


FORM OF ORDERSHEET

Court of _____

Misc. application No. 319/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	30/04/2024	<p>The Misc. application in Appeal No. 518/2023 submitted today by Mr. Munir Ahmad through Mr. Waleed Adnan Advocate. It is fixed for hearing before Single Bench at Peshawar on . Original file be requisitioned. Parcha Peshi given to the counsel for the applicant.</p> <p style="text-align: right;"> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

C.M NO: 319 /2024
IN
SERVICE APPEAL No. 518/2023

MUNIR AHMED KHAN

V/S

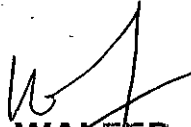
HEALTH DEPTT:

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APPELLANT/APPLICANT

Through:


WALEED ADNAN
ADVOCATE, HIGH COURT,
PESHAWAR

-/-

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C.M NO: 319 /2024
IN

SERVICE APPEAL No. 518/2023

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 12489

Dated 30/4/24

MUNIR AHMAD KHAN

JCT (Pharmacy) (BPS-12), DHQ Hospital, Lakki Marwat

Appellant/Applicant

VS

1. The Secretary Health Department, Khyber Pakhtunkhwa, Peshawar.
2. The Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
3. The District Health Officer, District Lakki Marwat.

Respondents

APPLICATION UNDER SECTION 152 CPC FOR CORRECTION
OF CLERICAL MISTAKES IN JUDGMENT DATED 19.04.2024
PASSED BY THIS AUGUST TRIBUNAL IN SERVICE APPEAL
NO.518/2023.

R/SHEWETH:

- 1- That the above titled service appeal was pending adjudication before this Honourable Tribunal and was allowed vide order dated 19.04.2024. (Copy of judgment/order dated 19.04.2024 is attached as annexure A)
- 2- That in para 3 of the above mentioned judgment dated 19.04.2024, the qualification has been inadvertently mentioned as "Pharm-B" due to clerical mistake which requires to be corrected and be replaced and reads as "Pharm-D".
- 3- That such clerical mistake would cause great inconvenience to the appellant/applicant.
- 4- That there is no legal bar in making the requisite correction rather the same is in the interest of justice.

It is therefore, most humbly prayed that on acceptance of this application, the requisite correction may kindly be made in the judgment/order dated 19.04.2024.

DATED:

Munir Ahmad
APPELLANT/APPLICANT

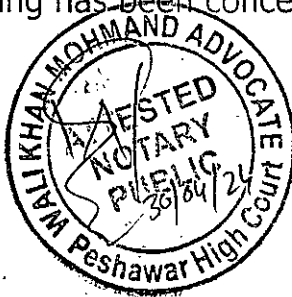
MUNIR AHMAD

Through:

Waleed Adnan
WALEED ADNAN
ADVOCATE, HIGH COURT,
PESHAWAR

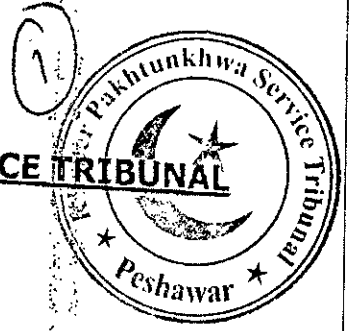
AFFIDAVIT

I, MUNIR AHMAD KHAN JCT (Pharmacy) (BPS-12), DHQ Hospital, Lakki Marwat, do hereby solemnly affirm on oath that the contents of the above application are true and correct to the best of my knowledge and believe and nothing has been concealed from this Honorable Tribunal.



Munir Ahmad
DEPONENT

"A" -3-



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Appeal No. 518 /2023

Mr. Munir Ahmad Khan, Junior Clinical Technician (Pharmacy) (BPS-12),
DHQ Hospital Lakki Marwat.

..... Appellant

VERSUS

- 1- The Secretary Health Department, Khyber Pakhtunkhwa,
Peshawar.
- 2- The Director General Health Services Khyber Pakhtunkhwa,
Peshawar.
- 3- The District Health Officer, District Lakki Marwat, Khyber
Pakhtunkhwa.

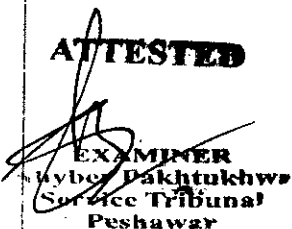
..... Respondents

SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER
PAKHTUNKHWA SERVICES TRIBUNAL ACT, 1974
AGAINST THE IMPUGNED INACTION OF THE
RESPONDENTS BY NOT INCLUDING THE APPELLANT IN
THE JOINT SENIORITY LIST FOR PROMOTION OF
TECHNICIANS/CHIEF TECHNICIANS AND SENIOR
TECHNICIANS TO THE POST OF CLINICAL
TECHNOLOGIST (BPS-17) WITH REFERENCE TO THE
DATE OF ACQUIRING QUALIFICATIONS AND AGAINST
NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF
THE APPELLANT WITHIN THE STATUTORY PERIOD OF
NINETY DAYS.

PRAYER:-

That on acceptance of the instant service appeal
respondents may please be directed to include the
appellant in the joint seniority list of Technicians, Senior
Technicians and Chief Technicians with reference to the
date of acquiring degree/qualifications for promotion to
the post of Clinical Technologist (Pharmacy) (BPS-17)
and may also be promoted to the post of Clinical
Technologist (BPS-17) with reference to the date of
acquiring of the relevant qualifications with all back
benefits including seniority. Any other remedy which
this august Tribunal deems fit that may also be awarded
in favor of the appellant.

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

-4-

Service Appeal No. 518/2023 titled "Munir Ahmad Khan versus The Secretary Health Department, Khyber Pakhtunkhwa, Peshawar and others".

ORDER

19th April, 2024

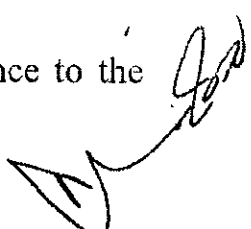
Kalim Arshad Khan, Chairman: Through this single order, this appeal and Service Appeal No. 2318/2023 titled "Noor Daraz Khan Vs. Government of Khyber Pakhtunkhwa through Secretary Health, Attached Department, Khyber Road, Peshawar and others" are being decided as both are of similar nature.

2. Learned counsel for the appellants present. Mr. Muhammad Jan, District Attorney alongwith Mr. Yousif Jamal, Assistant for the respondents present.

3. The learned counsel for the appellants referred to tentative joint seniority list of Clinical/PHC Technologists (BPS-17) Paramedics Health Department Khyber Pakhtunkhwa, wherein at serial No. 73 to 81, the employees having Pharm-B qualification were initially recruited on the recommendations of Khyber Pakhtunkhwa Public Service Commission against the post of Clinical Technologist Pharmacy (BPS-17). The learned counsel for the appellants referred to serial No. 4 of the Service Rules of the department. According to clause (b) at column No.5 of serial No. 4 of the Service Rules, 20% posts were to be filled by promotion on the basis of seniority-cum-fitness from amongst the Chief Technicians, Senior Technicians and Technicians having qualification prescribed for initial recruitment with three years service as such in the relevant technology. In the note it was provided that for the purpose of promotion, there shall be maintained a joint seniority list of Chief Technicians, Senior Technicians and Technicians with reference to the

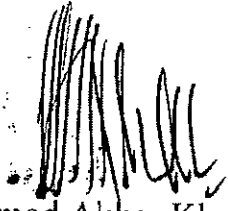
ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

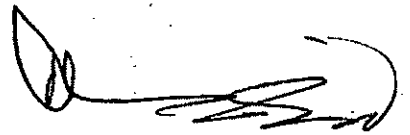


dates of their acquiring qualification prescribed for initial recruitment in column No. 3. When confronted with the situation whether the qualifications of the appellants and those mentioned at serial No. 73 to 81 of the seniority list (the employees recruited through initial appointment) was different or not to which Yousif Khan representative of the respondents could not controvert the situation and the qualification for initial recruitment was considered to be Pharm-B as is that of the appellants, therefore, there is at present no hurdle in inclusion of the names of the appellants in the joint seniority list of the Clinical/PHC Technologists (BPS-17). This being so the appeal is disposed of with the direction to accordingly include the names of appellants as per rules. Consign.

4. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal on this 19th day of April, 2024.*



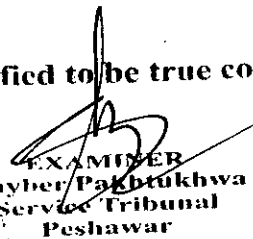
(Muhammad Akbar Khan)
Member (Executive)



(Kalim Arshad Khan)
Chairman

Naveem Amin

Certified to be true copy



EXAMINER
Khyber/Pakhtukhwa
Service Tribunal
Peshawar

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