

26th Oct. 2023

1. Learned counsel for the petitioner present. Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.

2. In compliance with the judgment of the Tribunal a notification was issued on 27.03.2023, regularizing the services of the petitioner from August 2015 to 5th September, 2022 without HPA against the existing post. Learned counsel for the petitioner objects that the department ought to have also granted HPA because she was kept away from service by the respondents for none of her fault. The department has filed para-wise reply and in para-4 of the reply, the department refers to a notification of the Finance Department dated 07.01.2016, wherein HPA is only allowed during period of posting against the sanctioned post at the Health Department and further stated that the petitioner was not posted from August 2015 to September, 2022, therefore, she was not entitled to receive HPA for the absence period. When confronted with the situation, the learned counsel for the petitioner sought some time to assist the Tribunal. The learned AAG is also put on notice to assist the Tribunal whether in presence of the judgment of the Tribunal for releasing salaries, the department could withhold any of the portion of the salary especially when the petitioner's stance is that she was kept away from service for none of her fault? Learned counsel for the petitioner and learned AAG shall assist on the above points. To come up on 29.11.2023 before S.B. P.P given to the parties.


(Kalim Arshad Khan)
Chairman