

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

SERVICE APPEAL NO. 1796/2022

Irshad Mangat.....

Appellant

*Fine is Remitted
by court*

*Mehboob
Executive*

21/8/24

Versus

Government of Khyber Pakhtunkhwa & others

Respondents

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Deponent

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

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA

SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO.1796 OF 2022

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 15106

Dated 21/8/24

Irshad Mangat..... Appellant

Versus

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

PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO.01, 02 & 04

Respectfully Sheweth:

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. Correct, she has been retired from Govt. service w.e. from 20-06-2022 on attaining the age of superannuation i.e 60 years.
2. Correct to the extent that the case for promotion from BS-17 to BS-18 of all the concerned including the appellant was sent to the respondent No. 01 letter No. 2722/E.II dated 02-06-2022 (Annex-A), for onward submission to the Establishment Department Khyber Pakhtunkhwa to fix the date for PSB meeting in the meanwhile the appellant got retirement on 20-06-2022 whereas the PSB meeting was held on 06-07-2022 after the retirement of the appellant (Annex-B).
3. Incorrect, already replied in Para-02 above he was not promoted due to the fact that he was retired before meeting of PSB therefore, she is not entitled for promotion.
4. Incorrect. No Departmental appeal has been filed by the respondents.

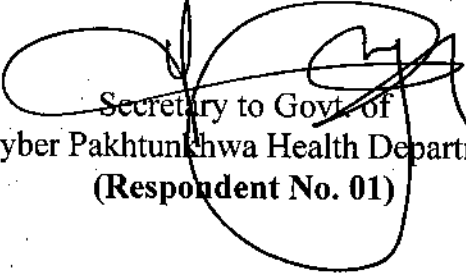
5. Incorrect, the petitioner is not an aggrieved person as no vested right of the appellant has been violated by the respondents.


GROUNDS

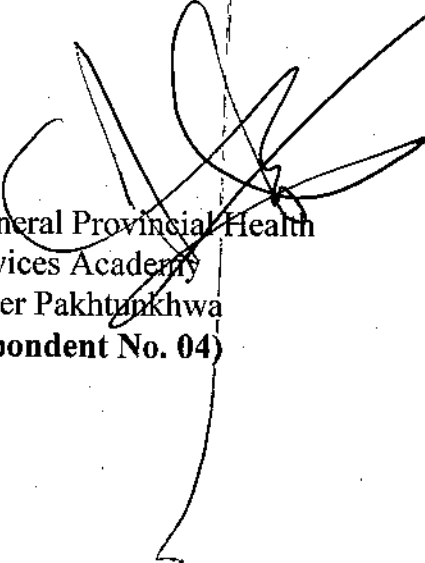
- A. Incorrect, the respondents have acted according to law rules and principles of natural justice.
B. Already replied in Para-02 above.
C. Incorrect already replied in Para-02 of the facts and Para A of the grounds above.
D. Incorrect, already replied in para-A.
E. Incorrect. As in Para-A above.
F. Incorrect already replied in Para-04 above.
G. The replying respondents also seek permission of the Honorable Court to adduce other grounds during final hearing of the case.

PRAYER:

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


Secretary to Govt. of
Khyber Pakhtunkhwa Health Department
(Respondent No. 01)


Director General Health Services
Khyber Pakhtunkhwa
(Respondent No. 02)


Director General Provincial Health
Services Academy
Khyber Pakhtunkhwa
(Respondent No. 04)



**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 Ph: 091 - 9210269 Exchange: 091 - 9210187, 091 - 9210196 Fax: 091 - 9210230

Annex - A

No. *2799* /E-II. Dated Pesh: the *2* / 06 / 2022

*9262
2/6/22*

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

Subject: PROMOTION OF THE NURSING STAFF FROM BS-17 TO BS-18 IN THE HEALTH DEPARTMENT KHYBER PAKHTUNKHWA.

Sir,

I have the honour to enclosed herewith documents regarding Promotion of Nursing staff from BS-17 to BS-18 for favour of further necessary action.

Shahen Afide
DIRECTOR GENERAL HEALTH
DGHS KHYBER PAKHTUNKHWA
PESHAWAR.
01/6/22

LITIGATION SECTION
Main Diary No. & Date <i>✓</i>
Lit-1/Lit-2 Dairy No. & Date <i>661</i>
<i>03/04/2022</i>
Director General Health Services KP

Irshad mangat
D/o mangat ~~masih~~ Masih
Nursing septs BS-17
August 2022

GOVERNMENT OF KHYBER PAKHTUNKHWA

HEALTH DEPARTMENT

Annex B

Dated Peshawar the 04th August, 2022.

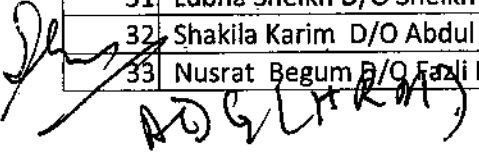
NOTIFICATION.

SOH-III/3-5/2022(Promotion to BS-17 to BS-18). The Competent Authority, on the recommendations of Provincial Selection Board (PSB), in its meeting held on 06.07.2022, is pleased to promote the following Assistant Director Nursing/ Head Nurse/ Specialist Nurse/ Quality Control Nurse/ Clinical Nursing Instructor/ Nursing Instructor (BPS-17) to the posts of Nursing Superintendent, Deputy Director Nursing/ Senior Specialist Nurse, Senior Head Nurse/ Nurse Manager, Deputy Quality Control Nurse, Senior Clinical Nursing Instructor, Nursing Tutor/Vice Principal & Principal (BPS-18) on regular basis, with immediate effect.

S.No.	Name of Assistant Director Nursing/ Head Nurse/ Specialist Nurse/ / Quality Control Nurse/ Clinical Nursing Instructor/ Nursing Instructor	Current Place of posting
1.	Sabira Sultana D/O Mohammad Nawaz Khan	Public Health School DIKhan
2.	Sharafat D/O Amir Zarin	SGTH Swat
3.	Shamoon Farhan S/O Saraj Bhatti	Molvi Ameer Shah Memorial Hospital, Peshawar
4.	Awal Khan S/O Habib Mian	HMC Peshawar
5.	Saeeda Kausar D/O Farid Khan	King Abdullah Teaching Hospital, Mansehra
6.	Sabeen Akhtar D/O PirBakhsh	BBS Teaching Hospital, Abbottabad
7.	Iffat Aisha D/O Akhtar Munir	Govt. College of Nursing HMC Peshawar
8.	Nargis D/O Habib-ur-Rehman	Govt. College of Nursing HMC Peshawar
9.	Bushra Begum D/O FazleEllahi	Govt. College of Nursing KTH Peshawar
10.	Wasima Rafique D/O S.M.Rafique	DGHS office Peshawar
11.	Rubina Khanum D/O Sher Ahmad Shah	DHQ Hospital, Mardan
12.	Robina Shaheen D/O Inayat Masih	LRH Peshawar
13.	Kausar Parveen D/O Allah Detta	LRH Peshawar
14.	Azram Bibi D/O Abdul Hayee	BBS Teaching Hospital, Abbottabad
15.	Fahmida Sultana D/O Azad Khan	Women & Children Hospital, Bannu
16.	Anjum Naheed D/O M. Inayatullah	DHQ Hospital, Bannu
17.	Nasreen D/O Fazal Ali	THQ Hospital, Tangi (Charsadda)
18.	Wakeela Begum D/O Aslam Khan	BBS Teaching Hospital, Abbottabad
19.	Sharifa Bibi D/O Muhammad Ramzan	DHQ Hospital, DIKhan
20.	Parveen Nishan D/O Nishan Masih,	KTH Peshawar.
21.	Zubaida Begum D/O Noor-ul- Basar	KTH Peshawar.
22.	Noor Jehan D/O Sanobar	DHQ Hospital, Timergara
23.	Bibi Saeeda D/O Muhammad Sadiq	King Abdullah Teaching Hospital, Mansehra
24.	Naeema Bibi D/O Mohsin Ali Shah	DHQ Hospital, DIKhan
25.	Tauheed Begum D/O Muzaffar Shah	Services Hospital, Peshawar
26.	Fauzia Mushtaq D/O Mushtaq	MolviAmeer Shah Memorial Hospital, Peshawar
27.	Deeba D/O YousafGhori	Govt. Naseerullah Khan Babar Memorial Hospital Peshawar
28.	Rukhsana Shaheen D/O Umar Bakhsh	MolviAmeer Shah Memorial Hospital, Peshawar
29.	Mukhtiar Begum D/O MohibGul	KTH Peshawar
30.	Caroline Anwar D/O Anwar	HMC Peshawar
31.	Lubna Sheikh D/O Sheikh Muhammad Ihsan	College of Nursing KTH Peshawar
32.	Shakila Karim D/O Abdul Karim	DGHS Office Peshawar
33.	Nusrat Begum D/O Fazli Rabi	College of Nursing Swat

Approved


DDCW

34	Yasmin Begum D/O Inayat-ur-Rehman	Govt. College of Nursing KTH Peshawar
35	Nazia Shaheen D/O Muhammad Salman	College of Nursing ATH Abbottabad
36	Gulshan Bibi D/O Sher Khan	Deputy Controller, NEB KP Peshawar
37	Nazia Gul D/O Said Wali	KTH Peshawar
38	Bushra Munir D/O Syed Munir Shah	Govt. College of Nursing, Bannu
39	Bibi Kalsoom D/O Zakir Hussain	DHQ Hospital, Landikotal
40	Akhtar Begum D/O Amir Lal	SifwatGhayyurShaheed Memorial Hospital Peshawar
41	Fauzia D/O Muhammad Ilyas	Govt. Naseerullah Khan Babar Memorial Hospital, Peshawar
42	Margaret Mahi D/O MahiMasih	Govt. College of Nursing KTH Peshawar
43	Khalida Latif D/O Mohammad Latif	DHQ Hospital, Haripur
44	Musarrat Latif D/O Latif Batti	Women & Children Hospital Rajjar Charsadda
45	Saeeda Bano D/O Saifur Rehman	DHQ Hospital, Mardan
46	Rukhsana Noor D/O Noor Muhammad	Govt. College of Nursing KTH Peshawar
47	Naheed Yaqoob D/O Muhammad Yaqoob	LRH Peshawar
48	Razia Sultana D/O Jan Baz	MianRasheed Husain Shaheed Memorial Hospital; Pabbi (Nowshera)
49	Salma Bibi D/O Abdul Rashid	Public Health School Nishterabad Peshawar.
50	Tahira Naz D/O Rahim Dad	LRH Peshawar
51	Neelam Pari D/O Nadar Khan	HMC Peshawar
52	Shabana Noor D/O Noor Muhammad	Govt. College of Nursing HMC Peshawar
53	Rukhsana Naheed D/O Ghulam Rasool	Women & Children Hospital, Kohat
54	Tahira Shereen D/O Faiz Masih	Govt. Maternity Hospital, Peshawar

2. The officers on promotion will remain on probation for a period of one year in terms of Section 6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-15(1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.
3. Posting/Transfer Notifications in respect of above mentioned officers will be issued later on.

**Secretary to Govt. of Khyber Pakhtunkhwa
Health Department**

Endst of even No and Date.

Copy forwarded to the :-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar
2. Director General, Health Services Khyber Pakhtunkhwa, Peshawar with the request to furnish proposal regarding posting of the above mentioned officers to this Department, at the earliest, to proceed further in the matter.
3. Director General, Provincial Health Services Academy Khyber Pakhtunkhwa, Peshawar.
4. Hospital Director, MTI concerned.
5. District Health Officer, concerned.
6. Medical Superintendent, DHQ Hospital, concerned.
7. District Accounts Officer, concerned.
8. The Deputy Director (I.T) Health Department.
9. PS to Secretary Health, Khyber Pakhtunkhwa.
10. PS to Special Secretary (E&A) Health, Khyber Pakhtunkhwa
11. PA to Deputy Secretary (Admn) Health Department
12. Officers concerned.

(Signature)
(Naseer Ahmad)
Section Officer-III

Attested by

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

SERVICE APPEAL NO. 1796/2022

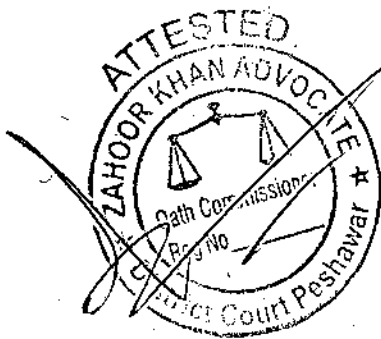
Irshad Mangat.....Appellant

Versus

Government of Khyber Pakhtunkhwa & othersRespondents

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.



Deponent

A handwritten signature in black ink, appearing to be "M.S.", written over a grid pattern.

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



**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR**

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Office # 091-9210269 Fax # 091-9210230*

AUTHORITY LETTER

Mr. Safiullah, M.A.,L.L.B., Focal Person (Litigation), DGHS Office, Peshawar, is hereby authorized to submit parawise comments in Service Appeal No. 1796/2022 titled Ms. Irshad Mangat versus Govt. of Khyber Pakhtunkhwa and others, on behalf of the undersigned.

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