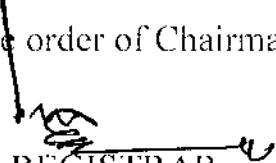


# FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- \_\_\_\_\_ **01/2023**

S.No	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	02/01/2023	<p>The appeal of Mr. Mehboob-ul-Hassan presented today by Uzma Syed Advocate. It is fixed for preliminary hearing before touring Single Bench at Swat on _____.</p> <p>Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

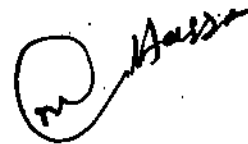
**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

APPEAL NO. 01 /2022

MEHBOOB UL HASSAN VS HEALTH DEPTT:

**INDEX**

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APPELLANT

THROUGH:

UZMA SYED  
ADVOCATE

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

-APPEAL NO. 01 /2022

Mr. Mehboob Ul Hassan, Data Entry Operator (BPS-12),  
District Health Office Buner at District Health Information System (DIIS).  
.....APPELLANT

VERSUS

- 1- The Secretary, Health Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Director General, Health Services Department, Khyber Pakhtunkhwa, Peshawar.
- 4- The District Health Officer, District Peshawar.
- 5- The District Account Officer, District Buner.

.....RESPONDENTS

**APPEAL UNDER SECTION- 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 FOR FIXATION OF PAY w.e.f 04-09-2013 FROM THE DATE OF INITIAL APPOINTMENT ON CONTRACT BASIS AGAINST THE POST OF DATA ENTRY OPERATOR (BPS-12) TILL 30.6.2017 AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.**

**PRAYER:**

That on acceptance of this appeal the appellant may very kindly be allowed/granted pay fixation w.e.f 04-09-2013 till the date of regularization of service i.e. 30.06.2017 with all back benefits. Any other remedy which this august Service Tribunal deems fit that may also be awarded in favor of the appellant.

**R/SHEWETH:**

**ON FACTS:**

**Brief facts giving rise to the present appeal are as under:**

- 1- That the appellant was initially appointed in the respondent Department as Data Entry Operator (BPS-12) vide order dated 04-09-2013 on contract basis.. (Copy of the appointment order is attached as annexure.....A).
- 2- That after appointment the appellant took over the charge against the post of Data Entry Operator (BPS-12) and started performing his duty quite efficiently and upto the entire satisfaction of his superiors. Copies of the medical certificate and charge report are attached as annexure.....B & C.
- 3- That during service the respondent department regularized the services of appellant alongwith other employees vide Notification dated 30.06.2017.

in light of **Khyber Pakhtunkhwa Employees of Health Department (Regularization of Services) Act, 2017**. Copies of regularization notification dated 30.06.2017 and Act are attached as annexure .....D & E).

- 4- That the appellant has served the respondent Department for quite considerable period and after regularization the appellant requested the respondent department for fixation of pay of the contractual period w.e.f 04.09.2013 to 30.06.2017 in light of Rule 2.3 of the West Pakistan Pension Rules, 1963 but the respondent department is not willing to do so.
- 5- That feeling aggrieved from the inaction of the respondent department by not allowing/granting pay fixation to the appellant of the contractual period preferred Departmental appeal before the respondent No.3 for fixation of pay but no reply has been so far. Copy of the Departmental appeal is attached as annexure.....F.
- 6- That appellant feeling aggrieved and having no other remedy but to file the instant service appeal on the following grounds amongst the others.

**GROUNDS:**

- A- That the inaction of respondents by not allowing/granting pay fixation of the contractual period w.e.f 04.09.2013 to 30.06.2017 to the appellant is against the law, facts, norms of natural justice and materials on the record.
- B- That appellant has not been treated in accordance with law and rules by the respondent Department on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the respondent Department acted in arbitrary and mala fide manner by not allowing pay fixation of contractual period w.e.f 04.09.2013 to 30.06.2017 to the appellant.
- D- That the inaction of the respondents is discriminatory and against the norms of natural justice, therefore not tenable in the eye of law.
- E- That there is no break in service of appellant from the date of initial appointment till regularization of service i.e. 24.09.2014.
- F- That in light of Rule 2.3 of the West Pakistan Pension Rules, 1963 the appellant is fully entitled for the grant of pay fixation from the date of initial appointment till 30.06.2017.
- G- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is, therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.

Dated: 28.12.2022

*M Hassan*  
APPELLANT

MEHBOOB UL HASSAN

THOROUGH:

*Uzma Syed*  
UZMA SYED  
ADVOCATE

**CERTIFICATE:**

It is certified that no other earlier appeal was filed between the parties.

*M Hassan*  
DEPONENT

**LIST OF BOOKS:**

- 1- CONSTITUTION OF PAKISTAN, 1973
- 2- SERVICES LAWS BOOKS
- 3- ANY OTHER CASE LAW AS PER NEED

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

APPEAL NO. \_\_\_\_\_/2022

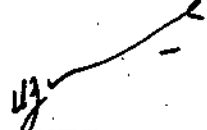
MEHBOOB UL HASSAN

VS

HEALTH DEPTT:

**AFFIDAVIT**

I Uzma Syed, Advocate High Court, Peshawar on the instructions and on behalf of my client do hereby solemnly affirm and declare that the contents of this **service appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

  
UZMA SYED,  
Advocate  
High Court, Peshawar



**DHIS CELL**

A Project of

**HEALTH DEPARTMENT**

**GOVERNMENT OF KHYBER PAKHTUNKHWA**

DG Health services Office Khyber Road, Peshawar.

Phone / Fax # 091-9212339 E-Mail: dhisnwp@yahoo.com

**DHIS**  
DISTRICT HEALTH  
INFORMATION SYSTEM

OFFICE ORDER:

Consequent upon the recommendation of Project Selection Committee, you **Mr. Mehboob ul Hassan S/O Waheed Rasool Village & PO Nawagai, Tehsil Mandan, District Buner** is hereby appointed as **Data Entry Operator (BPS-12)** in District Health Office Buner at District Health Information System DHIS Cell a project of Government of Khyber Pakhtunkhwa, Health Department with immediate effect in the interest of public service.

Your appointment in the said project will be subject to the following terms and conditions:

1. Your job in the project will be purely on the contract basis and draw fixed pay @ Rs: 15,000/- per month with 5% annual increment.
2. Your service contract shall be initially up to 30.06.2015 unless renewed.
3. Being a contract project employee; you shall have no right, whatsoever, to be regularized or to claim or request for regularization or continuation of your contract employment on the basis of this service.
4. You shall be on probation period for initial three months from the date of joining your duties.
5. Your project service, performance of official duties, payment of salary and other emoluments, if any, shall be governed under the provision contained in the policy of Khyber Pakhtunkhwa Government regarding appointment to project posts as well as other relevant Government rules and regulation governing your cadre of Project employee, as amended from time to time.
6. You shall be entitled for leave, Travelling Allowance and Medical Facilities/ charges as per relevant Govt. policy, rules and regulations applicable to your cadre of employees.
7. In case the service contract is to be terminated by you or DHIS Cell, a prior notice of one month before the date of termination shall have to be served by either party upon the other. In case of failure in timely serving this notice, one month salary shall be forfeited or paid to other party in lieu of notice period, as the case may be.
8. You shall perform your official duties as given in your job description and/ or assigned to you by District Health Officer/ your controlling officers.
9. Your performance and continuation of service shall be subject to the production of valid Medical Fitness Certificate by Medical Superintendent in original.
10. You will not be entitled to any TAVDA for medical examination and joining the duty.

If the above mentioned terms and conditions are acceptable to you, you may report for duty to the undersigned immediately but not later than 16/09/2013 for further posting to your place of duty at District Health Office.

xxxxSd/xxxx

Provincial Programme Manager  
DHIS Cell, Health Department  
Khyber Pakhtunkhwa, Peshawar

No 2069-74 /DHIS/Admn/Appnt-Staff/2013-14

Dated: 04 /09/2013

Copy forwarded for information to:

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. PS to Secretary Health Khyber Pakhtunkhwa, Peshawar.
3. PA to Director General Health services Khyber Pakhtunkhwa, Peshawar.
4. District Health Office Buner.
5. Accounts section DHIS Cell.
6. Mr. Mehboob ul Hassan S/O Waheed Rasool Village & PO Nawagai, Tehsil Mandan, District Buner

Name of official Mehboob ul Hassan  
 Caste or race Muslim  
 Father's name Waheed Rasool  
 Residence Village in P.O Nawagai Tehsil Mandan  
Distt Buner  
 Date of birth 15-02-1986  
 Exact height by measurement 5' 7"  
 Personal marks of identification \_\_\_\_\_  
 Signature of the official [Signature]  
 Signature of head of office \_\_\_\_\_

Seal of office [Signature]  
 Programme Manager  
 DHIS Cell, Health Department  
 Khyber Pakhtunkhwa Peshawar

I do hereby certify that I have examined Mr Mehboob ul Hassan a candidate  
 for employment in the office of the DHIS Cell  
 and cannot discover that he had any disease communicable or other constitutional affection or bodily  
 infirmity except Nil

I do not consider this as disqualification for employment in the office of the \_\_\_\_\_

His age according to his own statement 27 year and by appearance about  
 year Twenty Seven

[Signature]  
 District Hospital Officer  
 Buner

[Signature]  
 MEDICAL SUPERINTENDENT,  
 CIVIL HOSPITAL  
 Medical Superintendent  
 Public Services, Hospital  
 Peshawar,  
 10/9/13

LEFT HAND THUMB AND FINGER IMPRESSIONS

\_\_\_\_\_



OFFICE OF THE DISTRICT OFFICER (HEALTH) DISTRICT BUNER

No. 3680 / 11/2

Dated 12/9 / 2013

To

Director General Health Services  
KPK Peshawar

Through proper channel

Subject: ARRIVAL REPORT

R/sir,

Reference your office order No.2069-74/DHIS/ADMIN/APPH-staff/2013-14, (copy attached). Dated 04-09-2013

I have the honor to submit herewith my arrival report as Data Entry Opt ;( BSP-12) at DHO, office Buner today on 11-09-2013,  
Submitted for information and further n/action please.

Thanks

Yours sincerely  
Mr. Mehboob-ul-Hassan

*By  
Forward to  
DHHS ke  
for  
11/9/13*

Thanks  
Yours sincerely  
A. Khan



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

Dated: 30/06/2017

NOTIFICATION

No. SOG/Health/2-65/2017 :- In pursuance of Section 3 of The Khyber Pakhtunkhwa Employees of Health Department (Regularization of Services) Act, 2017 (Khyber Pakhtunkhwa Act No. VII of 2017), the services of following officers/officials appointed on contract/fixed pay basis in ADP No. 427, Code 160232 "Strengthening Health Management Information System/District Health Information System in Khyber Pakhtunkhwa (Phase-II)" and holding the posts at the time of commencement of the Act ibid shall stand regularized:-

S.No	NAME	FATHER NAME	DESIGNATION	BPS
1	Muhammad Ihtisham Siddiqui	Muhammad Ishaq Siddiqui	Data Base Administrator	17
2	Kamran Khan	Ishfaq Muhammad Khan	Assistant Director	17
3	Hameed Iqbal	Nawab Shah	Data Analyst	17
4	Fazli Diyan	Mir Nawas	Accounts Assistant	16
5	Farooq Saeed	Saeed ur Rehman	Statistical Assistant	16
6	Lal Muhammad	Khan Saheb	Statistical Assistant	16
7	Imtiaz Ahmad	Siddique Ahmad	Statistical Assistant	16
8	Shahid Mehmood	Umer Afridi	Statistical Assistant	16
9	Sardar Romais Bashir	Sardar Basheer Ahmad	Statistical Assistant	16
10	Shoaib Ahmad Khan	Khan Muhammad	Statistical Assistant	16
11	Baz Muhammad	Sarwar Jan	Statistical Assistant	16
12	Hassan Mehmood	Muhammad Mustafa	Statistical Assistant	16
13	Fahim Ullah	Muhammad Shareef	Statistical Assistant	16
14	Said Rafiq	Muhammad Ghawas	Statistical Assistant	16
15	Naveed Subhan	Fazli Subhan	Statistical Assistant	16
16	Zafar Ali	Sardar Ali	Statistical Assistant	16
17	Ahsan Riaz	Riaz Hussain	Statistical Assistant	16
18	Badre Alam	Muhammad Sadiq	Statistical Assistant	16
19	Salman Durrani	Sabir Durrani	Statistical Assistant	16
20	Fahad Meher	Meher Taj	Statistical Assistant	16
21	Ayesha Siddiqua	Malik Ijaz	Statistical Assistant	16
22	Zaheer Akhtar	Taj Muhammad	Statistical Assistant	16
23	Muhammad Faissal	Jehanzeb	Statistical Assistant	16
24	Alamgir Raza	Zahid Raza	Statistical Assistant	16
25	Tufail Ahmad	Hussain Muhammad	Statistical Assistant	16
26	Muhammad Javed	Baqi Jan	Statistical Assistant	16
27	Naveed Alam	Shah Bahader	Statistical Assistant	16
28	Waqar Ali Shah	Mumtaz Hussain	Statistical Assistant	16
29	Shah Zeb	Alam Zeb	Statistical Assistant	16

30.	Gul Meena	Miskeen Khan	Statistical Assistant	16
31.	Zakir ullah	Zahir Shah	Statistical Assistant	16
32.	Hina Qamar	Noor ul Qamar	Statistical Assistant	16
33.	Muhammad Afzal Khan	Dilawar Khan	Statistical Assistant	16
34.	Muhammad Tufail	Muhammad Shafiq	Statistical Assistant	16
35.	Majid Hussain	Manzoor Hussain	Statistical Assistant	16
36.	Fazal Adnan	Fazal Dayan	Statistical Assistant	16
37.	Aleem Khan	Haji Haleem Khan	Office Assistant	16
38.	Farhan Ali	Ali Ahmad	Office Assistant	16
39.	Muhammad Bilal Khalid	Khalid Pervez	Network Assistant	16
40.	Faizan Jehangir	Jehangir Pervez	Hardware Assistant	16
41.	Aamir Ahmad	Abdul Manan	Data Entry Operator	16
42.	Muhammad Waseem	Waqif Khan	Data Entry Operator	16
43.	Kaleem Ullah	Hidayat Ullah	Data Entry Operator	16
44.	Harnid Khan	Salih Muhammad	Data Entry Operator	16
45.	Abdul Wajid	Mubarak Shah	Data Entry Operator	16
46.	Muhammad Ishfaq	Pervaiz Khan	Data Entry Operator	16
47.	Faisal Rehman	Shamsul Haq	Data Entry Operator	16
48.	Safirullah Khan	Gul Sahib	Data Entry Operator	16
49.	Muhammad Sohail	Muhammad Nawaz	Data Entry Operator	16
50.	Syed Fayaz Ali Shah	Khushal Syed	Data Entry Operator	16
51.	Mehboob ul Hassan	Waheed Rasool	Data Entry Operator	16
52.	Bahar Ali	Abdul Ghaffar	Data Entry Operator	16
53.	Waseem Khan	Ajab Khan	Data Entry Operator	16
54.	Shafiq Ahmad	Rahmat Azam	Data Entry Operator	16
55.	Shakir Alam	Gul Azam Baig	Data Entry Operator	16
56.	Sami ullah Khan	Inayat Ullah Khan	Data Entry Operator	16
57.	Muhammad Haseeb	Abdul Wahab	Data Entry Operator	16
58.	Zarin Bakht	Bakht Badshah	Data Entry Operator	16
59.	Sanika Bibi	Muhammad Rafiq	Data Entry Operator	16
60.	Faisal Ayaz	Muhammad Ayaz Khan	Data Entry Operator	16
61.	Naila Habib	Habibullah	Data Entry Operator	16
62.	Syed Tariq Shah	Syed Hussain Shah	Data Entry Operator	16
63.	Nasir Jalal	Jalal ud Din	Data Entry Operator	16
64.	Muhammad Shakir	Muhammad Abdus Samad	Data Entry Operator	16
65.	Imran ud Din	Habib ul Mukhtiar	Data Entry Operator	16
66.	Muhammad Fahim	Muhammad Qayum	Data Entry Operator	16
67.	Ziad Khan	Gran Badshah	Data Entry Operator	16
68.	Roohullah	Janas Khan	Data Entry Operator	16

70.	Mubina Khan	Khan Afsar	Data Entry Operator	16
71.	Shahid Iqbal	Hanifullah	Data Entry Operator	16
72.	Imad Shah	Walayat Shah	Data Entry Operator	16
73.	Ijaz Ahmad	Shafi Alimad	Data Entry Operator	16
74.	Roohullah	Shah Jehan	Data Entry Operator	16
75.	M. Nasir Khan	Rasool Khan	Data Entry Operator	16
76.	Hamzala	Rahmul Huda	Store Keeper	12
77.	Muhammad Adil	Zahid Hussain	Junior Clerk	11
78.	Bilal Ahmad	Gul Wali Khan	Driver	6
79.	Johar Ali	Ghulam Nabi	Driver	6
80.	Meher Rehman	Sheer Rehman	Driver	6
81.	Qaisar Khan	Janas Khan	Driver	6
82.	Bilal	Wali Muhammad	Naib Qasid	3
83.	Ibni Amin	Mian Khan	Naib Qasid	3
84.	Muhammad Anas	Gul Roz	Chowkidar	3
85.	Ijaz Hussain	Hikmat Khan	Chowkidar	3
86.	Muhammad Rasool	Ghulam Muhammad	Sweeper	3

Secretary to Govt. of Khyber Pakhtunkhwa  
Health Department

Ends: No. and Date even as above.

Copy to:-

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa
4. All heads of attached Departments, Health Department, Peshawar.
5. PSO to Chief Secretary, Khyber Pakhtunkhwa.
6. Manager, Government Printing Press Department, Khyber Pakhtunkhwa for publication in the official Gazette.
7. PS to Senior Minister for Health, Khyber Pakhtunkhwa, Peshawar.
8. PS to Additional Chief Secretary (P&D) Khyber Pakhtunkhwa.
9. PS to Secretary Health, Khyber Pakhtunkhwa, Peshawar.
10. Officers/officials concerned.

  
(JIBREEL RAZA)  
Section Officer (General)

30 June 2017

EXTRAORDINARY  
GOVERNMENT

REGISTERED NO. PIII  
GAZETTE



## KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, MONDAY, 13<sup>th</sup> MARCH, 2017.

PROVINCIAL ASSEMBLY SECRETARIAT,  
KHYBER PAKHTUNKHWA

### NOTIFICATION

Dated Peshawar, the 13<sup>th</sup> March, 2017.

No. PA/Khyber Pakhtunkhwa/Bills/2017/10279.—The Khyber Pakhtunkhwa Employees of Health Department (Regularization of Services) Bill, 2017 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 2<sup>nd</sup> March, 2017 and assented to by the Governor of the Khyber Pakhtunkhwa on 9<sup>th</sup> March, 2017 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

THE KHYBER PAKHTUNKHWA EMPLOYEES OF HEALTH DEPARTMENT,  
(REGULARIZATION OF SERVICES) ACT, 2017

(KHYBER PAKHTUNKHWA ACT NO. VII OF 2017)

*(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa, (Extraordinary), dated the 13<sup>th</sup> March, 2017).*

AN  
ACT

*to provide for the regularization of the services of employees appointed on adhoc or contract basis against civil posts and project posts in the Khyber Pakhtunkhwa.*

PREAMBLE:- WHEREAS it is expedient to provide for regularization of services of doctors, Drug Inspectors and other employees appointed on contract or adhoc basis in Health Department, Government of Khyber Pakhtunkhwa;

It is hereby enacted as follows:-

1097. 13.2017

1. Short title and commencement---(1) This Act may be called the Khyber Pakhtunkhwa employees of Health Department (Regularization of Services) Act, 2017.

(2) It shall come into force at once.

2. Definitions--- (1) In this Act, unless the context otherwise requires,-

(a) "Government" means the Government of Khyber Pakhtunkhwa;

(b) "Commission" means the Khyber Pakhtunkhwa Public Service Commission;

(c) "Department" means the Health Department of Government of Khyber Pakhtunkhwa;

(d) "Departmental Selection Committee" means a Departmental Selection Committee constituted for making selection for initial appointment to posts in BPS-16 and below in the Department.

(e) "Project" means:-

(i) Health Sector Reforms Unit (HSRU), Health Department;

(ii) Strengthening of Planning Cell, Health Department;

(iii) District Health Information System, Health Department;

(iv) Independent Monitoring Unit, Health Department, and;

(v) Strengthening of Rehabilitation of Service of Physically Disabled at Health Department, Khyber Pakhtunkhwa.

(f) "employees" mean those duly qualified persons:-

(i) who were appointed as District Specialist, Medical Officers, Dental Surgeons and Drug Inspectors, on adhoc or contract basis by the Government in the years 2015, 2016 and 2017 but otherwise than in accordance with the prescribed method of recruitment;

(ii) who were appointed in Saidu Medical College, Swat and Gajju Khan Medical College, Swabi on adhoc or contract basis by the Government in the years 2015, 2016 and 2017 but otherwise than in accordance with the prescribed method of recruitment;

(iii) who were appointed on adhoc or contract basis by the Government in Khalifa Gul Nawaz Teaching Hospital Bannu in the year, 2011 in the following cadres but otherwise than in accordance with the prescribed method of recruitment:-

- (a) Paramedics cadre;
- (b) Nursing cadre;
- (c) Computer operator;
- (d) Photographer;
- (e) Sub-Engineer, and;

(iv) who were appointed in the projects referred to in sub section (1) on adhoc or contract basis in accordance with project policy.

(g) "law or rules" means the law or rules for the time being in force governing the selection and appointment of civil servants.

(h) "posts" means a posts occupied by the employee and is required to be filled on the recommendation of Commission or Departmental Selection Committee.

(2) The expressions, "Adhoc appointment or Contract appointment" shall have the same meaning as respectively assigned to them in the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973).

3. **Regularization of services of employees.**--- (1) Notwithstanding anything contained in any other law or rules, the employees appointed on contract or adhoc basis and holding the post till the commencement of this Act shall be deemed to have been validly appointed on regular basis from the day of the commencement of this Act.

Provided that;

- (i) Where this Act affects the service promotion quota of any service cadre, such employee(s) shall be deemed to have been regularized against the post in the lower grade of such cadre prescribed under the rules for initial recruitment.
- (ii) they have not resigned from their services or terminated from service on account of misconduct, inefficiency or any other ground before the commencement of this Act; and
- (iii) the services of such employees shall be deemed to have been regularized only on the publication of their names in the Official Gazette.

4. **Determination of seniority.**--- (1) The employees whose services are regularized under this Act or in the process of attaining services at the commencement of this Act shall rank junior

to all civil servants belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of this Act, and shall also rank junior to such other persons, if any, who, in pursuance of the recommendation of the Commission/ Departmental Selection Committee made before the commencement of this Act, are to be appointed to the respective service or cadre, irrespective of the actual date of appointment.

(2) The seniority inters of the employees, whose services are regularized under this Act within the same service or cadre, shall be determined on the basis of their continuous affiliation in such service or cadre;

Provided that if the date of continuous affiliation in the case of two or more employees is the same, the employee older in age shall rank senior to the younger one.

5. **Removal of difficulties.**--- If any difficulty arises in giving effect to any of the provision of this Act, the Department may give such direction as it may consider necessary for the removal of such difficulty.

6. **Overriding effect.**--- Notwithstanding anything to the contrary contained in any other law or rules, the provisions of this Act shall have an overriding effect and the provisions of any such law or rules to the extent of inconsistency to this Act shall cease to have effect.

**BY ORDER OF MR. SPEAKER  
PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA**

(AMANULLAH)  
Secretary

Provincial Assembly of Khyber Pakhtunkhwa



To,

The Director,  
E&SE Department,  
Khyber Pakhtunkhwa, Peshawar.

Subject: **DEPARTMENTAL APPEAL FOR THE GRANT OF PAY  
FIXATION OF THE CONTRACTUAL PERIOD W.E.F THE  
DATE OF 1<sup>ST</sup> APPOINTMENT I.E. 04.09.2013 TO 30.06.2017**

Respected Sir,

With great reverence it is stated that the applicant was initially appointed before your good self Department as Data Entry Operator (BPS-12) vide order dated 04-09-2013 on contract basis. That after appointment the applicant took over the charge against the post of Data Entry Operator (BPS-12) and started performing his duty quite efficiently and upto the entire satisfaction of his superiors. That during service the Health department regularized the services of applicant alongwith other employees vide Notification dated 30.06.2017 in light of **Khyber Pakhtunkhwa Employees of Health Department (Regularization of Services) Act, 2017**. That the applicant has served the Health Department for quite considerable period and is fully entitled to be regularized the contractual period of the applicant and allow him for pay fixation from the date of 1<sup>st</sup> appointment till the date of regularization in light of Rule 2.3 of the West Pakistan Pension Rules, 1963 but till date the applicant has not allowed for pay fixation. That the applicant feeling aggrieved preferred the instant departmental appeal before your good self.

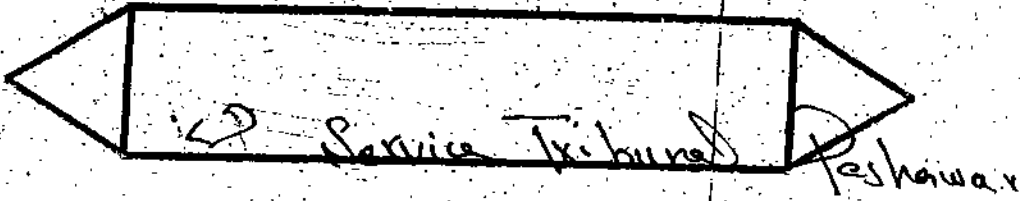
It is, therefore, most humbly requested that on acceptance this departmental appeal the applicant may very kindly be allowed/granted pay fixation w.e.f the date of 1<sup>st</sup> appointment i.e. 04.09.2013 to 30.06.2017 with all back benefits. Any other relief which your good self deems fit that may also be awarded in favor of the applicant.

Dated: 14.09.2022.

Your Obediently



Mchboob Ul Hassan, DEO (BPS-12),  
DHIS Buner



2023 منجانب

بنام

مورث

مقدمہ

دعویٰ

جرم

باعث تحریر آئندہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ

آن مقام <sup>کیا گیا</sup> Uzma Syed Peshawar

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے ق تقرر ثالث و فیصلہ پر خلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برابری اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا محتاج ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کھاپے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکور با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ ہوں گے سب سے وہوگا۔ 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۔

2023ء

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المرقوم

العبد د گ واہ العبد