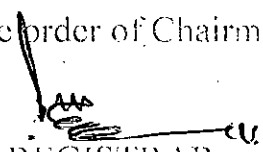


# FORM OF ORDER SHEET

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

Case No. -

655/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	27/03/2023	<p>The appeal of Mr. Abid Gulraiz resubmitted today by registered Post through Mr. Muhammad Arshad Khan Tanoli Advocate. It is fixed for preliminary hearing before touring Single Bench at A. Abad on _____. Notices be issued to the appellant and his counsel for the date fixed.</p> <p style="text-align: right;">By the order of Chairman  REGISTRAR</p>

The appeal of Mr. Abid Gulraiz son of Malik Khalil ur Rehman ward Orderly C.D Mangloor Mansehra received today i.e. on 06.03.2023 is incomplete on the following score which is returned to the co Counsel for the appellatant for completion and resubmission within 15 days.

- 1- Copy of impugned order is not attached with the appeal which may be placed on it.
- 2- Copy of departmental appeal is not attached with the appeal which may be placed on it.
- 3- Copy of Final rejection order of departmental appeal is not attached with the appeal which may be placed on it.

No. 888 /S.T,

Dt. 7/3 /2023

  
REGISTRAR

SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.


Mr. Muhammad Arshad Khan Adv.  
High Court Peshawar, Abotabad,

Sir,

The appeal is filed,

re-submitted duly  
rectified as required

P-67 to 72 are  
attached

  
Muhammad Arshad Khan Tanoli  
Advocate Supreme Court of Pakistan  
Office # 33 Jinnah Plaza Adjacent to  
District Bar, Abbottabad

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

Service Appeal No. 655 /2023

Abid Gulraiz son of Malik Khalil ur Rehman, Ward Orderly CD Mangloor,  
District Mansehra.

....APPELLANT

**VERSUS**

Govt. of Khyber Pakhtunkhwa, through Secretary Health & Health Services  
KP Peshawar & others.

....RESPONDENTS

**SERVICE APPEAL**

**INDEX**

S.#	Description	Page No.	Annexure
1.	Service appeal along with affidavit	1 to 10	
2.	Copy of appointment order dated 02/12/1997 is mentioned in the service book of the appellant	11-30	"A"
3.	Copy of relevant rules of FR	31-32	"B"
4.	Copy of compromise deed dated 15.12.2015	33-35	"C"
5.	Copies of applications	36-37	"D"
6.	Copy of departmental appeal regarding his reinstatement in services	38-39	"E"
7.	Copy of writ petition No. 180-A/2020 and order dated 01.12.2020	40-51	"F"
8.	Copy of re-instatement order -	52-53	"G"
9.	Copy of judgment dated 16.02.2023 in C.O.C No. 67-A/2021	54-60	"H"
10.	Copy of judgment of this Honourable Tribunal	61-66	"I"
11.	Wakalatnama	67	

....APPELLANT

Through

Dated: \_\_\_\_\_/2023

(Muhammad Arshad Khan Tanoli)  
Advocate Supreme Court of Pakistan

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

Service Appeal No. 655 /2023

Abid Gulraiz son of Malik Khalil ur Rehman, Ward Orderly CD Mangloor,  
District Mansehra.

**....APPELLANT**

**VERSUS**

1. Govt. of Khyber Pakhtunkhwa, through Secretary Health & Health Services KP Peshawar.
2. Director General Health and Health Services Khyber Pakhtunkhwa Peshawar.
3. District Health Officer District Mansehra.
4. District Account Officer District. Mansehra.

**....RESPONDENTS**

**SERVICE APPEAL UNDER SECTION 4 OF  
KPK SERVICE TRIBUNAL ACT, 1974, FOR  
DECLARATION TO THE EFFECT THAT THE  
APPELLANT WAS APPOINTED AS WARD  
ORDERLY ON 02/12/1997 AND LATER ON  
WAS IMPLICATED IN FIR NO. 451 UNDER  
SECTION 302/324/148/149 PPC DATED  
05/12/1999 AT P.S SADDAR DISTRICT**

MANSEHRA. THE APPELLANT WAS ARRESTED AND REMAINED IN PRISON TILL 14/12/2015 AND WAS ACQUITTED ON THE BASIS OF COMPROMISE DATED 15/12/2015. THE APPELLANT RECEIVED HIS SALARY IN PRISON MANSEHRA TILL MARCH, 2002 AND THEREAFTER NO SALARY WAS PAID TO THE APPELLANT W.E.F APRIL 2002 TO 14/12/2015. THE APPELLANT FILED WRIT PETITION NO. 180-A/2020 BEFORE THE HONOURABLE PESHAWAR HIGH COURT ABBOTTABAD BENCH WHICH WAS DECIDED ON 01/12/2020 VIDE ORDER DATED 01/12/2020, AS A RESULT, THE APPELLANT WAS RE-INSTATED IN SERVICE ON 01/11/2021. NOW, THE HAS APPELLANT ATTAINED THE AGE OF SUPERANNUATION ON 31/12/2022. THE APPELLANT HAS NOT SO FAR BEEN PAID SALARY W.E.F APRIL 2002 TO 14/12/2015 AS WELL AS W.E.F 15/12/2015 TO 30/10/2022 WHICH IS AGAINST THE SETTLED LAW ON THE SUBJECT.

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**PRAYER:** ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL, RESPONDENTS MAY GRACIOUSLY BE DIRECTED TO PAY SALARY TO THE APPELLANT W.E.F APRIL 2002 TO 14/12/2015 AND 15/12/2015 TO 31/10/2022 AND THEREAFTER, GRANT PENSION AND COMMUTATION AFTER TAKING INTO ACCOUNT THE PERIOD MENTIONED ABOVE. ANY OTHER RELIEF WHICH THIS HONOURABLE TRIBUNAL DEEMS FIT AND PROPER IN THE CIRCUMSTANCES OF THE CASE MAY BE GRANTED TO THE APPELLANT.

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Respectfully Sheweth: -

1. That the appellant joined respondents' department as Ward Orderly on 02/12/1997. Copy of appointment order dated 02/12/1997 is mentioned in the service book of the appellant is annexed as Annexure "A".

2. That the appellant served the department with complete devotion and dedication and left no stone unturned in the smooth functioning of the CD Mangloor.
3. That the appellant was implicated in case FIR No. 451 dated 15/12/1999 under section 302/324/148/149 PPC P.S Saddar Mansehra alongwith other co-accused.
4. That the appellant was paid his monthly salary by the department till March 2002 and thereafter, no payment was paid by the department to the appellant as per the provision of fundamental rules. Copy of relevant rules of FR is annexed as Annexure "B".
5. That the petitioner was awarded death sentence by the trial court on 04.03.2002 which was confirmed by the High Court vide judgment dated 28.03.2003 and thereafter, the appeal was also refused by the Honourable Supreme court of Pakistan on 13.04.2005, hence, review petition was also

dismissed by the Supreme Court on 23.01.2007. In the meanwhile, legal heirs of the deceased compromised with the appellant and he was honourably acquitted on the basis of compromise. Copy of compromise deed dated 15.12.2015 is annexed as Annexure "C".

6. That after acquittal the appellant approached the respondents department for provision of appointment order, services book and other service related documents but the respondents did not provide the same inspite of repeated requests through representations. Copies of applications are annexed as Annexure "D". Besides, the appellant filed departmental appeal for his re-instatement in service but the respondents department did not redress the grievances of the appellant so far. Copy of departmental appeal regarding his reinstatement in services is annexed as Annexure "E".

7. That as a result, the appellant filed writ petition No. 180-A/2020 before the



Honourable Peshawar High Court, Abbottabad Bench, which was decided vide order dated 01.12.2020 by the worthy High Court. Copy of writ petition No. 180-A/2020 and order dated 01.12.2020 are annexed as Annexure "F".

8. That following this, respondents re-instated the appellant on 01.11.2021 and the appellant has now attained the age of superannuation on 31.12.2022. Copy of reinstatement order is annexed as Annexure "G".
9. That the matter of back benefits for the period of suspension w.e.f April 2002 to 14.12.2015 as well as the period in which, respondents department did not reinstate the appellant in service w.e.f 15.12.2015 to 31.10.2021 remained subjudice before the Honourable High Court in the shape of contempt of court petition and finally, the last contempt of court petition No. 67-A/2021 was turned down by the Peshawar High Court Abbottabad Bench vide

judgment dated 16.02.2023 due to the reason that the matter of back benefit for which appellant is entitled is to be decided by the department. Copy of judgment dated 16.02.2023 in C.O.C No. 67-A/2021 is annexed as Annexure "H". Hence, the instant service appeal is filed inter-alia on the following grounds;

**GROUND:-**

- (a) That the act of the respondents towards the appellant is malafide, perverse, against the law and the appellant is bound to make payment of salary to the appellant w.e.f April 2002 to 31.10.2022.
- (b) That the appellant was neither dismissed nor terminated or suspended by the respondents' department during the period the appellant remained in jail, therefore, they are bound to issue salary of the appellant mentioned in para "a" above.

(c) That the respondents' department on the basis of order dated 01.12.2020 of Peshawar High Court, Abbottabad Bench reinstated the appellant in service on 01.11.2021 but salary of the period spend by the appellant in jail w.e.f April 2002 onwards has not so far been paid as per law on the subject. When an employee is acquitted on the basis of compromise the employee is entitled for receipt of salary he remained in jail. It is further submitted that this Honourable Tribunal has already allowed same benefits in case title "Masood vs. Govt of KPK etc". Copy of judgment of this Honourable Tribunal is annexed as Annexure "I".

(d) That the matter relates to the terms and condition of service, therefore this Honourable tribunal has jurisdiction to entertain the instant service appeal of the appellant. Besides, the issue relates to the


payment of salary i.e. financial benefits in such cases, limitation does not run and always considered as recurring cause.

It is, therefore, humbly prayed that on acceptance of the instant service appeal, respondents may graciously be directed to pay salary to the appellant w.e.f April 2002 to 15/12/2015 and 16/12/2015 to 30/12/2022 and thereafter, grant pension and commutation after taking into account the period mentioned above. Any other relief which this Honourable Tribunal deems fit and proper in the circumstances of the case may be granted to the appellant.

  
...APPELLANT

Through

Dated: \_\_\_\_\_/2023

  
(Muhammad Arshad Khan Tanoli)  
Advocate Supreme Court of Pakistan

**VERIFICATION:-**

Verified on oath that the contents of forgoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.

  
...APPELLANT

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

Service Appeal No. \_\_\_\_\_/2023

Abid Gulraiz son of Malik Khalil ur Rehman, Ward Orderly CD Mangloor,  
District Mansehra.

....APPELLANT

**VERSUS**

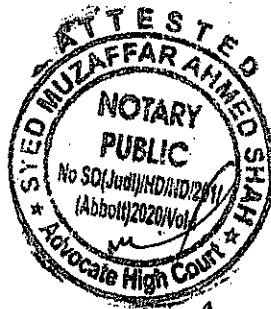
Govt. of Khyber Pakhtunkhwa, through Secretary Health & Health Services  
KP Peshawar & others.

....RESPONDENTS

**SERVICE APPEAL**

**AFFIDAVIT**

I, *Abid Gulraiz son of Malik Khalil ur Rehman, Ward Orderly CD Mangloor, District Mansehra*, do hereby solemnly affirm and declare that the contents of forgoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.



01/03/28

*[Signature]*  
DEPONENT

A

Annex - A

P - 11

Note: - The entries in this page should be renewed or re-attested at least every five years and the Signature to lines 9 and 10 should be dated.

1. Name: ABID GUL RAIZ

2. Race: AWAN

3. Residence: village and P.O. Murr Buzka Kulan  
Teh & DIST: Manshera

4. Father's name and residence: MALIK KHALI-UR-REHMAN

5. Date of birth by Christian era as nearly as can be ascertained: 01-01-1963

6. Exact height by measurement: 6-00

7. Personal marks for identification: A mole on Right side of face

8. Left hand thumb and Finger Impression of (Non-Gazetted) Officer:




9. Signature of Government Servant: Gul Raiz

Supreme Court of Pakistan  
Jinnah Plaza Adjacent to  
Distt. Bar Abbottabad

10. Signature and Designation of the Head of the Office, or other Attesting Officer:

[Signature]  
District Health Officer  
Manshera

1 Name of Post	2 Whether substantive or officiating and whether permanent or temporary	3 If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive Post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of Appointment	8 Signature of Government Servant
PS-1275-44-1935 Ward on duty - BPS 2 C.D. Munglary				1275/-		3 $\frac{12}{97}$ FN	P-12
—//—				1319/-		$\frac{12}{98}$ FN	
—//—				1363/-		$\frac{12}{99}$ FN	
—//—				1107/-		$\frac{12}{9}$ FN	

  
 Anwar Khan  
 Supreme Court of Pakistan  
 33 Jinnah Plaza Adjacent to  
 Distt: Bar Abbottabad

9 Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination of appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting Officer	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure, or reward or praise of the Government Servant
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
					Period		
			<i>[Signature]</i>	Appointed as a work order duly vide D.H.O Manshehra order No. 7837 dated 2 <sup>12</sup> / <sub>97</sub>			P-13
<i>[Signature]</i> District Health Officer Manshehra	30 <sup>11</sup> / <sub>98</sub>		<i>[Signature]</i>	Annual Grant allowed		<i>[Signature]</i>	Service verified up to date 30-11-98
<i>[Signature]</i>	B/W.		<i>[Signature]</i>	B/W.		<i>[Signature]</i>	
<i>[Signature]</i>	30 <sup>11</sup> / <sub>99</sub>		<i>[Signature]</i>	Annual Grant allowed		<i>[Signature]</i>	Service verified up to date 30-11-99
<i>[Signature]</i>	B/W.		<i>[Signature]</i>	B/W.		<i>[Signature]</i>	
<i>[Signature]</i>			<i>[Signature]</i>	Suspended from services vide D.H.O Manshehra order No 11358-61 dt 31-12-99		<i>[Signature]</i>	
<i>[Signature]</i>	30 <sup>11</sup> / <sub>Jan AN</sub>		<i>[Signature]</i>	Annual Grant allowed		<i>[Signature]</i>	Service verified up to date 30 <sup>11</sup> / <sub>Jan</sub>

District Health Officer  
 Manshehra  
 District Bar Abbottabad  
 35 Jinnah Plaza Adjacent to  
 Supreme Court of Pakistan



1 Name of Post	2 Whether substantive or officiating and whether permanent or temporary	3 If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive Post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of Appointment	8 Signature of Government Servant
1275-44-1935- w/o. BPS 02.					1457/	P-14 30 <sup>11</sup> / <sub>24</sub> AN.	
1915-65-3865- w/o BPS 02.					2175/	1 <sup>12</sup> / <sub>24</sub> RN.	
<p>(2001)</p> <p>Office of the Accountant General W. F. Peshawar.</p> <p>Pay Fixed in the revised basic pay scale of Rs: ..... at Rs: ..... P.W.S.F.1-12-2001 with next increment on 1-12-2002</p> <p>Accounts Officer Pay Fixation Party - W. F. P. Peshawar</p>							
<p><i>Attd</i> entry on p 5 may be signed by DDO // Not signed and be inserted ordering be recorded in file s/b 2001.02.05</p>							
<p><i>571160</i></p>							
<p><i>Returned after duty completion</i></p>							
<p><i>Arshad Khan Tajioli</i> Supreme Court of Pakistan Head Plaza adjacent to Distt Bar Abbottabad</p>							
<p><i>Executive District Officer</i> <i>(HQB) Manshara.</i></p>							

Signature and  
gnation of the head  
the office or other  
attesting officer in  
attestation of  
columns 1 to 8

Date of  
termination  
of appoint-  
ment

Reason of  
termination  
(such as  
promotion,  
transfer,  
dismissal,  
etc.)

Signature of  
the head of the  
office or other  
attesting  
Officer

Nature  
and  
dura-  
tion of  
leave  
taken

Leave  
Allocation of period of  
leave on average pay upto  
four months for which  
leave salary is debitale  
to another Government

Period Government to  
which debitale

Signature of  
the head of the  
office or other  
attesting  
officer

Reference to an  
recorded punishri  
or censure, or rew  
or praise of the  
Government Serv

P-15

*[Signature]*  
Executive District Officer  
(Health) Manshehra.

ANNUAL INCREMENT  
ALLOWED.

Service Varified From Pay  
Bill & Acquittance Roll.

*[Signature]*  
Executive District Officer  
Health Manshehra.

Def. order No. 20 To 30.11.2001

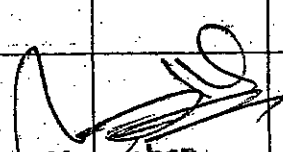
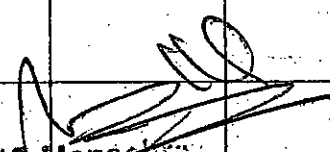
EDO (H) Manshehra.

*[Signature]*  
Executive District Officer  
(Health) Manshehra.

PAY FIXED IN THE REVISED  
PAY SCALE WIDE GOVT. OF  
N.W.F.P. NO F.D.(PRC)  
U-1-2001 DATED 27-10-2001

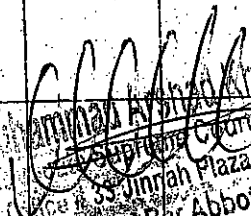
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Executive District Officer  
(Health) Manshehra.

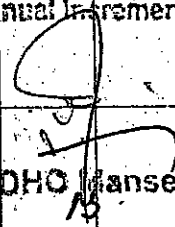
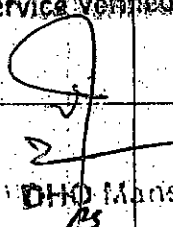
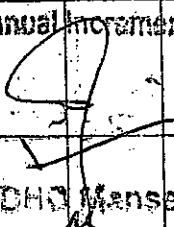
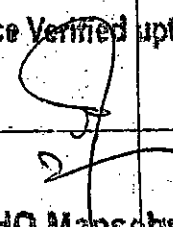

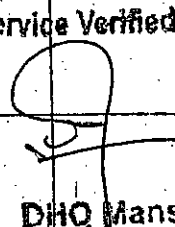
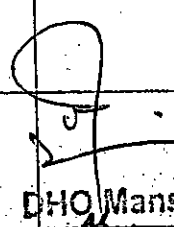
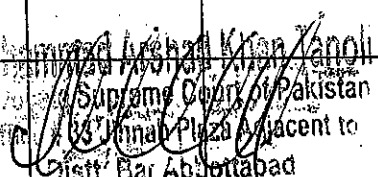
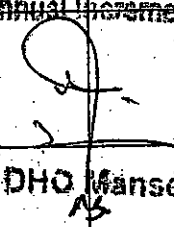

*[Signature]*  
Supreme Court of Pakistan  
33 Jinnah Plaza Adjacent to  
Distt. Bari Abbottabad

9	10	11	12	13		14	15
Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8.	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting Officer	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitible to another Government		
				Period	Government to which debitible		
				<p>Re-instated in To Service vide DHO  Manshera Office Order No-7446-48 dated  01/11/2021 vide Judgment in W.P NO.  180-A/2020 Peshawar High Court  Abbottabad Bench dated 01/12/2020.</p>			
				 DHO Manshera			
				<p>Reported Arrival on 02/11/2021</p>			
				 DHO Manshera			
				<p>S-110 273  8/4/2022</p>			
				<p>Pay active due to Judgment  Peshawar High Court Afd Bench  reinstated in services with  immediate effect of 11-2021  @ Rs 20260/00 in 4/2022</p>			
				<p>District Accounts Officer  Manshera</p>			
				<p>Muhammad Arshad Khan Janohi  The Supreme Court of Pakistan  Office # 33 Jinnah Plaza Adjacent to  Distt Bar Abbottabad</p>			

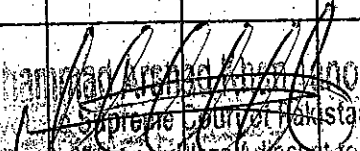
P-1

1 Name of Post	2 Whether substantive or officiating and whether permanent or temporary	3 If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive Post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of Appointment	8 Signature of Government Servant
1951-65-3865 <del>W/O BPS-02</del>			2240/-			12/1/2002	P-17
— 11 —			2305/-			12/1/2003	
— 11 —			2370			12/1/2004	
2200-75-4450 <del>W/O BPS-02</del>			2725/-			12/1/2005	
— 11 —			2800			12/1/2005	

  
 Atiqul Haq Khan  
 District Court of Pakistan  
 33 Jimrah Plaza Adjacent to  
 Distt. Bar Abbottabad

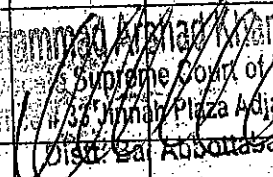
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				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitabale to another Government		
					Period		
				Annual Increment Allowed		Service Verified upto 30/11/2002	
			 DHO Manshehra			 DHO Manshehra	P/18
				Annual Increment Allowed		Service Verified upto 30/11/2003.	
			 DHO Manshehra			 DHO Manshehra	
				Annual Increment Allowed		Service Verified upto 30/11/2004	
			 DHO Manshehra			 DHO Manshehra	
		Pay Fixed Revised Pay Scale on 01-07-2005	 DHO Manshehra			 Muhammad Arshad Khan Yanoli Supreme Court of Pakistan 68 Jinnah Plaza adjacent to Distt. Bar Abbottabad	
				Annual Increment Allowed		Service Verified upto 30/11/2005	
			 DHO Manshehra			 DHO Manshehra	

1 Name of Post	2 Whether substantive or officiating and whether permanent or temporary	3 If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive Post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of Appointment	8 Signature of Government Serv
<u>2200-75-4450</u> W/O BPS-02.			2875/-			12/2006	P-19
<u>2530-85-5080</u> W/O BPS-02.			3295/-			7/2007	
<u>2615-100-5615</u> W/O BPS-03			3315/-			7/2007	
— 11 —			3415/-			7/12/2007	

  
 Justice Arshad Ali Khan  
 Supreme Court of Pakistan  
 33 Saddar Road, District Bar  
 Distt: Bar Abbottabad



1 Name of Post	2 Whether substantive or officiating and whether permanent or temporary	3 If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive Post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of Appointment	8 Signature of Government Servant
3140-120-6740 <del>W/O BPS-03</del>			4100/-			1 <sup>7</sup> / <sub>08</sub>	P-21
— 11 —			4320/-			1 <sup>12</sup> / <sub>2008</sub>	
— 11 —			4340/-			1 <sup>12</sup> / <sub>2009</sub>	

  
 Jamshed Ahmad Khan Janjani  
 Supreme Court of Pakistan  
 1st Floor, Plaza Adjacent to  
 Dist. Jail, Abbottabad





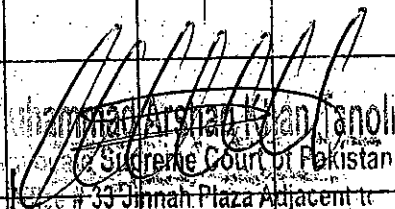
1 Name of Post	2 Whether substantive or officiating and whether permanent or temporary	3 If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive Post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of Appointment	8 Signature of Government Servant
<b>REVISED ENTRIES</b>							
2615-100-5615 W/O BPS-03			3315/-			7 1/2007	P-23
— 11 —			3415/-			9 1/07	
— 11 —			3515			12 1/07	
3140-120-6740 W/O BPS-3			4220/-			7 1/08	
— 11 —			4340/-			12 1/08	
— 11 —			4400/-			12 1/09	
— 11 —			4580			12 1/2010	

Muhammad Arshad Khan Janjani  
 District Court of Pakistan  
 33 Amniah Plaza Adjacent to  
 Distt: Bar Abbottabad

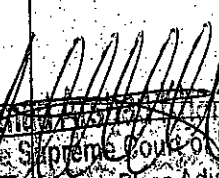
*[Signature]*  
 DHO Mansehra  
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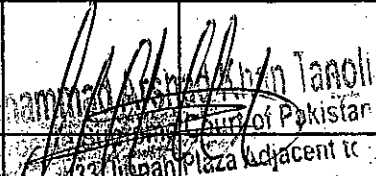
1 Name of Post	2 Whether substantive or officiating and whether permanent or temporary	3 If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive Post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of Appointment	8 Signature of Government Servant
5050-200-11050 W/O BPS-03			7450/-			7 1/2011	P-25
— 11 —			7650/-			12 1/2011	
— 11 —			7850/-			12 1/2012	
— 11 —			8050/-			12 1/2013	
— 11 —			8250/-			7 1/2014	
— 11 —			8450/-			12 1/2014	

  
 Arshad Arshad Khan Janoli  
 Supreme Court of Pakistan  
 Gate # 33 Jinnah Plaza Adjacent to  
 Distt: Bar Abbottabad

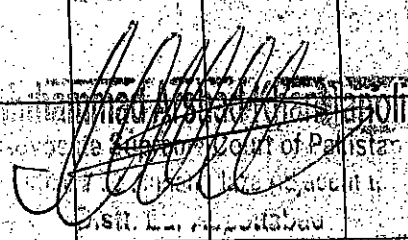


1 Name of Post	2 Whether substantive or officiating and whether permanent or temporary	3 If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive Post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of Appointment	8 Signature of Government Servant
6535-260-14335 <u>W/o BPS-03</u>			10955/-			7 1/2015	P-27
6985-340-17185 <u>W/o BPS-05</u>			11405/-			7 1/2015	
— 11 —			11745/-			12 1/2015	
8590-420-21190 <u>W/o BPS-05</u>			14470/-			7 1/2016	
— 11 —			14890/-			2016	 Supreme Court of Pakistan Jinnah Plaza Adjacent Bar Abbottabad
10260-500-25260 <u>W/o BPS-05</u>			17760/-			7 1/2017	

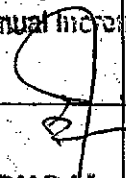

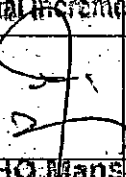
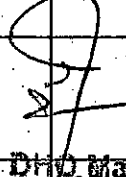

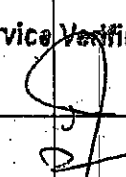

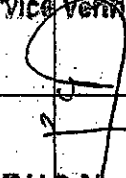



9 Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination of appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting Officer	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure, or reward or praise of the Government Servant
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
					Period		
	Pay Fixed Revised Pay Scale on 01-07-2015						P-28
			DHO Mansehra MS.				
	Upgraded vide Govt of KPK Finance Department Notification No. F/MSO (FR) 7-20/2015 Dated: 30.08.2015			B-03 to B-05			
			District Health Officer Mansehra MS.				
				Annual Increment Allowed			Service Verified upto 30/11/2015
	Pay Fixed Revised Pay Scale on 01-07-2016						
			DHO Mansehra MS.				
				Annual Increment Allowed			Service Verified upto 30/11/16
	Pay Fixed Revised Pay Scale on 01-07-2017						
			DHO Mansehra MS.				

  
 Asghar Khan Tanoli  
 Member of Parliament  
 63 Durrani Plaza adjacent to  
 Dist. Bar Abbottabad

1	2	3	4	5	6	7	8
Name of Post	Whether substantive or officiating and whether permanent or temporary	If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive Post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government
10260-500-25260 W/O BPS-05			18260/-			12/2017	P-2
— 11 —			18760/-			12/2018	
— 11 —			19260/-			12/2019	
— 11 —			19760/-			12/2020	
— 11 —			20260/-			12/2021	

  
 Director, Government of Pakistan  
 Islamabad



9 Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination of appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting Officer	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishmer or censure, or reward or praise of the Government Servar	
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government			
					Period			Government to which debitable
			Annual Increment Allowed  DHO Mansehra 15			Service Verified upto. 30/11/2017  DHO Mansehra 15	P-30	
			Annual Increment Allowed  DHO Mansehra 15			Service Verified upto. 30/11/2018  DHO Mansehra 15		
			Annual Increment Allowed  DHO Mansehra 15			Service Verified upto. 30/11/2019  DHO Mansehra 15		
			Annual Increment Allowed  DHO Mansehra 15			Service Verified upto. 30/11/2020  DHO Mansehra 15		
			Annual Increment Allowed  DHO Mansehra 15			Service Verified upto. 30/11/2021  DHO Mansehra 15		
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**Annex**  
**B**  
**P-31**

A doubt has been raised as to whether, in the case of a Government servant who has been suspended while on leave the subsistence grant should be calculated with reference to his leave salary or with reference to his pay. Attention in this connection is invited to F.R. 55, which prohibits grant of leave to Government servants under suspension. Such a Government servant, therefore ceases to be on leave as soon as he is placed under suspension, and the subsistence grant in his case also has to be calculated with reference to the pay which was admissible to him on the eve of the commencement of the leave.

These orders take effect from the 1st of December, 1969.

[G.P., M.F., O.M. No. F. 12 (32)-R3/70, dated the 14th February, 1970.]

[F.R. 54.--Where a Government Servant has been dismissed or removed is reinstated, the revising or appellate authority may grant to him for the period of his absence from duty--

- (a) if he is honorably acquitted, the full pay to which he would have been entitled if he had not been dismissed or removed, and, by an order to be separately recorded, any allowance of which he was in receipt prior to his dismissal removal; or
- (b) if otherwise, such portion of such pay and allowances as the revising or appellate authority may prescribed.

1. F.R. 54, substituted by S.R.O. 718(I)/93, 2nd August, 1993. Gaz of Pakistan, Extra, pt. II, p. 1339, Aug. 22, 1993, (Effective from 30th June, 1993.)  
The above amendments will be effective from 30th June, 1993.

*Muhammad Arshad Khan Jaro*  
Supreme Court of Pakistan  
33 Jinnah Plaza Adjacent  
Distt: Bar Abbottabad

If a case falling under clause (a), the period of absence from duty will be treated as period spent on duty.

In a case under clause (b), it will not be treated as a period spent on duty unless the revising appellate authority so directs.

Explanation.—In this rule, "revising authority" means the "authority" or "authorized Officer" as defined in the Government Servants (Efficiency and Discipline) Rule, 1973, who passes the final order on the case and not the authority who passes an order on appeal.]

<sup>2</sup>[54A. If a Government servant, who has been suspended pending inquiry into his conduct attains the age of superannuation before the completion of inquiry, the disciplinary proceedings against him shall abate and such Government servant shall retire with full pensionary benefits and the period of suspension shall be treated as period spent on duty.]

F.R. 55. Leave may not be granted to a Government servant under suspension.

*[Handwritten signature]*  
District Bar, Abbottabad

<sup>2</sup> F.R. 54A. inserted by S.R.O. 1143 (I)/80, dated 10th Nov. 1980, Gazette of Pakistan, Extraordinary, Part II: Page No. 2215, dated Nov. 20, 1980.

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Annex-E

P. 33

ORDER:-  
15.12.2015

Miss Ammara Aziz Advocate for the complainant present.  
Mr. Ghulam Mustafa Khan Swati Advocate for convict namely Gulraiz present. Mr. Saqib Khan Jadoon PP for the State present. Fida Muhammad (guardian of minor Mst. Mah Jabeen) alongwith his counsel namely Saeed Ahmad Shah Mashadi Advocate present.

2. Complainant Abdul Hameed (father of deceased Abdul Jamil) has submitted the instant application that compromise has been effected with convict, therefore, the case may be decided on the basis of compromise.

3. Convict namely Gulraiz alongwith other co-accused were charged vide case FIR No.451 dated 15.12.1999 u/ss 302/324/148/149 PPC registered at PS Saddar Mansehra for committing Qatl-e-Amd of Abdul Jamil s/o Abdul Hameed and attempting at the lives of Shafiq-ur-Rehman, Faiz-ur-Rehman, Zia-ur-Rehman, Inayat-ur-Rehman, Abdul Hameed, Zakirur Rehman and Abdul Haleem. On conclusion of the trial, the then learned ASJ-I Mansehra convicted Gulraiz and awarded him the sentence of death vide judgment dated 04.03.2002, which was confirmed by Honourable Peshawar High Court, Abbottabad Bench vide judgment dated 28.03.2003. Leave to appeal was refused by august Supreme Court of Pakistan, vide judgment dated 13.04.2005 passed in Cr.L.P No.129. Similarly, his review petition No.24 of 2005 was dismissed by august Supreme Court on 23.01.2007 and his mercy petition was also turned down by President of Pakistan. Black warrant for execution of sentence of death was thus issued by this court on 12.05.2007, however in the meanwhile convict Gulraiz submitted an application in this court for reduction of his sentence on the basis of compromise with Mst. Farzana (widow of deceased), as well as deceased's minor daughter namely Mst. Mah Jabeen, which was dismissed vide order dated 06.12.2007, on the ground that partial compromise cannot be taken into consideration for

sd  
ATTESTED  
Extra Judge, Sessions Court Mansehra  
08 NOV 2018  
Signature

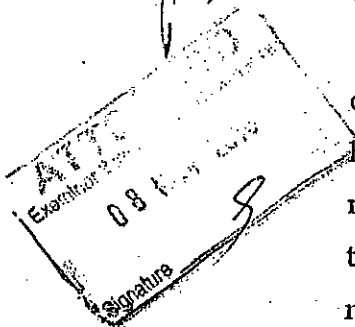
Muhammad Arshad Khan Tanoli  
Extra Judge, Sessions Court of Pakistan  
Office of J. U. Khan Plaza adjacent to  
Distt. Bar Abbottabad

reduction of sentence of convict. The aforementioned sentence remained upheld till the august Supreme Court of Pakistan and ultimately this court issued black warrant for carrying out into execution of the sentence of death of convict on 01.12.2015 but in the meanwhile, the instant application regarding compromise between the parties was submitted by complainant Abdul Hameed.

4. Parents of the deceased namely Abdul Hameed and Mst.Hussan Jan have produced compromise proforma Ex.PA as well as compromise affidavits Ex.PB and Ex.PC, photo copy of CNIC of complainant Abdul Hameed is Ex.PD, while photo copy of CNIC of Mst. Hussan Jan is Ex.PE. Their joint statement also recorded in respect of the compromise, wherein they stated that they have effected compromise with the convict Gulraiz and have forgiven him in the name of Almighty Allah by waiving their right of Qisas and Diyat and have got no objection upon his acquittal. Joint statement of witnesses of compromise namely Muhammad Farooq s/o Muhammad Shafi and Muhammad Muneer s/o Hameedullah also recorded, wherein they affirmed the factum of compromise between the parties and have also affirmed that Abdul Hameed, Mst.Hussan Jan, Mst.Farzana Bibi and minor Mst.Mah Jabeen are the only surviving legal heirs of the deceased. Photo copy of CNIC is Muhammad Farooq is Ex.PH, photo copy of CNIC of Muhammad Muneer is Ex.PI while compromise affidavits produced by them are Ex.PF and Ex.PG respectively. Besides this, on the direction of the court, SHO concerned has also submitted his report, verifying LRs of the deceased as well as factum of compromise.

It is pertinent to mention herein that widow of the deceased has already effected compromise with the convict on her behalf as well as on behalf of minor Mst.Mah Jabeen, by receiving an amount of Rs.4,60,000/- (four lac & sixty thousand), out of which Rs.2,66000/- has been deposited in the name of minor Mst.Mah Jabeen in shape of Defence Saving Certificates in National Defence Saving Centre Mansehra.

Supreme Court of Pakistan  
 District Bar Abbottabad

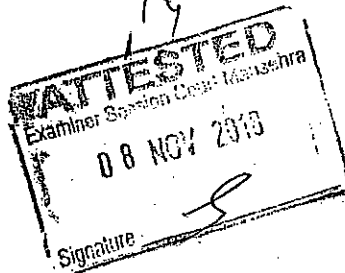


Photocopies of the aforementioned saving certificates are available on the record of criminal misc; application No.243/4 of 2007 decided on 06.12.2007. The compromise affidavits submitted by Mst.Farzana before the then learned Sessions Judge, Mansehra has also placed on the file of aforementioned criminal miscellaneous application. Mst.Farzana had also appeared before the august Peshawar High Court, Peshawar on 18.12.2007 in proceedings on Cr.R No.197 of 2007 and had affirmed that she had effected compromise with convict Gulraiz. Moreover, Fida Muhammad s/o Atta Muhammad (maternal grand father/guardian of minor Mst.Mah Jabeen) also affirmed before the court that Mst.Farzana had effected compromise with the convict on her behalf as well as on behalf of the minor.

5. The offence under section 302 PPC is compoundable and all legal heirs of the deceased have effected compromise with convict Gulraiz, therefore, on the acceptance of compromise between the parties, the convict namely Gulraiz s/o Khalilur Rehman is acquitted on the basis of compromise. Convict named above is in jail, therefore, he be set at liberty forthwith, if not liable to be detained in any other case/matter. Case property be disposed of in accordance with law after the expiry of period of appeal/revision. Requisitioned record be returned to the quarter concerned, while file of this court be consigned to record room after completion.

Announced:  
15.12.2015

*S. D.*  
(Salah-Ud-Din)  
Sessions Judge  
Mansehra.



*[Signature]*  
Muhammad Asif Khan  
District Judge  
District Bar Abbottabad

Annex -

بخدمت جناب ڈسٹرکٹ ہیلتھ آفیسر، مانسہرہ

P-36  
36

درخواست حصول Appointment Order محررہ 02/12/1997 دسروس بک وادائیگی  
تنخواہ از اپریل 2002ء تا 15/12/2015ء دئے جانے Adjust محکمہ صحت۔

جناب عالی! درخواست ذیل عرض ہے۔

- 1- یہ کہ من سائل کے خلاف FIR زبردفعہ PPC 302/324/148/149 مورخہ  
15/15/1999 کو درج رجسٹر ہوئی۔ اور سائل بصبغہ راضی نامہ محررہ 15/12/2015 با  
عزت بری کر دیا گیا۔
- 2- یہ کہ من سائل کو محکمہ ہڈانے مارچ 2002ء تک تنخواہ وغیرہ کی ادائیگی کی ہے اور اس کے بعد  
اپریل 2002ء سے تا حال کوئی بابت تنخواہ وغیرہ نہ ہوئی ہے۔
- 3- یہ کہ من سائل باعزت بصبغہ راضی نامہ باعزت طور پر FIR نمبر 491 مورخہ 15/12/1999  
بری ہو چکا ہے۔

اندریں حالات من سائل کو Appointment Order مورخہ 02/12/1997 دسروس  
بک ویگرسروس کاغذات دیئے جا کر سائل کی تنخواہ از مورخہ اپریل 2002ء تا حال بھی دی جاوے۔ اور اس طرح  
سائل کو محکمہ ہڈا میں Adjust کیا جاوے۔

المرقوم: 13/01/2016

Signature of the Officer  
CD, Manshera

ملک عابد گل ریزولڈر ملک خلیل الرحمان، وارڈ آرڈر لی، CD منگلور، ڈسٹرکٹ مانسہرہ۔۔۔۔۔ (سائل)

Signature of the Officer





بخدمت جناب ڈسٹرکٹ ہیلتھ آفیسر، مانسہرہ

درخواست برادریے جانے فوٹو کاپی Appointment Order، سروس بک و ادائیگی تنخواہ  
از اپریل 2002ء تا حال و دیے جانے آرڈر بابت Adjust محکمہ صحت۔

جناب عالی! درخواست ذیل عرض ہے۔

1- یہ کہ من سائل RTI ایکٹ 2013ء کے تحت جناب کو درخواست بابت دیے جانے  
کاغذات عنوان بالا کی درخواست دے رہا کیونکہ سال 15/12/2015 کو باضابطہ اور با  
عزت مقدمہ FIR نمبر 491 بری ہو چکا ہے۔ لیکن من سائل کو Appointment  
Order مورخہ 02/12/1997 سروس بک وغیرہ تا حال معیاندگی گئی۔ جس وجہ سے سائل  
کسی بھی عدالت مجاز میں مقدمہ برائے حصول تنخواہ از اپریل 2002ء تا حال و حصول  
Adjustment Order محکمہ صحت سے قاصر ہے۔

2- یہ کہ من سائل کے بچے زیر تعلیم ہیں اور سائل کو کوئی ذریعہ معاش نہ ہے۔ قبل ازیں سائل نے  
جناب کو درخواست محررہ 13/01/2016 و جناب ڈائریکٹر ہیلتھ KPK پشاور کو مورخہ  
20/05/2016 ارسال کر چکا ہے۔ لیکن ان درخواست ہائے پر کوئی شنوائی نہ ہوئی۔

استدعا ہے کہ سائل کو Appointment Order، سروس بک و دیگر کاغذات فالفور دیے  
جاویں اور سائل کی تنخواہ مورخہ اپریل 2002ء تا حال کی ادائیگی کرنے کے ساتھ سائل کو محکمہ صحت میں Adjust  
کیا جاوے۔

الرقوم: 18/10/2018

ملک عابد گل ریزولد ملک خلیل الرحمان، وارڈ آرڈر لی، CD منگلور، ڈسٹرکٹ مانسہرہ۔۔۔۔۔ (سائل)

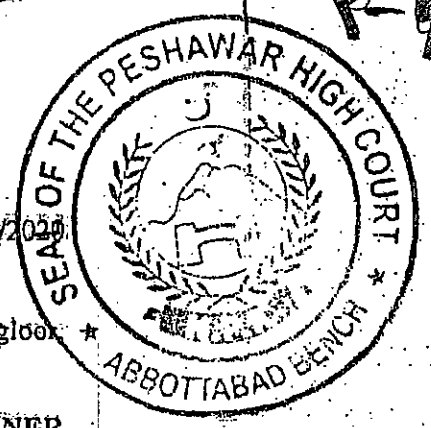
Atten: A. S. Khan, Tenoli  
Systeme Court of Pakistan  
S. 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000



Annex F

P-40

BEFORE THE PESHAWAR HIGH COURT,  
ABBOTTABAD BENCH



W.P.No. 120/A/2020

Abid Gul Raiz son of Malik Khalil ur Rehman, Ward Orderly CD Mangloor District Mansehra.

...PETITIONER

VERSUS

1. Govt. of Khyber Pakhtunkhwa through Secretary, Health and Health Services Khyber Pakhtunkhwa, Peshawar.
2. Director General Health & Health Services Khyber Pakhtunkhwa Peshawar.
3. District Health Officer, District Mansehra.

...RESPONDENTS

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973, FOR DECLARATION TO THE EFFECT THAT THE PETITIONER GOT APPOINTMENT AS WARD ORDERLY ON 02/12/1997 AND LATER ON AN FIR NO. 451 DATED 15/12/1999, UNDER SECTION 302/324/148/149 PPC, POLICE STATION SADAR DISTRICT MANSEHRA WAS LODGED AGAINST THE PETITIONER AMONGST OTHERS. AS A RESULT, THE

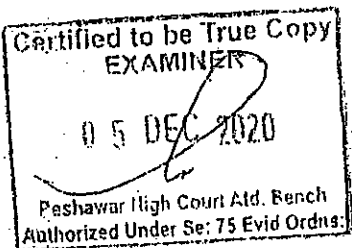
Certified to be True Copy  
 EXAMINER  
 05 DEC 2020  
 Peshawar High Court Atd. Bench  
 Authorized Under Se: 75 Evid Ordns.

Muhammad Asif Khan  
 District Attorney  
 District Mansehra  
 Dist: Bar Abbottabad

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PETITIONER WAS ARRESTED AND HE REMAINED IMPRISONED TILL 14/12/2015 AND WAS ACQUITTED ON THE BASIS OF COMPROMISE DATED 15/12/2015. THE PETITIONER RECEIVED HIS SALARY IN THE DISTRICT JAIL MANSEHRA TILL MARCH 2002. THEREAFTER, THE PETITIONER WAS NOT PAID HIS SALARY FROM APRIL 2002 TO 15/12/2015. HENCE THE RESPONDENT DID NOT ISSUE ORDER TO CONTINUE HIS SERVICE IN THE DEPARTMENT WHICH IS PERVERSE, DISCRIMINATORY AGAINST THE LAW AND THE RESPONDENTS ARE BOUND TO MAKE PAYMENT TO THE PETITIONER W.E.F APRIL 2002 TO TILL DATE AND ISSUE ORDER TO JOIN SERVICE IN THE DEPARTMENT.

PRAYER: ON ACCEPTANCE OF THE INSTANT WRIT PETITION, RESPONDENTS MAY GRACIOUSLY, BE DIRECTED TO RELEASE SALARY OF THE PETITIONER W.E.F APRIL 2002 TO 15/12/2015 AND THEREAFTER, ISSUE ORDER OF THE



Signature  
33 Jinnah Plaza Adjacent to  
Dist. Bar Attock

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PETITIONER TO SERVICE IN THE DEPARTMENT WITH ALL BACK BENEFITS. ANY OTHER RELIEF WHICH THIS HONOURABLE COURT DEEM APPROPRIATE IN THE CIRCUMSTANCES OF THE CASE MAY ALSO BE GRANTED TO THE PETITIONER.

Respectfully Sheweth:-

Brief facts leading to the instant writ petition are arrayed as under:-

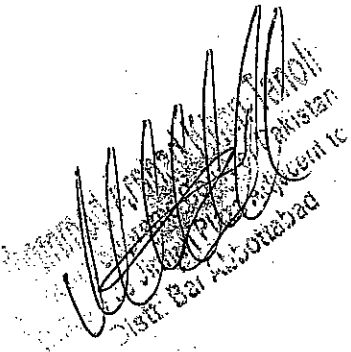
1. That the petitioner join respondent's department as Ward orderly on 02/12/1997. Copy of appointment order dated 02/12/1997 is available in the respondent's office, but in spite of repeated request and applications regarding provisions of appointment order, service book and other service related documents, the respondent's did not provide the same to the petitioner. However in this regard, attendance roll wherein, the appointment order dated

Certified to be True Copy  
 EXAMINER  
 Peshawar High Court (Ad. Bench)  
 Authorized Under Sec: 75 Evid Ordns.

*[Signature]*  
 Justice Iqbal Anis  
 Peshawar High Court  
 District: East Faisalabad

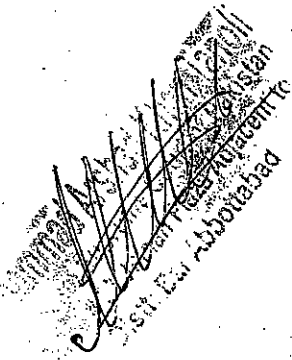
02/12/1997 of the petitioner is mentioned is attached as Annexure "A". The applications submitted to the department for provision of appointment order, Copy of service book and other service related documents are attached as Annexure "B".

2. That the petitioner served the department with complete devotion and dedication and left no stone unturned in the smooth functioning of the C.D Mangloor. In this regard, attendance sheets and contingent bill (Qabz-ul-Wasool) are attached as Annexure "C".
3. That the petitioner was implicated in case FIR No. 451 dated 15/12/1999 under section 302/324/148/149 PPC Police Station Saddar District Mansehra alongwith other co-accused. Copy of FIR is attached as Annexure "D".
4. That the petitioner was arrested and he was paid salary by the department till March 2002 and thereafter, no payment was paid by

  
District Police Officer  
District Barakzadabad  
Pakistan

the department to the petitioner. It is further submitted that the petitioner was awarded sentence of death by the trial court on 04/03/2002 which was confirmed by the High Court vide judgment dated 28/03/2003 and appeal was also refused by the Supreme Court of Pakistan on 13/04/2005. As a result, review petition against the refusal of appeal was also dismissed by the Supreme Court of Pakistan on 23/01/2007. However, the petitioner filed mercy petition which was also turned down by the president. In the meanwhile, legal heirs of the deceased compromised with the petitioner and the petitioner was acquitted on the basis of the compromise. Copy of compromise deed dated 15/12/2015 is attached as Annexure "E".

5. That after acquittal, the petitioner approached the respondent's department for provision of appointment order, Service Book and other service related documents but the respondents department did not provide the same so far. Copies of

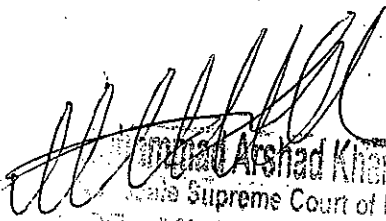






to the petitioner to serve the department as per law.

- c) Once an employee is acquitted on the basis of compromise, the employee is eligible and entitle to serve the department. The legal heirs of the deceased compromised with the petitioner on 15/12/2015. Therefore, the petitioner is eligible to serve in the department as Ward orderly.
- d) That this fact may not be left to fade in oblivion that the petitioner is entitle in all respect for joining service as well as payment of salary w.e.f April, 2002 to till date.
- e) That respondents' department has led the petitioner to the place which is utterly unknown to the principle of jurisprudence, natural justice, and fair play.

  
Arshad Khan Tanoli  
State Supreme Court of Pakistan  
Office # 23 Jinnah Plaza Adjacent to  
Distt: D. G. Sattar




petitioner to service in the department with all back benefits. Any other relief which this Honourable court deem appropriate in the circumstances of the case may also be granted to the petitioner.

...PETITIONER

Through

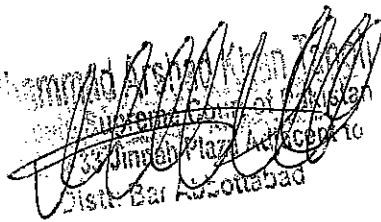
Dated: \_\_\_\_\_/2020

  
(Muhammad Arshad Khan Tanoli)  
Advocate High Court, Abbottabad

VERIFICATION:-

Verified on oath that the contents of foregoing writ petition are true and correct to the best of our knowledge and belief and nothing has been concealed therein from this Honourable Court.

...PETITIONER

  
Distt. Bar Abbottabad





which he seeks back benefits in the form of salary, therefore, he is not entitled to back benefits. However, it is still left to the respondents to grant him salary for the period under suspension for which he may be rightly entitled to.

4. In view of the disclosure of departmental appeal / representation in Para-5 of the petition under narration of brief facts, this court learnt that the petitioner has filed departmental appeal for his reinstatement in service but the respondents-department has not redressed his grievance, thus, in such a scenario we would like to direct the respondents to take up the departmental appeal for its decision within two (02) months positively from receipt of the order of this court. In case the petitioner prayer is not redressed by the respondents-department, then he may approach to this court.

5. With such observations, this petition stands disposed of.

Certified to be True Copy  
 EXAMINER  
 09 DEC 2020  
 Peshawar High Court Atd Bench  
 Authorized Under Se: 75 Evid Ordns.

*[Signature]*  
 District Bar Abbottabad

*[Signature]*  
 JUDGE

*[Signature]*  
 JUDGE

Annex - 6

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6

OFFICE OF THE DISTRICT HEALTH OFFICER

P-22

MANSEHRA.

Phone # 0997-920169 Fax 0997-920166 [cdolunra@vohat.com](mailto:cdolunra@vohat.com)

572

No. 4819 /Dated 01/02/2021

To

The Director General Health  
Services Khyber Pakhtunkhwa  
Peshawar,

Subject:-

**WRIT PETITION NO.108-A/2020 OF MR. ABDI GUL RAIZ SON  
MALIK KHALIL UR REHMAN WARD ORDERLY CD MANGLOOR  
VS SECRETARY, HEALTH KPK, DGHS & DISTRICT HEALTH  
OFFICER MANSEHRA.**

Memo:

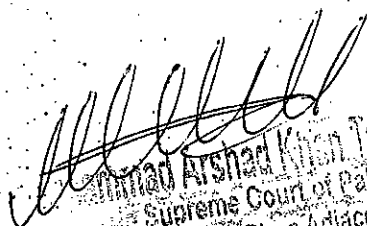
It is stated that an application submitted by Mr. Abid Gulraiz S/O Khalil ur Rehman Ex-Ward Orderly CD Mangloor District Mansehra, which is self explanatory regarding his reinstatement into Govt. service:

It is stated that Mr. Abid Gulraiz S/O Khalil ur Rehman was appointed as Ward Orderly on 02/12/1997. An FIR No.451 dated 15/12/1999 under section 302/324/148/149 PPC, Police station Saddar Mansehra was lodged against the above cited official, as a result he was arrested and he remain imprisoned till 14/12/2015. He was suspended from service by this office vide order No.11358-61 dated 31/12/1999. In the year 2015 Mr. Abid Gulraiz acquitted from jail on the basis of compromise. (Copy of court order is attached). He filed an appeal before the Peshawar High Court Abbottabad Bench for his reinstatement into Government Service.

In this connection it is stated that this office received a judgment from Peshawar High Court Abbottabad Bench on writ Petition No.180-A/2020 dated 01/12/2020 in which the court direct the respondents to take up the departmental appeal for its decision within (02) months positively from receipt of the order of this court. In case the petitioner prayer is not redressed by the respondents-department, then he may approach to this court.

Your good self is requested to guide this office in the above matter please.

  
DISTRICT HEALTH OFFICER  
MANSEHRA.

  
Arshad Khan Tanoli  
Supreme Court of Pakistan  
33 Jinnah Plaza Adjacent to  
Distt. Bar Abbottabad

OFFICE OF THE DISTRICT

OFFICER MANGLOOR

0997-920169 FAX 0997-

email:edohm

Website: www.ed

mansehra.com

**OFFICE ORD**

P-53

With reference to Judgment in W.P. No-180-A/2020 Post  
Abbottabad Bench dated 1-11-2020 Mr. Abid Ghar W/O attached to  
reinstated in services with immediate effect in best public interest.

Court  
is hereby

District Health Officer  
Mansehra

NO 7441-48 Dated 01/11/2021

Copy to

- 1) Incharge ED Mangloor.
- 2) Accounts & Service Book section DHO Office Mansehra for information.
- 3) Official concerned.

District Health Officer  
Mansehra.

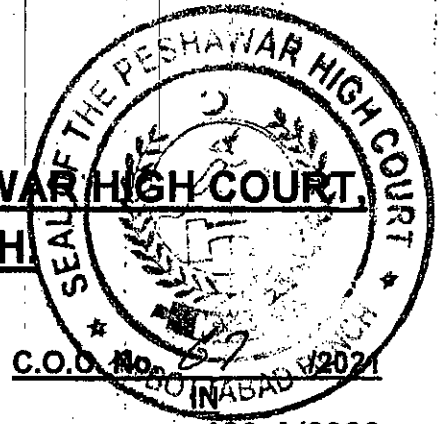
Justice Tanoli  
Supreme Court of Pakistan  
Office: 33 Jinnah Plaza Adjacent to  
Distt. Bar Abbottabad



Annex-H

1

**BEFORE THE HONOURABLE PESHAWAR HIGH COURT,  
ABBOTTABAD BENCH**



P-54

W.P No. 180-A/2020

Abid Gulraiz S/o Malik Khalil-ur-Rehman ward orderly CD Mangloor, Village  
and Post Office Mor Baffa Kalan District Mansehra.

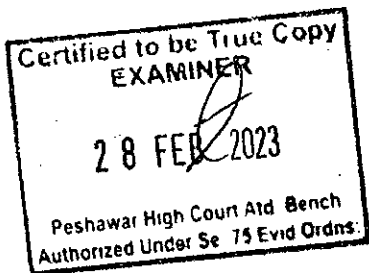
...PETITIONER

**VERSUS**

- 1) Dr. Muhammad Niaz Director General Health and Health Services KP,  
Peshawar.
- 2) Dr. Muhammad Mushtaq Khan, District Health Officer, District Mansehra.

...RESPONDENTS / CONTEMNORS

**APPLICATION FOR INITIATION OF CONTEMPT  
OF COURT PROCEEDINGS AGAINST THE  
CONTEMNORS / RESPONDENTS FOR NON-  
IMPLEMENTATION OF ORDER DATED  
01.12.2020 IN WRIT PETITION NO.180-A/2020 OF  
THIS HONOURABLE COURT.**



No 2809  
28-4-21

**FILED TODAY**  
ADDITIONAL REGISTRAR  
PESHAWAR HIGH COURT  
ABBOTTABAD BENCH  
28/4/21

**PRAYER:**

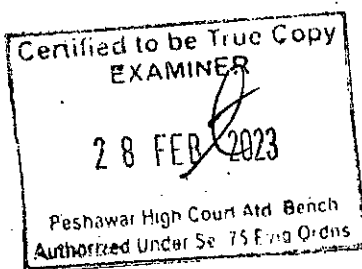
**ON ACCEPTANCE OF INSTANT  
CONTEMPT OF COURT PETITION  
CONTEMNORS / RESPONDENTS MAY BE  
DIRECTED TO IMPLEMENT ORDER DATED**

01.12.2020 OF THIS HON'BLE COURT, FAILING WHICH CONTEMPT OF COURT PROCEEDINGS MAY BE INITIATED TO PUNISH THEM.

**Respectfully Sheweth,**

**The facts forming the background of the instant contempt of Court petition are arrayed as under:-**

1. That, the petitioner filed Writ Petition No.180-A/2020 regarding payment of salary etc. Now the petitioner has attained the age of superannuation on 03.01.2020. (Copy of Writ Petition is attached as Annexure "A")
2. That this Hon'ble Court disposed-off the captioned Writ Petition vide order dated 01.12.2020. (Copy of order dated 01.12.2020 of this Hon'ble Court is attached as Annexure "B")
3. That the petitioner approached the respondents through representations for implementation of the order of this Hon'ble Court. (Copies of applications are attached as Annexure "C")



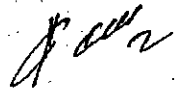
FILED TODAY  
ADDITIONAL REGISTRAR  
PESHAWAR HIGH COURT  
28/2/23

P-56

4. That respondent No.2 written a letter dated 01.02.2021 to respondent No.1 but no action regarding the implementation of the order dated 01.12.2020 of this Hon'ble Court has so far been taken which amounts to the Contempt of Court.


**PRAYER:**

On acceptance of instant Contempt of Court Petition contemnors / respondents may be directed to implement order dated 01.12.2020 of this Hon'ble Court, failing which, Contempt of Court proceedings may be initiated to punish them.



...PETITIONER

**Through Counsel:**



(MUHAMMAD ARSHAD KHAN TANOLI)  
Advocate High Court, Abbettabad.

Dated: 29/04/2021

**VERIFICATION: -**

Verified on this day that the contents of instant **Contempt Petition** are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Court.



...PETITIONER

Dated: - 28/4/2021

FILED TODAY  
28/4/2021  
w/mbc

Certified to be True Copy  
EXAMINER  
28 FEB 2021  
Peshawar High Court and Bench  
Authorized under Sec. 123 of Ord.

P-57

**BEFORE THE HONOURABLE PESHAWAR HIGH COURT,**  
**ABBOTTABAD BENCH.**

C.O.C. No. 67 /2021

IN  
W.P No.180-A/2020

Abid Gulraiz

...PETITIONER

**VERSUS**

Dr.Muhammad Niaz Director General Health and Health Services KP,  
Peshawar and another

...RESPONDENTS / CONTEMNORS

**CONTEMPT OF COURT PETITION**

**AFFIDAVIT**

I, Abid Gulraiz S/o Malik Khalil-ur-Rehman ward orderly CD Mangloor,  
Village and Post Office Mor Baffa Kalan District Mansehra, Petitioner,  
do hereby solemnly affirm and declare on oath that the contents of instant  
**Contempt Petition** are true and correct to the best of my knowledge and  
belief and nothing has been concealed from this Hon'ble Court.

Dated:- \_\_\_\_\_/2021

13503-3750610-7

*[Signature]*

...PETITIONER

**IDENTIFIED BY:-**

*[Signature]*

3062/1576

576

(MUHAMMAD ARSHAD KHAN TANOLI)

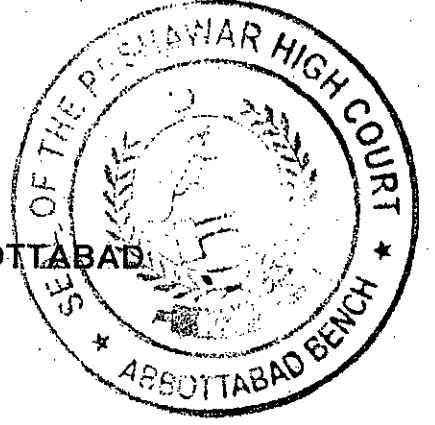
Advocate High Court,  
Abbottabad.

*[Handwritten notes]*  
28 Feb 2023  
Abid Gulraiz S/o Malik Khalil-ur-Rehman  
Village and Post Office Mor Baffa Kalan  
District Mansehra

FILED TODAY  
PESHAWAR HIGH COURT  
28 Feb 2023

Certified to be True Copy  
EXAMINER  
28 FEB 2023  
Peshawar High Court Atd Bench  
Authorized Under Se 75 E

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Judgment Sheet  
IN THE PESHAWAR HIGH COURT, ABBOTTABAD  
BENCH  
JUDICIAL DEPARTMENT

C.O.C No. 67-A/2021

**JUDGMENT**

Date of hearing.....16.02.2023.....

Petitioner (Abid Gulraiz) By Mr. Muhammad Arshad Khan Tanoli,  
Advocate.

Respondents (Dr. Muhammad Niaz & another)  
By Mr. Sajid ur Rehman Khan, Asstt:  
AG.

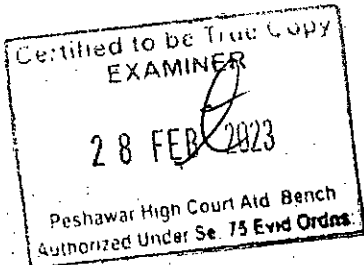
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KAMRAN HAYAT MIANKHEL, J.-. Through instant petition, the petitioner seeks initiation of contempt of court proceedings against the respondents for disobeying the court orders.

2. Facts of the case, in brief, are that in the earlier round of litigation, petitioner brought a constitutional petition No.180-A of 2020, with the following prayer:-

"It is, therefore, humbly prayed that on acceptance of the instant writ petition, respondents may graciously be directed to release salary of the petitioner w.e.f April 2002 to 15.12.2015 and thereafter, issue order of the petitioner to service in the department with all back benefits. Any other relief which this Honourable court deem appropriate in the circumstances of the case may also be granted to the petitioner."

3. This writ petition was finally dispose of vide judgment dated 01.12.2020 in the following terms:-



*Now*

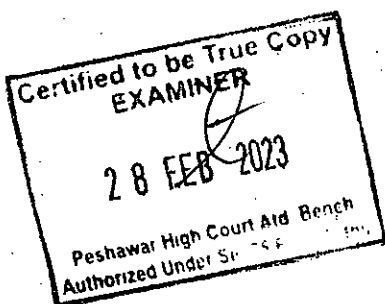
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"In view of the disclosure of departmental appeal/representation in Para-5 of the petition under narration of brief facts, this court learnt that the petitioner has filed departmental appeal for his reinstatement in service but the respondents-department has not redressed his grievance, thus, in such a scenario we would like to direct the respondents to take up the departmental appeal for its decision within two (02) months positively from receipt of the order of this court. In case the petitioner prayer is not redressed by the respondents-department, then he may approach this court."

4. Thereafter, the present petitioner filed the instant contempt petition. Notice was issued to the respondents to file their reply and they have filed the same.

5. We have heard learned counsel for the parties and have gone through the record with their valuable assistance.

6. Perusal of the record would reveal that the petitioner filed the instant contempt petition against the respondents on the ground that they have not complied with the order dated 01.12.2020 passed by this court in constitutional petition bearing No.180-A/2020. On 04.05.2021 notice was issued to the respondents to file their reply which was submitted by them. The learned Assistant Advocate General stated that the order of this court has complied with by the respondents and the petitioner was reinstated in

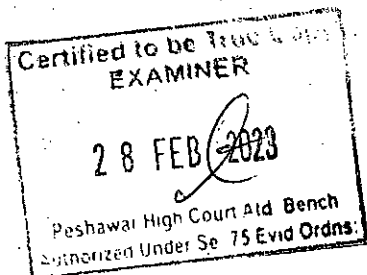


P.60

service vide office order dated 01.11.2021. He further submitted that this court in Para No.3 has mentioned that since the petitioner has not served the department for the period for which he seeks back benefits in form of salary, therefore, he is not entitled to back benefits. However, it is still left to the respondents to grant him salary for the period under suspension for which he be rightly entitled to. He further averred that prayer of petitioner for arrears for the period he has not served the department is not accepted by the department. In this regard he produced letter No.11391 dated 24.10.2022, which is placed on file.

7. In our view, the judgment of this court, has been complied with and no case of contempt of court is made out against the respondents. Hence, this petition being bereft of any merit is hereby dismissed.

Announced:  
16.02.2023



JUDGE

JUDGE

Aftab PSY

Hon'ble Mr. Justice Wiqar Ahmad  
Hon'ble Mr. Justice Kamran Hayat Miankhel

P-61 Annex-I

D

BEFORE THE PESHAWAR HIGH COURT,  
ABBOTTABAD BENCH



Service Appeal no. 570/2018

W.P No. 258 -A/2016

Masood Ahmad Khan, Primary School Teacher (PST), resident of District Haripur.

...PETITIONER

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary Education Peshawar.
2. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. Executive District Officer, Elementary & Secondary Education, Haripur.
4. Govt. of Khyber Pakhtunkhwa, Law Parliamentary Affairs & Human Right Department, through Secretary, Peshawar.
5. Govt. of Khyber Pakhtunkhwa, Finance Department, through Secretary, Peshawar.

...RESPONDENTS

WRIT PETITION UNDER ARTICLE 199 OF THE  
CONSTITUTION OF ISLAMIC REPUBLIC OF  
PAKISTAN, 1973 FOR THE ISSUANCE OF  
DIRECTOR TO THE EFFECT THAT AFTER

N: 1293  
18-3-16

ATTESTED

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar



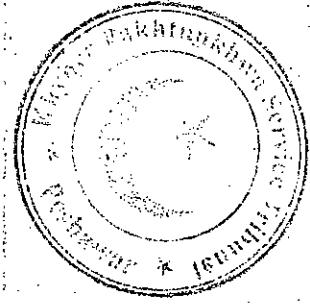
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**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR**  
**AT CAMP COURT ABBOTTABAD**

Service Appeal No. 570/2018

Date of Institution ... 25.04.2018

Date of Decision ... 01.12.2021



Masood Ahmad Khan, Primary School Teacher (PST), R/O District Haripur.

... (Appellant)

**VERSUS**

Government of Khyber Pakhtunkhwa, through Secretary Education Peshawar and four others.

... (Respondents)

-----  
MR. MUHAMMAD ARSHAD TANOLI,  
Advocate

--- For appellant.

MR. RIAZ AHMED PAINDAKHEL,  
Assistant Advocate General

--- For respondents.

MR. AHMAD SULTAN TAREEN  
MR. SALAH-UD-DIN

--- CHAIRMAN  
--- MEMBER (JUDICIAL)

**JUDGMENT:**

**SALAH-UD-DIN, MEMBER:-**

Precise facts giving rise to filing off instant service appeal are that the appellant, while serving as Primary School teacher in Government Primary School Sector-4 Khalabat Township Haripur, was charged in a murder case vide FIR registered on 28.08.1996, therefore, he remained absent from duty from the said period till his arrest on 19.02.2001. During the period of his absence from duty, no departmental action whatsoever was taken against the appellant. The appellant remained behind the bar and was convicted by the trial court, however he was ultimately acquitted by the august Supreme Court of Pakistan vide judgment dated 14.10.2011 on the

  
ATTESTED

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Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

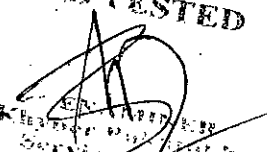
basis of compromise. The appellant after his acquittal approached the department through various applications and ultimately notification dated 02.06.2012 was issued by Executive District Officer Elementary & Secondary Education Haripur, whereby appellant was adjusted at GPS Gandaf against vacant post of PST in his own pay and grade with effect from 14.10.2011 i.e the date of his acquittal. The appellant preferred departmental appeal seeking recovery of the arrears of salary with effect from 01.09.1996 till the date of his adjustment i.e 14.10.2011, however no favourable action was taken upon the departmental appeal of the appellant, therefore, he approached august Peshawar High Court, Abbottabad Bench through filing of Writ Petition, which was sent by the august Peshawar High Court, Abbottabad Bench to this Tribunal for its decision in accordance with-law.

2. Notices were issued to the respondents, who submitted their comments, wherein they denied the assertions made by the appellant in his appeal.

3. Learned counsel for the appellant has contended that after charging of appellant in the murder case, no departmental action was taken against him and as the appellant has been acquitted in the murder case, therefore, he is entitled to all back benefits; that the appellant has been acquitted in the murder case on the basis of compromise, however there are numerous rulings of august Superior Court, wherein it has been held that all acquittals are honourable and there can be no acquittal which can be termed as dishonourable; that the issue is one of financial nature, therefore, there cannot arise any question of limitation. Reliance was placed on 2001 PLC (C.S) 316, PLJ 2007 Supreme Court 496, 2005 PLC (C.S) 1193 as well as unreported judgment dated 31.10.2013 passed by august Peshawar High Court, Abbottabad Bench in Writ Petition No. 655 of 2012.

4. On the other hand, learned Assistant Advocate General for the respondents has argued that the intervening period of

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 ASSISTANT ADVOCATE GENERAL  
 PESHAWAR HIGH COURT, ABBOTTABAD BENCH

absence of the appellant from duty is about 15 years and the case of the appellant has already been processed vide letter dated 11.12.2018 for obtaining sanction of EOL from competent forum for bridging of his services for the purpose of further promotion under the relevant law/rules; that the appellant has already been granted BPS-12 and the due benefits from 14.10.2011 have been granted to him; that the appellant has not yet retired, therefore, the question of gratuity and GP Fund are premature at this stage; that the appeal in hand is against law and facts, therefore, the same is liable to be dismissed.

5. We have heard the arguments of learned counsel for the appellant as well as learned Assistant Advocate General for the respondents and have perused the record.

6. A perusal of the record would show that the appellant was charged in a murder case vide FIR registered on 28.08.1996 and it is an admitted fact that he remained absent from the said date till his arrest on 20.02.2001, however no departmental action was taken against him. The appellant was convicted by the trial court, however he was ultimately acquitted by the august Supreme Court of Pakistan on 14.10.2011 on the basis of compromise. The appellant was arrested on 20.02.2001, who remained in custody and was ultimately released from jail after his acquittal on 14.10.2011. The appellant shall thus be considered as under suspension from his arrest on 20.02.2001 till his release from custody on 14.10.2011. CSR-194 is reproduced for ready reference as below:-

*"A Government Servant who has been charged for a criminal offence or debt and is committed to prison shall be considered as under suspension from the date of his arrest. In case such a Government servant is not arrested or is released on bail, the competent Authority may suspend him, by specific order, if the charge against him is connected with his position as government servant or is likely to embarrass him in the discharge of his duties or involves moral turpitude. During suspension period the Government servant*

ATTESTED

*[Signature]*  
 EXAMINER  
 Secretary, Public Service Commission  
 Islamabad

shall be entitled to the subsistence grant as admissible under F.R-53".

Similarly, FR-53 is also relevant for resolving of the controversy, which is reproduced as below:-

"F.R.53 A government servant under suspension is entitled to the following payments:-

- (a) In the case of 1 [an employee of the Armed Forces] who is liable to revert to Military duty, to the pay and allowances to which he would have been entitled had he been suspended while in military employment.
- (b) 2[(b) In the case of a government servant under suspension, other than that specified in clause (a), he shall be entitled to full amount of his salary and all other benefits and facilities provided to him under the contract of service, during the period of his suspension.]

7. On careful perusal of CSR-194 as well as FR-53 (b), it can safely be concluded that the appellant upon his acquittal in the criminal case is entitled to all back benefits. The appellant has however admittedly remained absent from duty with effect from 28.08.1996 till 19.02.2001, therefore, the said period is treated as extraordinary leave without pay.

8. Furthermore, during the course of arguments, representative of the respondents produced copy of letter No. SO(PE)E&SED/5-19/Masood Ahmad Ex-PST/Haripur dated Peshawar the 23.04.2018 addressed by Section Officer (Primary) to Secretary to Government of Khyber Pakhtunkhwa, Finance Department Peshawar, which would show that the department has also initiated process upon the application submitted by the appellant to the competent Authority. The relevant para of the aforementioned letter is reproduced as below:-

"Keeping in view of his long absence from duty an inquiry was conducted by Muhammad Asif Khan, HM, GHS No. 3, Haripur who recommended the following actions to be taken by Finance Department for converting his long absence into EOL without pay:-

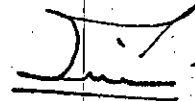
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EXAMINER  
Khyber Pakhtunkhwa  
Service Commission

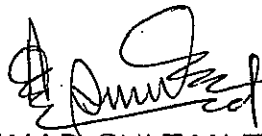
1. Sanction of EOL of his absent/absconder period (28.08.1996 to 19.02.2001) (04 years, 05 months and 21 days),
2. Ex-post facto sanction of suspension/grant of allowance i.e 20.02.2001 to 14.10.2011. (10 years, 07 months and 24 days).
3. Up-gradation as per policies in vogue i.e grade 7 to 12 with award of arrears since his re-instatement (policies 2007 & 2012).
4. Promotion from grade 12 to 14 and further promotion from grade 14 to grade 15 under Departmental Promotion Committee (DPC) as per policy in vogue.

9. In view of the above discussion, the appeal in hand is accepted and the appellant is held entitled to all back benefits. The period of his absence from duty with effect from 28.08.1996 till 19.02.2001 (04 years 05 months and 21 days) shall however be treated as extraordinary leave without pay. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
01.12.2021



(SALAH-UD-DIN)  
MEMBER (JUDICIAL)  
CAMP COURT ABBOTTABAD



(AHMAD SULTAN TAREEN)  
CHAIRMAN  
CAMP COURT ABBOTTABAD

Date of Presentation of Application	09/12/2021
Number of Words	2400
Copying Fee	26/-
Urgent	4/-
Total	30/-
Number of Copies	
Completion of Copy	09/12/2021
Delivery of Copy	09/12/2021

Certified to be true copy  
EXAMINED  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

کورٹ فیس

# وکالت نامہ

بعدالت Service Tribunal Wap Peshawar

عنوان: Govt of FAPA & Co بنام Abid Gul Rais

منجانب: Applicant

نوعیت مقدمہ: Service Appeal

## باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کاروائی متعلقہ آں مقام

**Muhammad Arshad Khan Tanoli**

Advocate Supreme Court of Pakistan

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب Muhammad Arshad Khan Tanoli (Inniah Plaza Adjacent to District Bar Abbottabad

صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری

کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت

ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی

بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا

ساختہ پر داختمہ مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے

مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا

حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں

کوئی جزو بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد

استجارت نالش بصیغہ مفلسی کے دائر کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کیا تاکہ سند رہے۔

المرقوم:

**Muhammad Arshad Khan Tanoli**  
Advocate Supreme Court of Pakistan  
Office: Inniah Plaza Adjacent to District Bar Abbottabad