


02.11.2017

Appellant alongwith counsel and Mr. Ziaullah, Deputy District Attorney alongwith Yár Gul, Senior Clerk for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today in connected service appeal No. 1428/2014, entitled Muhammad Naeem Versus Secretary Health Department, Government of Pakhtunkhwa, Peshawar and 3 others", this appeal is also remitted to the departmental appellate authority. Parties are left to bear their own costs. File be consigned to the record room.


Member


Chairman

ANNOUNCED
02.11.2017

23.02.2017

Counsel for the appellant and Addl: AG for respondents present. Learned Addl: AG requested for further time to produce requisite record. Request accepted. To come up for such record and arguments on 28.03.2017 before D.B..


(AHMAD HASSAN)
MEMBER


(MUHAMMAD AAMIR NAZIR)
MEMBER

28.03.2017

Counsel for the appellant and Mr. Kabeerullah Khattak, Asstt. AG alongwith Yar Gul, Assistant for the respondents present. The requisite record not produced. Last opportunity granted. In case the respondents failed to produce the requisite record on the next date of hearing then adverse inference will be drawn against them as per law. To come up for final hearing before the D.B on 20.07.2017.


Member


Chairman

20.07.2017

Appellant alongwith his counsel present. Mr. Yar Gul, Senior Clerk alongwith Mr. Ziaullah, Deputy District Attorney for the respondents also present. Record not produced. Representative of respondent-department is directed to produce the seniority list of Inayatullah and 24 others in light of judgment which was disposed of by the worthy Peshawar High in Writ Petition No. 1166/2008 on the next date positively. Adjourned. To come up for record and arguments on 02.11.2017 before D.B.

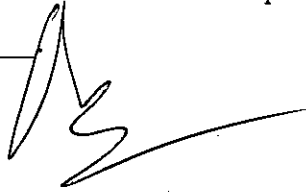

(Gul Zeh Khan)
Member


(Muhammad Amin Khan Kundi)
Member

19.08.2016

Counsel for the appellant and Addl. AG for respondents present. Counsel for the appellant requested for adjournment. Request accepted. To come up for arguments on

8-11-16


Member


Member

08.11.2016

Counsel for the appellant and Addl:AG for respondents present. Learned AAG requested to produce writ petition No. 1662/2007 and 1166/08 alongwith seniority list on the next date. Request accepted. To come up for such record and further arguments on 23.02.2017.


(MUHAMMAD AAMIR NAZIR)
MEMBER


(PIR BAKHSH SHAH)
MEMBER

10.11.2015

Counsel for the appellant and Mr. Muhammad Jan, GP for respondents present. Arguments could not be heard due to shortage of time. To come up for arguments on 26-2-2016.



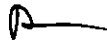
Member



Member

26.02.2016

Counsel for the appellant and Mr. Ziaullah, GP for respondents present. Arguments could not be heard due to shortage of time. Therefore, the case is adjourned to 4.5.16 for arguments.



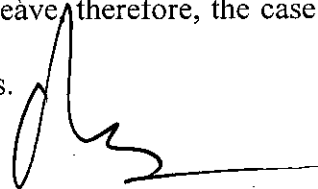
Member



Member

04.05.2016

Appellant with counsel and Mr. Usman Ghani, Sr. GP for respondents present. Arguments could not be heard due to leaned Member (Judicial) is on leave, therefore, the case is adjourned to 19.08.2016 for arguments.



Member

3.3.2015

Appellant with counsel and Addl. AG with Laiq Ahmad, Assistant and Dr. Ijaz Ali Shah, Coordinator for the official respondents present and requested for time. None is available on behalf of private respondent No. 4. Fresh notice be issued to him. To come up for written reply on 13.4.2015.


MEMBER

13.4.2015

Appellant with counsel and Mr. Yar Gul, Senior Clerk and Dr. Mumtaz Ahmed, Coordinator with Muhammad Asif, Assistant and learned Addl. A.G for official respondents No. 1 to 3 present. Respondent No. 4 is not in attendance. Proceeded ex-parte. Requested for adjournment. To come up for written reply/comments on 19.6.2015 before S.B.


Chairman

19.06.2015

Appellant with counsel and Mr. Zahir Shah, Junior Clerk alongwith Assistant A.G for respondents present. Written reply submitted, copy whereof supplied to learned counsel for the appellant. Learned counsel for the appellant submitted that he did not want to file rejoinder. To come up for arguments on 10.11.2015.


Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1429/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	26.12.2014	<p>The appeal of Mr. Baber Shahzad presented today by Mr. Rizwanullah Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR</p> <p style="text-align: center;">This case is entrusted to a Bench for preliminary hearing to be put up there on</p>
2	21.1.2015	<p style="text-align: center;">CHAIRMAN File received from the Hon'ble Bench-I.</p> <p>Appellant with counsel present. The learned counsel for the appellant submitted before the court that the benefits of seniority-cum-promotion have been given to similarly placed person i.e. private respondent No. 4 while the appellant has been discrimination and have not been given his due & legal right of seniority-cum-promotion, in violation of Article 25 of the Constitution of Islamic Republic of Pakistan. Points raised need consideration. The appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for submission of written reply/comments on 3.3.2015.</p> <p style="text-align: right;"><i>[Signature]</i> MEMBER</p>

*Appellant deposited
Process fee & Security
Rs. 350/- Bands Receipt
attached with file*

BEFORE THE HON'BLE CHAIRMAN, KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1429 /2014

1. Babar Shahzed, Son of Muhammad Zareen, Junior Clinical Technician (Radiology) Civil Hospital Baffa, Mansehra.

APPELLANT

VERSUS

1. The Secretary Health Department, Government of Khyber Pakhtunkhwa, Peshawar and others.

RESPONDENTS

I N D E X

S.No	Particulars	Annexure	Pages #
1	Service Appeal	—	1-8
2	Affidavit	—	9
3	Appointment letter	A	10
4	Appointment letter	B	11
5	Copy of order of regularization	C	12
6	Fresh appointment order	D	13-14
7	Copy of order of High Court	E	15-18
8	Order of Competent Authority	F	19
9	Copy of order of High Court	G	20-23
10	Copy of departmental appeal and promotion orders of respondent No.4	H, I & J	24-28
11	Copy of rejection order	K	29
12	Wakalatnama	—	30

B
Appellant

Through

Rizwanullah
M.A. LL.B

Advocate High Court, Peshawar

Dated: 26-12-2014

**BEFORE THE HON'BLE CHAIRMAN, KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. 1429 /2014

G. V. P. Peshawar
Case No. 1467
26/12/2014

Babar Shahzed, Son of Muhammad Zareen,
Junior Clinical Technician (Radiology) Civil Hospital Baffa, Mansehra.

APPELLANT

VERSUS

1. The Secretary Health Department, Government of Khyber Pakhtunkhwa, Peshawar.
2. The Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
3. The District Health Officer, Mansehra.
4. Muhammad Khurshid son of Rehmatullah, Chief Clinical Technician (Radiology) District Headquarter Hospital, Kohat.

RESPONDENTS

**APPEAL UNDER SECTION 4 OF THE
KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT, 1974 AGAINST THE
IMPUGNED ORDER NO. 8255 DATED
14-11-2014 PASSED BY THE DIRECTOR
GENERAL HEALTH SERVICES, KHYBER
PAKHTUNKHWA (RESPONDENT NO.2).**

10/12/14

PRAYER IN APPEAL

By accepting this appeal, the impugned order No. 8255 dated 14-11-2014 passed by the Director General Health Services, Khyber Pakhtunkhwa Peshawar, may very graciously be set aside and the appellant may kindly be held entitled of seniority from the date of his initial recruitment alongwith two steps promotion as Clinical Technician (Radiology B-12) and

Chief Clinical Technician (Radiology B-16) quo similarly placed colleague (respondent No.4).

RESPECTED SIR,

Short facts giving rise to the present appeal are as under:-

1. That appellant was appointed as X-Ray Technician (BPS-9) on contract basis vide order dated 12-8-2004 passed by the District Health Officer, Mansehra (respondent No.3). He was then posted in District Headquarter Hospital Mansehra now King Abdullah Teaching Hospital, Mansehra **(Copy of appointment letter is appended as Annex-A).**
2. That one Muhammad Khurshid (respondent No.4) was also inducted in the same capacity as X-Ray Technician (B-9) with effect from 12-8-2004 **(Copy of appointment letter is appended as Annex-B).**
3. That when appellant and respondent No.4 were serving in their original cadre as X-Ray Technician, the nomenclature of the cadre of service was converted into Junior Clinical Technician (Radiology) and now called as such.
4. That the respondent No.4 being the blue eyed chap of respondent No.1-3 was regularized on 22-9-2004 on the basis of Notification dated 16-4-2003 but the benefit of this Notification was not extended to appellant without any cogent and valid reasons **(Copy of order of regularization is appended as Annex-C).**
5. That the Government of Khyber Pakhtunkhwa through proper legislation, promulgated “ **the Khyber Pakhtunkhwa Province Civil Servants (Amendment) Act-2005** ” wherein it was laid down that “ **a person though selected for appointment in the prescribed manner to a service or post on or after the 1st day of July,2001, till the commencement of the said Act, but appointment on contract basis, shall, with effect from the commencement of the said Act, be deemed to have been appointed on a regular basis** ”. So the services of the appellant were required to be regularized by operation of above law. But the Competent Authority instead of regularizing the services of the appellant, issued him fresh appointment order and put him in financial loss by receiving initial pay of grade **(Copy of fresh appointment order is appended as Annex-D).**

6. That appellant and other employees were obliged to invoke the Jurisdiction of Hon'ble Peshawar High Court, Circuit Bench Abbottabad, by filing a writ petition under Article 199 of the Constitution of Islamic Republic of Pakistan 1973, praying therein for regularization of their project services on the basis of case of similarly placed employees of District Dir and Buner, whose services had already been regularized in their respective posts.
7. That the above writ petition was disposed of by the Hon'ble Court on 22-9-2011 and a direction was issued to the Competent Authority to consider the case of appellant etc for regularization in the light of case referred to above as well as under the relevant law **(Copy of order of High Court is appended as Annex-E).**
8. That in compliance with the order of Hon'ble High Court, the Competent Authority, after proper scrutiny, accepted the appeal and held as follows **(Copy Annex- F).**

“ WHEREAS an appeal was lodged by the employees to the undersigned, which was examined in detail. After examining the case of appellants, it has come to know that SAC Projects launched in the Province were of the same nature and the benefit of the judgment of the Peshawar High Court in case writ petition No. 1662/2007 and 1166/2008 can also be extended to the employees of the defunct SSC Project of this District ”.

“Since the case of the employees mentioned above is similar to those regularized in the other districts, i.e, Dir and Buner, as evident from the replies submitted by EDO (Health) vide letter No. 3206 dated 15-6-2012 to the quarries raised by this office, therefore, the benefit of the judgment dated 22-9-2011 of the Peshawar High Court, Peshawar passed in writ petition No. 616 of 2010 (Muhammad

**Naeem and others Versus
Government of Khyber Pakhtunkhwa
and others) is hereby extended to these
14 (fourteen employees of the SAC
Project as well, and appeal lodged by
them is hereby accepted).**

9. That in view of the aforesaid decision of the Competent Authority, the appellant and other employees were given their financial benefits. However, their case regarding seniority and promotion was kept untouched illegally. Therefore, they again approached the Hon'ble High Court, Circuit Bench Abbottabad, for the above relief. This time the Hon'ble Court held that the matter exclusively falls within the domain of Service Tribunal by virtue of **Article of 212(3) of the Constitution of Islamic Republic of Pakistan 1973** and as such the writ petition was dismissed for lack of jurisdiction vide order dated 25-2-2014 (**Copy of order of High Court is appended as Annex-G**).
10. That thereafter, the appellant preferred a departmental appeal with the Director General Health Services, Khyber Pakhtunkhwa Peshawar (respondent No.2) on 7-8-2014 praying therein that his seniority may kindly be reckoned from the date of his initial recruitment and that he may also be given two steps promotion as Clinical Technician (Radiology BPS-12) and Chief Clinical Technician (Radiology B-16) which had been given to respondent No.4, similarly placed employee (**Copies of departmental appeal and promotion orders of respondent No.4 are appended as Annex- H, I & J**).
11. That the departmental appeal filed by the appellant was not accepted and he was given seniority from 1-3-2008 instead of 12-8-2004 and no finding whatsoever was given on the second issue of two steps promotion (**Copy of rejection order is appended as Annex-K**).
11. That the appellant now files this appeal before this Hon'ble Tribunal inter-alia on the following grounds:-

GROUND OF APPEAL

- A. That the respondent No.1-3 have not treated the appellant in accordance with law, rules and policy on the subject and acted in violation of **Article 4**

of the Constitution of Islamic Republic of Pakistan, 1973. Therefore, impugned order is not sustainable in the eye of law.

- B.** That the respondent No.2 was under statutory obligation to have considered the case of appellant in respect of his seniority as well as promotion in its true perspective and in accordance with the mandate of Constitution and Law . But he failed to do so despite the facts that these benefits were duly provided to Muhammad Khurshid (respondent No.4), similarly placed employee. Thus, appellant has been discriminated and treated unfairly quo his above name colleague. This is a disparity and anomaly and is also violation of Article 25 of the Constitution of Islamic Republic of Pakistan, 1973 which has unequivocally laid down that all citizens placed in similar circumstances are entitled to equal treatment and protection of law. The Hon'ble Supreme Court of Pakistan through various judgments has maintained that equal treatment is the fundamental right of every citizen. Reliance can be placed on **2007-SCMR-410(d)**, **2002-SCMR-71(a)** & **2011-PLC(C.S)-7(b)**. The relevant citations are reproduced herein for facility of reference:-

2007-SCMR-410(d)

(D) CONSTITUTION OF PAKISTAN (1973)---

---Art. 25---Equal protection of law---Principles---Concept of equal protection of law envisages that a person or class of persons should not be denied the rights, which are enjoyed by other persons in the same situation.

2002-SCMR-71(a)

(a) Constitution of Pakistan (1973)---

----Art. 25---Equality of citizens---Two groups of persons similarly placed could not be treated differently---Dictates of law, justice and equity required exercise of power by all concerned to advance the cause of justice and not to thwart it.

2011-PLC(C.S)7(b)

(B) CONSTITUTION OF PAKISTAN---

**----Art. 25--Equality before law--
-Principles---Equality before law,
was the basic concept of Islam and**

that concept had been borrowed by English, American and European Constitutions from Islam---Two similarly placed persons could not be treated differently---Principle of equality before law and prohibition of discrimination between the similarly placed persons, was the essence of rule of law---Even selective, discriminatory and distinctive treatment by the Government was also prohibited---Two similarly and equally placed persons, could not be treated differently.

Therefore, the impugned order is against the spirit of administration of justice.

- C. That administration of justice is not confined only to judicial system and every person discharging function in relation to the rights of people is bound to do justice, fairly and in accordance with law as per dictum laid down by august Supreme Court of Pakistan in case reported in **2003-SCMR-1140**. The relevant citation is as under:-

2003-SCMR-1140(c)

(c) Administration of justice---

---Concept---Administration of justice is not confined only to judicial system---Every person discharging functions in relation to rights of people is bound to act fairly, justly and in accordance with law---Exercise of powers by public functionaries in derogation of direction of law would amount to disobeying the command of law and Constitution--If a person holding a public office is found to have proceeded in violation of law or his acts and conduct amounted to misuse of his official authority, he should be made answerable to law and should be proceeded against

**for an appropriate action by his
superiors.**

But the respondents No. 1-3 have blatantly violated the said dictum of august Supreme Court of Pakistan for the reasons that the appellant and respondent No.4 were appointed on the same date and time but the services of the latter were only regularized with effect from 22-9-2004 and that he was also given two steps promotion as Clinical Technician (Radiology B-12) and Chief Clinical Technician (Radiology B-16). Thus, they failed to do justice. Hence, the act and conduct of the said officers are discriminatory in nature. Therefore, the impugned order has no sanctity under the law.

- D.** That when the project employment / services of appellant were regularized, thereafter, the Competent Authority was not justified to deprive him of his due right of seniority from the date of his initial recruitment as well as two steps promotion already given to similarly placed employee (respondent No.4). Thus, the impugned order is liable to be set aside on this score alone.
- E.** That the respondent No.2 was legally bound to give an opportunity of personal hearing to the appellant to enable him to explain his view points in respect of his seniority as well as promotion as required under the law. But he failed to do .Thus, the appellant has been condemned / penalized without being heard, contrary to the basic principle of Natural Justice known as **“Audi Alteram Partem”**. Reliance in this respect can be placed on the judgment of august Supreme Court of Pakistan reported in **PLD-2008-SC-412 (a)**. The relevant citation is as under:-

(a) Administration of justice---

**---Natural justice, principles of---
Opportunity of hearing---Scope---
Order adverse to interest of a
person cannot be passed without
providing him an opportunity of
hearing---Departure from such
rule may render such order
illegal.**

- F.** That the Competent Authority has passed the impugned order in mechanical manner and the same is perfunctory as well as non-speaking

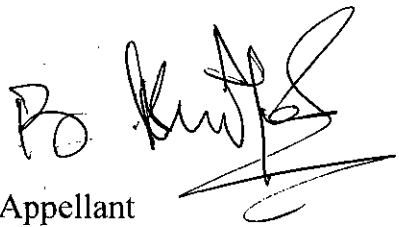
and also against the basic principle of administration of justice. Therefore, the impugned order is not tenable under the law.

- G. That the impugned order is based on conjectures and surmises. Hence, the same is against the legal norms of justice.
- H. That the impugned order is suffering from legal infirmities and as such the same is bad in law.
- I. That the appellant would like to seek the permission of this Hon'ble Tribunal to advance some more grounds at the time of arguments.

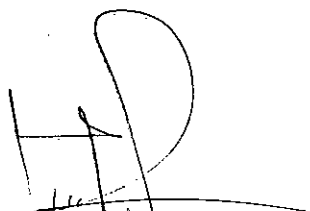
In view of the above narrated facts and grounds, it is, therefore, humbly prayed that the impugned order No. 8255 dated 14-11-2014 passed by the Director General Health Services, Khyber Pakhtunkhwa Peshawar, may very graciously be set aside and the appellant may kindly be held entitled of seniority from the date of his initial recruitment alongwith two steps promotion as Clinical Technician (Radiology B-12) and Chief Clinical Technician (Radiology B-16) quo similarly placed colleague (respondent No.4).

Any other relief deemed proper and just in the circumstances of the case, may also be granted.

Dated: 26-12-2014


Appellant

Through


Rizwanullah
M.A. LL.B
Advocate High Court, Peshawar

**BEFORE THE HON'BLE CHAIRMAN, KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. _____/2014

1. Babar Shahzed, Son of Muhammad Zareen, Junior Clinical Technician (Radiology)
Civil Hospital Baffa, Mansehra.

APPELLANT

VERSUS

1. The Secretary Health Department, Government of Khyber Pakhtunkhwa, Peshawar
and others.

RESPONDENTS

AFFIDAVIT

I, Babar Shahzed, Son of Muhammad Zareen, Junior Clinical Technician (Radiology) Civil Hospital Baffa, Mansehra, do hereby solemnly affirm and declare that the contents of the accompanied service appeal are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal.



Deponent

ATTESTED

[Handwritten signature]

District (Coordination Officer)
Manshira

- 1 The Secretary to Government of NWFP Health Department for information please.
- 2 Director General Health Services NWFP Peshawar for information please.
- 3 The Medical Superintendent DHO, Hospital Manshira.
- 4 The Executive District Officer Health Manshira.
- 5 The District Account Officer Manshira.
- 6 Establishment Branch DHO, Hospital Manshira.
- 7 SAC Project DHO, Hospital Manshira.

LCC

District (Coordination Officer)
Manshira

- 1 You will be placed in BPS -9 (2410-145-6760) with usually allowances as permissible to the Government servant of the same scale for contract employees.
- 2 Your services will be governed under the Government of the NWFP contract policy 2007.
- 3 Your initial contract will be for Three years. However fresh contract would be executed, if the Government servant is continued subject to your satisfactory performance.
- 4 Either party can terminate the contract on two months notice or two month salary in lieu thereof.
- 5 You will be provide the same facilities under benevolent fund as admissible to the Government servant at the rates to be provided by the Government.
- 6 You will avail the benefit of the contributory Provident Fund (CPF) through 5% contribution of the minimum of your pay and 5% contribution to be made by the Government.
- 7 You will not contribute to (PF) Fund and shall not be entitled for Pension and Gratuity benefits.
- 8 If the above offer of the appointment on contract is acceptable for Pension and Gratuity benefits, Hospital Manshira, you are advised to report to the Office of the Medical Superintendent DHO, Teaching conditions, you are advised to make her arrival on 1-9-2004.
- 9 The candidate is directed to make her arrival on 1-9-2004.
- 10 Please bring your original documents.
- 11 NO. F.A/DA for joining the duty will be allowed.

INTERVIEW DATED 14/12/2004 CONSEQUENT UPON THE APPROVAL OF THE APPOINTMENT COMMISSION FOR THE POST OF X-RAY TECH IN DHO, TEACHING HOSPITAL MANSHIRA ON THE FOLLOWING BASIS AGAINST THE CONDITIONS

SUBJECT APPOINTMENT AS X-RAY TECH IN BPS-9

NAME Mr. Muhammad Haqem S/O Muhammad Haqem
 Mr. Babar (Shahid S/O) Muhammad Zaheer
 Mr. Babar Khan Bahadar Near Masjid Al-Adees
 Manshira.

Date: 12/08/2004

ANNEX-A

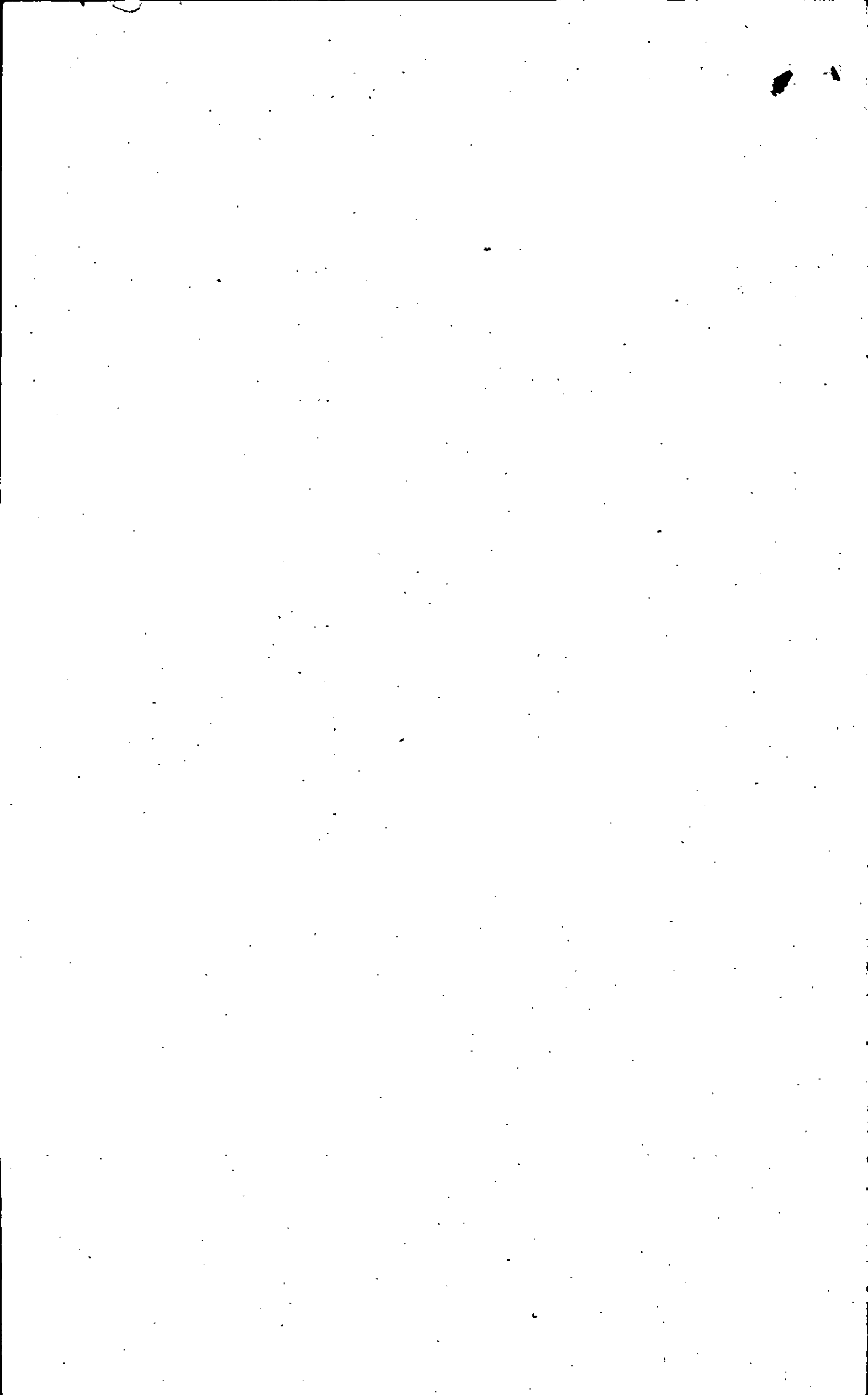
12/08/2004

OFFICE OF THE DISTRICT COORDINATION OFFICER MANSHIRA

ANNEXURE (B)

(10)

(10)



Better Copy Annex-1 (16)

BETTER COPY

OFFICE OF THE DISTRICT COORDINATION OFFICER MANSEHRA

NO. _____/Nursing
Dated. _____ 2004

To,

Mr. Muhammad Khurshid S/o Rehmat Ullaha
X-Ray Attendant DHQ: Hospital Mansehra

Subject:

APPOINTMENT AS X-RAY TECH IN BPS-9

Memo,

Reference interview dated 11/4/2004 consequent upon the approval of the department selection committee you are offered the post of X-RAY Tech BPS-9 on purely contract basis against the newly created post of X-Ray Tech in DHQ: Teaching Hospital Mansehra on the following terms and conditions.

1. You will be placed in BPS-9 (2110-145-6760) with usually allowance as permissible to the Government Servants of the same scale for contract employees.
2. Your Services will be governed under the Government of the NWFP contract policy 2002.
3. Your initial contract will be for three years, However fresh contract would be executed, if the job is required to be continued subject to your satisfactory performance.
4. Either party can terminate the contract on two months notice or two month salary in lieu thereof.
5. You will be provided the same facilities under benevolent fund as admissible to the Government servant on the rates prescribed by the Government.
6. You will avail the benefit of the contributory Provident Fund (GPF) through 5% contribution of the minimum of your pay and 5% contribution to be made by the Government.
7. If the above offer of the appointment on contract is acceptable to you on the above terms and conditions, you are advised to report to the office of the Medical Superintendent DHQ Teaching Hospital Mansehra for duty.
8. The candidate is directed to make her arrival on 1-9-2004.
9. Please bring your original documents.
10. Your previous service as X-Ray Attendant & Pay drawn are hereby protected.
11. No. TA/DA for joining the duty will be allowed.

ATTESTED

Sd/-
District Coordination Officer
Mansehra

No. 89-95/NURSING 12/804

CC:

1. The Secretary to Government of NWFP Health Department for information please.
2. The Director General Health Services NWFP Peshawar for information please.
3. The Medical Superintendent DHQ Hospital Mansehra.
4. The Executive District Officer Health Mansehra.
5. The District Account Officer Mansehra.
6. Establishment Branch DHQ: Hospital Mansehra.
7. SAC Project DHQ: Hospital Mansehra.

ANNEXURE (A) (17)

Annex - B (11)

OFFICE OF THE DISTRICT COORDINATION OFFICER MANSEHRA

NO. _____ /Nursing
Dated: _____ 2004

To,

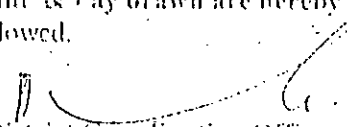
Mr. Muhammad Khurshid S/O Rehmat Ullaha,
X-Ray Attendant DHQ Hospital Manshra

SUBJECT APPOINTMENT AS X-RAY TECH IN BPS-9

Memo,


Reference interview dated 11/4/2004 consequent upon the approval of the department selection committee you are offered the post of X-RAY Tech BPS-9 on purely contract basis against the newly created post of X-Ray Tech in DHQ Teaching Hospital Manshra on the following terms and conditions.

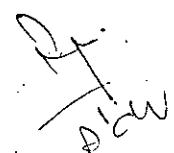
- 1 You will be placed in BPS-9 (2110-115-6769) with usually allowance as permissible to the Government servants of the same scale for contract employees.
- 2 Your Services will be governed under the Government of the NWFP contract policy 2002.
- 3 Your initial contract will be for Three years. However fresh contract would be executed if the job is required to be continued subject to your satisfactory performance.
- 4 Either party can terminate the contract on two months notice or two month salary in lieu thereof.
- 5 You will be provided the same facilities under benevolent fund as admissible to the Government servant on the rates prescribed by the Government.
- 6 You will avail the benefit of the contributory Provident Fund (CPF) through 5% contribution of the minimum of your pay and 2% contribution to be made by the Government.
- 7 If the above offer of the appointment on contract is acceptable to you on the above terms and conditions, you are advised to report to the Office of the Medical Superintendent DHQ Teaching Hospital Manshra for duty.
- 8 The candidate is directed to make her arrival on 1-9-2004.
- 9 Please bring your original documents.
- 10 Your previous service as X-Ray Attendant & Pay drawn are hereby protected.
- 11 NO. TA/DA for joining the duty will be allowed.


District Coordination Officer
Manshra

No. 89-95 /NURSING 12/3/04
CC

- 1 The Secretary to Government of NWFP Health Department for information please.
- 2 The Director General Health Services NWFP Peshawar for information please.
- 3 The Medical Superintendent DHQ Hospital Manshra
- 4 The Executive District Officer Health Manshra
- 5 The District Account Office Manshra.
- 6 Establishment Branch DHQ Hospital Manshra.
- 7 SAC Project DHQ Hospital Manshra.


District Coordination Officer
Manshra


ATTACHED

OFFICE OF THE DISTRICT COORDINATION OFFICER MANSHERA

ORDER.

In pursuance of Establishment and Administration Department NWFP Peshawar Notification No. SO-VI (E & A) 1-13 /2003 dated 16-4-2003 the services of following official is hereby regularized in the light letter referred to above (Amendment in contract policy) from the date of issuance of notification.

S.No Official


Appointed as

1. ✓ Khurshid S/O Rehmat Ullaha
Ex-X-Ray Attendant DHQ: Teaching Hospital
Manshra

Appointed as X-Ray Tech in
B.P.S -9 vide this office order No 88
dated 12/8/2004 in DHQ: Teaching
Hospital Manshra

2. ✓ Muhammad Shafique S/O Aziz-U-Rehman
Ex-Head accountant BDO (II) District Bagram


Appointed as Lab Tech in B.P.S -9
vide this office order No 76-2 dated
12/8/2004 in DHQ: Teaching Hospital
Manshra


District Coordination Officer,
Manshra.

No. 146-150 / dated. 22 / 9 / 2004

Copy forwarded to the :

1. The Medical Superintendent DHQ: Teaching Hospital Manshra.
2. SO VI Establishment & Administration department NWFP Peshawar.
3. District Account Officer District Manshra
4. Official Concerned.


A.C.W.
ATTESTED


District Coordination Officer,
Manshra.

OFFICE OF THE DISTRICT OFFICER HEALTH MANSHEERA.ORDER

Consequent upon the approval of the Departmental Selection Committee, the Competent Authority has been pleased to appoint the following candidates purely on merit/policy in BPS-9 @ (Rs.515/-190-8885) plus usual allowances as admissible under the rules posted in the Health Units as noted against each, in the interest of public service subject to the following terms and conditions.

S.	Name	Father Name	Address	Nomenclature of Post	Place of Posting	Remarks
1	Muhammad Naeem	Muhammad Idrees	Muhallah Kangar Mosque Mansheera	Junior Clinical Technician (Radiology)	DHQ: Hospital Mansheera	A/V Post X-ray Tech
2	Babar Ghazal	Muhammad Zareen	Mongan Muchi Pool Mansheera	Junior Clinical Technician (Radiology)	DHQ: Hospital Mansheera	--do-- X-ray Tech
3	Nisr Ahmed	Yaseer	Muhallah Lohar Ganda Mansheera	Junior Clinical Technician (Radiology)	DHQ: Hospital Mansheera	--do-- X-ray Tech.

TERMS & CONDITIONS

1)- They shall be governed under Govt. of NWFP, Civil Servants (Amendment) Act, 2005, read with Govt. of Establishment and Administration Department (Regulation Wing) Notification No. SO (Regulation-VI) (P&AD) 1-15-2005 dated 10.8.2005.

2)- Their appointments are purely on temporary basis and liable to termination at any stage without assigning any reason/notice.

3)- They shall be governed by such rules and regulations enforce and as may be prescribed by the Government from time to time for the category of the Government Servants to which they belong.

4)- They shall get benefit of the rules including usual allowance as admissible under the rule, they are entitled to annual increment according to the rules except pension and commutation.

5)- Their services are liable to termination on one month prior notice from either side in case of resignation without prior notice. Their one month pay allowance, if any shall be forfeited to Government.

6)- They shall not contribute any amount towards C.P Fund however they will contribute C.P Fund.

7)- They shall be required to furnish copies of all their certificates/Degrees alongwith Original.

HP
A.C.W.
ATT-3TED

8)- They shall be required to furnish copies of their certificates/Diploma/Degrees alongwith the original receipt and photo copies thereof pertaining to the verification fee of the concerned examining Agencies i.e. Board/University/Faculty to this office. This office will arrange verification of all certificates/degrees/diploma of the appointee and will issue a clearance certificate to each appointee for the release of his/her pay. His/her pay bills should not be submitted to the District Accounts Officer Manshehra before verification of all certificates/degrees/diploma from the concerned institutions of each candidate.

9)- They should produce age & Health Certificate from the Medical Superintendent DHQ Hospital Manshehra.

10)- No travelling allowance/Daily allowance (TADA) etc is allowed.

11)- If the above appointment order on contract basis is acceptable to you on the above terms and conditions, you are directed to report for duty within 10 days from the receipt of this order.

(Dr. Muhammad Javeed Khan)
Executive District Officer
Health Manshehra.

No. 103-10 / Appnt/2008/Dated Manshehra, the 01 / 03 / 2008.

Copy forwarded for information to the:-

1. Director General Health Services NWFP Peshawar.
2. District Nazim Manshehra.
3. District Coordination Officer Manshehra.
4. District Accounts Officer Manshehra.
5. Medical Superintendent DHQ Hospital Manshehra.
6. Candidates Concerned.

(Dr. Muhammad Javeed Khan)
Executive District Officer
Health Manshehra.

AD
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Aew

ATTESTED



BEFORE THE PESHAWAR HIGH COURT
ABBOTTABAD BENCH

- 1) Muhammad Naem son of Muhammad Idrees, X-Ray Technician,
- 2) Bakht Munir son of Ghani Gul, Blood Bank Technician,
- 3) Arshad Hussain son of Sadrul Islam, E.C.G. Technician,
- 4) Muhammad Rashad son of Muhammad Aslam, Laboratory Technician, King Abdullah Teaching Hospital, Mansehra.....Petitioners

Versus

COMPUTERIZED

- ✓ 1) Government of Khyber Pakhtunkhwa, through Secretary Health, Civil Secretariat, Peshawar.
- 2) Government of Khyber Pakhtunkhwa, through Secretary Establishment and Administration, Civil Secretariat, Peshawar.
- 3) Director General, Health Services, Khyber Pakhtunkhwa, Peshawar.
- 4) District Co-Ordination Officer, District Mansehra.
- 5) Executive District Officer (Health) District Mansehra.
- 6) Medical Superintendent, King Abdullah Teaching Hospital, Mansehra.
.....Respondents

FILED
Additional Registrar
Peshawar High Court
Abbottabad Bench
27/10/11

No 3459
27/10/11

WRIT PETITION UNDER ARTICLE 199 OF
THE CONSTITUTION OF ISLAMIC
REPUBLIC OF PAKISTAN, 1973 FOR
DECLARATION THAT FRESH
APPOINTMENT ORDERS OF THE
PETITIONERS DATED 01.03.2008 ARE
BASED ON MALAFIDE OF RESPONDENTS
AND AS SUCH ARE ILLEGAL AND NULL
AND VOID. PETITIONERS ARE ENTITLED
TO GET ALL BENEFITS INCLUDING
CONFIRMATION, PROMOTION AND ALL
OTHER SERVICE BENEFITS ON THE
BASIS OF INITIAL RECRUITMENT
ORDERS DATED 12.08.2004.

ATTESTED

Certified to be True Copy

Examined
Peshawar High Court
Abbottabad Bench
27/10/11

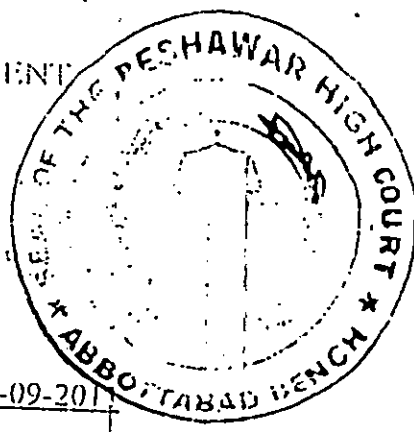
Prnt

IN THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH.

JUDICIAL DEPARTMENT

W.P.No:616 of 2010

JUDGMENT



Date of hearing

22-09-2011

Appellant(s)/Petitioner (s) (Muhammad Naeem & others) by
Malik Muhammad Asif Advocate.

Respondent (s) (Government of N.W.F.P and others) by Mr.
Muhammad Nawaz Khan Swati AAG.

YAHYA AFRIDI:-J:- Learned counsel for the petitioners contends that the petitioners be treated at par with others similarly placed persons in other departments and particularly as decided by this Court in WP No.1166/2008 and WP No.1662/2007.

2. There is no cavil to the legal proposition advanced by the learned counsel for the petitioners. There can be no discrimination between similarly placed persons, as this is the command of Article 25 of Constitution. Moreover, 'right in rem' once declared by a competent Court of law, has to be applied to all, irrespective of whether they are parties to the 'lis' or otherwise. Reliance may be placed on the Full Court judgment of Honourable Supreme Court of Pakistan in

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E. S. 22.9.11
Peshawar High Court
Abbottabad Bench
Authorized Under Section 20 of the Peshawar High Court Act, 1973

Government of Punjab Vs Samina Parveen (2009 SCMR
D and *Hamid Akhtar Niazi Vs Secretary Establishment
Division* (1996 SCMR 1158), and
Tara Chand Vs KWSB (2005 SCMR 499).

3. The learned AAG does not dispute the
aforementioned legal proposition. However, he submitted
that the respondents should be allowed to consider whether
the petitioners are similarly placed with the others, who have
already granted the said benefit by the respondents
department.

4. Accordingly, in view of the peculiar
circumstances of the present case and in the light of the clear
dicta of the Supreme Court of Pakistan, we hold that:

- i) Respondent No.5 shall consider the case of
the petitioners and if he finds them similarly
placed with others, who have been
"regularized" as prayed by the petitioners,
the petitioners be also treated in the same
manner;
- ii) In case, Respondent No.5 does not find the
petitioners or any one of them similarly
placed with the persons who have been



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Peshawar High Court
Abbottabad Bench
Authorized Under Sec 275 Acts Ordms

17

18

regularized, then the same be communicated
in writing with reasons to the said petitioner:

- iii) The needful be done by respondent No.5
within a period of 30 days from the receipt
of this judgment, if not earlier.

5. For the reasons stated hereinabove, the present
petition is disposed of in the above terms.

SD. JUDGES

Certified to be True Copy
 Ex. No. 9 V
 Peshawar High Court
 Abbottabad Bench
 Authorized Under Sec. 25 of the Act

Announced:
22.09.2011

MSA

DISTRICT GOVERNMENT MANSEHRA
OFFICE OF THE DISTRICT COORDINATION OFFICER

ORDER

ANNEXURE 'A'

18

19

Whereas the following employees were appointed on contract basis under SAC Project for 63 years in the year 2004 at King Abdullah Hospital Manselhra issued notice by the EDO Health, Mansehra for termination of copy of their contract they were

(1) Mr. Anwar ul Haq (2) Shabbir Ahmed, (3) [unclear] Technicians (5) Afikhar Ahmed Sahibzada (6) Abdul Hamid, (7) Rashid, Laboratory Cardiology (8) Muhammad Naeem, (9) Baber Shahzad, JCT (10) Arshad Hussain, JCT JCT Ophthalmology (11) Syed Adil Hussain Shah, JCT D (12) Anzoor Ahmed, (13) Muhammad Hanif, (14) Shabbir Ahmed JCT surgical, King Abdullah Teaching Hospital Manselhra.

AND WHEREAS on receipt of notices they approached petition and after arguments the writ petition was dismissed appointment were as contract basis for SSC Project.

AND WHEREAS after the creation of regular Posts in Health Department and filed a writ petition that these re-employed against these posts after completing all codal formalities in the year 2010, they again approached High Court, for regularization of their posts on the same conditions /case of Dir and Buner District. The High Court vide his judgment dated 12.11.2011 they were directed EDO Health to consider the case of the appellants and if found fit to be regularized with others who have been regularized as prayed by the petitioners.

WHEREAS an appeal was lodged by the employees to the undersigned and examined in detail. After examining the case of appellants, it has come to the notice that the Projects launched in the Province were of the same nature and the benefit of the Peshawar High Court in case Writ Petition Nos. 1662 / 2007 and 1166 / 2007 extended to the employees of defunct SSC Project of this District.

Since the case of the employees mentioned above is similar to those of the other Districts, i.e. Dir and Buner, as evident from the replies submitted by the Government vide letter No.3206 dated 15.06.2012 to the queries raised by this office, therefore the Judgment dated 22.09.2011 of the Peshawar High Court Peshawar passed in No.616 of 2010 (Muhammad Naeem & Others Vs Govt. of Khyber Pakhtunkhwa) is hereby extended to these 14 (fourteen employees) of the SAC Project as well, a copy of the Judgment lodged by them is hereby accepted.

(Dr. Amber Ali Khan,
District Coordination Officer,
Mansehra

No. 19501-07 /DHQ/AE/DCO (M)

Dated 12/09/2012

Copy for information and necessary action to the:-

1. The Secretary to Govt. of Khyber Pakhtunkhwa Health Department Peshawar.
2. The Secretary Establishment & Administration Govt. of Khyber Pakhtunkhwa Peshawar.
3. Director General Health Services Khyber Pakhtunkhwa Peshawar.
4. Executive District Officer (Health) Mansehra with reference to his letter No. 5574-77 dated 12.11.2011 and 3206 dated 15.06.2012.
5. MS King Abdullah Teaching Hospital Mansehra.
6. District Accounts Officer Mansehra.
7. Applicants.

District Coordination Officer,
Mansehra

19
ATTESTED

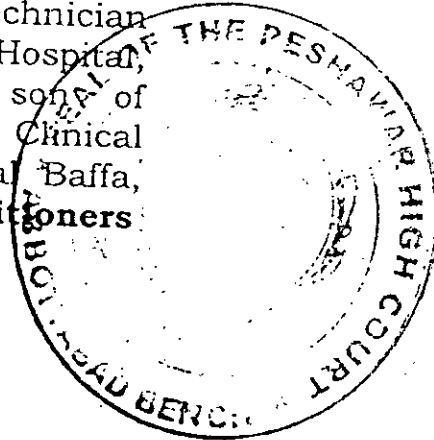
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Annex-9 (20)

**BEFORE THE PESHAWAR HIGH COURT,
BENCH ABBOTTABAD**

W.P. 609-A/13

(1) Muhammad Naheem son of Muhammad Idrees, Junior Clinical Technician (Radiology) King Abdullah Hospital, Mansehra (2) Babar Shahzad son of Muhammad Zareen, Junior Clinical technician (Radiology) Civil Hospital Baffa, Mansehra.....Petitioners



Versus

- 1) Secretary Health Department; Government of Khyber Pakhtunkhwa Peshawar.
- 2) Director General, Health Services, Khyber Pakhtunkhwa Peshawar.
- 3) District Health Officer, Mansehra.
- 4) Muhammad Khursheed son of Rehmatullah, Chief Clinical Technician (Radiology) District Headquarter Hospital, Kohat.....Respondents

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973 TO THE EFFECT THAT PETITIONERS BEING AT PAR WITH RESPONDENT NO. 4 ARE ENTITLED FOR PROMOTION TO BPS-16 AS CHIEF CLINICAL TECHNICIAN (RADIOLOGY). PROMOTION ORDER OF RESPONDENT NO. 4 NO. 18104-204/AE-II DATED PESHAWAR THE 24.07.2013 ISSUED BY RESPONDENT NO. 2 IS BASED ON MALAFIDE AND UNLAWFUL THROUGH WHICH PETITIONERS WERE DEPRIVED OF THEIR LAWFUL AND CONSTITUTIONAL RIGHTS AND RESPONDENT NO. 2 IS BOUND TO PROMOTE PETITIONERS IN THE CADRE AND BPS-16 AND ISSUE THE SAME ORDER IN FAVOUR OF PETITIONERS. FURTHERMORE, RESPONDENT NO. 2 MAY ALSO BE DIRECTED FOR CORRECTING THE INTERVEENING STEPS TAKEN BY HIM AND OTHER

No 2447
17/8/13
FILED TODAY
Additional Registrar
Peshawar High Court
Abbottabad Bench

17/8/13
ATTESTED

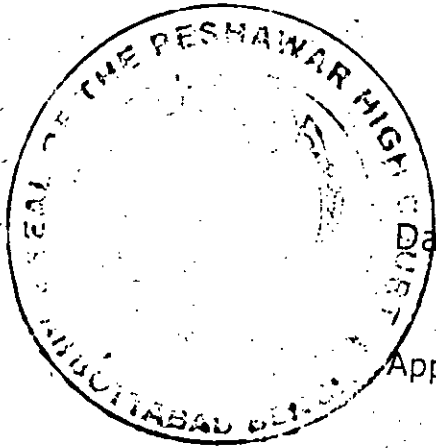
Certified to be True Copy
06/08/13
Examiner
Peshawar High Court
Abbottabad Bench
Incorporated Under Section 75 Acts Ordinance

JUDGMENT SHEET

IN THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH.

JUDICIAL DEPARTMENT

W.P No. 609-A of 2013



JUDGMENT

Date of hearing 25-02-2014

Appellant(s)/Petitioner (s) Muhammad Naheem
B.S. M. M. Asif Advocate

Respondent (s) Secretary Health Deptt. APP.

MRS. IRSHAD QAISER, J:-

Muhammad

Naheem and Babar Shahzad, petitioners seek
the Constitutional jurisdiction of this Court
praying that;

"Direction should be
given to respondents
No.1 to 3 for
promoting petitioners
to the rank of Chief
Technician in BPS-16
as promoted to
respondent No.4
including all back
benefits."

2. It is admitted fact that the
controversy involved in this constitutional

Certified to be True Copy
Q. S. M.
Peshawar High Court
Abbottabad Bench
Judicial Department

(22)

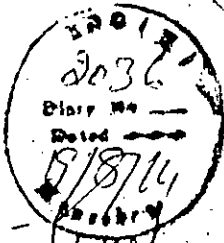
petition relates to the terms and conditions of service of civil servants, therefore, the Service Tribunal has the exclusive jurisdiction in the matter, while the constitutional jurisdiction of this Court is barred under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973. Thus, this Court cannot proceed with the present case being out of its purview.

3. Accordingly, for the reasons stated hereinabove, the present writ petition is dismissed.

Announced:
25.02.2014

SD. JAGIES

Certified to be True Copy
J. S. M.
Assistant Registrar
Abbottabad Bench
Authorized Under Sec 275 Acts Ordinance



ادیل سام ڈائریکٹر جنرل ہیلتھ سروسز ایس ڈی جی

Annex H

ڈسٹرکٹ ہیلتھ آفیسر ہملع و کھیل ہالہ

درخواست برائے اندراج ہومیائی سیارٹی لسٹ بتاؤخ ابتدائی اعلیٰ عدالت
12/08/2004

صاحب عالی ایہ کوئی رسمی لیسٹ میں بلکہ اس کی نشاندہی ہے

رہن ہے کہ سائل کوہد/12/08 کو بطور ایک ٹینشن DHQ ہسپتال ہالہ میں کنٹریکٹ کی سیارہ پرفیشن کیا گیا کنٹریکٹ سے دن کو اندازاً پائی کورٹ نے ریگولر ٹریڈ کیا جس کی ڈیو ڈیو ہالہ نے لیٹر نمبر 19501950 اور فرم 12-9-12 کے تحت کردی سائل کو تمام سابقہ واجبات ریگولر ہو چکی اور سابقہ دن کا اندراج اس دن تک میں ہو چکا ہے جس کو EDO ہالہ میں تازہ کر دیا ہے۔ اس الیمیم یہ ہے کہ جو اسٹور ایبلٹیشن جس کی اعلیٰ سائل سائل سے تازہ کر دیا گیا ہے اس کو ترقی دے کر پلے بٹا BPS 16 میں دیکھا دیا اور اس سے نظر انداز کر دیا گیا کہ نہ صرف ترقی سے محروم کیا بلکہ ہومیائی سیارٹی لسٹ میں اس کی تازہ اعلیٰ سے نام کا اندراج بھی نہیں کیا گیا جو کہ سٹور ایبلٹیشن کوہد اور DC کے آرڈر کی کلمہ کلڈن وردی ہے۔ اسی سے اس الیمیم کو سنے کے بعد سائل کا نام اعلیٰ لسٹ میں ابتدائی تازہ اعلیٰ سے درج کیا جائے گا

جنرل ڈاکٹر ریڈیو
سول ہسپتال
ہملع ہالہ

Forwarded to

DHO (health) for further
N/A
Program
F/2

DR. BLAZ
ATTIED
11c CARRERA
General Office
CNP 11222222

Appointment Order
Attached

High Court Order
attached.

DCO Manshera order
attached

ENTRY ON SERVICE BOOK
attached

EB97
Forwarded to DG with
covering letter.
20/8

ATTESTED

Acw

(25)

**OFFICE OF THE DISTRICT HEALTH OFFICER
MANSEHRA.**

TEL: 0997-920169, Fax: 0997-920166, E-mail edohmra@yahoo.com.
Website: WWW.edohmansehra.com

No 4464 dated 28/8 2014

To,

The Director General health
Services Khyber Pakhtunkhwa
Peshawar.

Subject:-

**APPLICATION OF MR. BABAR SHAHZAD JUNIOR
CLINICAL TECHNICIAN (RADIOLOGY) BPS-09.**

Please find enclosed herewith an application in respect of Mr. Babar Shahzad junior Clinical Technician (Radionogy) BPS-09 attached to Type-D Hospital Baffa Mansehra regarding inclusion of his name in the provincial seniority list.

It is requested that the name of above mentioned JCT Radiology may please be included in the provincial seniority list. His bio-data is as under:-

1. Name	Babar Shahzad.
2. Father Name	Muhammad Zareen
3. Date of appointment	01/09/2004
4. Date of Birth	23/11/1973.
5. Domicile	Mansehra.

Q
District Health Officer
Mansehra.

A
Aew
ATTESTED

House 12

Annex - 1

DIRECTORATE GENERAL HEALTH SERVICES
N.W.F.P PESHAWAR



232
3/8/2010

All communications should be addressed to the Director General Health Services-Peshawar and not to any official by name.
E-Mail Address: dn10daha@yahoo.com
Office Ph# 091-9210289
Exchange# 091-9210187
091-9210188
Fax# 091-9210230

OFFICE ORDER

Consequent upon approval accorded by the Departmental Promotion Committee, the following JCT Radiology (BPS-09) are hereby promoted as Clinical Technicians Radiology BPS-12 with immediate effect:

S.NO.	NAME/FNAME OFFICIAL	PRESENT PLACE OF POSTING
1.	Abdur Rahman	DHQH KDA Kohat
2.	Mohammad	DHQH Karak
3.	Khurshid	DHQH Manselra
4.	Abdul Aziz	BBSH Abbottabad

not yet demoted yet by promo

They will be on probation for a period of one year, extendable for another period of one year. On their promotion as Clinical Technician Radiology BPS-12 the following posting / transfer are hereby ordered with immediate effect:

S.NO.	NAME/FNAME OFFICIAL	FROM	TO	REMARKS
1.	Abdur Rahman	DHQH KDA Kohat	DHQH KDA Kohat	Against the vacant post
2.	Mohammad	DHQH Karak	DHQH KARAK	do
3.	Khurshid	DHQH Manselra	DHQH Manselra	do
4.	Abdul Aziz	BBSH Abbottabad	ATH Abbottabad	do

DIRECTOR GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA, PESHAWAR

DATED PESH TUE 2 08 2010

19685-95

Copy forwarded to the

- MS. BBSH Abbottabad
- EDO (H) KARAK Manselra
- MS. ATH Abbottabad
- MS. DHQ (H) Manselra Kohat Karak
- DIG Manselra Kohat Abbottabad Karak
- PS to Secretary to Govt of K. Pakhtunkhwa Health Department, Peshawar
- PA to DGHS, Khyber Pakhtunkhwa, Peshawar
- Assistant Director (P-H) DGHS K. Pakhtunkhwa Peshawar
- Personal files
- Syed Faiz Ali Shah I/c ACR/Paramedics Promotion Cell DGHS office K. Pakhtunkhwa Peshawar.
- Mr. Sirajul Din Bique, President, PMA, K. Pakhtunkhwa Govt. LRH Peshawar.

For information & necessary action

Handwritten signature

DIRECTOR GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA, PESHAWAR

Handwritten signature

ATTESTED

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ANNEXURE J

27

DIRECTORATE GENERAL HEALTH SERVICES, KHYBER PAKHTUNKHWA, PESHAWAR

OFFICE ORDER:-

Consequent upon approval accorded by the competent authority in its meeting held on 01.07.2013 the following Clinical Technicians (Radiology) BS-16 and Jr. Clinical Technicians (Radiology) BS-09 have been upgraded to the post of Chief Clinical Technicians (Radiology) BS-16 in the light of Govt. of Khyber Pakhtunkhwa, Health Department Notification No. SOJ-III/8-60/2005 (Paramedics) dated 09.05.2012.

S. No	Name/Father's Name	Place of Present Posting
1.	Mohiuddin	DHQH Karak
✓ 2.	Khurshid	KAT Hospital Manshra
3.	Muhammad Arshad	LRH Peshawar
4.	Ijaz Mahmood Qureshi S/O Ghulam Miskeen	ATH Abbottabad
5.	M. Riaz Akhtar S/O Muhammad Rafiq	BBSH Abbottabad
6.	Mutahir Shah S/O Syed Muhammad Karim Shah	DHQH Mardan
7.	Abdul Aziz S/O Haji Fazal Ahmad	BBSH Abbottabad
8.	Zard Ali Khan	LRH Peshawar
9.	Mubasherin	EDO Charsadda
10.	Asfar Khan	HMC Peshawar
11.	Faheem Ullah S/O Habibullah Khan	DHQH Bannu
12.	Rizwan Ullah s/o Mehr Gul Khan	KGNTH Bannu

On their up-gradation to the post of Chief Clinical Technicians (Radiology) BS-16, the following posting/transfer adjustment are hereby ordered in the interest of public service with immediate effect:-

No	Name/Father's Name	From	To	Domicile	Remarks
1.	Mohiuddin	DHQH Karak	DHQ (H) Karak	Karak	
2.	Khurshid	KAT Hospital Manshra	DHQH Kohat	Manshra	
3.	Muhammad Arshad	LRH Peshawar	LRH Peshawar	Peshawar	
4.	Ijaz Mahmood Qureshi S/O Ghulam Miskeen	ATH Abbottabad	ATH Abbottabad	Abbottabad	
5.	M. Riaz Akhtar S/O Muhammad Rafiq	BBSH Abbottabad	ATH Abbottabad	Abbottabad	
6.	Mutahir Shah S/O Syed Muhammad Karim Shah	DHQH Mardan	SPH Swat	Mardan	
7.	Abdul Aziz S/O Haji Fazal Ahmad	BBSH Abbottabad	DHQ H Dir Lower	Abbottabad	
8.	Zard Ali Khan	LRH Peshawar	KTH Peshawar	Peshawar	
9.	Mubasherin	EDO Charsadda	AHQ (H) Ghallara	Charsadda	
10.	Asfar Khan	HMC Peshawar	NBM Hosp: Peshawar	Peshawar	
11.	Faheem Ullah S/O Habibullah Khan	DHQH Bannu	DHQ Teaching Bannu	Bannu	
12.	Rizwan Ullah s/o Mehr Gul Khan	KGNTH Bannu	KGN Teaching Hosp: Bannu	Bannu	

ATTESTED

Sd/xxxxxxxxx
Director General Health Services,
Khyber Pakhtunkhwa, Peshawar

No. 18104-204

Dated Peshawar the 26/7/2013

Copy forwarded to the:-

- The Secretary to Govt. of Khyber Pakhtunkhwa, Health Department Peshawar.
- The DHS PATA, Khyber Pakhtunkhwa, Peshawar.
- The Director Provincial Health Services Academy, Khyber Pakhtunkhwa, Peshawar.
- Medical Superintendents, KTH, LRH, HMC, Peshawar.
- Director IKD, HMC Peshawar.
- The All Principals of Medical Colleges in Khyber Pakhtunkhwa.
- Medical Superintendent, Maulvi Ameer Shah Memorial Hospital, Peshawar.

28

28

- 12. Accountant General, Khyber Pakhtunkhwa, Peshawar
- 13. All District Accounts Officers in Khyber Pakhtunkhwa, Province.
- 14. All Agency Surgeons in FATA/FRs Khyber Pakhtunkhwa.
- 15. The all Agency Accounts Officers in FATA/FRs Khyber Pakhtunkhwa.
- 16. I/C Gynaecologist, Govt. Maternity Hospital Peshawar.
- 17. President Paramedics Health Deptt: KPK Peshawar.
- 18. Incharge, Paramedics Promotion Cell DGHS Office Peshawar.
- 19. Officials concerned.
- 20. Personal Files.
- 21. P.A to DGHS, Khyber Pakhtunkhwa, Peshawar.
- 22. P.A to Director (Administration) DGHS Office Peshawar.
- 23. P.A to Deputy Director (Personnel) DGHS Office Peshawar.

For information and necessary action.

As seen

ATTACHED

[Handwritten Signature]

Director General Health Services,
Khyber Pakhtunkhwa, Peshawar.

[Handwritten Signature]
23/13

Director IKD, HMC, Peshawar
 The All Principals of Medical Colleges in Khyber Pakhtunkhwa
 Medical Superintendent, Maulvi Ameer Shah Memorial Hospital Peshawar.
 All District Health Officer in Khyber Pakhtunkhwa, Province
 Medical Superintendents, DIIQ Hospitals in Khyber Pakhtunkhwa.

Annex-K

29



DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR

No. 8255 /Personnel (Promotion),

Dated 14/11/2014

To

The District Health Officer
Mansehra.

RIC
Mr. Farid ul
26/11/14



SUBJECT: APPLICATION OF MR. BABAR SHAHZAD JUNIOR CLINICAL
TECHNICIAN (RADIOLOGY) BPS-09.

Dear Sir,

I am directed to refer to your letter No. 4464/ dated 25/08/2014 on the
subject noted above and to state that the name of the application has been included
in the seniority list of (JCT Radiology) BPS-09 w.e.f. 01.03.2008.

[Signature]
ASSISTANT DIRECTOR (P-II)
DIRECTORATE GENERAL HEALTH
SERVICES KPK, PESHAWAR.

Office of the DHO Mansehra.

No. 6014 dt 14/12/2014.

Copy to Mr. Babar Shahzad Jct (Radiology)

CH. Bhatta for information.

[Signature]
Adw

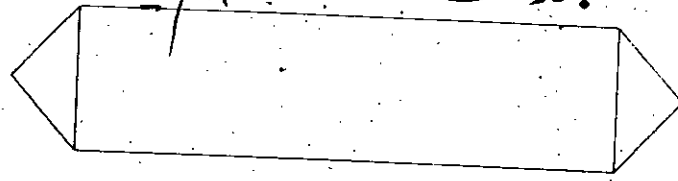
ATTESTED

[Signature]
DHO 18/11

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بعدالت جناب حسین علی صاحب
وسیلہ ارسال
شمارہ



Service Appeal

Appellant

2 پنجاب
بنام

Babar shahzad

VS

Secretary Health
Deptt. etc
باعث تحریر آنکہ

مورثہ

مقدمہ

دعوی

مزم

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام شمارہ کیلئے رحمان اللہ صاحب
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعوی اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ از عرضی دعوی اور درخواست ہر قسم کی تصدیق
زر میں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت
مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے
اور اس کا ساختہ پرداخت منظور قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے
سبب سے ہوگا۔ کوئی تاریخ پیشی مقام، دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں
گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

B. Shahzad

20/4

Accepted

23

المرقوم

دسمبر

واہ

شمارہ

مقام



36

BEFORE THE HONORABLE CHAIRMAN,
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No.1429 of 2014

BABAR SHAHZAD (APPELLANT)

Vs

SECRETARY HEALTH & OTHERS (RESPONDENTS)

Written reply on behalf of Respondent No.1,2,3

PRELIMINARY OBJECTIONS

1. That the appellant has got no cause of action.
2. That the appellant has got no locus standi.
3. That the instant appeal is not maintainable.
4. That the instant appeal is barred by Law.
5. That the appellant has filed instant appeal on malafide motive.
6. That the instant appeal is liable to be dismissed due to mis-jounder & non-jounder of necessary parties.

Para-wise reply

1. Para No.1 pertains to record.
2. M. Khurshid was initially appointed on 01.01.1984 as X-Ray Attendant and was promoted as X-Ray Technician on 12.08.2004.
3. Para No.3 pertains to record.
4. Para No.4 is correct to extent of regularization of M. Khurshid on 22.09.2004 rest of Para is in correct. Services of M. Khurshid were regularized in accordance with Law and benefit was rightly extended to M. Khurshid as per rules and regulations.
5. Para No.5 is incorrect. Competent authority has rightly issued the orders which are within the four corners of Law, rules and regulations.
6. Para No. 6 is correct.
7. Para No.7 is correct.
8. Para No.8 is correct.
9. Para No.9 is incorrect. The Judgment of honorable high court has been complied with in letter and spirit and all the benefits which could have been awarded to them were given, hence also the honorable high court did not entertain the petition and rejected the same.

10. Para No.10 is correct to extent of appeal rest is in correct.
11. Competent authority has legally decided the case/appeal and seniority was given in accordance with rules and regulation the appeal was rightly rejected. (order is annexed).
12. Appeal is liable to be rejected

Grounds

- A. Incorrect. All the departmental proceeding are within the four corners of Law and no violation of any legal right has been done.
- B. In correct, Law cited in the ground does not attracted to the case of appelland, hence the appeal was rightly rejected.
- C. Is correct to extent of administration of Justice but no injustice has been done to appelland and case of appelland was dealt in accordance with Law.
- D. Incorrect. Order of authority are in accordance with Law.
- E. Incorrect, appeal was decided in accordance with Law.
- F. Incorrect. The competent authority has passed the impugned order after due application of mid by applying the principle of administration of justice.
- G. Incorrect. The impugned order is according to Law.
- H. Incorrect. Order is in accordance with Law.
- I. The respondent also seek permission of this tribunal to arise additional grounds at the time of argument.

It is humbly prayed that appeal may kindly be dismissed.

Respondents

1. Secretary Health
Govt. of Khyber Pakhtunkhwa
Peshawar

2. Director General
Health Services
Khyber Pakhtunkhwa
Peshawar

3. District Health Officer
Mansehra

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR,

APPEAL NO: 1429 of 2014

Babar Shehzad S/O Muhammad Zareen,------(Appellant)
Junior Clinical Technician (Radiology)
Civil Hospital Baffa

VERSUS

Secretary Health Khyber Pakhtunkhwa & others -----(Respondents)

AFFIDATE

I Dr. Sardar Muhammad Bashir District Health Officer Mansehra do hereby solemnly affirm and declare on oath as respondent that the contents of parawise written comments are correct and true to the best my knowledge and behalf of that nothing has been concealed from his Honorable Court.

DEPONENT



Dr. Sardar Muhammad Bashir
District Health Officer
Mansehra