

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Secretary, Khyber Pakhtunkhwa Service Tribunal

Case No. 2401

APPEAL NO. 1571/2022

Khalida Yasmin.....

Appellant. 12/12/22

V/S

Hospital Director, HMC/MTI,

Khyber Pakhtunkhwa Peshawar & others.....

Respondents

(Para wise reply on behalf of Respondent No.3)

Preliminary Objections:-

- 1) That the appellant has no cause of action.
- 2) That the appellant has no locus standi.
- 3) That the appeal in hand is not maintainable.
- 4) That the instant appellant is time barred.
- 5) That the appellant has not come to this Court with clean hands.

Respectfully Sheweth:-

- 1) No comments.
- 2) No comments.
- 3) Relates to record, however liable to be proved by the appellant.
- 4) Relates to record, however liable to be proved by the appellant.
- 5) Correct to the extent that every civil servant of the Government is bound as and when he/she reached to the age of superannuation should informed and submit the application for retirement one month before the date of superannuation to the administrative department concerned. Hence in this case the pay for the period of overstay in Government department is liable to be recovered under the rules.
- 6) Correct to the extent as mentioned in Para "5" above.
- 7) Correct to the extent that Respondent No.1 has rightly been acted upon under the rules.

8) Correct to the extent that Finance Director, HMC, Peshawar vide their letter No. 4859, dated: 22.07.2022 (Annex-A) addressed to Respondent No.3 with intimation that:-

2. Revised LPC issued and recovery amounting to Rs.121,746/- (in Pay allowances duly signed is attached) may be recovered in Pension lump sum.

3. Over payment of Rs. 1,622,973/- w.e.f 14.01.2021 to 28.02.2022 (in Pay and allowances) may be recovered from pension as per DGHS order issued by Additional Director General (HRM) DGHS KP.

9) Relates to Respondent No.2, and they are in better position to show the status of the case.

10) That Respondent No.3 is bound to follow the rules and instructions issued by the provincial Government of KP from time to time.

However, it is pertinent to mention here that as and when Respondent No.3 receive the pension Papers of the appellant entertained and processed without any delay and issued Arrears of pension amounting to Rs.1166402/- for the disputed period w.e.f 14.01.2021 to 28.02.2022 (Annex-B) and issued pension regularly to the appellant to the respective bank account.

11) Relates to Respondent No.4 and they are in better position to satisfy the grievances of the appellant.

12) As mentioned in Para "11" above.

13) No comments.

Grounds:-

- A. Correct to the extent that Respondent No.3 as and when received the Pension case of the appellant, entertained and processed without any delay and issued the arrears of the Pension amounting to Rs. 1166402/- along with monthly pension (Annex-B) to the respective bank account.
- B. As mentioned in para "5" above, to the extent that the appellant was duty full bound to intimate his date for superannuation to the administrative department concerned prior one month before. Hence the Pay and allowance for the period of extra 14 months are liable to be received from the appellant under the rules.
- C. Relates to Respondent No.1, 2 & 4 and they are in better position to show the status of the case.

D. As mentioned in Para "C" above.

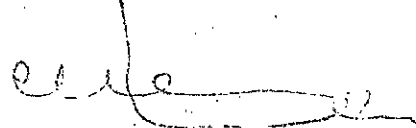
E. That Respondent No.3 is bound to follow the rules and instructions issued by the Provincial Government of KP from time to time.

F. As mentioned in Para "B" above to the extent that Respondent No.1 is in better position to show the status of the case.

G. As mentioned in Para "10" above.

H. No comments.

Keeping in view the above mentioned facts it is, therefore, humbly prayed that the appeal in hand having no merits may kindly be dismissed with cost.


ACCOUNTANT GENERAL
KHYBER PAKHTUNKHWA

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(Para wise reply on behalf of Respondent No.4)

AFFIDAVIT

I, Syed Tariq Shah, Senior Auditor, Office of the Accountant General Khyber Pakhtunkhwa Peshawar do hereby solemnly affirms & declare that the contents of reply submitted on behalf of Respondent No.3 is true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Court.

Yam
DEPONENT

CNIC - 173071327637-9
Cell 0326919185

ATTESTED

