO Lower Dir
20.	Muhammad Gul S/o Reza Gul	Office Assistant BS-16	DGHS Office
21.	Ijaz Ahmad S/o Muhammad Azam	Office Assistant BS-16	DGHS Office
22.	Suhrah Khan S/o Abdus Salam	Office Assistant BS-16	MRHS Hosp: Pabbi
23.	Khalid Jan S/o Nusrullah Shikward	Office Assistant BS-16	DHQ, Landi Kotal
24.	Asif Jan S/o Muhammad Yousaf	Office Assistant BS-16	PGMI Peshawar
25.	Bakht Biland S/o Mulezar	Office Assistant BS-16	STH, Swat

26	Muhtiar Ali S/o Abdur Razaq	Office Assistant BS-16	Sifwat Ghyur Hospital Peshawar
27	Muhammad Ayub S/O Humayun Khan	Office Assistant BS-16	SMC, Swat
28	Zia Ullah Khan S/o Shokat Ullah Khan	Office Assistant BS-16	Food Lab Peshawar
29	Syed Anjad Ali Shah S/o Munawar Shah	Office Assistant BS-16	DGHS Office

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

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

Secretary to Govt. of Khyber Pakhtunkhwa
Health Department

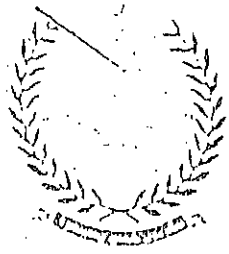
Ends of even No and Date.

Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director General, Health Services, Khyber Pakhtunkhwa Peshawar with the request to furnish proposal regarding posting of the above mentioned officers to this Department at the earliest to proceed further in the matter.
3. All Principals Medical Colleges, concerned, Khyber Pakhtunkhwa.
4. District Health Officer, concerned.
5. Hospital Director, MTI concerned.
6. Medical Superintendent, DHQ Hospital, concerned.
7. District Accounts Officer, concerned.
8. The Deputy Director (LT) Health Department.
9. PS to Secretary Health, Khyber Pakhtunkhwa.
10. PS to Special Secretary (E&A) Health, Khyber Pakhtunkhwa.
11. PA to Additional Secretary (Estab) Health, Khyber Pakhtunkhwa.
12. PA to Deputy Secretary (Admn) Health, Khyber Pakhtunkhwa.
13. Faisal Javed Karimi President APCA Health, Khyber Pakhtunkhwa.
14. Officers concerned.

(Muhammad Saleem Khan)
Section Officer (Estab-VI)

Ameera 17/7/22



DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA, PESHAWAR

GOVERNMENT OF KHYBER PAKHTUNKHWA
Office of the Director General Health Services
Peshawar

No. SOH(VI)/4-4/2020-21/Promotion Cell Dated Peshawar the 13/10/2022

The Secretary to Govt of Khyber Pakhtunkhwa,
Health Department, Peshawar.

Subject: DRAFT SERVICE RULES OF MINISTERIAL STAFF, HEALTH DEPARTMENT KHYBER PAKHTUNKHWA.

With reference to your letter No. SOH(VI)/4-4/2020-21 (Ministerial Staff/DCHE) dated 19th July, 2022 on the subject noted above, I have the honour to submit herewith draft Service Rules of Ministerial Staff of Health Department for favour of further consideration with the request to please arrange meeting of the Standing Services Rules Committee (SSRC) as desired on the matter at an early date.

Shahin Afzali
Director General Health Services
Khyber Pakhtunkhwa, Peshawar.

Mr. Farooq Lived Karimi, Provincial President APCA Health Department Khyber Pakhtunkhwa, Peshawar for information.