



**GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT**

**AUTHORITY LETTER**

**Mr. Safi Ullah**, Focal Person (Litigation-II), Health Department, Civil Secretariat is hereby authorized to attend/defend the Court Cases and file comments on behalf of Secretary Health Government of Khyber Pakhtunkhwa before the Service Tribunal and lower Courts.

**(MAHMOOD ASLAM)**

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

9/15/23

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

**Execution Petition No. 621,622/2022**

**IN**

**Service Appeal No. 542/2019**


Dr. Mustafa.....(Petitioner)

Versus

Government of Khyber Pakhtunkhwa through Chief Secretary Health  
Peshawar.....Respondents

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Section officer (Lit-II)  
Govt: of Khyber Pakhtunkhwa  
Health Department

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Dr. Mustafa ..... **Petitioner**

**Versus**

Govt. of Khyber Pakhtunkhwa through Chief Secretary Health  
Peshawar.....**Respondents**

**PARAWISE REPLY ON BEHALF OF RESPONDENTS**

**Respectfully Sheweth:**

**Preliminary Objections:-**


1. That the Petitioner has got no cause of action or locus standi to file the instant petition.
2. That the Petitioner has deliberately concealed the material facts from the Honorable Tribunal hence, liable to be dismissed.
3. That the Petitioner has filed the instant petition just to pressurize the respondents.
4. That the Petitioner has filed the instant petition on mala-fide motives.
5. That the instant petition is against the prevailing Law and Rules.
6. That the petition is not maintainable in its present form.
7. That the Petitioner has not come to this Honorable Tribunal with clean hands.
8. That the petition is bad due to non-joinder of necessary and mis-joinder of un-necessary parties.
9. That the main Service Appeal was dismissed by the honourable Tribunal vide judgment dated 28/04/2022 hence there is nothing to be implemented by the replying respondents.

**FACTS:**

1. Pertains to record.
2. Correct to the extent of service appeal however it is worth to mention that the appellant along with others contract appointees in the year 1995 were regularized under the Regularization Act 2005 however, under the Act of 2013 their regularization was given effect from 2001. The appellant along with other similarly placed employees filed service appeals for granting regularization w.e.f 1995 however this honorable Tribunal vide a consolidated judgment dated 28/04/2022 dismissed all the service appeals. So far as the pensionary benefits of the appellant for the contract period is concerned there is no such prayer in the Service Appeal of the appellant neither the honorable Tribunal issued such directions to the replying respondents. It is further to clarify that the Khyber Pakhtunkhwa Civil Servants Pension Rules 2021 is applicable to the appellant wherein there is no such provision exist which may allow such benefits to the appellant
3. Incorrect. Already replied in para 02 above.

**PRAYER:**

It is therefore humbly prayed that on acceptance of the instant Reply/comments, the instant <sup>Execution</sup> Appeal of the Petitioner may very graciously be dismissed with costs.

  
Secretary to Govt. of Khyber Pakhtunkhwa  
(Respondent No. 01 & 02)

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**AFFIDAVIT**

I Muhammad Tufail Section Officer (Lit-II) govt. of Khyber Pakhtunkhwa Health Department do hereby solemnly affirm and declare that the joint parawise comments in Service Appeal No.542/2019 is submitted on behalf of respondents is true and correct to the best of my knowledge, belief and that nothing has been concealed from this Hon'ble Court.

  
Section officer (Lit-II)  
Govt: of Khyber Pakhtunkhwa  
Health Department

Identified by:-

**Addl: Advocate General,  
Khyber Pakhtunkhwa**

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