FORM OF ORDER SHEET

	<u>Ap</u>	peal No.	119/20	24		<u>\</u>
S.No.	Date of order proceedings	Order or other proce	eedings with signature	of judge		· · · · ·
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. · 1 ·	11/01/2024		appeal of Mst. S			, ,
•			inary hearing bef			·
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,			By the	order of C	Chairman M RAR	

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<u>BEFORE THE SERVICES TRIBUNAL, KHYBER</u> <u>PAKHTUNKHWA, PESHAWAR</u>

Service Appeal No. 19 / 2024

Sidra Ali w/o Muhammad Nazaqat (Lady Health Worker) BHU Bagarian, BPS-5, R/O Rakkaran, UC P.K Khan, Tehsil Lower Tanawal, District Abbottabad.

.....Appellant

Versus

Government of Khyber Pakhtunkhwa, through secretary health Peshawar and others.

....Respondents

SERVICE APPEAL

INDEX

S.No	Description	Page no	Annexure
.1	Service Appeal	1-54	
2	Affidavit	65	
3	Copy Of Notification Dated 24-09-2014	6-	"A"
4	Notification of Conveyance Allowance	7-8	"B"
5	Copy of Notification of Weather Allowance and Salary Slip of other similar civil servant	9-11	"C"
6	Copy of Application / Departmental Appeal by the Appellant to the Respondent Department	12	"D"
7	Wakalatnama	13	•

Dated 10 January 2024

Sedse Ali Appellant

She

Through Counsels

Abdul Aziz Tanoli

Antisham Amjad Iqbal Advocates, Abbottabad

BEFORE THE SERVICES TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

Same with the

Service Appeal No // 9 / 2024.

Sidra Ali w/o Muhammad Nazaqat (Lady Health Worker) BPS-5, R/O Rakkaran, UC P.K Khan, Tehsil Lower Tanawal, District Abbottabad.

.....Appellant

Versus

- 1. Government of Khyber Pakhtunkhwa, through Secretary Health, Peshawar.
- 2. Director General Health Service, Khyber Pakhtunkhwa, Peshawar.
- 3. District Health Officer, Abbottabad.
- 4. Accountant General of Khyber Pakhtunkhwa, Peshawar.
- 5. District Account Office, Abbottabad.

.....Respondents

SERVICE APPEAL UNDER SECTION-4 OF **SERVICES KHYBER PAKHTUNKHWA** 1974 AGAINST TRIBUNAL ACT, RESPONDENTS DEPARTMENT TO THE EFFECT THAT THE <u>APPELLANT</u> ENTITLED FOR GRANT OF WEATHER ALLOWANCE AS PER NOTIFICATION NUMBER FD SOSR-IVVI-1/2021-22, **AND** SIMILARLY THE APPELLANT IS ALSO ENTITLED TO CONVEYANCE ALLOWANCE AT ENHANCED RATE INCREASED BY THE **GOVERNMENT FROM TIME TO TIME. THE** <u>APPELLANT IS REGULAR CIVIL SERVANT</u> OF THE RESPONDENTS' DEPARTMENT. THE DENIAL OF THE RESPONDENTS' DEPARTMENT NOT TO ALLOW THE SAID ALLOWANCES TO THE APPELLANT IS HIGHLY ILLEGAL, DISCRIMINATORY, AND FANCIFUL AGAINST THE LAW AND AGAINST THE FUNDAMENTAL RIGHT OF APPELLANT. BESIDES, SOME

SIMILAR EMPLOYEES WHOSE TERMS AND CONDITION ARE SIMILAR AND SAME IS RECEIVING THE SAID ALLOWANCE WHICH IS A SHEER DISCRIMINATION ON PART OF THE DEPARTMENT.

ON ACCEPTANCE OF PRAYER: THE APPEAL, **SERVICE** INSTANT **MAY DEPARTMENT** RESPONDENTS' DIRECTED <u>MAKE</u> \mathbf{BE} KINDLY **WEATHER OF** THE <u>PAYMENT</u> AND **CONVEYANCE** ALLOWANCE ALLOWANCE TO APPELLANT FROM THE DATE OF ENTITLEMENT WITH ARREAR THEREOF. ANY OTHER RELIEF WHICH THIS HONORABLE TRIBUNAL DEEMS APPROPRIATE ON THE CIRCUMSTANCES OF THE CASE MAY ALSO BE GRANTED TO THE APPELLANT.

Respectfully Sheweth,

The Appellant very humbly submits as under:

- 1. That the Appellant was appointed as Lady Health Worker in the Respondent Department and later on the service of Appellant was regularized with effect from first July 2012 under KPK Regularization of Lady Health Workers Program and Employees (Regularization and Standardization Act 2014). Copy Of Notification Dated 24-09-2014 Is Annexed As Annexure A.
- 2. That after regularization the Appellant become regular civil servant of Respondent department and served the Respondent department with full devotion. Notification of Conveyance Allowance Is Annexed As Annexure B.
- 3. That it is pertinent to mention here that the Finance department of KPK issued a notification dated 25-2-2022 for grant of Weather Allowance to civil servants of KPK, in compliance of which the health department is issuing the said Allowance to similar employees of BPS-5. Copy of Notification of Weather Allowance and Salary Slip of other similar civil servant is Annexed as Annexure C.



- 4. That the appellant time and again as per the above mentioned notification requested the respondent department for grant of conveyance and weather allowances which was the Appellants right, but the respondent department kept on playing delaying tactics on one pretext and another.
- 5. That the Appellant on 25-9-2023 submitted an Application / Departmental Appeal to the Respondent department for issuance of the said allowances, but the same has not yet been decided nor has it ever been conveyed to the Appellant. Copy of Application / Departmental Appeal by the Appellant to the Respondent Department is Annexed as Annexure D.
- 6. That feeling aggrieved from the act and action and denial of the Respondent Department to allow the said allowances to the Appellant the instant appeal is being filed before this Honorable Tribunal inter alia on following grounds

GROUNDS

- a. That the act of Respondent Department is against the law, discriminatory, unconstitutional and based on malafide.
- b. That the Appellant has been deprived of her fundamental right as well as lawful right which is against the law and complete violation of Article 25 of the Constitution of The Islamic Republic of Pakistan, 1973.
- c. That the Respondent department was morally and legally bound to act upon the said notification and pay Appellant the demanded / requested allowances but failed to do so, which is sheer violation and an act of disobedience with regards to the notification issued by the Government of KPK on part of the Respondent Department
- d. That the Appellant is entitled for all the consequential allowances from the date of notification till date and denial of such by the Respondent Department is illegal, unlawful and not warranted by law.
- e. That it is settled principle of administrative law that when law prescribes something to be done in a particular manner, that must be done in that manner and not otherwise.
- f. That other department allowed back benefits to their employees as well, while ignoring the Appellant by not allowing back



benefits, amounts to discrimination which is against the fair play and good governance.

- g. That the Appellant is well qualified and entitled for weather as well as conveyance allowance as per notification issued by Government of KPK to all civil servants including Appellant and denial of same is sheer violation of prevailing laws of the country and against the principle laid down by Honorable Apex Court.
- h. That Respondent department has extended the same relief to similar employees and the apprehended denial to issue / release of said allowances to Appellant is not only against the law but also highly discriminating, therefore the act and action of the Respondent department is liable to be interfered by this Honorable Tribunal.

ON ACCEPTANCE of the Instant Service PRAYER. Appeal the Respondent department may kindly be directed to issue / release / allow the weather allowance and conveyance allowance to the Appellant from the date of entitlement of the Appellant with all consequential back benefits with arrear thereof. Any other relief which this Honorable Tribunal deem fit may also be granted.

Dated /O January 2024

SodraAli

Abdul Aziz Tanoli

mad Iqbal Advocates, Abbottabad

VERIFICATION

Verified on Oath that the contents of foregoing Service Appeal are True and Correct to the best of my Knowledge and Belief and Nothing has been Mis-stated or Concealed from this Honourable Tribuna

Dated 10 January 2024

DEPONENT

BEFORE THE SERVICES TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

Service	Appeal No.	/ 2024

Sidra Ali w/o Muhammad Nazaqat (Lady Health Worker) BHU Bagarian, BPS-5, R/O Rakkaran, UC P.K Khan, Tehsil Lower Tanawal, District Abbottabad.

.....Appellant

Versus

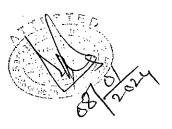
Government of Khyber Pakhtunkhwa, through secretary health Peshawar and others.

....Respondents

SERVICE APPEAL

AFFIDAVIT

I Sidra Ali W/O Nzakat (Lady Health Worker) BHU Bagarian U/C P.k khan lower Tanwal Abbottabad ON OATH stated that the contents of foregoing Service Appeal are True and Correct to the best of my Knowledge and Belief and Nothing has been Mis-stated or Concealed from this Honourable Tribunal.



Sed 60 Ali DEPONENT 10-01-2024

ازدنتر ومركث ميلتما فيسرا يبث آباد

4976-9989) Anexure "A"

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Ahdul Aziz Khan Tanoli Advocate District Bar Abbottabad





FINANCE DEPARTMENT (REGULATION WING)

NO. FD/SO(SR-II)/8-52/2014

Dated Peshawar the: 09-07-2014

Duexure B

From:

The Secretary to Govt. of Khyber Pakhtunkhwa,

Finance Department,

Peshawar.

To:

- 1. All Administrative Secretaries to Govt: of Khyber Pakhtunkhwa.
- 2. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
- The Secretary to Governor, Khyber Pakhtunkhwa
- 4. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- The Secretary, Provincial Assembly, Khyber Pakhtunkhwa
- 6. All Heads of Attached Departments in Khyber Pakhtunkhwa.
- All Commissioners in Khyber Pakhtunkhwa.
- All Deputy Commissioners in Khyber Pakhtunkhwa.
- 9. All Political Agents / District & Sessions Judges in Khyber Pakhtunkhwa
- 10. The Registrar, Peshawar High Court, Peshawar.
- 11. The Chairman, Public Service Commission, Khyber Pakhtunkhwa.
- 12. The Chairman, Services Tribunal, Khyber Pakhtunkhwa.
- 13. The Chairman, Provincial Ombudsman Secretariat, Khyber Pakhtunkhwa

Subject:

REVISION IN THE RATE OF CONVEYANCE ALLOWANCE FOR THE CIVIL SERVANTS OF THE KHYBER PAKHTUNKHWA, PROVINCIAL GOVERNMENT IN BPS 1-15

Dear Sir.

I am directed to refer to this Department circular letter of even number dated 20/12/2012 and to state that the Competent Authority has been pleased to enhance / revise the rate of Conveyance Allowance admissible to all the Provincial Civil Servants, Government of Khyber Pakhtunkhwa (working in BPS-1 to BPS-15) w.e.f from 1st July, 2014 at the following rates:-

S.NO	BPS	EXISTING RATE (PM)	REVISED RATE (PM)
1.	1-4	Rs.1,700/-	Rs.1,785/-
2.	5-10	Rs.1,840/-	Rs.1,932/-
<u>3. </u>	11-15	Rs.2,720/-	Rs.2,856/-

SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA FINANCE DEPARTMENT

Endst: FD (SOSR-II)/8-52/2014,

Dated Peshawar the 9th July, 2014

A Copy is forwarded for information to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.

Secretaries to Government of Punjab, Sindh and Balochistan.

3. All Heads of Autonomous / Semi Autonomous Bodies in Khyber Pakhtunkhwa.

(Razaullah)

Additional Secretary (Reg.)

Endst: No & Date even.

A copy for information is forwarded to:-

- 1. The Director General, Provincial Disaster Management Authority, Khyber Pakhtunkhwa.
- 2. The Director, Local Fund Audit Department, Khyber Pakhtunkhwa, Peshawar.
- 3. The Director, Treasuries and Accounts, Khyber Pakhtunkhwa, Peshawar.
- 4. The Director, FMIU, Finance Department.
- 5. The District Comptroller of Accounts, Peshawar, Mardan, Kohat, Bannu, Abbottabad, Swat and D.I. Khan.
- 6. The All the *District* Agency Accounts Officers in Khyber Pakhtunkhwa / FAT A.
- The Treasury Officer, Peshawar.
- 8. All the Section Officers/Budget Officers in Finance Department.
- P.S to Minister for Finance Khyber Pakhtunkhwa.
- 10. P.S to Chief Secretary, Khyber Pakhtunkhwa.
- 11. P.S to Secretary Finance Khyber Pakhtunkhwa.
- 12. Section Officer (Reg.5) Govt: of Pakistan, Finance Division, (Regulation Wing) with reference to his O.M No.F.3(1)-Reg.5/2010 dated 07/07/2014 for information and record.

(ZAR GUL KHAN)

SECTION OFFICER (SR-II)









Conferment of Rechebby weighten films PINANCE DEPARTMENT RECHATION VING

Dated Residuar the 15-02-2022

NUTRICATION

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Secretary to Cove of Khypter Palahinokhwa Piniace Department

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BETTER COPY

GOVERNMENT OF KHYBER PAKHTUNKHWA FINANCE DEPARTMENT (REGULATION WING)

Dated Peshawar 25/02/2022

NOTIFICATION

No-FD(SO SR-IVVI/2021-22/Weather Allowance; In super session of this Department's Notification No-FD(SO SR III) 2-5 2021-222 Weather Allow dated 29/11/2021, section is hereby accorded to the grant of Weather Allowance to the Civil Servants of Khyber Pakhtunkhwa as per following rates & days.

Categorization of Weather	Rates (Rs)	No. of Days	Areas
Hard Extreme	80	115	Battagram, Buner, Chitral, Chitral Upper, Dir Lower, Dir Upper, Kohistan Upper Shangla, Swat, Torghar
Moderate	50	85/65	85 days Abbottabad, Hangu, Kurram, Malakand, Mansehra, North Waziristan
Warm .	15	45	Bajour, Bannu, Charsada, DI Khan, Haripur, Karak, Kohat, Lakki Marwat, Mohmand Nowshera, Orakzai, South Waziristan, Swabi, Tank

- 2. The Weather Allowance shall be admissible to BS-01 to BS-06 in case of Moderate and Warn Areas. However, in case of Extreme Weather Areas the same allowance shall be extended to all officer at the prescribed raters and duration.
- 3. That Weather Allowance shall not be admissible to the employees working in the vacation department in all categorized Weather Areas except Class-IV on duty during the admissible period.
- 4. Consequent upon above, the admissibility of Hot & Cold Weather Charges shall stand discontinued forthwith.
- 5. The newly notified rates may be started w.e.f February/ March during the current financial year (2021-22) while the same will take effect from December/ January each year in the coming financial years.
- 6. All Autonomous Semi autonomous/Medical Teaching Institutions/Other Institutions and Authorities under Provincial Government shall adopt this notification within their respective organizations with the approval of their Competent Forum within their available resources.

Secretary to Govt. of Khyber Pakhtunkhwa
Finance Department

Endst: No. & Date even.

Copy of the above is forwarded information & necessary action to the.

- 1. The Accountant General, Khyber Pakhtunkhwa.
- 2. The Principal Secretary to Chief Minister Khyber Pakhtunkhwa.
- 3. The Principal Secretary to Governor Khyber Pakhtunkhwa.

ALL STANDS

Government of Khyber Pakhtunkhwa District Accounts Office Aslahand Monthly Sulary Statement (September 2023)





Perional Information of Mr ROBINA divis of FAZAL HAKIM

Personnel Number: 0030000

CNIC: 1540106765514

Date of Birth: 30.07,1976

Entry into Govt. Service: 02.07,2012

Laugh of Service: 11 Years 03 Months 000 Days

Employment Category: Active Permanent

Designation: LADY HEALTH WORKER

81186493-GOVERNMENT OF KHYBER PAKH

DDO Code: MD4625-District Health Services (Administration) Malakand Payroll Section: 003

GPP Section: 005

Cash Center:

GPF A/C No: 793211

Interest Applied: Yes

GPF Balance:

114,703,00

Vendor Number: -Pay and Allowances:

Pay scale: BPS For - 2022

sink w	na vitamanecs:	Pay scale: BPS For - 2022	Pay Scale Type: Civil BPS: 05	Pay Singe: 10
79.00.00	Wage type	Amount	Wage type	
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1300	Medical Allowance	1.500.00	1911 Compen Allow 20% (1-15)	2,255,00
148	15% Adhoc Relief All-2013	296,00	2199 Adhoc Relief Allow @ 10%	1.000.00
311	Dress Allowance - 2021	1,000,00	2312 Washing Allowance 2021	200.00
313	Integrated Allowance 2021	670 00	2352 Lady Health Worker Allow	1,000,00
341	Dispr. Red All 15% 2022KP	2.7(4/V)	2347 Adlice Rel Al 15% 22(PS17)	7.200.00
378	Adher Relief All 2023 35%		Autoc Ret At 15% 22(PS17)	2,214.00
		\$ 1 m 1 m 2 m 2 m 2 m 2 m 2 m 2 m 2 m 2 m	5353 Adi. Weather Allowance	3.750.00

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	-450.00		0.00

Deductions - Louns and Advance

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Deductions - Income Tax Payable: 0.00 Recovered til	1 September 2023:	0.00 Ex	empted: 0.00	Recoveráble:	0.00
lross Pay (Rs.): 49/14/00 B	eductions: (Rs.);	-2,980,00	Net Pay: (I	36,434. 00) }
Payse Name: ROBINA Accoust Number: 7900303703 Bank Defails: HABIB BANK LIMITED, I	225030 (B.Br. Balkin	dr. 18.5 r. Bakk	iela., Molekarid		

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Opening Balance:

Availed:

Earned:

Balance

Permanent Address:

City: BATKHELA

Dandeile: NW - Khyber Pakhiunkhwa

Housing Sucus: No Official

Temp. Address: City:

(288500/27.09.2025/16:38/30) 2) All announce are in Pak Rigones 3) Errors & emissions excepted

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Sedra Ali Juj & 2016001

23-09- 2023 إلى الماون الفيل البيت إيار 2023 -09-23 DATEL



باعث تحريرة نك مقدمه مندرجه میں اپنی طرف سے واسطے پیروی و جواب دہی کل کاروالک متعلقہ آِل بحرور/ا ہ مقرر کر کے اُقر ارکر تا ہوں کہ صاحب موصوف کومقد مہ کی کالی کا روائی کا کافی الحتیار ہوگائیز و*کی*ل ہموصوف کوکرنے راضی نامہ وتقر ر ثالث و فیصلہ برحلف و دیلے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء وصولی چیک روپیہ وعرضی دعویٰ کی تصدیق اوراس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کی کل پاکسی جزوی کاروائی کے لئے کسی اوروکیل یا مختارصا حب قانونی کواپنے ہمراہ اپنی بجائے تقر رکا اختیار بھی ہوگا ورصاحب مقررشدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اوراس کا ساخته برداخته مجھ کومنظور وقبول ہوگا۔ دوران مقدمہ جوخر چہوہر جاندالتوائے مقدمہ کے سبب ہوگااس کے مستحق وکیل صاحب ہوں گے۔ نیز بقایا قم وصول کرنے کا بھی اختیار ہوگا۔اگر کوئی پیشی مقام دورہ پر ہویا صدیے باہر ہوتو وکیل صاحب موصوف یا بند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اورا گرمختار مقرر کر دہ میں کوئی جز وبقایا ہوتو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد المتحارك نالفر*خ اجینطا*فلسی را ر*گر کرانے* اوراس کی پیروی کا بھی صاحب موصوف کواختیار ہوگا۔ بمقام: