


Form- A  
FORM OF ORDER SHEET

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

Implementation Petition No. 1086/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	23.09.2024	<p>The implementation petition of Mr. Sakhi Muhammad resubmitted today by Mr. Muhammad Nawaz Khan Advocate. It is fixed for implementation report before Single Bench at Peshawar on 27.09.2024. Original file be requisitioned. AAG has noted the next date. Parcha Peshi given to counsel for the petitioner.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

The execution petition in appeal no. 1547/2000 received today i.e. on 19.09.2024 is returned to the counsel for the petitioners with the following remarks.

- 1- Attested copy of last order sheet of the previous execution petition is not attached with the present petition be placed on it.
- 2- Documents attached with the present petition are unattested.

No. 804 /Inst./2024 KPST,

Dt. 19/9 /2024.

*Amatilis*  
ADDITIONAL REGISTRAR  
KHYBER PAKHTUNKWA  
SERVICE TRIBUNAL  
PESHAWAR

Muhammad Nawaz Adv.  
High Court Peshawar.

*Pl. refer to the above:-*

*1) The copies of the last order sheet are placed on file under page no. 24-25.*

*As far as the original orders are concerned, the same are lying on case file, being consigned. It shall emerge in case the file is requisitioned from record.*

*2) Documents attached are attested.  
Pl.*

*re. Submitted for N/A pl.*

*Addl. Registrar.  
KP. ST*

*Mohammad Nawaz Khan  
Advocate  
High Court Peshawar &  
Federal Shariat Court of Pakistan  
KPK Bar Council No: 11-1448*

*20/9/2024*

*SPM 2 copies*

**BEFORE THE HON'BLE SERVICE**  
**TRIBUNAL, PESHAWAR**

Execution Petition No. 1086 /2024

Sakhi Muhammad (Ex-Account Officer) ..... (Appellant)

**VERSUS**

Secretary to Govt of KPK Establishment Department Civil

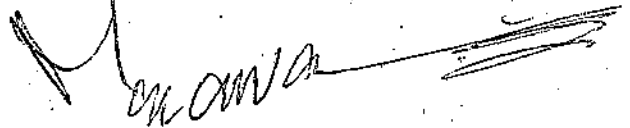
Secretariat Peshawar and others ..... Respondents)

**INDEX**

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Petitioner

Through



**Mohammad Nawaz Khan**

Advocate, High Court  
Peshawar.

Dated: 19-09-2024

**BEFORE THE HON'BLE SERVICE TRIBUNAL,**  
**PESHAWAR**

Execution Petition No. \_\_\_\_\_/2024

Sakhi Muhammad (Ex-Account Officer) SDU P&D  
Department, S/o Naik Amal (Late) R/o Village Dagai  
Qadeem P.O. Dagai Banda, Tehsil District Nowshera,

**Petitioner**

**Versus**

1. Secretary to Govt of KPK Establishment  
Department Civil Secretariat Peshawar.
2. Secretary to Govt of KPK P&D Deptt. Peshawar.
3. Director General Special Development (SDU) P&D  
Department, Peshawar.

**Respondents**

**APPLICATION FOR IMPLEMENTATION**  
**OF THE ORDER OF THIS HON'BLE**  
**TRIBUNAL DATED 20/05/2003 PASSED**  
**IN THE ABOVE NOTED SERVICE**  
**APPEAL NO.1547/2000.**

**Respectfully Sheweth,**

That the petitioner/appellant humbly submits as under:

1. That the above mentioned Service Appeal was  
decided by this Hon'ble Tribunal in favour of  
petitioner vide order dated 20.05.2003. (Copy

of order/judgment dated 20.05.2003 are attached as annexure "A").

2. That as per judgment of this Hon'ble Tribunal directions were issued to the respondents that appellant /petitioner be adjusted or pay him regular pension.
3. That accordingly the appellant/ petitioner approached the concerned authorities/ respondents to implement the order of this Hon'ble Tribunal, but in vain.
4. That the respondents not only failed but are reluctant and prolonging the matter for one reason or other and has delayed the matter till now.
5. That the act of the respondents is against the law and natural justice as well as order of this Hon'ble Tribunal.
6. That as per reported judgment of PLD 2016 SC 534 the petitioner/appellant is entitled for the pension because as a matter of right by serving the department for a long period.
7. That the petitioner/ appellant suffering from mental disorder and is under treatment due to the endless litigation faced due to act of the

3  
respondents. (Copies of medical prescription are attached as annexure "E").

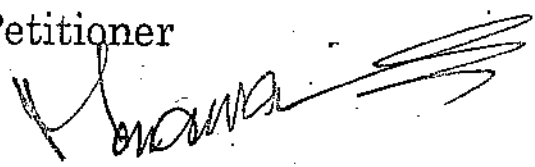
8. That Additional Chief Secretary Planning and Development Department had already issued pension even to the project employees and juniors to the petitioner/appellant. (Copy of notification dated 19.07.2005 is attached as annexure "G").

*It is therefore, most humbly prayed that on acceptance of the instant Application, the Respondents may kindly be directed to implement the order of this Hon'ble Tribunal dated 20.05.2003 in the best interest of justice.*

Dated: 19/09/2024

Petitioner

Through

  
Mohammad Nawaz Khan  
Advocate, High Court  
Peshawar.

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**BEFORE THE HON'BLE SERVICE**  
**TRIBUNAL, PESHAWAR**

Execution Petition No. 511/2017

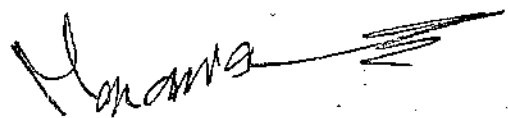
Sakhi Muhammad (Ex-Account Officer) ..... (Appellant)

**VERSUS**

The Principal Government through Chief Secretary  
Government of KPK, Peshawar and others ..... Respondents)

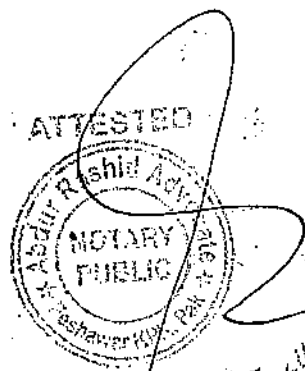
**AFFIDAVIT**

I, **Mohammad Nawaz Advocate**, as per instruction of my client, do hereby solemnly affirm and declare that all the contents of this **application** are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Court.



DEPONENT

CNIC: 17301-3089250-7



27 5

BEFORE THE N.W.F.P. SERVICE TRIBUNAL, PESHAWAR

Appeal No. 1547/2000

Date of Institution. 20.06.2000

Date of decision 20.05.2003

Sakhi Muhammad I/6 Dagi Qadom,  
District Nowshera.

.....(APPELLANT)

VERSUS.

1. Province of NWFP through the Secretary P&D Dept., Peshawar.
2. Project Director Barani Project, Special Development Unit, Peshawar.
3. Secretary to government of NWFP, S&CAD, Civil Secretariat Peshawar

.....(RESPONDENTS)

Shahzada Shahpur Jan, Advocate.

..... For appellant.

Mr. Abdul Qayyum Govt. Pleader.

..... For Respondents.

MR. ATTAULLAH KHAN.  
MR. MUHAMMAD SHAUKAT

..... MEMBER  
..... MEMBER.

JUDGMENT

ATTAULLAH KHAN, MEMBER:- This order will dispose of an appeal filed by the appellant against the order dated 25.03.2000 whereby his services were terminated with the prayer that the impugned order may be set aside and he be re-instated in service with all back benefits/pension.

Brief facts of the case as averred in the memo of appeal are that the appellant was initially appointed as Accountant Assistant in BPS-11 on 17.01.1990 and was posted in the office of Project Director, Ground

*Fazal*  
*Attested*

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SECRETARY  
PESHAWAR

*Fazal*  
**ATTESTED**



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**BEFORE THE NWFP SERVICE TRIBUNAL, PESHAWAR**

Appeal No. 1547/2000

Date of Institution . . . . . 20.06.2000

Date of decision . . . . . 20.05.2003

Sakhi Muhammad R/o Dagi Qadeem  
District Nowshera..... (Appellant)

**VERSUS**

1. Province of NWFP through  
The Secretary P&D Deptt, Peshawar.
2. Project Director Barani Project,  
Special Development Unit, Peshawar.
3. Secretary to Government of NWFP,
4. S&GAD, Civil Secretariat Peshawar.. (Respondents)

Shahzada Shahpur Jan, Advocate . . . . . For Appellant


Mr. Abdul Qayyum Govt, Pleader  
Respondents. . . . . For

Mr. Attaullah Khan. . . . . MEMBER  
Mr. Muhammad Shaukat . . . . . MEMBER

**JUDGMENT**

**ATTAULLAH KHAN MEMBER:-** This order will dispose of an appeal filed by the appellant against the order dated 25.03.2000 whereby his services were terminated with the prayer that the impugned order may be set aside and he be re-instated in service with all back benefits/ pension.

Brief facts of the case as averred in the memo of appeal are that the appellant was initially appointed as Accountant Assistant in PS-11 on 17.01.1990 and was posted in the office of Project Director, Ground

  
**ATTESTED**

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temporary basis. Subsequently he was upgraded as Accountant. He was transferred and posted in Barani Area Development on 01.04.1993. He was relieved from (PATA) on 31.03.1993 alongwith Service Book and L.P.C. In the transfer order of appellant the phrase "contract employee" was wrongly recorded, therefore, the appellant protested for rectification of the same. The transfer order was held in abeyance and the appellant was directed to continue his function in the Barani Project. The appellant has regularly drawn his emoluments in the said Project. Meanwhile the matter remained under correspondence between the respondents regarding nature of appointment of appellant. However, the impugned order dated 17.03.1993 remained in effective. Straight from 1990 to 1999 the annual increments were allowed to the appellant which raised his pay to the maximum of BPS-14. apart from above, two advance increments at the rate of Rs.86/- per increment w.e.f. 05.08.1992 in accordance with finance Department letter dated 11.08.1991 were allowed and his pay was accordingly fixed. Despite the fact the Project Ground Water based on Irrigation Development Project in which the appellant was posted has already been completed its life on 30.06.1996 but the services of the appellant were utilized upto 30.04.2000 in the Barani Area Development Project on usual terms. On 25.03.2000 respondent No.2 served the appellant with the impugned notice whereby he was informed that NWFP Barani Area Development Project is closing on 30.04.2000, therefore, the contract agreement of the appellant stands terminated. In fact the appellant was appointed on temporary basis and no agreement/contract was ever signed or executed between the parties. The appellant feeling aggrieved filed a departmental appeal dated 3.5.2000 for adjustment against one of


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DIP  
PATA  
GOVT. OF NWFP

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temporary basis, Subsequently he was upgraded as Accountant. He was transferred and posted in Barani Area Development on 01.04.1993. He was relieved from (PATA) on 31.03.1993 alongwith Service Book and L.P.C. In the transfer order of appellant the phrase contract employee, was wrongly recorded, therefore, the appellant protested for rectification of the same. The transfer order was held in abeyance and the appellant was directed to continue his function in the Barani Project. The appellant has regularly drawn his emoluments in the said Project. Meanwhile the matter remained under correspondence between the respondents regarding nature of appointment of appellant. However, the impugned order dated 17.03.1993 remained in effective. Straight from 1990 to 1999 the annual increments were allowed to the appellant which raised his pay to the maximum of BPS14 apart from above, two advance increments at the rate of Rs. 86 per increment w.e.f 05.08.1992 in accordance with finance Department letter dated 11.08.1991 were allowed and his pay was accordingly fixed. Despite the fact the Project Ground Water based on irrigation Development Project in which the appellant was posted has already been completed its life on 30.06.1996 but the services of the appellant were utilize upto 30.04.2000 in the Barani Area Development Project on usual terms. On 25.03.2000 respondent No.2 served the appellant with the impugned notice whereby he was informed that NWFP Barani Area Development Project is closing on 30.04.2000, therefore, the contract agreement of the appellant stands terminated. In fact the appellant was appointed on temporary basis and no agreement/ contract was ever signed or executed between the parties. The appellant feeling aggrieved filed a departmental appeal dated 03.05.2000 for adjustment against one of

  
ATTESTED

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three available posts or he be allowed pensionary benefits, which was rejected.

The appellant has assailed the impugned order on the ground that the appellant was appointed against a temporary post in the year 1990 and the said order still holds the field. He has rendered more than 10 years service, therefore, he is entitled for pensionary benefits. The appellants and

he has been punished on mala fide consideration. The impugned order has not been passed by the competent authority and is irregular. His appointment was made by the Secretary P & D Department whereas the

termination order has been passed by the Project Director which is against the mandate of law. The superior courts have held in various cases that if a person was not party to a judgment, the benefits of such judgment be extended to other government servants. The case of the appellant is quite identical as decided in the case of Shamsbad V/S Assit. Director Water Management, etc Appeal No.1259/1997.

The respondents were summoned. They appeared through their representative/counsel, submitted written reply, contested the appeal and denied the claim of the appellant.

The appellant has also submitted his rejoinder in which he has rebutted all the objections of the respondents.

Arguments of the learned counsel for the appellant and government Pleader for the respondents have been heard and record perused.

The learned counsel for the appellant submitted that the appointment of the appellant was made by the Secretary Planning and

Director of Appointment/Accident in appeal in

2/5/97 P.D. 1/1/97  
DIR. P&D  
GOVT. ENGINEERING  
7 & D DEPT.

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ATTESTED

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The Respondents were summoned. They appeared through their representative/ counsel, submitted written reply, contested the appeal and denied the claim of the appellant.

The appellant has also submitted his rejoinder in which he has rebutted all the objections of the respondents.

Arguments of the learned counsel for the appellant and government Pleader for the respondents have been heard and record perused.

The learned counsel for the appellant submitted that the appointment of the appellant was made by the Secretary Planning and Development Department NWFP as Accountant/ Assistant in BPS-11 in

*AB*  
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order dated 17.01.1990. Later on the appellant was transferred and posted as Assistant in B-11 in Barani area Development Project P&D Department vide order dated 17.03.1993. The appellant continued to work as Assistant BPS-11 in the Barani Area Development Project till his services were terminated vide order dated 25.03.2000. The learned counsel for the appellant argued that the appellant was a project employee but not a contract employee. He was employed by the competent authority on temporary basis. He was drawing pay from Provincial Consolidated fund. He has been getting regular annual increments in his pay along with other allowances like other government servants. Furthermore, he has been regularly paying contribution to G.P. Fund, Benevolent Fund like other government servants. He has neither been employed on contract basis nor there is any contract agreement in this regard. The appellant has more than 10 years service and as such cannot be terminated without the benefits of pension and gratuity. The learned counsel also submitted that the appointment of the appellant was made by the Secretary P&D Department whereas his termination order has been made by the Project Director which is wrong. The learned counsel submitted that either the appellant should be re-adjusted in some project or he be paid pension and gratuity for 10 years he served under the government.

The Government Pleader/counsel for the respondent department argued that the appellant was a project employee and his services were terminated on the completion of the project after serving proper notice in accordance with the government policy. He endorsed the reply made by the respondent department.

The Tribunal agrees with the arguments advanced by the

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Di.  
Pal.  
CHAT

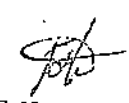
*Attested*

*[Signature]*  
**ATTESTED**

Order dated 17.01.1990. Later-on the appellant was transferred and posted as Assistant In B-11 in Barani Area Development Project P&D Department vide order dated 17.03.1993. The appellant continued to work as Assistant BPS-11 in the Barani Area Development Project till his services were terminated vide order date 25.03.2000, the learned counsel for the appellant argued that the appellant was a project employee but not a contract employee. He was employed by the competent authority on temporary basis. He was drawing pay from Provincial Consolidated fund. He has been getting regular annual increments in his pay alongwith other allowances like other government servants. Furthermore, he has been regularly paying contribution to G.P Fund, Benevolent Fund like other government servants. He has neither been employed on contract basis nor there is any contract agreement in this regard. The appellant has more than 10 years service and as such cannot be terminate without the benefits pension and gratuity. The learned counsel also submitted that the appointment of the appellant was made by the Secretary P&D Department whereas his termination order has been made by the Project director which is wrong. The learned counsel submitted that either the appellant should be re adjusted in some project or he be paid pension and gratuity for 10 years he served under the government.

The government Pleader/ counsel for the respondent department argued that the appellant was a project employee and his services were terminated on the completion of the Project after serving proper notice in accordance with the government policy. He endorsed the reply made by the respondent department.

The tribunal agrees with the arguments advanced by the

  
ATTESTED

9. 203 31 (407) (11)

appellant was made by the Secretary P&D Department in the Ground Water Project P&D Department vide order dated 17.01.1990 on temporary basis and not on contract basis. Later on, when the appellant was transferred to Barani Area Development Project of P&D Department vide order dated 17.03.1993 on contract basis, he objected to his transfer on contract basis and his transfer on contract basis was held in abeyance by the competent authority vide order dated 12.4.1993. The appellant throughout his service served w.e.f. 17.01.1990 to 25.03.2000 for more than 10 years as temporary employee and not as contract employee under the government. He has been getting regular pay and allowances and annual increments as admissible to a government servant and has been contributing towards G.P. Fund, Benevolent fund etc as government employee. There is no contract or no provision in his appointment order that he will be on contract and he will not be entitled to any pension or gratuity for the service rendered by him under the government. He was a temporary government employee and has been serving as such for more than 10 years under the Government. Temporary service is counted for the purpose of experience, promotion and pension etc under the government Policy. In these circumstances the Tribunal is of the view that either the appellant be reinstated and adjusted against any vacant post in a project under the P&D Department or else he may be paid the benefits of pension and gratuity for the service rendered by him under the government of NWFP P & D Department.

In view of the above discussion, the appeal of the appellant is accepted and the respondents are directed either to adjust the appellant against any vacant post or if no post is available then pay him the pension.

12 Feb 1994 P.D. & G.

SECRETARY  
P&D DEPARTMENT  
GOVT. OF NWFP  
ISLAMABAD

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appellant was made by the Secretary P&D Department in the Ground Water Project P&D Department vide order dated 17.01.1990 on temporary basis and not on contract basis. Later-on, when the appellant was transferred to Barani Area Development Project of P&D Department vide order dated 17.03.1993 on contract basis, he objected to his transfer on contract basis and his transfer on contract basis was held in abeyance by the competent authority vide order dated 12.04.1993. The appellant throughout his service served w.e.f 17.01.1990 to 25.03.2000 for more than 10 years as temporary employee and not as contract employer.

Employee under the government. He has been getting regular pay and allowances and annual increments as admissible to a government servant and has been contributing towards G.P Fund, Benevolent fund etc as government employee. There is no contract or no provision in his appointment order that he will be on contract and he will not be entitled to any pension or gratuity for the service rendered by him under the government. He was a temporary government employee and has been serving as such for more than 10 years under the Government. Temporary service is counted for the purpose of experience, promotion and pension etc under the government policy. In these circumstances the Tribunal is of the view that either the appellant be reinstated and adjusted against any vacant post in a project under the P&D department or else he may be paid the benefits of pension and gratuity for the service rendered by him under the government of NWFP P&D Department.

In view of the above discussion, the appeal of the appellant is accepted and the respondents are directed either to adjust the appellant against any vacant post or if no posts available then pay him the pension.

  
ATTESTED

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This order will also dispose the other connected appeal bearing No.2190/2000 Haji Imdadullah Vs. Chief Secretary NWFP etc, in the same manner as the nature of the case and law points involved are common in both the appeals.

No order as to costs. File be consigned to the record.

Announced  
20.05.2003

Sd/- Attaullah Khan, Member -  
Sd/- Muhammad Shaukat, Member.

*Forwarded*  
*attested*

*12/5/03*  
*[Signature]*

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This order will also dispose the other connected appeals bearing No. 2190/2000 Haji Imdadullah ...VS. Chief Secretary NWFP etc, in the same manner as the nature of the case and law points involved are common in both the appeals.


No order as to costs. File be consigned to the record.

Announced

20.05.2003

Sd/- Attaullah Khan, Member

Sd/- Muhammad Shaukat, Member.

  
ATTESTED

GOVERNMENT OF NWFP

(PROVINCIAL COUNCIL FOR THE REHABILITATION OF DISABLED PERSONS)

APPLICATION FOR DISABILITY CERTIFICATE

Name Sakhi Muhammad Father Name Nailc Anand Jchoh  
 Married/Unmarried Married Spouse \_\_\_\_\_  
 NIC No. 17201-5922723-3 Date of Birth 12-10-1966  
 Qualification M.F. / M.B.A Type of Disability (Physically/Visually/Hearing/Mentally) \_\_\_\_\_  
 Nature of Disability \_\_\_\_\_ Cause of Disability \_\_\_\_\_  
 Type of Job can do \_\_\_\_\_ Source of Income \_\_\_\_\_  
 Applied for \_\_\_\_\_ Phone No. 302 3518320  
 Present Address Dagai Sadar, Pabli, Nowshera  
 Permanent Address \_\_\_\_\_

Signature of the Applicant

RECOMMENDATION OF THE ASSESSMENT BOARD

Applicant is Declared

Disabled/Not Disabled \_\_\_\_\_ Disabled/Impairment \_\_\_\_\_  
 Fit to work/Not fit to work \_\_\_\_\_ Type of Job advised (Optional) \_\_\_\_\_  
 Recommended to \_\_\_\_\_ Recommendation of the Board \_\_\_\_\_

Medical Superintendent  
D.M.G Hospital  
Nowshera

Chairman

Medical Assessment Board

Member

Member

Member

Member

PHYSICIAN  
D.M.G HOSPITAL  
NOWSHERA

PHYSICIAN  
D.M.G HOSPITAL  
NOWSHERA

PHYSICIAN  
D.M.G HOSPITAL  
NOWSHERA

GENERAL SPECIAL PERSONS WELFARE ORGANIZATION

11

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HEALTH PROMOTION WELFARE SOCIETY  
 IFTIKHAR PSYCHIATRIC HOSPITAL

Reg.No: 1680

Reg.No: HRA/500/R-PR/H/1

CONSULTANT PSYCHIATRIST

Dr. Mian Iftikhar Hussain

M.B.B.S., D.P.M., F.A.C.P (USA)  
 Psychiatrist & Psychotherapist  
 Phone 091-2584182, 2584181  
 E-mail: hpws\_iph@yahoo.com  
 Cell: 0343-9112614  
 web: www.iph.com.pk



ڈاکٹر میاں افتخار حسین  
 ڈی۔ بی۔ ایس۔ ڈی۔ پی۔ ایم۔ ایف۔ سی۔ پی۔ (امریکہ)  
 امراض نفسیات، ذہنی، جذباتی، و جنسیات  
 لڑاکا رنگ، روزیوک، مزاج، غلام علی پشاور

Near Dalazak Ring Road Chowk,  
 Near Pakha Ghulam Bridge, Peshawar.

Age Sex Date 15/8/13

Pt's Name

Clinical Record

Rx

Medical Record

It is to certify that Mr. Iftikhar Muhammad was assigned/Examine by me. He has been suffering from Mental / system. He has been given treatment and advised rest for one month well 16-5-2013

It is to certify that Mr. Iftikhar Muhammad was assigned/Examine by me. He has been suffering from Mental / system. He has been given treatment and advised rest for one month well 16/8/13

ATTESTED

Dr. Mian Iftikhar Hussain  
 M.B.B.S., D.P.M., F.A.C.P (USA)  
 Consultant Psychiatrist & Psychotherapist  
 Iftikhar Psychiatric Hospital  
 Peshawar

بچے رات تک دوائی مسلسل جاری رکھیں اور بند نہ کریں۔ دوبارہ آنے کی تاریخ \_\_\_\_\_ فون پر لے سکتے ہیں

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GOVT. SARHAD HOSPITAL  
FOR PSYCHIATRIC DISEASES  
PESHAWAR

گورنمنٹ ہسپتال برائے ذہنی امراض پشاور

Name: HAN/RIPPO Date: 04 JUL 2017  
Disease: \_\_\_\_\_ Year No: 74755  
Unit No. \_\_\_\_\_

① Onsel - 2009

①

① Onsel - 2009

1st

① Onsel - 2009

1st

ڈاکٹر کے مشورے کے بغیر دوائی بند نہ کریں۔

آئندہ معائنے کی تاریخ

*J. Khan*

Signature of M.O

ATTESTED

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# HEALTH PROMOTION WELFARE SOCIETY

Reg.No: HRA/500/R-PR/H/11

## IFTIKHAR PSYCHIATRIC HOSPITAL

Reg.No: HRA/500/R-PR/H/11

CONSULTANT PSYCHIATRIST

Dr. Mian Iftikhar Hussain

M.B.B.S., D.P.M., F.A.C.P (USA)

Psychiatrist & Psychotherapist

Phone 091-2584182, 2584181

E-mail: hpws\_iph@yahoo.com

Tell: 0343-9112614

Web: www.lph.com.pk

near Dalazak Ring Road Chowk,

near Pakha Ghulam Bridge, Peshawar.



کنسلٹنٹ مائیکھاڑسٹ

ڈاکٹر میاں افتخار حسین

ایم۔ بی۔ بی۔ ایس۔ ڈی۔ پی۔ ایم۔ ایف۔ اے۔ سی۔ پی۔ (امریکہ)

ماہر امراض نفسیات، ذہنی، ذہانگی، نفسیات، و جنسیات

نزد دلازک رینگ روڈ چوک، نزد مہر نظام پل پشاور

Name \_\_\_\_\_ Age \_\_\_\_\_ Sex \_\_\_\_\_ Date 15/5/13

### Clinical Record

Rx 4.6g

Account Officer  
Sana Ullah

Fazal Amin

Dr. Mian Iftikhar Hussain  
15/5/13

Dr. Mian Iftikhar Hussain  
15/5/13

Fazal Amin

Dr. Mian Iftikhar Hussain

15/5/13

(53)

اوقات مشورہ: صبح 10 بجے 8 بجے رات تک۔ دوائی مسلسل جاری رکھیں اور بند نہ کریں۔ دوبارہ آنے کی تاریخ \_\_\_\_\_ نوٹ پر۔

ATTEST

14  
49

GOVERNMENT OF N.W.F.P.  
PLANNING & DEVELOPMENT DEPARTMENT

Dated Peshawar the July 19, 2005.

NOTIFICATION

NO.SO(ESTT:)P&D/071/04/2000: Consequent upon approval of the Competent Authority and in pursuance of Government of NWFP, Finance Department, Government of N.W.F.P. letter No.DOIV/FD/2-11/98-99-Vol.II, dated 02-07-2005, sanction is hereby accorded to the creation of the 35 Nos; posts for Project Planning & Implementation Cell, in Planning & Development Department with effect from 01/07/2005 to 31/05/2006 on revenue side. Keeping in view of their satisfactory performance and vast experience and with the approval of the Competent Authority the services of the following staff of DERA Programme are hereby regularized and posted against the posts created in the mentioned Cell with effect from 01/07/2005:-

S.NO	NAME	DESIGNATION /BPS
1.	Dr.Asad Ali Khan	Director/Chief (BPS-19)
2. ✓	Mr.Khalid Ali Sadiq	Assistant Chief BPS-18.
3.	Syed Bilal Khisro	Research Officer BPS-17
4.	Mrs.Firdous Bibi	Research officer BPS-17
5.	Mr.Yousaf Ali	Research Officer BPS-17
6. ✓	Mr.Masaud Ahmed	S.Scale Stenographer BS-15.
7.	Mr.Mujahid Sabir	Computer operator BPS-11
8.	Mr.Kiaz Ahmad	Computer Operator BPS-11
9.	Mr.Jamil Ahmad	Assistant BPS 11
10.	Syed Faridullah	Junior Clerk BPS-5
11.	Mr.Shafiqullah	Junior Clerk BPS-5
12.	Mr.Akhtar Gul	Junior Clerk BPS-5
13.	Mr.Siraj Wali	Junior Clerk BPS-5
14.	Mr.Jamdad Khan	Junior Clerk BPS-5
15.	Mr.Abdus Salam	Junior Clerk BPS-5
16.	Abdul Qayyum	Driver BPS-4
17.	Mr.Sher Zaman	Driver BPS-4
18.	Mr.Hidayatullah	Naib Qasid BPS-1.
19.	Mr.Wakil Khan	Naib Qasid BPS-1.
20.	Mr.Abdul Hanid	Naib Qasid BPS-1.
21.	Mr.Noor-ul-Amin	Naib Qasid BPS-1.
22.	Mr.Raqeesh	Naib Qasid BPS-1.
23.	Mr.Ashar Rahim	Naib Qasid BPS-1.
24.	Mr.Bostan Khan	Naib Qasid BPS-1.
25.	Mr.Muhammad Naeem	Naib Qasid BPS-1.
26.	Mr.Fariq Hussain	Naib Qasid BPS-1.
27.	Mr.Ahmad Abbas	Chowkidar BPS-1.
28. ✓	Mr.Said Akbar	Chowkidar BPS-1.
29.	Mr.Jamil Rehmat	Sweeper BPS-1

Officer at S.No.1 in BPS-18 is posted as Director/Chief in his own pay & grade.

ADDITIONAL CHIEF SECRETARY  
PLANNING & DEVELOPMENT DEPARTMENT

Encls: NO.SO(ESTT:)P&D/071/04/2000. Dated Peshawar the July 19, 2005

Copy forwarded to the:-

1. Secretary to Chief Minister, NWFP.
2. Accountant General, NWFP, Peshawar.
3. Director/Chief, Project Planning & Implementation Cell, P&D Department.
4. P.S. to Additional Chief Secretary, Planning & Development Department.
5. P.A. to Deputy Secretary (Admn.), Planning & Development Department.
6. P.A. to Deputy Secretary (Admn.), Planning & Development Department.
7. Officers/Officials concerned.

SECTION OFFICER (ESTT:)

S N 2 out 6 July 28

The Project given Regularization, etc.

*Attested*

ATTE



Clear Copy

Government of NWFP

Planning & Development Department

Dated Peshawar the July 19, 2005.

**NOTIFICATION.**

No. SO (ESTT:) P&D/071/04/2000: Consequent upon approval of the Competent Authority and in pursuance of Government of NWFP, Finance Department Government of NWFP letter No. B01/V/PD/2-11/98-99 Vol II dated 02.0.2005, sanction is hereby accorded to the creation of the 35 Nos posts for Project Planning & Implementation Cell in planning and Development Department with effect from 01.07.2005 to 31.05.2006 on revenue side. Keeping in view of their satisfactory performance and vast experience and with the approval of the Competent Authority the services of the following staff of DERA Programme are hereby regularized and posted against the posts created in the mentioned Cell with effect from 01.07.2005:-

S. No	NAME	Designation/ BPS
1.	Dr. Asad Ali Khan	Director/ Chief (BPS-19)
2.	Mr. Khalid Ali Sadig	Assistant Chief BPS-18
3.	Syed Bilal Khisro	Research Officer BPS-17
4.	Mrs. Firdous Bibi	Research Officer BPS-17
5.	Mr. Yousaf Ali	Research Officer BPS-17
6.	Mr. Masaud Ahmed	S. Scale Stenographer BS-15.
7.	Mr. Mujahid Sabir	Computer Operator BPS-11
8.	Mr. Riaz Ahmad	Computer Operator BPS-11
9.	Mr. Jamil Ahemd	Assistant BPS-11
10.	Syed Faridullah	Junior Clerk BPS-5
11.	Mr. Shafatullah	Junior Clerk BPS-5
12.	Mr. Akhtar Gul	Junior Clerk BPS-5
13.	Mr. Siraj Wali	Junior Clerk BPS-5
14.	Mr. Jamdad Khan	Junior Clerk BPS-5
15.	Mr. Abdus Salam	Junior Clerk BPS-5
16.	Abdul Qayyum	Driver BPS-4
17.	Mr. Sher Zaman	Driver BPS-4
18.	Mr. Himayatullah	Naib Qasid BPS-1
19.	Mr. Wakil Khan	Naib Qasid BPS-1
20.	Mr. Abdul Hamid	Naib Qasid BPS-1
21.	Mr. Noor ul Amin	Naib Qasid BPS-1
22.	Mr. Raqesh	Naib Qasid BPS-1
23.	Mr. Ashar Rahim	Naib Qasid BPS-1
24.	Mr. Bostan Khan	Naib Qasid BPS-1
25.	Mr. Muhammad Naeem	Naib Qasid BPS-1
26.	Mr. Tariq Hussain	Naib Qasid BPS-1
27.	Mr. Ahmad Abbas	Chowkidar BPS-1
28.	Mr. Said Akbar	Chowkidar BPS-1
29.	Mr. Jamil Rehmat	Sweeper BPS-1

Officer at S No.1 in BPS-18 is posted as Director/ Chief in his own pay & grade.

Additional Chief Secretary  
Planning & Development Department  
Dated Peshawar the July, 19

Endst No. SO (ESTT:) P&D/071/04/2000  
2005.

Copy forwarded to the:-

1. Secretary to Chief Minister NWFP.
2. Accountant General NWFP, Peshawar.
3. Director/ Chief, Project Planning & Implementation Cell, P&D Department.
4. P.S to Additional Chief Secretary, Planning & Development Department.
5. P.A to Deputy Secretary (Admn) Planning & Development Department.
6. PA to Deputy Secretary (Admn) Planning & Development Department.
7. Officers/ Officials Concerned.

Section Officer (ESTT:)

ATTESTED

10

9-7-2017  
Secretary in  
Peshawar

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

Execution Petition No: 205/2017

C.M. No. \_\_\_\_\_/2017

In

Service Appeal No. 1547/2000



Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar  
Case No. 850  
Dated 18/10/17

Sakhi Muhammad (Ex-Account Officer) SDU-P&D Department,  
S/o Naik Amal (Late) R/o Village Dagi Qadeem P.O. Dagi  
Banda, Teshil Pabbi, District Nowshera...(Petitioner/Appellant)

**VERSUS**

1. The Provincial Government through, Chief Secretary,  
Government of KPK, Peshawar.
2. Secretary Planning and Development Department, Civil  
Secretariat, Peshawar.
3. Secretary Finance Division, Civil Secretariat, Peshawar
4. Additional Chief Secretary Planning and Development  
Department Civil Secretariat, Peshawar.....(Respondents) ✓

**APPLICATION FOR THE IMPLEMENTATION  
OF THE ORDER OF THIS HON'BLE  
TRIBUNAL DATED 20/05/2003 PASSED IN  
THE ABOVE NOTED SERVICE APPEAL NO.  
1547/2000.**

Respectfully Sheweth:

The petitioner/appellant humbly submits as under:

1. That the above mentioned Service Appeal was  
decided by this Hon'ble Tribunal in favour of  
appellant vide order dated 20/05/2003. (Copy of


**TESTED**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

17  
The Execution Petition of Mr. Sakhi Muhammad Ex-Account Officer SDU P&D Department received today i.e on 18/10/2017 is incomplete on the following score which is returned to the counsel for the petitioner for completion and resubmission within 15 days.

- 1- Copy of judgment/order passed by the Hon'ble High Court mentioned in para-8 of the petition (Annexure-C) is not attached with the appeal which may be placed on it.
- 2- Copy of judgment dated 20.5.2003 is unattested which may be attested.
- 3- Annexures of the petition be flagged.

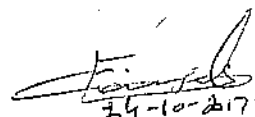
No. 22768 /S.T.

Dt. 18/10 /2017

  
REGISTRAR 18/10/17  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Shah Faisal Ilyas Adv. Pesh.

Respected Sir,  
PHC order is Annexed at Page #14 & 15,  
and as the decision of the Learned Service Tribunal  
is too old and the file will be re-registered  
therefore the judgment is attested by undersigned  
and the file is duly Flag, thus re-submitted.

  
24-10-2017  
Counsel of Appellant

FORM OF ORDER SHEET.

The Execu  
day i.e on  
itioner for

Execution Petition No. 205/2017

Copy  
(Ann  
Copy  
Ann

S.No.	Date of order Proceedings	Order or other proceedings with signature of Judge
1	2	3
1	30.10.2017	<p>The Execution Petition of Mr. Sakhi Muhammad received to-day by Shah Faisal Ilyas Advocate may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;">REGISTRAR 30/10/17</p>
2	02/11/17	<p>This Execution Petition be put up before S. Bench on- <u>16/11/17</u></p> <p style="text-align: right;">CHAIRMAN</p>
16.11.2017		<p>Counsel for the petitioner present. Mr. Kabir Ullah Khattak, Adll: Advocate General present. None present on behalf of respondents. Notice be issued to the respondents department. To come up for implementation report on 19.12.2017 before S.B.</p> <p style="text-align: right;">(Gul Zeb Khan) Member.</p>
19.12.2017		<p>None present on behalf of the petitioner. Case called but no one appeared on behalf of the appellant. Adjourned. To come up for implementation report on 25.01.2018 Before S.B</p> <p style="text-align: right;">(Muhammad Hamid Mughal) MEMBER</p>

ATTESTED

EXAMINER  
Cyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

25/1/2018

Learned counsel for petitioner and AAG for the respondents present. Learned counsel for the petitioner seeks adjournment. Adjourned. To come up for further proceedings on 22/3/2018.

*[Handwritten signature]*

*[Handwritten signature]*  
(Muhammad Hamid Mughal)  
MEMBER

21.04.2018

Learned counsel for the Petitioner present. Mr. Kabir Ullah Khattak, learned Additional Advocate General alongwith Mr. Khurshed Superintendent for the respondents present. Representative of the respondents submitted documents and seeks adjournment. Adjourn. To come up for further proceedings on 06.04.2018 before S.B

*[Handwritten signature]*  
Member

03.04.2018

Petitioner in person and Addl: AG alongwith Mr. Khurshed, Supdt for respondents present. Perusal of record revealed that previously execution petition no 1547/2000 was filed by the petitioner on 19.12.2003. The Tribunal in its order dated 20.10.2003 mentioned that since the judgment of this Tribunal has been implemented, therefore, the same was filed. Another application was filed by the appellant which was decided through order dated 31.03.2004. The Tribunal in its order clarified that previous application was withdrawn by him on 20.10.2003 so the instant petition filed by him was *res-judicate*.

In view of the foregoing the instant execution petition is fixed for arguments on its maintainability. To come up for further proceedings on 28.06.2018 before S.B.

*[Handwritten signature]*  
(AHMAD HASSAN)  
MEMBER

27.06.2018

Petitioner in person and Mr. Kabir Ullah Khattak alongwith Mr. Khurshid Superintendent for the respondents present. Petitioner seeks adjournment as his counsel is not in attendance. Adjourned. To come up for further proceedings on 15.08.2018 before S.B.

  
Member


15.08.2018

Mr. Shah Faisal, Advocate counsel for the petitioner present. Mr. Kabirullah Khattak, Addl AG for respondents present. As lawyers community is on strike due to killing of an advocate at D.I.Khan. Case to come up for further proceedings on 15.10.2018 before S.B.

  
Chairman

15.10.2018

Counsel for the petitioner present. Mr. Khursheed, Supdt alongwith Mr. Kabirullah Khattak, Addl: AG for respondents present. Arguments could not be heard due to general strike of the Bar. Case to come up for further proceedings on 18.10.2018 before S.B.

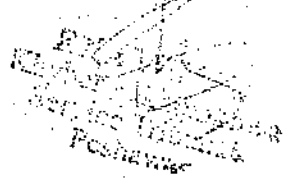
  
(Ahmad Hassan)  
Member

18.10.2018

Petitioner in person and Mr. Kabir Ullah Khattak learned Additional Advocate, General present. Petitioner seeks adjournment as his counsel is not in attendance. Adjourn. To come up for further proceedings on 26.11.2018 before S.B.

  
Member

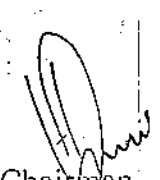
ATTACHED

  
Peshawar

26.11.2018


70  
Counsel for the petitioner and Mr. Muhammad Jan, DDA  
alongwith Khurshed Ali, Superintendent for the respondents  
present.

The matter was heard at some length then it was felt that  
presence of appellant in person was necessitated in order to  
~~conduct~~<sup>confront</sup> record of this Tribunal wherein it was noted that  
grievance of the appellant stood redressed. Adjourned to  
19.12.2018 on which date not only the appellant shall appear  
in person but the respondents shall also bring on record proof  
of payment of salaries and other allowances etc. for the  
alleged period, on reinstatement in service, as a consequence to  
the earlier judgment of this Tribunal.

  
Chairman

19.12.2018

Petitioner in person and Mr. Kabirullah Khattak learned  
AAG alongwith Khurshid Superintendent present. Petitioner  
seeks adjournment as his counsel is not in attendance. ~~Adjourn~~<sup>Adjourn</sup>.  
To come up for further proceedings on 06.02.2019 before S.B.

  
Member

06.2.2019

Petitioner in person, and Addl. AG alongwith Assadullah, Asstt. for the respondents present.

Requests for adjournment as the learned counsel for the petitioner is not available due to general strike. Adjourned to 19.03.2019 before S.B.

  
Chairman

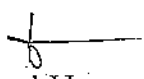
19.03.2019

Learned counsel for the petitioner and Mr. Kabirullah Khattak learned Additional Advocate General alongwith Mr. Asad Ullah Assistant for the respondents present. Learned counsel for the petitioner seeks adjournment. Adjourn: To come up for further proceeding on 22.04.2019 before S.B.

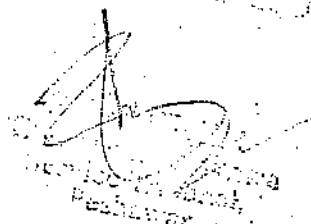
  
Member

22.04.2019

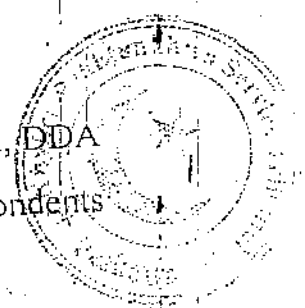
Counsel for the petitioner and Addl. AG alongwith Mr. Asadullah, Assistant for respondents present. As per order sheet dated 26.11.2018, petitioner was not present in person. Learned counsel for the petitioner is directed to make sure that the petitioner attends this Tribunal on the next date of hearing. Adjourned. Case to come up for further proceedings 11.06.2019 before S.B.

  
(Ahmad Hassan)  
Member

ATTACHED







11.06.2019

Counsel for the petitioner and Mr. Muhammad Jan, DDA  
alongwith Mr. Farukh Jamshaid, Stenographer for respondents  
present.

The crux of the arguments of learned counsel for the petitioner was that the respondents misguided this Tribunal through implementation report already submitted by them and placed on record. In support of his arguments, he referred to order dated 21.09.2002, whereby the respondents claimed that judgment of this Tribunal dated 25.05.2003 was implemented. He further explained was it possible to implement a judgment before its announcement? He further contended that till today no order with regard to the implementation of judgment referred to above was ever produced by the respondents. He also invited attention of this Tribunal to order sheet dated 26.04.2018, whereby similar directions were given to the respondents but to no avail. Willful defiance on the part of respondents amounts to contempt of court and proceedings can be initiated against them.

On the other hand, learned DDA referred to order sheet dated 20.03.2003 through which this Tribunal filed the implementation petition after having been implemented. Similarly attention of this Tribunal was also invited to order sheet dated 31.03.2004 and 31.12.2010, whereby implementation petitions were filed.

In view of the foregoing, the respondents are again directed to produce implementation report as per order sheet dated 24.04.2018 on or before the next date of hearing. Case to come up for further proceedings on 09.07.2019 before S.B.

Case No. 1000/2018  
S.B. Hassan  
Secretary

File No. 1000  
Case No. 16-0  
Urgency 2-0  
Title 18-0  
Name of Party  
Date of Filing 17-6-19  
Date of Delivery of Copy 17-6-19

(Ahmad Hassan),  
Member

11/11/2019

other than the above-mentioned on the date of hearing

The parties are at liberty to produce and file any records

hearing, including but not limited to:

No. 15-272000 received on 2/10/2007 before the next day of

27/2003 assigned to record on 20/10/2003 and Social Appeal

The office shall appoint a record of evidence before the

Asadulahi, Assistant for the respondent's present.

Consent for the petition and ADM. Act along with

19.11.2019

11/11/2019

11/11/2019

It is requested that the respondent should

produce the records of the respondent's present.

orders of the Tribunal, dated 27/2/2003 and 27/2/2003

the respondent's records of evidence and the records of

the respondent's records of evidence and the records of

the respondent's records of evidence and the records of

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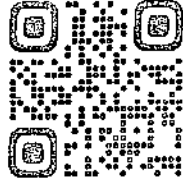
the respondent's records of evidence and the records of

the respondent's records of evidence and the records of

23

11/11/2019

11/11/2019

پشاور بار ایسوسی ایشن، خیبر پختونخواہ	ایڈوکیٹ: محمد نواز خان
PESHAWAR BAR ASSOCIATION	بار کونسل ایسوسی ایشن نمبر: 11-1111
	رابطہ نمبر: 0300-5938073
	

بعدالت جناب: سروسز ٹریبونل KP لاہور

دعویٰ: الہدایہ	مخانب: سائل
علت نمبر:	اسٹیٹ منجی محمد سائقہ اکاؤنٹ الہدایہ
مورخہ:	دی لٹ بیٹام
جرم:	سود کی حکومت اپنے اہم حلف کی کاپی
تھانہ:	وٹمنسٹری

بامقام تحریر آگے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ آن مقام لاہور کیلئے محمد نواز خان ایڈووکیٹ کو ذیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 11 19 2024

المقام: لاہور

Attested  
Manan  
Council