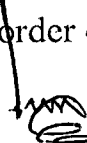


FORM OF ORDER SHEET

Court of _____

Case No. - 1642/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	18/11/2022	<p>The appeal of Mst. Naveed Kousar presented today by Malak Sajid Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR <i>elw</i></p>

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

Service Appeal No. 1642/2022

**Naheed Kousar w/o Bakht Pur khan r/o Near
khazana Shuger Mil, Khazana Bala, khazana Payan,
Tehsil and District, Peshawar.**

.....Appellant

VERSUS

Director General Health Khyber Pakunkhwa, Peshawar &
Others

.....Respondents

INDEX

Sr #	Description	Annexure	Pages
1.	Service Appeal		1-4
2.	Affidavit		5
3.	Copy of the Appointment along with relevant documents	A	6-10
4.	Copy of the Regularization Order	B	11-11-A
5.	Copy of CNIC	C	12
6.	Copy of The retirement Notification order	D	13
7.	Copy of Writ Petition	E	14-21
8.	Copy of the Regret Letter	F	22
9.	Wakalatnama/ (Special Power of Attorney)		23.

Appellant

Through


Malak Sajid Khan

&

Syed Wajid Ali

Advocates, High Court
Office No.37, 1st Floor,
Twins Tower, Near
Technical college kohat
Road Peshawar.
Cell No: 0333-9175170

Office:

①

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

Service Appeal No. 1642 2022

Naheed Kousar w/o Bakht Pur khan r/o Near
khazana Shuger Mil, Khazana Bala, khazana Payan,
Tehsil and District, Peshawar.

..... **Appellant**

VERSUS

1. Director General Health Government of Khyber Pakhtunkhwa,
civil secretariat, Peshawar.
2. Secretary Health Government of Khyber Pakhtunkhwa, civil
secretariat, Peshawar.
3. Accountant General Khyber Pakhtunkhwa,
4. District Health Officer, Peshawar.
5. District Accounts officer, Peshawar.

..... **Respondents**

**SERVICE APPEAL UNEDER SECTION
4 OF THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT 1973.**

RESPECTFULLY SHEWETH,

1. That the appellant was appointed as Lady Health Worker
(LHW) BPS-5 on contract basis in the Health Department
District Peshawar vides order dated 02/03/1996 BHU
Khazana (**Copy of the Appointment order is annexed as
annexure "A"**)
2. That the service of the appellant was regularized vide
regularization order letter No.10150-56DHO/DPIU on

2012.(Copy of the regularization order is annexed as annexure B)

3. That since of birth of the appellant as 02/02/1961 and if sixty years is added with 1961, then superannuation i.e sixty years age comes as 2021. **(Copy of the CNIC is annexed as annexure "C")**
4. That the appellant vide office letter No.13079-85/DHO.DPIU vides dated 14/9/2021 retire from service on 01/02/2021 an attaining the age of superannuation.**(Copy of the retirement order dated 01/02/2021 is annexed as annexure "D")**
5. That under the rules the department was legally bound to finalize the pensioner/papers/documents for the grant of pension within one month, however , that could not be done even after more than year , hence the appellant being deeply aggrieved thereof filed a writ petition before the Peshawar high court Peshawar for the pensionery benefits however the hon'ble Peshawar High Court Peshawar convert the writ petition into departmental appeal by directly to respondent No.1 to decide the matter of the appellant as per law (Pension Rule).**(Copy of the Writ Petition No.4537-P/2021 is annexed as annexure E)**
6. That vides order dated 10-11-2022 departmental appeal of the appellant was regretted by the respondent No.1 and hence handed over copy to the appellant was hander over on dated 10-11-2022. **(Copy of the Regret Letter are annexed as annexure F)**
7. That feeling deeply aggrieved with the illegal exercise of power (not finalizing the pensioner papers / documents and depriving the appellant from the award of pensionery benefit) by the department and have no other adequate and efficacious remedy available to the appellant but to invoke the constitutional jurisdiction of this Hon'ble court for the redress ale of his grievances (the award of pensionery benefit to the appellant) on the following ground amongst others.

GROUND

- A. That the appellant was the employee in the respondent department and performed her duties with zeal and enthusiasm, honestly devotedly, to the best of his abilities and to the entire satisfaction of her superior and without any complaint of what so ever kind against her.
- B. That as per law the pensionary benefits are the vested right of the appellant for the services rendered by her and appellant cannot be deprived of the same.
- C. That the appellant is legally entitled for all kind of pensionary benefits for rendering services on attaining the age of superannuation i-e 60 years.
- D. That the respondent department has misused its authority and colorful exercise of power through which the appellant is being deprived of her pensionary benefits, is for ulterior motive and without any cogent reason and justification.
- 8. That any other points may be raised at the time of arguments for the best assistance of this Hon'ble Court.

Prayer:

It is therefore most humbly prayed that on the acceptance of the instant **APPEAL** on the basis of expounded subjects, facts and circumstances, the respondents may kindly be directed to award all the ancillary and incidental benefit along with pension to the appellant as are admissible after retirement to the appellant for which the appellant deserve.

(4)

AND

Any other remedy, which this Hon'ble court deems appropriate, may kindly, be awarded to meet the end of justice.

Through

Appellant



Malak Sajid Khan

&


Syed Wajid Ali

Advocates, High Court
Office No.37, Ist Floor,
Twins Tower, Near
Technical college kohat
Road Peshawar.
Cell No: 0333-9175170

Office:

Books For References:

1. Khyber Pakhtunkhwa Service Tribunal Act 1973 along with Rules & Regulations thereunder.
2. Constitution of Pakistan 1973 as Amended Up-to-date.
3. Further Case Laws according to needs.



Advocate

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. _____/2022

Naheed Kousar w/o Bakht Pur khan r/o Near khazana Shuger Mil, Khazana Bala, khazana Payan, Tehsil and District, Peshawar.

.....**Petitioner**

VERSUS

Director Health Khyber Pakunkhwa, Peshawar & Others

.....**Respondents**

AFFIDAVIT

I, Naheed Kausar w/o Bakht Pur khan r/o near khazana Shuger Mil, Khazana Bala, khazana Payan, Tehsil and District, Peshawar, (Attorney), do hereby solemnly affirm and declare that the contents of instant Writ Petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

Naheed K
DEPONENT

Identified BY:

Malak Sajid Khan
Malak Sajid Khan
Advocate High Court

DISTRICT HEALTH OFFICER PESHAWAR.
OFFICE ORDER.



Annexure "A"

Ms: Nabeed Kousen
w/o Bukht Pk Khan R/O Khazana
is hereby allowed to undergo L.H.W. Training Programme for
9/3/96 at BHC/MCH/CH/RHC/Dispy: BHU Khazana
with the following terms & conditions:

- 1/ She will work five days a week (Sunday to Thursday).
- 2/ The training period will be for three months in the health institution and one year if the field working, three weeks in the field and one week in the Health Institution.
- 3/ The worker will be paid Rs. 50/- Per day as stipend working day.
- 4/ She will be resident of the Area to which she will provide services from her residence.
- 5/ Her training will be liable to terminate if she does not fulfill all the conditions criteria laid down for L.H.W.s selection, (i.e Middle Pass Preferably) and is Middle aged and resident of Area for which she is selected.

If you failed to complete the aforesaid training, all the amount which you have collected as a stipend will have to be refunded suitably.

DISTRICT HEALTH OFFICER

PESHAWAR

NO. MI-45 /DHC, F/Planning, dated Peshawar. 15/2/1996.

A copy is forwarded to the :

- 1/ Provincial Coordinator Prime Minister Programme For PP&PHC.
- 2/ Asstt; Distt Health Officer, Peshawar.
- 3/ Medical Officer I/C, BHCs/RHCs/CHs/MCH/Dispy: BHU Khazana
- 4/ A.I.H.S; Peshawar.
- 5/ Mrs: Miss: Nabeed Kousen w/o Bukht Pk Khan for information and n/action.

DISTRICT HEALTH OFFICER

PESHAWAR.

JAMIL/4/96

ATTESTED

Malak Sajid Khan
Advocate High Court

(6-A)

BETTER COPY

OFFICE OF THE DISTRICT HEALTH OFFICER PESHAWAR

OFFICE ORDER

Mrs Naheed Kausar
D/W/O Bakhtpur Khan R/O Khazana

Is hereby allowed to undergo L.H.W, Training Programme for 02.03.1996 at RHC/CH/RHO/Dispy BHU, Khazana _____ with the following terms and conditions.

1. She will work five days a week (Sunday to Thursday).
2. The Training period will be for three months in the Health Institution will be for three months in the three weeks in the field and one week in the Health Institution.
3. The workers will be paid Rs.50/- Per Day as stipend working day.
4. She will be resident of the Area to which she will provide services from her residence.
5. Her Training will be liable to terminate if she does not fulfill the conditions criteria laid down for L.H.Ws selection (i.e Middle Pass Preferably are Middle aged and resident of Area for which she is selected.

If you failed to complete the aforesaid training and the amount you have collected as a stipend will have to be refunded positively.

District Health Officer
Peshawar

No.141-45/DHC, F /Planning dated Peshawar 15/2/1996

A copy is forwarded to the:-

1. Provincial Coordinator Prime Minister Programme For PP&PHC.
2. Asstt Distt Health Officer, Peshawar.
3. Medical Officer I/C, BHUs/RHCs/CHs/MCHs/Dispy BHU Khazana
4. A.I.H.S, Peshawar.
5. Mrs: Naheed Kausar W/O Bakhtpur Khan

For information and n/action.

District Health Officer
Peshawar

ATTESTED


ATTESTED

Malak Sajid Khan
Advocate High Court



17501-1827215-53



02/02/1964

MINISTRY

Pakistan

EDUCATION



Secondary School Certificate Examination SESSION 1978 (ANNUAL)

This is to certify that NAHEED KAUSER
Son/Daughter of ATIZ GIB
and a student of FORWARD HIGH SCHOOL, FOR GIRLS, PESHAWAR CITY
has passed the SECONDARY SCHOOL CERTIFICATE EXAMINATION of
the Board of Intermediate and Secondary Education, Peshawar held in April, 1978
as a Regular candidate. He/She obtained 365 Marks out of 850/900/1000
and has been placed in Grade D Representing F.A.S.

The Candidate passed in the following Subjects:

- | | | |
|--------------|-----------------------|--------------------|
| 1. English | 4. PAKISTAN STUDIES | 7. ISLAMIC STUDIES |
| 2. Urdu | 5. GENERAL SCIENCE | 8. HISTORY |
| 3. Islamiyat | 6. HOUSEHOLD ACCOUNTS | |

He/She has been awarded Grade C on the basis of internal assessment by the Institution concerned.

Date of birth according to admission form
one thousand nine hundred and 28 (28-2-1960)

[Signature]
Asstt. Secretary

[Signature]
M. A. U. PESHAWAR

[Signature]
SECRETARY

7th August 1978.

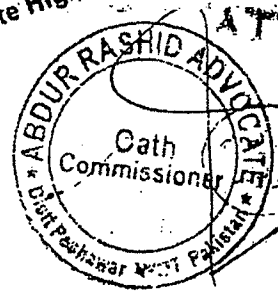
This certificate is issued without alteration or erasure.

[Signature]
ATTESTED

Malak Sajid Khan
Advocate High Court

[Signature]
Naheed

[Signature]
[Signature]



2/12/13

MEDICAL CERTIFICATE

8

Name of official Nahed Housa-1 515 me L
 Caste or race Mughan
 Father's name Bekht Puz Khan
 Residence R/O. 143 am 4 Payan Dist
Jeerh...
 Date of birth 02/02/1961
 Exact height by measurement 4-5
 Personal mark of identification _____
 Signature of the official Nahed Housa-1
 Signature of head of office _____

Seal of office _____

I do hereby certify that I have examined Mr. Nahed Housa-1 a candidate
 for employment in the Office of the Health
 and cannot discover that he had any disease communicable or other constitutional affection or bodily
 infirmity except 6/6 Egl...

I do not consider this as disqualification for employment in the office of the Health
 His age according to his own statement 52y year and by appearance about
 year 52y

Fifty two years
HBs - Negative
HCV -

MAHARAJA GURUDEV
 UNIVERSITY
 PATNA
 K.M.E.
 PATNA

31/01/13
 MEDICAL SUPERINTENDENT,
 CIVIL HOSPITAL
 Patna

LEFT HAND THUMB AND FINGER IMPRESSIONS

ATTESTED
 Malak Sajid Khan
 Advocate High Court

(9)

✓ (15)

Peshawar Dist.

SN:1

Pers #: 00823949 Buckle:
Name: NAHEED KOSAR
LADY HEALTH WORKER
CNIC No. 1730113272156
GPF Interest Applied
05 Active Permanent

P Sec:004 Month:January 2021
PW6158 -EXECTIVE DISTT OFFICERHEAL
DISTRICT HEALTH OFFICER P
NTN:
GPF #: 823949
Old #:

PAYS AND ALLOWANCES:

0001-Basic Pay	14,260.00
1000-House Rent Allowance	1,503.00
1210-Convey Allowance 2005	1,932.00
1300-Medical Allowance	1,500.00
2148-15% Adhoc Relief All-2013	296.00
2199-Adhoc Relief Allow (10%)	200.00
2211-Adhoc Relief All 2016 10%	1,027.00
2224-Adhoc Relief All 2017 10%	1,426.00
2247-Adhoc Relief All 2018 10%	1,426.00
Gross Pay and Allowances	24,996.00

DEDUCTIONS:

GPF Balance	57,919.00	Subrc:	890.00
3501-Benevolent Fund			600.00
4004-R. Benefits & Death Comp:			450.00

Total Deductions

1,940.00
23,056.00

D.O.B
02.02.1961
08 Years 07 Months 000 Days

LFP Quota:
HABIB BANK LIMITED G.T.ROAD, PESHAWAR.
11433-2

Peshawar Dist.

SN:2

Pers #: 00823949 Buckle:
Name: NAHEED KOSAR
LADY HEALTH WORKER
CNIC No. 1730113272156
GPF Interest Applied
05 Active Permanent

P Sec:004 Month:January
PW6158 -EXECTIVE DISTT OF
DISTRICT HEALTH OFF
NTN:
GPF #: 823949
Old #:

PAYS AND ALLOWANCES:
2264-Adhoc Relief All 2019 10%

PW6158
1,42

Gross Pay and Allowances
DEDUCTIONS:

24,9

GPF Balance 57,919.00

Subrc:

Total Deductions

1,9
23,0

D.O.B
02.02.1961
08 Years 07 Months 000 Days

LFP Quota:
HABIB BANK LIMITED G.T.ROAD P
11433-2

ATTESTED
Malak Sajid Khan
Advocate High Court

G.P FUND BALANCE SHEET

Page: 1
Date : 08.07.2021

Gov:- Dist. Govt. Acc Off:-cPeshawar Dist.
Name: NAHEED KOSAR
Desgn: LADY HEALTH WORKER
Per. No.: 00823949 / GPF Num: 823949
Payroll Section: 004

2019 - 2020
Hiring Date: 02.07.2012
DDO: FW6158- EXECTIVE DISTT OFFICERHEALTH PESHAWAR
Min/Dep: 80004116 - DISTRICT HEALTH OFFICER P
BPS Grade: 05

PAYROLL MONTHS.	MONTHLY SUBS	ADJUSTMENT AMOUNTS	TEMPORARY ADVANCE	RECOVERY OF TEMP ADV	PERMANENT ADVANCE	PROGRESSIVE BALANCE
July	890.00	0.00	0.00	0.00	0.00	36,885.00
August	890.00	0.00	0.00	0.00	0.00	37,775.00
September	890.00	0.00	0.00	0.00	0.00	38,665.00
October	890.00	0.00	0.00	0.00	0.00	39,555.00
November	890.00	0.00	0.00	0.00	0.00	40,445.00
December	890.00	0.00	0.00	0.00	0.00	41,335.00
January	890.00	0.00	0.00	0.00	0.00	42,225.00
February	890.00	0.00	0.00	0.00	0.00	43,115.00
March	890.00	0.00	0.00	0.00	0.00	44,005.00
April	890.00	0.00	0.00	0.00	0.00	44,895.00
May	890.00	0.00	0.00	0.00	0.00	45,785.00
June	890.00	0.00	0.00	0.00	0.00	46,675.00
TOTAL	10,680.00	0.00	0.00	0.00	0.00	501,360.00
	OPENING BALANCE					35,995.00
	TOTAL DEPOSITS					10,680.00
	PROFIT @ 12.00					5,014.00
	BONUS @ 0.00					0.00
	TOTAL					51,689.00
	LESS WITHDRAWALS					0.00
	CLOSING BALANCE					51,689.00

VERIFIED

Asstt: Accounts Officer
AG KP Peshawar

(Signature)
ATTESTED
Malak Sajid Khan
Advocate High Court

OFFICE OF THE DISTRICT HEALTH OFFICER PESHAWAR
OFFICE ORDER

In terms of Section 4 (1) read with 1st Proviso there under, of the Khyber Pakhtunkhwa Regulation of Lady Health Workers Program and Employees (Regularization and Standardization) Act 2014, services of the following Lady Health Workers Program employees of district PESHAWAR Khyber Pakhtunkhwa are hereby regularized w.e.f. 1st July 2012. Their terms and conditions of service will be governed under the Khyber Pakhtunkhwa Regulation of Lady Health Workers Program and Employees (Regularization and Standardization) Act, 2014 and rules to be made there under.

Sr. No.	Name of Community Embedded Employee	Father Name	Husband Name	Date of appointment	FLCF	Name of Catchment Area
1	Isnat Ara	Sami Ullah Jan	Tajamul Khan	1/9/1996	BIU Khazana	Khazana
2	Sonja Dawood	Omer Sajeed	Muhammad Dawood	1/10/1994	BIU Khazana	Al noor Colony
3	Nahed Kassar	Aziz Gul	Bakhpoor	2/3/1996	BIU Khazana	Khazana Bala
4	Farzana Noor	Mina Syed Qamar	Noor Muhammad	3/2/1996	BIU Khazana	Khazana Bala
5	Shazia Begum	Khan Bahadar	Habib Khan	1/8/2000	BIU Khazana	Rehmat Abad
6	Kifayat	Abdul Gaffoor	Iltaf Hussain	1-10/6/2000	BIU Khazana	Gohi
7	Farzana Qamar	Muhammad Ishaq	Qamar Zaman	1-10/6/2000	BIU Khazana	Esa Khet
8	Gul Naz	Faqeer Hussain		1/3/2002	BIU Khazana	New Gari
9	Nargis Jahan	Faqir Hussain	Abdul Majeed	1/3/2002	BIU Khazana	New Gari
10	Amna Bibi	Miskken Shah	Muhammad Hayat	25/01/2003	BIU Khazana	Larana
11	Nahed Ameen	Muhammad Amin	Anayat Ullah	25/04/2003	BIU Khazana	Landay Sarak
12	Nehayat	Murad Khan	Almas Khan	1/9/2004	BIU Khazana	Habib abad
13	Waheda Shereen	Dost Ullah		25/07/2005	BIU Khazana	Ibrahim abad
14	Fehmeeda Haleem	Sohar Khan	Haleem Khan	25/07/2005	BIU Khazana	Iqbal abad
15	Yasmeen Begum	Abdul Samad	Jehanzeb Khan	25/07/2005	BIU Khazana	Yousif abad
16	Kumzar Nigar	Fazal-e-Malik	Naseem Ullah	2/5/2006	BIU Khazana	Khazana Payan
17	Ambreen	Sher Afzal		2/5/2006	BIU Khazana	Khazana Payan
18	Fozia Ali	Ahmad Din	Farzanda Ali	2/5/2006	BIU Khazana	Khazana Payan
19	Asia Bibi	Akbar Khan		2/5/2006	BIU Khazana	Larana
20	Shaheen Begum	Abdul Hanan	Bani Ullah	2/5/2006	BIU Khazana	Nasappi
21	Mehmuda Gul	Gul Baz Khan	Gul Roaz	26/04/2006	BIU Khazana	Larana
22	Saima Gul	Aleef Gul	Muhammad Tahir Shah	7/3/2007	BIU Khazana	Muhallah Al-Farooq
23	Hashmat Ara	Iltaf Hussain	Murad Ali	19/06/2009	BIU Khazana	Larana
24	Saba Mehreen	Jamil Zada	Zakir Hussain	19/06/2009	BIU Khazana	Larana
25	Saba Gul	Rehmat Ullah	Waheed Akbar	19/06/2009	BIU Khazana	Noor abad
26	Farooq Jan	S/O Fasi Ullah		17/2/1997	BIU Khazana	BIU Khazana

In exercise of powers conferred under sub section (2) of the Section ibid, the above Community Embedded Employees are placed in the following pay scales as mentioned against their respective designations.

Name of Post	Basic Pay Scale	No of Staff
Lady Health Supervisor	7	1
Lady Health Worker	5	24
Driver	4	1

ATTESTED

Sd- District Health Officer Peshawar

No: 10150-56/DHO/DPIU

Copy forwarded to:-

Malak Sajid Khan
Advocate High Court

Date: 12/09/2014

1. Accountant General Office Khyber Pakhtunkhwa, Peshawar.
2. Director General Health Services Khyber Pakhtunkhwa, Peshawar.
3. Provincial Coordinator LHWs Programme Khyber Pakhtunkhwa, Peshawar.
4. PS to secretary Health, Govt Khyber Pakhtunkhwa, Peshawar.
5. District Coordinator LHWs Programme Khyber Pakhtunkhwa, Peshawar.
6. SMO/MO Incharge BIU Khazana
7. All concerned Concern Staff

SHAGUFTA NAZ
S.PET, BPS-16
GCHSS Nishtar Abau

District Health Officer Peshawar

Health Department, Khyber Pakhtunkhwa
Lady Health Workers Program
District Programme Implementation Unit, Peshawar

11-A

Dated: ___/___/2014

No. _____ DHO/DPIU

OFFICE OF THE DISTRICT HEALTH OFFICER PESHAWAR

OFFICE ORDER

In terms of Section 4 (1) read 1st Proviso there under, of the Khyber Pakhtunkhwa Regulation of Lady Health Workers Program and Employees (Regularization and Standardization) Act, 2014, services of the following Lady Health Workers Program employees of District PESHAWAR Khyber Pakhtunkhwa are hereby regularized w.e.f 1st July 2012. Their terms and conditions of service will be governed under the Khyber Pakhtunkhwa Regulation of Lady Health Workers Program and Employees (Regularization and Standardization) Act, 2014 and rules to be made there under-

Sl.#	Name of Community Embedded Employee	Father Name	Husband Name	Date of Appointment	FLCF	Name of Catchment Area
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2.	Sonia Dawood	Omar Sajeed	Muhammad Dawood	1/10/1994	BHU Khazana	Al Noor Colony
3.	Naheed Kosar	Azim Gul	Bakhpoo	2/3/1996	BHU Khazana	Khazana Bala
4.	Farzana Noor	Mina Syed Qamar	Noor Muhammad	3/2/1996	BHU Khazana	Khazana Bala
5.	Shazia Begum	Khan Bahar	Habib Khan	1/8/2000	BHU Khazana	Rehmat Abad
6.	Kifayat	Abdul Ghafoor	Iltaf Hussain	14/06/2000	BHU Khazana	Gohi
7.	Farzana Qamar	Muhammad Ishaq	Qamar Zaman	14/06/2000	BHU Khazana	Esa Khel
8.	Gul Naz	Faqeer Hussain	Abdul Majeed	1/3/2002	BHU Khazana	New Gari
9.	Nargis Jahan	Faqir Hussain	Muhammad Hayat	1/3/2002	BHU Khazana	New Gari
10.	Amina Bibi	Miskeen Shah	Anayat Ullah	25/04/2003	BHU Khazana	Larama
11.	Naheed Ameen	Muhammad Amin	Almas Khan	25/04/2003	BHU Khazana	Laday Sarak
12.	Nehayat	Murad Khan	Haleem Khan	1/9/2004	BHU Khazana	Habib Abad
13.	Waheed Shereen	Dost Ullah	Jehanzeb Khan	25/07/2005	BHU Khazana	Ibrahim Abad
14.	Fehmeeda Haleem	Sobat Khan	Naseem Ullah	25/07/2005	BHU Khazana	Liaqat Abad
15.	Yasmeen Begum	Abdul Samad	Muhammad Tahir Shah	25/07/2005	BHU Khazana	Ibrahim abad
16.	Kausar Nigar	Fazal-e-Malik	Murad Ali	2/5/2006	BHU Khazana	BHU Khazana
17.	Ambreen	Sher Afzal	Zakir Hussain	2/5/2006	BHU Khazana	BHU Khazana
18.	Fozia Ali	Ahmad Din	Waheed Akbar	2/5/2006	BHU Khazana	BHU Khazana
19.	Asia Bibi	Akbar Khan	Farzanda Ali	2/5/2006	BHU Khazana	Larama
20.	Shaheen Begum	Abdul Hanan	Bani Ullah	2/5/2006	BHU Khazana	Nasapa
21.	Mehmooda Gul	Gul Baz Khan	Gul Roaz	26/04/2006	BHU Khazana	Larama
22.	Saima Gul	Aleef Gul	Muhammad Tahir Shah	7/3/2007	BHU Khazana	Muhalla Al-Farooq
23.	Hashmat Ara	Iltaf Hussain	Murad Ali	19/06/2009	BHU Khazana	Larama
24.	Saba Mehreen	Jamil Zada	Zakir Hussain	19/06/2009	BHU Khazana	Larama
25.	Saba Gul	Rehmat Ullah	Waheed Akbar	19/06/2009	BHU Khazana	Noor Abad
26.	Farooq Jan	Fasi Ullah	Waheed Akbar	17/2/1997	BHU Khazana	BHU Khazana

In exercise of powers conferred under sub section (2) of the Section ibid, the above community Embedded Employees are placed in the following pay scales as mentioned against their respective designations.

Name of Post	Basic Pay Scale	No of Staff
Lady Health Supervisor	7	1
Lady Health Worker	5	24
Driver	4	1

---sd---
District Health Officer
Peshawar
Dated:19/09/2014

No.10150-56/DHO/DPIU

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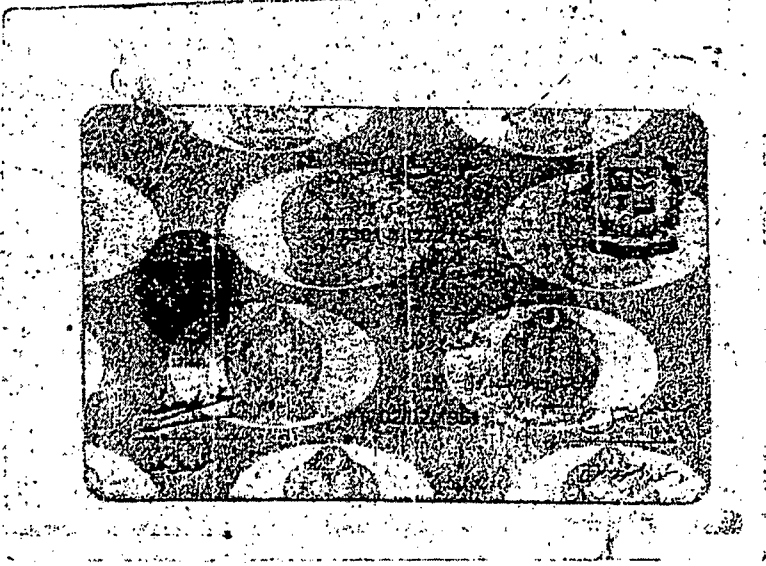
1. Accountant General Office Khyber Pakhtunkhwa, Peshawar.
2. Director General Health Services Khyber Pakhtunkhwa, Peshawar.
3. Provincial Coordinator LHWs Programme Khyber Pakhtunkhwa, Peshawar.
4. PS to Secretary Health, Govt Khyber Pakhtunkhwa, Peshawar.
5. District Coordinator LHWs Programme Khyber Pakhtunkhwa, Peshawar.
6. SMO/MO Incharge BHU Khazana
7. All Officials Concerned Staff

ATTESTED
Malak Sajid Khan
Advocate High Court

District Health Officer
Peshawar

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 31/03/2021
 27/04/2007
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ATTESTED
Malak Sajid Khan
 Advocate High Court



(13)



GOVERNMENT OF KHYBER PAKHTUNKHWA
DISTRICT HEALTH OFFICER PESHAWAR

Dated Peshawar the 14/10/2021
No. 13079-25 /DHO.DPHU

NOTIFICATION

NO.PA/Khyber Pakhtunkhwa/Bills/2014/351. In terms of provision of The Khyber Pakhtunkhwa Regulation of Lady Health Workers Program & employees (regularization & standardization) Act, 2014 (Para (4) Sub-Para (4) & (5) of the Khyber Pakhtunkhwa Civil Servants Revised Leave Rules 1981 and instructions there under issued from time to time. Sanction is hereby accorded to the grant of 365 days leave encashment in lieu of LPR in respect of Mr/Mst. Nahed Kosar W/o Bukhat Pur BPS-05 as Lady Health Worker attached to BHI Khazama/District Health Officer Peshawar.

2. In terms of Section-13 of the Khyber Pakhtunkhwa Civil Servants Act 1973, the official shall stand retire from service on 01/02/2021 AN on attaining the age of superannuation.

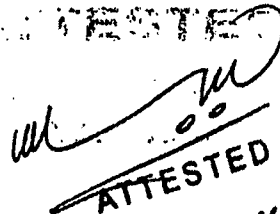
Sd/-XXXXXXXXXXXX
District Health Officer
Peshawar

A Copy is forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
 2. Provincial Coordinator LHWs Program Khyber Pakhtunkhwa Peshawar.
 3. District Coordinator LHWs Program Peshawar.
 4. Litigation Officer DHO Office Peshawar.
 5. Office Assistant.
 6. Establishment section to update the retired personnel list.
 7. Account section
- For information and n/action.

District Health Officer
Peshawar

ATTESTED


ATTESTED

Malak Sajid Khan
Advocate High Court

(14)

To

Worthy
Secretary Health
Civil Secretariat, Peshawar

D. No. 5388

11.3.22

Subject:- APPLICATION FOR COMPLIANCE OF THE ORDER OF HON'BLE PESHAWAR HIGH COURT, PESHAWAR IN W.P NO. 4537-P/2021, TITLED NAHEED QUSAR VS GOVT. OF KHYBER PAKHTUNKHWA THROUGH ADVOCATE GENERAL & OTHERS, PASSED ON 23.02.2022.

Respected Sir,

Applicant most humbly submits as below:

1. The writ petition bearing above subject declared Number, with the above cited titled, preferred on behalf of the applicant/petitioner before worthy Peshawar High Court Peshawar, which was treated as department appeal and transmitted to the worthy secretary health Peshawar, with the direction to decide the same strictly in accordance with law vide order dated 23.02.2022. **(Copy of the order dated 23.02.2022 is attached herewith this application)**
2. That the same matter was decided by the Chief Justice Qaiser Rashid, Peshawar High court, Peshawar in W.P No. 5551-P/2019, therefore, you should also advised to proceed the instant matter in accordance with the same consistency, in which the worthy chief Justice held that;

"it is by now settled that after regularization, the total continuous service of an employee is to be computed towards his pension and, in this regard, his date of first appointment, temporary or otherwise, would be reckoned as envisaged under Rule 202 of the West Pakistan Civil Services Pension, Rules, 1963, when the case of the petitioner is seen on the touchstone of the ibid settled principle, then, we come to the safe conclusion that being a vested right conferred by law itself he cannot be deprived of the pensionary benefits.

Ref. 2010 PLC 354 & 2019 PLC (CS) 1065.

Accordingly, we admit and allow this writ petition in terms of directing the respondent to consider the case of the petitioner benefits and complete the entire process as early as possible in accordance

(15)

with law as bread and butter of his family members is involved

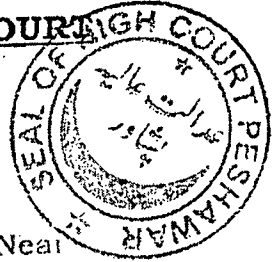
So by treating the instant application of the applicant, as per order of Hon'ble Peshawar high Court, the compliance of the order of Hon'ble court is hereby requested.

Dated: 07-March-2022

APPLICANT

Mst. Naheed Qousar
W/o Bakht Pur Khan
R/o Near Khazana Sugar Mill
Khazana Bala, Khazana Payan, Tehsil
& district Peshawar.
Cell No. 0333-9175170

BEFORE THE HONORABLE PESHAWAR HIGH COURT
PESHAWAR



W.P. No. _____ /2021

Mst. Naheed Kousar w/o Bakht Pur khan r/o Near
Khazana Shuger Mil, Khazana Bala, khazana Payan,
Tehsil and District, Peshawar.

..... Petitioner

VERSUS

1. Government of Khyber Pakhtunkhwa through Advocate General, Peshawar.
2. Government of Khyber Pakhtunkhwa, through chief secretary, civil secretariat, Peshawar.
3. Accountant General Khyber Pakhtunkhwa;
4. District Health Officer, Peshawar.
5. District Accounts officer, Peshawar.

..... Respondents

WRIT PETITION UNDER ARTICLE 199
READ WITH ARTICLE 4, 25 & 27 OF
THE CONSTITUTION OF THE ISLAMIC
REPUBLIC OF PAKISTAN 1973 FOR
THE RELEASE OF THE PENSION OF
THE PETITIONER. KEEPING IN VIEW
SIMILAR NATURE WRIT HAS
ALREADY BEEN ALLOWED BY THIS
AUGUST COURT WHERE THIS
HONBLE COURT HAS DECLARED
THAT THE PERIOD OF THE
CONTRACT APPOINTMENT OF CIVIL

ATTESTED
 EXAMINER
 Peshawar High Court

(17)

(2)

SERVANT FOLLOWED BY Her
REGULAR APPOINTMENT IS
COUNTABLE TOWARDS HER PENSION
i.e 2018 PLC (CS) N 134, THE
ORDER/JUDGMENT OF 2010 PLC
354 , 2019 PLC (CS) 1065 AND THE
AUGUST SUPREME COURT OF
PAKISTAN IN 2009 SCMR 1.

Prayer:

It is therefore most humbly prayed that by acceptance of this writ petition on the basis of expounded subjects, facts and circumstances, the respondents may kindly be directed to grant after retirement benefits to the petitioner in shape of pension and other after retirement benefits for which the petitioner deserve.

AND

Any other relief, which this Hon'ble court deems appropriate, may kindly, be awarded to meet the end of justice.

RESPECTFULLY SHEWETH,

1. That the petitioner was the employee of the respondent department and hold as Lady Health Worker (LHW) BPS-5. Petitioner was earned good reputation amongst the officers, sober, hardworking, honest and soft with good manners and leaving no stone unturned to keep the moral of the department high.
2. That the petitioner was appointed as Lady Health Worker (LHW) BPS-5 on contract basis in the Health Department.

ATTESTED
EXAMINER
of P.W. Court

District Peshawar vides order dated 02/03/1996 BHU Khazana. (Copy of the Appointment order dated: 02.03.1996 along with relevant documents are annexed as annexure "A")

3. That the petitioner was regularized w.e.f 01.07.2012 vide order dated: 19.09.2014. (Copy of the regularization is annexed as Annexure "B").
4. That according to the cnic date of birth of the petitioner was recorded as 02/02/1961 and if sixty years is added with 1961, then superannuation i.e sixty years age comes as 2021. (Copy of the CNIC is annexed as annexure "C")
5. That the petitioner vide office letter No.13079-85/DHO.DPIU vides dated 14/9/2021 retire from service on 01/02/2021 an attaining the age of superannuation. (Copy of the retirement order dated 01/02/2021 is annexed as annexure "D")
6. That under the rules the department was legally bound to finalize the pensioner/papers/documents for the grant of pension within one month, however , more than nine months has been laps and pensioner/documents has not yet finalize.
7. That aggrieved with the illegal exercise of power (not finalizing the pensionery papers / documents and depriving the petitioner from the grant of pensionery benefit) by the department and have no other adequate and efficacious remedy available to the petitioner but to invoke the constitutional jurisdiction of this Hon'ble court for the redressal of his grievances (the grant of pensionery benefit to the petitioner) on the following ground amongst others.

GROUND:-

- A. That the petitioner was the permanent employec in the respondent department and performed her duties with zeal and enthusiasm, honestly devotedly, to the best of his

ANESTEE

EXAMINER
Peshawar High Court

abilities and to the entire satisfaction of her superior and without any complaint of what so ever kind against her.

- B. That as per law the pensionary benefits are the vested right of the petitioner for the services rendered by her and petitioner cannot be deprived from the same.
- C. That the petitioner is legally entitled for all kind of pensionary benefits for the rendering services on attaining the age of superannuation i-e 60 years.
- D. That the respondent department has misused its authority and colorful exercise of power through which the petitioner is being deprived from her pensionary benefits, is for ulterior motive and without any cogent reason and justification.
- 8. That any other points may be raised at the time of arguments for the best assistance of this Hon'ble Court.

Prayer:

It is therefore most humbly prayed that by acceptance of this writ petition on the basis of expounded subjects, facts and circumstances, the respondents may kindly be directed to grant after retirement benefits to the petitioner in shape of pension and other after retirement benefits for which the petitioner deserve.

AND

Any other relief, which this Hon'ble court deems appropriate, may kindly, be awarded to meet the end of justice.

Through

Petitioner

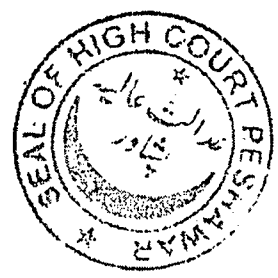
[Signature]
Malak Sajid Khan
Advocate, High Court
Peshawar
Cell No.0333-9175170

CERTIFICATE: It is hereby certify that no similar W.P has not earlier been filed by the petitioner before this Hon'ble Court.

[Signature]
Advocate

07 MAR 2022

IN THE PESHAWAR HIGH COURT,
PESHAWAR,
[Judicial Department].



Writ Petition No.4537-P/2021

Mst. Naheed Kousar wife of Bakht Pur Khan,
r/o Near Khazan Sugar Mill Khazana Bala,
District Peshawar.

Petitioner (s)

VERSUS

Government of Khyber Pakhtunkhwa,
Through Advocate General and others.

Respondent (s)

For Petitioner (s) :- Malik Sajid Khan, Advocate.
For Respondents :- Nemo case in motion.
Date of hearing: 23.02.2022

JUDGMENT

ROOH-UL-AMIN KHAN, J:-By invoking the constitutional jurisdiction of this Court under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, Mst. Naheed Kousar, the petitioner, seeks issuance of an appropriate writ to the effect that respondents be directed to grant her pension and pensionary benefits.

2. In essence grievance of the petitioner is that she was appointed as a Lady Health Worker (LIW) BPS.5 in the respondents' department on contract basis vide order dated 02.03.1996. Subsequently, her service was regularized w.e.f. 01.07.2012, vide order dated 19.09.2014 and she on attaining the age of superannuation, got retired from service w.e.f. 01.02.2021. After her retirement, the respondents were bound to grant and pay

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EXAMINER
Peshawar High Court

her pension and all other pensionary benefits but till date her case of pension has not been finalized hence, this writ petition.

3. Having heard the learned counsel for the petitioner, suffice it to say that petitioner is a civil servant and matter of pension of a civil servant falls within the ambit of section 19 (2) Chapter-II Khyber Pakhtunkhwa Civil Servant Acts and in such like matters, the jurisdiction of this Court is explicitly barred by virtue of Article 212 of the Constitution. Learned counsel for the petitioner when confronted with the aforesaid legal proposition, he could not wriggle out of the situation, however, requested that the instant writ petition be treated as a departmental appeal and be sent to respondents for decision as early as possible.

4. In view of the above, this writ petition is treated as departmental appeal on behalf of the petitioner and transmitted to the worthy Secretary Health, Peshawar, with the direction to decide the same strictly in accordance with law.

Announced:
23.02.2022
M. Saaj Afridi PS

[Signature]
Senior Puisne Judge
[Signature]
JUDGE

DB of Mr. Justice Rooh ul Amin Khan Hon'ble Senior Puisne Judge and Hon'ble Mr. Justice SM Attique Shah

[Signature]
01 MAR 2022

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25/2/2022
01/3/2022
01/3/2022
Nadeem

(22)

MOST IMMEDIATE / COURT MATTER/OUT TODAY



**GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT**

No. SOH(Lit-I)12(1)3292/2022
Dated Peshawar the 12-09-2022.

To,

The Director General Health Services,
Khyber Pakhtunkhwa, Peshawar.

Attention: **Director Litigation**

Subject:- **WRIT PETITION NO. 4537-P/2021 TITLED MST. NAHEED
KOUSAR VS GOVERNMENT OF KHYBER PAKHTUNKHWA &
OTHERS.**

I am directed to refer to your letter No. 1103-05/lit dated 24-04-2022 on the subject noted above and to state that in light of Hon'ble Supreme Court Judgment 2022 PLC (C.S) 202 of Article 371 of Civil Service Regulation (C.S.R) in similar nature cases already decided (**copy attached**), hence, the competent authority has **regretted** the appeal of the applicant regarding grant of pensionary benefits, please.

Being Court matter may please be treated as Most Urgent.

Encl: AS Above

Yours Sincerely

(Signature)
(SIKANDAR AFZAAL)
Section Officer (Lit-I)

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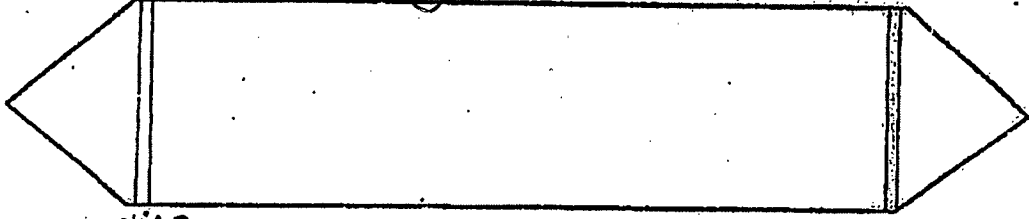
1. Registrar Peshawar High Court, Peshawar.
2. Section Officer E-III, Health Department w.r.t letter dated 14th April, 2022.
3. PS to Secretary Health Department.
4. PA to Deputy Secretary (Litigation) Health Department.

Section Officer (Lit-I)

*Handed over to petitioner's
Advocate on 19/11/2022 -*

(Signature)

بعدالت سدوس ٹریبونل جیٹھ کھنواہ ایشور



2 جناب

D. G Health folders مینام Mst Naheed kareem

bc-16-6943

msejidichenoo7@gmail.com

0333-9175170

موزخ

مقدم

دعویٰ

م

باعث تحریر آنگہ

مقدمہ بند رجسٹرڈ انبالانس اپنی طرف سے واسطے پیروی اور جواب دہی وکل کاروائی متعلقہ کیا ملک ساجد خان مسترد اور علی احمد علی اور اس کی اور آج مقام

مقررہ کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو رجسٹرڈ نامہ کرنے سے وکلر ثالثیت وہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور باہرورت ڈگری کرنے کے اجراء اور وصولی چیک و روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زرایں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لیا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو کسی دہی جملہ مذکورہ با اختیار حاصل ہوں گے اور اس کا سہلختہ پر واخستہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جہاں التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

المرنوم 18 ماہ نومبر 2022

Attested & Accepted by Malik Sajid Khan Adv. High Court

Attested by Syed Waheed Ali Advocate High Court