


FORM OF ORDERSHEET

Court of _____

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

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 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. 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

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO. 942 /2023

GAMAN BEGUM

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. 942 /2023

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

3863
24/2/2023
.....APPELLANT

VERSUS

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

.....RESPONDENTS

APPEAL UNDER SECTION- 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED APPELLATE ORDER DATED 18.1.2023 COMMUNICATED TO THE APPELLANT ON 24.1.2023 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT FOR FIXATION OF PAY W.E.F. 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:

- 1- That the appellant was initially appointed in the respondent Department as Cook vide order dated 12.07.2008. 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

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. 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.
- 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. 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.

1- 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**

THOROUGH:


**NOOR MOHAMMAD KHATTAK
ADVOCATE 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

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO. _____/2023

GAMAN BEGUM

VS

HEALTH DEPTT:

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ADVOCATE SUPREME COURT**

- 1 -

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

APPEAL NO. _____/2023

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

3863
24/2/2023

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

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SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED
APPELLATE ORDER DATED 18.1.2023 COMMUNICATED TO THE
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OF THE APPELLANT FOR FIXATION OF PAY W.E.F. 12.07.2008 I.E.
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24/2/23
Registrar

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- 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.
- 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. 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.

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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**

THOROUGH:

**NOOR MOHAMMAD KHATTAK
ADVOCATE 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

OFFICE ORDER

Dated: 12-07-08

No.109-12/MNCH/H/554. 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) *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.

"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, 2016 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-1
1.	Secina Gul	Maaz 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	Kirama Ullah Khan	16	Accountant
7.	Sayed Osama Zahid	Sayed Rangeen 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 Pervez Khan Zada	06	Driver
12.	Amir Zada	Muhammad Younis	06	Driver
13.	Amir Younas	Zahir Shah	06	Driver
14.	Asghar Khan	Habceeb Ullah Khan	06	Driver
15.	Mati Ullah	Nazar Gul	06	Driver
16.	Ayaz Khan	Karam Dad Khan	06	Driver
17.	Amir Shehzad	Bashir Khan	06	Driver
18.	Shabir Ahmad	Wali Ur Rehman	06	Driver
19.	Rouf ur Rehman	Rahcem Dad	06	Driver
20.	Siraj	Abdur Rehman	06	Driver
21.	Buncer Gul	Sagheer Ahmad	06	Driver
22.	Bilawal Sagheer	Fazal e Raziq	06	Driver
23.	Gul Raziq	Muhammad Akbar	06	Driver
24.	Zahid Ullah	Gul Bahadur	05	Driver
25.	Taj Bahadur	Abdul Qadir	06	Driver

**GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT**

Peshawar, Dated 24.05.2019

NOTIFICATION:

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

S#	Name	F/Name	BPS	Designation as Per PC-1
1.	Seema Gul	Maaz ullah Khan	17	Office Superintendent
2.	Azmat Ullah	Muhammad Rasool	16	Computer Operator
3.	Noor Ahmad	Abdul Hameed Khan	16	Computer Operator
4.	Wakeel Taj	Sartaj	16	Accountant
5.	Asad Saeed	Muhammad Ali Saeed Durrani	16	Accountant
6.	Kamran Ahmad Khan	Kiramatt 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 Ahmiad 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

-6-

GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT.



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



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

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



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

-8-

117.	Niaz Moeen	Gul Moeen	03	Helper
118.	Nonian Khan	Jafar Khan	03	Helper
119.	Durdana Khan	Khan Jahan	03	Helper
120.	Tariq Aziz	Noor Ahmad	03	Helper
121.	Nisar Muhammad	Yar Muhammad	03	Helper
122.	Shahcen 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 Jانا	Amir Muhammad Khan	03	Sweeper
126.	Saqib Jan	Fazal Muhammad	03	Sweeper
127.	Mairaj Gul	Zubair Gul	03	Sweeper
128.	Shah Nawaz Khan	Kaki Jan	03	Sweeper
129.	Fazal Umar	Taj Muhammad	03	Sweeper
130.	Anwar Gul	Muhammad Gul	03	Sweeper
131.	Bacha Khan	Syed Bacha	03	Sweeper
132.	Ms. Yasmin	Aslam Khan	03	Sweeper
133.	Shoukat Ali	Bakht Zareen	03	Sweeper
134.	Sher Zada	Ezool	03	Sweeper
135.	Gul Zada	Khasif Khan	03	Sweeper
136.	Ms. Parveen Bibi	Muhammad Allaf	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.	Nasim Khan	Hamsh Gul	03	Cook
144.	Ms. Gaman Begum	Jan Ullah	03	Cook
145.	Jehanzab Khan	Razi Badshah	03	Cook
146.	Mushtaq Ali	Fida Muhammad	03	Cook
147.	Ms. Momin Nisa	Wazir Muhammad	03	Cook
148.	Sheer Nadar	Barakat Ullah	03	Cook
149.	Nadar Khan	Ghaffoor Khan	03	Cook
150.	Khan Gul	Gul Muhammad	03	Cook
151.	Akbar Hussain	Mihaddin	03	Cook
152.	Muhammad Subhan	Muhammad Sher Khan	03	Cook
153.	Matiullah	Rahcem Ullah	03	Cook
154.	Akhtar Khan	Shaafi Khan	03	Cook
155.	Muhammad Bilal	Ejaz Ahmad	03	Chowkidar
156.	Ihtesham	Nasirud Din	03	Chowkidar
157.	Iludin Khan	Ghulam Muhammad Khan	03	Chowkidar
158.	Said Rehman	Ali Rehman	03	Chowkidar
159.	Muhammad Hayat	Shahbaz Khan	03	Chowkidar
160.	Gul Nabi	Abdul Malik	03	Chowkidar
161.	Pir Imtiaz 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	Shaaafi 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	Asadul Sami	03	Chowkidar
163.	Amir Waheed	Aitta Ur Rehman	03	Chowkidar
164.	Muhammad Ayaz	Muhammad Sattar Khan	03	Chowkidar
165.	Fazal Wadood	Lateef Bacha	03	Chowkidar
166.	Sadat Khan	Behram Khan	03	Chowkidar
167.	Rahim Rehmani	Koor Subhan	03	Chowkidar
168.	Gharal 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.	Nizam 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	Asif Jan	03	Chowkidar
177.	Sanallah	Fazl e Khalig Khan	03	Chowkidar
178.	Dilfaraz Khan	Ghulam Sarwar	03	Chowkidar
179.	Muhammad Niaz	Kala Khan	03	Chowkidar
180.	Sherawan	Malook Khan	03	Chowkidar
181.	Karin Gul	Muhammad Gul	03	Chowkidar
182.	Muhammad Hussain	Muhammad Hassan	03	Chowkidar
183.	Muhammad Khalid	Muhammad Miskoon	03	Chowkidar
184.	Asghar Khan	Muhammad Sher	03	Chowkidar
185.	Ajab Khan	Muhammad Yar	03	Chowkidar
186.	Usman Gul	Mehib Gul	03	Chowkidar
187.	Fawad Ali	Sayed Muhammad	03	Chowkidar
188.	Sher Ali Khan	Taj Muhammad Khan	03	Chowkidar
189.	Murad Ali	Taj Muhammad	03	Chowkidar
190.	Sherin Zada	Gul Payo Jan	03	Chowkidar
191.	Zarshad	Tila Muhammad	03	Chowkidar
192.	Assad Waheed	Wazir Husain	03	Chowkidar
193.	Imran	Shehzada	03	Chowkidar
194.	Salman Khan	Jafar Shah	03	Chowkidar

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

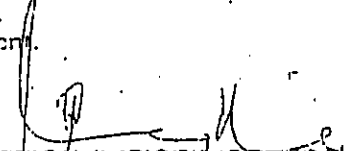
The entre-c-seniority shall be determined as per rules.

**SECRETARY TO GOVT. OF KHYBER
PAKHTUNKWA HEALTH DEPARTMENT**

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 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 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

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

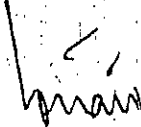
**SECRETARY TO GOVT OF KHYBER
PAKHTUNKHWA HEALTH DEPARTMENT**

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="540 516 823 567"><u>W.P.No.4907-P/2019.</u></p> <p data-bbox="540 579 1136 667">Present: Mr. Muhammad Asif Yousafzal, Advocate, for the petitioners.</p> <p data-bbox="697 680 1136 768">Mr. Mujahid Ali Khan, AAG, for the respondents.</p> <p data-bbox="768 831 917 869">*****</p> <p data-bbox="556 894 1152 1310"><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="1011 1323 1152 1486"> JUDGE</p> <p data-bbox="1019 1638 1136 1675">JUDGE</p> <p data-bbox="595 1726 752 1801">Announced 15.06.2022</p> <p data-bbox="1074 1776 1458 1953">CERTIFIED TO BE TRUE COPY Peshawar High Court 15 JUN 2022</p>

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

Noor Shah

PESHAWAR HIGH COURT, PESHAWAR

ORDER SHEET



Date of Order or Proceedings	Order or others Proceedings with Signature of Judge
15.06.2022	<p data-bbox="509 466 1190 491" style="text-align: center;">2</p> <p data-bbox="509 516 1190 567"><u>W.P.No.4573-P/2019.</u></p> <p data-bbox="509 579 1190 655">Present: Mr. Muhammad Asif Yousafzal, Advocate, for the petitioners.</p> <p data-bbox="509 667 1190 743">Mr. Mujahid All Khan, AAG, for the respondents.</p> <p data-bbox="509 819 1190 856" style="text-align: center;">*****</p> <p data-bbox="509 882 1190 1297"><u>MUSARRAT HILALI, 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 data-bbox="509 1335 1190 1386"><u>W.P.No.4573-P/2019.</u></p> <p data-bbox="509 1398 1190 1713">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 data-bbox="509 1751 1190 1902"><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 data-bbox="509 1902 1190 2101">i. <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</i></p>

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ATTESTED
EXAMINER
Peshawar High Court

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

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

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

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

1/1/2019

ATTESTED
EXAMINER
Peshawar High Court

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

- i. The impugned action / inaction on the part of the respondents instead of regularizing the petitioners from their initial appointment in the respondents department and regularizing them from the date of commencement of (Regularization of Services) Act, 2018 is illegal, unlawful and without lawful authority and violation of the law and dicta laid down by the superior court and this Hon'ble Court and thus ineffective upon the rights of the petitioners.*
- ii. The respondents shall be directed to regularize the services of the petitioners from their initial date of appointments and shall accordingly treat the petitioners in respect of their rights to seniority, promotions and pensionary benefits etc.*

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

ATTESTED
EXAMINER
Peshawar High Court

by the Larger 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

IKO
JUDGE

Announced
15.06.2022

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Received By: *Hidayat*

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

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-15-

IN THE PESHAWAR HIGH COURT, PESHAWAR

W.P No. 4907 -P/2019



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

ATTESTED
EXAMINER
Peshawar High Court

(2)

-16-

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

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

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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

~~ATTESTED
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Peshawar High Court~~

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

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Peshawar High Court

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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Peshawar High Court

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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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 EXAMINER
 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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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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Peshawar High Court

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

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

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EXAMINER
Peshawar High Court

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

Date: 11/09/2019

Through
Petitioners
Irfan Ali Yousafzai
Advocate, High Court,
Peshawar

Qasbi Jozjueli

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
Qasbi Jozjueli

LIST OF BOOKS:

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

ADVOCATE
Qasbi Jozjueli

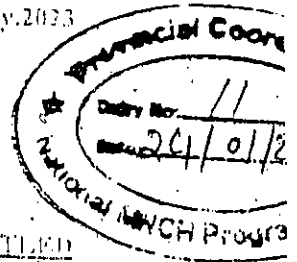
ATTESTED
EXAMINER
Peshawar High Court



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

-32-4D=

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

Dear Sir,

I am directed to refer to the subject noted above and state that in light of the judgment of the Peshawar High Court, rendered in W.P No. 3394-P/2016, titled Amir Zeb vs DAQ Nowshera, the case was taken up with the Law, Parliamentary Affairs and Human Rights Department, Khyber Pakhtunkhwa, Peshawar, for seeking guidance in the instant case. In response, the Law Department asserted that the judgment in W.P No. 3394-P/2016 cannot be taken into account in the instant case as relief was granted to those petitioners in the said W.P under the Civil Servants (Amendment) Act, 2013 enforced on 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)/1356/2022/AVP-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)

Litigation 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.

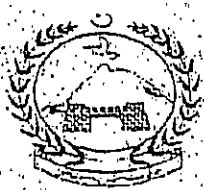
Yours faithfully

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. 527-A/2018 dated: 18.12.2018 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-1/2-1/92-93/1 dated: 04.11.1992 and No. B-1/1-22/94-95/FD Vol-II dated: 24.07.1999 by extending them the status of civil servant as per Civil Servant Act 1973 from the date of their first appointments instead of the date of their regularization w.e.f 01.07.2008 in their respective entities in the best of public interest.

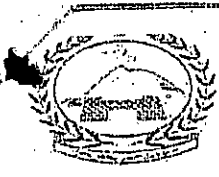
SECRETARY TO GOVERNMENT
OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

Endst: No & date even

Copy for information and necessary action is forwarded to the.

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

(MOAZZAM KHAN)
Section Officer (SR-II)



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

"F"

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NO: FD (SOSR-1) 12-7/2014
Dated Peshawar the 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-I/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

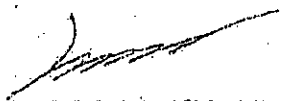
Endst: No .FD (SOSR-1) 12-7 /2014

Dated 6th Feb, 2014

-35-

Copy for information & necessary action to the:-

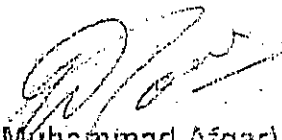
1. The Director, Treasuries & Accounts, Khyber Pakhtunkhwa.
2. All the District Comptroller of Accounts in Khyber Pakhtunkhwa.
3. The Director, Local Fund Audit, Khyber Pakhtunkhwa, Peshawar.
4. The Director, FMIU, Finance Department.
5. The Treasury Officer, Peshawar.
6. The Secretary, Board of Revenue,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


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

VAKALATNAMA
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

APPEAL NO: _____ OF 20__

Gaman Begum

(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

گمان بیگم

CLIENT

ACCEPTED

NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT

(BC-10-0853)

(15401-0705985-5)

Kamran Khan
KAMRAN KHAN

Umar Farooq Mohmand
UMAR FAROOQ MOHMAND

Waleed Adnan
WALEED ADNAN

&

Muhammad Ayub
MUHAMMAD AYUB
ADVOCATES

OFFICE:

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