

27th Sept 2022

Appellant in person present. Mr. Muhammad Adeel Butt,
Addl; AG for respondents present.

Written reply on behalf of the respondents No. 1 to 5 not
submitted despite last chance, therefore, their right for
submission of written reply/comments is struck off. To come up
for arguments on 26.10.2022 before D.B at camp court
D.I.Khan.

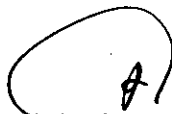


(Kalim Arshad Khan)
Chairman
Camp Court D.I.Khan

26th Oct 2022

Appellant in person present. Mr. Kabir Ullah Khattak,
Additional Advocate General for respondents present.

Lawyers are on strike today. To come up for arguments on
23.11.2022 before D.B at Camp Court, D.I Khan. P.P given to the
parties.




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



(Kalim Arshad Khan)
Chairman
Camp Court, D.I Khan

27.01.2022

Tour is Cancelled, therefore, case is adjourned
to 26.05.2022 for the same as before.


Reader.

26.05.2022

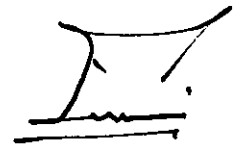
Learned counsel for the appellant present. Mr. Muhammad Shoaib, Warden as representative of respondent No. 6 along with Mr. Farhaj Sikandar, District Attorney present.

Reply on behalf of respondent No. 6 has already been submitted, while reply/comments on behalf of respondents No. 1 to 5 are still awaited despite several opportunities.

Previous date was changed on Reader Note, therefore, notice be issued to respondents No. 1 to 5 through registered post and last chance given for submission of reply/comments. In case the last chance as given is not availed, the next adjournment shall be subject to prior payment of cost of Rs. 5000/- to the appellant, failing which the case shall be fixed before D.B for arguments without reply/comments deeming the same as waived off by the respondents No. 1 to 5. Adjourned. To come up for submission of written reply/comments as well as arguments on 27.07.2022 before the S.B at Camp Court D.I.Khan.



(Rozina Rehman)
Member (J)
Camp Court D.I.Khan



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

27/7/22

Due to Summer vacation to come
up for the same on 27/9/22


Reader

14.12.2021

Counsel for appellant present.

Muhammad Adeel Butt, learned Additional Advocate General for respondents present.

Reply on behalf of respondents No.1 to 5 is still awaited. Notice be issued to the said respondents with direction to furnish reply/comments within 10 days of the receipt of notices in office, positively. To come up for arguments on 27.01.2022 before the D.B at Camp Court, D.I.Khan.



(Rozina Rehman)
Member (J)



Chairman
Camp Court, D.I.Khan

29.07.2021

Counsel for the appellant present. Preliminary arguments heard.

Points raised need consideration. The appeal is admitted for regular hearing, subject to all just and legal objections including objection of limitation. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 26.10.2021 before the D.B.

Appellant Deposited
Security & Process Fee



Chairman


26.10.2021

Appellant present through counsel.

Muhammad Rasheed learned D.D.A alongwith Muhammad Shafique S.C for respondents No.1 to 5 present. Counsel for respondent No.6 present.

Reply on behalf of respondent No.6 has already been submitted in office. Request for adjournment was made on behalf of respondents No.1 to 5; granted with direction to furnish the same within 10 days in office, positively. To come up for arguments on 14.12.2021 before D.B at Camp Court, D.I.Khan.


(Atiq ur Rehman Wazir)
Member(E)
Camp Court, D.I.Khan




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

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	17/05/2021	<p>The appeal of Dr. Zahid Ahmad Hashmi received today by post through Mr. Gul Tiaz Khan Marwat 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> <p>This case is entrusted to S. Bench Peshawar. Notices be issued to the appellant/counsel for preliminary hearing to be put up there on <u>29/07/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE SERVICE TRIBUNAL K.P.K PESHAWAR

Service Appeal No _____ 2021

Dr. Zahid Ahmad Hashmi

..... **Appellant**

VERSUS

Government of KPK through Chief Secretary Civil Secretariat

Peshawar and others.

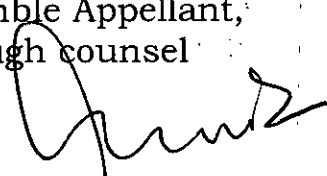
..... **Respondents**

INDEX

S No	Descriptions	Annex	Pages
1	Grounds of Appeal	-	1-9
2	Copy of appointment order dated 22.04.1989	A	10-11
3	Copies of posting order etc. in Sheikh Zaid Hospital	B,C&D	12-14
4	Copy of appointment order dated 06.02.1999	E	15-16
5	Copy of application for retirement dated 25.01.2015	F	17
6	Copy of letter dated 10.02.2015	G	18
7	Copies of letters dated 17.02.2015, 20.04.2015, 13.08.2015, 20.09.2015 and 04.02.2017	H,J,K,L & M	19-23
8	Copies of letters dated 26.06.2015, 10.09.2015 and 01.10.2017	N,O&P	24-26
9	Copies of departmental appeal and letter of Dean dated 23.08.2019	Q&R	27-31
10	Copies of writ petition, order of High Court dated 12.01.2021 and application dated 28/01/2021	S,T&U	32-40
9	Wakalat Nama	-	41

Dated: 08.05.2021

Your Humble Appellant,
Through counsel


Gul Tiaz Khan Marwat
Advocate High Court
Dist: Bala
Dera Ismail Khan (KPK)

I

BEFORE THE SERVICE TRIBUNAL K.P.K PESHAWAR

Service Appeal No 5201 2021

Dr. Zahid Ahmad Hashmi Professor of General Surgery Gomal
Medical College D.I.Khan R/O Cantt: Market Opposite Haq
Nawaz Park Circular Road, D.I.Khan. **Appellant**

03339951199

VERSUS

Khyber Pakhtunkhwa
Service Tribunal

No. 5246

Dated 17/5/2021

1. Government of KPK through Chief Secretary Civil
Secretariat Peshawar.
2. The Secretary Health Department Govt: of KPK Civil
Secretariat Peshawar.
3. The Secretary Finance Department Govt: of KPK Civil
Secretariat Peshawar.
4. The Accountant General Govt: of KPK Peshawar.
5. The District Accounts Officer D.I.Khan.
6. Dean/ Chief Executive Gomal Medical College MTI
D.I.Khan**Respondents**

APPEAL U/S 4 OF KPK SERVICE TRIBUNAL ACT 1974

AGAINST THE ORDER OF WITHHOLDING AND NON-

DISPOSAL OF DEPARTMENTAL APPEAL OF THE

APPELLANT BY RESPONDENT NO. 2 WITHIN THE

STATUTORY PERIOD.

Respectfully Sheweth,

1. That the addresses of the parties given above are sufficient
for the purpose of the service of parties.
2. That the appellant was initially appointed as Medical Officer BPS-
17 in the provincial Govt. of KPK with effect from 25.04.1989 and

Filed to-day

Registrar

17/5/2021

[Handwritten signature]

served upto 14.10.1992. Copy of Appointment order dated 21.04.1989 is enclosed as Annexure "A"

3. That the appellant then applied through proper channel for the post of Senior Registrar BPS-18 in the Federal Graduate Medical Institute , Lahore (Now Sheikh Zayed Graduate Institute Lahore) which was under the Administrative control of Federal Govt. of Pakistan at that time. Copies are enclosed as Annexure - B, C & D.
4. That while working in the Sheikh Zayed Hospital Lahore, the appellant applied through proper channel for the appointment of post of Assistant Professor BPS-18 under the KPK Govt. / Public Service Commission and joined the Provincial Govt. of KPK again w.e.f 06.02.1999 vide letter No. SOHI/SME/8-1/98 dated 06.02.1999 issued by the Health Department Govt. of KPK Peshawar. Copy of order is enclosed as Annexure - E.
5. That as explained above, the appellant remained an employee of the Govt. of KPK from 25.04.1989 to 14.10.1992 and from 15.10.1992 to 05.02.1999 of the Federal Govt. of Pakistan and thus there is no break in service between provincial and Federal Govt. inter-se.
6. That the appellant rendered service spread over 25 years 8 months and 6 days without any break as per detail given below:

Post	From	To	Scale	Station
Medical Officer	25.04.1989	27.05.1992	BPS-17	HSTH Peshawar
Medical Officer	28.05.1992	17.10.1992	BPS-17	AHQ Hosp: Momand Agency
Senior Registrar Plastic Surgery	15.10.1992	05.02.1999	BPS-18	Sheikh Zayed Post Graduate Medical Institute Laohre
Assistant Prof. Anatomy	06.02.1999	18.12.2000	BPS-18	Gomal Medical College D.I.Khan
Assistant Prof.	19.12.2000	30.04.2001	BPS-18	Saidu Medical College, Swat

Qureshi

Assistant Prof./ Professor	01.05.2001	31.12.2014	BPS-19 to BPS-20	Gomal Medical College D.I.Khan
-------------------------------	------------	------------	---------------------	-----------------------------------

7. That the Appellant while serving as Professor of General Surgery in the Gomal Medical College, D.I.Khan and after completion of 25 years of qualifying service for pension, the appellant opted for retirement with effect from 31.12.2014 (A/N) in BPS-20 vide Application dated 25.01.2015 addressed to the Secretary Health Govt. of KPK Peshawar. Copy of application is enclosed as **Annexure-"F"**
8. That after submission of application for retirement, correspondence was made in this respect, the office of Secretary Health Deptt: Govt. of KPK asked the Principal Gomal Medical College, D.I.Khan vide letter dated 10.02.2015 to furnish certificate issued by the Accounts officer in respect of completion of service of 25 years, certificate that no departmental proceeding is pending against appellant; certificate that no Govt. dues such as house rent, Electricity, Gas, Telephone etc are outstanding against the Appellant and finally certificate in respect of any condition of service or any surety bond executed in this behalf by the appellant. Copy of letter is enclosed as **Annexure "G"**
9. That in compliance with the letter referred to above the Principal / Chief Executive Gomal Medical College, D.I.Khan made repeated request vide letter No. 735 dated 17.02.2015, 20.04.2015, 13.08.2015, 29.09.2015 and 04.02.2017 to forward certain information to the Medical College to process the case of retirement of appellant but the Distt: Accounts Officer failed to forward the requisite information i.e. (1)



Certificate of completion of 25 years qualifying service for pension (2) History of service and (3) LPC. Copies of letters are enclosed as **Annexure "H,J,K,L & M"** respectively.

- 10. That the office of the District Accounts Officer D.I.Khan has raised an objection in respect of non-qualifying period for pension of appellant due to non-counting of temporary service of period i.e. 25.04.1989 to 06.02.1999 and the office of District Accounts Officer D.I.Khan is reluctant rather refused to process the case of appellant for grant of pension.
- 11. That on one hand the District Accounts Officer, D.I.Khan has not provided the requisite information which is their legal , statutory obligations while on other hand the Secretary Health of Provincial Government pressing hard for finalization of Pension Case of the Appellant vide letters dated 26.06.2015, 10.09.2015 and 01.10.2017. Copies of letter are enclosed as **Annexure "N,O&P"**
- 12. That inspite of best honest efforts and repeated letters of request of the Principal/ Dean Gomal Medical as well as the Secretary Health Govt. of KPK, the office of District Accounts Officer D.I.Khan have not provided the requisite information and the matter of retirement of Appellant is hanging since February 2015 till today which is not only shocking for the appellant but also amounts to contempt of Court of the August Supreme Court of Pakistan.
- 13. That the conduct and modus operandi adopted by the office of the Distt: Accounts Officer is not understandable as to why the Appellant has been made as a rolling stone who is begging for justice and to get his vested rights of pensionary benefits but

the office of Distt. Accounts Officer is creating hurdle in the matter rather made an attempt to deprive the appellant from his vested rights/Pensionary benefits.

14. That feeling aggrieved from the impugned actions/inactions of the office Distt. Accounts Officer D.I.Khan and Accountant General KPK Peshawar and having no other speedy remedy, the appellant sought the indulgence of this Honourable Peshawar High Court D.I.Khan Bench by filing W.P No. 575-D/2018 and during the pendency of W.P the appellant preferred departmental appeal to the Secretary Health KPK Peshawar on 16.08.2019 which was duly forwarded by the Dean/ Chief Executive Gomal Medical College MTI D.I.Khan vide letter No. 4289-90/PF dated 23.08.2019. Copies of Appeal alongwith letter of Dean are enclosed as **Annexure - Q&R** respectively
15. That the Writ Petition came up for hearing before honourable Division Bench of High Court on 12.01.2021 and the honourable High Court was pleased to treat the writ petition as representation / appeal and was sent to Competent Authority to be decided within a period of 30 days.
16. That the order of the honourable High Court has already been communicated by the Additional Registrar of the High Court to the respondents and the appellant also communicated the order to the respondents vide application dated 28.01.2021 but no action has so far

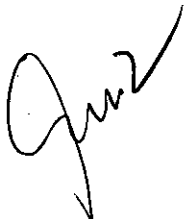
Sum

been taken by the respondents in the matter. Copies of application, order of High Court and writ petition are enclosed as **Annexure - ST&U**

17. That feeling aggrieved from the impugned actions/ inactions of the office Distt: Accounts Officer D.I.Khan and Accountant General KPK Peshawar and having no other speedy remedy, the appellant seeks the indulgence of this Honourable Tribunal under its Appellate Jurisdiction inter alia on the following grounds.

GROUND:-

- A. That the impugned actions/ inactions of Office of Respondents not to process the case of appellant for grant of pension inspite of completion of qualifying service for pension is against law and rules on the subject.
- B. That similarly the impugned actions/ inactions of Office of Respondent No. 2 not to decide the departmental appeal of appellant preferred by the appellant on 16.08.2019 as well as the departmental appeal sent by the honourable High Court vide its order dated 12.01.2021 is also against law and rules as it is requirement of law that the appeal of the civil servant must be decided by the Appellate Authority within reasonable time, with reasons and result of the same must be communicated to the appellant/ Govt. servant but it is very strange that the law on the subject has not been followed by the office of respondent No. 2.



- C. That the impugned action /inaction of the office of Respondents of withholding of non-payment of pensionary benefits to the appellant on the eve of retirement is against the provisions of CSR-906 wherein it is provided that the departmental authority is responsible and liable to ensure that the retired employee should be able to receive his pension on the date on which it becomes due but it is very strange that the rules and law on the subject have been violated by the respondents collectively and individually.
- D. That the impugned actions / inactions of the respondents individually and collectively are against the law of the land as under the provisions of West Pakistan Civil Servants Pension Rules-1963, more than 5 years temporary service followed by regular service shall be countable for purpose of pension and gratuity.
- E. That it is also provided under the provisions of West Pakistan Civil Servants Pension Rules-1963, that a Govt servant become entitled to pension after qualifying service of 10 years but it is very strange that the appellant has been deprived of his vested rights and entitlement of counting temporary service towards pension by the office of District Accounts Officer, D.I.Khan.
- F. That the impugned action /inaction of nonpayment of pensionary benefits to the appellant on the eve of retirement is also against the provisions of fundamental rights guaranteed under Constitution of Islamic Republic of Pakistan as not only the appellant has been deprived of



his vested rights of property and life but his entire family members who are the dependents upon the appellant have been deprived of last piece of morsel.

G. That the impugned action /inaction of the office of Respondents of nonpayment of pensionary benefits/ rights to the appellant on the eve of retirement is also against law as laid down by the Apex Court of the country reported as PLD 2007-SC-35 vide which directions have been issued to all the Heads of departments of the Country that in future no unnecessary hurdle or delay in finalizing the cases of payment of pensionary / retirement benefits should be caused failing which it would amounts criminal negligence and dereliction of the duty assigned to them and further it would amounts to contempt of Court of the August Supreme Court of Pakistan and further directions were also issued to all the authorities to make sure the payment of pensionary benefits to the retired Govt: Servant within a period of two weeks.

H. That by now it is a settled proposition of service law that temporary service rendered by a Govt. servant followed by regular/permanent service is countable towards the service for grant of pension and gratuity and there is no hurdle for counting of temporary service towards pension but in spite of this preposition of law, the respondents have not issued the order of retirement of Appellant who has more than 25 years qualifying service for pension.




- I. That Counsel for the appellant may please be allowed to raise additional ground during the course of arguments.

In view of submission made above, it is, therefore, humbly prayed that on acceptance this appeal, this Honourable Tribunal may very graciously be pleased to pass an order directing the respondents to process the case of appellant for grant of pensionary benefits/rights to the appellant and issue order of grant of pension in favour of appellant as provided under the law and rules of the land on the subject.

Any other relief deems appropriate in the prevailing circumstances may also be granted.

Your Humble Appellant,


Dr. Zahid Ahmad Hashmi
 Through Counsel,

Dated: 08/05/2021


Gul Tiaz Khan Marwat,
Advocate High Court, DIKhan

CERTIFICATE

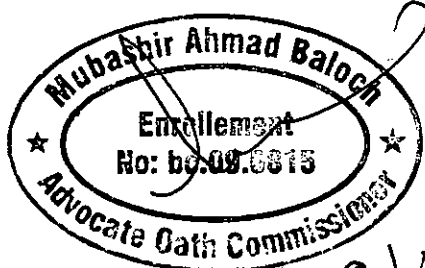
Certified that it is a first appeal by the appellant before this Honourable Tribunal on the subject matter.


Appellant

AFFIDAVIT

I, Dr. Zahid Ahmad Hashmi Professor of General Surgery Gomal Medical College D.I.Khan R/O Cantt: Market. Opposite Haq Nawaz Park Circular Road, D.I.Khan, the Appellant do hereby solemnly affirm on oath that all the contents of the appeal are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Court.


DEPONENT



8/5/21

Better copy

10

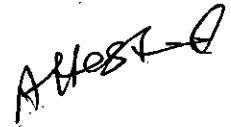
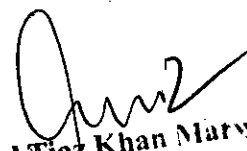
HEALTH DEPARTMENT N.W.F.P, PESHAWAR.

A

OFFICE ORDER

Consequence upon to the recommendations of the N.W.F.P, Public Service Commission, Peshawar and approval ordered by Government in the Health Department vide their Notification No. SO(H) IV/89/70, dated 12th April, 1989, the following postings and transfers of Medical Officers (BPS-17) are hereby ordered in the interest of Public Service with immediate effect subject to their Medical Fitness and verification of antecedence.

<u>S.No</u>	<u>Name</u>	<u>From</u>	<u>To</u>	<u>Remarks</u>
1.	Dr. Shabbir Ahmad S/O Muhammad Yousuf.	1st Apptt:	MO, BHU Pamol Sharif (Mansehra)	Against the vacant Post.
2.	Dr. Nek Dad S/O Aqal Khan	-- do --	MO, BHU Kalo Khel (Khyber Agency)	-- do --
3.	Dr. Ibrar Ali S/O Ghulam Mustafa	-- do --	MO, BHU Beer (Abottabad)	-- do --
4.	Dr. Muhammad Iqbal S/O Azizullah Khan	-- do --	MO, CH, Dager Swat	-- do --
5.	Dr. Zahid Ahmad Hashmi S/O Zamir Ahmad Hashmi	-- do --	MO, PGNI/LRH, Pesh; (FCPS - Part-I)	Against the Leave Reservist Post
6.	Dr. Muhammad Ijaz Khan S/O Muhammad Akram Khan	-- do --	Services placed at the disposal of DDDHS, Peshawar, for posting in BHU: of Mohmand Agency	
7.	Dr. Mushtaq Ahmad S/O Wazir Muhammad	-- do --	MO, BHU: Sherplam (Swat)	Against the vacant post
8.	Dr. Muhammad Shakoor S/O Farid Khan	-- do --	MO, BHU: Kalakot (Dir)	-- do --
9.	Dr. Muhammad Tahir S/O Gul Jabar.	-- do --	MO, BHU: Cherorai (Swat).	-- do --
10.	Dr. Zia-ur-Rashid S/O Soofi Abdur Rashid.	-- do --	MO: Jail Hospital, Haripur	-- do --



Gul Tiaz Khan Marwat
Advocate High Court
Distt: Bar
Dera Ismail Khan (KPK)

Signed.
Dr. Sardar Ali
Director Health Services,
N.W.F.P, Peshawar.

//

Copy forwarded to the:

1. Secretary to Govt; of N.W.F.P Health Deptt: Pesh.
2. Divisional Deputy Director Health Services, Hazara Divn; A. Abad.
3. Divisional Deputy Director Health Services, Peshawar Divn: Peshawar.
4. Divisional Deputy Director Health Services, Malakand Divn: S. Sharief.
5. Dean, PGMI, Peshawar.
6. Inspector General Prisons N.W.F.P, Peshawar.
7. District Health Officer, Mansehra.
8. Agency Surgeon, Khyber Landi Kotal.
9. Director Health Officer, Abbottabad.
10. District Health Officer, Swat.
11. District Health Officer, Dir at Timergarah.
12. Supdt; General Jail Hospital, Haripur
13. District Accounts Officer, Mansehra.
14. Agency Accounts Officer, Khyber at Peshawar.
15. District Accounts Officer, Abbottabad.
16. District Accounts Officer, Swat.
17. Accountant General, N.W.F.P, Peshawar.
18. District Accounts Officer, Dir at Timargarah.
19. Dr. Shabbir Ahmad S/O Muhammad Yousaf, Mohallah Seri Naral, PO garhi Habibullah, Tehsil Mansehra.
20. Dr. Nek Dad S/O Aqal Khan Village and PO Jamrud, Khyber Agency
21. Dr. Ibrar ali S/O Ghulam Mustafa House No. 634, Nia Mohallah Nawanshehr, Abbottabad.
22. Dr. Muhammad Iqbal S/O Azizullah Khan, Village & PO Bajkata, Sub-Division Buner, District Swat.
23. Dr. Zahid Ahmad Hashmi S/O Zamir Ahmad Hashmi, 526, Shibli Street, Peshawar Cantt.
24. Dr. Muhammad Ijaz Khan S/O Muhammad Akrak Khan, Barokhel, Helimzai, Gundchab, Mohmand Agency
25. Dr. Mushtaq Ahmad S/O Wazir Muhammad, Village & PO Hathian, District Mardan C/O Gul Medicose.
26. Dr. Muhammad Shakoor S/O Farid Khan, Village and PO Ghalogay, Tehsil Barikot, District Swat.
27. Dr. Muhammad Tahir S/O Gul Jabar, Village and PO Jewar, Tehsil Dager Bunair, District Swat.
28. Dr. Zaiur Rashid S/O Soofi Abdur Rashid, Mohallah Garhi, Village Sikandarpur, Tehsil & PO Haripur, Hazara.

for information and necessary action.

signed
Director Health Services,
N.W.F. Province, Peshawar.
(Dr. Sardar Ali)

Attested

Muti-ur-Rehman.
21.4.89

Amir
Gul Tiaz Khan Marwat
Advocate High Court
Distt: Ba
Dera Ismail Khan (D.I.K.)



FEDERAL POSTGRADUATE MEDICAL INSTITUTE
(SHAIKH ZAYED POSTGRADUATE MEDICAL INSTITUTE)
LAHORE-54600

B 12



No.F.40-3/90(Admin) 392 /2005

Dated: 16 July, 2005

TO WHOM IT MAY CONCERN

In continuation of this Institute Experience Letter No. 40-3/90 (Admin)234/2001 dated 24th May, 2001.

This is to certify that Dr. Zahid Ahmed Hashmi has been working in Federal Postgraduate Medical Institute, Lahore as Senior Registrar. Details of his departments are as under:-

- | | |
|----------------------------------|--------------------------|
| a. General Surgery | 15-10-1992 to 31-07-1995 |
| b. Ex-Pakistan leave without pay | 01-08-1995 to 10-04-1996 |
| c. General Surgery | 11-04-1996 to 31-10-1996 |
| d. Ex-Pakistan Leave without pay | 01-11-1996 to 05-02-1999 |

A. Hameed Khan
(PROF. ABDUL HAMEED KHAN)
DEPUTY DEAN

Gul Tiaz Khan
Gul Tiaz Khan Marri,
Advocate High Court,
Distt: Ba.
Dera Ismail Khan (S.W.P.)

GOVERNMENT OF PAKISTAN
CABINET SECRETARIAT
CABINET DIVISION

C 13

No.4-3/2012-Min.1

Islamabad, the 14th February, 2012

OFFICE MEMORANDUM

SUBJECT: TRANSFER OF SHAIKH ZAYED POSTGRADUATE MEDICAL INSTITUTE, LAHORE TO GOVERNMENT OF THE PUNJAB.

The undersigned is directed to state that the Prime Minister has been pleased to order transfer of administrative control of Shaikh Zayed Postgraduate Medical Institute, Lahore, along with its components, assets, liabilities and staff etc., from Government of Pakistan (Cabinet Division) to Government of the Punjab with immediate effect.

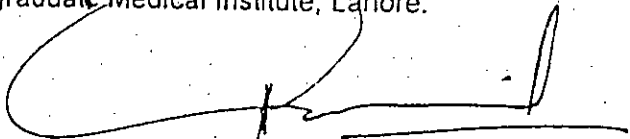


(Omar Hamid Khan)
Joint Secretary to the Cabinet

The Chief Secretary,
Government of the Punjab,
Lahore

Copy forwarded to the:-

- 1) Secretary General to the President.
- 2) Principal Secretary to the Prime Minister.
- 3) Chief Secretaries of the Provincial Governments.
- 4) Secretaries Senate/National Assembly Secretariats.
- 5) Secretaries/Additional Secretaries Incharge of Ministries/Divisions, Islamabad.
- 6) Chairman, Shaikh Zayed Postgraduate Medical Institute, Lahore.



(Omar Hamid Khan)
Joint Secretary to the Cabinet
Tel: 9202918

attested

Zaid Hussain
5/5/12
Assad Hussain Malik
Section Officer
Cabinet Division
Government of Pakistan
Islamabad

Attest

Gul Tiaz Khan
Gul Tiaz Khan Marwat
Advocate High Court
Distt: Ba.
Dera Ismail Khan (P.K.)

**ASSOCIATE PROFESSOR
SURGERY
GMC D.I.KHAN**



14

FEDERAL POSTGRADUATE MEDICAL INSTITUTE
(SHAIKH ZAYED POSTGRADUATE MEDICAL INSTITUTE)
LAHORE-54600

No. FPGMI/01/ 187 /2012

Dated:- 18 April, 2012

D

TO WHOM IT MAY CONCERN

This is to certify that Dr. Zahid Ahmed Hashmi had been working in Federal Postgraduate Medical Institute, Lahore. Details of his appointment were as under:-

1.	Senior Registrar General Surgery	15.10.1992 to 31.08.1993
2.	Senior Registrar Plastic Surgery	01.09.1993 to 31.07.1995
3.	Ex-Pakistan Leave (EOL)	01.08.1995 to 10.04.1996
4.	Senior Registrar Plastic Surgery	11.04.1996 to 31.10.1996
5.	Ex-Pakistan Leave (EOL)	01.11.1996 to 05.02.1999

At that time the Institute had been functioning under the administrative control of Ministry of Health/ Cabinet Division, Government of Pakistan, Islamabad.

Attested

(PROF. WAQAR HUSSAIN)
Deputy Dean

Gul Tiaz Khan Marwat
Gul Tiaz Khan Marwat
Advocate High Court
Distt: Ba.
Dera Ismail Khan (KPK)

Better copy

GOVT OF N.W.F.P
HEALTH DEPARTMENT

Dated Peshawar, the 6th 1999

NOTIFICATION:

NO.SOHI/SMG/GMC/8-1/98. The Competent Authority in relaxation of rules and in the interest of public is pleased to appoint the following on contract basis for a period of one year or till the availability of recommendees of the N.W.F.P Public Service Commission or otherwise whichever is earlier as mentioned against each:

SI No.	Name	Post for which appointed
1	Dr. Muhammad Mirajullah	Professor of Anatomy (BPS-20) at Saidu Medical College, Swat
2	Dr. Muhammad Rahim Bangash, Anatomy Deptt: KMC, peshawar (MBBS, FCPS Surgery)	Associate Professor of Anatomy at Saidu Medical College, Swat
3	Dr. Zahid Ahmad Hashmi (MBBS, FCPS surgery) S/O Zameer Ahmad Hashmi, Hashmi House, Arbab Avenue, Tehkal Payan, Peshawar	Assistant Professor of Anatomy at Gomal Medical College, D.I.Khan
4	Dr. Muhammad Yousaf, Physiology Deptt: AMC Abbottabad (MBBS, M.Phil Physiology)	Professor of Physiology at Saidu Medical College, Swat
5	Dr. Farmanullah, Physiology Deptt: KMC, Peshawar (MBBS, Ph.D China)	Associate Professor of Physiology at Gomal Medical College, D.I.Khan
6	Dr. Alamsher, Chairman Deptt: of Basic Medical Sciences, Faculty of Pharmacy, Gomal University, D.I.Khan University, D.I.Khan	Professor of Biochemistry at Gomal Medical College, D.I.Khan
7	Dr. Muhammad Shafiq S/O Muhammad Ismail, Biochemistry Deptt: KMC Peshawar (Ph.D Biochemistry)	Assistant Professor of Biochemistry at Saidu Medical College, Swat
8	Dr. Shaukat Ali (MBBS, M.Phil awaited) S/O Hanifullah, Iqbal Town, D.I.Khan	Lecturer in Physiology at Gomal Medical College, D.I.Khan
9	Dr. Sherin Muhammad (M.Phil, MSC, Ph.D) S/O Amir Muhammad 6th Amjid Colony Dalazak Road, peshawar City	Lecturer in Biochemistry at Saidu Medical College, Swat

Attested
Gul Tiaz Khan Marwat
Advocate High Court
Distt: Ba.
Dera Ismail Khan (KPK)

2. The inservice employees are allowed to retain their seniority and lien in their parent cadres. 16

3. The relaxation of the rules has been granted by the Competent Authority as a special case in the public interest and the same shall not be quoted as precedent in future.

SECRETARY HEALTH N.W.F.P

Endst: No. NO.SOHI/SMG/GMC/8-1/98 dated Peshawar, the 6th Feb: 1999.

Copy forwarded for information and n/action to:

- 1) The Principal, Saidu Medical College, Swat.
- 2) The Principal, Gomal Medical College, D.I.Khan
- 3) The Principal, Khyber Medical College, Peshawar.
- 4) The Principal, Ayub Medical College, Abottabad
- 5) The Dean, Postgraduate Medical Institute/HMC, Peshawar
- 6) The Accountant General, N.W.F.P, Peshawar
- 7) The Director Ifo, N.W.F.P, Peshawar
- 8) The District Accounts Officer, Swat
- 9) The District Accounts Officer, D.I.Khan
- 10) PRO to Secretary Health
- 11) PS to Secretary Health
- 12) The doctors concerned.

Sd/- _____

(ABDUL WAHAB)
SECTION OFFICER HEALTH - I

Attended

Gul Tiaz Khan Marwat
Gul Tiaz Khan Marwat
Advocate High Court
Distt: Bal
Dera Ismail Khan (K.P.K)

To:
The Secretary Health,
Government of N.W.F.P.,
Peshawar.

F
17

Dated; 15th Jan 2015.

Subject: Retirement from the post of Professor of General Surgery
(BPS 20) G.M.C Dera Ismail Khan.

Dear Sir,

With due respect I would like to say that I have completed 25 years of qualifying service towards pension on 25th April 2014.

Now due to domestic circumstances, I am unable to continue my services.

It is therefore requested that I may kindly be retired from my services w.e.f.

31st December 2014. (Afternoon) as per retiring pension rule 9-5 (i).

Thank you.

Yours Sincerely,

DR ZAHID AHMAD HASHMI,
Professor of Surgery,
Head of Department,
Gomal Medical College,
Dera-Ismaail Khan.

Copy to:

✓ Principal Gomal Medical College Dera-Ismaail Khan.

Section officer Health Secretariat Department.

Accd.

115
22.01.15

Attested

*governor's office
Peshawar
22/1/15*

*Attested
Gurb
Adm*

Attested
Gul Tiya Khan Marwat
Advocate High Court
Distt: Balochistan
Dera Ismaail Khan (N.W.F.K)

105

Better copy

To

The Secretary Health,
Government of N.W.F.P.,
Peshawar

F

17

Dated: 15th Jan 2015

Subject: **Retirement from the post of Professor of General Surgery
(BPS-20) G.M.C Dera Ismail Khan**

Dear Sir,

With due respect I would like to say that I have completed 25 years of qualifying service towards pension on 25th April 2014.

Now due to domestic circumstances, I am unable to continue my services.

It is therefore requested that I may kindly be retired from my services w.e.f 31st December 2014 (Afternoon) as per retiring pension rule 9-5 (i).

Thank you

Yours Sincerely,

sd/ _____

DR ZAHID AHMAD HASHMI,
Professor of Surgery,
Head of Department,
Gomal Medical College,
Dera Ismail Khan.

Attested
[Signature]
Gul Tiaz Khan Marwat
Advocate High Court
Distt: Bar
Dera Ismail Khan (KPK)

Copy to:

Principal Gomal Medical College Dera Ismail Khan.
Section officer Health Secretariat Department



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

18

Dispatched
Khyber Pakhtunkhwa
Health Department

No.SOH-I/HD/1-398/03

Dated Pesh: the 10th Feb 2015

To

The Principal,
Gomal Medical College,
D.I.Khan

SUBJECT:- RETIREMENT FROM THE POST OF PROFESSOR OF GENERAL SURGERY
BPS-20GMC, DIKHAN

I am directed to refer to Dr. Zahid Ahmad Hashmi, Professor of Surgery application dated 15th Jan 2015 addressed to Secretary Health and copy thereof endorsed to you on the above subject and to stated that the following information may be furnished to this department for processing retirement case of the doctor concerned:-

1. Certificate issued by the Accounts Officer that the doctor concerned has completed 25 years qualifying service for pension.
2. That no departmental proceedings are pending against him.
3. That no Government dues such as House Rent, Electricity, Gas, Telephone etc are outstanding against him.
4. That the officer concerned is not required to serve the Government for a specific period under the terms and conditions of his service or any surety bond executed in this behalf.

Attested
Jurid
Sam

(Muhammad Jamil)
Section Officer-I

Attested

Gul Tiaz Khan Marwat
Advocate High Court
Distt: Bar
Dera Ismail Khan (D.I.K)

*Put up with
previous papers
& discuss.*

Senior Clerk AE

17/2/15

18/2/15

OFFICE OF THE PRINCIPAL/CHIEF EXECUTIVE/ GOMAL MEDICAL COLLEGE/ DHQ/MIAMI TEACHING HOSPITAL DERA ISMAIL KHAN

Exchange # 0966-9280338-39
Fax:# 0966-9280340

Office # 0966-9280341
Email: gmc.principal@yahoo.com

No. GMC/Account/ 775
To

Dated. 17 10 2015

The District Accounts Officer
Dera Ismail Khan

19

SUBJECT: HISTORY OF SERVICE
Memo:

Dr. Zahid Ahmad Hashmi Professor of Surgery of this college will stand retired from Service on his own request.

It is therefore requested that History of Service / LPC in respect of above named of Doctor may kindly be sent to this office for preparation of pension papers etc.

PRINCIPAL/CHIEF EXECUTIVE

No. GMC/Account/ 776

Dated. 17 10 2015

Copy forwarded to the:-

- Secretary to Government of KPK Health Department Peshawar for information please.

Attested

Gul Tiaz Khan Marwat
Gul Tiaz Khan Marwat
Advocate High Court
Distt: Bar
Dera Ismail Khan (KPK)

PRINCIPAL/CHIEF EXECUTIVE

Attested
Gul Tiaz Khan
Adv.

OFFICE OF THE PRINCIPAL GOMAL MEDICAL COLLEGE D.T. KHAN

Exchange # 0966-9280338-39
Fax: # 0966-9280340

Office # 0966-9280341
Email: gmc.principal@yahoo.com

J

No. GMC/Account/ 1578
To

Dated. 20/04/2015

20

The District Accounts Officer
Dera Ismail Khan

SUBJECT: HISTORY OF SERVICE / LPC.
Memo:

With reference to this office letter No. GMC/Account/735 dated 17/02/2015 photo copy enclosed for ready reference. The action taken in the matter is still awaited at your end which may kindly be expedited as early as possible.

Encls
as above

Attested

[Signature]
Gul Fiaz Khan Marwat
Advocate High Court
Distt: Ba.
Dera Ismail Khan (KPK)

[Signature]
PRINCIPAL
GOMAL MEDICAL COLLEGE
DERA ISMAIL KHAN

Attested
[Signature]
D. Ismail Khan

OFFICE OF THE PRINCIPAL GOMAL MEDICAL COLLEGE D.I. KHAN

Exchange # 0966-9280338-39
Fax: # 0966-9280340

Office # 0966-9280341
Email: gmc.principal@yahoo.com



K

No. GMC/Account/ 2774
To

Dated. 13 / 1 / 2015

The District Accounts Officer
Dera Ismail Khan.

21

SUBJECT: RETIREMENT FROM THE POST OF PROFESSOR OF GENERAL SURGERY
BPS-20 GOMAL MEDICAL COLLEGE DIKHAN.

Memo:

With reference to this office letter No. GMC/Accounts/735 dated 17/02/2015 and No. GMC/Accounts/1578 dated 20/04/2015 in this connection Dr. Zahid Ahmad Hashmi Professor B-20 has retired from service. The following supporting documents relates to your office annex with application for onward submission to higher ups.

1. A certificate that the doctor concerned has completed 25 years qualifying service for pension.
2. History of service.
3. LPC

It is requested to furnished the relevant certificate as early as possible as demanded by the Secretary Health KPK Peshawar vide letter No. SOH-1/HD/1-398/05 dated 26/06/2015. (Photo copy enclosed for ready reference).

PRINCIPAL
GOMAL MEDICAL COLLEGE
DERA ISMAIL KHAN

No. GMC/Account/ 2775-77

Dated. 13 / 1 / 2015

Copy forwarded to the:-

1. Secretary Health KPK Peshawar for information with reference noted above.
2. Dr. Zahid Ahmad Hashmi, Hashmi Clinic Opposite Haq Nawaz Shaheed Park DIKhan for information.
3. Administrative Officer GMC DIKhan for information.

Attested

Attested
Gul Tiaz Khan

Gul Tiaz Khan Marwat
Advocate High Court
Distt: Balochistan
Dera Ismail Khan (KPK)

PRINCIPAL
GOMAL MEDICAL COLLEGE
DERA ISMAIL KHAN

OFFICE OF THE PRINCIPAL GOMAL MEDICAL COLLEGE D.I. KHAN

Exchange # 0966-9280338-39
Fax: # 0966-9280340

Office # 0966-9280341
Email: gmc.principal@yahoo.com

22

2

No. GMC/Account/ 3268

Dated. 28/10/2015

To: The District Accounts Officer
Dera Ismail Khan.

SUBJECT:

RETIREMENT FROM THE POST OF PROFESSOR OF GENERAL SURGERY BPS-20 GOMAL MEDICAL COLLEGE DI KHAN.

As desired by Secretary to Government of KPK Health Department Peshawar vide letter No. SOH-I/HD/1-398 dated 10/09/2015 (Photocopy enclosed) with enclosure at S.No. 1, a certificate that the doctor concerned has completed 25 years qualifying service for pension. It is requested to furnished a relevant certificate as early as possible for proceed further in the matter.

Encl: As Above.

[Signature]
PRINCIPAL
GOMAL MEDICAL COLLEGE
DERA ISMAIL KHAN

Dated. 28/10/2015

No. GMC/Account/ 3269-70

Copy forwarded to the:-

1. The Secretary to Govt. of KPK Health Department Peshawar for information with reference to above.
2. Dr. Zahid Ahmad Hashmi Professor GMC DI Khan for information.

Attested

[Signature]
Gul Tiaz Khan Marwat
Advocate High Court
Distt: Bar
Dera Ismail Khan (KPK)

Attested
[Signature]

[Signature]
PRINCIPAL
GOMAL MEDICAL COLLEGE
DERA ISMAIL KHAN

SE
VE
DE
KE
HE
PE
SE
DE
KE
HE
PE
SE
VE
DE
KE
HE
PE
SE
VE
DE
KE
HE
PE

OFFICE OF THE DEAN/PRINCIPAL MEDICAL TEACHING INSTITUTE
GOMAL MEDICAL COLLEGE DERA ISMAIL KHAN

Exchange # 0966-9280338-39
Fax: # 0966-9280340

Office # 0966-9280341
Email: gmc.principal@yahoo.com



M

23

No. Account/ 4760
To

Dated. 04/12/2017

The District Accounts Officer
Dera Ismail Khan

SUBJECT: RETIREMENT OF DR. ZAHID AHMAD HASHMI PROFESSOR OF SURGERY BPS-20

Memo:

Kindly refer to the Govt. of KPK Health Department Peshawar letter No. SOH-I/HD/1-398/03 dated 10/02/2015 and their reminder No. SOH-I/HD/398-2003 dated 01/10/2017 (photo copies enclosed) as per above quoted letter. The certificate showing completion of 25 years qualifying service for pension relating to the subject cited above from your office.

It is therefore requested that the said certificate for completion of 25 years qualifying may kindly be furnished for onward submission to Secretary Health Department as per their demanded.

DA
as above

Attested

Gul Hiaz Khan Marwat
Advocate High Court
Distt: Bar
Dera Ismail Khan (KPK)

DEAN/PRINCIPAL
GOMAL MEDICAL COLLEGE (MTI)
DERA ISMAIL KHAN

Attested

Gul Hiaz Khan Marwat



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

No.SOH-I/HD/1-398/05

Dated Pesh: the 26th June 2015

N
24

To

M. 1-7-15
The Principal,
Gomal Medical College,
D.I.Khan.

SUBJECT:- RETIREMENT FROM THE POST OF PROFESSOR OF GENERAL SURGERY
BPS-20 GMC, DIKHAN

I am directed to refer to this department letter of even No dated 10/2/2015 (copy attached) on the subject noted above and to state that the requisite documents/information (S.No.1 to 4) are still awaited which may kindly be expedited at the earliest.

Encl: As above

(Misbah Riaz)
Section Officer-I

Attested

Gul Tiaz Khan Marwat
Advocate High Court
Distt: Ba.
Dera Ismail Khan (KPK)

Attested

Gul Tiaz Khan Marwat

P.
E
L
2
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

No.SOH-I/HD/1-398/2003

Dated Pesh: the 10th Sept; 2015



To

The Principal,
Gomal Medical College,
D.I.Khan.

0
25

SUBJECT:- RETIREMENT FROM THE POST OF PROFESSOR OF GENERAL SURGERYBPS-20 GMC, DIKHAN

I am directed to refer to this Department letter of even No dated 10/2/2015 followed by reminder dated 26/6/2015 (copy enclosed) on the above subject and to state that the requisite information is still awaited which may kindly be furnished to this department without further delay.

Encl: As above

(Shabbir Ahmad)
Section Officer-I

Attested

Gul Tiaz Khan Marwat
Advocate High Court
Distt: Bar
Dera Ismail Khan (KPK)

*Report
filed
17/9/15*

*Mr. Daryajudhams etc
Collect the Certificate from
DHO Dikh. for onward submission
main duty.
17/9/15*

*102
17-09-15*

*Attested
Gul
son*



"IMMEDIATE" "REMINDER"
GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

No. SOH-I/HD/1-398/2003
Dated Pesh: the 1st October, 2017

P

To
The Principal/Dean,
Gomal Medical College,
D I Khan.

Subject:- **RETIREMENT FROM THE POST OF PROFESSOR OF GENERAL SURGERY (BPS-20) GMC, D I KHAN**

I am directed to refer to this department letter of even number dated 10/02/2015 on the subject noted above and to state that the requisite information/Certificates are still awaited inspite of lapse of considerable time of more than 02 years. Kindly furnish the same without further delay.

[Signature]
Section Officer - I

Attested
[Signature]
Gul Tiaz Khan Marwat
Advocate High Court
Distt: Bar
Dera Ismail Khan (KPK)

Attested
[Signature]
Gul
Soh

5. That the conduct and
understandable as to why my client has been made as a rolling



**OFFICE OF THE DEAN/CHIEF EXECUTIVE MTI
GOMAL MEDICAL COLLEGE DERA ISMAIL KHAN**

Office # 0966-747373

Email: gmcidk.principal@gmail.com

No. 4289-90/PF

Dated. 23/08/2019.

Q

To

The Secretary
Government of Khyber Pakhtunkhwa
Health Department Peshawar.

27

**Subject: REQUEST FOR COUNTING TEMPORARY SERVICE TOWARDS
PENSION AND GRATUITY.**

Memo:

I have the honour to enclose herewith an application which is self explanatory submitted by Dr. Zahid Ahmad Hashmi Ex-Professor of Surgery (BPS-20) at Gomal Medical College, D.I.Khan for further necessary action.

Dean/Chief Executive
Gomal Medical College MTI
Dera Ismail Khan.

Cc:

- Professor Dr. Zahid Ahmed Hashmi for information

[Signature]

Dean/Chief Executive
Gomal Medical College MTI
Dera Ismail Khan.

R  28

BEFORE THE SECRETARY HEALTH
GOVERNMENT OF KPK PESHAWAR

Through:- Proper Channel

REQUEST FOR COUNTING TEMPORARY SERVICE
TOWARDS PENSION AND GRATUITY.

The petitioner submits the following few lines for your sympathetic consideration please:-

- (1) That the petitioner was initially appointed as Medical Officer BPS-17 in the provincial Govt. of KPK with effect from 25.04.1989 and served upto 14.10.1992. Copy of Appointment order dated 21.04.1989 is enclosed as Annexure "A"
- (2) That the petitioner then applied through proper channel for the post of Senior Registrar BPS-18 in the Federal Graduate Medical Institute , Lahore (Now Sheikh Zayed Graduate Institute Lahore) which was under the Administrative control of Federal Govt. of Pakistan at that time. Copies are enclosed as Annexure - B, C & D.
- (3) That while working in the Sheikh Zayed Hospital Lahore, the petitioner applied through proper channel for the appointment of post of Assistant Professor BPS-18 under the KPK Govt. / Public Service Commission and joined the Provincial Govt. of KPK again w.e.f 06.02.1999 vide letter No. SOHI/SME/8-1/98 dated 06.02.1999 issued by the Health Department Govt. of KPK Peshawar. Copy of order is enclosed as Annexure - E.
- (4) That as explained above, the petitioner remained an employee of the Govt. of KPK from 25.04.1989 to 14.10.1992 and from 15.10.1992 to 05.02.1999 of the

Attested

Gul Tiaz Khan
Gul Tiaz Khan Marsazi
Advocate High Court
Distt: Bala
Dera Ismail Khan (K.P.K.)

[Handwritten Signature]

29

Federal Govt. of Pakistan and thus there is no break in service between provincial and Federal Govt. inter-se.

- (5) That the petitioner rendered service spread over 25 years 8 months and 6 days without any break as per detail given below:

Post	From	To	Scale	Station
Medical Officer	25.04.1989	27.05.1992	BPS-17	HSTH Peshawar
Medical Officer	28.05.1992	17.10.1992	BPS-17	AHQ Hosp: Momand Agency
Senior Registrar Plastic Surgery	15.10.1992	05.02.1999	BPS-18	Sheikh Zayed Post Graduate Medical Institute Laohre
Assistant Prof. Anatomy	06.02.1999	18.12.2000	BPS-18	Gomal Medical College D.I.Khan
Assistant Prof.	19.12.2000	30.04.2001	BPS-18	Saidu Medical College, Swat
Assistant Prof./ Professor	01.05.2001	31.12.2014	BPS-19 to BPS- 20	Gomal Medical College D.I.Khan

- (6) That while holding the post of Professor in BPS-20 of General Surgery in the Gomal Medical College, D.I.Khan and completed 25 years of qualifying service for pension, the petitioner opted for retirement with effect from 31.12.2014 (A/N) in BPS-20 vide Application dated 25.01.2015 addressed to the Secretary Health Govt. of KPK Peshawar. Copy of application is enclosed as Annexure-F.

- (7) That now the office of the District Accounts Officer D.I.Khan has raised an objection in respect of non-qualifying period for pension of petitioner due to non-counting of temporary service of period i.e. 25.04.1989 to 06.02.1999 and the office of District Accounts Officer D.I.Khan is reluctant rather refused to process the case of petitioner for grant of pension.

- (8) That the impugned actions / inactions of the office of Accounts Officer D.I.Khan are against the law of the land as under the provisions of West Pakistan Civil Servants Pension Rules-1963, more than 5 years temporary

Handwritten signature
Gul Tiaz Khan Marwat
Advocate High Court
Distt: Ba.
Dera Ismail Khan (KPK)

service followed by regular service shall be countable for purpose of pension and gratuity.

30

(9) That it is also provided under the provisions of West Pakistan Civil Servants Pension Rules-1963, that a Govt servant become entitled to pension after qualifying service of 10 years but it is very strange that the petitioner has been deprived of his vested rights and entitlement of counting temporary service towards pension by the office of District Accounts Officer, D.I.Khan.

(10) That feeling aggrieved from the impugned actions/non-actions of non-counting of Temporary Service of petitioner towards pension by the office of District Accounts Officer D.I.Khan, the petitioner seeks the indulgence of the Competent Authority for giving the benefit of previous temporary service to be counted towards pension.

In view of the above submission, it is therefore, humbly prayed that on acceptance this Petition, the period of temporary service with effect from 25.04.1989 to 06.02.1999 may please be counted towards pension and sanction for grant of pension may please be accorded in favour of petitioner as provided under the law.

The petitioner may please be provided an opportunity of personal hearing also.

Dated: 16/08/2019

Attended

Gul Tiaz Khan Marwat
Advocate High Court
Distt: Bar
Dera Ismail Khan (S.P.K)

Your Humble Petitioner

Zahid Ahmad Hashmi
Dr. Zahid Ahmad Hashmi
Professor
Gomal Medical College,
D.I.Khan

31

SERVICE HISTORY IN RESPECT OF DR. ZAHID AHMED HASHMI S/O
ZAMEER AHMED HASHMI PROFESSOR GOMAL MEDICAL COLLAGE
DERA ISMAIL KHAN.

NAME:- DR. ZAHID AHMED HASHMI
FATHER'S NAME ZAMEER AHMED HASHMI
DATE OF BIRTH
DATE OF ENTRY INTO GOVT: SERVICE 25/04/1989
DOMICILE DIKHAN
NATIONALITY PAKISTANI
RELIGIOUS ISLAM
MOTHER TOUNGE URDU

Post	From	To	Time of Scale	Station
As Medical Officer	25-04-1989	27-05-1992	BPS-17	HSTH Peshawar
As Medical Officer	28-05-1992	14-10-1992	BPS-17	AHQ:Hospital Mehmand Agency
As Senior Registrar Plastic Surgery	15-10-1992	05-02-1999	BPS-18	Sheikh Zayed Postgraduate Medical Institute Lahore
Assistant Professor Anatomy	06-02-1999	18-12-2000	BPS-18	Gomal Medical Collage DIKhan
Assistant Professor	19-12-2000	30-04-2000	BPS-18	Saidu Medical Collage Swat.
Assistant Professor /Professor	01-05-2000	31-12-2014	BPS-19 To BPS-20	Gomal Medical Collage DIKhan

Attested

Gul Taz Khan Marwat
Gul Taz Khan Marwat
Advocate High Court
Distt: Bar
Dera Ismail Khan (D.I.K)

L. Khan
DISTRICT ACCOUNTS OFFICER
DERA ISMAIL KHAN.

25-8-2

I

32

BEFORE THE PESHAWAR HIGH COURT DIKHAN BENCH

S

W.P No _____ 2018

Dr. Zahid Ahmad Hashmi Ex-Professor of General Surgery
Gomal Medical College D.I.Khan R/O Cantt: Market Opposite
Haq Nawaz Park Circular Road, D.I.Khan. **Petitioner**



VERSUS

1. Government of KPK through Chief Secretary Civil Secretariat Peshawar.
2. The Secretary of Finance Department Govt: of KPK Civil Secretariat Peshawar.
3. The Accountant General Govt: of KPK Peshawar.
4. The District Accounts Officer D.I.Khan. **Respondents**

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973 CONTAINING THE REQUEST FOR ISSUANCE OF WRIT TO DECLARE THE ACTION OF STOPPAGE AND WITH HOLDING OF PENSIONARY BENEFITS AND OTHER FINANCIAL BENEFITS TO THE PETITIONER TO BE ARBITRARY, MALAFIDE, VOID AB-INITIO, WITHOUT LAWFUL AUTHORITY, WITHOUT JURISDICTION AND OF NO LEGAL EFFECTS QUA THE RIGHTS OF PETITIONER.

Respectfully Sheweth,

1. That the addresses of the parties given above are sufficient for the purpose of the service of parties.
2. That the Petitioner was serving as Professor of General Surgery in the Gomal Medical College, D.I.Khan and after completion of 25 years of qualifying service for pension, the petitioner opted for retirement with effect from 31.12.2014 (A/N) in BPS-20 vide Application dated 25.01.2015 addressed to the Secretary

guz

ATTESTEL

EXAMINOR

Peshawar High Court Bench,
D.I. Khan

28/1/2021

Health Govt. of KPK Peshawar. Copy of application is enclosed as Annexure-"A"

33

3. That after submission of application for retirement, correspondence was made in this respect, the office of Secretary Health Deptt: Govt. of KPK asked the Principal Gomal Medical College, D.I.Khan vide letter dated 10.02.2015 to furnish certificate issued by the Accounts officer in respect of completion of service of 25 years, certificate that no departmental proceeding is pending against petitioner, certificate that no Govt. dues such as house rent, Electricity, Gas, Telephone etc are outstanding against the Petitioner and finally certificate in respect of any condition of service or any surety bond executed in this behalf by the petitioner. Copy of letter is enclosed as Annexure "B"
4. That in compliance with the letter referred to above the Principal / Chief Executive Gomal Medical College, D.I.Khan made repeated request vide letter No. 735 dated 17.02.2015, 20.04.2015, 13.08.2015, 29.09.2015 and 04.02.2017 to forward certain information to the Medical College to process the case of retirement of petitioner but the Distt: Accounts Officer failed to forward the requisite information i.e. (1) Certificate of completion of 25 years qualifying service for pension (2) History of service and (3) LPC. Copies of letters are enclosed as Annexure "C,D,E,F & G" respectively.
5. That on one hand the District Accounts Officer, D.I.Khan has not provided the requisite information which is their legal , statutory obligations while on other hand the Secretary Health of Provincial Government pressing hard for finalization of

June

ATTESTED
EXAMINOR
Peshawar High Court Bench,
D.I.Khan
28/01/21

Pension Case of the Petitioner vide letters dated 26.06.2015, 10.09.2015 and 01.10.2017. Copies of letter are enclosed as Annexure "H,J&K"

34

- 6. That inspite of best honest efforts and repeated letters of request of the Principal/ Dean Gomal Medical as well as the Secretary Health Govt. of KPK, the office of District Accounts Officer D.I.Khan have not provided the requisite information and the matter of retirement of Petitioner is hanging since February 2015 till today which is not only shocking for the petitioner but also amounts to contempt of Court of the August Supreme Court of Pakistan.
- 7. That the Petitioner tried his best and made repeated visits of the office of Distt: Accounts Officer D.I.Khan in order to seek indulgence of the office of Distt: Accounts officer in the matter but fruitless.
- 8. That the conduct and modus operandi adopted by the office of the Distt: Accounts Officer is not understandable as to why the Petitioner has been made as a rolling stone who is begging for justice and to get his vested rights of pensionary benefits but the office of Distt: Accounts Officer is creating hurdle in the matter rather made an attempt to deprive the petitioner from his vested rights/Pensionary benefits, therefore, the Petitioner served the Distt: Accounts Officer through Legal Notice dated 21.04.2018 to furnish the requisite information to the Principal/ Chief Executive Gomal Medical College, D.I.Khan but no reply has so far been given by the Distt: Accounts Officer inspite of receipt of registered post letter and copy thereof forwarded to the Accountant General KPK. Copy of

June

ATTESTED
 EXAMINOR
 Peshawar High Court
 28/1/21

4

Notice alongwith original postal receipts are enclosed as
Annexure "L&M".

30

9. That feeling aggrieved from the impugned actions/
inactions of the office Distt: Accounts Officer D.I.Khan and
Accountant General KPK Peshawar and having no other
speedy remedy, the petitioner seeks the indulgence of this
Honourable Court under its constitutional Jurisdiction
inter alia on the following grounds.

GROUND:-

- A. That the impugned actions/ inactions of Office of
Respondent No. 4 not to furnish the requisite information
to the Principal / Chief Executive Gomal Medical College,
D.I.Khan for process of case of pension of Petitioner
amounts to deprive the petitioner of his pensionary
benefits/ rights to the petitioner is against law, arbitrary,
Malafide void abinitio, without lawful authority, without
Jurisdiction and of no legal effect qua the rights of
petitioner.
- B. That the impugned action /inaction of the office of
Respondent No. 4 of withholding of information in respect
of retirement amounts to non-payment of pensionary
benefits to the petitioner on the eve of retirement is
against the provisions of CSR-906 wherein it is provided
that the departmental authority is responsible and liable
to ensure that the retired employee should be able to
receive his pension on the date on which it becomes due

Amir

ATTESTED
EXAMINOR
Peshawar High Court Bench,
Dera Ismail Khan
28/11/21

but it is very strange that the rules and law on the subject have been violated by the respondents collectively and individually.

C. That the impugned action /inaction of nonpayment of pensionary benefits to the petitioner on the eve of retirement is also against the provisions of fundamental rights guaranteed under Constitution of Islamic Republic of Pakistan as not only the petitioner has been deprived of his vested rights of property and life but his entire family members who are the dependants upon the petitioner have been deprived of last piece of morsel.

D. That the impugned action /inaction of the office of Respondent No. 4 of nonpayment of pensionary benefits/ rights to the petitioner on the eve of retirement is also against law as laid down by the Apex Court of the country reported as PLD 2007-SC-35 vide which directions have been issued to all the heads of department of the Country that in future no unnecessary hurdle or delay in finalizing the cases of payment of pensionary / retirement benefits should be caused failing which it would amounts criminal negligence and dereliction of the duty assigned to them and further it would amounts to contempt of Court of the August Supreme Court of Pakistan and further directions were also issued to all the authorities to make sure the payment of pnesionary benefits to the retired Govt: Servant within a period of two weeks.

June

ATTESTED
EXAMINOR
Weshawar High Court
20/11/21

6

E. That counsel for the petitioner may please be allowed to raise additional ground during the course of arguments.

372

In view of submission made above, it is, therefore, humbly prayed that on acceptance this writ petition, this Honourable Court may very graciously be pleased to issue a writ declaring the impugned actions / inactions of respondents collectively and individually of non-submission of requisite information in respect of pension case of Petitioner to the Health Deptt: of Govt. of KPK and stoppage/ withholding of pensionary benefits/rights to the petitioner to be illegal, arbitrary, malafide void abinitio, without Jurisdiction, without lawful authority and of no legal effects qua the rights of petitioner.

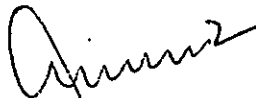
Any other relief deems appropriate in the prevailing circumstances may also be granted.

Your Humble Petitioner,
Through his Special Attorney



Muhammad Ramzan
Through Counsel,

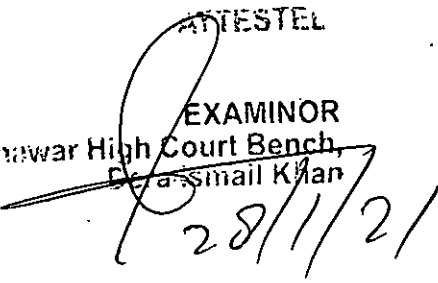
Dated: 17/05/2017



Gul Tiaz Khan Marwat,
Advocate High Court,
DIKhan

ATTESTEL

EXAMINOR
Peshawar High Court Bench,
D. Ghassmail Khan



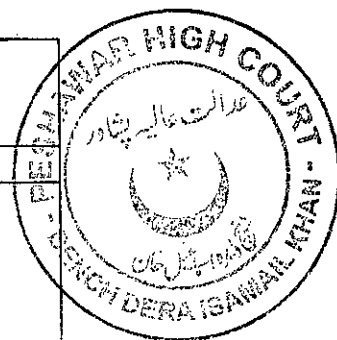
28/1/21

IN THE PESHAWAR HIGH COURT, D.I. KHAN BENCH

FORM OF ORDER SHEET

38

Date of order or proceedings	Order or other proceedings with signature of Judge(s).
(1)	(2)
12.01.2021	<p><u>W.P.No.575-D/2018 with C.M.No.611-D/2019.</u></p> <p><u>Present:-</u> Mr. Gul Tiaz Khan Marwat, Advocate for petitioner.</p> <p>Mr. Kamran Hayat Miankhel, Addl: A.G. for respondents.</p> <p style="text-align: center;">***</p> <p><u>SAHIBZADA ASADULLAH, J.-</u> Through the instant petition filed under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, the petitioner has prayed that:-</p> <p style="padding-left: 40px;">“In view of submission made above, it is, therefore, humbly prayed that on acceptance of this writ petition, this Hon’ble Court may very graciously be pleased to issue a writ declaring the impugned actions/inactions of respondents collectively and individually of non-submission of requisite information in respect of pension case of petitioner to the Health Deptt: of Govt. of KPK and stoppage/withholding of pensionary benefits/rights to the petitioner to be illegal, arbitrary, malafide void ab-initio, without jurisdiction, without lawful authority and of no legal effects qua the rights of petitioner.”</p> <p>2. After arguing the case at certain</p>



9

ATTESTED
EXAMINOR
Peshawar High Court Bench
Dera Ismail Khan

28/1/21

39

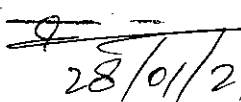
length, the learned counsel for the petitioner, on second thought, stated at the bar that he would be satisfied if the present writ petition is treated as representation/appeal and sent to respondent No.1 for decision as early as possible.

3. In view of the above, this writ petition is treated as representation/appeal and sent to respondent No.1 for decision in accordance with law. It will be highly appreciated if the same is decided within a period of 30 days.

Announced.
Dt: 12.01.2021.


JUDGE

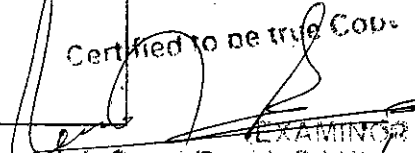

JUDGE

G.R.No.	444
Application Received on	26-01-2021
Copying Fee Deposited Rs	4
No of Papers	8 Pages
Copying Fee	4/-
Urgent Fee	4
Total Fee	32/-
Copy ready for delivery	28-01-2021
Copy delivered on	28-01-2021
Signature of Examiner	 28/01/21



Imran*

(D.B)
Hon'ble Mr. Justice Abdul Shakoor
Hon'ble Mr. Justice Sahibzada Asadullah

Certified to be true Copy

EXAMINER
Peshawar High Court Bench D I Khan
Authorized Under Section 29/01/2021
Qanoon-e-Shahadaat Act
2021

To,

- (1) The Chief Secretary
Govt. of KPK
Peshawar.
- (2) The Secretary Health Department
Govt. of KPK
Peshawar.

Subject: **IMPLEMENTATION OF JUDGMENT/ ORDER DATED
12.01.2021 OF HONOURABLE PESHAWAR HIGH
COURT D.I.KHAN BENCH PASSED IN W.P NO. 575-
D/2018.**

Sir,

The Applicant submits the following few lines for your sympathetic consideration please:-

- (1) That the Applicant filed a writ petition No. 575-D/2018 titled as "Dr. Zahid Ahmad Hashmi V/S Govt. of KPK and others" in the Peshawar High Court D.I.Khan Bench for issuance of order of retirement of Applicant with effect from 31.12.2014.
- (2) That the Writ Petition came up for hearing before the Honourable High Court on 12.01.2021 and the Honourable High Court was pleased to treat the writ petition as representation/ departmental appeal to be decided by the competent Authority in accordance with law within a period of 30 days. Copy of order enclosed for kind perusal.
- (3) That the order of the Honourable High Court has already been conveyed to your respective offices by the Additional Registrar of the Bench.

In view of the above submission, it is therefore, humbly prayed that the subject cited judgment/ order of the Honourable High Court may please be implemented in letter and spirit and to decide the representation / departmental appeal in accordance with law as directed by the Honourable High Court.

Dated: 28/01/2021

Your Humble Applicant

Sah _____

Dr. Zahid Ahmad Hashmi
Ex-Professor of General Surgery
Gomal Medical College,
D.I.Khan.

Attested
[Signature]
Gul Tiaz Khan Marwat
Advocate High Court
Distt: Ba.
Dera Ismail Khan (KPK)



41

Partner's Name:	Muhammad Nawaz Khan
Address:	E-27 Commercial's Opp. Special Municipal
Office Tel:	
Barment No. L.C. 00-00-0000	
Enrollment No. H.C. 00-00-0000	
Place of Practice:	D.I. Khan
Date of Birth:	
Blood Group:	
Mobile No.:	
E-mail:	gulkhan@gmail.com

VAKALATNAMA

IN THE COURT OF KPK Service Tribunal Peshawar

Dr. Zahid Ahmad Hashmi VERSUS Govt. of KPK BTZ

Title Service Appeal

I/we Appellant Dr. Zahid Ahmad Hashmi

The above named Appellant hereby appoint Gul Tiaz Khan Marwat Advocate High Court D.I.Khan, in the above mentioned case to all or any of the following acts, deeds and things.

1. To appear, act and plead for me/us in the above mentioned case in this court/tribunal in which the same may be tried or heard or any other proceedings out of our connected therewith.
 2. To sign and verify and file or withdraw all proceedings, petitions, appeals, affidavits, and applications for compromise or withdrawal, or for the submission to arbitration of the said case or any other documents, may be deemed necessary or advisable by them by the conduct, prosecution or defense of the said case at all its stages.
 3. To receive payments of and issue receipts for all moneys that may be or become due and payable to us during the course on conclusion of the proceeding.
To do all other acts and things, which may deemed necessary or advisable during the course of proceedings.
- AND hereby agree:
- a. To ratify whatever advocates may do the proceedings.
 - b. Not to hold the advocates responsible if the said case be proceed ex-parte or dismissed in default in consequence of their absence from the court when it is called for hearing.
 - c. That the advocates shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remains un-paid.
 - d. That advocates may be permitted to argue any other point at the time of arguments.

In witness whereof I/we have signed this vakalatnama here under the contents of which have been read/ explained to me/us which is fully understood by me/us.

Date: 8 / 5 / 2021

[Signature]
Signature of Executants (s)

Attested & Accepted:

[Signature]
Gul Tiaz Khan Marwat
Advocate/High Court D.I.Khan (KPK)
Cell No. 0300-9092488 / 0345-9853488

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

APPEAL No..... 5201 of 20 21

Zabid Ahmad Hashmi

Appellant/Petitioner

Versus

Chief
through Secy: KPI Pesh.

RESPONDENT(S)

Notice to Appellant/Petitioner

Zabid Ahmad Hashmi
Professor of General Surgery
General Medical College D.I. Khan

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 21-1-2021 at 9:00 AM at

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at Peshawar

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

APPEAL No. 5201 of 2021.

Zahid Ahmad Hashmi

Appellant/Petitioner

Versus

Through Chief Secy: I&P U Pesh:

RESPONDENT(S)

Notice to Appellant/Petitioner

Counsel

Genl. Fiaz Khan Noorani
Associate High Court
Distt: Bar D.I. Khan

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 29-1-2021 at 9.00 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at Peshawar

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

TB

Appeal No. 5251 of 2021

Zahid Ahmad Hashmi Appellant/Petitioner
VERSUS

Through Chief Secy. D.I. Khan Respondent
Respondent No. 5

Notice to: —

The Distt. Accounts officer, D.I. Khan

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....27th.....

Day of.....August.....2021

at Camp Court D.I. Khan

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

TB

Appeal No. 5201 of 20 '.....'

Zahid Ahmad Hashmi Appellant/Petitioner

Versus

Through Chief Secy. K.P.S.T. Respondent

Respondent No. 6

Notice to:

Dean/Chief Executive Gomal Medical College
MTI, D-1. Khan

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 25/11/2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....27/11.....

Day of.....August.....2021.....

at Camp Const D-1. Khan

[Handwritten Signature]

Registrar,
 Khyber Pakhtunkhwa Service Tribunal,
 Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While making any correspondence.