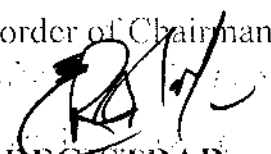


FORM OF ORDER SHEET

Court of _____

Appeal No. 702/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	24/05/2024	<p>The appeal of Mr. Muhammad Tariq presented today by Mr. Noor Muhammad Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 28.05.2024. Parcha Peshi given to the counsel for the appellant.</p> <p style="text-align: right;">By the order of Chairman  REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 702 /2024

MUHAMMAD TARIQ KHAN VS HEALTH DEPTT:

INDEX

S. NO	DOCUMENTS	ANNEX	PAGE
1.	Memo of Appeal with Affidavit	1-4
2.	Copy of appointment order	A	5
3.	Copy of the Regularization Act	B	6-14
4.	Copy of the notification	C	15-16
5.	Copy of office order	D	17
6.	Copy of departmental appeal and covering letter	E	18-19
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8.	Copy of letter dated 26/07/2023	G	21
9.	Wakalat Nama		22

APPELLANT

THROUGH:

NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL No. 702 /2024

Mr. Muhammad Tariq Khan, Accountant (BPS-16)
MNCH Program District Karak.

.....APPELLANT

V E R S U S

- 1- The Secretary Health Department, Govt: of Khyber Pakhtunkhwa, Peshawar
- 2- The Director General Health Services Khyber Pakhtunkhwa, Peshawar.
- 3- Provincial Coordinator MNCH Program, Peshawar.

.....RESPONDENTS

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE INACTION OF THE RESPONDENTS BY NOT COUNTING THE CONTRACTUAL SERVICE I.E. 25.8.2009 TO 7.3.2018 OF THE APPELLANT FOR THE PURPOSE OF PENSION AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN PERIOD OF NINETY DAYS

PRAYER:

That on acceptance of this appeal, the contractual/ temporary service of the appellant i.e. 25.8.2009 to 7.3.2018 may kindly be counted towards pension under Rule 2.3 of Pension Rules, 1963 and the respondents may kindly be directed to release pension of the appellant after counting the ibid contractual service towards regular service the pensionary benefits may kindly be granted/allowed to the appellant. Any other relief which this august Tribunal may deems fit may also be awarded in favour of the appellant.

R/SHEWETH:

ON FACTS:

Brief facts giving rise on the present appeal are as under:

1. That the appellant was initially recruited as Accounts Assistant under the MNCH Program NWFP vide office order dated 25/08/2009. Copy of appointment order is attached as annexure.....**A**
2. That after appointment, the appellant performing his duties quite efficiently and to the entire satisfaction of his high-ups, during the service of the appellant the Government of Khyber Pakhtunkhwa through Regularization of Services Act, 2018, regularized the service of the Adhoc employees including the appellant. Copy of the Regularization Act is attached as annexure.....**B**
3. That in pursuance to the ibid Regularization Act, the service of the appellant alongwith his other colleagues were regularized w.e.f. commencement of the Act i.e. 7.3.2018 by the respondent through a notification dated 11/10/2018. Copy of the notification is attached as annexure.....**C**
4. That the appellant has been retired from the service on attaining the age of superannuation and has been relieved from his post vide office order dated 15/03/2024. Copy of office order is attached as annexure.....**D**
5. That it is important to mention here that the respondent, astonishingly and without any reason did not count the contractual period of appellant towards pensionary benefits and deprived the appellant from pension.
6. That feeling aggrieved from the inaction of the respondent by not counting the contractual period of the appellant and not granting pensionary benefits, preferred departmental appeal before the respondent, but the same has not been decided till date. Copy of departmental appeal and covering letter are attached as annexure.....**E**
7. That appellant feeling aggrieved from the inaction of the respondents filed the instant appeal on the grounds inter alia as under :-

Grounds:-

- A- That the appellant has not been treated in accordance with law and rules by the respondent Department on the subject noted

above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.

- B- That according to Article 38 (e) of the Constitution of Islamic Republic of Pakistan, 1973 the state is bound to reduce disparity in the income and earning of individuals including persons in the services of the federation, therefore in light of the said Article the appellant is fully entitle for pensionary benefits.
- C- That the appellant has been discriminated on the subject noted above and as such the respondents violated the principle of natural justice.
- D- That under rule 2.3 of the West Pakistan Pension Rules 1963 continuous temporary and officiating service rendered for a period of more than five years shall count for pension.
- E- That under Article 371 (A) CSR a Government servants borne on temporary establishments who have rendered continuous temporary service for more than 5 years shall count such service for the purpose of pension or gratuity excluding broker periods of temporary service, if any, rendered previously. Moreover, Temporary and officiating service followed by confirmation which does not qualify for pension under the rules shall also count for pension or gratuity subject to the exclusion of the broker periods of temporary or officiating service, if any.
- F- That Article 418,419,420 of CSR are crystal clear on the subject and the appellant deserves to get pensionary benefits.
- G- That besides above rules, FR 22-A of the Fundamental Rules is very much relevant on the issue and the appellant is fully entitle for pensionary benefits with effect from the date of his first appointment.
- H- That even the daily wages employees are entitled to pensionary benefits upon regularization as such the appellant fully qualifies the criteria.
- I- That in a similar nature case, Finance Department vide a notification dated 22/06/2019 has accorded sanction of regularization of fixed pay of Class-IV employees appointed on the policies by extending them the status of civil servant as per Civil Servants Act 1973 from the date of first appointment

instead of the date of regularization. Copy of notification dated 22/06/2019 is attached as annexure.....F

J- That vide another letter Finance Department has granted pensionary benefits by counting their previous service rendered being not regular employee as such the contractual services of the appellant towards regular service also qualifies for the purpose of pension. Copy of letter dated 26/07/2023 is attached as annexure.....G

K- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

Dated: -05-2024

APPELLANT

THROUGH:

**NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT**

UMAR FAROOQ MOHMAND

**WALEED ADNAN
&**

**MAHMOOD JAN
ADVOCATES HIGH COURT**

AFFIDAVIT

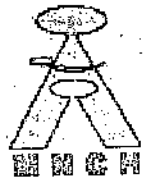
I, Mr. Muhammad Tariq Khan, Accountant (BPS-16) MNCH Program District Karak, (the appellant), do hereby solemnly affirm on oath that the contents of the above appeal are true and correct to the best of my knowledge and believe and nothing has been concealed from this Honorable Tribunal.

DEPONENT



-5- "A"

**GOVERNMENT OF PAKISTAN
NATIONAL MATERNAL, NEWBORN &
CHILD HEALTH (MNCH) PROGRAM, NWFP.**



OFFICE ORDER

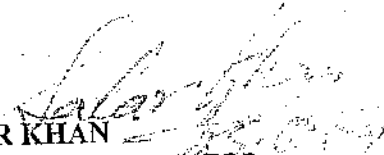
No.109-12/MNCH/H/ As a result of the decision of the Selection / Interview Committee meeting held on 20-08-2009 under the Chairmanship of Provincial Coordinator National MNCH Program, NWFP, **Mr. Muhammad Tariq S/O Mr. Gul Janan** is appointed as **Accounts Assistant on EPS: 14 (fixed pay Rs. 15000/- per month i.e salary including allowances & 5% as annual increment)** against the vacant post of Accounts Assistant at the Community Midwifery School Karak on contract basis for a period of one year (extendable) on the terms and conditions mentioned below, in addition to other prevalent rules and regulations applicable. He will also be eligible to get the incentives / increase in salaries permissible to them by the Govt: Policy in addition to his present salary package. The appointment of the candidate is under the authority of the National MNCH Program, NWFP being specified / mentioned in the PC-1 of the MNCH Program & the salary / incentive package will be paid by the same Program as per PC-1.

TERMS & CONDITIONS.

1. He is declared medically fit for Govt. service by authorized Medical Superintendent DHQ Hospital / Police & Services Hospital Peshawar.
2. He will be governed by the same rules and regulations as may be issued by the Govt. from time to time & may be attached to the concerned Executive District Officer (Health) / District MNCH Cell Karak.
3. If he wishes to resign, he will resign in writing by giving prior notice of one month or deposit one month pay in lieu of one month advance notice.
4. He will work as Accounts Assistant & will deal all the matters related to Accounts
5. His appointment is purely on contract basis and can be terminated without any notice or reason being assigned.
6. He will not be entitled for any pension/gratuity for the services rendered.
7. He has to join duty at his own expenses.
8. If the above terms and condition are acceptable to him, he should report for duty to the office of the **Principal Community Midwifery School, Karak** within one week of issuance of this Office Order positively, failing which, the offer will be considered as withdrawn.

Note:

- He is directed to open Bank account in the National Bank of Pakistan & submit account number to this office along with the submission of arrival report for salary purpose.


DR. SALAR KHAN
PROVINCIAL COORDINATOR
NATIONAL MNCH PROGRAM
NWFP PESHAWAR.

Copy for information and necessary action to the:-

- P.A to Director General Health Services, NWFP, Peshawar.
- Executive District Officer (Health), Karak.
- Principal, Community Midwifery School, Karak.
- Finance Officer, National MNCH Program NWFP Peshawar.
- Mr. Muhammad Tariq S/O Mr. Gul Janan.

THE KHYBER PAKHTUNKHWA EMPLOYEES (REGULARIZATION OF SERVICES) ACT, 2018.

(KHYBER PAKHTUNKHWA ACT NO. X OF 2018)

CONTENTS

PREAMBLE

SECTIONS

1. Short title, application and commencement.
2. Definitions.
3. Regularization of services of adhoc employees.
4. Regularization of services of project employees.
5. General conditions for regularization.
6. Seniority.
7. Removal of difficulties.
8. Overriding effect.

SCHEDULE

THE KHYBER PAKHTUNKHWA EMPLOYEES (REGULARIZATION OF SERVICES) ACT, 2018.

(KHYBER PAKHTUNKHWA ACT NO. X OF 2018)

[First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of Khyber Pakhtunkhwa (Extraordinary), dated the 7th March, 2018].

**AN
ACT**

to provide for the appointment and regularization of services of certain employees appointed on adhoc basis against civil posts and contract basis against project posts in the Province of the Khyber Pakhtunkhwa.

WHEREAS it is expedient to provide for the appointment and regularization of services of certain employees appointed on adhoc basis against civil posts and contract basis against project posts in the Province of the Khyber Pakhtunkhwa;

It is hereby enacted as follows:

1. Short title, application and commencement.---(1) This Act may be called the Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2018.

(2) It shall apply to all the employees as defined in clause (e) of subsection (1) of section 2 of this Act.

(3) It shall come into force at once.

2. Definitions.--- (1) In this Act, unless the context otherwise requires;

- (a) "Commission" means the Khyber Pakhtunkhwa Public Service Commission;
- (b) "contract appointment" means the appointment of a duly qualified person, for a specific period, made against project posts, in a prescribed manner;
- (c) "Departmental Selection Committee" means a Departmental Selection Committee, constituted for the purpose of making selection for initial recruitment to civil post under a Government Department or office of Government;

- (d) "Government" means the Government of the Khyber Pakhtunkhwa;
- (e) "employees" mean duly qualified,-
 - (i) one hundred and fifty-eight (158) District Specialists of Health Department, who are appointed on adhoc basis against civil posts w.e.f. 4th July, 2017 and holding such civil posts till the commencement of this Act; and
 - (ii) persons, who are appointed in the projects on contract basis in accordance with the project policy;
- (f) "Government Department" means a Government Department, as defined in the Khyber Pakhtunkhwa Government Rules of Business, 1985;
- (g) "law or rule" means the law or rule, for the time being in force, governing the selection and appointment of civil servants;
- (h) "project" means a perpetual nature project, the continuation on which and conversion to regular budget is essential for service delivery duly identified by the Departments and reflected in the Schedule;
- (i) "civil post" means a civil post under Government or in connection with the affairs of Government to be filled in on the recommendation of the Commission;
- (j) "project post" means a post in the project; and
- (k) "Schedule" means a Schedule appended to this Act.

(2) The expression "adhoc appointment" shall have the same meaning as is assigned to it in the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973).

3. Regularization of services of adhoc employees.---Notwithstanding anything contained in any law or rules, the employees at sub-clause (i) of clause (e) of sub-section (1) of section 2 of this Act, appointed on adhoc basis against civil posts and holding such civil posts till the commencement of this Act, shall be deemed to have been validly appointed on regular basis, from the date of commencement of this Act,

subject to verification of their qualifications and other credentials by the concerned Government Department.

4. Regularization of services of project employees.---Notwithstanding anything contained in any law or rules, the employees at sub-clause (ii) of clause (e) of sub-section (1) of section 2 of this Act, appointed on contract basis against project posts and holding such project posts till the commencement of this Act, shall be deemed to have been validly appointed on regular basis from the date of commencement of this Act, subject to verification of their qualifications and other credentials by the concerned Government Department:

Provided that the terms and conditions of services of employees reflected at S.No.5 of the Schedule shall further be governed under the National Disaster Management Authority Act, 2010 (Act No. XXIV of 2010) and Regulations made thereunder; and the terms and conditions of services of employees reflected at S.No.6 & 7 of the Schedule shall be governed under the Khyber Pakhtunkhwa Emergency Rescue Services Act, 2012 (Khyber Pakhtunkhwa Act No. XV of 2012).

5. General conditions for regularization.---For the purpose of regularization of the employees under this Act, the following general conditions shall be observed:

- (i) the service promotion quota of all service cadres shall not be affected;
- (ii) the employees shall possess the same qualification and experience as required for a regular post;
- (iii) the employees have not resigned from their services or terminated from service on account of misconduct, inefficiency or any other grounds before the commencement of this Act; and
- (iv) the services of such employees shall be deemed to have been regularized only on the publication of their names in the Official Gazette.

6. Seniority.---(1) Except the employees mentioned in the proviso to section 4 of this Act, whose services are to be regulated by their respective laws and rules, all other employees whose services are regularized under this Act or in the process of attaining service at the commencement of this Act, shall rank junior to all civil servants belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of this Act, and shall also rank junior to such other persons, if any, who, in pursuance of the recommendation of the Commission or Departmental Selection Committee, as the case may be, made before

the commencement of this Act, are to be appointed to the respective service or cadre, irrespective of their actual date of appointment.

(2) The seniority inter-se of the employees, whose services are regularized under this Act within the same service or cadre, shall be determined on the basis of their continuous officiation in such service or cadre:

Provided that if the date of continuous officiation in the case of two or more employees is the same, the employee older in age shall rank senior to the younger one.

7. Removal of difficulties.---If any difficulty arises in giving effect to any of the provisions of this Act, the Chief Minister may make such order not inconsistent with the provisions of this Act as may appear to it to be necessary for the purpose of removing such difficulty:

Provided that no such powers shall be exercised after the expiry of one year from the coming into force of this Act.

8. Overriding effect.---Notwithstanding anything to the contrary contained in any other law or rule for the time being in force, the provisions of this Act shall have an overriding effect and the provisions of any such law or rule to the extent of inconsistency to this Act shall cease to have effect.

SCHEDULE

See section 2(1)(h)(k)

1. Capacity Building of Planning and Development Department.
2. Establishment of M&E System in Khyber Pakhtunkhwa.
3. Sustainable Development Unit, Planning and Development Department.
4. Urban Policy Unit, Planning and Development Department.
5. Provincial Reconstruction, Rehabilitation & Settlement Authority under Provincial Disaster Management Authority.
6. Establishment of Emergency Rescue Services (Rescue 1122) in 16 Districts.
7. Establishment of Planning, Monitoring & Evaluation Wing in ERS (Rescue 1122) Headquarter.
8. Roll Back Malaria Control Program.
9. Prime Minister's Program for prevention and control of Hepatitis.
10. Establishment of Financial Management Cell in Health Department.
11. Establishment of Safe Blood transfusion.
12. Strengthening of TB Control Program Khyber Pakhtunkhwa.
13. Establishment of Procurement Cell in office of DG Health Services, Peshawar.
14. Mother, Neonatal and Child Health (MNCH) Program in Khyber Pakhtunkhwa.

15. Social Health Protection Initiative for Khyber Pakhtunkhwa.
16. Establishment of Bacha Khan Medical College Mardan.
17. Integrated HIV, Hepatitis and Thalassemia Control Program.
18. Construction of Shaheed Mohtarama Benazir Bhutto Children Hospital Mardan.
19. Higher Education Management Information System (HEMIS) Cell.
20. Project Management Unit (PMU) for implementation of BS Program and Special Initiatives.
21. Computerization of Arms License.
22. Prison Management Information System.
23. Development of Common Application for Government Departments.
24. ICT Infrastructure for Government of Khyber Pakhtunkhwa.
 - 24A. IT Support for improvement of Health Service Delivery.
 - 24B. IT Professional Training Centre.
25. Strengthening of Planning Cell at Elementary & Secondary Education Department.
26. Provision of free text book to all students of Khyber Pakhtunkhwa upto Intermediate level (Phase-XIV).
27. Strengthening of Planning Cell at Industries Department.
28. Establishment of Special Media Cell in the Directorate of Information.
29. Strengthening of Information Department.

30. Establishment of three FM Stations at Kohat, Swat and Abbottabad.
31. Establishment of Planning Cell at Local Government and Rural Development Department.
32. Retirement Benefit and Death Compensation Cell.
33. Automation of Pension Payment System (APPS).
34. Energy Monitoring Unit.
35. Establishment of Planning Cell in Food Department.
36. Automation of Food Department.
37. Operationalization of Redesigned Energy and Power Department.
38. Establishment of Planning Cell in Energy and Power Department.
39. Computerization of Land Record.
40. Creation of MRS Cell in C&W Department.
41. Enhancement of existing facilities in MIS/GIS for C&W Department.
42. Strengthening of Planning Cell and Monitoring of Developmental Projects of Agriculture Department.
43. Project Coordination Unit (PCU) for implementation of Law and Order Initiative in Khyber Pakhtunkhwa.
44. Afghan Management and Repatriation Cell at Home Department.
45. Traffic Control Management System and FM Radio 693-120173.
46. Strengthening of Prosecution Directorate, PCMC and Planning Cell at Home Department.

47. Establishment of 100 Family Welfare Centers.
48. Establishment of Population and Research Training Institute and Social Mobilization.
49. Value Addition/Research and Development works on Ore Minerals in Khyber Pakhtunkhwa.
50. Establishment of Model Coal Mine at Shahkot District Nowshera.
51. Establishment of Zoo for Peshawar Division.
52. Development and Management of National Park in Khyber Pakhtunkhwa.
53. Conservation and Management of Wildlife in Central and Northern Division.
54. Establishment of Monitoring, Evaluation, Grievance and Inquiry Cell in Administrative Department.
55. Establishment of Climate Change Cell for Multilateral Environmental Agreements.
56. Carbon Stock Assessment in Khyber Pakhtunkhwa.
57. Introduction of Range Management Initiatives in Khyber Pakhtunkhwa.
58. Establishment of Engineering Wing in Sports, Tourism, Archeology, Youth Affairs and Museums Department.



- 15 - "C"

**GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT**

Peshawar, Dated the 11th October, 2018

NOTIFICATION

NO. E&A/Health/2-65/2018: In pursuance of Section 4 of the Khyber Pakhtunkhwa employees (Regularization of Services) Act, 2018, the following Account Assistants of "Mother, Neonatal and Child Health (MNCH) Program in Khyber Pakhtunkhwa" appointed on adhoc/contract basis, hereby stand regularized against the posts as mentioned against each with effect from the date of commencement of Act:

S#	Employee Name	FATHER NAME	Designation-BPS
1	Abdul Hameed	Ghani Muhammad	Accountant -16
2	Inamullah	Piwand Khan	Accountant -16
3	Saeed Rasheed	Abd Ur Rasheed	Accountant -16
4	Khalid Ali	Wali Muhammad	Accountant -16
5	Abdal Khan	Muhammad Israr Khan	Accountant -16
6	Abbas Ali	Mumtaz Ahmad	Accountant -16
7	Wahab Khan	Muhammad Ayub Khan	Accountant -16
8	Mehrab Ali	Mir Dill Khan	Accountant -16
9	Jamil Ghulam	Qader Bakhsh Bhatti	Accountant -16
10	Asad ullah	Abdullah	Accountant -16
11	Inamullah	Muhammad Zamin	Accountant -16
12	Shahid Amin	Gul Amin	Accountant -16
13	Sajid Mehmood	Muhammad Yaqoob Khan	Accountant -16
14	Muhammad Tariq	Gul Janan	Accountant -16
15	Muhammad Arshad	Muhammad Younis	Accountant -16
16	Sajid Ahmad	Sawab Badshah Khattak	Accountant -16
17	Israr Ahmad	Abdullah Jan	Accountant -16
18	Sajjad	Sher Bahadur	Accountant -16
19	Kaleem Ullah	Hanif Ullah	Accountant -16
20	Muhammad Fahcem Khan	Muhammad Tasleem	Accountant -16
21	Siyar Khan	Sar Zamin Khan	Accountant -16
22	Tahir Abbas	Abdur Rehman	Accountant -16
23	Sabir Ali	Mumtaz Ali	Accountant -16
24	Shah Usman Jehangir Khan Watozai	Muhammad Jehangir Khan Watozai	Accountant -16
25	Anjum Shehzad	Zafar Ullah Khan	Accountant -16
26	Imran Khan	Sher Bahadur	Accountant -16
27	Nadia Khan	Nadar Khan	Accountant -16
28	Muhammad Azam Khan	Muhammad Ajmal Khan	Accountant -16
29	Siraj M Jadoon	Sheraz Khan	Accountant -16

- 16 -



**GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT**

30	Shoukat Ali Khan	Mohammad Ibrahim	Accountant - 16
31	Nouman Aslam Kundi	Muhammad Aslam Kundi	Accountant 16
32	Ahmad Gul	Malik Ahmad	Accountant 16

The Controlling officer shall verify the credentials of above mentioned staff from concerned boards/Institutes and submit a complete report to this department. In case found fake/ambiguous, the regularization shall stand cancelled automatically ab initio.

The entre-c-seniority shall be determined as per rules.

**SECRETARY TO GOVT. OF KHYBER
PAKHTUNKWA HEALTH DEPARTMENT**

Endst. No. & date even.

Copy forwarded to the:

1. Additional Chief Secretary, P&D Department, Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Secretary to Governor, Khyber Pakhtunkhwa.
4. Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
5. Accountant General, Khyber Pakhtunkhwa.
6. Director General, Health Services, Khyber Pakhtunkhwa.
7. Project Director, Mother, Neonatal and Child Health (MNCH) Program in Khyber Pakhtunkhwa with the request to continue their emoluments for posts being held by them and shift the same to regularize post which shall stand created w.e.f the date of formal notification by the Finance Department.
8. PSO to Chief Secretary, Khyber Pakhtunkhwa.
9. PS to Senior Minister for Health Khyber Pakhtunkhwa.
10. PS to Secretary/Spl: Secretary, Health Department.


SECTION OFFICER (GENERAL)
HEALTH DEPARTMENT



-17- "D"



National MNCH Program

GOVERNMENT OF KHYBER PAKHTUNKHWA HEALTH DEPARTMENT
Maternal, Newborn & Child Health
Program,

OFFICE ORDER

Mr. Muhammad Tariq s/o Gul Janan working as Accountant under MNCH Program CMW School District Karak is hereby relieve from his duty with effect from 20/03/2024 as he is attaining the age of superannuation on 20-03-2024 according to his date of birth i.e 20-03-1964:

T. Hafiz

15-3-24
PROVINCIAL COORDINATOR
MNCH PROGRAM PESHAWAR.

No 72-76 /PC/MNCH/PF.

Dated 15/03/2024.

Copy forwarded for information and necessary action:

- > Director General Health Services Khyber Pakhtunkhwa
- > District Health Officer Karak.
- > MS DHQ Hospital District Karak.
- > Account Officer MNCH Program PIU Peshawar for n/a.
- > Official Concerned.



-18- "E"

GOVERNMENT OF KHYBER PAKHTUNKHWA HEALTH DEPARTMENT
Maternal, Neonatal & Child Health
Program,

NO 27 PC/MNCH/PF


Date 31/01/2024

To

Mr. Muhammad Tariq Accountant
(BPS-16) MNCH Program District Karak.

SUBJECT: APPEAL FOR REGULARIZATION OF SERVICES FROM THE DATE
OF APPOINTMENT I.E 25/08/2009.

Reference your an application dated 18-12-2023 on the subject noted above
which is self explanatory regarding the tenure of project service from the date of first
appointment i.e 25/08/2009, is hereby regretted due to project services before regularization is
not converted for pension.


PROVINCIAL COORDINATOR
MNCH PROGRAM PESHAWAR

-19-

To,

The Provincial Coordinator
MNCH Program Khyber Pakhtunkhwa Peshawar.

SUBJECT:

**APPEAL FOR REGULARIZATION OF SERVICES FROM THE DATA OF
APPOINTMENT I.E 25/08/2009.**

Dear Sir,

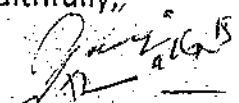
I have the honour to submit few lines for your sympathetic and favorable consideration as follow.

- I. That I was appointed as Account Assistant (BPS-14) in the year 2009 in a project named MNCH (Health Department).
- II. That amongst other Projects/ MNCH employees including me were regularized under regularization Act 2018.
- III. That by the virtue of the above Act my total length of service is 6 years, wherein for availing pension benefits the required length of regular service is 10 year under the pension rules in vogue in Khyber Pakhtunkhwa.
- IV. That from my initial appointment (25/08/2009) till regularization (07/03/2018) my service was continue without any service break.
- V. That I am performing my duties up to the entire on my part during my entire course of services history.

It is therefore, humbly requested that my service may kindly be regularized from my date of appointment i.e 25/08/2009 enabling the undersigned to avail the pension benefit as I am on the verge of retirement attaining the age of superannuation in 60 years in the year 2024 and obliged.

Date: 18 /12/2023

Your's faithfully,



Muhammad Tariq S/O Gul Janan

Accountant BPS-16 MNCH Karak.

CNIC No: 1420277907689

Mobile: 03339416969

"F" - 20 -

TO BE SUBSTITUTED BEARING SAME NO. & DATE.



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

Dated Peshawar the 22-08-2019

NOTIFICATION


No. FD(SO&R-ID)4-36/2017. In pursuance of the judgement of Peshawar High Court Abbottabad Bench in Writ Petition No. 627-A/2018 dated: 18.12.2018 and Judgements of various Lower Courts as well as supersession of Finance Department policy letter No. B-1/1-22/2007-08/FD dated: 29.01.2008, the Competent Authority has been pleased to accord sanction of regularization of Fixed Pay Class-IV employees appointed on the basis of policies issued vide Finance Department notifications No. B-1/2-1/22-93/1 dated: 04.11.1992 and No. B-1/1-22/94-95/FD Vol-II dated: 24.07.1999 by extending them the status of civil servant as per Civil Servant Act 1973 from the date of their first appointments instead of the date of their regularization w.e.f. 01.07.2008 in their respective entities in the best of public interest.

SECRETARY TO GOVERNMENT
OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

Ends: No & date even

Copy for information and necessary action is forwarded to the.

1. The Additional Chief Secretary (P&D), Khyber Pakhtunkhwa.
2. The Provincial Police Officer, Khyber Pakhtunkhwa.
3. The Accountant General Khyber Pakhtunkhwa.
4. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
6. All Administrative Secretaries Government of Khyber Pakhtunkhwa.
7. All Deputy Commissioners in Khyber Pakhtunkhwa.
8. All Heads of Attached Departments in Khyber Pakhtunkhwa.
9. The Director, Treasury & Accounts Khyber Pakhtunkhwa.
10. The Director, Local Fund Audit, Khyber Pakhtunkhwa.
11. Director, FAHC, Finance Department.
12. Budget Officer-M, Finance Department.
13. Budget Officer-I, Finance Department with reference to their letters quoted above.
14. All District Controller of Accounts Khyber Pakhtunkhwa.
15. All District Account Officers in Khyber Pakhtunkhwa.
16. PS to Chief Secretary, Khyber Pakhtunkhwa.
17. PS to Secretary Finance, Khyber Pakhtunkhwa.
18. PS to Special Secretary Finance Department, Khyber Pakhtunkhwa.
19. PA to Additional Secretary (Regulation), Finance Department.


(ISHAQ ZAMEER KHAN)
Section Officer (SR-II)

Better Copy

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GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENTAL
(REGULATION WING)

Dated Peshawar the 22/06/2019

NOTIFICATION

No FD(SOSR-II)4-36/2017, In pursuance of the judgment of Peshawar High Court Abbottabad Bench in Writ Petition No 627-A/2018 dated 18/12/2018 and judgments of various Lower Courts as well as suspension of Finance Department policy letter No BS-I/1-22/2007-08/FD dated 29/01/20018, the competent authority has been pleased to accord sanction of regularization of Fixed Pay Class-IV employees appointed on the basis of policies issued vide Finance Department Notification No B-1/2-1/92-93/1 dated 04/11/1992 and No B-1/1-22-94-95/FD Vol-II dated 24/07/1999 by extending them the status of Civil Servant as per Civil Servant Act, 1973 from the date of their first appointment instead of date of their regularization w.e.f 01/07/2008 in their respective entities in the best of public interest.

Secretary to Government
Of Khyber Pakhtunkhwa
Finance Department

Endst: No & date even



"9"

GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

- 21 -

Finance Department Civil Secretariat Peshawar

<http://www.finance.gkp.pk>

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twitter.com/GoKPFD

NO.SOSR-III/FD/1-12/2023

Dated Peshawar the 26.07.2023

To

The Secretary to Govt. of Khyber Pakhtunkhwa,
Planning & Development Department.

Subject:-

REQUEST FOR REGULARIZATION OF SERVICE W.E.F 1995 INSTEAD OF 2006.

Dear Sir,

I am directed to refer to your letter No.SO(E)/P&D/PF/1097/2023 dated 09.06.2023 on the subject noted above and to state that Finance Department Notification dated 22.05.2019 was only notified in favor of Class-IV employees enabling them to receive pensionary benefits by counting their previous service rendered being not regular employees.

I am therefore, directed to convey that the relief granted to Class-IV employees vide notification ibid cannot be extended to others employees. Hence the instant request for regularization of the service in respect of Mr.Jamshed Ali Khan Ex-Assistant Chief (BPS-18) Planning & Development Department cannot be considered in light of Finance Department Notification dated 22.05.2019, please.

Spencer Telli

Yours faithfully,

[Signature]
SECTION OFFICER (SR.II)

VAKALATNAMA
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No /2024

Muhammad Taviar

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Govt of KPK

(RESPONDENT)
(DEFENDANT)

I/We M. Taviar

Do hereby appoint and constitute **Noor Mohammad Khattak Advocate Supreme Court** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. / /2024


CLIENT 8/5/2024

ACCEPTED

**NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT**


WALEED ADNAN


UMAR FAROOQ MOHMAND

&


**MEHMOOD JAN
ADVOCATES**

OFFICE:

Flat No. (TF) 291-292 3rd Floor,
Deans Trade Centre, Peshawar Cantt.
(0311-9314232)