

3,
Reader Note:

02.12.2014

No one is present on behalf of the appellant. Since the Tribunal is incomplete, therefore, case is adjourned to 11.02.2015 for the same.


Reader

4

11.02.2015

Appellant with counsel present.

The instant case relates to the pension of the appellant Dr. Taza Khan who has been retired from service on 1.4.2011. According to the contention of the learned counsel for the appellant, the appellant is entitled to pension in view of the Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2013 which has come into force with effect from 30th day of June 2001.

During the course of arguments, learned counsel for the appellant argued that the appellant would be satisfied if directions are given to the respondents including respondent No. 2 to expedite the case of the appellant for pension.

In view of the above, it is directed that the respondents shall decide the issue of entitlement of pension to appellant expeditiously and not later than three months. The appeal is disposed of in the above terms. File be consigned to record.

ANNOUNCED



~~11.02~~ 2015


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1250/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	20/10/2014	<p>The appeal of Dr. Taza Khan presented today by Mr. Muhammad Ayub Khan Shinwari Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	27-10-2012	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>2-12-2014</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL.

PESHAWAR.

Appeal No. 1250/2014

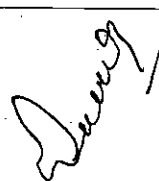
Dr. Taza Khan Appellant

Versus

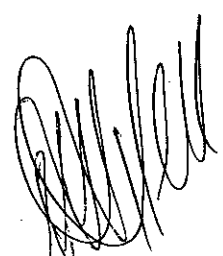
Govt. of KPK through Chief Secretary and others Respondents

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S.No.	Description of documents.	Annexure	Pages.
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4	Regularization notification dated 27.04.2011	B	10
5	Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2013	C	11-13
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7	Office order dt.29.08.2013	E	16-17
8	Departmental appeal.	F	18-19
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Appellant

Through


Muhammad Ayub Khan Shinwari
Advocate Peshawar.
7-A Haroon Mansion,
Khyber Bazar, Peshawar.
Cell: 0321-9068514

Dated: 18.10.2014

13

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No 1250 /2014

Stamp: Khyber Pakhtunkhwa Service Tribunal
No. 1277
Date 20/10/2014

Dr Taza Khan S/o Said Rahman,
R/o Village and P.O Hatyan, Tehsil Takht Bhai,
District Mardan

.....Appellant

Versus

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar
2. Government of Khyber Pakhtunkhwa through Secretary, Department of Health, Peshawar
3. Government of Khyber Pakhtunkhwa through Secretary, Finance Department, Peshawar
4. Director General Heath Services, Khyber Pakhtunkhwa, Peshawar.

.....Respondents

Service Appeal under Section 4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974.

Prayer:

On acceptance of the instant service appeal, the respondents may kindly be directed to finalize and release the G.P Fund, Pension, other pension benefits to the Appellant with effect from 06-01-1970 to 01-04-2011 and monthly pension till date

Stamp: Khyber Pakhtunkhwa Service Tribunal
Date 20/10/14

Respectfully Sheweth,

Brief but relevant facts of the case are as follows:

1. That the appellant is a bonafide resident of Khyber Pakhtunkhwa. The appellant has qualified S.S.C Examination from BISE Peshawar in year 1966 and thereafter qualified F. Sc Pre Medical from BISE Peshawar in year 1968.

2. That on 06-01-1970, the appellant was appointed as Guard Grade-I in Pakistan Railways.
3. That during service after obtaining N.O.C and study leave, the appellant got admission in M.B.B.S in Bolan Medical College, Quetta and qualified the same in 1991.
4. That after the qualifying M.B.B.S, the appellant rejoined his duty in the Pakistan Railways on 22-02-1991 and started performing his duties.
5. That meanwhile, the Government of Khyber Pakhtunkhwa advertised certain posts of Medical Officers in Health Department on contract basis in the local Daily. The appellant being eligible applied for the same through proper channel. Thereafter the appellant was appointed as Medical Officer (BPS-17) in the Health Department on contract basis by the competent authority in the prescribed manner after fulfilling all the codal formalities on 29-11-1995. It is pertinent to mention here that the appellant was duly relieved by the Pakistan Railways to join Health Department of Government of Khyber Pakhtunkhwa. (Copy of the appointment order is attached herewith as **Annexure-A**)
6. That the said contract was extended from time to time. The Government of Khyber Pakhtunkhwa erstwhile NWFP promulgated NWFP Civil Servants (Amendment) Act (IX) of 2005 wherein the services of all the contract employees were regularized. In pursuance of the aforesaid Amendment Act, the services of applicant were regularized vide Notification dated 27-04-2011 w.e.f 23-07-2005. (Copy of the regularization Notification is attached herewith as **Annexure-B**)
7. That the appellant got retired on attaining the age of superannuation w.e.f 01-04-2011. Thereafter the appellant approached the respondents for calculation of his pension and other pension benefits, which is still not yet granted to the appellant.
8. That meanwhile the Government of Khyber Pakhtunkhwa further amended the section 19 of the Khyber Pakhtunkhwa Civil Servant (Amendment) Act (IX) 2005 vide Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2013 wherein it is clearly mentioned that those who are appointed in the prescribed manner to a service or post on or after 1st July, 2001 till 23rd July, 2005 on contract basis shall be deemed to have been appointed on regular basis and the amount of Contributory Provident Fund subscribed by the civil servant shall be transferred to the General Provident Fund. (Copy of the Act is attached herewith as **Annexure-C**)
9. That similarly the Government of Khyber Pakhtunkhwa, Finance Department has issued a Notification No SOSR-III/FD/12-1/2005 dated 27-02-2013 wherein it has given certain guidelines for deduction of General Provident Fund from the Provincial Civil Servants regularized under Khyber

Pakhtunkhwa Civil Servants (Amendment) Act, 2013. (Copy of the said Notification is attached as **Annex-D**)

- 10. That after the promulgation of the aforesaid Act and issuance of the said Notification, the Appellant was under legitimate expectancy that his service have been regularized with effect from 30-06-2001 and the amount of Contributory Provident Fund subscribed/deducted from him is transferred into General Provident Fund but in vain.
- 11. That it is worth mentioning here that the service of appellant in Pakistan Railways as Guard Grade-I w.e.f 06-01-1970 to 29-11-1995 was a pensionable service and his service during the period of 29-11-1995 to 30-06-2001 as Medical Officer in Health Department of Khyber Pakhtunkhwa is to be counted for the purpose of pension under rule 2.3 of West Pakistan Civil Services Pension Rules, 1963. Furthermore under the Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2013, the services of the appellant as Medical Officer w.e.f 30-06-2001 till his retirement i.e., 01-04-2011 has to be counted for pension purpose.
- 12. That it is pertinent to mention here that Finance Department has given directions to the Health Department to finalize the pension case of the Appellant in the light of provisions of Para (a)(ii) of Rule 8, Chapter-IV of the appendix-3 of the Account code Vol-I, which clearly stipulates that if a Government servant has served under more than one Government before retiring, his pension will be divided amongst several Government in proportion to length of service under each vide Office Order dated 29-08-2013. (Copy of office order is attached herewith as **Annex-E**)

The Appellant filed Departmental Appeal before the respondents to give him pension and other pension benefits but in vain. (Copy of the Departmental Appeal is attached herewith as **Annex-F**).

Hence this Service Appeal on the following on the following amongst the other grounds:

Grounds:

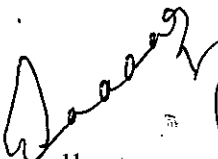
- a. That the treatment met to the Appellant is against the law, illegal, unlawful and without lawful authority, hence calling interference of this learned Tribunal.
- b. That the Appellant has not been treated in accordance with the law, rules and policy on the subject matter.
- c. That the service of appellant in Pakistan Railways as Guard Grade-I w.e.f 06-01-1970 to 29-11-1995 was a pensionable service and his service during the period of 29-11-1995 to 30-06-2001 as Medical Officer in Health Department of Khyber Pakhtunkhwa is to be counted for the purpose of

pension under rule 2.3 of West Pakistan Civil Services Pension Rules, 1963. Furthermore under the Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2013, the services of the appellant as Medical Officer w.e.f 30-06-2001 till his retirement i.e., 01-04-2011 has to be counted for pension purpose.

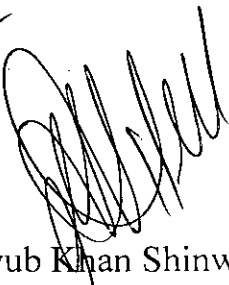
- d. That the treatment met to the Appellant is against the dictums of August Supreme Court of Pakistan.
- e. That the treatment met to the Appellant is against the Pension Rules.
- f. That the Finance Department has given directions to the Health Department to finalize the pension case of the Appellant in the light of provisions of Para (a)(ii) of Rule 8, Chapter-IV of the appendix-3 of the Account code Vol-I, which clearly stipulates that if a Government servant has served under more than one Government before retiring, his pension will be divided amongst several Government in proportion to length of service under each vide Office Order dated 29-08-2013.
- g. That the treatment met to the Appellant is not only against the principles of natural justice but also the same is against the principles of administrative and service law.
- h. That the Appellant craves permission of this Honorable Tribunal to rely on other grounds at the time of arguments and produce any additional document if required in support of his Petition.

It is, therefore, prayed that on acceptance of the instant service appeal, the respondents may kindly be directed to finalize and release the G.P Fund, Pension, other pension benefits to the Appellant with effect from 06-01-1970 to 01-04-2011 and monthly pension till date.

Any other relief, deemed fit and appropriate in the circumstances of the case which has not been specifically prayed for, may graciously be granted.


Appellant

Through


Muhammad Ayub Khan Shinwari
Advocate Peshawar

In The Khyber Pakhtunkhwa Service Tribunal, Peshawar

Service Appeal No _____/2014

Dr Taza Khan

.....Appellant

Versus

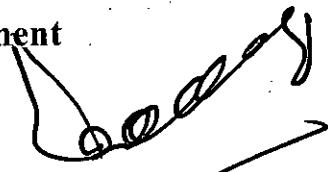
Government of KPK through Chief Secretary & others

.....Respondents

Affidavit

I, Dr Taza Khan S/o Said Rahman, Village and P.O Hatyan, Tehsil Takht Bhai District Mardan do hereby solemnly affirm and declare on oath that the contents of the instant Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

Deponent



Dr Taza Khan

ATTESTED

Mian Sibghat Ullah Shah
Advocate

OATH COMMISSIONER
High Court Peshawar



18-10-2014

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No _____/2014

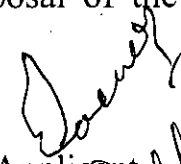
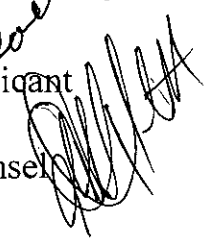
Dr Taza Khan versus Govt of Khyber Pakhtunkhwa through Chief Secty & others

Application for grant of anticipatory pension till final settlement of pension and disposal of the case

Respectfully Sheweth,
The applicant submits as follows:

1. That the title service appeal is pending adjudication before this learned Tribunal wherein no date of hearing is fixed yet.
2. That the appellant has served as a government employee for more than 40 years and has superannuated w.e.f 01-04-2011 but till date he has not been paid a single penny as a pension or other pension benefits.

It is, therefore, prayed that on acceptance of this application the respondents may kindly be directed to pay anticipatory pension to the appellant till final settlement of pension and disposal of the title service appeal.


 Applicant

 Counsel

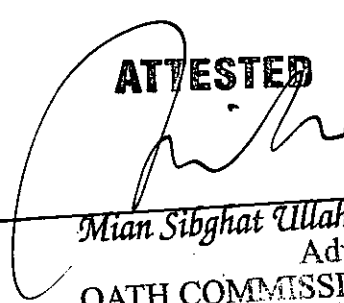
Through

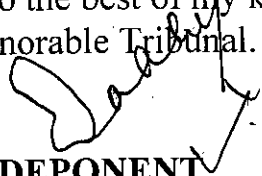
AFFIDAVIT


I, Dr Taza Khan S/o Said Rahman, R/o Village and P.O Hatyan, Tehsil Takht Bhai, District Mardan do hereby solemnly affirm and declare on oath that the contents of the accompanying application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

ATTESTED

DEPONENT


 Mian Sibghat Ullah Shah
 Advocate
 OATH COMMISSIONER
 High Court Peshawar


 18.10.2014



AGREEMENT.

Annex A

7

An Agreement made on the 27th day of Nov-95

(One thousand, Nine Hundred and Ninety Five) between M. Tazari

Said Lehman

(Thereinafter referred to as the Employee) of

the one part and the Governor of North-West Frontier Province (hereinafter referred to as the Government) acting through D. B. H. N. P. S.

of the other part ;

WHEREAS the Government has agreed to employ the Employee and the Employee has agreed to serve the Government as MO BPS-17 on the terms and conditions hereinafter mentioned;

NOW these presents witness and the parties hereto respectively agree as follows :-

1. The Employee undertakes to serve the Government of N.W.F.P. as contract Medical Officer in the Health Department.
2. The Employee shall.
 - (a) Devote his/her whole time to his/her duties as Medical Officer/Woman Medical Officer/Dental Surgeon
 - (b) Carry out such administrative functions in relation to his/her duties as the Government may, from time to time, assign to him/her;
 - (c) Submit himself/herself to the lawful orders of the Government and of the officers and authorities under whom he/she may, from time to time, be placed to work during the currency of this agreement.
3. (a) For the Services rendered, the Employee shall be entitled to receive pay at the rate of Rs. 3,880/- per month, which is minimum Basic Pay Scale No. 17 and shall not be entitled to earn any annual increment during his contractual appointment. The pay of Employee shall commence from the date of his/her assumption of ~~charge~~ charge of the post and ~~cease~~ cease on the date of determination of this agreement or on termination of his/her services for any reasons, whichever may be earlier.
 - (b) The Employee shall, in addition to the pay, be entitled to any other allowance which is admissible to civil servants of the same status or grade ;

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True Copy

- (c) The Employee shall, if required to travel in the public interest, be entitled to receive travelling allowance at the same rate as admissible to a civil servant of the same ~~status~~ status or grade ;
- (d) The Employee shall not unless permitted by the Government, indulge in private practice, nor shall he indulge, directly or indirectly, in any trade, business or occupation, whatsoever.
- 4. The Employee shall serve against the post or vacancy offered to him and appointment against such posts/vacancy shall not be transferable.
- 5. The Employee shall, during his period of service, be eligible for all concessions in relation to medical attendance and treatment for himself/herself and his/her family as laid down in West Pakistan Government servants, (Medical Attendance) Rules, 1959 as amended from time to time and to such leave as is admissible to Civil Servants/Revised Leave Rules, 1981, except the provisions of rules 4 (iii), 5,7,11,14,20,21 and 26 thereof ;
- 6. The Employee shall not be entitled to any pension or gratuity for the service rendered by him under this contract ;
- 7. Any conduct of the Employee violative of the provisions of the North-West Frontier Province Government Servants (Conduct) Rules, 1987, shall amount to mis-conduction the part of the Employee and will be dealt with in the light of NWFP Govt Servants (E&D) Rules, 1973.
- 8. Either party to this agreement may terminate the agreement by giving to the other party one month's notice in writing of its intention to do so and on expiration of such notice, this agreement shall be terminated ;

Provided that where no notice is served, or served for a shorter period, the defaulting party shall pay to the other party an amount equal to one month's pay of the Employee or such amount which is equal to the pay of the period by which the notice falls short, as the case may be;

Provided further that in the event of misconduct on the part of the Employee or of a breach of any of the terms and conditions of this agreement, the Government may at any time dispense with his services without notice;
- 9. Stamp duty, if any, on this instrument shall be borne by the Government.
- 10. This agreement is for a period of one Year(s) from the date of assumption of the charge, unless extended or renewed on the terms and conditions mutually agreed between the parties.

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a true copy
VP

9. Stamp duty, if any, on this instrument shall be borne by the Government.

10. This agreement is for a period of One Years(s) from the date of assumption of the charge, unless extended or renewed on the terms and conditions mutually agreed between the parties.

In Witness whereof the said Dr. Ijaz Khan

and _____ on behalf of the Government have hereunto set their hands the day first above written.

Signed by _____
_____ 27/11/95

In the presence of

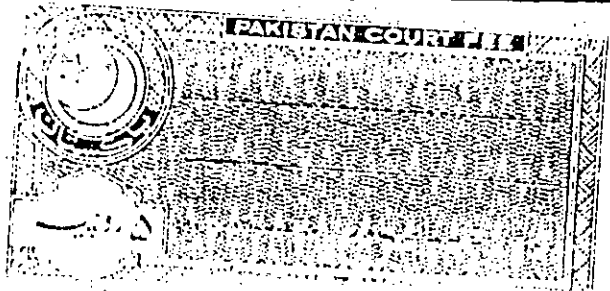
Witness 1. B. Gul Rukhi
2. Dr. M. Ali

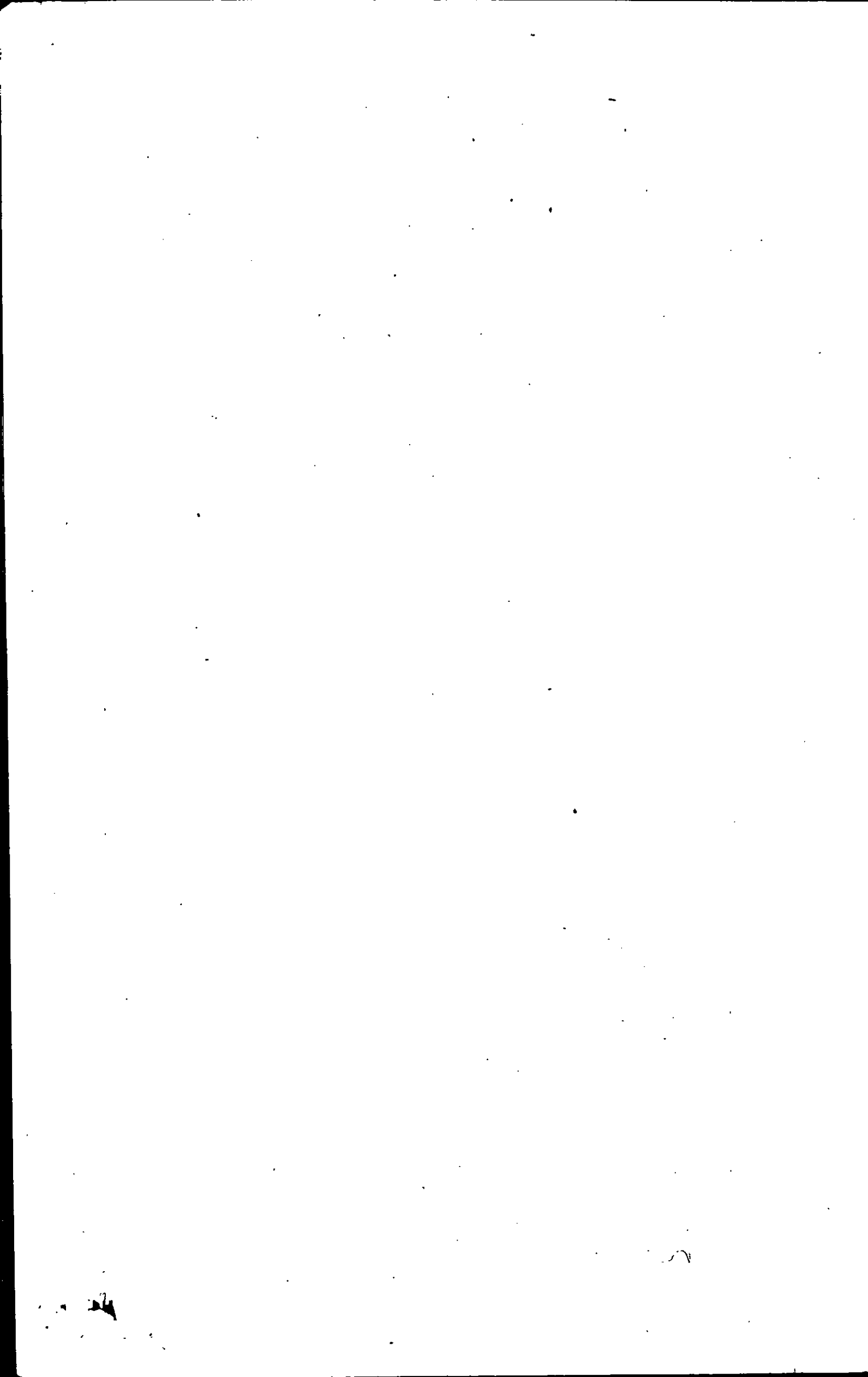
Signed by _____

In the presence of

Witness 1. _____
2. _____

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**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

(REGULATION WING)

No. SOR-VI/E&AD/1-13/ 2009

Dated Peshawar, the 13th February, 2013

To

1. Addl:Chief Secretary, Govt. of Khyber Pakhtunkhwa, Planning & Development Department.
2. Addl:Chief Secretary (FATA), FATA Secretariat Peshawar.
3. The Senior Member Board of Revenue, Khyber Pakhtunkhwa.
4. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
5. The Secretary to Governor, Khyber Pakhtunkhwa.
6. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.

**GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT**

Annex "B" 10

Dated Peshawar, the 27th April, 2011.

NOTIFICATION.

No. SO(E)H-II/3-18/2010. In pursuance of the Judgment of Peshawar High Court, Peshawar in Writ Petition No.1992/2009, the Competent Authority is pleased to regularize the services of Dr. Taza Khan, Medical Officer (BS-17), Basic Health Unit (BHU), Hatian, District Mardan w.e.f. 23rd July 2005 under Sub-Section (2) of Section 2 of the Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2005 (N.-W.F.P. ACT NO.IX OF 2005) against the post which he is holding subject to conditions that:-

1. His inter se seniority shall be determined in accordance with the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.
2. He shall be considered junior to all the doctors/civil servants who have been appointed as Medical Officers on the recommendations of the Khyber Pakhtunkhwa Public Service Commission before 23rd July 2005.

**SECRETARY HEALTH
KHYBER PAKHTUNKHWA**

Endst. No. & date even.

Copy to the:-

1. Director General, Health Services, Khyber Pakhtunkhwa, Peshawar.
2. EDO (Health), Mardan.
3. DAO Mardan.
4. Computer Section Health Department.
5. Doctor concerned.

(Muhammad Hayat Shah)
Section Officer-II

Copy also available on the website www.healthnwfp.gov.pk

HRD Building, Health Deptt. Govt. of Khyber Pakhtunkhwa,
Khyber Road Pesh. Phone # 091-9210570, Fax # 091-9210419

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EXTRAORDINARY
GOVERNMENT



12
REGISTERED NO. PIII
GAZETTE

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, TUESDAY, 22ND JANUARY, 2013.

PROVINCIAL ASSEMBLY SECRETARIAT KHYBER
PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 22nd January 2013.

No. PA/Khyber Pakhtunkhwa/Bills/2013/2048.— The Khyber Pakhtunkhwa Civil Servants (Amendment) Bill, 2013 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 15th January, 2013 and assented to by the Governor of the Khyber Pakhtunkhwa on 17th January, 2013 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

THE KHYBER PAKHTUNKHWA CIVIL SERVANTS
(AMENDMENT) ACT, 2013

(KHYBER PAKHTUNKHWA ACT NO. III OF 2013)

(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa (Extraordinary), dated 22nd January, 2013).

AN
ACT

further to amend the Khyber Pakhtunkhwa Civil Servants Act, 1973.

Preamble. WHEREAS it is expedient further to amend the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) for the purposes hereinafter appearing;

It is hereby enacted as follows:

1. **Short title and commencement**--- (1) This Act may be called the Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2013.

(2) It shall come into force at once and shall be deemed to have taken effect from 30th day of June, 2001.

13

2. Substitution of section 19 of Khyber Pakhtunkhwa Act No. XVIII of 1973 of the Khyber Pakhtunkhwa Civil Servants Act (Khyber Pakhtunkhwa Act NO. XVIII of 1973) in which the following shall be substituted, namely,-

"19 Pension and gratuity.— (1) On retirement from service, a civil servant shall be entitled to receive such pension or gratuity as may be prescribed.

(2) In the event of death of a civil servant, whether before or after retirement, his family shall be entitled to receive such pension or gratuity, or both, as may be prescribed.

(3) 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 civil servant, not exceeding one-third of the pension or gratuity which would have been admissible to him had he been in service on the date of such dismissal or removal.

(4) If the determination of the amount of Pension or gratuity admissible to a civil servant is delayed beyond one month of the date of his retirement or death, he or his family, as the case may be, shall be paid provisionally such anticipatory pension or gratuity as may be determined by the prescribed authority, according to the length of service of the civil servant which qualifies for pension or gratuity, and any over payment on such provisional payment shall be adjusted against the amount of pension or gratuity finally determined as payable to such civil servant or his family:

Provided that those who are appointed in the prescribed manner to a service or post on or after the 1st July, 2001 till 23rd July, 2005 on contract basis shall be deemed to have been appointed on regular basis:

Provided further that the amount of Contributory Provident Fund subscribed by the civil servant shall be transferred to his General Provident Fund.

(5) In case any difficulty arises in giving effect to any of the provisions of this section, the Secretary to Government, Establishment Department shall constitute a Committee comprising of the Secretary to Government, Finance Department, Secretary to Government Law Department and Accountant General, Khyber Pakhtunkhwa for removal of the difficulty."

BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA

(AMANULLAH)
Secretary,
Provincial Assembly of Khyber Pakhtunkhwa.

Certified to be
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[Signature]

8

14

15

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Similar action / treatment may be afforded to all those Provincial Civil servants posted in FATA/PATA on deputation basis.

as per prescribed mechanism for maintenance of such accounts.

Government from time to time, may be added to the General Provident Fund Accounts of concerned Civil Servants/Subscribers

The Kyber Pakhtunkhwa Civil Servants (Amendment) Bill 2013 - passed by the Provincial Assembly on 15th January 2013 and assented to by the Governor of Kyber Pakhtunkhwa on 17th January 2013 - has been published as an Act of the Provincial Assembly of Kyber Pakhtunkhwa. Under the said Act, all Civil Servants appointed to a service or post on or after 1st July 2001 shall be deemed to have been appointed on regular basis and will be eligible for pension/deduction of C.P.Fund.

Subject: DEDUCTION OF GENERAL PROWENT FUND FROM THE PROVINCIAL CIVIL SERVANTS REGULARIZED UNDER KYBER PAKHTUNKHWA CIVIL SERVANTS (AMENDMENT) ACT-2013.

- 1. All the Administrative Secretaries to Govt of Kyber Pakhtunkhwa.
2. The Senior Member Board of Revenue, Kyber Pakhtunkhwa.
3. The Secretary to Governor Kyber Pakhtunkhwa.
4. The Principal Secretary to Chief Minister, Kyber Pakhtunkhwa.
5. The Secretary, Provincial Assembly, Kyber Pakhtunkhwa.
6. All the Divisional Commissioners in Kyber Pakhtunkhwa.
7. All the Head of attached Departments in Kyber Pakhtunkhwa.
8. The Registrar, Kyber Pakhtunkhwa, Public Service Commission.
9. The Registrar, Kyber Pakhtunkhwa, Service Tribunal, Peshawar.
10. The Registrar, Peshawar High Court Peshawar.
11. All the Deputy Commissioners/Political Agents/District and Session Judges in Kyber Pakhtunkhwa.

GOVERNMENT OF KYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)
No. SOSR-II/FD/12-1/2005
Dated Peshawar, the 27/02/2013




Annex 'B' 14

1) Existing arrangements for deduction of C.P.Fund from employees of Autonomous Medical Institutions appointed under Medical and Health Institutions and Regulation of Health Care Services Ordinance as amended in 2006 shall continue.

15
17/2

Note: The above guidelines/instructions are not applicable to those employees who are not Civil Servants as defined in Section 2 (b) of the Khyber Pakhtunkhwa Civil Servants Act 1973, like those on deputation to the Provincial Government or working on contract /work charge / contingent basis.



(MUHAMMAD IMTIAZ AYUB)
Additional Secretary Regulation

Endst: No. & date even.

Copy is forwarded for information and necessary action to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director Finance, Lady Reading Hospital, Peshawar.
3. Director Finance, Khyber Teaching Hospital, Peshawar
4. Accountant General (PR) Sub office, Peshawar.
5. Director, Local Fund Audit Department, Khyber Pakhtunkhwa, Peshawar.
6. Director, Treasuries and Accounts, Khyber Pakhtunkhwa, Peshawar.
7. Director General, Provincial Disaster Management Authority, Khyber Pakhtunkhwa Peshawar.
8. Director, FMIU, Finance Department.
9. All Autonomous/Semi Autonomous Bodies in Khyber Pakhtunkhwa.
10. District Comptroller of Accounts Peshawar, Mardan, Kohat, Bannu, D.I. Khan, Abbottabad and Swat.
11. All the District/Agency Accounts Officers in Khyber Pakhtunkhwa/ FATA.
12. Treasury Officer, Peshawar.

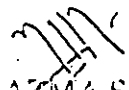
With reference to meeting held in Finance Deptt on 12/02/2013.


(RAEES KHAN AFRIDI)
Deputy Secretary (Reg-I)

Endst: No. & date even.

Copy is forwarded for information and necessary action to the:-

1. P.S to Minister for Finance Khyber Pakhtunkhwa.
2. P.S to Chief Secretary, Khyber Pakhtunkhwa.
3. P.S to Additional Chief Secretary, Khyber Pakhtunkhwa.
4. P.S to Finance Secretary Khyber Pakhtunkhwa.
5. P.A to Special Secretary Finance Khyber Pakhtunkhwa.
6. P.As to all Additional Secretaries and Deputy Secretaries in Finance Department.
7. All the Section Officers/ Budget Officers in Finance Department.


(NAZMA SHAHEEN)
Section Officer (SR-III)

Certified to be True Copy




GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

Annex E

3/2/13

NO.FD(SOSR-II)4-36/2013
Dated Peshawar the 29/08/2013


To
The Secretary to Govt: of Khyber Pakhtunkhwa,
Health Department,


Subject: - **REGULARIZATION OF CONTRACT SERVICES**


Dear Sir,

I am directed to refer to your letter No.SO(E)/H-II/3-18/2010 dated 25/05/2012 addressed to this Department and Establishment Department on the subject noted above and to state that the case may be finalized in the light of provisions of Para (a)(ii) of rule-8, Chapter-IV of the appendix-3 of the Account Code Vol-I, which clearly stipulates that if a Government servant has served under more than one Government before retiring, his pension will be divided amongst several Government in proportion to length of service under each. As such the same will be done through book adjustment between the two Governments if the Establishment Deptt: endorses the views of Law Department tendered vide their letter NO.OP 15 (115)LD/2011/365 dated 09/01/2012.

Yours faithfully,


(WAZIR MUHAMMAD AFGAR)
SECTION OFFICER (SR.II)


30/8/13

Certified to be
True Copy


15
JUN 1954
C. L. ...

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OFFICE OF THE DISTRICT HEALTH OFFICER MARDAN

Ph # (0937) 9230349

Email: edohmr@yahoo.com


NO. 1854 /DHO Mardan

Dated: 06 /03/2013.

Director General Health Services,
Khyber Pukhtoonhya Peshawar.

Subject:- Regularization of Contract Services w.e.f From November 1995 to 30th June 2001 and Payment of pension and Gratuity etc.

Enclosed pleas find herewith an application with sixteen documents of Dr Taza Khan Ex Medical Officer BHU Hatian on the above noted subject, which is self explanatory for perusal and consideration please.


District Health Officer,
Mardan.

DGHS : 4842 /AD/any no (E-1)
07-3-2013

Certified to be
True Copy


Annex F^v 18

To,
The Secretary,
Health Service Govt of KPK,
Peshawar.

Subject: Regularization of Contract Service with Effect from November 1995 to 30 June 2001 & payment of Pension, Gratuity etc.

Respected Sir,

With due apology, I beg to request in regard to the above mentioned subject as under.

1. That I come from village Manar Kot Mamund Bajaur Agency & have settled at Hathian Tehsil Takht Bhai District Mardan. (Copy attached at serial no. 1)
2. That I have passed my SSC Pre medical Examination from BISE Peshawar in 1966 & my F.Sc Pre medical Examination from BISE Peshawar in 1968 (Copy attached at serial no. 2)
3. That due to Pitiabie state of my parents and family, I had to join Pakistan Railways on 06-01-1970, as Guard Grade. 1 and continued serving up to 29-11-1995.
4. That with due sanction of study leave and N.O.C by the parent department, I joined MBBS course at Bolan Medical College Quetta and qualified the same in February 1991 (copies attached at serial no. 3, 4, 5)
5. That after qualifying the said course, I rejoined my duties as Guard in Pakistan Railways on 22-02-1991 and applied for my adjustment as Medical officer being Medical Graduate but unluckily my request was turned down after a lapse of five years. (Copy attached at serial no. 6)
6. That in the mean while, the then Government of NWFP called for application for appointment as medical officer on 1-year contract basis which was renewed on year to year basis. I applied for and joined the health department NWFP with due permission and being properly relieved by the parent department. Age relaxation allowed by health secretary NWFP. (Copy attached at serial no. 7, 8, 9)
7. That in 2001, the MMA Government appointed some Doctor's having political affiliation with, on contract basis and regularized later on ignoring the appointees in November 1995 with effect from 31-08-2007.
8. That with dissatisfaction on the above action, the MMA Government terminated the appointees in November 1995 with effect from 31-08-2007.
9. That I and my other colleagues filed a suit against the same orders which was nullified by honorable High Court Peshawar and regularized our services from 23-07-2005. (Copy attached at serial no. 10, 11)
10. That the then Governor NWFP regularized contract services of Doctor Muhammad Iqbal S/O Amir Waiz Khan Swat with effect from the Date of appointment. (Copy attached at serial no. 12)
11. That I requested for regularization of my contract service with effect from November 1995 till April 2011 with pension gratuity and other fringe benefits because of having 20 years regular pension able service in Pakistan Railways

Certified to be
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True Copy

07/3/2013

4842

Dr. Hs. Durrani MD (B-1)

DR. FAZA KHAN
Mohallah Bagh Village & post office
Tahsildar, Tehsil Takht Bhat District
Mardan Khayber Pakhtoon Khwa
F.S. Medical Officer B.1.U. Hahman
Distt. Mardan.

Yours obediently,

04/3/2013

[Handwritten signature]

Thanking you in anticipation

admitted by parent department as mentioned in para-13 of the application.

There fore it is requested to kindly consider my contract period with effect from 29-11-95 to 30th June 2001 as regular pensionable service rendered in Pakistan Railways as

legal and justified rights be delayed further.

That I have huge family of twelve members who will undergo starvation if my benefits under civil servants amendment act 2013.

That recently, the Govt of KPK have reviewed and order to treat the contract period W.E.F 1st July 2001 and onward as regular pensionable with fringe

Secretary letter no. SOJ/11-11-2010 Dated 23-09-2010. (Copies attached at wide letter no. 941-ETK-GDS/PSC/P-1 Dated 12-10-2010 in reply to health

That I reached superannuation on 02-04-2011, have retired without pension, with same subject.

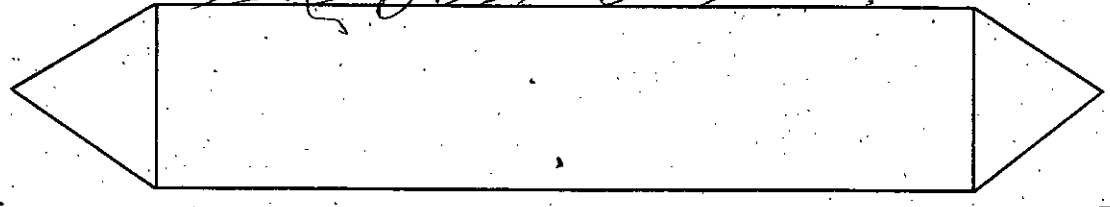
Doctor Rizwan and others v/s Chief Secretary Government of KPK Peshawar Supreme Court vide no. 189-T/2010 out of CP no. 614-3/2009 by the name of

which is still under process. (Copy attached in serial no.13) through an application to Chief Secretary KPK Government on 12-02-2010

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بعدالت صبا۔ سروس ٹریڈ یونٹ لیمیٹڈ



مورخہ
مقدمہ
دعویٰ
جرم

سہ منجانب
ڈاکٹر سیدناز خان بیگم گورنمنٹ

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ آن مقام کے لئے ایسے درکار قرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو کرنے راضی نامہ و تقرر ثالث و فیصلہ بر حلف دینے جواب دہی اور قبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق و اس پر دستخط کرانے کے اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکفرقہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی اور نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ اور بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے ہوگا اس کے مستحق وکیل صاحب موصوف ہوں گے۔ نیز بقایا و خرچہ کی وصولی کرنے کا ابھی اختیار ہوگا۔ اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ سندر ہے۔

المرقوم 20 ماہ اگست 1974ء

بدالع بدالع گواہ ش بدالع

کے لئے منظور ہے۔

بمقام

Handwritten signature

Handwritten signature
Accepted
Accepted

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 208 /ST

Dated 17/2/2015


To

The Secretary,
Health Department Govt of KPK Peshawar.

Subject: - APPEAL NO. 1250/2014 TAZA KHAN VS CHIEF SECRETARY GOVT OF
KPK PESHAWAR AND OTHERS.

I am directed to forward a certified copy of order dated 11.02.2015 passed by this Tribunal on subject appeal for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.