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**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**

EXECUTION NO \_\_\_\_\_

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*Zubair Ali Haider vs Govt of K.P*

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*Muharir*  
*09/7/24*  
 Muharir compilation

*Incharge Judicial Branch*  
*10/7/24*  
 Incharge Judicial Branch

7. Incorrect. The Deputy Commissioner, Shangle being PAS officer has managed to transfer the appellant pre-maturely just to shift the responsibility of huge loss to the public exchequer occurred due to involvement of the Deputy Commissioner, Shangla office.

8&9. No specific denial is given by the respondents against these paras, therefore, needs no clarification.

GROUNDS

a. Incorrect. The impugned order dated 31.7.2023 is against the law, facts, norms of justice, policy of the government, therefore, not tenable and liable to be set aside.

b. Incorrect. The appellant has not completed his normal tenure on the station transferred from, therefore, the posting/transfers orders is against the policy and liable to be set-aside.

c. Incorrect. The posting/transfer policy is very much attracted to the appellant because appellant is government servant and all policies of the provincial government of Khyber Pakhtun-Khwa is attracted to the appellant.

d. Incorrect. The appellant has not been treated in accordance law and policy of the government and has been tortured just to please some-one belonging to strong cadre.

e. Incorrect. Needs no clarification.

f. Incorrect. Needs no clarification.

gtol. All replies to the grounds g to l given by the respondents are incorrect. The public interest has been damaged in the present posting /transfer by occurring huge financial loss to the public exchequer.

①

Service Appeal No. 7744/2021 titled "Zubair Ali Haider versus Government of Khyber Pakhtunkhwa, through Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others".

ORDER

13<sup>th</sup> June, 2024

**Kalim Arshad Khan, Chairman:** Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

2. Learned counsel for the appellant has very fairly and candidly assisted the Tribunal saying that this appeal has been filed to direct the respondents for framing of service structure, which directions were outside the scope of jurisdiction of the Tribunal, therefore, he requested for return of this appeal for approaching the proper forum. Order accordingly. Original memo and grounds of appeal alongwith its accompaniments be returned to the appellant/his counsel against proper receipt, while original order sheets, Wakalatnama and summonses/notices and copies of memo and grounds of appeal as well as accompaniments be placed on this file and it be consigned.

3. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal on this 13<sup>th</sup> day of June, 2024.*



(Muhammad Akbar Khan)  
Member (Executive)



(Kalim Arshad Khan)  
Chairman

15.12.2023 1. Learned counsel for the appellant present. Mr. Muhammad Jan learned District Attorney for the respondents present.

2. Learned counsel for the appellant requested for adjournment on the ground that he has not prepared the brief. Last chance is given. To come up for argument on 29.02.2024 before D.B. P.P given to the parties.

(Muhammad Akbar Khan)  
Member (E)

(Rashida Bano)  
Member (J)

SCANNED  
KPST  
Peshawar  
\*KaleemUllah

29.02.2024 1. Learned counsel for the appellant present. Mr. Muhammad Jan learned District for the respondents present.

2. Learned counsel for the appellant requested for adjournment in order to prepare the brief. Adjourned. To come up for arguments on 27.05.2024 before D.B. P.P given to the parties.

(Fareeha Paul)  
Member (E)

(Rashida Bano)  
Member (J)

SCANNED  
KPST  
Peshawar  
kaleemullah

27.05.2024 1. Junior to learned counsel for the appellant present. Mr. Muhammad Jan learned District Attorney for the respondents present.

2. Miss Fareeha Paul, learned Member (Executive) is on leave, therefore, the case is adjourned. To come up for arguments on 13.06.2024 before D.B. P.P given to parties.

(Rashida Bano)  
Member (J)

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Peshawar  
Kaleemullah

25<sup>th</sup> April, 2023

25<sup>th</sup> April has been declared as public holiday on account of Eid-Ul-Fitr, therefore, the case is adjourned. To come up for the same on 07.07.2023.

Reader

7<sup>th</sup> July, 2023

1. Learned counsel for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General alongwith Dr. Wahid Shah, Medical Officer for the respondents present.

2. Being not prepared, learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 31.10.2023 before D.B. P.P given to the parties.

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Peshawar

(Rashida Bano)  
Member (J)

\*Mutazem Shah\*

(Kalim Arshad Khan)  
Chairman

31<sup>st</sup> Oct, 2023

1. Learned counsel for the appellant present. Mr. Muhammad Jan learned District Attorney for the respondents present.

2. Learned counsel for the appellant requested for adjournment on the ground that he has not prepare the brief. Adjourned. To come for arguments on 15.12.2023 before D.B. P.P given to the parties.

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Peshawar

(Muhammad Akbar Khan)  
Member (E)

\*Kaleemullah

(Rashida Bano)  
Member (J)

26.01.2023

Clerk of learned counsel for the appellant present. Mr. Laiq Khan, Assistant alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Representative of the respondents submitted Para-wise comments on behalf of respondents and stated that cost will be paid on the next date. Copy of para-wise comments is handed over to clerk of learned counsel for the appellant. Adjourned. To come up for rejoinder, if any, as well as arguments on 24.03.2023 before the D.B.

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(Salah-Ud-Din)  
Member (J)

24.03.2023

Learned counsel for the appellant present. Mr. Fazal Shah Mohmand, Additional Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation of the brief. Adjourned. To come up for arguments on 25.04.2023 before D.B. Parcha Peshi given to the parties.

SCANNED  
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Peshawar

(Muhammad Akbar Khan)  
Member (E)

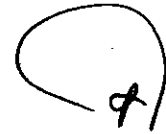
(Salah-ud-Din)  
Member (J)

09.12.2022

Counsel for the appellant present. Muhammad Adeel Butt, learned Additional Advocate General Shafiq Khan Assistant and Safi Ullah Focal Person for respondents present.

Preceding order sheet would reveal that time was extended for next date on the request of learned AAG with direction to ensure the submission of reply as well as cost of Rs. 2000/- ordered by the court on previous date. Today, once again a request was made therefore, last chance is given on cost Rs. 2000/- which would be paid on the next date. In case of non-submission of comments right for submission of comment would be deemed as struck off. To come up for written reply/comments on 26.01.2023 before S.B.

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(Rozina Rehman)  
Member (J)

14.11.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Reply/comments on behalf of respondents not submitted.

Learned Additional Advocate General seeks time to contact the respondents for submission of reply/comments. On the request of learned Additional Advocate General last opportunity is extended for the next date with further direction to ensure submission of reply/comments as well as cost of Rs. 2000/- ordered by the court on

previous date. Adjourned. To come up for reply/comments of before the S.B on 09.12.2022.

SCANNED  
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Peshawar

(Mian Muhammad)  
Member (E)



26.07.2022

Appellant present through counsel.

Muhammad Adeel Butt, learned Additional Advocate General alongwith Muhammad Tufail S.O for respondents present.

Reply on behalf of respondents is still awaited. Representative of respondents requested for time to submit reply/comments. Last opportunity is granted. To come up for submission of reply/comments on 12.10.2022 before S.B.

(Rozina Rehman)  
Member (J)

12.10.2022

Counsel for the appellant present. Mr. Muhammad

Adeel Butt, Additional Advocate General alongwith Laiq Khan, Litigation Officer, Mukaram Khan, S.O (Finance) & Noor Ullah, Assistant for respondents present.

Written reply on behalf of respondents not submitted. Learned Additional AG requested for time to submit written reply. Request accepted subject to cost of Rs. 2000/-. To come up for written reply/comments on 14.11.2022 before S.B.

(Fareeha Paul)  
Member (E)

8

03.01.2022

Counsel for the appellant present. Preliminary arguments heard. Record perused.

Points raised need consideration. The appeal is admitted for hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments 10.03.2022 before the S.B.

Appellant Deposited  
Security & Process Fee

31/1/22

(Rozina Rehman)  
Member (J)

10.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 31.05.2022 for the same as before.

Reader.

31.05.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Written reply/comments on behalf of respondents not submitted. Previous date was changed on the strength of Reader note, therefore notice be issued to the respondents for submission for written reply/comments. Adjourned. To come up for written reply/comments on 26.07.2022 before S.B.

(Mian Muhammad)  
Member (E)

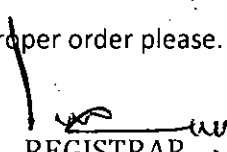

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Peshawar

Form- A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- \_\_\_\_\_ 7744 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	11/11/2021	<p>The appeal of Mr. Zubair Ali Haider presented today by Mr. Muhammad Maaz Madni Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>2-</p> <p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>03/01/22</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

(17)


KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

Case Title: ZUBAIR ALI HAIDER v/s GOVT. OF KP & OTHERS

S#	CONTENTS	YES	NO
1	This Appeal has been presented by: MUHAMMAD MAAZ MADNI	✓	
2	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
8	Whether appeal/annexures are properly paged?	✓	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/clear?	✓	
13	Whether copy of appeal is delivered to AG/DAG?	✓	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15	Whether numbers of referred cases given are correct?	✓	
16	Whether appeal contains cutting/overwriting?	x	✓
17	Whether list of books has been provided at the end of the appeal?	✓	
18	Whether case relate to this court?	✓	
19	Whether requisite number of spare copies attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
24	Whether Security and Process Fee deposited? On	✓	
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On	✓	
26	Whether copies of comments/reply/rejoinder submitted? On	✓	
27	Whether copies of comments/reply/rejoinder provided to opposite party? On	✓	

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: Muhammad Maaz Madni  
Signature:   
Dated: 11-11-2021

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**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**


**CHECK LIST**

Case Title: **ZUBAIR ALI HAIDER** v/s **GOVT. OF KP & OTHERS**

S#	CONTENTS	YES	NO
1	This Appeal has been presented by: <b>MUHAMMAD MAAZ MADNI</b>	✓	
2	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
8	Whether appeal/annexures are properly paged?	✓	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/clear?	✓	
13	Whether copy of appeal is delivered to AG/DAG?	✓	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15	Whether numbers of referred cases given are correct?	✓	
16	Whether appeal contains cutting/overwriting?	x	✓
17	Whether list of books has been provided at the end of the appeal?	✓	
18	Whether case relate to this court?	✓	
19	Whether requisite number of spare copies attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
24	Whether Security and Process Fee deposited? On	✓	
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On	✓	
26	Whether copies of comments/reply/rejoinder submitted? On	✓	
27	Whether copies of comments/reply/rejoinder provided to opposite party? On	✓	

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: **Muhammad Maaz Madni**

Signature: 

Dated: **11-11-2021**

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

APPEAL NO. 7744 /2021

SCANNED  
KPST  
Peshawar

**ZUBAIL ALI HAIDER V/S GOVT. OF KP& OTHERS**

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4.	Notifications	C	9-17
5.	Promotion Notification dated 31.05.2019	D	18-19
6.	Departmental Appeal dated 13.07.2021 and Letter dated 13.07.2021	E	20-21
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Dated: 11<sup>th</sup> of November 2021

**APPELLANT**

Through:



**MUHAMMAD MAAZ MADNI,**  
ADVOCATE HIGH COURT, PESHAWAR  
KHATTAK LAW ASSOCIATES,  
Juma Khan Plaza, Warsak Raod, Peshawar  
0333-9313113, 0345-9090737  
[muhammad.m3adv@gmail.com](mailto:muhammad.m3adv@gmail.com)

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

APPEAL NO. 7744 /2021

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 7871

ZUBAIR ALI HAIDER s/o Haider Ali Shah, Computer Operator (BPS-16),  
o/o District Health Officer, Charsadda.  
r/o Mohallah, Boosa Khel, PO Charsadda Khaas, Charsadda.

Dated 12/11/2021

.....APPELLANT

VERSUS

Date of Presentation: 11.11.2021  
Date of Return: 13.06.2024  
Reason: Lack of jurisdiction

- 1- GOVT. OF KHYBER PAKHTUNKHWA,  
Through Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 2- SECRETARY to GOVERNMENT OF KHYBER PAKHTUNKHWA,  
Establishment Department, Civil Secretariat, Peshawar.
- 3- SECRETARY to GOVERNMENT OF KHYBER PAKHTUNKHWA,  
Finance Department, Civil Secretariat, Peshawar.
- 4- SECRETARY to GOVERNMENT OF KHYBER PAKHTUNKHWA,  
Health Department, Civil Secretariat, Peshawar.
- 5- DIRECTOR GENERAL,  
Health Service, Khyber Pakhtunkhwa, Warsak Road, Peshawar.
- 6- DISTRICT HEALTH OFFICER,  
District Charsadda.

*[Signature]*  
13/06/24

.....RESPONDENTS

APPEAL UNDER SECTION 4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST  
THE INACTION OF THE RESPONDENTS BY NOT  
FRAMING PROPER SERVICE STRUCTURE FOR  
INFORMATION TECHNOLOGY CADRE OF HEALTH  
DEPARTMENT AND AGAINST NOT TAKING ANY ACTION  
ON THE DEPARTMENTAL APPEAL DATED 13-07-2021  
WITH IN THE STATUTORY PERIOD OF NINETY DAYS

Filed to-day  
Registrar  
11/11/2021

PRAYER:

That on acceptance of the instant service appeal the inaction  
of the respondents by not framing proper service structure for  
the information technology cadre of Health Department may  
very kindly be declared illegal & unconstitutional and the  
respondents may kindly be directed to frame proper service  
structure for IT Cadre of Health Department. Any other  
remedy which this august Tribunal deems appropriate that  
may also be awarded in favor of the appellant.

*Respectfully Sheweth,*

FACTS:

Brief facts giving raise to the instant appeal are as under:

- 1. That appellant isa regular employee of Health Department Khyber Pakhtunkhwa and was appointment as Computer Operator (BPS-10) now (BPS-16) by respondent no. 06 after fulfilling all the legal & codal formalities required for the post vide order dated 29-06-2009 and since then the appellant is performing his duty quite efficiently, whole heartedly with full devotion, to the best of his abilities and upto the entire satisfaction of his high ups and as such the appellant has an unblemished service record of about 13 years.

Copy of Appointment Order dated 29.06.2009 is attached as Annexure... A.

- 2. That the appellant is a qualified person having master degree in Computer Science from University of Peshawar along with this the appellant has a higher qualification of M.Phil Degree as the appellant has also acquired MS in Computer Science from University of Peshawar in year 2018.

Copies of Educational Testimonials are attached as attached as Annexure ..... B.

- 3. Thatvide notification dated 02-02-2007 the respondent No. 2 (Establishment Department) has introduced Khyber Pakhtunkhwa (Provincial Information Technology Group) Service Rules, 2006 wherein proper nomenclature from Director IT to the post of Computer Operator (BPS-16) has been introduced along with qualification, Age limit & method of recruitment has been prescribed and accordingly proper amendments have also been made from time to time vide notification dated 19-07-2016 & Notification dated 06-04-2018 following by the same the respondent no. 3 also framed proper service structure vide notification dated 30-03-2021.

Copy of Notifications are attached asAnnexure.....C.

- 4. That on the basis of the above service structure and promotion respondent No. 2 issued promotion order of computer operator to the post of Assistant Director IT (BPS-17) vide notification dated 31-05-2019 butthe appellant being eligible in all respect due to non-availability of proper service structure for the Information Technology Cadre of Health Department is deprived of the same due the above reason.

Copy of Promotion Notification dated 31.05.2019 are attached as Annexure ..... D.

- 5. That feeling aggrieved from the inaction of the respondents by not framing proper service structure for the Information Technology Cadre of Khyber Pakhtunkhwa Health Department, the appellant filed Departmental Appeal dated 13-07-2021 before respondent No. 5 which was properly forwarded through respondent No. 6 (DHO Charsadda) vide



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letter dated 13-07-2021 but no response has been received till date.

Copy of Departmental Appeal dated 13.07.2021 & letter dated 13.07.2021 is attached as Annexure ..... E.

6. That appellant feeling highly aggrieved and having no other remedy but to file the instant appeal on the following grounds amongst the others:

**GROUND:**

- A-** That act & omission of respondents by not framing proper service structure for the Information Technology Cadre of Health Department is against the law, facts, norms of natural justice and materials on the record hence needs interference of this Honourable Court.
- B-** That appellant has not been treated in accordance with law and rules by the respondent Department on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C-** That act & omission of respondents by not framing proper service structure for the Information Technology Cadre of Health Department is against the Fundamental Rights as enshrined in the Constitution of Pakistan 1973.
- D-** That act & omission of respondents by not framing proper service structure for the Information Technology Cadre of Health Department is discriminatory and against the norms of Natural Justice, therefore the same is not tenable in the eye of law.
- E-** That the appellant is highly qualified person having M. Phil Degree in Computer Science from a reputed university but due to non-availability of the service structure there is no prospect of further promotion to the post Assistant Director (IT).
- F-** That the respondents have acted in a malafide manner while not framing proper service structure for the Information Technology Cadre of Health Department and hence the appellant is deprived of his due right of further promotion.
- G-** That although promotion is not a vested right but it is a legitimate expectancy of a civil servant to be promoted to a high rank but due to the act of the respondents by not framing proper service structure for the Information Technology Cadre of Health Department the appellant is deprived of his due right of further promotion.

- H- That promotion and seniority is the part of service for civil servant as enshrined in Section-08 & 09 of the Civil Servant Act 1973 read with Rule-07 and Rule-17 of the Khyber Pakhtunkhwa (Appointment, Promotion & Transfer) Rule, 1989 but act and omission of the respondents by not framing proper service structure for the Information Technology Cadre of Health Department is violation of the above mention Law & Rules.
- I- That appellant has the requisite criteria as mentioned in the Khyber Pakhtunkhwa (Provincial Information Technology Group) Service Rules, 2006 notified on 02-02-2007 and by following the Principle of Parity the appellant is entitle for framing of proper service structure for the IT Cadre in Health Department.
- J- That under Article 38 (e) of the Constitution of Pakistan, 1973 state is bound to reduce disparity in the income and earning of the individuals including persons in the various services of Pakistan, therefore in light of the above mentioned Article the act & omission of respondents by not framing proper service structure for the Information Technology Cadre of Health Department is also against the ibid article.
- K- That 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 may be accepted as prayed for.

Dated: 11-11-2020

Appellant

  
ZUBAIR ALI HAIDER

Through:

  
MUHAMMAD MANZ MADNI  
Advocate, High Court, Peshawar

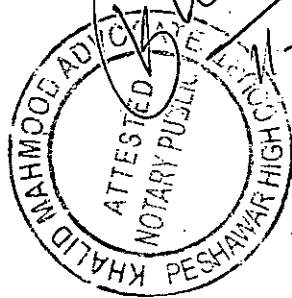
CERTIFICATE

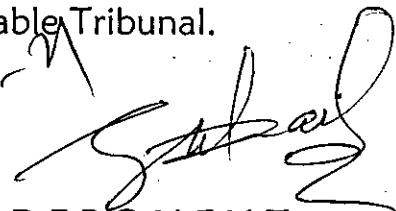
No, such like appeal has been filed or pending on the subject matter between the parties before this Honourable Tribunal.

  
ADVOCATE

AFFIDAVIT

I, Zubail Ali Haider s/o Haider Ali Shah, do hereby solemnly affirm on oath that the contents of the appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.



  
DEPONENT  
17101-5576355-3

NOTE:

Addresses of parties mentioned in the heading of the appeal is correct and sufficient for service.

  
ADVOCATE

LIST OF BOOKS:

1. Constitution of Pakistan, 1973.
2. Service Laws
3. Other relevant case Laws



(16)  
ANNEXURE - A  
=

OFFICE OF THE  
EXECUTIVE DISTRICT OFFICER  
HEALTH CHARSADDA

OFFICE ORDER

On the recommendations of the Departmental Selection Committee that Mr. Zubair Ali S/O Mr. Haidér Ali R/O Charsadda Tehsil & District Charsadda is hereby appointed as Computer Operator (BPS—10)(3955-260-11755) at DHQ Hospital Charsadda. On contract basis against the vacant post on the following terms & conditions.

1. You will be placed in BPS (BPS—10) (3955-260-11755) with usual allowances as admissible to Govt servants of the same pay scale.
  2. Your services will be governed under the Govt of NWFP, contract Policy 2002.
  3. Your initial contract will be for three years, however fresh contract will be executed if the job is required to be continued subject to satisfactory performance.
  4. Either party can terminate the contract on two months prior notice or two months salary in lieu thereof.
  5. You will be provided equal opportunities for local training as per rules.
  6. You will be provided same facilities under benevolent fund as admissible to Govt servants.
  7. You will avail the benefits of contributory Provident Fund (CFP) through 5% contribution may be made by the Govt.
  8. You will not contribute to GFP & shall not be entitled for pension & gratuity benefits.
- If the offer of appointment on contract basis is acceptable to you on the above terms & conditions, you are advised to report the concerned unit within ten days after medical examination from the Medical Superintendent, concerned.

Executive District Officer,  
Health Charsadda

No 3839-44 EDO (H) Charsadda


Dated 29/06 /09

Copy to the:

1. Director General Health Services, NWFP Peshawar
2. District Coordination Officer, Charsadda.
3. Medical Superintendent, DHQ Hospital Charsadda.
4. District Accounts Office, Charsadda.
5. Accounts Section of this office for information & necessary action.
6. Official concerned.

ATTESTED

to  copy

  
Executive District Officer,  
Health Charsadda

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(7)

ANNEXURE - B

# University of Peshawar (Pakistan)

Session Annual 2002  
of BAHAR ALI QAMH and a

Student of \_\_\_\_\_

having passed the prescribed examination held in August 2002  
is this day admitted by the University of Peshawar to the Degree of

**Master of Science**

In the \_\_\_\_\_ Division

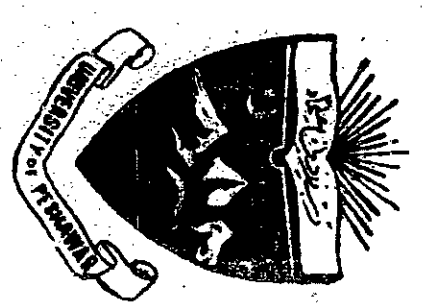
The Subject of examination being Computer Science  
The Examination was taken as a whole / in parts.

Serial No. 009872

Registration No. 22-01-2002

Roll No. 2773

Result declared on MAY 04, 2004



**ATTESTED**  
to be true copy  
[Signature]

[Signature]  
Countersigned  
Vice-Chancellor

[Signature]  
Registrar



# University of Peshawar Pakistan

This certifies that

**Zubair Ali Haider** son of **Haider Ali Shah**

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

**MS in Computer Science**

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

Given this 26th day of November, 2018.

Roll No: 42

Session: 2010-2011


Reg. No: 98-CH-5208



155148

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to be true copy  
Advocate

  
Registrar

  
Vice Chancellor

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(9)

ANNEXURE - "C"

**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
**ESTABLISHMENT AND ADMINISTRATION DEPARTMENT**

**NOTIFICATION**

2nd February, 2007.

**No. SOR-IV(ED)/3-2/2007.**--- In exercise of the powers conferred by 26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 Khyber Pakhtunkhwa (Act No. XVIII of 1973), the Chief Minister of the Khyber Pakhtunkhwa is pleased to make the following rules, namely:

**THE KHYBER PAKHTUNKHWA (PROVINCIAL INFORMATION TECHNOLOGY GROUP) SERVICE RULES, 2006.**

**PART-I**  
**GENERAL**

1. **Short title and commencement.** --- (1) These rules may be called Khyber Pakhtunkhwa (Provincial Information Technology Group) Service Rules, 2006.
  - (2) These rules shall come into force at once.
2. **Definition.**— In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say—
  - (a) "Appendix" mean the Appendix to these rules;
  - (b) "Appointing Authority" means the concerned authority specified in rule 4 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989;
  - (c) "Commission" means the Khyber Pakhtunkhwa Public Service Commission; (d) "Government" means the Government of the Khyber Pakhtunkhwa;
  - (e) "initial recruitment" means appointment made otherwise than by promotion or transfer;
  - (f) "post" means a post specified in column 2 of the Appendix and such other post as may be added to it from time to time.
  - (g) "Province" means the Khyber Pakhtunkhwa;
  - (h) "recognized University" means any University incorporated by law in Pakistan or any other University which may be declared as recognized by Government;
  - (i) "Secretariat" means the <sup>11</sup>[Khyber Pakhtunkhwa] Civil Secretariat, as defined in rules 2(r) of the <sup>12</sup>[Khyber Pakhtunkhwa] Government Rules of Business, 1985; and
  - (j) "Service" means the Khyber Pakhtunkhwa (Provincial Information Technology Group) Service.

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to be true copy  
Advocate



**PART-II  
RECRUITMENT**

3. **Number and nature of post.** --- (1) The service shall comprise the posts specified in column 2 of the Appendix and such other post as may be added to it from time to time in the Secretariat Departments.\*

(2) Any person appointed to any post specified in the Appendix by any Department before the commencement of these rules shall, on such commencement, be deemed for all intent and purposes, to have been appointed on the authority of the Establishment Department as assigned to it within the meaning of the Khyber Pakhtunkhwa Government Rule of Business, 1985, and their affairs shall onward be administered by the said Department, in accordance with these rules and any other rules for the time being in force and applicable to him in accordance with the said Rules of Business.

4. **Appointing Authority.** --- Appointment to a post shall be made by the concerned appointing authority as defined in rule 2 (b).

5. **Method of recruitment.** --- (1) Appointment to various posts shall be made,—

(a) in In case of post of Director, Deputy Director, System Analyst and Database Administrator by promotion;\*\*\*\*\*

(b) in the case of posts, of Assistant Director, Programmer, LAN Administrator, Web Administrator, Data Processing Officer, Deputy Database Administrator and Assistant Programmer, fifty per cent by initial recruitment and fifty per cent by promotion; and

(c) in the case of other posts, by initial recruitment, in the manner specified in column No. 3 to 5 of the Appendix.

(2) Posts in Basic Scale 12 and above falling to the share of initial recruitment shall be filled on the recommendation of the Khyber Pakhtunkhwa Public Service Commission and posts falling to the share of promotion quota shall be filled on the recommendation of the Departmental Promotion Committee or the Provincial Selection Board, as the case may be.

6. **Age.**— (1) Subject to any relaxation in respect of a person or class of a person, no person shall be appointed to the service by initial recruitment unless he is within age limit prescribed for the post in column 4 of the Appendix.

(2) The age shall be reckoned from the last date notified for submission of application.

7. **Qualifications.** --- (1) No person shall be appointed to the service by initial recruitment unless he possesses the qualification specified in column 3 of the Appendix.

(2) No person, not already in Government service, shall be appointed to the service

unless

(a)

he produces a certificate of character from the Head of Academic Institution last attended, and also the certificate of character from two other responsible persons, not being his relatives, who are well acquainted with his character and antecedents; and

(b)

he has appeared before the Standing Medical Board/Civil Surgeon/Medical Superintendent and found fit for Government service.

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[Signature]

\* Words "in the Secretariat Departments" added vide Notification No. SOR-IV(ED)/3-2/07 dated 22-03-2007.

\*\*\*\*\* Clause (a) of Sub-rule (1) of Rule 5 substituted vide Notification No. SOE-V(E&AD)/5-16/2016, dated 21-12-2016.

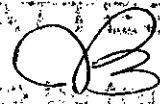
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**APPENDIX**  
See rules 2(a), (f), 3,5(1),6(1) and 7(1)

S. No	Nomenclature of posts.	Minimum qualification for initial recruitment or by transfer.	Age limit.	Method of recruitment.
1.	2.	3.	4.	5.
1.	Director.	Ph.D in Computer Science with seven years experience of Programming, System Analysis and Operational Management; or  Second Class Master Degree in Computer Science from a recognized University with twelve years experience of Programming, System Analysis and Operational Management.	35-45 years.	By promotion, on basis of seniority-cum-fitness, from amongst Deputy Directors (System Analyst and Database Administrator) working in the Civil Secretariat with at least seven years service as such or twelve years service in BPS-17 and above. If no suitable person is available for promotion, then by initial recruitment.
2.	Deputy Director (System Analyst/ Database Administrator).		35-45 years.	By promotion, on basis of seniority-cum-fitness, from amongst Assistant Director (Programmer/ LAN Administrator/ Web Administrator/ Data Processing Officer/Deputy Database Administrator) with five years experience.
3.	Assistant Director (Programmer/ LAN Administrator/ Web Administrator/ Data Processing Officer/Deputy Database Administrator).	Second Class Master Degree or equivalent qualification in Computer Science from a recognized University.	22-35 years.	(a) Fifty per cent by initial recruitment; and (b) fifty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Programmers (BPS-16) or equivalent posts having five years service as such.
4.	Assistant Programmer.	(i) Second Class Master Degree or equivalent qualification in Computer Science; or (ii) First Class Bachelors Degree or equivalent qualification in Computer Science with two years experience in Programming or Data Processing.	21-30 years.	(a) Fifty per cent by initial recruitment; and (b) fifty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Data Processing Supervisors.


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Advocate

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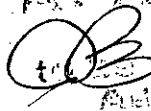
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5.	Data Processing Supervisor.			By promotion, on basis of seniority-cum-fitness, from amongst Computer Operators/Data Entry Operators with five years experience as such.
6.	Computer Operator/Data Entry Operator.	Second Class Bachelor Degree in Computer Science from recognized University/Institution.	18-28 years.	By initial recruitment.

  
02.02.2007  
(SHARIF HUSSAIN)  
SECTION OFFICER (REG: IV)

ATTESTED

  
t/...  
Attest

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(Establishment Wing)

(13)

**NOTIFICATION**

Dated Peshawar, the July 19, 2016

**NO.SOE-V(E&AD)/5-16/2016.-** In exercise of powers conferred by section 26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No.XVIII of 1973), the Chief Minister of the Khyber Pakhtunkhwa has been pleased to approve the following further amendment in consultation with Law and Finance Departments in the Khyber Pakhtunkhwa (Provincial Information Technology Group) Service Rules, 2006:

**AMENDMENTS**

- i. At S.No 3 of the Appendix in column 5 at (b), the following will be substituted:-  
"50% By promotion, on basis of seniority-cum-fitness, from amongst Assistant Programmers and Computer Operators having qualification prescribed for initial recruitment with five years service as such."
- ii. S.No 4 of the Appendix pertaining to the post of Assistant Programmer will remain intact till promotion of the sole incumbent Assistant Programmer.
- iii. S.No 5 of the Appendix pertaining to the post of Data Processing Supervisor will be deleted.
- iv. In S.No 6, column 1, the BPS may be deleted.

**CHIEF SECRETARY  
KHYBER PAKHTUNKHWA**

**NO.SOE V(E&AD)/5-16/2016.-**

Dated Peshawar, the July, 19, 2016.

Copy forwarded for information and necessary action to:-

- 1. The Additional Chief Secretary, Planning & Dev: Department.
- 2. The Additional Chief Secretary, FATA, Khyber Pakhtunkhwa.
- 3. The Additional Chief Secretary, Finance Department.
- 4. The Chairman, Khyber Pakhtunkhwa Public Service Commission.
- 5. The Senior Member of Board of Revenue.
- 6. All Administrative Secretaries in Khyber Pakhtunkhwa.
- 7. All Divisional Commissioners in Khyber Pakhtunkhwa.
- 8. The Secretary Governor, Khyber Pakhtunkhwa.
- 9. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- 10. All Heads of Attached Departments.
- 11. The Secretary Provincial Assembly, Khyber Pakhtunkhwa.
- 12. The PS to Chief Secretary, Khyber Pakhtunkhwa.
- 13. The Registrar, Khyber Pakhtunkhwa Service Tribunal.
- 14. PS to Special Secretary Establishment, Establishment Department.
- 15. PS to Secretary Law, Law Department.
- 16. The Managing Govt. Printing Press for publication in the Extra Ordinary Gazette.

**ATTESTED**  
to [Signature] only  
Auve Safa

**(S.R.JAMIL)**  
Section Officer (E-V)



**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
**ESTABLISHMENT DEPARTMENT**  
(Establishment Wing)

(14)

**NOTIFICATION**

Dated Peshawar, the APRIL 06, 2018

**NO.SOE-V(E&AD)/5-09/2007.-** In exercise of powers conferred by Section 26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No.XVIII of 1973), the Chief Minister of the Khyber Pakhtunkhwa is pleased to direct that in the Khyber Pakhtunkhwa (Provincial Information Technology Group) Service Rules, 2006, the following further amendments shall be made, namely:

**AMENDMENTS**

In the Appendix, against serial No. 3, in column 5, for clause (b), the following shall be substituted, namely:

“(b) fifty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Programmers and Computer Operators, having qualification prescribed for initial recruitment for the post of Computer Operator with five year service as such.

**Secretary to Govt: of Khyber Pakhtunkhwa**  
**Establishment Department.**

**NO.SOE-V(E&AD)/5-09/2007.-**

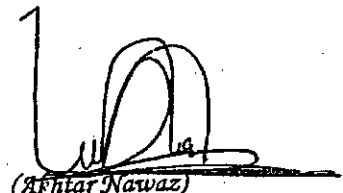
Dated Peshawar, the APRIL 06, 2018

Copy forwarded for information and necessary action to:-

1. The Additional Chief Secretary, Planning & Development Department.
2. The Additional Chief Secretary, FATA, Khyber Pakhtunkhwa.
3. The Senior Member of Board of Revenue, Khyber Pakhtunkhwa.
4. All Administrative Secretaries in Khyber Pakhtunkhwa.
5. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
6. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
7. The Secretary, Provincial Assembly, Khyber Pakhtunkhwa.
8. The PS to Chief Secretary, Khyber Pakhtunkhwa.
9. The PS to Secretary, Law, Parliamentary Affairs & Human Rights Department.
10. The Deputy Director (IT), Establishment & Administration Department with the request to upload the same on the official website.
11. The Registrar, Khyber Pakhtunkhwa Services Tribunal.
12. PS to Special Secretary (Estt), Establishment Department.
13. PA to Additional Secretary (Reg), Establishment Department.
14. PA to Deputy Secretary (Estt), Establishment Department.
15. The Manager, Govt. Printing Press for publication in the Extra Ordinary Gazette. He is requested to furnish 30 copies of the printed Notification to this Department and 10 copies to Law Department.

**ATTESTED**

to be true copy  
Advocate

  
(Akhtar Nawaz)

Section Officer (E-V)

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Like Comment Share



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT

Office of the Secretary, Finance Department, Peshawar

Dated Peshawar the 30<sup>th</sup> March, 2021

**NOTIFICATION**

**NO.SD(A)/3-7/BB/FMIU/VOL-I** In pursuance of the provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1959, the Finance Department, in consultation with the Establishment Department hereby lays down the method of recruitment, qualification and other conditions specified in column No.3 to 5 of the Appendix to this Notification which shall be applicable to various posts of Finance Department Information Technology Group as specified in column No. 2 of the said Appendix.

**APPENDIX**

S.No.	Nomenclature of post	Qualification for appointment by Initial recruitment	Age limit	Method of recruitment
1.	Deputy Director (IT) (BPS-18)			By promotion, on the basis of seniority-cum-fitness, from amongst Assistant Director IT in the District Finance Offices (BS-17) with at least five years' service as such.
2.	Assistant Director (IT) (BPS-17)	a) Second Class Master's Degree in Computer Science or equivalent qualification from a recognized University	22 to 35 years	i) Fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Computer Operators in the District Finance Offices with at least ten year's service as such; and ii) Fifty percent by initial recruitment
3.	Computer Operator (BPS-16)	a) At least Second Class Bachelor's Degree in Computer Science/Information Technology (BCS/BIT four years) or its equivalent qualification, from	18 to 30 years	By initial recruitment

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SECRETARY  
FINANCE DEPARTMENT  
PESHAWAR

(16)



**GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT**

	<p>b) At least Second Class Bachelor's Degree or its equivalent qualification, from a recognized University with one year Diploma in Information Technology or its equivalent qualification, from a recognized Board of Technical Education</p>
--	---

**SECRETARY TO  
GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT**

Encls: No. & Date Even.

Copy is forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar
2. PS to Secretary, Establishment Department
3. PS to Secretary, Law & Parliamentary Affairs Department
4. PS to Secretary, Finance Department
5. PS to Special Secretary, Finance Department
6. PA to Director FMIU, Finance Department
7. PA to Additional Secretary (Admin), Finance Department.
8. Superintendents Bills, Finance Department
9. Master File

*Abdur Rashid Khan*  
(ABDUR RASHID KHAN)  
SECTION OFFICER (ADMM)

ATTESTED  
to

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(17)



**GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT**

Finance Department, Civil Secretariat, Peshawar

finance.gkp.pk

financekpgovt

financekpgovt

No.SO(A)/FD/1-3/FMIU/2021  
Dated Peshawar the, 7<sup>th</sup> July, 2021

To

All Deputy Commissioners,  
Khyber Pakhtunkhwa.

**SUBJECT: PROMOTION/SENIORITY LIST OF COMPUTER OPERATORS OF  
DISTRICT FINANCE OFFICES OF FINANCE DEPARTMENT FOR  
THE YEAR 2021**

Dear Sir,

I am directed to refer the cited subject and to state that Finance Department has recently promulgated the service rules for the IT cadre working in the District Finance Offices of Finance Department. Meanwhile, it was decided that there should be a joint seniority list on the basis of the rules ibid of all the Computer Operators for their smooth career progression.

It is, therefore, requested that provide us appointment order of Computer Operators working under your patronage who were appointed by Director FMIU, Finance Department and in some cases, by the concerned district government against the same sanctioned posts of the then offices of the Executive District Finance Offices for Data Processing Cell/Computer Operator Cell, please.

ATTESTED  
to be true copy  
ADVISOR

(ABDUR RASHID KHAN)  
SECTION OFFICER (ADMN)

Endst: No. & Date Even.

Copy forwarded to the:

1. Director PMRU, Office of the Chief Secretary, Khyber Pakhtunkhwa, with the request to create the task.
2. PA to Director FMIU, Finance Department.
3. PA to Additional Secretary (Admn), Finance Department.
4. Master file.

SECTION OFFICER (ADMN)



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GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(Establishment Wing)

(18)

ANNEXURE - "D"

PH# 091-9213457 FAX# 091-9210447 Email:sectionofficerv@gmail.c.

**NOTIFICATION**

Dated Peshawar, the MAY 31, 2019

**No. SOE-V (E&AD)/5-15/C.O Promotion/2018:** On the recommendations of the Departmental Promotion Committee, promotion of the following Assistant Director I.T, working on acting charge basis, is regularized while Computer Operators (BS-16) are hereby promoted to the post of Assistant Director I.T (BS-17) on regular basis with immediate effect:-

S#	NAME & DESIGNATION OF OFFICER / OFFICIALS
1.	Mr. Imran Rasool, Assistant Director I.T (BS-17) (Acting Charge Basis)
2.	Mr. Javed Iqbal, Computer Operator (B-16)
3.	Mrs. Shahida Anjum, Computer Operator (B-16)
4.	Mr. Najam Saqib Noor, Computer Operator (B-16)
5.	Syed Mehr Ali Shah, Computer Operator (B-16)
6.	Syed Habibullah, Computer Operator (B-16)

2. The above Assistant Directors I.T (BS-17) on their promotion will remain on probation for a period of one year extendable for another 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 and Transfer) Rules, 1989.

3. Consequent upon their promotion, the following postings / transfers of the above Assistant Directors I.T (BS-17) are hereby ordered:-

S#	NAME OF OFFICER	FROM	TO
1.	Mr. Imran Rasool	Public Health Engineering Department	Retained in Public Health Engineering Department
2.	Mr. Javed Iqbal	P&D Department	Administration Department (HR Database)
3.	Mrs. Shahida Anjum	C&W Department	Retained in C&W Department

*Sub*  
[Handwritten signature and stamp]

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4.	Mr. Najam Saqib Noor	Industries Department	Social Welfare Department
5.	Syed Mehr Ali Shah	C&W Department	Finance Department
6.	Syed Habibullah	P&D Department	Retained in P&D Department

4. In addition to the above, the following transfers / postings of the officers / officials of I.T Cadre of Civil Secretariat Khyber Pakhtunkhwa are also hereby ordered, with immediate effect, in the public interest:-

S#	NAME OF OFFICER	FROM	TO
1.	Mr. Samandar Khan, Assistant Director I.T (BS-17)	P&D Department	E&SE Department
2.	Mr. Awais Ahmad Assistant Director I.T (BS-17)	Administration Department (HR Database)	Administration Department (Computer Cell)
3.	Mr. Muhammad Riaz, Computer Operator (BS-16)	Finance Department	Administration Department
4.	Mr. Abid Ur Rehman, Computer Operator (BS-16)	ST&IT Department	Transport Department
5.	Mr. Atif Raza, Computer Operator (BS-16)	Transport Department	Excise & Taxation Department

CHIEF SECRETARY  
KHYBER PAKHTUNKHWA

**Endst: No. & Date Even:-**

Copy is forwarded to the:-

1. Secretary, Finance Department, Govt: of Khyber Pakhtunkhwa.
2. Secretary, P&D Department, Govt: of Khyber Pakhtunkhwa.
3. Secretary, C&W Department, Govt: of Khyber Pakhtunkhwa.
4. Secretary, Social Welfare Department, Govt: of Khyber Pakhtunkhwa.
5. Secretary, Public Health Engineering Department, Govt: of Khyber Pakhtunkhwa.
6. Secretary, Industries Department, Govt: of Khyber Pakhtunkhwa.
7. Secretary, ST&IT Department, Govt: of Khyber Pakhtunkhwa.
8. Secretary, Transport Department, Govt; of Khyber Pakhtunkhwa.
9. Secretary, Excise & Taxation Department, Govt: of Khyber Pakhtunkhwa.
10. Secretary, E&SE Department, Govt: of Khyber Pakhtunkhwa.
11. Accountant General, Khyber Pakhtunkhwa, Peshawar.
12. Deputy Director I.T, Establishment & Administration Department.

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**OFFICE OF THE**  
**DISTRICT HEALTH OFFICER**  
**CHARSADDA**

No. 7893 /DHO

Dated Charsadda the 13/7/2021

To

The Director General  
Health Services, Khyber Pakhtunkhwa  
Peshawar.

Subject: - **APPLICATION FOR SERVICE STRUCTURE, SERVICE RULES AND PROMOTION OF COMPUTER OPERATORS**

R/Sir,

Enclosed please find herewith a self-explanatory application along with enclosures in respect of Mr. Zubair Ali Haider Computer Operator (BS-16) attached to this office for information and necessary action.

 **DISTRICT HEALTH OFFICER**  
**CHARSADDA**

to be true copy  
A/13/21

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The Director General  
Health Services Khyber Pakhtunkhwa  
Peshawar

(20)

ANNEXURE - E

Subject: APPLICATION FOR SERVICE STRUCTURE, SERVICE RULES AND PROMOTION OF COMPUTER OPERATORS

R/Sir.

It is stated that the applicant is serving as Computer Operator in Health Department since July 2009 presently serving at District Health Officer's office Charsadda. The applicant has already forwarded an application for service structure and promotion of computer operators vide DHO Charsadda letter No. 3597/DHO Charsadda Dated 24/04/2019 and the same was forwarded to honorable Secretary Health by your good office vide letter No. 7562-63/Personnel Dated 29/05/2019, but fruitless till date.

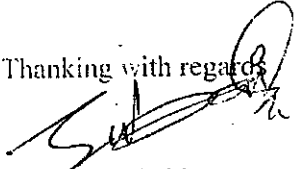
In Health department doctors, nurses, paramedics, clerks and even store keepers have service structure, but computer operators which is the back bone of a system are deprived from promotion as well as from IT allowance despite of part of the IT Cadre.

They have neither service structure nor promotion to higher grades in Health department despite of the already available service structure for IT cadre / Computer Operators of Civil Secretariat Establishment Department Govt of Khyber Pakhtunkhwa employees termed as **Provincial Information Technology Group, Govt of Khyber Pakhtunkhwa**, Finance Department Govt of Khyber Pakhtunkhwa and Home and Tribal Department Khyber Pakhtunkhwa. (Copy of service structure are attached)

The applicant has **Master degree in Computer Science** and has also right for promotion to higher grades like Govt employee of Establishment Department, Finance Department and Prosecution Department Govt of Khyber Pakhtunkhwa etc being citizen of Pakistan having equal rights.

You are therefore humbly requested once again to approve service structure and rules for promotion of computer operators of health department on the analogy of Establishment Department and Finance Department Govt of Khyber Pakhtunkhwa and the applicant may also be allowed to go to the next higher grade.

Thanking with regards

  
Zubair Ali Haider  
Computer Operator (BS-16)  
DHO, Charsadda

ATTESTED

  
Dated 13/07/2021

Dated 13/07/2021

Enclosures:

1. Appendix (Rules, nomenclature of post, qualification, etc.)
2. Notification No. SOE-V(E&AD)5-16/2016 Dated 19/07/2016
3. Notification No. SOE-V(E&AD)/5-09/2007 Dated 6/4/2018
4. SO (A)/3-7/88/FMIU/Vol-I Dated 30/03/2021 (Finance Department)
5. SO(Prosecution)/HD/1-5/2019 Dated 2/10/2019
6. Copy of first application and covering letter
7. Copy of DGHS letter to Secretary Health Govt of Khyber Pakhtunkhwa

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# (POWER OF ATTORNEY)

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

Service Appeal No. \_\_\_\_\_/2021

ZUBAIR ALI HAIDER

VS

GOVT. OF KP & OTHERS

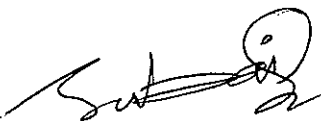
I, Zubair Ali Haider do hereby nominated and appointed **MUHAMMAD MAAZ MADNI**, Advocate High Court, Peshawar, to be counsel in the above matter for me/us and on my/our behalf as agreed to appear, plead, act and answer in the above court or any appellate court or any court to which the business is transferred in the above matter as and is agreed to sign and file petition, appeals, statements, accounts, exhibits, compromises or other documents whatsoever, in connection with the said matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc and to apply for and issue summons and other writs or subpoena and to apply for and get issued any arrest, attachment or other execution, warrants or order and to conduct any proceedings that may arise there out; and to apply for and receive payment of any or all sums or submit the above matter to arbitration, and to employ an other legal practitioner authorizing him to exercise the power and authorities hereby conferred on the advocate whenever he may think fit to do so.

AND to do all acts legally necessary to manage and conduct the said case in all respects whether herein specified or not, as may be proper and expedient.

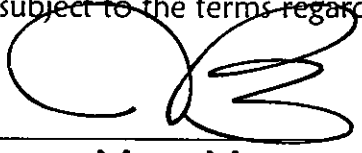
AND I/WE hereby agree to ratify and confirm all lawful acts done on my/our behalf; under or by virtue of these present or of the usual practice in such matter. PROVIDED always that I/WE undertake at the time of calling of the case by the court I/MY authorized agent shall inform the advocate and make him appear in the court, if the case, may be dismissed in default, it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us.

IN WITNESS WHERE OF I/We hereunto set MY/OUR hand to these presents, the contests of which have been explained to and understood by ME/US this 10<sup>th</sup> day of November 2021.

EXECUTANT

  
(Zubair Ali Haider)

Accepted subject to the terms regarding fees:

  
**MUHAMMAD MAAZ MADNI,**  
ADVOCATE HIGH COURT, PESHAWAR  
BC No.(BC-11-1460)  
CNIC No. 17101-9263898-1

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

Khyber Pakhtunkhwa Service Tribunal

**SERVICE APPEAL NO. 7744/2021**

Case No. 3181

Zubair Ali Haider.....Appellant

26-1-2023

**SCANNED  
KPST  
Peshawar**

**Versus**

Government of Khyber Pakhtunkhwa & others .....Respondents

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

**SERVICE APPEAL NO. 7744 OF 2021**

Zabair Ali Haider.....Appellant

**VERSUS**

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

**PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 01 TO 06**

**Respectfully Sheweth:**

**Preliminary Objections:-**

1. That the appellant has got neither cause of action nor 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 Honorable Tribunal has no Jurisdiction to adjudicate upon the matter.
9. That the instant appeal is bad for mis-joinder of unnecessary and non-joinder of necessary parties.

**ON FACTS:**

1. Pertains to record.
2. No comments. Pertains to his personal information.
3. Correct to the extent of notification dated 2-02-2007, however it is worth to mention that being <sup>an</sup> employee of the Health Directorate, the ~~above~~ mentioned rules are not applicable to the appellant.
4. Incorrect as already explained in para-3, the Khyber Pakhtunkhwa (Provincial Information Technology Group) Service rules-2006 are not applicable to the employees of attached departments, therefore the appellant was not entitled for promotion under the ibid Rules.
5. Pertains to record, however Service Rules for the cadre of the appellant ~~are~~ in process and after approval/due process of the Rules, the respondents will further proceed for the interest of the cadre.
6. No comments being legal, however the appellant is not an aggrieved person as no vested right of the appellant has been violated by the respondents

**ON GROUNDS:**

- A. Incorrect. Detailed reply has already been furnished in Para No. 5 of the Facts.
- B. Incorrect. The appellant has been treated in accordance with Law & Rules.
- C. Incorrect. The replying respondents have not violated fundamental rights of the appellant.
- D. Incorrect. Already explained in para-B & C.
- E. Incorrect. Already replied in para-5 of the facts.
- F. Incorrect. Already explained above.
- G. Incorrect. Already explained above.
- H. Incorrect. Already explained above.
- I. Incorrect. Already explained above.
- J. Incorrect. Already explained above.
- K. The answering respondents also seek prior permission of this Honorable Tribunal to adduce additional grounds at the time of arguments.

**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 & 04**

Secretary to Govt. of  
Khyber Pakhtunkhwa Establishment Department  
**Respondent No. 02**

Secretary to Govt. of  
Khyber Pakhtunkhwa Finance Department  
**Respondent No. 03**

Director General Health Services  
Khyber Pakhtunkhwa  
**Respondent No. 05**

District Health Officer Charsadda  
**Respondent No. 06**



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

**SERVICE APPEAL NO. 7744/2021**

Zubair Ali Haider.....Appellant

**Versus**

Government of Khyber Pakhtunkhwa & others .....Respondents.

**Affidavit**

I, Laeeq Ahmad, Focal Person (Litigation) office of the 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 Respondent are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'able Court.

*Laeeq*

Deponent



*[Signature]*

26-1-23