

16.09.2020

Counsel for the appellant present.

Requests for time to further prepare the brief qua maintainability of instant appeal in view of Section 4 and 7 of Khyber Pakhtunkhwa Service Tribunals Act, 1974.

Adjourned to 18.11.2020 before S.B.



Chairman

18.11.2020

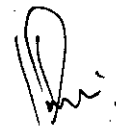
Counsel for the appellant present.

States that the appellant will be satisfied at present in case his departmental appeal is decided on merits by the respondents.

In the circumstances of the case the request on behalf of appellant does not appear to be unreasonable. The respondents, more particularly respondent No. 3, is required to do the needful at earliest. Needless to note that the appellant shall be entitled to remedy under the law after decision of the departmental appeal.

Appeal is disposed of accordingly.

Announced
18.11.2020



(Hamid Farooq Durrani)
Chairman

21.01.2020

Junior to counsel for the appellant present.

Requests for adjournment due to general strike of the Bar. Adjourned to 03.03.2020 before S.B.


Chairman

03.03.2020

None present on behalf of the appellant. Notices be issued to appellant and his counsel for preliminary hearing for 16.04.2020 before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

16.04.2020

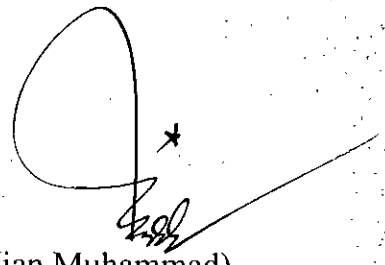
Due to public holiday on account of COVID-19, the case is adjourned to 14.07.2020 for the same. To come up for the same as before S.B.


Reader

14.07.2020

Junior to counsel for the appellant respondents present. Formal requests for adjournment as learned senior counsel was busy before the Peshawar High Court, Peshawar in other cases.

Adjourned to 16.09.2020 before S.B.



(Mian Muhammad)
Member(E)

The appeal of Mr. Mr. Noor Shaheed Khan Jr. Scale Stenographer DGHS Office Peshawar received today i.e. on 07.10.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Annexures of the appeal may be attested
- 3- Annexures of the appeal may be flagged.
- 4- Copies of amended rules 2012 and 2013 mentioned in the memo of appeal are not attached with the appeal which may be placed on it.
- 5- Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.
- 6- Seven more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1715 /S.T,

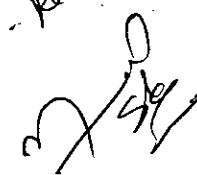
Dt. 10-10- /2019.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Syed Noman Ali Bukhari Adv. Pesh.

① All the objections were removed & file re-submitted.

② The objection regarding at S.N.Y. this
order is already attached as Annex. D.

file - re-submitted.


BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 1438/2019

Noor Shaheed Khan

vs

Health Deptt:

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APPELLANT


NOOR SHAHEED KHAN

THROUGH:


(M. ASIF YOUSAFZAI)


(SYED NOMAN ALI BULHAR)
ADVOCATE, HIGH COURT.


(MUHAMMAD WAQAR)
ADVOCATE, PESHAWAR.


Uzma Syed
Advocate High Court

(1)

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 1438/2019

Noor Shaheed Khan, Jr. Scale Stenographer (BS-14)
DGHS Office Peshawar.

**Khyber Pakhtunkhwa
Service Tribunal**

Duty No. 1349

Dated 7/10/2019

.....Appellant

VERSUS

1. The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
2. The Secretary Establishment, Khyber Pakhtunkhwa, Civil secretariat Peshawar.
3. The Secretary Health, Khyber Pakhtunkhwa, Civil secretariat Peshawar.
4. The Director General Health, Khyber Pakhtunkhwa, Peshawar.
5. The Standing Rules Committee (SSRC) through its chairman/ Secretary (Establishment, Civil Secretariat KP, Peshawar.

.....Respondents.

.....

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 FOR DIRECTING THE RESPONDENT TO AMEND THE SERVICE RULES OF STENOGRAPHER IN HEALTH DEPTT: AND MERGE THE DIRECTORATE CADRE AND SUBORDINATE CADRE IN TO ONE CADRE AND JOINT SENIORITY LIST OF ALL THE STENOGRAPHERS OF HEALTH DEPTT: MAY BE ISSUED TO SECURE THE FUTURE OF JR. SCALE STENOGRAPHERS OF HEALTH DEPTT AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT.

Filed to Day

Registrar

Re-submitted to -day
and filed.

Registrar

30/10/19

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE RESPONDENT MAY BE DIRECTED TO AMEND THE SERVICE RULES OF STENOGRAPHER IN HEALTH DEPTT: TO MERGE THE DIRECTORATE CADRE AND SUBORDINATE CADRE INTO SINGLE CADRE AND JOINT SENIORITY LIST OF ALL THE STENOGRAPHERS OF HEALTH DEPTT: MAY BE ISSUED TO SECURE THE FUTURE OF JR. SCALE STENOGRAPHERS OF HEALTH DEPTT. ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT, MAY ALSO, BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant joined the respondent department as stenographer in the office of directorate general health service Khyber Pakhtunkhwa since 2004, appellant have submitted an application for promotion to next grade i.e senior scale stenographer BS-16 vide this directorate letter No. 5476 dated 22/2/ 2016 . Appellant have rendered 13 years' service according to the seniority list of junior scale stenographic BS-14 of DGHS office. Appellant name is appearing as S No. 2 of the seniority list. A number of posts of senior stenographers BS-16 are lying vacant in the health department and appellant is eligible as per criteria laid down in service recruitment rules, notified vide notification No. SO (H) IV -4-13/75.Pt.II dated 19/3/1982 and No. SO (H)I/4-6/83 dated 22/6/1983 and amended notification No.FD/SO(FR) 10-22/2012 dated 19/6/2012. **Copy of the Application and rules is attached as Annexure-A, B & C.**
2. That In the aforesaid service recruitment rules notified in march ,1982 and in June ,1983 the post of senior scale stenographer BS-16 will be filled from amongst the Jr. stenographer BS-14 with three year service as such by promotion and the undersigned fulfilled the said criteria but the problem is that there is two separate cadre/seniority list of junior scale stenographer BS-14 in health department i.e one is called directorate cadre under the rules notified on 29/3/1982 and the other is called ministerial service (subordinate cadre) of health department under the rule 22/6/1983.

3. That After up gradation of the posts of steno typist (BS-12) to stenographer (BS-14) vide notification No FD/SO (FR) 10-22/2012 dated 19/6/2012. The Govt amended the service rules of directorate cadre vide notification No. E& A (health) /4-115) services rules 2013 dated 8/7/2014 and not mentioned the notification No SO (H) 4-6/83 dated 22/6/1983. **Copy of rules is attached as annexure-D.**
4. That the secretary health had sent the case to secretary establishment Khyber Pakhtunkhwa vide letter No. SOH-III/10-4 (services rules/ stenographer) dated 7/6/2017 with the remarks that there is no need of keeping two separate cadres/ seniority for the stenographer in health department as the service rules of stenographer BPS-14 of both the cadres are same / equal after up gradation. Hence the seniority lists of both the cadre may be merged in light of newly amended service rule dated 8/7/2014 which lead to discrimination amongst the employees of health department and will create confusion in the future and working paper was also submitted in this regard. **Copy of letter, Working paper & letter is attached as annexure-E & F.**
5. That SSRC (standing services rules committee) meeting was arranged vide notification No. SOH-III/10-4 / (service rules / stenographer) dated 12/9/2017 and scheduled to be held on 19.09.2017. As per decision held in the meeting dated 19/9/2017, working papers are submitted to the secretary health for considering the same but all in vain and the SSRC meeting was held in secretary health office wherein, the secretary health directed the DGHS office to prepare comprehensive working paper with updated seniority list to merge the subordinate cadre into DG cadre in next SSRC meeting. The next meeting was arranged for 06.02.2018 but the result was same. **Copy of office order is attached as annexure-G.**
6. That working papers as per direction in meeting dated 06.02.2018 regarding the subject matter were submitted to the secretary health vide this directorate letter No. 3125 dated 16/4/2018 with the remarks that there is no need of two separate cadres / seniority list of stenographer (BPS-14) of directorate cadre and subordinate cadre in light of amended rules notified dated 8/7/2014. The newly amended service rules dated 8/7/2014 should be applicable for health department as a whole, as after the up-gradation of posts steno typist BPS-12 to BPS-14 and senior stenographer BPS-15 to BPS-16 dated 19/6/2012. **Copy of working paper is attached as annexure-H.**
7. That In the meeting held on 17/3/2018. The secretary health directed to prepare revised working paper regarding merger of both the cadre

(u)

in health into a single cadre of stenographers and provide the updated seniority list with effect from initial date of appointment. Comprehensive working paper were sent to secretary health vide this directorate letter No. 4698/dated 28/5/2018 with the remarks to streamline the service rule of both the cadres of stenographers BS-14 of directorate cadre and subordinate cadre by merging in a single cadre and the notification No. E&A (health) 4-115 service rule 2013 dated 8/7/2014 may be amended to the extent that notification No. SO (H) 1/4-6/83 dated 22/6/1983 should be mentioned by deleting entries against the S No. 07 & 08 in the notification of subordinate cadre. **Copy of letters, working paper & letter is attached as annexure-H, I & J.**

8. That the appellant filed departmental appeal, for amendment in rules and merger of both seniority list of directorate cadre and subordinate cadre of health Deptt: but the same was not responded within statutory period of 90 days. **(Copy of departmental appeal is attached as Annexure-K).**
9. That now the appellant come to this august Tribunal on the following grounds amongst others.

GROUNDS:

- A) That not amending the rule by merging the Seniority list of stenographers of Directorate cadre with sub-cadre and not responded on the departmental appeal of the appellant within statutory period of 90 days, are against the law, facts, norms of justice and material on record, therefore not tenable and liable to be set aside.
- B) This division of seniority of stenographers in one and the same department can be named a social injustice because stenographer serving in health is suffering due to the aforesaid division. In addition, it is further stated that in order attached department like that of E&SE department, higher education, mines and minerals department, social welfare department and so many other attached department of Khyber Pakhtunkhwa has one and the same rules for the entire employees of the attached department but the case of directorate general health services Khyber Pakhtunkhwa is unique in its nature.
- C) That streamline the service rules of both the cadre of stenographers (BS-14) of directorate cadre & subordinate cadre by meeting into a single cadre for the purpose of promotion to next grade i.e stenographer BS-16 as there are sufficient posts of stenographer BS-

16 lying vacant in the health department. But the department only delay the case which badly affect the right of the appellant.

- D) That there is no need of two separate cadres / seniority list of stenographer (BPS-14) of directorate cadre and subordinate cadre in light of amended rules notified dated 8/7/2014. The newly amended service rules dated 8/7/2014 should be applicable for health department as a whole, as after the up-gradation of posts steno typist BPS-12 to BPS-14 and senior stenographer BPS-15 to BPS-16 dated 19/6/2012.
- E) That there is no need of keeping two separate cadres/ seniority for the stenographer in health department as the service rules of stenographer BPS-14 of both the cadres are same / equal after up gradation. Hence the seniority lists of both the cadre may be merged in light of newly amended service rule dated 8/7/2014 which lead to discrimination amongst the employees of health department and will create confusion in the future.
- F) That two cadars cannot be maintainable in one department while qualification and job description of incumbent for appointment are same against the part of same designation.
- G) That the appellant has not been treated according to law and rules.
- H) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.


APPELLANT

NOOR SHAHEED KHAN

THROUGH:


(M. ASIF YOUSAFZAI)


(SYED NOMAN ALI BULHAR)
ADVOCATE, HIGH COURT.


(MUHAMMAD WAQAR)
ADVOCATE, PESHAWAR

A (6) ~~20~~

To

The Director General Health
Khyber Pakhtunkhwa, Peshawar.

~~15/7/16~~

~~22/2/16~~

Subject: PROMOTION

23/2/16

Dear Sir,

With high veneration it is stated that we are working in Health Department, Khyber Pakhtunkhwa as Stenotypist BPS-14 since 16 October, 2004 and waiting for promotion to next grade i.e Stenographer BPS-16. There are sufficient posts of Stenographer BPS-16 lying vacant in the Health Department Khyber Pakhtunkhwa. According to the service rules we have completed more than the required length of service and also eligible for promotion as Stenographer BPS-16 while there is no one Stenotypist except the undersigned.

Keeping in view the above it is therefore, requested that our promotion case as Stenographer (BPS-16) may please be processed.

Regards

Yours Obediently

Mr. Nour Shaheed Khan
22-2-16

Mr. Nour Shaheed Khan
Stenotypist (BPS-14)

Mr. Paras Khan

Mr. Paras Khan
Stenotypist (BPS-14)

245

Attested
ATTESTED

01 of 04

~~Annex I~~

(7)

87 Rules Health

325

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

Directorate

(7)

NOTIFICATION

Dated Peshawar the 29th March, 1982.

No. SO(11) IV-4-13/75.P.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 said Appendix.

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tion from a recognized Board: and

25 years

by a speed of 80 words per minute in
English and 15 words

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.	Degree from a recognized University.		20 years to 25 years	i) 75% by promotion on the basis of seniority-cum-fitness from amongst Senior Clerk,

no to 6

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1	2	3	4	5	6
5.	Auditor.	with at least 3 years service as such; and ii) 25% by initial recruitment. By selection from amongst Assistants
6.	Senior Clerks.	...	...	...	By promotion on the basis of seniority-cum-fitness from amongst Junior Clerks with at least 2 years service as such.
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 5 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	...	18 years to 25 years	By initial recruitment.

no for so

01 of 03

Annex - II

S/Rules Sub-Cadre

329

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

C

10

NOTIFICATION

Dated Peshawar the 22nd June, 1983.

No. SO(11)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, 1975, 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.

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No.	Post/Job	Preferably	Age	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.

Amendment:- made vide S&GAD Notification No. SOR-II (S&GAD)5-2/80, DATED 27-10-1981. 10 per cent vacancies to be filled by initial recruitment is to be reserved for ex-serviceman.

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APPENDIX

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-fitness from amongst Statistical Assistants/Assistants/Auditors/Senographers of Health Directorate and Assistant Stenographer/Senior Store Keepers Grade-11 of subordinate offices of the Health Directorate with at least five years service as such. Note:- A common seniority list of a ligible officials will be maintained for the purpose of promotion to the post of Superintendent.
3.	Assistant/Senior Store Keeper (Grade-11).	...	...	By promotion from amongst Senior Clerks/Store Keeper Grade-6 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.	20 to 25 years	By initial recruitment.
5.	Senior Clerk/Store Keeper (Grade-6).	...	...	By promotion on the basis of seniority-cum-fitness from 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.	18 to 25 years	By initial recruitment.

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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 from amongst stenotypists with at least three years service as such, or if no suitable stenotypist is available for 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.

ATTACHED

13 of 13

13



**GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT**

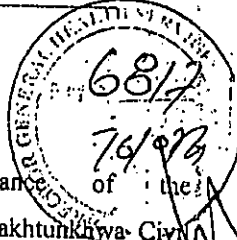
Appointment Transfer Promotion Rules

Annex-11

D(14)

NOTIFICATION

Peshawar dated the 08th July, 2014



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NO: E&A(Health)/4-115/SERVICE RULES/2013. In pursuance of the provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Health Department, in consultation with the Establishment Department and the Finance Department, hereby directs that in this Department's Notification No. SO(H)IV-4-13/75.Pt.II, dated 29.03.1982, the following amendments shall be made, namely:

AMENDMENTS

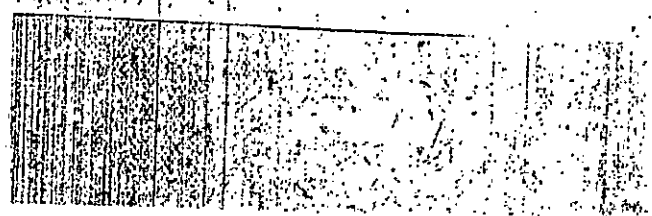
in the Appendix,

- a) after serial No. 2, the following new entries shall be inserted, in the respective columns, namely:

"2A.	Senior Scale. Stenographer (BPS16)	I. - Second class Bachelor's Degree from a recognized University; II. A speed of seventy (70) words per minute in short hand in English and forty five (45) words per minute in typing; and III. Knowledge of computer in using MS Word and MS Excel.	20 to 32 years.	By promotion, on the basis of seniority-cum- fitness, from amongst the Stenographers (BPS-14), with at least five years service as such; provided that if no suitable candidate is available for promotion then by initial recruitment"
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10/13/14

- b) after serial No. 4, the following new entries shall be inserted, in the respective columns, namely:



ATTESTED

4A	Stenographer (BPS-14)	I. Intermediate or equivalent qualification from a recognized Board;	-	18 to 30 years	By initial recruitment".
		II. A speed of fifty (50) words per minute in shorthand in English and thirty five (35) words per minute in typing; and			
		III. Knowledge of computer in using Ms Word and MS Excel.			

- a) The existing entries against serial No. 8 shall be deleted; and
b) The existing entries against serial no. 9 shall be deleted.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Endst. No. & date even.

Copy forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. All the Administrative Secretaries to Government of Khyber Pakhtunkhwa.
3. The Secretary Khyber Pakhtunkhwa Public Service Commission, Peshawar.
4. PSO to Chief Secretary Khyber Pakhtunkhwa.
5. Chairman HRA, Peshawar.
6. Director General Health Services Khyber Pakhtunkhwa, Peshawar.
7. Director Information Khyber Pakhtunkhwa Peshawar.
8. All Chief Executives of Autonomous Teaching Hospitals Khyber Pakhtunkhwa.
9. Director PHSA, Peshawar.
10. Chief Planning Officer, Health Department.
11. Section Officer (R-II), Establishment Department.
12. Assistant Legal Drafter-III, Law Department.
13. Secretary Pharmacy Council & Medical Faculty, Khyber Pakhtunkhwa.
14. PS to Secretary Health, Khyber Pakhtunkhwa.

per

KASHIF IQBAL JILANI
SECTION OFFICER (GENERAL)

J
ATTESTED

Registered / Fax



**DIRECTORATE GENERAL HEALTH SERVICES,
KHYBERR PAKHTUNKHWA, PESHAWAR**

*All communications should be addressed to the Director General Health Services Peshawar and not to any official by name.
Exchange # 091-9210187, Fax # 091-9210230*

No. 682 /

Dated 9-4 /01/2017

To
The Secretary to
Government of Khyber Pakhtunkhwa,
Health Department.

Subject: **AMENDMENT IN SERVICES RULES OF STENOGRAPHERS**

Dear Sir,

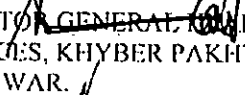
Kindly refer to the subject noted above and to state that there are two separate Cadres and Service Rules for Appointment, Promotion and Transfer of Stenotypist i.e Directorate Cadre and Sub-Cadre in Health Department vide Notification No.SO(H)IV-4-13/75.Pt.II dated 29/03/1982 and Notification No.SO(H)1/4-6/83 dated 22/06/1983(Annex-I&II).


The Government notified / amended the Service Rules of Directorate Cadre and not mentioned the Notification No.SO(H)4-6/83 dated 22/06/1983 of Sub Cadre Service Rules which is necessary to be added in the amended Service Rules Vide Notification No.E&A(Health)/4-115)Service Rules/2013 dated 08/07/2014 (Annex-III).

It is further added that there is no need of two separate Cadres / Seniority lists and Service Rules i.e Directorate Cadre and Sub Cadre of Technical Staff in the light of amended Service Rules dated 08/07/2014.

The newly amended Service Rules vide Notification No.E&A(Health)/4-115) Service Rules/2013. dated 08/07/2014 should be used for Health Department as whole as after upgradation, the appointment of Stenotypist / Stenographer is under purview of Khyber Pakhtunkhwa Public Service Commission.

The case is submitted for necessary action / advice of the Government regarding maintaining the joint Seniority list of Directorate Cadre and Sub-Cadre of Stenographers.


DIRECTOR GENERAL HEALTH
SERVICES, KHYBER PAKHTUNKHWA,
PESHAWAR.


ATTESTED



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 Ph (091 - 9210269 Exchange 2nd 091 - 9210187, Fax (091 - 9210230

(17)

WORKING PAPER


The Secretary to Govt: of Khyber Pakhtunkhwa Health Department Peshawar was requested for advice regarding maintaining the joint seniority list of Stenographers (BPS-14) of Directorate Cadre and Subordinate Cadre of Health Department, Khyber Pakhtunkhwa vide letter No. 422/Personnel dated 24-01-2017 (Annex-A).

There are two separate Cadres and also separate Service Rules for appointment, promotion and Transfer Rules notified by the Govt: of Khyber Pakhtunkhwa Health Department i.e. Directorate Cadre & Subordinate Cadre in the Health Department vide Notification No. SO(H)IV-4-13/75.Pt.II dated, 29-03-1982 (Annex-B) & No. SO(H)1/4-6/83 dated 22-06-1983 (Annex-C).

Government of Khyber Pakhtunkhwa upgraded all the posts of Steno Typist (BPS-12) and Senior Stenographer (BPS-15) as Stenographer (BPS-14) and Senior Scale Stenographer (BPS-16) vide Notification No. FD/SO(FR)10-22/2012 dated 19-06-2012 (Annex-D).

Subsequently, the Govt: of Khyber Pakhtunkhwa Health Department Peshawar has amended the Service Rules of Directorate Cadre No. SO(H)1/4-6/83 dated 29-03-1982 & Notification No. SO(H)1/4-6/83 dated 22-06-1983 of Subordinate Cadre Services Rules vide Notification No. E&A (Health)/4-115/Service Rules/2013 dated 08-07-2014 but in said notification the Subordinate Cadre Notification No. SO(H)1/4-6/83 dated 22-06-1983 was not included (Annex-E), which was mandatory to streamline the Service Rules of both the cadres of Stenographer & Senior Scale Stenographer.

It is pertinent to mention here that the seniority list of both above mentioned cadres in case of Senior Scales Stenographer BPS-16 is combine. While in case of only Stenographer BPS-14 there are two seniority list of DGHS Cadre & Subordinate Cadre (Annex-F). To streamline the managerial cadre due to limited posts in Health Department the seniority of Stenographer should also be merged to broaden the scope of their promotions (Annex-G).


ATTESTED




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 Ph / 091 - 9210269 Exchange ☎ 091 - 9210187, Fax / 091 - 9210230

18

The case may be placed before the SSRC for consideration to streamline the Service Rules of both the cadres of Stenographer & Senior Scale Stenographers of Directorate Cadre & Subordinate Cadre by merging in a single cadre and the Notification bearing No. E&A (Health)4-I/115/Service Rules/2013 dated 08-07-2014 may be amended up to the extended the Notification No. SO (H) I/4-6/83 dated 22-06-1983 should be mentioned by deleting Entries against the S.No. 7 & S.No. 8 in the Notification of Subordinate Cadre.

It is recommended that Notification bearing No. E&A (Health)4-I/115/Service Rules/2013 dated 08-07-2014 may be amended to stream line the Service Rules of Managerial Cadre of Health Department as a single cadre by withdrawing entries in Notification No. SO(H)I/4-6/83 dated 22-06-1983 at S.No. 07 & 08.


DIRECTOR GENERAL HEALTH SERVICES
KHYBERPAKHTUNKHWA PESHAWAR.



HEALTH DEPARTMENT

No SOH-III/10-4/2017 (Stenographer/Rules)
Dated the Peshawar 07th June 2017

F (19)

To

The Secretary to
Govt of Khyber Pakhtunkhwa,
Establishment Department.

SUBJECT AMENDMENT IN SERVICE RULES OF STENOGRAPHERS.

Dear Sir,

I am directed to refer to your letter No. SOR-II (E&AD) 1-20/2008, dated 30-05-2017 on the subject noted above and to state that the following information/details is hereby clarified:-

- (i) ✓ The Subordinate Cadre posts are in all the Health facilities under the control of Director General Health Services i.e DHOs, Medical Superintendents of Hospitals and also in autonomous MTI Hospitals & Colleges where the posts of Stenographer BPS-14 Civil Servant exist.
- (ii) Seniority list of Stenographer BPS-14 working in Subordinate Offices is being maintained separately as Sub-Cadre from 22/06/1983 to 8/07/2014 while in other attached Departments of Khyber Pakhtunkhwa this practice does not exist except Health Department.
- (iii) Yes the seniority lists of Stenographer BPS-14 serving in Directorate General Health Office and Subordinate Offices (not district cadre) could be maintained on the analogy of other attached Departments of Khyber Pakhtunkhwa. However there is no need of keeping two separate Cadres /Seniority lists in Health Department as the Service Rules of Stenographer BPS-14 of both the cadres are same / equal after up-gradation in light of newly amended Service Rules dated 08/07/2014 Hence the seniority list of both the cadres may be merged (Seniority lists of both the cadres attached), because which leads discrimination amongst the employees of Health Department, create confusion in their future.

Encl: As above.

Yours faithfully,

(Muhammad Tariq)
Section Officer-III

Endst: of even no & date.

Copy forwarded to:-

PS to Secretary Health, Khyber Pakhtunkhwa.

Section Officer-III

98

G

247
157

**IMMEDIATE
TODAY**



**GOVT. OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT**

No. SOH-III/10-4/2016 (Service Rules/Stenographer)
Dated the Peshawar 12th September, 2017

1. The Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department.
2. The Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
3. The Director General Health Services, Khyber Pakhtunkhwa.

10692
15/9/17

ADP-III

15/9/17

Subject: AMENDMENT IN SERVICE RULES OF STENOGRAPHER.

Dear Sir,

I am directed to refer to the subject noted above and to state that a meeting of the Standing Service Rules Committee of the subject matter is scheduled to be held on **19-09-2017 AT 1000 HOURS** under the Chairmanship of Secretary Health in the Health Department.

It is therefore, requested to depute your representatives to attend the meeting.

A set of Working Paper is enclosed.

Incl: As above.

Yours faithfully,

Section Officer (II)

Section Officer (III)

Endst: of even no & date.

Copy forwarded to:-

1. PS to Secretary Health, Khyber Pakhtunkhwa.
2. PA to Deputy Secretary-II, Health Department.

As per decision in the meeting, submit proper working paper as early as possible fl. in Admin DGHS

D.S. II

ATTESTED



**DIRECTORATE
GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR.**

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E-Mail Address: nwfdghs@yahoo.com
Office Ph# 091-9210239
Exchange# 091-9210187, 9210196
Fax # 091-9210230

OFFICE ORDER

Syed Faiz Ali Shah, Superintendent (Promotion Cell) DGHS alongwith Mr. Muhammad Irshad, Assistant Director (P-II) DGHS Khyber Pakhtunkhwa will attend meeting in Health Secretariat regarding amendment in Services Rules of Stenographers on 19/09/2017 at 10:00 am.

xxxx Sd xxxx
DIRECTOR GENERAL HEALTH
SERVICES KHYBER PAKHTUNKHWA,
PESHAWAR.

No. 4375-47/Personnel (Promotion)

dated Peshawar the 19/09/2017

Copy forwarded to the:-

1. Mr. Muhammad Irshad, Assistant Director (P-II) DGHS KPK, Peshawar
2. Mr. Syed Faiz Ali Shah, Superintendent (Promotion Cell) DGHS KPK, Peshawar
3. PA to DGHS KPK, Peshawar.

DIRECTOR (HRM)
DIRECTORATE GENERAL HEALTH
SERVICES KHYBER PAKHTUNKHWA,
PESHAWAR.

ATTESTED



**DIRECTORATE
GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR.**

H

29

All communications should be addressed to the Director General Health Services Peshawar and not to any official by name.

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Fax # 091-9210230


WORKING PAPER

The Secretary to Govt: of Khyber Pakhtunkhwa Health Department, Peshawar was requested for advice regarding maintaining the joint seniority list of Stenographer (BPS-14) of Directorate Cadre and Subordinate Cadre of the Health Department, Khyber Pakhtunkhwa vide letter No.422/Personnel dated 24/01/2017 (Annex-A).

There are two separate Cadres and also separate Service Rules for Appointment, Promotion and Transfer Rules notified by the Govt: of Khyber Pakhtunkhwa Health Department i.e Directorate Cadre and Subordinate Cadre in the Health Department vide Notification No.SO(H)IV-4-13/75.Pt.II dated 29/03/1982 (Annex-B) and No.SO(H)I/4-6/83 dated 22/06/1983 (Annex-C).

Subsequently, the Govt: of Khyber Pakhtunkhwa Health Department, Peshawar has amended the Service Rules of Directorate Cadre dated 29/03/1982 without mentioning the Notification No.SO(H)I/4-6/83 dated 22/06/1983 of Subordinate Cadre Services Rules which are necessary to be mentioned in the amended Service Rules vide Notification No.E&A(Health)/4-115/Service Rules/2013 dated 08/07/2014 (Annex-D). Although all the posts of Stenotypist (BPSI-12) and Senior Stenographer (BPS-15) have been upgraded as Stenographer (BPS-14) and Senior Stenographer (BPS-16) by the Govt: of Khyber Pakhtunkhwa Finance Department, Peshawar vide Notification No.FD/SO(FR)10-22/2012 dated 19/06/2012 (Annex-E).

As there is no need of two separate Cadres / Seniority lists of Stenographer (BPS-14) of Directorate Cadre and Subordinate Cadre in light of the amended Service Rules Notified dated 08/07/2014. The newly amended Service Rules dated 08/07/2014 should be applicable for Health Department as a whole, as after the upgradation of posts of Stenotypist (BPS-12) to BPS-14 and Senior Stenographer (BPS-15) to (BPS-16) dated 19/06/2012.

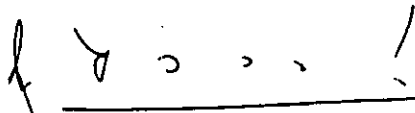

ATTESTED

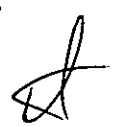
As per available budget book there are 05 sanction posts of stenographer (BPS-14) and 03 posts of Senior Stenographer (BPS-16) in the DGHS office Khyber Pakhtunkhwa (Annex-F) while 03 posts of Stenographer (BPS-14) and 21 posts of Senior Scale Stenographer BPS-16 in the following Health Institutions (Annex-G).

S No.	Name of Institution	Posts	
		BPS-14	BPS-16
1.	Ayub Hospital Complex	-	2
2.	Ayub Medical College	-	1
3.	Bacha Khan Medical College Mardan	-	1
4.	Hayatabad Medical Complex	1	1
5.	Khyber Teaching Hospital	-	4
6.	Khyber Medical College	-	2
7.	Khalifa Gul Nawaz Hospital Bannu.	-	1
8.	Lady Reading Hospital	-	3
9.	Mardan Medical Complex	1	2
10.	Para Medical Institute Saidu Sharif Swat	1	1
11.	Saidu Group of Teaching Hospital Saidu Sharif Swat.	-	1
12.	Saidu Medical College	-	2

It is pertinent to mentioned here that as per seniority list of Stenographer (BPS-14) of Sub Cadre, all the incumbents of the posts have already been promoted to the post of Senior Scale Stenographer (BPS-16) vide Office Order bearing Endst:No.10456-71/Personnel (Promotion) dated 09/10/2015(Annex-H).

As per decision in the meeting held on 19/09/2017 (Annex-J) under the Chairmanship of Honourable Secretary to Govt: of Khyber Pakhtunkhwa Health Department, Peshawar, working papers are submitted for perusal and consideration, of the competent authority please.


 DIRECTOR GENERAL HEALTH SERVICES, KHYBER PAKHTUNKWA, PESHAWAR.
 5/11


ATTESTED

**MOST IMMEDIATE
CUT TODAY**

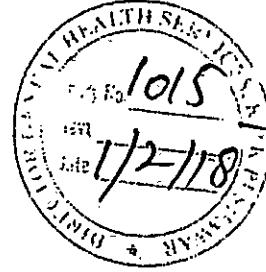


**GOVT. OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT**
No. SOH-III/10-4/2018(SSRC)
Dated the Peshawar 01st February, 2018

I (24)

To

1. The Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department.
2. The Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
3. The Director General Health Services, Khyber Pakhtunkhwa.



Subject:

1. AMENDMENT OF EXISTING SERVICE RULES OF STENOGRAPHERS IN HEALTH DEPARTMENT.
2. AMENDMENT OF EXISTING SERVICE RULES OF WORKSHOP MECHANIC IN THE HEALTH DEPARTMENT.

Dear Sir,

I am directed to refer to the subject noted above and to state that a meeting of the Standing Service Rules Committee is scheduled to be held on 06-02-2018 AT 1100 HOURS under the Chairmanship of Secretary Health in the Health Department.

It is therefore, requested to depute your representatives to attend the meeting.

Two (02) sets of Working Paper are enclosed.

Encl: As above.

Yours faithfully,

Section Officer (III)

Endst: of even no & date.

Copy forwarded to:-

1. PS to Secretary Health, Khyber Pakhtunkhwa.
2. PA to Additional Secretary (E) Health, Khyber Pakhtunkhwa.
3. PA to Deputy Secretary-II, Health Department.

Section Officer (III)

ATTESIED



**DIRECTORATE
GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR.**

No. 3125 /

Dated 16/4 /2018

The Secretary to Govt. of Khyber Pakhtunkhwa
Health Department.

Subject: WORKING PAPERS REGARDING AMENDMENT IN SERVICE RULES
OF STENOGRAPHER

Dear Sir,

Kindly reference letter No.SQ11-III/10-04/2016(Service Rules/Stenographers) dated 19/09/2017 and direction in the meeting held on 17/03/2018 on the subject noted above and to enclose herewith Revised Working Paper regarding amendment in service Rules of Stenographers for perusal and consideration please.



DIRECTOR GENERAL HEALTH
SERVICES, KHYBER PAKHTUNKHWA
PESHAWAR

16/4/18

25

All communications should be addressed to the Director General Health Services Peshawar and not to any official by name.

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Fax# 1 xchange# 091-9210187, 9210196


ATTESTED



DIRECTORATE
GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR.

26

All communications should be addressed to the Director General Health Services Peshawar and not to any official by name.

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Exchange# 091 9210187, 9210186
Fax # 091-9210230

WORKING PAPER

The Secretary to Govt. of Khyber Pakhtunkhwa Health Department, Peshawar was requested for advice regarding maintaining the joint seniority list of Stenographer (BPS-14) of Directorate Cadre and Subordinate Cadre of the Health Department, Khyber Pakhtunkhwa vide letter No.422/Personnel dated 24/01/2017 (Annex-A).

There are two separate Cadres and also separate Service Rules for Appointment, Promotion and Transfer Rules notified by the Govt. of Khyber Pakhtunkhwa Health Department i.e. Directorate Cadre and Subordinate Cadre in the Health Department vide Notification No.SO(H)IV-4-13/75.Pt.II dated 29/03/1982 (Annex-B) and No.SO(11)I/4-6/83 dated 22/06/1983 (Annex-C).

[Handwritten signature]

Subsequently, the Govt. of Khyber Pakhtunkhwa Health Department, Peshawar has amended the Service Rules of Directorate Cadre dated 29/03/1982 without mentioning the Notification No.SO(H)I/4-6/83 dated 22/06/1983 of Subordinate Cadre Services Rules which are necessary to be mentioned in the amended Service Rules vide Notification No.F&A(Health)/4-115/Service Rules/2013 dated 08/07/2014 (Annex-D). Although all the posts of Stenotypist (BPS-12) and Senior Stenographer (BPS-15) have been upgraded as Stenographer (BPS-14) and Senior Stenographer (BPS-16) by the Govt. of Khyber Pakhtunkhwa Finance Department, Peshawar vide Notification No.FD/SO(FR)10-22/2012 dated 19/06/2012 (Annex-E).

As there is no need of two separate Cadres / Seniority lists of Stenographer (BPS-14) of Directorate Cadre and Subordinate Cadre in light of the amended Service Rules Notified dated 08/07/2014. The newly amended Service Rules dated 08/07/2014 should be applicable for Health Department as a whole, as after the upgradation of posts of Stenotypist (BPS-12) to BPS-14 and Senior Stenographer (BPS-15) to (BPS-16) dated 19/06/2012.

7

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ATTESTED

As per available Budget Book 2017-18 there are 08 sanction posts of Stenographer (BPS-14), 03 posts of Senior Stenographer (BPS-16) in the DGHS Office and 01 post of Senior Stenographer in DIIS, FATA detail at (Annex-F).

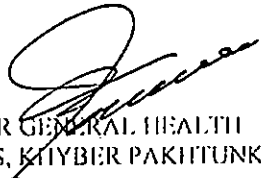
There are 24 sanction post of Stenographer BPS-14 and 23 Posts of Stenographer BPS-16 in subordinate Office while 08 post of Senior Stenographer BPS-16 are lying vacant in Subordinate Offices at (Annex-G).


As the cadre of Stenographer BPS-14 and Senior Stenographer BPS-16 is proposed to be declared as dying cadre. The nomenclature of the posts of Stenographer BPS-14 and Senior Stenographer BPS-16 may be converted / re-designated into Senior Clerk BPS-14 and Office Assistant BPS-16 respectively.

It is pertinent to mentioned here that as per seniority list of Stenographer (BPS-14) of Sub Cadre, all the incumbents of the posts have already been promoted to the post of Senior Scale Stenographer (BPS-16) vide Office Order bearing Endst:No.10456-71/Personnel (Promotion) dated 09/10/2015 (Annex-H):

Seniority lists of both the cadres are attached at (Annex-J&K).

As per decision held in the meeting on dated 06/02/2018 and direction in the meeting held on 17/03/2018 under the Chairmanship of Honourable Secretary to Govt. of Khyber Pakhtunkhwa Health Department, Peshawar, revised working papers regarding amendment in services rules of Managerial Cadre are submitted for perusal and consideration, of the competent authority please.


DIRECTOR GENERAL HEALTH SERVICES, KHYBER PAKHTUNKWA, PESHAWAR.
16/4/18


ATTACHED



**DIRECTORATE
GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA, PESHAWAR.**

No. 4698 /

Dated 28/5/2018

The Secretary to Govt. of Khyber Pakhtunkhwa
Health Department.

Subject: **WORKING PAPERS REGARDING AMENDMENT IN SERVICE RULES
OF STENOGRAPHER**

Dear Sir,

Kindly reference letter No.SOH-III/10-04/2016(Service Rules/Stenographers) dated 19/09/2017 and direction in the meeting held on 07/05/2018 on the subject noted above and to enclose herewith Revised Working Paper regarding amendment in service Rules of Stenographers for perusal and consideration please.

**DIRECTOR GENERAL HEALTH
SERVICES, KHYBER PAKHTUNKHWA
PESHAWAR**

28

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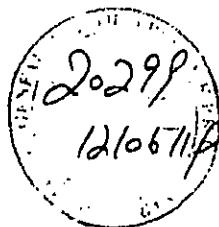
E-Mail Address: nwfpdghs@yahoo.com
Office Ph# 091-9210269
Exchange# 091-9210187, 9210196

ATTESTED

K 99

To

The Secretary to
Government of Khyber Pakhtunkhwa
Health Department.



Through: Proper Channel

Subject: APEAL REGARDING AMENDMENTS IN SERVICE RULES OF
STENOGRAPHERS / MERGER OF CADRE.

Dear Sir

1. It is stated I am working as Stenographer in the Office of the Directorate General Health Services Khyber Pakhtunkhwa since 2004, I have submitted an application for promotion to next grade i.e Senior Scale Stenographers (BS-16) vide this Directorate letter No.5476/ dated 22/02/2016. I have rendered 13 years service according to the Seniority list of Junior Scale Stenographer (BS-14) of DGHS Office. My name is appearing at S No.2 of the seniority list. A number of posts of Senior Scale Stenographers (BS-16) are lying vacant in the Health Department and according to the criteria laid down in Service Recruitment Rules, notified vide Notification No.SO(H)IV-4-13/75.Pt.II dated 29/03/1982 and No.SO(H)1/4-6/83 dated 22/06/1983 and amended Notification No.FD/SO(FR)10-22/ 2012 dated 19/06/2012 (Copies attached).
2. In the aforesaid Service Recruitment Rules notified in March, 1982 and in June, 1983 the post of Senior Scale Stenographer BS-16 will be filled from amongst the Jr. Stenographer (BS-14) with three year service as such by promotion and the undersigned fulfilled the said criteria but the problem is that there is two separate seniority lists of Junior Scale Stenographer (BS-14) in Health Department i.e one is called Directorate Cadre under the rules notified on 29/03/1982 and the other is called Ministerial Service (Subordinate Cadre) of Health Department under the rules 22/06/1983.
3. This division of Seniority of Stenographers in one and the same Department can be named a social injustice because Stenographers serving in Health is suffering due to the aforesaid division.
4. In addition to the above it is further stated that in other attached Departments like that of E&SE Department, Higher Education, Mines & Minerals Department, Social Welfare Department and so many other attached Departments of Khyber Pakhtunkhwa has one and the same rules for entire employees of the attached Departments but the case of Directorate General Health Services Khyber Pakhtunkhwa is unique in its nature.

In view of the above it is requested that necessary amendment in the Service Rules cited above may suitably be amended so that the career / progression of Jr. Stenographers (BS-14) in Health Department can be secured and discrimination in any case may be excluded.

Yours obediently,

Noor Shaheed Khan
Jr. Scale Stenographer BS-14
DGHS Office
Peshawar.

Dated 12/06/2019

C.c

1. The Honorable Chief Secretary Khyber Pakhtunkhwa, Peshawar.
2. The Coordinator (PMRU) Khyber Pakhtunkhwa, Peshawar.

ATTESTED

9276
27-6-19

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Registered / Fax

**DIRECTORATE GENERAL HEALTH SERVICES,
KHYBER PAKHTUNKHWA, PESHAWAR**

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Exchange # 091-9210187, ☎ Tele # 9210196 Fax # 091-9210230

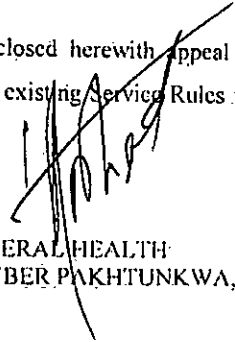
No. 7939 / Per


Dated 12 /06/2019

To
The Secretary to Government of Khyber Pakhtunkhwa,
Health Department.

Subject: APPEAL REGARDING MENDMENTS IN THE EXISTING SERVICE
RULES OF STENOGRAPHERS / MERGER OF CADRE.

With reference to the subject noted above. It is enclosed herewith appeal in respect of Mr. Noor Shaheed Khan, Junior Scale Stenographer in the existing Service Rules for necessary amendments in the existing Service Rules of Stenographers.


DIRECTOR GENERAL HEALTH SERVICES, KHYBER PAKHTUNKHWA,
PESHAWAR.


ATTACHED

VAKALAT NAMA

NO. _____/20

IN THE COURT OF KoP Service Tribunal, Peshawar

Noor Shahed Khan (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Heath Deptt. (Respondent)
(Defendant)

I/We, Noor Shahed Khan

Do hereby appoint and constitute **SYED NOMAN ALI BUKHARI, Advocate High Court Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/20

[Signature]
(CLIENT)

ACCEPTED

[Signature]
Uzma Syed
Advocate High Court

[Signature]
SYED NOMAN ALI BUKHARI
Advocate High Court Peshawar.

Cell: (0306-5109438)

[Signature]
Waqar Ahmad
Attorn.