

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CAMP COURT ABBOTTABAD.

Service Appeal No. 345/2018

Date of Institution ... 09.03.2018

Date of Decision ... 21.05.2019

Abdul Hameed S/O Fazal-ur-Rehman, Driver, DIPU Health Department, Haripur
R/O Village Thipra, Tehsil & District haripur.

... (Appellant)

VERSUS

The Secretary Health, Khyber Pakhtunkhwa, Peshawar and three others.

... (Respondents)

MR. MOHAMMAD ASLAM TANOLI,
Advocate

For appellant.

MR. MUHAMMAD BILAL,
Deputy District Attorney

For respondents

MR. AHMAD HASSAN
MR. MUHAMMAD AMIN KHAN KUNDI

MEMBER (Executive)
MEMBER (Judicial)

JUDGMENT

AHMAD HASSAN, MEMBER:- Arguments of the learned counsel for the
parties heard and record perused.

ARGUMENTS.

2. Learned counsel for the appellant argued that a post of Driver (BPS-5) for Program Implementation Unit, Haripur was advertised by Provincial Coordinator, Lady Health Workers Program, Khyber Pakhtunkhwa. The appellant applied for the said post and was selected/appointed vide order dated 30.07.2009. However, he was offered appointment in BPS-4 instead of BPS-5. He submitted arrival report on 02.08.2009 and started performing duty. Subsequently, vide order dated 29.09.2014 services of the appellant were regularized w.e.f. 01.07.2012 and pay scale-4 was

reflected in the above order. Due to this anomaly, the appellant was suffering recurring financial loss. He submitted numerous applications for award of BPS-5 which remained under protracted correspondence between the respondents without any final outcome. Learned counsel for the appellant further argued that vide notification dated 30.06.2015 general up-gradation was granted to the employees of the Provincial Government w.e.f 01.07.2015. Two pay scale up-gradation was allowed to employees from BPS-1 to BPS-5. The appellant was also deprived of this benefit. The appellant was entitled for BPS-5 from 10.08.2009 and BPS-07 from 01.07.2015.

3. Learned Deputy District Attorney argued that in accordance with notification dated 25.02.2013 issued pursuant to the directions of the august Supreme Court of Pakistan BPS-4 was allowed to all the Drivers working in the National Program for Family Planning and Primary Health Care, Khyber Pakhtunkhwa. On the strength of this notification District Health Officer, Haripur issued regularization order of the appellant w.e.f 01.07.2012 on 29.09.2014. There is no anomaly in the pay scale of all the Drivers across the province ^{and} ~~are~~ were getting BPS-4. As regards, notification dated 30.06.2015 was concerned the same was not applicable for the National Program of Leady Health Worker. Appellant was treated in accordance with law and rules and assertions of the learned counsel for the appellant on account of discrimination were unfounded and baseless.

CONCLUSION

4. It is not disputed that pursuant to an advertisement appeared in the newspapers, the appellant was appointed as Driver (BPS-4) in the National Program for Family Planning and Primary Health Care, Peshawar on 30.07.2009. Contention

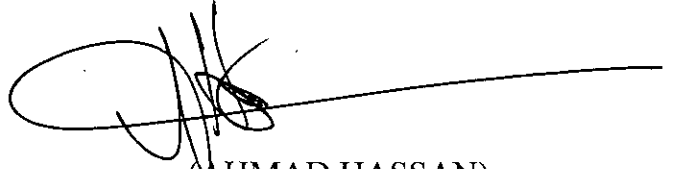
of the learned counsel for the appellant was correct to the extent that though BPS-5 was mentioned in the advertisement but appointment of the appellant was made in BPS-4. He submitted arrival report on 02.08.2009. The appellant if not satisfied with the offer of appointment should have challenged it in time but the record revealed that no such representation/departmental appeal was filed by him against the aforementioned appointment order. At this belated stage it has become a closed and past transaction and cannot be reopened.

5. As a sequel to the directions of the august Supreme Court of Pakistan, services of employees working in National Program for Family Planning and Primary Health Care were regularized w.e.f 01.07.2012 vide notification dated 25.02.2013. The post of Driver was reflected in BPS-4 in the said notification. On the strength of the above notification District Health Officer, Haripur vide order dated 29.09.2014 regularized the services of the appellant w.e.f 01.07.2012 and again the post of Driver was shown in BPS-4. Again the appellant failed to file departmental appeal against the regularization order in time. An appeal dated 28.02.2017 filed by the appellant did not assail the order of regularization referred to above. It appears that the appellant slept over his rights, if any and failed to pursue the same before the competent forum in time. Therefore, the present service appeal was barred by time and not worth consideration.

6. As regards notification dated 30.06.2015 regarding general up-gradation of the employees of the provincial government was not applicable to the program referred to above. The learned counsel for the appellant failed to list out a single case where BPS-5 was granted to the similarly placed Drivers and benefits of up-gradation pursuant to the notification of the provincial government dated

30.06.2015 so as to strengthen his case on the ground of discrimination. We do not find any force in the present service appeal.

7. As a sequel to above, the appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room.




(AHMAD HASSAN)
Member
Camp Court Abbottabad.


Muhammad Amin
(MUHAMMAD AMIN KHAN KUNDI)
Member

ANNOUNCED
21.05.2019

20.03.2019

Appellant in person and Mr. Muhammad Bilal Khan, Deputy District Attorney alongwith M/S Muhammad Naeem, AD, Amjid Ali, Assistant, Ahmad Zaman, Assistant and Jaffar Shah, Assistant for the respondents present. Appellant submitted rejoinder. Due to strike of the Bar learned counsel for the appellant is not available today. Adjourn. To come up for arguments on 21.05.2019 before D.B at Camp Court Abbottabad.


(M. Amin Khan Kundi)
Member
Camp Court Abbottabad

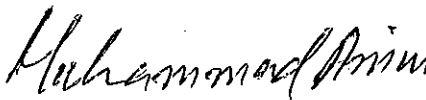

(M. Hamid Mughal)
Member
Camp Court Abbottabad

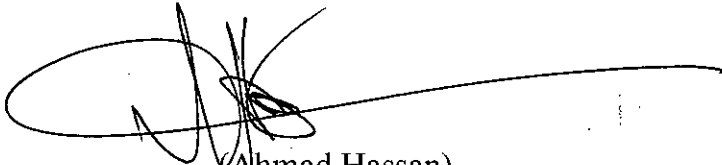
ORDER

21.05.2019

Appellant with counsel present. Mr. Muhammad Bilal, Deputy District Attorney alongwith Mr. Amjad Ali, Assistant and Mr. jafar Ali, Assistant for respondents present. Arguments heard and record perused.

Vide our detailed judgment of today placed on file, the appeal is dismissed. In the circumstances, parties are left to bear their own costs. File be consigned to the record room.


(Muhamamd Amin Khan Kundi)
Member


(Ahmad Hassan)
Member
Camp Court Abbottabad

ANNOUNCED
21.05.2019

D.F.A

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CAMP COURT ABBOTTABAD.

Service Appeal No. 345/2018

Date of Institution ... 09.03.2018

Date of Decision ... 21.05.2019

Abdul Hameed S/O Fazal-ur-Rehman, Driver, DIPU Health Department, Haripur
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VERSUS

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Advocate

For appellant.

MR. MUHAMMAD BILAL,
Deputy District Attorney

For respondents

MR. AHMAD HASSAN

MEMBER (Executive)

MR. MUHAMMAD AMIN KHAN KUNDI

MEMBER (Judicial)

JUDGMENT

AHMAD HASSAN, MEMBER:- Arguments of the learned counsel for the parties heard and record perused.

ARGUMENTS.

2. Learned counsel for the appellant argued that a post of Driver (BPS-5) for Program Implementation Unit, Haripur was advertised by Provincial Coordinator, Lady Health Workers Program, Khyber Pakhtunkhwa. The appellant applied for the said post and was selected/appointed vide order dated 30.07.2009, however, he was offered appointment in BPS-4 instead of BPS-5. He submitted arrival report on 02.08.2009 and started performing duty. Subsequently, vide order dated 29.09.2014 services of the appellant were regularized w.e.f. 01.07.2012 and pay scale-4 was

**GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT**

Dated 25/02/2013.

Notification:

No 6-165/ECO/PC/H/Vpl-IV/2012-13:- Pursuant to orders of the Supreme Court of Pakistan passed in CRL. Original petition No. 15 of 2012 in HRC No. 16360/2008, constitution petition No.36 of 2012 and CRL original petition No. 73 of 2012 in HRC.No.16360/2008, the competent authority has been pleased to regularize the services of Lady Health supervisors (LHSs), Account Supervisors, Lady Health Workers (LHWs), Drivers and PMU Staff of the National Program for Family Planning & Primary Health Care, Khyber Pakhtunkhwa w.e.f July 01, 2012 on the following terms and conditions:

I. Upon regularization, the following Staff shall be placed at the minimum basic scales given below:

- a. Lady Health Supervisors (LHSs) in BPS-7
- b. Account Supervisors in BPS-7
- c. Lady Health Workers in BPS-5
- d. Drivers in BPS-4
- e. Other PMU staff at provincial & District level working in their respective scales as on July, 2012.

ii. The staff of National Program for Family Planning & Primary Health Care, Khyber Pakhtunkhwa so regularized shall have no pensionary benefits. The issue of pension shall be considered after a firm commitment from the Federal Govt to take up in perpetuity the pending liability of the staff so regularized.

iii. The regularization shall be subject to the revised terms and conditions and organizational structure which the Govt shall firm-up keeping in view the fact that basic design of the program is not substantially compromised or altered.

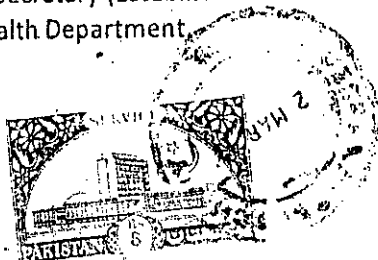
2. Appropriate legislation shall be undertaken to give effect to this order before July 01, 2013 and the specific orders regarding individual employee would be issued separately by the respective competent for after framing the rule.

Health Department,
Kashmir,

Secretary to Govt. of Khyber Pakhtunkhwa
Health Department

Endorsement of even Nos and Date:

1. Principal Secretary to Governor Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Secretary to Govt. of Pakistan, Ministry of National Regulations and Services, Islamabad.
4. Registrar, Supreme Court of Pakistan.
5. All the Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
6. P.S.O to Chief Secretary, Khyber Pakhtunkhwa.
7. P.S.O to Additional Chief Secretary, Khyber Pakhtunkhwa.
8. Director General Health Services, Khyber Pakhtunkhwa.
9. Director Health Services, FATA.
10. Provincial Coordinator, National Program for Family Planning & Primary Health Care.
11. Chief Planning Officer, Health Department.
12. All District Health Officer, Khyber Pakhtunkhwa.
13. PS to Secretary Health; Khyber Pakhtunkhwa.
14. PS to Special Secretary, Health Department.
15. PA to Additional Secretary (Establishment and Administration) Govt. of Khyber Pakhtunkhwa Health Department



(Malik Muhammad Ali)
Section Officer (General)

reflected in the above order. Due to this anomaly, the appellant ^{was} suffering recurring financial loss. He submitted numerous applications for award of BPS-5 which remained under ^{protracted} protected correspondence between the respondents without any final outcome. Learned counsel for the appellant further argued that vide notification dated 30.06.2015 general up-gradation was granted to the employees of the Provincial Government w.e.f 01.07.2015. Two pay scale up-gradation was allowed to employees from BPS-1 to BPS-5. The appellant was also deprived of this benefit. The appellant ^{was} is entitled for BPS-5 from 10.08.2009 and BPS-07 from 01.07.2015.

3. Learned Deputy District Attorney argued that in accordance with notification dated 25.02.2013 issued pursuant to the directions of the august Supreme Court of Pakistan BPS-4 was allowed to all the Drivers working in the National Program for Family Planning and Primary Health Care, Khyber Pakhtunkhwa. On the strength of this notification District Health Officer, Haripur issued regularization order of the appellant w.e.f 01.07.2012 on 29.09.2014. There is no anomaly in the pay scale of ^{Drivers} the ~~Director~~ and all the Drivers across the province ^{were were} which getting BPS-4. ^{As regards,} So far as notification dated 30.06.2015 was concerned the same was not applicable for the National Program of Lead Health Worker. Appellant was treated in accordance with law and rules and assertion of the learned counsel for the appellant ^{on account} of ^{was} discrimination ~~are~~ unfounded and baseless.

CONCLUSION

4. It is not disputed ^{that} pursuant to ^{an} the advertisement appear ^{ed} in the newspaper ^{3,} the appellant was appointed as Driver (BPS-4) in the Nation' Program for Family Planning and Primary Health Care, Peshawar on 30.07.2009. Contention of the

BEFORE THE SERVICE TRIBUNAL PESHAWAR AT

COMPS COURT ABBOTTABAD BENCH

Appeal No. 344/2018

Abdul Hameed Vs c Secretary , Govt.K.P.K Peshawar & others

.....
WRITTEN COMMENTS OF BEHALF OF RESPONDENT NO. 1, 2 and 3
COMMENTS
.....

Index

S.No	Description	Pages	Annexure
1	Written comments	2	
2	Notification	1	A

learned counsel for the appellant ^{was} is correct to the extent that though BPs-5 was mentioned ^{in the advertisement} but appointment of the appellant was made in BPS-4. He submitted arrival report on 02.08.2009. The appellant if not satisfied with the offer of appointment should have challenge^d it in time but the record revealed that no such representation/departmental appeal ^{was} filed by ^{him} the appellant against the aforementioned appointment order. At this belated stage it has become a closed and past transaction and ^{can't} ~~could not~~ be reopened.

5. As a sequel to the directions of the august Supreme Court of Pakistan, services of employees working in National Program for Family Planning and Primary Health Care were regularized w.e.f 01.07.2012 ^{vide notification dated 25.2.2013}. The post of Driver was reflected in BPS-4 in the said notification. On the strength of the above notification District Health Officer, Haripur vide order dated 29.09.2014 regularized the services of the appellant w.e.f 01.07.2012 ²⁰¹² and again the post of Driver was shown in BPS-4. Again the appellant failed to file departmental appeal against the regularization order in time. An appeal dated 28.02.2017 filed by the appellant did not assailed ^{was} order of regularization referred to above. ^{Therefore,} As ~~such~~ the present service appeal ^{نہیں} is barred by time and not worth consideration. ^{As regards notification dated} 30.06.2015 regarding general up-gradation of the employees of the provincial government was not applicable to the program referred to above. The learned counsel for the appellant failed to list out a single case where BPS-5 was granted to the similarly placed Driver ^s and benefits of up-gradation pursuant to the notification of the provincial government dated 30.06.2015 so as to strengthen his case on the ground of discrimination. We do not find any force in the present service appeal.

It appears that the appellant ~~is~~ slept over his rights, if any, and failed to pursue the same before the competent forum in time.

BEFORE THE SERVICE TRIBUNAL PESHAWAR HIGH
COURT ABBOTT ABAD BENCH

Appeal No.345/2018

Abdul Hameed Vs c Secretariat, Govt.K.P.K Peshawar & others

.....
WRITTEN COMMENTS OF BEHALF OF RESPONDENT NO. 1, 2 and 5
COMMENTS
.....

Respectfully Sheweth:

PRELIMINARY OBJECTION.

1. That the appellant has no case of action, hence appeal is title to dismiss.
2. That the appeal is time barred.
3. The proceedings against the appellant were in accordance with law.
4. That the applicant is bad for non joined and missjoind of unnecessary parties.
5. That the applicant is not maintainable in its present form
6. That the honorable tribunal has no jurisdiction to adjudicate the matter.

ON FACTS: -

1. Agreed
2. Correct to the extent of appointment order.
3. Incorrect the appointment letter BPS 4 was correct.
4. The proceeding against BPS '05 to BPS 04 were in accordance with law from pursuant of order the supreme court of Pakistan passed in CRC original petition No 15 of 2012 in HRC No.16360/2008 constitution petition No.36 of 2012 and CRC original petition No.73 of 2012 in HRC 16360/2008 the competent authority has been pleased to regularized the service of staff of National Program for Family Planning and primary health care KPK w.e F1/2012 condition basic scales driver BPS 4 from latter of secretary of Govt KPK health department (copy enclosed) Annex A
5. As above
6. Agreed
7. Agreed
8. Agreed
9. Agreed
10. Agreed
11. Service structure and approved by provisional coordinator LHWs Director General Health Services (Integrated Health Project) for all KPK District there is no service structure has yet been made by the project.
12. As above
13. As per para above.
14. As per para above.
15. Incorrect this notification issued regulation in Finance Department Govt KPK and not applicable for National Program KPK Lady Health Workers Program Peshawar.
16. As per Para 5 above.
17. Incorrect applicant has no right for the relief claimed by the appellant.

6. As a sequel to above, the appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room.

(AHMAD HASSAN)
Member
Camp Court Abbottabad.

(MUHAMMAD AMIN KHAN KUNDI)
Member


ANNOUNCED
21.05.2019

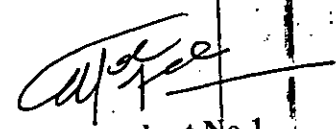
On Ground


- a) All drivers in KPK has been appointed in BPS 4. (National Program) KPK
- b) Pursuant to order to Supreme Court of Pakistan w.e 01/2012 on the flowing terms and conditions upon regularization the fowling staff shell is placed at minimum basic scales.
 - I. LHS BPS 07
 - II. Account Supervisor BPS 07
 - III. LHW BPS 05
 - IV. Driver BPS 04Copy attached as "A"
- c) The proceedings against BPS 05 to 04 were in accordance with the order of Supreme Court of Pakistan In accordance with the law and rule.
- d) Incorrect, the applicant is not entitled for the relief.
- e) Above B&C
- f) All Drivers (for National Program) in KPK were appointed BPS 04 and working in BPS 04 hence no discrimination has been made.
- g) As above c.
- h) As above c.
- i) As above c

It is therefore, humbly prayed that on acceptance of the above para wise comments the writ appeal may graciously be dismissed with cost.

Dated _____


Respondent No.2
Director General Health Services KPK
Peshawar


Respondent No.1
Secretary Health KPK
Peshawar


Respondent No.3
District Health Officer
Haripur

29.08.2018

Counsel for the appellant and Ahmad Zaman Assistant for the respondents present. Due to summer vacations, the case is adjourned. To come up for the same on 16.10.2018 at camp court Abbottabad.


Reader


16.10.2018

Counsel for the appellant present. Mr. Haq Nawaz, Head Constable alongwith Mr. Usman Ghani, District Attorney for the respondents present. Written reply not submitted. Learned District Attorney requested for adjournment. Adjourned. To come up for written reply/comments on 20.12.2018 before S.B at camp court, Abbottabad.


Member
Camp Court, A/Abad

20.12.2018

Counsel for the appellant present. Mr. Ahmad Jamal, Assistant alongwith Mr. Usman Ghani, District Attorney for respondents present. Written reply/comments on behalf of the respondents submitted which is placed on file. Case to come up for rejoinder and arguments on 20.03.2019 before D.B at camp court, Abbottabad.





Member
Camp. court A/Abad

Form-A

FORM OF ORDERSHEET

Court of _____

Case No. 344/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	09/03/2018	The appeal of Mr. Shaukat Ali presented today by Mr. Muhammad Aslam Tanoli Advocate may be entered in the Institution Register and put up to Learned Member for proper order please.  REGISTRAR 9/3/18
2-	27-3-18.	This case is entrusted to Touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>29-6-18</u> .  MEMBER
29.06.2018		Appellant Shoukat Ali in person alongwith Mr. Mohamamd Aslam Tanoli, Advocate present and heard. Contends that due to unavoidable circumstances including threats to his life in the hands of rival/enemy he could not perform duty for which the respondents dismissed him from service without adopting legal formalities. The points raised need consideration. The appeal is admitted to full hearing subject to legal objections particularly time limitation if raised by the respondents. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 29.08.2018 before S.B at camp court, A/Abad.  Chairman

Appellant Deposited Security & Process Fee

Camp court, Abbottabad

BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 345/18

Aabdul Hameed S/O Fazal-ur-Rehman, Driver DIPU Health Department, Haripur R/O Village Thipra, Tehsil & District Haripur.
(Appellant)

VERSUS

1. **Secretary Health, Khyber Pakhtunkhwa, Peshawar.**
2. **Director General, Health Services, KPK, Peshawar.**
3. **Provincial Coordinator, Leady Health Workers Programme Peshawar.**
4. **District Health Officer, Health Department, Haripur**

(Respondents)

SERVICE APPEAL
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THROUGH

APPELLANT

M. Aslam

(MOHAMMAD ASLAM TANOLI)
ADVOCATE HIGH COURT
AT HARIPUR

Dated: 9-03-2018

①

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

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Aabdul Hameed S/O Fazal-ur-Rehman, Driver DIPU Health Department, Haripur R/O Village Thipra, Tehsil & District Haripur.

(Appellant)
Khyber Pakhtunkhwa
Service Tribunal

VERSUS

Diary No. 343

1. Secretary Health, Khyber Pakhtunkhwa, Peshawar.
2. Director General, Health Services, KPK, Peshawar.
3. Provincial Coordinator, Leady Health Workers Programme Peshawar.
4. District Health Officer, Health Department, Haripur

(Respondents)

SERVICE APPEAL UNDER SECTION-4 OF KPK SERVICE TRIBUNAL ACT 1974 AGAINST ORDER NO. 7221-24 DATED 09-09-2014 ISSUED BY THE DISTRICT HEALTH OFFICER HARIPUR WHEREBY APPELLANT HAS BEEN REDUCED FROM BPS-5 TO BPS-4 AND HIS PAY FROM RS.6180/- TO RS.5200/- PER MONTH FROM 01-07-2012 ILLEGALLY, UNLAWFULLY AGAINST THE RULES AND REGULATIONS, WITHOUT ANY JUSTIFICATION OR REASON IN WHIMSCIAL AND SLIPSHOD MANNER.

PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL THE RESPONDENTS MAY GRACIOUSLY BE DIRECTED TO RESTORE THE APPELLANT HIS BPS-05 AND MONTHLY PAY AS HE WAS DRAWING BEFORE PASSING ORDER DATED 09-09-2014 AND FURTHER HE BE ALLOWED 02 (TWO) PAY SCALES UPGRADATION I.E. FROM BPS-05 TO BPS-07 IN ACCORDANCE WITH NOTIFICATION DATED 30-06-2015 ISSUED BY GOVT OF KPK FINANCE DEPARTMENT PESHAWAR WITH ALL CONSEQUENTIAL BACK BENEFITS ON RENDITION OF ACCOUNT.

Respectfully Sheweth:

1. That in the year 2009 a post of **DRIVER (BPS-5)** was published in the Newspaper by Provincial Programme

Filed to-day

Registrar

9/3/18

②

Implementation Unit NWFP (Health Department)
Peshawar for District Haripur. **(Copy of advertisement
is attached herewith as annex-"A").**

2. That the appellant after passing requisite test interview was appointed as Driver vide Executive District Officer (Health) Haripur Office Order No.561-62 dated 30-07-2009. **(Copy of appointment letter dated 30-07-2009 is attached herewith as annex-"B").**
3. That the appellant submitted his duty report to the Executive District Officer (Health) Haripur on 02-08-2009. **(Copy of duty report dated 02-08-2009 is attached as annex-"C").**
4. That in the appointment letter BPS-4 instead of BPS-5 was incorrectly mentioned by the Executive District Officer (Health) Haripur. The appellant objected his incorrect BPS-4 whereupon in the Service Book his Pay Scale was corrected as BPS-5 (3340-160-8140) with effect from 10-08-2009. Thus till 01-12-2012 appellant's pay was raised from Rs.3340/- to Rs.6180/- **(Copies of pages from Service Book are attached herewith as annex-"D").**
5. That in the year 2014 the services of appellant were regularized as **Driver** with effect from **01-07-2012** vide

3

Office Order No.7221-24 dated 09-09-2014 issued by the District Health Officer, Haripur but appellant's Pay Scale was once again reduced from BPS-05 to BPS-04 in serious violation of law, rules & regulations without mentioning any reason or justification. **(Copy of order dated 09-09-2014 is attached as annex-"E").**

6. That not to speak of Reduction in BPS-05 to BPS-04 rather appellant's pay was also reduced from Rs.6180/- to Rs.5200/- per month by the District Health Officer Haripur keeping aside provisions of law, rules & regulations and norms of justice. **(Copies of pages from Service Book are attached herewith as annex-"F").**
7. That the appellant submitted an application dated 01-11-2016 for grant of BPS-05 and making necessary correction in Service Book which application was forwarded by the District Health Officer Haripur to the Provincial Coordinator LHW Programm for FP&PHC (IHP Office) KPK Peshawar with a copy to Director General Health Services KPK Peshawar vide No.9223-24 dated 01-12-2016. **(Copies of application and letter dated 01-12-2016 are attached herewith as annex-"G & H").**

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8. That when no action was taken by the concerned authorities, the appellant addressed an appeal dated 28-02-2017 to the Director General, Health Services, KPK, Peshawar whereupon comments were sought from the District Health Officer Haripur by the Director General KPK Health Services Peshawar vide his letter No.8857/Personnel dated 09-03-2017. **(Copies of Appeal & letter dated 09-03-2017 are annexed-"I & J")**.
9. That on his turn the District Health Officer Haripur sought comments from District Coordinator LHW Programme Haripur which were furnished vide letter dated 20-03-2017. Last para of the comments "Opinion" is worth perusal. **(Copy of comments dated 20-03-2017 is attached as annex-"K")**.
10. That the said comments of District Coordinator LHW Programme Haripur were onward transmitted to the Director General Health Services KPK Peshawar by the District Health Officer Haripur vide his letter No.3004-05 dated 27-03-2017. **(Copy of letter dated 27-03-2017 is attached as "L")**.
11. That the Director General Health Services KPK Peshawar on his turn further transmitted the very comments alongwith Appeal and other relevant documents of the

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appellant to the Project Director Integrated Health Project KPK Peshawar vide letter No.10642/Personnel/Driver/349 dated 20-04-2017 for necessary action. **(Copy of the DG Health Service KPK letter dated 20-04-2017 is attached herewith as annex-"M").**

12. That the Provincial Coordinator LHWS Dte-General Health Services (Integrated Health Project) KPK through his letter No.2669-72/DHS/IHP/2016-17 dated 22-08-2017 wrote to DG Health Services KPK Peshawar the *"Maintenance and modification in Service Book is sole responsibility of the District Health Officer Haripur"*. **(Copy of Provincial Coordinator LHWS' letter dated 22-08-2017 is attached as annex-"N").**

13. That vide letter No.14548/Personnel dated 02-10-2017 the Director General Health Services KPK Peshawar directed the District Health Officer Haripur that *"to take appropriate action as per rules/policies of the Government"*. (Copy of DG Health Services KPK Peshawar is attached as annex-"O").

14. That from the day one the appellant is making enthusiastic efforts and running from pillar to post for realizing his legitimate right of BPS-05 and his monthly pay which he was drawing on 01-07-2012 but all in vain.

6

Even appellant submitted repeated applications on 16-12-2017 and 30-12-2017 to the District Health Officer Haripur and lastly one to the DG Health Services KPK Peshawar on 06-02-2018 but complete silence has been adopted by the authorities keeping aside appellant's problem. **(Copies of applications dated 16-12-2017, 30-12-2017 and 06-02-2018 are attached herewith as annex-"P, Q & R").**

15. That appellant's colleague Drivers have been enjoying BPS-07 since 01-07-2015 in accordance with the Notification issued under No.FD/SO(FR)720/2015 dated 30-06-2015 by the Regulation Wing, Finance Department, Government of Khyber Pakhtunkhwa, Peshawar. **(Copy of Notification dated 30-06-2015 is attached as annex-"S").**
16. That through out his service the appellant always performed his assigned duties with devotion, dedication and honesty to the entire satisfaction of his superiors and never provided them a chance of reprimand and ever earned good/very good ACRs. Appellant has meritorious service record at his credit.
17. That appellant has rendered more than 8½ years service in the Health Department but his deprived of

7

his legitimate right of pay and pay scale. This is a case of hardships being faced by the appellant since long, hence instant service appeal, inter alia, in the following grounds:-

GROUND

- A. That in the year 2009 the appellant applied for appointment as Driver BPS-05 on the basis of advertisement published in newspaper wherein the post of Driver was shown as having BPS-05.
- B. That the appellant was granted BPS-05 with effect from 10-08-2009 and till 01-12-2012 his pay was raised to Rs.6180/- per month.
- C. That subsequently on 09-09-2014 the appellant was illegally, unlawfully and without lawful authority reduced from BPS-05 to BPS-04 with effect from 01-07-2012 and his pay decreased from Rs.6180/- to Rs.5200/- p.m. without any reason and justification in serious violation of law, departmental rules & regulations and norms of justice.
- D. That appellant's colleague Drivers performing the same duties have been enjoying BPS-07 since 01-07-2015 in accordance with Regulation Wing, Finance Department Govt of KPK Peshawar Notification dated 30-06-2015 while the appellant has been treated discriminately by the Respondents without any reason and justification.

8

- E. That reduction in Pay Scale and monthly pay is a punishment but the appellant has been meted out with this punishment without any fault on his part and that too without any reason and justification.
- F. That even in case of regularization of services the appellant deserves that his pay and scale is to be protected according to departmental rules & regulations but he has been seriously discriminated by the Respondents.
- G. That appellant is entitled to BPS-05 with effect from 10-08-2009 and BPS-07 from 01-07-2015 according to his appointment and terms and conditions of service.
- H. That respondents have not treated the appellant in accordance with law, departmental rules and regulation as well as procedure on the subject and acted in violation of Article-4 of the Constitution of Islamic Republic of Pakistan 1973 and unlawfully issued the impugned orders, which are unjust, unfair and hence not sustainable in the eye of law.
- I. That any other grounds necessary will be adduced at the time of arguments.

PRAYER:

It is, therefore, humbly prayed that on acceptance of instant service appeal, the respondents may graciously be directed to restore the appellant his BPS-05 and restore/fix his pay as he was drawing on 01-07-2012. Further appellant be granted BPS-07 as his colleague Drivers have been


9

enjoying with effect from 01-07-2015 in accordance with Notification dated 30-06-2015 of Finance Department KPK Peshawar.

Any other relief which this Honourable Tribunal deems fit in the circumstance of the case may also graciously be awarded.


APPELLANT

THROUGH


(MOHAMMAD ASLAM TANOLI)
ADVOCATE HIGH COURT
AT HARIPUR

Dated: 9-03-2018

Verification

It is verified that the contents of instant appeal are true and correct to the best of my knowledge and nothing has been concealed there from.

Dated: 9-03-2018


Appellant

10

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Aabdul Hameed S/O Fazal-ur-Rehman, Driver DIPU Health Department, Haripur R/O Village Thipra, Tehsil & District Haripur.

(Appellant)

VERSUS

1. Secretary Health, Khyber Pakhtunkhwa, Peshawar.
2. Director General, Health Services, KPK, Peshawar.
3. Provincial Coordinator, Leady Health Workers Programme Peshawar.
4. District Health Officer, Health Department, Haripur

(Respondents)

SERVICE APPEAL

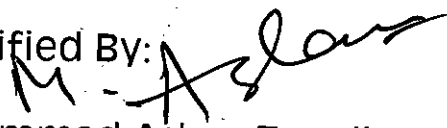
AFFIDAVIT

I, Abdul Hameed S/O Fazal-ur-Rehman do hereby solemnly declare and affirm on oath that the contents of the instant Service Appeal are true and correct to the best of my knowledge and belief and nothing has been suppressed from this Honourable Service Tribunal.


Deponent/Appellant

Dated: 9-03-2018

Identified By:


Mohammad Aslam Tanoli
Advocate High Court
At Haripur,




Appellant

(11)

BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Aabdul Hameed S/O Fazal-ur-Rehman, Driver DIPU Health Department, Haripur R/O Village Thipra, Tehsil & District Haripur.

(Appellant)

VERSUS

1. Secretary Health, Khyber Pakhtunkhwa, Peshawar.
2. Director General, Health Services, KPK, Peshawar.
3. Provincial Coordinator, Leady Health Workers Programme Peshawar.
4. District Health Officer, Health Department, Haripur

(Respondents)

SERVICE APPEAL

CERTIFICATE

It is certified that no such Appeal on the subject has ever been filed in this or any other court prior to the instant one.


APPELLANT

Dated: 9-03-2017

(12)

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Appeal No.....

Aabdul Hameed S/O Fazal-ur-Rehman, Driver DIPU Health Department, Haripur R/O Village Thipra, Tehsil & District Haripur.

(Appellant)

VERSUS

1. Secretary Health, Khyber Pakhtunkhwa, Peshawar.
2. Director General, Health Services, KPK, Peshawar.
3. Provincial Coordinator, Leady Health Workers Programme Peshawar.
4. District Health Officer, Health Department, Haripur

(Respondents)

SERVICE APPEAL

APPLICATION FOR CONDONATION OF DELAY.

Respectfully Sheweth:

1. That the above captioned appeal is fixed for today for preliminary arguments before this Honourable Tribunal.
2. That the facts and grounds in the accompanying memo of appeal may please be treated as an integral part of this application, so preferred, today.
3. That the appellant is pursuing his grievance with due diligence for no commission or omission on his part towards the performance of his lawful duty with every honesty, sincerity and punctuality with bright previous service record.
4. That the delay in filing instant appeal (if any) is neither deliberate nor intentional, as the appellant's has making enthusiastic efforts for realization of his BPS-05 and fixation of pay from the day one his applications

(13)

and departmental appeal in this respect are not decided by the departmental authorities and delaying tactics are used, hence the instant appeal has been filed. Appellant's case is one of hardships being faced by the appellant since long. Matter being of pay and pay scale limitation does not run in such like case. Apart, the valuable rights of the appellant are involved in the matter with far reaching repercussions on his family and children. Otherwise, also the law favors judgments delivered and justice done on the basis of proper adjudication of the issue in question rather than discarding the same on the grounds of technicalities.

It is, therefore, very humbly prayed that the delay (if any) may please be condoned in the high interest of justice.

THROUGH

APPELLANT

M. Aslam

(MOHAMMAD ASLAM TANOLI)
ADVOCATE HIGH COURT
AT HARIPUR

Dated: 9-03-2018

AFFIDAVIT:

I, Abdul Hameed do hereby solemnly declare and affirm on oath that the contents of the instant application are true and correct to the best of my knowledge and belief and nothing has been suppressed from this Honourable Service Tribunal.

Deponent/Appellant

Dated: 9-03-2018



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Amex

(15)

Annex B

OFFICE OF THE
EXECUTIVE DISTRICT OFFICER
(HEALTH) HARIPUR

No. _____ Dated Haripur _____

OFFICE ORDER

Subject: APPOINTMENT ORDER FOR THE POST OF DRIVER IN BPS-4 UNDER THE PROVINCIAL PROGRAM IMPLEMENTATION UNIT NWFP NP FOR FP&PHC

Memo:

In pursuance of para 4 of the Provincial Coordinator, Provincial Program Implementation Unit, NWFP, National Program for Family Planning and Primary Health Care Peshawar letter No: 1434/PC dated: 28-7-2009, Mr Abdul Hameed S/O Fazal -ur Rehman has been adjusted/appointed as driver for District Coordinator National Program for Family Planning and Primary Health Care DPIU Haripur in BPS -4 (3240-140-7440) with immediate effect on the following terms and conditions:-

- 1) His appointment is purely on contract basis for a period of 03 years extendable subject to satisfactory performance and his services is liable to be terminated at any time with out any notice or reasons being assigned.
- 2) His service will not be governed under the civil servants Act 1993 but under the terms and conditions of this contract and other terms and conditions that may be communicated to him.
- 3) He will have to produce Medical Fitness certificate (if not already provided) from the Medical Superintendent District Head Quarter Hospital Haripur.
- 4) If he wished to resign he will serve one month notice or will deposit one month salary in lieu of notice.
- 5) If he accepts the offer of appointment on the above terms and conditions he should report to the District Coordinator for Family Planning and Primary Health Care DPIU Haripur.

EXECUTIVE DISTRICT OFFICER
(HEALTH) HARIPUR

NO: 561-62

Dated :30-7-2009

Copy to:

- 1) Provincial Coordinator, Provincial Program Implementation Unit, NWFP, National Program for Family Planning and Primary Health Care Peshawar
- 2) District Coordinator for FP&PHC DPIU Haripur
- 3) Mr Abdul Hameed S/O Fazal-ur Rehman Driver DPIU Haripur for information and necessary report to the District Coordinator for FP&PHC Haripur.

Amir
EXECUTIVE DISTRICT OFFICER
(HEALTH) HARIPUR

Abul Hameed
no 1/1/09

16

Annex-C

جناب ایجنٹ برائے تعلیم و کھیل، گورنمنٹ ہائی اسکول، سیالکوٹ، سیالکوٹ

حاضر میں لیپورٹ

تاریخ =

جناب میں نے اپنا آڈیٹر جنرل ^{Dated 31/12/07} 561-62 کے تحت مورخہ 2009-8-8 کے
کے ذریعے National Depo میں شامل کیا گیا ہے۔ برائے ہائی اسکول، سیالکوٹ
میں (موجودہ) ہے۔

اپنی پوری
(OPEU Driver) عبدالحمید

مورخہ 2009-8-12

District Co-ordin.
National Programme
For FP & PNC Haripur

Executive Di.
Officer (Heal
Haripur

Executive District
Officer (Health)
Haripur

Attested
District Co-ordinator
National Programme
For FP & PNC Haripur

Attested
عبدالحمید

(For use in Police Department only).

SIRS,

17

Annex-D

Note: The 9 and 10 st

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Identification Roll No:

dated

received back

Left Thumb Impression

Qualification

Date

Qualification

Date

High

Primary Pass

High

First Arts

High

B.L. Or B.A

High

Pledership examination

High

Training School Final examination

High

Other qualifications

L. J. V. Circance. No: 124-717
1999-10

High

High

Executive District Officer
(Residing at Maripur)

N.B. Line to be drawn under the qualification possessed.

Attested
[Signature]

Note: The entries on this page should be renewed or re-attested at least every five years and the Signature to lines 9 and 10 should be dated.

1. Name: Abdul Hameed

2. Race: Arain / Muslim / Pakistani

3. Residence: Mohallah Navian Village Thripka Tehsil & District Haripur


4. Father's name and residence: Fazal-ur-Rehman


5. Date of birth by Christian era as nearly as can be ascertained: 01-01-1977 (1st January Nineteen Hundred & Seventy Seven)


6. Exact height by measurement: 5-6


7. Personal marks for identification: Nil


8. Left hand thumb and Finger impression of (Non-Gazetted) officer:

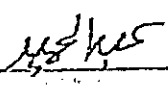
Little Finger: 

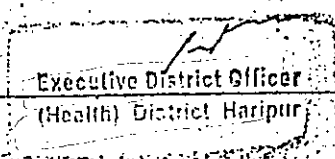
Ring Finger: 

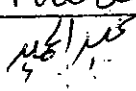
Middle Finger: 

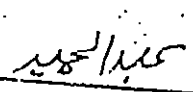
Fore Finger: 

Thumb: 

9. Signature of Government Servant: 

10. Signature and designation of the Head of the officer, or other Attesting Officer: 

Attested


1	2	3	4	5	6	7	8
Name of Post	Substantive Whether Substantive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) Whether senior counts for pension under Art. 371 C.S.R.	Pay to substantive Post	Additional pay for officiating	Other emolument falling under the term "pay"	Date of Appointment	Signature of Government servant
32610-140-7640 Driver BPS-04			Pay RS=32610/5PM			10-08 2009	
3340-160-8140 Driver BPS-05			Pay RS=3340/PM			10-08 2009 (FN)	
do			Pay RS=3340/PM			01-12 2009 (FN)	
do			Pay RS=3520/PM			01-12 2010 (FN)	
do							
5400-260-13200 Driver BPS-05			Pay RS=5660/PM			01-07 2011 (FN)	
do			Pay RS=5920/PM			01-12 2011 (FN)	
do			Pay RS=6180/PM			01-12 2012 (FN)	

9	10	11	12	13		14	15
Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer	Leave		Signature of the head of the office or other attesting officer.	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
				Period	Government to Which debitable		
Executive District Officer (Health) District Haripur	11/07/2009						
				<p>Appointed as Driver (BPS-04) vide, Executive District Officer Haripur office order No:- 501-62/ E.D.O.-CH) dated 30/07/2009 and Postal upgraded from BPS-04 to BPS-05 as communicated vide, Provincial Coordinator, FP & PH, PPIU, Dhybar, Pakhtunkhwa Letter No: 334-38/PC dated 11-02-2013</p>			
				<p><i>[Signature]</i> District Co-ordinator National Programme For FP & PH Haripur</p>			
				<p><i>[Signature]</i> Executive District Officer (Health) District Haripur</p>			
				<p>Sanction of 07 days EIC vide Distt. Coordinator NP Haripur dated 03/04/2012.</p>			
				<p><i>[Signature]</i> District Co-ordinator National Programme For FP & PH Haripur</p>			
				<p>Sanction of 08 days E Leave vide Distt. Coordinator NP Haripur No. 1112 dated 03/12/2012. Attested <i>[Signature]</i></p>			

Encls @300 5619238

مورخہ 20-07-2014

7221-24

ذخیرہ بختونخوا ریگولیشن لیڈی ہیلتھ ورکرز پروگرام اینڈ ایسپلانز (ریگولیشن اینڈ سینڈرز ڈائریکشن) ایکٹ مجریہ 2014 کی شق نمبر 4(1) کے تحت معاہدہ کی بنیاد پر کام کرنے والے درج ذیل ملازمین کی ملازمت کو مورخہ یکم جولائی 2012ء سے مستقل بنیاد پر باقاعدہ تصور کیا جاتا ہے۔ ان کی ملازمت کے قیود شرائط مذکورہ بالا ایکٹ اور اس کے تحت بنائے جانے والے قواعد کے مطابق ہوں گی۔

نمبر شمار	نام	والد کا نام	عہدہ	تاریخ تقرری	مرکز صحت کا نام	متعلقہ علاقہ کا نام
1	عبدالحمید	فضل الرحمن	ڈرائیور	30-07-2009	ڈی۔ پی۔ آئی۔ یو۔	محلہ نازیاں گاؤں ٹھہرہ پوسٹ آفس کابل بالا تحصیل ضلع ہری پور

مذکورہ بالا ایکٹ کی شق نمبر 2 تفویض کردہ اختیارات کو بروئے کار لاتے ہوئے کمیونٹی سے منسلک ان ملازمین کو مندرجہ ذیل بنیادی تنخواہ کے سکیل میں رکھا جاتا ہے۔

نمبر شمار	عہدہ کا نام	بنیادی تنخواہ کا سکیل
1	لیڈی ہیلتھ سپرائزر	7
2	لیڈی ہیلتھ ورکر	5
3		4

ڈسٹرکٹ ہیلتھ آفیسر ضلع ہری پور

نقل برائے اطلاع:

1۔ پرنسپل کوآرڈینیٹر لیڈی ہیلتھ ورکرز پروگرام پشاور۔

2۔ پی۔ ایس۔ ٹو سیکرٹری ہیلتھ پشاور۔

3۔ ڈائریکٹر جنرل ہیلتھ سروسز خیبر بختونخوا پشاور۔

ڈسٹرکٹ ہیلتھ آفیسر ضلع ہری پور

Attested
عبدالحمید

Annex-5

50

Alfred
H. Jones

(21)

Annex-'F'

(For use in Police Department only)

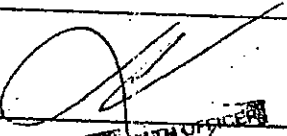
Notes:

1. _____
2. _____
3. _____

Verification Roll No. _____ dated _____ Received back _____

Left Thumb Impression

Qualification	Date	Qualification	Date
Govt Middle-School			
English	Kahal - primary, 1990	First Arts	
Pushto		B.L Or B.A.	
Urdu		Leadership examination	
Plan-drawing		Training School Final examination	
Finger Print		Other qualification:- / Driving licence. LTV 124717	
Drill Instructing			
Court Duties			
Reserve Duties			


 DISTRICT HEALTH OFFICER
 HARIPUR

N.B. Line to be draw under the qualification possessed

Attested
5/10/17

5
6
7
8
9
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Note:- The entries in this page should be renewed or re-attested at least every five years and the signature to lines 9 and 10 should be dated.

1. Name: Abdul Hameed

2. Race: Awan

3. Residence: Muhallah Nasir village Thipya PO
District Faisalabad

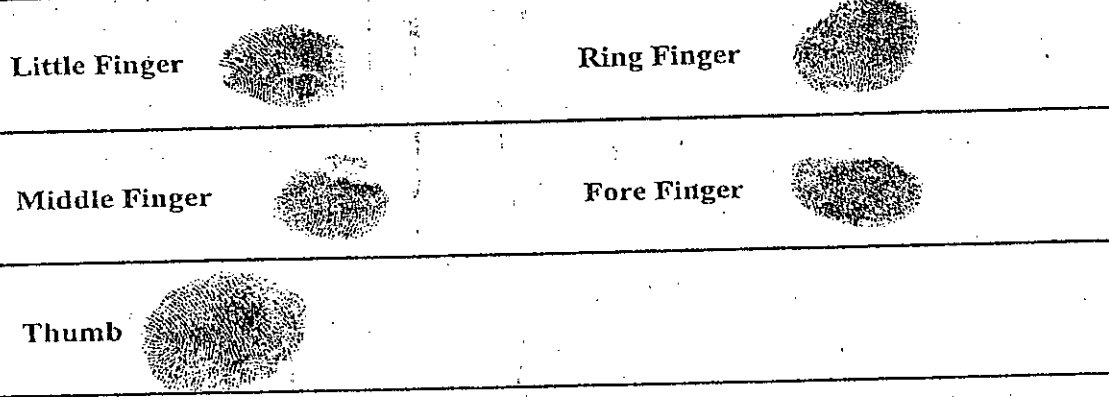
4. Father's name and residence: Fazil-ur-Rehman
Muhallah Nasir village Thipya PO Faisalabad

5. Date of birth by Christian era as nearly as can be ascertained: 1-1-1977

6. Exact height by measurement: 5:6

7. Personal marks for identification: Nil

8. Left hand thumb and finger impression of (Non-Gazetted) officer:



9. Signature of Government Servant: [Signature]

10. Signature and designation of the Head of the Office, or other Attesting Officer: [Signature]
DISTRICT HEALTH OFFICER
Faisalabad

Attested
[Signature]
7

1 Name of post	2 Whether substantive or officiating and whether permanent or temporary	3 If Officiating state (i) substantive, appointment, or (ii) whether service counts for pension under Act. 371 C.S.R.	4 Pay in Substantive post	5 Additional Pay for officiating	6 Other emolument falling under the term "p"	7 Date of appointment	8 Signature of Government Servant.
Driver BPS-4		BPS-04/ 5200-230-12100	5200/-			1-7-2012	[Signature]
- do -			5430/-			12/2013	[Signature]
- do -			5660/-			12/2014	[Signature]
- do -		BPS-04/ 6730-300-15730	7330/-			17/2015	[Signature]
- do -			7630/-			12/2015	[Signature]
- do -		BPS-4/ 8280-370-19380	9390/-			17/2016	[Signature]

Signature of the Head or other authority in alternate column

DISTRICT H

DISTRICT H


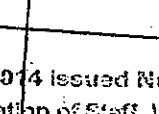



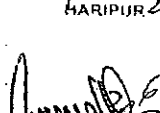
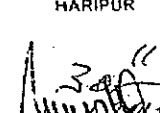

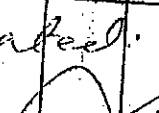

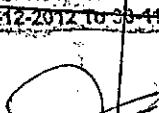

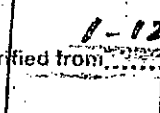
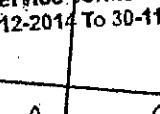

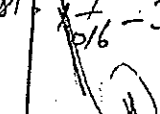
DISTRICT H

DISTRICT H

DISTRICT H

DISTRICT H

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9	10	11	12	13		14	15
Signature and Designation of the Head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination or appointment.	Reason of termination such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer.	Leave		Signature of the head of the office or other attesting officer.	Reference to any recorded punishment or censure or praise of the Government Servant
				Nature and duration of leave taken.	Allocation of period of leave on average pay upto four months for which leave salary is debit to another Government		
				Period	Government to which denifiable		
 DISTRICT HEALTH OFFICER HARIPUR	2013	In 22/9/2014 issued No. 1340/PC through letter No 1340/PC	 DISTRICT HEALTH OFFICER HARIPUR		22/9/2014 issued No. 1340/PC through letter No 1340/PC	Service verified From 1-7-2012 To 30-11-2012	
 DISTRICT HEALTH OFFICER HARIPUR	2015		 DISTRICT HEALTH OFFICER HARIPUR			 DISTRICT HEALTH OFFICER HARIPUR	
 DISTRICT HEALTH OFFICER HARIPUR	2015	Official has been regularized w.e. 7 (1-7-2012) as DRIVER in BPS-4 in National program (DPIU office Haripur) with vide DHO office order no 7221-24 Dated. 29-9-14.					
 DISTRICT HEALTH OFFICER HARIPUR	2015						
 DISTRICT HEALTH OFFICER HARIPUR	2015		 DISTRICT HEALTH OFFICER HARIPUR			Service verified From 1-12-2012 TO 30-11-2013	
 DISTRICT HEALTH OFFICER HARIPUR		Service Verified from 1-12-13 to 30-11-14				 DISTRICT HEALTH OFFICER HARIPUR	
 DISTRICT HEALTH OFFICER HARIPUR		Service verified From 1-12-2014 To 30-11-2015	 DISTRICT HEALTH OFFICER HARIPUR		SI 80332250 4/10/16 Pay active = 9390		
 DISTRICT HEALTH OFFICER HARIPUR					Adjust 7-30/16 - 30/16		
 DISTRICT HEALTH OFFICER HARIPUR		Attested			 DISTRICT HEALTH OFFICER HARIPUR		

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گورنمنٹ فاب ڈی ایچ او کھارنہ ضلع سری پور۔

- درخواست براد عطا پہلی ٹریڈ (S) از نا راجھنہائی
- مورخہ 30/7/2009 عطا پہلی AREARS سائن از تھائی ناکال
- ورسنگی انڈر انچور سروس یک بیت سروس سٹی انڈر
- مورخہ 30/07/2009 ناکال - و consider فرم کے ذریعے نوکری

جناب عالی! سائل حسب ذیل عرض پیردار ہے

- 1۔ یہ کہ سائل جو الہ اسٹار بھری سائل لیور ڈرائیور BPS-5 (3335-160-8135) حسب ضابطہ طور پر حکمہ تحت میں بھرتی ہوا۔ سائل کا تعیناتی نمبر 561-62 مورخہ 30-7-2009 میں سائل کو حکم تعیناتی دیا گیا جس میں BPS-4 عہدے سے انڈر انچور تھا۔ لیکن اسٹار و تھی Appointment Letter لف نڈر ہے
- 2۔ یہ کہ بعد موجود حکمہ نمبر 38/PC-334 مورخہ 11/02/2013 سائل کی سروس یک کی Maintenance کے احکام کے مطابق سائل کی سروس یک بنائی گئی۔ جو سروس یک میں سائل کو سیکل 5 کے بی گئے سیکل ما سے نوازا گیا۔ حالانکہ ڈرائیور ان کا سیکل مطابق سروس بولنز 5 ہے۔ نقل مذکورہ لٹر لف نڈر ہے
- 3۔ یہ کہ سائل نے جو الہ اسٹار آرڈر 561-62 مورخہ 09-8-2009 حسب ضابطہ حکمہ میں ARRIVAL کی اور ناکال اپنی فرائض سرانجام دے رہا ہے۔ (نقل عاقبہ رپورٹ لف نڈر ہے)
- 4۔ یہ کہ سائل کی تعیناتی سال 2007/07 میں عہدہ سروس بول ڈرائیور سیکل 5 میں ہوئی تھی مگر سائل سیکل 4 میں اپنا فرائض سرانجام دے رہا ہے جو سائل کے عہدہ حقوق ٹریڈ 5 از مورخہ 30/07/2009 واجب الادا حسب ضابطہ ہیں۔ سیکل ڈرائیور سروس یک میں بھرتی ہے۔

P 20

All the best

محمد امجد

30/07/2009ء کو ملازمین کے ساتھ کی سرگودھا میں ایک صبح صادق
درستی فرمائی جا کر وہ AREAS نامی ایک علاقہ فرما کر جانے لگی۔
آپ کا نام آفریحی و تفریحی ہے۔ - المشرق 01/11/2016

عبدالحق ڈی پی او
گورنمنٹ ہسپتال - دہلی

محمد علی

Attested
محمد علی
گورنمنٹ ہسپتال

25

Annex-H

OFFICE OF THE
DISTRICT HEALTH OFFICER
HARIPUR

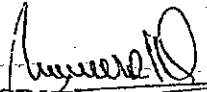
No. 9223-24 Dated Haripur the 07/11/2016

To

The Provincial Coordinator
LHW Program For FP&PHC
(IHP Office) KPK Peshawar

Subject: APPLICATION

Enclosed please find herewith the self explanatory application for the up gradation of the scale of the Mr Abdul Hameed working as Driver (BPS-4) under the administrative control of the undersigned.


DISTRICT HEALTH OFFICER
HARIPUR

COPY TO:

Director General Health Services Khyber Pakhtunkhwa Peshawar


DISTRICT HEALTH OFFICER
HARIPUR

Abul Hameed
no. 1/10
3

پشاور 07/11/2016
پ 7

Amos-H

(22)

حکومت پنجاب ڈائریٹر جنرل تعلیم و تربیت لاہور۔

26

Annex-9



اپیل: برصغیر عساکر حکم بردار نو استازان DHO

صاحب ضلع ہری پور بابت عطا ہونے والی ٹریڈ (S) از اندراج

تعمیناتی سائل مورخہ 30/07/2009ء و عطا ہونے والی ARREARS سائل از

تعمیناتی نا حال و درجہ اندراج در سروس بک بابت سروس سائل

از مورخہ 30/7/2009ء نا حال - و CONSIDER فرمائے جانے پوری سائل -

صاحب عالی! سائل حسب ذیل عرض پر ادا رہے۔

نمبر 1 = یہ کہ سائل بحوالہ اشتیاق بکری سائل بطور ڈرائیور BPS-5 (8135-160-3335) حسب ضابطہ طور پر محکمہ صحت میں کرائی گوا۔ جو سائل کا تعیناتی خط 62-61 مورخہ 30/07/2009ء میں سائل کو حکم تعیناتی دیا گیا۔ جس میں سائل BPS-4 اندراج در ضابطہ مذکورہ عطا ہو چکا۔ واقعات درج ذیل نقل اشتیاق عطا ہے۔

نمبر 2 یہ کہ بعدہ بحوالہ سائل کے کاربنڈ / PC 38-334 مورخہ 02/11/2013ء سائل کی سروس بک کی Maintenance کے احکام کے مطابق سائل کی سروس بک بنائی گئی۔ جو سروس بک میں سائل کو ٹریڈ S کے بجائے سکیل 4 دیا گیا۔ حالانکہ ڈرائیور ان کا سکیل بمطابق سروس بک S ہے۔ نقل اشتیاق لکھنا ہے۔

نمبر 3 یہ کہ سائل نے بحوالہ آفس آرڈر 62-61 مورخہ 02/08/2009ء حسب ضابطہ محکمہ میں ARRIVAL کی نوٹ نا حال اپنا خدمات سرانجام دے رکھا ہے۔ نقل حاضر رپورٹ لکھنا ہے۔

نمبر 4 یہ کہ سائل کی تعیناتی سائل 30/07/2009ء میں بمطابق سروس بک ڈرائیور سکیل 5 میں ہی ہونی تھی۔ مگر سائل سکیل 4 میں اپنا خدمات سرانجام دے رکھا ہے۔ جو سائل کے لیے حقوق ٹریڈ S از مورخہ 30/07/2009ء واجب الادا حسب ضابطہ

Attested
محمد امجد

(P.T.O)

ہیں۔ جسکی درستی دیکھیں یا بھی درکار ہے

نمبر 5: یہ کہ اپنے حقوق کی نسبت سیکرٹری نے ایک درخواست 11/01/2016 کو

صواب DHO صاحب ہری پور دی۔ جس پر نام تحریر DHO صاحب ہری پور ہونے سے ان سنی کرتے ہوئے کسی قسم کا حکم صادر نہ فرمایا ہے۔ جو سیکرٹری صاحب صاحب نے ہری پور میں جاری کیا ہے۔

نمبر 6: یہ کہ سیکرٹری صاحب صاحب نے اپنا جواب دیا ہے۔

لینڈ اسٹریٹ کے سیکرٹری کو سیکرٹری نے بین لڈ از درستی لینڈ کے احکام از مورخہ 30/07/2009ء کے مطابق جانیں اور بننے والی ہیں ہذا سیکرٹری کے سرپرست میں بھی نسبت ضابطہ درستی فرمائی جا کر لیمب ARREARS کا طاق کی ادائیگی کے بھی احکام صادر فرمائے جائیں۔ سیکرٹری صاحب صاحب نے آج کا حوالہ دیا ہے۔

28/02/2017

التعمیر ڈیپو، DI PU

عبدالحمید ڈیپو - ذمہ دار (مقرر)

عبدالحمید

بین ملکی صلہ برائی ہوں کہ فیہ ہر ایک اپنی اپنی ذمہ داری سنبھالیں اور اپنے حقوق کی خاطر اپنی ذمہ داری درست اور صحیح طریقے سے ادا کریں۔

28/02/2017

عبدالحمید

Alleded
عبدالحمید

27

Annex J

**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUN KHWA PESHAWAR**



E-Mail Address: nwfpdsh@yahoo.com office Ph# 091-9210269 Exchange# 091-9210187, 9210196 Fax# 091-9210230
No. 8857 / Personnel Dated: 9/3 / 2017

To,

The District Health Officer
Haripur.

861
16/08/17

Subject: **APPEAL.**

Memo:

I am directed to forward a copy of an appeal alongwith its enclosures submitted by Mr. Abdul Hameed Driver attached to D.I.P.U Health Department Haripur which is self explanatory for information and necessary action with the request to furnish your detailed comments in this regard urgently.

[Signature]
ASSISTANT DIRECTOR (P-II)
DIRECTORATE GENERAL HEALTH
SERVICES, K.P.K PESHAWAR.

89/13/17

DND /
R/S /
M /
DHO

Accepted
5/8/17



28

Amex-K

OFFICE OF THE DISTRICT HEALTH OFFICER HARIPUR
PHONE NO. AND FAX NO.
0995-610997
NO. _____ DATE _____

To,

The District Health Officer
Haripur

SUBJECT:

APPEAL BY ABDUL HAMEED DRIVER DPIU HARIPUR

With reference to letter No: 8857/Personnel Dated: 9-3-2017 received from Directorate General Health Services KPK Peshawar. With due respect it is submitted for your kind consideration that Mr Abdul Hameed Driver District Haripur was appointed through an advertisement published in Daily Mushriq in April 2009, with the recommendation of Provincial Coordinator LHW Program For FP and PHC PPIU Peshawar, showing the vacancies of Drivers for Lady Health Supervisors on fixed pay Rs 4300/- PM in 19 Districts and 02 vacancies of Drivers for District program Implementation Unit (DPIU) one each for District Dir Upper and District Haripur in BPS-5 for Rs 3335-160-8135.

However, the appointment letter issued by EDO (Health) Haripur (In pursuance of para 4 of the Provincial Coordinator LHW Program for FP&PHC PPIU Peshawar letter No: 1434/PC dated: 28-7-2009), showing his appointment in BPS-4(3240-140-7440) in stead of BPS-5 through appointment letter No: 561-62 dated: 30-7-2009 (copy of the letter is attached).

Later on the Provincial Program Implementation Unit KPK issued letter No: 334-38/PC dated: 11-2-2013, which is showing the up gradation of DPIU,s Drivers from BPS-4 to BPS-5. All the District Health Officers of KPK were advised to prepare and maintain the service books, and claiming of arrears for DPIU Drivers.

Services Book of Driver Abdul Hameed alongwith all required documents for claiming of arrears were submitted at the provincial program for FP&PHC PPIU Peshawar office for the pay fixation and arrears in the year 2013, but no response from the provincial office.

As his service book record he was up graded from BPS-4 to BPS-5 by Ex DHO Haripur in accordance with the PPIU Peshawar office letter No: 334-38/PC dated: 11-2-2013

Opinion:

It is opined that the applicant is entitled for BPS-5 from the date of his joining (2-8-2009) according to terms and condition which are already mentioned in the advertisement published in the newspaper, and also deserve the arrears from the same date.

3

M. Haroon
20/03/17
DR MUHAMMAD HAROON
DISTRICT COORDINATOR
LHW PROGRAM HARIPUR

Attested:
20/03/17

29

Annex 'L'



Office Of The District Health Officer,

No. 3004-05 Haripur.
Dated Haripur, the 07/03/2017.
/Estab/D/DGHS.

To,

The Director General Health-Services,
Khyber Pakhtunkhwa, Peshawar.

Subject: Appeal.

Kindly refer to your office letter No.8857/Personnel dated 09.03.2017, on the above cited subject.

The detail comments regarding appeal by Mr. Abdul Hameed Driver DPIU Haripur submitted by District Coordinator LHW Program (in original) alongwith its enclosures with regard to the above cited subject for your information and further necessary action at your end please.

Encls; as above

District Health Officer,
Haripur.

Copy to:-

- 01. District Coordinator LHW Program undersigned office for information.

District Health Officer,
Haripur.

District Health Officer, Haripur
Phone & Fax # 0995-610997
dhoharipur@yahoo.com

105

1-11-11

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Annex - M

DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUN KHWAR PESHAWAR



E-Mail Address: dgkpk@yahoo.com office Ph: 091-9210269 Exchange: 091-9210187, 9210196 Fax: 091-9210230
No. 10642 /Personnel/Driver/349 Dated: 22/04/2017

To,

Project Director
Integrated Health Project
Khyber Pakhtunkhwa Peshawar

Subject:

(APPEAL)

Memo:

I am directed to refer to the subject noted above and find enclose a copy of DHO Haripur letter No.3004-05 dated 27.03.2017 alongwith its enclosures, in respect of Mr. Abdul Hameed Driver attached to DPIU, Haripur which is self explanatory for further necessary action in per rules/policy of the Government.

ASSISTANT DIRECTOR (P-I)
DIRECTORATE GENERAL HEALTH
SERVICES, K.P.K. PESHAWAR

Attested
28/4/17

M - 1000

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(31) Annex-N⁶⁷
DIRECTORATE GENERAL HEALTH SERVICES
(INTEGRATED HEALTH PROJECT)
KHYBER PAKHTUNKHWA, PESHAWAR.
Phone: (Office): 091 9216344/ 9216345 Fax 9216346

No. 2669-72 DHS/IHP/2016-17

Director General Health Services
Khyber Pakhtunkhwa, Peshawar

Attention: Deputy Director (P-II)
DGHS, KP Office, Peshawar

Subject: - APPEAL

Dated: 22/08/2017
07630
24/8/17

P=63

With reference to your office letter No. 10642/Personnel/Driver /349 dated 20.04.2017 on the subject cited above.

It is to intimate that maintenance and modification in service books is sole responsibility of District Health Officers according to this office letter No.3344-38 dated 11/02/2013 (copy attached). Therefore no action is required to be taken by this project in the case of Mr. Abdul Hammed driver of DPIU Haripur.

Fahim
(Dr. Fahim Hussain Khan)
Provincial Coordinator LHWs
DD:Tech:IHP KP

Copy forwarded for information to:

1. Project Director/Focal Person IHP Khyber Pakhtunkhwa
2. District Health Officer Haripur
3. District Coordinator LHWs Program Haripur

Allocated
26/8/17

2000

(15)

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Annex-0

DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUN KHWA PESHAWAR



E-Mail Address: nwfdg@khs.gov.pk office Ph# 091-9210269 Exchange# 091-9210187, 9210196 Fax # 091-9210230
No. 14548 / Personnel Dated 2 / 10 / 2017

To,

The District Health Officer
Haripur

Subject: APPEAL

Memo,

I am directed to forward herewith a copy of Provincial Coordinator LHWS letter No. 2669-72/DHS/IHP/2016-17 dated 22.08.2017 alongwith letter No. 334-38/PC dated 11.02.2013 on the subject noted above.

You are hereby requested to take appropriate action as per rules/policy of the Govt.

[Signature]
ASSISTANT DIRECTOR (P-II)
DIRECTORATE GENERAL HEALTH
SERVICES, K.P.K. PESHAWAR. *[Signature]*
22/10/17

*ASND
for report*

[Signature]

*Attested
22/10/17*

1000 - 1000 - 1000

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خدمت جناب D.H.O صاحب پیری پور۔

دفعہ دست برائے کیے عمل درآمد دفعہ دست سائل رکھ کر انسٹرکشن

عالی جناب: تشریح کے لئے سائل نے دفعہ دست
 برائے و ہول بقایا جات سروس اکاؤنٹ
 کرنے کیلئے دفعہ دست دلی کے جلی بابت ڈائریکٹری جنرل
 پی پی سروسز پٹیوار کے چٹھی 10/17 - 2 - 14548
 ارسال کی کہ سائل کو دفعہ دست پر عمل درآمد کیا
 گیا ہے۔ جو کہ تاحال سائل کی دفعہ دست پر کسی
 وضع کا کوئی عمل درآمد نہیں کیا گیا ہے۔ تہہ
 چٹھی کے خلاف سائل کو عمل درآمد نہیں ہوا ہے
 سخت نقصان پریشان کارکنان کے

سزا اس کے عالج کے دفعہ دست مذکورہ کے عمل درآمد کیے
 جانے کا حکم عمار رفیق پٹویا (ممبروں) 17-18-16

سائل: عبد الرحیم و رفیق فضل اتر محمد کنہہ ٹیپو مال ڈرائیور DP 110
 عبد الرحیم
 عبد الرحیم

خدمت جناب ڈسٹرکٹ ہیلتھ آفیسر ضلع ہری پور۔

عنوان! درخواست برائے عمل درآمد اپیل اور فوائست مسائل مطابق حکم آفیسر ہیلتھ

جناب عالی! درخواست ذیل ہے۔

1۔ یہ کہ مسائل حکم ہیلتھ میں ملازم بطور ڈرائیور DPIU ہری پور ہوں۔

2۔ یہ کہ مسائل نے قبل ازیں اپنی پراپر اپیل اور فوائست برائے واپس ہونا بقایا جات و جمع کرانے سے سوس دی جا جس پر ڈائریکٹر جنرل ہیلتھ پشاور نے چھٹی نمبر 14548 خزانہ 2017-18-02 ارسال کی مگر مسائل کی درخواست پر کوئی عمل درآمد نہ ہوا۔

3۔ یہ کہ مسائل نے خزانہ 2017 کا گورنمنٹ ایک درخواست برائے عمل درآمد دی جس پر بھی تا حال کوئی کارروائی نہ ہو رہی ہے۔

4۔ یہ کہ مسائل ایک خدیب آدمی ہوں جو کہ میرے انتہائی قیمتی حقوق کا ضیاع ہو رہا ہے جس سے مجھے ناقابل تلافی نقصان ہے۔ (دفعہ 17 ص 1)

استدعا کیلئے مسائل پر ارجح فرمائے ہوئے حسب ضابطہ میرے جاننے حقوق بحال فرمائے جا کر عمل درآمد فرمایا جاوے۔ - الحرف قومی - 2017-18-02

استدعا
عبدالحمد

عبدالحمد ولد نفل الرحمن ساکن ٹھیکہ تحصیل ضلع ہری پور حالت عیاشات ڈرائیور DPIU ہری پور۔

عبدالحمد

Answer - 1

3N

1

(35)

Annex - 'R'

To

The Director General (Health),
Directorate General Health Services,
Kyber Pakhtukhwa,
Peshawar. (Atten: Asstt. Director P-II).

Through proper channel.

Subject:- **APPEAL.**

Respected Sir,

With most reverence and humble submission it is stated that since considerable time I have been running from pillar to post for the redressal of my grievance with regard to restoration of my pay scale-5 but all in vain.

My appeal addressed to your Highness was remanded back to the District Health Officer Haripur vide your esteemed letter No.14548/personnel dated 02-10-2017 for appropriate action but the matter is still in pipe line has not yet been decided. Due to reason I have been facing some mental agonies including financial hardships.

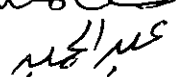
It is, therefore, requested that necessary order may kindly be passed on to the concerned authorities for the settlement of my grievance otherwise I reserve the right to seek remedy at legal forum. Thanking you sir in anticipation.

Your Obedient Servant


(Abdul Hameed)

Driver, DIPU,
Health Department Haripur

Dated: 06-02-2018

Attested




36

Annex-S

**GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)**

Dated Peshawar, the 30-06-2015

NOTIFICATION

NO.FD/SO(TR)7-20/2015 The competent authority has been pleased to accord approval to the upgradation of pay scales of the following provincial government employees with effect from 01-07-2015:

- C ✓
- a) Two pay scale upgradation will be allowed to all provincial government employees from BS-01 to BS-05.
 - b) One pay scale upgradation will be allowed to all provincial government employees from BS-06 to BS-15.
 - c) Special Compensatory Allowance equal to difference of notional upgradation of BS-16 to BS-17 will be allowed to all provincial government employees in BS-16 in lieu of upgradation.
 - d) Upgradation will be applicable to both pay and allowances with freezing limits and other conditions currently in vogue unless revised by the government.
 - e) Pay fixation on upgradation will be applicable w.e.f. 01-07-2015 or 01-12-2015 on the option to be given by the concerned employee.
 - f) All provincial government employees who have been upgraded en-block or individually in last five years starting from 01-07-2010 or have been granted special allowance / pay equal to 40 % or more of their normal pay shall not be entitled for the instant upgradation.

2. Pay of existing incumbents of the posts shall be fixed in higher pay scales at a stage next above the pay in the lower pay scale.
3. All the concerned Departments will amend their respective service rules to the same effect in the prescribed manner.
4. The above upgradation scheme shall not be applicable to employees of Autonomous Bodies, Semi Autonomous Bodies and Public Sector Companies.
5. Explanatory note and subsidiary instructions on the subject will be issued separately.

SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

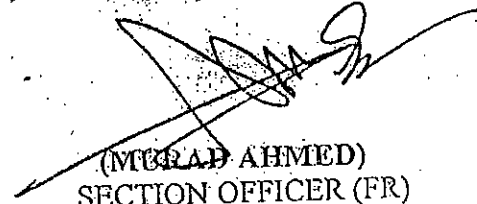
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A. H. Khan
30/6/15

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Endst/No. & Date even.

Copy of the above is forwarded for information and necessary action to the: -

- 1) PS to Additional Chief Secretary, FATA.
- 2) All Administrative Secretaries Government of Khyber Pakhtunkhwa.
- 3) Senior Member, Board of Revenue, Khyber Pakhtunkhwa Peshawar.
- 4) Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 5) Secretary to Governor, Khyber Pakhtunkhwa, Peshawar.
- 6) Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- 7) Secretary Provincial Assembly, Khyber Pakhtunkhwa.
- 8) All Heads of Attached Departments in Khyber Pakhtunkhwa.
- 9) Registrar, Peshawar High Court, Peshawar.
- 10) All Deputy Commissioners, Political Agents, District & Sessions Judges / Executive District Officers in Khyber Pakhtunkhwa.
- 11) Chairman, Khyber Pakhtunkhwa, Public Service Commission, Peshawar.
- 12) Registrar, Service Tribunal Khyber Pakhtunkhwa.
- 13) Secretary to Govt. of Punjab, Sindh and Baluchistan, Finance Department, Lahore, Karachi and Quetta.
- 14) The District Comptroller of Accounts, Peshawar, Mardan, Kohat, Bannu, Abbottabad, Swat and D.I. Khan.
- 15) The Senior District Accounts Officer Nowshera, Swabi, Charsadda, Haripur, Mansehra and Dir Lower.
- 16) The Treasury Officer, Peshawar.
- 17) All District/Agency Accounts Officers in Khyber Pakhtunkhwa / FATA.
- 18) PSO to Senior Minister for Finance, Khyber Pakhtunkhwa.
- 19) PSO to Chief Secretary, Khyber Pakhtunkhwa.
- 20) Director Local Fund Audit, Khyber Pakhtunkhwa Peshawar.
- 21) PS to Finance Secretary.
- 22) PAs to All Additional Secretaries/ Deputy Secretaries in Finance Department.
- 23) All Section Officers/Budget Officers in Finance Department.
- 24) Mr. Jabir Hussain Bangash, President, Class-IV Association, Civil Secretariat, Khyber Pakhtunkhwa, Peshawar.
- 25) Mr. Manzoor Khan, President, Civil Secretariat Driver Association Khyber Pakhtunkhwa, Peshawar.
- 26) Mr. Akbar Khan Mohmand, Provincial President, Class-IV Association, Khyber Pakhtunkhwa, Peshawar.


(MUBRAD AHMED)
SECTION OFFICER (FR)

Abdullah
20/1/05

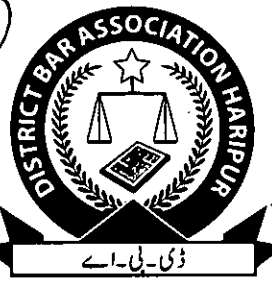
DBA No: 207
 BC No:

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 Name of Advocate: محمد اعجاز خاں

S.No: 16492

37



وکالت نامہ



بعدالت: صاحب چیمبر من ہب فیبر ہنختون خواہ سرمدی سر بنوہل ش در
 عنوان: عبدالحمید
 منجانب: ایڈوائٹ
 نوعیت مقدمہ: سرمدی ایڈوائٹ
 باعث تحریر آنکھ: _____

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جواہد ہی برائے پیشی یا تصدیقہ مقدمہ بمقام شورہ ایڈوائٹ کے لیے
محمد اعجاز خاں ایڈوائٹ کوٹ

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا اور بروقت
 پکار کے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری
 غیر حاضری کی وجہ سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہوں گے نیز وکیل صاحب
 موصوف صدر مقام چیمبری کے علاوہ کسی جگہ یا چیمبری کے اوقات سے پہلے یا چیمبر یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ
 ہوں گے اور مقدمہ چیمبری کے علاوہ کسی اور جگہ سماعت ہونے پر یا بروز تعطیل یا چیمبری کے اوقات کے آگے چیمبر پیش ہونے
 پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا جمانہ کے واپس کرنے کے بھی صاحب
 موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر ساختہ صاحب موصوف مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو
 عرض دعویٰ یا جواب دعویٰ اور درخواست اجرائے ڈگری و نظر ثانی اپیل نگرانی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی
 اختیار ہوگا اور اور کسی حکم یا ڈگری کرانے اور ہر قسم کارروائی وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور
 اس کے ثالثی و راضی نامہ و فیصلہ بر حلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے بیرونجات از چیمبری صدر
 اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یا طرفہ درخواست حکم امتناعی یا قرضتی یا گرفتاری قبل از گرفتاری و اجرائے ڈگری بھی صاحب
 موصوف کو بشرط ادائیگی علیحدہ جمانہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ
 منکور یا اس کے کسی جزوی کارروائی کے یا بصورت اپیل کسی دوسرے وکیل کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے وکیل کو
 بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانہ
 التوا پڑے گا وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب
 موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے
 برخلاف نہیں ہوگا۔

Acceptance by
 M. Aziz

2018 03 9
 مورخہ: دن / ماہ / سال

لہذا وکالت نامہ لکھ دیا ہے کہ سندر ہے۔

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

عبدالحمید

(عبدالحمید ایڈوائٹ)

BEFORE THE SERVICE TRIBUNAL PESHAWAR AT

COMPS COURT ABBOTTABAD BENCH

Appeal No. 344/2018

Abdul Hameed Vs c Secretary , Govt.K.P.K Peshawar & others

.....
WRITTEN COMMENTS OF BEHALF OF RESPONDENT NO. 1, 2 and 3
COMMENTS
.....

Index

S.No	Description	Pages	Annexure
1	Written comments	2	
2	Notification	1	A

BEFORE THE SERVICE TRIBUNAL PESHAWAR HIGH
COURT ABBOTT ABAD BENCH

Appeal No.345/2018

Abdul Hameed Vs c Secretariat, Govt.K.P.K Peshawar & others

.....
WRITTEN COMMENTS OF BEHALF OF RESPONDENT NO. 1, 2 and 3
COMMENTS
.....

Respectfully Sheweth:

PRELIMINARY OBJECTION.

1. That the appellant has no case of action, hence appeal is title to dismiss.
2. That the appeal is time barred.
3. The proceedings against the appellant were in accordance with law.
4. That the applicant is bad for non joined and missjoind of unnecessary parties.
5. That the applicant is not maintainable in its present form
6. That the honorable tribunal has no jurisdiction to adjudicate the matter.

ON FACTS: -


1. Agreed
2. Correct to the extent of appointment order.
3. Incorrect the appointment letter BPS 4 was correct.
4. The proceeding against BPS 05 to BPS 04 were in accordance with law from pursuant of order the supreme court of Pakistan passed in CRC original petition No 15 of 2012 in HRC No.16360/2008 constitution petition No.36 of 2012 and CRC original petition No.73 of 2012 in HRC 16360/2008 the competent authority has been pleased to regularized the service of staff of National Program for Family Planning and primary health care KPK w.e F1/2012 condition basic scales driver BPS 4 from latter of secretary of Govt KPK health department (copy enclosed) Anex A
5. As above
6. Agreed
7. Agreed
8. Agreed.
9. Agreed.
10. Agreed.
11. Service structure and approved by provisional coordinator LHWs Director General Health Services (Integrated Health Project) for all KPK District there is no service structure has yet been made by the project.
12. As above
13. As per para above.
14. As per para above.
15. Incorrect this notification issued regulation in Finance Department Govt KPK and not applicable for National Program KPK Lady Health Workers Program Peshawar.
16. As per Para 5 above.
17. Incorrect applicant has no right for the relief claimed by the appellant.

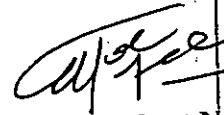
On Ground


- a) All drivers in KPK has been appointed in BPS 4. (National Program) KPK.
- b) Pursuant to order to Supreme Court of Pakistan w.e 01/2012 on the flowing terms and conditions upon regularization the fowling staff shell is placed at minimum basic scales.
 - I. LHS BPS 07
 - II. Account Supervisor BPS 07
 - III. LHW BPS 05
 - IV. Driver BPS 04Copy attached as "A"
- c) The proceedings against BPS 05 to 04 were in accordance with the order of Supreme Court of Pakistan In accordance with the law and rule.
- d) Incorrect, the applicant is not entitled for the relief.
- e) Above B&C.
- f) All Drivers (for National Program) in KPK were appointed BPS 04 and working in BPS 04 hence no discrimination has been made.
- g) As above c.
- h) As above c.
- i) As above.c

It is therefore, humbly prayed that on acceptance of the above para wise comments the writ appeal may graciously be dismissed with cost.

Dated _____


Respondent No.2
Director General Health Services KPK
Peshawar


Respondent No.1
Secretary Health KPK
Peshawar


Respondent No.3
District Health Officer
Haripur



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated 25/02/2013.

Notification:

No 6-165/ECO/PC/H/Vpl-IV/2012-13:- Pursuant to orders of the Supreme Court of Pakistan passed in CRL. Original petition No. 15 of 2012 in HRC No. 16360/2008, constitution petition No.36 of 2012 and CRL original petition No. 73 of 2012 in HRC No.16360/2008, the competent authority has been pleased to regularize the services of Lady Health supervisors (LHSs), Account Supervisors, Lady Health Workers (LHWs), Drivers and PMU Staff of the National Program for Family Planning & Primary Health Care, Khyber Pakhtunkhwa w.e.f July 01, 2012 on the following terms and conditions:

I. Upon regularization, the following Staff shall be placed at the minimum basic scales given below:

- a. Lady Health Supervisors (LHSs) in BPS-7
- b. Account Supervisors in BPS-7
- c. Lady Health Workers in BPS-5
- d. Drivers in BPS-4
- e. Other PMU staff at provincial & District level working in their respective scales as on July, 2012.

ii. The staff of National Program for Family Planning & Primary Health Care, Khyber Pakhtunkhwa so regularized shall have no pensionary benefits. The issue of pension shall be considered after a firm commitment from the Federal Govt to take up in perpetuity the pending liability of the staff so regularized.

iii. The regularization shall be subject to the revised terms and conditions and organizational structure which the Govt shall firm-up keeping in view the fact that basic design of the program is not substantially compromised or altered.

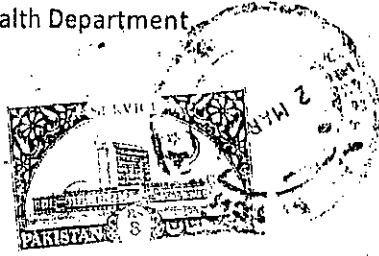
2. Appropriate legislation shall be undertaken to give effect to this order before July 01, 2013 and the specific orders regarding individual employee would be issued separately by the respective competent for after framing the rule.

Health Department,
Peshawar.

Secretary to Govt. of Khyber Pakhtunkhwa
Health Department

Endorsement of even Nos and Date:

1. Principal Secretary to Governor Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Secretary to Govt. of Pakistan, Ministry of National Regulations and Services, Islamabad.
4. Registrar, Supreme Court of Pakistan.
5. All the Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
6. P.S.O to Chief Secretary, Khyber Pakhtunkhwa.
7. P.S.O to Additional Chief Secretary, Khyber Pakhtunkhwa.
8. Director General Health Services, Khyber Pakhtunkhwa.
9. Director Health Services, FATA.
10. Provincial Coordinator, National Program for Family Planning & Primary Health Care.
11. Chief Planning Officer, Health Department.
12. All District Health Officer, Khyber Pakhtunkhwa.
13. PS to Secretary Health, Khyber Pakhtunkhwa.
14. PS to Special Secretary, Health Department.
15. PA to Additional Secretary (Establishment and Administration) Govt. of Khyber Pakhtunkhwa Health Department.



(Signature)
(Malik Muhammad Ali)
Section Officer (General)

BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

In the matter of
Appeal No. 345/2018

Abdul Hameed.....V/S.....Secretary Health KPK & Others
(Appellant) **(Respondents)**

REJOINDER ON BEHALF OF THE APPELLANT

Respectfully Sheweth:

The appellant submits his rejoinder as under:-

Preliminary Objections:

1. Contents incorrect and misleading, appellant has illegally been deprived of his legitimate right of pay & scale; hence got cause of action to file instant appeal.
2. Contents incorrect and misleading, appellant has filed this appeal well within prescribed time limitation.
3. Contents incorrect and misleading, appellant has not dealt with in accordance with law governing his terms and conditions of service.
4. Contents incorrect and misleading, all necessary parties have been arrayed in the instant appeal.
5. Contents incorrect and misleading, the instant appeal is in accordance with law and contains all material facts for adjudication upon the disputed matters.
6. Contents incorrect and misleading, this Honourable Tribunal has got every jurisdiction to adjudicate upon the disputes relating to terms and conditions of service.

ON FACTS:

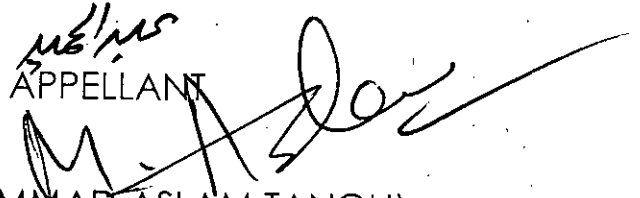
Contents of para No.1 to 17 of the appeal are correct and the reply submitted to these paras by respondents in para-1 to 17 is incorrect and misleading hence denied.

GROUND:

All the grounds "A" to "I" taken in the memo of appeal are legal and will be substantiated at the time of hearing of appeal and reply submitted to these paras by respondents from "A" to "I" is incorrect and misleading hence vehemently denied.

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

THROUGH


APPELLANT
(MOHAMMAD ASLAM TANOLI)
ADVOCATE HIGH COURT
AT HARIPUR

Dated: 20-03-2019

AFFIDAVIT:

I, Abdul Hameed S/O Fazal-ur-Rehman do hereby solemnly declare that contents of this rejoinder as well as that of titled appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

Dated: 20-03-2019


Deponent/Appellant