

22.10.2024 1. Petitioner alongwith his counsel present. Mr. Arshad Azam, Assistant Advocate General alongwith Dr. Sohail, Director and Safi Ullah, Focal Person for the respondent No.1 to 4 and Mr. Muhammad Asif Yousafzai, Advocate on behalf of respondent No.5 present.

2. Learned counsel for respondent No. 5 argued that petitioner was not at the strength of KTH after relieving order dated 25.07.2016 because petitioner filed writ petition bearing No. 3206-P/2016 in Worthy Peshawar High Court, Peshawar wherein status quo was granted to the petitioner on 29.08.2016 and order of relieving was not suspended which means that order of relieving remain in field and petitioner was no more on the strength of KTH, therefore, respondent No. 5 not liable for payment of salaries from 26.07.2016 till 02.12.2018. Petitioner stated at the bar that he performed his duties at KTH, because at the time of filing of writ petition, he was performing his duties at KTH and status quo was granted, which means that in such a situation, place of performance of duties of the appellant will remain the same i.e KTH. As in the order dated 06.12.2022 it was mentioned that intervening period from transfer to submission of arrival needs to be settled by the respondents i.e Directorate General Health Services and Hospital Director MTI, KTH in such a way that there is no financial loss to the petitioner, in the light of that direction meeting is convened which was scheduled to be held on 24.10.2024 in order settle the issue in accordance with the judgment of this Tribunal. Petitioner is directed to attend the meeting for the purpose of establishing factum of his performance of duty after 25.07.2016, issuance of status quo order till

vacation of status quo by the Peshawar High Court on 09.08.2017.  
Respondents are directed to settle the issue in the upcoming meeting and submit report after evaluating each and every aspect in respect of performance of duties performed by the petitioner in KTH. To come up for proper implementation report 13.11.2024 before S.B. P.P given to the parties.



Rashida Bano  
Member (J)

Kalecmullah