

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
AT CAMP COURT D.I.KHAN

Service Appeal No. 622/2019

Date of institution 26.04.2019

Wali Jan S/o of Gul Jan, Working as Driver at Nursing School Dera
Ismail Khan. (BPS-06)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Health
Department, Khyber Pakhtunkhwa Peshawar and three others.

ORDER
23.05.2022

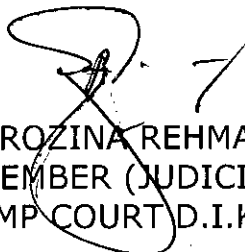
Mr. Waqar Alam, Advocate for the appellant present. Mr.
Muhammad Adeel Butt, Additional Advocate General for the
respondents present.

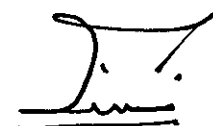
Available on the record is copy of office order issued by Director
General (Health) PHSA Peshawar bearing No. 05/Admn/Office
order/2020-21/2468 dated 09.11.2020.

Learned Additional Advocate General stated at the bar that the
grievance of the appellant has been redressed through the above
mentioned office order. Learned counsel for the appellant stated at
the bar that as the grievance of the appellant has been redressed,
therefore, he do not want to further press the instant appeal in view
of the office order so produced before the Tribunal. In this respect,
written endorsement of learned counsel for the appellant obtained at
the margin of order sheet.

In view of the above, the appeal in hand stands disposed of in
light of Office Order bearing No. 05/Admn/Office order/2020-
21/2468 dated 09.11.2020. Parties are left to bear their own costs.
File be consigned to the record room.

ANNOUNCED
23.05.2022


(ROZINA REHMAN)
MEMBER (JUDICIAL)
CAMP COURT D.I.KHAN


(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT D.I.KHAN

*In view of the office order dated 9-11-2020 the grievance
of the appellant has been redressed, hence, I do not
want to proceed further in the case.*



PROVINCIAL HEALTH SERVICES ACADEMY
HEALTH DEPARTMENT
GOVERNMENT OF KHYBER PAKHTUNKHWA

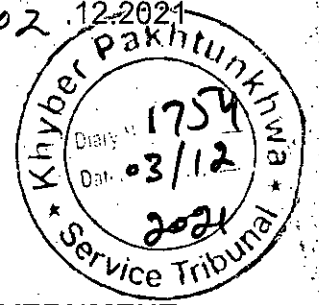


No. *PF* /PHSA/LITIGATION/ *2113*

Date: *02*.12.2021

To

The Registrar,
Khyber Pakhtunkhwa Services Tribunal,
Peshawar.



Subject:

**SERVICE APPEAL NO. 622/2019 TITLED WALI JAN VS GOVERNMENT
PENDING BEFORE KP SERVICE TRIBUNAL CAMP OFFICE D.I.K**

With reference to above subject appeal, enclosed please find herewith the office order regarding ex-post facto approval of the services of Mr. Wali Jan, Driver PHS DIK dated 09.11.2020 to adjudicate the appeal accordingly, please.

-sd-

DIRECTOR GENERAL
PHSA, Peshawar

Cc:

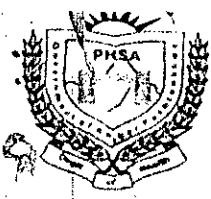
1. Principal Public Health School D.I.Khan with direction to submit the ibid. office order before the Honorable Tribunal at DIK Camp office on the next date of hearing i.e. 22.01.2022
2. Section Officer (Lit-II), Health Department KP for information
3. Mr. Wali Jan s/o Mr. Gul Jan Driver BPS-6 at PHS, D.I.Khan

*Put up to the court with
reference approval.*

[Signature]
DIRECTOR (HRM/LITIGATION)
PHSA, Peshawar

Ready

[Signature]
3/12/21



OFFICE ORDER

In pursuance of the orders passed by the Khyber Pakhtunkhwa Service Tribunal on, dated. 16.01.2013 in service appeals Nos. 1312/2012 and 1313/2012, dated. 29.08.2017 in service appeal No.94/2016, dated. 30.01.2018 in service appeal No.580/2016, read with order passed on dated. 2.07.2010 in service appeal No. 318/2009, further read with opinion of Law Parliamentary Affairs and Human Right Department vide letter No. SO(OP-II)LD/5-10/2012/21556-57 dated. 22/10/2013, Ex-Post facto approval is hereby accorded to regularize the services of Mr. Wali Jan Driver S/O Gul Jan attached to Public Health School DI Khan falls under PHSA Network, with all back benefits with effect from the date of his initial appointment i.e. 31.10.1996.

**DIRECTOR GENERAL (Health),
PHSA PESHAWAR.**

No. 05 /Admn/Office order/2020-21/ 2468

Dated. 09/11/2020

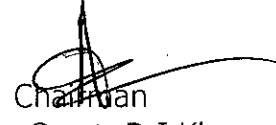
- Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar/DI Khan Campus.
- Principal Public Health School DI Khan.
- District Accounts Officer DI Khan.
- Driver Concerned.

**DIRECTOR GENERAL (Health),
PHSA PESHAWAR.**

Postscript

22.11.2021

In case the last chance as given above is not availed, the next adjournment shall be subject to prior payment of cost of Rs. 5000/- to the appellant failing which the case shall be fixed before D.B for arguments without reply deeming the same as waived off by the respondents.



Chairman
Camp Court, D.I.Khan

S.A 622/2019

27.09.2021

Nemo for the appellant. Mr. Usman Ghani, District Attorney for the respondents present.

Previous date was posted on Reader Note, therefore, notice be issued to the respondents with the directions to furnish reply/comments within 10 days. In case the respondents failed to submit reply/comments within stipulated time from today, they shall have to seek extension of time through written application citing sufficient reasons. Otherwise, their right for submission of reply/comments shall stand ceased. To come up for arguments before the D.B on 22.11.2021 at Camp Court D.I.Khan.

Notice for prosecution of the appeal be also issued to appellant as well as his counsel for the date fixed.

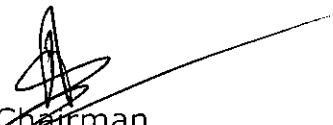


(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT D.I.KHAN

22.11.2021

Appellant alongwith his counsel present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Written reply/comments of the respondents are still awaited. Learned Deputy District Attorney is required to ensure submission of written reply/comments of respondents on the next date positively. Last opportunity given. Adjourned. To come up for submission of written reply/comments on 24.01.2022 before the S.B at Camp Court D.I.Khan.

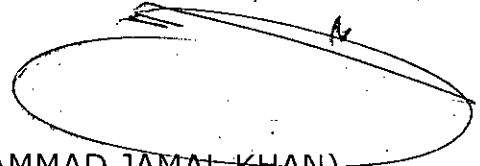


Chairman
Camp Court D.I.Khan

28.10.2020

Appellant is present in person. Mr. Usman Ghani, District Attorney alongwith Mr. Hazrat Shah, Section Officer, for the respondents are also present.

Representative of respondents is seeking adjournment for submission of written reply/comments. Time allowed. File to come up for written reply/comments on 22.12.2020 before S.B at Camp Court, D.I.Khan.


(MUHAMMAD JAMAL KHAN)
MEMBER
CAMP COURT D.I.KHAN

22.12.2020

Due to Pandemic of Covid-19, the case is adjourned to 22.02.2021 for the same.



Reader


22.02.2021

Junior to counsel for the appellant present.

Noor Zaman Khattak learned District Attorney present.

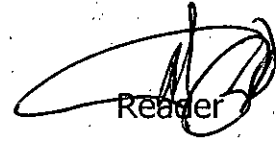
Reply/comments on behalf of respondents not submitted, therefore, notice be issued to respondents for submission of reply/comments. To come up for reply/comments on 24.05.2021 before S.B at Camp Court, D.I Khan.


(Atiq ur Rehman Wazir)
Member (E)
Camp Court, D.I Khan

Due to COVID-19 the case to come up for the same on 27/9/21

Reader

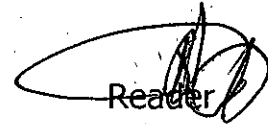
25/3/2020

Due to COVID-19 the case is adjourned. To come up for the same 22/4/2020 at Camp Court, D.I Khan


Reader

23/4/2020

Due to COVID-19 the case is adjourned. To come up for the same 23/9/2020 at Camp Court, D.I Khan



Reader

23.09.2020

Counsel for appellant present.

Mr. Usman Ghani, learned District Attorney present.

None present on behalf of respondents department, therefore, notice be issued to respondents for submission of written reply/comments; granted. To come up for written reply/comments on 28.10.2020 before S.B at Camp Court D.I Khan.


(Rozina Rehman)
Member (J)
Camp Court, D.I Khan

24.02.2020

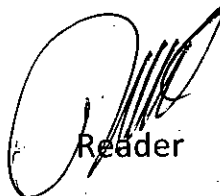
Appellant in person and Mr. Usman Ghani, District Attorney for the respondents present. Neither written reply on behalf of respondents submitted nor representative of the department present, therefore, notices be issued to the respondents with the direction to direct the representative to attend the court and submit written reply on the next date positively. Adjourned to 25.03.2020 for written reply/comments before S.B. at Camp Court D.I.Khan.



(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan


21/10/2019

Since tour to D.I.Khan has been cancelled .To come for the same on 25/11/2019.


Reader


25.11.2019

Appellant in person and Mr. Hazrat Shah, Superintendent on behalf of respondent No. 1 alongwith Mr. Ziaullah, Deputy District Attorney present. Representative of respondent No. 1 requested for adjournment to file written reply. Neither written reply on behalf of respondents No. 2 to 4 submitted nor their representative present therefore, notices be issued to respondents No. 2 to 4 with the direction to direct the representative to attend the court and submit written reply on the next date positively. Case to come up for written reply/comments on 27.01.2020 before S.B at Camp Court D.I.Khan.


(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan

27.01.2020

Appellant in person and Mr. Usman Ghani, District Attorney for the respondents present. Neither written reply on behalf of respondents submitted nor representative of the department is present, therefore, notices be issued to the respondents with the direction to direct the representative to attend the court and submit written reply on the next date positively. Adjourned to 24.02.2020 for written reply/comments before S.B at Camp Court D.I.Khan.


(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan

28.08.2019

Counsel for the appellant Wali Jan present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was appointed as Driver in Nursing School Dera Ismail Khan as Project Employee. He was again appointed on contract basis on the same post on fixed pay vide order dated 22.03.2000 by the competent authority. It was further contended that the services of the appellant was regularized by the competent authority vide order dated 17.05.2008 with immediate effect. It was further contended that the appellant filed departmental appeal against the said order dated 17.05.2008 on 30.12.2018 but the departmental appeal of the appellant was not responded hence, the present service appeal. It was further contended that the appellant was regularized on 17.05.2008 with immediate effect although the respondent-department was required to count the previous services of the appellant towards seniority from 29.10.1996 and also issue order of fixation of pay i.e granting of allowances with effect from 22.03.2000 but the respondent-department has neither given seniority to the appellant nor has given any allowances and regularized the services of the appellant on 17.05.2008 with immediate effect therefore, the impugned order dated 17.05.2008 is illegal and liable to be rectified.

The contentions raised by the learned counsel for the appellant need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 21.10.2019 before S.B at Camp Court D.I.Khan.

Appellant Deposited
Security & Process Fee

30/8/19



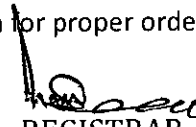

(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 622/2019


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	13/05/2019	<p>The appeal of Mr. Wali Jan received today by post through Mr. Muhammad Waqar Alam Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR 13/5/19</p>
2-	8.8.2019	<p>This case is entrusted to touring S. Bench at D.I.Khan for preliminary hearing to be put up there on <u>28.8.2019</u></p> <p> CHAIRMAN</p>

The appeal of Mr. Wali Jan son of Gul Jan Working as Driver at Nursing School Dera Ismail Khan received today i.e. on 26.04.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- One more copy/set of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 824 /S.T,

Dt. 29-4-2019.



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Muhammad Waqar Alam Adv.
High Court Dera Ismail Khan.

Respected Sir,

- ⇒ The memorandum of appeal has been signed by the appellant accordingly.
- ⇒ and one more set of appeal also opted and the appeal sent for further proceedings.

مردانہ عالم ایڈووکیٹ
ڈسٹرکٹ بار ڈیرہ اسماعیل خان
7/5/19


7/5/19

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

In service Appeal No. 622 /2019

Wali Jan
(**Appellant**)

VERSUS

GOVT of KPK etc
(**Respondents**)

I N D E X

S.No.	Description of documents	Pages
1.	Memorandum of Appeal along with affidavit	1-7
2.	Copy of arrival report dated 04/11/1996	A 8-9
3.	Copy of joining report	B 10-
4.	Copy of office order dated 22/06/2000	C 11
5.	Copy of impugned notification dated 17/05/2008	D 11
6.	Copy of service book consists of 05 pages	E 12-16
7.	Copy of office order dated 16/07/2012	F 17
8.	Copy of service appeals decided by this Honourable Tribunal	G 18-21
9.	Copy of order dated 26/01/2008	H 22
10.	Copy of pay slip and service book entry	I & I/1 23-24
11.	Copy of departmental appeal dated 30/12/2018	J 25
12.	Vakalatnama	27

April 23, 2019

Appellant's counsel

Wali Jan
Through Counsel

M. Waqar Alam
Advocate High Court
Dera-Ismael Khan

M. Waqar Alam
23/4/19

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**PESHAWAR**Khyber Pakhtunkhwa
Service TribunalService Appeal No. 622/2019Diary No. 670Dated 26-4-2019

Wali Jan son of Gul Jan, working as Driver at Nursing School Dera Ismail Khan. (BPS-06).

(Appellant)**VERSUS**

1. Government of KPK, through secretary Health Department, KPK Peshawar.
2. Director Provincial Health Services Academy, Khyber Pakhtunkhwa, Peshawar.
3. Principal Public Health School Dera Ismail Khan.
4. District Account Officer Dera Ismail Khan.

..... (RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KPK SERVICES TRIBUNAL ACT, 1974, AGAINST THE IMPUGNED notification DATED 12/05/2008 ISSUED BY RESPONDENT NO. 2 WHEREBY APPELLANT'S fixation of pay is wrongly determined while passing the impugned order of regularization and also not counted the previous service of the appellant by the competent authority while regularizing the appellant against which the appellant submitted his departmental appeal dated 30/12/2018 but the same is not responded despite laps of 90 days.

Filed to-day

Registrar

26/4/19

J/k
23/4/19Re-submitted to-day
and filed.

Registrar

13/5/19

PRAYER

On acceptance of this appeal this honourable Tribunal is humbly prayed to direct the concern authority to fix the pay

of appellant from the date of his initial appointment instead of 12/05/2008 which all back benefits. Moreover, the services of the appellant rendered in project provincial health services academy Peshawar from 29/10/1996 may also be counted into his regular service and in this respect necessary entries may also be made in service book of the appellant in the best interest of justice.

Note: Addresses given above shall suffice the object of service. All necessary and proper parties have been arrayed in the panel of respondents.

Respectfully Sheweth;

1. That the petitioner is law abide citizen of Pakistan and is enjoying well reputation in the society and is educated person having domicile of District Dera Ismail Khan.
2. That the appellant was inducted into the services as Driver vide order dated 29/10/1996 by the Director Provincial Health Services Academy on contract basis up-to June 30, 2000. Copies of arrival report and joining report dated 04/11/1996 are jointly enclosed as **Annexure-A & B** respectively.
3. That thereafter the finance department created posts of Drivers on fixed pay @ Rs. 2500/- per month without any break and the appellant was accordingly adjusted/appointed as Driver in Nursing School Dera Ismail Khan and thereafter the service of the appellant was regularized on 12/05/2008 by the act of provincial government with immediate effect. Copies of office order dated 22/06/2000 and notification dated 17/05/2008 are jointly enclosed as **Annexure-C & D**.
4. That the appellant's service record entered into the service book of the appellant and the previous project service is not counted by the respondents which is against the settled norms of service rules and regulations. Copy of service book consists of 05 pages is annexed as **Annexure-E**.

Shaw
29/4/19

5. That on 16/07/2012, Mr. Mian Siraj and Mr. Sahib-ur-Rahman colleagues of the appellant were given back benefits/arrears of the previous service throughout by considering the judgments of this Honourable Tribunal. Copies of office order dated 16/07/2012 and services appeals are jointly enclosed as **Annexure-F & G** respectively.
6. That one Mr. Sahib ur Rahman was given the benefits of previous service by the respondents in service record which is available with the appellant and annexed herewith for ready reference of this honourable Tribunal as **Annexure-H, I & I/1** respectively.
7. That the appellant frequently requested for his genuine and lawful right from the respondents but the respondents are reluctant and procrastinated the matter of appellant, hence, the appellant filed a departmental appeal dated 30/12/2018 (**Annexure-J**) to the respondent#2 which was undecided until now, hence, the present service appeal inter alia on the following grounds.

GROUND S

- a. That the respondents are illegally and without any legal justification intending to deprive the appellant from his valuable rights accrued to him by dint of his previous service which is against the settled norms of service rules and regulations.
- b. That the other colleagues of the appellant are given back benefits throughout their service and in this respect the respondents implemented the order of worthy service Tribunal KPK Peshawar, hence, the appellant is also entitled to be treated as other employees of the department
- c. That the previous service of the appellant is very much clear and no red entry has ever been made by the superiors in the service record of the appellant, hence, the

7/10
c/ko
23/4/19

respondents are legally bound to grant benefits to the appellant which is available under the law to the appellant.

- d. That the main contention of the appellant is that in the light of letter issued by finance department, the appellant is entitled to fixation of pay from the date of his initial appointment instead of 12/05/2008 just like Mr. Sahib ur Rahman similarly placed employee. Hence, the respondents are duty bound to grant the same benefits to the appellant by considering his length of service.
- e. That appellant being citizen of Pakistan deserves to be dealt in accordance with law and the treatment meted out to him is in violation of Article 4 of our Constitution.
- f. That counsel for the appellant may please be allowed to raise additional grounds at the time of arguments.

It is thus most respectfully prayed that On acceptance of this appeal this honourable Tribunal is humbly prayed to direct the concern authority to fix the pay of appellant from the date of his initial appointment instead of 12/05/2008 which all back benefits. Moreover, the services of the appellant rendered in project provincial health services academy Peshawar from 29/10/1996 may also be counted into his regular service and in this respect necessary entries may also be made in service book of the appellant in the best interest of justice.

April 23, 2019



Your humble appellant

Wali Jan

Through counsel

M. Waqar Alam
Advocate High Court

M. Waqar Alam
23/4/19

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

In service Appeal No. _____/2019

Wali Jan
(Appellant)


VERSUS

GOVT of KPK etc
(Respondents)

CERTIFICATE

Certified that appellant have not filed an appeal regarding the subject controversy, earlier in this august Tribunal.

April 23, 2019


Appellant

NOTE

Appeal with enclosure along-with required sets thereof are being presented in separate file covers.


Appellant's counsel

23/4/19

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

In service Appeal No. _____/2019

Wali Jan
(Appellant)

VERSUS

GOVT of KPK etc
(Respondents)

AFFIDAVIT

I, **Wali Jan**, appellant herein, do hereby solemnly affirm on oath:-

1. That the accompanying appeal has been drafted by counsel following our instructions;
2. That all para-wise contents of the appeal are true and correct to the best of my knowledge, belief and information;
3. That nothing has been deliberately concealed from this Honourable Court, nor anything contained therein, based on exaggeration or distortion of facts.

April 23, 2019

Attested
Oath Commissioner
Abdur
District Bar D.I.Khan

[Signature]
Deponent

Identified By:-

[Signature]
Muhammad Waqar Alam
Advocate High Court

Annex A - 8 -

Office of the Asstt. Director,
Divl: Health-Dev: Centre,
Family Health Project,
1st Daraban Road,
D.I.Khan.

No. 1348 /AD/A-06,

Dated D.I.Khan the 04.11.1996.

To,

The Project Director,
Family Health Project (W/Bank),
Peshawar..

ATTESTED

Subject:-

ARRIVAL REPORT AND SERVICE DOCUMENTS

Sir,

Reference your office order No. 4183-87/PF,
dated 29.10.1996, I have the honour to forward the Arrival
Report and Service Documents in respect of Mr. Wali Jan S/O
Gul Jan, Driver, Divisional Health Dev: Centre, D.I.Khan for
further necessary action.

HABalov

ASSTT: DIRECTOR
DIVL: HEALTH DEV: CENTRE
FAMILY HEALTH PROJECT
D. I. KHAN.

ڈیڑھ اکتوبر (DHO) ڈیڑھ اکتوبر

Annex A - 9

فہرست

تاریخ ہے۔ کہ یہی لفظی کنٹ ڈیڑھ اکتوبر ایسی آفس میں بحوالہ تھی

نمبر 87/83-4183 صفحہ 29، التور 1926 ہوئی ہے۔ لہذا سیدہ

31، التور 1926 کو ایسی ڈیڑھ اکتوبر حوالہ دیا ہے، اس لئے اس لئے

ہے۔ کہ یہاں کہہ سکتے ہیں اعداد کی رپورٹ فنڈنگ کی بارے

31، التور 1926 فقط صفحہ 29، التور 1926
ATTESTED
[Signature]

الہی

Wali Jan

ایکٹوبر کی جان ولد محمد علی خان ڈیڑھ اکتوبر 1926

~~Annex~~ C-10-

Provincial Health Services Academy,
Dept. of Health Govt. of N.W.F.P.
Budhni Road Duran Pur Peshawar,
N.W.F.P.

Tele. # 091 - 2650858, 2650861, 2650875

Fax. # 091 - 261249

No. 2098-2104/A-22 / PHSA

Date: 22/6/2000.

OFFICE ORDER

The following are appointed on contract up to June 30-2000 against the posts of sweepers / Drivers on fixed salary of Rs.1000/- per month and Rs-2500/Per Month fixed in the institutions named.

S.NO	NAME OF SWEEPER	PLACE WHERE ADJUSTED	REMARKS
01	Mr. MOHAMMAD AFZAL	DHDC DI Khan As Sweeper	RS-1000/P.M Fixed from 1.1.2000
02	Mrs. BIQEES W/O NAZIR LAL	Hostel School Of Nursing Kohat As Sweeper	RS-1000/P.M Fixed from 1.6.2000
03	Mr. SHAH DARAZ KHANS/O GUL DAD	School of Nursing Bannu As Driver	Rs-2500/PM Fixed. From 1.6.2000.
04	Mr. WALI JAN S/O GUL JAN	School of Nursing DI Khan As Driver	Rs-2500/PM Fixed. From 1.6.2000.

The above adjustments will be subject to the following terms and conditions:

- ◆ Their appointments will be on contract basis for a period of six and one months respectively.
- ◆ Their services will be liable to termination at any time without assigning any reason or giving notice during the incumbency of contract period.
- ◆ If any one wishes to quit the services he will have to submit in writing a prior notice at least two weeks earlier failing which the pay for the aforesaid period will be forfeited.
- ◆ If they accept the above terms and conditions they should report to their new /existing place of adjustment within a week or at least 10 days, otherwise the offer will be withdrawn and given to next senior person.

ATTESTED
[Signature]
62

Dr. Fasteer Akhtar,
Director

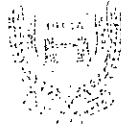
Provincial Health Services Academy

- Copy forwarded for information and necessary action to:-
1. Secretary to Govt. of NWFP, Health Department, Peshawar.
 2. Director General Health Services, NWFP Peshawar.
 3. Vice Principals, DHDC, D.I.Khan.
 4. Vice Principal School of Nursing Kohat.
 5. Accounts Officer, Provincial Health Services Academy.
 6. DAO DI Khan/Bannu.

[Signature]
Dire

Provincial Health Services Academy
Annex: "D" - II -

Dept. of Health Govt. of N.W.F.P.
 Budhni Road Duran Pur Peshawar



091-2650861 Fax # 091-2661249
 # 091-2650861 (Exchange)
 E-mail: phsa_peshawar@yahoo.com

NOTIFICATION

Reference Govt of NWFP Finance department letter No.BVI/FD/4-48/2007-08/Vol; IV dated 12.5.2008 and Health department Letter No.SO.III/8-90/07(Sahib-ur Rehman) dated 21st January, 2008 on the subject noted above. The Director PHSA is pleased to convert the following drivers of PHSA network on fixed pay to regular side BPS(4) with the immediate effect in the light of notification referred above.

The adjustment of drivers are made as mentioned below against their names:

S.N.	Name & designation	BPS	Name of Institute.
1	Mr. Muhammad Usman	04	DHDC Bannu.
2	Mr. Aziz ur Rehman	04	DHDC Swat.
3	Mr. Masood Khan	04	DHDC Mardan.
4	Mr. Abdul Ghafoor	04	DHDC Abbottabad.
5	Mr. Nadir	04	DHDC Chitral.
6	Mr. Javed Khan	04	SON Swat.
7	Mr. Mian Siraj	04	SON Kohat.
8	Mr. Bakhtiar ud Din	04	SON Mardan.
9	Mr. Shah Noor	04	SON Bannu.
10	Mr. Wali Jan	04	SON D.I. Khan.
11	Mr. Zafar Islam	04	SON HMC Peshawar.

-Sd/-
 DIRECTOR

No.215/PHSA/Admn/ Appintment/2007-08/ 3266-3377 Dated 17/05/2008.
 Copy of above is forwarded to:-

1. Deputy Director Management, PHSA, Peshawar
2. District Accounts Officer, Swat Mardan, Kohat, DIK, Chitral, Abbottabad, Bannu
3. Section Officer-VI Finance department Peshawar
4. Budget Officer Health department Peshawar.
5. Vice Principal SON Swat, Mardan, Kohat, Bannu, D.I. Khan, HMC Peshawar.
6. Vice Principal DHDC Abbottabad, Mardan, Swat, Chitral, Bannu.
7. Officials concerned.

DIRECTOR

ATTESTED


[Handwritten signature]
 CH


Annex: "E" - 12 -


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


1. Name Mr. Wali Jan
2. Race Grandapur
3. Residence Q No 124/15 TB Hospital D.Khan
4. Father's name and residence Gul Jan
5. Date of birth by Christian era or as nearly as can be ascertained. 1975
6. Exact height by measurement 5'-8"
7. Personal marks for identification NIL
8. Left hand thumb and finger impression of (non-gazetted Officer) _____

Little Finger 

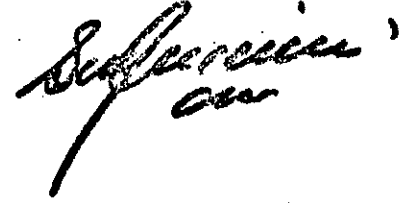
Ring Finger 

Middle Finger 

Fore Finger 

Thumb 

ATTESTED



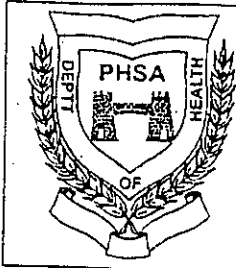
9. Signature of Government Servant 

10. Signature and Designation of the Head of the Office, or other Attesting Officer.


VICE PRINCIPAL
Nursing School D.Khan

8	9	10	11	12	13		14	15
Signature of the Head of the office or other Attesting Officer in attestation of forms 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	Name and duration of leave taken	<p align="center">LEAVE</p> <p>Allocation of periods of leave on average pay upto four months (or earned leave not exceeding 120 days) to which leave salary is debitible to another Government</p> <p align="center">چار ماہ تک کی رخصت کے لئے اوسط خواہ کا تعین</p>		Signature of the head of the office or other Attesting officer	Reference to any recorded punishment or censure, or reward or praised of the Government servant
سرکار	تاریخ انقطاع ملازمت	وجوہات انقطاع ملازمت ترقی۔ تبادلہ یا برطرفی	دستخط افسر مجاز	رخصت کی نوعیت دو معیاد	Period عرصہ	Govt: to which debitible گورنمنٹ جسے رقم ادا ہوگی	دستخط افسر مجاز	سزایا جزایا غیر مناسب کارکردگی کارپکارڈ
11		Revised Basic Pay Scale on 01-07-2015 and Departmentally pay fixed as under. Pay on 30-06-2015 = Rs: 3420/- Pay on 01-07-2015 = Rs: 3430/-	Principal Public Health School Dera Ismail Khan	Principal Public Health School Dera Ismail Khan				
1	30/11/2015	(CAN)	Principal Public Health School Dera Ismail Khan	Principal Public Health School Dera Ismail Khan	Annual Increment Allowed		Service Verified Upto & For 30-11-2015	
1		Up gradation of Post from BPS-4 to BPS-6 vide Finance Department Peshawar Notification No. SO(FR)FD/7-2015 dated: 10-06-2015 and departmentally pay fixed as under. Pay on 01-12-2015 BPS-4 = 11230/- Pay on 01-12-2015 BPS-6 = 11360/- (+) one premature increment Pay on 01-12-2015 = 377/- = 11737/-	Principal Public Health School Dera Ismail Khan	Principal Public Health School Dera Ismail Khan			ATTESTED <i>[Signature]</i>	
1			Principal Public Health School Dera Ismail Khan	Principal Public Health School Dera Ismail Khan		Fix Pay notification 19-7-2016 Pay on 1-7-2016 Rs: 11737/- Pay on 1-7-2016 Rs: 14540/-		
11	30/11/2016	Annual increment allowed	Principal Public Health School Dera Ismail Khan	Principal Public Health School Dera Ismail Khan			Service verified to 30-11-2016	
			Principal Public Health School Dera Ismail Khan	Principal Public Health School Dera Ismail Khan				

Annex: -F-17-



Provincial Health Services Academy

Dept. of Health Govt. of Khyber Pakhtunkhwa
Budhni Road Duran Pur Peshawar,
☎ # 091-2650861, 2260109; Fax # 091- 2261249
E-mail: phsa_peshawar@yahoo.com

To be substituted by even No. & date.

OFFICE ORDER

Ex-post facto approval is hereby accorded to regularize the services of the following driver of Nursing School Kohat with effect from the date of appointment i.e. 06/12/1994 as ordered by the honorable Services Tribunal, Peshawar judgment dated 02/07/2010 in Service Appeal No. 318/2009 on the analogy of Mr. Sahib-ur-Rahman Driver, vide Finance Department letter No. BVI/FD/4-48/2007/08 dated 12/05/2008 and Secretary Health letter No. SO-III/ 8-90/07 (Sahib-ur-Rahman) dated 21/01/2008. However, arrear of pay & allowances will be admissible from 14/02/2000.

Name	Designation	Date of appointment
Mr. Mian Siraj	Driver	06/12/1994

-sd-
DIRECTOR

ATTESTED

F/No. 215/PHSA/Admn/Appointment/2012-13/5517-20

Dated 16/07/2012

Cc:

1. District Accounts Officer, Kohat.
2. Vice Principal, School of Nursing Kohat for compliance under intimation to this office.
3. Registrar, Services Tribunal Pakhtunkhwa Peshawar.
4. Mr. Mian Siraj-Driver, School of Nursing Kohat.

M
DIRECTOR

Annex: G-18-

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.



SERVICE APPEAL NO. 318/2009

Date of institution ... 23.02.2009
Date of decision ... 02.07.2010

Mian Siraj, Driver, School of Nursing, Kohat,
Kohat Village & P.O Bilitang,
Kohat & District, Kohat.

... (Appellant)

VERSUS

- 1. Government of NWFP (K.P.K) through Secretary Health Department, Peshawar.
- 2. Director, Provincial Health Services Academy, Peshawar.
- 3. Accountant General, NWFP (K.P.K), Peshawar.
- 4. District Accounts Officer, Kohat.

... (Respondents)

ATTESTED

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APPEAL U/S 4 OF THE NWFP SERVICE TRIBUNALS ACT, 1974 FOR FIXATION OF PAY WITH EFFECT FROM THE DATE OF APPOINTMENT AS PER NOTIFICATION DATED 30.7.2008, AS IS DONE TO THE OTHER EMPLOYEES AGAINST WHICH APPELLANT SUBMITTED THIS DEPARTMENTAL APPEAL DATED 10.11.2008 BUT THE SAME IS NOT RESPONDED DESPITE LAPSE OF 90 DAYS.

Mr. Waqar Ahmad Sethi, Advocate
Mr. Sher Afgan Khattak,
Additional Advocate General.

... For appellant

For respondents

Mr. Sultan Mehmood Khattak,
Mr. Roor Ali Khan

..Member
Member

[Handwritten signature]

JUDGMENT

SULTAN MEHMOOD KHATTAK, MEMBER:-

According to the

arrangements made in the appeal, the appellant, namely, Mian Siraj, was appointed as Driver in Family Health Project in the year 1994. On winding up of the said Project on 31.12.1999, the Finance Department created posts of Drivers on fixed pay @ Rs. 2500/- per month, without any break. The appellant was accordingly adjusted as Driver in Nursing School, Kohat vide order dated 19.7.1999. At that time number of other employees were appointed on regular basis but the

3

In doubt, the appellant was appointed as Driver in the Family Health Project on 06.12.1994 but before winding up of the Project on 31.12.1999, he was appointed as Driver in Nursing School Kohat, vide office order dated 19.7.1999. As per entry in the service book, the appellant was later on adjusted as Driver on fixed pay @ Rs.2500/- per month vide order dated 14.2.2000. In the light of Finance Department's letter dated 12.5.2008, the post of the appellant was converted to BPS-4 on regular side, vide Notification dated 17.5.2008 of respondent No.2, but with immediate effect. The main contention of the appellant is that in the light of Finance Department's letter dated 30.7.2008 he is entitled to fixation of his pay from the date of his initial appointment instead of 12.5.2008 like Sahib-ur-Rehman, similarly placed employee. Moreover, respondent No.2 has also addressed a letter dated 15.10.2008 to respondent No.4 in favour of the appellant for fixation of his pay from the date of appointment. However, it was observed that he will not be entitled to arrears upto 30.6.2008.

ATTESTED
[Signature]

In view of the above, the Tribunal deems it appropriate to remand the case of the appellant to the respondent-department with the direction to consider his claim with regard to entitlement of fixation of his pay from the date of appointment in the light of the aforesaid letters as well as case of Sahib-ur-Rehman, Driver, strictly in accordance with law/rules on the subject within a period of two months of the receipt of this order. The appeal is disposed of in the above terms. Parties are, however, left to bear their own costs. File be consigned to the record.

ANNOUNCED
 02.07.2010

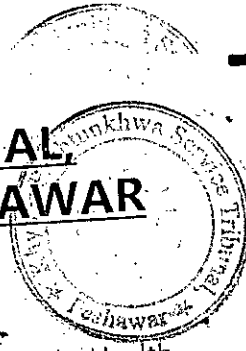
(NOOR ALI KHAN)
 MEMBER

(SULTAN MEHMOOD KHATAK)
 MEMBER

Certified true copy

[Signature]
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

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



Appeal No. 1312/2012

Zewar Khan S/o Suhbat Khan (Driver) Directorate General, Health Services, Khyber Pakhtunkhwa, Peshawar

(Appellant)

VERSUS

G.W.F. Program
Date 12/12/12
03-12-12

- (1) Director General, Health Services, Khyber Pakhtunkhwa, Peshawar
- (2) Assistant Director (P-II) DGHS Govt. of. Khyber Pakhtunkhwa, Peshawar
- (3) Secretary to Govt. Khyber Pakhtunkhwa, Health Department, Peshawar
- (4) Govt. Khyber Pakhtunkhwa through Secretary Finance

ATTESTED

[Handwritten signature]

(Respondents)

Appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 to the effect that impugned order U.O. No. 6165/Personal dated 02.10.2012 communicated on 25.11.2012 vide Diary No. 25462, whereby respondent No. 1 and 2 refused to give effect the regularization of the appellant from the date of appointment i.e. 19.06.1993 instead of 31.05.2008, is illegal and arbitrary without lawful authority and based on discrimination and the appellant is entitled to be regularized with all back benefit from the date of appointment i.e. 19.06.1993 and may kindly be declared as such.

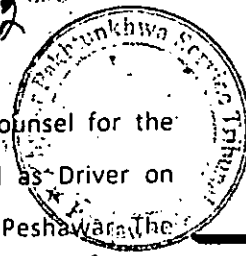
[Handwritten scribbles]

3/12/12

cc-sent to...

10/12/12

Appeal No. 1312/2012
Mr. Zeeshan Khan



21

16.1.2013

Appellant with counsel present and heard. Counsel for the appellant stated that the appellant was appointed as Driver on 19.06.1993 and was posted on Family Health Project Peshawar. The service of the appellant was regularized vide order dated 12.05.2008 with immediate effect. Counsel for the appellant further stated that two persons namely M/S Sahib Zama, and Main Siraj appointed along with the appellant in the same project, their services were regularized from the date of appointment. Main Siraj on filed appeal in the Service Tribunal bearing No 318/2009 and the same was remanded to the respondent-department to consider the case strictly in accordance with law and rules. Consequently department regularized the service of Main Siraj and Mr. Sahib Rehman from the date of his appointment.

In view of the Tribunal's judgment dated 2.7.2010 in appeal No. 318/2009 the case of the appellant is also remanded to the department for consideration on the same line but strictly in accordance with law, rules and regulation on the subject.

ANNOUNCED

16.1.2013.

ed/
Member

ATTESTED

[Signature]

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Registration of Application 18.1.2013
Number of Copies 800
Cost 6
Fees 2
Total 8
Name of Applicant
Date of Receipt of Copy 18-1-2013
Date of Delivery of Copy 18-1-2013

Annex: "H" - 22

18/1/c
18/1/c

Provincial Health Services Academy

Dept. of Health Govt. of N.W.F.P
Budhni Road Duran Pur Peshawar



091-2650861 Fax # 091- 2261249
E-mail: phsa_peshawar@yahoo.com

OFFICE ORDER

Ex post facto approval is hereby accorded to regularize the services of the following official of Provincial Health services Academy, Peshawar with effect from his date of appointment as mentioned below as per directives of the Secretary to Govt of NWFP Health department Peshawar vide his letter No.SO-III/8-90/07(Sahibur Rehman) dated 21st January,2008

S.No	Name of Employee	Designation	Date of Appointment.
1	Mr.Sahibur Rehman.	Driver	16.5.1995

Sd/-

DIRECTOR

ATTESTED

No.215/PHSa/Admn/Appointment/2007-08/

Dated 26/01/2008.

1226-31

Copy of the above is forwarded to the:-

1. Accountant General.NWFP.Peshawar.
2. Director General Health NWFP.Peshawar
3. Deputy Director (M) PHSA Peshawar..
4. Accounts Officer PHSA.Peshawar.
5. PS to Secretary to Govt of NWFP,Health department Peshawar
6. Mr.Sahibur Rehman Driver PHSA,Peshawar.

[Handwritten signature]

DIRECTOR

PAYMENT ADVICE
P Sec: 009 Month: January 2011
PR4331 -DIR: PROVL: HEALTH SERVICE

1335
Pers #: 00286227 Buckle
Name: SAHIB UR RAHMAN
Dsg: DRIVER
NIC No: 1610218136715
GPF Interest Applied
05 Active Permanent

Min: Health
NTN:
GPF #: JM 022516
Old #:

DEPTT CODE PR4331

PAYS AND ALLOWANCES:		
0001-Basic Pay		5,740.00
1001-House Rent Allowance 45%		1,503.00
1210-Convey Allowance 2005		920.00
1300-Medical Allowance		1,000.00
1557-Washing Allowance		30.00
1770-Spl. Additional allowance		340.00
1829-Special Relief All(2005)		433.00
1831-Adhoc Relief (2005)		433.00
1872-Earnes Allowance-EEGRP09		532.00
Gross Pay and Allowances		14,949.00
DEDUCTIONS:		
GPF Balance	9,375.00	
3501-Benevolent Fund		290.00
3511-Addl Group Insurance		180.00
		7.00
		477.00
Total Deductions		477.00
NET AMOUNT PAYABLE		

QUALIFYING SERVICE YRS MON 15 Years 08 Months 01 Days	D. O. B 27.01.1961	LFP Quota: NBP, KHAWAJ GUNJ 4696-7	KHAWAJ GUNJ
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PAYMENT ADVICE

P Sec: 009 Month: January 2011
PR4331 -DIR: PROVL: HEALTH SERVICES

SH: 1337
Pers #: 00286227 Buckle
Name: SAHIB UR RAHMAN
Dsg: DRIVER
NIC No: 1610218136715
GPF Interest Applied
05 Active Permanent

Min: Health
NTN:
GPF #: JM 022516
Old #:
DEPTT CODE PR4331

PAYS AND ALLOWANCES:		
1908-Adhoc Relief-2009 (01-16)		1,148.00
1948-Adhoc Allowance 2010@ 50%		2,870.00
Gross Pay and Allowances		14,949.00
DEDUCTIONS:		
GPF Balance	9,375.00	
		477.00
Total Deductions		477.00
NET AMOUNT PAYABLE		14,472.00

ATTESTED
Sahib ur Rahman

QUALIFYING SERVICE YRS MON 15 Years 08 Months 01 Days	D. O. B 27.01.1961	LFP Quota: NBP, KHAWAJ GUNJ 4696-7	KHAWAJ GUNJ
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Annex: "J" - 25 -

To

The Director,
Provincial Health Services Academy,
Khyber Pakhtunkhwa, Peshawar.

Through Proper Channel

Subject: **DEPARTMENTAL APPEAL/REPRESENTATION**
AGAINST THE ILLEGAL AND UNJUSTIFIED ACT
OF THE APPOINTING AUTHORITY BY NOT
FIXING THE PAY OF APPELLANT W.E.F THE DATE
OF APPOINTMENT I.E. 29/10/1996 WITH
RETROSPECTIVE EFFECTS.

Respected Sir,

Applicant humbly submits as under,

ATTESTED
[Signature]

1. That the appellant was inducted into the service as Driver vide order dated 29/10/1996 by the Director Provincial Health Services Academy on contract basis up-to June 30, 2000. Copies of the appointment order along with arrival report are annexed herewith.
2. That, thereafter, the finance department created posts of Drivers on fixed pay @ Rs. 2500/- per month without any break and the appellant was accordingly adjusted/appointed as Driver in Nursing School Dera Ismail Khan and thereafter, the service of the petitioner was regularized on 12/05/2008 by the Act of the Provincial Govt. with immediate effect. Copy of the regularization order is annexed.
3. That few fellows/colleagues of the appellant, filed service appeals before the KPK Service Tribunal which were accordingly decided by the learned Service Tribunal with certain directions to the respondents and the competent authorities implement the judgment of court by granting relief to the fellows/colleagues of the appellant and fixed their pay from the date of initial appointment with all back benefits.

4. That the appellant is entitled for fixation of pay w.e.f the date of appointment i.e 29/10/1996 with all back benefits from the initial appointment instead of 12/05/2008 as his colleagues (for example Mir Mian Siraj) are given the same relief by the department with all back benefits.

In wake of submissions made above, your good-self is humbly requested to direct the concern/authority to fix the pay of appellant from the date of his initial appointment instead of 12/05/2008 with all back benefits, moreover, the services of appellant rendered in project (Provincial Health Services Academy Peshawar) from 29/10/1996 may also be counted into his regular service and in this respect necessary entries may also be made in service book of the appellant in the best interest of justice.

Dated 30/12/2018

ATTESTED
[Signature]

Yours' humble Appellant

[Signature]

Wall Jan S/o Gul Jan
Driver (BPS-6)
Nursing School
Dera Ismail Khan

30/12

No. 1100 RGL23706357

For insurance notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

Rs. 30 P. 10

Received a registered* addressed to _____ Date-Stamp _____

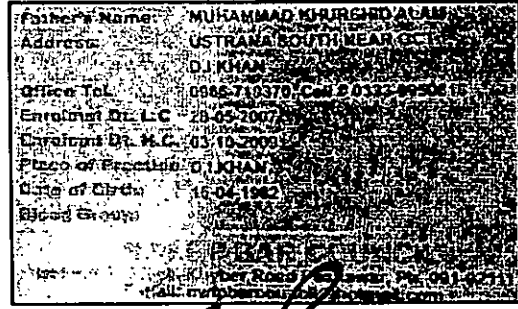
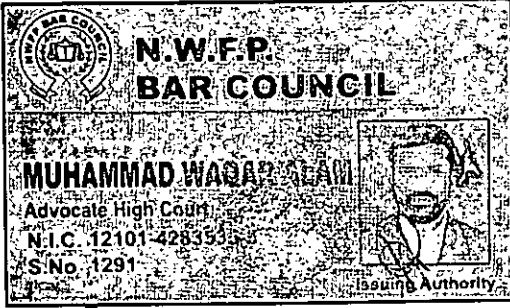
Initials of Receiving Officer _____ *Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

Insured for Rs. (in figures) _____ (in words) _____

If insured. Insurance fee Rs. _____ Ps. (in words) _____ Weight: _____ Kilo _____ Grams _____

Name and address of sender _____ 30/12

وکالت نامہ



KPK Service Tribunal Keshwan

appellant
Wali Jan

KPK

Service appeal
باعت تحریر آنک

دعویٰ یا جرم

تفصیل دعویٰ یا جرم

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے پیروی و جوابدہی برائے پیشی یا تصفیہ مقدمہ بمقام

D.K.K

محمد وقار عالم ایڈووکیٹ ہائی کورٹ

کوسب ذیل شرائط پر دیکھ مقرر کی ہے، کہ ہر پیشی پر خود بذریعہ مختیار خاص رو برو عدالت حاضر ہونا ہوں گا۔ اور ہر وقت پکارے جانے مقدمہ دیکھ صاحب موصوف کو اطلاع دیکر حاضر عدالت کروں گا، اگر پیشی پر منظر حاضر نہ ہوں، اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا، تو صاحب موصوف اسکے کسی طرح ذمہ دار نہ ہوں گے۔ نیز دیکھ صاحب موصوف صدر مقام پکھری کے علاوہ کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے۔ اور مقدمہ صدر پکھری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر منظر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا پیمانہ واپس کرنے کے بھی موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کھل ساختہ پر داخلہ صاحب موصوف مثل کردہ ذات خود منظور و قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ یا جواب دعویٰ یا درخواست اجراءے ڈگری و نظر ثانی اپیل نگرانی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کرانے اور ہر قسم کا رویہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور اس پر ثالثی یا راضی نامہ و فیصلہ پر حلف کرنے، اقبال دعویٰ کا بھی اختیار ہوگا، اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مذکورہ میں از پکھری صدر پیروی مقدمہ مذکورہ نظر ثانی و اپیل و نگرانی و برآمدگی مقدمہ یا مسوئی ڈگری کی طرف یا درخواست حکم امتناعی یا ترقی یا گرفتاری قبل از فیصلہ اجراءے ڈگری بھی صاحب موصوف کو بشرط ادا تکلیف علیحدہ جتانہ پیروی کا اختیار ہوگا اور تمام ساختہ پر داخستہ صاحب موصوف مثل کردہ ذات خود منظور و قبول ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اسکے کسی جزوی کاروائی یا بصورت درخواست نظر ثانی اپیل یا نگرانی یا دیگر معاملہ مقدمہ مذکورہ کی دوسرے دیکھ صاحب موصوف کو اپنے بجائے یا اپنے ہمراہ مقرر کریں، اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے، جیسے صاحب موصوف کو حاصل ہیں، اور وہ ان مقدمہ میں جو کچھ ہر جائزہ التوا ہڈیگا، وہ صاحب موصوف کا حق ہوگا۔ مگر صاحب موصوف کو پوزی ٹیس تاریخ پیشی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ کسی مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

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وی جان

العبد

محمد وقار عالم ایڈووکیٹ ہائی کورٹ

Mob: 0333-9950616

Email: waqaralam1982@gmail.com