

Service Appeal No. 356/2018

Titled "Dr. Abni Amin-vs-Adudit Officer KTM/KMC/RCD Peshawar and others"

ORDER

11th April, 2023


KALIM ARSHAD KHAN, CHAIRMAN: Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

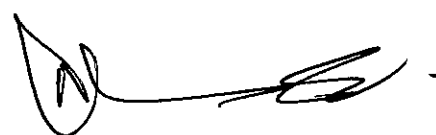
02. The appellant had at first instance filed writ petition No. 1856-P/2016 before the Hon'ble Peshawar High Court which was decided vide order dated 05.09.2017, transmitting the matter to the Secretary to the Government of Khyber Pakhtunkhwa Health Department with the directions to treat the petition as departmental appeal and decide the same strictly in accordance with the Civil Servants Pension Rules, 1963 and in the light of the guideline, laid down by the Hon'ble Peshawar High Court in the judgment passed in writ petition No. 3394-P/2016 decided on 22.06.2017 titled "Ameer Zeb-vs- District Accounts Officer, Nowshera etc" but the Secretary to the Government of Khyber Pakhtunkhwa Health Department had not decided the same nor is there any reply in this appeal filed by the Secretary to the Government of Khyber Pakhtunkhwa Health Department, therefore, learned counsel for the appellant says that he would be satisfied if a direction is given to the Secretary Health Department to decide the departmental representation within a fixed period say sixty days where-after he may be at liberty to seek redressal if that is decided against him. If such a direction is given he would not press this appeal. The learned District Attorney has also submitted that it would be appropriate that the departmental appeal should be decided by the Secretary Health so that the view point of the authority could be known. While disposing of this appeal



we direct that the Secretary Health should decide the Departmental appeal of the appellant, which originally was a writ petition No. 1856/2016 and treated by the Hon'ble Peshawar High Court as departmental appeal, within a period of sixty days from the date of receipt of this order positively. The District Attorney has assured that he would communicate the order to the Secretary Health. The date of communication of this order shall be acknowledged in writing and acknowledgment be sent to the Registrar of this Tribunal similarly the result should also be communicated to this Tribunal through its Registrar. Consign.

03. *Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal on this 11th day of April, 2023.*


(Muhammad Akbar Khan)
Member(Executive)


(Kalim Arshad Khan)
Chairman