

(Roziina Rehman)  
Member (J)  
Camp Court, D.I.Khan

Khan.

for reply/comments on 24.11.2022 before S.B at Camp Court, D.I  
submit reply/comments. Last opportunity is granted. To come up  
Reply not submitted. Learned AAG requested for time to  
respondents present.

Kabir Ullah Khattak, learned Additional Advocate General for  
Appellant present through representative.

26.10.2022

(Salah-Ud-Din)  
Member (J)  
Camp Court D.I.Khan

Appellant in person present. Mr. Muhammad  
Adeel Butt, Additional Advocate General for the  
respondents present and sought time for submission  
of reply/comments. Adjourned. To come up for  
submission of reply/comments on 26.10.2022 before  
the S.B at Camp Court D.I.Khan.

28.09.2022

*Reader*


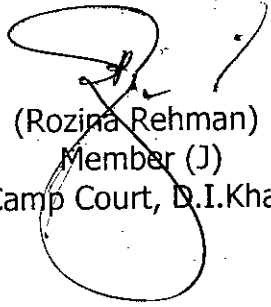
27/07/2022  
New  
to  
28/09/2022  
Summer  
Western

Form- A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- \_\_\_\_\_ 642/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	27/04/2022	<p>The appeal of Mr. M. Himayatullah Qureshi received today by post through Mr. Muhammad Waqar Alam Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This case is entrusted to touring Single Bench D.I.Khan for preliminary hearing to be put there on <u>27.5.22</u>. Notices be issued to appellant and his counsel for the date fixed.</p> <p style="text-align: right;">CHAIRMAN</p>
	27.05.2022	<p>Appellant present through representative. Preliminary arguments heard. Record perused.</p> <p>Points raised need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of reply/comments. To come up for reply/comments on 27.07.2022 before S.B at Camp Court, D.I.Khan.</p> <p style="text-align: right;"> (Rozina Rehman) Member (J) Camp Court, D.I.Khan</p>

125  
50  
8/5/22

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL CAMP COURT DERA ISMAIL KHAN**

Service Appeal No. 642/2022

M. Himayatullah Qureshi (Appellant)

**VERSUS**

Govt. of KPK and others (Respondents)

**SERVICE APPEAL**

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Date: 18/04/2022

Yours Humble Appellant,

  
M. Himayatullah Qureshi

Through Counsel, 

**Muhammad Waqar Alam**  
Advocate Supreme Court

waqaralam1982@gmail.com  
Mob#0333-995-0616

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL CAMP COURT DERA ISMAIL KHAN**

Service Appeal No. 642/2022

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 634

Dated 27-4-2022  
son of Dr.

**Muhammad Himayatullah Qureshi**

Hameedullah Qureshi r/o Mohallah Haider Khan Advocate  
near Tang bazar P.O & District Tank, Ex Assistant to  
Commissioner Office Dera Ismail Khan. Cell#0345-9840940

..... **Appellant**

**VERSUS**

1. Govt. of KPK through Secretary Establishment Department Khyber Pakhtunkhwa Peshawar..
2. Secretary to Govt. of Khyber Pakhtunkhwa Revenue & Estate Department Peshawar.
3. Commissioner Dera Ismail Khan.

..... **Respondents.**

**Filed to-day**  
*[Signature]*  
**Registrar**

**APPEAL UNDER SECTION 4 OF THE KPK SERVICES TRIBUNAL  
ACT, 1974 AGAINST THE IMPUGNED RETIREMENT  
NOTIFICATION DATED 02/11/2018 ISSUED BY  
RESPONDENT#2 ON THE BASIS OF COMPLETION OF  
SUPERANNUATION INSTEAD OF MEDICAL GROUNDS AS  
RECOMMENDED BY MEDICAL BOARD DATED 10/10/2018 AS  
WELL AS AGAINST THE INDECISION OF DEPARTMENTAL  
APPEAL DATED 20/12/2019 BY THE APPELLATE AUTHORITY.**

Respectfully Sheweth:-

The Appellant most respectfully submits as under:-

1. That the appellant was inducted in the respondents' Department Dera Ismail Khan and was served the department as Assistant to Commissioner (BPS-17) in Dera Ismail Khan and was retired from service on 02/11/2018 vide notification

*37/4/2022*

*[Handwritten mark]*

issued by respondent#1. Copy of the notification dated 02/11/2018 is annexed as **Annexure-A**.

2. That the appellant met with major accident during service and two major surgical operations viz RT hip joint firstly was made in Lady Reading Hospital Peshawar on 11 January 2017 and secondly in Orthopedic and spine surgery Department Ghurki Teaching Hospital Lahore on 15/05/2018 and appellant remained admitted in the same hospital up-to 30/05/2018. Copies of medical record are jointly annexed as **Annexure-B**.
3. That the appellant made an application dated 10/09/2018 to the Commissioner Dera Ismail Khan regarding retirement on the basis of Medical Grounds and the same application was forwarded to the quarter concerned for creation of standing medical board and vide letter No. 3861 dated 10/10/2018 the appellant was called to appear before the standing medical board/standing invaliding Committee on 10/10/2018 at Superintendent Police/Services Hospital Peshawar. Copy of the application and medical record are jointly annexed as **Annexure-C & C/1**.
4. That on 22/10/2018 the appellant made a request through an application to respondent#1 which was not decided by the competent authority. Copy of the application dated 22/10/2018 is annexed as **Annexure-D**.
5. That on 02/11/2018 the appellant was retired on the basis of superannuation instead of on medical grounds, thereafter the son of the appellant had submitted a civil suit regarding his appointment against quota reserved for retired civil servants on medical grounds and certain representations in this respect were also made to the quarter concerned. Copies of the record in respect of civil suit are jointly annexed as **Annexure-E**.
6. That on 20/12/2019 the appellant made a departmental representation to Secretary Establishment Peshawar regarding his retirement on medical grounds which was not

He

decided. Copy of the departmental representation is annexed as **Annexure-F**.

7. That feeling aggrieved by the impugned order dated 02/11/2018, the instant appeal is being filed before this learned Tribunal under section 4 of the KPK Service Tribunal Act, 1974, inter alia on the following grounds:

**GROUND**S

- A. That the act of respondents is illegal, unjustified and without jurisdiction, hence, liable to be set aside by this Honourable Tribunal.
- B. That that standing Medical Board has categorically declared the appellant as permanently incapacitated vide order dated 10/10/2018 but the concerned authority instead of issuing retirement order on the basis of standing medical board straight away issued the impugned notification dated 02/11/2018 in presence of application dated 22/10/2018 as left undecided, hence, on this sole ground the appeal of the appellant is liable to be accepted.
- C. That the appellant has made a representation regarding retirement on medical grounds but the same was not decided on the basis of mala-fide by the appellate authority. It is pertinent to mention here that this Honourable Tribunal has decided many service appeals on the same subject matter in which one of appeal No. 921/2021 decided on 09/11/2021 is annexed herewith as ready reference in which the appeal of that appellant was accepted and the retirement order to the extent of invalidation was allowed. Copy of the judgment dated 09/11/2021 is annexed as **Annexure-G**.
- D. That it is admitted fact that appellant applied to respondents duly processed his case and medical board was also constituted to examine the appellant's fitness and the medical board recommended the appellant for retirement on medical ground being incapacitated and unfit for further job but the respondent#2 refused such retirement under the plea that his son might take benefits of such retirement, which however,

the

was not warranted. Hence, on this sole ground the appeal of the appellant is liable to be accepted.

- E. That taking action contrary to the opinion of the medical board constituted on their request would amount to mistrust upon the medical board so constituted. The respondents were required to take sympathetic view of the situation, as the appellant served for longer time with respondents and denial of benefits already accrued to him amounts to injustice, which was not warranted under the law, hence, on this sole ground the instant appeal is liable to be accepted.
- F. That this Honourable Tribunal has got vast and ample powers to accept the instant service appeal.
- G. That the Counsel for the appellant may kindly be allowed to raise further legal grounds during the course of arguments.

**In wake of submission made above, it is humbly prayed that on acceptance of this appeal, the impugned retirement order dated 02/11/2018 may please be modified to the extent of retirement on Medical grounds/invalidation as recommended by the Medical Board Constituted upon the request of respondents.**

Date: 18/04/2022

Yours Humble Appellant

  
M. Himayatullah Qureshi

Through Counsel,

  
Muhammad Waqar Alam  
Advocate Supreme Court

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL CAMP COURT DERA ISMAIL KHAN**

Service Appeal No. \_\_\_\_\_/2022

M. Himayatullah Qureshi (Appellant)

**VERSUS**

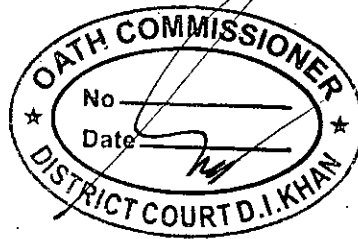
Govt. of KPK and others (Respondents)

**SERVICE APPEAL**

**AFFIDAVIT**

I, **Muhammad Himayatullah Qureshi** son of Dr. Hameedullah Qureshi r/o Mohallah Haider Khan Advocate near Tang bazar P.O & District Tank, do hereby solemnly affirm and declare on oath that contents of above Service Appeal are true & correct to the best of my knowledge and that nothing has been concealed from this Honourable Court.

Dated: 18/04/2022





  
**DEPONENT**

**CERTIFICATE**

It is certified that no such service appeal has earlier been filed with same subject matter before this Honourable Tribunal.

Dated: 18/08/2021

  
**DEPONENT**  
Through Counsel

  
16/4/22



**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL CAMP COURT DERA ISMAIL KHAN**

Service Appeal No. \_\_\_\_\_/2022

M. Himayatullah Qureshi (Appellant)

**VERSUS**

Govt. of KPK and others (Respondents)

**SERVICE APPEAL**

**APPLICATION FOR CONDONATION OF DELAY**

Respected Sir,

Appellant humbly submits as under:-

1. That the above mentioned service appeal is being filed before this honourable court, the contents of which may please be considered as integral part of this application.
2. That as per section 30 of COVID-19 the Limitation Act is suspended due to COVIT-19 in the attending circumstances the service appeal of the appellant is well within time because of COVID-19 and lockdown and closure of this honourable Tribunal, the appellant was unable to file the instant appeal.
3. That the son of the appellant impliedly got impression of retirement of the appellant on Medical Grounds/Invalidation but when the appellant recovered from his injuries got knowledge that the appellant was retired on the basis of superannuation instead of Standing Medical Board recommendations, hence, the delay in the given circumstances were not intentional but due to technical understandings.

Ha

4. That this honourable Tribunal has got vast and ample powers and competent jurisdiction to accept the instant application

**It is therefore humbly requested that on acceptance of the instant application the condonation of delay may be granted to the petitioner.**

Date: 18/04/2022

Yours Humble Appellant

  
M. Himayatullah Qureshi

Through Counsel,

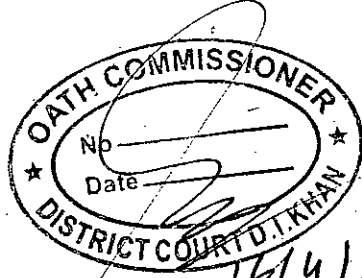
  
Muhammad Waqar Alam

Advocate Supreme Court

16/4/22

**AFFIDAVIT**

I, **Muhammad Himayatullah Qureshi**, the appellant, do hereby solemnly affirm and declare on oath that the contents of the application are true and correct to the best of my knowledge and belief and that nothing has been deliberately concealed from this honorable court.



  
**DEPONENT**



Annexure "A" -8 -  
GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT

Dated Peshawar the November 02, 2018

**NOTIFICATION**

**No.SOE-II(ED)2(692)2017:** In terms of provision of Section-13 (b) of the Khyber Pakhtunkhwa Civil Servants Act, 1973. Mr. Himayatullah Qureshi (PMS BS-17), Assistant to Commissioner (Pol/Dev) Dera Ismail Khan Division will retire from service on 05.11.2018 (A.N) on attaining the age of superannuation, as his date of birth is 06.11.1958.

SECRETARY ESTABLISHMENT

**ENDST: NO. & DATE EVEN.**

A copy is forwarded to:-

1. Commissioner, D.I Khan Division, D.I Khan.
2. District Comptroller of Accounts, D.I Khan.
3. Deputy Director (IT), Administration Department.
4. SO (Secret) /SO(Admn)/E.O, E&A Department.
5. Officer concerned.
6. PS to Secretary Establishment.
7. PS to Spl. Secretary (Estt.), Establishment Department.
8. PA to DS (Estt.), Establishment Department.
9. Personal file of the officer concerned.

  
2/11/18  
(BEENISH IQBAL)  
SECTION OFFICER (E-II)

ATTESTED  


and the Applicant was relieved on

5) The Applicant became bodily infirm and

History of present illness

HOF. ē pain & debility  
Ⓡ hip

Past History

Not Significant

Investigation

HBS: -ve. ✓  
Hcv: -ve. ✓  
Hb: 11.6 g/dl  
RBS: 114.  
Urea: 53  
Creat: 1-2

Operation:

Ⓡ hip DHS + POP for distal radius fracture.

Treatment at Hospital

- 1/2 li
- 1mg cefral 1g 1/2 B.D.
- 1mg ranit 40 B.D.
- 1mg Tmolol 40 B.D.
- 1mg Heparin 40 B.D.

Home Treatment

- 1mg Etoraxplus (28)
- Ⓡ (7) ...
- Tab Cycin 500p / (+)
- Ⓡ (10) ...
- Ⓡ (10) ...
- Cap Rizele 200p / (1)

Amoxicillin 'B'

- 9 -

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خصوصی ہدایات

بایک ماہ وزن نہ ڈالیں

Adm out for 86 weeks

دن بعد ٹانگے کھلوائیں۔

دن بعد زخم کی پٹی کھوائیں۔

O.P.D منگل اور جمعہ

حسب ہدایات ورزش کریں۔



MEDICAL TEACHING INSTITUTE  
LADY READING HOSPITAL PESHAWAR

DISCHARGE CARD  
ORTHOPAEDIC UNIT "A"

Head Of Department  
Prof. Dr. Shahab-Ud-Din

M.B.B.S / M.C.P.S (Surgery)  
F.C.P.S (Orthopaedic)

Assistant Professor

Dr. Abdur Rehman Qureshi  
M.S (Ortho)

Senior Registrar

Dr. Wali Mohammad Masood  
F.C.P.S. (Ortho)

Dr. Faiz Ali Shah  
F.C.P.S (Ortho)

MO'S / TMO'S

Dr. Khalil ur Rehman  
Dr. Sohial Khattak  
Dr. Sajid Akhtar  
Dr. Faizul Aziz  
Dr. Afsar Khan  
Dr. Nasir Ali  
Dr. Ehsan Ullah  
Dr. Mohammad Ishraq  
Dr. Muhammad Shahab

Pt. Name: Himayatullah s/o Hamidullah

Computer I.D. # 173409

Age: 57y Sex: Male Bed No: BB-1

Address: Tang (Tehsildar Shangla)

Disease: (RP) 1/1 Fracture + Distal Radius #

Operation Date: 11/01/17 Operation DHS + POP

Date Of Admission: 09/01/17 Date No: B.B. 13/13

CNIC No: . . . . .

DEPARTMENT OF ORTHOPAEDICS & SPINE SURGERY  
GHURKI TRUST TEACHING HOSPITAL, LAHORE.



**(DISCHARGE CARD)**

Not valid for MLC purpose

Patient Name: Hamayatullah Age/Sex: 59/M Hosp. No. 163738

Address: Peshawar. (0346-9496123)

D.O.A 11-05-2018 D.O.O 25-05-2018 D.O.D 31-05-2018

**HISTORY & EXAMINATION**

1. C/O Pain Rt. hip -18 months. S/P DHS.

2. O/E Healed scar mark. ROM Painful. Distal N/V intact.

Diagnosis: Rt. hip Arthritis

Procedure: ROI + Rt. Sided Girdle Stone on 15-05-18, W/D

**OPERATIVE FINDINGS**

Anaesthesia: \_\_\_\_\_

1. 200ml infected fluid

2. \_\_\_\_\_

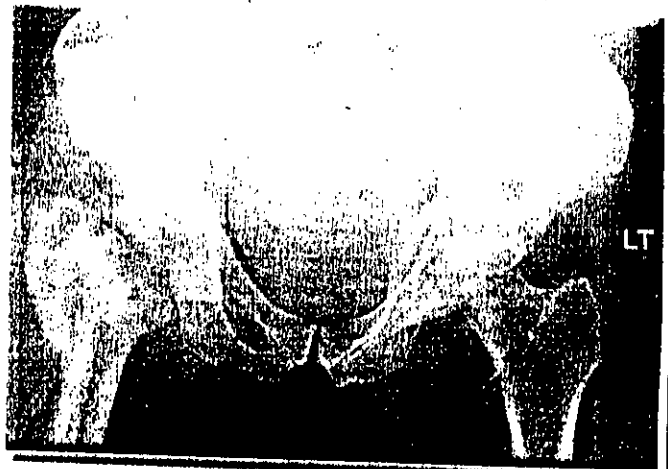
Surgeons: Dr. A.T / Dr. J. M

Theatre No. \_\_\_\_\_

**NEUROLOGY**

- Before Operation: Intact
- After Operation: Intact

**PHOTOGRAPH OF X-RAYS**



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*[Signature]*


## ADVICE ON DISCHARGE.

- 1- بتائے گئے طریقے سے روزانہ پی کروائیں۔ 2- ورزشوں والا صفحہ ساتھ منسلک ہے اس پر لازماً عمل کریں۔
- 3- 30-05-2018 کو قریبی ڈاکٹر سے ٹاکے لگوائیں۔ نماز کرنی پر پڑھیں، لیٹریں کموڈوالی استعمال کریں۔ چوکری مار کرنے سے بچیں۔
- 4- 13-06-2018 بروز بدھ صبح 8:00 بجے کمرہ نمبر 3 آڈٹ ڈور میں دکھائیں۔
- 5- اگر تیز بخار ہو جائے یا زخم سے ریشہ آنا شروع ہو جائے تو فوراً ہسپتال میں آجائیں۔

### MEDICINES ON DISCHARGE

1. Tab. Dimis 50mg	(در دیکھیے)	ایک گولی صبح، شام (کھانے کے بعد)
2. Tab. Intig D	(1 ماہ)	ایک گولی روزانہ
3. Inj. D4U	(6 ٹیکے)	ایک ٹیکہ ہر مہینے پٹھے میں لگوائیں۔
4. Tab. Zyspan 600mg	(12 دن)	ایک گولی صبح، شام
5. Tab. Dalacin C 600mg	(2 ہفتے)	ایک گولی صبح، دوپہر، شام
6. Cap. Novoteph 20mg	(12 دن)	ایک کپسول صبح، شام
7.		

Signature of M.O

  
Dr. Akhtar H.

**FOLLOW UP**

**PLAN:-**

**NOTE:-**

دوبارہ معائنے کیلئے بروز بدھ تشریف لائیں۔  
اس کے علاوہ کسی اور دن مریض کو چیک نہیں کیا جائے گا۔

ATTESTED  


- 13 -

Token No : 047  
Room No :  
Department : EVENING  
Date : ORTHOPEADICS  
Dept Fee : 29-JUN-18 13:53:21  
User : 500  
NADEEM AHMAD

OPD Prescription form

RAMAYAT ULLAH

G0100000180545

59 Year(s) 00 Month(s) 0 Day(s)

G01180390812

Patient Type : REGULAR

Male

Sp. Circle stone @ kyo

25-25-18

Sp. DHS - (infected)

Tab - Zysran 600p  
1-1

Tab. Dmris 50p

healed wound  
drain in situ

1-1

to  
Semi fluid

Tab. Intip-D

1-1

Day 4

Handwritten notes in Urdu script at the bottom of the page.

TESTED  
Signature



# ORTHOPAEDIC AND SPINE SURGERY CLINIC

**Prof: Dr. Mohammad Arif Khan**

**Dr. Abdul Sattar**

F.C.P.S.(Ortho)  
Fellowship in Joint Replacement Surgery  
Fellowship in Spine Surgery  
Head, Deptt Of Orthopaedic and Spine Surgery  
KGMC/Hayat Abad Medical Complex, Peshawar.

F.C.P.S.(ortho)  
Assistant Professor- Spine Unit  
Deptt of Orthopaedic and Spine Surgery  
KGMC/Hayat Abad Medical Complex, Peshawar

85

Patient Name

*Hemayatullah*

Age

55

Sex

M

Date

20.4.18

- Tel Durgex for  
no 31

Baricard  
# one yr  
DHS + screw  
some where  
ds

6  
painful  
- Cant walk.

- CRP +ve

ESR = 110.

CRP = 37.

sh. Aspiration.

sh rest from duty

for 6 wks.

Prof: Dr. Mohammad Arif  
F.C.P.S (Ortho)  
Head Deptt of Orthopaedic & Spine Surgery  
KGMC/Hayat Abad Medical Complex,  
Peshawar

For Appointment Ph:091-2570320

E-mail: a\_khan37@yahoo.co.uk

دوباره معائنہ کیلئے بعد تشریف لائیں  
امان ہسپتال ڈبگری گارڈن پشاور: 091-2570321-8

چھٹی بروز ہفتہ، اتوار

ATTESTED  
*[Signature]*

Patient Name: Hanifullah Ullah Age/Sex: 59 y/M  
 MR No: 163738 Lab No: 111-1361 Ref By: \_\_\_\_\_  
 Specimen for: pus for Gs Date In: 24-5-18 Date out: 28-5-18  
 Gram Staining: Gram positive cocci  
 Z.N. Staining: \_\_\_\_\_  
 Culture Growth of Staph aureus obtained after 24/48 hours at 37°C aerobic incubation.

ANTIBIOTICS	Sensitivity Result	ANTIBIOTICS	Sensitivity Result
Ampicillin (AMP)	---	Minocycline (MH/MI)	---
Amoxicillin+clavulanate (AMC)	---	Novobiocin (NV)	---
Amikacin (AK)	<u>S</u>	Ofloxacin (OFX)	---
Clindamycin (DA)	<u>S</u>	Penicillin (P)	<u>R</u>
Cefuroxime (CXM)	<u>R</u>	Sulzom/cefoperazone (SCF/CES)	---
Cefexime (CFX/CFM)	---	Vancomycin (VA)	<u>S</u>
Ceftaxone (CTX/CTR)	---	Tetracycline (TE)	<u>R</u>
Ceftazidime (CAZ)	---	Tobramycin (TOB)	---
Chloramphenico (C)	<u>S</u>	Tazacin (TZP)	---
Ciprofloxacin (CIP)	<u>R</u>	Cephalexin (CL)	---
Clarithromycin (CLR)	<u>S</u>	Nalidixic (NA)	---
Cefaclor (CEC/CF)	---	Norflaxacin (NOR/NX)	---
Erythromycin (E)	<u>S</u>	Levofloxacin (LEV)	<u>S</u>
Gentamicin (GN)	---	Linezolid (LZD)	<u>S</u>
Meropenem (MEP)	---		

Cefazolin R  
 Oxacillin R  
 Cloxacillin R

*[Signature]*

Sidra Akram Cheema  
B.S (Hons) Microbiology  
MPhil Microbiology  
Microbiologist

Aurbaq Ali  
BSc (MLT)  
MSc (MLT)  
Lab Manager

Dr. Farrakh Mahmood Alvi  
M.Sc (Biochemistry),  
M.Phil (Mol. Biology),  
Ph.D (Microbiology and  
Molecular Genetics),

Prof. Dr. M. Sarwar Bhatti  
M.B.B.S (Pb), D.T.C.D.,  
M.Phil (Chem Path) Ph.D  
Senior Consultant Pathologist

JALLO MORR, LAHORE - PAKISTAN. TEL: UAN (+92-42) 111-348-348 - 36581406-09 Fax: (+92-42) 36582694

Web Site: [www.ghurkitrust.org.pk](http://www.ghurkitrust.org.pk) E-mail: [info@ghurkitrust.org.pk](mailto:info@ghurkitrust.org.pk)



ISO 9001:2008 Certified

TESTED  
*[Signature]*



05/11/18

**Prof. Amer Aziz**  
FRCS(Ed), FRCS(Glas)  
FCPS (Orth), FCPS (Bd)  
Msc. Orth(London),  
MCPS HPE

**Prof. Shahzad Javed**  
FCPS (Orth)

**Prof. Naeem Ahmed**  
FCPS (Orth)

**Prof. Chiragh M. Khan**  
Visiting Paediatric Orthopaedic  
Consultant

Associate Profs.

**Dr. Ijaz Ahmad**  
FCPS (Orth)

**Dr. Rizwan Akram**  
FCPS (Orth)

**Dr. Atiq uz Zaman**  
FCPS (Orth)

Assistant Profs.

**Dr. Abdullah Shah**  
FCPS (Orth)

Himayat Ullah

Sqm.

Girdle stone  
procedure @krip  
air way 208

Plan

Labr on

Amirian  
is now for  
FH2

(ڈاکٹر علی علی)

TESTED  
*[Signature]*

*[Signature]*

The Commissioner,  
G.I. Khan Div. D.I. Khan

Subj: - Retirement from service on medical grounds

Respected Sir,

Most respectfully it is submitted that my two major surgical operations viz Rt. Hip joint firstly was made in Lady Reading Hospital Feshwar on 11th Jan. 2017 and secondly in Orthopaedic and Spine Surgery Deptt. Gharki Teaching Hospital, Lahore on 15th May. 2018 and I remained admitted in the same Hospital up to 31st May. 2018. After taking further rest at home according to Dr's advice when I resumed my duty I felt infirmity and I am still realizing/feeling inconvenience to perform my duties properly. Furthermore I have to go to Lahore for my periodical check up.

As your kind honour is aware of the facts that I am still unable to walk without a walker, it is therefore requested that my case may please be referred to the DG Health Services F.F. Feshwar to direct the Standing Medical Board/Invalidating Committee for my medical examinations and to consider my retirement from service on medical grounds and obliged.

D. 10th Sept. 2018

Yours obediently

Mohammad Hameedullah  
Asst. to Commissioner (P & D)  
(BS-17) D.I. Khan

As noted  
[Signature]

[Signature]

11.9.18

Process as per  
out up pl.

ATTESTED  
[Signature]

Supt

Annex 1

- 17 -

FAX NO. : 0919210536

04 Nov. 2011 02:45AM

Registered / Fax



**DIRECTORATE GENERAL HEALTH SERVICES,  
KHYBER PAKHTUNKHWA, PESHAWAR**

All communications should be addressed to the Director General Health Services Peshawar and not to any official by name.  
Exchange # 091-9210187. Tele # 9210196 Fax # 091-9210230

Dated 2 / 10 / 2018

No. 3861 / Medical

To

The Secretary to Commissioner  
D/Khan Division  
D/Khan

Subject: TO APPEAR BEFORE MEDICAL BOARD

Reference your letter No. 3764/Accy  
dated 13/9/18 Mr. Mrs. Mohammad Ali Signature  
be directed to appear before the Medical Superintendent Police / Services Hospital, Peshawar for  
his / here Medical examination to be carried by the Standing Medical Board / Standing Invaliding  
Committee on 12/12/18 At 9:00 A.M along with National I/ Card.

M. Shabir K  
DEPUTY DIRECTOR (MED.)  
DIRECTORATE GENERAL HEALTH  
SERVICES, KPK, PESHAWAR.

No. \_\_\_\_\_ / Medical

Copy with a copy of letter referred to above alongwith its enclosure is forwarded  
to the Medical Supdt: Police / Services, Hospital, Peshawar for information and necessary action.

On arrival the above named official / Officer / applicant should be examined by  
the Standing Medical Board / Standing Invaliding Committee and the proceedings of the  
Standing Medical Board be sent to the above mentioned address

under intimation to this Directorate.

St. C  
DEPUTY DIRECTOR (MED.)  
DIRECTORATE GENERAL HEALTH  
SERVICES, KPK, PESHAWAR.



- 18 -

OFFICE OF THE  
**COMMISSIONER**  
DIKHAN DIVISION DIKHAN  
Phone # 0966-9280351  
Fax No. 0966-2787352  
commissioner.dikhan@yahoo.com  
Secretarytocommissionerdk@gmail.com



No. 9446 /Acctt:

Dated Dikhan the 24 /10/2018

To,

The Secretary Establishment,  
Government of Khyber Pakhtunkhwa,  
Peshawar.

Subject: RETIREMENT ON MEDICAL GROUNDS WITH LEAVE ENCASHMENT  
65 DAYS.

I am directed to refer to the subject cited above and to enclose herewith a copy of self-explanatory application in r/o Mr. Muhammad Himayatullah Qureshi Assistant Commissioner (Poll/Dev) DIKhan Division alongwith letter No. 4996-97/MS/SMB/2017-18 dated 18.10.2018 received from Chairman Standing Medical Board, Medical Superintendent Police/Service Hospital Peshawar for further necessary action as per policy, please.

-sd-

Commissioner  
DIKhan Division, DIKhan

No Even & Date:

Copy to:

PS to Commissioner DIKhan Division, DIKhan

*[Signature]*  
Secretary to Commissioner  
DIKhan Division, DIKhan

ATTESTED  
*[Signature]*

-19-



**OFFICE OF THE  
MEDICAL SUPERINTENDANT  
SERVICES HOSPITAL, PESHAWAR**

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

No. 4996-97/MS/SMB/2017-18

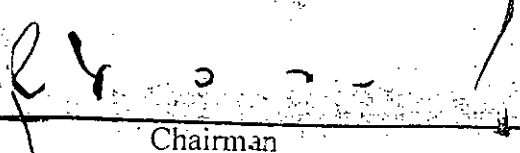
Dated 18/10/2018

Secretary to Commission  
DI Khan Division, DI Khan

Subject: - **STANDING MEDICAL BOARD**

Memo: - With reference to your office letter No. 3764/Acct: Dated DI Khan 13-09-2018 addressed to Director General Health Services Khyber Pakhtunkhwa Peshawar on the subject noted above.

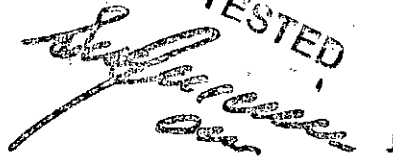
Muhammad Himayat Ullah Qureshi Assistant to Commissioner (Poll/Dev) (BPS-17) was examined by the Standing Medical Board held in this office on 10-10-2018. The proceedings of the Standing Medical are sent herewith for further necessary action.

  
Chairman  
Standing Medical Board  
Medical Superintendent  
Police/Service Hospital  
Peshawar

Copy to:

- Director General Health Services Khyber Pakhtunkhwa for information with reference to your office letter No. 3862/Medical Dated 02-10-2018.

ATTESTED

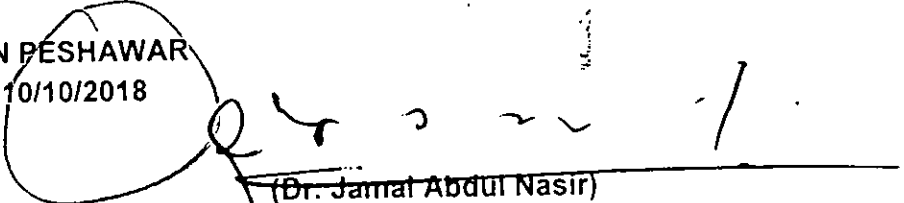



OFFICE OF THE CHAIRMAN STANDING MEDICAL BOARD/MEDICAL SUPERINTENDENT POLICE/SERVICES, HOSPITAL PESHAWAR.

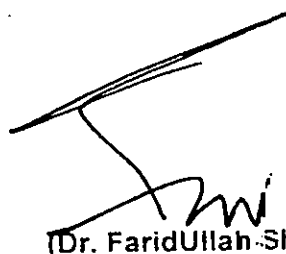
The Standing Medical Board comprising the following members assembled in the office of the Medical Superintendent Police/Services, Hospital Peshawar to examine Muhammad Himayat Ullah Qureshi.

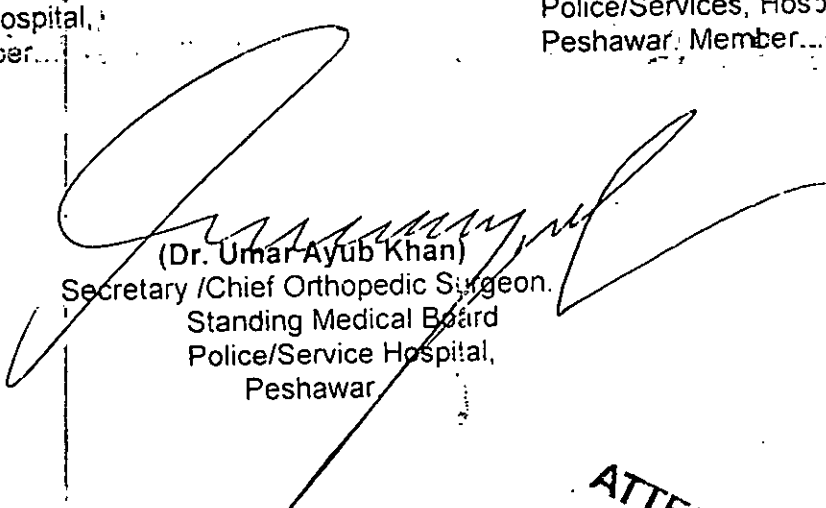
The Standing Medical Board is of the opinion that he history of Intertrochanteric fracture right femur in 2017. Dynamic Hip Screw (DHS) surgery done but its unsuccessful. He still walks with walking frame. He is unfit for Govt. Job. Therefore, he may be boarded out on medical grounds as he is permanently incapacitated.

STATION PESHAWAR  
DATED: 10/10/2018

  
(Dr. Jamat Abdul Nasir)  
Chairman  
Standing Medical Board  
Medical Superintendent  
Police/Services, Hospital,  
Peshawar.

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

  
(Dr. Farid Ullah Shah)  
Physician  
Police/Services, Hospital  
Peshawar... Member...

  
(Dr. Umar Ayub Khan)  
Secretary /Chief Orthopedic Surgeon.  
Standing Medical Board  
Police/Service Hospital,  
Peshawar.

ATTESTED  




Annexure "D" - 21 - 5

The Secretary to Govt of KPK  
Establishment Deptt: Peshawar

Through: Proper Channel

Subj: - Retirement on Medical Grounds  
with leave encashment 365 days

Respected Sir,

It is humbly submitted that the Standing  
Medical Board Peshawar in its meeting held on  
10-10-2018 declared me unfit for Govt. job being  
permanently incapacitated vide Chairman Standing Medical  
Board Med: Supdt. Police/Service Hospital Peshawar's letter  
No. 4996-97/MS/SMB/201718 dt: 18-10-2018 alongwith  
Proceedings of the Standing Medical Board are enclosed  
in original.

It is, therefore, requested that I may please  
be retired from <sup>Govt's</sup> Service w/e 10-10-2018 with leave encash-  
ment of 365 days and obliged.

D. 22/10/2018

Yours obediently,

Mohammed Hameedullah  
Amrohi  
Asst. to Commissioner (Police)  
Commissioner's Office,  
D. P. Shon

Put up on file  
alongwith relevant  
record p.

TESTED  
[Signature]

Secy/HR  
23/10/18

Supdt. Pesh.

Annexure E - 22.

BEFORE THE DEPUTY COMMISSIONER, DISTRICT TANK

Representation

2020

SUBJECT: APPOINTMENT BY INITIAL RECRUITMENT AS CIVIL SERVANT OF ANY POST CARRYING BPS-07 TO 11 (CLASS-III CIVIL SERVICE) UNDER YOUR DOMAIN ON THE BASIS OF RESERVED 25% QUOTA OF THE REGULAR CLASS-III INCUMBENCIES MEANT FOR CHILDREN OF THE RETIRED (SUPERANNUATED) CIVIL SERVANTS.

Sir,


The Applicant; amongst other grounds, respectfully submits as follows:-

- 1) The Applicant namely Hamadullah Hashmi S/O Himayatullah Hashmi Qureshi (Retired PMS Officer) having domicile of District Tank, Khyber Pakhtunkhwa and being son of a Retired Provincial Cadre Officer is entitled to obtain seat of reserved Quota of superannuated Civil Servants in offices of D.I.Khan, Tank District and Commissioner, Secretariat at DIKhan. The copy of the notification granting superannuation benefits dated 06-11-2018 is enclosed ANNEXURE-I.
- 2) The Applicant at present is aged 18 years 02 months and is studying in 2<sup>nd</sup> year Commerce College DIKhan. Copy of the academics is enclosed as ANNEXURE-II.
- 3) The Applicant's father obtained physical disability due to serious accident on 09-01-2017 at Tehsil Alpuji District Shangla and remained under treatments of the orthopedic clinics for pretty long duration. Copy of the prescriptions / certificates is enclosed.
- 4) The Applicant thus qualifies for the prescribed Quota of 25% of class-III incumbencies of any grade / scale / or post available thereat.

The Applicant therefore humbly requests that the Applicant may be offered any vacancy of BPS-07 to BPS-11 at your earliest convenience.

Dated: 17/03/2020

Your Humble

  
HAMADULLAH HASHMI  
S/o Himayatullah Hashmi Qureshi  
(Retired PMS Officer)  
R/O Mohallah Hiader Khan Advocate  
Tank City.

  
TESTED

BEFORE THE COMMISSIONER DIKHAN, DIVISION DIKHAN

Representation \_\_\_\_\_ 2020

SUBJECT: APPOINTMENT BY INITIAL RECRUITMENT AS CIVIL SERVANT OF ANY POST CARRYING BPS-07 TO 11 (CLASS-III CIVIL SERVICE) UNDER YOUR DOMAIN ON THE BASIS OF RESERVED 25% QUOTA OF THE REGULAR CLASS-III INCUMBENCIES MEANT FOR CHILDREN OF THE RETIRED (SUPERANNUATED) CIVIL SERVANTS.

Sir,

The Applicant; amongst other grounds, respectfully submits as follows:-

- 1) The Applicant namely Hamadullah Hashmi S/O Himayatullah Hashmi Qureshi (Retired PMS Officer) having domicile of District Tank, Khyber Pakhtunkhwa and being son of a Retired Provincial Cadre Officer is entitled to obtain seat of reserved Quota of superannuated Civil Servants in offices of D.I.Khan, Tank District and Commissioner, Secretariat at DIKhan. The copy of the notification granting superannuation benefits dated 06-11-2018 is enclosed ANNEXURE-I.
- 2) The Applicant at present is aged 18 years 02 months and is studying in 2<sup>nd</sup> year Commerce College DIKhan. Copy of the academics is enclosed as ANNEXURE-II.
- 3) The Applicant's father obtained physical disability due to serious accident on 09-01-2017 at Tehsil Alpu District Shangla and remained under treatments of the orthopedic clinics for pretty long duration. Copy of the prescriptions / certificates is enclosed.
- 4) The Applicant thus qualifies for the prescribed Quota of 25% of class-III incumbencies of any grade / scale / or post available thereat.

The Applicant therefore humbly requests that the Applicant may be offered any vacancy of BPS-07 to BPS-11 at your earliest convenience.

Dated: 25/4/2020

Your Humble

HAMADULLAH HASHMI  
S/o Himayatullah Hashmi Qureshi  
(Retired PMS Officer)  
R/O Mohallah Haider Khan Advocate  
Tank City.  
Cell No. 0334-7414055

ATTESTED  
*[Handwritten signature]*

deput  
- 24 -

**BEFORE THE SECRETARY of GOVT OF KPK REVENUE &  
ESTATE DEPARTMENT PESHAWAR**

**SUBJECT: APPOINTMENT BY INITIAL RECRUITMENT AS CIVIL SERVANT OF ANY POST CARRYING BPS-07 TO BPS-11 (CLASS-III CIVIL SERVICE) UNDER YOUR DOMAIN ON THE BASIS OF RESERVID QUOTA OF THE REGULAR CLASS-111 INCUMBENCIES MEANT FOR THE CHILDREN OF RETIRED (SUPERANNUATED) CIVIL SERVANTS VACANCIES IN INSPECTOR GENERAL REGISTRATION**

Sir,

The applicant; amongst other grounds, respectfully submits follows:-

1. The Applicant namely Hamadullah Hashmi S/O Himayatullah Hashmi Qurashi (Retired PMS Officer) having domicile of District Tank, Khyber Pakhtunkhwa and being son of a Retired Provincial Cadre Officer is entitled to obtain seat of reserved Quota for Children superannuated Civil Servants in offices of The Secretary Revenue and Estate of Peshawar. The copy of the Notification granting superannuation benefits dated 02-11-2018 is enclosed ANNEXURE-I.
2. The Applicant is aged 18 years and 10 months approximately and has passed F.A Commerce in 2020. The copy of certificate is enclosed as ANNEXURE-II.
3. The Applicant's father obtained physical disability due to serious accident on 09-01-2017 at Tehsil Alpuri, District Shangla and remained under treatments of the orthopedic clinics for pretty long duration. Copy of the prescriptions / certificates is enclosed as ANNEXURE-III.
4. The Applicant thus qualifies for the prescribed Quota of Reserved Quota of Class-III incumbencies of any grade / scale / or post available thereat available under the domain of Inspector General Registration, Peshawar.


The Applicant therefore humbly requests that the Applicant may be offered any vacancy of BPS-07 to BPS\_11 at your earliest convenience.

Dated: 11/12/2020

ATTESTED  
*[Signature]*  
Your Humble

*[Signature]*  
HAMADULLAH HASHMI  
S/O Himayatullah Hashmi Qureshi  
(Retired PMS Officer)  
R/O Mohallah Hiader Khan  
Advocate Tank City.

25-

 <b>GOVERNMENT OF KHYBER PAKHTUNKHWA, BOARD OF REVENUE, REVENUE &amp; ESTATE DEPARTMENT.</b>	
091-9213989	091-9214208
No. Estt: I/PF/Himayatullah Qureshi(PMS)/ <u>1190</u> Peshawar Dated the <u>18</u> /01/2021	

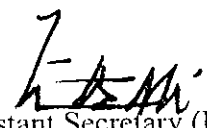
To

Mr. Hamadullah Hashmi son of  
Himayatullah Hashmi Qureshi  
(Rtd: PMS Officer)  
resident of Mohallah Haider Khan  
Advocate Tank City.

**SUBJECT: APPOINTMENT BY INITIAL RECRUITMENT AS CIVIL SERVANT OF ANY POST CARRYING BPS-07 TO BPS-11 (CLASS-III CIVIL SERVICES) UNDER YOUR DOMAIN ON THE BASIS OF RESERVED QUOTA OF THE REGULAR CLASS-III INCUMBENCIES MEANT FOR THE CHILDREN OF RETIRED (SUPERANNUATED) CIVIL SERVANTS VACANCIES IN INSPECTOR GENERAL REGISTRATION.**

Reference your application dated 11.12.2020 on the subject and to inform you that your father was retired from the post of PMS officer comes under the domain of Establishment Department.

You are therefore advised to approach Establishment Department for the purpose if you so desired.

  
 Assistant Secretary (Estt:)

ATTESTED  


# قاضی سینیٹر سول جج صاحب ڈیرہ اسماعیل خان

سال 2020

مقدمہ دیوانی نمبر

حماد اللہ ہاشمی ولد حمایت اللہ ہاشمی قریشی ساکن محلہ خیر خان ایڈووکیٹ، شہر ٹانک، تحصیل ڈون ٹانک۔  
(مدعی)۔۔۔۔۔

## بی نام

حکومت خیبر پختونخواہ بذریعہ۔۔۔۔۔

- (1)۔۔۔۔۔ سیکرٹری صاحب محکمہ عملہ - Establishment - سول سیکرٹریٹ - پشاور۔۔۔۔۔ اور۔۔۔۔۔
- (2)۔۔۔۔۔ سیکرٹری صاحب محکمہ مال گزاری و املاک Revenue & Estates / سینئر ممبر بورڈ آف ریونیو - BOR - پشاور۔۔۔۔۔ اور۔۔۔۔۔
- (3)۔۔۔۔۔ کمشنر صاحب، ڈیرہ اسماعیل خان ڈویژن۔ ڈیرہ اسماعیل خان۔  
(مدعا علیہم)۔۔۔۔۔

(i) دعویٰ استقراریہ بدین قرار داد کہ مدعی بوجہ قانونی اور شرعی قائم مقام مسمی حمایت اللہ قریشی ہاشمی ریٹائرڈ پی ایم ایس آفیسر (PMS-BPS-17) حکومتی ملازمین کے قواعد سال 1989 کے تحت مختص شدہ کوٹہ (برائے قائم مقامان ریٹائرڈ ملازمین) میں درجہ سوئم کے حامل کسی بھی اسمی کیلئے تعیناتی Appointment by initial recruitment کا فائق تر مستحق ہے۔۔۔۔۔ اور۔۔۔۔۔

(ii) دعویٰ استقراریہ بدین امر کہ مدعی مدعا علیہم نمبر 3-2 کے ماتحت خالی آسمای درجہ سوئم Class-III Employees پر بوجہ قائم مقام ازاں ریٹائرڈ آفیسر مسمی حمایت اللہ قریشی والد مدعی، مستقل تعیناتی Appointment by initial recruitment کیلئے فائق تر مستحق ہے۔

ATTESTED  
[Signature]

The plaintiff is entitled on priority qualification basis for appointment against vacancy of class -III employees in the office / secretariat of Defendant No.2 and Defendant No.3

معدہ درسی ہائے مستلزم ذیل:

(iii) دعویٰ صدور حکم امتناعی دوامی پر خلاف مدعا علیہم نمبر 3-2 کہ وہ خالی اسامی درجہ سوئم Class-III Vacancy کی مختص اسامی پر کسی اور کی تعیناتی کرنے سے باز رہے۔ اور۔۔۔۔۔

(iv) دعویٰ صدور حکم تاکیدی دوامی بنام مدعا علیہ نمبر 2 کہ وہ من مدعی کو خالی آسامی مذکورہ کیلئے اہل ترین امیدوار

گردان لے اور مدعا علیہ نمبر 2 اولین فرصت میں من مدعی کا مطالبہ مذکورہ تسلیم کرے۔

**جناب عالی!** مدعی حسب ذیل عرض گزار ہے۔

1۔ یہ کہ مدعی شہر ڈیرہ اسماعیل خان کاسکوٹی بھی ہے اور ضلع ٹانک کا مستقل رہائشی بھی ہے۔ نقل ڈویسائل سرٹیفکیٹ لف ہے۔

2۔ یہ کہ مدعی کا والد مسی حمایت اللہ قریشی مدعا علیہم کا ماتحت آفیسر تھا کہ شدید حادثہ کا شکار ہوا۔ اور بالآخر 6 نومبر سال 2018 کو بطور BPS-17 ملازم ریٹائرڈ ہوا اور مدعی کا والد PMS گروپ کا نمائندہ تھا اور اس وجہ سے وہ مدعا علیہم کے تحت کسی بھی خالی اسامی درجہ سوئم Class-III کیلئے اپنے قائم مقام کو نامزد کرنے کا مجاز ہے۔

یہ کہ مدعا علیہ نمبر 2 کے دائرہ اختیار میں تین اضلاع میں اور اس کے دفتر میں Class-I اسامیوں پر ہر طرح کے مستقل باشندہ کا حصہ برابر حق ہے۔ اس لئے مدعی بھی کسی اسامی پر تعیناتی کا استحقاق رکھتا ہے۔ اور یہ کہ مدعی کا والد شدید حادثہ کی وجہ سے زیر علاج بھی رہا۔ اور عارضی طور پر ملازمت سے رخصت پر بھی رہا۔ نقول نشہ جات اور سرٹیفکیٹ ہائے معذوری لف ہیں اور Disability Certificate بھی لف ہذا ہیں۔ اور والد مذکور کی ریٹائرمنٹ کے حکم نامہ میں Disability کا حوالہ نہ دیا جاسکا ہے۔ اور اس بارے مدعا علیہ نمبر 1 سے رابطہ کیا گیا۔ نقول درخواست ہائے لف ہیں۔

4۔ یہ کہ مدعا علیہ نمبر 2 کو من مدعی کو درخواست بمراد اطلاع یابی معدہ درخواست بمراد حاصل کرنے تعیناتی بوجہ قائم مقام ازاں ریٹائرڈ آفیسر مورخہ 25-04-2020 کو ارسال کی ہے۔ جو مدعا علیہ نمبر 2 کے دفتر میں وصول ہو چکی ہے۔ نقل درخواست معدہ ڈاک رسید نمبر 1269/AG/23697053 مورخہ 25-04-2020 لف ہے اور مدعی کا والد بذاتہ۔ مدعا علیہ نمبر 3 کے حاضر سر دس آفیسر جلیس صاحب (مسمنی فاضل جاوید خان مردت) مئی 2020 کے تیسرے ہفتہ میں ملا اور زبانی وضاحت اور التجاء کی مگر کوئی موافق رد عمل نہ دیکھا۔

5۔ یہ کہ مدعی میٹرک پاس ہے اور گورنمنٹ کالج آف Management Sciences ڈیرہ اسماعیل خان کا طالب علم ہے۔ نقل میٹرک سرٹیفکیٹ اور سرٹیفکیٹ ازاں کالج لف ہیں۔ نقل CNIC بھی لف ہے۔ اور سال 2020 میں F.A پاس کر لیگا۔

یہ کہ من مدعی کے والد نے مدعا علیہ نمبر 2 کے دفتری عملہ سے درخواست مورخہ 25 اپریل 2020 پر گزارا کی ہے۔ بارے دریافت کیا۔ تو معلوم ہوا کہ اس پر خاطر خواہ کارروائی نہیں ہوئی ہے اور اب مدعی دعویٰ استقراریہ وغیرہ ارجاع کیلئے مجبور ہوا ہے۔ اور اس عرضی دعویٰ کی نقل بذریعہ جسٹریٹ ڈاک۔ مدعا علیہ نمبر 2-3 کو بھی ارسال کی گئی۔ نقل اطلاع نامہ Notice معہ ڈاک رسید مورخہ 20-6-6 لف ہے۔ اور من مدعی بطور قائم مقام سابقہ سرکاری ملازم موجودہ عرضی دعویٰ پیش کرنے کا مجاز ہے +

7- یہ کہ مدعی کو بناء دعویٰ + بمقام ڈیرہ اسماعیل خان برخلاف مدعا علیہم نومبر سال 2018 بعد ہا از مورخہ 25/04/2020 اور اب عرصہ ایک ہفتہ جب مدعا علیہ نمبر 2 سے کسی قسم کا جواب موصول نہیں ہوا ہے + حاصل ہوا ہے۔ جو کہ دعویٰ ہذا اندر معیار ہے اور اندر حدود اختیار سماعت عدالت دیوانی ضلع ڈیرہ اسماعیل خان ہے 8- یہ کہ مالیت مقدمہ مبلغ پر طور مبلغ 2301 روپے ہے۔ جس پر مطلوبہ کورٹ فیس مبلغ 500 روپے چسپاں کی جارہی ہے۔ اور عرضی دعویٰ قابل رفت اور لائق سماعت ہے۔

لہذا استدعا ہے کہ من مدعی کا عرضی دعویٰ / Suit برخلاف مدعا علیہم۔ بحق من مدعی منظور کیا جاوے اور من مدعی کے حق میں ڈگری صادر فرمائی جاوے۔  
نقطہ مورخہ 26 جون 2020ء

بوکالت: سر سیم خان کنڈی ایڈووکیٹ ہائی کورٹ  
ڈیرہ اسماعیل خان  
حماد اللہ ہاشمی۔۔۔۔۔ مدعی

تصدیق بمقام ڈیرہ اسماعیل خان  
تصدیق کی جاتی ہے کہ جملہ مراتب دعویٰ تاحد علم و یقین صحیح و درست ہیں۔  
حماد اللہ ہاشمی۔۔۔۔۔ مدعی

**بیان حلفی**

حلفاً بیان کیا کہ جملہ مراتب دعویٰ تاحد علم و یقین صحیح و درست ہیں اور کوئی امر عدالت ہذا سے مخفی یا پوشیدہ نہیں رکھا گیا ہے اور انہی ہی سببوں سے دعویٰ قبل ازیں دائر کیا گیا ہے۔ نقطہ مورخہ:

حماد اللہ ہاشمی۔۔۔۔۔ مدعی

ATTESTED  
Signature

Attested  
Adv.



**- 29 -**  
**بعدالت محمد کاشف خان، سول جج - 11، ڈیرہ اسماعیل خان**

مقدمہ نمبر 153 of 2022

حکومت KPK

نام

حماد اللہ

Order or other proceedings with signature of Judge or Magistrate and that of parties or counsel / where necessary.

حکم نمبر / تاریخ

فریقین برائے ملحقہ ملحقہ حاضری، بوجہ میٹرنال ڈولڈ کارروائی ملحقہ  
 بیوکر مثل برائے جو اہل دعویٰ فرما علیہم غسبہ و تاقی

05-21

06-1-2022

9.2.22 شیپ ہو -

Muhammad Kashif Khan  
 Civil Judge-II D.I. Khan

فریقین برائے ملحقہ ملحقہ حاضری، بوجہ میٹرنال ڈولڈ کارروائی ملحقہ  
 بیوکر مثل برائے جو اہل دعویٰ فرما علیہم غسبہ و تاقی

0-22

9.2.22

*[Signature]*

Muhammad Kashif Khan  
 Civil Judge-II D.I. Khan

فریقین برائے ملحقہ ملحقہ حاضری، بوجہ میٹرنال ڈولڈ کارروائی ملحقہ  
 بیوکر مثل برائے جو اہل دعویٰ فرما علیہم غسبہ و تاقی

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*[Signature]*

Muhammad Kashif Khan  
 Civil Judge-II D.I. Khan

REGISTERED

Annexure 'F' - 30 -

FOR THE GOVERNMENT OF KHYBER PAKHTUNKHWA IN THE MINISTRY OF ESTABLISHMENT DEPARTMENT THROUGH THE SECRETARY ESTABLISHMENT PESHAWAR

**SUBJECT: DEPARTMENTAL REPRESENTATION QUA RETIREMENT (UNDER S.13 (B) OF THE CIVIL SERVANTS ACT XVIII, 1973) VIDE NOTIFICATION NO. SOE-II/(ED) 2 (692) 2017 DATED PESHAWAR THE NOVEMBER 02, 2018 REVIEW THEREOF.**

The Applicant by dint of his right to invoke the Review Authority of the Competent Authority under Appeal Rules 1986, amongst other grounds; respectfully submits as under:-

- 1) The Appellant / Applicant fell down slipping in the Snow Fall during duty hours as Tehsildar Shangla (Malakand Division) on 9<sup>th</sup> January, 2017 but the Applicant has not been compensated by the Government by way of free Medical Treatment while remained under the treatment of concerned Medical Staff in Lady Reading Hospital, Peshawar.
- 2) Due to inefficiency of concerned Unit, the Surgical Operation failed and the Applicant thereafter remained at Ghurki Teaching Hospital Lahore, Second Major Surgical Operation was made on 15-05-2018 and the Applicant remained admitted upto 31-05-2018 in Ghurki Hospital, Lahore. Copies are enclosed for favour of perusal and ready reference.
- 3) The Applicant submitted an Application dated 10-09-2018 to the Commissioner D.I.Khan, Division D.I.Khan, to refer the case of Applicants incapacity and infirmity to the Standing Medical Board, Peshawar as such the Applicant was examined on 10-10-2018 and declared unfit for Government Job & recommended that the Applicant be relieved off on Medical grounds. The said opinion of Medical Board was conveyed to Commissioner Office vide Chairman Standing Medical Board, Medical Superintendent Police / Service Hospital, Peshawar vide No.4996-97/MS/SMB/2017-18 dated 18-10-2018. Copy of Letter enclosed.
- 4) The Said report dated 18-10-2018 was sent to the Establishment Department, Peshawar and the Applicant / Review Petitioner obtained ordinary retirement w.e.f November 05, 2018 vide Notification No.SOE-II(ED)2(692)2017, dated 02-11-2018. Copy enclosed. The said order was received at D.I.Khan on 07-11-2018, and the Applicant was relieved off accordingly w.e.f 07-11-2018.
- 5) The Applicant became bodily infirm and permanently obtained incapacity for

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work and became Disabled and obtained prescribed Medical Certificate before reaching the age of usual superannuation.

- 6) The Applicant submitted certificate of incapacity and ought to have been declared invalid Rule 3.3 of NWFP Pension Rules under FD.SR-III-4-112/73, dated; 05-12-1981.
- 7) The Applicant has been granted retirement but the words "on grounds of invalidation and incapacity" after the word "Superannuation" are omitted and also before the word "as" Such addition would grant the concession of retirement on Medical Grounds w.e.f. 05-11-2018, and would make his child as eligible for seeking employment of one vacancy of BPS-3 to 11 & 12 in the Khyber Pakhtunkhwa Civil Service and the grant of such relief would be an act of compassion and mercy in favour of the Applicant; and would not affect the available budgetary provisions,

The Applicant also wishes to be heard in person with best regards.

Dated: 20/12/2019

Yours Humbly

MOHAMMAD HIMAYAT ULLAH QURESHI,  
 Ex-Assistant to Commissioner, Commissioner Office,  
 District D.I.Khan  
 S/O Dr. Hameedullah Qureshi (late)  
 R/O Mohallah Haider Khan Advocate, Near Tang Bazar  
 P/O Tank, District Tank.

Cell No. 03347414055  
 Cell No. 03459840440.

ATTESTED

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 921/2021

Date of Institution ... 14.01.2021

Date of Decision ... 09.11.2021



Mr. Ashraf Khan Retired Assistant, O/o the Deputy Commissioner North Waziristan  
Tribal District. (Appellant)

VERSUS

The Senior Member of Board of Revenue, Khyber Pakhtunkhwa Peshawar and two  
others. (Respondents)

Syed Noman Ali Bukhari,  
Advocate

For Appellant

Mr. Muhammad Rasheed,  
Deputy District Attorney

For Respondents

**SALAH-UD-DIN**

MEMBER (JUDICIAL)

**ATIQ-UR-REHMAN WAZIR**

MEMBER (EXECUTIVE)

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Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

JUDGMENT

ATIQ-UR-REHMAN WAZIR MEMBER (E):-

Brief facts of the

case are that the appellant was working as Assistant in the office of Deputy Commissioner North Waziristan tribal district. Due to serious illness, the appellant applied for invalid retirement from service on medical grounds. The case of the appellant was referred to medical board and the medical board furnished its opinion vide letter dated 05-08-2020, wherein the appellant was declared unfit for further job. The Deputy Commissioner approved his retirement on medical grounds vide order sheet dated 13-08-2020, but due to delay on part of the respondents, his invalid retirement order could not materialize well in time and in the meanwhile, the appellant reached his age of superannuation, hence he was retired on the basis of reaching his age of superannuation and not on invalid retirement. Feeling aggrieved, the appellant filed departmental appeal, which was

rejected vide order dated 17-12-2020, hence the instant service appeal with prayers that the impugned orders dated 10-09-2020 and 17-12-2020 may be set aside and the appellant may be held entitled for retirement on medical grounds, with all consequential benefits.

02. Learned counsel for the appellant has contended that the appellant has not been treated in accordance with law, as actions and inactions violate the mandate provided under Article-4 of the Constitution; that respondents are legally bound to treat the appellant in accordance with law, as the appellant is legally entitled for pre-mature retirement on medical grounds; that the medical opinion was not challenged by the respondents, within the stipulated timeframe, hence it gained finality, even the Deputy Commissioner approved his retirement on medical ground in light of opinion of medical board, but due to delaying tactics by the office concerned, the appellant was deprived of his right, which is unlawful; that the appellant has been discriminated as similar placed employees was granted retirement on medical ground, whereas the same benefit was not granted to the appellant; that this Tribunal has already granted relief in similar case in Service Appeal No. 558/2019, decided on 21-02-2020 and the same may also be granted to the appellant being an identical case; that the appellant was not consulted nor any correspondence made with the appellant to defend his cause, which is illegal unlawful and contrary to the norms of natural justice; that the respondents had not adopted proper procedure in deciding the departmental appeal, nor the same was referred to the competent authority for decision; that the appellant was fully entitled for pre-mature retirement on medical grounds and denial of the same is totally illegal and contrary to rules, thus indulgence of this tribunal is solicited.

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EXAMINER  
Service Tribunal

03. Learned Deputy District Attorney for the respondents has contended that it is correct that the appellant was declared invalid by the medical board, but his case was not considered due to the reason that the appellant concealed the fact

that his actual date of retirement was near, hence he was retired on reaching his age of superannuation; that in case of invalid retirement, his son would become entitled to be recruited in his place, which would be a great injustice with unemployed youth of the district.

04. We have heard learned counsel for the parties and have perused the record.

05. In the last leg of his career, the appellant suffered from certain disease and applied for invalid retirement on medical grounds. The respondents duly processed his case and medical board was constituted to examine his fitness or otherwise. The medical board recommended him for retirement on medical grounds, being incapacitated and unfit for further job but the incumbent deputy commissioner refused such retirement under the plea that his son might take benefit of such retirement, which however was not warranted. It was astonishing to note that the respondents processed his case for invalid retirement due to his illness and after lengthy correspondence, medical board was constituted and medical board tendered its opinion, even the Deputy Commissioner concerned approved his case for invalid retirement. Placed on record is a note submitted to the Deputy Commissioner with recommendations that since the appellant can't work anymore and the medical board has also recommended him for invalid retirement on medical grounds, hence he may be retired on medical grounds, whereas the Deputy Commissioner concerned had approved such proposals vide note sheet dated 13-08-2020, but after changes in administrative setup, the respondents took a U turn and refused the already approved case under the plea that his son might take benefit of such retirement, which was pathetic on part of the respondents. Taking action contrary to the opinion of the medical board constituted on their request, would amount to mistrust upon the medical board so constituted. The respondents however were required to take a sympathetic view of the situation, as the appellant served for longer time with the respondents and

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*over*  
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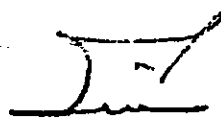
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Service Tribunal  
Punjab

denial of benefits already accrued to him amount to injustice, which was not warranted.

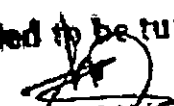
06. In view of the foregoing discussion, the instant appeal is accepted. The impugned orders dated 10-09-2020 and 17-12-2020 are set aside and the appellant stands entitled to invalid retirement on medical grounds alongwith benefits accrued thereto. Parties are left to bear their own costs. File be consigned to record room.


**ANNOUNCED**  
09.11.2021

  
(SALAH-UD-DIN)  
MEMBER (J)

  
(ATIQ-UR-REHMAN WAZIR)  
MEMBER (E)

Date of Presentation of Application 17-11-2021  
Number of Words 1600  
Copying Fee 4/8/-  
Urgent 4/2/-  
Total 22/-  
Name of Copyist \_\_\_\_\_  
Date of Completion of Copy 17-11-2021  
Date of Delivery of Copy 17-11-2021

**Certified to be true copy**  
  
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar



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## PART II

## CHAPTER III—GENERAL CONDITIONS OF SERVICE

F. R. 10. Except as provided by this rule, no person may be appointed in Pakistan to a post in Government service without a medical certificate of health, which must be affixed to his first pay bill. A local Government may make rules prescribing the form in which medical certificates should be prepared, and the particular medical or other officers by whom they should be signed. It may, in individual cases, dispense with the production of a certificate, and may by general orders exempt any specified class of Government servants from the operation of this rule.

(For rules made by the Governor-General under Fundamental Rule 10, see Supplementary Rules 3, 4 and 4-A).

(For Administrative Instructions issued by the Governor-General in connection with Fundamental Rule 10 regarding CONDITIONS OF AGE ON APPOINTMENT TO GOVERNMENT SERVICE, see Part I of Appendix No. 3 in Volume II of this Compilation.)

Government order.—Once a person is asked to produce a medical certificate of fitness for entry into Government Service whether in a permanent or temporary capacity and has actually been examined and declared unfit, it is not open to the authorities exercising the powers of a local Government to use their discretion to ignore the certificate that has been produced.

[G. I., F. D., Endorsement No. F. 6 (13)-R. 11/44, dated the 11th May, 1944.]

F. R. 10-A. (a) The authority competent to fill the post held by a Government servant may require him to appear before a medical authority for medical examination if, in the opinion of the competent authority, the Government servant is suffering from a disease which renders him unfit for the proper and efficient discharge of his duties or from a disease which is communicable and is likely to endanger the health of other Government servants.

(b) If the medical authority concerned, after examining the Government servant, certifies that the Government servant requires a period of absence from duty for the purpose of rest and treatment and that there is reasonable prospect of his recovery, the competent authority may grant him leave, including extraordinary leave, for such period as the medical authority recommends, provided that it is due and admissible to the Government servant, and the competent authority may do so as if the Government servant had himself applied for the leave.

(c) (i) If the medical authority after examining the Government servant, certifies that the Government servant is permanently incapacitated for service, the findings of the medical authority shall be

† Inserted by G. P., M. F. Notification No. F. 5(2)-R2/60, dated the 6th January, 1962.

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communicated to the Government servant immediately. The Government servant may, within seven days of the receipt by him of the official intimation of the findings of the medical authority, apply to the Director-General, Health, for a review of his case by a second medical board. Such an application shall be accompanied by fee the amount of which shall be fixed by the Director-General, Health. The Director-General, Health, shall then arrange for the convening of a reviewing medical board consisting of persons who were not members of the first medical board. If the reviewing medical board also certifies that the Government servant is permanently incapacitated for further service, the competent authority may require him to retire from service and may grant him such invalid pension and/or gratuity as may be admissible to him under the rules, and the competent authority may do so as if the Government servant had himself applied for an invalid pension.

(ii) In case the reviewing medical board holds that the Government servant is fit for Government service, he shall be reinstated forthwith and the period of his absence will be treated as duty. If however, the board certifies that the Government servant is not fit but there is a reasonable prospect of his recovery, the case will be regulated under the provisions of clause (b) above.

(iii) In case the Government servant concerned does not apply for a review of his case within seven days of the receipt by him of the official intimation of the findings of the first medical board, the competent authority may require him to retire from service and may grant him invalid pension and/or gratuity as provided for in sub-clause (i) above.

(d) The Central Government may make rules prescribing the form in which the medical certificate should be prepared and the medical officers by whom it should be signed.

*(For rules made by the President under Fundamental Rule 10-A, see Supplementary Rule 4-A.)*

F. R. 11. Unless in any case it be otherwise distinctly provided the whole time of a Government servant is at the disposal of the Government which pays him, and he may be employed in any manner required by proper authority, without claim for additional remuneration, whether the services required of him are such as would ordinarily be remunerated from general revenues, from local fund or from the revenues of a State that has acceded to Pakistan.

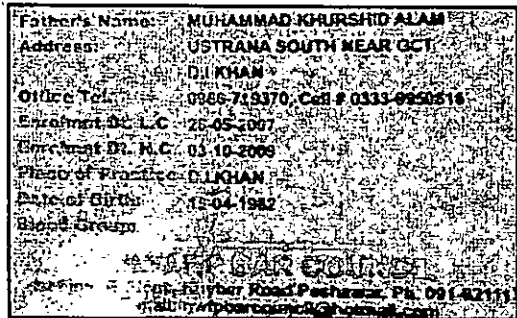
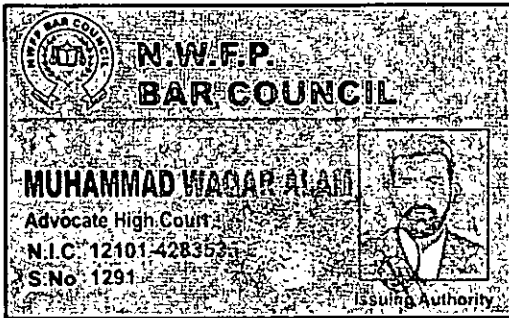
F. R. 12. (a) Two or more Government servants cannot be appointed substantively to the same permanent post at the same time.

(b) A Government servant cannot be appointed substantively except as a temporary measure, to two or more permanent posts at the same time.

(c) A Government servant cannot be appointed substantively to a post on which another Government servant holds a lien.

F. R. 12-A. Unless in any case it be otherwise provided in these rules, a Government servant on substantive appointment to any permanent post acquires a lien on that post and ceases to hold any lien previously acquired on any other post.

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The KPK SERVICE TRIBUNAL Peshawar بعدالت جناب

Appellant

مخانب

M. Hamaytullah Qureshi بنام Govt. of KPK

Service appeal of 4

دعویٰ یا جرم

of the Service Tribunal Act

تفصیل دعویٰ یا جرم

باعث تحریر آئندہ

1974

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے پیروی و جوابدہی برائے پیشی یا تفصیہ مقدمہ بمقام D.I. Khan کیلئے

محمد وقار عالم ایڈووکیٹ ہائی کورٹ

کوسب ذیل شرائط پر وکیل مقرر کی ہے، کہ ہر پیشی پر خود بذریعہ مختیار خاص روبرو عدالت حاضر ہوتا رہوں گا۔ اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کروں گا، اگر پیشی پر مظہر حاضر نہ ہوا، اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا، تو صاحب موصوف اسکے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام کچہری کے علاوہ کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے۔ اور مقدمہ صدر کچہری کے علاوہ اور جگہ ساعت ہونے یا بروز تعطیل یا کچہری کے اوقات کے آگے پیچھے پیش ہونے پر مظہر کو کوئی نقصان پہنچنے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا پیمانہ واپس کرنے کے بھی موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر داخلہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ یا جواب دعویٰ یا درخواست اجراءے ڈگری و نظر ثانی اپیل نگرانی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کرانے اور ہر قسم کا روپیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور اس پر ثالثی یا راضی نامہ و فیصلہ پر حلف کرنے، اقبال دعویٰ کا بھی اختیار ہوگا، اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مذکورہ بیرون از کچہری صدر پیروی مقدمہ مذکورہ نظر ثانی و اپیل و نگرانی و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ یا درخواست حکم امتناعی یا ترقی یا گرفتاری قبل از فیصلہ اجراءے ڈگری بھی صاحب موصوف کو بشرط ادا کیگی علیحدہ جتانہ پیروی کا اختیار ہوگا اور تمام ساختہ پر داخلہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اسکے کسی جزو کی کارروائی یا بصورت درخواست نظر ثانی اپیل یا نگرانی یا دیگر معاملہ مقدمہ مذکورہ کسی دوسرے وکیل یا پیرسٹر کو اپنے بجائے یا اپنے ہمراہ مقرر کریں، اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے، جیسے صاحب موصوف کو حاصل ہیں، اور وہ ان مقدمہ میں جو کچھ ہر جانہ التواء پڑیگا، وہ صاحب موصوف کا حق ہوگا۔ مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ کسی مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

لہذا وکالت نامہ لکھ دیا ہے۔ تاکہ سند رہے

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Appellant