

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 1432/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	05/10/2022	<p>The appeal of Mr. Zaib ur Rehman presented today by Mr. Inayat Ullah Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p style="text-align: right;">By the order of Chairman</p> <p style="text-align: right;">REGISTRAR</p>

BEFORE THE COURT OF WORTHY CHAIRMAN
SERVICES TRIBUNAL, PESHAWAR

Appeal No. 1432 /2022

Zabib Ur Rehman.....**Appellant**

V E R S U S

IGP and others.....**Respondents**

I N D E X

S.No.	Description of Documents	Annex	Pages
1.	Memo of appeal	*	1-8
2.	Affidavit	*	9
3.	Copy of appointment order dated 26/12/1985	A	10
4.	Copy of notification dated 30/07/2018	B	11
5.	Copy of letter dated 23/04/2019	C	12
6.	Copy of legal opinion rendered by AIG/Legal for Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar	D	13
7.	Copies of writ petition NO. 754-B/2019 and order dated 22/09/2022	E & F	14-19
8.	Copies of departmental appeal dated 24/06/2019 along with Finance Department letter dated 05/09/2018	G & H	20-23
9.	Wakalatnama	*	24

Appellant

Through



Inayat Ullah Khan

Date: 01/10/2022

Advocate, Supreme Court of
Pakistan, LL.M (UK)
Cell# 0333-9227736

①

BEFORE THE SERVICES TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR

Appeal No. _____/2022

Zabib Ur Rehman S/o Abdul Jabbar R/o Sadiq Abad
Illaqa P.S Ghorri Wala, District Bannu. (Ex-Sub Inspector
BPS-14) District Police Department Bannu

.....**Appellant**

V E R S U S

1. Inspector General of Police, Khyber Pakhtunkhwa,
Central Police Office, Peshawar.
2. Regional Police Officer, Bannu.
3. District Police Officer, District Bannu.
4. District Account Officer, District Bannu.

.....**Respondents**

APPEAL UNDER SECTION 4 OF KP
SERVICES TRIBUNAL ACT 1974

Prayer in Appeal:

On acceptance of this service appeal, the
official respondents may kindly be directed to
reinstate the appellant in service w.e.f
01/08/2018 with all consequential back
benefits.

(2)

Any other relief to whom the appellant found entitled may also be granted.

Respectfully Sheweth:

1. That the appellant was appointed vide order dated 24/12/1985 as Constable to whom Belt No. 1309 was allotted having qualification of matriculation.

(Copy of appointment order dated 26/12/1985 is enclosed as Annexure-A)

2. That since his induction in police force, the appellant performed his duties to the entire satisfaction of his immediate superiors and due to his outstanding performance he was promoted time and again and lastly he was promoted to the post of Sub Inspector (PBS-14).

3. That due to some domestic family problems, the appellant applied for LPR, which was allowed vide notification dated 30/07/2018 and the appellant was granted 365 days LPR w.e.f 01/08/2018 and accordingly he will stand retired on pension w.e.f 01/08/2019.

(Copy of notification dated 30/07/2018 is enclosed as Annexure-B)

3

4. That the appellant after some time peacefully resolved his domestic family problems, since he preferred an application dated 14/12/2018 for withdrawal of LPR and to this effect his case was submitted by District Police Officer Bannu to the Regional Police Officer, Bannu Region vide letter dated 23/04/2019 wherein it was mentioned the date of application of withdrawal of LPR as referred in the above paras.

(Copy of letter dated 23/04/2019 is enclosed as Annexure-C)

5. That legal opinion was rendered by AIG/Legal for Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar to the District Police Officer, Bannu vide letter dated 04/01/2019 wherein it was opined that; **"The competent authority has been directed that according to Letter No. FD (SORS-II)/4-36/2018 dated 05/09/2018 of the Provincial government the government servant may withdraw option of voluntary retirement before retirement mature"**.

(Copy of legal opinion rendered by AIG/Legal for Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar is enclosed as Annexure-D)

(4)

6. That the appellant preferred Writ Petition No. 754-B/2019 for his reinstatement in service before Hon'ble Peshawar High Court, Bannu Bench which was disposed of with observation that the matter in hand relates to the terms and condition of his service, therefore there is bar Under Article 212 of the Constitution of Pakistan however, it was observed that the appellant would be at liberty to approach the proper forum for redressal of his grievance.

(Copies of writ petition NO. 754-B/2019 and order dated 22/09/2022 are attached as Annexure-E & F)

7. That the appellant also preferred his departmental appeal dated 24/06/2019 to the Inspector General of Police Khyber Pakhtunkhwa, Peshawar for withdrawal/cancellation of his LPR in terms of Finance Department Letter No. FD(SOSR-II)/4-36/2018 dated 05/09/2018 but the same was not responded till date.

(Copies of departmental appeal dated 24/06/2019 along with Finance Department letter dated 05/09/2018 are enclosed as Annexure-G & H)

5

8. That the appellant feeling aggrieved has approached the Hon'ble Peshawar High Court, Bannu Bench however his Writ Petition No. 754-B/2019 was disposed of with direction to approach the proper forum, hence in the light of the above observation recorded by the Hon'ble Peshawar High Court, Bannu Bench, the appellant prefers the instant Service Appeal before this Hon'ble Tribunal for redressal of his grievance on the following amongst other grounds:

GROUND S:

- A. That the inaction of the official respondents in the matter of appellant is illegal and legally speaking the official respondents are bound to allow the application for cancelation/ withdrawal of his LPR.
- B. That the appellant duly filed his application dated 14/12/2018 for cancellation /withdrawal of his LPR before the maturity of his retirement which has been mentioned in letter dated 23/04/2019 already enclosed with the instant appeal, hence the option of withdrawal of LPR was well within time and in this regard the

(6)

notification dated 05/09/2018 issued by the Finance Department fully covers his request.

- C. That it is settled law that when the application for cancellation/withdrawal of LPR is filed before the maturity date of retirement, the same need to be accepted by the official respondents.
- D. That it is also settled principal of law when the law requires a particular act to be done in a particular manner, it had to be done in that manner, not otherwise.

It is pertinent to refer to clause-1 of Finance Department notification dated 05/09/2018 and the same is reproduced for ready reference of this Hon'ble Tribunal;

“i. He/She may withdraw his/her option of voluntary retirement before retirement matures.”

- E. That the AIG/Legal for Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar also recommended the case of appellant for withdrawal of his LPR therefore, legally speaking there is no legal hurdle involved in the way of appellant to reinstate him into service.

It was held in a reported judgment **2000 SCMR 1964** and same is reproduced for reference of this Hon'ble Tribunal;

⑦

“Where the parent department has strongly recommended the retention of the services of Civil Servant, as the department was short of experienced staff it would have been discreet exercise of power and authority to allow the civil servant in service rather than regretting a reasonable request on untenable grounds”

It was further held that;

“No inflexible law is reflected that option of retirement once exercise was final and could not be retracted under any circumstances. The Government in circumstances had acted unreasonable, unconscionably and in a manner which was neither fair nor reasonable just and equitable as expected of public functionaries”.

(Copy of judgment will be produced at the time of hearing)

- F. That any other grounds will be raised at the time of arguments with prior permission of this Hon'ble Tribunal.

It is, therefore, most humbly prayed that on acceptance of this service appeal, the official respondents may kindly be directed to reinstate the appellant in service w.e.f

8

01/08/2018 with all consequential back benefits.

Any other relief to whom the appellant found entitled may also be granted.



Appellant

Through



Inayat Ullah Khan

Advocate, Supreme Court of
Pakistan, LL.M (UK)

Date: 01/10/2022

9

BEFORE THE COURT OF WORTHY CHAIRMAN
SERVICES TRIBUNAL, PESHAWAR

Appeal No. _____/2022

Zabib Ur Rehman.....**Appellant**

V E R S U S

IGP and others.....**Respondents**

AFFIDAVIT

I, **Zabib Ur Rehman S/o Abdul Jabbar R/o Sadiq Abad Illaqa P.S Ghori Wala, District Bannu. (Ex-Sub Inspector BPS-14) District Police Department Bannu,** do hereby solemnly affirm and declare on oath that the contents of accompanying **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable court.

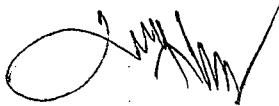


Identified by:

DEPONENT

CNIC#11101-1522686-3

Cell# 0334-5433977



Inayat Ullah Khan

Advocate, Supreme Court of
Pakistan, LL.M (UK)

ORDER.

ANNEXURE A

(10)

Name..... *Falukur Rehman*.....
 son of *Abedul Jalil*....., caste..... *Pestaton*.....
 of village *Katka Sadig Abad*....., Police Station..... *Gt. Wala*.....
 is enlisted as Foot Constable Time Scale with effect from
24..... *12*..... *85*..... and allotted Constabulary No. *1309*.....
 Education..... *Matric*..... Age *20*..... *11*..... *23*..... years
 Height..... *5*..... feet..... *9*..... inches..... Chest *34x36* inches
 Previous service from..... *NIL*..... to..... *NIL*.....

O. B. No. *3118*
 Dated: *26-12-85* 194

Superintendent of Police,
Bajon
[Signature]

[Signature]
 Attested to be
 True Copy

ANNEXURE B

(11)

POLICE DEPARTMENT:

DISTRICT BANNU

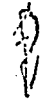
FOR PUBLICATION IN THE KHYBER PAKHTUNKHWA POLICE GAZETTE
PART-II ORDERED BY THE DISTRICT POLICE OFFICER, BANNU

NOTIFICATION

Dated Bannu, the _____ / _____ / 2018.

No. _____ / PENSION/RETIREMENT: SI Zabib

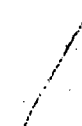
Rahman of this District Police is hereby granted 365 days LPR w.e.f 01.08.2018. He will stand retired on pension with effect from 01.08.2019.


District Police Office,
Bannu

No. 9795-98-1 / Dated 30 / 12 / 2018.

Copy of above is submitted for favor of information to:-

1. The Additional Inspector General of Police, Investigation, Khyber Pakhtunkhwa, Peshawar along with two spare copies of notification for publication in Gazette Notification.
2. The Regional Police Officer, Bannu Region, Bannu.
3. The SP Investigation, Bannu.
4. Reader, OASI, SRC, Pay Officer and Pension Clerk for necessary action.


District Police Office,
Bannu

d.g.h.
Attested to be
True Copy



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ANNEXURE C

OFFICE OF THE
DISTRICT POLICE OFFICER,
BANNU.

Ph: No. 0928 - 9270038 Fax # 0928 - 9270045

No: 7601/1 Dated Bannu, the 23/04/2019.

The Regional Police Officer,
Bannu Region, Bannu.

WITHDRAWAL OF REQUEST OF LPR/RETIRED AFTER SANCTION/NOTIFICATION.

It is submitted that the following upper subordinates have been proceeded on LPR/retirement from the dates as noted against their names. In the meantime, in the light of Finance Department letter No. FD(CSOSR-II)/4-36/2018, dated 05.09.2018, the officers applied for withdrawal of letter LPR/retirement orders.

S.#	Name of Officer	Date of Commencement LPR	Date of Completion Period of LPR	Date of submission of application for withdrawal of LPR
1.	SI Zabib-ur-Rehman	01.08.2018	30.07.2019	14.12.2018
2.	ASI Mohammad Noor	01.01.2018	31.12.2018	11.12.2018
3.	ASI Najeeb Ullah	20.02.2018	19.02.2019	14.01.2019

With the passage of time, this office sought guidelines from CPO Peshawar in to the matter. Different opinions received from CPO Peshawar which are enclosed herewith for ready references.

Complete case consisting of Finance Department letter, applications of the officers, correspondence made by this office with CPO Peshawar and their opinions/comments are submitted herewith for favor of perusal and order, please.

2 ✓
District Police Officer,
Bannu.

No. 7601

Copy of above is submitted for favor of information to the Asstt: Inspector General of Police, Establishment, Khyber Pakhtunkhwa, Peshawar.

Attested to be
True Copy

2 ✓
District Police Officer,
Bannu.
D
D/C

ANNEXURE

D

(13)



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar



No. 122- Legal dated Peshawar, the 04/01/2019.

To: - The District Police Officer,
Bannu

Subject: WITHDRAWAL OF REQUEST OF LPR /RETIRED AFTER
SANCTION /NOTIFICATION.

Memor:-
Please refer to your office letter No. 27 dated 01.01.2019 on the subject
cited above.

The Competent Authority has been directed that the According ~~to letter~~
No. FD (SORS-E)4-36/2018 dated 05.09.2018 of the provincial government the
government servant may withdraw option of voluntary retirement before retirement
mature.

[Signature]
AIG/Legal
For Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar

Insp: Legal
SLE
To studies and
deput

[Signature]
District Police Officer
BANNU

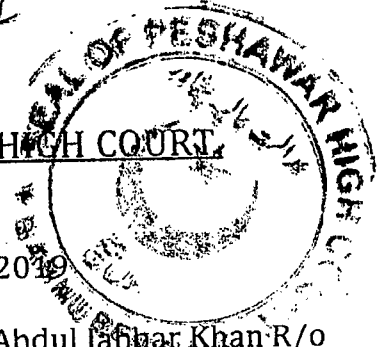
djh
**Attested to be
True Copy**



ANNEXURE E

121

BEFORE THE HON'BLE PESHAWAR HIGH COURT,
BANNU BENCH



Writ Petition # 754-B /2019

Zabib Rehman Sub-Inspector (now on LPR) S/o Abdul Jabbar Khan R/o
Kotka Saddiq Abad Nar Jaffar Khan Tehsil & District Bannu (Petitioner)

VERSUS

- 1- The Secretary to Government of Khyber Pakhtunkhwa Finance Department Peshawar.
- 2- The Inspector General of Police Khyber Pakhtunkhwa Peshawar.
- 3- The Deputy Inspector General of Police Bannu Region, Bannu.
- 4- The District Police Officer, Bannu.

~~~~~(Respondents)

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

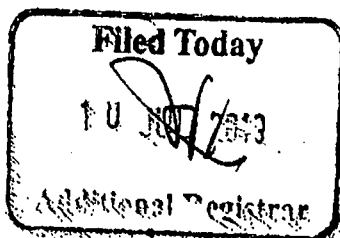
PRAYER:

ON ACCEPTANCE OF INSTANT WRIT PETITION, THIS HON'BLE COURT MAY VERY GRACIOUSLY BE PLEASED TO DIRECT THE RESPONDENTS TO ACCEPT REQUEST OF PETITIONER FOR WITHDRAWAL OF LEAVE PREPARATORY TO RETIREMENT (LPR) AND TO REINSTATE HIM TO SERVE POLICE DEPARTMENT IN LIGHT OF FINANCE DEPARTMENT LETTER #SORS-II/4-36/2018 DATED 05/9/2018.

ANY OTHER RELIEF NOT SPECIFICALLY PRAYED FOR BUT DEEM APPROPRIATE BY THIS HON'BLE COURT MAY ALSO BE GRANTED.

INTERIM RELIEF:

Since this writ petition might take some time in disposal, therefore, in the meantime suspension of LPR period of petitioner may be granted and petitioner may be allowed



ATTESTED  
EXAMINER  
Peshawar High Court  
Bannu Bench

2019  
20



to perform duty till the final disposal of instant writ petition with full pay encashment.

=====  
Note #1: Addresses of parties given above, are correct and sufficient for the purpose of service. The petitioner can be easily served through his counsel.  
=====

Note #2: Relevant record of correspondences has not been provided to the petitioner despite repeated requests, therefore, this Hon'ble Court may kindly be pleased to direct the respondent #4 to produce the same before the Court and a copy to the petitioner.  
=====

Respectfully Sheweth:

1. That, the petitioner is a Govt. Servant in capacity of Sub-Inspector #28.
2. That, the petitioner started his carrier in police department as Foot Constable on 22/12/1985 and with passage of time and in light of his gallantry services, he was promoted to higher ranks.
3. That, in the year 2018 some domestic compulsions erupted in the family of petitioner and as such the petitioner, under compelling circumstances and in order to avoid any untoward incident, submitted application under Rule-21 of the Khyber Pakhtunkhwa Civil Servants Revised Leave Rules, 1981, for grant of leave preparatory to retirement (LPR) which was allowed w.e.f.01/8/2018

*J*

Filed Today  
10 JUL 2019  
Additional Registrar

ATTESTED  
*[Signature]*  
District High Court  
Mardan District

to 01/8/2019. (Copy of application was not provided by concerned quarter).

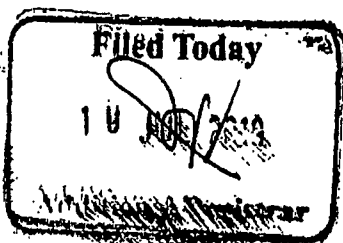
4. That, the petitioner work hard and by the grace of Almighty Allah he succeeded to resolve domestic disputes and once again wanted to rejoin police department in light of notification/letter #SORS-II)/4-36/2018 dated 05/9/2018 as such the petitioner submitted application to the respondents #2&3, which were allowed and the respondent #4 was directed to pursue application of the petitioner in accordance with law and finance department notification. (Copy of application for withdrawal of request of LPR is annexed "A").

5. That, the case of petitioner was firstly considered by respondent #4, however, later the same was filed due to unknown reasons and without any intimation to petitioner and till date no copy of correspondences could be provided to petitioner despite repeated requests.

6. Feeling aggrieved, the petitioner having no other remedy but to invoke the inherit jurisdiction of this Hon'ble Court, *inter-alia* on the following grounds:

GROUNDS

1. That, the act of respondents especially the respondent #4 by not considering request of petitioner for withdrawal of LPR, in light of finance department



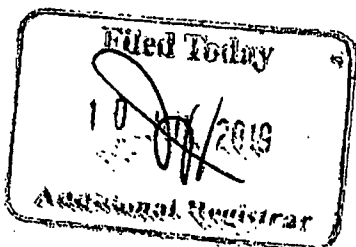
notification/letter #SORS-II)/4-36/2018 dated 05/9/2018 is against the law and rules and as such the same is not sustainable in the eye of law.

2. That, the Government of Khyber Pakhtunkhwa Finance Department vide letter ##SORS-II)/4-36/2018 dated 05/9/2018 at para i. has vividly held that:

- "i. He/She may withdraw his/her option of voluntary retirement before retirement matures;*
- ii. It is binding on a government servant to return any amount of leave pay received by him/her, in lieu of encashment of LPR for that period;*
- iii Later, on attaining the age of superannuation, if he/she again opts for 365 days leave encashment in lieu of 365 days LPR, such option of any individual may be treated as a fresh case and he/she will be allowed encashment of LPR in toto".*

(Copy of Finance Department vide letter #SORS-II)/4-36/2018 dated 05/9/2018 is annexed "B").

3. That, the petitioner is hardworking police officer and throughout his carrier he worked with great zeal, zest and honesty.
4. That, learned counsel for petitioner may kindly be permitted to raise additional grounds at the time of arguments.

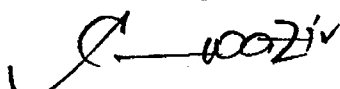


For the reasons mentioned above, it is, therefore requested that this writ petition may graciously be accepted as prayed for just to meet the ends of justice.

Dated: 06/7/2019

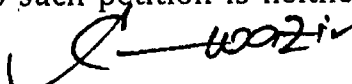
Zabib Rehman (Petitioner)

Through counsel:

  
(AKBAR ULLAH KHAN WAZIR)  
Advocate High Court Bannu

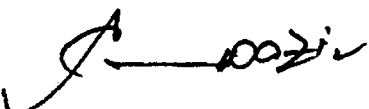
CERTIFICATE:

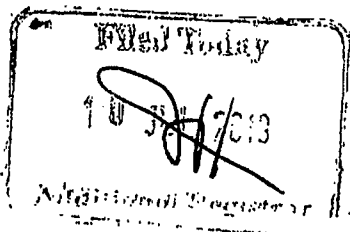
This is to certify that no such petition is neither pending nor filed before any other forum.

  
(AKBAR ULLAH KHAN WAZIR)  
Advocate High Court Bannu

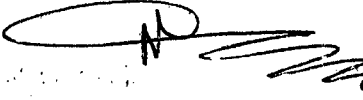
LIST OF BOOKS

- 1- The Constitution of the Islamic Republic of Pakistan, 1973.
- 2- The Khyber Pakhtunkhwa Civil Servants Revised Leave Rules, 1981.
- 3- Case law accordingly.

  
(AKBAR ULLAH KHAN WAZIR)  
Advocate High Court Bannu



**PESHAWAR HIGH COURT, BANNU BENCH****FORM OF ORDER SHEET**

| Date of Order or proceedings | Order or other proceedings with signature of Judge(s).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1)                          | (2)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 22.09.2022                   | <p><b><u>WP No.754-B/2019</u></b></p> <p><b><u>Present:</u></b> Mr. Akbar Ullah Khan Wazir Advocate for the petitioner</p> <p>Sardar Muhammad Asif, Asstt. A.G.</p> <p>***</p> <p><b><u>SAHIBZADA ASADULLAH, J.--</u></b> The matter was heard extensively. The learned counsel wanted to convince this Court regarding its jurisdiction in the matter, but we are not persuaded, as the matter brought before this Court purely falls within the terms &amp; conditions of service for which the competent forum has been created and even otherwise, Article 212 of the Constitution has placed embargo on this Court, so we cannot venture in the jurisdiction of competently created forum. With these observations, this petition is dismissed as such. However, the petitioner is at liberty to approach the proper forum for the redressal of his grievance.</p> <p><b><u>Announced</u></b><br/>22.09.2022</p> <p>Sd/ Mr Justice Sahibzada Asadullah ,J<br/>Sd/ Mr Justice Shahid Khan ,J</p> <p>CERTIFIED BY</p> <p></p> <p>The Government of Punjab Ordinance 1984</p> |

SCANNED

23 SEP 2022



Ghafoor Zaman

(D.B) Hon'ble Mr. Justice Sahibzada Asadullah  
Hon'ble Mr. Justice Shahid Khan

26/9/2022

(20)

ANNEXURE G

بخدمت جناب صوبائی پولیس آفیسر صاحب، صوبہ خیبر پختونخواہ، پشاور۔

Departmental Appeal

LPR کے لئے

عنوان:

جناب عالی!

گزارش ہے۔ کہ سائل نے مورخہ 01.08.2018 گھریلوں حالات کی بناء LPR پر چلا گیا۔ لیکن دوران LPR گھریلوں مسائل حل ہوئے۔ جبکہ بچے چھوٹے اور زیر تعلیم ہونے کی وجہ سے معاشی مشکلات کا سامنا ہوا کیونکہ سائل کے علاوہ اور کوئی برسر روزگار نہیں کہ گھریلو زیر تعلیم بچوں کی ضروریات پورا کرے بدیں وجہ سائل نے جناب DPO صاحب کے خدمت میں LPR کینسل کرنے کی درخواست بحوالہ Finance Department Khyber Pakhtunkhwa چھٹی نمبر FD(SOSR-II)/4-36/2018 مورخہ 15.12.2018 دائر کیا۔ جناب DPO صاحب نے درخواست CPO پشاور ارسال کیا۔ جو CPO پشاور نے بحوالہ چھٹی نمبر III-653/E مورخہ 21.03.2019 سائل کی درخواست Accept کیا۔ جناب DPO صاحب نے مزید کارروائی کے لئے جناب RPO صاحب کو ارسال کیا۔ اور جناب RPO صاحب نے درخواست فائل کیا۔ لہذا استدعا ہے کہ من سائل کو مذکورہ بالا لیٹر کی روشنی میں دوبارہ سروس میں بحالی کے احکامات صادر فرمائیں۔

سائل تاحیات دعا گوہ رہے گا۔  
مورخہ: 24-06-2019

العارض

زیب الرحمن SI ڈسٹرکٹ پولیس بنوں حال LPR۔  
موبائل نمبر: 0334 5433977

Attested to be  
True Copy



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT

213

ANNEXURE H

Finance Department Civil Secretariat Peshawar <http://www.financekpk.gov.pk> [facebook.com/GoKPKFD](https://www.facebook.com/GoKPKFD) [twitter.com/GoKPKFD](https://twitter.com/GoKPKFD)

No.FD(SOSR-II)/4-36/2018

Dated Peshawar the 5/09/2018

To

1. All Administrative Secretaries, Government of Khyber Pakhtunkhwa.
2. The Senior Member Board of Revenue, Khyber Pakhtunkhwa.
3. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
4. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. All Commissioners / Deputy Commissioners of Khyber Pakhtunkhwa.
6. Registrar Peshawar High Court.
7. Chairman Public Service Commission, Khyber Pakhtunkhwa.
8. Chairman Service Tribunal, Khyber Pakhtunkhwa.
9. All Head of Attach Departments, Khyber Pakhtunkhwa.

Subject: CLARIFICATION OF WITHDRAWAL OF REQUEST OF LPR/RETIREMENT SANCTION / NOTIFICATION.

Dear Sir,

In pursuance of Finance Division Government of Pakistan O.M No.F.1(1)3-1/2017 Vol-II(Pt) dated 6.10.2015, the Competent Authority has been please to approve / adopt Federal Government Policy with regard to the subject issue as envisaged in the O.M cited which provides that a Government servant can withdraw option of voluntary retirement during period for which encashment has been applied / granted subject to the following conditions:-

- i. He/She may withdraw his/her option of voluntary retirement before retirement matures;
- ii. It is binding on a government servant to return any amount of leave pay received from him/her, in lieu of encashment of LPR for that period;
- iii. Later on, on attaining the age of superannuation, if he / she again opts for leave encashment in lieu of 365 days LPR, such option of an individual shall be treated as a fresh case and he / she will be allowed encashment of LPR in accordance with the existing rules and regulations.

This supersedes Finance Department, letter No.SOSR-III/4-92/81 dated: 01.10.1981 and the cases already decided thereunder shall not be reopened/reconsidered.

Admin-I

SECRETARY TO GOVERNMENT  
OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT

Encls: No. & Date Even.

Copy is forwarded for information to:

1. The Secretary to Government of Punjab, Sindh and Balochistan, Finance Department.
2. The Accountant General, Khyber Pakhtunkhwa, Peshawar.

(ABDUL MALIK)  
DEPUTY SECRETARY (REG-II)

Encls: No. & Date Even.

Copy is forwarded for information and necessary action to:

1. Director Treasuries & Accounts, Khyber Pakhtunkhwa.
2. All District Comptroller & Accounts in Khyber Pakhtunkhwa.
3. Director Local Fund Audit, Khyber Pakhtunkhwa.
4. Director FMIU, Finance Department, Khyber Pakhtunkhwa.
5. All District / Agency Accounts Officers in Khyber Pakhtunkhwa.
6. All Section Officers/Budget Officers in Finance Department.
7. The Private Secretary to Minister Finance, Khyber Pakhtunkhwa.
8. The Private Secretary to Secretary / PAs to Special Secretary, Additional Secretaries & Joint Secretaries in Finance Department.
9. The Section Officer (Reg-I) Government of Pakistan, Finance Division, (Reference with your reference to his letter referred above).
10. HR Finance Department (Assistant Director Web).

(NAHEM TABASSUM)  
SECTION OFFICER (SR.II)

Attested to be  
True Copy

## GOVERNMENT OF KHYBER PAKHTUNKHWA FINANCE DEPARTMENT

No. FB(SOSR-II)/4-36/2018

Dated Peshawar the 5/09/2018

To

1. All Administrative Secretaries Government of Khyber Pakhtunkhwa.
2. The Senior Member Board of Revenue, Khyber Pakhtunkhwa.
3. The Principal Secretary of Governor, Khyber Pakhtunkhwa.
4. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. All Commissioners / Deputy Commissioners of Khyber Pakhtunkhwa.
6. Registrar Peshawar High Court.
7. Chairman Public Service Commission, Khyber Pakhtunkhwa.
8. Chairman Service Tribunal, Khyber Pakhtunkhwa.
9. All head of Attach Departments, Khyber Pakhtunkhwa.

Subject: CLARIFICATION OF WITHDRAWAL OF REQUEST OF LPR/RETIRED  
AFTER SANCTION /NOTIFICATION.

*dyf*  
Attested to be  
True Copy

Dear Sir,

In pursuance of Finance Division Government of Pakistan O.M No. F.1(1) R-4/2007-Vol-II(P1) dated 6.10.2015, the competent authority has been please to approve/adopt the federal

Government policy with regard to the subject issue as envisaged in the O.M cited above which provide that a Government servant can withdraw option of voluntary retirement during the period for which encashment has been applied / granted subject to the following conditions:-

- i. He /She may withdrawal his/ her option of voluntary retirement before retirement matures.
- ii. It is binding on a government servant to return any amount of leave pay received by him/her in lieu of encashment of LPR for that period.
- iii. Later on, on attaining the age of superannuation, if he /she again opts for 365 days leave encashment in lieu 365 days LPR, such option of individual may treated as a



23  
fresh case and he/she will be allowed  
encashment of LPR in toto.

Better  
copy  
**BETTER COPY**

This supersedes Finance Department, letter  
No.SOS-II/4-92/81 dated 01-10-1981 and the  
cases already decided there under shall not be  
reopened /reconsidered.

SECRETARY TO GOVERNMENT  
OF KHYBER PAKHUTNKHWA  
FINANCE DEPARTMENT.

Endst: No & date Even.

Copy if forwarded or information to:

1. The Secretary to Government of Punjab, Sindh and Balochistan ,  
Finance Department.
2. The Accountant General, Khyber Pakhtunkhwa.

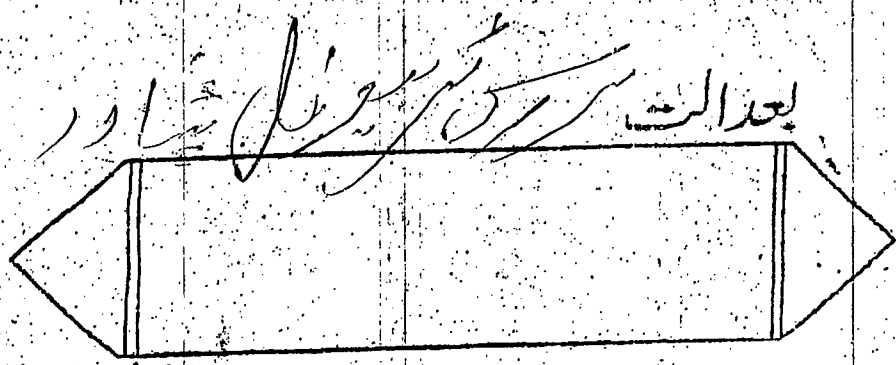
Endst: No & date Even.

Copy is forwarded for information and necessary action to:

1. Director treasuries & Accounts , Khyber Pakhtunkhwa.
2. All District Comptroller & Accounts in Khyber Pakhtunkhwa.
3. Director Local Fund Audit, Khyber Pakhtunkhwa.
4. Director FMIU. Finance department Khyber Pakhtunkhwa.
5. All District /Agency Accounts officers in Khyber Pakhtunkhwa.
6. All section officers , budget officers in Finance Department.
7. The Private Secretary to Minister Finance , Khyber  
Pakhtunkhwa.
8. The Private Secretary to secretary /PAs to Special Secretary ,  
additional Secretaries / Deputy Secretaries in Finance  
Department.
9. The Section officer(Reg-4) Government of Pakistan, Finance  
Division (Regulation wing with reference to his letter  
referred above.
10. HR Finance department (Assistant Director Web)

(NAEEM TABASSUM)  
SECTION OFFICER (SR.II)

*dyh*  
**Attested to be  
True Copy**



|       |                 |
|-------|-----------------|
| موضوع | 2. مخائب        |
| مقدمہ | Zabib ur Rehman |
| دعویٰ |                 |
| جرم   |                 |

G. C. P.

### باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے بیرونی وجوہات وہی وکل کارروائی متعلقہ

آن مقام \_\_\_\_\_ کیلئے \_\_\_\_\_

مقررہ کر کے اتر کر کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا مکمل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقریر نمائتہ فیصلہ برحلاف دینے جزیب وہی اور اقبال دعویٰ اور لاسورت ڈگری کرنے اجراء اور سولی چیک و روپیہ از عرضی دعویٰ اور درخواست ہر قسم کی تصدیق ذرا میں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم بیرونی یا ڈگری یا کلپٹرفہ یا ایپیل کی برآمدگی اور منسوخی نیز دائر کرنے ایپیل نگرانی و فالگرمانی و بیرونی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقریر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داخستہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ و ہرجا و التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ بیرونی لڑ کوڑ کریں۔ لہذا وکالت نامہ لکھنا یا کر سند ہے۔

المرقوم \_\_\_\_\_ ماہ \_\_\_\_\_ 20

\_\_\_\_\_ واہ العہد

کے لئے منظور ہے۔

بمقام