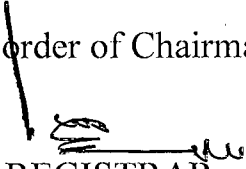


Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1560/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	04/11/2022	<p>The appeal of Mr. Roshan Ali presented today by Mr. Ashgar Ali Advocate. It is fixed for preliminary hearing before touring Single Bench at Swat 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 SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR**

Service Appeal No. 1560 / 2022

Roshan Ali.

... Appellant

- VERSUS -

Govt: of KP and others.

... Respondents

INDEX

S #	Description of documents	Annexure	Pages
1.	Memorandum of service appeal	1-5
2.	Certificate	6
3.	Affidavit	7
4.	Memo Of Addresses	8
5.	Copy of application	"A"	9
6.	Copies of letter dated 17-09-2018, medical certificate dated 08-10-2018 along with covering letter and letter dated 09-10-2018	"B"	10-14
7.	Copy of order dated 19-10-2018	"C"	15
8.	Copies of letter dated 20-10-2018, order dated 22-07-2019 and letter dated 30-07-2019	"D"	16-18
9.	Copy of appeal / application	"E"	19
10.	Wakalat Nama		20

APPELLANT 

THROUGH COUNSEL


Asghar Ali

Advocate Supreme Court

Office: 3rd Floor, Continental Plaza,
Makanbagh, Mingora, Swat.

Cell No. 0300-5740564

Dated: 3-10-2022

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

Service Appeal No. 1560 / 2022

Roshan Ali S/o Gul Ghani R/o Alpurai, District Shangla.

... Appellant

- VERSUS -

1. Government of Khyber Pakhtunkhwa through Secretary Population Welfare Department at Peshawar.
2. Director General Population Welfare Department, Government of Khyber Pakhtunkhwa at Peshawar.
3. District Population Welfare Officer, Shangla at Alpurai.

... Respondents

**Appeal Under Section 4 of the Service Tribunal Act, 1974,
against act, omission and denial of respondents to reinstate the
appellant against the post of Projectionist (BPS-13).**

Prayer:

On acceptance of this appeal, the act, omission and denial of respondents to reinstate the appellant as well as to cancel the retirement of appellant, be declared illegal, unlawful, unconstitutional and void and respondents may please be directed to reinstate the appellant against the post of Projectionist (BPS-13).

Any other relief not specifically prayed for, but this Hon'ble Tribunal deems proper may also be granted.

Respectfully Sheweth;

1. That appellant was serving against the post of Projectionist (BPS-13) at District Population Welfare Office, since 20-12-1994.
2. That during service, appellant suffered from Epilepsy, for which appellant remained under treatment from the concerned doctors, however when appellant did not recovered from the ibid disease, an application dated 17-09-2018 for early retirement was filed before respondent No. 3, which was forwarded / processed to rest of the concerned respondent (Copy of application is annexure A).
3. That after filing the aforesaid application, appellant was referred for expert opinion vide letter bearing No. 2532-34 dated 17-09-2018 to Medical Superintendent Saidu Group of Teaching Hospitals, Saidu Sharif, Swat, whereupon appellant was examined and found to be suffering from Epilepsy, moreover it was also opined that appellant is unable to perform his duties and may be retired on medical ground, which was forwarded to respondent No. 2 vide letter No. 3553-57 dated 09-10-2018 (Copies of letter dated 17-09-2018, medical certificate dated 08-10-2018 along with covering letter and letter dated 09-10-2018 are annexure B).
4. That consequent upon the aforesaid medical certificate, appellant was directed to be retired on medical grounds with effect from 08-10-2018 vide order bearing F.No.3(9)95-2006/Admn-Vol-IV:/7962-68 dated 19-10-2018 (Copy of order dated 19-10-2018 is annexure C).
5. That vide letter dated 20-10-2018, respondent No. 2 was requested for compilation of pension papers of the appellant, however instead of compilation of the pension papers, the retirement order dated 19-10-2018

(inadvertently mentioned as 19-11-2018) was withdrawn vide order bearing F.No.3(9)95-2000/Admn-Vol-IV dated 22-07-2019, and appellant was directed to join the duty vide letter dated 30-07-2019 (Copies of letter dated 20-10-2018, order dated 22-07-2019 and letter dated 30-07-2019 are annexure D).

6. That before withdrawal of the order dated 19-10-2018, some legal / requisite steps regarding the retirement were taken and ultimately the retirement of appellant was approved in August, 2020.
7. That after retirement, the treatment of appellant was kept continued and after regular treatment and with the grace of almighty Allah, appellant completely recovered from the aforesaid disease of epilepsy.
8. That after getting 100% recovery from the aforesaid sickness, an appeal was filed on 18-07-2022, before respondent No. 2 for reinstatement of the appellant against the post of Projectionist, which was not responded (Copy of appeal / application is annexure E).
9. That being aggrieved from the act, omission and denial of respondents to reinstate the appellant against the post of Projectionist, appellant approaches this Hon'ble Tribunal inter alia on the following grounds.

GROUND:

- i. That refusal of respondents to reinstate the appellant against the post of Projectionist, is illegal and unlawful.
- ii. That appellant has fully recovered from the sickness and is thus eligible to reinstated against the said post.

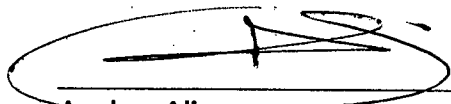
- iii. That being a healthy person and capable to perform his duties, appellant is entitle to be reinstated against the post of Projectionist.
- iv. That appellant has not attained the age of superannuation uptill now and is thus eligible to be reinstated against the said post.
- v. That earlier other persons have been reinstated, retired on medical grounds after their recovery from the sickness.
- vi. That appellant is entitled to be equally treated with the similarly placed persons and respondents are not authorized to make any discrimination with the appellant.
- vii. That there is no hurdle in acceptance of the present appeal.
- viii. Any other grounds not specifically raised will be argued with prior permission of this august court.

It is therefore very humbly prayed that, on acceptance of this appeal, the act, omission and denial of respondents to reinstate the appellant as well as to cancel the retirement of appellant, be declared illegal, unlawful, unconstitutional and void and respondents may please be directed to reinstate the appellant against the post of Projectionist (BPS-13).

Any other relief which is otherwise deemed proper, lawful, efficacious may also be granted in favour of appellant.

Appellant: 
Roshan Ali

Counsel:


Asghar Ali
Advocate Supreme Court

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

Service Appeal No. _____ / 2022

Roshan Ali.

... Appellant

- VERSUS -

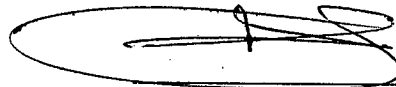
Govt: of KP and others.

... Respondents

Certificate

It is certified that as per instruction received from our client that no such like other service appeal has earlier been filed before this Hon'ble Court.

Appellant
Through Counsel



Asghar Ali
Advocate Supreme Court

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

Service Appeal No. _____ / 2022

Roshan Ali.

... Appellant

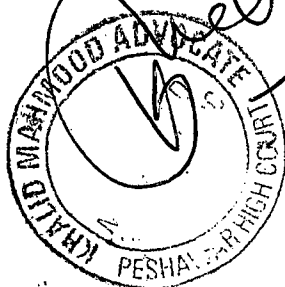
- VERSUS -

Govt: of KP and others.

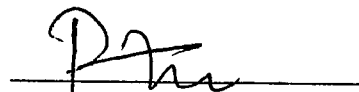
... Respondents

Affidavit

I, do hereby solemnly affirm and declares that, all the contents of this service appeal are true and correct to the best of my knowledge and belief and nothing has been kept concealed therein from this august court.



Deponent:


Roshan Ali
(Appellant)

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

Service Appeal No. _____ / 2022

Roshan Ali.

... Appellant

- VERSUS -

Govt: of KP and others.

... Respondents

Address of Appellant:

Roshan Ali S/o Gul Ghani R/o Alpurai, District Shangla.

CNIC No. 15501-8958185-5


Cell No. 0321-9797548

Addresses of Respondents:

1. Government of Khyber Pakhtunkhwa through Secretary Population Welfare Department at Peshawar.
2. Director General Population Welfare Department, Government of Khyber Pakhtunkhwa at Peshawar.
3. District Population Welfare Officer, Shangla at Alpurai.


Appellant

Through Counsel


Asghar Ali
Advocate Supreme Court

بخدمت جناب ضلعی آفیسر صاحب محکمہ بہبودی آبادی الپوری ضلع شانگلہ

9 A

عنوان: درخواست برادر ریٹائرمنٹ قبل از وقت بوجہ Epilepsy O co Depression

جناب عالی!

مودبانہ گزارش کیجاتی ہے کہ میں ضلع شانگلہ میں بحیثیت پراجیکشنسٹ پوسٹ پر عرصہ دراز سے اپنا ڈیوٹی بخوبی سرانجام دینے رہا ہوں۔ یہ کہ گزشتہ سال سے مجھے Epilepsy کی شکایات شروع ہوئی ہے اور اپنا ڈیوٹی بخوبی انجام نہیں دے سکتا۔ لہذا درخواست پیش خدمت ہے کہ اگر آپ صاحبان مہربانی کر کے میری بیماری کو مد نظر رکھتے ہوئے مجھے میڈیکل گراؤنڈ پر ریٹائرمنٹ کرنے کے احکامات صادر فرمائیں تو بڑی مہربانی ہوگی اور تاحیات دعا گور ہوں گا۔

الحاضر

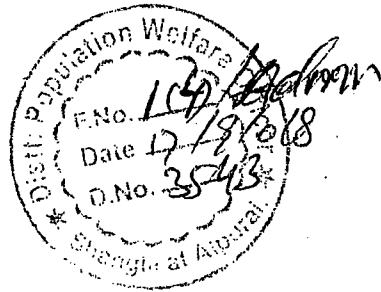
17/9/2018
روشن علی پراجیکشنسٹ
ضلعی آفس بہبودی آبادی الپوری شانگلہ
enr-15501-8958158-5

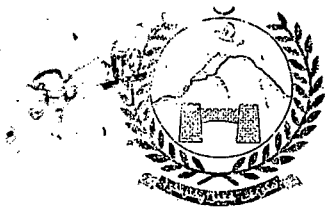
Shameer A A

for further process

17.9.2018

Attested





OFFICE OF THE
District Population Welfare Officer
SHANGLA AT ALPURAI.

10

"B,"



F.No. 1(04)Admn/SH/2017-18/2532-34
Dated: 17-09-2018

To

MEDICAL SUPERINTEND,
Saidu Group of Teaching Hospital,
Saidu Sharif Swat.

Subject:

EXPERT OPINION I/R OF THE RETIREMENT CASE OF MR. ROSHAN ALI PROJECTIONIST POPULATION WELFARE DEPARTMENT SHANGLA.

Enclosed please find herewith an original application of the above name official to furnish this office with "Expert Opinion" after Medical checkup of the concerned Projectionist BPS-13, so that this office may be able to further proceed into the matter on the basis of Expert Opinion & recommendation from your side, please.

(SAEED-UR-RAHMAN)
District Population Welfare Officer
SHANGLA

Copy to The:-

- 1) Ps to Director General, Govt: of KPK PWD Peshawar for information please.
- 2) Mr. Roshan Ali Projectionist DPW office Alpurai Shangla for information.

District Population Welfare Officer
SHANGLA

Attended

AS

OFFICE OF THE MEDICAL SUPERINTENDENT

SAIDU GROUP OF TEACHING HOSPITALS SAIDU SHARIF SWAT

Ph: 0946-9240126-27, Fax: 0946-9240122

Dated 08/10/2018

To

The District Population Welfare Deptt:
Shangla at Alpurai

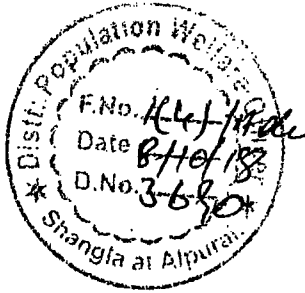
Subject: EXPERT OPINION I/R OF THE RETIREMENT CASE OF MR. ROSHAN ALI
PROJECTIONIST POPULATION WELFARE DEPTT: SHANGLA.

Memo:

Reference your letter No. 2532-34 dated 17-09-2018, on the subject cited above.

Enclosed find herewith please medical Certificate in respect of Mr. Roshan Ali Projectionist, for further necessary action please.

MEDICAL SUPERINTENDENT
S.G.T.H, Saidu Sharif Swat



*Forwarded
To honorable
DG along with
enclosures for further
necessary action pls.*

[Handwritten signature]

Attested
[Handwritten signature]



No. 9906/MS

Dated 03/10/2018

MEDICAL CERTIFICATE:

The Standing Medical Board today on 03-10-2018 examined Mr. Roshan Ali Projectionist Population Welfare Deptt: Shangla. He has applied for retirement on Medical Grounds. His previous treatment record was perused. He wa referred to Psychiatrist for opinion.

According to Psychiatrist, he is suffering from resistant Epilepsy with Co-morbid depression. He continues to have fits and once a week, which involves him loosing his consciousness. He also feels low in mood with anhedonia and at times death wishes. He can become confused and forgetful after the seizure. At the time of examination his mental state was: seizure

Appearance: Normal Outfit and calm Speech: Normal contents

Mood: Subjectively low, objectively settled

Thought: Normal thought contents no psychotic features

Perception: Negative ~~cognitious~~ Cognitions. Cognition: Intact, Insight: Present

In my opinion although his depression is not severe but his epilepsy is continuous and could rose a risk to his life if he continues his field work. I would therefore, recommend retirement on Medical ground. I have also recommended a review of his condition in our OPD.

Keeping in view comments of the Psychiatrist, the Medical Board is of the opinion that he may be retired on Medical Grounds.

Professor of Surgery
DR. SAJID QUR ANI
S.G.D.P. Saidu Sharif Swat
(Member) Professor & Head

Professor of Medicine
S.G.D.P. Saidu Sharif Swat
(Member) Saidu Teaching Hospital Swat

Dr. M. Rghman
HoD Psychiatry SGTH Swat
(Co-Opted Member)

Attestation



13

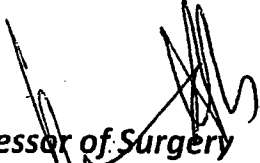
No. 9806/M3


Dated 08/11 /2018


MEDICAL CERTIFICATE:


Certified that we have carefully examined Mr. Roshan Ali S/O Gul Ghani
Projectionist Population Welfare Deptt: Distt: Shangla.


His age is by own statement is 48 years and by appearance is Forty Eight years. We
consider Mr. Roshan Ali to be completed and permanently incapacitated for further
service of any kind in Population Welfare Deptt: in consequence of his Psychiatric
Illness.


Professor of Surgery
S.G.T.H Saidu Sharif Swat
(Member) **MANZOOR ALI**
M.B.B.S, ATLS, F.R.C.S
Professor & Head
Department of Surgery
Saidu Medical College Swat &
visiting Surgeon Saidu Teaching
Hospital, Swat.


Professor of Medicine
S.G.T.H Saidu Sharif Swat
(Member)
Saidu Teaching Hospital
Saidu Sharif Swat.


Dr. M. Rahman
HoD Psychiatry SGTH Swat
(Co-Opted Member)


Medical Superintendent
S.G.T.H Saidu Sharif Swat
(Chairman)
Chairman
Standing Medical Board
Saidu Teaching Hospital
Swat.


Dr. Muhammad Rehman
MBBS, DCP, MRCPych
Assistant Professor/HOD
Department of Psychiatry
Saidu Teaching Hospital, Swat.

Attested





14

**OFFICE OF THE
District Population Welfare Officer
SHANGLA AT ALPURAL.**



**F.No. 1(04)Admn/SH/2017-18/ 353-57
Dated: 09-10-2018**

To

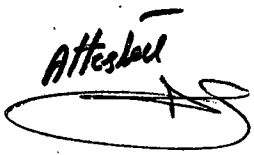
DIRECTOR GENERAL,
Population Welfare Department
Govt: of KPK Peshawar.

Subject: - **REPORT OF STANDING MEDICAL BOARD IN R/O MR. ROSHAN ALI
PROJECTIONIST (BPS-13) POPULATION WELFARE DEPARTMENT
SHANGLA.**

Respected Sir,

Kindly refer to the above cited subject and to state that case of Mr. Roshan Ali Projectionist (BPS-13) along with record was forwarded to Medical superintendent Saidu Group of Teaching Hospital Swat to examine his suitability for retention in Govt: Service. Medical Superintendent Saidu Teaching Hospital Mingora swat submitted report to this office vide office letter No.9807/M-B dated 08-10-2018 along with Report of Standing Medical board of Medical superintendent Office Mingora Swat, which is self-explanatory along with following documents submitted for further necessary action please.

1. Medical Board Documents in Original.
2. C/NIC Attested photocopy.
3. Secondary School Certificate (SSC) attested photo copy.
4. Leave Account Proforma (In original)
5. A certificate to the effect that Mr. Roshan Ali Projectionist (BPS-13) has not availed any sort of leave during leave encashment period.
6. Service Book in Original.

md *Attested*

(SAEED-UR-RAIMAN)
District Population Welfare Officer
SHANGLA
ok

Copy to The:

- 1) Deputy Commissioner Shangla, for information please.
- 2) Medical superintendent Saidu Group of Teaching Hospital Swat w/r your office letter No 9807/M-B dated 08-10-2018 for information please.
- 3) Deputy Director (Admn), PWD Govt of KPK Peshawar, for information Please.
- 4) Official concerned for information.

md
District Population Welfare Officer

Government of Khyber Pakhtunkhwa
Directorate General Population Welfare
Plot No. 18 Sector E-8, Phase-VII, Hayatabad, Peshawar

15
C

Date Peshawar the 19/10/2018.

OFFICE ORDER

7962-68

F.No.3(9)95-2006/Admn-Vol-IV:- As per recommendation of the Standing Medical Board, Medical Superintendent Saidu Teaching Hospital, Saidu Sharif Swat vide letter No. 9807/M3 dated 08.10.2018 Mr. Roshan Ali, Projectionist (BPS-13) DPW Office, Shangla is hereby retired on medical grounds w.e.f. 08.10.2018 alongwith 365-days leave encashment.

His date of birth as per available record i.e. Secondary School Certificate (SSC) and service book is 01.04.1970 and date of appointment is 20.12.1994.

(Director General)
Population Welfare Department

Copy forwarded to the:-

1. District Population Welfare Officer, Shangla w/r to his letter No. 1(04)/Admn/SH/2017-18/3553-57 dated 09.10.2018 alongwith (service book in-original).
2. District Accounts Officer, Shangla.
3. PS to Director General, Population Welfare Deptt., Peshawar.
4. Official concerned C/O DPWO.
5. Assistant HR.
6. F.No.4(15)/Admn
7. Master File.

Attest

(Hidayat Khan)
Deputy Director (Admn)

20.10.018





**OFFICE OF THE
District Population Welfare Officer
SHANGLA AT ALPURAI.**

"D" 16

F.No. 1(04)Admn/SH/2017-18/3565-69
Dated: 20-10-2018

To

**DIRECTOR GENERAL
Population Welfare Department
Govt: of KPK Peshawar.**

Subject: - **COMPILATION OF PENSION PAPERS OF MR. ROSHAN ALI
PROJECTIONIST BPS-13 DISTRICT POPULATION WELFARE
OFFICE SHANGLA.**

Memo,

Reference your office letter FNo.3(9)95-2006/Admn-Vol-IV/
7962-68 Dated 19-10-2018, on the subject noted above. Enclosed please find
herewith four(4) set of Pension Papers in original and along with Service
Book two parts duly completed in all respect, on the prescribed proformas in
respect of Mr. Roshan Ali Projectionist (BPS-13) of this Office, for further
necessary action please.

**District Population Welfare Officer
SHANGLA**

Copy forwarded to:

- 1) Deputy Commissioner Shangla, for information please.
- 2) Deputy Director (Admn) Govt: of KPK PWD w/r your letter No. cited above for information please.
- 3) District Accounts Officer Shangla for information please.
- ✓ 4) Official concerned for information.

Attadal

**District Population Welfare Officer
SHANGLA**



Government of Khyber Pakhtunkhwa
Directorate General Population Welfare
Plot No. 18 Sector E-8, Phase-VII, Hayatabad, Peshawar

17⁶

Date Peshawar the 22/7/2019.

OFFICE ORDER

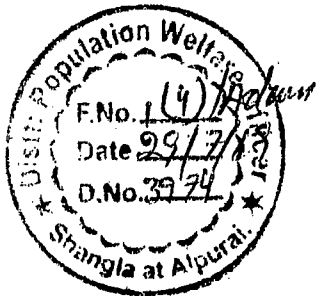
F.No.3(9)95-2006/Admn-Vol-IV:- In compliance to Section Officer (SR-II), Government of Khyber Pakhtunkhwa Finance Department (Regulation Wing) letter No. FD/SOSR-II/4-36/2019 dated 18.06.2018 and with approval of the competent authority, this office order of even number dated 19.11.2018 regarding retirement from service on medical grounds in respect of Mr. Roshan Ali, Projectionist (BPS-13) DPW Office, Shangla is hereby withdrawn.

(Director General)
Population Welfare Department

Copy forwarded to the:-

1. Section Officer, (Estt), PWD w/r to his letter No. SOE (PWD) 4-49/2007/PC dated 25.06.2019.
2. District Population Welfare Officer, Shangla for information and further necessary action.
3. District Accounts Officer, Shangla.
4. PS to Director General, Population Welfare Deptt., Peshawar.
5. Official concerned C/O DPWO.
6. Assistant HR.
7. F.No.4(15)/Admn
8. Master File.

Assistant Director (Admn)





18

Office of the District Population Welfare Officer Shangla at Alpurai.

F/No.1(04)Admn /SH/2018-19/3916-19

Dated: 30/07/2019

To

- 1- Mr, Roshan Ali (Projectionist)
- 2- Mrs, Khalida (FWA "F")
District Population Welfare Department
Shangla

Subject: - SUBMISSION OF ARRIVAL REPORT/CHARGE REPORT.

Memo,

Reference office order by Assistant Director (Admn) office order FNo.3(9)95-2006/Admn-Vol-IV dated 22-07-2019 regarding withdrawn yours retirement order and this office already endorse subject order to you.

You are therefore directed to attend District Population Welfare Office within 03 days and submit your arrival & charge report immediately.

(Saeed-ur-Rahman)
District Population Welfare Officer
SHANGLA

Copy Forwarded:

1. Ps to Director General, Govt: of KPK PWD Peshawar for information please.
2. Assistant Director (Admn) Govt: of KPK PWD Peshawar w/r your office order No, cited above for information please.

District Population Welfare Officer
SHANGLA

Attested

To,

The Director General,
Population Welfare Department,
At Peshawar.

Subject: Application for reinstatement of the undersigned against the
post of Projectionist (BPS-13)

Respected Sir,

It is stated with great honour and respect that I was working in your department as Projectionist (BPS-13) and being suffering from Epilepsy. I got retired on medical grounds a few year back.

Now I have completely recovered from the said disease and now fit, healthy and having no issue whatsoever from last two years. More so as I have not attained the age of superannuation yet, thus it is humbly requested to kindly restore my services as Projectionist (BPS-13).

Regards:

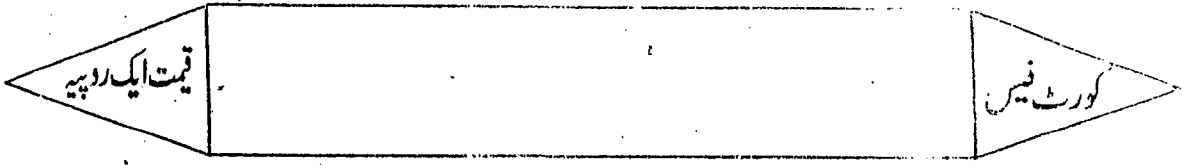


Roshan Ali S/o Gul Ghani
R/o Alpurai, Shangla
Contact # 0321-9797548

Dated: 18 / 07 / 2022

19
5
Attested


عدالت صبا - سروس ٹریبیونل بشا در



3 نومبر 22ء منجانب انڈلٹ

روزنی علی نام حکومت ذرا

مورثہ

مقدمہ

دعویٰ

جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی وجواب دہی وکل کاروائی متعلقہ آن مقام بشا در کیلئے روزنی علی اور وکل وکلر لکھنؤ کی طرف مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل احتیاط ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے جواب دی اور اقبال دعویٰ اور درخواست ہر قسم کی تصدیق ذرا اور اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری ایک طرف یا اپیل کی ہر آمد ہوگی اور منسوخ مذکور کے نسل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہر راہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقررہ شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اس کا ساختہ برواخت منظور و قبول ہوگا۔ اور دوران مقدمہ میں جو خرچہ ہر جانہ التوا ایے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ ہر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا کہ سند رہے

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نومبر

3 ماہ

المرقوم

العدالت صبا - سروس ٹریبیونل بشا در

کے لئے منظور ہے
Attest & Pleci

بشاد
روزنی علی

Asghar
Advocate