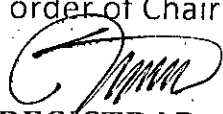


Form- A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Implementation Petition No. 306/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	23.04.2024	<p>The implementation petition of Dr. Muhammad Salman submitted today by Mr. Muhammad Zaryab Durrani Advocate. It is fixed for implementation report before Single Bench at Peshawar on _____ Original file be requisitioned. AAG has noted the next date. Parcha Peshi given to counsel for the Petitioner.</p> <p style="text-align: right;">By the order of Chairman</p> <div style="text-align: center;">   <b>REGISTRAR</b> </div>

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

Execution petition No. 306 /2024  
IN  
Service Appeal No. 1288 of 2019

Dr. Muhammad Salman presently serving as Senior Medical  
officer Type-D Hospital Lora Abbottabad.

..... Appellant

**VERSUS**

The Secretary Health Department etc.

..... Respondent

**APPLICATION FOR FIXATION OF TITLED APPEAL BEFORE**  
**THE PRINCIPAL SEAT FOR PRELIMINARY HEARING.**

**Respectfully Sheweth:**

- 1) That the titled has been submitted today before the Honourable Service Tribunal Peshawar.
- 2) That the office raised objection that the instant appeal is would be fixed before the Abbottabad Bench.
- 3) That the respondents belong to Peshawar that's why the instant execution may also be fixed before the principal seat of Service Tribunal.
- 4) That the appellant belongs to Peshawar presently while serving as Senior Medical Officer at Type-D Hospital Abbottabad.

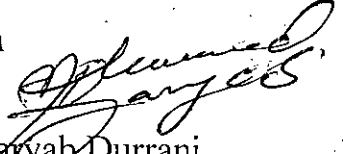
- 5) That it would be more appropriate if the instant execution if possible may kindly be submitted before the principal seat of Service Tribunal Khyber Pakhtunkhwa Peshawar.
- 6) That the counsel for the appellant was also a practicing lawyer at Peshawar belong from Peshawar and by acceptance of this application the council should attend this Hon' able Court easily.

It is therefore most humbly prayed that on acceptance of this application the instant execution application may kindly be fixed before the principal seat of the Service Tribunal Peshawar.

Dated 23.04.2024

Applicant

Through

  
Zaryab Durrani  
Advocate Peshawar

**BEFORE THE KHYBER PAKHTUNKHWASERVICE TRIBUNAL,**  
**PESHAWAR.**

Execution Petition No. 306 /2024

In  
Service Appeal: 1288 /2019

Dr. Muhammad Salman, presently serving as Senior  
Medical Officer, Type D Hospital, Lora Abbottabad  
..... Appellant

**VERSUS**

1. The Secretary Health Department, Peshawar.
2. The Director General Health Services, Khyber Pakhunkhwa, Peshawar.
3. The Secretary Finance, Khyber Pakhtunkhwa, Peshawar.
4. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
5. Hospital Director, MTI, Khyber Teaching Hospital, Peshawar.

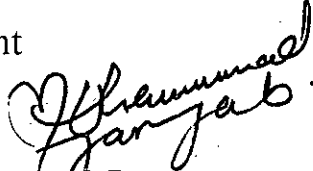
.....Respondents

**INDEX**

S.No.	Description of documents	Annexure	Pages
1.	Copy of petition		1-2
2	Copy of Service appeal	"A"	3-11
3.	Copy of Judgment of service appeal	"B"	12-17
4.	Copy of application for release of salary	"C"	18
5.	Wakalat Nama		19

Dated 22.04.2024

Appellant  
Through

  
Muhammad Zaryab Durrani  
Advocate Peshawar

(1)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.**

Execution Petition No. 306 /2024

In  
Service Appeal: 1288 /2019

Khyber Pakhtunkhwa  
Service Tribunal  
Diary No. 12356  
Dated 23/4/24

Dr. Muhammad Salman, presently serving as Senior  
Medical Officer, Type D Hospital, Lora Abbottabad

..... Appellant

**VERSUS**

1. The Secretary Health Department, Peshawar.
2. The Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
3. The Secretary Finance, Khyber Pakhtunkhwa, Peshawar.
4. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
5. Hospital Director, MTI, Khyber Teaching Hospital, Peshawar.

..... Respondents

**EXECUTION PETITION FOR DIRECTING THE  
RESPONDENTS TO IMPLEMENT THE JUDGMENT  
DATED 06/12/2022 OF THIS HONOURABLE  
TRIBUNAL IN LETTER AND SPIRIT.**

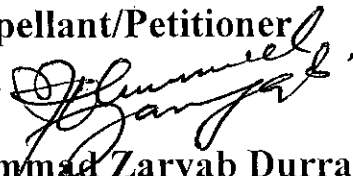
**Respectfully Sheweth:**

1. That the appellant/Petitioner filed Service Appeal No. 1288 /2019 before this Hon' able Tribunal which has been accepted by this Hon' able Tribunal vide Judgment dated 06/12/2022. (Copy of Judgment is annexed).

2. That the Petitioner after getting of the attested copy approached the respondents several times for implementation of the above mention Judgment. And properly submitted an application to respondent Department for the implementation however they using delaying and reluctant to implement the Judgment of this Hon' able Tribunal. (Copy of application attached).
3. That the Petitioner has no other option but to file the instant petition for implementation of the Judgment of this Hon' able Tribunal.
4. That the respondent Department is bound to obey the order of this Hon' able Tribunal by implementing the said Judgment.

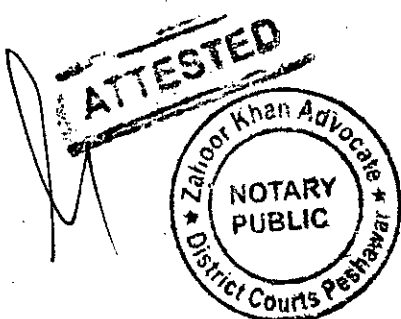
It is therefore requested that on acceptance of this Petition the respondents may kindly be directed to implement the Judgment of this Hon' able Tribunal letter and spirit.

Dated 22.04.2024

Appellant/Petitioner  
Through   
Muhammad Zaryab Durrani  
Advocate Peshawar

**AFFIDAVIT**

I, Dr. Muhammad Salman, presently serving as Senior Medical Officer, Type D Hospital, Lora Abbottabad do here by solemnly affirm and declare on oath that all the contents of the above petition are true and correct to the best of my knowledge and belief and nothing has been misstated or concealed from this Hon' able Tribunal.



DEPONENT

1 Annex "A"

(3)

**BEFORE THE SERVICE TRIBUNAL KP, PESHAWAR**

Service Appeal No. 1289/2019

Dr. Muhammad Salman

.....Appellant

**Versus**

The Secretary Health & Others

.....Respondent(s)

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3.	Copy of the office order Dated 25.07.2016 is annexed as Annexure "A"	10
4.	Copy of the W.P. No. 3206-P/2016 along-with Order Dated 29.08.2016; Judgment Dated 14.04.2018 and Office Order Dated 02.04.2018 is annexed as Annexure "B" "B-1" and "B-2"	11-26
5.	Copy of the Judgment Dated 16.01.2019 is annexed as Annexure "C"	27-31
6.	Copy of the arrival report Dated 06.04.2018 and Notification Dated 22.02.2019 is annexed as Annexure "D" and "D-1"	32-33
7.	Copy of the Departmental Appeal dated 25.06.2019 is annexed as Annexure "E"	34-35
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**Appellant**

**Through**

Ali Azim Afridi

Advocate, Peshawar

**Contact # 0333-9555000**



**BEFORE THE SERVICE TRIBUNAL KP, PESHAWAR**

Service Appeal No. 1287/2019

Dr. Muhammad Salman Presently Serving as Senior Medical Officer Type D Hospital Lora Abbottabad

Khyber Pakhtunkhwa Service Tribunal

.....Appellant No. 1340

Dated 03/10/2019

**Versus**

1. The Secretary Health Department, Peshawar
2. The Director General Health Services, Khyber Pakhtunkhwa, Peshawar
3. The Secretary Finance Khyber Pakhtunkhwa, Peshawar
4. The Accountant General, Khyber Pakhtunkhwa, Peshawar
5. Hospital Director MTI, Khyber Teaching Hospital, Peshawar

.....Respondent(s)

**APPEAL UNDER SECTION 4 OF THE KP SERVICE TRIBUNAL ACT, 1974; FOR ALLOWING GRANT/RELEASE OF SALARY TO THE PRESENT APPELLANT W.E.F**

**01.07.2016 to 26.02.2019**

**Respectfully Sheweth,**

1. That The Constitution of Islamic Republic of Pakistan aims at protecting civil servants in order to ensure smooth running of affairs of the Government and Institutions so as to benefit the public citizenry.
2. The Constitution of Islamic Republic of Pakistan equally beshields civil servants from being treated otherwise than in accordance with law.

**ATTESTED**

**EXAMINER**  
Khyber Pakhtunkhwa Service Tribunal  
Peshawar

ondats  
3/24  
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e order  
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ted  
10-2022

Filed to-day  
03/10/19  
Registrar

Re-submitted to-day  
and filed.

10/10/19



**In Sheikh Riaz-ul-Haq's Case<sup>1</sup>, it was held that,** *"Admittedly, civil servants being citizens of Pakistan have fundamental rights including the right to access to justice as envisaged under Article 9 of the Constitution"*.

3. That the Constitution of Islamic Republic of Pakistan evenly emphasizes on equality for the citizens and by the citizens; aimed at underpinning rule of law.
4. That the Constitution of Islamic Republic of Pakistan enables, the state not deprive any person of life or liberty; which a person is entitled to enjoy; distilling the command of the Constitution.

**In Shehla Zia' Case<sup>2</sup>, It was held that,** *"Article 9 of the Constitution provides that no person shall be deprived of life or liberty save in accordance with law; The word life is very significant as it covers all facets of human existence; The word life has not been defined in the Constitution but it does not mean nor can be restricted only to the vegetative or animal life or mere existence from conception to death; Life includes all such amenities and facilities which a person born in a free country is entitled to enjoy with dignity, legally and constitutionally"*.

5. That an employee/servant; if not paid his salary/wages for the work done by him for his employer; he is not expected to live a proper life; if he does not get his salary; then how can he sustain himself and his family members; even if he doesn't starve and managers to keep his soul and body intact, his own life and those of his dependent members of the family are bound to heavily suffer in quality.

---

<sup>1</sup> PLD 2013 SC 501

<sup>2</sup> PLD 1994 SC 693

**It Metropolitan's Case<sup>3</sup>, It was held that, "Article 14 of the Constitution which guarantees dignity of man is contravened when an employee/servant is denied his right to receive his salary/wages by him; Article 14, inter alia, commands "the dignity of man and, subject to law, the privacy of home, shall be inviolable"; A man who is denied the fruit of the labour and work done by him is bound to live in a manner which will deprive him of his dignity; In order to save himself from starvation and keep himself alive, such a person will have to steal, beg or borrow; A person who is forced to do any such things must suffer in dignity; Similarly, to keep his dignity intact he must enjoy facilities and amenities of life of modest keep his dignity intact the he must enjoy facilities and amenities of the life of modest level according to his station in life; The total effect of non-payment of salaries to the respondents is that they are suffering in honour and dignity and their quality of life is also adversely affected, and hence fundamental rights guaranteed under Articles 9 and 14 of the Constitution stand denied to them".**

### **ON FACTS**

6. That the appellant was working in Surgical ICU at Medical Teaching Institution Khyber Teaching Hospital, Peshawar as such was relieved from the said institution vide order Dated 25.07.2016 as such was directed to report to respondent No. 2. (Copy of the office order Dated 25.07.2016 is annexed as Annexure "A").
7. That the said order was brought under question before Hon'ble Peshawar High Court, Peshawar in W.P. 3206-

<sup>3</sup> PLD 1996 Lhr 499

P/2016; wherein the Hon'ble Court suspended the impugned order Dated 25.07.2016 as such was ultimately dismissed on 14.03.2018. (Copy of the W.P No. 3206-P/2016 along with Order Dated 29.08.2016; Judgment Dated 14.04.2018 and Office Order Dated 02.04.2018 is annexed as Annexure "B" "B-1" and "B-2")

8. That the present appellant approached this Hon'ble Tribunal impugning therein the order Dated 25.07.2016 and 24.08.2016; which service appeal No. 408/2018 was dismissed on 16.01.2019; accompanied by an office order issued at the instance of respondent No. 5. **(Copy of the Judgment Dated 16.01.2019 is annexed as Annexure "C")**
9. That it is important to note that; during the course of proceedings the appellant had preferred arrival under protest before the competent authority i.e. respondent No. 1; followed by notification Dated 22.02.2019. **(Copy of the arrival report Dated 06.04.2018 and Notification Dated 22.02.2019 is annexed as Annexure "D" and "D-1")**
10. That the gravamen of the present appellant originates therefrom non-payment of salary w.e.f. 01.07.2016 to 27.02.2019; wherein departmental appeal was preferred to respondent No. 1 and 2. (Copy of the Departmental Appeal dated 25.06.2019 is annexed as Annexure "E")
11. That non-payment of salary amounts to withholding one's right to enjoyment of life; which nonetheless is no longer a bounty rather a right.

**In General Manager's Case<sup>4</sup>, It was held that,**

<sup>4</sup> PLD 1970 SC 415

"Salaries/wages are the rightful dues which the employees/servants must get from the employers without delay".

12. That non-payment of salary; have direct nexus with the terms and conditions of the present appellant, being a civil servant.

**In Punjab Text Book Board's Case<sup>5</sup>, It was held that,**  
*"The matter in relation to salary of civil servants having a direct nexus with the terms and conditions of service of the employees; as such service tribunal alone is the appropriate forum having jurisdiction to deal with matters relating to the terms and conditions of civil servants"*.

13. That the appellant preferred departmental appeal/representation on 25.06.2019; seeking grant/release of salary w.e.f 01.07.2016 to 27.02.2019; which appeal was left unattended to by the competent authority/respondent No. 1 and 2 till date. Hence the instant service appeal inter-alia on the following grounds:-

#### **GROUND**

- A.** That non-payment of salary amounts to withholding one's right to enjoyment of life; as such exercise amounts to betrayal of the command of the Constitution and Law.
- B.** That not allowing the appellant; right to receive his salary; is totally uncalled for, against the law governing the subject matter.
- C.** That grant of salary is no more a bounty, right a right; enabling the present appellant to claim the same; from the respondents.
- D.** That denial of salary to the present appellant amounts to deprivation of his dignity.

<sup>5</sup> PLD 2001 SC 1032

- E. That the matter in relation to salary of civil servants having a direct nexus with the terms and conditions of service of the employees; as such the same lies within the jurisdiction of the service tribunal.
- F. That it is cardinal principle of law and justice that what cannot be done directly cannot be done indirectly.<sup>6</sup>
- G. That "Expressio Unis Est Exclusio Alterius", commanding that when law requires a thing to be done in particular manner then, it should be done in that manner as anything done in conflict of the command of law shall be unlawful being prohibited.
- H. That further necessary grounds will be raised during the course of arguments.

### **PRAYER**

It is therefore humbly prayed that on acceptance of this Service Appeal:-

1. The non-grant/allowance/release of salary amounts to withholding one's right to enjoyment of life; as such necessary directions may please be issued to the respondents for allowing the present appellant to seek/withdraw his salary w.e.f. 01.07.2016 to 27.02.2019<sup>✓</sup> at earliest in accordance with law.
2. Any such order be passed which this Hon'ble Tribunal deems fit and appropriate as the circumstances may require for determination of the subject at hand.

**Appellant**

**Through**

Ali Azim Afridi

Advocate, Peshawar

**Contact # 0333-9555000**

**BEFORE THE SERVICE TRIBUNAL KP, PESHAWAR**

Service Appeal No. /2019

Dr. Muhammad Salman

.....Appellant

**Versus**

The Secretary Health & Others

.....Respondent(s)

**AFFIDAVIT**

I, Dr. Muhammad Salman Presently Serving as Senior Medical Officer Type D Hospital Lora Abbottabad, appellant do hereby on oath affirm and declare that the contents of the Service Appeal are true and correct to the best of my knowledge, belief and nothing has been concealed therefrom the Hon'ble Tribunal.

Deponent

*[Handwritten Signature]*



**BEFORE THE SERVICE TRIBUNAL KP, PESHAWAR**

Service Appeal No. /2019

Dr. Muhammad Salman

.....Appellant

**Versus**

The Secretary Health &amp; Others

.....Respondent(s)

**MEMO OF ADDRESS OF PARTIES****Appellant**

Dr. Muhammad Salman Presently Serving as Senior Medical Officer Type D Hospital Lora Abbottabad

**Respondent(s)**

1. The Secretary Health Department, Peshawar
2. The Director General Health Services, Khyber Pakhtunkhwa, Peshawar
3. The Secretary Finance Khyber Pakhtunkhwa, Peshawar
4. The Accountant General, Khyber Pakhtunkhwa, Peshawar
5. Hospital Director MTI, Khyber Teaching Hospital, Peshawar

**Appellant****Through**

Ali Azim Afridi

Advocate, Peshawar

**Contact # 0333-9555000**

Annex B (12) (3)



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

Service Appeal No. 1288/2019

BEFORE: MR. KALIM ARSHAD KHAN, ... CHAIRMAN  
MISS FAREEHA PAUL, ... MEMBER (E)

Dr. Muhammad Salman, presently serving as Senior Medical Officer,  
Type D Hospital, Lora, Abbottabad. .... (Appellant)

Versus

1. The Secretary Health Department, Peshawar.
  2. The Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
  3. The Secretary Finance, Khyber Pakhtunkhwa, Peshawar.
  4. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
  5. Hospital-Director MTI, Khyber Teaching Hospital, Peshawar.
- ..... (Respondents)

Mr. Ali Azim Afridi,  
Advocate

For appellant

Mr. Muhammad Jan, District Attorney  
with Mr. Asif Yousofzai, Legal Advisor

For respondents

Date of Institution..... 03.10.2019

Date of Hearing..... 06.12.2022

Date of Decision..... 06.12.2022

**JUDGEMENT**

**FAREEHA PAUL, MEMBER (E):** The service appeal in hand has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 for allowing grant/release of salary to the appellant w.e.f 01.07.2016 to 26.02.2019.

2. Brief facts of the case, as given in the memorandum of appeal, are that the appellant while working in Surgical ICU at Medical Teaching Institution

**ATTESTED**  
KALIM ARSHAD KHAN  
Chairman  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar  
01-3-24



Khyber Teaching Hospital, Peshawar, was relieved from the said institution vide order dated 25.07.2016 and directed to report to respondent No. 2. The said order was brought under question before Hon'ble Peshawar High Court, Peshawar in Writ Petition No. 3206-P/2016, wherein status quo was granted on 29.08.2016. The writ petition was however dismissed on the point of maintainability on 14.03.2018. The appellant filed service appeal No. 408/2018 before the Khyber Pakhtunkhwa Service Tribunal against the order dated 25.07.2016 vide which he was directed to report to Director General Health Services Khyber Pakhtunkhwa and order dated 24.08.2016 vide which he was asked to vacate the official accommodation. During pendency of the appeal, the appellant preferred arrival, under protest, before the respondent No. 1 on 06.04.2018. His Service Appeal was dismissed on 16.01.2019. The grievance of the appellant originated from non-payment of salary w.e.f 01.07.2016 to 27.02.2019 for which departmental appeal was preferred to respondents No. 1 & 2 on 25.06.2019 for release of salary for the said period, which remained un-responded; hence the present appeal.

3. Respondents were put on notice. Respondents No. 1 & 2 submitted written replies/comments on the appeal. Names of Respondents No. 3 & 4 were deleted vide order sheet dated 05.10.2022. We heard the learned counsel for the appellant as well as the learned District Attorney for the respondents and perused the case file with connected documents in detail.

4. Learned counsel for the appellant after presenting the case in detail contended that payment of salary was the constitutional right of the

**ATTESTED**  
  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

appellant, hence not allowing the salary to him was totally uncalled for and against the law governing the subject. He further contended that payment of salary had direct nexus with the terms and conditions of the appellant being a civil servant and that his salary was no more a bounty but a right, which could not be denied to him. He requested that the appeal might be accepted as prayed for.

5. Learned District Attorney, on the other hand, contended that the appellant was relieved by the Hospital Director Medical Teaching Institution/Khyber Teaching Hospital, Peshawar to report to Director General Health Services, Khyber Pakhtunkhwa due to his poor performance. The appellant filed Writ Petition No. 3206-P/2016 in the Hon'ble Peshawar High Court, Peshawar wherein status quo was granted on 29.08.2016 but later on the said writ petition was dismissed on 14.03.2018. He further contended that the appellant submitted his arrival on 03.12.2018, therefore, the period w.e.f 03.12.2018 to 27.02.2019 related to respondents No. 1 & 2 while the period before 03.12.2018 related to MTI/KTH Peshawar.

6. After hearing the arguments and going through the record presented before us, it transpires that the appellant was relieved from Surgical ICU, Khyber Teaching Hospital on account of poor performance and habitual absence without prior approval and was directed to report to Director General, Health Services, Khyber Pakhtunkhwa (respondent No. 2). The transfer order was challenged by him in the Hon'ble Peshawar High Court, which was dismissed on the ground of being not maintainable. He

ATTESTED  
 Khyber Pakhtunkhwa  
 Service Tribunal  
 Peshawar

*[Handwritten signature]*

approached the Khyber Pakhtunkhwa Service Tribunal but here too, his service appeal was dismissed vide judgment dated 16.01.2019. In pursuance of his transfer order dated 25.07.2016, the appellant submitted his arrival report, under protest, on 06.04.2018, and was placed at the disposal of District Health Officer, Abbottabad for further posting as SMO (BS-18) vide order dated 22.02.2019. Here it has been noted that the appellant has attached a document dated 06.04.2018 with the subject "Arrival under Protest" addressed to the Secretary Health, Khyber Pakhtunkhwa Peshawar. It is not confirmed from that document whether it was received by the Secretary Health or not and what action was taken on it. On the other hand the reply of respondents as well as the learned District Attorney mention the date of arrival as 03.12.2018 but no arrival report of that date has been attached with their reply.

7. It is felt that being a civil servant, the appellant was bound to act on the orders of his competent authority but instead he resorted to unnecessary litigation which resulted in delayed response to his transfer order. His submission of arrival report at a belated stage and further adjustment as SMO took almost two years and seven months since his transfer order which resulted in non-payment of his salaries. Reply of the respondents indicates that there are two parts during this entire period of transfer from Khyber Teaching Hospital to the Directorate of Health and further posting to Abbottabad. This bench feels that a sympathetic and quite fair approach is

**ATTESTED**

**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

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required in dealing with the case of the appellant as far as payment of his salaries is concerned.

8. In view of the above discussion, the appeal is allowed and remitted back to the respondents to settle the matter amicably in the interest of justice and salaries for the period as prayed be paid to the appellant by the respective respondents, i.e. the Director General Health Services, Khyber Pakhtunkhwa and the Hospital Director, MTI, Khyber Teaching Hospital, Peshawar. Discrepancy in the date of arrival, 06.04.2018 as contended by the appellant and 03.12.2018 as per the respondents, needs to be settled by the respondents in such a way that there is no financial loss to the appellant. Parties are left to bear their own costs. Consign.

9. Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 6<sup>th</sup> day of December, 2022.

Certified to be true copy  
 EXAMINER  
 Khyber Pakhtunkhwa  
 Service Tribunal  
 Peshawar  
 04-3-24

(KALIM ARSHAD KHAN)  
 Chairman

(FAREHA PAUL)  
 Member (E)

Date of Presentation of Application 04-03-24  
 Number of Words 5 pages  
 Copying Fee 24/-  
 Urgent 5/-  
 Total 30/-  
 Name of Copyist  
 Date of Completion 04-03-24  
 Date of Delivery of Copy 04-03-24

(17)

Service Appeal No. 1288/2019

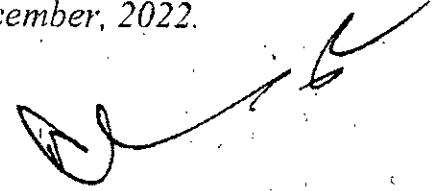
06<sup>th</sup> Dec 2022

Mr. Ali Azim Afridi, Advocate for appellant present.

Mr. Muhammad Jan, District Attorney alongwith Mr. Asif Yousafzai, Legal Advisor for the respondents present. Arguments heard and record perused.

2. Vide our detailed judgement containing 05 pages, the appeal is allowed and remitted back to the respondents to settle the matter amicably in the interest of ~~the~~ justice and salaries for the period as prayed be paid to the appellant by the respective respondents, i.e. the Director General Health Services, Khyber Pakhtunkhwa and the Hospital Director, MTI, Khyber Teaching Hospital, Peshawar. Discrepancy in the date of arrival, 06.04.2018 as contended by the appellant and 03.12.2018 as per the respondents, needs to be settled by the respondents in such a way that there is no financial loss to the appellant. Parties are left to bear their own costs. Consign.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 6<sup>th</sup> day of December, 2022.*



(KALIM ARSHAD KHAN)  
Chairman



(FAREEHA PAUL)  
Member (E)

18

Amex C

11-7-9  
11-3-21

1086  
11-03-2024

The Hospital Director ,

MTI Khyber Teaching Hospital Peshawar

Subject APPEAL FOR RELEASE OF SALARY FOR THE PERIOD FROM 0107/2016 to

27/02/2019

Respected Sir

With great respect I say that salary from the above period hasn't been paid to me while working as MO in surgical ICU during my stay by Honourable Peshawar high court against my transfer from this hospital. In this regard Honourable Service Tribunal has passed the judgement too. Copy is attached here with. I have already submitted my application to your good office in March 2023 but there is no response. I will be very thankful if my application is considered for release of my salaries which I need immensely for my needs as I have no home and a lot of other challenges facing me in now a days inflation.

With respectful regards

Yours sincerely

Dr MUHAMMAD SALMAN

Dated 05/03/2024

To Mr Khan  
11

Attested to be  
true copy

Handwritten notes in the bottom left corner, including "1086" and "097-514000".

بعدالت حیدر سروس ٹریڈنگ کمپنی

18

19

ENLC - 17301-2560338-9  
0315 9531354

BC-22-5942.

مورخہ

مقدمہ

دعویٰ اجراء

جرم

2ء منجانب

محمد سلمان بنام سید شری بیگم

باعث تحریر آنکے

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

آن مقام کینساورہ کیلئے محمد زریاب حُر راضی ایڈووکیٹ

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 کے تقرر ثالث و فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا محتاج ہوگا۔ از بصورت ضرورت مقدمہ مذکور 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 بھی وہی جملہ مذکور با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ ہوں گے سب سے وہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا نکالت نامہ لکھ دیا کہ سندر ہے۔

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المرقوم

محمد سلمان  
محمد زریاب حُر راضی ایڈووکیٹ

کے لئے منظور ہے۔

مقام کینساورہ

محمد زریاب حُر راضی ایڈووکیٹ

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