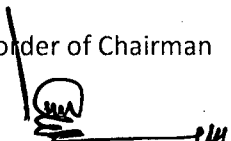


Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 1402/2022 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	26/09/2022	<p>The appeal of Mr. Khan Afzal and 3 others (Legal heirs of Mst. Shahnaz Begum) presented today by Mr. Hameed Ullah Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____.</p> <p>Notices be issued to appellants and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

(B)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service appeal No:- 1402-P/2022

Khan Afzal & others

Versus

Government of Khyber

Pakhtunkhwa & others

..... Appellant

..... Respondents

INDEX

S#	Description of the Documents	Annex	Pages
1.	<i>Service appeal</i>	*	1-5
2.	<i>Affidavit</i>	*	6
3.	<i>Addresses of Parties</i>	*	7
4.	<i>Copy of Departmental Appeal of the appellants, submitted on 12/06/2022</i>	"A"	8-10
5.	<i>Copy of Office Order</i>	"B"	11-12
6.	<i>Copy of Death Certificate & FRC</i>	"C"	13-14
7.	<i>Notice to respondents with acknowledgment receipt</i>		15
8.	<i>Wakalat Nama</i>		16


Dated:- 23/09/2022

Through:-

Appellant


Hamid Ullah
Advocate High Court

&


Madeeha Farid
Advocate, Peshawar

THAT THE GRATUITY AND COMMUTATION ARE THE LEGAL RIGHTS OF THE APPELLANTS.

Respectfully Sheweth:-

The appellant submits as under:-

1. *That Wife appellant No 1 and mother of appellants No 2 to 4 namely Mst: Shahnaz Begum W/o Khan Afzal R/o Patwar Bala Ghari Fazal-e-Haq, Peshawar was appointed as Lady Health Worker on 01/11/1997 on contract basis in the Office of Health Department vide Office Order. (Copy of Office Order is attached as annexure "B").*
2. *That in pursuance of the Govt: of KPK Finance Department Notification No 10185-9 dated 19/09/2014 the services of the contract employees were regularized by operation of law and the service of the wife of appellant No 1 & mother of the appellants No 2 to 4 were also regularized.*
3. *That the deceased Mst: Mst: Shahnaz Begum died on 24/11/2021 during her service. (Copy of Death Certificate & FRC are attached as annexure "C")*
4. *That despite several verbal as well as written request, the respondents/department has not issued family pension/ pensionary benefits and gratuity to the appellants.*

5. *That the appellant have submitted his departmental appeal on 12/06/2022, but has not been responded within statutory period, hence this appeal on the following grounds:-*

Grounds:-

- A. *That the pension, gratuity and commutation is the lawful, fundamental and constitutional rights of the appellants and its non issuance is in utter violation of the law, rules, regulation meant for civil servants.*
- B. *That the appellants have not been treated according to law, rules and regulations meant for the pension and thus the act of the respondents/department is based on malafide intention.*
- C. *That articles 4 & 8 of the Constitution of Islamic Republic of Pakistan, 1973, make it clear that deviation from law has not to be countenanced this is an assurance to the people of Pakistan, the people in authority shall treat them in accordance with law and each one is bound by these stipulations of the Constitution.*
- D. *That non-issuance of pensionary benefits and gratuity/commutation to the appellants is harsh and the appellants have been penalized for no fault on their part.*

- E. *That as per law, the family pension and pensionary benefits is the vested right of the appellants for the service rendered by her and they cannot be deprived from the same.*
- F. *That the appellants legally entitled for all kind of family pension and pensionary benefits for the services rendering.*
- G. *That the department has misused its authority and colourful exercise of power through which the petitioners are being deprived from pensionary benefits.*
- H. *That the appellants have not been treated in accordance with law rather discriminated, which is against the letter and spirit of the Article 4 & 25 of the Constitution of Islamic Republic of Pakistan, 1973.*
- I. *That any other grounds will be agitated at the time of hearing of instant departmental appeal.*

It is, therefore, most humbly prayed that on acceptance of the instant Service Appeal, the pensionary benefits, family pension and gratuity may kindly be granted in favour of appellants.

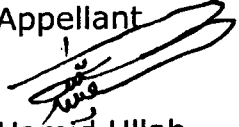
(5)

Any other relief as deemed appropriate in the circumstances of the case not specifically asked for may also be granted to the appellant.


Dated:- 23/09/2022

Through:-

Appellant


Hamid Ullah
Advocate High Court

&


Madeeha Farid
Advocate, Peshawar

6

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service appeal No:- _____-P/2022

Khan Afzal & others

Versus

Government of Khyber

Pakhtunkhwa & others

..... Appellant

..... Respondents

AFFIDAVIT

I, Khan Afzal S/o Fazal-e-Haq R/o Patwar Bala Ghari

Fazal-e-Haq, Peshawar, (The appellant No 1) do hereby solemnly


affirm and declare on oath that the contents of this accompanying

service appeal are true and correct to the best of my knowledge

and belief and nothing has been concealed from this Honourable

Court.

Identified by



Hamid Ullah
Advocate High Court



DEPONENT

CNIC No:-

Cell No:-

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service appeal No:- _____-P/2022

Khan Afzal & others

Versus

Government of Khyber

Pakhtunkhwa & others

..... Appellant

..... Respondents

ADDRESSES OF PARTIES

APPELLANT

1. Khan Afzal S/o Fazal-e-Haq
2. Mst: Dardana Manihal
3. Mst; Dardana Ghazal, [minor daughters]
4. Muhammad Abu Huraira, minor son (through appellant No 1) R/o Patwar Bala Ghari Fazal-e-Haq, Peshawar

RESPONDENTS

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Govt: of KPK, Peshawar.
2. Secretary Health, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. Director General Health, Peshawar.
4. District Health Officer (DHO) District Peshawar.
5. District Accounts Officer, AG Office Peshawar.

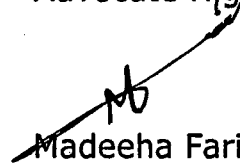
Dated:- 23/09/2022

Through:-

Appellant


Hamid Ullah
Advocate High Court

&


Madeeha Farid
Advocate, Peshawar

The Most Respected
Secretary Health

Govt: of KPK, Peshawar

Annex "A"

Subject:

DEPARTMENTAL APPEAL, FOR THE GRANT OF FAMILY PENSION AND PENSIONARY BENEFITS/GRADUITY TO THE LEGAL HEIRS OF LHW SHAHNAZ BEGUM WHO HAS DIED DURING SERVICE.

RESPECTED SIR!

That Mst: Shahnaz Begum W/o Afzal R/o Patwar Bala Ghari Fazal-e-Haq, Peshawar was a peaceful Pakistani national and performing duties as LHW in RHC, Peshawar and she died on 24/11/2021 during service and the petitioners are the legal heirs of the said Mst: Shahnaz Begum W/o Khan Afzal (LHW). (Copy of Death Certificate and FRC are attached).

That Mst: Shahnaz Begum W/o Khan Afzal R/o Patwar Bala Ghari Fazal-e-Haq, Peshawar was appointed as Lady Health Worker (LHW) in BHU Patwar in the District Health Officer, Peshawar on 1/11/1997 on a contract basis.

(Copy of office order is attached).

That the services of said LHW were regularized with effect from 19/09/2014. (Copy of order is attached).

That the petitioner's service was counted as 9 years, 4 months and 23 days.

(Copy attached).


ATTESTED

(7)

That under the rules, department was legally bound to finalized the pensionary papers/documents for grant of pension within one month, however, more time elapse and pensionary papers and documents have not yet been finalized.

That the same relief granted in the same type of cause by Honorable Peshawar high Court Peshawar in Writ Petition No 5551-P/2019 decided on 01/10/2020 and in writ Petition No 3394-P/2016 decided on 22/06/2017 and Writ Petition No 290-P/2022 decided on 25/02/2022.

That being aggrieved of the illegal exercise of power (not finalizing the pensionary papers and documents and deprived from pensionary benefits and not allowing benevolent fund to the legal heirs of said (LHW), the legal heirs of said LHW have no other way, expect to file this departmental appeal on the following grounds inter alia:

Grounds:

1. That the predecessor namely Mst: Shahnaz Begum was the permanent employee of the department performed her duties with zeal, honestly, devotedly to the best of her ability and to the entire satisfaction of her superiors and without any complaint whatsoever kind against her.
2. That as per law, the family pension and pensionary benefits is the vested right of the petitioners for the service rendered by her and they cannot be deprived from the same.
3. That the petitioners are legally entitled for all kind of family pension and pensionary benefits for the service rendering.
4. That the department has misused its authority and colourful exercise of power through which the petitioners are being deprived from pensionary benefits.
5. That the petitioners have not been treated in accordance with law rather discriminated, which is against the letter and spirit of the Article 4 & 25 of the constitution of Islamic republic of Pakistan, 1973.


ATTESTED

110

6. That any other grounds will be agitated at the time of hearing of instant departmental appeal.

It is, therefore, humbly prayed that on acceptance of this departmental appeal, the concerned authority/department may kindly be directed to prepare family pension and pensionary papers/documents of the petitioners and to submit the same to the concerned quarter and to grant the family pension and pensionary benefits to the petitioners.

Minor legal heirs of Mst: Shahnaz Begum

 Through,

Khan afzal S/o Fazal-e-Haq

R/o Patwar Payan Ghari Fazal-e-Haq, Peshawar

Cell No. 03339197260

CNIC No: 17301-6361843-5

Date 12-06-2022


ATTESTED

(11)

(1)

OFFICE OF THE DISTRICT HEALTH OFFICER, PESHAWAR.

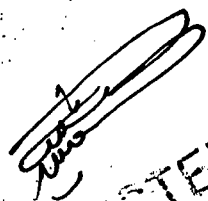
OFFICE ORDER.

Amea
B

APPOINTMENT ORDER FOR LADY HEALTH WORKER UNDER PRIME
INTERIOR PROGRAMME FOR FAMILY PLANNING AND PRIMARY
HEALTH CARE DISTRICT PESHAWAR.

On the recommendation of selection
by Shahnaz Begum D/O W/O Muhammad Ibrahim
Mathra Kander Khansil Peshawar
appointed as Lady Health Worker (LHW) in BHU Putwar
No. 11-1997 on the following terms and conditions:-

- 1- The appointment will be purely on contract basis.
- 2- The appointment will be initially for one year. However it is extendable subject to satisfactory performance.
- 3- After selection she will be trained for a duration of 15 months. In the first 3 months she will attend training at the health centre for 5 days in a week. While during the next 12 months, she will work in her catchment area for 3 weeks in every month and will attend the training session at the health centre in the 1st week of every month.
- 4- She will be paid @ Rs. 50/- Per day during initial 3 months of training and subsequently she will be given a stipend of 1200/- per month.
- 5- She will have to work in this programme for at least one year after completion of training for which she will have surety bond at the time of joining training on stamp paper of Rs. 50/-. If she wishes to resign within this period, she will have to deposit the whole amount of salary which she has received during training and service until acceptance of resignation.
- 6- On expiry of surety bond period, if she wishes to resign, she will serve one month advance notice or will deposit one month's salary in lieu of notice.
- 7- The post is non transferable and the services will be terminated if the LHW move out of her area of appointment.
- 8- She will be required to establish a health house in her residence and maintain it according to the requirements of the programme. She will work closely with the local community and establish a local health committee and a women group with the assistance of the Field Supervisor and Health centre Staff.
- 9- She will ensure her presence during the field visits of supervisors and will arrange home visit for them.
- 10- She will be required to open a bank account in the nearest bank to the training centre. The branch will be identified by the District PIO and her salary will be disbursed through this bank.
- 11- She will keep a proper record of supply and receipt from the health centre and will also maintain a proper record of consumption of the supplies and will provide this to the health centre every month at the time of receiving new supplies.


ATTESTED

نیشنل ایجوکیشن ایسوسی ایشن (ریگولیشن اینڈ سٹینڈرڈز اتھارٹی) ایکٹ 2014 کی سیکشن 13(1) کے تحت - حابہ کی بنیاد پر کام کرنے والے دورے میں ملازمین کی ملازمت کو مورخہ 2012 سے مستقل بنیاد پر باقاعدہ تصور کیا جاتا ہے۔ ان کی ملازمت کی تجدید وراثت کا ذکر ہذا نوٹہ 13(1) ایکٹ اور اس کے تحت جانے جانے والے کے مطابق ہوں گی۔

بر	نام ملازم	والد کا نام	شوہر کا نام	مہرہ	تاریخ تقرری	مرکز صحت کا نام	منطقہ علاقہ کا نام
1	کلید بیگم	سردار خان	غیر شادی شدہ	ایل ایچ ڈبلیو	9/6/1996	بی ایچ یو پنوار	پنوار 11
2	زرتاج بی بی	ہدایت اللہ	غیر شادی شدہ	ایل ایچ ڈبلیو	1/11/1997	بی ایچ یو پنوار	پنوار 11
3	شہناز بیگم	ابراہیم	خان افضل	ایل ایچ ڈبلیو	1/11/1997	بی ایچ یو پنوار	نواحی نیشنل ہسپتال
4	حمید بی بی	غلام مرتضیٰ	شرافت علی	ایل ایچ ڈبلیو	16/03/2007	بی ایچ یو پنوار	وہان کا
5	نسرین اختر	تاج محمد	انصار حسین	ایل ایچ ڈبلیو	16/3/2002	بی ایچ یو پنوار	کنوے بیان
6	رہینہ نسرین	شہناز الدین	نسرین شاہ	ایل ایچ ڈبلیو	16/3/2002	بی ایچ یو پنوار	نواحی سیدان
7	نور امین بی بی	حاجی اسلم	علی رضا	ایل ایچ ڈبلیو	16/3/2002	بی ایچ یو پنوار	شاہ 11
8	ہمشا ارا	سیدان شاہ	نجیب اللہ	ایل ایچ ڈبلیو	24/4/2033	بی ایچ یو پنوار	شاہ 11
9	نگار بیگم	ساجد علی	صابر گل	ایل ایچ ڈبلیو	24/4/2003	بی ایچ یو پنوار	کنوے بیان
10	غیر شادی شدہ	سید شرف شاہ	انور الحق	ایل ایچ ڈبلیو	1/8/2005	بی ایچ یو پنوار	شاہ 11
11	نیووز	شہزاد گل	عباس	ایل ایچ ڈبلیو	1/8/2005	بی ایچ یو پنوار	نواحی سیدان
12	بی بی رانیہ	ایات علی شاہ	کامران	ایل ایچ ڈبلیو	1/8/2005	بی ایچ یو پنوار	شاہ 11
13	نرگس	طلحہ اقبال خان	غیر شادی شدہ	ایل ایچ ڈبلیو	2/4/2007	بی ایچ یو پنوار	سید سائٹ

نوٹہ 13(1) ایکٹ کی سیکشن 13 میں تفویض کردہ اختیارات کو بروئے کار لاتے ہوئے کیونکہ سے منسلک ملازمین کو سدرج ذیل بنیاد پر کام کرنے کے سبب میں رکھا جاتا ہے۔

نمبر شمار	مہرہ کا نام	بنیادی تنخواہ کا سٹیبل
1	لیڈی ہیلتھ پروگرام	7
2	لیڈی ہیلتھ ورکر	5
3	ڈرائیور	4

ڈائریکٹر ہیلتھ سروسز
 Director Health Services
 Ghosia Peshawar

ڈائریکٹر ہیلتھ سروسز
 Director Health Services

- نقل برائے اطلاع:-
1. ڈائریکٹر جنرل انس خیر پختونخوا، پشاور
 2. ڈائریکٹر جنرل ہیلتھ سروس خیر پختونخوا، پشاور
 3. صوبائی کوارڈینیٹر ایل ایچ ڈبلیو پروگرام خیر پختونخوا، پشاور
 4. پی ایس سیکرٹری ہیلتھ، گورنمنٹ خیر پختونخوا، پشاور
 5. ضلع کوارڈینیٹر ایل ایچ ڈبلیو پروگرام خیر پختونخوا، پشاور
 6. ایس ایم او ایم او اچھارچ بی ایچ یو پنوار
- تمام متعلقہ ملازمین

ATTESTED

Death Registration Certificate

Form No: W12680697
دفتر اندراج: یونین کونسل مستھرا

6095010032216
0950-21-10690

Amir
C

Deceased Person's Details متوفی کے کوائف

APNAZ BEGUM	شہناز بیگم
Pakistani	قومیت: پاکستانی
17301-0466954-4	شناختی کارڈ نمبر: 17301-0466954-4
01-January-1978	تاریخ پیدائش: 01-January-1978
Female	جنس: عورت
Religion: ISLAM	مذہب: اسلام
24-November-2021	مدت طالت: 24-November-2021
24-November-2021	تاریخ وفات: 24-November-2021
	تاریخ تصدیق آخری رسومات: 24-November-2021
	جائے وفات: گھر
	مردہ وفات: طبی
Nature of Death: Normal	کیفیت وفات: نارمل
	جگہ تصدیق آخری رسومات:

Parental Information والدین کی معلومات

MUHAMMAD IBRAHIM KHAN	والد کا نام: محمد ابراہیم خان
	شناختی کارڈ نمبر:
APNAZ BEGUM	والدہ کا نام: دل راز بیگم
	شناختی کارڈ نمبر:

Husband's Information شوہر کی معلومات

KHAN AETAL	خان ایشل
17301-6361843-5	شناختی کارڈ نمبر: 17301-6361843-5

Address

PAWAR PAYAN	گاہن پٹوار پیمان
JAWAI	پٹوار
BEHAWAR	پٹوار

Applicant's Details درخواست دہندہ کے کوائف

MUHAMMAD NAEEM KHAN	محمد نعیم خان
17301-2486702-1	شناختی کارڈ نمبر: 17301-2486702-1
10-December-2021	تاریخ اندراج: 10-December-2021
17-December-2021	تاریخ اجراء: 17-December-2021
Normal	اندراج اسٹینس: نارمل
	ادنیٰ معلومات:

[Signature]
محمد نعیم خان
یونین کونسل مستھرا



W12680697

can be verified at <https://crms.nadra.gov.pk/verify>

[Signature]
ATTESTED



EA48032197

FAMILY REGISTRATION CERTIFICATE

Family Name: Khan Afzal
Family Number: 1730163618435
Document Number: EA48032197

Family Members: 5

This is to certify that the family comprising of the following members is registered in NADRA with the particulars mentioned below as per the information provided.

Name: Khan Afzal
Identity No: 17301-6361843-5
Date of Birth: 08/05/1972
Father Name: Fazal Haq
Mother Name: Gulab Bibi
Relation With Applicant: Self



پورا نام: خان افضل
والد کا نام: فضل حق
والدہ کا نام: گلاب بی بی

Name: Shehnaz Begum
Identity No: 17301-0466954-4
Date of Birth: 25/10/1978
Father Name: Muhammad Ibrahim
Mother Name: Dil Raz
Relation With Applicant: Wife



پورا نام: شہناز بیگم
والد کا نام: محمد ابراہیم
والدہ کا نام: دل راز

Name: Durdana Manahil
Identity No: 17301-3760883-6
Date of Birth: 06/03/2007
Father Name: Khan Afzal
Mother Name: Shehnaz Begum
Relation With Applicant: Daughter



پورا نام: دور دانہ مناہیل
والد کا نام: خان افضل
والدہ کا نام: شہناز بیگم

Name: Durdana Ghazni
Identity No: 17301-6705895-4
Date of Birth: 27/10/2010
Father Name: Khan Afzal
Mother Name: Shehnaz Begum
Relation With Applicant: Daughter



پورا نام: دور دانہ غزنوی
والد کا نام: خان افضل
والدہ کا نام: شہناز بیگم

Name: Muhammad Abu Huraira
Identity No: 17301-5267220-1
Date of Birth: 22/08/2016
Father Name: Khan Afzal
Mother Name: Shehnaz Begum
Relation With Applicant: Son



پورا نام: محمد ابو حریرا
والد کا نام: خان افضل
والدہ کا نام: شہناز بیگم

All the mentioned family members are linked in NADRA database.
There should be other family members that may be registered but not linked to this family in NADRA database.
In case of any dispute, the matter should be referred to the court of law for inheritance/property issues.

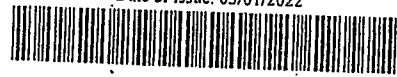


For more information visit at <https://fd.nadra.gov.pk/e-td>

M. Tanzeem-ud-Din

REGISTRAR GENERAL OF PAKISTAN

Date of Issue: 03/01/2022



1730163618435

ATTESTED

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service appeal No:- _____-P/2022

Khan Afzal & others

Versus

Government of Khyber

Pakhtunkhwa & others

..... Appellant

..... Respondents

NOTICE UNDER RULE 11 OF KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL RULES 1974 FOR FILLING OF
SERVICE APPEAL

To

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Govt: of KPK, Peshawar.
2. Secretary Health, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. Director General Health, Peshawar.
4. District Health Officer (DHO) District Peshawar.
5. District Accounts Officer, AG Office Peshawar.

Respected Sir

Please take notice that I am going to file a Service Appeal before the Honourable Khyber Pakhtunkhwa Services Tribunal, you are hereby informed regarding the filing of Service Appeal.

Dated:- 23/09/2022

Through:-

Appellant

Hamid Ullah
Advocate High Court

&

Madeeha Farid
Advocate, Peshawar

