

18.04.2018

Counsel for the appellant and Addl: AG
alongwith Mr. Hazrat Shah, Supdt for respondents
present. Counsel for the appellant seeks adjournment.
Adjourned. To come up for arguments on 12.06.2018
before D.B.

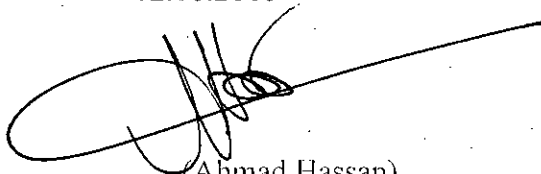

(Ahmad Hassan)
Member

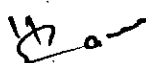

(M. Amin Khan Kundi)
Member

12.06.2018

None for the appellant present. Addl. AG for respondents
present. Called for several times but no one appeared on behalf of
the appellant, therefore, the appeal in hand is hereby dismissed in
default. File be consigned to the record room.

ANNOUNCED:
12.06.2018


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

23.11.2017

Counsel for the appellant present. Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 17.01.2018 before D.B.


(Gul Zeb Khan)
MEMBER


(MUHAMMAD HAMID MUGHAL)
MEMBER

17.01.2018

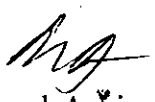
Learned counsel for the appellant present. Mr. Kabir Ullah Khattak, learned Addl: AG Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 20.03.2018 before D.B



(Gul Zeb Khan)
MEMBER


(Muhammad Hamid Mughal)
MEMBER

20.03.2018


Learned counsel for the appellant learned Additional Advocate General for the respondents present. Learned counsel for the appellant submitted rejoinder which is placed on file and seeks adjournment. Adjourn. To come up for arguments on 18.04.2018 before D.B


(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member


16.05.2017

Appellant in person and Mr. Yar Gul, Senior Clerk alongwith Addl. AG for the respondents present. Written reply not submitted. Requested for adjournment. Request accepted. To come up for written reply/comments on 05.07.2017 before S.B.


(Ahmad Hassan)
Member

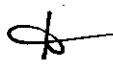
05.07.2017

Appellant in person and Addl: AG alongwith Mr. Yar Gul, Senior Clerk for respondents present. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on 08.08.2017 before S.B.


(Ahmad Hassan)
Member

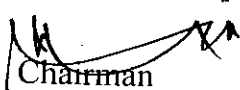
08.08.2017

Appellant in person and Addl: AG for respondents present. Written reply not submitted. Requested for adjournment Adjourned. To come up for written reply on 13.09.2017 before S.B.


(Ahmad Hassan)
Member

13.09.2017

Appellant with counsel and Asstt. AG alongwith Yar Gul, Senior Clerk for the respondents present. Written reply received. The appeal is assigned to D.B for rejoinder, if any, and arguments for 23.11.2017.


Chairman

04/1/2016

11.04.2017

Learned counsel for the appellant argued that the appellant was serving as Assistant BPS-16 in Health Department and vide impugned order dated 30.05.2016 promoted as Superintendent BPS-17 with immediate effect and despite the fact that the appellant was entitled to promotion w.e.f. the date when his colleagues and officials junior to him were promoted. That the appellant preferred departmental appeal against the impugned order on 14.06.2016 which was not responded and hence the instant service appeal on 06.10.2016.


That the appellant is entitled to promotion w.e.f. the date when similarly placed employees were promoted and as such the impugned order is liable to modification.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 03.05.2017 before S.B.


Chairman


03.05.2017

Counsel for the appellant and Addl. AG for the respondents present. Written reply not submitted. Requested for adjournment. Request accepted. To come up for written reply/comments on 16.05.2017 before S.B.


(Ahmad Hassan)
Member

07.03.2017

Learned counsel for applicant present. The arguments on application for restoration of service appeal which was dismissed on 15.12.2016 for want of prosecution is heard. Record perused. The learned counsel for applicant contended that no proper notice was served upon them and for which reason they could not appear before this Tribunal. It is well settled principle that no one should be condemned unheard and for this cause this restoration application is accepted. The service appeal be restored on his old number. To come up for preliminary hearing on 05.04.2017 before S.B.


(ASHFAQUE TAJ)
MEMBER

05.04.2017

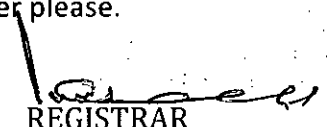


Counsel for the appellant present. Requested for adjournment. To come up for preliminary hearing on 11.04.2017 before S.B.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Appeal's Restoration Application No. 8 /2017

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	16.01.2017	<p>The application for restoration of appeal No.1041/2016 submitted by Syed Ghous Ali Shah through Mr. Asad Khan Mehmoodzai Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	23-1-2017	<p>This restoration application is entrusted to S. Bench to be put up there on <u>01-02-2017</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	01.02.2017	<p>Counsel for the petitioner present. Notices be issued to the respondents. Original record be also requisitioned from the record room. To come up for reply and arguments on application on 07.03.2017 before S.B.</p> <p style="text-align: right;"> Chairman</p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

CM No. 8 of 2017
In Service Appeal No.1041/2016

Khyber Pakhtukhwa
Service Tribunal

Diary No. 25

Dated 16-1-17

Syed Ghous Ali Shah

VERSUS

*Govt of Khyber Paktunkha
through Chief Secretary and others*

**APPLICATION FOR RESTORATION OF
MAIN SERVICE APPEAL WHERE THE
ABOVE SERVICE APPEAL WAS
DISMISSED IN DEFAULT BY THIS
HON'BLE SERVICE TRIBUNAL VIDE
ORDER DATED 15/12/2016.**

Respectfully Sheweth:

- 1) That the above titled service appeal was fixed in this august Tribunal, which was fixed for 15/12/2016 for preliminary hearing.*
- 2) That notice has not been served neither his counsel has been informed by this Hon'ble Tribunal about the concern date nor the clerk of the counsel has got the knowledge.*
- 3) That summer vacation has also started from 22/12/2016 to 10/01/2017 during these days the counsel of the petitioner have not available in Court being have private engagement, so after*

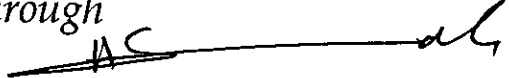
the opening of the Court / Tribunal when we inquire about the instant case we inform reader of the Tribunal that the instant appeal being dismissed in default vide order dated 15/12/2016.

- 4) That non available of the counsel of appellant on concerned dated is not willfully but due to reasons mentioned above.

It is, therefore, humbly prayed that on acceptance of this application, the main service appeal may be restored and the appeal of the applicant / appellant may be decided on merit.

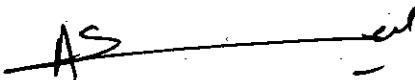
Dated 14/01/2016

Applicant / appellant
Through


Asad Khan Muhammadzai
Advocate
High Court, Peshawar

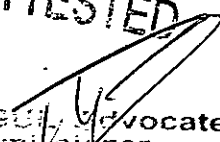
AFFIDAVIT

It is solemnly affirm and declare on oath that the contents of the above application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court/Tribunal.



DEPONENT

ATTESTED


MEHER GUL Advocate
Oath Commissioner
Licence No: 13475-79
Nic: 17294-2604101-9
Mob: 9988-2981781
Reg No: 14/01/2016/7

(b)

**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE
TRIBUNAL, PESHAWAR**

Service Appeal No. 1041 /2016



Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1051

Dated 06-10-2016

Syed Ghous Ali Shah S/o Syed Sher Bahadur,
Superintendent (BPS-17) Moulvi Ameer Shah Memorial
Hospital, Peshawar.....(Appellant)

V E R S U S

1. Government of Khyber Pakhtunkhwa through Chief Secretary,
Civil Secretariat, Peshawar.
2. Government of Khyber Pakhtunkhwa through Secretary
Health, Civil Secretariat, Peshawar.
3. Director General Health, HRD Block, Khyber Road, Peshawar.
.....(Respondents)

**APPEAL UNDER SECTION 4 OF KHYBER
PUKHTUNKHWA SERVICE TRIBUNAL ACT
1974 FOR SETTING ASIDE THE IMPUGNED
ORDER DATED 30/05/2016 VIDE WHICH
THE APPELLANT HAS BEEN PROMOTED
FROM THE POST OF OFFICE ASSISTANT
(BPS-16) TO THE POST OF
SUPERINTENDENT (BPS-17) WITH**

Filed to-day

Registrar

6/10/16

ATTESTED
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar



Appeal No. 1041/2016
Syed Ghous Ali Shah vs Health Deptt.

15.12.2016

None present for the appellat despite repeated calls. The Court time is about to over.

Dismissed for want of prosecution. File be consigned to the record room.

Announced self
15.12.2016 Chairman

Certified to be true copy
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 11-01-2017
Number of Pages 800
Copying Fee 6-0
Urgent —
Total 6-0
Name of Applicant [Signature]
Date of Completion of Case 12-1-17
Date of Delivery of Case 12-1-17

(11)



GOVERNMENT OF KHYBER PAKHTUNKHWA

HEALTH DEPARTMENT

Dated Peshawar the 1st June, 2016

ANNEXURE "D"

NOTIFICATION

NO.SOH(E-V)1-534/2015 The Competent Authority is pleased to withdraw this Department Notification No.SOH(E-V)1-534/2015 dated 20th May, 2016 and restore Dr.Shaukat Ali (BS-18) Management Cadre as District Health Officer Dir (lower) in the public interest with immediate effect.

SECRETARY HEALTH
Govt. of Khyber Pakhtunkhwa

Endst. No. & Date Even

Copy to the:-

1. Director General, Health Services, Peshawar.
2. District Health Officer, Dir (lower)
3. District Health Officer Dir (Upper).
4. MS DHQ Hospital Timargara Dir (lower).
5. District Accounts Officer, Dir (lower)/Dir (Upper)
6. PS to Minister for Health Khyber Pakhtunkhwa.
7. PS to Secretary Health Department.
8. Computer Programmer Health Department
9. Doctors/officers concerned.

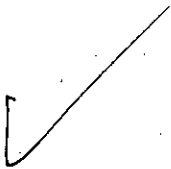

(MUHAMMAD ARSHID)
SECTION OFFICER (E-V)

DEA

07.03.2017

Learned counsel for applicant present. The arguments on application for restoration of service appeal which was dismissed on 15.12.2016 for want of prosecution is heard. Record perused. The learned counsel for applicant contended that no proper notice was served upon them and for which reason they could not appear before this Tribunal. It is well settled principle that no one should be condemned unheard and for this cause this restoration application is accepted. The service appeal be restored on his old number. To come up for preliminary hearing on 05.04.2017 before S.B.

(ASHFAQUE TAJ)
MEMBER



**BEFORE THE CHAIRMAN SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR.**

Service Appeal No. 1041/2016

Syed Ghose Ali Shah

VERSUS

Govt of K.P.K through Chief Secretary & others

=====

**REJOINDER ON BEHALF OF THE APPELLANT TO PARA
WISE COMMENTS SUBMITTED BY RESPONDENT No. 2**

& 3

=====

Respectfully Sheweth

REPLY TO PRELIMINARY OBJECTIONS:-

1. Para No.1 of the preliminary objection is incorrect, the fundamental rights of the appellant were infringed by the respondent, and hence he has got a good cause of action and locus standi to file the instant appeal.
2. Para No.2 of the preliminary objection is false, frivolous and vexatious. In-fact the appellant has approached this Honourable Tribunal for the redressal of his grievances and in order to bring the ingress and illegality of Respondents in the notice of this Hon'ble Tribunal.
3. Para No.3 of the Preliminary Objection is incorrect and the same is based on lack of knowledge from the law and rules. The appeal submitted before this Hon'ble Tribunal is in accordance with the settled principles of law and rules.
4. Para No.4 of the Preliminary Objections is false and frivolous. The present appeal pertains to terms and conditions of the service of the appellant; hence the present appeal is maintainable.
5. Para No.5 of the Preliminary objections is incorrect, false and frivolous, the present appeal is in a proper form and order and this Honorable Tribunal is requested to allow the same.
6. Para No.6 of the Preliminary Objections is incorrect and vexatious. The appellant has approached this Hon'ble Tribunal with clean

hands in order to bring the illegality and irregularity of respondents into the knowledge of this Hon'ble Tribunal.

7. Para No.7 of the Preliminary Objections is incorrect and based on lack of knowledge. The present appeal is well within time.

REPLY TO PARAWISE COMMENTS ON FACTS.

1. Para No. 1 of the comments needs no reply.
2. Para No. 2 of the comments needs no reply.
3. Para No.2 is incorrect, false and frivolous, although the appellant was promoted vide impugned Notification dated 30.05.2016 but with immediate effect and not with effect from dated 25.06.25015, the date on which his other colleges were promoted by the departmental Promotion Committee while the appellant was ignored for no reason.
4. Para No.4 of the comments is incorrect and false, detail reply has been given in the above Para No.3 of the reply to the Parawise comments on facts
5. Para No.5 of the comments is incorrect, false and frivolous,
6. Para No.6 of the comments is wrong and incorrect. The respondent has violated the fundamental right of the appellant by committing serious discrimination when they ignored the appellant despite having unblemished service record while other blue eyed employees some of whom were junior to the appellant, were promoted.

REJOINDER TO THE COMMENTS ON GROUND:-

- A. Para No. A of the comment is false and incorrect. The appellant has got a superior right to be promoted with effect from 25.05.2015, the date on which his other colleges were ordered to be promoted and the appellant was ignored altogether without any fault on his part, thus the respondents deprived him from his legal rights.
- B. Para No.B of the comments is false and incorrect. The promotion of the appellant was made subject to the clearance of Maulvi Ameer Shah Memorial Hospital, which gave clear-cut clearance in favor of the appellant which is available on appeal as Annexure E/3 at Page No.18, thus the department was under legal obligation to have issued the order of promotion of the appellant with effect from dated

25.05.2015, but they failed to do so, thus they committed serious decimation and violation of the fundamental rights of the appellant.

C. Para No. C of the comments is false and incorrect. The respondents conducted the proceedings against the law and rules just to favor the blue eyed employees of the department.

D. Para No. D of the comments is false and frivolous; detail reply has already been given in the above mentioned paras.

It is, therefore, most humbly prayed that on acceptance of this rejoinder and main appeal impugned Notification No. SOH-11/8-89/2015 dated 30.05.2016 may kindly be rectified and respondent may graciously be directed to promote the appellant from the post of Office Assistant (BPS-16) to the Post of Superintendent (BPS-17) with effect from 25.06.2015.

Any other remedy to which appellant is found entitled, in the peculiar circumstances of the case may also be granted.

Appellant
Through

Dated: -17.01.2017

(NAWABZADA)
Advocate, Peshawar.

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR.

W.P No. 445-P/2012

Saddam Hussain.....Petitioner

VERSUS

Govt. of K.P.P through Chief Secretary &
others.....Respondents

AFFIDAVIT

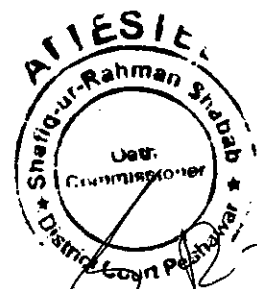
I, Syed Ghose Ali Shah S/O Syed Sher Bahadur Superintendent (BPS-17) Moulvi Ameer Shah Memorial Hospital, Peshawar, do hereby solemnly affirm and declare on Oath that the contents of the accompanying **Rejoinder** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble court.

Identified by
Deponent •

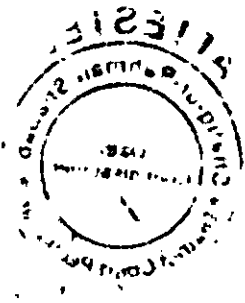
NAWABZADA

Advocate, Peshawar


Deponent



in
20-03-18.



24.10.2016

None for the appellant present. Notices be issued to the appellant and his counsel. To come up for preliminary hearing on 15.12.2016 before S.B.

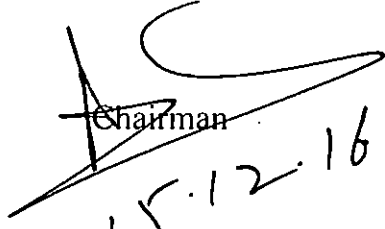

(PIR BAKHSH SHAH)
MEMBER

15.12.2016

None present for the appellant despite repeated calls. The Court time is about to over.

Dismissed for want of prosecution. File be consigned to the record room.

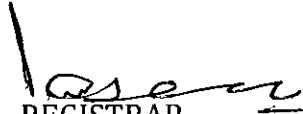

ANNOUNCED
15.12.2016


Chairman
15.12.16

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1041/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	06/10/2016	<p>The appeal of Syed Ghous Ali Shah presented today by Mr. Asad Khan Mohammadzai Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>2-</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>24-10-16</u></p> <p style="text-align: right;"> MEMBER</p>

**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE
TRIBUNAL, PESHAWAR**

Service Appeal No. 1041/2016

Syed Ghous Ali Shah.....(Appellant)

V E R S U S

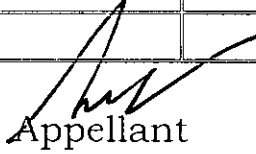
Government of Khyber Pakhtunkhwa through Chief Secretary,

Civil Secretariat, Peshawar and others.....(Respondents)


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Through


Appellant


Asad Khan Mohammadzai

& 
Nawabzada

Advocates High Court,
Peshawar.

Cell No. 0316-0900015

Dated: 06/10/2016

(b)

**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE
TRIBUNAL, PESHAWAR**

Service Appeal No. 1041 /2016

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1051

Dated 06-10-2016

Syed Ghous Ali Shah S/o Syed Sher Bahadur,
Superintendent (BPS-17) Moulvi Ameer Shah Memorial
Hospital, Peshawar.....(Appellant)

V E R S U S

1. Government of Khyber Pakhtunkhwa through Chief Secretary,
Civil Secretariat, Peshawar.
2. Government of Khyber Pakhtunkhwa through Secretary
Health, Civil Secretariat, Peshawar.
3. Director General Health, HRD Block, Khyber Road, Peshawar.
.....(Respondents)

**APPEAL UNDER SECTION 4 OF KHYBER
PUKHTUNKHWA SERVICE TRIBUNAL ACT
1974 FOR SETTING ASIDE THE IMPUGNED
ORDER DATED 30/05/2016 VIDE WHICH
THE APPELLANT HAS BEEN PROMOTED
FROM THE POST OF OFFICE ASSISTANT
(BPS-16) TO THE POST OF
SUPERINTENDENT (BPS-17) WITH**

Filed to-day

Registrar

6/10/16

(2)

IMMEDIATE EFFECT instead of FROM
dated 25/06/2015 BE DECLARED AS
ILLEGAL, UNLAWFUL, AGAINST THE
SERVICE RULES AND THUS INEFFECTIVE
UPON THE RIGHT OF THE APPELLANT AND
CONSEQUENTLY RESPONDENT MAY BE
DIRECTED TO PROMOTED THE APPELLANT
FROM 25/06/2015.

Respectfully Sheweth:

1. That the appellant is a qualified Civil Servant and till now was serving as Office Assistant (BPS-16) in DG Health Office Khyber Pakhtunkhwa to the best satisfaction of his superiors.
2. That the appellant is serving his department very honestly and dedicatedly being a senior most Office Assistant with unblemished service record as per PER/ACR mentioned by his superior officers are very good and clear without any negative remarks.
3. That respondent No. 3 while issuing the notification No. SOH-III/10-4-15 dated 25/06/15 on the

recommendation of DPC, the appellant was illegally being dropped and not been promoted, hence the appellant restored to the Service Tribunal.

4. That the appeal was subjudice that the respondent No. 3 issued the notification No. SOH-111/8-89/2015 dated 30th May, 2016 where he promoted the appellant with immediate effect rather consider the appellant with effect from 25/06/2015.
5. That the appellant was aggrieved from the impugned order of respondent No. 3 against which the appellant file a departmental appeal on 14/06/2016 which was still unreasoned.
6. That appellant having no other adequate and efficacious remedy are considered to move this Hon'ble Tribunal for the following amongst other grounds:

GROUND:

- A. That admittedly the appellant is eligible for the promotion under the notification dated 25/06/2015, being depriving the appellant from his

legal rights, therefore the respondents are under legal obligation to promoted the appellant from 25/06/2015.

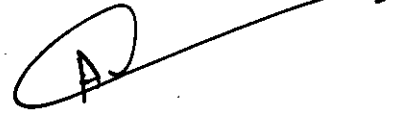
- B. That the appellant was dropped from being promoted without any fault on his part, that respondent have demonstrated a poor, show of good governance and rule of law, as they could not demonstrate a conduct which may promote fairness and transparency obviously for the reason that they just want to promote their favorite.
- C. That power of promotion is a public trust which is vests in the respondents therefore legally and accordance with the law, rules and promotion policy they are bound to demonstrate fairness but in the case of appellant they have acted otherwise.
- D. That the impugned notification No. SOH-111/8-89/2018 dated 30th May 2016 glaringly violates the rule of law and public policy being illegal, unlawful and void-ab-initio and thus ineffective upon the rights of the appellant.

5)

It is, therefore, humbly prayed that on acceptance of this appeal the impugned notification No. SOH-11/8-89/2015 dated 30th May, 2016 may kindly be rectified and the respondent may graciously be directed to promote the appellant from the post of office Assistant (BPS-16) to the post of Superintendent BPS-17 with effect from 25/06/2015.


Appellant

Through



Asad Khan Mohammadzai

&



Nawabzada

Advocates High Court,
Peshawar.

Dated: 06/10/2016

(6)

**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE
TRIBUNAL, PESHAWAR**

Service Appeal No. _____/2016

Syed Ghous Ali Shah.....(Appellant)

V E R S U S

Government of Khyber Pakhtunkhwa through Chief Secretary,
Civil Secretariat, Peshawar and others.....(Respondents)

AFFIDAVIT

I, Syed Ghous Ali Shah S/o Syed Sher Bahadur, Superintendent (BPS-17) Moulvi Ameer Shah Memorial Hospital, Peshawar do hereby as per information conveyed to me by my client solemnly affirm and declare that the contents of the **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.


DEPONENT

7,
BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. _____/2016

Syed Ghous Ali Shah.....(Appellant)

V E R S U S

Government of Khyber Pakhtunkhwa through Chief Secretary,

Civil Secretariat, Peshawar and others.....(Respondents)

ADDRESSES OF THE PARTIES

APPELLANT:

Syed Ghous Ali Shah S/o Syed Sher Bahadur,
Superintendent (BPS-17) Moulvi Ameer Shah Memorial
Hospital, Peshawar.

RESPONDENTS:

1. Government of Khyber Pakhtunkhwa through Chief Secretary,
Civil Secretariat, Peshawar.
2. Government of Khyber Pakhtunkhwa through Secretary
Health, Civil Secretariat, Peshawar.
3. Director General Health, HRD Block, Khyber Road, Peshawar.


Appellant

Through


Asad Khan Mohammadzai

&


Nawabzada

Advocates High Court,
Peshawar.

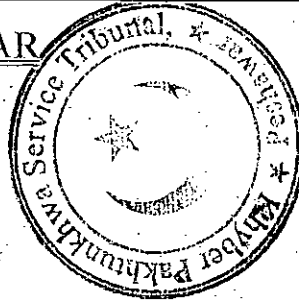
Dated: 06/10/2016

Annex, A

P-8

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

KPK, PESHAWAR



M. W. F. Province
Service Tribunal

Diary No. 1257

Dated 16-20-15

SA No. 1177 / 2015

Syed Ghous Ali Shah S/o Syed Sher Badshah, Office Assistant (BPS-16)

Maulvi Ameer Shah Memorial Hospital Peshawar.....Appellant

VERSUS

1. Govt of Khyber Pakhtunkhwa through chief Secretary, civil secretariat Peshawar
 2. Govt of Khyber Pakhtunkhwa through Secretary Health, civil secretariat Peshawar
 3. Director General Health, HRD Block Khyber Road Peshawar.
 - ④ Rahatullah, Office Assistant, BMC Bannu
 - ⑤ Muzaffar Khan, Office Assistant, KTH Peshawar
 - ⑥ Noor Ali Shah, Office Assistant, Khyber College for Denstistry Peshawar.
-Respondents

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 FOR SETTING ASIDE THE IMPUGNED NOTIFICATION No. SOH-III/10-4/2015 DATED 25.06.2015 VIDE WHICH THE APPELLANT HAS NOT BEEN PROMOTION FROM BPS-16 TO BPS-17. THE APPELLANT FILED THE DEPARTMENTAL REPRESENTATION WHICH WAS LEFT UNDECIDED, HENCE, THE IMPUGNED NOTIFICATION No. SOH-III/10-4/2015 DATED 25.06.2015 AND LATER ON NON DECIDING THE DEPARTMENT REPRESENTATION MAY KINDLY BE DECLARED AS ILLEGAL, WITHOUT JURISDICXTIOIN, WITHOUT LAWFUL AUTHORITY, FOR ULTERIOR MOTIVES AND MALAFIDE AND OUT OF TURN. THE RESPONDENTS MAY KINDLY BE DIRECTED TO PROMOTE THE APPELLANT FROM BPS-16 TO BPS-17 BEING ELIGIBLE.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Ex-part ee
28-01-2016

Filed to day
Registrar

Submitted to day
and filed.

Registrar

Date of Presentation of Application: 03-06-2016
 Number of Words: 800
 Copying Fee: 6/-
 Urgent: 6/-
 Total: 6/-
 Name of Copyist: *[Signature]*
 Date of Completion: 10-06-2016
 Date of Delivery: 10-06-2016

01.06.2016

ANNOUNCED

Certified to be true copy
 Khayal Pakhtunkhwa
 Service Tribunal
 Peshawar

Chairman
sd/-

In view of the afore-stated developments the appeal is dismissed as withdrawn placing the appellant at liberty to agitate his grievances arising out of the afore-stated notification dated 30.05.2016 afresh in the prescribed manners. File be consigned to the record room.

25.06.2015.

In view of the afore-stated developments learned counsel for the appellant requested for withdrawal of the appeal with permission to re-agitate case of the appellant afresh before the departmental authority as, according to learned counsel for the appellant, appellant was entitled to promotion to the post of Superintendent BPS-17 w.e.f. 25.06.2015.

In view of the afore-stated developments learned counsel for the appellant requested for withdrawal of the appeal with permission to re-agitate case of the appellant afresh before the departmental authority as, according to learned counsel for the appellant, appellant was entitled to promotion to the post of Assistant BPS-17 to the post of Superintendent BPS-17 with immediate effect.

Learned Addl. AG pressed into service copy of order dated 30.05.2016 vide which appellant has been promoted from the post of Assistant BPS-17 to the post of Superintendent BPS-17 with immediate effect.

Appellant with counsel and Mr. Amjad Ali, Assit. alongwith Addl. AG for the respondents present.

Appeal No. 1177/2015
 1-9
 Syed Ghous Ali Shah

01.06.2016

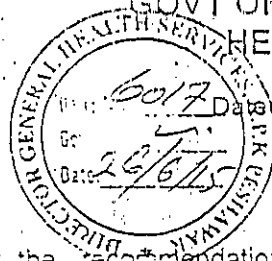


Ann - B

P-10



GOVT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT



Date: 25th June, 2015

NOTIFICATION.

No.SOH-III/10-4/2015. On the recommendation of the Departmental Promotion Committee, the Competent Authority has been pleased to promote the following Assistants/ Stenographers/Auditors (BS-16) to the post of Superintendents (BS-17) on regular basis with immediate effect. They will be on probation for a period of one year extendable by another period.

S.No.	Name of Officer
1.	Manzoor Ahmed (Assistant)
2.	Anwar Khan (Assistant)
3.	Faqir Hussain (Assistant)
4.	Nisar Ahmad (Assistant)
5.	Maqsood Akhtar (Assistant)
6.	Mukhtiar Ali (Assistant)
7.	Rahmat Din (Assistant)
8.	Waqar Ali (Assistant)
9.	Syed Jabir Hussain (Assistant)
10.	Syed Mehfooz Badshah (Assistant)
11.	Irshad Ahmed (Stenographer)
12.	Syed Fazle Mabood, Shah (Assistant)
13.	Siraj-ud-Din (Assistant)
14.	Taj Ali (Assistant)
15.	Abdul Tawab (Assistant)
16.	Ihsanullah (Assistant)
17.	Amir Abdullah (Stenographer)
18.	Muhammad Ali (Assistant)
19.	Rahatullah (Assistant)
20.	Muzaffar Khan (Assistant)
21.	Noor Ali Shah (Assistant)

ATTESTED

ATTESTED

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2. Consequent upon their promotion to the post of Superintendents (BS-17) the following posting/transfer are hereby ordered with immediate effect in the Public Interest.

S.#.	Name of Officer	From	To	Remarks
1.	Manzoor Ahmed	DHQ (H) Abbottabad	Bacha Khan Medical College Mardan.	Against the vacant post
2.	Anwar Khan	DHQH: Mardan	Gajju Khan Medical College Swabi	-do-
3.	Faqir Hussain	DHO Lower Dir.	Saidu Teaching Hospital Swat	-do-
4.	Nisar Ahmad	Khalifa Gul Nawaz Teaching Hospital Bannu	Khalifa Gul Nawaz Teaching Hospital Bannu	-do-
5.	Maqsood Akhtar	DHO Mardan	Bacha Khan Medical College Mardan	-do-
6.	Mukhtiar Ali	DHO Peshawar	KGMC Peshawar	-do-
7.	Rahmat Din	NMC Nowshera	Nowshera Medical College Nowshera	-do-
8.	Waqar Ali	Govt. LRH Peshawar	Lady Reading Hospital Peshawar	-do-
9.	Syed Jabir Hussain	HMC Peshawar	AHQ Hospital Parachinar	-do-
10.	Syed Mehfooz Baitshah	DGHS Office Peshawar	DHS FATA Peshawar	-do-
11.	Irshad Ahmed	LRH Peshawar	Lady Reading Hospital Peshawar	-do-
12.	Syed Fazle Mabood Shah	HMC Peshawar	Hayatabad Medical Complex Peshawar	-do-
13.	Siraj-ud-Din	DHO Chitral	Gajju Khan Medical College Swabi	-do-
14.	Taj Ali	BMC Bannu	Bannu Medical College Bannu	-do-
15.	Abdul Tawab	LRH Peshawar	Lady Reading Hospital Peshawar	-do-
16.	Ihsanullah	DHO Malakand	Nawaz Sharif Kidney Center Swat	-do-
17.	Amir Abdullah	DGHS Peshawar	DGHS Peshawar	-do-
18.	Muhammad Ali	DHQ Hosp: KDA Kohat	GMC D.I Khan	-do-
19.	Rahatullah	PGCN, Hayatabad Peshawar	BMC Bannu	-do-
20.	Muzaffar Khan	DHQH: Karak	KTH Peshawar	-do-
21.	Noor Ali Shah	KMC Peshawar	Khyber College for Dentistry Peshawar	-do-

Secretary to Govt. of Khyber Pakhtunkhwa
Health Department

P-12

Endst of even No and Date.

Copy forwarded to:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
3. Director Health Services FATA Peshawar.
4. The Principals, BMC Bannu, GKMC, Swabi, KGMC Peshawar, KCD Peshawar, PGCN Hayatabad Peshawar, SKMC Mardan & NMC Nowshera & GMC D.I Khan.
5. District Health Officers, Peshawar, Malakand & Dir lower.
6. Medical Directors/Hospital Directors, LRH, KTH & HMC, Peshawar.
7. Medical Superintendent, Nawaz Sharif Kidney Centre Swat.
8. Medical Superintendent, DHQ Teaching Hospital, Karak.
9. Medical Superintendent, DHQ Teaching Hospital Abbottabad.
10. Medical Director/Hospital Director, Khalifa Gul Nawaz Teaching Hospital Bannu.
11. Medical Superintendent, DHQ Hospital, KDA, Kohat.
12. Medical Superintendent, Mardan Medical Complex Mardan.
13. Medical Superintendent, KDA, Kohat.
14. Medical Superintendent, Saibu Teaching Hospital Swat.
15. Medical Superintendent, AHQ Hospital, Parachinar.
16. All District Accounts Officers, Khyber Pakhtunkhwa, Peshawar.
17. The Agency Accounts Officer, Parachinar.
18. Deputy Director (I.T) Health, Khyber Pakhtunkhwa.
19. PS to Senior Minister Health, Khyber Pakhtunkhwa.
20. PS to Secretary Health, Khyber Pakhtunkhwa.
21. PS to Special Secretary Health, Khyber Pakhtunkhwa.
22. Master File.
23. Officers concerned.

(MUHAMMAD TARIQ)
Section Officer-III

M.KASHIF KHANISTENOGRAPHER

~~ATTESTED~~

ATTESTED

A meeting of the Departmental Promotion Committee was held on 01.04.2015 at 11:00 (AM) under the Chairmanship of the Secretary Health to consider the promotion of Assistants/ Auditors/ Stenographers to the post of Superintendent (BS-17).

01. The following Officers attended the meeting:-

- | | | |
|----|--|----------|
| 1. | Mr. Muhammad Mushtaq Jadoon,
Secretary Health Govt. of Khyber Pakhtunkhwa. | Chairman |
| 2. | Dr. Pervaz Kamal,
Director General Health Services,
Khyber Pakhtunkhwa Peshawar. | Member |
| 3. | Mr. Asfandyar
Deputy Secretary-II
Health Department. | Member |
| 4. | Mr. Nasir Aman,
Section Officer (R-II),
Establishment Department | Member |
| 5. | Humira Mchmood
Section Officer (R-III),
Finance Department. | Member |
| 6. | Muhammad Tariq
Section Officer-III
Health Department. | Member |

3. The Meeting started with recitation from Holy Quran. The Deputy Secretary-II, Health Department Khyber Pakhtunkhwa, presented working papers for promotion of Assistants/ Stenographers/ Auditor to the post of Superintendents (BS-17).

4. It was explained before the Committee that there are 71 sanctioned posts of Superintendents (BS-17) in Health Department out of which 25 posts are lying vacant due to retirement/creation which are required to be filled as per Services Rules:-

"By promotion on the basis of seniority-cum fitness from amongst:-

- Assistants/ Auditors/ Stenographers of the Health Directorate, and
- Head Clerk and Stenographers of the offices sub-ordinate to Health Directorate with at least five years service as such.

The Committee thoroughly examined/ checked the documents, Services Rules, seniority positions and original PERS of the incumbents in the panel. After threadbare deliberation, the committee made the following recommendations unanimously:-

S.No	Name	Place of Posting	Remarks
1.	Manzoor Ahmed (Assistant)	DHQ (H) Abbottabad	Cleared & recommended for promotion as Superintendent (BS-17) with immediate effect. He will be on probation for a period of one year extendable to another one year.
2.	Anwar Khan (Assistant)	DHQ Mardan	-do-
3.	Faqr Hussain (Assistant)	DHO Lower Dir.	-do-
4.	Nisar Ahmad (Assistant)	DHO Bannu	-do-
5.	Maqsood Akhtar (Assistant)	DHO Mardan	-do-
6.	Mukhtiar Ali (Assistant)	DHO Peshawar	-do-
7.	Rahmat Din (Assistant)	KMC Peshawar	-do-

P-3A

8.	Waqar Ali (Assistant)	Govt. LRH Peshawar	
9.	Syed Jabir Hussain	HMC Peshawar	-do-
10.	Syed Mehfooz Badshah (Assistant)	DGHS Office Peshawar	-do-
11.	Irshad Ahmed (Stenographer)	LRH Peshawar	-do-
12.	Syed Fazle Mabood Shah (Assistant)	HMC Peshawar	-do-
13.	Siraj-ud-Din (Assistant)	DHO Chitral	-do-
14.	Taj Ali Khan (Assistant)	BMC Bannu	-do-
15.	Abdul Tawab (Assistant)	LRH Peshawar	-do-
16.	Ihsanullah (Assistant)	DHO Malakand	-do-
17.	Amir Abdullah (Stenographer)	DGHS Office	-do-
18.	Muhammad Ali (Assistant)	DHQ Hosp: KDA Kohat	-do-
19.	Ghaus Ali Shah (Assistant)	Molvi Amir Shah Memorial Hospital Peshawar.	Promoted / Cleared Subject to the Clearance inspection report of Molvi Amir Shah Hospital Peshawar. ✓
20.	Shah Rahman (Assistant)	DHO Abbottabad	Deferred due to non availability of PERs.
21.	Muzaffar Khan (Assistant)	DHQH: Karak	Cleared & recommended for promotion as Superintendent (BS-17) with immediate effect. He will be on probation for a period of one year extendable to another one year.
22.	Amanullah (Assistant)	Services Hosp: Peshawar	Deferred due to non availability of PERs.
23.	Rahatullah (Assistant)	PGCN, Hayatabad	Cleared & recommended for promotion as Superintendent (BS-17) with immediate effect. He will be on probation for a period of one year extendable to another one year.
24.	Noor Ali Shah (Assistant)	KMC Peshawar	-do-
25.	Faiz Ul Haq S/O Noor Ul Haq (Assistant)	DHS FATA	Deferred due to non availability of PERs.

The meeting ended with vote of thanks for the chair.

Mr. Asfandyar
Deputy Secretary-II
Health Department
DGHS KPK Peshawar.

Section Officer (R-III),
Govt. of KPK Finance Department

Muhammad Tariq
Section Officer-II
Govt. of KPK Health Department

Dr. Pervez Kamal Khan
Director General Health Services,
Khyber Pakhtunkhwa Peshawar

Mr. Nasir Aman,
Section Officer (R-II)
Govt. of KPK Establishment Department.

ATTESTED

Muhammad Musharraf Jadoon
Secretary Health
(Chairman)

S.H. Dary No. 2659.
20-4-16

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

Arm-D

P-14

Through Proper Channel

Subject: DEPARTMENTAL APPEAL FOR PROMOTION FOR
REPRESENTATIVE DATE / CLEARANCE.

Dear Sir,

Reference minutes of the meeting of the Departmental Promotion Committee at 11:00 am under the Chairmanship of Secretary Health to consider the promotion of Office Assistant / Auditor to the post of Superintendent BS-17 dated 01/04/2015 Health Department letter No. SOH-III/10-4/2015/Ghous Ali Shah dated 11/12/2015 and Medical Superintendent Moulvi Amir Shah Memorial Hospital, Peshawar letter No.4286/MS/MASM Hospital dated 15/12/2015 (copies attached for ready reference).

As such there is no any pending enquiry / case against the undersigned and clearance has also been issued in my favour referred to the above letters.

It is humbly requested that I may kindly be promoted with the respective date i.e 01/04/2015 from the date of promotion of Superintendent in BPS-17.

I shall be grateful to you for this act of kindness.

ATTESTED

Yours Obediently

Dated: 20/04/2016

(GHOUS ALI SHAH)
Office Assistant BPS-16
DGHS Office, Peshawar.

C.C.

PA to Director General Health Services KPK, Peshawar with the request to kindly approach to Higher ups for the subject matter.

DGHS Dary No:
10962 / P cer
20/4/16 per

(Ghous Ali Shah)
Office Assst BPS-16
DGHS Office Peshawar

GOVT. OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

No. SOH-III/8-89/2015(Syed Ghous Ali Shah)
Dated the Peshawar 28th July, 2015

Ann-E

P-15

The Director General,
Health Services Khyber Pakhtunkhwa,
Peshawar.

SUBJECT: DEPARTMENTAL APPEAL/REPRESENTATION.

I am directed to enclose herewith copy of an appeal and other enclosures in respect of Syed Ghous Ali Shah, Office Assistant (BS-16) Govt. Molvi Ameer Shah Memorial Hospital, Peshawar City which is self explanatory.

It is, therefore, **requested that views/comments may be furnished to this** department at the earliest to proceed further in the matter.

Encl: As above.

(Muhammad Tariq)
Section Officer-II

Endst: of even no & date.

Copy forwarded to:-

1. PS to Secretary Health, Khyber Pakhtunkhwa.
2. PS to Special Secretary Health, Khyber Pakhtunkhwa.

Section Officer-III

A



No. 4286 ^{E/3} /MS/MASM HOSPITAL ^{P-18}

Dated Peshawar the 15 / 12 / 2015

OFFICE OF THE MEDICAL SUPERINTENDENT
MOULVI AMEER SHAH QADRI MEMORIAL
HOSPITAL G.T. ROAD PESHAWAR
Exchange# 091-9210746
091-9211030
Fax# 091-9214245

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

Attention:- Section Officer-III, Health Department

Subject: - DEPARTMENTAL APPEAL/ REPRESENTATION

Sir,

Reference your good office letter No. SOH-III/10-4/2015/Ghous Ali Shah Dated 11/12/2015, I have the honor to state that there is no departmental enquiry/ other proceeding is pending against Syed Ghous Ali Shah, Office Assistant (BPS-16) at Moulvi Ameer Shah Memorial Hospital, Peshawar.

slc

Muttar
DEPUTY MEDICAL SUPERINTENDENT (Admin)
MOULVI AMEER SHAH MEMORIAL
HOSPITAL PESHAWAR

No. 4287 /MS/MASM Hospital Peshawar

Copy forwarded to:-

1. Director General Health, Khyber Pakhtunkhwa, Peshawar

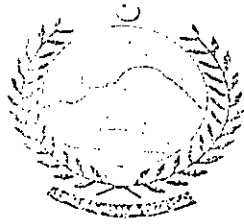
ATTACHED

slc

Muttar
DEPUTY MEDICAL SUPERINTENDENT (Admin)
MOULVI AMEER SHAH MEMORIAL
HOSPITAL PESHAWAR

Annex, F

P-19



GOVT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated Peshawar the 30th May, 2016

NOTIFICATION

No. SOH-III/8-89/2015. On the recommendation of Departmental Promotion Committee and in pursuance of even number dated: 21-04-2015 Syed Ghous Ali Shah, Assistant BS-16 is promoted to the post of Office Superintendent BS-17 with immediate effect.

2. On his promotion his inter-se seniority shall remain intact from 21-04-2015.

SECRETARY HEALTH

Endst even No & date.

Copy forwarded to:-

1. The Accountant General, Health Services, Khyber Pakhtunkhwa, Peshawar.
2. The Director General Health Services, Khyber Pakhtunkhwa.
3. The Medical Superintendent, Moulvi Ameer Shah Memorial, Hospital, Peshawar.
4. PS to Secretary Health, Khyber Pakhtunkhwa.
5. PA to Additional Secretary (E) Health, Khyber Pakhtunkhwa.
6. The Deputy Director (I.T) Health, Khyber Pakhtunkhwa.
7. Officer concerned.

(Muhammad Tariq)
SECTION OFFICER-III

ATTACHED

To

Ann-6

P-20

Diry No. 6066
Date 14/6/16
Chief Secretary.

**THE RESPECTABLE CHIEF SECRETARY
GOVT OF KPK, PESHAWAR**

Subject:- Departmental appeal/representation against the Notification No. SOH-III/8-89/2015 dated 30 May 2015 issued by the Secretary Health whereby the appellant has been promoted from the post of Office Assistant (BPS-16) to the post of Superintendent (BPS-17) with immediate effect and not with effect from 25.06.2015.

Respectfully Sir,

1. That the appellant is a qualified civil servant and till now was serving as Office Assistant (BPS-16) in DG Health KPK Peshawar to the best satisfaction of his superiors.
2. That the appellant is serving his Deptt: very honestly and dedicatedly being a senior most Office Assistant with unblemished service record as his PER/ACR maintained by his superior officers are very good and clear without any negative remarks.
3. That the Secretary Health while issuing the Notification No. SOH-III/10-4/2015 dated 25.06.2015 on the recommendations of DPC; the appellant was illegally being dropped and not promoted, hence, the appellant resorted to the Service Tribunal.
4. That the appeal was subjudice that the Secretary Health issued the Notification No. SOH-III/8-89/2015 dated 30 May 2016 and promoted the appellant but with immediate effect, hence, the instant appeal.

ATTACHED

- 5. That the impugned Notification No. SOH-III/8-89/2015 dated 30 May 2016 to the extent of promoting the appellant with immediate effect is illegal, without jurisdiction, without lawful authority, and depriving the appellant from his legal rights.
- 6. That the appellant was dropped from being promoted without any fault on his part, hence, the appellant is being suffered due to omission of the authorities.
7. That the appellant has not been treated in accordance with the law, rules and promotion policy.
8. That the impugned Notification No. SOH-III/8-89/2015 dated 30 May 2016 glaringly violates the rule of law and public policy and therefore, needs to be rectified.




It is, therefore, respectfully submitted that on acceptance of this departmental appeal/representation, the impugned Notification No. SOH-III/8-89/2015 dated 30 May 2016 may kindly be rectified and the Secretary Health may be directed to promote the appellant from the post of Office Assistant (BPS-16) to the post of Superintendent (BPS-17) with effect from 25.06.2015.

ATTESTED

Appellant

Syed Ghous Ali Shah
Superintendent (BPS-17)
Govt. of KPK
Health Department

Dated: 07.06.2016

 <p>ایڈووکیٹ / دہنظ بار کونسل ابار ایسوسی ایشن رابطہ نمبر:</p>		 <p>69706</p> <p>پشاور بار ایسوسی ایشن، خیبر پختونخواہ</p>
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بعدالت جناب: سید منیر حسین میر محمد خواجہ کتیبہ

	<p>منجانب:</p> <p>دعوی:</p> <p>علت نمبر:</p> <p>مورثہ:</p> <p>جرم:</p> <p>تھانہ:</p>
<p>بامث تحریر آنکہ</p>	

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ
 آن مقام کے سید منیر حسین میر محمد خواجہ کی طرف سے پیش کی گئی ہے۔
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وہکیل صاحب کو
 راضی نامہ کرنے و تقرر حالت و فیصلہ برطن دینے جواب دعوی اقبال دعوی اور درخواست از ہر قسم کی تصدیق
 زریں مدد تخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی، نیز
 دائر کرنے اپیل نگرانی و نظریاتی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
 کاروائی کے واسطے اور وہکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہو گا اور صاحب
 مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساتھ ہی درخواست منظور و قبول ہوگا اور ان مقدمہ
 میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا وہ وہکیل موصوف و منول کرنے کا حقدار ہوگا کوئی تاریخ پیشی مقام
 دورہ یا حد سے باہر ہو تو وہکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ مندر ہے۔

المرقوم:

مقام سید منیر حسین میر محمد خواجہ کے لئے منظور ہے۔

Accepted
 M. P. Adv. A. A.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

SERVICE APPEAL NO. 1041 OF 2016

Syed Ghose Ali Shah.....Appellant

Versus

- 139/12
1. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
 2. Government of Khyber Pakhtunkhwa through Secretary Health, Civil Secretariat, Peshawar.
 3. Director General Health Services, Khyber Pakhtunkhwa, Peshawar
.....**Respondents**

Respectfully Sheweth:

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 2 & 3

Preliminary Objections:-

1. That the appellant has no cause of action/locus standi.
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 the present form and also in the present circumstances of the issue.
5. That the appellant has filed the appeal in a non proper form and may be dismissed.
6. That the appellant has not come to the Tribunal with clean hands.
7. That the appeal is time barred.

ON FACTS:

01. Pertain to record.
02. Pertain to record.
03. Incorrect. The promotion of the petitioner from Office Assistant (BPS-16) to the post of Superintendent (BPS-17) has been dropped by the Departmental Promotion Committee on 01/04/2015. After which the Government of Khyber Pakhtunkhwa has promoted him as Superintendent (BPS-17) on 30/05/2016 with the remarks that his inter-se seniority shall remain intact from 21/04/2015 (copy attached as Annex-A).
04. As in para-03 above.
05. The promotion order/Notification has been issued after submission of the appeal.


06. There is no adverse order against the appellant. That the appellant has no locus standi to file the instant case.


Grounds:

- a. Incorrect. The appellant has no right to be promoted w.e.f. 25/06/2015. The facts have been explained in the above paras.
- b. Incorrect. The appellant was promoted/cleared, subject to the clearance inspection report of Molvi Ameer Shah Memorial Hospital, Peshawar, i.e. his place of posting.
- c. Incorrect. all the proceedings were in accordance with law and the rules.
- d. Incorrect. no violation of any law and the rules has been done by the respondents.

Prayer:

Keeping in view of the above, it is prayed that the petition may kindly be dismissed with cost.


Director General Health Services,
Khyber Pakhtunkhwa, Peshawar.
Respondent No. 03


Secretary, Health Department,
Khyber Pakhtunkhwa, Peshawar.
Respondent No. 02

Amex, F K-11



GOVT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated: Peshawar the 30th May, 2016.

NOTIFICATION

No. SOH-III/8-89/2015. On the recommendation of Departmental Promotion Committee and in pursuance of even number dated: 21-04-2015 Syed Ghous Ali Shah, Assistant BS-16 is promoted to the post of Office Superintendent BS-17 with immediate effect.

2. On his promotion his inter-se seniority shall remain intact from 21-04-2015.

SECRETARY HEALTH

Endst even No & date.

Copy forwarded to:-

1. The Accountant General, Health Services, Khyber Pakhtunkhwa, Peshawar.
2. The Director General Health Services, Khyber Pakhtunkhwa.
3. The Medical Superintendent, Moulvi Ameer Shah Memorial Hospital, Peshawar.
4. PS to Secretary Health, Khyber Pakhtunkhwa.
5. PA to Additional Secretary (E) Health, Khyber Pakhtunkhwa.
6. The Deputy Director (I.T) Health, Khyber Pakhtunkhwa.
7. Officer concerned.

(Muhammad Tariq)
SECTION OFFICER-III