

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

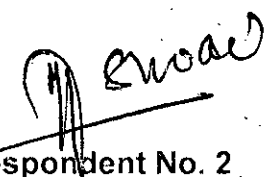
Appeal Number: - 2292 /2023

Sami Ullah..... Petitioner

VS

Government of Khyber Pakhtunkhwa ..... Respondents

S.No.	Description of Documents	Annex	Pages
1	Para-wise Comments on behalf of respondent		1 - 2
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3	Office Order of Appellant	A	4
4	Judgment of writ petition 1008/P-2017	B	5 - 7
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6	Termination Office Order of appellant	D	(21)
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10	Authority Letter		(24)

  
Respondent No. 2  
District Health Officer  
Nowshera  
District Health Officer  
Nowshera

①

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

Appeal Number: - 2292 /2023

Sami Ullah ..... Petitioner

VS

Government of Khyber Pakhtunkhwa ..... Respondents

PARA WISE COMMENTS ON BEHALF OF RESPONDENTS.

Respectfully Sheweth,

**Khyber Pakhtunkhwa  
Service Tribunal**

Preliminary objections;

Discy No. \_\_\_\_\_

- Dated \_\_\_\_\_
- i. That appellant has neither cause of action nor locus standi.
  - ii. That appellant has not come to the honorable Court with clean hands.
  - iii. The appellant is just pressurizing the respondents for an unlawful action.
  - iv. That the appellant has concealed the actual position and facts from this honorable Court.
  - v. That the appeal is not maintainable in its present form and also in present circumstances.
  - vi. That this Honorable court has got no jurisdiction to entertain the appeal.

Facts:

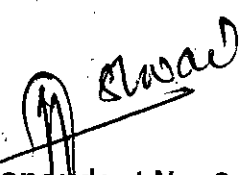
1. The appellant was initially appointed by PPHI project District Support Manager Nowshera on the basis of contract basis but after termination of the project, the appellant approach to Peshawar High Court for regularization of his service and other benefits. At the same time the appellant applied in DHO Office, Nowshera for the post of class IV in 25 % Employee son quota. He was appointed against the post Mali (BPS-03) vide 8559-62/DHO NSR dated 07-07-2017 (**Copy attached as annexure "A"**). The petitioner joined service in BHU Mughalki and received salaries on monthly basis. Later on, the Honorable Peshawar High Court regularized his service in the light aforesaid Writ Petition 1008-P/2007 dated: 04-03-2018 (**Copy attached as annexure "B"**). In this regard, Health Department filed a CPLA against the decision of Honorable Peshawar High Court. Later on, the Apex Supreme Court of Pakistan set aside the impugned order dated. 21.10.2020. (**Copy attached as annexure "C"**) In this connection, he got terminated from his service dated. (**Copy attached as annexure "D"**). Because, he nor withdraws his name from the case neither he informed the district authority.

2. During the litigation in the Supreme Court of Pakistan the CPLA decided in the favor of government of KP Health department vide judgement on Sami Ullah etc CA No. 265-P/2020. The respondent No.2 DHO Nowshera implemented and obeyed the judgment of Apex Supreme Court Vide office order No. 6438-42/ DHO NSR dated 15/02/2021.
3. After implementation of Apex court decision in CA 265-P/2020. Sami Ullah, the petitioner declared terminated vide office order No. 6438-42/ DHO NSR. Later on the direction of GRC letter No. 2785-99 DHO NSR dated 21-09-2022 w.e.f 15-02-2021. Salary source (change alert) is been prepared and submitted in District Account Office, Nowshera. **(Copy of Reinstated Order and salary source copy (change alert) is attached as annexure E & F).**
4. The respondent No.2 has already submitted the salary source of District Account Office, Nowshera.
5. As above.

**Grounds:**

- A. The respondent No. 2 has acted upon the judgment of Apex Court.
- B. The action of respondent 2 is in accordance with law and nothing is illegal and against the constitution of Pakistan on the part of the respondent.
- C. The respondent has implemented the order apex court and even health department directions and not violated any thing. The salary source is been submitted for the release of salary.
- D. No comments.

It is therefore humbly prayed that case may kindly be dismissed with cost.

  
~~Respondent No. 2~~  
District Health Officer  
Nowshera  
**District Health Officer**  
Nowshera  
Dr. Muhammad Shoail

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Para-wise comments in  
Appeal No. 2292 /2023

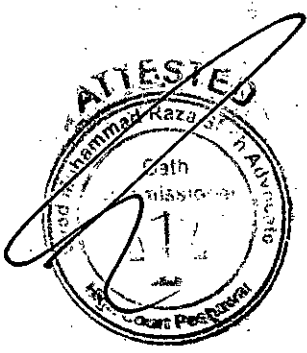
Sami Ullah ..... PETITIONER

VERSUS

DHO Nowshera & Others ..... Respondents

AFFIDAVIT

I, Dr. Muhammad Shoab District Health Officer Nowshera do hereby solemnly affirm and declare on oath that the contents of the para-wise comments are true and correct to the best of my knowledge and nothing has been concealed from this Honorable Court. It is further on oath that the answering respondent has neither been placed ex-parte nor their defense has been struck off/*cost*.



*Shoab*  
District Health Officer  
Nowshera

CNIC: 17201-0746971-9  
Contact: 03485712208



**OFFICE OF THE DISTRICT HEALTH OFFICER NOWSHERA**  
 Phone & Fax 0923-580759 E-Mail: nowshera.edoh@gmail.com

OFFICE ORDER

On arrival to this office on 07-07-2017, Mr. Sami Ullah (Mali) newly appointee is hereby directed to report to Incharge BHU Mughalki District Nowshera for official duty in the interest of public.

80559-62

No. \_\_\_\_\_ / DHO NSR

Copy forwarded to the:

1. Incharge BHU Mughalki Nowshera.
2. Incharge Accounts Section DHO office Nowshera.
3. Official concerned.
4. Office record.

Sd \_\_\_\_\_  
District Health Officer  
Nowshera

Date: 07/07/2017

District Health Officer  
Nowshera

District Health Officer  
Nowshera

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**IN THE PESHAWAR HIGH COURT, PESHAWAR**

C.M. No. 2246 /2017

In

W.P No. 1008/2017

Sami Ullah S/o Abdul Ghaffar & others.....Petitioners

**VERSUS**

Government of Khyber Pakhtunkhwa,  
Through Secretary Health & others.....Respondents

**Application for impleadment of the applicant  
namely**

- (1) Furqan S/o Fazal Mir Khan, Ward  
Orderly, BHU, Aza Khel District Nowsher
- (2) (2) Rahila D/o Muhammad Saeed, Dai,  
BHU, Brug Haripur
- (3) Kamran Khan S/o Islam Shah, Medical  
Technician, BHU Salah Khana, Nowshera  
as petitioners in the above noted writ  
petition

**Respectfully Sheweth:-**

1. That the above noted Writ Petition is pending in this Honourable Court and which is fixed for 22/11/2017.
2. That the petitioners have also serving PPHI in different Districts of Khyber Pakhtunkhwa but quite illegally served with the notice for the closure of the contact. The issue was challenge before this Hon'ble Court by the similarly place employee which were allowed by

*[Signature]*  
**District Health Officer  
Nowshera**

**FILED TODAY**  
Deputy Registrar

18 NOV 2017

**ATTESTED**  
EXAMINER  
Peshawar High Court

16 MAR 2018


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this Hon'ble Court in W.P No.945-P/2017. (Copies of appointment orders are attached).


3. That the applicants were exactly the same case as have been made out by the petitioner's in the above noted writ petition, the facts and grounds mentioned in the writ petition are exactly the same to the fact of the case of the applicants.
4. That since the applicants have also the same grievance as is agitated by their colleagues in the noted writ petition hence they also wants to be impleaded as petitioner'.
5. That there is no legal impediment in the impleadment of the applicants, rather it is in the interest of justice and to avoid the multiplicity of proceedings.

It is, therefore most humbly prayed that on acceptance of this application the applicants may please be impleaded as petitioner in the noted writ petition.

Through Applicants

  
Zarfaj Anwar  
Advocate, Peshawar

Dated \_\_\_/\_\_\_/2017

  
District Health Officer  
Nowshera

FILED TODAY  
Deputy Registrar  
18 NOV 2017

ATTESTED  
EXAMINER  
Peshawar High Court  
16 MAR 2018

IN THE PESHAWAR HIGH COURT, PESHAWAR

C.M. No. 2246 /2017

In  
W.P. No. 1008 /2017

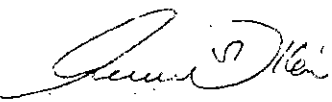
Sami Ullah S/o Abdul Ghaffar & others ..... **Petitioners**

**VERSUS**

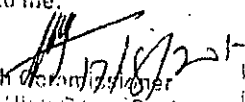
Government of Khyber Pakhtunkhwa,  
Through Secretary Health & others ..... **Respondents**


**AFFIDAVIT**

I Furqan S/o Fazal Mir Khan, Ward Orderly, BHU, Aza Khel District Nowshera (Impleaded applicant), do hereby solemnly affirm and declare on oath that the contents of the accompanying **Impleadment Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

Identified by:  
  
**Zartaj Anwar**  
Advocate, Peshawar

*Furqan Khan*  
**DEPONENT**  
CNIC No: 17201-6642989-1

No: <u>3847</u>
Certified that the above was verified on solemnly affirmation before me in office, this <u>17th</u> day of <u>Aug</u> <u>2017</u> at <u>Fazal Mir</u> s/o <u>Fazal Mir</u> <u>Nowshera</u> who was identified by <u>Zartaj Anwar</u> Who is personally known to me: 
Oath taken by <u>Furqan Khan</u> Peshawar High Court, Peshawar.

  
**District Health Officer**  
Nowshera

**FILED TODAY**  
Deputy Registrar  
16 MAR 2017

**ATTESTED**  
EXAMINER  
Peshawar High Court  
16 MAR 2018



(8)

**IN THE PESHAWAR HIGH COURT,  
PESHAWAR,  
[Judicial Department].**

**Writ Petition # 1008-P/2017  
With C.Ms. No.93-P/2017 and 291-P/2018**

*Sami Ullah and others.*



Versus

*Govt of Khyber Pakhtunkhwa through,  
Secretary Health, Peshawar and others.*

*Respondents*

*For Petitioners :- Mr. Zariq Anwar, Advocate.  
For Respondents :- Mr. Muhammad Riaz Khan, AAG.*

*Date of hearing: 14.03.2018*

**JUDGMENT**

**ROOH-UL-AMIN KHAN, J:-** Through C.Ms. No.93-P of 2017 and 291-P of 2018, applicants named in the applications, seek their impleadment as petitioners in the main writ petition on the ground of having similar grievance against the respondents as that of the petitioners in the writ petition. The applications are supported by an affidavit. No prejudice would be caused to the case of either party, therefore, the applications are allowed and the applicants in both the applications be arrayed as petitioners in the main writ petition. The office shall make the necessary entry in the memorandum of writ petition and relevant Register.

2. By invoking the constitutional jurisdiction of this Court under Article 199 of the Constitution of Islamic

*Rooh-ul-Amin Khan*

**District Health Officer  
Nowshera**

**ATTESTED**

**EXAMINER  
Peshawar High Court**

16 MAR 2018

Republic of Pakistan, 1973, (the Constitution), the  
petitioners seek issuance of the following writ:-

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*"To direct declare the act of respondents with regard to termination of the petitioners from service as illegal, unlawful and without lawful authority and to direct the respondents to re-instate the petitioners in service and regularized their service.*

*Any other remedy deemed appropriate by this Court, if not specifically asked for."*

3. The petitioners, serving in various Basic Health Units (BHUs) of the Province of Khyber Pakhtunkhwa against different posts, seek regularization of their service on the basis of similarly placed employees as well as in light of judgment dated 09.01.2018, rendered by this Court in Writ Petition No.440-P/2017. In essence, their grievance is that on the recommendation of the duly constituted Selection Committee and acceptance of the offer of appointment by the Khyber Pakhtunkhwa People's Primary Healthcare Initiative (PPHI) District Support Unit (DSU), they were appointed in various BHUs of the Province on contract basis and the contract was extended from time to time but when they requested for regularization of their service, the respondents-department terminated their service. Petitioners alleged that the sole reason of their termination from service and refusal of regularization is that the respondents want to compensate

*[Signature]*  
District Health Officer  
Nowshera

ATTESTED

EXAMINER  
Peshawar High Court

16 MAR 2018

their blue eyes, thus, the act of the respondents being in flagrant violation of the law and merit policy is liable to be declared as illegal and unlawful. They prayed that since other similarly placed employees of the same department, have already been regularized, therefore, on the principle of a like to be treated alike, they may also be dealt with the same treatment.

4. Respondents have filed their comments, wherein they have denied the stance of the petitioners by asserting that the petitioners were working in a Non-Governmental Organization (NGO) under Sarhad Rural Support Program (SRSP), therefore, they being not civil servants, could not claim regularization.

5. Having heard the arguments of learned counsel for the parties, the controversy agitated in the instant writ petition has already been dealt with by this Court in its judgment dated 08.09.2017, rendered in Writ Petition No. 2059-P/2016, titled, "Dr. Arab Khan etc Vs Govt of KPK through Secretary Health KPK, Peshawar and others" followed by judgment dated 09.01.2018, passed Writ Petition No.440-P/2017, titled, "Shah Zaib Vs Govt of Khyber Pakhtunkhwa through Secretary Health, Peshawar and others". For the sake of convenience, the operative part of the judgment dated 09.01.2018 is reproduced below:-

*Arwa*  
 District Health Officer  
 Nowshera

ATTESTED  
 EXAMINER  
 Peshawar High Court  
 16 MAR 2018

(11)

"During the course of arguments learned counsel for the petitioner produced an attested copy of a judgment of this Court dated 08.03.2017, rendered in various writ petitions and placed in Writ Petition No. 2050-P/2016, titled, "Dr. Arab Khan etc Vs Govt of KPK through Secretary Health KPK, Peshawar and others" and contended that through the judgment (supra), this Court while deciding the writ petitions of the petitioners/ Class-IV employees, Medical Technicians, Bahesties, Sweepers and doctors, appointed under the SRSP, have cancelled their termination orders, issued by the respondents and have ordered regularization of their services. He requested that the case of the petitioner, being at par with the petitioners of the aforesaid writ petitioners, is entitled, to the same treatment.

When learned AAG was confronted with the judgment (supra), he could not wriggle out of the situation.

In this view of the matter, we, while following the ratio of judgment of this Court passed in Writ Petition No.2050-P/2016 decided on 08.03.2017, allow this writ petition, with the direction to the respondents to reinstate the petitioner in service from the date of his termination and issued a proper order of his regularization against the post of Chowkidar."

*Learned*

6. Learned counsel for the petitioners draw the attention of this Court to the judgment of the august apex Court dated 22.02.2017, rendered in Civil Appeal No.1870 to 1872 of 2016, whereby the appeals filed by the Provincial Government against the judgment of this Court

*[Signature]*  
 District Health Officer  
 Nowshera

**ATTESTED**  
 EXAMINER  
 Peshawar High Court.  
 16 MAR 2018

has been dismissed and the regularization order of other colleagues of the petitioners, has been upheld. Operative part of the judgment (supra) is reproduced, which read as under:-

(12)

"Pursuant to advertisement dated 07.06.2007, respondents were appointed on contract for one year on 01.08.2007. Contract was extended from time to time. Consequent upon promulgation of NWFP (now KPK) Employees (Regularization of Service Act, 2009) many contract employees were regularized. Respondents who were denied such entitlement filed writ petitions, subject matter of instant appeals, on the strength of earlier judgments rendered in writ petitions, as mentioned in Para 4 of the impugned judgment, were allowed.

Heard the arguments of the learned counsel for appellants. He was not able to point out any factual or legal infirmity in the judgment of the learned Tribunal, we do not find any merit in these appeal which are accordingly dismissed."

7. The case of the present petitioners being exactly similar with that of the petitioners of the above writ petitions, thus, we see no reason to form a view different from the one already expressed by this Court in the judgments (supra) as we are fortified by the principles laid down by the Hon'ble Supreme Court in of Hameed Akhtar Niaz (1996 SCMR 1185) and case titled, "Government of

*Looked Sam*

ATTESTED

EXAMINER  
Peshawar High Court

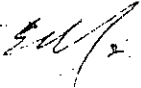
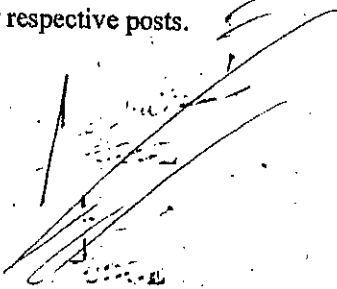
16 MAR 2018

*Qwar*  
District Health Officer  
Nowshera

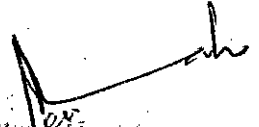
Punjab through Secretary Education Civil Secretariat  
Lahore and others Vs Sameena Parveen and other (2009  
SCMR 01). Following the ratio of judgments (supra), this writ petition is also allowed and the respondents are directed to reinstate the petitioners in service from the date of their termination and issued a proper order of their regularization against their respective posts.

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Announced:  
**14.03.2018**  
Sraaj Afridi P.S.



DB of Mr. Justice Rooh-ul-Amin Khan and Mr. Justice Ikramullah Khan.

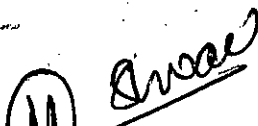
  
District Health Officer  
Nowshera

CERTIFIED TO BE TRUE COPY

Examiner  
Peshwar High Court, Peshawar  
Authorised Under Article 67 of  
The Qanun-e-shahadat Order 1968

16 MAR 2018

No. 14451  
Date of Presentation of Application 16/03/18  
No of Pages 30  
Urgent 144/2  
Total 16/03/18  
Date of Progress 16/03/18  
Date of Delivery of Copy 03/04/18  
Received by [Signature]

  
District Health Officer  
Nowshera

No...  
Dis...

Rec...

(14)

IN THE SUPREME COURT OF PAKISTAN  
(APPELLATE JURISDICTION)

PRESENT:

MR. JUSTICE GULZAR AHMED, H.C.J.  
MR. JUSTICE FAISAL ARAB  
MR. JUSTICE IJAZ UL AHSAN

CIVIL APPEAL NOS. 228 TO 306 & 91-P TO 100-P OF 2020

[Against the judgments dated 18.02.2014, 26.05.2014, 26.09.2017, 23.11.2017, 14.10.2014, 17.02.2015, 29.09.2015, 07.10.2015, 12.11.2015, 09.02.2016, 04.02.2016, 09.02.2016, 27.09.2016, 06.09.2016, 20.10.2016, 13.10.2015, 11.01.2017, 02.02.2017, 17.05.2017, 12.04.2017, 04.10.2017, 22.11.2017, 20.11.2017, 23.11.2017, 22.1.2017, 05.12.2017, 25.10.2017, 30.11.2017, 11.01.2017, 17.01.2018, 14.03.2018, 01.03.2018, 17.04.2018, 04.04.2018, 10.04.2018, 15.05.2018, 05.10.2017, 17.07.2018, 04.04.2018, 21.06.2018, 04.09.2018, 11.10.2018, 01.11.2018, 08.11.2018, 14.11.2018, 29.11.2018, 05.12.2018, 28.11.2018, 16.10.2018, 22.01.2019, 12.02.2019, 11.01.2019, 14.03.2019, 02.04.2019, 18.12.2018, 19.06.2019, 30.10.2019, 14.11.2019, of the Peshawar High Court, Peshawar, Abbottabad Bench, D.J. Khan Bench, Ganna Bench & Mingora Bench passed in W.P.1924/2013, W.P.2066-P/2013, W.P.2289-P/2013, W.P.590-P/2012, W.P.1931-P/13, W.P.3029-P/2014, W.P.196-P/2015, W.P.1495-P/2015, W.P.1941-P/2015, W.P.3412-P/2015, W.P.1540-P/2013, W.P.767-P/2016, W.P.382-A/2014, W.P.5451-P/2012, W.P.439-D/2013, W.P.439-D/2013, W.P.440-D/2013, W.P.3288/2016, W.P.3474-P/2016, W.P.977-B/2016, W.P.1088-P/2015, W.P.3958-P/2014, W.P.1298-P/2017, W.P.287-M/2013, W.P.176-D/2017, W.P.37-P/2017, W.P.38-P/2017, W.P.4733-P/2016, W.P.1850/2017, W.P.1600-P/2016, W.P.2234-P/2017, W.P.4801-P/2017, W.P.2643-P/2012, W.P.77/2010, W.P.462-P/2017, W.P.686-P/2012, W.P.320/2009, W.P.451-P/2017, W.P.1008-P/2017, W.P.4645-P/2016, W.P.655-D/2017, W.P.3139-P/2017, W.P.786-A/2016, W.P.787-A/2016, W.P.678-A/2017, W.P.1109-A/2016, W.P.449-P/2015, W.P.1674-P/2016, W.P.120-M/2015, W.P.4490-P/2016, W.P.866-A/2018, W.P.3372-P/2014, W.P.1785-P/2013, W.P.2361-P/2014, W.P.691-P/2018, W.P.5212-P/2017, W.P.3108-P/2018, W.P.1015-A/2018, W.P.3289-P/2017, W.P.1673-P/2018, W.P.5445-P/2018, W.P.9M/2017, W.P.818-B/2017, W.P.3766-P/2014, W.P.4062-P/2015, W.P.4063-P/2015, W.P.4064-P/2015, W.P.4110-P/2015, W.P.4165-P/2015, W.P.4266-P/2015, W.P.836-D/2017, W.P.2458-P/2012, W.P.4869-P/2017, W.P.6347-P/2018, W.P.4272-P/2017, W.P.5462-P/2018, W.P.2223-P/2017, W.P.4039-P/2018, Rev.P.260-P/2018 in W.P.1673-P/2018, W.P.-2354P/2019, W.P.-2484P/2019, W.P.-2535P/2019, W.P.-2568P/2019, W.P.-2560P/2019, W.P.-2585P/2019, W.P.-2681P/2019, W.P.-2828P/2019, W.P.-4671P/2019, W.P.-5064P/2019)

Govt. of KPK through Secretary Higher Education Archives & Libraries Department, Peshawar etc. In C.As. 228, 234 & 267/2020

Govt. of KPK through Chief Secretary, Peshawar etc. In C.As. 229, 230, 236, 238, 244, 245, 251, 255, 256, 257, 258, 263, 266, 273, 274, 276, 283, 286, 287, 301, 303, 305, 306, 91-P to 100-P/2020

Deputy Director, Finance & Administration FATA through Additional Chief Secretary, FATA Peshawar etc. In C.A. 231/2020

Director, Human Resource Development, Peshawar etc. In C.A. 232/2020

ATTESTED

Senior Court Associate  
Supreme Court of Pakistan  
Islamabad

*[Signature]*  
District Health Officer  
Nowshera

Additional Chief Secretary FATA, FATA Secretariat, Warsak Road, Peshawar etc.

In C.As. 233, 261, 262, 264, 279, 281, 290, 291, 292, 293, 294, 295, 296, 297 & 299/2020

Secretary, Government of KPK Agriculture, Livestock & Dairy Development Cooperatives & Fisheries, Peshawar etc.

In C.A. 235/2020

Govt. of KPK through Secretary Health, Peshawar etc.

In C.As. 237, 241, 242, 243, 247, 248, 252, 253, 254, 265, 269, 270, 271, 277, 280, 284, 300 & 302/2020

Govt. of KPK through Secretary Public Health Engineering Peshawar

In C.A. 239/2020

Govt. of KPK through Secretary Industries, Commerce & Technical Education, Manpower Training Department, Peshawar etc.

In C.As. 240, 259 & 272/2020

Govt. of KPK through Secretary Agriculture, Livestock & Cooperative Department, Peshawar etc.

In C.As. 245, 249, 282, 285 & 289/2020

District Officer (DO) On-Farm Water Management, Dir Lower etc.

In C.A. 250/2020

Govt. of KPK through Secretary Higher Education, Peshawar etc.

In C.A. 260/2020

Govt. of KPK through Secretary Administration Department, Peshawar etc.

In C.A. 268/2020

Deputy Commissioner, Upper Dir etc.

In C.A. 275/2020

Directorate of Livestock & Dairy Development FATA through its Director, FATA Secretariat, Peshawar etc.

In C.A. 278/2020

Govt. of KPK through Secretary Energy & Power Peshawar etc.

In C.A. 288/2020

Govt. of KPK through Secretary Elementary & Secondary Education Peshawar etc.

In C.A. 298/2020

Secretary Health Service, FATA Secretariat Warsak Road, Peshawar etc.

In C.A. 304/2020

...Appellant(s)

ATTESTED

Senior Court Associate  
Supreme Court of Pakistan  
Islamabad

*Shuaib*  
Office

District Health Office  
Nowshera



VERSUS

Sher Ali etc.	In C.A. 228/2020
Mst. Mehrun Nissa etc.	In C.A. 229/2020
Mst. Nahita Adil etc.	In C.A. 230/2020
Dr. Lal Marjan & another	In C.A. 231/2020
Sher Aman	In C.A. 232/2020
Sher Farooq	In C.A. 233/2020
Qismat Gul etc.	In C.A. 234/2020
Barkat Ali etc.	In C.A. 235/2020
Lal Rehman etc.	In C.A. 236/2020
Dr. Asadullah etc.	In C.A. 237/2020
Syeda Humaira Sultana etc.	In C.A. 238/2020
Abdul Manan etc.	In C.A. 239/2020
Shahzad Iqbal etc.	In C.A. 240/2020
Muqadar Shah etc.	In C.A. 241/2020
Nazeerullah etc.	In C.A. 242/2020
Muhammad Farooq and another	In C.A. 243/2020
Naeem Khan etc.	In C.A. 244/2020
Dr. Muhammad Ishraq etc.	In C.A. 245/2020
Zain ul Abedin etc.	In C.A. 246/2020
Kamran Khan etc.	In C.A. 247/2020
Jawad Ali etc.	In C.A. 248/2020
Saeed ul Hassan etc.	In C.A. 249/2020
Shahzada	In C.A. 250/2020
Sher Bahadar etc.	In C.A. 251/2020
Inamullah etc.	In C.A. 252/2020
Fazal Rabbi etc.	In C.A. 253/2020
Shafiq ur Rehman etc.	In C.A. 254/2020
Muhammad Imran Hamayun Khan	In C.A. 255/2020
Muhammad Waris Khan	In C.A. 256/2020
Muhammad Yasir Jamshed etc.	In C.A. 257/2020
Muhammad Younas etc.	In C.A. 258/2020
Rehmat Gul etc.	In C.A. 259/2020
Umar Muhammad Farooq etc.	In C.A. 260/2020
Bilal Ahmed and another	In C.A. 261/2020
Gul Wali Shah etc.	In C.A. 262/2020
Salih Shah & another	In C.A. 263/2020
Riaz & another	In C.A. 264/2020
Samiullah etc.	In C.A. 265/2020
Irshad Hussain etc.	In C.A. 266/2020
Muhammad Asif Mehmood	In C.A. 267/2020
Liaqat Ali	In C.A. 268/2020
Nisar Ahmad	In C.A. 269/2020
Reema Bibi	In C.A. 270/2020
Babar Sultan	In C.A. 271/2020
Muhammad Asif & another	In C.A. 272/2020
Muhammad Irfan & another	In C.A. 273/2020
Ijaz Ali Shah etc.	In C.A. 274/2020
Mst. Nusrat Begum	In C.A. 275/2020
Muhammad Iqbal etc.	In C.A. 276/2020
Mumtaz Hussain & another	In C.A. 277/2020
Dr. Sajjad ur Rehman	In C.A. 278/2020
Farzan Ullah etc.	In C.A. 279/2020
Ishfaq Bacha	In C.A. 280/2020
Zaher Ud Din	In C.A. 281/2020
Syed Muhammad Iqbal etc.	In C.A. 282/2020

ATTESTED

Senior Court Associate  
Supreme Court of Pakistan  
Islamabad

*[Signature]*  
Shaw  
In. Office  
Howshan

Muhammad Nawaz etc.	In C.A. 283/2020
Raheel Zeb etc.	In C.A. 284/2020
Iltaf	In C.A. 285/2020
Saida Rehman	In C.A. 286/2020
Muhammad Tahir Afridi	In C.A. 287/2020
Irshad Ahmad etc.	In C.A. 288/2020
Matiullah	In C.A. 289/2020
Ijaz Hussain & another	In C.A. 290/2020
Alipur Khan	In C.A. 291/2020
Qimat Khan	In C.A. 292/2020
Sher Alam etc.	In C.A. 293/2020
Naikdar Khan	In C.A. 294/2020
Yousaf Khan etc.	In C.A. 295/2020
Wali Khan	In C.A. 296/2020
Saifur Khan & another	In C.A. 297/2020
Mrs. Nayyar Nazir Zaidi	In C.A. 298/2020
Nazir Gul etc.	In C.A. 299/2020
Nadeem Ahmad etc.	In C.A. 300/2020
Muhammad Arif	In C.A. 301/2020
Faizan Rashid & another	In C.A. 302/2020
Sonia Nawab etc.	In C.A. 303/2020
Muhammad Zada & another	In C.A. 304/2020
Naik Amal Shah etc.	In C.A. 305/2020
Mst. Saeeda Rehman	In C.A. 306/2020
Khan Zeb and others	In C.A. 91-P/2020
Mushtaq and others	In C.A. 92-P/2020
Zulfiqar Ahmad and others	In C.A. 93-P/2020
HC Muhammad Ashraf and others	In C.A. 94-P/2020
HC Muhammad Ramzan and others	In C.A. 95-P/2020
HC Khewa Din and others	In C.A. 96-P/2020
Munir Khan and others	In C.A. 97-P/2020
HC Shireen Khan and others	In C.A. 98-P/2020
Daoud Jan and others	In C.A. 99-P/2020
Gul Khan and others	In C.A. 100-P/2020

... Respondent(s)

IN ATTENDANCE:

CIVIL APPEAL NOS. 248, 252, 253, 254, 265, 269, 270, 271, 277, 280, 284 & 302 OF 2020 (CATEGORY-I)

For the Appellants: Barrister Qasim Wadood, Addl. A.G. KP  
Mr. Atif Ali Khan, Addl. A.G. KP  
(In all cases)

For the Respondents: Mr. Muhammad Shoaib Shaheen, ASC  
Syed Rifaqat Hussain Shah, AOR  
(For respondents 1-3, 5, 6, 8-25 in CA 248/2020)

Nemo  
(For respondents 4, 7, 26 in CA 248/2020)

Mr. Mukhtar Ahmed Muneri, ASC  
(For respondents 1, 3, 7, 9, 11, 13, 14, 16, 19-21 in CA 252/2020, for respondents 3, 6, 7, 18, 19 in CA 265/2020, and for respondent 2 in CA 284/2020)

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Senior Court Associate  
Supreme Court of Pakistan  
Islamabad

District Health Officer  
Nowshera

Mr. Rehman Ullah, ASC  
(For respondents 4, 5, 15, 18 in CA 252/2020 & for respondent NO. 2 in CA 253/2020 and respondent 1 in CA 254/2020)

Nemo  
(For respondent 1 in CA 253 & 254/2020, for respondents in CA 277/2020, for respondents in CA 302/2020 and for remaining respondents in CA 252/2020, & CA 265/2020, CA 269, 271 & 270/2020)

Mr. Altaf Ahmed, ASC  
(For respondents 5, 8, 25/27, 31 in CA 265/2020)

Mr. Muhammad Siddique, ASC  
(For respondents 1-2, 0-13 in CA 269/2020 and for respondents 1, 3-7, 9 in CA 271/2020)

Mr. Nasir Mehmood, ASC  
(For respondents 1-12 in CA 280/2020)

**CIVIL APPEAL NOS. 276, 305, 91-P to 100-P/2020**  
**(CATEGORY-II)**

For the Appellants: Mr. Zahid Yousaf Qureshi, Addl. A.G. KPK  
Barrister Qasim Wadood, Addl. A.G. KPK  
(In all cases)

For the Respondents: Mr. Aftab Alam Yasir, ASC  
Syed Rifaqat Hussain Shah, AOR  
(For respondents 1-5, 8-11, 13, 14, 17, 19, 21-24, 28, 31, 33-36, 41-48, 50-56, 58-62, 68, 69, 71-74, 7-80, 85, 87-88 in CA 305/2020 and for respondents 1-84 in CA 276/2020)

Khan Zeb in person for all respondents  
(In CAs 91-P to 100-P/2020)

**CIVIL APPEAL NOS. 268 & 288/2020**  
**(CATEGORY-III)**

For the Appellants: Mr. Shumail Ahmed Butt, A.G. KPK  
Mr. Atif Ali Khan, Addl. A.G. KPK  
Barrister Qasim Wadood, Addl. A.G. KPK  
(In all cases)

For the Respondents: In person  
(In CP 268/2020)

For the Respondents: Mr. Muhammad Ijaz Khan Sabi, ASC  
(For respondents 1-9, 11-36 in CA 288/2020)

**IN ALL REMAINING CASES**

For the Appellants: Mr. Shumail Ahmed Butt, A.G. KPK  
Barrister Qasim Wadood, Addl. A.G. KPK  
Mr. Atif Ali Khan, Addl. A.G. KPK  
Mr. Zahid Yousaf Qureshi, Addl. A.G. KPK

ATTESTED

Senior Civil Judge  
Supreme Court of Pakistan  
Islamabad

Shwae

Notary Officer  
Nowshera

For the Respondents: Mr. Khalid Rehman, ASC  
 Mr. Muhammad Shoab Shaheen, ASC  
 Mr. Anan Karim Kundi, ASC  
 Mr. Abdul Qayum Qureshi, ASC  
 Hafiz S.A. Rehman, Sr. ASC  
 Mr. Saleem Ullah Ranazai, ASC  
 Mr. Nasir Mehmood, ASC  
 Mr. Muhammad Asif Yousafzai, ASC  
 Barrister Adnan Khan, ASC  
 Mr. Wassem ud Din Khattak, ASC  
 Mr. Muzamil Khan, ASC  
 Mr. Altaf Ahmed, ASC  
 Mr. Muhammad Anwar Khan, ASC  
 Mr. Muhammad Munir Paracha, ASC  
 Mr. Asad Jan, ASC

Official respondents: Mr. Asif Khan, LO, HED Department, KP  
 Mr. Nadeem Akhtar, DS Litigation HED  
 Department, KP  
 Ms. Irum Shaheen, Deputy Director, HED  
 KPK  
 Mr. Lajbar Khan, SDO, PHE  
 Mr. Ziaullah, LO Health Department, KP  
 Mr. Muhammad Saeed, Dy. Director, PSC  
 Mr. Asif Ali, Dy Secretary, E&P  
 Department  
 Ms. Sheema Ayb, AD(L) PEDO  
 Mr. Ghazab Taj, AD Chief Settlement,  
 FATA

Date of Hearing: 21.10.2020

ORDER

GULZAR AHMED, CJ.-

CIVIL APPEAL NOS. 248, 252, 253, 254, 265, 269, 270, 271,  
 277, 280, 284 & 302 OF 2020

We have heard learned counsel for the parties and have also gone through the record of the case. For reasons to be recorded later, all these appeals are allowed and the impugned judgments are set aside.

CIVIL APPEAL NOS. 276, 305, 91-P to 100-P/2020

2. By consent of the learned counsel for the parties, the impugned judgments dated 21.06.2018, 19.06.2019 & 14.11.2019 are set aside and Writ Petition Nos. 4490-P/2016, 4039-P/2018, 2394-P/2019, 2434-P/2019, 2535-P/2019, 2558-P/2019, 2560-P/2019, 2589-P/2019, 2684-P/2019, 2823-P/2019, 4671-P/2019

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Senior Court Associate  
 Supreme Court of Pakistan  
 Islamabad

& 5064-P/2019 are dismissed. The respondents shall, however, avail remedy pursuant to call up letters if and when cause of action arises to them and at the same time the appellant shall consider the letters and take appropriate measures regarding the respondents in accordance with law. The appeals are allowed in terms noted above.

CIVIL APPEAL NO. 288/2020

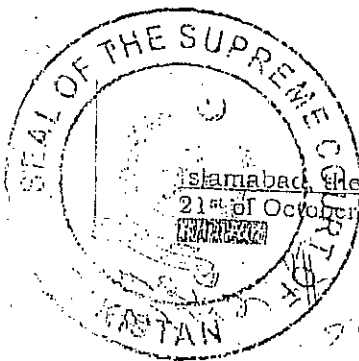
3. At the outset, learned counsel for the respondents admits that the High Court in the impugned judgment dated 16.10.2018 has wrongly relied upon the Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2018. He contends that this very law was not applicable to the case of the respondents as they were governed by statute namely Pakhtunkhwa Energy Development Organization Act, 1993 and the rules framed thereunder. In this view of the submission made by the learned counsel for the respondents, the impugned judgment is set aside and the matter is remanded to the High Court for deciding Writ Petition No. 09-M/2017 of the respondents afresh in accordance with law. The appeal in the above terms stands allowed.

CIVIL APPEAL NO. 268/2020

4. Respondent seeks time to engage a counsel. Adjourned to a date after two weeks.

REMAINING CASES

5. Rest of the appeals are adjourned for a date after two weeks.



46  
24/10

Sd/-HCJ  
Sd/-J  
Sd/-J

Certified to be True Copy

Senior Court Associate  
Supreme Court of Pakistan  
Islamabad

*Shuaib*  
District Health Officer  
Nowshera



**OFFICE OF THE DISTRICT HEALTH OFFICER NOWSHERA**

Phone & Fax: 0923-580759

E-Mail: nowshera.edoh@gmail.com

No. \_\_\_\_\_ / DHO NSR

Date: \_\_\_\_\_ / \_\_\_\_\_ / 2021

(2)

**Office Order**

In the light of Honorable supreme Court judgment dated 21/10/2020 and Secretary Health Khyber Pakhtunkhwa letter No.SOH(Lit-1)12(1)1-1/2020 dated 03/11/2020, Mr.Sami Ullah S/O Abdul Ghaffar Mali working under the control of the undersigned are hereby terminated from their service with immediate effect.

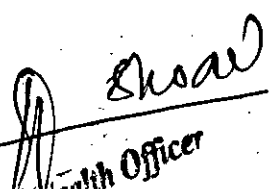
Sd \_\_\_\_\_  
District Health Officer  
Nowshera

No. 6438-42 / DHO NSR Dated 15 / 02 / 2021

Cc

- 1 PS to Secretary Health Khyber Pakhtunkhwa Peshawar.
- 2 PA to Director General Health Services Khyber Pakhtunkhwa Peshawar.
- 3 DAO Nowshera
- 4 Account Section DHO Office Nowshera.
- 5 Official concerned.

  
District Health Officer

  
District Health Officer  
Nowshera



12 "F" 22

**OFFICE OF THE DISTRICT HEALTH OFFICER NOWSHERA**

Phone & Fax: 0923-580759

E-Mail: [nowshera.edoh@gmail.com](mailto:nowshera.edoh@gmail.com)

No. 2785-99 DHO NSR

Date 21/09/2022

**OFFICE ORDER**

In pursuance to notification issued by worthy Section Officer (Lit-1), Health Department vide Letter No SOH(Lit-1)12(1)1628/2018 Dated: 25-06-2021, on subject "APPLICATION FOR RECTIFICATION IN APPOINTMENT AGAINST EMPLOYEES SON QUOTA", Mr. Samiullah S/O Abdul Ghaffar is hereby reinstated as Maali BPS-03 w.e.f 15-02-2021.

Sd \_\_\_\_\_  
District Health Officer  
Nowshera

**Copy Forwarded to:**

1. PS to Secretary Health Khyber Pakhtunkhwa.
2. Director General Health Services, Khyber Pakhtunkhwa.
3. District Account Office Nowshera.
4. Account Office DHO Nowshera.
5. Mr. Samiullah S/O Abdul Ghaffar Resident of Mohallah Maghrabai, Village Mughalkae, District Nowshera.
6. Office Record.

5  
District Health Officer  
Nowshera

*Awar*  
District Health Officer  
Nowshera

23



PAYROLL SYSTEM  
AMENDMENT FORM  
SINGLE EMPLOYEE ENTRY

DHC Nowshera

FORM PAY02

OFFICE OF THE

FOR THE MONTH OF

03 / 2024

DDO Code  
(Cost Center)

NR4638

Description

Admn: DHC NR

Pay Band  
Maximum

00866901

Pay Grade  
Name

Grade (Pay  
Scale Class)

03

Ma

Salary  
Status

Start

Stop

GENERAL DATA CHANGE		Wage Rate	CHANGE IN PAYMENTS / DEDUCTIONS		Effective Date	REMARKS
Field	New Contents		Rupees	Amount		
	Basic Pay	0001	10000/-			Please find his salary with 03/2024. All relevant documents attached.
	HRA	1001	2100/-			
	CA	1210	1700/-			
	MA	1300	1500/-			
	Dress All	2371	1000/-			
	Washing All	2372	1000/-			
	Intergrated All	2373	600/-			
	DRA 18/22	2341	1500/-			
	HR 222	2347	1500/-			
	HR 223	2378	3500/-			
	GF Fund	3003	1150/-			
	PF Fund	3501	300/-			
	HR	4004	300/-			

*Shoaib*

*Shoaib*  
District Health Officer  
Nowshera





**OFFICE OF THE DISTRICT HEALTH OFFICER NOWSHERA**

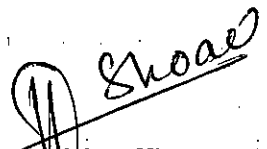
Phone & Fax: 0923-580759

E-Mail: nowshera.edoh@gmail.com

(24)

**AUTHORITY LETTER**

Dr. Asghar Khan PMOBPS-19 DHO Office Nowshera of this office is hereby authorized to submit para-wise comments in appeal No.2292/2023 in the case of Sami Ullah on behalf of the undersigned, for further proceeding

  
District Health Officer  
Nowshera  
**District Health Officer**  
Nowshera