

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

SERVICE APPEAL NO. 1725/2023

Mr. Bakhtiar Ahmad **Appellant**

Versus

Government of Khyber Pakhtunkhwa & others **Respondents**

Index

S. No.	Description	Annexure	Pages No.
1	Comments		1-3
2	Appointment Order	A	4
3	Notification of Promotion	B	5-7
4	DPC Meeting	B-1	8
5	Rules 1982	C	9-12
6	Rules 1983	D	13-15
7	Affidavit		
8	Authority letter		



BEFORE THE HONORABLE KHYBER PAKHTUNKHWA

SERVICE TRIBUNAL PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

SERVICE APPEAL NO. 1725 OF 2023

Diary No. 11249

Dated 20-02-2024

Bakhtiar Ahmad.....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 Directorate General Agriculture (Extension) NWFP Peshawar on 26-01-1995 and was adjusted in Health Department on ----- from Surplus Pool. (*Annex-A & B*)
2. Incorrect. The appellant has already been promoted to the post of Sr. Clerk (BPS-14) vide Health Directorate Notification No. 4272-74/Ministerial Promotion Cell dated 16-08-2023. (*Annex-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 has already been promoted to the post of Sr. Clerk (BPS-14) on his turn in accordance with law and rules of the Departments.
- 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
TRIBUNAL, PESHAWAR**

SERVICE APPEAL NO. 1725/2023

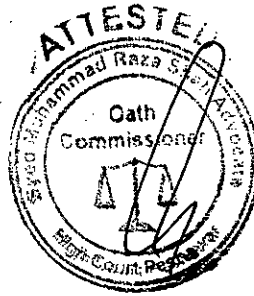
Mr. Bakhtiar Ahmad.....Appellant

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. 1725/2023 titled Mr. Baktiar Ahmad VS Govt. of Khyber Pakhtunkhwa & others on behalf of the undersigned at Khyber Pakhtunkhwa Service Tribunal, Peshawar.

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

Amney-A

HAYAT SHAHEED TEACHING HOSPITAL, PESHAWAR.

APPOINTMENT ORDER

NO. _____ /HSTH/E Dated _____ /1995

As a result of interview dated _____
Mr. ~~Salfur Rehman~~ S/O D/O W/O ~~9-2-95~~
is hereby selected and offered a temporary post of ~~Junior Clerk~~ ~~XXXXXX~~ ~~Salal Mahmood~~
in BPS _____ plus other allowances
admissible under the Govt. Rules in this Institution against
the vacant post of _____

Jr. Clerk on probation for one year.

The post which is being offered to you is sanctioned
temporary on year to year basis. Your employment is therefore
purely temporary and can be terminated ~~without any~~
reasons being assigned to you at any time irrespective of
the fact that you are holding a post other than the one
which you originally recruited or upon the payment of 14 days
salaries in lieu of NOTICE.

In case you wish to resign at any time a prior notice
will be necessary and you will continue to serve the Govt.
till your resignation is accepted and communicated to you in
writing.

You will be governed by such rules and orders relating
to leave, T.A, Medical attendance, pay etc, as may be issued
by the Government for the category of Govt. servant to which
you belong.

Your appointment will be subject to your Medical
fitness.

If you accept the offer on the above terms and
conditions, you should report to the undersigned within
10 days of the receipt of this letter, failing which the
offer will be treated as cancelled and withdrawn.

Handwritten signature/initials on the left margin.

Handwritten signature: A. S. Farid Ahmad

ADMINISTRATOR
HAYAT SHAHEED TEACHING HOSPITAL,
PESHAWAR.

NO. 2752 /HSTH/E Dated 14-2/1995

Copy for information and necessary action to:

1. The Dy:Medical Suplt: (Admn) HSTH; Peshawar.
2. The Accounts Officer HSTH; Peshawar.
3. The I/C _____ HSTH; Peshawar.
4. Mr. ~~MSB:MSB~~ ~~XXXXXX~~ ~~Salfur Rehman~~ B/O ~~Salal Mahmood~~ ~~Crakzai Agency~~
Robot Division.

ADMINISTRATOR HSTH.

Annex B

**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR**

Mail Address: wphs/peshawar@go.gov.pk office Ph# 091-9210269 Exchange# 091-9210107, 9210190 Fax # 091-9210230

NOTIFICATION.

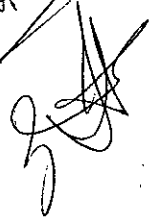
On the recommendation of Departmental Promotion Committee (DPC) in its meeting held on 04.08.2023, the following Junior Clerks (BPS-11) of Sub- Cadre are hereby promoted to the post of Senior Clerk (BPS-14) with immediate effect.

S No.	Name of Official	Place of Posting
1	Farman Ali S/O Khanim 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	Jahir Ali S/O Khair Din	DHO Abbottabad
6	Manzoor Hussain S/O Mir Afzal	ATH, Abbottabad
7	Iqbal-ud-Din S/O Abdul Ghani	DHO Dir Lower
8	Zakir Hussain S/O Khan Gul	JRH Peshawar
9	Altal Qadir S/O Haji Gul Bahadar	MAM Hosp: Peshawar
10	Noor Zaman S/O Khan Zaman	DHO Charsadda
11	Salam Iqbal S/O Kalo Khan	MMM Teaching Hospital D.I.Khan
12	Ibne Anis S/O Mubeen Khan	DHO Hospital Nowshera
13	Wahid Sher S/O Muhammad Sher	DHO, Swabi
14	Abdul Khalid S/O Akram Khan	DHO Abbottabad
15	Nawab Khan	JRH Peshawar
16	Nasrullah Aman S/O Abdul Ghafar	DHO Hospital, Kohat
17	Muhammad Raza	DHO Abbottabad
18	Muhammad Younas Shah S/O Syed Muhammad Ismail	MMC Mardan
19	Bakht Munir S/O Bakht Karam	SMC Swat
20	David Hussain S/O Gulab Hussain	DHO II, Parachinar
21	Subail Iqbal Khan S/O Muhammad Iqbal Khan	DHO, D.I Khan
22	Sayed Hamid Hussain S/O Syed Ali Hussain	DHO II, Parachinar
23	Ashiq Hussain S/O Sabir Hussain	ATH II: Parachinar
24	Said Hamid Hussain S/O Sardar Hussain	DHO, Korran
25	Muhammad Fayaz S/O Muhammad Yaqoob	KMC Peshawar
26	Bakhtiar Ahmad S/O Fida Muhammad	PGMI/HMC, Peshawar
27	Imanullah S/O Abdul Rabir	DHO Hospital, Charsadda
28	Gohar Ali S/O Naik Zada Bacha	DHO, Swat
29	Sait ur Rahman S/O Fazal Mehmood	KTH Peshawar
30	Amjad Ali S/O Muhammad Sher	Agency Surgeon Orakzai
31	Muhammad Riaz S/O Tarnash Khan	DHS Merged Area
32	Imran Zaid S/O Ajmal Zarif	DHO, Charsadda
33	Javed Khan S/O Mehar Dil Khan	Maternity Hosp: Peshawar
34	Faj Ali Khan S/O Sardar Ali Khan	DHO, Lakkhi Marwat
35	Abdul Wadood S/O	Agency Surgeon Mohmand Agency
36	Umar Badshah S/O Lal Bacha	DHO, Malakand
37	Sayed Nijat Hussain S/O Gulab Hussain	ATH II: Parachinar
38	Syed Hayat Ali Shah	Services Hospital Peshawar
39	Sar Anajam Khan S/O Sher Khan	DHO Peshawar
40	Ashiq Ali	DGHIS Peshawar
41	Hasan ur Rehman S/O Inayat ur Rehman	DHO, Charsadda
42	Wajid Ali S/O Muhammad Ali	ATH II: Parachinar

Handwritten signature/initials

Handwritten signature/initials

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	Faslim 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 Parbachinar
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	Itikhar 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	DHO 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	DHO 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	DHO 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 Qawi 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	Touqeer 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

Abdullah




101	Muhammad Asif Rasheed	DHO, D.I Khan
102	Qasim Khan S/O Muhammad Iqbal	Food Laboratory, Peshawar
103	Nobat Khan S/O Azeem Khan	DHO Sawbi
104	Munir Khan S/O Allah Jan	DHO Tank
105	Rehmatullah S/O Saifullah	DHO Lakki Marwat
106	Ghazanfar Hussain S/O Ghulam Saddat	GMC D.I Khan
107	Muhammad Usman S/O Muhammad Sadq	GMC D.I Khan
108	Shah Jahan S/O Abdul Muftib	GMC D.I Khan
109	Muhammad Nooran S/O Muhammad Iqbal	GMC D.I Khan
110	Muhammad Ashad S/O Gul Muhammad Khan	DHO Hosp: Battagram
111	Zia-ur Rehman S/O Malik Samdu	DHO Kohistan
112	Waheedullah Khan S/O Nazar Ali Baz	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	Obaid Ullah S/O Bakhtal Shah	KGMC Peshawar
118	Asif Raul S/O Abdul Rauf	KGMC Peshawar
119	Abdul Razaq S/O Faq 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	Mehtab Habibi 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 Hader	HMC Peshawar
130	Zakir Rehman	DHO Battagram
131	Asad Ali Khan S/O Mureed Ahmad Khan	MMI D.I Khan
132	Muhammad Irfan Baloch S/O Shah Jehan	MMI Teaching Hospital D.I Khan
133	Muhammad Saifullah S/O Usmanullah	MMI 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. 4272-24 / 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: dgshs@peshawar.gov.pk Office Ph# 091-9210269 FX 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.

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. 1208-71/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.

Annex C

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.

Attended
[Signature]

71

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.

Attended
EDH

By promotion on the basis of amongst Junior Clerks least 2 years service
18 to 25 years

1	2	3	4	5
---	---	---	---	---

Attended

[Handwritten signature]

5	Auditor.			with at least 3 years service as such; and
				ii) 25% by initial recruitment.
6	Senior Clerks.			By selection from amongst Assistants.
7	Junior Clerks.	a) Matriculation or equivalent qualification from a recognized Board; and	18 years to 25 years	By initial recruitment.
		b) A speed of 25 words per minute in typing.		
8	Stenographers.	a) Matriculation or equivalent qualification from a recognized Board; and	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
		b) A speed of 100 words per minute in shorthand in English and 40 words per minute in typing.		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	18 years to 25 years	By initial recruitment.
		b) A speed of 80 words per minute in shorthand in English and 35 words per minute in typing.		

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.	Bhishti/Sweeper/Mali.	Preferably literate.	...	18 years to 45 years.	By initial recruitment.

Attendant
[Signature]

01.07.2017
 learned
 Attorney on
 2.
 Appella.
 Clerk on 12.06.1994.
 nices Kohar has filed.
 pakhtunkhwa Se-
 nce

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.

Annex D
(8)

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, 1955, 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 detailed in column 2 of the said Appendix.

Attur B
[Signature]

In all cases of initial recruitment, 10 per cent of the posts, where practicable, shall be reserved for ex-servicemen.

Sl. No.	Non-dependence 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. By initial recruitment or by transfer.
2. Superintendent (Grade-16)  By promotion on the basis of seniority-cum-merit amongst Statistical Assistants/Assistants/Auditors/Inspectors of Health Directorate and Assistant Inspectors/Senior Store Keepers Grade-11 of all offices of the Health Directorate with at least 5 years service as such.
Note: A common seniority list of a eligible Superintendent.
3. Assistant/Senior Store Keeper (Grade-11)  By promotion from amongst Senior Clerks/Store Keepers with at least three years service as such.
4. Statistical Assistant (Grade-11). Degree from a recognized University with mathematics or statistics as one of the subject. By initial recruitment.
5. Senior Clerk/Store Keeper (Grade-6). By promotion on the basis of seniority-cum-merit amongst Junior Clerk/Store Keeper (Grade-5) with at least 2 years service as such.
6. Junior Clerk/Store Keeper (Grade-5) a) Matriculation from recognized Board; and b) A speed of 25 words per minute in typing. By initial recruitment.

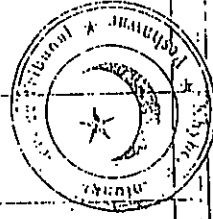
APPENDIX

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.

Adur
3/11

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

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

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

Affairs
[Signature]

07.07.2017

ATTESTED

EMAD NIZKI
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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/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 is 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.

Asif Jt
[Signature]

ATTENDED
[Stamp]
Peshawar

- 11.
- 12.
- 13.
- 14.
- 15.
- 16.
- 17.
- 18. M
- 19. M
- 20. M
- 21. Ijaz
- 2. Suh
- Khifn
- Asif Jt

45

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. 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 applicable to Health Directorate Peshawar and to the posts applicable to Ministerial Service (Sub-Cadre) in the Health Department and when confronted with the separate methods, remained unable to justify the prayer for relief in the present appeal.

Handwritten signature

Handwritten signature
 Peshawar

197

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
F. A. KHAN
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Attorney
[Signature]



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(I) 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/xxxxxxxxx
DIRECTOR GENERAL HEALTH
SERVICES, K.P.K, PESHAWAR.

No. 3398-3401/Personnel

Dated 26/05/2023.

Copy forwarded to the:-

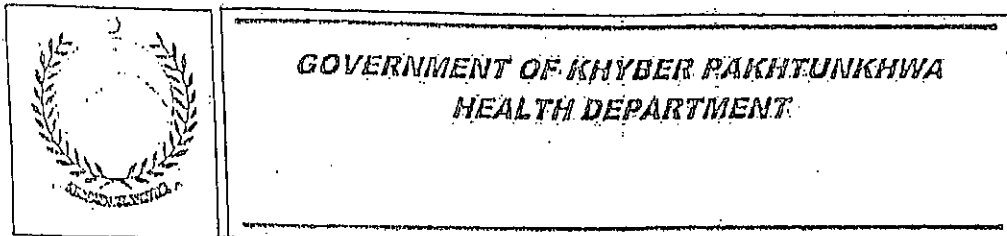
1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Deputy Director (Accounts) DGHS Office Peshawar.
3. PA to DGHS, Khyber Pakhtunkhwa Peshawar.
4. Officials concerned.

For information and necessary action.

DIRECTOR GENERAL HEALTH
SERVICES, K.P PESHAWAR

26/05/2023

Annex 10



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 Sadiq S/o Muhammad Afzal	Office Assistant BS-16	GMC D.I. Khan
3.	Adeel Ahmad S/o Zaharullah	Office Assistant BS-16	DHQ Hospital Chalanai
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 Azeem Khan	Office Assistant BS-16	DHO Uppar Dir
9.	Hazrat Hayat S/o Mian Amrobn	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 Butkila
12.	Muhammad Ullah S/O Khatib 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 Ohoor 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 Bunnir Khan	Office Assistant BS-16	DHO, Charsadda
18.	Miskeen Khan S/o Ashraf Khan	Office Assistant BS-16	DGHS Office
19.	Muhammad Nabi S/O Ghulam Akbar	Office Assistant BS-16	DHO Lower Dir
20.	Muhammad Gul S/O Rundu 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.	Khatib Jun S/o Nasrullah Shiwari	Office Assistant BS-16	DHQ, Landi Kotal
24.	Asif Jun S/o Muhammad Yousaf	Office Assistant BS-16	PGMI Peshawar
25.	Bakht Biland S/o Maluzaf	Office Assistant BS-16	STH, Swat

26	Mukhtiar Ali S/o Abdul Razaq	Office Assistant BS-16	Sifat 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 Amjad Ali Shah S/o Munnawar 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

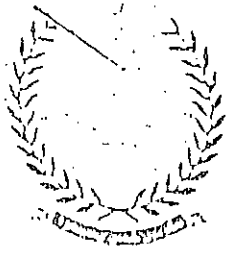
End of even No and Date.

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 (I.T) 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.

(Signature)
Section Officer (Estab-VI)

Ameera 17/10/22
18



DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA, PESHAWAR

CLASSIFICATION: CONFIDENTIAL OFFICE USE ONLY 012-9720269 9718156-1111 012-9720269

No. 22/61/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.**

Amir
22/10/22

With reference to your letter No. SOH(VI)/4-4/2020-21 (Ministerial Staff/DCHS) 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.

Amir Afzali
Director General Health Services
Khyber Pakhtunkhwa, Peshawar.

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