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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

EXECUTION NO _____

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Naheed Akhtar vs *Health Department*

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24-06-24
Muharir Compilation

[Signature]
25/6/24
Incharge Judicial Branch


judiciary in Pakistan in protecting the constitutional rights in exercise of powers of judicial review is indeed, unique. The concept of judicial review has greater room if there are solid basis for exercise of power of judicial review but this power was never intended to over through the acts of states authorities, whenever judges disagree with the constitutional act and policy adopted by such Act. Therefore, the legitimate judicial review over the acts of Executive Authorities is always subject to the principle of strict judicial scrutiny and restraint. The superior judiciary in exercise of the powers of judicial review can examine the constitutionality of the acts of state authorities on any grounds including malafide, use of power to protect the rights guaranteed by the constitution and as such in the cases, in which the fundamental rights of the individual are impaired by using the strict scrutiny standard, jealously guards and determine the question of legality and constitutionality of the action. In the case in hand by way of amendment in the retiring age as enhanced by the government, practically denied the legitimate expectancy of 99% of the total civil servants and had denied also the job


ATTESTED
EXAMINER
 Peshawar High Court

SCANNED
KPST
Peshawar

05.04.2024 1. Learned counsel for the appellant present. Mr. Arshad Azam learned Assistant Advocate General alongwith Yousaf Jamal, Focal Person and Niaz Muhammad, S.C for the respondents present.

2. File to come up alongwith connected service appeal No. 1308/2022 titled "Musarat Shaheen Vs. Health Department" for arguments on 16.05.2024 before D.B. P.P given to parties.


(Fareeha Paul)
Member (E)


(Rashida Bano)
Member (J)

Kaleemullah

ORDER

16th May, 2024

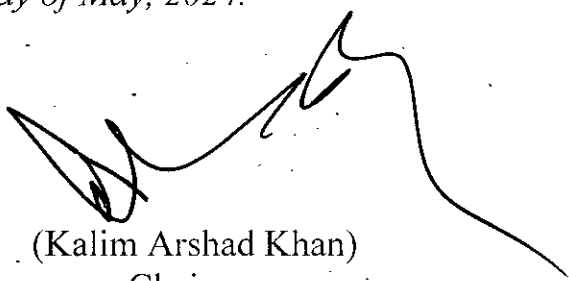
Kalim Arshad Khan, Chairman: Learned counsel for the appellant present. Mr. Shafiullah, Focal Person and Mr. Niaz Muhammad, Senior Clerk alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

2. Vide our consolidated order of today passed in connected Service Appeal No. 1308/2022 titled "*Musarrat Shahan Vs. The Secretary Health, Khyber Pakhtunkhwa, Peshawar and 04 others*", (copy placed in this file), this service appeal is also disposed of in terms of order passed in the mentioned appeal. Costs shall follow the event. Consign.

3. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal on this 16th day of May, 2024.*

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Peshawar


(Rashida Bano)
Member (Judicial)


(Kalim Arshad Khan)
Chairman

2

07.09.2023

Learned counsel for the appellant present.

Mr. Asad Zahoor, Public Health Coordinator, Safiullah, Focal Person and Mr. Niaz Muhammad Khan, Senior Clerk alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Learned counsel for the appellant seeks some time for preparation of arguments. Adjourned. To come up for arguments on 02.01.2024 before the D.B. Parcha Peshi given to the parties.

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Peshawar

(Fareeha Paul)
Member (E)

(Salah-ud-Din)
Member (J)

Naeem Amin

2nd Jan. 2024

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

2. Bench is incomplete. Therefore, case is adjourned. To come up for arguments on 25.04.2024 before D.B. P.P given to the parties.

SCANNED
KPST
Peshawar

(Fareeha Paul)
Member (E)

*Zia Ul Haq *


3

25.07.2023

Learned counsel for the appellant present. Mr. Fazal Shah Mohmand, Additional Advocate General alongwith Mr. Asad Zahoor, Public Health Coordinator for the respondents present.

Reply/comments on behalf of respondents have already been submitted.

Learned counsel for the appellant at the very outset, submitted that similar nature Service appeal No. 1258/2022 titled "Neclofar alongwith others Versus Government of Khyber Pakhtunkhwa", had already been admitted to full hearing and have been fixed for arguments on 07.09.2023. Therefore, this appeal is also admitted to full hearing subject to all just and legal objections by the other side. The appellant is directed to deposit security fee within ten days. To come up for arguments alongwith the above mentioned service appeal on 07.09.2023 before the D.B. Parcha Peshi given to the parties.


(Muhammad Akbar Khan)
Member (I)


SCANNED
KF 51
Peshawar

13.06.2023

Learned counsel for the appellant present. Dr. Zahoor, Public Health Coordinator and Mr. Niaz Muhammad, Senior Clerk alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

To come up alongwith connected Service Appeal bearing No. 1308/2022 titled "Musarrat Shahen Versus The Secretary Health, Khyber Pakhtunkhwa, Peshawar and 04 others" on 25.07.2023 before the S.B. Parcha Peshi given to the parties.

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Peshawar


(Salah-Ud-Din)
Member (J)

Naeem Amin


5

16th March, 2023

Counsel for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General alongwith Muhammad Tufail, S.O (Litigation); Dr. Qudratullah Khan, SMO and Niaz Muhammad Khan, Senior Clerk for respondents No. 1 to 4 present. Nemo for respondent No. 5:

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Reply/comments on behalf of respondents No. 1 to 4 submitted, which is placed on file and a copy whereof handed over to learned counsel for the appellant. To come up for preliminary hearing on 10.05.2023 before the S.B. Parcha Peshi given to the parties.

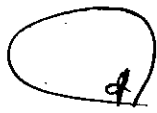

(Farzha Paul)
Member(E)

10.05.2023

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

To come up alongwith connected Service Appeal No. 1308/2022 on 13.06.2023 before the S.B. P.P given to clerk of learned counsel for the appellant.

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(Rozina Rehman)
Member (J)

Naeem Amin

05.01.2023

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Dr. Asad Zahoor, Coordinator for the respondents present.

Reply/comments on behalf of respondents not submitted. Representative of the respondents requested for time to submit reply/comments. Adjourned. To come up for reply/comments as well as preliminary hearing on 31.01.2023 before S.B.

(Mian Muhammad)
Member (E)

31.01.2022

Counsel for the appellant present. Muhammad Adeel But learned Additional Advocate General for respondents present.

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Peshawar


Written reply on behalf of respondents not submitted. Learned AAG requested for time to submit written reply. Request accepted on payment of cost of Rs. 1000/-. To come up for written reply/comments as well as preliminary hearing on 16.03.2023 before S.B.

(Rozina Rehman)
Member (J)

28th Oct., 2022

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. Advocate General for the respondents present.


Reply/comments on behalf of the respondents have not been submitted. Learned AAG sought further time to contact the respondents: Granted. To come up for reply/comments and preliminary hearing on 07.12.2022 before S.B.


(Fareeha Paul)
Member(E)

07.12.2022

Counsel for the appellant present. Muhammad Adeel Butt, learned Additional Advocate General alongwith Faiz Ur Rehman Surveillance Officer for respondents present.

Reply not submitted. Learned AAG sought time for submission of written reply. Adjourned. To come up for written reply/comments on 05.01.2023 before S.B.


(Rozina Rehman)
Member (J)

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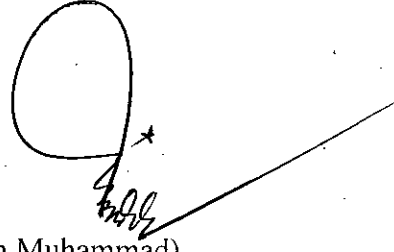
19.09.2022

Mr. Afrasiab Khan Wazir, Advocate for the appellant present.

Preliminary arguments heard.

Learned counsel for the appellant contended that the appellant initially appointed on contract basis, her services were regularized vide Notification dated 24.09.2014 w.e.f. 1st July, 2012 through Khyber Pakhtunkhwa Regularization of Lady Health Workers Program and Employees (Regularization and Standardization) Act, 2014. The appellant is deprived of conveyance allowance whereas the same is being drawn in monthly salary by similarly placed employees in other districts which is a case of discrimination. Feeling aggrieved of the illegal and unlawful action for not granting the conveyance allowance, the appellant and her other colleagues approached the august Peshawar High Court, Bannu Bench in Writ Petition No. 346/2019 which was dismissed on the ground of jurisdiction under Article-212 of the constitution of Islamic Republic of Pakistan, 1973. The appellant also preferred departmental appeal on 06.04.2022 which was not responded within the statutory period whereafter the service appeal was filed on 22.08.2022.

When the learned counsel for appellant was confronted with the question of limitation he argued that conveyance allowance being a recurring cause and part and parcel of the pay, limitation does not run against such cases. No condonation of delay application has been annexed with the service appeal. At this stage, it deems appropriate to issue pre-admission notice to respondents for submission of reply/comments. Adjourned. To come up for reply/comments as well as preliminary hearing on 28.10.2022 before S.B.


(Mian Muhammad)
Member (E)

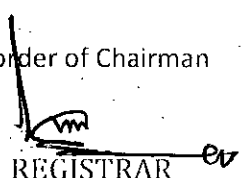
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Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 1318/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	07/09/2022 SCANNED KPST Peshawar	<p>The appeal of Mrs. Naheed Akhtar resubmitted today by Mr. Afrasiab Khan Wazir Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on <u>19-9-22</u>. Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

NOTE:

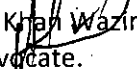
Objection.No.1. In Para No.4 of the appeal' due to clerical mistake (word) appellant is used, hence this Para No.4 be considered as Colleagues of the Appellant.

Objection No.2. Appeal is flagged and marked with annexure.

Objection No.3. Annexure A,B,D,E are replaced by better copies.

Objection No.4. The appellant is aggrieved of the discrimination regarding Conveyance Allowance; due to that pay slip is attached of the appellant (impugned).

Hence the entire objections are removed in appeal and are re-submitted today dated 01.09.2022.


Afrasiab Khan Wazir
Advocate.


(10)

The appeal submitted by Mr. Afrasiab Khan Wazir Advocate today i.e. on 22.08.2022 is incomplete on the following score which is returned to him for completion and resubmission within 15 days.

1. Copy of Writ Petition in respect of appellant mentioned in para-4 of the memo of appeal is not attached with the appeal which may be placed on it.
2. Appeal has not been flagged/marked with annexures marks.
3. Annexures A, B, D & E of the appeal are illegible which may be replaced by legible/better one.
4. Copy of impugned order is not attached with the appeal.

No. 2458 /S.T,

Dt. 23/8 /2022


REGISTRAR (L)
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Afrasiab Khan Wazir Adv. Pesh.

Note: objection No-1, as the appellant in para no.4 of appeal due to clerical mistake mentioned, hence be considered as the colleague of the appellant in para no.4 of appeal objection No. 2, 3, 4 are corrected hence, re submitted today 1/9/2022.

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BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST

Case Title: NAHEED AKHTAR vs HEALTH DEPTT:

S.#	Contents	Yes	No
1.	This appeal has been presented by: <u>Afrasiab Khan Wazir Advocate</u>	✓	
2.	Whether Counsel / Appellant / Respondent / Deponent have signed the requisite documents?	✓	
3.	Whether Appeal is within time?	✓	
4.	Whether the enactment under which the appeal is filed mentioned?	✓	
5.	Whether the enactment under which the appeal is filed is correct?	✓	
6.	Whether affidavit is appended?	✓	
7.	Whether affidavit is duly attested by competent oath commissioner?	✓	
8.	Whether appeal/annexures are properly paged?	✓	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10.	Whether annexures are legible?	✓	
11.	Whether annexures are attested?	✓	
12.	Whether copies of annexures are readable/clear?	✓	
13.	Whether copy of appeal is delivered to A.G/D.A.G?	✓	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15.	Whether numbers of referred cases given are correct?	✓	
16.	Whether appeal contains cuttings/overwriting?	✓	
17.	Whether list of books has been provided at the end of the appeal?	✓	
18.	Whether case relate to this Court?	✓	
19.	Whether requisite number of spare copies attached?	✓	
20.	Whether complete spare copy is filed in separate file cover?	✓	
21.	Whether addresses of parties given are complete?	✓	
22.	Whether index filed?	✓	
23.	Whether index is correct?	✓	
24.	Whether Security and Process Fee deposited? on _____		
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? on _____		
26.	Whether copies of comments/reply/rejoinder submitted? on _____		
27.	Whether copies of comments/reply/rejoinder provided to opposite party? on _____		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: AFRASIAB KHAN WAZIR
ADVOCATE, HIGH COURT

Signature: _____

Dated: _____

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR**

**SCANNED
KPST
Peshawar**

APPEAL NO. 1318 /2022

NAHEED AKHRTAR

VS

HEALTH DEPTT:

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3.	Notification	C	10
4.	Pay slips	D & E	11-16
5.	High Court judgment dated 24.03.2022	F	17-24
6.	Departmental appeal	G	25
7.	Vakalat nama	26

APPELLANT

THROUGH:

**AFRASIAB KHAN WAZIR
ADVOCATE, HIGH COURT
PESHAWAR**

OFFICE:

Room No.6 Ground Floor, Afridi-Tower,
Government College Chowk, Faqir Abad,
Peshawar City.

Mobile No: 0312-9888752

13

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. 1318 /2022

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1057

Mrs. Naheed Akhtar, Lady Health Worker (BPS-5),
BHU Izzat Khel, District Karak.

Dated 22/8/2022
APPELLANT

VERSUS

- 1- The Secretary Health, Khyber Pakhtunkhwa, Peshawar
- 2- The Director General Health, Khyber Pakhtunkhwa, Peshawar.
- 3- The Provincial Coordinator LHW Program Khyber Pakhtunkhwa, Peshawar.
- 4- The District Health Officer, District Karak.
- 5- The District Accounts Officer, District karak.

RESPONDENTS

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ILLEGAL AND UNLAFUL ACTION OF THE RESPONDENTS BY NOT ALLOWING/GRANTING CONVEYANCE ALLOWANCE TO THE APPELLANT AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

That on acceptance of this instant service appeal the respondents may kindly be directed to allow/grant conveyance allowance at par with colleagues of same & other district of the Lady Health Workers with all back ~~benefits~~ ^{day benefits}. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:
ON FACTS:

1- That the appellant is serving in the Health Department as Lady Health Worker (BPS-5), regularized under the Khyber Pakhtunkhwa Regulation Of Lady Health workers Program employee (Regularization And Standardization) Act-2014, and are performing her duties up to the entire satisfaction of their superiors. Copy of the Notification dated 24.09.2014 & Regularization Act-2014 are attached as annexure.....**A & B.**

2- That the Conveyance Allowance is admissible to all the Civil Servants and to this effect a Notification No. FD (PRC)1-1/2011 dated 14.07.2011 was issued. That later on vide revised Notification dated 20.12.2012 whereby the conveyance allowance for employees working in BPS 1 to 15 were enhance/revised while employees from

Filed to-day
Registrar
22/8/2022
Secretary
7/19/2022
Filed to-day

BPS- 16 to 19 has been treated under the previous Notification by not enhancing their conveyance allowance. Copy of the Notification dated 20.12.2012 are attached as annexure.....C.

- 3- That the appellant's colleagues in same and other districts are receiving the conveyance allowances but the respondents without any valid and justifiable reasons are not allowing/granting the payment of conveyance allowance under the wrong and illegal pretext that the same is not allowed to the appellant. Copies of the Salary Slips are attached as annexure.....D & E.
- 4- That the appellant and her colleagues approached to Peshawar High Court, Bannu Bench, Peshawar in writ petition No.346/2019 which was dismissed under Article-212 of the Constitution of Islamic republic of Pakistan, 1973, being component of pay, falls in Service Tribunal Jurisdiction vide order dated 24.03.2022. Copy of the writ petition No.346/2019 order dated 24.03.2022 is attached as annexure.....F.
- 5- That appellant feeling aggrieved also filed Departmental appeal before the appellate authority to redress grievances in light of the principle of consistency but no reply has been received from the quarter concerned. That appellant feeling aggrieved and having no other remedy, filed the instant service appeal on the following grounds amongst the others. Copy of the Departmental appeal is attached as annexure.....G.

GROUND:

- A- That the action and inaction of the respondents regarding not allowing/granting conveyance allowance to the appellant at par with other colleagues is illegal, against the law, facts, norms of natural justice.
- B- That the action/inaction of the respondents is against Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the action of the respondents is without any legal authority, discriminatory and in clear violation of fundamental rights duly conferred by the Constitution and is liable to be declared as null and void.
- D- That as the act of the respondents is illegal, unconstitutional, without any legal authority and not only discriminatory but is also the result of malafide on the part of respondents.
- E- That appellant has the vested right of equal treatment before law and the act of the respondents to deprive the petitioners from the conveyance/allowance is unconstitutional and clear violation of fundamental rights.

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F- That under the principle of consistency the appellant is fully entitle to the conveyance allowance as are given to the other colleagues of the appellant in various districts.

G- That according to Article 38 (e) of the Constitution of Islamic Republic of Pakistan, 1973 the state is bound to reduce disparity in the income and earning of individuals including persons in the services of the federation, therefore in light of the said Article the appellant fully entitle for the grant of conveyance allowance during vacations.

H- That the petitioners seeks permission of this Honorable Court to raise any other grounds available at the time of arguments.

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

Dated: 25.07.2022

APPELLANT

ناہید اختر
NAHEED AKHTAR

Through:

AFRASIAB KHAN WAZIR
ADVOCATE, HIGH COURT,
PESHAWAR

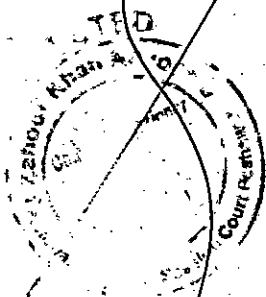
AFFIDAVIT

I do hereby solemnly affirm and declare that the contents of this instant service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

AFRASIAB KHAN WAZIR
ADVOCATE, HIGH COURT,
PESHAWAR

CERTIFICATE:

It is certified that no earlier service appeal has been filed between the parties.





(16)

A4

Better Copy

OFFICE OF THE
DISTRICT HEALTH OFFICER
KARAK
Phone and Fax 0927210837
No. 8838-42
Dated 24/09/2014

NOTIFICATION

In term of section 4 (1) read with Proviso there under, of the Khyber Pakhtunkhwa Regulation of Lady Health Workers Program (Regularization) Act, 2014, services of Lady Health Workers Programme Employees of District Karak Khyber Pakhtunkhwa are hereby regularized with effect from 1st July 2012 terms and conditions of service will be governed under the Khyber Pakhtunkhwa regulation of Lady Health Programme and Employees (regularization and Standardization) Act, 2014 and rules to be made there under.

S. No	Name of Community Embedded employee	Father/Husband Name	FLCF	Name of catchment area
FLCF BHU Eisak Chuntra				

5.	Naheed Akhtar 1				BHU Izat Khel
	Naheed Akhtar 2				BHU Izat Khel

In exercise of power conferred under subsection (2) of the Section ibid, the above community embedded employees are placed in the following pay scales as mentioned against their designations.

Name of Post	Basic Pay Scale
Lady Health Supervisor	BPS 07
Lady Health Worker	BPS 05
Driver	BPS 04

District Health Officer
Karak

CC

1. Director General Health Services Khyber Pakhtunkhwa Peshawar.
2. Provincial Coordinator LHW Program Khyber Pakhtunkhwa Peshawar.
3. District Account Officer Karak for information.
4. Incharge FLCF concerned for information
5. Officials concerned.

District Health Officer
Karak

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B-5

A

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. P/11
GAZETTE

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, WEDNESDAY, 2ND JULY, 2014.

PROVINCIAL ASSEMBLY SECRETARIAT,
KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 2nd July, 2014.

No. PA/Khyber Pakhtunkhwa/Bills/2014/35 L.—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

(KHYBER PAKHTUNKHWA ACT NO. XXVI 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.

*Assisted
Fuzon*

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10

18. KHYBER PAKHTUNKHWA GOVERNMENT, EXTRAORDINARY, 2nd JULY, 2014

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:-

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 at once except section 4, which shall come in to force on 1st July, 2012.

2. Definitions.---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 this 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.

Attested
[Signature]

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.

(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 authority under sub-section (1), before a person is appointed against post of Community Embedded Employee.

*Attested
Firm*

(3) The Community Embedded Employee shall perform his duties within the catchment population of his residence; provided that Government may adjust a Community Embedded Employee in another area in certain circumstances to be prescribed.

(4) Notwithstanding anything contained in other provisions of this Act, the services of the Community Embedded Employees, whose services are regularized under this Act, or other Community Embedded Employees to be appointed after the commencement of this Act, shall be liable to termination, if the employee-

- (a) has unlawfully ceased to be a regular resident within or has become a non-resident for his catchment population; or
- (b) is involved in any other engagement or a practice which is not in accordance with the laid down and approved policy of the Program; or
- (c) has ceased to be efficient in the performance of official duties; or
- (d) has proved guilty of gross misconduct.

(5) A Community Embedded Employee, whose service is terminated under sub-clause (a) or (b) of sub-section (4) of this Act may be reinstated into service in a manner as may be prescribed.

Provided that this opportunity of reinstatement shall not be given more than once throughout the tenure of a Community Embedded Employee's service.

Provided further that-

- (a) no salary or allowances shall be paid to the re-instated employee for the period spent under termination; and
- (b) payment made, if any, to the terminated employee being re-instated, which was not allowed during or for the period spent under termination, is recovered from the employee.

6. Posting, transfer and adjustment of Program employees.---Notwithstanding anything contained in other provisions of this Act, the Program employees, except the Community Embedded Employees, may be transferred to perform duty anywhere in the Province.

7. Disciplinary action.---Disciplinary cases against the Program employees shall be dealt with in a manner as may be prescribed.

8. Application of Government rules.---The Program employees shall be dealt in accordance with the provisions of this Act and rules; provided that if no specific rules are available on any matter, the Government rules shall be applicable to such Program employees.

9. Public servants.---All Program employees shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code, 1860 (Act No. XLV of 1860).

10. Power to make rules.---Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

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KHYBER PAKHTUNKHWA GOVERNMENT, EXTRAORDINARY, 2nd JULY, 2014. 21

11. Saving.--- Any rules, orders or instructions in respect of any terms and conditions of services of Program employees duly made or issued by an authority competent to make them and in force immediately before the commencement of this Act shall, in so far as such rules, orders or instructions are not inconsistent with the provisions of this Act, be deemed to be rules made under this Act.

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

Provided that no such power shall be exercised after the expiry of one year from the commencement of this Act.

13. Repeal.--- The Khyber Pakhtunkhwa Regulation of Lady Health Workers Program and Employees (Regularization and Standardization) Ordinance, 2014 (Khyber Pakhtunkhwa Ord. No. VI of 2014) is hereby repealed.

BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA

(AMANULLAH)
Secretary
Provincial Assembly of Khyber Pakhtunkhwa

Printed and published by the Manager,
Staty. & Ptg. Deptt., Khyber Pakhtunkhwa, Peshawar.

Attested
[Signature]



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GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

NO.FD/SO(SR-II)/52/2012
Dated Peshawar the 20/12/2012

From

The Secretary to Govt. of Khyber Pakhtunkhwa
Finance Department, Peshawar.

To:

1. All administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
2. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
3. The Secretary to Governor, Khyber Pakhtunkhwa.
4. The Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. The Secretary, Provincial Assembly, Khyber Pakhtunkhwa.
6. All Heads of attached Departments in Khyber Pakhtunkhwa.
7. All District Coordination Officers of Khyber Pakhtunkhwa.
8. All Political Agents/District & Session Judge in Khyber Pakhtunkhwa.
9. The Registrar Peshawar High Court, Peshawar.
10. The Chairman Public Service Commission, Khyber Pakhtunkhwa.
11. The Chairman, Service Tribunal, Khyber Pakhtunkhwa.

Subject: REVISION IN THE RATE OF CONVEYANCE ALLOWANCE FOR THE CIVIL EMPLOYEES OF THE KHYBER PAKHTUNKHWA PROVINCIAL GOVERNMENT BPS-1-19

Dear Sir,

The Government of Khyber Pakhtunkhwa has been pleased to enhance/revise the rate of Conveyance Allowance admissible to all the Provincial Civil Servants Govt. of Khyber Pakhtunkhwa (working in BPS-1 to BPS-15) w.e.f. from 1st September, 2012 at the following rates. However, the conveyance allowance for employees in BPS-16 to BPS-19 will remain unchanged.

S.No.	BPS	Existing Rate (PM)	Revised Rate (PM)
1.	1-4	Rs. 1,500/-	Rs. 1,700/-
2.	5-10	Rs. 1,500/-	Rs. 1,840/-
3.	11-15	Rs. 2,000/-	Rs. 2,720/-
4.	16-19	Rs. 5,000/-	Rs. 5,000/-

2. Conveyance Allowance at the above rates per month shall be admissible to those BPS-17, 18 and 19 officers who have not been sanctioned official vehicle.

Your Faithfully

(Sahibzada Saeed Ahmad)
Secretary Finance

Enclst No. FD/SO(SR-II)8-52/2012 Dated Peshawar the 20th December, 2012

Al
14/12/12

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D- (11)

عبد الحق

Lakki

S#: 4

P Sec:001 Month:June 2017
LK6066 -District Health Officer La
DISTRICT HEALTH OFFICER L

Pers #: 00787733 Buckle:
Name: RUQIA BIBI
LADY HEALTH WORKER
CNIC No.1120156461732
GPF Interest Free
05 Active Permanent

NTN:
GPF #:
Old #:

PAYS AND ALLOWANCES:

LK6066

0001-Basic Pay	10,270.00
1000-House Rent Allowance	1,002.00
1210-Convey Allowance 2005 ✓	1,932.00
1300-Medical Allowance	1,500.00
1973-Adhoc Allowance 2010@ 50%	1,670.00
2148-15% Adhoc Relief All-2013	296.00
2174-Adhoc Relief Allow-2014	148.00
2211-Adhoc Relief All 2016 10%	1,027.00
Gross Pay and Allowances	17,845.00

DEDUCTIONS:

GPF Balance 7,450.00	Subrc: 745.00
3501-Benevolent Fund	600.00
4004-R. Benefits & Death Comp:	450.00

Total Deductions

1,795.00

16,050.00

D.O.B
20.05.1985
05 Years 00 Months 001 Days

LFP Quota:
THE BANK OF KHYBER IBB, LAKKI MARWA
00217-00-2

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CHIEF, DISTRICT OFFICER
 DESIGN: LEAD HEALTH WORKER
 ACCOUNTS OFFICE CHARGED
 PAYROLL REGISTRY

AMOUNT	DEDUCTIONS	AMOUNT
14,740.00	2003 GPF Description	899.00
2,318.00	3501 Anniversary Fund	1,200.00
1,823.00	4094 P. Benefits & Debn C	450.00
1,500.00		
286.00		
200.00		
1,037.00		

Page: 1 360
 Date: 01.03.2022
 For the month of January, 2022

DDO : CAGELI EXECUTIVE DISTRICT HEALTH OFFICER
 PAYROLL section : 001 Payroll 1

2228 Adhoc Relief All 201	1,476.00	
2247 Adhoc Relief All 201	1,476.00	
2266 Adhoc Relief All 201	1,476.00	
2309 Adhoc Relief All 202	1,476.00	
2311 Dress Allowance - 20	1,000.00	
2312 Reading Allowance 20	1,000.00	
2313 Motorized Allowance	600.00	
2312 Lady Health Worker A	2,200.00	
TOTAL	32,674.00	
DEDUCTIONS		2,540.00
NET PAY	30,134.00	

TERSI PALAR, CHARGED
 02/01/2019050801
 01.01.2022 31.01.2022
 KANIS MARK LIMITED

District. Chos Sante.

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 For
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CNIC No. _____ Desig: Lady Health Worker (80573100) Grade 5

KTH

LOAN/FUND

	Amount	Deductions	Amount
Basic Pay	14,760.00	3005 GHF Subscription Amount	890.00- Deductions
0001 Basic Pay	14,760.00	2003 GP subscription	890.00
1004 House Rent Allow	3,610.00	3501 Benevolent Fund	1,200.00
1210 Conveyance Allowance 20	1,932.00	4004 R. Benefits & Death C	450.00
1300 Medical Allowance	1,500.00		
2148 Adhoc Relief All	296.00		
2188 Adhoc Relief Allow 2010	200		
2211 Adhoc Relief All 201	1,027.00		

Accounts Officer Charsadda

PAYROLL REGISTER

For the month of January, 2022

Page 360

Dated 01.02.2022

DDO CA6112 EXECUTIVE DISTRICT HEALTH OFFICER Payroll Section 001 Payroll

2224 Adhoc Relief All 201	1,476.00
2247 Adhoc Relief All 201	1,476.00
2248 Adhoc Relief All 201	1,476.00
2309 Adhoc Relief All 202	1,476.00
2311 Dress Allowance 20	1,000.00
2312 Disabled Allowance 20	1,000.00
2313 Integrate Allowance	600
2332 Lady health Worker	2,200.00

PAYMENT 32,674

DEDUCTIONS 2,510.00

Net Pay 30,136.00

01.01.2022

31.01.2022

Branch No. 220217- TEHSIL BAZAR.CHARSADDA HABIB BANK LIMITED, TEHSIL BAZAR
 CHARSADDA
 CHARSADDA
 0002170019050801

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LHW
Account Office Peshawar

00816751 PESHAWAR
PAYMENTS

CNIC: 1730161877174
A M O U N T

Desig: LADY HEALTH WORKER (80573100) Grade: 05 MTN:
A M O U N T

0001 Basic Pay
1003 House Rent Allow 450
1210 Medical Allowance 20
1500 Medical Allowance
2148 15% Assoc Relief All
2193 Assoc Relief Allow P
2211 Assoc Relief All 201
2223 Assoc Relief All 101
2247 Assoc Relief All 201
2249 Assoc Relief All 201
2309 Assoc Relief All 202
2311 Dress Allowance 20
2312 Uniform Allowance 20
2313 Integrated Allowance

14,760.00
3,610.00
1,932.00
1,500.00
296.00
200.00
1,027.00
1,476.00
1,476.00
1,476.00
1,476.00
1,000.00
1,000.00
600.00

3005 GNF Subscription
3501 Benevolent Fund
4004 R. Benefits & Death C

890.00-
1,200.00-
450.00-

PAYMENT
Branch Code 28417

31,829.00
BANK SQUARE, PESHAWAR.

DEDUCTIONS
HABIB BANK LIMITED

2,540.00-

BANK SQUARE, PESHAWAR.

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CNIC No: 1730161877174 Desig: Lady Health Worker (80573100) Grade 5

KTJL

LOAN/FUND

	Amount	Deductions	Amount	
Basic Pay	14,760.00	3005 GHF Subscription Amount	890.00	Deductions
0001 Basic Pay	14,760.00	2003 GP subscription	890.00	
1004 House Rent Allow	3,610.00	3501 Benevolent Fund	1,200.00	
1210 Conveyance Allowance	1,932.00	4004 R. Benefits & Death C	450.00	
1300 Medical Allowance	1,500.00			
2148 Adhoc Relief All	296.00			
2188 Adhoc Relief Allow 201	200			
2211 Adhoc Relief All 201	1,027.00			
2224 Adhoc Relief All 201	1,476.00			
2247 Adhoc Relief All 201	1,476.00			
2248 Adhoc Relief All 201	1,476.00			
2309 Adhoc Relief All 202	1,476.00			
2311 Dress Allowance 20	1,000.00			
2312 Disabled Allowance 20	1,000.00			
2313 Integrate Allowance	600			

PAYMENT 31,829.00

DEDUCTIONS 2,540.00

Branch No. _____ BANK SQUARE, PESHAWAR HABIB BANK LIMITED BANK SQUARE PESHAWAR

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Accounts & PAYROLL For the month of

804395 District Health Officer Rohat
 804397 MALIK JABEEN
 A MOUNT DEDUCTIONS
 Desig: DISTRICT HEALTH OFFICER

01 Basic Pay	12,760.00	3005 EPF Subscription - Rs	69
02 House Rent Allowance	1,503.00	3501 Benevolent Fund	60
10 Convey Allowance 20 ✓	1,232.00	4004 R. Benefits & Death C	69
00 Medical Allowance	1,500.00		
12 Sickness Relief All 201	1,027.00		
24 Sickness Relief All 201	1,276.00		
247 Sickness Relief All 201	1,276.00		
PAYMENTS	21,374.00	DEDUCTIONS	138
Bank Code: 220341	SHAKARDARA, ROHAT.	HABIB BANK LIMITED	

804451 MALIK SULTANA
 A MOUNT DEDUCTIONS
 Desig: LADY HEALTH OFFICER

01 Basic Pay	12,760.00	3005 EPF Subscription - Rs	0
02 House Rent Allowance	1,503.00	3501 Benevolent Fund	6
10 Convey Allowance 20	1,232.00	4004 R. Benefits & Death C	6
00 Medical Allowance	1,500.00		
12 Sickness Relief All 201	1,027.00		
24 Sickness Relief All 201	1,276.00		
247 Sickness Relief All 201	1,276.00		
PAYMENTS	21,374.00	DEDUCTIONS	12
Bank Code: 220210	HANGU ROAD, ROHAT.	HABIB BANK LIMITED	

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Account
Payroll

For the month of _____

District Health Officer Kohat

CNIC NO. 1430119526958

PAYMENTS	AMOUNTS	DEDUCTIONS	AMOUNT
Basic Pay	12,260	3005 GP subscription	.69
House Rent Allow	3,610	3501 Benevolent Fund	60
Allowance 20	1,932.00	4004 R. Benefits & Death C	.69
Medical Allowance	1,500.00		
Adhoc Relief All 201	1,027.00		
Adhoc Relief Allow 201	1,276.00		
Adhoc Relief Allow 201	1,276.00		
PAYMENT	21,274		
DEDUCTIONS			

Branch code. 220341
BANK LIMITED

SHAKARDARA KOHAT

HABIB

SULTANA
WORKER

CNIC 1430195390826

DESIG LADY HEALTH

PAYMENTS
AMOUNTS

AMOUNT

DEDUCTION

Basic Pay	12,760.00	3005 Subscription Rs	
8			
House Rent Allowance	1,503.00	3501 Benevolent Fund	6
Allowance 20	1,932.00	4004 R. Benefits & Death C	6
Medical Allowance	1,500.00		
Adhoc Relief All 201	1,027.00		
Adhoc Relief Allow 201	1,276.00		
Adhoc Relief Allow 201	1,276.00		
	21,674.65		

Branch Code _____
DEDUCTIONS

HANGU ROAD KOHAT

HABIB BANK LIMITED

15

Name: FAREED NISA
LADY HEALTH WORKER
CNIC No. 1420254270766

PK Sec 001 Month February 2019
KK6103 - EDO Health (Admny) KARAK
DISTRICT HEALTH OFFICER KARAK
GPF #:
Old #:

Basic Pay	13,260.00
House Rent Allowance	1,500.00
Dear Allowance 2005	1,930.00
Medical Allowance	1,500.00
Adhoc Relief All-2013	290.00
Adhoc Relief Allow 2013	200.00
Adhoc Relief All 2016-10%	1,027.00
Adhoc Relief All 2017-10%	1,320.00
Adhoc Relief All 2018-10%	1,320.00
Gratuity and Allowances	22,370.00

Subsec	890.00
GPF Balance	600.00
Gratuity Fund	690.00
Death Comp	

Total Deductions 21,180.00

Net Payable 20,190.00

D.D. B. LEFT Quota
08.02.1985 HABIB BANK LIMITED KARAK
04 Years 08 Months 001 Days 18914-3

DEPT. OF HEALTH
KARAK
DISTRICT HEALTH OFFICER KARAK

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DEPT. OF HEALTH
KARAK
DISTRICT HEALTH OFFICER KARAK

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Sec 001 Month February 2019
6103 EDO Health (Admn) Karak
District Health Officer

00786598 Buckle
Name Fareed Nisa
Lady Health Worker
CNIC No. 1420254270766
OPF Interest Applied Permanent
Pays an Allowance

Basic Pay	13,260.00
House Rent Allowance	1,503.00
Allowance 20	1,932.00
Medical Allowance	1,500.00
Adhoc Relief/All 201	1,296.00
Adhoc Relief Allow 201	1,326.00
Adhoc Relief Allow 201	1,326.00
	22,370.00

Pay and Allowance
Dedicate

Code

Balance	26,414	899
Benevolent Fund	Subtract	6000
		6900

Total Deduction	2,180
	20,190

456 DOB
08.02.1985

HABIB BANK LIMITED KARAK

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PAYROLL REGISTER

For The Month Of Febuary 2022

00790725 NAHEED AKHTER		CNIC: 1420212852398	Desig: LADY HEALTH WORKER (80563459)	Grade: 05 NTN:	Buckle No.:	Gazetted/Non-Gazetted: N		
P A Y M E N T S		A M O U N T	D E D U C T I O N S	A M O U N T	LOAN/FUND	PRINCIPAL	REPAID	BALANCE
								69,133.00
0001 Basic Pay	14,760.00	3005 GPF Subscription	890.00-	GPF#:				
1001 House Rent Allowance	2,255.00	3501 Benevolent Fund	1,200.00-					
1300 Medical Allowance	1,500.00	4004 R. Benefits & Death C	450.00-					
2148 15% Adhoc Relief All	296.00							
2199 Adhoc Relief Allow @	200.00							
2211 Adhoc Relief All 201	1,027.00							
2224 Adhoc Relief All 201	1,476.00							
2247 Adhoc Relief All 201	1,476.00							
2264 Adhoc Relief All 201	1,476.00							
2309 Adhoc Relief All 202	1,476.00							
2311 Dress Allowance - 20	1,000.00							
2312 Washing Allowance 20	1,000.00							
2313 Integrated Allowance	600.00							
P A Y M E N T S		28,542.00	D E D U C T I O N S		2,540.00-	N E T P A Y		26,002.00
Branch Code:221435		KARAK	HABIB BANK LIMITED		KARAK	KARAK		01.02.2022 28.02.2022
						Accnt.No: 12978101		

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E-
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F- (17)

BEFORE THE PESHAWAR HIGH COURT,
BANNU BENCH

Writ Petition No: 346 /2019.

Farzana Begum etc. Petitioners

Versus

Government of Khyber Pakhtunkhwa through Secretary Health,
Peshawar etc Respondents

I N D E X

S.#	Description of Documents	Annex	Page
1.	Writ Petition		1-6
2.	Affidavit		7
3.	Addresses of the Parties		8
4.	Copy of the notification/Act Dated 2 nd July, 2014	"A"	9-13
5.	Copy of the notification No.1340 Dated 22.9.2014, with better copy	"B"	14-15
6.	Copies of the notifications No.8782-86, 8787-91 and 8793-97 Dated 24.9.2014	"C" "D" & "E"	16-21
7.	Copies of pay slips of some of the petitioners and those employees who are receiving the conveyance allowance	"F" & "G"	22-40
8.	Copy of the Notices and receipts		41-46
9.	Court Fee		47
10.	Wakalatnama		48-49

Filed Today
26 MAR 2019
Additional Registrar

Filed Today
05 APR 2019
Additional Registrar

Petitioners

Through

Muhammad Samiullah Khan
Advocate, Karak
0333-9717844

SCANNED
08 APR 2019

Dated: 25.3.2019

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Mamana Lady Health Workers posted at various BHUs
(Lady Health Workers Program Employees at District
Karak, Khyber Pakhtunkhwa.

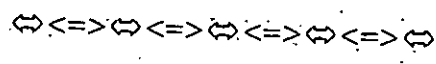
..... Petitioners

Versus

1. Government of Khyber Pakhtunkhwa through
Secretary Health, Peshawar.
2. Director General, Health Services Khyber
Pakhtunkhwa Peshawar.
3. Provincial Coordinator LHW Program. Khyber
Pakhtunkhwa, Peshawar.
4. District Health Officer, District Karak.
5. District Accounts Officer, District Karak.

..... Respondents

WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN, 1973.



Respectfully Sheweth:

This Writ Petition rising up from the following facts:

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1. That all the petitioners are bonafide residents of District Karak.
2. That the petitioners, are serving as Lady Health Workers
(LHWs) at various BHUs (Lady Health Workers Program
Employees) at District Karak.

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3. That vide notification No.PA/Khyber Pakhtunkhwa/Bills/2014/351 Dated 2nd July, 2014, the respondent No.1 by order of the Speaker, Provincial Assembly Khyber Pakhtunkhwa issued an Act "The Khyber Pakhtunkhwa Regulation of Lady Health Workers Program and Employees (Regularization) and Standardization), Act 2014" and regularized the services of the petitioners. Copy of the notification/Act is attached as Annexure "A".

4. That vide notification No.1340 Dated 22.9.2014 of the respondent No.3 vide which the District Health Officers were directed to issue individual notification to the employees of LHW Program. Copy of notification is attached as Annexure "B".

5. That in the light of above referred directions/notification, vide notifications No.8782-86, 8787-91 and 8793-97, Dated 24.9.2014, the District Health Officer, Karak regularized the services of the petitioners etc with effect from 1st July 2012. Copies of notifications are attached as Annexure "C", "D" & "E" respectively.

6. That the petitioners are entitled to receive conveyance allowance according to law since their regularization w.e.f. 01.7.2012 but the respondents No.4 & 5 are discriminately denying to pay the conveyance allowance to the petitioners

Filed Today
01 MAR 2013
Additional Registrar

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rather they (respondent No.4 & 5) are paying the same allowance to their blue eyed employees of the same category (LHWs) at District Karak. Copies of some of the pay slips of the petitioners are attached as Annexure "F" and of those employees who received the conveyance allowance are attached as "G".

7. That being aggrieved, the petitioners approaches this Honourable Court, inter alia, on the following grounds;

GROUND S:

- A. That according to service Rules, the petitioners as a matter of routine duties, visit 1-10 families/houses daily for their medical assistance, also participate in anti-polio campaigns for 05 days in the month approximately and also taking the infants of community to EPI Center/BHUs/RHCs etc.
- B. That the petitioners perform their duties in hilly and rural areas which are impossible without having a conveyance and in such a circumstances denial of conveyance allowance to the petitioners is against the law and rules.
- C. That the impugned action of the respondents No.4 & 5 is void-ab-initio, illegal and is discriminatory in contravention of the provisions of the constitution of Pakistan.

216 MAR 2010

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- D. That the impugned action of the respondents No.4 & 5 be declared against the norms of justice in the light of directives/notifications of respondents No.1 to 3.
- E. That the impugned action is based on colourful exercise of powers, vested in the functionaries of the Government through Constitution of Pakistan, which is against the basic principles of the equality of citizens before the state.
- F. That the impugned action is illegal, void-ab-initio and not sustainable in the eye of law being not giving the fruit of conveyance allowance to the petitioners which is not admissible to prudent mind and against the principle of natural justice.
- G. That the impugned action of the respondents No.4 & 5 is devoid of any logic and against the guarantee and security provided to the Civil Servants:

It is, therefore, humbly prayed that on acceptance of this Writ Petition, the impugned action of the respondents, may please be declared to be illegal, void-ab-initio and unsustainable and the respondent No.4 & 5 may please be directed to give the benefit of conveyance allowance to the petitioners w.e.f 1st July 2012 in accordance with law.

Filed Today.
25 MAR 2019
Additional Registrar

Petitioner

Through

Malik Samiullah Khan
Advocate, Karak

Dated: 25.3.2019

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CERTIFICATE:

As per instructions of my clients, certified that no such like Writ Petition has earlier been filed by the petitioners before this Honourable Court.

Samir

LIST OF BOOKS:

1. Constitution of Islamic Republic of Pakistan, 1973.
2. Case Law According to Need.

Samir

Advocate

J

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 MAR 2011
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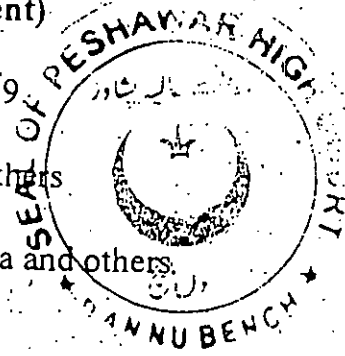
(W) (23)

**JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT,
BANNU BENCH.
(Judicial Department)**

W.P.No.346-B/2019

Farzana Gul and 65 others
Vs

Govt. of Khyber Pakhtunkhwa and others.



JUDGMENT

Date of hearing: 24.03.2022

For petitioners: Mr. Shakirullah Khan, Advocates.

For respondents: Sardar Muhammad Asif, Asstt. AG.

MUHAMMAD FAHEEM WALI, J.--- Farzana Begum and 65 others who are working as Lady Health Workers at various BHUs have invoked the constitutional jurisdiction of this Court, praying

that:-

“It is, therefore, humbly prayed that on acceptance of this writ petition, the impugned action of the respondents may please be declared to be illegal, void-ab-initio and unsustainable and the respondents No.4 and 5 may please be directed to give the benefit of conveyance allowance to the petitioner w.e.f 1st July 2012 in accordance with law.”

2. It is alleged in the petition that initially the present petitioners were appointed on contract basis, however, later on through the Khyber Pakhtunkhwa Regulation of Lady Health

ATTESTED

JUNIOR
Peshawar High Court
Bannu Bench

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Workers Program and Employees (Regularization) and Standardization), Act, 2014, the services of the present petitioners were regularized. On regularization they have attained the status of civil servants, therefore, they are also entitled to conveyance allowance, similar to the other civil servants. On the other hand it is the contention of the respondents that the said conveyance allowance is not admissible to the petitioners in a limit of street village or within the LHVs local jurisdiction, they are performing their duties in the close vicinity of their places of residence.

3. Be that as it may, once the present petitioners have acquired the status of civil servants, their claim for allowance cannot be entertained by this Court in view of jurisdictional contour as envisaged by Article 212 of Constitution of Islamic Republic of Paksitan, 1973 being one of the terms and conditions of service of a civil servant. Needless to mention that allowance constitute an essential component of pay. In view of the clear bar stated above, this petition is not maintainable which is accordingly dismissed.

Announced.

24.03.2022

Ihsan

CERTIFIED TO BE TRUE COPY

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38/3/22

The Oath of Office and Oath of Confidentiality, 1984

D.B
Hon'ble Mr. Justice Syed Arshad Ali &
Hon'ble Mr. Justice Muhammad Faheem Wali.

[Handwritten Signature]
26 MAR 2022
[Handwritten Signature]

To,

The Director General, Health Services
Khyber Pakhtunkhwa, Peshawar.

Subject: **DEPARTMENTAL APPEAL AGAINST THE IMPUGNED ILLEGAL AND UNLAWFUL ACTION OF THE CONCERNED AUTHORITY BY NOT ALLOWING/GRANTING CONVEYANCE ALLOWANCE TO THE LADY HEALTH WORKERS.**

Respected Sir,

With due respect it is stated that the appellant is the employee of your Department and is serving as Lady Health Worker (BPS-05) and performing duties quite efficiently and up to the entire satisfaction of the superiors. It is stated for kind information that Conveyance Allowance is admissible to all the civil servants and to this effect a Notification No. FD (PRC) 1-1/2011 dated 14.07.2011 was issued. Later on vide revised Notification dated 20.12.2012 the conveyance allowance for employees working in BPS 1 to 15 were enhanced/revised while employees from BPS-16 to 19 have been treated under the previous notification by not enhancing their conveyance allowance and for all civil servants/government servants conveyance allowance is allowed (except those allowed monetized value of transport or avail transport facility) irrespective of place or station of duty. Respected Sir, appellant's other colleagues of the same department in same as well other districts are receiving conveyance allowance as admissible under the law and rules but the concerned authority without any valid and justifiable reasons are not granting/allowing the payment of conveyance allowance under the wrong and illegal pretext that the same is not allowed for the reason that they are working in the limit of street, village or even with the LHW local jurisdiction which is illogical and against law and discriminatory. Conveyance is granted to other departments whether it is vocational or non vocational even if they work in local areas and near home but they are allowed. Vocational Department employee in Islamabad regarding the same issue filed service appeal No.1888 (R) CS/2016 before the Federal Service Tribunal, Islamabad for conveyance allowance which was accepted by the Honorable Service Tribunal vide its judgment dated 03.12.2018 and same is allowance is extended through Khyber Pakhtunkhwa Service Tribunal vides multiple judgments, which manifests that conveyance allowance is part and parcel of the salary and is allowed/admissible to all the civil or government servants throughout the Khyber Pakhtunkhwa province who are not provided transport facilities meaning thereby objectifying issue with the reason that the lady health workers are working in their local areas that's why they are not entitled to receive conveyance allowance is unprecedented approach of the department. As a matter of routine, on daily basis they visit families for their medical assistance and participate in anti-polio campaigns for five days in a month so much so they take infants of the community to EPI Centre/BHUs/RHC though their own arrangements or by foot and do many other tasks despite non provision of the vehicle or transport facilities etc. That appellant is also entitled to conveyance allowance as are allowed/granted to the lady health workers of same and other districts but the concerned authority is not willing to allow/grant the same conveyance allowance which is granted to other employees in the province as well. Appellant is feeling aggrieved from the inaction of the concerned authority by not allowing/granting conveyance allowance to the lady health workers, the appellant prefer this Departmental appeal before your good self to redress their legit grievances.

It is therefore, humbly prayed that on acceptance of this departmental appeal the concerned authority may very kindly be directed that the conveyance allowance may very kindly be allowed/granted and the appellant be treated at par with colleagues of same and other districts employees as conveyance allowance is admissible to all the government/civil servants in other quarter concerned.

Dated: 06.04.2022

You're obediently
Naheed Akhtar, LHW (BPS-5)
BHU Izzat Khel,
District Karak

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SCANNED
KPST
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 1318/2022

Mrs. Naheed Akhtar, Lady Health Worker (BPS-05) BHU Chokara, District Karak

Khyber Pakhtunkhwa
Service Tribunal

APPELLANT

VS

Diary No. 4431

Dated 16/3/2023

Govt. of Khyber Pakhtunkhwa & Others

RESPONDENTS

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Dependent
Saleem

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BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 1318 OF 2022

Mrs: Naheed Akhtar, Lady Health Worker (BPS-05) BHU Chokara, District Karak
..... **APPELLANT**

VS

The Secretary to Govt. of Khyber Pakhtunkhwa and others

RESPONDENTS

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 01 TO 04

RESPECTFULLY SHEWETH:

PRELIMINARY OBJECTIONS:-

1. That the appellant has got no cause of action or locus standi, to file the instant appeal.
2. That the appellant has not approached this Hon'able Tribunal with clean hands.
3. That the instant appeal is bad due to non-joinder of necessary and mis joinder of unnecessary party.
4. That the appellant is not a civil servant but a public servant within the meaning of section 9 of the Khyber Pakhtunkhwa, Regularization of Lady Health Worker Program and Employees (Regularization and Standardization Act, 2014) hence the honorable Tribunal has no jurisdiction to adjudicate the matter.
5. That there is no original or appellate order which is pre requisites of section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 hence under 2006 SCMR 1630 the honorable Tribunal has no jurisdiction to adjudicate the matter

FACTS:-

1. Correct to the extent of appointment on contract basis in the program and subsequent regularization vide Khyber Pakhtunkhwa, Regularization of Lady Health Worker Program and employees (Regularization and Standardization Act, 2014). It is worth to mention that the regularized employees of the program have been declared as public servant under section 9 of Khyber Pakhtunkhwa, regularization of Lady Health Worker Program and employees (Regularization and Standardization act, 2014). It is further to clarify that the terms and conditions their services are governed by the provisions of the Regularization Act 2014 as well as Rules made their under, hence they are not civil servant.

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2. Incorrect. Firstly the conveyance allowance as evident from the Notifications dated 14-07-2011 and 20-12-2012, that the allowance is admissible only to the civil servants whereas the appellant is not a civil servant. Secondly, according to the definition of conveyance allowance, the allowance that is paid to an employee to compensate for the travel they have to undertake from their residence to the work place. Whereas according to the Service Rules of Lady Health Worker program, Lady Health Worker providing primary health care services to the community at their doorstep in their catchment area as evident from the guide lines of the Director General Health Services Khyber Pakhtunkhwa, Peshawar which is self-explanatory that conveyance allowance is not admissible in limit of a street, village or even with the LHW local jurisdiction as they are covering their area by foot and their office or health post is their own home, so conveyance allowance is not permissible.
3. Incorrect. Already explained in Para 2 above
4. Pertains to record. However, the appellant was to assist the honorable PHC with respect to their status as per section 9 of the Regularization Act 2014 however, malafidely the appellant concealed their status even otherwise they may knock the door of Apex Court against the judgment dated 24-03-2022 in WP No. 346/2019 instead of filling the instant appeal.
5. Pertains to record, moreover para 2 of the fact is self-explanatory.

Grounds:

- A. Incorrect. According to the definition of conveyance allowance, the allowance that is paid to an employee to compensate for the travel they have to undertake from their residence to the work place. While as per service Rules of Lady Health Worker program, Lady Health Worker providing primary health care services to the community at their doorstep in their catchment area as evident from the guide line of the Director General Health Services Khyber Pakhtunkhwa, Peshawar is self-explanatory that conveyance allowance is not admissible in limit of a street, village or even with the LHW local jurisdiction as they are covering their area by foot and their office or health post is their own home, so conveyance allowance should be allowed.
- B. Incorrect. Para 2 of the facts and para A of the grounds are self-explanatory.
- C. Incorrect. Para 2 of the facts and para A of the grounds are self-explanatory.
- D. Incorrect. Para 2 of the facts and para A of the grounds are self-explanatory.

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- E. Incorrect, Para-2 of the facts & Para-A of the grounds are self-explanatory
- F. Incorrect, Para-2 of the facts & Para-A of the grounds are self-explanatory.
- G. Incorrect, Para-2 of the facts & Para-A of the grounds are self-explanatory.
- H. Incorrect, Para-2 of the facts & Para-A of the grounds are self-explanatory.

The respondents may be allowed to raise additional grounds at the time of arguments.

PRAYER:-

In light of the above submission, it is humbly prayed that according to the definition of Conveyance Allowance, the allowance that is paid to an employee to compensate for the travel they have to undertake from their residence to the work place. While as per service Rules of Lady Health Worker Program, Lady Health Worker providing Primary Health Care Services to the community at their doorstep in their catchment area as evident from the guide line of the Director General Health services Khyber Pakhtunkhwa, Peshawar is self-explanatory that Conveyance allowance is not admissible in limit of a street, village or even with the LHW local jurisdiction as they are covering their area by foot and their office or Health post is their own home, so no conveyance allowance should be allowed & the appeal of the appellant is devoid of merits and has no legal value, therefore, may graciously be dismissed.

1. Secretary Health,
Khyber Pakhtunkhwa

[Signature]
16/02/2023

3. Provincial Coordinator LHW Program,
Khyber Pakhtunkhwa

2. Director General Health Services
Khyber Pakhtunkhwa

[Signature]
01/02/2023

4. District Health Officer Karak

UB

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 1318/2022

Mrs. Naheed Akhtar, Lady Health Worker (BPS-05) BHU Chokara, District Karak

APPELLANT

VS

Govt: of Khyber Pakhtunkhwa & OthersRESPONDENTS

AFFIDAVIT

I Dr. Qudrat Ullah Khan SMO (BS-18)/DMU In-charge office of the District Health Karak, do hereby solemnly affirm and declare that the contents of the para-wise comments at page 1 to 3 submitted on behalf of Respondents No. 1-4 is true and correct to the best of my knowledge, belief and that nothing has been concealed from this Hon'ble Court.



(Dr. Qudrat Ullah Khan)
SMO (BS-18)/DMU In-charge
District Health Office Karak



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GOVERNMENT OF THE KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

NOTIFICATION

Peshawar, dated the 29TH January, 2015

No. SO (H&E)/2-65/2014.-In exercise of the powers conferred by section 10 of the Khyber Pakhtunkhwa Regulation of Lady Health Workers Program and Employees (Regularization and Standardization) Act, 2014 (Khyber Pakhtunkhwa Act No. XXVI of 2014), the Government of Khyber Pakhtunkhwa is pleased to make the following rules, namely:

THE KHYBER PAKHTUNKHWA REGULATION OF LADY HEALTH
WORKERS PROGRAM EMPLOYEES SERVICE RULES, 2015

CHAPTER-1

1. **Short title, application and commencement.**—(1) These rules may be called the Khyber Pakhtunkhwa Regulation of Lady Health Workers Program Employees Service Rules, 2014.

(2) It shall apply to all the Program employees of the Program.

(3) They shall come into force at once.

2. **Definitions.**—In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say,-

- (a) “Act” means the Khyber Pakhtunkhwa Regulation of Lady Health Workers Program and Employees (Regularization and Standardization) Act, 2014 (Khyber Pakhtunkhwa Act No. XXVI of 2014);
- (b) “Provincial Coordinator” means Head of the Program appointed by government from amongst member of service, Health Department.
- (c) “Appointing Authority” means an authority specified in Rule.3.
- (d) “Provincial Program Implementation Unit” means the

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Management Unit of the Program at Provincial level.

CHAPTER-2
RECRUITMENT AND OTHER TERMS AND CONDITIONS OF SERVICE
OF EMPLOYEES

3. **Method of appointment.**---(1) There shall be Selection Committees for the purpose of making selection for initial appointment on contract basis to the posts of the Program, on the recommendations of which the appointing authority shall make appointment.

(2) The candidates applying for the various posts in the Program shall possess same qualification and age limit, as provided in the original Program.

4. **Selection criteria for appointment of Lady Health Supervisor.**---(1) There shall be a Selection Committee for the appointment of Lady Health Supervisors comprising of the following:

- (a) District Coordinator, Lady Health Worker Program; Chairman
- (b) a representative of District Health Officer; Member
- (c) a representative of the Provincial Program Implementation Unit not below the rank of BPS-17; and Member
- (d) Field Program Officer of the concerned area. Member-cum-Sectary

(2) The posts shall be advertised in two News papers or electronic media.

(3) Test and interview of the short listed candidates at District level shall be conducted.

(4) The Selection Committee shall place the list of recommended candidates, alongwith record of written test, before the District Health Officer.

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(5) The District Health Officer shall nominate an officer who shall not be a member of the selection committee to re-verify the documents, residential status of the candidates and to ensure that the recommendations have been made in accordance with the laid down criteria.

(6) On receipt of verification, the District Health Officer will accord final approval and will issue appointment orders of the selected/approved candidates and record of written test of the selected candidate be kept in her personal.

(7) Female, who shall apply for the post of Lady Health Supervisor should preferably married and must be permanent resident of the area for which she is to be appointed.

5. Selection criteria for appointment of Lady Health Workers.---(1) Female preferably married and must be permanent resident of the area for which she is to be appointed.

(2) There shall be a Selection Committee comprising of the following:

(a) Medical Officer/Incharge, Chairman
First Level Care Facility;

(b) a female representative to be Member
nominated by the District Health Officer from amongst Women Medical Officer or Lady Health Visitor or Female Medical Technician or Medical Technician or Dispenser posted at the same Facility;

(c) Lady Health Supervisor. Member-cum-Sectary

(5) Married females/women with past experience in community development, having the required qualification, will be given preference.

(6) Candidate should be willing to carry out the services from her home which will be designated a "Health House" ensuring effective linkage between the community and the public health care delivery system.

(7) In specific/difficult/uncovered areas, the District Health Officer in consultation with District Program Implementation unit, may substitute the members of the Selection Committees to meet the desired objective.

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6. **Selection Criteria for Driver for the vehicle of Lady Health Supervisor.**---The candidate must be permanent resident of the area for which he is to be appointed. He shall have written consent of the Lady Health Supervisor with whom he has to perform duty.

7. **Selection criteria for the post of provincial program implementation unit in bps-1 to bps-16.**---(1) There shall be a Selection Committee comprising of the following:

(a)	Deputy Provincial Coordinator;	Chairman
(b)	Training Coordinator;	Member
(c)	A representative nominated by the Director General Health Services not below the rank of BPS-17;	Member

(2) The Provincial Coordinator shall be the appointing authority for the post of Provincial Program Implementation Unit.

(3) The posts shall be advertised in two News papers/electronic media by the Provincial Coordinator.

(4) Test and interview of the short listed candidates at provincial level shall be conducted.

(8) The Selection Committee shall place the list of recommended candidates alongwith record of written test, before the Provincial Coordinator.

(9) The Provincial Coordinator shall nominate an officer, who shall not be a member of the selection committee to re-verify the documents, residential status of the candidates and to ensure that the recommendations have been made in accordance with the laid down criteria.

(10) On receipt of verification, the Provincial Coordinator shall accord final approval and will issue appointment orders of the selected candidates and record of written test of the selected candidates be kept in her/their personal files.

8. **Selection criteria for the post of BPS-17 in the Provincial Program Implementation Unit.**---(1) There shall be a Selection Committee comprising of the following:

(a) Director Public Health, Chairman

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- (b) Provincial Coordinator; and Member
- (c) Section Officer Health Department. Member

(2) The Secretary Health shall be the appointing authority for the post of Provincial Program Implementation Unit in Basic Pay Scale 17.

(3) The posts shall be advertised in two News papers/electronic media by the Health Department.

(4) Test and interview of the short listed candidates at provincial level shall be conducted.

(5) The Selection Committee shall place the list of recommended candidates alongwith record of written test, before the Secretary Health.

(6) The Secretary Health shall nominate an officer, who shall not be a member of the selection committee to re-verify the documents, residential status of the candidates and to ensure that the recommendations have been made in accordance with the laid down criteria.

(7) On receipt of verification, the Secretary Health shall accord final approval and will issue appointment orders of the selected candidates and record of written test of the selected candidates be kept in her/their personal files.

9. **Recommendation of the Selection Committee.**— When an appointing authority does not accept the recommendation of Selection Committee, it shall record its reasons and obtain order of the next higher authority.

10. **Functions of the Lady Health Supervisor.**—(1) To carryout extensive supervision and monitoring of the field activities of Lady Health Workers. Lady Health Supervisor shall visit the Health House of every Lady Health Worker under her supervision at-least twice a month.

(2) Lady Health Supervisor shall provide supportive supervision, on job training, verbal and written feedback to her Lady Health Workers.

(3) Lady Health Supervisor may act as trainer in the refresher training as and when required by the District Program Implementation Unit.

(4) Lady Health Supervisor shall attend the Continued Education Sessions in all the relevant health facilities.

Attest.

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(5) Lady Health Supervisor shall carryout verbal autopsy of infant deaths reported by her Lady Health Worker.

(6) Lady Health Supervisor shall assist the District Program Implementation Unit in the preliminary scanning/verification of candidates for the positions of Lady Health Workers.

(7) Lady Health Supervisor shall liaise between District and First Level Care Facility (FLCF) for the effective coordination of activities of the program.

(8) Lady Health Supervisor shall attend the District Program Monthly Review (DPMR).

(9) Lady Health Supervisor shall ensure regular maintenance of vehicle and its movement registers, if allotted.

11. **Functions of the Lady Health Workers**—(1) The Lady Health Worker shall provide Primary Health Care services to the community at their doorstep in her catchment area.

(2) The Lady Health Worker shall register all family members in the catchment area especially the eligible couples (married women age 15-49 years) in her respective area and maintain upto date information about her catchment area's population.

(3) The Lady Health Worker shall organize community by developing women groups in health committees in her area.

(4) The Lady Health Worker will arrange meetings of these groups in order to effectively involve them in primary health care, family planning and related community activities.

(5) The Lady Health Worker shall keep close liaison with influential women of her area including lady teachers, community midwives, traditional birth attendants and clients.

(6) The Lady Health Worker shall pay visit 6 to 8 household every day to ensure that all registered households are visited once every month.

(7) The Lady Health Worker shall discuss with the community, issues related to better health, hygiene, nutrition, sanitation and family planning emphasizing their benefits towards quality of life.

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(8) The Lady Health Worker shall coordinate with local community midwives or other skilled birth attendants and local health facilities for appropriate antenatal, natal and postnatal services. She will also conduct antenatal, natal and postnatal care as described in her training.

(9) The Lady Health Worker shall act as liaison between formal health system and her community as well as ensure coordinated support from Non Governmental Organizations (NGOs) and other departments.

(10) As part of their tasks, the Lady Health Worker shall undertake nutritional interventions such as anemia control, growth monitoring, assessing common risk factors causing malnutrition and nutritional counseling. They shall be able to treat iron deficiency anemia among all women specially pregnant and lactating mothers as well as anemic young children.

(11) The Lady Health Worker shall promote nutritional education with emphasis on early initiation and exclusive breast feeding for six months and weaning practices, maternal nutrition and macronutrient malnutrition.

(12) The Lady Health Worker shall coordinate with Expanded Program on Immunization (EPI) of mothers against Tetanus and children against communicable diseases. The Lady Health Workers trained in routine EPI, will ensure timely vaccinations (in her catchment area only) with support from the local health facility/EPI staff. The Lady Health Workers (LHWs) will also participate in various campaigns for immunization against EPI target diseases e.g. Polio, MNT, Measles etc in her catchment area only. The Lady Health Workers will be involved in the surveillance activities in her catchment area only.

(13) The Lady Health Worker shall motivate and counsel clients for adoption and continuation of family planning methods. She will provide condoms, oral pills and administer injectable contraceptives, as per define protocols to eligible couples in the community inform them about proper use and possible side effects.

(14) The Lady Health Worker shall carry out prevention and treatment of common ailments e.g. diarrheal diseases, acute respiratory infections, tuberculosis, intestinal parasites, malaria, primary eye care, scabies, first aid for injuries and other minor diseases using basic essential drugs. She will refer cases to nearest centers as per given guidelines. For this purpose a kit of certain inexpensive basic drugs will be provided to Lady Health Worker/Senior Lady Health Worker. The Lady Health Worker/Senior Lady Health Worker will also be involved in T.B, AIDs, Hepatitis and Malaria prevention/control.

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(15) The Lady Health Worker shall disseminate health education messages on individual and community hygiene and sanitation as well as information regarding preventive measures against spread of AIDS, Hepatitis etc.

(16) The Lady Health Worker shall attend monthly continuing education sessions at her base facility to share progress regarding all activities carried out by her including the home visits, number of family planning acceptors by methods and stock position of contraceptives with Incharge of Facility. She will also attend education sessions, submit her monthly report and collect one month supplies from Health Facility.

(17) The Lady Health Workers will not be involved in any other activity without the prior permission/guidelines from the Provincial Program Implementation Unit.

12. Training of the Lady Health Supervisor. -- Total duration of training for the Lady Health Supervisor will be one year. The Lady Health Supervisor will start field activities after the initial three months training. The training will be carried out in two phases:

- (a) Three months (Initial training)
- (b) Nine months (Field/on job training)

13. Training of Lady Health Workers. -- (1) The training of Lady Health Workers will be conducted in two main phases for a total of twelve months (03 months basic training at classroom and 09 months task based training in the field) using program training manuals and curriculum. This will be followed by continued training at the health facility alongwith refresher trainings.

(2) In health facilities where 10 or more Lady Health Workers or under basic training, there shall be three trainers.

(3) In health facilities where less than ten Lady Health Workers are under basic training, there should be two trainers.

(4) One of the trainers shall be a female to facilitate training in areas such as family planning, maternal health.

(5) The number of trainees per session may not be less than five and more than fifteen.

(6) In case where less than five candidates for training are selected in one First Level Care Facility and they cannot be attached with other facility, approval for training of less than five trainees shall be sought from Provincial Program Implementation Unit.

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14. **Catchment area for Lady Health Worker.**—(1) One Lady Health Worker will be selected to serve on average a catchment area with a population of 1,000 to 1,500 residents depending on the density of and accessibility to the population. In urban/densely populated areas the minimum catchment population will be 1200/LHW and in areas where population per Lady Health Worker is less, in case of dropouts/termination, the catchment population will be readjusted to ensure the above mentioned population coverage instead of new recruitments.

(2) In hard hilly terrain where the population tends to be scattered, the population in the catchment area of the Lady Health Worker can be low up to 1,000. The catchment area of Lady Health Workers will be such that it takes approximately an hour to walk to the farthest house in the catchment area. There should be only one Lady Health Worker in a cluster of 150 to 200 households.

15. **Seniority.**—The appointing authority shall cause a inter-se-seniority list of the following cadres on yearly basis.

- (a) Community Embedded Employees;
- (b) Logistics Officer of the Provincial Program Implementation Unit;
- (c) Field Program Officers of the Provincial Program Implementation Unit;
- (d) Management Information System Coordinator, of the Provincial Program Implementation Unit; and
- (e) Ministerial Staff of the Provincial Program Implementation Unit.

16. **Posting/ Transfer.**—Every Program employee, other than Community Embedded Employee, shall be liable to serve anywhere in the Province against the cadre post in the Program.

17. **Pension, General Provident Fund, Benevolent Fund and Group Insurance.**—(1) Rules made by Government, regulating Pension, General Provident Fund, Benevolent Fund and Group Insurance shall apply for regulating the matters of Pension, General Provident Fund, Benevolent Fund and Group Insurance for those employees of Program whose services have been regularized under this Act.

18. **Shuhada package.**—Shuhada package as admissible to civil servants of the Government shall be applicable mutatis mutandis to the program employees other than the clause of appointment of the package.

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19. Retirement from Service.— (1) A program employee working on regular basis, shall retire from service-

- (a) On such date after he/she has completed twenty years of service qualifying for pension or other retirement benefits as the competent authority may in public interest, direct; or
- (b) Where no direction is given under sub rule (a), on the completion of sixtieth year of his age.

(2) No direction under sub-rule (1)(a) shall be made until the program employee has been informed in writing of the grounds on which it is proposed to make the direction, and has been given a reasonable opportunity of showing cause against the said direction.



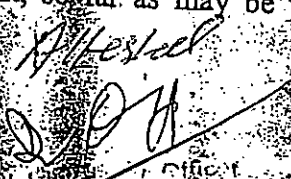
CHAPTER-3
MISCELLANEOUS

20. Performance Evaluation Report.—The Performance Evaluation Reports of the Community Embedded Employees will be initiated by in the following manner:

S.No.	Designation.	Reporting Officer.	Countersigning Officer.
1.	Lady Health Supervisor	District Coordinator, LHW Program.	District Health Officer.
2.	Lady Health Worker.	Lady Health Supervisor, as the case may be.	District Coordinator, LHW Program.

21. Conduct.—The Khyber Pakhtunkhwa Government Servant (Conduct) Rules, 1987 and auxiliary instructions issued from time to times shall be applicable mutatis mutandis to the program employees.

22. General provisions.—In all other matters not expressly provided for in these rules, the rules, if any, made by Government, so far as may be practicable, shall be applied for disposal of such matters.

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

Endst: No & date even.

Copy of above is forwarded to:

1. The Registrar, Supreme Court of Pakistan. Islamabad.
2. All Administrative Secretaries, to Govt. of Khyber Pakhtunkhwa.
3. The Accountant General Khyber Pakhtunkhwa.
4. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
5. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
6. The Advocate General, Khyber Pakhtunkhwa.
7. The Director General, Health Services Khyber Pakhtunkhwa
8. PSO to Chief Secretary Khyber Pakhtunkhwa.
9. The Manager, Government Printing Press & Stationary Department Peshawar for publication in the Government t Official Gazette after publication 10 copies may be forwarded to this Department.
10. The Director Information Khyber Pakhtunkhwa Peshawar
11. The Deputy Director (IT) Health Department for uploading in the official website.
12. PS to Secretary Health Department.

(Kashif Iqbal Jilani)
Section Officer (E.II)

Handwritten signatures and initials:
- A large signature on the left.
- "Attest" written above a signature in the center.
- "D.A." written below the signature in the center.

PROVINCIAL ASSEMBLY SECRETARIAT
KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 2/07/2014.

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**

(KHYBER PAKHTUNKHWA ACT NO. XXVI 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 02/07/2014).

(Here print as in the accompaniment).

Nun-eet

SECRETARY,

Provincial Assembly of Khyber Pakhtunkhwa.

No. and date (as per notification above).

A copy of the above notification with the accompaniment is forwarded to the Manager, Government Stationery and Printing Department, Peshawar, with the request to publish the same in the extraordinary issue of the Khyber Pakhtunkhwa Government Gazette of today's date and distribute copies thereof immediately in accordance with the list given overleaf.

Proof should be sent to this Secretariat before publication.

Nun-eet

SECRETARY,

Provincial Assembly of Khyber Pakhtunkhwa

Dated 2/07/2014

E.No. PA/Khyber Pakhtunkhwa /Bills/2014/ 352-56

A copy of the above is forwarded to :-

1. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. The Secretary to Government of Khyber Pakhtunkhwa, Health Department.
3. The Secretary to Government of Khyber Pakhtunkhwa, Law Department.
4. The Director Information, Khyber Pakhtunkhwa.
5. The Director I.T/Special Secretary Provincial Assembly of Khyber Pakhtunkhwa.

Nun-eet

SECRETARY,

Provincial Assembly of Khyber Pakhtunkhwa

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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:-

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 at once except section 4, which shall come in to force on 1st July, 2012.

2. Definitions.---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 this Act and includes persons to be appointed after the commencement of this Act;

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- (h) "Province" means the Province of the Province;
- (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.

(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 authority under sub-section (1), before a person is appointed against post of Community Embedded Employee.

(3) The Community Embedded Employee shall perform his duties within the catchment population of his residence; provided that Government may adjust a Community Embedded Employee in another area in certain circumstances to be prescribed.

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(4) Notwithstanding anything contained in other provisions of this Act, the services of the Community Embedded Employees, whose services are regularized under this Act, or other Community Embedded Employees to be appointed after the commencement of this Act, shall be liable to termination, if the employee:-

- (a) has unlawfully ceased to be a regular resident within or has become a non-resident for his catchment population; or
- (b) is involved in any other engagement or a practice which is not in accordance with the laid down and approved policy of the Program; or
- (c) has ceased to be efficient in the performance of official duties; or
- (d) has proved guilty of gross misconduct.

(5) A Community Embedded Employee, whose service is terminated under sub-clause (a) or (b) of sub-section (4) of this Act may be reinstated into service in a manner as may be prescribed:

Provided that this opportunity of reinstatement shall not be given more than once throughout the tenure of a Community Embedded Employee's service:

Provided further that-

- (a) no salary or allowances shall be paid to the re-instated employee for the period spent under termination; and
- (b) payment made, if any, to the terminated employee being re-instated, which was not allowed during or for the period spent under termination, is recovered from the employee.

6. Posting, transfer and adjustment of Program employees.---Notwithstanding anything contained in other provisions of this Act, the Program employees, except the Community Embedded Employees, may be transferred to perform duty anywhere in the Province.

7. Disciplinary action.---Disciplinary cases against the Program employees shall be dealt with in a manner as may be prescribed.

8. Application of Government rules.---The Program employees shall be dealt in accordance with the provisions of this Act and rules; provided that if no specific rules are available on any matter, the Government rules shall be applicable to such Program employees.

9. Public servants.---All Program employees shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code, 1860 (Act No. XLV of 1860).

10. Power to make rules.---Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

11. Saving.--- Any rules, orders or instructions in respect of any terms and conditions of services of Program employees duly made or issued by an authority competent to make them and in force immediately before the commencement of this Act shall, in so far as such rules, orders or instructions are not inconsistent with the provisions of this Act, be deemed to be rules made under this Act.

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

Provided that no such power shall be exercised after the expiry of one year from the commencement of this Act.

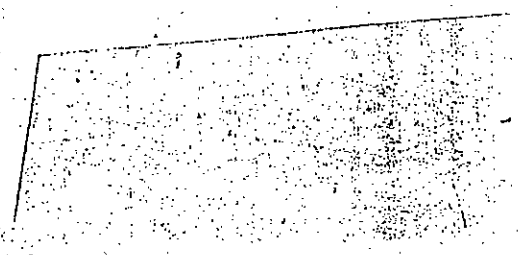
64 P-15

Repeal... The Khyber Pakhtunkhwa Regulation of Lady Health Workers Program and
es (Regularization and Standardization) Ordinance, 2014 (Khyber Pakhtunkhwa Ord. No. VI o
hereby repealed.

BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA

(AMANULLAH)
Secretary
Provincial Assembly of Khyber Pakhtunkhwa

Amanullah
SECRETARY,
Provincial Assembly of Khyber P



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P-16

Defining Conveyance Allowance

The allowance is paid to an employee to compensate for the travel they have to undertake from their residence to the workplace. The amount payable as an allowance depends on how far an employee has to travel, and the modes of transportation used.

(bb)

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OFFICE OF THE DISTRICT HEALTH OFFICER

KARAK

Phone & Fax: 0927-290537 Email: dhokarak@gmail.com
No 2968-71 Dated 03/07/2017

To,

The Director General Health Services,
Khyber Pakhtunkhwa Peshawar.


Subject:- CONVINCE ALLOWANCE TO LHWS.

Sir,

It for your kind information that the employees of LHWS programme have been regularized w.e.f. 01.07.2012 and they have been included in the district budget book w.e.f. 01.07.2016.

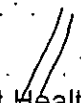
Therefore, it is requested to guide this office whether convince alliance is admissible to LHWS or not, as LHWS are demanding of convince allowance.

It is therefore requested to issue instruction in this regard for the smooth running of the LHWS programme and to avoid complications in future.


District Health Officer
Karak.

Copy to the:-

1. The Provincial Coordinator LHWS Programme KPK Peshawar for information
2. The Deputy Commissioner Karak for information
3. The District Nazim Karak for information


District Health Officer
Karak.

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**DIRECTORATE GENERAL HEALTH SERVICES
- KHYBER PAKHTUNKHWA, PESHAWAR.**



OFFICE PH# 091 - 9210269 EXCHANGE# 091 - 9210187, 091 - 9210196. FAX #091 - 9210230
ALL COMMUNICATIONS SHOULD BE ADDRESSED TO THE DIRECTOR GENERAL HEALTH SERVICES PESHAWAR AND NOT
TO ANY OFFICIAL BY NAME

NO. 3091 /BUDGET/SNE

DATED. 08/08/2017

To
The District Health Officer
Karak.

Subject:- CONVEYANCE ALLOWANCE TO LHW'S.

Memo:

I am directed to refer to your letter No.2968/71, dated 03/07/2017 on the subject noted above and to state that.

Conveyance allowance is not admissible in a limit of a street, village or even with the LHW local jurisdiction. They are covering their area by foot and their office or Health post is their own home, so no conveyance allowance should be permitted.

*Co-ordinator
Office*

[Signature]
16/8/2017

Deputy Director (Accounts)
DGHS, Khyber Pakhtunkhwa, Peshawar

[Signature]
08/08

*D/No: 4261
17-08-2017*

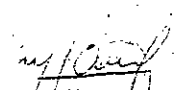

60

SCANNED
PESHAWAR
PCC-100101

OFFICE OF THE DISTRICT HEALTH OFFICER, KARAK

AUTHORITY

Certified that Dr. Qudrat Ullah Khan SM (BPS-18)/DMU In-charge Office of the undersigned is hereby authorized to submit the para-wise comments to the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar in Service Appeals No. 1308 to 1326/2022 (Titled Mrs. Musarrat Shaheen, Lady Health Worker & 18 Others VS District Health Officer Karak & others) on 16/03/2023 on behalf of the undersigned.


District Health Officer Karak


(69)

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

_____ OF 2022

NAHEED AKHTAR

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

HEALTH DEPTT:

(RESPONDENT)
(DEFENDANT)

I/We NAHEED AKHTAR

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

Dated. ____/____/2022

29/1/22

CLIENT(S)

ACCEPTED
AFRASIAB KHAN WAZIR
&
NAZUREHMAN MEHSOOD
ADVOCATES

OFFICE:

**Room No.6 Ground Floor, Afridi Tower,
Government College Chowk, Faqir Abad,
Peshawar City.**

Mobile No: 0312-9888752