

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

**SERVICE APPEAL NO. 2436/2023**

Bahadar Hussain .....Appellant

**Versus**

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

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06-03-2024  
S.B

  
**Deponent**

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA**

**SERVICE TRIBUNAL PESHAWAR**

**SERVICE APPEAL NO. 2436 OF 2023**

Bahadar Hussain..... Appellant

**Versus**

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

**PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 01 TO 04**

**Respectfully Sheweth:**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 11628

Dated 06-03-2024

**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) by Agency Surgeon Bajaur at khar on 20.08.2003 on contract basis for a period of 03-years. (*Annex-A*).
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-B*).
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-C & D*).

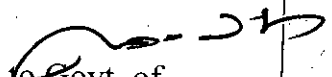
4. Incorrect. The incumbents of the cadres are promoted in their cadres on availability of vacant positions as evident from the attached promotion notification of both the cadres. *(Annex-E & F)*.
5. Incorrect. As explained in para-03 above.
6. Incorrect. For amendment in the Service Rules, this Directorate 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-G)*.
7. As explained in para-06 above.
8. Incorrect. As explained in para-03 above.
9. Pertain to record.
10. Incorrect.

### GROUNDS

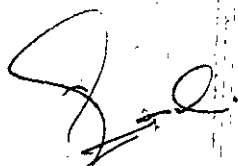
- A. Incorrect. The Service Rules for both the cadres were issued by the Govt: of Khyber Pakhtunkhwa Health Department therefore the same cannot be treated as unlawful/against the law.
- B. Incorrect. The appellant has already been promoted to the post of Sr. Clerk (BPS-14) on his turn in accordance 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 respondent, 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.

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

MEHMOOD ASLAM

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

SHAHID ULLAH KHAN

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

DR. SHOUKAT ALI

A-04

OFFICE OF THE AGENCY SURGEON BAJAUR  
AT KHAR

Appointment letter

Consequent upon the approval of Departmental Selection Committee held on 7/7/2003 and S/72003

Mr/Miss. Babadar Hussain S/O Gul Zamin  
Resident of: Village. Tangal Bada Tehsil: Sularzal Bajaur Agency.

Is hereby appointed as Junior Clerk BPS No. 05 plus usual allowances as admissible under the rules.

His/Her appointment will be subject to the following terms and conditions:-

1. That your appointment is on contract basis for period of three years and your services are liable to be terminated at any time with out any notice or resign being assigned.
2. That you are declared medically fit for Govt. service.
3. The post is not transferable, and you must serve for three years on the said post.
4. That you will be governed by such and orders as may be issued by the government of NWFP, from time to time for the category of the Government servant to which he/she belong.
5. That if you wish to resign, at any time, your will resign in written within 30 days notice or you will be forfeit one month pay in lieu thereof and will continue to serve the government till the acceptance of your resignation by the competent authority.
6. That you will be posted any where in Bajaur agency.
7. That you will not be entitled to any TA/DA for Medical examination and joining the first appointment.
8. The offer is subject to the availability of vacant post.
9. If you accept the post the post on above terms and conditions you should report to the Office of Agency Surgeon Bajaur at Khar Within 14 days. The offer will be cancelled if you fail to report for duty.

Sd/-----  
AGENCY SURGEON  
BAJAUR AT KHAR

Dated. 20/8/2003

No. 2560-63/IC-3/BJR

Copy forwarded to the:-

- Political Agent Bajaur Chairman Departmental Selection Committee.
- Deputy Director (Admin) Directorate Health Services PATA NWFP Peshawar
- Agency Account Officer Bajaur at Khar.
- Official Concerned.

For information please

*[Signature]*  
AGENCY SURGEON  
BAJAUR AT KHAR

Annex-3  
5

**DIRECTORATE GENERAL HEALTH SERVICES  
KHYBER PAKHTUNKHWA PESHAWAR**

Mail Address: www.dghs.gov.pk Office Ph# 091-9210269 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 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	DIHQ H. Miran Shah
4	Kamal Amar Bang S/O Uz Balq	DHO Abbottabad
5	Tahid Ali S/O Khan Din	DHO Abbottabad
6	Manzoor Hussain S/O Mir Afzal	AHH, Abbottabad
7	Iqbal-ud-Din S/O Abdul Gham	DHO Dir Lower
8	Zakir Hussain S/O Khan Gul	LRI Peshawar
9	Altif Qadir S/O Haji Gul Bahadar	MAM Hosp. Peshawar
10	Noor Zaman S/O Khan Zaman	DHO Charsadda
11	Salim Javeed S/O Kalo Khan	MM Teaching Hospital D.I. Khan
12	Ibne Amin S/O Mubeen Khan	DIHQ Hospital Nowshera
13	Wahid Sher S/O Muhammad Sher	DHO, Swabi
14	Abdul Khaliq S/O Akram Khan	DHO Abbottabad
15	Nawab Khan	LRI Peshawar
16	Nasrullah Khan S/O Abdul Ghafoor	DIHQ Hospital, Kohat
17	Muhammad Raza	DHO Abbottabad
18	Muhammad Younas Shah S/O Syed Muhammad Ismail	MHC Mardan
19	Bakht Memon S/O Bakht Karam	SMC Swat
20	Javid Hussain S/O Gulab Hussain	DIHQ, Parachinar
21	Sihal Iqbal Khan S/O Muhammad Iqbal Khan	DHO, D.I Khan
22	Sayed Hamid Hussain S/O Syed Ali Hussain	DIHQ, Parachinar
23	Ashiq Hussain S/O Sabir Hussain	AIHQ II Parachinar
24	Said Hamid Hussain S/O Sardar Hussain	DHO, Kurram
25	Muhammad Layaz S/O Muhammad Yaqoob	KMC Peshawar
26	Bakht Almar S/O Fida Muhammad	PGMI/HMC, Peshawar
27	Mamullah S/O Abdul Rabib	DIHQ Hospital, Charsadda
28	Gohar Ali S/O Naik Zada Bacha	DHO, Swat
29	Safir Rahman S/O Fazal Mehmood	KTH Peshawar
30	Anjad Ali S/O Muhammad Sher	Agency Surgeon Orakzai
31	Muhammad Riaz S/O Tarnash Khan	DHS Merged Area
32	Jari Zarif S/O Ajmal Zarif	DHO, Charsadda
33	Javed Khan S/O Mehar Dil Khan	Maternity Hosp. Peshawar
34	Laj Ali Khan S/O Sardar Ali Khan	DHO, Lakki Marwat
35	Abdul Wahid S/O	Agency Surgeon Mohmand Agency
36	Umar Badsyah S/O Lal Bacha	DHO, Malakand
37	Sayed Nijat Hussain S/O Gulab Hussain	AIHQ, Parachinar
38	Syed Hayat Ali Shah	Services Hospital Peshawar
39	Sir Anjum Khan S/O Sher Khan	DHO Peshawar
40	Ashiq Ali	DHS, Peshawar
41	Hasen ur Rehman S/O Inayat ur Rehman	DHO, Charsadda
42	Wajid Ali S/O Muhammad Ali	AIHQ, Parachinar

Attested  


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	Amin 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 Sad q Hussain	DHO D.I Khan
49	Anwar Ali S/O Ali Akbar	DHO Swat
50	Sadiqullah S/O Altaullah 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 Parhachinar
64	Syed Farooq Shah S/O Gul Badshah	DHO Manshera
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	Ifkhar Ahmad Shah S/O Nazir Ahmad Shah	Agency Surgeon Wana
69	Azmat Ali Shah S/O Rehmat Ali Shah	DHO Peshawar
70	Qasim Jan S/O Feroz Shah	DHS FATA
71	Ali Akber S/O Afzal Khan	DHO Charsadda
72	Muhammad Arshad s/o m. zaman	BKMC MARDAN
73	Khalil ur Rehman S/O Abdur Rehman	SIPI Peshawar
74	Abdul Wajid S/O Abdul Wadood	DHO Hospital Bannu
75	Syed Majid S/O Syed Nisar Ahmad	LRI 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	LRI Peshawar
81	Ghulam Qadir S/O Sardar Muhammad Zardad.	DHO Abbottabad
82	Mehmood Khan S/O Sharaf Din	SIPI Peshawar
83	Rahatullah S/O Mumtaz Khan	DHO Dir Lower
84	Mr. Rizwanullah S/O Sahar Gul	DHO Peshawar
85	Shahid Hussain S/O Afridi Khan	DHO Dir Lower
86	Abdul Qavi Khan S/O Abdul Mutalib Khan	SIPI Swat
87	Rehman Ali S/O Abdul Hakim	DHO Swat
88	Muhammad Muzafar S/O Muhammad Abdullah	DHO D.I.Khan
89	Fouqeer 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	Jahadur Hussain S/O Gul Zamin	DHO Bajour
99	Nabi Khan	KMC Peshawar
100	Shah Nawaz Khan S/O Gula Din	DHO, Jamrud

Attested

101	Muhammad Asif Rasheed	DHO, D.I Khan
102	Qaisar Khan S/O Muhammad Iqbal	Food Laboratory, Peshawar
103	Nobat Khan S/O Azeem Khan	DHO 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 Osman S/O Muhammad Sadiq	GMC D.I Khan
108	Shah Jahan S/O Abdul Mutlib	GMC D.I Khan
109	Muhammad Noman S/O Muhammad Iqbal	GMC D.I Khan
110	Muhammad Arshad 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	DGHS, Peshawar
117	Obaid Ullah S/O Bakhtal Shah	KGMC Peshawar
118	Asif Raul S/O Abdul Raul	KGMC Peshawar
119	Abdul Razaq S/O Haq Nawaz	D.I Khan
120	Bashir Ahmad S/O Aziz Ullah Khan	DHS FATA
121	Ikrāmullah S/O Muhammad Ramzan	GMC D.I Khan
122	Mubashir Farooq S/O Muhammad Farooq	Agency Surgeon Orakzai Hangu
123	Mehtab Habib S/O Mir Habib	Agency Surgeon Orakzai Hangu
124	Wali Ullah S/O Hussain Ahmad	DHO Office Orakzai Hangu
125	Melmoood Ali S/O Keyal Mir Ali	Agency Surgeon Orakzai Hangu
126	Tahsin Ullah S/O Faiz Ullah Khan	DHO Bannu
127	Fidat Ullah S/O Ghulam Daud Khan	Women and Children Hospital Bannu
128	Shuja Ur Rehman S/O Muhammad Sharif	DHO Hospital KDA Kohat
129	Kamal Khan S/O Noor Haider	HMC Peshawar
130	Zakir Rehman	DHO Battagram
131	Asad Ali Khan S/O 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 Ubaidullah	MMI Teaching Hospital D.I Khan
134	Akhtar Hussain S/O Gul Farosh	SMC Swat
135	Samiullah S/O Sehat	SMC Swat

ANNEX - B  
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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. 4212-24 / 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.

Attested  
[Signature]



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

NOTIFICATION

Dated Peshawar the 29th March, 1982.

No. SO(11) 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 conditions 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.

*Attested*  
*[Signature]*

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APPENDIX

Sl. No.	Nomenclature of Post	Minimum qualification for appointment by initial recruitment or by transfer	Minimum qualification prescribed for appointment by promotion.	Age limit for initial recruitment	Method of Recruitment
1	2	3	4	5	6
1.	Administrative Officer.				By selection on merit, with due regard to seniority, from amongst Superintendents.
2.	Suprintendent				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,

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

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

*Attes leel*  
*Jr*

17/17/2017  
 learned  
 Attorney on

*1-D*

2.

Clerk on 12.06.1994 L.  
 ices Kohat has filed  
 pakhtunkhwa s

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

*ANNEX - C*

initial recruitment

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, 1973, 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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Attested  
[Signature]

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

APPENDIX

Sl. No.	Nomenclature of the post with Grade	Minimum qualifications for initial recruitment	Age limit for initial recruitment	Method of Recruitment
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 amongst Statistical Assistants/Assistant Graphers of Health Directorate and Asst. Officer/Senior Store Keeper Grade-11 offices of the Health Directorate with service as such.
Note: A common seniority list of a list be maintained for the purpose of promotion Superintendent.				
3.	Assistant/Senior Store Keeper (Grade-11).			By promotion from amongst Senior Clerk Grade-6 with at least three years service.
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 amongst Junior Clerk/Store Keeper (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.

*Attested*  
*[Signature]*

*ANNEX 13*

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-fit amongst stenotypists with at least three years; 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.

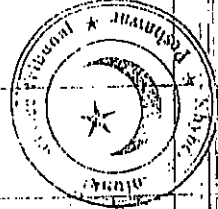
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ANNEX-D  
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Annex-B  
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*[Handwritten signature]*

Order or other proceedings with signature of Judge or Magistrate



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Appeal No. 1455/2013

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

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

Versus

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

JUDGMENT

07.07.2017

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

ATTESTED  
*[Signature]*  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

2. Appellant Akram Khan, who was appointed as Junior Clerk on 12.06.1994 in the office of Divisional Directorate Health Services Kohat has filed the present appeal under section-1 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

Attested  
*[Signature]*



4/13

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 his condoned.

4. Argument heard. File perused.

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

ATTACHED  
Khyber Pakhtunkhwa  
Peshawar

Attested  
[Signature]

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6. Conversely learned District Attorney opposed the contentions raised by learned counsel for the appellant mainly on the ground that separate methods have been notified for recruitment, promotion and other conditions of service for ministerial staff of the Health Directorate Peshawar and for 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 29<sup>th</sup>, 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 22<sup>nd</sup>, June, 1983 governing the method of recruitment, qualification and other conditions of service applicable to the posts of Ministerial service (Sub-Cadre) in the Health Department, are appended with the wise comments of the official respondents.

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

Attested

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

*M. Hamid Mughal*  
Member

*Abul Zeb Khan*  
Member

Certified to be true copy  
J. S. WINDER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Appointed  
*[Signature]*



Annex E  
19

**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

*Attended*

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Annex "A"  
20



**GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT**

Dated Peshawar, the 12<sup>th</sup> 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 Chalanal
4.	Sher Asghar Khan S/o Ajab Gul	Office Assistant BS-16	DGHS Office
5.	Latif Ahmad S/o Muhammad Khan	Sr. Scale Stenographer BS-16	STH Swat
6.	Farid Iqbal S/o Muhammad Jalil	Office Assistant BS-16	W&C Kohat
7.	Taimur Wali Khan S/o Sher Wali Khan	Office Assistant BS-16	DHO Uppar Dir
8.	Abdur Khan S/o Muhammad Azam Khan	Office Assistant BS-16	DHO Uppar Dir
9.	Hazrat Hayat S/o Mian Amroon	Office Assistant BS-16	DHO Shanglu
10.	Muroof Shah S/c Faiz Muhammad Khan	Office Assistant BS-16	SMCD Saidu Sharif Swat
11.	Muhammad Khaliq S/O. Fazle Khaliq	Office Assistant BS-16	MS DHQ Buthikla
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.	Imtiyaz Hussain S/o Muhammad Hussain	Office Assistant BS-16	DGHS Office
15.	Said Rahim Shah S/o Qhoor Shah	Office Assistant BS-16	DHO Bunner
16.	Irshad Khaliq S/o Abdur Raziq	Office Assistant BS-16	PGMI Peshawar
17.	Dakhtawar shah s/o Bunair 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 Rendi Gul	Office Assistant BS-16	DGHS Office
21.	Ijaz Ahmad S/O Muhammad Azam	Office Assistant BS-16	DGMS Office
22.	Suhrab Khan S/o Abdus Salam	Office Assistant BS-16	MIRHS Hosp. Pabli
23.	Khatib Jan S/o Nusrullah Shilawar	Office Assistant BS-16	DHQ, Landi Kotal
24.	Asif Jan S/o Muhammad Yousaf	Office Assistant BS-16	PGMI Peshawar
25.	Bukht Bilal S/o Muzai	Office Assistant BS-16	STH, Swat

*Noted*

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ANNEX - G  
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26	Mukhtiar Ali S/o Abdul Razaq	Office Assistant BS-16	Sifwat Ghyur Hospital Peshawar
27	Muhammad Ayub S/O Humayun Khan	Office Assistant BS-16	SMC, Swat
28	Zia Ullah Khan S/o Shokat Ullah Khan	Office Assistant BS-16	Food Lab Peshawar
29	Syed Amjad Ali Shah S/o Munawar Shah	Office Assistant BS-16	DOHS 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.

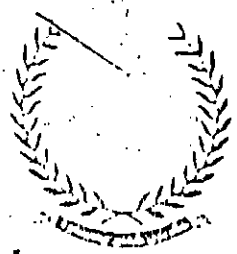
Copy forwarded to the:-

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 (ER/A) Health, Khyber Pakhtunkhwa.
11. PA to Additional Secretary (Estab) Health, Khyber Pakhtunkhwa.
12. PA to Deputy Secretary (Admni Health, Khyber Pakhtunkhwa.
13. Faisal Javed Karimi President APCA Health, Khyber Pakhtunkhwa.
14. Officers concerned.

Attested  
*[Signature]*

(*[Signature]*)  
Section Officer (Estab-VI)

Amer H  
21



DIRECTORATE GENERAL HEALTH SERVICES  
KHYBER PAKHTUNKHWA, PESHAWAR

(Ministry of Health, Government of Khyber Pakhtunkhwa, Peshawar)

No. 3260-61 / Promotion Cell

Dated Peshawar the 13/10/2022

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

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

With reference to your letter No.SOH(VII)/4-4/2020 21 (Ministerial Staff/DGHS) 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 place an item meeting of the Standing Services Rules Committee (SSRC) as desired on the matter at an early date.

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

Mr. Farooq Ayed Karim, Provincial President APCA Health Department Khyber Pakhtunkhwa, Peshawar for information.

Attested  
*[Signature]*

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

**SERVICE APPEAL NO. 2436/2023**

Bahadar Hussain ..... **Appellant**

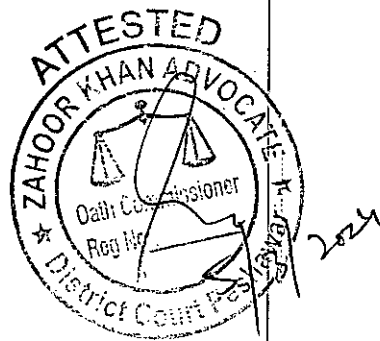
**Versus**

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

**Affidavit**

I, Dr. Shaukat Ali, Director General Health Services, Khyber Pakhtunkhwa, Peshawar, under the directions of the Competent Authority, do hereby solemnly affirm that the contents of the parawise Comments on behalf of Respondents are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'able Tribunal. It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor cost imposed or their defense has been struck off.

  
**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**

Mr. Muhammad Yousaf Jamal Focal Person (Litigation) Directorate General Health Services, Khyber Pakhtunkhwa, is hereby authorized to submit parawise comments in Service Appeal No. 2436/2023 titled Mr. Bahadar Hussain VERSUS Govt. of Khyber Pakhtunkhwa & others on behalf of the undersigned at Khyber Pakhtunkhwa Service Tribunal, Peshawar.

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