

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Service appeal No. 1402/2022

Diary No. 3443

Khan Afzal

Dated 7-2-2023
Petitioner

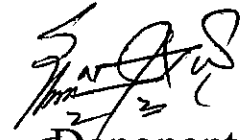
Versus

Govt of Khyber Pakhtunkhwa & Others

-----Respondents

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Deponent

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No.1402/2022.


Khan Afzal Vs Govt: of KP (Health)

-----Petitioner

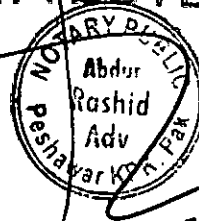
AFFIDAVIT

I Dr, Mubarak Zeb khan S/O Mr,Alam Zeb Khan Litigation Officer ,Office of DHO Peshawar, do hereby solemnly affirm and declare on oath that content of the instant replay are true and correct to the best of my knowledge & belief and nothing has been concealed from, this honorable Court.

DEPONENT


Dr, Mubark Zeb
Litigation Officer
Office of DHO Peshawar
NIC No: 17101-6493994-5

ATTESTED



07 FEB 2023

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No.1402/2022.

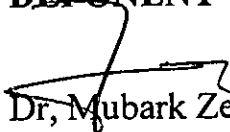
Khan Afzal Vs Govt: of KP (Health)

-----Petitioner

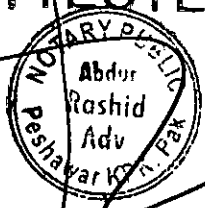
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Dr, Mubark Zeb
Litigation Officer
Office of DHO Peshawar
NIC No: 17101-6493994-5

ATTESTED


NOTARY PUBLIC
Abdur
Rashid
Adv
Peshawar K.P.K.

07 FEB 2023

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

Service Appeal No. 1402/2022

- 1. Khan Afzal S/O Fazal-e-Haq
- 2. Mst.Dardana Manihal
- 3. Mst Dardana Ghazal (minor daughter)
- 4. Muhammad Abu Huraia (minor son)

.....Appellants

VERSUS

- 1. Chief Secretary Govt of Khyber Pakhtunkhwa Peshawar.
- 2. Secretary Health, Government of Khyber Pakhtunkhwa.
- 3. Director General Health Services, Khyber Pakhtunkhwa.
- 4. District Health Officer Peshawar.
- 5. District Account Officer AG office Peshawar.

.....Respondents.

REPLY ON BEHALF OF RESPONDENTS No 01 to 04

Preliminary Objections.

- I. The appellant has got neither cause of action nor locus standi.
- II. The appeal is not maintainable in its present form.
- III. That the appellant has deliberately concealed material facts from the Hon'ble Service Tribunal Peshawar, hence liable to be dismissed.
- IV. That the appeal is not maintainable in its present form and also in the present circumstance of the issue.
- V. The appellant has not come to the Hon'ble Tribunal with clean hands and hit by laches.
- VI. That the appeal is bad due to non- joinder and mis- joinder of necessary and proper parties.
- VII. That the appellant is not civil servant and is public servant with the meaning of S No.9 of the Khyber Pakhtunkhwa Regularization of Lady Health workers program and employees (Regularization and standardization) Act 2014 and. Hence the Honourble Tribunal has no jurisdiction.

Respectfully Sheweth:

Para No 01 of the appeal pertains to record.

Para No 02 of the appeal pertains to record.

Para No 03 of the appeal pertains to record

Para No 04 of the appeal is misleading, as the appellate was initially appointed as Lady Health Worker on 01-11-1997 on contract basis/fixed pay without any Pay Scale by the Lady Health Worker Prugromme(Annexure-A) and was regularized under the directions of Hon'ble Supreme Court of Pakistan on 03-10-2012, in Cr. Original Petition No 15 and 73 of 2021 in Human Rights Case No 16360 of 2009 and Constitution Petition No 36 of 2112 "Bushra Arain Vs. Jahanzaib Khan, Secretary Health and

Others as per judgment of Hon'ble Supreme Court of Pakistan and in view of The Khyber Pakhtunkhwa Regulation of Lady Health Workers Program and Employees(Regularization and Standardization) ACT 2014 appellant was also regularized w.e.f 1st July 2012 as her initial appointment as Lady Health Worker in BPS 05 (**Annexure-B**).

wherein the Hon'ble Supreme Court of Pakistan declared that :

All LHSs, LHWs Account Supervisors and Drivers will be regularized from 1st July 2012 as initial appointed and calculation of financial implication to be borne by Federal Government shall be made accordingly on the basis of employees' strength as on 30th June 2011 including cost of total cost of the project. (Annex-B).

Therefore, under the judgment of Hon'ble Supreme Court of Pakistan, appellant was regularized w.e.f 1st July 2012 as her initial appointment as Lady Health Worker in BPS 05, and as appellant served as a regular government employee only for 09 years, 04 Months and 23 days (i.e from 1st July 2012 till 24 November 2021), so the respondents sent condonation letter for pension to the Finance Department Khyber Pakhtunkhwa Peshawar, and in response the Health Department got condonation sanction from the Finance Department (**Annexure-C,D&E**).

Needless to mention that the Respondent Department have no objection on pension sanction since her regularization from 1st July 2012, but the appellant husband want her regularization from the initial date of appointment (1-11-1997).

Para No.05 of the appeal in incorrect and the facts have been described in detail in above paras.

REPLY ON GROUNDS

- a) Incorrect. As stated in Para No 04 ibid.
- b) Incorrect. As stated in Para No 04 ibid.
- c) Incorrect. Already explained above.
- d) Incorrect .The appellant has been treated in accordance with law, rules and appellant is not entitled for fixation of pay/regularization of contractual services w.e.f 01-11-1997, as stated in Para No 04 above.
- e. Incorrect. Already explained above.
- f. Incorrect. AS replied in above paras.
- g. Incorrect. Appellant has not been regularized under Civil Servants Act rather under Khyber Pakhtunkhwa Regulation of Lady Health Workers Program and Employees (Regularization and Standardization ACT 2014 (**Annexure-F**), wherein Section 04 has clearly mentioned regularization of appellant w.e.f 1st July 2012 following the judgment

of Hon'ble Supreme Court of Pakistan as initial appointment w.e.f 1st July 2012 (Annexure -B).

- h. Already explained in above paras.
- i. Any other ground will be agitated during the course of arguments with permission of the tribunal.

PRAYER:

In the view of above, it is humbly prayed that the instant appeal being devoid of merit may very graciously be dismissed with cost.

Respondent No-01& 02
(Through)
Secretary Health
Khyber Pakhtunkhwa Peshawar

Respondent No-03
Director General Health Services
Khyber Pakhtunkhwa Peshawar

Respondent No-04
District Health Officer
Peshawar

APPOINTMENT ORDER.

APPOINTMENT ORDER FOR LADY HEALTH WORKER UNDER PRIME
HEALTH PROGRAMME FOR FAMILY PLANNING AND PRIMARY
HEALTH CARE DISTRICT PESHAWAR.

On the recommendation of selection
by Shahnaz Begum D/O W/O Muhammad Ibrahim
Mathra Kander Khatesil Peshawar
appointed as Lady Health Worker (LHW) in BHU Putwar
11-1997 on the following terms and conditions:-

1. The appointment will be purely on contract basis.
2. The appointment will be initially for one year. However it is extendable subject to satisfactory performance.
3. After selection she will be trained for a duration of 18 months. In the first 3 months she will attend training at the health centre for 5 days in a week. While during the next 12 months, she will work in her catchment area for 3 weeks in every month and will attend the training session at the health centre in the 1st week of every month.
4. She will be paid @ Rs. 50/= Per day during initial 3 months of training and subsequently she will be given a stipend of 1200/= per month.
5. She will have to work in this programme for at least one year after completion of training for which she will have surety bond at the time of joining training of stamp paper of Rs. 50/= . If she wishes to resign within this period, she will have to deposit the whole amount of salary which she has received during training and service until acceptance of resignation.
6. On expiry of surety bond period, if she wishes to resign, she will serve one month advance notice or will deposit one month's salary in lieu of notice.
7. The post is non transferable and the services will be terminated if the LHW move out of her area of assignment.
8. She will be required to establish a health house in her residence and maintain it according to the requirements of the programme. She will work closely with the local community and establish a local health committee and a women group with the assistance of the Field Supervisor and Health Centre Staff.
9. She will ensure her presence during the field visits of supervisors and will arrange home visit for them.
10. She will be required to open a bank account in the nearest bank to the training centre. The branch will be identified by the District PIU and her salary will be disbursed through this bank.
11. She will keep a proper record of supply and receipt from the health centre and will also maintain a proper record of consumption of the supplies and will provide this to the health centre every month at the time of receiving new supplies.

(6)

Annexure - B

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

Present

Mr. Justice Iftikhar Muhammad Chaudhry, CJ.
Mr. Justice Jawwad S. Khawaja
Mr. Justice Khilji Arif Hussain

Crl. Original Petition No.15 and 73 of 2012

In

Human Rights Case No.16360 of 2009

And

Constitution Petition No.36 of 2012

(Regarding the Regularization of Service
of Lady Health Supervisor/Workers)

Bushra Araen (In Crl.O.P.15/12)
Dr. Pir Ghulam Hussain and others (In Crl.O.P.73/12)

...Petitioners

Versus

Mr. Jahanzeb Khan, Secretary Health and others ... Respondents

In Attendance: Ms. Bushra Araen, LHS (Crl.O.P.15/12)
Ms. Rukhsana Anwar, LHS (in Cont. P.36/12)
Ms. Shafaq, Programme Officer
Ms. Farhat Sultana, LHS
Ms. Saeeda Shaheen, LHS
Ms. Maryam Sultana, LHS
Dr. Pir Ghulam Hussain,
Field Monitoring Coordinator (Crl.O.P.73/12)

For the Federation: Raja M. Aleem Abbasi, DAG

For Govt. of Punjab: Mr. Javed Hassan, AAG

For Govt. of Sindh: Mr. M. Qasim Mir Jat, AAG, Sindh
Mr. Saeed Qureshi,
Focal Person to Secretary Health

For Govt. of KPK: Syed Arshad Hussain Shah, AAG, KPK
Mr. Asmatullah Qureshi, S.O.

For Govt. of Balochistan: Mr. M. Azam Khan Khattak, AAG, Balochistan

Date of hearing: 03.10.2012.

ORDER

The learned DAG stated that the in pursuance of the policy funds have been released for the distribution of salaries etc. to the Provinces till the month of September, 2012. According to his instructions on the completion of codal formalities from the Finance Ministry this amount is likely to be transferred in the shortest possible time so that the respective Provinces may reimburse the amount to the staff working in various projects relating to health. Mst. Bushra Araen, LHS and others stated that

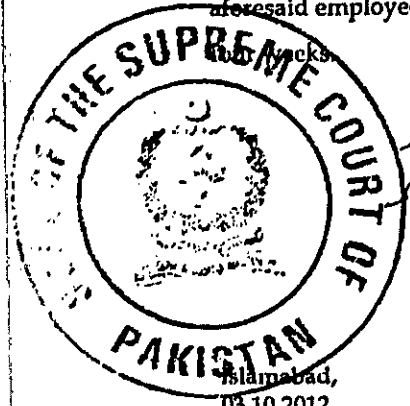
ATTESTED
Superintendent
Supreme Court of Pakistan

and the Provincial Governments may take interest to disburse their salaries well in time particularly before the Eid-ul-Azha. Learned DAG stated that no efforts shall be made to do the needful. We expect that the Chief Secretaries of the respective Provinces and the Commissioner ICT shall also take steps in this behalf.

2. Dr. Pir Ghulam Hussain, Field Monitoring Coordinator stated that the Officers and Staff of Programme Monitoring Units (PMUs) approximately 167 in numbers have been left at the disposal of Provinces for the purpose of confirmation yet they are working at par with the LHWs and LHSs on the Federal strength, since 1996, therefore, their services may also be regularized by the Federation. The learned DAG has stated that this decision has been taken in a meeting duly represented by the representatives of the respective Provincial Governments. He has referred to the summary sent to the Prime Minister, relevant paragraphs of the same are reproduced as under:-

- iv. All LHSs, LHWs Account Supervisors and Drivers will be regularized from 1st July, 2012 as initial appointed and calculation of financial implication to be borne by Federal Government shall be made accordingly on the basis of employees' strength as on 30th June, 2011 including cost of medicine and operational costs not exceeding 10% of the total cost of the project.
- v. Staff of the PMUs of concerned provinces shall be regularized by the respective Provinces. The Provinces shall be responsible for the payment of liabilities accruing on this account."

We observed that if it is mutually agreed between Federal and Provincial Governments, they must undertake exercise to regularize the employees as early as possible without any discrimination. If the Lady Health Supervisors (LHSs) and Lady Health Workers (LHWs) are confirmed by the Federal Government then again another issue of discrimination in respect of regularization of PMUs Staff will arise. The Chief Secretaries of the respective Provinces and the Commissioner ICT is required to submit a progress report in this behalf on the next date of hearing. It is requested on behalf of the Federation that four weeks time may kindly be granted in order to regularize the aforesaid employees. The request is allowed. The matter shall be listed for hearing after



Sd/- Jaffar Muhammad Chaudhry, C-
Sd/- Jawwad S. Khawaja, J
Sd/- Khulji Arif Hussain, J

Certified to be True Copy
Supintendent



**GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT**

No. SOH-III/8-117/2021 (Late Shahnaz Begum)
Dated the 22nd March, 2022

Amesure - (C)

To

**The Director General,
Health Services, Khyber Pakhtunkhwa,
Peshawar.**

Main Diary No. 265
Date 24/3/22
Directorate General Health Services
Khyber Pakhtunkhwa

SUBJECT: **CONDONATION FOR PENSION.**


I am directed to refer to your letter No. 5466-67/AE.VI, dated 24-02-2022, the subject noted above and to enclose herewith copy of letter No. SOSR-II/1/2021/Health Deptt, dated 21-03-2022 received from Section Officer (SR.II), Govt. Khyber Pakhtunkhwa, Finance Department (Regulation Wing) in respect of Late Shahnaz Begum W/O Khan Afzal, LHW attached to Office of District Health Officer, Peshawar, for further necessary action, please.

Encl: As above.

Endst: even no & date.

Copy forwarded to the:-

PS to Secretary Health, Khyber Pakhtunkhwa.


(Dr. Fawad Ahmad Khan)
Section Officer-III


Section Officer-III



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

NO.SOSR-II/FD/3-1/2021/Health Dept
Dated Peshawar the 21.03.2022

To

The Secretary to Govt. of Khyber Pakhtunkhwa,
Health Department.

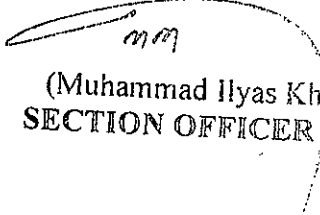
Subject:-

REQUEST FOR CONDONATION SANCTION.

Dear Sir,

I am directed to refer to your letter No. SOH-III/8-117/2021(Late Shahnaz Begum) dated 28.02.2022 on the subject noted above and to state that Finance Department agrees to the condonation of deficiency for a period of 07 months & 07 days in service in respect of Late Shahnaz Begum w/o Khan Afzal LHW attached to office of District Health Officer, Peshawar to complete her service for the purpose of pension, subject to observance of all codal formalities.

Yours faithfully,


(Muhammad Ilyas Khattak)
SECTION OFFICER (SR.II)



DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR

All communications Should be Addressed to The Director General
Health Services Peshawar and not to any official by name
Office Ph: 091 - 9210269 Exchange: 091 - 9210187, 091 - 9210196 Fax: 091 - 9210230

10

Annexure - (E)

No. 1257 /AE.VI, Dated Pesh: the 131 / 31 / 2022

To

District Health Officer,
Peshawar

Subject: - CONDONATION FOR PENSION

Memo,

I am forwarding a copy of Finance deptt letter No. SOSR-II/FE/3-1/2021(Health Deptt) dated 21.03.2022 in r/o Late Mrs. Shahnaz bageum W/L Khan Afzal LHW for further necessary action

DIRECTOR (HRM)
DIRECTORATE GENERAL HEALTH
SERVICES, KP PESHAWAR

D. No. 2312

Dated: 01/04/2022

FOR THE EXTRAORDINARY GAZETTE ISSUE OF
THE KHYBER PAKHTUNKHWA

Annexure — F

PROVINCIAL ASSEMBLY SECRETARIAT
KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 2nd /07/2014.

No.PA/Khyber Pakhtunkhwa/Bills/2014/ 351 The Khyber Pakhtunkhwa Regulation of Lady Health Workers Program and Employees (Regularization and Standardization) Bill, 2014 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 24th June, 2014 and assented to by the Governor of the Khyber Pakhtunkhwa on 29th June, 2014 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

**THE KHYBER PAKHTUNKHWA REGULATION OF LADY HEALTH
WORKERS PROGRAM AND EMPLOYEES (REGULARIZATION
AND STANDARDIZATION) ACT, 2014**

(KHYBER PAKHTUNKHWA ACT NO. XXVI OF 2014)

(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa. (Extraordinary), dated the 02/07/2014).

(Here print as in the accompaniment).

Nun-eel

SECRETARY,

Provincial Assembly of Khyber Pakhtunkhwa.

No. and date (as per notification above).

A copy of the above notification with the accompaniment is forwarded to the Manager, Government Stationery and Printing Department, Peshawar, with the request to publish the same in the extraordinary issue of the Khyber Pakhtunkhwa Government Gazette of today's date and distribute copies thereof immediately in accordance with the list given overleaf.

Proof should be sent to this Secretariat before publication.

Nun-eel

SECRETARY,

Provincial Assembly of Khyber Pakhtunkhwa

E.No. PA/Khyber Pakhtunkhwa /Bills/2014/ 352-56 Dated 2/07/2014

A copy of the above is forwarded to :-

1. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. The Secretary to Government of Khyber Pakhtunkhwa, Health Department.
3. The Secretary to Government of Khyber Pakhtunkhwa, Law Department.
4. The Director Information, Khyber Pakhtunkhwa.
5. The Director I.T/ Special Secretary Provincial Assembly of Khyber Pakhtunkhwa.

Nun-eel

SECRETARY,

Provincial Assembly of Khyber Pakhtunkhwa

AN
ACT

*to regulate the status of Lady Health Workers Program in the Province of the Khyber
Pakhtunkhwa and to regularize and standardize the services of employees
of the said program*

WHEREAS in pursuance of the Constitution (Eighteenth Amendment) Act, 2010, the subject of Health has been devolved to the Provinces and as such Lady Health Workers Program run by Federal Government for supporting the family planning and primary health care was devolved to the Provinces accordingly;

AND WHEREAS in the Lady Health Workers Program, the community based workers have a special nature of job, for the execution of which they have to remain continuously embedded with their local catchment population;

AND WHEREAS it is obligatory to maintain the original concept and design of the Lady Health Workers Program, to ensure the presence of community embedded employees for effective service delivery to the people of the area;

AND WHEREAS it is expedient to regulate the status of Lady Health Workers Program in the Province of the Khyber Pakhtunkhwa and to regularize and standardize the services of the employees of the said program.

It is hereby enacted as follows:

1. Short title, application and commencement.---(1) This Act may be called the Khyber Pakhtunkhwa Regulation of Lady Health Workers Program and Employees (Regularization and Standardization) Act, 2014.

(2) It shall apply to all persons employed or to be employed in Lady Health Workers Program, in the Province of the Khyber Pakhtunkhwa.

(3) It shall come into force at once except section 4, which shall come in to force on 1st July, 2012.

2. Definitions.---In this Act, unless there is anything repugnant in the subject or context,-

- (a) "catchment population" means the local population for which a Community Embedded Employee of the Program is appointed or posted and regularly resides therein;
- (b) "Community Embedded Employee" means a Program employee residing and working within his defined catchment population for which he was appointed or posted;
- (c) "District Program Implementation Unit" means the Management Unit of the Program at District level;
- (d) "Government" means the Government of the Khyber Pakhtunkhwa;
- (e) "prescribed" means prescribed by rules;
- (f) "Program" means the Lady Health Workers Program devolved to the Province and which was previously run by the Federal Government under the name of the National Program for Family Planning and Primary Health Care;
- (g) "Program employee" means an employee of the Program, whose service is regularized under this Act and includes persons to be appointed after the commencement of this Act;

- (h) "Province" means the Province of the Khyber Pakhtunkhwa;
- (i) "Provincial Program Implementation Unit" means the Management Unit of the Program at Provincial level; and
- (j) "rules" means rules made under this Act.

3. Status of Program.---(1) On commencement of this Act, the National Program for Family Planning and Primary Health Care, shall be deemed to be a Program of Government to be known as the Lady Health Workers Program.

(2) The purpose of the Program shall be to provide preventive, curative, rehabilitative and promotive health care services to the catchment population in the Province.

(3) The Program shall continue for such a period as Government may determine.

(4) After coming into force of this Act, Government may appoint persons to various posts in the Program on contract basis and there shall be no regular appointment in the Program.

(5) The appointment under sub-section (4) shall be made in accordance with the criteria and manner as may be prescribed.

4. Regularization.---(1) On commencement of this Act, all the Program employees, who were appointed in the Program on contract or fixed monthly stipend basis before 1st July 2012, and holding the said post till the commencement of this Act, shall stand regularized with effect from 1st July, 2012:

Provided that the services of such Program employees shall be deemed to have been regularized under this Act only on the publication of their names in the official Gazette:

Provided further that the posts of the Program fallen vacant on account of death, retirement, resignation, dismissal, termination or otherwise shall be filled-in on contract basis.

(2) The Program employees regularized under this Act shall be placed in the relevant Pay Scales corresponding to the civil servants or as may be determined by Government.

(3) The seniority of the Program employees regularized under this Act shall be determined in a manner as may be prescribed.

(4) A Program employee, whose services are regularized under this Act, shall retire from service, on the option of the Program employee and on such date as requested by the Program employee, after completion of twenty five years of qualifying service or on the completion of sixtieth year of age.

(5) A Program employee, whose service is regularized under this Act, shall be entitled to such pensionary and retirement benefits as may be determined by Government.

5. Mechanism of recruitment for Community Embedded Employees.---(1) For filling a post of Community Embedded Employee, the appointing authority shall cause to verify and ensure in the prescribed manner that person, who is to be appointed against such post, shall be a regular resident of his catchment population.

(2) The Provincial Program Implementation Unit shall oversee and monitor the process and finding of the verification, carried out by the appointing authority under sub-section (1), before a person is appointed against post of Community Embedded Employee.

(3) The Community Embedded Employee shall perform his duties within the catchment population of his residence; provided that Government may adjust a Community Embedded Employee in another area in certain circumstances to be prescribed.

(4) Notwithstanding anything contained in other provisions of this Act, the services of the Community Embedded Employees, whose services are regularized under this Act, or other Community Embedded Employees to be appointed after the commencement of this Act, shall be liable to termination, if the employee-

- (a) has unlawfully ceased to be a regular resident within or has become a non-resident for his catchment population; or
- (b) is involved in any other engagement or a practice which is not in accordance with the laid down and approved policy of the Program; or
- (c) has ceased to be efficient in the performance of official duties; or
- (d) has proved guilty of gross misconduct.

(5) A Community Embedded Employee, whose service is terminated under sub-clause (a) or (b) of sub-section (4) of this Act may be reinstated into service in a manner as may be prescribed:

Provided that this opportunity of reinstatement shall not be given more than once throughout the tenure of a Community Embedded Employee's service:

Provided further that-

- (a) no salary or allowances shall be paid to the re-instated employee for the period spent under termination; and
- (b) payment made, if any, to the terminated employee being re-instated, which was not allowed during or for the period spent under termination, is recovered from the employee.

6. Posting, transfer and adjustment of Program employees.---Notwithstanding anything contained in other provisions of this Act, the Program employees, except the Community Embedded Employees, may be transferred to perform duty anywhere in the Province.

7. Disciplinary action.---Disciplinary cases against the Program employees shall be dealt with in a manner as may be prescribed.

8. Application of Government rules.---The Program employees shall be dealt in accordance with the provisions of this Act and rules; provided that if no specific rules are available on any matter, the Government rules shall be applicable to such Program employees.

9. Public servants.---All Program employees shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code, 1860 (Act No. XLV of 1860).

10. Power to make rules.---Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

11. Saving.--- Any rules, orders or instructions in respect of any terms and conditions of services of Program employees duly made or issued by an authority competent to make them and in force immediately before the commencement of this Act shall, in so far as such rules, orders or instructions are not inconsistent with the provisions of this Act, be deemed to be rules made under this Act.

12. Removal of difficulties.---If any difficulty arises in giving effect to any of the provisions of this Act, Government may make such order, not inconsistent with the provisions of this Act, as may appear to be necessary for the purpose of removing the difficulty:

Provided that no such power shall be exercised after the expiry of one year from the commencement of this Act.

Repeal.---The Khyber Pakhtunkhwa Regulation of Lady Health Workers Program and Employees (Regularization and Standardization) Ordinance, 2014 (Khyber Pakhtunkhwa Ord. No. VI of 2014) is hereby repealed.

BY ORDER OF MR SPEAKER

PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA

(AMAN ULLAH)

SECRETARY

PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA