

BEFORE THE HONORABLE SERVICE TRIBUNAL PESHAWAR

KHYBER PAKHTUNKHWA

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 8347

Dated 17/10/23

SERVICE APPEAL NO 510/2023

Jawaria and other.....Appellant

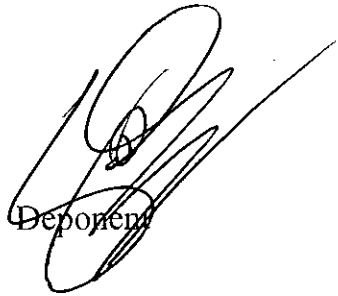
Versus

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

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Dated 10-10-2023


Deponent

BEFORE THE HONORABLE SERVICE TRIBUNAL PESHAWAR

KHYBER PAKHTUNKHWA

(1)

SERVICE APPEAL NO 510/2023

Jawaria and other.....Appellant

Versus

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PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 04& 05

Preliminary Objections:-

1. That the appellant has filed the instant appeal just to pressurize the respondents.
2. That the instant appeal is against the prevailing Law and Rules.
3. That the appeal is not maintainable in its present form and also in the present circumstances of the issue.
4. That the appellant has not come to this Honorable Tribunal with clean hands.
5. That the appeal is barred by law and limitation.
6. That the Honorable Tribunal has no Jurisdiction to adjudicate upon the matter.
7. That the instant appeal is bad for mis-joinder of unnecessary and non-joinder of necessary parties.

Respectfully Sheweth:

1. Correct, pertaining to the law
2. Incorrect. The replying respondents are not reluctant to extend pensionary benefits to the petitioner, rather the appellant has not completed her minimum required period of 10 years regular service for entitlement of pension benefits as her service was regularized w.e.f 01-07-2012 by Honorable Supreme Court of Pakistan while she retired on 30-06-2021, So her total length of regular service was 8 Year 11 Month and 29 days, where as her initial contractual period was not considered for pensionary benefit according to Judgment (2022 PLC(CS)202, the Honorable Supreme Court of Pakistan has held as:

“Contractual employment subject to a minimum of 05 years can be included in calculating pensionary benefits but only and only in a situation where the employee is otherwise entitled/eligible to receive pension subject to having rendered qualifying service (10 years) in permanent (regular) employment. Unless he meets the criteria of having served for the duration of the qualify period, the period spent in contractual employment cannot be added to make up for any deficiency in qualifying service for the purpose of eligibility to receive pension”

(2)

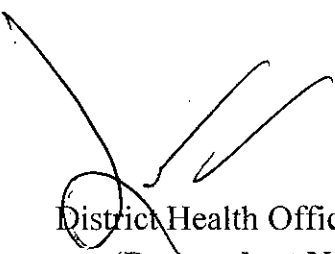
3. Pertains to record.
4. As explained in Para-2
5. Incorrect. The replying respondents have not refused for granting pensionary benefits, but the appellant is not entitled for pension as she has not completed the minimum required period of 10 years regular service for qualifying to pension benefits as explained in Para-2
6. No comments

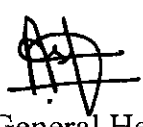
GROUND

- I. Incorrect. The appellant was dealt according to the rules, policy and constitutional laws.
- II. As replied in facts.
- III. As replied in facts.
- IV. As replied in facts.
- V. As replied above.
- VI. As explained in Para-2
- VII. As explained in Para-2
- VIII. As replied in facts.
- IX. The replying respondents also seek prior permission of this Honorable Tribunal to adduce additional grounds at the time of final arguments.

PRAYER:

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


District Health Officer Hangu
(Respondent No. 05)


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

BEFORE THE HONORABLE SERVICE TRIBUNAL PESHAWAR

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KHYBER PAKHTUNKHWA

SERVICE APPEAL NO 510/2023

Jawaria and other.....Appellant

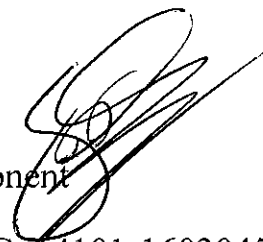
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AFFIDAVIT

I Muhammad Noor, Account Supervisor, DHO OFFICE Hangu, do hereby solemnly affirm and declare that the contents of this accompanying Parawise comments/Reply are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

Deponent



CNIC: 44101-1603045-7

Cell # 0333-5010330

Additional Document
Khyber Pakhtunkhwa
Tal Peshawar

It is further stated that on oath that in this appeal the answering respondents have neither been placed ex-parte nor their defense has been struck off.

BEFORE THE HONORABLE SERVICE TRIBUNAL PESHAWAR

(4)

KHYBER PAKHTUNKHWA

SERVICE APPEAL NO 510-12023, 511-P/2023 and 512-P/2023

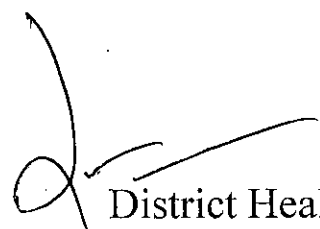
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Authority Letter

Mr Muhammad Noor Account Supervisor, DHO Office Hangu is hereby authorized to submit Parawise comments in court on behalf of the undersigned.



District Health Officer
District Hangu
**DISTRICT HEALTH
OFFICER. HANGU**