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 as well as preliminary hearing on 28.11.2022 before S.B.

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	31/08/2022	The appeal of Mst. Nomeen resubmitted today by Mr. Afrasiab Khan Wazir Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 5-9-22. Notices be issued to appellant and her counsel for the date fixed. By the order of Chairman REGISTRAR

Case No.- 1259/2022

Court of

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

Form- A

SCANNED KPST PESHAWAR

05.09.2022 Appellant present through counsel.

File to come up alongwith connected Service Appeal No.1259/2022 on 30.09.2022 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)

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)

4th Jan, 2023

Learned counsel for the appellant present. Syed Naseer Ud Din Shah, Asst: AG for respondents present.

There is nobody present on behalf of the respondents nor did they submit written reply/comments. The time provided in Rule-12 of the Khyber Pakhtunkhwa Service Tribunal Rules, 1974 for filing reply is seven days before the date fixed but despite providing opportunity the respondents have not filed the comments. They are thus placed ex-parte and their right to file reply stands struck off. Therefore, let this appeal be admitted to full hearing subject to all just and legal objections. The appellant is directed to deposit security fee within ten days. To come up for arguments on 31.01.2023 before D.B.

(Kalim Arshad Khan)
Chairman