FORM OF ORDER SHEET

Court	of

Case Nol-

869/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge	
1	2	3	
1-	17/04/2023	The appeal of Dr. Shafqat Hussain presented toda	١Ş

•

by Khanzada Ajmal Zeb Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on-

By the order of Chairman

REGISTRAR

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR. A-NO369/223

Dr. Shafqat Hussain Vs Govt of KPK.

INDEX

S.No.	Description of documents	Pages
1.	Appeal	1-6
2.	Affidavit - Defartmental appeal	6A-6B
3.	Application for leave medical description	7-8
4.	Absence report	9
5.	Notification dated 05-12-2010	10
6.	Notification dated: 11-12-2010	11
7.	W.P No. 1630/2022 with order dated 21-12-2022	12-18
9.	Wakalat nama	.52

Dated 11-04-2023

Through

Molla Appellant

Khanzada Ajmalzeb Khan AG Advocate, Supreme Court of Pakistan

1

BEFORE THE HON'BLE SERVICE TRIBUNAL PESHAWAR

S.A No. /2023

Dr. Shafqat Hussain Formerly Veterinary Officer (Health) Directorate General (Extension) Livestock & Dairy Development Department, Peshawar.

.....Appellant

VERSUS

- 1. Government Of KPK Through Chief Secretary, Civil Secretariat, Peshawar.
- 2. Secretary Agriculture, Livestock & Cooperative Department to Government of KPK, Peshawar.
- 3. Secretary Finance to Government of KPK, Peshawar.

.....Respondents

APPEAL U/S-4 OF KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT 1974 TO THE EFFECT THAT THE RESPONDENTS BE DIRECTED TO SANCTION/ ISSUED PENSION/PENSIONARY BENEFIT IN THE NAME OF APPLICANT AS PER SERVICES TENURE OF THE APPLICANT.

<u>PRAYER:-</u>

ON ACCEPTANCE OF THE INSTANT APPEAL THE RESPONDENTS BE DIRECTED TO SANCTION/ ISSUED PENSION / PENSIONARY BENEFIT IN THE NAME OF APPLICANT AS PER SERVICES TENURE OF THE APPLICANT.

RESPECTFULLY SHEWETH,

That the applicant was serving as Veterinary Officer (Health) in Livestock & Dairy Directorate, Peshawar applied for 730 days of Ex-Pakistan leave due to private/ domestic nature of work, and such request for leave due to private/ domestic nature of work, and such request for leave was forwarded. Since the visa was going to expire, therefore, appellant in the given circumstances gone abroad with hope that his leave will be sanctioned.

2. That the while being abroad the appellant was asked to explain his absence from duty, to which the appellant submitted clarification, mentioning that appellant was immobilized due to such domestic problem and also because of his wife health, which got affected aboard. That the appellant in the meantime, was proceeded against and resulting into his removal from service w.e.f03-07-2010 (date of absence) under removal from service ordinance.

4. That the appellant filed departmental appeal to the respondent no.1 against his removal from service and requesting for restoration/ reinstating to his post with all back benefits. That respondent no.1 has no. lecided such appeal so far.

That the appellant seeks indulgence fc r iressal of his grievance regarding issues of pension and pensionary benefits as per rules and la and services tenure of the appellant.

GROUNDS:-

A. That as per directions of the Hon'ble Peshawar High Court, Peshawar on dated 21-12-2022, that services appeal be submitted before KPK Service Tribunal Peshawar. (Copy of order attached)

B. That the appellant has not been treated in accordance with law and rules.

C. That the appellant removed from services on 05-\$2-2010, without sanction of pension and pensionary benefits in the name of appellant from period of 20 years of regular services.

D. That the wife of ...mellant was suffering from serious disease and the appelle was a vised to take his wife aboard for treatment, therefore the oppellar applied for 730 days ex-Pakistan lease which we shower ind by the authorities in the given circumstances the appellant went abroad with the hope that 730 days ex-Pakistan leave will be sanctioned. (copy attached)

E. That the period remained as jobless, the appellant is entitled for pension and pensionary benefits.

F. That the appellant remain jobless since then and his entitled for pension and pensionary benefits.

G. That the appellant has not been treated in accordance with law and the constitution, hence removal from service is illegal. H. That the order dat d 05-12-2010 and 11-12-2010 regarding removal from service of appellant has been passed in mechanica was without looking the record.

I. That once it was brought into notice of department/ authorize that pellant board in respect of his wife illness, then the light order and proceedings are illegal and department from practice to der the rules and law.

- J. That during this period the appell int is ed jobless, hence also entitles for back bence.
- K. Other ground if any, will be taken at the time of arguments but in light of the record of the case.

It is therefore, requested that on acceptance of the appeal the respondents many kindly be directed to issued pension and penssionery benefits in the name of appellant as per his services tenure.

Any other remedy deemed appropriate may

kindly be granted in the name of appellant.

Dated: 08-02-2023

APPELLANT



Through

KHAN ZADA AJMALZEB KHAN Advocate, Supreme Court, Peshawar.

Advocate 2023

NOTE:-

As per information furnished by my client, no such like appeal for the same appellant, upon the same subject matter has earlier been filed, prior to the instant one, before this Hon'ble Tribunal.

6/8 فكانبر اس معنون در سفعیت مس مدر فر من 1 ف KPK ما د مین اور سنزری فراعات حافی تورم میں دائم میں قا ولف متصل حافى تورث لعت) Tiejule (Jun 20 2 Jun - 25 Stein ads Tiejule (Jun 20 2 Jun - 25 G Tie (Jun 20 - 2 - 6 Tie (Jun 20 - 2 - 6) Tie (Jun 20 - 2 - 7) Tie (Jun 20 - 7) Tie (61 july 20121 w 15 00 4 01/1 its where charpe (springer). PS-17 we'r on in and in the dt 13 023

<u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,</u> <u>PESHAWAR.</u>

Dr. Shafqat Hussain Vs Govt of KPK.

<u>AFFIDAVIT</u>

I, Dr. Shafqat Hussain Formerly Veterinary Officer (Health) Directorate General (Extension) Livestock and Dairy Development Department Peshawar, do hereby solemnly affirm and declare on oath that the contents of this Appeal are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Court.



DEPONENT CNIC:17301-1466132-3 Cell No. 0332-8080539

6

APPLICATION FOR LEAVE ITEM 1 TO 19 MUST BE FILLED IN ALL APPLICANTS. ITEM 12 APPLIES ONL IN THE CASE OF GOVERNMENT SERVANT OF GRADE-16 AND ABOVE Name of applicant 2. Leave rules applicable Dr. Shafqat Hussain 3. Post Held Department or Office 1981 4. Veterinary Officer (Technical) Directorate General (Ext), Livestock & Dairy Development 5, Pay NWFP, Peshawar House Rent Allowance/Conveyance Allowance or 6.1 Other compensatory allowance drawn in the present post. A. Nature of applied for. Leave Extra Ordinary Leave without pay (Ex-Pakistan) 7. C. Date of commencement 230 days Date of availir Particular Rule/Rules under which 3: Parioural reaction to the state of return from last leave. 9, B. Nature of leave. 1987 26th Seplembe 20 Fx-Pakistan Lc ve C. Period of leave in days. <009 2 -15 days -7 18da 361 • 777 SIGN) स ne, CA; Remarks and recommendation of the 10. controlling officer. Certified that leave applied for is · 1 to A. 3: 11. KOV admissible under Rule 198; j nao conditions are fulfilled. DILECTOR (SO) 29/9 DIRECTORACT CHEN LIVESTOCK & DAJRY SIGNA TLIREP, PESHAWAN ENSION) DESIGNATION Report of Audit Officer 12. SIGNATURE DESIGNATION Order of the sanctioning authority Same post carrying the competency allowances being drawn by him. 198 SIGNATURE DESIGNA 印刷图。[W

Fa. Millbourne Road Medical Clinic 131 Millbonrne Road East Phone (780) 462-4229 Edmonton, Alberta, T6K 1P6 Fax : (780) 462-3315 Dr. Balvinder Jassar (M.D., Ph.D., CCFP)* Q.Y 13, 2210. T4 Re: Shafqat Hussain D.U.R Sept- 12, 1967 37682 - 3441 Thin it to confiler That. Sh-1 infe this Far - 1 may · hun å الما Care. Franch is suffiring from ماينين ، . and quete disabling the needs 00 · cluse monitoring. at the time + \mathcal{T}' Shappit be break لد · ^مور کر He is muchle <u>ما ...</u> ز ار، Sincerely, , B. SASSIR. PLACE TO 9139-26108 Dr. B.Jassar Dr. B. JASSAR M.D. TRUE PROFESSIONAL CORPORATION; 131 MILLBOURNE ROAD EAST EDMONTON, ALBERTA TEK 1PE PH: 462-4229 FAX: 462-3315 ADVO *Denotes Professional Corporation

- The Secretary
- Government of Khyber Pakhtunkhwa,
 - Agriculture, Livestock & Cooperative
- Department, Peshawar

Subject: <u>Absence Report of Dr. Shafqat Hussain, Veterinary officer (Health)</u> Respected Sir,

With due respect, I came to know that an absence notice from your kind office has been advertised in local Peshawar newspaper directing me to resume my duties.

Honourable Sir, my wife was severely ill abroad and no one was there to care her and I shad no other option to go abroad immediately. She is still order the treatment and needs full care[#]

A medical certificate from her doctor is also is tached herew: mentioning her disease and recommending me to be with her for at least three months more (till 13 January 2011) It is therefore, humbly requested into in humanitarian back non-diverse action may be taken against me and giving me till ince to come back to issume my duties and my absence from duty may be into das to itt int pay.

Enclosed: As above

Veterinary C. Hussain . Directorate Constant (1996)

Yours Obed.c : St

Livestock & Dairy Developmen. Department, Peshawar

 $\cdot \langle S \rangle$

int



GOVERNMENT OF KIIYBER PAKHTUNKHWA AGRICULTURE LIVESTOCK & COOPERATIVE DEPARTMENT

Dated Peshawar the December 5, 2010

NOTIFICATION

No.SO(L&DD)AD-1(259)PF/95. In exercise of the power's conferred to him under Rules 8-A of Efficiency and Disciplinary Rules read with Section 5 of the Khyber Pakhtunkhwa Removal from Service (Special Power's) Ordinance, 2000, the competent authority is pleased to order the Removal from Service of Dr.Shafqat Hussain, Veterinary Officer (Health) BS-17, In-charge Civil Veterinary Dispensary Akbarpura, District Nowshera of the Livestock & Cairy Development Department Khyber Pakhtunkhwa, from Gevernment service with effect from 03.07.2010 (his date of absence)

Endst: No. & Date even.

Copy forwarded to the:

- 2. Executive District Officer (Agri:) District Nowshera.
- 3. District Livestock Officer, Nowshera.
- 4. District Accounts Officer, Nowshear.
- 5. Ex-Officer concerned.
- 6. P.S to Chief Secretary, Khyber Pakhtunkhwa.
- 7. P.S to Minister Livestock & Cooperatives Department Khyter Pakhtunkhwa.
- P.S to Secretary Agriculture, Livestock and Cooperatives Khyber Pakhtunkhwa.
 Personal file of officer concerned.

10. Master file.

ADVOCATE

(DR.FAKĤŘŰL ISLAM) SECTION OFFICER (L&DD)

Sd/

infc T

3S3

.tion

action.

ಾದ



GOVERNMENT OF KHYBER PAKITUNKHWA AGRICULTURE LIVESTOCK & COOPERATIVE DEPARTMENT

Dated Peshawar the December 11, 2010

NOTIFICATION .

No.SO(L&DD)AD-1(259)PF/95. In Supersession of this department notification of even number dated December 6, 2010, in exercise of the powers conferred to him under Rules 8-A of Efficiency and Disciplinary Rules read with Section 5 of the Khyber Pakhtunkhwa Removal from Service (Special Powers) Ordinance, 2000, the con petent authority is pleased to order the Removal from Service of Dr.Shafqat Hussain, Meterinary Officer (Health) BS-17, Directorate General (Extension) Livestock & Dairy Development Department Khyber Pakhtunkhwa, (rom Government service with effect from 03.07.2010 (his date of absence)

Endst: No. & Dâte even,

Master file.

2

.

÷.,

5.,

6.

7.

8.

9

10.

- Copy forwarded to the:
- Accountant General Khyber Pakhtunkhwa Peshawar. DG (Ext), L&DD, Khyber Pakhtunkhwa Peshawar Executiva District Off
- Executive District Officer (Agrit) District Nowshera. District Livestock Officer, Nowshera.
- District Accounts Officer, Nowshear.
- Ex-Officer concerned.
- P.S.to Chief Secretary, Khyber Pakhtunkhwa.
- P.S. to Minister Livestock & Cooperatives Department Khyber Pakhtunkhwa. P.S. to Secretary Agriculture, Livestock and Cooperatives Khyber Pakhtunkhwa. Personal file of officer concerned.

(DR.FAKHRUL YSLAM) SECTION OFFICER (LADD)

Hor information and

hedesaarysaction.

Sc/ SECRETARY AGRICULTURE

BEFORE THE PESHAWAR HIGH COURT. PESHAWAR



Writ Petition No 1620 / 2022

Dr. Shafqat Hussain Formerly Veterinary Officer (Health) Directorate General (Extension) Livestock & Dairy Development Department, Peshawar.

....Petitioner

VERSUS

1) Khyler _____khtunkhwa Government of. through Chief Secretary Civil Secretariat, Peshawar.

Secreta ivestock Agricultu œ Cooper e Department - Government of Khyber Pakhtunlobwa, Peshawar.

Secretary Finance to Government of Khyber Pakaturidrya, Pestewar,

>Remor ents

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973 for

FILLBADE Debuty Preistras 28 APR 2022

VED

1

,S EXAMINER Peshaviar High Court

¢,

Respectfully Sheweth:

FACTS

1)

2)

3)

That the petitioner was serving as Veterinary Officer (Health) in Livestock & Dairy Directroate, Peshawar applied for 730 days of Ex-Pakistan Leave due to private/ domestic nature of work, and such request for leave due to private/ domestic nature of work,

B

and such request for leave was forwarded. Since the visa was going to expire, therefore, petitioner in the given circumstances gone abroad with hope that his leave will be sanctioned.

That while being abroad the applicant was asked to explain his absence from duty, to which the petitioner submitted clarification, mentioning that petitioner was immobilized due to such domestic problem and also because of his wife health, which got affected abroad.

- That the petitioner in the meantime, was proceeded against and resulting into his removal from service w.e.f. 03.07.2010 (date of absence), under Removal from Service Ordinance.
- 4) That the petitioner filed departmental appeal to the respondent No.1 against his removal from service and requesting for restoration/ reinstating to his post with all back benefits. That respondent No.1 has not decided such appeal so far.
 - 5) That petitioner seeks indulgence for redressal of his grievance regarding issuance of pension and pensionary benefits as per rules and law and services FILE tenure of the petitioner.

Deplere Registrar 28 APR 2022

GROUNDS

2)

3)

A. That the petitioner has not been treated in accordance with law and rules.

B. That the petitioner was removed from services on 05.02.2010, without sanction of pension and

TED MINER aviar High Court

pensionary benefits in the name of petitioner for period of 20 years of regular services.

C. That the petitioner is entitled for pension & pensionary benefits for a period of 20 years served under the supervision of respondents.

D. That the wife of petitioner was suffering from serious disease and he petitioner was advised to take his wife abroad to treatment, therefore, the petitioner applied for 730 cays ex-Pakistan leave, which was forwarded by the authorities in the given circumstances the petitioner went abroad with the hope that 730 days ex-Pakistan leave will be sanctioned. (Copy attached)

E. That the period remained as Jobless, the petitioner is entitled for a sion and pensionary beneifts.

F. That the petitioner at sin abless since then and his entitled for pension and pension y benefits.

has not been treated in G. That accordance with his over doit constitut on, hence removal from service is illegal

HLF WIODAN 28 APR 2022

Deputy Kegistrar H. That the orders dated 05 18 2010 and 11.12.2010 regarding removal from service of petitioner has been passed in mechanical way without looking the record.

> I. That once it was brought into notice of department/ authority that petitioner is abroad in respect of his wife illness, then the impugned orders and proceedings are illegal and departure from practice under the rules and law.

> > MINER eshawar Algh Court

- (15)
- J. That during this period the petitioner remained jobless, hence also entitles for back benefits.
- K. Other grounds, if any, will be taken at the time of arguments but in light of the record of the case.

PRAYER

It is, therefore, provide that on acceptance of this constitutional pedition, respondent may kindly keedirected to set the sanction pension and pensionary conefits the name of the petitioner as per hit service tenure.

Any other rem in general appropriate may also be gented.

() eee 21 31-2 Petitioner Financia Ajuna Combrikius

CARL FROM AN

CERTIFICATE;

Certified as per information furnished by my client that no such like writ petition has earlier been filed before this Hon'ble Court.

LIST OF BOOKS:

Âdyocate 3/22

Constitution of Islamic Republic of Pakistan, 1973.
 Law books as per need.

. 1

20 ГE EXAMINER eshawar High Court

FILED Deputy De

28 APR 2022

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR



Writ Petition No $\frac{1020}{120}$ / 20

Sayed Nijat Hussain and othersPetitioners VERSUS

Deputy Commissioner District Kurram and others

.....Respondents

AFTIDAVIT

I, Muhammad Ali S/o Hafiz ur Rehman R/o Small Indsutries Estate Kohat Road, House No.25-C, Pesahwar (Attorney for petitioner), do hereby affirm and declare on oath that the contents of accompanying Writ Petition are true and correct to the best of my knowledge and belief and nothing has bee ad from this Hon'l' court.

Identified by

Depon CNTC No.1-30 3434 0 Gell™o.u3+3-45

n CC 21/3/12022 Khanzada Ajmal Zeb Khan Advocate Supreme Court

FILED DAY Registrar Depilty

28 APR 2022

6950 Certified that the above was verified on solemnly affirmation before me in profile this 21 day of March 2000 Bring M. ALI slo...Herfil...hr Reformed Perhamo Perhama who was identified in the set zonda A wh zeb Who is personally known to verifies Nadra

PESHAWAR HIGH COURT, PESHAWAR

ORDER SHEET

Date of Order or Proceedings	Order or others Proceedings with Signature of Judge
1.	2
21.12.2022	<u>W.P No.1630-P/2022.</u>
	Present: Khanzada Ajmel Zeb Khan, Advocate, for petitoner.
	Malik Akhtar Hussain Awan, AAG, for respondents.

	MUSARR THILL. In The instant write the instant
	has been filed by the petitioner under Article 199
	of the Constitution of Islamic R publes.
· .	Pakistan, 1973, wherein he has prayed for
· ·	issuance of an appropriate writ, directing the
<u>.</u>	respondents to issue / sanction pension and
. · ·	pensionary benefits to him as per his service
$\left \right\rangle$	tenure.
mand	2. Arguments heard and appended record gone
· ; · ·	through.
	3. Admittedly, the petitioner is a civil servant

ATTESTED EXAMINER apshawar High Collin

1.

and his grievance relates to the terms and conditions of service, so it exclusively falls within jurisdiction of the the Service Tribunal. Constitutional jurisdiction of this Court is expressly barred under Article 212(2) of the Constitution of Islamic Republic of Pakistan, 1973. In view of the above, this writ petition is 4. dismissed, being not maintainable. Announced: 21.12.2022 JJĎĞĚ JUDGE 12 erritied to be North Date of Presentation of Application No of Pages, N Capying fre.. -----2-2 10101----Date of Preparation of Cop Date of Delivery of Co (D.B) (Hon'ble Justice Musarrat Hilali and Hon'ble Mr. Justice Abdul Shakoor) Noor Shah

2

ايدوكيك: خانتراره العل أيب كط و بپتاور بإرايسوسى ايش، خيبر پختونخواه بارکوسل/اییوی ایشن نمبر:____ 10-72.37 رابطتمبر: 078378573 بعدالت جناب: محسر الحترين خوان vic # 17301-7367192-1 منجانب: العيرل مط د توی: دارد سينده علت تمير: بنام *.*7 ور فسن الحلم تقانه -146613 ثم تحم مقدمه مندرج عنوان بالاميس اپن طرف سے داسطے ہیروی وجواب دہی کا روائی متعلقہ آن مقام كم مساحب كيلي خما مراده اجل أسب في 25 40 مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا؛ نیز دلیل صاحب کو راضى نام كرخ وتقرر ثالث وفيصله برحلف دين جواب دعوى اقبال دعوى اور درخواست از برتسم كى تصديق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطر فہ پا پیل کی برآ مدگی اور منسوخی، نیز دائر کرنے اپل نگرانی دنظر ثانی و پیروی کردنے کا مختار ہوگا اور بصورت ضرورت مقدہ مذکورہ کے کل یا جزوی 2202-2-11 كارُواَئَى بحواسط اوروكيل يامختار قانونى كواسيخ المرابيل بجائز تقرركا اختيار جوگا اور صاحب مقرر شده كودبى جمله مذكوره بااختيارات حاصل موس تحاورا ل كلفك خنة برد كم خنة ينظور وقبول موكا دوران مقدمه میں جوخرچہ ہرجانہ التوائے مقدمہ کے سبب سے ہوگا۔کوئی تاریخ بیشی مقام دور کاللے سب باہر ہوتو وکیل صًاحب یا بند نہ ہوں گے کہ پیروی مذکورہ کریں، لہٰداد کالت نام کھ دیا تا کہ سندر ہے 11/3/2025 الزقوم 119 2023 Ajmar 180 Khan GMail No: riagsheak h 182@ g. mail. con