

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No. 1560/2022.


Roshan Ali(Appellant)

VS

Government of Khyber Pakhtunkhwa through Secretary PWD & Others (Respondents)

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DEPONENT
Ahmad Yar Khan
Assistant Director (Lit)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. 1560/2022.

Roshan Ali(Appellant)

VS

Government of Khyber Pakhtunkhwa through Secretary PWD & Others (Respondents)

PARA-WISE REPLY/COMMENTS ON BEHALF OF THE RESPONDENTS

Respectfully Sheweth,

PRELIMINARY OBJECTIONS.

1. That the Appellant has got no locus standi to file the instant Service Appeal.
2. That no discrimination / injustice has been done to the Appellant.
3. That the instant Service Appeal is bad in the eye of law.
4. That the Appellant has not come to the court with cleaned hands.
5. The Appeal is based on distortion of facts and is not tenable in eye of law.
6. That the Appellant has been estopped by his own conduct to file the Service Appeal.
7. The present Service Appeal is based upon malicious/vexations and frivolous grounds.
8. That the Service Appeal is based on conjecture and surmises.
9. That the Service Appeal is bad due to mis-joinder and non-joinder of the parties.
10. That the Appellant has filed the present Service Appeal contrary to Law and facts.
11. That the Appellant has concealed material facts from this court.
12. That there is no provision of Law/Rules/Regulation exist in which it has been specifically laid down that after retirement on Medical Ground one can be reinstated into service.
13. That the Medical Board has very specifically recommended retirement on Medical Ground.
14. That the Medical Certificate had very clearly mentioned that **Mr. Roshan Ali to be completed and permanently incapacitated for further service of any kind in population welfare Deptt: in consequence of his Psychiatric illness.**
15. That the Medical Board permanently declared him unfit for further service.
16. That the service appeal of the appellant is Time Barred.
17. That the appellant has not moved an application for the condonation of delay under section 5 of the Limitation Act and thus this instant appeal being time barred warrants immediate dismissal.

ON FACTS.

1. Para 1 of the Service Appeal is Correct.
2. Para 2 of the Service Appeal is Correct.
3. Para 3 of the Service Appeal is Correct.
4. Para 4 of the Service Appeal is Correct.
5. Para 5 of the Service Appeal is Incorrect. The retirement order of appellant was withdrawn for the reason that the respondents No. 03 was not authorized to refer the case to standing Medical Board for examination, as the appointing authority of the appellant is respondent No. 2 i.e Director General. The respondent No. 2 has received his pension paper upon which certain observation pointed out. The respondent No. 02 sought guidance from respondent No. 01 vide letter No. F. No. 3(9)/95-2006/Admn-Vol-IV dated 19-11-2018. (copy of the letter is attached as **Annex-A**). The respondent No. 01 further forwarded the same for seeking guidance from Finance Department vide letter No. SOE(PWD)4-49/2007/PC dated 28-05-2019 (copy of letter is attached as **Annex-B**). Finance Department tendered their views vide letter No. FD/SOSR-II/4-36/2019 dated 18-06-2019 (copy attached as **Annex-C**) that “under Rule 3.3(2) of Civil Servant Pension Rules & Order 2006 which state that a Government Servant who wishes to retire on invalid pension, would apply to the Head of office or Department or Head of Attached Department who should direct him to present himself before a Medical Board or an invaliding committee or a Medical Officer for obtaining a Medical Certificate or incapacity for further service”. Since Director General Population Khyber Pakhtunkhwa is the Appointing Authority in the instant case, under APT Rules 1989 and the District Population Welfare Officer Shangla exercised the power of DG Population Welfare Khyber Pakhtunkhwa, therefore the Administrative Department may decide the case regarding withdrawal of retirement notification in light of the relevant Civil Servant Pension Rules and Order 2006 referred above”. The respondent No. 1 has forwarded the advice/guidance to respondent No. 2 vide letter No. SOE(PWD)/4-49/2007/PC/1889-91 dated 25-06-2019 (copy of the letter is attached as **Annex-D**). Respondent No. 02 withdrawn his retirement order in light of the advise vide office order No. 9(9)95-200/Admn-Vol-IV dated 22-07-2019. Against which the appellant filed an appeal before the respondent No. 01 for counter-signing his Pension Paper his appeal is attached as **Annex-E**. Similarly, he also moved an appeal to the Chief Secretary Khyber Pakhtunkhwa Peshawar on 10-10-2019. The remarks of the Chief Secretary on the face of appeal was “please resolve his pension as soon as possible”. The respondent No. 02 resolved the issue of the appellant vide letter No. 3(9)95-2006/Admn/Vol-IV

dated 18-10-2019 (copy of letter is attached as **Annex-F**) and the order of even No. dated 19-10-2018 was restored with retrospective effect i.e from the date of issuance regarding retirement from the service on Medical Grounds. The appellant stood retired from the Government Service on 19-10-2018 and received all amenities of his pension. The appellant has also received his monthly pension.

6. Para-6 of the Service Appeal has been explained in detail in para No. 05 of the facts.
7. Para-7 of the Service Appeal has no relevancy to be answered by the respondents.
8. Para-8 of the Service Appeal Incorrect. No such appeal dated 18-07-2022 was filed before the respondent No. 02.
9. Para-9 of the Service Appeal needs no comments. However, the appellant cannot be reinstated into service. The reply on the grounds are as under:-

ON GROUNDS:

- i. Para-i of Service Appeal is Incorrect. The appellant himself forwarded an application for retirement on Medical Ground (copy of application is attached as **Annex-G**). Therefore, in light of the recommendation of the Medical Board the appellant retired from Government Service on 19-10-2018 and receiving his monthly pension regularly.
- ii. Para-ii of Service Appeal is incorrect. The appellant cannot be reinstated into service.
- iii. Para-iii of Service Appeal is incorrect. The appellant has been permanently declared incapacitated by the Medical Board.
- iv. Para-iv of Service Appeal is incorrect. The retirement on Medical Ground has got nothing to do with the superannuation. Retirement on Medical Ground has its own requirements which was fulfilled upon the request of the appellant and eventually retired from service.
- v. Para-v of Service Appeal is incorrect. The Respondents has not reinstated any official who stood retired on medical ground.
- vi. Para-vi of Service Appeal is incorrect. No one has been reinstated into service after retirement. Similarly the appellant also cannot be reinstated into service.
- vii. Para-vii of Service Appeal is incorrect. The appellant cannot be reinstated into Government Service after properly retired by availing all the amenities. Moreover there is no provision of law / rules which allows that one who retired on Medical Ground be reinstated after 5 long years.
- viii. Para-viii of the Service Appeal needs no comments. Whereas, the respondent seeks permission to raise any other ground during the course of arguments.

PRAYER:

It is therefore most humbly prayed that on acceptance of the instant reply the Service Appeal of the appellatant may kindly be dismissed with cost.

asghar 30.05.23

Secretary to Govt. of Khyber Pakhtunkhwa
Population Welfare Department
(Respondent No.1)



Director General
Population Welfare Khyber Pakhtunkhwa
(Respondent No.2)



District Population Welfare Officer
Shangla at Alpurai
(Respondent No.3)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No. 1560/2022.

Roshan Ali(Appellant)

VS

Government of Khyber Pakhtunkhwa through Secretary PWD & Others (Respondents)

AFFIDAVIT

I Ahmad Yar Khan, Assistant Director (Litigation), Directorate General of Population Welfare Department do solemnly affirm and declare that the contents of para-wise reply of application are true and correct to the best of my knowledge and available record. It is further stated that in this appeal; the answering respondents have neither been placed ex-parte nor their defense has been struck off.


Deponent

Ahmad Yar Khan
Assistant Director (Lit)

Annex (A)

GOVERNMENT OF KHYBER PAKHTUNKHWA
DIRECTORATE GENERAL POPULATION WELFARE
Plot No. 18, Sector E-8, Phase-VII, Hayatabad Peshawar

F.No. 3(9)/95-2006/Admn-Vol-IV
Dated Peshawar the 19th Nov, 2018

To

The Secretary,
Government of Khyber Pakhtunkhwa
Population Welfare Department,
Peshawar

Subject: - GUIDANCE WITH REFERENCE TO COUNTERSIGNATURE OF PENSION PAPERS IN RESPECT OF MR. ROSHAN ALI, EX-PROJECTIONIST (BPS-13) DPW OFFICE SHANGLA

Dear Sir,

I am directed to refer to the subject noted above and to state that the DPW Officer, Shangla has directly referred the case to Standing Medical Board, Saidu Group of Teaching Hospital, Saidu Sharif Swat, without referring the same to Director General PW being competent authority.

2. It is pertinent to mention that under the provision of FR-10-A, the competent authority to fill the post held by a Govt. may require the Govt. servant to appear before a medical authority for medical examination if, in opinion of the competent authority the Government servant is suffering from a disease which renders him/her unfit for the proper and efficient discharge of his duties or from a disease which is communicable and is likely to endanger the health of others Govt. servants. The Health Department shall arrange for the medical examination of the applicant by proper medical authority at the nearest available station to that named by the applicant in part-I of form 6 (pen). The form and other documents should be transmitted by the health department to examining medical authority vide chapter viii para 8.4 of civil servant pension rules and orders.

3. The recommendation of the Standing Medical Board office of the MS Saidu Teaching Hospital, Saidu Sharif Swat in respect of Mr. Roshan Ali, Projectionist DPW Office, Shangla was forwarded by the DPWO Shangla vide letter No. 1(4)/Admn/2017-18/3553-57 dated 09-10-2018 declaring him unfit for Govt. service and accordingly the official was retired from service on Medical Grounds w.e.f. 08-10-2018

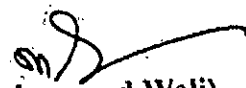
vide office order of even number dated 19-10-2018 (Copy attached), over-sighting the competent authority i.e. Director General PW.

4. Now DPW Officer Shāngla has forwarded pension papers in respect of Mr. Roshan Ali, Ex-Projectionist (BPS-13) for countersignature of the competent authority i.e. Director General Population Welfare Department KP Peshawar vide letter 1(4)/Admn/2017-18 dated 20-10-2018 (Copy attached)

5. It is further stated that a fact finding investigation against the DPW Officer, Shāngla Mr. Saeed ur Rahman and Mr. Roshan Ali, Ex-Projectionist was conducted by Mr. Attaullah, Deputy Principal, RTI Abbottabad vide office order No. 4(21)/2016-17/Admn dated 08-06-2018 wherein final decision on the findings of the said investigation report is still pending.

6. In view of the above, this office may be guided as to whether his pension papers may be countersigned OR withdraw retirement order and refer the case to Director General Health Services for constituting Standing Medical Board for re-examination of the said official OR kept pending the case for one year till finalization of the fact finding investigation initiated against him in pursuance of Appendix-II Para 2(1) of the Civil Servant Pension Rules and Orders:

7c
72


(Muhammad Wali)
Director (A&P)

Copy forwarded to: -

1. PS to Director General, PW Department Peshawar

7c
72


Director (A&P)

Do No 8551-50
dt 20-11-2018

③



GOVERNMENT OF KHYBER PAKHTUNKHWA,
POPULATION WELFARE DEPARTMENT
02nd Floor, Abdul Wali Khan Multiplex, Civil Secretariat, Peshawar

(56) ⑦
Annex (B)

No. SOE (PWD) 4-49/2007/PC/
Dated Peshawar the 28th May, 2019

To

The Secretary to Govt. of Khyber Pakhtunkhwa,
Finance Department,
Peshawar.

Subject: - GUIDANCE WITH REFERENCE TO COUNTERSIGNATURE OF PENSION PAPERS IN RESPECT OF MR. ROSHAN ALI, EX-PROJECTIONIST (BPS-13) DPW OFFICE, SHANGLA

Dear Sir,

I am directed to refer to Finance Department letter No. SOSR-II/4-36/2019 dated 24-05-2019 on the subject noted above and to state that Mr. Roshan Ali, Projectionist (BPS-13), DPW Office, Shangla was referred to Standing Medical Board for examination by the unauthorized officer i.e. District Population Welfare Officer, Shangla and the Medical Board has recommended the official concerned for retirement on medical grounds. 30/5

2. It is pertinent to mention here that as per APT Rules, 1989, the appointing authority for the post of Projectionist, BPS-13 is Director General Population Welfare, Khyber Pakhtunkhwa.

3. In light of the above, it is requested that this Department may please be guided as to whether referral of the official to MS Saidu Sharif Hospital, Swat by an officer other than his appointing authority is covered under Pension Rules for grant of pension on medical grounds or otherwise.

Yours faithfully,

SECTION OFFICER (ESTT)

Encs: As above.

Copy to the:-

1. Director General, Directorate General Population Welfare, Khyber Pakhtunkhwa, Peshawar.
2. PS to Secretary, PWD, Khyber Pakhtunkhwa, Peshawar.

SECTION OFFICER (ESTT)

Annex (C)

(4) 28/6/19

(8)

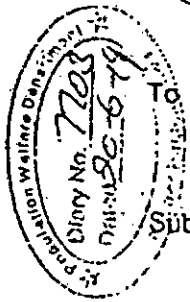
(2)



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

NO.FD/SOSR-II/4-36/2019
Dated Peshawar the 18.06.2019

The Secretary to Govt. of Khyber Pakhtunkhwa,
Population Welfare Department, Peshawar. ✓



Subject:- GUIDANCE WITH REFERENCE TO COUNTERSIGNATURE OF PENSION PAPERS IN RESPECT OF MR. ROSHAN ALI PROJECTIONIST (BPS-13) DPW OFFICE, SHANGLA.

Dear Sir,

Po 30/

I am directed to refer to your letter No. SOE(PWD)4-49/2007/PC/757-58 dated 29.04.2019 on the subject noted above and to state that this department tendered its advice in this department letters No.FD/SOSR-II/4-36/2017 dated 15.01.2019 and FD/SOSR-III/4-36/2019 dated 24.05.2019.

However, as per the query and observations of the Administrative Department in the letter under reference, this department is of the view that under Rule 3.3(2) of Civil Servant Pension Rules & Order 2006 which state that "a Government Servant who wishes to retire on invalid pension, would apply to the Head of office or Department or Head of Attached Department who should direct him to present himself before a Medical Board or an Invaliding Committee or a Medical Officer for obtaining a Medical Certificate of Incapacity for further service" (Copy enclosed).

Since Director General Population Khyber Pakhtunkhwa is the appointing authority in the instant case, under APT Rules 1989 and the District Population Welfare Officer Shangla exercised the power of DG Population Welfare Khyber Pakhtunkhwa, therefore, the Administrative Department may decide the case regarding withdrawal of retirement notification in light of the relevant Civil Servant Pension Rules and Order 2006 referred above.

Earlier advice of the Finance Department bearing No.FD/SOSR-II/4-36/2017 dated 15.01.2019 and FD/SOSR-II/4-36/2019 dated 24.05.2019 may be treated as withdrawn.

Yours faithfully,

RP PWD

21/6/19

(MOAZAM KHAN)
(SECTION OFFICER (SR.II))

Copy for Master File.

21/6/19

DS

(SECTION OFFICER (SR.II))

Access only P. 1/6





Annex (1) / 0

(3)

Handwritten notes and signatures at the top right.

9

GOVERNMENT OF KHYBER PAKHTUNKHWA,
POPULATION WELFARE DEPARTMENT
02nd Floor, Abdul Wali Khan Multiplex, Civil Secretariat, Peshawar

No. SOE (PWD) 4-49/2007/PC/1889-91
Dated Peshawar the 25th June, 2019

To

The Director General,
Directorate General Population Welfare,
Khyber Pakhtunkhwa, Peshawar.

Date 1582
Oct 28-6-2019

Subject:-

GUIDANCE WITH REFERENCE TO COUNTERSIGNATURE OF PENSION PAPERS IN RESPECT OF MR. ROSHAN ALLI, EX-PROJECTIONIST (BPS-13) DPW OFFICE, SHANGLA

Dear Sir,

I am directed to refer to your letter No. 3(9)/95-2006/Admn-Vol-IV, dated 19-11-2018 on the subject noted above and to state that the subject case was taken up with Finance Department and the Section Officer (SR-II), Finance Department, Khyber Pakhtunkhwa has intimated that under Rule 3.3 (2) of Civil Servant Pension Rules and Order, 2006 which states that "a Government Servant who wishes to retire on invalid pension, would apply to the Head of office or Department or Head of Attached Department who should direct him to present himself before a Medical Board or an Invaliding Committee or a Medical Officer for obtaining a Medical Certificate of Incapacity for further service" (copy enclosed).

2. Since Director General, PW, Khyber Pakhtunkhwa is the appointing authority in the instant case, under Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 and the District Population Welfare Officer, Shangla exercised the power of Director General, PW, Khyber Pakhtunkhwa by referring the official concerned to MS Saidu Sharif Hospital, Swat for examination by the Medical Board.

3. I am further directed to request that:-

- i. The retirement notification in respect of Mr. Roshan Ali, Projectionist (BPS-13), DPW Office, Shangla may be withdrawn forthwith in light of the relevant Civil Servant Pension Rules and Order 2006 as advised by the Finance Department;
- ii. Disciplinary action may be initiated against Mr. Saeedur Rehman, DPW Officer, Shangla under the Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules, 2011 for exercising the power of appointing authority in the instant case.

Handwritten signature and date 28/6

Handwritten initials DD/B

Handwritten initials PU

Handwritten signature

Handwritten initials 117

Handwritten initials ASH

Encls: As above.

Yours faithfully,

Handwritten signature of Section Officer (ESTT)

SECTION OFFICER (ESTT)

Copy to the:-

1. Section Officer (SR-II), Finance Department, Khyber Pakhtunkhwa, Peshawar w/r to letter No. FD/SOSR-II/4-36/2019 dated 18-06-2019.
2. PS to Secretary, PWD, Khyber Pakhtunkhwa, Peshawar.

Handwritten notes: 54/4, 117, ASH, 117

SECTION OFFICER (ESTT)



To,

The Secretary,
Govt: of Khyber Pakhtunkhwa,
Population Welfare Department,
Peshawar.

Subject:- APPEAL FOR PAYMENT OF PENSION

Dear Sir,

Respectfully it is stated that as per recommendation of the standing medical board, the Director General Population Welfare being competent authority issued my retirement from service on medical ground dated 19-10-2018. Thereafter I was paid 365 days leave encashment in lieu of LPR along with G.P fund and my pension papers were forwarded to the Director General Population Welfare for counter signature vide DPW Office Shangla letter F.No. 1(10)/Admn/SH/2017-18/3565-69 dated 20-10-2018. After elapse of about 11 months the Director General Population Welfare withdrawn my retirement order along with the retirement of another incumbent namely Mrs. Khalida FWA(F) BPS-08 for unknown reasons. Now the Director General Population Welfare has restored the retirement order in respect of the said official and also signed her pension paper. However fate of my case is still linger on and I am still waiting for counter signature of my pension papers causing mental torture as well as financial loss to the undersigned.

In light of the above your good self is requested to kindly look into the matter and asked Director General Population Welfare for countersignature of my pension paper as per analogy of the case in respect of Mrs. Khalida FWA(F) BPS-08 please.

Yours Faithfully

Dated 13-09-2019

Relevant documents are attached for reference at Annex: A, B, C & D.

Roshan Ali
Roshan Ali
Ex-Projectionist

RP process
16-9-19
DA
S/B
PL put up
S.A
17/9/19
CO (E) 1E

Annex (F) (11)



Government of Khyber Pakhtunkhwa
Directorate General Population Welfare
Plot No. 18 Sector E-8, Phase-VII, Hayatabad, Peshawar

F.No.3(9)/95-2006/Admn/Vol-IV
Date Peshawar the 18/10/2019.

To,

The Secretary to Government of Khyber Pakhtunkhwa
Population Welfare Department
Peshawar.

Subject: - **COUNTERSIGNING OF PENSION PAPERS IN RESPECT OF MR. ROSHAN ALI, EX-PROJECTIONIST, DISTRICT POPULATION WELFARE OFFICE, SHANGLA**

Dear Sir,

I am directed to refer to Section Officer (Estt), PW letter No.SOE(PWD)4-49/2007/PC/4113-16 dated 15.10.2019 on the subject noted above and to state that the matter regarding countersigning of pension papers in respect of Mr. Roshan Ali, Ex-Projectionist (BPS-13) DPW-Office, Shangla has been resolved accordingly and the quarter concerned may be informed.

Yours faithfully,

Assistant Director (Admn)

[Signature]

Copy to:-

PS to Director General, PW, Khyber Pakhtunkhwa, Peshawar.

Assistant Director (Admn)

[Signature]

10- of Uble Nos: 5195-96
18/10/19



Government of Khyber Pakhtunkhwa
Directorate General Population Welfare
Plot No. 18 Sector E-8, Phase-VII, Hayatabad Peshawar

12

Date Peshawar the, 18/10/2019.

OFFICE ORDER

F.No.3(9)95-2006/Admn-Vol-IV:- This office order of even number dated: 19/10/2018 is hereby restored with retrospective effect i.e. from the date of issuance regarding retirement from service on medical grounds in respect of Mr. Roshan Ali, Ex-Projectionist (BPS-13) DPW-Office, Shangla.

(Director General)
Directorate of Population Welfare

Copy forwarded to the:-

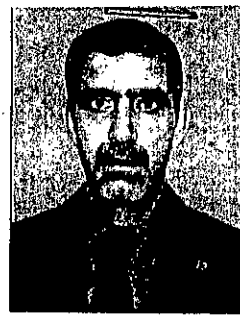
1. Section Officer (Estt), PW letter No.SOE(PWD)4-49/2007/PC/4113-16 dated 15.10.2019.
2. District Population Welfare Officer, Shangla. Original medical certificate duly signed by all concerned of the Standing Medical Board forwarded by the Medical Superintendent S.G.T.H, Saidu Sharif Swat vide No. 9806,9807/MS dated 08.10.2018, and pension paper (03-sets) duly signed by the Competent Authority along with original service book (02-parts) in respect of the Ex-Official are enclosed for necessary action.
3. District Account Officer, Shangla.
4. PS to Director General, Population Welfare Deptt., Peshawar.
5. Official concerned C/O DPWO.
6. Assistant HR.
7. F.No.4(15)/Admn.
8. Master File

[Signature]
Assistant Director (Admn)

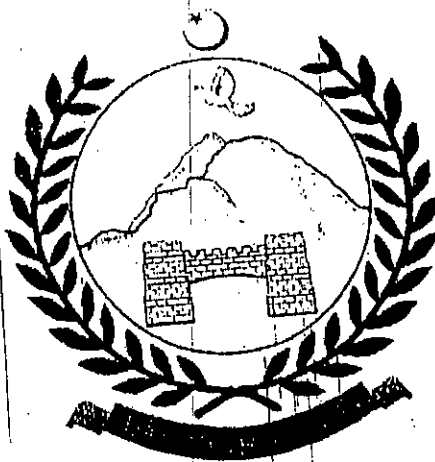
Issued vide No. - 5487-94
18/10/19

(04 copies)
Pension papers

ORIGINAL



214)



PENSION PAPERS

Name

Roshan Ali

Father/Husband Name

Gull Ghani

CNIC No

75501-8958185-5

Designation

Projectionist

Department

Population Welfare Deptt. Shangha

Personal No

20205736

Date of Retirement/Death

08/10/2018

Altoza

FORM 3 (PEN)
APPLICATION/CERTIFICATES TO BE GIVEN BY THE PENSIONER FOR PENSION / GRATUITY /
COMMUTATION

29

to be given by retiring government servant for grant of pension in case of superannuation / retiring /
 [and / compensation / compulsory retirement]

to *Director General*
Population Welfare Deptt, UPK, Peshawar.

Sir/ Madam, It is submitted that I, *Roshan Ali* Father/ Husband Name:

Gull Ghani Designation/Post held *Projectionist* BPS *13* On

Regular (Please indicate kind of appointment i.e. Regular/Officiating or Acting charge/Current
 charge w.e.f. *20/12/1994*) CNIC No. (copy enclosed) *15501-8958185-5* Nationality

Pakistan Personnel No. *00205736* Cell No.(I) *0333-9797548*

(ii) *0321-9797548* Gmail: *Barkaly P.O & Tehsil Alpurai Shangla* that I have retired / have been

permitted to retire from Government service / I am due to retire/ has been retired compulsorily on

Med. Grant of 10/11/88 My pension/ commutation/ gratuity may be transferred/ credited by the Accounts

Office in the Bank / Post Office / Treasury office *National Bank of Pakistan*

U.B.L. Alpurai Branch *Alpurai Shangla* Account No. *(closed) 219006932*

{DCS Form (where applicable) and list of my family members, is enclosed}.

UNDERTAKINGS

1. I hereby declare that I am not in receipt of any other pension, military or otherwise except PPC No. dated Amount Department retired on
2. I do hereby undertake that government may, within one year from the issue of Pension Payment Order recover any of its dues from the pension granted to me.
3. I hereby declare that I shall not take part in any elections or engage myself in political activities of any kind within two years from the date of retirement.
4. I do hereby declare that I have neither applied for nor received any pension/ commutation/ gratuity in respect of any portion of the service included in this application and in respect of which pension/ gratuity is claimed herein, nor shall I submit any application hereafter without quoting a reference to this application and to the order which may be passed thereon.
5. I hereby undertake to refund if the amount of pension granted to me afterwards found to be in excess of that to which I am entitled under the regulation.
6. I do hereby declare that I have not received any pension or gratuity in respect of any portion of the service included in this application.
7. I hereby opt for communication @ *35%* (subject to a maximum of 35%) of my gross pension.

DATED _____

R. Ali
 NAME & SIGNATURE
 OF RETIRING GOVERNMENT SERVANT (PENSIONER)

[Signature]
 HEAD OF OFFICE/DEPARTMENT

Note: Pension to be verified by Pension Disbursal/Authorizing Officer,
Shangla at Alpurai.

ALLOW
[Signature]

Important: Every pensioner family pensioner is bound to provide life certificate / Non-marriage certificate to his/ her bank on or before 10th March and 10th September of each year (Annex-A).

(37)

FORM 3 (PEN)
 PENSION FORM TO BE USED IN CASE OF SUPERANNUATION/ RETIRING / INVALID / COMPENSATION
 COMPULSORY RETIREMENT

[To be issued by the Sanctioning Authority 90 days before superannuation / retirement of the retiring Government servant]

Subject: SANCTION OF PENSION ON SUPERANNUATION/ RETIRING / INVALID/COMPENSATION AND COMPULSORY RETIREMENT

On attaining the age of superannuation / having applied for retiring/ invalid/ compensatory pension vide application dated OR has been retired compulsorily vide Notification No. dated issued by

Mr./Mrs./Ms. Rasham Ali S/O/W/O/D/O Cull Ghani
 Designation Projecting drawing pay / emoluments Rs. 35260 (reckonable towards pension), in BS B3 on Regular basis (Please indicate nature of appointment i.e. Regular/Officiating or Acting charge/ Current charge w.e.f. 20/12/1994) Personnel No. 20205736
 CNIC No. 1521-8958185-5 presently posted as Projecting
03/10/2018 has retired / has been permitted to retire is due to be retired has been retired compulsorily from the Government service (tick whichever is applicable) on date, after availing LPR for 365 days / Leave encashment in lieu of LPR Rs. 423120

Pension Calculation

Gross Pension	Rs. <u>20333-20</u>
Commutation	Rs. <u>1621263-40</u>
Net Pension	Rs. <u>13216-84</u>

Other Benefits:

i)	Rs.
ii)	Rs.
iii)	Rs.

[Signature]
 DIRECTOR (A&C)
 FORMATION & PENSION DEPARTMENT
 H.M.A.R. PESHAWAR

Gratuity (in case where qualifying service is 5 years or more but less than 10 years)

Rs.
 (1) His/ her date of birth is 01/04/1970. Date of 1st entry into government service is 20/12/1994 and EOL availed days. Total length of qualifying service for pension is 23 years 9 months 21 days.

- (2) Certified that no inquiry is pending against him/her.
- (3) Certified that no recovery is outstanding against him/her.
- (4) Certified that: -
 - i. Advances drawn (if any) stand fully repaid, along with interest.
 - ii. An amount of Rs. on account of (HBA/MCA/etc.) principal amount along with interest is outstanding which may be recovered from the pension.
- (5) Anticipatory pension upto (... 65 %) of full pension is sanctioned as admissible to him/her.
- (6) Certified that deficiency / disciplinary / criminal case pending against the aforementioned retired government servant has been finalized. Therefore, final pension payment @ (... 35 %) (After adjustment of already paid amount of anticipatory pension) and commutation amounting (... 35 %) (Subject to a maximum of 35% of gross pension), as determined by concerned Accounts office, may be paid.
- (7) Undersigned is satisfied that the service of retiring employee has been satisfactory. Administrative and financial sanction for grant of pension / commutation @ ... 35 % upto maximum of 35% of gross pension, if so approved by the retiring government servant, to be determined by the Accounts office, is hereby accorded in favour of Mr./Mrs./Ms. Rasham Ali through Bank / Post Office / Treasury Account No. (6605) 218006432 (mentioned in DCS Form enclosed) as admissible under the rules.

[Signature]

FORM 3 (PEN)

OR

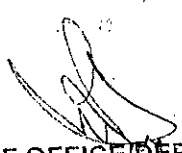
Undersigned is satisfied that the services of Mr./ Mrs./Ms. has not been satisfactory
 It has been decided that the full pension / gratuity found to the Audit/ Account Officer to be admissible under the
 as should be reduced by the specific amount or percentage given below:


- i. Amount or percentage of reduction in pension.....
- ii. Amount or percentage of reduction in gratuity
- iii. Sanction is hereby accorded to the grant of pension / gratuity as so reduced.

(8) The payment of pension and/ or gratuity may commence w.e.f.

Following documents attached.

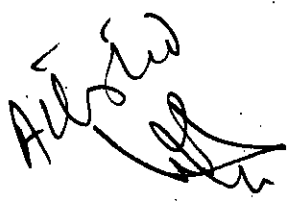
- | | |
|---|---|
| <ul style="list-style-type: none"> <input type="checkbox"/> Pension application. <input type="checkbox"/> Notification of retirement. <input type="checkbox"/> Last Pay Certificate (LPC)/ Last Payslip <input type="checkbox"/> Pension contribution receipts/ Bank Challan / acceptance certificate (in service death) <input type="checkbox"/> Original service book along with its attested copy/ service statement (in case of gazetted government servant). <input type="checkbox"/> N.D.C from Estate office in case of Government accommodation. <input type="checkbox"/> Three attested photographs of Pensioner. | <ul style="list-style-type: none"> <input type="checkbox"/> Dependents Lists. <input type="checkbox"/> Specimen Signatures /Left, Right hand thumb and fingers Impression Form. <input type="checkbox"/> No Demand, Declaration, Undertaking & Option Certificate. <input type="checkbox"/> Pensioner Bank Account Details. |
|---|---|


 HEAD OF OFFICE/DEPARTMENT
 Distt: Population Welfare Officer,
 Shingla at Alpurai.


 SIGNATURE WITH STAMP
 PENSION SANCTIONING AUTHORITY
 Director General,
 Population Welfare Department
 Khyber Pakhtunkhwa,
 Peshawar.

1. The AGPR/ Accounts Office is requested to grant pension and endorse a copy of computerized pension payer order (C.P.P.O) / Pension Payment Order (P.P.O.) to this department/ office.
2. Mr./Mrs./Ms., you are hereby informed that your commutation (if opted) and fir monthly pension shall be transferred / credited by the Accounts Office in the Bank / Post Office / Treasury office
 Branch Accou
 No. as opted by you.

Important: As per requirement every pensioner is bound to provide life certificate to his/ her bank on or before 10th March and 10th September of each year (Annex-A).



Annex-67

(13)

بخدمت جناب ضلعی آفیسر صاحب محکمہ بہبودی آبادی الہوری ضلع شانگلہ

9 A

عنوان: درخواست برادر ریٹائرمنٹ قبل از وقت بوجہ Epilepsy O co Depression

جناب عالی!

موردبانہ گزارش کیجاتی ہے کہ میں ضلع شانگلہ میں بحیثیت پرائیکشنٹ پوسٹ پر عرصہ دراز سے اپنا ڈیوٹی بخوبی سرانجام دے رہا ہوں۔ یہ کہ گزشتہ سال سے مجھے Epilepsy کی شکایات شروع ہوئی ہے اور اپنا ڈیوٹی بخوبی انجام نہیں دے سکتا۔ لہذا درخواست پیش خدمت ہے کہ اگر آپ صاحبان مہربانی کر کے میری بیماری کو مد نظر رکھتے ہوئے مجھے میڈیکل گرانڈ پر ریٹائرمنٹ کرنے کے احکامات صادر فرمائیں تو بڑی مہربانی ہوگی اور تاحیات دعا گو رہوں گا۔

العارض

17/9/2018

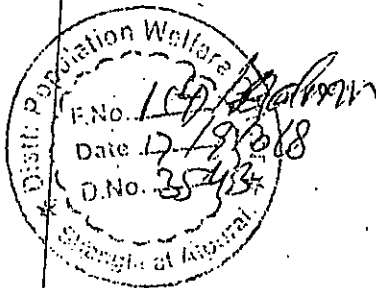
ضلعی آفس بہبودی آبادی الہوری شانگلہ

Shoukat A A

for further provisions

17.9.2018

Attested



BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No. 1560/2022.

Roshan Ali(Appellant)

VS

Government of Khyber Pakhtunkhwa through Secretary PWD & Others (Respondents)

AUTHORITY LETTER

Mr. Ahmad Yar Khan Assistant Director (Litigation), Directorate General Population Welfare Khyber Pakhtunkhwa is hereby authorized / nominated on behalf of respondents to submit comment/reply in the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar.



Director General
Population Welfare Department
Khyber Pakhtunkhwa
(Respondent No.2)

Director General
Population Welfare Deptt:
Govt: of Khyber Pakhtunkhwa
Peshawar.