Form-A

FORMOF ORDERSHEET

Court of			
Case No.	· .	942/2023	

	Case No	942/2023
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
		REGISTRAR .
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The appeal of Mst. Gaman Begum, Cook O/O Provincial Co-Ordinator MNHC Program posted at A.Abad 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 copes/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. 729 /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

EFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

GAMAN BEGUM

VS

HEALTH DEPTT:

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APPELLANT

THROUGH:

NOOR MOHAMMAD KHATTAK, ADVOCATE SUPREME COURT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 942 /2023

Mst. Gaman Begum, Cook, O/O Provincial Co-Ordinator MNCH Program, Peshawar. 3863

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. 12.07.2008 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. 12.07.2008 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:

- - 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

- - 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
 - **6-** That feeling aggrieved from the appellate order and having no other remedy the appellant filed the instant appeal on following grounds inter alia.

GROUNDS:

- A- That the inaction of respondents by not allowing pay fixation to the appellant w.e.f. 12.07.2008 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. 12.07.2008 i.e. from the date of appointment and as such the inaction of the respondents is violative of law and rules.
- 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. 12.07.2008 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. 12.07.2008 with all back benefits.

- That as per finance Department Notification dated 6.2.2014 the appellant is fully entitled for the grant of pay fixation w.e.f. 12.07.2008 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

APPELLANT GAMAN BEGUM

THORUGH:

NOOR MOHAMMAD KHATTAK ADVOCATE SUPREME COURT

KAMRAN KHAN

UMAR FAROOQ

WALED ADNAN

Alm

MUHAMMAD AYUB ADVOCATES HIGH COURT

AFFIDAVIT

I, Gaman Begum, Cook, 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.

DEPONENT

FORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL	NO	/2023	
	4		1
GAMAN BEGUM	VS	ΗΕΔΙΤ	Н ПЕРТТ

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APPELLANT

THROUGH:

NOOR MOHAMMAD KHATTAK, ADVOCATE SUPREME COURT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

APPEAL NO	/2023	3863
Mst. Gaman Begum, Cook,		24/2/2023
O/O Provincial Co-Ordinator MNCH Progra	am, Peshawar.	An were a
444111141111111111111111111111111111111		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.

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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. 12.07.2008 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. 12.07.2008 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:

- 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.
 - 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

- order dated 15-06-2022 and writ petition No.4907-P/2019 are attached as Annexure.
- 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.
- **6-** That feeling aggrieved from the appellate order and having no other remedy the appellant filed the instant appeal on following grounds inter alia.

GROUNDS:

- A- That the inaction of respondents by not allowing pay fixation to the appellant w.e.f. 12.07.2008 is against the law, facts, norms of natural justice and materials on the record.
- Bi 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. 12.07.2008 i.e. from the date of appointment and as such the inaction of the respondents is violative of law and rules.
- 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. 12.07.2008 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. 12.07.2008 with all back benefits.

- That as per finance Department Notification dated 6.2.2014 the appellant is fully entitled for the grant of pay fixation w.e.f. 12.07.2008 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

APPELLANT
GAMAN BEGUM

THORUGH:

NOOR MOHAMMAD KHATTAK ADVQCATE SUPREME COURT

KAMRAN KHAN

UMAR FAROOQ

WALED ADNAN

MUHAMMAD AYUB ADVOCATES HIGH COURT

AFFIDAVIT

I, Gaman Begum, Cook, 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.

DEPONENT



GOVERNMENT OF PAKISTAN.

NATIONAL MATERNAL, NEWBORN & CHILD HEALTH (MNCH) PROGRAM, NWFP

-4--4-

OFFICE ORDER

Dated: 18-07-08

No.109-12/MNCH/H/ 5 5 4. It is hereby notified that Ms. Gaman Begum W/O Mr. Jan Ullah (Late) resident of District Charsadda is hereby appointed as Cook on fixed pay Rs.4000/-per month against the vacant post at Community Midwifery School Charsadda, on contract basis for a period of one year (extendable) on the terms and conditions mentioned below, in addition to other prevalent rules and regulations applicable:

TERMS & CONDITIONS.

- 1. She is declared medically fit for Govt. service by authorized Medical Superintendent DHQ Hospital Charsadda / Police & Services Hospital Peshawar.
- 2. She will be governed by the same rules and regulations as may be issued by the Govt. from time to time.
- 3. If she wishes to resign, she shall resign in writing by giving prior notice of one month or deposit one month pay in lieu of one month advance-notice.
- 4. Her appointment is purely on contract basis and can be terminated without any notice or reason being assigned.
- 5. She will not be entitled for any pension/gratuity for the services rendered.
- 6. She has to join duty at her own expenses.
- 7. If the above terms and condition are acceptable to him, should report for duty to the office of the undersigned within one week of issuance of this Office Order, failing which the offer will be considered as withdrawn.

(DR. SALAR KHAN)

PROVINCIAL COORDINATOR NATIONAL MNCH PROGRAM

NWFP PESHAWAR.

Copy for information and necessary action to the:-

- > Incharge Community Midwifery School, Charsadda.
- Accounts Section, National MNCH Program NWFP Peshawar.
- > PA to Director National MNCH Program, NWFP Peshawar.
- Ms. Gaman Begum W/O Mr. Jan Ullah (Late) resident of District Charsadda.



GOVERNMENT OF KHYBEF PARTITUNKHWA HEALTH DEPARTMENT

Peshawar, Dated the 24,05,2019

MOTIFICATION

No. E&A/Health/2-65/2019: In pursuance of the Provincial Cabiner Khyber Pakhtunkhwa decision dated 09-05-2019 and Peshawar High Court, Peshawar Industrient 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, Reunatal 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, 2013 against the posts as mentioned below from the commencement of the Act i.e.

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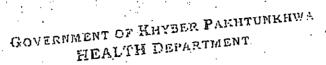
GOVERNMENT OF KHYBER PAKHTUNKHWA HEALTH DEPARTMENT

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	Kiramat 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 Ahniad Khan	11	Junior Clerk
11.		Muhammad Parvez	11	Junior Clerk
	Amir Zada	Khan Zada	06	Driver
13.	Amir Younas	Muhammad Younis	06	Driver
14.		Zahir Shah	06	Driver
15.		Habeebullah Khan .	06	Driver
16.		Nazar Gul	06	Driver
17.	Amir Shehzad	Karam Dad Khan	06	Driver
18.	Shabir Ahmad	Bashir Khan	06	Driver
19.		Wali ur rehman	06	Driver
20.	Siraj	Raheem Dad	06	Driver
	Buner Gul	Abdur Rehman	.06	Driver
22.		Sagheer Ahmad	06	Driver
23.		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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	71.	Inam Ullah Awan	Hazrat Ullah	03	Naib Qasid



GOVERNMENT OF KHYBER PARHTUNKHWA HEALTH DEPARTMENT

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į	73.	Bahrawar Said	Qadar Khan	03	NaibQasid
. į	74.	Sahib Ullah	Ubaid Ullah Khan	03	NaibQasid
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-	76.	Bakht Sherawan	Malang Jan	0.3	NaibQasid
ĺ.	77.	Noor Muhammad	Muhammad Sarwar	03	NaibQasid
-	78.	Dawood	Naqashbar	03_	NaibQasid
ļ	79.	Khizar Hayat Khan	Rahmat Ullah Khan	03	NaibQasid
].	80.	Fayyaz Ahmed	Hamish Gul	03	NaibQasid
	81.	Bacha Rehman	Sahib Wali Khan	03	NaibQasid
İ	82.	Saleem Khan	Hakim Khan	03	NaibQasid
1	83.	Khalid Dad	Muliammad Alsar	03.	NaibQasid
Ì	84.	Aladallah	Khan Muhammad Chid		NI-side (No. 1)
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ł	87.	Syed Shafqat Raza	Syed Muhammad	-03	NaibQasid
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i	88,	Nigar Ahmad Khan	Tila Muhammad Khan	03	NaibQasid
-	39.	Jamal Dil Afroz	Wazir Zada	03	NaibQasid
1	90.	Yasir Khan	Tahir Shah	03	NaibQasid
1	91.	Shahid ullah	Rehmat Ullah	03	NaibQasid
İ	99	Bahadar Sher	Saifur Rahman	03	NaibQasid
.	935	Gul Aslam	Abdur Rashced	03	NaibQasid
·	Grand C	Zecshan	Sherzada (1996)	03	NaibQasid
ľ	95.	Qamar Abas	Umar Khetab	03	NaibQasid
1	96.	Atta ul Khaliq	Abdul Murad	03	NaibQasid
1	67.	Mast Ali Khan	Ghazi Marjan	03	NaibQasid
	98	Khair Muhammad	Musthakhab	03	NaibQasid
ŀ	99.	Norad Ali khan	Noor Muhammad	.03	NaibQasid
1	100.	Nahccd Khan	Umar Gul: 1 14 4 16	03	NaibQasid
1	101	Syed Nizhat Ali Shah	Sycd Musharraf Shah	03	NaibQasid
1	102.	JumaGul	Rahim Gul	03	NaibQasid
1	103.	Jehangir Khan	Shah Pervaiz	03	Helper:
· 1.	104.	Farman Ali	Bakht Rahim	03	Helper
-		Fida Gul	Said Khan	03	Helper
-	106.	Ms. Shaheen	Zakir Ullah	03	Helper
1	107	Zahid Ullah Khan	Saleh Khan	-03	Helper A. S.
	108.	Mohmmad Ajmal	Dildar Khan	03	Mclper
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١٠.	110.	M Hayat	Sher Muhammad	. 03	Helper
١.	11.1.	Shehnaz	Muhammad Rehman	03	Helper
11-	112.	Aarnir Jan	Muhammad Ashiq	03_	Helper
	113.	Hadi Muhammad	Tila Muhammad Umar Dil	03	Helper
} ···	114	ShaherYar Khan		03	Helper
1	115	Bakht Parced	Muhammad Farooq Diyar 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
	Noor Muhammad	Muhammad Sarwar	03	Naib Qasid
	Dawood	Nagashbar	03	Naib Qasid
	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
	Saleem Khan	Hakim Khan	03	Naib Qasid
83.	Khalid Dad	Muhammad Afsar	03	Naib Qasid
		Khan		
84.	Abdullah	Muhammad Said	03	Naib Qasid
85.	Kashif Khan	Tascer Ullah	03	Naib Qasid
86.	Altaf Hussain	Syed Muntazir Shah	03	Naib Qasid
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87.	Syed Shafqat Raza	Syed Muhammad	03	Naib Qasid
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88.	Nigar Ahmad Khan	Tila Muhammad Khan	03	Naib Qasid
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	Yasir Khan	Tahir Shah	03	Naib Qasid
	Shahid ullah	Rehmat Ullah	03	Naib Qasid
	Bahadar Sher	Saif ur rehman	03	Naib Qasid
93.	Gul Aslam	Abdur Rasheed	03	Naib Qasid
	<u> </u>	Sherzada	03	Naib Qasid
	Qamar Abas	Umar Khetab	03	Naib Qasid
	Atta ul Khaliq	Abdul Murad	03	Naib Qasid
97.	·	Ghazi Marjan	03	Naib Qasid
	<u> </u>	Musthakhab	03	Naib Qasid
	Norad Ali Khan	Noor Muhammad	03	Naib Qasid
	Naheed Khan	Umar Gul	03	Naib Qasid
	Syed Nizhar Ali Shah	Syed Musharaf Shah	03	Naib Qasid
	Juma Gul	Rahim Gul	03	Naib Qasid
	Jehangir Khan	Shah Pervaiz	03	Helper
	Farman Ali	Bakht Rahim	03 .	
	Fida Gul	Said Khan	03	Helper
	Ms Shaheen	Zakir Ullah	03	Helper
	Zahid Ullah Khan	Saleh Khan	03	Helper
	Mohammad Ajmal Khan	Dildar Khan	03	Helper
	Tariq Javed	Sher Muhammad	03	Helper
	M hayat	Muhammad Rehman	03	Helper
	I Shehnaz	Muhammad Ashiq	03.	Helper
	2 Aamir Jan	Tila Muhammad	03	Helper
	B Hadi Muhammad	Umar Dil	03	Helper
	Sheheryar Khan .	Muhammad Faroog	03	Helper
	Bakht Fareed	Diyar Khan	03	Helper
	Muhammad Khan	Daulat Khan	03	Helper
				



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	Niaz Mocen	Gul Mocen		Helper	
l	Noman Khari	Jafar Khan	03,	Halper	
I make a selection	Durdana Khan	Khan Jahan	03	Helper	
		Noor Ahmad	03	Helper	
1		Yar Muhammad	03	Helper	
	Shaheen Bibi	W/O Munir Lal	03	Sweeper	
	Amin Khan	Qutab Khan	03	Sweeper	
123.	Ms. Rani Bihi	Muncer Masech	03	Sweeper	
124.	Ms. Nascer Jana	Amir Muhammad .	03	Sweeper	1
125.	MR. Mascer on	Knan		Constant	
126.	Suqib Jan	Fazel Muhammad	. 03.	Sweeper	
1.27.	Mairej Gul	Zubair Gul	03	Sweeper	
128.	Shah Nawaz Khan	Kaki Jan	03	Sweeper	
· · · · · ·	ilazal Umar	To Muhammad	03	Sweeper	
129.	Anwar Gul	Muhammad Gul	03_	Sweeper	
130	Bacha Khan	Syed Bacha	03	Sweeper	
131.	Ms. Yasmin	Aslam Khan	03	Sweeper	
132.	Shoukat Ali	Bakht Zareen	03	Sweeper	
133.		Ezool	03	Sweeper	
1.34.	Shor Zada	Khasif Khan	03	Sweeper	
135.	Gul Zada	Muhammad Altal	03	Sweeper	
136.	Ms. Parveen Bibi	Muhammad Daraz	03	Sweeper	1
137.	Abdur Rauf	Khan			
	Taj Mail Shah	Sardar Khan	0.3	Sweeper	
138.	Hazrat Bilal	Nawaz Khan	. 03	Sweeper	
109.	Rafi Ullah Khan	HabibUllah Khan	03	Cook	
140.	Meraj Khan	Yousal Khan	03		
141.	Ms. Zahida Perveen	Mehboob Ahmad	03		
142.	Nacem Khan	Hamesh Gul	03		
143.	Ms. Gaman Begum	Jan Ullah	03		
144.	Johnnab Khan	Razi Badshah	03	Cook	
145.		Fida Muhammad	0.3	Cook	
146.	Mushtaq Ali Ms. Momin Nisa	Wazir Muhammad	03	Cook	
/ 147.	Sheer Nadar	Barakat Ullah	03	Cnok	
1-18.		Ghaloor Khan	03	Cook .	
149.		Gut Muhammad		Cook :	
	Khan Gul	Mihaddin	oc	3 Cook	
.ii 151.	Alchar Hussain	Muhammad Sher	03	Cook	
152.	Muhammad Subhan	Kristi			
-:		Rahcem Ullah	· 0:		
153,		Shaafi Khan	03		
154.		Ejaz Ahmad	O:		
155		Nasirud Din	o:		
156.		Ghulam Muhammad	o:	3 Chowkidar	•
157.	mudin Kilan	Khan	1		
<u> </u>	Said Rehman	'Ali Rehman	0	3 Chowkidar	
158.		Shahbaz Khan	0		
159		Abdul Malik	0	3 Chowkidar	.,
160		Abdui Satar	0	3 Chowkidar	
161	. Pir Imtiaz Ali Shah	Alloca, Gata			

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117	Niaz Moeen		03	Helper
118	Noman Khan	Jafar Khan	03	Helper
	Durdana Khan	Khan Jahan	03	Helper
	Tariq Aziz	Noor Ahmad	03	Helper
	Nisar Muhammad	Yar Muhammad	03	Helper
	Shaheen Bibi	W/o Munir lal	03	Sweeper
	Amin Khan	Qutab Khan	03	Sweeper
_	Mr Rani Bibi	Muneer Maseeh	03	Sweeper
	Ms Naseer Jana	Amir Muhammad Khan	03	Sweeper
	Saqib Jan	Fazal Muhammad	03	Sweeper
	Mairaj Gul	Zubair Gul	03	Sweeper
	Shah Nawaz Khan	Kaki Jan	.03	Sweeper
	Fazal Umar	Taj Muhammad	03	Sweeper
	Anwar Gul	Muhammad Gul	03	Sweeper
	Bacha Khan	Syed Bacha	03.	Sweeper
	2 Ms Yasmin	Aslam Khan	03	Sweeper
	3 Shoukat Ali	Bakht Zareen	03	Sweeper
	Shoukat An Sher Zada	Ezool	03	Sweeper
		Kashif Khan	03	Sweeper
	5 Gui Zada	Muhammad Altaf	03	Sweeper
	6 Ms Parveen Bibi		03	Sweeper
13	7 Abdur Rauf		03	Sweeper
100	0 0 1 1 01 -1	Khan Sardar Khan	03	Sweeper
	8 Taj Mail Shah	Nawaz Khan	03	Sweeper
	9 Hazrat Bilal		03	Cook
	0 Rafi Ullah Khan	HabibUllah Khan	03	Cook
	1 Meraj Khan	Yousaf Khan		
	2 Ms Zahida Parveen	Mehboob Ahmad	03	Cook
-	3 Naeem Khan	Hamesh Gul	03	Cook
	4 Ms Gaman Begum	Jan Ullah	03	Cook
	5 Jehanzeb Khan	Razi Badshah	03.	Cook
	6 Mushtaq Ali	Fida Muhammad	03	Cook
	7 Ms Momin Nisa	Wazir Muhammad	03	Cook
	8 Sheer Nadar	Barakat Ullah	.03	Cook
	9 Nadar Khan	Ghafoor Khan	03	Cook
15	60 Khan Gul	Gul Muhammad	03	Cook
	Akbar Hussain	Mihaddin	03	Cook
15	Muhammad Subhan	Muhammad Sher Khan	03	Cook
15	Matiullah	Raheem Ullah	03	Cook
15	54 Akhtar Khan	Shaafi Khan	03	Cook
15	55 Muhammad Bilal	Ejaz Ahmad	03	Chowkidar
15	56 Ihtesham	Nasirud Din	03	Chowkidar
	57 Illudin Khan	Ghulam Muhammad	l 03	Chowkidar
	<u> </u>	Khan	, ,	
1.	58 Said Rehman	Ali Rehman	03	
	59 Muhammad Hayat	Shahbaz Khan	03	Chowkidar
	60 Gul Nabi	Abdul Malik	03	Chowkidar
	61 Pir Imriaz Ali Shah	Abdul Satar	.03	Chowkidar
· <u>1</u>	of Pir Illinaz Ali Shair.	Abdul Datar	1.00	0110,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,

Chowkidor 03Muhammad Saced Abdul Sami 162.1Chowkida: 03 Arta Ur Rehman 163. Amir Wahced 03 Chowkidar Muhammad Sattar Muhammad Ayaz Mai. Kaan Chowkidar 03 Lorg Bacha 165. Fazal Wadood Chowkidar 0.3Behram Khan 166. Sadat Khan Chowkidar 03 Kobr Subhan 1157. Rahun Rehmagi Chowkidan .03 Zarnanus Gharat Ali Khan 168. Chowkidar 03 Abdur Rahcem Qutub Ud Din Chowkidar 03 Ameer Baz Khan Gul Baz Khon 170 Chowkidar 0.3 Mirza Ali Shah Mir Wali Shah 171 Chowkidar 03 Saced Ullah Nizaam Ullah 172. Chowkidar 03 Abdul Jalil 173 Wahred Khan Chowkidar 03 Abdul Manaf 174. Zardad Chowkider 03 175. Aslain Baig Amir Khan Chowkidar 0:3 176. Asil Jan-Umar Ullah Chowkidar 03 Fazl e Khaliq Khan Sanaullah 177. Chowkidar 03 Dillaraz Khan Ghulam Sarwar 178. Chowkida: 03 Kala Khan 170 Muhammad Niaz Chowkidar : 03 Malook Khan 180. Sherawan Chowkidar 03 Mithammad Gul Karim Gul 181. Chowkidar 03Muhammad Hassan 182. Muhammad Hossaii Chowkidar 03 Muhammad Miskcon 183. Muhammad Khalid Chowkidar 0.3Muhammad Sher 184. Asghar Khan Chowkidar Muhainmad Yar 03135. Ajab Khan Chowkidar Mahib Gul 03186. Usrtan Gul 03 Chowkidar 187. Fawad Ali Sayed Muhammad Chowkida: os. Taj Muhammad Khan Sher, Ali Khan 138. Chowkidar 03 189. Murad Ali Taj Muhammad Chowkidar 03 Gul Payo Jari Shorin Zada 190. Chowkidar 03 Tila Muhammad 191. Zarshad 0.3 Chowkider Assad Waheed 192. Wazir Husain

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

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

Shchzada

Jular Shah

SECRETARY TO GOVT. OF KHYBER PAKHTUNKWA HEALTH DEPARTMENT

03

Chowkidar

Chowleidar

Endst: No. & date even:

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193.

lmran

194. Salman Khan

1. Accountant General, Khyber Pakhiunkhwa:

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 enfoluments for posts being held by them and shift the same to 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 Dipartment

7. Officer/Official concerned .

SECTION OFFICER (GENERAL)
HEALTH DEPARTMENT

162	Muhammad Saeed	Abdul Sami	03	Chowkidar
	Amir Waheed	Atta ur Rehman	03	Chowkidar
164	Muhammad Ayaz	Muhammad Sattar	03	Chowkidar
		Khan .		
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
	Gul BAz khan	Ameer baz Khan	03	Chowkidar
	Mir Wali Shah	Mirza Ali Shah	03	Chowkidar
	Nizaam Ullah	Saeed Ullah	03	Chowkidar
	Waheed Khan	Abdul Jalil	03	Chowkidar
	Zardad	Abdul Manaf	03 ·	Chowkidar
175	Aslam baig	Amir Khan	03	Chowkidar
	Umar Ullah	Asil Jan	03	Chowkidar
	Sanaullah	Fazl e Khaliq Khan	03	Chowkidar
	Dilfaraz Khan	Ghulam Sarwar	03	Chowkidar
	Muhammad Niaz	Kala Khan	03	Chowkidar
	Sherawan	Malook Khan	03	Chowkidar
	Karim Gul	Muhammad Gul	03	Chowkidar
}	Muhammad Hussain	Muhammad Hassan	03	Chowkidar
	Muhammad Khalid	Muhammad Miskeen	03	Chowkidar
	Asghar Khan	Muhammad Sher	03	Chowkidar
	Ajab Khan	Muhammad Yar	03	Chowkidar
	Usman Gul	Muhib Gul	03	Chowkidar
	Fawad Ali	Sayed Muhammad	03	Chowkidar
	Sher Ali Khan	Taj Muhammad Khan	03	Chowkidar
	Murad Ali	Taj Muhammad	03	Chowkidar
	Sherin Zada	Gul Payo Jan	03	Chowkidar
	Zarshad	Tila Muhammad	03	Chowkidar
	Assad Waheed	Wazir Hussain	03	Chowkidar
	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 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

e j	
Date of Order or	Order or others Proceedings with Signature of Judge
Proceedings	
	2
15.06.2022	W.P.No.4907-P/2019.
	Present: Mr. Muhammad Asif Yousafzai,
	Advocate, for the petitioners.
	Mr. Mujahid Ali Khan, AAG, for
	the respondents.
•	
	MUSARRAT HILALI, J Same order as in
	connected W.P.No. 4573-P/2019 titled Khalil
	1 121 and others Ve Government
	Muhammad Khan and others .Vs. Government
	of Khyber Pakhtunkhwa through Chief
	of Khyber Pakhlunkhwa inrough Ciner
1.4	
	Secretary, Peshawar and others.
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	Announced
	15.06.2022
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(DB) Hon ble Justice Musarrat Hilali Hon ble Mr. Justice Mohammad ibrahim Khan

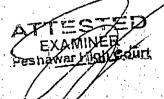
Noor Shah

PESIIAWAR HIGH COURT, PESHAWAR

ORDER SHEET

Date of Order or	Order or others Proceedings with Signature of Judge
Proceedings	2
15.06.2022	W.P No.4573-P/2019.
"	Present: Mr. Muhammad Asif Yousafzal, Advocate, for the petitioners.
	Mr. Mujahid Ali Khan, AAG, for the respondents.
•	******
	MUSARRAT HILALI, J 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.
	W.P No.4573-P/2019.
	The instant writ petition has been filed by
	the petitioner under Article 199 of the
10010	Constitution of Islamic Republic of Pakistan,
Vy vev	1973, wherein they seek the following relief:-
	"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. 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





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 basis on on regular 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.

- The impugned action / inaction on part of the respondents instead of regularizing the petitioner from their Initial date of the. appointment in the respondent department and regularizing them from the date of commencement of КРК Employees the (Regularization of Services) Act, 2018 is illegal, unlawful, without authority and lawful 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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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;

- 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.
 - il. The respondents shall be directed to regularize the services of the patitioners 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 for 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

brown

EXAMINER PESHAWARHIGH COUNT

by the Lager Bench of this Court. 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. JUDGE Announced 15.06.2022 (DB) Hon'ble Justice Musarrat Hilali Hon'ble Mr. Justice Mohammad Ibrahim Khan

Near Shah

IN THE PESHAWAR HIGH COURT, PESHAWAR

W.P.No.4907 -P/2019

- 1. Khan Gul S/o Gul Muhammad (BPS-3) Cook
- 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. Shauƙat 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
- 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





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



(BPS-3) Naib Qasid



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
W. 1	(BPS-3) Helper
. 44	Ajmal Khan S/o Muhammad Dildar Khan
	(BPS-3) Helper
45.	Tariq Javed S/o Sher Muhammad
	(RDS_3) Helper
46.	Muhammad Hayat S/o Muhammad Rehma
	(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
	(RPS-3) Helper
50.	Shaher Yar Khan S/o Muhammad Faroog
	(BPS-3) Helper
51.	Bakht Fareed S/o Diyar Khan
, O1.	(BPS-3) Helper
52.	Muhammad Khan S/o Daulat Khan
UZ.	(BPS-3) Helper
53	Niaz Moeen S/o Gul Moeen
. 50.	(BPS-3) Helper
54.	Noman Khan S/o Jafar Khan
· J-1.	(BPS-3) Helper
	Durdana Khan D/o Khan Jahan
55.	(BPS-3) Helper
56	
56.	(BPS-3) Helper
-	Nisar Muhammad S/o Yar Muhammad
57	(DDC 2) Helper

ATTESTED

EXAMINER

Postiawar riigh Court

(BPS-3) Helper Shaheen Bibi W/o Munir Lal

(BPS-3) Sweeper

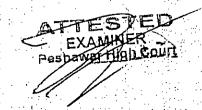
(BPS-3) Sweeper Ms. Rani Bibi D/o Muneer Maseeh

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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 Dara
	Kḥan
	(BPS-3) Sweeper
72	Taj Mail Shah S/o Sadar Khan
	(BPS-3) Sweeper
73	
	(BPS-3) Sweeper
74	
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	(BPS-3) Cook
79). Jehanzeb Khan S/o Razi Badshah
	(BPS-3) Cook
. 80	D. Mushtaq Ali S/o Fida Muhammad



	(BPS-3) Cook Sheer Nadar S/o Barkat Ullah
81.	(RPS-3) Cook
82.	Nadar Khan S/o Ghafoor Khan
	(BPS-3) Cook Akbar Hussain Muhi-Ud-Din
83.	
84.	(BPS-3) Cook Muhammad Subhan S/o Muhammad Sher
	Khan
	(BPS-3) Cook Matiullah S/o Reheem Ullah
85.	(BPS-3) Cook
86.	Akhtar Khan S/o Shafi Khan
	(BPS-3) Cook
87.	Muhammad Bilal S/o Ijaz Ahmad
	(BPS-3) Chowkidar
88.	Ihtesham S/o Nasirud Din (BPS-3) Chowkidar
89.	Illudin Khan S/o Ghulam Muhammad Khan
	(RPS-3) Chowkidar
90.	Said Rehman S/o Ali Rehman
	(BPS-3) Chowkidar Muhammad Hayat S/o Shahbaz Khan
91.	(BPS-3) Chowkidar
92.	Gul Nabi S/o Abdul Malik
.بعر	(BPS-3) Chowkidar
93.	Pir Imtiaz Ali Shah S/o Pir Abdul Satar
	(BPS-3) Chowkidar
94.	Muhammad Saeed S/o Abdul Sami (BPS-3) Chowkidar
95.	101 Atta II- Dohmon
	(BPS-3) Chowkidar
96	Muhammad Ayaz S/o Muhammad Sattar
0.5	(BPS-3) Chowkidar Fazal Wadood S/o Laiq Badshah
97	(BPS-3) Chowkidar
98	- 1 - 1 - 1 - Whom
	(BPS-3) Chowkidar
99	
10	(BPS-3) Chowkidar 00. Gul Baz Khan S/o Ameer Baz Khan
1.C	00. Gul Baz Khan S/o Ameer Baz Khan (BPS-3) Chowkidar



101. Nizam Ullah Saeed Ullah	
(BPS-3) Chowkidar 102. Waheed Khan S/o Abdul Jalil	
(RPS-3) Chowkidar	
103 Zardad S/o Abdul Manai	***
(BPS-3) Chowkidar 104. Aslam BAid S/o Amir Khan	
104. Aslam BAId S/6 Allin Idlah (BPS-3) Chowkidar	
105 Umar Ullah S/o Asil Jan	
(DDC 3) Chowkidat	
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	
110 Muhammad Hussain S/O Wullammad 130	11
(BPS-3) Chowkidar	n
(BPS-3) Chowkidar 111. Muhammad Khalid S/o Muhammad Miskee	
(BPS-3) Chowkidar 112. Asghar Khan S/o Muhammad Sher	
(DDS_3) Chowkidar	
113. Ajab Khan S/o Muhammad Tai	
(BPS-3) Chowkidar	
114. Usman Gul S/o Muhib Gul (BPS-3) Chowkidar	٠.
115 Fawad Ali S/o Said Munaiilinad Kilaii	:
(DDC 2) Chowkidar	٠.
116. Sher Ali Khan S/o Taj Muhammad Khan	
(BPS-3) Chowkidar 117. Murad Ali S/o Taj Muhammad	
(BPS-3) Chowkidar	٠.'
118. Zarshad Ali S/o Tila Muhammad	
(BPS-3) Chowkidar 119, Asad Waheed S/o Wazir Husain	
119. Asad Waheed S/O Wazii 11u3am (BPS-3) Chowkidar	
120. Imran S/o Shehzada	
(BPS-3) Chowkidar	•;
121. Faisal Iqbal S/o Hazrat Gul	
(BPS-3) Naib Qasid	

-21-

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

VERSUS

- 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

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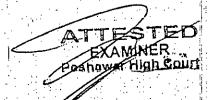
Neonatal and Child Health Program" (MNCH) in Khyber Pakhtunkhwa.

- 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



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

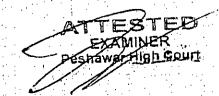
- 5. That it is pertinent to mentioned here that other employee who are working in the project i.e. (MNCH) were regularized by Regularization of Services Act, 2018, but the present petitioners were not regularized.
 - 6. That the present petitioners along with others approached to this Hon'ble court 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



-24-

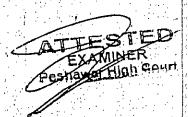
confiscatory attitude of the respondents. (Copies of the pay slips of some of the petitioners are Annexure-C)

- 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,



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,



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

GROUNDS:

- 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 guranteed 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.





- 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



(2)

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

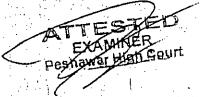
- That the respondents are bound to provide the petitioners equal protection of law and must not discriminate the petitioners in service as it is the inviolable rights of the petitioners under the Constitution of Islamic Republic of Pakistan 1973.
 - J. That the project of the petitioners got initially 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.

EXAMINER Peshawar High Count

- 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



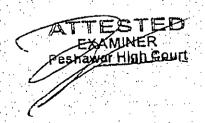


this Hon'ble Court and thus ineffective upon the rights of the petitioners.

- 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



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

Petitioners

Through

Date: 11/09/2019

Irfan Ali Yousafzai Advocate, High Court, Peshawar

Deligopul

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.

LIST OF BOOKS:

- Constitution of Islamic Republic of Pakistan, 1973
- Any other law books according to need

Mar High Court



GOVERNMENT OF KHYBER PAKHTUNKHWA HEALTH DEPARTMENT

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

Dated Peshawar, the 18th January, 2023

The Provincial Program Coo sinator, MNCH, Khyber Pakhtunkhwa, Peshawar,

Subjecti

THOMA INCH Prours GUIDANCE REGARDING WRIT PETITION NO. KHALIL MUHAMMAD KHAN & WRIT PETITION NO. 4907/2019 TITLED <u>4573/2</u>019 KHAN VS GOVERNMENT OF KHYBER PAKHTUNKHWA

Dear Sir,

I arm directed to refer to (i) subject noted-above and state that in light, or the Judgment of the Peshawar High Court, rend, red in W.P.No. 3394-P/2016, titled Amir Zeb vs DAO Nowshera, the case was taken up with he Law, Parlimontary Affairs and Lionian Rights Department, Khyber Pakhtunkhwa, Peshaviar, for seeking guidance in the instant case. In respense the Law Department asserted that the judgen ent in W.P No. 3394-P/2016 cannot be taken into account in the instant case as relief was grantful to those petioners 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 or 1" July, 2001, therefore, their contractual period was counted towards pension under the shadow of Act ibid. On the contrary, the present peritoners were regularized with immediate effect upon promulgation of the KP Employees (Eggalarization of Services) Act, 2018. Further asserted that the KP Civil Servants Pension Rules, 2021 do toprovide for counting of contractual/temporamy service towards pension (Copy enclosed).

- The Competent Authority in Health Department has been pleased to dispose of the instant case in the above-narrated terms.
- Fam further directed to request to intimate all the concerned petitioners accordingly.

Yours/faithfally

(文本は美国社工場中中国主人(文文) SECTION OFFICER (GENERAL) (091-9210863)

Copy is forwarded for information to the:

1. Deputy Regitrar (Judicial), Peshaw r High Court, Peshawar, with reference to his letter 54944 (1)/13: 6/2022/IVP_MN date: 30.07.1022

2. PS to Secretary, Health Departmen : hybre Pakhtunkhwa, Peshawar,

3. PS to Special Secretary (E&A), He this Tepartment Khyber Pokhtunkhwa, Peshawar.

4. PA to Additional Secretary (E&A), 13 and Department Khyber Pakhunkitana, ashawar, 5. PA to Dy. Secretary (Admin / Lit), Health Department Khyber Pakhtunkhwa, finishayar,

Citigation 277ican

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 1sty 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)







GOVERNMENT OF KHYBER PAKHTUNKHWA FINANCE DEPARTMENT (REGULATION WING)

Dated Peshawar the 22-05-2019

NOTIFICATION

No:FD(SQSR-IT)4-36/2017. In pursuance of the judgement of Peshawar High Court Abbottabad Bench in Writ Petition No. 627-A/2018 dated: 16.12.2018 and Judgements of various Lower Courts as well as supersession of Finance Department policy letter No.BO-1/1-22/2007-08/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-1/2-1/92-93/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 KHBYBER 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, Khuber Pakhtunkhwa.
- 3. The Accountant General Rhyber Pakhtunkhwa.
- 4. The Principal Secretary to Chief Minister, Khyber Pakhymkhwa.
- 5. The Principal Secretary in Governor, Khyber Pakhtunkhwa.
- 6: All Administrative Secretaries Caveranient of Khyber Pakhkankhwa.
- 7. All Deputy Commissioners in Khyber Pakhtuikhwas
- 8. All Heads of Attached Departments in Khyber Pakhankhwa.
- U. The Director Treasuries & Accounts Khyber Pakhtinkhwa.
- 10. The Director, Local Eand, Audit, Khyber Bushunkhwa.
- 14. Director, FMIU, Finance Department
- 17. Budget Officer-XI, Finance Department.
- 13. Budget Officer-I. Finance Department with reference to their letters quoted above.
- 14. Atl Disiries Controllegor Accounts Khyber Pakhtunkhiva.
- 15. All District Account Officers in Khyber Pakhtunkhwa.
- 16. PS to Chief Secretary, Khyber Phkhunkhwa.
- 17, PS to Secretary Finance, Khyber Pakhunkhwa.
- 18 PS to Special Secretary Emance Department, Khyber Pakhtunkhwa
- 19 Pato Additional Secretary (Regulation). Philince Department.

(MOAZZAM KHAN)
Section Officer (SR-II)



GOVERNMENT OF KHYBER PAKHTUNKHWA FINANCE DEPARTMENT (REGULATION WING)

NO. FD (SOSR-1) 12-7/2014 Dated Pashawar the 6th February, 2014

- All Administrative Secretaries to Govt: of Khyber Pakhtunkhwa.
- The Senior Member, Board of Revenue, Knyber Pakhtunkhwa.
- The Secretary to Governor, Khyber Pakhtunkhwa 3.
- The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- The Secretary, Provincial Assembly, Khyber Pakhtunkhwa.
- The Secretary Finance FATA, FATA Secretarial, Peshawar. All Heads of Attached Departments in Khyper Pakhtunkhwa.
- All Divisional Commissioners in Knyber Pakhtunkhwa,
- ŧ. All Political Agents / District & Sessions Judges in Khyber Pakhtunkhwa 9.
- The Registrar, Peshawar High Court, Peshawar.
- 10 The Chairman, Public Service Commission, Khyber Pakhtunkhwa.
- The Chairman, Services Tribunal, Khyber Pakhtunkhwa.
- 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 31th 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:-

- That the contract appointment has been made on standard terms and conditions, circulated by this Provincial Government as amended from time to time.
- 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.
- That regularization / regular appointment has been made with the approval of competent authority.
- That there is no break / interruption between contract service and regular service:
- That the service rendered on contract basis shall not qualify for pension I gratuity.
- 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

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.
- The Secretary, Board of Revenue, Khyber Pakhtunkhwa.
- 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:-

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

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

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

APPEAL NO:	OF 20
	(APPELLANT) (PLAINTIFF) (PETITIONER) RSUS (RESPONDENT) (DEFENDANT)
Advocate Supreme Court to withdraw or refer to arbit Counsel/Advocate in the above for his default and with the auth Advocate Counsel on my/our Advocate to deposit, withdraw	tute Noor Mohammad Khattake appear, plead, act, compromise tration for me/us as my/our noted matter, without any liability nority to engage/appoint any other cost. I/we authorize the said and receive on my/our behalf alleposited on my/our account in the
Dated/202	رگریگ CLIENT
	ACCEPTED NOOR MOHAMMAD KHATTAK ADVOCATE SUPREME COURT (BC-10-0853) (15401-0705985-5) KAMRAN KHAN
8 OFFICE:	UMAR FAROOQ MOHMAND WALEED ADNAN MUHAMMAD AYUB ADVOCATES

OFFICE:

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