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FORM OF ORDER SHEET

Court of _____

Appeal No. 315/2024

1	2	3
	order or other proceedings with signature of judge	

28, 02, 2024

The appeal of Mr. Wali Jan presented today by him. It is fixed for preliminary hearing before touring Single Bench at D.I.Khan on

By the order of Chairman



REGISTRAR

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR.

Service appeal No. 315 /2024

Wali Jan

Versus

Government of Khyber Pakhtunkhwa, etc.

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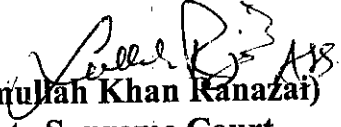
<u>S.NO.</u>	<u>PARTICULARS OF THE CASE.</u>	<u>ANNEXURES.</u>	<u>PAGES.</u>
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Your Humble appellant:

Wali Jan

Dated:26.02.2024


Through counsel


(Saleemullah Khan Kanazai)
Advocate Supreme Court.

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR**

In S.A. 315 /2024

Wali Jan S/O Gul Jan Driver (BPS-6) Public Health School D.I.Khan
----- (Appellant)

VERSUS

1. Director General Health Provincial Health Services Academy
Peshawar.
----- (Respondent).

**SERVICE APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL ACT AGAINST THE NON-REPLY OF THE
DEPARTMENTAL APPEAL SUBMITTED BY THE APPELLANT
ON 26.10.2023 AND BY ACCEPTANCE OF APPEAL, THE
RESPONDENTS MAY BE DIRECTED TO PROMOTE THE
APPELLANT TO THE POST OF JUNIOR CLERK ON THE QUOTA
OF RESERVE AND ALSO ON MERITS.**

Respectfully Sheweth;

The appellant prefers the instant service appeal on the grounds hereinafter submitted along with others.

(Note: - The addresses of respondents as given above are sufficient for the purpose of service.)

BRIEF FACTS:

1. That the appellant was appointed as Driver vide order dated: 31.10.1996, in a project at Nursing School D.I. Khan on contract basis, where after the services of the appellants were regularized in the Year 2008, from the date of appointment and then he was transferred to Public Health School D.I Khan. Copy of Pay Slip, Showing the date of appointment is enclosed herewith as **Annexure "A"**
2. That the appellant has passed his FA examination in the year 2007, during service and he has also Diploma in Information & Technology. Copy of Educational Qualification or enclosed herewith as **Annexure "B"**
3. That the appellant is serving the department for the last more than 26 years and he is still working as driver in BPS-6, whereas in the meantime so many posts of Junior Clerk fall vacant, to which the appellant used to apply and also the appellant was called for test and interview as well but on each occasion no

result whatsoever was conveyed to the appellant. In this regard the last test was held on 09.1.2024 and the petitioner did participate in the same. Copy of schedule of test is enclosed herewith as Annexure-C.

- 4. That there is a quota reserve for class-IV employees for the purpose of promotion to junior clerk of 40% but on each occasion the appellant is ignored for the reasons best known to the respondents.
- 5. That in this regard the appellant preferred departmental appeal on 24.10.2023, which was forwarded by the Principal of the Public Health School 26.10.2023 but till date no reply whatsoever has been received by the appellant. Copy of the Departmental Appeal along with covering letter is enclosed herewith as Annexure-D.
- 6. That no order was passed with regards to the departmental appeal of the appellant hence after expiry of 90 days the appellant approaches this Honourable Tribunal for the redressal of his grievances on inter-alia the following grounds.

GROUND:

- 1. That admittedly the appellant is a qualified person and keeping in view his educational qualification and long standing services is entitled to be promoted to the post of junior clerk under the quota reserved of class-IV which is 40% of the posts.
- 2. That previously too one Naeem Badshah who was appointed as driver and was subsequently promoted / selected as Junior clerk and now he is senior clerk in BPS-14 in the quota reserved of 40%. Copy of seniority lists of senior clerks is enclosed herewith as Annexure-E.
- 3. It has been admitted by the respondents that there is a quota of 40% for promotion to junior clerk amongst class-IV employees but on each occasion the appellant is ignored / dropped for no good reason and thereby he has been discriminated.
- 4. That the respondents were legally bound to follow the law, rules and judgments of the superior courts and to equally treat all the employees.
- 5. That the non-response on the appeal of the appellant by the Director General Health, clearly smell malafide and the appellant is justified by saying that the

respondents cannot justify the discrimination, therefore, they failed to decide the departmental appeal of the appellant.

- 6. That the counsel for the appellant may be allowed to raise additional grounds during the course of arguments.

PRAYER:-

It is therefore, humbly prayed that on acceptance of instant service appeal, the respondents may be directed to promote the appellant to the post of junior clerk in the 40% reserved quota of the class-IV.

Your Humble appellant:

(Wali Jan)
Driver,
Public Health School D.I.Khan .
Through counsel

Dated:26.02.2024

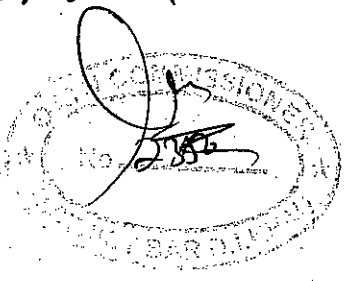
(Saleemullah Khan Ranazai)
Advocate Supreme Court.

AFFIDAVIT

I, Wali Jan son of Gul Jan (Driver) BPS-6 Public Health School D.I.Khan, the appellant, do hereby solemnly affirm on Oath that the contents of the petition are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Tribunal.

Deponent

Dated:26.02.2024



Identified by

Saleemullah Khan Ranazai A.S.C.

(4)

Government of Khyber Pakhtunkhwa
District Accounts Office D.I.Khan
Monthly Salary Statement (July-2023)



Personal Information of Mr WALI JAN d/w/s of GUL JAN

Personnel Number: 00201359 CNIC: 1210144954083 NTN:
 Date of Birth: 01.11.1975 Entry into Govt. Service: 31.10.1996 Length of Service: 26 Years 09 Months 002 Days

Employment Category: Active Temporary

Designation: DRIVER 80814096-GOVERNMENT OF KHYBER PAKH
 DDO Code: DI4405-Public Health School DIKhan
 Payroll Section: 001 GPF Section: 005 Cash Center:
 GPF A/C No: 201359 GPF Interest applied **GPF Balance:** 183,260.00 (provisional)
 Vendor Number: -
Pay and Allowances: Pay scale: EPS For - 2022 Pay Scale Type: Civil BPS: 06 Pay Stage: 22

Wage type		Amount	Wage type		Amount
0001	Basic Pay	34,240.00	1001	House Rent Allowance 45%	2,316.00
1210	Convey Allowance 2005	1,932.00	1300	Medical Allowance	1,500.00
2148	15% Adhoc Relief All-2013	643.00	2199	Adhoc Relief Allow @10%	322.00
2311	Dress Allowance - 2021	1,000.00	2312	Washing Allowance 2021	1,000.00
2313	Integrated Allowance 2021	600.00	2341	Dispr. Red All 15% 2022KP	3,357.00
2347	Adhoc Rel Al 15% 22(PS17)	3,357.00	2378	Adhoc Relief All 2023 35%	11,984.00

Deductions - General

Wage type		Amount	Wage type		Amount
3006	GPF Subscription	-1,420.00	3501	Benevolent Fund	-1,200.00
3609	Income Tax	-307.00	4004	R. Benefits & Death Comp:	-450.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 3,675.28 Recovered till JUL-2023: 307.00 Exempted: 0.69- Recoverable: 3,368.97

Gross Pay (Rs.): 62,251.00 Deductions: (Rs.): -3,377.00 Net Pay: (Rs.): 58,874.00

Payee Name: WALI JAN

Account Number: 13597900341103

Bank Details: HABIB BANK LIMITED, 221359 CIRCULAR ROAD, D.I.KHAN. CIRCULAR ROAD, D.I.KHAN., D.I.KHAN

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address:

City: ZANANA HOSPITAL DIKHAN Domicile: NW - Khyber Pakhtunkhwa Housing Status: No Official

Temp. Address:

City: Email: walijanpti@gmail.com

DIK : S. No. 198033

31515
Humanities



Board of Intermediate and Secondary Education
DERA ISMAIL KHAN (KHYBER PAKHTUNKHWA) PAKISTAN
HIGHER SECONDARY SCHOOL CERTIFICATE EXAMINATION

SESSION 2007 (Annual)

Wali Jan SON/Daughter of Gul Jan

Appeared as Private Student of District D.I.Khan

has passed the Higher Secondary School Certificate Examination of Board Of Intermediate and Secondary Education Dera

Ismail Khan held in 2007. The Examination was taken as whole.

He/She obtained 504 marks out of 1100 and has been placed in grade "D" representing Fair

Result Date 10.08.2007

Checked by [Signature]

of issue 21-08-2023

[Signature]
Assistant Secretary

[Signature]
Secretary

NAI KIRAN COMPUTER TRAINING INSTITUTE



65

S. No. _____

CERTIFICATE

This is to certify that

Mr/Mrs/Miss WALI JAN

Son/Daughter of GUL JAN

successfully completed a special training Course of SOFTWARE DIPLOMA

held at *Nai Kiran Computer Training Institute Dera Ismail Khan.*

from 11 JUNE 2007 to 11 AUGUST 2007

Marks obtained 61/100

In recognition thereof this certificate is issued

on 6th day of September 2007

[Signature]

ADMINISTRATOR

[Signature]

CEO/ CHAIRMAN

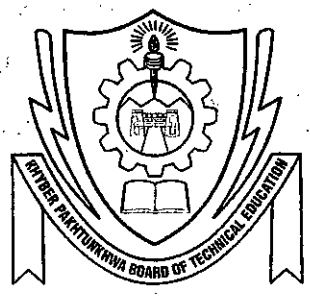
Nai Kiran Organization

No. 04913

Roll No 165845

7

Khyber Pakhtunkhwa Board of Technical Education
PESHAWAR (PAKISTAN)



DIPLOMA IN INFORMATION TECHNOLOGY

Session 2nd Term 2012

This is to certify that

Mr./Miss. WALI JAN
Son/Daughter of GUL JAN
Registration No. GCMS/DIK/DIT/IST-11/1560
of GOVERNMENT COLLEGE OF MANAGEMENT SCIENCES DI KHAN

has satisfactorily completed the one year duration Information Technology course titled " Diploma in Information Technology" and passed the Examination held by the Khyber Pakhtunkhwa Board of Technical Education, peshawar, in the month of February 2012

He/She secured 1032 Marks out of 1400 and has been placed in Grade A

in recognition thereof, this Diploma In Information Technology is awarded to him/her at Peshawar,

on the 30th day of May 2013


ASSISTANT SECRETARY


SECRETARY

This Diploma is issued without any alteration or eraser



PROVINCIAL HEALTH SERVICE, KHYBER PAKHTUNKHWA
Government of Khyber Pakhtunkhwa
Health Department



No. 29 /PHSA/Adm/Promotion/2022-23/1865

Dated: 29/12/2023

To

1. All Head of Allied Institutions of PHSA Network.
2. All Qualified Class-IV Staff of PHSA Network.

Subject: TYPING TEST FOR PROMOTION OF CLASS-IV STAFF TO JUNIOR CLERK UNDER 40% QUOTA.

Memo:

It is for information to all concerned that a typing test regarding promotion of Class-IV to Junior Clerk (BPS-11) in order to fill the vacant posts under 40% promotion quota on the basis of seniority cum fitness is scheduled to be held at the office of the DG PHSA as per following.

SNo	Name of District	Date & Time
1	<u>Peshawar</u> PHSA, ZAB PGPI, PHS Nishtarabad & Hayatabad, Nursing Colleges LRH, KTH, HMC & PGCN	8/01/2024 10:00 AM To 4:00 PM
2	Nursing College Mardan, Swat, Atd. Kohat, Bannu & DIK PIMT Swat, DIK & Atd. DHDC Mardan, Swat, Chitral, Bannu & Atd. PHS Atd & DIK.	9/01/2024 10:00 AM To 4:00 PM

Note: All Concerned are directed to bring attested photocopies of their documents duly signed by Principal.

Moreover all heads of allied institutes are directed to inform all eligible class-iv working in their respective institutes to appear for typing test.

HSR
Director General (Health)
PHSA, Khyber Pakhtunkhwa

Cc.

1. Director HR, PHSA, Peshawar.
2. Director Administration, PHSA
3. All concerned staff
4. Record

Director General (Health)
PHSA, Khyber Pakhtunkhwa

To

The Principle
Public Health School
D.I. Khan

Ann D

Subject: APPLICATION FOR DEPARTMENTAL PROMOTION THE POST OF JUNIOR CLERK.

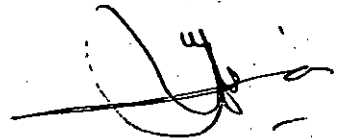
Through: Proper Channel

Sir,

I am under the control of working as a driver BPS (06) in Public Health School D.I. Khan for the last 27 Years. I am qualified in (FA) from the Board of Intermediate and Secondary Education D.I. Khan and I having (1 Years) DIT Diploma in Technology from Govt Commerce College D.I. Khan.

The Post of Junior Clerk is still vacant in Nursing School Dera Ismail Khan. It is Requested that I may kindly be promoted to the post of Junior Clerk at Nursing School Dera Ismail Khan Keeping in view my service and eligibility.

I Shall be grateful



Your Obediently

24/10/23
oct

Wali Jan
S/o Gul Jan
Driver BPS (06)
Public Health School
Dera Ismail Khan

To

The Director General,
Provincial Health Services Academy (PHSA)
Khyber Pakhtunkhwa Peshawar.

(Through Proper Channel)

Subject; APPLICATION FOR THE POST OF THE JUNIOR CLERK / COMPUTER OPERATOR

R.Sir,

I am serving in the Health Department under the (PHSA) as a Driver in BPS- 06 for the last 19 Year.

I have passed F.A examination and also obtain certification in Type writing and Computer software one year diploma (DIT). All the relevant certification is attached for your perusal.

Please refer to advertisement published in Daily news paper "Mashriq" date 4th October 2019. I here apply for the post of "Junior Clerk / Computer Operator".

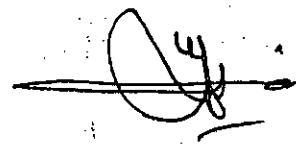
I hope your good self taking a sympathetic consideration and keeping in view my service to (PHSA) shall appoint me as Junior Clerk OR Computer Operator under (PHSA).

I assure you Sir that I will render my services to the best of my abilities and the entire satisfaction of my superiors.

Thanks.

Dated: 18/10/2019

You're obediently



WALI JAN DRIVER
Public Health School
Dera Ismail Khan.

**TENTATIVE SENIORITY LIST OF SENIOR CLERK (BPS-14) WORKING IN PHSA & ALLIED INSTITUTES
AS STOOD ON 01.11.2023**

S#	Name /Father Name	Date of Birth	Domicile	Academic Qualification	Date of 1 st entry In Govt. Service	Promotion / Upgradation	Date of Promotion/ Upgradation	BPS at the time of Promotion	Place of Posting	Remarks
1	2	3	4	5	6	7	8	9	10	11
1	Jan Alam S/O Latif Shah	15.03.1969	Kohat	BA	01.10.1987 (BPS-01) (Surplus Pool)	By Promotion By Promotion Upgradation	31.01.2011 09.05.2013 20.05.2014	(BPS-07) Junior Clerk (BPS-11) Junior Clerk (BPS-14) Senior Clerk	PHS Hayatabad	As per Previous data P/F reviewed
2	Haji Inam s/o Roshan Khan	02.03.1970	Peshawar	Matric	01.08.1991 (BPS-1) Class-IV 31.01.2011 J/C	By Promotion By Promotion Upgradation	31.01.2011 09.05.2013 30.06.2015	(BPS-07) J/C (BPS-09) S/C (BPS-14) S/C	SON HMC	P/F reviewed
3	Bashir Ahmad S/o Qalander Khan	10.08.1968	Peshawar	FA	22.8.1991 (BPS-1) Class-IV 31.01.2011 J/C	By Promotion By Promotion Upgradation	31.01.2011 09.05.2013 20.05.2014	(BPS-7) J/C (BPS-9) S/C (BPS-14) S/C	PHS Hayatabad	P/F reviewed
4	Javed Khan S/O Niqab Gul	06.10.1974	Peshawar	Matric	03.05.1992 (BPS-01) Class-IV 19.05.2011 J/C	By Promotion Upgradation By Promotion	19.05.2011 30.06.2015 26.07.2016	(BPS-7) J/C (BPS-11) S/C (BPS-14) S/C	PHSA	P/F reviewed
5	Muhammad Riaz S/O Allah Bakhsh	15.01.1996	Dikhan	FA	06.10.1990 (BPS-1) Class-IV 29.08.2019 J/C	Upgradation By Promotion By Promotion	30.06.2016 29.08.2019 28.10.2020	(BPS-3) C.IV (BPS-11) J/C (BPS-14) S/C	PHS Dikhan	Retrospective promotion under Court direction P/F reviewed
6	Sahib Jamal S/O Gul Rehman	01.03.1976	Peshawar	Matric	31.05.1994 (BS.01) Class-IV (Surplus Pool) 09.05.2013 J/C	By Promotion Upgradation By Promotion	09.05.2013 30.06.2015 26.07.2016	(BPS-7) J/C (BPS-11) J/C (BPS-14) S/C	PHS Nishterabad	The seniority is sub judice in the court case of Mr. M. Riaz at S.No.1 P/F reviewed

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Axe

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7	Naeem Ullah S/O Nazar	01.05.1974	Peshawar	Matric	26.03.1999 (BS.02) Class-IV 09.05.2013 J/C	By Promotion Upgradation By Promotion	09.05.2013 30.06.2015 26.07.2016	(BPS-07) J/C (BPS-11) S/C (BPS-14) S/C	PGPI Peshawar	The seniority is sub judice in the court case of Mr. M. Riaz at S.No.1 P/F reviewed
8	Qadar Khan S/O Bahadar Khan	04.02.1978	Peshawar	Matric	26.3.1999 (BS.02) Class-IV 09.05.2013 J/C	By Promotion Upgradation By Promotion	09.05.2013 30.06.2015 26.07.2016	(BPS-07) J/C (BPS-11) J/C (BPS-14) S/C	GCON Kohat	The seniority is sub judice in the court case of Mr. M. Riaz at S.No.1 P/F reviewed
9	Adnan Ullah Turabi S/O Ihsan Ullah Turabi	01.01.1999	Peshawar	FSc	13.03.2018 (BS.11) J/C	By Promotion	28.10.2020	(BPS-14) S/C	GCON Swat	Personal File not provided
10	Naeem Badshah S/O Asif Badshah	01.04.1982	Karak	FA	29.06.2006 (BS.04) Driver 20.11.2015 J/C	Upgradation Upgradation By Promotion By Promotion	01.01.2007 30.06.2015 20.11.2015 28.10.2020	(BPS-05) Driver (BPS-07) Driver (BPS-11) Junior (BPS-14) Senior	GCON Kohat	P/F reviewed
11	Salat Khan S/O Raj Wall	18.04.1979	Peshawar	F.A	29.09.1998 (BS.01) Cook 01.10.2018 J/C	Upgradation By Promotion Upgradation By Promotion By Promotion	01.07.2007 01.04.2011 30.06.2015 01.10.2018 28.10.2020	(BPS-02) Cook (BPS-05) Multimedia Operator (BPS-07) J/C (BPS-11) J/C (BPS-14) S/C	GCON LRH	P/F reviewed
12	Muhammad Waseem S/O Muhammad Naeem	01.08.1972	Peshawar	F.A	16.02.1999 (BPS-5) J/C	Upgradation Upgradation By Promotion	01.07.2007 30.06.2015 28.10.2020	(BPS-7) J/C (BPS-11) J/C (BPS-14) S/C	GCON Swat	P/F reviewed
13	Qadeem Khan S/O Zaman Khan	14.04.1976	Peshawar	MA	15.03.1999 (BPS-5) J/C	Upgradation Upgradation By Promotion	01.07.2007 30.06.2015 28.10.2020	(BPS-7) J/C (BPS-11) J/C (BPS-14) S/C	ZAB-PGPI	P/F reviewed

M. Riaz
Deputy Director (HRD)
PHSA Peshawar

Q.A.
Director
PHSA Peshawar

