


20.02.2023

Clerk of counsel for the appellant present. Naseer Ud Din Shah, Learned Assistant Advocate General for the respondents present.

SCANNED  
KPST  
Peshawar

Mrs. Rozina Rehman, Learned Member (Judicial) is on leave, therefore, case is adjourned for the same on 12.05.2023 before D.B.

  
(Muhammad Akbar Khan)  
Member (E)


12.01.2023


Appellant present in person.

Muhammad Adeel Butt learned Additional Advocate General for respondents present.

Order sheet dated 12.04.2022 and 11.10.2022 would reveal that appellant had requested for fixation of his case before D.B which had partially heard his appeal, therefore, case was adjourned with direction to office to place the same before D.B comprising of Mr. Salah Ud Din learned Member (J) and the undersigned (Rozina Rehman). Both these order sheets were not taken into consideration by the office and case was once again fixed before this bench. Staff is warned to be careful in future and the matter be brought into the knowledge of learned Chairman with direction to the staff to fix the instant two appeals before the bench comprising of Mr. Salah Ud Din learned Member (J) and the undersigned. To come up for arguments on 20.02.2023 before D.B.

SCANNED  
KPST  
Peshawar

  
(Fareeha Paul)  
Member (E)

  
(Rozina Rehman)  
Member (J)

6<sup>th</sup> June, 2022

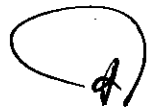
Proper D.B is not available. Therefore, case is adjourned to 24.08.2022 for the same as before.



Reader

24.08.2022

Mr. Ajman Behram Khan, Advocate as proxy for the appellant present and submitted an application that the appellant is unable to appear before the Tribunal due to death of his close relative. Mr. Naseer Ud Din Shah, Assistant Advocate General for respondents present. Adjourned. To come up for arguments on 11.10.2022 before D.B.



(Rozina Rehman)  
Member(J)

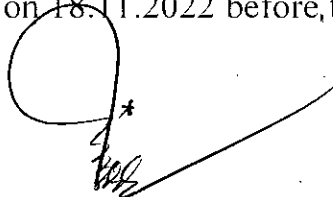


(Salah-Ud-Din)  
Member(J)

11.10.2022

Appellant in person present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Appellant requested for adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments on 18.11.2022 before the D.B.



(Mian Muhammad)  
Member (E)




(Salah-Ud-Din)  
Member (J)

27.07.2021

Appellant in person present.

Mr. Muhammad Adeel Butt, learned Additional Advocate General for respondents present.

Appellant seeks adjournment. Adjourned. To come up for arguments on 16.12.2021 before D.B.



(Rozina Rehman)  
Member(J)



Chairman

16-12-21

DB is on Tour case to come up  
For the same on Dated. 30-3-22

Reader

30.03.2022

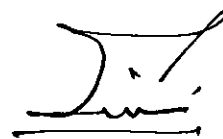
Appellant in person present.

Mr. Muhammad Tufail S.O (Litigation) alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Appellant requested for adjournment in order to prepare the brief of the case. Adjourned. To come up for arguments on 06.06.2022 before D.B.



(Rozina Rehman)  
Member (J)

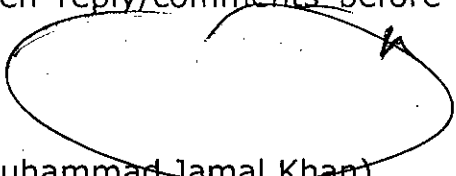


(Salah-Ud-Din)  
Member (J)

18.02.2021

Nemo for appellant. Mr. Kabirullah Khattak, Additional Advocate General for the respondents is also present.


Neither written reply on behalf of respondent submitted nor representative of the department is present, therefore, learned Additional Advocate General is directed to contact the respondents and furnish written reply/comments on the next date of hearing as a last chance. Adjourned to 05.04.2021 on which date file to come up for written reply/comments before S.B.

  
(Muhammad Jamal Khan)  
Member

05.04.2021

Appellant in person present. Mr. Kabirullah Khattak learned Additional Advocate General alongwith Habibullah SO for respondents present.

Representative of respondents submitted reply/comments which is placed on file. To come up for rejoinder if any, and arguments on 27.07.2021 before D.B.

  
(Atiq Ur Rehman Wazir)  
Member (E)

24.09.2020

Appellant in person and Addl. AG alongwith Hazrat Shah, Superintendent for respondent No. 1 & 2 present.

Appellant submitted an application for correction of address of respondent No. 3 in the Memorandum. Application placed on record.

Office is required to correct address of respondent No. 3 as "Director Independent Monitoring Unit, Head Office Health Department Shami Villas Hassan Garhi, Peshawar". Fresh notice be issued to respondent No. 3. To come up for written reply/comments on 17.11.2020 before S.B.

  
Chairman

17.11.2020

Junior to counsel for the appellant and Addl. AG for the respondents present.

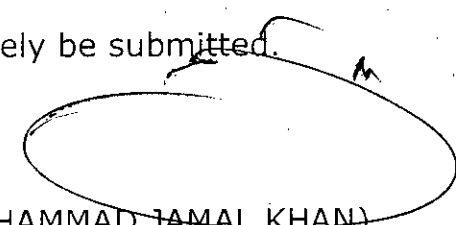
Learned AAG seeks time to contact the respondents and submit reply/comments on the next date. Adjourned to 06.01.2021 on which date the requisite reply/comments shall positively be submitted.

  
Chairman

06.01.2021

Appellant is present in person. Mr. Kabirullah Khattak, Additional Advocate General, for the respondents is also present.

Learned Additional Advocate General once again seeks time to contact the respondents and submit reply/comments on the next date. Adjourned to 18.02.2021 on which date the requisite reply/comments shall positively be submitted.

  
(MUHAMMAD JAMAL KHAN)  
MEMBER (JUDICIAL)

24.07.2020

Appellant himself is present. Appellant was inducted in the Project in BPS-16 named "Independent Monitoring Unit" under the auspices of Health Department Government of Khyber Pakhtunkhwa as Monitoring and Data Collection Assistant (BPS-16) in the year 2015-16 and accordingly 1975 Monitors were recruited and trained as such for their job. The induction of appellant took place in IMU after going through the ordeals of test and interview and holding of a fair and transparent competition. By virtue of promulgation of the Act No. 7 of 2017 by the Government of Khyber Pakhtunkhwa of Health Department and Employees Regularization Act, 2017 whereby employees of five projects were regularized and as such the appellant regularization took place vide Notification dated 30.06.2017. During the course of contract appellant was receiving handsome amount of salary but after regularization his salary has been reduced. He pointed that every government employee is receiving some sort of allowance be it HPA Secretariat Allowance, Risk Allowance, Executive Allowance but the appellant, is not receiving any sort of allowance. An appeal for corrective measures was moved to the authority which did not yield.

The perusal of record reveal that important issues has been raised call for proper ponderance in the light of the law and rules applicable requiring anxious thought and due consideration, therefore, the appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days; thereafter, notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 24.09.2020 before S.B.

Appellant Deposited  
Security & Process Fee

24/7/20



(MUHAMMAD JAMAL KHAN)  
MEMBER

Form- A

FORM OF ORDER SHEET

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

Case No.- 6126 /2020

1S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	22/06/2020	<p>The appeal of Mr. Nisar Ahmad presented today by him may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>24/07/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2-		



**BEFORE THE CHAIRMAN SERVICE TRIBUNAL**

**KHYBER PAKHTUNKHWA**

Nisar Ahmad ..... **6/26** ..... (Appellant)

**VERSUS**

Secretary Health Govt. of Khyber Pakhtunkhwa  
etc..... (Respondents)

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5.	Copy of Appointment letter	B	10-11
6.	Copy of Act Number-VII (2017)	C	12-15
7.	Copy of Notification	D	16-22
8.	Copy of salaries table Sheet	E	23-25
9.	Copy of Appeal and joint appeal	F-G	26-29
10.	Copy of Writ Petition with order of Peshawar High court Peshawar	H	30-33

Dated:- 2-206/2020

APPELLANT

(In Person)

**NISAR AHMAD**  
**S/o: Ghulam Muhammad**  
**Mobile #-0313-9694088**

**BEFORE THE CHAIRMAN SERVICE TRIBUNAL**

**KHYBER PAKHTUNKHWA**

6126/20

Nisar Ahmad S/o Ghulam Ahmad  
Resident of House No. 256 Phase I Armour Colony Manki  
Road Nowshera, MDCA IMU Health.....(Appellant)

**VERSUS**

1- Secretary Health Govt. of Khyber Pakhtunkhwa Health  
Secretariat Peshawar.

2- Secretary Finance Govt. of Khyber Pakhtunkhwa Health  
Secretariat Peshawar.

3- Director Independent Monitoring Unit Health (IMU), Peshawar  
Division, House No. 22, Abdar Road University Town  
Peshawar.....(Respondents)

**SERVICE APPEAL UNDER SECTION 04**  
**OF THE KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL ACT, 1974.**

RESPECTFULLY SHEWETH:-

1- That the appellant was initially inducted in the project  
namely "Independent Monitoring Unit" (Herein after  
called IMU) under the health department, Govt. of Khyber  
Pakhtunkhwa as "Monitoring and Data collection  
assistant" in BPS-16 in the year 2015-16; 175 monitor  
(150 Male and 25 Female) were recruited and trained for  
the said monitoring dated 15-04-2015. (Copy is attached  
herewith as Annexure A).

2- That The appellant was inducted in the IMU after fulfilling all the codal formalities i.e advertisement, test and interview and after fair and transparent competition the appellant was appointed as "Monitoring and data collection" assistant (BPS-16).

*(COPIES OF APPOINTMENT LETTER ARE ATTACHED AS ANNEXURE B).*

3- That recently the govt. of Khyber Pakhtunkhwa promulgated act no.Vii of 2017, namely Khyber Pakhtunkhwa of Health Department and employees, regularization act, 2017 where under the act employees of 5 projects were regularized:

- I. Health sector reform unit
- II. Strengthen of planning cell
- III. District Health information system
- IV. Independent monitoring unit
- V. Strengthen of rehabilitation of service of physical disable at Govt, of KPK were regularized

*(Copy of the act number 07 is attached as Annexure C).*

4- That in view of regularization act appellant was formally regularized vide notification dated 30-06-2017. *(Copy of the notification is attached as Annexure D).*

5- That as a contract / project employee the applicant was receiving handsome salary but after regularization his salary has been reduced substantially.

*(The difference between their salaries after regularization could be seen from the table attached herewith annexure E.)*

(3)

6- That it is pertinent to mention that every Govt employees are receiving some sort of allowance, be it HPA, Secretariat allowance, risk allowance, executive allowance etc but on the other hand petitioner is not only deprived of the same but also his continued salary was cut down almost half, let alone allowance.

7- That keeping in view the tough & important nature & responsibility of the job the applicant submitted an application / appeal to entitle the said staff with sum sort of allowance like monitoring allowance dated 09-04-2018 and dated 04-03-2020. As they may continue his job with zeal & zest but the same is also rejected & ignored. *(COPY OF THE SAID APPEALS ARE ATTACHED AS F & G).*

8- That prior to this appeal a writ petition was filed before PHC Peshawar, which was turned down by honorable PHC Peshawar, on the ground that the jurisdiction of the deciding the said petition falls in ambit of service tribunal therefore the need of this appeal arose. *(COPY OF THE WRIT PETITION & ORDER OF PHC IS ATTACHED AS ANNEXURE H)*

9- That the appellant approached the respondents time & again the grant of monitoring allowance but they did not responded to him therefore he is constrained to approach this honorable court for the following, amongst other grounds:-

**GROUND:-**

A. That as stated in this petition different sort of allowance were granted to all Provincial Government Employees, but there is no such

allowance for IMU Health department. All the health staff receiving the most lucrative Health Professional allowance except IMU staff which is unlawful, illegal and based on injustice, un-equitable and liable to be corrected.

B. That the appellant has been mistreated by ignoring his joint appeal & appeal from the appellant for monitoring allowance, dated 10-04-2018 and Dated:04-03-2019 and by not allowing him the same as other employees of various departments of KP Govt. have been granted with various allowance like executive allowance, Secretarial allowance, & health professional allowance, which is injustice to the appellant.

C. That the impugned refusal the respondent is illegal, unlawful and thus ineffective upon the rights of the appellant.

D. That the appellant has been treated against the law and he has also deprived of equal protection of law.

E. That the applicant may also be treated according to the provincial service rules like the other provincial Govt departments and the scale, salary and appellant other benefits should be the same as BPS-16.

F. That the appellant seeks leave of this Honorable Court to take additional grounds at the time of arguments.

IT IS THEREFORE PRAYED THAT BY ACCEPTING THIS APPEAL THE IMPUGNED REFUSAL OF THE RESPONDENT REGARDING PAY TO AWARD MONITORING ALLOWANCE, MAY KINDLY BE DECLARED AS ILLEGAL UNLAWFULL AND CONSEQUENTLY RESPONDENT MAY BE DIRECTED TO GRANT MONITORING ALLOWANCE FROM THE DATE OF REGISTRATION WITH ALL BACK BENEFITIS OR ANY OTHER RELIEF DEEMED FIT AND APPROPRIATE IN THE CIRCUMSTANCES OF THE CASE MAY PLEASED BE PASSED.

APPELLANT

(In Person)

*Nisar Ahmad*  
NISAR AHMAD

**CERTIFICATE:-**

Certified that no other Appeal on the same Facts and Grounds has been filed earlier before any other competent forum of law.

*Nisar Ahmad*  
Appellant in Person

**BEFORE THE CHAIRMAN SERVICE TRIBUNAL**

**KHYBER PAKHTUNKHWA**

Nisar Ahmad .....(Appellant)

**VERSUS**

Secretary Health Govt. of Khyber Pakhtunkhwa  
etc.....(Respondents)

**AFFIDAVIT**

I, Nisar Ahmad S/o Ghulam Ahmad Resident of House No. 256 Phase  
I Armour Colony Manki Road Nowshera, MDCA IMU Health  
solemnly affirm and declare that the content of the appeal is true and  
correct to the best of my knowledge and nothing has been concealed.

Deponent: W/ Nisar Ahmad

***Nisar Ahmad***

(Appellant in Person)

CNIC #:- 17201-6115361-7

**ATTESTED BY:-**  
Oath Commissioner  
Distt; Courts Nowshera.



**ATTESTED**

**BEFORE THE CHAIRMAN SERVICE TRIBUNAL**

**KHYBER PAKHTUNKHWA**

Nisar Ahmad .....(Appellant)

**VERSUS**

Secretary Health Govt. of Khyber Pakhtunkhwa  
etc.....(Respondents)

**MEMO OF PARTIES**

**APPELLANT:-**

Nisar Ahmad S/o Ghulam Ahmad

Resident of House No. 256 Phase I Armour Colony Manki  
Road Nowshera, MDCA IMU Health.....(Appellant)

**VERSUS**

**RESPONDENTS:-**

1- Secretary Health Govt. of Khyber Pakhtunkhwa Health  
Secretariat Peshawar.

2- Secretary Finance Govt. of Khyber Pakhtunkhwa Health  
Secretariat Peshawar.

3- Director Independent Monitoring Unit (IMU), Peshawar  
Division, House No. 22, Abdar Road University Town  
Peshawar.....(Respondents)

Dated:- 22/06/2020

APPELLANT

(In Person)

*Nisar Ahmad*  
NISAR AHMAD





GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT  
(Independent Monitoring Unit)  
2<sup>nd</sup> Floor, HRD Block, Khyber Road Peshawar

(A)

No. ADMIN/IMU/Vol-1/2014-15  
Dated: 15/04/2015

To,

1. Director General Health Services, Peshawar.
2. Hospital Directors, LRH, KTH, HMC, KTH
3. Medical Directors, LRH, KTH, HMC, KTH
4. All District Health Officers
5. All Chief Executives, Medical Superintendents
6. Chief Operations Officer, SRSP/PPHI, Khyber Pakhtunkhwa
7. All partners working with Health Department
8. All Commissioners, Khyber Pakhtunkhwa
9. All Deputy Commissioners, Khyber Pakhtunkhwa

Subject: MONITORING VISITS BY STAFF OF THE PROJECT "INDEPENDENT MONITORING UNIT (IMU)" HEALTH DEPARTMENT, GOVERNMENT OF KHYBER PAKHTUNKHWA.

I am directed to convey that, Independent Monitoring Unit (IMU) is a 3 years project of the Health Department, with the following objectives.

1. *Improve staff presence at health care facilities.*
2. *Collect data on sanctioned, filled and vacant positions.*
3. *Monitor the progress of Chief Minister Special Initiatives.*
4. *Monitor the quality of services at Primary, Secondary and Tertiary level.*
5. *Monitor functionality of equipments, assess status of medicines, consumables and logistics.*
6. *Check the general cleanliness of health outlets and functionality of support services.*
7. *Conduct real time online patient/client interviews.*

To achieve the above objectives, a team of 175 monitors (150 male & 25 females) have been recruited and trained. A PMU has been established with 10 Divisional Monitoring Offices (DMOs) at divisional level. The staff is equipped with latest smart phones, collecting data directly from the field, through a mobile software application, linked with an online dash board. The project will collect data on key performance indicators (KPIs) and advocate for corrective measures at higher levels of government, to improve service delivery and governance.

I am further directed to convey that the staff of IMU should be allowed to collect data during duty hours and facilitate the process to improve service delivery & quality of services. Gaps identified in service delivery will be filled through government own resources and donor assistance.

SD/###

Secretary Health Department,  
Government of Khyber Pakhtunkhwa


**ATTESTED**



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT  
(Independent Monitoring Unit)  
2<sup>nd</sup> Floor, HRD Block, Khyber Road Peshawar


Copy for information:

1. Secretary Establishment, Government of Khyber Pakhtunkhwa.
2. Secretary Administration, Government of Khyber Pakhtunkhwa
3. Secretary Finance, Government of Khyber Pakhtunkhwa.
4. Secretary Planning and development, Government of Khyber Pakhtunkhwa.
5. Chief Planning Officer, Health Department
6. PS to Additional Chief Secretary Khyber Pakhtunkhwa
7. PS to Secretary Health
8. PS to Special Secretary Health
9. Office Record



( Dr Akhtar Said)

Project Director, IMU, Health Department



MGR. NISAR AHMAD  
Data Collection &  
Monitoring Assistant

**ATTESIED**



GOVERNMENT OF KHYBER  
PAKHTUNKHWA  
HEALTH DEPARTMENT  
(INDEPENDENT MONITORING UNIT)

Dated: 18/02/2016.

Order No. 286-S/REC/MU/11/2014-15: On the recommendation of Project Selection Committee and approval of the competent authority, following candidates are hereby appointed as Monitoring and Data Collection Assistant (EPS-16) in district Nowshera (Male).

NAME	FATHER NAME
MOHSIN KHAN	MUSHTAQ AHMAD
MUHAMMAD SAJID HAROON	HAROON KHAN
ZAR ALI KHAN	GUL HASSAN
MUHAMMAD ISHAQ	MURAD ALI
MASAUD JAN KHAN	TASLIM KHAN
MUHAMMAD AHMAD JAN	SAJID ALI KHAN
NISAR AHMAD	HAJI GHULAM MUHAMMAD

under the scheme "Establishment of Independent Monitoring Unit, in the Health Department" on contract basis, till 30<sup>th</sup> June 2016, on the following terms and conditions:-

Fixed Pay.

- i) Pay Package: Basic Pay Rs. 30,000/- P.M (Fixed Pay) with annual increment of 5% up to the maximum of Rs. 35,000/- as per the project policy, subject to enhancement on the rates as notified by Government from time to time for project posts.
- ii) Period of Contract: The period of this contract shall be till 30<sup>th</sup> June 2016, which could be extendable subject to satisfactory performance of the project employee.
- iii) A project employee shall work against that post for which he/she was recruited and shall not be transferred to any other post in the project or at any other station.
- iv) A project employee shall also not be transferred to any other project under the same Department/Govt.
- v) The contract shall be liable to termination on 30 days' notice (if the performance of the employee is found unsatisfactory) or payment of 30 days salary in lieu thereof, by either side.

ATTESTED

- v) The employees shall be responsible for the losses (accruing to the project due to him/her and shall be held responsible thereof).
- vii) On completion of the project, the services of the project employees shall stand terminated however, they shall be re-appointed on need basis, if the project is extended over any new phase or phases.
- viii) Pension: Service Rendered by you under the present contract shall not qualify for pension/gratuity.
- ix) Leave: You will be entitled for leave as admissible to the civil servants under the Khyber Pakhtunkhwa revised Leave Rules.
- x) Travelling Allowance: Travelling Allowance for journey as admissible under the rules.
- xi) Rules/Regulations: In respect of other matters, not covered in this letter, you will be governed by the rules/regulations as applicable to Govt. employees, unless otherwise specified by the employer.
- xii) Seniority: Being a temporary post there shall exist no relative seniority in your case in relation to other regular or temporary employees of your category in the Health Department.
- xiii) You will be governed by the Provincial Govt. rules as amended from time to time.
- xiv) You will not be required to contribute towards General Provident Fund nor entitled to any benefit of the General Provident Fund.
- xv) You will not divulge, either directly or indirectly, to any person any knowledge or information of a confidential nature which you may acquire concerning the affairs, property, enterprise and undertaking of the Department during the course of your service.

PROJECT DIRECTOR  
INDEPENDENT MONITORING

UNIT

Encl: No. 786-5/BEC/IMU/H/2014-15:-

Dated. 18/02/2015

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Chief Planning Officer, Health Department.
3. Director General Health Services.
4. PS to Secretary Health.
5. Personal File.

*[Handwritten Signature]*  
DR. FARYAL BADDIA  
Deputy Project Director

(Dr. FARYAL BADDIA)  
DEPUTY PROJECT DIRECTOR

ATTESTED

**THE KHYBER PAKHTUNKHWA EMPLOYEES OF HEALTH DEPARTMENT  
(REGULARIZATION OF SERVICES) ACT, 2017.**

**(KHYBER PAKHTUNKHWA ACT NO. VII OF 2017)**

**CONTENTS**

**PREAMBLE**

**SECTIONS**

1. Short title and commencement.
2. Definitions.
3. Regularization of services of employees.
4. Determination of seniority.
5. Removal of difficulties.
6. Overriding effect.

**ATTESTED**



GOVERNMENT OF KHYBER PAKHTUKHWA  
HEALTH DEPARTMENT

Dated: 30/06/2017

**NOTIFICATION**

**No. SOG/Health/2-65/2017:-** In pursuance of Section-3 of The Khyber Pakhtunkhwa Employees of Health Department (Regularization of Services) Act, 2017 (Khyber Pakhtunkhwa Act no. VII of 2017), the services of following officers/officials appointed on contract/fixed pay basis in ADP no. 339 code 140775 "Establishment of Independent Monitoring Unit" and holding the posts at the time of commencement of the Act ibid shall stand regularized:-

S.No	Name	Father Name	Designation	BPS	District
1	Aftab Ahmad Akhonzada	Nisar Ahmed	Database Admin/ Data Analyst	18	Head Office
2	Tauqeer Iftikhar Abbasi	Iftikhar Hussain	Divisional Monitoring Officer	18	Abbottabad
3	Mujib Ur Rehman	Gulfam Khan	Divisional Monitoring Officer	18	Peshawar
4	Syed Sohaib Shah	Syed Mussadiq Shah	Divisional Monitoring Officer	18	Mansehra
5	Salman Rahim	Abdur Rahim	Divisional Monitoring Officer	18	Swat
6	Muhammad Atif Khan	Rehan Gul	Divisional Monitoring Officer	18	Lower Dir
7	Abdul Waheed	Muhammad Siraj	Divisional Monitoring Officer	18	kohat
8	Gohar Rehman	Mushtaq Ahmed	Divisional Monitoring Officer	18	Mardan
9	Maliha Gul	Asmat ullah Khan	Divisional Monitoring Officer	18	DI Khan
10	Adnan Saeed Khan	Saeed Khan	Admin/Accounts Officer	18	Head Office
11	Kousar Khan	Abdur Rehman	Data Collection Assistant	16	Peshawar
12	Zahoor Alam	Fakhr uddin Ahmed	Data Collection Assistant	16	Peshawar
13	Usman Khan	Bashir Ahmed	Data Collection Assistant	16	Peshawar
14	Waqas Ayub	Muhammad Ayub Khan	Data Collection Assistant	16	Peshawar
15	Sikandar Wadood	Ihsan Ul Wadood	Data Collection Assistant	16	Peshawar
16	Muhammad Haris Mehmood	Khalid Mehmood	Data Collection Assistant	16	Peshawar
17	Arif Khan	Hayat Khan	Data Collection Assistant	16	Peshawar
18	Rashid Noor	Noor Muhammad	Data Collection Assistant	16	Peshawar
19	Marina Iqbal	Muhammad Iqbal	Data Collection Assistant	16	Peshawar
20	Mehwish Khan	Naseer Ahmad	Data Collection Assistant	16	Peshawar

**ATTESTED**

	Uzma Karim	Abdul Karim	Data Collection Assistant	16	Peshawar
22	Fatima Jahan	Taj Muhammad Khan	Data Collection Assistant	16	Peshawar
23	Azra Aamir	Abdur Rehman	Data Collection Assistant	16	Peshawar
24	Zulfikar Ali	Muhammad Ali	Data Collection Assistant	16	Charsadda
25	Zeeshan Ali	Sher Bahadar	Data Collection Assistant	16	Charsadda
28	Shahzad yousaf	Muhammad Yousaf	Data Collection Assistant	16	Kohat
29	Saira Batool	Altaf Muhammad	Data Collection Assistant	16	Kohat
30	Aziz Ur Rehman	Abdur Rehman	Data Collection Assistant	16	Hangu
31	Azmat Ali	Qeemat Khan	Data Collection Assistant	16	Hangu
32	Asad Iqbal	Haq Nawaz Khan	Data Collection Assistant	16	Karak
33	Qaisar Farooq	Muhammad Farooq	Data Collection Assistant	16	Karak
34	Muhammad Waqas Khan	Abdul Sattar Khan	Data Collection Assistant	16	Bannu
35	Zahid Ullah Khan	Ghulam Khan	Data Collection Assistant	16	Bannu
36	farhan Ashiq	Ashiq Noor	Data Collection Assistant	16	Bannu
37	Muhammad Waseem Farooq	Muhammad Asif Khan	Data Collection Assistant	16	Bannu
38	Ihsan Ullah Khan	Zafar Ullah Khan	Data Collection Assistant	16	Bannu
39	Sadaf Parveen	Shafi Ullah Jan	Data Collection Assistant	16	Bannu
40	Muhammad wajid Iqbal	Muhammad Iqbal Khan	Data Collection Assistant	16	DI Khan
41	Waqar Asmat Khan	Asmat Ullah Khan	Data Collection Assistant	16	DI Khan
42	Irfan Daud	Daud Khan	Data Collection Assistant	16	DI Khan
43	Muhamma Imran Zia	Zia Ul Hassan Shah	Data Collection Assistant	16	DI Khan
44	Shafaqat Ullah	Inayat Ullah Khan	Data Collection Assistant	16	DI Khan
45	Adnan Latif Khan	Abdul Latif Khan	Data Collection Assistant	16	DI Khan
46	Nusrat Shaheen	Mehmood Khan	Data Collection Assistant	16	DI Khan
47	Muhammad Imran Ullah	Inayat Ullah Khan	Data Collection Assistant	16	Tank
48	Asif Ali	Akbar Ali	Data Collection Assistant	16	Tank
49	Muhammad Maaz	Hakim Khan	Data Collection Assistant	16	Tank
50	Khalid Waseem	Nadir Khan	Data Collection Assistant	16	Lakki Marwat
51	Muhammad Gul	Ghulam Jan	Data Collection Assistant	16	Lakki Marwat
52	Imad Khan	Khalid Ur Rehman	Data Collection Assistant	16	Malakand
53	Mehran Khan	Dost	Data Collection Assistant	16	Malakand

**ATTESTED**

55	Muhammad Tahir	Muhammad Nazar	Data Collection Assistant	16	Malakand
56	Sajjad Khan	Sher Zada	Data Collection Assistant	16	Malakand
56	Shah Naz	Muhammad Gul	Data Collection Assistant	16	Malakand
57	Abdur Rashid	Abdur Rahim	Data Collection Assistant	16	Swat
58	Shaukat Ali	Khalil Ur Rahman	Data Collection Assistant	16	Swat
59	Adnan Khan	Shah Duran	Data Collection Assistant	16	Swat
60	Zeshan Ali	Muhammad Ali Shah	Data Collection Assistant	16	Swat
61	Atif Khan	Mumtaz Ali Khan	Data Collection Assistant	16	Swat
62	Ihsan Ullah	Bakht Karam	Data Collection Assistant	16	Swat
63	Murad Ali Mian	Bahardar Ali Mian	Data Collection Assistant	16	Swat
64	Sana Sher Afzal	Sher Afzal Khan	Data Collection Assistant	16	Swat
65	Mati Ur Rehman	Bakht Zada	Data Collection Assistant	16	Shangla
65	Izhar Ullah	Alamgir	Data Collection Assistant	16	Shangla
67	Ihsan Ullah	Hazrat Usman	Data Collection Assistant	16	Shangla
68	Sharif Ullah	Said Muhammad	Data Collection Assistant	16	Shangla
69	Abdul Saboor	Sadurul Uloom	Data Collection Assistant	16	Shangla
70	Gauhar Ali	Pir Said	Data Collection Assistant	16	Bunner
71	Naseem Ul Haq	Hameed Ullah Khan	Data Collection Assistant	16	Bunner
72	Naveed Ahmad	Abdul Shakoor	Data Collection Assistant	16	Bunner
73	Munir Ahmad	Raishad Khan	Data Collection Assistant	16	Swabi
74	Arshad Ali	Nazar Muhammad	Data Collection Assistant	16	Swabi
75	Abid Ali Khan	Zahir Khan	Data Collection Assistant	16	Swabi
76	Sajjad Ahmad	Ameer Zada	Data Collection Assistant	16	Swabi
77	Irfan Ali Khan	Munjra Khan	Data Collection Assistant	16	Swabi
78	Nida Tabassum	Jan Muhammad	Data Collection Assistant	16	Swabi
79	Jawad Ali	Ashraf Aii	Data Collection Assistant	16	Swabi
80	Kashif Khan Tanoli	Muhammad Sheesh Khan	Data Collection Assistant	16	Swabi
81	Yasir Khan	Ajab Khan	Data Collection Assistant	16	Mardan
82	Usman Hakam	Abdul Hakam	Data Collection Assistant	16	Mardan
83	Zahid Hussain	Bakhtyar Khan	Data Collection Assistant	16	Mardan
84	Zahir Rehman	Muhammad Rehman	Data Collection Assistant	16	Mardan

ATTESTED



86	Muhammad Saqib	Gulzar	Data Collection Assistant	16	Mardan
87	Hina Tila	Muhammad Tila Muhammad Khan	Data Collection Assistant	16	Mardan
88	Akbar Ali Akhan	Hijab Gul	Data Collection Assistant	16	Mardan
89	Nisar Ahmed	Haji Ghulam Muhammad	Data Collection Assistant	16	Mardan
90	Muhammad Ahmed Jan	Sajid Ali Khan	Data Collection Assistant	16	Nowshera
91	Masaud Jan Khan	Taslim Khan	Data Collection Assistant	16	Nowshera
92	Shehreyar	Khush Dil	Data Collection Assistant	16	Nowshera
93	Abdullah	Bakht Biland	Data Collection Assistant	16	Nowshera
94	Zainab Ali Khan	Liaqat Ali Khan	Data Collection Assistant	16	Nowshera
95	Aamir Malook	Saif Ul Malook	Data Collection Assistant	16	Nowshera
96	Mubashir Rabbani	Ghulam Rabbani	Data Collection Assistant	16	Nowshera
97	Waqas Ahmed	Taj Muhammad	Data Collection Assistant	16	Abbottabad
98	Muhammad Gulbaz	Mushtaq Ahmed	Data Collection Assistant	16	Abbottabad
99	Sarmad Jadoon	Imtiaz Khan	Data Collection Assistant	16	Abbottabad
100	Mansoor Ahmed	Maqbool Ahmed	Data Collection Assistant	16	Abbottabad
101	Syed Safeer Ali	Syed Shahbir Shah	Data Collection Assistant	16	Abbottabad
102	Usman Malik	Bashir Hussain Malik	Data Collection Assistant	16	Abbottabad
103	Ayesha Mushtaq	Sardar Mushtaq Ahmed	Data Collection Assistant	16	Abbottabad
104	Muhammad Abeela	Muhammad Jadoon Khan	Data Collection Assistant	16	Abbottabad
105	Arsalan Yaqoob	Muhammad Yaqoob	Data Collection Assistant	16	Haripur
106	Umer Ayub	Malik Muhammad Ayub	Data Collection Assistant	16	Haripur
107	Syed Basharat Ali	Syed Imran	Data Collection Assistant	16	Haripur
108	Ahsan Ullah Khan	Muhammad Saleem Khan	Data Collection Assistant	16	Haripur
109	Asif Mehmood	Gulzar Khan	Data Collection Assistant	16	Haripur
110	Faiqa Wahid	Abdul Wahid	Data Collection Assistant	16	Haripur

ATTACHED

112	Zuhair Khan	Muhammad Hayaz Khan	Data Collection Assistant	16	Haripur
113	Muhammad Hameed	Muhammad Karim	Data Collection Assistant	16	Upper Dir
114	Tehseen Paza	Raza Khan	Data Collection Assistant	16	Upper Dir
115	Muhammad Inayat Ul Haq	Ahmad Munir	Data Collection Assistant	16	Upper Dir
116	Poiz Ahmad	Nisar Ahmed	Data Collection Assistant	16	Lower Dir
117	Fazal Arum	Khaista Pahaman	Data Collection Assistant	16	Lower Dir
118	Bachra Qayyum	Abdul Qayyum	Data Collection Assistant	16	Lower Dir
119	Muhammad Alam	Alam Zeb	Data Collection Assistant	16	Lower Dir
120	Muhammad Qasim Shah	Muhammad Sadiq	Data Collection Assistant	16	Lower Dir
121	Rifaq Ul Haq	Khurshaid-ul-haq	Data Collection Assistant	16	Lower Dir
122	Asad Ur Rehman	Abdul Sattar	Data Collection Assistant	16	Chitral
123	Rizan Ud din	Azim Ud Din	Data Collection Assistant	16	Chitral
124	Muhammad Aman	Sher Dil Khan	Data Collection Assistant	16	Chitral
125	Adel Ul Mulk	Qayoom Ul Mulk	Data Collection Assistant	16	Chitral
126	Saira Azam	Mir Azam Khan	Data Collection Assistant	16	Chitral
127	Muhammad Zeeshan Uddin	Islah-Ud-Din	Data Collection Assistant	16	Chitral
128	Qazi Anwar	Amir Ur Din	Data Collection Assistant	16	Chitral
129	Safar Azam	Gul Muhammad	Data Collection Assistant	16	Kohistan
130	Kurangzeb	Nosheer	Data Collection Assistant	16	Kohistan
131	Abdul Mateen	Nawab	Data Collection Assistant	16	Kohistan
132	Khan Alam	Sarbuland Khan	Data Collection Assistant	16	Kohistan
133	Abdul Sattar	Ghaffar Khan	Data Collection Assistant	16	Kohistan
134	Malik Haris	Inam Rabbani	Data Collection Assistant	16	Battagram
135	Hidayat Ullah	Speen Gul	Data Collection Assistant	16	Battagram
136	Qasim	Muhammad Hussain	Data Collection Assistant	16	Battagram
137	Haleema Sattar	Syed Abdul Sattar Shah	Data Collection Assistant	16	Battagram
138	Muhammad	Rehman Uddin	Data Collection Assistant	16	Torbat

ATTACHED

139	Muhammad Awais	Sher Bahadar	Data Collection Assistant	16	Manselra
140	Kamran Irfan	Muhammad Irfan	Data Collection Assistant	16	Manselra
141	Rizwan Khurshid	Khursheed Abbasi	Data Collection Assistant	16	Manselra
142	Sheryar Khan	Nadir Khan	Data Collection Assistant	16	Manselra
143	Syed Shah Fahad	Syed Pir Muhammad Shah	Data Collection Assistant	16	Manselra
144	Waqas Rashid	Baboo Abdur Rashid	Data Collection Assistant	16	Manselra
145	Atiq Ur Rehman	Shafiq Ur Rehman	Data Collection Assistant	16	Manselra
146	Zubair Razaq	Abdul Razaq	Data Collection Assistant	16	Manselra
147	Khursheed Ahmed	Abdul Raheem	Data Collection Assistant	16	Manselra
148	Muhammad Afzal	Muhammad Rafique	Data Collection Assistant	16	Manselra
149	Sarmad Shehnaam	Muhammad Tariq	Data Collection Assistant	16	Manselra
150	Nighat Mushtaq	Mushtaq Ahmed	Data Collection Assistant	16	Manselra
151	Zeeshan Khan	Gul Azam	Computer Operator	16	Peshawar
152	Waqas Ahmed	Khan Saad	Driver	6	Peshawar
153	Riffat Ullah	Inayat Ullah	Driver	6	Peshawar
154	Muhammad Iftikhar	Muhammad Ishaq	Driver	6	Abbottabad
155	Zakir Ali	Nadir Khan	Driver	6	Mardan
156	Akash Khan	Tarik Khan	Driver	6	Abbottabad
157	Ghulam Akbar	Fazal Akbar	Driver	6	Peshawar
158	Dost Muhammad	Ghulam Muhammadi	Driver	6	Peshawar
159	Naeem Ullah Jan	Masam Jan	Naib Qasid	3	Peshawar
160	Ajab Khan	Khan Muhammad	Naib Qasid	3	Peshawar
161	Waqas Ahmad	Aman Saad	Naib Qasid	3	Peshawar
162	Hameed Ullah Khan	Munawar Khan	Naib Qasid	3	Kohat
163	Muhammad Islam	Akbar Jan	Naib Qasid	3	Bannu

ATTESTED

165	Muhammad Adeel Asif	Muhammad Asif	Driver	6	Mansehra
166	Shoaib Ahmed	Muhammad Ahmad Khan	Driver	6	Mansehra
167	Maqsood Ahmad	Muhammad Hussain Khan	Naib Qasid	3	Lower Dir
168	Mawahid Ali	Murad Ali	Naib Qasid	3	Mardan
169	Muhammad Kamran Rauf	Abdul Rauf	Naib Qasid	3	DI Khan
170	Saeed Ur Rehman	Muhammad Bashir	Naib Qasid	3	DI Khan
171	Amer Zeb	Muhammad Zareen	Naib Qasid	3	Swat
172	Shakeel Ahmad	Aziz Ur Rehman	Driver	6	Lower Dir

**Secretary to Govt. of Khyber Pakhtunkhwa  
Health Department**

**Endst: no. and Date even as above.**

**Copy to:-**

1. The Accountant General, Khyber Pakhtunkhwa
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa
3. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa
4. All head of Attached Department, Health Department, Peshawar
5. PSO to Chief Secretary, Khyber Pakhtunkhwa
6. Manager, Government Printing Press Department Khyber Pakhtunkhwa for Publication in the official Gazette.
7. PS to Senior Minister for Health, Khyber Pakhtunkhwa, Peshawar
8. PS to Additional Chief Secretary (F&D) Khyber Pakhtunkhwa
9. PS to Secretary Health, Khyber Pakhtunkhwa
10. Officers/officials concerned.

*[Signature]*  
R. NISAR AHMAD  
Data Collection &  
Monitoring Assistant

*[Signature]*  
30 June  
(JIBREEL RAZA)  
Section Officer (General)

**ATTACHED**

# TABLE OF COMPARISON

Before Regularization	After Regularization
38500	21920

TESTED

**Government of Khyber Pakhtunkhwa**  
**Accountant General Khyber Pakhtunkhwa, Peshawar**  
**Monthly Salary Statement (April-2017)**



**Personal Information of Mrs NISAR AHMAD d/w/s of GHULAM MUHAMMAD**

Personnel Number: 00740871      CNIC: 1720161153617      NTN:  
 Date of Birth: 01.01.1989      Entry into Govt. Service:      Length of Service: 00 Years 00 Months 000 Days

**Employment Category: Regular / Contract**

Designation: MONITORING & DATA COLLECT      80346512-GOVERNMENT OF KHYBER PAKH  
 DDO Code: PR5055-Basic Health KP Peshawar  
 Payroll Section: 009      GPF Section: 002      Cash Center:  
 GPF A/C No:      Interest Applied: No      GPF Balance:      0.00  
 Vendor Number: 30259445 - NISAR AHMAD 0120062119 ABL 250286  
**Pay and Allowances:**      Pay scale: BPS For - 2016      Pay Scale Type: Civil      BPS: 16      Pay Stage: 1

Wage type		Amount	Wage type		Amount
0045	Fixed Pay / Salary	38,500.00			0.00

**Deductions - General**

Wage type		Amount	Wage type		Amount
3609	Income Tax	-208.00	4200	Professional Tax	-200.00

**Deductions - Loans and Advances**

Loan	Description	Principal amount	Deduction	Balance
------	-------------	------------------	-----------	---------

**Deductions - Income Tax**

Payable: 1,099.98      Recovered till April-2017: 685.00      Exempted: 0.38-      Recoverable: 415.36

**Gross Pay (Rs.): 38,500.00      Deductions: (Rs.): -408.00      Net Pay: (Rs.): 38,092.00**

Payee Name: NISAR AHMAD  
 Account Number: 0120062119  
 Bank Details: ALLIED BANK LIMITED, 250286 CAVALRY ROAD CAVALRY ROAD,

Leaves:      Opening Balance:      Aailed:      Earned:      Balance:

Permanent Address:      City: ABBOTTABAD      Domicile: -      Housing Status: No Official  
 Temp. Address:      City:      Email: ahmadnisar610@gmail.com

**ATTESTED**

**Government of Khyber Pakhtunkhwa**  
**Accountant General Khyber Pakhtunkhwa, Peshawar**  
**Monthly Salary Statement (September-2017)**



**Personal Information of Mrs NISAR AHMAD d/w/s of GHULAM MUHAMMAD**

Personnel Number: 00740871      CNIC: 1720161153617      NTN:  
 Date of Birth: 01.01.1989      Entry into Govt. Service:      Length of Service: 00 Years 00 Months 000 Days

**Employment Category: Active Temporary**

Designation: MONITORING & DATA COLLECT      80692618-GOVERNMENT OF KHYBER PAKH

DDO Code: PR5875-Khyber Pakhtunkhwa

Payroll Section: 009      GPF Section: 002      Cash Center:  
 GPF A/C No:      Interest Applied: No      GPF Balance: 8,418.00

Vendor Number: 30259445 - NISAR AHMAD 0120062119 ABL 250286

Pay and Allowances:      Pay scale: BPS For - 2017      Pay Scale Type: Civil      BPS: 16      Pay Stage: 0

Wage type		Amount	Wage type		Amount
0001	Basic Pay	18,910.00	1001	House Rent Allowance 45%	2,727.00
1974	Medical Allowance 2011	1,500.00	2211	Adhoc Relief All 2016 10%	1,588.00
2224	Adhoc Relief All 2017 10%	1,891.00			0.00

**Deductions - General**

Wage type		Amount	Wage type		Amount
3016	GPF Subscription - Rs3340	-2,806.00	3501	Benevolent Fund	-800.00
4004	R. Benefits & Death Comp:	-1,089.00			0.00

**Deductions - Loans and Advances**

Loan	Description	Principal amount	Deduction	Balance

**Deductions - Income Tax**

Payable: 0.00      Recovered till September-2017: 0.00      Exempted: 0.00      Recoverable: 0.00

**Gross Pay (Rs.): 26,616.00      Deductions: (Rs.): -4,695.00      Net Pay: (Rs.): 21,921.00**

Payee Name: NISAR AHMAD

Account Number: 0120062119

Bank Details: ALLIED BANK LIMITED, 250286 CAVALRY ROAD CAVALRY ROAD,

Leaves:      Opening Balance:      Availed:      Earned:      Balance:

Permanent Address:

City: ABBOTTABAD

Domicile: -

Housing Status: No Official

Temp. Address:

City:

Email: ahmadnisar610@gmail.com

*(Signature)*  
**NISAR AHMAD**  
 DDO Collection &  
 Monitoring Ass. Officer

**ATTESTED**

INDEPENDENT MONITORING UNIT (IMU) HEALTH DEPARTMENT  
GOVERNMENT OF KHYBER PAKHTUNKHWA

<http://www.imuhealthkp.gov.pk>

F

NO: \_\_\_\_\_

Dated 09-04-2018

Through proper channel:

To

The Secretary to Govt of Khyber Pakhtunkhwa,  
Finance department (KP).

**Subject: Appeal for Monitoring allowance**

Dear Sir

- With humbleness it is stated that Independent Monitoring Unit (IMU) is an attached department of Health department KP.
- The employees of the "Independent Monitoring Unit (IMU), Health Department KP" were initially appointed on contract basis after following all the set rule of Govt. of Khyber Pakhtunkhwa; tough and transparent competition; and pure merit.
- IMU staff is mandated with the responsibilities of monitoring of Government hospitals on daily basis The duties of DCAs are as follows:
  - a. Improve staff presence at healthcare facilities
  - b. Collect data on sanctioned, filled and vacant posts
  - c. Monitor the progress of chief minister special initiatives
  - d. Monitor the quality of services at primary, secondary and tertiary levels
  - e. Monitor functionality of equipment, assess status of medicines, consumables and logistics
  - f. Check the general cleanliness of health outlets and functionality of support services
  - g. Conduct real time online patient/client interview (Annex-I).
- Later on, acknowledging the best performance of MDCAs, all the employees of IMU were regularized by provincial assembly, Khyber Pakhtunkhwa through an ACT titled, "The Khyber Pakhtunkhwa Employees of Health Department (Regularization of services) ACT 2017", dated 3rd march 2017. (Annex-II)
- Subsequently the regularization of these employees was notified in an official notification dated 30/06/2017, in which these MDCAs were awarded BPS-16 and also re-designated as "Data Collection Assistant (DCA)", which designation is a misfit with job nature of these employees, that is purely monitoring: hence absolutely discouraging. (Annex-III)

ATTESTED



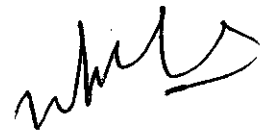
- While project employees, not only our designation was Monitoring and Data Collection Assistants (MDCAs) but also received a handsome salary of 38500/- per month. But after regularization we were re-designated as DCAs with decrease in salary to 21000/- per month. With no allowance whatsoever, our salary in BPS-16 is far below than the contemporary employees.
- It is also pertinent to mention here that every Govt. employee is receiving some sort of allowance; be it HPA, secretariat allowance, special allowance, risk allowance, executive allowance etc. but on the other hand IMU staff is not only deprived of the same but also their continued salaries were cut down to almost half, let alone allowances.
- Keeping in view the tough and important nature & responsibilities of the job, you are requested to kindly entitle the said staff with some sort of allowance like Monitoring Allowance, so that they can continue their job with zeal & zest.
- The respective calculations and expenditure on exchequer for such an allowances is minimal hence can be accommodated easily in the upcoming budget. (Annex-IV)

Encl: AA

(KP)

yours faithfully,

All Employees of IMU  
Health Department



**ATTESTED**

ENC  
Deputy  
Monitoring Assista.  
**IMU**

(9)

NO \_\_\_\_\_

Date: 04-03-2020

Through proper channel

DNO 3028  
4/3/2020

to

The Secretary Health  
Govt of Khyber Pakhtunkhwa,  
Peshawar

Subject: Appeal for Monitoring allowance

Dear Sir

- With humbleness it is stated that Independent Monitoring Unit (IMU) is an attached department of Health department KP.
- The employees of the "Independent Monitoring Unit (IMU), Heath Department KP" were initially appointed on contract basis after following all the set rule of Govt. of Khyber Pakhtunkhwa; tough and transparent competition; and pure merit.
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  - b. Collect data on sanctioned, filled and vacant posts
  - c. Monitor the progress of chief minister special initiatives
  - d. Monitor the quality of services at primary, secondary and tertiary levels
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- Subsequently the regularization of these employees was notified in an official notification dated 30/06/2017, in which these MDCAs were awarded BPS-16 and also re-designated as "Data Collection Assistant (DCA)", which designation is a misfit with job nature of these employees, that is purely monitoring; hence absolutely discouraging. (Annex-II)

**ATTESTED**

While project employees, not only our designation was Monitoring and Data Collection Assistants (MDCAs) but also received a handsome salary of 38500/- per month. But after regularization we were re-designated as DCAs with decrease in salary to 21000/- per month. With no allowance whatsoever, our salary in EPS-1E is far below than the contemporary employees.

- It is also pertinent to mention here that every Govt. employee is receiving some sort of allowance; be it HPA, secretariat allowance, special allowance, risk allowance, executive allowance etc. but on the other hand IMU staff is not only deprived of the same but also their continued salaries were cut down to almost half, let alone allowances.
- Keeping in view the tough and important nature & responsibilities of the job, you are requested to kindly entitle the said staff with some sort of allowance like Monitoring Allowance, so that they can continue their job with zeal & zest.
- The respective calculations and expenditure on exchequer for such an allowances is minimal hence can be accommodated easily in the upcoming budget. (Annex-III)

Encl: AA

Yours faithfully,



Nisar Ahmad

Monitoring and Data Collection Assistant  
District Nowshera  
IMU Health Department (KP)



ENGR. NISAR AHMAD  
Data Collection &  
Monitoring Assistant  
IMU

(H) (M)

**JUDGMENT SHEET**  
**PESHAWAR HIGH COURT, PESHAWAR**  
**(JUDICIAL DEPARTMENT)**

WP No. 4199-P/2018

**JUDGMENT.**

Date of hearing: 15.05.2019

Petitioner: Nisar Ahmad & Muhammad Qasim Khan

Respondents: (Motion) Sabi-Allah

**WAQAR AHMAD SETH, CJ:-** Through the

instant Writ Petition, petitioners have prayed for issuance of an appropriate writ in the following manner:-

*"It is, therefore prayed that by accepting this petition, the impugned refusal of respondents to give pay protection to petitioners after regularization and their refusal to award monitoring allowance and MS allowance, be declared illegal, unlawful and thus ineffective upon the rights of the petitioners and consequently respondent may be directed to protect their pay as it was before their regularization and they may also be awarded M.S allowances as well as monitoring allowance".*

2. Brief facts of the case are that the petitioners were appointed as Monitoring & Data Collection Assistant (BPS-16) on fixed pay in the project, namely, Independent Monitoring Unit under the Health Department Government of Khyber Pakhtunkhwa and after promulgation of Khyber Pakhtunkhwa Employees of Health Department and

**ATTESTED**

Regulation of Service Act, 2017, their services stand  
 regularized vide Notification dated 30.06.2017. It is averred in  
 the petition that the petitioners were receiving handsome  
 salaries but after regularization, their salaries have been  
 reduced substantially and thus, they submitted a joint appeal  
 to the Chief Secretary, Government of Khyber Pakhtunkhwa  
 for protection of their pay in view of Office Memorandum  
 dated 31.05.2017, whereby the pay of non-gazetted contract  
 employees on their regularization was protected, which has  
 been adopted by the Government of Khyber Pakhtunkhwa  
 Finance Department vide letter No. FD (SOSR-I)-12-72017  
 dated 06.02.2014 and recently Notification dated 07.04.2012  
 issued by Finance Division Islamabad, but of no fruitful result.  
 It is also averred that petitioners are holding MS degrees and  
 are entitled for MS allowance in view of HEC Notification  
 dated 23.02.2017 whereby their degrees are equivalent to  
 M.Phil, but the respondents have not allowed the same. It is  
 also averred that every Government employees are receiving  
 some sort of allowance i.e. HPA, Secretariat Allowance, Risk  
 Allowance, Executive Allowance etc and they submitted an

ALIA

application/appeal to the competent authority for grant of Monitoring Allowance but the same was rejected/ignored; hence, the instant Writ Petition.

3. Respondents No. 1 to 3 have furnished their comments and opposed the writ of petitioners.

4. Arguments heard and record perused.

5. Admittedly, the petitioners were appointed in a project on fixed pay and later on, their services stand regularized in view of promulgation of Khyber Pakhtunkhwa Employees of Health Department (Regularization of Service) Act, 2017 vide Notification dated 30.06.2017 but they do not fulfil the criteria laid down in clauses (i), (ii), (iii), (iv) and (v) of the Policy circulated by the Federal Government on 31.05.2013 read with clause (iv) and (v) of the main policy dated 21.03.2000. Pay protection is applicable to grade pay employees whereas the petitioners were on fixed pay before regularization. So far as the claim of petitioners regarding MS allowance and Monitoring allowance is concerned, after regularization, the petitioners are civil servants and their grievance relates to the terms and conditions of services, for

**ATTESTED**

which, the appropriate remedy for seeking their redressal would surely be the Services Tribunal. This Court is barred under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973 to take cognizance of any matter relating to '*terms and conditions*' of service of a civil servant. The Apex Court in Ali Azhar Khan Baloch's case (2015 SCMR 456), has again laid down that the issue relating to the '*terms and conditions*' of service cannot be entertained by a High Court either in its constitutional jurisdiction or in its original civil jurisdiction being barred under Article 212 of the Constitution.

6. Resultantly, the writ petition being without any merit is hereby dismissed.

**ANNOUNCED.**  
Dated: 15.05.2019

  
**Chief Justice**

  
**Judge**

**ENGR. MISAR AHMAD**  
Data Collection & Processing Assistant  
2010

**ATTESTED**

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 6126/2020

Nisar Ahmad .....(Appellant)

VERSUS

Secretary Health Government of Khyber Pakhtunkhwa and others..... (Respondents)

RESPECTFULLY SHEWETH:

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS

PRELIMINARY OBJECTIONS:-

1. That the Appellant has got neither cause of action nor locus standi to file the instant Appeal.
2. That the Appellant has filed the instant appeal just to pressurize the respondents.
3. That the instant Appeal is against the prevailing Law and Rules.
4. That the Appeal is not maintainable in the present form and also in the present circumstances of the issue.
5. That the Appellant has filed the instant Appeal with mala-fide intention hence liable to be dismissed.
6. That the Appeal is badly time barred.
7. That the Honorable Tribunal has no Jurisdiction to adjudicate upon the matter.
8. That the instant appeal is bad for mis-joinder and non-joinder of the necessary parties.
9. That the matter has already been decided by Peshawar High Court in Writ Petition No. 4199-P/2008 dated 15-05-2018; hence the instant appeal is hit by Rule-23 of the Khyber Pakhtunkhwa Service Tribunal Rules.
10. That there is no final order (Original or Appellate); hence this Honourable Court has no jurisdiction to adjudicate the matter.
11. That allowance does not come within the definition of pay; hence the same does not come within the terms and conditions of service.



**ON FACTS:**

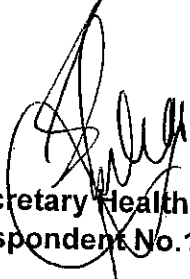
1. Correct to the extent that the appellant was initially inducted in the project namely Establishment of Independent Monitoring Unit (IMU) ADP Scheme under the health Department Govt. of Khyber Pakhtunkhwa as "Monitoring and Data Collection Assistant" in BPS-16 and trained dated 15/04/2015.
2. Pertains to record.
3. Pertains to record.
4. Correct to the extent that the Appellant alongwith others were regularized vide Notification dated 30-06-2017.
5. Pertains to record; however, he has been paid all the benefits from the date of regularization which was admissible to him under the law.
6. Incorrect. The appellant has been paid all the allowances and emoluments as admissible to pay under the rules.
7. Incorrect. The appellant is not entitled for any such allowances mentioned in this Para. Further, the instant appeal is badly time barred as there is no second departmental appeal permissible under the law in service matters.
8. Correct to the extent of dismissal of the Writ Petition of the appellant by Peshawar High Court; however, the same was dismissed on merit.
9. Incorrect. The instant appeal is badly time barred; however, reply on the grounds are as under:-

**GROUND:**

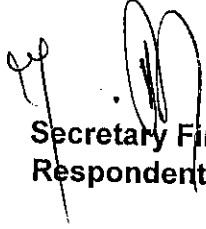
- a. Incorrect. The appellant has been given all the allowances admissible to him under the law and rules.
- b. Incorrect. Joint appeal is not permissible under the Appeal Rules, 1986. Section-3 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 provides only one departmental appeal or representation; therefore, the instant appeal is in violation of law and rules.
- c. Incorrect. The appellant has been treated in accordance with law and rules.
- d. As per Para-C of the Grounds.
- e. As per paras above.
- f. The respondent seeks permission of this Honourable Court to adduce other grounds during the final hearing of the appeal.

**PRAYER:**

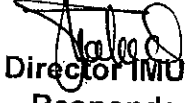
It is therefore humbly prayed that on acceptance of the comments, the instant appeal may very graciously be dismissed with cost.



**Secretary Health  
Respondent No.1**



**Secretary Finance  
Respondent No.2**



**Director IMU Health  
Respondent No.3**