

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR**

SERVICE APPEAL NO. 1722/2023

Daud KhanAppellant

Versus

Government of Khyber Pakhtunkhwa & othersRespondents

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Deponent

Director General Health Services
Khyber Pakhtunkhwa, Peshawar

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA

SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO.1722 OF 2023

Daud Khan..... Appellant

Versus

Govt. of Khyber Pakhtunkhwa and others..... Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO.01 TO 04

**Khyber Pakhtunkhwa
Service Tribunal**

Respectfully Sheweth:

Diary No. 14150

Dated 11-07-2024

Preliminary Objections:-

1. That the appellant has got no cause of action or locus standi to file the instant appeal.
2. That the appellant has filed the instant appeal just to pressurize the respondents.
3. That the instant appeal is against the prevailing Law and Rules.
4. That the appeal is not maintainable in its present form and also in the present circumstances of the issue.
5. That the appellant has filed the instant appeal with mala-fide intention hence liable to be dismissed.
6. That the appellant has not come to this Honorable Tribunal with clean hands.
7. That the appeal is barred by law and limitation.
8. That the instant appeal is bad for mis-joinder of unnecessary and non-joinder of necessary parties.

ON FACTS:

1. The appellant was appointed as Junior Clerk (BPS-05) in Directorate of Fisheries, NWFP Peshawar on 13-10-1989 and was adjusted in Health Department (Khyber Teaching Hospital / HSTH Peshawar) on 14-02-1995 from Surplus Pool. (*Annex-A & B*).
2. Incorrect. The appellant has already been promoted to the post of Sr. Clerk (BPS-14) vide Health Directorate Notification No. 4272-74/Ministerial Promotion Cell dated 16-08-2023. The appellant has already been retired from service (Premature) w.e.f 01-11-2023 (*Annex-C & CI*).
3. Incorrect. The cadres have been notified by the Government of Khyber Pakhtunkhwa Health Department vide Notification No. SO (H) IV-4-13/75Pt.II dated 29-03-1982 and Notification No. SO (H)1/4-6/83 dated 22-06-1983. (*Annex-D & E*).

4. Incorrect. The incumbents of the cadres are promoted in their cadres on availability of vacant positions as evident from the attached promotion notification of both the cadres. (*Annex-F & G*).
5. Incorrect. As explained in para-03 above.
6. Incorrect. For amendment in the Service Rules, this Directorate has already submitted the case titled "**Draft proposed Service Rules of Ministerial Staff of Health Department in Khyber Pakhtunkhwa**" to the Government of Khyber Pakhtunkhwa Health Department vide letter No. 3260-61 dated 13-10-2022 on which some observation was made by the Government and the same will be submitted shortly after removing the discrepancies. (*Annex-H*).
7. As explained in para-06 above.
8. Incorrect. As explained in para-03 above.
9. Pertain to record.
10. Incorrect.

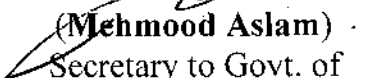
GROUNDS

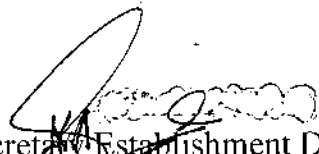
- A. Incorrect. The Service Rules for both the cadres were issued by the Govt: of Khyber Pakhtunkhwa Health Department therefore the same cannot be treated as unlawful/against the law.
- B. Incorrect. The appellant has already been promoted to the post of Sr. Clerk (BPS-14) on his turn in accordance with law and rules of the Departments.
- C. Incorrect. The Seniority list of both the cadres have been prepared as per approved Service Rules as notified on 29-03-1982 (DG Health Cadre Rules. From Class-IV to Superintendent and Administrative Officer) & 22-06-1983. (Sub Cadre Rules. From Class-IV to Superintendent and Accountant BPS-16).
It is pertinent to mention here that Separate Seniority lists of Junior Clerks (BPS-11) and Senior Clerks (BPS-14) are being prepared for both the cadres whereas Joint Seniority list of Office Assistants (BPS-16) and Superintendents (BPS-17) for both the cadres are being maintained as Senior Clerks (BPS-14) of both the cadres are being jointly promoted to the post of Office Assistant (BPS-16) at provincial level so the seniority lists of Assistants (BPS-16) and Superintendents (BPS-17) becomes joint at provincial level.
- D. As explained in preceding paras.
- E. Incorrect. As explained in para-A above.
- F. Incorrect. The officials of sub cadres are also given chances of promotion in accordance with service rules and they have not been deprived from their right as explained in the aforesaid paras.
- G. Incorrect. The employees of both the cadres are getting their right of promotion as prescribed in Service Rules and on availability of vacancies.
- H. Incorrect. As explained in para-A above.
- I. Incorrect. Promotion of employees of both the cadres are in operation since Service Rules notified on 29-03-1982 & 22-06-1983 and a large number of employees are promoted/promoting in light of above Service Rules.


J. That the respondents also seek permission to raise further points at the time of arguments.

PRAYER:

It is therefore humbly prayed that on acceptance of the comments, the instant appeal of the appellants may very graciously be dismissed with costs.


(Mehmood Aslam)
Secretary to Govt. of
Khyber Pakhtunkhwa Health Department
(Respondent No. 01 & 3)


Secretary Establishment Department
Khyber Pakhtunkhwa Peshawar
(Respondent No. 02)


(Dr. Shoukat Ali)
Director General Health Department
Khyber Pakhtunkhwa Peshawar
(Respondent No. 04)

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR**

SERVICE APPEAL NO. 1722/2023

Daud Khan **Appellant**

Versus

Government of Khyber Pakhtunkhwa & others **Respondents**

Affidavit

I, Dr. Muhammad Saleem, Director General Health Services, Khyber Pakhtunkhwa, Peshawar, under the directions of the Competent Authority, do hereby solemnly affirm that the contents of the parawise Comments on behalf of Respondents are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court. It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense has been struck off / costs.



10⁷
2024


Deponent

**Director General Health Services
Khyber Pakhtunkhwa, Peshawar**

~~CONFIDENTIAL~~

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①

Annex A
A

On the recommendation of the Departmental Selection Committee
Mr. Dawood Khan S/O Muhammad Akbar Khan resident of Hasan Gharkhi, Shari Road,
Peshawar Tehsil and District Peshawar is hereby appointed as Junior Clerk in the
Basic Pay Scale of Rs. 700-25-1200 (BPS-5) with usual allowances as admissible
under the rules against the existing vacant post in the office of Assistant
Director Fisheries (Project Manager) and Aquaculture Development Project, NMSP,
Peshawar with effect from the date he joins duty. The conditions of his service
are under:-

- 1) His service is purely on temporary basis for a period of 6 (six) months in the first instance.
- 2) He will have to produce necessary medical fitness certificate and verification of character and antecedents by concerned authorities.
- 3) He will have to produce a certificate of character from two other responsible persons not being their relatives.
- 4) He will have to produce an attested copy of the Nationalisation certificate.
- 5) He will be on probation for a period of two years.
- 6) He will join duty at their own expenses.
- 7) He will be transferred throughout NMSP.

He will be governed by such rules and orders relating to service, leave, travelling allowance, medical attendance and pay etc may be issued by Government from time to time.

Sd/-
(SHEIKH AHMED HAMEED)
DIRECTOR OF FISHERIES
NMSP, PESHAWAR

No. 1768-7/10-A/2/38

Dated Peshawar, the 5 / 10 / 99.

Copy forwarded for information and n/notion to:-

- 1) The Accountant General, NMSP, Peshawar.
- 2) The Assistant Director Fisheries, (Project Manager) and Pak Aquaculture Development Project, NMSP, Peshawar
- 3) The Budget Assistant, Headquarters, Peshawar.
- 4) Official concerned/Personal file.

Sd/-
DIRECTOR OF FISHERIES
NMSP, PESHAWAR.

informant

Annex A B B
B

(2)

HAYAT SHAHED TEACHING HOSPITAL, PESHAWAR.

APPOINTMENT ORDER

HSTH/E

Dated

1995

As a result of interview dated 9-2-95
Mr. SAWOOD KHAN S/O D/O Muhammad Akbar Khan
is hereby selected and offered a temporary post of Junior Vis
in EPS 5 plus other allowances
admissible under the Govt. Rules in this Institution against
the vacant post of Jr. Clerk on probation for one year.

The post which is being offered to you is sanctioned temporary on year to year basis. Your employment is therefore purely temporary and can be terminated ~~without~~ without any reasons being assigned to you at any time irrespective of the fact that you are holding a post other than the one which you originally recruited or upon the payment of 14 days salaries in lieu of NOTICE.

In case you wish to resign at any time a prior notice will be necessary and you will continue to serve the Govt. till your resignation is accepted and communicated to you in writing.

You will be governed by such rules and orders relating to leave, T.A, Medical attendance, pay etc, as may be issued by the Government for the category of Govt. servant to which you belong.

Your appointment will be subject to your Medical Fitness.

If you accept the offer on the above terms and conditions, you should report to the undersigned within 10 days of the receipt of this letter, failing which the offer will be treated as cancelled and withdrawn.

Asif Azam Ahmad

ADMINISTRATOR
HAYAT SHAHED TEACHING HOSPITAL,
PESHAWAR.

NO. 2793 /HSTH/E

Dated 14-2-1995

Copy for information and necessary action ~~sent~~

1. The Dy:Medical Supdt: (Adm) HSTH; Peshawar.
2. The Accounts Officer HSTH; Peshawar.
3. The I/O. Supdt: Matti Section HSTH; Peshawar.
4. Mr. Miss. Mrs. Sawood Khan / Muhammad Akbar Khan Office of the Project Manager / Second aquaculture dev: project - 1991-92 PESHAWAR.
5. The Director Fisheries, NWFP, Peshawar w/r ADMINISTRATOR HSTH. to his letter No.8246/PF-228/DF,dt.14/11/94

Asif Azam Ahmad

Asif Azam Ahmad



③

Annex 2

DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR

E-Mail: dgshs@peshawar.gov.pk Office Phone: 9210269 Exchange: 92102101, 9210196 Fax #: 92102230

NOTIFICATION.

On the recommendation of Departmental Promotion Committee (DPC) in its meeting held on 04.08.2023, the following Junior Clerks (BPS-11) of Sub- Cadre are hereby promoted to the post of Senior Clerk (BPS-14) with immediate effect.

S No.	Name of Official	Place of Posting
1	Farman Ali S/O Khanin Ullah	DHO Mardan
2	Daud Khan S/O Muhammad Akbar Khan	DHO Khyber
3	Khan Muhammad	DHO II: Miran Shah
4	Kamal Asrar Baig S/O Uz Baig	DHO Abbottabad
5	Fahim Ali S/O Khair Din	DHO Abbottabad
6	Mansoor Hussain S/O Mir Alzal	ATH, Abbottabad
7	Iqbal-ud-Din S/O Abdul Ghani	DHO Dir Lower
8	Zaki Hussain S/O Khan Gul	LRI Peshawar
9	Ahmad Qadir S/O Haji Gul Habadar	MAM Hosp Peshawar
10	Nadir Zaman S/O Khan Zaman	DHO Charsadda
11	Sabir Iqbal S/O Kaly Khan	MIM Teaching Hospital D.I.Khan
12	Ijaz Aram S/O Mubeen Khan	DHO Hospital Nowshera
13	Wahid Sher S/O Muhammad Sher	DHO Swat
14	Abdul Khalid S/O Akram Khan	DHO Abbottabad
15	Nawab Khan	LRI Peshawar
16	Nasrullah Khan S/O Abdul Ghafar	DHO Hospital, Kohat.
17	Muhammad Baza	DHO Abbottabad
18	Muhammad Younas Shah S/O Syed Muhammad Ismail	MHC Mardan
19	Bakht Momin S/O Bakht Karim	SMC Swat
20	Iqbal Hussain S/O Gulab Hussain	DHO, Parachinar
21	Suhail Iqbal Khan S/O Muhammad Iqbal Khan	DHO, D.I.Khan
22	Sayed Hamid Hussain S/O Syed Ali Hussain	DHO, Parachinar
23	Ashiq Hussain S/O Sabir Hussain	ATH II: Parachinar
24	Said Harid Hussain S/O Sardar Hussain	DHO, Kurram
25	Muhammad Fayaz S/O Muhammad Yaqoob	KMC Peshawar
26	Bakhtiar Ahmad S/O Fida Muhammad	PGMH/HMC, Peshawar
27	Mamullah S/O Abdul Rahim	DHO Hospital, Charsadda
28	Gohar Ali S/O Naik Zaida Barcha	DHO, Swat
29	Sad ul Rahman S/O Faraz Mehmood	KTI Peshawar
30	Ampal Ali S/O Muhammad Sher	Agency Surgeon Orakzai
31	Muhammad Biaz S/O Lamash Khan	DHS Merged Area
32	Ian Zaid S/O Ajmal Zaid	DHO, Charsadda
33	Iqbal Khan S/O Mehar Dil Khan	Maternity Hosp: Peshawar.
34	Taj Ali Khan S/O Sardar Ali Khan	DHO, Larki Marwat
35	Abdul Wahid S/O	Agency Surgeon Mohnand Agency
36	Umar Badshah S/O Lal Barcha	DHO, Malakand
37	Sayed Nijat Hussain S/O Gulab Hussain	ATH II: Parachinar
38	Syed Hayat Ali Shah	Services Hospital Peshawar
39	Sir Anjuman Khan S/O Sher Khan	DHO Peshawar
40	Ashiq Ali	DHS, Peshawar
41	Basem u Rehman S/O Hayat ul Rehman	DHO, Charsadda
42	Wajid Ali S/O Muhammad Ali	ATH II: Parachinar

(1)

(2)

43	Said Ullah S/o Malik Gul Jan	GMC DI Khan
44	Fazle Qadir S/O Muhammad Karim	DHO, Peshawar
45	Mushtaq Khan S/O Muhammad Yousaf	DHO, Mardan
46	Amin Gul S/O Muhim Gul	DHO, Swat
47	Zally Khan S/O Ayub Khan	DHQ, Hospital, Tank
48	Syed Nasim Abbas Shah S/O Syed Sadiq Hussain	DHQ D.I Khan
49	Anwar Ali S/O Ali Akbar	DHO Swat
50	Sadiqullah S/O Attaullah Khan	MS DHQ, Karak
51	Muhammad Shabir S/O Abdul Jalil	DHO Haripur
52	Javed Iqbal S/O Sher Azam Khan	DHO Chitral
53	Said Muhammad S/O Mir Zaman	Agency Surgeon NWA
54	Asif Rehman S/O Nek Muhammad	DHO Karak
55	Ghulam Abbass S/O Malik Gamo	DHO D.I Khan
56	Faslim Bad Shah S/O Rang Bad Shah	DHQ Hosp: Karak
57	Zahoor ul Islam S/O Islam Murad	DHO, Malakand
58	Saifullah Khan S/O Lal Bad Shah	DHO Tank
59	Muhammad Ayub S/O Muhammad Yousaf	DHO, Malakand
60	Mr. Waheed Akhtar S/O Inamud Din	Mian Rashid Hussain Hospital, Pabbi
61	Muhammad Yar S/O Asra Ali Khan	DHQ Hospital Bajaur
62	Muhammad Rizaz	DHQT Hospital DI Khan
63	Syed Tahir Hussain S/O Syed Yayah Hussain	AHQ Parhachinar
64	Syed Farooq Shah S/O Gul Badshah	DHO Mansehra
65	Qaisar Khan S/O Kabir Khan	Dental College Swat.
66	Rafi Ullah S/O Muhammad Sadiq	DHQH, Lakki
67	Muhammad Tariq	Agency Surgeon Wana
68	Ifkhar Ahmad Shah S/O Nazir Ahmad Shah	Agency Surgeon Wana
69	Azmat Ali Shah S/O Rehmat Ali Shah	DHO Peshawar
70	Qasim Jan S/O Feroz Shah	DHS FATA
71	Ali Akber S/O Afzal Khan	DHO Charsadda
72	Muhammad Arshad s/o m. zaman	BKMC MARDAN
73	Khalil ul Rehman S/O Abdur Rehman	SIPI Peshawar
74	Abdul Wajid S/O Abdul Wadood	DHQ Hospital Bannu
75	Syed Majid S/O Syed Nisar Ahmad	LRII Peshawar
76	Muhammad Imran S/O Adam Khan	DHQ Lakki Marwat
77	Asmatullah S/O Fazal Rehman	DHO Lakki Marwat
78	Anwar Ullah	DHO Charsadda
79	Javed Akhter S/O Shah Jehan	DHO Khyber
80	Arshad Ali S/O Ehsar Ahmad Khan	LRH Peshawar
81	Ghulam Qadir S/O Sardar Muhammad Zardad.	DHO Abbottabad
82	Mehmood Khan S/O Sharaf Din	SIPI Peshawar
83	Rahatullah S/O Mumtaz Khan	DHO Dir Lower
84	Mr. Rizwanullah S/O Sahar Gul	DHO Peshawar
85	Shahid Hussain S/O Afridi Khan	DHO Dir Lower
86	Abdul Qavi Khan S/O Abdul Mutalib Khan	STH Swat
87	Rehman Ali S/O Abdul Hakim	DHO Swat
88	Muhammad Muzafar S/O Muhammad Abdullah	DHO D.I Khan
89	Touqeer Tahir Awan S/O Haji Aman Ullah	DHO D.I Khan
90	Abdul Majeed S/O Islam Gul	DHO, Jamrud
91	Sami-ud-Din S/O Shams uddin	DHO Peshawar
92	Mahar Gul S/O Said Pachai	DHO, Bajaur
93	Habibullah S/O Abdul Hallim	DHQ Bajour
94	Saeed Ur Razaq S/O Abdur Razaq	DHQ Bajour
95	Ibrahim S/O Yar Muhammad	DHQ Bajour
96	Abdul Salam S/O Gul Rahman	DHQ Bajour
97	Hidayat Ur Rahman S/O Lutfur Rehman	DHQ Bajour
98	Bahadar Hussain S/O Gul Zamin	DHQ Bajour
99	Nabi Khan	KMC Peshawar
100	Shah Nawaz Khan S/O Gula Din	DHO, Jamrud

(3)

Peshawar.

3

101	Muhammad Asif Rasheed	DHO, D.I Khan
102	Qasir Khan S/O Muhammad Iqbal	Food Laboratory, Peshawar
103	Nohal Khan S/O Azeem Khan	DHO Sawbi
104	Mumtaz Khan S/O Allah Jan	DHO Tank
105	Rehmatullah S/O Saifullah	DHO Lakki Mahrwat
106	Ghazanfar Hussain S/O Ghulam Saiddat	GMC D.I Khan
107	Muhammad Usman S/O Muhammad Sadiq	GMC D.I Khan
108	Shah Jahani S/O Abdul Muftih	GMC D.I Khan
109	Muhammad Norman S/O Muhammad Iqbal	GMC D.I Khan
110	Muhammad Arshad S/O Gul Muhammad Khan	DHO Hosp: Battagram
111	Zia-ur Rehman S/O Malik Saadul	DHO Kohistan
112	Waheedullah Khan S/O Nazar Ali Baz	KGMC Peshawar
113	Changaz Khan S/O Yousaf Khan	KGMC Peshawar
114	Jawad Ullah S/O Sana	KGMC Peshawar
115	Abdullah Khan S/O Ghulam Basool	KGMC Peshawar
116	Syed Mujahid Shah S/O Syed Gulab Shah	DGHS, Peshawar
117	Obaid Ullah S/O Bakhtal Shah	KGMC Peshawar
118	Asif Raul S/O Abdul Raul	KGMC Peshawar
119	Abdul Razaq S/O Haq Nawaz	D. I Khan
120	Bashir Ahmad S/O Aziz Ullah Khan	DHS FATA
121	Ikrumullah S/O Muhammad Ramzan	GMC D.I Khan
122	Mubashir Farooq S/O Muhammad Farooq	Agency Surgeon Orakzai Hangu
123	Melhat Habibi S/O Mir Habib	Agency Surgeon Orakzai Hangu
124	Wahid Ullah S/O Hussain Ahmad	DHO Office Orakzai Hangu
125	Mehmood Ali S/O Keyal Mir Ali	Agency Surgeon Orakzai Hangu
126	Fahim Ullah S/O Faiz Ullah Khan	DHO Bannu
127	Hidayat Ullah S/O Ghulam Daud Khan	Women and Children Hospital Bannu
128	Shuja Ur Rehman S/O Muhammad Sharif	DHO Hospital KDA Kohat
129	Kamal Khan S/O Noor Haidar	HMC Peshawar
130	Zakir Rehman	DHO Battagram
131	Asad Ali Khan S/O Muneed Ahmad Khan	MMMT D.I Khan
132	Muhammad Dilan Baloch S/O Shah Jehan	MMT Teaching Hospital D.I Khan
133	Muhammad Saifullah S/O Obaidullah	MMT Teaching Hospital D.I Khan
134	Akhtar Hussain S/O Gul Farooq	SMC Swat
135	Samiullah S/O Selati	SMC Swat

The Officials on promotion will remain on probation for a period of one year in term of Section 6 (2) of Khyber Pakhtunkhwa Civil Servant Act 1973 read with rule -15 (I) of Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion & Transfer) Rules, 1989.

NB: Arrival/departure report should be submitted to this Directorate for record.

Sd-xxxxxxxxxxxxx
Director General Health Services
Khyber Pakhtunkhwa Peshawar.

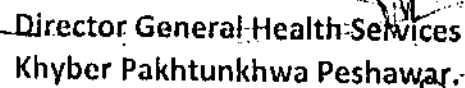
No. 4212-14 Ministerial

Dated 16/08/2023

Copy forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Deputy Director (Accounts) DGHS Office Peshawar.
3. PA to DGHS Khyber Pakhtunkhwa Peshawar.
4. Officials Concerned




Director General Health Services
Khyber Pakhtunkhwa Peshawar.

**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUN KHWA PESHAWAR**

E-Mail Address: dgshs@khyber.gov.pk Office Ph# 091-9210269 Exchange# 091-9710187, 9210196 Fax # 091-9210230

OFFICE ORDER

Under the Powers delegated to me vide Govt: of Khyber Pakhtunkhwa Finance Department Peshawar Notification No.FD-SO (SR-IV)/5-54/Vol.III dated 20-11-1986, amended vide Notification No. SO(FR)FD 5-92/2005/Vol-V dated 13.12.2012, 365-days encashment in lieu of LPR is hereby granted in favour of Mr. Daud Khan S/O Muhammad Akbar Khan Senior Clerk BS-14 attached to Govt. Naseerullah Khan Babar Memorial Hospital Peshawar.

He stand retire from service (premature) w.c.f. 01.11.2023 (F.N).

Sd/xxxxxxxx

DIRECTOR GENERAL HEALTH
SERVICES, K.P, PESHAWAR.


Dated 01/11/2023.

No. 6049-59/Personnel

Copy forwarded to the:-

1. A.G Khyber Pakhtunkhwa.
2. M.S Govt. Naseerullah Khan Babar Memorial Hospital Peshawar w/r to his letter No. 11373/NKBMH dated 19.10.2023 (original Service Book attached).
3. Incharge Ministerial Promotion Cell.
4. Official Concerned.

For information and necessary action.


DY: DIRECTOR (ADMN)
DIRECTORATE GENERAL HEALTH
SERVICES, K.P PESHAWAR. 01/11/23

Junior Clerk (BPS-11) at the office of District Health Officer, Khyber d
efficiently and upto the entire satisfaction of his superiors. Copy of
appointment order is attached as annexure.....

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7 B 69.

Amex 1/11

GOVERNMENT OF N.W.F.P.
HEALTH & S. WELFARE DEPARTMENT.

NOTIFICATION

Dated Peshawar the 29th March, 1982.

No. SO(II) IV-4-13/75.P.II. — In pursuance of the provisions contained in sub-rule (2) of rule 3 of the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1975, and in consultation with the Services and General Administration Department and the Finance Department, the Health Department hereby lays down the method of recruitment, qualification and other condition specified in columns 3 to 6 of the Appendix to this Notification, which shall be applicable to posts in the Health Directorate specified in column 2 of the said Appendix.

✓
Amex
[Signature]

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APPENDIX

Sl. No.	Nomenclature of Post	Minimum qualification for appointment by initial recruitment or by transfer	Minimum qualification prescribed for appointment by promotion.	Age limit for initial recruitment	Method of Recruitment
1	2	3	4	5	6
1.	Administrative Officer.	...	...	...	By selection on merit, with due regard to seniority, from amongst Superintendents.
2.	Superintendent	...	...	...	By promotion, on the basis of seniority-cum-fitness, from amongst: a. Statistical Assistants/Assistants/Auditors/ Stenographers of the Health Directorate, and b. Head Clerk and Stenographers of the offices Sub-ordinate to Health Directorate with at least 5 years service as such. Note:- A common seniority list of eligible officials shall be maintained for the purposes of Superintendents.
3.	Statistical Assistant.	Degree from a recognized University with Mathematics/Statistics as one of the subjects.	...	20 years to 25 years	By initial recruitment.
4.	Assistant.	<u>Degree from a recognized University.</u>	...	20 years to 25 years	i) 75% by promotion on the basis of seniority-cum-fitness from amongst Senior Clerk.

18 to 25 years
 By promotion on the basis of amongst Junior Clerks at least 2 years service

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1	2	3	4	5	6
---	---	---	---	---	---

5. Auditor.	with at least 3 years service as such; and
6. Senior Clerks.	ii) 25% by initial recruitment. By selection from amongst Assistants.
7. Junior Clerks.	a) Matriculation or equivalent qualification from a recognized Board; and b) A speed of 25 words per minute in typing.	...	18 years to 25 years	By initial recruitment.
8. Stenographers.	a) Matriculation or equivalent qualification from a recognized Board; and b) A speed of 100 words per minute in shorthand in English and 40 words per minute in typing.	...	18 years to 25 years	i) By promotion, on the basis of seniority-cum-fitness, from amongst Stenotypists with at least 3 years as such; Or ii) If no suitable Stenotypist is available for promotion, then by initial recruitment.
9. Stenotypist.	a) Matriculation or equivalent qualification from a recognized Board; and b) A speed of 80 words per minute in shorthand in English and 35 words per minute in typing.	...	18 years to 25 years	By initial recruitment.

6

Adler
R.A.

1	2	3	4	5	6
10.	Restorer.	Preferably literate.	...	18 years to 45 years	By initial recruitment.
11.	Machine Operator.	Preferably literate.	...	18 years to 45 years	By initial recruitment.
12.	Naib Qasid.	Preferably literate.	...	18 years to 45 years	By initial recruitment.
13.	Chowkidar.	Preferably ex-Serviceman	...	18 years to 45 years	By initial recruitment.
14.	Bhishi/Sweeper/Mali.	Preferably literate.	...	18 years to 45 years	By initial recruitment.

(9)

Adm
[Signature]
 11.07.2007
 learned
 Attorney on

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 Appella.
 Clerk on 12.06.1994 i.
 ices Kohat has filed.
 pakhtunkhwa Ser
 nce

Amendment: made vide S&GAD Notification No. SOR-II (S&GAD)5-2/80, DATED 27-10-1981. 10 per cent vacancies to be filled by initial recruitment is to be reserved for ex-serviceman.

(11)

Annex-B (8)

GOVERNMENT OF N.W.F.P.
HEALTH & SOCIAL WELFARE DEPARTMENT.

NOTIFICATION

Dated Peshawar the 22nd June, 1983.

No. SO(H)1/4-6/83. — In pursuance of the provisions contained in sub-rule (2) of rule 3 of the North West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1974, the Health and Social Welfare Department, in consultation with the Services & General Administration Department and Finance Department, hereby lays down the method of recruitment, qualifications and other conditions specified in column 3 to 5 of the Appendix to this Notification which shall be applicable to the posts of Ministerial Service (Sub-Cadre) in the Health Department specified in column 2 of the said Appendix.

3/2/83
[Signature]

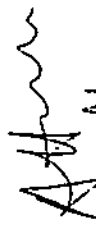

In all cases of initial recruitment, 50 per cent of the posts, where practicable, shall be reserved for ex-servicemen.

Sl. No.	Nomenclature of the post with Grade	Minimum qualifications for initial recruitment	Age limit for initial recruitment	Method of Recruitment
1.	Accountant (Grade-16)	Graduate from a recognized University with at least 5 years experience in Accounts or qualified S.A.S.	21 to 35 years	By initial recruitment or by transfer.
2.	Superintendent (Grade-16)	...	...	By promotion on the basis of seniority-cum-merit amongst Statistical Assistants/Assistants/Audigraphers of Health Directorate and Assistant Senior/Senior Store Keepers (Grade-11) of all offices of the Health Directorate with at least service as such. Note:- A common seniority list of a definite nature to be maintained for the purpose of promotion to Superintendent.
3.	Assistant/Senior Store Keeper (Grade-11).	...	...	By promotion from amongst Senior Clerks/Store Keepers (Grade-6) with at least <u>three years service</u> as such.
4.	Statistical Assistant (Grade-11).	Degree from a recognized University with mathematics or statistics as one of the subject.	20 to 25 years	By initial recruitment.
5.	Senior Clerk/Store Keeper (Grade-6).	...	...	By promotion on the basis of seniority-cum-merit amongst Junior Clerk/Store Keeper (Grade-5) with at least 2 years service as such.
6.	Junior Clerk/Store Keeper (Grade-5)	a) Matriculation from recognized Board and b) A speed of 25 words per minute in typing.	18 to 25 years	By initial recruitment.

(12)

Street
S.H.

2	3	4	5
Stenographer (Grade-12)	a) Matriculation from a recognized Board; and b) A speed of 100 words per minute in shorthand in English and 40 words per minute in typing.	18 to 25 years	By promotion on the basis of seniority-cum-fitness amongst stenotypists with at least three years service, or if no suitable stenotypist is available promotion then by initial recruitment.
Stenotypist (Grade-8)	a) Matriculation from a recognized Board; and b) A speed of 80 words per minute in shorthand in English and 35 words per minute in typing.	18 to 25 years	By initial recruitment.
Restorer (Grade-2)	Middle pass.	18 to 25 years	By initial recruitment.
Naib Qasid (Grade-1)	Preferably literate.	18 to 45 years	By initial recruitment.

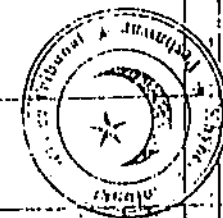



Annex-F
Annex-H
Annex-I

Annex "F"
11

(14)

Order or other proceedings with signature of Judge or Magistrate



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Appeal No. 1455/2013

Date of Institution ... 11.10.2013
Date of Decision ... 07.07.2017

Akram Khan, Junior Clerk,
Agency Surgeon Office, Orakzai at Tehsil and District Mangu.

Versus

1. The Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar and others

JUDGMENT

07.07.2017

MUHAMMAD HAMID MUGHAL, MEMBER: - Appellant, learned counsel for the appellant and Mr. Usman Ghani, District Attorney on behalf of the respondents present.

ATTESTED
EXCUTING
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

2. Appellant Akram Khan, who was appointed as Junior Clerk on 12.06.1994 in the office of Divisional Directorate Health Services Kohat has filed the present appeal under section 11 of the Khyber Pakhtunkhwa Service Tribunal wherein he has challenged the maintenance of separate seniority lists in respect of the Ministerial staff of the Directorate General Health Services (DGHS) Office Khyber Pakhtunkhwa, Peshawar and in respect of Ministerial staff/Junior Clerks of Sub-Cadre/Sub Ordinate Offices

For information and necessary action.

Annex-1

order dated 22/05/13

Annex-11

Annex-1

Date

(15)

12.

42

of Health Service in Khyber Pakhtunkhwa. The appellant has prayed for the maintenance of joint seniority list of all the employees working in the Health Department and for the cancellation of order dated 22.05.2013 of Director General Health Services Khyber Pakhtunkhwa, Peshawar whereby the junior clerks, whose names were mentioned in the separate seniority list of Junior Clerks of the DGHS Office Khyber Pakhtunkhwa, Peshawar, were promoted to the post of Senior Clerks.

3. The appellant has also annexed application for condonation of delay with the memo^{of} present appeal on the ground that the appellant belongs to very sensitive locality i.e. Hangu and due to Curfew, and Blocked of roads due to law & order situation timely filing of present appeal was beyond his control. To meet the ends of justice and for the reasons mentioned in the application, the application for condonation of delay is accepted and as such delay in filing the present appeal is condoned.

4. Argument heard. File perused.

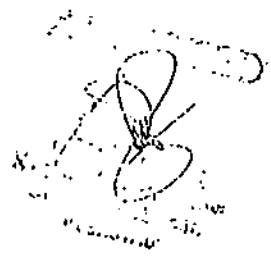
5. Learned counsel for appellant stated that the act of maintenance of separate seniority lists is illegal, discriminatory and as such the impugned promotion order has deprived senior employees of Sub Cadre/Sub Ordinate Departments from their vested right of promotion.

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6. Conversely learned District Attorney opposed the contentions raised by learned counsel for the appellant mainly on the ground that separate methods have been notified for recruitment, promotion and other conditions of service for ministerial staff of the Health Directorate Peshawar and for ministerial staff of Sub Cadre/Sub Ordinate Departments and therefore separate seniority lists have been maintained.

Learned District Attorney has also stated that notification dated Peshawar the 29th, March, 1982 governing the method of recruitment, qualification and other conditions of service applicable to the posts in the Health Directorate Peshawar and the notification dated Peshawar the 22nd, June, 1983 governing the method of recruitment, qualification and other conditions of service applicable to the posts of Ministerial service (Sub-Cadre) in the Health Department, are appended with the wise comments of the official respondents.



7. The learned counsel for the appellant has not denied the existence of separate methods of recruitment, promotion and other conditions of service for the posts applicable to Health Directorate Peshawar and for the posts applicable to Ministerial Service (Sub-Cadre) in the Health Department and when confronted with the separate methods, remained unable to justify the prayer for relief sought in the present appeal.

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8. As a sequel to above, the present appeal is devoid of any substance and as such the same is hereby dismissed. Parties are left to bear their own costs. File be consigned to the record room after its completion.

M. Humaid Mughal,
Member

Abdul Qadir Khan,
Member

Certified to be true copy
 F. A. W. J. N. R.
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar



(18)

Annex 02

**DIRECTORATE GENERAL HEALTH
SERVICES GOVT: OF KHYBER
PUKHTUNKHWA PESHAWAR**

OFFICE ORDER

The Competent Authority, on the recommendation of Departmental Promotion Committee (DPC) in its meeting held on 22.05.2023, under the Chairmanship of DGHS Khyber Pakhtunkhwa Peshawar, the following senior most Senior Clerks (BPS-14) of DGHS cadre are hereby promoted to the post of Office Assistant (BPS-16) with immediate effect.

S.#	Name Of Official	Designation	Place of Posting
1.	Abdul Aleem	Senior Clerk	DGHS Office
2.	Syed Farman Shah	Senior Clerk	DGHS Office
3.	Kamran Javed	Senior Clerk	DGHS Office
4.	Mukhtiar Ali	Senior Clerk	DGHS Office
5.	Mubarak Shah	Senior Clerk	DGHS Office
6.	Hashmat Ullah	Senior Clerk	DGHS Office
7.	Nasruminallah	Senior Clerk	DGHS Office
8.	Muhammad Ishaq	Senior Clerk	DGHS Office
9.	Umar Daraz	Senior Clerk	Waiting for posting
10.	Masam Khan	Senior Clerk	DGHS Office
11.	Jehanzeb Khan	Senior Clerk	DGHS Office
12.	Muhammad Zahir	Senior Clerk	DGHS Office
13.	Ikrumullah	Senior Clerk	DGHS Office
14.	Muhammad Shahid Amin	Senior Clerk	DGHS Office
15.	Wajid Shah	Senior Clerk	DGHS Office

2. The officials on promotion will remain on probation for a period of one year in terms of Section 6(2) of Khyber Pakhtunkhwa Civil Servant Act, 1973 read with rule-15(I) of Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion & Transfer) Rules, 1989.

3. Consequent upon their promotion to the post of Office Assistant BS-16, they are hereby posted as under:

S#	Name of official	Designation	To	Remarks
1.	Abdul Aleem	Office Assistant (BS-16)	DGHS Office	Against the vacant post
2.	Syed Farman Shah	Office Assistant (BS-16)	DGHS Office	-do-
3.	Kamran Javed	Office Assistant (BS-16)	DGHS Office	-do-
4.	Mukhtiar Ali	Office Assistant (BS-16)	DGHS Office	-do-
5.	Mubarak Shah	Office Assistant (BS-16)	DGHS Office	-do-
6.	Hashmat Ullah	Office Assistant (BS-16)	DGHS Office	-do-
7.	Nasruminallah	Office Assistant (BS-16)	DGHS Office	-do-
8.	Muhammad Ishaq	Office Assistant (BS-16)	DGHS Office	-do-
9.	Umar Daraz	Office Assistant (BS-16)	DGHS Office	-do-
10.	Masam Khan	Office Assistant (BS-16)	DGHS Office	-do-
11.	Jehanzeb Khan	Office Assistant (BS-16)	DGHS Office	-do-
12.	Muhammad Zahir	Office Assistant (BS-16)	DGHS Office	-do-
13.	Ikrumullah	Office Assistant (BS-16)	DGHS Office	-do-
14.	Muhammad Shahid Amin	Office Assistant (BS-16)	DGHS Office	-do-
15.	Wajid Shah	Office Assistant (BS-16)	DGHS Office	-do-

NB: Arrival/ departure report should be submitted to this Directorate for record.

Sd/xxxxxxxxx
DIRECTOR GENERAL HEALTH
SERVICES, K.P.K, PESHAWAR.

No. 3398-3401/Personnel

Dated 26/05/2023.

Copy forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Deputy Director (Accounts) DGHS Office Peshawar.
3. PA to DGHS, Khyber Pakhtunkhwa Peshawar.
4. Officials concerned.

For information and necessary action.

DIRECTOR GENERAL HEALTH
SERVICES, K.P PESHAWAR

26/05/2023

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DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA, PESHAWAR

Ministry of Health, Government of Khyber Pakhtunkhwa, Peshawar. Phone: 091-912207, 912150, 9117, 9118740

No. 3760-61 /Promotion Cell Dated Peshawar the 13/10/2022

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

**DRAFT SERVICE RULES OF MINISTERIAL STAFF, HEALTH
DEPARTMENT KHYBER PAKHTUNKHWA.**

With reference to your letter No.SOH(VI)/4-4/2020-21(Ministerial Staff/DGHS) dated 19th July, 2022 on the subject noted above, I have the honor to submit herewith draft Service Rules of Ministerial Staff of Health Department for favour of further consideration, with the request to please arrange meeting of the Standing Services Rules Committee (SSRC) and discuss the matter at an early date.

Shahin Afande
Director General Health Services,
Khyber Pakhtunkhwa, Peshawar.

Mr. Iqbal Javed Karimi, Provincial President APCA Health Department Khyber Pakhtunkhwa, Peshawar for information.

Asad
[Signature]



**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR**

All communications should be addressed to the Director General Health Services

Peshawar and not to any official by name

Office # 091-9210269 Fax # 091-9210230

AUTHORITY LETTER

Muhammad Yousaf Jamal Focal Person Litigation Section Directorate General Health Services Khyber Pakhtunkhwa is hereby authorized to attend/defend the court cases and file Parawise Comments / Reply on behalf of the undersigned before the Honorable Khyber Pakhtunkhwa Service Tribunal and its Camp Courts.

**Director General Health Services
Khyber Pakhtunkhwa, Peshawar**