

28.01.2020 Petitioner in person present. Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Dr. Muhammad Jaffar Litigation Officer for the respondents present and seeks time to furnish reply/implementation report. Granted. To come up for reply/implementation report on 10.03.2020 before S.B.

  
Member

My grievance  
has been  
redressed  
10.03.2020

Amir  
10/3/20

Petitioner Hazrat Ali in person and Mr. Kabirullah Khattak, Additional AG alongwith Dr. Muhammad Jaffar, Veterinary Officer for the respondents present. Petitioner stated at the bar that his grievance has been redressed. In this respect signature of learned counsel for the appellant was obtained at the margin of order sheet as a token of proof. As such, the present execution petition is disposed of. File be consigned to the record room.

ANNOUNCED  
10.03.2020

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

Hazrat Ali-

10.03.2020

Petitioner Hazrat Ali in person and Mr. Kabirullah Khattak, Additional AG alongwith Dr. Muhammad Jaffar, Veterinary Officer for the respondents present. Petitioner stated at the bar that his grievance has been redressed. In this respect signature of learned counsel for the appellant was obtained at the margin of order sheet as a <sup>token</sup> ~~token~~ of proof. As such, the present execution petition is disposed of. File be consigned to the record room.

ANNOUNCED  
10.03.2020

(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

25 days

CHARACTER ROLL OF

15-CENSURES AND PUNISHMENTS—concl'd.

Serial No.

Two days absence & leave pay  
 OB No 2560  
 9-7-2003  
 1/20  
 2 Days  
 As per 11/14  
 (192)

Two days absence & leave pay  
 OB No 2595  
 10-7-2003  
 1/21  
 2 Days  
 As per 11/14  
 (193)

Two days absence & leave pay  
 OB No 2606  
 11-7-2003  
 1/22  
 2 Days  
 As per 11/14  
 (194)

one day absence & leave pay  
 OB No 2635  
 15-7-2003  
 1/23  
 1 Day  
 As per 11/14  
 (195)

one day absence & leave pay  
 OB No 2638  
 15-7-2003  
 1/24  
 1 Day  
 As per 11/14  
 (196)

one day absence & leave pay  
 OB No 2657  
 16-7-2003  
 1/25  
 1 Day  
 As per 11/14  
 (197)

one day absence & leave pay  
 OB No 2661  
 16-7-2003  
 1/26  
 1 Day  
 As per 11/14  
 (198)

23.10.2019

Petitioner in person and Mr. Kabirullah Khattak, Additional AG alongwith Dr. Muhammad Jaffar, Veterinary Officer for the respondents present. Representative of the department stated at the bar that the implementation report is in process and requested for adjournment. Adjourned to 27.11.2019 for implementation report before S.B.

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

27.11.2019

Petitioner in person and Addl. AG alongwith Dr. Muhammad Jaffar, Veterinary Officer for the respondents present.

The representative of respondent No. 2 states that the District Officer (Finance/Planning) District Nowshera has already sent a request for payment in favour of petitioner. It was, however, learnt that due to non-availability of funds in the current quarter the requisite payment would <sup>be</sup> made to the petitioner in next quarter.

To come up for further proceedings on 28.01.2020. The petitioner, in the meanwhile, is required to submit to the respondent No. 2 his reservations/objections regarding the amount noted in the memo. dated 21.10.2019, sent by the said respondent with a copy endorsed to the petitioner.

  
Chairman

09.07.2019

Petitioner in person and Addl: AG for respondents present.

The petitioner states that although his leave without pay from 11.12.2011 to 31.01.2013 has been converted into Medical Leave through notification dated 31.01.2019, he has not been paid salary/allowances of the said period. Notice be, therefore, issued to respondents for implementing the notification dated 31.01.2019 and submission of report on next date of hearing.

Adjourned to 29.08.2019 before S.B.

  
Chairman

29.08.2019

Petitioner in person present. Addl: AG for respondents present. Due to paucity of time the case is adjourned to 26.09.2019 for further proceedings before S.B.

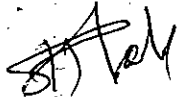
26.09.2019

Counsel for the petitioner present. Addl: AG alongwith (Ahmad Hassan) Member  
Dr. Muhammad Jafar, Veterinary Officer for respondents present. Representative of the respondents in pursuance of order sheet dated 09.07.2019 produced a copy of letter dated 20.09.2019 addressed to the Assistant Director Livestock, District Khyber to ensure early resolution of all issues pertaining to implementation of judgment of this Tribunal under question. He is directed to personally pursue the matter and ensure that payment is made to the petitioner well before the next date of hearing. Case to come up for further proceedings on 23.10.2019 before S.B.

  
Member


20.03.2019

Appellant in person and Mr. Kabirullah Khattak learned Addl; AG present. Due to general strike of the bar, the case is adjourned. To come up for further proceedings on 22.04.2019 before S.B.

  
(Hussain Shah)  
Member


22.04.2019

Petitioner in person and Addl: AG for respondents present. Petitioner seeks adjournment as his counsel is not available. Adjourned. Case to come up for further proceedings 11.06.2019 before S.B.

  
(Ahmad Hassan)  
Member

11.06.2019

Counsel for the petitioner and Addl: AG for respondents present. Learned counsel for the petitioner sought adjournment. Granted. Case to come up further proceedings on 09.07.2019 before S.B.

  
(Ahmad Hassan)  
Member

12-11-2018

Due to Retirement of Honorable  
Chairman the Tribunal is non  
functional therefore the case is  
adjourned to come up for the  
same on 31-12-2018

*J. al*  
Refused

31.12.2018

Petitioner in person present. Mr. Kabirullah Khattak,  
Additional AG alongwith Dr. Muhammad Jaffar,  
Veterinary Officer for the respondents present.  
Implementation report not submitted. Learned Additional  
AG requested for further adjournment. Adjourned. To  
come up for implementation report on 11.02.2019 before  
S.B.

*M.A.*  
Muhammad Amin Khan Kundi  
Member

13.02.2019

Petitioner in person present. Dr. Jafar Veterinary Officer  
representative of the respondent department present and  
submitted conditional implementation report. Adjourn. To  
come up for further proceedings on 20.03.2019 before S.B.

*J.D.*  
Member

FORM OF ORDER SHEET

Execution Petition No. 121/2018

S.No.	Date of order Proceedings	Order or other proceedings with signature of Judge
1	2	3
1	18.04.2018	<p>The Execution Petition of Mr. Hazrat Ali submitted to-day by Mr. Zahid Ullah Khan Advocate may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR 18/4/18</p>
2-	19/04/18.	<p>This Execution Petition be put up before S. Bench on <u>30/04/18.</u></p> <p style="text-align: right;"><i>MA</i> MEMBER</p>
	30.04.2018	<p>Appellant in person and Addl: AG for the respondents present. The Tribunal is non functional due to retirement of the Honorable Chairman. Therefore, the case is adjourned. To come up for the same on 27.09.2018 before S.B.</p> <p style="text-align: right;"><i>[Signature]</i> Reader</p>
27.09.2018		<p>Clerk of counsel for the petitioner present. Counsel for the petitioner is not in attendance due to general strike of the bar. To come up for preliminary hearing on execution petition on 12.11.2018 before the S.B.</p> <p style="text-align: right;"><i>[Signature]</i> Chairman</p>



27.06.2018

Petitioner in person present. Notice be issued to the respondents for implementation report for 02.08.2018 before S.B.

MA

(Muhammad Amin Khan Kundi)  
Member

02.08.2018

Petitioner Hazrat Ali in person present. Mr. Jafar Ali, Veterinary Officer alongwith Mr. Kabirullah Khattak, Adll: AG for respondents present. Representative of the respondents submitted written reply, copy of the same is handed over to the appellatant. Case to come up for arguments on 13.09.2018 before S.B.

Q

Chairman

13.09.2018

Neither petitioner nor his counsel present. Dr. Jafar Ali, V.O alongwith Mr. Kabirullah Khattak, Adll: AG for respondents present. Case to come up for further proceedings/arguments on 05.11.2018 before S.B.

Q

Chairman

**Before the Khyber Pakhtunkhwa Service Tribunal, Peshawar**

Khyber Pakhtunkhwa  
Service Tribunal

*Execution petition no. 121/2018*

Diary No. 441

Dated 18/4/2018

Hazrat Ali, veterinary Assistant Agriculture livestock and dairy development department KPK R/O Village Ali bag District Nowshera.

\_\_\_\_\_ Petitioner

.....VERSUS.....

1. Government of KPK, through Secretary Irrigation department, Peshawar
2. Director Agriculture livestock and dairy development department, Peshawar

\_\_\_\_\_ Respondents

**APPLICATION FOR IMPLEMENTATION/ENFORCEMENT OF ORDER/JUDGMENT DATED 24/11/2017 WHEREBY 418 DAYS LEAVE AVAILED ON ACCOUNT OF ILLNESS WAS CONVERTED IN TO MEDICAL LEAVE AS PER RULES.**

**Respectfully Sheweth**

Petitioner submits as under :

1. That the petitioner filed an appeal No. 532/2014 under section 4 of the Khyber Pakhtun khawa service tribunal Act, 1974 against the impugned order dated 6/1/2014.
2. That after hearing from both the side the Hon'ble Tribunal allowed the appeal of appellant and the impugned order dated 6/1/2014 was set aside and 418 days leave availed on account of illness of petitioner was converted in to medical leaves as per rules, A void order dated 24/11/2017:

( copies of order/judgment dated 24/11/2017 is attached as Annexure A)

3. That petitioner handed over the attested copies of order of the Hon'ble tribunal to respondent No. 2 and requested to pay him the amount/salary of 418 days as per order of this Hon'ble tribunal, but initially the department delayed the matter and now they denied to pay the same.
4. That petitioner so many times visited to the concern department for payment /release of funds of 418 days, but they denied, hence this application.

IT IS THEREFORE HUMBLLY PRAYED THAT ON ACCEPTANCE OF THIS APPLICATION AN ORDER AS PRAYED FOR MAY KINDLY BE GRANTED/ALLOWED.

Applicant

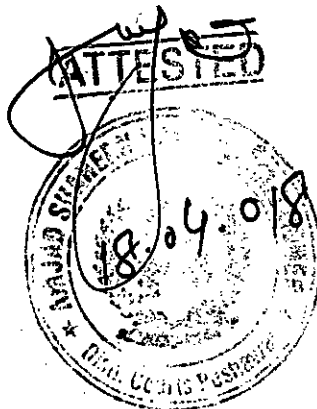
Through

  
Zahid Unah Khan  
Advocate High Court.

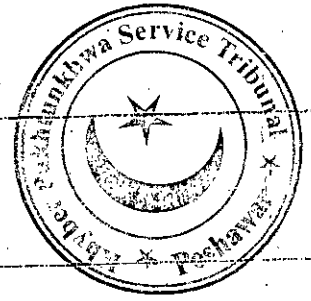
Affidavit

It is stated on that the contents of this application or correct to the best of my knowledge and nothing has been concealed from this hon'ble tribunal.

  
Deponent



fSr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

**Appeal No. 532/2014**

Date of Institution ... 03.04.2014  
 Date of Decision ... 24.11.2017

Hazrat Ali, Veterinary Assistant,  
 Agriculture Livestock & Dairy Development  
 Department Khyber Pakhtunkhwa  
 R/o Ali Baag District Nowshera.

**Appellant**

**VERSUS**

The Government of Khyber Pakhtunkhwa through Secretary  
 Irrigation Department, Peshawar & 2 others.

**Respondents**

Mr. Zahid Ullah Khan,  
 Advocate --- For appellant.

Mr. Usman Ghani,  
 District Attorney --- For respondents.

MR. GUL ZEB KHAN --- MEMBER  
 MR. MUHAMMAD HAMID MUGHAL --- MEMBER

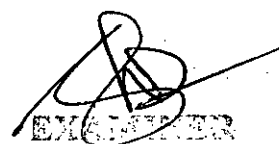
24.11.2017

**JUDGMENT**

GUL ZEB KHAN, MEMBER: Learned counsel for the  
 appellant present. Mr. Usman Ghani, District Attorney for the  
 respondents present.

2. Appellant Hazrat Ali has filed the present appeal u/s 4 of the

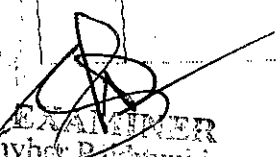
**ATTESTED**

  
 MEMBER  
 Khyber Pakhtunkhwa  
 Service Tribunal,  
 Peshawar

Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the impugned order dated 06.01.2014 passed by the Director General (Extension) Livestock and Dairy Development Khyber Pakhtunkhwa Peshawar whereby the leave of the appellant availed with effect from 11.12.2011 to 31.01.2013, (418) days has been treated as leave without pay and by departmental appeal was accepted partially vide letter dated 28.02.2014.

3. Learned counsel for the appellant argued that the appellant was appointed as a Veterinary Assistant (B-07) on 26.10.2002. That the appellant had some land dispute with his relatives in his village, due to which a skirmish took place on 07.12.2011 and due to which appellant, was severely injured as confirmed in the FIR dated 07.12.2011 at P.S Pabbi. That the appellant was shifted in injured condition to LRH Peshawar for treatment where his condition was declared as grievous. That during the period of treatment, as per doctors advice, appellant was to avail long spells of bed rest/medical leave on each visit/check up, for which appellant used to send the hospital chits periodically to his office, through his brother, for the purpose of grant of medical leave. That appellant's officer incharge referred the case to the competent authority (DG) for grant of sanction for 418 days medical leave with effect from 11.12.2011 to 31.01.2013. That the Director General office sent the medical receipts/prescriptions to the Lady Reading Hospital Peshawar for verification. That RMO of the Hospital, without checking the computerized record of the receipt prescription dated 25.01.2012,


**ATTESTED**

  
**EXAMINER**  
 Khyber Pakhtunkhwa  
 Service Tribunal,  
 Peshawar

declared them as fake. That on this account, a show cause notice dated 05.12.2013 was issued to the appellant which was duly replied. That the competent authority vide order dated 06.01.2014 imposed minor penalty of withholding one annual increment failing on 01.12.2014. That simultaneously through another order dated 06.01.2014, the competent authority treated his (418) days period as without pay. That subsequently the receipt dated 25.01.2012 was re-verified from the hospital record and was found correct. That thereafter, on a departmental appeal, the penalty of withholding of one annual increment was waived off vide order dated 28.02.2014. That dissatisfied from the order dated 28.02.2014 to the extent of not granting leave with pay, the instant appeal of the appellant may kindly be accepted and the impugned order dated 06.01.2014 may be set aside as the appellant has sufficient leave at his credit.

4. On the other side the District Attorney argued that the appellant inquiry was conducted by the department properly. That the impugned order has been passed by the competent authority after examining the relevant record hence the impugned order is sustainable and just. That all the codal formalities were duly fulfilled by the competent authority before issuing the order. That the impugned order is a speaking order and hence sustainable and therefore the instant service appeal may kindly be dismissed. We have heard arguments of the learned counsel for the appellant and District Attorney for the respondents and have gone through the record available on file.

**ATTESTED**

  
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

5. We have heard arguments of the learned counsel for the appellant and learned District Attorney for the respondents and have gone through the record available on file.

6. Punishment was imposed upon the appellant, as a result of findings of an enquiry report, which findings were subsequently proved wrong, due to the fact that the medical slips were latter declared correct/genuine by the hospital authorities. Due this fact the said medical chit/receipt by now stands as valid claim for all practical purposes and there seems no reason to deny the said period of leave to the appellant on medical grounds as per rules.

7. As a sequel to above, the present appeal is accepted. The impugned order dated 06.01.2014 is set aside and 418 days leave availed on account of illness is converted into medical leave as per rules. Parties are left to bear their own costs. File be consigned to the record room.

Announced  
24.11.2017

Edf- Gulzar Khan,  
Member

Edf- M. Hamid Mughal,  
Member

Certified to be true copy  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Date of Presentation of Application 04-12-2017  
Number of Words 1600  
Copying Fee 10.00  
Urgent —  
Total 10.00  
Name of Copyist MS  
Date of Completion of Copy 17-01-2018  
Date of Delivery of Copy 17-01-2018

قیمت  
50 روپے

نہ ۱۰



33195

ایڈووکیٹ: Zahid Ullah Khan ADU

بار کونسل ایسوسی ایشن نمبر: 10-7858

رابطہ نمبر: 03359227566

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: جسٹس چیف جسٹس چیف جسٹس چیف جسٹس

منجانب: مسماں	دعویٰ:
	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:

صدر علی بنام گورنمنٹ ہاؤس  
سکیٹی

**باعت تحریر آتھ**

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطہ پیروی و جواب دہی کا روائی متعلقہ  
آن مقام لیسٹا اور کیلئے زاید احمد خان کو وکیل مقرر  
کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو  
راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق  
زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز  
دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی  
کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب  
مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا  
دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے  
باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 9. 4. 018

العبد \_\_\_\_\_ العبد \_\_\_\_\_

مقام \_\_\_\_\_ کے لیے منظور ہے۔

صفیہ علی  
1729-2241952-1



**IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**

**ENFORCEMENT PETITION NO 121/ 2018 IN APPEAL NO.532/ 2014**

**Hazrat Ali**

Appellant

VERSUS

**Director General & Others**

Respondents

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S.No.	Description of Documents	Annexure	Page No
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3.	Minutes of the Meeting at Law Department	B	6- 9
4.	CPLA filed at Apex Court	C	10-11
5.	Affidavit	----	12

*Handwritten note:*  
Alia ~ file  
2/8/2018.

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
**APPEAL NO.E.P 121 /2018**

Hazrat Ali

.....**Appellant**

VERSUS

Government of Khyber Pakhtunkhwa, through Secretary & Other.

.....**Respondents**

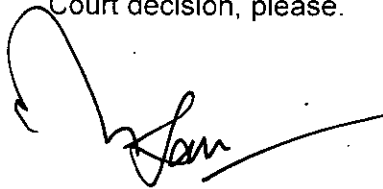
**Para-wise Comments on Behalf of the Respondent No. 1 & 2.**

Respectfully Sheweth:

**FACTS**

1. Correct.
2. Correct. ( Judgment enclosed as Annexure- A)
3. Incorrect. That Judgment of the Honorable Service Tribunal, Khyber Pakhtunkhwa was received by the Department and was accordingly forwarded to Law Department, Khyber Pakhtunkhwa, Peshawar for guidance and opinion on 25-01-2018 as per Government rules. The meeting on the subject case was held under the Chairmanship of Secretary Law, Law Department, Khyber Pakhtunkhwa, Peshawar on 07-02-2018, wherein it was decided with consensus by the scrutiny committee that the subject case was a fit case for filling of appeal / CPLA in the Supreme Court of Pakistan. Hence, CPLA was filed by the Department in the Apex Court. (Annexure- B)
4. As stated in the above para, the Judgment of the Honorable Service Tribunal, Khyber Pakhtunkhwa has been challenged by the Department in the Apex Court. Furthermore, the Department always respects the dignity and honor of the August Service Tribunal and can never think of disobeying orders of the Tribunal.

In view of the above facts, it is humbly prayed that application of implementation/ enforcement may be dismissed till the outcome of August Supreme Court decision, please.



Secretary  
Agriculture, Livestock & Cooperative  
Department Khyber Pakhtunkhwa, Peshawar

**Respondent No. 1**



Director General  
Livestock & Dairy Development  
Khyber Pakhtunkhwa, Peshawar

**Respondent No. 2**

Annex: **A**

2

fSr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
<p style="text-align: center;"><b><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u></b></p> <p style="text-align: center;"><b>Appeal No. 532/2014</b></p> <p style="text-align: center;">Date of Institution ... 03.04.2014 Date of Decision ... 24.11.2017</p> <p>Hazrat Ali, Veterinary Assistant, Agriculture Livestock &amp; Dairy Development Department Khyber Pakhtunkhwa R/o Ali Baag District Nowshera.</p> <p style="text-align: right;"><b>Appellant</b></p> <p style="text-align: center;"><b>VERSUS</b></p> <p>The Government of Khyber Pakhtunkhwa through Secretary Irrigation Department, Peshawar &amp; 2 others.</p> <p style="text-align: right;"><b>Respondents</b></p> <p>Mr. Zahid Ullah Khan, Advocate --- For appellant.</p> <p>Mr. Usman Ghani, District Attorney --- For respondents.</p> <p>MR. GUL ZEB KHAN --- MEMBER MR. MUHAMMAD HAMID MUGHAL --- MEMBER</p> <p style="text-align: center;"><b><u>JUDGMENT</u></b></p> <p style="text-align: center;"><u>GUL ZEB KHAN, MEMBER:</u> Learned counsel for the</p> <p>appellant present. Mr. Usman Ghani, District Attorney for the respondents present.</p> <p>2. Appellant Hazrat Ali has filed the present appeal u/s 4 of the</p>		



**ATTESTED**

**EXAMINED**  
Khyber Pakhtunkhwa Service Tribunal  
Peshawar

Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the impugned order dated 06.01.2014 passed by the Director General (Extension) Livestock and Dairy Development Khyber Pakhtunkhwa Peshawar whereby the leave of the appellant availed with effect from 11.12.2011 to 31.01.2013, (418) days has been treated as leave without pay and by departmental appeal was accepted partially vide letter dated 28.02.2014.

3. Learned counsel for the appellant argued that the appellant was appointed as a Veterinary Assistant (B-07) on 26.10.2002. That the appellant had some land dispute with his relatives in his village, due to which a skirmish took place on 07.12.2011 and due to which appellant, was severely injured as confirmed in the FIR dated 07.12.2011 at P.S Pabbi. That the appellant was shifted in injured condition to LRH Peshawar for treatment where his condition was declared as grievous. That during the period of treatment, as per doctors advice, appellant was to avail long spells of bed rest/medical leave on each visit/check up, for which appellant used to send the hospital chits periodically to his office, through his brother, for the purpose of grant of medical leave. That appellant's officer incharge referred the case to the competent authority (DG) for grant of sanction for 418 days medical leave with effect from 11.12.2011 to 31.01.2013. That the Director General office sent the medical receipts/prescriptions to the Lady Reading Hospital Peshawar for verification. That RMO of the Hospital, without checking the computerized record of the receipt prescription dated 25.01.2012,

**ATTESTED**

**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

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4. On the other side the District Attorney argued that the appellant inquiry was conducted by the department properly. That the impugned order has been passed by the competent authority after examining the relevant record hence the impugned order is sustainable and just. That all the codal formalities were duly fulfilled by the competent authority before issuing the order. That the impugned order is a speaking order and hence sustainable and therefore the instant service appeal may kindly be dismissed. We have heard arguments of the learned counsel for the appellant and District Attorney for the respondents and have gone through the record available on file.

**ATTESTED**

*[Signature]*  
 Secretary  
 Government of Karnataka  
 Bangalore

5. We have heard arguments of the learned counsel for the appellant and learned District Attorney for the respondents and have gone through the record available on file.

6. Punishment was imposed upon the appellant, as a result of findings of an enquiry report, which findings were subsequently proved wrong, due to the fact that the medical slips were latter declared correct/genuine by the hospital authorities. Due this fact the said medical chit/receipt by now stands as valid claim for all practical purposes and there seems no reason to deny the said period of leave to the appellant on medical grounds as per rules.

7. As a sequel to above, the present appeal is accepted. The impugned order dated 06.01.2014 is set aside and 418 days leave availed on account of illness is converted into medical leave as per rules. Parties are left to bear their own costs. File be consigned to the record room.

(MUHAMMAD HAMID MUGHAL)  
MEMBER

(GUL ZEB KHAN)  
MEMBER

**ANNOUNCED**  
**24.11.2017**

**Certified to be true copy**

DISTRICT ATTORNEY  
DISTRICT COURT  
DISTRICT MUZZAFFARGARH  
PUNJAB  
PAKISTAN

Annex: (B)

6

DIRECTORATE GENERAL (EXTENSION)  
LIVESTOCK & DAIRY DEVELOPMENT, KHYBER PAKHTUNKHWA, PESHAWAR

Tel: 091-9210249/9210276, Fax: 091-9210285, E-mail: dglddext@yahoo.com

Web: www.livestockextkp.gov.pk

No-1342

dt. 24/12/2018

To

The Secretary,  
Government of Khyber Pakhtunkhwa,  
Agriculture, Livestock & Cooperatives Department,  
Peshawar.

Attention: Section Officer (Lit)

Subject: APPEAL NO. 532/2014, HAZRAT ALI VS GOVERNMENT OF KPK & OTHERS

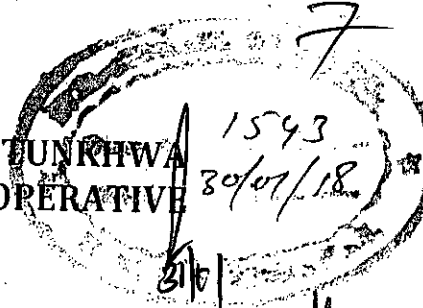
Reference to the subject noted above, enclosed please find herewith the Judgment of Khyber Pakhtunkhwa Service Tribunal in the instant case along with working paper and annexures for further submission to Law Department for guidance and opinion, please.

Encl; As Above

(DR. SHER MUHAMMAD)  
DIRECTOR GENERAL



GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRICULTURE, LIVESTOCK & COOPERATIVE  
DEPARTMENT



No.SO(Lit)AD/1-106/2014  
Dated Peshawar, the January 25, 2018

30/1/18

To

The Secretary to Govt: of Khyber Pakhtunkhwa,  
Law, Parliamentary Affairs & Human Rights Department.

Attention: **Section Officer (Litigation)**

Subject: **APPEAL NO.532/2014, HAZRAT ALI V/S GOVERNMENT OF KPK & OTHERS.**

Dear Sir,

I am directed to refer to the subject noted above and to forward herewith copies of letter No.1342; dated 24.01.2018 alongwith Judgment dated 24.11.2017 passed by the Khyber Pakhtunkhwa Service Tribunal, Peshawar, Working Paper in the subject case & its Annexure, which are self explanatory.

I am, therefore, requested to kindly place the case before the Scrutiny Committee of Law Department for examining it for filing CPLA in the Supreme Court of Pakistan or otherwise.

Encl. **As above.**

Yours Faithfully

  
(Dr. FAKHRUL ISLAM)  
Section Officer (Litigation)

**Endst. No. & Date Even.**

Copy forwarded to:

1. The Director General (Extension), Livestock & Dairy Development, Khyber Pakhtunkhwa, Peshawar with the request to to persue the case in Law Department.
2. PS to Secretary Agriculture, Khyber Pakhtunkhwa, Peshawar.
3. Master File.





**GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRICULTURE, LIVESTOCK & COOPERATIVE  
DEPARTMENT**

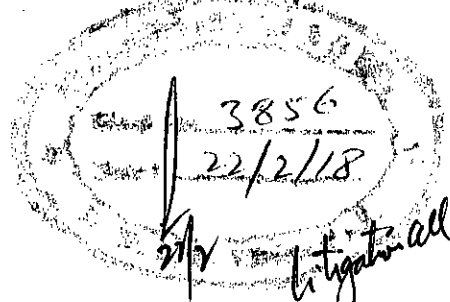
8

NO. SO(Lit)AD/3-106/2014  
Dated Peshawar the February 21, 2018

**MOST IMMEDIATE/COURT MATTER**

To

The Director General (Extension),  
Livestock & Dairy Development,  
Khyber Pakhtunkhwa, Peshawar.



SUBJECT: - **SERVICE APPEAL NO.532/2014 HAZRAT ALI VS GOVERNMENT OF  
KHYBER PAKHTUNKHWA & OTHERS**

I am directed to refer to the subject noted above and to forward herewith a copy of letter No. SO(Lit)/LD/9-3(1)Agri/2018/11924-27; W/E dated 12.02.2018 received from the Section Officer (Lit), Law Department, Government of Khyber Pakhtunkhwa, alongwith minutes of meeting held on 07.02.2018 under the Chairmanship of Secretary Law Department, Government of Khyber Pakhtunkhwa, Peshawar, which is self explanatory, for information and immediate necessary action, please.

**The matter is most urgent and may be taken on top priority.**

**Encl as above:-**

**(MANZOOR AHMAD)**  
Section Officer (Litigation)  
22.02.2018

**Endst. No. & Date Even.**

Copy forwarded to:

1. PS to Secretary Agriculture, Khyber Pakhtunkhwa, Peshawar.
2. Master File.

SERVICE APPEAL NO.532/2014 HAZRAT ALI VS GOVT. OF KHYBER PAKHTUNKHWA AND OTHERS.

A meeting of the Scrutiny Committee was held on **07-02-2018 at 14:00 hours** in the office of Additional Secretary (Opinion) Law Department under his Chairmanship to determine the fitness of the subject case for filing of appeal / CPLA in the proper forum. Additional Advocate General (**Mr. Rab Nawaz Khan**) was also present during the meeting being representative of Advocate General Khyber Pakhtunkhwa.

2. The meeting started with the recitation from the Holy Quran and thereafter Chairman of the Committee invited the representatives of **Agriculture Department Dr. Fakhru Islam Section Officer (Lit) alongwith Dr. Muhammad Jaffar Veterinary officer** to apprise the Committee about the background of the case. The representative informed the Scrutiny Committee that the appellant filed the subject service appeal in Khyber Pakhtunkhwa service Tribunal against the impugned order dated 06-01-2014 wherein the authority treated his absence period w.e.f 11-12-2011 to 31-01-2013 as leave without pay. The Tribunal accepted the appeal of the appellant and the impugned order was set aside and 418 days leave availed was converted into medical leave. Now the department wanted to file CPLA against the judgment on the following grounds:-

GROUND:-

3. The grounds proffered by the representative were that the impugned order was passed by the competent authority after examining the relevant record. All the codal requirement has been fulfilled before issuance of the impugned order. The representative was confronted to para-6 of the judgment wherein the Tribunal held that the medical slips were declared correct and genuine by the hospital authorities. On which the representative stated that the hospital never said anything about the correctness of the medical slips, however IT section of the hospital stated that the slips were obtained from the hospital and writing, signatures and stamp were denied by the hospital authorities. The representative further informed that medical leave in the entire service was allowed to the extent of 365 days under the relevant leave Rules and grant of medical leave for 418 days was in violation of relevant Rules.

DECISION:-

4. After threadbare discussion it was decided with consensus by the Scrutiny Committee that the subject case was a fit case for filling of appeal / CPLA in the Supreme Court of Pakistan.

5. The representative of **Agriculture Department** was advised to approach the office of Advocate General along with complete record of the case for doing the needful within the period of limitation under intimation to this Department.

  
TAHIR IQBAL KHATTAK  
DEPUTY SOLICITOR

# Annex : (C)

10

## POWER OF ATTORNEY IN THE SUPREME COURT OF PAKISTAN (APPELLATE JURISDICTION)

Govt of KPK

PETITIONER(S)

Vs

Hazrat Ali

RESPONDENTS

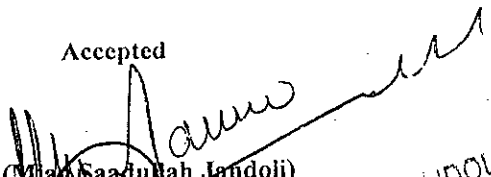
I, through Petitioner (Govt. of KPK) in the above Petition, do hereby appoint and constitute Mian Saadullah Jandoli, Advocate-on-Record, Supreme Court, for Govt. of Khyber Pakhtunkhwa the Attorney for the aforesaid Petitioner(s) to commence and prosecute appear and defend this action/appeal/suit/petition/reference on my/our behalf and all proceeding that may be taken in respect on any application connected with the same including proceeding in taxation and application for review, to draw and deposit money, to file and take back documents, to accept the proceeds of the Court, to appoint and instruct Counsel, to represent the aforesaid Petitioner(s) in the above matter and to do all things incidental to such acting for the aforesaid Petitioner(s).


Aforesaid Petitioner(s) hereby agrees/agree to ratify all acts done by the aforesaid Attorney in pursuance of this authority.


In witness whereof I/we do hereunto set my/our hand/hands


Signed with Official seal stamp

Accepted

  
(Mian Saadullah Jandoli)  
Advocate-on-Record  
Supreme Court of Pakistan  
(for KPK) Advocate-General's  
Office KPK, High Court Building, Peshawar.  
Office Tel. # 091-9210312; 9210119  
For Govt. of Khyber Pakhtunkhwa

1-   
Director General (Extension)  
Livestock & Dairy Development  
Khyber Pakhtunkhwa Peshawar  
Director General (Extension)  
Livestock & Dairy Development  
Khyber Pakhtunkhwa Peshawar

2-   
Section Officer (L&F)  
Peshawar.  
Section Officer (L&DD)  
Agril. Livestock & Coop. Deptt  
Govt. of KPK, Peshawar.

3-   
Secretary Agriculture Livestock & Dairy  
Development Peshawar.  
Secretary  
Agriculture Livestock & Dairy Development  
Govt. of KPK, Peshawar

11

OFFICE OF ADVOCATE GENERAL KHYBER  
PAKHTUNKHWA PAKHTUNKHWA PESHAWAR

RECEIPT

Received a sum of Rs. 2200/- (Rupees Two Thousand and two hundred only) as expenses (Photostat, binding, Supreme Court tickets and notices to respondents) for filing CPLA in the Supreme Court of Pakistan in its branch registry at Peshawar in connection with case title Service Appeal No. 532/2014 Hazrat Ali Versus Government of Khyber Pakhtunkhwa and others.

*Adv. Asimullah Khan*

Advocate-on-Record 8/2/2018  
Supreme Court of Pakistan  
Office of Khyber Pakhtunkhwa  
Peshawar.

C.P No. 123-P/2018

**IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**

ENFORCEMENT PETITION NO.121/ 2018 IN APPEAL NO.532/ 2014

**Hazrat Ali**

Appellant

VERSUS

**Director General & Others**

Respondents

**AFFIDAVIT**

I, Dr. Muhammad Jaffar, Veterinary Officer, Livestock & Dairy Development, Khyber Pakhtunkhwa, Peshawar do hereby solemnly affirm on oath that the contents of the parawise comments related to the above mentioned case are true and correct to the best of my knowledge and belief, and that nothing has been concealed from this Honorable Tribunal.

  
DEPONENT

14202-1329348-9



**DIRECTORATE GENERAL (EXTENSION)**  
**LIVESTOCK & DAIRY DEVELOPMENT**  
**KHYBER PAKHTUNKHWA**

Bacha Khan Chowk, Charsadda Road Peshawar. Email: dglddext@yahoo.com Tel: 091-9210276, 9210249, Fax: 091-9210285

**NOTIFICATION:**

To implement the Judgment/Order of the Khyber Pakhtunkhwa, Service Tribunal Peshawar in Execution Petition No. 121/2018 in Appeal No. 532/2014 dated 24.11.2017, Under rule-4 (ii) and (iii) of the Revised Leave Rules 1981 of the Government of Khyber Pakhtunkhwa sanction is hereby accorded for the grant of 418-days Medical Leave on full pay w.e.f 11.12.2011 to 31.01.2013 in respect of Mr. Hazrat Ali, Veterinary Assistant BPS-09, presently working in the payment circle of Assistant Director, Livestock & Dairy Development Department District Khyber.

This office order regarding leave without pay w.e.f 11.12.2011 to 31.01.2013 (418) issued vide this office order No. 5025-27 dated 06.01.2014 is hereby withdraw.

The above order may be considered as conditional, subject to fate of decision in Honorable Supreme Court of Pakistan.

  
(DR. SHER MUHAMMAD)  
DIRECTOR GENERAL

No: DG L&DD (E) / 1451-58

Dated Peshawar the 31/01/2019

Copy forwarded to the:

1. The Registrar, Khyber Pakhtunkhwa, Service Tribunal, Peshawar in response to his letter No. 56/ST dated 10.01.2018.
2. The Director Livestock and Dairy Development Newly Merged Area, Warsak Road, Peshawar.
3. The District Accounts Officer Nowshera and Khyber.
4. The District Director Livestock, Nowshera.
5. The Assistant Director Livestock and Dairy Development, District Khyber.
6. Official concerned.

  
DIRECTOR HEADQUARTERS



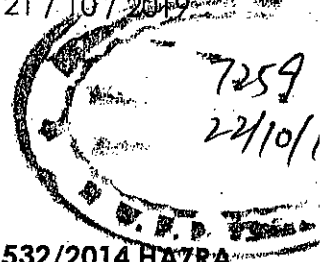
**OFFICE OF THE DISTRICT DIRECTOR LIVESTOCK NOWSHERA PHONE NO.0923-9220215**

No \_\_\_\_\_ / Dated Nowshera the

21 / 10 / 2019

To

The District Officer, Finance & Planning,  
District Nowshera



Subject: - **EXECUTION PETITION NO.121/2018 IN SERVICE APPEAL NO.532/2014 HAZRA ALI VERSUS DIRECTOR GENERAL AND OTHER**

Memo: Reference your office letter No. 21336 dated 08/10/2019 on the subject

cited above. It is informed that Mr. Hazrat Ali veterinary Assistant worked in the circle of the undersigned from 1.07.2004 to 31.05.2016. Now he is working in a circle of District Director livestock Tribal District Khyber. He has applied for full pay from **11.12.2011 to 31.01.2013** vide Service Tribunal Execution petition **No.121-2018 dated 1.12.2018**. Service Tribunal in its judgment **converted it leave without pay into medical leave with full pay of 418 days (copy attached)**. There is no budget allocation available under head of Account A-01278 Leave Salary for the year 2019-2020.

It is, therefore, requested to kindly allocate Rs.121495/- ( **one lac, twenty one thousand, four hundred and ninety five only**) to fulfill the claim of Medical Salary for the above named official under the head (04 Economic Affairs-042-Agri, Food, Irrigation, Forestry & Fishing -042 Agriculture, 042106 Animal Husbandry) NR 6137, A01278 Medical Salary for current financial Year 2018-2019.

S#	Name of Officer	Designation	Period LPR	Rate of Monthly Pay	Total
1	Mr. Hazrat Ali	Veterinary Assistant	11.12.2011 to 31.01.2013	Nil	121495/-

Classification Code	Budget for 2018-19	Up to date Expender	Balance	Total	Requirement
Ao1278 Leave Salary	Nil	Nil	Nil	121495/-	121495/-

  
District Director Livestock  
Nowshera

No 1242-461 Dated Nowshera the

21 / 10 / 2019

Copy of the above is forwarded to

1. The Registrar, Khyber Pakhtunkhwa Service Tribunal Peshawar for information.
2. PA to Director General (Extension) livestock and Dairy Development Department Khyber Pakhtunkhwa Peshawar for information.
3. The Director Headquarter livestock and Dairy Development Department With reference to his letter No.21336 dated 08/10/2019.
4. The Assistant Director Tribal District Khyber at Jamrud.
5. The official concerned for information.

  
District Director Livestock  
Nowshera



DIRECTORATE GENERAL (EXTENSION)  
LIVESTOCK & DAIRY DEVELOPMENT KHYBER  
PESHAWAR

Tel: 091-9210249/9210276, Fax: 091-9210285, E-mail: dglddextk@

Web: www.livestockextkp.gov.pk

No 20261

Dated Peshawar, the

To

Assistant Director Livestock  
District Khyber

Subject: **EXECUTION PETITION NO. 121/2018 IN SERVICE APPEAL NO. 532/2014, HAZRAT ALI VERSUS DIRECTOR GENERAL & OTHERS**

With reference to the subject noted above, it is please stated that the instant case was decided in favor of the Appellant, wherein the Hon'ble Service tribunal converted the 418 days without pay leave of the Appellant into Medical leave. Thereafter, the Appellant filled execution petition for implementation of the Hon'ble Tribunal orders. This office issued notification No. DG L&DD (E)/ 1451-56, dated 31-01-2019 to complied with the Service Tribunal orders. The same notification was endorsed to you for further necessary action, so that the implementation of the Tribunal orders may be done in letter and spirit. In current scenario, the case was previously attended by the focal person of this office, wherein he was directed to expedite the case of the Appellant and make sure the compliance of the Tribunal orders. It is pertinent to mention that the next date of hearing is fixed on 26-09-2019.

In order to avert any untoward situation at Hon'ble Service Tribunal, you are directed to tackle the case with the relevant account office, so that the compliance of the Hon'ble Tribunal orders could be ensured, please.

**Being court case should be treated on priority basis.**

**Encl: As Above**

(DR. ALAMZEB)  
DIRECTOR HEADQUARTERS

No 20262-64

Dated Peshawar, the 20/09/2019

Copy of the above is forwarded to;

1. PA to Director General (Extension), Livestock & Dairy Development, Khyber Pakhtunkhwa, Peshawar for information, please.
2. Director Livestock, Merged Areas, FATA Civil Secretariat, Peshawar with the request to ensure the compliance of the orders of the Khyber Pakhtunkhwa Service Tribunal, please.
3. District Account Office, Khyber. With the request to expedite the case of the Appellant w/r to this office letter no. DG L&DD (E)/ 1451-56, dated 31-01-2019, please.

DIRECTOR HEADQUARTERS





**DIRECTORATE GENERAL (EXTENSION)**  
**LIVESTOCK & DAIRY DEVELOPMENT**  
**KHYBER PAKHTUNKHWA**

Bacha Khan Chowk, Charsadda Road Peshawar. Email: dglddext@yahoo.com Tel: 091-9210276, 9210249, Fax: 091-9210285

**NOTIFICATION:**

To implement the Judgment/Order of the Khyber Pakhtunkhwa, Service Tribunal Peshawar in Execution Petition No. 121/2018 in Appeal No. 532/2014 dated 24.11.2017, Under rule-4 (ii) and (iii) of the Revised Leave Rules 1981 of the Government of Khyber Pakhtunkhwa sanction is hereby accorded for the grant of 418-days Medical Leave on full pay w.e.f 11.12.2011 to 31.01.2013 in respect of Mr. Hazrat Ali, Veterinary Assistant BPS-09, presently working in the payment circle of Assistant Director, Livestock & Dairy Development Department District Khyber.

This office order regarding leave without pay w.e.f 11.12.2011 to 31.01.2013 (418) issued vide this office order No .5025-27 dated 06.01.2014 is hereby withdraw.

The above order may be considered as conditional, subject to fate of decision in Honorable Supreme Court of Pakistan.

  
(DR. SHER MUHAMMAD)  
DIRECTOR GENERAL

No: DG L&DD (E) / 1451-58

Dated Peshawar the 31/01/2019

Copy forwarded to the:

1. The Registrar, Khyber Pakhtunkhwa, Service Tribunal, Peshawar in response to his letter No. 56/ST dated 10.01.2018.
2. The Director Livestock and Dairy Development Newly Merged Area, Warsak Road, Peshawar.
3. The District Accounts Officer Nowshera and Khyber.
4. The District Director Livestock, Nowshera.
5. The Assistant Director Livestock and Dairy Development, District Khyber.
6. Official concerned.

  
DIRECTOR HEADQUARTERS



**DIRECTORATE GENERAL (EXTENSION)**  
**LIVESTOCK & DAIRY DEVELOPMENT**  
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The above order may be considered as conditional, subject to fate of decision in Honorable Supreme Court of Pakistan.

 (DR. SHER MUHAMMAD)  
DIRECTOR GENERAL

No: DG L&DD (E) / 1451-56

Dated Peshawar the 31/01/2019

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4. The District Director Livestock, Nowshera.
5. The Assistant Director Livestock and Dairy Development, District Khyber.
6. Official concerned.

 DIRECTOR HEADQUARTERS



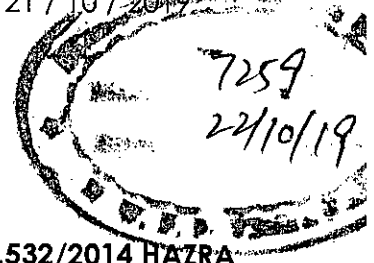
**OFFICE OF THE DISTRICT DIRECTOR LIVESTOCK NOWSHERA PHONE NO.0923-9220215**

No \_\_\_\_\_ / Dated Nowshera the

21 / 10 / 2019

To

The District Officer, Finance & Planning,  
District Nowshera



Subject: - **EXECUTION PETITION NO.121/2018 IN SERVICE APPEAL NO.532/2014 HAZRA ALI VERSUS DIRECTOR GENERAL AND OTHER**

Memo: Reference your office letter No. 21336 dated 08/10/2019 on the subject

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It is, therefore, requested to kindly allocate Rs.121495/- ( **one lac, twenty one thousand, four hundred and ninety five only**) to fulfill the claim of Medical Salary for the above named official under the head (04 Economic Affairs-042-Agri, Food, Irrigation, Forestry & Fishing -042 Agriculture, 042106 Animal Husbandry) NR 6137, A01278 Medical Salary for current financial Year 2018-2019.

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Classification Code	Budget for 2018-19	Up to date Expender	Balance	Total	Requirement
Ao1278 Leave Salary	Nil	Nil	Nil	121495/-	121495/-

  
District Director Livestock  
Nowshera

No 1242-461 / Dated Nowshera the

21 / 10 / 2019

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2. PA to Director General (Extension) livestock and Dairy Development Department Khyber Pakhtunkhwa Peshawar for information.
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5. The official concerned for information.

  
District Director Livestock  
Nowshera



**DIRECTORATE GENERAL (EXTENSION)**  
**LIVESTOCK & DAIRY DEVELOPMENT**  
**KHYBER PAKHTUNKHWA**

Bacha Khan Chowk, Charsadda Road Peshawar. Email: dglddext@yahoo.com Tel: 091-9210276, 9210249, Fax: 091-9210285

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The above order may be considered as conditional, subject to fate of decision in Honorable Supreme Court of Pakistan.

(DR. SHER MUHAMMAD)  
DIRECTOR GENERAL

No: DG L&DD (E) / 1457-56

Dated Peshawar the 31/01/2019

Copy forwarded to the:

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2. The Director Livestock and Dairy Development Newly Merged Area, Warsak Road, Peshawar.
3. The District Accounts Officer Nowshera and Khyber.
4. The District Director Livestock, Nowshera.
5. The Assistant Director Livestock and Dairy Development, District Khyber.
6. Official concerned.

DIRECTOR HEADQUARTERS