

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

Amended Appeal No: 874/2022

Muhammad Ilays

**VERSUS** *mgnel*

Director General Health Khyber Pakhtunkhwa &  
Others

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Dated: 22/07/2024

  
Appellant

Through

**Muhammad Saddiq**  
Advocate, Peshawar

*25/7/24*

*A. A. B. B.*

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

Appeal No: 876/2022

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 14416

Dated 22-07-2024

Muhammad Ilays S/o Haji Firdous Khan R/o Doctor  
Abad Koza Banda Tehsil & District Batagram.

.....Appellant

**VERSUS**

1. Director General Health Khyber Pakhtunkhwa.
2. The Secretary Health Khyber Pakhtunkhwa.
3. The Director General KPK PHSA.
4. Assistant Director Administration PHSA.
5. Superintendent PHSA.
6. District Health Officer Batagram Khyber  
Pakhtunkhwa.

.....Respondents

**AMENDMENT APPEAL U/S 4 OF THE KHYBER  
PAKHTUNKHWA SERVICES TRIBUNAL ACT 1974  
FOR CONSIDERING THE FOUR YEARS DEGREE  
FOR PROMOTION IN RESPECT OF PHARMACY  
TECHNICIAN.**

**PRAYER IN APPEAL:**

ON ACCEPTANCE OF THE INSTANT APPEAL  
DIRECTIONS MAY KINDLY BE ISSUED TO  
RESPONDENTS TO PROMOTE THE PETITIONER  
ON THE POST OF PBS-17.

Respectfully Sheweth,

1. That the appellant is a bonafide and law abiding citizen and regularly on duty at PHSA. (A)
2. That the appellant has been appointed as pharmacy technician. (B)
3. That the appellant got admission in health technology in which the appellant passed it and received concerned Diploma in this filed.
4. That the appellant submitted application for the grant of promotion on the basis of pharmacy technician diploma to next post but with no fruitful result and the defendant may not be taking any action on the said application (Copy of the application to the Secretary are attached as annexure "D").
5. Prospectus Admission rule No.4 However dispensers can apply for health nephrology. Pharmacy, Physiotherapy, Gastroenterology and pulmonology technologies if the candidates designated / qualified (NWFP) Medical Faculty certificate holder).
6. That the appellant it illegible to be promoted to the post prayed for.
7. That now the appellant comes to this august court on the following grounds amongst others.

Grounds:

1. That the respondents not taking any action on the department appeal of the appellant are against the law, facts norms of justice and material on record.


2. That the appellant is legible to be promoted to the post of experience and pharmacy technician diploma.
3. That the appellant requested to promote the petitioner and the respondent not answering.
4. That the appellant is well qualified person among other officer and also entitled for the promotion on the grade.
5. That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

*It is, therefore, most humbly prayed that the appeal of the appellant be accepted as prayed for in the heading.*

Dated: 22/07/2024

  
Appellant

Through

  
Muhammad Saddiq  
Advocate, Peshawar

Affidavit:-

I, Muhammad Ilyas S/o Haji Firdous Khan R/o Doctor Abad Koza Banda Tehsil & District Batagram, do hereby solemnly affirm and declare on oath that all the contents of appeal are true and correct to the best of my knowledge and belief and nothing has been concealed.

  
DEPONENT

22 JUL 2024





### CATEGORIES/DISCIPLINES OF TECHNOLOGIES:

At present the two years degree courses are being conducted in the following technologies:

1. Pathology
2. Surgical/Operation Theatre.
3. Radiology.
4. Anesthesia.
5. Cardiology.
6. Dental.
7. Pharmacy.
8. Health including Public Health, PHC and Medical Field.
9. Dialysis (both medical and surgical aspects).
10. Physiotherapy
11. Pulmonology
12. Gastroenterology

### ADMISSION PROCEDURES


Admission is made on annual basis for two calendar years degree courses in twelve different technologies. Session starts from January and ends in December of the next year.

#### A. IN-SERVICES CANDIDATES



1. 60% of 200 open seats are allocated for in-Service Paramedics (20% of these seats are reserved for in-service female paramedics)
2. Basic qualification is Matriculation with Science. However, in case of female candidates matric with Arts or equivalent certificate may be considered if matric with science are not available.
3. Female Medical Technicians with matric qualification can also apply for Anaesthesia, Physiotherapy, Cardiology, Surgery, Radiology and Dental Technologies as a special case as per merit criteria.
4. Minimum five years of Govt. service with at least two years service in the relevant technology is required. However Dispensers can apply for Health, Nephrology, Pharmacy, Physiotherapy, Gastroenterology and Pulmonology Technologies if the candidates, designated / qualified (NWFP Medical Faculty certificate holder) or working for at least two years in these technologies are not available.
5. Male Medical/ Health technicians can apply only for Health technology.
6. Upper age limit 45 years for in-service candidates
7. Out of the allocated 60% seats, 20% seats are reserved for females. Some of the criteria may be relaxed when the number of female candidates is less than the required for filling the quota.
8. If female candidates are not available male candidates will fill the seat on merit.
9. EPI Technicians and other health auxiliary staff like Malaria staff etc. having Matric with Science and have obtained passed/ renewed certificate from NWFP Medical Faculty Examination are also eligible subject to the Five Years Service Experience. They shall be considered equivalent to Dispensers.

(4)

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OFFICE OF THE  
**DISTRICT HEALTH OFFICER**

Battagram (Khyber Pakhtunkhwa)  
Phone & Fax: # (0997) 310507

No. 1255 / Dated 16/10 /2021

To,

The Secretary Health,  
Khyber Pakhtunkhwa  
Peshawar

Subject: - **REQUEST FOR CONSIDERING HEALTH TECHNOLOGY DEGREE FOR PROMOTION IN RESPECT OF PHARMACY TECHNICIAN**

Dear Sir, It is submitted in your honor that Mr. Ilyas Khan, Senior Pharmacy Technician, BPS-14, holds a four years degree in Health technology (Multipurpose) from university of Peshawar. As the official concerned applied through proper channel for in-service candidates, which is evident from the T&Cs of the then prospectus (copy attached) for that degree announced by PHSA Peshawar.

It is requested that, his degree may be considered for his promotion please.

The undersigned looks forward for necessary favour in this regard.

  
District Health Officer  
Battagram



EXTRAORDINARY  
GOVERNMENT



6

REGISTERED NO. PII  
GAZETTE

## KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, FRIDAY, 6TH NOVEMBER, 2020.

GOVERNMENT OF THE KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

### NOTIFICATION

Peshawar dated the 01<sup>st</sup> November, 2020

~~SOI-III-3-60/2020/Payamedtex/SSRC/1410-82~~: In pursuance of the provisions contained in sub-rule (2) of rule 2 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Health Department, in consultation with the Establishment Department and the Finance Department, hereby directs that in this Department's Notification No. SOI-III HD-3-5-2014, dated 10-05-2016, the following amendments shall be made, namely:-

### AMENDMENTS

In the Appendix:-

(a) against Serial No. 1, in Columns No. 2 and 5, for the existing entries, the following shall be substituted, namely:-

2	5
Principal Technologist	"By promotion, on the basis of seniority-cum-fitness, from amongst the Chief Technologists and Chief PIC Technologists with five years service in HPS-19 or seventeen years service in HPS-17 and above as such.  Note: A joint seniority of Chief Technologists and Chief PIC Technologists shall be maintained for the purpose of promotion";

(b) against Serial No. 2, in Columns No. 2 and 5, for the existing entries, the following shall be substituted, namely:-

2	5
"Chief Technologist" Chief PIC Technologist.	"By promotion, on the basis of seniority-cum-fitness, from amongst the Senior Clinical Technologists and Senior PIC Technologists with seven years service in HPS-18 or twelve years service in HPS-17 and above as such  Note: A joint seniority of Senior Clinical Technologists and Senior PIC Technologists shall be maintained for the purpose of promotion";

(c) against Serial No. 3, in Columns No. 2, 3, 4 and 5, for the existing entries, the following shall be substituted, namely:-

At least 25%
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(7)

संख्या (No.)	वर्ग (Category)	विवरण (Description)
1	Senior Clinical Technology	Senior Clinical Technology
2	Senior Public Health Technology	Senior Public Health Technology
3	Senior PHC Technology	Senior PHC Technology
4	Senior PHC (Type I) Technology	Senior PHC (Type I) Technology
5	Senior PHC	Senior PHC
6	Technology (PHC)	Technology (PHC)

1) against Serial No. 1, in Column No. 2, for the existing entries, the following shall be submitted, namely:

All West Second Class BS (use, use-general) Master Degree in the relevant technologies from a recognized University.

Note: For the purpose of clause (b), in Column No. 2, apart from the enhanced qualification (use two year Degree from a recognized University shall be applicable up to seven (7) years from the commencement of the amending modification.

2) in Column No. 4, for the existing entries, the following shall be submitted, namely:

22-23 Year, and

3) in Column No. 5, in clause (b), after the present, the following shall be inserted, namely:

Note: Master in Public Health Degree from a recognized University shall be considered for promotion only for those categories where Degree in the relevant technologies does not exist. In case of non-availability of MPH or relevant degree in their relevant categories, vacant posts shall be considered for promotion on the basis of seniority-cum-time, from amongst the Clinical Technicians and Technicians (PHC) Technicians on their relevant technologies with at least three years service as such.

4) against Serial No. 5, in Column No. 5, for the existing entries, the following shall be submitted, namely:

By promotion for the posts of Senior-cum-time, from amongst the Senior Clinical Technicians (HS-11) and Senior PHC Technicians (HS-11) with two years service in the relevant technology, as such. In case the required length of service is less than two years then one fourth service in lower basic scales shall be counted as service in HS-11.

Note: 1) The counting of one fourth service in lower basic scales as service in HS-11 shall be one time exercise in order to remove the anomaly created in the PHC service structure after the graduation of posts in HS-11, without upgrading the incumbents to higher grades under Finance Department Notification of even No. dated 15.05.2018. Upon promotion of the existing incumbents this relaxation shall be discontinued.

CP

1062 KHYBER PAKHTUNKHWA GOVT. GAZETTE, EXTRAORDINARY, 8<sup>th</sup> NOVEMBER, 2029

(ii) A separate seniority list of Senior Clinical Technicians and Senior PIC Technicians of relevant technology shall be maintained for the purpose of promotion.

(i) against Serial No. 6, in Column No. 5, for the existing entries, the following shall be substituted, namely,

"By promotion, on the basis of Seniority-cum-fitness, from amongst the Technicians and PIC Technicians with two years service as such in the relevant Technology." And

Note: A separate seniority list of Technicians and PIC Technicians shall be maintained in the relevant technology for the purpose of promotion.", and

(ii) against Serial No. 7, in Columns No. 3 and 4, for the existing entries, the following shall be substituted, namely

3	4
(i) Technician/ PIC Technician: At least Second Division Secondary School Certificate in science from a recognized Board and two years Diploma in the relevant Paramedical Technology from recognized Medical Faculty or F.Sc Medical Technology in the relevant Technology from a recognized Board	18-32 Years
(ii) PIC Technician (MCH): At least Second Division Secondary School Certificate in science from a recognized Board and Diplomas of LHV and Midwifery from recognized a Nursing Examination Board and having valid registration with Pakistan Nursing Council as LHV.	

SECRETARY TO  
GOVERNMENT OF THE KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

# University of Peshawar Pakistan



This certifies that

**Mohammad Ilyas son of Firdous Khan**

having fulfilled all the requirements is hereby admitted to the degree of

**Bachelor of Science (Honours) in Paramedical Sciences**

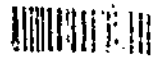
and is entitled to all the rights, honours and privileges thereunto appertaining.

Given this 2nd day of August, 2017.

Roll No: 1084

Session: Annual 2014

Reg. No: 2006-PGPI-111



138696

Registrar

Vice Chancellor