

02.01.2023

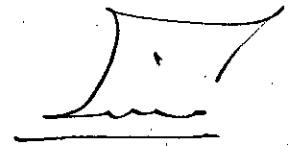
Learned counsel for the appellant present. Mr. Muhammad Asif Yousafzai, Legal Advisor for respondents No. 1 & 3 and Mr. Asif Masood Ali Shah, Deputy District Attorney for respondents No. 2, 4 & 5 present.

SCANNED  
KPST  
Peshawar

Learned counsel for the appellant submitted an application for deletion of respondents No. 1 & 3 from the penal of respondents. Legal Advisor for respondents No. 1 & 3 stated at the bar that he is having no objection on deletion of respondents No. 1 & 3 and put no objection on the application. Learned Deputy District Attorney representing respondents No. 2, 4 & 5 sought time for submission of reply. Adjourned. To come up for submission of reply as well as arguments on application as well as main appeal on 22.03.2023 before the D.B.



(Mian Muhammad)  
Member (E)



(Salah-Ud-Din)  
Member (J)

22.03.2023

Learned counsel for the appellant present.

Mr. Asif Masood Ali Shah learned Deputy District Attorney for respondents present.

SCANNED  
KPST  
Peshawar

Learned Member Judicial (Mrs. Rozina Rehman) is on leave, therefore, case is adjourned to 31.05.2023 for arguments before D.B. Parcha Peshi given to the parties.

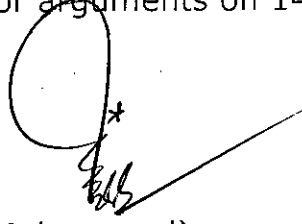


(Muhammad Akbar Khan)  
Member (E)

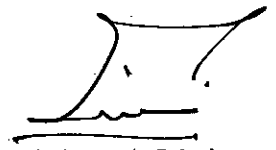
13.09.2022

Appellant alongwith his counsel present. Mr. Asif Yousafzai, Legal Advisor for respondents No. 1 and 3 present. Mr. Asif Masood. Ali Shah, Deputy District Attorney for respondents No. 4 & 5 present.

When appeal was taken up for hearing, learned counsel representing respondents No. 1 and 3 requested that in view of Establishment of MTI Tribunal, the point of jurisdiction may be taken up first for arguments. Upon this, learned counsel for the appellant sought adjournment for preparation. Adjourned. To come up for arguments on 14.11.2022 before the D.B.



(Mian Muhammad)  
Member (Executive)



(Salah-Ud-Din)  
Member (Judicial)

14.11.2022

Counsel for the appellant present.

Kabir Ullah Khattak, learned Additional Advocate General alongwith Waheed Ullah Junior Clerk for respondents present.

Learned Member (Judicial) is on leave, therefore, arguments could not be heard. Adjourned. To come up for arguments on 02.01.2023 before D.B



(Fareeha Paul)  
Member (E)

19.07.2022

Appellant alongwith his counsel present.

Kabir Ullah Khattak, learned Additional Advocate General for respondents No.4 & 5 present. Junior to counsel for respondents No.1 to 3 present.

Junior to counsel for respondents No.1 to 4 requested for adjournment as senior counsel is busy before august Supreme Court of Pakistan. Adjourned by way of last chance. To come up for arguments on 13.09.2022 before D.B.

(Fareeha Paul)  
Member(E)

(Rozina Rehman)  
Member (J)

[Redacted]

[Redacted] present.

[Redacted] for respondents No. 1 and 3 present.

[Redacted] Asif Masud Shah, Deputy District Attorney for

[Redacted] respondents No. 4 and 5 present.

[Redacted] Appellant was to appear for hearing, learned counsel

[Redacted] representing respondents [Redacted] in view of

[Redacted] establishment of MLI [Redacted] int [Redacted] sdiction [Redacted]

[Redacted] learned counsel for the

[Redacted] appellant sought adjournment for preparatory. Adjourned. To

[Redacted] come up for [Redacted] 13.09.2022 before the D.B.

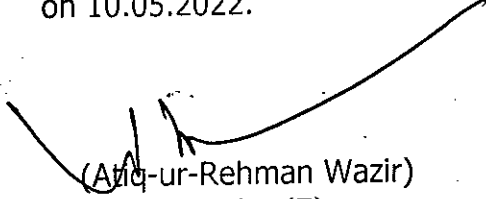
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13.01.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG for respondents present.

Learned counsel for the appellant seeks adjournment in order to further prepare the brief. Request is accorded. To come up for arguments before the D.B on 10.05.2022.


  
(Aziz-ur-Rehman Wazir)  
Member(E)

  
Chairman

10.05.2022

Learned counsel for the appellant present. Mr. Riaz Khan Paindakheil, Asstt. AG for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not gone through the record. Last opportunity is granted. To come up for arguments before the D.B on 19.07.2022.

  
(Fareeha Paul)  
Member (E)

  
Chairman

06.05.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 07.09.2021 for the same as before.



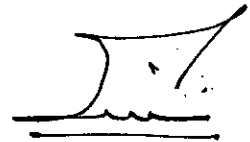
Reader

07.09.2021

Mr. Taimur Ali Khan, Advocate, for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for respondents No. 4 & 5 present. Mr. Muhammad Nazir, junior of Legal Advisor for respondents No. 1 to 3 present and requested for adjournment on the ground that Legal Advisor for respondents No. 1 to 3 is not available today. Adjourned. Last opportunity given. To come up for arguments before the D.B on 18.10.2021.



(ATIQU-UR-REHMAN WAZIR)  
MEMBER (EXECUTIVE)




(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

18.10.2021

Junior to counsel for appellant present.

Asif Masood Ali Shah, learned Deputy District Attorney for respondents present.

Lawyers are on general strike, therefore, case is adjourned to 13.01.2022 for arguments, before D.B.



(Atiq-Ur-Rehman Wazir)  
Member (E)



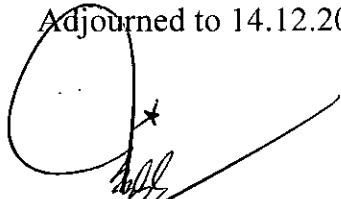
(Rozina Rehman)  
Member (J)

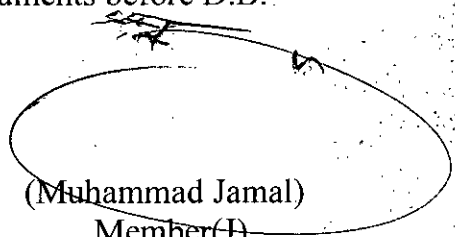
22.09.2020

No one is present on behalf of the appellant. Mr. Kabirullah Khattak, Additional Advocate General for respondents present.

Perusal of the record reveals that on two occasions the case is adjourned on the ground of prevalence of Covid-19, therefore, we deem it appropriate to issue fresh notice to the appellant as well as his respective counsel for attendance and arguments on the next date of hearing.

Adjourned to 14.12.2020 for arguments before D.B.

  
(Mian Muhammad)  
Member (E)


  
(Muhammad Jamal)  
Member (J)


14.12.2020

Counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General alongwith Subhan Ud Din Assistant for respondents present.

Representative of respondents made a request for adjournment. Adjourned. To come up for arguments on 10.02.2021 before D.B.

  
(Atiq ur Rehman Wazir)  
Member (E)

  
(Rozina Rehman)  
Member (J)

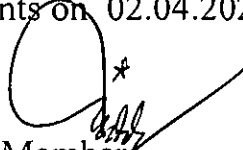
10.02.2021

Due to Pandemic of Covid-19, the case is adjourned to 06.05.2021 for the same.

  
Reader

21.02.2020

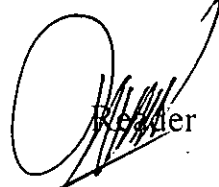
Appellant in person present. Mr. Taimur Ali Khan, Advocate appeared on behalf of the appellant and submitted fresh Wakalatnama on behalf of the appellant. Mr. Ziaullah, DDA for respondents present. Learned counsel for the seeks adjournment being freshly engaged. Adjourned To come up for arguments on 02.04.2020 before D.B.

  
Member

  
Member


02.04.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 26.06.2020 before D.B.

  
Reader

26.06.2020

Due to public holiday on account of COVID-19, the case is adjourned for the same on 22.09.2020 before D.B.

  
Reader


13.05.2019

Nemo for the appellant. Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. Due to leave of the worthy Chairman the case is adjourned to 23.07.2019 for arguments before D.B.

  
(Hussain Shah)  
Member

23.07.2019

Appellant in person and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned to 09.10.2019 for arguments before D.B.

  
(HUSSAIN SHAH)  
MEMBER

  
(M. AMIN KHAN KUNDI)  
MEMBER

09-10-2019

*DUE TO TOUR OF HONBLE MEMBER  
TO CAMP COURT SWAT THE CASE IS  
ADJOURNED TO 19-12-2019*

  
Reader

19.12.2019

Lawyers are on strike as per the decision of Peshawar Bar Association. Adjourn. To come up for further proceedings/arguments on 21.02.2020 before D.B. Appellant be put on notice for the date fixed.

  
Member

  
Member



28.09.2018

Counsel for the appellant present. Mr. Ziaullah, DDA for respondents present. Counsel for the appellant seeks adjournment. Granted. Case to come up for arguments on 13.11.2018 before D.B.



(Ahmad Hassan)  
Member



(M. Amin Khan Kundi)  
Member

13.11.2018

Due to retirement of Hon'able Chairman, the Tribunal is defunct. Therefore, the case is adjourned for the same on 02.01.2019 before D.B.



Reader

02.1.2019

Miss Uzma Syed Advocate and Mr. Subhanullah, Assistant for respondents No. 1 to 3 alongwith Mr. Ziaullah, DDA for the respondents present.

Replication on behalf of the appellant is submitted which is placed on record. To come up for arguments on 12.03.2019 ~~to arguments~~ before the D.B.



Member



Chairman

12.03.2019

Counsel for the appellant and Addl. AG for the respondents present.

Learned counsel for the appellant requests for adjournment as he could not prepare the brief of instant matter due to over work and requests for adjournment. Adjourned to 13.05.2019 before the D.B.




Member



Chairman

28.03.2018

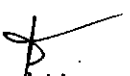
Junior to counsel for the appellant and Mr. Kabir Ullah Khattak, learned Additional Advocate General alongwith Subhan Ullah, litigation Officer for the respondents present. Junior to counsel for the appellant seeks adjournment as senior counsel is not available. Adjourn. To come up for arguments on 30.05.2018 before D.B

  
(Muhammad Amin Kundi)  
Member

  
(Muhammad Hamid Mughal)  
Member

30.05.2018

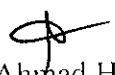
Appellant in person and Junior to counsel for legal Advisor for respondent department also present. Appellant seeks adjournment as his counsel is not in attendance. Adjourned. To come up for arguments/rejoinder 03.08.2018 before D.B

  
(Ahmad Hassan)  
Member

  
(Muhammad Hamid Mughal)  
Member

03.08.2018


Appellant absent. Learned counsel for the appellant present. Mr. Ayub Amin, junior counsel for respondents No. 1 to 3 and Mr. Muhammad Jan, Deputy District Attorney for respondents No. 4 & 5 present. Junior counsel for respondents No. 1 to 3 requested for adjournment on the ground that learned senior counsel Mr. Khalid Rehman, Advocate for respondents No. 1 to 3 is busy before the Hon'ble Peshawar High Court. Adjourned. To come up for rejoinder and arguments on 28.09.2018 before D.B.

  
(Ahmad Hassan)  
Member (E)

  
(Muhammad Hamid Mughal)  
Member (J)

29.12.2017

Clerk of the counsel for appellant present Addl: AG alongwith Noor Ali, Deputy Director for the respondent present. Written reply not submitted on behalf of respondents. Learned Addl: AG requested for adjournment. Adjourned. To come up for written reply/comments on 12.01.2018 before S.B.

  
(Gul Zeb Khan)  
Member (E)

12.01.2018

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Subhanullah, Litigation Officer for respondents No. 1 to 3 and Mr. Jaffar Ali, Assistant for respondents No. 4 & 5 also present. Written reply on behalf of respondents No. 1 to 3 submitted. Representative of respondents No. 4 & 5 requested for further time for filing of written reply. Last opportunity granted. Adjourned. To come up for written reply/comments on behalf of respondents No. 4 & 5 on 24.01.2018 before S.B.

  
(Muhammad Amin Khan Kundi)  
Member

24.01.2018


Learned counsel for the appellant and Mr. Kabir Ullah Khattak, learned Additional Advocate General along with representative Mr. Muhammad for the respondents present. Written reply submitted on behalf of respondents No.1, 2, & 3, while respondent No.4 & 5 relied on the same. Adjourned. To come up for rejoinder/arguments on 28.03.2018 before D.B

  
(Muhammad Hamid Mughal)  
MEMBER

19/10/2017

Counsel for the appellant present and argued that the appellant has not been treated in accordance with law. He further argued that appellant is working as Ward Orderly in the hospital since 1988 and the appellant was suspended by respondent No. 2 vide order dated 8/5/2003 on account of involvement in criminal case. Later-on he was acquitted and was reinstated in service on 3/12/2013, but no order regarding back benefits i.e salaries, seniority, increment etc has been made. He stated that a civil servant is entitled to all service benefits during suspension period. In this respect learned counsel for the appellant relied on 2009 PLC(C.S.) 178 .

Points urged at bar need consideration. The appeal is admitted for regular hearing subject to all legal objections including limitation. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for written reply/comments on 30 /11/2017 before SB.

  
(GUL ZEB KHAN)  
Member

30/11/2017

Counsel for the appellant and Mr. Kabirullah Khattak, AAG alongwith Mr. Yar Gul Assistant for respondents present. Mr. Khalid Rehman, Advocate submitted fresh Wakalatnama on behalf of respondent No. 1 to 3, which<sup>is</sup> placed on file.. To come up for written reply/comments on 29/12/2017 before DB.

  
( Ahmad Hassan)  
Member

SCANNED  
Peshawar

Appellant Deposited  
Security & Process Fee

Form-A  
FORM OF ORDERSHEET

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

Case No. 998/2017

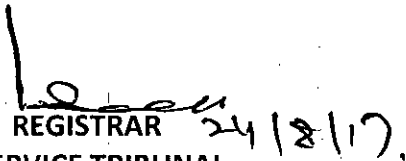
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	08/09/2017	<p>The appeal of Mr. Amanullah resubmitted today by Mr. Saadullah Khan Marwat Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR 21/9/17</p>
2-	13-9-17	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>25-09-17</u></p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>
25.09.2017		<p>Counsel for the appellant present and requested for adjournment. Adjourned. To come up for preliminary hearing on 19.10.2017 before S.B.</p> <p style="text-align: right;"><i>[Signature]</i> (Muhammad Amin Khan Kundi) Member</p>

The appeal of Mr. Aman Ullah Ward orderly Khyber Teaching Hospital Peshawar Peshawar received today i.e. on 23.08.2017 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellatant.
- 2- Annexures of the appeal may be attested.
- 3- Annexures of the appeal may be flagged.
- 4- Documents refer to in the memo of appeal (Annexures-A to K) are not attached with the appeal which may be placed on it.
- 5- Copies of impugned order and departmental appeal against it are not attached with the appeal which may be placed on it.
- 6- Seven more copies/sets of the appeal along with annexures i.e. complete in all respect may be also be submitted with the appeal.

No. 1943 /S.T,

Dt. 24/8 /2017

  
REGISTRAR 24/8/17.  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Saadullah Khan Marwat Adv. Pesh.

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

S.A No. 998 /2017

Aman Ullah

versus

Director & others

**I N D E X**

S. No.	Documents	Annex	P. No.
1.	Memo of Appeal		1-3
2.	Appointment order dated 11-10-1988	"A"	4
3.	Suspension order dated 08-05-2003	"B"	5
4.	Copy of FIR	"C"	6
5.	Judgment dated 20-06-2012	"D"	7-11
6.	Reinstatement order dated 03-12-13	"E"	12
7.	Representation dated 19-12-2013.	"F"	13
8.	Judgment of High Court	"G"	14-15
9.	Application dated 25-02-2014	"H"	16-17
10.	Representation/App: 25-04-2017	"I"	18-19
11.	Official communication / orders	"J"	20-31
12.	Rejection order dated 08-06-2017	"K"	32

*Aman Ullah*  
Appellant

Through

Saadullah Khan Marwat  
Advocate,  
21-A Nasir Mansion,  
Sheba Bazaar, Peshawar.  
Ph: 0300-5872676  
0311-9266609

Dated: 22-08-2017

**BEFORE KPK SERVICE TRIBUNAL PESHAWAR**

S.A No. \_\_\_\_\_/2017

Aman Ullah, Ward Orderly,  
Khyber Teaching Hospital,  
Peshawar .....

Appellant

**Khyber Pakhtunkhwa  
Service Tribunal**

Diary No. 934

Dated 23-8-2017

VERSUS

1. Hospital Director, Khyber Teaching Hospital, Peshawar.
2. Medical Superintendent, Khyber Teaching Hospital, Peshawar.
3. Director Finance, Khyber Teaching Hospital, Peshawar.
4. Director General Health, KPK, Peshawar.
5. Secretary Health, KP, Peshawar ..... Respondents

⊕<=>⊕<=>⊕<=>⊕<=>⊕

**APPEAL U/S 4 OF SERVICE TRIBUNAL ACT, 1974  
AGAINST ORDER DATED (18-06-2017) WHEREBY R.  
NO. 01 REJECTED THE REPRESENTATION DATED 25-  
04-2017 FOR THE RELEASE OF MONTHLY SALARIES  
ALONG WITH ALL SERVICE BENEFITS WITH EFFECT  
FROM 08-05-2003 TILL 03-12-2013 I.E. DATE OF  
REINSTATEMENT OF APPELLANT:**

⊕<=>⊕<=>⊕<=>⊕<=>⊕

**Respectfully Sheweth;**

1. That appellant is working as Ward Orderly in the hospital since 1988. (Copy as Annex "A")
2. That appellant was suspended by R. No. 02 vide order dated 08-05-2003 on account of involvement in criminal case. (Copy as Annex "B")



- That as the appellant was innocent and was falsely implicated in the criminal case, so he was acquitted from the baseless criminal case by a competent court of law vide order / judgment dated 20-06-2012. (Copy as Annex "C" & "D")
4. That after acquittal, the appellant was reinstated into his service by R. No. 02 vide order dated 03-12-2013 but no order regarding back benefits i.e. Salaries, seniority, increments etc has been made which badly effects the legitimate rights of the appellant. (Copy as Annex "E")
  5. That after reinstatement order, the appellant preferred representation dated 19-12-2013 for allowing back benefits/salaries to the appellant but in-spite of direction of the hon'ble High Court Peshawar for deciding the application, according to Law and Rules, the same has not been decided so far. (Copy as Annex "F" & "G")
  6. That the appellant is actively perusing the matter by moving applications for issuance of back benefits/salaries but the respondents has turned deaf ear towards the grievance of the appellant. (Application dated 25-02-2014 & 25-04-2017 Attached as Annex "H" & "I")
  7. That the respondents themselves on some many occasions admitted the claim of appellant and apprised each other that the matter of back benefits and salaries be decided in accordance with FR 54 (a) but still the respondents are not resolving the matter of appellant. (Copy as Annex "J")
  8. That due to the non-resolving the matter, juniors to the appellant are receiving much more pay than the appellant, and the appellant for no fault on his part is suffering at the hands of respondents.
  9. That representation dated 25-04-2017 before R. No. 01, was rejected on 08-06-2017 which copy was received from the office of R. No. 1 on 25-07-2017. (Copies as Annex "K")

Hence this appeal, inter alia, on the following grounds:-

GR O U N D S:

- a. That appellant was falsely implicated in the case.
- b. That from the date of FIR till acquittal of the appellant, the appellant remained behind the bars and remained jobless so was not able to earn livelihood for his family.
- c. That the Law and judgments of superior courts provides for the issuance of back benefits to the Civil Court who is acquitted of the charges and who remained jobless during the period spent in jail.
- d. That the appellant has the right to receive his salaries during the period of his suspension.
- e. That salaries etc is the basic right of the appellant guaranteed by the Constitution of Pakistan.
- f. That juniors to appellant has been made seniors in terms of pay fixation, seniority etc.
- g. That the appellant reserves the right to agitate any other ground at the time of hearing.

It is, therefore, most humbly prayed that on acceptance of appeal, order dated 08-06-2017 be set aside and appellant be allowed monthly salaries with effect from 08-03-2003 till 03-12-2013 i.e. date of reinstatement of appellant with all service benefits.

*Ammullah*  
Appellant

Through

Dated.22-.08.2017

Saadullah Khan Marwat

*||*  
Arbab Saiful Kamal  
Advocates

KHYBER HOSPITAL, PESHAWAR.

OFFICE ORDER

No. 7137 /KH (E)

Dated 11/10 /1988.

Mr. Amanullah, <sup>Berear</sup> ~~Class~~ BPS-1 of this Institution is hereby re-designated as Ward Orderly BPS-2 plus usual allowances as admissible under the rules, w.e.f. 10.10.88 (F).

*Mu*  
Administrator,  
Khyber Hospital, Peshawar.

No. 7137-41 /KH (E)

Dated 11/10 /1988.

Copy of the above is forwarded for information and necessary action to:-

- 1) Dy: Medical Suptd. (Admn) Khyber Hospital, Peshawar.
- 2) Asstt: Accounts Officer, KHP.
- 3) I/C Kitchen, KHP.
- 4) Head Ward Orderlies, KHP.
- 5) Mr. Amanullah, ~~Class~~ BPS-1, Khyber Hospital, Peshawar for information. He is directed to submit Arrival/Departure report to Main Office for record.

*Mu*  
Administrator,  
Khyber Hospital, Peshawar.

*Attested Ach*

73  
B  
KEYBER TEACHING HOSPITAL, PESHAWAR. (3)

No. 4665-67 /KTH/E.,

dt. 08/5 /2003.

OFFICE ORDER.

The services of Mr. Amanullah, ward orderly of this institution is hereby suspended on account of involvement in smuggling case vide F.I.R. No.261797 dated 24.3.03, till the final decision of the court.

*[Signature]*  
MEDICAL SUPERINTENDENT,  
KEYBER TEACHING HOSPITAL,  
PESHAWAR.

No. \_\_\_\_\_ /KTH/E.,

dt. \_\_\_\_\_ /2005. *75*

Copy to:-

1. The Account Officer, Khyber Teaching Hospital, Peshawar
2. The official concerned.
3. DUSCA

MEDICAL SUPERINTENDENT,  
KEYBER TEACHING HOSPITAL, PESHAWAR.

*[Handwritten signature]*

*[Handwritten signature]*



Annexure: D

(10) (8)

IN THE LAHORE HIGH COURT LAHORE

Cri. Appeal No. 1711 /2006

1. Abdullah Shah son of Muzammal Shah, Caste Pathan, resident of Umar Khan Takhat Bai Mardan
2. Aman Ullah son of Syed Akbar, Caste Pathan, resident of Teskal Payan Peshawar

(Presently confined in Central Jail Kot Lakhpat Lahore)

Appellants

Versus

The State

Respondents

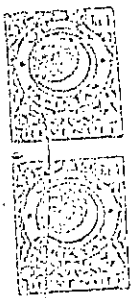
Case FIR No:- 243/2003 dated 24.3.2003.

Offence U/S:- 6/9 CNSA, 1997

Police Station: Shafigeesbad, Lahore

Sentence:- Convicted the appellants u/s 9-C of CNSA 1997 and sentenced them to imprisonment for life and fine of Rs.10,00,000/- (Ten Lacs) each. In case of failure in payment of said fine, further SI for six months each has been ordered. Benefit of Section 362-B Cr.P.C has been given to both the appellants.

Appeal:- under Section 48 of Control of Narcotics Substance Act 1997 against the impugned judgment dated 3.11.2006 passed by learned Additional Sessions Judge Lahore whereby he convicted the appellants as mentioned above.



ATTEST  
K. Kamran  
Copy Supplied to  
Lahore High Court

RECEIVED  
2006  
1711

④

⑨

## Judgment Sheet

IN THE LAHORE HIGH COURT AT LAHORE  
JUDICIAL DEPARTMENT

Criminal Appeal. No. 1711-2006

Abdullah Shah etc. Versus The State etc.

### JUDGMENT

Date of hearing 20.06.2012.

Appellant by Mr. Aftab Ahmad Baiwa, Advocate.

Respondents by Mr. Hamayoun Aslam, Deputy Prosecutor General.

IBAD-UR-REHMAN LODHI J. This is an appeal under Section 48 of the Control of Narcotic Substances Act, 1997 against the judgment dated 3.11.2006 passed by learned Addl. Sessions Judge, Lahore whereby he convicted the appellants u/s 9-C of the Control of Narcotics Substances Act, 1997 and sentenced them for imprisonment of life and also imposed a fine of Rs.10,00,000/- each and in case of the default whereof to suffer further S.I. for six months.

2. According to the prosecution story when a raiding party was constituted, they apprehended a car Hyundai Santro bearing registration No.FDY-6566 at Band Road, Lahore wherein both the appellants and another person who was subsequently disclosed as Muhammad Asghar Khan Afridi who made his escape good from the spot were checked and from the car wherein they were traveling, 110 packets of Charras lying in three bags were recovered from the dicky of the car. It is important to note here that neither in the FIR

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Examiner  
Copy Supply Section  
Lahore High Court, Lahore

②

nor in the recovery memo Ex.PC, the weight of any individual bag or the material collectively recovered was ever provided. However, it is mentioned in both the documents that out of the recovered contraband item, 10 grams of Charras was recovered. The appellants were charged on 25.3.2004 to which they pleaded not guilty, therefore, the prosecution produced its evidence on conclusion of which, the learned Trial Judge has convicted and sentenced both the appellants (the detail of which has been given hereinabove).

2. We have heard learned counsel for the appellant, Deputy Prosecutor General and scanned the record with their able assistance.

3. Admittedly, out of the recovered 110 packets (weight unknown), only 10 grams of Charras was separated for the purposes of chemical analysis. The I.O. has even not bothered to give any explanation as to whether for chemical analysis the Charras was separated from each packet or from one thereof. At any cost, the Charras separated for chemical analysis does not represent the whole of the recovered material. The Hon'ble Supreme Court of Pakistan in the recent authoritative pronouncement in the case of "Ameer Zeb Vs. The State" (PLD 2012 S.C. 380) has dealt with this aspect of the criminal case and has held that if no sample is taken from any particular packet or if different samples were taken from different packets are not kept separately for their analysis by the Chemical Examiner, then the sample would not be a representative sample and it would be unsafe to rely on mere word of mouth of the

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Lahore High Court, Lahore



prosecution witnesses regarding the substance of which no sample has been taken or tested being narcotic substance.

4. Learned Trial Judge with regard to the remaining untested narcotic substance relied upon the deposition of PWs No.4 & 6, who both are neither experts in the relevant field nor they are Chemical Examiners and their mere oral deposition would be of no avail, therefore, the petitioners can be convicted at the most with Charras weighing 10 grams which was tested and report to that effect was obtained.

5. The report of Chemical Examiner is again another important factor to be looked into. The report has not been provided by the Chemical Examiner on any prescribed form rather the same was given at the back of the docket prepared by the Excise and Taxation Department, Lahore sending 10 grams of Charras to the said office for chemical analysis. From such report which is Ex.PF, it is not evident as to at whose hands and when the parcel containing the sample of Charras was received in the office of Chemical Examiner, thus, safe custody of the packet even containing 10 grams of Charras is not free from doubts and the same cannot be connected with the appellants.

6. To some extent, the appellants are right in objecting the status of the complainant who performed duties of the Investigating Officer, therefore, the apprehension of the appellants is justified that by such conduct of the Police Officer performing two functions at a time serious prejudice was caused to the interest of the appellants.

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Examiner  
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Lahore High Court, Lahore

6

18

7. Not only that both the appellants appeared as witnesses in their own defence u/s 340(2) Cr.P.C. but also produced their defence evidence. Perusal of the impugned judgment reveals that the said defence version has conveniently been ignored by the learned Trial Judge.

8. From what has been discussed above, it is manifestly clear that the prosecution has failed to establish the guilt against the appellants and no convincing evidence was produced to connect them with the alleged crime. Resultantly, this appeal is allowed and the appellants are acquitted of the charge against them. They are directed to be released forthwith if not required in any other case.

*(Signature)*  
(SAGHEER AHMAD QADRI)  
JUDGE

*(Signature)*  
(IBAD-UR-REHMAN LODHI)  
JUDGE

\*R. Zahid\*

TRUE COPY  
In Case No: 41-A-1711-06  
Examiner  
Copy Sup. Section  
Copy Branch,  
Lahore High Court, Lahore

Petition No. 10093  
Case No. ....  
Date of Presentation 30/11/12  
Copy Fee .....  
Urgent Fee .....  
Registration .....  
Court Fee .....  
Total .....  
Name of Copiest .....  
Date of Receipt of File .....  
Date of Completion of Copy .....  
Date of Delivery of Copy .....

Registered Copy Section  
Subscribed Under Article 87 of  
Gandhi's Statute Order, 1982

*(Signatures and Stamps)*  
21/11/12  
03-9-12




KHYBER TEACHING HOSPITAL, PESHAWAR  
OFFICE OF THE MEDICAL SUPERINTENDENT

No. 30042 /KTH/E Dated 3-12 /2013

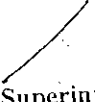
**OFFICE ORDER**

The services of Mr. Amanullah Ward Orderly suspended vide this office order No. 4665-67/KTH/E dated 8-5-2003, is hereby re-instated in service as per his acquaintance by the Honorable Court with immediate effect.

  
Medical Superintendent,  
Khyber Teaching Hospital,  
Peshawar

No. 30043-49 /KTH/E  
Copy to:-

1. Chief Executive, KTH/KMC/KCD, Peshawar.
2. DMS (Admn) KTH.
3. Accounts Officer, KTH, Peshawar.
4. The Audit Officer, KTH/KMC/KCD, Peshawar.
5. The R.A..D, Audit, KTH/KMC/KCD, Peshawar.
6. The Head Ward Orderly, KTH, Peshawar. He is directed to post him in the Casualty for duty.
7. Official concerned

  
Medical Superintendent,  
Khyber Teaching Hospital,  
Peshawar

"F"

(14)

To

The Medical Superintendent,  
K.T.H, Peshawar.

Subj: Payment of arrears / Salaries.

Sir,

Kindly refer to your No. 30043-49/K  
dated 3-12-2013 & please release  
my Salaries of the period of my  
Suspension to overcome my financial  
Constraints.

An early action in the matter  
is requested.

Thanks.

Amanullah  
Yours obediently

MSD No

13425

19.12.013

1.15 PM Coy

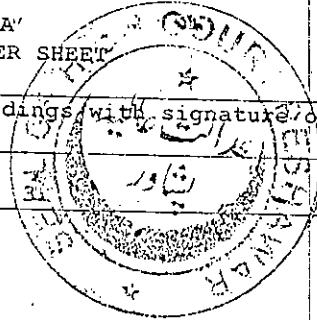
Amanullah  
warder/doctor  
K.T.H.

D. Appeal

9      15-18

PESHAWAR HIGH COURT, PESHAWAR.

FORM 'A'  
FORM OF ORDER SHEET



S.No.	Date of order	Order or other proceedings with signature of the Judge
1	<p style="text-align: center;">2</p> <p style="text-align: center;"><del>11-2-2014</del></p>	<p><u>W.P.No.281-P/2013.</u></p> <p>Present: Mr.Jehanzeb Mahsud, Advocate for the petitioner.</p> <p><u>YAHYA AFRIDI, J.-</u> Amanullah, petitioner, seeks constitutional jurisdiction of this Court praying:</p> <p style="text-align: center;"><i>“(I) To direct respondent No.3 to reinstate the petitioner in his service forthwith without any further delay alongwith all back benefits.</i></p> <p style="text-align: center;"><i>“(II) Any other relief deemed appropriate in the circumstances of the case may also be granted to the petitioner.”</i></p> <p>2. Today, the Worthy counsel for the petitioner stated that the petitioner has been reinstated by the respondents. However, the back benefits have not been allowed to him. The Worthy counsel further added that in this regard an application is already pending before the respondents.</p> <p>3. At this stage, the Worthy counsel for the respondents stated that application of the petitioner shall be considered in the light of the Rules and the Law thereon.</p>

**ATTESTED**  
 EXAMINER  
 PESHAWAR HIGH COURT  
 16 FEB 2014

4. The respondents are directed to decide the pending application of the petitioner at the earliest in accordance with law.

This petition is disposed of in the above terms.

By Justice Arifuddin - J.  
By Justice Hakeem - J.



*[Signature]*  
CERTIFIED TO BE TRUE COPY  
Peshawar High Court, Peshawar  
Authorized Under Article 87 of  
The Constitution Order 1984  
18 FEB 2014

No. 12452  
Date of Presentation of application 14/2/14  
No of Pages 87  
Copying fee 16-  
Court fee 16-  
Date of Preparation of Copy 18/2/14  
Date Given For Delivery 18/2/14  
Date of Delivery of Copy 18/2/14  
Received By *[Signature]*

H

(17)

The Chief Executive  
Khyber Teaching Hospital,  
Peshawar.

**APPLICATION FOR & ON BEHALF OF MR. AMAN ULLAH S/O SAID  
AKBAR (LATE) FOR THE BACK BENEFITS ACCRUING TO HIM  
AFTER HIS REINSTATEMENT VIDE ORDER DATED 03/12/2013**

Respectfully Sir,

1. That the applicant is serving as Ward Orderly BPS-02 in Khyber Teaching Hospital since 1998.
2. That in his entire service the applicant has never been held guilty for dereliction of his duty.
3. That unfortunately applicant was implicated and arrested in a false FIR No. 283 dated 24-03-2003 and was suspended from service. However, the Applicant was honourably acquitted from the charges by the Honourable Lahore High Court, Lahore vide its order and judgement dated 20-06-2012.
4. That after the acquittal of the applicant from the aforesaid case, he moved an application dated 28-08-2012 before the competent authority for his reinstatement in his service along with all back benefits.
5. That the competent authority accepted the application vide its order dated 03-12-2013 and reinstated the applicant in service. However, inspite of the reinstatement of applicant in service, the order of the competent authority is silent regarding the back benefits.
6. That after his reinstatement in service, the applicant is entitled to back benefits from the date he was suspended from service till his reinstatement. It would be important to mention that there are plethora of judgments of the Superior

Courts wherein it has been held that after reinstatement back benefits be given to employs.

Moreover, the Honourable Peshawar High Court, Peshawar vide its order dated 11-02-2014 in writ petition No. 281-P32013 held. Today, the Worthy counsel for the petitioner stated that the petitioner has been reinstated by the respondents. However, the back benefits have not been allowed to hi. The worthy counsel further added that in this regard an application is already pending before the respondents.

At this state, the Worthy counsel for the respondents stated that application of the petitioner shall be considered in the light of the Rules and the Law thereon.

The respondents are directed to decide the pending application of the petitioner at the earliest in accordance with law.

7. That propriety, fairplay and justice demand that the case of the applicant be favourable consider as he belong to a very poor family.

It is therefore requested that the instant application be accepted and the applicant be given his back benefits of service.



Aman Ullah  
Ward Orderly  
KTH, Peshawar  
Dated: 25-02-2014



19

THE HON'BLE HOSPITAL DIRECTOR/  
MEDICAL SUPERINTENDENT,  
KHYBER TEACHING HOSPITAL.

Subject: APPLICATION FOR AND ON BEHALF OF APPLICANT  
FOR DECIDING APPLICATION FOR RELEASE OF  
SALARIES DATED: 19-12-2013.

RESPECTED SIR,

With due respect, the applicant most humbly submits as under:

1. The applicant is working as Ward Orderly in Khyber Teaching Hospital, Peshawar.
2. That the applicant was suspended by the then Medical Superintendent, Khyber Teaching Hospital vide letter dated: 08-05-2013 on account of involvement in criminal case.
3. The applicant was acquitted by the Hon'ble Lahore High Court, Lahore vide order/judgment dated: 20-06-2012 and after acquittal, the department re-instated the applicant into service vide order dated: 03-12-2013.
4. That after re-instatement the applicant moved an application dated: 19-12-2013 for release of his salaries to Medical Superintendent.
5. That the applicant also filed Writ petition No. 281-P/2013 which was decided on 11-02-2014. Through the said judgment, the august Peshawar High Court, Peshawar directed the department to decide the application of the applicant for release of salaries.
6. That the Law, Parliamentary Affairs and Human Rights Department, Govt. of Khyber Pakhtun Khwa vide letter dated: 18-06-2015 also gave opinion

26/4/2017

- Dairy No 5421

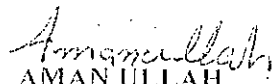
(2)

in favour of applicant and department was directed to release the salaries of the applicant under FR. 54 (a).

7. That despite of clear directions envisaged in order/judgment of august Peshawar High Court, Peshawar, the salaries of the applicant have not been released till date. It would be relevant to mention that under the law, a civil servant is entitled for financial benefits/salary during his suspension period.

It is, therefore, most humbly prayed that salaries of the applicant, may kindly be released forthwith without compelling the applicant to knock at the door of august Peshawar High Court, Peshawar.

Dated: 25-04-2017

  
AMAN ULLAH,  
Ward Orderly,  
Khyber Teaching Hospital,  
Peshawar.



1021

DIRECTORATE GENERAL HEALTH  
SERVICES, GOVT: OF KHYBER  
PAKHUNKHWA, PESHAWAR.  
NO 10294 /Personnel  
DATED 29 /12/2014.

To,

The Secretary to Govt: of Khyber Pukhtunkhwa  
Health Department Peshawar.

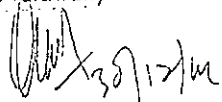
Subject: REQUEST FOR MR. AMANULLAH WARD ORDERLY FOR BACK  
BENEFITS.

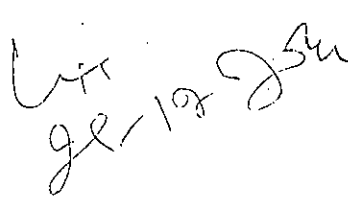
Dear Sir,

Kindly refer to your letter No. SOH-IV/4-4/KC/Amanullah dated  
02.12.2014, on the subject noted above.

You are requested to decide the case in accordance with Fundamental  
Rules-54(a).

Yours faithfully

  
DIRECTOR GENERAL HEALTH  
SERVICES, K.P.K PESHAWAR

  
29-12-2014



J 22

DIRECTORATE GENERAL HEALTH  
SERVICES, GOVT: OF KHYBER PAKHUNKHWA,  
PESHAWAR.

NO 3737 /Personnel  
DATED 27 /03/2015.

To,

The Secretary to Govt: of Khyber Pakhtunkhwa  
Health Department Peshawar.

Subject: **REQUEST OF MR. AMANULLAH WARD ORDERLY FOR BACK  
BENEFITS.**


Dear Sir,

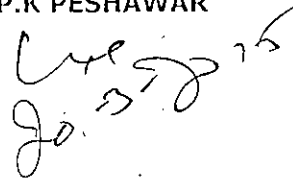
Kindly refer to your letter No. SOH-IV/4-4/KC/Amanullah dated  
05.03.2015, on the subject noted above.

I have the honour to state that this Directorate has already submitted a  
letter to the Health Department vide this Directorate letter No. 10294/Personnel dated  
29.12.2014 (copy attached for ready reference).

It is further added that Mr. Amanullah Ward orderly was appointed on  
14.10.1986 as such he is a civil servant.

Yours faithfully

  
27/3/15  
DIRECTOR GENERAL HEALTH  
SERVICES, K.P.K PESHAWAR

  
20.3.15

J 23



DIRECTORATE GENERAL HEALTH  
SERVICES, KHYBER PAKHTUNKHWA  
PESHAWAR  
No.8074/Personnel  
Dated 14.07.2015

To,

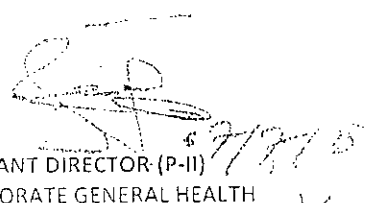
The Hospital Director  
KTH/ KMC/ KCD Peshawar.

Subject: REQUEST OF MR. AMANULLAH WARD ORDERLY FOR BACK BENEFITS.

Dear Sir,

I am directed to refer to your letter No. 31828/KTH/Acc: dated 10.11.2014 addressed to Secretary Health Khyber Pakhtunkhwa, on the subject noted above.

Enclosed please find a copy of letter No. SOH-IV/4-4/KC/Amanullah dated 18.06.2015 along-with Govt: of Khyber Pakhtunkhwa Law Parliamentary Affairs and Human Rights Department letter No. SO (OP-II)/LD/5-2-2013-Vol-II/13870-71 dated 18.05.2015, wherein it has clearly been mentioned that the Appellant is entitled to back benefit in accordance with DR 54 (a).

  
ASSISTANT DIRECTOR (P-II)  
DIRECTORATE GENERAL HEALTH  
SERVICES, K.P.K PESHAWAR.

20/7/15

**DIRECTORATE OF FINANCE, KTH, KMC & KCD, PESHAWAR**

*KTH-March-2017*

(24)

99990596269    Rehmatullah    Ward Orderly    BPS:5

NTN 0

Pays & Allowances	Amount	Deductions	Amount	Loan/Fund		Balance
A01151 B Pay	18250	G06103 G.P.Fund	745	JM015414	PRIN REPAID gpf 54000 36000 Bal:18000 mis 4480 2240 Bal:2240	69876
A01203 CA	1785	G06214 B Fund	600			
A01202 H R A	1503	G06103 G.P.F Adv	1500			
A01217 Medical ALL	1500	PL305703 ROP/MIS	1120			
A01205 adhoc rel 2010	2950	4004 R.Benefit & Death Compensation	450			
Ad Rel 2013	533					
adrel 2015	370	Deduction	4415			
Adhoc Rel 2016	1825					
Payment	26716					

Net Pay: 24301 March-2017 *Note: Exact GPFund/CPFund is maintained in AG-Khyber Pakhtunkhwa*

**DIRECTORATE OF FINANCE, KTH, KMC & KCD, PESHAWAR**

*KTH-April-2017*

99990596292    Amanullah    Ward Orderly    BPS:4

02 HBL

1697 University Town

16977900729003

NTN 0

Pays & Allowances	Amount	Deductions	Amount	Loan Fund		Balance
A01151 B Pay	9399	G06103 G.P.Fund	562	JM015416	PRIN REPAID mis 3900 Bal:0	41292
A01203 CA	1785	G06214 B Fund	120			
A01202 H R A	1458	Prof Itax	232			
A01217 Medical ALL	1500	PL305703 ROP/MIS	1120			
A01205 adhoc rel 2010	1518	4004 R.Benefit & Death Compensation	300			
Ad Rel 2013	262					
adrel 2015	191	Deduction	2922			
Adhoc Rel 2016	939					
Payment	17043					

Net Pay: 14121 April-2017 *Note: Exact GPFund/CPFund is maintained in AG-Khyber Pakhtunkhwa*

99990596292

Amanullah

Ward Orderly BPS:4

02 HBL

1697 University Town

16977900729003

NTN 0

Pays & Allowances	Amount	Deductions	Amount	Loan/Fund	PRIN REPAID	Balance
A01151 B Pay	9390	G06103 G.P.Fund	562	JM015416	N D	39216
A01203 CA	1785	G06214 B Fund	120			
A01202 H R A	1458	4004 RB & DC	200			
A01217 Medical ALL	1500	Deduction	882			
adhoc rel 2010	1518					
Adhoc Rel 2013	262					
Adhoc Rel 2015	191					
Adhoc Rel 2016	939					
Payment	17043					

Net Pay: 16161 January-2017

25

LIST OF Ward Orderlies MTI KTH.

Sanctioned Post =228 Working =222

S. No	Name	Father Name	Domicile	D.O.Birth	Designation	BPS	Date of 1st Appointment	Date of Arrival in KTH	Status (Civil / Institutional)	Remarks
1.	Falak Naz	Mirza Mohammad	Peshawar	14.04.1976	Ward Orderly	04		16.04.1976	Civil	
2.	Sanobar Khan	Mir Akbar	Peshawar		Ward Orderly	04		09.09.1976	Civil	
3.	Hussain Khan	Nasrullah	Peshawar	1958	Ward Orderly	04		13.09.1976	Civil	
4.	Mukaram Khan	Akram Khan	Peshawar		Ward Orderly	04		13.09.1976	Civil	
5.	Nushad Khan	Ferooz Khan	Peshawar		Ward Orderly	04		15.09.1976	Civil	
6.	Bakhtiar Khan	Khan Alam	Peshawar		Ward Orderly	04		23.09.1976	Civil	
7.	Siraj	Badshah Gul	Peshawar		Ward Orderly	04		01.10.1976	Civil	
8.	Shad Khan	Said Mir	Peshawar	1954	Ward Orderly	04		02.10.1976	Civil	
9.	Navid Gul	Mohib Ullah	Peshawar	1958	Ward Orderly	04		05.10.1976	Civil	
10.	Nasrullah	Khanzada	Peshawar	1958	Ward Orderly	04		12.03.1977	Civil	
11.	Ghani Jan	Faqir Mohammad Khan			Ward Orderly	04		28.11.1978	Civil	
12.	Aqil Khan	Amir Nawaz Khan	Peshawar		Ward Orderly	04		21.05.1979	Civil	
13.	Qayom Shah	Dara Shah	Peshawar					11.11.1980	Civil	
14.	Raees Khan	Mohammad Zaman	Charsadda	1958	Ward Orderly	04		03.11.1981	Civil	
15.	Mohammad Shafiq	Fazli Rehman	Peshawar	1963	Ward Orderly	04		03.12.1981	Civil	
16.	Ghulam Nabi	Shah Wali	Peshawar	15.10.1961	Ward Orderly	04		21.02.1982	Civil	
17.	Muslim Ali	Khan Faraz	Peshawar	1961	Ward Orderly	04		18.04.1982	Civil	
18.	Parveez Khan	Payo Khan	Peshawar			04		09.05.1982	Civil	
19.	Sultan Mohammad	Mohammad Akram			Ward Orderly	04		21.07.1982	Institutional	
20.	Subhan Ullah	Abdul Matin	Peshawar		Ward Orderly	04		02.11.1982	Civil	
21.	Abdul Khaliq	Rehmat Khaliq	Peshawar	03.10.1963	Ward Orderly	04		16.11.1982	Civil	
22.	Sartaj Khan	Abdul Khaliq	Peshawar	1963	Ward Orderly	04		12.01.1983	Civil	
23.	Khairaz Gul	Umar Gul	Peshawar	1963	Ward Orderly	04		09.03.1983	Civil	
24.	Riaz	Ghulam Haidar	Peshawar		Ward Orderly	04		14.09.1983	Civil	
25.	Muhammad Ayaz	Waris Khan	Peshawar	1962	Ward Orderly	04		01.12.1983	Civil	
26.	Tariq Ali	Hasham Khan	Mardan		Ward Orderly	04		10.01.1984	Civil	

*Handwritten signature and date: 26/12/82*

27.	Mohammad Jamil	Gul Akbar	Peshawar		Ward Orderly	04		16.01.1984	Civil	
28.	Rahim Ullah	Sharif	Peshawar		Ward Orderly	04		18.01.1984	Civil	
29.	Nisar Khan	Qayum Shah	Peshawar	1964	Ward Orderly	04		21.01.1984	Civil	
30.	Tayab Ullah	Mohammad Zaman	Peshawar	07.02.1963	Ward Orderly	04		01.03.1984	Civil	
31.	Shamshad	Abdul Jalil	Peshawar	1964	Ward Orderly	04		01.03.1984	Civil	
32.	Ghulam Ali	Hazrat Gul	Peshawar	02.05.1963	Ward Orderly	04		01.03.1984	Civil	
33.	Hamayoon	Abdul Qayum	Peshawar		Ward Orderly	04		01.03.1984	Civil	
34.	Hayat Ali	Fazli Bari	Peshawar	1964	Ward Orderly	04		01.03.1984	Civil	
35.	Wali Ullah	Abdullah Jan	Peshawar	14.11.1964	Ward Orderly	04		03.03.1984	Civil	
36.	Zahid Hussain	Faqir Hussain	Peshawar	22.05.1964	Ward Orderly	04		14.03.1984	Civil	
37.	Nisar Khan	Multan Khan	Peshawar		Ward Orderly	04		19.04.1984	Civil	
38.	Inam ur Rahim	Abdur Rahim	Peshawar	1965	Ward Orderly	04		08.08.1984	Civil	
39.	Tahseen Ullah	Mohammad Saeed	Charsadda	11.06.1963	Ward Orderly	04		30.01.1985	Civil	
40.	Mohammad Idrees	Saif Ur Rehman	Peshawar	02.02.1967	Ward Orderly	04		30.01.1985	Civil	
41.	Rehman Ullah	Abdur Rehman	Peshawar	04.01.1961	Ward Orderly	04		31.01.1985	Civil	
42.	Nasr Ullah	Raza Khan	Peshawar	1960	Ward Orderly	04		03.02.1985	Civil	
43.	Lut Fullah	Alam Khan	Peshawar	14.07.1963	Ward Orderly	04		09.03.1985	Civil	
44.	Jehangir Khan	Khan Zarin	Peshawar		Ward Orderly	04		13.03.1985	Civil	
45.	Fazli Akbar	Gul Akbar	Peshawar	11.10.1964	Ward Orderly	04		13.03.1985	Civil	
46.	Inayat Ullah	Faqir Shah	Peshawar	25.02.1960	Ward Orderly	04		10.10.1985	Civil	
47.	Misri Khan	Nasrullah	Peshawar	20.04.1965	Ward Orderly	04		26.03.1986	Civil	
48.	Israr Hussain	Ghulam Hussain	Peshawar		Ward Orderly	04		07.10.1986	Civil	
49.	Mumtaz Khan	Said Ahmad	Peshawar	1962	Ward Orderly	04		14.10.1986	Civil	
50.	Aman Ullah	Said Akbar	Peshawar	02.02.1966	Ward Orderly	04		14.10.1986	Civil	
51.	Rehmat Ullah	Ghulam Mohammad	Peshawar	1963	Ward Orderly	04		20.10.1986	Civil	
52.	Alamsher Khan	Munir Khan	Peshawar		Ward Orderly	04	As M/Sweeper 04.03.1986.	10.01.1987	Civil	
53.	Ajmal Khan	Fareed	Peshawar		Ward Orderly	04		18.06.1987	Civil	
54.	Zahid Ullah	Sayed Ullah	Peshawar	1963	Ward Orderly	04		25.06.1987	Civil	
55.	Khan Afzal	Noor Afzal	Peshawar	1963	Ward Orderly	04		26.06.1987	Civil	
56.	Farman Ali	Zarif Khan	Peshawar		Ward Orderly	04	As Muslim Sweeper on 30.01.1984.	27.06.1987	Civil	
57.	Haya Khan	Faqir Mohammad	Peshawar	1962	Ward Orderly	04		04.07.1987	Civil	
58.	Rafid Khan	Khadi Gul	Peshawar	1966	Ward Orderly	04		29.08.1987	Civil	
59.	Misal Khan	Sattar Khan	Peshawar		Ward Orderly	04		24.09.1987	Civil	

Slab 2/17

Nusha  
Bakhtia  
Siraj  
Shad Kha  
Navid Gu  
Nasrullah  
Ghani Jan  
I Khan  
om Shah  
os Khan  
hammad S  
m Nabi  
n Ali  
Khan  
Mohamma  
Ullah  
liq  
n  
Ayaz



60.	Parveez Khan	Afridi Khan	Peshawar		Ward Orderly	04	As M/Sweeper 24.11.1986.	10.02.1988	Civil	
61.	Maqbal Khan	Saif Ur Rehman	Peshawar		Ward Orderly	04		12.03.1988	Civil	
62.	Roohul Amin	Shoukat Ali	Peshawar	20.10.1968	Ward Orderly	04		02.07.1989	Civil	
63.	Hamayon Khan	Ghulam Rasool.	Peshawar	1965	Ward Orderly	04		08.08.1989	Civil	
64.	Shah Hussain	Faqir Sahh	Peshawar		Ward Orderly	04		16.08.1989	Civil	
65.	Sarwar Khan	Ali Rehman	Charsadda	1965	Ward Orderly	04		08.03.1990	Civil	
66.	Mehboob ur Rehman	Muhib Ur Rehman	Peshawar	08.05.1971	Ward Orderly	04	As Chowkidar on 04.03.1990.	06.10.1990	Civil	
67.	Farooq Shah	Dilawar Khan	Peshawar		Ward Orderly	04	As Sweeper on 17.02.1979.	25.05.1991	Civil	
68.	Mohammad Yousaf	Ajab Khan			Ward Orderly	04	As Sweeper on 02.03.1978.	05.07.1991	Civil	
69.	Muhammad Iqbal	Mir Zaman	Peshawar	05.10.1971	Ward Orderly	04		18.07.1991	Civil	365 days LPR w.e.from 01.10.2016 retired from service 01.10.2017
70.	Salim Khan	Abdur Raziq	Peshawar	1965	Ward Orderly	04		25.07.1991	Civil	
71.	Libas Khan	Aslam Khan	Peshawar	1959				25.07.1991	Civil	
72.	Ziaqat Ullah	Faqir Shah	Peshawar	06.09.1970	Ward Orderly	04		28.07.1991	Civil	
73.	Shakir Ullah	Mohammad Shah	Peshawar	1966	Ward Orderly	04		15.08.1991	Civil	
74.	Rehmat Shah	Iran Shah		1973	Ward Orderly	04		19.10.1992	Civil	
75.	Khair Ullah	Abdur Rehman	Peshawar	1968	Ward Orderly	04		14.03.1993	Civil	
76.	Atta Ullah Shah	Zareenmat Shah	Karak	1964	Ward Orderly	04		05.11.1994	Civil	
77.	Rehmat Shah	Sara f Gul	Nowshera	12.04.1974	Ward Orderly	04		09.04.1995	Civil	
78.	Taj Wali	Roidad Khan	Mardan	1971	Ward Orderly	04		11.04.1995	Civil	
79.	Niamat Ullah	Haji Subhan Gul	Peshawar	01.07.1966	Ward Orderly	04		01.07.1995	Civil	
80.	Asmat Khan	Sohbat Khan	Charsadda	19.06.1962	Ward Orderly	04		01.08.1995	Civil	
81.	Taza Gul	Khanzad Gul	Charsadda	1970	Ward Orderly	04		13.11.1995	Civil	
82.	Rehmat Ali				Ward Orderly	04		16.04.1996	Civil	
83.	Javid Iqbal	Tehseen Ullah	Peshawar	15.01.1978	Ward Orderly	04		08.05.1996	Civil	
84.	Zahid Khan	Atlas Khan	Peshawar	13.05.71	Ward Orderly	04		08.08.1996	Civil	
85.	Khalil ur Rehman	Masal Khan	Charsadda	1967	Ward Orderly	04		25.02.1998	Civil	

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86.	Muhammad Altaf	Raza Khan	Peshawar		Ward orderly	04	As M/Sweeper on 01.04.1980	26.02.1998	Civil	
87.	Amin Ullah	Mohammad Yousaf			Ward Orderly	04				
88.	Irfan Ullah	Maqbool Ali	Peshawar	07.02.1982	Ward Orderly	04		03.04.1999	Civil	
89.	Rehmat Khan	Maqbali Khan	Peshawar	11.02.1978	Ward Orderly	04		04.02.2002	Institutional	
90.	Rooh Ullah	Awal Mir	Peshawar	16.04.1976	Ward Orderly	04		04.12.2002	Institutional	
91.	Noor Khaliq	Abudl Khaliq	Peshawar	01.02.1978	Ward Orderly	04		04.12.2002	Institutional	
92.	Niaz Ali	Mohammad Kharim	Charsadda	11.09.1973	Ward Orderly	04		04.12.2002	Institutional	
93.	Janas Khan	Zaman Khan	Peshawar	1974	Ward Orderly	04		04.12.2002	Institutional	
94.	Hameed Ullah	Mussamir Khan	Peshawar	01.01.1977	Ward Orderly	04		04.12.2002	Institutional	
95.	Hidayat Ullah	Zait Ullah	Charsadda	02.09.1974	Ward Orderly	04		04.12.2002	Institutional	
96.	Sohail Khan	Abdul Latif	Peshawar	1971	Ward Orderly	04		04.12.2002	Institutional	
97.	Shahid Khan	Bahadur Sher	Peshawar	15.05.1978	Ward Orderly	04		04.12.2002	Institutional	
98.	Waqar Ahmad	Khushdil Khan	Peshawar	10.01.1977	Ward Orderly	04		04.12.2002	Institutional	
99.	Syed Tahir Hussain Shah	Syed Abdur Satar Shah	Peshawar	28.04.1984	Ward Orderly	04		18.12.2002	Institutional	
100.	Ihsan Ullah	Abdullah	Peshawar	1967	Ward Orderly	04		16.12.2003	Institutional	
101.	Shahid Alam	M. Azam	Peshawar	29.09.1996	Ward Orderly	04		20.12.2003	Institutional	
102.	Jamil Khan	Jamal Khan	Peshawar	02.02.1960	Ward Orderly	04		20.12.2003	Institutional	
103.	Shafiq Khan	Firdous Khan	Peshawar	04.05.1987	Ward Orderly	04		22.12.2003	Institutional	
104.	Najeeb Ullah	Saeed Ullah	Peshawar	01.01.1979	Ward Orderly	04		24.12.2003	Institutional	
105.	Nasir Khan	Misal Khan	Peshawar	01.03.1970	Ward Orderly	04		01.01.2004	Institutional	
106.	Nasir Shah	Israr Ali Shah	Peshawar	08.04.1984	Ward Orderly	04		03.01.2004	Institutional	
107.	Mohammad Ibrahim	Mohammad Jan	Peshawar	01.01.1990	Ward Orderly	04		07.01.2004	Institutional	
108.	Obaid Ullah Khan	Sultan Mehmood	Peshawar	02.02.1980	Ward Orderly	04		07.01.2004	Institutional	
109.	Hawaladar Khan	Amir Ghulam Khan	Peshawar	1958	Ward Orderly	04		08.01.2004	Institutional	
110.	Zia Jan	Hassan Khan	Peshawar	14.07.1984	Ward Orderly	04		09.01.2004	Institutional	
111.	Mohammad Riaz	Olas Khan	Peshawar	01.03.1978	Ward Orderly	04		10.02.2004	Institutional	
112.	Gul Nabi Ullah	Islam Din	Peshawar	1973	Ward Orderly	04		06.05.2004	Institutional	
113.	Gul Raza	Nowroz Khan	Nowshera	1971	Ward Orderly	04		08.09.2004	Institutional	
114.	Liaqat Ali	Sir Bilal Khan	Peshawar	01.01.1971	Ward Orderly	04		13.09.2004	Institutional	
115.	Syed Rehman Roghani	Abdul Rehman Roghani	Peshawar	03.05.1973	Ward Orderly	04		13.09.2004	Institutional	
116.	Waqas Khan	Parveez Khan	Peshawar		Ward Orderly	04		18.09.2004	Institutional	
117.	Sulman Wahid	Fazali Wahid	Peshawar	11.04.1991	Ward Orderly	04		20.10.2004	Institutional	
118.	Muhammad Zaib	Abdul Hakeem	Peshawar	30.01.1980	Ward Orderly	04		15.12.2005	Institutional	
					Ward Orderly	04	As Fixed Pay on 23.12.2003.	01.01.2006	Institutional	

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119.	Mohammad Bilal Khan	Younas Khan	Peshawar	08.12.1978	Ward Orderly	04				
120.	Tariq Shah	Mian Habib ur Rehman	Peshawar		Ward Orderly	04	As Fixed Pay on 16.12.2003.	01.01.2006	Institutional	
121.	Aman Ullah	Haji Saeed Ullah	Peshawar	1971	Ward Orderly	04		04.01.2006	Institutional	
122.	Ataul Haq	Mian Gul	Charsadda	11.01.1980	Ward Orderly	04				
123.	Fazli Rabi	M. Hamayoun Durani	Peshawar	24.04.1970	Ward Orderly	04	As Fixed Pay on 16.12.2003.	04.01.2006	Institutional	
124.	Murad Ali	Saeed Khan	Peshawar	03.11.1980	Ward Orderly	04	As Fixed Pay on 16.12.2003.	04.01.2006	Institutional	
125.	Mohammad Sohail	Mohammad Zaman	Mardan		Ward Orderly	04	As Fixed Pay on 24.12.2003.	04.01.2006	Institutional	
126.	Imam Din	Muhammad Ashfaq	Peshawar	22.04.1981	Ward Orderly	04	As Fixed Pay on 19.09.2003.	04.01.2006	Institutional	
127.	Muhammad Shah	Abdur Rahim	Charsadda	1968	Ward Orderly	04				
128.	Fazal Haq	Gohar Rehman	Haripur	25.01.1982	Ward Orderly	04		28.11.2006	Institutional	
129.	Fazli Ghani	Abdul Ghani	Peshawar		Ward Orderly	04		23.01.2007	Institutional	
130.	Alam Zeb	Aurang Zeb			Ward Orderly	04		24.01.2007	Institutional	
131.	Shah Qiyaz Khan	Nawaz Khan	Peshawar	09.09.1985	Ward Orderly	04	As M/Sweeper on 04.02.1982.	13.02.2007	Civil	
132.	Abdullah	Zahir Shah	Bannu	02.06.1974	Ward Orderly	04				
133.	Zaheer Ullah	Malik Khan	Nowshera	16.01.1988	Ward Orderly	04		04.04.2007	Institutional	
134.	Arsala Khan	Salam Khan	Charsadda	1980	Ward Orderly	04		04.04.2007	Institutional	
135.	Akram Shah	Mirak Shah	Peshawar	15.01.1981	Ward Orderly	04		21.06.2007	Institutional	
136.	Kifayat Ullah	Tehseen Ullah	Peshawar	1986	Ward Orderly	04		22.06.2007	Institutional	
137.	Hameed Ullah Zahid	Zabadast Khan	Peshawar	1980	Ward Orderly	04		27.06.2007	Institutional	
138.	Gul Salam	Juma Khan	Peshawar	01.04.1988	Ward Orderly	04		13.07.2007	Institutional	
139.	Shafi Ullah	Abdus Rehman	Khyber Agency	1974	Ward Orderly	04		20.07.2007	Institutional	
140.	Hazrat Ali	Johar Ali	Peshawar	02.02.1975	Ward Orderly	04		25.08.2007	Institutional	
141.	Ashfaq	Mohammad Zaman	Charsadda	04.08.1978	Ward Orderly	04		19.09.2007	Institutional	
142.	Abid	Hayat Mir	Charsadda	24.03.1982	Ward Orderly	04		04.10.2007	Institutional	
143.	Raza ud Din	Shahab Ud Din	Peshawar	03.10.1976	Ward Orderly	04		05.10.2007	Civil	
144.	Sadiq Shah	Zahir Shah	Charsadda	21.10.1980	Ward Orderly	04		06.10.2007	Institutional	
145.	Raz Mali	Sher Ali	Charssada	10.03.1987	Ward Orderly	04		08.10.2007	Institutional	
146.	Waseem Ullah	Farhad Khan	Bannu	1975	Ward Orderly	04		11.10.2007	Institutional	
147.	Bismillah Jan	Mohammad Anwar	Peshawar	11.01.1993	Ward Orderly	04		12.10.2007	Institutional	
			Charsadda	12.04.1985	Ward Orderly	04		19.11.2007	Institutional	
								30.11.2007	Institutional	
								01.12.2007	Institutional	

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148.	Mohammad Abass	Asmat Ali	Charsadda	3.02.1989	Ward rderly	04		03.12.2007	Institutional
149.	Awais Ud Din	Farman Ud Din	Charsadda		Ward Orderly	04			
150.	Syed Tassarwar Shah	Charagh Shah	Peshawar	20.11.1985	Ward Orderly	04		04.12.2007	Institutional
151.	Muqadar Khan	Lal Bahadar	Charsadda	13.03.1987	Ward Orderly	04		12.12.2007	Institutional
152.	Fahad Ali	Zabad Shah	Charsadda		Ward Orderly	04		13.12.2007	Institutional
								24.01.2008	Institutional
153.	Jamshed Khan	Bahadar Khan	Peshawar	1970	Ward Orderly	04			
154.	Alam Zeb	Mohammad Parvez	Charsadda	12.04.1985	Ward Orderly	04		08.02.2008	Institutional
155.	Waheed Khan	Sirja	Peshawar	23.11.1988	Ward Orderly	04		15.02.2008	Institutional
156.	Habib ur Rehman	Fazle Rehman	Peshawar	11.03.1979	Ward Orderly	04		23.02.2008	Institutional
157.	Mohammad Saddique	Mohammad Qais			Ward Orderly	04		29.03.2008	Institutional
158.	Mohammad Tariq	Banaras Khan	Peshawar	02.09.1976	Ward Orderly	04		14.04.2008	Institutional
159.	Sakhi Jan	Abdur Rehman	Peshawar		Ward Orderly	04		19.07.2008	Institutional
160.	Imtiaz Khan	Olas Khan	Peshawar	1973	Ward Orderly	04		06.11.2008	Institutional
161.	Saeed Ur Rehman	Amir Ghulam	Mardan	28.01.1981	Ward Orderly	04		14.11.2008	Institutional
162.	Sharif Ullah	Faqir Jan	Peshawar	12.03.1984	Ward Orderly	04		26.12.2008	Institutional
163.	Masil Khan	Noor Zamil	Peshawar	03.01.1978	Ward Orderly	04		02.02.2009	Institutional
164.	Fazal Amin	Mehar Rehman	Peshawar	15.04.1984	Ward Orderly	04	As Chowkidar on 16.11.2007	12.02.2010	Institutional
165.	Riaz Ahmad	Nawab Khan	Peshawar	1974	Ward Orderly	04		14.06.2010	Institutional
166.	Hidayat Ullah	Ihsan Ullah	Peshawar	05.12.1982	Ward Orderly	04		01.07.2010	Institutional
167.	Fahad Ali Shah	Lugman Shah	Nowshera	02.02.1984	Ward Orderly	04		10.07.2010	Institutional
168.	Manzoor Ahmad	Zar Wali	Peshawar	08.02.1976	Ward Orderly	04		11.08.2011	Institutional
169.	Mohammad Ayaz Khan	Hassan Khan	Peshawar	02.03.1980	Ward Orderly	04		26.09.2011	Institutional
170.	Amir Hussain	Fazal Hussain	Peshawar	05.09.1990	Ward Orderly	04		26.09.2011	Institutional
171.	Asmat Ullah	Hassan Khan	Peshawar	01.01.1990	Ward Orderly	04		29.09.2011	Institutional
172.	Mohammad Irfan	Suleman Khan	Peshawar	01.01.1988	Ward Orderly	04		15.10.2011	Institutional
173.	Mohtdin	Mohammad Din	Peshawar	1968	Ward Orderly	04		19.01.2012	Institutional
								23.05.2013	Institutional

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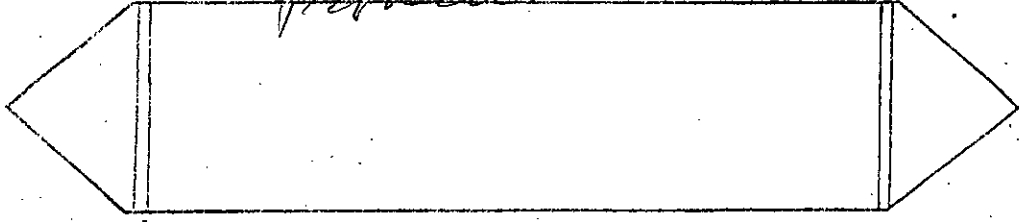
174.	Bilal Khan	Muzafar	Peshawar	25.03.1992	Ward Orderly	04		23.05.2013	Institutional	
175.	Wakeel Khan	Abdul Ghafoor Khan	Peshawar	04.03.1975	Ward Orderly	04		27.05.2013	Institutional	
176.	Mohammad Farooq	Rehman Ud Din	Mardan	14.01.1984	Ward Orderly	04		16.12.2013	Institutional	
177.	Rafi Ullah	Said Badshah	Nowshera	08.01.1993	Ward Orderly	04		26.12.2013	Institutional	
178.	Sana Ullah	Azad Khan	Peshawar	14.04.1996	Ward Orderly	04		01.01.2014	Institutional	
179.	Imran Ali	Ghulam Ali	Peshawar	02.05.1992	Ward Orderly	04		15.03.2014	Institutional	
180.	Ijaz Khan	Fazal Bari	Peshawar	24.02.1989	Ward Orderly	04		17.03.2014	Institutional	
181.	Fazal Gul	Hazrat Akbar	Peshawar	1972	Ward Orderly	04		18.03.2014	Institutional	
182.	Mohammad Hussain	Gul Said	Malakand	02.09.1975	Ward Orderly	04		18.03.2014	Institutional	
183.	Mohammad Bilal Khan	Abdur Rehman	Peshawar	01.01.1988	Ward Orderly	04		18.03.2014	Institutional	
184.	Hashnain Ali	Shabir Hussain	Peshawar	10.10.1985	Ward Orderly	04		19.03.2014	Institutional	
185.	Shahab Bilal	Mohammad Bilal	Sufaid Dari	04.03.1989	Ward Orderly	04		03.04.2014	Institutional	
186.	Azeem Sajad	Sajad Mohammad	Peshawar	26.09.1993	Ward Orderly	04		04.04.2014	institutional	
187.	Ubaid Ullah	Arsala Khan	Peshawar	08.10.1979	Ward Orderly	04		21.06.2014	institutional	
188.	Nasir Ali	Saeed Gul	Mardan	16.03.1994	Ward Orderly	04		17.07.2014	Institutional	
189.	Hakim Khan	Aziz Khan	Peshawar	25.01.1984	Ward Orderly	04		18.07.2014	Institutional	
190.	Qaisar Khan	Mohammad Aslam	Mardan	04.01.1981	Ward Orderly	04		18.07.2014	Institutional	
191.	Noor Ul Wahab	Abdul Hakeem	Peshawar	1968	Ward Orderly	04		19.07.2014	Institutional	
192.	Abdul Basit	Jabir Hussain	Peshawar	07.03.1991	Ward Orderly	04		19.07.2014	Institutional	
193.	Mohammad Jamil	Mohammad Israil	Peshawar		Ward Orderly	04	As M/Sweeper on 17.08.1985	19.07.2014	Institutional	
194.	Shamoos	Gul Ahmad	Peshawar	02.03.1965	Ward Orderly	04	As M/Sweeper on 24.03.1985	19.07.2014	Civil	
195.	Saif Ullah	Abdullah Jan	Peshawar	1965	Ward Orderly	04	As M/Sweeper on 10.12.1986	21.07.2014	Civil	
196.	Zahoor Ullah	Amin Ullah	Peshawar	27.12.1986	Ward Orderly	04		21.07.2014	Institutional	
197.	Hamid Ali	Noshad	Peshawar	25.04.1994	Ward Orderly	04		22.07.2014	Institutional	
198.	Islam Gul	Mehboob Khan	Nowshera	01.01.1980	Ward Orderly	04		04.08.2014	Institutional	
199.	Mohammad Ismail	Mukaram Khan	Nowshera	02.03.1995	Ward Orderly	04		20.08.2014	Institutional	
200.	Iftikhar Ali	Taj ul Malook Khan	Nowshera	04.05.1993	Ward Orderly	04		26.08.2014	Institutional	
201.	Najeeb ur Rehman	Sharbat Khan	Laki Marwat	18.11.1979	Ward Orderly	04		28.08.2014	Institutional	
202.	Bilal Khan	Redi Gul	Swabi	01.01.1989	Ward Orderly	04		28.08.2014	Institutional	
203.	Shams Ullah	Sikandar Khan	Swabi	01.02.1993	Ward Orderly	04		29.08.2014	Institutional	
204.	Sohail Hussain	Nazar Hussain	Swabi	01.01.1989	Ward Orderly	04		30.08.2014	Institutional	
205.	Yasir Ali	Said Johar	Swabi	30.12.1987	Ward Orderly	04		19.09.2014	Institutional	

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206.	Rafiq Khan	Nawaz Khan	Peshawar	12.03.1990	Ward Orderly	04		20.09.2014	Institutional	
207.	Farhad Ali	Maqbali Khan	Peshawar	30.10.1984	Ward Orderly	04		20.09.2014	Institutional	
208.	Habib Ullah	Jangraiz Khan	Peshawar	08.10.1991	Ward Orderly	04		24.09.2014	Institutional	
209.	Aamir Hussain	Khan Sher	Swabi	22.02.1991	Ward Orderly	04		25.09.2014	Institutional	
210.	Nisar Khan	Naseeb Gul	Peshawar	01.01.1988	Ward Orderly	04		27.09.2014	Institutional	
211.	Atif Ullah	Mohammad Saeed	Peshawar	24.12.1988	Ward Orderly	04		15.08.2015	Institutional	
212.	Sajid Ullah	Noor Shahid	Karak	23.04.1990	Ward Orderly	04		12.07.2016	Institutional	Appointed under Medical Board Sons Quota
213.	Sajid Ullah	Noor Shahid	Karak	23.04.1990	Ward Orderly	04		13.07.2016	Institutional	
214.	Subhan Ullah	Said Hussain	Peshawar	21.08.1986	Ward Orderly	04		01.09.2016	Institutional	Appointed under Deceased Sons Quota
215.	Muhammad Afzal	Khan Sahib	Peshawar	08.08.1994	Ward Orderly	04		16.11.2016	Institutional	MTI Appointed under 25 % ESQ (on Fixed Pay)
216.	Mustajan	Azeem Khan	Peshawar	20.02.1978	Ward Orderly	04		17.11.2016	Institutional	MTI Appointed under 25 % ESQ (on Fixed Pay)
217.	Sawab Gul	Ajab Gul	Peshawar	1978	Ward Orderly	04		09.02.2017	Institutional	MTI Appointed under 25 % ESQ (on Fixed Pay)
218.	Jamil Akbar	Gul Akbar	rPeshawa	02.10.1978	Ward Orderly			10.02.2017	Institutional	MTI Appointed under 25 % ESQ (on Fixed Pay)
219.	Ali Shan	Khayal Muhammad	Nowshera	05.05.1994	Ward Orderly	04		10.02.2017	Institutional	MTI Appointed under 25 % ESQ (on Fixed Pay)
220.	Shah Hussain	Muhammad Hussain	Peshawar	16.03.1986	Ward Orderly	04		10.02.2017	Institutional	MTI Appointed under 25 % ESQ (on Fixed Pay)
221.	Shehriyar Ahmad	Gul Muhammad	Peshawar	12.02.1995	Ward Orderly	04		10.02.2017	Institutional	MTI Appointed under 25 % ESQ (on Fixed Pay)
222.	Abdur Rehman	Abdul Ghafoor Khan	eshawarP	01.02.1979	Ward Orderly			20.03.2017	Institutional	MTI Appointed (on Fixed Pay)

Qlabi  
20/5/17

بعد التمسك  
Source Tribunal



موزعہ  
مقدمہ  
دعویٰ  
جرم

اعلان اللہ  
بنام  
Director & Others

Source Appeal

باعث تحریراً نکتہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی دکل کارروائی کے تحت  
آن مقام کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی مکمل کارروائی کا کامل اختیار ہوگا۔ نیز  
دیکل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور وصولی چیک دروپہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی  
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
کے کل یا جزوی کارروائی کے واسطے اور دیکل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیار حاصل ہوں گے اور اس کا ساختہ  
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے وہوگا۔  
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو دیکل صاحب پابند ہوں گے۔ کہ پیروی  
ڈگری کریں۔ لہذا ادکالت نامہ لکھنیا کہ سند ہے۔

المرقوم  
ناہ  
2017

بمقام  
کے لئے منظور ہے۔

Accepted

Accepted by

Sandullah

Amirullah

WAKALAT NAMA

IN THE COURT OF KPK Service Tribunal Pesh

Aman ulah Appellant(s)/Petitioner(s)

VERSUS

Hospital Director, MTL,  
KTH and others, Respondent(s)

I/We for Respondent 1-2-3 do hereby appoint Mr. Khaled Rehman, Advocate Supreme Court of Pakistan in the above mentioned case, to do all or any of the following acts, deeds and things.

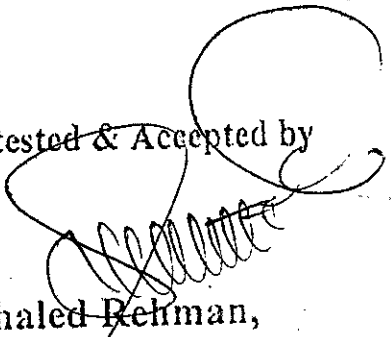
1. To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
2. To sign, verify and file or withdraw all proceedings, petitions, appeals, affidavits and applications for compromise or withdrawal or for submission to arbitration of the said case, or any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defence of the said case at all its stages.
3. To receive payment of, and issue receipts for, all moneys that may be or become due and payable to us during the course of proceedings.

AND hereby agree:-


- a. That the Advocate(s) shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remains unpaid.

In witness whereof I/We have signed this Wakalat Nama hereunder, the contents of which have been read/explained to me/us and fully understood by me/us this \_\_\_\_\_

Attested & Accepted by

  
Khaled Rehman,  
Advocate,  
Supreme Court of Pakistan

3-D, Haroon Mansion  
Khyber Bazar, Peshawar  
Off: Tel: 091-2592458

  
Signature of Executants

HOSPITAL DIRECTOR  
Medical Teaching Institution  
KTH, KMC, KCD,  
Peshawar

  
Director Finance K.M.C.  
K.C.D. KTH  
Peshawar





**DIRECTORATE GENERAL HEALTH SERVICES,  
KHYBER PAKHTUNKHWA, PESHAWAR**

Khyber Pakhtunkhwa  
Service Tribunal

Case No. 82

Dated 19/01/2018

All communications should be addressed to the Director General Health Services Peshawar and not to any official by name.  
Exchange # **091-9210187**, Tele # **9210196** Fax # **091-9210230**

**MOST IMPORTANT**

**COURT MATTER**

**MOST IMMEDIATE**

No. 240-44 /AD (Lit)

Dated 18/1/2018

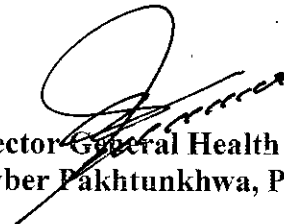
Registrar,  
Khyber Pakhtunkhwa, Services Tribunal  
Peshawar.

Subject:

**SERVICE APPEAL NO. 998/2017 - AMANULLAH VS GOVERNMENT  
OF KHYBER PAKHTUNKHWA AND OTHERS.**

Please refer to the subject Service Appeal.

It is to communicate that the Respondent No. 04 i.e. Director General Health Services, Khyber Pakhtunkhwa will rely on the comments already submitted in Honorable Khyber Pakhtunkhwa Service Tribunal, Peshawar on 29/12/2017 in the subject Service Appeal by Hospital Director Khyber Teaching Hospital, Peshawar.

  
Director General Health Services,  
Khyber Pakhtunkhwa, Peshawar.

C.C. to:

1. Additional Advocate General, Khyber Pakhtunkhwa, Peshawar.
2. Section Officer (Lit-II), Health Department, Khyber Pakhtunkhwa, Peshawar.
3. PA to Director General Health Services, Khyber Pakhtunkhwa, Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 998 /2017

Aman Ullah.....Appellant

VERSUS

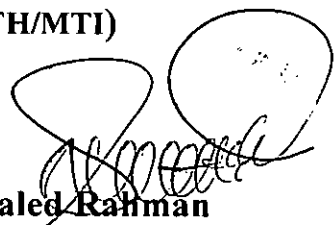
The Director Hospitals & others.....Respondents

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3.	Wakalat Nama			<i>32-</i>

Through

Respondent No.1-3  
(KTH/MTI)

  
Khaled Rahman  
Advocate, Peshawar

3-D, Haroon Mansion,  
Khyber Bazar, Peshawar.  
Off: 091-2592458  
Cell # 0345-9337312

Dated: 29 /12/2017

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 998 /2017

Aman Ullah.....Appellant

VERSUS

The Director Hospitals & others.....Respondents

---

REPLY ON BEHALF OF RESPONDENTS NO.1-3

---

Respectfully Sheweth,

**Preliminary objections.**

- I. That the appellant has concealed material facts from the Hon'ble Tribunal and has not approached the Hon'ble Tribunal with clean hands, therefore, the instant appeal merits outright rejection.
- II. That the appellant is estopped by his own conduct to file the instant appeal.
- III. That the impugned order has been issued on 08.06.2017 whereas the instant appeal has been filed on 22.08.2017 which is time barred because as per section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 any civil servant who is aggrieved from any final or appellate order shall file service appeal before the Service Tribunal within 30 days of such final/appellate order, therefore, the instant appeal is not maintainable under the law.

**Reply to Facts:**

1. Needs no reply, pertains to record.
2. Incorrect. As a matter of fact appellant is habitual offender and absentee, initially when he was charged in criminal case in 1995, he deliberately concealed this fact from the high-ups and submitted many applications for leave with full pay which were sanctioned by the

authorities but when the Department/Authorities realized that appellant was behind the bar then appellant was strictly directed to report/inform the office immediately otherwise strict action would be taken against him. Thereafter, appellant sent an application for his leave due to involvement in criminal case.

3. Correct only to the extent of acquittal. Rest of the Para is misconceived. In fact appellant prior to that was a controversial person and his whole career was/is full of controversies. Firstly he was charged in the year 1995 when he alongwith other were incriminated in case FIR No.37 dated 25.12.1995 U/S 9 CNSA, and resultantly they were awarded death sentence by the Judge, Special Court Anti Narcotics Lahore on 5.7.1997. It is worth mentioning here that appellant was initially appointed as Ward Orderly w.e.f 14.01.1986 wherein many time he was directed to perform duties, and when the then In-charge of the concerned Ward on 21.07.1994 visited the Ward at about 1:00am then instead of performing duties appellant was found sleeping outside the Ward. The In-charge expressed serious concern and warned/directed the appellant to perform duties, even then he did not take his duty then on the account of punishment he was transferred to others Wards as well. Thereafter, appellant started his long absence period when he made an application for taking earned leave for the period of 120 days and resultantly the same was granted to him with full pay w.e.f 10.1.96 to 8.5.96. He moved another application for leave with full pay for the period of 120 days w.e.f 9.5.96 to 5.9.96 which was too allowed. The appellant further moved another application for the period of 365 days w.e.f 6.9.96 to 5.9.97 which too was allowed, but after availing the said leave appellant he moved another application for extension for said leave for the period of w.e.f 6.9.97 to 5.9.98 which too was accepted but without pay which the appellant availed accordingly, whereafter appellant submitted another application for further one year leave but due to shortage of staff the same was regretted on 15.9.98. In spite of that appellant applied for 04 months leave which was too regretted on 17.10.98. It would be better to add here that after involvement in criminal case *ibid*, appellant himself concealed that facts from the department and during such period he had given numerous applications for leave which were allowed with full pay. Moreover, when department/authorities realized that the appellant had confined

to jail then many correspondents had been made to Central Jail Lahore and appellant was also informed through advertisement about his willful absence and directed him to contact the office immediately otherwise strict action would be taken against him so, eventually appellant moved an application on 20.5.1999 and stated that he was incriminated in criminal case at Lahore so, he had not attended the duties of the office which also supports the stance of the answering Respondent/ Department that he himself concealed that facts from the high-ups and availed leave for different periods on the basis of false statement. Thus appellant is responsible to return all payment to Department even otherwise he is no more reliable person. It is important to add that the appellant was also charged in another criminal case vide FIR No.243 dated 24.03.2003 U/S 9CNSA wherein too, he was awarded life imprisonment.

4. Correct only to the extent of acquittal. Though appellant was reinstated into service but conduct of the appellant is no more reliable because during the pendency of criminal case he moved many applications for leave which were allowed with full pay and appellant did not disclose the fact of criminal case upon high-ups which squarely falls within misconduct and appellant is also liable to return the payment fraudulently sanctioned leaves money to department. So, far the back benefits are concerned, it is submitted that since the institution is an autonomous body therefore, F.R 54A of the Fundamental Rules is not applicable because the Board of Governors of the Institution has not adopted the same.
5. Correct to the extent of reinstatement. Moreover, the august Peshawar High Court directed to consider the case of the appellant for back benefits according to law and rules. The case of the appellant of the was considered but since date of creation of Institution the Board of Governors being an autonomous body has not adopted the relevant Section of Fundamental Rules, therefore, his was not allowed the same. Even otherwise appellant is an habitual absentee and offender and he himself concealed material facts from the department and availing many leave with full pay during the confinement in earlier criminal case.

6. Not correct. Representation was filed which was thoroughly considered and was rejected being meritless vide impugned order 08.06.2017 against which appellant approached this Hon'ble Tribunal on 22.08.2017 through the instant appeal which being barred by time is not maintainable because as per section 4 of Khyber Pakhtunkhwa Service Tribunal, Act 1947 "every civil servant can avail the jurisdiction of the Tribunal who is aggrieved from any final or appellate order within one month and shall file service appeal before Service Tribunal against the impugned order". It is settled law that if an appeal is barred by time then there is no need of discussing the merits of the case and liable to be dismissed.
7. Incorrect hence vehemently denied. Respondents/Department never ever accepted the stance of the appellant. Since the date of the creation of Board of Governors the Fundamental Rules have not been adopted. Moreover, appeal of the appellant is time barred and not maintainable.
8. Needs no comments.
9. Misconceived hence denied. Departmental representation was filed on 25.04.2017 which was rejected and as per prevailing law appellant was required to file service appeal before this Hon'ble within one month from the date of impugned order but he filed the instant appeal on 22.08.2017 which does not cover the said period and is liable to dismissed.

### **GROUND.**

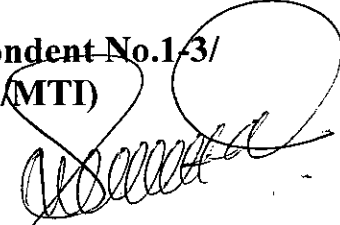
- A. Incorrect. whole service career of the appellant is full of controversies wherein, he has availed leaves with full pay by concealing of fact that he had been charged two times in criminal cases wherein he was awarded punishments of death sentence in first case and life imprisonment in the second case.
- B. Pertains to record. Moreover, appellant was behind the bars due to his own act and department is not responsible for the same.

- 5
- C. Not correct. As has already been stated that being an autonomous body, the Institution has not adopted FR-54A hence the same is not applicable in the instant case.
- D. Incorrect. Detailed replies have been submitted hereinabove.
- E. Incorrect. As per law Respondents/Department thoroughly considered the case of the appellant but such rule is not applicable upon Respondents/ Department even otherwise appeal of the appellant is time barred.
- F. Pertains to record.
- G. Respondents also reserve the right to agitate further grounds during the course of arguments.

It is, therefore, humbly prayed that on acceptance of this reply, the appeal of appellant may graciously be dismissed with costs.

Respondent No.1-3/  
(KTH/MTI)

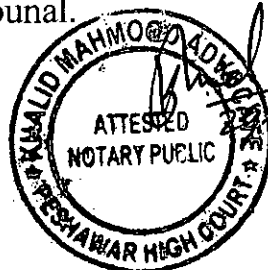
Through

  
Khaled Rahman,  
Advocate,  
Supreme Court of Pakistan

Dated: 29/12/2017

Counter Affidavit

I, Dr S. Na. Zahin Shah litigation officer KTH (MTI) do hereby affirm and declare on oath that the contents of this reply are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



Shah  
Deponent

17102-1174464-1

ward was attended Night Round 6 (20)

21/7/94

Time 1 AM

- Tabsumullah Head w/p
- Qasim " chokri ton
- Fayaz Head Disp
- Goran Head cleaner staff

No dai ~~including~~ <sup>there</sup> ~~Head Dai~~ was present in the Hospital including their head Badam Zari

Fan of Private room nursing counter is out of order for the last 2 months. M.E & Please Repair

Nursing Staff ~~are~~ of S.D.W were sleeping in the Drs Lounge.

Spl. Surgical ward.

It has been reported so many times that Mr. Fidojatrullah w/o (leave vacancy) is not doing his duty. He leave the ward and sit in Spl. ~~Surg~~ Gynaec and playing games (Luo

with nursing staff and he also brings tape recorder in the ward. He also misbehave with the staff

nurse of Spl surgical Record his trans and change for night & day shift.

Amanullah w/o of psy ward was sleeping behind the counter and

He was only orderly for two wards & his transfer for the shift

ATTESTED  
Dr. Mujtaba  
K. K. K.



OFFICE ORDER.

7

The internal transfer of the following ward orderlies of this institution are hereby ordered with immediate effect:-

<u>S.No.</u>	<u>Name</u>	<u>From</u>	<u>To.</u>
1.	Mr. Shakoor Khan Ward Orderly	Surg:C.D Gate	Orthopaedic OPD.
2.	Mr. Amanullah Ward Orderly	Orthopaedic OPD	Surg:C.D Gate.

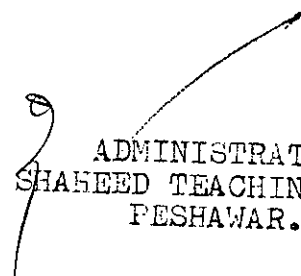
  
ADMINISTRATOR,  
HAYAT SHAHEED TEACHING HOSPITAL,  
PESHAWAR.

No. \_\_\_\_\_/HSTH/E

Dt: \_\_\_\_\_/1995

Copy for information and necessary action to:-

1. The Incharge Surgical "C&D Gate" HSTH, Peshawar.
2. The Incharge Orthopaedic OPD HSTH, Peshawar.
3. The Head Ward Orderlies, HSTH, Peshawar.
4. The above named officials for strict compliance.

  
ADMINISTRATOR,  
HAYAT SHAHEED TEACHING HOSPITAL,  
PESHAWAR.

  
**ATTESTED**

-8  
25  
17.6.1996

HAYAT SHAHEED TEACHING HOSPITAL  
PESHAWAR.

NO 375 /HSTH(E)

Dated 9-1 /1996.

OFFICE ORDER

Sanction is hereby accorded to the grant of 120 days earned leave on full pay to Mr. Amanullah No.2 Ward Orderly of this Institution with effect from 10/1/1996 to 8/5/1996.


2. Mr. Samin Khan S/O Momin Khan, VPO Mulazai, Tehsil and District Peshawar is hereby appointed as Ward Orderly in BPS-2- plus usual allowances admissible under the Govt rules in leave vacancy for a period 120 days with effect from 10/1/1996 to 8/5/1996. He will not take part in any strike, otherwise his services will be terminated.

  
ADMINISTRATOR  
HAYAT SHAHEED TEACHING HOSPITAL  
PESHAWAR.

NO \_\_\_\_\_ /HSTH(E) dated \_\_\_\_\_ /1996.

Copy to:-

1. The D.M.S.(Admn) HSTH, Peshawar.
2. The Accounts Officer, HSTH, Peshawar.
3. The Head Ward Orderly, HSTH, Peshawar.
4. Mr. Amanullah No.2, Ward Orderly HSTH.
5. Mr. Samin Khan S/O Momin Khan, V.P.O. Mulazai  
Teh & Distt: Peshawar.

  
ADMINISTRATOR  
HAYAT SHAHEED TEACHING HOSPITAL  
PESHAWAR.

  
ATTESTED

9

خدمت جناب ایڈمنسٹریٹر صاحب میں شہر ٹھیکہ کھانہ  
جناب عالی

شہر ٹھیکہ کے لئے وہ دن اپنے گورنر صاحب سے ملنے کے لئے جا رہا  
ہے۔ یہ تو تہہ گورنر صاحب سے غائب ہے۔  
اس لئے خدمت گورنر صاحب کو دراصل شہر ٹھیکہ کے لئے  
چار مہینے کی گھر ڈیپارٹمنٹ کے لئے فرما دیا۔

عین نواری کے لئے  
11/196

الرجاء

ایف ایچ ایف اے ایم اے ایف اے ایم اے ایف اے ایم اے

Agency  
T. H. M. S.

Estt

Date of appointment 14/10/86

Sir  
Proceed  
TO BSR

Head of office  
30/12/86

Handwritten signature  
ATTESTED

R/Sir

The applicant is entitled  
to 60 days E/Leave.

Handwritten signature  
30/12/86

20/12/86

(27)

HAYAT SHAHEED TEACHING HOSPITAL, PESHAWAR.

OFFICE ORDER

No. 4857 /HSTH/E

-10  
Dated 12/05 /96.

Sanction is hereby accorded to the grant of 120 days earned leave on full pay to Mr. Amanullah, Ward Orderly of this Institution w.e.f. 4-5-95 to 5-9-96 (AN),.

2. Mr. Muhammad Ayaz S/O Amir Zada, is hereby appointed as Ward Orderly BPS-2 plus usual allowances admissible under the rules in leave vacancy of the above named Ward Orderly of this Institution proceeding on 120 days leave w.e.f. 4-5-96 to 5-9-96 (AN). He will not take part in any strike, otherwise his services will be terminated.



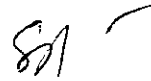
ADMINISTRATOR  
HAYAT SHAHEED TEACHING HOSPITAL,  
PESHAWAR.

No. \_\_\_\_\_ /HSTH/E

Dated \_\_\_\_\_ /96.

Copy to:-

1. The Dy:Medical Supdt: (Admn) HSTH:Peshawar.
2. The Accounts Officer HSTH:Peshawar.
3. The Cashier HSTH:Peshawar.
4. The Head Ward Orderlies HSTH:Peshawar.
5. Mr. Amanullah, Ward Orderly HSTH:Peshawar.
6. Mr. Muhammad Ayaz, W/Orderly in leave vacancy HSTH:



ADMINISTRATOR  
HAYAT SHAHEED TEACHING HOSPITAL,  
PESHAWAR.

A.

ATTESTED



گھوڑا پندرہ سو روپے عمارت پندرہ سو روپے

11 - چالیس

مورچہ نوزاد ہے کہ چالیس سے دربار علی سے پندرہ سو روپے در خواست عدد نوزاد سے کرنا ہے

اعداد اس سے چالیس سے در خواست خدام پندرہ سو روپے

مخلصان اور لکھنؤ ضرورت سے پندرہ سو روپے

چالیس سے پندرہ سو روپے سے پندرہ سو روپے وارڈارڈی کی 10 مئی  
و ڈیوٹی آرٹیکل 2

اور پندرہ سو روپے کے لئے اس سے پندرہ سو روپے وارڈارڈی ہے  
اس کے لئے پندرہ سو روپے چار ماہ کے لئے ضرورت ہے

کیونکہ اس سے پندرہ سو روپے سے اس سے پندرہ سو روپے سے  
پندرہ سو روپے سے پندرہ سو روپے سے پندرہ سو روپے سے  
1990 سے 09 نمبر سے پندرہ سو روپے سے پندرہ سو روپے سے  
09 نمبر سے پندرہ سو روپے سے پندرہ سو روپے سے

پندرہ سو روپے سے پندرہ سو روپے سے

19/5/96  
12/11/96  
12/11/96

وارڈارڈی  
پندرہ سو روپے سے پندرہ سو روپے سے

RESERVED  
12/11/96

گفتگو کا ایک سیشن ہوا۔ عاتق سید ندیم نے سوال کیا۔

12 - عاتق سید

وہ پانچ برس کے ہیں۔ وہ خود اپنے سے نہیں جانتا  
سے وارد اور ان کی آواز میں ہمہ وقت اس کے ذوقی اور  
جو کچھ وہ کہتا ہے وہ سب کچھ سچا ہے۔  
وہ کچھ سچا ہے اور کچھ کھڑکی کا کھڑکی

سید احمد نے سید ندیم کے بارے میں کہا کہ وہ سن 1996  
میں 06 ستمبر 1997 تک ایک سال غیر تنخواہ کی منظوری دیکر  
متروک و فارسی

سید احمد سید

اللہ کے نام سے  
کاغذ پر لکھا گیا اور درجی

عزت سید ندیم

Agreed  
for one year leave  
cont. pay and  
appointment for Ayaz  
in his place for  
9-9-96

ATTESTED

32

- 13

HAYAT SHAHEED TEACHING HOSPITAL  
PESHAWAR.

OFFICE ORDER. No. \_\_\_\_\_ /HSTH/E, Dated \_\_\_\_\_ 97.

The 365 days leave without pay granted to Mr. Amanullah  
w/ orderly from 6.9.96 to 5/9/97 vide this Institution  
office order ~~XXXXXXXXXXXXXXXXXXXX~~ No. 120021-27/E dated  
4/9/96 is hereby extended by a further period of 365 days  
leave without pay from 6.9.97 to 5/9/98.

leave  
B. pl.

Mr. Mohammad Iftikhar S/O Salehuddin is hereby continued  
as w/orderly BFS-2 plus usual allowances admissible under the  
rules from 6/9/97 to 5/9/98.

*[Signature]*  
ADMINISTRATOR,  
HAYAT SHAHEED TEACHING HOSPITAL,  
PESHAWAR.

No. 10719-23 /HSTH/E,  
Copy to:-

Dated 15/9 97.

- 1) The D.M.S (Admn) HSTH.
- 2) Accounts Officer, HSTH.
- 3) The Head Orderly, HSTH.
- 4) Mr. Amanullah w/Orderly, HSTH.
- 5) Mr. Iftikhar w/Orderly, HSTH.

*[Signature]*  
ADMINISTRATOR,  
HAYAT SHAHEED TEACHING HOSPITAL,  
PESHAWAR.

15/9

*[Signature]*  
APPROVED

01/9  
01/97

*[Handwritten notes]*

کے لئے درخواست کی جا رہی ہے۔

14 - اپریل 1992  
ورڈنگ کے لئے درخواست کی جا رہی ہے۔  
ہسپتال پر اسے وارڈنگ کی دینی ہے، اس کے لئے درخواست کی جا رہی ہے۔  
Leave without pay دینے کے لئے درخواست کی جا رہی ہے۔  
اس کے لئے درخواست کی جا رہی ہے۔

1992 ستمبر 06 سے 1998 ستمبر 05  
فردا مورچہ پر  
ورڈنگ کے لئے درخواست کی جا رہی ہے۔  
01/97

Date of appointment 14-10-1988  
① 240 days E leave entitled  
② 365 days leave without pay

The applicant is entitled to 365 days Leave without pay.

الکھنڈ  
پانچواں ایف اے وارڈنگ  
کی درخواست کی جا رہی ہے۔

~~NO~~  
2

AGREED  
Agreed

Sharma  
2/8/97



P.H.S. - 15

- 15

34

HAYAT SHAHEED TEACHING HOSPITAL,  
PESHAWAR.

No. 12201 / HSTH/E, Dated 15-9

Mr. Amanullah,  
Ward Orderly, HSTH.

SUBJECT: ABSENT FROM DUTY.

Memo:

Reference your application dated nil for the extension of leave for a further period of one year without pay.

Your request for the extension of your leave for a further period of one year cannot be acceded to due to shortage of staff.

You are hereby directed to report for duty immediately failing which disciplinary action will be taken against you under the E&D rules.



ADMINISTRATOR,  
HAYAT SHAHEED TEACHING HOSPITAL,  
PESHAWAR.

A  
14/9

ATTESTED



گفتو صحابہ ایڈمنسٹریٹو سہاوت شہید تدریس میں شامل ہوئے (35)

16 - صحابہ عالی

مورٹیم نذرنا ہے کہ فوری ایصال Earned leave کے لئے  
جس کے ساتھ فوری وصف کے تحت 06 ستمبر 1998 کو فوری ایصال  
ایسی ہے کہ فوری نذرنا کرنا ہے کہ جس نام سے فوری  
کے لئے ایصال کے ایصال leave with out pay کے لئے وہ نام  
بانتے ہیں اس لئے

جس کے لئے صحابہ فوری نذرنا ایصال کے لئے نذرنا  
دیکھ کر سیکورٹی

نذرنا سے فوری وصف کے تحت 06 ستمبر 1998 سے فوری ایصال کے لئے  
نذرنا کے لئے

مقررہ بارہ

ATTESTED

ان کے لئے وارڈاری - 40

Forwarded to administrator please

صہاوت شہید تدریس میں شامل ہوئے

795  
9.9.98

7-9-98

Date of attestation 16/9/1998

- ① 240 days E leave awarded
- ② 365 days leave without pay 1998
- ③ 365 days leave without pay 1996

The applicant is entitled  
\* 315 days Leave without pay.

for entitlement  
2/9/98  
3/9

17  
37  
HAYAT SHAHEED TEACHING HOSPITAL  
PESHAWAR.

No. 14636 /HSTH/E  
Dated 17/x /98.

Mr. Amanullah  
Ward Orderly


Subject: APPLICATION FOR THE GRANT OF FOUR MONTHS LEAVE

Memo:

Reference your application dated 6/9/98.

Your request for the grant of four months leave cannot, it is regretted be accorded to in the exigency of service.

You are directed to report for duty immediately otherwise resign from service.

  
Administrator  
Hayat Shaheed Teaching Hospital  
Peshawar.

15/10

RECEIVED

18 - جب - ۱۹۸۸

گزشتہ دنوں کے دوران میں ایک سال کی چھٹی کی کوئی تھی۔ جو کہ بغیر تنخواہ  
 کی تھی کوئی تھی۔ "leave without pay"۔ اب چونکہ مذکورہ کو 4 ماہ  
 کی چھٹی کی اور ضرورت پڑنے سے کہنا آتا ہے صاحبان سے اسکا سے  
 کہ مذکورہ کو 4 ماہ بغیر تنخواہ کی چھٹی دیکر حکم فرمایا  
 چونکہ مذکورہ کا نام اب بھی نہیں لکھا گیا ہے کہ مذکورہ اب  
 4 ماہ کی اور چھٹی لینا چاہتا ہے۔ جو کہ 6/9/88 سے  
 اس لیے مذکورہ کو 4 ماہ کی چھٹی دیکر حکم فرمایا  
 مذکورہ نام عمر ڈنگو ریسٹا۔  
 شکر

6/9/88

الذی



"تو تہا تہا" امان اللہ "اور اللہ صحت لیسہ سال"

Box  
 Dixer  
 13/10/88

8741  
 8/10/88

Application made  
 the representative  
 2/10  
 8/10

OFFICE NOTE.

NRJ 17.6.2009  
2-15

Sir,

It is for your kind information that Mr. Amanullah S/O Said Akbar, Ward Orderly of this Institution is absent from duty without prior permission/information.

- 2) He was appointed as Ward Orderly w.e. from 14.10.86.
- 3) Since 10.1.96 he started taking earned leave as under:-
  - 1- 120 days w.e. from 10.1.96 to 8.5.96.
  - 2- 120 days w.e. from 9.5.96 to 5.9.96.
  - 3- 365 days w.e. from 6.9.96 to 5.9.97.
  - 4- 365 days w.e. from 6.9.97 to 5.9.98.
- 4) He again applied for extension in leave a further period of one year, which was regretted vide letter No. 12201/HSTH(E) dt. 15.9.98. Again he applied for 04 months leave but his application was also regretted vide letter No. 14636/HSTH(E) dt. 17.10.98.
- 5) It is evident from above record that he is absent from duty since 6.9.97, therefore necessary action in this regard may kindly be taken.

Submitted for perusal and orders please.

*Notify in press to appear within 7 days or duty otherwise your service will be terminated*  
D.M.S. (Admn). Under the Ex Ord

*MW 15.5.97*

*Lt 15/5/99.*  
Supdt; Establishment.

Addl; Administrator.

*Agree as suggested.*

*Please fix responsibility that why it was not reported previously.*

*Del 15/5*

Sir,

The matter may properly be enquired, & fix responsibility.

*Lt 15/5/99.*

*Give it to the press.*

*& appoint DMS adm. as enquiry officer.*

*Del 17/5*

(AK\*)

ATTACHED

HAYAT SHAHEED TEACHING HOSPITAL  
PESHAWAR.

40

No. 5426 /HSTH/E

Dated 18/05 /99

The Director of Information  
Government of NWFP, Peshawar.

Subject: ABSENCE FROM DUTY NOTICE.

Memo:

Enclosed please find 7 copies of the notice regarding absence from duty of Ward Orderly of this hospital for necessary advertisement in one urdu and one English newspapers for one insertion only.

The advertisement should be published in the area of Peshawar Division. Payment of Advertisement charges will be made on receipt of your bill. Funds are also available to meet the advertisement charges.

*Adh*  
Administrator  
Hayat Shaheed Teaching Hospital  
Peshawar.

*or*

*18/5*

ATTACHED

ABSENCE FROM DUTY

- 21

(41)

You Mr. Amanullah S/O Saif Akbar C/O Aman Khan Malik, Village Daman Afghani (Daudzai) P.O Nahaqi Tehsil & Distt: Peshawar employed as ward orderly in Hayat Shaheed Teaching Hospital, Peshawar was granted 120 days earned leave w.e.f 10.1.96 to 8.5.96 which was extended for a period of 120 days more from 9.5.96 to 5.9.96 and subsequently further extension of 365 days w.e.f 6.9.96 to 5.9.97 was granted and you were required to report your arrival on 6.9.97 positively but you are absent from duty till date without any application or information. Under this office letter No. 12201/HSTH/E dated 15.9.98 further extension of leave was regretted and you were directed to report for duty. You were also served a notice under this office letter No. 14636/HSTH/E dated 17.10.98 to resume duty immediately but all in vain.

You are therefore served with this final notice to resume your duty within 07 days of the publishing of this notice positively, failing which exparte action will be taken against you under the rules which may amount your dismissal from service.

*Salma*  
(41)

ADMINISTRATOR  
HAYAT SHAHEED TEACHING HOSPITAL  
PESHAWAR.

*Q*

# نوٹس اطلاع غیر حاضر کی

22

تم مسٹر امان اللہ ولد سید اکبر معروف امان خان ملک  
 موضع و امان افغانی (راؤوزئی) ڈاکخانہ ناٹی تحصیل و ضلع پشاور  
 جو کہ حیات شہید ٹینک ہسپتال پشاور میں وارڈاروی کی  
 حیات سے تعینات ہوئے۔ کو 120 دن کی چھٹی از 10-7-96 تا 5-9-96  
 تک رہی گئی۔ جو کہ 120 دن مزید پیر ڈنک اس میں توثیح کروا  
 ہو کہ 9-5-96 سے 5-9-96 تک ختم ہوئی۔ اس کے بعد مزید 365 دن  
 چھٹی از 6-9-96 تا 5-9-96 تک عنایت کی گئی۔ لیکن از 9-9-96 کو مرنے  
 لازمی طور پر ڈیوٹی پر حاضر ہونا تھا۔ مگر آج تک غیر حاضر ہو۔  
 تمہیں دفتر نڈا کے خط نمبر 12207 تاریخ 5-9-98 کے ذریعے مزید چھٹی  
 نامنتظر کی گئی۔ اور تمہیں ڈیوٹی پر حاضر ہونے کے احکامات جاری کر دیئے  
 گئے۔ اس کے علاوہ دفتر نڈا کے خط نمبر 14636 تاریخ 17-10-98 کے  
 ذریعے تمہیں ایک نوٹس بھی بھیجا گیا مگر سارا بے فائدہ ثابت ہوا۔  
 لیکن تمہیں اس اشتہار کے ذریعے مطلع کیا جاتا ہے کہ اس اشتہار  
 کے شائع ہونے کے سات دن کے اندر اندر ڈیوٹی پر حاضر ہو۔ ورنہ  
 تمہارے خلاف یکطرفہ قانونی کارروائی کی جائیگی۔ جس میں نوکر کا  
 تمہیں برطرفی بھی شامل ہے۔

Maluma

ایڈمنسٹریٹر

حیات شہید ٹینک ہسپتال پشاور

ATTESTED



کفر جناب ایڈیٹر حیات شہر ٹیچنگ ہسپتال پشاور  
جناب عالی!

(18)

تراش ہے۔ کہ بندہ آپ سے ہسپتال میں کثرتِ قلم  
اردی ملازم ہے۔ ۲۰۰۲ء میں نے ایک اشتہار بنانا امان اللہ فونشن اطلاع

غیر حاضری روزانہ "۲۰۰۲" میں دیکھا۔ اس سلسلے میں  
مناجات کی خدمت عرض ہے۔ کہ بندہ کو آپ ناگوارہ قسم کی یاد دہانی میں  
ترقیات کیا گیا ہے۔ اور قس عدالت میں ڈیڑھ ساعت ہے۔ اور لاہور کی  
عدالت میں چل رہا ہے۔ فندہ ہاں واقعات آپ سے علم میں ہے  
میں درخواست کی شکل میں لایا گیا ہے۔ اور ریکارڈ پر موجود ہے۔ آپ  
کی خدمت میں عرض ہے۔ کہ بندہ کے حال پر مرم فرمائیں اور بندہ کے  
خلاف مافصل عدالت کسی قسم کی کارروائی نہ کی جائے اس سلسلے میں  
مناجات کی لوجہ سرور میں رقیل کی طرف منقول کرانا چاہتا ہوں۔ میں  
میں صاف طور پر لکھا گیا ہے۔ کہ جب تک کوئی عدالتی فیصلہ کسی عدالتی فیصلہ  
کے بارے میں نہیں آتا۔ وہ سرکاری ملازم ہی رہتا ہے۔ بندہ عدالتی فیصلہ  
آنے پر فزید معلومات فراہم کرتے گا۔

### الفارض

آپ کا تابع فرمان

امان اللہ  
باواسطہ - امرتسر

تاریخ ۲۰۰۵-۵-۱۹۹۹

3804

25-5-99

99

04/20

24-5

AKJ

17.6.2004

REGISTERED

46

### روشن افغان پبلشرز

تم سزاواران اللہ ولد سید اکبر بمعرفت امان خان ملک موضع دامن افغانی (داؤد زئی) ڈاک خانہ تاقی تحصیل و ضلع پشاور جو کہ حیات شہید ٹیچنگ ہسپتال پشاور میں وارڈ اردلی کی حیثیت سے تعینات ہو کر 120 دن کی عہدگی سے 10/1/96 تا 6/5/96 تک وہی گئی جو کہ 120 دن مزید پھر تک اس میں توسیع کر دی گئی جو کہ 5/9/96 سے 5/9/96 تک ختم ہوئی اس کے بعد مزید 365 دن عہدگی سے 6/9/96 تا 5/9/97 تک عہدگی کی گئی لہذا 6/9/97 کو تم نے لازمی طور پر ڈیوٹی پر حاضر ہونا تھا مگر تم آج تک غیر حاضر ہو تمہیں دفتر بڑا لے چلا نمبر 12201 تاریخ 15/9/98 کے ذریعے مزید عہدگی نامنظور کی گئی اور تمہیں ڈیوٹی پر حاضر ہونے کے احکامات جاری کر دیئے گئے اس کے علاوہ دفتر بڑا کے خط نمبر 14636 تاریخ 17/10/98 کے ذریعے تمہیں ایک نوٹس بھی بھیجا گیا مگر سارا بے فائدہ ثابت ہوا لہذا تمہیں اس اشتہار کے ذریعے مطلع کیا جاتا ہے کہ اس اشتہار کے شائع ہونے کے سات دن کے اندر اندر ڈیوٹی پر حاضر ہو ورنہ تمہارے خلاف یکطرفہ قانونی کارروائی کی جائے گی جس میں نوکری سے تمہاری برطرفی بھی شامل ہے۔

برائے: ایڈمنسٹریٹر- حیات شہید ٹیچنگ ہسپتال پشاور

INF(P)117

Daily 'AAJ'

Dt. 20-5-99

1

ANNEXED

The Frontier Star

47

dal go many.

25

### نوٹس اطلاع غیر حاضری

تم مسٹر امان اللہ ولد سید اکبر بھرت امان خان ملک موضع دامان الہانسی (دادو ضلع)  
ڈاکخانہ نالی تحصیل ضلع پشاور جو کہ حیات شہید نیچنگ ہسپتال پشاور میں وارڈ آرہے  
کی حیثیت سے تعینات ہو کر 120 دن کی چھٹی از 10.1.96 تا 8.5.96 تک دیدی گئی  
جو کہ 120 دن مزید پیرا تک اس میں توسیع کر دی۔ جو کہ 9.5.96 سے 5.9.96 تک چشم  
ہوئی اس کے بعد مزید 365 دن چھٹی از 6.9.96 تا 5.9.97 تک غنابت کی گئی لہذا  
6.9.97 کو تم نے لازمی طور پر ڈپٹی پر حاضر ہونا تھا۔ مگر تم آج تک غیر حاضر ہو  
تھیں دفتر ہذا کے خط نمبر 12201 تاریخ 15.9.98 کے ذریعے مزید چھٹی نا منظور کی گئی  
اور تمہیں ڈپٹی پر حاضر ہونے کے احکامات جاری کر دیئے گئے اس کے علاوہ دفتر ہذا  
کے خط نمبر 14636 تاریخ 17.10.98 کے ذریعے تمہیں ایک نوٹس بھی بھیجا گیا مگر  
اس سے فائدہ ثابت ہوا۔ لہذا تمہیں اس اشتہار کے ذریعے مطلع کیا جاتا ہے کہ اس اشتہار  
کی شائع ہونے کے سات دن کے اندر دفتر ڈپٹی پر حاضری دو۔ ورنہ تمہارے خلاف بیکطرفہ  
فائن کی کارروائی کی جائے گی جس میں نوکری سے تمہیں برطرف بھی شامل ہے۔  
ایڈمنسٹریٹر  
حیات شہید نیچنگ ہسپتال پشاور

INF(P)1170

Est

Sur in Formation

Mso/PRO

Handwritten signature

Reg  
26 28  
HAYAT SHAHEED TEACHING HOSPITAL  
PESHAWAR.

No. 7150 /HSTH/E

Dated 08/07 199

The Supdt: Jail  
Kot Lakhpat  
Lahore.

Subject: CONFIRMATION

Memo:

It is intimated that one of our employees  
Mr. Amanullah S/O Said Akbar, vill Daman Afghani P.O Nahaqi  
Tehsil & Distt Peshawar, who was a ward orderly in this hospital,  
is reported to be arrested by Police and is in Jail under your  
Control.

Please confirm whether the above named person  
is in your Jail or otherwise, so that departmental action should  
be taken against him under the rules. (A copy of the F.I.R is  
enclosed for ready reference).

+2  
Administrator

Hayat Shaheed Teaching Hospital  
Peshawar.

ATTESTER

- 27

Sir,

Attached is an application from Mr. Amanullah, Ward orderly who is absent from duty since 6/9/98.

- 2) He has submitted this application in response to a notice served on him through press, appeared on 20/5/99 in Daily "Aa"
- 3) The applicant has mentioned in the application that he has <sup>been</sup> allegedly ~~been~~ involved in some case and he has been arrested by the Police and that his case is in a court of Law in Lahore. He has also attached a copy of the FIR.
- 4) It is mentioned that the employee in question had previously been granted leave wef 10.1.96 to 8/5/96, 9.5.96 to 5.8.96, 6.9.96 to 5.9.97 then the applied for further leave for one year without pay, which was regretted vide No.12201/HSTH/(E) Dt: 15.9.98 and was directed to resume duty. He then applied for four months leave but the same was also regretted.
- 5) The case alongwith personal file, is submitted herewith, with the request that necessary action in this regard may please be taken and this office may please be advised whether to suspend him ~~or to let him continue on duty~~ till the decision of case by the court or otherwise.

Submitted for orders please.

*[Signature]*  
DMS (ADMN:) 30-6-99

*[Signature]*  
29/6/99  
SUPDT (Establishment)

ADDL: ADMINISTRATOR, For orders by the administrator

Get his whereabouts confirmed.

ADMINISTRATOR *[Signature]*  
05/7/99

*[Signature]*  
03/3/99

Sir,

According to his relatives, he is in Kot Lakhpat Jail Lahore, if agreed the Supdt Jail may be asked about him.  
Submitted for perusal and orders please.

Confirm to four  
supdt. Jail  
*[Signature]*  
07/7/99

07/7/99 O.S.

*[Signature]*

Re-submitted alongwith the arrival report of Mr. Amanullah with order copy, for orders please.





خدمتِ خداوندی میں ہر لمحہ کس نے شکر ادا کیا ہے  
30

عنوان: درخواستِ اجراءِ حکم نامہ کے متعلق  
میں نے درخواست کی ہے کہ

خدمتِ عالی!

میرا نام محمد عزیز ہے اور میری عمر تقریباً 35 سال ہے۔

میں نے اپنے پاس سے تمام رقمیں جمع کر لی ہیں اور انہیں

آپ کے پاس بھیج رہا ہوں۔ فرمائے کہ وہ کس نام سے

میں نے درخواست کی ہے کہ

میں نے

میں نے درخواست کی ہے

AMMUDCEN

Handwritten signature

26-3-2003  
Regretted.

To inform that the name is not valid  
resume duty. The name is not in custody.  
Shortage of staff is not in custody.  
Explanation is not in custody.  
Involved

26/3/2003  
Handwritten signature



1	تاریخ دوست رپورٹ	کوٹوالہ سٹیٹ 22 مریض $24 \frac{2}{3}$ لائنوں سے زائد ہے	تقاضے زراعات : تاریخ دوست $8 \frac{1}{2}$ لائنوں سے زائد ہے
2	نام و سکونت اطلاع دہندہ و مستفید	یڈالہ کوچ کیمپس ڈیپارٹمنٹ انورسٹی ایف ڈی ایچ گھاٹہ شاہ نیشنل آباد	
3	مختصر کیفیت جرم (معدومہ) و مال اگر کچھ کھویا گیا ہے	اسم $6/9$ CHSA $20/13$ 65	تاریخ دوست $8 \frac{1}{2}$ لائنوں سے زائد ہے
4	جائے وقوعہ و فاصلہ تقاضے اور سمت	از بنیازی جو کہ کھانا کھانے والا ہے	
5	کارروائی متعلقہ تفتیش اگر اطلاع درج کرنے میں کچھ توقف ہو تو اس کی وجہ بیان کی جاوے	بے توقیف	

دستخط: لیڈنگ ایجنٹ کا نام و عہدہ اور (ابتدائی اطلاع نمبر درج کرو)

تفتیشی اطلاع کے تحت اطلاع دہندہ کا دستخط یا نشان اگر تھا ہونا چاہیے اور افسر پرمکندہ (ابتدائی اطلاع) کے دستخط بطور تصدیق سے چاہیے۔  
 تفتیشی اطلاع کے تحت اطلاع دہندہ کے دستخط یا نشان اگر تھا ہونا چاہیے اور افسر پرمکندہ (ابتدائی اطلاع) کے دستخط بطور تصدیق سے چاہیے۔  
 تفتیشی اطلاع کے تحت اطلاع دہندہ کے دستخط یا نشان اگر تھا ہونا چاہیے اور افسر پرمکندہ (ابتدائی اطلاع) کے دستخط بطور تصدیق سے چاہیے۔



CHSA  $20/13$  65  
 اسم  $6/9$   
 تاریخ دوست  $8 \frac{1}{2}$  لائنوں سے زائد ہے

**BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR**

S.A. No. 988/2017

Aman Ullah

versus

Director Health & Others

**REPLICATION**

**Respectfully Sheweth,**

**PRELIMINARY OBJECTIONS:**

All the preliminary objections of the respondents are illegal and incorrect. No reason in support of the same is ever given as to why the appellant concealed material facts from this hon'ble Tribunal, how and why appellant is estopped to file the instant appeal, time barred which rejection order dated 8-6-17 was received to appellant from the office of R. No. 1 on 25-7-17 and therefore, filed the instant service appeal, so not time barred beside the issue pertains to money matter limitation does not run.

**ON FACTS:**

1. Not replied.
2. Misconceived, the reply of the respondents is out of context, the appellant never sought anything regarding past and closed transaction. The appellant was falsely charged where from the appellant was acquitted.
3. Admitted correct regarding acquittal, rest of the para is irrelevant and regarding past and closed transaction. Previous laxities cannot be applied in the present situation. Moreover, when the salaries were not paid then how can be recovered.

4. Admitted correct to the extent of acquittal. Rest of the para is incorrect as the appellant was suspended vide order dated 8-5-2003, so how appellant moved application, and pay allowed and how paid when the appellant was behind the bar at the relevant time, it is proven fact that the two types of employees are serving the hospital, one civil servants and other Institutional servants, the appellant is a civil servant which is also cleared from letters attached with the appeal. So FR & SR, CSR and other laws are applicable to appellant.
5. Incorrect. Clear directions were given for considering the appellant case for back benefits according to law as the appellant is a civil servant, so all the laws applicable to civil servant is applicable to the appellant besides the superior courts has clarified the point that if someone is acquitted then the period, he remained behind the bars, the same will be paid to him with all service benefits, including seniority, etc.
6. Incorrect. Representation was not considered in accordance with law, as the law on the point is clear that a civil servant who is charged for offence remained behind the bar, then if acquitted from the charges then the department will give him all benefits including salaries, seniority, promotion, etc. according to his entitlement. Moreover, the representation of appellant was rejected on 8-6-17 copy of which was received from the office on 25-7-17, thereafter this appeal, so how time barred beside the matter is a recurring cause so no limitation runs.
7. Incorrect. Letter attached with appeal clarify the position on so many occasions, further more the appellant is a civil servant. So is to be dealt as a civil servant. The law and judgments of the Supreme Court is to be applied in the instant case.
8. Not commented upon so admitted correct. The appellant is getting less pay than his juniors and given B-4, whereas juniors is serving in B-5.
9. Incorrect. The representation was rejected on 8-6-17 copy of the same was received from the office on 25-7-17 thereafter, the service appeal in this hon'ble Tribunal on 22-8-17, so is quite within time.

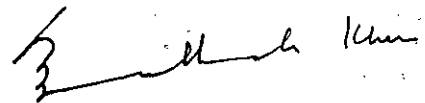
**G R O U N D S :**

All the grounds of the appeal are legal and correct, while that of the reply are illegal and incorrect. The same are again adopted.

It is, therefore, most humbly prayed that the appeal be accepted as prayed for.

Appellant

Through



Saadullah Khan Marwat

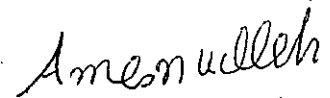
Advocate,

Dated: 02-01-2019

**A F F I D A V I T**

I, Aman Ullah appellant do hereby solemnly affirm and declare that contents of the **Appeal & rejoinder** are true and correct to the best of my knowledge and belief while that of reply of respondents are illegal and incorrect.

I reaffirm the same on oath once again to be true and correct as per the available record.



DEPONENT

قیمت  
50 روپے

29751



ایڈوکیٹ:

بار کونسل ایسوسی ایشن نمبر:

رابطہ نمبر:

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب:

مخانب: امان اللہ	دعویٰ نمبر: اپیل 998/2017
امان اللہ بنام محکمہ صحت	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:

**باعت تحریر آگہ**

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ  
آن مقام کیشاور کیلئے شمس علی خان انٹروولڈین کو وکیل مقرر  
کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو  
راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق  
زرائیں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی، نیز  
داڑ کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی  
کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب  
مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا  
دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے  
باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سندر  
المقوم:

Attested  
&  
Accepted  
[Signature]



کے لیے منظور ہے۔

مقام

نوٹ: اس وکالت نامہ کی فوٹوکاپی ناقابل قبول ہوگی۔

Aman ulldi

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.

Service Appeal No.998 /2017

Aman Ullah

V/S

Health Department

*Sir,  
I have no objection  
on deletion of Respondent No. 1 & 3  
Aman Ullah*

**APPLICATION FOR DELETION RESPONDENTS NO. 1 & 3  
FROM THE PANEL OF RESPONDENTS IN THE INSTANT  
APPEAL.**

**RESPECTFULLY SHEWETH:**

1. That the appellant has filed the instant appeal in this Honorable Tribunal against the order dated 08.06.2017 whereby the departmental appeal for release of monthly salaries along with all service benefits with effect from 08.05.2003 till 03.12.2013 i.e date of reinstatement of appellant has been rejected.
2. That the cause of action accrued to the appellant before the promulgation of MTI Act and the appellant civil servant working on deputation in MTI and as the cause of action was accrued before the promulgation of MTI Act 2015, therefore the grievance of the appellant can be redressed by his parent department rather than MTI due to which the appellant wants to delete the respondents No.1 & 3 from the panel of the respondents as they have no concern with the grievance of the appellant.

It is therefore most humbly prayed that on the acceptance of this application the respondents No.1 & 7 may kindly be deleted from the panel of the respondents.

*Aman Ullah*  
APPELLANT

THROUGH:

*Taimur Ali Khan*  
TAIMUR ALI KHAN  
ADVOCATE HIGH COURT

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

Service Appeal No.998 /2017

Aman Ullah

V/S

Health Department

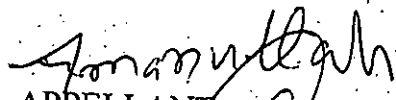
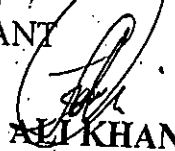
**APPLICATION FOR DELETION RESPONDENTS NO. 1 & 3  
FROM THE PANEL OF RESPONDENTS IN THE INSTANT  
APPEAL.**

**RESPECTFULLY SHEWETH:**

1. That the appellant has filed the instant appeal in this Honorable Tribunal against the order dated 08.06.2017 whereby the departmental appeal for release of monthly salaries along with all service benefits with effect from 08.05.2003 till 03.12.2013 i.e date of reinstatement of appellant has been rejected.
2. That the cause of action accrued to the appellant before the promulgation of MTI Act and the appellant civil servant working on deputation in MTI and as the cause of action was accrued before the promulgation of MTI Act 2015, therefore the grievance of the appellant can be redressed by his parent department rather than MTI due to which the appellant wants to delete the respondents No.1 & 3 from the panel of the respondents as they have no concern with the grievance of the appellant.

It is therefore most humbly prayed that on the acceptance of this application the respondents No.1 & 7 may kindly be deleted from the panel of the respondents:

THROUGH:

  
APPELLANT  
  
TAIMUR ALI KHAN  
ADVOCATE HIGH COURT

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

Service Appeal No.998 /2017

Aman Ullah

V/S

Health Department

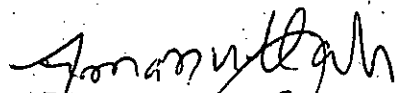

**APPLICATION FOR DELETION RESPONDENTS NO. 1 & 3  
FROM THE PANEL OF RESPONDENTS IN THE INSTANT  
APPEAL.**

**RESPECTFULLY SHEWETH:**

1. That the appellatant has filed the instant appeal in this Honorable Tribunal against the order dated 08.06.2017 whereby the departmental appeal for release of monthly salaries along with all service benefits with effect from 08.05.2003 till 03.12.2013 i.e date of reinstatement of appellatant has been rejected.
2. That the cause of action accrued to the appellatant before the promulgation of MTI Act and the appellatant civil servant working on deputation in MTI and as the cause of action was accrued before the promulgation of MTI Act 2015, therefore the grievance of the appellatant can be redressed by his parent department rather than MTI due to which the appellatant wants to delete the respondents No.1 & 3 from the panel of the respondents as they have no concern with the grievance of the appellatant.

It is therefore most humbly prayed that on the acceptance of this application the respondents No.1 & 7 may kindly be deleted from the panel of the respondents.

THROUGH:

  
APPELLANT  
  
TAIMUR ALI KHAN  
ADVOCATE HIGH COURT



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

Service Appeal No.998 /2017

Aman Ullah

V/S

Health Department

**APPLICATION FOR DELETION RESPONDENTS NO. 1 & 3  
FROM THE PANEL OF RESPONDENTS IN THE INSTANT  
APPEAL.**

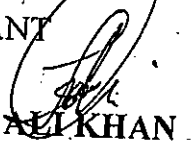
**RESPECTFULLY SHEWETH:**

1. That the appellant has filed the instant appeal in this Honorable Tribunal against the order dated 08.06.2017 whereby the departmental appeal for release of monthly salaries along with all service benefits with effect from 08.05.2003 till 03.12.2013 i.e date of reinstatement of appellant has been rejected.
2. That the cause of action accrued to the appellant before the promulgation of MTI Act and the appellant civil servant working on deputation in MTI and as the cause of action was accrued before the promulgation of MTI Act 2015, therefore the grievance of the appellant can be redressed by his parent department rather than MTI due to which the appellant wants to delete the respondents No.1 & 3 from the panel of the respondents as they have no concern with the grievance of the appellant.

It is therefore most humbly prayed that on the acceptance of this application the respondents No.1 & 7 may kindly be deleted from the panel of the respondents.

  
APPELLANT

THROUGH:

  
TAIMUR ALI KHAN  
ADVOCATE HIGH COURT