

28.11.2022

Junior to counsel for the appellant present.
Muhammad Adeel Butt learned Additional Advocate
General for respondents present.

File to come up alongwith connected Service
Appeal No. 1258/22 titled "Niloo Far Vs Health
Department" on 04.01.2023 before S.B.



(Rozina Rehman)
Member (J)

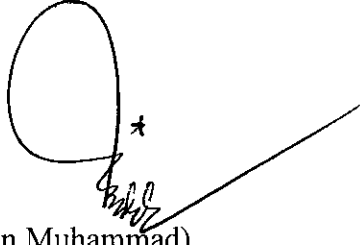
30.09.2022

Mr. Afrasiab Khan Wazir, Advocate for the appellant present.

Preliminary arguments heard.

Learned counsel for the appellant contended that the appellant initially appointed on contract basis, her services were regularized vide Notification dated 24.09.2014 w.e.f. 1st July, 2012 through Khyber Pakhtunkhwa Regularization of Lady Health Workers Program and Employees (Regularization and Standardization) Act, 2014. The appellant is deprived of conveyance allowance whereas the same is being drawn in monthly salary by similarly placed employees in other districts which is a case of discrimination. Feeling aggrieved of the illegal and unlawful action for not granting the conveyance allowance, the appellant and her other colleagues approached the august Peshawar High Court, Bannu Bench in Writ Petition No. 346/2019 which was dismissed on the ground of jurisdiction under Article-212 of the constitution of Islamic Republic of Pakistan, 1973. The appellant also preferred departmental appeal on 06.04.2022 which was not responded within the statutory period whereafter the service appeal was filed on 10.08.2022.

When the learned counsel for appellant was confronted with the question of limitation he argued that conveyance allowance being a recurring cause and part and parcel of the pay, limitation does not run against such cases. No condonation of delay application has been annexed with the service appeal. At this stage, it deems appropriate to issue pre-admission notice to respondents for submission of reply/comments. Adjourned. To come up for reply/comments as well as preliminary hearing on 28.11.2022 before S.B.


(Mian Muhammad)
Member (E)

30.09.2022

Mr. Afrasiab Khan Wazir, Advocate for the appellant present.

Preliminary arguments heard.

Learned counsel for the appellant contended that the appellant initially appointed on contract basis, her services were regularized vide Notification dated 24.09.2014 w.e.f. 1st July, 2012 through Khyber Pakhtunkhwa Regularization of Lady Health Workers Program and Employees (Regularization and Standardization) Act, 2014. The appellant is deprived of conveyance allowance whereas the same is being drawn in monthly salary by similarly placed employees in other districts which is a case of discrimination. Feeling aggrieved of the illegal and unlawful action for not granting the conveyance allowance, the appellant

and her other colleagues approached the august Peshawar High Court, Bannu Bench in Writ Petition No. 346/2019 which was dismissed on the ground of jurisdiction under Article-212 of the constitution of Islamic Republic of Pakistan, 1973. The appellant also preferred departmental appeal on 06.04.2022 which was not responded within the statutory period whereafter the service appeal was filed on 10.08.2022.

REGISTRAR

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question of limitation he argued that conveyance allowance being a recurring cause and part and parcel of the pay, limitation does not run against such cases. No condonation of delay application has been

annexed with the service appeal. At this stage, it deems appropriate to adjourn the appeal for preliminary hearing before Single Bench at Peshawar on 28.11.2022. Notices be issued to appellant and her counsel for the appeal on 28.11.2022. Respondents to file reply/comments as well as preliminary hearing on 28.11.2022 before S.B.

reply/comments. Adjourned. To come up for reply/comments as well as

preliminary hearing on 28.11.2022 before S.B.

Case No.- 1259/2022

Court of

FORM OF ORDER SHEET (Mian Muhammad) Member (E)

Form-A