

Service Appeal No.6607-A/2021 titled "Muhamad Ilyas versus Government of Khyber Pakhtunkhwa through Chief Secretary to the Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others", Service Appeal No.6607-B/2021 titled "Muzamil Khan versus Government of Khyber Pakhtunkhwa through Chief Secretary to the Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others", Service Appeal No.6607-C/2021 titled "Muhammad Noman versus Government of Khyber Pakhtunkhwa through Chief Secretary to the Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others" Service Appeal No.6607-D/2021 titled "Zia Ur Rehman versus Government of Khyber Pakhtunkhwa through Chief Secretary to the Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others" and Service Appeal No.6607-E/2021 titled "Maqsood Qaiser versus Government of Khyber Pakhtunkhwa through Chief Secretary to the Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others" declared on 03.10.2024 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Mrs. Rashida Bano, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,PESHAWAR**

BEFORE: **KALIM ARSHAD KHAN** ... **CHAIRMAN**  
**RASHIDA BANO** ... **MEMBER(Judicial)**

***Service Appeal No.6607-A/2021***

Date of presentation of Appeal.....25.06.2021  
Date of Hearing.....03.10.2024  
Date of Decision.....03.10.2024

**Muhammad Ilyas** son of Ghulam Yousaf, Pathology Department, Lady Reading Hospital, Peshawar.....***Appellant***

Versus

1. **Government of Khyber Pakhtunkhwa** through Chief Secretary to the Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. **Secretary to Government of Khyber Pakhtunkhwa Health Services Department**, Civil Secretariat, Peshawar.
3. **Director General Health Services**, Khyber Pakhtunkhwa, Peshawar.....(***Respondents***)

***Service Appeal No.6607-B/2021***

Date of presentation of Appeal.....25.06.2021  
Date of Hearing.....03.10.2024  
Date of Decision.....03.10.2024

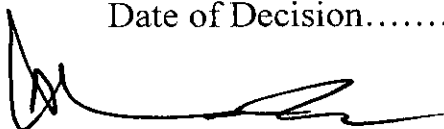
**Muzamil Khan** son of Sikandar Shah, Pathology Department, Bacha Khan Medical College, Mardan.....***Appellant***

Versus

1. **Government of Khyber Pakhtunkhwa** through Chief Secretary to the Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. **Secretary to Government of Khyber Pakhtunkhwa Health Services Department**, Civil Secretariat, Peshawar.
3. **Director General Health Services**, Khyber Pakhtunkhwa, Peshawar.....(***Respondents***)

***Service Appeal No.6607-C/2021***

Date of presentation of Appeal.....25.06.2021  
Date of Hearing.....03.10.2024  
Date of Decision.....03.10.2024



Service Appeal No.6607-A/2021 titled "Muhammad Ilyas versus Government of Khyber Pakhtunkhwa through Chief Secretary to the Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others", Service Appeal No.6607-B/2021 titled "Muzamil Khan versus Government of Khyber Pakhtunkhwa through Chief Secretary to the Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others", Service Appeal No.6607-C/2021 titled "Muhammad Noman versus Government of Khyber Pakhtunkhwa through Chief Secretary to the Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others" Service Appeal No.6607-D/2021 titled "Zia Ur Rehman versus Government of Khyber Pakhtunkhwa through Chief Secretary to the Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others" and Service Appeal No.6607-E/2021 titled "Maqsood Qaiser versus Government of Khyber Pakhtunkhwa through Chief Secretary to the Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others" declared on 03.10.2024 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Mrs. Rashida Bano, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

**Muhammad Noman**, son of Muhammad Sharif, Food Lab, Hayatabad.....**Appellant**

Versus

1. **Government of Khyber Pakhtunkhwa** through Chief Secretary to the Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. **Secretary to Government of Khyber Pakhtunkhwa Health Services Department**, Civil Secretariat, Peshawar.
3. **Director General Health Services**, Khyber Pakhtunkhwa, Peshawar.....(**Respondents**)

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**Service Appeal No.6607-D/2021**

Date of presentation of Appeal.....25.06.2021  
Date of Hearing.....03.10.2024  
Date of Decision.....03.10.2024

**Zia Ur Rehman** son of Hubab Khan, District Health Department/DHO Swat.....**Appellant**

Versus

1. **Government of Khyber Pakhtunkhwa** through Chief Secretary to the Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. **Secretary to Government of Khyber Pakhtunkhwa Health Services Department**, Civil Secretariat, Peshawar.
3. **Director General Health Services**, Khyber Pakhtunkhwa, Peshawar.....(**Respondents**)

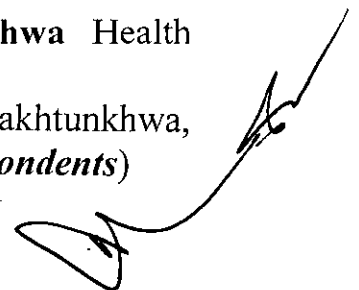
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**Service Appeal No.6607-E/2021**

Date of presentation of Appeal.....25.06.2021  
Date of Hearing.....03.10.2024  
Date of Decision.....03.10.2024

**Maqsood Qaiser** son of Zorbat Khan, District Health Department/DHO Karak.....**Appellant**

Versus

1. **Government of Khyber Pakhtunkhwa** through Chief Secretary to the Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. **Secretary to Government of Khyber Pakhtunkhwa Health Services Department**, Civil Secretariat, Peshawar.
3. **Director General Health Services**, Khyber Pakhtunkhwa, Peshawar.....(**Respondents**)



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Present:

Mr. Noor Muhammad Khattak, Advocate.....For the appellants  
Mr. Naseer Ud Din Shah, Assistant Advocate General ....For respondents

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**APPEALS UNDER SECTION 4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT,  
1974**  
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**CONSOLIDATED JUDGMENT**

**KALIM ARSHAD KHAN CHAIRMAN:** Appellants were directed to submit separate files, which they have filed. By way of single judgment, all the above-mentioned appeals, are jointly taken up as all are similar in nature and almost with the same contentions, therefore, can be conveniently decided together.

2. The cases in hand have been converted into service appeals in pursuance of the judgment of the Peshawar High Court, Peshawar in Writ Petition No.2195-P/2020 dated 27.05.2021.

3. The basic issue involved in these cases is that the appellants were qualified and having Bachelor's degree in different branches of Pathology, were not considered as eligible for the post of Clinical Technologists (BPS-17). As a result of inaction of the respondent, they allegedly remained without their own cadre and seniority list. For the purpose,



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they filed representations, however, the same also turned fruitless, hence, they filed Writ Petition No.2195-P/2020 which was converted into the instant service appeals.

4. On receipt of the appeals and their admission to full hearing, the respondents were summoned by the Hon'ble Peshawar High Court, who put appearance and contested the appeals by filing replies therein. The defense setup was a total denial of the claim of the appellants.

5. We have heard learned counsel for the appellants and learned Assistant Advocate General for respondents and some private respondents.

6. The learned counsel for the appellants reiterated the facts and grounds detailed in the memo and grounds of the appeals while the learned Assistant Advocate General District-Attorney controverted the same by supporting the impugned order(s).

7. The lists are prepared on the basis of decision of a committee constituted by the Department, comprising of the following:

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1. Mr. Zia Ur Rehman, DS (Admn) Health Chairman
  2. Prof. Dr. Shahtaj Khan, Pathologist MTI, HMC, Peshawar Member
  3. Prof. Ahmad Rafiq, Pathologist MTI, KTH, Peshawar Member
  4. Asstt: Prof. Hamidullah Shah, Pathologist, MTI, LRH, Peshawar Member
  5. Mr. Issa Khan, Section Officer-III, Health Deptt: Member
  6. Mr. Sheraz Khan, Deputy Director (Paramedics) Member

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8. It is very strange to note that under what law or rules, the committee could be formed and how the powers, which admittedly were with either the authority issuing degrees or Higher Education Commission regarding relevancy or equivalency of the degrees, be given to a departmentally constituted committee, therefore, while disposing of these appeals, we direct that the department should reconsider the matter after getting relevancy/equivalency certificate from the relevant quarters competent to decide that. Costs shall follow the event. Copy of this judgment be placed in the connected files. Consign.

9. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 3<sup>rd</sup> day of October, 2024.*



**KALIM ARSHAD KHAN**  
Chairman



**RASHIDA BANO**  
Member (Judicial)

S.A #.6607-A/2021

**ORDER**

3<sup>rd</sup> Oct. 2024

1. Learned counsel for the appellant and Mr. Naseer Ud Din Shah, Assistant Advocate General for respondents present. Heard.

2. Vide our consolidated judgment of today placed on file, while disposing of this appeal, we direct that the department should reconsider the matter after getting relevancy/equivalency certificate from the relevant quarters competent to decide that. Costs shall follow the event. Copy of the judgment be placed in the connected files. Consign.

3. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 3<sup>rd</sup> day of October, 2024.*



(Rashida Bano)  
Member (J)



(Kalim Arshad Khan)  
Chairman

\*Mutazem Shah\*