


FORM OF ORDER SHEET

Court of _____

Appeal No. _____

1864 /2024


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	09/10/2024	<p>The appeal of Mr. Said Rehman resubmitted today by Mr. Bahroz Khan Advocate. It is fixed for preliminary hearing before touring Single Bench at Swat on 04.11.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Said Rehman received today i.e on 19.09.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of appointment order mentioned in para-1 of the memo of appeal is not attached with the appeal.
- 2- Copy of order dated 07.03.2018 mentioned in para-3 of the memo of appeal is not attached with the appeal.
- 3- Annexures of the appeal are not in sequence.
- ④- Copy of impugned order and departmental appeal against are not attached with the appeal be placed on it.

No. 798 /Inst./2024/KPST,

Dt. 19/9 /2024.


ADDITIONAL REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Bahroz Khan Adv.
High Court at Peshawar.


R/sir,

In response to objection no:1, Copy of appointment order is attached as Annex "A", Page No.10.

In response to objection no:2, Copy of order dt:07/3/18 is attached as Annex "B", Page 13.

In response to objection no:3 All annexes in sequence.

In response to objection No-4, it is submitted that there is no impugned order in written by the appellant has been challenged the verbal action / inaction of the Dept. hence the objection in hand is groundless.


02/10/24

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA AT PESHAWAR

A- No. 1864/2024

Said Rahman

VS

Secretary Health KP and others


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Appellant

Said Rahman

Through Counsel


Syed Ahmed Chitrali, Bahroz
Khan & Shujaat Ali Sajjad
Advocates, High Court

Office: Zarak Apartment, Near
Old Bust Stand, Mingora, Swat
Cell No: 0346-9413863

①

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA AT PESHAWAR

Service Appeal No 1864 of 2024

Said Rahman son of Abdullah resident of Chargoray,
Balambat, District Dir Lower, presently serving as Sweeper
in District Head Quarter Hospital Dir Lower at Timergara.

.....Appellant

VERSUS

1. Government of KPK through Secretary Health at Peshawar.
2. Director Health Govt. of Khyber Pakhtunkhwa at Peshawar.
3. Medical Superintendent DHQ Dir Lower at Timergara.
4. District Health Officer, Dir Lower.

.....Respondents

SERVICE APPEAL UNDER SECTION 4, OF
THE KPK SERVICE TRIBUNAL ACT, 1974,
AGAINST THE ORDER / ACTION,
WHEREBY THE APPLICATION / APPEAL
REGARDING PROMOTION TO THE POST
OF CLASS-IV WAS NOT DECIDED AND
THE SENIORITY OF APPELLANT WAS
NOT CONSIDERED FOR PROMOTION TO
THE POST IBID.

PRAYER IN APPEAL.

On acceptance of this appeal the order / action & inaction of the respondents be declared as illegal, against law, void ab-initio by setting aside the same and the application for promotion filed by the appellant be accepted as prayed for. Any other relief which are proper in the instant circumstances of the may also be granted.

Respectfully Sheweth,

- 1) That the appellant is a bona-fide resident of District Dir Lower, and law abiding citizen of Pakistan, whereas, the appellant is Muslim by birth and as such he were appointed as "Muslim Sweeper" in the respondent department. (Copy of appointment order is attached as annexure "A")
- 2) That Govt. of Pakistan introduced a policy/ notifications through which it was unanimously decided that the any department shall adjust the existing Muslim sweeper against the vacant vacancies and other.
- 3) That as the nature and work of the job is quiet difficult for Muslim to perform, therefore, Peshawar High Court Mingora Bench, in writ petition No. 162-M of 2012 directed the respondent department to implement the notification dated 25/07/2006 in letter and spirit, and as such the respondent

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department ignore the appellant and adjusted other junior colleagues of the appellant vide order dated 04-12-2014. (Copies of order 07-03-2018 & office order dated 04-12-2014 are attached as annexure "B")

- 4) That on 16-03-2012 the respondent department adjusted the other colleagues of the appellant and again ignore the appellant. (Copy of order dated 16-03-2012 is attached as annexure "C")
- 5) That the respondent department illegally & unlawfully draft so many list whereas the name of the appellant is neither mentioned, so the appellant filed a civil suit No. 133/01 against the respondent department which decreed in favour of the appellant but the respondent department not been take any action the said decree. (Copies of the relevant record are attached as annexure "D")
- 6) That after the appellant filed so many appeals before the competent authority. (Copies of appeals are attached as annexure "E")
- 7) That the respondent did not decide the departmental appeal within a instituted period, hence the appellant is approaching this Honorable Tribunal for the redressal of his grievances against the action and inaction of the respondents on the following ground inter alia.



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GROUNDS:-

- i) That the act of respondents as not consider the appellant for promotion as unlawful, void-ab-initio, against the spirit of law.
- ii) That refusal of the respondents of not adjusting the appellant against the posts of shop attendant and class IV from the post of Muslim Sweepers is against the law and policy laid down for the purpose.
- iii) That refusal of the respondents of not adjusting the appellant against the post of class IV from the post of Muslim Sweepers is against the law and policy laid down for the purpose.
- iv) That the respondents failed to appreciate the fact that the appellant is poor person and had accepted the post of Sweepers on the assurance of the respondents that soon after the appointment, they will be adjusted against the posts of Class IV etc. as soon as the posts of that nature fell vacant but they have not honored their promise and the policy designed for the purpose. That at the time of appointments they were assured that as he is Muslim, therefore, the work and duties of the Sweeper will be not handed over to him rather he will be adjusted

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against the post of class-iv post etc. on temporary basis and where and when the posts of class IV employees of others nature will be created then on priority basis he will be adjusted against the said vacant post but the respondents have violated the policy and ignored their own promise and till date the appellant is working against the post of Sweeper and now recently they have been appointed other persons which needs interference of this honorable tribunal.

- v) That vide so many notification as well as judgments & decree directed the respondents for acting upon the above policy strictly in according in law.
- vi) That is very astonishingly when the respondents advertised the same post as sweeper where is clear mention that the sweeper is in non-muslim and the appellant applied the post of class-iv / Naib Qasid but the respondents have assurance the appellant that when the class-iv / Naib qasid post is vacant then the appellant appointed the same.
- vii) That the non-consideration of the long standing services of the appellant and the respondent department discrimination

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the appellant is against the fundamental rights of the appellant, and hence liable to be rectified per rules and regulation and law.

- viii) That till now the respondent department has no single reply of the applications filed by the appellant so, the act of the respondents department has highly discriminatory and liable to be set aside.
- ix) That the act of the respondents is illegal, against law, facts and violative of the fundamental rights of the appellant.
- x) That the appellant deserves to be change their cadre from sweeper to class-iv as per policy as well as judgments of the apex courts and this honorable court.
- xi) That as the appellant was eligible for class-iv, which was mala-fidely, unlawfully not considered the respondent department, hence the act of the respondent department is illegal & ultra-virus.
- xii) That the appellant vested rights have been taken away by the Respondents without lawful authority and the same is

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against fundamental rights safeguarded under the constitution.

xiii) That discrimination, mala-fide, high handedness is apparent from facts, that the appellant has been discriminated.


xiv) That further grounds, with leave of this Honorable Court, would be raised at the time of arguments before this Honorable Court.

It is, on acceptance of this appeal the order / action & inaction of the respondents be declared as illegal, against law, void ab-initio by setting aside the same and the application for promotion filed by the appellant be accepted as prayed for. Any other relief which are proper in the instant circumstances of the may also be granted.

Appellant

Said Rahman

Through Counsel


Syed Ahmed Chitrali, Bahroz
Khan & Shujaat Ali Sajjad
Advocates, High Court

CERTIFICATE:

(As per directions of my client) No such like Appeal earlier has been filed by the appellants on the subject matter before this Honorable Court.


ADVOCATE

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BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA AT PESHAWAR

Service Appeal No _____ of 2024

Said Rahman (Appellant)

VERSUS

Secretary Health KP and others..... (Respondents)

ADDRESSES OF THE PARTIES

APPELLANT

Said Rahman son of Abdullah resident of Chargaray,
Balambat, District Dir Lower, presently serving as Sweeper
in District Head Quarter Hospital Dir Lower at Timergara.

CNIC No:15306-3367477-7 Cell No:0344-9175569

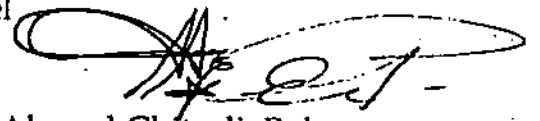
RESPONDENTS

1. Government of KPK through Secretary Health at Peshawar.
2. Director Health Govt. of Khyber Pakhtunkhwa at Peshawar.
3. Medical Superintendent DHQ Dir Lower at Timergara.
4. District Health Officer, Dir Lower.

Appellant

Said Rahman

Through Counsel



Syed Ahmed Chitrali, Bahroz
Khan & Shujaat Ali Sajjad
Advocates, High Court

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BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA AT PESHAWAR

Service Appeal No _____ of 2024

Said Rahman (Appellant)

VERSUS

Secretary Health KP and others..... (Respondents)

AFFIDAVIT

I, Said Rahman (appellant), do hereby solemnly affirm and declare on oath that the contents of the above titled Appeal is true and correct to the best of my knowledge and belief.


DEPONENT

Zahid
ATTESTED
ZAHID ADVOCATE
District Courts Swat
* S.No. 161 Date: 7.9.24 *
OATH COMMISSIONER

OFFICE OF THE EXECUTIVE DISTRICT
OFFICER, (HEALTH) DIR LOWER.

No. 1071 / Dated 4/02/2009.
Phone No. 045-9250098.

Amr "A"

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To,

Mr. Said Rahman S/O Abdil Wahid,
Vill: Chagoray Balambat Dir Lower

Subject: APPOINTMENT.
Memo:-

Reference your application for the post of Sweeper, duly recommended by the Minister for Technical Education NVIFP, Peshawar.

You are hereby offered a post of Sweeper BPS-01 (2970-90-5670) plus usual allowances as admissible under the rules on contract/temporary basis against the vacant post of Sweeper (newly created) at DHQ Hospital Timergara on the following terms & condition.

TERM & CONDITION.

6. Your appointment will be purely on contract/temporary basis and can be terminated without any notice.
6. You will not be entitled for pension and gratuity benefits.
6. You will not contribute to GP Fund.
6. You will avail the benefit of Contributory Provident Fund (CPF) through 10% contribution of minimum of his pay and 10% contribution to be made by the Government.
6. Your appointment will take place subject to the provision of Health and age certificate from the Medical Superintendent DHQ Hospital Timergara.
6. If you accepts offer for appointment as Sweeper with the above terms and conditions, you should report to the Medical Superintendent DHQ Hospital Timergara with in 15 days of the receipt of this letter, otherwise offer will be considered as cancelled.

Executive District Officer,
(Health) Dir Lower

No. 1072-751

Copy forwarded to:-

4. The District Nazim Dir Lower.
4. The District Accounts Officer Dir Lower.
4. The Medical Superintendent DHQ Hospital Timergara.
4. The Accounts Clerk of this office.

For information and necessary action.

Executive District Officer,
(Health) Dir Lower

ATTSTED

BETTER COPY OF THE PAGE NO. 10
OFFICE OF THE EXECUTIVE/DISTRICT
OFFICER (HEALTH) DIR LOWER

No. 1071/Dated 04/03/2009
Phone No. 045-9250098

To,

Mr. Said Rahman S/o Abdullah
Vill: Chargoray Balambat Dir Lower

Subject: **APPOINTMENT**
Memo:

Reference your application for the post of Sweeper, duly recommended by the Minister for Technical Education NWFP, Peshawar.

You are hereby offered a post of Sweeper BPS-01 (2970-90-5670) plus usual allowances as admissible under the rules on contract/temporary basis against the vacant post of Sweeper (newly created) at DHQ Hospital Timergara on the following terms and condition.

TERM AND CONDITION

6. Your appointment will be purely on contract/temporary basis and can be terminated without any notice.
6. You will not be entitled for pension and gratuity benefits.
6. You will not contribute to GP Fund.
6. You will avail the benefit of Contributory provident Fund (CPF) through 10% contribution of minimum of his pay and 10% contribution to be made by the Government.
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6. If you accept offer for appointment as Sweeper with the above terms and conditions, you should report to the Medical Superintendent DHQ Hospital Timergara within 15 days of the receipt of this letter, otherwise offer will be considered as cancelled.

Executive District Officer,
(Health) Dir Lower.

No. 1072-751

Copy forwarded to:

4. The District Nazim Dir Lower.
4. The District Accounts Officer Dir Lower.
4. The Medical Superintendent DHQ Hospital Timergara.
4. The Accounts Clerk of this office

For information and necessary action.

Executive District Officer,
(Health) Dir Lower.

ATTSTED

**District Accounts Office Dir at Timargar
Monthly Salary Statement (July-2024)**



Personal Information of Mr SAID RAHMAN d/w/s of ABDUL WAHID

Personnel Number: 00443125

CNIC: 1530633674777

NTN:

Date of Birth: 10.03.1976

Entry into Govt. Service: 05.03.2009

Length of Service: 15 Years 04 Months 028 Days

Employment Category: Active Temporary

Designation: SWEEPER

80814084-GOVERNMENT OF KHYBER PAKH

DDO Code: DA4328-MS District Head Quarter Hospital Dir Lower

Payroll Section: 001

GPF Section: 005

Cash Center:

GPF A/C No: 443125

Interest Applied: Yes

GPF Balance:

191,453.00

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For - 2022

Pay Scale Type: Civil

BPS: 03

Pay Stage: 14

Wage type		Amount	Wage type		Amount
0001	Basic Pay	22,380.00	1001	House Rent Allowance 45%	2,120.00
1210	Convey Allowance 2005	1,785.00	1300	Medical Allowance	1,500.00
1923	UAA-OTHER 20%(1-15)	1,000.00	2148	15% Adhoc Relief All-2013	292.00
2199	Adhoc Relief Allow @10%	202.00	2311	Dress Allowance - 2021	1,000.00
2312	Washing Allowance 2021	1,000.00	2313	Integrated Allowance 2021	600.00
2341	Dispr. Red All 15% 2022KP	2,143.00	2347	Adhoc Rel Al 15% 22(PS17)	2,144.00
2378	Adhoc Relief All 2023 35%	7,630.00	2393	Adhoc Relief All 2024 25%	5,595.00

Deductions - General

Wage type		Amount	Wage type		Amount
3003	GPF Subscription	-1,150.00	3501	Benevolent Fund	-600.00
4004	R. Benefits & Death Comp:	-300.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 0.00 Recovered till July-2024: 0.00 Exempted: 0.00 Recoverable: 0.00

Gross Pay (Rs.): 49,391.00 Deductions: (Rs.): -2,050.00 Net Pay: (Rs.): 47,341.00

Payee Name: SAID RAHMAN

Account Number: 7900822803-

Bank Details: HABIB BANK LIMITED, 221150 TIMERGARA, DIR. TIMERGARA, DIR., LOWER DIR

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address:

City: T/GARA

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email:

ATTSTEP



1

Amra B⁴

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*Before The Peshawar High Court Mingora Bench at
Mingora Swat*

W.P. 162-m 2012

1. Muhammad Khan Sweeper DHQ Hospital Timergara, Dir Lower
2. Taj Muhammad Sweeper DHQ Hospital Timergara, Dir Lower
3. Bakht Said Sweeper DHQ Hospital Timergara, Dir Lower
4. Amjad Ali Khan Mali DHQ Hospital Timergara, Dir Lower
5. Javed Khan S/O Dost Rehman village and P.O Danwa Tehsil
Timergara Dir Lower
6. Noor Khitab S/O Noor Islam DHQ Hospital Timergara, Dir
Lower
7. Umar Sadiq DHQ Hospital Timergara, Dir Lower

----- Petitioners

VERSUS

1. Govt of Khyber Pakhtoonkhwa through Secretary Health Civil
Secretariat, Peshawar
2. Director General Health Services, Khyber Pakhtoonkhwa
Peshawar
3. District Coordination Officer Dir Lower at Timergara.
4. Executive District officer (Health) Dir Lower at Timergara.
5. District Account Officer Dir Lower at Timergara.

----- Respondents

Writ Petition Under Article 199, Constitution
Of The Islamic Republic of Pakistan, 1973.

FILED TODAY *Respectfully Sheweth!*

The petitioners submits as under:

Additional Registrar

20/11/2012

ATTSTED

(13)

Judgment SheetPESHAWAR HIGH COURT, MINGORA BENCH (DAR-UL-QAZA),
SWAT.

JUDICIAL DEPARTMENT

JUDGMENT

W.P.No.162-M/2012.

Date of hearing 07/03/2018.

Petitioner (Muhammad Khan & others) By:

Mr. Faridullah Khan, Advocate.

Respondents (Govt: of KPK through Chief Secretary Health & others &
others) By:Mr. Muhammad Rahim Shah, A.A.G.
-----**MUHAMMAD NASIR MAHFOOZ, J:-** Petitioners

have invoked jurisdiction of this court under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 with the following relief:-

"that by acceptance of the instant writ petition respondent No.4 may kindly be directed to strictly follow/implement the order No. SOH (Lit.I) 12(1)-47/2012 dated 29-02-2012 and petitioners be appointed/adjusted against the post approved in said orders".

2. Brief facts as contained in the instant petition are that W.P.No.102/2011 was instituted by the petitioners, which was treated as representation and sent to respondent No.1 with the direction to decide it within a period of one month. Respondent No.1 vide the impugned

P. J. J.
ATTISTED

(14)

order No.SOH (Lit.l) 12 (1)-47/2011 dated 29.02.2012 accepted the representation of petitioners and order was passed accordingly. In compliance with the said order, some of the petitioners in the said writ petition were adjusted/ appointed but the same relief was denied to petitioners No.1 to 4 while petitioner No.5 was adjusted as Junior Clinical Technician in RHC Khal, Dir Lower and not against the post in DHQ Hospital, Timergara, Dir Lower. Petitioners No.6 and 7 were appointed as Junior Technicians PHC but their departments or places of duties were not shown, hence, the instant writ petition.

3. Respondents submitted their comments wherein they have mentioned that petitioner No.2 has been appointed in Detoxification Unit in DHQ Hospital, Timergara.

We have heard arguments of learned counsel for the petitioner as well as learned A.A.G and perused the record.

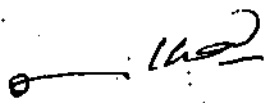
4. Perusal of the notification dated 28.02.2012 reveals that it has been passed in compliance with order of this court passed in W.P.No.102/2011 and proceedings in contempt

2014
ADJSTED

(15)

petition No.1 of 2012. Each petitioner has been adjusted against the various posts mentioned against their names in the said notification but we are being asked in the instant writ petition is to direct the respondents for implementation of this notification. It is very strange that the respondents have been specifically directed in earlier proceedings but still they are adamant to comply with the directions of this court as well as orders of their higher authorities. Though it entails serious consequences like framing of charge against the respondents before proceedings for the contempt of court but since partial compliance has been done, we are constrained to dispose of the instant writ petition with the direction to respondents to strictly implement the notification mentioned above within a period of one month.

5. Hence, the instant writ petition is disposed off accordingly.


JUDGE


JUDGE

Announced.
Dt. 07/03/2018.

HON'BLE MR. JUSTICE MOHAMMAD IBRAHIM KHAN &
HON'BLE MR. JUSTICE MUHAMMAD NASIR MAHFOOZ.
(14-00000)

ATTSTED

07/03

(16)

OFFICE OF THE MEDICAL SUPERINTENDENT DHQ HOSPITAL TIMERGARA.

OFFICE ORDER

As per Policy of 2006 and writ petition No. 162-M/2012, the following in-Service Senior most Sweepers are hereby adjusted/appointed against the vacant post of Ward orderly BPS-02 at DHQ Hospital Timergara with following term and condition.

- 1/- Mr. ~~Mr.~~ Bakht Said.
2/- Mr. Taj Muhammad.

Term and condition.

1. Your appointment will be purely on temporary basis and can be terminated without any notice.
2. You will be entitled for pension and gratuity benefits.
3. You will be contributed to GP Fund.
4. You will be on probation initially for a period of one year.
5. Your service can be dispensed during the probation period, if your work and conduct found un-satisfactory.
6. If you wish to resign from service you will resign in writing giving prior notice of one month or deposit one month pay in lieu of one month advance pay into Government treasury.

Sd/-----

Medical Superintendent
DHQ Hospital Timergara

No 6040-43

dated Timergara the

04 /12/2014.

Copy to:-

- 1/- The official concerned.
- 2/- The District Accounts Officer, Dir Lower.
- 3/- The additional Registrar High court (Darul Qaza) Swat.
- 4/- The A/Establishment Clerk of this office.

For information and necessary action.


Medical Superintendent
DHQ Hospital Timergara.

ATTSTED

Annex 'C' (17)

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (HEALTH) LOWER DIR.

OFFICE ORDER.

The following In-Service Sweepers DHQ Hospital Timergara District Lower Dir are hereby appointed/adjusted against the vacant post of Ward Attendant BPS-01 at DHQ Hospital Timergara with immediate effect.

S.No	Name of Official	From	TO
1	Mr. Bakht Munir	Sweeper BPS-1	Ward-Attendant BPS-1
2	Mr. Azizur Rehman	Sweeper BPS-1	Ward Attendant BPS-1
3	Mr. Farooq Ali Shah	Sweeper BPS-1	Ward Attendant BPS-1

Sd/- x-y-x-x
Executive District Officer,
Lower Dir.

No. 1443-45

Dated Timergara the 16 /3/2012.

- Copy to:-
1. MS DHQ Hospital Timergara.
 2. District Accounts Officer Lower Dir at Timergara.
 3. Officials concerned.
For information & N/action.

Executive District Officer,
Lower Dir.

ATTSTED

(6) Annex "D"

(18)

FORM "A"

FORM OF ORDER SHEET

IN THE COURT OF NIAMATULLEAH SHAH CIVIL JUDGE/IQ-V, DIR (L) AT

TIMERGARA

Said Rahimin Vs Govt etc

Serial No of Order or Proceedings

Order No. 10

Date of Order or Proceedings

27-02-2015

Order or other Proceedings with signature of Judge or Magistrate and that of Parties or Counsel where necessary

Presence as before. Today the seniority list along with policy of the govt was submitted by the defendant No-2. The defendant No-2 also recorded his statement in the court wherein he stated that as per policy of 2006 all the Muslims sweepers will be adjusted against other posts of the same basic pay scale on seniority basis subject to the availability of vacant posts. In view of the statement and the seniority list submitted by the MS/defendant No-2 there is no need for further proceedings in the instant suit. Therefore the suit in hand is decreed with the condition that the plaintiff will wait till the time his turn comes as per seniority. No order as to costs. File be consigned to record room after completion and compilation.

Announced:

27-02-2015

NIAMATULLEAH SHAH
Civil Judge/IQ-V
Dir (L) of Timergara

Handwritten notes in Urdu script

Handwritten signature and circular stamp

Handwritten signature and date 29/03

~~ATTSTED~~

BETTER COPY OF THE PAGE NO. 18

FORM "A"

FORM OF ORDER SHEET

IN THE COURT OF NAIMATULLAH SHAH CIVIL JUDGE/ IQ-V, DIR (L) AT
TIMERGARA

Said Rehman VS Govtetc

Order No. 20	27-02-2015	<p>Presence as before, Today the seniority list along with policy of the govt was submitted by the defendant No.2. The defendant No.2 also recorded his statement in the court where he stated that as per policy of 2006 all the Muslims sweepers will be adjusted against other posts of the same basic pay scale on seniority basis subject to the availability of vacant posts. In view of the statement and the seniority list submitted by the MS/defendant No.2 there is no needs for further proceedings in the instant suit. Therefore the suit in hand is decreed with the condition that the plaintiff will wait till the time his turn comes as per señiority. No order as to costs. File he consigned to record room after completion and compilation.</p> <p>Announced: 27-02-2015</p> <p style="text-align: right;">Naimatullah Shah Civil Judge/IQ-V Dir (L) at Timergara</p>
--------------	------------	---

~~ATTSTED~~

ATTESTED

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در این خصوص که در تاریخ ۱۳۳۱/۱۲/۲۵
 در این خصوص که در تاریخ ۱۳۳۱/۱۲/۲۵
 در این خصوص که در تاریخ ۱۳۳۱/۱۲/۲۵
 در این خصوص که در تاریخ ۱۳۳۱/۱۲/۲۵
 در این خصوص که در تاریخ ۱۳۳۱/۱۲/۲۵
 در این خصوص که در تاریخ ۱۳۳۱/۱۲/۲۵
 در این خصوص که در تاریخ ۱۳۳۱/۱۲/۲۵
 در این خصوص که در تاریخ ۱۳۳۱/۱۲/۲۵
 در این خصوص که در تاریخ ۱۳۳۱/۱۲/۲۵

در این خصوص که در تاریخ ۱۳۳۱/۱۲/۲۵
 در این خصوص که در تاریخ ۱۳۳۱/۱۲/۲۵
 در این خصوص که در تاریخ ۱۳۳۱/۱۲/۲۵
 در این خصوص که در تاریخ ۱۳۳۱/۱۲/۲۵

در این خصوص که در تاریخ ۱۳۳۱/۱۲/۲۵
 در این خصوص که در تاریخ ۱۳۳۱/۱۲/۲۵
 در این خصوص که در تاریخ ۱۳۳۱/۱۲/۲۵
 در این خصوص که در تاریخ ۱۳۳۱/۱۲/۲۵

پرچہ ڈگری

بعدالت جناب نعمت اللہ شاہ سول جج-7 جوڈیشل مجسٹریٹ تیرگرہ دیر پائین

مقدمہ نمبر 133/1 سال 014، تاریخ رجوعہ 23/04/2014، تاریخ فیصلہ 27/02/2015

سید رحمان ولد واحد ساکن چڑگوڑی ملک آباد تحصیل بلا مہٹ دیر پائین

بنام

- (1) حکومت صوبہ سرحد بذریعہ چیف سیکرٹری ہیلتھ بمقام سیکرٹریٹ پشاور
- (2) ایم ایس ڈسٹرکٹ ہسپتال تیرگرہ (3) ڈسٹرکٹ ہیلتھ آفیسر ضلع دیر پائین بمقام تیرگرہ

الف۔ دعویٰ ہر ادھر صدور ڈگری استقرار حق بدیں مضمون کہ من مدعی ڈسٹرکٹ ہسپتال تیرگرہ میں بحیثیت سوپر مستقل طور پر تعینات ہے اور بغیر مشہر شدہ آسامی برائے وارڈ اردلی و چوکیدار (کلاس فور) و ڈسٹرکٹ ہسپتال تیرگرہ میں بمطابق کوئٹہ 25 فیصد بالمقابل بالا آسامی مدعی کو میرٹ پر بھرتی کیا جانا قانونی حق ہے اور مدعا علیہم مجاز نہیں کہ وہ غیر قانونی بلا جواز بلا استحقاق و مبنی بر سیاسی دباؤ و بلا اختیار ہونے کے تحت مدعی کو اس کے حق سے محروم کرے یا مدعی کو بھرتی کرنے سے انکار کرے۔

ب۔ صدور ڈگری حکم تاکید بنام مدعا علیہم کہ وہ مدعی کو مذکورہ بالا آسامی پر بمطابق تحت ضوابط و لوازمات تعینات کرے اور کسی دیگر غیر متعلقہ شخص کو بلا جواز و سیاسی دباؤ و غیر قانونی طور پر

ATTSTED

Order No-20
27-02-2015

Presence as before Today the seniority list along with policy of the govt was submitted by the defendant No-2. The defendant No-2 also recorded his statement in the court wherein he stated that as per policy of 2006 all the Muslims sweepers will be adjusted against other posts of the same basic pay scale on seniority basis subject to the availability of vacant posts. In view of the statement and the seniority list submitted by the MS/defendant No-2 there is no need for further proceedings in the instant suit. Therefore the suit in hand is decreed with the condition that the plaintiff will wait till the time his turn comes as per seniority. No order as to costs. File be consigned to record room after completion and compilation.

Announced:
27-02-2015

NIAMATULLAH SHAH
Civil Judge (Q-V)
Dir (L) at Timergara

خرچہ نالاش

ردیف	تعداد	توضیحات
		موسمہ ہندوستان
		موسمہ ہندوستان
		موسمہ ہندوستان
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		موسمہ ہندوستان
		موسمہ ہندوستان

انجمن المسلمین (شاد)
[Signature]
[Seal]

ATTSTED

Presence as before, Today the seniority list along with policy of the govt was submitted by the defendant No.2. The defendant No.2 also recorded his statement in the court where he stated that as per policy of 2006 all the Muslims sweepers will be adjusted against other posts of the same basic pay scale on seniority basis subject to the availability of vacant posts. In view of the statement and the seniority list submitted by the MS/defendant No.2 there is no needs for further proceedings in the instant suit. Therefore the suit in hand is decreed with the condition that the plaintiff will wait till the time his turn comes as per seniority. No order as to costs. File he consigned to record room after completion and compilation.

Announced:
27-02-2015

Naimatullah Shah
Civil Judge/IQ-V
Dir (L) at Timergara

خرچہ نالاش

منجانب مدعا علیہم	منجانب مدعی	تفصیل کاغذات	نمبر شمار
		۱- شامپ ۲- مختیار نامہ خاص ۳- خرچہ خوراکہ گواہان ۴- کورٹ فیس ۵- فیس وکیل بابت ۶- فیس اہل کمیشن ۷- فیس اشتہار	
		میزان	

آج تاریخ بہ ثبوت میرے دستخط مہر عدالت کے جاری کیا گیا۔

(نعمت اللہ شاہ)

سول جج-۷ علاقہ قاضی تیرگرہ دیر

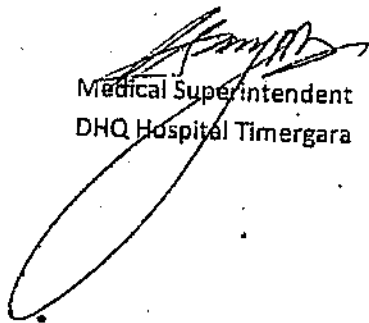
ATTSTED

21

In the Court of Civil Judge/ Alaga Qazi Timergara Dir Lower

Statement:

As per policy of 2006, all the muslim sweepers will be adjusted against other posts of the same basic payscale on seniority basis, subjected to the availability of vacant posts. In the recent past two sweepers namely"- 1) Mr. Bakht Said 2) Mr. Taj Mohammad have been adjusted as ward attendants.


Medical Superintendent
DHQ Hospital Timergara

ATTSTED

SENIORITY LIST OF SWEEPER OF DHQ HOSPITAL TIMERGARA

22

S.No.	Name of Sweepers	Date of appointment	Date of Birth
1/-	Mr. Waris Khan	10/2/1999	10/2/1963
2/-	Mr. Muhammad Khan	6/8/2008	1/7/1974.
3/	Mr. Bakhtiar Khan	5/3/2009	1/7/1964
4/	Mr. Khan Bahadar	5/3/2009	1/7/1967
5	Mr. Lutfi Hakeem	5/3/2009	5/5/1972
6	Mr. Suid Rahman	5/3/2009	10/3/1976
7	Muhammad Aslam	5/3/2009	1/7/1976
8	Sajeeb Kha	5/3/2009	20/7/1976
9	Muhammad Hamid Jan	5/3/2009	1/7/1980
10	Muhammad Haq	5/3/2009	1/6/1983
11	Muhammad Ayaz	5/3/2009	18/10/1984
12	Hamid-ur-Rahman	5/3/2009	1/7/1985 (85)
13	Muhammad Sajid	5/3/2009	1/1/1988
14	Abdur Rahman	5/3/2009	28/7/1988
15	Bakht Shah Zeb	18/3/2009	10/10/1972
16	Irfanullah	18/3/2009	1/1/1986
17	Kifayatullah	18/3/2009	1/1/1990
18	Shah Khalid	21/3/2009	1/7/1968
19	Sahibullah	28/3/2009	1/7/1968
20	Rub Nawaz	8/5/2009	2/1/1969
21	Siraj-ud-Din	2/9/2009	5/3/1986
22	Khalif Muhammad	2/11/2009	2/11/1976
23	Iftikhar Ahmad	6/11/2009	1/7/1967
24	Akhtar Rasool	5/3/2010	10/2/1988
25	Farukh Sair	2/8/2010	1/1/1974
26	Aftab ud Din	19/8/2011	1/4/1990
27	Umer Ayaz	8/2/2012	1/7/1967
28	Dilawar Khan	1/4/2012	1/3/1983
29	Sadiq Muhd Jan	1/4/2012	1/7/1972
30	Azhar-ud-Din	1/4/2012	1/1/1990

Medical Superintendent
DHQ Hospital Timergara

ATTSTED

DAILY MASHRIQ PESHAWAR

روزنامہ

مشرق

سن 147 سال

میرگرہ ہسپتال کے مسلم سرجنوں کو کلاس فوٹو سامیوں پر ایڈجسٹ کیا جائے

میرگرہ (لاہور مشرق) ڈسٹرک ہیڈ کوارٹر ہسپتال میں مسلم سرجنوں کو کلاس فوٹو سامیوں پر ایڈجسٹ کیا جائے اور ان کے ساتھ ساتھ ان کے والدین کو بھی ہسپتال میں لایا گیا ہے۔ ان کے والدین کو بھی ہسپتال میں لایا گیا ہے۔ ان کے والدین کو بھی ہسپتال میں لایا گیا ہے۔ ان کے والدین کو بھی ہسپتال میں لایا گیا ہے۔

تقریر	میرگرہ ہسپتال	51
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میرگرہ ہسپتال کے مسلم سرجنوں کو کلاس فوٹو سامیوں پر ایڈجسٹ کیا جائے اور ان کے ساتھ ساتھ ان کے والدین کو بھی ہسپتال میں لایا گیا ہے۔ ان کے والدین کو بھی ہسپتال میں لایا گیا ہے۔ ان کے والدین کو بھی ہسپتال میں لایا گیا ہے۔ ان کے والدین کو بھی ہسپتال میں لایا گیا ہے۔

ATTSTED

24

OFFICE OF THE MEDICAL SUPERINTENDENT DHQ HOSPITAL TIMERGARA.

No. 1231

Dated Timergara the 30/13/2015.

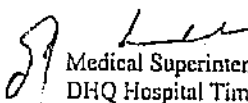
To:-

The Deputy Advocate General.
Darul Qaza Swat.

Subject:- LUTFI HAKEEM V/S HEALTH DEPARTMENT.
Memo:-

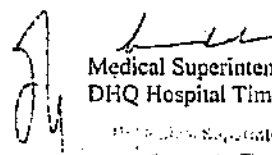
As the case title Lutfi Hakeem and others V/S Government of KPK and others No. 510/2014, in this regard it is stated that to please inform this office regarding the proceedings done on dated 27/3/2015. As we were not called on the same date.


Furthermore, Mr. Nasar Shah & Ijaz Hayat is hereby authorized to take over the proceedings documents on behalf of the Medical Superintendent.


Medical Superintendent
DHQ Hospital Timergara
Dir (Lower)

No. 1228

Copy to Mr. Nasar Shah and Ijaz Hayat for information and compliance.


Medical Superintendent
DHQ Hospital Timergara
Dir (Lower)


30/3/15

ATTSTED



(25)

GOVERNMENT LADY READING HOSPITAL PESHAWAR

OFFICE ORDER

The names of the following standing sweepers are hereby changed as mentioned below and their salaries with immediate effect:

S.No.	Name with Father's Name	Date of Appointment	Nomenclature of Post
1	Mr. Ebadatullah /o/ Amirul Shah	20.05.1968	Lift Operator
2	Mr. Hayatullah /o/ Gul Sher	01.04.1968	Lift Operator
3	Mr. Mumtaz Khan /o/ Fazli Qadir	01.04.1968	Lift Operator
4	Mr. Muhammad Akbar /o/ Akbar Ali	01.06.1968	Lift Operator
5	Mr. Anwar Khan /o/ Abdul Khan	14.4.1968	Lift Operator
6	Mr. Kamal Khan /o/ Habibullah	18.4.1968	Lift Operator
7	Mr. Hasan Khan /o/ Ghulam Rahman	15.10.1968	Lift Operator
8	Mr. Abdul Hameed /o/ Asghar Akbar	17.10.1968	Lift Operator
9	Mr. Sabar Gill /o/ Rahat Gul	22.10.1968	Lift Operator
10	Mr. Abdul Qadir /o/ Akbar Sabwar	29.10.1968	Lift Operator
11	Mr. Akbar Khan /o/ To. Prami	29.10.1968	Lift Operator
12	Mr. Nigar Khan /o/ Iqbal-ud-Din	29.10.1968	Lift Operator
13	Mr. Muhammad Afzal /o/ Akbar	29.10.1968	Lift Operator
14	Mr. Ghulam /o/ Shah	22.12.1968	Lift Operator
15	Mr. Jahanzeb /o/ Sami Farzana	10.03.1969	Lift Operator
16	Mr. Saifullah Khan /o/ Asad Khan	05.01.1969	Lift Operator
17	Mr. Danish Khan /o/ Asad Muhammad	07.03.1969	Chowkidar
18	Mr. Gul Khan /o/ Gul Karim	20.05.1969	Chowkidar
19	Mr. Muhammad Akbar /o/ Muhammad Aslam	30.06.1969	Chowkidar
20	Mr. Faruk /o/ Asghar Akbar	01.07.1969	Chowkidar
21	Mr. Faruk /o/ Asghar Akbar	01.07.1969	Chowkidar
22	Mr. Faruk /o/ Asghar Akbar	01.07.1969	Chowkidar
23	Mr. Faruk /o/ Asghar Akbar	01.07.1969	Chowkidar
24	Mr. Faruk /o/ Asghar Akbar	01.07.1969	Chowkidar
25	Mr. Faruk /o/ Asghar Akbar	01.07.1969	Chowkidar
26	Mr. Faruk /o/ Asghar Akbar	01.07.1969	Chowkidar
27	Mr. Faruk /o/ Asghar Akbar	01.07.1969	Chowkidar
28	Mr. Faruk /o/ Asghar Akbar	01.07.1969	Chowkidar
29	Mr. Faruk /o/ Asghar Akbar	01.07.1969	Chowkidar
30	Mr. Faruk /o/ Asghar Akbar	01.07.1969	Chowkidar
31	Mr. Faruk /o/ Asghar Akbar	01.07.1969	Chowkidar
32	Mr. Faruk /o/ Asghar Akbar	01.07.1969	Chowkidar
33	Mr. Faruk /o/ Asghar Akbar	01.07.1969	Chowkidar
34	Mr. Faruk /o/ Asghar Akbar	01.07.1969	Chowkidar

Arrival/Departure should be submitted to this office for record.

Sd/.....
Medical Superintendent,
Govt. Lady Reading Hospital, Peshawar

Dated Peshawar the 17/05/2013.

No. 15497-01 /R.II/E-IV

- Copy forwarded to:
 1. DMS, Govt. Lady Reading Hospital, Peshawar
 2. Finance & Accounts Officer, Govt. Lady Reading Hospital, Peshawar
 3. Director, Audit, Govt. Lady Reading Hospital, Peshawar
 4. Chief Executive, Govt. Lady Reading Hospital, Peshawar
 5. C. Office concerned.
- For information, all necessary action.

ATTACHED

Sd/.....
Medical Superintendent,
Govt. Lady Reading Hospital, Peshawar

B. copy P. 25

~~Better Copy~~

GOVERNMENT LADY READING HOSPITAL, PESHAWAR

OFFICE ORDER

The designation of the following Muslim Sweepers are hereby changed as mentioned below against their names with immediate effect:

S. No.	Name with Father's Name	Date of appointment	Nomenclature of Post
1	Syed Mumtaz Ali Shah s/o Muntazir Shah	20.05.1988	Lift Operator
2	Mr. Hayatullah s/o Gul Sher	01-04-1988	Lift Operator
3	Mr. Mumtaz Khan s/o Fazli Khaliq	01-04-1988	Lift Operator
4	Mr. Muhammad Akbar s/o Akbar Ali	01-06-1988	Lift Operator
5	Mr. Aslam Khan s/o Afzal Khan	21-01-1990	Lift Operator
6	Mr. Rumal Khan s/o Habibullah	14-04-1990	Lift Operator
7	Mr. Hayat Khan S/o Ghulam Rabbani	18-04-1990	Lift Operator
8	Mr. Abdul Haleem s/o Fazli Akbar	15-10-1990	Naib Qasid
9	Mr. Sahar Gul s/o Rahat Gul	17-10-1990	Naib Qasid
10	Mr. Abdul Khan s/o Abdur Rahman	22-10-1990	Naib Qasid
11	Mr. Akbar Jan s/o Durani	29-10-1990	Naib Qasid
12	Mr. Nihar ul Din s/o Islam ud Din	29-10-1990	Naib Qasid
13	MR. Muhammad Arif s/o Aslam	29-10-1990	Naib Qasid
14	Mr. Iqbal s/o Ashiq	22-12-1990	Naib Qasid
15	Mr. Jehanzeb s/o Said Marjan	22-12-1990	Naib Qasid
16	Mr. Sarfaraz Khan s/o Atwal Khan	10-03-1991	Dhobi
17	Mr. Daud Khan s/o Fazal Muhammad	05-01-1992	Chaukidar
18	Mr. Gul Daraz s/o Gul Faraz	07-03-1992	Chaukidar
19	Mr. Muhammad Akmal s/o Muhammad Aslam	20-05-1992	Chaukidar
20	Mr. Fakhr-e-Alam Shah s/o Musanif Shah	30-06-1992	Chaukidar
21	Mr. Parviz Khan s/o Habibur Rahman	01-07-1992	Naib Qasid
22	Mr. Sibag Khan s/o Shah Afzal	01-12-1994	Dhobi
23	Mr. Bashir Khan s/o Hashim Khan	01-02-1995	Dhobi
24	Imdad Khan s/o Sardaraz Khan	15-02-1995	Dhobi
25	Mr. Tila Muhammad s/o Atta Muhammad	23-02-1995	Dhobi
26	Mr. Shah Zaman s/o Sahi Zameen	02-04-1995	Dhobi
27	Mr. Nazar Hussain s/o Faqir Hussain	16-08-1995	Dhobi
28	Mr. Rehman Gul s/o Habib Gul	22-02-1996	Dhobi
29	Mr. Muhammad Yousof Khan s/o Raza Khan	17-11-1998	Dhobi
30	Mr. Azmat Khan s/o Madad Khan	08-12-1998	Dhobi
31	Mr. Fayyaz Ali s/o Mehboob Ali	08-12-1998	Dish Washer
32	Mr. Farhad Ali s/o Mir Aslam	08-12-1998	Dish Washer
33	Mr. Zahid Ali s/o Muhammad Gul	15-01-1999	Bearer
34	Mr. Fida Hussain s/o Sadiqullah		

Arrival / Department should be submitted to this office for record.

ATTN: [Signature]

Sd/xxxxxxx
Medical Superintendent,
Govt. Lady Reading Hospital, Peshawar

Dated Peshawar the 17/05/2013.

No. 15497-524/L.R.H./E-IV

Copy forwarded to the:

1. DMS (Admn) Lady Reading Hospital, Peshawar
2. Budget & Accounts Officer Lady Reading Hospital, Peshawar
- Resident Director Lady Reading Hospital, Peshawar

26

OFFICE ORDER.

In compliance of the judgment of Khyber Pakhtunkhwa Service Tribunal Peshawar (Camp court Swat) and in pursuance of the Finance Department Letter No. B.VI/FD/4-48/2022-23 Dated 06/06/2023, Government of Khyber Pakhtunkhwa Health Department Peshawar letter No. SOB-II/HD/1-1/DHQ Dir-Lower Dated 15th June, 2023 & Budget Officer-VI Finance Department office Endorsement No. SOB-II/HD/1-16/DHQ Dir Lower Dated 15/06/2023, the following officials are hereby adjusted against the newly created 16 No of posts of Ward Orderly (05-03) by abolishment of sixteen (16) number of posts of Sweeper at District Head Quarter Hospital Timergara Dir Lower DDO-Code CA-4328 with immediate effect during the current Financial Year, 2022-23.

S #	Name	Newly post
1	Mr. Akhtar Rasool	As Ward Orderly BPS-03
2	Mr. Lutfi Hakim	As Ward Orderly BPS-03
3	Mr. Dilawar Khan	As Ward Orderly BPS-03
4	Mr. Abdur Rehman	As Ward Orderly BPS-03
5	Mr. Sadiq Jan	As Ward Orderly BPS-03
6	Mr. Muhammad Haq	As Ward Orderly BPS-03
7	Mr. Sahib Ullah	As Ward Orderly BPS-03
8	Mr. Hamid ur Rehman	As Ward Orderly BPS-03
9	Mr. Siraj ud Din	As Ward Orderly BPS-03
10	Mr. Khalid Muhammad	As Ward Orderly BPS-03
11	Mr. Shah Khalid	As Ward Orderly BPS-03
12	Mr. Kifayat Ullah	As Ward Orderly BPS-03
13	Mr. Aftab ud Din	As Ward Orderly BPS-03
14	Mr. Hab Nawaz	As Ward Orderly BPS-03
15	Mr. Bakht Shah Zeb	As Ward Orderly BPS-03
16	Mr. Bakhtiar	As Ward Orderly BPS-03

Sd/-x-x-x-x-x
Medical Superintendent
DHQ Hospital Timergara.

No. 2232-36

Dated Timergara the 20/06/2023.

- Copy is forwarded to :-
1. Secretary to Government of Khyber Pakhtunkhwa Health Department Peshawar.
 2. Additional Advocate General Khyber Pakhtunkhwa Service Tribunal Peshawar.
 3. Director General Health Service Khyber Pakhtunkhwa Peshawar.
 4. District Accounts Officer Lower-Dir.
 5. Officials concerned.

Medical Superintendent
DHQ Hospital Timergara.

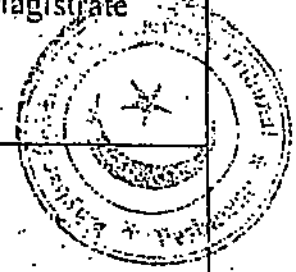
ATTENDED

(27)

A-4

Q-10

Sr. No	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
Service Appeal No. 639/2017

Date of Institution 16.06.2017
 Date of Decision 13.12.2018

Mr. Luft-E-Hakeem, Muslim Sweeper (BPS-01) DHQ Hospital timer Gaira, District Dir Lower.

Appellant

Versus

1. The Secretary Government of Khyber Pakhtunkhwa through Secretary Health Department Khyber Pakhtunkhwa Peshawar.
2. Director General Health Department Khyber Pakhtunkhwa Peshawar.
3. The District Health Officer, District Dir Lower.
4. The Medical Superintendent DHQ Hospital Timergara, District Dir Lower.

Respondents

13.12.2018

Mr. Muhammad Hamid Mughal-----Member (J)
 Mr. Ahmad Hassan-----Member (E)

JUDGMENT

MUHAMMAD HAMID MUGHAL, MEMBER: - Mr. Noor

Muhammad, learned counsel for appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General for the respondents present.

2. This single judgment in the above captioned appeal, shall also dispose of appeals (1). bearing No.640/2017 filed by Rab Nawaz

ATTENDED

[Signature]
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

TESTED

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5

(2). bearing No.641/2017 filed by Sahib Ullah (3). bearing No. 642/2017 filed by Akhtar Rasool (4). bearing No.643/2017 filed by Dilawar Khan (5). bearing No. 644/2017 filed by Hamid ur Rehman (6). bearing No.645/2017 filed by Khyal Muhammad (7). bearing No.646/2017 filed by Siraj ud Din (8). bearing No.647/2017 filed by Bakht Shah Zeb (9). bearing No. 648/2017 filed by Bakhtiar Khan (10). bearing No.649/2017 filed by Gul Saeed Khan (11). bearing No.650/2017 filed by Kifayat Ullah (12). bearing No.651/2017 filed by Sadiq Muhammad (13). bearing No. 652/2017 filed by Said Rehman (14). bearing No.653/2017 filed by Shams ul Islam (15). bearing No.654/2017 filed by Aftab ud Din (16). bearing No. 655/2017 filed by Muhammad Haq (17). bearing No.656/2017 filed by Abdur Rehman (18). bearing No. 724/2017 filed by Ismail Shah (19). bearing No.725/2017 filed by Rehmat Ali Shah (20). bearing No. 726/2017 filed by Gohar Rehman (21). bearing No.727/2017 filed by Miraj ud Din (22). bearing No. 728/2017 filed by Habib Ullah (23). bearing No.729/2017 filed by Umar Hakim.(24). bearing No.730/2017 filed by Shahid Hussain (25). bearing No.731/2017 filed by Shah Khalid being identical in nature, having arisen from the same law, facts and circumstances.

3. The appellant, who was appointed as Sweeper (Muslim) at DHQ Hospital Timergra District Dir Lower in the year 2009 has filed the present service appeal u/s 4 of Khyber Pakhtunkhwa Service Tribunal Act 1974, against the order dated 16.02.2017 of the respondent No.1 whereby the respondent department accepted the



right of Muslim Sweepers appointed before 12.07.2006 for their adjustment against the post of Ward Orderly, Chowkidar, Mali, Dai, Aya and other Class-IV posts on seniority basis and thereby deprived the Muslim Sweepers appointed after 12.07.2006 to be adjusted as such. Learned counsel for the appellant mainly argued that the impugned order is a sheer example of discriminatory treatment to Muslim Sweepers appointed as such after 12.07.2006.

4. On the other hand learned Additional Advocate General defended the impugned order on the ground that the appellant himself was appointed as Muslim Sweeper in violation of policy decision dated 12.07.2006.

5. Arguments heard. File perused.

6. The respondent department vide its policy decision dated 12.07.2006 decided that all the Health Institutions should promote the Muslim Sweepers against the existing vacancies of Ward Orderly, Chowkidar, Mali, Dai, Aya and other Class-IV posts, on seniority basis and not to appoint Muslim Sweeper against the post of Sweeper in future.

7. It was due to the violation of policy decision dated 12.07.2006 that many Muslim Sweepers had to knock the door of Hon'ble Peshawar High Court. The violation of policy decision led the respondent department to the issuance of fresh order dated 16.02.2017 made partially impugned in the present service appeal.

8. Upon the examination of the impugned order dated 16.02.2017, this Tribunal came to the conclusion that the same is

RECEIVED

SECRETARY
Khyber Pakhtunkhwa
Society of Health
Peshawar

30

(scribble)

(scribble)

also in violation of policy decision dated 12.07.2006 in as much as according to the policy decision dated 12.07.2006 gradually all the Muslim Sweepers would have to be adjusted against other Class-IV posts.

9. Impugned order dated 16.02.2017 has the effect of depriving the appellant from his adjustment against other Class-IV post just for the reason that he was appointed as Muslim Sweeper after 12.07.2006. This Tribunal is therefore of the considered opinion that discriminatory treatment was met out to the appellant.

10. Resultantly this Tribunal holds that the cut off date i.e. 12.07.2006 as mentioned in the impugned order dated 16.02.2017 shall be treated as expunged. The present service appeal alongwith connected service appeals as mentioned in para-2 of this judgment are accepted in the above terms. The respondent department is directed to take strict disciplinary action against those responsible for inducting Muslim Sweepers in violation of the policy decision dated 12.07.2006. Parties are left to bear their own costs. File be consigned to the record room.

(Signature)
(Ahmad Hassan)
Member

(Signature)
(Muhammad Iqbal Mughal)
Member

ATTENDED

ANNOUNCED Date of Decision 31-1-19
13.12.2018 Number of Pages 1600

Copying Fee 10
Urgent 2
Total 12
Name of Copyist
Date of Submission of Copy 31-1-19

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Implementation petition No. 311 /2019

In appeal No. 639/2017



Mr. Lutf-E-Hakim, Muslim Sweeper (BPS-1),
DHQ Hospital, Taimergara, District Dir Lower.

.....Petitioner

VERSUS

- 1- The Secretary Health Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director General Health Services Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Health Officer, District Dir Lower.
- 4- The Medical Superintendent DHQ Hospital Taimergara, District Dir Lower.

**IMPLEMENTATION PETITION FOR DIRECTING THE
RESPONDENT DEPARTMENT TO IMPLEMENT THE
JUDGMENT DATED 13.12.2018 IN APPEAL
NO.639/2017 IN LETTER AND SPIRIT**

R/SHEWETH:

- 1- That the above mentioned appeal has been decided by this august Service Tribunal vide judgment dated 13-12-2018 in favor of the Petitioner. Copy of the judgment is attached as annexure.....A.
- 2- That the Petitioner filed the above mentioned appeal against the Impugned Notification dated 16.02.2017 whereby the petitioner has been ignored/excluded from promotion/adjustment against any other class-iv post.
- 3- That after final arguments this august Service Tribunal decided the appeal in favor of the Petitioner with the directions that:-

"impugned order dated 16.02.2017 has the effect of depriving the appellant from his adjustment against other class-iv post just for the reason that he was appointed as Muslim sweeper after 12.7.2006. This Tribunal is therefore, of the opinion that discriminatory treatment was met out to the appellant. Resultantly this Tribunal holds that the cut off date i.e. 12.07.2006 as mentioned in the impugned order dated

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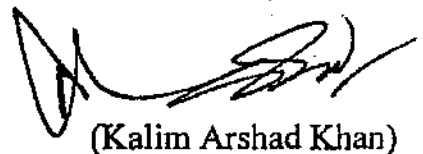
Execution Petition No.311/2019

ORDER

05th June, 2023 1. Learned counsel for petitioner present. Mr. Fazal Shah Mohmand, Additional Advocate General alongwith Dr. Asghr Ali, Medical Officer (respondent No.4) present.

2. Respondent No.4 produced copy of letter of the Finance Department bearing endorsement No.BO-VI/FD/4-48/2022-23 dated 06.06.2023, whereby, 16 posts were created in compliance with the judgment of this Tribunal and the concerned respondents had been directed to observe all cedal legal formalities before making appointments/filling of the said posts in the current financial year. The current financial year is going to end this month, therefore, Medical Superintendent stated at the bar that he would complete the formalities within 10 days. This petition stands disposed of accordingly. Consign.

3. *Pronounced in open Court at Swat under my hand and seal of the Tribunal on this 6th of June, 2023.*



(Kalim Arshad Khan)
Chairman
Camp Court, Swat

Mutazem Shah

Amry 13

33

جناب اسٹنٹ کمشنر صاحب / انچارج انفارمیشن سٹریٹجی ڈیپارٹمنٹ

درخواست پورا ہونے پر ترقی یافتہ اقدامات

عنوان

MS صاحب، سٹریٹجی بیڈ ڈیپارٹمنٹ ہسپتال تھیر گوڈ۔

1- تعیناتی آرڈر کا اس نوٹ، 13 اکتوبر 2014

2- ذہنی ترقی کے لئے 20/10/2014 تا 08/11/2014

3- سٹریٹجی بیڈ ڈیپارٹمنٹ کا نوٹ

4- Minutes of Meeting سٹریٹجی بیڈ

5- دیوانی بیڈ ڈیپارٹمنٹ کا نوٹ

6- فتوحات سرورس

7- فتوحات سٹریٹجی بیڈ 8- انچارج ڈیپارٹمنٹ

جناب عالی!

مذاہرت حسب ذیل ہے کہ سٹریٹجی بیڈ ڈیپارٹمنٹ ہسپتال تھیر گوڈ میں سٹریٹجی بیڈ (sweepers) ڈیپارٹمنٹ کے رتبے میں صوبائی حکومت کے ٹیڈنگ کے فیصلہ جات اور اپنی کورٹ پٹ کے فیصلہ جات کے روشنی میں سٹریٹجی بیڈ ڈیپارٹمنٹ کے نوٹوں پر ایڈجسٹمنٹ کے جائز ہیں۔

تھیر گوڈ ہسپتال میں مختلف کلاس فور کے پوسٹ sanction کرنے کو سٹریٹجی بیڈ ڈیپارٹمنٹ نے MS صاحب کو درخواست کی ہے اور اس کے لئے ایک نوٹ تیار کیا گیا ہے۔ فیصلہ جات کے مطابق ڈیپارٹمنٹ میں سٹریٹجی بیڈ ڈیپارٹمنٹ کے لئے جانے اور سٹریٹجی بیڈ ڈیپارٹمنٹ کے لئے جانے والے نوٹوں میں فرق ہے۔

یو کے ایف کے لئے 13 اکتوبر 2014 اور دارالقضاہ کے لئے 2014 کو 15 نومبر 2014 کو Interm Relief دینے کی درخواست ہے۔ MS صاحب DHQ Hospital تھیر گوڈ کو 30 اکتوبر 2014 کو درخواست برائے تصدیق فتوحات دے دی ہے لیکن تا حال ہمیں فتوحات فراہم نہیں کی گئی۔

لہذا آپ سے حبان کے خدمت اقدام میں موجودہ مذاہرت سٹریٹجی بیڈ ڈیپارٹمنٹ کو درخواست فراہم کرنے کے احکامات سے درخواست ہے کہ فرمائے اور مشکور فرمائیں۔
تو میں مذاہرت ہوگی۔

بھوانی 12 نومبر 2014

العارض

آل مسلم سٹیٹس ڈیپارٹمنٹ ہسپتال تھیر گوڈ، سٹریٹجی بیڈ ڈیپارٹمنٹ، سید الطیف حسین اور سعید الرحمن، سٹریٹجی بیڈ ڈیپارٹمنٹ۔

ATTSTED

بھخور جناب اسٹنٹ کیشنر / انچارج انفارمیشن سٹریٹجی ڈیپارٹمنٹ

درخواست برآمدہ نقد نقولات

عنوان

ازاں MS صاحب ڈسٹرکٹ ہیڈ کوارٹر ہسپتال تیرگرہ

1- تعیناتی آرڈر کلاس فور ماہ اکتوبر 2014ء

2- ڈسٹریبیویشن جرنل ازاں 08/11/2014 تا 20/10/2014

3- سلیکشن کمیٹی بھرتی کلاس فور

4- Minutes of Meeting سلیکشن کمیٹی

5- ڈیوٹی ونی بھرتی کلاس فور

6- نقولات سروس بک

7- نقولات میڈیکل 8- اخبار ایڈورٹائزمنٹ

جناب عالی!

گزارش حسب ذیل ہے کہ سائیلان ڈسٹرکٹ ہیڈ کوارٹر ہسپتال تیرگرہ میں عرصہ دراز سے بحیثیت مسلم سویپرز

(Sweepers) ڈیوٹیاں سرانجام دے رہے ہیں صوبائی حکومت کے کینٹ کے فیصلہ جات اور ہائی کورٹ پشاور

کے فیصلہ جات کے روشنی میں مسلم سویپرز کو مختلف منظور شدہ کلاس فور کے پوسٹوں پر ایڈجسٹ کئے جائیں گے۔

کچھ عرصہ پہلے تیرگرہ ہسپتال میں مختلف کلاس فور کے پوسٹ Sanction ہو گئے تو سائیلان نے MS صاحب کو

درخواست بمعہ ہائی کورٹ و کینٹ فیصلہ جات کے مطابق درخواست دی کہ سائیلان کو متعلقہ پوسٹوں پر ایڈجسٹ کئے

جائے اور ساتھ لوکل عدالت دارالقضاء سوات میں رٹ دائر کئے ہیں جو کہ لوکل عدالت نے 31 اکتوبر 2014ء اور

دارالقضاء سوات میں 6 نومبر 2014ء کو Interim Relief دینے دیئے ہیں۔ کاپی لف ہے۔

MS صاحب DHQ Hospital تیرگرہ کو 30 اکتوبر 2014 کو درخواست برائے مصدقہ نقولات دے دی ہے لیکن

تاحال ہمیں نقولات فراہم نہیں کی گئی۔

لہذا آپ صاحبان کے خدمت اقدسہ میں مودبانہ گزارش کی جاتی ہے کہ سائیلان کو درجہ بالا نقولات فراہم کرنے کے

احکامات صادر فرما کر مشکور فرمائیں۔

عین نوازش ہوگی۔

بموردہ 12 نومبر 2014ء

العارض

آل مسلم سویپرز ڈسٹرکٹ ہیڈ کوارٹر ہسپتال تیرگرہ ضلع دیوبند ریو بخت سید اللطف حکیم اور سعید الرحمن تاج محمد محمد خان

ATTEST

درخواست برآمد بھرتی مسلم سوپر مطابق قانون 2006 کسی بھی کلاس فور کے جگہ ایڈجسٹ کرنا

جناب عالی! حسب ذیل عرض ہے۔

یہ کہ فدوی اپ صاحبان کے زیر سایہ DHQ ہسپتال تیمرگرہ میں بحیثیت مسلم سوپر عرصہ دراز سے ڈیوٹی انجام دے رہا ہے۔

یہ کہ سال 2006 میں پالیسی بنائی گئی کے مطابق مسلم سوپر کو کسی بھی دوسرے کلاس فور کے پوسٹ پرائیڈ جسٹ کیا جائیگا۔ چونکہ سائیل کا کیس بھی عدالت میں زیر غور ہے۔ درجہ بالا پالیسی کے مطابق اب چونکہ ہسپتال ہذا میں چار سده کے رہائشی ایک چوکیدار وفات پا چکا ہے۔ اگر متوفی کا بیٹا بھرتی ہونا چاہے تو ان کا حق بنتا ہے۔ لیکن اگر اس کا بیٹا بھرتی نہیں کیا جاتا اور کوئی دوسرا فرد انہی بھرتی کرنا چاہے تو قانون اور قاعدے کے مطابق سائیل کا قانونی حق بنتا ہے۔

لہذا بذریعہ درخواست ہذا سائیل کو سود بانہ گزارش کرتا ہے ہودرجہ بالا چوکیدار کے خالی پوسٹ پر بحیثیت چوکیدار ایڈجسٹ کیا جائے۔ و نیز اگر مسلم سوپر میں جگہ سے کوئی دوسرا اینٹرن ہو تو اسے بھرتی کیا جائے۔ اور جلد از جلد ایڈجسٹ کر کے مشکور فرمادیں۔

سائیل:

سید رحمان ولد عبدالواد مسلم سوپر DHQ ہسپتال تیمرگرہ دیرپائین

2 جون 2024

کاپی برائے اطلاع عالی:




- 1- چیف جنس صاحب پشاور ہائی کورٹ پشاور
- 2- سیکرٹری صاحب محکمہ ہیلتھ خیبر پختونخواہ پشاور
- 3- ڈائریکٹر جنرل صاحب محکمہ ہیلتھ خیبر پختونخواہ پشاور
- 4- سیشن جج صاحب ضلع دیرپائین تیمرگرہ
- 5- ڈپٹی کمشنر صاحب ضلع دیرپائین تیمرگرہ

ATTSTED

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RS: 20/-

ذات اس کالت ہرکی ڈیڑا، تال لول ہرکی

بار کونسل نمبر: <u>bc-20-2032</u>	 	147777
بار ایسوسی ایشن نمبر: <u>1473</u>		
رابطہ نمبر: <u>05469413863</u>		
ای میل ایڈریس		

ڈسٹرکٹ بار ایسوسی ایشن سوات

بعدالت جناب: سرورسی ٹرسٹ سونل تشاؤر تمام تشاؤر / یکے روت کوس

منجانب: <u>اسپلائٹ</u>	دعویٰ اور خواست: <u>سوسائٹس</u>
صیغہ: <u>بنام سیکرٹری سپلائٹ</u>	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:

بابت تحویر آتہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے برہمنے پیروی مقدمہ

بہروز خان


آن مقام تشاؤر لیسوسے کیلئے ایڈووکیٹ بانگپورٹ کو مقرر کر کے

اقرار کیا جاتا ہے، کہ صاحب موصوف کو مقدمہ کی کل کارروائی کو کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث کرنے، دعویٰ، جواب دعویٰ، اقبال دعویٰ اور درخواست برائے سرسبزی مقدمہ، منسوخی ڈگری یکطرفہ، اجراء و پیروی کرنے کا مختار ہوگا۔ نیز دائر کرنے اپیل گرائی، نظر ثانی و پیروی کرنے کا مختار ہوگا۔ اور مقدمہ مذکورہ کیلئے کل وقتی یا جزوی کارروائی کیلئے کسی دیگر وکیل یا مختار قانون کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو کبھی جملہ مذکورہ اختیارات حاصل ہوں گے، اور اس کا ساختہ و پرداختہ منظور قبول ہوگا، بدوران مقدمہ جو خرچہ دہر جانہ کسی بھی سبب سے حاصل ہوگا، وہ وکیل موصوف وصول کرنے کا حقدار ہوگا، کوئی تاریخ پیشی مقام مذکورہ بالا سے باہر ہو، تو وکیل صاحب پیروی مقدمہ کرنے کے پابند نہ ہوں گے، مقدمہ کسی عدالت میں بعدم پیروی خارج ہونے یا ڈگری یکطرفہ ہونے کے صورت میں وکیل صاحب ذمہ دار نہیں ہوں گے،

لہذا نکالت نامہ لکھ دیا کہ سند ہے

اسپلائٹ سیکرٹری

مقام سرورسی ٹرسٹ سونل تشاؤر تمام تشاؤر / یکے روت کوس کے لئے منظور ہے۔


ایڈووکیٹ بانگپورٹ

الرقوم: 09/09/24

Rs: 20/-

نہایت اہمیت کے ساتھ درج ذیل کی ہے۔

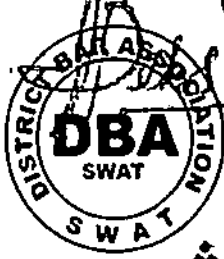
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بار کونسل نمبر: 234-2-2024

بار ایسوسی ایشن نمبر: 14

رابطہ نمبر: 0346-4141-4141

ای میل ایڈریس



136500



ڈسٹرکٹ بار ایسوسی ایشن سوات

بعدالت جناب: سر جسٹس سید علی سجاد

منجانب:	دوئی خواست:
عنوان:	عنوان:
موضوع:	موضوع:
مقام:	مقام:
تاریخ:	تاریخ:

باعتبار آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے برائے پیروی مقدمہ

SYED AHMED CHITRALI
Advocate High Court

آن مقام تسلیم کرتے ہیں کہ

آمر کیا جاتا ہے، کہ صاحب موصوف کو مقدمہ کی کل کارروائی کو مکمل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث کرنے، دعویٰ، جواب دعویٰ، اقبال دعویٰ اور درخواست برائے سرسبزگی مقدمہ، منسوخی ڈگری کی طرف، اجراء و پیروی کرنے کا مختار ہوگا۔ نیز دائر کرنے اپیل نگرانی، نظر ثانی و پیروی کرنے کا مختار ہوگا۔ اور مقدمہ مذکورہ کیلئے کل وقتی یا جزوی کارروائی کیلئے کسی دیگر وکیل یا مختار قانون کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی جملہ مذکورہ اختیارات حاصل ہوں گے، اور اس کا ساختہ و پرداختہ منظور قبول ہوگا، بدوران مقدمہ جو خرچہ و ہر جانہ کسی بھی سبب سے حاصل ہوگا، وہ وکیل موصوف وصول کرنے کا حقدار ہوگا، کوئی تاریخ پیشی مقام مذکورہ بالا سے باہر ہو، تو وکیل صاحب پیروی مقدمہ کرنے کے پابند نہ ہوں گے، مقدمہ کسی عدالت میں بعدم پیروی خارج ہونے یا ڈگری کی طرف ہونے کے صورت میں وکیل صاحب ذمہ دار نہیں ہوں گے، لہذا وکالت نامہ لکھ دیا کہ سند ہے

مقام: سر جسٹس سید علی سجاد کے لئے منظور ہے۔

سید علی سجاد

Syed Ali Sajjad
Advocate High Court

SYED AHMED CHITRALI
Advocate High Court!

الرقوم: 29/09/24