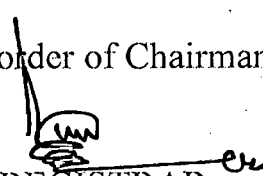


Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1542/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	26/10/2022	<p>The appeal of Mr. Muhammad Salman presented today by Mr. Mir Zaman Safi Advocate. It is fixed for preliminary hearing before touring Single Bench at D.I.Khan on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 1542/2022


MUHAMMAD SALMAN VS AGRICULTURE DEPTT:

INDEX

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2	Affidavit	5.
3	Medical prescriptions	A	6- 11.
4	Replies	B & C	12- 13.
5	Removal order dated 21.12.2021	D	14- 15.
6	Departmental appeal	E	16- 17.
7	Appellate order	F	18.
8	Impugned order	G	19- 21.
9	Departmental appeal	H	22- 23.
10	Order sheet	I	24- 25.
11	Wakalat nama	26.

APPELLANT

THROUGH:


MIR ZAMAN SAFI
ADVOCATE

Office: Room No. 6-E, 5th Floor,
Rahim Medical Centre, Hashtnagri,
Peshawar.

Cell: 0333-9991564

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. 1542/2022

Mr. Muhammad Salman, Senior Clerk (BPS-14),
O/O the Principal Research Officer/Regional Director, Veterinary Research &
Disease Investigation Centre, D.I. Khan.

.....APPELLANT

VERSUS

- 1- The Secretary, Agriculture, Livestock and Cooperative Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director General (Research), Livestock & Dairy Development Authority, Khyber Pakhtunkhwa, Peshawar.
- 3- The Director, Veterinary Research Institute, Khyber Pakhtunkhwa, Peshawar.
- 4- The Principal Research Officer/Regional Director, Veterinary Research & Disease Investigation Centre, D.I. Khan.
- 5- The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.
- 6- The District Account Officer, D.I. Khan.

.....RESPONDENTS

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 09/06/2022 WHEREBY THE APPELLANT HAS BEEN RE-INSTATED INTO SERVICE WITH EFFECT FROM 08.03.2022 RATHER THAN RETROPECTIVE DATE i.e. 11.03.2021 AND THE INTERVENING PERIOD WITH EFFECT FROM 21.03.2021 TO 07.03.2022 IS HEREBY TREATED AS EXTRAORDINARY LEAVE WITHOUT PAY AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

That on acceptance of this service appeal the impugned order dated 09.06.2022 may very kindly be modified/rectified to the extent of re-instatement into service w.e.f 21.03.2021 and the intervening period w.e.f 21.03.2021 to 07.03.2022 be treated as medical leave with full pay with all other consequential benefits. Any other relief which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

- 1- That appellant is the employee of respondent Department and is serving as Senior Clerk (BPS-14) quite efficiently and up to the entire satisfaction of his superior.

- 2- That during service the appellant was affected by disease of pulmonary edema/Chest TB infection and due to that reason the appellant was unable to perform his duty. That the appellant approached the doctor concerned for consultation and after detail check up and tests the doctor advised the appellant for complete bed rest and for regular treatment of the above said disease. Copies of the medical prescriptions are attached as annexure.....A.
- 3- That during the period of illness the appellant received a letter dated 06.04.2021 from the quarter concerned and the same has been replied by the appellant on 07.04.2021 alongwith documentary proofs and inform the respondents about his illness condition and as such the appellant requested the authority concerned for medical leave for the period of ninety days but the authority concerned kept silence on the same. Copy of the reply is attached as attached as annexure.....B.
- 4- That after 3 months another letter received by the appellant form the quarter concerned which was also replied by the appellant on 09.08.2021 and inform the authorities about his serious health condition but the authorities had not been given any response on the same. Copy of the reply is attached as annexure.....C.
- 5- That it is pertinent to mention that after recovery from the said illness the appellant visited the quarter concerned for joining of his duty but the authority concerned handed over the order dated 21.12.2021 whereby the appellant was removed from his service. Copy of the removal order dated 21.12.2021 is attached as annexure.....D.
- 6- That feeling aggrieved from the removal order dated 21.12.2021 the appellant preferred departmental appeal before the respondent No.1 which has been partially accepted vide appellate order dated 08.03.2022 whereby major penalty of removal from service has been converted into minor penalty of stoppage of two annual increments. Copies of the departmental appeal and appellate order dated 08.03.2022 are attached as annexure.....E & F.
- 7- That the appellant feeling aggrieved from the appellate order dated 08.03.2022 filed service appeal No. 574 /2022 before this august Tribunal and during the pendency of the aforementioned service appeal the respondent No.2 has been issued the impugned order dated 09.06.2022 whereby the appellant has been re-instated into service w.e.f 08.03.2022 rather than w.e.f. 11.03.2021 and as such the intervening period w.e.f 11.03.2021 to 08.03.2022 is hereby treated as extra ordinary leave without pay. Copy of the impugned order dated 09.06.2022 is attached as annexure.....G.
- 8- That the appellant feeling aggrieved from the impugned order dated 09.06.2022 preferred departmental appeal and withdrawn the previous service appeal vide order dated 01.08.2022 being anfractuous. That the appellant waited for ninety days for any response of the appellate authority on the departmental appeal but no reply has been received so far. Copies of

the departmental appeal and order sheet dated 01.08.2022 are attached as annexure.....H & I.

- 9- That the appellant feeling aggrieved and having no other remedy but to file the instant service appeal on the following grounds amongst the others.

GROUND:

- A- That the impugned appellate order dated 09.06.2022 is against the law, facts, norms of natural justice and materials on the record, hence not tenable and liable to be rectified/modified to the extent of re-instatement w.e.f 21.03.2021 with all back benefits.
- B- That appellant has not been treated by the respondent department in accordance with law and rules on the subjected noted above and as such the respondents violated Article-4 and 25 of the Constitution of Islamic Republic of Pakistan.
- C- That the impugned order dated 09.06.2022 is violative of the principle of natural justice, hence not tenable and liable to be rectified/modified to the extent of re-instatement into service w.e.f 21.03.2021 alongwith all back benefits.
- D- That absence of appellant was not willful but due to cause the aforementioned illness, therefore, the impugned order dated 09.06.2022 is not tenable in the eye of law; therefore, the same is liable to be rectified/modified.
- E- That the absence of the appellant was neither deliberate nor intentional but due to cause serious illness, and because of that reason he could not remain on duty, therefore, the impugned order dated 09.06.2022 is liable to be modified to the extent of back benefits and re-instatement into service with effect from 21.03.2021.
- F- That the respondent department admitted the illness of appellant but inspite of that the respondent No.2 issued the impugned order dated 09.06.2022 by re-instating the appellant w.e.f 08.03.2022 instead of 21.03.2021 and as such the intervening period w.e.f 21.03.2021 to 08.03.2022 is hereby treated as extraordinary leave without pay.
- G- That the respondent department acted in arbitrary and malafide manner while the appellant has been re-instated into service w.e.f 08.03.2022 instead of w.e.f 21.03.2021 and treated the intervening period as extra ordinary leave without pay, which is not tenable in the eye of law and the same is liable to be rectified/modified.
- H- That the appellant seeks permission to advance any other ground and proofs at the time of hearing.

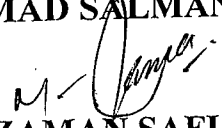
It is, therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.

Dated: 11.04.2022.


APPELLANT

MUHAMMAD SALMAN

THROUGH:


MIR ZAMAN SAFI
ADVOCATE

CERTIFICATE:

It is certified that no other earlier appeal was filed between the parties.


DEPONENT

LIST OF BOOKS:

- 1- CONSTITUTION OF PAKISTAN, 1973
- 2- SERVICES LAWS BOOKS
- 3- ANY OTHER CASE LAW AS PER NEED

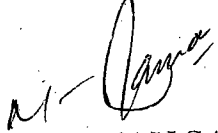
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2022

MUHAMMAD SALMAN VS AGRICULTURE DEPTT:

AFFIDAVIT

I Mir Zaman Safi, Advocate High Court, Peshawar on the instructions and on behalf of my client do hereby solemnly affirm and declare that the contents of this **service appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.


MIR ZAMAN SAFI,
Advocate
High Court, Peshawar

New City Medical Laboratory X-Ray & Ultrasound Clinic
Room No.16 Ibrahimi Medical Center Dabgari Garden Peshawar.

A-6

Name: **Muhammad Salman**

Sex: M

Age:35

Dated: 05.02.2021

C:A-296

FINDINGS

ABDOMEN

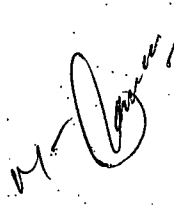
The liver is of normal in size and shape GB appears normal. Portal vein and CBD measures within normal limits. Spleen and pancreas appear normal morphologically. Both kidneys are normal in size, shape and echopattern. There is no evidence of hydronephrosis or hydroureter on either side. No enlarge upper para aortic lymph nodes however, free fluid is seems in the lungs and swollen in upper bowl.

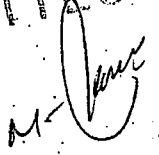
PELVIS

Normal urinary bladder:

IMPRESSION

- Fluid in the Lungs.
- Swollen in upper bowl


Doctor on Duty

ATTESTED


Dr. Abdul Mateen

M.B. B.S.D.H.M.S

Physician & Surgeon

Ex-Registrar of LRH Chest Deptt:

7

Name: Gulman

Sex: M

Dated: 6/2/2021

History

Runs 101-102
Cough 10 days
Weakness
Weight loss

est = Mantoux skin
TB
+ - Bay Chest
Abdomen unremarkable

Clear lungs
Chest TB

مريض يبلغ من العمر 35 سنة
يأتي بمرض السعال المستمر لمدة 10 أيام
مع ضعف عام وفقدان الوزن
ملاحظة: نتائج اختبار مانطوخ سكين
موجبة (-) ونتائج اختبار باي
مخبرية (-) ونتائج فحص البطن
عادية.

Rx

Myon P- Kortung
obes in the full view
Cordum 4mg

Leoflam 500mg
obes in the full view

Hydrocort 5mg
obes in the full view

Enobid
Pork
obes in the full view

Abdul Mateen

ATTESTED

[Signature]

[Signature]

1226

8

New City Medical Laboratory X-Ray & Ultrasound Clinic

Room No.16 Ibrahimi Medical Center Dabgari Garden Peshawar.

Name: Muhammad Salman

Sex: M

Age: 35

Dated: 06.02.2021

Reff: Private

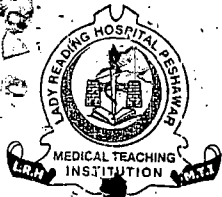
Test Name:

TB Skin Test Administration (Mantoux)

ate Given	Date Read
5.02.2021	06.02.2021
Administrative by:	Read by:
Dose(1cc 5TU-PPD)	Forearm R L
Result	Positive

PATHOLOGIST

ATTESTED



EMERGENCY DEPARTMENT

LADY READING HOSPITAL MEDICAL TEACHING INSTITUTION

PESHAWAR, KHYBER PAKHTUNKHWA

Amount Paid : 20
Invoice # : K0221171378
Invoice Date : 09-AUG-21 12:06:15

9

MRNo : K0200021447369 Name : Mohammad Salman
Gender : Male Age : 35 Year(s) District : Peshawar
Father / Husband Name : MOHAMMAD ZARIF

Serial No. _____

Visit Type : Acute Emergency Department : EMERGENCY

Complaints: SLEEM ULLAH

Rx

Counter : EMERGENCY

SOB on Exerection
Allergic reaction
Cough
Sore throat

Pass I/v line
Inj Solonortif 100mg I/v - stat

Findings:

B:P - 130/90
SaO₂ - 94% (ORP)
T - 100c

K/c - Chronic Bronchitis
- Asthma - ?

Investigations:

- CXR
- PFT's
- Bli's

Sab Myteka 10mg
861 - 1+1+1

Ventolin Inhalor
861 - 1+1+1

Sab Bet-nenol 0.5mg
861 - 1+1+1

Diagnosis:

[Handwritten signature]

Dr. Lateefullah
Medical Officer
PMDC No. 23308-N
Emergency Department

Next Visit: _____

Consultant Name: _____

Signature: _____

STAR

Medical Laboratory

Excellent Service is our Way of Life

Add: Basement Dir Medical tower, Shop # 13
Opp New Emergency Gate L.R.H Peshawar City

24
Hours Service



10

Patient's ID: 52	Laboratory Reports		
Patient M. SALMAN	Age: ? Y	Sex M	Date of 09/08/2021
Referred LRH	Test Rea: LFTs, RFTs, RBS.		
PATHOLOGY RESULTS			

Liver Function Test			
TEST	RESULT	UNIT	Normal Ranges
Bilirubin Total	0.5	mg/dl	0.2 — 1.0
Alanine Transaminase (ALT)	100	U/L	10 — 40
Alkaline Phosphate	145	U/L	Adults: < 306, Child: < 729

Renal Function Test			
TEST	RESULT	UNIT	Normal Ranges
Serum Urea	18	mg/dl	15 — 45
Serum Creatinine	1.0	mg/dl	0.5 — 1.3

Random Blood Sugar			
TEST	RESULT	UNIT	Normal Ranges
Random Blood Sugar	98	mg/dl	65 — 150

ATTESTED
M. Khan

Consultant

Dr. Laiqat Ali Khan
M.B.B.S., F.R.C.S.

Khushdil Khan
Lab. Chief
MLT Technologist

Amir Sohail
Microbiology (M.F.C.)
Microbiology (DMLT)

Contact #: ☎ 0311-9681405 , 0312-9598209

0300-8361404

NOT VALID FOR COURT

شاریو نیکل لیبارٹری (رجسٹرڈ) بیسمنٹ ڈیویژن نیکل سنٹر ٹاپ نمبر 13 بلڈنگ نیا ایمرٹلی گیٹ L.R.H ہسپتال پشاور شہر

M. Khan

STAR

Medical Laboratory

Excellent Service is our Way of Life

Add: Basement Dir Medical tower, Shop # 13
Opp New Emergency Gate L.R.H Peshawar City

24
Hours Service



PT ID No:-	52				
Patient Name:-	M. SALMAN	Age:	? yr	Sex:-	Male
Refer by:-	Self	Date:	09/08/2021		
Test Required:-	COMPLETE BLOOD COUNT,				

COMPLETE BLOOD COUNT

TEST	RESULT	UNIT	Normal Ranges
HB % (Hemoglobin)	13.9	g/dl	M (13.2 -- 17.2) F (12.0 -- 16.0)
TLC (Total Leucocytes Count)	4,700	cmm	4500 -- 10000
PLT (Platelet count)	221,000	cmm	150000 -- 450000

Differential Leucocytes Count

Neutrophils	61	%	60 -- 70
Lymphocytes	33	%	20 -- 40
Eosinophils	04	%	01 -- 04
Monocytes	02	%	02 -- 06

Consultant

Dr. Laiqat Ali Khan
M.B.L.S, F.R.C.S,

Khushdil Khan
Lab. Chief
MLT Technologist

Amir Sohail
Microbiology(M.A.)
Microbiology(DMLT)

Sign

Contact #: ☎ 0311-9681405 , 0312-9598209 0300-8361404

NOT VALID FOR COURT

سٹار میڈیکل لیبارٹری (رجسٹرڈ) ڈیسمنٹ ڈیر میڈیکل سنٹر، ٹاپ نمبر 13 مل مقابل تھو ایرینسی گیٹ L.R.H ہسپتال پشاور شہر

(Annex-11)

5

Dated: 07.04.2021

To

The Director General (Research)
Livestock and Dairy Development Department
Khyber Pakhtunkhwa, Peshawar.

B-12


Through: In-charge Veterinary Research and Disease Investigation Center D.I.Khan.

Subject: WILLFULL ABSENCE FROM GOVERNMENT DUTY/ GRANT OF 90 DAYS
MEDICAL LEAVE

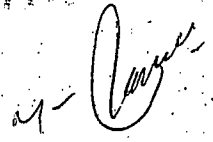
Kindly refer to letter No. DG(R)/Estt/PF/(76)/2011/2943 Dated: 06.04.2021 on the subject cited above.

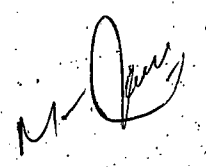
It is please stated that undersigned is suffering from Pulmonary edema/ Chest Tb infection due to which undersigned is unable for long distance travelling and during the joining at center in my previous reply I was requested to be hear in person for physical appearance and submission of medical report after which no response was received due to which the time has lapsed.

In this regard it is therefore, requested that kindly grant me 90 days earned leave on medical ground. All medical documents/ medical certificate alongwith earned leave form is enclosed (in original) for ready reference please.


(MUHAMMAD SALMAN)
SENIOR CLERK VR&DIC
DIKHAN

ATTESTED





Dated: 09.08.2021

C-13

To: The Director General (Research)
Livestock and Dairy Development Department
Khyber Pakhtunkhwa, Peshawar.

Through: In-charge Veterinary Research and Disease Investigation Center D.I Khan.

Subject: **WILLFUL ABSENCE FROM GOVT: DUTY**

Kindly refer to letter No.DG(R)/L&DD/Est-II/PF(76)/2011/6092 Dated: 29.07.2021 received on 02.08.2021 on the subject cited above.

In this connection it is stated that with reference to my previous reply in which requested that undersigned is suffering from pulmonary infection and also (liver infection from 2019) for which a proper medical was also submitted and applied for earned leave on medical ground thereafter the Department has been sent the case to Director General Health Department for Standing Medical Board later on no response received so far. Further added that the disease approached to moderate level in month of June and July and still persisting due which undersigned become unable to join services at center meanwhile the treatment has been conducted from different private physicians and due to severe illness and random treatment I, failed to submit medical report on time however, to fulfill the codal formalities and per Government medical policy a fresh and updated medical along with test/ diagnosis report is enclosed for ready reference.

It is therefore, humbly requested that considering the illness let the undersigned may allowed to complete the treatment after which I will try my best to join services at center as soon as possible and will be applied for accumulatively leave on medical ground with further request that if possible may be transferred to other station which can be easy to work with the above illness.

Furthermore, requested that the salary may be restored as the heavy expenses have already been utilized on treatment and undersigned has no other source of income.

Encl: (Test Report/ x ray in Original)



(MUHAMMAD SALMAN)
Senior Clerk
VRDIC DI Khan

Copy of the above is forwarded to Director General (Research) L&DD KPK Peshawar in advance along with medical report.

ATTACHED
M - [Signature]

M - [Signature]



(MUHAMMAD SALMAN)
Senior Clerk
VRDIC DI Khan



**DIRECTORATE GENERAL (RESEARCH)
LIVESTOCK & DAIRY DEVELOPMENT DEPARTMENT
KHYBER PAKHTUNKHWA, PESHAWAR**



D-14

Bachia Khan Chowk Khyber Pakhtunkhwa Peshawar
E: livestockres.kp.gov.pk

☎091-9210218
☎091-9210220

Facebook.com/livestockresearchkp
Twitter.com/livestockreskp
@dg.1ddr@kp.gov.pk

NOTIFICATION

No. DG(Res)/L&DD/Est-II/PF(76)/2011/ WHEREAS you Muhammad Salman, Senior Clerk transferred to Veterinary Research & Disease Investigation Center, D.I.Khan vide this office order No.DG(Res)/L&DD/Est-II(09)/2015/Vol-III/302-14 dated 12.01.2021 failed to join duty at the Center in time and remained willfully absent from Government duty w.e.f 13.01.2021 to 23.02.2021 (42 days without prior permission of the Compartment Authority as reported by your Incharge vide No.VR&DIC/DIK/Est-II/PF/2021/1781 dated 26.02.2021 (Annex-I)

2. WHEREAS you attended the duty only for four days on 24.02.2021, 25.02.2021, 02.03.2021 and 05.03.2021 and again became absent from duties since 11/03/2021. You were directed to assume duty vide letter No.DG (Res)/L&DD/Est-II/PF(76)/2011/2943 dated 06.04.2021 (Annex-II), but in response you submitted medical report of a private medical practitioner for a medical problem of lungs seeking leave for 90 days with effect from back dates prior to join duties at D.I Khan.

3. WHEREAS this office requested DG (Health) for a medical board for second opinion regarding your claimed illness which was scheduled on 01/09/2021 and you were informed through endorsement letter as well as whatsapp: (ANNEX-III). However, you failed to appear before the medical board on 01.09.2021 without any reasons and deliberately continued wilful absence from official duties.

4. WHEREAS by committing acts of inefficiency and misconduct of continued wilful absence from official duty at Veterinary Research & Disease Investigation Center, D.I.Khan and your deliberate nonappearance before the Standing Medical Board, at Service Hospital Peshawar specifically constituted for your medical examination for the claimed lung problems you were served a "Show Cause Notice" through registered post on your home address (duly received by you) with tentative imposition of major penalty of removal from service under Rule 4 (b)(iii) of E&D Rules 2011 granting opportunity of showing cause within 15 days to the inefficiency and misconduct with personal hearing option as well.

Continued P-2

M. Qureshi

M. Qureshi

15

So, whereas you failed to respond to the Show Cause notice within the stipulated time proving that you have nothing to put in your defence for the wilful acts of inefficiency, misconduct and continued wilful absence from duties.

NOW THEREFORE the undersigned being Competent Authority in this case, after considering all the charges, evidences on record and deliberate acts of inefficiency and misconduct impose upon you the "major penalty of Removal from Service" under Rules 4(1)(b)(iii) of the Khyber Pakhtunkhwa (Efficiency & Discipline) Rules, 2011 with immediate effect.

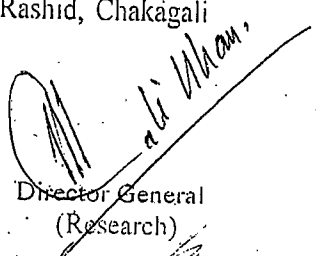
Director General
(Research)

No. DG(Res)/L&DD/Est-II/PF(269)/2021/10386-93

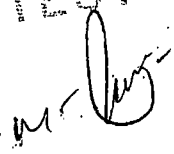
Dated Peshawar the 21/12/2021

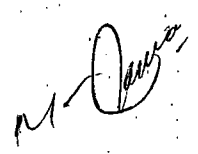
Copy of the above is forwarded for information and necessary action to:-

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Director, Veterinary Research Institute, Khyber Pakhtunkhwa, Peshawar.
3. The Principal Research Officer/ Regional Director, Veterinary Research & Disease Investigation Center, D.I.Khan.
4. The District Account Officer, D.I.Khan.
5. The Account Officer, Directorate General (Research) Livestock & Dairy Development Department, Khyber Pakhtunkhwa, Peshawar.
6. The Incharge, Information Technology Cell.
7. Muhammad Salman, Senior Clerk, House # 1537K, Mohallah Ghazi Abdur Rashid, Chakagali Karim Pura, District Peshawar.
8. Office order file.


Director General
(Research)

ATTESTED





Dated Peshawar the 24th December 2021

E-16

To
The Secretary
Government of Khyber Pakhtunkhwa
Agriculture Livestock & Cooperative Department
Peshawar.

Subject: **APPEAL FOR RESTORATION OF SERVICES ON MEDICAL GROUND**

Respected Sir,

It is stated that the undersigned is serving as Senior Clerk (BS-14) in Directorate General (Research) Livestock and Dairy Development Department Khyber Pakhtunkhwa since 2010 while posted in Veterinary Research and Disease Investigation Center D.I Khan vide order No. DG(R)/L&DD/Est-II(09)/2015/Vol-III/302-14 Dated: 12.01.2021 (Annex-I) and undersigned assumed the charge at center however, soon after assuming the charge the undersigned has been affected Tuberculosis Infection and doctor recommended eight month treatment due to which I became unable for long distance traveling and attend the office meanwhile the Department issue willful absence notice against me at home address (Annex-II) after which undersigned applied for medical leave for 90 days only and sent all medical reports (In original) to Department through respective In-charge (Annex-III) the than Department sent the case to Health Department for Standing Medical Board without informing the undersigned it is also necessary to mention that undersigned is also patient of HBV (+) last two year the current report is also enclosed (Annex-IV). After laps of 03 month just before a day of Medical Board undersigned has been informed through whatsapp without any hard copy along with original medical report (Annex-V) however, next day approached the Police Services Hospital for Medical Board but Board was not conducted Due to non receiving the same from Health Department and accordingly the situation was informed to Department in writing (Annex-VI) after that the Department issue show cause notice (Annex-VII) against undersigned and labeled the charges that:

- Inefficiency by failure to efficiently perform functions assigned in the discharge of duties at Veterinary Research & Disease Investigation Center D.I.Khan.
- Guilty of misconduct

Secretary Agriculture

Secretary

No. 10312

Dated 27/12/21

28/12
AFS (A)

20/12

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(17)

Gully of habitually absenting from duty prior approval of leave.

After that major penalty under rule 4(1)(b)(iii) of Khyber Pakhtunkhwa (Efficiency & Disciplinary) Rules, 2011 Removal from Service has been exercised vide order No. DG(R)/L&DD/Est-II/PF(269)/2021/10386-93 Dated 21.12.2021 however, the reply of aforementioned order is as under:

- Whereas the Controlling officer of the Department by him-self assumed me as willful absent from Government duty wherein the undersigned was assumed the charge properly which has already mentioned in aforementioned order.
- Whereas the undersigned applied for Medical Leave after completion of all codal formalities then on what ground the leave has not been granted and why the u/s was not informed that the case has been sent to Health Department.
- Whereas if the Department received the leave case and sent to Health Department than how it has been rendered as willful absent?
- Whereas in aforementioned order the Department confidently shows that the letter of Health Department communicated to the U/S which is totally baseless.
- Whereas in above order why the Department completely ignored the replies of the undersigned.
- Whereas if the undersigned was found willful absent from Government duty than why rule-9 has not been exercised.

In view of the above it is therefore, the respectable Secretary Agriculture Government of Khyber Pakhtunkhwa is requested that considering the illness the undersigned may be granted medical leave and the services of U/S restored.

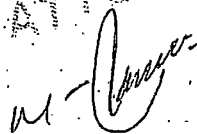
(All correspondence along with complete medical reports are enclosed for ready reference).


Encl: (As Above)

Your Faithfully



(MUHAMMAD SALMAN)
Senior Clerk DG(R)L&DD
KPK Peshawar.

ATTENDED






GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE, LIVESTOCK, FISHERIES &
COOPERATIVE DEPARTMENT

F-18

No. SO (LFC)/AD/ 3-23 / 2020
Dated Peshawar the March 08, 2022

To

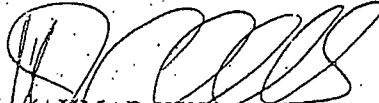
The Director General (Research).
Livestock & Dairy Development Department,
Khyber Pakhtunkhwa

Subject: APPEAL FOR RESTORATION OF SERVICE ON MEDICAL
GROUNDS.

I am directed to refer to the subject noted above and to state that the subject appeal dated 24-12-2021 regarding reinstatement into service and grant of medical leave, has been considered by the appellate authority under Rule-15 read with Rule-17 of E&D Rules 2011 and granted an opportunity of personal hearing to the appellant on 25-02-2022. After hearing the appellant and going through the available record, the appellate authority conditionally agreed to modify the penalty i.e "Removal from Service" and reduce it into minor penalty i.e. "withholding of 02 increments for a period of 02 years" under Rule 17 of E&D Rules. The reinstatement into service is subject to fulfillment of the following conditions:-

1. Provision of medical report from Standing Medical Board that he is a patient and affected by tuberculosis / lungs infection.
2. His absent period shall be treated as earned leave / leave without pay, if he is found a patient of tuberculosis / lungs infection.
3. In case he fails to mend his way / attitude towards duty and punctuality and acts / omissions due to which he was removed from service, are repeated then "dismissal from service" will be imposed upon him.
4. His previous posting to D.I.Khan shall remain intact and regular progress of attendance, performance be reported.

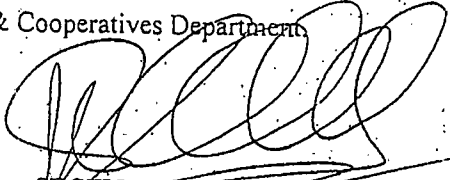
2. I am therefore directed to advise you to reinstate the above said appellant on the post he was holding before the impugned order subject to fulfillment of the above mentioned decision / conditions.


(AHMAD HUSSAIN)
SECTION OFFICER (LFC)

Endst: No. & date even:

Copy forwarded to:

1. Mr. Muhammad Salman, Ex-Senior Clerk Directorate General (Research)
L&DD Peshawar.
2. PS to Secretary Agriculture, Livestock, Fisheries & Cooperatives Department.
3. Master File.


SECTION OFFICER (LFC)

15/3/22
15/3/22

O/C

M-Salman

10/1/22

2



OFFICE OF THE
MEDICAL SUPERINTENDENT
SERVICES HOSPITAL, PESHAWAR

Phone: (Off) 091 9210509 (Exch) 091 9223472 Fax: 091 9210543

G-19

No. 4598-99 /MS/SMB/2021-22


Dated 30 /05/2022

Director General (Research)
Livestock & Dairy Development
Khyber Pakhtunkhwa
Peshawar.

Subject: - STANDING MEDICAL BOARD


Memo: - With reference to our office letter No. 4493-94 dated. 16-05-2022 on the subject noted above.

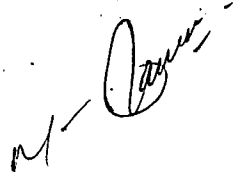
Mr. Muhammad Salman, Ex-Senior Clerk was examined by the Standing Medical Board held in this office on 25/05/2022. The proceedings of the Standing Medical Board are sent herewith for further necessary action.


Chairman
Standing Medical Board
Medical Superintendent
Police/Service Hospital
Peshawar

Copy to:

- Director General Health Services Khyber Pakhtunkhwa Peshawar for information with reference.


07/06/2022



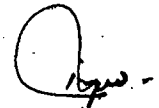
20

OFFICE OF THE CHAIRMAN STANDING MEDICAL BOARD/MEDICAL SUPERINTENDENT POLICE/SERVICES, HOSPITAL PESHAWAR.

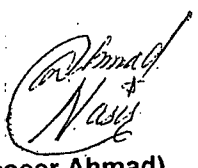
The Standing Medical Board comprising the following members assembled in the office of the Medical Superintendent Police/Services, Hospital Peshawar to examine, Mr. Muhammad Salman, Ex-Senior Clerk.

The Standing Medical Board is of the opinion that patient is giving history of Pulmonary TB in past but no record available. Currently he is not having any complications, no signs and symptoms of any disease. On current health status examination he is fit.

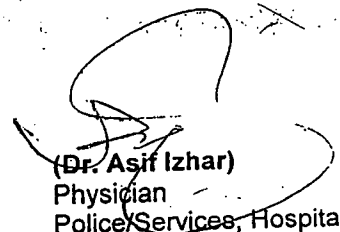
STATION PESHAWAR
DATED: 25/05/2022



(Dr. Niaz Muhammad)
Chairman
Standing Medical Board
Medical Superintendent
Police/Services, Hospital,
Peshawar.



(Dr. Naseer Ahmad)
Ophthalmologist
Police/Services Hospital,
Peshawar...Member...



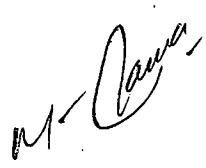
(Dr. Asif Izhar)
Physician
Police/Services, Hospital
Peshawar. Member...



(Dr. Kamran Khan)
Orthopedic Surgeon
Standing Medical Board
Police/Services Hospital, Peshawar



(Dr. Aurangzeb Afridi)
DMS/Secretary
Standing Medical Board
Peshawar.....





DIRECTORATE GENERAL (RESEARCH)
LIVESTOCK & DAIRY DEVELOPMENT DEPARTMENT
KHYBER PAKHTUNKHWA, PESHAWAR



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Bacha Khan Chowk Khyber Pakhtunkhwa Peshawar
livestockres.kp.gov.pk

091-9210218,
091-9210220

Facebook.com/livestockresearchkp
Twitter.com/livestockreskp
@dg.lidr@kp.gov.pk

No. DG(Res)/L&DD/Est-II/PF(76)/2011/4404-11
Dated Peshawar the 09/06/2022

NOTIFICATION

In continuation of this office letter No.DG(Res)/L&DD/Est-II/PF(76)/2011/2416 dated 21.03.2022 and subsequent to the Standing Medical Board opinion declaring Muhammad Salman S/O Muhammad Zarif, Ex- Senior Clerk (BPS-14), Veterinary Research & Disease Investigation Center, D.I Khan as fit, not having any complications, no signs and symptoms of any disease, the official is hereby reinstated in Government service with effect from 08.03.2022 (the date of his acceptance of appeal by the appellate authority vide letter No.SO(LFC)/AD/3-23/2020 dated 08.03.2022) with the following terms and conditions:-

1. According to the Standing Medical Board opinion that "The patient is giving history of Pulmonary TB in past but no record available. Currently he is not having any complications, no signs and symptoms of any disease. On current health status examination he is fit," therefore, the period of willful absence from duty w.e.f 11.03.2021 to 07.03.2022 (362 days) is hereby treated as extra ordinary leave without pay.
2. The official is directed to report for duties on the same post he was holding before removal from service at Veterinary Research & Disease Investigation Center, D.I.Khan.
3. In case, he fails to mend his ways/ attitude towards duty, punctuality and repeat acts/omissions due to which he was removed from service, then "dismissal from service" will be imposed without any further leniency.

Director General
(Research)

No. DG(Res)/L&DD/Est-II/PF(76)/2011/4404-11

Dated Peshawar the 09/06/2022

Copy of the above is forwarded for information and necessary action to:-

1. The Chairman. Standing Medical Board, Medical Superintendent, Police/Service Hospital, Peshawar w/r to letter No. 4598-99/MS/SMB/2021-22 dated 30.05.2022
2. The Section Officer (LFC) Government of Khyber Pakhtunkhwa, Agriculture, Livestock, Fisheries & Cooperative Department, Peshawar w/r to letter as quoted above along with a copy of Standing Medical Board opinion.
3. The Principal Research Officer/ Regional Director, Veterinary Research & Disease Investigation Center, D.I.Khan, with the request to send the weekly & monthly attendance/ performance report of the official regularly.
4. The Drawing Disbursing Officer, Veterinary Research & Disease Investigation Center, D.I.Khan to update respective entries in the service book of the official.
5. The District Account Officer, D.I.Khan.
6. The Incharge, Information Technology Cell.
7. Muhammad Salman, Senior Clerk r/o House No.1537K, Mohalla Ghazi Abdur Rashid, Chakagali Karim Pura, District Peshawar with the direction to immediately report at VR&DIC, D.I.Khan, perform duties efficiently, observe punctuality and take care in future as advised by the Appellate Authority, otherwise stern action will be taken against you under E&D Rules 2011, without any further relaxation/opportunity.
8. Office order file.

Director General
(Research)

To,

The Secretary,
Agriculture, Livestock and Cooperative Department,
Khyber Pakhtunkhwa, Peshawar.

H-22

**DEPARTMENTAL APPEAL AGAINST THE IMPUGNED ORDER
DATED 09.06.2022 WHEREBY APPELLANT HAS BEEN RE-
INSTATED INTO SERVICE WITH EFFECT FROM 08.03.2022
INSTEAD OF 21.12.2021 AND AS SUCH THE ABSENCE PERIOD
WITH EFFECT FROM 11.03.2021 TILL 08.03.2022 HAS ALSO BEEN
TREATED AS EXTRA ORDINARY LEAVE WITHOUT PAY**

Respected Sir,

With due respect it is humbly stated that the applicant is the employee of your good self Department and is serving as Senior Clerk (BPS-14) quite efficiently and up to the entire satisfaction of his superior. That during service the applicant was affected by disease of pulmonary edema/Chest TB infection and due to that reason the applicant was unable to perform his duty. That the applicant approached the doctor concerned for consultation and after detail check up and tests the doctor advised the appellant for complete bed rest and for regular treatment of the above said disease. That during the period of illness the applicant received a letter dated 06.04.2021 from the quarter concerned and the same has been replied by the applicant on 07.04.2021 alongwith documentary proofs and inform the authority concerned about his illness and bed health condition and as such the applicant requested the authority concerned for medical leave for the period of ninety days but the authority concerned kept silent on the same. That after the period of three (3) months another letter received by the appellant from the authority concerned which was also replied by the applicant on 09.08.2021 on the same way and to inform the authorities about his serious health condition but the authorities had not been given any response on the same. That it is pertinent to mention that after recovery from the said illness the applicant visited the quarter concerned for joining of his duty but the authority concerned handed over the order dated 21.12.2021 whereby the applicant was removed from his service. That feeling aggrieved from the removal order dated 21.12.2021 the applicant preferred departmental appeal before the respondent No.1 which has been partially accepted vide appellate order dated 08.03.2022 communciated to the appellant on 14.03.2022 whereby major penalty of removal from service converted into minor penalty of stoppage of two annual increments. That it is also pertinent to mention here that the respondent department also withheld the monthly salaries of the applicant which has not been released till date. That it is also pertinent to mention here that the competent authority has been issued the impugned order dated 09.06.2022 whereby the applicant has been re-instated into service but with effect from the date of appellate order i.e. 08.03.2022 instead of from the date of removal i.e. 21.12.2021 and as such the authority concerned also treated the absence period of the applicant as extra ordinary leave without pay while the authorities well aware about the illness of the

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applicant. That the applicant feeling aggrieved from the impugned order dated 09.06.2022 preferred this Departmental appeal before your good self.

It is, therefore, most humbly prayed that on acceptance of this departmental appeal the impugned order dated 09.06.2022 may very kindly be modified/rectified and the applicant be re-instated into service with effect from the date of removal from service i.e.21.12.2022 and the period of absence from duty w.e.f. 11.03.2021 till date may be treated as earned leave on full pay. Any other relief which your good self deem appropriate that may also be awarded in favor of the applicant.

Dated: 04.07.2022.

APPLICANT
Muhammad Salman

MUHAMMAD SALMAN, Senior Clerk (BPS-14),
O/O the Principal Research Officer/Regional
Director, Veterinary Research & Disease
Investigation Centre, D.I Khan

M. Salman

WAKALAT NAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

OF 2022

Muhammad Salman

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Agriculture Department


(RESPONDENT)
(DEFENDANT)

I/We Muhammad Salman

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

Dated. / /2022


CLIENT


ACCEPTED
MIR ZAMAN SAFI
ADVOCATE

OFFICE:

Room No.6-E, 5th Floor,
Rahim Medical Centre, G.T Road,
Hashtnagri, Peshawar.
Mobile No.0333-9991564
0317-9743003