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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR


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Muharib Compilation


Incharge Judicial Branch

(00000002) Grade: 09 W/N: Buckle No.: Gazetted/Non-Gazetted: N
 CNIC: 1350308009819 Desig: 18,938.00

0001 Basic Pay	8,100.00	3105 CPF Subscription - Rs	524.00-
1000 House Rent Allowance	1,115.00	3501 Benevolent Fund	180.00-
1210 Convey Allowance 20	1,150.00	3511 Addl Group Insurance	7.00-
1300 Medical Allowance	1,000.00	3604 Group Insurance	67.00-
1923 UAA-OTHER 201 (1-15)	1,000.00	3640 Emp. Edu. Fund	15.00-
1948 Adhoc Allowance 2010	2,370.00		
1970 Adhoc Relief Allow 2	711.00		
PAYMENTS	15,477.00	DEDUCTIONS	793.00-


PAYMENTS
 Branch Code: 221387


SAFTA
 HABIB BANK LIMITED
 RAFTA

CPF:

NET PAY
 HANSEERA

14,684.00 01.04.2012 30.04.2012
 Acct. No: 7100045603


 District Accounts Officer
 Battagram

29


Buckle No.: Gazetted/Non-Gazetted: N

①

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 11951/2020

BEFORE: MR. KALIM ARSHAD KHAN CHAIRMAN
MRS. RASHIDA BANO ... MEMBER (J)

Mst. Khalida Behgum W/O Inayat Ullah, R/o Mohallah Saeed Khel, Tehsil &
District Lakki Marwa. (Appellant)

VERSUS

1. The Government of Khyber Pakhtunkhwa through Secretary Health Department, Civil Secretariat, Peshawar.
2. Director General Health Services, Health Department, Peshawar.
3. District Health Officer, Lakki Marwat.
4. District Co-Ordinator, Lady Health Workers Program, Khyber Pakhtunkhwa, Lakki Marwat.
5. District Accounts Office Lakki Marwat.

... (Respondents)

Mr. Tajdar Faisal Khan
Advocate

... For appellant

Mr. Muhammad Jan
District Attorney

... For respondents

Date of Institution.....13.10.2020

Date of Hearing.....04.04.2024

Date of Decision.....04.04.2024

SCANNED
KPST
Peshawar

JUDGEMENT

RASHIDA BANO, MEMBER (J):The service appeal in hand has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 with the following prayer:

“That on acceptance of this appeal, the respondents may kindly be directed to pay lump sum pension to the appellant and also to pay monthly pension to the appellant, further the respondent may also be directed to count the contract period

in service of the appellant for the purpose of pension and other financial benefits.”

2. Brief facts of the case are that appellant was appointed as Lady Health Worker on 01.05.1997 on contract basis; that vide the Government of Khyber Pakhtunkhwa Regulation of Lady Health Workers Program and Employees (Regularization and Standardization) Act, 2014 (Khyber Pakhtunkhwa Act No.XXVI of 2014, services of all the employees serving in the said capacity, were regularized; that the appellant was going to be retired on 29.12.2019 (on attaining the 60th year of her age) but the Provincial Government enhanced the retirement to 62, but the same was reduced by the order of Peshawar High Court; that the respondent department issued office order dated 25.06.2020 and retired the appellant from the date of her attaining the 60th year of age; that the respondents had not counted the contract period of service of the appellant towards her pension and other benefits, rather denied the same; that the appellant had applied for her lump sum as well as monthly pension on 02.07.2020 and on 09.07.2020 but the same were not responded, hence, the instant service appeal.

3. Respondents were put on notice who submitted their comments on the appeal. We heard the learned counsel for the appellant as well as learned District Attorney for the respondents and perused the case file with connected documents in detail.

4. Learned counsel for the appellant that the impugned action of the respondents was against law, facts and was arbitrary; that the it was a well settled law that in case of regularization of services, the previous service had to be counted towards pension and other financial benefits; that the appellant had been made victim of discrimination and was deprived of her fundamental rights; that the appellant had a hardworking servant and there was no objection against her in her entire service; that the appellant was condemned unheard and her representation was not responded. Therefore, he requested for acceptance of the instant service appeal.

5. Conversely, learned DDA argued that promotions with immediate effect under the promotion policy of the Provincial Government. He submitted that no discrimination had been done against the appellant nor any provision of the constitution had been violated. Further submitted that the appellant had no solid ground and proof in support of his claim. Therefore, he requested for dismissal of the instant service appeal

6. Perusal of record reveals that appellant through instant appeal seek grant of pensionary benefits. She was appointed as Lady Health Worker on contract basis vide order dated 01/05/1997. Her service was regularized vide order dated 22/9/2014 with

~~effect from 1/7/2012. She was retired from service on attaining the age of superannuation~~
on 29/12/2019, rendering 7 years, 5 months and 28 days service, vide retirement order dated 25/6/2020. As far as pensionary benefits for the service rendered by the appellant is concerned, pension rules of the government are now clear after the verdict of apex court reported in 2021 SCMR1546 that a minimum of 10 year of regular service makes a civil servant eligible for the same under the rules, a civil servant has to complete 10 years regular qualifying service for entitling him or her for pension and related benefits.

7. Learned counsel for the appellant relied upon the judgment of this tribunal handed down in service appeal No. 1970/2019 titled as "Bibi Razia Begum Vs. Secretary Health Department" dated 15/07/2021, wherein lady health worker having less than 10 year service was given the benefit of pension by this Tribunal. Although this tribunal has decided appeal of lady health worker having less than 10 years regular service but apex court of the country in 2021 SCMR1546 has held that 10 years regular qualifying service is must for grant of pension and pensionary benefits. The relevant firm 2021SMRC 1546 is reported here for ready reference

Art. 371-A--- Contract employees subsequently regularized in service--- Pension--- Conditions of qualifying service--- Article 371 of Civil Service Regulations (C.S.R.) did not allow Government servants rendering temporary service in a temporary establishment for more than 5 years to be entitled for grant of pension rather such period

could be counted towards calculation of pension only if otherwise entitled to pension by meeting the criteria of qualifying service---Where the services of a contractual employee were converted into regular employment the period spent in contractual employment subject to a minimum of five years could be included in calculating pensionary benefits but only and only in a situation where the employee was otherwise entitled/eligible to receive pension subject to having rendered qualifying service (10 years) in permanent employment---Unless he met the criteria of having served for the duration of the qualifying period, the period spent in contractual employment could not be added to make up for any deficiency in qualifying service for the purpose of eligibility to receive pension.

Under Article 189 of constitution verdicts of Supreme Court of Pakistan are binding on this Tribunal. Otherwise too, at the time of announcement of judgment by this Tribunal in service appeal No.1910/2019 on 15/07/2021, although case reported in 2021 SCMR1546 was announced on 12/07/2021 just after three days before the decision of Bibi Razia case of this Tribunal, but was not reported and might not be in knowledge of our learned Bench who decided it. Had the same been in their knowledge then decision would have been otherwise. So appellant is not entitled for the relief claimed in her appeal, because qualifying service for grant of pensionary benefits was not completed and the stance of the appellant taken in the appeal is untenable.

8. In view of above discussion, we are unison to dismiss the appeal being fruitless. Cost shall follow the event. Consign.

9. Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 4th day of April, 2024.



(KALIM ARSHAD KHAN)
Chairman




(RASHIDA BANO)
Member (J)

23rd Feb, 2024

1. Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

2. Learned counsel for the appellant seeks adjournment to further prepare the brief. Adjourned. To come up for arguments on 04.04.2024 before D.B. P.P given to the parties.

Adnan Shah


(Fareeha Paul)
Member (E)


(Kalim Arshad Khan)
Chairman

ORDER
04.04.2024

1. Learned counsel for the appellant present. Mr. Muhammad Jan, learned District Attorney for the respondents present.

2. Vide our detailed judgement of today placed on file, we are unison to dismiss the appeal being fruitless. Cost shall follow the event. Consign!

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 04th day of April, 2024.*


(KALIM ARSHAD KHAN)
Chairman


(RASHIDA BANO)
Member (J)


*M.Khan


14.09.2023

Learned counsel for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.

Learned counsel for the appellant seeks some time for preparation of arguments. Adjourned. To come up for arguments on 09.01.2024 before the D.B. Parcha Peshi given to the parties.

SCANNED
KPST
Peshawar


(Fareeha Paul)
Member (E)


(Salah-ud-Din)
Member (J)


Naeem Amin


09.01.2024

Clerk of learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is unable to appear before the Tribunal today due to strike of lawyers. Adjourned. To come up for arguments on 23.02.2024 before the D.B. Parcha Peshi given to the parties.

SCANNED
KPST
Peshawar


(Fareeha Paul)
Member (E)


(Salah-ud-Din)
Member (J)

Naeem Amin

20.03.2023

Junior to counsel for appellant present.

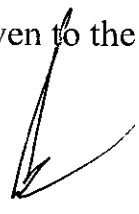
Fazal Shah Mohmand, learned Additional Advocate General for respondents present.

Former made a request for adjournment as senior counsel is busy before the Hon'ble Peshawar High Court, Peshawar.

Adjourned. To come up for arguments on 06.06.2023 before D.B.

Parcha Peshi given to the parties.

SCANNED
KPST
Peshawar



(Muhammad Akbar Khan)
Member (E)



(Rozina Rehman)
Member (J)

06.06.2023

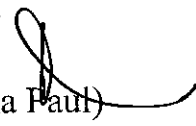
Junior of learned counsel for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.

SCANNED
KPST
Peshawar

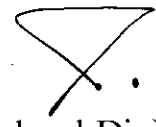


Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today due to some domestic engagement. Adjourned.

To come up for arguments on 14.09.2023 before the D.B. Parcha Peshi given to the parties.



(Fareeha Paul)
Member (E)



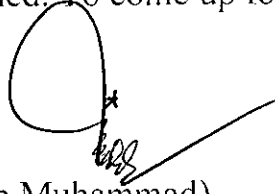
(Salah-ud-Din)
Member (J)

8

01.11.2022

Learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments on 21.12.2022 before the D.B.



(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

21st Dec, 2022

Learned counsel for the appellant and Mr. Muhammad Jan, District Attorney for the respondents present.

Learned counsel for the appellant seeks adjournment being not prepared for arguments today. To come up for arguments on 20.03.2023 before the D.B.



(Salah Ud Din)
Member (Judicial)



(Kalim Arshad Khan)
Chairman

SCANNED
KPST
PESHAWAR

(9)

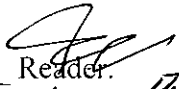

2

03.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 08.06.2022 for the same as before.

~~1~~


8.6.22


Profrs D.B is an Tawir, therefore the case is adjourned to 22.8.22 for same.
Reader.



22.08.2022

Nemo for the appellant. Mr. Asif Masood Ali Shah Deputy District Attorney for the respondents present.

Notice for prosecution of appeal be issued to appellant as well as her counsel for the next date and to come up for arguments on 01.11.2022 before the D.B.


(Rozina Rehman)
Member(J)


(Salah-Ud-Din)
Member(J)

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P.S

05.07.2021

Learned Addl: A.G be reminded about the omission and for submission of Reply/comments within extended time of 10 days.

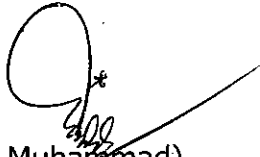

Chairman


Handwritten notes in Urdu script, partially illegible.

10.11.2021

None for the appellant present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Jafar Ali, Assistant for respondents present.

Representative of the respondents submitted written reply/comments which is placed on file. Notices be issued to the appellant and his counsel. Adjourned. To come up for arguments on 03.03.2022 before D.B.


(Mian Muhammad)
Member(E)


(Rozina Rehman)
Member(J)




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10.02.2021 Appellant present through counsel. Preliminary arguments heard. File perused.

Points raised need consideration. Admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to respondents for written reply/comments. To come up for written reply/comments on 07.05.2021 before S.B.

Appellant Deposited Security & Process Fee
10/2/21


(Rozina Rehman)
Member (J)

07.05.2021 Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 23.06.2021 for the same as before.


Reader

23.06.2021 Junior to counsel for the appellant and Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Stipulated period has passed and reply has not been submitted

Respondents have not submitted reply/comments. Learned AAG requests for time to contact the respondents and submit reply/comments. Learned AAG is required to contact the respondents for submission of reply/comments in office within 10 days, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 10.11.2021 before the D.B.


Chairman



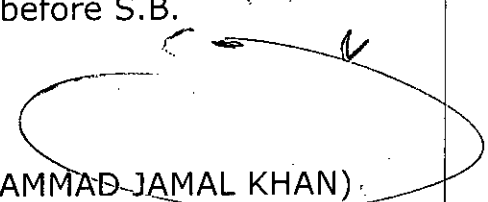
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Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 11951 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	13/10/2020	<p>The appeal of Mst. Khalida Begum presented today by Mr. Tajdar Faisal Marwat Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;">  REGISTRAR </p>
2-	<p>SCANNED KP II Peshawar</p>	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>23/11/2020</u>.</p> <p style="text-align: right;">  CHAIRMAN </p>
23.11.2020		<p>Learned counsel for appellant is present and requests for adjournment that he has not prepared the brief of the instant appeal. Adjourned to 10.02.2021 on which date file to come up for preliminary hearing before S.B.</p> <p style="text-align: right;">  (MUHAMMAD JAMAL KHAN) MEMBER (JUDICIAL) </p>

131

F Appeal

BEFORE KHYBER PAKHTUN KHWA, SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2020

SCANNED
KPST
Peshawar

Mst. Khalida Begum _____ Appellant

Versus

Govt. of Khyber Pakhtun Khwa through Secretary Health and others
_____ Respondents

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Appellant

Through

Dated: 08/10/2020

TAJDAR FAISAL KHAN
MARWAT
Advocate High Court, Peshawar.
0313-8708424

1 (14)

BEFORE KHYBER PAKHTUN KHWA, SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 11951 /2020

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 11411

Dated 13/10/2020

MST. KHALIDA BEGUM W/O Inayat ullah,
R/O Mohallah Saeed Khel, Tehsil & District Lakki Marwat.

Appellant

Versus

1. Govt. of Khyber Pakhtun Khwa through Secretary Health Department, Civil Secretariat, Peshawar.
2. Director General, Health Services, Health Department, Peshawar.
3. District Health Officer, Lakki Marwat.
4. District Coordinator, Lady Health Worker Program, Khyber Pakhtun Khwa, Lakki Marwat.
5. District Accounts Officer, District Lakki Marwat.

Respondents

Filed to-day

Registrar
19/10/2020

SERVICE APPEAL UNDER SECTION-4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST THE ACT OF THE RESPONDENT NO. 3 WHO FAILED TO PAY LUMP-SUM PENSION TO THE APPELLANT AND ALSO FAILED TO PAY MONTHLY PENSION TO THE APPELLANT. FURTHER THE RESPONDENTS ARE ALSO FAILED TO COUNT THE CONTRACT PERIOD IN SERVICE OF THE APPELLANT FOR THE PURPOSE OF PENSION AND OTHER FINANCIAL BENEFITS.

PRAYER IN APPEAL:

ON ACCEPTANCE OF THIS APPEAL, THE RESPONDENTS MAY KINDLY BE DIRECTED TO PAY LUMP-SUM PENSION TO THE APPELLANT AND ALSO

TO PAY MONTHLY PENSION TO THE APPELLANT.
FURTHER THE RESPONDENTS MAY ALSO BE
DIRECTED TO COUNT THE CONTRACT PERIOD IN
SERVICE OF THE APPELLANT FOR THE PURPOSE OF
PENSION AND OTHER FINANCIAL BENEFITS.

Respectfully Sheweth!

The appellant most humbly submits as under:-

1. That the present appellant was appointed as Lady Health Worker in the respondents department vide order dated: 01-05-1997 on contract basis. Needless to mention that the appellant after appointment, completed her three months training for the said job.

{True copy of certificate is attached, as mark
Annex-A}

2. That the appellant ever since her appointment, was working in the Health Department with great zeal and devotion and her services were extraordinary throughout her career, as no complaint what-so-ever was lodged against her.

3. That the Govt. of Khyber Pakhtun Khwa promulgated "**The Khyber Pakhtunkhwa Regulation of Lady Health Workers Program and Employees (Regularization and Standardization) Act, 2014 (Khyber Pakhtunkhwa Act No. XXVI of 2014)**" vide which services of all staff of Lady Health Workers Program throughout the province were regularized. It would be relevant to state that the services of all the employees have been regularized since 01-07-2012 vide office order dated: 22-09-2014.

{True copy of order dated: 22-09-2014 is
attached, as mark Annex-B}

4. That the appellant was performing her duties when all of a sudden, the provincial Govt. enhanced the retirement age from 60 to 63 and in that scenario, the appellant continued her services till June, 2020 instead of 29-12-2019 (the date of retirement at the age of 60 years). But after the decision of Peshawar High Court, Peshawar reducing the retirement age to

its original position of 60 years, the respondents/department issued office order dated: 25-06-2020 and retired the appellant since 29-12-2019.

**{True copy of office order dated: 25-06-2020
is attached as Annex-C}**

5. That after retirement, the appellant duly applied to the respondents/department for payment of lump-sum pension as well as monthly pension and other financial benefits to the appellant at the earliest. Needless to mention that the appellant submitted two application i.e. one on 02-07-2020 and second on 20-07-2020 (on judicial stamp paper). But to no avail. Needless to mention that the respondents are not counting the contract period into service of the appellant towards her pension and other benefits, rather they are denying the same.

**{True copy of applications are attached as
Annex-D}**

6. That it would be of axiomatic importance that the District Coordinator, LHW program, Lakki Marwat issued certificate dated: 17-09-2020 in favor of appellant stating therein that the appellant is performing her duties since 1997 and this fact has also been mentioned in the service book of the appellant.

**{True copy of certificate dated: 17-09-2020 &
service book are attached as Annex-E & F}**

7. That the appellant was waiting for the outcome of her applications for payment of lump-sum pension as well as monthly pension and other financial benefits. But to no avail.
8. That the appellant being aggrieved and having no other efficacies remedy except to file the instant appeal for the redressal of her grievances before this Hon'ble Tribunal on the following amongst other grounds.

GROUND:

- A. Because the impugned action and inaction of the respondents is against law, facts and arbitrary.

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(17)

- B. Because it has now been settled through the judgments of the Apex Court and High Courts of Pakistan that in case of regularization of services, the previous service shall be counted towards pension and other financial benefits.
- C. Because the appellant had been made victim of discrimination, demerits, partiality and favoritism without any just and reasonable cause thereby offending the fundamental rights of the appellant as provided by the constitution of 1973, hence the impugned orders detailed above are liable to be set at naught.
- D. Because the respondents in utter disregard to the principles of the fairness, merit and transparency, acted in haste and failed to pay pension and other benefits which is the right of the appellant.
- E. Because the appellant was very hardworking and punctual in her duty, therefore, no complaint received by the Respondents against the appellant, hence long standing good performance enables the appellant to get the fruit of her services by receiving full pensionary benefits (in lump sum and monthly also).
- F. Because the appellant was condemned unheard, her departmental representations were not adjudicated at all.
- G. Because the inaction of the respondents to release lump sum pension, monthly pension and counting contract service towards pension is illegal, illogical, against facts, without jurisdiction and suffering from material irregularity, hence they are untenable.
- H. The appellant crave for leave of the Hon'ble Tribunal to raise additional grounds at the time of arguments.

IT IS, THEREFORE, MOST RESPECTFULLY PRAYED THAT ON
ACCEPTANCE OF THIS APPEAL:

- i. Directions may kindly be given to the respondents to release lump sum pension to the appellant forth with.
- ii. Direct the respondents to pay monthly pension to the appellant, forthwith.
- iii. Direct the respondents to count the contract service of the appellant towards her permanent service for the purpose of calculating pension and other financial benefits.
- iv. Any other relief, though not specifically asked for, deems appropriate to the Hon'ble Tribunal may also be granted.

Dated: 08-10-2020

Through:

Appellant



**TAJDAR FAISAL KHAN
MARWAT**

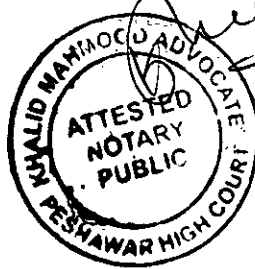
Advocate High Court, Peshawar.

VERIFICATION:

It is verified that all the contents of the instant appeal are true and correct and nothing has been concealed intentionally from this Hon'ble Tribunal.


Deponent

Note: That no such like petition / Appeal on this subject matter has earlier been filed before this Hon'ble Tribunal.



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6

**BEFORE KHYBER PAKHTUN KHWA, SERVICE
TRIABUNAL, PESHAWAR**

Service Appeal No. _____/2020.

Mst. Khalida Begum _____ Appellant

Versus

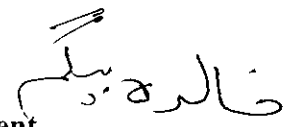
Govt. of Khyber Pakhtun Khwa through Secretary Health and others
_____ Respondents

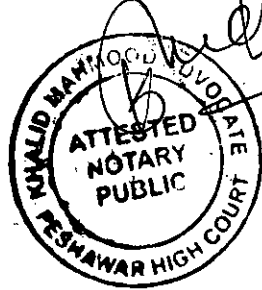
AFFIDAVIT

I, Mst. Khalida Begum W/O Inayat ullah R/O Mohallah Saeed Khel, Tehsil & District Lakki Marwat do hereby solemnly affirm and declare upon oath that the contents of the main appeal are true and correct to the best of my knowledge & belief and nothing has been concealed or withheld from this Honourable Tribunal.

Identified By:


TAJDAR FAISAL KHAN,
Advocate High Court, Peshawar.


Deponent
Mst. Khalida Begum
CNIC: 11201-0360365-8



13-10-20

"A"

7

PRIME MINISTER'S PROGRAMME FOR FAMILY
PLANNING AND PRIMARY HEALTH CARE
DISTRICT LAKKI MARWAT (N.W.F.P.)

CERTIFICATE



Certified that Miss KHALIDA BEGUM WID INAYATULLAH

Code #

3 1 3 0 4 1 1 4

has successfully completed her three months training as
LADY HEALTH WORKER

held at DHO HOSPITAL LAKKI MARWAT

from 01, MAY, 1997 to 31, JULY, 1997.

[Signature]

Dr. FARIA SAJJAD MARWAT
DISTRICT CO-ORDINATOR
(Secretary District P.F.U.)
LAKKI MARWAT

[Signature]

Dr. MOHAMMAD RAZA
DISTRICT HEALTH OFFICER
(Chairman District P.F.U.)
LAKKI MARWAT
Date: 01, AUGUST, 1997.

ATTESTED

7

A

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(21)

OFFICE OF THE DISTRICT HEALTH OFFICER LAKKI MARWAT

Email: edohlakki@yahoo.com

Ph#: 0969-538339

Fax#: 0969-538108

No. 984 / NP

Dated: 22 / 09 / 2014

"B" 8

NOTIFICATION

In terms of Section 4 (1) read with 1st Proviso there under, of the Khyber Pakhtunkhwa Regulation of Lady Health Workers Program and Employees (Regularization and Standardization) Act 2014, services of the following Lady Health Workers Program employees of District Lakki Marwat Khyber Pakhtunkhwa are hereby regularized w.e.f. 1st July 2012. Their terms and conditions of service will be governed under the Khyber Pakhtunkhwa Regulation of Lady Health Workers Program and Employees (Regularization and Standardization) Act, 2014 and rules to be made there under.

Sr. No	Name of Community Embedded Employee	Father Name	Husband Name	FLCF	Date of appointment	Name of Catchment Area
1	Unsrin Afsana	Saif Ullah Khan	Aslam Khan	MCH Lakki	1-12-2004	MCH Lakki
2	Tahira Bibi		Abdul Malik	MCH Lakki	1-07-1996	Khuwaidad Khel
3	Zarin Taja		Saad Ullah Jan	MCH Lakki	1-05-1997	Machan Khel
4	Shakila	Sardar Ali		MCH Lakki	1-05-1997	Paido Khel
5	Khalida	Inayat Ullah	Inayat Ullah	MCH Lakki	1-05-1997	Saeed Khel
6	Akhtar Nisa	Muhammad Gul		MCH Lakki	1-01-2000	Saeed Khel
7	Gul Taj	Ahmad Shah		MCH Lakki	1-01-2000	Khuwaidad Khel
8	Shabana	Muhammad Nawaz		MCH Lakki	1-01-2000	Maila Mandi
9	Ghazala Shaheen	Yar Muhammad	Shafi Ullah	MCH Lakki	1-01-2000	Moh: Sherukhel
10	Zubeda Khatoon	Matiullah		MCH Lakki	1-07-2004	Muslim Abad
11	Naheed Bibi	Muhammad Zaman		MCH Lakki	1-07-2004	Mela Shahab Khel
12	Farzana	Abdul Hamid		MCH Lakki	1-07-2004	Mela Shahab Khel
13	Ruqayya Bibi	Muhammad Khan		MCH Lakki	1-07-2004	Mela Shahab Khel
14	Farkhanda Janeen	Mashal Khan		MCH Lakki	1-03-2006	Sheru Khel
15	Rukhsana Jabeen	Abdur Rehman		MCH Lakki	1-03-2006	Machan Khel
16	Sartaj Bibi	Shah Alam Khan		MCH Lakki	1-03-2006	Machan Khel
17	Shamshad Bibi	Said Rasool		MCH Lakki	1-05-2007	Khuwaidad Khel
18	Qismat Bibi	Gul Anwar		MCH Lakki	1-05-2007	Saeed Khel
19	Rizwana	Sardar Ali Khan		MCH Lakki	1-07-2009	Moh: Muslim Abad
20	Shahmim Akhtar	Gul Zaman	Salim Nawaz	MCH Lakki	1-07-2009	Railway Station
21	Malaika		Sami Ullah	MCH Lakki	1-07-2009	Machan Khel
22	Nighat Shaheen	Yar Muhammad		MCH Lakki	1-07-2009	Sheru Khel

ATTESTED

(Signature)

22 9

Sr. No	Name of Community Embedded Employee	Father Name	Husband Name	FLCF	Date of appointment	Name of Catchment Area
23	Rizwana	Iqbal Hussain		MCH Lakki	1-07-2009	Khuwaidad Khel
24	Fazilat	Motabar Khan		MCH Lakki	1-07-2009	Shakeel Abad
25	Shakila	Ghulam Habib		MCH Lakki	1-07-2009	Mela Shahab Khel
26	Asia Bibi	Muhammad Khan		MCH Lakki	1-07-2009	Mela Shahab Khel
27	Zainab Bibi		Muhammad Idrees Khan	MCH Lakki	1-07-2009	Toti Abad
28	Simab Akhtar	Jahagir Khan		MCH Lakki	1-07-2009	Surki Khel
29	Qamar Nisa	Muhammad Noor		MCH Lakki	1-07-2009	Moh: Rajo Khel
30	Khaliq Dad	Muhammad Amir		MCH Lakki	1-05-1997	MCH Lakki

In exercise of powers conferred under sub section (2) of the Section ibid, the above-Community Embedded Employees are placed in the following pay scales as mentioned against their respective designations.

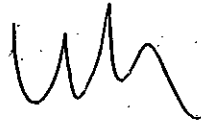
Name of Post	Basic Pay Scale
Lady Health Supervisor	7
Lady Health Worker	5
Driver	4


District Health Officer
Lakki Marwat

- C.c.
- Provincial Coordinator LHW Program Peshawar
 - District Account Officer
 - Concerned LHW Program Employees
 - Office Record

District Health Officer
Lakki Marwat

ATTESTED



23

C



OFFICE OF THE DISTRICT HEALTH OFFICER LAKKI MARWAT

Email: dholakki@yahoo.com
Ph#: 0969-510472
Fax#: 0969-510474

Retirement Sanction:

10


Consequent upon the recommendation of Govt: of Khyber Pakhtunkhwa, Establishment & ADMN: Department (Regulation Wing) No. SO(Policy)/E&AD/1-13/2019 Dated: 16-03-2020 and the judgment of the Peshawar High Court, Peshawar Dated: 19-02-2020 in WP No. 5673-P/2019, attaining the age of superannuation viz (60 years) Mst. Khalida Begum W/O Inayat Ullah Khan LHW BPS-05 MCH Center Lakki Marwat is hereby retire from service w.e.f 29-12-2019 (A.N).

He will be entitled to encashment of leave equal to 328 days on full pay as available in his credit, under the Revised Rules 1981.

District Health Officer
Lakki Marwat.

No. 3296-33⁰⁶ /LHW
Dated: 24/06 /2020.
C.C:

1. I/C MCH Center Lakki Marwat.
2. Coordinator LHW Program Lakki Marwat.
3. District Accounts Officer Lakki Marwat.
4. Accountant DHO Office Lakki Marwat.
5. Official concerned.


District Health Officer
Lakki Marwat.

ATTESTED


عمریت صواب ڈی - ایچ - او صاحب سی او
11

صیغہ خالہ بیگم زوم عنایت اللہ خان ریل - ایچ او پبلک سروسز کل سروسز

درخواست سے رٹ ڈی جے نیشنل ٹریڈ یونین
و دیگر معاملات جو کہ فیکلٹی سروسز میں

ظاہر ہے اس لیے اس سبب ذیل شرح ہے

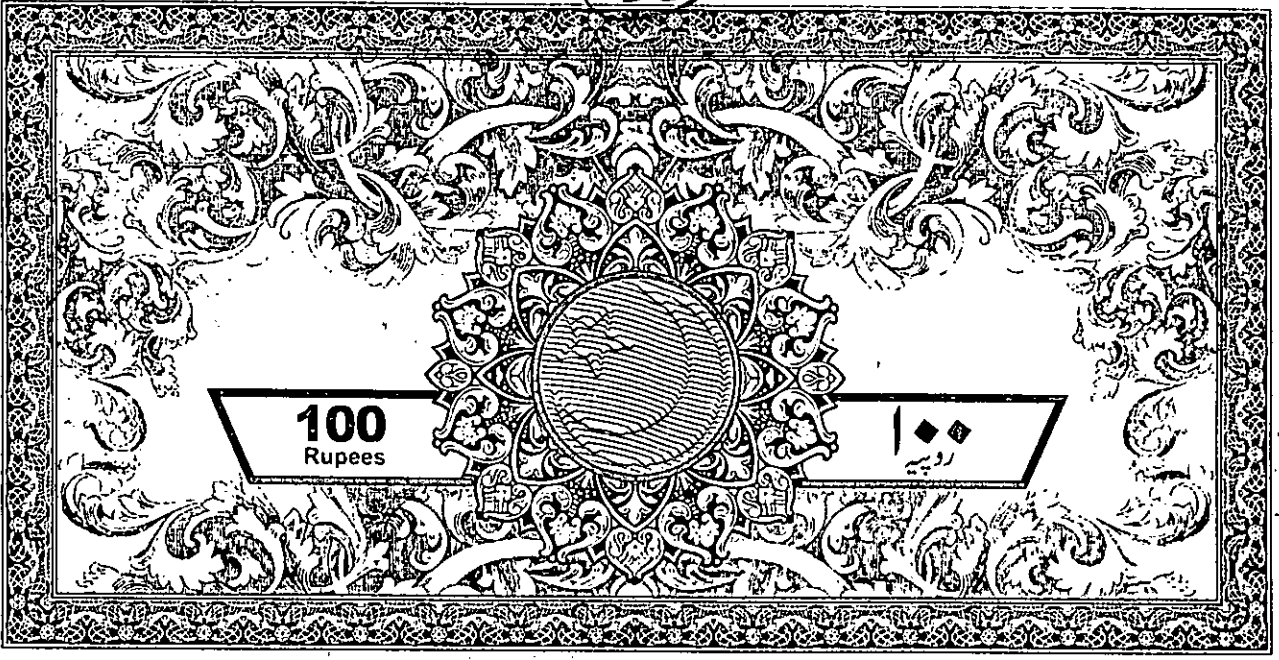
① یہ کہ میں سالانہ طور پر 1997 کو آپ کے زیر سامہ نیشنل ٹریڈ یونین اور
سیر لیبری یونین اور لیبری اے جوائنٹ قانون مستقل ~~کے~~ ڈیوٹی سروسز ختم
دیے گئے ہیں۔

② یہ کہ ٹورنٹ کا 24 کی آپ کی جانب سے جاری کردہ فیکلٹی سروسز کی بنیاد
پر سالانہ مسائل پر متاثر و ردی گئے ہیں۔

③ یہ کہ عطا ہونے والے حکم و لٹرس سالانہ کی فیکلٹی سروسز میں ٹورنٹ 29
کو معذور ہوئے ہیں تاکہ نا حال سالانہ کے نیشنل ٹریڈ یونین کے
کاغذات پر اس سے نہیں کیے گئے ہیں اور سالانہ نیشنل ٹریڈ یونین
سے دیگر سروسز میں ملے ہیں۔

کمپنیز اسٹریٹ لائسنسنگ ڈیپارٹمنٹ
ریکارڈز کو حکم عمریت اس میں جاری کیا جائے
تاکہ سالانہ نیشنل ٹریڈ یونین و دیگر سروسز میں
سالانہ ٹائر ڈیوٹی کے طور پر 2/7/2
صیغہ خالہ بیگم

RESTRICTED



خدمت جناب ۵۰۴۰۰ صاحب مکملہ پبلک ٹریڈ

درخواست برائے دیپ جانے پیشگی و دیگر مراعات

جناب عالی، مکملہ ذیل عرض کرتی ہے

۱۔ کہ مکملہ سال ۱۹۹۶ سے مکملہ پبلک ٹریڈ میں سٹریٹوٹ کی بنیاد پر ۵۰۴۰۰

بھرتی ہوئی تھی جو کہ سال ۲۰۰۲ میں مکملہ کو منتقل کر دیا گیا تھا

۲۔ کہ مکملہ کو ۲۴ سے ۵۰ کا سالہ عمر کی بنیاد پر دیپ سٹریٹوٹ کر دیا گیا ہے

۳۔ کہ بعد میں ضرورہ حکم ہو کر مکملہ کو مکمل سرورس ۱۲/۲۰۱۶ء کو دیپ کر دیا گیا ہے

مقررہ سال مکملہ کی پیشگی گرانٹوں کی پیشگوئی نہ ہو۔ پیشگوئی نہ ہو و دیگر مراعات سٹریٹوٹ کر دی گئی

لہذا گزارش ہے کہ مکملہ کو پیشگی و دیگر مراعات جلد از جلد دیں جائیں

۲۰/۲۰۲۰

خالہہ بیگم زبیرہ بیگم صاحبہ ۵۰۴۰۰ مکملہ مکملہ ذیل عرض کرتی ہے

ATTESTED

Handwritten signature and stamp.

خالہہ بیگم

26

E

14



OFFICE OF THE DISTRICT HEALTH OFFICER LAKKI MARWAT

Email: dholakki@yahoo.com
Ph#: 0969-510472
0969-510475
Fax#: 0969-510474

Dated: 17-09-2020

CERTIFICATE

Certified that Mst. Khalida Begum W/O Inayat Ullah CNIC No. 11201-0360365-8 Mohallah Saeed Khel had been worked as LHW in Health Department attached to MCH Lakki w.e.f. May-1997 to December-2019 (According to CNIC DOB).

District Coordinator
LHW Program
Lakki Marwat

ATTESTED

(For use in Police Department only)

"F. 15"

Heirs:

- 1. _____
- 2. _____
- 3. _____

Verification Roll No. _____ dated _____ received back _____

Left Thumb Impression

Qualification	Date	Qualification	Date
English		First Arts	
Pushto		B.L. Or B.A.	
Urdu		Pleadership examiantion	
Plan-drawing		Training School Final examiantion	
Finger Print		Other qualification:—	
Drill Instructing			
Court Duties			
Reserve Duties			

N.B.— Line to be drawn under the qualification possessed.

Note:- The entries in this page should be renewed or re-attested at least every five years and the signature to lines 9 and 10 should be dated.

Name: Khalida Begum

Race: Islam

Residence: Moh: Saad Khel, P.O. Larki Marwat
Dist: Larki Marwat

Father's name and residence: Inayat Ullah

Date of birth by Christian era as nearly as can be ascertained: 5-2 30-12-1959

Exact height by measurement: 5-2"

Personal marks for identification:

8. Left hand thumb and finger impression of (Non-Gazetted) officer:

Little Finger



Ring Finger



Middle Finger



Fore Finger



Thumb



9. Signature of Government Servant: خالد بیگم

10. Signature and designation of the Head of the Office, or other Attesting Officer. District Health Officer
Lakki Marwat

17 (29)

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "p"	Date of appointment	Signature of Government Servant.
LHW-BPS-5 5400-260-13200				5400/-		7 1 2012	
- do -				5400/-		12 1 2012	30
- do -				5660/-		12 1 2013	30
- do -				5920/-		12 1 2014	

MM

Name of Government Servant.	9 Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination or appointment.	11 Reason of termination such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting officer.	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure or praise of the Government Servant.	
					Nature and duration of leave taken.	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government			
						Period			Government to which debitable
					The Official Was Appointed on Contract/Fixed Pay vide Letter No 5117-127/HRP 2212/97 By E.O.G (Health) Lakki Marwat Remained up to 30-June-2014				
				Service Regularized w.e.f 1-07-2014 on the Decision of Secretary Health, P.K Meeting Held on 18-09-2014 & Order Issued By Health Department K.P.K Vide Letter No 1340 dt: 22-09-2014 and Further FLCF Wise order issued by the D.H.O Lakki Marwat Vide No. 434/NP Date: 22-09-2014					
	30 th AN 2012								
	30 th AN 2013		Annual increment Allowed					Service Verified upto 30 th AN 2013	
	30 th AN 2014		Annual increment Allowed					Service Verified upto 30 th AN 2014	

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19

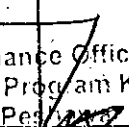

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1	2	3	4	5	6	7	
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "p"	Date of appointment	Signature of Government Servant.
BPS-5 (6985-340-17185				RS 7665		12/2015	
do -				RS 8005		12/2015	
BPS-5 (8590-420-2190				RS 9850		12/2016	
-11-				RS 10270	Pm	01/12/16	AN

M

1	2	3	4	5	6	7	8	
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 S.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "op"	Date of appointment	Signature of Government Servant.	Signature of the holder or other authority in attendance in att. colu
B.P.S. = {	(10260 -	500 - 25760)		RP = 12260 / PM			01/7/17	
-11-			RP = 12760 / PM				01/12/17	
		Office of the Accountant General Khyber Pakhtunkhwa Peshawar Pay Fixed in the Revised Basic Pay Scale						
		B.P.S. 8985/160 17185 5	Pay Fixed @ Rs 7665 w.e.f 01-07-2014	8510 420 21190 5				
		B.P.S. 9850/130 25285 5	Pay Fixed @ Rs 9850 w.e.f 01-07-2014					
		B.P.S. 10260/130 25285 5	Pay Fixed @ Rs 12260 w.e.f 01-07-2014					
			Date of Next Increment: 01-12-2017					
		7665/15 9850/16 12260/17	Account Officer Pay Fixed 8/3/18					
			Pay 13260/17				01/12/18	30

(34)

	9	10	11	12	13		14	15
Name of Servant	Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination or appointment.	Reason of termination such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer.	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure or praise of the Government Servant.
Nature and duration of leave taken.					Allocation of period of leave on average pay upto four months for which leave salary is debitabile to another Government			
Period					Government to which debitabile			
FN		30 ⁶ / ₁₇ AM				Revised pay fixed in BPS 5 @ Rs 12260/pm vide Govt. of KPK Notification No ED (PRC) 1-1-2017 Dt: 14-07-2017		
					District Health Officer	Lakki Marwat		
FN		30 ¹¹ / ₁₇ AM	Annual Increment		allowed		Service Verified w.e.f. to 30 ¹¹ / ₁₇ Office Copy of pay Roll etc.	
			District Health Officer	Lakki Marwat		District Health Officer	Lakki Marwat	
				Paid arrears on account of pay & allowances	w.e.f 01-07-2012 to	30-11-2017		
				amounting to Rs.		163,866/-		
			Annual Increment	Allowed		Finance Officer LHW Program K.P.K Per 	Service Verified up to 30-11-2018	
	30 ¹¹ / ₂₀₁₈							
	Distt: Health Officer Lakki Marwat			Distt: Health Officer Lakki Marwat		Distt: Health Officer Lakki Marwat		

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "p"	Date of appointment	Signature of Government Servant.
10260-500	25760						
14W BPS-05					13760/-	1 ¹² / ₁	2019

Signature of Government Servant. Other columns

3

Name of Servant.	9 Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination or appointment.	11 Reason of termination such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting officer.	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure or praise of the Government Servant.	
					Nature and duration of leave taken.	Allocation of period of leave on average pay upto four months for which leave salary is debit to another Government			
						Period			Government to which debit to
	30-11-2019		Annual increment Allowed					Service continued up to 30-11-2019	
	Distt: Health Officer Lakki Marwat			Distt: Health Officer Lakki Marwat			Distt: Health Officer Lakki Marwat		

ML

37

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal 11951/2020

SCANNED
KPST
Peshawar

Mst:Khalida Begum W/O Inyat Ullah R/O Mohala Saeed Khel
Dist: Lakki Marwat (Appellant)
VS

Govt: of KPK through Secretary Health Peshawar and others
(Respondents)

Pera wise comments on behalf of respondents 1,2,3,4&5.

Preliminary Objections

1. That the Appellant has got no cause of action to file the instant appeal.
2. That the Appellant has not come to this honorable Court with clean hands.
3. That the instant service appeal is not maintainable. The Respondents have already fulfilled the codal formalities. The appellant has already been paid all the arrears/incentives as per rules and nothing is outstanding of the appellant against the respondents.
4. The appellant has not rendered qualifying service for pension. The appellant has got not right of pensionary benefit as per law.
5. That the appeal of appellant is badly time barred.
6. This honourable has got no jurisdiction to entertain present appeal.

Respectfully Sheweth:-

1. That the Para No. 1 of the Appeal is partly correct. The appellant was appointed as LHW in the Respondents departments on 01-01-2000.
2. Para No.2 of the Appeal is related to the service record of appellant.
3. Para No.3 of the Appeal is correct.
4. Para No. 4 of the Appeal is related to record.

5. Para No.5 of the Appeal is incorrect. Further stated that the appellant has been paid all arrears/benefits including GP fund, Leave Encashment (12 months salary), Gratuity. Benevolent Fund case of the appellant is under process. The appellant has not rendered qualifying service for pension, the benefit of the pension cannot be extended to the appellant under the rules.
6. Para No.6 of the appeal is incorrect.
7. Para NO.7 of the Appeal is incorrect. The appellant has already been paid all the incentives/benefits as per rules.
8. Para NO.8 of the Appeal is also incorrect.

GROUNDS:-

- A. Para No. A is incorrect. Respondents acted as per Law and Rules.
- B. Para No. B is related to the record of the Honorable Courts.
- C. Para No.C of the appeal is incorrect. No discrimination has been committed by the respondents.
- D. Para No. D of the appeal is incorrect already replied in Para A.
- E. No comments however appellant is not entitled for the relief.
- F. Incorrect there is no need of personal hearing in the in fault case.
- G. Para No. Government of the appeal is also incorrect already explained in para-5
- H. Para No. H of the appeal needs no comments.

It is, therefore, most humbly prayed that the service appeal may be dismissed against the Respondent with cost.

Respondents

1. Govt: of Khyber Pakhtunkhwa
through Secretary Health Department
Civil Secretariat, Peshawar.

2. Director General, Health Services,
Health Department, Peshawar

DIRECTOR GENERAL
HEALTH SERVICES
PESHAWAR
KHYBER PAKHTUNKHWA

3. District Health Officer,
Lakki Marwat

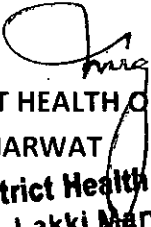
4. District Coordinator,
Lady Health Worker Program,
District Coordinator
L.H.W Program Lakki Marwat


District Health Officer
Lakki Marwat

5. District Accounts Officer,
District Lakki Marwat.
District Accounts Officer
Lakki Marwat

AFFIDAVIT



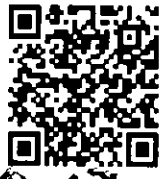

I Dr. Azad Khan Litigation Officer DHO Office Lakki Marwat solemnly declare that the reply to WP No. 11951 /2020 (Khalida Begum Vs: Govt: of Khyber Pakhtunkhwa) and the contents in it are true and based on facts to best of my knowledge and belief and no thing has been concealed from the Honbl court in the regard.


DISTRICT HEALTH OFFICER
LAKKI MARWAT
District Health Officer
Lakki Marwat



Dr. Azad Khan
Litigation Officer
DHO Office Lakki Marwat.

IDENTIFIED BY :

قیمت 50	40335			
ایڈوکیٹ: <u>Tapas Faisal</u>				
بار کونسل ایسوسی ایشن نمبر: <u>bc-07-1578</u>				
رابطہ نمبر: <u>0313-8708426</u>				

26

بعدالت جناب: خبر کنٹون ڈواہ سردس سر ڈویژن مل لیکہ

مخانب: <u>ایپلٹسٹ</u>	دعوی:
<u>مسماہ خالدہ بیگم</u>	علت نمبر:
<u>بنام</u>	مورخہ:
<u>حکومت</u>	جرم:
<u>پاکستان</u>	تھانہ:

باعت تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ آپن مقام کے لیے انجینئر فیصل خان بروت کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق و زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری ٹیکٹ طرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانبہ التوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: محمد

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واہ شد

المقام مل لیکہ کے لیے منظور ہے۔

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