

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

Civil Misc. No. \_\_\_\_\_ of 2024

In Service Appeal No. 1064 of 2023

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 13597

Dated 20/6/24

**Muneer Ahmad Vs. Govt. of K.P.K. etc**  
**SERVICE APPEAL**

APPLICATION TO PLEASE SUSPEND THE  
OPERATION OF LETTER NO.SO(PSB)ED/1-  
25/2024(05) DATED 14.06.2024 OF ESTABLISHMENT  
DEPARTMENT AND RESTRAIN RESPONDENTS  
FROM HOLDING THE MEETING OF PSB OF HEALTH  
DEPARTMENT.

**Respectfully Sheweth,**

1. That the above titled Service Appeal, filed by the Appellant is pending before this Honourable Court.
2. That the appellant has a good arguable case and is sanguine about its success.
3. That balance of convenience also in favour of appellant.
4. That the matter of the seniority of appellant is pending before this Honourable Court. Moreover, the Health Department vide its meeting regarding service appeal No.1064/2022. Titled Muneer Ahmad Vs. Govt. of KPK & others, held on 29.12.2023, held the appellant entitled to the seniority, but instead of placing his name at the first position of seniority list and rectifying the seniority list, have announced the date for promotion of Provincial Selection Board on 25<sup>th</sup> June, 2024.

5. That if the promotion is taken place on the basis of faulty seniority list, the appellant will suffer an irreparable loss and in that case the service appeal of appellant would become infructuous.

It is, therefore, humbly prayed that on acceptance of the instant application, the operation of subject cited letter may graciously be suspended and thereby respondents may please be restrained from holding the meeting of PSB of Health Department till decision of the service appeal, and in the meanwhile, status quo may please be ordered to be maintained.

Yours Humble Appellant



(Muneer Ahmad)  
Through Counsel

Dt. 20.06.2024



Muhammad Shoaib Ahmad Khan Alizai  
Advocate High Court, D.I.Khan

**AFFIDAVIT:**

I, ***the appellant/applicant***, do hereby solemnly affirm and declare on oath that all the Para-wise contents of this **application** are true and correct to the best of my knowledge, belief and information and that nothing has been deliberately concealed from this Honourable Court.

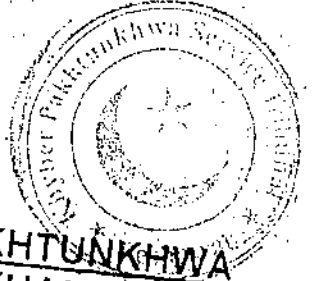
**ATTESTED**



20/06/24



**Deponent**



**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, CAMP AT D.I.KHAN.**

Service Appeal No. 1069 of 2023.

Khyber Pakhtunkhwa Service Tribunal

Sl. No. 5025  
Date: 25/2023

Muneer Ahmad son of Shah Ahmad, Clinical Technician Pharmacy,  
District Headquarter Teaching Hospital, D.I.Khan.

Appellant

VERSUS

1. Govt. of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. Secretary, Health Department, Khyber Pakhtunkhwa, Peshawar.
3. Director General, Health Services, Khyber Pakhtunkhwa, Peshawar.
4. Additional Director General (HRM), D.G. Health Office, Peshawar.
5. District Health Officer, Dera Ismail Khan.
6. Ali Rehman son of M. Zareen, Clinical Technologist (Pharmacy), DHO office Swat.
7. Naeem Jan son of Haji Abdul Jabbar, Clinical Technologist (Pharmacy), DHO Office Peshawar.
8. Shakeel Ahmad son of Wadood-ur-Rehman, Clinical Technologist (Pharmacy), DHO Office Peshawar.
9. Muhammad Younus son of Shamshad, Clinical Technologist (Pharmacy), DHQ Hospital, Batkhela.
10. Anwar Khan son of Shereen Zada, Clinical Technologist (Pharmacy), DHO Office Peshawar.
11. Javed Akbar son of Muhammad Akbar, Clinical Technologist (Pharmacy), DHO Office, Peshawar.

Respondents

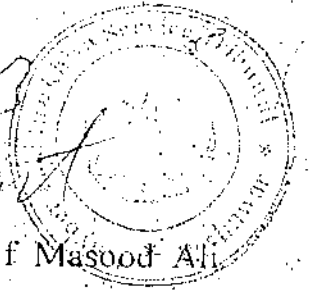
Attested  
Muhammad

SERVICE APPEAL UNDER SECTION 4 OF THE K.P.K. SERVICE TRIBUNALS ACT, 1974, AGAINST PROVISIONAL SENIORITY LIST OF CLINICAL TECHNOLOGISTS (PHARMACY) AS STOOD ON OCTOBER 2022, ATTESTED CIRCULATED VIDE LETTER NO.16546-646/PROMOTION CELL DATED 07.12.2022 BY THE RESPONDENT NO. 4

Signature of Respondent

to-day  
15/23

Appeal No. 1064/2024  
Muneer Akh. vs. Govt



20.05.2024

01. Appellant present in person. Mr. Asif Masood Ali Shah, DDA alongwith Syed Javed Ali Shah, Cardiologist for the respondents present.

02. Reply/comments on behalf of the respondents not submitted and request for further time was made by the said representative. Absolute last chance is given to the respondents for submission of written reply/comments on 20.08.2024 before the S.B at camp court, D.I.Khan. PP given to the parties.

ATTESTED  
*[Signature]*  
Fazle Subhan  
EXAMINER  
Hyderabad  
Service Tribunal  
Government of Punjab

*[Signature]*  
(Fareeha Paul)  
Member(E)  
Camp Court, D.I.Khan.

\*Fazle Subhan, P.S\*

Attested  
Quarizai

Date of Presentation of Application 20-6-24  
Number of Page 2  
Copying Fee 10/-  
Urgent 5/-  
Total 15/-  
Name of [Signature]  
Date of Case Filed 20-6-24  
Date of Delivery of Copy 20-6-24

Subject: MINUTES OF THE MEETING REGARDING SERVICE APPEAL NO. 1064/2023 TITLED MUNEEER AHMAD VS GOVT OF KPK & OTHERS

The subject meeting was held under the chairmanship of Special Secretary (E&A), Health Department on 29.12.2023 at 02:00 PM in his office. The agenda of the meeting was to discuss Service Appeal No 1064/2023 Titled "Muneer Ahmad Vs Govt of Khyber Pakhtunkhwa & Others". The following attended the meeting

- i. Mr. Abdul Ghafoor Shah,  
Special Secretary (E&A) Health Department (Chairman)
- ii. Mr. Zia Ullah,  
Deputy Secretary (Litigation), Health Department (Participant)
- iii. Dr. Fazal Rehman,  
Director (HRM) DGHS (Participant)
- iv. Mr. Naseer Ahmad, Section officer (E-III)  
Health Department (Participant)

The chair welcomed the participants and apprised the forum about agenda of the meeting. The Deputy Secretary (Lit) Health Department briefed the chair about the case that Muneer Ahmad (Appellant) was senior than the other private respondents in BPS-16 and the appellant as well as private respondents were promoted vide Notification dated 11.01.2022 to the post of Technologist (BPS-17). After the promotion the seniority list for the post of Technologist (BPS-17) was prepared in which Mr. Muneer Ahmad was placed at lower position in the seniority list therefore, he filed the instant appeal before the Service Tribunal in which the Court is pressing hard for parawise comments. He further stated that the appellant being senior in BPS-16 and promoted on the same date, is entitled to retain his senior position in the seniority list of Technologist (BPS-17) from the private respondents under Rule 17 (b) of the Khyber Pakhtunkhwa (Appointment, promotion and Transfer) Rules 1989 which is reproduced as under.

17 (b) "In the case of civil servants appointed otherwise, with reference to the dates of their continuous regular appointment in the post; provided that civil servants selected for promotion to a higher post in one batch shall, on their promotion to the higher post, retain their inter se seniority as in the lower post."

The Director (HR) DGHS informed the forum that the seniority list of Technologist (BPS-17) has been prepared on the basis of Khyber Pakhtunkhwa (APT) Rules from the date of initial appointment whereas in BPs-16 the seniority list under the Rules was prepared from the date of acquiring degree therefore, the appellant was placed senior in BPS-16 for the reason that he acquired the degree much before than the private respondents. He further informed the chair that the appellant has already filed a departmental appeal which is pending in the Directorate

The Committee discussed the above Case in detail and after threadbare discussion it was decided that the DGHS may be directed for correction of seniority list in accordance with the relevant Rules with further direction to forward the departmental appeal within a week time in order to decide the same at departmental level in accordance with the prevalent Rules. The litigation wing may prepare the parawise comments in light of the minutes of the meeting and record at the earliest.

Meeting ended with a vote of thanks from either side.



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

~~REGISTRATION NO. 1064/2023~~  
~~Dated: 07-06-23~~

To  
S: 10/1/23  
25/11/24

*g.c.*

Main Diary No. 5002  
Date: 07-06-23  
Director of Health Services  
Khyber Pakhtunkhwa

The Director General,  
Health Services Khyber Pakhtunkhwa,  
Peshawar.

Subject: MINUTES OF THE MEETING REGARDING SERVICE APPEAL NO. 1064/2023  
TITLED MUNEEB AHMAD V/S GOVT. OF KHYBER PAKHTUNKHWA

I am directed to refer to the subject noted above and to forward herewith a copy of approved minutes held on 20-12-2023 under the Chairmanship of Special Secretary (I&A) Health, Khyber Pakhtunkhwa for Health, for information/necessary action please.

Encl: As above

(NASEER AHMAD)  
SECTION OFFICER-III

Encl: of every no & date.

Copy forwarded to:-

1. PS to Secretary Health, Khyber Pakhtunkhwa.
2. PA to Special Secretary (I&A) Health, Khyber Pakhtunkhwa.

*g.c.*  
SECTION OFFICER-III

The litigation wing may prepare the parawise comments in light of the minutes of the meeting and record at the earliest.

Meeting ended with a vote of thanks from either side.

*Attested  
Naseer Ahmad*

بخدمت جناب سیکرٹری اسٹیبلشمنٹ خیبر پختونخواہ پشاور

عنوان: کلینکل ٹیکنالوجسٹ فارمیسی (BPS-17) کی سیٹاری لیٹ میں بے تاکنہ گروں کے باوجود اگلے سکیل میں ترقی کے لئے PSB کے

اجلاس کا غیر قانونی انعقاد

جناب عالی!

گزارش ہے کہ بندہ ہیلتھ ڈیپارٹمنٹ میں کلینکل ٹیکنالوجسٹ فارمیسی (BPS-17) ڈسٹرکٹ ہیلتھ آفسر ڈیڑہ اسماعیل خان میں خدمات سر انجام دے رہا ہے۔ گزارشات درج ذیل ہیں۔

۱۔ یہ کہ مذکورہ بالا عنوان پر بندہ نے جناب عالی کو مورخہ 22/09/2023 کو درخواست گزار کی کہ بندہ کو سیٹاری لیٹ مورخہ 07/12/2022 میں اپنی کنگری (فارمیسی) کے پہلے نمبر سے ہٹا کر ساتویں نمبر پر رکھا گیا تھا جس سے مجموعی سیٹاری لیٹ میں بندہ کا سیریل نمبر 207 کی بجائے سیریل نمبر 213 ہو گیا تھا۔

۲۔ جناب کی خصوصی شفقت سے میری مذکورہ درخواست پر عملدرآمد کے نتیجے میں اسپتال سیکرٹری (E&A) ہیلتھ ڈیپارٹمنٹ کی زیر نگرانی مورخہ 29/12/2023 کو میٹنگ ہوئی جس میں میرے موقف کو تسلیم کیا گیا اور فیصلہ کیا گیا کہ ڈائریکٹر جنرل ہیلتھ ڈیپارٹمنٹ کو سیٹاری لیٹ میں درجگی کی بذات کی جائے اور میری ڈیپارٹمنٹ اسپتال کو ایک نئے کے اندر آگے بھیجا جائے تاکہ اپیل کو ٹھکانہ سچ پر فرمایا جاسکے۔ درخواست مورخہ 22/09/2023 اور شش آف میٹنگ کی کاپی لف ہے۔ (A&B)

۳۔ یہ کہ مذکورہ درخواست آف میٹنگ کے مطابق (SO-III) نے ڈائریکٹر جنرل صاحب کو لیز نمبر (S.A No NO SOH-III/8-60/2024 مورخہ 03/01/2024) کو تحریر کیا جس پر 16 ماہ بعد بھی عملدرآمد نہیں کیا گیا بلکہ سیٹاری لیٹ تمام غلطیوں کے ساتھ جوں کی توں آئندہ PSB اجلاس میں پیش کی جا رہی ہے۔ (C)۔ یہ کہ سیٹاری لیٹ میں غلطیوں کو دور کیے بغیر اگلے سکیل میں ترقی کے لیے PSB میں درجگت و پیمبر جمع کراؤ خلاف عقل اور خلاف قانون ہے۔

۴۔ مزید یہ کہ سیٹاری لیٹ میں ریٹائر لوگ تقریباً 20 ہیں۔ سیریل نمبر 103, 117, 118, 128, 131, 138, 139, 148, 150, 195, 203, 207, 238, 246 پر کل 20 لوگ ریٹائر ہو چکے ہیں۔ ریٹائر ہونے والوں کو سیٹاری لیٹ سے ہٹانے کی ضرورت ہے۔ (D)

۵۔ یہ کہ اسی طرح سیٹاری لیٹ میں 42 لوگ مطلوب مدت ملازمت پوری نہ ہونے کی وجہ سے Not Eligible ہیں۔ کل لوگ 62 ہوتے ہیں جن کو اہل امیدواران کی سیٹاری لیٹ اور رکنگ پیمبر سے ہٹانے کی ضرورت ہے۔ مذکورہ درجگتوں کے بعد بندہ کا درست سیٹاری لیٹ نمبر 182 کی بجائے سیٹاری لیٹ نمبر 118 بنتا ہے۔ اس طرح بندہ کی اگلے سکیل میں ترقی کے لیے PSB کے درجگت پیمبر میں نام شامل فرمایا جائے تاکہ 123 خالی پوسٹوں پر ترقی کی صورت میں بندہ کو اگلے سکیل میں ترقی ملنے میں حق تلفی نہ ہو۔ بندہ تازیت دعا کر رہے گا۔ مورخہ 10-06-2024

الذمہ

منیر احمد ولد شاہ احمد کلینکل ٹیکنالوجسٹ فارمیسی BPS-17 ڈسٹرکٹ ہیلتھ آفسر ڈیڑہ اسماعیل خان

کاپی برائے اطلاع:

- |                               |   |
|-------------------------------|---|
| 1. چیف منسٹر کے پی کے پشاور   | 4. سیکرٹری ہیلتھ کے پی کے پشاور             |
| 2. ہیلتھ منسٹر کے پی کے پشاور | 5. SO-III ہیلتھ کے پی کے پشاور              |
| 3. چیف سیکرٹری کے پی کے پشاور | 6. ڈائریکٹر جنرل ہیلتھ سروسز کے پی کے پشاور |

Attested  
Qualification



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT

No. SO(PSB)HD/1-25/2024/(05)  
Dated Peshawar, the 14.06.2024

To

1. The Additional Chief Secretary,  
Government of Khyber Pakhtunkhwa,  
Planning & Development Department.
2. The Senior Member, Board of Revenue,  
Khyber Pakhtunkhwa.

SUBJECT: - MEETING OF THE PROVINCIAL SELECTION BOARD.

Dear Sir,

I am directed to refer to the subject and to say that meeting of Provincial Selection Board will be held on 25<sup>th</sup> June, 2024 at 11:00 AM under the chairmanship of Chief Secretary, Khyber Pakhtunkhwa in the Conference Room of Chief Secretary, Khyber Pakhtunkhwa. Agenda of the meeting alongwith working papers will be provided subsequently.

2. You are requested to kindly make it convenient to attend the meeting.

Yours faithfully,

SECTION OFFICER (PSB) 14/6/24

Encl. As above

Endst. of even No. & date.

A copy is forwarded to: -

1. The PSO to Chief Secretary, Khyber Pakhtunkhwa.
2. The P.S to Chief Secretary, Khyber Pakhtunkhwa.
3. The P.S to Secretary Establishment Department.
4. The P.S to Special Secretary (Reg.) Establishment Department.

*Allosted  
Davalger*

SECTION OFFICER (PSB)