

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT ABBOTTABAD

Service Appeal No. 1345/2013

Date of Institution... 05.08.2013

Date of decision... 21.09.2017

Dr. Muhammad Amin, Senior Medical Officer, DHQ Hospital, Haripur.
... (Appellant)

Versus

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar
and 3 others. (Respondents)

MR. AFSAR SHAH,
Advocate

... For appellant.

MR. MUHAMMAD BILAL
Deputy District Attorney

... For respondents.

MR. NIAZ MUHAMMAD KHAN,
MR. MUHAMMAD AMIN KHAN KUNDI,

... CHAIRMAN
... MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: - Arguments of the learned
counsel for the parties heard and record perused.


FACTS

2. The appellant is aggrieved from an order dated 21.3.2013 whereby his application for earned leave was converted into extraordinary leave w.e.f. 01.01.2011 to 28.02.2011. Against which he preferred a departmental appeal on 06.05.2013 which was not responded and thereafter, the present appeal was filed on 05.08.2013

ARGUMENTS

3. The learned counsel for the appellant argued that the appellant had applied for earned leave through a plain application on 13.12.2010 and then he was directed by the

office to submit the same on proforma. That then he submitted application on prescribed proforma after getting admissibility report from the Accounts office on 29.12.2010. That the appellant then proceeded on leave under the impression that the leave was due and it would be sanctioned in due course of time. That when he returned back from the leave he reported for duty on 01.3.2011 but he was informed that his leave had not been sanctioned. Thereafter, the appellant had been applying to the authority for sanction of the said leave but ultimately instead of granting him earned leave, extraordinary leave was granted to him. The learned counsel for the appellant further argued that the impugned order is illegal and against the rules on the ground that the department should have informed the appellant about non sanctioning of the leave well within time and before his arrival report. The learned counsel for the appellant further argued that as the impugned order was received by the appellant on 09.4.2013 therefore, the departmental appeal is within time.



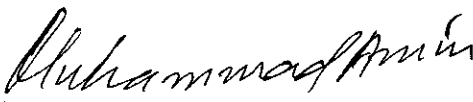
4. On the other hand, the learned Deputy District Attorney, argued that the departmental appeal was time barred, hence the present appeal is also time barred. That the authority had taken a lenient view and had converted his absence into extraordinary leave retrospectively. He further argued that had the department taken disciplinary action against the appellant, the result would have been worse than the impugned order.

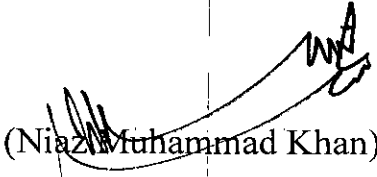
CONCLUSION.

5. It is admitted position that the appellant proceeded on leave by just leaving the application for leave and without any sanction. The learned counsel for the appellant submitted that it is a routine in the Health Department that the civil servants proceeds on leave without any sanction. The learned counsel for the appellant added that behavior of the department was also not in accordance with the settled norms as the application was forwarded to the concerned authority after about one month.

6. Though under the law absence for a single day without sanction of leave is a misconduct but again as submitted by the learned counsel for the appellant that in his

department the routine is that the Doctors do absent themselves without any sanction of leave by just leaving an application. This Tribunal is not in a position to determine that who is at fault for delay or non sanctioning of leave or for proceedings on leave without sanction. This could be determined by the department itself keeping in view their own rules and routine. The leave sanction for the period of absence should have been preceded by an enquiry determining that who was at fault and whether the present appellant could be dealt with under the regular disciplinary rules or he could be penalized for the leave of the kind sanction. The learned counsel for the appellant also submitted that this matter should be referred to the authority to conduct an enquiry under the law to determine whether the appellant was at fault or not and if he was not at fault and his earned leave was available in the balance then he should have been granted the leave for which he applied. The Extraordinary leave though can be granted by the authority but after determining the guilt of the concerned civil servant about his wilful absence which has not been done. The department is directed to complete the whole proceedings within a period of two months from the date of receipt of this judgment, otherwise his extraordinary leave without pay shall be deemed to have been converted into earned leave with pay. Parties are left to bear their own costs. File be consigned to the record room.


 (Muhammad Amin Khan Kundi)
 Member


 (Niaz Muhammad Khan)

Chairman
 Camp Court, A/Abad

ANNOUNCED

21.09.2017

14.03.2017

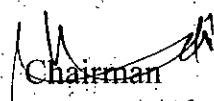
Counsel for the appellant and Mr. Amjad Ali, Assistant alongwith Mr. Muhammad Siddique, Sr.GP for the respondents present. Due to non-availability of D.B arguments could not be heard. To come up for final hearing before the D.B on 22.08.2017 at camp court, Abbottabad.


Chairman
Camp Court, A/Abad

22.08.2017

Appellant in person and Mr. Muhammad Bilal, Deputy District Attorney alongwith Amjad Ali, Asstt. and Muhammad Naeem, AD for the respondents present. Due to general strike of the bar, counsel for the appellant is not in attendance. Requested for adjournment. Adjourned. To come up for final hearing on 21.09.2017 before the D.B at camp court, Abbottabad.


Member



Chairman
Camp court, A/Abad

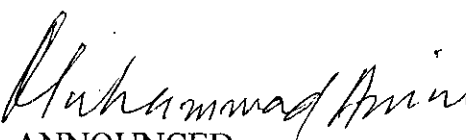
21.09.2017

Appellant alongwith counsel and Mr. Muhammad Bilal, Deputy District Attorney for the respondents present. Arguments heard and record perused.

^{appel}
This ~~is~~ disposed of as per our detailed judgment of today. Parties are left to bear their own costs. File be consigned to the record room.


Member


Chairman
Camp Court, A/Abad.


ANNOUNCED
21.09.2017

26.11.2015

Counsel for the appellant and Mr. Qibaz Khan, SO
alongwith Mr. Muhammad Jan, GP for respondents present.
Arguments could not be heard due to learned Member (Executive)
is on leave. Therefore, the case is adjourned to 3/5/16
for arguments.


Member

03.05.2016

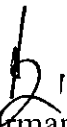
Counsel for the appellant and Mr. Ziaullah, GP for
respondents present. Rejoinder on behalf of the appellant
submitted, copy of which is placed on file. Since the case pertains
to territorial limits of Hazara Division, therefore, case to come up
for arguments on 22-11-2016 at camp court A/Abad.

Member 


Member

22.11.2016

Appellant in person, M/S Muhammad Tufail, SO,
Amjad Ali, Assistant and Shah Rahman, Assistant
alongwith Mst. Bushra Bibi, Government Pleader for
respondents present. The Bench is incomplete. To come up
for final hearing before D.B on 14.3.2017 at camp court,
Abbottabad.


Chairman
Camp Court, A/Abad

9

14.05.2015

Appellant with counsel and Mr. Yar Gul, Senior Clerk alongwith Assistant A.G for respondents present. Written reply not submitted. Requested for adjournment. Last opportunity granted. To come up for written reply on 13.7.2015 before S.B.


Chairman

10.

13.07.2015

Counsel for the appellant and Mr. Qibaz Khan, SO alongwith Assistant A.G for respondents present. Written reply not submitted despite last opportunity. Requested for further adjournment. The respondents are not functioning in accordance with the mandate of law. Secretary Health Department be informed accordingly. Last opportunity extended to 15.7.2015 for submission of written reply before S.B.


Chairman

15.07.2015

Counsel for the appellant and Mr. Qibaz Khan, SO alongwith Assistant A.G for respondents present. Written statement submitted. The appeal is assigned to D.B for rejoinder and final hearing for 26.11.2015.


Chairman

7 18.3.2015

None present for the appellant: Dr. Shoukat Hussain, DMS Haripur for respondent No.4 alongwith Mr. Muhammad Tahir Aurangzeb. G.P for respondents present. According to written statement of respondent No.4 the office of respondent No.4 has got no concern with the period of service disputed before this Tribunal as such attendance of respondent No.4 is dispensed with. Notice to counsel for the appellant as well as other respondents No. 1 to 3 be issued for 21.4.2015 at camp court A/Abad. In case none appeared on behalf of appellant on the next date of hearing then the appeal is to be considered for dismissal due to non-prosecution on his behalf.


Chairman
Camp Court A/Abad

8 21.4.2015

.Appellant with counsel and Mr. Muhammad Tahir, G.P for respondents present. According to order sheet dated 18.3.2015 respondent No.4 has expressed no concern with the period of service disputed before this Tribunal. Since other respondents are the officers serving at Peshawar as such the learned G.P requested for hearing of the case at Peshawar to which proposition the learned counsel for the appellant agreed.

Let notice to respondents No.1 to 3 be issued for 14.5.2015 before S.B at Peshawar.


Chairman
Camp Court A/Abad

15.12.2014

Counsel for the appellant and Mr. Muhammad Tahir Aurangzeb, G.P for the respondents present. The Tribunal is incomplete. To come up for written reply at camp court A/Abad on 16.2.2015.




Reader.

6. 16.2.2015

Agent of counsel for the appellant and Dr. Shokat Hussain, DMS Haripur for respondent No.4 alongwith Mr. Muhammad Tahir Aurangzeb, G.P present. Submitted written statement stating therein that respondent No.4 has got no concern whatsoever with the grievances of the appellant as it pertains to his service served at DHQ Hospital, Abbottabad.

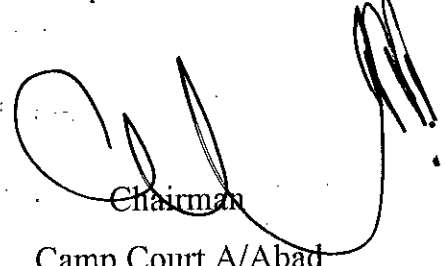
Since the learned counsel for the appellant has sent application for adjournment as such to come up for further proceedings at camp court A/Abad on 18.3.2015.



Chairman
Camp Court A/Abad

maintained that the appellant had sufficient leave at his credit and grant of extraordinary leave in the circumstances has occasioned miscarriage of justice and loss to the appellant both in financial terms as well as service career. The points raised at the Bar need consideration. The appeal is admitted to regular hearing, subject to all just objections, including limitation. Process fee & security be deposited within 10 days. Thereafter, notices be issued to the respondents for written reply/comments at Camp Court A/Abad on 15.09.2014.

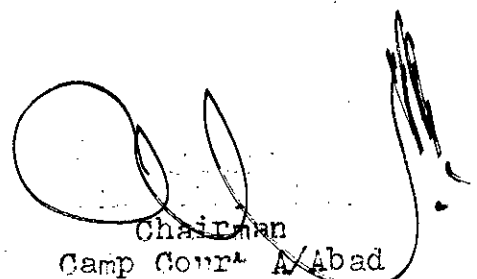
Appellant Deposited
Sec. & Process Fee
Rs. 200/- Bank
Receipt is Attached with File.


Chairman
Camp Court A/Abad

5-

15.9.2014

Counsel for the appellant and Dr. Shoukat Hussain, DMS on behalf of respondent No.4 with Mr. Muhammad Tahir Aurangzeb, G.P. for the respondents present. Written reply has not been received, and request for further time made on behalf of the respondents to come up for written reply/comments at camp court A/Abad on 15.12.2014.


Chairman
Camp Court A/Abad




4- 15.07.2014

Counsel for the appellant and Mr. Muhammad Tahir-Aurangzeb, G.P for the respondents present and heard. The main grievance of the appellant is that he applied for earned leave for the purpose of appearing in FCPS Part-II Examination w.e.f Ist January 2011 to 28th Feb.2011 and he also submitted application on proper form with admissibility report but his application was initially delayed and eventually he was informed vide letter dated 21.03.2013 that ex-post facto sanction has been accorded for grant of the said leave but he was granted extra-ordinary leave though he had sufficient leave at his credit for grant of earned leave for the aforesaid period. The appellant has alleged, in his appeal, that even the letter dated 21.03.2013 was not communicated to him and he obtained the same from the office of Secretary Health and thereafter he preferred departmental appeal on 06.05.2013 and when received no response from the respondent department within the statutory period, he lodged this appeal on 05.08.2013. The learned counsel for the appellant claimed that vide letter dated 26.12.2011 even the Medical Superintendent, B.B.S Teaching Hospital, A/Abad had recommended to the Director General, Health Services, KPK, Peshawar to accord ex-post facto sanction for the period in question and release salary of the appellant if not paid to him but no action was taken on that recommendation of the M.S, B.B.S Teaching Hospital, A/Abad. The learned counsel further claimed that grant of extra ordinary leave tantamount to imposition of punishment which cannot be imposed on a civil servant without issuance of notice and proper departmental proceedings. The learned counsel

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1345 /2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	17/09/2013	<p>The appeal of Dr. Muhammad Amin resubmitted today by Mr. Afsar Shah Advocate may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	24-9-13	<p>This case is entrusted to touring Bench A.Abad for preliminary hearing to be put up there on <u>17.3.14</u></p> <p style="text-align: right;"> CHAIRMAN</p>
3.	17.3.2014	<p>Counsel for the appellant present and heard. In view of the fact that the ex-post facto sanction for leave has been accorded without leave, which, according to the appellant, is treated as minor penalty, a pre-admission notice be issued to the respondents and learned G.P for arguments on maintainability of the appeal at camp court A/Abad on 15.7.2014.</p> <p style="text-align: right;"> Chairman Camp Court A/Abad</p>


This is an appeal filed by Dr. Muhammad Amin today on 05/08/2013 against the impugned order dated 21-03-2013 against which he preferred a departmental appeal on 07/05/2013 which is premature as laid down in an authority reported as 2005-SCMR-890.

As such the instant appeal is returned in original to the appellant/counsel. The appellant would be at liberty to resubmit fresh appeal after maturity of cause of action and also removing the following deficiencies.

- 1- Annexures of the appeal may be annexed serial wise as mentioned in the memo of appeal.
- 2- The authority to whom the departmental appeal was preferred has not been arrayed a party.
- 3- Annexures of the appeal may be attested.
- 4- Six more copies/sets of the appeal along with annexures i.e complete in all respect may also be submitted with the appeal.

No. 1134/ST,


Dt. 5/8 /2013


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Afsar Shah Advocate,
High Court Abbottabad.

*The needful has been done as directed.
The appeal is resubmitted alongwith six more copies please.*

Registrar Service Tribunal
Khyber Pakhtunkhwa Peshawar


13/9/13
Advocate
MA (Pol. Sc) MA (Edu) LL.B
DISTRICT BAR ABBOTTABAD

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTOONKHAWA, PESHAWAR

Appeal No. 1345/13

Dr. Muhammad Amin, Senior Medical Officer (SMO), District Headquarters Hospital, Haripur.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa, through Secretary Health Peshawar & others.


...RESPONDENTS

APPEAL

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4.	Copy of the leave proforma	13	"B"
5.	Copy of the certificate of transfer of charge	14	"C"
6.	Photocopy of the arrival report	15	"D"
7.	Copy of leave proforma	16	"E"
8.	Copy of the order	17	"F"
9.	Copy of application dated 21/11/2013	18 to 19	"G"
10.	Copy of office letter No. 29065/EI dated 13/12/2011	20	"H"
11.	Copy of comments / reply No. 4301 dated 26/12/2011	21	"I"
12.	Copies of the some of submissions	22 to 26	"J", "K", "L", "M" & "N"
13.	Copy of the application	27	"O"
14.	Copies of the impugned Notifications	28 to 29	"P" & "Q"
15.	Copy of Departmental Appeal / Representation	30 to 36	"R"
16.	Wakalatnama.		

Dated: 05/08/2013


(AFSAR SHAH)
Advocate High Court, Abbottabad

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTOONKHAWA, PESHAWAR

Appeal No-1345/13

Dr. Muhammad Amin, Senior Medical Officer (SMO), District Headquarters Hospital, Haripur.

...APPELLANT

VERSUS

1235
25/8/13

1. Govt. of Khyber Pakhtunkhwa, through Chief Secretary Peshawar.
2. Secretary Health Peshawar.
3. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
4. Medical Superintendent, District Headquarters, Hospital, Haripur.

.....RESPONDENTS

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED NOTIFICATION BEARING NO. GOVT. OF KHYBER PAKHTUNKHWA, HEALTH DEPARTMENT, PESHAWAR NO. SOH(E-V)1-776/2012 DATED NOVEMBER 1ST, 2012 THROUGH WHICH INSTEAD OF GRANTING EX-POST FACTO SANCTION OF EARNED LEAVE IN RESPECT OF APPELLANT FOR THE PERIOD W.E.F 01/11/2011 TO 28/02/2011 THE SANCTION WAS ACCORDED FOR EXTRA ORDINARY LEAVE WHICH IS TANTAMOUNT TO MINOR PUNISHMENT THE PHOTOCOPY OF THE SAME

Lead
9/8/13

re-submitted to ~~the~~
and filed.

Lead
17/9/13

RECEIVED BY THE APPELLANT ON 09/04/2003 WITH COPY OF NO. SOH(E-V)1-776/2012/DR. MUHAMMAD AMIN DATED MARCH 21ST, 2013 FROM THE OFFICE OF THE HEALTH SECRETARY PESHAWAR AND THE IMPUGNED ORDER OFFICIALLY HAS NOT BEEN DELIVERED TO THE APPELLANT FROM ANY QUARTERS UPTILL NOW.

PRAYER: ON ACCEPTANCE OF THE APPEAL OF THE APPELLANT, THE IMPUGNED NOTIFICATION MAY BE SET-ASIDE AND THE RESPONDENTS DIRECTED TO GRANT EX-POST FACTO SANCTION FOR EARNED LAVE W.E.F 01/11/2011 TO 28/08/2011 WITH RELEASE OF PAY / EMOLUMENTS FOR THE SAID PERIOD.

Respectfully Sheweth:-

The facts giving rise to the instant appeal are as under:-

1. That the appellants was appointed as Medical Officer in BPS-17 on 12/02/1992 in the Health Department of then NWFP now Khyber Pakhtunkhwa.

2. That the appellant passed FCPS Part-I in the field of pediatrics in the year 2000.
3. That the appellant got training for FCPS Part-II through Post Graduate Medical Institute Hayatabad, Peshawar for three year in Ayub Medical Complex Children ward during 2001-2003.
4. That the appellant posted at District Headquarters Hospital now Benazir Bhutto Teaching Hospital, Abbottabad towards the end of 2003 in the Medical Ward and after about few months, the appellant was placed in children ward.
5. That the appellant was posted to District Headquarters Hospital Haripur as Senior Medical Officer on 01/12/2011 and presently serving over there.
6. That during the posting at Abbottabad the appellant applied for earned leave w.e.f 01/01/2011 to 28/02/2011 on 13 December 2010 on plain paper. Photocopy is annexed as Annexure "A".
7. That the appellant was directed to apply for leave on prescribed proforma after about week period i.e. on 23/12/2010.

- 4
8. That the appellant applied for the said leave on prescribed proforma on 23/12/2010 and District Controller of Accounts Abbottabad certified the admissibility of leave on 29/12/2010. Copy of the leave proforma is annexed as Annexure "B".
 9. That the appellant handed over the charge on 31/12/2010 and went on two months leave applied for to appear in the FPCS Part-II examination with the verbal permission of the Medical Superintendent Benazir Bhutto Shaheed Hospital, Abbottabad pending sanction of the said leave due to the shortage of time. Copy of the certificate of transfer of charge is annexed as Annexure "C".
 10. That the appellant after availing the leave w.e.f 01/11/2011 to 28/02/2011 resumed his charge on 01/03/2012 and submitted the arrival report accordingly. Photocopy of the arrival report is annexed as Annexure "D".
 11. That during the leave period the appellant had not received any information about the sanctioning of his leave or otherwise.

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12. That on the resumption of charge, the appellant came to know that the Medical Superintendent instead of forwarding his leave application to the competent authorities, had wrongly reported to the Director General Health services Govt. of Khyber Pakhtunkhwa Peshawar, vide his letter No. 297-300 dated 29/01/2011, after a months, that the appellant has applied for 120 days earned leave and absented from his duty. However, the appellant applied for two months leave w.e.f 01/01/2011 to 28/02/2011 and handed over the charge on 31/12/2010. Copy is annexed as Annexure "E".

13. That the Medical Superintendent Benazir Bhutto Shaheed Teaching Hospital, Abbottabad vide his No. 787 dated 02/03/2011 directed the appellant to report in the office of the Secretary Health, Govt. of Khyber Pakhtunkhwa, Peshawar for further adjustment / posting and refused to accept the arrival report of the appellant. Copy of the order is annexed as Annexure "F".

14. That the appellant explained his position / version vide his application dated 21/11/2011 addressed to the Director General Directorate General Health Services, Khyber Pakhtunkhwa, Peshawar. Copy of the same is annexed as Annexure "G".

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15. That the Directorate Health Services, Khyber Pakhtunkhwa, Peshawar vide his office letter No. 29065/EI dated 13/12/2011 asked MS BBS Teaching Hospital, Abbottabad for comments on the reply of the appellant to his explanation. Copy is annexed as Annexure "H".

16. That the comments / reply of the ^{MS} BBS Hospital Abbottabad furnished vide his No. 4301 dated 26/12/2011 with the request for ex-post facto sanction of the leave, in question, and release of salary for the said period in respect of the appellant, if not paid so far. Copy is annexed as Annexure "I".

17. That the appellant has made protracted correspondence on the subject leave but in vain. Copies of the some of submissions are annexed as Annexure "J", "K", "L", "M", "N" & "O".

18. That being disappointed from all corners the appellant approached the Secretary Health Khyber Pakhtunkhwa, Peshawar in person on 18/03/2013 and explained his grievances, who asked the appellant to submit the same in writing. The appellant do the needful as ordered by the Secretary Health. Copy of the application is annexed as Annexure "P".

19. That having no response upto 08/04/2013, the appellant again went to the office of the Secretary Health, Khyber Pakhtunkhwa, Peshawar on 09/04/2013 and checked up the progress of the case from concerned Section Officer who informed the appellant that his case has since been decided and reply sent to him through postal service accordingly. On this the appellant requested for copy of the same, which was given to the appellant unofficially (on 09/04/2013) bearing No. SOH(E-V)1-776 Dr. Muhammad Amin dated March 21st 2013 along with a copy of Notification dated 01/11/2012. However non of the letters have been delivered to the appellant, so far officially which speaks for the malafide of the concerned quarters. Copies of the impugned Notifications are annexed as Annexure "Q" & "R".
20. That the appellant has lodged Departmental Appeal / Representation against the impugned Notification through proper channel on 06/05/2013 and no reply / response has been given to the appellant from authorities concerned. Copy of the same is annexed as Annexure "S".
21. That the impugned order dated 21/03/2013, not delivered to the appellant officially, so far, and the copy of the same has been collected by the appellant

from the office of the Secretary Health Peshawar on 09/04/2013 personally, is illegal, arbitrary, based on malafide and assailed, inter-alia, on following:-

G R O U N D S

- a. That the order of the Secretary Health Peshawar dated 21/03/2013, is without lawful authority and hence not maintainable.
- b. That the appellant has at his credit earned leave accumulated to the tune of 550 days.
- c. That the appellant applied for two month leave w.e.f 01/01/2011 to 28/02/2011 on 13/12/2010 and was directed on 23/12/2011 to apply for leave on prescribed proforma and it was done accordingly, therefore, declaring the appellant absent w.e.f 01/12/2010 is based on malafide.
- d. That the leave application of the appellant had not been forwarded to the competent authorities for grant of the same for genuine purpose.
- e. That the grant of EOL is a punishment whereas the appellant has at his credit earned leave accumulated to the tune of 550 days.

- 9
- f. That the punishment cannot be given without any inquiry of the officer concerned.
- g. That the action of the Secretary Health Khyber Pakhtunkhwa, Peshawar is without lawful authority.
- h. That the other relevant grounds will be taken up at the time of argument.

It is, therefore, requested that in the light of above the appeal of the appellant may please be accepted and the respondents be directed to grant Ex-post faction sanction of earned leave for the period w.e.f 01/01/2011 to 28/02/2011 with release of pay / emoluments for the said period.



Dr. Muhammad Amin
Senior Medical Officer
DHQ Hospital, Haripur
...APPELLANT

Through

Dated: 05/08/2013



(AFSAR SHAH)
Advocate High Court, Abbottabad

VERIFICATION:-

Verified on oath that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been suppressed from this Honourable Court.



APPELLANT

10

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTOONKHAWA, PESHAWAR

Dr. Muhammad Amin, Senior Medical Officer (SMO), District Headquarters
Hospital, Haripur.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa, through Secretary Health Peshawar & others.

...RESPONDENTS

APPEAL

AFFIDAVIT

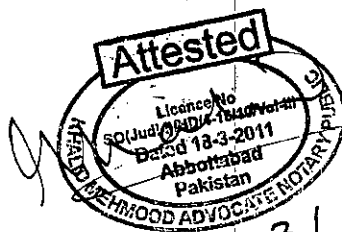
I, Dr. Muhammad Amin, Senior Medical Officer (SMO), District Headquarters
Hospital, Haripur, do hereby solemnly affirm and declare that the contents of
forgoing appeal are true and correct to the best of my knowledge and belief and
nothing has been concealed therein from this Honourable Court.

M. Amin

DEPONENT

Identified By:-

(Signature)
(AFSAR SHAH)
Advocate High Court, Abbottabad



03/8/073

//

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTOONKHAWA, PESHAWAR

Dr. Muhammad Amin, Senior Medical Officer (SMO), District Headquarters Hospital, Haripur.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa, through Secretary Health Peshawar & others.

...RESPONDENTS

APPEAL

ADDRESSES OF THE PARTIES

Respectfully Sheweth:-

Addresses of the parties are as under:-

Dr. Muhammad Amin, Senior Medical Officer (SMO), District Headquarters Hospital, Haripur.

...APPELLANT

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary Health Peshawar.
2. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
3. Medical Superintendent, District Headquarters, Hospital.

...RESPONDENTS


...APPELLANT

Through

Dated: 05/08/2013


(AFSAR SHAH)
Advocate High Court, Abbottabad

21/11/10

12

ANNEXTURE "A"

To,

The Medical Superintendent,
BBS Teaching Hospital Abbottabad

Through Proper Channel.

Dear Sir,

It is stated that I am going to appear in FSCP Part II Examination which is going to be scheduled in Jan - Feb 2011. It is therefore requested that sanction of earned leave for two months w.e.f 1st January, 2011 to 28 Feb, 2011, may kindly be solicited.

Thanking you
truly Yours



Dr. Muhammad Amin Khan
M.O Paeds Ward EBS
Teaching Hospital Abbottabad

Dated: 13-12-2010

Recommended &
forwarded to M.S.

1
for e

13/12/10

office
Inform the Dr. concerned to
apply on proper leave form.

proper
of name
[Signature]

[Signature]
KMS
13/12

Attested



Majid R. Anwar
MA (Pol. Sc) MA (Edu) LL.B
ROOOSTE
Distt. Bar Abbottabad

2/8
2/11/10

APPLICATION FOR LEAVE

Notes: Items 1 to 9 must be filled in by all applicants. Item 12 applies only in the case of Government servants of B.P.S. 16 and above.

- 1. Name of applicant. DR. MUHAMMAD AMIN KHAN
- 2. Leave Rules applicable. 1981
- 3. Post held. MEDICAL OFFICER
- 4. Department or office. HEALTH Department
- 5. Pay. Rs. 23170-00
- 6. House Rent Allowance/conveyance allowance or other compensatory allowances drawn in the present post. _____
- 7. (a) Nature of leave applied for. EARNED LEAVE
- (b) Period of leave in days. 60 days
- (c) Date of commencement. 1st January 2010 (2011)
- 8. Particular Rule/Rules under which leave is admissible. _____
- 9. (a) Date of return from lost leave. _____
- (b) Nature of leave. _____
- (c) Period of leave in days. _____

Dated: 23/12/10

Signature of applicant. [Signature]

10. Remarks and recommendation of the Controlling Officer. No Objection all 27/10/10 Leave should be approved for after 1st Jan

11. Certified that leave applied for is admissible under Rule _____ and necessary conditions are fulfilled. Forwarded to DAO, Abbottabad for leave entitlement please

Dated: _____

[Signature]
Signature Designation _____

12. Report of Audit Officer.

Dated: Certified that earned leave for 60 days on full pay from 1-1-2011 to 1-3-2011

[Signature]
Signature Designation _____

13. Orders of the sanctioning authority certifying that on the expiry of leave the applicant is likely to the same post carrying the compensatory allowances being drawn by him. is admissible to be applied under revised leave rule (1981)

Dated: _____

[Signature]
Signature Designation _____

Attested

[Signature]

CERTIFICATE OF TRANSFER OF CHARGE

- 1. Certified that we have on the ~~fore~~/afternoon of this day respectively made over and received charge of this office of the BBS Teaching Hospital
Abbottabad
- 2. Particulars of cash and important secret and confidential documents handed over are noted on the revers:—

Signature of relieved Government servant M. Khan
DR. Muhammad Amin Khan

Designation MO Paeds ward

Station ABBOTTABAD

Signature of relieving Government servant _____

Designation _____

Dated 31/12/10

Forwarded to the _____

N.W.F.P Acct: Try, No. 42.

Handwritten:
31/12/10

CERTIFICATE OF TRANSFER OF CHARGE

- 1. Certified that we have on the ~~fore~~/afternoon of this day respectively made over and received charge of this office of the BBS Teaching Hospital
Abbottabad
- 2. Particulars of cash and important secret and confidential documents handed over are noted on the revers:—

Signature of relieved Government servant M. Khan
DR. Muhammad Amin Khan

Designation MO Paeds ward

Station ABBOTTABAD

Signature of relieving Government servant _____

Designation _____

Dated 31/12/10

Forwarded to the _____

N.W.F.P Acct: Try, No. 42.

Attested

Signature:
MA(DP) SO. NA/ESOLL.B
District Office, Abbottabad

To

15 -

The Medical Superintendent,

ANNEXURE "D"

B.B.S Teaching Hospital Abbottabad

Subject: Annual Report

Dear Sir,

It is stated that I am submitting my annual report on 18th March 2011 For Name along e⁻ ⑥

Copies of annual report

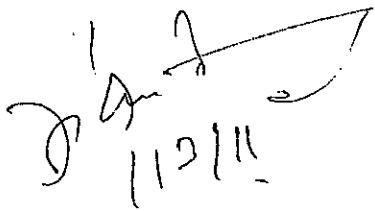
Thanks

Sincerely

M. Qureshi

Forwarded

to M.S.


11/2/11

Dr. Muhammad Amin Khan
Medical Officer B.B.S Teaching
Hospital Abbottabad (Pakistan)

Date: 01-03-2011

Attested



MA(Pol.Sc)MA(Edu)LL.B
Advocate
Nizam Dar Abbottabad

K

ANNEXURE "E"

OFFICE OF THE MEDICAL SUPERINTENDENT,
BBS TEACHING HOSPITAL, ABBOTTABAD,
No. _____ Dated: ____ / ____ /2011.

To
The Director General Health Services,
Govt of KPK Peshawar.

Subject WILLFUL ABSENCE OF DR. MUHAMMAD AMIN

Dear Sir,

I have honour to state that Dr. Muhammad Amin Medical Officer BBS Teaching Hospital Abbottabad appeared before undersigned and left his application for 120-days earned leave on leave application performa.

Doctor under reference was directed by the undersigned not to leave his place of duty with out sanction of his leave by the competent authority. On the directive of undersigned, he misbehaved, and not attending his duties since 01-01-2011.

It is further mentioning that Dr. Muhammad Amin is non cooperative and habitual to refuse his duties as assigned by head of department from time to time.

Metter is submitted for your information and further necessary action please.

*Abdul Wahid
in for M.A.*

Yours Faithfully

Medical Superintendent
BBS Teaching Hospital,
Abbottabad.

No. 292-306/2011 the dated Abbottabad 29/1 /2011.

Copy to:-

- District Coordination Officer (A/D)
- Executive District Officer Health Abbottabad.
- District Accounts Officer Abbottabad.
- PS to Secretary to GOVT of KPK Health Department Peshawar.

Medical Superintendent
BBS Teaching Hospital,
Abbottabad.

Attested

Muhammad Afzal Shah
MA (Pol. Sc) MA (Edu) LL.B
Dist. Bar Abbottabad.

OFFICE OF THE MEDICAL SUPERINTENDENT,
BBS TEACHING HOSPITAL, ABBOTTABAD.

No: 787 Dated 02-3-11

To

Dr. Muhammad Amin.
Medical Officer, (W&CH)
BBS Teaching Hospital.
Abbottabad.

Subject: Absent from Duty

It is noticed with great concern that you remained absent from duty from 01-12-2010 to 28-02-2011 without prior sanction of leave and showed irresponsible attitude and disinterest in your job.

Your submission of arrival after 03 months of absentia is rejected since the leave was not sanctioned by the competent authority and your absent report has been sent to worthy Secretary to the Govt; of KPK, Health Department for disciplinary action.

You are hereby directed to report to the competent authority for further posting in the Province.

o/c
Medical Superintendent,
BBS Teaching Hospital.
Abbottabad.

No: 788-90 Dated Abbottabad the: 02-23/2011

CC:

- PS to the Secretary to the Govt; of Khyber Pakhtunkhwa, Health Department with the request to post the above officer somewhere else on Administrative grounds, keeping in view that this is a sensitive station and the officer is problematic and has conduct unbecoming, already communicated to your office vide letter No. 373 dated 02-2-2011 (copy attached for ready reference).
- Director General Health Services, Govt; of Khyber Pakhtunkhwa for information please.
- Executive District Health Officer, Abbottabad for information please.

Handed over to Dr. Amin

*Recd
MP
18/3/11*

o/c o/c

[Signature]
Medical Superintendent,
BBS Teaching Hospital.
Abbottabad.

Alerted

[Signature]

MP/PS
MA(Pol. Sc) MA(Edu) LL.B
DISTRICT ATTORNEY
Distt. Bar Abbottabad.

To
 The Director General,
 Directorate General Health Services,
 Khyber Pakhtunkhwa,
 Peshawar.

Subject: SANCTION OF LEAVE FROM 01-01-2011 TO 28-02-2011

Sir,

It has reference letter No.787 of 02-03-11 and No. 1544 of 09-05-2011 regarding earned leave cited in the caption whereby the applicant was directed to report to worthy Secretary to Govt. of KPK, Health Deptt: Peshawar for disciplinary action.


The matter has been prolonged by the inadvertance of MS DHQ Atd: result of which my two (2) month's Salary is lying in cold storage. It is submitted that I submitted application alongwith prescribed form well in time, forwarding and Auditing notes are visible on the Form with Dates. Till the beginning of date of leave the MS did not inform me about the sanction of leave, he should have informed according to rules.

On 31-12-2010 I submitted Certificate of Transfer of Charge and remained on leave till the application. Neither on collection of transfer of Charge nor during the period afterward I was intimated about the process of sanction of leave. Soon after the completion of leave I submitted Arrival report on 01-03-2011 and started to perform my duties. On the verbal refusal of rejection of my arrival on duty the then MS asked me "I do not accept your arrival report for duty because I have sent your absent report to worthy Secretary Govt: of KPK: for disciplinary action". After hearing the version I objected and informed to the then MS that he is not empowered to give me punishment as I have not received any direction such as show cause notice and Charge sheet in writing manners, I kept on performing my duties attentively.

A letter No. 787 dated 02-03-11 with Endst: No. 788-90 dt: 02-03-11 handed over to me on 18-03-2011 which I received duly, copy of the same is attached herewith as Annex "F". Aggrieved by this letter I moved to the Court, the then MS was summoned to appear before the Court, he appeared and directed to accept my joining report of duty with fair settlement, after that, till to date, I am performing my duties.

Now I provide you the real explanation of the whole story here-under:-

1. Letter No. 787, endst-788-90 dt: 02-03-11 is absolutely fabricated, wrong and illegal while comprising with other documents such as:-
 - i) I applied for 60 day's leave i.e 1st Jan: 2011 to 28 Feb: 2011 which is evident from documents annexed as Ann: "A", "B" & "C" on the contrary, MS has written in his letters Endst: No.297-33/ DHQ dt: 29-1-2011 that the applicant has applied for 120 days EARNED leave, copy annexed as Annx: "E",

Attested

 MA (Pol. Sc) MA (Edu) LL. B
 ASSOCIATE
 Dist. Bar Abbottabad

- ii) similarly MS has written that I remained absent from 01-12-2010 to 28-02-2011 and that I have submitted Arrival Report after 3 months of absentia, copy annexed as Annx: "F" and (Conte/ P-2)
- iii) at last the MS sent a covering letter No. 15 of leave from 01-01-2011 to 28-02-2011 under the cover, my leave application was submitted on 09-05-2011 to the DGHS KPK which shows the clear-cut omission of duty on his part.

2. From all abovementioned it can be concluded that MS detained my application deliberately as he has personal grudge with me, he should have sent my leave application within the prescribed period. After the realisation of his negligence he tried to choose malafide ways by putting the matters in procrastination. The then MS took wrong plea of Absent from Duty vide his letter No. 787, abovementioned and withhold my salary for another Two (2) Months, besides disputed one for Two Months, and released afterwards on Court's direction whereas, Two Month's Salary for Jan, & Feb: 2011 is still not released hence this application is.

It is therefore, requested that my matter may kindly be solved in the light of aforementioned so that my disputed Salary could be released. I have furnished real explanation in respect of retaining my leave application in procrastination alongwith other documents, it is added that prior to this I have produced all Documents as precautionary measures and pending in your office.

Thanking you and hoping to be favorably heard.


Encls: A to H (10).

21/11/2011



(Dr. Muhammad Amin)
Medical Officer BBS
Teaching Hospital
Abbottabad

Attested



MA (Pol. Sc) MA (Edu) LL.B
SOCIETE
Dist. Bar Abbottabad

DIRECTORATE GENERAL HEALTH SERVICES, KHYBER PAKHTUNKHWA PESHAWAR.

No. 29665 /L. I, Dated 13 /12 /2011.

To

The Medical Superintendent,
BBS Teaching Hospital Abbottabad.

Subject:- SANCTION OF LEAVE FROM 01.01.2011 TO 20.02.2011.

Memo:-

I am forwarding a copy of reply to explanation in respect of Dr. Mohammad Amin MC BBS Teaching Hospital Abbottabad which is self explanatory for favour of your views/ comments & recommendation at the earliest.

in file's
12/12/2011
ASSISTANT DIRECTOR (P-I)
DGHS KPK, PESHAWAR.
13/9/12

Dr. Mohammad Amin has
since been promoted to
BS 18 & transferred to Hainan
Enlist facts sanction may be
given & but may be released, if not paid for.

period for MS 85

[Signature]
29/12/2011

[Signature]

Attested

[Signature]
MA(Pol.Sc)MA(Edu)LL.B
Distt. Bar Abbottabad!

21

ANNEXTURE 'I'

OFFICE OF THE MEDICAL SUPERINTENDENT,
BBS TEACHING HOSPITAL, ABBOTTABAD,
No. 4301 Dated 24/12/2011.


To

The Director General Health Services,
Khyber Pakhtunkhwa,
Peshawar.

Subject: - SANCTION OF LEAVE FROM 01.01.2011 TO 28.02.2011

Dear Sir,

Reference your letter No. 29065/E.I, dated 13.12.2011 on the subject captioned above; in this context it is stated that Dr. Muhammad Amin has since been promoted to BPS 18 and transferred to DHQ Hospital Haripur . Ex Post factor sanction may be given and salary be released, if not paid so for.


Medical Superintendent
BBS Teaching Hospital
Abbottabad.

Allozeel



Muhammad Amin
MA (Pol. Sc) MA (Edu) LL.B
Distt. Bar Abbottabad

To
The Honourable Secretary Health,
Government of Khyber Pakhtoon Khawa,
Peshawar.

Through: - **PROPER CHANNEL.**

Subject: - **EARNED LEAVE**

Sir,

I beg to submit that:

1. I applied for Earned leave for two months with affect from 01.01.2011 to 28-02-2011 so that. I could appear in FCPS part II examination (copy annexed).
2. Forwarding Authority pointed out that application on proper proforma may be submitted through availability certificate from Accounts office and needful was done. (copy annexed).
3. I was relived from the charge on 31-12-2010 and after availing leave assumed the charge on 01-03-2011. (copies annexed).
4. Para 18 of Leave Rules 1981 states (Reproduced) that " instead of indicating whether leave starts/ends in the Forenoon or afternoon, leave shall commence from the day following that on which a civil servant hands over the charge of his post. It shall end on the day preceding that on which he resumes duty".

It is requested that sanction may please be accorded and salary released please.

Yours obediently

M. Amin Khan 10/3/11

Dr. Muhammad Amin Khan
Teaching Hospital Abbottabad
M.D Paeds Ward BBS

LEOPARDS COURIER SERVICES PVT. LTD.				52564743	12
From:		To:			
To: <i>M. Amin Khan</i>		To: <i>Govt</i>		Leopards Courier	
From: <i>Dr. M. Amin Khan</i>				Pieces	
CASH		NO. DECLARED VALUE	DATE	TIME	SIG.
		<i>50/-</i>	<i>10/3</i>		

Leopards Accepted Above Mentioned Items on Shipper's Risk & Shipper Agreed All the Conditions Printed on Reverse

For Suggestions/Complaints Contact info@leopardcourier.com
Now Send Gifts To Your Loved One's By Leopards Loveline
www.leopardcourier.com

Attested

M. Amin Khan
MA(Pol. Sc)MA(Edu)LL.B
Distt. Bar Abbottabad.

To,

Honourable Secretary to,
Govt. of Khyber Pakhtoon Khawa, Health Department
Peshawar.

Through

Proper Channel.

Subject:-

EARNED LEAVE.

Respected Sir,

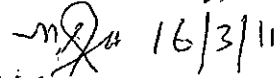
Reference in continuation of my application dated 10/3/2011.

I beg to submit that:

- 1) I had to appear in FCPS Part II Examination therefore applied for Earned leave.
- 2) I applied on proper proforma and submitted the same to M/S BBS Teaching Hospital Abbottabad who verbally directed me to avail the leave after handing over the charge. I handed over the charge and after availing the leave joined duty on 1-3-2011 and regularly performing my duty.
- 3) Incharge Paeds Ward Dr. Zardad Muhammad Tanoli makes cuttings in the attendance Register to prove my absence, which is against office decorum.
- 4) Instead of forwarding the application and charge report M/S BBS sent absence report vide his No. 297-30 dated 29/1/2011. Where in he admitted that leave proforma was handed over to him but he kept it in his office without justification and uncalled blames (Copy annexed).

It is therefore once again requested that Earned leave may please be sanctioned and salary released please.

Yours Obediently,




Dr. Muhammad Amin Khan
BBS Teaching Hospital
Abbottabad.

Copy forwarded to the:-

- 1) DCO Abbottabad.
- 2) EDO Health Abbottabad.
- 3) DAO Abbottabad.

for favour of information with reference to letter No.297-300 dated 29/1/2011 by
M.S Please.

Attested



MA(Pol.Sc)MA(Edu)LL.B
Abbottabad

24

ANNEXTURE "B" "L"

To

The Director General,
Directorate General Health Services,
Khyber Pakhtun Khawa,
Peshawar.

SUBJECT: SANCTION OF LEAVE FROM 01-01-2011 TO 28-02-2011.

Sir,

A detailed report regarding MS (Late) D.H.Q. Hospital Abbottabad named Rehmatullah Wazir, was furnished to you through letter dated 21-11-2011, wherein some letters of the department were referred in support to prove the real factors of stoppage my two month's salary without any reason for none. My letter is pending in your office for want of decision. I think now time limitation has been useless.

It is therefore requested that my salary may please be released without any procrastination and obliged.

Thanking you and hoping to be favourably heard.

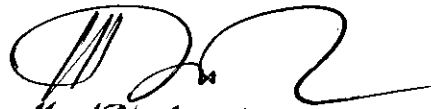
Dated: 19-07-2012.

truly Yours,



Dr. Muhammad Amin
S.M.O. DH.Q. Hospital
Haripur.

Accepted



Majid Ali Khan
MA (Pol. Sc) MA (Edu) LL.B
Distt. Bar Abbottabad

25
Regd/AD

ANNEXURE N"

To

The Director General,
Directorate General Health Services,
Khyber Pakthunkhwa,
Peshawar.

Subject: GRANT OF EARNED LEAVE W.E.F 01/01/2011 TO 28/02/2011 IN RESPECT OF DR. MUHAMMAD AMIN DHQ HOSPITAL, HARIPUR.


Reference: *Dr. Muhammad Amin SMO DHQ, Haripur, Letter No. Nil dated 19/07/2012*

Memo:

The ex-post facto sanction of earned leave in respect of Dr. Muhammad Amin is still awaited

Please expedite the same so as to enable him to draw his pay/emoluments for the said period.

Dated: 02/01/2013


(Dr. Muhammad Amin)
SMO, DHQ Haripur.

Altered



Regd/AD Haripur dated 02/01/13
MA (Pol. Sc) MA (Edu) LL. B
Distt. Bar Abbottabad

To

The Director General,
Directorate General Health Services,
Khyber Pakhtunkhawa,
Peshawar.

Subject:

GRANT OF EARNED LEAVE W.E.F 01/01/2011 TO 28/02/2011 IN RESPECT OF DR. MUHAMMAD AMIN DHQ HOSPITAL HARIPUR EX-POST FACTO SANCTION THEREOF.

Sir,

Very humbly I submit as under:-

1. That I applied for the subject leave then well in time and also obtained admissibility report from the concerned Account Department on the prescribed proforma for leave.
2. That the grant of said leave is still pending due to which my pay and emolument for the said period stands held up.
3. That I am hard up due to price ^{like} (like) in the market and increase in the tuition fee etc of the children and in ^{due} (due) need of money.
4. That I have reminded your good office twice before (Copies attached for ready reference) but in vain.

It is, therefore requested that the earned leave ex-post facto sanction for the subject period may very kindly be granted.

An early action will be highly appreciated.

Dated: 19/01/2013

Your's faithfully

(DR. MUHAMMAD AMIN)
DHQ Hospital Haripur

COPIES TO:-

1. MS DHQ Hospital Haripur.
2. PS to Secretary Health KPK, Peshawar.

To,

The Secretary Health,
Khyber Pakhtunkwha,
Peshawar.

Subject: GRANT OF EARNED LEAVE W.E.F 01/01/2011 TO 28/02/2011 IN RESPECT OF DR. MUHAMMAD AMIN, SMO, DHQ HOSPITAL, HARIPUR.

Sir,

It is requested that I applied for earned leave w.e.f 01/01/2011 to 28/02/2011 and admissibility report duly obtained from the concern Account Office and submitted to the Medical Superintendent DHQ Hospital, Abbottabad.

Since I was proceeding to appear in FCPS Part-II, exam, which was an urgent matter, therefore, verbally I was allowed by the concern authority to proceed on leave in connection with appearing in FCPS Part-II, examination and I moved accordingly, after submitting the departure report.

After consuming of my leave for the purpose in question, I submitted my arrival report on 1st March 2011. The leave in question is still pending for sanction and the emoluments and pay for the said period is not yet been paid to the applicant.

It is, therefore, requested that ex-post facto sanction leave for the said period may please be granted as earned leave and emoluments along with pay for the said period may also be ordered to be paid to the applicant.

Yours Obediently.



Dr. Muhammad Amin
SMO, DHQ Hospital,
Haripur.

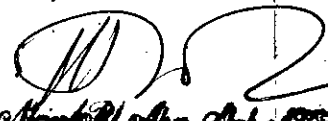
Dated: 18-03-2013

80 V

M. put up.

211
18/3

Attested



MA(Pol. Cr.) MA(Edu) LL.B
Distt. Bar Abbottabad



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

NO. SOH(E-V)1-776/2012/Dr. Muhammad Amin
Dated Peshawar the March 21, 2013

To,

Dr. Muhammad Amin
SMO
DHQ Hospital, Haripur.

Subject: GRANT OF EARNED LEAVE W.E.F 01/01/2011 TO 28/02/2011 IN
R/O DR. MUHAMMAD AMIN, SMO DHQ HOSPITAL, HARIPUR

I am directed to refer to your application dated 18/03/2013 on the subject noted above and to state that the requisite Ex-post-facto Sanction has already been approved and conveyed vide Notification dated 01/11/2012 copy enclosed for ready reference and for information please.

Co/ 21/3/2013

Hina Hafeez
(HINA HAFEEZ)
SECTION OFFICER (E-V)

Copy to the

1. M.S, DHQ Hospital, Haripur.
2. P.S to Secretary Health.

Hina Hafeez
SECTION OFFICER (E-V)

D:\Letters\2. Misc Letters.doc

Attested
[Signature]

Muhammad Amin
MA(Pol. Sc) MA(Edu) LL.B
Distt. Bar Abbottabad!

0990382321



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated Peshawar the November 15th 2012**NOTIFICATION****NO. SOH(E-V)1-776/2012**

Ex-post-facto Sanction is hereby

accorded to the grant of Extra Ordinary Leave w.e.f. 01/ 1/2011 to
28/02/2011 in favour of Dr. Muhammad Amin, SMO (BS-18), B.B.S
Teaching Hospital, Abbottabad.

SECRETARY HEALTH
Govt. of Khyber Pakhtunkhwa

Endst. of even No. & Date

Copy to the:-

1. Director General, Health Services, Peshawar.
2. E.D.O (H) Haripur.
3. District Accounts Officer, Haripur.
4. M.S, D.H.Q Hospital, Haripur.
5. M.S, B.B.S Teaching Hospital, Abbottabad.
6. P.S to Secretary Health.
7. Computer Programmer Health Department.
8. Doctor concerned.

(Muhammad Irshad Khan)
SECTION OFFICER (E-V)

OFFICE OF THE DG HEALTH SERVICES, KHYBER PAKHTUNKHWA PESHAWAR.
No. 32651-53 / E.I., Dated Pesh: the 15/11/2012.

Copy to the:-

01. MS DHQ Hospital Haripur / MS BBS Teaching Hospital Abbottabad.
02. DAO, Haripur.
03. Doctor concerned.

For information and n/action.

D. No. 4861
Date. 14/11/2012
Section: AD (P-I)
DGHS Office, KPK

ASSISTANT DIRECTOR (P-I)
DGHS KPK, PESHAWAR.

MA(Pol.Sc)MA(Edu)LL.B
Distt. Bar Abbottabad!

To,
The Chief Secretary,
Govt. of Khyber Pakhtunkhwa,
Peshawar.

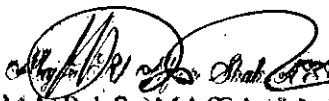
Through: PROPER CHANNEL.

Subject: DEPARTMENTAL APPEAL/REPRESENTATION AGAINST THE ORDER OF GOVT. OF KHYBER PAKHTUNKHWA HEALTH DEPARTMENT PESHAWAR DATED 21/03/2013 PHOTOCOPY OF THE SAME RECEIVED BY THE PETITIONER ON 09/04/2013 FROM HEALTH SECRETARY'S OFFICE PESHAWAR AND OFFICIALLY HAS NOT BEEN DELIVERED TO THE PETITIONER FROM ANY QUARTERS UPTILL NOW. THE IMPUGNED ORDER IS ILLEGAL AND BASED ON MALAFIDE.


Respectfully Sheweth:-

The facts giving rise to the Departmental appeal/representation are as under:-

1. That the petitioner was appointed as Medical Officer in BPS-17 on 12/02/1992 in the Health Department of then NWFP now Khyber Pakhtunkhwa.
2. That the petitioner passed FCPS part-I in the field of pediatrics in the year 2000.
3. That the petitioner got training for FCPS Part-II through Post Graduate Medical Institute Hayatabad Peshawar for three year in Ayub Medical Complex Children Ward during 2001-2003.

Attested

 Advocate
 MA(Pol.Sc)MA(Edu)LL.B
 Dist. Bar, Abbottabad.

4. That the petitioner posted at District Headquarter Hospital now BBS Teaching Hospital Abbottabad towards the end of 2003 in the medical ward and after about few months. The petitioner was placed in Children Ward.
5. That the petitioner was posted to DHQ Haripur as SMO on 01/12/2011 and presently serving over there.
6. That during the posting at Abbottabad, the petitioner applied for earned leave w.e.f 01/01/2011 to 28/02/2011 on 13 December 2010, on plain paper. Photocopy is annexed as Annexure "A".
7. That the petitioner was directed to apply for leave on prescribed proforma after about week period i.e. on 23/12/2010.
8. That the petitioner applied for the said leave on prescribed proforma on 23/12/2010 and District Controller of Accounts Abbottabad certified the admissibility of leave on 29/12/2010. Copy of the application for grant of leave on prescribed proforma is annexed as Annexure "B".
9. That the petitioner handed over the charge on 31/12/2010 and went on two months leave applied for to appear in the

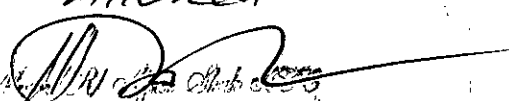
Attested

MA (Pol. & MA (Edu)) L.L.B.
Distt Bar Abbottabad

FCPS part-II examination with the verbal permission of the MS BBS Hospital Abbottabad pending sanction of the said leave due to the shortage of time. Copy of certificate of transfer of charge is annexed as Annexure "C".

10. That the petitioner after availing the leave w.e.f 01/01/2011 to 28/02/2011 resumed his charge on 01/03/2012 and submitted the arrival report accordingly. Photocopy of the arrival report is annexed as Annexure "D".

11. That the petitioner came to know on his resuming the charge that the MS BBS Teaching Hospital Abbottabad instead of forwarding his leave application to the Competent Authority has wrongly reported to the Director General Health Services Govt. of Khyber Pakhtunkhwa Peshawar vide his letter 297-300 dated 29/01/2011, after a month, that petitioner has applied for 120 days earned leave and absented from duty without waiting for grant of leave. However the petitioner only applied for two months leave w.e.f 01/01/2011 to 28/02/2011 and handed over the charge on 31/12/2010 as referred to above at Para 9 ante. Copy is annexed as Annexure "F".

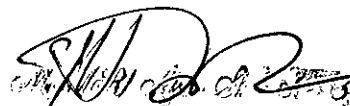
12. That the Medical Superintendent Banazir Bhutto Shaheed Teaching Hospital Abbottabad vide his No. 787 dated 02/03/2011 directed the petitioner to report in the office of the

Attested

MA (P&S) MA (EDU) B
Distt B... ..

Secretary Health Govt. of Khyber Pakhtunkhwa Peshawar for further adjustment/posting and refused to accept the arrival report of the petitioner. Copy of the order is annexed as Annexure "G".

13. That the petitioner explained his position/version vide his application dated 21/11/2011 addressed to the Director General, Directorate General Health Services, Khyber Pakhtunkhwa, Peshawar. Copy of the same is annexed as Annexure "H".
14. That the Directorate Health Services, Khyber Pakhtunkhwa Peshawar vide his office letter No. 29065/E1 dated 13/12/2011 asked MS BBS Teaching Hospital, Abbottabad for comments on the reply of the petitioner to his explanation. Copy is annexed as Annexure "I".
15. That the comments/reply of the SM BBS Hospital Abbottabad furnished vide his No. 4301 dated 26/12/2011 with the request for Ex-post facto sanction of the leave in question and release of salary for the said period in respect of the petitioner if not paid so far. Copy is annexed as Annexure "J".
16. That the petitioner has made protracted correspondence on the subject leave but in vain. Copies of the some of

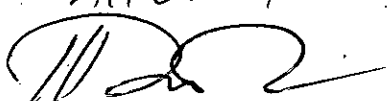
Attested


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submissions are annexed as Annexures "K", "L", "M", "N" & "O".

17. That being disappointed from all corners, the petitioner approached the Secretary Health Khyber Pakhtunkhwa Peshawar, in person, on 18/03/2013 and explained his grievances, who asked the petitioner to submit the same in writing. The petitioner do the needful as desired by the Secretary Health. Copy of the application is annexed as Annexure "P".

18. That having no response upto 08/04/2013 the petitioner again went to the office of the Secretary Health Khyber Pakhtunkhwa Peshawar on 09/04/2013 and checked up the progress of the case from concerned section officer (SOV) who told the petitioner that his case has since been decided and reply furnished to him through Dak accordingly. On this the petitioner asked for the copy of the same, which was given to him un-officially (on 09/04/2013) bearing No. SOH(E.V)1-776/Dr. Muhammad Amin dated 21st March 2013 alongwith a copy of notification dated 01/11/2012. However non of the letters have been delivered to the petitioner so for officially which speaks for the malafide of the concerned quarters. Copies are annexed as Annexure "Q" & "R".

Attested

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MA(Pol.Sc)MA

19. That the impugned order dated 21/03/2013, not delivered to the petitioner officially so far and the copy of the same has been collected by the petitioner from Secretary Health Office Peshawar on 09/04/2013, personally, is illegal, arbitrary, and based on malafide and inter-alia, assailed on the followings:-

GROUNDS:-

- a. That the order of the Secretary Health Peshawar dated 21/03/2012, copy of the same has been collected by the petitioner personally from the Secretary Health Peshawar Office on 09/04/2013 is without lawful authority and hence not maintainable.
- b. The petitioner has at his credit earned leave accumulated to the tune of 550 days.
- c. That petitioner applied for two months leave w.e.f 01/01/2011 to 28/02/2011 on 13/12/2010 and was directed on 23/12/2010 to apply for leave on proper proforma and it was done accordingly. Therefore declaring the petitioner absent w.e.f 01/12/2010 is based on malafide and tantamount to harm the petitioner for his no fault.
- d. That the leave application of the petitioner has not been forwarded to the competent authority for grant of the same for genuine purpose i.e. to appear in FCPS part-II examination.

Attested

[Signature]
 MA(Pol. Sc) MA(200
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- e. That the grant of EOL is a punishment whereas the petitioner has at his credit earned leave accumulated to the tune of 550 days as mentioned at sub-para 'b' above.
- f. That punishment cannot be given without any inquiry of the Officer Concerned.
- g. That the action of the Secretary Health Khyber Pakhtunkhwa Peshawar is without lawful authority.
- h. That the other relevant grounds will be taken up at the time of personal hearing.

It is, therefore, requested that the leave of the petitioner for the period w.e.f 01/01/2011 to 28/02/2011 already applied for and which is admissible, to him may very kindly be sanctioned as earned leave and pay of the petitioner may also be got released for the said period which is still not paid. The impugned order of the Secretary Health Peshawar dated 21/03/2013. Copy of the same collected unofficially from the office of the secretary Health Peshawar on 09/04/2013 by the petitioner personally may also be set-aside being unlawful. At the end, petitioner also requested to be heard in person to apprise your goodself of the actual facts behind all this tugging.

Dated : 6 / 5 /2013



DOCTOR MUHAMMAD AMIN
SMO DHQ HOSPITAL
HARIPUR.

Received by:

Signature sdh
07/5/2013

Attested



MA(Pol.Sc)MA(Pol.Sc)
 MA(Pol.Sc)MA(Pol.Sc)
 Distt. Bt

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No.1345/2013

Dr. Muhammad Amin.....**Appellant**

Versus

1. Govt of Khyber Pakhtunkhwa through Secretary Health.
2. Director General Health Services Khyber Pakhtunkhwa... **Respondents**

Written comments on behalf of Respondent No.1

PRELIMINARY OBJECTIONS.

1. That the appellant has neither cause of action nor locus standi.
2. That the appeal is not maintainable in its present form.
3. That the appellant has not come to the court with clean hands.
4. That the appeal is bade due to non-joinder and mis-joinder of necessary party.
5. That the appeal is time barred.

FACTS.

1. This para pertains to record.
2. This para pertains to record.
3. This para pertains to record.
4. This Para pertains to record.
5. He was posted in DHQ Hospital Haripur on 19.11.2011.
6. Pertains to record.
7. Pertains to record.
8. The appellant submitted application for earned leave w.e.f 1.1.2011 to 28.2.2011 while the application received to the Health Department in May 2011 vide MS BBS Hospital Abbottabad letter No.1544 dated 9.5.2014. However, the MS also declared the period w.e.f 1.12.2010 to 28.2.2011 as absent period vide letter No.787 dated 2.3.2011 (**Annex-I**).
9. No Govt servant can leave his place of posting before sanction of leave while Dr.Muhammad Amin left his duties to avail leave which was not sanctioned by the competent authority.
10. As per record of Dr.Muhammad Amin has submitted the report but the MS conveyed to Health Department his absence and forward his arrival report.

11. The appellant was absent and not on leave.
12. Relates to MS BBS Hospital Abbottabad.
13. As explained in Para-8 above
14. Pertains to record
15. The appellant has committed mis-conduct by affixing confidential documents with appeal.
16. This pertains to MS BBS Teaching Hospital Abbottabad.
17. As per para-8 above.
18. Correct. The appellant submitted appeal on 18.3.2010 and requested for ex-post facto sanction of the leave; he had already availed. Prior to his appeal, the Health Department had treated the appellant sympathically and regularized his absence period w.e.f 1.1.2011 to 28.2.2011 dated 1.11.2012 (**Annex-II**), later on substituted (**Annex-III**). Reply of the appeal dated 18.3.2013 was responded on 21.3.2013 (**Annex-IV**).
19. Incorrect. There is no mala fide intention of the Department. The appellant has committed an act of misconduct by leaving his duty place without prior approval of the competent authority. However, the Department has treated him sympathically as explained in para-8 above. His appeal has been respond and sent through mail as per routine.
20. The Health Department had regularized his absence period as sympatric action and also responded his appeal dated 12.3.2013, so the Health Department regretted/filed his appeal dated 6.5.2013.
21. The order/letter dated 21.3.2013 has properly issued by the Health Department and there is no malafide intention in the matter.

GROUND S.

- A. Incorrect, the order dated 21.7.2013 is not unlawful.
- B. Correct to the extent that the DAO Abbottabad has verified that the doctor is entitled for 60-days earned leave. However as per FR 67-leave can not be claimed as of a right. It is at the discretionary power of the competent authority to accord or regret/refuse (**Annex-V**).
- C. The application of the doctor did not receive to the competent authority well in time. But it is misconduct on the part of the appellant that he left his duty place before sanction of leave.
- D. As explained in Para-C above.

- E. It is was appropriate that the Department has to initiate disciplinary Proceeding against the appellant on account of his absence. But the Department treated him sympathically and regularized his period as EOL.
- F. As explained in Para-E above.
- G. As explained in Para-E above.
- H. No comments.

It is therefore, prayed that the appeal of the appellant may be dismissed with cost.



Secretary to Govt. of Khyber Pakhtunkhwa
Health Department
(Respondent No.1)

OFFICE OF THE MEDICAL SUPERINTENDENT,
BBS TEACHING HOSPITAL, ABBOTTABAD.

No. 787 Dated 02-3-11

Dr. Muhammad Amin.
Medical Officer, (W&CH)
BBS Teaching Hospital,
Abbottabad.

Subject: Absent from Duty

It is noticed with great concern that you remained absent from duty from 01-12-2010 to 28-02-2011 without prior sanction of leave and showed irresponsible attitude and disinterest in your job. Your submission of arrival after 03 months of absence is rejected since the leave was not sanctioned by the competent authority and your absent report has been sent to worthy Secretary to the Govt; of KPK, Health Department for disciplinary action. You are hereby directed to report to the competent authority for further posting in the Province.

o/c
Medical Superintendent,
BBS Teaching Hospital,
Abbottabad.

No. 788-90 Dated Abbottabad the: 12-23/2011

CC:

- PS to the Secretary to the Govt; of Khyber Pakhtunkhwa, Health Department with the request to post the above officer somewhere else on Administrative grounds; keeping in view that this is a sensitive station and the officer is problematic and has conduct unbecoming, already communicated to your office vide letter No. 373 dated 02-2-2011 (copy attached for ready reference).
- Director General Health Services, Govt; of Khyber Pakhtunkhwa for information please.
- Executive District Health Officer, Abbottabad for information please.

Handed over to Dr. Amin

18/3/11

*Recd
18/3/11*

o/c o/c

Medical Superintendent,
BBS Teaching Hospital,
Abbottabad.



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated Peshawar the November 1st, 2012

NOTIFICATION

NO. SOH(E-V)1-776/2012


Ex-post-facto Sanction is hereby
accorded to the grant of Extra Ordinary Leave w.e.f. 01/11/2011
28/02/2011 in favour of Dr. Muhammad Amin, SMO (BS-18),
Teaching Hospital, Abbottabad.

SECRETARY HEALTH
Govt. of Khyber Pakhtun

Endst. of even No. & Date

Copy to the:-

1. Director General, Health Services, Peshawar.
2. E.D.O (H) Haripur.
3. District Accounts Officer, Haripur.
4. M.S, D.H.Q Hospital, Haripur.
5. M.S, B.B.S Teaching Hospital, Abbottabad
6. P.S to Secretary Health.
7. Computer Programmer Health Department.
8. Doctor concerned.


(Muhammad Irshad K
SECTION OFFICER (

10
TO BE SUBSTITUTED BEARING SAME NO. & DATED 01/11/2012



**GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT**

Dated Peshawar the April 9, 2013

NOTIFICATION

NO. SOH(E-V)1-776/2012

Ex-post-facto Sanction is hereby accorded to the grant of Extra Ordinary Leave w.e.f. 01/01/2011 to 28/02/2011 in favour of Dr., Muhammad Amin, SMO (BS-18), B.B.S Teaching Hospital, Abbottabad.

**SECRETARY HEALTH
Govt. of Khyber Pakhtunkhwa**

Endst. of even No. & Date

Copy to the:-

1. Director General, Health Services, Peshawar.
2. D.H.O, Haripur/Abbottabad.
3. District Accounts Officer, Haripur/Abbottabad.
4. M.S, D.H.Q Hospital, Haripur.
5. M.S, B.B.S Teaching Hospital, Abbottabad
6. P.S to Secretary Health.
7. Computer Programmer Health Department.
8. Doctor concerned.

(Handwritten signature)

(Handwritten signature)
(HINA HAFEEZ)
SECTION OFFICER (E-V)



GOVERNMENT OF KHYBER PAKHT
HEALTH DEPARTMENT

NO. SOH(E-V)1-776/2012/Dr. Muham
Dated Peshawar the Mar

To,

Dr. Muhammad Amin
SMO
DHQ Hospital, Haripur.

Subject: GRANT OF EARNED LEAVE W.E.F 01/01/2011 TO 28/02/
R/O DR. MUHAMMAD AMIN, SMO DHQ HOSPITAL, HARIPI

I am directed to refer to your application dated 18/03/2013
subject noted above and to state that the requisite Ex-post-facto Sancti
already been approved and conveyed vide Notification dated 01/11/2012
enclosed for ready reference and for information please.

(62)
22/03/2013


(HINA HAFEEZ)
SECTION OFFICER (E-

Copy to the

1. M.S, DHQ Hospital, Haripur.
2. P.S to Secretary Health.


SECTION OFFICER (E-V.

COMBINED SET

OF

F. R. & S. R.

VOLUMES I & II

APPLICABLE TO THE FEDERAL CIVIL SERVANTS IN PAKISTAN

With Model Questions & Answers

by

HAMID ALI
(M.A., M.Ed., LL.B.)

ZAKA ALI
(ADVOCATE HIGH COURT)

REVISED EDITION



THE IDEAL PUBLISHERS

Post Box No. 3514, Karachi - 74800

F. R. 66. A local Government may make rules specifying the authorities by whom leave, other than special disability leave under rule 63, may be granted.

(For rules made under Fundamental Rule 66, see Supplementary Rules 206-208).

F. R. 67. Leave cannot be claimed as of right. When the exigencies of the public service so require, discretion to refuse or revoke leave of any description is reserved to the authority empowered to grant it.

Government decision.—The Government have held that under F. R. 87 (a) the nature of the leave due and applied for by a Government servant cannot be altered at the option of the sanctioning authority and that under F. R. 67 while it is open to the sanctioning authority to refuse or revoke the leave due and applied for, it is not open to him to alter the nature of such leave.

(F. A., P. and T's letter No. Es. II. 31-67, dated the 20th September, 1932.)

F. R. 68. Leave ordinarily begins on the day on which transfer of charge is effected and ends on the day preceding that on which charge is resumed. When joining time is allowed to a Government servant returning from leave out of Pakistan, the last day of his leave is the day before the arrival of the vessel in which he returns at her moorings or anchorage in the port of debarkation or, if he returns by air, the day on which the aircraft in which he returns arrives at its first regular port in Pakistan. A local Government may, however, make rules, having regard to the circumstances, in which Sundays or other recognized holidays may be prefixed to leave or added to leave or joining time.

[For rules made under F. R. 68, see Supplementary Rules 209-211.]

Audit Instructions.—

(1) The joining time of a Government servant who returns from leave out of Pakistan and disembarks, not at the first port of call in Pakistan, but at another such port, should be reckoned from the day of arrival of the vessel at the second or subsequent port at which he actually disembarks, whether the sea journey from the first port of call in Pakistan to the subsequent port of disembarkation is made in the same steamer which takes him to the first port of call or in some other steamer.

[Para. 6 (i), Chap. X., Sec. I of Manual of Audit Instructions (Reprint).]

(2) All days which are within the definition of holidays in S. R. 2(12) and are also allowed to the individual concerned but no other days shall be treated as recognized holidays for the purpose of F. R. 63. The effect will be that a so-called sectional holiday in the Government Secretariat will be treated as a recognized holiday for the purpose of F. R. 63 if it is a public holiday in terms of the Explanation to Section 25 of the Negotiable Instruments Act, 1881, and is admissible as a sectional holiday to the individual concerned but not otherwise.

132

BEFORE THE HON'BLE SERVICE TRIBUNAL, PESHAWAR

Service Appeal No.1345/2013

Dr. Muhammad Amin.....Appellant

Versus

Govt KPK & Others.....Respondents

REJOINDER ON BEHALF OF APPELLANT

Respectfully Sheweth:

The appellant most humbly submits his rejoinder as under:

Reply to Preliminary Objections:

All the preliminary objections raised by the Respondents in their written para wise comments are wrong, incorrect and baseless, hence expressly denied.

The appellant has got locus standi / cause of action against the respondents. The appellant contacted this Hon'ble Court with clean hands and bona fide intention for redressal of his grievances. The appeal of the Appellant is based on cogent and reliable grounds. The appeal is self explanatory and all the facts of the case favour the stance of the appellant.

Reply to factual Objections:

1. Paras No.1 to 4 of written comments needs no reply.
2. Para No.5 of the written comments is correct to this extent that the appellant was posted as SMO in DHQ Hospital Hari Pur and presently working there.
3. Paras No.6 & 7 of written comments needs no reply.
4. Para No.8 of the written comments is presented in wrong and against the facts just to misguide the Hon'ble while Para No.8 of the appeal is correct and based on true facts.

5. Para No.9 of the written comments is wrong and incorrect. The appellant hand over the charge and on the permission of MS proceeded for FCPS-II exam and the higher authority was well in knowledge of the entire situation, as with prior permission of the high ups the appellant left the station by adopting due course of law and now the respondents mala fidely proceeded against the appellant.
6. Para No. 10 of the appeal is true and correct and accordingly the respondent admitted this factum in the Para 10 of comments but raised some technicalities/ difficulties in way of justice which is against the natural justice.
7. Para No.11 of the written comments is wrong and incorrect because the appellant was on earned leave but the respondent's mala fidely considered the same as absence of the appellant.
8. Paras No. 12 to 14 of the written comments has replied in the above paras and all the paras of the appeal are true and correct.
9. Para No.15 of the written comments are wrong because the records attached with the appeal shows the mal practices of the respondents and the act of appellant not come under the preview of misconduct.
10. Paras No16 & 17 of the written comments needs no reply.
11. Para No.18 of the of the appeal is admitted to respondents.
12. Para No.19 of the comments is wrong and para No.19 of the appeal is correct and based on the reality.
13. Para No.20 of the comments is wrong and para No.20 of the appeal is correct and based on the reality.
14. Para No.21 of the comments is wrong and para No.21 of the appeal is correct and based on facts and reality .

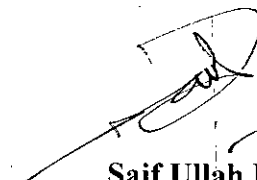
REPLY TO GROUNDS:

- A. Grounds A of the appeal is correct and reply is submitted by the respondent is wrong, incorrect and against the reality.
- B. Grounds B of the appeal is correct and reply is submitted by the respondent is wrong, incorrect and against the reality. The replying respondent is misguiding the court on different issues which is not involved in the appellant case, hence expressly denied.
- C. Grounds C & D of the appeal is correct and reply is submitted by the respondent is wrong, incorrect and against the reality.
- D. Grounds E of the appeal is correct and reply is submitted by the respondent is wrong, incorrect and against the reality.

E. Grounds F to H of the appeal is correct and reply is submitted by the respondent is wrong, incorrect and against the reality.

IT IS, THEREFORE, MOST HUMBL Y PRAYED THAT ON THE ACCEPTANCE OF THE REJOINER, THIS HON'BLE COURT MAY VERY GRACIOUSLY ALLOWED THE APPEAL IN FAVOUR OF THE APPELLANT AND AGAINST THE RESPONDENTS, WITH ORDER OF SPECIAL COSTS.

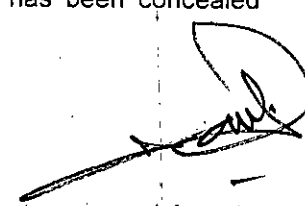
Petitioner
Through


Saif Ullah Khan Khalil
Advocate High Court

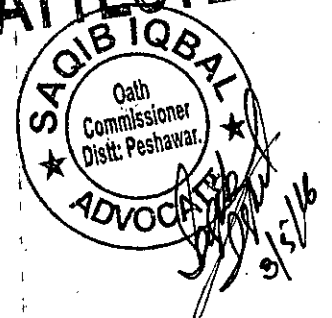
Dated: 26.11.2015

VERIFICATION

As per instruction of my client It is verified that the contents of this plaint are true and correct to the best of my Knowledge and belief and nothing has been concealed intentionally from the Hon'ble Court.


Advocate

ATTESTED



KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1895 /ST

Dated 17 / 8 / 2017

To

The District Police Officer,
Government of Khyber Pakhtunkhwa,
Swat.

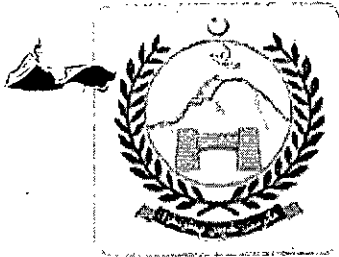
Subject: -

JUDGMENT IN APPEAL NO. 595/2016, MR. FAZAL MALIK.

I am directed to forward herewith a certified copy of Judgement dated 9708.2017 passed by this Tribunal on the above subject for strict compliance.

Incl: As above

REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.



**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

No. 2167 /ST Dated: 31/0/2017

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262


To,

The DG Health Services,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: - **JUDGMENT IN APPEAL NO. 1345/2013, DR. MUHAMMAD AMIN.**

I am directed to forward herewith a certified copy of judgment dated 21/09/2017 passed by this tribunal on the above subject for strict compliance.

Encl: as above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR