

BEFORE THE HONORABLE SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL No. 2476/2023


Musarat Bibi..... Appellant

Versus

Government of Khyber Pakhtunkhwa & Others Respondents

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DEPONENT
Dr. Ahsan Athar Ali

06-03-2024

Peshawar,



حکومت خیبر پختونخوا

**DISTRICT HEALTH OFFICER
MARDAN (Khyber Pakhtunkhwa)**

Ph: # (0937) 9230030 Fax: # (0937) 9230283
Email: mardandho@gmail.com

All communications should be addressed to the District Health Officer Mardan and not to any official by name

Authority Letter

Dr. Ahsan Athar Ali, Litigation Officer DHO Office, Mardan is hereby authorized to submit all court cases on behalf of the undersigned in Service Tribunal Peshawar.

[Handwritten signature]
District Health Officer
Mardan
Dr. Javed Aqbal

BEFORE THE HONORABLE SERVICE TRIBUNAL, PESHAWAR

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Musarat Bibi..... Appellant

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AFFIDAVIT

I, Dr. Ahsan Athar Ali, Litigation Officer DHO Office, Mardan do hereby solemnly affirm and declare on oath that the contents of the accompanying reply of DHO Office Mardan comments submitted by the respondents are true and correct to the best of my knowledge and belief that nothing has been concealed from this Honourable Tribunal. It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense has been struck off / costs.

DEPONENT
Dr. Ahsan Athar Ali
CNIC No: 16101-6804903-1
Mobile No: 0342-0900001

IDENTIFIED BY

Advocate General,
Khyber Pakhtunkhwa,
Peshawar

ATTESTED

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BEFORE THE HONORABLE SERVICE TRIBUNAL

PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 10981

Dated 02-2-2024

Service Appeal No. 2476/2023

Musarat Bibi Appellant

Versus

Government of Khyber Pakhtunkhwa & Others Respondents

Respectfully Sheweth:

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS

PRELIMINARY OBJECTIONS:

- a) That the Appellant has got neither cause of action nor did locus standi to file the service appeal.
- b) That the Appellant has not come to the court with clean hands.

ON FACTS:

1. Pertains to Record.
2. Pertains to Record.
3. Pertains to Record
4. Regular service of the Appellant is 9 years 6 months and 8 days as per direction of Director General Health Services through Letter No. 472-73/DGHS/LHWP CELL /MUSARAT BIBI Dated 29/12/2023 (Annex-A), she was directed to attend the office of DHO Mardan for preparation of her pension papers (Annex-B), however as per same letter of Director General Health Services the contractual period of service of Mst. Musarat Bibi Ex LHW cannot be treated as service for pension or gratuity.

- 5. Answer is given in Supra Para No 4.
- 6. Reply is given in Supra Para No 4.
- 7. Reply is given in Supra Para No 4.

ON GROUNDS:

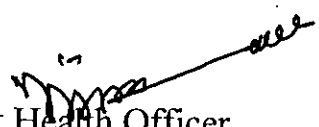
- A. Incorrect: Respondent cannot think of disobeying law, neither they disobeyed any rules and regulations. Reply is given in Supra Para No 4.
- B. Incorrect: Respondent acted in accordance with law and rules. They cannot think of disobeying any rules and regulations.
- C. Incorrect: Reply is given in Supra Para No 4.
- D. Incorrect: Answer is given in Supra Para No 4.
- E. Incorrect: Respondent acted in accordance with law and rules. Reply is given in supra para number 4.
- F. Incorrect: Respondent cannot think of disobeying law, neither they disobeyed any rules and regulations. Reply is given in Supra Para No 4.
- G. Incorrect: Answer is given in Supra Para No 4.
- H. Incorrect: Reply is given in Supra Para No 4.
- I. The answering respondents also seek prior permission of this Honorable Tribunal to adduce additional grounds at the time of final hearing.

PRAYER:

As the Appellant did not come with clean hands, so it is therefore prayed that the Appeal may be dismissed with cost.



Director General Health Services,
Khyber Pakhtunkhwa.
Respondent No. 02
Dr. Scheil Khan



District Health Officer
Mardan.
Respondent No. 03
Dr. Javed Aqbal



**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR**

(5)

All communications should be addressed to the Director General
Peshawar and not to any official by name
Phone#: 091-9210269

Annexed-A

No. 472-73 / WP-Cell/Musarat Bibi

Dated: 29 / 12 / 2023

To

✓ District Health Officer,
District Mardan.

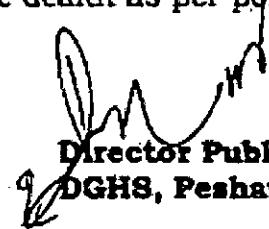
**Subject: REQUEST OF EX-LHW MST. MUSARRAT BIBI FOR COUNTING OF
TEMPORARY/FIXED SERVICE FOR THE PURPOSE OF PENSION
AND GRATUITY**

Reference to your office letter No. 16827-29/DHO dated: 21-09-2023
on the subject noted above.

In this connectoin it is stated that the contractual period of service of
Mst. Musarrat Bibi Ex-LHW can not be treated as service for pension or
gratuity. Her regular service is 09 years, 06 months and 08 days, while for
pension and gratuity 10 years qualifying service is compulsory. So service
condonation of 05 months and 23 days is required.

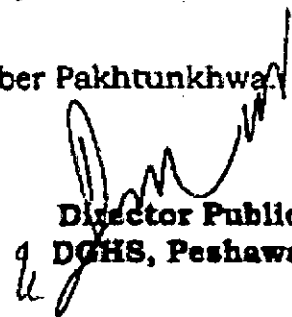
However, under sub-section (a) of section-04 of Khyber Pakhtunkhwa
Civil Servents pension rules, 2021, a defficiency of 06 months or less in the
qualifying service of civil servent shall be deemed to have been condoned at
any stage upto thirtieth year.

Foregoing in view, the instant case may be death as per policy of the
Govt.


Director Public Health
DGHS, Peshawar *

Copy forwarded to:

1. PA to Director General Health Service Khyber Pakhtunkhwa


Director Public Health
DGHS, Peshawar *

Attested




Annexed-B

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District Health Department – Mardan
DISTRICT HEALTH OFFICER
Mardan (Khyber Pakhtunkhwa)
Ph: # (0937) 9230030 Fax: # (0937) 9230349
Email: edohmr@yahoo.com

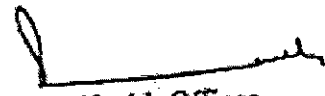
Mst. Mussarat Bibi

Ex-LHW Bani Jamal Tuli

Subject: PREPARATION OF PENSION PAPERS

Reference to Director General Health Services Khyber Pakhtunkhwa Peshawar letter No.472-73
Dated 29/12/2023.


You are hereby directed to attend the office of the undersigned to provide the necessary
Documents for preparation of pension papers


District Health Officer.
Mardan

No. 1133-36 /DHO
Copy forwarded to the:-

Dated: 22/01/2024

1. Director General Health Services Khyber Pakhtunkhwa Peshawar
2. Coordinator LHW Program DHO Office Mardan
3. Accountant DHO Office Mardan


District Health Officer.
Mardan