


17.04.2023

Clerk of learned counsel for the appellant present. Mr. Laeeq Khan, Computer Operator alongwith Mr. Fazal Shah Mohmand, Additional Advocate General for the respondents present.

Several opportunities have been granted to the respondents for submission of reply/comments but they failed to submit the same even today despite last chance. Representative of the respondents requested that another opportunity may be given to the respondents for submission of reply/comments, therefore, opportunity is given subject to payment of cost of Rs. 5000/-. To come up for reply/comments as well as cost of Rs. 5000/- on 02.06.2023 before the S.B. Parcha Peshi given to the parties.

SCANNED  
KPST  
Peshawar

\*Naeem Amin\*


  
(Salah-Ud-Din)  
Member (J)

02.06.2023

Clerk to counsel for the appellant present. Mr. Asad Ali Khan,

Assistant Advocate General for the respondents present.


Neither reply/comments on behalf of respondents submitted nor costs of Rs. 5000/- was deposited on their behalf. Therefore, right of respondents for submission of reply/comments is hereby struck off. Adjourned. To come up for arguments on 14.09.2023 before D.B. Parcha Peshi given to the parties.

  
(Muhammad Akbar Khan)  
Member (E)

19.01.2023

Lawyers are on strike. Muhammad Adeel Butt learned Additional Advocate General alongwith Zaheer Abbas Computer Operator for respondents present.

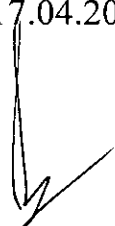
Written reply not submitted. Learned AAG requested for time to submit reply. Adjourned. To come up for written reply on 06.03.2023 before S.B. Office is directed to notify the next date on the notice board as well as website of the Tribunal.

  
(Rozina Rehman)  
Member (J)

06.03.2023

Nemo for the appellant. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Reply/comments on behalf of respondents not submitted. Learned Assistant Advocate General seeks time to contact the respondents for submission of reply/comments. Last opportunity is granted. To come up for reply/comments on 17.04.2023 before S.B. P.P given to the parties.

  
(Muhammad Akbar Khan)  
Member (E)

SCANNED  
KPST  
Peshawar

SCANNED  
KPST  
Peshawar


673/22

28<sup>th</sup> Oct., 2022

Counsel for the appellant present. Preliminary arguments heard and record perused.

Points raised need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to respondents for submission of written reply/comments. To come up for written reply/comments on 07.12.2022 before S.B.

*All the respondents was put on notice*


  
(Fareeha Paul)  
Member(E)

07.12.2022

Junior to counsel for the appellant present. Muhammad Adeel Butt, learned Additional Advocate General for respondents present.

**SCANNED**  
**KPST**  
**Peshawar**

Reply not submitted. Representative of the respondents sought time for submission of written reply. Adjourned. To come up for written reply/comments on 19.01.2023 before S.B.

  
(Rozina Rehman)  
Member (J)

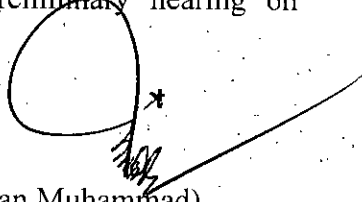
13.05.2022

Junior to counsel for the appellant present and requested for adjournment as senior counsel for the appellant is not available today. To come up for preliminary hearing before the S.B on 18.07.2022.

  
(Kalim Arshad Khan)  
Chairman


18.07.2022

Learned counsel for the appellant present and requested for adjournment on the ground that he has not prepared the brief. Adjourned. To come up for preliminary hearing on 19.09.2022 before S.B.

  
(Mian Muhammad)  
Member (E)

19.09.2022

Learned counsel for the appellant present and requested for adjournment on the ground that he has not gone through the record. Adjourned. To come up for preliminary hearing on ~~28~~ 10.2022 before S.B.

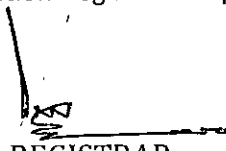
  
(Mian Muhammad)  
Member (E)

Form- A

# FORM OF ORDER SHEET

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

Case No.- \_\_\_\_\_ 673/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/05/2022	<p>The appeal of Mst. Nehayat Begum resubmitted today by Mr. Shah Faisal Ilyas 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-		

**SCANNED**  
**KP ST**  
**Peshawar**

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

Service Appeal No. 673/2022

Nihayat Begum .....(Appellant)

**VERSUS**

District Health Officer, District Nowshera.

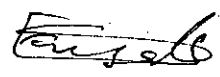
and others.....(Respondents)

**I N D E X**

S.No.	Description of Documents	Annex	Pages
1.	Service Appeal		1-5
2.	Affidavit		6
3.	Addresses of the Parties		7
4.	Copy of appointment order, medical certificate	A&B	8-9
5.	Copy of extracts of service book and regularizations order	C&D	10-16
6.	Copy of office order of retirement and pay slip	E	17-18
7.	Copy of the judgments and rules	F	19-27
8.	Copies of Writ Petition and Judgment	G	28-37
9.	Copy of departmental appeal	H	38-39
10.	Wakalat Nama		40

  
Appellant

Through

  
**Shah Faisal Ilyas**  
Advocate Supreme Court  
Of Pakistan.  
Cell No. 0300-5850207

Dated: 10/05/2022

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

Service Appeal No. \_\_\_\_\_/2022

Nihayat Begum D/o Akhtar Khan R/o Zarapur, Village  
Badarshi, Tehsil and District Nowshera.....(Appellant)

**VERSUS**

1. District Health Officer, District Nowshera.
2. District Accounts Officer, District Nowshera.
3. Director General Health, Khyber Pakhtunkhwa, Health  
Directorate, Warsak Road, Peshawar.....(Respondents)

**APPEAL UNDER SECTION 4 OF KHYBER**  
**PUKHTUNKHWA SERVICE TRIBUNAL ACT**  
**1974.**

**Respectfully Sheweth:**

Facts giving rise to the instant Service Appeal are as  
under:

1. That appellant is bonafide citizen of Pakistan and  
served the Health Department Since 2006 as Lady  
Health Worker. (Copy of appointment order, medical  
certificate are attached as annexure "A" & "B").

2. That after appointment on contract basis, the appellant duly join the service and later on, in the year 2014 the services of appellant along with others were regularized. (Copy of extracts of service book and regularizations order are attached as annexure "C" & "D" respectively).
3. That after attaining the age of 60 years i.e. superannuation, appellant got retired, thus served the department with almost 15 years without any break in the service, and performed her duty with zeal and devotion to the entire satisfaction of her high-up's. (Copy of office order of retirement is attached as annexure "E").
4. That respondents department now refused pension to the appellant on the ground that the regular service of appellant is less than 10 years.
5. That it is settled by the Hon'ble Supreme Court & High Court as well as by this August Tribunal that temporary/ contract service will be count with regular service for the sake of pension etc, as mentioned in the rules. (Copy of the judgments are attached as annexure "F").



6. That in order to seek relief, appellant filed a Writ Petition before the Hon'ble Peshawar High Court, Peshawar which was dismissed on the ground to approach this Hon'ble Tribunal. (Copies of Writ Petition and Judgment are attached as annexure "G").
7. That appellant filed departmental appeal before respondent No. 3 as per law, the fate of which is not conveyed to the appellant till date. (Copy of departmental appeal is attached as annexure "H").
8. That appellant being aggrieved, having no other efficacious/ alternate efficacious remedy approach this Hon'ble Tribunal inter-alia on the following grounds:

**GROUND:**

- A. That the act and omission of the respondents by not allowing the appellant pensionary benefits is against the law and justice.
- B. That under the law and rules, respondents are bound to pay the full pensionary benefits to the appellant according to rules and regulations and

also dictum of August Supreme Court of Pakistan, High Courts and of this Hon'ble Tribunal.

C. That in the same circumstances other employees were issued pension, thus refusing to appellant amounts to discrimination too.

D. That respondents have violated the fundamental rights of the appellant provided by the constitution of Islamic Republic of Pakistan, 1973.

E. That it is the command of law that every persons must exercise the authority within the law parameter, but resopdntns violated this principle too.

F. That appellant being eligible for full pensionery benefits, hence entitled to the same.

G. That act and omission of the respondents is unconstitutional, ultra vires of the Constitution, law and rules on the subject, consequently being illegal, hence is of no legal effect.

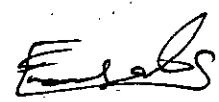
- H. That under the law of the land governing the subject matter respondents are duty bound to pay full pensionary benefits to the appellant.
- I. That appellant is the only earning hand of her poor family and there is no other source of income.
- J. That any other ground may be agitated during the course of arguments, with the kind permission of this Hon'ble Tribunal.

It is, therefore, most humbly prayed that on acceptance of this Service Appeal, order may kindly be issued to respondents to pay pensionary benefits etc to the appellant.

Any other remedy which deems fit by this Hon'ble Tribunal may also be granted in favour of appellant.

  
Appellant

Through

  
**Shah Faisal Ilyas**  
Advocate Supreme Court  
Of Pakistan.

Dated: 10/05/2022

6

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

Service Appeal No. \_\_\_\_\_/2022

Nihayat Begum .....(Appellant)

**VERSUS**

District Health Officer, District Nowshera.

and others.....(Respondents)

**AFFIDAVIT**

I, Nihayat Begum D/o Akhtar Khan R/o Zarapur, Badarshi BHU, Tehsil and District Nowshera, do hereby solemnly affirm and declare 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 Honorable Tribunal.



*Nihayat Begum*

**DEPONENT**

7

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

Service Appeal No. \_\_\_\_\_/2022

Nihayat Begum .....(Appellant)

**VERSUS**

District Health Officer, District Nowshera.

and others.....(Respondents)

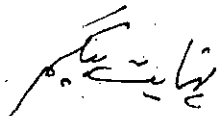
**ADDRESSES OF THE PARTIES**

**APPELLANT:**

Nihayat Begum D/o Akhtar Khan R/o Zarpur, Village Badarshi, Tehsil and District Nowshera.

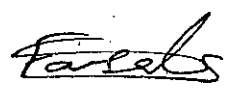
**RESPONDENTS:**

1. District Health Officer, District Nowshera.
2. District Accounts Officer, District Nowshera.
3. Director General Health, Khyber Pakhtunkhwa, Health Directorate, Warsak Road, Peshawar.

  
Appellant

Through

Dated: 10/05/2022

  
**Shah Faisal Ilyas**  
Advocate Supreme Court  
Of Pakistan.



پیشکش برائے خاندانی منصوبہ بندی و بنیادی صحت صوبہ سرحد  
 ڈسٹرکٹ پروگرام اپیلیٹیشن یونٹ ضلع نوشہرہ  
 25/4/06 تاریخ 346

khtar kham.

پیشکش برائے تقرری لیڈی ہیلتھ ورکرو  
 D/a Nihayat Begum  
 نوشہرہ ضلع

سیکشن کیمپ کی سفارش پر آپ سمات  
 ڈسٹرکٹ پروگرام اپیلیٹیشن یونٹ ضلع نوشہرہ  
 کاؤنسلر  
 شراٹکا بنیاد پر بطور لیڈی ہیلتھ ورکرو تقرری کی پیشکش کی جاتی ہے۔

آپ کی تقرری خاندانی منصوبہ بندی کی بنیاد پر ہوگی۔  
 انتخاب کے بعد آپ کو 15 ماہ کی تربیت دی جائے گی۔ پہلے 3 مہینوں میں، پھر 5 دن مرکز سمات میں ٹرینگ حاصل کرنا ہوگی۔ پھر اگلے 12 مہینوں کے دوران آپ کو اپنے متعلقہ علاقے میں برہمنے کے تحت نئے پروگرام  
 پالیسی کے مطابق کام کرنا ہوگا۔ اور ایک ہفتے کے لئے مختلف مرکز پر ٹرینگ حاصل کرنا ہوگی۔

3 ماہ کی بنیادی ٹرینگ کے دوران آپ کو 50 روپے روزانہ اور اسکے بعد 1700 روپے ماہانہ کے حساب سے معاوضہ دیا جائے گا۔ تمام معاوضہ میں حکومت کی پالیسی کے مطابق روڈ بدل ممکن ہے۔  
 ٹرینگ کی تکمیل کے بعد آپ کو کم از کم ایک سال تک پروگرام میں پروگرام پالیسی کے مطابق کام کرنا ہوگا۔ جس کیلئے آپ کو ٹرینگ شروع کرتے وقت 50 روپے کے اسٹنڈب ہیبہ پر ایک شہرلی بلانچ کرنا ہوگا۔ اس دوران  
 آپ مستحق ہونا چاہیں تو آپ کو وہ تمام رقم ہمسامان واپس کرنا ہوگی جو آپ نے اس دوران حاصل کی ہوگی۔

شہرلی بلانچ کی مدت کی تکمیل پر اگر آپ مستحق ہونا چاہیں تو اس صورت میں آپ کو ایک ماہ پہلے نوٹس دینا ہوگا یا پھر ایک ماہ کی تفریح پر پروگرام برائے خاندانی منصوبہ بندی و بنیادی صحت کے پاس تہن کرنا ہوگی۔ دونوں صورتوں  
 میں پروگرام کا ہذا سامان آپ کو واپس کرنا ہوگا۔

قابل اطمینان کارکردگی کو دیکھتے ہوئے آپ کی تقرری کی میعاد کو مزید ایک سال تک ان شرائط (ماسوائے ٹرینگ کی شرائط) پر ۲، ۳، ۴ کے مطابق بڑھایا جاسکتا ہے۔ جس کے لئے آپ سے کسی قسم کی کوئی قسم طلب  
 نہیں کی جائے گی۔

پروگرام پالیسی کے مطابق آپ کی کارکردگی کو جانچنے کے لئے پیشکش پر پروگرام کے سپروائزر آپ کے ہیلتھ ہاؤس کا دورہ کریں گے۔ اس لیے آپ پر لازم ہوگا کہ آپ ان کو اپنا ہیلتھ ہاؤس دکھائیں۔ سپروائزر کے دورہ کے دوران  
 آپ کی موجودگی اسکے ساتھ ضروری ہوگی۔

دوران ملازمت آپ کی ٹرانسفر نہیں ہو سکتی اور آپ تقرری اور اے ملاتے کے علاوہ کسی اور منتقل ہونے کی صورت میں آپ کو ملازمت سے فارغ کر دیا جائے گا۔  
 آپ کو اپنی رہائش گاہ میں پروگرام پالیسی کے مطابق ایک ہیلتھ ہاؤس ضرور قائم کرنا ہوگا، جسے آپ نے پروگرام کی ضرورت کے مطابق قائم رکھنا ہوگا، پھر اپنے علاقے کے لوگوں کے قریب رہ کر پروگرام پالیسی کے مطابق کام  
 کرنا ہوگا اور مرکز سمات کے اسٹنڈب ہیبہ پر ان کی مدد سے اپنے علاقے میں ایک ہیلتھ کیمپ اور ایک خواتین گروپ تشکیل دینے ہو گئے۔ جو کہ پروگرام پالیسی کے مطابق کام کریں گے۔

آپ کو ہیلتھ ہاؤس پر ذمہ دار مقرر کیا جائے گا جو آپ کو اپنے گھر کے باہر نمایاں جگہ پر آویزاں کرنا ہوگا۔ آپ اس روز کی حفاظت کی ذمہ دار ہوگی۔  
 آپ کو تفریح و تفریح کی ہدایت کے مطابق کھولے گئے بینک اکاؤنٹ کے ذریعے ملے گی۔

آپ کو مرکز سمات سے میاں گروہ اور ادویات کو ایڈجسٹ میں تقسیم کرنے کا مکمل ریکارڈ رکھنا ہوگا۔  
 آپ کو ان اصل ادویات کی فروخت سے حاصل ہونے والی آمدنی کا مکمل ریکارڈ رکھنا ہوگا اور یہ تفصیلات ہر ماہ مرکز سمات میں جمع کرنا ہوں گی۔ یہ آمدنی جو معاوضہ کے علاوہ ہے آپ کے ذاتی استعمال میں رہے گی، علاوہ ملازمت کی  
 فراہمی یا غیر متعلقہ اشخاص یا اداروں کا نوں کو مانع عمل ادویات فروخت کرنے پر آپ کو ملازمت سے فارغ کر دیا جائے گا اور دوسرے تحت اقدامات بشمول رقم کی وصولی کے جائینگے۔

آپ کو دیئے گئے فارمیٹ (Format) پر اپنا رپورٹ باقاعدگی سے مرکز سمات پر ہر ماہ کے پہلے ہفتے میں جمع کرنا ہوگی۔  
 آپ کو ایک سال کے دوران 20 دن کی چھٹیاں مل سکیں گی۔ جو آپ کو مرکز سمات سے منظور کرنا ہوگی۔ غیر ضروری چھٹیاں کرنے پر آپ کو ملازمت سے فارغ کر دیا جائے گا۔  
 شادی شدہ لیڈی ہیلتھ ورکر کو 20 دن کی چھٹیاں مل سکتی ہیں۔ جو کہ 10 دن زچگی سے پہلے اور 10 دن زچگی کے بعد ہوگی۔

ٹرینگ اور فیلڈ میں جانے کے لئے آپ کو کوئی ٹی اے ڈی اے (TADA) نہیں دیا جائے گا۔  
 علاوہ کوآئف کی فراہمی پر آپ کو کسی بھی وقت بغیر کسی نوٹس کے ملازمت سے فارغ کر دیا جائے گا اور ٹرینگ پر خرچ ہونے والی اور معاوضے کے طور پر آپ کو ادا شدہ رقم کی وصولی کی جائے گی۔  
 آپ کی خدمات 1973ء کے سول سروس ایکٹ کے تحت نہیں بلکہ اس پیشکش تقرری نامہ کی شرائط اور وہ شرائط جو آپ کو وقتاً فوقتاً فراہم کئے جائینگے، کے تحت ہوگی۔

آپ کو کسی بھی وقت بغیر جتنا ملازمت سے فارغ کیا جاسکتا ہے۔ جسکو آپ کسی بھی طرح بشمول عدالت پہنچ نہیں کر سکتی ہیں۔  
 اگر آپ کو سمندر یا بلا شراٹکا وضو اظہار منظور ہیں تو آپ کو ہدایت کی جاتی ہے کہ آپ ٹرینگ کے لئے مرکز سمات۔

کریں۔ بصورت دیگر یہ پیشکش تقرری نامہ شروع سمجھا جائے گا۔

ایگزیکٹو ڈسٹرکٹ آفیسر ہیلتھ  
 ضلع  
 نوشہرہ

ایگزیکٹو ڈسٹرکٹ آفیسر ہیلتھ

ATTESTED

Handwritten signature/initials

# D.H.Q. Hospital Nowshera

Medical Certificate



NIC No: 17201-2153471-6

Name of Official..... Nikhat Begum

Caste of race..... Ahlee

Father's Name..... Akhtar Khan

Residence..... Awan Beelmashi  
D.H.M.S.R

Date of Birth..... 15-03-1989

Exact height by measurement..... 5' 4"

Personal Mark of identification..... Mole on face

Signature of Official..... [Signature]

Signature of head of Officer.....

Head of Office

I do hereby certify that I have examined Mr. Nikhat Begum a candidate for  
Employment in the Office of the Health M.S.R

And can not discover that he had any disease Communicable or other constitutional affection or  
bodily infirmity except Nil

I do not consider this as disqualification for employment in the office of the  
AS Awan his age according to his own statement 54 year  
and by appearance about 47 year.

LEFT HAND THUMB AND FINGER IMPRESSIONS

[Handwritten signature]

[Signature]  
Medical Superintendent,  
DHO Hospital Nowshera

04/10/13

**IRFAN M. KHAN**  
Assistant Professor  
GPGC Nowshera

RECEIVED

9 Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination or appointment.	11 Reason of termination such as promotion, transfer, dismissal, etc.;	12 Signature of the head of the office or other attesting officer.	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure or praise of the Government Servant.
				Nature and duration of leave taken.	Allocation of period of leave on average pay upto four months for which leave salary is debitabale to another Government		
					Period		
<i>[Signature]</i> District Health Officer Distt. Nowshera K.P.K	30 <sup>06</sup> / <sub>2012</sub>					Appointed as... (Fixed) in NF Nowshera v/d... order No... 4334... dated... PHC D.D. H) office 25-04-2006	
<i>[Signature]</i> District Health Officer Distt. Nowshera K.P.K	30 <sup>11</sup> / <sub>2013</sub>					<i>[Signature]</i> District Health Officer Distt. Nowshera K.P.K	
<i>[Signature]</i> District Health Officer Distt. Nowshera K.P.K	30 <sup>11</sup> / <sub>2014</sub>					Regularized vide DHO NSR Notification No. .... wef 01/07/2012 In S.P.S. .... 05 in the light of Supreme Court Decision. Approval granted by PC LHW KP Peshawar No. 1340/PC dt 22/09/2014	
<i>[Signature]</i> District Health Officer Distt. Nowshera K.P.K	30 <sup>06</sup> / <sub>2015</sub>					<i>[Signature]</i> District Health Officer Distt. Nowshera K.P.K	
<i>[Signature]</i> District Health Officer Distt. Nowshera K.P.K	30 <sup>11</sup> / <sub>2015</sub>					<i>[Signature]</i> District Health Officer Distt. Nowshera K.P.K	
<i>[Signature]</i> District Health Officer Distt. Nowshera K.P.K	30 <sup>06</sup> / <sub>2016</sub>					<i>[Signature]</i> District Health Officer Distt. Nowshera K.P.K	
<i>[Signature]</i> District Health Officer Distt. Nowshera K.P.K	30 <sup>11</sup> / <sub>2016</sub>					Service Verified wef 01-07-2012 To 30-11-2016 District Health Officer Nowshera	
						<i>[Signature]</i> District Health Officer Nowshera	

ATTESTED



1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 374 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "p"	Date of appointment	Signature of Government Servant
LHW-BPS-05 (8590-420-2190)		Pay RS=	<del>12</del> 2016	10270/-		01/12/2016	N. Hajat
LHW-BPS-05 (10260-500-25260)		Pay RS=		12260/-		01/07/2017	N. Hajat
-do-		Pay RS=		12760/-		01/12/2017	N. Hajat
-do-		Pay RS=		13260/-		01/12/2018	N. Hajat
-do-		Pay RS=		13760/-		01/12/2019	N. Hajat

*[Handwritten signature]*

ATTESTED

(For use in Police Department only)

te:

Heirs:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

Verification Roll No. \_\_\_\_\_ dated \_\_\_\_\_ received back \_\_\_\_\_

Left Thumb Impression

Qualification	Date	Qualification	Date
English	Passed Matric Ex	First Arts	
Pushto	1976 on Roll No 17851 466	B.L. Or B.A.	
Urdu		Pleadership examiantion	
Plan-drawing		Training School Final examiantion	
Finger Print		Other qualification:—	
Drill Instructing			
Court Duties			
Reserve Duties			

District Health Officer  
Distt. Nowshera K.P.K

N.B.— Line to be drawn under the qualification possessed.

**ATTESTED**

8 12  
Note: The entries in this page should be renewed or re-attested at least every five years and the signature to lines 9 and 10 should be dated.

Name: NIHAYAT BEGUM

Race: AFGHAN

Residence: Moh Aman Badkashi P/O Nowshera Distt Nowshera

Father's name and residence:

AKHTER KHAN

Date of birth by Christian era as nearly as can be ascertained:

FIFTY NINE  
FIFTEEN March 1959

Exact height by measurement:

5-4"

Personal marks for identification:

سید

Left hand thumb and finger impression of (Non-Gazetted) officer:

Little Finger



Ring Finger



Middle Finger



Fore Finger



Thumb



Signature of Government Servant:

نیہات بیگم

10. Signature and designation of the Head of the Office, or other Attesting Officer.

[Signature]  
District Health Officer  
Distt. Nowshera K.P.K

ATTESTED

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "p"	Date of appointment	Signature of Government Servant.
LADY HEALTH WORKER (Fixed)			1700/-			25/06/2012	<i>[Signature]</i>
LHW - BPS 05 (5400-260-13200)			5400/-			01/07/2012	<i>[Signature]</i>
-do-			5660/-			01/12/2013	<i>[Signature]</i>
-do-			5920/-			01/12/2014	<i>[Signature]</i>
LHW - BPS - 05 (6985-340-17185)			7665/-			01/07/2015	<i>[Signature]</i>
-do-			8005/-			01/12/2015	<i>[Signature]</i>
LHW - BPS - 05 (8590-420-21192)			9850/-			01/07/2016	<i>[Signature]</i>

ATTESTED  
*[Signature]*



# دفتر ڈسٹرکٹ ہیلتھ آفیسر نوشہرہ

15

ای میل: nowshera.edho@gmail.com

تاریخ: 19.09.2014

نمبر: 0923-580759

406-12

نمبر پختہ نمبر اور ریگسٹریشن آف ایڈیٹیو ڈگریز پر ڈیپارٹمنٹ آف ایڈیٹری اور ریگسٹریشن اینڈ پبلسٹیٹی ڈیپارٹمنٹ (ایکٹ نمبر ۲۰۱۲ کی سیکشن ۱) کے تحت معاہدہ کی بنیاد پر کام کرنے والے درج ذیل ملازمین کی ملازمت کو صورت دیکھ کر ۱۱ مئی ۲۰۱۲ سے مستعلق بنیاد پر ہاتھ دھو کر کیا جاتا ہے۔ ان ملازمت کی قیود و شرائط مذکورہ بالا ایکٹ اور اس کے تحت بنائے جانے والے قواعد کے مطابق ہوں گی۔

نمبر شمار	نام ملازمہ / ملازم	والد کا نام	شوہر کا نام	عہدہ	تاریخ تقرری	مرکز صحت کا نام	متعلقہ علاقے کا نام
1 ✓	انیسہ مدان	مدان حیات خان		ای۔ ایچ۔ ایس	01.01.2007	بی۔ ایچ۔ یو بدش	بدش
2 ✓	فریدہ یاسین	ایوب خان		ای۔ ایچ۔ ڈبلیو	01.06.1996	بی۔ ایچ۔ یو بدش	آرمہ کالونی خلیب خیل
3 ✓	انیسہ یاسین	یکم		ای۔ ایچ۔ ڈبلیو	17.01.1997	بی۔ ایچ۔ یو بدش	محلہ نجیب آباد راجی
4 ✓	شازیہ انصار	انصار علی		ای۔ ایچ۔ ڈبلیو	17.01.1997	بی۔ ایچ۔ یو بدش	محلہ سلیمان خیل
5 ✓	خالدہ نورین	محمد صدیق		ای۔ ایچ۔ ڈبلیو	17.01.1997	بی۔ ایچ۔ یو بدش	چیمبر ہائی روڈ سکیم آباد
6 ✓	شاہدہ عظیم	شاہ جہان	امیر محمد	ای۔ ایچ۔ ڈبلیو	23.07.1998	بی۔ ایچ۔ یو بدش	محلہ شاہ جہان خیل ڈھیر خیل
7 ✓	انوار بی بی	نور سبیب		ای۔ ایچ۔ ڈبلیو	15.03.2002	بی۔ ایچ۔ یو بدش	محلہ رگی
8 ✓	شفاقت	محمد خان	محمد اسرار خیل	ای۔ ایچ۔ ڈبلیو	15.03.2002	بی۔ ایچ۔ یو بدش	آرمہ کالونی نمبر 2 سکیم آباد
9 ✓	خانم بی بی	عادل خان		ای۔ ایچ۔ ڈبلیو	15.03.2002	بی۔ ایچ۔ یو بدش	محلہ علی خیل
10 ✓	شاہ جہان	شاہ رخ اللہ	سلیم اللہ خان	ای۔ ایچ۔ ڈبلیو	15.03.2002	بی۔ ایچ۔ یو بدش	نجیب آباد بدش
11 ✓	نہیر	شیر زمان	اسد علی	ای۔ ایچ۔ ڈبلیو	16.09.2003	بی۔ ایچ۔ یو بدش	اموان بدش
12 ✓	جہاد عظیم	مفضل خان	محمد شتاق	ای۔ ایچ۔ ڈبلیو	16.09.2003	بی۔ ایچ۔ یو بدش	محلہ میاں گان
13 ✓	شاجین	سید نثار شاہ	رحمت علی	ای۔ ایچ۔ ڈبلیو	16.09.2003	بی۔ ایچ۔ یو بدش	محلہ رگی
14 ✓	شازیہ بیگم	حب الوریہ	زیر علی شاہ	ای۔ ایچ۔ ڈبلیو	21.07.2004	بی۔ ایچ۔ یو بدش	محلہ رگی
15 ✓	رہینہ بی بی	منجاب شاہ	سیار محمد	ای۔ ایچ۔ ڈبلیو	05.01.2006	بی۔ ایچ۔ یو بدش	رحیم آباد
16 ✓	رہینہ شجین	سید زمان شاہ	سکندر شاہ	ای۔ ایچ۔ ڈبلیو	05.01.2006	بی۔ ایچ۔ یو بدش	محلہ اموان
17 ✓	نہایت عظیم	انصار خان		ای۔ ایچ۔ ڈبلیو	05.01.2006	بی۔ ایچ۔ یو بدش	محلہ زار پورہ
18 ✓	جمیلہ بانو	جمیل شاہ		ای۔ ایچ۔ ڈبلیو	02.05.2006	بی۔ ایچ۔ یو بدش	ظریف خیل ڈھیری کئی خیل
19 ✓	انصاریت بی بی	تاج محمد	شیر زمان	ای۔ ایچ۔ ڈبلیو	02.05.2006	بی۔ ایچ۔ یو بدش	مدینہ کالونی
20 ✓	سہرت عظیم	عظیم خان	انصار خان	ای۔ ایچ۔ ڈبلیو	02.05.2006	بی۔ ایچ۔ یو بدش	ڈھیری کئی خیل
21 ✓	خالدہ زمان	زمان گل	دخیز زمان	ای۔ ایچ۔ ڈبلیو	02.05.2006	بی۔ ایچ۔ یو بدش	ڈھیری کئی خیل محلہ مدق
22 ✓	منیرہ	مناب زار	نواز علی خان	ای۔ ایچ۔ ڈبلیو	02.05.2006	بی۔ ایچ۔ یو بدش	سکیم بلڈنگ سکیم آباد
23 ✓	فرزان	سبیل	سلیم	ای۔ ایچ۔ ڈبلیو	02.05.2006	بی۔ ایچ۔ یو بدش	رحیم آباد
24 ✓	گل بی بی	ایل نواز	مفضل شاہ	ای۔ ایچ۔ ڈبلیو	02.05.2006	بی۔ ایچ۔ یو بدش	رحیم آباد
25 ✓	گلزار عظیم	شہزاد خٹک	ہسود گل	ای۔ ایچ۔ ڈبلیو	02.02.2007	بی۔ ایچ۔ یو بدش	آرمہ کالونی نوشہرہ

*(Handwritten Signature)*

**ATTESTED**

26✓	دلایت بی بی	تواب گل	خیر بشر	ایل۔ ایچ۔ ڈبلیو	01.07.2008	بی۔ ایچ۔ یو بدیشی	لیبر کالونی حکیم آباد
27✓	ناراض بیگم	ہمایوں	اسد اللہ	ایل۔ ایچ۔ ڈبلیو	15.07.2009	بی۔ ایچ۔ یو بدیشی	سرحد سوسائٹی کالج روڈ گلبرہ آباد
28✓	دانش بی بی	نور محمد	احمد محمد	ایل۔ ایچ۔ ڈبلیو	15.07.2009	بی۔ ایچ۔ یو بدیشی	اسے ایس بی کالونی
29✓	نگار بیگم	ہینداد	فضل امین	ایل۔ ایچ۔ ڈبلیو	15.07.2009	بی۔ ایچ۔ یو بدیشی	محلہ ایچ بی ایس بی ٹیل
30✓	نجمہ شائین	کرم سید	نگاہ سید	ایل۔ ایچ۔ ڈبلیو	01.08.2009	بی۔ ایچ۔ یو بدیشی	رحیم آباد بدیشی
31✓	شیرت نور	عنایت اللہ	غرفان اللہ	ایل۔ ایچ۔ ڈبلیو	01.11.2001	بی۔ ایچ۔ یو بدیشی	آرمر کالونی مانگی
32✓	شاہد اکبر	علی اکبر	ڈرائیور		01.08.2007	بی۔ ایچ۔ یو بدیشی	بی ایچ یو بدیشی

ذکرہ بالا ایکٹ کی متن نمبر ۲ میں ترمیم پیش کردہ اختیارات کو بروئے کار لاتے ہوئے کیونٹی سے منسلک ان ملازمین کو مندرجہ ذیل بنیاد بخواہ کے سکیل میں رکھا جا رہا ہے۔

نمبر شمار	عہدہ کا نام	بنیادی بخواہ کا سکیل
1	ایڈی بی ایچ سپر وائزر	7000
2	ایڈی بی ایچ ڈرائر	5
3	ڈرائیور	4

ڈسٹرکٹ ایلیٹ آفیسر  
ضلع نوشہرہ

ضلع: نوشہرہ

نقل برائے اطلاع

- |   |  |   |  |
|---|--|---|--|
| 1 | ڈائریکٹر جنرل ایلیٹ سر و سز خیر بختون خواہ پشاور | 2 | صوبائی گورنر ایٹریٹ ایچ ڈبلیو ایس پروگرام خیر بختون خواہ پشاور |
| 3 | سینئر ڈسٹرکٹ ایڈمنسٹریٹو آفیسر نوشہرہ            | 4 | بی ایس ڈسٹرکٹری ایلیٹ گورنمنٹ آف خیر بختون خواہ پشاور          |
| 5 | ایم اے ایچ ایچ بی ایچ یو بدیشی                   | 6 | متعلقہ آفیسر   |

ڈسٹرکٹ ایلیٹ آفیسر  
ضلع نوشہرہ

**ATTESTED**

Health Department, Khyber Pakhtunkhwa  
Lady Health Workers Program  
District Programme Implementation Unit, Nowshera



17

**Office Order**

Miss. Nihayat Begum D/O Akhter Khan, Having HBL Account No. 022200782179-03 at HBL Nowshera Cantt Branch resident of Village Badrashi P/O Nowshera, Distt Nowshera; attached to Badrashi and working as LHW with Lady Health Workers Program on regular basis is hereby Retired form service with immediate effect due to reached to the age of (60 Years) superannuation, according to her BISE Peshawar certificate.

District Health Officer  
Nowshera KPK

No. 2857 /LHWP/DHO/Nsr

Date: 19/04/2018

CC:

1. Provincial Coordinator LHWs Programme, Peshawar KPK.
2. MO I/C BHU Badrashi.
3. Concerned LHSs.
4. Concerned LHW.
5. Office File.

District Health Officer  
Nowshera KPK

C:\Users\MMC\Desktop\superannuation retired\office order of superannuation NIHAYAT BEGUM.doc

District Health Office Nowshera Khyber Pakhtunkhwa

Phone 0923-580759- 0333-9223234

Email address: mzabidnsr@gmail.com

  
ATTESTED



Last Paid upto 31/03/2019 (18)

S#: 1

Nowshera

Pers #: 00817338 Buckle:  
Name: NIHAYAT BEGUM  
LADY HEALTH WORKER  
CNIC No. 1720121554716  
GPF Interest Applied  
05 Active Permanent

P Sec: 001 Month: March 2019  
NR6114 - District Health Officer  
DISTRICT HEALTH OFFICER N

NTN:  
GPF #:  
Old #:

PAYS AND ALLOWANCES:

NR6114

0001-Basic Pay	13,260.00
1000-House Rent Allowance	1,503.00
1300-Medical Allowance	1,500.00
2148-15% Adhoc Relief All-2013	296.00
2199-Adhoc Relief Allow @10%	200.00
2211-Adhoc Relief All 2016 10%	1,027.00
2224-Adhoc Relief All 2017 10%	1,326.00
2247-Adhoc Relief All 2018 10%	1,326.00
Gross Pay and Allowances	20,438.00

DEDUCTIONS:

GPF Balance 29,241.00	Subrc: 890.00
3501-Benevolent Fund	1,200.00
4004-R. Benefits & Death Comp:	690.00

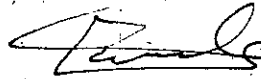
Total Deductions

2,780.00

17,658.00

D.O.B  
15.03.1959  
06 Years 09 Months 001 Days

LFP Quota:  
HABIB BANK LIMITED CANTT BRANCH, NOWSHERA  
022200782179-03



ATTESTED

JUDGMENT SHEET  
IN THE PESHAWAR HIGH COURT  
JUDICIAL DEPARTMENT.

Writ Petition No. 5551-P of 2019

JUDGMENT



Date of hearing : 1<sup>st</sup> October, 2020  
Petitioner (Rahamdad Khan) : By Mr. Wajid Khan Afridi, Advocate.  
Respondents (Provincial Government etc.) : By Syed Sikandar Hayat Shah, Additional Advocate General

\*\*\*\*\*  
**QAISER RASHID KHAN, J.**- The petitioner, through the instant writ petition, has asked for the issuance of an appropriate writ seeking directions to the respondents to grant him pensionary benefits forthwith.

2. As per averments in the petition, on 21.09.1995, the petitioner was initially appointed as a driver in the health department on temporary basis and thereafter pursuant to notification dated 19.09.2014, his services were regularized in the light of the Khyber Pakhtunkhwa Regularization of Lady Health Workers Program and Employees Act (Regularization and Standardization) Act, and on attaining the age of superannuation stood retired from service on 15.07.2019 and the reluctance of the respondents to finalize his pension papers, prompted him to file the instant writ petition.

3. Arguments heard and the available record perused.

ATTESTED  
EXAMINER  
Peshawar High Cou

*[Signature]*  
ATTESTED

4. The moot question before us is that as to whether the petitioner is entitled to get the pensionary benefits. It is not disputed that the petitioner was initially appointed on temporary basis. It is also not disputed that his services were subsequently regularized under the Act *ibid* and stood retired from service on attaining the age of superannuation.

5. It is by now settled that, after regularization, the total continuous service of an employee is to be computed towards his pension and, in this regard, his date of first appointment, temporary or otherwise, would be reckoned as envisaged under Rule 2.2 of the West Pakistan Civil Services Pension Rules, 1963. When the case of the petitioner is seen on the touchstone of the *ibid* settled principle, then, we come to the safe conclusion that being a vested right conferred by law itself, he cannot be deprived of the pensionary benefits. Rel. 2010 PLC 354 & 2019 PLC (CS) 1065.

6. Accordingly, we admit and allow this writ petition in terms of directing the respondents to consider the case of the petitioner for pensionary benefits and complete the entire process as early as possible in accordance with law as the bread and butter of his family members is involved.

Announced  
01. 10. 2020

*[Signature]*  
SENIOR PUISNE JUDGE  
CERTIFIED TO BE TRUE  
JUDGE  
EXAMINER  
\* \* \* \* \*  
\* \* \* \* \*  
\* \* \* \* \*

(Fajaz) (D.B) Justice Qaiser Rashid Khan & Justice Ijaz Anwar

13 OCT 2020

*[Handwritten signature]*

[Punjab Labour Appellate Tribunal]

Before Justice (R.) Abdul Hafeez Cheema (Chairman)

PAKISTAN TELECOMMUNICATION COMPANY LIMITED, through General Manager

Versus

ANEESA KHATOON

Labour Appeal No. RI-602 of 2009, decided on 18th November, 2009.

**Industrial Relations Act (IV of 2008)---**

---Ss. 41 & 55---Grievance petition---Retirement under Voluntary Separation Scheme---Calculation of dues---Claim for pension and medical facilities---Employee opted to be retired under Voluntary Separation Scheme introduced by employer company---Initially period of length of service of the employee was calculated as 27 years and her monetary entitlement was declared accordingly---Subsequently her regular service was reduced from 27 years to 15 years, 5 months and 24 days and amount was also reduced accordingly and employee was also denied pension and medical facilities---Employee filed grievance petition in which she requested for payment of balance amount, monthly pension along with medical facilities---Labour Court after hearing the parties, having allowed grievance petition, employer company had filed Labour appeal before Appellate Tribunal---Validity--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---Even period of an employee of daily wages would be counted for the purpose of computing pensionary benefits---Pension was in fact a deferred part of the pay of an employee while he/she was putting his/her best efforts in rendering service to employer during hay days and that part was deferred to be paid periodically or otherwise to meet employee's old age needs---Such was neither bounty nor a concession from any-one---Pension' having been declared as part of pay, that was a continuing recurring cause of action---No limitation was involved in such cases---Grievance petition filed by the employee, in circumstances, was competent in every respect and employer remained within the confines of technicalities---Court's primary duty was to do substantial justice within the framework of law---Employer could not say that calculation was wrongly made and in fact it should have been from the day when employee cleared the competitive examination---Pensionary benefits including medical facilities having been given to a colleague of the employee, same benefits could not be disallowed to the employee---No discrimination could be made between them, especially when both the employees were placed in similar situation---Order accordingly.

2006 PLC CS 237; Ikram Bari and others v. National Bank of Pakistan 2005 SCMR 100; I. A. Sharwani and others v. Government of Pakistan through Secretary Finance Division Islamabad and others 1991 SCMR 1041; D: S. Nakara and others v. Union of India AIR 1983 SC 130 and People's Union for Democratic Rights and others v. Union of India and others AIR 1982 SC 1473 ref.

Syed Naeem Bokhari for Appellant.

Malik Ghulam Rasool for Respondent.

Date of hearing: 17th November, 2009

**JUDGMENT**

22

**JUSTICE (R.) ABDUL HAFEEZ CHEEMA (CHAIRMAN).**--This is an appeal filed by Messrs Pakistan Telecommunication Company Limited (PTCL) through its General Manager against the judgment dated 17-6-2009 passed by the learned Presiding Officer, Punjab Labour Court No.6, Rawalpindi on the grievance petition filed by Aneesa Khatoon respondent.

2. Aneesa Khatoon, respondent joined the service of the appellant company as "Telex Operator" on 4-9-1980. The appellant company introduced a Voluntary Separation Scheme (VSS) in November, 2007. The petitioner/respondent opted for the said scheme and applied for calculation of her dues according to the length of her service to which she was entitled. The period of length of the service of the respondent was calculated as 27 years and accordingly the monetary entitlement of the respondent was declared as under:-

1. Estimated settlement cheque	Rs. 19,04,845.00
2. Estimated monthly pension	Rs. 7,845.00

The respondent claimed that few days prior to 30-5-2008 she came to know from her banker that instead of the estimated settlement cheque amount a sum of Rs. 15,34,862.00 have been credited to her account by the appellant company and she has also not been granted pension and medical facilities. Since the length of her service estimated by the company itself was 27 years so as per terms and conditions of the VSS she was entitled to medical facilities and monthly pension which benefits had been refused by the appellant department. The respondent accordingly served a grievance-notice-dated 30-5-2008 in which she made a request that a balance sum of Rs. 3,65,457.00, continuously monthly pension of Rs. 7,845 along with medical facilities be provided to her. The appellant raised many usual preliminary objections i.e. that the grievance notice has not been received; that the grievance petition was time barred and that the actual regular service of the respondent was 15 years 5 months and 24 days as such under the VSS scheme she was not entitled to any kind of medical facilities and monthly pension. The learned lower court after hearing the parties, allowed the grievance petition filed by the respondent.

3. Arguments have -been heard and the record has been perused.

4. It has been pointed out with greater emphasis that the grievance petition was time barred and the learned lower court did not take notice of this fact; secondly the grievance notice was issued on 30-5-2008 whereas she was relieved of her, duties on 18-2-2008. It was further argued that the calculation made by the appellant department of her dues was mistakenly prepared and it did not depict her real entitlement because her length of regular service was only 15 years, 5 months and 24 days and as per terms of the VSS scheme no medical facility or monthly pension could have been awarded to the respondent.

5. Learned counsel for the respondent/petitioner however argued that pension was rightly calculated by the company and when according to their own calculation the length of service of the respondent was 27 years, now they cannot be allowed to take this flimsy plea that their calculation was wrong. Once this decisive step had been taken by the appellant company and that has been acted upon, the law will not permit them to retrieve from their earlier stand. As regards the pension and other medical facilities, it was pointed out that since the length of service of the respondent as computed by the appellant company itself, the respondent is entitled to both the privileges and the appellant company cannot be allowed to count the length of service only as 15 years, 5 months and 24 days because the earlier calculation shown by means of document Ex.P-2 was made by the company officials themselves and they are now estopped from claiming otherwise. It is equally note worthy that in ease of one Mumtaz Ahmed a colleague of the respondent whose case was also identical in nature, he has been granted pension as well as medical facilities. So the law does not allow to make discrimination between the two officials because law requires that likes should be treated alike. Thus discrimination is not permitted in such eventualities. As for the dispatch of notice, the respondent produced Exhs.P.6 and 7 (postal receipts) as such presumption is that it had reached its destination. It is equally noteworthy that' when these documents were produced by the respondent in the court in her evidence, its validity or genuineness was never assailed or challenged

though any cross examination as such it shall be deemed that the service of grievance notice was an admitted fact. Exh.P.11 is a letter of Divisional Engineer showing that the respondent and other colleagues were granted annual increments w.e.f. 1-12-1980 i.e., from the day of joining of their service. When an employee is regularized his total length of service is to be computed from the day he joined the service that may be temporary or otherwise. In support of this contention, the respondent has relied on the case law reported as 2006 PLC (C.S.) 237. It is a judgment delivered by the learned Division Bench of the Lahore High Court, Lahore whereby their lordships have relied upon a judgment of the honourable Supreme Court passed in case of Ikram Bari and others v. National Bank of Pakistan 2005 SCMR 100, wherein it has been held that even the-service period of an employee of daily wager shall be counted for the purpose of computing pensioner/benefits. Pension is in fact a deferred part of the pay of an employee while he was putting his best efforts in rendering service to his employer during his hay days and this part was deferred to be paid to him periodically or otherwise to meet his oldage needs. This is neither bounty nor a concession from any one. While discussing the nature of the pensionary benefits and its implications in case of I.A. Sharwani and others v. Government of Pakistan through Secretary, Finance Division Islamabad and others 1991 SCMR 1041 the Honorable Supreme Court was pleased to quote the judgment of the Indian Supreme Court with approval in case of D.S. Nakara and others v. Union of India AIR 1983 SC 130 and People's Union for Democratic Rights and others v. Union of India and others AIR 1982 SC 1473, the relevant para shortly reads:--

"Summing up it can be said with confidence that pension is not only compensation for loyal service rendered in the past, but pension also has a broader significance, in that it is a measure of socio-economic justice which inheres economic security in the fall of life when physical and mental prowess is ebbing corresponding to aging process and therefore, one is required' to fall back on savings. One such saving in kind is when you give your best in the day of life to your employer, in days of invalidity, economic security by way of periodical payment is assured. The term has been judicially defined as a stated allowances or stipend made in consideration of past service or a surrender of rights or emoluments to one retired from service. Thus the pension payable to a Government employee is earned by rendering long and efficient service and therefore can be said to be a deferred portion of the compensation for service rendered. In one sentence one can say that the most practical raison d'être for pension is the inability to provide for oneself due to oldage. One may live and avoid unemployment but not senility and penury if there is nothing to fall back upon."

6. Since this has been declared as part of pay as such this was a continuing and recurring cause of action. No limitation is involved in such cases. The grievance petition thus was competent in every respect. Learned counsel for the appellant remained within the confines of technicalities. In fact the court's primary duty is to do substantial justice and of course within the frame work of law. So it does not lie in the mouth of the appellant company that the calculation was wrongly made and in fact it should have been from the day when she cleared the competitive examination. When it is an admitted fact that such pensionary benefits including medical facilities have been given to one Mumtaz Ahmed a colleague of the respondent then the same, benefits cannot be disallowed to the respondent and as such no discrimination can be made between them especially when both the 'employees are placed in similar situation. In this view of the matter, there is no merit in the appeal which is hereby dismissed.

H.B.T./8/PLT

Appeal dismissed.

## West Pakistan Civil Services Pension Rules, 1963

Chapter	Subject.
Chapter-I.	General.
Chapter-II.	Service qualifying for Pension.
Chapter-III.	Different kind of ordinary pension and condition for their grant.
Chapter-IV.	Amount of ordinary pensions/gratuity.
Chapter-V.	Application for grant of pension.
Chapter-VI.	Anticipatory pension/gratuity.
Chapter-VII.	Grant of pensionary benefits to displaced Government servants.
Chapter-VIII.	Commutation of Civil Pension.
Chapter-IX.	Re-employment of Civil/Military Pensioners.
Chapter-X.	Extra Ordinary Pension.

ATTESTED

*[Signature]*

## West Pakistan Civil Services Pension Rules

## West Pakistan Civil Services Pension Rules, 1963

[Gazette of West Pakistan, Extraordinary, 21<sup>st</sup> June, 1963]  
Notification No. (SO)(SR)(III)-947/63, DATED 7<sup>th</sup> June, 1963]

### CHAPTER-I GENERAL

- 1.1. Short title** — These rules may be called the West Pakistan Civil Services Pension Rules.
- 1.2. Commencement** — These rules shall have effect from the 14<sup>th</sup> October, 1955.
- 1.3. Extent of application** — Unless in any case it be otherwise expressly provided, by these Rules shall apply to:-
- (i) All Government servants under the rule-making control of the Government of West Pakistan who entered Government service on or after the 14<sup>th</sup> October, 1955.
  - (ii) All Government servants who were in service on and before 14<sup>th</sup> October, 1955 unless they opt to continue to be governed by the existing rules applicable to them;
  - (iii) All pensioners who retired from Government service after the 14<sup>th</sup> October, 1955 but before the date of publication of these rules, if they opt to be governed by these rules.
- Note-(1) In the case of Government servants or pensioners who were in service on and before the 14<sup>th</sup> October, 1955 but died before the publication of these rules, it will be assumed that they opted for these rules.
- Note-(2) These rules would continue to remain in force in Khyber Pakhtunkhwa by virtue of Article 19 of the Province of West Pakistan (Dissolution) Order 1970 (President's Order No. 1 of 1970).
- 1.4. Option** — Government servants and pensioners mentioned in clauses (ii) and (iii) of Rule 1.3 above may exercise option within a period of 6 months from the date of publication of these rules in the West Pakistan Gazette. The option shall be communicated in writing to the Accounts officer concerned as well as the Appointing Authority in the case of Gazetted or retired Gazetted Officers, and to the Appointing Authority in the case of Non-Gazetted or retired Non-Gazetted staff and the option once so exercised shall be final. Government servants who fail to exercise option within the stipulated period shall be assumed to have opted for the West Pakistan Civil Services Pension Rules.

West Pakistan Civil Services Pension Rules

Note-(1) Government servants who were in pensionable services on 1<sup>st</sup> July, 1966 were given option to exercise in favour or otherwise of the West Pakistan Civil Services Pension Rules, 1963/Revised Rules and Rates 1967 vide West Pakistan Letter No. S.O. (SR)-V-257/67, dated 27<sup>th</sup> April, 1967, Appendix-1).

Note-(2) The Accounts Officer should acknowledge the receipt of option communicated to him by Gazetted Servants.

1.5 These rules shall not apply to-

- (i) Government servants paid from contingencies or borne on Work-charged Establishment;
- (ii) Government servants engaged on contract which contains no stipulation for pension under these rules;
- (iii) Any person for whose appointment and conditions of service, special provision is made by or under any law for the time being in force;
- (iv) Any Government servant or class of Government servants who may be excluded by a competent authority from the application of these rules;
- (v) Any Government servant who holds a post which has been declared by a competent authority to be Non pensionable;
- (vi) Any person whose whole time is not retained for public service but is merely paid for work done, such as Government Pleaders and Law Officers not debarred from private practice;
- (vii) Any person who is not paid from the Provincial Consolidated Fund, but is paid from a fund held by Government as a Trustee, or from a local fund or is remunerated by fees for the grant of a tenure of land or of any other source of revenue or of a right to collect money.

- 1.6. (i) **Definitions-** Unless expressly specified otherwise in these rules, terms defined in Chapter-I of the West Pakistan Traveling Allowance Rules have the same meaning when used in these rules.
- (ii) **Pension-** Except when the term "Pension" is used in contradistinction to gratuity, pension includes gratuity.
- (iii) **Class IV service means** any kind of service which may be specially classed as such by Government.
- (iv) **Superior Service-** Superior Service means any kind of service which is not Class-IV Service.
- (v) **Ordinary Pension-** Ordinary pension means, pension other than extraordinary pension and includes special additional pension.
- (vi) **Full pension-** Full pension means the amount of ordinary pension admissible including 1/4<sup>th</sup> of the surrendered portion of the pension.

1.7 In any case where pension or gratuity is not admissible under these rules, a competent authority may grant pension which will, not save in most exceptional circumstances, exceed Rs. 100 a month or a gratuity not exceeding the equivalent value of that amount; provided that the general spirit of the rules is observed.

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West Pakistan Civil Services Pension Rules

1.8 (a) Good conduct is an implied condition of every kind of pension. Government may withhold or withdraw a pension or any part of it if the pensioner be convicted of serious crime or be found to have been guilty of grave misconduct either during or after the completion of his service, provided that before any order to this effect is issued, the procedure regarding imposition of the penalty of removal from service shall be followed.

(b) Government reserve to themselves the right of recovery from the pension of Government pensioner on account of losses found in judicial or departmental proceedings to have been caused to Government by the negligence, or fraud of such Government pensioner during his service, provided that such departmental proceedings shall not be instituted after more than a year from the date of retirement of the Government pensioner.

(c) In case the amount of pension granted to a Government servant be after wards found to be in excess of that to which he is entitled under the rules, he shall be called upon to refund such excess.

(d) Except with the previous sanction of the Provincial Government, no pensioner shall, within a period of two years from the date of his retirement take part in any election or engaged in political activity of any kind.

In future all Civil Servants who are under enquiry be excluded from the enquiry proceedings under the E&D Rules after attaining the age of superannuation and they may be allowed full pensionary benefits as provided under the rules. However it has further been decided that if some pecuniary loss caused to the Government is likely to be proved against a Government Servant who superannuates before decision of the case against him, an FIR should be lodged against him for judicial proceedings immediately after the date of superannuation and exclusion of his name from the departmental enquiry.

NO.SOR-II(S&GAD)3-29/97-Vol-II  
GOVERNMENT OF KHYBER PAKHTUNKHWA  
SERVICES & GENERAL ADMN. DEPARTMET  
Dated Peshawar, the 22<sup>nd</sup> August 1998.

1.9. No pension may be granted to a Government servant dismissed or removed for misconduct, corruption, subversive activities or inefficiency, but if, he deserves special consideration he may be granted a compassionate allowance not exceeding 2/3<sup>rd</sup> of the pension which would have been admissible to him had he retired on invalid pension.

1.10. Any of these rules may for reasons to be recorded in writing be relaxed in individual cases by a competent authority if it is satisfied that strict application of the rules will cause hardship to the individual

♦ Added by Finance Department (West Pakistan) Notification No. FD (SR-V) 1286/65, dated 15th June, 1965.

ATTESTED



Note:- No pension shall be admissible to a civil servant who is dismissed or removed from service for reasons of discipline, but Government may sanction compassionate allowance to such a civil servant, not exceeding two third of the pension or gratuity which would have been admissible to him had he been invalidated from service on the date of such dismissal or removal.

Section 19( ) of the Khyber  
Peshawar Civil Servants Act, 1973

**CHAPTER - II**  
**SERVICE QUALIFYING FOR PENSION**

**1.1 Conditions of Qualifications** - The service of a Government Servant does not qualify for pension unless it conforms to the following three conditions: -

First - The Service must be under Government.

Second - the service must not be Non-pensionable.

Third - the service must be paid by Government from the Provincial Consolidated Fund.

\* Note - (1) For the previous service of displaced Government servants which qualifies for pension see Chapter - VII.

\* Note - (2) Service rendered after retirement on superannuation pension/retiring pension shall not count for pension or gratuity.

**1.2 Beginning of service** - Subject to any special rules the service of Government servant begins to qualify for pension when he takes over charge of the post to which he is first appointed.

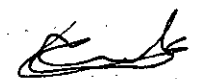
**1.3 Temporary and officiating service** - Temporary and officiating service shall count for pension as indicated below: -

- (i) Government servants 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.

**1.4 Service in a temporary post on abolition of a permanent post** - If a permanent post, on which a Government servant holds a lien, is abolished under circumstances entitling him to get a compensation pension or gratuity, his service thereafter in a temporary post under Government qualifies for pension.

Note (1) and (2) Substituted vide notification No. SO(SR) V-915/64 Dated 6th May, 1965

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**2.5 Apprentices and probationers -**

- (1) One-half of the period of apprenticeship qualifies for pension.
- (2) The service of a probationer who is subsequently confirmed in a permanent post without interruption qualifies for pension.

**2.6 Training** - The time spent by a Government servant in approved training shall count as service qualifying for pension.

Note: - The period of training before actual appointment to Government service shall not count for pension.

**2.7 Leave** - All leave (other than extraordinary leave) counts as qualifying service for purposes of pension.

**2.8 Military Service** - (1) Military pensionable service which terminates before a pension has been earned in respect of it, when followed by Civil pensionable service, counts as part of such service provided that any bonus or gratuity received in lieu of pension or since discharge from military service shall be refunded in lump sum or in monthly installments not exceeding 36. The military service of the individual concerned and the amount of gratuity paid to him should be verified by reference to the Controller of Military Accounts.

(2) Persons who joined the Armed Forces on or after the outbreak of World War-II, and rendered whole time satisfactory service in Government Forces under the British Rule in India and were appointed in a Civil pensionable post on or before 31st July, 1949 shall be allowed to count such War Service not exceeding 10 years rendered between the 3rd September, 1939, and the 1st April, 1946, for purpose of civil Pension and they shall not be required to refund military bonus or gratuity.

Note - In the case of a civil employee who has rendered satisfactory paid military service in the World War-II, in addition to military service pensionable under the military Rules before or after such war service but who did not earn a pension on such military service in conjunction with his other military service, that portion of his military service which was rendered before or after the war service shall be dealt with in accordance with the provisions of sub-rule (1). The war service portion (i.e. the period of service rendered between 3rd September, 1939, and 1st April, 1946) shall, however, be dealt with under sub-rule (1) or (2) as the Government servant may opt in this behalf, subject, of course, to the limitation prescribed in the respective sub-rule. If the war service is counted under sub-rule (1), the whole of it shall count, but if it is counted under sub-rule

\* Substituted vide notification No. SO(SR) V-3027/64, dated 9th January, 1965.  
@ Inserted by Government of West Pakistan Notification No. SO(SR) V-1274/68, dated 24th May, 1968.

**West Pakistan Civil Services Pension Rules**

(2) only completed years upto a maximum of five years shall count and the residue of war service shall not be counted under sub-rule (1).

If the entire military service, including war service is dealt with under sub-rule (1), the whole of the gratuity received in lieu of pension (but not that given as a reward of war service) shall have to be refunded by the Government servant concerned. If, however, the portion which was war service is dealt with under sub-rule (2) and the rest of the military service before or after the war under sub-rule (1). The amount of gratuity which the Government servant will refund in respect of the latter portion shall bear the same proportion to the total amount of gratuity received in lieu of pension the period dealt with under sub-rule (1) bears to the total period of military service, including the period of war service.

For the purpose of this note it is immaterial whether or not there was a break between the war service and other military service.

**2.9 Deputation** — Time spent by a Government servant holding pensionable post on deputation to (1) another Government (2) foreign service, or (3) service in a temporary or non-pensionable post under Government counts for pensions as if it were a time spent under the Government.

**Note:** **Rule of Proportion.** The 'Rule of proportion' and the other associated rules and accounting instructions shall continue to be operative and the apportionment of pensionary liability between the various Departments and Federal / Provincial Governments, as the case may be, shall be made by the audit and Accounts Officer issuing a Pension Payment Order. Finalization of pension cases shall not be held up on this account. If there is any dispute with regard to the apportionment of pensionary liability, the matter should be sorted out by the Audit and Accounts Officers involved. The authorities concerned are required to forward the pension case of the retired government servants to the audit office concerned. Complete in all respects and with the documents mentioned in (Annex).

No. SOSR-III(FD)4-36/75(Vol-II), FD-  
Khyber Pakhtunkhwa,  
Dated Peshawar, the 28<sup>th</sup> April, 1991.

**2.10 Suspension** — If a Government servant is suspended from service pending enquiry into his conduct, the period of suspension counts for pension if it is immediately followed by reinstatement, unless the Government servant reinstated with forfeiture of a part of his pay or allowances for the period of suspension.

**2.11 Forfeiture of Past Service** — A Government servant forfeits his past service in the following cases: -

- (a) Resignation of a post unless it is to take up another post service in which counts for pension.
- (b) Removal or dismissal from service.
- (c) Absence from duty without leave.

**ATTESTED**

*[Signature]*

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**West Pakistan Civil Services Pension Rules**

**Note** — The authority which sanctions the pension may commute retrospectively periods of absence without leave into extraordinary leave.

\***Note** — In case of a civil servant, who, with the proper concurrence of the competent authority leaves service under the Government of Khyber Pakhtunkhwa and seeks absorption/employment under an autonomous, semi-autonomous/local body, where service is pensionable, the Government, if it is so requested, will be liable to share pensionary liability for the period of service rendered by such civil servant under the Government in accordance with the Government rules.

**GOVERNMENT INSTRUCTIONS.**

<sup>iv</sup>**Service in an Autonomous or Semi-Autonomous Body.** For the purpose of grant of pension under these orders, the pay drawn and the effective service rendered by a Government servant in an autonomous or semi-autonomous body, the authorized capital of which is wholly subscribed by the Central and/or a Provincial Government, in a post, appointment to which is, by law, required to be made and the salary of which is required to be fixed by the Central or a Provincial Government shall be treated as pay drawn and effective service rendered in a post in Government service.

**2.12 Condonation of interruptions and deficiencies.** — (1) The Administrative Department may for purposes of pension condone all gaps between <sup>vi</sup>[Periods of qualifying service] of a Government Servant.

(2) The Administrative Department may condone deficiency in qualifying service for pension upto six months provided the service is meritorious and the condonation, if allowed will bring the service upto 25 completed years of qualifying service.

**CHAPTER-III****DIFFERENT KINDS OF ORDINARY PENSION AND CONDITIONS FOR THEIR GRANT**

**3.1 Classification of Pensions** — Pensions are divided into four classes:-

- (a) Compensation Pension.
- (b) Invalid Pension.
- (c) Superannuation Pension.
- (d) Retiring Pension.

**Note** — Special additional pension is also granted to certain classes of Government Servants under special circumstances.

\* Inserted vide notification No.F.D.SR.-III/4-112/80, dated 22-11-1980.

<sup>vii</sup> Para-9 of the Government of West Pakistan Finance Department letter No. SO (SR)-V-257/67 dated 27th April 1967 (Appendix-I)

@ [ ] Substituted by Finance Department Notification No. SO(SR) V-174/68, dated 24th May, 1968.

11/11/21

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**BEFORE THE PESHAWAR HIGH COURT, PESHAWAR.**



Writ Petition No. 42151/2021

Nihayat Begum D/o Akhtar Khan R/o Zarpur, Village Badarshi, Tehsil and District Nowshera.....(Petitioner)

**VERSUS**

1. District Health Officer, District Nowshera.
2. District Accounts Officer, District Nowshera.
3. Director General Health, Khyber Pakhtunkhwa, Health Directorate, Warsak Road, Peshawar.
4. Secretary Health Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
5. Accountant General, Khyber Pakhtunkhwa, Peshawar Cantt.....(Respondents)

**WRIT PETITION UNDER ARTICLE 199 OF  
CONSTITUTION OF ISLAMIC REPUBLIC OF  
PAKISTAN, 1973.**

**Respectfully Sheweth:**

Facts giving rise to the instant Writ Petition are as under:

1. That petitioner is bonafide citizen of Pakistan and served the Health Department Since 2006 as Lady

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EXAMINER  
Peshawar High Court

Health Worker. (Copy of appointment order, medical certificate are attached as annexure "A" & "B").

2. That after appointment on contract basis, the petitioner duly join the service and later on in the year 2014 the services of petitioner along with others were regularized. (Copy of extracts of service book and regularizations order are attached as annexure "C" & "D" respectively).

3. That after attaining the age of 60 years i.e. superannuation, petitioner got retired, thus served the department with almost 15 years without any break in the service, and performed her duty with zeal and devotion to the entire satisfaction of her high-up's. (Copy of office order of retirement is attached as annexure "E").

4. That respondents department now refused pension to the petitioner on the ground that the regular service of petitioner is less than 10 years.

5. That it is settled by this Hon'ble Court as well as by the August Supreme Court of Pakistan that

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04 OCT 2021

~~ATTESTED~~  
EXAMINER  
Peshawar High Court

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temporary/ contract service will be count with regular service for the sake of pension etc, as mentioned in the rules. (Copy of the judgments are attached as annexure "F").

6. That petitioner being aggrieved, having no other efficacious/ alternate efficacious remedy approach this Hon'ble Court inter-alia on the following grounds:

**GROUND:**

- A. That the act and omission of the respondents by not allowing the petitioner pensionary benefits is against the law justice.
- B. That under the law and rules, respondents are bound to pay the full pensionary benefits to the petitioner according to rules and regulations and also dictum of August Supreme Court of Pakistan, and of this Hon'ble Court.

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04 OCT 2021

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EXAMINER  
Peshawar High Court

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- C. That in the same circumstances other employees were issued pension, thus refusing to petitioner amounts to discrimination.
- D. That respondents have violated the fundamental rights of the petitioner provided by the constitution of Islamic Republic of Pakistan, 1973.
- E. That it is the command of law that every persons must exercise the authority within the law parameter, but resopdntns violated this principle too.
- F. That petitioner being eligible full pensionery benefits, hence entitled to the same.
- G. That act and omission of the respondents is unconstitutional, ultra vires of the Constitution, consequently being illegal, hence is of no legal effect.
- H. That under the law of the land governing the subject matter respondents are duty bound to pay full pensionery benefits to the petitioner.

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 Deputy Registrar  
 04 OCT 2021

**ATTESTED**  
 EXAMINER  
 Peshawar High Court

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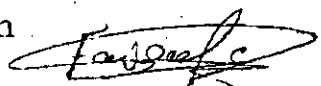
- I. That petitioner is the only earning hand of her poor family and there is no other source of income.
- J. That any other ground may be agitated during the course of arguments, with the kind permission of this Hon'ble Court.

It is, therefore, most humbly prayed that on acceptance of this Writ Petition, direction may kindly be issued to respondents to pay pensionery benefits.

Any other remedy which deems fit by this Hon'ble Court may also be granted in favour of petitioner.

Petitioner

Through



**Shah Faisal Ilyas**  
Advocate High Court,  
Peshawar.

Dated: 02/10/2021

**FILED TODAY**  
Deputy Registrar  
04 OCT 2021



**CERTIFIED TO BE TRUE COPY**  
EXAMINED  
Peshawar High Court, Peshawar  
Authorised Officer, Section 37 of  
The Oath and Affidavit Ordinance, 1956  
04 JAN 2022

**CERTIFICATE:**

It is certified by no such like Writ Petition has early been filed by the petitioner in this Hon'ble Court. Further stated that being Writ Petition on the score that since there is no adequate and alternate remedy is available or previously avail or approach lower forum, thus this case may fixed before the Worthy Division Bench (D.B) of this Hon'ble Court.

*Fairuz*  
**ADVOCATE**

**LIST OF BOOKS:**

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

*Fairuz*  
**ADVOCATE**

**FILED TODAY**  
*P*  
**Deputy Registrar**  
**04 OCT 2021**

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CERTIFICATE TO BE FILED  
04 JAN 2022



**BEFORE THE PESHAWAR HIGH COURT, PESHAWAR.**

Writ Petition No. 4215P/2021

Nihayat Begum .....(Petitioner)

**VERSUS**

District Health Officer, District Nowshera.  
and others.....(Respondents)

**AFFIDAVIT**

I, Nihayat Begum D/o Akhtar Khan R/o Zarapur, Badarshi BHU, Tehsil and District Nowshera, do hereby solemnly affirm and declare that the contents of the accompanying **Writ Petition** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

*[Handwritten Signature]*

**DEPONENT**

CNIC No. 17201-2155471-6

Cell No. 0314-5382903

**Identified by:**

*[Handwritten Signature]*

**Shah Faisal Ilyas**  
Advocate High Court,  
Peshawar.

36093
Identified on solemnly
29
by Sep. Nihayat Begum
Akhtar Khan Nowshera
Shah Faisal
Commissioner
Peshawar
29/09/2021

**FILED TODAY**  
*[Handwritten Initials]*  
**Deputy Registrar**  
04 OCT 2021

**ATTESTED**  
EXAMINER  
Peshawar High Court

*[Handwritten Signature]*  
Commissioner  
Peshawar  
29/09/2021

**BEFORE THE PESHAWAR HIGH COURT, PESHAWAR.**Writ Petition No. 4215/2021

Nihayat Begum .....(Petitioner)

**VERSUS**

District Health Officer, District Nowshera.

and others.....(Respondents)

**ADDRESSES OF THE PARTIES****PETITIONER:**

Nihayat Begum D/o Akhtar Khan R/o Zarapur, Village  
Badarshi, Tehsil and District Nowshera.


**RESPONDENTS:**

1. District Health Officer, District Nowshera.
2. District Accounts Officer, District Nowshera.
3. Director General Health, Khyber Pakhtunkhwa, Health Directorate, Warsak Road, Peshawar.
4. Secretary Health Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
5. Accountant General, Khyber Pakhtunkhwa, Peshawar Cantt.

Petitioner

Through

Dated: 02/10/2021

  
**Shah Faisal Ilyas**  
Advocate High Court,  
Peshawar.

**FILED TODAY**

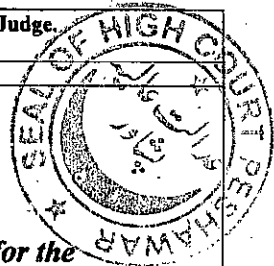
Deputy Registrar.

04 OCT 2021

**ATTESTED**EXAMINER  
Peshawar High Court

**PESHAWAR HIGH COURT, PESHAWAR**  
FORM OF ORDER SHEET

Date of Order or Proceedings 1	Order of other Proceedings with Signature of Judge. 2
14.12.2021	<p align="center"><b>W.P No.4215-P of 2021.</b></p> <p><b>Present:</b></p> <p align="center"><b>Mr. Shah Faisal Ilyas, Advocate for the petitioner.</b></p> <p align="center">****</p> <p><b>ROOH UL AMIN KHAN, J.</b> By invoking the constitutional jurisdiction of this Court under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, the petitioner Nihayat Begum seeks issuance of the following writ:-</p> <p align="center"><i>"That on acceptance of this Writ Petition, respondents may kindly be directed to pay pensionary benefits to the petitioner. Any other remedy which this Hon'ble Court deems fit may also be granted in favour of the petitioner."</i></p> <p><b>2.</b> In essence, the grievance of the petitioner is that she has served as Lady Health Worker the Department since 2006 and has retired on 19.04.2019, on attaining the age of superannuation; therefore, she is entitled for the pensionary benefits under the West Pakistan Civil Servant Pension Rules, 1963.</p> <p><b>3.</b> Arguments heard. Record perused.</p> <p><b>4.</b> The moment, the case was taken up for hearing the learned counsel for the petitioner was confronted with proposition as to whether any departmental appeal has been filed against the refusal of pension to the petitioner by the authority; his reply is in negative. Besides, the petitioner was a civil servant and got retired at the age of superannuation, whereas matter of pension falls under Section 19 in</p>



*Faisal Ilyas*

**ATTESTED**  
EXAMINER  
Peshawar High Court

terms and conditions of service of Civil Servant Act, 1973, wherein jurisdiction of this Court is exclusively barred under Article 212 of the Constitution of Pakistan, 1973.

5. In this view of the matter, this writ petition stands dismissed; however, the petitioner would be at liberty to seek her legal remedy, if so advised.

**Announced**  
Dt:14.12.2021

*Senior Puisne Judge*

*Judge*



CERTIFIED TO BE TRUE COPY

EXAMINER  
Cashewal High Court  
Authorized Signatory  
The District Registrar

04 JAN 2022

19814  
 Date of Presentation: 04/11/2021  
 No of Pages: 10-2  
 C: No 1  
 Date of: 04/11/2021  
 Date of Dec: 04/11/2021  
 Received By: Felham

To

**The Worthy Director General Health,  
Khyber Pakhtunkhwa,  
Health Directorate, Peshawar.**

**DEPARTMENTAL APPEAL FOR ISSUANCE OF  
PENSIONARY BENEFITS TO THE APPLICANT.**

**Respected Sir,**

1. The applicant is bonafide citizen of Pakistan and served the Health Department Since 2006 as Lady Health Worker.
2. That after appointment on contract basis, the appellant duly join the service and later on in the year 2014 the services of applicant along with others were regularized.
3. That after attaining the age of 60 years i.e. superannuation, applicant got retired, thus served the department with almost 15 years without any break in the service, and performed her duty with zeal and devotion to the entire satisfaction of her high-up's.
4. That now DHO Office Nowshera refused pension to the applicant on the ground that the regular service of appellant is less than 10 years.

**ATTESTED**

*[Handwritten Signature]*

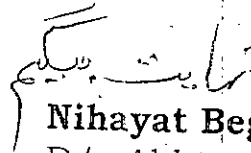
463/111  
05/1/22

5. That it is settled by the Pension Rules and Hon'ble Courts, as well as by the August Supreme Court of Pakistan that temporary/ contract service will be count with regular service for the sake of pension etc.
6. That appellant is the only earning hand of her poor family and there is no other source of income.

It is, therefore, most humbly requested that on acceptance of this departmental appeal/ representation, order may kindly be issued to pay pensionary benefits to the applicant in the best interest of justice.

Any other remedy which deems fit by your good-ship may also be granted in favour of applicant.

Applicant:



**Nihayat Begum**

D/o Akhtar Khan

R/o Zarapur, Village

Badarshi, Tehsil and


District Nowshera.

Cell No. 0314-5382903

0312-1951291

Dated: 05/01/2021

**ATTESTED**



40

# WAKALATNAMA

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

BC-10-7965f

Service Appeal No. \_\_\_\_\_/2022

Nihayat Begum .....(Appellant)

**VERSUS**

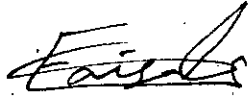
District Health Officer, District Nowshera.

and others.....(Respondents)

I, Nihayat Begum D/o Akhtar Khan R/o Zarapur, Badarshi BHU, Tehsil and District Nowshera in the above noted **Service Appeal** do hereby appoint and constitute **Shah Faisal Ilyas**, *Advocate Supreme Court of Pakistan* to appear.

Plead, act, compromise, withdraw or refer to arbitration to me/ us as my/ our Counsel in the above noted matter, I/ we also authorized the said Counsel to file appeal, revision, review, application, and make any miscellaneous application in Criminal/ Civil matters or arising out of the matter and to withdraw and receive in my/ our behalf all sums and amounts deposited on my/ our account in the above noted matter.

ATTESTED & ACCEPTED



**Shah Faisal Ilyas**

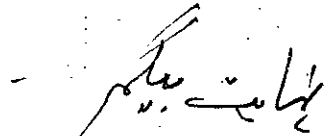
Advocate Supreme Court  
Of Pakistan.

Office: 17-B, Haroon Mansion

Khyber Bazar, Peshawar.

Cell: 0300-5850207

CNIC: 17201-8581525-7



CLIENTS

Nihayat Begum

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

C.M.No. \_\_\_\_\_/2022

IN

SA No.673/2022

Nihayat Begum .....Appellant

VERSUS

District Health Officer, District Nowshera and others

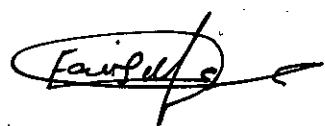
.....Respondents

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S.No.	Description of documents.	Annexure	Pages.
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2.	Affidavit		3
3.	Copies of medical prescriptions.	A	4-9
4.	Copies of judgments/ precedents	B	10-16

Dated: 18.07.2022

Appellant  
Through  
**Shah Faisal Ilyas**  
Advocate Supreme Court





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

Khyber Pakhtunkhwa  
Service Tribunal

C.M.No. \_\_\_\_\_/2022

Diary No. 717

IN

SA No.673/2022

Dated 18/7/2022

Nihayat Begum .....Appellant

VERSUS

District Health Officer, District Nowshera and others

.....Respondents


**APPLICATION FOR CONDONATION OF DELAY**

**Respectfully Sheweth:**

1. That the above titled appeal is pending adjudication before this Hon'ble Tribunal which is fixed for today i.e. 18.07.2022.
2. That few days delay caused in filing titled appeal was neither intentional nor deliberate, but due to the reason that applicant/ appellant was under treatment due to her severe illness and was on bed for sufficient long time due to which she was unable to keep track of her case and to file titled appeal in time. (Copies of prescriptions are attached)
3. That valuable right of applicant/ appellant are involved in the case in hand, which requires decision on merit. Furthermore, the matter is financial and being recurring cause, no limitation runs against the same. (Copy of judgment is attached)
4. That the delay period is not intentional on the part of petitioner.

It is, therefore, requested that the delay caused in filing titled appeal may graciously be condoned and the appeal in hand may kindly be decided on merit.

Dated: 18.07.2022

Appellant  
Through   
**Shah Faisal Ilyas**  
Advocate Supreme Court

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

C.M.No. \_\_\_\_\_/2022

IN

SA No.673/2022

Nihayat Begum .....Appellant

VERSUS

District Health Officer, District Nowshera and others

.....Respondents

**AFFIDAVIT:**

I, Nihayat Begum D/o Akhtar Khan R/o Zarapur, Village Badrashi, Tehsil & District Nowshera (Appellant), do hereby affirm and declare on oath that the contents of the **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

  
Deponent





Noshahra



Assistant Professor  
**DR. ZAHID KHAN** (Dawodzai)  
Neurosurgeon

اسسٹنٹ پروفیسر ڈاکٹر زاہد خان  
نیوروسرجن (داؤدزئی)

Department of Neurosurgeon (PGMI) (LRH)  
Brain & Spine Surgeon  
MBBS (KMC) FCPS (Neuro) MCPS (Pak)  
MRCS (Glasgow) CHPE (K.M.U)  
European Spine Diploma (France) Arab Spine Diploma  
North American Spine Diploma (ASCD)  
Member Pakistan Society of Neuro Surgeons  
Member Asian Society of Neurological Surgeons  
Member World Federation of Neurological Surgeons  
Member of AO Spine Surgeons  
Member of North American Spine Society  
Member of Arab Spine Society



Not valid for court

ڈیپارٹمنٹ آف نیوروسرجری پی جی ایم آئی (LRH) پشاور  
ایم بی بی ایس - ایم سی پی ایس ایف سی پی ایس (نیوروسرجری)  
ایم آئی ایس (گلاسگو) سی ایچ پی ای ای (کے ایم یو)  
یورپین سپائن ڈپلومہ (فرانس) عرب سپائن ڈپلومہ  
نارتھ امریکن سپائن ڈپلومہ (ASCD)  
ممبر آف: پاکستان سوسائٹی آف سرجنز  
ممبر آف: ایشین سوسائٹی آف نیورولوجیکل سرجنز  
ممبر آف: ورلڈ فیڈریشن آف نیورولوجیکل سرجنز

Name Nihayat bibi  
Age 60 Sex (F)  
Date 12/12/19

Clinical Record B.P.

Rx

Tas Dicloron soup

Tas Dicé

Tas Morcer soup

Taxidal

Res maas

Res Botanical

ڈاکٹر زاہد خان  
اسسٹنٹ پروفیسر لیڈی ریڈنگ ہسپتال پشاور

Tace w  
Ar m...  
San...  
C/S



Assistant Professor

(Dawodzai)

**DR. ZAHID KHAN**

Neurosurgeon

Department of Neurosurgeon (PGMI) (LRH)  
Brain & Spine Surgeon

MBBS (KMC) FCPS (Neuro)  
MCPS (Pak) CHPE (K.M.U)  
MRCS (Glasgow) ATLS (American College of Surgeons)

North American Spine Diploma (ASCD)  
Member Pakistan Society of Neuro Surgeons  
Member Asian Society of Neurological Surgeons  
Member World Federation of Neurological Surgeons  
Member of AO Spine Surgeons  
Member of North American Spine Society  
Member of Arab Spine Society

5  
هوالتشانی  
Not valid for court



اسٹنٹ پروفیسر (داووزئی)

**ڈاکٹر زاہد خان** نیوروسرجن

ڈیپارٹمنٹ آف نیوروسرجری پی جی ایم آئی (LRH) پشاور  
ایم بی بی ایس۔ ایم سی بی ایس۔ ایف سی پی ایس (نیوروسرجری)۔ ایم آر سی ایس (گلاسگو)  
سی ایچ پی ای (کے ایم یو)۔ اے ٹی ایل ایس (امریکن کالج آف سرجن)

نارتھ امریکن سپائن ڈپلومہ (ASCD)  
ممبر آف: پاکستان سوسائٹی آف سرجنز  
ممبر آف: ایشین سوسائٹی آف نیورولوجیکل سرجنز  
ممبر آف: ورلڈ فیڈریشن آف نیورولوجیکل سرجنز  
ممبر آف: اے او آف سپائن سرجنز  
ممبر آف: نارتھ امریکن سپائن سوسائٹی  
ممبر آف: عرب سپائن سوسائٹی

Noshehria

Name Nihayat bibi  
Age 55 Sex (F)  
Date 10/6/19

Clinical Record BP

120/90

Rx

Res  
Vom  
ES  
person  
Belmontes  
3-7  
Zahid Khan  
اسٹنٹ پروفیسر ریڈنگ ہسپتال پشاور

108-109 پہلی منزل علی میڈیکل سنٹر نزد لیڈی ریڈنگ ہسپتال پشاور / اپائنٹ کیلئے صبح 10 بجے تا 12 بجے

کلینک اتوار کو بند رہے گا

321-9764275: رابطہ کیلئے

موسم سرما: سہ پہر 4 بجے تا 8 بجے رات

کلینک ٹائمنگ: موسم گرما: شام 5 بجے تا 9 بجے

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Cell: 0313-9964366

**LAB REPORT**

Pat. Name :	NIHAYAT	Date:	13-Jul-20
Consultant :	DR AFZAAL ASGHAR	Sex :	FEMALE
Test Advi :	URINE R/E.		

**REPORT**

Urine complete examination:

PHYSICAL		CHEMICAL	MICROSCOPY	
Colour :	P.Yellow	Albumin:	Traces	Pus Cells : 05 ..... 06 /H.P.F
Appearance:	Clear	Sugar :	Nil	Red Cells : 03 ..... 04 /H.P.F
Sp.Gravi :	QNS	B/S :	.....	Epith Cells : 01 ..... 02 /H.P.F
Reaction :	Acidic	B/P :	.....	Mucous thraed; seen

Lab Assistant  
Hafiz ur Rehman  
Biotechnologist

Lab Technician  
ARSALAN KHAN  
D.M.L.T Patholog  
K.P.M.F Peshawa

**NOT VALID FOR COURT**

HBS Ag, PCR, HARMONS FSH, LH, PROLECTINE, T3, T4, TSH, FSH, ELISA TEST FACILITY AVAILABLE

**Error: Omission Accepted. IN case of any error please contact with in 24 hours for free Repeat**



# AHMAD CLINICAL LABORATORY

SHAMA CHOWK NOWSHERA CANTT.  
Cell: 0313-9964366

## LAB REPORT

Pat. Name :	NIHAYAT	Date:	29-June 2020
Consultant :	DR.AFZAAL ASGHAR	Sex:	FEMALE
Test Advi :	CBC.		

## REPORT

**Test Result Ref,Range**

Hemoglobin	16.2	M 14--18 F 12--16 ,Ch 11.1--14.2 G/dl
Total White Cell	10,900	4000 --- 11000 /cmm
Differential Count		
Polymorphs	75	40 --- 70 %
Lymphocytes	20	20 --- 45 %
Eosinophils	01	01 --- 06 %
Monocytes	04	00 --- 10 %
Basophils		0 --- 01 %
Platelets Count	215,000	150,000-400,000 /cmm

Lab Assistant  
*Hafiz us Rehman*  
Biotechnologist

Lab Technician  
**ARSALAN KHAN**  
D.M.L.T Pathology  
K.P.M.F Peshawar

NOT VALID FOR COURT

HBS Ag, PCR, HARMONS FSH, LH, PROLECTINE, T3, T4, TSH, FSH, ELISA TEST FACILITY AVAILABLE

Error: Omission Accepted. IN case of any error please contact with in 24 hours for free Repeat



# AHMAD CLINICAL LABORATORY

SHAMA CHOWK NOWSHERA CANTT  
Cell: 0313-9964366

## LAB REPORT

Pat. Name :	NIHAYAT	Date:	29-Jun-20
Consultant :	DR.AFZAAL ASGHAR	Sex :	FEMALE
Test Advi :	RBS/URINE R/E.		

## REPORT

TEST	RESULT	UNITS	NORMAL VALUE
Glucose R	<u>148</u>	mg/dl	80 ---- 160

### Urine complete examination:

PHYSICAL	CHEMICAL	MICROSCOPY
Colour : P.Yellow	Albumin: +	Rus Cells : 10 ----- 12 /H.P.F
Appearance: Clear	Sugar : Nil	Red Cells : 05 ----- 06 /H.P.F
Sp.Gravi : QNS	B/S : -----	Epith Cells : 02 ----- 03 /H.P.F
Reaction : Acidic	B/P : -----	Cal Oxalate : Seen Mucus thread : Seen

Lab Assistant  
Hafiz-ur-Rehman  
Biotechnologist

Lab Technician  
ARSALAN KHAN  
D.M.L.T Pathology  
K.P.M.F Peshawar

NOT VALID FOR COURT

HBS Ag, PCR, HARMONS FSH, LH, PROLECTINE, T3, T4, TSH, FSH, ELISA TEST FACILITY AVAILABLE

Error: Omission Accepted. IN case of any error please contact with in 24 hours for free Repeat

0335 1800051  
0333 9158723





# AHMAD CLINICAL LABORATORY

SHAMA CHOWK NOWSHERA CANTT.

Cell: 0313-9964366

## LAB REPORT

Pat. Name :	NIHAYAT	Date:	29-Jun-20
Consultant :	DR.AFZAAL ASGHAR	Age :	****
Test Advi :	WIDAL/MP I.C.T	Sex :	FEMALE

### REPORT

WIDAL TEST		
Test	Result	Normal Value
S. Typhi TO	1:20	< 1:40
S. Typhi TH	1:20	< 1:40
S. ParaTyphi AH	1:20	< 1:20
S. ParaTyphi BH	1:20	< 1:20

#### TEST

#### RESULT

I.C.T MP: >====>

*Negative (-ve)*

Lab Assistant  
*Hafiz-ur-Rahman*  
Biotechnologist

NOT VALID FOR COURT

Lab Technician  
ARSALAN KHAN  
D.M.L.T Pathology  
K.P.M.F Peshawar

HBS Ag, PCR, HARMONS FSH, LH, PROLECTINE, T3, T4, TSH, FSH, ELISA TEST FACILITY AVAILABLE

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