

**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)**

**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.

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.

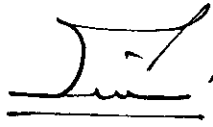
04. We have heard learned counsel for the parties and have perused the record.

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

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)


ORDER  
09.11.2021

Syed Noman Ali Bukhari, Advocate for the appellant present. Mr. Muhammad Rasheed, Deputy District Attorney for respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, 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)

12.07.2021

Learned Addl, A.G be reminded about the omission  
and for submission of reply/comments within extended  
time of 10 days.

  
Chairman

Stipulated period passed reply not submitted.

22.06.2021

Counsel for the appellant present. Preliminary arguments heard.

18 150  
Points raised need consideration. The appeal is admitted to regular hearing. 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 of the receipt of notices positively. If the written reply/comments are not submitted within the stipulated time, the office is directed to submit the file with a report of non-compliance. File to come up for arguments on 09.11.2021 before the D.B.

Appellant Deposited  
Security & Process Fee ▶  
22/6/2021

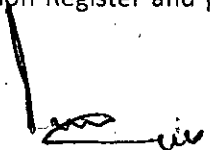


  
Chairman

Form- A

## FORM OF ORDER SHEET

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

Case No. - 92 /2021 2

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	14/01/2021	<p>The appeal of Mr. Ashraf Khan presented today by Syed Noman Ali Bukhari 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 S. Bench for preliminary hearing to be put up there on <u>15/03/21</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	15.03.2021	<p>Due to tour of Camp Court Abbottabad and shortage of Members at Principal Bench Peshawar, the case is adjourned to 22.06.2021 before S.B.</p> <p style="text-align: right;"> Reader</p>



**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. \_\_\_\_\_/20


Ashraf Khan

V/S

Revenue Deptt:

**INDEX**

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of Appeal	-----	1-5
2.	Copy of medical report	A	06-09
3.	Copy of application	B	10
4.	Copy of letters	C	11-12
5.	Copy of letter dated 20.07.2020	D	13
6.	Copy of medical board opinion	E	14-15
7.	Copy of approval	F	16
8.	Copy of impugned order	G	17
9.	Copy of departmental appeal	H	18-19
10.	Copy of impugned appellate order	I	20
11.	Copy of order	J	21
12.	Copy of judgment	K	22-26
13.	Vakalat Nama	-----	27

  
APPELLANT  
Ashraf Khan

THROUGH:

  
(SYED NOMAN ALI BUKHARI)  
ADVOCATE, HIGH COURT.

⑤

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. 92 /20

Mr. Ashraf Khan Retired Assistant,  
O/o The Deputy Commissioner  
North Waziristan Tribal District.

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 971

Dated 14/1/2021

(Appellant)

VERSUS

1. The Senior Member of Board of Revenue, kpk, Peshawar.
2. The Commissioner Bannu Division Bannu.
3. The Deputy Commissioner North Waziristan Tribal District.

(Respondents)

.....

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE APPELLATE ORDER DATED 17.12.2020 WHEREBY DEPARTMENTAL APPEAL FOR RETIREMENT ON MEDICAL GROUND AND AGAINST THE ORDER DATED 10.09.2020 WHEREIN THE APPELLANT WAS CONDITIONALLY RETIRED FROM SERVICE ON ATTAINING THE AGE OF SUPERANNUATION INSTEAD OF RETIREMENT ON MEDICAL GROUND, HAS BEEN REJECTED FOR NO GOOD GROUNDS.

**PRAYER:**

***THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 10.09.2020 and 17.12.2020 MAY PLEASE BE SET ASIDE AND THE APPELLANT MAY BE HELD ENTITLED FOR RETIREMENT ON MEDICAL GROUND IN LIGHT OF THE OPINION OF MEDICAL BOARD***

Filed to-day

Registrar  
14/1/2021

**WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT, MAY ALSO, BE AWARDED IN FAVOUR OF APPELLANT.**

**RESPECTFULLY SHEWETH:**

**FACTS:**

1. That the appellant was working as Assistant in the O/o the Deputy Commissioner, North Waziristan Tribal district.
2. That the appellant fell suddenly ill and got medical checkup several time but the illness of the appellant increases with time, Finally due to illness, appellant was not in position to continue his job, therefore, applied for invalid retirement from service on medical grounds on 30.06.2020 . **copy of medical reports and application is attached as Annexure-A & B.**
3. That the respondent Deputy Commissioner North Waziristan district referred cased to MS District Head Quarter Hospital North Waziristan for processed the case vide letter dated 17.07.2020. The MS District Head Quarter Hospital North referred the case of DG Health Services KP Peshawar for constitution of the medical board vide letter dated 18.07.2020. **Copy of letters are attached as annexure-C.**
4. That the Director General Health Services Sent case of the appellant to MS polices Services Hospital Peshawar for arranging standing medical board vide letter dated 20.07.2020. **Copy of letter is attached as annexure-D.**
5. That after constitution of medical board the meeting of standing medical board was held and furnished opinion /recommendations on 05.08.2020 wherein appellant was declared unfit for job and permanently incapacitated. The said recommendations of medical board was sent to Deputy Commissioner North Waziristan district for implementation vide letter dated 11.08.2020. the respondent instead of challenged the decision of the medical board within 15 days, approved the same vide approval dated 13.08.2020. **Copy of opinion of standing medical board and approval is attached as Annexure-E & F.**

6. That the department delayed the case of the appellant and at last issue retirement order dated 10.09.2020 on the age of superannuation which void ab initio. The appellant being aggrieved filed departmental appeal against the order dated 10.09.2020 but the same was rejected vide order dated 17.12.2020 for no good grounds. Hence the present Service appeal on the following grounds amongst others. **Copy of impugned order, departmental appeal and rejection order is attached as annexure-G, H & I.**

### GROUNDS

- A. That the impugned order dated 10.09.2020 and 17.12.2020, the impugned actions and inactions violate the mandate provided under article 4 of the constitution of Pakistan .
- B. That respondent are legally bound to treat the appellant in accordance to law and he is entitled for pre mature retirement on medical grounds.
- C. That the deptt: has a remedy under FR rules to challenge the medical board opinion within 15 days and review the same but the deptt: not do so, the opinion of the medical board attained finally which should be implemented.
- D. That after medical board opinion and approval for the retirement on medical ground but the deptt inordinately delayed the matter till the superannuation of the appellant. Which is malafide on the part of the deptt.
- E. That earlier vide letter dated 17/07/2020 respondent no 3 by himself referred appellant case before standing medical board and accordingly appellant appear before the standing medical board and valid constituted medical board declare appellant unfit for government service but the appellant was not retired on medical grounds , which is totally illegal and against the rule and regulation .
- F. That respondent vide letter dated 13/08/2020 respondent no.3 approved the premature retirement on medical grounds and after production of all the required documents issuance of the impugned letter dated 10/09/2020 is totally illegal , against the law and thus liable to be stuck down.
- G. That the similar placed employee was retired on medical ground on the basis of standing medical board opinion but the appellant was discriminated which is great injustice with the appellant and violation of superior court judgments and constitution. **Copy of the order is attached as annexure-J.**
- H. That in the same nature case titled as Shaher Bano VS Govt: of KP appeal no:558/2019 decided on 21.02.2020 the Hon'able Tribunal granted relief to the employee, so being similar nature person the

appellant, also needs the same treatment under the principle of consistency. **Copy of judgment is attached as annexure-K**

- I. That no proper opportunity of hearing has been provided by the respondent to the appellant hence he has been condemned unheard and the case has been decided in a mechanical manner without application of judicious mind .
- J. That nor the fundamental rules nor the CSR has been taken into consideration while deciding the case of appellant.
- K. That respondent has not adopted proper procedure in deciding the departmental appeal /representation nor the same has been refer to proper competent authority. Similarly no opportunity of hearing has been provided to appellant to explain her stance and law on subject.
- L. That because the impugned actions and inactions are against the principles ordained under article 25 of the constitution of Islamic republic of Pakistan.
- M. That because the impugned actions and inactions are blatantly against all norms of justice and principles of reasonability based on victimizations and discrimination.
- N. That the appellant by his own sweet will is not willing to proceed on retirement but his poor health problem not allowed him to continue his job therefore the directions issued vide impugned letter is totally illegal and violation of the basis fundamental rights of appellant .
- O. That appellant has been arbitrary treated and he being qualified for the retirement on medical ground but has accrued rights are denying by the respondents without any just cause contrary to the clear cut provision of law .
- P. That the appellant is fully entitled for the pre-mature retirement on medical grounds and denial of the same by the respondent is totally illegal void against the rules and regulations thus indulgence of this hon'ble tribunal is required.
- Q. That appellant also seeks permission of this hon'ble forum to raise additional point at the time of arguments.

It is therefore respectfully prayed that on accepting this service appeal;

A) The impugned order dated 10.09.2020 and 17.12.2020 may graciously be set aside by declaring it illegal, void, unlawful, without authority based on mala fide, void ab-initio and thus not sustainable and the appellant is entitled for retirement on medical grounds.

B) The respondent may please be direct to act in accordance with law and the actions and inactions of the respondent in

5

(S)

not finalizing appellant retirement case on the basis medical grounds is unconstitutional, unlawful, illegal without lawful authority and direction may please be issued to respondent to finalized the pre-mature retirement case on medical grounds as per decision of the standing medical board.

- C) Any administrative orders which are against the rules and regulation may please be declare ultra varies to the constitution of the Islamic republic of Pakistan and service law and thus liable to be struck down.



**APPELLANT**

Ashraf Khan

**THROUGH**



**(SYED NOMAN ALI BUKHARI)  
ADVOCATE HIGH COURT**

Amer A

6

Trauma & Orthopaedic Surgeon

Dr. Niaz Muhammad Wazir

M.B.B.S. M.S.

District Orthopaedic Surgeon

D.H.Q. Hospital Miranshah



ڈاکٹر نواز محمد وزیر

ڈی ایچ او آرٹھو پیڈک سرجن  
ڈی ایچ او آرٹھو پیڈک سرجن  
ڈی ایچ او آرٹھو پیڈک سرجن

P. Name Ashraf Khan Wazir Age 59 Sex M Date 18/11/20

Clinical Record

R

Pain and Swelling  
both arms

Neckache

AD

2 day Cervical  
Spine stiffness

Cervical Spindynia

- Tab Maxamine 500mg  
w/cw-ve

- Tab Benzocaine  
w/cw-ve

- Tab Benzocaine  
w/cw-ve

- Tab Benzocaine  
w/cw-ve

- Tab Domipene 100mg  
w/cw-ve

- Tab Domipene 100mg  
w/cw-ve

- Tab Domipene 100mg  
w/cw-ve

- Tab Spirano 100mg  
w/cw-ve

- Tab Spirano 100mg  
w/cw-ve

- Tab Xan 750mg  
w/cw-ve

- Tab Xan 750mg  
w/cw-ve

- Tab Xan 750mg  
w/cw-ve

- Tab Panera 400mg  
w/cw-ve

- Tab Panera 400mg  
w/cw-ve

- Tab Panera 400mg  
w/cw-ve

- Tab Panera 400mg  
w/cw-ve

TESTED

7

Trained & Orthopaedic Surgeon

Dr. Niaz Muhammad Wazir  
M.B.B.S, M.S.

District Orthopaedic Surgeon  
D.H.O, Hospital Miranshah



ڈاکٹر نسیب محمد وزیر  
ایم بی ایس ایم ایس  
ڈسٹرکٹ آرٹھو پیڈک سرجن  
ڈی ایچ کیو ہسپتال میرانشاہ

P. Name Ahraf Khan Wazir Age 59 Sex M Date 18/11/20

Clinical Record

R

Pain and discomfort  
in both arms  
at shoulder level.

AD  
Cervical  
Spine

Cervical Spondylosis

- Tab. Maxamine 500mg  
BID

- Tab. Paracetamol  
BID

- Tab. Paracetamol  
BID

- Tab. Paracetamol  
BID

- Tab. Domipen 100mg  
BID

- Tab. Spirans 100mg  
BID

- Tab. Xair 75mg  
BID

- Tab. Xair 75mg  
BID

- Tab. Xair 75mg  
BID

- Tab. Paracetamol 500mg  
BID

AD  
Cervical Spondylosis

AD  
Cervical Spondylosis

AD  
Cervical Spondylosis

ATTESTED



Orthopaedic Surgeon

**Muhammad Wazir**  
M.B.B.S, M.S.

Orthopaedic Surgeon  
Hospital Miranshah



ڈاکٹر فیاض محمد وزیر  
ایم بی بی ایس ایم ایس  
ڈیپارٹمنٹ آف آرٹھوپیڈک سرجنری  
ذیلی ایچ کیو ہسپتال میرانشاہ

8

Abdul Kham Wazir Age 59 Sex M Date 19/02/20

Clinical Record

R

at Miranshah  
Hospital  
Miranshah  
Age  
and Polydipsia

Tab. Methycobal 5mg  
دو بار روزانہ

Tab. Pregny 50 mg  
دو بار روزانہ

Cap. Cantar 4 mg  
دو بار روزانہ

Tab. Poncein 20 mg  
دو بار روزانہ

Tab. arbutol 1 mg  
دو بار روزانہ

ab/Sy

ATTESTED

Wali Zaman

Medical Officer

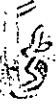
Headquarter Hospital Miranshah

BBS (Peshawar)

MP (Islamabad)

P.H Specialist

Clinic: Serai Razmak



تعمیر و ترمیم کے لیے  
ایم ای ایس (پشاور)  
آرام بی (اسلام آباد)  
بی ایچ اسپیشلسٹ  
کلینک سرسرای رزمک

9

Pt's Name اشرف خان Sex M Age 59 Date 15/05/2020

Clinical Record

Shoulder pain  
Upper limb  
Numbness  
Nerve  
Rigidity  
Anxiety  
BP  $\frac{130}{80}$  aug.  
Cervical  
Cervical  
Cervical  
Spondylitis  
Anxiety

Rx  
Tab Pregab 70  
Vib D  
Muscular 4  
1 cl  
Diazepam 1  
1 cl  
Alp 0.5 mg  
Cord D  
Ar mal 4 mg  
Surbex 2  
Tercidol 1.0 M  
Cord D

110

OMC-D Tab/Susp.

RBC Inj/Tab/Syp.

STARTED

Amex - B

10

مدت جناب ڈیپٹی کمشنر صاحب (BPS) میرا شکایہ

عنوان: درخواست برائے میڈیکل بورڈ کے رپورٹ

جناب عالی۔

مذکورہ ہے کہ بندہ آج صبح کو زبردستی  
کی حیثیت سے ڈیوٹی انجام دے رہا ہوں۔ بیماری اور جسمانی کمزوری  
کے علاوہ بندہ کی بصارت اور سماعت میں زیادہ متاثر ہو گیا  
ہے۔ جبکہ وجہ سے ڈیوٹی انجام دینے میں شدید مشکلات  
سنا ہوا کہ نا پڑتا ہے، اور جسکی وجہ سے میڈیکل بورڈ کے ذریعہ  
تفتیش لینے پر مجبور ہوں۔

لہذا درخواست کی جاتی ہے کہ بندہ کیا کیس میڈیکل  
بورڈ کے ذریعے منشن ہوئے کیسے ڈیپٹی کمشنر صاحب کے پاس  
سفراتیں کیا جائیں۔ دعا گو رہتا ہوں۔

2020/03/16

*[Signature]*

عین نوڈل سٹیٹ ہیرا

نقطہ دوش - 2020/03/16

2020/03/16

ذریعہ شرف خان دترم ولی میڈیکل کالج  
اسٹیشن - BPS - 16 ڈی۔ سی۔ جس میں میرا شکایہ  
C No. 2155-8483697-7

TESTED

Journaling Medical Board

6  
C

11



**DEPUTY COMMISSIONER,  
NORTH WAZIRISTAN TRIBAL DISTRICT**

No: 3467PS/DC/NWTD

Dated: 17 / 07 / 2020

Ph#: +92-928300600, 300798

Fax#: +92-928300642

To: The Medical Superintendent,  
District Headquarter Hospital at Miranshah.

Subject: APPLICATION FOR MEDICAL BOARD.

Memo:

Enclosed please find herewith a copy of self explanatory application alongwith its enclosure received from Mr. Ashraf Khan Wazir, Assistant of this office for processing the case to the quarter concerned for needful action please.

*995*  
**DEPUTY COMMISSIONER,**  
North Waziristan Tribal District.

**TESTED**

OFFICE OF MEDICAL SUPERINTENDENT,  
DHQ HOSPITAL MIRANSHAH  
PHONE & FAX # 0928-300741.

(12)

No. 612-81 / dated Miranshah the 18/07/2020

To.

The Director General Health Services  
Khyber Pakhtunkhwa Peshawar.

Subject: -

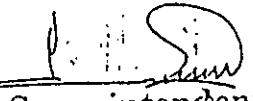
APPLICATION FOR MEDICAL BOARD.

Memo:

Kindly refer to the subject noted above.

It is submitted that application in respect of Mr. Ashraf Khan Wazir, Asstt: Deputy Commissioner's office NWTB requesting for Medical Board Pension received from Deputy Commissioner NWTB vide his letter No.3467/PS/DC/NWTB dated: 17/07/2020 for process by this office (copy enclosed).

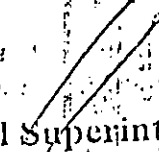
In light of the above, the case is there for forwarded here with for constitution of the required Medical Board as per existing policy so as to proceed with the case at this end accordingly.

  
Medical Superintendent,  
DHQ Hospital Miranshah

No.

dated

Copy to The Deputy Commissioner NWTB Miranshah for information w/r to his letter referred to above.

  
Medical Superintendent,  
DHQ Hospital Miranshah

ATTESTED

TO BE SUBSTITUTE FOR THE SAME NUMBER AND DATE  
**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 E-Mail Address [K.P.Khatesa@yahoo.com](mailto:K.P.Khatesa@yahoo.com)  
Office # 091-9210269 Exchange # 091-9210187, 9210196 Fax # 091-9210230

NO. 4047-48 / Medical/SMB

Dated: 28 / 07 / 2020

D  
13

To The Medical Superintendent  
Services Hospital Peshawar.

Subject: STANDING MEDICAL BOARD IN RESPECT OF MR. ASHRAF KHAN  
WAZIR

Memo: Enclosure please find herewith a copy of letter NO. 3467/PS/NWTD dated  
17/07/2020 alongwith its enclosures which is self explanatory.

You are therefore, requested to arrange his Standing Medical Board and  
the proceedings of the Board may please be sent to the quarter concerned directly  
under intimation to this Directorate.

ADDL: DIRECTOR GENERAL (ADMN)  
DIRECTORATE GENERAL HEALTH  
SERVICES, KHYBER PAKHTUNKHWA,  
PESHAWAR.

C.c

01. Copy forwarded to DEPUTY COMMISSIONER NW TRIBAL DISTRICT for  
information w/r to his letter referred above with the request to direct the above  
named patient to appear before the Medical Superintendent Services Hospital Peshawar  
for medical examination to be carried by the Standing Medical Board / Standing  
Invalidating Committee on 22/07/2020 At 9:00 am along with relevant documents &  
National I/Card.
02. MS DHQ Hospital Bannu for information.

STANDING MEDICAL BOARD, PESHAWAR



OFFICE OF THE <sup>ANNEX E</sup>  
MEDICAL SUPERINTENDANT  
SERVICES HOSPITAL, PESHAWAR

14

Phone: (Off) 091 9210309 (Extn) 091 9223472 Fax: 091 9210543

No. 2451-52/MS/SMB/2019-20

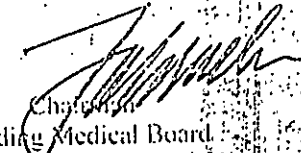
Dated: 17/08/2020

Deputy Commissioner  
North Waziristan Tribal District

Subject: - STANDING MEDICAL BOARD

Memo: - With reference to your office letter No. 3467/PS Dated 17/07/2020 addressed to Director General Health Services Khyber Pakhtunkhwa on the subject noted above.

Mr. Ashraf Khan Wazir Assistant was examined by the Standing Medical Board held in this office on 05/08/2020. The proceedings of the Standing Medical Board are sent herewith for further necessary action.

  
Chairman  
Standing Medical Board  
Medical Superintendent  
Police/Service Hospital  
Peshawar

Copy to:

- Director General Health Services, Khyber Pakhtunkhwa Peshawar for information with reference to his letter No. 4047-4S/Medical/SMB dated 20/07/2020.

RECEIVED

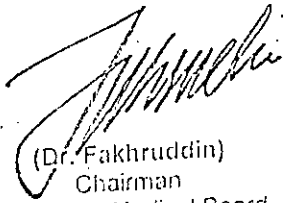
15

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

The Standing Medical Board comprising the following members assembled in the office of the Medical Superintendent Police/Services, Hospital Peshawar to examine Mr. Ashraf Khan Wazir Assistant.

The Standing Medical Board is of the opinion that patient is a known case of cervical spondylosis. He is having pain both upper limbs with numbness and impulsive pain in spine. His MRI and NCS were done which shows degenerative end plat osteophyte at few levels in cervical spine exaggerated cervical lordosis. He is also having severe CTS in both hands. He is unfit for Govt. job. Therefore, he may be boarded out on medical grounds as he is permanently incapacitated.

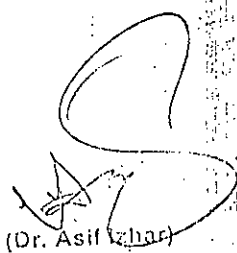
STATION, PESHAWAR.  
DATED: 05/08/2020



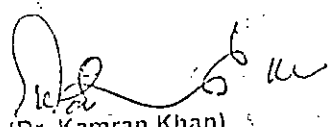
(Dr. Fakhruddin)  
Chairman  
Standing Medical Board  
Medical Superintendent  
Police/Services, Hospital  
Peshawar



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



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



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



(Dr. Naz Muhammad)  
DMS/Secretary  
Standing Medical Board  
Peshawar... Member...

ATTENDED



Answer F F 1

46

7  
Supervising medical board, Medical  
Superintendent Police Service Hospital  
Doshawar is in response to this office  
letter at page-5/C vide which he sent  
to this office recommendations Standing  
Medical Board, vide pag-10/C.

8  
As per opinion of the Standing Medical  
Board, Mr. Ashraf Khan, Assistant of this  
office is having pain both upper limbs with  
numbness and impulsive pain in spine. His  
MRI and NCS were done which shows degenerative  
and plat osteophyte at levels in cervical  
spine exaggerated lordosis. He is also having  
severe CTS in both hands. In view of the above,  
the B Medical Board declared Mr. Ashraf Khan  
unfit for Govt. job and recommended he  
may be boarded out on medical grounds as  
he is permanently incapacitated.

9  
It is proposed that in light of the  
recommendations of the Standing Medical  
Board vide page-10/C, this office may  
retire Mr. Ashraf Khan, Assistant (PPS-16)  
on medical ground as he can't able  
to continue his services/duties.  
Submitted for approval  
orders, please.

J Suppl  
13-8

10  
DC please  
rp cora  
for per  
power of proposed for

ATTESTED



Answer G7



(17)

OFFICE OF THE DEPUTY COMMISSIONER  
NORTH WAZIRISTAN TRIBAL DISTRICT

Ph: (0928) 300903 Fax: (0928) 300642  
Email Address: dcnwtdofficial@gmail.com

No. 166-72 /EA

Dated 10 /09/2020

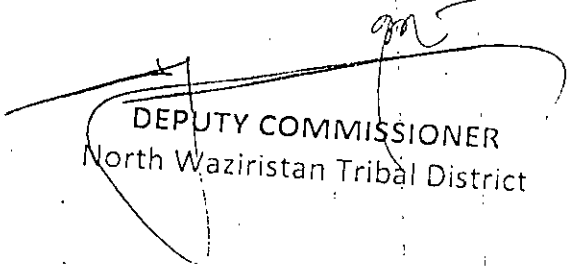
NOTIFICATION:-

Without prejudice to the legal remedies available to Provincial Government and in pursuance of judgement of the Honourable Peshawar High Court dated 19-02-2020 in W.P No. 5673-P/2019, Mr. Ashraf Khan, Assistant (BPS-16) of this office shall stand retired from Government service on 01-09-2020 on attaining age of superannuation, as his date of birth is 02-09-2020 subject to CPLA/Appeal of the Provincial Government against aforementioned judgement of Peshawar High Court and any order contrary as and when issued by the apex Court of Pakistan.

  
DEPUTY COMMISSIONER  
North Waziristan Tribal District

Copy forwarded to:-

1. Commissioner, Bannu Division.
2. Secretary-I, Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
3. Additional Deputy Commissioner, North Waziristan Tribal District.
4. Assistant Commissioner, Miranshah.
5. District Accounts Officer, North Waziristan Tribal District.
- ✓ 6. Mr. Ashraf Khan, Assistant.
7. District Nazir, office of Deputy Commissioner, NWTD.

  
DEPUTY COMMISSIONER  
North Waziristan Tribal District

ATTESTED

18

Annex - H

Departmental Appeal Before the Learned Commissioner,  
Bannu Division.

COMMISSIONER  
Bannu Division

Mr. Ashraf Khan Assistant (BPS-16) Office of the Deputy Commissioner NW-TD .... Appellant

Vs

Deputy Commissioner, North Waziristan Tribal District ..... Respondent

Reader

Handwritten signature/initials

APPEAL/PRESENTATION AGAINST THE ORDER NO.166-72/EA, DATED 10/09/2020 ISSUED BY THE DEPUTY COMMISSIONER NORTH WAZIRISTAN TRIBAL DISTRICT VIDE WHICH THE APPELLANT WAS CONDITIONALLY RETIRED FROM SERVICE ON ATTAINING THE AGE OF SUPERANNUATION.

PRAYER: THE IMPUGNED ORDER NO.166-72/EA, DATED 10/09/2020 (ANNEX-<sup>J</sup>A) MAY VERY KINDLY BE SET-ASIDE AB-INITIO WITH RETEROSPECTIVE EFFECT ON THE FOLLOWING GROUNDS:

Grounds:

1. That the appellant was working as Assistant (BPS-16) in the Office of the Deputy Commissioner, North Waziristan Tribal District.
2. That on 18/01/2020 the appellant fell suddenly ill and did medical check-up (annex-A).
3. That not feeling well the appellant again did medical check-up on 19/02/2020,(annex"B").
4. That the illness of the appellant increased and on 15/05/2020 got check-up from another physician (annex-"C").

That the appellant accordingly applied for invalid retirement from service on Medical Board's grounds on 30-06-2020,( annex- "D").

That the respondent i.e. Deputy Commissioner, North Waziristan District referred the application to Medical Superintendent District Headquarter Hospital North Waziristan for processing the case of the applicant to the quarter concerned for needful action vide letter No. 3467/ PS / DC NWTD dated 17-07-2020,( annex-"E").

That accordingly Medical Superintendent DHQ, NWTD Miran Shah referred the case of the applicant to Director General Health Services KPK Peshawar for constitution of the required Medical Board vide letter 4281 dated 18-07-2020.(annex-"F").

8. That the Director General Health Services KPK Peshawar sent case of the appellant to MS Police Services Hospital Peshawar for arranging standing Medical Board vide letter No. 4047-48/ Medical / SMB dated 20-07-2020. (annex-"G")

9. That in the light of Director General Health Services KPK Peshawar vide para 8 above Medical Superintendent Police Services Hospital Peshawar after arranging Standing Medical Board furnished opinion / recommendations dated 05-08-2020 vide which the

RECEIVED  
D.No 5473  
Date 06-10-20  
Retiree Ashraf Khan  
Commissioner's Office Bannu

Reader  
Commissioner  
Bannu Division

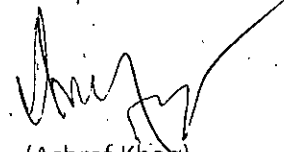
19

- appellant was declared unfit for Government job and incapacitated sent to DC NWID (Respondent) vide letter No. 2451-52/ MS /SMB/2019-20 dated 11-08-2020. (annex "H").
10. That the respondent accede to the recommendations of Standing Medical as per approval dated 13-08-2020. (annex "H")
11. In light of the above facts Respondent was required to issue retirement orders of the applicant on Medical Ground as per recommendation of Standing Medical Board, as appellant was not able to continue further service but it was inordinately delayed and the Respondent issued impugned order on attaining the age of superannuation subject to the final decision of the apex-courts i.e 63 years age (annex "J")

It is, therefore, humbly prayed that the impugned order No.166-72/EA dated 10-09-2020 may very graciously be set-aside and the respondent department may be directed to retire the appellant on Medical Grounds as with effect from 05-08-2020 as per recommendations of the Standing Medical Board.

Date 23/09/2020.

Reader  
Deputy Commissioner  
Bank Division



(Ashraf Khan),  
Assistant(BPS-16)

Office of the Deputy Commissioner NW-TD

(Appellant)

20

Annexure - I

IN THE COURT OF COMMISSIONER BANNU DIVISION  
BANNU

Mr. Ashraf Khan (Ex-Assistant), Office of DC, NWTD..... (Appellant)  
Versus  
Deputy Commissioner, NWTD..... (Respondent)

**ORDER:**

Mr. Ashraf Khan (Ex-Assistant) of the office of the Deputy Commissioner, North Waziristan Tribal District has preferred an appeal against the impugned order No. 166-72/EA, dated 10-09-2020 issued by the Deputy Commissioner North Waziristan Tribal District vide which the appellant was conditionally retired from service on attaining the age of superannuation.

Brief history of the case is that Mr. Ashraf Khan (Ex-Assistant) moved an application to Deputy Commissioner North Waziristan Tribal District for retirement on Medical Board grounds on, 30-06-2020.

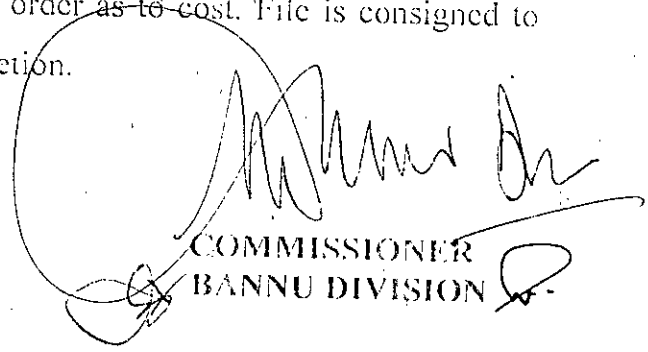
Medical Board was then constituted and he was recommended for retirements on Medical grounds vide board report date, 18-07-2020.

The incumbent Deputy Commissioner North Waziristan Tribal District, issued his retirement order on the basis of attaining the age of superannuation instead of Medical grounds vide the impugned order dated, 10-09-2020. Hence he has moved this instant appeal.


Parties present and heard in detail.

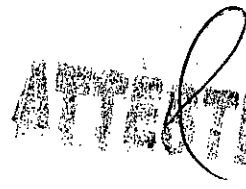
Deputy Commissioner has taken the plea that the appellant applied for retirement on Medical grounds, only two (2) months before his actual retirement on superannuation, which is based on malafide and has no justification.

Perusal of the case shows that the impugned order of the Deputy Commissioner North Waziristan is based on merit. Hence the instant appeal is therefore dismissed with no order as to cost. File is consigned to the record room after necessary completion.

  
COMMISSIONER  
BANNU DIVISION

Announced  
17-12-2020

  
Deputy Commissioner,  
BanNU Division  
01-1-2021

  
ATTACHED

21

Annexure - J

GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 25/07/2018

ORDER

No. Estt:II/Rtd/Medical Board / \_\_\_\_\_ The Standing Medical Board, Police & Service Hospital Peshawar has examined Mr. Abdur Rashid, Assistant (BS-16) office of the Deputy Commissioner Lakki Marwat and found him "unfit" for Government job due to his permanently incapacitation. therefore on the recommendation of Standing Medical Board, he is hereby retired from Government Service. on medical grounds with immediate effect. He has rendered 36 years service.

His date of birth is 13/08/1958.

By order of  
Senior Member

End: No. Estt:II/Rtd/Medical Board: 26898-901

Copy forwarded to the:-

1. Deputy Commissioner Lakki Marwat with reference to his letter No. 391/AG-Estr: dated 26/06/201.
2. District Accounts Officer, Lakki Marwat.
3. Official concerned.

*[Signature]*  
Assistant Secretary (Estt.)

RECEIVED	
No.	34337
Date	12/7/18
Return Date	
Action	Estt: A.R.S.H.
DC, Lakki Marwat	

*[Large handwritten signature]*

*[Handwritten signature]*

*[Handwritten notes in Urdu]*  
SMBR  
...  
...

**ATTACHED**

1  
Annex K

22

Sr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	21.02.2020	<p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u> <u>Appeal No.558/2019</u></p> <p>Date of Institution ... 30.04.2019 Date of Decision ... 21.02.2020</p> <p style="text-align: center;">-----</p> <p>Shaher Bano Wife of Muhammad Ishfaq R/O Tarkha Koi Tehsil &amp; District Karak -----Appellant</p> <p style="text-align: center;"><u>Versus</u></p> <p>The Government of Khyber Pakhtunkhwa, Civil Secretariat Peshawar through Chief Secretary and others: -----Respondents</p> <p style="text-align: center;"><b>Muhammad Amin Khan Kundi.....Member(J)</b> <b>Mr. Hussain Shah .....Member (E)</b></p> <p><u>JUDGMENT</u></p> <p><u>Mr. HUSSAIN SHAH</u>:-Learned counsel for the appellant and Mr. Riaz Khan Paindakhel learned Assistant Advocate General alongwith Mr. Umer Daraz, Budget &amp; Account Officer for the respondents present.</p> <p>2. Contended that the appellant had applied for retirement on medical grounds due to her poor health. She was subjected to standing medical board on 15.09.2018. The Chairman standing medical board submitted the report of standing medical board vide letter 27.09.2018 where in it was mentioned that the appellant is unfit for government jobs and she may be boarded out on medical grounds as she is permanently incapacitated. In response to the medical report respondent No.2 asked the respondent No.4 vide letter dated 27.09.2018 to process the complete documents for premature retirement on medical grounds so that approval of the competent authority i.e. the respondent No.1 may be obtained. However instead of retiring the appellant on medical grounds the respondent No.2 conveyed to respondent No.4 vide letter dated 22.01.2019 that the appellant may be retired under the rules as she has</p>

ATTSTED

already completed the required qualifying service for retirement under the rules instead of medical grounds hence the appellant may be directed to apply a fresh for premature retirement on the basis of fulfilling qualifying service for premature retirement. Thereafter the appellant time and again approached the respondents for retirement on medical ground alongwith an appeal for review of the direction given vide letter dated 22.01.2019 which was rejected vide order dated 17.04.2019 hence the appellant having no other alternate remedy filed the instant service appeal U/S 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 with the prayer that the impugned order of dated 22.01.2019 and order dated 17.04.2019 may be set aside by declaring it illegal, vide unlawful, without authority, based on malafide and direct the respondents to entitled the appellant for retirement on medical grounds and also entitled for payment of all outstanding dues from the date when her salary has been stopped with all benefits of pay and service.

3. The learned counsel for the appellant argued that the respondent No.2 referred the appellant for standing medical board vide letter dated 03.08.2018. The appellant was called for the medical board by the DG health vide letter dated 10.08.2018 to be appearing before standing medical board on 12.09.2018. The appellant appeared before the board on 15.09.2018 and vide letter dated 27.09.2018 report of standing medical board to the office of respondent No.2 on 10.08.2018 by the DG health office. Again the respondent No.2 directed the respondent No.4 vide letter dated 27.09.2018 for processing the case of the appellant for premature retirement on medical ground by furnishing all the requisite documents. Further contended that the office of respondent No.2 changed his previous stance contrary to the case in process the respondent No.4 was directed vide the impugned order of 22.01.2019 to resubmit the

ATTACHED



(26)

retirement case of the appellant on the basis of the completion of qualifying service for ordinary premature retirement on the basis of medical ground. The appeal of the appellant dated 11.02.2019 was not considered and vide letter dated 17.04.2019 the respondent No.4 was informed that the application of the appellant alongwith others has been rejected and they should apply for premature/superannuation retirement whichever is applicable in their individual cases. Further contended that the impugned action and inaction on the part of respondents are against the law and justice. The respondent No.2 took the shelter behind the general instructions by the government issued vide letter dated 11.12.2018 wherein it was directed that the civil servants who has completed/eligible for premature retirement. There cases and appeal for retirement on medical ground may not be sent to competent authority. Further contended that the case of the appellant was processed quite earlier then the direction issued on 22.01.2019 and was at final stage and as a general rule of law. The case of the appellant is not covered on the impugned instruction of dated 22.01.2019. Further contended that the appellant has been arbitrary treated and being qualified for retirement on medical grounds and as such accrued rights are being denied by the respondent without any just cause contrary to the clear cut provisions of law and the fundamental rules. Moreover that from the date of her medical report she has been relieved from duty and her salary has been stopped and her pensionary benefits has not been paid. In this connection the learned counsel for the appellant relied upon the judgment of the Peshawar High Court reported as 2019 PLC (CS) notes 24. He further pleaded that the appeal may be accepted and the impugned orders of dated 22.01.2019 and 17.04.2019 be set aside and all the benefits as per prayers may be granted by the respondents.

  
**ATTACHED**  


25

4. The learned Assistant Advocate General contested the facts, grounds of the appeal and arguments of the learned counsel for the appellant and argued that her request/appeal for premature retirement on medical ground has been rejected in the view of the order dated 11.12.2018. As she has completed her qualifying service for premature retirement. He further stated that the appellant has been dealt in accordance with the law and rules. No fundamental rights has been violated of the appellant while directing her to apply for fresh ground on premature retirement on the basis of qualifying service instead of medical grounds, hence the appeal may be dismissed with costs.

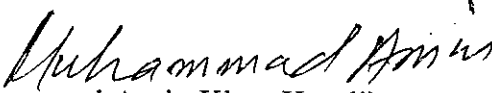
5. Arguments heard. File perused.


6. The Tribunal examined the arguments and counter arguments, the memo of appeal and the Para-wise comments of the respondents and relevant record attached to the case file and observes that the request of the appellant was initiated with her application of dated 07.07.2018 wherein she requested for retirement on medical ground with effect from 31.07.2018 her request for medical examination by the standing medical board was formally taken up with Director General Health Service by respondent No.2 vide letter dated 03.08.2018. The standing medical board recommended her for premature retirement on medical ground being incapacitated and not fit to continue in government service. Respondent No.2 forwarded the medical board recommendation to respondent No.4 and directed to process the case of the appellant for retirement on medical ground for the approval of the competent authority. After the instructions issued by the respondent No.2 vide letter dated 22.01.2019 the case of the appellant for retirement on medical ground was reversed at a final stage and converted it to the premature retirement on the basis of qualifying service without any statutory provision. It

  
**ATTESTED**  


appears that the impugned inaction on the part of respondent No.2 to submit the case to the approving authority is not covered under the law as the appellant has been denied her right for opting retirement on medical ground as provided in FR 10-A. Moreover, the denial of invalid pension and service benefits as required under SR 4 AA is not covered under the law and the instructions issued by the finance department under circular letter dated 1<sup>st</sup> December 1998.

7. In view of the above discussion we are of the considered opinion that the instant appeal carries merit and is approved with setting aside the orders adverse to the interest of the appellant and the respondents are directed to process the case of the appellant for retirement on medical ground and grant her invalid pension with effect from the date she has been relieved from the duty. Parties are left to bear their own costs. File be consigned to the record room.

  
(Muhammad Amin Khan Kundi)  
Member

  
(Hussain Shah)  
Member

ANNOUNCED  
21.02.2020

~~ATTESTED~~

**VAKALATNAMA**

NO. \_\_\_\_\_/20

IN THE COURT OF KP Service Tribunal, Peshawar

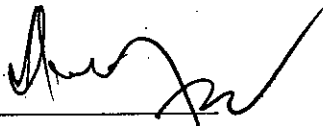
Ashraf Khan ----- Appellant  
Petitioner  
Plaintiff

**VERSUS**

Revenue Deptt ----- Respondent (s)  
Defendants (s)

I/WE Ashraf Khan (Appellant)  
do hereby appoint and constitute the **SYED NOMAN ALI BUKHARI Advocate High Court** for the aforesaid Appellant(s), Petitioner(S), Plaintiff(s) / Respondent(s), Defendant(s), Opposite Party to commence and prosecute / to appear and defend this action / appeal / petition / reference on my / our behalf and all proceedings that may be taken in respect of any application connected with the same including proceeding in taxation and application for review, to draw and deposit money, to file and take documents, to accept the process of the court, to appoint and instruct council, to represent the aforesaid Appellant(s), Petitioner(S), Plaintiff(s) / Respondent(s), Defendant(s), Opposite Party agree(s) ratify all the acts done by the aforesaid.

DATE \_\_\_\_\_/20

  
\_\_\_\_\_  
(CLIENT)

ACCEPTED

  
**SYED NOMAN ALI BUKHARI**  
ADVOCATE HIGH COURT

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

**Reply in Service No. 921 of 2021.**

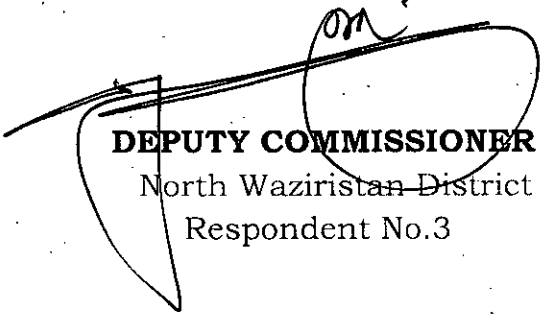
Mr. Ashraf Khan Retired Assistant, Office of the Deputy Commissioner, District North Waziristan District-----Appellant

Versus

1. Senior Member, Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
2. Commissioner, Bannu Division.
3. Deputy Commissioner, North Waziristan District.-----Respondents

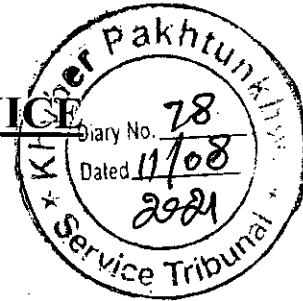
**INDEX**

<b>Sr.</b>	<b>Description of documents</b>	<b>Annexure</b>	<b>Page</b>
1	Parawise comments		1-3
2	Affidavit		4
3	authority		5
	Other documents	A, B,	6-7

  
**DEPUTY COMMISSIONER**  
North Waziristan District  
Respondent No.3

1

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



**Reply in Service Appeal No. 921 of 2021.**

Mr. Ashraf Khan Retired Assistant, Office of the Deputy Commissioner, District North Waziristan-----Appellant

Versus

1. Senior Member, Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
2. Commissioner, Bannu Division.
3. Deputy Commissioner, North Waziristan District.-----Respondents

**JOINT PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS No. 1,2 &3.**

**PRELIMINARY OBJECTIONS:-**

1. The appeal is not maintainable under the law.
2. The appeal has no cause of action.
3. The appeal has no locus standi.
4. The appellant has not come to the learned court with clean hands.

Respectfully Sheweth,

Para-wise reply is as under:-

**REPLY ON FACTS:-**

1. Correct: The appellant was working as Assistant (BPS-16) in the office of Deputy Commissioner, North Waziristan District.
2. Correct to the extent that appellant submitted an application for invalid retirement from service on medical ground concealing the facts about the actual date of retirement i.e. 01-09-2020 whereas according to Khyber Pakhtunkhwa Civil Servants Pension Rules & Orders 2006, the appellant qualified premature service (25 years) on 01-02-2005.
3. Correct:
4. Correct:
5. Correct to the extent that recommendations of Standing Medical Board were received on 13-08-2020 (one month before appellant due date of retirement). Whereby, the case was filed on the ground of concealment of facts by the appellant regarding date of retirement from service and secondly retiring the appellant one month before retirement date and recruitment of appellant's son was injustice with the unemployed youth of North Waziristan.

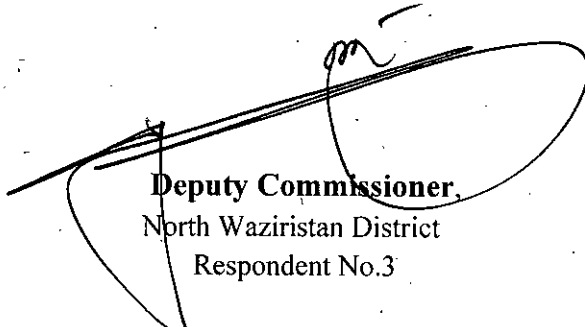
6. Correct to the extent that in compliance with the judgment dated 19-02-2020 passed by the Honourable Peshawar High Court, Peshawar regarding retirement age, the appellant was retired from service on 10-09-2020 on attaining the age of superannuation on 01-09-2020 whereas the respondent No.2 dismissed the service appeal of the appellant vide order 17-12-2020. Both the orders were issued/passed purely on merit (copy enclosed as **Annex-A & B**).

**REPLY ON GROUNDS:**

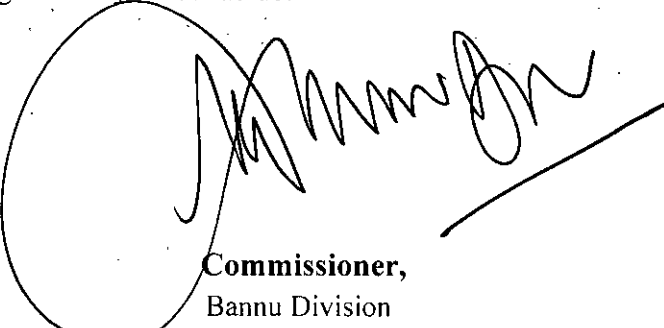
- A. Incorrect: The orders were issued on merit.
- B. Incorrect: As explained above at Para-5, the appellant was retired from service under the Pension Rules.
- C. Incorrect: Detailed reply is given at Para-2 & Para-5.
- D. Incorrect: Detailed reply is given at Para-2 & Para-5.
- E. Incorrect: Detailed reply is given at Para-2 & Para-5.
- F. Incorrect: Detailed reply is given at Para-2 & Para-5.
- G. Incorrect: As mentioned at Para-2 & Para-5, no violation has been committed by the Respondent No. 3 while issuing the retirement order dated 10-09-2020 of the appellant which was also maintained by respondent No.2 vide order dated 17-12-2020.
- H. Detail reply already given in Paras ibid.
- I. Incorrect: Proper opportunity of personal hearing was given to the appellant by the Respondent No.1 while deciding the departmental appeal of the appellant.
- J. Incorrect: As explained vide Para-2 & Para-5, orders of the appellants were issued on merit.
- K. Incorrect: Proper opportunity of personal hearing was provided by the Respondent No.2 while deciding the departmental appeal by the appellant.
- L. Incorrect: No violation of the Article 25 of Constitution of Islamic Republic of Pakistan has been committed.
- M. Incorrect: As explained at Para-2 & Para-5, no victimization & discrimination was done with the appellant and the case was decided as per merit.

- N. Incorrect: Detailed reply is given at Para-2 & Para-5. However, the entire motive of the appellant to move application for retirement on medial board two months prior to appellant retirement was to utilize the benefits of Rule 10 (4) of Appointment, Promotion & Transfer (APT) Rules 1989 which was injustice with qualified/educated youth of North Waziristan.
- O. Incorrect: As explained above, the appellant was retired from service under the Pension Rules.
- P. Incorrect: Detailed reply is given at Para-2 & Para-5.
- Q. The respondents seek permission to raise additional grounds during the arguments.


In view of the above, it is therefore most humbly requested that the instant appeal being devoid of legal footings may very graciously be set aside.



**Deputy Commissioner,**  
North Waziristan District  
Respondent No.3



**Commissioner,**  
Bannu Division  
Respondent No.2



**Senior Member,**  
Board of Revenue  
Khyber Pakhtunkhwa, Peshawar  
Respondent No.1



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

**Reply in Service No. 921 of 2021.**

Mr. Ashraf Khan Retired Assistant, Office of the Deputy Commissioner, District North Waziristan District-----Appellant

Versus

1. Senior Member, Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
2. Commissioner, Bannu Division.
3. Deputy Commissioner, North Waziristan District.-----Respondents

**AFFIDAVIT**

I, Umar Khitab, Additional Assistant Commissioner, Miranshah do hereby affirm and declare that the contents of the accompanying para wise comments on behalf Deputy Commissioner, North Waziristan District are true and correct the best of my knowledge and belief and nothing has been concealed from this honourable court.

Deponent

  
(Umar Khitab)

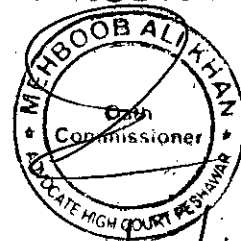
Additional Assistant Commissioner,  
Miranshah

CNIC No. 12201-9837005-3

Identified by:-

~~Additional Advocate General,  
Khyber Pakhtunkhwa.~~

**Attested**

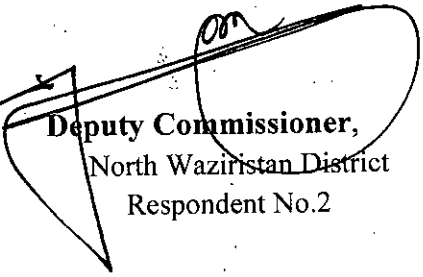


11/08/21


5

## AUTHORITY

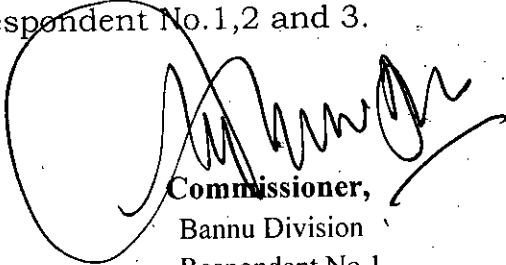
Mr. Umar Khitab, Additional Assistant Commissioner, Miranshah is authorized to submit joint parawise comments in the Khyber Pakhtunkhwa, Service Tribunal, Peshawar in the service appeal No. 921 of 2021 case titled "Ashraf Khan VS SMBR and others" on behalf the Respondent No.1,2 and 3.



**Deputy Commissioner,**  
North Waziristan District  
Respondent No.2



**Senior Member,**  
Board of Revenue,  
Khyber Pakhtunkhwa, Peshawar  
Respondent No.3



**Commissioner,**  
Bannu Division  
Respondent No.1

Annex - A 6



**OFFICE OF THE DEPUTY COMMISSIONER  
NORTH WAZIRISTAN TRIBAL DISTRICT**

Ph: (0928) 300903 Fax # (0928) 300642  
Email Address: dcnwtdofficial@gmail.com

No. 166-72 /EA

Dated 10 /09/2020

**NOTIFICATION:-**

Without prejudice to the legal remedies available to Provincial Government and in pursuance of judgement of the Honourable Peshawar High Court dated 19-02-2020 in W.P No. 5673-P/2019, Mr. Ashraf Khan, Assistant (BPS-16) of this office shall stand retired from Government service on 01-09-2020 on attaining age of superannuation, as his date of birth is 02-09-2020 subject to CPLA/Appeal of the Provincial Government against aforementioned judgement of Peshawar High Court and any order contrary as and when issued by the apex Court of Pakistan.

  
**DEPUTY COMMISSIONER**  
North Waziristan Tribal District

**Copy forwarded to:-**

1. Commissioner, Bannu Division.
2. Secretary-I, Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
3. Additional Deputy Commissioner, North Waziristan Tribal District.
4. Assistant Commissioner, Miranshah.
5. District Accounts Officer, North Waziristan Tribal District.
6. Mr. Ashraf Khan, Assistant.
7. District Nazir, office of Deputy Commissioner, NWTD.

  
**DEPUTY COMMISSIONER**  
North Waziristan Tribal District

Annex - B

IN THE COURT OF COMMISSIONER BANNU DIVISION  
7 BANNU

Mr. Ashraf Khan (Ex-Assistant), Office of DC, NWTD..... (Appellant)  
Versus  
Deputy Commissioner, NWTD..... (Respondent)

Annex - B

ORDER:

Mr. Ashraf Khan (Ex-Assistant) of the office of the Deputy Commissioner, North Waziristan Tribal District has preferred an appeal against the impugned order No. 166-72/EA, dated 10-09-2020 issued by the Deputy Commissioner North Waziristan Tribal District vide which the appellant was conditionally retired from service on attaining the age of superannuation.

Brief history of the case is that Mr. Ashraf Khan (Ex-Assistant) moved an application to Deputy Commissioner North Waziristan Tribal District for retirement on Medical Board grounds on, 30-06-2020.

Medical Board was then constituted and he was recommended for retirements on Medical grounds vide board report date, 18-07-2020.


The incumbent Deputy Commissioner North Waziristan Tribal District, issued his retirement order on the basis of attaining the age of superannuation instead of Medical grounds vide the impugned order dated, 10-09-2020. Hence he has moved this instant appeal.

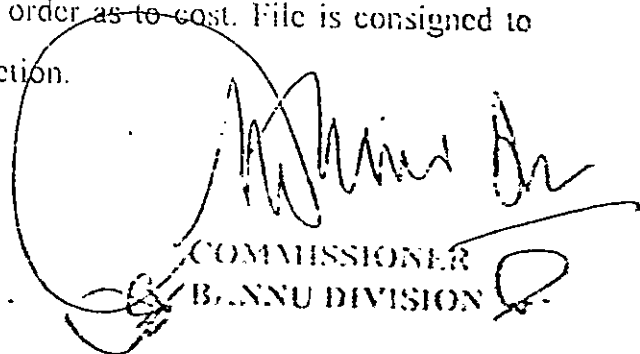
Parties present and heard in detail.

Deputy Commissioner has taken the plea that the appellant applied for retirement on Medical grounds, only two (2) months before his actual retirement on superannuation, which is based on malafide and has no justification.

Perusal of the case shows that the impugned order of the Deputy Commissioner North Waziristan is based on merit. Hence the instant appeal is therefore dismissed with no order as to cost. File is consigned to the record room after necessary completion.

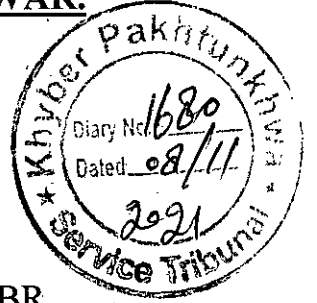
Announced  
17-12-2020

  
Deputy Commissioner,  
Bannu Division  
2021

  
COMMISSIONER  
BANNU DIVISION

**BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.**

Service Appeal No. 921/2021



Ashraf Khan

VS

SMBR

**REJOINDER ON BEHALF OF APPELLANT**

**RESPECTFULLY SHEWETH:**

**Preliminary Objections:**

- (1-4) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

**FACTS:**

- 1 Para-1 is admitted correct by the endorsed department.
- 2 Incorrect. While Para-2 of the appeal is correct as mention in the main appeal of the appellant. Moreover, appellant has never concealed any facts from the respondent and it is also responsibility of the respondent no.3 to consult the service record of the appellant which was in his custody, before referring appellant to medical board. Moreover, the deptt: preferred CPLA against the judgment of the Peshawar High Court Peshawar, wherein the age of retirement of was modified as 63 year, meaning thereby the age of the retirement was 63 years at that time and appellant never concealed any fact from the deptt:. Further it is added that the appellant never mentioned his wrong date of retirement so the plea of the respondent is baseless. The appellant has been denied his right for opting retirement on medical grounds as provided under FR 10-A. moreover the denial of pension and services benefits as required under SR 4AA, is against the law & rules.

- 3 Para-3 admitted correct by the endorsed department.
- 4 Para-4 is admitted correct by the endorsed department.
- 5 Para-5 is admitted correct by the endorsed department.
- 6 In para-6 of the reply respondent's department admitted First portion of para-6 of the appeal as correct hence no comments, while the rest of the para-6 of the reply is incorrect, hence denied, While Para-6 of the appeal is correct. Moreover, the respondent not challenged the same within 15 days, so the decision of the medical board becomes final. It is pertinent to mentioned here that the respondent no.3 approved the said recommendation of medical board on file note sheet but delayed the case and the appellant was malafidely conditionally retired from service subject to the outcome of CPLA. Further it is added that the appellant was discriminated which is violation of Article 2-A, 4 & 25 of the constitution because the respondents recently issued order dated 14.05.2021. wherein Mr Shalim khan retired from service on medical grounds after 28 years of service, Mr. Tariq Khan retired vide order dated 04.02.2021 after 29 year of service and Mr abdur Rashid was retired on medical grounds vide order dated 05.07.2018 just before 28 days from the actual retirement and Gul Muhammad retired on medical grounds vide order dated 29.12.2016 just before three months and Rashid gul retired on medical grounds vide order dated 29.07.2021 just before 10 days only. **Copy of documents is attached.**
- 7 In para-7 of the reply respondent's department admitted First portion of para-7 of the appeal as correct hence no comments, while the rest of the para-7 of the reply is incorrect, hence denied, While Para-7 of the appeal is correct. Moreover, the appeal of the appellant was rejected on flimsy grounds.

### GROUND:

- A. Incorrect. While Para-A of grounds of the appeal is correct as mentioned in the main appeal, of the appellant. Moreover, the impugned order were against the law, facts and norms of justice.

- B. Incorrect. While Para-B of grounds of the appeal is correct as mentioned in the main appeal, of the appellant. Moreover, The appellant has been denied his right for opting retirement on medical grounds as provided under FR 10-A. moreover the denial of pension and services benefits as required under SR 4aa is not covered under the law
- C. Incorrect. While Para-C of grounds of the appeal is correct as mentioned in the main appeal, of the appellant.
- D. Incorrect. While Para-D of grounds of the appeal is correct as mentioned in the main appeal, of the appellant.
- E. Incorrect. While Para-E of grounds of the appeal is correct as mentioned in the main appeal, of the appellant. Moreover as explained in above para-2 & para-5. Further it is added that, the department not denied the fact regards the approval of medical board opinion and delay in process of retirement on medical grounds.
- F. Incorrect. While Para-F of grounds of the appeal is correct as mentioned in the main appeal, of the appellant. Moreover as explained in para-2 & para-5. Further it is added that, the department not denied the fact regards the approval of medical board opinion and delay in process of retirement on medical grounds in whole comments.
- G. Incorrect. While Para-G of grounds of the appeal is correct as mentioned in the main appeal, of the appellant. Moreover, the respondent no.3 violated the procedure provided under Fr-10 A and Sr 4AA by issuing the retirement order of the appellant after considerable delay which speaks malafide on the part of the deptt. According to law after medical board opinion and further approval in black and white form, the appellant should boarded out on medical ground immediately and granted invalid pension under SR- 4 AA. The same principal is also held Serive Tribunal in its judgment dated 21.02.2020 in appeal,no: 558/2019. Further it is added that the departmental appeal of the appellant was rejected on flimsy grounds.
- H. Incorrect. While Para-H of grounds of the appeal is correct as mentioned in the main appeal, of the appellant.

- I. Incorrect, hence denied. While Para-I of grounds of the appeal is correct as mentioned in the main appeal, of the appellant. Moreover the departmental appeal was submitted to respondent no.2 and not to respondent no.1.
- J. Incorrect. While Para-J of grounds of the appeal is correct as mentioned in the main appeal, of the appellant. Moreover, the order issued by the respondent is not based on facts rather contrary to the material and approval on record.
- K. Incorrect. While Para-K of grounds of the appeal is correct as mentioned in the main appeal, of the appellant.
- L. Incorrect. While Para-L of grounds of the appeal is correct as mentioned in the main appeal, of the appellant. Moreover, appellant was discriminated which is violation of Article 2-A, 4 & 25 of the constitution because the respondent no:3 recently issued order dated 14.05.2021. wherein Mr abdur Rashid was retired on medical grounds vide order dated 05.07.2018 just before 28 days from the actual retirement. Gul Muhammad retired on medical grounds vide order dated 29.12.2016 just before three months and Rashid gul retired on medical grounds vide order dated 29.07.2021 just before 10 days only.
- M. Incorrect. While Para-M of grounds of the appeal is correct as mentioned in the main appeal, of the appellant. Moreover, malafide of the respondent is clear from the orders issued against the facts on record.
- N. Incorrect. While Para-N of grounds of the appeal is correct as mentioned in the main appeal, of the appellant. The respondents take shelter of the future developments which is not permissible in the eye of law. Moreover, rules 10-4 is provided under the APT rules 1989 and which are still intact, further there is no such provision is available in law to predict the future development and applied it in fanciful manner to deprive the civil servant from the due right. It is pertinent to mentioned here that the appellant is also belonged to North Waziristan and the son of the appellant is educated well qualified and part of the youth of the North Waziristan. Cut it short all the plea taken by the respondent is flimsy.



- O. Incorrect. While Para-O of grounds of the appeal is correct as mentioned in the main appeal, of the appellant.
- P. Incorrect. While Para-P of grounds of the appeal is correct as mentioned in the main appeal, of the appellant.
- Q. legal

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

**APPELLANT**

**Through:**

  
**(SYED NOMAN ALI BUKHARI)**  
**ADVOCATE, PESHAWAR.**

**AFFIDAVIT**

It is affirmed and declared that the contents of rejoinder and appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from the Hon'able Tribunal.

  
**DEPONENT**



GOVERNMENT OF KHYBER PAKHTUNKHWA  
 BOARD OF REVENUE  
 REVENUE & ESTATE DEPARTMENT

Peshawar dated the 25/07/2018

ORDER

No. Estt:II/Rtd/Medical Board / \_\_\_\_\_ The Standing Medical Board, Police & Service Hospital Peshawar has examined Mr. Abdur Rashid, Assistant (BS-16) office of the Deputy Commissioner Lakki Marwat and found him "unfit" for Government job due to his permanently incapacitation, therefore on the recommendation of Standing Medical Board, he is hereby retired from Government Service, on medical grounds with immediate effect. He has rendered 36 years service.

His date of birth is 13/08/1958.

By order of  
 Senior Member

End: No. Estt:II/Rtd/Medical Board: 26898-901

Copy forwarded to the:-

1. Deputy Commissioner Lakki Marwat with reference to his letter No. 391/AG-Estr: dated 26/06/201.
2. District Accounts Officer, Lakki Marwat.
3. Official concerned.

*[Signature]*  
 Assistant Secretary (Distt.)

RECEIVED	
NO	3438
Date	12/7/18
Return Date	
Action	Estab: A/S/H
DC - Lakki Marwat	

*[Handwritten notes in Urdu]*  
 26898-901  
 باقی تمام رسیدات کو دفتر کے پورے کیمپ کے ساتھ  
 کے ساتھ پیش کر دینا ہے۔

27

*[Handwritten signature]*

*[Large handwritten signature]*  
*[Handwritten notes]*

Medical Superintendent  
Distt Headquarter Teaching  
Hospital Bannu.

To,

Medical Agent  
Distt Headquarter Agency.

Subject :- STANDING MEDICAL BOARD OF GUL MOHAMMAD S/O PEERA KHEL.

For reference to the Director General Health Services Khyber Pakhtunkhwa Peshawar letter No. 1967/medical, dated 05-12-2016.

Mr. Gul Mohammed S/O Peera Khel resident of Narpa Khel Daur Takai, Miranshah NIC No. 21535-2431463-1 Junior Clerk appeared before the Standing Medical Board at the office of the undersigned on 14-12-2016. The report of the Standing Medical Board duly completed/recorded on proper forms are enclosed for your further necessary action.

Encl: Original  
copies of the  
S.M. Board.

Medical Superintendent  
Distt: Headquarter Teaching Hospital  
Bannu.

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

Copy is forwarded to :-

The Director General Health Services Khyber Pakhtunkhwa Peshawar with reference to the letter No. cited above.

Medical Superintendent  
Distt: Headquarter Teaching Hospital  
Bannu.

*Steno/Sept*

*Handwritten notes in Urdu script, including dates and names, located at the bottom right of the page.*

OFFICE OF THE MEDICAL SUPERINTENDENT DISTT: HEADQUARTER  
TEACHING HOSPITAL BANNU.

Certified that Mr. Gul Mohammed S/O Peera Khel resident of Darpa Khel Daur Tehsil Miranshah Junior Clerk N.I.O. No. 21506-2431463-1 appeared before the standing Medical Board at the office of the undersigned on 14-12-2016. The Standing Medical Board has examined him and found him "Unfit" for further service of any kind in the Department to which he belongs in consequences of Bronchial Asthma

- Chairman : ..... Medical Superintendent  
Distt: Headquarter Teaching  
Hospital Bannu. D.H.Q. Teaching Hospital Bannu.
- Member (1) ..... Medical Specialist  
Distt: Headquarter Teaching  
Hospital Bannu. D.H.Q. Teaching Hospital Bannu.
- Member (2) ..... Surgical Specialist  
Distt: Headquarter Teaching  
Hospital Bannu.
- Member (3) ..... Orthopaedic Surgeon  
Distt: Headquarter Teaching  
Hospital Bannu.
- Member (4) ..... Eye Specialist  
Distt: Headquarter Teaching  
Hospital Bannu. D.H.Q. Teaching Hospital Bannu.
- Member (5) ..... Deputy Medical Superintendent  
Distt: Headquarter Teaching  
Hospital Bannu. D.H.Q. Teaching Hospital Bannu.

Form 8 (PEN)

(Referred to n Rule 8.5)

COMMUTATION OF CIVIL PENSIONS

Medical Examination by the

(her enter Medical Authority)

Part I.

Statement by the applicant fro commutation of a portion of his pension. The applicat must complete this statement prior to his Examination by the S.M. Borsd (her enter the Medical Authority) and must sign the declaration appended there to in the presence of the Authority.

1. Name in full (Black Letters). GUL MOHAMMAD
2. Date of Birth. 03-9-1957 NIC No: 21506-2431463-1
3. Have you ever been granted have on Medical Certificate. If so state periods of leave and nature Of Illness.
4. Has any application for insurance on your life ever been declined or accepted at an increased premium?
5. (i) Have you ever been told that you had albumen or sugar in the urine?  
(ii) Do you rise at night to urinate?  
(iii) Are you now or have you ever been on special diet for your health?  
(iv) Has there been any marked increase or decrease in your weight within past three year? If so how much?
6. Have you been under the treatment of any doctor within the last three months. If so for what illness?

**DECLARATION BY APPLICAT.**

(to be singed in presence of the Medical Authority)

I declare all the above answers to be to the best of my belief are true and correct.  
I will full reveal to the Medical Authority all circumstance within my knowledge that concern my health and fitness.

I am fully aware that by will full making a false statement or canceling a relevant for, i shall incur the risk of losing the commutation. I have applied for and having my pension withdrawn under Rule 1.8 of the West Pakistan Civil Service Pension Rules.

Applicatn ,s Signature

Signature in Presence of.....

(Signature in Presence of Medical A uthority)

FORM 3 (PEN) conold.

PART II.

(to be filled in by the Examining Medical Authority)

- 1. Apparent age. 59 years.
- 2. Height. 5'8"
- 3. Weight. 75 KG
- 4. Girth of abdomen at level umbilicus.
- 5. Pulse rate..... 70
- (a) Sitting 70
- (b) Standing 70

What is character of pulse? *Normal*

- 6. What is condition of arteries? *Normal*
- 7. Blood pressure.....
- (a) Systolic. 120
- (b) Diastolic 80
- 8. If there any evidence of disease of the main organs.....
- (a) Heart. *Normal*
- (b) Lungs. *Clear*
- (c) Liver *Normal*
- (d) Spleen. *Normal*
- 9. Dose chemical Examination of urine show (i) albumen (ii) Sugar? State specific gravity.
- 10. Has the applicant a rupture? If so, state the kind and if reducible.
- 11. Describe any scars or identity marks.
- 12. Any additional information.

Station: *Bannu* (Signature and Designation of Examining Medical Authority)  
Date: *14.12.2016*

PART III.

I/We have carefully examine ..... and am / are of opinion that either he is /is not in good (Name of Applicant)

Bodily health and has the prospect in an average duration of is not a fit subject for commutation or (in the case of and impaired life which is yet consider a fit subject for commutation) as.....

Is suffering from *Arteriosclerosis* His age for the purpose commutation i.e His age next birthday should be taken to be..... more than actual age.

Left hand thumb and finger impression of nob, guzetteed Government servant.

Station: *Bannu* (Signature and Designation of examination Medical authority)  
Date: *14.12.2016*

Note: In the case of impaired life, if the pensioner after the Medical Examination to record his acceptance of the reduced commutation value without waiting for an intimation of the revised commuted value from Accounts Officer, he may intimate to that officer an unconditional acceptance which will be treated as final and irrevocable.

GS&PD. KHYBER PAKHTUN KHWANA .0607 F.S 200 pads of 100 27-4-82-(63)

*Handwritten signature*  
D.H.Q. Teaching Hospital  
Bannu

*Handwritten signature*  
D.H.Q. Teaching Hospital  
Bannu

*Handwritten signature*  
Orthopaedic Surgeon  
D.H.Q. Teaching Hospital  
Bannu

*Handwritten signature*  
Medical Superintendent  
D.H.Q. Teaching Hospital  
Bannu

*Handwritten signature*  
D.H.Q. Teaching Hospital  
Bannu

*Handwritten signature*  
Surgical Specialist  
D.H.Q. Teaching Hospital  
Bannu

THE DEPUTY COMMISSIONER, BANNU

Tel: 0928-9270032, Fax: 0928-9270097 dcbannu

No. 2128-31/DC/AE/BC

Dated: 28-07-2021

OFFICE ORDER:

The Standing Medical Board Medical Superintendent Police/Service Hospital Peshawar has examined Mr. Rashid Gul Assistant (BPS-16) of the office of Deputy Commissioner Bannu and found him unfit for further government services, due to his diabetes Mellitus, ischemic heart disease and Sciatica. MRI shows disc bulge at LV5-SV1 Intervertebral disc level causing left exiting nerve root compression, disc bulge at LV4-LV5 Intervertebral disc level causing bilateral exiting nerve roots compression, disc desiccatory changes at LV3-LV4 intervertebral disc level therefore, on the recommendations of Standing Medical Board the official is hereby retired on medical grounds from Govt. Service with effect from 26.05.2021(A.N). He has rendered 40 years approximately Govt. service.

His date of birth is 06.06.1961

Sanction is also accorded to the grant of encashment of LPR equal to 365 days earned leave in favour of Mr. Rashid Gul Assistant (BPS-16) as admissible under the leave rules.

DEPUTY COMMISSIONER

Even No & Date:

Copy forwarded to:

1. The District Comptroller of Accounts, Bannu along with service book and Pension Papers for necessary action.
2. Bill Clerk D.C Office Bannu.
3. Official Concerned.

DEPUTY COMMISSIONER

اس کو 6 ماہ ملازمت میں صرف 10 دن باقی  
کامیاب رہا اور ریٹائر ہو گیا ہے



124

## THE DEPUTY COMMISSIONER, BANNU

Tel: 0928-9270032, Fax: 0928-9270079 dcbannu

No. 283-85/DC/AE/BC

Dated: 4 - 02-2021

### OFFICE ORDER:

The Standing Medical Board/Additional Hospital Director DHQ /Medical Teaching Institution Bannu has examined Mr. Tariq Khan Naib Qasid (BPS-04) of the office of Deputy Commissioner Bannu and found him unfit for further active services, due to his Amblyopia diseases therefore, on the recommendations of Standing Medical Board the official is hereby retired on medical grounds from Govt: Service with effect from 14.10.2020 (A.N). He has rendered 29 years approximately Govt: service.

His date of birth is 1973.

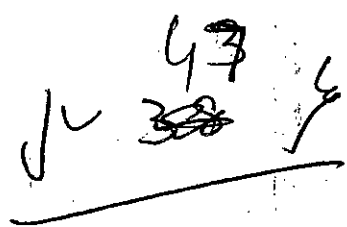
Sanction is also accorded to the grant of encashment of LPR equal to 365 days earned leave in favour of Mr. Tariq Khan Naib Qasid (BPS-04) as admissible under the leave rules.

  
DEPUTY COMMISSIONER

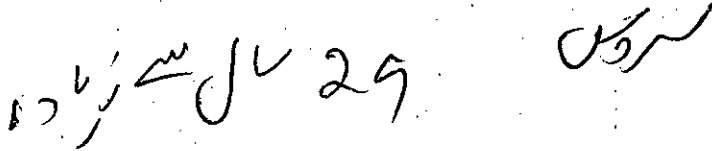
### Even No & Date:

### Copy forwarded to:

1. The District Comptroller of Accounts, Bannu alongwith service book and Pension Papers for necessary action.
2. Bill Clerk D.C Office Bannu.
3. Official Concerned.

43  
38  


  
DEPUTY COMMISSIONER

29  






79

THE DEPUTY COMMISSIONER, BANNU

Tel: 0928-9270032, Fax: 0928-9270079, dcbannu

No. 2254 /DC/AE/BC

Dated: 14 - 05-2020

OFFICE ORDER:

The Standing Medical Board/Additional Hospital Director DHQ /Medical Teaching Institution Bannu has examined Mr. Shalim Khan Chowkidar (BPS-04) of the office of Assistant Commissioner Sub Division Wazir Bannu and found him unfit for further active services, due to his Depression diseases therefore, on the recommendations of Standing Medical Board the official is hereby retired on medical grounds from Govt: Service with effect from 26-02-2020 (A.N). He has rendered 28 years approximately Govt: service.

His date of birth is 1970

Sanction is also accorded to the grant of encashment of LPR equal to 365 days earned leave in favour of Mr. Shalim Khan Chowkidar (BPS-04) as admissible under the leave rules.

-Sd-  
(Deputy Commissioner)

Even No & Date:

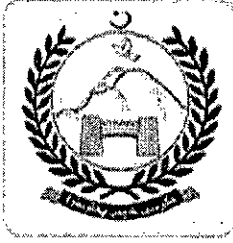
Copy forwarded to:

1. The District Comptroller of Accounts, Bannu alongwith service book and Pension Papers for necessary action.
2. Tehsildar Dornel.
3. Bill Clerk D.C Office Bannu.
4. Head Clerk Assistant Commissioner Sub Division Wazir, Bannu.
5. Official Concerned.

Assistant Commissioner  
Sub Division Wazir  
Bannu

28 سالہ ملازم  
 بعد دیکھ کر اس سال کا عریض  
 شالیم خان، چوکیدار، دفتر آئی  
 ڈی پی او، ڈی پی او، ڈی پی او  
 کو یہ سب کچھ یاد ہے، یہ سب کچھ

70  
20  
50



**KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR**

No. 2301 /ST

Dated: 18/11 /2021

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281  
Fax:- 091-9213262


To

The Deputy Commissioner,  
Government of Khyber Pakhtunkhwa  
North Waziristan.

Subject: JUDGMENT IN APPEAL NO. 921/2021 MR. ASHRAF KHAN.

I am directed to forward herewith a certified copy of Judgement dated 09.11.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR