

Sr: No	Date of order/ proceeding s	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	13.03.2019	<p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u> Service Appeal No. 700/2015</p> <p style="text-align: center;">Date of Institution 10.06.2015 Date of Decision 13.03.2019</p> <p>Mst. Shaista Bibi wife of Iftikhar Ali daughter of Jaipur Khan village Chamdhari Mohallah Takar (Erab Ghara). <p style="text-align: right;">Appellant</p> <p style="text-align: center;">Versus</p> <ol style="list-style-type: none"> 1. Government of Khyber Pakhtunkhwa through Secretary Health, Peshawar. 2. Director General Health, Khyber Pakhtunkhwa Peshawar. 3. Provincial Coordinator, Provincial Program Implementation Unit, Peshawar. 4. District Health Officer, Mardan. <p style="text-align: right;">Respondents</p> <p>Mr. Muhammad Hamid Mughal-----Member(J) Mr. Muhammad Amin Kundi -----Member(J)</p> <p style="text-align: center;"><u>JUDGMENT</u> <u>MUHAMMAD HAMID MUGHAL, MEMBER:</u> - Learned counsel for appellant and Mr. Riaz Paindakheil learned Assistant Advocate General present.</p> <p>2. The appellant has filed the present appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 being aggrieved against the order dated 20.02.2015 whereby her reinstatement order dated 08.12.2014 was withdrawn. The appellant has also assailed the order dated 18.05.2015 through which her departmental</p> </p>

13-3-2019

appeal/application was rejected.

3. Learned counsel for the appellant argued that the appellant was appointed on 01.03.2001 as Lady Health Worker; that the appellant put in 13 years satisfactory service; that all of a sudden her services were terminated vide order dated 22.05.2013 however the appellant was reinstated in service vide order dated 08.12.2014; that the appellant was shocked when she received the impugned order dated 20.02.2015 through which her reinstatement order dated 08.12.2014 was withdrawn; that the appellant filed departmental appeal/application against the original impugned order however the same was dismissed on no good grounds; that the appellate authority wrongly held that the appellant remained unable to prove her residential status within the required population. Next contended that the impugned orders are against law, facts and norms of justice; that the respondents have not treated the appellant in accordance with law and issued the impugned orders without observing the legal requirements; that the appellant was not provided opportunity of self-defense and personal hearing; that the appellant served for more than thirteen (13) years and the awarded punishment is harsh.

4. As against that learned Assistant Advocate General argued that the appellant was appointed at Union Council (UC) Bakhshali and was terminated in the year 2013 being non-resident (NR) as she got married to Village Narshak Union Council Shahbazgarhi; that after her marriage she applied for different locations for reappointment which shows that she was concealing facts regarding

13-3-2019

her actual residence; that the services of the appellant were not regularized; that the appellant was reinstated at Village Chamdheri however the residents of Chamdheri complained to the District Health Officer Mardan that the appellant is non-resident for the community of Cham Dheri as she belongs to Village Narshak and shifted temporarily to her sister's house for reappointment; that inquiries were conducted in this case and on the recommendations in the inquiry reports the appellant was removed.

5. Arguments heard. File perused.

6. For Lady Health Workers Program a Community Embedded employee for a local population is appointed who regularly resides therein and the services of the Community Embedded employee is liable to termination if he has become non-resident for catchment population.

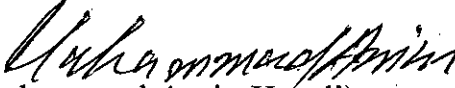
7. The appellant got married in the month of May 2013. In the application of the appellant, annexed with the reply of the respondents, the appellant mentioned to be the resident of Narshak Union Council Shahbazgarhi Tehsil & District Mardan.

8. Inquiries were conducted in the case of appellant. In pursuance of DHO Mardan letter No.15439-40/DHO dated 10.11.2014 and in compliance Provincial Coordinator LHWs Program Office Order No.1695 dated 08.12.2014, members of the inquiry committee carried out the process of inquiry and came to conclusion that the appellant has been married to Narshak area where she lives in the house of her husband alongwith her other in-

13-3-2019

laws and she goes to the house of her married sister in Chamdheri and claims that she is residing there which is not true. The inquiry committee recommended that the appellant may not be reinstated as per description of Regularization Act as she is non-resident for the catchment area of Chamdheri and regularly residing in the area of Narshak.

9. In the light of above, the appellant has not been able to seek indulgence of this Tribunal. Consequently the present service appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room.


(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member

ANNOUNCED
13.03.2019

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(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member

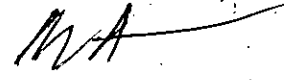
ANNOUNCED
13.03.2019

06.03.2019

Counsel for the appellant present: Mr. Riaz Ahmad Paindakheil,
Assistant AG for the respondents present. Arguments heard. To come up for
order on 13.03.2019 before D.B.



(M. HAMID MUGHAL)
MEMBER



(M. AMIN KHAN KUNDI)
MEMBER

13.03.2019

Learned counsel for the appellant and Mr. Riaz Paindakheil
learned Assistant Advocate General present. Vide separate judgment of
today of this Tribunal placed on file, the present service appeal is
dismissed. Parties are left to bear their own costs. File be consigned to
the record room.



(Muhammad Amin Kundi)
Member



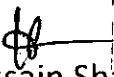
(Muhammad Hamid Mughal)
Member

ANNOUNCED
13.03.2019

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13.09.2018

Learned counsel for the appellant and Mr. Muhammad Jan Learned Deputy District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 24.10.2018 before D.B


(Hussain Shah)

Member


(Muhammad Hamid Mughal)

Member

24.10.2018

Due to retirement of Hon'ble Chairman, the Tribunal is incomplete. Therefore, the case is adjourned. To come up for the same on ~~22.11~~ 22.11.2018.


Reader

28.11.2018

Counsel for the appellant and Mr. Ziaullah, DDA for the respondents present.


The court time is over. To come up for arguments on 28.01.2019 for ~~arguments~~ before the D.B.


Member


Chairman

28.01.2019

Mr. Iftikhar Ali, Husband of the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present. Husband of the appellant seeks adjournment on the ground that counsel for the appellant is not available today. Last opportunity granted for arguments. Adjourned. Case to come up for arguments on 06.03.2019 before D.B.



(Ahmad Hassan)
Member

(M. Hamid Mughal)
Member

09.03.2018

Husband of the appellant, on behalf of the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Husband of the appellant seeks adjournment on the ground that learned counsel for the appellant is not available today. Adjourned. To come up for arguments on 07.05.2018 before D.B.


(Muhammad Amin Khan Kundi)
Member


(Muhammad Hamid Mughal)
Member

07.05.2018


Due to retirement of the worthy Chairman, the Tribunal is incomplete, therefore the case is adjourned. To come up for same on 19.07.2018 before D.B.


Chairman

19.07.2018


Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 13.09.2018 before D.B.


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

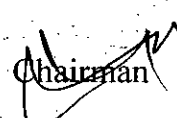
10. 07.07.2017 Counsel for the appellant and Mr. Zia Ullah, Deputy District Attorney for the respondent present. Counsel for the appellant submitted rejoinder which is placed on file. To come up for arguments on 02.11.2017 before D.B.


(Gul Zeb Khan)
Member


(Muhammad Hamid Mughal)
Member

02.11.2017 Counsel for the appellant and Addl. AG for the respondents present. Counsel for the appellant seeks adjournment. Granted. To come up for arguments on 17.01.2018 before the D.B.


Member


Chairman

17.01.2018 Husband of the appellant present. Mr. Muhammad Jan, Learned Deputy District Attorney for the respondents present. Husband of the appellant seeks adjournment as counsel for the appellant is not available. Adjourned. To come up for arguments on 09.03.2018 before D.B


(Gul Zeb Khan)
MEMBER


(Muhammad Hamid Mughal)
MEMBER

07.06.2016

Husband of the appellant and Addl: AG for respondents present. Husband of the appellant requested for time to file rejoinder. To come up for rejoinder and arguments on 07.11.2016.



Member


Member

07.11.2016

Husband of the appellant and Assistant AG for respondents present. Rejoinder not submitted. Requested for time to file rejoinder. To come up for rejoinder and arguments on

13.3.17


(MUHAMMAD AAMIR NAZIR)
MEMBER


(PIR BAKHSH SHAH)
MEMBER

13.03.2017

Counsel for appellant and Mr. Muhammad Adeel Butt, Additional AG for respondents present. Rejoinder not submitted. Learned counsel for appellant requested for further time for filing rejoinder. Request is accepted. To come up for filing of rejoinder and arguments on 07.07.2017 before D.B.


(AHMAD HASSAN)
MEMBER


(ASHFAQUE TAJ)
MEMBER

3

30.07.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was appointed as Lady Health Worker in the year 2001 and her services regularized with effect from 1.7.2012. That she was terminated from service on 22.5.2013 and reinstated vide order dated 17.10.2014 which order was unilaterally withdrawn vide impugned order dated 20.2.2015 regarding which appellant preferred departmental appeal on 2.3.2015 which was rejected on 18.5.2015 and hence the instant service appeal on 10.6.2015.

That the appellant was not given any opportunity of hearing nor any notice ever served before passing the impugned order dated 20.2.2015.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 28.10.2015 before S.B.



Chairman

Appellant Deposited
Security & Process Fee

4

28.10.2015

Mr. Mukhtiar Ali, husband of the appellant, on behalf of the appellant, M/S Yar Gul, Senior Clerk and Mukhtiar Ahmed, Junior Clerk alongwith Addl: A.G for respondents present. Requested for adjournment. To come up for written reply/comments on 23.02.2016 before S.B.


Chairman

23.02.2016




Mr. Mukhtiar Ali, husband of the appellant, on behalf of the appellant, M/S Muhammad Arshed, SO and Yar Gul, Senior Clerk alongwith Addl: A.G for respondents present. Written statement submitted. The appeal is assigned to D.B for rejoinder and final hearing for 7.6.2016.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 700 /2015

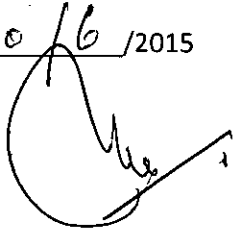
S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	22.06.2015	<p>The appeal of Mst. Shaista Bibi resubmitted today by Mr. Anwar Hussain Advocate, may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	25-6-15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>29-6-15</u></p> <p style="text-align: right;"> CHAIRMAN</p>
3	29.06.2015	<p>None present for appellant. The appeal be relisted for preliminary hearing before S.B for 30.7.2015.</p> <p style="text-align: right;"> Chairman</p>

The appeal of Mst. Shaista Bib wife of Iftikhar Ali Village Chamdhari Mohallah Takar Distt. Mardan received to-day i.e. on 10.06.2015 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.


- 1- Memorandum of appeal may be got signed by the appellatant.
- 2- Law under which appeal is filed is not mentioned.
- 3- Copy of regularization order of service of the appellatant mentioned in para-7 of the memo of appeal are not attached with the appeal which may be placed on it. Annexure-F is a copy of judgment and not a regularization order.
- 4- Annexure-F is incomplete which may be completed.

No. 921 /S.T,

Dt. 10/6 /2015



Mr. Anwar Hussain Adv. Mardan.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

BEFORE SERVICE TRIBUNAL, KHYBER PAKHUNKHWA, PESHAWAR.

Appeal No. 700/2015

Mst. Shaista Bibi Appellant

Versus

Government of K.P.K. and others Respondents.

I N D E X

S.No.	Description of documents	Annexures	Pages
1.	Service appeal		1 - 5
2.	Affidavit		0 - 6
3.	Addresses of parties		0 - 7
4.	Copy of appointment letter	'A'	0 - 8
5.	Copy of termination order	'B'	0 - 9
6.	Copy of re-instatement order	'C'	0 - 10
7.	Copy of reinstatement order by D.H.O.	'D'	0 - 11
8.	Copy of surety bond	'E'	12 - 13
9.	Copy of office order of regularization.	'F'	14 - 23
10/	Copy of medical certificate		0 - 24
11.	Copy of office order for withdrawal of reinstatement order	'G'	0 - 25
12.	Copy of departmental appeal	'H'	0 - 26
13.	Copy of order of appellate authority.	'I'	0 - 27
14.	Copy of envelop		0 - 28
15.	Copy of application		0 - 29
16.	Vakalat Nama		

Appellant
through

Dated 10-06-2015

(Anwar Hussain)
Advocate, Mardan

①

BEFORE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,

PESHAWAR Appeal No. 700/2015

Mst; Shaista bibi wife of Iftikhar Ali D/O Jaipur Khan

Village Chamdhari Mohallah Takar (Erab Ghara)

Teh: & Distt: Mardan

N.W.F. Province
Service Tribunal
Diary No. 663
Dated 10-6-2015

VS;

1. Government of KPK through Sectary Health, Govt of KPK, Peshawar.
2. Director General Health , KPK, Peshawar.
3. Provincial coordinator , Provincial programme Implementation unit, Peshawar.
4. District Health Officer Mardan.

SERVICE APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL ACT 1974 TO THE EFFECT THAT IMPUGNED ORDERS ARE ILLEGAL, AGAINST THE FACTS AND WITHOUT LAWFUL AUTHORITY THEREFORE, MAY KINDLY BE SET-ASIDE.

PRAYER:

That by acceptance of this appeal the impugned order may kindly be declare as null and void and the appellant may kindly reinstated in service with all back benefits throughout.

Respectfully sheweth;

1. That appellant was appointed on 1-3-2001 as Lady Health Worker on contract basis. (Copy of appointment letter attached as Annex; A.)
2. That the appellant put in 12/13 years satisfactory service without any complaint whatsoever.
3. That appellant performed her duty to the entire satisfaction of superior as well as to local inhabitants where she was posted and no adverse remarks is available in her service record.

Filed to-day
10/6/15

re-submitted to-day
and filed.
22/6/15

4. That all of sudden her services was terminated vide letter No; 5557-58 dated 22-5-2013, without plausible reasons and even without any notice and inquiry and no chance of hearing have been provided to appellant and she was condemn un-heard.
(Order attached as annex –B)
5. That however, the appellant was re-instated in service vide letter NO-1479 dated 17-10-2014 and as per letter the appellant was re-instated as per favorable report from the District Health Officer and similar letter was also issued by respondent NO-3.(letters attached as annex; C and D.
6. That in re-instatement order the appellant was directed to submit fresh surety bond duly attested from class-I Magistrate which she did. (copy of surety bond attached as annex; E)
7. That however, in the meanwhile the services of Lady Health Worker were regularized.(copy of regularization attached as annex F)
8. That after re-instatement the appellant again performed her duty honestly and to the best of his ability and the local women folk fully satisfy from her duty and the appellant gain sufficient experience in relevant field and 14/15 year service experience on her credit.
9. That the appellant shocked when she again received a letter dated 20-2-2015 wherein the re-instatement order was withdrawn without any justification and utter disregard to all norm of justice and fair play. (order attached as annex; G)

10. That appellant filed a department appeal which was dismissed without any plausible reason and justification and mentioned different reason . (copy of departmental appeal and order of appellat authority attached as annex ~~(and Hc)~~) hence the present appeal ;

GROUNDS;

1. That impugned order is wrong, illegal , against the law, facts, and against the natural justice , hence bad in the eye of law and is liable to be set aside.
2. That first order was also wrong and no letter of explanation , show cause notice were serviced upon appellant.
3. That appellant was re-instated in service keeping in view her previous performance and this fact have been admitted in re-instatement order.
4. That no explanation have been called from the appellant and no show notice was served upon the appellant and no chance of hearing have been provided to appellant and she condemn un-heard.
5. That no inquiry have been conducted in the instant case even otherwise, the locals are very satisfied from the performance of the appellant and the appellant is available to their door step

6. That respondents have not treated the appellant in accordance with the law, rules, and policy on the subject acted in violation of basic principles of law.
7. That appellate authority wrongly held in appeal that she is unable to prove her residential status, which is wrong, and incorrect, residential status within the required population was fully proved and residential status within the required population is known to every one.
8. That the appellant was also not provided opportunity of personal hearing before awarding major penalty. Similarly the appellate authority also failed to give an opportunity of personal hearing to the petitioner.
9. That the appellant has served for more than 14 years to the entire satisfaction of the high-up as well as to locals and keeping in view the facts and circumstances of the case the extreme penalty of termination from service is highly unjustified.
10. That due to the impugned orders which were passed without conforming the legal requirements, have deprived the appellant from service in an arbitrary manner which landed the whole large family of the appellant in great financial crises making all the family members to pass through miserable conditions.
11. That the appellant is jobless after the impugned order throughout.

5

It is, therefore, humbly prayed that by acceptance of this appeal, the impugned orders may please be set aside and the appellant may kindly be re-instated in service with back benefits.

Shahida
Appellant,

Through;

Anwar Hussain

Anwar Hussain Advocate,

Mardan.

(2)

BEFORE THE SERVICE TRIBUNAL PESHAWAR


.....

Mst. Shaista Gul

Versus

Govt. of KPK etc.

AFFIDAVIT

I, Shaista  daughter of Jaipur Khan resident of Chamdheri Mohallah Takkar (ERAB KINARA) - Tehsil and District Mardan do hereby state on solemn affirmation that the contents of the accompanied Appeal are true and correct to the best of my knowledge and belief.

Shaista Gul
SHAISTA GUL (Deponent)

.....

BEFORE THE SERVICE TRIBUNAL PESHAWAR


....

Shaista Gul Versus The Govt. KPK etc.

....

ADDRESS OF PARTIES

Appellant

- 1. Mst. Shaista  son of Jaipur Khan resident of Village Chamdheri, Mohallah Takkar (Erab Kainara) Tehsil and District Mardan.


RESPONDENT

- 1. Govt. of KPK through Secretary Health of KPK Peshawar.
- 2. Director General Health KPK Peshawar.
- 3. Provincial Coordinator Provincial Programme Implementation Unit Peshawar.
- 4. District Health Officer Mardan.

Appellant

Mst. Shaista Gul

Through

 Shaista Gul

ANWAR HUSSAIN

Advocate Mardan.

Dt; _____

8 Annex-A

OFFICE ORDER

SUBJECT- APPOINTMENT ORDER FOR LADY HEALTH WORKER PHASE IV NATIONAL PROGRAMME FOR FAMILY PLANNING & PRIMARY HEALTH CARE DISTRICT MARDAN.

On Recommendation of Selection Committee,

Miss/Mrs Shaista

D/O, W/O Jعفر Khan

Village/Mahallah: ... is hereby appointed as Lady Health Worker (LHW) Phase IV

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 duration of 15 months. In the first 03 months, she will attend training at the Health Centre for 05 days a week, while during the next 12 months, she will work in her catchment area for 03 weeks every month and will attend the training section at the Health Centre in 4th week of every month.
4. She will be paid Rs. 50/- per days during initial 03 months of training and subsequently she will be given a stipend of Rs. 1440/- per month.
5. She will have to work in this programme for at least one year after completion of training. For she will have to give security band at the time of joining training on 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 security band period, if she wishes to resign she will serve one-month notice or will deposit one-month salary in leave of notice.
7. The post is not transferable and the service will be terminated if the LHW move out of her area of appointment.
8. She will be required to established a Health House in her residence and maintain it according to the requirement of the programme. She will work closely with the local committee and established a local Health Committee and a woman group with the assistance of the field supervisor and Health Centre Staff.
9. She will ensure her presence during the field visit of supervisor and will arrange home visitor them.
10. She will require opening a Bank Account in the Bank of nearest to the training Centre. The branch will identify by the District PIU. Her salary will be disbursed through this bank.
11. She will keep a proper record of supply and receipt for the Health Centre and will also maintained a proper record of consumption of the supply and will provide this to Health Centre every month at the time of receiving new supplies.
12. She will maintain a proper record of the money being earned through the sale of Contraceptives (Condoms and Pills). She will be required to submit the detail of money every month to the Health Centre. If she is found guilty of wrong reporting or selling Contraceptives to the un-authorized persons or shops, her services will be terminated along with other disciplinary action including the recovery of the amount involved.
13. She will submit a monthly report of her activities on the prescribed form to the Health Centre regularly.
14. She will be entitled for 20 days Casual Leaves in a year. However there will be no leave during training if she obtain herself, un-authorizedly her services will be terminated. She will be required to take the sanction of leave from the Health Centre.
15. She will be entitled for 20 days Maternity Leave at one time. She will come 10 days before the delivery date until 10 days after the delivery. After this she will resume her duties from her Health House and then start field visit not later than one month from the date of delivery.
16. TA/DA will not be admissible on account of attending training undertaking any field visit.
17. If at any time it is established that she has given wrong information on her qualification, age, place of residence and other criteria her services will be terminated without any notice and the amount spend on her training and salary will be recovered.
18. Her services will not be governed under the civil servant act 1973 but under the terms and conditions of this contract and other time terms that may be communicated to her from time to time. She will be bound to follow these terms, which will not be challenged at any form including Courts.
19. Her service can be terminated at any time with out assigning any reasons or notice.
20. If she accepts the offer on the above terms and conditions, She is directed to report for training at ... failing which the offer will stand cancel.

NO 4878-82/DHO DATED MARDAN THE Copy forwarded to the:-

DISTRICT HEALTH OFFICER MARDAN. 28/2/2001

[Handwritten signature]

- 1. Provincial Co-ordinator National Programme for FP&PHC NWFP A-2 Arbab Road Peshawar.
- 2. District Co-ordinator/ADHO Takht Bhai District Mardan.
- 3. A/O Incharge RHC/BHU/CD/MCH
- 4. Account Supervisor NF for FP&PHC Mardan.
- 5. Miss Mrs. D/O, W/O Village/Mahallah District Mardan.
- 6. Mardan

DISTRICT HEALTH OFFICER MARDAN

[Handwritten signature]

28/2/2001

(9)

Annex - B

Government of Pakistan

District Programme Implementation Unit

National Programme for Family Planning & Primary Health Care

No: 5557-58 /DHO Mardan

Dated: 22/5/13



نیشنل پروگرام برائے
خاندانی منصوبہ بندی اور بنیادی صحت
وزارت صحت حکومت پاکستان

OFFICE OF DISTRICT HEALTH OFFICER MARDAN

OFFICE ORDER

Ms Shaista Gul D/O Jaipur Khan

having HBL A/C # 4790-7 at Chargulli Branch resident of Mohallah Sahib Zada Baba Bakhshali Tehsil & District Mardan attached to FLCF BHU Bakhshali and working as Lady Health Worker (LHW) on contract basis with National Programme for Family Planning & Primary Health Care of this District is here by terminated from service with immediate effect due to NR.


She is directed;

- 1) To immediately deposit back all the assets of NATIONAL PROGRAMME for Family Planning & Primary Health Care in her custody to this office.
- 2) To deposit back all the stipend received amount to Rs. Nil because of termination during bond period.

District Health Officer
Mardan

Copy to:

1. Provincial Coordinator, National Programme for FP & PHC KPK Peshawar.
2. LHS concerned.**


District Health Officer
Mardan

10 Annex - C

Health Department, Khyber Pakhtunkhwa
Lady Health Workers Program
Provincial Programme Implementation Unit, Peshawar



No: 1479
Date: 17/10/2014

To

District Health Officer
Mardan

Subject: - RE-INSTATEMENT OF EX-LHW SHAISTA DISTRICT MARDAN

Consequent upon receipt of favorable comments vide your good office letter No.257/NP dated 29/09/2014 as well as Field Program Officer Mardan regarding re-instatement of ex-LHW concerned, it has been decided that ex-LHW Shaista D/O Jaipoor Khan may be reinstated.

She will have to submit a fresh surety bond duly attested from class-I magistrate. She will not be entitled for any arrears for the period in which she was not in service.

[Faint signature and stamp area]

[Signature]
(Dr. Shabina Raza)
Provincial Coordinator

ENDST: OF EVEN No. & DATE.

Copy forwarded for information to:

1. District Coordinator, LHWs Program, Mardan.
2. Field Program Officer, LHWs Program, Mardan
3. Finance Officer, PPIU Peshawar.
4. MIS-C Section, PPIU Peshawar.
5. LHW concerned.

[Signature]
ATTESTED

6

11 Annex-D



محکمہ صحت خیبر پختونخوا

District Health Department Mardan
DISTRICT HEALTH OFFICER
Mardan (Khyber Pakhtunkhwa)
Ph: # (0937) 9230030

No. 17626-32 DHO (P&D/Estb: Dated: 08/12/2014

OFFICE ORDER.

As per Approval of Provincial Coordinator NP & PHC Health Department Khyber Pakhtunkhwa Peshawar vide his letter No. 1479 dated 17/10/2014, Mst Shaista D/O Jaipoor Khan hereby re-instated in her catchment area with immediate effect.

She is directed to submit fresh surety bond duly attested from Class-I Magistrate.

It is further stated that she will not be entitled for any arrears for the period in which she was not in service.

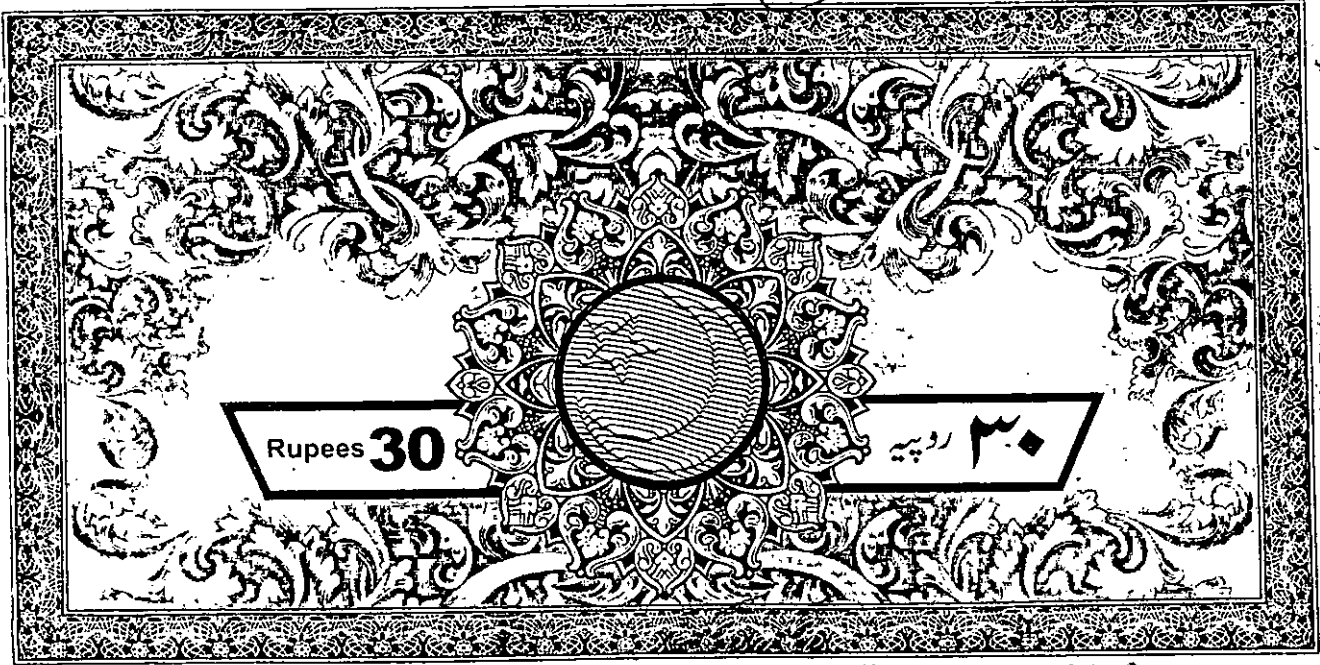
District Health Officer
Mardan

Copy forwarded to the following:

1. Provincial Coordinator Provincial Programme Implementation Unit Peshawar.
2. District Coordinator, LHWs Program Mardan
3. FPO, LHWs program Mardan.
4. LHW Supervisor Category-D Hospital Shahbaz Garhi
5. LHW supervisor BHU Bakshali
6. District Support Manager KPH DSU, Mardan.
7. LHW concerned.

District Health Officer
Mardan

ATTESTED



Surety Bond

I, SHAISTA D/O JAIPOOR KHAN.
(WIFE OF IFTEHAR-ALI)

Village BAKHSALI Tehsil MARDAN District Mardan
CHANDERI
has been Selected as LHW at VILLAGE CHANDERI since 17-10-2014.

I will have to work in this Programme for one year after the completion of training.

If I wish to resign during this period, I will have to deposit the whole amount of my salaries, which I have received during the training and service until acceptance of my resignation.

Whatever is stated above is true and correct to the best of my knowledge and belief.

Deponent Shaista

Dated: 10-12-2014

Witnesses:

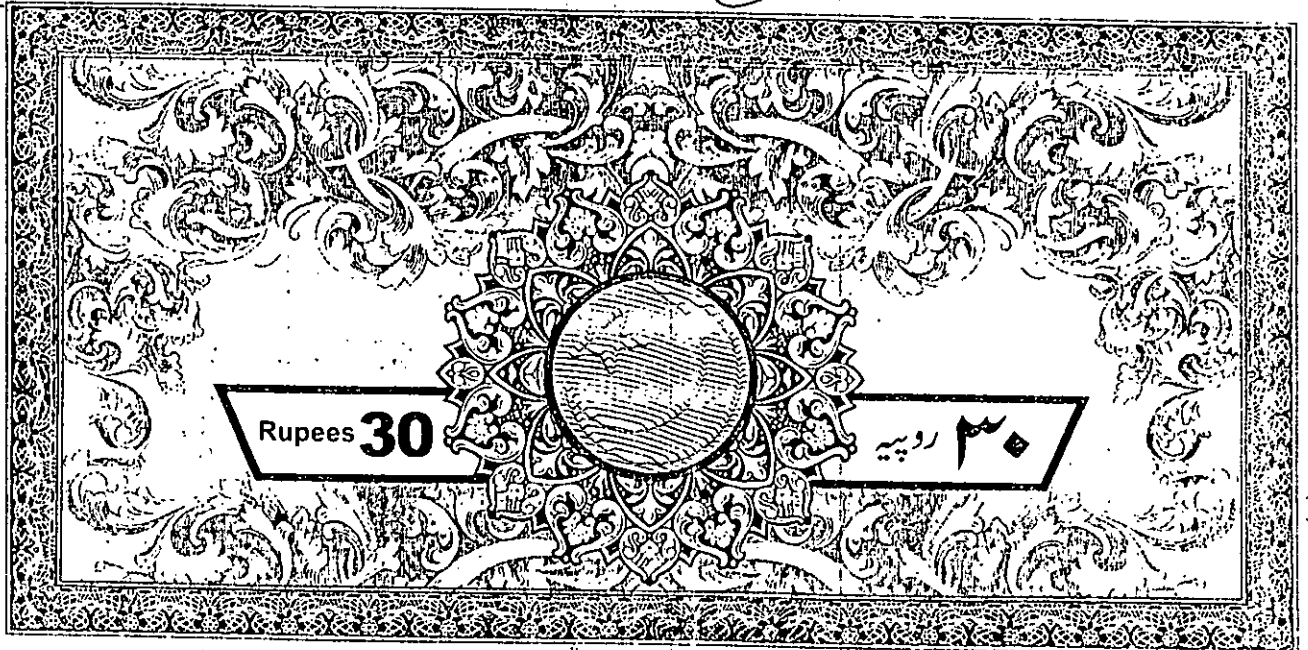
- IFTIKHARALI S/O Muttahar Shaik
- Mahid Iqbal

ATTESTED

ATTESTED

7931
9/12/17

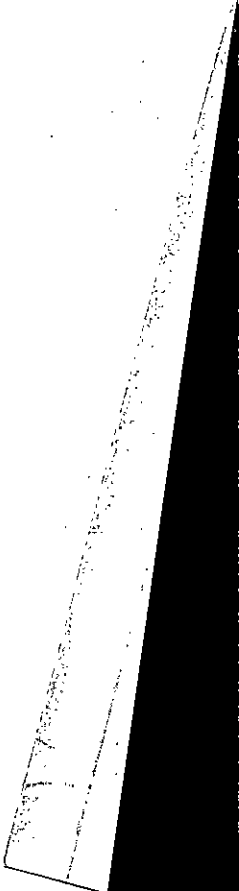
Paul J. Jr.



ATTESTED

مجلس إدارة جامعة القاهرة - جامعة القاهرة
7931
9/12/115

Dr. [Signature]





14 Annex - F

GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated: 25/02/2013.

NOTIFICATION.

No. 6-165/ECO/PC/H/Vol-IV/2012-13:- Pursuant to orders of the Supreme Court of Pakistan passed in CRL. Original petition No. 15 of 2012 in HRC No. 16360/2008, constitution petition No. 36 of 2012 and CRL original petition No. 73 of 2012 in HRC No. 16360/2008, the competent authority has been pleased to regularize the services of Lady Health Supervisors (LHSs), Account Supervisors, Lady Health Workers (LHWs), Drivers and PMU Staff of the National Program for Family Planning & Primary Health Care, Khyber Pakhtunkhwa w.e.f July 01, 2012 on the following terms and conditions:

- I. Upon regularization, the following staff shall be placed at the minimum basic scales given below:
 - a. Lady Health Supervisors (LHSs) in BPS-7
 - b. Account Supervisors in BPS-7
 - c. Lady Health Workers in BPS-5
 - d. Drivers in BPS-4
 - e. Other PMU staff at Provincial & District level working in their respective scales as on July, 2012.
- II. The staff of National Program for Family Planning & Primary Health Care, Khyber Pakhtunkhwa so regularized shall have no pensionary benefits. The issue of pension shall be considered after a firm commitment from the Federal Govt to take up in perpetuity the pending liability of the staff so regularized.
- III. The regularization shall be subject to the revised terms and conditions and organizational structure which the Govt shall firm-up keeping in view the fact that basic legislation of the program is not substantially compromised or altered.
 2. Appropriate legislation shall be undertaken to give effect to this order before July 01, 2013 and the specific orders regarding individual employee would be issued separately by the respective competent fora after framing the rule.

Secretary to Govt. of Khyber Pakhtunkhwa
Health Department

Endorsement of even Nos and Date:

1. Principal Secretary to Governor Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Secretary to Govt. of Pakistan, Ministry of National Regulations and Services, Islamabad.
4. Registrar, Supreme Court of Pakistan.
5. All the Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
6. P.S.O to Chief Secretary, Khyber Pakhtunkhwa.
7. P.S.O to Additional Chief Secretary, Khyber Pakhtunkhwa.
8. Director General Health Services, Khyber Pakhtunkhwa
9. Director Health Services, FATA.
10. Provincial Coordinator, National Program for Family Planning & Primary Health Care.
11. Chief Planning Officer, Health Department.
12. All District Health Officers, Khyber Pakhtunkhwa.
13. PS to Secretary Health, Khyber Pakhtunkhwa
14. PA to Special Secretary, Health Department.
15. PA to Additional Secretary (Establishment and Administration), Govt. of Khyber Pakhtunkhwa Health Department.

RECEIVED
Date _____
R/o Supreme Court of Pakistan
Islamabad

ATTESTED

(Malik Muhammad Ali)
SECTION OFFICER (GENERAL)

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. P111

GAZETTE

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, WEDNESDAY, 2ND JULY, 2014.

PROVINCIAL ASSEMBLY SECRETARIAT,
KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 2nd July, 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 2nd July, 2014).*

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;

17


ATTESTED

16

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" mean rules made under this Act.

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ATTESTED

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.


ATTESTED

(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.

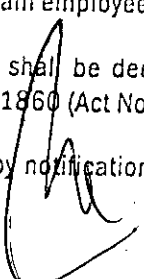
6. Posting, transfer and adjustment of Program employees.---Notwithstanding anything contained in other provisions of this Act, the Program employees, except the Community Embedded Employees, may be transferred to perform duty anywhere in the Province.

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.


ATTESTED

19

KHYBER PAKHTUNKHWA GOVERNMENT, EXTRAORDINARY, 2nd JULY, 2014. 21

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.

13. 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

(AMANULLAH)
Secretary
Provincial Assembly of Khyber Pakhtunkhwa

Printed and published by the Manager,
Staty. & Ptg. Deptt., Khyber Pakhtunkhwa, Peshawar


ATTESTED

20

2

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT:
MR. JUSTICE IFTIKHAR MUHAMMAD CHAUDHRY, CJ
MR. JUSTICE GULZAR AHMED
MR. JUSTICE SH. AZMAT SAEED

CRIMINAL ORIGINAL PETITION NO.15 OF 2012
IN H.R.C. NO.16360 OF 2009, CONSTITUTION
PETITION NO.36 OF 2012 AND CRIMINAL
ORIGINAL PETITION NO.73 OF 2012 IN H.R.C.
NO.1559 OF 2009.

FILED IN
H.R.C.16360/2009.

Secretary, Ministry of Labour
Government of Punjab

Const.P.36/2012.

Regarding the Regularization of Services of
Lady Health Workers.

Crl.O.P.73/2012 in
H.R.C.16360/2009.

Dr. Pir Ghulam Hussain and others Vs.
Ansul Hasnain Musavi and others.

For the petitioners:

Ms. Bushran Arain (In person)
Ms. Rukhsana Anwar (In person)
Muhammad Nasir
(in Crl. M. A. No.506/12)

For the Federation(M/o IPC)

Raja M. Aleem Abbasi, DAG
Mr. Farhan Bahdur Khan, Addl. Secy
Mr. Nisar Ahmed, Director (PDM-3)
Mr. Manzoor Ahmed Raja, Dy Dir
Mr. Azam Khattak, Addl. A. G.

For Government of Balochsitan:

S. Arshad Hussain Shah, Addl. A.G

For the Government of KPK:

Mr. Faisal Rafique, Addl. A. G.

For the Government of Punjab:

Mr. Qasim Mirjat, Addl. A. G.

For the Government of Sindh:

Dr. Saeed Ahmed Qureshi

Date of hearing:

01.01.2013

ATTESTED

Subordinate
Supreme Court of Pakistan
Islamabad

ATTESTED

Annex - R.

(24)

ORDER

Mr. Furqan Bahadur Khan, Addl. Secretary has submitted that the Federal and Provincial Governments have agreed for the regularization of the Lady Health Supervisors, Lady Health Workers, Accounts Supervisors, Drivers and PMU Staff of Family Planning and Primary Health Care Programme and a summary in this behalf has been approved. The contents of the report are reproduced herein below:-

2. The Honorable Prime Minister has been pleased to approve the following recommendations: -

- a) The original concept and design of the project shall be maintained to keep the program community based and LHWs shall remain embedded with the community to ensure effective service delivery;
- b) To place (i) Lady Health Supervisors and Accounts Supervisors in BPS-7, (ii) Lady Health Workers in BPS-5 and Drivers in BPS-4;
- c) The effective strength would be the strength on cut-off date of 1-7-2011 as follows:-

Posts	Punjab	Sindh	KPK	Balochistan	AJK	GB	FATA	ICT	Total
LHWs	49000	22576	13271	6556	3078	1385	1443	330	97639
LHSs	2021	770	560	236	140	66	39	11	3843
Accounts Supervisors	72	34	31	25	8	0	7	0	177
Drivers	1760	688	504	223	111	79	51	11	3427
Total:	52853	24068	14366	7040	3337	1530	1540	352	105086

- d) Posts that may become vacant as a result of resignation, losing jobs or otherwise shall stand abolished for the purpose of federal funding and new recruitment w.e.f. 1-7-2011 will be financed by the provincial governments. Likewise, any new creation of posts/appointments or future need will be financed by the provinces from their own budget/resources;
- e) AJK, FATA, GB and ICT shall not create any new posts and recruit against existing vacancies w.e.f 1-7-2011 without prior approval of the Finance Division;
- f) Provinces need time upto 30-5-2013 to legislate to provide for (a) a legal framework to protect one-off exception of regularizing employees of National

ATTESTED

Superintendent
Supreme Court of Pakistan
Islamabad

ATTESTED

22

Program for Family Planning and - Primary Health Care (PP&PHC) being financed through development projects (b) creating a service structure for these employees (c) their terms and conditions of service (d) to insulate this extraordinary exception of regularization from similar demands that may arise from employees of other vertical programs as well as development projects being financed through PSDP/Provincial ADPs to save the budgetary resources from additional burden (e) transiting from current status of employment to proposed structure (f) to determine their status on regularization and (g) all other allied matters;

- g) Subject to para 25 (a) to (e), "LHWs, LHSs" Accounts Supervisors and drivers that were drawing stipend- on 30-6-2011 (to be verified by the respective Accountants General and AGPR) may stand regularized w.e.f. 1-7-2013 subject to the revised terms and conditions which the Provincial governments will firm up in- consultation with the Federal Government while maintaining the basic design of the program. It will provide sufficient time to the provinces for legislation and transition and the Federal Government to move from Development to non-Development Budget and arranging additional resources;
- h) Current year allocation for the Program under Federal PSDP FY-2013 is Rs.11.0 billion. With regularization, there will be an additional requirement of Rs.5.4 billion. It includes 10 percent of the salary bill for medicines and other operation cost;
- i) The Provinces shall be responsible for financing the regularization of Staff of the PMUs of this program;
- j) It will be upto the Provincial Governments to pay pension or Institute Contributory Pension Fund from their own resources for these regular employees or otherwise in accordance with relevant provincial laws and rules. Federal funding will not be available for this purpose;
- k) For FATA, AJK, ICT and Gilgit-Baltistan, IPC Division shall take necessary measures as stipulated above in consultation with- the Establishment Division, Planning Division and Finance Division; and
- l) Federal Government may provide full funding for this program upto 7th NFC Award (YF -2015) as already decided by the Council of Common Interest. For extending this period by another 3 years for this specific program as is being demanded by the Provinces, IPC Division shall initiate a Summary in consultation with Planning and Finance Divisions for consideration of the CCI."

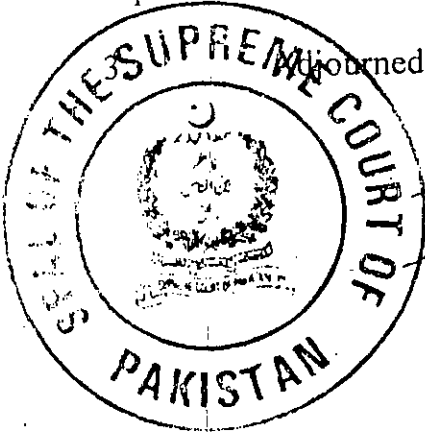
ATTESTED

ATTESTED

Superintendent
Supreme Court of Pakistan
Islamabad

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2. We have pointed out to the learned DAG that in view of the earlier commitment made before this Court, the staff of the Primary Health Care Programme, were required to be regularized w.e.f. 1.7.2012 but now in view of the above position their regularization shall take place w.e.f. 1.7.2013. Under the circumstances, we direct the Secretary, Ministry of Inter-Provincial Coordination that the matter should be again taken up in view of the earlier commitment made by the Federal Government to ensure that their regularization shall take place w.e.f. 1.7.2012 and similarly the Federal Government shall ensure that the Provincial Governments also accept such regularization. The matter is lingering on for a considerable period, therefore, it is ordered that the same be expedited and concluded as early as possible.



Returned to 23.1.2013.

Handwritten signatures:
 Jd/- Jftihar Muhammad Chaudhry, CJ
 Jd/- Gulzar Ahmed, J
 Jd/- Sh. Azmat Saeed, J

Islamabad, the
 1st January, 2013.
 M. Sajid Mirza

SR No: 14928/13-11 Civil/Criminal
 Date of Presentation: 26-11-13
 No. of Words: 1200
 No. of Follies: 12
 Requisition Fee Rs: 5.00
 Copy Fee in: 2.44
 Court Fee set off: 12.44
 Date of Commencement of Proceedings: 06.12.13
 Date of delivery of Judgment: 06.12.13
 Compared by: M. Sajid Mirza
 Received by: M. Sajid Mirza

Certified to be True Copy

(Handwritten signature)
 4/1/13
 Superintendent
 Supreme Court of Pakistan
 Islamabad

ATTESTED

24

MEDICAL CERTIFICATE

Name of Official Mst. Shaista 16101-7480656-6

Caste or Race Afghan

Father's Name Jawid Khan

Residence Village Marmukh PO Bakhsali Mard

Date of Birth 12-12-1980 (Aspy CIVIC)

Exact Height by measurement 15-46

Exact mark of Identification Black mole on Right side Cheek

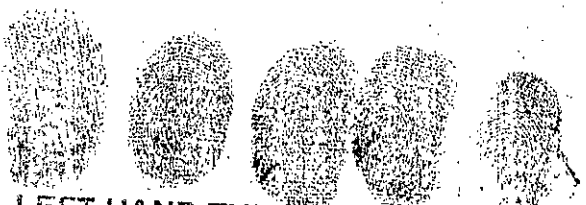
Signature of the Official _____

Signature of Head of Office _____

Seal of Office _____

I do hereby certify that I have examined Mst. Shaista
 for employment in the office of the N-Programme Mard
 and cannot discover that he had any disease communicable or other constitutional
 affection or bodily infirmity except Nil

I do not consider this is disqualification for employment in the office of the
 above as L.H.W. his age according to his own statement
34 year and by appearance about year 34



LEFT HAND THUMB AND FINGER IMPRESSION

Dec 12-12-2014

12/12/14
 Medical Superintendent,
 DHQ Hospital, Mardan.
 Medical Superintendent
 District Hospital Mardan

[Handwritten Signature]

Annex - G1 (28)



District Health Department - Mardan
DISTRICT HEALTH OFFICER
Mardan (Khyber Pakhtunkhwa)
Ph: # (0937) 9230030 Fax: # (0937) 9230340
Email: edohmr@yahoo.com

No. /DHO Dated 20/02/2015

OFFICE ORDER

Reference PPH# letter No 227 dated 10/2/15, the office order No 17026-32/DHO (P&D/Est) dated 8/12/14 issued from the office of the undersigned regarding the re instatement of Ex LHW Shaista is hereby withdrawn with immediate effect.

District Health Officer
Mardan

No 2233-34 /DHO

Mardan

Dated: 20/02/2015

Copy forwarded to

1. Provincial Coordinator LHWs Program Khyber Pakhtunkhwa Peshawar with reference to their letter no mentioned above.
2. District Coordinator LHWs Program Mardan for information and necessary action.

District Health Officer
Mardan

ATTESTED

Annex - H

26
28

To,

The Director General Health,
Government of KPK,
PESHAWAR.

Subject: DEPARTMENTAL APPEAL AGAINST THE ORDER
OF DISTRICT: HEALTH OFFICER MARDAN.

Respect Sir,

The appellant submit is as under,

1. That the appellant was appointed as LHW on 01-3-2001
2. That the appellant performed her duties to the best satisfaction not only of her superior but also the people where she was posted which is even evident from her service record.
3. That all of sudden her services were terminated without any plausible reasons and justification on 22-5-2013
4. That, then, she applies for re-instatement, and favorable comments were forwarded by field program officer Mardan and provincial co-coordinator and consequently the appellant was re-instated with a condition to furnish fresh surety bond, which she did.
5. That the appellant resume her duty in village Jamdhari and up till now she perform excellent duty with full devotion and local people were very happy from the performance and good behavior of the appellant and my superior also fully satisfied as the appellant have good command on her job.
6. That she was shocked when she received a letter bearing NO; 2233-34 dated 20-2-2015 from honorable District Health Officer Mardan wherein as per letter, the office order of re-instatement was withdrawn without any assigning any reasons and plausible justification.
7. That it is worth mentioned here that after re-instatement she perform her duty with full devotion but till the order dated 20-2-2015 she was not paid the salary for which she is also entitled.
8. That no show cause notice or letter of explanation was served upon the appellant, no inquiry of any kind was initiated against the appellant. Even she does not know her fault for which such like harsh penalty is awarded.

It is, therefore, humbly prayed that, by acceptance of this appeal, the appellant may please be re-instated in service with all back benefits. I will pray for your long life.

Date 02-03-15

Shaista-bibi
Shaista Bibi D/O Jaipor Khan W/O Ifrikar Ali
Resident of Chemdheri, Tehsil and District
Mardan.

ATTESTED

ANNEX - I (27)

Health Department, Khyber Pakhtunkhwa
Lady Health Workers Program
Provincial Programme Implementation Unit, Peshawar



No: 887

Date: 18/5/2015

To: Ex-LHW Shaista Bibi W/O Iftikhar Ali
R/O Cham Dheri Muhalla Tika (Erab Ghara)
Tehsil & District Mardan

Subject: APPLICATION FOR REINSTATEMENT

Reference your application received in this office on 4th May 2015 regarding the subject cited above.

According to the reports of three enquiry committees, you were unable to prove your residential status within the required population.

Hence your request for reinstatement in service cannot be entertained as per provisions of Program policy and "Regularization Act".

ایڈیٹیو سینیٹور کرز پروگرام برائے بنیادی صحت

Provincial Coordinator

CC:

1. District Health Officer, Mardan.
2. District Coordinator, LHWs Program Mardan.
3. Field Programme Officer, LHWs Program Mardan.
4. PA to Director General Health Services Khyber Pakhtunkhwa
5. PA to Director Health Services Khyber Pakhtunkhwa

D:\FOUZIA DATA 2015\All Documents\Fozia-2014-2015\REGREETED to EX LHW Shaista Bibi Mardan.doc
Muhammadi House, Bank Al-Falah street, near Gul Haji Plaza University Road Peshawar
Ph :0919218607-08, Fax :091-9218609 Email: ppiunwfp@yahoo.

ATTESTED

ET

21 ~~20~~ by Raza

To,

EX-Lady Health Worker

Director
National Program for FP & PHC
PHC Khyber Pakhtunkhwa, Peshawar

Shaista Bibi c/o Iftikhar Ali

2610

R/o Cham Dheri Muhallah Tila (Erab Ghara)

Tehsil & District Mardan.

U/P



(The LHWs Program)

National Programme for Family Planning & Primary Health Care Khyber Pakhtunkhwa, Peshawar.



[Handwritten signature]

Ali

28

(23) (22)

بعدالت

کورٹ فیس

مورخہ:

20 مئی 20

مقدمہ:

حکومت سندھ

دعویٰ:

سردار

جرم:

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام سے لے کر اللہ کے نام سے مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرانے اجراء اور وصولی چیک روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زراس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یک طرفہ یا اپیل کی برآمد ہوگی اور منسوخ دائر کرنے کی اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مذکور کے عمل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اسکا ساختہ برداختہ منظور و قبول ہوگا اور دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

المرقوم _____ ماہ _____ 20ء

العادی گواہ شہادہ العادی

بمقام: _____ کے لئے منظور ہے۔

Accepted
Jb

Shahista Gul
Sardar

Before Khyber Pakhtunkhwa Services Tribunal, Peshawar

Appeal No.700of 2015

Mst. Shaista Bibi W/O Iftikhar Ali Petitioner

VS

1. Government of KPK through Secretary Health. Govt: of KPK, Peshawar.
2. Director General Health. KPK Peshawar.
3. Provincial Coordinator, Provincial Program Implementation Unit Peshawar.
4. District Health Officer Mardan.

Para vise comments on behalf of respondents as follows

Preliminary objections:

1. That the appellant has neither cause of action nor locus standi to file service appeal in this Honorable Tribunal.
2. The appellant has not come to this Honorable Tribunal with clean hands.
3. The appeal is bad in its present for mis-joinder and non-joinder of necessary parties.
4. The appeal is not maintainable under the law.
5. That the instant appeal is barred by law.
6. That this Honorable Tribunal has no jurisdiction to entertain the appeal as appointment letter contained the condition that Civil Servant Act is not applicable to the appellant.

On facts.


1. Correct.
2. Incorrect explanations has been called from her vide letter No.499-502/NP dated 21/10/2004, letter No.535/NP dated 26/08/2009 and letter No.168/NP dated 17/05/2013(copies attached). So her services were not satisfactory.
3. Incorrect. As per Para 2 of the reply.
4. Incorrect. The appellant was terminated, because she became Non Residence (NR) due to her marriage to UC Shahbaz Garhi. However after marriage she applied from 04 different locations (copies attached) for reappointment which shows that she was concealing fact regarding her actual residence.
5. Correct to the extent of Reinstatement. However it was again on contract basis in the program.
6. Correct.

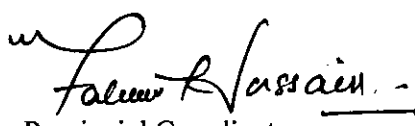
7. Incorrect. When the service of LHWs Program was regularized, by name orders were issued to all LHWs Staff, she was not in the service. (Order copy attached). Hence she was not regularized and she did not agitate the matter before competent forum.
8. Incorrect.
9. Incorrect as the residents of Chamdheri, where she was reappointed, complained to the District Health Officer Mardan in writing that LHW Shaista is NR for the community Chamdheri as she originally belongs to Narshak and had shifted temporarily to her sister's house just to reappoint herself as LHW (copy attached). And on this basis the then DHO requested the PPIU (Provincial Program Implementation Unit) for re-inquiry this case. On the enquiry report PPIU vide letter No227 dated 10/02/2015 directed for the withdrawal of her reinstatement order(copy attached)
10. No comments. However this Honorable Tribunal has no Jurisdiction to entertain the Appeal.


Grounds

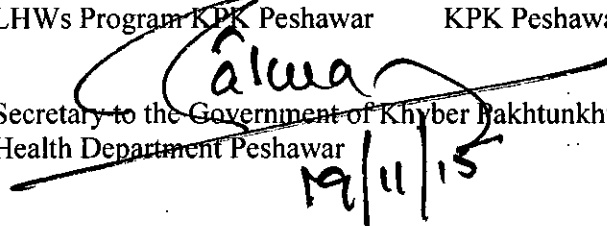
1. Incorrect. The impugned order is in accordance with Law Rules
2. Incorrect. None of the orders is wrong as these are according to Law.
3. Incorrect. As per Para mentioned above.
4. If an employ became Non Residence (NR), no need for show cause, the employ should be terminated immediately as the service of LHWs program is community based. However inquires conducted on this case and on its recommendations, Appellant was removed.
5. Incorrect as per Para mentioned above.
6. Incorrect, as per Para 4
7. Incorrect as per Para 4
8. As per Para 4
9. Incorrect
10. Incorrect. Appellant was removed after fulfilling codal formalities.
11. No comments

It is therefore requested that the appeal may be dismissed with cast.



District Health Officer,
Mardan


Provincial Coordinator,
LHWs Program KPK Peshawar


Director General Health
KPK Peshawar



Secretary to the Government of Khyber Pakhtunkhwa,
Health Department Peshawar

19/11/15


5/11/15

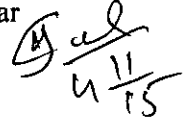
Affidavit:

We, do hereby state on solemn affirmation that the contents of the reply are true and correct to the best of our knowledge and belief, moreover, nothing has been concealed from this Honorable Tribunal.


District Health Officer,
Mardan *u*


Provincial Coordinator,
LHWs Program KPK Peshawar

Director General Health
KPK Peshawar


4/11/15

Secretary to the Government of Khyber Pakhtunkhwa,
Health Department Peshawar

No. 168

NP dated Mardan the

17/5 2013.

From:

The District Coordinator,
National Program for FP & PHC,
Mardan.

To:-

SHAHRIEF, DEPT. HEALTH

Subject:-


Explanation

Memo,

It has been reported and pointed out by the concern LHS that,

1. You are not residing at your community.
2. You were on leave without prior information/permission.
3. You were absent from duty in Mother & Child Week for 03 days.

You are directed to explain your position with in 3 days, otherwise disciplinary action will be taken against you.



District Coordinator,
N.P. for FP & PHC,
Mardan.

No.

NP dated Mardan the

2013

A copy is forwarded to the:

1. District Health Officer Mardan..
2. MO I/C concerned facility.

for information.

District Coordinator,
N.P. for FP & PHC,
Mardan.

17 - 11/11

No. 535 /NP dated Mardan the 26/8 /2009

From The District Coordinator,
National Programme for FP & PHC,
Mardan

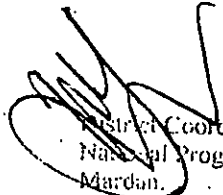
To LHW Mehnaz, Nigar, Shazma, Noveen
Samina, Shanta, Shehary
BHU Bakhsal,

Subject: EXPLANATION/WARNING/PAYSTOP.

It has been reported by your facility Incharge/Supervisor/Member Health Committee/People of the area that you are.

- Not performing your duty properly.
- You did not maintain the record properly.
- You are absent from community with out leave Application.
- Not visiting your community according to monthly schedule.
- Not preparing monthly report/Programme properly.
- Not organizing health house properly.
- Not support/ cooperate with your facility I/C, supervisor/people of the area/Partners.
- Not distributing medicine /contraceptives properly.
- Not fixed the sign Board of your health house.
- You are illegally conducted deliveries.
- Your referral were very less during the month of _____
- You does not take part in polito campaign.
- You were absent from the Training on _____

You are therefore directed to explain your position with in three days and be regular otherwise your contract services will be terminated without any notice.


District Coordinator
National Programme for FP & PHC
Mardan.

NO _____ NP dated Mardan the _____ /2009.

Copy for -

1. Concerned Facility Incharge.
2. Concerned LHW Supervisor.

for information & necessary action.

District Coordinator
National Programme for FP & PHC
Mardan.

No. 499-582

/NP, dated Mardan the 21/10/2004.

From: The District Coordinator,
National Program for FP & PHC,
Mardan.

To:- Shaista LHW, BHU Bakhshali

Subject:- Explanation/Pay Stop.
Memo.

It has been reported and pointed out by the concern LHS, that
Your performance is very poor.

You are hereby directed to explain your position with in 3 days of
the receipt of this letter otherwise disciplinary action will be initiated against you.

District Coordinator,
N.P. for FP & PHC,
Mardan.

No. /NP, dated Mardan the 21/10/2004.

A copy is forwarded to the:

1. Executive District Officer, (Health) Mardan.
2. MO I/C concerned facility.
3. LHW Supervisor concerned
for information.

District Coordinator,
N.P. for FP & PHC,
Mardan.

حضرت ضیاء دفتر وزیر اعلیٰ گلگت

50092023
05/09/2017
05/09/2017

درخواست برادری ممبران بوجوہات ذیل

حضرت ضیاء درخواست ذیل لائن ۹۔

- ۱۔ یہ کہ ۲۰۰۱ء میں بطور LHS کوئی کیا تھا۔ ۲۰۰۷ء
تائیں لڑنے سے تیرا دل اپنا ٹوٹی سے انجام دیا تھا۔
- ۲۔ ۲۰۱۳ء میں نبی سے اس کی شادی ہو گئی اور اس
دوران میں شریک ہو گئی۔ کیونکہ LHS نے سرے خلاف
ضد کوشش نہ انوائس لائی۔ کہ وہ کہ الفنس اور شریک اپنے ساتھ
رہی تھی۔ اور مجھے یہ خبر کو صبر سے ملے ہوں۔ خاصہ وہ کوئی نہ
۲۰۱۶ء کو کوئی دینے لیں۔ تو مجھے یہ دونوں اخذات تھانہ کر رہے تھے
- ۳۔ کوئی سے فاس کر دی گئی۔ شروع کر دی۔ اور جہاد اور مردان دیکھ
۲۰۱۶ء میں نے کوئی سے شریک شریک ہو گئی۔
کے لئے میں اپنے دوست کی حالت میں ڈھری شریک ہو گئی۔
۴۔ یہ کہ میں دوران میرا دوبارہ آرڈر عرصہ ۲۰۱۴ء کو کیا۔ کوئی آبادی
شریک کر دی۔ اور میں نے اپنی جاری آگے۔ اور میں نے دو تینے کی
ریورٹ بھی لائی۔ LHS سے کیا ہے۔ اور یہ ہے جیلڈ
کے لئے وقت لگانا آئی تھی۔ جس کا ثبوت میرے پاس موجود ہے۔ جو کہ
تیار کے وقت میں سے کیا گیا۔ اور میں کانپوری سے ۲۰۱۵ء کو کوئی
۵۔ یہ کہ ۲۰۱۵ء کو کوئی آرڈر ملے۔ کہ تم کو کوئی وہ شریک کر دیا تھا
۶۔ یہ کہ کوئی شریک سے۔ بے بنیاد۔ من گھڑت اور جھوٹ پر مبنی ہے
اور یہ شریک سے شریک سے اور یہ صادر کیا گیا ہے۔ اور مجھے بے جا LHS کے عناصر
اور شریک سے شریک سے جس سے انکار ہے۔ اور نہ میں آرڈر کی دیکھ

چونکہ خلع جواز کو نہ میں ماننا ہوں۔ اور نہ ہی قانونی سرخی اور
 اس کا جواز ہے۔ کہ وہ گاؤں میں دعویٰ خلع کا نفع میں نہیں رہتے
 کہ یہ ہم پر حق تو نہیں، تسلی کرنے کے لئے تیار ہیں۔ کہ ہم یہاں خلع کا نفع
 ہم دھریں گے۔ اور غلام خلع ہو گیا ہے۔ تیار ہیں۔ کہ ہم
 خلع کا نفع نہیں۔ یا نہیں۔ تمام خلع والوں کے سرکاری طور پر جمع
 یہاں تھے ہیں۔ یا نہیں۔ اس کے باوجود یہ لوگوں کی
 غیر سہارے ساتھ ہونے والی موجود ہیں۔ اس کے باوجود یہ لوگوں کی
 غلط انداز میں اور سازش خلع کر دیا گیا ہے۔ جو کہ انصاف
 کے تقاضے کو نہیں کر سکتے۔

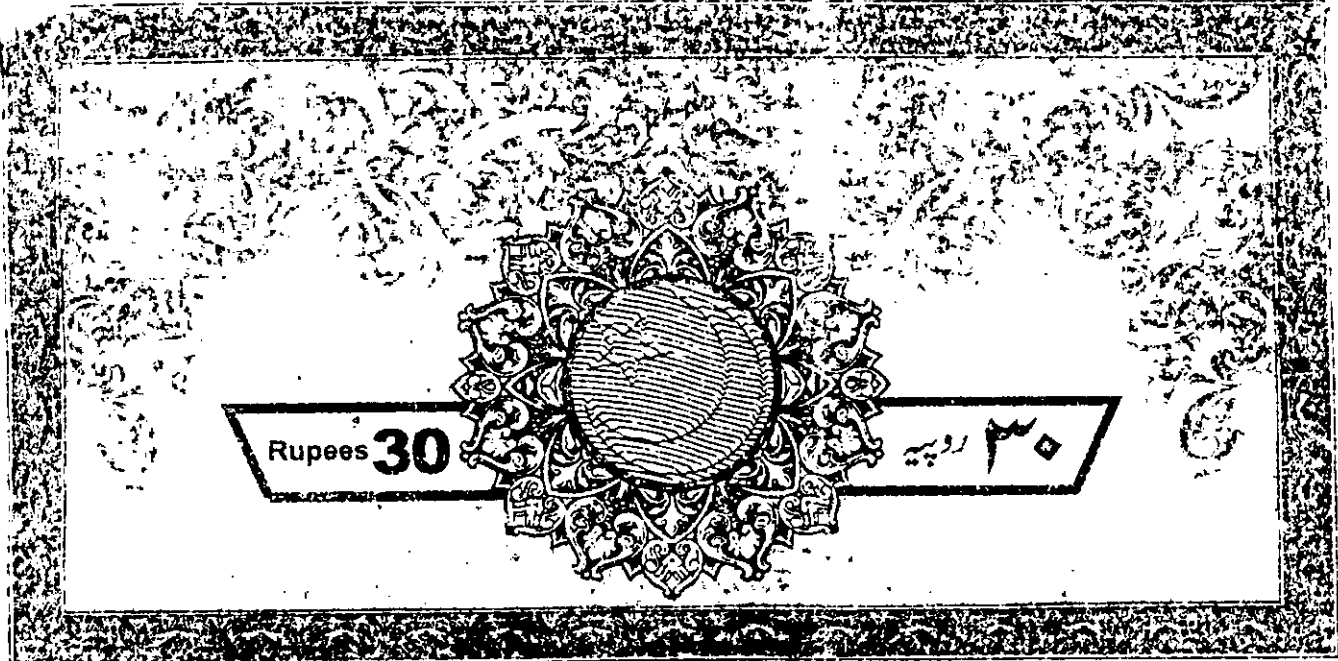
لہذا استدعا ہے کہ برصغیر میں باہر میں خلع کو اپنے لوگوں

پر عمل کرنے کا حکم صادر فرمایا جائے
 23 اگست 2015ء

شہادت ہے کہ بی بی زوجہ اشعار علی صاحبہم دعویٰ
 خلع کے لئے درج ذیل درجہ اشعار علی صاحبہم

Shaista bibi

خلع کا نفع
 0308-9022756



میان اولیٰ
 میں سنی افتخار علی ولد مظہر شاہ سکنہ نزد جامع ۱۱۰۱ سکنہ
 دیکھتے ہوئے غلطیوں سے بچانے کے لئے یہاں پر ایک
 بہترین مشورہ دیا گیا ہے کہ اگر آپ کو کسی
 مہر کی جانب سے کوئی چیز ملے اور وہ
 میں لکھو اور اس کی عین وارثت میں لکھی جائے
 میں ڈیوٹی (تاج) اس میں ہے۔ یہ مذکورہ زوہبہ لکھی
 یا ہندی اس بار نہ لکھی اور نہ اسے۔ وہ اپنی
 حکم شدہ میں جاری رہے گی۔
 میں سناہ شہادت میں ان زوہبہ افتخار علی سکنہ نزد جامع ۱۱۰۱
 اندر اس وقت بہترین مشورہ دیا گیا ہے کہ اگر آپ کو
 لکھی عین وارثت میں لکھی جائے اور اس میں
 (تاج) اس میں ہے۔ یہ مذکورہ زوہبہ لکھی
 مظہر شاہ سکنہ جمع ہوا ہے اور افتخار علی ولد
 میں جمع شدہ میں سنی افتخار علی سکنہ نزد جامع ۱۱۰۱
 شہاد اور اس میں کوئی چیز نہیں لکھی ہے۔
 جس کی طرف سے کوئی چیز نہیں لکھی ہے۔
 ۱۱۰۱-۱۱۰۱-۱۱۰۱
 ۱۱۰۱-۱۱۰۱-۱۱۰۱
 ۱۱۰۱-۱۱۰۱-۱۱۰۱

لکھی گئی ہے اور اس کی عین وارثت میں
 لکھی جائے اور اس میں کوئی چیز نہیں
 لکھی ہے۔ یہ مذکورہ زوہبہ لکھی
 ۱۱۰۱-۱۱۰۱-۱۱۰۱

۱۱۰۱-۱۱۰۱-۱۱۰۱
 ۱۱۰۱-۱۱۰۱-۱۱۰۱

بخدمت جناب ڈسٹرکٹ ہیلتھ آفیسر صاحب، مردان

درخواست بمراد بحالی ملازمت ازاں شاکتہ بی بی (LHW) BHU بخشالی

جناب عالی!

درخواست سائلہ حسب ذیل عرض ہے۔

- ۱۔ یہ کہ سائلہ کی بھرتی یکم مارچ 2001ء کو بطور LHW ہوئی۔ اور سائلہ نے 13 سال اپنے فرائض بہ احسن سر انجام دیئے۔
- ۲۔ یہ کہ سائلہ کی شادی بمورخہ 3-4/05/2013 کو انجام پائی۔ اسی دوران ہماری LHS صاحبہ نے ڈسٹرکٹ کوارڈینیٹر کو بغیر کسی ثبوت کے بتایا کہ سائلہ مزید اپنی ڈیوٹی نہیں کرنا چاہتی۔ اور DC نے 17 مئی 2013ء کو Explanation کال کی۔ اور مجھے بے خبر رکھ کر 22 مئی 2013ء کو میرے ٹرمینیشن آرڈر (Termination) جاری کر دیئے۔ دونوں لیٹرز LHS صاحبہ نے اپنے پاس ہی رکھے، اور سائلہ کو آگاہ تک نہیں کیا۔
- ۳۔ یہ کہ جب سائلہ یکم جون 2013ء کو اپنی ڈیوٹی کرنے لگی تو LHS صاحبہ نے دونوں لیٹرز دیکر کہا کہ آپ ٹرمینٹ ہو چکی ہیں۔
- ۴۔ یہ کہ سر توڑ کوششوں کے بعد پشاور، اور مردان ڈسٹرکٹ کوارڈینیٹر صاحب کے کہنے اگر ہم چم ڈھیری گاؤں شفٹ ہو جائیں تو آپ کو بحال کر دیا جائے گا۔ اور بعد میں جب ہم چم ڈھیری گاؤں شفٹ ہو گئے تو 17 اکتوبر 2014ء کو پشاور آفس سے آڈر موصول ہوا کہ آپ کو بحال کر دیا گیا ہے۔
- ۵۔ یہ کہ بعد از بحالی مردان والوں نے کافی ٹال مٹول کے بعد 8 دسمبر 2014ء کو بحالی منظور کر دی۔ بعد ازاں مسلسل دو مہینے پوری محنت اور ایمانداری سے اپنی ڈیوٹی سر انجام دینے کے بعد ہسپتال میں رپورٹ بھی جمع کر دی۔ ساتھ ہی ساتھ پولیو ڈے 16-20 فروری 2015ء میں بھی اپنے فرائض سر انجام دیئے۔ لیکن 25 فروری 2015ء کو اچانک سائلہ کی برخواسگی کے احکامات موصول ہوئے۔ جسکے وجوہات یہ بتائے گئے کہ انکوائری ٹیم کے مطابق آپ چم ڈھیری گاؤں میں مستقل طور پر رہائش پزیر نہیں ہیں۔ حالانکہ انکوائری ٹیم ہمارے گھر انکوائری کرنے کی غرض سے تشریف لائے اور خاطر خواہ تسلی کرنے کے بعد واپس چلے گئے۔

Coordinata

NP/FP

for m/act

District Health Officer
Mardan

17/15

۶۔ یہ کہ سائل نے خوش اسلوبی سے اپنے فرائض انجام دیئے ہیں اور باوجود 3 مہینے کی پچی کے ساتھ ہونے کے گھر گھر جا کر 215 خاندان درج رجسٹر کئے جس کی رپورٹ BHU بخشالی کو جمع کر دی گئی۔
جناب عالی! سائل نے اپنے فرائض بہ احسن بنائے ہیں اور انکو آری ٹیم نے بھی میرے گھر آ کر تمام حالات اور ہیلتھ ہو ہاؤس رجسٹر کا از خود مشاہدہ بھی کیا ہے۔ ایسے میں ڈسٹریکشن آرڈر کا موصول ہونا باعث ذہنی کوفت و انسوس ہے۔ کیا سر توڑ محنت اور بھرپور کوششوں سے اپنی ڈیوٹی انجام دینے کا نتیجہ یہ ہونا چاہیے کہ مجھے ڈسٹریکٹ کیا جائے؟
آپ صاحبان سے پُر زور اور موذبانہ التماس ہے کہ سارے ٹھوتوں اور انکو آری ٹیم کے رپورٹ کا از خود جائزہ لے کر برخواستگی پر نظر ثانی کر کے مجھے اپنی پوسٹ پر بحال کیا جائے۔ جس کے لئے سائل تاحیات آپ کے لئے دعا گو رہے گی۔

مورخہ: 05/03/2015

عارضہ

شائستہ بی بی دختر جیپور خان

سکنہ گاؤں چم ڈھیری، محلہ جانوخیل

تحصیل ضلع مردان

رابطہ: 0346-6894359، 0308-9022756

خدمت خباب دوسروں کو اور ڈیپٹی کمشنر سے مل کر پروگرام منظم کران۔

خباب حالی - عورتوں کو نوازش کی بجائے نہ

سیما شائستہ کی پوزیشن اختیار کرنی (LH) سکون نہ رہے

فعل و عقل دونوں ملے بدون نرس سے پروگرام کی پاسی کے

مطابق حالی ملے تو نقل مکانی کی ہے - جو بنام کسان آباد

(لوڈ) سے یاد کی جاتی ہے - اور سیموں پر مستقل

ریجنس برٹری ہوئی - اس کے آپ صاحبان سے عام انداز

اپنی کی جاتی ہے کہ جمع اسے ملے میں کسان آباد

میں بحال کر دیں - تاکہ میں سیموں کو لوٹوں کی پہلے

کے معاملوں میں عدد نہ سوال -

شکر ہے -

عین نوازش ہوگی -

آپ کی صلاحیتوں سے پوزیشن اختیار کرنی سکون نہ رہے

کسان آباد (لوڈ) پوزیشن

شہباز نے وہی منظر پیش کیا

Date 20/8/14

دستخط اظہار

بخدمت جناب ڈسٹرکٹ ہیلتھ آفیسر مردان۔

اپیل برائے بحالی ملازمت

جناب عالی!

اپیل بوجوہات ذیل عرض ہے:

1. یہ کہ من ساکنہ بحیثیت L.H.W عرصہ تیرہ سال سے BHU بخشالی ضلع مردان میں ڈیوٹی سرانجام دے رہی ہوں۔
2. یہ کہ دوران ملازمت من ساکنہ نے نہایت ایمانداری سے ڈیوٹی سرانجام دی ہے۔
3. یہ کہ من ساکنہ کی شادی مورخہ 03-05-2013 کو ہوئی اور شادی کے سلسلہ میں ساکنہ نے مورخہ 23-05-2013 تک چھٹی کی، جس کے بارے میں درخواست گزارگی گئی ہے۔
4. یہ کہ من ساکنہ نے LHS کو بابت چھٹی درخواست دینے کو کہا تھا، مگر انہوں نے درخواست نہیں دی، تاہم قبل ازیں LHS مذکورہ نے تسلی دی تھی کہ من ساکنہ بے فکر رہوں اور یہ کہ مذکورہ LHS میزبانی طرف سے درخواست برائے چھٹی مذکورہ جمع کر دے گی۔
5. یہ کہ من ساکنہ بعد از شادی جب ڈیوٹی پر گئی تو مجھے نوکری سے برخاستگی اور جواب طلبی (Termination & Explanation Letters کے Notices ایک ساتھ ملے۔
6. یہ کہ من ساکنہ اب بھی اپنے ہی علاقہ میں اپنے گھر میں رہائش پذیر ہوں۔
7. یہ کہ انصاف، قانون کا تقاضا ہے کہ من ساکنہ کو واپس اپنی ڈیوٹی پر بحال رکھا جائے۔

لہذا استدعا ہے کہ بمنظوری درخواست ہذا من ساکنہ کو فوری طور پر ڈیوٹی پر بحال کرنے کا حکم صادر فرمایا جائے۔

تحریر: 08-07-2013

ساکنہ:

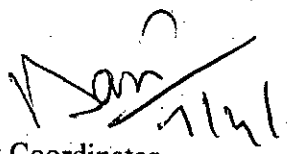
شائستہ گل دختر جے پور خان ساکنہ بخشالی تحصیل ضلع مردان۔

Coord: N.P.

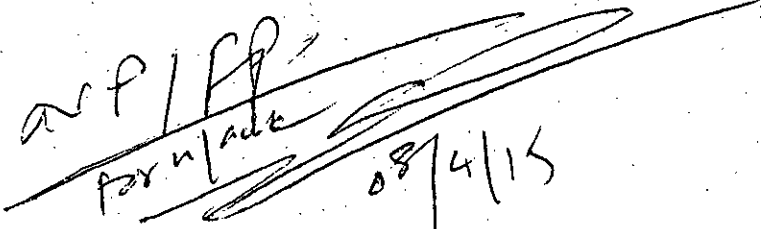
DHO Madon.

COMMENTS REGARDING COMPLAINT LODGED BY EX LHW SHAISTA

1. Ex LHW Shaista was appointed on 26/2/2001 at UC Bakhshali.
2. Ex LHW Shaista was terminated on 22/5/13 being NR as she got married to village Narshak UC Shahbazgarhi.
3. Upon her appeal for reinstatement at UC Bakhshali DPC I Dr Amin (enquiry No 1) conducted an enquiry and didn't recommended her re instatement as she was NR.
4. She re applied for re instatement at her new residence (husband residence) situated at village Narshak UC Shahbazgarhi to PPIU.
5. Another enquiry was conducted in this regard by the DPC II Dr Mohammad Afser Anwar and the undersigned (enquiry No 2) and her request was regretted as her house was situated in another LHW covered area.
6. She then reapplied for re instatement at a new place at village cham dheri UC Bakhshali and comments were sought by the PPIU from the undersigned in this regard.
7. The undersigned informed the PPIU in writing that this area was uncovered however, the District Health Officer Mardan had received a written complaint from the candidates who had applied for the posts of LHWs from that area stating that the ex LHW Shaista had shifted temporarily to her sister's house and if she was selected from that community would be injustice to them.
8. Still approval was granted by the PPIU for her re instatement.
9. The then DHO Mardan requested PPIU Khyber Pakhtunkhwa for a fresh enquiry as this office had received another complaint against her (10/11/14)
10. On 8/12/14 the then DHO re instated her.
11. Afterwards another complaint was lodged by the resident of Cham dheri through CM Complaint cell Mardan and the Health Secretary Khyber Pakhtunkhwa asked DHO Mardan for reasons of her illegal re instatement.
12. Upon the request of the then DHO Mardan another enquiry (enquiry No 3) was conducted through District Coordinator Charsadda, the undersigned and Office Assistant of PPIU Khyber Pakhtunkhwa.
13. Since she was temporarily residing at her sister's residence at Cham dheri and was still registered with another LHW of village Narshak (her husband actual residence) she was recommended for termination.
14. Afterwards letter was received from PPIU Khyber Pakhtunkhwa asking DHO Mardan for implementation of the enquiry committee report as per S/No 13.
15. Upon receiving this letter from PPIU, then DHO granted approval of her termination and she was terminated.
16. Submitted for information as desired please.


District Coordinator
LHWs Program Mardan

17. DHO Mardan


08/4/15

دفتر ڈسٹرکٹ ہیلتھ آفیسر مردان

نمبر 13778

خیبر پختونخوا ریگولیشن آف لیڈی ہیلتھ ورکرز پروگرام اینڈ ایمپلائز (ریگولیشن اینڈ سٹینڈرڈز) ایکٹ مجریہ 2014 کی سق نمبر 4(1) کے تحت معاہدہ کی بنیاد پر کام کرنے والے ملازمین کی ملازمت کو مورخہ 01-07-2012 سے مستقل بنیاد پر باقاعدہ تصور کیا جاتا ہے۔ ان کی ملازمت کی قیود و شرائط مذکورہ بالا ایکٹ اور اس کے تحت بنائے جانے والے قواعد کے مطابق

متعلقہ علاقہ کا نام	مرکز صحت کا نام	تاریخ تقرری	عہدہ	شوہر کا نام	والد کا نام	نام ملازم
Bakhshali	BHU Bakhshali	04/10/2004	LHS	Wisal Khan	Siraj Muhammad	Zeenat Mahal
Mohallah Mamotian	BHU Bakhshali	27/03/1996	LHW	Mohammad Amin Shah		Tahira Khatoon
Mohallah Mamotian	BHU Bakhshali	27/03/1996	LHW	Bahadar Khan		Jehan Akhtar
Narshak Baghbanan	BHU Bakhshali	01/03/2001	LHW	Abdul Rahman		Baas Nabia
Mohallah Awan Chamderi	BHU Bakhshali	01/03/2001	LHW	Islam Nabi	Ghulam Mohammad	Saeeda Naz
Sher Abad	BHU Bakhshali	25/09/2001	LHW	Niazuddin		Noureen
Mohallah Mula Koty	BHU Bakhshali	15/11/2003	LHW	Aslam Khan		Najma Shehwar
Mohallah Pandheri Payan	BHU Bakhshali	22/03/2004	LHW	Abdul Bari		Rahat Begum
Mohallah Dheri	BHU Bakhshali	01/07/2004	LHW		Jamshid Khan	Mumlikat
Mohallah Mohtasib Baba	BHU Bakhshali	03/06/2005	LHW	Abdul Wakeel		Rana
Mohallah Toor Dherwal	BHU Bakhshali	01/08/2005	LHW	Inam		Yasmin Israr
Kaki Dheri	BHU Bakhshali	01/08/2005	LHW		Taj Ul Islam	Shazma
Drabo Killi	BHU Bakhshali	01/08/2005	LHW		Sher Afsar	Mehnaz
Sahibzada Baba	BHU Bakhshali	01/08/2005	LHW	Zawar Hussain	Daraz Khan	Nigar
Mohallah Jalsi Wal	BHU Bakhshali	01/04/2006	LHW		Khanzada	Shazia Begum
Gul Dheri	BHU Bakhshali	02/04/2007	LHW		Izzat Khan	Hidayat Begum
Pandheri Bala	BHU Bakhshali	02/04/2007	LHW	Hassan		Nusrat Hasan
Village Asar	BHU Bakhshali	02/04/2007	LHW	Zainullah Khan		Noreen
Mohallah Takkar Masjid	BHU Bakhshali	02/04/2007	LHW	Hameed	Bacha Gul	Shehnaz Begum
Babo Mohallah	BHU Bakhshali	02/04/2007	LHW	Atta-ur-rehman		Wajahat Begum
Pandheri Bala	BHU Bakhshali	01/07/2009	LHW	Naveed Iqbal	Abdur Rasheed	Sabeha Begum
Bakhshali	BHU Bakhshali	29/05/2006	Driver		Karim Shah	Shahroom

مذکورہ بالا ایکٹ کی سق نمبر 2 میں تفویض کردہ اختیارات کو بروئے کار لاتے ہوئے کیونٹی سے منسلک ملازمین کو مندرجہ ذیل بنیادی تنخواہ کے سکیل میں رکھا جاتا ہے۔

نمبر شمار	عہدہ کا نام	بنیادی تنخواہ کا سکیل
1	لیڈی ہیلتھ سپروائزر	7
2	لیڈی ہیلتھ ورکر	5
3	ڈرائیور	4

ڈسٹرکٹ ہیلتھ آفیسر مردان

نقل برائے اطلاع:

1- سکریٹری ہیلتھ خیبر پختونخوا پشاور۔

2- پردا نٹل کوارڈینیٹر لیڈی ہیلتھ ورکرز پروگرام خیبر پختونخوا پشاور۔



District Health Department - Mardan
DISTRICT HEALTH OFFICER
Mardan (Khyber Pakhtunkhwa)
Ph: # (0937) 9230030 Fax: # (0937) 9230349
Email: gdohmr@yahoo.com

No. 15439-4/DHO Dated: 10/11/2014

To
Provincial Coordinator,
LHWs Program, Khyber Pakhtunkhwa Peshawar.

Subject: **Re-instatement of Ex-LHW Shaista District Mardan**

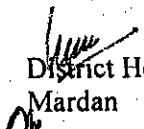
Memo,

Reference your letter No. 1479 dated 17/10/2014, it is to inform you that the subject LHW cannot be reinstated because:

1. The resident of the village Chamdheri has once again complained to the undersigned in writing that LHW Shaista is NR for the community Chamdheri as she originally belongs to Narshak and has shifted temporarily to his her sister's house just to reappoint herself as LHW (copy attached). They have also threatened to go to the court if their request is not honoured.
2. It is pertinent to mention here that the said LHW had previously requested for her reinstatement at the village Narshak (her original residence) but her request was not entertained as the area was covered with another LHW.
3. The resident had lodged a similar complaint regarding the same, which was communicated to your office by District Coordinator LHW Program vide his letter No. 257/NP dated 29/09/2014, but still her reinstatement order was issued by PPIU.
4. Furthermore, an another report submitted by some other residents of the community (copy attached) stated Mst. Shaista is residing at Mohallah Jano Khel Chamdehri and serving the community as LHW for the last two months, although she has not been reinstated till date. So, the undersigned directed LHS Zeenat Mahal to report on this matter and she has reported that the concerned Ex LHW is still NR (Report attached).

So, the undersigned recommends that, she may not be reinstated and another inquiry may be conducted in this regard to find the factual position.

An early response in this regard will be highly appreciated.


District Health Officer
Mardan

Cc

District Coordinator LHWs Program Mardan for information

گورنمنٹ ہائیڈرو گریڈنگ سروس ایف ڈی

صناعت عالی

گورنمنٹ ہائیڈرو گریڈنگ سروس ایف ڈی کے ایک ایجنٹ نے کہا ہے کہ ہم نے اس کے بارے میں ایک ایجنٹ کو اطلاع دیا تھا جس میں ٹیسٹ، انٹرویو اور روپوں کی حد تک بھی پتہ چلے گا۔
میں نے یہ بھی نوٹ کیا ہے کہ اس کے بارے میں پتہ چلا ہے کہ سائنس بیگم نے اس کے بارے میں اس کے لیے ایجنٹ کو اطلاع دیا ہے جو کہ بیان کے تحت ڈیپارٹمنٹ کا قیام کیا گیا ہے۔ اس کے سائنس بیگم کا اپنا ذاتی گھر نرسنگ میں ہے اور وہ گھر ٹھہری رہنے لگی ہے۔ گھر کے بارے میں پتہ چلے گا اور اس کا ثبوت یہ ہے کہ مردان سے کچھ وقت بعد کے لیے آئے تھے تو سائنس بیگم بیان پر موجود بنیاتی اور ان کو گورنمنٹ سے گھر سے ٹوٹ لیا گیا ہے۔
لیا گیا۔ سارے محکمے کو پتہ کہ سائنس بیگم بیگم کی پیدائش کا بیان کیا گیا ہے۔ دوبارہ ایجنٹ کو اطلاع دی ہے کہ وہ لیا گیا ہے۔ اب لوگ حقیقت میں سیر کرنے کے لیے گھر سے نکلتے ہیں۔

سائنس بیگم کے گھر کا سارا سارا دستاویزات نرسنگ میں ہی رکھے گئے ہیں۔ اس کے لیے اس کو سب سے پہلے پتہ چلے گا۔ اس کے ساتھ ساتھ اس کے پاس ایک کونسلر بھی ہے۔ سائنس بیگم کے گھر میں گھر کا پتہ بیان کیا گیا ہے۔ گورنمنٹ کے ایک ایجنٹ نے اس سے پتہ چلے گا۔ درخواست دہانہ آفس میں جمع کرانے کے لیے اس پر ایجنٹ کو مطلع کیا گیا ہے۔

DAIRY CLERK
D.H.O OFFICE MARDI
NO. 1964
DATED 23/10/14

گورنمنٹ ہائیڈرو گریڈنگ سروس ایف ڈی

Coordinator
Law Program
23/10/14

الکھت صاحب ڈسٹرکٹ ہیڈ کوارٹرز انٹرنیٹ سرورس

صاحب عالی

خود مانے گزراؤں میں سے کئی کئی سالوں سے

کابینہ دفعہ وزٹ کیا گیا ہے جس میں جہاں سالانہ بیگم کے بسنے کا گھر ہے

اور سالانہ وہاں سے ایل اے کیا گیا۔ وہ گھر جس میں رہائش پذیر ہیں

وہ اپنے سرکاری کے گھر منتقل میں رہ رہی ہے۔ اور منتقلی کے

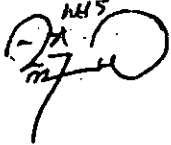
صاحب صاحب بیگم کے ساتھ ہی غیر خاندان میں رہ رہی ہے۔ صاحب صاحب صاحب

وزٹ کر رہی ہے۔ کبھی بھی اسے کے ریکارڈ میں نقل مکانی نہیں ہے۔ لکھنؤ

کے ساتھ ساتھ ریکارڈ کی فوٹو کاپی درخواست کے ساتھ منسلک ہیں۔
لکھنؤ کے گھر سے NR ہے۔

ایسٹ پی 20

Date - 31-10-14

Signature - 

الکھت

آپ کی ڈیڑھ سہ ماہی کے ساتھ ساتھ

لیڈی ہیلتھ ورکر کا ماہانہ پروگرام

5/11/14

11/10/14

مہینہ اسماں:

مہینہ کی تاریخ		معمول کی ملاقات	اضافی ملاقات برائے خاص مقاصد امور
خاندان نمبر	خاندان نمبر	وجہ ملاقات	روزانہ پروگرام پر عمل ہوا (ہاں یا نہیں) اگر نہیں تو وجہ لکھیں۔
1-10-14	1-2-3-4-5-6-7-8 (11)	فالموبہ پورہ جہان آباد	یاد
2-10-14	9-10-11-12-13-14-15-16	فالموبہ پورہ جہان آباد	یاد
3-10-14	17-18-19-20-21-22-23-24 (108)		ریپورٹ دکھائی
4-10-14	25-26-27-28-29-30-31-32		
5-10-14	Shomduy		
6-10-14	33-34-35-36-37-38-39-40 (197)	فالموبہ پورہ جہان آباد	
7-10-14	41-42-43-44-45-46-47-48		
8-10-14	49-50-51-52-53-54-55-56		
9-10-14	57-58-59-60-61-62-63-64 (196)	فالموبہ پورہ جہان آباد	یاد
10-10-14	65-66-67-68-69-70-71-72	فالموبہ پورہ جہان آباد	یاد
11-10-14	73-74-75-76-77-78-79-80 (86)	فالموبہ پورہ جہان آباد	
12-10-14	Shomduy		
13-10-14	81-82-83-84-85-86-87-88 (156)	فالموبہ پورہ جہان آباد	یاد
14-10-14	89-90-91-92-93-94-95-96 (11)	فالموبہ پورہ جہان آباد	یاد
15-10-14	97-98-99-100-101-102-103-104 (138)	فالموبہ پورہ جہان آباد	یاد
16-10-14	105-106-107-108-109-110-111-112	BCG کے لیے ریفریم شیا	یاد
17-10-14	113-114-115-116-117-118-119 (121)	فالموبہ پورہ جہان آباد	یاد
18-10-14	120-121-122-123-124-125 (125)	فالموبہ پورہ جہان آباد	یاد

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نمبر ۱۴ مہینہ اسال

مہینہ کی تاریخ		معمول کی ملاقات		اضافی ملاقات برائے خاص مقاصد امور	
خاندان نمبر	خاندان نمبر	خاندان نمبر	وجہ ملاقات	روزانہ پروگرام پر عمل ہوا (ہاں یا نہیں)	اگر نہیں تو وجہ لکھیں۔
1-9-014	(180) 12-3-4-5-6-7-8	(32)	خالہ ابی محمد علی علیہ السلام	یاد	
2-9-014	9-10-11-12-13-14-15-16			یاد	
3-9-014	(21) 17-18-19-20-21-22-23-24		خالہ ابی محمد علی علیہ السلام	یاد	
4-9-014	25-26-27-28-29-30-31-22	(40)	خالہ علیہ السلام	یاد	
5-9-014	33-34-35-36-37-38-39-40			یاد	
6-9-014	(13) 41-42-43-44-45-46-47-48		خالہ ابی محمد علی علیہ السلام	یاد	
7-9-014	Sunday			یاد	
8-9-014	(2) 49-50-51-52-53-54-55-56		خالہ ابی محمد علی علیہ السلام	یاد	
9-9-014	(17) 57-58-59-60-61-62-63-64		خالہ علیہ السلام	یاد	
10-9-014	65-66-67-68-69-70-71-72			یاد	
11-9-014	(36) 73-74-75-76-77-78-79-80		خالہ ابی محمد علی علیہ السلام	یاد	
12-9-014	81-82-83-84-85-86-87-88			یاد	
13-9-014	(15) 89-90-91-92-93-94-95-96		خالہ ابی محمد علی علیہ السلام	یاد	
14-9-014	Sunday			یاد	
15-9-014	97-98-99-100-101-102-103-104			یاد	
16-9-014	(86) 105-106-107-108-109-110-111-112		خالہ ابی محمد علی علیہ السلام	یاد	
17-9-014	113-114-115-116-117-118-119-120			یاد	
18-9-014	(19) 121-122-123-124-125-126-127-128		خالہ ابی محمد علی علیہ السلام	یاد	

لیڈی ہیلتھ ورکر کا ماہانہ پروگرام

مہینہ اس سال:			مہینہ کی تاریخ
اضافی ملاقات برائے خاص مقاصد امور		معمول کی ملاقات	
روزانہ پروگرام پر عمل ہوا (ہاں یا نہیں) اگر نہیں تو وجہ لکھیں۔	وجہ ملاقات	خاندان نمبر	
یاد	خالہ العوبہ بخاریہ حلالہ	1-2-3-4-5-6-7-8 (44)	1-8-014
یاد	خالہ العوبہ بخاریہ حلالہ	9-10-11-12-13-14-15-16	2-8-014
یاد		Sunday	3-8-014
یاد	خالہ العوبہ بخاریہ حلالہ	17-18-19-20-21-22-23-24 (50)	4-8-014
یاد	خالہ العوبہ بخاریہ حلالہ	25-26-27-28-29-30-31-32 (56)	5-8-014
یاد	خالہ العوبہ بخاریہ حلالہ	33-34-35-36-37-38-39-40	6-8-014
یاد	خالہ العوبہ بخاریہ حلالہ	41-42-43-44-45-46-47-48 (56)	7-8-014
یاد	خالہ العوبہ بخاریہ حلالہ	49-50-51-52-53-54-55-56 (107)	8-8-014
یاد	خالہ العوبہ بخاریہ حلالہ	57-58-59-60-61-62-63-64 (143)	9-8-014
یاد		Sunday	10-8-014
یاد		65-66-67-68-69-70-71-72	11-8-014
یاد	خالہ العوبہ بخاریہ حلالہ	73-74-75-76-77-78-79-80 (2)	12-8-014
یاد	خالہ العوبہ بخاریہ حلالہ	81-82-83-84-85-86-87-88 (87)	13-8-014
یاد	خالہ العوبہ بخاریہ حلالہ	89-90-91-92-93-94-95-96	14-8-014
یاد	خالہ العوبہ بخاریہ حلالہ	97-98-99-100-101-102-103-104 (111)	15-8-014
یاد	خالہ العوبہ بخاریہ حلالہ	105-106-107-108-109-110-111-112 (147)	16-8-014
یاد		Sunday	17-8-014
یاد	خالہ العوبہ بخاریہ حلالہ	113-114-115-116-117-118-119-120 (180)	18-8-014

Health Department, Khyber Pakhtunkhwa
Lady Health Workers Program
Provincial Programme Implementation Unit, Peshawar

No: 227Date: 10/2/15

To

District Health Officer
MARDAN

Subject:

REINSTATEMENT OF EX-SHAISTA GUL DISTRICT MARDAN

Refer to your letter No.15439-40/DHO/ dated 19/11/2014 regarding conduction of fresh inquiry in the matter.

The undersigned constituted Inquiry Committee through Office Order No.1695/PC dated 08/12/2014, who has submitted its report. A copy of the inquiry report is enclosed herewith.

It is requested that the recommendations of Inquiry Committee may please be implemented under intimation to this office.

Fahim Hossain
Provincial Coordinator 9/4

CC:

1. District Coordinator, LHWs Program Mardan.
2. Field Programme Officer, LHWs Program Mardan.
3. Lady Health Worker concerned.



District Health Department – Mardan
DISTRICT HEALTH OFFICER
Mardan (Khyber Pakhtunkhwa)
Ph: # (0937) 9230030 Fax: # (0937) 9230349
Email: edohmr@yahoo.com

No. 2232 /DHO Dated 25/02 /2015

OFFICE ORDER

Reference PPIU letter No 227 dated 10/2/15, the office order No 17026-32/DHO (P&D/Est) dated 8/12/14 issued from the office of the undersigned regarding the re instatement of Ex LHW Shaista is hereby withdrawn with immediate effect.

No
Sani
District Health Officer
Mardan

No. /DHO Mardan Dated: / /2015

Copy forwarded to

1. Provincial Coordinator LHWs Program Khyber Pakhtunkhwa Peshawar with reference to their letter no mentioned above.
2. District Coordinator LHWs Program Mardan for information and necessary action.

/
District Health Officer
Mardan



District Health Department – Mardan
DISTRICT HEALTH OFFICER
Mardan (Khyber Pakhtunkhwa)
Ph: # (0937) 9230030 Fax: # (0937) 9230349
Email: gdohmr@yahoo.com

No. /DHO Dated: / /2015

OFFICE ORDER

Reference PPIU letter No 227 dated 10/2/15, the office order No 17026-32/DHO (P&D/Est) dated 8/12/14 issued from the office of the undersigned regarding the re instatement of Ex LHW Shaista is hereby withdrawn with immediate effect.

Approved.

Coordinator

for u/g

Mardan

District Health Officer
Mardan

[Signature]

No. /DHO

Dated: / /2015

Copy forwarded to

1. Provincial Coordinator LHWs Program Khyber Pakhtunkhwa Peshawar with reference to their letter no mentioned above.
2. District Coordinator LHWs Program Mardan for information and necessary action.

District Health Officer
Mardan

INQUIRY REPORT

In pursuance of DHO Mardan letter No. 15439-40/DHO dated 10.11.2014 and in compliance with Provincial Coordinator LHWs Program Office Order No. 1695 dated 08.12.2014, we the following members of the Inquiry Committee carried-out the process of Inquiry at district Mardan on 19th December 2014.

1. Dr Basit Saleem District Coordinator LHWs Program Mardan
2. Dr Ikramullah Khan District Coordinator LHWs Program Charsadda
3. Muhammad Naeem Superintendent PPIU Peshawar

We visited the residential area (Narshak) of the ex-LHW talked to LHS Shahnaz and LHW Raheela, with whom the family of ex LHW Shaista is registered. The LHW concerned informed that ex-LHW Shaista was still residing there. Ms Shaista gave birth to a female baby and she was visited by LHW Raheela at her residence in Narshak **(Annex A)**. LHW Raheela of Narshak also reported with reference to the statement of Ms Shaista's Mother-in-law that Ms Shaista lives Narshak. She goes to Chamderi in the morning and comes back to Narshak in the evening.

We also visited the area (Chamdheri), where Ms Shaista claims to have been shifted. This was the house of a married sister of Ms Shaista. Although Ms Shaista was present there, but when enquired from the nearby community, it was known she is not permanently and regularly residing there. Statements of the residents are annexed as **(Annex-B)**.

From the record available on the file, the Inquiry Committee came to know that Ms Shaista has frequently changed her residences. She applied for reinstatement several times. When her one request was regretted by the Competent Authority, She came up with another one.

Two Inquiries were previously conducted, one by Dr. Aminul Haq DPC and the other jointly by Dr. Qazi Afsar DPC and Dr Basit Saleem DC-LHWP Mardan. Both the committees concluded that the termination of Ms Shaista was according to the rules and she was still NR and could not be reinstated as per policy of the Program.

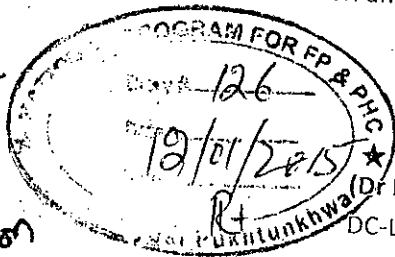
CONCLUSION:

- The Committee is of the view that Ex-LHW Ms Shaista has been married to Narshak area where she lives in the house of her husband along with her other in-laws.
- She goes to the house of her married sister in Chamderi and claims that she is residing there, which is not true.

RECOMMENDATIONS:

The ex-LHW Ms Shaista may not be reinstated being ^{NR} as per description of Regularization Act **(Annex-C)** as she is NR for the catchment area of Chamderi and regularly residing in the area of Narshak.

Basit
(Dr Basit Saleem)
DC-LHWP Mardan



Ikramullah Khan
(Dr Ikramullah Khan)
DC-LHWP Charsadda

Muhammad Naeem
(Muhammad Naeem)
Superintendent PPIU

Basit
Pl. Put up on
file

12/1/15

SE-I put up 13/1/15

BEFORE THE SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 700/2015

Mst. Shaista Bibi
(Appellant)

Versus

Govt. of KPK & others.
(Respondents).

I N D E X

S.No.	DESCRIPTION OF DOCUMENTS	P A G E S	
		FROM	to
1.	Re-joinder	1	2
2.	Affidavit	3	

Total Pages: 3

Dated: 06/07/2017.

Mst. Shaista Bibi Appellant

through counsel:

(ANWAR HUSSAIN)
Advocate Distt: Courts, Mardan.

①

BEFORE THE SERVICE TRIBUNAL, PESHAWAR;

Appeal NO 700/2015

Mst; Shaista Bibi VS

Govt KPK & others;

REJOINDER ON BEHALF OF APPEALNNT

Preliminary Objections:

1 to 6 All pry; Objections (NO 1 to 6) are incorrect, false and based malice on the part of replying respondent, hence denied.

Facts.

1. needs no comments.
2. Para NO-2 of the reply is incorrect, when her services were not satisfactory , why she was re-instated in to service. Para NO-2 of the appeal is bases on true facts.
3. Para NO-3 of the appeal is correct, whereas, denial of the respondents is incorrect.
4. Para NO-4 of the appeal is correct, whereas, the denial of the respondents are incorrect, as stated above , she was re-instated but the order was withdrawn without any justification and plausible reasons.
5. Para NO- 5 of the instants is admitted as correct, the re-instatement order was not based on contract.
6. needs no comments.
7. Para NO-7 of the appeal is correct, whereas , denial on the part of the respondents are incorrect.
8. Para No-8 of the appeal is correct.
9. Para NO-9 of the instant appeal is correct, whereas, reply of the respondents is incorrect.
10. This honorable Tribunal has got the jurisdiction to adjudicate in the matter.

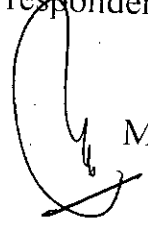
GROUND:

1. That Para -1 of the appeal is legally correct, whereas, reply of the same is incorrect.
2. That Para NO-2 of the appeal is correct, but the denial on the part of respondents are incorrect, as stated in appeal, the appellant was condemn un-heard.
3. That Para NO-3 of the appeal is correct, reply is incorrect, she was re-instated in to service keeping in view , her past best performance of service.

4. That Para NO-4 of the appeal is correct, whereas, the reply of the respondents are not correct.
5. That Para NO-5 of the appeal is correct, whereas, reply is incorrect.
6. That Para NO-6 of the appeal is correct, whereas, reply is incorrect.
7. Para NO-7 of the appeal is correct, whereas, reply is incorrect. Residential status was fully proved.
8. That Para NO-8 of the appeal is correct, whereas, reply of the replying respondents is incorrect.
9. That Para NO-9 of the appeal is correct and based of facts , whereas , denial on the part of respondents is incorrect.
10. That Para NO-10 of the appeal is correct, whereas, denial on the part of respondents is incorrect.

It is, therefore, humbly prayed , that by acceptance of instant Appeal, the service appeal may please be allowed in favour of appeal and against the respondents with costs

Through;



Mst; Shaista Bibi,

Anwar Hussain Advocate, Mardan.

BEFORE THE SERVICE TRIBUNAL PESHAWAR.

Appeal No. 700/2015

Mst. Shaista Bobi
(Appellant)

Versus

Govt: of KPK & others.
(Respondents).

A F F I D A V I T

I, Iftikhar Ali son of Mutahir Shah, the special attorney for the appellant do hereby state on solemn affirmation that the contents of the accompanied re-joinder, are true and correct to the best of my knowledge and belief. Moreover, nothing has been concealed from this honourable Tribunal.

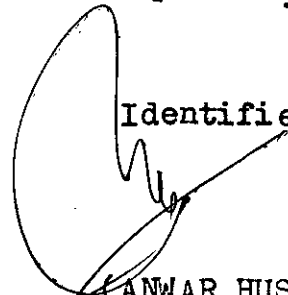
Dated: 06/07/2017

Deponent



IFTIKHAR ALI

Identified by



(ANWAR HUSSAIN)
Advocate, Mardan.

ATTESTED

Oath Commissioner
Zahoor Khan Advocate
Distt: Court Peshawar

7 JUL 2017

BEFORE THE SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 700/2015

Mst. Shaista Bibi
(Appellant)

Versus

Govt. of KPK & others.
(Respondents).

I N D E X

S.No.	DESCRIPTION OF DOCUMENTS	P A G E S	
		FROM	to
1.	Re-joinder	1	2
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Total Pages: 3

Dated: 06/07/2017.

Mst. Shaista Bibi Appellant

through counsel:

(ANWAR HUSSAIN)
Advocate Distt: Courts, Mard:

(1)

BEFORE THE SERVICE TRIBUNAL, PESHAWAR;

Appeal NO 700/2015

Mst; Shaista Bibi VS

Govt KPK & others;

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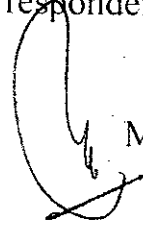
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Through;



Mst; Shaista Bibi,

Anwar Hussain Advocate, Mardan.

BEFORE THE SERVICE TRIBUNAL PESHAWAR.

Appeal No. 700/2015

Mst. Shaista Bobi
(Appellant)


Versus

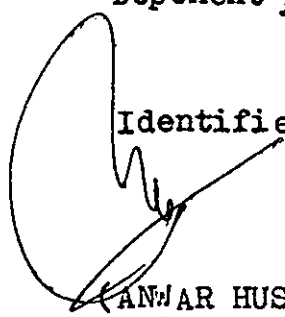
Govt: of KPK & others.
(Respondents).

A F F I D A V I T

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Dated: 06/07/2017

Deponent 
IFTIKHAR ALI

Identified by 
(ANWAR HUSSAIN)
Advocate, Mardan.