

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR AT CAMP COURT ABBOTTABAD**

BEFORE: KALIM ARSHAD KHAN ... CHAIRMAN  
SALAH-UD-DIN ... MEMBER (Judicial)

*Service Appeal No. 539/2022*

Syed Iqbal Shah S/O Syed Mir Muhammad Shah, Retired Senior Primary Health Technician Multipurpose PHC Tech: (MP), Basic Health Unit (BHU) Mohar, District Mansehra. R/O Village & Post Office Tarrapi, Tehsil & District Mansehra. (Appellant)

Versus

The Director General, Health Services Khyber Pakhtunkhwa, Peshawar and 03 others. (Respondents)

Present:

Syed Iqbal Shah, Appellant .....Pro-se  
Mr. Asad Ali Khan, Assistant Advocate General .....For respondents

Date of presentation of Appeal.....13.04.2022  
Date of Hearing.....29.02.2024  
Date of Decision.....29.02.2024

**JUDGMENT**

**SALAH-UD-DIN, MEMBER:** The appellant has invoked the jurisdiction of this Tribunal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 with the prayer copied as below: -

*“On acceptance of instant service appeal, impugned final order dated 1067 dated 21.03.2022, passed by respondent No. 1, may please be set-aside and respondents may please be directed to issue notification/order relating to appellant’s promotion as Chief PHC Technician (MP) in BPS-16 with effect from its due date under the law alongwith all back benefits.*

*Any other relief for which the appellant is entitled and the same is not asked/prayed specifically, may very kindly be granted in favour of the appellant.”*

2. Precise averments raised by the appellant in his appeal are that he was appointed Medical/Health Technician (BPS-9) and was

working in the same scale as there was no service structure; that vide Notification dated 10.05.2006 issued by Government of NWFP (Now Khyber Pakhtunkhwa) Health Department, Service Structure for Paramedics was approved, however the same remained unimplemented and in the meanwhile the post of the appellant was upgraded and he was awarded BPS-12 with effect from 11.08.2015; that vide office order bearing Endorsement No. 4727-4826 dated 14.06.2021, 867 PHC Technicians (MP) (BPS-12) including the appellant were promoted as Senior PHC Technicians (MP) (BPS-14) vide office order bearing endorsement No. 4727-4626 dated 14.06.2021; that the appellant was entitled for promotion to higher scale on the basis of seniority-cum-fitness, however the Notification dated 10.05.2006 regarding service structure was not timely implemented and he could not be promoted to higher scale; that the appellant submitted departmental representation for promotion to the post of Chief Technician (BPS-16), however the same was declined vide impugned order dated 21.03.2022, hence the instant appeal.

3. On receipt of the appeal and its admission to regular hearing, respondents were summoned, who put appearance through their representative and contested the appeal by way of filing para-wise comments raising therein numerous legal as well as factual objections.

4. Appellant addressed his arguments supporting the grounds agitated by him in his service appeal. On the other hand, learned Assistant Advocate General for respondents has controverted the

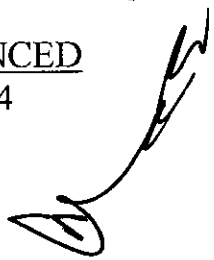
arguments of appellant and have supported the para-wise comments submitted by the respondents.

5. We have heard the arguments of learned counsel for the parties and have perused the record.

6. The appellant was promoted to the post of Senior PHC Technician (BPS-14) vide order dated 14.06.2021 and stood retired with effect from 02.02.2022 vide Notification issued by District Health Officer Mansehra on 13.04.2022. The appellant reached the age of superannuation only after about 08 months of his promotion as Senior PHC Technician (BPS-14). In essence, the appellant is seeking proforma promotion to the post of Chief Technician (BPS-16), however he has not annexed any relevant document showing his entitlement for proforma promotion to the said post. Nothing is available on the record, which could show that had any meeting of Departmental Promotion Committee being held prior to the date of retirement of the appellant, his name could have been considered for promotion to the post of Chief Technician (BPS-16).

7. Consequently, the appeal in hand being devoid of merit stands dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
29.02.2024



(Kalim Arshad Khan)  
Chairman  
Camp Court Abbottabad



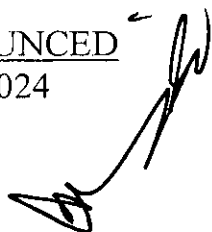
(Salah-Ud-Din)  
Member (Judicial)  
Camp Court Abbottabad

ORDER  
29.02.2024

Learned counsel for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the appeal in hand being devoid of merit stands dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
29.02.2024



(Kalim Arshad Khan)  
Chairman  
Camp Court Abbottabad



(Salah-Ud-Din)  
Member (Judicial)  
Camp Court Abbottabad