

Cost of Rs. 2000/- received in Service Appeal No. 1954/23,

Titled Shamun baba VS. -

in the office of Superintendent Vide Order 20/2/24.

Dated: 13/5/2024.



REGISTRAR
Khyber Pakhtunkhwa
Khyber Pakhtunkhwa
Service Tribunal.
Service Tribunal, Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

W.P NO. 1454/2023

Shamim Bibi

Vs

Through Chief Secretary, Khyber Pakhtunkhwa

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On behalf of Respondent No. 4 (District Accounts Officer, Tank)

Deponent
[Signature]
2/4/2024
(Amirullah Khan)

order sheet not uploaded

D. I. Khan

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 1454/2023

Shamim Bibi Appellant

Vs

District Accounts Office Respondent No. 4

Respectfully Shewith:

Para wise Comments are as under:

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. 12737

Dated 13-05-24

Para No. 1: Correct.

Para No. 2: As per photocopy of attached S/Book of petitioner Mst. Shamim Bibi D/O Khan Muhammad appointed on fixed pay @ 8000/month in the year 1996 as Health Worker in family Planning Program. In the year 2014 the Govt: of Khyber Pakhtunkhwa regularized services of the Lady Health Worker w.e.f 01.07.2012 (photocopy of act is attached). On 14.03.2021 she attended the age of superannuation and she stood retired from the same date but unfortunately her services here less than 10 years at that particular date which was not qualified for superannuation pension because she has just rendered 08 years 08 months and 14 days rescannable services upto her superannuation date. According to pension rules a pensioner entitle for pension benefits who rendered 10 years qualifying services.

Para No. 3: Correct.

Para No. 4: Incorrect.

Para No. 5: Incorrect.

Para No. 6: As stated in Para-2.

Para No. 7: Not concerned to this office.

Para No. 8: It is therefore prayed that petition of the petitioner may kindly be filed as she has not rendered 10 year qualifying service on the date of regularization i.e 01.07.2012 and she is not entitled for pensioner's benefits.

[Signature]
ACCOUNTANT GENERAL

KHYBER PAKHTUNKHWA, PESHAWAR

*Respondent no-2
(Anwar-ud-Din Saeed)*

[Signature]
District Accounts Officer-
Tara

*Respondent no-4
(Mrs. Arifullah Khan)*



OFFICE OF THE
DISTRICT ACCOUNTS OFFICER
TANK
Phone: 0963-511226

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To,

The Registrar,
Khyber Pakhtunkhwa,
Service Tribunal, Peshawar.

Subject: Authority Letter.

Mr. Inamullah Kundi, Computer Operator (BPS-16) of this office is hereby authorized to attend the Khyber Pakhtunkhwa Service Tribunal office Peshawar in the appeal No. 1454/2023 of Shamim Bibi vs Govt. of Khyber Pakhtunkhwa,

District Accounts Officer
Tank

(Arif ullah Khan)

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Khyber Pakhtunkhwa Regulation of lady Health Workers Program and Employees (Regularization and Standardization) Act, 2014

Dated Peshawar, the 2nd July, 2014.

No. PA/Khyber Pakhtunkhwa/Bills/2014/351.-The Khyber Pakhtunkhwa Regulation of lady Health Workers Program and Employees (Regularization and Standardization) Bill, 2014 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 24th June, 2014 and assented to by the Governor of the Khyber Pakhtunkhwa on 29th June, 2014 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

THE KHYBER PAKHTUNKHWA REGULATION OF LADY HEALTH WORKERS PROGRAM AND EMPLOYEES (REGULARIZATION AND STANDARDIZATION) ACT, 2014

(KHYBERPAKHTUNKHWA ACTNO. XXIV OF 2014)

(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa, (Extraordinary), dated the 2nd July, 2014)

AN ACT

to regulate the status of Lady Health Workers Program in the Province of the Khyber Pakhtunkhwa and to regularize and standardize the services of employees of the said program

WHEREAS in pursuance of the Constitution (Eighteenth Amendment) Act, 2010, the subject of Health has been devolved to the Provinces and as such Lady Health Workers Program run by Federal Government for supporting the family planning and primary health care was devolved to the Provinces accordingly;

AND WHEREAS in the Lady Health Workers Program, the community based workers have a special nature of job, for the execution of which they have to remain continuously embedded with their local catchment population;

AND WHEREAS it is obligatory to maintain the original concept and design of the Lady Health Workers Program, to ensure the presence of community embedded employees for effective service delivery to the people of the area;

AND WHEREAS it is expedient to regulate the status of lady Health Workers Program in the Province of the Khyber Pakhtunkhwa and to regularize and standardize the services of the employees of the said program.

It is hereby enacted as follows:-

District Account Officer

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Regulation of lady Health Workers Program and Employees (Regularization and Standardization) Act, 2014

1. Short title application and commencement.--- (1) This Act may be called the Khyber Pakhtunkhwa Regulation of lady Health Workers Program and Employees (Regularization and Standardization) Act, 2014.

(2) It shall apply to all persons employed or to be employed In Lady Health Workers Program, in the Province of the Khyber Pakhtunkhwa.

(3) It shall come into force once except section 4, which shall come in to force on 1st July, 2012.

2. Definition.--- In this Act, unless there is anything repugnant in the subject or context,-

- (a) "catchment population" means the local population for which a Community Embedded Employee of the Program is appointed or posted and regularly resides therein;
- (b) "Community Embedded Employee" means a Program employee residing and working within his defined catchment population for which he was appointed or posted;
- (c) "District Program Implementation Unit" means the Management Unit of the Program at District level;
- (d) "Government" means the Government of the Khyber Pakhtunkhwa;
- (e) "prescribed" means prescribed by rules;
- (f) "Program" means the Lady Health Workers Program devolved to the Province and which was previously run by the Federal Government under the name of the National Program for Family Planning and Primary Health Care;
- (g) "Program employee" means an employee of the Program, whose service is regularized under tills Act and includes persons to be appointed after the commencement of this Act;
- (h) "Province" means the Province of the Khyber Pakhtunkhwa;
- (i) "Provincial Program Implementation Unit" means the Management Unit of the Program at Provincial level; and
- (j) "rules" mean rules made under this Act.

3. Status of Program.--- (1) On commencement of this Act, the National Program for Family Planning and Primary Health Care, shall be deemed to be a Program of Government to be known as the Lady Health Workers Program.

Attested
[Signature]

District Auditor

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430 Regulation of Lady Health Workers Program and Employees (Regularization and Standardization) Act, 2014

(2) The purpose of the Program shall be to provide preventive, curative, rehabilitative and promotive health care services to the catchment population in the Province.

(3) The Program shall continue for such a period as Government may determine.

(4) After coming into force of this Act, Government may appoint persons to various posts in the Program on contract basis and there shall be no regular appointment in the Program.

(5) The appointment under sub-section (4) shall be made in accordance with the criteria and manner as may be prescribed.

4. Regularization.--- (1) On commencement of this Act, all the Program employees, who were appointed in the Program on contract or fixed monthly stipend basis before 1st July 2012, and holding the said post till the commencement of this Act, shall stand regularized with effect from 1st July, 2012:

Provided that the services of such Program employees shall be deemed to have been regularized under this Act only on the publication of their names in the official Gazette:

Provided further that the posts of the Program fallen vacant on account of death, retirement, resignation, dismissal, termination or otherwise shall be filled-in on contract basis.

(2) The Program employees regularized under this Act shall be placed in the relevant Pay Scales corresponding to the civil servants or as may be determined by Government

(3) The seniority of the Program employees regularized under this Act shall be determined in a manner as may be prescribed.

(4) A Program employee, whose services are regularized under this Act, shall retire from service, on the option of the Program employee and on such date as requested by the Program employee, after completion of twenty five years of qualifying service or on the completion of sixtieth year of age.

(5) A Program employee, whose service is regularized under this Act, shall be entitled to such pensionary and retirement benefits as may be determined by Government

5. Mechanism of recruitment for community Embedded Employees.--- (1) For filling a post of community Embedded Employee, the appointing authority shall cause to verify and ensure in the prescribed manner that person, who is to be appointed against such post, shall be a regular resident of his catchment population.

(2) The Provincial Program Implementation Unit shall oversee and monitor the process and finding of the verification, carried out by the appointing

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District Accountant
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Chapter-II
Service Qualifying for Pension

3. **Conditions of qualification.**---(1) The service of a civil servant does not qualify for pension unless it conforms to the following conditions:

- (a) the service shall not be less than ten years; ✓
- (b) the service must be paid by Government from the Provincial Consolidated Fund;
- (c) the service of a probationer who is subsequently confirmed in a permanent post without interruption qualifies for pension;
- (d) the time spent by a civil servant in approved training shall count as service qualifying for pension; however, the period of training before actual appointment to a civil post shall not count for pension;
- (e) all leave, other than extra ordinary leave counts as qualifying service for the purpose of pension;

Explanation: The period of extraordinary leave shall not be treated as qualifying service for pension but only as a bridge between the two periods of qualifying service.

- (f) the period of suspension, followed by reinstatement, shall be deemed to have been the period as qualifying for pension, regardless of the fact whether the civil servant was or was not allowed full pay and allowances for the period of suspension;
- (g) time spent by a civil servant on deputation in another Government or autonomous body working under Government;
- (h) military pensionable service which ceases before a pension has been earned in respect of it, when followed by civil pensionable service, counts as part of such service;
- (i) if a permanent post, on which a civil servant holds a lien, is abolished, under circumstances entitling him to get a compensation pension or gratuity, his service thereafter in a temporary post, under Government, qualifies for pension; and
- (j) for the purpose of grant of pension for the service in an autonomous or semi-autonomous body, the pay drawn and the effective service rendered by a civil servant in an autonomous or semi-autonomous body, the authorized capital of which is wholly subscribed by the Federal or Government in a post, appointment to which is by law, required to be made and salary of which is required to be fixed by the Federal Government or Government shall be treated as pay rendered in a post in Government

Attested

[Signature]
Account Officer