

03.05.2017

Counsel for the appellant and Mr. Muhammad Kabir Ullah Khattak Assistant, AG for the respondents present. Learned Assistant, AG requested for adjournment. Adjourned. To come up for final hearing on 24.08.2017 before D.B.



Member


Chairman

24.08.2017

None for the appellant present. Mr. Muhammad Jan, DDA for respondents present. Notice be issued to the appellant and his counsel. Adjourned. To come up for arguments on 25.10.2017 before D.B.


(Gul Zeb Khan)
Member

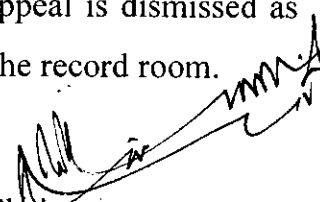

(Ahmad Hassan)
Member

25.10.2017

Appellant in person and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Appellant submitted application for withdrawal of the appeal.

In view of the above, the appeal is dismissed as withdrawn. File be consigned to the record room.


Member


Chairman

ANNOUNCED
25.10.2017

695/2016

28.11.2016

Appellant in person and Wisal Muhammad, ADO
alongwith Addl. AG for respondents present. Written reply
submitted. The appeal is assigned to D.B for rejoinder and
final hearing for 01.02.2017.


Chairman

01.02.2017

Appellant in person and Mr. Ziaullah, GP for respondents present.
Appellant submitted rejoinder and copy also handed over to learned GP.
To come up for arguments on 27.02.2017 before D.B.


(AHMAD HASSAN)
MEMBER


(ASHFAQUE TAJ)
MEMBER

27.02.2017

Counsel for the appellant and Assistant AG for respondents
present. Counsel for the appellant requested for adjournment. Request
accepted. To come up for arguments on 03.05.2017 before D.B.


(AHMAD HASSAN)
MEMBER



(MUHAMMAD AAMIR NAZIR)
MEMER

25.07.2016

Appellant with counsel present. Learned counsel for the appellant argued that the appellant was serving as C.T Teacher when retired from service on medical ground w.e.f. 06.3.2014 vide office order dated 12.3.2016. That after gaining health appellant submitted application to the competent authority for rejoining service. Vide letter dated nil he was referred to Nuro Surgery Unit of LRH, Peshawar by Standing Medical Board for his re-examination regarding his fitness for the job: That the examination of the appellant was under process when vide final order dated 03.06.2016 the application was rejected and hence the instant service appeal on 28.06.2016.


That the appellant is fit for performing of his duties and therefore entitled to resume his duty as C.T Teacher.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 28.09.2016 before S.B.


Chairman

28.09.2016

Appellant in person and Addl: AG for respondents present. Written reply not submitted. Learned AAG requested for time to submit written reply. Request accepted. To come up for written reply/comments on 28.11.2016.





Member

Appellant Deposited
Security & Process Fee

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 695/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	28/06/2016	<p>The appeal of Mr. Niaz Ali Khan presented today by Mr. Muslim Khan 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;"> REGISTRAR</p>
2-	29-6-2016	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on. <u>04-07-2016</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	04.07.2016	<p>Appellant with counsel present. Learned counsel for the appellant requested for adjournment. Request accepted. To come up for preliminary hearing on 25.07.2016 before S.B.</p> <p style="text-align: right;"> Member</p>

BEFORE THE K.P. K SERVICE TRIBUNAL PESHAWAR

Appeel No 695/2016

Mr. Niaz Ali Khan EX-CT GMS Daulat \Pura Charsadda.

Verses

1. Director of S.& SE Secondary Education Peshawar.
2. DEO (M) Secondary Charsadda (Edu : Department)

INDEX			
S.No	DOCUMENTS	ANNEXURE	Page
1	MEMO OF APPEAL	--	1-3
2	OPINION OF MEDICAL BOARD	A	4
3	ORDER OF RETIREMENT	B	5
4	APPTT: PROMOTION ORDER SERVICE /BOOK LPC PENSION PAPERS RECEIPT OF GRATUITY	C	6-20
5	DOCTOR OPINION /MED FILM	D . DA	21 - 21 A
6	DEPARTMENTAL APPEAL	E	22
7	REJECTION ORDER	F	23
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Appellant

NIAZ ALI KHAN EX-CT

GMS DAULAT PURA CHARSADDA

THROUGH

ADVOCATE

Muslim Khan

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

APPEAL NO. 695 /2016

Mr. Niaz Ali Khan Ex-CT GMS Daulat Pura Charsadda _____ Appellant.

Khyber Pakhtunkhwa
Service Tribunal

VERSUS

Diary No. 675

Dated 28-6-2016

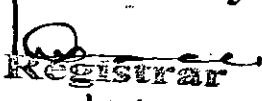
1. Director E & SE KPK (Establishment)
2. (Edu Deprtt) District Education Officer (M) Charsadda (Respondents)

APPEAL UNDER SECTION-4 OF THE NWFP SERVICE TRIBUNALS
ACT 1974 FOR DIRECTING THE RESPONDENTS TO REINSTATE /
RE-EMPLOYE THE APPELLANT ACCORDING TO CSR 1934.

PRAYER: *That on acceptance of this appeal the respondents may be directed to Reinstate the appellant into service according to the CSR 1934 being now fit for duty. Any other remedy which this august Tribunal deems fit that may also be awarded in favour of appellant.*

R. SHEWET:-

1. *That the appellant joined the EDU: Department in the year 1993 as Daftari /Clerk then promoted to CT Post and served the EDU Deptt: upto the entire satisfaction of his superiors till 2014. The appellant was suffering from Spine Column No 3&4 Dics problems ; therefore he was medically boarded out on the recommendations of standing medical board order vide No 713 dated 1-03-2014 Copies of the medical board, retirement and other service record are attached as Annexure -A, B & C respectively.*

Filed to-day

 Registrar
 28/6/16

2. That the appellant continued his treatment and finally declared fit for duty by the concerned district Headquarter Hospital Medical officer Charsadda on 5/5/2016 copy of the medical fitness certificate is attached as annexed -D.

3. That appellant has been referred by the standing medical board to LRH for opinion copy is attached as Annexure-E.

4. That thereafter the appellant submitted an application for reinstatement but in vain. Finally appellant's departmental appeal was dismissed 03/6/2016. Copy attached as Annexure -F.

Grounds :-

A. That orders of competent authority of not considering the reinstatement of appellant according to the rules is against law, fact, natural justice and material on the record, hence not tenable.

B. That the appellant has been declared fit for duty by the competent doctor and has been referred by the Standing Medical Board for opinion to LRH. The Deptt. should consider the appellant as per rules.

C. That Deptt. Should have waited to opinion of the neuron surgeon , but acted illegally in haste.

D. That the Deptt. has not given any plausible and cogent reason for not re-instating the appellant.

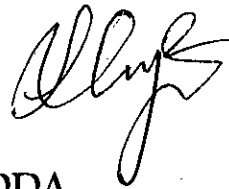
- E. That the appellant deserves re-instatement according to CSR rules as applicable.
- F. That similar cases have already been decided in favour of other appellants and the appellant deserves same treatment.
- G. That appellant has been discriminated by the Deptt. while so many civil servants have been reinstated similar cases at various departments, but the same benefits has not been extended to the appellant.
- H. That the appellant seeks permission to advance other grounds at the time of hearing.

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

APPELLANT

NIAZ ALI KHAN EX-CT

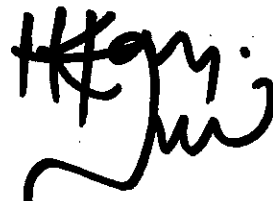
GMS DAULAT PURA CHARSADDA



THROUGH :

ADVOCATE

MUSLIM KHAN



28-6-2016

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page 4

Annexure-A

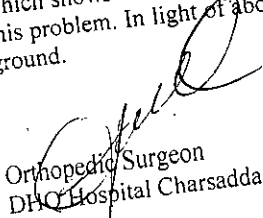
OFFICE OF THE MEDICAL SUPERINTENDENT DHQ HOSPITAL CHARSADDA.


STANDARD MEDICAL BOARD

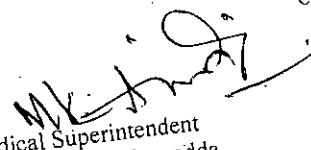
The standard medical Board comprising of the following doctors: -

- 1. Medical Superintendent
DHQ Hospital Charsadda Chairman
- 2. Orthopedic Surgeon
DHQ Hospital Charsadda Member
- 3. Medical Specialist
DHQ Hospital Charsadda Member

Examined Mr. Niaz Ali S/O Muhammad Siddiq C.T Teacher on 6.3.2014. He was referred to Neurosurgery Unit Lady Reading Hospital Peshawar for opinion regarding his complaints. OPD chit with covering letter No.716 dated 29.2.2014 of Neurosurgery Unit LRH is attached which shows L4, L5 disc prolapse. According to them he is unable to perform his duty due to this problem. In light of above opinion, the board recommends him for retirement on medical ground.


Orthopedic Surgeon
DHQ Hospital Charsadda


Medical Specialist
DHQ Hospital Charsadda


Medical Superintendent
DHQ Hospital Charsadda

CIC
Haji
Rahim

Phone No 9220082

OFFICE OF THE DISTRICT EDUCATION OFFICER MALE CHARSAJDA

OFFICE ORDER

Consequent upon the recommendation of standing medical board dated 06-03-2014 in r/o Mr, Niaz Ali Khan CF GMS Daulat Pura as declared unfit for further duty.

He is hereby retired from service on medical ground w.e.f 06-03-2014 & he is allowed 189 days encashment of LPR from the date as noted above with all pensionary benefits on medical ground under the rules.

Note: Necessary entry to this effect should be made in his s/book.

(SIRAJ MUHAMMAD)
DISTRICT EDUCATION OFFICER
MALE CHARSAJDA

Endst:No 1619-24 /Dated 12/3 /14

- Copy for information to the:-
- 1 Medical Superintendent DHQ Hospital Charsajda.
 - 2 District Accounts Officer Charsajda.
 - 3 Head Master GMS Daulat Pura.
 - 4 Cashier Local Office.
 - 5 Official concerned.
 - 6 Office file.


12/3/14
DISTRICT EDUCATION OFFICER
MALE CHARSAJDA

CIC
Hkamj
Wu

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) SECONDARY CHARSUDDA

OFFICE ORDER.

Mr. Niaz Ali S/O Mohammad Sadiq R/O Prang is hereby appointed as Daftari at the Office of the District Education Officer (Male) Secondary Charasudda in EPB: NO.2 945-32-1495 plus usual allowances as admissible as under the rules from the date of taking over charge in the interest of public service.

- NOTE:-
- The appointment is purely been made on temporary basis and liable to termination at any time with any notice or reason.
 - He should produce ^{from} M/A certificate with authorised Medical Officer.
 - He should not be handed over charge if his age is less than 18 years and above than 40 years.
 - Charge reports should be submitted to all concerned.

(ALI GHAN KHAN)
District Education Officer
(Male) Secondary Charasudda.

Order No. 274/44 / Dated Charasudda the 3/4/1993.

Copy forwarded for information to the :-

- 1:- Minister for Education, NWFP, Peshawar.
- 2:- District Accounts Officer Charasudda.
- 3:- A.B.E.O. Local Office.
- 4:- Office/Personal file.

Charasudda the 3/4/93

District Education Officer
(Male) Secondary Charasudda

REMARKS.

CIC
H.K.M.

3/4/93

OFFICE OF THE DIVISIONAL DIRECTOR OF EDUCATION, SCHOOL PESHAWAR, DIVI: PESH:

APPOINTMENT

Mr/Mrs Mrs Ali Khan S/O Muhammad Saddiq Bsc C.T.

Candidate is hereby appointed temporarily as C.T. Post
at G.M. Khan Killi Charsada On 16/05/95 /P.M.PBS, 9
plus usual allowances as admissible under the rule with effect from
the date of his/her taking over charge against a Newly Created Post

- Notes:-
- 1: Charge report should be submitted in duplicate to all concerned.
 - 2: The appointment of the candidate is being made strictly on temporarily basis and is liable to termination at any time without assigning any reason. In case he/she wishes to resign his/her post he/she shall have to give one month's notice or forfeit one month's pay in lieu thereof.
 - 3: His/her original Education Qualification date of birth and Domicile Certificates should be checked before he/she is handed over charge of his post and attested copies thereof be kept on record of his school/office.
 - 4: Tu/DA etc. is not allowed.
 - 5: He/ She should be sent to the Distt/Agency Surgeon concerned for Medical Examination the day on which he/she reports his/her arrival for duty and no pay should be drawn for his/her illness and until he/she produce his/her Health and age Certificate from the said Surgeon.
 - 6: The pay Scale and service rules would be subject to revision in accordance with the orders to be passed by the Government of NWFP from time to time.
 - 7: His/her verification report of character and antecedent should be got.
 - 8: He/she should be handed over charge of the post if he/she is below 18 years or above 30/40 years of age.
 - 9: If he/she fails to report his/her arrival within 15 days a resort to this effect should be sent to this Office at (ATONCE).

SHAH- E- ROOM KHAN
DIVI: DIRECTOR OF EDUCATION
(S) PESHAWAR DIVI: PESHAWAR

Endst No: 396-99 / Dated: the 25.5.95

Copy for worded for information and necessary action to the:-

1. District Education Officer (Male) Secondary Charsada.
2. District Account Officer Charsada.
3. Candidate Concerned.
4. Personal File.

M. Chaudhry
FOR DIVI: DIRECTOR OF EDUCATION
(S) PESHAWAR DIVI: PESHAWAR
25/5/95

C.T.C
H.K.M.
L.W.

(For Use in Police Department Only)

35

Roll No.

dated

received back

Left Thumb Impression

Qualification	Date	Qualification	Date
(1) passed (PSCA) Examination from PESHAWAR		from PESHAWAR	
under Rule No-12753		obtained marks	
		445/550 Grade (C)	

English		from PESHAWAR	
passed FA Examination Board under Rule No-		First Arts	
301/1100		obtained marks	
		Grade (C)	

passed BSc Examination from University	B.L. or B.A.
of Peshawar under Rule No. 41636	obtained
marks 265/550	Pledership examination

Plan-drawing		from PESHAWAR	
passed CP Examination under Rule No-54 and		Training School Final examination	
		687/1100 in first division	

Finger Print	ALL copied from original
	Other qualifications---
	Peshawar

Drill Instructing	
(5) passed MA Examination from	PESHAWAR

Court Duties	
from THE UNIVERSITY OF PESHAWAR	
under Rule No 17168 and obtained	
marks 576/1100 Result secution	

Result 13/39	

N.B. - Line to be drawn under the qualification possessed.

CIC
Hkam
LW

int no

348

10	11	12	13		14	15		
			Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer			Leave	
							Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitabale to another Government
Date of termination of appointment			Period	Government to which debitabale	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant		
DEO (M) Secy Charanda 11/19/93	A/Inc	Mallik		Appointement against Dept. VI post in regular B.P.S. No. 2 at P.R.S. 945-321-1425-27				
DEO (M) Secy Charanda 1/6/94	Basic pay 15 Revised	Mallik		DEO (M) Secy Charanda No 2741-44 dated 3/5/93				
DEO (M) Secy Charanda 3/0/94	A/Inc	Mallik			M. Mallik			
DEO (M) Secy Charanda 5/25/95	promoted to CT post	M. Mallik		(1) Service of pay...				
DEO (M) Secy Charanda 3/0/95	A/CERTIFICATE			(2) Service verified w.c.f certified that the official 1/9/94 to 3/0/94 from has not been validated, records of this office from 25-5-94 to 31-8-97 are valid.				
DEO (M) Secy Charanda 1/22/97	Transfer/Adjustment to L.H. Kamrind Khan F.S.I. (M/18)			(3) Service verified with effect from 1/12/94 to 24/5/95 from the records of DEO office.				
DEO (M) Secy Charanda 3/0/96	A/Inc			Appointement/promoted to regular B.P.S. No. 2 at P.R.S. 1605-97-3060 P.S. 1. P.M. - Div. 1. Sub. CSO post number No 376-97 dated...				
DEO (M) Secy Charanda 3/1/97	Transfer							

CIC
H.K.M.
J.W.

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1	2	3	4	5	6	7	8
	Whether substantive or officiating and whether permanent or temporary	If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension, under Art. 371 CSR.	Pay in substantive post	Additional Pay for Officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant
	Substantive		Rs 2327/p.m.			1-9-97	[Signature]
	do.		Rs 2548/p.m.			1-12-97	[Signature]
	do.		Rs 2709/p.m.			1-12-98	[Signature]
	do.		Rs 2709/p.m.			1-5-99	[Signature]
	do.		Rs 2709/p.m.			9-2-99	[Signature]
	do.		Rs 2870/p.m.			1-12-99	[Signature]
	do.		Rs 3031/p.m.			1-12-2000	[Signature]
	do.		Rs 3192/p.m.			1-12-2001	[Signature]
			P.T.O.				

CIC
 H.K.M.
 [Signature]

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Service verified with office from 25/1/97 to 27/1/97

10 Name and position of head teacher or other officer in charge of school as at 1 to 8	11 Date of termination of appointment	12 Reason of termination (such as promotion, transfer, dismissal, etc.)	13 Signature of the head of the office or officer attesting Office	14 Name and designation of leave which	15 Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government	16 Signature of the head of the attesting office	17 Reference to records, or certificate, or other documents of Government
Head Master C.M.S. High School Khanpur	15/97	Adjustment	[Signature]	Master	adjuvant Service from 25/1/95 to 21/8/97	[Signature]	Reference to records of Government
Head Master C.M.S. High School Khanpur Agency	30/11/97	A/mc.	[Signature]	Master	Date 27/1/97 of Director of Education (C.F.A.T.A) post.	[Signature]	Reference to records of Government
Head Master C.M.S. High School Khanpur	3/11/98	Annual Government	[Signature]	Master	Service verified from 1-9-97 to 30/11/97	[Signature]	Reference to records of Government
Head Master C.M.S. High School Khanpur	31/1/99	Transfer to Hajipur	[Signature]	Master	The records of this school	[Signature]	Reference to records of Government
Head Master C.M.S. High School Khanpur	3/1/99	Transfer to Hajipur	[Signature]	Master	Service verified from 1-9-97 to 30/11/98	[Signature]	Reference to records of Government
Head Master C.M.S. High School Khanpur	3/1/99	A/mc.	[Signature]	Master	The records of this school	[Signature]	Reference to records of Government
Head Master C.M.S. High School Khanpur	3/1/99	A/mc.	[Signature]	Master	Service verified from 1-12-98 to 31/5/99	[Signature]	Reference to records of Government
Head Master C.M.S. High School Khanpur	3/1/99	A/mc.	[Signature]	Master	The records of this school	[Signature]	Reference to records of Government
Head Master C.M.S. High School Khanpur	3/1/99	A/mc.	[Signature]	Master	Service verified from 1-6-99 to 8-9-99	[Signature]	Reference to records of Government
Head Master C.M.S. High School Khanpur	3/1/99	A/mc.	[Signature]	Master	The records of this school	[Signature]	Reference to records of Government
Head Master C.M.S. High School Khanpur	3/1/99	A/mc.	[Signature]	Master	Service verified from 27/1/97 to 25/11/99	[Signature]	Reference to records of Government
Head Master C.M.S. High School Khanpur	3/1/99	A/mc.	[Signature]	Master	The records of this school	[Signature]	Reference to records of Government

CIC
Khanpur

9 Signature and attribution of the head of the office or other attesting officer in attribution of columns 1 to 8	10 Date of termination of appoint- ment	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting Officer	13 Leave Allocation of period of leave on average pay upto four months for which leave salary is debtible to another Government	14 Signature of the head of the office or other attesting officer	15 Reference to an recorded punishm or censure, or rev or praise of the Government Serv	
				Nature and dura- tion of leave taken	Period	Government to which debtible	
						Earned leave sanctioned vide DCO Chd No 7024 Dated 4.10.2012 for the period w.e.f 3.9.2012 to 1.01.2013 (120 days)	
						Earned leave cancelled re, 60 days from 1.11.2012 to 1.1.2013 vide DCO Chd order No 7024 dt 28/11/12	
						Service verified with effect from 10.10.2012 to 30.11.2012 from the records of this office	
						Service verified for the month of April 2013.	

TK 240

17/12

33000 789737/
Up to 1/9/2012 to 31/10/12
and regular pay from 1/11/2012

[Signature]
District Officer
E&SE Charsadda

[Signature]

[Signature]
District Officer
E&SE Charsadda

[Signature]
District Officer
E&SE Charsadda

CJC
Hkam
Ch

[Signature]
D.O. Chd

00148966 352

LAST PAY CERTIFICATE

1. Last Pay Certificate of Niaz Ali Khan Exct
of the DBO (M) Charsadda
Proceeding to Retired
to _____
2. He has been paid up to 6-3-2014
at the following rates:

<u>Particulars.</u>	
Substantive Pay	Pay = 22500/-
Officiating Pay	HRA = 1566/-
Exchange Compensation Allowance	Convey = 2720/-
_____	MA = 1200/-
_____	AR10 = 5970/-
<u>Deductions</u>	AR11 = 1791/-
<u>GPF 1520/- BF 180 (as 115)</u>	AR12 = 4500/-
<u>15215-1372 BF 100</u>	AR B = 3325/-
3. He made over charge of the Office of _____	ARTN _____
on the <u>6-3-14</u> noon of _____	

4. Recoveries are to be made from the pay of the Government Servant as detailed on the reverse. 93600/-
5. He has been paid leave salary as detailed below. Deductions have been made as noted on the reverse.

<u>Period</u>	<u>Rate</u>	<u>Amount</u>
<u>1</u> to _____ at Rs _____		_____ a month.
_____ to _____ at Rs _____		_____ a month.
_____ to _____ at Rs _____		_____ a month.

draw the following:-
to joining time for _____ days.
Income Tax recovered from him up to the date from the beginning noted on the reverse.

By the Dated _____ 2014
[Signature]
S. G. E. O. (Main)
Charsadda

CTC
HKM
[Signature]

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FORM 3 (F SN)

PENSION PAPERS OF

^H
Mrs. ~~Miles~~ Near Ab. 14th St. Ex-CT GHS Dental - Dora Chassey

CIC
HKM
W

D - NO 1936

B. Please read carefully the relevant rules, instructions and orders.
In the case of Family Pension for death while in service, Page-2 will not be filled in if
Page-3 will be applicable.

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(To be filled and signed by the applicant himself/herself)

APPLICATION FOR FAMILY PENSION

To: The _____

Dear Sir,

1. I have the honour to say that my husband/wife* _____
has expired on (date) _____ I, therefore, request that the family
pension admissible under the rule may kindly be sanctioned to me.

2. I declare that I have neither applied for nor received any family pension.

3. Should the amount of the family pension granted to me be afterwards found to
be in excess of that to which I am entitled under the rules, I hereby undertake to refund
any such excess.

4. I wish to draw my pension from the: District Accounts Office
Government Treasury/Sub-Treasury
National Bank of Pakistan Branch
at (Place) _____

5. The following documents, duly attested, are enclosed:
- (i) Three specimen signature of mine duly attested/two sets of my thumb and finger impression on the prescribed form.
 - (ii) Three photographs of mine.**
 - (iii) List and particulars of family members.
 - (iv) Descriptive Roll.
 - (v) Death Certificate.
 - (vi) Non-marriage and non-separation certificate.

Yours faithfully

Signature _____
Widow/Husband/Entitled _____
Member of the family
Postal Address _____

Dated _____

*Indicated relationship with the deceased Government Servant
**Not applicable in the case of Purdah - observing lady.

CIC
Hami
CWC

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PART - II

(To be completed by the Office/Department receiving the application for Pension)

SECTION (1) - PARTICULARS OF APPLICANT

1. Name of Civil Servant Mrs Ali Khan

2. Father's name Muhammed Sadeq

3. Nationality Pakistan

4. Postal address Villa F D O P.O. Taki & D. W. Charsadda

5. Post held on the date of retirement/death and BPS -15(CT)

6. Date of birth 1-5-1967

7. Commencement of service 4-4-1993
 Retirement / death 6-3-2014
 Application for Pension -

8. Length of service:
 From: 4/1993 To: 6/3/2014 Y. M. D.
 From: 4/1993 To: 6/3/2014 20 - 11 - 3
 Total:- 20-11-3

9. Date of commencement and ending of each spell of military service, if any:
 From: - To: - Y M D
 From: - To: - Y M D
 Total:- - - -

10. Government under which service has been rendered in chronological order:
 Government of K.P.K from 4/1993 to 6/3/2014 i.e. 20-11-3
 Government of - from - to 2014 i.e. -
 Government of - from - to - i.e. -
 Total:- 20-11-3

11. Class of pension or gratuity applied for Invited

12. Average Emoluments/Emoluments last drawn 22500/-

13. Proposed gross pension/gratuity 11025/-

14. Proposed family pension -

15. Proposed gratuity in lieu of 1/4th pension of -

16. Proposed value of commutation -

17. Proposed net pension 7166/25

18. Place of District Accounts Office/
 Treasury/Sub-Treasury Charsadda

19. Date from which pension is to commence 20-5-2014

Signature of head of Office/Department [Signature]
 D.E.O (Male)
 Charsadda

* Entries No. 1, 2, 3, 4 and 18 should be made in capital letter.

CTC
HKM
[Signature]

SVCE
M
11-3
D

6

355

... beyond 30 years.
... in case of family pension for death
... OR
... portion of pension.
... pension.

Total Pension

Rs. 11025/
Rs. —
Rs. 11025/2
Rs. —
Rs. 3858/75
Rs. 766/25

SECTION (5) CALCULATION OF GRATUITY IN LIEU OF SURRENDERED PENSION (IN CASE OF FAMILY PENSION FOR DEATH WHILE IN SERVICE)

Length of total qualifying service.
Amount of pension surrendered.
Rate of gratuity for every rupee surrendered (on pro rata next birth day basis).
Lump-sum gratuity admissible.

21 Years.
Rs. —
Rs. —
Rs. —

SECTION (6) COMMUTED VALUE OF PENSION

(i) Amount of pension to be commuted.
(ii) Age next birth day.
(iii) Rate of commuted value for every one rupee (on age next birth day basis).
(iv) Commuted value of pension.

Rs. 3858/75
57 Years.
Rs. —
Rs. —

SECTION (7) ORDERS OF THE SANCTIONING AUTHORITY

1. The undersigned is satisfied that the service of M. S. A. Khan has been satisfactory. The grant of fully pension and/or gratuity which the Audit Officer may find to be admissible under the rules is hereby sanctioned. OR

The undersigned is satisfied that the service of _____ has not been satisfactory and it has been decided that the full pension and/or gratuity found by the Audit Officer to be admissible under the rules should be reduced by the specific amount or percentage given below:—

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

2. The payment of pension and/or gratuity may commence from 30.5.2015. Before issuing the pension payment order, the Audit Officer may kindly ascertain whether the Last Pay and No Demand Certificate have been received by him. In case the Last Pay Certificate and/or No Demand Certificate has/have not been received with the pension papers, the Audit Officer should issue P.P.O. Subject to the production of the Last Pay Certificate and/or an undertaking at the time of first payment of pension/gratuity, by the pensioner, or his family in case of his death) to the effect that any demand coming to the notice within a period of one year after the issue of P.P.O. would be recovered from him/her.

c/c
H Khan
C

Signature _____
Designation _____


354


NO DEMAND CERTIFICATE

Certified that Mr./Mrs. Neeraj Ali Khan Designation CT
is/are involved in any departmental / judicial / Anti-Corruption case nor dues are
outstanding against the government servants.

Signature _____

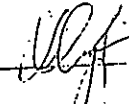
Designation _____

ATTESTED

By D.E.O. (Male)
Charsadda

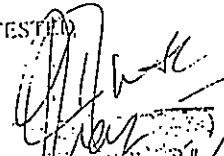

D.E.O. (M)
Charsadda


DECLARATION CERTIFICATE

I declare that I have neither applied for nor received any pension or gratuity for any
portion of this service and shall not submit any application hereafter without quoting
reference to this application and to the order which may be passed on it.

Signature 

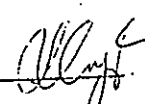
Designation CT

ATTESTED

By D.E.O. (Male)
Charsadda



D.E.O. (M)
Charsadda

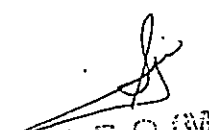
UNDERTAKING

I Mr./Mrs. Neeraj Ali Khan
Designation CT given undertaking that any over
payment coming to notice within one year of my proceeding on pension may be
recovered from my pension etc.

Signature 

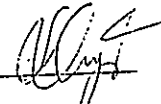
Designation CT

ATTESTED

By D.E.O. (Male)
Charsadda

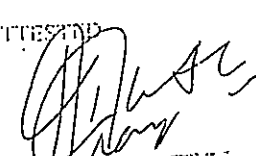

D.E.O. (M)
Charsadda

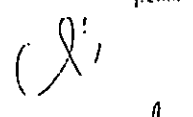
OPTION

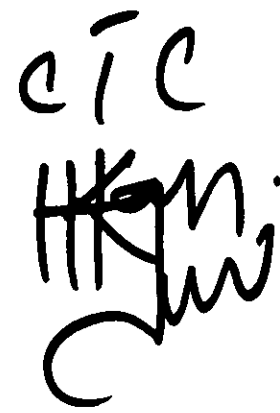
I Mr./Mrs. Neeraj Ali Khan opted to commute 35% of my gross
pension.

Signature 

Designation CT

ATTESTED

By D.E.O. (Male)
Charsadda


D.E.O. (M)
Charsadda



FILED IN THE OFFICE OF THE SECRETARY

353
CT

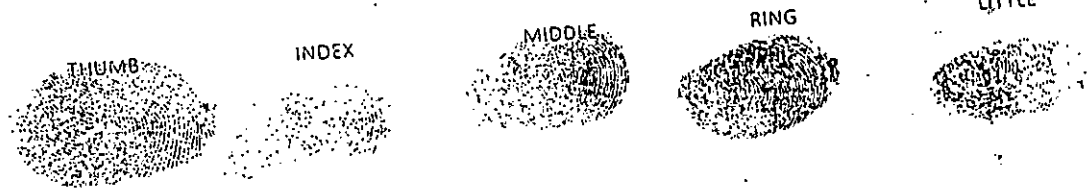
Signature of Mr. / M/s. Nice Ali Khan

Designation: CT

ATTESTED
D. E. S. (Male)
Charsadda

Left / Right hand thumb and finger impression of Mr. / M/s. Nice Ali Khan

Designation: CT



ATTESTED

ATTESTED
Signature
DES (M)
Charsadda

Signature
DES (M)
Charsadda

CTC
HKM
CW

CIC
HKM
W

CNIC-17101-2070897-1
GS&PD. NWFP. 319 F. 5. 300 P. of 100-3-10/87-(19)

Nine hundred thousand three hundred and two hundred and eighty eight only

W. F. P. A. & ...
Sajid Khan
Treasurer

VOUCHER No.

Month of 198

Head of Service chargeable } A-04102-Commutation

RECEIVED this _____ day of _____ 198

the sum of Rupees 913,237/- Nine hundred thirteen thousand Two hundred & thirty seven only being the amount due to me for - Commutation -

Five hundred thousand three hundred and two hundred and eighty eight only
Eight hundred seventy nine thousand six hundred and thirty seven only
C.T. BPS-15

PAYEE'S A/C ONLY

Approved for payment

for Rs. ROP Rs=34143/-
SSETRK/PROVINGEE

By: B. E. O (M) Charsadda
Claimant's signature

P.O. No. 24 Dt. 15/04/14
Payable at National Bank of Pakistan
Tehsil Dera Charsadda
Account no. 913237/-
Subject: Same as above
Treasurer

D. NO. 110
Objected to
Amount of two hundred & thirty seven only
Auditor Asst. Supdt. Supdt.

District Account Officer
Charsadda

Note: The amount of ROP Rs=34143/- may be deposited through the attached challan

MEDICAL FITNESS FORM DHQ TEACHING HOSPITAL
CHARSADDA

Name: Mr. Niaz-Ali Khan
Father's Name: Mr. Mohammad Sadeque
Date of Birth: 01-05-1967
CNIC #: 17101-2070897-1
Sex: (Male)
Address: Poong Sader Kher - Charsadda.
Weight: 80 Kg.
Height: 5-8
B. Group: B+ Positive
X-Ray: Normal
HBS: Negative
HCV: Negative
HIV: Negative
Remarks: Fit

CIC
Hkam
Chw

Hani
Medical Superintendent
DHQ Hospital Charsadda
D.H.Q Hospital
Charsadda
5/5/2016

OFFICE OF THE MEDICAL SUPERINTENDENT DHQ HOSPITAL
CHARSADDA

page 21-A
Answer
D.A

STANDING MEDICAL BOARD

The standard Medical Board comprising of the following doctors-

- | | | |
|-----|------------------------|-----------|
| 01. | Medical Superintendent | Chairman- |
| 02. | Physician | Member |
| 03. | Orthopedic Surgeon | Member |

Examined Mr. Niaz Ali Khan S/o Muhammad Siddiq on 9/06/2016 in the office of MS DHQ Hospital Charsadda.

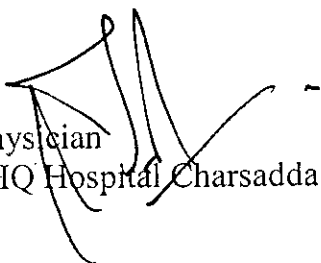
He was referred to neurosurgery unit LRH Peshawar for opinion in February 2014. He was examined by neurosurgeon in LRH and investigated. CT scan/MRI showing disc prolapsed L4 L5. Because of his problem he was declared as unfit for further service by neurosurgeon. He was given retirement on medical ground. (documents attached)

Now the applicant Mr. Niaz Ali Khan seeks a fitness certificate as he considers himself as fit for government job.

Opinion:

The applicant is referred to neurosurgery unit LRH Peshawar for his reexamination and opinion regarding his fitness for the job.

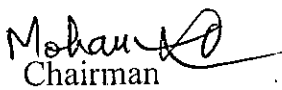
Physician
DHQ Hospital Charsadda



Orthopedic Surgeon
DHQ Hospital Charsadda



Mohamud
Chairman
Medical Superintendent
DHQ Hospital Charsadda



CIC
H.K.M.
M.W.

DISTRICT EDUCATION OFFICER
(MALE) CHARSADEA

Amir F.

NO 22199 / Dated 3 / 16 / 16.

To,

Mr. Niaz Ali Ex-CT (Retired)
GMS Daulat Pura Charsadda

عزت آف جناب ڈائریکٹر آف سیکنڈری ایجوکیشن خیبر پختونخوا پشاور

369

page no (22)

جناب عالی!

Amir E

درخواست برائے: محدودت بحالی بعد از ریٹائرمنٹ آن میڈیکل گراؤنڈز (ایپیل)

استدعا کی جاتی ہے کہ فدوی نے 4 اپریل 1993 سے 6 مارچ 2014 تک آپ کے زیر سایہ محکمہ تعلیم میں بحیثیت CT منیجر خدمات سرانجام دیئے ہیں۔ سائل کو سہ ماہی میں تکلیف کی وجہ سے بذریعہ میڈیکل گراؤنڈ نوکری سے ریٹائر ہونا پڑا۔ تقریباً دو سال طویل علالت کے بعد صحت یاب ہوا ہے۔ اور جتنا جمع پونجی حکومت کی طرف سے عطا کی گئی تھی۔ علاج معالجہ کے صورت میں خرچ کی گئی ہے۔ اب چونکہ فدوی کا عمر 49 سال ہے اور تندرست بھی ہے۔ اور حکومت کا مقررہ وقت میں اب فدوی کا گیارہ سال جو کہ زندگی کا ایک لمبا اور اہم عرصہ باقی ہیں۔ اور فدوی حکومت میں خدمت سرانجام دینے کا شوقین بھی ہے۔

لہذا استدعا کی جاتی ہے کہ فدوی کو دوبارہ اپنے مذکورہ پوسٹ پر، یا اس کے برابر کسی بھی پوسٹ پر تعینات اور ساتھ ساتھ حکومت کی طرف سے جتنی بھی ادا ہوئی ہے اس کو بقایا لذت نوکری میں وصول کرنے کا حکم صادر فرمائیں۔ بندہ اور اس کا اہل خانہ تاحیات دعا گو رہے گا۔

28.4.2016

آپ کا احسان مند
نیاز علی خان ولد حاجی محمد صدیق

Ex. CT GMS Dolat Pura Charsadda

سکنہ قائد آباد نمبر 2- تحصیل ضلع چارسدہ

Cell No 0313-9923270

نوٹ: اضافہ نقول

1- ریٹائرمنٹ آڈر (ان میڈیکل گراؤنڈز) +1

2- اپوائنٹمنٹ آڈر

3- پرسونل آڈر

4- ری وائسڈیشن پیپرز

5- سرورس بک

6- لاسٹ پیمنٹ سرٹیفکیٹ / پے رول

7- حکومت کی طرف سے فدوی کو عطا کی گئی کل رقم بشکل رسید +10

8- فنڈس مسٹر ٹیفکیٹ متعلقہ صوبہ سیدالو الہیہ سے - +1

1+3+1= 5

Suprat / Est / Sam

DNO 4751

Printed

cic

Hkam

30/11/16

Handwritten text at the top left, possibly a name or date, appearing as "Handwritten" in reverse.

Handwritten text in the lower right quadrant, including the characters "SID" and "KIM" written vertically.



مورخہ
مقدمہ
دعویٰ
جرم

28 جون

2016ء منجانب

نیاز علی

بنام

دہ اندلہ رجیو کلبین
ہیئر پختونخواہ
میں

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام پشاور کیلئے مسلم جان ابہا وکیت
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرایں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت
مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے
اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے
سبب سے وہ ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں
گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ سندر ہے۔

نیاز علی
[Signature]

2016

جون

28

المرقوم

عبدان سٹیٹری مارت
چک مشگری پٹا ورسی ٹون: 2220193
Mob: 0345-9223239

مقام پشاور
03149101579

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No. 695/2016

Niaz Ali Khan

Vs

Govt of KPK & others

INDEX

S No	Description	Annexure	Page
1	Comment		1-2
2	Affidavit		3



DISTRICT EDUCATION OFFICER
(MALE) CHARSADDA

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No. 695/2016

Niaz Ali Khan

Vs

Govt of KPK & others

Written comments on behalf of Respondents

Respectfully Sheweth:

Preliminary Objections:

- A. That the Appellant has no locus standi and cause of action.
- B. That the present Appeal is wrong, baseless and not maintainable, it shows no cause to be taken for adjudication, therefore, the Appeal is liable to be rejected/ dismissed.
- C. That the Appeal is unjustifiable, baseless, false, frivolous and vexatious. Hence the same is liable to be dismissed with the order of special compensatory costs in favour of Respondents.
- D. That no legal right of the appellant has been violated, therefore, the appellant has no right to file the instant appeal.
- E. That the Appellant is completely estopped/precluded by his own conduct to file this Appeal.
- G. That the Appellant has not come to this Hon' able Tribunal with clean hands. The Appeal also suffers from mis-statements and concealment of facts and as such the Appellant is not entitled to equitable relief.
- H. That the Appellant has no right to file the instant Appeal and the Hon' able Services Tribunal has got no jurisdiction to adjudicate upon and the Appeal is liable to be dismissed.
- I. That the instant appeal is barred by law and limitation.

PARA WISE REPLY ON FACTS:

1. The Para is self explanatory, therefore, needs no comments.
2. Incorrect, that as the appellant has himself offered before the medical board and was properly boarded and thus in accordance with the law has been retired.

3. Though the appellant has been referred but without any opinion.
4. The Para needs no comments.

GROUND:

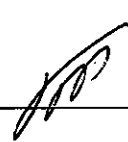
- A. Incorrect that the answering respondents have acted in accordance with the law, rules and policy.
- B. Incorrect as the appellant has been properly processed in accordance with the law, rules and prevailing policies, therefore, have no right to be reinstated.
- C. Incorrect, the answering respondents have acted in accordance with the law, rules and policy.
- D. Incorrect the answering respondents have properly ordered the retirement of the appellant and on the opinion of the standing medical board.
- E. Incorrect, the appellant has no right to be reinstated as has been retired in accordance with law, rules and policy.
- F&G. The Para's as stated as wrong and based on misrepresentation, therefore, Expressly denied.
- H. That the answering respondents seek permission to advance further Grounds/argument at the time of hearing.

PRAYER

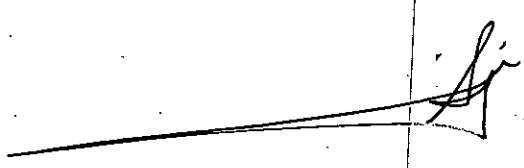
IT IS, THEREFORE, MOST HUMBLY PRAYED THAT KEEPING IN VEIW THA ABOVE SUBMISSION THE APPEAL OF THE APPELANT IS OF NO LEGAL FORCE BE DISMISSED IN FAVOR OF ANSWERING RESPONDENTS WITH HEAVY COST.

Respondents

1. The Director (E&SE) Khyber Pakhtunkhwa Peshawar.


28/11/2012

2. The District Education Officer (Male) Charsadda



BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No. 695/2016

Niaz Ali Khan

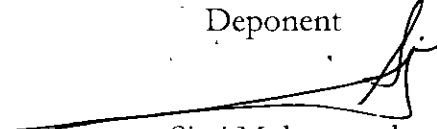
Vs

Govt of KPK & others

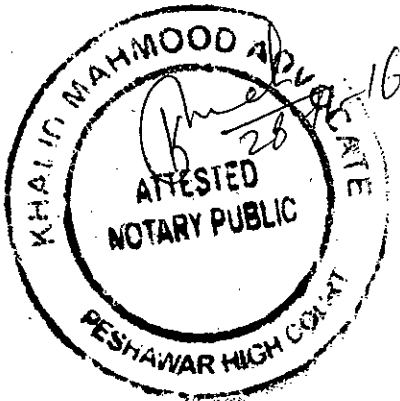
AFFIDAVIT

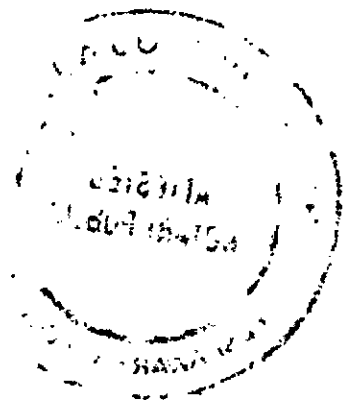
I Mr. Siraj Muhammad DEO (M) Charsadda do hereby solemnly affirms that the contents of the Para-wise comments submitted by respondents are true and correct and nothing has been concealed intentionally from this Hon' able court.

Deponent



Siraj Muhammad
DEO (MALE)
Charsadda CNIC: 17301-2831355-9





**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service appeal No. 695 /2016

Niaz Ali Khan

VS

Government of KPK and others.

Reply to written comments

Respectfully Sheweth ,

- A. That para A of written comments is incorrect hence denied.
- B. That para B or written comments is wrong against the facts on record it is denied.
- C. That para C of written comments is denied.
- D. That para D of written comments is incorrect therefore denied.
- E. That para E of written comments is denied.
- G. That para G of written comments is based on baseless allegation therefore denied.
- H. That para H of written comments is incorrect hence denied Honourable service tribunal court has jurisdiction to hear the appeal.
- I. The para I of written comments is denied. Appeal is with in time.

REPLY OF WRITTEN COMMENTS ON FACTS.

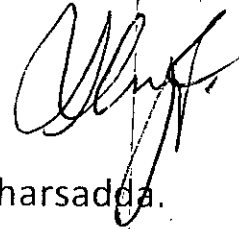
- 1. That para No. 1 of written comments needs no reply.
- 2. That para No. 2 of written comments is incorrect. Appellant had medical condition which forced him out of service. Appellant is now fit and able to continue his service.
- 3. That para No. 3 of written comments is incorrect. Opinion of neuro surgeon has been submitted by appellant.
- 4. That para No. 4 of written comments needs no reply.

REPLY TO THE GROUNDS OF WRITTEN COMMENTS:-

- A. That para A of written comments is incorrect. Respondent have not followed the relevant law , rules and policy for reinstatement of civil servant.
- B. That para B of written comments is incorrect. Appellant has been declared fit by the neurosurgeon referred to by the medical board Charsadda.
- C. That para C of written comments is incorrect. Respondent acted in haste. Medical report of neurosurgeon has been disregarded which is on file.
- D. That para c of written comments is incorrect. Respondent has not replied to para D of appeal. Respondent have commented on the retirement of appellant and not on dismissal of appeal.
- E. That para E of written comments is incorrect. Appellant was pre maturely retired on medical grounds and is now fit to *an able* to continue his service.
- F. & G. That para F & G of written comments is incorrect.
- H. That para H of written comments needs no reply.

It is therefore, most humbly prayed that appeal of the appellant may kindly be accepted as prayed for.

Appellant
Niaz Ali Khan Ex-Ct
GMS Daulat pura Charsadda.



Through
Muslim Khan Advocate

BEFORE THE HONORABLE KHUYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No. 695-2016

Naiz Ali khan

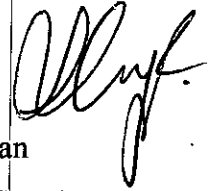
Vs

Govt. of KPK & others

AFFIDAVIT

I Mr. Niaz Ali khan Ex CT GMS Dolat Pura District Charsadda do hereby solemnly affirm that the contents of the Para-wise comments submitted by appellant is true and correct and nothing has been concealed intentionally from this Hon's able court.

Appellant



Naiz Ali khan

Ex CT GMS Dolat Pura

District Charsadda

CNIC# 17101-2070897-1





84010

ایڈووکیٹ/دستخط:

بارکولس ابار ایسوسی ایشن نمبر:

رابطہ نمبر:

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب:

دعویٰ نمبر:	695/2016
علت نمبر:	
موردہ:	
جرم:	
تھانہ:	
منجانب: سہیل علی (ایڈووکیٹ)	
سہیل علی بنام محکمہ تعلیم	

باعت تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ

آن مقام لیسٹ اور کیلئے سہیل علی خان ایڈووکیٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر حالت و فیصلہ برصفت دینے جواب دعویٰ اقبال دعویٰ اور درخواست ازہر قسم کی تصدیق زریں بہ دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہو گا اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا وہ وکیل موصوف وصول کرنے کا مختار 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 مندر ہے۔

المرقوم:

بد _____ واہ شد _____ بد _____

مقام کے لئے منظور ہے۔

Accepted

نوٹ: اس وکالت نامہ کی فونیکالیا ناقابل قبول ہوگی۔