

FOR SUBMISSION BRANCH

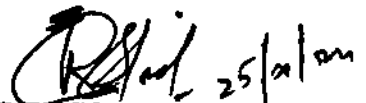
Cost of Rs. 5000/- received in Service Appeal No. 87/2024

Titled MARDOF VS. Govt.

in the office of Registrar Vide Order 23/09/2024

Dated: 25/10/2024.

NOTE: Respondents requested for remission of cost. The court was pleased to remit Rs. 5000/- via directives of honourable member SJKP Madam RASHIDA BANO


REGISTRAR
Khyber Pakhtunkhwa
Service Tribunal, Peshawar
Registrar
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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

SERVICE APPEAL NO. 87/2024

Maroof.....Appellant

Versus

Government of Khyber Pakhtunkhwa & othersRespondents

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Deponent



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

①

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA

SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 87 OF 2024

Khyber Pakhtunkhwa
Service Tribunal
Diary No. 17218
Dated 25/10/24
Appellant

Maroof.....

Versus

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

PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO.01 TO 03

Respectfully Sheweth:

Preliminary Objections:-

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

ON FACTS:

1. Pertain to record.
2. Incorrect, in-fact name of the appellant was missing in the seniority list after 2019 however the appellant requested for inclusion his name vide application

dated 21-06-2021 (**Annex-A**) which was forwarded by the respondent No.02 to respondent No.03 vide letter dated 30-06-2021 (**Annex-B**). The appellant by hand received the requisite record on 09-07-2021 in order to submit before respondent No.02 and proper receiving was obtained from the appellant (**Annex-C**), however then he provided the record in a belated stage, therefore he could not be promoted to the post of PHC MP Technician (BPS-14) and subsequently to the post of Health Technologist (BPS-16) furthermore he got retirement w.e.f. 14-04-2023 vide order dated 29-03-2023. After retirement he filed an appeal on 9-05-2023 (**Annex-D**) for promotion which is badly time barred.

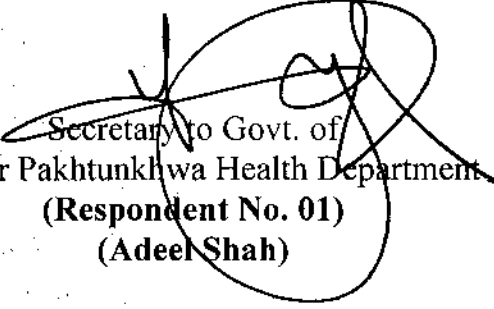
3. Incorrect, already replied in Para-02 above.
4. Already replied in Para-02 above.
5. Incorrect. Already replied in para-02 above, his departmental appeal is badly time barred.
6. Incorrect, no vested right of the appellant has been violated by the replying respondents hence the appellant is not an aggrieved person, however reply of the grounds is as under :-


GROUNDS


- A. Incorrect, the replying respondents acted as per law/rules & natural justice.
- B. Incorrect, Already replied Para-A above.
- C. Incorrect, hence denied, there is no malafidy or any violation of rules.
- D. Incorrect, seniority list prepared by Department was according to record and according to merit as discussed in detail in para-02 of the facts.
- E. Incorrect. Already replied in Para-D above.
- F. Incorrect. Already replied in Para-A above.
- G. Incorrect. Already replied in Para-D above.
- H. Incorrect, however the replying respondents also seek permission of the honorable tribunal to adduce other grounds during final hearing of the case.

PRAYER:

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


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


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


District Health Officer
District Abbottabad
(Respondent No. 03)
(Dr. Mushtaq Khan)

④ خدمت ضابط ڈائن بیلنگ خزانہ سیکرٹری اور سینیٹار

21812 بلوچ
23/6/2021
جناب عالی

موردبانہ گزارش ہے کہ سائل بطور PHC ٹیکنیشن (MSI) ضلع اسپٹ آباد میں اپنی ڈیوٹی سر انجام دے رہا ہے۔ سائل کا نام 2019 کی سینیٹری لسٹ میں موجود تھا جبکہ سائل کی عمر 1168 ہے۔

سائل موجودہ 2020 کی سینیٹری لسٹ میں ہے۔ موجودہ میں ہے۔
حکمی وجہ سے سائل سے جو نذر بندے پروموت ہو چکے ہیں۔ لیکن سائل سینیٹری لسٹ میں باوجود پروموت نہیں ہوا۔ لہذا آپ سے استدعا ہے کہ سائل کو سینیٹری لسٹ میں شامل کریں اور اس لسٹ کے مطابق پروموت کیا جائے۔

عین پانہ میں جوئی

عرفی

21/6/21 المبروم

Akhtar
ud Din

سائل
معروف
PHC ٹیکنیشن
MSI

CD خزانہ ضلع اسپٹ آباد

Sl No	Name	Qualification	Date of Birth	Posting	Posting Date	Posting Place
1190.	Akhtar Hussain S/O Molvi Israr ud Din	PHC Tech:(MP)B-12 Vaccinator: BS-05 PHC Tech:(MP)B-09	11.08.2015 11.07.1983 10.05.2006	Peshawar DHO Peshawar	01.06.1964	31.05.2021
1191	Mian Zamrud Shah S/O Mian Fazli Subhan	EPI Technician, BS-05 PHC Tech:(MP)B-09	16.07.1983 10.05.2006	DHO Charsadda	11.01.1961	10.01.2021

Annex-B

DIRECTORATE GENERAL HEALTH SERVICES

KHYBER PAKHTUNKHWA, PESHAWAR.

(5)

[Handwritten mark]

Office Ph# 091 - 9210269 Exchange# 091 - 9210187, 091 - 9210196, Fax #091 - 9210230
All communications should be addressed to the Director General Health Services Peshawar official by name

To:

No. 6996/AE-VI

Dated: 30/06/21

The District Health Officer
Abbattabad.

Subject:

REQUEST FOR INCLUSION OF NAME IN THE SENIORITY LIST.

Kindly refer to the subject noted above and to request to furnish original Service Book of Mr. Maroof PHC TECH: (MP) BS-12 (working under your control) urgently, so as to proceed further.

[Handwritten signature]

o/c
ADDITIONAL DIRECTOR GENERAL (HR)
Health services, Khyber Pakhtunkhwa
Peshawar *30/06/21*

[Handwritten signature]

6

Annex-2

69

Divisional Health Officers
Alibabod.

Subject: Application for inclusion
of Name in the Seniority
List.

Sir,
In this regard I have the honour
to inform you that my name was
omitted in final promotional seniority list
due to clerical mistake.
You are therefore advised to may please
be slow for calling for original service
book from the office and to proceed
with NPH's procedure as to proceed
further in the matter.

[Signature]

9/7/2021

Receipt

Yours obediently
M/S
Suppl. Division
D. Jorol.
09-07-2021

I have received with thanks
the original service book
from the Suppl. Division
Office A-Alibabod on 09.07.2021
M/S
09-07-2021

67 Annex-D

15496
09/05/23

7

Director General Health Department
Khyber Pakhtunkhwa Peshawar

Branch Health Services,
Khyber Pakhtunkhwa

6/11

Subject: APPLICATION FOR PROMOTION BPS 14 TO 16

Enclosed please find herewith the self-explanatory application respect of Mr. Maroof, Junior PHC Technician to CD Jerral Abbottabad. Kindly sir action should be taken on this as soon as possible because I have retired from 14 April 2023.

Respected Sir Please read my all documents I am so tired of running around your office since 2 year. You are requested to verify my documents properly and hand then over so that I can get justice.

For your information and favorable action.

Maroof Khan

0335-5112636

Dated 09-05-2023

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TRIBUNAL, PESHAWAR**

SERVICE APPEAL NO. 87/2024

Maroof.....Appellant

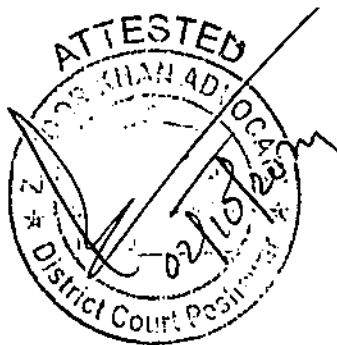
Versus

Government of Khyber Pakhtunkhwa & othersRespondents

Affidavit

I, Dr. Muhammad Saleem, Director General Health Services, Khyber Pakhtunkhwa, Peshawar, under the directions of the Competent Authority, do hereby solemnly affirm that the contents of the parawise Comments on behalf of Respondents are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court. It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense has been struck off/ costs.

Deponent



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



**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**