



NOTIFICATION

WHEREAS, the then Director of Education (FATA) N.W.F.P. Peshawar, now Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar terminated Mr. Nacem Khan, Ex SST (Science), GHS Habibullah SD Wazir Bannu from service due to his willful absence from duty since 09-005-1997, vide Order issued under endorsement No. 8815-19 Dated 14-05-1998 .

AND WHEREAS, Mr. Nacem Khan Ex SST (Science) GHS Habibullah submitted a Service Appeal No. 118/2019 Dated 25-01-2019, before the Khyber Pakhtunkhwa Service Tribunal Peshawar.

AND WHEREAS, the judgment of the Honorable Khyber Pakhtunkhwa, Service Tribunal Peshawar, dated 07-01-2022, rendered in Service Appeal #118/2019 in respect of Mr. Nacem Khan Ex SST (Science), is that the impugned Order No. 8815-19 Dated 14-05-1998, by the Director of Education Ex FATA is set aside and the appellant is re-instated in Service. The absconsion period is treated as leave without Pay. The appellant is held entitled to back benefits from the date of his arrest i.e. 08-05-2016.

AND WHEREAS, the Respondent Department has filed a CPLA against the Judgment Dated 07-01-2022, before the august Supreme Court of Pakistan, which is still pending adjudication before the apex Court.

AND WHEREAS, the appellant has filed Execution Petition before the Honorable Khyber Pakhtunkhwa Service Tribunal, Peshawar for implementation of the Judgment Dated 07-01-2022, which is pending for submission of compliance report before the Honorable Court.

NOW THEREFORE, in the light of above mentioned facts, the termination Order in respect of Mr. Nacem Khan EX SST (Science) GHS Habibullah SD Wazir Bannu issued under endorsement No. 8815-19 Dated 14-05-1998, is hereby set aside and absconsion period is treated as leave without Pay. Furthermore, he is entitled to back benefits from the date of his arrest i.e. 08-05-2016 subject to the outcome of CPLA already filed before, august Supreme Court of Pakistan.

Director

**Elementary and Secondary Education
Khyber Pakhtunkhwa, Peshawar**

Endst: No. 14983-89 /1st AE/A-12/Nacem Khan Ex SST SDW Bannu.
Dated Peshawar the 09/01/2023

Copy forwarded to the:-

1. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.
2. District Education Officer (M) Sub Division Wazir Bannu.
3. District Accounts Officer concerned.
4. Principal, GHS Habibullah SD Wazir Bannu.
5. Ex SST concerned.
6. Additional Director (Estab) Merged District Khyber Pakhtunkhwa Peshawar.
7. PA to Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.

**Assistant Director (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar**