

10.04.2023

Appellant in person present.

Asif Masood Ali Shah learned Deputy District Attorney for respondents present.

Former made a request for adjournment as his counsel is not available today. Adjourned. To come up for arguments on 02.06.2023 before D.B. Parcha Peshi given to the parties.

(Fareeha Paul)
Member (E)

(Rozina Rehman)
Member (J)

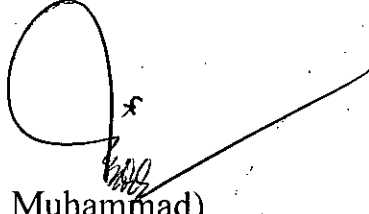
SCANNED
KPST
Peshawar

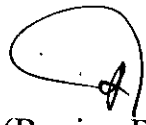
06.12.2022

Junior of learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is out of station. Adjourned. To come up for arguments on 09.02.2023 before D.B.

SCANNED
KPST
Peshawar


(Mian Muhammad)
Member (E)



(Rozina Rehman)
Member (J)

09.02.2023

Appellant present in person. Mr. Naseer Ud Din Shah, learned Assistant Advocate General for respondents present.

SCANNED
KPST
Peshawar

Mrs. Rozina Rehman, Learned Member (Judicial) is on leave today, therefore, case is adjourned to 10.04.2023 for arguments before D.B.


(Fareeha Paul)
Member (E)

30.06.2022

Learned counsel for the appellant present. Mr. Naser Ud Din Shah, Assistant Advocate General for respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation of brief of the instant case. Adjourned. To come up for arguments on 05.10.2022 before D.B.



(Rozina Rehman)
Member (J)



(Salah Ud Din)
Member (J)

5th October, 2022 Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

Learned counsel for the appellant seeks adjournment on the ground that he has not prepared the case. Last chance is given to argue the case on the next date failing which the case will be decided without the arguments. To come up for arguments on 06.12.2022 before the D.B.



(Fareeha Paul)
Member(Executive)



(Kalim Arshad Khan)
Chairman

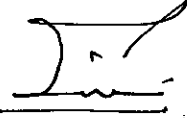
16.05.2022

Counsel for the appellant present. Mr. Jaffar Ali Assistant alongwith Mr. Kabir Ullah Khattak learned Additional Advocate General for the respondents present.

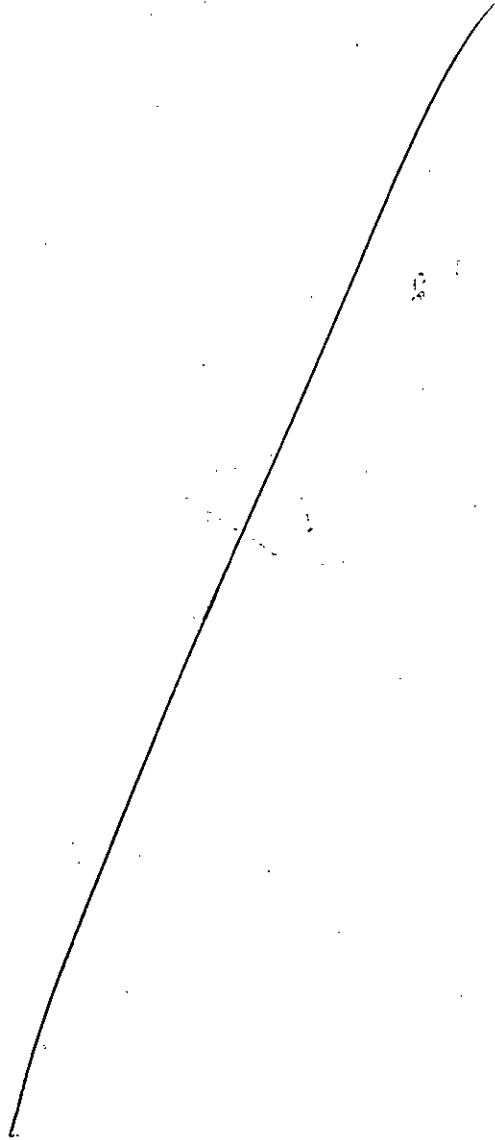
Representative of the respondents submitted reply/comments. Copy of the same was handed over to the learned counsel for appellant who requested for adjournment in order to go through the reply. To come up for rejoinder, if any, as well as arguments before the D.B on 30.06.2022.



(Rozina Rehman)
Member (J)



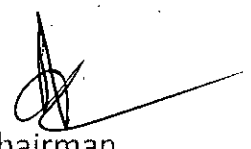
(Salah-Ud-Din)
Member (J)



Stipulated period passed reply not submitted.

29.07.2021

Learned Addl, A.G be reminded about the omission and for submission of reply/comments within extended time of 10 days.



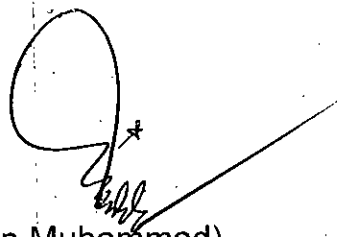
Chairman

21.11.2021

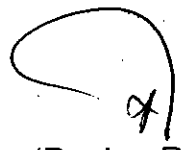
Appellant alongwith his counsel present.

Kabirullah Khattak, Adll: AG for respondents present.
Representative of the respondents are not present.

Written reply/comments not submitted. Learned AAG seeks time to contact the respondents for submission of written reply/comments. Last opportunity is granted to the respondents for submission of written reply/comments within 10 days positively failing which their right of defense shall be deemed struck off. To come up for written reply/comments as well as arguments on 03.02.2022 before D.B.



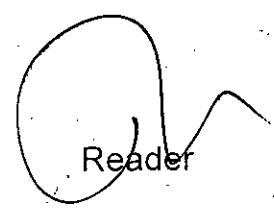
(Mian Muhammad)
Member (E)



(Rozina Rehman)
Member (J)

03.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 16.05.2022 for the same as before.



Reader

28.06.2021

Counsel for appellant present.

An application for extension of time to deposit security and process fee was submitted.

Application is allowed with direction to appellant to deposit security and process fee within 3 days, where-after notices be issued to respondents to submit written reply/comments in office within 10 days positively. If the written reply/comments are not submitted in office within stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on

Appellant Deposited
Security & Process Fee
28/6/21

12.11.2021 before D.B.



(Rozina Rehman)
Member(J)

24.03.2021

Counsel for the appellant present. Arguments heard and record perused.

Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal exceptions. The appellant is directed to deposit security and process fee within 10 days. Notice be issued to the respondents. To come up for written reply/comments on 28/06 /2021 before S.B.



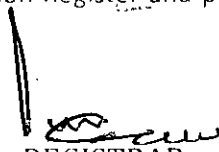

(Rozina Rehman)
Member (J)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 14050 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	09/11/2020	<p>The appeal of Mr. Inayat Ullah presented today Mr. Ashfaq Ahmad Dawdzai Advocate 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>
2-	28.12.2020	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>28/12/2020</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Learned counsel for appellant is present. He is seeking time for preparation of the brief. Time is allowed. File to come up for preliminary hearing on 24.03.2021 before S.B.</p> <p style="text-align: right;">(MUHAMMAD JAMAL KHAN) MEMBER</p>

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

Service Appeal No. 14050/2020

Inayat Ullah. **APPELLANT**

VERSUS

Govt. of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar & others. **RESPONDENTS**

I N D E X

S.No.	Description of Documents	Annex	Pages
1.	Service Appeal		1-6
2.	Affidavit		7
3.	Addresses of the Parties		8
4.	Copy of Advertisement	A	9
5.	Copy of Appointment Order and Pay Roll	B	10-12
6.	Copy of Regularization Orders	C & D	13-18
7.	Copies of Representation and Order	E & F	19-21
8.	Wakalatnama		22



Appellant

Through



Ashfaq Ahmad Daudzai
Advocate High Court
Cell: 0312-9123806

Dated: 06.11.2020

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

Service Appeal No. _____/2020

Inayat Ullah S/o Abdul Ajab Khan

R/o Tor Dhand, Tehsil & District Karak.

EPI Technician, DHO, Karak. **APPELLANT**

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
2. The Secretary Health Department, Govt. of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. The Secretary Finance Department, Govt. of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
4. Director General Health, Directorate General Health Services, Khyber Pakhtunkhwa, Peshawar.
5. Additional Director General (HRM), Directorate General Health Services, Khyber Pakhtunkhwa, Peshawar.
6. Deputy Director EPI, Khyber Pakhtunkhwa, Peshawar.

.....**RESPONDENTS**

**SERVICE APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICES TRIBUNAL
ACT, 1974.**

Respectfully Sheweth:

Brief facts giving rise to the present petition are as under;

1. That the respondents invited applications for the post of EPI Technician through advertisement dated 17.07.2005, on contract basis. **(COPY OF THE ADVERTISEMENT IS ATTACHED AS ANNEX "A")**.
2. That the appellant being eligible and qualified, applied for the same and after due process, was appointed as Junior EPI Technician (BPS-05) on 02.11.2005 and since his appointment is performing his duties upto the entire satisfaction of his superior officers. **(COPY OF THE APPOINTMENT ORDER AND PAY ROLL ARE ATTACHED AS ANNEX "B")**.
3. That, thereafter, the respondents regularized the services of the appellant vide office orders No.1173402-13/EPI, dated 01.04.2013 and No.1178603-651/EPI, dated 22.05.2013 with immediate effect. **(COPY OF REGULARIZATION ORDERS ARE ATTACHED AS ANNEX "C" & "D" RESPECTIVELY)**.
4. That the appellant is continuously performing his duties upto the entire satisfaction of his high-ups and have more than 07 years & 05 months contract services at his credit, which were not counted towards his pay and pension protection, hence caused huge financial loss to the appellant.
5. That the appellant was initially employed against the sanctioned posts and he was performing his duties without any break in his services.
6. That the appellant approached the respondents and submitted representation through proper channel, vide

Diary No.204, dated 28.01.2020, for counting of his contract service w.e.f 02.11.2005 to 22.05.2013, but the same was not accepted. **(COPIES OF REPRESENTATION AND ORDER ARE ATTACHED AS ANNEX "E" & "F" RESPECTIVELY).**

7. That having no other remedy, the appellant is constrained to file the instant appeal, on the following grounds;

GROUND S:-

- A. That the action/inaction of the respondents while refusing to count the previous services of more than 07 years, towards pay and pension protection of the appellant is against the principle of justice, fair play, equity and equality.
- B. That the respondents themselves have admitted that the appellant has served for more than 07 years on contract basis that is w.e.f 02.11.2005 to 22.05.2013, therefore, the appellant is legally entitled to all the benefits of previous service towards pay and pension fixation.
- C. That as per Rule 2.3 of West Pakistan Civil Services Pension Rules, 1963, the temporary and officiating service followed by confirmation/ regularization will be counted towards pension and pay protection. Rule 2.3 of Rules ibid is reproduced for ready reference as under:

"2.3 Temporary and officiating service - Temporary and officiating service shall count for pension as indicated below:-

- (i) Government services borne on temporary establishment who have rendered more than five years continuous temporary service shall count such service for the purpose of pension or gratuity; and
- (ii) Temporary and officiating service followed by confirmation shall also count for pension or gratuity....."

- D. That the act of respondents is violative of fundamental rights guaranteed by the constitution of Islamic Republic of Pakistan, 1973 and settled principles laid down by the apex court and the Hon'ble High Court has already issued orders and the previous service has been counted towards pay and pension protection in case titled **"Baghi Shah vs. The Govt. of Khyber Pakhtunkhwa through Secretary Finance & two others"** (Writ Petition No.1188-P/2014 decided on **09.09.2014**).
- E. That the act of respondents amounts to abuse of process of law, against natural justice, hence is ineffective upon the rights of appellant.
- F. That the act of respondents is in utter disregard to the judgment of Apex Court in the matter as the Hon'ble higher forums in number of cases has held as follow:-

"that the period served by the Government Servant on contract basis shall be counted towards his pensionary benefits, after regulation, in accordance with Rule 2.3 of the West Pakistan Civil Services Pension Rules, 1963."

G. That a Writ Petition No.3221-P/2013 titled "**Sultan Muhammad & others vs. Government & others**", decided on 01.03.2018, wherein it was held that;

"the facts as well as the legal proposition involved in this case is similar to the one already decided by this court in the above mentioned cases, therefore, this court could not take a different view, therefore, this writ petition is disposed of in the term that the services rendered by the appellants as contract employees shall be considered towards their pay and pension."

H. That while resolving the identical proposition of law in case titled "**Muhammad Farooq vs. Engineer in Chief, ENC Branch, General Headquarters (GHQ), Rawalpindi**" reported in **2012 CLJ 343**, the Hon'ble Lahore High Court has held as follows:

"Government Servant continuously remaining in service without break would after his regularization have the right that the period of his service before regularization be counted towards his pay, pension and promotion."

I. That in view of the above referred case laws on the subject the appellant has not been treated in accordance with law as mandated by Article-4 of the Constitution of Islamic Republic of Pakistan, 1973. The appellant deserves the same treatment under the principle of equity, equality and principle of consistency.

J. That non-counting of the previous service of the appellant towards pay and pension fixation is violative of Article 2A, 4, 25 & 38 of the Constitution.


- K. That the act/impugned order is based on malafide and has been passed in arbitrary manner by bypassing the relevant law, facts and judgment of the Apex Court on the subject. The respondents are bound to follow the judgment of the courts having the status of law and disregard to it is violative of the constitutional provisions as well as law of the land, hence the impugned action/order is not sustainable in the eye of law.
- L. That the appellant seeks permission to advance any other grounds and proof at the time of hearing.

It is, therefore most humbly prayed that on acceptance of this Service Appeal, the order dated 03.11.2020 may kindly be set aside/ set at naught and not counting the previous service (w.e.f. 02.11.2005 to 22.05.2013) of the appellant towards pay protection and pensionary benefits be declared as illegal, unconstitutional, arbitrary and exploitation of the past good service of the appellant.

Further the respondents be directed to grant full pay protection and pensionary benefits of the previous service w.e.f. 02.11.2005 to 22.05.2013 to the appellant for the ends of justice, or any other remedy deem proper, in the circumstances of the case may please be ordered.


Appellant

Through


Ashfaq Ahmad Daudzai
Advocate High Court

Dated: 06.11.2020

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

Service Appeal No. _____/2020

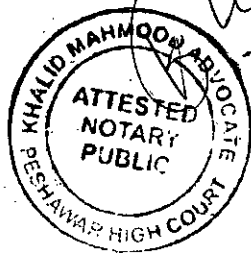
Inayat Ullah. **APPELLANT**

VERSUS

Govt. of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar & others. **RESPONDENTS**

AFFIDAVIT

I, Inayat Ullah S/o Abdul Ajab Khan (EPI Technician, DHO, Karak) R/o Tor Dhand, Tehsil & District Karak, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



Inayat Ullah
20

DEPONENT

CNIC: 14202-1343367-7

Cell: 0332-0955141

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

Service Appeal No. _____/2020

Inayat Ullah. **APPELLANT**

VERSUS

Govt. of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar & others. **RESPONDENTS**

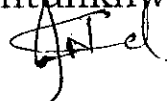
ADDRESSES OF THE PARTIES

APPELLANT:

Inayat Ullah S/o Abdul Ajab Khan R/o Tor Dhand, Tehsil & District Karak. (EPI Technician, DHO, Karak).

RESPONDENTS:

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
2. The Secretary Health Department, Govt. of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. The Secretary Finance Department, Govt. of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
4. Director General Health, Directorate General Health Services, Khyber Pakhtunkhwa, Peshawar.
5. Additional Director General (HRM), Directorate General Health Services, Khyber Pakhtunkhwa, Peshawar.
6. Deputy Director EPI, Khyber Pakhtunkhwa, Peshawar.


Appellant

Through


Ashfaq Ahmad Daudzai
Advocate High Court

Dated: 06.11.2020

پشاور — پرنسز عبدالواحد پٹی، پبلشر قہقہہ شاہین نے آج پرنسز پریس سے چھپوا کر دفتر روزنامہ آج سنڈے پب اسلام آباد — ایڈیٹر، پبلشر عبدالواحد پٹی نے روحانی آرٹ پریس چشتاکی بازار سے چھپوا کر لندن بازار، کراچی کی

Do you take the bait?

امریکہ نے بھارت کو ایک بڑی پیش کش کی ہے

اتوار 17 جولائی 2005ء

امریکہ نے بھارت کو ایک بڑی پیش کش کی ہے

کراچی (انٹرنیٹ) — امریکہ نے بھارت کو ایک بڑی پیش کش کی ہے۔ امریکہ نے بھارت کو ایک بڑی پیش کش کی ہے۔ امریکہ نے بھارت کو ایک بڑی پیش کش کی ہے۔

بھارت نے امریکہ سے ایک بڑی پیش کش کی ہے۔ بھارت نے امریکہ سے ایک بڑی پیش کش کی ہے۔ بھارت نے امریکہ سے ایک بڑی پیش کش کی ہے۔

پالیسیوں پر عمل پیرا ہوں نیک عمل

سارک (انٹرنیٹ) — پالیسیوں پر عمل پیرا ہوں نیک عمل۔ سارک (انٹرنیٹ) — پالیسیوں پر عمل پیرا ہوں نیک عمل۔

بھارتی آنسٹریڈ سٹارٹ اپ کی امداد کا مطالبہ

بھارتی آنسٹریڈ سٹارٹ اپ کی امداد کا مطالبہ۔ بھارتی آنسٹریڈ سٹارٹ اپ کی امداد کا مطالبہ۔

پستی ایسے رعایتی مدد دی جائے

پستی ایسے رعایتی مدد دی جائے۔ پستی ایسے رعایتی مدد دی جائے۔

دو کھانسی کے درمیان میں

دو کھانسی کے درمیان میں۔ دو کھانسی کے درمیان میں۔

نمبر	مقامی کام	اسامیوں کی تعداد	مقامی کام	نمبر	اسامیوں کی تعداد
1	پشاور	11	پشاور	11	11
2	پشاور	12	پشاور	12	12
3	پشاور	13	پشاور	13	13
4	پشاور	14	پشاور	14	14
5	پشاور	15	پشاور	15	15
6	پشاور	16	پشاور	16	16
7	پشاور	17	پشاور	17	17
8	پشاور	18	پشاور	18	18
9	پشاور	19	پشاور	19	19
10	پشاور	20	پشاور	20	20

انف. جونیئر EPI ٹیکنیشن کی اسامیوں کی تعداد 11 ہے۔

پستی ایسے رعایتی مدد دی جائے

پستی ایسے رعایتی مدد دی جائے۔ پستی ایسے رعایتی مدد دی جائے۔

بھارتی آنسٹریڈ سٹارٹ اپ کی امداد کا مطالبہ

بھارتی آنسٹریڈ سٹارٹ اپ کی امداد کا مطالبہ۔ بھارتی آنسٹریڈ سٹارٹ اپ کی امداد کا مطالبہ۔

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پستی ایسے رعایتی مدد دی جائے

پستی ایسے رعایتی مدد دی جائے۔ پستی ایسے رعایتی مدد دی جائے۔



بین الاقوامی اسلامی یونیورسٹی

اسلام آباد

ایم ایس سی

پشاور

Annexure (B) 10

Free
D/W

OFFICE OF THE EXECUTIVE DISTRICT OFFICER HEALTH KARAK

OFFICE ORDER

As recommended by the Departmental Selection Committee Inayat Ullah Ajab S/O Abdullah Ajab Resident of Toor Dhand District Karak is hereby appointed as Junior EPI Technician BPS-05 plus usual allowance as admissible under the government rules. His appointment shall be purely on contract basis against the post of Junior EPI Technician available through EPI/GAVI PC-1. The project will come to an end on June 2008.

His appointment is subject to the following terms & conditions.

1. He is domiciled of District Karak.
2. He is declared medically fit for Government Service.
3. He will perform his duty at Civil Hospital Bahader Khel Tehsil BD Shah Karak.
4. His Services will not be transferable from the above-mentioned area in the public interest.
5. He will not be entitled for any TA/DA for medical examination and joining his 1st appointment.
6. His appointment is purely on temporary basis & his Services can be terminated at any time without any reasons being assigned.
7. He will be governed by the rules & orders issued by the government for the category of Government Servants which he belong.
8. If he wishes to resign at any time he will resign in writing by giving a prior notice of one month and will continue his service till acceptance of his resignation by competent authority failing which one month pay will be forfeited to Govt.
9. He will draw his salary through the office of the undersigned.
10. If he accepts this offer on the above terms & conditions he should report to MO I/C Civil Hospital Bahader Khel for duty within one week after the receipt of this letter, failing which the offer will be treated as cancelled.

EXECUTIVE DISTRICT OFFICER
HEALTH KARAK.

No 393-38/EDO (H)

Dated 21/11/2005

Copy forwarded to: -

1. The Director General Health Services NWFP Peshawar for information.
2. The Deputy Director EPI NWFP Peshawar for information.
3. The District Account Officer Karak for information.
4. The Account Clerk EDO (H) Office Karak for information.
5. Mr. Inayat Ullah Ajab S/O Abdullah Ajab R/O Toor Dhand Karak for information & compliance.
6. The MO I/C Civil Hospital Bahader Khan for information.

EXECUTIVE DISTRICT OFFICER
HEALTH KARAK.

ABSTED

Dist. Govt. KP-Provincial
District Accounts Office Karrak
Monthly Salary Statement (October-2020)



11

Personal Information of Mr INAYAT ULLAH AJAB d/w/s of ABDUL AJAB

Personnel Number: 00300723 CNIC: 1420213433677 NTN:
 Date of Birth: 09.02.1979 Entry into Govt. Service: 02.11.2000 Length of Service: 20 Years 00 Months 000 Days

Employment Category: Active Temporary

Designation: CLINICAL TECHNICIAN (MULT 80814217-DISTRICT GOVERNMENT KHYBE

DDO Code: KK6908-EDO HEALTH (EPI)

Payroll Section: 001 GPF Section: 001 Cash Center:

GPF A/C No: JM V 1 A P 20 Interest Applied: Yes **GPF Balance:** 189,950.00

Vendor Number: -
Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 12 Pay Stage: 7

Wage type		Amount	Wage type		Amount
0001	Basic Pay	20,040.00	1000	House Rent Allowance	1,961.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
1985	Health Professional Allow	10,000.00	2148	15% Adhoc Relief All-2013	348.00
2199	Adhoc Relief Allow @10%	275.00	2211	Adhoc Relief All 2016 10%	1,434.00
2224	Adhoc Relief All 2017 10%	2,004.00	2247	Adhoc Relief All 2018 10%	2,004.00
2264	Adhoc Relief All 2019 10%	2,004.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3012	GPF Subscription	-2,220.00	3501	Benevolent Fund	-600.00
4004	R. Benefits & Death Comp:	-600.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 0.00 Recovered till OCT-2020: 0.00 Exempted: 0.00 Recoverable: 0.00

Gross Pay (Rs.): 44,426.00 Deductions: (Rs.): -3,420.00 Net Pay: (Rs.): 41,006.00

Payee Name: INAYAT ULLAH AJAB

Account Number: 12322-5

Bank Details: NATIONAL BANK OF PAKISTAN, 230451 KARAK KARAK CITY, KARAK

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: KARAK

Temp. Address:

City:

Domicile: NW - Khyber Pakhtunkhwa

Email: inayatullahtsv@gmail.com

Housing Status: No Official

ATTESTED

12

BETTER COPY

47

Dir at Timergara

S#: 2863

Pers #: 00378402 Buckle:
Name: NASIR MUHAMMAD
CLINICAL TECHNICIAN (MULT
CNIC No. : 1530209165977
GPF Interest Applied

P. Sec: 001 Month: January 2020
DA6340 -EPI (TIMARGARA) S
E.P.I (TIMERGARA) S
NTN:
GPF #:
Old #:

12 Active Permanent
PAYS AND ALLOWANCES:
0001-Basic Pay
1000-House Rent Allowance
1210-Convey Allowance
1300-Medical Allowance
1923-UAA-OTHER 20%(1-15)
1985-Health Professional Allow
2148-15% Adhoc Relief All-2013
2199-Adhoc Relief Allow @10%
2211-Adhoc Relief All 2016 10%
Gross Pay And Allowances

DA6340.

19,080.00

1,961.00

2,856.00

1,500.00

1,000.00

10,000.00

348.00

259.00

1,354.00

44,082.00

DEDUCTIONS:

GPF Balance 152,332.00
3501-Benevolent Fund
4004-R. Benefits & Death Comp.

Subre:

2,220.00

600.00

600.00

Total Deductions

1,420.00

40,662.00

D.O.B 14.01.1982 LFP Quota:
HABIB BANK LIMITED TOTAKAN, MALAKAND.

12 Years 07 Months 001 Days C/A 1372-21

Att
Attested

Arshad
ATTESTED

Annex

(2)

(13)

DIRECTORATE GENERAL HEALTH SERVICES KHYBER PAKHTUNKHWA

KHYBER ROAD PESHAWAR

NO. 1172402-13 /EPI

Dated Peshawar the 1/4 /2013

OFFICE ORDER.

In compliance with Government of Khyber Pakhtunkhwa, Health Department letter No.SOB/HD/1-1/2007-08, dated 15.02.2013 read with Peshawar High Court Peshawar order/judgment in WP.No.1670/2010,dated 05.07.2012, the following PHC Tech / EPI Tech (petitioners) (BPS-09-6200-380-17600) plus other allowances as admissible under the rules are hereby appointed against the vacant post, newly created by the Finance Department letter No. BOVI/FD/4-2/2011-12/VOL-IV, dated 13/2/2013 in their respective districts with immediate effect.

S.No	Name of officer/official	Designation/BPS	Place of posting
1	Taj Muhammad	PHC Tech / EPI Tech	DHO Karak
2	Inayat Ullah Ajab	-do-	-do-
3	Asim Iqbal	-do-	-do-

Their appointment in the Health Department, Govt of Khyber Pakhtunkhwa will be subject to the following Terms and Conditions:-

1. He will be on probation initially for a period of one year extendable for a further period nor exceeding one year.
2. His services can be dispensed with during the probation period, if his work and conduct found unsatisfactory.
3. His appointment will be subject to medical fitness verification of character/antecedents and educational qualifications.
4. He will not be entitled to any TA/DA for medical examination and joining the first appointment.
5. He will be governed by such rules and orders as may be issued by the Government for the category of Government servant to which he belongs.
6. As laid down vide Govt. Khyber Pakhtunkhwa E & AD Notification No. E&A(1-3)/2005 dated 10.8.2005, he will not be entitled to pension or gratuity however in lieu thereof, will be entitled to receive such amount contributed by him towards the contributory provident fund alongwith the contributions made by the Government to his account in the said fund.
7. If he wishes to resign from service he will have to submit resignation in writing 14- days in advance or deposit 14-days salary in the government treasury. However he will continue to serve the government till his resignation is accepted by the Competent Authority.

If the above terms and conditions are acceptable to him he should report to his respective DHO office within 14days of the receipt of this order.

The competent authority is pleased to relax the rules for age to the petitioners for appointment one time.

Continued next page

ADMITTED

14

The competent authority is pleased to relax rules in qualification to the petitioners one time.

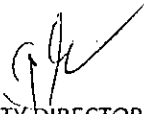
DEPUTY DIRECTOR EPI
KHYBER PAKHTUNKHWA

No. _____/

Dated _____/2013

Copy forwarded to the:-

1. Registrar Peshawar High Court Peshawar with ref to W.P 1670/2010.
2. Accountant General Khyber Pakhtunkhwa.
3. National Program Manager Islamabad Chak Shahzad.
4. PS to Secretary Health Department Khyber Pakhtunkhwa.
5. PA to DGHS, Khyber Pakhtunkhwa.
6. Section Officer (Budget) Health Department Khyber Pakhtunkhwa.
7. Budget Officer VI Finance Department Khyber Pakhtunkhwa.
8. ALL DHOs Health in Khyber Pakhtunkhwa for compliance.
9. All DAOs in Khyber Pakhtunkhwa for n/action.
10. AD Accounts DGHS Khyber Pakhtunkhwa.
11. **Officers/Officials concerned** with the direction to submit arrival/Charge Assumption/Charge Relieving Reports under intimation to all concerned within **30-days** on the receipt of this order. In case of failure to do so, it would be presumed that you are not willing to join duty and the post would be declared as vacant.


DEPUTY DIRECTOR EPI
KHYBER PAKHTUNKHWA

ARSHAD
ATTESTED

Continued next page

Annex D

15

NOTED FOR THE OFFICE ORDER BEARING THE SAME NUMBER AND DATE
STORATE GENERAL HEALTH SERVICES KHYBER PAKHTINKHWA

KHYBER ROAD PESHAWAR

NO. 1178603-65/EP2.

Annex-B

Dated Peshawar the 22/05/2013

OFFICE ORDER.

In compliance with Government of Khyber Pakhtunkhwa, Health Department letter No. SOB/HD/1-1/2007-08 dated 15.02.2013 read with Peshawar High Court Peshawar order/judgment in W.P No. 1870/2010 dated 05.07.2012; the following PHC Tech / EPI Tech (petitioners) (BPS-09-6200-380/17600) plus other allowances as admissible under the rules are hereby regularized against the newly created post by the Finance Department letter No. BOV/FD/4-2/2011-12/VOL-IV, dated 13/2/2013 in their respective districts with immediate effect.

S No	Name of Officers / Official	Designation / BPS	Place of Posting
1	Qaribullah	Jr. EPI Tech / Jr. PHC Tech	DHO Bannu.
2	Mahabat Khan	-do-	-do-
3	Barkatullah	-do-	-do-
4	Fakhar Alam	-do-	-do-
5	Hidayat Khan	-do-	DHO Buner
6	Muhammad Usman	-do-	-do-
7	Umar Liaq	-do-	-do-
8	Juma Gul	-do-	-do-
9	Abdul Ali Khan	-do-	-do-
10	Muhammad Hamayon	-do-	-do-
11	Miss Yasmeen	-do-	-do-
12	Abdul Kabeer	-do-	-do-
13	Arshad Ali	-do-	DHO Charsadda
14	Hussain Gul	-do-	-do-
15	Zahoor Khan	-do-	-do-
16	Muhammad Nateeq	-do-	-do-
17	Abidur Rehman	-do-	DHO Chitral
18	Niaz Uddin	-do-	-do-
19	Qaidur Ibrar	-do-	-do-
20	Muhammad Shoaib	-do-	DHO D.I.Khan
21	Ejaz Hussain	-do-	-do-
22	Muhammad Waseem	-do-	-do-
23	Muhammad Pervez	-do-	-do-
24	Asmat Ullah	-do-	-do-
25	Ameer Nawaz	-do-	-do-
26	Abdul Khalid	-do-	-do-
27	Jamaheed	-do-	-do-
28	Rafiqur Rehman	-do-	DHO Dir Lower
29	Naseer Muhammad	-do-	-do-
30	Rahman Ullah	-do-	DHO Dir Upper

Attested

ATTESTED
Arshad

16

✓	Zada	-do-	-do-
✓	Haider	-do-	-do-
✓	Shah Wali Khan	-do-	-do-
✓	Sher Bahadur	-do-	-do-
✓	Muhammad Nisar	-do-	-do-
36	✓ Fazal Wadood	-do-	-do-
37	✓ Nizamul Haq	-do-	-do-
38	Hameedullah	-do-	DHO Karak
39	Taj Muhammad	-do-	-do-
40	Alla Zaheen	-do-	-do-
41	Roheeda Khatoon	-do-	-do-
42	Anayat Ajab	-do-	-do-
43	Muhammad Asim	-do-	-do-
44	Muhammad Basit	-do-	DHO Kohat
45	Zaheer Abbas	-do-	-do-
46	Azmat Ali Khan	-do-	-do-
47	Khalid Iran	-do-	-do-
48	Sajid Khan	-do-	-do-
49	Muhammad Ayaz	-do-	DHO Lakki Marwat
50	Amin Ullah	-do-	-do-
51	Muhammad Farooq	-do-	-do-
52	Hayat Ullah	-do-	-do-
53	Saifullah	-do-	-do-
54	Liaqa Zaman	-do-	-do-
55	✓ Muhammad Iqbal	-do-	DHO Malakand
56	✓ Shahid Hussain	-do-	-do-
57	✓ Shahid Khan	-do-	-do-
58	Ata Ullah	-do-	-do-
59	✓ Kalsoom Ara	-do-	-do-
60	✓ Taruf Khan	-do-	DHO Mardan
61	✓ Shah Khalid	-do-	-do-
62	✓ Riaz Khan	-do-	-do-
63	✓ Asghar Ali Shah	-do-	-do-
64	✓ Khalid Daood	-do-	DHO Nowshera
65	✓ Khalid Khan	-do-	-do-
66	✓ Fazle Amin	-do-	-do-
67	✓ Arshad Khan	-do-	-do-
68	✓ Wisal Muhammad	-do-	-do-
69	Chand Tahir Mahmood	-do-	DHO Mansehra
70	Haroon Rashid	-do-	-do-
71	Syed Tasaduq Shah	-do-	-do-
72	Waqar Ahmad	-do-	-do-
73	Ihtekhar Ahmad	-do-	-do-
74	Haroon ur Rashid	-do-	DHO Peshawar
75	✓ Wahid Gul	-do-	-do-
76	Sheraz Khan	-do-	-do-
77	Saeed Ur Rahman	-do-	-do-
78	Hameed Ullah	-do-	DHO Swat
79	Gul Rahman	-do-	-do-
80	Said Karam	-do-	-do-
81	Sher Muhammad Khan	-do-	-do-

Attest
ATTESTED

17

	Arif Wahab	-do-	DHO Shangha
	Bibi Ayesha	-do-	-do-
	Azimullah	-do-	-do-
	Raqia Bibi	-do-	-do-
87	Zia ur Rahman	-do-	-do-
88	Umar Khatib	-do-	DHO Tank
89	Waqas	-do-	-do-
90	Asad Abbas	-do-	-do-
91	Azmat ullah	-do-	-do-
92	Muhammad Zubair	-do-	-do-
93	Ahmad Jan	-do-	-do-

No. _____

Date: _____

Their appointment in the Health Department, Govt of Khyber Pakhtunkhwa will be the subject to the following Terms and Conditions:-

1. He will be on probation initially for a period of one year extendable for further period not exceeded one year.
 2. His services can be dispensed with during the probation period, if his / her work and conduct found unsatisfactory.
 3. His appointment will be subject to medical fitness verification of character / antecedents and educational qualifications.
 4. He will not be entitled to any TA / DA for medical examination and joining the first appointment.
 5. He will be governed by such rules and orders as may be issued by the Government Khyber Pakhtunkhwa for the category of Government servant to which He / She belongs.
 6. As laid down vide Govt. Khyber Pakhtunkhwa E & AD Notification No. E&A(1-3)/2005 dated 10.8.2005, he will not be entitled to pension or gratuity however in lieu thereof, will be entitled to receive such amount contributed by her towards the contributory provident fund along with the contributions made by the Government to her account in the said fund.
 7. If he wishes to resign from the service she will have to submit resignation in writing 14-days in advance of deposit 14-days salary in the Govt. treasury. However he will continue to service the Government till his / her resignation is accepted by the competent authority.
- If the above terms and conditions are acceptable to him he should report within 14 days of the receipt of this order.

The Competent authority is pleased to relax the rules for age to the petitioners for appointment one time.

ARCMA ADTESTED

18

(18)

ent authority is pleased to relax rules in qualification to the petitioners one time.

[Signature]
24/4/17
DEPUTY DIRECTOR EPI
KHYBER PAKHTUNKHWA

No. _____ /EPI

Dated _____ /2013

Copy forwarded to the:-

1. Registrar Peshawar High Court Peshawar with ref to W.P 1670/2010.
2. Accountant General Khyber Pakhtunkhwa.
3. National Program Manager Islamabad Chak Shahzad.
4. PS to Secretary Health Department Khyber Pakhtunkhwa.
5. PA to DGHS, Khyber Pakhtunkhwa.
6. Section Officer (Budget) Health Department Khyber Pakhtunkhwa.
7. Budget Officer VI Finance Department Khyber Pakhtunkhwa.
8. ALL DHOs Health in Khyber Pakhtunkhwa for compliance.
9. ALL DAOs Health in Khyber Pakhtunkhwa for r/acion.
10. AD Accounts DGHS Khyber Pakhtunkhwa.
11. Officers / Officials concerned with the direction to submit arrival / Charge Assumption / Charge Relieving Reports under intimation to all concerned within 30-days on the receipt of this order. In case of failure to do so, it would be presumed that you are not willing to join duty and the post would be declared as vacant.

[Signature]
24/4/17
DEPUTY DIRECTOR EPI
KHYBER PAKHTUNKHWA

ATTESTED
[Signature]
ARSHAD

Annex - (E)

(19)

To,

The Director General;
Health Services, Khyber Pakhtunkhwa,
Peshawar.

Through

Proper channel

BEASEACH OF INCLUSUON OF SERVICE W.E.F 2.11.2005
TO 01.04.2013 RENDERED AGAAINST TEMPORARY POST

Respected Sir,

With profound regards it is submitted that I was initially appointed as EPI technician against the temporary /project post on 02/11/2005. I performed my duty enthusiastically against the said post till 31/10/2014 and during this period I was being paid monthly salary regularly but, subsequently despite the fact that I was performing my duty and attended the office on a regular basis, my salary was stopped till 01/04/2013, therefore, I knocked the door of the court, as a result of the court order my service was regularized on 01/04/2013. However, my previous services w.e.f 02/11/2005 to 01/04/2013 was not included, which in accordance was pension rules and settled law was to be engrossed into my regular employment. The superior court in this respect in a case reported as **2010 PLC 354** has had that "when an employee was regularized, his total length of service was to be computed from the day he joined the service that could be temporary or otherwise and even period of an employee of daily wages would be counted for the purpose of computing pensionary benefits."

In view of the above, it is humbly requested that my previous contractual service may kindly be included into my employment. I shall be very thankful to you for this act of kindness.

Yours Obediently
(Inayat Ullah)
EPI Technician

Forwarded to DGHS-KP
through proper channel for
Departmental consideration

ad
District Health Officer
Karak

ATTESTED

ABDUL



OFFICE OF DISTRICT HEALTH OFFICER

KARAK

(Khyber Pakhtunkhwa)

Phone ☎ # Fax ☎ #: 0927-290537

20

No. 3714

Dated: 12/08/2020

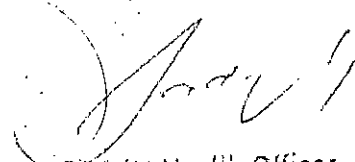
To,

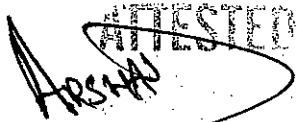
The Director General,
Health Services, Khyber Pakhtunkhwa,
Peshawar.

SUBJECT: COVERING LETTER FOR AN APPLICATION RECEIVED FROM ONE, MR. INAYAT ULLAH EPI TECHNICIAN DHO OFFICE KARAK

Sir

Kindly find a self-explanatory application enclosed herewith, from Mr. Inayat Ullah Ajab EPI Technician DHO Office Karak, with a subject of BEASEACH OF INCLUSUON OF SERVICE W.E.F 2.11.2005 TO 01.04.2013 RENDERED AGAAINST TEMPORARY POST


District Health Officer
Karak


ARSHAD



(21)

Ammed

(F)

**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA, PESHAWAR.**

Office Ph# 091 - 9210269 Exchange# 091 - 9210187, 091 - 9210196, Fax #091 - 9210230
All communications should be addressed to the Director General Health Services Peshawar and not to any official by name.

No. 9742 /AE-VI,


Dated 3/11/2020

To

✓ The District Health Officer,
Karak.




Subject: - COVERING LETTER FOR AN APPLICATION RECEIVED FROM ONE MR. INAYATULAH, EPI TECHNICIAN, DHO OFFICE, KARAK.

Kindly refer to your letter No.3714/, dated 12/08/2020, on the subject noted above and to inform that the services of the official concerned was regularized with effect from 01/04/2013 and not from the date of his 1st appointment on Project Post.


ADDL: DIRECTOR GENERAL (HRM)
DGHS KHYBER PAKHTUNKHWA,
PESHAWAR.

1/11/20

ATTESTED
AAGNA

41730			
ایڈوکیٹ: اشفاق احمد لودھی	پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل ایسوسی ایشن نمبر: BC-107999			
رابطہ نمبر: 0312-9128806			

بعدالت جناب: Service Tribunal Judge KPK

مخانب:	دعوی: Service Appeal
عنايت الله	علت نمبر:
بنام	مورخہ:
گورنمنٹ خیبر پختونخوا	جرم:
	تھانہ:

بابت تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ
 آن مقام پشاور کیلئے اشفاق احمد لودھی کو وکیل مقرر
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
 زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی، نیز
 دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
 کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب
 مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا
 دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے
 باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المقام: 6-11-2020
 DIST. AWAJ BAK
 KHYBER PAKHTUNKHWA
 المقام: واہ

مقام: پشاور کے لیے منظور ہے۔

عنايت الله ولا عبد العجب مسكده طود لودھی لودھی

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

SERVICE APPEAL NO. 14050/2020

Inayat Ullah.....Appellant

Versus

Government of Khyber Pakhtunkhwa & others Respondents

Index

S. No.	Description	Annexure	Pages No.
1	Comments		1-2
2	Affidavit		3
3	Letter dated 13/02/2013	A	4

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

SERVICE APPEAL NO. 14050/2020

Inayat Ullah.....Appellant

Versus

Government of Khyber Pakhtunkhwa & othersRespondents.

Affidavit

I, Jaffar Ali, Assistant (Litigation Section) office of the Director General Health Services, Khyber Pakhtunkhwa, Peshawar, under the directions of the Competent Authority, do hereby solemnly affirm that the contents of the parawise Comments on behalf of Respondent are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'able Court.



Deponent 7

16 MAY 2022



42

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO.14050 OF 2020

Inayat Ullah.....Appellant

Versus

Govt. of Khyber Pakhtunkhwa and others.....Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO 1 TO 6

Respectfully Sheweth:

Preliminary Objections:-

1. That the appellant has got neither cause of action nor did 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 its 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 appellant has not come to this Honorable Tribunal with clean hands.
7. That the appeal is barred by law and limitation.
8. That the Honorable Tribunal has no Jurisdiction to adjudicate upon the matter.
9. That the instant appeal is bad for mis-joinder of unnecessary and non-joinder of necessary parties.

ON FACTS:

1. Pertains to record.
2. The appellant has been appointed by District Health Officer Karak on 02/11/2005 purely on contract basis in GAVI (The Global Alliance for Vaccines and Immunizations) project.
3. The Services of the appellant were regularized with immediate effect i.e. 22/05/2013 in the light of Govt. of Khyber Pakhtunkhwa Finance Department letter No. BOVI/FD/4-2/011-12 dated 13/02/2013 (Annex-A).
4. As in preceding para.
5. Incorrect. The appellant was appointed against the project post and not on regular post.
6. The appeal of appellant for regularization of service was not acceded to as his service have been regularized with immediate effect i.e. 22/05/2013.
7. Needs no comments being formal.

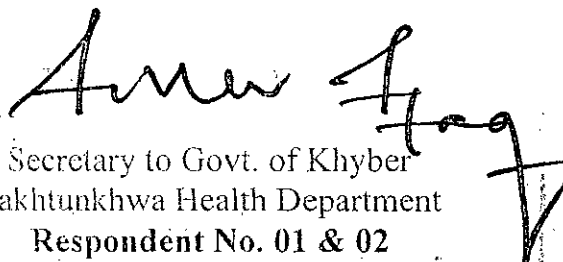
ON GROUNDS:


- A. Incorrect. The appeal for regularization of service of the appellant was not agreed as his services have been regularized with immediate effect i.e. 22/05/2013.

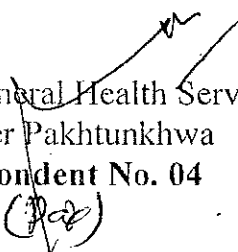
- B. Incorrect. In 22/05/2013 the Services of the appellant were regularized in the light of Govt. of Khyber Pakhtunkhwa Finance Department letter No. BOVI/FD/4-2/011-12 dated 13/02/2013 already annexed at Para No. 3.
- C. Incorrect. The appellant was appointed against the project post and not on regular post.
- D. Incorrect. The services of the appellant were regularized on immediate basis on 22/05/2013.
- E. Incorrect. The appellant was regularized on 22/05/2013 in the light of Finance Department letter No. BOVI/FD/4-2/011-12 dated 13/02/2013 already annexed as annexure-A. Furthermore, the appellant was appointed against the project post and not on regular post.
- F. Incorrect, the replying respondents acted as per law and rules.
- G. Incorrect as per preceding para.
- H. As per paras above.
- I. Incorrect, as in Para-E.
- J. Incorrect, as in preceding para.
- K. Incorrect, reply has already been explained in Paras No. 3 & 5 of the Facts.
- L. That the replying respondents also seek prior permission of this Honorable Tribunal to adduce additional grounds at the time of arguments.

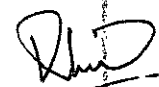
PRAYER:


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


Secretary to Govt. of Khyber
Pakhtunkhwa Health Department
Respondent No. 01 & 02


Secretary to Govt. of Khyber
Pakhtunkhwa Finance Department
Respondent No. 03


Director General Health Services
Khyber Pakhtunkhwa
Respondent No. 04
DD (Per)


Addl: Director General (HRM)
DGHS office Peshawar
Respondent No. 05


Deputy Director (EPI)
DGHS office Peshawar
Respondent No. 06

(Annex-A)

46

GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

121

NO. BOV/WD/4-2/011-12/VOL-IV
DATED PESHAWAR, THE 13-02-2013

The Secretary to Govt. of Khyber Pakhtunkhwa,
Health Department, Peshawar.

Subject: WRIT PETITION NO. 1670/2010-MR. NIJAT ALI ETC VIS GOVT OF KHYBER
PAKHTUNKHWA, HEALTH DEPARTMENT AND OTHERS.

I am directed to refer to your Department's letter No. SOB/HD/1-1/2007-08/EPI dated 31-01-2013 on the subject noted above and to intimate that pursuance of the approval accorded by the Honorable Chief Minister, Khyber Pakhtunkhwa on a summary moved by Health Department, Finance Department agrees to the creation of following 169 number of posts for EPI/GAVI during current financial year 2012-13, subject to the observance of all codal/legal formalities by the Administrative Department before filling of the posts in the prescribed manner/laid down procedure:-

S.No	Nomenclature of post & BPS	Name of District/DDO Code	No. of Post
1.	Junior EPI Technician/ Junior PHC Technician (MP) B-9	HG-5011- EPI Hangu	4
2.	-co-	AD-5013-EPI Abbottabad	6
3.	-co-	KK-6107-EPI Karak	7
4.	-co-	MR-6174-EPI Mardan	4
5.	-co-	BD-6076-EPI Baner	8
6.	-co-	MA-4265-EPI Mansehra	5
7.	-co-	NR-6113-EPI Nowshera	5
8.	-co-	SI-6089-EPI Shangla	4
9.	-co-	CA-6108-EPI Charsadda	4
10.	-do-	CL-6022-EPI Chitral	6
11.	-co-	DP-6073-EPI Dir Upper	15
12.	-co-	SW-6207-EPI Swat	6
13.	-co-	HR-6121-EPI Haripur	8
14.	-co-	LK-6072-EPI Lakki Marwat	6
15.	-do-	BU-6083-EPI Bannu	14
16.	-do-	TK-6043-EPI Tank	8
17.	-do-	DA-6123-EPI Dir Lower	6
18.	-do-	DI-6134-EPI D.I.Khan	9
19.	-do-	MD-6093-EPI Malakand	8
20.	-co-	KT-6101-EPI Kohat	5
21.	-co-	PW-6153-EPI Peshawar	6
22.	-co-	BM-6020-EPI Balaghat	2
23.	-co-	KO-6073-EPI Kohistan	3
24.	-co-	SU-6146-EPI Swabi	4
25.	Driver I-II-4	INWARD DRIVERS, Peshawar	12
Total:			169

Asst. Dir. Health Services
Peshawar

- The expenditure involved therein will be met out within the sanctioned budget grant of current financial year 2012-13 through Account-IV of the districts concerned and Director General Health Services, Peshawar.
- Financial implications may kindly be worked out and an audit copy may be sent for the authentication of this Department.

Yours faithfully,
(Signature)
(LAL SAEED KHATTAK)
Budget Officer-VI

- C.C
- Director General Health Services, Peshawar
 - Director FMIU, Finance Department
 - Budget Officer (PFC), Finance Department
 - Section Officer (Administration), Finance Department

(Signature)
Budget Officer-VI

P.T-O

participation and right of hearing. However, the same must
the petitioners or their representatives be given full
substantial justice be done to them. In the whole process,
should not be killed on the basis of mere technicalities and
contractual services. However, the case of the petitioners
impediments in the way of regularization of their
entitled to the prayed relief, then there should be no
on the issue and in any case if the petitioners are found
and also make use of the previous judgment of this Court
legal obligation to comply with the statutory law and rules
and the Secretary Health are not only competent but under
Government of Kyber Pakhtunkhwa for the redressal of
have made representations before D.G. Health Services,
Government and for the same, the D.G. Health Services

ROST MUHAMMAD KHAN, C.T. As the petitioners

Present
Mr. Ijaz Anwar, Advocate, for the petitioners.
Mr. Naveed Akhtar, A.A.G. for official
respondents of the Province.
Mr. Muzammil Khan, DAG, for the
Federation.

V. P. NO. 1670/2010

Order or other proceedings with Signature of Judge or
that of parties or counsel where necessary

PESHAWAR HIGH COURT, PESHAWAR
ORDER SHEET

10

representations within thirty days by the D.G. Health Services by Mr. Naveed Akhtar, learned Additional Advocate General. The Federal Government has supported the case of the petitioners because of the policy already formulated, approved and acted upon. Therefore, this may be taken seriously and not lightly.

This petition is disposed of in the above terms.

sd/- Dost Muhammad Khan - G
 sd/- Azmat Ullah Malik - J

CERTIFIED TO BE TRUE COPY
 SP
 Examiner
 Peshawar High Court Peshawar
 Authorised Under Article 87 of
 The Quran-e-Shahadat Order 1984

23/2/12

11044

Presented on 22-2-12
 7: P
 Date of Preparation 23-2-12
 Date Given For Delivery 23/2/12
 Date of Delivery 25/2/12
 Received by J. P. 19

49

JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
(JUDICIAL DEPARTMENT)

COC No. 117-P/2012 in WP No. 1670/2010

JUDGMENT.

Date of hearing: 22.6.2017.

Petitioner: (Nijat Ali and others) by Mr. Atlas Khan Dagai,
Advocate.

Respondent: (Ishfaq Khan, Secretary Health Govt. of KPK
Peshawar and another) by Mr. Waqar Ahmad
Khan, AAG.

WAQAR AHMAD SETH, J:- Through the instant petition, the petitioners seek initiation of contempt of court proceedings against the respondents for not complying with the judgment/order dated 22.2.2012 delivered by this Court in Writ Petition No. 1670/2010.

2. Brief facts of the case are that the petitioners being contract employees of the respondent/department have filed Writ Petition No. 1670/2010 before this Court for regularization of their services, which was disposed of vide order dated 22.2.2012 with direction to the respondents to decide their representation in accordance with the statutory law/rules and on the strength of judgment passed by this Court

within a period of thirty (30) days. After passing the above said order, the petitioners approached the respondents to comply with the same but in vain; hence, the instant contempt petition.

3. Arguments heard and record perused.

4. The orders of regularization on record confirm that the services of the petitioners have been regularized against the sanctioned post w.e.f. the date of newly created posts and as such, no retrospectivity can be given. Since the services of the petitioners have been regularized by implementing the judgment of this Court in letter and spirit therefore, this C.O.C. has served out its purpose and is no more required to be kept pending. Disposed of as such.

ANNOUNCED
Dated: 22.6.2017


JUDGE


JUDGE

Nawab Shah

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