

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 01/K-2022

Dr. Salma Sami.....Appellant

Versus

The Govt. of Khyber Pakhtunkhwa and others.....Respondents

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Through

Respondent No.7.
(Mst. Saima)Khaled Rahman,
&
Muhammad Amin
&
Muhammad Ghazanfar Ali

Advocates, Peshawar.

Dated: 10/05/20

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 01/2022Khyber Pakhtunkhwa
Service TribunalDiary No. 7273Dated 30/8/2023

Dr. Salma Sami.....Appellant

Versus

The Govt. of Khyber Pakhtunkhwa and others.....Respondents

REPLY ON BEHALF OF RESPONDENT NO.7 (MST. SAIMA)

Respectfully Sheweth,

Preliminary Objections:

- I. That the appellant has got no cause of action and locus standi to file the appeal in hand.
- II. That the appellant is estopped by his own conduct to file the instant appeal.
- III. That the appeal in hand is time barred.
- V. That the appellant has not approached the Hon'ble Tribunal with clean hands. As a matter of facts he has concealed material facts from the Hon'ble tribunal rendering the appeal in hand not maintainable.
- VII. That every Civil Servant is liable to be transferred anywhere within the Province as per the mandate of Section 10 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 and the policies being subservient to the parent statute cannot override the same.
- VIII. That the Answering Respondent was appointed as Principal on 05.03.2019 and posted to GGHS Mian Gujar vide order dated 15.02.2019. Mian Gujar as far-flung area from the home of the Answering Respondent. After remaining there for almost double tenure she was transferred vide Notification dated 12.08.2022

(Annex:Reply/1) to GGHSS Mologo, Peshawar after 4 years duration. During the pendency of the instant appeal a General Notification dated 14.09.2022 (Page-18 of the Service Appeal) was issued whereby the post of Answering Respondent was shown to be vacant and thus the appellant was transferred to it. As the post was not vacant therefore, when the appellant came to know she filed an application (Page-22 of the Appeal) before the Respondent No.02 mentioning the fact that the post is not vacant. The appellant by misrepresenting before the Tribunal got order of the Tribunal on 13.03.2023 (Annex:Reply/2) whereby it was ordered that the Notification dated 14.09.2022 be actualized. It was never brought into the notice of the Court that the Answering Respondent was holding the post and thus application under Section 12(2) CPC was filed which was later on allowed vide order dated 10.07.2023 (Annex:Reply/3) and the order dated 13.03.2023 was set aside. On the basis of the Tribunal Order *ibid* vide order dated 17.04.2023 the Answering Respondent (Annex:Reply/4). The Answering Respondent was illegally relieved from the post vide relieving order dated 10.04.2023 (Annex:Reply/5) but in the meanwhile the Tribunal vide order dated 04.05.2023 (Annex:Reply/6) suspended the order dated 17.04.2023 *ibid*. Since both the Answering Respondent and the appellant stood attached to the same post therefore, the issue of salary arose between them. The Accountant General Khyber Pakhtunkhwa vide letter dated 09.05.2023 (Annex:Reply/7) ask for the advice of Respondent No.2 bringing in his notice the issue raised in circumstances of the case, however, in utter defiance of the order of the Tribunal Respondent No.2 requested the Accountant General Khyber Pakhtunkhwa vide letter dated 19.05.2023 (Annex:Reply/8) to release the salary of the appellant instead under the pretext that the Notification dated 17.04.2023 *ibid* still holds the field while in fact the same was suspended by the Tribunal.

Reply to Facts:

1. Needs no reply.
2. Correct to the extent of appointment of the appellant as Principal BPS-18 08.02.2021 and her posting to GGHSS Nodeh District Nowshera and adjusted against the post of Principal BPS-19 GGHSS irrigation Colony, Peshawar as a stop gap arrangement in on pay scale vide Notification dated 13.07.2021
3. Needs no reply.

4. Not relating to the Answering Respondents. However, neither post at irrigation Colony was found vacant nor that of Gul abad, Jamrud Khyber and interestingly the post of the appellant was also not vacant where she was transferred.
5. Not relating to the answering Respondent hence not replied.
6. Correct to the extent of transfer of the appellant to GGHSS Mata Palangzai District Charsadda but the appellant also failed to comply with the order due to her insubordinate nature.
7. Correctly admitted that the appellant was transferred to the post of the appellant vide Notification dated 14.09.2022 whereas the post was not vacant and wrongly mentioned as vacant in the order.
8. Not relating to the Answering Respondent hence no reply.
9. Not relating to the Answering Respondent hence no reply needed.
10. Correct to the extent of acceptance of 12(2) CPC application of the Answering Respondent.
11. Needs no reply.

Reply to Grounds:

- A. Not relevant to the Answering Respondent in as much as she has already served for 4 years at GGHSS Mian Gujar and then transferred to GGHSS Malogo, Peshawar.
- B. Not concerning the Answering Respondent, However, the Answering Respondent has also not completed her tenure at GGHSS Malogo as she was transferred there to on 12.08.2022.
- C. Not concerning the Answering Respondent hence needs no reply.
- D. Not admitted. The Answering Respondent is also female and has served for 4 years in a distant place that is GGHSS Mian Gujar. Being Civil Servant she is liable to be transferred anywhere within District Peshawar, the station of her spouse.

- E. Needs no reply.
- F. The Answering Respondent will also add some additional Grounds.

The prayer of the appellant is incorrect and she has illegal added a prayer not taken in the initial prayer that the appointment Notification dated 14.09.2022 may be actualized. With regard to the posting of the Answering Respondent at GGHSS Malogo, Peshawar the appellant has got not cause of action and her appeal to that extent is not sustainable.

Through

Respondent No.07
(Mst. Saima)

Khaled Rahman,
&
Muhammad Amin
&
Muhammad Ghazanfar Ali
Advocates, Peshawar.

Dated: 29/08/2023

Counter Affidavit

I, Khaled Rahman, Advocate, as per instruction of my client, 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.

[Handwritten signature]
30/8/23

[Handwritten signature]
Deponent



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT
BLOCK A OPPOSITE MPA.S HOSTEL, CIVIL SECRETARIAT PESHAWAR
PHONE NO 091-9223588

Reply/1

Dated Peshawar August 12th, 2022

NOTIFICATION

NO.SO(S/F)E&SED/4-16/2022/Posting/Transfer/36: Mst. Saima Principal (ES-18) is hereby transferred from GGHSS Mian Gujjar Peshawar and posted at GGHSS Mologo Peshawar, against the vacant post of Principal (BS-18) with immediate effect, in the public interest.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Endst: of even No.& date:

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. District Education Officer (Female) Peshawar.
3. District Account Office Peshawar.
4. Director EMIS, E&SE Department for uploading at official website at the earliest.
5. PS to Secretary, E&SE Department.
6. Officers concerned.
7. Office order file.

*15-02
18/11
30/08*

Muhammad Faizan Zeb
(MUHAMMAD FAIZAN ZEB)
SECTION OFFICER (S/F)

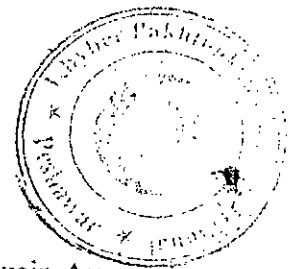
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R/1



-6 Reply/2



08.02.2023

Learned counsel for the appellant present. Mr. Uzair Azam Khan, Additional Advocate General for the official respondents and Private Respondent No. 5 in person present.

SCANNED
KFST
Peshawar

Mrs. Rozina Rehman, Learned Member (J) is on leave today, therefore, case is adjourned to 13.03.2023 for arguments before the D.B.

(FAREEHA PAUL)
Member (E)

13th March, 2023

Learned counsel for the appellant present. Mr. Fazal Shah Mohmand, Additional Advocate General for official respondent. No. 1 to 3 and learned counsel for private respondent No. 4 present.

2. The record reflects that one Mst. Sughra Sadaf had submitted an application for her impleadment in this appeal on the strength of Transfer Notification dated 14.09.2022, copy annexed with the application. In the said Notification, the appellant was shown to have been transferred against vacant post of Principal (BPS-18) at GGHSS Malogi Peshawar. When confronted with the situation, learned counsel for the appellant submits that if a direction is given to the respondents that posting/transfer Notification issued 14.09.2022 should be actualized, he would not press this appeal. Order accordingly. Consign.

3. Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 13th day of March, 2023.

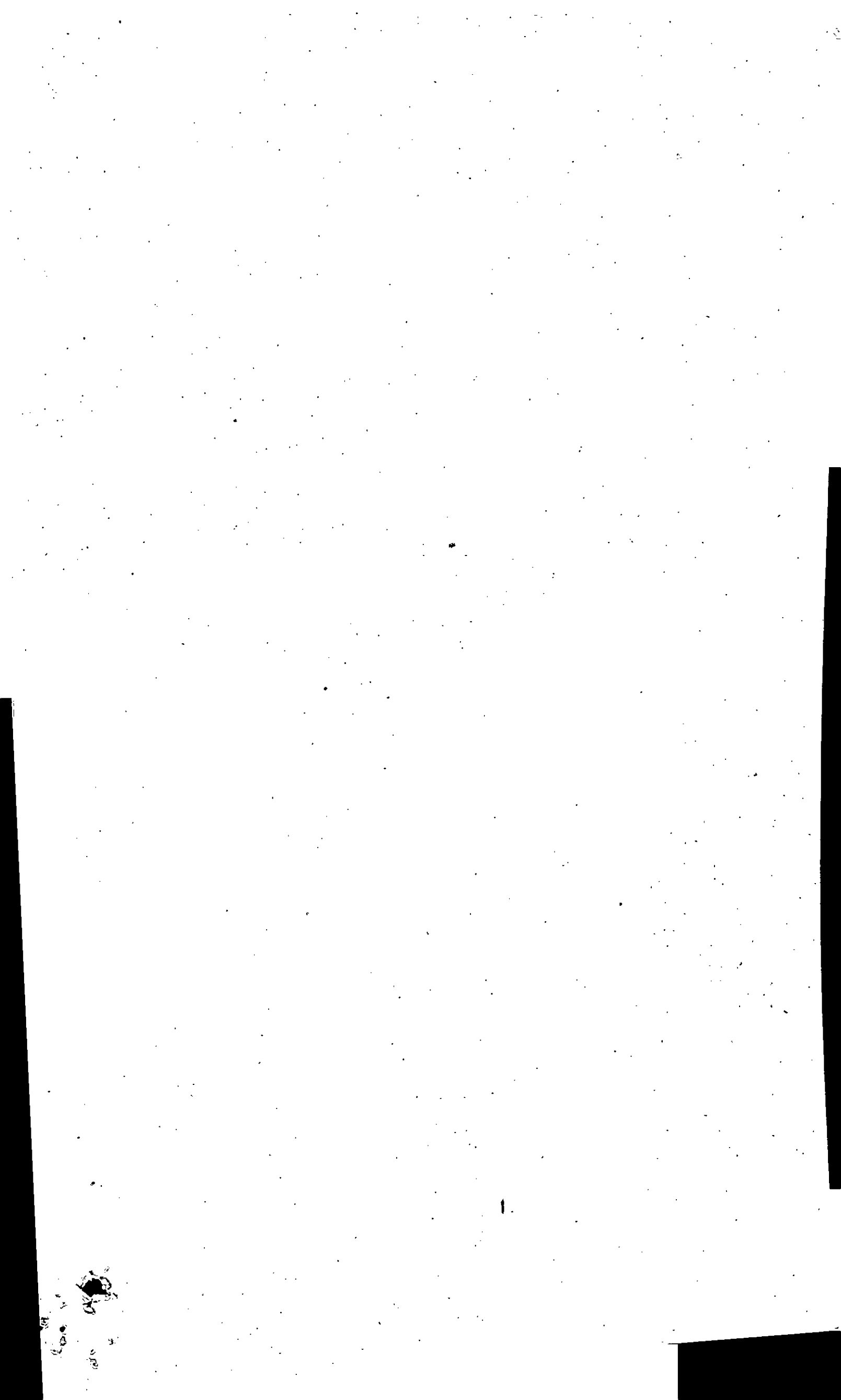
Certified to be true copy
Khalid Arshad Khan
Secretary
Tribunal
Peshawar

(Salah Ud Din)
Member (Judicial)

ATTESTED

(Khalid Arshad Khan)
Chairman

R/2



Appeal No. 1/2512, Salma Sami

- 7 Reply/3

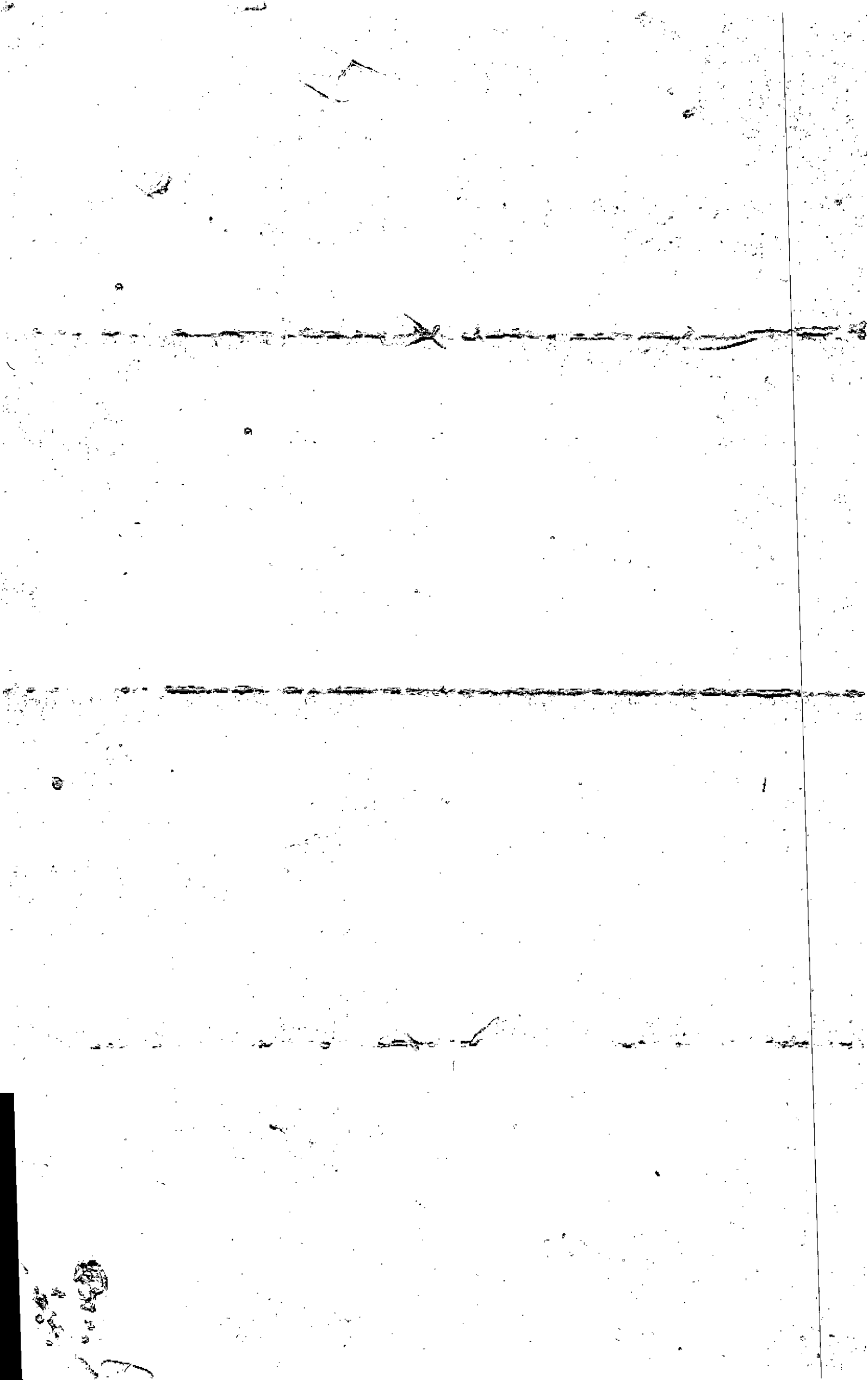
Petition No. 257/2023U/S 12(2) CPC

10th July, 2023 1. Learned counsel for the petitioner present. Mr. Fazal Shah Mohmand, Additional Advocate General alongwith Mr. Fahim Khan, Assistant for official respondents No. 2, 3 and 4 and counsel for private respondent No. 1 present while private respondent No.5 and 6 have already been placed ex-parte.

2. When confronted with the situation that the order dated 14.09.2022 produced before the Tribunal on 13.03.2023, the learned counsel for the appellant in the main appeal had submitted that if a direction was given to the respondents to actualize posting/transfer notification dated 14.09.2022, he would not press the appeal and the appeal was accordingly decided. While the notification dated 14.09.2022, showed the post of Principal, GGHSS Malogo Peshawar as vacant and Dr. Salma Sami was posted there-against but the petitioner, Mst. Saima, contended that she had already been occupying the post of the Principal, GGHSS Malogo Peshawar vide notification dated 12.08.2022 and that was not vacant as wrongly shown by the department, to which learned counsel for private respondent has very fairly and frankly submitted that the notification of the petitioner Mst. Saima was already on the file and the factum of her posting was also brought in the notice of Tribunal at that time but that was not somehow or the other properly taken notice of at that time. The learned counsel for private respondent has further informed that there was another lady named Sughra Sadaf whose impleadment application was on the file and the mention of such fact was also found in the order sheet dated 13.03.2023 but she has not been made party so far. He submitted that if the


Application under 12(2) of the CPC was accepted and order dated 13.3.23 was set aside then Sughra Sadaf also needed to be impleaded.

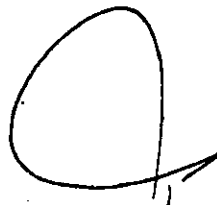
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3. As the factum of the order dated 12.08.2022 pertaining to posting of the petitioner Mst. Saima against the post of Principal, GGHSS Malogo, Peshawar could not be discussed or taken notice by the Tribunal at the relevant point of time i.e. on 13.03.2023 and because of that some disturbance has been created, compelling the petitioner to file this petition, therefore, let the appeal be decided on merits and while allowing this application we set aside the order-13.03.2023 direct the appellant of the main appeal to array the petitioner as party, similarly the applicant Sughra Sadaf, whose right may also be affected because of the transfer orders, shall also be arrayed as respondent. To come up on 14.07.2023 before D.B. Notice be issued to Sughra Sadaf. The appellant Salma Sami shall file amended appeal within two days. P.P given to the parties. The learned counsel for the petitioner made a further request that till the disposal of appeal, the operation of orders shown to have been passed in compliance with the order dated 13.03.2023 might be suspended as there are anomalies created because of the order dated 14.09.2022. In this respect the respondents representative present in the court is directed to resolve the matter and submit report on the next date.


 (Farzana Paal)
 Member (Executive)


 (Kalim Arshad Khan)
 Chairman

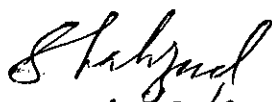
10/07/23

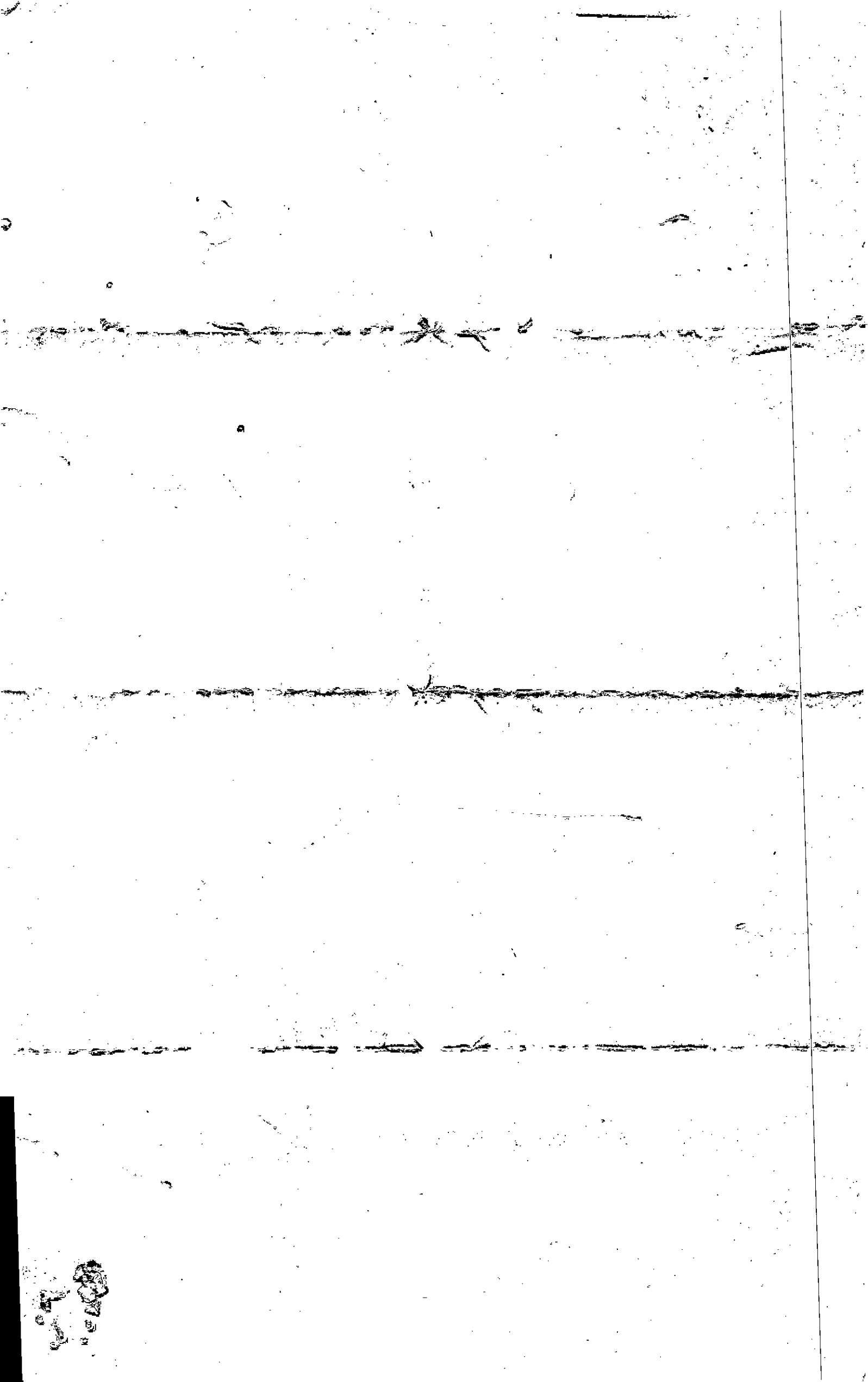
Adnan Shah


 11/7/23

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 10/-
 5/-
 15/-

11/7/23


 11/7/23
 11/7/23





- 9 Reply/ly

GOVT. OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT
Email: sectionofficersf@gmail.com
091-9223588

Dated Peshawar the April 17th, 2023

NOTIFICATION

NO.SO(S/F)E&SED/4-16/2023/Posting/Transfer: In compliance with Khyber Pakhtunkhwa Service Tribunal Peshawar's Judgment dated 14.09.2022, the following postings/transfers are hereby ordered, with immediate effect.

Sr. #	Name/ Designation	From	To	Remarks
1	Mst. Salma Sami Principal (BS-18)	Under transfer	GGHSS Malogo Peshawar	Vice sr. No. 01
2	Mst. Saima Principal (BS-18)	GGHSS Malogo Peshawar	GGHSS Mian Gujar Peshawar	Vice sr. No. 03
3	Mst. Seema Afridi Principal (BS-18)	GGHSS Mian Gujar Peshawar	GGHSS Sahibzada— Umer Khan Peshawar	AVP of SSS Home- Economics (BS-18)

**SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT**

Endst: of even No.& date:

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Female) Peshawar.
4. Director EMIS, E&SE Department for uploading at official website at the earliest.
5. PS to Minister for E&SE Department, Khyber Pakhtunkhwa.
6. PS to Secretary, E&SE Department.
7. Officers/Official concerned.
8. Office order file.


(SHAVANA HALEEM)
SECTION OFFICER (S/F)

TESTED

R/ly

501



- 10 - Reply/5000

GOVT. OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT
Email: eeet@kpk.gov.pk
001-0223888

Dated Peshawar, April 10th, 2023

RELIEVING ORDER


NO. SO(S/F)E&SED/4-10/2023/Posting/Transfer: Consequent upon the posting/transfer Notification dated 17.04.2023, Mat. Salma Principal (BS-18) is hereby relieved from GGHSS Malogo Peshawar from the post of Principal (BS-18).

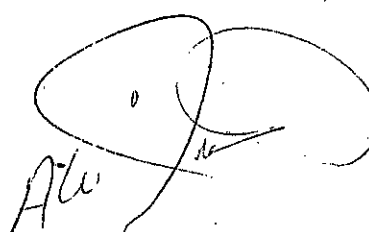
SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Endst: of even No. & date:

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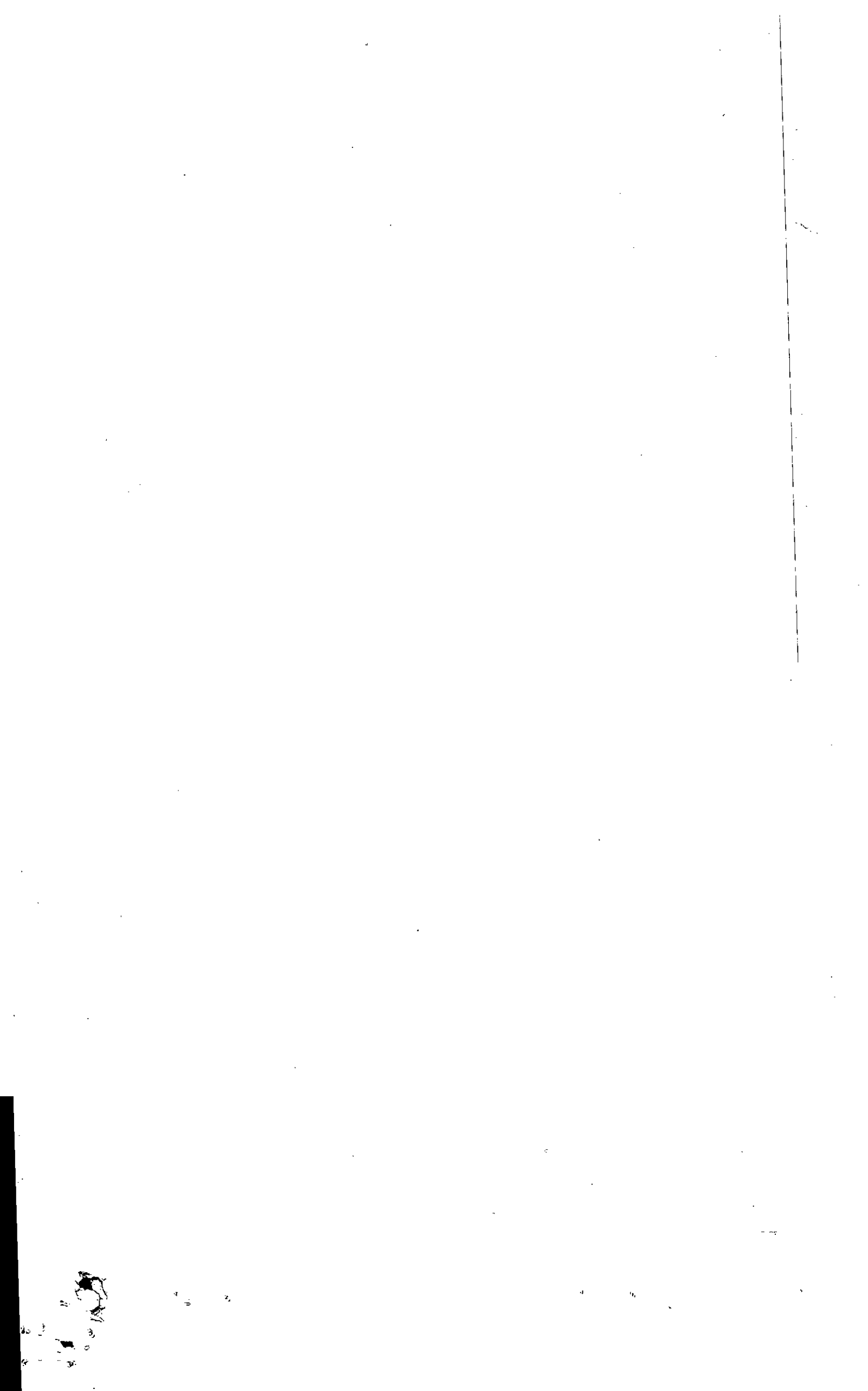
1. Accountant General, Khyber Pakhtunkhwa for further necessary action.
2. Director, E&SE, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Female) Peshawar.
4. Director EMIS, E&SE Department for uploading at official website at the earliest.
5. PS to Minister for E&SE Department, Khyber Pakhtunkhwa.
6. PS to Secretary, E&SE Department.
7. Officers/Official Concerned.
8. Office order file.


(SHAWANA HALEEM)
SECTION OFFICER (S/F)


Ali

TESTED

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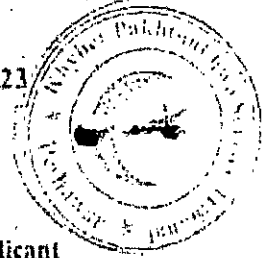


- 11

Reply/6

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

MISC: APPLICATION No. 257 /2023
IN
S.A No. 01/2022



Mst Saima,
Principal, GGHS, Mologo Peshawar..... Applicant

VERSUS

1. Dr. Salma, BQMI
Principal GGHS, Irrigation Colony,
Warsak Road, Peshawar
2. The Chief Secretary
Govt. of Khyber Pakhtunkhwa
Civil Secretariat, Peshawar.
3. The Secretary
Education Officer (Female)
Khyber Pakhtunkhwa, Peshawar
4. The Secretary
Elementary & Secondary Education
Civil Secretariat, Peshawar.
5. Ms. Noshaba
Principal GGHS Irrigation Colony,
Warsak Road, Peshawar.
6. Ms. Tahira Naz
Principal GGHS, Gulabdi,
Jamrud Khyber Respondent

Application U/S -12(2) CPC for setting aside the Judgment/Order of this Hon'ble Tribunal dated 13.03.2023 passed in Service Appeal No.01/2022 being procured by Respondent on the basis of misrepresentation and fraud.

Respectfully Sheweth,

Facts giving rise to the present application are as under:-

1. That Respondent No.1 had filed Service Appeal No.01/2022(Annex:-A) before this Hon'ble Tribunal by assailing the posting/transfer order dated 20.12.2021(Annex:-B) which was admitted to full hearing. Replies were sought from the Respondents, which were accordingly submitted(Annex:-C).

A te **TESTED**

Verified
Signature
EX-100-2023
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

R/6

- 12



4th May, 2023

1. Learned counsel for the petitioner submits that while misrepresenting the facts by the parties in appeal No. 01/2022 titled "Dr. Salma Sami vs. Government of Khyber Pakhtunkhwa" a notification dated 14.09.2022 was produced before the Tribunal constraining it to pass an order in view thereof and in the said notification the appellant of the said appeal named Dr. Salma Sami was shown to have been posted at GGHSS Malogo Peshawar against the post of Principal which too was shown to be lying vacant whereas in compliance with an earlier notification No. SO(S/F)E&SED/4-16/2022/posting/Transfer/36 dated 12.08.2022 the petitioner Mst. Saima had already been working on the post of Principal GGHSS Malogo Peshawar and thus the post was not vacant but even then it was shown to be vacant in the notification of 14.09.2022 which fact was also evident from a letter at page-28 addressed to the Secretary (E&SF) Peshawar wherein respondent No.1 Dr. Salma Sami had informed the Secretary that the post was already occupied by Mst. Saima. Learned counsel for the petitioner further referred to the Civil Miscellaneous application for suspending the operation of notification dated 17.04.2023 vide which some transfers were made but with the statement that the transfer order was being made in compliance with the judgment of this Tribunal dated 14.09.2022 and the petitioner Mst. Saima was transferred from GGHSS Malogo Peshawar to GGHSS Mian Gujjar while respondent No.1 was posted at GGHSS Malogo Peshawar. The subsequent notification of 17.04.2023 prima facie supports the contention of the learned counsel for the petitioner that the order dated 14.09.2022 passed by this Tribunal was a result of some misrepresentation made by the parties. Therefore, we would like to issue notice to the respondents to submit a detailed reply on 18.05.2023 before S.B. In the mean time operation of notification dated 17.04.2023 is suspended. P.P given to the petitioner. The respondents be summoned through TCS, the expenses of which be deposited by the petitioner within two days failing which the interim order shall cease to have affected.

[Signature]

(Kalim Arshad Khan)
Chairman

[Signature]

Attested
Adnan Shah Pk

[Signature]

Certified to be true copy

SECRETARY
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application _____

Number of Pages Page 2

Copy Fee 10/-

Legal 5/-

15/-

Date of Delivery of Copy 05-05-23
05-05-23

[Stamp]



- 13

Reply/7

Office of the
Accountant General

Khyber Pakhtunkhwa
Fort Road Peshawar

No. AG-KP/PR-02/P.Fil/Sughra Sadaf)
To

Dated: 09.05.2023

The Secretary to Government of KP
E&SE Deptt.
Peshawar.

Subject: **RELEASE OF PAY FOR THE MONTH OF FEBRUARY, 2023**

I am directed to refer to your office Notification No.SO(S/F)E&SED/4-16/2023/ Dated 17.04.2023 and relieving order No.SO(S/F)E&SED/4-16/2023/posting transfer Dated 19.04.2023 regarding relieving of Mst Saima from GGHSS Malogo Peshawar and posting of Mst Salma Sami as Principal.

In this regard the Principal concern submitted an application along with Service Tribunal Order copy in appeal No 257/2023 order Dated 04/05.2023 (copy attached) in which the referred order dated 17.04.2023 is suspended (Copy attached).

Being an administrative Department, it is requested to look into the matter/ court order and this office may please be guide for allowing salary to one of the officer (as there is only one post of principal) and also declaration of DDO Ship of the School.

Currently the salary of Mst Saima has not been stopped and the case of Mst Salma Sami has been submitted to this office for starting of pay for the month of May, 2023.

Copy to the:

- ✓ 1) DEO (F) Peshawar.
- 2) Principal GGHSS Malogo Peshawar.
- 3) Dr. Salma Sami.

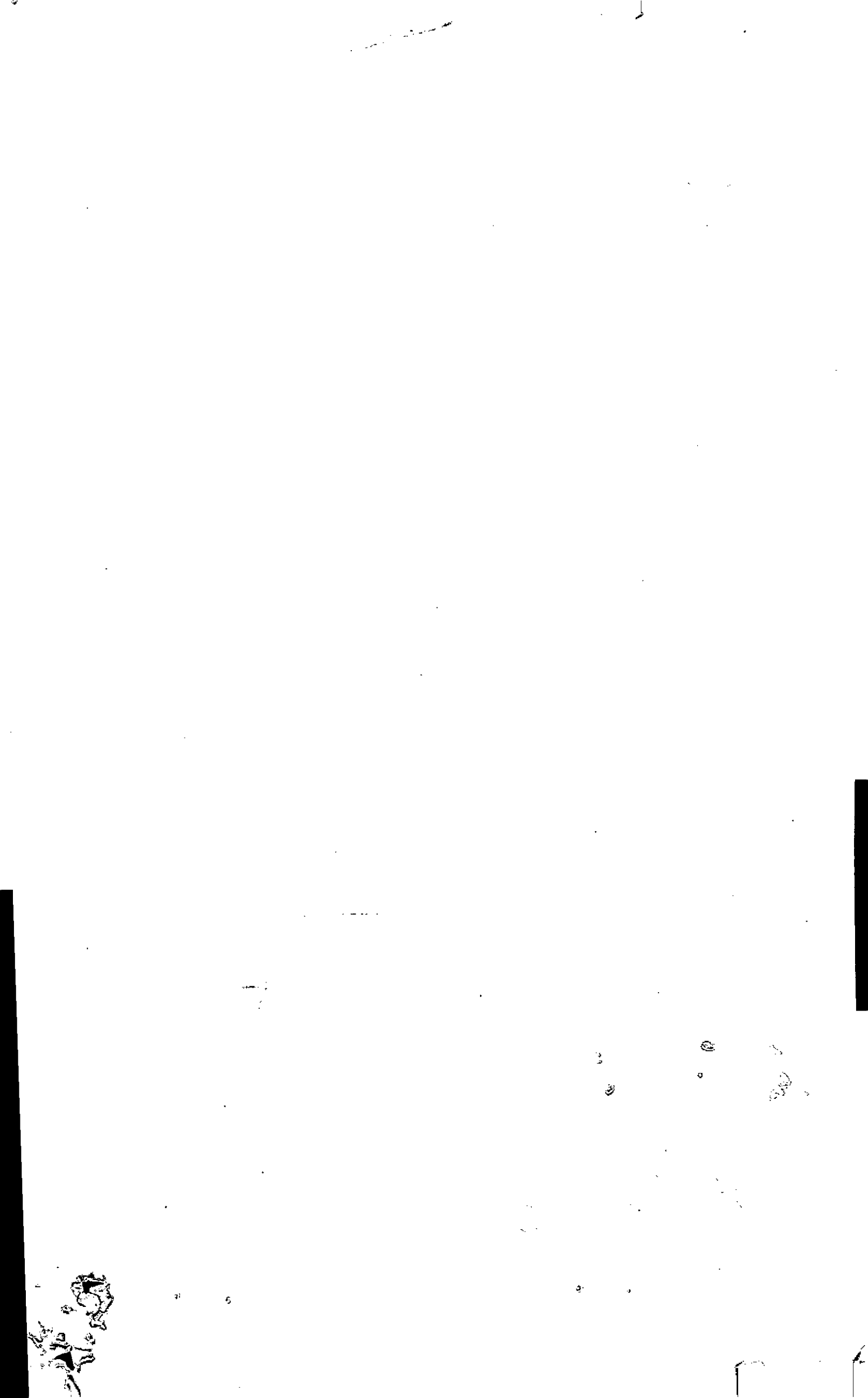
ACCOUNTS OFFICER (PR-02)

ACCOUNTS OFFICER (PR-02)

ATTESTED

DEO = F

R/17



- 14

Reply/8



GOVT. OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Email: eeo@kpk.gov.pk / eeo@kpk.gov.pk

091-9223588

No. SO(SF) E&SED/4-16/PT/2023

Dated Peshawar, the May 19th, 2023

To

Accountant General
Khyber Pakhtunkhwa,
2-Fort Road Peshawar.

SUBJECT: RELEASE OF PAY FOR THE MONTH OF FEBRUARY, 2023

I am directed to refer to your letter No. AG-KP/PR-02/P.Fil/Sughra Sadaf dated 09.05.2023 on the subject noted above and to state that this Department vide Notification dated 17.04.2023 have posted Mst. Salma Sami at GGHS Malogo Peshawar and Mst. Saima at GGHS Mian Gujar Peshawar and the same notification is intact yet.

Therefore, it is requested that salary of the Principals may be processed accordingly till further order, please.

(SHAWANA HALEEM)
SECTION OFFICER (S/F)

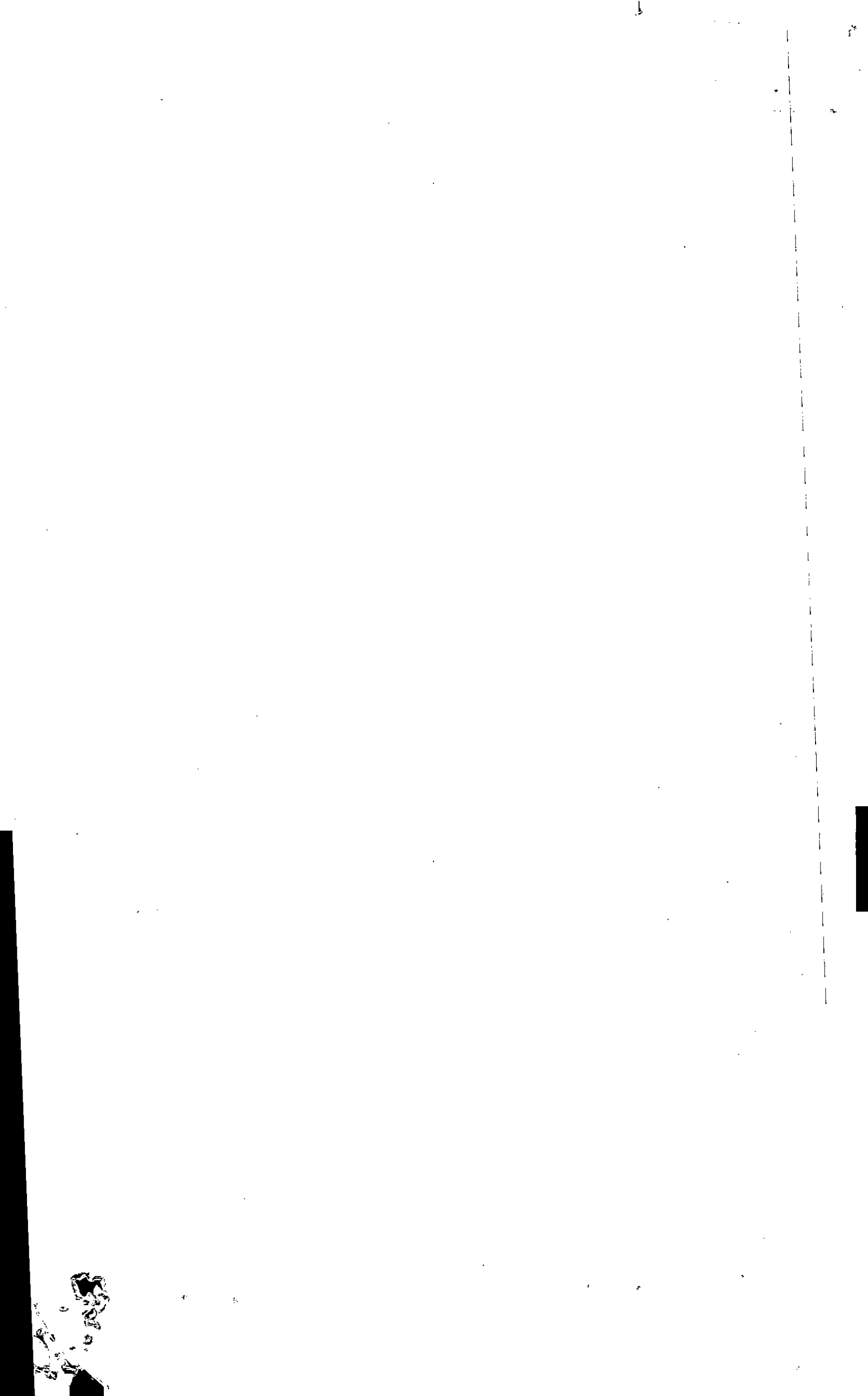
Encl: of even No. & Date:

Copy forwarded for information to: PS to Secretary E&SE Department.

SECTION OFFICER (S/F)

Handwritten signatures and stamps

R/S



PART II

CHAPTER III.—GENERAL CONDITIONS OF SERVICE.

F. R. 10. Except as provided by this rule, no person may be appointed in Pakistan to a post in Government service without a medical certificate of health, which must be affixed to his first pay bill. A local Government may make rules prescribing the form in which medical certificates should be prepared, and the particular medical or other officers by whom they should be signed. It may, in individual cases, dispense with the production of a certificate, and may by general orders exempt any specified class of Government servants from the operation of this rule.

(For rules made by the Governor-General under Fundamental Rule 10, see Supplementary Rules 3, 4 and 4-A).

[For Administrative Instructions issued by the Governor-General in connection with Fundamental Rule 10 regarding CONDITIONS OF AGE ON APPOINTMENT TO GOVERNMENT SERVICE, See Part I of Appendix No. 3 in Volume II of this Compilation.]

Government order.—Once a person is asked to produce a medical certificate of fitness for entry into Government Service whether in a permanent or temporary capacity and has actually been examined and declared unfit, it is not open to the authorities exercising the powers of a local Government to use their discretion to ignore the certificate that has been produced.

[G. I., F. D., Endorsement No. F. 6 (13)-R. II/44, dated the 11th May, 1944.]

†F. R. 10-A. (a) The authority competent to fill the post held by a Government servant may require him to appear before a medical authority for medical examination if, in the opinion of the competent authority, the Government servant is suffering from a disease which renders him 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 other Government servants.

(b) If the medical authority concerned, after examining the Government servant, certifies that the Government servant requires a period of absence from duty for the purpose of rest and treatment and that there is reasonable prospect of his recovery, the competent authority may grant him leave, including extraordinary leave, for such period as the medical authority recommends, provided that it is due and admissible to the Government servant, and the competent authority may do so as if the Government servant had himself applied for the leave.

(c) (i) If the medical authority after examining the Government servant, certifies that the Government servant is permanently incapacitated for further service, the competent authority may require him to retire from service and may grant him such invalid pension and/or gratuity as may be admissible to him under the rules, and the competent authority may do so as if the Government servant had himself applied for an invalid pension.

(ii) If the reviewing medical board also certifies that the Government servant is permanently incapacitated for further service, the competent authority may require him to retire from service and may grant him such invalid pension and/or gratuity as may be admissible to him under the rules, and the competent authority may do so as if the Government servant had himself applied for an invalid pension.

(ii) In case the reviewing medical board holds that the Government servant is fit for Government service, he shall be reinstated forthwith and the period of his absence will be treated as duty. If, however, the board certifies that the Government servant is not fit but there is a reasonable prospect of his recovery, the case will be regulated under the provisions of clause (b) above.

(iii) In case the Government servant concerned does not apply for a review of his case within seven days of the receipt by him of the official intimation of the findings of the first medical board, the competent authority may require him to retire from service and may grant him invalid pension and/or gratuity as provided for in sub-clause (i) above.

(d) The Central Government may make rules prescribing the form in which the medical certificate should be prepared and the medical officers by whom it should be signed.

(For rules made by the President under Fundamental Rule 10-A, see Supplementary Rule 4-AA.)

F. R. 11. Unless in any case it be otherwise distinctly provided the whole time of a Government servant is at the disposal of the Government which pays him, and he may be employed in any manner required by proper authority, without claim for additional remuneration, whether the services required of him are such as would ordinarily be remunerated from general revenues, from local fund or from the revenues of a State that has acceded to Pakistan.

F. R. 12. (a) Two or more Government servants cannot be appointed substantively to the same permanent post at the same time.

(b) A Government servant cannot be appointed substantively except as a temporary measure, to two or more permanent posts at the same time.

(c) A Government servant cannot be appointed substantively to a post on which another Government servant holds a lien.

F. R. 12-A. Unless in any case it be otherwise provided in these rules, a Government servant on substantive appointment to any permanent post acquires a lien on that post and ceases to hold any lien previously acquired on any other post.

Reply

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ARRESTED

R/9

WAKALAT NAMA

IN THE COURT OF KPK Service Tribunal Peshawar

Dr Salma Sami

Appellant(s)/Petitioner(s)

VERSUS

Govt of KPK et

Respondent(s)

I/We Respondent no 17 do hereby appoint **Mr. Khaled Rehman**, Advocate, Supreme Court & **Mr. Muhammad Ghazanfar Ali**, Advocates 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 Rahman,
Advocate,
Supreme Court of Pakistan

&

Muhammad Ghazanfar Ali
Advocate, High Court

4-B, Haroon Mansion
Khyber Bazar, Peshawar
Off: Tel: 091-2592458

Signature of Executants