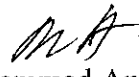


28.08.2017

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional AG for the respondents also present. Written replies on behalf of respondents No. 1, 3 to 6 have already submitted. Written reply on behalf of respondent No. 2 not submitted despite extensions of last opportunity at the cost of 1000/-. Learned Additional AG requested for further adjournment. Last opportunity is further extended subject to payment of further cost of Rs. 1000/- which shall be borne by respondent No. 2 from his own pockets. Representative of respondent No. 2 is also not in attendance therefore, notice be also issued to respondent No. 2 with the direction to direct the representative to attend the court and submit the written reply on the next date positively. Adjourned. To come up for written reply/comments and costs of Rs. 2000/- on behalf of respondent No. 2 on 09.10.2017 before S.B.


(Muhammad Amin Khan Kundi)

Member

09.10.2017

Counsel for the appellant and Addl:AG alongwith Mr. Yar Gul, Senior Clerk for respondents present. Learned AAG rely of respondents no. 1,3 to 6 on behalf of respondent no.2. To come up for rejoinder and arguments on 23.11.2017 before D.B.


(AHMAD HASSAN)
MEMBER

23.11.2017; Learned counsel for the appellant present. Learned Deputy District Attorney for the respondents present. Vide our separate judgment of today placed on file the present appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room.


(GUL ZEB KHAN)
MEMBER


(MUHAMMAD HAMID MUGHAL)
MEMBER

ANNOUNCED

23.11.2017

11.05.2017

Counsel for the appellant present. Mr. Yar Gul, Senior Clerk alongwith Mr. Muhammad Adeel Butt, Additional AG for respondents No. 2 & 6 and Mr. Shakeel Ahmed, Advocate for respondents No. 1, 3 to 5 also present and submitted Wakalatnama. Written reply on behalf of respondent No. 6 has already been submitted. Written reply on behalf of respondents No. 1 to 5 not submitted despite cost of Rs. 1000/-. Learned Additional AG and representative of respondents requested for further time for submission of written reply. Last opportunity is further extended subject to payment of further costs of Rs. 1000/- which shall be borne by respondents 1 to 5 from their own pockets. To come up for written reply/comments and costs of Rs. 2000/- on behalf of respondents No. 1 to 5 on 19.06.2017 before S.B.



(Muhammad Amin Khan Kundi)
Member

19.06.2017

Counsel for the appellant present. Mr. Khayal Muhammad, Legal Officer, for respondents No. 1, 3, 4 & 5 and Mr. Yar Gul, Senior Clerk for respondent No. 2 alongwith Mr. Muhammad Adeel Butt, Additional AG for the respondents also present. Written reply alongwith costs of Rs. 2000/- submitted by representative of respondents No. 1, 3, 4 & 5. Cost of Rs. 2000/- paid to counsel for the appellant and receipt also obtained by him. Written reply by respondent No. 6 has already been submitted. Learned Additional AG and representative of respondent No. 2 requested for further time for submission of written reply on behalf of respondent No. 2. Last opportunity is further extended subject to payment of cost of Rs. 1000/- which shall be borne by respondent No. 2 from his own pocket. To come up for written reply/comments on behalf of respondent No. 2 on 28.08.2017 before S.B.



(Muhammad Amin Khan Kundi)
Member

110502017

Commissioner for the Special Sessions, Mr. Yaqub Khan, Senior Clerk, Mad,
admiralty office, (Muhammad A. Noell, Butt & Associates) A Gulf Senior
resident of Nazim Road No 4 No 6 2nd Mig. Shikri. Amin, Advocate for Butt,
resident of Nazim Road No 4 No 6 2nd Mig. Shikri. Amin, Advocate for Butt,
resident of Nazim Road No 4 No 6 2nd Mig. Shikri. Amin, Advocate for Butt,
of cost of Rs 2000. Written reply by representative of respondent by 1, 3,
submitted written reply on behalf of respondents and to accept
submitted by written reply by respondent. Additional AGs already
respondent noted, 2. Additional AGs respondent. Notice of
respondent. Further request for further information of written
opportunity to be afforded. Subject as above. For further extension
Rs 100/- to pay shall be done by respondent from their home by
post and to be affixed with written documents and cost for written
2000/- on behalf of respondent. Non 2190220872 before
S.D.B.


(MUHAMMAD AMIN KHAN KUNDI)
Member
MEMBER

15.02.2017

Counsel for the appellant and Addl. AG for respondents present. Written reply not submitted. Requested for adjournment. To come up for written reply/comments on 20.03.2017 before S.B.


(AHMAD HASSAN)
MEMBER


20.03.2017

Counsel for the appellant and Addl. AG for the respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 12.04.2017 before S.B.


Chairman

12.04.2017.

Appellant with counsel and Mr. Zakiullah, Senior Auditor alongwith Addl. AG for the respondents present. Written reply submitted on behalf of respondent No. 6. Written reply on behalf of respondents No. 1 to 5 not submitted despite last opportunities. Requested for further adjournment. Last opportunity further extended subject to payment of cost of Rs. 1000/- which shall be borne by respondents from their own pockets. To come up for written reply/comments and cost on 11.05.2017 before S.B.


Chairman

07.11.2016

Appellant with counsel present. Preliminary arguments heard and case file perused. Learned counsel for the appellant submitted that due to domestic affairs the appellant requested the department for LPR which was duly granted vide order dated 30.06.2016 to be effective from 01.09.2016 but before the reach of this date the appellant reviewed his decision of LPR and requested the department to withdraw the same order of 30.06.2016. He further submitted that this request was turned down by the competent authority on 18.07.2016 against which his departmental appeal has not yet been responded. He further submitted that the appellant is still on duty and respondent-department in order to get the seat vacated is not responding to lawfully and genuine request. He also took the plea of discrimination and submitted that in case of Naimatullah, Chowkidar, the department had reviewed its decision of LPR. The learned counsel for the appellant urged that indulgence of this Tribunal is very necessary for the ends of justice as the respondent-department is reluctant to do justice with the appellant.

Appellant Deposited
Security & Process Fee

Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notice be issued to the respondents for submission of written reply. To come up for written reply/comments on 12.01.2017 before S.B.


Member

12.01.2017



Appellant in person and Mr. Khizar Hayat, Budget and Account Officer for respondents No. 1,3,4 & 5 alongwith Additional AG for the respondents present. Written reply not submitted. Requested for adjournment. To come up for written reply/comments on 15.02.2017 before S.B.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1087/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	25/10/2016	<p>The appeal of Mr. Abdul Saddique Afridi presented today by Muhammad Arsalan Afridi 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-	26-10-2016	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>07-11-2016</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 1087 /2016

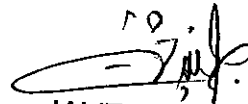
Abdul Sadique Afridi Versus **Hospital Director, LRH/MTI, Peshawar & Others**

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Address Sheet		4
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Affidavit		6
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Annexure "B" Application for the voluntary Retirement		7
Annexure "C" Office Order of Appellant's retirement dated 30/06/2016		8
Annexure "D" Application dated 11/07/2016 for Withdrawal of retirement order		9
Annexure "E" Order of Refusal dated 18/07/2016		10
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		20


Appellant

Through


JAVED ALI


M. ARSALAN AFRIDI

ADVOCATES, PESHAWAR

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 1087 /2016.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1118

Dated 25-10-2016

**Abdul Sadique Afridi S/O Mian Gul Jan R/O Pajjagi Road near Bacha Khan
Markaz, Tehsil and District Peshawar**

.....Appellant

Versus

1. Hospital Director, LRH/MTI, Peshawar
2. D.G Health Services, Khyber Pakhtunkhwa, Peshawar
3. DMS (Admin) LRH/MTI, Peshawar
4. Chief Head Ward Orderly LRH/MTI, Peshawar
5. Budget & Accounts Officer LRH/MTI, Peshawar.
6. The Accountant General Khyber Pakhtunkhwa, Peshawar

.....Respondents

**Appeal u/s 4 of Khyber Pakhtunkhwa Service
Tribunal Act, 1974 against the impugned order of
retirement dated 30/06/2016**

Prayer in Appeal:

On the acceptance of this Appeal, the impugned order of Retirement dated 30/06/2016 may please be suspended.

Respectfully Sheweth:

FACTS:

1. That the Appellant is a Law abiding citizen and is permanent resident of Pajjagi Road near Bacha Khan Markaz Tehsil and District Peshawar.

2. That the Appellant has been serving as Ward Orderly at Lady Reading Hospital/MTI, Peshawar.
(Copy of Pay Slip is attached as Annexure "A")

Filed to-day

Registrar

25/10/16

3. That the Appellant has been rendering his services at LRH/MTI, Peshawar for the last 29 years with utmost zeal, zest and to the entire satisfaction of his seniors.
4. That the Appellant due to the tense domestic circumstances and in a status of anxiety applied for the voluntary retirement from his post through L.P.R. (Copy of Application is attached as Annexure "B")
5. That the application for retirement of the Appellant was accepted and allowed by the authority concerned vide office order No.23860-64/LRH/E-IV dated 30/06/2016 wherein the appellant was retired from the service w.e.f 01/09/2016 by granting 365 days Encashment in lieu of L.P.R. (Copy of the Office Order is attached as Annexure "C")
6. That in the meantime the domestic conditions of the Appellant became smooth hence, the Appellant applied to the authority concerned for the withdrawal of his retirement order on 11/07/2016. (Copy of the application for Withdrawal of retirement order is attached as Annexure "D")
7. That the application of the Appellant was not entertained and his request was turned down by the authority concerned vide order No.24952/LRH/E-IV dated 18/07/2016. (Copy of the order is attached as Annexure "E")
8. That the Appellant being aggrieved of the refusal order preferred application on 25/07/2016 and 27/07/2016 respectively to the authority concerned to review his order and entertain the request of the Appellant. (Copy of applications are attached as Annexure "F" and "F-1")
9. That the application of the Appellant was duly processed and forwarded by the office of D.G Health Services, KPK Peshawar to the Hospital Director LRH/MTI, Peshawar with recommendations for favor and acceptance of the request of the Appellant . (Copy of Letter No.5369 dated 17/08/2016 is attached as Annexure "G")
10. That the applicant has not been informed regarding the status of letter mentioned above forwarded to the Hospital Director on 17/08/2016 for which purpose the Appellant applied through an application dated 04/10/2016 in this regard. (Copy of application is attached as Annexure as "H").
11. That prior to the Appellant, the same nature case has been accepted and implemented by the authorities of LRH/MTI, Peshawar in 2013 wherein the already sanctioned **L.P.R of Niamat Ullah (Chowkidar) was cancelled, he was allowed to resume his duty and his gap period of 01 MONTH 12 DAYS was converted into earned leave.** (Copy of withdrawal order dated 15/03/2013 and order of arrival report dated 20/03/2013 are attached as Annexure "I" and "I-1")
12. That the order of the Respondents is against the Civil Servants Policy which expressly states the **"A government servant may withdraw his option of Voluntary Retirement within the period of L.P.R"**. (Copy of Service Policy is attached as Annexure "J")
13. that the appellant is performing his duties regularly and is waiting for his Departmental appeal dated 25/07/2016 to be decided by respondents. (Copy of attendance sheet is attached as annexure "k")
14. That the Appellant has to look after his family being the only earning person and there is no alternative source of income of the Appellant

That being aggrieved by the order of the authority concerned, the Appellant file this service appeal on the following grounds:

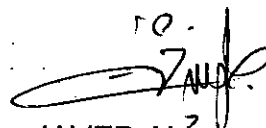
Grounds:

- a- That the impugned order is against the principles of Natural Justice.
- b- That the impugned order is unjust, against the ground realities and is liable to be set aside.
- c- That the impugned order is against the service rules therefore, not tenable in the eyes of law.
- d- That the Appellant has timely applied for the withdrawal of his voluntary retirement request.
- e- That the competent being fully empowered to make an order of the cancellation of retirement has not exercised his powers after the request of the Appellant which is prejudice to the interest of the Appellant.
- f- That the order of refusal of the Appellant regarding withdrawal of retirement request is against the norms of justice and is liable to be set aside.
- g- That the Respondent No.1 has not given an opportunity to the Appellant to be heard hence violated the rules of justice.
- h- That as the similar nature case has already been decided in favor of the already retired employee while the Appellant is being treated differently therefore, this impugned order of the Respondents is absolutely against the principles of fair justice and equity.
- i- That this impugned order is not a judicious order hence is void and ineffective upon the rights of the Appellant.

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


Appellant

Through


JAVED ALI


M. ARSALAN AFRIDI

AMJID KHAN

ADVOCATES, PESHAWAR


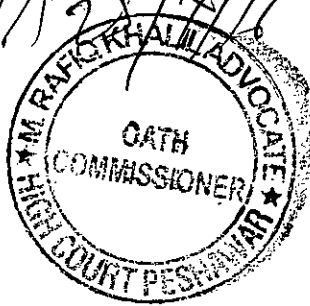
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR


Service Appeal No. _____/2016

Abdul Sadique Afridi Versus Hospital Director, LRH/MTI, Peshawar & Others

AFFIDAVIT

I, **Abdul Sadique** S/O Mian Gul Jan R/O Pajjagi Road near Bacha Khan Markaz Tehsil and District Peshawar, Appellant do hereby on oath Affirm and Declare that the contents of this Service Appeal are True and Correct to the best of my knowledge and belief and nothing has been kept concealed.

ATTESTED




Deponent

5

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2016

Abdul Sadique Afridi Versus **Hospital Director, LRH/MTI, Peshawar & Others**

ADDRESSES OF PARTIES

Appellant

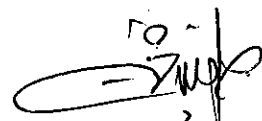
Abdul Sadique S/O Mian Gul Jan R/O Pajjagi Road near Bacha Khan Markaz Tehsil and District Peshawar

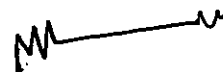
Respondents

1. Hospital Director, LRH/MTI, Peshawar
2. D.G Health Services, Khyber Pakhtunkhwa, Peshawar
3. DMS (Admin) LRH/MTI, Peshawar
4. Chief Head Ward Orderly LRH/MTI, Peshawar
5. Budget & Accounts Officer LRH/MTI, Peshawar.
4. The Accountant General Khyber Pakhtunkhwa, Peshawar


Appellant

Through


JAVED ALI



M. ARSALAN AFRIDI

AMJID KHAN

ADVOCATES, PESHAWAR

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2016

Abdul Sadique Afridi Versus Hospital Director, LRH/MTI, Peshawar & Others

Application for the grant of an Interim Relief to the effect that the impugned retirement order may kindly be suspended till final disposal of this Appeal

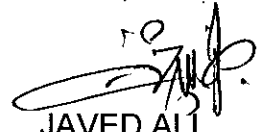
Respectfully Sheweth,

1. That the subject Appeal has been filed by the Appellant/Applicant before this Hon'ble Tribunal in which no date has been fixed yet.
2. That the contents of the main appeal may please be considered as an integral part of this application.
3. That the applicant has got a good prima facie case in his favor.
4. That the balance of convenience also lies in favor of the applicant.
5. That in case the impugned order of the Respondents is acted upon and the injunction is not granted, the applicant will suffer an irreparable loss.

It is therefore most humbly prayed that the impugned posting/transfer order may kindly be suspended till the final disposal of the main appeal.

Through

Appellant


JAVED ALI

M. ARSALAN AFRIDI

AMJID KHAN
ADVOCATES, PESHAWAR

AFFIDAVIT

I, **Abdul Sadique Afridi** S/O Mian Gul Jan R/O Pajjagi Road near Bacha Khan Markaz Tehsil and District Peshawar, Appellant do hereby on oath Affirm and Declare that the contents of this Service Appeal are True and Correct to the best of my knowledge and belief and nothing has been kept concealed.


Deponent

7

Anex "A"

Lady Reading Hospital Pathawar

99991-672782

ABDUL SADIQUE
Ward Orderly

June, 2006

02 N.T.N

PAYMENTS

001	Substantive Pay	4075.00
131	Conveyance Allowance	340.00
133	Special Addl. Allowance	340.00
134	House Allowance	990.00
138	Cost of Living Allowance	521.00
141	Adhoc Relief (2004)	521.00
175	Medical Allowance	425.00

DEDUCTIONS/RECOVERIES

361	Gratuity	38.00
374	GP-Advance-4	1,000.00
381	Beneficial Fund	15.00
385	G.P. Fund	170.00

TOTAL **	7,212
Balance	38.00
13,000	1,000.00
25,345	170.00
TOTAL ***	1,223
NET AMOUNT PAYABLE	5,989

QUALIFYING SERVICE	
18 YRS	11 MON

BANK MCB
BRANC 0958 LRH

نوٹ: اس صورت میں اس رقم کے اخراج کا نوٹ لکھنا ہوگا اور اس صورت میں اس رقم کے اخراج کا نوٹ لکھنا ہوگا

Amesteed by
MA

S.No-905

1672782

Annex B (8)

APPLICATION FOR LEAVE

67

Notes: Item 1 to 9 must be filled in by all applicants. Item 12 applies only in the case of Government servants of BPS-16 and above.

- 1. Name of Applicant: ABDUL SADIQUE. S/o Mian Gul Jam
- 2. Leave Rules applicable: 1981
- 3. Post held: WARD ORDERLY
- 4. Department or Office: L.R.H.
- 5. Pay: BPS-05
- 6. House Rent Allowance/Conveyance Allowance or other compensatory allowances drawn in the present post.
- 7. (a) Nature of leave applied for: Retirement along with 365 Days
 (b) Period of leave in days: Encashment
 (c) Date of commencement: 01-09-2016

- 8. Particular Rule/Rules under which leave is admissible: _____
- 9. (a) Date of return from last leave: _____
 (b) Nature of Leave: _____
 (c) Period of leave in days: _____

Date: 10/06/16 Signature of Applicant: [Signature]

10. Remarks and recommendation of the Controlling Officer: _____

11. Certified that leave applied for is admissible under Rule _____ and necessary conditions are fulfilled.
 Date: _____

12. Report of _____

 Date: - -

Attested by
[Signature]

Designation: Joint Lady Reading Hospital Peshawar

13. Orders of the Sanctioning Authority certifying that on the expiry of leave the applicant is likely to the same post carrying the compensatory allowance being drawn by him.

Date: _____ Signature: _____
 Designation: _____

E-11
 9966
 08.06.16
 Peshawar

LADY READING HOSPITAL,
MEDICAL TEACHING INSTITUTION PESHAWAR

OFFICE ORDER.

Sanction is hereby accorded for the grant of 365 days encashment in lieu of L.P.R in favour of Mr. Abdul Sadique S/O Mian Gul Jan Ward Orderly of this hospital on his own request being having 29 years 01 month & 08 days qualifying Govt. service and 1300 days leave to his credit.

He will stand retired from service with effect from 01.09.2016 (F.N).

Sd/-
Hospital Director
MTI / LRH Peshawar.

Dated. 30 / 6 / 2016.

No. 23860-64
/LRH/E-IV
Copy to:-

1. The Accountant General Khyber Pakhtunkhwa Peshawar.
 2. Director General Health Services, Pakhtunkhwa Peshawar.
 3. Budget & Accounts Officer LRH/ MTI Peshawar.
 4. Chief Head Ward Orderly LRH/ MTI Peshawar.
 5. Official Concerned.
- For information and necessary action.


Hospital Director
LRH / MTI Peshawar.

Attested by



گورنمنٹ آف سندھ
دہلی
LPR کنسلٹنٹس

صاف

مورننگ زون سے - فوری کارڈ لپ آرڈر پر ایک 30/6/2016
'و 1/9/2016 سے لپ آرڈر شروع ہوئے۔ فوری سٹریٹ نوٹری کال
ہے۔ فوری کارڈ نوٹری کال - وہ عمل ہوئے۔

لپ آرڈر کارڈ لپ آرڈر سے لپ آرڈر کنسلٹنٹس کا حکم
پر کارڈ نوٹری کال -
عقود نوٹری کال

11/7/2016

فریڈرک
Am F
عبدالرحمن

فریڈرک کنسلٹنٹس

Attested by
M

LADY READING HOSPITAL
MEDICAL TEACHING INSTITUTION PESHAWAR

No. 24952/LRH/E-IV,Dated. 18/07/2016.


To

Mr. Abdul Sadique S/O Mian Gul Jan
Ward Orderly
LRH/MTI, Peshawar.


Subject:- WITHDRAWAL OF RETIREMENT ORDER.
Memo:


Reference your application dated 11/07/2016 vide Dairy No. 11472 dated 11/07/2016.

The case was earlier decided on the option of concerned employee, therefore cannot be entertained at this stage hence regretted.


Hospital Director
LRH/MTI Peshawar.

1. DMS (Admn:), MTI/LRH Peshawar.
2. Budget & Accounts Officer MTI/ LRH Peshawar.
3. Chief Head Ward Orderly MTI/ LRH Peshawar.


Hospital Director
LRH/MTI Peshawar.

Attested by


جنوری ۲۰۱۶ء میں ایڈمنسٹریٹو فیڈ بیک کے تحت

درخواست اپیل پر LPR کینسلیشن

جناب صاحب

موربانہ ڈائریکشن سے - کہ خودی نے کچھ عرصے پہلے LPR کے درخواست
خودی کا مفروضہ کو منسلک کیا - وہ حل ہو گیا - جب کہ خودی اب مندرجہ
کرنہ کا پتہ سے 2016/6/3 کو خودی کو لیکٹر ملل 1/9/2016 سے R
منزلت پر فکا سے - خودی نے 2016/7/11 کو درخواست دی - کہ
LPR کینسلیشن کیا جائے۔

لہذا اب دیگر درخواست دہریا ہوئی۔ لیکٹوریٹر
خودی کا LPR کینسلیشن کیا جائے۔

مگر جو دعویٰ رہتا ہے

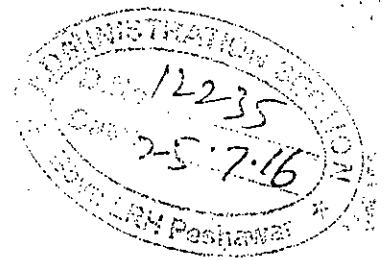
مسٹر نواز شہزاد صاحب

25/7/16

عبدالرشید

عبدالرشید ولد صاحبان

لکھنؤ وارڈ ایئر ڈیپارٹمنٹ، کینسلیشن LPR



جناب صاحب

Recommended & forwarded
for favorable consideration

Attested by
M

3/1/16
25/7/16

دفعہ 14

LPR کینسلیشن کے
موربانہ ڈائریکشن سے

محمد علی صاحب

25/7/16

گورنمنٹ ڈائننگ روم جنرل صاحبہ کے لیے ڈیپارٹمنٹ آف
درخواست لپرائز کمیشن

صاف کاپی

موردہ ایئر اسٹریٹ - کہ فوری طور پر ایئر اسٹریٹ جنرل میں 1987
سے پوسٹ وارڈ آرڈر (پول) کی فون ٹیلیفون سرانجام دیا گیا ہے۔
فوری طور پر ایئر اسٹریٹ لپرائز کے درخواست دی گئی۔
لپرائز ایئر اسٹریٹ 30/6/2016 کو 1/9/2016 سے شروع
ہو گا۔ اب فوری طور پر لپرائز سرانجام دیا جائے۔

ایئر اسٹریٹ صاحبہ کی طرف سے درخواست لپرائز
کرنے کا حکم جاری کیا گیا ہے۔

شکر ہو عارف ریٹائرڈ
مسن ڈائریکشن - ٹور
27/7/2016

عزیز
[Signature]

Forwarded to DMS(A)
for further n/a please

عبداللہ علی وارسیان صاحبان
پوسٹ وارڈ آرڈر (پول) کی فون ٹیلیفون سرانجام دیا گیا ہے۔
[Signature]

Recommended 1/c II

[Signature]

Attested by
[Signature]

20095/18v
28/7/16

Annex "I"

16

32

ADY READING HOSPITL PESHAWAR.

Annex "G"

14

**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUN KHWA PESHAWAR**



E-Mail Address: nwfdghs@yahoo.com Office Pn# 091-9210269 Exchange# 091-9210187, 9210196 Fax # 091-9210230

No. 5369 /Personnel dated 17 /08/2016

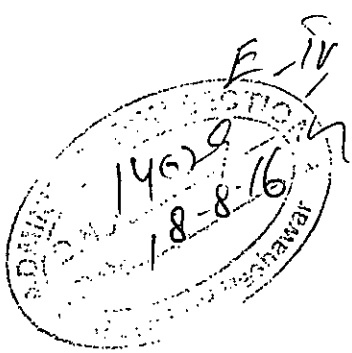
To,

The Hospital Director
MTI/LRH Peshawar.

Subject: APPLICATION FOR CANCELLATION OF LPR.

Memo:

I am directed to refer to the subject noted above and find enclose a copy of an application alongwith office order in respect of Mr. Abdul Sadique S/o Mian Gul Jan Ward orderly attached to MTI/LRH Peshawar which is self explanatory for favour of further necessary action as per rules/policy.



[Signature]
For DIRECTOR GENERAL HEALTH
SERVICES, K.P.K, PESHAWAR

[Signature]
16/8/2016

Attested by

[Signature]

گورنمنٹ
H/P
LPR
Annex
"H"

ضابطہ

مورڈن ٹریڈنگ سے۔ کہ فردی کا LPR - 1/9/2016 سے

منڈی ریسٹو جفا 30/6/2016 کو اور لیا۔ فردی نے 25/7/2016

کہ LPR کنٹینٹرز کے لیے درخواست دی۔ لیکن لکھنؤ ٹک فردی کو
انعام نہیں کیا گیا۔

لکھنؤ فردی کو انعام کیا جائے

فردی اپنے نام کا قانون حقوق محفوظ رکھتا ہے۔

علی وزیر - 2016

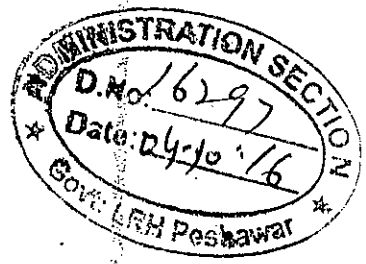
4/10/2016

عزیز

عبدالمجید یوسف ڈائریکٹر
LPH

Attested by

M



LADY READING HOSPITAL PESHAWAR.OFFICE ORDER.

On the request of Chief Head orderly and keeping in view the shortage of chowkidars in the hospital, the services of Mr Niamatullah S/O Nasrullah Chowkidar is hereby recalled and his 365 days L.P.R sanctioned vide order No.4444-49/LRH/E-IV Dated 14-02-2013 is hereby withdrawn. He is directed to resumé duty immediately. The gape period from 1-03-2013 to 12-03-2013 is treated as earned leave.

Sd/- xxx
Medical Superintendent
Lady Reading Hospital
Peshawar.

No. 7742-47 LRH/E-IV

Dated 15 /03/2013.

- 1- Accountant General KPK Peshawar.
 - 2- D.M.S (Admn) L.R.H Peshawar.
 - 3- Budget & Account Officer L.R.H Peshawar.
 - 4- P.A to Chief Executive L.R.H Peshawar.
 - 5- Head orderly L.R.H Peshawar.
 - 6- Official Concerned. L.R.H Peshawar.
- for information & n/action.

[Signature]
Medical Superintendent
Lady Reading Hospital
Peshawar.

Attested by
[Signature]

LADY READING HOSPITAL PESHAWAR.

34

OFFICE ORDER.

On cancellation of L.P.R vide office order No. 7742-47/LRH/E-VI dated. 15.03.2013 Mr. Niamat Ullah S/O Nasrullah Chokidar has submitted arrival report for duty today on 13.03.2013.

Sd/xxx
Dy. Medical Superintendent
Lady Reading Hospital
Peshawar.
Dated 20/03/2013

No. 8195²⁰⁰ /L.R.H/E-III

Copy forwarded to:

- 1. Accountant General Khyber Pakhtunkhwa Peshawar.
 - 2. DMS (Admn) L.R.H Peshawar.
 - 3. Budget and Accounts Officer L.R.H Peshawar.
 - 4. P.A to Chief Executive L.R.H Peshawar.
 - 5. Head Orderly L.R.H Peshawar.
 - 6. Official concerned
- For information and n.action.

Dy. Medical Superintendent
Lady Reading Hospital
Peshawar. 20/3

Attested by
MM

11/11/13 17/18

CTC

Government of Pakistan
FINANCE DIVISION
(Regulations Wing)

No.F.1(1)R-4/2007 (Vol-II)

Islamabad. the 17th November, 2011.

OFFICE MEMORANDUM

Subject:- Clarification of Withdrawal of Request of LPR/Retirement after Sanction/Notification.

The undersigned is directed to refer to the correspondence resting with M/o Defence(Defence Division)'s OM No.3/25/D-11(CSH0/2006 dated 01-04-2011 on the above subject and to clarify that:-

- i) After the withdrawal of Establishment Division OM No.14/2/2009-R-2 dated 25-08-1996 vide their OM No.14/2/2002-R-2 dated 14-07-2011, a Government servant may withdraw his option of voluntary retirement within the period of LPR and after retirement there is no option available to the Government servant for re-joining the duty.
- ii) An individual, who goes on 365 days LPR and after availing a part thereof, he rejoins his duty. In such cases, the period of leave availed by an individual be adjusted in the order of leave on full pay, leave on half pay and extraordinary leave (leave without pay. Later on, on attaining the age of superannuation, he again opts for 365 days LPR OR leave encashment of 180 days in lieu of 365 days LPR. Such option of an individual may be treated as a fresh case and will be allowed LPR or encashment thereof in toto.

Sd/xxxxxxxxx
(Syed Saifullah)
Deputy Secretary(R-II)
Phone No 9262627

M/o Defence,
(Rana A.R. Shahid),
Section Officer,
Government of Pakistan,
Rawalpindi.

Attested by
MM

2016 میں 9

ATTENDANCE ROLL FOR THE

MO

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Noted by

2016

10 اکتوبر

ATTENDANCE ROLL FOR T

No.	Name	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	18
1	محمد اللہ صاحب	PH	D/O	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH
2	اسحاق صاحب	PH	D/O	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH
3	محمد فوز شہزاد	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH
4	فوز شہزاد	PH	D/O	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH
5	محمد حسین صاحب	PH	D/O	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH
6	محمد صاحب	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH
7	محمد صاحب	PH	D/O	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH
8	محمد صاحب	PH	D/O	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH
9	محمد صاحب	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH
10	محمد صاحب	9	9	9	D/O	9	9											
11	محمد صاحب	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH
12	محمد صاحب	PH	D/O	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH
13	محمد صاحب	PH	D/O	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH
14	محمد صاحب	PH	D/O	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH
15	محمد صاحب	PH	D/O	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH
16	محمد صاحب	PH	D/O	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH

Attested by
MM

10



73100

M.A.

ایڈووکیٹ/ڈپٹی ایڈووکیٹ
بار کونسل ابار ایسوسی ایشن نمبر: be-144739
رابطہ نمبر: 03005949951

پشاور بار ایسوسی ایشن، خیبر پختونخوا

بعدالت جناب: سروس سٹینڈل سٹیٹ اور

مخانب: سائل	دعوی:
عبد الصمد علی آف پی پی	علت نمبر: 87/2016
بنام	مورخ:
باسٹیل، ڈی آر ایئر لائن سٹریٹ، کراچی	جرم:
	تھانہ:

بابت تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ
 ان مقام لٹا اور ایکلے محمد ارسلان آف پی پی کو وکیل 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 حالت و فیصلہ برطاعت دینے جواب دعوی اقبال دعوی اور درخواست از ہر قسم کی تصدیق
 زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی، نیز
 دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار 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 داخلہ منظور و قبول ہوگا دوران مقدمہ
 میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا وہ وکیل موصوف وصول کرنے کا اختیار 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: 25-10-2016

الع بد واہ شد الع بد

مقام لٹا اور کے لئے منظور ہے۔

Attested and accepted

by

M. M.

نوٹ: اس کچلت نامہ کی کاروائی کا تامل قبول ہوگی۔

محمد ارسلان آف پی پی

Before the Khyber Pakhtunkhwa Service Tribunal Peshawar

Appeal No. 1087/2016

Abdul Sadique AfridiAppellant.

V/S

Hospital, Director LRH / MTI Peshawar and others.....Respondents.

(Para wise reply on behalf of respondent No. 6)

Preliminary Objections.

- 1). That the appellant has no cause of action.
- 2). That the appellant has no locus standi.
- 3). That the appellant has not come to this court with clean hands.
- 4). That the appeal in hand is not maintainable.
- 5). That the instant appeal is time barred.

Respectfully Sheweth:-

Para 1:- Proved by the record, liable to be proved by the petitioner.

Para 2:- Proved by the record, liable to be proved by the petitioner.

Para 3:- Proved by the record, liable to be proved by the petitioner.

Para 4:- Proved by the record, liable to be proved by the petitioner.

Para 5:- Proved by the record, liable to be proved by the petitioner.

Para 6:- Relates to respondent No. 1 & 5 above.

Para 7:- That the action taken by the respondent No. 1 to 5, is correct and under the rules.

Para 8:- That the views mentioned in Finance Department Peshawar letter No. FD.SOSR/III/4-92/81. Dated 01.10.1981/ are quite clear.

“if a Government Servant withdraws his application for premature retirement or modifies the date of retirement before its acceptance by the competent authority. In this regard the application for the withdrawal of his retirement cannot be reviewed” (Copy enclosed).

Para 9,10,11,12:-Relates to respondent No. 1 to 5, and they are in better position to show the status of the case.

Para 13:- Incorrect, that the views mentioned in Finance Department Peshawar letter No. FDSOSR-III/4-92/81 are quite clear.

Para 14:- That as mentioned in para “8” above., the retirement orders of the appellant cannot be withdrawn under the rules.

GROUND:-

A:- Incorrect, that retirement orders dated 30.06.2016, of the appellant was issued by the competent authority on his own option and has been notified. Hence cannot be withdraw or modified under the rules.

B:- That there is no any rule under which the already notified retirement orders of any Governments Servant can be withdrawn, modified or set aside.

C:- That the retirement orders of the appellant is under the rules and upon his own option, hence cannot be challenged.

D&E:- Incorrect, that under Finance Department letter No. SOSR-III/4-92/81, dated 01.10.1981, the competent authority concerned has no power to cancel the already notified retirement orders.

- F:- That the orders of refusal of the appellant regarding withdrawal of retirement orders is under the Law and rules.
- G:- Relates to respondent No. 1.
- H:- Relates to respondent No. 1 to 5.
- I:- As mentioned in para "C" above.

Keeping in view the above mentioned facts, it is therefore, humbly prayed that the appeal in hand, having no merits, may be dismissed with cost.


ACCOUNTANT GENERAL
KHYBER PAKHTUNKHWA



72303

ایڈوکیٹ/دستخط: _____
 بارکوسل ابار ایسوسی ایشن نمبر: _____
 رابطہ نمبر: 0301-9179188

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: سروسز ٹریڈنگ لیسٹاؤر

دعویٰ:	منجانب: Respondent 2
علت نمبر:	صدر عدیل صدیقی آفندی
مورخہ:	بنام
جرم:	
تھانہ:	0301/1111

بابت تحریر آنکہ

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

آن مقام لیسٹاؤر پبلک سٹوراج ڈپازٹری کے کو وکیل 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 حالت و فیصلہ برحلت 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 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 پرداخت منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جہان التوائے مقدمہ کے سبب سے ہوگا وہ وکیل موصوف وصول کرنے کا حقدار 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:

مقام _____

Allesteeled
Accepted

نوٹ: اس بات کی فوری توثیق قابل قبول ہوگی

Wazir Khan
Assistant Director
Legal & Risk Management
M.T.I.L.R.H Peshawar

15302

12 جی ٹریڈ 19/6/17 کو اس کے 1087/16

عبدالرشید (بی بی) صاحبہ

سے مبلغ 2000 روپے عرصہ نہ وصول

کرنے کے لئے کارروائی

date 19/6/17

Appellant

Counsel for Appellant

Advocate

[Signature]

[Signature]

Place on Recused
M. Amin

19/6/20

BEFORE THE KP SERVICE TRIBUNAL
PESHAWAR.

In Re-Service Appeal No. 1087/2016

Abdus Sadiq AfridiAppellant

Versus

Hospital director LRH-MTI Peshawar & Others.....Respondents

Written comments on behalf of respondent No. 1,3,4,5 in above captioned
service appeal are as follow:

Respectfully Sheweth:

PRELIMINARY OBJECTIONS:

1. That the Petitioner has got no locus standi to file the present Petition. As the LPR was confirmed at the instance of the petitioner.
2. That the Petitioner is estopped by his own conduct to bring the constitutional Petition being a consent order.
3. The writ petition is pre-mature it is neither maintainable in law nor on facts.
4. That the Petitioner has come to the court with unclean hands. He has suppressed the material from this Honourable Court and tried to mislead the court.
5. That the appeal in hand is bad due to non-joinder & miss-joinder of necessary party.
6. That with due respect the Honourable Court lacks jurisdiction to adjudicate upon matter:
7. That the instant appeal neither maintainable on law nor in facts.

ON FACTS:

- a. Para's 1,2,3 are related to record, hence, need no reply.
- b. Para 4 is admitted as correct.
- c. Para 5 is admitted as correct.
- d. Para 6 is correct, the hospital authorities after considering the application of petitioner, decided the said application in his favour,

ON GROUND:

1. That para A,B is incorrect.
2. That para C is incorrect. The order is well in accordance with law.
3. That para D is incorrect. The petitioner applied for cancellation of his request after the decision of proper decision on his application.
4. That para E is incorrect as the order passed on consent cant be recalled by an authority under the law, hence, the order is well within the law.
5. That para F is incorrect, hence, denied.
6. That para G is incorrect, as the respondent decided the matter according to the wishes of the petitioner, hence, no question of violation of any law exists.
7. That para H is incorrect, as the cases referred to were distinguished from the case in hand.
8. That para I is incorrect, hence denied.

It is therefore respectfully prayed that the appeal of the appellant may kindly be dismissed with costs.

DATED.

Respondents 1,3,4&5

Through

BEFORE THE KP SERVICE TRIBUNAL
PESHAWAR.

In Re-Service Appeal No. 1087/2016

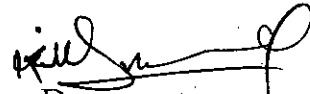
Abdus sadiq afridiAppellant

Versus

Hospital director LRH-MTI Peshawar & Others.....Respondents

AFFIDAVIT

I, Mr. khayal Muhammad Legal officer, Lady Reading Hospital, Peshawar under the instruction of Medical Director, MTI, Lady Reading Hospital Peshawar, do hereby solemnly affirm and declare on Oath that the contents of the REPLY / COMMENTS is true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.


Deponent.

Identified by


Assistant director Legal