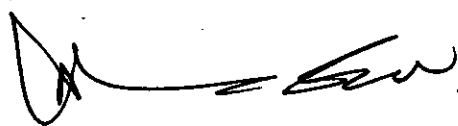


14<sup>th</sup> Feb, 2023 1. Appellant alongwith his counsel present. Mr. Muhammad Jan, District Attorney alongwith Mr. Riaz Hussain Shah, Technologist for respondents present.

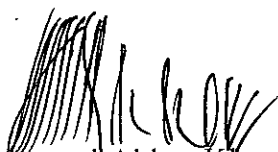
2. The matter was heard at length. It is the case of the appellant that he was appointed as X-Ray Attendant at RHC Gul Imam, District Tank on 05.07.2007 which appointment order was withdrawn on 01.11.2007 and one Saif Ullah was appointed against his post. The said Saif Ullah was terminated on 04.02.2009 again appointing the appellant against the said post. Mr. Saifullah filed a civil suit, which was dismissed. He then preferred an appeal, which also met the same fate. He then preferred civil revision petition before the Hon'ble Peshawar High Court, Bench D.I.Khan and the Hon'ble Peshawar High Court, D.I.Khan Bench treated the suit of the Saifullah as representation vide order dated 27.05.2011, sending that back to the Secretary to the Government of Khyber Pakhtunkhwa, Health Department, for decision of the same within fifteen days. Learned counsel pointed out that the appeal/departmental presentation of Saif Ullah was rejected and he filed appeal No. 460/2012 before this Tribunal, which was also disposed of, remitting the matter to the departmental authority to provide opportunity of hearing to Saif Ullah and passage of speaking order. It was then the appellant was reinstated in service vide order dated 18.02.2012 but with immediate effect. It is not disputed that the appellant was reinstated in service. The only concern of the appellant appears to be that since his initial appointment in the year 2007 till reinstatement on 18.02.2012, he was kept away from the duty for none of his fault and has not been paid any salary for this period. In this regard he had also filed writ petition 10-D/2018 which was disposed by the Hon'ble Peshawar High Court on 17.06.2019 with the directions to the Director General Health Services to decide the matter of arrears for the breakup period within sixty days. But the

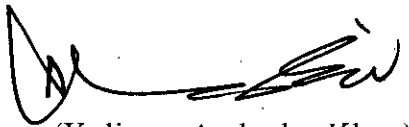


learned counsel states that the said matter was not so decided and the appellant resorted this appeal. After hearing the learned counsel for the appellant, representative of the respondents and learned District Attorney it was also alleged by the appellant that even he was not paid salary from the date of his reinstatement on 18.02.2012 till 31.10.2013.

3. In the circumstances above stated, we also deem it appropriate that the Director General Health Services shall decide the request of the appellant for arrears of the break up period as directed by the Hon'ble Peshawar High Court within thirty days after receipt of this order and decision shall be communicated to the Registrar of the Tribunal positively on 20.03.2023 <sup>and</sup> of the same be also placed before the Tribunal ~~on~~ during the next camp court on 20.03.2023. We also direct that the District Health Officer, Tank shall verify from the record about the allegation of the appellant that he was not paid from 18.02.2012 to 31.10.2013 and if the allegation is found genuine the appellant shall be paid his due for this period. Disposed of accordingly. Consign.

4. *Pronounced in open court in D.I.Khan and given under our hands and seal of the Tribunal on this 14<sup>th</sup> day of February, 2023.*

  
(Muhammad Akbar Khan)  
Member(Executive)  
Camp Court D.I.Khan

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

22.11.2022

Tour to camp court has been cancelled therefore, the case is adjourned for the same on 17.01.2023.

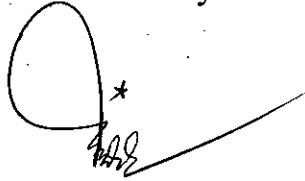
  
READER

17<sup>th</sup> Jan, 2023

Nemo for the appellant. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Counsel are on strike, therefore, the case is adjourned for arguments on 14.02.2023 before D.B at camp court D.I.Khan. Office is directed to notify the next date on notice board as well as on the Website of Khyber Pakhtunkhwa Service Tribunal.

SCANNED  
KPST  
Peshawar



(Mian Muhammad)  
Member (E)



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