

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

App. No.: 1786 of 2023

Dr. Salma Bibi

Appellant/Petitioner

VS

1. The Secretary Health Services Govt; of Khyber Pakhtunkhwa, Peshawar.
2. The Director Health Services Govt; of Khyber Pakhtunkhwa, Peshawar.
3. The Medical Superintendent Miangul Abdul Haq Jehanzeb Kidney Hospital, Manglawar, District Swat.
4. The District Accounts Officer Swat at Saidu Sharif, District Swat.

Respondents

Para Wise Reply On Behalf Of Respondent No. 4

Respectfully Sheweth,

Preliminary Objections:

1. That the appellant has got neither cause of action nor locus standi to file the instant appeal.
2. That the instant appeal is against the prevailing Law and Rules.
3. That the appeal is not maintainable in the present form and also in the present circumstance of the issue.
4. That the appellant has filed instant appeal with mala-fide intention hence liable to be dismissed.
5. That the appellant has not come to the Honourable Tribunal with clean hands.

ON FACTS:

- i. The appellant was appointed as WMO, BS-17 vide Government of Khyber Pakhtunkhwa, Health Department Notification No. SO (E) H-II/3-18/2011 dated: 25<sup>th</sup> October, 2011 on purely Adhoc basis for a period of one year subject to the following conditions reproduced as:
  - a) Condition (3): "Appointment will be purely on Adhoc basis for a period of one year or till the arrival of regular selectee of Khyber Pakhtunkhwa, Public Service Commission whichever is earlier.
  - b) Condition (4): "On the expiry of one year or on arrival the recommendee of the commission whichever is earlier the services of the employee shall stand automatically terminated"
- ii. The services of the appellant were regularized w-e-f 20<sup>th</sup> March, 2015 vide Government of Khyber Pakhtunkhwa, Health Department Notification No. SOH (E) 3-18/2015 dated: 21<sup>st</sup> October, 2015. Thus the annual increments entitled to the appellant from regularization till this time has been granted regularly.
- iii. ~~The department concern is in better position to reply this Honorable Court.~~ *No related to Answering Respondents.*
- iv. Upon promotion if the appellant from BS-17 to BS-18 revised pay slip was issued to the concerned department in BS-18. Whereas, recovery was pointed out on account of annual increments granted for the Adhoc services. As the Adhoc services do not count regular service which has been laid down vide notification No. SOIV(S&GAD)16-14(Policy), dated 20<sup>th</sup> October, 1996 (Annex - A).
- v. ~~The department concern is in better position to reply this Before Honorable court.~~ *Not related to Answering Respondents* The concerned department produced source for the recovery being pointed out and recovery of overpayment was started at the mentioned rated accordingly.

**GROUNDS:**

- a) Incorrect hence denied the appellant has been treated in accordance with the law and rules as explained in the above para no. IV.
- b) Pertains to record.
- c) Pertains to record.
- d) Incorrect hence denied as the annual increment are only subjected to a regular employee.

**PRAYER:**

It is therefore most humbly prayed that the appellant is the result of misrepresentation, incorrect, against the real facts and liable to be dismissed with heavy cost. Any other relief which the court deem fit and just may also be graciously awarded to the respondent No. 4 against the appellant, please.

*Ashfaq Anwar*  
District Accounts Officer,  
SWAT.

NIC No. 16102-4756765-9

District Accounts Officer,  
Swat.

(Respondent No.4)

*Noted  
Approved subject to correction,  
and attachment of Policy of 1996.  
before submission in court.*

*Ahwar*  
Additional Advocate General  
Khyber Pakhtunkhwa  
Service Tribunal Peshawar