

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

BEFORE: MR. KALIM ARSHAD KHAN ... CHAIRMAN
MISS FAREEHA PAUL ... MEMBER(E)

Service Appeal No. 7883/2021

Mr. Maqsood Khan Naib Qasid, TB Control Programme Health
Department, Peshawar.(Appellant)

Versus

1. The Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar.
2. The Secretary, Health Department, Government of Khyber Pakhtunkhwa, Peshawar.
3. The Director General Health Service Khyber Pakhtunkhwa Peshawar.
4. The Secretary Finance, Government of Khyber Pakhtunkhwa, Peshawar. (Respondents)

Syed Numan Ali Bukhari,
Advocate

... For appellant

Mr. Muhammad Jan,
District Attorney

... For respondents

Date of Institution.....15.11.2021

Date of Hearing.....02.10.2024

Date of Decision..... 02.10.2024

JUDGEMENT

FAREEHA PAUL, MEMBER (E): Through this single judgment, we intend to dispose of the instant service appeal as well as the connected service appeal No. 7884/2021 titled “Khan Nazir Versus Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and others”, service appeal No. 7885/2021, titled “Umra Khan Versus Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and others” and service appeal No. 7886/2021 Wali Khan Versus Government of Khyber



extended at different times till the end of the project life. The services of the appellant were regularized vide notification dated 11.07.2018 in the light of Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2018 w.e.f. the date of commencement of the Act i.e 2nd March 2018. It was extremely clear that services of the appellant were on contract basis before his regularization and he was serving in a project of the provincial government, therefore, he could not claim any benefit of the period that he served on contract in a project. Later on, his services were regularized through an Act No. X of the Provincial Assembly w.e.f the date of commencement of that Act on 02.03.2018 and hence the prayer of the appellant that the contract period w.e.f. 2007 till his regularization in 2018 to be considered for the benefit of pay protection and pension was not covered under that Act.

08. In view of the above discussion, the appeal in hand, as well as connected appeals, are dismissed being devoid of merit. Cost shall follow the event. Consign.

09. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal on this 02nd day of October, 2024.*


(FARYEHA PAUL)
Member(E)



(KALIM ARSHAD KHAN)
Chairman


SA 7883/2021

02.10.2024 01. Syed Numan Ali Bukhari, Advocate for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present. Arguments heard and record perused.

02. Vide our detailed judgment consisting of 04 pages, the appeal in hand is dismissed being devoid of merit. Cost shall follow the event. Consign.

03. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal on this 02nd day of October, 2024.*


(FAREEHA PAUL)
Member (E)
Camp Court, A/Abad


(KALIM ARSHAD KHAN)
Chairman
Camp Court, A/Abad

Fazle Subhan PS