


FORM OF ORDER SHEET

Court of _____

Appeal No. 759/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	06/06/2024	<p>The appeal of Mr. Zoor Muhammad presented today by Mr. Umar Khitab Advocate. It is fixed for preliminary hearing before touring Single Bench at Swat on 03.07.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By the order of Chairman  REGISTRAR</p>

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHOON KHWA PESHAWAR.

A - NO. 759/24

1. Zoor Muhammad S/O Sanobar Class IV Government
Primary school Chinkolai Khawaza Khela Swat (village
Gojaro Kalay Miandam Swat.....Appellant.

VERSUES.

2. The Director Elementary and Secondary Education K.P.
Peshawar and others.....Respondents.

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Zoor Muhammad.....Appellant

Through

Umar Khitab Advocate High Court/

Darulqaza Mingora Bench.

Cell No. 0345- 9524854

①

BEFOR THE SEVICE TRIBUNAL KHYBER PUKHTOONKHAW
PESHAWAR CAMP COURT SAIDU SHARIF SWAT.

Service appeal No.....759...../2024.

1. Zoor Muhammad S/O Sanobar Village
Gujaro Kalay Miandam Swat (Class IV
Government Primary School Chinkolai
khawazakhela Swat.....Appellant.

VERSSUES.

1. Director Elementary and Secondary
Education Khyber Pukhtoonkhaw
Peshawar.
2. The District Education Officer Male
Elementary and Secondary Education
Swat.....Respondents.

Service appeal under section 4 of the
Khyber Pukhoonkhw Act, 1974, against
the impugned Notification (Compulsory
Retirement Order) No,5050-57 dated
19/01/2024 Where by Major Penalty
of compulsory retirement from service
as imposed upon the appellant, against
law, rules and facts and liable to be set
aside against which action, the appellant
preferred a departmental service appeal
but the same was not respondent to despite
the lapse of statutory period of time.

Prayer of service appeal.

1. It is therefore respectfully prayed to accept of instant
Service appeal the impugned notification (Compulsory
Retirement) dated 19/01/2024 may kindly be set aside,
being violatate of the law and rules, and direct the
Respondent No, 2 to grant/ sanctioned the Medical leave
with effect 13/12/23 to 14/01/2024 with out pay and
15/01/2024 to 19/01/2025 on full pay Or direct the
Respondent No, 2 to prepare the appellant retirement
documents on Medical ground and submit to the scrutiny
committee of District Swat (Deputy Commissioner Swat.)

②

the appellant is the patient of Heart and stroke and the appellant physically paralyzed and on death bed.

2. It is further respectfully prayed to direct the Respondent No, 2 to convert the compulsory Retirement order in superannuation retirement. It is Pertained to be noted that the appellant is Heart and stroke patient and paralyzed on the death bed.
3. Any other relief may deemed fit in the circumstances of the law may also be granted in favour of the appellant against the respondents.

Facts of service appeal.

- 1.) That the appellant is a law abiding citizen of District Swat (village Gojaro Kalay Miandam Swat) and on service as chowkidar in Government Primary school Chinkolai Khawazakhela Swat vide office order No, 152-55 dated 10-01-1988. (Appointment order as Annex: A)
- 2.) That on the issue of difference in age in the service book of the appellant and his " CNIC" salary of the appellant was stopped, against which the appellant filed departmental appeal which not responded and the respondents passed illegal order No, 13777-78 dated 16-12-2020 , where in appellant was declared as pre mature retired person with further directions to refund the salaries from 1-1-2016 to 1-1-2019. It is pertinent to mention here that the said order was challenged by the appellant before the Honorable Service Tribunal K.P. Peshawar vide appeal No, 10746/2020 which was accepted vide 06-12-2021. (Judgment copy dated 6/12/2021 as Annex: B)
- 3) That the appellant was re instated in the light of judgment *ibid*, vide order No, ,1174-18 dated 01-09-2022 by Respondent No

,2 and since then the appellant is performing his duties obediently. (Re instatement order as Annex: C)

4) That the appellant is debilitated person having age of 59 years moved an application to Respondent No 2 through proper channel for his retirement on " Medical Ground" that the appellant is on death bed and is the raisin of life and death having a " Stroke Patient " (physically paralyzed " vide diary No, 4601 dated 04-02-2023.(Application dated 04/02/2023 as Annex: D)

5) That being aggrieved the appellant filed writ petition No, 836-M/2023 before Honorable High Court Peshawar/ Mingora Bench and the same had been decided on 26-09-2023 with the directions as under.

" This Petition is disposed of in terms of directing the appellant to approach to Respondent No,2 through clear and un ambiguous application which if moved shall be decided by the DEO Male Swat in accordance with law within a period of one month if not earlier.(Judgment dated 26/09/2023 as Annex: E)

6) That, after the ibid judgment of the Hon: High Court the appellant moved an application to Respondent No,2 and requested therein for Implementation as per order/ judgment of the Hon: High Court, whereas, DEO (Male) Swat forwarded the application along with order of the Hon: High Court of the appellant to Deputy Commissioner Swat for further necessary order.

7) That the appellant appeared before the scrutiny Committee of Government servants on Medical Ground retirement through " Wheel Chair " on 16-11-2023 where after application (Application on Medical ground retirement) has been dismissed/ rejected Deputy Commissioner Swat and District

(9) (10)

Education Officer (Male) Swat and the appellant not been referred to Medical Board however the appellant application has been erroneously rejected by the scrutiny committee Government servants on Medical ground retirement. (Rejection order & Medical Prescriptions are Annex: F & G)

8) That the appellant filed writ petition No, 1450/M/2023 in Peshawar High Court/ Darul Qaza Mingora Bench against the impugned Notification No, 501-02 dated 17/11/2023(Rejection of retirement on Medical ground) meanwhile Respondent No, 2 Issued the compulsory retirement order dated 19/01/2024 of the appellant, due this reason of The impugned order dated 19/01/2024 relating to retirement on medical Board ,the Hon: Peshawar High Court Mingora Bench Swat entrain the W. P .No 1450/2023 , dated 8/05/2024 as infructuous. (Impugned order dated 19/01/2024 order sheet Dated 24/04/2024 are Annex: H & I)

9) That the appellant submitted an application for Medical leave with effect from 13/12/2023 to 14/01/2024 Vide post office Receipt No, 108 dated 16/12/2023 and another application for medical leave submitted to D.E.O. Male Swat with effect from 14/1/2024 to 30/4/2024 Vide post office receipt No, 1183 dated 25/1/2024 and third application for Medical leave with effect from 1/05/2024 to 19/01/2025 vide post office receipt no, 278 dated 6/2/2024, but the Respondent No, 2 not sanctioned/ granted the medical leave of the appellant to date. The Medical leave is the right of the appellant under the leave rules.(Medical leave applications are Annex: J,K, L,)

10) That the EX Head Teacher issued the affidavit to the appellant in respect of attendance of appellant in his school . The school was visit by various officers of Education department and verified the attendance of the appellant.(Affidavit & Inspection report are Annex: M& N)

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11) That the appellant submitted a Departmental Service appeal to Respondent No, 1 but not yet decided in the prescribed period. (Departmental service appeal as Annex: O)

Ground.

1. That the Respondent No, 2 acted illegally and in violation of K.P. service rules by issuing the Impugned order.
2. That under the leave rules the appellant is entitled for Medical leave. The appellant is Heart and stroke patient on death bed.
3. That the appellant is innocent Government servant.
4. That the impugned order of the respondent No,2 is illegal , un law full and with out law full authority liable to be set aside.
5. That mala fide and misuse of authority on the Part of Respondent No,2 is very much clear that the Impugned order is against the law and service rules. No,2
6. That the appellant has not been treated in accordance With law and rules on the subject.
7. That the appellant has been condemned as unheard and also his defense version is not considered bald of any reason.

It is therefore, respectfully prayed to accept the instant service appeal of the appellant.

Zoor Muhammad... appellant.

Through

Umar Khitab advocate

Peshawar High Court/ Darulqaza

Mingora Bench Swat.

Cell. No. 0345-9524854.

6

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTOONKHW
PESHAWAR MINGORA BENCH SWAT.

SERVICE APPEAL No. _____/2024

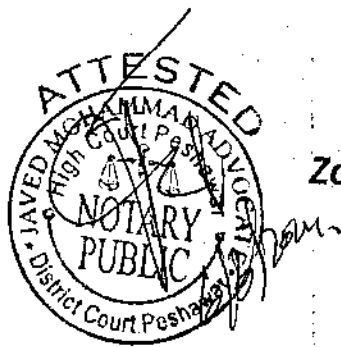
Mr. Zoor Muhammad calass IV G.P.S. Chinkolai
Khawaza Khela Swat (Village Goajro Kalay
Miandam SwatAppellant.

VERSUS

1. Director Elementary and Secondary Education Khyber Pukhtoon
Khaw Peshawar Peshawar and others..... Respondents

AFFADAVIT.

*It is stated on oath that the contents of this
application are true and correct to the best knowledge and
belief. Moreover, no such like service appeal is pending
before this Honorable Service Tribunal K.P. Peshawar camp
court Swat.*



Zoor Muhammad.....Appellant.

7



BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTOONKHW
PESHAWAR MINGORA BENCH SWAT.

SERVICE APPEAL No. _____/2023.

Mr. Zoor Muhammad Class IV G.P.S. Chinkolai
Khawazakhela Swat (Village Goajro Kalay
Miandam Swat.....Appellant.

VERSUS

1.The Director Elementary and Secondary Education
Khyber PukhtoonkhwRespondents.

MEMO OF ADRESSES OF THE PARTIES.

1. Zoor Muhammad Class IV G.P.S. Chinkolai Khawaza
Khela Swat*(Village Goajro Kalay Miandam
Swat.....Appellant

Cell No. 0347-2506328

Addresses of Respondent.

1. The Director Elementary and Secondary Education Khyber Pukhoon khawa Peshawar.
2. District Education Officer Male Swat District Courts Swat.



Zoor Muhammad.....Appellant.

Through Council

Umar Khitab advocate High Cour/
Darulqaza Swat.

Cell No. 0345-9524854

9	10	11	12	13		14	
				Nature and duration of leave taken	Allocation of periods of leave on average pay up to four months for which leave salary is debitable to another Government		
Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (Such as promotion, transfer, dismissal etc.)	Signature of the head of the office or other attesting officer	Period	Govt: to which debitable	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government servant
S: D: E: O: Saidu Sharif	Appointment		S: D: E: O: Saidu Sharif				
S: D: E: O: Saidu Sharif	30/11/88	Ann. Q.C.	S: D: E: O: Saidu Sharif	Appointed as Chartered as EPS. Shunga Wala SDEO (M) Saidu Sharif, Smt. Edast			
S: D: E: O: Saidu Sharif	30/11/89	Ann. Q.C.	S: D: E: O: Saidu Sharif	No. - 152-55/A-46/C. 1/88 Date - 10-1-88			
S: D: E: O: Saidu Sharif	9/3/90	Transfer	S: D: E: O: Saidu Sharif	Sub Divisional Edu: Officer, Saidu Sharif Sub Division,			
S: D: E: O: Saidu Sharif	30/11/90	Ann. Q.C.	S: D: E: O: Saidu Sharif	Service Verified w.e.f. 19-1-88 to 31-12-89 from reg. Rolls & other Record of this Office.			
S: D: E: O: Saidu Sharif	31/5/91	Scale revised	S: D: E: O: Saidu Sharif	Sub Divisional Edu: Officer, Saidu Sharif Sub Division,			
S: D: E: O: Saidu Sharif	30/11/91	Ann. Q.C.	S: D: E: O: Saidu Sharif	Service Verified w.e.f. 1-1-90 to 31-12-90 from reg. Rolls & other Record of this Office			
S: D: E: O: Saidu Sharif	30/11/92	Ann. Q.C.	S: D: E: O: Saidu Sharif	Sub Divisional Edu: Officer, Saidu Sharif Sub Division.			Umar Khitab Advocate High Court
S: D: E: O: Saidu Sharif	30/11/93	Ann. Q.C.	S: D: E: O: Saidu Sharif	Pay on point to point basis Pay in BPS No. 1 Rs. 633/- Pay in Madhya Rs. 639/- Pay in R.P.S. No. 2 Rs. 1076/-			
Service Verified w.e.f. 1-1-91 to 31-12-90 from reg. Rolls & other Record of this Office.				Sub Divisional Edu: Officer, Saidu Sharif Sub Division.			
S: D: E: O: Saidu Sharif	31/5/94	Scale revised	S: D: E: O: Saidu Sharif	Service Verified w.e.f. 1-1-91 to 31-12-94 from reg. Rolls & other Record of this Office.			
S: D: E: O: Saidu Sharif	30/11/94	Ann. Q.C.	S: D: E: O: Saidu Sharif	Sub Divisional Edu: Officer, Saidu Sharif Sub Division.			
S: D: E: O: Saidu Sharif	30/11/95	Ann. Q.C.	S: D: E: O: Saidu Sharif	allotted			

(9) B
Annex (13)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
AT CAMP COURT SWAT**

Service Appeal No. 10746/2020

Date of Institution ... 14.09.2020

Date of Decision ... 06.12.2021



Zoor Muhammad Khan S/o Sandbar Class-IV Government Primary School Gujaro
Kalay Mlandam Swat. ... (Appellant)

VERSUS

The District Education Officer (Male) Elementary and Secondary Education Swat and
five others. ... (Respondents)

Umer Khitab,
Advocate

... For Appellant

Riaz Khan Paindakhell,
Assistant Advocate General

... For Respondents

ROZINA REHMAN ---
ATIQU-UR-REHMAN WAZIR ---

MEMBER (JUDICIAL)
MEMBER (EXECUTIVE)

JUDGMENT

ATIQU-UR-REHMAN WAZIR MEMBER (E):-

Brief facts of the

case are that the appellant was initially appointed as Class-IV in Education Department on 18-01-1988. On the issue of difference in age in his service book and his Identity Card, salary of the appellant was stopped, against which the appellant filed departmental appeal, which was not responded, hence the appellant filed an application under Right to Information Act, 2013 for provision of order of stoppage of salaries, which was denied and verbally informed that he is no more in service due to reaching age of superannuation, but the appellant is still working against his post as no adverse order has been received by him. The

Umar Khitab
Advocate High Cou

ATTESTED

(Signature)
MEMBER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

ATTESTED

10

appellant filed the instant service appeal with prayers that salary of the appellant may be released since February 2020 alongwith all back benefits.

(C)

02. Learned counsel for the appellant has contended that the verbal order of respondent No.1 is against law, as respondent No. 1 refused to provide copy of stoppage of salary order, which is against law and rule and contrary to the norms of natural justice; that correct date of birth of the appellant is 20-01-1965 according to the service book as well as the same has been corrected in CNIC; that stoppage of salary was ordered twice in 2016 and 2019 due to misunderstanding, but was later on released and the same mistake is repeated again; that service book of the appellant is complete in all respect and respondents No. 2 and 3 had made necessary entries in the appellant service book up to 12/2109; that the appellant has been deprived of his just and legal right to receive the monthly salary; that the appellant has not been treated in accordance with law and has been illegally deprived from the salary, which is not permissible under the service rules/law; that stoppage of salary is discriminatory and violation of fundamental rights and settled principal and policy of the government.

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03. Learned Assistant A.G for the respondents has contended that date of birth of the appellant in his identity card is 05-08-1956 but the date of birth in his service book is written as 20-01-1965, which is not correct; that an inquiry to this effect was conducted and it was found that correct date of birth of the appellant is 05-08-1956, therefore retirement date of the appellant comes to 31-12-2015, hence the appellant was retred from service vide order 16-12-2020 with effect from 31-12-2015.

04. We have heard learned counsel for the parties and have perused the record.

ATTESTED

ATTESTED
EXAMINER
Kyber Pakhtunkhwa
Service Tribunal
Peshawar

etc
Damar Khatib
Advocate High Court

(11)

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05. Record reveals that the appellant was appointed as Chowkidar vide order dated 10-01-1988. As per medical certificate issued on 20-01-1988, the date of birth is recorded as 20-01-1965 with further clarification recorded by the medical superintendent that his age according to his own statement is 28 years but by appearance is about 23 years and if 20-01-1965 is considered as correct, then his age in 1988 comes to 23 years, hence the age estimated by medical superintendent is correct. Similarly his date of birth recorded in his service book is also 20-01-1965, which has also been verified by District Education Officer (M) District Swat in his service book. As per salary slip issued in the month of January 2020, his date of birth is 20-01-1965. The controversy started in 2016, when it was found that date of birth in his identity card was found as 01-01-1956 and to this effect, a series of correspondence took place amongst the respondents as to whether the appellant could be retired in accordance with his date of birth recorded in his identity card or to his date of birth recorded in his service book and medical fitness certificate. Due to such controversy, salary of the appellant was stopped twice during 2016 to 2019, but was again released. Placed on record is a letter dated 11-09-2019 issued by District Education Officer addressed to the Manager NADRA, who has verified that as per service book and medical fitness certificate his correct date of birth is 20-01-1965 and based on such verification, the appellant was issued a smart card on 06-03-2020 bearing date of birth as 20-01-1965. The issue was again agitated in 2020, but till that time, the appellant was on payroll of the respondents and he has received his salary up to January, 2020. Respondents were also not sure as to which date should be considered as final, hence order of his retirement was not issued on 31-12-2015 and the issue linger for years and finally during the course of litigation, the respondents issued his retirement order vide impugned order dated 16-12-2020 and his retirement was made effective from 31-12-2015 with direction to recover the over-payment made to him with effect from 01-01-2016 till last drawl of salary in January, 2020.

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ATTESTED

 EXAMINER
 Khuzdar District Office
 Services Tribunal
 Peshawar

Handwritten signature and initials, possibly 'U. J. Bab'.

ATTESTED

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06. It is undisputed that date of birth of the appellant in his old id card was 01-01-1956, but as per medical fitness certificate issued on 20-01-1988, his date of birth is 20-01-1965 and his service book had been prepared based on his medical fitness certificate. The anomaly was noted in 2016 that his date of birth as per his id card is 01-01-1956, hence they requested NADRA for correction of his date of birth as per his service book and medical fitness certificate, which was corrected and new smart id card was issued to the appellant and his whole record including his record in Account Office was also corrected, which is evident from his last salary slip issued in January 2020, where his date of birth is recorded as 20-01-1965. The respondents at a belated stage, while taking U turn, issued the impugned order of his retirement, which however was not warranted as the date of birth was corrected and admitted as 20-01-1965 and in a situation, adverse order issued to this effect amounts to negation of their own stance of making correction in his date of birth and which show malafide on part of the respondents.

07. We are of the considered opinion that the appellant has not been treated in accordance with law and he was unlawfully prevented from his lawful duty. In view of the situation, the instant appeal is accepted and the impugned order dated 16-12-2020 is set aside with direction to the respondents to release salary of the appellant with effect from February 2020 with all consequential benefits and allow the appellant to serve until 19-01-2025. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
06.12.2021

CTC
WAZIR KI
KAMP COURT

(ROZINA REHMAN)
MEMBER (J)
CAMP COURT SWAT

Certified to be true copy
MEMBER
Khyber Pakhtunkhwa
Services Tribunal
Peshawar

(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)
CAMP COURT SWAT

ATTESTED



OFFICE OF THE
DISTRICT EDUCATION OFFICER
(MALE) SWAT

13

Ann
D

OFFICE ORDER.

1. Whereas Mr. Zoor Muhammad s/o Sanobar was appointed as Chowkidar at Government Primary School Shunga Swat vide Endst:No. 152-55 dated 10.01.1988.
 2. And whereas he took over charge of his post on 15.01.1988. His last duty station was Government Primary School Gujaro Kalay, Khwaza Khela Swat.
 3. And whereas his date of birth was determined as 01.01.1956 on the basis of Health and Age Certificate as well as in CNIC produced by him as required in first appointment.
 4. And whereas his service book was also prepared being regular employee.
 5. And whereas all of a sudden and without proper permission he managed another Health and Age Certificate in which his date of birth was 20.01.1965, and prepared another service book on the basis of that health and age certificate.
 6. And whereas on the basis of his date of birth i.e 01.01.1956, he was declared retired on superannuation, but he provided a new Health and Age Certificate and Service Book showing his date of birth 20.01.1965, which has not been accepted by this office.
 7. And whereas he filed a civil suit before Allaqa Qazi/ Senior Civil Judge which was decided against him and he did not file any appeal against the judgment of the Honorable Court.
 8. And whereas on the basis of the above facts, Honorable Court Order and recommendations of the enquiry report, this office issued retirement order in respect of the said Mr. Zoor Muhammad Khan on attaining the age of superannuation with effect from 31.12.2015 vide this office order Endst No. 13777-78/LPR/General:file dated 16.12.2020.
 9. And whereas he filed Service Appeal No. 10746/2020 and Service Appeal No. 5234/2021 before the Honorable Khyber Pakhtun Khwa Service Tribunal Peshawar at Camp Court Swat against the order dated 16.12.2020.
 10. And whereas the Honorable Khyber Pakhtunkhwa Service Tribunal vide Judgment dated 06.12.2021 accepted the Service Appeal No. 10746/2020 and set aside the impugned order date 16.12.2020 with the directions to release salary of the Appellant w.e.f February 2020 with all consequential benefits and allow the Appellant to serve until 19.01.2025.
 11. And whereas it is pertinent to mention here that the Service Appeal No. 5234/2021 is still pending before the Honorable Khyber Pakhtunkhwa Service Tribunal which has been adjourned sine die.
 12. And whereas this office filed CPLA No. 184-P/2022 before the Apex Court against the Judgment 06.12.2021 which is pending before the Honorable Apex Court.
 13. And whereas the Appellant filed Execution Petition No. 134/2022 before the Honorable Khyber Pakhtunkhwa Service Tribunal for implementation of the Judgment dated 06.12.2021 wherein the Honorable Tribunal vide order sheet dated 04.07.2022 directed the respondents to come up for implementation report on 03.08.2022 at Camp Court Swat.
- Now keeping in view the above factual position, The undersigned being the competent authority is pleased to withdraw the impugned office order dated 16.12.2020 and the Appellant is allowed to serve until 19.01.2025 with immediate effect and his salary is released w.e.f February 2020 with all consequential benefits subject to the final outcome of the CPLA No. 184-P/2022 which is pending before the Apex Court.

1174-78
Endst: NO. /P.F/215/M/DEO/Swat.

Copy forwarded to:-

1. The Director E&SE Khyber Pakhtunkhwa Peshawar.
2. The District Accounts Officer Swat at Saidu Sharif.
3. The SDEO (M) Khwaza Khela Swat.
4. ✓ Mr. Zoor Muhammad s/o Sanobar
5. PA to DEO Local Office.

(MUHAMMAD RIAZ)
DISTRICT EDUCATION OFFICER (M)
SWAT.

Dated 1/9/2022

Umar Khalid
Advocate High Court

DISTRICT EDUCATION OFFICER (M)
SWAT.

Advocate High Court
Muzaffargarh

مذکورہ کیس کی تاریخیں درج ذیل ہیں۔
1۔ 2019ء کی تاریخوں میں۔

28/03/2023
Muzaffargarh District Office (Muzaffargarh)

2۔ 2020ء کی تاریخوں میں۔
3۔ 2021ء کی تاریخوں میں۔

4۔ 2022ء کی تاریخوں میں۔
5۔ 2023ء کی تاریخوں میں۔

6۔ 2020ء سے 2021ء کی تاریخوں میں۔
7۔ 2021ء سے 2022ء کی تاریخوں میں۔
8۔ 2022ء سے 2023ء کی تاریخوں میں۔

9۔ 2023ء کی تاریخوں میں۔
10۔ 2024ء کی تاریخوں میں۔

11۔ 2025ء کی تاریخوں میں۔
12۔ 2026ء کی تاریخوں میں۔

13۔ 2027ء کی تاریخوں میں۔
14۔ 2028ء کی تاریخوں میں۔

The case is forwarded
in the hands of
DD (Muzaffargarh)
for proceeding the
Court under the
Rules.

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Case No. 4601
11/12/23

Amx
D

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श्री २५
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Umar Khitab
Advocate High Court

Umar Khitab
Advocate High Court

7/2/2023
ASD, EO (M) Primary
Circle Khairpur S.W.

forwarded to SDEO
for further action.

Head Master
Govt. Primary School
Chikhal S.Wal Code No. 2116

علاقہ سندھ ہائی کورٹ (پشاور)

04-02-2023

جناب سید صاحب

محکمہ تعلیم

محکمہ تعلیم سندھ ہائی کورٹ
پشاور

محکمہ تعلیم سندھ ہائی کورٹ
پشاور

(1)

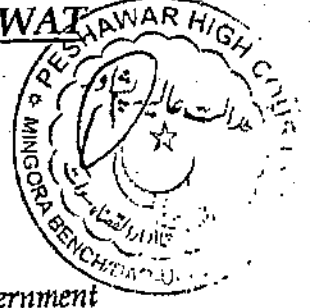
(1)

(1)

Anx E

**BEFORE THE PESHAWAR HIGH COURT,
MINGORA BENCH / DAR-UL-QAZA AT SWAT**

WRIT PETITION # 836-m OF 2023



Zoor Muhamamd Khan S/o Sanobar Class IV, Government
Primary School Chinkolai, Khwaza Khela, District Swat.

(Petitioner)

VERSUS

- 1) The Secretary Elementary & Secondary Education Khyber Pakhtunkhwa at Peshawar.
- 2) The Director Elementary & Secondary Education Khyber Pakhtunkhwa at Peshawar.
- 3) The District Education Officer (Male) Elementary & Secondary Education Swat.
- 4) Sub Divisional Education Officer (Male) Circle Khwaza Khela, District Swat.

(Respondents)

WRIT PETITION

**WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF THE ISLAMIC REPUBLIC OF
PAKISTAN.**

Respectfully Sheweth:

FILED TODAY

12 JUN 2023

Additional Registrar

The petitioner very earnestly seeks permission to
plead the grievances at the hand of respondents
and seeks legal solace while invoking the

1 | Page

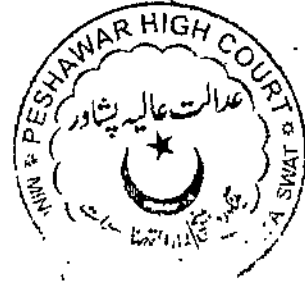
Associate High Court

ATTESTED

187

PESHAWAR HIGH COURT, MINGORA BENCH
(DAR-UL-QAZA), SWAT

FORM OF ORDER SHEET



Court of

Case No..... of.....

Serial No. of order or proceeding	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge and that of parties or counsel where necessary.
1	2	3
	26.09.2023	<p><u>W.P No.836-M/2023</u></p> <p><u>(Zoor Muhammad Khan Vs. The Secretary Elementary & Secondary Education Khyber Pakhtunkhwa and others)</u></p> <p>Present: <u>Mr. Umar Khitab, Advocate for petitioner.</u></p> <p><u>Mr. Inayat Ullah Khan, A.A.G for official Respondents.</u></p> <p>***</p> <p><u>MUHAMMAD NAEEM ANWAR, J.</u>-Zoor Muhammad Khan, the petitioner, through instant petition filed under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, seeks issuance of appropriate writ in terms of directing the respondents to constitute a Medical Board for his retirement on medical ground/incapacitation from service by contending therein that he was appointed as Class-IV in Elementary & Secondary Education Department on 10.01.1988 but now he is paralyzed and unable to perform his duties as per the requirements of his post/job, for which, he has submitted an application by mentioning therein categorically that he, being paralyzed, is unable to perform his duties with a request that he may be referred to a Medical Board for retirement from service in</p>

ATTESTED

(Signature)
Peshawar High Court Bench
Mingora Dar-ul-Qaza, Swat

(Signature)
Umar Khitab
Advocate

Subj. AUW (0.9)

HON'BLE MR. JUSTICE MUHAMMAD NAEEM ANWAR
HON'BLE MR. JUSTICE SHAHID KHAN

Umar Khitab
Advocate High Court

ATTESTED

accordance with law, however, the respondents have directed him to get pre-mature retirement.

2. Respondents were directed for furnishing their parawise comments to this petition and as such respondent No.3 has submitted his comments, wherein the respondents have refuted the allegations of the petition by opposing the issuance of writ in favour of the petitioner. They have also taken an objection regarding the date of birth of petitioner and submitted that against the decision of Khyber Pakhtunkhwa Services Tribunal, CPLA is pending before the Supreme Court.

3. Arguments heard and record perused.

4. The learned A.A.G, while making reference of the application submitted by the petitioner before District Education Officer (Male) Swat through Sub-Divisional Officer, Khwazakhela Swat, contended that the petitioner in his application has submitted that being paralyzed he is unable to perform his duties, as such, his son is performing the duties, therefore, he may be retired on medical ground and his son may be appointed against the quota reserved for employment of son/daughter of retired civil servant on medical ground/ incapacitation, thus, the prayer of the petitioner could not be considered however, submitted if the petitioner submits an application to respondent No.3

ATC
 Peshawar High Court Bench
 Mingora Dar-ul-Qaza

Umar Khattab
 A.A.G

Sd/- AJU* (O.D)

HON'BLE MR. JUSTICE MUHAMMAD NAEM ANWAR
 HON'BLE MR. JUSTICE SHAHID KHAN

ATTESTED

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(District Education Officer, Swat) by referring his grievance clearly, his application shall be entertained accordingly. Learned counsel for the petitioner agreed with the proposal of the learned A.A.G, therefore, this petition is disposed of in terms of directing the petitioner to approach to respondent No.3 (District Education Officer, Swat) through clear and unambiguous application, which, if moved, shall be decided by the respondent No.3 (District Education Officer), in accordance with law, within a period of one month if not earlier.

5. This petition is disposed of accordingly.

Announced
26.09.2023

[Signature]
JUDGE

S.No. 39
 Name of Applicant Umar Khattak
 Date of Presentation of Applicant 16.11.23
 Date of Completion of Copies 16.11.23
 No of Copies 1
 Urgent Fee 16/-
 Fee Charged 16/11/23
 Date of Delivery of Copies 16/11/23

[Signature]
JUDGE

A.T.C.
Umar Khattak
Sohni

certified to be true copy

[Signature]
EXAMINER
High Court, Mingora/Dar-ul-Qaza, Swat
Under Article 17 of Quanoon-e-Shahadat Order 1984

Sd/- AJV* (D.B)

HON'BLE MR. JUSTICE MUHAMMAD NAEMANWAR
HON'BLE MR. JUSTICE SHAHID KHAN

Office 3/10/2023

ATTESTED

Annex F
(21)

MINUTES OF THE MEETING OF DISTRICT SCRUTINY COMMITTEE REGARDING SCRUTINIZING THE CASES OF CIVIL SERVANTS WHO INTEND TO PROCEED ON RETIREMENT ON MEDICAL GROUNDS OR INVALIDATED/INCAPACITATED

A meeting of the District Scrutiny Committee was held on 16/11/2023 at 12:00 PM under the chairmanship of Deputy Commissioner, Swat. List of participants attached.

Opening the discussion, the chairman welcomed the participants and highlighted the objective of the meeting. The Incharge Establishment branch, DC Office informed that the Establishment & Administration Department, Khyber Pakhtunkhwa has enacted the following TORs for the scrutiny committee while taking up the cases of civil servants who intend to retire on medical grounds:-

- 1- Scrutiny Committee shall examine the request of the civil servant for retirement on Medical grounds keeping in view his service history viz-a-viz medical history as per below proforma -

Leave taken during the last five years	Major reason for seeking leave alongwith medical reports by authorized medical officer	Number of days availed as leave as medical grounds	Remarks
--	--	--	---------

- 2- Scrutiny Committee will examine the apparent physical condition to determine/look into the Bodily or mental infirmity so that cases of only genuine nature are sent to Standing Medical Board
- 3- To ensure that genuine cases are promptly forwarded to Standing Medical Board

The District Education Officer (Male) & (Female), Swat have forwarded the following 04 cases of Civil Servants for retirement on medical grounds:-

- 1- Mr. Zoor Muhammad Khan, Chowkidar GPS Chinkolai
- 2- Mr. Sharif Khan, Chowkidar GPS Gujar Tangay
- 3- Mr. Gul Ahmad, Chowkidar GGPS Likpatay Matta
- 4- Mr. Mahabat Khan, Naib Qasid GGHS Chamatal

Applications alongwith medical reports submitted by the above officials were presented before the committee. The committee thoroughly checked/examined medical reports doctor's prescription of each official. Scrutiny Committee also examined the apparent/physical condition to determine the bodily & mental infirmity of the above named officials. After scrutinizing the medical reports, service history and physical condition, the committee unanimously recommended that none of the above official be retired on medical grounds as they have not qualify the criteria meant for retirement on medical grounds.

The Chair directed the DEO (Male & Female), Swat to ensure availability/presence of the above named officials at their duty stations.

The meeting ended with a vote of thanks from the chair.


Umar Khitab
Advocate High Court


DEPUTY COMMISSIONER, SWAT.

Dated 17/11/2023

No. 501-02/17/DC/Estt

Copy forwarded to all concerned for information and necessary action, please.


Umar Khitab
Advocate High Court


DEPUTY COMMISSIONER, SWAT.

22

LIST OF PARTICIPANTS OF THE MEETING OF DISTRICT SCRUTINY COMMITTEE REGARDING SCRUTINIZING THE CASES OF CIVIL SERVANTS WHO INTEND TO PROCEED ON RETIREMENT ON MEDICAL GROUNDS OR INVALIDATED/INCAPACITATED

S. No	Designation	Department	Signature
1-	District Education Officer (Male) Swat	DEO (M) Swat	
2-	District Education Officer (Female) Swat	DEO (F) Swat	
3-	Dy. District Education Officer (Male)	DEO (M) Swat	
4-	ADEO (Male) Secondary	DEO (M) Swat	
5-	Assistant District Education Officer (Female)	DEO (F) Swat	
6-	Budget & Accounts Officer	DEO (M) Swat	
7-	Budget & Accounts Officer	DEO (F) Swat	
8-	Superintendent	DEO (F) Swat	
9-	Dealing Assistant/Record Keeper	DEO (M) Swat	
10-	Dealing Assistant/Record Keeper	DEO (F) Swat	

attested

Umar Khitab
 Advocate High Court

etc

Umar Khitab
 Advocate High Court

NEURO PAIN CLINIC

Consultant Neurologist/ Neurophysician
Dr. Syed Naemullah

MBBS, MD (Neurology),
 Assistant Professor,
 Deptt. of Neurology, FPGM, Utr

ایم کی اے ایس ایم ڈی (نیورالوجی)

PSN 1998 AUPSP 2000
 PHS 2008 PSS 2008

Reg. # 12360-N

ڈاکٹر سید نعیم اللہ

اسٹڈیو آف پین ایبٹینیشن ڈیپارٹمنٹ، ایف پی جی ایم، یو ٹی آر
 پلازمینہ، ایبٹ آباد، برائین روڈ، حرقہ، چانڈیا، لاہور (پنجاب)۔
 برآمدہ نمبر: 2282، گریڈ 2282، ڈیپارٹمنٹ آف نیورالوجی، ایف پی جی ایم، یو ٹی آر

Name: Zoos Muhammad Age: 57 Sex: M Date: 24/01/23

Clinical Record

HT - S
 (S) 2008

Tab. Mucosol
 Tropicin

Tab. Winny Incentives

Tab. CEREGIM 1.5g
 OL 2 = 1 + 1

Tab. AZM 250g
 OL 2 = 1 + 1

Tab. ASCARD 75g
 OL 2 = 1 + 1

umar Khatib
 Advocate High Court

ہدایت: (1) حسب ہیلتھ ورکش کپس میں (2) تک اور پگھلائی کا استعمال کر کے (3) حسب ہیلتھ سائینل کے لئے مساجد میں
 (4) اگر کسی دوران کے استعمال سے الترقی میں معذرت شروع ہو جائے تو دوران دور کرے۔

0347-1000872, 0331-9432323, 03369465400

ڈاکٹر کبیر ہسپتال سید روڑ، نزد اشا کبر مسجد، سید شریف سوات



The undi
 of petitioner.
 this notice for

NO

The D
 & Sec

RAZAJ

H Advocate Hi
 m No. 54, 56 Si
 Makani Bagh
 9524854

NEURO PAIN CLINIC

کنسلٹنٹ نیوروفزیشن اینورالوجسٹ 24

Consultant Neurologist/ Neurophysician

Dr. Syed Naeemullah

MBBS, MD (Neurology),

Assistant Professor,

Deptt: of Neurology, FPGMI, Umr

ایم بی ایس مایکروڈی (نیورالوجی)

PSN اور AUPSK

PHS اور PSS

Reg. # 12350-N

ڈاکٹر سید نعیم اللہ

اسپیشل ایڈوائسز اور ایڈجسٹمنٹ، الیکٹریکل سٹیمولیشن اور
 دیگر امراض: انصاب، دماغی امراض، قحط، قحط، عرق، انقباض، بارش کی کمی، عصبی
 سر درد، ہمسردی، گردوں، ہمسردی، ہمسردی، ہمسردی

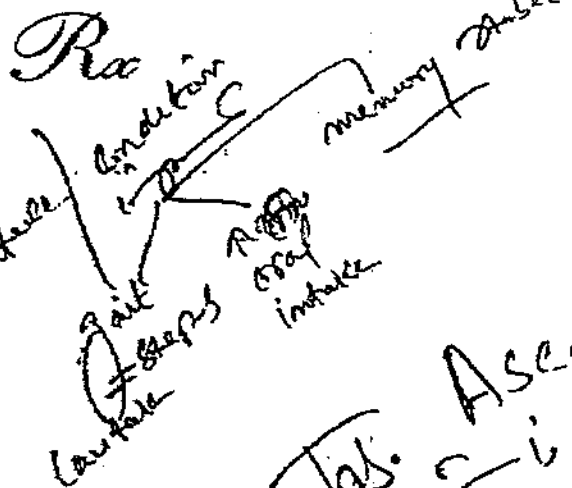
Misdam

Name: 3007 Mahmud Age: 58 Sex: M Date: 18-3-23

Clinical Record

Hy Chronic weakness 2008

Pro Mutations
 Prognosis
 Neuro-vascular
 Neuro-muscular



Tas. ASCARD 75 f
 (2) = 1 + 1 + 1

Tas. CEREGIN 4 f
 (2) = 1 + 1 + 1

Tas. AZM 250 f
 (2) = 1 + 1 + 1

MRI-Brain
 (Colic)
 of muscle
 with contact

Mar K. ta's
 Advocate High Court

بیانات: (1) حسب ہدایت درج کرتے رہیں (2) تک اور پگھلائی کا استعمال کم کریں (3) حسب ہدایت دوائیاں لیتے ہیں وقفہ میں
 (4) اگر کسی دوائی کے استعمال سے الرجی یا ہمزات شروع ہو جائیں تو دوائی فوراً بند کریں۔

سائنس پروڈیوینٹس اوتار

0347-1000872, 0331-9432323, 03369465400

ڈاکٹر کبیر ہسپتال سید روڈ نزد اللہ اکبر مسجد، سید و شریف سوات



Charge = 500/-

ASHFAQ NEURO PSYCHIATRIC & GENERAL HOSPITAL

بیماریوں کا علاج

MADYAN ROAD KOTANAI SWAT

HCC Reg No # 17596-F

Not Valid for Medico-legal Purpose

Door Muhammad Khan Add: Muzi Ja - Age: 70 yrs Gender: (M) Date: 18.04.23

Neuro Psychiatrist

Dr. Ashfaq Ahmad

FCPS (Psych), FGC, CBT

Dip Special Medicine (CPSM)

Certified CBT Therapist

Ex-Registrar Psychiatry Unit KTH Pesh

MD

Gynae & Ultrasound Specialist

Dr. Roshna Ashfaq

DGO, MPh & MEd in Ultrasonography

Physician

Dr. M. Esa Khan

MSD

Physician

Dr. Imran Khan

FCPS

Physician & Surgeon

Dr. Junaid Ahmad

MO

Orthopaedic Surgeon

Dr. Rahman Ali

FCPS

Orthopaedic Surgeon

Dr. Zeeshan Aziz

FCPS

Cardiologist

Dr. Shahzad Hussain

FCPS

Gastroenterologist

Dr. Shafi Ullah Khan

FCPS

Children Specialist

Dr. Muhammad Ayyaz

FCPS

Dentist

Dr. Arif Khan

BDS (Dental)

Rx

F-up. Case:
2x2

Improved in
moods, changed
medic & Wearing.

0/er * depressed
* B.P. 125/85

Las. Ascad 75mg

Las. Cengis 4.5mg

Las. Evokela / Qty 25mg

10mg
Quick Detox: یعنی چھین گئے ہیں ہر قسم کے نشیات سے نجات کی سماعت کی موجود ہے

کلینک بروز پیر تا جمعرات اشفاق نیورو سائیکیاٹری اینڈ جنرل ہسپتال کوٹلی خوازہ خیلہ سوات
(P.T.O) کلینک بروز ہفتہ: لائف کیئر ہسپتال نزدنی انج کیئر ہسپتال سوات
کلینک بروز اتوار: اسوات جنرل ہسپتال مدین روڈ نزد سول ہسپتال خوازہ خیلہ سوات

دوبارہ سماعت
Ph: 0946-744755
Cell: 0344-2266809
0341-5095605
Email: ashfaq2996@gmail.com

Umar Klita's
Advocate High Court

Not Valid for Medico-legal Purpose

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ASHFAQ NEURO PSYCHIATRIC & GENERAL HOSPITAL

PATHOLOGY DEPARTMENT LABORATORY REPORT

RP2023/0223RP2023/0224RP2023/0226

PATIENT NAME: ZOOR MUHAMMAD KHAN
 AGE/SEX: 70 / MALE
 ADDRESS: SWAT
 CONTACT NO: NIL
 MR #: CO0108

Reported Date: 18-04-2023 02:26 PM
 Receipt Date: 18-04-2023 02:26 PM
 Invoice #: 0105
 Specimen: Taking_In_Lab
 Ref By: DR ASHFAQ AHMAD

HEMATOLOGY REPORT

Test Descriptions	Result	Unit	Normal Range
COMPLETE BLOOD COUNT			
HEMOGLOBIN (HB)	12.3	g/dl	14 - 18
WBC (TLC)	6.8	x10 /ul	3.8 - 11
TOTAL RBC	4.40	Millio/Cmm	4.5 - 6.0
MCV	81.4	fL	80 - 96
RDW - CV	13.3	%	12 - 14
HCT	35.9	%	40 - 49
Platelets	230000	/Cmm	150000 - 400000
MPV	7.9	fL	9 - 11.3
PDW	42.5	fL	9.9
P-LCR	14.4	%	17.5 - 42.3
MCH	28.0	%	27 - 32
MCHC	34.3	%	30 - 35
DIFFERENTIAL LEUKOCYTES COUNT			
Neutrophils	81	%	43-74
Lymphocytes	15	%	18-46
Monocytes	02	%	3-8
Eosinophils	02	%	1-5
ESR	15	mm/1st Hour	1 - 10

LIVER FUNCTIONS REPORT

Test Descriptions	Result	Unit	Normal Range
SGPT	27	u/l	05 - 42

Umar Klita's
 Advocate High Court

Not valid for Medical-legal Purpose

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ASHFAQ NEURO PSYCHIATRIC & GENERAL HOSPITAL

PATHOLOGY DEPARTMENT LABORATORY REPORT

RP2023/0223 RP2023/0227 RP2023/0228

PATIENT NAME: ZOOR MUHAMMAD KHAN
 AGE/SEX: 70 / MALE
 ADDRESS: SWAT
 CONTACT NO: NIL
 MR #: COD108

Reported Dated: 18-04-2023 02:26 PM
 Receipt Date: 18-04-2023 02:26 PM
 Invoice #: 0105
 Specimen: Taking_In_Lab
 Ref By: DR ASHFAQ AHMAD

BLOOD GLUCOSE REPORT

Test Descriptions	Result	Unit	Normal Range
Blood sugar			
Blood Sugar	79	mg/dl	R. Sugar upto 160 F. Sugar : 55 -115

BLOOD/RENAL FUNCTION REPORT

Test Descriptions	Result	Unit	Normal Range
Urea			
Urea	48	md/dl	13 - 45
Creatinine Report			
Creatinine	1.1	mg/dl	0.7 - 1.3

etc
 Umar Khalid
 Advocate High Court

Not Valid for Medical-legal Purpose



Assistant)

PMDC: 11852-N

Shail Amir

(Peshawar), M.S (Neurosurgery)

American College Of Neurological Surgeon

Certificate in Health Professional Education)

(Master in Health Professional Education)

Certificate in Health Research)

Member of A.O Spine Surgery

Low Complex Spine Surgery (CMH, Rawlpindi)

Rawalpindi Medical Complex (Pesh)

Khyber Girls Medical College Peshawar.

پروفیسر (اسٹنٹ)
ڈاکٹر شکیل امیر

ایم بی بی ایس، ایم ایس (نوروسرجری)
فلو اورٹھین کانج آف نورولوژیکل سرجن
سی ایچ ای ای (سرسٹیکٹ این ایسٹو پروفیشنل ایجوکیشن)
ایم ای ای ای (اسٹراٹجک این ایسٹو پروفیشنل ایجوکیشن)
سی ایچ آر (سرسٹیکٹ این ایسٹو ریسرچ)
ممبر آف A.O سپائن سرجری
فلو ہیکس سپائن سرجری (سی ایچ ای ای ڈاؤن لڈ)
اسٹنٹ پروفیسر حیات آباد میڈیکل کالج پشاور



Pt: Name: Loa Muhamud Age: 60 Sex: m Date: 8/1/2023 Add: Sewa

Clinical Record

↓ Low P
Chains
↓ Memory
↓ Ability
↓ Circulation
↓ Brain

Rx

1. Q. Bacil 2gm 10-30
2. Neuribion 10000 10-act
(2ampules) 4/24
3. Ta. EFM 5/10 - 1000
4. Ta. Ascend plus 280 - 1000
5. Ta. Sinimein 1/1, 1/2, 1/2, 1/2
6. Sup. Renvir 1000 + 80
7. Ta. Resipon 10
8. Ta. Sert 500

Not Valid For Court



Next Visit.....

091-2210720
0304-9781315

کلینک: ڈاکٹر زکریا علی احمد بلڈنگ نزد دروازہ ہسپتال ڈیگرنگ گارڈن پشاور

Umar K. Tab
Advocate High Court

AL-HARAM

MEDICAL LABORATORY

KP-HCC Reg: 613729-41

Zeeshan Javed
0315-5009940
0302-5495154
Ph: 091-3057439



P.NAME: ZOOR MUHAMMAD
SEX: MALE
SPECIMEN: BLOOD
TEST REQUIRED: HBA1C, GLUCOSE RANDOM

DATE: 09/01/2023
REPORT: 01-23
REFERD BY: DR SOHAIL AMIR.

CHEMISTRY

TEST	RESULT	UNIT	NORMAL RANGE
HBA1C	5.24	%	4.2 - 6.2 Diabetic Good control: 5.5 - 6.8 Fair control: 6.8 - 7.6 Poor control: 7.6
GLUCOSE RANDOM	96	mg/dl	70 - 180

Dr. M. Shoaib
MBBS, RMP

Zeeshan Javed
MLT

M. Baseer Khan
DMLT (KPK Medical Faculty)

M. Asad
DMLT (KPK Medical Faculty)

Quality Lab Service For All Diagnostic Tests

PCR, Genotyping, Cytology, Histopathology, Microbiology, Chemical Pathology, Hormones & Tumor Markers

RECEPTION:

Shop #42, Basement Arqaf Plaza
Dabgari Garden Peshawar.

Shop # 1, Sharja Hotel
Dabgari Garden Peshawar.

SATELAB:

Shop # B-16, Clock Tower, Near
TMA Office Shamsi Road, Mardan.

NOT VALID FOR COURT

etc

Umar Khitab
Advocate High Court

General Hospital
MADRYAN ROAD KOTAMU SWAT
HCC Reg No R 17596-F

ASHFAQ NEURO PSYCHIATRIC & GENERAL HOSPITAL

MADRYAN ROAD KOTAMU SWAT HCC Reg No R 17596-F

Name: Muhammad Khan / Add: Madryan / Age: 70 yrs / Gender: M / Date: 04-01-23

Not Valid for Medico-legal Purpose

- CEO
- Dr. Ashfaq Ahmad
Neuro Psychiatrist
FOS (Psy), FCC CRT
- Dr. Ashfaq Ahmad
FOS (Sexual Medicine) (FOSM)
- Dr. Roshna Ashfaq
Gyna & Uteround Specialist
MFC
FOS (MFC) & expert in Ultrasonography
- Dr. M. Eza Khan
Physician
FMO
- Dr. Imran Khan
Physician
FOS
- Dr. Junaid Ahmad
Physician & Surgeon
M.D
- Dr. Rahman Ali
Orthopaedic Surgeon
FOS
- Dr. Zeeshan Aziz
Orthopaedic Surgeon
FOS
- Dr. Shahzad Hussain
Cardiologist
FOS
- Dr. Shaqir Ullah Khan
Gastroenterologist
FOS
- Dr. Muhammad Ayaz
Ortho Specialist
FOS
- Dr. Arif Khan
Dentist
FOS (Dentist)

Handwritten notes in Urdu script, likely a patient history or symptoms.

Handwritten notes in Urdu script, possibly a diagnosis or treatment plan.

Handwritten notes including "125 mg Meprob" and "100mg Neogrel".



Handwritten notes: "meds significantly improved & symptoms relieved".

Handwritten notes: "Improved @".

Handwritten notes: "F-up (ase) = x =".

Phone numbers: 744760, 2266809, 5095605

Handwritten numbers: 29





AL-HARAM

MEDICAL LABORATORY

KP-MCC Reg: # 12929-N

Zeeshan Javed
0315-5009940
0302-5495154
Ph: 091-3057439

Patient Name	ZOOR MUHAMMAD	Y	Sex	M	Lab No: 01-23
Consultant: Prof	DR. SOHAIL AMIR		Time		Date
Investigation required	FBC		4:40:09 PM		09/01/2023

TEST REPORT

HAEMATOLOGY	RESULT	UNIT	NORMAL VALUES
WBC/TLC	7,000	/Cmm	4,000-11,000
RBCs	5.7	mill/Cmm	4.5-5.5
HB	14.1	g/dl	12-18
HCT	41.5	%	39-52
MCV	72.2	fl	78-96
MCH	26.2	Pg	27-32
MCHC	36.3	g/dl	32-36
Platelets Counts	246,000	/Cmm	150,000-450,000
Neutrophils	76	%	45-75
Lymphocytes	18	%	20-45
Eosinophils	03	%	01-06
Monocytes	03	%	02-10

Umar Khattab
Advocate High Court

Dr. M. Shoaib
MBBS, FMP

Zeeshan Javed
MLT

M. Baseer Khan
DMLT (KPK) Medical Faculty

M. Asad
DMLT (KPK Medical Faculty)

Quality Lab Service For All Diagnostic Tests

PCR's, Genotyping, Cytology, Histopathology, Microbiology, Chemical Pathology, Hormones & Tumor Markers

LAB

RECEPTION:

SATE LAB:

ment Auqaf Plaza
war.

Shop # 1, Sharja Hotel
Dabgari Garden Peshawar.

Shop # B-16, Clock Tower, Near
TMA Office Shamsi Road, Mardan.

4000872, 0331-9432323, 03369465400

ڈاکٹر کبیر شمسیتا

NOT VALID FOR COURT



AL-HARAM

MEDICAL LABORATORY

KP-HCC Reg: # 13779-N

Zeeshan Javed
0315-5009940
0302-5495154
Ph: 091-3057439

Patient Name	ZOOR MUHAMMAD	Age	Y	Sex	Male	Lab No: 01-23
Consultant: Prof	DR SOHAIL AMIR			Time	Date	
Investigation required	UREA, CREAT			4:37:38 PM	9-Jan-23	

TEST REPORT

SPECIAL CHEMISTRY

TEST	RESULTS	UNITS	NORMAL VALUE
BLOOD UREA	28	mg/dl	10 - 50
CREATININE	0.9	mg/dL	0.3 - 1.3

eTK
Z
Umar Khitab
Advocate High Court

Dr. M. Shoaib
MBBS, RMP

Zeeshan Javed
MLT

M. Baseer Khan
DMLT (KPK) (Medical Faculty)

M. Asad
DMLT (KPK Medical Faculty)

Quality Lab Service For All Diagnostic Tests

PCR, Genotyping, Cytology, Histopathology, Microbiology, Chemical Pathology, Hormones & Tumor Markers

MAIN LAB:

Shop #42, Basement Auqaf Plaza
Dabgari Garden Peshawar.

RECEPTION:

Shop # 1, Sharja Hotel
Dabgari Garden Peshawar.

SATE LAB:

Shop # B-16, Clock Tower, Near
TMA Office Shamsi Road, Mardan.

NOT VALID FOR COURT

ڈاکٹر کبیر ہسپتال سید روڈ، نزد اللہ اکبر مسجد، سید عثمان شریف سوات



AL-HARAM

MEDICAL LABORATORY

KP-HCC Reg. # 13729-N

Zeeshan Javed
0315-5009940
0302-5495154
Ph: 091-3057439

33

Patient Name	ZOOR MUHAMMAD	Age	Y	Sex	Female	Lab No: 01-23
Consultant: Prof	DR SOHAIL AMIR			Time	Date	
Investigation Required	LFTs			4:35:57 PM	9-Jan-23	

TEST REPORT

TEST	RESULT	UNIT	NORMAL VALUES
LFTs			
ALT (GPT)	21	U/L	Upto 45
S. BILIRUBIN	0.6	mg/dl	1.0
ALK. PHOSPHATES	210	U/L	Child 800 Adult 270

Umar Khattab
Advocate High Court

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SATE LAB:

Shop # B-16, Clock Tower, Near
TMA Office Shamsi Road, Mardan.

NOT VALID FOR COURT

ہدایات: (1) سب جات درج شدہ (2) تک اسٹال سے (3) سب جات سٹال کے لیے (4) اگر کوئی دوائی اسٹال سے خریدی جائے تو وہاں فوراً کرے۔
347-1000872, 0331-9432323, 03369465400
سید وروڑ، نزد اللہ اکبر مسجد، سید شریف سوات
ڈاکٹر کبیر ہسپتال



AL-HARAM

MEDICAL LABORATORY

KP-HCC Reg. # 13729-N

Zeeshan Javed
0315-5009940
0302-5495154
Ph: 091-3057439

34

P.NAME: ZOOR MUHAMMAD DATE: 09/01/2023
SEX: MALE REPORT: 01-23
SPECIMEN: BLOOD REFERD BY: DR SOHAIL AMIR
TEST REQUIRED: HBA1C, GLUCOSE RANDOM

CHEMISTRY

TEST	RESULT	UNIT	NORMAL RANGE
HBA1C	5.24	%	4.2 - 6.2 Diabetic Good control: 5.5 - 6.8 Fair control: 6.8 - 7.6 Poor control: 7.6
GLUCOSE RANDOM	96	mg/dl	70 - 180

erc
Umar Khitab
Advocate High Court

Dr. M. Shoaib
MBBS, RMP

Zeeshan Javed
MLT

M. Baseer Khan
DMLT (KPK) Medical Faculty)

M. Asad
DMLT (KPK Medical Faculty)

Quality Lab Service For All Diagnostic Tests

PCRs, Genotyping, Cytology, Histopathology, Microbiology, Chemical Pathology, Hormones & Tumor Markers

MAIN LAB:

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Dabgari Garden Peshawar.

RECEPTION:

Shop # 1, Sharja Hotel
Dabgari Garden Peshawar.

SATELITE LAB:

Shop # B-16, Clock Tower, Near
TMA Office Shamsi Road, Mardan.

NOT VALID FOR COURT

X. Javed

Faris

H I

35

NEURO PAIN CLINIC

کنسلٹنٹ نیورولوجسٹ / اینورالوجسٹ

Consultant Neurologist / Neurophysician
Dr. Syed Naeemullah

ایم بی بی ایس ایم ڈی (نورالوجی)

Reg. # 12369-A

MBBS, MD (Neurology),
Assistant Professor,
Deptt. of Neurology, FPGMJ, Lhr

PSPI
PHS

ڈاکٹر سید نعیم اللہ

سینٹر برائے نیورالوجی، ایف پی جی ایم ایف، لاہور

پہلے امراض: اسباب اور اس مرض کی تفریق، پناہ دینا، پناہ دینا کی روشنی میں
مردم عامہ کو سمجھانے کی خاطر

Name: Zahid Muhammad Age: 58 Sex: M Date: 9/09/93

Clinical Record

Hy
④ Dided wasmus Ra
2008

Pro Mutamus
700g of Fulvits
feco-urinary incontinence

Static
Syp. NEUBS
o.l. ② = 1 + 1

Tab. CEREGRIN 150 f
o.l. ② = 1 + 1

Tab. AZM 250 f
o.l. ② = 1 + 1

Tab. Aseard-Plus 75 f
o.l. ② = 1 + 1

ہدایات: (1) حسب ہدایت دیکھ کر پین (2) عیب اور پناہ کا استعمال کم کریں (3) حسب ہدایت دو دوائیاں اپنے میں لے کر دیکھیں
(4) اگر کسی دوائی کے استعمال سے طبی یا سوزش شروع ہو جائے تو فوراً دوائی روکنا ہوگی۔

رابطہ نمبر: 0347-1000872, 0331-9432323, 03369465400

ڈاکٹر کبیر ہسپتال سید روڈ، نزد الشا کبر مسجد، سیدو شریف سوات



Umar Khitab
Associate High Court

Pass

ASHFAQ NEURO PSYCHIATRIC & GENERAL HOSPITAL

MADYAN ROAD KOTANAI SWAT

HCC Reg No # 17596-F

Not Valid for Medico-legal Purpose

36

Name: Zoya Muhammad Khan add: Maidan / Age: 70^{Yrs} Gender: (M) Date: 04-01-2023

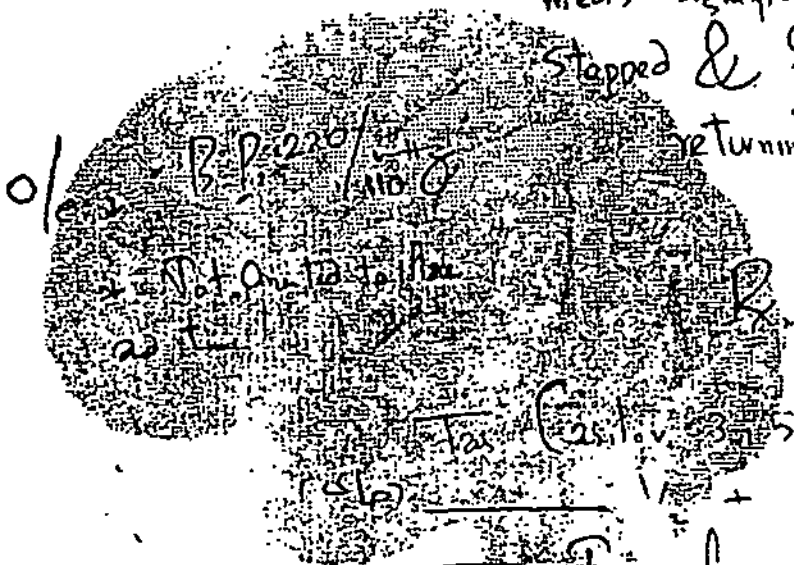
- CEO**
Neuro Psychiatrist
Dr. Ashfaq Ahmad
FCPS (Gen), FSC, CMT,
Dip Sexual Medicine (CNSM)
- MD**
Gyna & Ultrasound Specialist
Dr. Rashna Ashfaq
DGO, MRCOG & Dip in USG Ultrasonography
- Physician**
Dr. M. Ess Khan
MD
- Physician**
Dr. Imran Khan
FCPS
- Physician & Surgeon**
Dr. Junaid Ahmad
MD
- Orthopaedic Surgeon**
Dr. Rahman Ali
FCPS
- Orthopaedic Surgeon**
Dr. Zeeshan Aziz
FCPS
- Cardiologist**
Dr. Shahzad Hussain
FCPS
- Gastroenterologist**
Dr. Shafi Ullah Khan
FCPS
- Ophthalmic Specialist**
Dr. Muhammad Ayyaz
FCPS
- Dentist**
Dr. Arif Khan
MSc (Dental)

Rx

Swat

Follow-up Case:

Improved e
meds significantly
stopped & symptoms
returning.



Tas. Cas. 100mg / 150/100
1/2 + 1/2
Tas. Nequel 100mg
5 = 1 (1/2)
Tas. Memril 10mg
1 (1)

Umar Khilab
Advocate High Court

اپر اسوات نرو پشیاٹریک اور جنرل اسپتال کے سربراہ اور ایگزیکٹو ڈائریکٹر کی حیثیت سے

کلینک: بروز جمعہ: اشفاق نورو پشیاٹریک اور جنرل اسپتال کوٹلی خوازہ خیلہ سوات
کلینک: بروز ہفتہ: لائف کیئر اسپتال نزدیکی اسپتال سوات
کلینک: بروز اتوار: اسپتال سوات جنرل اسپتال مدینہ نورو پشیاٹریک اور جنرل اسپتال خوازہ خیلہ سوات

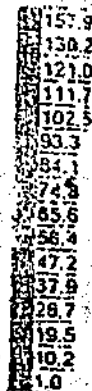
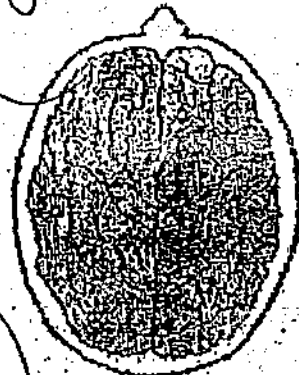
دوبارہ معائنہ: (2)
Ph: 0946-744760
Cell: 0344-2266809
0341-5095605
Email: ashfaq2996@gmail.com

ATTESTED

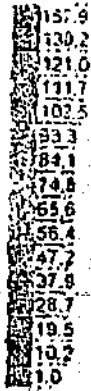
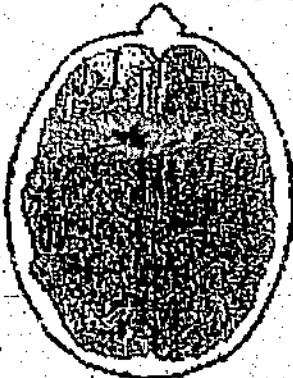
37



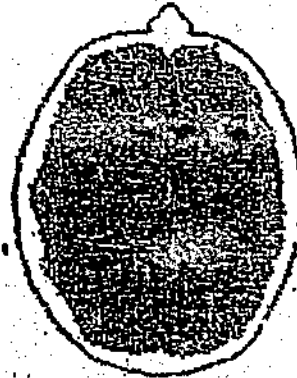
δ 0.75-3.75Hz



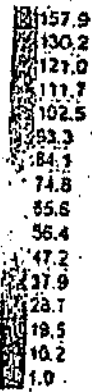
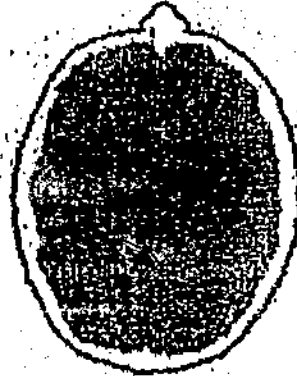
θ 4.00-7.75Hz



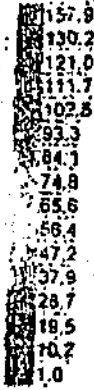
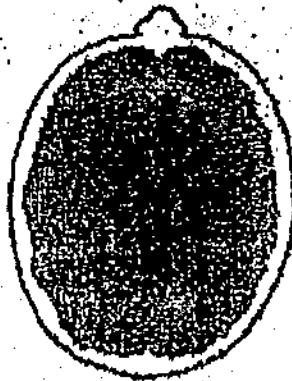
$\alpha 1$ 8.00-9.80Hz



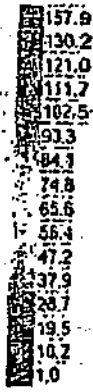
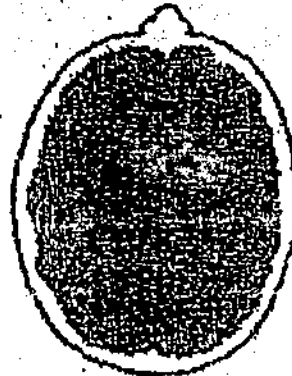
$\alpha 2$ 9.80-12.75Hz



$\beta 1$ 13.00-20.00Hz



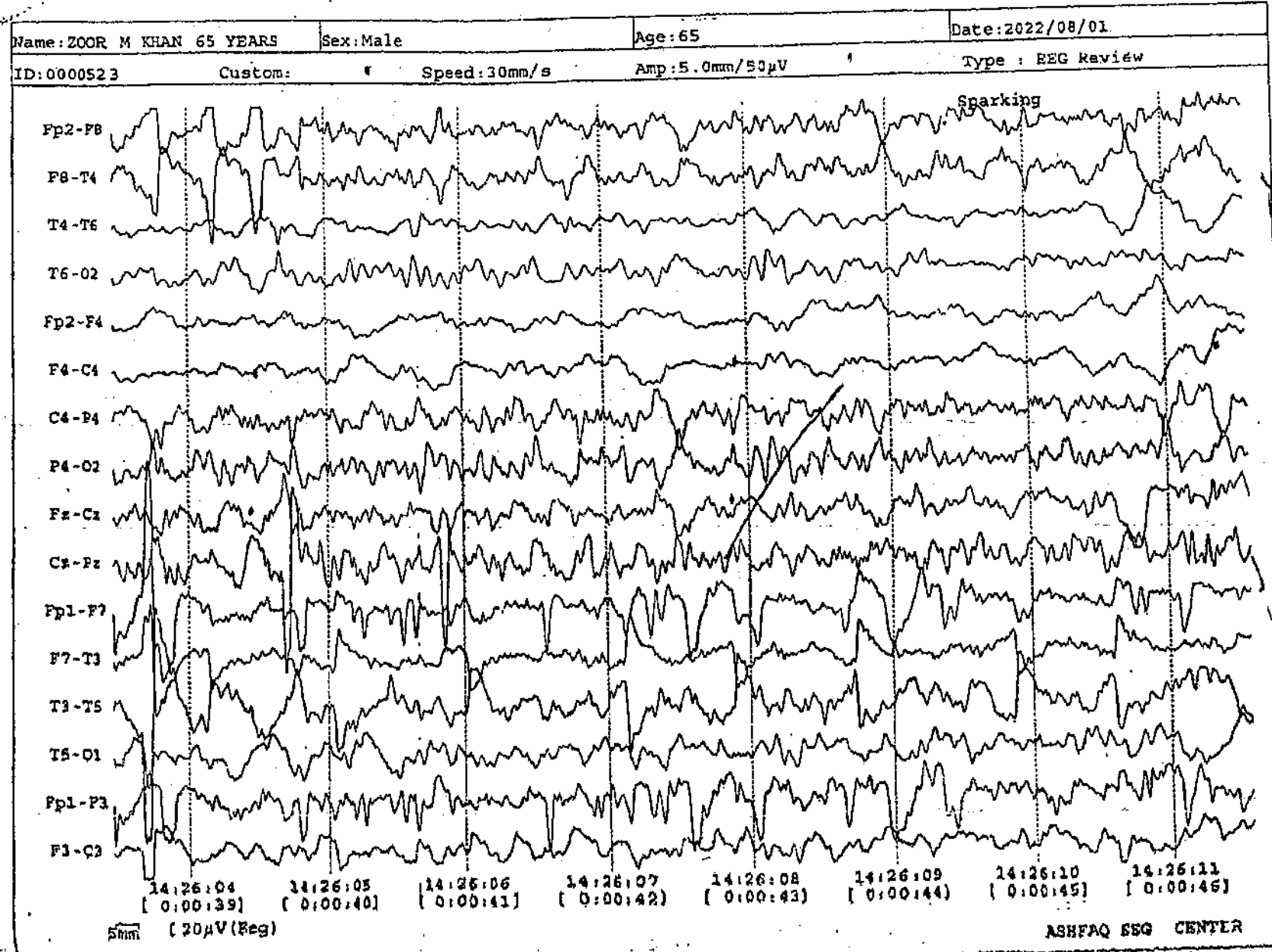
$\beta 2$ 20.00-30.00Hz



08:39.0-09:42.0

Umar Waheed
Advocate High Court

00557

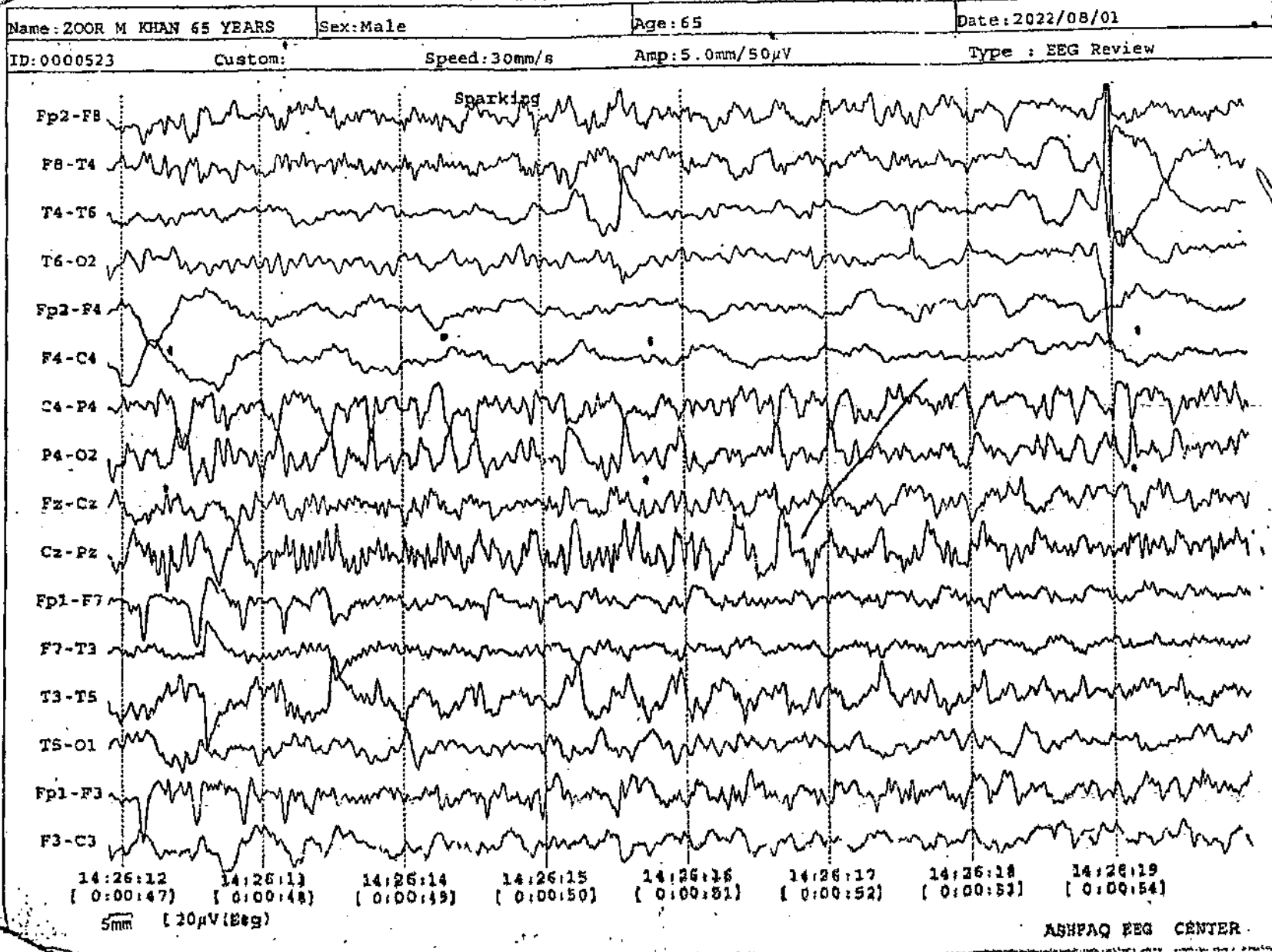


36



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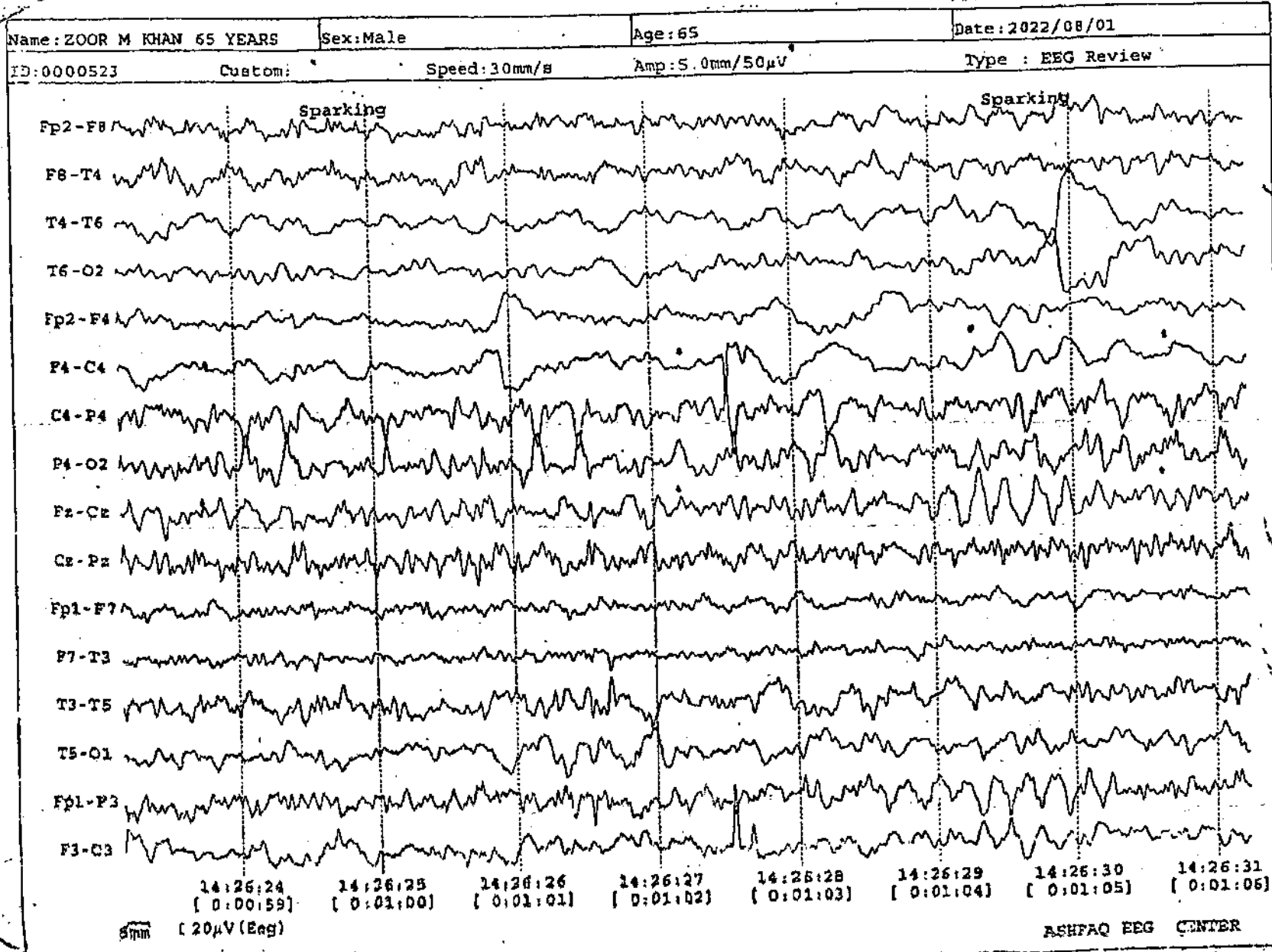
Urwa Khan
Advocate High Court



39

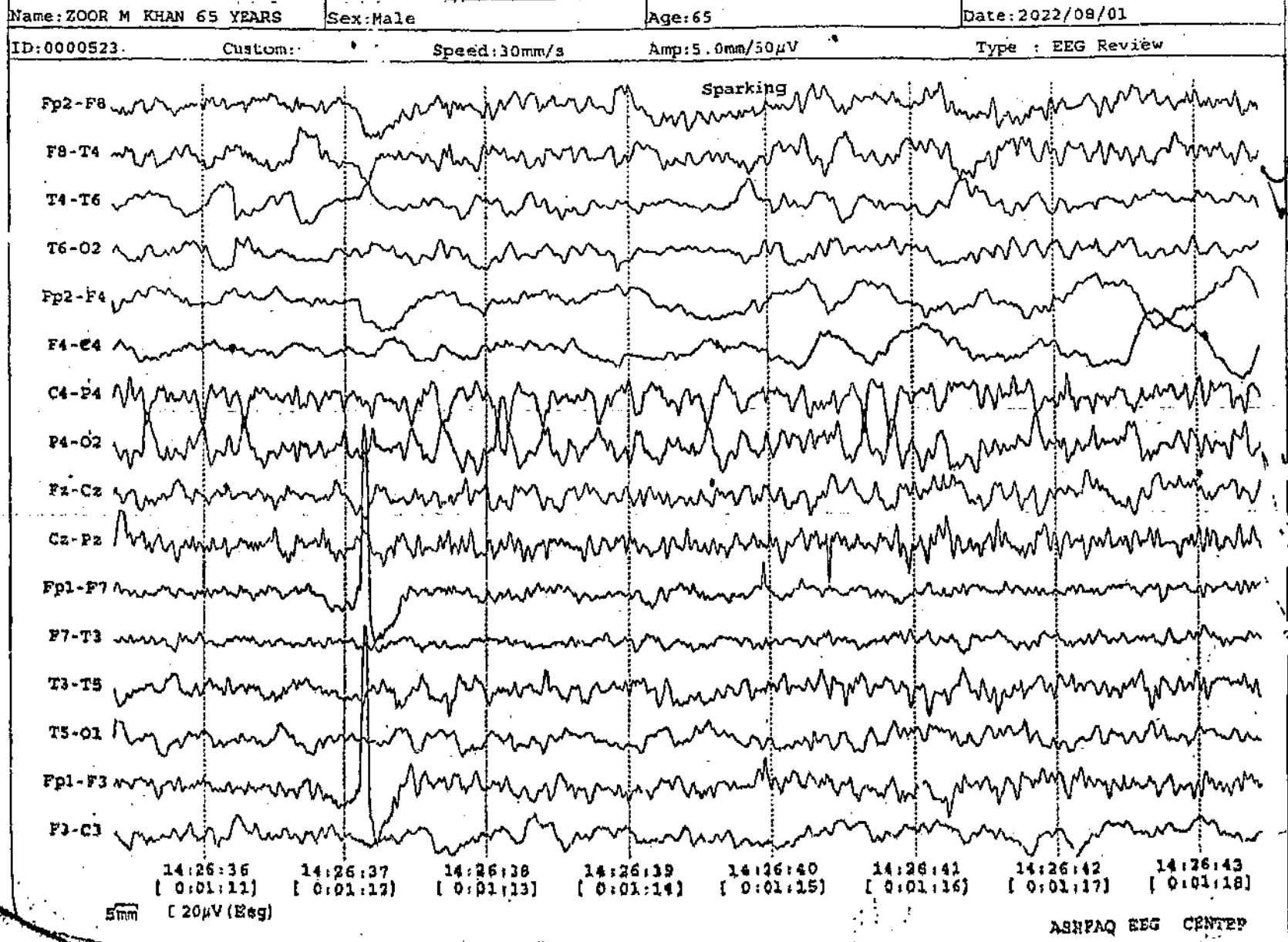
(Handwritten signature/initials)

ATTESTED
 Umair Khitab
 Director



Umar Khitab
Advocate High Court

(14)

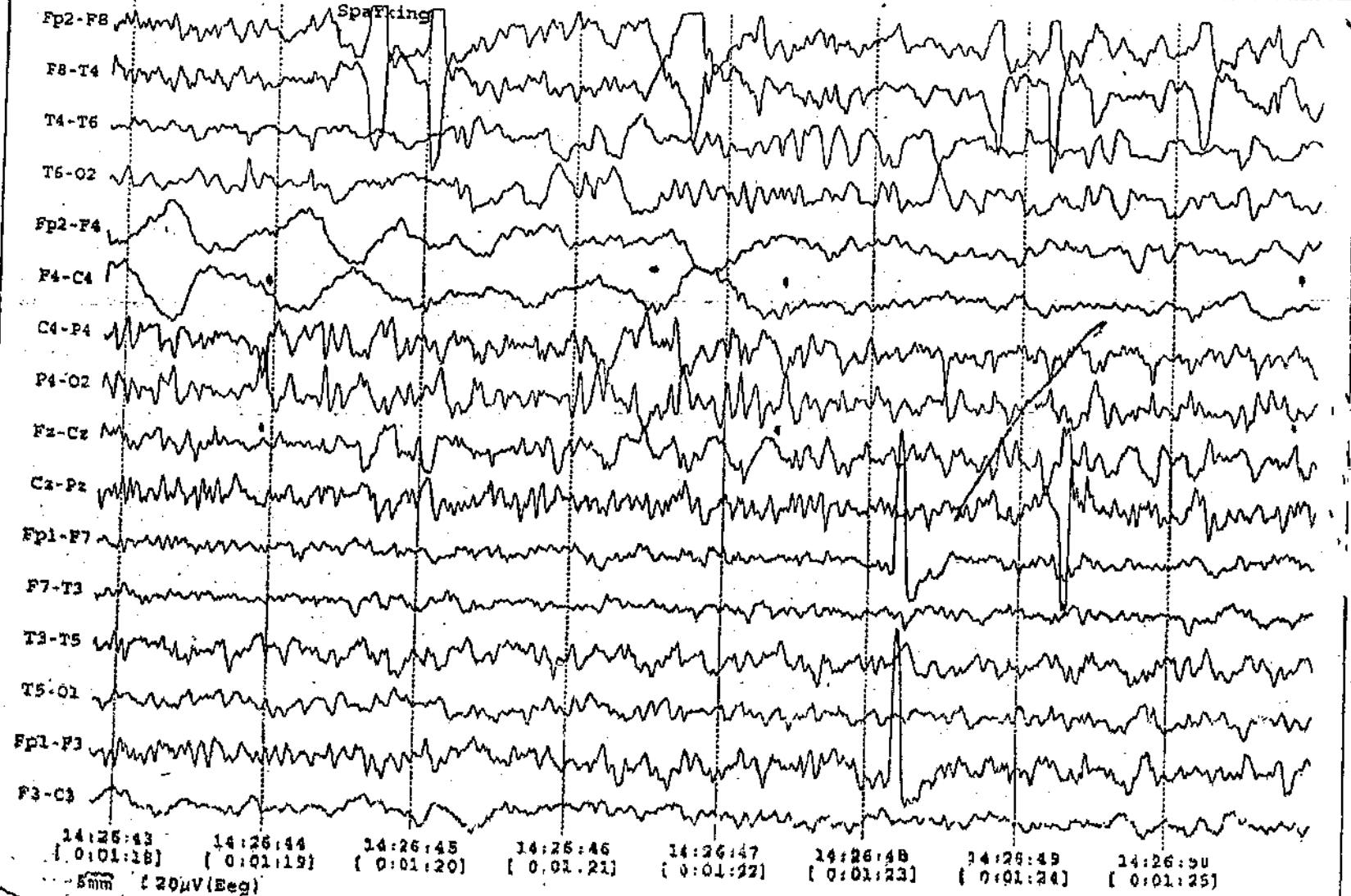


Umar Khitab
Advocate High Court

ATTESTED

52

Name: ZOOR M KHAN 65 YEARS	Sex: Male	Age: 65	Date: 2022/08/01
ID: 0000523	Custom:	Speed: 30mm/s	Amp: 5.0mm/50µV
Type : EEG Review			



Umar Khitab
Advocate High Court

H

Annex: 43
H



OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE)
DISTRICT SWAT

#: (0946) 9240228
Email: deomswat@gmail.com

#: (0946) 9240228
Web: www.sed.edu.pk

NOTIFICATION.

1. Whereas, one Mr. Zoor Muhammad was appointed as chowkidar on 10/01/1988.
2. Whereas, according to the service record, his date of birth is 1956, therefore his retirement order was issued on superannuation vide this office Endst No 13777-73 Dated 16/12/2020. However he challenged this order before the Honorable Khyber Pakhtunkhwa Service Tribunal on the grounds that his correct date of birth is 20/01/1965.
3. Whereas, the Honorable Khyber Pakhtunkhwa Service Tribunal accepted his Service appeal vide Judgement Dated 06/12/2021 and directed the respondents to reinstate him and he will be allowed to perform his duty till 19/01/2025.
4. Whereas, the respondents filed CPLA No. 184-P/2021 before the Apex Court which is still pending.
5. Whereas, he filed execution petition before the Honorable Khyber Pakhtunkhwa Service Tribunal and consequently he was reinstated vide this office Endst No. 1174-78/Class IV/p/file215. Dated 01/09/2022, into service conditionally till the outcome of the CPLA filed and he was adjusted at GPS Chinkolal Swat.
6. Whereas, he submitted an application that his son may be allowed to perform duty in his place or he may be retired on Medical Grounds.
7. Whereas, his application being illegal and void ab-initio was not accepted.
8. Whereas, he filed writ petition No. 836-M/2023 before the Honorable Peshawar High Court Mingora Bench/ Darul Qaza Swat which was disposed of by the Honorable Court vide Judgement Dated 26/09/2023 with the directions that the petitioner will submit clear and unambiguous application to DEO (M) Swat who shall decide the same within one month.
9. Whereas, the CPLA has been filed before the apex Court against the Judgement dated 26/09/2023 which is still pending.
10. Whereas, the petitioner submitted application that he may be retired on Medical Grounds. Hence he was referred to the scrutiny Committee but the scrutiny Committee rejected his application. The petitioner has filed writ petition No. 1450-M/2023 before the Honorable Peshawar High Court Mingora Bench/ Darul Qaza Swat which is still pending.
11. Whereas, as per report of SDEO (M) Khwazakhela Swat vide his office Endst No. 1661 dated 30/08/2023, he was found negligent towards his duty and whenever the ASDEO (M) Khwazakhela or DCMAs from EMA District Swat visited the school, he was found unauthorized absent or on C/leave.
12. Whereas, an explanation was called from him in this respect, vide this office Endst No. 371 dated 14/11/2023, but his reply was unsatisfactory.
13. Whereas, this office issued show cause notice vide this office Endst No-1256-58 dated 07/12/2023, but his reply to show cause notice was unsatisfactory which was received to this office on 18/12/2023.
14. Whereas, this office provided one more opportunity to defend himself regarding all the allegations levelled against him, and this office nominated Mr. Ali Sher Principal GHSS Bagkot Swat as Personal hearing Officer vide this office Endst No-2266-67 Dated 21/12/2023.
15. Whereas, the personal hearing Officer in his report submitted that the son of the accused Mr. Izhar Hussain stated that he has performed duty in place of his father since 01/06/2023 which according to the personal hearing Inquiry Officer is illegal and against the rules and further clarified that the accused has admitted in his application that he has got stroke attack in the month of January 2023. It means that the statements of the accused and his son are in contradictions which show that he remained absent since January 2023.
16. Whereas, the personal hearing Officer/Inquiry Officer recommended that the accused may be compulsory retired as per E&D rules 2011.

Umar Khit
Advocate High Court

(42)

17. Whereas, the District Education Officer (M) Swat being the competent authority after having considered the charges and evidences on record against him and found as proved.

Now, Therefore, I Muhammad Riaz, District Education Officer (M) Swat being the competent authority under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011 do hereby impose upon him the major penalty of "Compulsory Retirement" under Rule 4 (b) (ii) of the Ibd Rules with immediate effect in the interest of public service conditionally subject to the final outcome of CPLAs pending before the Apex Court.

(MUHAMMAD RIAZ)
DISTRICT EDUCATION OFFICER (M)
SWAT.

Endst: No: 5056-SF/P.F/531/Zor M /Chow/DEO/M. Dated 19/1/2024

Copy forwarded for information and necessary action to:

- 1- The Director Elementary & Secondary Education KPK Peshawar.
- 2- The District comptrollers of Account Swat at Saidu Sharif.
- 3- The SDEO (M) Khwazakhela Swat with the directions to process his retirement case on provision of legal stamp paper to the effect that all the retirement/ financial benefits will be returned/ recovered to the Govt: treasury in case CPLAs are decided against him.
- 4- The District Monitoring Officer EMA District Swat.
- 5- The EMIS Cell DEO (M) Swat local Office.
- 6- P.A to District Education Officer (M) Swat the local office.
- 7- Mr. Zoor Muhammad Chowkidar GPS Chinkolal r/o Malindam Swat (Registered).

advised

Umar Khitab
Advocate High Court

DISTRICT EDUCATION OFFICER (M)
SWAT

Amnes:

1
45

PESHAWAR HIGH COURT, MINGORA BENCH
(DAR-UL-QAZA), SWAT

FORM OF ORDER SHEET

Court of

Case No..... of.....

Serial No. of order or proceeding	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge and that of parties or counsel where necessary.
1	2	3
	24.04.2024	<p><u>W.P 1450-M/2023 With C.M 2265/2023</u></p> <p>Present: Mr. Umar Khitab, Advocate for petitioner. Mr. Rahim Ullah Chitrani, Assistant A.G for official respondents.</p> <p>***</p> <p><u>SYED ARSHAD ALL J.</u> Through this petition, filed under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, the petitioner seeks the following prayer: -</p> <p><u>"It is, therefore, very humbly prayed that on acceptance of this writ petition, this august Court is requested again to issue writ / directions to the respondents to present the petitioner before the Medical Board without wasting further time as the petitioner is in too much bad condition due to his extreme illness of Heart & Stork. Any other remedy coupled with cost, which is efficacious and appropriate, in peculiar circumstances, of the case, may please be graciously granted, though not specifically prayed for."</u></p> <p>2. At the very outset, the learned AAG has produced the notification dated 19.01.2024, whereby the petitioner has been compulsorily retired from service and</p>

Mushaq Ahmed/SSS* (D.B) HON'BLE MR. JUSTICE SYED ARSHAD ALI
HON'BLE MR. JUSTICE MUHAMMAD NAEEM ANWAR

ATTENED
Examiner
Peshawar High Court Bench
Mingora Dar-ul-Qaza, Swat

the said order has been challenged by the petitioner before the Services Tribunal, thus, in such circumstances, this petition has become infructuous, which is accordingly dismissed.

Announced
24.04.2024

JUDGE
d
JUDGE

S.No. 3
Name of Applicant S. Arshad Ali
Date of Presentation of Applicant 4.5.24
Date of Completion of Copies ad
No of Copies 10 P
Urgent Fee 48/-
Fee Charged 48/-
Date of Delivery of Copies 4/5/24

Certified to be true copy

M. R. Ali
EXAMINER
Peshawar High Court, Mingora/Dar-ul-Qaza, Swat
Authorized Under Article 17 of Quanoon-e-Shahadat Order, 1988
4/5/24

24/4/2024

Muqtaq Ahmed/SSS*

(D.B)

HON'BLE MR. JUSTICE SYED ARSHAD ALI
HON'BLE MR. JUSTICE MUHAMMAD NAEEM ANWAR

No. 108

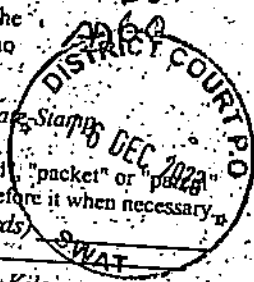
For Insurance Notices see reverse.
Stamp RGL116997108

Rs. Ps.

uninsured letters of not more than
the initial weight prescribed in the
Post Office Guide or on which no
acknowledgement is due.

Received a registered
addressed to [Signature]

Date Stamp



Initials of Receiving Officer [Signature] Write here "letter", "postcard", "packet" or "parcel"
with the word "insured" before it when necessary.

Insured for Rs. (in figures) 1000 (in words) one thousand

If insured.

Insurance fee Rs. 20 Weight 100 Kilo Grams

Name and address of sender [Blank]

A

Amma: J

45

To,

The District Education Officer Male
Elementary and secondary Education
District Swat.

Subject:- REPLY OF SHOW CAUSE NOTICE AND APPLICATION FOR
MEDICAL LEAVE.

R/ Sir,

Reference your show cause notice No, 1256-58
dated 07/12/2023, the reply of the show cause
are as under:-

1. I Zoor Muhammad chowkidar G.P.S. Chinkolai Khawazakhela Swat of "Heart and stroke" patient and unable to performed his duty further honestly.
2. I Zoor Muhammad received show cause notice through school Head teacher on 11/12/2023.
3. That it is requested that one day casual leave is allowed in every month in emergency situation is the right of every Government servant by the permission of the institution head.
4. That I was submitted an application in your good honor vide diary No, 4601 dated 11/2/2023 the requests of detail already communicated in that application, now you have rejected my application after 9 months, now I am bound to honor your order.
5. I can not leave the school without permission of the head of school in mentioned date in your show cause notice.
6. I have filed writ petition No, 1450-M/2023 against the impugned minutes dated 17/11/2023 of Deputy Commissioner Swat. The Peshawar High court/ Darulqaza Mingora Bench issued the directions to Deputy Commissioner Swat and District Education Officer Male Swat for comments in 10 days. (order sheet attached)
7. That I am unable to perform the further duty and you are requested to sanction/ grant medical leave with effect from 13/12/2023 to 14/1/2024. (Medical Prescriptions are attached.)

attested

Umar Khitab
Advocate High Court



Your obedient

Zoor Muhammad Khan

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- 2 - 6

Handwritten text in Urdu script, likely a list item.

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No. 1183

For Insurance Notices see reverse.
Stamps affixed except in case of
unin RGL116999283
the Post Office Guide or on which no
acknowledgement is due

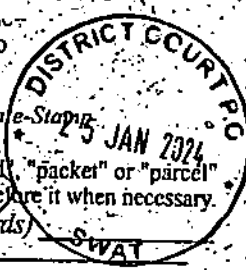
Rs. Ps.

60-

Received a registered*
addressed to

[Handwritten signature]

Date-Stamp



Initials of Receiving Office *Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

Insured for Rs. (in figures) *200* (in words) *Two hundred*

If insured.

Insurance fee Rs. *10* Ps. *00* (in words) *Ten* Weight *100* Kilo Grams

Name and
address
of sender

[Handwritten address]

[Handwritten signature]

Alloha

24/1/2024

Date -

Umar Khitab

Advocate High Court

Umar Khitab

[Handwritten signature]

Umar Khitab

Advocate High Court

Umar Khitab

Umar Khitab

Advocate High Court

Umar Khitab

Advocate High Court

Umar Khitab

Advocate High Court

Umar Khitab

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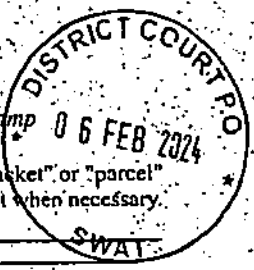
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Name and
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of sender

To,

Honorable District Education officer Male. Elementary
and Secondary Education Swat.

Subject:- APPLICATION FOR MEDICAL LEAVE WITH EFFECT FROM
1-5.2024 TO 19/1/2025.

Respectfully Sheweth,

- i. That the appellant was performing his duty as chowkidar at G.P.S Chinkolai Khawazakhela swat.
- ii. That the appellant is serious patient of Hear and stroke .
- iii. That the appellant already submitted an application for medical leave to your good honour with effect from 13/12/2023 to 14/1/2024 vide post office receipt No, 108 dated 16/12/2023 and another application submitted for Medical leave with effect from 14/1/2024 to 30/4/2024 vide post office receipt No, 1183 dated 25/1/2024 along with Medical prescriptions.
- iv. That the appellant retired dated on 19/1/2025 superannuation (60 years).
- v. That the appellant on death bed and un able to perform his duty.
- vi. That under K.P civil servants Revised leave rules 1981 the appellant is entitled for medical leave 365 days on full pay.
- vii. That if have any doubt about the disease of the appellant , produce the appellant before the Medical board.

You are therefore, humbly prayed to accept the
appellant instant application and grant the further
Medical leave with effect from 1/5/2024 to 19/1/2025.

Zoor Muhammad Chowkidar
Government Primary school
Chinkolai Khawazakhela Swat.
Dated 6/02/2024.

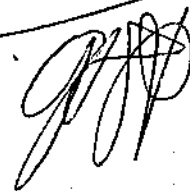
Umar Khitab

Umar Khitab.
Advocate High Courts

تاریخ: ۱۳۰۲/۱۰/۱۰

شماره: ۱۰۰

محل: تهران



بسم الله الرحمن الرحیم
این سند منقول از کتاب تاریخ ایران است
که در آنجا در مورد تاریخ ایران
و تمدن آن در آن زمان
و همچنین در مورد
تاریخ اسلام و تاریخ
ایران در آن زمان
و همچنین در مورد
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تاریخ اسلام و تاریخ
ایران در آن زمان

تاریخ

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GPS Chinkolai

بابت ماہ نومبر 2022ء		رجسٹر حاضری مدرسین		Jenodastagir Watchmen		عملت مای صاحب SPST		رقم
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Head Master,
GPS Chinkolai Sw. T.
Code No: 21746

Umar Khitab
High Court

Master,
GPS Chinkolai Sw. T.
Code No: 21746

53

رجسٹر حاضری مُدرّسین
 بابت ماہ _____ 2022ء
 2022ء

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Umar Khalid
 Advocate High Court

Head Master,
 SPS Chiniolai
 Code No: 2746

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رجسٹر حاضری مدرسین
 بابت ماہ مارچ 2023
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Head Master,
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GFS Chinkola Swat
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Umar Khitab
Advocate High Court



بابت ماہ می 2023 رچسٹر حاضری مدرسین

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Umar Khitab Advocate High Court

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Umar Khatab
Advocate High Court

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Umar Khatab Advocate High Court

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To,

Honorable Director Elementary and Secondary
Education Government of K.P. Peshawar.

Subject: DEPARTMENTAL SERVICE APPEAL.

Prayers of the Departmental service appeal.

- i. It is therefore, respectfully prayed that on the acceptance instant departmental service appeal the impugned Notification No, 5050-51 dated 19/01/2024 (Compulsory retirement) issued by the District Education officer Elementary and Secondary Education(Male) Swat may kindly be declared illegal, un law full, null and void and be set aside and direct the D.E.O. (Male) Swat to with draw the impugned order because the D.E.O. (Male) Swat issued the compulsory retirement order instead of on Medical ground.
- ii. That the act of the District Education Officer Male Swat is illegal, un lawful and against the constitution of Pakistan, because the appellat the famiyy one member will be suffer from 25% quota Class Iv son, s quota)
- iii. That the appellat have be retired on 19-01-2025 on completed 60 years.
- iv. To direct the District Education officer Male Swat to with draw the compulsory retirement order of the appellat and allow the Medical leave to appellat because the appellat is serious patient of Heart and paralyzed .

Facts of Departmental service appeal.

1. That the appellat is a law abiding citizen of District Swat (village Gojaro Kalay Miandam Swat) and on service as chowkidar in Government Primary school Chinkola Khawazakhela Swat.
2. That initially the appellat was appointed on chowkidar vide office order No, 152-55 dated 10-01-1988.

attested


Umar Khitab
Advocate High Court

3. That on the issue of difference in age in the service book of the appellant and his "CNIC" salary of the appellant was stopped, against which the appellant filed departmental appeal which not responded and the respondents passed illegal order No, 13777-78 dated 16-12-2020, where in appellant was declared as pre mature retired person with further directions to refund the salaries from 1-1-2016 to 1-1-2019. It is pertinent to mention here that the said order was challenged by the appellant before the Honorable Service Tribunal K.P. Peshawar vide appeal No, 10746/2020 which was accepted vide 06-12-2021.

4. That the appellant was re instated in the light of judgment *ibid*, vide order Mo,1174-18 dated 01-09-2022 by DEO Male Swat and since then the appellant is performing his duties obediently.

5. That the appellant is debilitated person having age of 59 years moved an application to DEO Male Swat through proper channel for his retirement on "Medical Ground" that the appellant is on death bed and is the raisin of life and death having a "Stroke Patient" (Falage patient " vide diary No, 4601 dated 11-02-2023.

6. That being aggrieved the appellant filed writ petition No, 836-M/2023 before Honorable High Court Peshawar/ Mingora Bench and the same had been decided on 26-09-2023 with the directions as under.

" This Petition is disposed of in terms of directing the appellant to approach to DEO Male Swat through clear and unambiguous application which if moved shall be decided by the DEO Male Swat in accordance with law within a period of one month if not earlier.

7. That, after the *ibid* judgment of the Hon: High Court the appellant moved an application to D.E.O. (Male) Swat and requested therein for Implementation as per order/ judgment of the Hon: High Court, whereas, DEO (Male) Swat forwarded the application along with order of the Hon: High Court of the appellant to Deputy Commissioner Swat for further necessary order.

8. That the appellant appeared before the scrutiny

Umar Khitab
Advocate High Court

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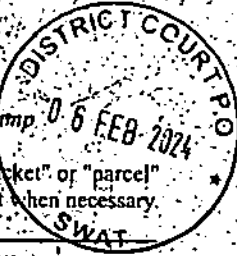
Rs. Ps.

Stamp RGL116899979

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Delivered a registered*
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Date Stamp



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Committee of Government servants on Medical Ground retirement (Deputy Commissioner Swat) through " Wheel Chair " on 16-11-2023 where after application (Application on Medical ground ground retirement) has been dismissed/ rejected Deputy Commissioner Swat and District Education Officer (Male) Swat and the appellant not been referred to Medical Board however the appellant application has been erroneously rejected by the scrutiny committee Government servants on Medical ground retirement.

9. That the appellant submitted an application for Medical leave with effect from 13/12/2023 to 14/01/2024 Vide post office Receipt No, 108 dated 16/12/2023 and another application for medical leave submitted to D.E.O. Male Swat with effect from 14/1/2024 to 30/4/2024 Vide post office receipt No, 1183 dated 25/1/2024. But the DEO Male Swat not sanctioned the medical leave of the appellant to date. The Medical leave is the right of the appellant under the leave rules.

It is therefore, humbly prayed to accept the Instant departmental service appeal of the appellant.

Your, s obedient

Zoor Muhammad chowkidar

Government Primary school
Chinkolai Khawazakhela Swat.

Dated 06/02/2024.

attested



Umar Khitab
Advocate High Court

RS

رقم نمبر

بار کونسل نمبر: 1554-18-14
 بار ایسوسی ایشن نمبر: 375
 رابطہ نمبر: 0345-9524854
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سرٹیفکٹ نمبر: 112511



ڈسٹرکٹ بار ایسوسی ایشن سوات

بعدالت جناب: سروس ٹریبونل کے لیے پٹیشنر

منجانب: پٹیشنر	دعویٰ اور خواست: سروس ایپل
بنام ڈائریکٹر ایجوکیشن و سائنس	علت نمبر:
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	تھانہ:

بابت تحریر آئیکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے برائے پیروی مقدمہ

آن مقام گلدرہ سپریم کورٹ کے حکم جناب ایڈووکیٹ کو مقرر کر کے
 اقرار کیا جاتا ہے، کہ صاحب موصوف کو مقدمہ کی کل کاروائی کو کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ
 کرنے و تقرر ثالث کرنے، دعویٰ، جواب دعویٰ، اقبال دعویٰ اور درخواست برائے سرسبزگی مقدمہ، منسوخی ڈگری
 یکطرفہ، اجراء و پیروی کرنے کا مختار ہوگا۔ نیز دائر کرنے اپیل نگرانی، نظر ثانی و پیروی کرنے کا مختار ہوگا۔ اور مقدمہ
 مذکورہ کیلئے کل وقتی یا جزوی کاروائی کیلئے کسی دیگر وکیل یا مختار قانون کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا
 اور صاحب مقرر شدہ کو بھی جملہ مذکورہ اختیارات حاصل ہوں گے، اور اس کا ساختہ و پرداختہ منظور قبول ہوگا، بدوران
 مقدمہ جو خرچہ و ہرجانہ کسی بھی سبب سے حاصل ہوگا، وہ وکیل موصوف وصول کرنے کا حقدار ہوگا، کوئی تاریخ پیشی
 مقام مذکورہ بالا سے باہر ہو، تو وکیل صاحب پیروی مقدمہ کرنے کے پابند نہ ہوں گے، مقدمہ کسی عدالت میں بعد
 پیروی خارج ہونے یا ڈگری یکطرفہ ہونے کے صورت میں وکیل صاحب ذمہ دار نہیں ہوں گے،
 لہذا وکالت نامہ لکھ دیا کہ سندر ہے

زور غر
 پٹیشنر

مقام گلدرہ سپریم کورٹ سوات

Umar Khatab
 Advocate High Court
 Advocate High Court

ایڈووکیٹ ادخطا:

المقوم: