

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. 7918/2021

Khyber Pakhtunkhwa
Service Tribunal

Case No. 4655

Dated 31/3/2021

SaifunNaz-----Appellant

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Health &
Others

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Section officer (Lit-II)
Govt: of Khyber Pakhtunkhwa
Health Department

Section Officer (Lit-II)
Health Department
Khyber Pakhtunkhwa

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA

SERVICE TRIBUNAL PESHWAR

SERVICE APPEAL NO.7918 OF 2021

SaifunNaz.....Appellant

Versus

Govt. of Khyber Pakhtunkhwa and & others.....Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO.01 To 3.

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.
9. That the instant appeal is bad for mis-joinder of unnecessary and non-joinder of necessary parties.
10. 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 Regulation of Lady Health Worker Program and Employees (Regularization and Standardization) Act 2014.
11. As per rules of 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 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 6 Years 8 Months unqualified service.

ON FACTS:

1. Pertains to record.
2. Pertains to record.
3. Correct.
4. 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 service and entitled 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 of 06 Years 08 Months unqualified service. Office Order attached.
5. Correct.
6. Pertains to record.
7. Pertains to record.
8. Pertains to record.

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 government servant who have rendered qualifying 10 years service is entitled for pension benefits.
- b. Incorrect. As per prevailing rule he is not entitled the benefits of pension.
- c. Incorrect. The appellant has been treated in accordance with Law and rules.
- d. Answering respondents also seek prior permission of this Honorable Court to adduce additional grounds at the time of arguments.

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

Director General Health Services
Pakhtunkhwa Peshawar
Respondent No. 02

District Health Officer
Chitral Lower
Respondent No. 03

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. 7918/2021

SaifunNaz-----Appellant

VERSUS

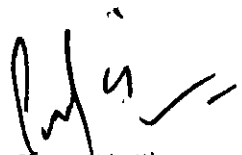
Government of Khyber Pakhtunkhwa through Secretary Health &
Others

AFFIDAVIT.

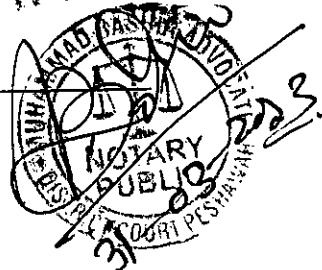
I Mohammad Tufail Section Officer (Lit-II) govt. of Khyber Pakhtunkhwa Health Department do hereby solemnly affirm and declare that the joint Para-wise comments in Service Appeal No. 7918/2021 at Page-1-2 is submitted on behalf of respondents is true and correct to the best of my knowledge, belief and that nothing has been concealed from this Hon'ble Court.

Identified by:-

Addl: Advocate General,
Khyber Pakhtunkhwa


Section officer (Lit-II)
Govt: of Khyber Pakhtunkhwa
Health Department
Section Officer (Lit-II)
Health Department
Khyber Pakhtunkhwa

ATTESTED




BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

SERVICE APPEAL No. 7918/2021

**SAIFUN NAZ VS GOVT. OF KHYBER PAKHTUNKHWA THROUGH SECRETARY,
HEALTH AND OTHERS**

AUTHORITY LETTER

Mr. Muhammad Tufail Section Officer (Litigation-II) Health Department Khyber Pakhtunkhwa, Peshawar are hereby authorized to attend the case on behalf of Secretary Health and to sign any document on our behalf or record any statement or do any act for defense of the instant Service Appeal up to Service Tribunal, Khyber Pakhtunkhwa.

 31/3/23

**Section Officer (Lit-II)
(Health Department)**

**Section Officer (Lit-II)
Health Department
Khyber Pakhtunkhwa**