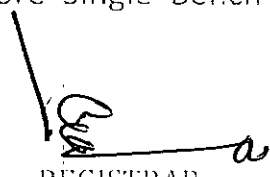


FORM OF ORDERSHEET

Court of: \_\_\_\_\_

Case No. \_\_\_\_\_

915 /2023


| S.No. | Date of order proceedings | Order or other proceedings with signature of judge   |
|-------|---------------------------|--|
| 1     | 2                         | 3  |
| 1     | 02.05.2023                | As per direction of the Worthy Chairman the present appeal is fixed for preliminary hearing and decision on office objections before Single Bench at Peshawar on<br><br><br>REGISTRAR |

The appeal of Mr. Saqib Jan, Sweeper O/O Provincial Co-Ordinator MNHC Program posted at Pesh received today i.e. on 24.02.2023 is incomplete on the following score which is returned to the co Counsel for the appellant for completion and resubmission within 15 days:

- 1- Check list is not attached with the appeal.
- 2- Affidavit is not attested by the Oath Commissioner.
- 3- Copy of Writ Petition in respect of appellant is not attached with the appeal which may be placed on it.
- 4- Copy of representation mentioned in para-3 of the memo of appeal is not attached with the appeal which may be placed on it.
- 5- Copy of rejection order of departmental appeal in r/o appellant is not attached with the appeal which may be placed on it.
- 6- The documents referred to in the memo of appeal ( Annexures-A to F) are not attached with the appeal which may be placed on it.
- 7- Certificate be furnished that whether any appeal on the subject matter has earlier been filed in this Tribunal.
- 8- In regularization order the name of appellant be highlighted.
- 9- Six more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.
- 10- The documents that are to be provided must be legible/readable and duly attested by the counsel engaged.

No. 722 /S.T,

Dt. 27/2 /2023

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Noor Muhammad Khattak Adv.  
High Court Peshawar .

Respected Sir;

Resubmitted with following observation:

- In response to objections No.1 to 3, 6, 7, 8 & 9 have been removed.
- In response to objection No.4, it is, admitted that representation is not attached with the appeal, however, the writ petition was converted into representation which was send to the respondents/ Department to decide it accordingly.
- In response to objection No.5, the issue of the pay fixation of the appellant alongwith others were decided jointly vide order dated 18.01.2023, which is attached on file.
- In response to objection No.10, it is submitted that all the documents attached with the appeal are legible and readable furthermore, all are attested one.

Counsel  


**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**

APPEAL NO. 915 /2023

SAQIB JAN

VS

HEALTH DEPTT:

**INDEX**

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| 3     | Appointment Order   | A        | 4     |
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| 6     | Appellate Order dated 18.01.2023                          | D        | 32    |
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APPELLANT

THROUGH:

NOOR MOHAMMAD KHATTAK,  
ADVOCATE SUPREME COURT

- 1 -

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

APPEAL NO. 915 /2023

Mr. Saqib Jan, Sweeper,  
O/O Provincial Co-Ordinator MNCH Program, Peshawar.

3853  
24/2/2023

.....APPELLANT

**VERSUS**

- 1- The Secretary, Health Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Provincial Co-Ordinator MNCH Program, Khyber Pakhtunkhwa, Peshawar.
- 4- The Director General Health Services, Khyber Pakhtunkhwa, Peshawar.

.....RESPONDENTS

**APPEAL UNDER SECTION- 4 OF THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED  
APPELLATE ORDER DATED 18.1.2023 COMMUNICATED TO THE  
APPELLANT ON 24.1.2023 WHEREBY THE DEPARTMENTAL APPEAL  
OF THE APPELLANT FOR FIXATION OF PAY W.E.F. 08.10.2011 I.E.  
FROM THE DATE OF INITIAL APPOINTMENT HAS BEEN REJECTED  
WITHOUT ANY GOOD REASON.**

**PRAYER:**

That on acceptance of this appeal the impugned appellate order dated 18.01.2023 communicated to the appellant on 24.1.2023 may very kindly be set aside and the appellant may kindly be allowed/granted pay fixation w.e.f. 08.10.2011 i.e. from the date of initial appointment with all back benefits. Any other remedy of initial appointment which this august Service Tribunal deems fit that may also be awarded in favor of the appellant.

**R/SHEWETH:**

**ON FACTS:**

**Brief facts giving rise to the present appeal are as under:**

1- That the appellant was initially appointed in the respondent Department as Sweeper vide order dated 08.10.2011. Copy of the appointment order is attached as Annexure..... **A.**

2- That while performing his duty the service of the appellant was regularized vide notification dated 24.05.2019 in pursuance of K.P. (Employees Regularization of Services) Act, 2018. Copy of the notification is attached as annexure ..... **B.**

3- That in pursuance to the notification mentioned above the services of the appellant was regularized and his pay was fixed from the date of notification, feeling aggrieved the appellant preferred a representation followed by writ petition No.4907-P/2019 which was remitted to the respondents to redressed the grievances of the appellant. Copy of the

Filed to-day  
Registrar

24/2/23

order dated 15-06-2022 and writ petition No.4907-P/2019 are attached as Annexure..... C.

- 4- That it is very pertinent to mention that during the pendency of the Departmental appeal and writ petition various correspondence have been made between the respondents but no fruitful result was obtained.
- 5- That the representation of the appellant was disposed of/dismissed vide order dated 18.01.2023 which was communicated to the appellant on 24.1.2023. Copy of the appellate order dated 18.01.2023 is attached as Annexure ..... D.
- 6- That feeling aggrieved from the appellate order and having no other remedy the appellant filed the instant appeal on following grounds inter alia.

**GROUND:**

- A- That the inaction of respondents by not allowing pay fixation to the appellant w.e.f. 08.10.2011 is against the law, facts, norms of natural justice and materials on the record.
- B- That appellant has not been treated in accordance with law and rules by the respondent Department on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the respondents acted in arbitrary and mala fide manner by not allowing pay fixation to the appellant w.e.f. 08.10.2011 i.e. from the date of appointment and as such the inaction of the respondents is violative of law and rules.
- D- That in such a situations/ similar cases pay protection was granted to the regularize civil servants by the finance department vide notification dated 22.05.2019. Similarly vide letter dated 06.02.2014 the finance department circulated a guide line wherein it has been clarified that on regularization of contract employees his previous service shall be counted for pay protection. Copy of notification dated 22.05.2019 and letter dated 06.02.2014 are attached as Annexure ..... E & F.
- E- That the inaction of the respondents is discriminatory and against the norms of natural justice, therefore not tenable in the eye of law.
- F- That under Article 38 (e) of the Constitution of Pakistan, 1973 state is bound to reduce disparity in the income and earning of the individuals including persons in the various services of Pakistan, therefore in light of the above mentioned Article the appellant is fully entitle for the grant of pay fixation w.e.f. the date of initial appointment.
- G- That as per rule 2.3. of the West Pakistan Pension Rules, 1963 and FR 22 the appellant is fully entitled for the grant of pay fixation w.e.f. 08.10.2011 with all back benefits.

H- That as per finance Department Notification dated 6.2.2014 the appellant is fully entitled for the grant of pay fixation w.e.f. 08.10.2011 with all back benefits.


I- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.

Dated: 20.02.2023

شاہد  
**APPELLANT**  
**SAQIB JAN**

**THOROUGH:**

  
**NOOR MOHAMMAD KHATTAK**  
ADVOCATE SUPREME COURT

  
**KAMRAN KHAN**

  
**UMAR FAROOQ**

  
**WALED ADNAN**

  
**MUHAMMAD AYUB**  
ADVOCATES HIGH COURT

**AFFIDAVIT**

I, Saqib Jan, Sweeper, O/O Provincial Co-Ordinator MNCH Program, Peshawar, do hereby solemnly affirm and declare on Oath that the contents of this **Service Appeal** are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Court.

شاہد  
**DEPONENT**



GOVERNMENT OF PAKISTAN

MINISTRY OF HEALTH

National MNCH Program

National Maternal, Newborn & Child Health  
Program, Khyber Pakhtun Khwa

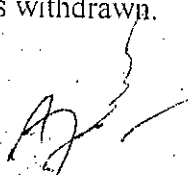
OFFICE ORDER

Dated: 8.10.2011.

No. PC/MNCH/13445-418 Mr. Saqib Jan S/O Fazal Muhammad is hereby appointed as a Sweeper and will draw his salary against the vacant post at CMW School, Mardan on purely temporary basis for the period of one year (extendable on the basis of his good performance) on fixed pay at Rs. 7000/- per month with 5% as annual increment on the following terms and conditions.

TERMS & CONDITIONS.

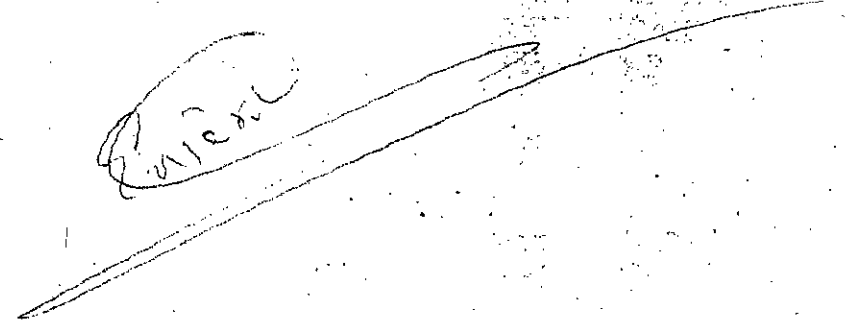
2. He is declared medically fit for service by authorized Medical Superintendent DHQ Hospitals / Police and service Hospital Peshawar.
2. He will be governed by the same rules and regulations as per project policy.
3. If he wishes to resign, he shall resign in writing by giving prior notice of one month or deposit one month pay in lieu of one month advance notice.
4. His appointment is purely on temporary basis and can be terminated without any notice or reason being assigned.
5. He will not be entitled for any pension/gratuity for the services rendered.
6. He has to join duty at his own expenses.
7. If the above terms and condition are acceptable to him, should report for duty to the Principal CMW School, Mardan within one ten days of issuance of this Office Order, failing which the offer will be considered as withdrawn.

  
PROVINCIAL COORDINATOR  
NATIONAL MNCH PROGRAM  
KHYBER PAKHTUNKHWA  
PESHAWAR

Copy for information and necessary action to the:-

- ✓ Principal CMW School, Mardan.
- ✓ Accounts Section, National MNCH Program (PIU) Peshawar.
- ✓ Mr. Saqib Jan S/O Fazal Muhammad, Mohalla Sher Abad, Toro Tehsil & Dist. Mardan.

c/c



"B"

-5-



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

Peshawar, Dated the 24.05.2019

NOTIFICATION

No. E&A/Health/2-65/2019: In pursuance of the Provincial Cabinet, Khyber Pakhtunkhwa decision dated 09-05-2019 and Peshawar High Court, Peshawar Judgment dated 12-03-2019, this Department's earlier provisional notification of even number dated 02-04-2019 shall stand superseded, and consequent upon the approval of Khyber Pakhtunkhwa Provincial Cabinet dated 09.05.2019, the following staff of "Mother, Neonatal and Child Health (MNCH) Program in Khyber Pakhtunkhwa" appointed on adhoc/contract basis, are hereby regularized in terms of Section 4 of the Khyber Pakhtunkhwa Employees (Regularization of services) Act, 2018 against the posts as mentioned below from the commencement of the Act i.e 07.01.2018:

| Sl# | Name                  | S/Name                     | BPS | Designation as per PC-I |
|-----|-----------------------|----------------------------|-----|-------------------------|
| 1   | Seema Gul             | Muazz Ullah Khan           | 17  | Office Superintendent   |
| 2   | Azmat Ullah           | Muhammad Rasool            | 16  | Computer Operator       |
| 3   | Noor Ahmad            | Abdul Hamced Khan          | 16  | Computer Operator       |
| 4   | Wakeel Taj            | Sar Taj                    | 16  | Accountant              |
| 5   | Asad Saeed            | Muhammad Ali Saeed Durrani | 16  | Accountant              |
| 6   | Kamran Ahmad Khan     | Kiramat Ullah Khan         | 16  | Accountant              |
| 7   | Sayed Osama Zahid     | Sayed Rameen Shah          | 16  | Accountant              |
| 8   | Naveed Ahmad          | Abdul Aziz                 | 11  | Junior Clerk            |
| 9   | Norcen Afzal          | Muhammad Afzal             | 11  | Junior Clerk            |
| 10  | Muhammad Khalid Usman | Bashir Ahmad Khan          | 11  | Junior Clerk            |
| 11  | Kamran Pervez         | Muhammad Pervez            | 11  | Junior Clerk            |
| 12  | Amir Zada             | Khan Zada                  | 06  | Driver                  |
| 13  | Amir Younas           | Muhammad Younis            | 06  | Driver                  |
| 14  | Asghar Khan           | Zahir Shah                 | 06  | Driver                  |
| 15  | Mati Ullah            | Habeeb Ullah Khan          | 06  | Driver                  |
| 16  | Ayaz Khan             | Nazar Gul                  | 06  | Driver                  |
| 17  | Amir Shehzad          | Karam Dad Khan             | 06  | Driver                  |
| 18  | Shabir Ahmad          | Bashir Khan                | 06  | Driver                  |
| 19  | Roufur Rehman         | Wali Ur Rehman             | 06  | Driver                  |
| 20  | Siraj                 | Kahcem Dad                 | 06  | Driver                  |
| 21  | Buncer Gul            | Abdur Rehman               | 06  | Driver                  |
| 22  | Bilawal Sagheer       | Sagheer Ahmad              | 06  | Driver                  |
| 23  | Gul Raziq             | Fazal Raziq                | 06  | Driver                  |
| 24  | Zahid Ullah           | Muhammad Akbar             | 06  | Driver                  |
| 25  | Taj Bahader           | Gul Bahader                | 05  | Driver                  |
| 26  | Muhammad He Bahader   | Abdul Qadir                | 05  | Driver                  |



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

Peshawar, Dated 24.05.2019

**NOTIFICATION:**

**No. E&A/Health/2-65/2019:** In pursuance of the Provincial Cabinet Khyber Pakhtunkhwa decision dated 09.05.2019 and Peshawar High Court, Peshawar judgment dated 12.03.2019, this department's earlier provisional notification of even number dated 02.04.2019 shall stand superseded and consequent upon the approval of Khyber Pakhtunkhwa Provincial Cabinet dated 09.05.2019, the following staff of "Mother Neonatal and Child, Health (MNCH) Program n Khyber Pakhtunkhwa" appointed on adhoc/contract basis, are hereby regularized in terms of section 4 of the Khyber Pakhtunkhwa Employees (Regularization of Services) Act 2018 against the posts as mentioned below from the commencement of the Act i.e 07.03.2018:-

| S#  | Name                  | F/Name                     | BPS | Designation as Per PC-1 |
|-----|-----------------------|----------------------------|-----|-------------------------|
| 1.  | Seema Gul             | Maaz ullah Khan            | 17  | Office Superintendent   |
| 2.  | Azmat Ullah           | Muhammad Rasool            | 16  | Computer Operator       |
| 3.  | Noor Ahmad            | Abdul Hameed Khan          | 16  | Computer Operator       |
| 4.  | Wakeel Taj            | Sartaj                     | 16  | Accountant              |
| 5.  | Asad Saeed            | Muhammad Ali Saeed Durrani | 16  | Accountant              |
| 6.  | Kamran Ahmad Khan     | Kirammat Ullah Khan        | 16  | Accountant              |
| 7.  | Sayed Osama Zahid     | Sayed Rangeen Shah         | 16  | Accountant              |
| 8.  | Naveed Ahmad          | Abdul Aziz                 | 11  | Junior Clerk            |
| 9.  | Noreen Afzal          | Muhammad Afzal             | 11  | Junior Clerk            |
| 10. | Muhammad Khalid Usman | Bashir Ahmad Khan          | 11  | Junior Clerk            |
| 11. | Kamran Pervez         | Muhammad Parvez            | 11  | Junior Clerk            |
| 12. | Amir Zada             | Khan Zada                  | 06  | Driver                  |
| 13. | Amir Younas           | Muhammad Younis            | 06  | Driver                  |
| 14. | Asghar Khan           | Zahir Shah                 | 06  | Driver                  |
| 15. | Mati Ullah            | Habeebullah Khan           | 06  | Driver                  |
| 16. | Ayaz Khan             | Nazar Gul                  | 06  | Driver                  |
| 17. | Amir Shehzad          | Karam Dad Khan             | 06  | Driver                  |
| 18. | Shabir Ahmad          | Bashir Khan                | 06  | Driver                  |
| 19. | Roufur Rehman         | Wali ur rehman             | 06  | Driver                  |
| 20. | Siraj                 | Raheem Dad                 | 06  | Driver                  |
| 21. | Buner Gul             | Abdur Rehman               | 06  | Driver                  |
| 22. | Bilawal Sagheer       | Sagheer Ahmad              | 06  | Driver                  |
| 23. | Gul Raziq             | Fazl e Raziq               | 06  | Driver                  |
| 24. | Zahid Ullah           | Muhammad Akbar             | 06  | Driver                  |
| 25. | Taj Bahader           | Gul Bahadur                | 06  | Driver                  |
| 26. | Ur Rehman             | Abdul Qadir                | 06  | Driver                  |

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT



|     |                     |                      |    |            |
|-----|---------------------|----------------------|----|------------|
| 27. | Tasbehullah         | Amir Nawaz Khan      | 06 | Driver     |
| 28. | Asif Khan           | Ashraf Khan          | 06 | Driver     |
| 29. | Khalil Ur Rahman    | Hakim Khan           | 06 | Driver     |
| 30. | Noor Ul Wahab       | Fazal Rehman         | 06 | Driver     |
| 31. | Bakht Munir         | Shabeer Ahmad        | 06 | Driver     |
| 32. | Kaka Khan           | Strah Zada           | 06 | Driver     |
| 33. | Zahid               | Abd Ur Rehman        | 06 | Driver     |
| 34. | Abdul Hamid         | Abdul Majeed         | 06 | Driver     |
| 35. | Jan Sher            | Dilbar Khan          | 06 | Driver     |
| 36. | Daulat Khan         | Gul Zamaan           | 06 | Driver     |
| 37. | Muhammad Saadqat    | Muhammad Ayub Khan   | 06 | Driver     |
| 38. | Muhammad Munser     | Muhammad Sadiq       | 06 | Driver     |
| 39. | Yagooob Khan        | Fazal Raheem         | 06 | Driver     |
| 40. | Sherheryar          | Ghulam Muhammad      | 06 | Driver     |
| 41. | Muhammad Jamil Khan | Gul Zamaan           | 06 | Driver     |
| 42. | Hayat Ullah         | Ikram Ullah          | 06 | Driver     |
| 43. | Rahman Hussain      | Khairan Gul          | 06 | Driver     |
| 44. | Attaullah           | Malik Gul Dar        | 06 | Driver     |
| 45. | Yasir Ahmad         | Muhammad Ahmad       | 06 | Driver     |
| 46. | Zahid Iqbal         | Muhammad Islam       | 06 | Driver     |
| 47. | Umar Rehman         | Nadir Khan           | 06 | Driver     |
| 48. | Muhammad Ayaz       | Niaz Muhammad        | 06 | Driver     |
| 49. | Fazal Din           | Rehman Ud Din        | 06 | Driver     |
| 50. | Daud Jan            | Sattar Gull          | 06 | Driver     |
| 51. | Safdar Ali          | Shams Ul Ali         | 06 | Driver     |
| 52. | Muhammad Ayaz       | Syed Rehman          | 06 | Driver     |
| 53. | Syed Muhammad Arif  | Syed Saleh Shah      | 06 | Driver     |
| 54. | Khalid Muhammad     | Taj Muhammad         | 06 | Driver     |
| 55. | Fawad               | Taj Raheem           | 06 | Driver     |
| 56. | Liaqat Ali          | Umar Khitab          | 06 | Driver     |
| 57. | Shamsuddin          | Zain Ul Abideen      | 06 | Driver     |
| 58. | Shiraz Ahmad        | Muhammad Mushlaq     | 06 | Driver     |
| 59. | Atiqur Rehman       | Akhtar Munir Qureshi | 06 | Driver     |
| 60. | Syed Kosar Shah     | Syed Murad Ali Shah  | 03 | Naib Qasid |
| 61. | Gulab Khan          | Ghulam Rasool        | 03 | Naib Qasid |
| 62. | Shahid Ullah        | Azad Khan            | 03 | Naib Qasid |
| 63. | Faith Rahman        | Aziz Ur Rahman       | 03 | Naib Qasid |
| 64. | Saif Ullah          | Hafeez Ullah Khan    | 03 | Naib Qasid |
| 65. | Sadafullah          | Musharaf Khan        | 03 | Naib Qasid |
| 66. | Aftab Ud Din        | Khan Bahadar         | 03 | Naib Qasid |
| 67. | Akbar Hussain       | Fatih Muhammad Khan  | 03 | Naib Qasid |
| 68. | Mushtareen          | Rahim Dad            | 03 | Naib Qasid |
| 69. | Shaukat Ali         | Habib Rasool         | 03 | Naib Qasid |
| 70. | Sajjad Ali          | Akbar Shah           | 03 | Naib Qasid |
| 71. | Inam Ullah awan     | Huzrat Ullah         | 03 | Naib Qasid |

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|     |                     |                      |    |            |
|-----|---------------------|----------------------|----|------------|
| 27. | Tasbehullah         | Amir Nawaz Khan      | 06 | Driver     |
| 28. | Asif Khan           | Ashraf Khan          | 06 | Driver     |
| 29. | Khalid ur Rehman    | Hakim Khan           | 06 | Driver     |
| 30. | Noor ul Wahab       | Fazal Rehman         | 06 | Driver     |
| 31. | Bakht Munir         | Shabeer Ahmad        | 06 | Driver     |
| 32. | Kaka Khan           | Shah Zada            | 06 | Driver     |
| 33. | Zahid               | Abdu r Rehman        | 06 | Driver     |
| 34. | Abdul Hamid         | Abdul Majeed         | 06 | Driver     |
| 35. | Jan Sher            | Dilbar Khan          | 06 | Driver     |
| 36. | Daulat Khan         | Gul Zaman            | 06 | Driver     |
| 37. | Muhammad Sadagat    | Muhammad Ayub Khan   | 06 | Driver     |
| 38. | Muhammad Muneer     | Muhammad Sadiq       | 06 | Driver     |
| 39. | Yaqoob Khan         | Fazal Raheem         | 06 | Driver     |
| 40. | Sheryar             | Ghulam Muhammad      | 06 | Driver     |
| 41. | Muhammad Jamil Khan | Gul Zamaan           | 06 | Driver     |
| 42. | Hayat Ullah         | Ikram Ullah          | 06 | Driver     |
| 43. | Rahman Hussain      | Khairan Gul          | 06 | Driver     |
| 44. | Attaullah           | Malik Gul Dad        | 06 | Driver     |
| 45. | Yasir Ahmad         | Muhammad Ahmad       | 06 | Driver     |
| 46. | Zahid iqbal         | Muhammad Islam       | 06 | Driver     |
| 47. | Umar Rehman         | Nadir Khan           | 06 | Driver     |
| 48. | Muhammad Ayaz       | Niaz Muhammad        | 06 | Driver     |
| 49. | Fazal Din           | Rehman ud Din        | 06 | Driver     |
| 50. | Daud Jan            | Sattar Gul           | 06 | Driver     |
| 51. | Safdar Ali          | Shams ul Ali         | 06 | Driver     |
| 52. | Muhammad Ayaz       | Syed Rehman          | 06 | Driver     |
| 53. | Syed Muhammad Arif  | Syed Saleh Shah      | 06 | Driver     |
| 54. | Khalid Muhammad     | Taj Muhammad         | 06 | Driver     |
| 55. | Fawad               | Taj Raheem           | 06 | Driver     |
| 56. | Liaqat Ali          | Umar Khitab          | 06 | Driver     |
| 57. | Shamsud Din         | Zain ul Abideen      | 06 | Driver     |
| 58. | Shiraz Ahmad        | Muhammad Mushtaq     | 06 | Driver     |
| 59. | Atiqur Rehman       | Akhtar Munir Qureshi | 06 | Driver     |
| 60. | Syed Kosar Shah     | Syed Murad Ali Shah  | 06 | Driver     |
| 61. | Gulab Khan          | Ghulam Rasool        | 03 | Naib Qasid |
| 62. | Shahid Ullah        | Azad Khan            | 03 | Naib Qasid |
| 63. | Faith Rahman        | Aziz ur Rehman       | 03 | Naib Qasid |
| 64. | Saif Ullah          | Hafeez Ullah Khan    | 03 | Naib Qasid |
| 65. | Sadafullah          | Musharaf Khan        | 03 | Naib Qasid |
| 66. | Aftabud Din         | Khan Bahadar         | 03 | Naib Qasid |
| 67. | Akbar Hussain       | Fatih Muhammad Khan  | 03 | Naib Qasid |
| 68. | Mushtareen          | Rahim Dad            | 03 | Naib Qasid |
| 69. | Shaukat Ali         | Habib Rasool         | 03 | Naib Qasid |
| 70. | Sajjad Ali          | Akbar Shah           | 03 | Naib Qasid |
| 71. | Inam Ullah Awan     | Hazrat Ullah         | 03 | Naib Qasid |



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GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

|      |                      |                          |    |            |
|------|----------------------|--------------------------|----|------------|
| 72.  | Amjad Khan           | Jehan Dastageer          | 03 | Naib Qasid |
| 73.  | Bahrawar Said        | Qadar Khan               | 03 | Naib Qasid |
| 74.  | Sahib Ullah          | Ubaid Ullah Khan         | 03 | Naib Qasid |
| 75.  | Asmatullah           | Ghulam Habib             | 03 | Naib Qasid |
| 76.  | Bakht Sherawan       | Malang Jan               | 03 | Naib Qasid |
| 77.  | Noor Muhammad        | Muhammad Sarwar          | 03 | Naib Qasid |
| 78.  | Dawood               | Naqashbar                | 03 | Naib Qasid |
| 79.  | Khizar Hayat Khan    | Rahmat Ullah Khan        | 03 | Naib Qasid |
| 80.  | Fayyaz Ahmed         | Hamish Gul               | 03 | Naib Qasid |
| 81.  | Bacha Rehman         | Sahib Wali Khan          | 03 | Naib Qasid |
| 82.  | Salqem Khan          | Hakim Khan               | 03 | Naib Qasid |
| 83.  | Khalid Dad           | Muhammad Afsar Khan      | 03 | Naib Qasid |
| 84.  | Abdullah             | Muhammad Said            | 03 | Naib Qasid |
| 85.  | Kashif Khan          | Taseer Ullah             | 03 | Naib Qasid |
| 86.  | Altal Hussain        | Syed Muntazir Shah Bacha | 03 | Naib Qasid |
| 87.  | Syed Shafqat Raza    | Syed Muhammad Murtaza    | 03 | Naib Qasid |
| 88.  | Nigar Ahmad Khan     | Tila Muhammad Khan       | 03 | Naib Qasid |
| 89.  | Jamal Dil Afroz      | Wazir Zada               | 03 | Naib Qasid |
| 90.  | Yasir Khan           | Tahir Shah               | 03 | Naib Qasid |
| 91.  | Shahid Ullah         | Rehmat Ullah             | 03 | Naib Qasid |
| 92.  | Bahadar Sher         | Saifur Rahman            | 03 | Naib Qasid |
| 93.  | Gul Aslam            | Abdur Rashid             | 03 | Naib Qasid |
| 94.  | Zeeshan              | Smerzada                 | 03 | Naib Qasid |
| 95.  | Qainar Abas          | Umar Khetab              | 03 | Naib Qasid |
| 96.  | Atta ul Khaliq       | Abdul Murad              | 03 | Naib Qasid |
| 97.  | Mast Ali Khan        | Ghazi Marjan             | 03 | Naib Qasid |
| 98.  | Khair Muhammad       | Musthakhab               | 03 | Naib Qasid |
| 99.  | Norad Ali Khan       | Noor Muhammad            | 03 | Naib Qasid |
| 100. | Nahced Khan          | Umar Gul                 | 03 | Naib Qasid |
| 101. | Syed Nizhat Ali Shah | Syed Musharrif Shah      | 03 | Naib Qasid |
| 102. | Juma Gul             | Rahim Gul                | 03 | Naib Qasid |
| 103. | Jehangir Khan        | Shah Pervaiz             | 03 | Helper     |
| 104. | Farman Ali           | Bakht Rahim              | 03 | Helper     |
| 105. | Fida Gul             | Said Khan                | 03 | Helper     |
| 106. | Ms. Shaheen          | Zakir Ullah              | 03 | Helper     |
| 107. | Zahid Ullah Khan     | Salih Khan               | 03 | Helper     |
| 108. | Mohammad Ajmal Khan  | Dildar Khan              | 03 | Helper     |
| 109. | Tariq Javaid         | Sher Muhammad            | 03 | Helper     |
| 110. | M Hayat              | Muhammad Rehman          | 03 | Helper     |
| 111. | Shehbaz              | Muhammad Ashiq           | 03 | Helper     |
| 112. | Aamir Jan            | Tila Muhammad            | 03 | Helper     |
| 113. | Hadi Muhammad        | Umar Dil                 | 03 | Helper     |
| 114. | Shaher Yar Khan      | Muhammad Farooq          | 03 | Helper     |
| 115. | Bakht Farced         | Diyar Khan               | 03 | Helper     |
| 116. | Muhammad Khan        | Daulat Khan              | 03 | Helper     |

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|------|----------------------|--------------------------|----|------------|
| 72.  | Amjad Khan           | Jehan Dastageer          | 03 | Naib Qasid |
| 73.  | Bahrawar Said        | Qadar Khan               | 03 | Naib Qasid |
| 74.  | Sahib Ullah          | Ubaid Ullah khan         | 03 | Naib Qasid |
| 75.  | Asmatullah           | Ghulam Habib             | 03 | Naib Qasid |
| 76.  | Bakht Sherawan       | Malang Jan               | 03 | Naib Qasid |
| 77.  | Noor Muhammad        | Muhammad Sarwar          | 03 | Naib Qasid |
| 78.  | Dawood               | Nagashbar                | 03 | Naib Qasid |
| 79.  | Khizar hayat Khan    | Rahmat Ullah Khan        | 03 | Naib Qasid |
| 80.  | Fayyaz Ahme d        | Hamish Gul               | 03 | Naib Qasid |
| 81.  | Bacha Rehman         | Sahib Wali Khan          | 03 | Naib Qasid |
| 82.  | Saleem Khan          | Hakim Khan               | 03 | Naib Qasid |
| 83.  | Khalid Dad           | Muhammad Afsar Khan      | 03 | Naib Qasid |
| 84.  | Abdullah             | Muhammad Said            | 03 | Naib Qasid |
| 85.  | Kashif Khan          | Taseer Ullah             | 03 | Naib Qasid |
| 86.  | Altaf Hussain        | Syed Muntazir Shah Bacha | 03 | Naib Qasid |
| 87.  | Syed Shafqat Raza    | Syed Muhammad Murtaza    | 03 | Naib Qasid |
| 88.  | Nigar Ahmad Khan     | Tila Muhammad Khan       | 03 | Naib Qasid |
| 89.  | Jamal Dil Afroz      | Wazir Zada               | 03 | Naib Qasid |
| 90.  | Yasir Khan           | Tahir Shah               | 03 | Naib Qasid |
| 91.  | Shahid ullah         | Rehmat Ullah             | 03 | Naib Qasid |
| 92.  | Bahadar Sher         | Saif ur rehman           | 03 | Naib Qasid |
| 93.  | Gul Aslam            | Abdur Rasheed            | 03 | Naib Qasid |
| 94.  | Zeeshan              | Sherzada                 | 03 | Naib Qasid |
| 95.  | Qamar Abas           | Umar Khetab              | 03 | Naib Qasid |
| 96.  | Atta ul Khaliq       | Abdul Murad              | 03 | Naib Qasid |
| 97.  | Mast Ali Khan        | Ghazi Marjan             | 03 | Naib Qasid |
| 98.  | Khair Muhammad       | Musthakhhab              | 03 | Naib Qasid |
| 99.  | Norad Ali Khan       | Noor Muhammad            | 03 | Naib Qasid |
| 100. | Naheed Khan          | Umar Gul                 | 03 | Naib Qasid |
| 101. | Syed Nizhar Ali Shah | Syed Musharaf Shah       | 03 | Naib Qasid |
| 102. | Juma Gul             | Rahim Gul                | 03 | Naib Qasid |
| 103. | Jehangir Khan        | Shah Pervaiz             | 03 | Helper     |
| 104. | Farman Ali           | Bakht Rahim              | 03 | Helper     |
| 105. | Fida Gul             | Said Khan                | 03 | Helper     |
| 106. | Ms Shaheen           | Zakir Ullah              | 03 | Helper     |
| 107. | Zahid Ullah Khan     | Saleh Khan               | 03 | Helper     |
| 108. | Mohammad Ajmal Khan  | Dildar Khan              | 03 | Helper     |
| 109. | Tariq Javed          | Sher Muhammad            | 03 | Helper     |
| 110. | M hayat              | Muhammad Rehman          | 03 | Helper     |
| 111. | Shehnaz              | Muhammad Ashiq           | 03 | Helper     |
| 112. | Aamir Jan            | Tila Muhammad            | 03 | Helper     |
| 113. | Hadi Muhammad        | Umar Dil                 | 03 | Helper     |
| 114. | Sheheryar Khan       | Muhammad Farooq          | 03 | Helper     |
| 115. | Bakht Fareed         | Diyar Khan               | 03 | Helper     |
| 116. | Muhammad Khan        | Daulat Khan              | 03 | Helper     |



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

-8-

|      |                     |                      |    |           |
|------|---------------------|----------------------|----|-----------|
| 117. | Niaz Moeen          | Gul Moeen            | 03 | Helper    |
| 118. | Nonian Khan         | Jafar Khan           | 03 | Helper    |
| 119. | Durdana Khan        | Khan Jahon           | 03 | Helper    |
| 120. | Tariq Aziz          | Roor Ahmad           | 03 | Helper    |
| 121. | Nisar Muhammad      | Yar Muhammad         | 03 | Helper    |
| 122. | Shaheen Bibi        | W/O Munir Lal        | 03 | Sweeper   |
| 123. | Amin Khan           | Qutab Khan           | 03 | Sweeper   |
| 124. | Ms. Rani Bibi       | Muncer Maseeh        | 03 | Sweeper   |
| 125. | Ms. Naseer Jana     | Amir Muhammad Khan   | 03 | Sweeper   |
| 126. | Saqib Jan           | Fazal Muhammad       | 03 | Sweeper   |
| 127. | Mairaj Gul          | Zubair Gul           | 03 | Sweeper   |
| 128. | Shah Nawaz Khan     | Kaki Jan             | 03 | Sweeper   |
| 129. | Fazal Umar          | Taj Muhammad         | 03 | Sweeper   |
| 130. | Anwar Gul           | Muhammad Gul         | 03 | Sweeper   |
| 131. | Bacha Khan          | Syed Bacha           | 03 | Sweeper   |
| 132. | Ms. Yasmin          | Aslam Khan           | 03 | Sweeper   |
| 133. | Shoukat Ali         | Bakht Zareen         | 03 | Sweeper   |
| 134. | Sher Zada           | Ezool                | 03 | Sweeper   |
| 135. | Gul Zada            | Khasif Khan          | 03 | Sweeper   |
| 136. | Ms. Parveen Bibi    | Muhammad Altaf       | 03 | Sweeper   |
| 137. | Abdur Rauf          | Muhammad Daraz Khan  | 03 | Sweeper   |
| 138. | Taj Mail Shah       | Sardar Khan          | 03 | Sweeper   |
| 139. | Hazrat Bilal        | Nawaz Khan           | 03 | Sweeper   |
| 140. | Rafi Ullah Khan     | Habibullah Khan      | 03 | Cook      |
| 141. | Meraj Khan          | Yousaf Khan          | 03 | Cook      |
| 142. | Ms. Zahida Perveen  | Mehboob Ahmad        | 03 | Cook      |
| 143. | Naccm Khan          | Hamesh Gul           | 03 | Cook      |
| 144. | Ms. Gaman Begum     | Jan Ullah            | 03 | Cook      |
| 145. | Jehanzab Khan       | Razi Badshah         | 03 | Cook      |
| 146. | Mushtaq Ali         | Fida Muhammad        | 03 | Cook      |
| 147. | Ms. Momin Nisa      | Wazir Muhammad       | 03 | Cook      |
| 148. | Sheer Nadar         | Barakat Ullah        | 03 | Cook      |
| 149. | Nadar Khan          | Ghafoor Khan         | 03 | Cook      |
| 150. | Khan Gul            | Gul Muhammad         | 03 | Cook      |
| 151. | Akbar Hussain       | Mihaddin             | 03 | Cook      |
| 152. | Muhammad Subhan     | Muhammad Sher Khan   | 03 | Cook      |
| 153. | Matiullah           | Rahcem Ullah         | 03 | Cook      |
| 154. | Akhtar Khan         | Shaafi Khan          | 03 | Cook      |
| 155. | Muhammad Bilal      | Ejaz Ahmad           | 03 | Chowkidar |
| 156. | Ihtesham            | Nasirud Din          | 03 | Chowkidar |
| 157. | Illudin Khan        | Ghulam Muhammad Khan | 03 | Chowkidar |
| 158. | Said Rehman         | Ali Rehman           | 03 | Chowkidar |
| 159. | Muhammad Hayat      | Shahbez Khan         | 03 | Chowkidar |
| 160. | Gul Nabi            | Abdul Malik          | 03 | Chowkidar |
| 161. | Pir Imtiaz Ali Shah | Abdu Satar           | 03 | Chowkidar |

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|-----|---------------------|----------------------|----|-----------|
| 117 | Niaz Moeen          | Gul Moeen            | 03 | Helper    |
| 118 | Noman Khan          | Jafar Khan           | 03 | Helper    |
| 119 | Durdana Khan        | Khan Jahan           | 03 | Helper    |
| 120 | Tariq Aziz          | Noor Ahmad           | 03 | Helper    |
| 121 | Nisar Muhammad      | Yar Muhammad         | 03 | Helper    |
| 122 | Shaheen Bibi        | W/o Munir Lal        | 03 | Sweeper   |
| 123 | Amin Khan           | Qutab Khan           | 03 | Sweeper   |
| 124 | Mr Rani Bibi        | Muneer Maseeh        | 03 | Sweeper   |
| 125 | Ms Naseer Jana      | Amir Muhammad Khan   | 03 | Sweeper   |
| 126 | Saqib Jan           | Fazal Muhammad       | 03 | Sweeper   |
| 127 | Mairaj Gul          | Zubair Gul           | 03 | Sweeper   |
| 128 | Shah Nawaz Khan     | Kaki Jan             | 03 | Sweeper   |
| 129 | Fazal Umar          | Taj Muhammad         | 03 | Sweeper   |
| 130 | Anwar Gul           | Muhammad Gul         | 03 | Sweeper   |
| 131 | Bacha Khan          | Syed Bacha           | 03 | Sweeper   |
| 132 | Ms Yasmin           | Aslam Khan           | 03 | Sweeper   |
| 133 | Shoukat Ali         | Bakht Zareen         | 03 | Sweeper   |
| 134 | Sher Zada           | Ezool                | 03 | Sweeper   |
| 135 | Gul Zada            | Kashif Khan          | 03 | Sweeper   |
| 136 | Ms Parveen Bibi     | Muhammad Altaf       | 03 | Sweeper   |
| 137 | Abdur Rauf          | Muhammad Daraz Khan  | 03 | Sweeper   |
| 138 | Taj Mail Shah       | Sardar Khan          | 03 | Sweeper   |
| 139 | Hazrat Bilal        | Nawaz Khan           | 03 | Sweeper   |
| 140 | Rafi Ullah Khan     | HabibUllah Khan      | 03 | Cook      |
| 141 | Meraj Khan          | Yousaf Khan          | 03 | Cook      |
| 142 | Ms Zahida Parveen   | Mehboob Ahmad        | 03 | Cook      |
| 143 | Naeem Khan          | Hamesh Gul           | 03 | Cook      |
| 144 | Ms Gaman Begum      | Jan Ullah            | 03 | Cook      |
| 145 | Jehanzeb Khan       | Razi Badshah         | 03 | Cook      |
| 146 | Mushtaq Ali         | Fida Muhammad        | 03 | Cook      |
| 147 | Ms Momin Nisa       | Wazir Muhammad       | 03 | Cook      |
| 148 | Sheer Nadar         | Barakat Ullah        | 03 | Cook      |
| 149 | Nadar Khan          | Ghafoor Khan         | 03 | Cook      |
| 150 | Khan Gul            | Gul Muhammad         | 03 | Cook      |
| 151 | Akbar Hussain       | Mihaddin             | 03 | Cook      |
| 152 | Muhammad Subhan     | Muhammad Sher Khan   | 03 | Cook      |
| 153 | Matiullah           | Raheem Ullah         | 03 | Cook      |
| 154 | Akhtar Khan         | Shaafi Khan          | 03 | Cook      |
| 155 | Muhammad Bilal      | Ejaz Ahmad           | 03 | Chowkidar |
| 156 | Ihtesham            | Nasirud Din          | 03 | Chowkidar |
| 157 | Iludin Khan         | Ghulam Muhammad Khan | 03 | Chowkidar |
| 158 | Said Rehman         | Ali Rehman           | 03 | Chowkidar |
| 159 | Muhammad Hayat      | Shahbaz Khan         | 03 | Chowkidar |
| 160 | Gul Nabi            | Abdul Malik          | 03 | Chowkidar |
| 161 | Pir Imriaz Ali Shah | Abdul Satar          | 03 | Chowkidar |

|      |                  |                      |    |           |
|------|------------------|----------------------|----|-----------|
| 162. | Muhammad Saeed   | Abdul Sami           | 03 | Chowkidar |
| 163. | Amir Waheed      | Atta Ur Rehman       | 03 | Chowkidar |
| 164. | Muhammad Ayaz    | Muhammad Sattar Khan | 03 | Chowkidar |
| 165. | Fazal Wadood     | Lauq Bacha           | 03 | Chowkidar |
| 166. | Sodat Khan       | Behram Khan          | 03 | Chowkidar |
| 167. | Rahim Rehman     | Kobir Subhan         | 03 | Chowkidar |
| 168. | Gharal Ali Khan  | Zarnatus             | 03 | Chowkidar |
| 169. | Qutub Ud Din     | Abdur Raheem         | 03 | Chowkidar |
| 170. | Gul Baz Khan     | Ameer Baz Khan       | 03 | Chowkidar |
| 171. | Mir Wali Shah    | Mirza Ali Shah       | 03 | Chowkidar |
| 172. | Nizam Ullah      | Saeed Ullah          | 03 | Chowkidar |
| 173. | Waheed Khan      | Abdul Jalil          | 03 | Chowkidar |
| 174. | Zardad           | Abdul Manaf          | 03 | Chowkidar |
| 175. | Aslam Balg       | Anur Khan            | 03 | Chowkidar |
| 176. | Umar Ullah       | Asil Jan             | 03 | Chowkidar |
| 177. | Sanullah         | Fazl e Khaliq Khan   | 03 | Chowkidar |
| 178. | Dilfaraz Khan    | Ghulam Sarwar        | 03 | Chowkidar |
| 179. | Muhammad Niaz    | Kala Khan            | 03 | Chowkidar |
| 180. | Sherawan         | Malook Khan          | 03 | Chowkidar |
| 181. | Karim Gul        | Muhammad Gul         | 03 | Chowkidar |
| 182. | Muhammad Hussain | Muhammad Hassan      | 03 | Chowkidar |
| 183. | Muhammad Khalid  | Muhammad Miskern     | 03 | Chowkidar |
| 184. | Asghar Khan      | Muhammad Sher        | 03 | Chowkidar |
| 185. | Ajab Khan        | Muhammad Yar         | 03 | Chowkidar |
| 186. | Usman Gul        | Mehib Gul            | 03 | Chowkidar |
| 187. | Fawad Ali        | Sayed Muhammad       | 03 | Chowkidar |
| 188. | Sher Ali Khan    | Taj Muhammad Khan    | 03 | Chowkidar |
| 189. | Murad Ali        | Taj Muhammad         | 03 | Chowkidar |
| 190. | Sherin Zada      | Gul Payo Jan         | 03 | Chowkidar |
| 191. | Zarshad          | Tila Muhammad        | 03 | Chowkidar |
| 192. | Assad Waheed     | Wazir Husain         | 03 | Chowkidar |
| 193. | Imran            | Shehzada             | 03 | Chowkidar |
| 194. | Salman Khan      | Jafar Shah           | 03 | Chowkidar |

All the controlling officers shall verify the credentials of the above mentioned staff from concerned boards/institutes and submit a complete report to this Department. In case found fake/ambiguous, the regularization shall stand cancelled automatically ab initio.

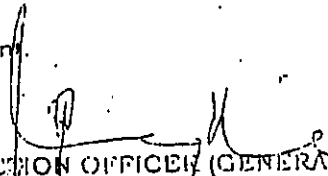
The entre-c-seniority shall be determined as per rules.

SECRETARY TO GOVT. OF KHYBER  
PAKHTUNKWA HEALTH DEPARTMENT

Enclst: No. & date even:

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa;
2. Director General, Health Services, Khyber Pakhtunkhwa.
3. Project Director, Mother, Neonatal and Child Health (MNCH) Program in Khyber Pakhtunkhwa with the request to continue their entitlements for posts being held by them and shift the same in regularize post which shall stand created w.e.f the date of formal notification by the Finance Department.
4. PSO to Chief Secretary, Khyber Pakhtunkhwa.
5. PS to Minister for Health Khyber Pakhtunkhwa.
6. PS to Secretary/Spl. Secretary, Health Department.
7. Officer/Official concerned.

  
SECTION OFFICER (GENERAL)  
HEALTH DEPARTMENT



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|-----|------------------|----------------------|----|-----------|
| 162 | Muhammad Saeed   | Abdul Sami           | 03 | Chowkidar |
| 163 | Amir Waheed      | Atta ur Rehman       | 03 | Chowkidar |
| 164 | Muhammad Ayaz    | Muhammad Sattar Khan | 03 | Chowkidar |
| 165 | Fazal Wadood     | Laiq Bacha           | 03 | Chowkidar |
| 166 | Sadar Khan       | Behram Khan          | 03 | Chowkidar |
| 167 | Rahim Rehman     | Noor Subhan          | 03 | Chowkidar |
| 168 | Gharat Ali Khan  | Zarnanus             | 03 | Chowkidar |
| 169 | Qutub ud Din     | Abdur Raheem         | 03 | Chowkidar |
| 170 | Gul BAz khan     | Ameer baz Khan       | 03 | Chowkidar |
| 171 | Mir Wali Shah    | Mirza Ali Shah       | 03 | Chowkidar |
| 172 | Nizaam Ullah     | Saeed Ullah          | 03 | Chowkidar |
| 173 | Waheed Khan      | Abdul Jalil          | 03 | Chowkidar |
| 174 | Zardad           | Abdul Manaf          | 03 | Chowkidar |
| 175 | Aslam baig       | Amir Khan            | 03 | Chowkidar |
| 176 | Umar Ullah       | Asil Jan             | 03 | Chowkidar |
| 177 | Sanaullah        | Fazl e Khaliq Khan   | 03 | Chowkidar |
| 178 | Dilfaraz Khan    | Ghulam Sarwar        | 03 | Chowkidar |
| 179 | Muhammad Niaz    | Kala Khan            | 03 | Chowkidar |
| 180 | Sherawan         | Malook Khan          | 03 | Chowkidar |
| 181 | Karim Gul        | Muhammad Gul         | 03 | Chowkidar |
| 182 | Muhammad Hussain | Muhammad Hassan      | 03 | Chowkidar |
| 183 | Muhammad Khalid  | Muhammad Miskeen     | 03 | Chowkidar |
| 184 | Asghar Khan      | Muhammad Sher        | 03 | Chowkidar |
| 185 | Ajab Khan        | Muhammad Yar         | 03 | Chowkidar |
| 186 | Usman Gul        | Muhib Gul            | 03 | Chowkidar |
| 187 | Fawad Ali        | Sayed Muhammad       | 03 | Chowkidar |
| 188 | Sher Ali Khan    | Taj Muhammad Khan    | 03 | Chowkidar |
| 189 | Murad Ali        | Taj Muhammad         | 03 | Chowkidar |
| 190 | Sherin Zada      | Gul Payo Jan         | 03 | Chowkidar |
| 191 | Zarshad          | Tila Muhammad        | 03 | Chowkidar |
| 192 | Assad Waheed     | Wazir Hussain        | 03 | Chowkidar |
| 193 | Imran            | Shehzada             | 03 | Chowkidar |
| 194 | Salman Khan      | Jafar Shah           | 03 | Chowkidar |

All the controlling officers shall verify the credentials of the above mentioned staff from concerned boards/institutes and submit a complete report to this Department. In case found fake/ambiguous, the regularization shall stand cancelled automatically an initio.

The entre-e-seniority shall be determined as per rules.

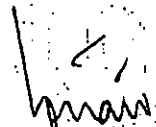
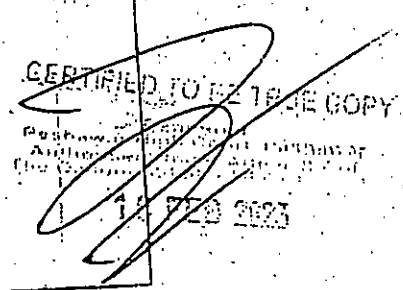
**SECRETARY TO GOVT OF KHYBER  
PAKHTUNKHWA HEALTH DEPARTMENT**

PESHAWAR HIGH COURT, PESHAWAR

ORDER SHEET

"C" - 10 -



| Date of Order or Proceedings | Order or others Proceedings, with Signature of Judge  |
|------------------------------|---|
| 15.06.2022                   | <p data-bbox="523 516 800 567"><u>W.P.No.4907-P/2019.</u></p> <p data-bbox="523 579 1108 655">Present: Mr. Muhammad Asif Yousafzal,<br/>Advocate, for the petitioners.</p> <p data-bbox="677 667 1108 756">Mr. Mujahid Ali Khan, AAG, for<br/>the respondents.</p> <p data-bbox="739 819 893 856">*****</p> <p data-bbox="539 882 1139 1310"><u>MUSARRAT HILALI, J.</u>- Same order as in<br/>connected W.P.No. 4573-P/2019 titled Khalil<br/>Muhammad Khan and others Vs. Government<br/>of Khyber Pakhtunkhwa through Chief<br/>Secretary, Peshawar and others.</p> <p data-bbox="985 1310 1139 1486"><br/>JUDGE</p> <p data-bbox="1001 1625 1124 1675">JUDGE</p> <p data-bbox="585 1713 739 1801"><b>Announced</b><br/>15.06.2022</p> <p data-bbox="1047 1713 1447 2003"><br/>CERTIFIED TO BE TRUE COPY<br/>Peshawar High Court<br/>15 JUN 2022</p> |

(DB) Hon'ble Justice Musarrat Hilali  
Hon'ble Mr. Justice Mohammad Ibrahim Khan

Noor Shah

PESHAWAR HIGH COURT, PESHAWAR

ORDER SHEET



| Date of Order or Proceedings | Order or others Proceedings with Signature of Judge  |
|------------------------------|--|
| 15.06.2022                   | <p style="text-align: center;">2</p> <p><u>W.P No.4573-P/2019.</u></p> <p><b>Present:</b> Mr. Muhammad Asif Yousafzal,<br/>Advocate, for the petitioners.</p> <p>Mr. Mujahid Ali Khan, AAG, for<br/>the respondents.</p> <p style="text-align: center;">*****</p> <p><u>MUSARRAT HILALI, J.-</u> Through this single<br/>judgment, we intend to dispose of the instant as<br/>well as the connected writ petition No. 4907-<br/>P/2019, as the subject matter in both the<br/>petitions are one and the same.</p> <p><u>W.P No.4573-P/2019.</u></p> <p>The instant writ petition has been filed by<br/>the petitioner under Article 199 of the<br/>Constitution of Islamic Republic of Pakistan,<br/>1973, wherein they seek the following relief:-</p> <p><i>"It is, therefore, very humbly prayed that<br/>on acceptance of this writ petition, this<br/>Hon'ble Court may very magnanimously<br/>hold, declare and order that:</i></p> <p>i. Provision of Section 4 and 6 of the<br/>Khyber Pakhtunkhwa Employees<br/>(Regularization of Services) Act,<br/>2018 to the extent of words "from<br/>the date of commencement of the</p> |

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ATTESTED  
EXAMINER  
Peshawar High Court

Act" as appearing in Section 4 of the Act *ibid* and "shall rank junior to all Civil Servants belonging to the same service or cadre, or the case as may be, who are in service on regular basis on the commencement of this Act, and shall also rank junior to such other persons" appearing in section 6 of the Act *ibid*, are ultra vires of the Constitution and / or may be read down as is deemed suitable by this Hon'ble Court while considering the grievances of the petitioners.

- ii. The impugned action / inaction on part of the respondents instead of regularizing the petitioner from the date of their initial appointment in the respondent department and regularizing them from the date of commencement of the KPK Employees (Regularization of Services) Act, 2018 is illegal, unlawful, without lawful authority and being violative of the law and dicta laid down by the Superior Judiciary and this Hon'ble Court and thus ineffective upon the right of the petitioners.
- iii. The respondents shall regularize the services of the petitioner at once w.e.f. their initial dates of appointments and shall accordingly treat the petitioners in respect of their rights to seniority, promotions and pensionary benefits etc.
- iv. Cost throughout.

W.P.No.4907-P/2019.

Through the captioned petition,  
petitioners seek the following relief:-

ATTESTED  
EXAMINER  
Peshawar High Court

*It is, therefore, humbly prayed that on acceptance of this writ petition, this Hon'ble Court may very graciously be pleased that;*

*i. The impugned action / inaction on the part of the respondents instead of regularizing the petitioners from their initial appointment in the respondents department and regularizing them from the date of commencement of (Regularization of Services) Act, 2018 is illegal, unlawful and without lawful authority and violation of the law and dicta laid down by the superior court and this Hon'ble Court and thus ineffective upon the rights of the petitioners.*

*ii. The respondents shall be directed to regularize the services of the petitioners from their initial date of appointments and shall accordingly treat the petitioners in respect of their rights to seniority, promotions and pensionary benefits etc.*

2. So far as vires of Regularization of Service Act, 2018 is concerned, learned counsel for the petitioners has withdrawn from this part of his prayer, however, made a request at the bar that this and the connected petition be sent to respondent No.2 to decide the same in the light of judgment rendered in W.P.No. 3394-P/2016 titled Amir Zeb Vs. District Accounts Officer, Nowshera etc. decided on 22.06.2017

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ATTESTED  
EXAMINER  
Peshawar High Court

by the Lager Bench of this Court.

3. In the light of judgment ibid of the larger bench of this Court, this and the connected writ petition are sent to respondent No.2 i.e. Secretary Health, Government of Khyber Pakthunkhwa, Peshawar for redressal of the petitioners' grievance. Disposed of accordingly.

*Imran*  
JUDGE

*Imd*  
JUDGE

**Announced**  
**15.06.2022**

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Date of Delivery of Copy 18/2/2023  
Received By *H. Hayat*

(DB) Hon'ble Justice Musarrat Hilal  
Hon'ble Mr. Justice Mohammad Ibrahim Khan

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-15-

**IN THE PESHAWAR HIGH COURT, PESHAWAR**

W.P No. 4907 -P/2019



1. Khan Gul S/o Gul Muhammad  
(BPS-3) Cook
2. Gulab Khan S/o Ghulam Rasool  
(BPS-3) Naib Qasid
3. Shahid Ullah S/o Azad Khan  
(BPS-3) Naib Qasid
4. Fatih Rehman S/o Aziz Ur Rehman  
(BPS-3) Naib Qasid
5. Saif Ullah S/o Hafeez Ullah Khan  
(BPS-3) Naib Qasid
6. Sadafullah S/o Musharaf Khan  
(BPS-3) Naib Qasid
7. Akbar Hussain Khan  
(BPS-3) Naib Qasid
8. Mushtareen S/o Rahim Dad  
(BPS-3) Naib Qasid
9. Shaukat Ali S/o Habib Rasool  
(BPS-3) Naib Qasid
10. Sajjad Ali S/o Akbar Shah  
(BPS-3) Naib Qasid
11. Inam Ullah Awan S/o Hazrat Ullah  
(BPS-3) Naib Qasid
12. Amjad Khan S/o Jehan Dastageer  
(BPS-3) Naib Qasid
13. Bahrawar Said S/o Qadar Khan  
(BPS-3) Naib Qasid
14. Sahib Ullah S/o Ubaid Ullah Khan  
(BPS-3) Naib Qasid
15. Asmatullah S/o Ghulam Habib  
(BPS-3) Naib Qasid
16. Bakht Sherawan S/o Malang Jan  
(BPS-3) Naib Qasid
17. Khizar Hayat Khan S/o Rahmat Ullah Khan  
(BPS-3) Naib Qasid
18. Fayaz Ahmad S/o Hamish Gul  
(BPS-3) Naib Qasid

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19. BAcha Rehman S/o Sahib Wali Khan  
(BPS-3) Naib Qasid
20. Saleem Khan S/o Hakim Khan  
(BPS-3) Naib Qasid
21. Haliq Dad S/o Muhammad Afsar Khan  
(BPS-3) Naib Qasid
22. Abdullah S/o Muhammad Said  
(BPS-3) Naib Qasid
23. Kashif Khan S/o Taseer Ullah  
(BPS-3) Naib Qasid
24. Altaf Hussain S/o Syed Muntazir Shah Bacha  
(BPS-3) Naib Qasid
25. Syed Shafqat Raza S/o Syed Muhammad  
Murtaza  
(BPS-3) Naib Qasid
26. Nigar Ahmad Khan S/o Tila Muhammad Khan  
(BPS-3) Naib Qasid
27. Jamal Dil Afroz S/o Wazir Zada  
(BPS-3) Naib Qasid
28. Yasir Khan S/o Tahir Shah  
(BPS-3) Naib Qasid
29. Shahid Ullah S/o Rehmat Ullah Khan  
(BPS-3) Naib Qasid
30. Gul Aslam Khan S/o Abdur Rasheed Khan  
(BPS-3) Naib Qasid
31. Zeeshan Khan S/o Sherzada  
(BPS-3) Naib Qasid
32. Qamar Abas S/o Umar Khetab  
(BPS-3) Naib Qasid
33. Atta Ul Khaliq S/o Abdul Murad  
(BPS-3) Naib Qasid
34. Mast Ali Khan S/o Ghazi Marjan  
(BPS-3) Naib Qasid
35. Norad Ali Khan S/o Noor Muhammad  
(BPS-3) Naib Qasid
36. Naheed Khan S/o Umar Gul  
(BPS-3) Naib Qasid
37. Syed Nuzhat Ali Shah S/o Syed Musharraf  
Shah  
(BPS-3) Naib Qasid
38. Juma Gula S/o Rahim Gul  
(BPS-3) Naib Qasid

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**EXAMINER**  
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39. Jehangir Khan S/o Shah Pervaiz  
(BPS-3) Helper
40. Farman Ali S/o Bakht Rahim  
(BPS-3) Helper
41. Fida Gul S/o Said Khan  
(BPS-3) Helper
42. Ms. Shaheen D/o Zakir Ullah  
(BPS-3) Helper
43. Zahid Ullah Khan S/o Saleh Khan  
(BPS-3) Helper
44. Ajmal Khan S/o Muhammad Dildar Khan  
(BPS-3) Helper
45. Tariq Javed S/o Sher Muhammad  
(BPS-3) Helper
46. Muhammad Hayat S/o Muhammad Rehman  
(BPS-3) Helper
47. Shehnaz D/o Muhammad Ashiq  
(BPS-3) Helper
48. Amir Jan S/o Tila Muhammad  
(BPS-3) Helper
49. Hadi Muhammad S/o Umar Dil  
(BPS-3) Helper
50. Shaher Yar Khan S/o Muhammad Farooq  
(BPS-3) Helper
51. Bakht Fareed S/o Diyar Khan  
(BPS-3) Helper
52. Muhammad Khan S/o Daulat Khan  
(BPS-3) Helper
53. Niaz Moeen S/o Gul Moeen  
(BPS-3) Helper
54. Noman Khan S/o Jafar Khan  
(BPS-3) Helper
55. Durdana Khan D/o Khan Jahan  
(BPS-3) Helper
56. Tariq Aziz S/o Noor Ahmad  
(BPS-3) Helper
57. Nisar Muhammad S/o Yar Muhammad  
(BPS-3) Helper
58. Shaheen Bibi W/o Munir Lal  
(BPS-3) Sweeper
59. Ms. Rani Bibi D/o Muneer Maseeh  
(BPS-3) Sweeper

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60. Ms. Naseer Jana D/o Amir Muhammad Khan  
(BPS-3) Sweeper
61. Saqib Jan S/o Fazal Muhammad  
(BPS-3) Sweeper
62. Miraj Gul S/o Zubair Gul  
(BPS-3) Sweeper
63. Fazal Umar S/o Taj Umar  
(BPS-3) Sweeper
64. Anwar Gul S/o Muhammad Gul  
(BPS-3) Sweeper
65. Bacha Khan S/o Said Badshah  
(BPS-3) Sweeper
66. Ms. Yasmin D/o Aslam Khan  
(BPS-3) Sweeper
67. Shoukat Ali S/o Bakht Zareen  
(BPS-3) Sweeper
68. Sher Zada S/o Ezool  
(BPS-3) Sweeper
69. Gul Zada S/o Khaseef Khan  
(BPS-3) Sweeper
70. Ms. Parveen Bibil W/o Muhammad Altaf  
(BPS-3) Sweeper
71. Abdur Rauf Khan S/o Muhammad Daraz  
Khan  
(BPS-3) Sweeper
72. Taj Mail Shah S/o Sadar Khan  
(BPS-3) Sweeper
73. Hazrat Bilal S/o Nawaz Khan  
(BPS-3) Sweeper
74. Rafi Ullah Khan S/o Habib Ullah Khan  
(BPS-3) Cook
75. Meraj Khan S/o Yousaf Khan  
(BPS-3) Cook
76. Ms. Zahida Parveen W/o Mehboob Ahmad  
(BPS-3) Cook
77. Naeem Khan S/o Hamesh Gul  
(BPS-3) Cook
78. Ms. Gaman Begum W/o Jan Ullah  
(BPS-3) Cook
79. Jehanzeb Khan S/o Razi Badshah  
(BPS-3) Cook
80. Mushtaq Ali S/o Fida Muhammad

**ATTESTED**  
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Peshawar High Court

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81. (BPS-3) Cook  
Sheer Nadar S/o Barkat Ullah
82. (BPS-3) Cook  
Nadar Khan S/o Ghafoor Khan
83. (BPS-3) Cook  
Akbar Hussain Muhi-Ud-Din
84. (BPS-3) Cook  
Muhammad Subhan S/o Muhammad Sher  
Khan
85. (BPS-3) Cook  
Matiullah S/o Reheem Ullah
86. (BPS-3) Cook  
Akhtar Khan S/o Shafi Khan
87. (BPS-3) Cook  
Muhammad Bilal S/o Ijaz Ahmad
88. (BPS-3) Chowkidar  
Ihtesham S/o Nasirud Din
89. (BPS-3) Chowkidar  
Illudin Khan S/o Ghulam Muhammad Khan
90. (BPS-3) Chowkidar  
Said Rehman S/o Ali Rehman
91. (BPS-3) Chowkidar  
Muhammad Hayat S/o Shahbaz Khan
92. (BPS-3) Chowkidar  
Gul Nabi S/o Abdul Malik
93. (BPS-3) Chowkidar  
Pir Imtiaz Ali Shah S/o Pir Abdul Satar
94. (BPS-3) Chowkidar  
Muhammad Saeed S/o Abdul Sami
95. (BPS-3) Chowkidar  
Amir Waheed S/o Atta Ur Rehman
96. (BPS-3) Chowkidar  
Muhammad Ayaz S/o Muhammad Sattar
97. (BPS-3) Chowkidar  
Fazal Wadood S/o Laiq Badshah
98. (BPS-3) Chowkidar  
Sadat Khan S/o Behram Khan
99. (BPS-3) Chowkidar  
Qutb Ud Din Khan S/o Abdur Raheem Khan
100. (BPS-3) Chowkidar  
Gul Baz Khan S/o Ameer Baz Khan

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101. Nizam Ullah Saeed Ullah  
(BPS-3) Chowkidar
102. Waheed Khan S/o Abdul Jalil  
(BPS-3) Chowkidar
103. Zardad S/o Abdul Manaf  
(BPS-3) Chowkidar
104. Aslam BAid S/o Amir Khan  
(BPS-3) Chowkidar
105. Umar Ullah S/o Asil Jan  
(BPS-3) Chowkidar
106. Sanaullah W/o Fazl e Khaliq Khan  
(BPS-3) Chowkidar
107. Dil Faraz Khan S/o Ghulam Sarwar  
(BPS-3) Chowkidar
108. Sherawan S/o Malook  
(BPS-3) Chowkidar
109. Karim Gul S/o Muhammad Gul  
(BPS-3) Chowkidar
110. Muhammad Hussain S/o Muhammad Hassan  
(BPS-3) Chowkidar
111. Muhammad Khalid S/o Muhammad Miskeen  
(BPS-3) Chowkidar
112. Asghar Khan S/o Muhammad Sher  
(BPS-3) Chowkidar
113. Ajab Khan S/o Muhammad Yar  
(BPS-3) Chowkidar
114. Usman Gul S/o Muhib Gul  
(BPS-3) Chowkidar
115. Fawad Ali S/o Said Muhammad Khan  
(BPS-3) Chowkidar
116. Sher Ali Khan S/o Taj Muhammad Khan  
(BPS-3) Chowkidar
117. Murad Ali S/o Taj Muhammad  
(BPS-3) Chowkidar
118. Zarshad Ali S/o Tila Muhammad  
(BPS-3) Chowkidar
119. Asad Waheed S/o Wazir Husain  
(BPS-3) Chowkidar
120. Imran S/o Shehzada  
(BPS-3) Chowkidar
121. Faisal Iqbal S/o Hazrat Gul  
(BPS-3) Naib Qasid

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122. Amin Khan S/o Qutab Khan  
 (BPS-3) Sweeper  
 All employees of "Mother, Neonatal and Child  
 Health (MNCH) Program Health Department Khyber  
 Pakhtunkhwa, Peshawar .....Petitioners

**V E R S U S**

1. Government of Khyber Pakhtunkhwa through Chief  
 Secretary, Civil Secretariat, Peshawar.

2. Secretary Health Department Khyber  
 Pakhtunkhwa, Civil Secretariat, Peshawar.

3. National MNCH Program Khyber Pakhtunkhwa  
 through its Provincial Coordinator Peshawar

4. Secretary Finance Department, Khyber  
 Pakhtunkhwa, Civil Secretariat  
 Peshawar.....Respondents

**WRIT PETITION UNDER ARTICLE 199,  
 OF THE CONSTITUTION OF ISLAMIC  
 REPUBLIC OF PAKISTAN, 1973.**

**Respectfully Sheweth:**

Brief fact of the case are as under:

1. That the petitioner are bona fide residents of Khyber Pakhtunkhwa, were initially appointed by the respondent No.3 as project employees from 2008 onwards in project namely "Mother

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 Peshawar High Court

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Neonatal and Child Health Program" (MNCH) in Khyber Pakhtunkhwa.

2. That since from the date of their appointment the petitioners are working with devotion and have no complaints from their high ups. **(Copies of their appointment letters are Annexure-A)**
3. That since the project against which the petitioners were appointed in essence required Continuity without any break and as the petitioners had over the years, maintained unblemished service records and the respondents kept on retaining their services from time to time, it is pertinent to mentioned here that there is no break in their service tenure.
4. That the Khyber Pakhtunkhwa Employees (Regularization of Services) Bill, 2018 was duly presented and have been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 26/02/2018 and consequently assented by the Governor on 07/03/2018 and promulgated as an Act, Khyber Pakhtunkhwa Employees (Regularization of Services) Act 2018, the spirit of "The Act, 2018" was to regularize the employees appointed on ad-hoc basis against the posts of permanent nature and those contract employees

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appointed against the projects posts in the province of Khyber Pakhtunkhwa.

5. That it is pertinent to mentioned here that other employee who are working in the project i.e. (MNCH) were regularized by Regularization of Services Act, 2018, but the present petitioners were not regularized.
6. That the present petitioners along with others approached to this Hon'ble court for their regularization through writ petition No. 6549-P/2018 and this Hon'ble Court allowed their writ petition vide judgment/order dated 12/03/2019. (Copy of judgment/order dated 12/03/2019 is Annexure-B)
7. That the petitioners who are performing their duties against the mentioned positions of permanent nature and have been given their prime life to the department were informed that they have been regularized from the date of commencement of Act, 2018 while completely ignoring more than a decade long services rendered by the petitioners.
8. That consequently, the petitioners are thereafter paid salaries as a regular employees and that too while illegally and un-lawfully deducting a sizeable amount which clearly shows the

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confiscatory attitude of the respondents. (Copies of the pay slips of some of the petitioners are Annexure-C)

9. That the finance department issued notification No. FD(SOSR-II)4-36/2017 dated 22/05/2019 give the reference of the judgment of Peshawar High Court, Abbotabad Bench in writ petition No. 627-A/2016 dated 18/12/2018 by extending them the status of the civil servant as per Civil Servant Act, 1973 from the date of their first appointments instead of the date of their regularization. (Copies of notification dated 22/05/2019 and copy of the judgment dated 18/12/2018 are Annexure- D & E respectively)
10. That it is a well settled principle laid down by the Apex Court of Pakistan as well as by this Hon'ble Court that the previous service rendered by the employees on contractual basis with the department shall be counted towards seniority, retirement and pensionary befits etc, therefore it can be stated with certainty that their seniority etc shall be reckoned from the date of their initial appointment in the relevant department and not from the date of their regular appointment, thus the exclusion of their contract period for the purpose of sonority and pensionary benefits,

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Peshawar High Court



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gratuity and leave etc is illegally, unlawful and without lawful authority.

11. That it is pertinent to mentioned here that the petitioners are performing their duties along with other regular employees who are inducted much after the petitioners but unfortunately they have been placed senior to the petitioners because their services were wrongly counted from the date of promulgation of the Act, 2018 instead of their initial appointment.
12. That in a similar nature case of the same department were approached to this Hon'ble court through writ petition No. 4573-P/2019, while acknowledging the prima facie nature of case not only comments have been called from the respondents but they have further been restrained from making deduction from the salary of the petitioners. (Copy of the order sheets is similar case passed in writ petition No. 4573-P/2019 is Annexure F)
13. That despite repeated requests of the petitioners, the respondents are not considering the petitioners for regularization with effect from their initial appointments the petitioners felling aggrieved of the impugned inactions of the respondents which are in clear violation of law,

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the petitioners have not any other remedy, are constrained to invoke the constitutional jurisdiction of this Hon'ble Court on the following grounds:-

**GR OUN D S:**

- A. That the impugned action/inaction of the respondents for not considering the petitioners with the effect of dates of their initial appointment is unlawful, without lawfully authority, thus liable to be judicially reviewed.
- B. That the respondents have flouted constitutionally guaranteed rights of the petitioners as are enshrine in the Constitution of Islamic Republic of Pakistan 1973.
- C. That the impugned act of the respondents are unlawful as much as the same is the result of and as in the violation of principal of procedural priority and rationality.
- D. That by denying the petitioners with their right of regularization from their initial date of appointments is the violation of the Constitution of Islamic Republic of Pakistan 1973.

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E. That the respondents have got no rights and authority to snatch from the petitioners of their rights of regularization from the initial dates of appointments as the petitioners are continuously been rendering their services in the concerned department and under the principal of "legitimate expectation" they are entitled and obliged to be provided with the safe guard and protection of their employment.

F. That it is abundantly been established that the post against which the petitioners are serving, are of permanent nature and thus kept on filled on the regular basis by keeping petitioners on the same posts.

G. That the act of the respondents and neglecting and refusing the right of regularizing the petitioners from the date of their initial appointment is against the principal of natural justice and fundamental rights of the petitioners, the respondents have usurped the rights of the petitioners.

H. That it has been established that the petitioners were entitled to be regularized against the posts which they are holding, it has become inevitable and necessary under the law to provide the petitioners a protective shield from their

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deprivation and insult which the petitioners are facing as they have been serving since long in the respondents department.

- I. That the respondents are bound to provide the petitioners equal protection of law and must not discriminate the petitioners in service as it is the inviolable rights of the petitioners under the Constitution of Islamic Republic of Pakistan 1973.
- J. That the project of the petitioners got initially started in the year 2008 and is remained in the field from the past so many years with no end and has now been converted to permanent nature. It is for this reason the petitioners are entitled to be regularized from the date of their initial appointments as they have a render their services against which are permanent in nature.
- K. That the denial and refusal of the respondents is inane, smacked with malafide, unreasonable and based on monopolistic approach all ways loathed by the superior courts.
- L. That it has been numerously been held by the superior courts that once right stand accrued, same cannot be resented and taken back.

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M. That the action and inaction of the respondents have badly affected the petitioners thus such action of the respondents is the violation of Article 9 and 38 of the Constitution of Islamic Republic of Pakistan 1973.

N. That any other grounds will be raised at the time of arguments with prior permission of this Hon'ble Court.

For the aforesaid reasons, it is, therefore, humbly prayed that on acceptance of this writ petition, this Honourable Court may very graciously be pleased

- i. The impugned action/inaction on the part of the respondents instead of regularizing the petitioners from their initial appointment in the respondents department and regularizing them from the date of commencement of (Regularization of Services) Act 2018 is illegal, unlawful and without lawful authority and violation of the law and dicta laid down by the superior court and

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this Hon'ble Court and thus ineffective upon the rights of the petitioners.

ii. That the respondents shall be directed to regularized the services of the petitioners from their initial date of appointments and shall accordingly treat the petitioners in respect of their rights to seniority, promotions and pensionary benefits etc.

iii. Any other remedy which deems fit by this Honourable Court may also be granted in favour of petitioner.

INTERIM RELIEF:

By way of interim relief, this august Court may kindly be pleased to restrained the respondents from taking any adverse action against the petitioners and shall also not make any deduction

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from the monthly salaries of the petitioners till the final disposal of this petition.

Petitioners

Through

Irfan Ali Yousafzai  
Advocate, High Court,  
Peshawar

Date: 11/09/2019

*Irfan Ali Yousafzai*

**CERTIFICATE:**

Certified on instructions of my client that petitioner has not previously moved this Hon'ble Court under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 regarding the instant matter.

ADVOCATE

*Irfan Ali Yousafzai*

**LIST OF BOOKS:**

1. Constitution of Islamic Republic of Pakistan, 1973
2. Any other law books according to need

ADVOCATE

*Irfan Ali Yousafzai*

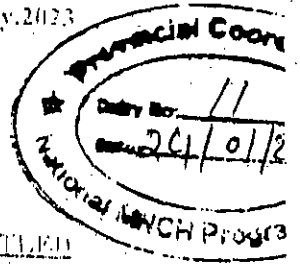
ATTESTED  
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Peshawar High Court



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

-32-4D-

No. SOG/HD/1-2/P&T/2023  
Dated Peshawar, the 18<sup>th</sup> January, 2023



To

The Provincial Program Coordinator,  
MNCH, Khyber Pakhtunkhwa, Peshawar.

Subject:

GUIDANCE REGARDING WRIT PETITION NO. 4573/2019 TITLED  
KHALIL MUHAMMAD KHAN & WRIT PETITION NO. 4907/2019 TITLED  
KHAN VS GOVERNMENT OF KHYBER PAKHTUNKHWA

Dear Sir,

I am directed to refer to the subject noted above and state that in light of the Judgment of the Peshawar High Court, rendered in W.P No. 3394-P/2016, titled Amir Zeb vs DAQ Nowshera, the case was taken up with the Law, Parliamentary Affairs and Human Rights Department, Khyber Pakhtunkhwa, Peshawar, for seeking guidance in the instant case. In response, the Law Department asserted that the judgment in W.P No. 3394-P/2016 cannot be taken into account in the instant case as relief was granted to those petitioners in the said W.P under the Civil Servants (Amendment) Act, 2013 enforced on 30<sup>th</sup> June, 2001 and since those petitioners were initially appointed on contract basis on 1<sup>st</sup> July, 2001, therefore, their contractual period was counted towards pension under the shadow of Act ibid. On the contrary, the present petitioners were regularized with immediate effect upon promulgation of the KP Employees (Regularization of Services) Act, 2018. Further asserted that the KP Civil Servants Pension Rules, 2021 do not provide for counting of contractual/temporary service towards pension (Copy enclosed).

2. The Competent Authority in Health Department has been pleased to dispose of the instant case in the above-narrated terms.

3. I am further directed to request to intimate all the concerned petitioners accordingly.

Yours faithfully,

(SABEEH ULLAH KHAN)  
SECTION OFFICER (GENERAL)  
(091-9210863)

Copy is forwarded for information to the:

1. Deputy Registrar (Judicial), Peshawar High Court, Peshawar, with reference to his letter No. 54944 (1)/1316/2022/WP-MN dated 30.06.2022
2. PS to Secretary, Health Department Khyber Pakhtunkhwa, Peshawar.
3. PS to Special Secretary (E&A), Health Department Khyber Pakhtunkhwa, Peshawar.
4. PA to Additional Secretary (E&A), Health Department Khyber Pakhtunkhwa, Peshawar.
5. PA to Dy. Secretary (Admin/Lit), Health Department Khyber Pakhtunkhwa, Peshawar.

SECTION OFFICER (GENERAL)

Litigation Officer



**LEGIBLE COPY**

**GOVERNMENT OF KHYBER PAKHTUNKHWA**

**HEALTH DEPARTMENT**

No. SOG/HD/1-2/P&T/2023

Dated Peshawar, the 18<sup>th</sup> January 2023

To,

The Provincial Program Coordinator  
MNCH, Khyber Pakhtunkhwa, Peshawar

Subject: Guidance regarding writ petitions No. 4573/2019 titled Khalil Muhammad Khan & Writ Petition No. 4907/2019 titled Khan Vs Government of Khyber Pakhtunkhwa

Dear Sir,

I am directed to refer to the subject noted above and state that in light of the Judgment of the Peshawar High Court, rendered in WP No. 3394-P/2016, titled Amir Zeb Vs DAO Nowshera, the case was taken up with the law, parliamentary affairs and Human rights Department, Khyber Pakhtunkhwa, Peshawar for seeking guidance in the instant case. In respect of the Law Department asserted that the Judgment in WP No. 3394/2016 cannot be taken into account in the instant case as relief was granted to those petitioners in the said WP under the Civil Servants (Amendment) Act 2013 enforced on 30<sup>th</sup> June, 2001 and since those petitioners were initially appointed on contract basis on 1<sup>st</sup> July 2001, therefore, their contractual period was counted towards pension under the shadow of Act *ibid.* on the contrary, the present petitioners were regularized with immediate effect upon promulgation of the KP Employees (Regularization of Services) Act 2018. Further asserted that the KP Civil Servants Pension Rules, 2021 do to provide for counting of contractual / temporary / Service towards pension. (Copy enclosed).

2. The Competent Authority in Health Department has been pleased to dispose of the instant case in the above narrated terms.

3. I am further directed to request to intimate all the concerned petitioners accordingly.

Yours faithfully

**SALEEM ULLAH KHAN**

**SECTION OFFICER (GENERAL)**

TO BE SUBSTITUTED BEARING SAME NO. & DATE.

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(REGULATION WING)

Dated Peshawar the 22-05-2019

**NOTIFICATION**

No. FD(SOSR-II)4-36/2017. In pursuance of the judgement of Peshawar High Court Abbottabad Bench in Writ Petition No. 627-A/2018 dated: 18.12.2018 and Judgements of various Lower Courts as well as supersession of Finance Department policy letter No. BO-I/1-22/2007-08/FD dated: 29.01.2008, the Competent Authority has been pleased to accord sanction of regularization of Fixed Pay Class-IV employees appointed on the basis of policies issued vide Finance Department notifications No. B-I/2-1/92-93/1 dated: 04.11.1992 and No. B-I/1-22/94-95/FD Vol-II dated: 24.07.1999 by extending them the status of civil servant as per Civil Servant Act 1973 from the date of their first appointments instead of the date of their regularization w.e.f 01.07.2008 in their respective entities in the best of public interest.

SECRETARY TO GOVERNMENT  
OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT

Endst: No & date even

Copy for information and necessary action is forwarded to the.

1. The Additional Chief Secretary (P&D), Khyber Pakhtunkhwa.
2. The Provincial Police Officer, Khyber Pakhtunkhwa.
3. The Accountant General, Khyber Pakhtunkhwa.
4. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
6. All Administrative Secretaries Government of Khyber Pakhtunkhwa.
7. All Deputy Commissioners in Khyber Pakhtunkhwa.
8. All Heads of Attached Departments in Khyber Pakhtunkhwa.
9. The Director Treasurer & Accounts Khyber Pakhtunkhwa.
10. The Director Local Fund Audit, Khyber Pakhtunkhwa.
11. Director, PMU, Finance Department.
12. Budget Officer-XI, Finance Department.
13. Budget Officer-I, Finance Department with reference to their letters quoted above.
14. All District Controller of Accounts Khyber Pakhtunkhwa.
15. All District Account Officers in Khyber Pakhtunkhwa.
16. PS to Chief Secretary, Khyber Pakhtunkhwa.
17. PS to Secretary Finance, Khyber Pakhtunkhwa.
18. PS to Special Secretary Finance Department, Khyber Pakhtunkhwa.
19. PA to Additional Secretary (Regulation), Finance Department.

(MOAZZAM KHAN)  
Section Officer (SR-II)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(REGULATION WING)

"F"

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NO. FD (SOSR-1) 12-7/2014  
Dated Peshawar the 6<sup>th</sup> February, 2014

To:

1. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
2. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
3. The Secretary to Governor, Khyber Pakhtunkhwa.
4. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. The Secretary, Provincial Assembly, Khyber Pakhtunkhwa.
6. The Secretary Finance FATA, FATA Secretariat, Peshawar.
7. All Heads of Attached Departments in Khyber Pakhtunkhwa.
8. All Divisional Commissioners in Khyber Pakhtunkhwa.
9. All Political Agents / District & Sessions Judges in Khyber Pakhtunkhwa.
10. The Registrar, Peshawar High Court, Peshawar.
11. The Chairman, Public Service Commission, Khyber Pakhtunkhwa.
12. The Chairman, Services Tribunal, Khyber Pakhtunkhwa.
13. The Accountant General, Khyber Pakhtunkhwa, Peshawar.

Subject:


PROTECTION OF PAY OF CONTRACT EMPLOYEES ON  
REGULARIZATION / APPOINTMENT ON REGULAR BASIS.

Dear Sir,

In pursuance to the Finance Division's Office Memorandum No.7(9)R-I/2012 dated 31<sup>st</sup> May, 2013, the competent authority is pleased to allow the pay protection to non-Gazetted contract employees on their regularization / appointment on regular basis with immediate effect subject to the following conditions:-

- i) That the contract appointment has been made on standard terms and conditions, circulated by this Provincial Government as amended from time to time.
- ii) That the contract employee has applied through proper channel and has been properly relieved by the appointing authority. This condition shall not apply in case of regularization on the same post.
- iii) That regularization / regular appointment has been made with the approval of competent authority.
- iv) That there is no break / interruption between contract service and regular service.
- v) That the service rendered on contract basis shall not qualify for pension / gratuity.
- vi) That in case of regular appointment in lower grade, pay shall not be protected.

Yours faithfully,

  
(RAZAULLAH KHAN)  
Addl: Secretary (Regulation)

P.T.O

-35-

Endst: No .FD (SOSR-1) 12-7 /2014

Dated 6<sup>th</sup> Feb, 2014

Copy for information & necessary action to the:-

1. The Director, Treasuries & Accounts, Khyber Pakhtunkhwa.
2. All the District Comptroller of Accounts in Khyber Pakhtunkhwa.
3. The Director, Local Fund Audit, Khyber Pakhtunkhwa, Peshawar.
4. The Director, FMIU, Finance Department.
5. The Treasury Officer, Peshawar.
6. The Secretary, Board of Revenue, Khyber Pakhtunkhwa.
7. All the District & Agency Accounts Officers in Khyber Pakhtunkhwa / FATA.


  
(MASOOD KHAN)

Deputy Secretary (Reg-II)

Endst: No. & Date Even

Copy for information is forwarded to:-

1. All the Section Officers / Budget Officers in Finance Department, Khyber Pakhtunkhwa, Peshawar.
2. The Private Secretary to Senior Minister for Finance, Khyber Pakhtunkhwa.
3. The Private Secretary to Secretary / P.As to Special Secretary / Additional Secretaries / Deputy Secretaries in Finance Deptt.

  
(Wazir Muhammad Afgar)  
Section Officer (SR-1)

**VAKALATNAMA**  
**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR.**

APPEAL NO: \_\_\_\_\_ OF 2023

Sarrib Jan

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Health Dept

(RESPONDENT)  
(DEFENDANT)

I/We

Appellant

Do hereby appoint and constitute **Noor Mohammad Khattak Advocate Supreme Court** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. \_\_\_\_/\_\_\_\_/202

شعبان

**CLIENT**

**ACCEPTED**

**NOOR MOHAMMAD KHATTAK  
ADVOCATE SUPREME COURT**

(BC-10-0853)

(15401-0705985-5)

**KAMRAN KHAN**

**UMAR FAROOQ MOHMAND**

**WALEED ADNAN**

&

**MUHAMMAD AYUB  
ADVOCATES**

**OFFICE:**

Flat No. (TF) 291-292 3<sup>rd</sup> Floor,  
Deans Trade Centre, Peshawar Cantt.  
(0311-9314232)