

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. 355/2022

Khyber Pakhtunkhwa
Service Tribunal

Dil Afroz.....Appellant No. 3565

Dated 14/2/2023

Versus

Government of Khyber Pakhtunkhwa & othersRespondents

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BEFORE THE HONORABLE KHYBER PAKHTUNKHWA

SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO.355 OF 2022

Dil Afroz.....Appellant

Versus

Through Secretary Health & others.....Respondents

**PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO.01, 02, 03,
05, 06**

Respectfully Sheweth:

Preliminary Objections:-

1. That the appellant has got neither cause of action nor did locus standi to file the instant appeal.
2. That the appellant has filed the instant appeal just to pressurize the respondents.
3. That the instant appeal is against the prevailing Law and Rules.
4. That the appeal is not maintainable in its present form and also in the present circumstances of the issue.
5. That the appellant has filed the instant appeal with mala-fide intention hence liable to be dismissed.
6. That the appellant has not come to this Honorable Tribunal with clean hands.
7. That the appeal is barred by law and limitation.
8. That the Honorable Tribunal has no Jurisdiction to adjudicate upon the matter as the appellant is not a civil servant as per section 9 of the Khyber Pakhtunkhwa Regularization of Lady Health Worker Program and Employees (Regularization and Standardization) Act 2014.
9. That the instant appeal is bad for mis-joinder of unnecessary and non-joinder of necessary parties.
10. As per rules 17 of the Khyber Pakhtunkhwa Regulation of Lady Health Worker Program Employee Service Rules, 2015 and pension rules a government servant is entitled for pension, if he /she retires after rendering ten years regular services and may entitle for gratuity, if he/she renders five years regular services. Appellant was working as Lady Health Worker attached to LHWs Program Lower Chitral respondents are unable to proceed due to lack of sufficient service. She has rendered total service for 8 Years 9 Months and 1Day unqualified service. Office Order attached.

ON FACTS:

1. Pertains to record.
2. Pertains to record.
3. Correct.
4. Correct to the extent of retirement order dated 11-02-2021 however, As per rules 17 of the Khyber Pakhtunkhwa Regulation of Lady Health Worker Program Employee Service Rules, 2015 and pension rules a government servant is entitled for pension, if he /she retires after rendering ten years regular services and may entitle for gratuity, if he/she renders five years regular services. Appellant was working as LHW attached to LHWs Program Lower Chitral respondents are unable to proceed due to lack of sufficient service. She has rendered total service for 08 Years 09 Months and 01Day unqualified service. Office Order attached.
5. Correct to the extent of rejection order dated 20-01-2022.
6. Incorrect.

ON GROUNDS:

- a. Incorrect as per rules 17 of the Khyber Pakhtunkhwa Regulation of Lady Health Worker Program Employee Service Rules, 2015 and pension rules only a regular governments servant who have render 10 years qualifying services is entitled for pension benefits.
- a 2. Incorrect
- b. Incorrect. The appellant has been treated in accordance with law and rules.
- c. Incorrect, the appellant has been dealt as per Law and Rules.
- d. Incorrect. Already explained in para (a) of the grounds.
- e. The replying respondents also seek permission of the Honorable Court to adduce other grounds during final hearing.

PRAYER:

It is therefore humbly prayed that on acceptance of the comments, the instant appeal of the appellant may very graciously be dismissed with costs.

Secretary to Govt. of Khyber Pakhtunkhwa
Health Department
Respondent No. 01 & 02

Shahem Afendi
Director General Health Services Khyber
Pakhtunkhwa Peshawar
Respondent No. 05

Secretary to Govt. of Khyber Pakhtunkhwa
Finance Department
Respondent No. 03

Shou
District Health Officer
Chitral Lower
Respondent No. 06

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Affidavit

I, Laeeq Ahmad, Focal Person (Litigation) office of the Director General Health Services, Khyber Pakhtunkhwa, Peshawar, under the directions of the Competent Authority, do hereby solemnly affirm that the contents of the parawise Comments on behalf of Respondent are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'able Court.

Laeeq
Deponent

Laeeq Ahmad
14-02-2023
C. Kh
Commissioner
Khyber Pakhtunkhwa