


Sr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	21.02.2020	<p align="center"><b><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u></b> <b><u>Appeal No.558/2019</u></b></p> <p align="center">Date of Institution ... 30.04.2019 Date of Decision ... 21.02.2020 -----</p> <p>Shaher Bano Wife of Muhammad Ishfaq R/O Tarkha Koi Tehsil &amp; District Karak -----<b>Appellant</b></p> <p align="center"><b><u>Versus</u></b></p> <p>The Government of Khyber Pakhtunkhwa, Civil Secretariat Peshawar through Chief Secretary and others. -----<b>Respondents</b></p> <p><b>Muhammad Amin Khan Kundi.....Member(J)</b> <b>Mr. Hussain Shah .....Member (E)</b></p> <p><b><u>JUDGMENT</u></b></p> <p><b><u>Mr. HUSSAIN SHAH:-</u></b>Learned counsel for the appellant and Mr. Riaz Khan Paindakhel learned Assistant Advocate General alongwith Mr. Umer Daraz Budget &amp; Account Officer for the respondents present.</p> <p>2. Contended that the appellant had applied for retirement on medical grounds due to her poor health. She was subjected to standing medical board on 15.09.2018. The Chairman standing medical board submitted the report of standing medical board vide letter 27.09.2018 where in it was mentioned that the appellant is unfit for government jobs and she may be boarded out on medical grounds as she is permanently incapacitated. In response to the medical report respondent No.2 asked the respondent No.4 vide letter dated 27.09.2018 to process the complete documents for premature retirement on medical grounds so that approval of the competent authority i.e. the respondent No.1 may be obtained. However instead of retiring the appellant on medical grounds the respondent No.2 conveyed to respondent No.4 vide letter dated 22.01.2019 that the appellant may be retired under the rules as she has</p>

already completed the required qualifying service for retirement under the rules instead of medical grounds hence the appellant may be directed to apply a fresh for premature retirement on the basis of fulfilling qualifying service for premature retirement. Thereafter the appellant time and again approached the respondents for retirement on medical ground alongwith an appeal for review of the direction given vide letter dated 22.01.2019 which was rejected vide order dated 17.04.2019 hence the appellant having no other alternate remedy filed the instant service appeal U/S 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 with the prayer that the impugned order of dated 22.01.2019 and order dated 17.04.2019 may be set aside by declaring it illegal, vide unlawful, without authority, based on malafide and direct the respondents to entitled the appellant for retirement on medical grounds and also entitled for payment of all outstanding dues from the date when her salary has been stopped with all benefits of pay and service.

3. The learned counsel for the appellant argued that the respondent No.2 referred the appellant for standing medical board vide letter dated 03.08.2018. The appellant was called for the medical board by the DG health vide letter dated 10.08.2018 to be appearing before standing medical board on 12.09.2018. The appellant appeared before the board on 15.09.2018 and vide letter dated 27.09.2018 report of standing medical board to the office of respondent No.2 on 10.08.2018 by the DG health office. Again the respondent No.2 directed the respondent No.4 vide letter dated 27.09.2018 for processing the case of the appellant for premature retirement on medical ground by furnishing all the requisite documents. Further contended that the office of respondent No.2 changed his previous stance contrary to the case in process the respondent No.4 was directed vide the impugned order of 22.01.2019 to resubmit the



retirement case of the appellant on the basis of the completion of qualifying service for ordinary premature retirement on the basis of medical ground. The appeal of the appellant dated 11.02.2019 was not considered and vide letter dated 17.04.2019 the respondent No.4 was informed that the application of the appellant alongwith others has been rejected and they should apply for premature/superannuation retirement whichever is applicable in their individual cases. Further contended that the impugned action and inaction on the part of respondents are against the law and justice. The respondent No.2 took the shelter behind the general instructions by the government issued vide letter dated 11.12.2018 wherein it was directed that the civil servants who has completed/eligible for premature retirement. There cases and appeal for retirement on medical ground may not be sent to competent authority. Further contended that the case of the appellant was processed quite earlier then the direction issued on 22.01.2019 and was at final stage and as a general rule of law. The case of the appellant is not covered on the impugned instruction of dated 22.01.2019. Further contended that the appellant has been arbitrary treated and being qualified for retirement on medical grounds and as such accrued rights are being denied by the respondent without any just cause contrary to the clear cut provisions of law and the fundamental rules. Moreover, that from the date of her medical report she has been relieved from duty and her salary has been stopped and her pensionary benefits has not been paid. In this connection the learned counsel for the appellant relied upon the judgment of the Peshawar High Court reported as 2019 PLC (CS) notes 24. He further pleaded that the appeal may be accepted and the impugned orders of dated 22.01.2019 and 17.04.2019 be set aside and all the benefits as per prayers may be granted by the respondents.

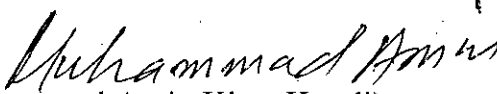
4. The learned Assistant Advocate General contested the facts, grounds of the appeal and arguments of the learned counsel for the appellant and argued that her request/appeal for premature retirement on medical ground has been rejected in the view of the order dated 11.12.2018. As she has completed her qualifying service for premature retirement. He further stated that the appellant has been dealt in accordance with the law and rules. No fundamental rights has been violated of the appellant while directing her to apply for fresh ground on premature retirement on the basis of qualifying service instead of medical grounds, hence the appeal may be dismissed with costs.


5. Arguments heard. File perused.

6. The Tribunal examined the arguments and counter arguments, the memo of appeal and the Para-wise comments of the respondents and relevant record attached to the case file and observes that the request of the appellant was initiated with her application of dated 07.07.2018 wherein she requested for retirement on medical ground with effect from 31.07.2018 her request for medical examination by the standing medical board was formally taken up with Director General Health Service by respondent No.2 vide letter dated 03.08.2018. The standing medical board recommended her for premature retirement on medical ground being incapacitated and not fit to continue in government service. Respondent No.2 forwarded the medical board recommendation to respondent No.4 and directed to process the case of the appellant for retirement on medical ground for the approval of the competent authority. After the instructions issued by the respondent No.2 vide letter dated 22.01.2019 the case of the appellant for retirement on medical ground was reversed at a final stage and converted it to the premature retirement on the basis of qualifying service without any statutory provision. It

appears that the impugned inaction on the part of respondent No.2 to submit the case to the approving authority is not covered under the law as the appellant has been denied her right for opting retirement on medical ground as provided in FR 10-A. Moreover, the denial of invalid pension and service benefits as required under SR 4 AA is not covered under the law and the instructions issued by the finance department under circular letter dated 1<sup>st</sup> December 1998.

7. In view of the above discussion we are of the considered opinion that the instant appeal carries merit and is approved with setting aside the orders adverse to the interest of the appellant and the respondents are directed to process the case of the appellant for retirement on medical ground and grant her invalid pension with effect from the date she has been relieved from the duty. Parties are left to bear their own costs. File be consigned to the record room.

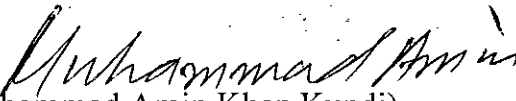
  
(Muhammad Amin Khan Kundi)  
Member

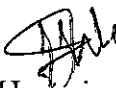
  
(Hussain Shah)  
Member

ANNOUNCED  
21.02.2020

21.02.2020

Learned counsel for the appellant and Mr. Riaz Paindakhel learned Assistant Advocate General alongwith Mr. Umer Daraz Budget & Account Officer for the respondents present. Vide our detail judgment of today of this Tribunal placed on file, we are of the considered opinion that the instant appeal carries merit and is approved with setting aside the orders adverse to the interest of the appellant and the respondents are directed to process the case of the appellant for retirement on medical ground and grant her invalid pension with effect from the date she has been relived from the duty. Parties are left to bear their own costs. File be consigned to the record room.

  
(Muhammad Amin Khan Kundi)  
Member

  
(Hussain Shah)  
Member

ANNOUNCED  
21.02.2020



24.09.2019

Counsel for the appellant and Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Umer Daraz, Budget & Account Officer for the respondents present.

During the course of arguments it was pointed out by the learned Assistant AG that it has been mentioned in the departmental appeal decision dated 17.04.2019 available at page 18 of the Service Appeal file, that departmental appeal of the appellant alongwith others were already rejected therefore, representative of the departmental namely Umer Daraz present in the court is directed to furnish the copy of the same record on the next date positively. Adjourned to 30.10.2019 for record and arguments before D.B.



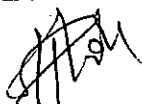
(Hussain Shah)  
Member



(M. Amin Khan Kundi)  
Member

30.10.2019

Sher Rehman Advocate on behalf of learned counsel for the appellant present and seeks adjournment. Mr. Usman Ghani learned District Attorney for the respondents present. Adjourn. To come up for arguments on 30.12.2019 before D.B.



Member



Member

30.12.2019

Learned counsel for the appellant present. Mr. Usman Ghani learned District Attorney alongwith Mr. Umer Daraz Budget & Account Officer for the respondents present. Representative of the respondents seeks time to furnish record. Adjourned. To come up for record and arguments on 21.02.2020 before D.B.



(Hussain Shah)  
Member



(M. Amin Khan Kundi)  
Member

13.06.2019

Counsel for the appellant present.

Contends that the appellant had applied for retirement on medical grounds due to her poor health. She was subjected to Standing Medical Board on 15.09.2018 whose opinion was to the effect that she was unfit for government job. It was recommended that the appellant may be boarded out on medical grounds as she was permanently incapacitated. Despite, the case of appellant for retirement on medical ground was declined on 22.01.2019. Where-after she preferred departmental appeal on 11.02.2019 which was also rejected on 17.04.2019. It was also the argument of learned counsel that the denial of requisite retirement jeopardized valuable service rights of the appellant ~~and was~~ against the rules.

In view of the available record and arguments of learned counsel, instant appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 29.07.2019 before S.B.

Appellant Deposited  
Security Process Fee

13/6/19



Chairman

29.07.2019

Nemo for the appellant. Mr. Usman Ghani, District Attorney alongwith Mr. Muhammad Daraz, B&AO for respondents present.

Representative of the respondents has submitted reply on behalf of respondents no.2,3,4 and 6. The reply is placed on file. To come up for arguments before D.B on 24.09.2019. The appellant may furnish rejoinder within a fortnight, if so advised. Requisite notice be issued to the appellant.

Chairman



13.06.2019

Counsel for the appellant present.

Contends that the appellant had applied for retirement on medical grounds due to her poor health. She was subjected to Standing Medical Board on 15.09.2018 whose opinion was to the effect that she was unfit for government job. It was recommended that the appellant may be boarded out on medical grounds as she was permanently incapacitated. Despite, the case of appellant for retirement on medical ground was declined on 22.01.2019. Where-after she preferred departmental appeal on 11.02.2019 which was also rejected on 17.04.2019. It was also the argument of learned counsel that the denial of requisite retirement jeopardized valuable service rights of the appellant ~~and was~~ against the rules.

In view of the available record and arguments of learned counsel, instant appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 29.07.2019 before S.B.

Appellant Deposited  
Security Process Fee

13/6/19

  
Chairman

29.07.2019

Nemo for the appellant. Mr. Usman Ghani, District Attorney alongwith Mr. Muhammad Daraz, B&AO for respondents present.

Representative of the respondents has submitted reply on behalf of respondents no.2,3,4 and 6. The reply is placed on file. To come up for arguments before D.B on 24.09.2019. The appellant may furnish rejoinder within a fortnight, if so advised. Requisite notice be issued to the appellant.

Chairman

**BEFORE THE SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA PESHAWAR**

Service Appeal No. 558 /2019

Shaher Bano ..... Appellant

Versus


Government of Khyber Pakhtunkhwa & others ..... Respondents

**INDEX**

S.No.	Description of Documents	Annexure	Pages
1.	Memo of appeal with Affidavit		1-6
2.	Address of the parties		7
3.	Application by appellant	A	8
4.	Copy of letter dated 23/07/2018	B	9
5.	Copy of letter dated 03/08/2018	C	10
6.	Copy of letter dated 10/08/2018	D	11
7.	Copy Standing medical board and Letters	E- E-II	12-14
8.	Copy of Impugned letter dated 22/01/2019	F	15
9	Copy of application / representation	G	16-17
10	Copy of Impugned letter dated 17/04/19	H	18
11	Other documents		19-29
12	Wakalat Nama		30

  
Appellant

Through

  
Shahid Qayum Khattak  
Advocate, Supreme Court

Dated: /04/2019

OFF: 105-A Town Tower, University Road,  
Jahingir Abad, Peshawar

**Cell No. 0333-9195776**

①

**BEFORE THE SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA PESHAWAR**

Service Appeal No. 558 /2019

Shaher Bano Wife of Muhammad Ishfaq R/o Tarkha Koi  
Tehsil & District Karak.....

Appellant  
Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 687  
Dated 30/4/2019

Versus

1. The Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar through Chief Secretary.
2. The Secretary Elementary & Secondary Education Department, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. The Secretary to Government of Khyber Pakhtunkhwa, Establishment Department, Civil Secretariat, Peshawar.
4. The Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
5. The Deputy Director (Female) Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
6. The District Education Officer ( Female) Karak

.....Respondents

APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 22/01/2019 (WRONGLY WRITTEN AS 22/01/2018) BY WHICH THE RETIRMENT OF APPELLANT ON MEDICAL GROUND HAS BEEN TURN DOWN AND SHE HAS BEEN DIRECTED TO APPLY FOR PRE-MATURE RETIREMENT AND AGAINST THE ORDER DATED 17/04/2019 BY WHICH THEIR APPLICATION / REPRESENTATION HAS NOT BEEN CONSIDERED

PRAYER

On accepting this service appeal, the impugned order dated 22/01/2019 ( Wrongly mention as 22/01/2018) and order dated 17/04/2019 may graciously be set aside by declaring it illegal, void, unlawful, without authority, based on mala fide, void abinitio and thus not sustainable and the appellant is entitled for retirement on medical ground and also entitled for payment of all outstanding dues from the date when her salary has been stopped with all back benefits of pay and service

Filed to-day  
Registrar  
30/4/19

Respectfully Sheweth:

1. That petitioner was serving as Head Mistress in the Government High School Tarkha Koi, Tehsil and District Karak and serving the department from 31/01/1990.
2. That petitioner is suffering from severe Cardiac problem with high blood pressure and diabetes disease from the past 2/3 years and is unable to perform her duties, therefore, she filed an application for retirement on medical grounds on 07/07/2018. ( Copy of application is attached as Annexure "A")
3. That respondent No. 5 vide letter dated 23/07/2018 forwarded application of the petitioner to worthy respondent 2. ( Copy of Letter is attached as Annexure "B" )
4. That respondent No. 2 vide letter dated 03/08/2018 referred all the relevant document to Director General, Health Services, Khyber Pakhtunkhwa, Peshawar for arranging Medical Board for Examination of petitioner. ( Copy of the letter is attached as Annexure "C")
5. That Worthy Director General Health vide letter dated 10/08/2018 directed the petitioner to appear before the Medical Board on 12/09/2018 and accordingly petitioner appeared before the Standing Medical Board and has been examined on 15/09/2018. ( Copy of the letter is attached as Annexure "D")
6. That the Chairman Standing Medical Board vide letter dated 27/09/2018 submitted the report of Standing Medical Board, wherein it is clearly mentioned that petitioner is unfit for government Job, therefore, she may be boarded out on medical grounds as she is permanently incapacitated. Respondent No. 2 vide letter dated 27/09/2018 requisitioned complete documents required for premature retirement on medical ground for obtaining approval of the respondent No. 1. (Coy of the Standing Medical Board and letters are attached as Annexure "E" to "E-II" )
7. That after complying all the codal formalities respondent instead of sending the case before the competent authority issue directions vide letter dated 22/01/2019 ( Wrongly written as 22/01/2018)

that as petitioner has completed minimum service for retirement therefore, no needs for medical ground, with further directions that petitioner may apply for premature retirement on fresh ground. ( Copy of the letter is attached as Annexure "F")

8. That petitioner time and again approach respondent for her retirement on medical ground and also filed an appeal for review of the direction given vide letter dated 22/01/2019 which has been rejected vide order dated 17/04/2019 ( Copies attached as Annexure "G" and "H"), thus the petitioner having no other alternate remedy approaches this Hon'ble Court, inter alia, on the following grounds:

**GROUND S:**

- A) That the impugned actions and inactions violate the mandate provided under Article 4 of the Constitution of Pakistan.
- B) That respondent are legally bound to treat the petitioner in accordance to law and he is entitled for pre-mature retirement on medical grounds.
- C) That earlier vide letter dated 03/08/2018 respondent No. 2 by himself referred petitioner case before Standing Medical Board and accordingly petitioner appeared before the Standing Medical Board and valid constituted Medical Board declare petitioner unfit for government service, but now after the whole process respondent directed petitioner to apply fresh on the basis of minimum qualifying service, which is totally illegal and against the rule and regulation.
- D) That respondent vide letter dated 27/09/2018 directed respondent No. 4 to submit complete documents required for pre mature retirement on medical ground and after production of all the required documents issuance of the impugned letter dated 22/01/2019 is totally illegal, against the law and thus liable to be stuck down.
- E) That government vide letter dated 11/12/2018 has issued general instruction to the attached department that civil servant who has completed / eligible for pre-mature retirement there case and

appeal for retirement on medical ground may not be sent to competent authority and shall be discouraged, which is totally illegal, against the law and vest rights of the civil servant has been taken away, but any how the same instruction are not applicable on petitioner case as the process of medical board was already completed on 15/09/2018 and retrospective effect can be given to such like notification.

- F) That no proper opportunity of hearing has been provided by the respondent to the appellant, hence he has been condemned unheard and the case has been decided in a mechanical manner with out application of judicious mind.
- G) That nor the fundamental rules nor the CSR has been taken into consideration while deciding the case of appellant.
- H) That respondent has not adopted proper procedure in deciding the departmental appeal/ representation nor the same has been refer to proper competent authority. Similarly no opportunity of hearing has been provided to appellant to explain her stance and law on subject.
- I) That respondent No. 3 has also conducted last three (03) years audit and issued NDC for the purpose of retirement on 15/09/2018 and pay of the petitioner has been stopped from the said date, which clearly suggest that respondent has allowed for all practical purposes on pre-mature retirement on medical grounds but at the very belated stage issued the impugned directions to left the petitioner in hanging position, which is totally illegal and against the law.
- J) That because the impugned actions and inactions are against the principles ordained under Article 25 of the Constitution of Islamic Republic of Pakistan.
- K) That because the impugned actions and inactions are blatantly against all norms of justice and principles of reasonability based on victimizations and discrimination.
- L) That the petitioner by her own sweet will is not willing to proceed on retirement but her poor health problem not allowed her to

5

continue her job, therefore, the directions issued vide impugned letter is totally illegal and violation of the basic fundamental rights of petitioner.

- M) That petitioner has been arbitrary treated and he being qualified for the retirement on medical ground but has accrued rights are denying by the respondents without any just cause contrary to the clear cut provision of law.
- N) That from the date of her medical report she has been relieved from duty and her salary has been stopped and till date she has not been give the pensionary benefit which is totally against the rules and regulation and petitioner due to this act of respondent sustaining mental stress and financial constrained. It is very difficult for her to meet her day to day financial affair and her treatment.
- O) That the petitioner is fully entitled for the pre-mature retirement on medical grounds and denial of the same by the respondent is totally illegal, void against the rules and regulation thus indulgence of this Hon'ble Tribunal is required.
- P) That appellant also seeks permission of this Hon'ble Forum to raise additional points at the time of arguments.

It is, therefore, respectfully prayed that on accepting this Service Appeal;

- A) The impugned order dated 22/01/2019 ( Wrongly mention as 22/01/2018) and order dated 17/04/2019 may graciously be set aside by declaring it illegal, void, unlawful, without authority, based on mala fide, void abinitio and thus not sustainable and the appellant is entitled for retirement on medical ground and also entitled for payment of all outstanding dues from the date when her salary has been stopped with all back benefits of pay and service
- B) The respondent may please be direct to act in accordance with law and the action and inaction of the respondents in not finalizing petitioner retirement case on the basis medical grounds is unconstitutional, unlawful, illegal without lawful

②

authority and direction may please be issued to respondent to finalized the pre-mature retirement case on medical ground of the petitioner and to grant the pensionary benefits to the petitioner without any further delay.

- C) Declare the letter dated 22/01/2019 and 17/04/2019 illegal, void, unlawful and without authority thus ineffective upon the rights of the petitioner thus liable to be struck down and the petitioner is fully entitled for pre-mature retirement on medial ground with all back benefits of outstanding dues from the date her salary has been stopped.
- D) Any administrative orders which are against the rules and regulation may please be declare ultra varies to the constitution of the Islamic Republic of Pakistan <sup>and service laws</sup> and thus liable to be struck down, furthermore the administrative order can not be applied retrospectively.
- E) Any other relief not specifically prayed for deem appropriate in the circumstance of the case may also be granted.

*[Signature]*  
Appellant

Through

*[Signature]*  
SHAHID QAYUM KHATTAK  
Advocate, Supreme Court  
of Pakistan

Dated: /04/2019

Certified that as per instruction of my client no such appeal has been filed before this Hon'ble Forum.

*[Signature]*  
Advocate

AFFIDAVIT

I, Shaher Bano Wife of Muhammad Ishfaq R/o Tarkha Koi Tehsil & District Karak, do hereby solemnly affirm and declare on Oath that the contents of the above appeal are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Hon'ble Tribunal.

*[Signature]*  
MAHMOOD  
ATTORNEY  
NOTARY PUBLIC  
PESHAWAR HIGH COURT

*[Signature]*  
Deponent



7

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA  
PESHAWAR

Service Appeal No. /2019

Shaher Bano ..... Appellant

Versus

Government of Khyber Pakhtunkhwa & others ..... Respondents

ADDRESS OF THE PARTIES

APPELLANT

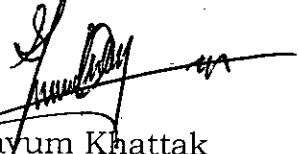
Shaher Bano Wife of Muhammad Ishfaq R/o Tarkha Koi  
Tehsil & District Karak

RESPONDENTS

1. The Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar through Chief Secretary.
2. The Secretary Elementary & Secondary Education Department, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. The Secretary to Government of Khyber Pakhtunkhwa, Establishment Department, Civil Secretariat, Peshawar.
4. The Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
5. The Deputy Director (Female) Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
6. The District Education Officer ( Female) Karak

  
Appellant

Through

  
Shahid Qayum Khattak  
Advocate, Peshawar

Dated: /04/2019

بھطور جناب ڈائریکٹر آف ایجوکیشن خیبر پختونخواہ پشاور۔

درخواست، میراڈ میڈیکل بورڈ کی منظوری۔

بواسطت ڈسٹرکٹ ایجوکیشن آفسر (زنانہ)۔

جناب عالی۔

مودبانہ گزارشتیں بھطور انور ہے کہ سائلہ ۳۱ جنوری ۱۹۹۰ سے محکمہ تعلیم میں خدمات سرانجام دے رہی ہے۔ سائلہ گورنمنٹ گرلز ہائی اسکول ترخہ کوہی میں نشتیت ہیڈ مسٹریس نوکری سر انجام دے رہی ہے۔ سائلہ تقریباً دو سال سے دل کی عارضہ شوگر اور بلڈ پریشر جیسے محکمہ بیماریوں میں مبتلا ہے۔ جیسکا کافی علاج کیا گیا ہے۔ لیکن بیماریاں گھٹنے کی بجائے بڑتی جارہی ہے۔ جسکی وجہ سے سائلہ کو ڈیوٹی سر انجام دینے میں مشکلات کا سامنا ہے۔ لہذا آپ صاحب کی خدمت میں عرض کیجاتی ہے۔ کہ سائلہ کو مورخہ ۳۱ جولائی ۲۰۱۸ سے میڈیکل بورڈ پر جانے کے حکامات جاری فرمائیں۔

سائلہ تادم زیست دعا گورہی گی۔

مورخہ ۷ جولائی ۲۰۱۸

العارضہ۔

اپنی مخلص شہر بانو ہید میسٹریس جی بی ایچ ایس ترخہ کوہی (کرک)

AT

(8-A)

محسوز جناب ڈائریکٹر آف ایجوکیشن حیدرآباد، حکومت وائس روائی

درخواست بھرا د عید لیکل بورڈ سے منظوری

لواسا طت ڈسٹرکٹ ایجوکیشن افسر (زبان) آرک

جناب عالی :-

موردیانہ گزارش محسوز الوریہ کہ سائلہ ۳۱ جنوری ۱۹۹۰ سے حکمتہ تعلیم میں خدمات سر انجام دے رہی ہے۔ سائلہ گورنمنٹ گرنری سیکول ترم کوپی میں بحیثیت ہیڈ میسٹریس لوزری سہرا انجام دے رہی ہے۔ سائلہ تقریباً دو سال سے دل کی عارضہ شوگر اور بلڈ پریشر جیسے عکک بیماریوں میں مبتلا ہے۔ جیسکا کافی علاج کیا گیا ہے۔ لیکن بیماریاں گھٹنے کی بجائے بڑھتی جا رہی ہے۔ جیسکی وجہ سے سائلہ کو ڈیوٹی سر انجام دینے مشکلات کا سامنا ہے۔ لہذا اب صاحب کی خدمت میں عرض کیجاتی ہے کہ سائلہ کو عوز ۳۱ جولائی ۲۰۱۸ سے میڈیکل بورڈ پر جائے کے احکامات جاری فرمائیں۔

سائلہ تادم زلیت دعاگو رہی گی۔

عوز ۳۱ جولائی ۲۰۱۸

العارضہ

ایپی خلعن شہر بالفو ہیڈ میسٹریس سی ایچ ایس تروٹیکا  
آرک

9

Annexure "B"

DIRECTORATE OF ELEMENTARY & SECONDARY  
EDUCATION KHYBER PAKHTUNKHWA  
PESHAWAR

NO W/23 /A-12/Retirement/F.No.07

DATED PESHAWAR THE: 23/07 /2018.

The Secretary to Govt. of Khyber Pakhtunkhwa  
Elementary & Secondary Education Department.

Subject: - STANDING MEDICAL BOARD

Dear Sir,

I am directed to enclose herewith a copy of an application in r/o of Mst. Sher Bano H/M BS-17 GGHS Terkha Koi Karak which is self-explanatory received from District Education Officer (F) Karak vide letter No.1485 dated 19/07/2018 alongwith photo copies of medical vouchers for standing Medical Board due to the reason that the HM concerned is a heart patient as well as Sugar and Blood pressure and facing great trouble in performing her duties as requested in her application please.

It is therefore requested to send her case to Director General Health Services Khyber Pakhtunkhwa Peshawar for proper medical examination as to whether she is fit to continue her service or otherwise please.

Encls: No. \_\_\_\_\_  
Copy to the:-

1. District Education Officer (F) Karak w/r to her letter No. & date cited above.
2. P.A to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

Deputy Director (Female)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar

~~\_\_\_\_\_~~  
ATTESTED

9-A

BETTER COPY

Directorate of elementary & secondary  
Education Khyber Pakhtunkhwa  
Peshawar

No. \_\_\_\_\_ A-12/Retirement/F.No. 07  
Dated Peshawar the 23/07/2018

To

The Secretary to govt. of Khyber Pakhtunkhwa  
Elementary & Secondary Education Department,

Subject: **STANDING MEDICAL BOARD.**

Dear Sir,

I am directed to enclose herewith a copy of an application in R/o of Mst. Sher Bano H/M BS-17 GGHS Terkha Koi Karak which is self explanatory received from District Education Officer (F) Karak vide letter No. 1485 dated 19/07/2018 alongwith photo copies of medical vouchers for standing medical board due to the reason that the HM Concerned is a heart patient as well as sugar and blood pressure and facing great trouble in performing her duties as requested in her application please.

It is therefore requested to send her case to director General health services Khyber Pakhtunkhwa Peshawar for proper medical examination as to whether she is fit to continue her service or other please.

Deputy Director (Female)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar

Endst No. \_\_\_\_\_

Copy to the:

1. District Education officer (F) Karak w/r to her letter No. & Date cited above.
2. P.A to director elementary & Secondary education Khyber pakhtunkhwa Peshawar.

Deputy Director (Female)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar

(10)

Annexure - C

GOVT. OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

No. AO/E&SE/2-4/MG/Karak  
Dated Peshawar the August 03, 2018

To

The Director General,  
Health Services, Khyber Pakhtunkhwa, Peshawar.

Subject: - RETIREMENT ON MEDICAL GROUNDS.

I am directed to refer to the subject noted above and to forward herewith application alongwith medical prescriptions/laboratory reports in r/o Mst. Sher Bano Headmistress BS-17 GGHS Terkha Koi District Karak who has requested for retirement on medical grounds.

It is therefore, requested to arrange Medical Board for her medical examination as to whether she is permanently incapacitated to continue her service or otherwise.

Encl: as above

(HASHMATULLAH)  
SECTION OFFICER (ACCOUNTS)

Endst: Even No. & Date.

Copy forwarded to:-

1. The Director, Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar w/r to his letter No.4974 dated 23-07-2018.
2. Mst. Sher Bano, Headmistress BS-17 GGHS Terkha Koi District Karak.

  
SECTION OFFICER (ACCOUNTS)

  
ATTESTED

Registered / Fax



**DIRECTORATE GENERAL HEALTH SERVICES,  
KHYBERR PAKHTUNKHWA, PESHAWAR**

All communications should be addressed to the Director General Health Services Peshawar and not to any official by name.  
Exchange # 091-9210187, ☎ Tele # 9210196 Fax # 091-9210230

Annexure - D (4)  
2

No. 2945 /Medical

Dated 10/08/2018

To

The SO (Accounts) Govt. of  
KPK, Peshawar Elementary & Secondary  
Education Deptt.

Subject: **TO APPEAR BEFORE MEDICAL BOARD**

Reference your letter No. AO 1805/2-4/MB Karak  
dated 3/8/18 Mr./Mrs. Sher Bano Designation Head Master  
be directed to appear before the Medical-Superintendent Police / Services Hospital, Peshawar for  
his / here Medical examination to be carried by the Standing Medical Board / Standing Invaliding  
Committee on 12/9/2018 At 9:00 A.M along with National I/Card.

M. Shaly  
DEPUTY DIRECTOR (MED:)  
DIRECTORATE GENERAL HEALTH  
SERVICES, KPK, PESHAWAR.

No. \_\_\_\_\_ /Medical

Copy with a copy of letter referred to above alongwith its enclosure is forwarded  
to the Medical Supdt: Police / Services, Hospital Peshawar for information and necessary action.

On arrival, the above named official / Officer / applicant should be examined by  
the Standing Medical Board / Standing Invaliding Committee and the proceedings of the  
Standing Medical Board be sent to the above name addressee under intimation to this  
Directorate.

[Signature]  
**ATTESTED**

[Signature]  
DEPUTY DIRECTOR (MED:)  
DIRECTORATE GENERAL HEALTH  
SERVICES, KPK, PESHAWAR.

(12)

Annex - 'E' (8)



**OFFICE OF THE  
MEDICAL SUPERINTENDANT  
SERVICES HOSPITAL, PESHAWAR**

Phone: (Off) 091 9210509 (Exch) 091 9223472 Fax: 091 9210543

No. 4679-80 /MS/SMB/2017-18

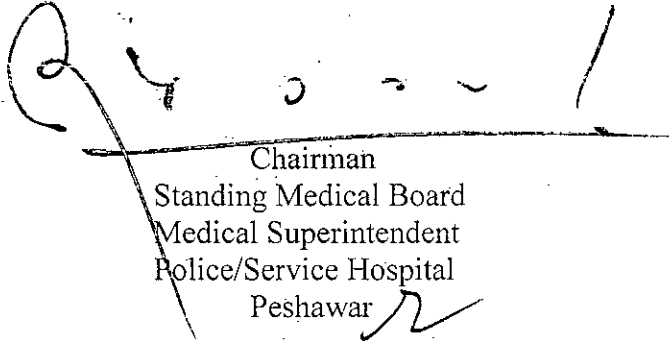
Dated 27/09/2018

Section Officer (Accounts)  
Government of Khyber Pakhtunkhwa  
Elementary & Secondary Education Department

Subject: - **STANDING MEDICAL BOARD**

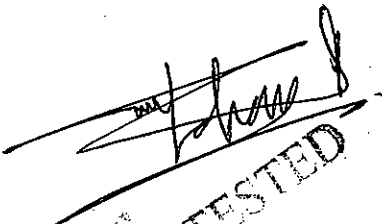
Memo: - With reference to your office letter No. AO/E&SE/2-4/MG/Karrak Dated 03-08-2018 addressed to Director General Health Services Khyber Pakhtunkhwa Peshawar on the subject noted above.

Mst. Sher Bano Headmistress (BPS-17) attached to Government Girls High School District: Karrak was examined by the Standing Medical Board held in this office on 15-09-2018. The proceedings of the Standing Medical are sent herewith for further necessary action.

  
Chairman  
Standing Medical Board  
Medical Superintendent  
Police/Service Hospital  
Peshawar

Copy to:

- Director General Health Services Khyber Pakhtunkhwa for information with reference to your office letter No. 2946/Medical Dated 10-08-2018.

  
**ATTESTED**



OFFICE OF THE CHAIRMAN STANDING MEDICAL BOARD/MEDICAL SUPERINTENDENT POLICE/SERVICES, HOSPITAL PESHAWAR.

The Standing Medical Board comprising the following members assembled in the office of the Medical Superintendent Police/Services, Hospital Peshawar to examine Mst. Sher Bano Head Master.

The Standing Medical Board is of the opinion that she was referred to Cardiologist Services Hospital Peshawar who is of the opinion that the patient had successful radio frequency ablation (RFA) for atrioventricular nodal reentry tachycardia (AVNRT) in February 2017. She is unable to do even ordinary work due to palpitations and shortness of breath. The Standing Medical Board agreed with the cardiologist opinion. She is unfit for Govt. Job. Therefore, she may be boarded out on medical grounds as she is permanently incapacitated.

STATION PESHAWARyy  
DATED: 15/09/2018

*[Handwritten signature]*

(Dr. Jamal Abdul Nasir)  
Chairman  
Standing Medical Board  
Medical Superintendent  
Police/Services, Hospital,  
Peshawar.

*[Handwritten signature]*

(Dr. Naseer Ahmad)  
Ophthalmologist  
Police/Services Hospital,  
Peshawar...Member...

*[Handwritten signature]*

(Dr. FaridUllah Shah)  
Physician  
Police/Services, Hospital  
Peshawar. Member...

*[Large handwritten signature]*

(Dr. Umar Ayub Khan)  
Secretary /Chief Orthopedic Surgeon.  
Standing Medical Board  
Police/Service Hospital,  
Peshawar.

*[Handwritten signature]*

ATTESTED

(14)

Amexure - E-II

GOVT. OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

No.AO/E&SE/2-4/MG/Karak  
Dated Peshawar the September 27, 2018

To

The Director,  
Elementary & Secondary Education,  
Khyber Pakhtunkhwa, Peshawar.

**Subject: - RETIREMENT ON MEDICAL GROUNDS.**

I am directed to refer to your letter No.4974 dated 23-07-2018 on the subject noted above and to enclose herewith a copy of Chairman, Standing Medical Board/Medical Superintendent Police/Services Hospital Peshawar letter No.4679-80/MS/SMB/2017-18 dated 27-09-2018 alongwith proceedings of the Standing Medical Board in respect of Mst. Sher Bano Headmistress BS-17 GGHS Terkha Koi District Karak for information and further necessary action.

It is further added that the complete documents required for premature retirement on medical grounds may be furnished immediately before obtaining approval of the competent authority/Chief Secretary Khyber Pakhtunkhwa.

**Encl: as above**

(HASHMATULLAH)  
SECTION OFFICER (ACCOUNTS)

**Endst: Even No. & Date.**

✓ Copy alongwith a copy of the above is forwarded to Mst. Sher Bano Headmistress BS-17 GGHS Terkha Koi District Karak.

*Hashmatullah*  
SECTION OFFICER (ACCOUNTS)

*[Signature]*  
**ATTACHED**

Annexure "F"

15



GOVT. OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

No.AO/E&SE/6-19/LPR/Bannu  
Dated Peshawar the Janaury 22, 2018

To

The Director,  
Elementary & Secondary Education,  
Khyber Pakhtunkhwa, Peshawar.

DN  
24/1/19  
02/03/18

SUBJECT: RETIREMENT ON MEDICAL GROUNDS.

I am directed to refer to your letter No.985 dated 03-12-2018 on the subject noted above and to state that competent authority has desired that "She has completed minimum qualifying service for retirement under the rules. No need for medical ground she may apply on fresh grounds. In the case of Mst. Shehar Bano Headmistress BS-17 GGHS Tarkha Koi Karak. therefore, she may apply for premature retirement.

*(Signature)*  
(HASHMATULLAH)  
SECTION OFFICER (ACCOUNTS)

All document return herewith

~~*(Signature)*~~  
ATTESTED

(16)

Annexure - 'G'

Shahar Banu (HM)

GGHS Tarkha koi

Dated. 11.02.2019

To,

Process Documents are Attached

The Secretary to Govt Of  
KPK E & SE Education Department.

Subject: Appeal for review in maintenance of pre- mature retirement on medical grounds already issued by the medical board.

Memo:

Kindly refer to the E& SE Department letter No. AO/E& SE /S-619/LPR/ Bannu. Dated 22-01-2019 The subject noted above. (Copy Attached)

Vide the above referred latter the competent authority has issued instructions on the LPR application of MST Shahar Bano HM GGHS Tarkha koi to Proceed on pre mature retirement instead of Medical grounds where's she has already been declared as medical unfit by the standing medical board on 15-09-2018 . Vide MS Services Police Hospital Peshawar No. 4679-80/MS/SMB/2017-18.

(Copy Attached)

Sir,

The case was already sent by the same competent authority to the the director general health service Khyber Pakhtun Khwa to arrange medical board vide there latter NO. AO/E& SE/2-4/MG/ Karak Dated 03-08-2018. (Copy Attached)

After the medical examinations I was directed by the same competent authority to submit the complete documents required for pre mature retirement on medical ground. Vide their latter no. AO/E&SE/2-4/MG/Karak dated.27-09-2018. (Copy Attached)

AS per their directions I completed the whole process and furnished it to the authority concerned.

Continue page..

~~Handwritten signature~~  
**ATTESTED**

458  
12/2/19

(17)

The same competent authority demanded to complete the deficiency of some documents to process the case vide latter AO/E&SE/2-4/MG/karak dated 28-12-2018. (Copy Attached)

The required documents were submitted to them.

Further added that E&SE Department KPK Peshawar vide order No, AO/E&SE/6-27/LPR/MISE. Dated 11-12-2018 has issued general instructions to the attached department that civil servant who has completed /eligible for pr-mature retirement there cases and appeal for retirement on medical ground may not be sent to the competent authority and shall be discouraged. (Copy Attached)

In this context it is stated that the decision of standing medical board on 15-09-2018 cannot be reject for at this time the order of authority was not issued to discourage retirement on medical ground.

In the present circumstances my last 03 years audit his been carried by the director Elementary and Secondary Education Khyber Pakhtun Khwa Peshawar and issued NDC for the purpose of retirement on 15-09-2018. (Copy Attached) and consequently my pay has been stopped by the District Account Officer karak from the same date last pay Certificate Attached.

Sir,

I am processing the pr-mature retirement on medical grounds since 07, july2018 and I was declared medical unfit by the medical board on 15-09-2018. After a long process the competent authority has desired to proceed retirement case on pre mature grounds instead of medical grounds which is unsuitable and unjustified / contrary to the rules and regulations.

Now I am in hanging position so I request your honor to review my case and grant my retirement on medical ground being unfit for service as already been declared by the medical board.

I shall be highly oblige for the act of kindness and will pray for your health and prosperity.

Yours obediently

Shahar Bano HM

GGHS Tarkha koi Karak

Cell No. 0345-9308074

~~Handwritten signature~~  
ATTESTED

(18)

Annexure - "H"

**GOVT. OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT**

No.AO/E&SE/6-3/MG/Misc  
Dated Peshawar the April 17, 2019

To

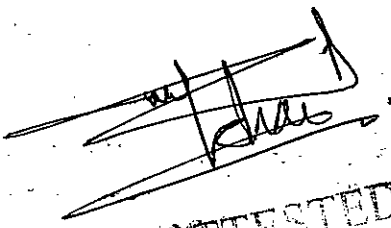
The Director,  
Elementary & Secondary Education,  
Khyber Pakhtunkhwa, Peshawar.

**Subject: - RETIREMENT ON MEDICAL GROUNDS.**

I am directed to refer to the subject noted above and to state that the cases of the following employees has been observed by the high ups "that they should go for premature/superannuation retirement whichever is applicable as these are already being rejected earlier".

S. No	Name & Designation
1	Mr. Sher Bahader Khan Budget and Account Officer BS-17 O/o the DEO Male District Bannu
2	Mr. Saeed Bakht Shah Subject Specialist Urdu (BS-17) Salim Khan District Swabi
3	Mst. Shahr Bano Headmistress BS-17 GGHS Tarkha Koi District Karak.

  
(HASHMATULLAH SURI)  
SECTION OFFICER (ACCOUNTS)

  
ATTESTED

(19)



GOVT. OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

No. AO/E&SE/2-4/MG/Karak

Dated Peshawar the December 28, 2018

To

The Director,  
Elementary & Secondary Education,  
Khyber Pakhtunkhwa, Peshawar.

Subject: - RETIREMENT ON MEDICAL GROUNDS.

I am directed to refer to your letter No.985 dated 03-12-2018 on the subject noted above and to state that the following information/documents in respect of Mst. Shahar Bano H/M BS-17 GGHS, Tarkha-Koi Karak may be furnished immediately so as to proceed further in the matter.

1. Leave not taking certificate.
2. Bank Certificate.
3. SS Certificate.
4. Non involvement certificate.
5. Total qualifying service.

(HASHIMATULLAH)  
SECTION OFFICER (ACCOUNTS)

  
**ATTESTED**

(20)

(8)



OFFICE OF THE DISTRICT EDUCATION  
OFFICER (FEMALE) KARAK.

Phone No 0927-291177  
Email:emiskar.ik@yahoo.com

KDA KARAK

No. 2213/1

Dated 23/10/2018

To:

The Director  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar.

Subject:- FINAL AUDIT IN R/O SHAHAR BANO H/M GGHS TARKHA KOI (KARAK).

Memo:

I have the honour to submit an original application for Final audit in R/O Shahar Bano Headmistress GGHS Tarkha Koi retired from service on Medical ground w e.f. 15.9.218 for further process please.

*JA*  
DISTRICT EDUCATION OFFICER  
(FEMALE) KARAK.

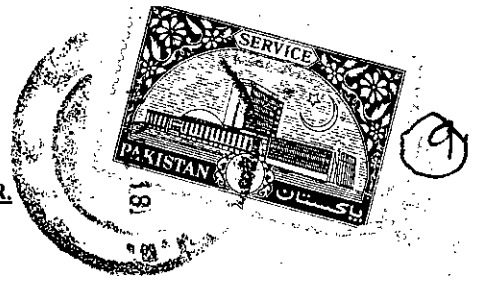
*23/10/18*

~~*[Signature]*~~

ATTESTED



(21)



**OFFICE OF THE DIRECTOR (E&SE) KHYBER PAKHTUNKHWA PESHAWAR.**

**NO DEMAND CERTIFICATE.**

In pursuance of Internal/ Final Audit Report and other Liability Certificate issued by District Education Officer (Female) Karak, It is certified that nothing is outstanding against Mst: Sahar Bano HM GGHS Tarkha Koi District Karak, retired from Govt: Service w.e.from 15.9.2018.

This certificate is issued for the purpose of pension and is without prejudice to any Government Claim that may subsequently be proved against the officer concerned through any disciplinary proceedings or civil suit.

3040-42

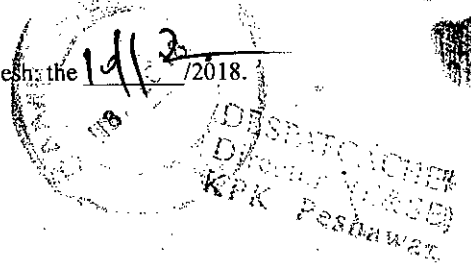
**DIRECTOR ELEMENTARY & SECONDARY  
EDUCATION KHYBER PAKHTUNKHWA  
PESHAWAR.**

Endst:No. //P-7/Deptl:/ GGHS Tarkha Koi Karak/DD(F&A)

Dated Pesh: the 19/12/2018.

Copy forwarded to the:-

1. District Education Officer (Female) Karak.
2. District Accounts Officer Karak.
3. Headmistress GGHS Tarkha Koi District Karak.
4. Supdt: (F&A) Local Directorate.



*[Handwritten Signature]*  
10/12/18

**ASSISTANT DIRECTOR (AUDIT)  
(E&SE) KHYBER PAKHTUNKHWA  
PESHAWAR.**

As.

*[Handwritten Signature]*

**ATTESTED**

OFFICE OF THE DISTRICT ACCOUNTS OFFICER KARAK

No. DAO/KK/PR-2/2017-18/424

Dated: 12/10/2018

(22)

(10)

The AO Prashant  
Local Lead

Subject: LAST PAY CERTIFICATE/TRANSFER OF SERVICE DOCUMENTS IN RESPECT  
OF MRS. Sheela Bano PERSONAL NO. 299930.

Memo

The above named officer has been posted/transferred to your audit control. His L.P.C Personal File Service Book and Service Statement are sent here with. His other Documents are as under.

**Last Pay Certificate**

He has been paid up to 30-9-18 at the following rates.

S.No	Wage Type	Pay And Allowances	Rate	Deductions		
				Wage Type	Description	Rate
01	0001	Basic Pay	69470	30	GP Fund	4270
02	1000	House Rent Allowances	4433	3501	Benevolent Fund	800
03	1210	Conveyance Allowance -2005	5000	4004	Retirements Benefits and Death Compensation	900
04	1947	Medical Allowance	2811	3609	Income Tax	365
05	2148	Adhoc Relief Allowance-2013 @5%	1520	3511	Additional Grp Insrnc	
06	2199	Adhoc Relief Allowance-2015 @2.5%	1100	3604	Group Insurance	
07	2211	Adhoc Relief Allowance 2016 @10%	5632			
08	2224	Adhoc Relief Allowance 2017 @10%	6747			
09		AR 2018	6947			
10		Charge Allow	100			
11						
12						
13						
Total			103960	Total		6585

He made over charge on 15-9-18 ( AN / FN).

He is authorized to draw Pay and allowances from \_\_\_\_\_ to \_\_\_\_\_ at the above rates. Over payments of Pay and Allowances from 16/9/18 to 30/9/18 is Recoverable @ Rs: \_\_\_\_\_

Service Statement prior to 28-11-2011 the officer was under the audit jurisdiction of AG/DAO/AAO was holding an Gazetted Post the officer holding the post of Gazetted/ Non Gazetted.

~~Signature~~  
**ATTESTED**

Signature  
District Accounts Officer X/11  
Karak  
12/10/18

23

11

OTHER LIABILITY CERTIFICATE.

Apart from the internal audit for the purpose of NDC/Pension, it is hereby certified that there is no liability on the part of Mst: Shahar Bano HM GGHS Tarkha Koi District Karak retired from Govt: Service w.e.from 15.9.2018. It is further certified that nothing is outstanding against her in any Departmental/Anti Corruption/Judicial case and no Advance/Draft para is outstanding against her school in DAC/PAC during her DDO ship period.

*[Handwritten Signature]*  
17/11/18

DISTRICT EDUCATION OFFICER  
(FEMALE) KARAK.

*[Handwritten Initials]*

~~District Education Officer~~  
(Female) Karak

~~*[Handwritten Signature]*~~  
ATTESTED

(24)

GOVT. OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

No.AO/E&SE/6-27/LPR/Misc.  
Dated Peshawar the December 11, 2018

To

- i. The Director,  
Elementary & Secondary Education,  
Khyber Pakhtunkhwa, Peshawar.
- ii. The Director,  
Curriculum & Teachers Education,  
Khyber Pakhtunkhwa, Abbottabad.
- iii. The Director,  
PITE Khyber Pakhtunkhwa,  
Peshawar.
- iv. The Directorate of Education,  
Merged Districts Secretariat,  
Khyber Pakhtunkhwa, Warsak Road Peshawar.
- v. All District Education Officers (Male & Female),  
in Khyber Pakhtunkhwa.

**SUBJECT: RETIREMENT ON MEDICAL GROUNDS.**

I am directed to refer to the subject noted above and to state that cases of retirement on medical grounds may not be processed if a civil servant has sufficient length of service and is eligible for premature retirement. If such a civil servant applies for retirement on medical grounds, he may be discouraged and advised to apply for premature retirement.

(HASHMATULLAH)  
SECTION OFFICER (ACCOUNTS)

**Endst: of even No. & Date:**

Copy forwarded to the:

1. PS to Secretary, E&SE Department Khyber Pakhtunkhwa.
2. PS to Special Secretary, E&SE Department Khyber Pakhtunkhwa.
3. PA to Additional Secretary (Estab) E&SE Department Khyber Pakhtunkhwa.
4. PA to Deputy Secretary (Admn) E&SE Department Khyber Pakhtunkhwa.

~~with~~  
ATTESTED

~~with~~  
SECTION OFFICER (ACCOUNTS)

**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.

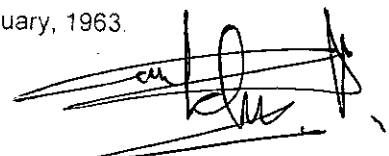
[G. I., F. D., Endorsement No. F. 6 (13)-R. II/44, dated the 11th May, 1944. ]

<sup>1</sup>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

---

<sup>1</sup> inserted by G. P., M. F. Notification No. F. 5(2)-R2/60, dated the 6th January, 1963.

  
**ATTESTED**

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.

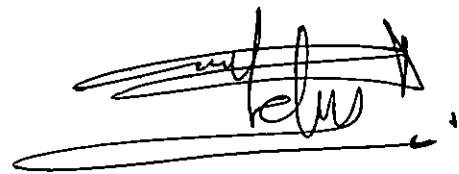
c)

- i. If the medical authority after examining the Government servant, certifies that the Government servant is permanently incapacitated for service, the findings of the medical authority shall be communicated to the Government servant immediately. The Government servant may, within seven days of the receipt by him of the official intimation of the findings of the medical authority, apply to the- Director General, Health, for a review of his case by a second medical board. Such an application shall be accompanied by fee the amount of which shall be fixed by the Director General, Health. The Director General, Health, shall then arrange for the convening of reviewing medical board consisting of persons who were not members of the first medical board. 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 docs 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-A A. )

**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.**



**ATTESTED**

27

NO.SOSR.III(FE&TD)4-36/76/Vol:VII

GOVERNMENT OF N.W.F.P.  
FINANCE, E&T DEPARTMENT.

Dated Peshawar the 1<sup>st</sup> December 1998.

From:

The Secretary to Govt: of NWFP,  
Finance, Excise & Taxation Department.  
Peshawar.

To

1. All the Administrative Secretaries,  
Government of NWFP, Peshawar.
2. The Senior Member Board of Revenue, NWFP, Peshawar.
3. The Secretary to Governor NWFP, Peshawar.
4. The Secretary to Chief Minister, NWFP.
5. The Secretary, Provincial Assembly, NWFP, Peshawar.
6. All Heads of Attached Department in NWFP.
7. All Commissioners/Deputy Commissioners/Political Agents/District and  
Session Judges in NWFP.
8. The Registrar, Peshawar High Court, Peshawar.
9. The Secretary, NWFP, Public Service Commission, Peshawar.
10. The Registrar, Services Tribunal, NWFP, Peshawar.
11. The Secretary, Board of Revenue, NWFP, Peshawar.

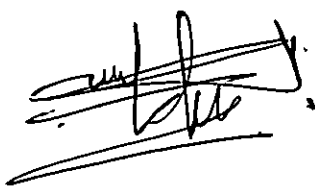
SUBJECT: MEDICAL EXAMINATION FOR THE PURPOSE OF COMMUTATION  
OF PENSION ON INVALIDATION.

Sir,

I am directed to refer to the subject noted above and to say that under the provision of fundamental Rule 10A the authority competent to fill the post held by a Government may require the Government Servant 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/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 other Government servants. The Forms of medical certificate are set out under Supplementary Rule 4AA. If the medical Board finds that the Government Servant concerned is suffering from disease which renders him permanently unfit for Government service and recommends that he/she may be invalidated from Government service, then the competent authority may require the Government Servant to retire from service and may grant him such invalid pension and or gratuity as may be admissible to him/her under the Rules.

327

[www.nwfpfinance.gov.pk](http://www.nwfpfinance.gov.pk)

  
ATTESTED

28

2. Under the existing rules a Civil Servant at his option is entitled to commute upto 50% of his Gross Pension. Rule 8(7) of the Civil Services Pension Rules inter alia provides that commutation shall become absolute, that is, the title to receive the commuted portion of the pension shall cease and the title to receive the commuted value shall accrue, on the date on which the Medical Board signs the medical certificate. The requirement of medical examination under the rules contained in Chapter-VIII of the Civil Services Pension Rules, is a separate and distinct requirement from the requirement of medical examination required for invalidation of government servants. This requirement of medical examination was valid in case of retirement on superannuation, on invalidation or on retirement on retiring pension. This requirement was however waived off if commutation was asked for within one year of the date of retirement. But in cases of premature retirement on medical grounds, the requirement of medical examination for the purpose of commutation of pension was NOT waived off as stated in Finance Department letter No.SO(SR.III)FD-4-36/76, dated 28.12.1978.

3. The above requirement of second medical examination in case of invalidated pensioners was eliminated vide para 8 (c) of the Finance Department's O.M. No.FD(PRC)I-1/94, dated 30.6.1994. A question has arisen as to when the commutation now becomes 'absolute' in terms of rule 8(7) of the Civil Services Pension Rules. The matter has been re-examined. The exact intent of para 8(c) of Finance Department's O.M. dated 30.6.1994 referred to above is that the medical board which is convened for invalidation of a Government Servant may also assess expected age in terms Chapter-VIII of the Civil Services Pension Rules, and the government Servant retired on invalid pension may be saved the trouble of second Medical Examination for the purpose of commutation. In other words the requirement of medical examination for the purposes of Chapter-VIII of the Civil Services Pension Rules, as per se was not waived off. It has, therefore, been decided that when a medical board is convened for invalidation of a Government Servant, that medical board may also be specifically requested to report its recommendation in FORM 8 (PEN) appended to the Civil Services Pension Rules alongwith medical certificate under SR 4AA.

4. These instructions shall take immediate effect and will also be applicable to cases of invalidation already referred to medical board but medical certificate not recorded on the date of issue of this letter.

Yours obedient servant,

(Sultan Mehmood Khattak)  
Deputy Secretary (Regulation)

Endst: NO.SOSR.III(FE&TD)4-36/76/Vol:VII

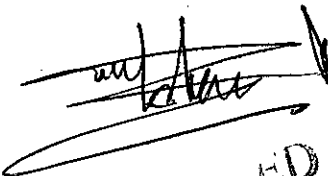
Dated 1.12.1998.

Copy forwarded for information to:-

1. All Autonomous and Semi-Autonomous Bodies in NWFP.

328

[www.nwfpfinance.gov.pk](http://www.nwfpfinance.gov.pk)

  
ACCEPTED



29

2. The Secretary, Finance Department, Government of the Punjab, Sindh and Baluchistan.

(MUHAMMAD KHAN)  
SECTION OFFICER (SR.III)

Endst: NO.SOSR.III(FE&TD)4-36/76/Vol:VII

Dated 1-12-1998.

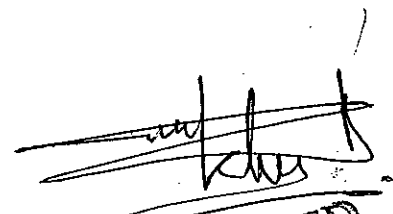
Copy forwarded for information to:-




1. The Accountant General, NWFP, Peshawar.
2. All District/Agency Accounts Officers in NWFP.
3. The Treasury Officer, Peshawar.
4. All Section Officers/Budget Officers in Finance, E&T Department.
5. The Director, Excise and Taxation Department, Peshawar.
6. The Director, Local Fund Audit Department.
7. PS to F S, P.As to Additional Secretaries/Deputy Secretaries.

(MUHAMMAD KHAN)  
SECTION OFFICER (SR.III)

329

[www.nwfpfinance.gov.pk](http://www.nwfpfinance.gov.pk)

  
ATTESTED

تقسیم 50 روپے	6550	  
ایڈویکٹ: شہاب محمد قیوم صاحب بار کونسل ایسوسی ایشن نمبر: 10-7677-14 رابطہ نمبر: 0333-9195776		
پشاور بار ایسوسی ایشن، خیبر پختونخوا بعدالت جناب: سروسز ٹریڈنگ کمپنی پشاور		

مخائب: <i>Appellant</i>	دعویٰ:
شہر بانو بنام حکومت	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:
<b>باعت تحریر آگے</b>	

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ آن مقام پشاور کیلئے شہاب محمد قیوم صاحب کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر 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 کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ با 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۔ 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 سند رہے

المرقوم: 30 اپریل 2019

المقام: پشاور

Accept

نوٹ: اس وکالت نامہ کی فونو کالی ناقابل قبول ہوگی۔

30/04/2019

شہر بانو زوی محمد اشفاق سند ترمیم کی تصدیق کے لئے

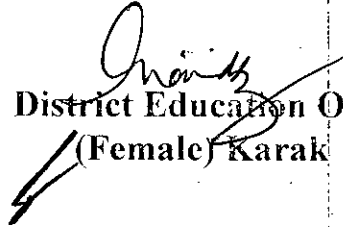
**BEFORE THE KHYBER PAKHTUNKHAWA SERVICE TRIBUNAL  
PESHAWAR**

**APPEAL NO. 558/2019**

**MST; SHAHER BANO VS EDUCATION DEPTT:**

**INDEX**

S/NO	DOCUMENTS	ANNEXTURE	PAGE
1	Joint Parawise Comments	A	1-3
2	Affidavit	B	4
3	Authority	C	5

  
District Education Officer  
(Female) Karak

**BEFORE THE HON'ABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR.**

**Service Appeal No. 558 of 2019**

*Mst. Shaher Bano (Appellant)*

**VERSUS**

*Govt: of KP & others (Respondents).*

**WRITTEN COMMENTS.**

Respectfully Sheweth

Joint Parawise written comments on behalf of Respondents No. 2, 4& 6

**Preliminary Objections.**

1. That appellant has got no cause of action to file the instant appeal.
2. That the appellant has got no locus standi.
3. That the instant service appeal is against the law and facts.
4. That the appellant is estoppel to file the instant service appeal.
5. That the instant service appeal is not maintainable & entertainable in its present form.
6. That the appellant has not come to this Hon'able Tribunal with clean hands and concealed the material facts.
8. That the service appeal is liable to be dismissed being wrong and incorrect.

**Factual Objections**

1. That Para No. 1 of the appeal is correct.
2. The medical prescription mentioned in Para No. 2 pertains to medical record; however, she submitted an application for retirement on medical a ground which was forwarded ahead.
3. Para No. 3 pertains to record
4. Para No. 4 pertains to record

5. Para No. 5 pertains to record.
6. Para No. 6 also pertains to record.
7. That respondent No. 2 has rightly hold that the appellant may apply for premature retirement on fresh ground rather to proceed her on retirement on medical ground in light of the Notification No. AO (E&SE/6-27/LPR.MISC dated Peshawar the December 11, 2018. -----(*Photocopy of notification is annexed as Annexure "A"*).
8. That the appeal for review for her retirement on medical ground has been rejected on the ground mentioned above. She is not entitled to be retired on medical ground as she has completed her qualifying service.

#### **Objection on Grounds**

- a. Incorrect. The appellant has completed her qualifying service. She can apply for her pre-mature retirement instead of apply for her retirement on medical ground.
- b. Incorrect. The appellant has been treated in accordance with law.
- c. Partially correct. Further it is stated that in meanwhile notification No. AO (E&SE/6-27/LPR.MISC dated Peshawar the December 11, 2018 was issued, the appellant was directed to re-submit her application for retirement on pre-mature ground as the appellant has completed her maximum service.
- d. Incorrect. The appellant was rightly directed to re-submit her application for retirement on the ground that the appellant has completed her qualifying service, therefore, she is not entitled to be retired on medical ground for the reason mention above.
- e. Incorrect. The reasons mentioned in the notification are according to law and rules.
- f. Incorrect.
- g. Incorrect. The case of appellant has been treated in accordance with law & rules.
- i. Incorrect.

- j. Incorrect. The appellant has been dealt in accordance with law and rules. No fundamental rights has been violated of the appellant while directing her to apply on fresh ground for pre-mature retirement on medical ground.
- k. Incorrect.
- l. Incorrect.
- m. Incorrect. The appellant is not entitled to be retired only on medical ground whereby the appellant is entitled to be retired on medical pre-mature.
- n. The appellant was directed to come on fresh ground for pre-mature retirement on medical ground.
- o. Incorrect.

=====

**Prayer**

So it is, therefore, most humbly and respectfully prayed that keeping in view the above mentioned written comments this Hon'able Tribunal may very kindly be dismissed the instant Service Appeal.

=====

Dated:- 17/06/2019

**Respondent No.2**

(Secretary ~~Elementary & Secondary~~ Elementary & Secondary Education Department Khyber Pakhtunkhwa)

**Respondent No. 4**

Director Elementary & Secondary Education Department Khyber Pakhtunkhwa)

**Respondent No. 6**

Distinct Education Officer (Female) Karak.

**Respondent No. 3**

Secretary Establishment Department,  
Civil Secretariat, Peshawar

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

**Service Appeal No. 558/2019**

**Mst:Shaher Bano (Appellant)**

**VERSUS**

**Secretary (E & S ) Edu: Department Peshawar & others (Respondents)**

**AFFIDAVIT**


I, Umar Daraz Budget Account Officer DEO(Female), karak BPS-17 do hereby solemnly affirm and declare on oath that all the contents of accompanying reply are true and correct to the best of my knowledge and belief, nothing is lie and nothing has been concealed from this Honourable Court of Service Tribunal KPK Peshawar.

Dated \_\_\_\_\_/2019.

Deponent  
  
(UMAR DARAZ)

## AUTHORITY

Mr. Umar Daraz, Budget & Accounts Officer (B-17) is hereby authorized to attend the Honourable Service Tribunal Khyber Pakhtunkhawa Peshawar on 29.07.2019 in connection with Service appeal No.558/2019 titled Mst:Shaher Bano versus Govt: of Khyber Pakhtunkhawa (E & S ) Education department and others.

  
District Education Officer  
(Female) Karak



KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 992 /ST

Dated 20-03 2020

To


The Secretary E&SE Department,  
Government of Khyber Pakhtunkhwa,  
Peshawar.

Subject: -

JUDGMENT IN APPEAL NO. 558/2019, MST. SHAHER BANO.

I am directed to forward herewith a certified copy of Judgement dated 20.12.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.