FORM OF ORDER SHEET

Court of

1

Appeal No.

118/2024

S.No. Date of order Order or other proceedings with signature of judge proceedings 3 11/01/2024 1-The appeal of Mst. Yasmeen Afzal received today by registered post through Mr. Abdul Aziz Tanoli Advocate. It is fixed for preliminary hearing before touring Single Bench at A.Abad on By the order of Chairman REGISTRAR

BEFOR K.P SERVICE TRIBUNAL PESHAWAR. Govt YASMEEN V/5 Service Appeal () Court FILE __ Complet Dong with Flags 2> COPY FOR COUNT FILE

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10/01/2024.

BEFORE THE SERVICES TRIBUNAL, KHYBER

PAKHTUNKHWA, PESHAWAR

Yasmeen Afzal W/O Mir Afzal (Lady Health Worker) BHU Bagarian, BPS-5, R/O Habibabad, Sherwan, Tehsil Lower Tanawal, District Abbottabad.

.....Appellant

Service Appeal No. 1/8 / 2024

Versus.

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

.....Respondents

SERVICE APPEAL

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5	Copy of Notification of Weather Allowance and Salary Slip of other similar civil servant	9-13	"仁"
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.Dated 10 January 2024

Appellant

Through Counsels M

Abdul Aziz Tanoli

isham Amja¢ Iqbal Advocates, Abbottabad

-BEFORE THE SERVICES TRIBUNAL, KHYBER

PAKHTUNKHWA, PESHAWAR

Service Appeal No. 1/2 / 2024

Yasmeen Afzal W/O Mir Afzal (Lady Health Worker) BHU Bagarian, BPS-5, R/O Habibabad, Sherwan, 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 PAKHTUNKHWA SERVICES **KHYBER** AGAINST THE **TRIBUNAL** ACT, 1974 **RESPONDENTS DEPARTMENT TO THE** EFFECT THAT THE APPELLANT IS 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** APPELLANT IS REGULAR CIVIL SERVANT 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 THE 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.

A COMMON AND A COMMON

PRAYER: **ON ACCEPTANCE OF THE** THE **INSTANT** SERVICE APPEAL, **RESPONDENTS'** DEPARTMENT MAY KINDLY BE **DIRECTED** TO MAKE **PAYMENT** OF THE **WEATHER** ALLOWANCE AND **CONVEYANCE** 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:

- 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.

PRAYER. ON ACCEPTANCE of the Instant Service 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 10 January 2024

Appellant Through Counsels

Abdul Aziz Tanoli

ham Amiad Iobal 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 Tribunal.

Dated 10 January 2024



DEPONENT

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

Service Appeal No. / 2024

Yasmeen Afzal W/O Mir Afzal (Lady Health Worker) BHU Bagarian, BPS-5, R/O Habibabad, Sherwan, Tehsil Lower Tanawal, District Abbottabad.

.....Appellant

Versus

Government of Khyber Pakhtunkhwa Through Secretary Health Peshawar and others.

.....Respondents

SERVICE APPEAL

AFFIDAVIT

I, Yasmeen Afzal W/O Mir Afzal (Lady Health Worker) BHU Bagarian U/C P.K khan Lower Tanawal, Abbottabad, **ON OATH stated** that the contents of foregoing Service Áppeal are True and Correct to the best of my Knowledge and Belief and Nothing has been Mis-stated or Concealed from this Honourable Tribunal.

10-01-2024



DEPONENT

ازدنتر دمركث سيلتما فيسرا يبث آباد

Annexure "A"

24-09.2014

غير يمتزين المان يولين السالية كاليعود تري دكما مايلاد يهاي (ريكرانة بلي الطرين را الريكون) ا بكو يمن 2014 كان قبر 114) ترقعد سالي المان بالمريك كمسة ما ليعبد لما ظار عن ك الارمع كم برال 2012 مد سنال المار محمد كم المريس مركب المراد من المعد مريد العد من من من من من من من م المار عن ك الارمع كم برال 2012 مد سنال الماري و الارد حدكم ما الد مع كم المراد لذكر كما إلا ا كمع برام ي ترت عل ف با المراد المسكرة المك م

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Allested Abdul Aziz Khan Tanoli pintrict Ber Abhottabad i

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NO. FD/SO(SR-II)/8-52/2014 Dated Peshawar the: 09-07-2014

ANNEXUYE

From:

To:

5. 6. 7. 8. 9.

	The Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department, <u>Peshawar.</u>
1.	All Administrative Secretaries to Govt: of Khyber Pakhtunkhwa.
2.	The Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
3.	The Secretary to Governor, Khyber Pakhtunkhwa
4.	The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
5.	The Secretary, Provincial Assembly, Khyber Pakhtunkhwa
б.	All Heads of Attached Departments in Khyber Pakhtunkhwa.
7.	All Commissioners in Khyber Pakhtunkhwa.
8.	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 CIMIL 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/-
3.	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. 2,
- All Heads of Autonomous / Semi Autonomous Bodies in Khyber Pakhtunkhwa. 3.

(Razaullah) Additional Secretary (Rep.)

Endst: No & Date even. A copy for information is forwarded to:-

٨

- 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.
- 7. The Treasury Officer, Peshawar.
- 8. All the Section Officers/Budget Officers in Finance Department.
- 9. 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)

Abdul Aziz Khan Tanoli dvocate



ernment of Kittber Pantitunkiiwa FINASCE DEPARTMENT TREGULATION WING)

Dated Pestawar fix: 15-01-2023

Anexure "C"

NUTRICARES

No PRISO SELVEL-17021-220 Venther Allorances In supercession of this. Debanment's Southeanon Ma-ED/SCI-SR. 113: 3/2011 (21) Weather Allow dated 39-11-2021; conclusion is hereby licended in the grain of Persher Allowance in the Civil Servants of Nigher pathing hours per following inter the dourse

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				Rojan, Alexan, Charadda, Di Khan, Harinas, Kurzi, Kubat, Linkt, Maryan, Mahanand, Kiriwissena, Grafizat, Saula Wadristan, Swalis, Tank

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Consequent upon above the same shinty of the se Cold Weather Charges will stand and side parfoll

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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	Arcas
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, Dl 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.
- That Weather Allowance shall not be admissible to the employees working 3. in the vacation department in all categorized Weather Areas except Class-IV on duty during the admissible period.
- Consequent upon above, the admissibility of Hot & Cold Weather Charges 4. 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**

_{Khan} Tanoli

Advocate

Endst: No. & Date even.

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

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

Government of Klayber Pakhtunkhwa District Accounts Office Malakand Monthly Salary Statement (September-2023)





remoninel ryaminer: UUTATTTT	Personnel Number: 00793211 CNIC: 1540106765514			
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DDO Code: MD4625-District []	ealth Services (Administratio			
Payroll Section: 003	GPF Section: 005	Cash Center:		
GPF A/C No: 793211	Interest Applied: Yes	GPF Bali	IATU:	14.703.00
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Payee Name: ROBINA

Account Number: 7900303703

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Drimicile: NW - Khyber Pakhunkhwa

Permanent Address: Cuy: BATKHELA Temp. Address: Chy:

Email:

Hunsing Status: No Official

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Attest

Abdul Aziz Khan Tanoli Advocate District Cor Abbottabad

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1988 - INCENTIVE Allowance 2012

2199 - Adhoc Relief Allowance 6104

2148 - IST Adhoc Relief All - 2013

2311 - Dress Allowance - 2021

2313 – Integrated Allowances

2312 – Washing Allowance 2021

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كوري فيس 69 ** O, لعدال نوعيت مقدمه: باعث تحريراً نكه ررجہ میں اپنی طرف سے داسطہ پیروی و جواب دہی کل کاروائی کہ تعلقہ م ں مقل À, we, بر کی اور _موصوف كوملد مه يْكُل كَاردانْ (مَا كَالْ اخْتِهَ (يوكَرْ رکےاقرارکرتاہوں گیصاحیہ نے راضی نامہ دنقر رثالث و فیصلہ بر حلف ودینے اقبال دعویٰ اور بصورت دیگر ڈگری نے اجراء وصولی چیک رویب دعرضی دعویٰ کی تصدیق اوراس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کی کل پاکسی جزوی کاروائی کے لئے سی اوروکیل یا مختارصا حب قانونی کوایے ہمراہ اپنی بجائے تقرر کا اختیار بھی ہوگا ورصاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گےاوراس کا ساخته برداخته مجھكومنظور وقبول ہوگا۔ دوران مقدمہ جوخر چہ وہر جاندالتوائے مقدمہ کے سبب ہوگا اس کے <u>ی</u> مینیز بقایار قم وصول کر نے کابھی اختیار ہوگا۔اگرکوئی پیشی مقام دورہ پر ہویا たづ جباحد اورا گرمختار مقرر کرده میں إمقدمه مذكوره كرير _ نیز درخواست بمراد پیتخدمہ کی پیروی کے یابند نہ ہوں گے كوني جزوبقا. مربیر دی کا بھی صاحب مو**صوف کواختیار ہوگا۔** اسحك لهذاوكاله ATD ... 012024

وقاص فو نوسٹیٹ کچہری (ایبٹ آباد)