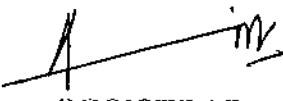


Form-A

FORM OF ORDER SHEET

Court of _____

Restoration Application No. 34/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	17.01.2023	<p>The application for restoration of Execution Petition No.464/2022 submitted today by Mr.Mir Zaman Safi Advocate. It is fixed for hearing before Single Bench at Peshawar on . Original file be requisitioned. Parcha Peshi is given to appellant/counsel.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR

Restoration Appli. no. 34/2023

C.M. NO. _____/2023

IN

Execution Petition no. ____/2022

Khyber Pakhtunkhwa
Service Tribunal

Registry No. 3033

Dated 17-1-2023

NAHEED BEGUM

VS

HEALTH DEPARTMENT

**APPLICATION FOR RESTORATION OF THE
ABOVE MENTIONED EXECUTION PETITION.**

R/SHEWETH:

1. That the above mentioned Execution petition was pending before this august Service Tribunal which was fixed for hearing on 09/09/2022.
2. That the applicant/petitioner filed the above mentioned execution petition for implementation of the judgment of this august Tribunal dated 17.06.2022. That on the above mentioned date of hearing i.e. 09/09/2022 the respondent department submitted compliance order dated 12.10.2022 whereby the applicant conditionally allowed for pensionary benefits subject to the outcome of CPLA pending before the Honorable Supreme Court of Pakistan. **Copy of the order is attached as annexure.....A.**
3. That the respondent department issued order dated 12.10.2022 but the pensionary benefits have not been released despite of clear directions of this august Service Tribunal and as such in light of the order dated 10.12.2022 this august Tribunal consigned the above mentioned execution petition with the observation that the grievance of the petitioner has been redressed by the respondents. Copy of the order sheet is attached as annexure.....B.
4. That as per order dated 10.12.2022 the respondent department has not released the pensionary benefits to the appellant till date, which shows malafidy intention on the part of respondents, therefore, the execution petition needs to be restored for implementation of the judgment dated 17.06.2022 in litter and spirit.

It is, therefore, most humbly prayed that on acceptance of this application the execution petition may very kindly be restored for proper implementation of the judgment of this august Tribunal.

Dated: 12.01.2023.

APPELLANT
THROUGH:
MIR ZAMAN SAFI,
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

C.M. NO. _____/2023

IN

Execution Petition no. _____/2022

NAHEED BEGUM

VS

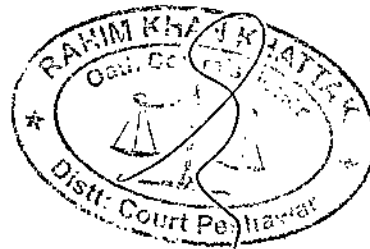
HEALTH DEPARTMENT

AFFIDAVIT

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


MIR ZAMAN SAFI
ADVOCATE

ATTESTED





OFFICE OF THE DISTRICT HEALTH OFFICER
PESHAWAR

Phone No. 091-9225387

A - (3)

OFFICE ORDER

Wherease Mst. Naheed Begum Lady Health Worker was retired from her service Vide this office order bearing endorsement No. 6442-48/DHU.DPU, dated 04.05.2021, but due to less than 10 years qualifying service she was not granted pension benefits. Now as per Services Tribunal Ex-Petition No. 464/2022 in Service Appeal No.6573-P/2021 dated: 17.06.2022 and subsequently Government of Khyber Pakhtunkhwa Health Department letter No. SOH (Lit-II)HD/S.A/6573/2021/Naheed Begum dated: 06.09.2022, Mst. Naheed Begum Ex-LHW is hereby conditionally allowed for pension benefits etc till the decision of Honorable Supreme Court of Pakistan

Sd/xxxxxxxxxx
District Health Officer
Peshawar.

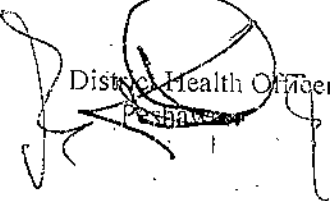
No. 17399-405/DHO
Copy is forwarded to the:

dated Pesh: 12/12/2022

1. Registrar Services Tribunal Khyber Pakhtunkhwa.
2. PS to Secretary Health Governmnt of Khyber Pakhtunkhwa.
3. PA to Deputy Secretary Litigation Government of Khyber Pakhtunkhwa Health Department.
4. Director General Health Services Government of Khyber Pakhtunkhwa.
5. Litigation Officer DHO Office Peshawar.
6. Accounts Section DHO Office Peshawar.
7. Official Concerned.

For information and necessary action.

M


District Health Officer
Peshawar

B-U

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Implementation Petition No. 464 /2022
In



Appeal No. 6573/2021

Mst; Naheed Begum, Ex-LHW (retired),
O/O the District Health Officer/CD Bin Bahar Colony, Peshawar

.....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 Accountant General, Khyber Pakhtunkhwa Fort Road, Peshawar.
- 5- The District Health Officer, District Peshawar.

.....RESPONDENTS

**IMPLEMENTATION PETITION FOR DIRECTING
THE RESPONDENTS TO OBEY THE JUDGMENT
OF THIS AUGUST TRIBUNAL DATED 17.06.2022 IN
LETTER AND SPIRIT**

R/SHEWETH:

- 1- That the petitioner filed Service appeal bearing No. 6573/2021 before this august Service Tribunal for the grant of pay fixation and release of pension.
- 2- That the appeal of petitioner was finally heard by this august Tribunal on 17.06.2022 and decided in favor of the petitioner vide judgment dated 17.06.2022 with the view that *"In view of the provision of Rule 2.3(ii) of the West Pakistan Civil Services Pension Rules, 1963 as well as 2010 PLC 354, the contractual period of services of the appellant has been followed by regularization under special law but w.e.f. 01.07.2012. The contractual period of the appellant is therefore countable towards pension and she is entitled for pensionary benefits. The appeal in hand is, therefore, allowed and the respondents are directed to release pension to the appellant as per her due rights and entitlement w.e.f 04.05.2021"*. Copy of the judgment is attached as annexure.....A.
- 3- That after obtaining attested copy of the judgment dated 17.06.2022 the petitioner submitted the same before the respondents for implementation but till date the judgment of this

certified to be true c
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

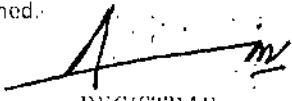

5

Form A
FORM OF ORDER SHEET

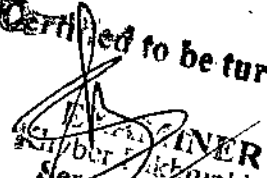


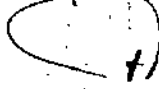
Court of _____

Execution Petition No. 464/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	11.08.2022	<p>The execution petition of Mst. Naheed Begum submitted today by Mr. Mir Zaman Safi Advocate may be entered in the relevant register. This execution petition be put up before Single Bench at Peshawar on <u>12-08-2022</u> Original file be requisitioned.</p> <p style="text-align: right;"> REGISTRAR</p>
	12.08.2022	<p>Counsel for the petitioner present.</p> <p>Notices be issued to respondents for submission of implementation report. To come up for implementation report on 09.09.2022 before S.B</p> <p style="text-align: right;"> (Fareeha Paul) Member (E)</p>
	09.09.2022	<p>Petitioner present through counsel.</p> <p>Muhammad Adeel Butt, learned Additional Advocate General alongwith Mastan Ali Shah, Litigation Assistant for respondents present.</p> <p>Implementation report was not submitted. Representative of respondents requested for time to submit implementation report. Opportunity is granted. To come up for submission of implementation report on <u>18 / 10 / 2022</u> before S.B.</p>

SCANNED
KPST
Peshawar

Certified to be true copy

MEMBER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar


(Rozina Rehman)
Member(J)

of Presentation of Application 12/1/23
Number of Page 20
Copying Fee 10/-
Urgent 0/-
Total 15/-
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Date of Copy 12/1/23
Date of Delivery of Copy 12/1/23