


The appeal of Dr. Fakhruddin, Rtd-SMO (BPS-18), Health Department, KP received today i.e. on 16.03.2022 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

1. Checklist is not attached with the appeal.
2. Appeal has not been flagged/marked with annexure marks.
3. Annexures of the appeal may be attested.
4. Affidavit attached with the appeal is not attested by the Oath Commissioner.
5. Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 6834 /S.T,

Dt. 17-3- /2022

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Taimur Ali Khan Adv. Pesh.

Respected Sir

1-Removed


2-Removed

3-Removed

4-Removed

5-Removed

Resubmitted after compliance

  
24/03/2022

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR  
CHECK LIST**

Case Title: \_\_\_\_\_ vs \_\_\_\_\_

S.#	Contents	Yes	No
1.	This appeal has been presented by: _____	✓	
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 A.G/D.A.G?	✓	
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 cuttings/overwriting?	✓	
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: Faiz Ahmad Khan

Signature: [Handwritten Signature]

Dated: \_\_\_\_\_

**BER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

APPEAL NO. 419 /2022

Dr. Fakhruddin

V/S

Health Deptt:

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5.	Copies of notification 02.01.2018 and notification dated 29.01.2018	C&D	10-11
6.	Copies of notification dated 27.09.2019 and order dated 28.08.2020	E&F	12-13
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**APPELLANT**

THROUGH:

  
**(TAIMUR ALI KHAN)**  
**(ADVOCATE HIGH COURT)**

Room No. Fr-8, 4<sup>th</sup> Floor,  
Bilour Plaza, Peshawar Cantt:  
Contact No. 0333-9390916

BEFORE THE

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 413

Dated 16/03/2022

APPEAL NO. \_\_\_\_\_/2022

Mr. Dr. Fakhruddin, Retired-SMO (BPS-18),  
Health Department, Khyber Pakhtunkhwa.

(APPELLANT)

VERSUS

1. The Chief Secretary, Government of Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
2. The Secretary Health Department, Khyber Pakhtunkhwa, Peshawar.
3. The Director General, Health Services Khyber Pakhtunkhwa, Peshawar.

(RESPONDENTS)

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APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 04.03.2022, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT FOR ACTUALIZATION OF HIS PROMOTION TO THE POST OF PRINCIPAL MEDICAL OFFICER (BPS-19) WITH EFFECT FROM 02.01.2018 HAS BEEN REJECTED AND AGAINST THE NOTIFICATION DATED 04.03.2021, WHEREBY THE APPELLANT WAS RETIRED FROM SERVICE AS SENIOR MEDICAL OFFICER (BPS-18) WITH EFFECT FROM 05.06.2020 ON ATTAINING THE AGE OF SUPERANNUATION.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE REJECTION ORDER DATED 04.03.2022 MAY KINDLY

Filed to-day

Registrar

16/03/2022

BE SET ASIDE AND THE RESPONDENTS MAY BE DIRECTED TO ACTUALIZE THE PROMOTION ORDER DATED 02.01.2018 OF THE APPELLANT TO THE POST OF PRINCIPAL MEDICAL OFFICER (BPS-19). THE RESPONDENTS MAY FURTHER BE DIRECTED TO RETIRE THE APPELLANT FROM SERVICE WITH EFFECT FROM 05.06.2020 AS PRINCIPAL MEDICAL OFFICER (BPS-19) INSTEAD OF SENIOR MEDICAL OFFICER (BPS-18) WITH ALL BACK AND CONSEQUENTIAL BENEFITS BY MODIFYING THE NOTIFICATION DATED 04.03.2021 TO THAT EXTENT. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

**RESPECTFULLY SHEWETH:**

**FACTS:**

1. That the appellant joined the respondent department as Medical Officer (MO) BS-17 on 15.12.1991 and was promoted as Senior Medical Officer (SMO) BS-18 on 24.06.2014. The appellant since his appointment has performed his duty with great devotion and honesty, whatsoever, assigned to him and no complaint has been filed by his superiors regarding his performance.
2. That the appellant was working as SMO (BS-18) in Lady Reading Hospital Peshawar applied for deputation to Punjab Health Department on which the competent authority transferred and placed the service of the appellant at the disposal of Govt. of Punjab Health Department for further posting initially for a period of 3-years on deputation basis vide notification dated 02.02.2016. (Copy of notification dated 02.02.2016 is attached as Annexure-A)
3. That the appellant after joining the Primary & Secondary Healthcare department on deputation basis for the period of 03 years, his services were placed at the disposal of Executive District Officer (Health) Lodhran for further posting/adjustment at Tayyeb Awan THQ Hospital, Dunyapur District Lodhran vide order dated 01.03.2016. (Copy of order dated 01.03.2016 is attached as Annexure-B)

4. That PSB was held which recommended the appellant for promotion to the post of Principal Medical Officer (BPS-19) and on the recommendation of PSB, the appellant was promoted to the post Principal Medical Officer (BPS-19) vide notification dated 02.01.2018 and on promotion to the post of PMO (BS-19), the competent authority transferred and posted the appellant (on deputation basis to Punjab) to DHQ Hospital Haripur for actualization of his promotion vide notification dated 29.01.2018 and mentioned in that notification that after actualization of promotion the appellant was directed to continue his deputation till further orders, however, promotion notification dated 02.01.2018 and posting/actualization of promotion notification dated 29.01.2018 were never communicated to the appellant on his place of posting at Tayyeb Awan THQ Hospital, Dunyapur District Lodhran Health Department Government of Punjab, therefore, the appellant could not actualize his promotion on the post of as Principal Medical Officer (BS-19) as he was unaware about his promotion notification dated 02.01.2018 as well as posting/actualization of promotion notification 29.01.2018. Even the posting/actualization of promotion notification dated 29.01.2018 was copied of AGPR Islamabad instead of AGPR Lahore, Punjab Government and no correspondence was made to the Secretary Health Government of Punjab about the actualization of promotion of the appellant. **(Copies of notification 02.01.2018 and notification dated 29.01.2018 are attached as Annexure-C&D)**
5. That the deputation of the appellant was further extended for one year w.e.f 15.02.2019 to 14.02.2020 by the competent authority vide notification dated 27.09.2019, however due to Covid-19 Pandemic lock down in Health Secretariat, the appellant was relieved by the Secretary Primary & Secondary Healthcare Department, Government of Punjab to join his parent department i.e Health Department Government of Khyber Pakhtunkhwa vide order dated 28.08.2020. **(Copies of notification dated 27.09.2019 and order dated 28.08.2020 are attached as Annexure-E&F)**
6. That after relieving by the Secretary Primary & Secondary Healthcare Department Govt. of Punjab, the appellant got knowledge about his promotion to the post of Principal Medical Officer (BS-19) and submitted his arrival report to respondent No.2 on 21.09.2020 to adjust him on the vacant post of PMO (BS-19) for the purpose of actualization of his promotion as PMO (BS-19) in parent department, but no action has been taken on his arrival report. It is pertinent to

mention here that Khyber Pakhtunkhwa Government enhanced the retirement age of superannuation from 60 years to 63 years through an Act due to which the appellant was not retired from service by the parent department on attaining the age of superannuation i.e 60 years as his date of birth is 06.06.1960 and would be retired from service on 05.06.2020 on attaining the age of 60 years , however, the Act of enhancement of age of superannuation from 60 years to 63 years was challenged in Honourable Peshawar High Court Peshawar in Writ Petition No.5673-P/2019. The Honourable Peshawar High Court set aside the Act and restored 60 years as age of superannuation on 19.02.2020 and in the pursuance of judgment dated 19.02.2020 in Writ Petition No.5673-P/2019, the appellant was retired from service on 05.06.2020 on attaining the age of superannuation as Senior Medical Officer (BS-18) instead as Principal Medical Officer (BS-19) vide notification dated 04.03.2021. **(Copies of arrival report and notification dated 04.03.2021 are attached as Annexure-G&H)**

7. That the appellant filed departmental appeal on 10.03.2021 for actualization of his promotion to the post of PMO (BS-19) and retired him as PMO (BS-19) with back benefits and consequential benefits, which was rejected 04.03.2022 and the same was communicated to the appellant on 07.03.2022. **(Copies of departmental appeal and rejection are attached as Annexure-I&J)**
8. That the appellant has no other remedy for redressal of his grievance, except to file the instant appeal in this Honourable Tribunal on the following grounds amongst others.

**GROUND:**

- A) That rejection order dated 04.03.2022 and notification dated 04.03.2021 are against the law, facts, material on record and principle of natural justice and fair play, therefore, the rejection order dated 04.03.2022 is liable to be set aside and notification dated 04.03.2021 is liable to be modified to extent by retiring the appellant on superannuation as Principal Medical Officer (BS-19) instead of senior Medical Officer (BS-18).
- B) That the appellant was recommended for promotion to the post of Principal Medical Officer (BS-19) and after proper recommendation he was promoted to the post of Principal Medical Officer (BS-19) through notification dated 02.01.2018, which was not withdrawn/cancelled later on, which means that the promotion

notification dated 02.01.2018 of the appellant is still in field, therefore, it is the legal right of the appellant to be adjusted/posted and retired as Principal Medical Officer (BS-19) instead of Senior Medical Officer (BS-18).

- C) That the promotion notification dated 02.01.2018 and posting/actualization of promotion notification dated 29.01.2018 were never communicated to the appellant, , therefore, the appellant could not actualize his promotion on the post of as Principal Medical Officer (BS-19) as he was unaware about his promotion notification dated 02.01.2018 as well as posting/actualization of promotion notification 29.01.2018, therefore, the appellant should be not be punished for fault of others by depriving him from his legal right of adjustment and retirement on the post of PMO (BS-19) with all back and consequential benefits.
- D) That it is clearly mentioned in promotion Policy of the Provincial Government that the civil servant on deputation to Federal Government, Provincial Government, autonomous/semi autonomous organization shall be considered for promotion and informed to actualize their promotion within their cadres, but despite that the appellant was not informed about his promotion and posting/actualization of that promotion, which is clear violation of the promotion policy of the Provincial Government.
- E) That the appellant was on deputation to Primary & Secondary Healthcare, Govt. of Punjab and the respondents knew about his deputation to Govt. of Punjab, but despite that posting/actualization of promotion notification was copied to AGPR Islamabad instead of AGPR Lahore Govt. of Punjab and no correspondence was made to the Secretary Health Government of Punjab about the actualization of promotion of the appellant, therefore, the appellant did not know about his promotion, which also shows the lethargic attitude of the respondent department and the appellant should not be punished for that by depriving him from his legal right of adjusting and retiring on the post of PMO (BS-19).
- F) That when the promotion and actualization of that promotion notifications did not communicated to the appellant, then how it was possible for the appellant to actualize his promotion order on the post of PMO (BS-19) and as such the appellant should not be punished for no fault on his part by depriving him form the adjustment and retirement on the post of PMO (BS-19).
- G) That in posting notification dated 29.01.2018, it was clearly mentioned that upon actualization of promotion the appellant was directed to continue his deputation till further which means that the appellant can retain his deputation even after his actualization of his



promotion as PMO (BS-19), which shows that even his deputation was not effected by actualization of promotion, then why he did not actualize his promotion order, but due the fault of the respondents of not communicating his promotion order he was deprived from his legal right of adjustment and retirement as PMO (BS-19), which is against the norms of justice and fair play.


- H) That the appellant has served the department for more than 28 years with devotion and honesty and due to the fault of the respondent department the appellant was retired from service as SMO (BS-18) instead of PMO (BS-19) and due to such action of the respondents, the appellant has badly suffered by getting less gratuity, pension and other monetary benefits, which is against the norms of justice and fair play.
- I) That the appellant seeks permission of this Honourable Tribunal to advance other grounds and proofs at the time of hearing.

It is, therefore most humbly prayed that the appeal of the appellant may kindly be accepted as prayed for.

*Fakhrudin Khan*

APPELLANT  
Dr. Fakhruddin

THROUGH:

  
(TAIMUR ALI KHAN)  
(ADVOCATE HIGH COURT)

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

SERVICE APPEAL NO. \_\_\_\_\_/2022

Dr. Fakhruddin

V/S

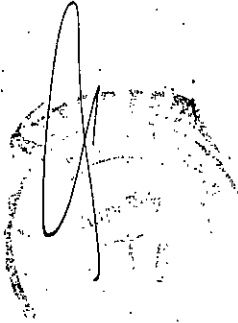
Health Deptt:

.....

**AFFIDAVIT**

I, Dr. Fakhruddin, Retired-SMO (BPS-18) Health Department, Khyber Pakhtunkhwa, (Appellant) do hereby affirm and declare that the contents of this service appeal are true and correct and nothing has been concealed from this Honourable Tribunal.

DEPONENT  
*Fakhrudin Durichan*  
Dr. Fakhruddin  
(APPELLANT)





A (8)

GOVERNMENT OF KHYBER PAKHTUNKHWA

HEALTH DEPARTMENT

Dated Peshawar the 2<sup>nd</sup> February, 2016

NOTIFICATION

NO. SOH(E-V)1-955/2015 The competent authority is pleased to transfer and place the services of Dr. Fakhruddin SMO (BS-18) attached to Lady Reading Hospital Peshawar at the disposal of Govt. of Punjab Health Department for further posting initially for a period of 3-years on deputation basis with immediate effect.

**SECRETARY HEALTH**  
**Govt. of Khyber Pakhtunkhwa**

Ends. of even No. & Date.

Copy forwarded to:-

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. Section Officer(R-II) Establishment Department  
w/r to his letter No. SOR-II (E&AD)1-1/2008/Vol dated 21.10.2015
3. Section Officer (South) Govt of Punjab Health Department Lahore  
w/r to his letter No. SO(South)1-9/06 dated 6.7.2015..
4. Director General Health Services, Khyber Pakhtunkhwa.
5. Hospital Director Lady Reading Hospital Peshawar.
6. Medical Director Lady Reading Hospital Peshawar.
7. PS to Secretary Health Department, Peshawar.
8. Computer Programmer Health Department.
9. DHIS Cell DGHS Office, Peshawar.
10. Doctor concerned.

*Waseem Ahmad*  
2-2-16

(WASEEM AHMAD)  
SECTION OFFICER (E-V)

*E-V*  
*SA*  
2166  
05-02-16



B 9

GOVERNMENT OF THE PUNJAB  
PRIMARY & SECONDARY  
HEALTHCARE DEPARTMENT

Dated Lahore, the 1<sup>st</sup> March, 2016

ORDER

No:SO(SOUTH) 1-9/2006. On his joining in Primary & Secondary Healthcare Department on deputation basis for a period of 03 years, the services of Dr. Fakhruddin, Senior Medical Officer (BS-18), Lady Reading Hospital, Peshawar are hereby placed at the disposal of Executive District Officer (Health), Lodhran for further posting/adjustment at Tayyeb Awan, THQ Hospital, Dunyapur District Lodhran on usual Terms & Conditions with effect from 15.02.2016.

SECRETARY  
PRIMARY & SECONDARY  
HEALTHCARE DEPARTMENT

NO. & DATE EVEN:

A copy is forwarded for information and necessary action to: -

1. Accountant General, Punjab, Lahore
2. Accountant General, Khyber Pakhtonkhwa, Peshawar
3. Secretary, Health Department, Government of Khyber Pakhtonkhwa w/r to his Notification SOH (E-V) 1-955/2015 dated 02.02.2016.
4. Executive District Officer (Health), Lodhran
5. Medical Superintendent, THQ Hospital, Dunyapur District Lodhran
6. District Accounts Officer, Lodhran
7. PA to Additional Secretary (Admn) Primary & Secondary Healthcare Department.
8. In-charge IT Cell, Primary & Secondary Healthcare Department.
9. Doctor concerned.
10. Master file.

SECTION OFFICER (SOUTH)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

C (10)

NOTIFICATION

Date: 11/04/2017

NO.SOH(E-V) 4-22/2017

The Government of Khyber Pakhtunkhwa Health Department is pleased to accept the recommendations of the Provincial Selection Board is pleased to recommend the following doctors of General Cadre from BS-18 to BS-19 on regular basis:

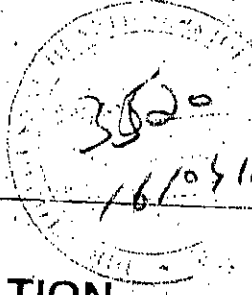
S. NO	NAME OF DOCTOR	S.No.	NAME OF DOCTOR
1	Dr.Ghiasuddin ✓	3	Dr. S. A. Khan
2	Dr.Fakhruddin	4	Dr. Yasir Ahmad

In term of Section 6 (3) of Civil Servants Act: 1973 and Appointment, Promotion and Transfer Rules: 1989, they will be appointed to the following posts:

337

The postings/transfers of the above named doctors shall be as follows:

SECRETARY  
GOVT OF KHYBER PAKHTUNKHWA



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

Dated Peshawar, the 29<sup>th</sup> January, 2018

**NOTIFICATION**

**NO.SOH(E-V)4-22/2017**

Upon promotion to BS-19 in the General Cadre vide Notification of even number dated 2<sup>nd</sup> January, 2018, the competent authority is pleased to order posting/transfer of Dr.Fakhruddin PMO BS-19 (presently on deputation basis to Punjab) to DHQ Hospital Haripur for actualization of his promotion.

Consequent upon, after actualization of his promotion Dr.Fakhruddin PMO BS-19 is hereby directed to continue his deputation till further orders.

SECRETARY HEALTH  
Govt. of Khyber Pakhtunkhwa

**Endst. No. & Date Even**

Copy to the:-

1. Accountant General, Khyber Pakhtunkhwa
2. AGPR Islamabad
3. Director General Health Services, Khyber Pakhtunkhwa
4. MS DHQ Hospital Haripur
5. District Accounts Officer Haripur
6. PS to Minister Health Khyber Pakhtunkhwa
7. PS Secretary Health, Khyber Pakhtunkhwa, Peshawar.
8. Officer/doctor concerned.

(Muhammad Irfanuddin)  
SECTION OFFICER (E-V)



E (12)

GOVERNMENT OF THE PUNJAB  
PRIMARY & SECONDARY HEALTHCARE  
DEPARTMENT

Dated Lahore, the 27<sup>th</sup>, September 2019

NOTIFICATION

No. SO(SOUTH)1-9/2018, Chief Minister / Competent Authority has been pleased to allow extension in deputation for a period of one year w.e.f 15.02.2019 to 14.02.2020 (beyond three years) in respect of **DR.FAKHRUDDIN KHAN (CNIC: 36303-0977827-1)**, (Senior Medical Officer/BS-18/Regular)/ Anesthetist, (an employee of Government of Khyber Pakhtoonkhwa, Health Department) to serve with Government of Punjab in relaxation of the provisions of Rule 15 (1) of the Punjab Civil Servants (Appointments & Conditions of Service Rules, 1974 read with instructions of S&GAD dated 05.12.2017.

SECRETARY  
PRIMARY & SECONDARY HEALTHCARE  
DEPARTMENT



ESR-118478

Number & Date Even

A copy is forwarded for information and necessary action to:

1. Principal Secretary to Chief Minister, Punjab, Lahore.
2. Secretary Health Department, Government of Khyber Pakhtoonkhaw.
3. Accountant General Punjab, Lahore.
4. Accountant General Khyber Pakhtoonkhaw, Peshawar.
5. Chief Executive Officer, DHA, Lodhran.
6. District Accounts Officer, Lodhran.
7. MS, Malik Tayyab Awan, THQ Hospital, Dunyapur, Lodhran.
8. PA to Additional Secretary (Admn) P&SH Department
9. Project Director (HISDU), P&SH Department
10. Doctor Concerned
11. Master File

*M. Yahya*  
SECTION OFFICER (SOUTH)



**GOVERNMENT OF THE PUNJAB  
PRIMARY & SECONDARY HEALTHCARE  
DEPARTMENT**

Dated Lahore, the 28<sup>th</sup>, August 2020

**ORDER**

No. SQ(South)1-9/06, DR. FAKHAR-UD-DIN (CNIC: 36303-0977827-1), (Senior Medical Officer BS-18), Malik Tayyab Awan, THQ Hospital Duniapur, District Lodhran, is hereby relieved from Government of the Punjab, Primary & Secondary Healthcare Department to join his parent department i.e. Health Department, Government of the Khyber Pakhtunkhwa.

**SECRETARY  
PRIMARY & SECONDARY HEALTHCARE  
DEPARTMENT**



ESR-190470

**Number & Date Even**

A copy is forwarded for information and necessary action to the:

1. Secretary Health, Government of Khyber Pakhtunkhwa.
2. Accountant General Khyber Pakhtunkhwa.
3. Chief Executive Officer, (DHA), Lodhran.
4. District Accounts Officer, Lodhran.
5. Medical Superintendent, Malik Tayyab Awan, THQ Hospital Duniapur, Lodhran.
6. PS to Secretary, Primary & Secondary Healthcare Department.
7. PA to Additional Secretary (Admn), Primary & Secondary Healthcare Department.
8. Project Director/ Incharge (HISDU), Primary & Secondary Healthcare Department.
9. Doctor Concerned.
10. Master File.

**SECTION OFFICER (SOUTH)**

*Rangzeb Oranga*



G 14

To,

Director General Health Services  
Government of Khyber Pakhtunkhwa

**SUBJECT: ARRIVAL REPORT**

**Respected Sir,**

Most respectfully it is stated that I have completed my 4 years (9-2-2016 to 14-2-20) Deputation but relieved by Primary and Secondary Health Care Department Government of Punjab notification No. SO(South) 1-9/2006 on dated 28 August 2020. The relieving order was issued late on 28 August 2020 due to Corona Pandemic-19 lock down in the Health Secretariat Punjab.

Sir, I was transferred on 08-02-2016 as SMO from Health Department KPK and I was promoted on 02 January 2018 to the post of PMO (BPS-19) and was transferred & posted on 29 January 2018 at DHQ Hospital Haripur for actualization of my promotion vide Govt. Notification No.SOH(E-V)4-22/2017 dated 29.01.2018, but I was not informed by the health department so I could not actualize my promotion to the post of PMO.

Sir my date of birth is 06-06-1960 as per Secondary School Certificate and I stood retired from Govt. service on 5-6-2020 on attaining the age of superannuation on 5-6-2020.

Sir I submit my arrival report with the request to please adjust me against a vacant post of PMO (BPS-19) for the purpose of actualization of my promotion as PMO (BPS-19) retirement order/pension purpose.

With Regards

Yours Obediently,

*Fakharud Din Khan*

Dr. Fakharud Din Khan

PMO BPS-19

Cell NO. 0333-9127782

Dated: 21/09/2020



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

H 15

Dated Peshawar the 04<sup>th</sup> March, 2021

**NOTIFICATION**


**NO. SOH(E-V)5-5/2021** Without prejudice to the legal remedies available to Provincial Government and in pursuance of Judgment of the Peshawar High Court, Peshawar dated 19.02.2020 in WP No. 5673-P/2019, **Dr. Fakharud Din Khan S/O Muhammad Aslam Khan, Senior Medical Officer (BS-18)** shall stand retired from Government Service on **05-06-2020** on attaining age of superannuation, as his date of birth is **06-06-1960**, subject to CPLA/ Appeal of the Provincial Government against aforementioned judgment of Peshawar High Court and any order contrary as and when issued by the apex Court of Pakistan.

**SECRETARY HEALTH**  
**GOVT. OF KHYBER PAKHTUNKHWA**

Endst. of even No. & Date.

Copy to the:-

1. Registrar, Peshawar High Court, Peshawar.
2. Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
4. Deputy Director (IT), Health Department, Khyber Pakhtunkhwa for uploading on official website.
5. PS to Secretary Health, Government of Khyber Pakhtunkhwa.
6. PA to Special Secretary Health, Khyber Pakhtunkhwa.
7. Doctor concerned.
8. Personal file of the doctor concerned.

  
(Latif Ur Rehman)  
SECTION OFFICER (E-V)

04/03/21

To,

The Honorable  
Secretary Health  
Govt. of Khyber Pakhtunkhwa,  
Peshawar.

I (16)

Subject: **APPEAL & REQUEST FOR ACTUALIZATION OF THE POST OF PRINCIPAL  
MEDICAL OFFICER BPS-19**

Sir,

I was on deputation for a period of 03-years to the Health Department Govt. of Punjab vide your office Notification No. SOH(E-V)1-955/2015 Dated. 2<sup>nd</sup> February 2016 (copy attached). During my deputation period I was promoted as Principal Medical Officer BPS-19 vide order No. SOH(E-V)4-22/2017 dated. 02 January 2018 and posted at DHQ Hospital Haripur (copy attached), but I was not informed on my address/place of posting in the Health Department, Govt. of Punjab.

Sir, I have reached to the age of superannuation on 05.06.2020 and your kind office has issued my order of retirement in BPS-18 as Senior Medical Officer.

Sir, it is humbly requested to please consider my promotion and retirement as Principal Medical Officer BPS-19, so that I may not be suffered for my privileges and pension financially.

I shall be very grateful to you for this act of kindness.

Yours obediently,

*Fakhar ud Din Khan*  
10-3-2021

**Dr. Fakhar ud Din Khan**  
Ex-Senior Medical Officer BPS-18  
Health Department,  
Govt. of Khyber Pakhtunkhwa,  
Peshawar.  
Dated. 10<sup>th</sup> March, 2021  
Contact # 0333-9127782



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

J (17)

Main Diary No. 142

Date 7.3.22

No. SOH(E-V)2-2/2022/ Dr. Fakhar Ud Din  
Dated Peshawar the 04.03.2022

Directorate General Health Services,

To  
Khyber Pakhtunkhwa  
The Director General Health Services,  
Khyber Pakhtunkhwa,  
Peshawar

Subject: APPEAL & REQUEST FOR ACTUALIZATION OF THE POST OF  
PRINCIPAL MEDICAL OFFICER BPS-19

Dear Sir,

I am directed to refer to the above captioned subject and to enclose herewith an application submitted by Dr. Fakhar Ud Din on 10.03.2021. It is conveyed that his application has been considered and filed; for information, please.

Yours faithfully

(Termas Ayyub)  
SECTION OFFICER (E-V)

OFFICE OF THE DIRECTOR GENERAL HEALTH SERVICES  
KHYBER PAKHTUNKHWA, PESHAWAR

No. 3656 /E-I Registered Dated 7/3/22

Copy of the above is forwarded to the Dr Fakhar ud Din S/O  
Muhammad Aslam Khan, Ex-Senior Medical Officer (BPS-13),  
Post Office Basti Malook Tehsil and District Multan, Punjab for  
information.




DIRECTOR (HR)  
DGHS, KP PESHAWAR

Form- A

FORM OF ORDER SHEET

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

Case No.- 419/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	24/03/2022	<p>The appeal of Dr. Fakhruddin resubmitted today by Mr. Taimur Ali Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-	<p><i>Noted by counsel 8/4/22</i></p>	<p>This case is entrusted to Single Bench at Peshawar for preliminary hearing to be put there on <u>16.05.2022</u> <i>Notices be issued to the appellant and his counsel for the date fixed.</i></p> <p> CHAIRMAN</p>
	16.05.2022	<p>Learned counsel for the appellant present and requested for adjournment in order to further prepare the brief. To come up for preliminary hearing on 19.05.2022 before S.B.</p> <p> (Mian Muhammad) Member(E)</p>

19.05.2022

Learned counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant argued that the appellant is basically aggrieved of the appellate order dated 07.03.2022 when his departmental appeal dated 04.03.2022, was considered and filed. While arguing the case, he highlighted background and contended that the appellant was posted on deputation to the Government of Punjab for 3 years vide notification dated 02.02.2016. During his deputation period, the Provincial Government promoted him from BS-18 to BS-19 on regular basis vide Notification dated 02.01.2018 and was allowed to actualize his promotion as PMO (BS-19) at DHQ Hospital Haripur vide subsequent Notification dated 29.01.2018. However, the appellant could not actualize his promotion in BS-19 because he was unaware of the notification dated 29.01.2018 as there was no endorsement either made to the appellant or Government of Punjab in the list of Offices/endorsees. In pursuance of Government of Punjab order dated 28.08.2020, the appellant submitted his arrival report to respondent No. 3 on 21.09.2020. He was retired from service as SMO (BS-18) on attaining the age of superannuation w.e.f. 05.06.2020 vide notification dated 04.03.2021. Learned counsel for the appellant requested that the said notification of retirement may be modified to the extent that the appellant be retired from service as PMO (BS-19) instead of SMO (BS-18).

Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections. 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. To come up for reply/comments before the S.B on 18.07.2022.



(Mian Muhammad)  
Member(E)

Rs-500/-  
Appellant Deposited  
Security & Process Fee  
A. H. H. H.  
19/5/22