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REGISTERED
No. C.P.3157/2021 - SCJ
SUPREME COURT OF PAKISTAN

Islamabad, dated 21/06/2023

From The Registrar,
Supreme Court of Pakistan,
Islamabad.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 8084

Dated 21/06/2023

To 1. The Addl. Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Camp Court Abbottabad.

2. The Registrar
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Subject: **CIVIL PETITION NO. 3157 OF 2021**

Mst. Khursheed Bibi
Versus

Government of Khyber Pakhtunkhwa thr. Secretary Health, Peshawar and
others

On appeal from the Judgment/Order of the Khyber Pakhtunkhwa
Service Tribunal, Camp Court Abbottabad dated 17/02/2021 in
A.-380/2018.

Dear Sir,

I am directed to enclose herewith a certified copy of the Order/Judgment
of this Court dated 21/06/2023 disposing of the above cited case in the terms stated
therein for information and further necessary action.


The operative part of the Order is reproduced hereunder:

"...The petitioner shall file a claim and respondent shall process and
decide her application on the limited issue noted above within one
month from the date of receipt of a certified copy of this order."

Please acknowledge receipt of this letter along with its enclosure
immediately.

Encl: Order/Judgment:

Yours faithfully,



(MUHAMMAD MUJAHID MEHMOOD)
ASSISTANT REGISTRAR (IMP)
FOR REGISTRAR

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IN THE SUPREME COURT OF PAKISTAN

(Appellate Jurisdiction)

PRESENT:

MR. JUSTICE UMAR ATA BANDIAL, CJ
MR. JUSTICE SYED MANSOOR ALI SHAH
MRS. JUSTICE AYESHA A. MALIK

C.P.3157/2021

(Against the judgment dated 17.02.2021 passed by
the KPK Service Tribunal Peshawar at Camp Court,
Abbottabad in appeal No.380/2018)

Mst. Khursheed Bibi

...Petitioner(s)

Versus

Government of Khyber Pakhtunkhwa thr.
Secretary Health, Peshawar and others

...Respondent(s)

For the Petitioner(s) : Mr. Muhammad Shoaib Shaheen, ASC

For the Respondent(s) : Mr. Sultan Mazhar Sher Khan, Addl.
AG KPK
Dr. Adnan Shahzad, LO
Mr. Hafeezullah, AAO
Mr. Arif, Superintendent

Date of Hearing : 21.06.2023

ORDER

UMAR ATA BANDIAL, CJ: We have heard the learned
counsel for the petitioner as well as the learned Addl. Advocate
General. We do not find any error in the impugned judgment dated
17.02.2021 of the learned Tribunal. However before us, learned
counsel for the petitioner has raised the plea that the petitioner
was doing work as LHV even after her contract appointment
expired in the year 2006 but she was not paid the salary for the
said work until she retired in the year 2010. It is not clear from the
record as to what period the petitioner was working as LHV. This
requires a factual determination. Rather than collecting evidence
ourselves, the appropriate course is for the petitioner to file a claim
before the respondent department stating the period for which she

ATTESTED

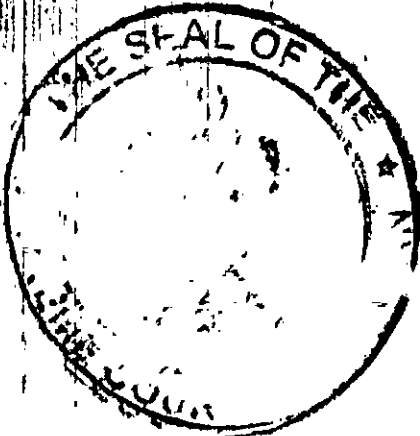


Court Associate
Supreme Court of Pakistan
Islamabad


was performing the functions and duties as LHV so that she may be paid for doing the said work. Insofar as the entitlement to pay as LHV is concerned, there is no doubt that if the petitioner has performed such functions and duties she will be entitled to payment accordingly. The petitioner shall file a claim and respondent shall process and decide her application on the limited issue noted above within one month from the date of receipt of a certified copy of this order.

2. This petition is disposed of in the above terms.

sel - - - - - 140
sel - - - - - J
sel - - - - - J



Certified to be True Copy


Court Associate
Supreme Court of Pakistan
Islamabad

Islamabad
 21.06.2023
 Rashid/*
Not approved for reporting


 02/08/23