


FORM OF ORDERSHEET

Court of _____

Case No. 935 / 2023


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	02.05.2023	<p>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</p> <p style="text-align: right;"> REGISTRAR</p>

The appeal of Mr. Fawad, Chowkidar O/O Provincial Co-Ordinator MNHC Program Peshawar 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. 763 /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. 935 /2023

FAWAD ALI

VS

HEALTH DEPTT:

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APPELLANT

THROUGH:

**NOOR MOHAMMAD KHATTAK,
ADVOCATE SUPREME COURT**

- 1 -

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

APPEAL NO. _____/2023

Khyber Pakhtunkhwa
Service Tribunal

3885

Dated: 24/2/2023

Mr. Fawad Ali, Chowkidar,
O/O Provincial Co-Ordinator MNCH Program, Peshawar.

.....**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. 18.11.2015 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. 18.11.2015 i.e. from the date of initial appointment with all back benefits. Any other remedy 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 Chowkidar vide order dated 18.11.2015. 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

24/2/23
Registrar

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. 18.11.2015 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. 18.11.2015 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. 18.11.2015 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. 18.11.2015 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

فوار علی

**APPELLANT
FAWAD ALI**

THOROUGH:

**NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT**

KAMRAN KHAN

UMAR FAROOQ

WALED ADNAN

**MUHAMMAD AYUB
ADVOCATES HIGH COURT**

AFFIDAVIT

I, Fawad Ali, Chowkidar, 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.

فوار علی

DEPONENT

National Maternal, Newborn & Child Health
Program, Khyber Pakhtunkhwa

National MNCH Program

OFFICE ORDER

Dated: 18/11/2015

No. PC/MNCH/ 4991-95 : Due to the death of Mr. Said Muhammad Khan died on 03/11/2015, worked as Chowkidar under MNCH Program at CMW School Swat, Mr. Fawad Ali S/O Mr. Said Muhammad Khan is hereby appointed as Chowkidar and will draw his salary against the vacant post at CMW School Swat on purely temporary basis for the period of one year (extendable on the basis of his good performance) on fixed pay at Rs. 10,000/- per month with 5% as annual increment on the following terms and conditions.

TERMS & CONDITIONS.

1. 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 office of DHO Swat within ten days of issuance of this Office Order, failing which the offer will be considered as cancelled.

PROVINCIAL COORDINATOR
NATIONAL MNCH PROGRAM
PESHAWAR.

Copy forwarded for information and necessary action to the:

- DHO Swat.
- Finance Officer MNCH Program Peshawar.
- M&E Officer MNCH Program.
- Mr. Fawad Ali S/O Said Muhammad Khan, Angro Dherai Mohallah Kata Khel Mingora Tehsil & District Swat with reference his application dated 18/11/2015.

"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 judgement 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, 1973 against the posts as mentioned below from the commencement of the Act i.e. 07.03.2018:

Sl	Name	S/Name	BPS	Designation as per PC-I
1	Seema Gul	Mazaz Ullah Khan	17	Office Superintendent
2	Azmat Ullah	Muhammad Rasool	16	Computer Operator
3	Noor Ahmad	Abdul Hamced Khan	16	Computer Operator
4	Wakool Taj	Sar Taj	16	Accountant
5	Asad Saeed	Muhammad Ali Saeed Durrani	16	Accountant
6	Kamran Ahmad Khan	Kiramal Ullah Khan	16	Accountant
7	Sayed Osama Zahid	Sayed Rangan Shah	11	Junior Clerk
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 Khan Zada	06	Driver
12	Amir Zada	Muhammad Younis	06	Driver
13	Amir Younas	Zahir Shah	06	Driver
14	Asghar Khan	Habeesh Ullah Khan	06	Driver
15	Mali Ullah	Nazar Gul	06	Driver
16	Ayaz Khan	Faram Dad Khan	06	Driver
17	Amir Shehzad	Bashir Khan	06	Driver
18	Shabir Ahmad	Wali Ur Rehman	06	Driver
19	Rouf ur Rehman	Kahcem Dad	06	Driver
20	Siraj	Abdur Rehman	06	Driver
21	Bumer Gul	Sagheer Ahmad	06	Driver
22	Bilawal Sagheer	Fazal e Raziq	06	Driver
23	Gul Raziq	Muhammad Akbar	06	Driver
24	Zahid Ullah	Gul Dabedur	06	Driver
25	Taj Bahader	Abdul Qadir	06	Driver



LEGIBLE COPY**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.	Aşad Saeed	Muhammad Ali Saeed Durrani	16	Accountant
6.	Kamran Ahmad Khan	Kiramata 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.	Tasbechullah	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	Shah Zada	06	Driver
33.	Zahid	Abd Ur Rehman	06	Driver
34.	Abdul Hamid	Abdul Majid	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.	Yaqoob 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 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 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.	Pawad	Taj Raheem	06	Driver
56.	Liaqat Ali	Umar Khitab	06	Driver
57.	Shamsuddin	Zain Ul Abideen	06	Driver
58.	Shiraz Ahmad	Muhammad Mushlag	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.	Sair Ullah	Hafeez Ullah Khan	03	Naib Qasid
65.	Sadafulah	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	Hazrat 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 Sadaqat	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.	Liagat 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.	Sadafulla	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 Dastagcer	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.	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.	Allaf 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 Rashced	03	Naib Qasid
94.	Zecshan	Smerzada	03	Naib Qasid
95.	Qamar Abbas	Umar Khetab	03	Naib Qasid
96.	Atta ul Khalig	Abdul Murad	03	Naib Qasid
97.	Mas Ali Khan	Ghazi Marjan	03	Naib Qasid
98.	Khair Muhammad	Musthakhhab	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.	Pida Gul	Said Khan	03	Helper
106.	Ms. Shaheen	Zakir Ullah	03	Helper
107.	Zahid Ullah Khan	Salch 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	Tascer Ullah	03	Naib Qasid
86.	Altaf Hussain	Syed Muntazir Shah Bacha	03	Naib Qasid
87.	Syed Shaqat 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 Shabeen	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.	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	Sweeper
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 Jaha	Amir Muhammad Khan	03	Sweeper
126.	Saqib Jan	Fazal Muhammad	03	Sweeper
127.	Mairaj Gul	Zuhair Gul	03	Sweeper
128.	Shah Nawaz Khan	Kali Jan	03	Sweeper
129.	Fazal Umar	Teg 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 Shuh	Sardar Khan	03	Sweeper
139.	Hazrat Bilal	Nawaz Khan	03	Cook
140.	Rafi Ullah Khan	HabibUllah Khan	03	Cook
141.	Meraj Khan	Yousaf Khan	03	Cook
142.	Ms. Zahida Perveen	Mehboob Ahmad	03	Cook
143.	Nasem 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.	Shcer 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.	Mariullah	Rahcem Ullah	03	Cook
154.	Akhtar Khan	Shaafi Khan	03	Chowkidar
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	Shahbaz Khan	03	Chowkidar
160.	Gul Nabi	Abdul Malik	03	Chowkidar
161.	Pir Imliaz Ali Shah	Abdu Satar	03	Chowkidar

LEGIBLE COPY

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	Illudin 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 Wahced	Atta Ur Rehman	03	Chowkidar
164.	Muhammad Ayaz	Muhammad Sattar Khan	03	Chowkidar
165.	Fazal Wadood	Lariq Bacha	03	Chowkidar
166.	Sadat Khan	Behram Khan	03	Chowkidar
167.	Rahim Rehmani	Koor Babhan	03	Chowkidar
168.	Gharat Ali Khan	Zarnanus	03	Chowkidar
169.	Qutub Ul Din	Abdur Rahcem	03	Chowkidar
170.	Gul-Baz Khan	Amcer Baz Khan	03	Chowkidar
171.	Mir Wali Shah	Mirza Ali Shah	03	Chowkidar
172.	Nizam Ullah	Saeed Ullah	03	Chowkidar
173.	Wahced Khan	Abdul Jalil	03	Chowkidar
174.	Zardad	Abdul Manaf	03	Chowkidar
175.	Aslam Balg	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	Kula 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 Khaid	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.	Muad Ali	Taj Muhammad	03	Chowkidar
190.	Sherin Zada	Gul Payo Jan	03	Chowkidar
191.	Zarahad	Tila Muhammad	03	Chowkidar
192.	Assad Wahced	Wazir Husain	03	Chowkidar
193.	Imran	Shchzada	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.

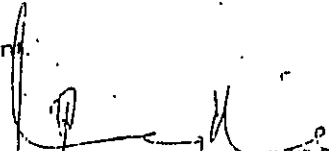
The entre-c-seniority shall be determined as per rules.

SECRETARY TO GOVT. OF KHYBER
PAKHTUNKWA HEALTH DEPARTMENT

Encls: 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 emoluments 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

LEGIBLE COPY

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.

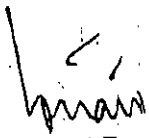
**SECRETARY TO GOVT OF KHYBER
PAKHTUNKHWA HEALTH DEPARTMENT**

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="509 541 791 592"><u>W.P.No.4907-P/2019.</u></p> <p data-bbox="509 592 1097 680">Present: Mr. Muhammad Asif Yousafzal, Advocate, for the petitioners.</p> <p data-bbox="674 693 1097 781">Mr. Mujahid Ali Khan, AAG, for the respondents.</p> <p data-bbox="744 844 901 882">*****</p> <p data-bbox="533 907 1136 1335"><u>MUSARRAT HILALI, J.-</u> Same order as in connected W.P.No. 4573-P/2019 titled Khalil Muhammad Khan and others .Vs. Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and others.</p> <p data-bbox="995 1323 1144 1499"> JUDGE</p> <p data-bbox="1011 1650 1128 1701">JUDGE</p> <p data-bbox="588 1738 744 1814">Announced 15.06.2022</p> <p data-bbox="1066 1776 1458 1852">CERTIFIED TRUE COPY</p> <p data-bbox="1066 1852 1426 1902">Peshawar High Court, Peshawar Attorney General, Government of The Government of Khyber Pakhtunkhwa</p> <p data-bbox="1168 1915 1356 1953">15 JUNE 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
1	2
15.06.2022	<p><u>W.P No.4573-P/2019.</u></p> <p>Present: Mr. Muhammad Asif Yousafzal, Advocate, for the petitioners.</p> <p>Mr. Mujahid Ali Khan, AAG, for the respondents.</p> <p>*****</p> <p><u>MUSARRAT HICALLI J.</u>- Through this single judgment, we intend to dispose of the instant as well as the connected writ petition No. 4907- P/2019, as the subject matter in both the 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 the petitioner under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, wherein they seek the following relief:-</p> <p><i>"It is, therefore, very humbly prayed that on acceptance of this writ petition, this Hon'ble Court may very magnanimously hold, declare and order that:</i></p> <p>i. Provision of Section 4 and 6 of the Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2018 to the extent of words "from the date of commencement of the</p>

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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:-

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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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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.

Ibrahim
JUDGE

Ho
JUDGE

Announced
15.06.2022

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18 JUNE 2023

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(DB) Hon'ble Justice Musarrat Hilali
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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EXAMINER
Peshawar High Court

- 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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 Peshawar High Court

(B)

-17-

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

ATTESTED
EXAMINER
Peshawar High Court

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

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EXAMINER
Peshawar High Court

(B)

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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. Umār 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 devoation 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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EXAMINER
Peshawar High Court

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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 benefits 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 seniority and pensionary benefits;

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EXAMINER
Peshawar High Court

(H) -25-

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 feeling 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:-

GROUND 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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Peshawar High Court

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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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Peshawar High Court

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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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Peshawar High Court

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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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Peshawar High Court

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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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Peshawar High Court

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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

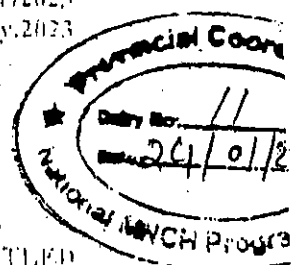
ATTESTED
EXAMINER
Peshawar High Court



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

-32-4D=

No. SOG/HD/1-2/P&T/2023
Dated Peshawar, the 48th 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,

1. 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 Zely 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 response, the Law Department asserted that the judgement 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 30th June, 2001 and since those petitioners were initially appointed on contract basis on 1st 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,

(SAIFULLAH 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)/1336/2022/VP-MN date 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)

Citizenship Officer

LEGIBLE COPY

GOVERNMENT OF KHYBER PAKHTUNKHWA

HEALTH DEPARTMENT

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

Dated Peshawar, the 18th 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 30th June, 2001 and since those petitioners were initially appointed on contract basis on 1st 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 Competant 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/I 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, Treasury & Accounts, Khyber Pakhtunkhwa.
10. The Director, Local Road Audit, Khyber Pakhtunkhwa.
11. Director, FMU, 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 6th 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:

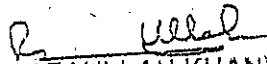
PROTECTION OF PAY OF CONTRACT EMPLOYEES ON
REGULARIZATION / APPOINTMENT ON REGULAR BASIS.

Dear Sir,

In pursuance to the Finance Division's Office Memorandum No.7(9)R-1/2012 dated 31st 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

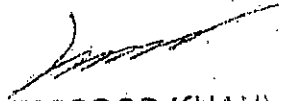
Endst: No .FD (SOSR-1) 12-7 /2014

Dated 6th Feb, 2014

-35-

Copy for information & necessary action to the:-

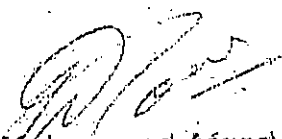
1. The Director, Treasuries & Accounts, Khyber Pakhtunkhwa.
2. All the District Comptroller of Accounts in Khyber Pakhtunkhwa.
3. The Director, Local Fund Audit, Khyber Pakhtunkhwa, Peshawar.
4. The Director, FMIU, Finance Department.
5. The Treasury Officer, Peshawar.
6. The Secretary, Board of Revenue,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

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VAKALATNAMA
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

APPEAL NO: _____ OF 20__

Fawad Ali

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Health Deptt.

(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

فواز علی

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 3rd Floor,
Deans Trade Centre, Peshawar Cantt.
(0311-9314232)