

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.**

BEFORE: **KALIM ARSHAD KHAN ...CHAIRMAN**
SALAH-UD-DIN ...MEMBER (Judicial)

Service Appeal No.1620/2022

Mr. Gul Zarif Khan, Senior Special Education Teacher (BPS-17), presently posted as Principal/Manager Center for Mentally Retarded & Physically Handicapped Children, Bannu.....(*Appellant*)

Versus

Government of Khyber Pakhtunkhwa through Chief Secretary Civil Secretariat, Peshawar and 04 others.(*Respondents*)

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Present:

Mr. Noor Muhammad Khattak, Advocate.....For appellants in Service Appeals No. 1620/2023 to 1628/2023.

Mr. Mir Zaman Safi, Advocate.....For appellants in Service Appeals No. 645/2022, 646/2022, 675/2022 to 759/2022, 838/2022 to 861/2022, 955/2022 to 1059/2022, 1140/2022 to 1144/2022, 1165/2022 to 1181/2022, 1204/2022 to 1208/2022, 1246/2022, 1247/2022, 1731/2022 to 1741/2022, 362/2023, 1511/2023 to 1530/2023.

Mr. Muhammad Jan,
District Attorney.....For the respondents.

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Date of presentation of appeal14.11.2022

Dates of Hearing.....12.02.2024

Date of Decision.....12.02.2024

CONSOLIDATED JUDGMENT

SALAH UD DIN, MEMBER: Through this single judgment, we intend to decide the instant Service Appeal as well as the clubbed appeals mentioned in appendix-A consisting of 06 sheets, appended with this judgment as its part, as all the appeals involve similar questions of law and facts.

2. According to the facts gathered from the record, the appellants are serving in Special Education Centers/Institutions working under the Administrative control of Social Welfare, Special Education and Women Empowerment Department Government of Khyber Pakhtunkhwa; that the colleagues of the appellants, who were working

in the Federal Government under the Administrative control of Directorate General of Special Education, Government of Pakistan, Islamabad devolved to the province of Khyber Pakhtunkhwa in wake of 18th Constitutional Amendment and are now working under the Administrative control of Special Education and Women Empowerment Department Government of Khyber Pakhtunkhwa; that in this respect, Notification dated 01.04.2011 was issued by Ministry of Social Welfare and Special Education, whereby services of the employees of Social Welfare & Special Education were devolved to the Provincial Government of Khyber Pakhtunkhwa; that in the year 2012, Prime Minister of Pakistan had approved payment of Health Allowance to the institutions providing Health Services and the Finance Division had issued Notification No.2(13) R-2/2011-777 dated 06.02.2012 for grant of Health Allowance, equal to one basic pay of running salary to the health personnel in the employment of Federal Government in BPS Scheme w.e.f. 01.01.2012, in addition to the existing pay and allowance in BPS Scheme; that the employees of the Directorate General of Special Education (DGSE) and its allied special education centers/institutions including National Trust for the Disabled Persons (NTD) and the National Council for Rehabilitation of Disabled Persons (NCRDP) were also granted the said Health Allowance, however the payment of the same was then stopped to the said employees, constraining them to resort to litigation, which ultimately ended in their favour through judgment dated 17.01.2018 passed by the Supreme Court of Pakistan, reported as 2018 PLC (CS) 669 titled "*Federation of Pakistan through Secretary Capital Administration and Development Division, Islamabad and others-*



versus- Nusrat Tahir and others”; that the Government of Khyber Pakhtunkhwa Finance Department in compliance with the judgment of the Supreme Court of Pakistan, allowed Health Allowance to the employees devolved under 18th Constitutional Amendment by issuing Notification dated 25.11.2019; that the appellants considering themselves at par with the devolved employees, availed departmental remedy for grant of Health Allowance to them but their departmental appeals remained un-responded, constraining them to approach this Tribunal by way of filing instant appeals for redressal of their grievance.

3. On receipt of the appeals and its admission to full hearing, the respondents were summoned. Respondents put appearance through their respective representatives and contested the appeals by way of filing para-wise comments, raising therein numerous legal as well as factual objections. The defence setup by the respondents was a total denial of the claim of the appellants.

4. Learned counsel for the appellants addressed arguments supporting the grounds agitated by the appellants in their service appeals. On the other hand, learned District Attorney for respondents has controverted the arguments of learned counsel for the appellants and have supported the comments submitted by the respondents.

5. We have heard the arguments of learned counsel for the appellants as well as learned District Attorney for the respondents and have perused the record.

6. The claim of the appellants in these appeals is that benefit of notification dated 25.11.2019, issued by the Government of Khyber Pakhtunkhwa Finance Department should also be extended to

them being employees of the same department having same posts, designations and qualification etc. The contents of said notification are reproduced below:

"In pursuance of the Supreme Court of Pakistan Civil Appeal No. 811/2016 titled "Muhammad Atique-Ur-Rehman & Others v/s Federal Government of Pakistan through Secretary Capital Administration etc," the Government of Khyber Pakhtunkhwa (Provincial Cabinet) has been pleased to approve Health Allowance at the rate of one running basic pay to the devolved employees working in the Special Education Institutions from the date of their devolution to Provincial Government of Khyber Pakhtunkhwa.

2. The above said allowance will be admissible only to the employees of Special Education Institutions of Khyber Pakhtunkhwa devolved under 18th Constitutional Amendment. (Emphasis supplied).

7. The above notification was shown to have been issued in pursuance of the judgment of Supreme Court of Pakistan reported as 2018 PLC (CS) 669 titled "Federation of Pakistan through Secretary Capital Administration and Development Division, Islamabad and others-versus- Nusrat Tahir and others". The notification has approved Health Allowance at the rate of one running basic pay to the devolved employees working in the Special Education Institutions from the date of their devolution to Provincial Government of Khyber Pakhtunkhwa. In wake of 18th Constitutional Amendment. The only contention of learned counsel for the appellants was that there was no intelligible differentia between the services of the appellants and services of the employees devolved in wake of the 18th Constitutional Amendment, to whom the Health Allowance has been granted through the notification dated 25.11.2019. The said contention of learned counsel for the appellants is misconceived because the judgment of the supreme court of Pakistan had affirmed the grant of Health Allowance to the employees of the Directorate General of Special



Education (DGSE) and its allied special education centers/institutions including National Trust for the Disabled Persons (NTD) and the National Council for Rehabilitation of Disabled Persons (NCRDP) on the analogy that they were covered under the definition of health personnel as defined in Section 2(b) of the Career Structure for Health Personnel Scheme Ordinance, 2011 which is as under:

“b) “health personnel” means a person who holds a post in any institute or organization delivering services in the health sector and included in Schedule-I, but does not include:

- i) a person who is on deputation to the Federal Government from any Province or other authority;*
- ii) a person who is employed on contract, or on work charged basis or who is paid from contingencies.”*

8. Vide notification dated 25.11.2019, the Health Allowance at the rate of one running basic pay has been extended only to the employees of the Federal Government, who had devolved in wake of the 18th Constitutional Amendment and had become the employees of the province after the said Constitutional Amendment, whereas the appellants are admittedly the provincial employees since their inception into service. What we have arrived at is that the devolved employees were extended the benefits on the analogy that they were also covered in the definition of 2(b) of the Career Structure for Health Personnel Scheme Ordinance, 2011, whereas there is no such Ordinance or law of the Government of Khyber Pakhtunkhwa, whereby the appellants could be treated alike. The contention of the appellants that they were being treated with discrimination is thus also misconceived. In this respect, wisdom derived from the judgment of Peshawar High Court reported as 2003 PLC (C.S.) 1057 titled *“Fazli Haq Khan, Registrar and 26 others-versus- Government of N.W.F.P.*

through Secretary Finance, Peshawar and 3 others”, wherein the question of discrimination was dealt with in following manner:

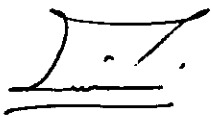
“7. Adverting to the question of discrimination we find that it is not the right of a Provincial Government employee to demand salary/allowances as available in other provinces because one province can or may have the means to give one concession while other province may not have the same means to provide the similar pay/allowances. Learned counsel for the petitioners has remained unable to show that the petitioners have been discriminated and deprived of the Special Allowance without legal justification and action of respondents Nos. 1,3 and 4 is not permitted by law. The question of disparity does not arise. This is purely a provincial issue and Provincial Government adopted its own policy within its available means keeping in view financial implications of granting/refusing relief. The quality, quantity and mode of function and duties performed by one class of civil servants, are also given prime consideration while dealing with such-like situations. The case law cited on behalf of the petitioners is distinguishable and does not promote their case in any manner.”

9. Reference can also be made to the judgment of Supreme Court of Pakistan reported as 2011 SCMR 363 titled *“Jahangir Sarwar and others versus Lahore High Court and another”*, wherein it was held as under:

“5. We are not persuaded to agree with learned Advocate Supreme Court on behalf of petitioners that the principle of reasonable classification or differentia has been misinterpreted or misconstrued for the simple reason that Article 25 of the constitution of Islamic Republic of Pakistan does not prohibit reasonable classification with regard to operation of law. In this regard reference can be made to the cases titled Pakistan Petroleum Workers Union v. Ministry of Interior (1991 CLC 13), Fauji Foundation v. Shamimur Rehman (PLD 1983 SC 457), Ziaullah Khan v. Government of Punjab (PLD 1989 Lah. 554). It is well settled by now that



“quality clause does not prohibit different laws for those differently circumstanced provided a rational standard is laid down to guide the discretion of the relevant Authority to choose the appropriate law. A State may classify persons and objects for the purpose of legislation and make laws applicable on to persons or objects within a class. In fact almost all legislation involves some kind of classification whereby some people acquire rights or suffer disabilities which others do not. Expression “equal protection of laws” does not place embargo on power of State” to classify either in adoption of police laws, or tax laws, or eminent domain laws” rather gives to State exercise of wide scope of discretion, of course, nullifying “what is without any reasonable basis”. The State has the power of what is known as classification “on the basis of rational distinction relevant to the particular subject dealt. Classification may be due to geographical situation or it may be based on territorial, economic, communal and other similar considerations. The Constitution itself contemplates passing of different laws for different provinces by their respective legislatures. The doctrine of reasonable classification is founded on the assumption that the State has to perform multifarious activities and deal with a vast number of problems. It, therefore, should have the power to make a reasonable classification of persons and things, to whom different treatment may be accorded, provided there is legitimate basis for such difference the State can make laws to attain special objects, and the administrative authorities may make classification, in pursuance of such laws. But the classification should not be arbitrary and capricious and must rest on reasonable and have a fair nexus and a just relation with the need for which



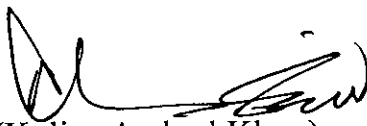
classification is made". Ziaullah Khan v. Government of Punjab (PLD 1989 Lah. 554), Akram Khan v. State PLD 1976 Lah. 1224, Fauji Foundation v. Shamimur Rehman (PLD 1983 SC 457), I.A. Sharwani v. Government of Pakistan (1991 SCMR 1041), Aziz Begum v. Federation of Pakistan (PLD 1990 SC 899), Balochistan Bar Association v. Government of Balochistan (PLD 1991 Quetta 7), Kathi Raning v. State of Saurashtra (AIR 1952 SC 123), Dharendra v. Supdt. and Remembre (AIR 1954 SC 424), Zain Noorani v. Secretary of National Assembly (PLD 1957 Kar. 1), Government of Punjab Health Deptt. v. Mst. Naila Begum (PLD 1988 Lah. 331), Charanjit Lal v. Union of India (AIR 1951 SC 41), State of West Bangal v. Anwar Ali (AIR 1952 SC 75), Rehman Shagoo v. State of J&K (1958 Cri L Jour 885), TK Abraham v. State of Tra. Co (AIR 1958 Ker, 129), PLR 1957(1) 743).

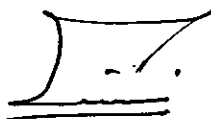
6. By no stretch of imagination, Sindh Judicial Service Rule, 1994 can be made applicable in the Province of Punjab for the reasons mentioned hereinabove. The petition being devoid of merit is dismissed and leave refused."

10. As a sequel to the above discussion, the instant appeal as well as clubbed appeals mentioned in appendix-A are dismissed. Attested copy of this judgment be placed on files of all the clubbed appeals mentioned in appendix-A. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

12.02.2024


(Kalim Arshad Khan)
Chairman


(Salah-Ud-Din)
Member (Judicial)

Appendix-A

List of cases connected with Appeal No. 1620/2022 titled "Mr. Gul Zarif Khan-vs-Govt Of Khyber Pakhtunkhwa and others"

S. NO.	APPEAL NO.	TITLED	NATURE
1.	362/2023	Roidad Khan-vs-Chief Secretary etc.	Health Allowance
2.	645/2022	Fazale Elahi-vs-Chief Secretary etc.	Health Allowance
3.	646/2022	Sharif Ullah-vs-Chief Secretary etc.	Health Allowance
4.	675/2022	Daud Shah-vs-Chief Secretary etc.	Health Allowance
5.	676/2022	Naveed Ullah-vs-Chief Secretary etc.	Health Allowance
6.	677/2022	Bashir Marwat-vs-Chief Secretary etc.	Health Allowance
7.	678/2022	Sher Zaman Khan-vs-Chief Secretary etc.	Health Allowance
8.	679/2022	Maslah Ud Din-vs-Chief Secretary etc.	Health Allowance
9.	680/2022	Dilawar Shah-vs-Chief Secretary etc.	Health Allowance
10.	681/2022	Abubakar-vs-Chief Secretary etc.	Health Allowance
11.	682/2022	Faisal Javed-vs-Chief Secretary etc.	Health Allowance
12.	683/2022	Shoaib Anwar-vs-Chief Secretary etc.	Health Allowance
13.	684/2022	Sana Ullah-vs-Chief Secretary etc.	Health Allowance
14.	685/2022	Saeed Ur Rehman-vs-Chief Secretary etc.	Health Allowance
15.	686/2022	Sher Ali-vs-Chief Secretary etc.	Health Allowance
16.	687/2022	Aurangzeb-vs-Chief Secretary etc.	Health Allowance
17.	688/2022	Jawad Khan-vs-Chief Secretary etc.	Health Allowance
18.	689/2022	Muhammad Shah-vs-Chief Secretary etc.	Health Allowance
19.	690/2022	Rehmat Ali-vs-Chief Secretary etc.	Health Allowance
20.	691/2022	Lal Mahmood-vs-Chief Secretary etc.	Health Allowance
21.	692/2022	Abdur Rehman-vs-Chief Secretary etc.	Health Allowance
22.	693/2022	Sahib Zada-vs-Chief Secretary etc.	Health Allowance
23.	694/2022	Issa Muhammad-vs-Chief Secretary etc.	Health Allowance
24.	695/2022	Luqman Hakeem-vs-Chief Secretary etc.	Health Allowance
25.	696/2022	Farhad Ali-vs-Chief Secretary etc.	Health Allowance
26.	697/2022	Gul Muhammad-vs-Chief Secretary etc.	Health Allowance
27.	698/2022	Rehman Ali-vs-Chief Secretary etc.	Health Allowance
28.	699/2022	Ahad Shah-vs-Chief Secretary etc.	Health Allowance
29.	700/2022	Junaid Ali-vs-Chief Secretary etc.	Health Allowance
30.	701/2022	Ali Ahmad-vs-Chief Secretary etc.	Health Allowance
31.	702/2022	Hayat Ullah Jan-vs-Chief Secretary etc.	Health Allowance
32.	703/2022	Amir Rehman-vs-Chief Secretary etc.	Health Allowance
33.	704/2022	Shahe Room-vs-Chief Secretary etc.	Health Allowance
34.	705/2022	Hafiz Ur Rehman-vs-Chief Secretary etc.	Health Allowance
35.	706/2022	Subhan Nabi-vs-Chief Secretary etc.	Health Allowance
36.	707/2022	Syed Nabi Gul-vs-Chief Secretary etc.	Health Allowance
37.	708/2022	Abdul Kabir-vs-Chief Secretary etc.	Health Allowance
38.	709/2022	Shahab-vs-Chief Secretary etc.	Health Allowance
39.	710/2022	Akbar Ali-vs-Chief Secretary etc.	Health Allowance
40.	711/2022	Muhammad Siddique-vs-Chief Secretary etc.	Health Allowance
41.	712/2022	Amir Mehmood-vs-Chief Secretary etc.	Health Allowance
42.	713/2022	Ishfaq Dhukki-vs-Chief Secretary etc.	Health Allowance
43.	714/2022	Zafar Alam-vs-Chief Secretary etc.	Health Allowance
44.	715/2022	Muhammad Anees-vs-Chief Secretary etc.	Health Allowance
45.	716/2022	Khurshid-vs-Chief Secretary etc.	Health Allowance
46.	717/2022	Hafiz Ur Rehman-vs-Chief Secretary etc.	Health Allowance
47.	718/2022	Amir Nowshad-vs-Chief Secretary etc.	Health Allowance
48.	719/2022	Khair Muhammad-vs-Chief Secretary etc.	Health Allowance
49.	720/2022	Shah Fahad-vs-Chief Secretary etc.	Health Allowance
50.	721/2022	Zafar Iqbal-vs-Chief Secretary etc.	Health Allowance
51.	722/2022	Mst. Kalsoom Bibi-vs-Chief Secretary etc.	Health Allowance
52.	723/2022	Rehman Ullah-vs-Chief Secretary etc.	Health Allowance
53.	724/2022	Miss Fatima Khan-vs-Chief Secretary etc.	Health Allowance

Appendix-A

List of cases connected with Appeal No. 1620/2022 titled "Mr. Gul Zarif Khan-vs-Govt Of Khyber Pakhtunkhwa and others"

54.	725/2022	Rahim Ullah-vs-Chief Secretary etc.	Health Allowance
55.	726/2022	Marjan Ali-vs-Chief Secretary etc.	Health Allowance
56.	727/2022	Rehman Ullah-vs-Chief Secretary etc.	Health Allowance
57.	728/2022	Rahim Bacha-vs-Chief Secretary etc.	Health Allowance
58.	729/2022	Bilal Ahmad-vs-Chief Secretary etc.	Health Allowance
59.	730/2022	Atta Ullah-vs-Chief Secretary etc.	Health Allowance
60.	731/2022	Fazal Wahab-vs-Chief Secretary etc.	Health Allowance
61.	732/2022	Imtiaz Ahmad-vs-Chief Secretary etc.	Health Allowance
62.	733/2022	Fazal Wahid-vs-Chief Secretary etc.	Health Allowance
63.	734/2022	Mst.Rehana-vs-Chief Secretary etc.	Health Allowance
64.	735/2022	Nasib Gul-vs-Chief Secretary etc.	Health Allowance
65.	736/2022	Mst. Shakila Bibi-vs-Chief Secretary etc.	Health Allowance
66.	737/2022	Irfan Ullah-vs-Chief Secretary etc.	Health Allowance
67.	738/2022	Mustafa Nacem-vs-Chief Secretary etc.	Health Allowance
68.	739/2022	Fazal Amin-vs-Chief Secretary etc.	Health Allowance
69.	740/2022	Muhammad Nabi-vs-Chief Secretary etc.	Health Allowance
70.	741/2022	Shahid Hussain-vs-Chief Secretary etc.	Health Allowance
71.	742/2022	Hussain Gul-vs-Chief Secretary etc.	Health Allowance
72.	743/2022	Tayyab Shah-vs-Chief Secretary etc.	Health Allowance
73.	744/2022	Akhtar Ali-vs-Chief Secretary etc.	Health Allowance
74.	745/2022	Faheem Khan-vs-Chief Secretary etc.	Health Allowance
75.	746/2022	Miss. Naziat-vs-Chief Secretary etc.	Health Allowance
76.	747/2022	Faiz Muhammad-vs-Chief Secretary etc.	Health Allowance
77.	748/2022	Adam Khan-vs-Chief Secretary etc.	Health Allowance
78.	749/2022	Hazrat Bilal-vs-Chief Secretary etc.	Health Allowance
79.	750/2022	Habib Nawaz-vs-Chief Secretary etc.	Health Allowance
80.	751/2022	Abdullah-vs-Chief Secretary etc.	Health Allowance
81.	752/2022	Rehmatullah-vs-Chief Secretary etc.	Health Allowance
82.	753/2022	Qaiser Ali-vs-Chief Secretary etc.	Health Allowance
83.	754/2022	Sabir Khan-vs-Chief Secretary etc.	Health Allowance
84.	755/2022	Abdur Rashid-vs-Chief Secretary etc.	Health Allowance
85.	756/2022	Akbar Ali-vs-Chief Secretary etc.	Health Allowance
86.	757/2022	Mufti Habib Ullah-vs-Chief Secretary etc.	Health Allowance
87.	758/2022	Umar Daraz-vs-Chief Secretary etc.	Health Allowance
88.	759/2022	Habib Ullah-vs-Chief Secretary etc.	Health Allowance
89.	838/2022	Rehmat Nawaz-vs-Chief Secretary etc.	Health Allowance
90.	839/2022	Nazar Gul-vs-Chief Secretary etc.	Health Allowance
91.	840/2022	Mst. Zaheena-vs-Chief Secretary etc.	Health Allowance
92.	841/2022	Mst. Arzo-vs-Chief Secretary etc.	Health Allowance
93.	842/2022	Mst. Shamim-vs-Chief Secretary etc.	Health Allowance
94.	843/2022	Mst. Saleha-vs-Chief Secretary etc.	Health Allowance
95.	844/2022	Bus Bibi-vs-Chief Secretary etc.	Health Allowance
96.	845/2022	Abdul Hameed-vs-Chief Secretary etc.	Health Allowance
97.	846/2022	Parvez-vs-Chief Secretary etc.	Health Allowance
98.	847/2022	Mst. Sharifa-vs-Chief Secretary etc.	Health Allowance
99.	848/2022	Nasim Gul-vs-Chief Secretary etc.	Health Allowance
100.	849/2022	Ismail-vs-Chief Secretary etc.	Health Allowance
101.	850/2022	Islam Ud Din-vs-Chief Secretary etc.	Health Allowance
102.	851/2022	Syed Wajid Ali Shah-vs-Chief Secretary etc.	Health Allowance
103.	852/2022	Ziarat Gul-vs-Chief Secretary etc.	Health Allowance
104.	853/2022	Rehmat Karim-vs-Chief Secretary etc.	Health Allowance
105.	854/2022	Mst. Tasneem-vs-Chief Secretary etc.	Health Allowance
106.	855/2022	Jameel-vs-Chief Secretary etc.	Health Allowance
107.	856/2022	Payo Shah-vs-Chief Secretary etc.	Health Allowance
108.	857/2022	Ayaz-vs-Chief Secretary etc.	Health Allowance

Appendix-A

List of cases connected with Appeal No. 1620/2022 titled “Mr. Gul Zarif Khan-vs-Govt Of Khyber Pakhtunkhwa and others”

109.	858/2022	Salman Shah-vs-Chief Secretary etc.	Health Allowance
110.	859/2022	Faisal-vs-Chief Secretary etc.	Health Allowance
111.	860/2022	Shaista-vs-Chief Secretary etc.	Health Allowance
112.	861/2022	Taj UlMalook-vs-Chief Secretary etc.	Health Allowance
113.	955/2022	Israr Shah-vs-Chief Secretary etc.	Health Allowance
114.	956/2022	Shafi Ullah-vs-Chief Secretary etc.	Health Allowance
115.	957/2022	Muhammad Iqbal-vs-Chief Secretary etc.	Health Allowance
116.	958/2022	Fida Muhammad-vs-Chief Secretary etc.	Health Allowance
117.	959/2022	Abdul Hameed-vs-Chief Secretary etc.	Health Allowance
118.	960/2022	Muhammad Ibrahim-vs-Chief Secretary etc.	Health Allowance
119.	961/2022	Zia Ul Haq-vs-Chief Secretary etc.	Health Allowance
120.	962/2022	Seema Bibi-vs-Chief Secretary etc.	Health Allowance
121.	963/2022	Asia Bibi-vs-Chief Secretary etc.	Health Allowance
122.	964/2022	Imtiaz Ahmad-vs-Chief Secretary etc.	Health Allowance
123.	965/2022	Arshid Iqbal-vs-Chief Secretary etc.	Health Allowance
124.	966/2022	Qurat Ul Ain-vs-Chief Secretary etc.	Health Allowance
125.	967/2022	Noreen Gul-vs-Chief Secretary etc.	Health Allowance
126.	968/2022	Shahida Gul-vs-Chief Secretary etc.	Health Allowance
127.	969/2022	Naila Tabassum-vs-Chief Secretary etc.	Health Allowance
128.	960/2022	Safia-vs-Chief Secretary etc.	Health Allowance
129.	971/2022	Anila Haq-vs-Chief Secretary etc.	Health Allowance
130.	972/2022	Rizwan Ahmad-vs-Chief Secretary etc.	Health Allowance
131.	973/2022	Awais Alam-vs-Chief Secretary etc.	Health Allowance
132.	974/2022	Zulfiqar Ahmad-vs-Chief Secretary etc.	Health Allowance
133.	975/2022	Abdul Baqi-vs-Chief Secretary etc.	Health Allowance
134.	976/2022	Zahid Nawaz-vs-Chief Secretary etc.	Health Allowance
135.	977/2022	Saced SHAH-vs-Chief Secretary etc.	Health Allowance
136.	978/2022	Shafiq Mohammad-vs-Chief Secretary etc.	Health Allowance
137.	979/2022	Ihsan Khan-vs-Chief Secretary etc.	Health Allowance
138.	980/2022	Ilyas Khan -vs-Chief Secretary etc.	Health Allowance
139.	981/2022	Raza Ullah-vs-Chief Secretary etc.	Health Allowance
140.	982/2022	Rakhshanda-vs-Chief Secretary etc.	Health Allowance
141.	983/2022	Aneela-vs-Chief Secretary etc.	Health Allowance
142.	984/2022	Farhan Ullah-vs-Chief Secretary etc.	Health Allowance
143.	985/2022	Mst.Zarwari-vs-Chief Secretary etc.	Health Allowance
144.	986/2022	Shacen-vs-Chief Secretary etc.	Health Allowance
145.	987/2022	Uroosa Gohar-vs-Chief Secretary etc.	Health Allowance
146.	988/2022	Samna Sardra-vs-Chief Secretary etc.	Health Allowance
147.	989/2022	Humaira Taimur-vs-Chief Secretary etc.	Health Allowance
148.	990/2022	Nagina Ali-vs-Chief Secretary etc.	Health Allowance
149.	991/2022	Inam Ullah Khalil-vs-Chief Secretary etc.	Health Allowance
150.	992/2022	Mst. Nagina-vs-Chief Secretary etc.	Health Allowance
151.	993/2022	Salcem Shah-vs-Chief Secretary etc.	Health Allowance
152.	994/2022	Haider Abbas-vs-Chief Secretary etc.	Health Allowance
153.	995/2022	Ikram Ullah-vs-Chief Secretary etc.	Health Allowance
154.	996/2022	Reshma-vs-Chief Secretary etc.	Health Allowance
155.	997/2022	Lubna-vs-Chief Secretary etc.	Health Allowance
156.	998/2022	Fazal Dayan-vs-Chief Secretary etc.	Health Allowance
157.	999/2022	Fazal-E- Rabbbi-vs-Chief Secretary etc.	Health Allowance
158.	1000/2022	Muhammad Qayum-vs-Chief Secretary etc.	Health Allowance
159.	1001/2022	Noor Quresh-vs-Chief Secretary etc.	Health Allowance
160.	1002/2022	Zarin Khan-vs-Chief Secretary etc.	Health Allowance
161.	1003/2022	Javed Khan-vs-Chief Secretary etc.	Health Allowance
162.	1004/2022	Khalid Zeb-vs-Chief Secretary etc.	Health Allowance
163.	1005/2022	Rizwan Ahmed-vs-Chief Secretary etc.	Health Allowance

Appendix-A

List of cases connected with Appeal No. 1620/2022 titled "Mr. Gul Zarif Khan-vs-Govt Of Khyber Pakhtunkhwa and others"

164.	1006/2022	Habib Gul-vs-Chief Secretary etc.	Health Allowance
165.	1007/2022	Muhammad Asghar-vs-Chief Secretary etc.	Health Allowance
166.	1008/2022	Jehanzeb-vs-Chief Secretary etc.	Health Allowance
167.	1009/2022	Atta Ullah Khan-vs-Chief Secretary etc.	Health Allowance
168.	1010/2022	Abdul Sadam-vs-Chief Secretary etc.	Health Allowance
169.	1011/2022	Muhammad Arif-vs-Chief Secretary etc.	Health Allowance
170.	1012/2022	Muhammad Ibrahim-vs-Chief Secretary etc.	Health Allowance
171.	1013/2022	Jehan Badshah-vs-Chief Secretary etc.	Health Allowance
172.	1014/2022	Iftikhar Ahmed-vs-Chief Secretary etc.	Health Allowance
173.	1015/2022	Azghar Ali-vs-Chief Secretary etc.	Health Allowance
174.	1016/2022	Zain Ul Abiden-vs-Chief Secretary etc.	Health Allowance
175.	1017/2022	Muhammad Sajid-vs-Chief Secretary etc.	Health Allowance
176.	1018/2022	Muhammad Irshad-vs-Chief Secretary etc.	Health Allowance
177.	1019/2022	Taj Muhammad-vs-Chief Secretary etc.	Health Allowance
178.	1020/2022	Ibrar Ahmed-vs-Chief Secretary etc.	Health Allowance
179.	1021/2022	Ghulam Saeed-vs-Chief Secretary etc.	Health Allowance
180.	1022/2022	Hamid Hussain-vs-Chief Secretary etc.	Health Allowance
181.	1023/2022	Muhammad Zayad-vs-Chief Secretary etc.	Health Allowance
182.	1024/2022	Rahim Gul-vs-Chief Secretary etc.	Health Allowance
183.	1025/2022	Abdul Aziz-vs-Chief Secretary etc.	Health Allowance
184.	1026/2022	Yasin Khan-vs-Chief Secretary etc.	Health Allowance
185.	1027/2022	Mian Hastam Khan-vs-Chief Secretary etc.	Health Allowance
186.	1028/2022	Jan Gul-vs-Chief Secretary etc.	Health Allowance
187.	1029/2022	Nasrullah-vs-Chief Secretary etc.	Health Allowance
188.	1030/2022	Muhammad Ayub-vs-Chief Secretary etc.	Health Allowance
189.	1031/2022	Hamayun Khan-vs-Chief Secretary etc.	Health Allowance
190.	1032/2022	Allah Dad Khan-vs-Chief Secretary etc.	Health Allowance
191.	1033/2022	Wajid Khan-vs-Chief Secretary etc.	Health Allowance
192.	1034/2022	Abid Hussain-vs-Chief Secretary etc.	Health Allowance
193.	1035/2022	Mumtaz Ali Shah-vs-Chief Secretary etc.	Health Allowance
194.	1036/2022	Ghulam Khan-vs-Chief Secretary etc.	Health Allowance
195.	1037/2022	Fazal Qadim-vs-Chief Secretary etc.	Health Allowance
196.	1038/2022	Venus Rafiq-vs-Chief Secretary etc.	Health Allowance
197.	1039/2022	Muhammad Usman-vs-Chief Secretary etc.	Health Allowance
198.	1040/2022	M. Jehangir Khan-vs-Chief Secretary etc.	Health Allowance
199.	1041/2022	Rafiullah-vs-Chief Secretary etc.	Health Allowance
200.	1042/2022	Fazal Rabbi-vs-Chief Secretary etc.	Health Allowance
201.	1043/2022	Azam Khan-vs-Chief Secretary etc.	Health Allowance
202.	1044/2022	Sahib Kamal-vs-Chief Secretary etc.	Health Allowance
203.	1045/2022	Taj Un Nisa-vs-Chief Secretary etc.	Health Allowance
204.	1046/2022	Ismail-vs-Chief Secretary etc.	Health Allowance
205.	1047/2022	Ali Gohar-vs-Chief Secretary etc.	Health Allowance
206.	1048/2022	Zulfuqar Ali-vs-Chief Secretary etc.	Health Allowance
207.	1049/2022	Amjid Ali-vs-Chief Secretary etc.	Health Allowance
208.	1050/2022	Irfan Ahmed-vs-Chief Secretary etc.	Health Allowance
209.	1051/2022	Fozia-vs-Chief Secretary etc.	Health Allowance
210.	1052/2022	Saiqa Hussain-vs-Chief Secretary etc.	Health Allowance
211.	1053/2022	Muhammad Aamir-vs-Chief Secretary etc.	Health Allowance
212.	1054/2022	Zeba Zahir-vs-Chief Secretary etc.	Health Allowance
213.	1055/2022	Shazia Rauf-vs-Chief Secretary etc.	Health Allowance
214.	1056/2022	Abida Nasreen-vs-Chief Secretary etc.	Health Allowance
215.	1057/2022	Muhammad Tahir-vs-Chief Secretary etc.	Health Allowance
216.	1058/2022	Abdul Ghaffar-vs-Chief Secretary etc.	Health Allowance
217.	1059/2022	Mumtaz Khan-vs-Chief Secretary etc.	Health Allowance
218.	1140/2022	Gul Zar Ahmad-vs-Chief Secretary etc.	Health Allowance

Appendix-A

List of cases connected with Appeal No. 1620/2022 titled “Mr. Gul Zarif Khan-vs-Govt Of Khyber Pakhtunkhwa and others”

219.	1141/2022	Amir Zaman Khan-vs-Chief Secretary etc.	Health Allowance
220.	1142/2022	Rehab Khattak-vs-Chief Secretary etc.	Health Allowance
221.	1143/2022	Ikram Ullah-vs-Chief Secretary etc.	Health Allowance
222.	1144/2022	M. Tariq Ahmad-vs-Chief Secretary etc.	Health Allowance
223.	1165/2022	Fayaz Ud Din-vs-Chief Secretary etc.	Health Allowance
224.	1166/2022	Nadia Shafiq-vs-Chief Secretary etc.	Health Allowance
225.	1167/2022	Rabia Gul-vs-Chief Secretary etc.	Health Allowance
226.	1168/2022	Nargis Bibi-vs-Chief Secretary etc.	Health Allowance
227.	1169/2022	Niamat Ullah Jan-vs-Chief Secretary etc.	Health Allowance
228.	1170/2022	Sajid Rashid-vs-Chief Secretary etc.	Health Allowance
229.	1171/2022	Shazia Wakeel-vs-Chief Secretary etc.	Health Allowance
230.	1172/2022	Saima Roohi-vs-Chief Secretary etc.	Health Allowance
231.	1173/2022	Mir Asghar Khan-vs-Chief Secretary etc.	Health Allowance
232.	1174/2022	Rehana HisamUd Din-vs-Chief Secretary etc.	Health Allowance
233.	1175/2022	Hamid Ahmed Khan-vs-Chief Secretary etc.	Health Allowance
234.	1176/2022	Allah Yar-vs-Chief Secretary etc.	Health Allowance
235.	1177/2022	Nasir Mehmood-vs-Chief Secretary etc.	Health Allowance
236.	1178/2022	Khalid Mehmood-vs-Chief Secretary etc.	Health Allowance
237.	1179/2022	Mir Saleem-vs-Chief Secretary etc.	Health Allowance
238.	1189/2022	Muhammad Zahid-vs-Chief Secretary etc.	Health Allowance
239.	1181/2022	Nauman Ali Arif-vs-Chief Secretary etc.	Health Allowance
240.	1204/2022	Mst. Shaheen Begum-vs-Chief Secretary etc.	Health Allowance
241.	1205/2022	Fazal Mabood-vs-Chief Secretary etc.	Health Allowance
242.	1206/2022	Syed Nabi Hussain-vs-Chief Secretary etc.	Health Allowance
243.	1207/2022	Abdul Ghaffar-vs-Chief Secretary etc.	Health Allowance
244.	1208/2022	Ahmad Saleem-vs-Chief Secretary etc.	Health Allowance
245.	1246/2022	Aleem Gul-vs-Chief Secretary etc.	Health Allowance
246.	1247/2022	Bibi Nagira-vs-Chief Secretary etc.	Health Allowance
247.	1731/2022	M.Amir Khan-vs-Chief Secretary etc.	Health Allowance
248.	1732/2022	Sultan Room Badshah-vs-Chief Secretary etc.	Health Allowance
249.	1733/2022	Mst. Shamshad Begum-vs-Chief Secretary etc.	Health Allowance
250.	1734/2022	M. Nawaz Ali Jan-vs-Chief Secretary etc.	Health Allowance
251.	1735/2022	Muhammad Zeb-vs-Chief Secretary etc.	Health Allowance
252.	1736/2022	Raheel Abbas-vs-Chief Secretary etc.	Health Allowance
253.	1737/2022	Akbar Ali-vs-Chief Secretary etc.	Health Allowance
254.	1738/2022	Bahrawar Shah-vs-Chief Secretary etc.	Health Allowance
255.	1739/2022	Azra Shad-vs-Chief Secretary etc.	Health Allowance
256.	1740/2022	-vs-Chief Secretary etc.	Health Allowance
257.	1741/2022	Saad Ullah Khan-vs-Chief Secretary etc.	Health Allowance
258.	1511/2023	Saadat Ali Khan-vs-Chief Secretary etc.	Health Allowance
259.	1512/2023	Abdul Salam-vs-Chief Secretary etc.	Health Allowance
260.	1513/2023	Shahnawaz Ahmad-vs-Chief Secretary etc.	Health Allowance
261.	1514/2023	Muhammad Asif-vs-Chief Secretary etc.	Health Allowance
262.	1515/2023	M. Firdous Abbasi-vs-Chief Secretary etc.	Health Allowance
263.	1516/2023	Ali Zaman-vs-Chief Secretary etc.	Health Allowance
264.	1517/2023	Mst.Aliya-vs-Chief Secretary etc.	Health Allowance
265.	1518/2023	Habib Ullah-vs-Chief Secretary etc.	Health Allowance
266.	1519/2023	Mst. Lubna Rani-vs-Chief Secretary etc.	Health Allowance
267.	1520/2023	Sardar Shahid Qayyum-vs-Chief Secretary etc.	Health Allowance
268.	1521/2023	Muhammad Azim-vs-Chief Secretary etc.	Health Allowance
269.	1522/2023	Abdul Rasheed-vs-Chief Secretary etc.	Health Allowance
270.	1523/2023	Amir Khan-vs-Chief Secretary etc.	Health Allowance
271.	1524/2023	Muhammad Younas-vs-Chief Secretary etc.	Health Allowance

Appendix-A

List of cases connected with Appeal No. 1620/2022 titled "Mr. Gul Zarif Khan-vs-Govt Of Khyber Pakhtunkhwa and others"

272.	1525/2023	Khalid Mehmood Qureshi-vs-Chief Secretary etc.	Health Allowance
273.	1526/2023	Muhammad Shakil-vs-Chief Secretary etc.	Health Allowance
274.	1527/2023	Muhammad Ayaz-vs-Chief Secretary etc.	Health Allowance
275.	1528/2023	Mst. Robina Mazhar-vs-Chief Secretary etc.	Health Allowance
276.	1529/2023	Mumtaz Bashir-vs-Chief Secretary etc.	Health Allowance
277.	1530/2023	Ghulam Naseer-vs-Chief Secretary etc.	Health Allowance
278.	1611/2022	M. Mushtaq-vs-Chief Secretary etc.	Health Allowance
279.	1622/2022	Nawaz Gul-vs-Chief Secretary etc.	Health Allowance
280.	1623/2022	Naimat Ullah-vs-Chief Secretary etc.	Health Allowance
281.	1624/2022	Hafcez Ullah-vs-Chief Secretary etc.	Health Allowance
282.	1625/2022	Shoukat Ayaz-vs-Chief Secretary etc.	Health Allowance
283.	1626/2022	Salman Khan-vs-Chief Secretary etc.	Health Allowance
284.	1627/2022	Wahced Nawaz-vs-Chief Secretary etc.	Health Allowance
285.	1628/2022	Israr Ahmed-vs-Chief Secretary etc.	Health Allowance



(Kalim Arshad Khan)
Chairman



(Salah-Ud-Din)
Member (Judicial)

ORDER
12.02.2024

Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present. Arguments heard and record perused.

Vide our consolidated judgment of today, placed on file, the instant appeal as well as clubbed appeals mentioned in appendix-A are dismissed. Attested copy of this judgment be placed on files of all the clubbed appeals mentioned in appendix-A. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
12.02.2024



(Kalim Arshad Khan)
Chairman



(Salah-Ud-Din)
Member (Judicial)

Naeem Amin