

30<sup>th</sup> Mar, 2023

1. Learned counsel for the appellant present. Mr. Fazal Shah Mohmand, Addl: AG alongwith Mr. Muhammad Yaseen, B&AO for the respondents present.

2. Learned counsel for the appellant seeks adjournment. To come up for arguments on 30.05.2023 for arguments before D.B. P.P given to the parties.

SCANNED  
KPST  
Peshawar



(Salah Ud Din)  
Member (Judicial)



(Kalim Arshad Khan)  
Chairman

30<sup>th</sup> May, 2023

1. Mr. Kamran Khan Advocate present and submitted Wakalat Nama on behalf of legal heirs of deceased appellant. Mr. Muhammad Jan, District Attorney for respondents present.

2. To come up for arguments on 03.07.2023 before D.B. Parcha Peshi given to the parties.

SCANNED  
KPST  
Peshawar



(Muhammad Akbar Khan)  
Member (E)



(Kalim Arshad Khan)  
Chairman

\*Mutazem Shah \*

Service Appeal No. 873/2016  
Titled "Darwish Khan versus Secretary Administration  
Department Peshawar and others"

**ORDER**

**3<sup>rd</sup> July, 2023**

**MR. KALIM ARSHAD KHAN, CHAIRMAN:** Learned counsel for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General alongwith Mr. Muhammad Yaseen, Budget and Accounts Officer South PHE Department on behalf of respondent No.4 present. There is nobody present on behalf of other respondents.

2. Learned counsel for the appellant has at the very outset submitted that claim of the appellant in this appeal was initially to allow/grant invalid pension to the appellant in the light of Rule 3.3 of the Pension Rules 1963 but during the pendency of the appeal, the appellant had died and his legal heirs were impleaded in his place. He further submits that because of death of the appellant the situation has changed and now case of the legal heirs of the deceased appellant could be considered for grant of family pension and they would be satisfied if the respondents were directed to process the case of the deceased appellant/his legal heirs for grant of family pension in accordance with the prevalent law and rules keeping in view his length of service. Order accordingly: The respondents may process the case within thirty days from the date of receipt of this order. The date of receipt of this order shall be acknowledged to the Registrar of this Tribunal. Consign.

3. *Pronounced in open Court in Peshawar given under our hands and seal of the Tribunal on this 3<sup>rd</sup> day of July, 2023.*



(Rashida Bano)  
Member (J)



(Kalim Arshad Khan)  
Chairman