

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

SERVICE APPEAL NO. 531/2024

Muhammad Shakeel.....Appellant

Versus

Government of Khyber Pakhtunkhwa & othersRespondents

Index

S.No.	Description of Documents	Annex	Pages
1	Parawise Comments		1-2
2	DGHS KP posting order dated	A	3
2	Affidavit		4
3	Authority Letter		5

Deponent



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

DR. MUHAMMAD SALEEM

①

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA

SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO.531 OF 2024

Muhammad Shakeel..... **Appellant**

Versus

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

PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO.01 & 02

Respectfully Sheweth:

Khyber Pakhtunkhwa
Service Tribunal

Dir. No. 16895

Dated 17-10-24

Preliminary Objections:-

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

ON FACTS:

1. Pertain to record.
2. Pertain to record.
3. Though the Appellant was appointed by this Directorate but was posted to Services Hospital, Peshawar on his own request vide this Directorate letter No. 2588-94/Personnel dated 11-04-2014 and still working there. (copy of application and office order is attached as Annex-A)
The seniority list of qualified Class-IV employees was circulated vide this Directorate letter No. 2098-2118/Promotion cell dated 03-04-2023 but the Appellant did not object that his name is missing from the seniority list, therefore, promotion was made according to seniority list.

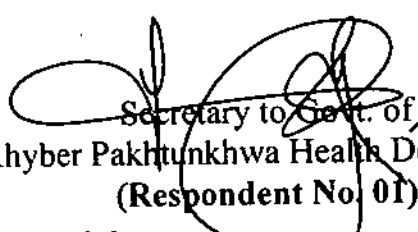
- 4. On receiving his departmental appeal and after proper approval his name has been included in the qualified class-IV employees seniority list of Directorate cadre and will be considered for promotion in the next DPC meeting on availability of vacant posts under class-IV quota.
- 5. Incorrect. As explained at para-4 above.
- 6. No comments Formal.


GROUND

- A. The promotion of class-IV employees of Directorate Cadre has already been made according to prevailing rules.
- B. As explained in Para-A above.
- C. As explained in Para-03 & A above.
- D. As explained in Para-03 above.
- E. The name of the Appellant was missing from the seniority list and after its circulation, he also not raised objection on it therefore, on his application his name has already been included in the seniority list and he will be promoted in due course of time.
- F. No outsider has been promoted as claimed by the appellant.
- G. As explained in aforesaid paras.
- H. Respondent also seeks permission to advise additional grounds at the time of hearing of the case.

PRAYER:

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


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


 Director General Health Services
 Khyber Pakhtunkhwa Peshawar
 (Respondent No. 02)
 DR. MUHAMMAD SALEEM

OFFICE ORDER



DIRECTORATE GENERAL HEALTH SERVICES GOVT. OF KHYBER PAKHTUNKHWA PESHAWAR

The following posting/ transfer of Class-IV is hereby ordered in

the interest of public service with immediate effect:-

S.No	Name of	From	To
1	Mr. Muhammad Shakeel Nalb Qasid	DGHS office Peshawar	Police and Services Hospital Peshawar
2	Mr. Zahoor Ahmad Mall	DGHS office Peshawar	Police and Services Hospital Peshawar

Arrival/ departure report should be submitted to the record.

No: 258254/Personnel.

Copy forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa.
2. M.S Police and Services Hospital Peshawar.
3. Assistant Director (Accounts) DGHS, KPK Peshawar.
4. P.A to DGHS, Khyber Pakhtunkhwa, Peshawar.
5. P.A to Director Administration DGHS, Khyber Pakhtunkhwa.
6. Officials concerned.

For information and necessary action.

Handwritten notes:
 For information and necessary action.
 DGHS Peshawar
 11/4/14
 ASSISTANT DIRECTOR
 DGHS, GOVT. OF
 PUKHTUNKHWA PESHAWAR

Sd/xxxxxxxx
 DIRECTOR GENERAL HEALTH SERVICES, KPK PESHAWAR
 Dated 11.04.2014

Amex-A
 3

4

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Muhammad Shakeel.....Appellant

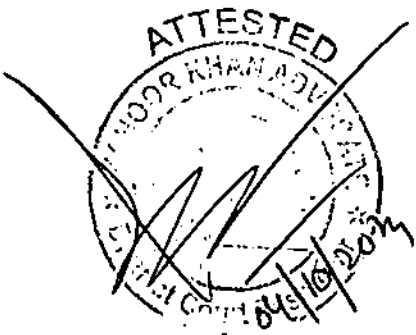
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Affidavit

I, Dr. Muhammad Saleem, Director General Health Services, Khyber Pakhtunkhwa, Peshawar, under the directions of the Competent Authority, do hereby solemnly affirm that the contents of the parawise Comments on behalf of Respondents are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

Deponent



**Director General Health Services
Khyber Pakhtunkhwa, Peshawar
DR. MUHAMMAD SALEEM**

5



**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR**

*All communications should be addressed to the Director General Health Services
Peshawar and not to any official by name*

Office # 091-9210269 Fax # 091-9210230

AUTHORITY LETTER

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

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

DR. MUHAMMAD SALEEM